

CITY COUNCIL MEETING – COLUMBIA, TENNESSEE

May 19, 2011 – 6:30 p.m.

Mayor Dickey called the regular meeting to order, pursuant to proper notice having been given. City Recorder Betty Modrall called the roll. Present were Mayor Dean Dickey, Council Members Carl McCullen, Debbie Matthews, Christa Martin, Mike Greene and Susan Stephenson, City Manager Paul C. Boyer, Jr., City Attorney Tim Tisher, City Recorder Betty Modrall, and Assistant City Manager Jennifer Moody. Vice Mayor Kennedy and Recording Secretary Liz Bermudez were absent.

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

APPROVAL OF AGENDA:

Council Member McCullen moved to approve the Agenda. Council Member Matthews seconded the motion. All Council Members present voted aye.

ORGANIZATIONAL BUSINESS:

Item 6.1 – **MINUTES OF THE REGULAR CITY COUNCIL MEETING OF MAY 5, 2011.** Council Member Martin moved to approve the May 5, 2011 Regular City Council Meeting Minutes. Council Member Matthews seconded the motion. Council Member Stephenson moved to amend the Minutes; she requested that page 9, from where it starts with “Council Member Stephenson” all the way down to “not exactly accurate,” be verbatim. Council Member Matthews seconded the motion to amend. All Council Members present voted aye on the amendment. Vice Mayor Kennedy arrived to the meeting. All Council Members present voted aye on the Minutes as amended with the exception of Vice Mayor Kennedy who abstained.

Item. 6.2 - **CONSIDERATION OF RETIREMENT BENEFITS FOR MARK STOOKSBURY, LIEUTENANT, POLICE DEPARTMENT – PERSONNEL DEPARTMENT.** Council Member Martin moved to approve the retirement benefits for Lieutenant Stooksbury. Council Member Stephenson seconded the motion. All Council Members present voted aye.

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Item 6.3 – CONSIDERATION OF RETIREMENT BENEFITS FOR WILLARD CANNON, PLANT OPERATOR, WASTEWATER DEPARTMENT – PERSONNEL DEPARTMENT. Council Member Martin moved to approve the retirement benefits for Mr. Cannon. Council Member Matthews seconded the motion. All Council Members present voted aye.

CONSENT AGENDA:

Council Member Stephenson asked to remove Item 7.5 from the Consent Agenda. Council Member McCullen moved to approve the Consent Agenda with the exception of Item 7.5. Council Member Martin seconded the motion. All Council Members present voted aye and the following items were approved:

1. Disbursements for the month of April 2011 in the amount of \$3,608,593.14 – Finance Department.
2. Approve and authorize the Mayor to sign an agreement for Professional Services for Wiser Company, LLC for the Federal Surface Transportation Program (STP) Projects – Wards 1, 2, 3, 4, and 5 – Engineering Department.
3. Approve and authorize the Mayor to ratify Change Order #1 with Curl Construction & Excavating, LLC for the Duck River Bank Stabilization Project – Ward 5 – Engineering Department.
4. Authorization of proposal award and contract execution for auditing services – Finance Department.
6. Approve and authorize the Mayor to sign the Non-Exclusive Use and Occupancy Permit between the City of Columbia and All of the Lights Softball League for the 2011 Season – Ward 3 – Parks and Recreation Department.
7. Bid award for City Hall boiler replacement – Code Administration Department.
8. Authorization to dispose of surplus City property – Finance Department.
9. Award bid for turnout gear – Fire Department.
10. Award bid for commercial mowers – Parks and Recreation Department.
11. Award bid for light duty, ½ ton, pickup truck – Public Works (Sanitation) Department.

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Item 7.5 - APPROVE AND AUTHORIZE CONTRACT EXECUTION FOR CONSULTING SERVICES FOR THE JAMES CAMPBELL CORRIDOR STUDY – GRANTS AND PLANNING DEPARTMENT.

Council Member Stephenson said she is concerned that throughout the document are references to form based codes and making a change to the Zoning Ordinance, which is not in the contract. Council Member Stephenson advised there have been two meetings on the topic of form based codes, but she needs further information on form based codes and Council has not acted on amending the Zoning Ordinance. Council Member Stephenson said she does not have a problem with the company providing expertise that is conceptual, but they do have to go through the process of approving form based code and any amendment to the Zoning Ordinance. Council Member Matthews moved to approve Item 7.5. Council Member McCullen seconded the motion. All Council Members present voted aye with the exception of Vice Mayor Kennedy who voted no.

ADMINISTRATION:

Item 8.1 – APPROVE AND AUTHORIZE THE MAYOR TO SIGN AMENDMENT NO. 1 TO A DEVELOPER AGREEMENT BETWEEN THE CITY OF COLUMBIA AND ADVENT COMMUNITY DEVELOPMENT CORPORATION FOR ELIGIBLE ACTIVITIES UNDER THE NEIGHBORHOOD STABILIZATION PROGRAM – WARD 3 – CITY MANAGER’S OFFICE. Mayor Dickey moved to approve the Mayor to sign Amendment No. 1 to a Developer Agreement between the City of Columbia and Advent Community Development Corporation for eligible activities under the NSP. Council Member Matthews seconded the motion. Council Member Martin said at least one of the properties that is listed for consideration in the NSP Developer Agreement is either currently owned or has previously been owned by her family. Council Member Martin advised she just wanted to state that for the record and she will abstain from voting on this topic. All Council Members present voted aye with the exception of Vice Mayor Kennedy and Council Member Martin who abstained.

RESOLUTIONS:

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RESOLUTION NO. 11-26 - A RESOLUTION FOR ACCEPTANCE OF A DONATION OF FLOODPLAIN GRASS SEED FOR THE DUCK RIVER BANK STABILIZATION PROJECT IN THE CITY OF COLUMBIA, TENNESSEE – WARD 5 – ENGINEERING DEPARTMENT.

Council Member Stephenson moved to approve Resolution No. 11-26. Vice Mayor Kennedy seconded the motion. All Council Members present voted aye.

RESOLUTION NO. 11-27 - TAX CORRECTIONS – CITY RECORDER’S OFFICE.

Council Member Martin moved to approve Resolution No. 11-27. Vice Mayor Kennedy seconded the motion. All Council Members present voted aye.

ORDINANCES:

ORDINANCE NO. 3886 - AN ORDINANCE TO AMEND TITLE 18, CHAPTER 3, SECTION 18-303, OF THE MUNICIPAL CODE OF THE CITY OF COLUMBIA BY DELETING SAID SECTION IN ITS ENTIRETY AND REPLACING SAID SECTION WITH A NEW TITLE 18, CHAPTER 3, SECTION 18-303 PERTAINING TO WATER SERVICE RATES, FEES, AND

SECOND CONSIDERATION CHARGES.

Council Member McCullen moved to approve Ordinance No. 3886 on second consideration. Vice Mayor Kennedy seconded the motion. Council Member Stephenson advised the Public Hearing for this Ordinance will be on June 2, 2011. All Council Members present vote all aye.

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ORDINANCE NO. 3887 - AN ORDINANCE TO AMEND TITLE 8, CHAPTER 2, SECTION 204 RELATING TO THE TERM OF OFFICE OF THE MEMBERS OF THE CITY OF COLUMBIA BEER BOARD – CITY
SECOND CONSIDERATION ATTORNEY.

Mayor Dickey moved to approve Ordinance No. 3887 on second consideration. Council Member Martin seconded the motion. All Council Members present voted aye.

ORDINANCE NO. 3888 - AN ORDINANCE TO AMEND TITLE 8, CHAPTER 2, OF THE COLUMBIA MUNICIPAL CODE BY DELETING SECTION 8-216 AND REPLACING SAID SECTION WITH A NEW SECTION REGARDING RESTRICTIONS ON BEER PERMITS BASED ON PROXIMITY TO SCHOOLS, CHURCHES, PUBLIC PARKS OR OTHER PLACES OF PUBLIC GATHERING AND RESTRICTIONS ON PERMITS THAT WOULD CAUSE CONGESTION OF TRAFFIC OR INTERFERE WITH PUBLIC HEALTH, SAFETY, AND MORALS – CITY
SECOND CONSIDERATION ATTORNEY.

Vice Mayor Kennedy moved to approve Ordinance No. 3888 on second consideration. Council Member Martin seconded the motion. All Council Members present voted aye.

ORDINANCE NO. 3881 - AN ORDINANCE FIXING THE TAX RATE FOR THE CITY OF COLUMBIA FOR THE YEAR 2011 ON ALL TAXABLE PROPERTY AT THE RATE OF \$1.31 PER \$100.00 AND ESTABLISH THE DATE OF JUNE 16, 2011 AS THE DATE OF PUBLIC HEARING – CITY

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FIRST CONSIDERATION RECORDER’S OFFICE.

Council Member Martin moved to approve Ordinance No. 3881 on first consideration and establish June 16, 2011 as the date of Public Hearing. Council Member McCullen seconded the motion. All Council Members present voted aye.

ORDINANCE NO. 3882 - APPROPRIATION ORDINANCE FOR FISCAL YEAR JULY 1, 2011 THROUGH JUNE 30, 2012 AND ESTABLISH THE DATE OF JUNE 16, 2011 AS THE DATE OF THE PUBLIC HEARING – FINANCE DEPARTMENT.
FIRST CONSIDERATION

Vice Mayor Kennedy moved to approve Ordinance No. 3882 on first consideration and establish June 16, 2011 as the date of Public Hearing. Council Member Martin seconded the motion. All Council Members present voted aye.

ORDINANCE NO. 3883 - AN ORDINANCE TO APPROVE THE CLASSIFICATION AND COMPENSATION PLAN FOR THE EMPLOYEES OF THE CITY OF COLUMBIA FOR THE 2011-2012 FISCAL YEAR – PERSONNEL DEPARTMENT.
FIRST CONSIDERATION

Council Member McCullen moved to approve Ordinance No. 3883 on first consideration. Council Member Martin seconded the motion. All Council Members present voted aye with the exception of Vice Mayor Kennedy who abstained.

ORDINANCE NO. 3884 - AN ORDINANCE AMENDING ORDINANCE NUMBERS 3761 AND 3815, AS THEY PERTAIN TO THE FUNDING OF THE PRE-65 AND POST-65 HEALTHCARE INSURANCE BENEFITS FOR THE ELIGIBLE

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RETIREES OF THE CITY OF
COLUMBIA RELATIVE TO THE CITY
OF COLUMBIA’S CONTRIBUTIONS –
FIRST CONSIDERATION CITY RECORDER’S OFFICE.

Mayor Dickey moved to approve Ordinance No. 3884 on first consideration. Council Member Martin seconded the motion. All Council Members present voted aye.

ORDINANCE NO. 3885 - AN ORDINANCE TO AMEND THE CITY
OF COLUMBIA EMPLOYEES’
RETIREMENT PLAN RELATIVE TO
THE CITY’S CONTRIBUTION – CITY
FIRST CONSIDERATION RECORDER’S OFFICE.

Council Member Martin moved to approve Ordinance No. 3885 on first consideration. Council Member Stephenson seconded the motion. Council Member Matthews asked the City Manager to explain why all employees, whether retired or active, are not on the same level. City Manager Boyer deferred the question to the Board of Trustees of the Retirement System. Council Member Martin asked that the City Attorney respond to Council Member Matthews’ question. City Attorney Tisher advised that by Ordinance the retirees get a “COLA” (Cost Of Living Adjustment) increase based upon the CPI index regardless of what happens with active employees’ pay raises. Council Member Matthews said as a body, Council has the ability to change that Ordinance. Council Member Matthews said it is hard for her to give retirees a raise and the active employees unable to get raises by this vote. City Manager Boyer advised this is not giving retirees a raise. Council Member Matthews said they are increasing the retirement contribution, so it is a good time to talk about this. Council Member Matthews advised over the last couple of years active City employees did not receive a raise, but retirees did receive an increase those years by Ordinance. Council Member Matthews said this should have been changed a couple of years ago. Council Member Martin advised the Trustees are attuned to that and are looking at that issue. Council Member Matthews explained that, by an Ordinance, City retirees have been getting an increase in their retirement automatically because the CPI index went up; and Council has the ability to increase or not increase salaries of active

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employees. Council Member Matthews advised there have been years where active employees have not received a raise, but retirees have. Council Member Matthews said this is something they need to adjust. All Council Members present voted aye with the exception of Vice Mayor Kennedy who voted no.

ORDINANCE NO. 3889 - AN ORDINANCE TO AMEND THE FY 2010-11 BUDGET ORDINANCE NO. 3848 AS PREVIOUSLY AMENDED, PROVIDING FOR REVISIONS TO THE GENERAL, NARCOTICS AND VICE AND DEBT SERVICE FUNDS AND ESTABLISH THE DATE OF JUNE 16, 2011 AS THE DATE OF PUBLIC FIRST CONSIDERATION HEARING – FINANCE DEPARTMENT.

Council Member Martin moved to approve Ordinance No. 3889 on first consideration. Council Member Matthews seconded the motion. All Council Members present voted aye.

OTHER BUSINESS:

Council Member Stephenson advised at the last meeting they spoke about a topic and she thinks there may have been some confusion. Council Member Stephenson said she wants everyone to have accurate information. Council Member Stephenson advised that the South Central Tennessee Workforce Alliance has been leasing the Northfield building; and with that lease, they also have a purchase option. Council Member Stephenson said South Central Tennessee Workforce Alliance exercised that purchase option and General Motors accepted it. Council Member Stephenson said they are now waiting for the documentation to be complete and when that happens the Northfield building will be a separate entity from the GM Plant. Council Member Stephenson said Northfield will also build a road that would provide an egress and ingress to campus. Council Member Stephenson said that Columbia Power and Water System was looking ahead to the future. Council Member Stephenson advised that the \$700,000 had nothing to do with GM, it had to do with the Northfield building and the rest of the campus, which is an additional forty acres. Council Member Stephenson

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said they need to make a decision as to if they are going to support that campus and support that project and training center. Council Member Stephenson advised she is concerned about the letter that was presented to Council from Mr. Collier. Council Member Stephenson said CPWS will continue to provide power and fiber optics to the campus, but this letter states they will no longer pursue the water line. Council Member Stephenson advised that CPWS has been providing water to GM for years and the Northfield complex does not care who provides water to them. Council Member Stephenson said when this letter was presented to Council, it cut off the option of CPWS providing the water to Northfield, which means they will pick up that option from Spring Hill. Council Member Stephenson said for years, she has been saying they need to look at what has been going on north of Columbia; and if they continue to ignore the competition, they will be lost in the dust. Council Member Stephenson said she does not believe that GM invested in a new generation engine because they have intentions to “moth ball” the building; she thinks there will be other products in the plant in the future. Council Member Stephenson advised GM has a lot of acreage out there that they may be looking to sell and when they do, Spring Hill is ready to move southward and purchase land to grow and develop jobs for their people. Council Member Stephenson said Spring Hill has a foothold with Crossing Shopping Center and all the sales tax revenue goes to the County and City of Spring Hill. Council Member Stephenson spoke about other things happening in that area and the City paying attention to that area. Council Member Stephenson said economic development, growth, development and jobs have to be a priority for the City. Council Member Stephenson advised they need to really think about what they are doing, because if they cut this option off then they will regret it.

Council Member Matthews said they need to do a balancing act of growth, infrastructure and what they need. Council Member Matthews advised Northfield is not in the city limits and the City only has so much money for infrastructure. Council Member Matthews said sewer lines are needed at Bear Creek Pike; a choice has to be made. Council Member Matthews said if the area is able to be annexed into the city limits, then that is another thing, but she believes the area is in the Spring Hill city limits. Council Member Matthews advised that the citizens of Columbia have done a lot of investment to that area and the City will not see that money coming back.

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Council Member Matthews advised Spring Hill, for years, went without a property tax, had no sewer system and decided not to build one. Council Member Matthews said there are many things that Spring Hill has done to attract people, but they have not had to do the outlay that citizens of Columbia had to do. Council Member Matthews said she wants to spend money in Columbia proper or out by the interstate where City of Columbia sales tax dollars can be collected.

Council Member McCullen asked about a Moment of Silence for Mr. Glenn Hasse. Mayor Dickey responded by saying they should finish the conversation on the current topic first.

Mayor Dickey advised it is easy to talk about things and not get the facts right. Mayor Dickey said Council Member Stephenson did not identify who would own the building. Council Member Stephenson said South Central Tennessee Workforce. Mayor Dickey advised that the State had backed off of this item in November. Mayor Dickey said the Workforce Alliance does not have any assets because it is a non-profit organization, so they cannot own it. Mayor Dickey spoke about whomever the owner is, that they pay the \$700,000 for the transfer of utilities and \$300,000 for electricity. Mayor Dickey said he thinks a training facility is a wonderful idea. Mayor Dickey said, to his knowledge, an owner of the facility has not been identified. Mayor Dickey advised that Mr. Clark said the \$700,000 was not part of the rate increase that he is asking for, but that eventually it would be charged to the citizens of Columbia that are water customers.

Vice Mayor Kennedy asked who was going to build the road for the Northfield facility. Council Member Stephenson advised that she was told that South Central Tennessee Workforce Alliance had a lease with a purchase option and that they would be building the road. Council Member Stephenson said she was given the information by an accurate source and she would not have brought it up if she did not have an accurate source. Mayor Dickey said that is the first time that he has heard who will build the road, in the past he had heard that the State would build the road. Council Member Stephenson said they have every opportunity in the Neapolis area to try and draw some development down so that the City of Columbia can get some jobs and sales tax dollars.

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Council Member Matthew said when GM came in, it was for jobs; and hopefully, Columbia wanted to cash in on that but they settled in Spring Hill. Council Member Matthews said there have been huge changes and there has been a lot of money, from Columbia and from the County, that has benefited Spring Hill and Williamson County more. Council Member Matthews said she is thrilled about jobs and she wants GM back up to where growth comes our way, but growth has to pay for growth.

Council Member Matthews spoke about federal funding being sliced completely for helping communities demolish meth houses. Council Member Matthews said since September 2010, Maury County has had fifteen houses that have been condemned and quarantined due to meth labs. Council Member Matthews advised that only three of those fifteen houses have been completely cleaned as they are supposed to be. Council Member Matthews said Maury County and Columbia have a huge problem. City Manager Boyer advised there is a task force lead by Mark Blackwood that includes the Sheriff, Columbia Police Department, Police Chief, Fire Chief; and they have been meeting to try to figure out a solution. City Manager Boyer said legally, it is the property owner's responsibility. City Manager Boyer advised federally, money has existed to fund the clean-up, but it is not so much the clean-up that is an issue /a problem; it is what you do with the material after you clean it up, because there has to be a place to dispose of the hazardous materials, which is very expensive. City Manager Boyer said the clean up is not the significant cost, it is the disposal once it is all cleaned up that is the significant cost. City Manager Boyer advised that the City's Hazardous Materials Team has been responding and securing houses that the Sheriff's Office and Police Department come across to make sure there are no hazards outside of the house, but that cannot continue either because a solution needs to be found. City Manager Boyer said the task force has been very active and they know there is a problem that needs to be solved. Council Member Matthews said, on a radio program she heard there was talk about a proposal to get a dump for this waste; and the way it sounded, there was talk about a Maury County site for toxic disposal of this type. Council Member Matthews said they talked about that they may have to burn the properties. City Manager Boyer said the Sheriff could burn properties in the County, but they will not be burning properties in the City. Council Member Matthews advised the Sheriff did not say that. Council Member Matthews said it is an option for communities, if they cannot dump

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the hazardous materials. City Manager Boyer advised that it is an air quality problem; it would be a violation of the EPA regulations on air quality. Council Member Matthews asked about getting a presentation on this issue. City Manager Boyer advised when they have a solution, a presentation will be given to Council. City Manager Boyer said there are operational issues, financial issues and where does the stuff go because no one wants it.

Council Member Matthews said there is a new vendor at Westbury House who said she can see that an office upstairs, next door has people that rotate their cars out every three hours. Council Member Matthews advised parking downtown is precious and there needs to be a solution. Council Member Matthews spoke about other facilities that have stickers in their windows. Council Member Matthews said we do have a parking attendant that goes around during the day, but Council needs to make a decision and have a “bite” behind this parking situation. Council Member Matthews said there are vendors that are investing a lot of money in downtown businesses, trying to come in and there is no parking. Council Member Matthews said with all respect, a lot of the downtown employees are from other counties and they are parking and keeping us from making sales tax revenue. Council Member Matthews asked for a discussion on this or a solution to this problem. Council Member Matthews advised there are upset vendors. City Manager Boyer advised he gets complaints all the time from people that move their car and get a ticket, so he is going to ask the parking enforcement officer to go by the Westbury House and get those cars identified. City Manager Boyer said moving a vehicle is already prohibited by the Ordinance. Council Member Matthews asked about raising the fine on the ticket. City Manager Boyer advised Council can raise the fine; it is currently \$6, if it is paid that day, and then it goes to \$26 after that day. City Manager Boyer advised it can be raised, but there has been past reluctance to do so because there are also customers that get tickets. City Manager Boyer said he gets more complaints about tickets that have been written, than over tickets that have not been. City Manager Boyer reminded Council that a couple years ago they changed the time limit on parking, because there were constant complaints from vendors. City Manager Boyer advised there are two sides to this issue and the Parking Ordinance is like the Beer Ordinance, they have talked about the “ying and the yang” of that a number of times. City Manager Boyer said he understands the position and he does

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not disagree with her observation. Council Member Matthews said she has had her share of tickets, but if people are doing what they are suppose to be doing then they would not have a ticket. Council Member Matthews said they need to have the political will to take care of the vendors on Main Street in downtown and the City is not tough enough on things that they need. Council Member Matthews asked that the cars get checked out and she would like to see an attempt at a solution on this. Council Member Martin said there is a downtown group that meets and she would like some input from them as well. Vice Mayor Kennedy asked if there is something in the Ordinance that says, if you park here for the limited time and then move the vehicle to another parking area, you can still get a ticket since we took down their tag number. City Manager Boyer said they can still get a ticket because that is what the Ordinance says. City Manager Boyer advised the parking enforcement officer goes around and writes down the tags of everyone that parks their vehicle; and when he goes around the next time if the tag has been moved to another parking place, then that vehicle gets a ticket. Vice Mayor Kennedy asked what happens if it is a customer's vehicle. City Manager Boyer advised the Ordinance applies to everyone equally, it does not matter who it is. Council Member Matthews spoke about how much revenue is being lost when employees are taking parking spots. Council Member Matthews spoke about stickers for the vehicles of employees that work downtown.

Council Member Matthews said on Tuesday night, they went to the Police Officer Memorial. Council Member Matthews said in 2008, there was a vote about the naming of a bridge on Trotwood Avenue and it had gone to Marshall Ledbetter Senior. Council Member Matthews advised at that time they had spoken about Larry Whitwell, because they were trying to get his name on the bridge on Trotwood Avenue. Council Member Matthews reminded Council that they were told that it was not a city bridge so they could not name it the Larry Whitwell Bridge. Council Member Matthews said they had talked about naming the Riverside Bridge, if it was not already named the Larry Whitwell Bridge. Council Member Matthews asked about revisiting the topic of naming that bridge, if it has not already been named. City Manager Boyer asked if they would prefer to wait to do that when the bridge is done. Council Member Matthews advised the signs do not have to go up until it is done, but she would like to go ahead and get it done.

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City Manager Boyer advised the City Employee Picnic is Saturday at 11:00 a.m. at the shelter in Woodland Park. City Manager Boyer reminded everyone about the Study Session on Monday at 5:30 p.m. for the purpose of reviewing the City's Health Insurance Program and making decisions about its future. City Manager Boyer advised at their desk is an email that gives the funeral arrangements for Mr. Hasse.

PUBLIC COMMENTS:

Mr. Tim Yeager of Riverside said the City Personnel Director Connie Etzkin provided him with the following information at his request. Mr. Yeager said the City Attorney was granted a three-year contract in June of 2008 and his contract will expire this year. Mr. Yeager advised there are no provisions for evaluation or contract renewal. Mr. Yeager said Mr. Tisher is a contracted attorney and his three-year contract ends next month. Mr. Yeager advised Mr. Tisher is contracted by the City of Columbia to provide legal services for \$17,000 a month or \$204,000 a year. Mr. Yeager went over some of the legal services. Mr. Yeager said there is a requirement that the City Attorney is to direct the management of all litigations that the City is involved in. Mr. Yeager said he lives daily with Mr. Tisher's management of the litigation procedures. Mr. Yeager said as far as he can tell, there are no records of billable hours kept for city work, no safe guard or checks and balances. Mr. Yeager advised he asked Mr. Tisher's Office what percentage of his work load was attributable to the City and he did not get an answer. Mr. Yeager spoke about no standards, no accountability inventory, no way to get an ROI (return of investment) and the City not having a method to evaluate the conduct of the City Attorney that he can find. Mr. Yeager said the Personnel Director does not have a public record of any evaluation critique of Mr. Tisher's professional association with the City for the almost entire ten years that he has been City Attorney. Mr. Yeager said the City Attorney is not required to be at all board meetings, but he will attend if requested by officials. Mr. Yeager advised Mr. Tisher was in attendance and offered legal services on December 6, 2010 when the Board of Zoning Appeals overturned the recommendations of the Grants and Planning Director Norman Wright resulting in the continuation of detrimental rental property activity at the rental properties of interest that were discussed that day at the meeting. Mr. Yeager said one of the houses that was discussed was 111 Second Avenue in Riverside, which is the

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property that Council Member Matthews spoke about earlier. Mr. Yeager said the property owner of the detrimental, rental properties is appealing the decisions that he received at the meeting. Mr. Yeager advised he has made a personal study of the administrative remedies offered by the City when a citizen is adversely affected by a city official's decision in regard to offenses committed by a large land holder, residential rental businesses and corporations. Mr. Yeager said the venues he studied, included Housing Board of Appeals, two City Court events and the Board of Zoning Appeals. Mr. Yeager said in his case, the Housing Board of Appeals was a "kangaroo court," in which the Chairman told him he could make his speech if he wanted to, but first he had to comply with the alleged code violation. Mr. Yeager continued by saying, he was in the middle of an active civil disobedience in which he was stating that he does not recognize the criteria used by Code Enforcement Administration handling of this case; meaning he thought the case was "bogus". Mr. Yeager said he thinks the Chairman did not understand his point and it has continued to go on and he has not had satisfaction with this; and in return, he was told that it is the opinion of the City Attorney that they should not go any further with this. Mr. Yeager spoke about how he trusts Norman Wright and spoke about conflicts of interest with members of the Board of Zoning Appeals. Mr. Yeager continued to talk about some court cases. Mr. Yeager said he is opposed to the renewal of Mr. Tisher's contract, if he is intending to renew his contract. Mr. Yeager said he would like an evaluation, if they are going to go through that. Mr. Yeager again said he is recommending that Council not renew his contract and offer the position to other applicants who have a sense of social responsibilities. Mr. Yeager said if there are any public proceedings concerning the renewal of Mr. Tisher's contract, he wants to be notified and he wants to testify specifically on many other points that he has knowledge of that have affected him adversely.

There being no further business Council Member McCullen moved to adjourn the meeting. The meeting adjourned at 7:40 p.m.

APPROVED:

DEAN DICKEY, MAYOR

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ATTEST:

BETTY MODRALL, CITY RECORDER