

CITY COUNCIL MEETING – COLUMBIA, TENNESSEE

August 20, 2009 – 6:30 p.m.

Mayor William E. Gentner called the Regular Meeting to order, pursuant to proper notice having been given. City Recorder Betty Modrall called the roll. Present were Mayor William E. Gentner, Council Members 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. Vice Mayor Kennedy and Council Member McCullen were absent.

Council Member Martin offered the invocation followed by the Pledge of Allegiance led by Council Member Matthews.

APPROVAL OF AGENDA:

City Manager Boyer asked Council to amend the Agenda by removing Item 7.7, consider authorizing and entering into an agreement with EarthSavers, LLC for curbside recycling services – Public Works Department. City Manager Boyer advised that Mr. Bandy with EarthSavers has asked for some time to work with his attorney to address the concerns he heard from City Council at their Study Session. Council Member Martin moved to approve the Agenda as amended. Council Member Matthews seconded the motion. All Council Members present voted aye.

ORGANIZATIONAL BUSINESS:

Item 6.1 – **MINUTES OF THE REGULAR CITY COUNCIL MEETING OF AUGUST 6, 2009.** Council Member Stephenson moved to approve the August 6, 2009 City Council Meeting Minutes. Council Member Matthews seconded the motion. All Council Members present voted aye.

CONSENT AGENDA:

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

1. Disbursements for the month of July 2009 in the amount of \$5,056,560.13.

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2. Authorization to dispose of City property – Finance Department.
3. Authorize purchase approval for network switches – MIS Department.
4. Approval of Local Government Corporation invoice for annual software support for Dataquest Software – MIS Department.
5. Authorization for the Mayor to sign the Non-Exclusive Use and Occupancy Permit between the City of Columbia and the Maury County Bulldogs for their 2009 Football Season – Parks and Recreation Department.
6. Authorization for the Mayor to sign the Non-Exclusive Use and Occupancy Permit between the City of Columbia and the Pop Warner Little Scholars for their 2009 Football Season – Parks and Recreation Department.

ADMINISTRATION:

Item 8.1 – AUTHORIZATION TO EXECUTE PROFESSIONAL ENGINEERING SERVICES AGREEMENT WITH WATER MANAGEMENT SERVICES, LLC FOR SANTA FE PIKE INTERCEPTOR SEWER AND SEWAGE FORCE MAIN REHABILITATION – WARDS 1, 3 AND 5 – WASTEWATER DEPARTMENT. Council Member Martin moved to approve the authorization to execute a Professional Engineering Services Agreement with Water Management Services, LLC. for the Santa Fe Pike Interceptor Sewer and Sewage Force Main Rehabilitation. Council Member Stephenson seconded the motion. All Council Members present voted aye.

RESOLUTIONS:

RESOLUTION NO. 09-41 - A RESOLUTION ACCEPTING THE U.S. DEPARTMENT OF JUSTICE-BUREAU OF JUSTICE ASSISTANCE, OFFICE OF COMMUNITY ORIENTED POLICING SERVICES (COPS) FY 2009 COPS HIRING RECOVERY PROGRAM GRANT (CHRP) – POLICE DEPARTMENT.

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Council Member Martin moved to approve Resolution No. 09-41. Council Member Stephenson seconded the motion. City Manager Boyer advised in the spring the City applied for a special COPS Grant program that was part of the President’s Recovery Program. City Manager Boyer said a grant application was submitted requesting funding for ten police officers. City Manager Boyer advised that the Justice Department approved the funding for four officers and the grant pays 100% of their salaries and benefits for three years, with the City committing to retain them in employment for the fourth year. City Manager Boyer said after the fourth year it is up to the City as to whether to keep funding the positions. City Manager Boyer informed Council that the grant application was very competitive with Columbia ranking fourth in the State. City Manager Boyer advised Nashville, Memphis and Jackson were the only cities ahead of Columbia. City Manager Boyer said upon execution of the Resolution and the filing of the paperwork that goes with it, the City will be able to hire people as they become cleared with the City’s hiring process. Vice Mayor Kennedy arrived at the meeting at 6:36 p.m. All Council Members present voted aye.

RESOLUTION NO. 09-42 - A RESOLUTION TO ACCEPT OWNERSHIP AND MAINTENANCE OF THE STREETS AND DRAINAGE IN FIELDSTONE FARMS SUBDIVISION, SECTION 3 IN THE CITY OF COLUMBIA, TENNESSEE – WARD 1 – ENGINEERING DEPARTMENT.

Council Member Martin moved to approve Resolution No. 09-42. Council Member Matthews seconded the motion. All Council Members present voted aye.

RESOLUTION NO. 09-43 - A RESOLUTION TO ACCEPT OWNERSHIP AND MAINTENANCE OF SANITARY SEWER IMPROVEMENTS SERVING THE LANDINGS SUBDIVISION, SECTION 2 – WARD 5 – WASTEWATER DEPARTMENT.

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Council Member Stephenson moved to approve Resolution No. 09-43. Council Member Matthews seconded the motion. Council Member Stephenson asked if Section 1 and 2 are in the County or in the City. Council Member Stephenson asked if the two sections front the portion of Baker Road that is in the City or in the County. City Manager Boyer advised since they are accepting the sewer then it would have to be in the City. Council Member Stephenson asked about part of Baker Road. City Manager Boyer advised he is not sure about Baker Road. Council Member Stephenson said she knows there is only a small portion of Baker Road that is in the City. All Council Members present voted aye.

RESOLUTION NO. 09-45 - A RESOLUTION ACCEPTING A NEEDLE PALM TREE DONATION FROM MR. KEN WILLEFORD TO BE PLANTED AT WOODLAND PARK – WARD 2 – PARKS AND RECREATION DEPARTMENT.

Council Member Matthews moved to approve Resolution No. 09-45. Vice Mayor Kennedy seconded the motion. Council Member Matthews spoke about how important trees are and how she hopes someone will thank Mr. Willeford for his donation in fifty years. All Council Members present voted aye.

ORDINANCES:

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

Vice Mayor Kennedy moved to approve Ordinance No. 3812. Council Member Stephenson seconded the motion. Mayor Gentner thanked the Council, Planning Commission, residents and property owners in the Southern Urban Growth Area for the dialog that they had in the planning of this process. Mayor Gentner said the process took a little longer than anticipated, but hopefully it will provide an opportunity to see some terrific

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type developments occurring in the area and may be the “guiding light” in other areas they look at in the future in terms of annexation. All Council Members present voted aye.

ORDINANCE NO. 3817 – AN ORDINANCE TO AMEND THE COLUMBIA MUNICIPAL CODE BY AMENDING CHAPTER 1 OF TITLE 12 RELATING TO THE BUILDING CODE – DEPARTMENT OF CODE ADMINISTRATION.
THIRD CONSIDERATION

Council Member Stephenson moved to approve Ordinance No. 3817 on third consideration. Council Member Martin seconded the motion. 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 SEPTEMBER 17, 2009 AS THE DATE OF THE PUBLIC HEARINGS ON THE ANNEXATION AND PLAN OF SERVICES – GRANTS AND PLANNING DEPARTMENT.
FIRST CONSIDERATION

Council Member Matthews moved to defer Ordinance No. 3721 on first consideration. Council Member Dickey 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

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SOUTH SIDE OF CAMPBELLSVILLE
PIKE CONTAINING 131.89 ACRES TO
R-10 PLANNED UNIT DEVELOPMENT
AND ESTABLISH THE DATE OF
SEPTEMBER 17, 2009 AS THE DATE OF
THE PUBLIC HEARING – GRANTS AND
PLANNING DEPARTMENT.

FIRST CONSIDERATION

Council Member Stephenson moved to defer Ordinance No. 3722 on first consideration. Council Member Dickey seconded the motion. All Council Members present voted aye.

ORDINANCE NO. 3819 -

AN ORDINANCE REPEALING TITLE 7,
CHAPTER 2, SECTION 7-201 OF THE
CITY OF COLUMBIA MUNICIPAL
CODE ENTITLED “FIRE CODE
ADOPTED” IN ITS ENTIRETY AND
REPLACING WITH NEW SECTION 7-
201 ENTITLED “FIRE CODE ADOPTED”
TO INCLUDE THE ADOPTION OF THE
2006 INTERNATIONAL FIRE CODES
INCLUDING APPENDICES B AND C,
REGULATING FIRE PREVENTION
WITHIN THE CORPORATE LIMITS OF
THE CITY OF COLUMBIA, TENNESSEE
– FIRE DEPARTMENT.

FIRST CONSIDERATION

Vice Mayor Kennedy moved to approve Ordinance No. 3819 on first consideration. Council Member Stephenson seconded the motion. City Manager Boyer advised that the City is recommending the adoption of the International Fire Code, which is a companion code to the codes currently in effect in the City (those being building, plumbing, mechanical and electrical). City Manager Boyer said the City needs to adopt a new fire code and the City must have a code that is seven years old or less. City Manager Boyer advised the City is currently using the 2003 code and that the code being recommended is the same code the State adopted. City Manager Boyer advised the 2006 International Fire Code does not require residences have sprinklers. City Manager Boyer said the City is recommending the

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adoption of Appendix B and C, which deal with water supply and hydrant spacing in new developments. City Manager Boyer advised this code requires that future, major remodels or new buildings come into compliance with the code. Council Member Martin asked why the City waited to adopt the code and what the cost for implementing this will be to residential developers and others. City Manager Boyer advised that Appendixes B and C are not introducing a new cost. Chief Martin advised the City was looking at the urban growth area and whether or not it could be included. Chief Martin said there was difference in opinions. Chief Martin said they met with MACTEC and it was decided that it was in the best interest to stay in the limits of the City of Columbia when requiring people to follow the code. All Council Members present voted aye.

ORDINANCE NO. 3820 - AN ORDINANCE TO AMEND THE FY 2009-10 BUDGET ORDINANCE NO. 3806, PROVIDING FOR REVISIONS TO THE GENERAL STATE STREET AID, SANITATION, CAPITAL PROJECTS AND SEWER SYSTEM REVENUE FUNDS AND ESTABLISH THE DATE OF SEPTEMBER 17, 2009 AS THE DATE OF THE PUBLIC HEARING – FINANCE DEPARTMENT.

FIRST CONSIDERATION

Council Member Martin moved to approve Ordinance No. 3820 on first consideration and establish the date of September 17, 2009 as the date of the Public Hearing. Council Member Dickey seconded the motion. All Council Members present voted aye.

ORDINANCE NO. 3823 - AN ORDINANCE TO ABANDON A PORTION OF THE RIGHT-OF-WAYS (ROW) ON WOODLAND AND EAST 7TH STREETS FOR CONSTRUCTION OF THE PROPOSED JUSTICE CENTER AND PUBLIC PARKING GARAGE AND TO AUTHORIZE THE MAYOR AND CITY RECORDER TO EXECUTE AND DELIVER A QUIT CLAIM DEED TO

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THE MAURY COUNTY GOVERNMENT
– WARD 3 – ENGINEERING
DEPARTMENT.
FIRST CONSIDERATION

Vice Mayor Kennedy moved to approve Ordinance No. 3823 on first consideration. Council Member Martin seconded the motion. Mayor Gentner advised that he had included a suggestion in the Council’s Agenda. Mayor Gentner referred to the ten-year agreement for the library and a provision that made in that agreement. Mayor Gentner moved to amend the ordinance to include that the right-of-way would revert to the City if the courthouse and garage were not built within ten years. Council Member Martin seconded the motion. Council Member Martin advised she appreciates this addition. All Council Members present voted aye on the amendment. All Council Members present voted aye on the Ordinance as amended.

PUBLIC COMMENTS:

Candace Wade spoke in regards to the SUGA Comprehensive Plan and thanked everyone for all the months of work on the project. Mrs. Wade said the plan is a good beginning document to move forward. Mrs. Wade requested that the plan be placed on the City’s website.

OTHER BUSINESS:

Council Member Dickey said the City has the SUGA Plan in place and the plan mentions conservation subdivisions. Council Member Dickey asked that the City Manager and the Planning Department start working on conservation subdivisions and check with other cities around that might have some information on this in case a developer might want to use it.

Council Member Matthews said she needs to set a date for the Council to have dinner as a part of their recreational outing together. Council Member Matthews said that as a proactive business move Council will take one of the prison buses to go north of Columbia and eat at Puckett’s to help get him back in Columbia so he will hopefully open up his restaurant in Columbia. Council Member Matthews asked if a Thursday night on Council’s off-week would work best for the other members of Council.

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Mayor Gentner suggested waiting until more is known about Council Member McCullen. Mayor Gentner said he appreciates the suggestion of Puckett's but he would rather eat in Columbia for the same reasons they speak about shopping in Columbia first. Council Member Matthews spoke about searching for jobs and new business to come to the Columbia area. Vice Mayor Kennedy said he agrees with the Mayor. Mayor Gentner said he wants to extend the offer to Council Member McCullen and they will not know about his situation until late next week, but having dinner is a good idea.

Council Member Matthews asked the Mayor if it is time to have a fill-in for Council Member McCullen either on the Comprehensive Plan Steering Committee or on the Utility Board. Mayor Gentner asked to respond to that question after they hear from Council Member McCullen on his condition after his surgery next week.

Council Member Matthews asked that the following be verbatim. Council Member Matthews passed out some paperwork to the Council Members. Council Member Matthews said, "In the fall of 2007, I was a new candidate running for Ward 2 in Columbia against Milton Hay. During that time, I believe four Council seats were open and we were all running a race. And I was brand new and I wasn't really sure on a lot of things on how they worked. And sometime in the middle of the campaign, towards the end actually, I was told by the Election Commission of Maury County that my line had changed, my voting line. And I did not know what to say to that other than 'I have less houses to visit door to door. Good just tell me which ones I am suppose to see and which ones I am not'. So, the elections happened the way that they did. Christa Martin and I were both elected to Wards 2 and 3. Mrs. Martin at the time was unaware that the line had changed, there had been no correspondence to her, there had been no conversation with her. And on election day it was as if a bomb had gone off in precincts of her Ward because no one knew where they were supposed to vote. It was very unusual, but of course I was new and I just thought 'Well, that's the way it goes'. In December of this year, we had a gentleman who had been given a house by his church and he wanted to move that house out of the 3rd Ward onto South Main Street. Which actually was where my new line had been changed to, the line per the Ordinance in 2000 was voted that Wards 2 and 3's boundary line was Carmack Boulevard. During our

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election, we were advised the line was changed to South Main. When the gentleman asked to be moved to South Main on the East side, Mrs. Martin kept asking me if I had heard from this gentleman and I said ‘No, I haven’t because he’s now in your Ward’ she was like ‘No, I don’t know what you are talking about. He’s in your Ward.’ So, when I turned my ethics report in, in January, and my financials in, in January, I asked Todd Baxter to help me figure this out because this was a weird thing that has occurred because Mrs. Martin doesn’t know her line has changed. When I asked the Election Official this question he said, ‘Oh, we moved it back’ and I was astounded and I said, ‘I’m sorry, I am a little bit more wiser than I was last year and I don’t believe that this line is allowed to be moved.’ And he said, ‘well, you know’ and he pulled up the map on the computer. So, if you all will look in the packet that I handed you, you will see Ward 2’s map and the Ward’s 2 map and in front of that you will see the 2000 Ordinance that established the lines in this City for voting. Ward 3’s are there as well as well as a map. As we went on and discussion was in the office happened it came to light that yes, the line did move, and people were adjusted out of Ward 2 and sent to Ward 3 to vote. And if you will look at the letter that is on that I have just sent to you all the top of the page is the letter that Mr. Baxter sent out and I would like to read it. First, I would like to note that the date of the letter was one week into early voting so voting had already begun the process. And on October the 25th it says, ‘Dear Voter, while going over our records we have discovered we have placed you in the wrong City Ward. You should have been placed in Ward 3 instead of Ward 2. In order to vote in this election you will need to either vote early at our office at Tradewinds Drive or on Election Day at College Hill precinct located at 1028 Mapleash Avenue. Enclosed please find a temporary voting card. While we are in the process of correcting this error we cannot mail you a permanent card until after this election. At that time, you will go back to voting at the Highland precinct for all future elections the only difference will be is that your City Ward will have changed. Please accept our apology for any confusion this may have caused. If you have questions please don’t hesitate to call our office. Thank you.’ All of this to say is we don’t know how many temporary voting cards were sent out for sure and Mr. Baxter said that it has been cleared up and sent back, but I had him pull the voting records and it is still showing that the East Side of South Main is in Christa’s Ward 3. So, nothing has been adjusted. So, to be frank I looked at Mr. Baxter and I said, ‘Todd you are not a messy man and this is a mess, and I frankly don’t see

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why anyone in a public official position as you would be knowing that any change in a line has to be an official motion by the City Council would take it upon yourself one week in early voting to move a one Ward precinct to another.’ Mr. Baxter was very nervous, as he should be. I told him I would prefer for him not to put himself on on you know to take basically the heat for this. Something weird had happened. Mr. Baxter, at the end of our conversation, told me that this map had been sent to his office, first of all he said by somebody at the City then he did give mention of a name of who it came from and it was someone affiliated with the campaign. So, we are coming into an election right now and we’ve basically had gerrymandering, I believe that is what it is called, which the Tennessee Election Commission’s looking at. This is unfortunate because if I had not been elected or the esteemed woman to my left who I respect very much had not been elected, I do not how the course of this town would have gone. Something went awry deliberately and again this came from the City. So, as we’re going into a new election I wanted to make sure that you all were aware this had occurred, the City Manager and the City Attorney are aware. And we would like to get to the root of it. Thank you.”

Council Member Stephenson said she was at the Comprehensive Plan Meeting on Wednesday and she was the only representative from the City at that meeting. Council Member Stephenson advised she asked Mr. Springer how many members were on the Steering Committee. Council Member Stephenson informed Council that she was told there are twenty-five members on the Steering Committee. Council Member Stephenson said the committee attempted to vote on a matter but she advised them that they did not have a quorum present. Council Member Stephenson said it was shame that they couldn’t vote and that she hopes the rest of the committee will come back to work on the rest of the plan because it does impact Maury County and the other three municipalities. Council Member Stephenson said at Tuesday’s Study Session she was making the distinction between PUD’s and Preliminary Plats. Council Member Stephenson asked that Mr. Boyer share with Council who has final approval on a Preliminary Plat and the Final Plat. City Manager Boyer said they were talking about PUD’s. Council adopts an Ordinance that approves the Master Plan which in the Zoning Ordinance is referred to as the “Preliminary Plan” and then the developer presents the Final Plan to the Planning Commission who has the

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final authority on the Final Plan. Council Member Stephenson said there is a difference on who approves the Preliminary Plan and who approves the Final Plan.

Council Member Martin said on Tuesday they talked a little about Item 10.7 of the Agenda and whether the area being looked at is in the Downtown Historic District. Council Member Martin said she has looked at a couple maps and is unsure if it is in the Historic District. Council Member Martin asked for a good answer on if it is or isn't in the Downtown Historic District. Council Member Martin said she hopes they looked quickly into the situation that Council Member Matthews brought up tonight and make sure they have an answer as to what happened.

Mayor Gentner asked the City Manager to brief the audience on the Methadone Clinic issue that is coming up. City Manager Boyer said the Health Development and Services Agency is reviewing a Certificate of Need for the Methadone Clinic located in Campbell Plaza on Wednesday, August 26, 2009. City Manager Boyer advised their Agenda has not been published, so the City doesn't know where the item falls on their Agenda. City Manager Boyer said he would assume that the decision on the Certificate of Need will be made on Wednesday unless there is some information that would cause them to defer their decision. Council Member Matthews advised she received a call from Jerry Taylor, an attorney for the Nashville Methadone Clinic, and he told her he was going to the meeting to oppose the Methadone Clinic in the City of Columbia. Council Member Matthews said Mr. Taylor said that having more people there to oppose the clinic does make a difference with the committee. Council Member Matthews said that Mr. Taylor said due to where the clinic wants to locate, it would be imperative to take a picture of the shopping center to show the other stores around that area. Council Member Matthews spoke about all the things Mr. Taylor said the City should talk about at the meeting and he did tell her the Methadone Clinic for Columbia is first on the docket. Council Member Matthews said the meeting will be at the Legislative Plaza in Room 12 and to park at the Sheraton Hotel Parking Garage. Council Member Matthews said she asked Mr. Taylor how long their clinic stays open and she was told they try to close early but normally they don't close until 3:30 p.m. or 4:00 p.m. Council Member Matthews said Mr. Taylor said if the Kroger was open twenty-four hours a day then it would be

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affected by the clinic. Council Member Matthews advised she asked Mr. Taylor for statistics on how many of their patients hold down full-time jobs because that will make a difference on how many are at the clinic in the morning as opposed to later in the day. Council Member Matthews said she has received some surveys that have been forwarded to Nashville. Council Member Matthews went over the surveys.

There being no further business, the meeting adjourned at 7:22 p.m.

APPROVED:

WILLIAM E. GENTNER, MAYOR

ATTEST:

BETTY MODRALL, CITY RECORDER