

CITY COUNCIL MEETING – COLUMBIA, TENNESSEE

September 3, 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, 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 McCullen was absent.

Pastor Steve Gray offered the invocation followed by the Pledge of Allegiance led by Vice Mayor Kennedy.

**APPROVAL OF AGENDA:**

Vice Mayor Kennedy moved to approve the Agenda. Council Member Martin seconded the motion. Council Member Stephenson said Council had corrected the letter to the Election Commission, but the recommendation at the top of page three within the Agenda item says, “report any inappropriate action by officials or employees of the City of Columbia to the Mayor” and she wondered if it needed to be corrected in the Agenda Item since Council corrected the letter to say “Mayor and the City Council”. Council Member Stephenson questioned if Item 8.1 was supposed to be removed from the Agenda because she thought it was supposed to be removed after Tuesday night’s Study Session. City Manager Boyer advised that item is not supposed to be coming off the Agenda. Council Member Stephenson moved to amend the Agenda by adding “and the City Council” to the last sentence in Agenda Item 6.2 so that it reads “The letter further requests that the Election Commission investigate the actions of the Administrator in this matter, and report any inappropriate actions by officials or employees of the City of Columbia to the Mayor and the City Council”. Council Member Martin seconded the motion. All Council Members present voted aye on the amendment. All Council Members present voted aye on the amended Agenda.

**ORGANIZATIONAL BUSINESS:**

**Item 6.1 – MINUTES OF THE REGULAR CITY COUNCIL MEETING OF AUGUST 20, 2009.** Council Member Martin moved to approve the August 20, 2009 City Council Meeting Minutes. Vice Mayor

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Kennedy seconded the motion. Council Member Stephenson said on page three of the Minutes regarding Resolution Number 09-41 she inquired as to who wrote the Grant Application and was told that Assistant Chief Tim Potts had written it. Council Member Stephenson said at that time she said something like “Kudos to Assistant Chief Potts” and she thanked him and Chief Bishop. Council Member Stephenson said she would like to have her verbatim comments in regards to congratulating them for their hard work on the competitive grant application recorded in the Minutes. Council Member Stephenson moved to amend the Minutes by adding her verbatim comments pertaining to Resolution Number 09-41. Mayor Gentner seconded the motion. Council Member Matthews said she thinks the request is odd for the Minutes. Council Member Matthews advised Council Member Stephenson was on television and the Chief was present. Council Member Matthews said she isn’t sure this is pertinent information for the Minutes. Council Member Stephenson said it was a matter of record and she just wants it recorded in the Minutes and wants it to be part of the official record. All Council Members present voted aye on the amendment. Council Member Stephenson asked Council Member Matthews if what was recorded on pages 9 and 10 of the Minutes were correct, as she wanted it. Council Member Stephenson said on the bottom of page 9, the second line from the bottom says “per the Ordinance in 2000”. Council Member Stephenson asked Council Member Matthews if that is correct or was it 2002. Council Member Matthews said the Ordinance was adopted in 2002 but it was taken off the 2000 Census. Council Member Stephenson said she just wanted to make sure it was recorded how Council Member Matthews wanted it. Council Member Stephenson asked Council Member Matthews about the sentence on page 10 about halfway down where the sentence starts “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...” Council Member Stephenson asked Council Member Matthews if she wanted both of those to read Ward’s 2. Council Member Matthews said it sounds like an error. Council Member Stephenson asked if that needs to be corrected so that it says what Council Member Matthews wants it to say. Council Member Matthews asked Liz Bermudez, the Recording Secretary if she had repeated “Ward’s 2” since Mrs. Bermudez took the Minutes verbatim. Mrs. Bermudez advised Council Member Matthews did repeat herself. Council Member Matthews said that since it was verbatim then that is how it is suppose to be because she can’t correct verbatim minutes. Council Member Stephenson asked

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Council Member Matthews if she meant something else. Council Member Matthews advised she did not mean anything else, she said she probably hesitated while flipping a page and repeated herself. All Council Members present vote aye on the Minutes as amended.

**Item 6.2 – APPROVE THE DRAFT LETTER TO THE MAURY COUNTY ELECTION COMMISSION REQUESTING CORRECTION OF THE BOUNDARY BETWEEN WARDS 2 AND 3, AND FURTHER REQUESTING THAT THE ELECTION COMMISSION INVESTIGATE THE ACTIONS OF THE ADMINISTRATOR OF ELECTIONS IN CHANGING SAID BOUNDARY.** Council Member Matthews moved to approve the letter to the Maury County Election Commission. Council Member Martin seconded the motion. Vice Mayor Kennedy said in *the Daily Herald* article Mr. Baxter mentioned a candidate bringing him a map and that Mr. Baxter made the change because the document had been created from his department and he didn't have reason to doubt it. Vice Mayor Kennedy said he would like to amend the letter to have the candidate's name placed in the letter. Mayor Gentner asked if Council knows who the candidate is. Vice Mayor Kennedy advised that Mr. Baxter knows who the candidate is. Council Member Matthews said she knows who the candidate is, but was advised by legal counsel not to reveal the name. City Attorney Tisher advised if Council wants to ask Mr. Baxter who the candidate was then Council can do that. City Manager Boyer said he is not a lawyer, but he has done many misconduct investigations and he thinks Council needs to be careful about throwing names around without an investigation. City Manager Boyer said Council is asking the Election Commission for an investigation into the problem. City Manager Boyer advised that Council should let the Election Commission perform the investigation and report the findings. City Manager Boyer said in his opinion the name should be revealed in the investigation report because all the pertinent facts should be in that document. City Manager Boyer advised if it isn't in the report then Council should return it and ask that the report be properly completed. City Manager Boyer said there are many accusations being thrown around including ones about his staff. Vice Mayor Kennedy said Mr. Anderson with the Election Commission is here tonight and he hopes he is taking this all under advisement. Council Member Martin said whatever Council does with this they need to allow the investigation to take place and she is

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requesting full disclosure. Council Member Matthews apologized for not being at the Study Session on Tuesday and she advised her household had been battling the flu. Council Member Matthews said if anyone on Council has any questions for her since she was not at the meeting on Tuesday then she would be happy to answer them. Council Member Matthews said she thought last week there would be a conversation about this, but there was not and that Council just moved on to the next person. Council Member Matthews said she found this problem due to confusion. Council Member Matthews advised a man wanted to move his house to South Main and he called Council Member Martin instead of her. Council Member Matthews said Council Member Martin had never been advised that there had been a change in the Ward lines. Council Member Matthews said all candidates have to be advised in writing if there is a change at any time. Council Member Matthews said she does not believe a change can be made once an election has already started. Council Member Matthews continued by saying the change happened one week in the middle of early election. Council Member Matthews said the letter she handed out last week was dated October 25<sup>th</sup>. Council Member Matthews said when she first talked to Mr. Baxter he said that the line had been changed back. Council Member Matthews said the big question was if something had been changed due to an error then why change it back. Council Member Matthews informed Council that there was shuffling of feet, not understanding and denying that the change had occurred. Council Member Matthews continued by saying someone in Mr. Baxter's Office said "Don't you remember? Someone from the City came in with the change. That is the reason we did all of this last minute". Council Member Matthews said Mr. Baxter remembered after that statement from the person in his office. Council Member Matthews advised that she and Mr. Baxter went over to his desk and he printed off the letter that he sent to the residents between South Main and Carmack Boulevard. Council Member Matthews said she had never seen the letter before and hadn't been advised by her constituents that there had been a letter. Council Member Matthews said Mr. Baxter spoke about confusion due to the City maps showing this and then they both went to a filing cabinet. Council Member Matthews advised that Mr. Baxter took her across his office and pulled open the filing cabinet and went straight to the file that had the written Ordinance information that she passed out to Council last week. Council Member Matthews said from Mr. Baxter's Office in the last month, he has been saying that he did not have that information on hand. Council

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Member Matthews said that is false because the only time she has seen the Ordinance guidelines for where their Wards are going, was from information that she walked out of his office with. Council Member Matthews said she got all this information together in January. Council Member Matthews advised she did not know what to do with this because they said something came from the City, which made her concerned that there was someone from the City messing with the lines. Council Member Matthews advised that an Attorney, District Attorney, Mr. Boyer and City Attorney Tisher have all seen this and her attorney has contacted the Tennessee State Election Commission and now the County Election Commission is involved. Council Member Stephenson said on page 11 of the Minutes it mentioned gerrymandering and the Tennessee Election Commission. Council Member Stephenson asked Council Member Matthews if she had contacted the Tennessee Election Commission at the State level to request an investigation. Council Member Matthews said her attorney contacted the Tennessee Election Commission. Council Member Stephenson said on Tuesday there were questions as to whether Council Member Matthews meant the Maury County Election Commission or Tennessee Election Commission. Council Member Stephenson said Council has seen things in the paper, in the Minutes and they have heard things that indicate that not only Administration and staff from the Maury County Election Commission, but also clearly there are questions about someone from the City having done something. Council Member Stephenson said she is concerned if what happened at the Election Commission was generated from the City then she thinks the City should have some kind of internal investigation. Council Member Stephenson said there is staff from the City that has been indicated and she thinks the City needs to do that investigation, not the County. Council Member Stephenson said the County can do the investigation over at the County Election Commission, but the City should investigate the departments and names that have been indicated. Mayor Gentner said he disagrees with that and he referred back to what the letter says which is to have the Election Commission give full disclosure and if there are references to City employees, departments or Council Members then the City should do an investigation. Mayor Gentner said doing an internal investigation implies that the City is guilty and we don't know if we are guilty. Mayor Gentner said once the City has the results from the Election Commission's investigation then the City can take up additional investigations if need be.

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Council Member Stephenson said her intent isn't to imply guilt. Council Member Stephenson advised her intentions are to find out what is going on and it concerns her that City personnel are mentioned. Council Member Stephenson said the deadlines set out in the letter also concern her because one is only a week before early voting begins and if there is any question or doubt Council only has seven days before early voting and there isn't time to do anything. Council Member Stephenson said she doesn't know if the Election Commission has the authority to investigate City staff and personnel. Council Member Stephenson advised she would like to see an investigation done both with the County Election Commission and with the City. City Manager Boyer advised he interviewed the people mentioned in the newspaper article. City Manager Boyer advised they denied that they delivered any document. City Manager Boyer said he has to be fair to the employees and right now he has nothing to investigate. City Manager Boyer said he was uncomfortable even interviewing an employee based on an article in the paper. City Manager Boyer said it is not fair to the staff. City Manager Boyer said right now they have a newspaper article where the Election Commission Administrator said he got a wrong map from a City employee that he named. City Manager Boyer said he has interviewed that employee and he is satisfied that statement was not accurate. City Manager Boyer said there is nothing else to investigate. Council Member Stephenson asked when the interview was done. City Manager Boyer advised it was prior to Tuesday and he is managing his staff and he was not going to share the management of employees in public meetings with Council. Vice Mayor Kennedy said he read the article and it says the map was brought to him by a candidate. City Manager Boyer said he is referring to a prior article and that the facts aren't staying in a steady state. Council Member Matthews said every time there are conversations with Mr. Baxter the scenario and facts are changing. Council Member Matthews said she agrees with the City Manager on letting the Election Commission do their investigation and then they will see where things came from. Council Member Matthews said after that if there needs to be a City investigation then they will rely on Mr. Boyer to do that. Council Member Matthews said she has been asked to be at the County Election Commission Meeting on September 14<sup>th</sup> at 8:00 A.M. to share what she has come up with. Council Member Matthews said they want a clean, fair election this November. Council Member Matthews said there is a big problem if someone can just come off the streets with a map and have the lines changed. City Manager

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Boyer said if he has information that leads him to believe that a City employee tried to influence the election process for City Council it will be dealt with swiftly and surely, because he does not take that lightly. City Manager Boyer said he is monitoring the situation and is looking forward to the Election Commission's report. City Manager Boyer advised he considers this a very serious matter, but he has investigated as far as he can given the news account. City Manager Boyer said you can't open a formal misconduct investigation based on reports in the media. City Manager Boyer advised he doesn't mean any offense to the media. Mayor Gentner moved to amend the letter for an editorial change. Vice Mayor seconded the amendment. Mayor Gentner said the amendment would be in the third paragraph of the letter on the last line where it reads, "writing to the Mayor and City Council by September 23, 2009." Mayor Gentner said he would like to delete the words "the Mayor" and insert "myself". Mayor Gentner advised the second change would be on the second page in the first paragraph in the last sentence. Mayor Gentner advised he would like to delete "the Mayor" and insert the word "myself" in the place of "the Mayor". All Council Members present voted aye on the amendment. Council Member Stephenson said they are all struggling and want to know what is going on so they can try to get it behind them. Council Member Stephenson said the timeline isn't working out very well. Council Member Stephenson asked if there is a way that the Election Commission can move their meeting up. Council Member Stephenson said her concern is if anything needs to be done at the City level. Council Member Stephenson said she wants the public to be assured that they are doing everything they can to get to the bottom of this. Council Member Stephenson said she didn't comment at the last meeting because she didn't know what was going on, but that didn't mean she wasn't concerned. Council Member Stephenson advised it is important for the voters to have confidence to go and vote. Council Member Stephenson advised she wants this to be resolved as quickly as possible for the voters' sake. Council Member Stephenson said she is not trying to imply guilt on anyone's part. Council Member Martin moved to approve the letter as amended. Council Member Dickey seconded the motion. Council Member Matthews asked what does Council do if something comes back saying something was brought in from the City but it originated from someone on the Council. Council Member Matthews said she would just like them to be prepared for something like that. All Council Members present voted aye on the amended letter.

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CONSENT AGENDA:

Vice Mayor Kennedy moved to approve the Consent Agenda. Council Member Matthews seconded the motion. All Council Members present voted aye and the following item were approved:

1. Bid award for Police Duty Gear – Police Department.

ADMINISTRATION:

Item 8.1 – **CERTIFICATE OF COMPLIANCE FOR KEITH H. SIMS TO CONTINUE TO SELL ALCOHOLIC BEVERAGES AT BY-PASS LIQUORS LOCATED AT 1325 SOUTH JAMES CAMPBELL BOULEVARD.** Vice Mayor Kennedy moved to approve the Certificate of Compliance for Keith H. Sims. Council Member Matthews seconded the motion. All Council Members present voted aye.

RESOLUTIONS:

RESOLUTION NO. 09-44 - TAX CORRECTIONS – CITY RECORDER’S OFFICE.

Council Member Dickey moved to approve Resolution No. 09-44. Council Member Martin seconded the motion. All Council Members present voted aye.

RESOLUTION NO. 09-47 - A RESOLUTION REQUESTING COUNCIL TO ACCEPT A VINEYARD PRODUCTIONS, LLC. DONATION IN THE AMOUNT OF \$300.00 TO THE CITY OF COLUMBIA FOR FILMING IN THE DOWNTOWN AREA.

Vice Mayor Kennedy moved to approve Resolution No. 09-47. Council Member Matthews seconded the motion. Council Member Matthews said she would like some discussion the next time the Alliance comes in. Council Member Matthews spoke about other cities making a great deal of

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money when a company wants to film in their town. Council Member Matthews said filming costs can be a revenue source for Columbia and they can focus on it to bring jobs into the City and to promote the City. Council Member Matthews said the City needs a press release about the films that have been shot in Columbia. Council Member Martin said she spoke with Mr. Boyer to see if he had received phone calls like she has, regarding the closing of the street for a period of time today and about the parking spaces that were taken away for the filming. Council Member Martin said when the City Manager gets back she is going to meet with him to discuss options for when filming crews come into the City. Council Member Martin said they need to assure the adjacent property owners and businesses that they are considered and the City is sensitive to their needs as well as to those of the company coming in to do things in the downtown area. City Manager Boyer said the complaints that came today are due to the communication breakdown between the production company and his office. City Manager Boyer said last week he inquired if the merchants had been briefed. Prior to the Hannah Montana Movie, both the production company and Liz Bermudez from his staff went around and talked to every merchant downtown to make sure they understood what was going on and who to call if there was an issue. City Manager Boyer said last week Mrs. Bermudez asked him if he wanted her to make the rounds around downtown. City Manager Boyer advised his office was short staffed last week due to a vacation so he had called the Police Department, who was managing contact with the production company, and asked if the production company was going to brief the merchants. City Manager Boyer said he was told that the production company already had spoken with the merchants. City Manager Boyer said he started getting complaints today that some of the merchants didn't know what was going on so he contacted the representative of the production company. City Manager Boyer said the representative said he spoke with everyone on the East side of South Main Street and others that he knew from when they were here before. City Manager Boyer advised the representative is the same location manager that worked on the Hannah Montana film. City Manager Boyer advised the complaints were not coming from the area the representative visited. City Manager Boyer advised the representative did not go all the way around the downtown area. City Manager Boyer advised that he had assumed the representative went to all the merchants downtown since that is what was done last time. City Manager Boyer said there were six parking spaces that were blocked for

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three days, most of which were on South Main Street. City Manager Boyer said he knows parking is at a premium downtown and he understands this is a tough time for everyone but that as a community, we need to be willing to accept some inconveniences if we want to have movies filmed in Columbia. City Manager Boyer advised they have to close the streets to film, but the streets weren't closed all day and there were police officers on the scene to direct traffic when a street had to be closed. City Manager Boyer said it was as unobtrusive to the downtown area as it could be. City Manager advised if the City really wants to recruit these kinds of things into the community then we are going to have to experience some inconvenience. City Manager Boyer advised he understands the sensitivity and he wishes the communications would have been better. Council Member Martin said she appreciates what Mr. Boyer said and when she has her meeting with him she will discuss things communicated to her. Council Member Martin said they want to have all kinds of activity downtown and the merchants downtown are a premium part of the community. Council Member Martin advised we can communicate and coexist. Council Member Dickey said a letter needs to be sent to all the downtown merchants to let them know what happened and to apologize along with maybe speaking about what future projects like this would mean to the City. Council Member Matthews said maybe the team that negotiates the companies coming into the City can negotiate compensation for the merchants that lose parking spots because they have to have parking to operate. Council Member Matthews did say that the companies that do come into the area buy food, gas, use our facilities and it is exposure for the City. 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,

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REGULATING FIRE PREVENTION  
WITHIN THE CORPORATE LIMITS OF  
THE CITY OF COLUMBIA, TENNESSEE  
SECOND CONSIDERATION – FIRE DEPARTMENT.

Council Member Martin moved to approve Ordinance No. 3819 on second consideration. Council Member Matthews seconded the motion. Council Member Stephenson thanked Mr. Boyer for including page 20. Council Member Stephenson spoke about looking into getting more detailed definitions that are broken down. All Council Members present voted aye.

ORDINANCE NO. 3820 - AS AMENDED - 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  
SECOND CONSIDERATION DEPARTMENT.

Vice Mayor Kennedy moved to approve Ordinance No. 3820 on second consideration as amended. Council Member Martin 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 7<sup>TH</sup>  
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  
SECOND CONSIDERATION DEPARTMENT.

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Council Member Martin moved to approve Ordinance No. 3823 on second consideration. Council Member Dickey seconded the motion. Council Member Stephenson asked if there were changes to the Ordinance because Council received a new document. City Manager Boyer advised there have been no changes, but the Columbia Historic Commercial District Map was added to the documents. City Manager Boyer advised part of the parcel is in the Historic District while another part is not and that is just because when the Historic District was created the property was two separate parcels. 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 OCTOBER 1, 2009 AS THE DATE OF THE PUBLIC HEARINGS ON THE ANNEXATION AND PLAN OF SERVICES – GRANTS AND FIRST CONSIDERATION PLANNING DEPARTMENT.

Council Member Stephenson moved to table Ordinance No. 3721 on first consideration. Council Member Matthews seconded the motion. City Manager Boyer advised due to the adoption of the General Plan for the SUGA it will be necessary for the property owner to adjust the plan he presented to the Planning Commission and City Council so that the development will be in compliance with the new plan. City Manager Boyer advised the property owner is working on it with his design team. All Council Members present voted aye to table Ordinance No. 3721.

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  
OCTOBER 1, 2009 AS THE DATE OF  
THE PUBLIC HEARING – GRANTS AND  
PLANNING DEPARTMENT.  
FIRST CONSIDERATION

Vice Mayor Kennedy moved to approve Ordinance No. 3722 on first consideration. Vice Mayor Kennedy withdrew his motion. Council Member Stephenson moved to table Ordinance No. 3722 on first consideration. Council Member Matthews seconded the motion. Council Member Dickey said we still need to strive to get as much information as possible for conservation subdivisions. City Manager Boyer said he has done a day of internet searching and can't find conservation subdivisions. City Manager Boyer said he needs to talk to Mr. Walton for examples even though he has been thin on examples. City Manager Boyer said he is not ignoring Council Member Dickey's request, but he is not having much luck on finding conservation subdivisions in Zoning Ordinances from other cities. Council Member Dickey said Bedford County has some information in place. Council Member Stephenson said this has been discussed with the Subdivision Committee and it will be in the Subdivision Regulations. Council Member Matthews said conservation subdivisions are included in Gallatin and Franklin. Council Member Matthews mentioned the conservation subdivision in Franklin and said they should take a look at the development. Mayor Gentner advised Council that they were straying from the matter in front of them. All Council Members present voted aye to table.

#### OTHER BUSINESS:

Mayor Gentner said Council Member McCullen is recovering and does expect to be back by the end of the month.

Council Member Matthews thanked Council Member Dickey, the Chief of Police and the City Manager for going to the methadone clinic hearing in Nashville. Council Member Matthews said the ruling was disappointing and the matter has been turned over to the Zoning Appeals Board. Council

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Member Matthews said it will be up to the City to enforce its own Ordinance. Council Member Matthews said she was very upset at the methadone hearing with the situation that the City had with information going out to the paper from our Planning Administrator that was an error from the Zoning Ordinance. Council Member Matthews said the people that want the methadone clinic used that information very swiftly. Council Member Matthews said we have a Zoning Ordinance that does provide for the situation at hand. Council Member Matthews said this is a rehab facility, not a clinic, and it has to be a freestanding building per the City Zoning Ordinance with 50 feet of yard in the front, side and rear. Council Member Matthews said we need public participation in the Board of Zoning Appeals meeting to talk about the stress of the clinic being in the main shopping corridor. Council Member Matthews spoke about the West 7<sup>th</sup> Street situation with the historic homes. Council Member Matthews said the West 7<sup>th</sup> Street Church of Christ purchased the homes and before they purchased the homes, they were advised they were in a historic overlay and were unable to be destroyed or taken down. Council Member Matthews said the church then went to the Historic Commission, which told the church the same thing. Council Member Matthews said the church then went to the Historic Appeals Board and again were told the same thing and there is a requirement that if it is a historic home in the City you cannot have demolition by neglect. Council Member Matthews spoke about a blue tarp that was placed on the homes. Council Member Matthews advised before the Mayor and she could meet with the church, they received word that the church had hired a demolition team. Council Member Matthews said the City made contact with the church to see if there was a problem. Council Member Matthews said the church advised the City that they had contracted a demo team but were not going to act on it. Council Member Matthews continued by saying three days after that, the gas lines were removed from the houses. Council Member Matthews advised the City has been watching the houses closely. Council Member Matthews said there has been a date set for the citation sent to West 7<sup>th</sup> Street Church of Christ regarding the demolition by neglect. Council Member Matthews said this is a law that you are supposed to take care of houses. Council Member Matthews said the court date has been delayed. Council Member Matthews said the date was set for the 10<sup>th</sup> of September and it has been pushed to the 17<sup>th</sup> but may be pushed further back. Council Member Matthews said she saw where CPWS is raising rates. Council Member Matthews asked for

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information on Mr. Clark and if he received a raise again this year and what the percentage was. Council Member Matthews said she would also like information on the rate increase because the article in the paper said something about an increase and decrease. Council Member Matthews asked if raising the rates would come in front of Council or if it was going to be automatic. City Manager Boyer TVA is raising the rate so CPWS has to charge the higher rate. Council Member Matthews said she isn't picking on anyone specific. Council Member Matthews said she had asked before that when anything is done that the poorest of the community are kept in mind. Council Member Matthews said what she is requested is of public record.

Council Member Stephenson said to Council Member Matthews that the morning of the methadone clinic hearing she was at Henry Horton for a Duck River Water Plan Meeting, which was eye-opening and concerning. Council Member Stephenson said the discussion was about Normandy Dam and how it was designed to provide water to the Shelbyville, Tullahoma and Manchester area not Columbia and Spring Hill. Council Member Stephenson said on Tuesday she brought up a discussion and since Council Member Matthews wasn't there this is for her benefit since Council Member Matthews represents the Ward this is in, the discussion was about the option of the appeal process for the methadone clinic ruling. Council Member Stephenson asked that the City Attorney share Tuesday night with Council Member Matthews. Attorney Tisher advised that Council Member Matthews got a copy of the letter he sent. Council Member Matthews asked the City Attorney what he thought of an appeal. City Attorney Tisher advised he thought with that board an appeal would not do any good. Council Member Matthews said one thing that was not brought up was the concern for people having to travel for sixty miles or so and another thing that wasn't talked about is once they are on the honor system, they have it for a week and don't have to travel every day. Council Member Matthews said she doesn't know if that is something that is appealable. Council Member Matthews advised methadone is the number one drug for overdosing in the state of Tennessee. Council Member Matthews said the board's mindset was not on the community. Council Member Matthews spoke about the clinic in Huntsville being isolated with a huge fence around them with extreme security. Council Member Matthews asked the City Attorney about using the sixty-mile point for an appeal. City Attorney

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Tisher advised the board did not take into account the uniqueness of our district with three of the counties being bordering counties. City Attorney Tisher said the board seems to want to place a clinic in this region. Council Member Matthews asked if the City Attorney will be at the Board of Zoning Appeals Meeting to represent the City. Mayor Gentner advised he asked both the City Manager and City Attorney to be at the Board of Zoning Appeals Meeting. City Attorney Tisher advised he would be at the meeting more as an advisor. City Manager Boyer said the Board of Zoning Appeals is there on behalf of the City in regards to the Zoning Ordinance. Council Member Matthews said Mr. Holderfield was unaware of the Zoning Ordinance and she wants to make sure the Board of Zoning Appeals understands the Zoning Ordinance. City Manager Boyer advised there was an error with the earlier opinion and it should not have been issued because we didn't have all the information until the City received a copy of the Certificate of Need Application. City Manager Boyer advised the opinion was changed. Council Member Matthews advised it was changed after she brought it up at Council. Council Member Stephenson asked the Mayor of his intentions with the Planning Commission members whose terms have expired. Council Member Stephenson advised this is her third request asking for this information. Council Member Stephenson advised the Mayor said he wanted to wait until the Minutes were voted on this evening to share his intentions about those members. Mayor Gentner said it is his responsibility and he will act accordingly. Council Member Stephenson asked the Mayor when he will share his decision. Mayor Gentner advised Council will be informed when he makes those announcements. Council Member Stephenson asked when that would be. Mayor Gentner said he isn't prepared to give that to Council tonight.

There being no further business, the meeting adjourned at 7:42 p.m.

APPROVED:

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WILLIAM E. GENTNER, MAYOR

ATTEST:

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CITY COUNCIL MEETING – COLUMBIA, TENNESSEE

September 3, 2009 – 6:30 p.m.

BETTY MODRALL, CITY RECORDER