

CITY COUNCIL MEETING – COLUMBIA, TENNESSEE

July 16, 2009 – 6:30 p.m.

PUBLIC HEARING - ON 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 – WARD 3 – GRANTS AND PLANNING 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; Assistant City Recorder Sue York; and Liz Bermudez, Recording Secretary. City Recorder Betty Modrall was absent.

There being no one present in connection with the Public Hearing for Ordinance No. 3813, Council Member Martin moved to close the Public Hearing. Council Member Dickey 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. 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; City Manager Paul C. Boyer, Jr.; City Attorney Tim Tisher; Assistant City Recorder Sue York; and Liz Bermudez, Recording Secretary. City Recorder Betty Modrall was absent.

Council Member McCullen offered the invocation followed by the Pledge of Allegiance led by Council Member Dickey.

APPROVAL OF AGENDA:

Council Member Stephenson moved to approve the Agenda. Council Member Martin seconded the motion. Council Member Matthews asked if they had items they were adding to the Agenda. Mayor Gentner advised City Attorney Tisher advised they could handle the extra items for the Methadone Clinic within that item. All Council Members present voted aye.

PRESENTATIONS:

Item 5.1 PRESENTATION BY EARTH SAVERS RECYCLING AND THE DIRECTOR OF PUBLIC WORKS CONCERNING A SUBSCRIPTION RECYCLING SERVICE FOR THE CITY OF COLUMBIA. City Manager Boyer advised the City has spoken about the possibility of starting a recycling program in the City of Columbia. City Manager Boyer advised Mr. Donaldson has done research and found Earth Savers who is willing to do subscription recycling. Mr. Donaldson advised there are two options, one is a voluntary subscription or the second option is mandatory subscription. Mr. Donaldson said this is good opportunity to start citywide recycling. Mr. Donaldson said if the City tried to start recycling it would take two years to get it started, but by using Earth Savers the City could have a recycling program up and running soon. Mr. Donaldson advised they just wanted to pass out some information to Council about the program and they will be back in front of Council later to have a full discussion about the program. Mayor Gentner asked if the recycling company would be using the City containers or if they would provide their own containers. Mr. Donaldson advised said the City would provide

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containers, but the company would do all the collection. Council Member Matthews said she is very glad to see this before Council and she asked the City Manager to speak about the future with the landfill. City Manager Boyer said Mr. Donaldson is the Chairman of the Statewide Solid Waste Control Board, which writes the regulations for solid waste and recycling throughout the state. City Manager Boyer said we have a lot of information because of Mr. Donaldson. Mr. Donaldson said on September 1st there will be a public hearing on statewide waste reduction goals. Mr. Donaldson spoke about mandatory recycling. Mayor Gentner asked if there has been a study done on the amount of waste diverted by the program. Mr. Donaldson said the landfill cost runs about half a million dollars a year, but starting a program would cost three million dollars. Mr. Donaldson said a recycling program would result in a reduction in landfill cost. The City Manager said they do not have a number, but if the public does participate in the recycling program then the landfill costs will be reduced. City Manager Boyer advised the City could probably save enough money from the landfill to buy the carts for the recycling program. City Manager Boyer said the City does not have to worry about the remarketing of the material because Earth Savers will take care of that aspect. City Manager Boyer said we are running out of landfill space and that is a nationwide problem. City Manager Boyer said the amount of savings would be dependent on how many people sign up. City Manager Boyer asked Council to look at the material and give him some feedback about the kind of program they want for Columbia. Council Member Matthews asked about the County being able to participate. Mr. Donaldson said he has spoken to County Commissioner Glen Hasse about the program and he invited him to the Council Meeting tonight to view the presentation. Council Member Dickey asked what the next step is to get this back in front of the Council. Mr. Donaldson advised he hopes to get this back to Council quickly, he just has a few things to work out. Mr. Donaldson advised a big key for this program is getting it advertised. Council Member Stephenson advised she is trying to get a handle on option one and option two in regards to legislation that was proposed for recycling. Council Member Stephenson asked if the City is looking at option one as temporary and then when legislation passes going to option two. Mr. Donaldson said when the legislation does pass then the City will have to follow the rules of the State. City Manager Boyer advised he was leaning towards option one because he was trying to avoid the imposition of another fee. Council Member Stephenson said she believes

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there are many people who are in support of recycling, but the public does need to realize that soon there will be mandates for recycling.

ORGANIZATIONAL BUSINESS:

Item 6.1 – MINUTES OF THE REGULAR CITY COUNCIL MEETING OF JULY 2, 2009. Council Member Stephenson moved to approve the Minutes of the City Council Meeting of July 2, 2009. Council Member Matthews seconded the motion. All Council Members present voted aye.

Item 6.2 - CONSIDERATION OF RETIREMENT BENEFITS FOR PAT PRINCE, CAPTAIN, FIRE DEPARTMENT. Council Member Stephenson moved to approve the retirement benefits for Pat Prince, Captain, Fire Department. Council Member Martin seconded the motion. All Council Members present voted aye.

Item 6.3 – APPROVAL OF COMMUNICATION TO THE BOARD OF PUBLIC UTILITIES CONCERNING THE PROPOSED WATER PURCHASE AGREEMENT BETWEEN COLUMBIA POWER AND WATER SYSTEMS AND THE CITY OF SPRING HILL. Council Member Stephenson moved to approve the communication to the Board of Public Utilities concerning the proposed water purchase agreement between CPWS and the City of Spring Hill. Council Member Matthews seconded the motion. Mayor Gentner asked the City Manager to lead off on the five cent per 1,000 gallons of water paid on water sales. City Manager Boyer advised the nickel must be paid on every gallon that CPWS sells and Spring Hill will be billed for their consumption based on residential rates and they will pay the nickel per thousand gallons on every thousand gallons that they buy from CPWS. Council Member Matthews said she is very happy with the Water Board's adjustments to this contract compared to the first draft of the contract. Council Member Matthews said water and water shortages are always going to be an issue. Council Member Matthews said Council Member Stephenson did a good job with the time line and making sure that we are not under a long-term contract. Council Member Matthews said on page 6 on the third line she would like it to read "will terminate" instead of "shall have the right to terminate". Council Member Matthews said every drop of water needs to be maintained in the Duck River Watershed and she

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said we need to have a “good steward” policy. Council Member Matthews moved to amend the motion to have the word changed to “will”. Council Member Stephenson seconded the motion. Council Member Martin asked the City Attorney what changing the word “shall” to the word “will” do to our options and their options. City Attorney Tisher said the real significance is deleting the phrase “has the right to”. The change is if the sale takes place it will be a mandatory termination instead of a right to terminate. Council Member Martin asked if the words are changed then what provisions do they have if water is sold to a non-end user or if the amount increases. Council Member Matthews said they have put in some mandatory clauses. Council Member Stephenson said the only exception is HB&TS. City Attorney Tisher said there is language that addresses what Council Member Martin is talking about, he said Spring Hill is to provide reports and from those reports we should be able to ascertain whether they have violated the contract. Council Member Martin asked how the board covers the City with the different language either “shall” or “will”. City Attorney Tisher if Council accepts the change and then the Power Board accepts it then there would be an automatic termination in the contract if there were a violation. Vice Mayor Kennedy said Council needs to approve or not approve the contract. Vice Mayor Kennedy said CPWS can sell the water with or without the Council’s approval and they are just trying to be good neighbors. Vice Mayor Kennedy said it seems like Council is just arguing over contracts and the words in the contracts. He said these discussions need to take place at the Study Sessions. Council Member Stephenson said if Council would look closely at what she proposed then all their concerns should be covered assuming the Power Board agrees to place the amendments into the draft. Council Member Matthews said if they were to terminate the contract it sets a precedent for the City of Columbia that we have set parameters on the selling of water in the Duck River Basin. Council Member Matthews said words matter. Council Member Matthews said at the end of day we are the stewards for the City of Columbia and the quality of life in the City. City Manager Boyer said “shall” means it will be done no matter what the reason. “Shall have the right” means even a water main break would put them over the limit and in violation of the contract. City Manager Boyer said his recommendation is to leave the language as it is so the Water Board can consider the reason why Spring Hill went over the limit. Council voted on the amendment to change the wording. All Council Members present voted aye with the exception of Council Members Dickey, Martin, McCullen,

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Stephenson, Vice Mayor Kennedy and Mayor Gentner. Motion failed. Council then voted on the primary motion. All Council Members present voted aye.

Item 6.4 – APPROVAL OF COMMUNICATION TO THE STATE OF TENNESSEE HEALTH SERVICES AND DEVELOPMENT AGENCY OPPOSING THE GRANTING OF A CERTIFICATE OF NEED TO RECOVERY OF COLUMBIA, LLC TO OPERATE A METHADONE CLINIC AT 1202 SOUTH JAMES CAMPBELL BOULEVARD, SUITE 7A, COLUMBIA, TENNESSEE, 38401. City Manager Boyer advised staff is learning more about this process as days go by. City Manager Boyer advised they have discussed and seemed to reach consensus about removing the last paragraph on page 2 of the letter. He reminded Council if they want to do that then that would have to be done by an amendment tonight. Mr. Boyer advised in the packet they will find a letter marked 6.4a. Mr. Boyer said staff became aware from District Attorney General Bottoms' Office that we have the right to ask for a fact finding public hearing. Council Member Matthews made the motion for the letter to ask for a fact finding public hearing. Council Member McCullen seconded the motion. Council Member Stephenson asked about the public hearing. City Manager Boyer advised it is a fact-finding opportunity and is not a specific meeting for the City of Columbia to present its case. It is for the community in general to give their opinion and is separate and apart from the meeting on August 26th by the board. Council Member Stephenson asked about a public hearing. City Manager Boyer advised it was his understanding that the public hearings are conducted to the staff and not the board. City Attorney Tisher advised this is a separate hearing and there is still a statutory hearing in front of the entire board. Council Member Matthews asked Council to take notice of the wonderful packet from the District Attorney's office, which has a great deal of information. Council Member Matthews said they do not know for sure but if they do request a public hearing in Columbia then it may push the certificate of need hearing date beyond August. Council Member Matthews said she likes that the community would be able to come and make statements at the public hearing here in Columbia and that entire document from the public hearing will be presented to the Certificate of Need Board. Council Member Matthews pointed out some statistics that were included in the packet they received. Council proceeded to vote on the letter for the fact-finding public hearing.

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All Council Members voted aye. City Manager Boyer advised the next letter would need to have a paragraph modified if that is what Council wants to do. City Manager Boyer advised that Council needs to adopt a Resolution stating their formal position on the methadone clinic. City Manager Boyer advised Resolution No. 09-40 is in opposition of the certificate of need for the methadone clinic. City Manager Boyer read Resolution No. 09-40. Council Member Stephenson moved to approve Resolution No. 09-40. Council Member Matthews seconded the motion. All Council Members present voted aye. City Manager Boyer said the letter that was drafted at Council's request that was discussed Tuesday night needs Council's approval and the letter is a more subsistent statement of why the City Council opposes the application. Council Member McCullen moved to approve the letter. Vice Mayor Kennedy seconded the motion. Council Member Stephenson moved to amend the motion by removing the last paragraph on page 2. Council Member Martin seconded the motion. Council Member Stephenson said she recommended removing the last paragraph from the letter because with it in there, it seems to be conflicting positions. Council proceeded to vote on the amendment. All Council Members present voted aye. Vice Mayor Kennedy moved to approve the amended letter. Council Member Matthews seconded the motion. Council Member Matthews said the clinic is going into the main business district. Council Member Matthews said the clinic is not conducive to good business and the City of Columbia is already struggling with crime. Council Member Matthews advised the clinics around the area are owned by different people. Council Member Matthews spoke about the possibility of people reselling methadone. Council Member Matthews said in 2006 the number one drug was methadone for death certificates from the State of Tennessee. Council Member Matthews went over other statistics that they received in the packet they received from District Attorney Bottoms. Council Member Matthews said it is very important that the community participate in the public hearing. She said it is very important to contact a Council Member if a citizen is interested in opposing the clinic. Council proceeded to vote on the letter as amended. All Council Members present voted aye.

CONSENT AGENDA:

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Council Member Dickey moved to approve the Consent Agenda. Council Member Martin seconded the motion. Council Member Stephenson asked if there were changes to Item 7.3. City Attorney Tisher advised he the only change was that the first copy Council received did not have his signature. All Council Members present voted aye and the following items were approved:

1. Disbursements for the month of June 2009 in the amount of \$5,862,296.34.
2. Consider annual renewal of workers' compensation insurance with the TML Risk Management Pool – Finance Department.
3. Consider ratification of grant application to the U.S. Department of Justice Assistance Grant: Local Solicitation and to enter into an interlocal agreement with Maury County Sheriff's Department – Police Department.

RESOLUTIONS:

RESOLUTION NO. 09-20 - A RESOLUTION CONFIRMING COLUMBIA HOUSING AUTHORITY (CHA) AS THE REDEVELOPMENT AUTHORITY OF THE CITY OF COLUMBIA, TENNESSEE.

Council Member Stephenson moved to approve Resolution No. 09-20. Council Member Martin seconded the motion. Vice Mayor Kennedy moved to defer Resolution No. 09-20 for one more meeting. Vice Mayor Kennedy advised there is a lot of material to go over for this item. Motion to defer failed due to a lack of a second. Council Member Stephenson complimented the City Attorney for doing a great job with what she had outlined. Mayor Gentner moved to amend Item H by removing the words “may renew this resolution annually if the CHA complies with all required mandates outlined herein”. Vice Mayor Kennedy seconded the motion. Mayor Gentner said he wanted to remove the section because all the other points are found in the TCA so there is nothing they are doing that is out of sync with the code. His concern is in the implementation that particular item can trip them up if they are not careful. Mayor Gentner advised the rest of the sentence does read “Council can terminate the resolution at anytime”. City Attorney Tisher

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advised Council could still terminate the Resolution at anytime if they remove what the Mayor is asking to remove. Council Member Stephenson pointed out the word “may” and said it isn’t mandatory, it is optional. Council Member Stephenson said she does not see the significance in pulling out the wording. Mayor Gentner emphasized that there is no language like that in the TCA. Mayor Gentner said they still meet the intent and gives the Council the ability to terminate it. Council Member Stephenson asked the City Attorney if there is a problem with leaving the wordage in there. City Attorney Tisher said the problem he sees is someone can say they did not have their annual renewal and then challenges the authority of the entity. If the language is left in there, then he would advise they have a annual renewal. City Attorney Tisher said if Council wants to leave the language in the Resolution then there needs to be an annual renewal of their authority to make sure there is current authority. City Manager Boyer advised he recommends Council not require an annual renewal in this Resolution because the organization will be engaging in public/private partnerships. City Manager Boyer said that developments could span over several years and that limitations such as annual renewals can negatively influence the partners’ ability to borrow the money to make the project happen due to not knowing if the entity would exist each year in the event it did not receive an annual renewal. Council Member Martin asked for clarification for the sentence in Section H. City Attorney Tisher said “an” would need to be added to the section. Council Member Martin asked the Mayor to read how section H should read. Mayor Gentner said, “the Columbia City Council also has the power to make such appointments by resolution and may amend this resolution at any time or may terminate this resolution and appointment at any time”. All Council Members present voted aye on the amendment. Mr. Ogilvie asked for a copy of the Resolution and the changes that are to be made. Mr. Ogilvie said he appreciates the Council’s confidence in the Columbia Housing Authority and is looking forward to get the type of redevelopment that Council and everyone would like to see. Vice Mayor Kennedy asked about Council Member Stephenson’s amendment in regards to the Council’s authority in this matter. Council Member Stephenson said it was pretty much the second page of the original Resolution. Mr. Ogilvie advised anything they do will be at the direction of the Council even in the development of the redevelopment plans. Council Member Stephenson thanked Mr. Ogilvie for his understanding and said Columbia is lucky to have him. Council

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Member McCullen moved to approve Resolution No. 09-20 as amended. Council Member Stephenson seconded the motion. All Council Members present voted aye on the amended Resolution.

RESOLUTION NO. 09-29 - TAX CORRECTIONS – CITY RECORDER’S OFFICE.

Council Member Dickey moved to approve Resolution No. 09-29. Council Member Martin seconded the motion. All Council Members present voted aye.

RESOLUTION NO. 09-30 - A RESOLUTION AUTHORIZING DELETION OF CITY PROPERTY TAXES AND ASSESSMENTS ON PROPERTY THAT HAS BEEN DEEDED TO THE CITY OF COLUMBIA – CITY RECORDER’S OFFICE.

Council Member Martin moved to approve Resolution No. 09-30. Council Member Stephenson seconded the motion. All Council Members present voted aye.

RESOLUTION NO. 09-32 - A RESOLUTION ACCEPTING THE U.S. DEPARTMENT OF JUSTICE-BUREAU OF JUSTICE ASSISTANCE, FY 2009 RECOVERY ACT; EDWARD BYRNE MEMORIAL JUSTICE ASSISTANCE GRANT (JAG) – POLICE DEPARTMENT.

Council Member Dickey moved to approve Resolution No. 09-32. Council Member McCullen seconded the motion. All Council Members present voted aye.

ORDINANCES:

ORDINANCE NO. 3812 - AN ORDINANCE TO ADOPT A GENERAL PLAN FOR THE SOUTHERN

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URBAN GROWTH AREA WITHIN THE
URBAN GROWTH BOUNDARIES OF
THIRD CONSIDERATION COLUMBIA, TENNESSEE.

Council Member McCullen asked what kind of motion Council needs to make. Mayor Gentner said Council needs to get the Ordinance on the floor as a motion and second and then Council will make a series of amendments. After all amendments are made, Council should defer the Ordinance to have it sent back to the Planning Commission. Council Member Matthews asked if Council should make a motion to defer the Ordinance first and then make their amendments. City Attorney Tisher advised Council needs to first make their amendments and then defer the Ordinance. Council Member Matthews moved to amend the third consideration of Ordinance No. 3812. City Attorney Tisher said that the Council needs to make their specific amendments. City Manager Boyer asked if Council first needs to move the Ordinance to the floor before they amend the Ordinance. Mayor Gentner advised Council will make a motion to move the Ordinance onto the floor, make their amendments and then defer the Ordinance to send it back to the Planning Commission. Council Member Stephenson moved to approve Ordinance No. 3812. Council Member Matthews seconded. Council Member Matthews moved to amend the Ordinance by changing the words “promote rural landscapes” back to “preserve rural landscapes” in all the areas it is shown in the document. Mayor Gentner said it may be more helpful to make amendments by going through each page of the document. Council Member Matthews moved to amend page 4 of the SUGA Plan by changing the word “promote” to “preserve rural character”. Mayor Gentner seconded the motion. All Council Members present voted aye with the exception of Council Members Dickey, McCullen and Vice Mayor Kennedy who voted no. Motion passed. Council Member McCullen asked whose notes are on page 8. Council Member Stephenson and Mayor Gentner advised the notes are MACTEC’s notes. Council Member Stephenson moved to amend the SUGA Conceptual Future Land Use Map by substituting the current map with the corrected SUGA Conceptual Future Land Use Map. Council Member McCullen seconded the motion. All Council Members present voted aye. Council Member Stephenson moved to amend the SUGA Future Development Map by substituting the current map with the corrected SUGA Future Development Map. Council Member Martin seconded the motion. All Council Members present voted aye.

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Mayor Gentner moved to amend the last bullet point on page 10, under Development Strategies; the amendment would have the bullet point read “utility installation by private developer, governmental or utility companies”. Council Member McCullen seconded the motion. All Council Members present voted aye with the exception of Vice Mayor Kennedy who voted no. Council Member Matthews moved to amend page 11, under Intent by changing the fifth bullet point to read “preserve rural character” instead of “promote rural character”. Council Member Martin seconded the motion. All Council Members present voted aye with the exception of Council Members Dickey, McCullen and Vice Mayor Kennedy who voted no. Motion passed. Council Member Matthews moved to amend page 12, under Intent, by changing the words “promote rural character, view sheds, and natural features/resources” to “preserve rural character, view sheds, and natural features/resources”. Council Member Stephenson seconded the motion. All Council Members present voted aye with the exception of Council Members Dickey, McCullen and Vice Mayor Kennedy who voted no. Motion passed. Mayor Gentner moved to amend page 13, under Development Strategies, by changing “R-40” to “RS-40” in both places that it is listed on the page. Council Member Matthews seconded the motion. Mayor Gentner said he originally attempted to try to provide all the opportunity for development that they have been talking about which is the density neutral conservation subdivision, planned unit development and if he used the term R-40 the way the current Zoning Ordinance is written then duplexes can be allowed and that wasn’t his intent. Mayor Gentner said his intent was to keep it one acre lots as it relates to the owner using that property keeping in mind that later in the document they do have two units per acre and that will not be coming out. Council Member Stephenson asked if the word “are” needs to be added after the word “standard” in the first bullet on page 13. Mayor Gentner said that would be appropriate. Mayor Gentner moved to amend his motion to include Council Member Stephenson’s comment. Council Member Matthews seconded the motion. All Council Members present voted aye with the exception of Vice Mayor Kennedy who voted no. Council Member Matthews moved to amend the fourth bullet point on page 14, under Intent, by changing the word “promote” to “preserve” so the bullet reads “preserve rural character, view sheds, and natural features/resources”. Council Member Martin seconded the motion. Council Member Stephenson asked Council Member Matthews if she would add the word “preserve” before the word “natural” in that

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sentence. Council Member Matthews moved to amend her amendment to have it read “preserve rural character, view sheds, and preserve natural features/resources”. Council Member Stephenson seconded the motion. Council Member McCullen asked about the wording “the development pattern should seek to”. City Attorney Tisher advised it means that is the objective or the goal is to do that. Council Member Martin mentioned a memo that was dated July 2, 2009 from Mr. David Holderfield to Mr. Boyer. Council Member Martin said on the first page of the letter on page 12 they have the phrase that they are dealing with on page 14, but Council did not add the word “preserve” before “natural features/resources” on page 12. Council Member Martin said adding the word “preserve” at the beginning covers the entire item. Council Member Matthews asked the City Attorney if Council needs to be consistent and if they do then she will go back to her original amendment on page 14, which does not include adding the word “preserve” before “natural features/resources”. City Attorney Tisher advised the word “preserve” at the beginning of the sentences does modify all that comes behind it in the bullet point. Council Member Stephenson said she missed it on page 12 and it is redundant but in the event that word “preserve” isn’t approved by the Planning Commission then she would like the word before “natural features/resources”. Council Member Stephenson said one amendment may pass the Planning Commission and another may not. Council Member Stephenson said she would like the opportunity to go back and correct it on page 12. Council Member Matthews said there was at one point a talk about if the Planning Commission didn’t change the original word to “preserve” it would read “promote rural character, view sheds, and preserve natural features/resources”. Council Member Matthews said Council Member Stephenson is correct and Council needs to try to get both words in the phrase. Council was reminded the motion is to amend page 14 by saying “preserve rural character, view sheds, and preserve natural features/resources.” All Council Members present voted aye with the exception of Council Members Dickey, McCullen and Vice Mayor Kennedy who voted no. Motion passed. Council Member Matthews moved to amend the fifth bullet point on page 12, under Intent, by changing the bullet to say “preserve rural character, view sheds, and preserve natural features/resources”. Council Member Stephenson seconded the motion. All Council Members present voted aye with the exception of Council Member Dickey and Vice Mayor Kennedy who voted no. Mayor Gentner moved to amend page 14, under Development Strategies, by adding “Planned Unit

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Developments (PUD), RS-40” before the words “density neutral conservation.....” in the first bullet. Council Member Matthews seconded the motion. Council Member Stephenson asked about “are encourage” because it is used on page 13 and page 14, but in the first bullet on page 13 it doesn’t read that way. Mayor Gentner said he may end up amending the page again. Council Member McCullen asked for the reason for the PUD. Mayor Gentner said there are a couple of reasons. Mayor Gentner said with a PUD people actually get to see drawings as to how the property will be developed and there are a great number of requirements that have to be followed in building the development. Mayor Gentner said he is sharing what is currently in the Zoning Code. All Council Members present voted aye with the exception of Vice Mayor Kennedy who voted no. Council Member Stephenson moved to amend page 16, under Primary Land Use, by reinserting the original wording so it reads “single family residential neighborhoods” in the first bullet point. Council Member Matthews seconded the motion. All Council Members present voted aye with the exception of Council Members Dickey, McCullen and Vice Mayor Kennedy who voted no. Motion passed. Council Member Matthews moved to amend page 16, under Primary Land Uses, by adding a fourth bullet point that would read “multifamily residential (in accordance with a detailed master plan for the corridor)”. Council Member McCullen seconded the motion. Council Member Matthews said this has been talked about a lot and she understands the fear of single family being removed, but they do have multifamily zoning on the corridor streets. All Council Members present voted aye with the exception of Vice Mayor Kennedy who voted no. Council Member Matthews moved to amend the fifth bullet point on page 17, under Intent, by changing the bullet point from “promote rural character, hillsides and other natural features/resources” to “preserve rural character, hillsides and preserve other natural features/resources”. Council Member Stephenson seconded the motion. All Council Members present voted aye with the exception of Council Members Dickey, McCullen and Vice Mayor Kennedy who voted no. Motion passed. Council Member Stephenson moved to amend page 19; she referenced the note on page 18 which reads “the character area is incomplete and is included only to provide context to the SUGA area analysis”. Council Member Stephenson’s amendment for page 19 is to change the first bullet point, under Primary Land Uses, so it reads “single family residential neighborhoods”. Council Member Matthews seconded the motion. All Council Members present voted aye with the

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exception of Council Member Dickey and Vice Mayor Kennedy who voted no. Council Member Stephenson moved to amend the fourth bullet point on Page 23, under SUGA Valley Rural Neighborhood and SUGA Highland Rural Neighborhood, by going back to the original writing so it reads “develop standards for community agreements with developers to ensure new development on the existing infrastructure does not impact existing infrastructure negatively”. The motion to amend the fourth bullet point on page 23 failed due to a lack of a second. Council Member Matthews asked for a discussion on page 23. Council Member Matthews said she understands Council Member Stephenson’s concern for the word “ensure” but they can’t ensure anything is going to be safe. Council Member Matthews asked if there are other words they can use besides “minimize the effects”. City Manager Boyer advised this is a policy guidance document; it is not an enforceable standard. City Manager Boyer said Council needs to be careful about being too specific with the language because he hasn’t seen a development that hasn’t negatively impacted an area, it is how they deal with the impact. Council Member Stephenson said the entire document can be interpreted differently by other people. Council discussed various words they could place on page 23. Council Member Martin said she believes the word “minimize” has the right impact. Council Member Matthews moved to amend the fourth bullet point on page 29 by changing “promote rural character” to “preserve rural character”. Council Member Stephenson seconded the motion. All Council Members present voted aye with the exception of Council Members Dickey, McCullen and Vice Mayor Kennedy who voted no. Motion passed. Council Member McCullen moved to defer Ordinance No. 3812 on third consideration. Council Member Matthews seconded the motion to defer. All Council Members present voted aye to defer with the exception of Vice Mayor Kennedy who voted no.

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 – WARD 3 – GRANTS AND PLANNING

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THIRD CONSIDERATION DEPARTMENT.

Council Member Martin moved to approve Ordinance No. 3813 on third consideration. Council Member Matthews seconded the motion. Council Member Martin said the property owner has brought forth everything Council has asked for and, with the adjoining property owners being in line with this, she believes Council should move forward on the modification. All Council Members present voted aye with the exception of Council Member Stephenson who abstained.

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 AUGUST 20, 2009 AS THE DATE OF THE PUBLIC HEARING ON THE ANNEXATION AND PLAN OF SERVICES – GRANTS AND

FIRST CONSIDERATION PLANNING DEPARTMENT.

Council Member Dickey moved to defer Ordinance No. 3721 on first consideration. Council Member Martin seconded the motion. All Council Members present voted aye.

ORDINANCE NO. 3722 - AN ORDINANCE TO AMEND ORDINANCE NO. 3638 – THE SAME BEING THE ZONING ORDINANCE OF THE CITY OF COLUMBIA, TO ZONE PROPERTY BEING ANNEXED BY ORDINANCE NO. 3721 KNOWN AS WINDY HILL FARM LOCATED ON THE SOUTH SIDE OF CAMPBELLSVILLE PIKE CONTAINING 131.89 ACRES TO R-10 PLANNED UNIT DEVELOPMENT AND ESTABLISH THE DATE OF AUGUST 20, 2009 AS THE DATE OF THE PUBLIC HEARING – GRANTS AND

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FIRST CONSIDERATION PLANNING DEPARTMENT.

Vice Mayor Kennedy moved to defer Ordinance No. 3722 on first consideration. Council Member Martin seconded the motion. All Council Members present voted aye.

ORDINANCE NO. 3817 - AN ORDINANCE TO AMEND THE COLUMBIA MUNICIPAL CODE BY AMENDING CHAPTER 1 OF TITLE 13 RELATING TO THE BUILDING CODE – DEPARTMENT OF CODE

FIRST CONSIDERATION ADMINISTRATION.

Council Member Stephenson moved to approve Ordinance No. 3817 on first consideration. Council Member Martin seconded the motion. All Council Member present voted aye.

ORDINANCE NO. 3818 - AN ORDINANCE TO PROHIBIT HANDGUNS AND FIREARMS IN PUBLIC MUNICIPAL PARKS, NATURAL AREAS, HISTORIC PARKS, NATURE TRAILS, AND OTHER PARKS WITHIN THE PARK SYSTEM OF THE CITY OF COLUMBIA – PARKS AND

FIRST CONSIDERATION RECREATION DEPARTMENT.

Vice Mayor Kennedy moved to approve Ordinance No. 3818 on first consideration. Council Member Stephenson seconded the motion. Council Member Matthews asked the Recording Secretary, Liz Bermudez, to make this as verbatim as possible, if possible. Council Member Matthews said, “Today I had a meeting with the City Manager, the Chief of Police and Tim Tisher, our attorney.” Council Member Matthews said, “We were talking about the methadone clinic and gang violence in Columbia, the first thing that came up as we were talking about gangs, who probably have felonies, charges against them and they carry guns, and they are standing on City sidewalks, and I made the suggestion well maybe we need to strengthen our loitering laws. And the first thing I heard from all the three gentleman with

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me was ‘no, the first thing you will hear from someone’s attorney is that is a violation of their Bill of Rights for Assembly, the Freedom to Assemble.’ And I thought well okay. So, the second thing we went along talking about the methadone clinic and it came out on the methadone pages in what we were researching that by State Law really on the requirements of these facilities is that if you take methadone you are not allowed at all to drive; you should not drive. So, I asked if there was a City Ordinance that we should put in somewhere that gives us the ability to police if the methadone clinic were to come in if they’re possible for us to stop these people when they get behind the wheel of their car. And I was told ‘no, that someone that is a substance abuse person that might have a felony charge against them etc... until it is probable cause and they break the law the police can do nothing.’ But, on tonight there’s an Ordinance here to take people who have done a background check, have gone through all the State requirements to do something that is their Bill of Rights, which is to bare a firearm. Now, the question to me is this, well let me state this first, I believe a lot of time has been spent on the gun laws that has wasted time and precious time on other things we as a community need to be talking about, but the State decided that they were going to deal with this and they granted the right to people who have not had a felony, gone through a background check, gone through the process and training to get a permit, all the requirements that they need. They granted them the ability to do that, but I will say with the lack of cojones, instead of standing up for what they chose they kicked the can to local government and told us now it is up to us. So, here we are tonight wasting precious time once again on something, as far as I am concerned, had been decided by much wiser people a long time ago. So my question is this, is do your rights disappear once you enter a park, or are you covered constitutionally regardless of your location and how much power does that give a local body of government and how far can a possibly a local government take this. Now that’s my question because this is not just a vote tonight; this is a bigger vote overall. I know statistically gun laws and gun statistics are saying that if someone has a permit to carry, statistically crime has gone down. Certain cities like Chicago have more gun laws than ever and their stats on crime are off the roof, but Texas and Florida, their crime is in the basement, so there is something to look at there. But once again, I am sitting here looking at my Bill of Rights as anything and maybe the Second Amendment is not my first one that I am going to do a knee jerk reaction on personally, but I can tell you when I enter a park I don’t want my freedom of

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speech administered that I can't speak, I don't want my assembly violated, I don't want my search and seizure rights that under Bill of Rights messed with. So, as those are very important to me I understand that the number two is very important to most Americans. And just like we as a legislative body take our time to make sure that every word is perfect so future generations would know the pure intent of our words, our Founding Fathers who risked limb and land sat down and used the word bare in the second amendment, they didn't say keep at your house blah blah blah. I don't know if I completely agree with that, but that was the word so we as future generations would know that they had experience that Britain or wherever they were coming from, may not have allowed them to defend themselves, maybe against a tyrannical government and then at sometime we may need that right. And, I believe that is what it is there for, and I also believe that they could see on the horizon possibly people like Hitler, Stalin and Mao who all took all gun rights away to where only the police and the army had a firearm. Now, with that said the Constitution was not going to be ratified by States until this wording was in there. There was a huge fight between the Federalists and the Anti-Federalists until this Bill of Rights were passed; this would not go in and that was the Ten Bill of Rights that have now expanded to several. But, I am back now with a parks situation that I have to determine personally, Tuesday night and through the whole week because this is very, has laid on my heart very much because this is a hard thing to decide. But I have asked around town, and I have asked people in our Police Department, in our Judicial System and our DA's, and they said basically it doesn't matter what the law is on the books because guns are in the park and for the last fifteen years guns have been in the park, period. So, Tuesday night I asked this body what are you going to if you eliminate law abiding citizens for taking their existing right and going into a park, how are you going to make sure that the park, like a school and since our school uses a lot of parks, how are you going to ensure that this Ordinance is full, that the park is a true gun-free zone. And I was advised that we didn't have the manpower to do this, so basically, the people who have gone through all the correct parameters to get their permit are the ones that are not going to take the gun into the park. Now again, probable cause, if a bullet leaves that gun chamber, whoever shoots it, they are responsible at anytime wherever that bullet travels, okay. And, I believe that if the State trusts someone with a permit on the sidewalk across the street from the park then I am okay with that. You either trust in our community, or you don't, because standing in

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the Kroger parking lot, it is just as full with children at times and other things and just as dangerous for anyone to carry a gun. So either tell us it is not safe for someone to have a permit or to have a permit wherever they are, because, again, if you are across the street from the park or in the park it is one way or the other, you either have the right or you don't. And I do believe rights are different than privileges cuz privileges can be taken away and rights cannot. Now, the State can limit those and they have, but they have thrown this back to us. I am here tonight again torn and worried about this decision because we have crime issues, but this Ordinance tonight is not going to guarantee that there is no guns in the park, what this Ordinance tonight is going to do it's a feel good stop measure to give you the illusion of safety in the park, and I personally do not want to lie to the citizens of Columbia that this is gonna be a gun free zone just because it is posted. And, so I plan to vote against this Ordinance tonight based on the fact that I do not do politics but I create policy. And, this whole question here is politics and to create true policy if you want a gun-free zone in parks, then this Council needs to come up with some way to do that, and I am all ears, but tonight I will be voting against this. Thank you." Mayor Gentner recognized Vice Mayor Kennedy. Vice Mayor Kennedy said, "There are two types of gun carrying people as far as I am concerned. There's people with a permit, there's people without. One is right, one is wrong. Those are people who having feeling for life have a permit and they are not going to go into parks to kill people, they are not going to go into bars to kill people, they're gonna, they are not going to take a gun permit to carry a gun to kill people. And, then those ones that has no feelings. Requirements for permit holders are required background check, education on weapons, and weapons' instructions and I think it is a six-week course. Requirements for no permits, there are none. A person who wants to break the law, a permit makes no difference, the people that's going to break the law are going to have a gun in their pocket whether there is permit or no permit. I think what we need is stiffer laws for those that we catch in parks, in playgrounds or schools or where there is a law against carrying a gun without a permit, when they are caught there needs to be stiffer permits, stiffer crime, stiffer punishment I mean, so my view on this that is different from Ms. Matthews, let's not penalize the people that want to obey the law, lets punish those who don't obey the law. Permit will help control guns if the punishment is right for those who have a gun without a permit, so that is where I stand on this issue. And I don't want anyone to think I am just a progun and a pro for this

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policy and all, but I don't think that you should be able if the people go through the right program and right procedure to then tell them they can't carry a gun because of people that carry guns without permits has made it that way. Thank you." Mayor Gentner said, "The Chair is going to ask the City Manager to give a report based on how he has interpreted this Ordinance and the impact on the City, and then I am going to open the floor for discussion. Mr. Boyer do you have any opening comments?" City Manager Boyer spoke about giving the other Council Members a chance to speak first. Mayor Gentner said "I am not going to let them, I want you to say what you want to say and then I am turning to the audience, and then I am going to go back to Council." City Manager Boyer said, "Staff recommends that Council opt out of the program adopted by the State Legislator. We believe the park should be a safe haven for everybody. There is no question we can't guarantee that everyone in the park is not carrying a weapon, and there is no question that those that choose to break the law, break the law including in this room right now. However, we believe there is, should be one place that our children can go with some assurance that they will be safe, and we believe by taking a public policy stance that guns are not permitted in our parks; it does create a safe haven. I don't know what else to say, I realize this is a very difficult decision, I realize there is a lot of emotions that run with this decision. You know I have tried to look at this in a balanced way, but I guess I have to say what I have to say. I spent many years before I came to Columbia coaching youth sports, I have seen many of reasoned adult that I have a lot of respect for behave in ways at youth sports that all of us were embarrassed by. I have concerns that those loss of tempers will lead to unfortunate incidents because there happens to be a weapon in somebody's hand who loses their cool. Who under ninety-nine and forty-four one hundredth percent of all circumstances would never, in a million years would do something foolish, but because they lost their cool over a call by an umpire or over a decision by of a coach to not play somebody that they thought ought to be played, they have gone overboard. Umpires get beaten and put in the hospital every year, coaches get beaten and put in the hospital every year by well intended parents who lose their cool. That is my personal primary concern, it is bad enough to get beaten because you are volunteering for your community; it would be worse if that person who had momentarily, and I mean momentarily, lost their cool did something foolish that everybody regrets. And, that is, that is the core of our concern with having guns in parks; we we

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are very sensitive as a staff to citizen's rights we wouldn't bring up that you can't have a loitering law because of the right to assemble if we weren't sensitive about citizens right, but we are also very sensitive about the protection of the people of this community that choose to recreate, and that's kind of that is the central core of my concern. Would it ever happen? I can't tell you it would happen. Can I tell you it will never happen if you adopt this or if you don't adopt it. No, I can't tell you that either. What I can tell you is there is very few youth athletic events that some adults doesn't end up doing something very foolish. And, any of us that have coached or participated as parents with our children have seen that kind of unfortunate behavior, some of us are even guilty of it. So, that's the kind of my central core concern. Is that fair to the permit holders? Probably not, probably not, but it is also not fair for the people there to be intimidated by the fact the weapon is present or to have to worry about the potential that somebody would lose their cool and do something very foolish. Thank you." Mayor Gentner thanked Mr. Boyer. Mayor Gentner said, "At this time, I am going to ask for those who wish to speak to raise your hand; I will recognize you. Come to the podium; give us your name. Please keep in mind that we don't need to constantly be repeating what someone else said, but lets try to keep it fresh new remarks. I thought I saw this gentleman raise his hand first, I will get you next." Mr. Gary Carbaugh came to the podium. Mr. Carbaugh said, "Thank you, Mr. Mayor. My name is Gary Carbaugh. And, sir to say in your presentation about being a coach, there have been coaches that have been shot at, killed in the sporting, while the sport was going on and I only pray, if it ever happens here that there is a gun, somebody with a gun, can stop that person at that sporting event. You are right you can't guarantee that it isn't gonna to happen. But, like it was said, the people who have permits have never-there has not been a case filed for a person with a permit who has been certified by the State, who is a certified carrier has ever done a felony with a weapon that they have ever been prosecuted against something that they may have done during a time or event that they was created. The people that have these permits, and I myself am a carrier; I have a permit. I went through the training with the State; I am State certified to carry a permit. I in my day job go into City, County, State Federal Buildings all the time, now I don't carry a weapon in there, but I see a fallacy in protecting people; one of the biggest fallacies that I see not only in those buildings but people entering into a building or onto a field into a sporting event-they go through the metal detectors. One of the first things the police officers ask

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you to do is take the metal keys, anything out of your pocket, you put it on the table, but they don't ever ask you to put the planner or your briefcase through the metal detector. You can go through any of these buildings and your briefcase is over here, or your planner is over here. I brought a small planner with me tonight. I could put a 9mm weapon in here, nobody would have known it. We have history of City Council Meetings where people were shooting people, these are protections of citizens and I pray to God that I never have to get into that position that I have to do it...but if my family is in the park or somebody else's wives or children is in a park and somebody starts shooting, we have people that went, we use to call post office; we have Pastors that have been shot at the pulpit and these people are card carrying people who stop these people. You cannot penalize my free rights and my constitutional rights to bare rights, you cannot do it; it is illegal. The Constitution does not clarify in a park, on a beach, anywhere-it says that I have that right. Now, the Tennessee State Law has kicked it down to you people, so without any type of NRA action that would come in against any city municipality who tries to stop this, and I am sure there probably will be some, sooner or later it's going to be challenged, but I say as a parent and as a father of a child; I should have the right to protect my children no matter where they are if I am at the park and something happens-I should have the right to protect my children. The qualifications are not only verbal; but it is a written test, and it is actually a hand shooting your firearm to qualify before you can even be certified. The people who are carrying firearms today, there may be some City Council Members right now that have permits, there are people behind me, there are teachers, emergency response, mothers, fathers, pastors, physicians, managers, nurses that have permits and are carrying-these are people that with sound mind and good judgment are the people that in case of an emergency or something that happens could react to a situation. I know for a fact if I pull my gun and I shoot it in a situation-I stand to lose my life, I stand my to lose everything that I have worked for, and legal issues, lawsuits. I am aware of that, so what I am saying is that we need to vote the City Council to go forward and not only say about that you support the gun people in carrying permits, but it also gives a message to those who don't care, in the parks who don't have permits thanking you for saying sir, that there may be somebody in the park who legally can come bring harm against you if you try to harm somebody else. So, I am hoping that this motion is defeated." Mayor Gentner recognized another gentleman. Mr. Joel Mullen said "I want to definitely

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recognize Mrs. Matthews, I appreciate very much your comments and your support understanding the issues and yours too, Mr. Kennedy. I am a permit holder myself and as the gentleman before me just stated we are very much aware of the responsibility that involves, done a lot of studying about it, and a lot of reading about it as well. There are absolutely no statistics of permitted carriers creating crimes-they are just not there. We look at the Country of Great Britain and Australia where they take away their right to have arms, and the results of the crime is just skyrocketed, it is astronomical. There is no way for the police force, as hard as they work, and as diligent as they are at doing their job-they cannot be everywhere. It really gets me upset about people taking away the rights of the law-abiding citizens based on a fear factor that is not grounded on any facts whatsoever. I ask the Council to take that into consideration and defeat this movement.” Mayor Gentner thanked Mr. Mullen and recognized a gentleman in the back of the room. Mr. Glenn Tillman said, “President of Columbia Pop Warner here in Columbia, been over the organization for about twelve years. I am also the Chapter Director for NIYS which is National Association of Youth Sport. I do the certification on all the coaches in our organization and to reiterate what Mr. Boyer said, we do case studies every year on violence in youth sports and coaches they get hurt and referees they get hurt. I don’t know, I agree in gun rights, my father was a member of NRA, but there is one thing I don’t want to add to our organization. I don’t want to have to worry about people carrying guns, because I’m not necessarily always worried about the person carrying a gun is the person that may take that gun away from that person. There is nothing as far as like this gentleman said-you go through a background check, you do all those thing, but I didn’t see anything that said they do a psychological check on these people. There are people that are bipolar, there are issues that go on on football fields. I have seen coaches that act absolutely ridiculous when you put them on the sidelines, I have seen parents act absolutely ridiculous when their children don’t get what they consider fair play. And, the last time I checked in all of our case studies who we review as part of our training of our coaches none of those people had criminal backgrounds before committing what they did. So, I understand Council Member Matthews stance in the fact that yeah we can’t guarantee anything, but the truth is we can’t walk down our own streets with a guarantee that we aren’t going to get shot; we can’t drive down our own street with that guarantee either, but we sure as heck can deter that extra element in our City parks as an additional item.” Mayor Gentner thanked

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Mr. Tillman and recognized one more gentleman. Mr. Sean Cothran, “President of Columbia Soccer Association, I am a gun owner and I do respect the rights of gun owners; however, I do believe that the Ordinance would would keep an honest man honest. I echo the sentiments of our City Manager. That there is a few hundred acres inside the City that we can set aside as a safe zone for our children to play and have fun. Thank you.” Mayor Gentner thanked Mr. Cothran and recognized Council Member Stephenson. Council Member Stephenson said, “Thank you, Mayor. I too respect the rights of gun owners, but the problem I have, and the one gentleman spoke of sound mind and good judgment when you react and when you have to react. My concern is when you have to react in a potentially violent scenario, violent situation my greatest concern is once that bullet leaves the chamber-it can go a lot of places, and it may not go exactly where you intended it to go. And, my concern is the potential, the heightened potential for the accidental situation to occur where, and I could sit here tonight and give you all these hypotheticals, but you know there is-you know-you hear all the time and I know these aren’t law abiding citizens. So, let me prep this that you hear all the time about guns, drive by shootings, and you know he was aiming to shoot at that guy right there, but for some reason the bullet ricocheted and ended up hitting the kid, hitting the kid in the head in the apartment up above and killed my concern is what happens to that bullet. You know when you have to react suddenly in a situation-you can have in a park setting since that is what we are talking about. You know if you’ve got a family reunion that is at the park, some guy runs by and grabs a purse and goes running by or someone shouts he’s stealing my car and if you have ten people pull out guns and start shooting, who knows where those bullets are gonna to go. And, you just can’t give me the assurance that that bullet is not going to hit an innocent victim. You can’t assure me of that; as well intended as you may be to stop the offender-that bullet can go a lot of places. And that is my concern, once you fire that firearm you know you may be aiming at a certain place but that bullet may not land there. You know you could have two guys in the park that are throwing a Frisbee around and somebody yells he stole my purse, he stole my purse, and you see one guy running and maybe he is just running to catch a Frisbee or a football. And I know you are smiling, but there is the potential for that bullet to go somewhere where you didn’t intend it to go, and it is that accidental situation whether it be an adult or a child in the park that may lose their life when they shouldn’t have. And, I know right now-there could be

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people walking in the parks that are walking in there with guns, and we don't even know it, and I understand that. But my concern is I think the potential for an accidental shooting is heightened if you have more people carrying guns in that area. And, you know if someone here can assure me that an accidental shooting will not occur in the park, if you can, if you can give me that assurance with any reliability than you know, but there's a potential for it to happen. Thank you, Mayor." Mayor Gentner asked for further comments and recognized Council Member Dickey. Council Member Dickey said, "Thank you, Mayor. You know on Tuesday night, we discussed this Ordinance a little bit and found out that we already had a gun law on the books. When it was put there I don't know, that wasn't discussed. So, the question was asked what are we doing to enforce this. And, the reply was doing nothing cuz we don't have enough police force to enforce it. So, tonight, you know I come before you-if I thought this Ordinance would take care of the gun situation that we have not only in our City, and County, and our State, and our Country-you better believe I would vote for it. And, let me say this-I appreciate what Chief Bishop has done, Assistant Chief Tim Potts and our City Manager in giving us the information we need, but I really and truly believe that you can't take the weapons away from the good people and give them to the bad people and take care of this problem. Of course, we've all struggled through this, we've all struggled through, but if you go and you read the commentary in the Second Amendment, the right to bare arms, you read it and you reread it, and you can make the decision. So, tonight I will vote against this Ordinance, and I will feel good about it. Thank you." Mayor Gentner recognized Council Member Martin. Council Member Martin said, "Yes Mayor and Members of Council, as we looked at the paperwork that was provided to us regarding this change from Nashville to be effective September 1st, 2009 I looked at the fact that section 20-507 in Columbia's Municipal Code prohibits weapons in all City Parks, specifically prohibits firearms, and I went right on to the next 'Whereas' and that is that date of September 1st and reading through the entire document Mayor and Members of Council, and trying to rationalize where in the world I needed to be on this situation. It is very complex, because I too am in line with the rights that were given to people. Let me add Mayor, Members of Council, over the last several years the Ward that I currently represent has had numerous violent crimes, many of them prevailing majority of them dealing with the use of firearms as recently as a few days ago. It is a difficult situation when you want to make sure that

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folk are safe-especially children who are trying to play, and that whatever we do up here we make sure that at the end of the day quality of life is something that goes into our decisions. Our children are our future, and the people involved here to work with them are very important to us. We can site so many different reasons to vote for this; we can site many different reasons to vote against it. But, I contend again as a complex issues, but tonight based on the experiences that I've had, and the fact that I don't believe you can legislate folk doing right that I will probably vote against this. Thank you Mayor." Mayor Gentner recognized Council Member McCullen. Council Member McCullen said, "I've got mixed opinions, mixed feelings. I understand the need for citizens to protect themselves, because I understand there are some people out of control. You know being a Minister, Pastor of a church, I am not naive to the point that I think everybody is going to obey the law and do what they should do. I haven't got me one yet, but I have thought about it. And...major concerns out there that got a family, so I am still have mixed emotions about this based upon my minister situation. But, I understand the right to bare arms-that is right-a right we ought to preserve for any citizens that want to do that. Like I said, I am not naive to think that a criminal or somebody with a weapon, because I wear the cloth whatever he's gonna give me the same kind of consideration or better consideration than somebody else. I run into people that don't respect the law, don't respect preachers, don't respect momma, don't respect daddy, nobody that is caring to them, the law anything. So, it is a hard decision, a real decision, it's be hard for me to support this Ordinance tonight." Mayor Gentner recognized Vice Mayor Kennedy. Vice Mayor Kennedy said, "Yes, Mayor I just have a couple more point. I don't understand how saying that we can't carry guns in the parks if you have a permit, you can't carry them other places. I don't understand how that is gonna to stop people that they don't care permit whether they have one or not of carrying a gun into a park or carrying a gun into a well populated meeting of some kind. I don't understand-just you know-I just don't understand how that is going to stop the guns from being brought into the park and all, because people that don't have permits are going to bring them in anyway. Chief Bishop, could I ask?" Mr. Boyer said, "No." Vice Mayor Kennedy said, "Can I ask you (directed to Mr. Boyer)." Mr. Boyer said, "He said my time is done, the Mayor said my time is done." Vice Mayor said, "This is my time, Mayor, can I ask you?" Mayor Gentner said, "You can ask me." Vice Mayor Kennedy said, "I would like to have a stat not before

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we vote on this, but I would just like to have a stat on how many people that's carrying permits have been involved in killings in Maury County. I would like to have that stat sometime just to see." Mayor Gentner said, "Interesting enough Vice Mayor-that was one of my questions." Vice Mayor Kennedy said, "I am sorry to bust your bubble, didn't mean to do it. I don't understand why we put some much emphasis on permits tonight and people who carry permits, but we haven't put the emphasis on the people that carry the guns without the permits that does the killing or does the shooting or or it involves..." Mr. Boyer said, "May I address that?" Vice Mayor Kennedy said, "No your time is up, I am just kidding with you City Manager, but I don't understand. I am going to turn it over to you now City Manager." Mayor Gentner said, "The Chair is going to make a few comments. I think I have allowed everyone here except me to make some comments, and I do have questions that I quite honestly think we will need to hear from both the attorney and the manager. My first question is if the City does not opt out and God forbid we do have a series of shootings, can the City come back and reconsider and opt out of allowing the guns to be carried, can either one of you tell me, please." City Attorney Tisher said, "My understanding from looking at why most legislation....can do so at a later date everything thing I have read the reason its been geared to taking action now is that if you want it to be in effect prior to the September 1 effective date then you would have to take action now, but I don't see anything that would prohibit taking action at a later date." Mayor Gentner said, "my second question has to deal with the fact the State has granted this legislation and if someone is shot in our City parks with a gun, would they have a legal claim against the City if we either (a.) opt out or (b). go the other way?" City Attorney Tisher said, "People file suits for various reasons and we can't control if people file a lawsuit against us. Would someone allege in a lawsuit that we had an opportunity to opt out, and that was the allegation in the complaint, and that was the basis of their injuries or possible death, they may allege that in a lawsuit. I don't think that's going to be grounds for recovery, so I don't think it is going to have any impact on our ...it may be a factor involved; I don't think opting out or failing to opt out should have any adverse effect impact one way or the other, but that is something you can never predict, because you don't know what may be the substance of the subsequent lawsuit." Mayor Gentner said, "Mr. Boyer, I have probably had as many calls and emails as every Member of Council and one of the common threads that runs through all this is-if we don't opt

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out how do we know if guns are in the parks or not in the park. I know that we have technology that would certainly give us a clue as to whether someone is in fact carrying a weapon. I've also heard you say that we do not have sufficient police force to to set up and protect each of our parks, but if we did opt out would we have the ability to randomly go to a park and set up at the entrance for example and do run checks to see if people are carrying weapons in whether they are registered or otherwise." City Manager Boyer said, "I don't think so, you have to have probable cause to stop on the street." Council Member Matthews said "Wait a second.." City Manager Boyer said, "I believe he asked me; Tim would know better." City Attorney Tisher said, "The only the only thing that you might-if you had a blanket type program that you set up at every park because you would have all kinds of problems-if you start doing selective type things, because you can get into all types of discrimination and unlawful search and seizure type questions. So, it would have to be more of a blanket type program, now obviously, if you set up a program where you set up at every park every time and have those types of check points, that would be an enormous drain of resources." City Manager Boyer said, "We have neither the technology or the staffing to do that either and that is not inexpensive technology and not full proof, as the gentleman pointed out." Council Member Matthews said, "Point of information on that point that was brought up, if the State Police-State Troopers decide to set up a checkpoint on I-65 on the fourth of July at 10:00 p.m. it is not on all places on the interstates anybody going down there that they do a breathalyzer test on and is driving drunk, not necessarily probable cause, it was a blanket thing, we were talking about you know what do they call them?" City Manager Boyer said, "Checkpoints." Council Member Matthews said, "There is a checkpoint for drunk driving somehow, I want to know the legal difference between that and a random check for handguns." City Manager Boyer said, "The principal behind that is that driving is not a right, driving is a privilege, and they can't check you for DUI when you stop at a license checkpoint unless the drive exhibits some sort of other symptoms that causes the police officer to believe that they are drunk. They can't just stop you and pull you out of the car and put you through a field sobriety test; they got to have probable cause on talking to you to believe that you should be given that test, but it all starts with the theory, driving is not a right it is a privilege-it can be taken away. There is no question, baring an arm is a right, so, but driving is not-it is a privilege you are on a different standard there then you are with constitutional rights, even with that they can

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stop you, and they can have you roll your window down and have you show your license, and they are probably monitoring what you smell like and looking at your car very closely. If they see any indication that you might be driving impaired-they will get you out of the car and give you the test; they can't just stop and take you out of the car. They got to have some reason to give you the test; they got to have probable cause to give you the test." Council Member Matthews said, "I have another legal; cuz everyone has a point of asking about parks and the legal issue, I think I said Tuesday night, I believe that if we post no guns and then a gun shows up in the park then we are just as liable as if we have guns available to go into the parks. I think a legal argument can be taken either way, and of course, anyone can sue, whatever. But, I also think you know right now park is a government owned facility but so is our City streets and our sidewalks, and so if someone-everyone would ever have a reason to sue the City based on City owned property that allows guns on their City property it would be same if they shot on a City sidewalk in my mind, is that farfetched, Tim?" City Attorney Tisher said, "The City park is more under our control than the City streets would be. You know we operate the City parks, we control the activities in the City parks, we have programs in the City parks, so they are actually municipally owned property. The City streets, a lot of the streets are State streets-we may own right-of-way, so I think probably the City parks are a different standard than the street." City Manager Boyer said, "Use of a park is a privilege it isn't a right, that is why an individual because of their behavior can be banned from a park or all the parks based on the behavior the exhibit. You don't have a right to be in the park, you have a right to be on the right-of-way." City Attorney Tisher said, "You can ban them from driving if they have done something wrong." Council Member Matthews said, "Now my last statement, Mayor, if I can. Robin Howell conducts the permit services for our City and County area who is in the Police Department. And I spoke with Robin this week, burning up in San Antonio, Texas on a motorbike. He said, 'it is hot'. But, I asked Robin-I said have you has this been going on for permits. The State actually started permitting fifteen years ago, that is when it said we are going to start making parameters, we are putting this limit on your rights, you have to do this. And I agree with that I would like to see the State do more qualifying that maybe everyone needs to shoot once a year because your eye sight changes. I believe we need to talk to our State people about further things that we want on these permits and requalify. But, Robin said currently right now in

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the past fifteen years that there has been approximately 7000 people that have gone through the permitting procedure. He said that I believe it is a fee to do the training, it is a fee for the permit, they go do the background check and once every four year it is \$50.00. And, I believe that is another thing the State needs to look at maybe for revenue sources maybe if you have a permit for a gun that you need to pay \$50.00 every year or every two years, and I am sorry guys if that sticks you in the wallet a little bit, but but I do believe there needs to be so more qualifying than once a year. And I know that most permit owners probably do that. Another thing that Robin said that was very interesting is that a lot of people that get this permits are retired law enforcement or first responders. Once they leave the service, they want to continue carrying their arm. It is not a bad thing to think that there is a retired police officer in the park that he still has his handgun. And, I just wanted you all to know that little bit of information from Robin. Mayor Gentner recognized Council Member Stephenson. Council Member Stephenson said, "Thank you, Mayor. First, I just want to point out this is first consideration, and if this were to move forward and pass it would have to go through three consideration. I am just saying that for the benefit for people that may not be aware of that, that tonight is first consideration. You know, again, I am picturing the little league game where a guys stands up and starts yelling at the umpire and pulls out a gun and ten other law abiding citizens pull out guns and start firing and just with a lot of people around that kind of thing concerns me. I need for the gentlemen that spoke tonight that are opposed to this to understand where I am coming from, and I hope you can respect my feelings as well as I respect yours, and this is something as a mother I have never forgotten. A few years back, my son, who was probably about seven at the time was in his bedroom sitting on his bed playing video games, and a couple miles away we have a shooting range. And, there was a bullet that missed the target and that bullet traveled all the way to my house. And, it shattered the glass of his bedroom window and fortunately became embedded in the frame of the window, but it was right in line-they did all the trajectory stuff, and it was right in line and everything and it was right in line with my son and his bed-that bullet landed and stopped three feet away from my son. I have never forgot that; I don't think I ever will, so my concern there again is the bullet, now that man that shot that gun-that shot that bullet never intended for that bullet to go anywhere else but to hit that target at the shooting range, but that is not what happened. I am not a gun person, and I couldn't believe how many miles a bullet can

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travel. So, I want you to understand that is where I am coming from-is those bullets that can become a stray bullet and can accidentally hit someone or something else that is not where the shooter intended it to go. And, that is my concern and I hope you can respect that. Thank you.” Mayor Gentner said, “The Chair is going to accept a little more information that I want to go back and ask Mrs. York to read the motion so everyone has a clear understanding what the motion is. Mrs. York would you read the motion?” Assistant City Recorder York said, “The motion was to approve Ordinance No. 3818 to prohibit handguns and firearms in public municipal parks, natural areas, historic parks, nature trails, and other parks within the park system of the City of Columbia.” Mayor Gentner asked for further comments from Council. All Council Members present voted aye with the exception of Council Members Dickey, Martin, Matthews, McCullen and Vice Mayor Kennedy who voted no. Motion failed.

PUBLIC COMMENTS:

Gary Carbaugh said he would sincerely like to thank the Council for their vote on the guns in parks issue. Mr. Carbaugh advised that permit holders he knows have taken the time to go qualify but also go out and practice constantly, because they enjoy what they are doing or they have a sense of responsibility to defend their home and family. Mr. Carbaugh advised we live in a society where a safe place cannot be guaranteed. Mr. Carbaugh spoke about when a permit carrier may react to situation, and he did mention that he didn't know if he himself would react in a certain situation. Mr. Carbaugh thanked Council.

Beverly Jones said she is one of the owners for Recovery Columbia, methadone clinic, owns and operates a clinic in Savannah, Tennessee. That clinic was opened with no opposition and there was a clinic that was opened in Paris, Tennessee-that was opened with no opposition. Ms. Jones said she felt like there are some things that she needed to speak on to better help the Council understand the clinic. Ms. Jones said Columbia may not have a heroine problem, but there is a prescription drug problem. Ms. Jones said her projections for this clinic is based on prescription medication, prescription pain killers. Ms. Jones said Tennessee has a serious drug problem, prescription drug problem. Ms. Jones said she doesn't think that Columbia has built a wall around itself that it is exempt from the drug

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problems in the State. Ms. Jones said there have been multiple arrests in the proposed service area for TennCare Fraud under the new Doctor Shopping Law. Ms. Jones said there is an increase in the methadone overdoses. Ms. Jones said if they were opening a pain clinic in Columbia then they wouldn't be standing here having the conversation today, but the methadone overdose deaths are coming from pain clinics. Ms. Jones went over some statistics that were based from 2006 figures. Ms. Jones said the State regulations are very strict on what type of medical doctor they can have in their clinic. Ms. Jones advised methadone is a very strong drug and very controllable in the clinic setting. Ms. Jones said there is only one clinic in Middle Tennessee and that is in Nashville. Ms. Jones advised they are not associated to the clinic in Nashville. Ms. Jones spoke about the service areas in Tennessee. Ms. Jones advised Columbia will be modeled after the clinic they operate in Savannah, which is located in a retail area. Ms. Jones spoke about a packet they gave to Council, which included letters and contact information. Ms. Jones said she appreciates the request for a Fact-Finding Public Hearing, but she is surprised Council has agreed to move forward with formal opposition before the Fact-Finding Public Hearing. Ms. Jones asked if Council would reconsider their formal opposition of the clinic until all they have heard from everyone.

Phillip Jackson, owner of the Omni Center, in Jackson, Tennessee, it is a retail complex in the business district in Jackson. Mr. Jackson said they haven't had any problems with the methadone clinic being in the business areas and there hasn't been any negative impact due to the clinic. Mr. Jackson said he doesn't have any statistics, but he can give first hand information about a clinic in Jackson. Mr. Jackson said his daughter went to the clinic because she was involved in a wreck and got hooked on pain medication. Mr. Jackson said his daughter went to the program at the clinic for a year and a half. Mr. Jackson said during the time she was in the program she was working as a bank teller in a bank. Mr. Jackson advised the clinic helped her drastically. Mr. Jackson said he has seen the good side to the clinics. Mr. Jackson said Columbia would be missing out on something if they don't allow the clinic in the City. Mr. Jackson said he was surprised the City is in opposition to the clinic.

Ms. Kathy Mullen, a lifelong resident of Columbia, addressed the proposed location of the methadone clinic. Ms. Mullen said she is not opposed to

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helping people rehabilitate. Ms. Mullen said she is just concerned about the site of the proposed clinic. Ms. Mullen advised there is a lot of family traffic in that area and she can't stand and watch home values fall and business move out due to the location of the clinic. Ms. Mullen said she is standing here tonight to say no to the location of the clinic not the clinic itself.

OTHER BUSINESS:

Council Member Matthews asked for clarification on the name of the gentleman that came up. She asked if his name is Phillip Jackson. Assistant City Recorder York advised that is correct. Council Member Matthews said in the petition for the clinic to come to Columbia, a Phillip Jackson was listed as the contractor for the facility, and she would like to know if he is the gentleman listed in their packet. Mayor Gentner advised Council Member Matthews that questions was leading in the wrong direction (previously the City Attorney advised not to engage in conversation with the methadone clinic group). Council Member Matthews said she would like her questions answered at some point. Council Member Matthews said she is distressed that the City spends money on recreational fields for people to play ball. Council Member Matthews said she has learned that the Fastpitch Softball League once they get their first, second or third place of teams that are going to tournaments they terminate the rest of the year for the girls that play ball, which is the reason why we build fields. Council Member Matthews said the girls are missing out of the rest of the season, which they pay for. Council Member Matthews asked that Council look into this matter and get it on the Agenda at some point. Council Member Matthews said they should complete things not just go for first, second and third place. Council Member Matthews said that also gives them the opportunity to get better at the sport due to the repetition. Council Member Matthews said in the Weekly Report she has noticed that the City has had several First Responders go overseas to help with the fight overseas. Council Member Matthews said she was distressed on June 25th or June 27th that there were seven members of the United States Military killed and on the Congressional Floor instead of a moment of silence for the soldiers that lost their lives, there was a moment of silence for Michael Jackson. Council Member Matthews said not that Michael Jackson didn't deserve the moment of silence, but there were soldiers that served that day that were completely

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forgotten. Council Member Matthews mentioned a quote by William Gladstone. Council Member Matthews said she would like the Council to remember those that are heading off to the war zone.

Council Member Martin asked about the money that was reimbursed to the City and placed in State Street Aide. City Manager Boyer advised Council approved a contract that required a local match for Industrial Park Road Bridge to be rebuilt. City Manager Boyer advised the State chose to use stimulus money to fund the project so the reimbursed the City's match. Council Member Martin asked what the status is for the money that was reimbursed. City Manager Boyer advised it was rebudgeted in the budget that Council approved.

Mayor Gentner advised he appreciated Council's vote on the Columbia Housing Authority item. Mayor Gentner said we will be attracting private dollars into Columbia which will enhance what we are doing. Mayor Gentner said there are other areas in the City that can be recognized as a redevelopment area and there will be a great opportunity for local development to occur.

There being no further business, the meeting adjourned at 10:02 p.m.

APPROVED:

WILLIAM E. GENTNER, MAYOR

ATTEST:

BETTY MODRALL, CITY RECORDER