

CITY COUNCIL MEETING – COLUMBIA, TENNESSEE

September 17, 2009 – 6:30 p.m.

PUBLIC HEARING - ON 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 – FINANCE DEPARTMENT.

Mayor William E. Gentner called the Public Hearing to order, pursuant to proper public notice having been given. Present were Mayor William E. Gentner, Vice Mayor Kennedy, Council Members 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. Council Member Carl McCullen was absent.

There being no one present in connection with the Public Hearing for Ordinance No. 3820, Vice Mayor Kennedy moved to close the Public Hearing. Council Member Martin seconded the motion. All Council Members present voted aye.

APPROVED:

WILLIAM E. GENTNER, MAYOR

ATTEST:

BETTY R. MODRALL, CITY RECORDER

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Mayor William E. Gentner called the Regular Meeting to order, pursuant to proper notice having been given.

Deacon Price Keller offered the invocation followed by the Pledge of Allegiance led by Council Member Stephenson.

It was advised that the Roll Call had been skipped on the Agenda. Mayor Gentner went back and asked the City Recorder to call the roll. City Recorder Betty Modrall called the roll. Present were Mayor William E. Gentner, Vice Mayor Wayne Kennedy; 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. Council Member Carl McCullen was absent.

APPROVAL OF AGENDA:

Vice Mayor Kennedy moved to approve the Agenda. Council Member Martin seconded the motion. All Council Members present voted aye.

ORGANIZATIONAL BUSINESS:

Item 6.1 – **MINUTES OF THE REGULAR CITY COUNCIL MEETING OF SEPTEMBER 3, 2009.** Council Member Stephenson moved to approve the September 3, 2009 City Council Meeting Minutes. Vice Mayor Kennedy seconded the motion. All Council Members present voted aye.

Item 6.2 – **RATIFICATION OF MAYOR’S REAPPOINTMENT OF MS. NANCY RICHARDSON TO THE CITY OF COLUMBIA BEER BOARD FOR A ONE YEAR TERM EXPIRING ON SEPTEMBER 17, 2010.** Mayor Gentner moved to approve the reappointment of Ms. Richardson to the City of Columbia Beer Board for a one-year term expiring on September 17, 2010. Council Member Dickey seconded the motion. Council Member Stephenson asked if Council received any information on the nominees. Mayor Gentner advised that a staff report had been included in the packet. Council Member Stephenson asked if Council had

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information on the other nominees as well. Mayor Gentner said he would address each one individually. All Council Members present voted aye.

Item 6.3 – RATIFICATION OF MAYOR’S APPOINTMENT OF MR. RAY MESSICK TO THE CITY OF COLUMBIA BEER BOARD FOR A ONE YEAR TERM EXPIRING ON SEPTEMBER 17, 2010. Mayor Gentner moved to approve the appointment of Mr. Messick to the City of Columbia Beer Board for a one-year term expiring on September 17, 2010. Council Member Matthews seconded the motion. Mayor Gentner responded to Council Member Stephenson’s previous question about information on the nominees by advising Council that there is a memo dated 9/15/09 that addresses that matter. Council Member Martin asked if Mr. Holton been contacted for reappointment or was a decision made to appoint Mr. Messick as a replacement. Mayor Gentner said he made the decision to recommend Mr. Messick. Mayor Gentner said Mr. Holton has served on the board and he is trying to honor Council’s request of getting new members on the City boards. All Council Members present voted aye.

Item 6.4 – RATIFICATION OF MAYOR’S APPOINTMENT OF MR. TOMMY ROBERTSON TO THE CITY OF COLUMBIA CIVIL SERVICE BOARD FOR A SIX YEAR TERM EXPIRING ON SEPTEMBER 17, 2015. Mayor Gentner moved to approve the appointment of Mr. Robertson to the City of Columbia Civil Service Board for a six-year term to expire September 17, 2015. Vice Mayor Kennedy seconded the motion. Council Member Stephenson asked for some information on Mr. Robertson. Mayor Gentner advised a resume` was sent to Council with their Agenda packets. Some members of Council advised they did not receive the resume`. Mayor Gentner went over Mr. Robertson’s resume`. Council Member Martin asked if Ms. Donna English, who has served one term, had been approached to see if she wanted to serve another term on the board. Mayor Gentner said Ms. English did, through the Personnel Office, indicate her wishes to serve a second term, but he was looking for someone who had personnel experience through the private sector so they can bring additional efforts to enhance what the City already has on the Civil Service Board. Council Member Martin said it is her understanding that Ms. English has brought a lot to the board, especially with her military experience. Council Member Martin advised she is concerned about the appointment of Mr. Robertson due to the possible

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conflict of interest with hiring since he is with a staffing agency. Council Member Matthews asked if the Civil Service Board would still be diversified with the removal of Ms. English. Mayor Gentner advised the board would still be diversified. All Council Members present voted aye with the exception of Council Members Martin and Matthews who voted no.

CONSENT AGENDA:

Mayor Gentner advised he was removing Item 7.3 from the Consent Agenda. Council Member Stephenson asked to remove Item 7.7. Council Member Martin moved to approve the Consent Agenda with the exception of Items 7.3 and 7.7. Council Member Matthews seconded the motion. Vice Mayor Kennedy advised that he is not related to and does not know Don Kennedy with Don Kennedy Roofing. All Council Members present voted aye and the following item were approved:

1. Disbursements for the month of August 2009 in the amount of \$2,913,665.68.
2. Consider authorization to execute and award bid to Don Kennedy Roofing Company for re-roof modifications to the City of Columbia Police Department Facility and authorize related transfer of funds – Ward 2 – Engineering Department.
4. Authorization to purchase road salt using State Wide No. 507, Contract 4038422, Line 00071 and Line 00072 – Public Works Department.
5. Approval of bid award to Industrial Maintenance & Engineering (IM&E) for repairs to pump equipment – Ward 1 – Wastewater Department.
6. Bid award for Trailer Mounted Sewer Jet and revocation of previous award – Wastewater Department.

Item 7.3 – **BID AWARD FOR NEWSLETTER PRINTING SERVICE – PERSONNEL DEPARTMENT.** Council Member Stephenson moved to approve the bid award for newsletter printing service. Council Member Martin seconded the motion. Mayor Gentner advised he received a call from Mr. Hoyt Gardner regarding the timing of the publication and the elections for Mayor and Vice Mayor. Mayor Gentner advised the

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publication would be sent to every household in the City prior to the elections. Mayor Gentner said he is trying to keep a level playing field for all those running for office. Mayor Gentner said Council should postpone the publication until after the elections are done. Mayor Gentner made a motion to amend to postpone sending the publication to the residents of the City of Columbia until after the November election. Vice Mayor Kennedy seconded the motion. Council Member Stephenson asked if previous Councils had to do this during an election year. Mayor Gentner said not to his knowledge. City Manager Boyer advised no. Council Member Stephenson asked why it should be done this year if it hasn't been done by past Councils. Mayor Gentner said he concerned about keeping a "level playing field". Mayor Gentner advised that incumbent Council candidates have a little more of an advantage over the other candidates who aren't on Council due to having an article in the publication that is going to every resident in the City before the election. Mayor Gentner said people are looking for a "level playing field". Mayor Gentner said he hasn't read any of Council's proposed articles. Council Member Stephenson asked if Mayor Gentner held back his letter when he ran for Mayor. City Manager Boyer advised that the first time Council Members were given a chance to put an article in the publication was in 2007. City Manager Boyer advised in the previous Mayor/Vice Mayor Elections there were not any articles from Council Members, so there was not an issue then. City Manager Boyer said that in 2007 there was an election for the Wards and some of the incumbent Council Members did have articles in the publication. Council Member Stephenson advised the Mayor since he wasn't at the Study Session that both the City Manager and City Attorney had read Council members' articles and neither of them thought there was a problem with any of them. Council Member Stephenson said that TCA pertains to Members of the General Assembly, which Council is not. Mayor Gentner said he thinks she is looking for loophole to avoid this process and in order to keep this as fair as possible the field needs to be leveled so everyone has an equal opportunity. Council Member Martin said the publication is an information paper for residents and citizens. Council Member Martin advised when the City Attorney read the information from the TCA it did specifically say the General Assembly, so she wrote her article to inform what was going on in Ward 3 and she did not put a political spin on her article. Council Member Martin said she does not have a problem with the newsletter running on time. Council Member Matthews said she feels for Mr. Gardner and his

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concern and the candidate he represents, Mr. Hodges, because she can understand that. Council Member Matthews said she feels like Council is doing their job and the publication comes out every year at the same time. Council Member Matthews advised there is an edge every time there is an election; someone always has an edge. Council Member Matthews said putting “re-elect” on a sign is an edge, being on television is an edge. Council Member Matthews asked how far the Mayor wants to take this to make this a “level playing field”. Council Member Matthews advised in the publication is the City’s bulk pickup schedule and if they adjust when the publication goes out then they will have to adjust the bulk pickup schedule as well. Council Member Matthews said if the articles were political statements then they would need to be removed. Council Member Matthews said she thinks the publication is coming out in mid-October. City Manager Boyer advised the goal is mid to late October. Council Member Matthews asked the City Attorney to go into depth on the legality of this issue like he did on Tuesday night. City Attorney Tisher advised that there are two statutes. The first statute is one cannot use State-owned funds to campaign. City Attorney Tisher said if there was anything inappropriate in the messages, then the articles cannot go out. City Attorney Tisher advised the City Manager and he read the messages and neither of them saw anything inappropriate or election-related other than urging citizens to vote, which is their civic duty. City Attorney Tisher said the other statute deals with mass mailings within thirty days of an election and it makes a specific reference to the General Assembly and doesn’t make references outside of the General Assembly. Mayor Gentner said his motion was to award the bid for printing of publication but hold the delivery of the document until after the November election. Mayor Gentner said they are using public dollars and not private dollars. All Council Members present voted aye with the exception of Council Members Dickey, Martin, Matthews and Stephenson who voted no. Motion to amend failed. Council proceeded to vote on the original motion. All Council Members present voted aye with the exception of Mayor Gentner who voted no. Motion passed.

Item 7.7 – CONSIDER REVISED CONTRACTUAL AGREEMENT BETWEEN THE CITY OF COLUMBIA AND MAURY COUNTY SENIOR CITIZENS CENTER, INCORPORATED. Council Member Stephenson moved to amend the contract so that Section 2 of the first page reads \$10,756.39. Council Member Stephenson commended Ms. Fleeman

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for reporting the error in her previous letter requesting funding. Mayor Gentner seconded the motion for discussion. Council Member Stephenson said Ms. Fleeman with Maury County Senior Citizens reported an error in her letter requesting funding for FY 2009-10. Council Member Stephenson said there was an error in the amount of \$756.39 in the employee's annual salary line and now Council has a contract before them to make that correction. Council Member Stephenson asked that the \$756.39 be added to the general support line. All Council Members present voted aye on the amendment. All Council Members present voted aye on the amended contract.

ADMINISTRATION:

Item 8.1 – AUTHORIZATION FOR THE MAYOR TO EXECUTE THE CONTRACT WITH SOUTH CENTRAL TENNESSEE DEVELOPMENT DISTRICT FOR ADMINISTRATIVE ASSISTANCE WITH THE NEIGHBORHOOD STABILIZATION PROGRAM IN COMPLIANCE WITH ALL GUIDELINES OF THE TENNESSEE HOUSING DEVELOPMENT AGENCY (THDA) – WARDS 2 AND 3 – GRANTS AND PLANNING DEPARTMENT. Council Member Martin moved to approve the authorization for the Mayor to execute the contract with South Central Tennessee Development District for administrative assistance with the Neighborhood Stabilization Program grant in compliance with all guidelines of the Tennessee Housing Development Agency. Mayor seconded the motion. All Council Members present voted aye.

Item 8.2 – CONSIDER AUTHORIZATION TO EXECUTE AND AWARD BID TO BOMAR CONSTRUCTION COMPANY, INC. FOR RIDLEY PARK PHASE II PROJECT LOCATED OFF TROTWOOD AVENUE – WARD 1 – ENGINEERING DEPARTMENT. Vice Mayor Kennedy moved to approve the authorization to execute and award bid to Bomar Construction Company, Inc. for Ridley Park Phase II project located off Trotwood Avenue. Council Member Matthews seconded the motion. Council Member Stephenson advised a while back she tried to propose following the original plan, which was four-ball fields, a maintenance building, concession stand, etc. and that the original plan was \$2.2 million for the four fields. Council Member Stephenson said that given the

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economy we have she felt that the City needed to show some kind of fiscal conservancy. Council Member Stephenson said she thought they could approach this project in phases and add onto it in the future. Council Member Stephenson said when the project is completed it will be a great facility and will be able to generate a lot of revenue for the City, particularly when the City hosts tournaments. Council Member Stephenson said she is concerned about the cost and money they are spending. Council Member Stephenson said the bid came in \$1 million dollars under, which is great. Council Member Stephenson said she spoke to the Director of Parks and Recreation and asked if they could get away with just four fields, but Council did not agree to that. Council Member Stephenson said Council also didn't agree to just six fields either. Council Member Stephenson said she has reservations about the cost. Council Member Stephenson said they are looking at around seven million dollars and it could go up in the future for this project when they look at soccer fields. Council Member Stephenson said she wanted to go on record making the point that she did try to present a more conservative project. Council Member Stephenson said she is going to go along with this but she is a bit reluctant due to the cost and she thinks it could have been done in phases. Council Member Matthews advised Council Member Stephenson she wasn't alone in the discussion of lowering the price and field numbers. Council Member Matthews asked the City Manager to talk about the new amount and the revenue that is being saved due to the bid. City Manager Boyer advised prior to his arrival in 2007, Phase II of Ridley Park as currently planned was budgeted at over five million dollars for construction. City Manager Boyer said there is good and bad with the current economic state. City Manager Boyer said that the good side of trying to build a facility right now is that the bidding is very competitive. City Manager Boyer advised the bid was a million dollars under what they thought it would be, which is 20% of the project budget. City Manager Boyer said that is a significant savings. City Manager Boyer advised if they are going to build the park, then now is the time to build it. If they delay or cut fields out, then those fields will cost more to build in the future. City Manager Boyer said it is unfortunate that the City cannot build the soccer fields at this time. City Manager Boyer advised things are very competitive and this is the second major project that has been bid this year with the bids beating the budget. City Manager Boyer said his professional publications say, "If you have the money then build it now. Don't wait". City Manager Boyer advised the City made

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arrangements for the borrowing of money some time ago and the debt service is built into the budget. City Manager Boyer said most of the cost of the facility is already budgeted and the City has a tax rate that supports it. City Manager Boyer advised it has been a long hard struggle to get where we are today. City Manager Boyer said that staff is anxious to get on with it and get people out there playing ball. Council Member Dickey said delaying projects is what has increased the cost for Ridley Park and somehow they got a break with how the economy is right now. Council Member Dickey said they need to move forward with this project. Council Member Dickey said a few months back they told the softball league they would be playing ball there in 2010 and now he doesn't believe that will happen. Vice Mayor Kennedy advised he concurs with the City Manager and that now is the time to do it and he still thinks the leagues can play ball at Ridley in 2010. Council Member Martin said sports complexes are built with families in mind and there need to be options for the young other than being in gangs. Council Member Martin said the City built a pool and splash park over a year ago and when one goes out there they can see a multitude of ages, genders, races etc. with everyone enjoying the recreational opportunity the City has afforded the citizens. Council Member Martin said she sees no difference with the possibilities in Ridley Park. Council Member Martin said this is a response to the obesity problem in the nation, it gives old and young activities to do along with giving the kids some choices. Council Member Martin said it is better to build a recreational facility rather than a jail and Council needs to move forward with this. Council Member Matthews said they seem to all be on the same page. Council Member Matthews said the City made an investment in Ridley Park and that means more jobs, more hotel space, and restaurants. Council Member Matthews said this is an economic engine the City can use to make the City more money without raising sales tax. Council Member Stephenson said she hopes throughout this project that local vendors will be considered and be utilized as much as possible. Council Member Stephenson advised she also hopes local people can be employed in this project. Council Member Stephenson said she will check the record for when she proposed going to the original plan because she believes she was alone on that vote. City Manager Boyer advised that Mr. Fuller had encouraged bidders to use local vendors. City Manager Boyer went over a list provided by Bomar of the local subcontractors that will be working on the project. City Manager Boyer advised Bomar's Project Manager

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estimates that over 15% of the 4.1 million dollar project budget will be spent with Maury County vendors and subcontractors. City Manager Boyer said the 15%, which is around seven hundred thousand dollars, will be spent in the County to support a project that will serve the City and County. Council Member Stephenson thanked Mr. Boyer for sharing that information with Council and she thanked Mr. Fuller for all his hard work. All Council Members present voted aye.

Item 8.3 – AUTHORIZE EXECUTION OF THE MEMORANDUM OF AGREEMENT (MOA) FOR RECOGNITION OF A BROWNSFIELDS ASSESSMENT COALITION CONSISTING OF MAURY ALLIANCE, THE CITIES OF COLUMBIA, SPRING HILL, MOUNT PLEASANT AND MAURY COUNTY FOR SUBMITTAL OF AN ENVIRONMENTAL PROTECTION AGENCY (EPA) GRANT REQUEST – CITY ATTORNEY. Council Member Martin moved to approve the execution of the Memorandum of Agreement for recognition of a Brownsfields Assessment Coalition. Council Member Dickey seconded the motion. City Manager Boyer advised in the national media many people have heard of Brownsfield Remediation, which is taking environmentally contaminated property and restoring it to the point that it can be reused for another industrial commercial purpose. City Manager Boyer advised the EPA has millions of dollars every year that they give to communities for environmental restoration. City Manager Boyer advised the EPA also has millions of dollars to support assessing Brownsfields in communities. City Manager Boyer spoke about the assessment process. City Manager Boyer advised the program is very important because few people are willing to take a chance on a contaminated property. City Manager Boyer said there is no financial obligation for the City to get started and that some staff time that will be needed to work on this. Council Member Martin said that she is excited about this opportunity and that Mr. Ken Donaldson mentioned some opportunities about Brownsfields in Columbia some time ago. Council Member Martin spoke about an industry that was located off Mooresville Pike and the damage that was done to that area. Council Member Martin also spoke about an old gas station that was located off Mooresville Pike. Council Member Martin said she is excited they are trying to do this as a partnership and hopefully they can put in place some good things. Council Member Stephenson asked if the Maury Alliance, the Coalition Leader,

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could keep Council Members apprised of possible sites, particularly in their wards. All Council Members present voted aye.

RESOLUTIONS:

RESOLUTION NO. 09-46 - TAX CORRECTIONS – CITY RECORDER’S OFFICE.

Council Member Martin moved to approve Resolution No. 09-46. Council Member Stephenson seconded the motion. All Council Members present voted aye.

ORDINANCES:

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
THIRD CONSIDERATION – FIRE DEPARTMENT.

Vice Mayor Kennedy moved to approve Ordinance No. 3819 on third consideration. Council Member Stephenson seconded the motion. 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,

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SANITATION, CAPITAL PROJECTS
AND SEWER SYSTEM REVENUE
THIRD CONSIDERATION FUNDS – FINANCE DEPARTMENT.

Council Member Martin moved to approve Ordinance No. 3820 on third consideration. Council Member Matthews 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 THE MAURY COUNTY GOVERNMENT – WARD 3 – ENGINEERING DEPARTMENT.

Council Member Martin moved to approve Ordinance No. 3823 on third consideration. Council Member Matthews seconded the motion. Council Member Stephenson asked the City Attorney to clarify under section 2, where it says “are not constructed” City Attorney Tisher said he worded that provision that way, so the construction will be complete within the ten years. Mayor Gentner advised Council is staying consistent with proposal they made to the County Commission regarding the County Library and the property the City volunteered for that purpose. All Council Members present voted aye.

PUBLIC COMMENTS:

Mr. Glen Rose thanked Council for voting to finish Ridley Park. Mr. Rose thanked Council on behalf of the Columbia Girls Fast Pitch Softball.

Mr. Mike Limpact of Musco Sports Lighting also applauded Council for their movement with the Ridley Park project. Mr. Limpact said he was there

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to appeal to Council because they were one of the lighting manufacturers that were approved for the project. He advised there was a good bid process and the City has a good contractor, but he is asking that Council look at the difference in energy and operating cost of the systems. Mr. Limpact said there are energy and maintenance advantages for Council to consider but they aren't getting to see that. Mr. Limpact went over some figures and asked that Council consider a value-engineering option that Council could ask the contractor to present to them. Mr. Limpact said the City has a right to look at energy and maintenance advantages that may be available to them.

Mr. Ray Thomas said he was there to apologize to the Chief of Police. Mr. Thomas advised that he attended a meeting recently and while trying to introduce a community program to north Columbia he had called Chief of Police Joseph Bishop "Officer Joseph Bishop". Mr. Thomas advised the Police Chief has fulfilled all his expectations of a leader in integrity and in community accessibility better than any Chief of Police he has known to-date. Mr. Thomas apologized to Chief Bishop, North Spring Hill Neighborhood Watch Groups, Maury County Concerned Citizens Neighborhood Watch Groups, City Council Members that attended the meeting, Police Officers who attended the meeting, the Columbia Police Department and all of the City of Columbia.

OTHER BUSINESS:

Mayor Gentner said he had spoken with Council Member McCullen and his latest surgery went well and that Council Member McCullen thanked Council for the prayers and flowers. Mayor Gentner advised that Council Member McCullen is looking forward to being back next month. Mayor Gentner advised he was not at the Study Session but had been looking at the Election Commission's letter to Council and that Council needs to immediately begin the process of correcting the errors that are included in the letter. City Manager Boyer advised that in response to the letter from the Election Commission staff has drafted an Ordinance and maps that amend Ordinance No. 3447, which originally established the Ward boundaries. City Manager Boyer advised the Ordinance was sent late this afternoon to the City Attorney's Office. City Manager Boyer said the City Attorney and he believe the discrepancies pointed out in the letter do not

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affect the precinct allocations of anyone. City Manager Boyer if Council wants to move speedily to correct this because it is an important matter then they can be ready for a special meeting next week for first consideration of the Ordinance if that is what Council wants to do. City Manager Boyer advised tomorrow morning he is meeting with Mr. Anderson, the Chairman of the Election Commission, Mayor Bailey and the City Attorney to discuss some of the issues on this matter. City Manager Boyer advised Mr. Anderson has assured him that they are going to pursue and try to find out what happened with the Ward 2 and 3 boundaries and we are looking forward to the results of the investigation. City Manager Boyer said if there are any changes that need to be made on the City's side then we will make them. Council Member Matthews said she believed the Mayor was addressing that there were people moved out of Ward 2 into Ward 3 and now we are trying to correct it back. Mayor Gentner said that is right, in part, but the most important thing is to correct the Ordinance that is in error. Mayor Gentner said the Election Commission pointed out language in the descriptions of the Wards and the Ward maps that had errors. City Manager Boyer read part of the Election Commission letter. City Manager Boyer advised there is nothing in the Ordinance amendment that was sent to the City Attorney about the Carmack Boulevard situation because there does not need to be a correction about that on the City's part. City Attorney Tisher said his understanding is the same as the City Manager's and they have not verified that no voters have been affected. City Attorney Tisher advised the letter spoke about some words that were incorrect that need to be corrected and needing to correct some of the maps. City Attorney Tisher said he is not aware of anyone voting in an incorrect Ward. City Manager Boyer advised he doesn't believe the Ward boundaries can be changed after the rolls are closed. Council Member Stephenson said she previously said they should all be investigating concurrently instead of waiting for the Election Commission. Council Member Stephenson said when she said the City should do an investigation she was accused of implying guilt on the City's part, which is not what she was doing; she was trying to be prudent. Council Member Stephenson said Tuesday night she referenced the five discrepancies the Election Commission pointed out and that they needed to be validated. Council Member Stephenson said it seems like the City is saying the discrepancies are true and need to be corrected. Council Member Stephenson asked why the discrepancies weren't discovered by the people at the City that put together the attachments for the Ordinance. Council

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Member Stephenson said she still thinks the County needs to do what it needs to do, the Election Commission needs to do what it needs to do, and the City needs to find out why those involved in putting together the Ordinance didn't discover the discrepancies since they were responsible for putting together the legal descriptions and maps. Mayor Gentner moved to have a Special Called Meeting on September 24th at 5:30 p.m. to pass on first consideration an Ordinance that addresses the issues that are included in the September 14, 2009 letter to Council from the Maury County Election Commission. Vice Mayor Kennedy seconded the motion. All Council Members present voted aye. Mayor Gentner advised he would like to designate a naming committee for the Industrial Park bridge. Mayor Gentner designated Vice Mayor Kennedy, Council Member McCullen and Council Member Martin. Mayor Gentner asked that they have a report for Council at their December 3, 2009 meeting. Mayor Gentner said on October 17th at 2:00 p.m., Mrs. Willis will be receiving a Congressional Medal of Honor flag at the Willis Monument at the Duck River Bridge and Highway 31. Mayor Gentner encouraged people to be at the ceremony, which recognizes the combat loss of Mr. Willis during World War II. Mayor Gentner asked the City Attorney to share with Council and the audience information about Planning Commission appointments. City Attorney Tisher advised there was a recent amendment to the statute concerning the Planning Commission appointments. City Attorney Tisher advised that previously the statute said if you have a Commission that serves as a Regional Commission (like the City of Columbia's) and the size of the Commission was more than five members but less than eleven members, then you have to have two members that reside outside of the City. City Attorney Tisher advised the amendment took effect July 8, 2009 and it adds the following paragraph, "provided, that if the regional area outside of the municipal boundaries is less than fifty percent of the entire regional area then only one member of the municipal planning commission shall be appointed from the regional area outside the municipal boundaries regardless of the number of members on the municipal planning commission, or, in the alternative, the municipal planning commission may be increased in size by the number of members who are appointed from the regional area outside the municipal boundaries." City Attorney Tisher said basically that means that the City doesn't have to have two members from outside the City, it has to be one from outside. Council Member Matthews asked who the two members are who live outside the City. Mayor Gentner

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advised he believes they are Ricky Webster and Pat Selle. Mayor Gentner advised that Dr. Eslick Daniel will serve on the Planning Commission for a one-year term. Mayor Gentner said his next announcement will be for a two-year appointment, then a three-year appointment followed by a four-year appointment. Council Member Stephenson asked what Planning Commissioner was being replaced. Mayor Gentner advised Pat Selle.

Vice Mayor Kennedy advised there is a problem near the Riverwalk and the Farmer's Market area with animals leaving a mess. Vice Mayor Kennedy said he would like to see some signs in that area advising people to clean up their animal's mess. Vice Mayor Kennedy also said he would like to see a pooper-scooper available in that area.

Council Member Matthews said she is proud to say that Maury County and the City of Columbia Steering Committee for the Comprehensive Plan has passed a Comprehensive Plan for Maury County and the City of Columbia. Council Member Matthews said the plan will go to the governing bodies for review and public hearings. Council Member Matthews said the plan is important and she spoke about her late friend, Jim York, and how important the plan was to him.

City Manager Boyer advised the groundbreaking for Ridley Park is scheduled for Tuesday, September 22nd at 5:30 p.m. City Manager Boyer advised people will have to enter off of Greenlick Court for the groundbreaking.

City Manager Boyer also mentioned rescheduling the September 29th Study Session to Wednesday, September 30th at 5:30 p.m. due to a number of members unable to make the meeting. Council advised they were fine with moving the Study Session to 5:30 p.m. on September 30th.

There being no further business, the meeting adjourned at 8:06 p.m.

APPROVED:

WILLIAM E. GENTNER, MAYOR

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