

CITY COUNCIL MEETING – COLUMBIA, TENNESSEE

January 15, 2009 – 6:30 p.m.

PUBLIC HEARING - ON ORDINANCE NO. 3782 – AN ORDINANCE TO AMEND ORDINANCE NO. 3638, THE SAME BEING THE ZONING ORDINANCE OF THE CITY OF COLUMBIA, BY REZONING PROPERTY LOCATED ON THE NORTHEAST CORNER OF WEST 8TH AND HASTINGS STREETS FROM MCD (MIXED USE COMMERCIAL SERVICE) DISTRICT TO RM-2 (HIGH DENSITY RESIDENTIAL) DISTRICT PUD (PLANNED UNIT DEVELOPMENT).

Mayor William E. Gentner called the Public Hearing to order, pursuant to proper public notice having been given. Present were Mayor William E. Gentner, Council Members, Carl McCullen, Debbie Matthews, Christa Martin, Dean Dickey and Susan Stephenson; City Manager Paul C. Boyer, Jr.; City Attorney Tim Tisher; Betty Modrall, City Recorder; and Wendy Crumley, Recording Secretary. Vice Mayor Kennedy was absent during the public hearing.

Council Member Stephenson 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. City Recorder Betty Modrall called the roll. Present were Mayor William E. Gentner. Council Members, Carl McCullen, Debbie Matthews, Christa Martin, Dean Dickey and Susan Stephenson; City Manager Paul C. Boyer, Jr.; City Attorney Tim Tisher; Betty Modrall, City Recorder; and Wendy Crumley, Recording Secretary. Vice Mayor Kennedy arrived after roll call.

Reverend Georgina Bearden offered the invocation followed by the Pledge of Allegiance led by Council Member Stephenson.

APPROVAL OF AGENDA:

Council Member McCullen motioned to approve the Agenda, with a second from Council Member Matthews All Council Members present voted aye.

PRESENTATIONS:

Item 5.1 – Mayor Gentner read a proclamation, signed by City Council, declaring May 1, 2009 as Silver Star Banner Day. Silver Star Families of America, SSFOA, is a non-profit organization dedicated to supporting and assisting the wounded and ill and their families of all branches of service and all wars. A Silver Star Banner and/or flag will be displayed in recognition of Silver Star Banner Day.

Item 5.2 – Jim Clark, Cindy Layne and Doug Burgess from Columbia Power & Water Systems made a presentation regarding the increase in electric rates. Mr. Clark stated that the main culprit in the rising cost is the increase in fuel costs. Electric rates are also affected by rising costs of natural gas and coal. TVA services parts of seven states, with 9 million customers. Their rates are comparable to other electric providers and often cheaper. Ms. Layne stated that electric rates are also affected by the weather. The power company refers to this as “heating degree days”, where the base of 65° is used. For example, if the temperature outside is 45°, then it will take more energy to heat the house up to 65°. Ms. Layne also informed everyone there is a home energy survey available on the CPWS website. The information that is entered will generate a report from TVA telling the customer what

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they can do to lower their bill. CPWS also offers “budget billing”, where the customer bill remains the same for 11 months and the 12th month includes an adjustment for the actual cost throughout the year. CPWS also permits customers to add \$1.00 a month to their payments to help those in need with their electric bills. This program is operated through the Family Center and 170 families were helped during 2008. Council Member Matthews stated that a solution is needed. Every year since 2002, there has been an increase in the electric rates. The increase in electric rates is having an adverse effect on families; people have to choose between car payments and electric bills. Council Member Matthews urged Mr. Clark and others at CPWS to come up with budget cuts to provide savings that could be passed onto the consumer. Council Member Martin stated she has received several phone calls from residents in her ward. There needs to be some assistance program, either locally or otherwise. Vice Mayor Kennedy had questions regarding why CPWS rates are more expensive than Murfreesboro. Mr. Clark stated Murfreesboro rates are lower because they have more customers per mile than CPWS. CPWS is considered a co-op, which has a large service area but fewer people in that area. Council Member Stephenson stated she was concerned about rates being increased due to the ash accident in East Tennessee. Mr. Clark stated he seen no concern with this; the places affected by that have insurance to take care of such matters. Mayor Gentner asked questions regarding the online survey and how it works. He also asked Mr. Clark to name some ways people can save money on their electric bill without having to spend a fortune. Mr. Clark stated that covering up windows and other areas where air escapes can save money. Mayor Gentner stated that the City’s budget process will be taking place starting in March; this will be a good time to address the situation more in-depth to see if there is something the City can do to help its residents. Council Member Dickey stated that educational programs could be used to inform the public as to how they can cut down their costs for heating and cooling. Mr. Clark stated that CPWS paid for an energy guru to come to Columbia State last year. The program cost over \$2,000 and only 25 people attended. Council Member Stephenson asked if it could be arranged where builders/contractors would be available to consult with homeowners and show them things they can do to insulate their homes better. Council Member Matthews asked about contracting for meter readers and what that costs CPWS. Mr. Clark stated they will be phasing the need for that service out over the next five years by having interactive meters installed where

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everything can be done electronically unless there is a problem with the meter. In those cases, an employee would be sent out to the home. Mayor Gentner thanked Mr. Clark, Ms. Layne and Mr. Burgess for their time and presentation.

Item 5.3 – Mr. Lee Walton, from MACTEC, spoke to the City Council about Neighborhood Stabilization Program at the request of Mr. Boyer. This is a federally-funded program which was approved during the summer of 2008 in response to the housing crisis. This program reestablishes neighborhoods that have been hardest hit with foreclosures by making improvements within that neighborhood. Tennessee currently has \$49 million allocated for this program, which does not include funds that are separately allocated for the larger metro areas. The state allocates funds to qualified projects within areas identified by the Department of Housing & Urban Development (HUD). Mr. Walton recommended that a Structure Action Plan be developed; City staff and Housing Authority representatives should meet jointly to discuss appropriate neighborhood areas and prepare the proposals and grant applications. This could dovetail with the Comprehensive Plan, which is currently in the works. Public involvement would also be encouraged during this process. Mayor Gentner asked if the program requires matching funds. Mr. Walton stated that it currently does not; however, some details are still forthcoming. Council Member Matthews asked what participation in this project would cost the City. Mr. Walton stated it would cost between \$10,000 and \$20,000 as an addition to the Comprehensive Plan. Council Member Martin asked Mr. Boyer whether this project would be something the Council could push to the top of their “to do” list. Mr. Boyer stated that there are several projects on the table that Council wishes to participate in; however, not all of them are feasible at this time. Mr. Boyer asked council members to take some time and decide what studies and projects they want to participate in; keeping in mind that revenues for the City have not been declining but neither are they growing. Council Member Martin asked Mr. Boyer to provide council with an executive summary of projects and studies that are currently on the board. Council Member Stephenson asked if there is potential for funding in future years. Mr. Walton stated that he is not sure and he believes this is a one-time allocation; however, it could be reauthorized. Council Member Matthews stated that she has concerns if this is a one-time event and that we

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need to take advantage of the program now, as rejuvenation of older neighborhoods is desperately needed.

Item 5.4 – Trent Ogilvie, Executive Director of the Columbia Housing Authority, presented Council with their 2008 Annual Report and Strategic Plan. Mr. Ogilvie went over the report with Council, discussing their strategic plans, ongoing projects, etc. Mr. Ogilvie stated their motto is, “Making Change Happen, Impacting Communities and Lives”. All Council Members, Vice Mayor and Mayor thanked Mr. Ogilvie for his presentation and the excellent work his organization does within our community.

ORGANIZATIONAL BUSINESS:

Item 6.1 – Council Member Stephenson moved to approve the Minutes of the January 8, 2009 City Council Meeting. Vice Mayor Kennedy seconded the motion.

Item 6.2 – Vice Mayor moved to approve the retirement benefits for Larry Tarkington, Equipment Operator in Public Works. Council Member Stephenson seconded the motion. All Council Members present voted aye.

CONSENT AGENDA:

Mayor Gentner asked that Item 7.2, Acceptance of the Railroad and Utility Ad Valorem Assessments for the Tax Year 2008, be removed from the Consent Agenda. Council Member Martin moved to approve the Consent Agenda with Items 7.1 and 7.3. Council Member Matthews seconded the motion. All Council Members present voted aye and the following items were approved:

1. Disbursements for the month of December 2008 in the amount of \$6,322,056.84.
3. Authorization to dispose of surplus City property – Finance Department.

Item 7.2 - Council Member Martin made a motion to accept the 2008 Railroad and Utility Ad Valorem Assessments in the amount of \$16,962,701.00 with the City accepting Union Tank Car Company's

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payment of taxes only on the undisputed amount, and allow 45 days without penalty and interest through March 1, 2009.

RESOLUTIONS:

RESOLUTION NO. 09-01 - A RESOLUTION TO ACCEPT FOR OWNERSHIP AND MAINTENANCE THE SEWER IMPROVEMENTS SERVING TIMBERLAND ESTATES SUBDIVISION, SECTION 5 – WASTEWATER DEPARTMENT.

Council Member Stephenson moved to approve Resolution No. 09-01. Vice Mayor Kennedy seconded the motion. All Council Members presents voted aye.

RESOLUTION NO. 09-03 - TAX CORRECTIONS – CITY RECORDER’S OFFICE.

Council Member Dickey moved to approve Resolution No. 09-03. Council Member Martin seconded the motion. All Council Members presents voted aye.

RESOLUTION NO. 09-04 - A RESOLUTION ACCEPTING A FRED’S DEPARTMENT STORE DONATION IN THE AMOUNT OF \$338.10 TO BE USED FOR THE PUBLIC EDUCATION PROGRAM – FIRE DEPARTMENT.

Vice Mayor Kennedy moved to approve Resolution No. 09-04. Council Member Stephenson seconded the motion. All Council Members presents voted aye.

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ORDINANCES:

ORDINANCE NO. 3782 - AN ORDINANCE TO AMEND ORDINANCE NO. 3638, THE SAME BEING THE ZONING ORDINANCE OF THE CITY OF COLUMBIA, BY REZONING PROPERTY LOCATED ON THE NORTHEAST CORNER OF WEST 8TH AND HASTINGS STREETS FROM MCD (MIXED USE COMMERCIAL SERVICE) DISTRICT TO RM-2 (HIGH DENSITY RESIDENTIAL) DISTRICT PUD (PLANNED UNIT DEVELOPMENT)

THIRD CONSIDERATION – GRANTS AND PLANNING DEPARTMENT.

Council Member Matthews moved to approve Ordinance No. 3782 on third consideration. Council Member Dickey seconded the motion. All Council Members present voted aye, with the exception of Council Member Stephenson who abstained.

ORDINANCE NO. 3784 - AN ORDINANCE PROVIDING FOR THE COLLECTION OF 2007 DELINQUENT PROPERTY TAXES – CITY

SECOND CONSIDERATION RECORDER’S OFFICE

Vice Mayor Kennedy moved to approve Ordinance No. 3784 on second consideration. Council Member Martin seconded the motion. All Council Members present voted aye.

ORDINANCE NO. 3785 - AN ORDINANCE PROVIDING FOR THE COLLECTION OF 2007 DELINQUENT PERSONAL PROPERTY TAXES – CITY

SECOND CONSIDERATION RECORDER’S OFFICE

Council Member Dickey moved to approve Ordinance No. 3785 on second consideration. Council Member Matthews seconded the motion. All Council Members present voted aye.

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ORDINANCE NO. 3786 - AN ORDINANCE PROVIDING FOR THE COLLECTION OF 2007 DELINQUENT SPECIAL ASSESSMENTS – CITY
SECOND CONSIDERATION RECORDER’S OFFICE

Vice Mayor Kennedy moved to approve Ordinance No. 3786 on second consideration. Council Member Martin seconded the motion. All Council Members present voted aye.

ORDINANCE NO. 3789 - AN ORDINANCE TO AMEND ORDINANCE NO. 3638, THE SAME BEING THE ZONING ORDINANCE OF THE CITY OF COLUMBIA, BY REZONING 211 DEPOT STREET FROM I-G (INDUSTRIAL GENERAL) TO MRC (MIXED RESIDENTIAL COMMERCIAL) -GRANTS AND PLANNING

SECOND CONSIDERATION DEPARTMENT

Council Member Matthews moved to approve Ordinance No. 3789 on second consideration. Council Member McCullen seconded the motion. All Council Members present voted aye, with the exception of Council Member Stephenson who abstained. Mayor Gentner referred a question regarding the ordinance itself to either Mr. Boyer or Mr. Tisher. Section 4 states, “The proposed rezoning is in agreement with the general plan and any applicable local area plan”. Does this request meet that criteria? Mr. Boyer stated the Planning Director indicates it does. Mr. Tisher stated, “I think your specific question was concerning, because you asked me about this the other day, concerning the nature of the other properties around it. Is that what you are talking about”? Mayor Gentner replied, “Yes”. Mr. Tisher asked, “The fact that this is not, this zoning is not meeting the exact zoning criteria of the other properties around it?”. Mayor Gentner replied, “Correct”. Mr. Tisher stated, “And a concern of the possible spot zoning like the other situation, like the next ordinance that is coming up, is that”. Mayor Gentner replied, “Yes”. Mr. Tisher stated, “I think you are okay for the same reasons that we talked about on the other ordinance that’s coming up next, when we had the discussion the other day about looking at the various factors for the two cases that we discussed the other day, as well as the Attorney General ruling

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concerning the uses now, granted this particular use that is being sought is not per se specifically consistent with the existing uses that are in the area but it is not a detrimental use to the other adjoining properties and this particular zoning request also is being made contiguous to and a contribution of this particular zoning if you will look at the way the request is configured”. Mr. Boyer stated, “I don’t have to understand this because Criteria A talks about spot zoning, it asks council to affirm that the rezoning complies with the Comprehensive Plan. The question was not about spot zoning as I interpret it, I’m sorry, and I don’t believe the Planning Director interpreted it that way either”. Mr. Tisher stated, “No, but I think that’s what the Mayor was asking me, because he asked me this question the other day”. Council Member Matthews stated she does not feel this is a spot zoning issue. Mayor Gentner disagreed stating that situations are created and that if we were not including the street in the rezoning, this would be spot zoning. Mr. Holderfield, Planning Director, stated there is a test for spot zoning. Is the rezoning is benefiting one person or group, or is it benefiting the community? This rezoning is benefiting the community. This area has been zoned IG since 1948 because of the railroad; however, the railroad is not in use. Several pieces of land in this area need to be rezoned and reconsidered in the future for development. Mayor Gentner asked if the Comprehensive Plan, which is being worked on, addresses the point made. Mr. Holderfield stated he could not answer that, as he has not seen the plan. Mayor Gentner then asked Council Members Matthews and McCullen, since they are both involved in the process. Council Member Matthews stated there are warehouses in this area that are not being used. Council service requests are filled out regularly for this area concerning graffiti, mowing...etc. This rezoning is not isolating this one area; it is connecting it to another MRC area. Mr. Tisher reiterated the definition of spot zoning. Spot zoning is the process of singling out a small parcel of land for use classification totally different from that of the surrounding area for the benefit for the owner of that property and to the detriment of other property owners. He emphasized the word “and” in the definition. Both of these criteria have to be met to be considered spot zoning. In this situation, neither the “detriment” nor the “benefit of just the owner” has been satisfied. The existing zoning is also being tied into. Mr. Boyer stated historically Columbia has become a patchwork of zoning, especially in the older areas of town. Residential, bars, warehouses...etc, all in the same area. This area of town is dead, there is nothing happening there and we need to be open to change and let people

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come in and change the problem areas by investing and changing. Land uses will change and we need to be open to that. Council Member Martin stated she is concerned about the spot zoning situation. At the Study Session, court cases were brought forward by the City Attorney that reference spot zoning. Council Member Martin asked Mr. Tisher to speak to the dates and times in the lawsuits. Mr. Tisher stated the Rutherford County case referred to was heard in July 2002, and the application for permission to appeal was denied in March 2003. The most recent case was heard in February 2007, the decision came down in April 2007, and then the application for permission to appeal to the Supreme Court was denied in December 2007. Mr. Tisher stated this initial application to TDOT dates back to 1998.

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 FEBRUARY 19, 2009 AS THE DATE OF THE PUBLIC HEARING ON THE ANNEXATION AND PLAN OF SERVICES – GRANTS AND FIRST CONSIDERATION PLANNING DEPARTMENT.

Vice Mayor Kennedy moved to defer Ordinance No. 3721 on first consideration. Council Member Dickey seconded the motion. All Council Members present voted aye. Mr. Boyer asked if there was any reason, Council could not table this ordinance until the Comprehensive Plan comes before them. Mr. Tisher stated once an item has already been considered, it either has to be denied or deferred.

ORDINANCE NO. 3722 - AN ORDINANCE TO AMEND ORDINANCE NO. 3638 – THE SAME BEING THE ZONING ORDINANCE OF THE CITY OF COLUMBIA, TO ZONE PROPERTY BEING ANNEXED BY ORDINANCE NO. 3721 KNOWN AS WINDY HILL FARM LOCATED ON THE SOUTH SIDE OF CAMPBELLSVILLE

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PIKE CONTAINING 131.89 ACRES TO R-10 PLANNED UNIT DEVELOPMENT AND ESTABLISH THE DATE OF FEBRUARY 19, 2009 AS THE DATE OF THE PUBLIC HEARING – GRANTS AND PLANNING DEPARTMENT.

FIRST CONSIDERATION

Vice Mayor Kennedy motioned to defer Ordinance No. 3722 on first consideration. Council Member Matthews seconded the motion. All Council members present voted aye.

ORDINANCE NO. 3783 - AN ORDINANCE TO AMEND ORDINANCE NO. 3638, THE SAME BEING THE ZONING ORDINANCE OF THE CITY OF COLUMBIA, BY REZONING 2013 AND 2015 SOUTH MAIN STREET FROM MCD (MIXED COMMERCIAL SERVICES DISTRICT) TO RS-6 (MEDIUM DENSITY RESIDENTIAL DISTRICT) AND ESTABLISH THE DATE OF FEBRUARY 19, 2009 AS THE DATE OF THE PUBLIC HEARING – GRANTS AND PLANNING DEPARTMENT

FIRST CONSIDERATION

Vice Mayor Kennedy motioned to defer Ordinance No. 3783 on first consideration. Council Member Matthews seconded the motion to hear discussion. Vice Mayor Kennedy stated he has no problem with the request itself; however, he would like to make sure Mr. Thomas, the applicant, is aware how much moving the house to this property will cost and that the City will not be responsible for any of the cost. Vice Mayor Kennedy requested that Mr. Thomas attend the February 5, 2009 meeting. Other Council Members asked if Mr. Thomas had indicated he was under the impression the City would help with the cost. Vice Mayor Kennedy stated he had not and he asked Council Member Matthews to contact Mr. Thomas concerning this matter. Mr. Boyer stated staff will contact Mr. Thomas and ask him to be present at the next Council meeting. The motion to defer

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passed with a 4 to 3 vote, with Council Members Dickey, Matthews and Mayor Gentner voting no.

ORDINANCE NO. 3793 - AN ORDINANCE TO AMEND THE CITY
OF COLUMBIA, TENNESSEE
FIRST CONSIDERATION EMPLOYEES' RETIREMENT PLAN

Council Member Martin moved to approve the first consideration of Ordinance No. 3793. Council Member Dickey seconded the motion. All Council Members present voted aye.

OTHER BUSINESS:

Council Member McCullen stated that Frederick Bray, his nominee for the Stormwater Advisory Committee, will serve on the committee. Mayor Gentner stated the appointment will be on the next agenda.

Council Member Matthews stated Maury County and the City of Columbia need to get their mindset on “going green”. We are on the threshold of a new time and we need to be poised and ready. Council Member Matthews also discussed grant situations with the City Manager. She urged the community to be ready for all potential grants. There is also a concern with a new hot dog vendor on the square. There is already one hot dog vendor present and businesses around the square are expressing concern that traffic is being impaired, parking spaces being blocked, etc. She asked if there should be a limit to how many vendors are allowed on the square, whether they should be required to reapply every year, etc. There are several questions that need to be addressed concerning this situation.

Council Member Martin informed everyone of several celebrations occurring in honor of Martin Luther King. In reference to the vendor situation, Council Member Martin asked Mr. Boyer for an update. Mr. Boyer stated he was not aware of any problems until earlier this afternoon. Neither vendor is impeding traffic or taking up parking spaces. These are walk-up vendors, not drive-ups. He said that the Police Department could be asked to watch for a problem with traffic. Council Member Martin stated this issue needs to be dealt with before major problems occur.

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Council Member Dickey asked for an update on Ridley Park. Mr. Tisher stated one agreement has been signed and is in hand, the other is still awaiting signatures. Council Member Dickey asked what the timeline is with Riverwalk. Mr. Boyer stated the City is in negotiations with three property owners to gain rights-of-way, and it would depend on how long that takes as to when the project will be completed.

Council Member Stephenson requested a copy of the first letter sent regarding the situation in Council Member Dickey's ward. (Mayor gave her a copy). Also, the Alliance Project has expanded significantly, she would like clarification on what this means.

Vice Mayor Kennedy stated the Ridley Park situation needs to be taken care of, the same answer has been given over and over. Also, he is a frequent visitor to Jim Bob, the hot dog vendor; there have never been any problems. This stand was approved by the City and Jim Bob has met all the requirements and codes.

Mayor Gentner stated a good point was made by Council Member Matthews concerning whether the number of vendors on the square, etc, could be regulated by the City. This area of concern will be looked into. Also, the Maury Alliance gave a report through Dr. Penn on the Economic Assessment of our County on August 12th at First United Methodist Church. There have been several meetings to move forward and address the points that Dr. Penn made at that time. He looked at a draft of the 2009 Work Program by Maury Alliance. All four governments, the Maury Alliance, the Director of Schools, the Director of the South Central Workforce Development Board and the City Manager met to look at Mr. Tamberrino's recommendations. A strategy, along with a series of action plans, will address training. Before the plan is brought back to the City Council, the types of training that boys and girls receive before they are put into the workforce will be reviewed. This will put into effect a program to address present and future needs regarding children and adults being ready to be placed in the workforce. The City does not have an educational component under its government; however, the County does have one in place. Hopefully, a draft document will be shared next month.

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Council Member McCullen stated he is a representative on the Power Board and if there is anything that council members would like taken to the Board, he will be glad to represent them.

Council Member Matthews asked if being involved with this program would exclude us from Maury Alliance, budget-wise. Mr. Boyer stated Maury Alliance is not leading this project.

Council Member Stephenson asked if Mr. Boyer and the Mayor were the only City representatives present at the meeting. Mayor Gentner stated yes, it was done intentionally to keep everything running smoothly during the meeting stages; however, Council will have a say in the matter as it progresses. Council Member Stephenson asked who is spearheading this project. Mayor Gentner stated he was in charge of the project.

There being no further business the meeting adjourned at 9:30 p.m.

APPROVED:

WILLIAM E. GENTNER, MAYOR

ATTEST:

BETTY MODRALL, CITY RECORDER