

CITY COUNCIL MEETING – COLUMBIA, TENNESSEE

August 6, 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 Dickey offered the invocation followed by the Pledge of Allegiance led by Council Member Martin.

Vice Mayor Kennedy arrived at the meeting.

APPROVAL OF AGENDA:

Council Member Martin moved to approve the Agenda. Council Member Stephenson seconded the motion. Mayor Gentner advised the Minutes would be read as revised Minutes for Council's approval. Mayor Gentner asked if there were any items that needed to be removed from the Consent Agenda. Mayor Gentner asked that Council allow him to read the title as well as the Resolution Numbers, the dollar amounts, and who the money is to go to on a collective basis rather than individually for Item 9.2. Mayor Gentner then asked that the motion for Item 9.2 be done as a collective motion rather than individual motions unless Council feels that some of those need to be handled separately. Council Member Stephenson asked that Item 7.7 be done separately. All Council Members present voted aye.

PRESENTATION:

Item 5.1 – PRESENTATION OF RETIREMENT PLAQUE AND GIFT CHECK TO FIRE DEPARTMENT EMPLOYEE PAT PRINCE.

Mayor Gentner invited Captain Prince, staff from Station 3 and Chief Martin to the front. Chief Martin said this is bitter sweet, but it is an American Dream to work your entire life and retire. Chief Martin advised that Mr. Prince came to the Fire Department as a Firefighter and is leaving as a Captain, which is a real achievement in itself. Chief Martin spoke about how Mr. Prince enjoyed to hunt. Chief Martin congratulated Mr. Prince on

CITY COUNCIL MEETING – COLUMBIA, TENNESSEE

August 6, 2009 – 6:30 p.m.

his retirement. Mayor Gentner said he has had the privilege to know you for almost 16 years. Mayor Gentner said Mr. Prince is leaving a legacy and he is leaving the wisdom and experience that he has. Mayor Gentner said they are proud that he has done as well as he has in the department. Mayor Gentner read the retirement plaque for Mr. Prince. Mr. Prince thanked everyone he has worked with over the years.

ORGANIZATIONAL BUSINESS:

Item 6.1 – **MINUTES OF THE REGULAR CITY COUNCIL MEETING OF JULY 16, 2009.** Council Member Stephenson moved to approve the revised Minutes of the Regular City Council Meeting of July 16, 2009. Council Member Dickey seconded the motion. All Council Members present voted aye.

CONSENT AGENDA:

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

1. Authorization to dispose of surplus City property – Finance Department.
2. Consider authorizing and entering into a contract with Carol Croft and Associates to perform utility easement work for the Duck Riverwalk Project – Ward 5 – Engineering Department.
3. Consider ratification of grant application for Tennessee Housing and Development Agency – Neighborhood Stabilization Program, for removal of blighted structures in inner City neighborhoods – Ward 2 and 3 – Grants and Planning Department.
4. Approval of donation by MIS Director Rick Harrison of Windows Server 2003 Enterprise Edition with 25 client access licenses for Police Department projects – MIS Department.
5. Authorization for the Mayor to sign the Professional Service Permit between the City of Columbia and the Young Champions – Parks and Recreation Department.
6. Authorize Mayor to execute contract for bid award for brush grinding and debris removal – Public Works Department.

August 6, 2009 – 6:30 p.m.

Item 7.7 – CONSIDER AUTHORIZING PAYMENT TO MAURY COUNTY TO PROVIDE FUNDING FOR THE MAURY COUNTY/CITY OF COLUMBIA ANIMAL SERVICES FACILITY FOR THE FOURTH QUARTER OF FY 2008-09 – FINANCE DEPARTMENT. Vice Mayor Kennedy moved to approve Item 7.7. Council Member Matthews seconded the motion. Council Member Stephenson asked Council Member Matthews if the evaluation report has come back yet from the Humane Society, has it been completed by the Humane Society, have they started the Spay/Neuter Program and what is the status of the Director? Council Member Matthews said the Humane Society evaluation has been done and she believes it is almost completed. Council Member Matthews advised the evaluation came back with a lot of issues that the City has had issues with along the way and the Humane Society did pinpoint those and she hopes those are currently being corrected. Council Member Matthews advised she will get the complete evaluation to the Members of Council. Council Member Matthews said staff at the shelter have said they have seen great changes once the new Director started her position. Council Member Matthews asked if someone from the shelter as well as MCASA (even though it is going by a new name) come in and talk about new initiative. Council Member Matthews said she would like a presentation for the first meeting in September. Mayor Gentner said they may be a little longer out in getting the evaluation. Council Member Matthews said she would like the MCASA representative to come out and discuss their projects. Council Member Matthews spoke about some of the programs that involve the Shelter. Council Member Stephenson asked how long ago did the Director start and was it the Humane Shelter that did the evaluation that will be submitting the report. Council Member Matthews replied, “yes” and she said the Director’s first day was June 1st. Council Member Stephenson asked if the shelter is doing the spay and neuter program. Council Member Matthews said this is an issue with Humane Society because they would like every animal spayed and neutered before they leave the facility. Council Member Matthews advised Williamson County has seen a drop of 25% in animals because they have made a dedicated effort for an animal that comes in to leave spayed or neutered. All Council Members present voted aye.

August 6, 2009 – 6:30 p.m.

ADMINISTRATION:

Item 8.1 – **AUTHORIZE THE MAYOR TO EXECUTE THE APPLICATION AND NECESSARY ENROLLMENT FORMS FOR PARTICIPATION IN THE NATIONAL LEAGUE OF CITIES PRESCRIPTION DISCOUNT CARD PROGRAM – CITY MANAGER’S OFFICE.** Council Member Stephenson moved to approve the authorization to have the Mayor execute the application and necessary enrollment forms for participation in the National League of Cities Prescription Discount Card Program. Council Member Matthews seconded the motion. City Manager Boyer advised NLC has a nationwide agreement with CVS Caremark for the provision of discount prescription cards for cities that enroll in the program. City Manager Boyer advised the program does not cost the City or the enrollee. City Manager Boyer went over how the program works. City Manager Boyer advised he spoke to the City Manager in Athens, Tennessee, which their City is similar to Columbia. City Manager Boyer advised their citizens savings by the end of June was \$28,000.00 and that is just a three-month number. Mayor Gentner said this program is even for those that don’t have a health care plan. City Manager Boyer advised the program is for everyone. Council Member Martin asked who the citizens call with questions about the program. City Manager Boyer advised the Personnel Department would deal with the roll out, but once it gets rolling the department has little to do with the program, CVS handles it all. Mayor Gentner asked if some of the information would be able to be placed on our website. City Manager Boyer advised he believes so. Council Member Stephenson asked for a contact number for the program. City Manager Boyer advised he would get that information to her. Council Member Matthews asked that the locations of the applications be placed on the website. Council Member Matthews said the information they have received does talk about the special conditions and would like all the information on the website. City Manager Boyer advised he is going to wait to place it on the website until after enrolling and getting the information that the City needs from the company. Council Member Matthews asked if it is possible to have the application on our website as a PDF so a citizen can download it and print it out on their computer. City Manager Boyer said he would have to check on that because this application is just for the City to

August 6, 2009 – 6:30 p.m.

join the program, it isn't what the citizens would be filling out. All Council Members present voted aye.

Item 8.2 - DECLARE THE 1981 AMERICAN LAFRANCE SNORKEL FIRE APPARATUS SURPLUS, AND APPROVE SALE OF THE APPARATUS TO THE MAURY COUNTY FIRE DEPARTMENT AT A PRICE OF \$2,500.00 – CITY MANAGER'S OFFICE. Council Member Stephenson moved to approve declaring the 1981 American Lafrance Snorkel Fire Apparatus surplus and approved the sale of the apparatus to the Maury County Fire Department at a price of \$2,500.00. Council Member Martin seconded the motion. Council Member Matthews asked that the City Manager or Chief to talk about the Snorkel and that the City wouldn't possibly replace it. Council Member Matthews advised when the City was going over the budget this year, the Fire Department had requested the replacement of two units, one of them being the Snorkel. Council Member Matthews asked about the price of the sale for the vehicle. City Manager Boyer said the City needs to buy a ladder truck, whether the City sell the Snorkel or not the City needs to buy a ladder truck, it is the second year it was placed in the budget and it was not funded. Council Member Matthews said there were two pieces of equipment that they said needed to be replaced. City Manager Boyer advised the second piece of equipment was a pumper. Council Member Matthews asked if the City would still need the pumper next year along with the ladder truck. City Manager Boyer replied, "yes". Council Member Matthews asked if the City is happy with the price that is going to be paid for the Snorkel. City Manager Boyer advised research has been done and they were told it is difficult to put a price on the Snorkel due to the age of the vehicle. Council Member Matthews said since the vehicle is going to the County, it would be available to the City if the City ever needed it. Vice Mayor Kennedy said the City needs to work with the County and it would be the best place to place this vehicle. All Council Members present voted aye.

Item 8.3 – CONSIDER AUTHORIZATION TO EXECUTE AND AWARD BID TO K.W. LANKFORD EXCAVATING CONTRACTORS FOR THE SOUTHERN ACCESS ROAD TO RIDLEY PARK LOCATED ON TROTWOOD AVENUE – WARD 1 – ENGINEERING DEPARTMENT. Council Member Dickey moved to approve the authorization to execute and award bid to K.W. Lankford

August 6, 2009 – 6:30 p.m.

Excavating Contractors for southern access road to Ridley Park Located on Trotwood Avenue. Vice Mayor Kennedy seconded the motion. All Council Members present voted aye.

Item 8.4 – CONSIDER AUTHORIZING AND ENTERING INTO A CONTRACT WITH WILBUR SMITH ASSOCIATES FOR PROFESSIONAL SERVICES TO ASSIST THE CITY OF COLUMBIA IN TRAFFIC EVALUATIONS ALONG US 31 CORRIDOR – WARD 5 – ENGINEERING DEPARTMENT. Vice Mayor Kennedy moved to approve entering into a contract with Wilbur Smith Associates for Professional Services to assist the City of Columbia in traffic evaluations along US 31 corridor. Council Member Stephenson seconded the motion. Council Member Stephenson said there are two things that she wanted to make sure got into the contract. Council Member Stephenson said on task two on page four there be a bulletpoint added that says US 31 and Doublebranch Road. Council Member Stephenson said the other item she wanted added is for the study to include Old Highway 31 from end to end regarding pedestrian traffic concerns and she also wanted to find out if the company is going to provide the City with some funding for any safety features or signalization based on what they come up with in the traffic study. Mayor Gentner asked the representative from Wilbur Smith Associates to come forward. Mayor Gentner asked Mr. Brad Thompson if the amendments that were just spoken about would change the dollar amount of the project. Mr. Thompson advised they would not change the amount. Mr. Thompson replied to Council Member Stephenson’s question about funding sources for the safety features by saying they do that as part of any project like this. Council Member Stephenson moved to amend the contract by including a bulletpoint on page 4 to add US 31 and Doublebranch Road and to include where it is appropriate to address Old Highway 31 from one end to the other regarding pedestrian traffic concerns and also ask that Wilbur Smith document potential funding sources following the traffic study to where the City might be able to solicit for funding for any of the safety features they may recommend based on warrants. Council Member Matthews seconded the motion. All Council Members present voted aye on the amendment. Council Member Matthews asked Mr. Thompson or Council Member Stephenson about the first task. Council Member Stephenson went over the first two tasks. Council Member Matthews said the first segment is very important and she would like a timeframe as to how

August 6, 2009 – 6:30 p.m.

long task one will take. Mr. Thompson advised they proposed to have the entire project done in twelve weeks. Council Member Matthews asked if this would be in good timing to join the City's subdivision regulations. Council Member Stephenson said before they complete the subdivision regulations they will add whatever transportation plan they have at that time into the subregs. City Manager Boyer said a traffic study for a particular area isn't needed in the subregs. Council Member Stephenson said it would be used just as a reference. Mr. Jim Fuller, City Engineer, advised the City Manager is correct, that information wouldn't be included in the subregs. Mr. Fuller spoke about the corridor study that was done on Hampshire Pike and the funding they received for that area. Council Member Matthews said Mr. Fuller had spoken about what a traffic study could trigger and she would like for him to expand on that. Mr. Fuller advised they require studies already and if signal is warranted then the developer will install that signal. Mr. Fuller advised they have been requiring turn lanes also. Council Member Matthews asked if there is a site that has traffic studies on them. Mr. Fuller advised there is one. Mayor Gentner said he spoke about the deliverables at the Study Session so the City can get the raw data so study work can be done. Mayor Gentner asked if Mr. Fuller and the Contractor were in agreement on the deliverables. Mr. Fuller there is a revised sheet, page 5, that has that on it. City Manager Boyer read the section about the deliverables on page 5 of the contract. Mayor Gentner made the motion to amend by including what the City Manager had read. Council Member Martin seconded the motion. All Council Members present voted aye on the amendment. Council proceeded to vote on the contract as amended. All Council Members present voted aye. Council Member Stephenson thanked the Council for their support.

Item 8.5 – CONSIDER CONTRACTUAL AGREEMENT BETWEEN THE CITY OF COLUMBIA AND MAURY COUNTY REGIONAL AIRPORT AUTHORITY. Council Member Matthews moved to approve the contractual agreement between the City of Columbia and Maury County Regional Airport Authority. Council Member Dickey seconded the motion. All Council Members present voted aye

Item 8.6 – CONSIDER CONTRACTUAL AGREEMENT BETWEEN THE CITY OF COLUMBIA AND COLUMBIA MAIN STREET CORPORATION. Council Member Matthews moved to approve the

CITY COUNCIL MEETING – COLUMBIA, TENNESSEE

August 6, 2009 – 6:30 p.m.

contractual agreement between the City of Columbia and Columbia Main Street. Council Member Martin seconded. All Council Members present voted aye.

Item 8.7 – CONSIDER CONTRACTUAL AGREEMENT BETWEEN THE CITY OF COLUMBIA AND KEEP MAURY BEAUTIFUL. Council Member Martin moved to approve the contractual agreement between the City of Columbia and Keep Maury Beautiful. Council Member Matthews seconded the motion. All Council Members present voted aye.

Item 8.8 – CONSIDER CONTRACTUAL AGREEMENT BETWEEN THE CITY OF COLUMBIA AND TENNESSEE REHABILITATION CENTER AT COLUMBIA. Vice Mayor Kennedy moved to approve the contractual agreement between the City of Columbia and Tennessee Rehabilitation Center. Council Member Matthews seconded the motion. Council Member Stephenson said she has become involved with the organization and will recuse her vote. All Council Members present voted aye with exception of Council Member Stephenson who recused her vote.

Item 8.9 – CONSIDER CONTRACTUAL AGREEMENT BETWEEN THE CITY OF COLUMBIA AND MAURY COUNTY SENIOR CITIZENS CENTER, INC. – WARD 1. Council Member Dickey moved to approve the contractual agreement between the City of Columbia and Maury County Senior Citizens Center, Inc. Council Member Martin seconded the motion. All Council Members present voted aye.

Item 8.10 – CONSIDER APPROVAL OF CONTRACT FOR ECONOMIC DEVELOPMENT SERVICES BETWEEN THE CITY OF COLUMBIA AND MAURY ALLIANCE. Vice Mayor Kennedy moved to approve the contractual agreement between the City of Columbia and Maury Alliance. Council Member Martin seconded the motion. Council Member Matthews moved to defer the contract. Council Member Stephenson seconded the motion to defer for discussion. Council Member Matthews said she believes the County is going to make provisions for how the Alliance can use their money. Mayor Gentner advised it was the Budget Committee of the County Commission, the County Commission has not voted on that yet. Council Member Matthews said Council discussed deferral Tuesday night to see what the County does. Vice Mayor Kennedy

CITY COUNCIL MEETING – COLUMBIA, TENNESSEE

August 6, 2009 – 6:30 p.m.

said this is to approve or disapprove the money. City Attorney Tisher it is to approve the contract. Council Member Matthews said the contract is lacking in direction from the City Council side and the needs of the City has changed in dynamic and a change may need to be done in the contract. Council Member Matthews said deferring it does not mean they do not support Maury Alliance. Council Member Dickey said Council needs to consider making a motion to have the City's money be spent on economic development and retail. Council Member Dickey said if the City does one thing and the County does something else then it can send a negative image to those looking at our community to relocate or open a business. Council Member Dickey advised people do look at the unity between local governments before they decide to relocate. Council Member Dickey spoke about knowing how the money is spent and somehow passing this tonight and get it moving forward. Council Member Stephenson asked for clarification on economic development. City Manager Boyer advised he serves on the subcommittee of the Economic Development Committee and they are rewriting the Maury Alliance's Mission Statement, Goal Statement and Objective Statement for its economic development arm. City Manager Boyer advised those goals are going to be very specific in terms of expectations and they do include industrial, commercial and retail goals. City Manager Boyer advised it is his understanding that the Alliance intends to adopt that program of work and present it to the County Commission and City Council as here is some of the planning work that has been done in response to the requests that have been made of them. City Manager Boyer advised it is a four-year program of work for economic development. Council Member Stephenson clarified that economic development includes industrial, commercial and retail. Council Member Martin asked if on page 2 of contract "A" through "E" is what they are discussing tonight to have modified. Council Member Martin advised the contract has a date of July 1st. Council Member Martin asked if deferring this matter would cause any concerns with the operational abilities of Maury Alliance. Mr. Frank Tamberrino of the Maury Alliance said everyone understands the intent and his preference would be get on with the program and modify it at a later time. Council Member Martin asked the City Attorney if Council can modify the contract later if they move forward on it tonight. City Attorney Tisher said if parties agree then the contract can be modified. Council Member Dickey urged the Council to pass; he said it shows unity on their part and it shows others that they are serious about economic development.

CITY COUNCIL MEETING – COLUMBIA, TENNESSEE

August 6, 2009 – 6:30 p.m.

Council Member Matthews said the reason she asked for the deferral is based on the comments from the Study Session. Council Member Matthews said the City Manager had spoken about the contract being outdated. Council Member Matthews said the contract is not the vision they want for Maury Alliance. Council Member Matthews said there were questions and these came from the Mayor and City Manager. Council Member Matthews said the City of Columbia has not been getting a lot of activity for their money. Council Member Matthews said the City needs to redo the contract and set our goals for the Alliance. Council Member Matthews reiterated that it doesn't mean the City does not support the Alliance. Council Member Martin said on Tuesday night she made notes about items "B", "C" and "D" related to industrial per the City Manager. Council Member Martin asked if that is still the City Manager's understanding. City Manager Boyer said if Council wants their money to be spent primarily for retail development goals then those goals are industrial development goals not retail development goals. Council Member Martin asked the City Attorney if they can modify the contract and add a Section F. Council Member Matthews asked to have the Mayor reiterate what he spoke about Tuesday night. Mayor Gentner said this is a contract that needs tweaking but there is nothing that prohibits them from going back and making an amendment. Mayor Gentner said he understands where Council Member Dickey is coming from in trying to show unity. Council Member Matthews withdrew her motion to defer and Council Member Stephenson withdrew her second for deferral. City Attorney Tisher advised Council has a motion on the floor but not a second. Council Member Matthews seconded the motion. Council Member Martin moved to amend the contract on page 2 under Section 1 to add bulletpoint F to develop and initiate retail expansion in the City of Columbia. Council Member Matthews seconded the amendment. Council Member Stephenson said she was thinking along the lines of develop goals and objectives to aggressively target retail and commercial recruitment. Mayor Gentner said they are trying to hone in on retail and talking goals could mean a year long project. Council Member Stephenson said typically goals are written that are broader based with objectives under the goals. Council Member Martin said she is keeping with the format and she believes what she said would be appropriate. City Attorney Tisher advised he has one recommendation since the other bullets refer to the City of Columbia as "first party" then the City of Columbia be referred as "first party". Council Member Martin advised that is fine with her. All Council Members present voted aye on the

CITY COUNCIL MEETING – COLUMBIA, TENNESSEE

August 6, 2009 – 6:30 p.m.

amendment. Council Member Matthews said she is not opposed to objectives and goals. Council Member Matthews asked if there needs to be an accountability measure in the contract for what has or has not occurred in a timeframe in the reporting. Mayor Gentner advised that may come out of what the City Manager and the committee is trying do. Maquel Parker asked what percentage of monies is allotted for the industrial portion of the contract. Mayor Gentner advised that is not in the amended contract. Ms. Parker said her concern is that if there wouldn't be a lot of industrial in Columbia more than what is necessary because it is a good place for kids and having too much industry would take away from that. All Council Members present voted aye on the amended contract.

RESOLUTIONS:

RESOLUTION NO. 09-33 - A RESOLUTION ACCEPTING THE STREETS AND DRAINAGE IMPROVEMENTS IN FOX RUN SUBDIVISION SECTION 7D FOR OWNERSHIP AND MAINTENANCE – WARD 1 – ENGINEERING DEPARTMENT.

Council Member Martin moved to approve Resolution No. 09-33. Vice Mayor Kennedy seconded the motion. All Council Members present voted aye.

RESOLUTION NOS. 09-34 – 09-39 - RESOLUTIONS AUTHORIZING APPROPRIATIONS FOR FINANCIAL AID TO NON-PROFIT ORGANIZATIONS WHOSE SERVICES BENEFIT THE GENERAL WELFARE OF THE RESIDENTS OF THE CITY OF COLUMBIA IN ACCORDANCE WITH TCA SECTION 6-54-111.

Mayor Gentner said, “Resolution No. 09-34, authorize the appropriation of \$5,000.00 to Hope House to provide aid for victims of domestic and sexual violence. Resolution No. 09-35, authorize an appropriation of \$3,000.00 to

CITY COUNCIL MEETING – COLUMBIA, TENNESSEE

August 6, 2009 – 6:30 p.m.

James K. Polk Memorial Association to promote tourism and educational activities. Resolution No. 09-36, authorize an appropriation of \$2,500.00 to Crimestoppers of Maury County, to help fund general operations of Crimestoppers of Maury County, Inc. Resolution No. 09-37, authorizing an appropriation of \$5,000.00 to the Family Center, in support general operations and services. Resolution No. 09-38, authorize an appropriation of \$5,000.00 to the Boys and Girls Club of Maury County to combat teen gang activity. And Resolution No. 09-39, authorize an appropriation of \$3,000.00 to Columbia Cares, to help get grant monies for programs.” Mayor Gentner asked, “Is there a motion?” Council Member Dickey said, “Move for approval.” Council Member Martin said, “Second.” Mayor Gentner said, “Moved and seconded, is there discussion on this?” Council Member Stephenson said, “Yes, Mayor.” Mayor Gentner said, “Council Woman Stephenson.” Council Member Stephenson said, “I, I don’t know if I can if I can request this but I was gonna ask that Resolution No. 09-36 be pulled out separately.” City Attorney Tisher said, “The motion has been made and seconded. They can all be voted on, which is the norm.” Mayor Gentner replied, “But you recall at the beginning of the meeting, I asked if I read them all, like I gave Council the opportunity to read all of them or do them individually. We’ve got a motion on the floor to approve all these Resolutions. I’m just needing your guidance to whether a motion can be made at this point for one of those ...” Council Member Stephenson said, “That was just on the Consent Agenda.” Mayor Gentner said, “No, no it was not I talked about that.” City Attorney Tisher said, “Well, you’ve got a motion to approve them all, it’s been seconded. Obviously, if you’ve got one that someone wants to vote on separate, we can vote on it separately. But you’ve got a motion on the floor to approve it ...” City Manager Boyer said, “You have to amend it now.” City Attorney Tisher said, “If Council wishes to allow it to be pulled out, Council can have it pulled out. You’ve got a motion on the floor to approve them all.” Vice Mayor Kennedy asked, “Don’t you have to discuss that and and vote on that to pull it out?” Mayor Gentner said, “Well, we’ve got to have a, the Chair will acc...um..will accept a motion to amend, to remove Resolution No. 09-36 from the original motion. Is there a second?” Council Member Stephenson said, “Second.” Mayor Gentner said, “You, you made, first I am asking is there a second to the motion.” Vice Mayor Kennedy said, “You made the motion.” Council Member Stephenson said, “Did I make the motion.” Mayor Gentner said, “I thought you, you said you wanted to withdraw it, so I assumed you wanted

CITY COUNCIL MEETING – COLUMBIA, TENNESSEE

August 6, 2009 – 6:30 p.m.

to make that motion.” Council Member Stephenson said, “I don’t remember withdrawing but I remember saying I wanted to make the motion, but I didn’t remember actually saying I, I’m making the motion. Just for clar... I’ll make the motion and then can we get a second.” Mayor Gentner asked, “Is there a second to the motion?” Mayor Gentner said, “Hearing none the motion fails for a lack of a second. Mrs. Modrall call the roll.” All Council Members present voted aye on Resolution Nos. 09-34 through 09-39.

ORDINANCES:

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

Council Member Matthews moved to defer Ordinance No. 3812 on third 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 12 RELATING TO THE BUILDING CODE – DEPARTMENT OF CODE ADMINISTRATION.
SECOND CONSIDERATION

Council Member Stephenson moved to approve Ordinance No. 3817 on second 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 3, 2009 AS THE DATE OF

CITY COUNCIL MEETING – COLUMBIA, TENNESSEE

August 6, 2009 – 6:30 p.m.

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

Council Member Matthews moved to defer Ordinance No. 3721 on first consideration. 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
SOUTH SIDE OF CAMPBELLSVILLE
PIKE CONTAINING 131.89 ACRES TO
R-10 PLANNED UNIT DEVELOPMENT
AND ESTABLISH THE DATE OF
SEPTEMBER 3, 2009 AS THE DATE OF
THE PUBLIC HEARING – GRANTS AND
PLANNING DEPARTMENT.

FIRST CONSIDERATION

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

ORDINANCE NO. 3796 – AN ORDINANCE TO AMEND
ORDINANCE NO. 3638, THE SAME
BEING THE ZONING ORDINANCE OF
THE CITY OF COLUMBIA, REGARDING
SOCIAL SERVICE INSTITUTIONS AND
ESTABLISH THE DATE OF
SEPTEMBER 3, 2009 AS THE DATE OF
THE PUBLIC HEARING – GRANTS AND
PLANNING DEPARTMENT.

FIRST CONSIDERATION

CITY COUNCIL MEETING – COLUMBIA, TENNESSEE

August 6, 2009 – 6:30 p.m.

Council Member Matthews said this was a tabled item and to her understanding, Robert's Rule of Order says a Member of Council has to request the item to come off the table. Council Member Matthews asked who on Council wanted this removed from the table. City Manager Boyer advised Council has to pass a motion to take it off the table. City Manager Boyer said no one on Council asked to have it taken off the table, it is staff initiative. City Manager Boyer advised for Council to even discuss this item tonight Council has to first move to remove it from the table. Vice Mayor Kennedy moved to take Ordinance No. 3796 off the table. Council Member Stephenson seconded the motion. All Council Members present voted aye with the exception of Council Members Dickey, Martin, Matthews and Mayor Gentner who voted no. Motion to remove Ordinance No. 3796 from the table failed. Ordinance No. 3796 remains tabled.

ORDINANCE NO. 3821 - AN ORDINANCE TO AMEND ORDINANCE NO. 3638, THE SAME BEING THE ZONING ORDINANCE OF THE CITY OF COLUMBIA, TENNESSEE REGARDING NON-RESIDENTIAL DRUG AND ALCOHOL TREATMENT FACILITIES AND TO ESTABLISH THE DATE OF SEPTEMBER 3, 2009 AS THE DATE OF PUBLIC HEARING – GRANTS AND PLANNING DEPARTMENT.

FIRST CONSIDERATION

Mayor Gentner moved to approve Ordinance No. 3821 on first consideration. Council Member Martin seconded the motion for discussion. Mayor Gentner asked Council to look at the map they have in front of them. Mayor Gentner advised the audience that Council is looking at a map that involves the area that involves Maury Regional Hospital on the West and Hatcher Lane all the way to the neighborhood of Hillview Drive. Mayor Gentner said that area is the target for all these type issues they are addressing. Mayor Gentner said there is an abundance of Section 8 Housing going into just one Ward. Mayor Gentner suggested that they prohibit this type of development in any of the residential areas and make it conditional for all of the business/industrial areas. Mayor Gentner advised the Board of Zoning Adjustments would have the authority to permit that particular type of development. Mayor Gentner spoke about having the Board of Zoning

CITY COUNCIL MEETING – COLUMBIA, TENNESSEE

August 6, 2009 – 6:30 p.m.

Adjustment making a recommendation to Council about the project, but have Council actually approve it or disapprove it. Mayor Gentner asked the City Attorney if what he has suggested is legal. Mayor Gentner said not all these developments need to be “jammed” into one area or one Ward. City Attorney advised he would have to research as to the legality of that, but it would require the City to rewrite the Zoning Ordinance. Council Member Matthews said she appreciates the Mayor’s thought on that and she thanked him for his thoughts on the matter. Council Member Matthews asked if Duncan and Associates could be contacted to get some guidelines that may be missing out of our Zoning Ordinance regarding this matter. City Manager Boyer advised that is not possible because Duncan and Associates no longer exist. Council Member Matthews asked the City Attorney to look at Franklin or other communities in Middle Tennessee and find the toughest language available for restriction that Tennessee Law allows for Council to review that as part of an Ordinance in conjunction with what the Mayor has requested, as conditional things that we are able to place in our Ordinance. City Manager Boyer advised he has read Franklin’s Ordinance and they do not have any more than Columbia does. City Manager Boyer said Franklin’s lack of regulation is fancier than Columbia’s but they do not have any better regulations to deal with this at this time than Columbia does. City Manager Boyer said he does not have the institutional knowledge that their Zoning Administrator would have so when he reads their Ordinance he has to read it for the words that it says. City Manager Boyer said they use the Board of Zoning Appeals. City Manager Boyer advised he believes the City Attorney will find in the TCA that Council cannot do what they have been talking about because only a Board of Zoning Appeals can do Use-on-Review. Mayor Gentner said he is going to ask for a motion to defer. City Manager asked that Council defeat the Ordinance and not defer it if that is what Council is wanting to do because the Ordinance would need to be totally rewritten. Council Member Stephenson said Council would have to amend the Zoning Ordinance to be able to make the final determination. Council Member Stephenson asked the Mayor to repeat what areas would these developments be allowed to go in. Mayor Gentner went over what he was wanting to do. Council Member Matthews asked the City Attorney if the City can amend the Zoning Ordinance to reflect what the Mayor is wanting to do and if can be done how quickly can it be done. City Attorney Tisher said he does not know if they can do it but his “gut reaction” is that they can’t but he still has to do the research. Mayor Gentner asked what

CITY COUNCIL MEETING – COLUMBIA, TENNESSEE

August 6, 2009 – 6:30 p.m.

would happen if they made these types of agencies and Planned Unit Development (PUD) agency. City Manager Boyer said PUD is not a zone it is an overlay. Council Member Matthews advised PUD does set specifics that have to be approved by Council. Council Member Matthews asked if the current Ordinance if they can require anyone who comes in to request a PUD. City Manager Boyer advised the City doesn't have a way to require a PUD; the City has a way to permit a PUD. Council Member Martin said hopefully in all the research they do get some conditions that puts some "meat" in it. Council Member Dickey voted aye with all other Council Members present voting no. Motion failed.

ORDINANCE NO. 3822 - 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 – CITY ATTORNEY'S OFFICE.

FIRST CONSIDERATION

Mayor Gentner moved to approve Ordinance No. 3822 on first consideration. Council Member Stephenson seconded the motion for discussion. Mayor Gentner said when Council made its decision on this at the last meeting they were not privy to the State Attorney General's opinion, which he believes changes the complexion legally for the City. Mayor Gentner said the Attorney General's opinion said if a school system uses any of the parks for their programs then those parks have to be off limits for those carrying guns. Mayor Gentner advised it causes a problem with notifying people as well as enforcement. Mayor Gentner suggested having the City opt out of the program for one year. Mayor Gentner said after that year Council can then vote on whether to allow guns in the parks. Mayor Gentner said he hopes a solution is found within that year of opting out. Mayor Gentner said the Chief of Police gave Council some information about a study that was done between May of 2007 and April of 2009 regarding concealed handgun permit holders. Mayor Gentner said there was a total of twenty-four concealed handgun holders that caused forty-three private citizens to be slain during that time. Mayor Gentner said people sometimes do things out of character. Mayor Gentner advised permit

CITY COUNCIL MEETING – COLUMBIA, TENNESSEE

August 6, 2009 – 6:30 p.m.

holders don't go through the type of training that police officers go through and it is a difficult decision to shoot or don't shoot. Mayor Gentner said he doesn't want to see the City get sued due to a random incident that may occur. Vice Mayor Kennedy said he voted to allow guns in parks, five of them did and two of them didn't. Vice Mayor Kennedy said he can't change his vote without additional information to why he should change it. Vice Mayor Kennedy said there are two classes of citizens, law enforcement agencies and citizens with permits. Vice Mayor Kennedy asked how many citizens with permits have been documented as using their weapon and what part of the population is that. Vice Mayor Kennedy asked if the number from the study the Mayor spoke about is from Maury County. Mayor Gentner advised the study was done nationwide. Mayor Gentner said his point is some people do things irrationally and there will be an incident where someone will do something foolish. Mayor Gentner said he is concerned about the legal responsibility to the citizens as well as to the safety of those going to the park for a Board of Education athletic event. Mayor Gentner advised they are expecting the park to be gun free for their event and they are expecting the City to properly notify gun holders of that requirement. Mayor Gentner said the City would need to show effort in trying to enforce the no guns in the parks during athletic events. Mayor Gentner asked that Council keep in mind that this is only for a year. Vice Mayor Kennedy asked of permit holders what percentage has been from Columbia that have been involved in a crime. Vice Mayor Kennedy asked how many citizens with gun carrying permits has Mr. Bottoms charged with crimes in the last five to ten years and what percentage of that has been convicted of the crime. Mayor Gentner advised he does not know that answer, the City Manager would have to check with the Police Chief. Vice Mayor Kennedy said it is a constitutional right to bare arms and he will not vote to take away any citizens rights. Council Member Martin asked the City Manager what the status of guns and parks in Columbia was before this was on the Agenda two weeks ago. City Manager Boyer said guns have been prohibited from the parks for as long as anyone can remember. Council Member Martin said before they voted on this matter two weeks ago, two citizens had spoken to her about the matter. Council Member Martin advised since the vote two weeks ago she has received many calls. Council Member Martin said citizens are asking why the State made a ruling then sent it down to the cities with confusing opt out language. Council Member Martin spoke about several conversations she has had with citizens

CITY COUNCIL MEETING – COLUMBIA, TENNESSEE

August 6, 2009 – 6:30 p.m.

about this issue and the details from the Attorney General's statement. Council Member Martin advised citizens were asking her if she has forgotten how many people have been killed in the Third Ward. Council Member Martin said she finds herself revisiting the information that has been given to Council. Council Member Martin said due to the conversations that she had after their vote two weeks ago she will be adjusting her consideration for the vote tonight. Council Member Martin said she has questions as to how this is being handled. Council Member Martin said this is confusing and complicated and she does believe in the rights of the citizens. Mayor Gentner said it may be during the interim period that a lot of the questions that people have will be answered to where Council can feel more comfortable on voting on this. Council Member Matthews said there isn't a way to make sure a park is a complete gun free zone. Council Member Matthews said they would be asking law-abiding citizens to give up their rights but we still are not going to make sure it is a gun free zone. Council Member Matthews said a big concern for the community is the fact that the County has not even touched this yet. Council Member Matthews spoke about the confusion this causes. Council Member Matthews advised she is very upset with the State for sending this down to the cities; she said this is completely "mind-boggling". Council Member Matthews said if the State trusts someone with a permit on the sidewalk across the street from the park then they should be allowed in the park as well. Council Member Matthews said no one can guarantee that the parks will be a gun free zone. Council Member Matthews advised if the City posts signs about having no guns in the parks then she believes the City is even more liable if someone gets shot in a park. Council Member Dickey said the opinion from the Attorney General's has a lot of thought put into it, but he does not believe it is enough to change his mind. Council Member Dickey said he will vote the same way he voted last time. Mr. Skip Bottoms said he is a permit holder and has had forty years of combat training. Mr. Bottoms said he tries to be careful with his weapon and it is for his personal protection and the protection of his family. Mr. Bottoms said he would hold any Member of the Council that votes an Ordinance like this tonight personally and financially responsible and would hold them in court responsible for any injuries he or his family may have due to being shot by a criminal. Mr. Bottoms said Council would be keeping a citizen that is permitted to carry a weapon for the purpose of the Second Amendment to protect himself. Mr. Bottoms said they would be creating a zone for only

CITY COUNCIL MEETING – COLUMBIA, TENNESSEE

August 6, 2009 – 6:30 p.m.

criminals to carry guns. Mr. Bottoms said the Second Amendment is too close to citizen's hearts. Mr. Bottoms asked if the Attorney General's opinion binds themselves in court now. City Attorney Tisher said, "no" but they do carry more weight than an average lawyers opinion. Mr. Bottoms said his opinion is just an opinion. Mr. Bottoms said we do not have any City schools, we have County Schools. Mr. Gary Carbaugh said some of Councils' personal opinion have been coming forth instead of Constitutional Rights. Mr. Carbaugh said they are trashing the Second Amendment and that is wrong. Mr. Carbaugh said he understands the emotional aspect but emotions should be secondary to the Constitutional Rights. Mr. Carbaugh said ninety percent of permit holders don't even carry their weapons. Mr. Carbaugh asked for all the facts when looking at numbers. Mr. Carbaugh said the State did a dishonor by pushing this into the County and Cities. Mr. Joel Mullen said he is a permit holder and this is a Constitutional Issue. Mr. Mullen said our Founding Fathers wouldn't be confused at all. Mr. Mullen said statistics get thrown around all the time, and tonight they have not been provided with all the information about the statistics. Mr. Mullen asked about how many of the violent crimes that were committed in Ward 3 were due to permit holders. Mr. Mullen advised the City can't guarantee that he is safe wherever he goes, that is his responsibility as well as the City's. Ms. Maquel Parker spoke about how Council could come to a good solution for many of the problems. Ms. Parker suggested someone who has had the educational background as well as some experience out there on dealing on site. Ms. Parker was refereeing to the report. Ms. Parker said on the gun carrying aspect everyone does have a right to protect themselves but there should be limitations as to where the guns can be carried. Ms. Parker said she doesn't believe guns should be allowed in parks. Ms. Parker said people need to feel comfortable and safe so there should be on-duty Police present. Ms. Parker said that would help and the City should not be held responsible if someone brings a gun illegally. Ms. Parker said she is a past member of Board of Zoning and there isn't a decision that she regrets making while she was on that board. Mayor Gentner reminded Ms. Parker that Council is currently dealing with the Ordinance about guns in parks. Ms. Parker advised from her perspective it all ties in together. Ms. Parker said someone with working with making decisions on the gun would best serve Council and City, if the individual has a perspective on what is happening and going on out there with the community because we all have emotions but when trying to delete that complete you get into a "fighter mentality" Ms. Parker

CITY COUNCIL MEETING – COLUMBIA, TENNESSEE

August 6, 2009 – 6:30 p.m.

said that is not the type of environmental setting that is needed. Council Member Stephenson said they have all indicated that the State decided to put this on City and County government because they didn't want to deal with it. Council Member Stephenson said in her opinion the State shunned their responsibility because they didn't want to take the flack for it. Council Member Stephenson said it is a no-win situation. Council Member Stephenson said she read over the report that was given to Council and she would challenge the gentleman's statement about emotional aspect being secondary to Constitutional Rights, she said that is easier said than done. Council Member Stephenson went over the cities that passed the resolution to opt out of allowing gun permit holders to carry their weapon into parks. Council Member Stephenson said she didn't have one person contact her telling her to allow handguns in parks when they first took this issue up two weeks ago. Council Member Stephenson advised she did receive six calls to not allow guns in parks. Council Member Stephenson said since then she spoke to two people and heard from a third who don't agree with prohibiting handguns, firearms in the parks. Council Member Stephenson advised to-date she has had thirty-two people contact her to not allow firearms in the parks. Council Member Stephenson said Council has to make decisions, some will be happy with the decisions and others will not. Council Member Stephenson read the Attorney General's opinion. Council Member Stephenson said they cannot post a sign one day saying you can carry a firearm and the next say you cannot, that isn't feasible. Council Member Stephenson said she isn't changing her vote. Council Member Stephenson said the more guns in an area can lead to more potential for loss of innocent lives and unintentional consequences. Council Member Stephenson said it is pitiful that the State did this because they didn't want to deal with this. Council Member Matthews said if they are looking at this as a Constitutional issue, which it is, than you either have the right or you don't. Council Member Matthews said the State has put provisions and tested those that carry permits. Council Member Matthews went over the list of cities/counties that aren't trying to pass a Resolution to opt out. Council Member Matthews also went over the list of entities that voted on the matter and denied the opting out. Council Member Matthews continued by going over the facilities that haven't even gotten to the vote yet. Council Member Matthews said it is difficult decision but the question is where does the power of the City government end. Council Member Stephenson said currently the City has a ban on guns in the park and it has been that way for

CITY COUNCIL MEETING – COLUMBIA, TENNESSEE

August 6, 2009 – 6:30 p.m.

a long time. Council Member Stephenson said no one brought up violations of Constitutional Rights until this opt out Ordinance came before them. City Manager Boyer said MTAS said if a City has schools using their facilities then they need to opt out. City Manager Boyer advised the reason why there is an opt out provision is because TML lobbied the Legislature to put in the opt out provision so that cities could make their own decision. City Manager Boyer advised the State made a decision on their part and then they did what was asked of them, which was to allow cities and counties to opt out if they decide to. All Council Members present voted aye with the exception of Council Members Dickey, Matthews and Vice Mayor Kennedy who voted no. The vote was 3-3, resulting in Ordinance No. 3822 failing

PUBLIC COMMENTS:

Mrs. Angela Slack thanked Council for approving the \$5,000 for Hope House. Mrs. Slack advised in next two years Hope House will have an opportunity to, in essence, pay back the City and residents of Columbia. Mrs. Slack advised they will have a task force and be able to provide training opportunities for Police Officers along with Maury County and the DA's Office. Mrs. Slack said she is excited about the opportunity.

Mr. Randy Blackburn spoke about eminent domain on Riverwalk project. Mr. Blackburn thanked Mayor Gentner and Vice Mayor Kennedy for their opposition on eminent domain and to try to get the rest of Council to reverse their decision. Mr. Blackburn said he is here to say no about Riverwalk eminent domain. Mr. Blackburn said he isn't opposed to the Riverwalk project. Mr. Blackburn said a majority of residence will not use the Riverwalk but they don't have a problem with it because it is being funded by grants. Mr. Blackburn went over his vision of what should be included in the Riverwalk. Mr. Blackburn said he spoke with the two property owners that are involved in the eminent domain. Mr. Blackburn said Mr. Pullen doesn't want to sell the most valuable part of his property. Mr. Blackburn said the river bank as a whole has been maintained by the two property owners. Mr. Blackburn asked what if Mr. Pullen wants to retire and clear a spot for his grandchildren. Mr. Blackburn spoke about the City purchasing land for Fire Station 2 and how he never heard the mention of eminent domain for that property. Mr. Blackburn asked if Council has done their best in balancing the scales of justice. Mr. Blackburn asked Council to ask

CITY COUNCIL MEETING – COLUMBIA, TENNESSEE

August 6, 2009 – 6:30 p.m.

themselves if Mr. Pullen were famous would they have pursue eminent domain. Mr. Blackburn said Mr. Pullen does not deserve eminent domain and Council doesn't deserve to have eminent domain on their resume. Mr. Blackburn said he represents the silent majority.

Mr. Gary Carbaugh cautioned the Council Members that are voted by the people if it comes from the State or Federal Government that citizens don't have the right to Freedom of Speech how would Council vote on that. Mr. Carbaugh told Council to beware of what they vote on and how they vote. Mr. Carbaugh said some of Council disregarded the Constitutional Right with their vote tonight.

Mr. Michael DeVoney who lives in Ward 2 thanked his Council person and the Mayor for enforcing the City Ordinances regarding preservations of historic neighborhoods.

Mr. Jason Terhune thanked everyone as well for their response and hopes all fairs well.

OTHER BUSINESS:

Mayor Gentner advised the Health Services and Development Agency of the State of Tennessee on August 11th at 6:00 p.m. in the Council Chambers will conduct a Fact-Finding Public Hearing on the Certificate of Need Application to establish a non-residential methadone treatment facility at 1202 South James Campbell Blvd., Suite 7A. Mayor Gentner said Council needs to discuss how they are going to assist in gathering people to come to the meeting and give comments. Council Member Matthews asked if someone should contact the DA's Office. Council Member Matthews said she will contact the DA's Office. Council Member Matthews spoke about a gentleman from Louisiana that would want to appear. Council Member Stephenson asked if someone who is not able to appear for the Public Hearing can submit written documentation for the record. Mayor Gentner said that is acceptable. Council Member Matthews asked how Spencer handled the hearing they had. City Attorney Tisher said this is for the general public, so it isn't as formal as testifying in front of the actual board. City Manager Boyer advised it is a public hearing for the general public. Council Member Matthews asked if the City is going to write-up something

CITY COUNCIL MEETING – COLUMBIA, TENNESSEE

August 6, 2009 – 6:30 p.m.

in addition to what is occurring. City Manager Boyer advised what the State has sent has been posted but he doesn't think the City should do an additional write-up because he doesn't want to mess up the process. Mayor Gentner said Members of Council can talk to others and encourage them to come to the hearing and share their thoughts.

Council Member Martin said she has had two inquiries about the Non-Smoking Protection Act from the State Department Health Agency. Council Member Martin advised the question was regarding exempted areas. Council Member Martin advised there are ten exempt areas in the Act and she has that information to share if anyone needs copy of it.

There being no further business, the meeting adjourned at 9:28 p.m.

APPROVED:

WILLIAM E. GENTNER, MAYOR

ATTEST:

BETTY MODRALL, CITY RECORDER