

CITY COUNCIL MEETING – COLUMBIA, TENNESSEE

December 17, 2009 – 6:30 p.m.

PUBLIC HEARING - ON ORDINANCE NO. 3826 – AN ORDINANCE TO AMEND ORDINANCE NO. 3638 – THE SAME BEING THE ZONING ORDINANCE OF THE CITY OF COLUMBIA, BY REZONING 1.21 ACRE TRACT OFF OF PARK PLUS DRIVE FROM RS-40 (LOW DENSITY RESIDENTIAL) TO I-R (RESTRICTIVE INDUSTRIAL).

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

Mr. Jim Webb advised he is present representing Mr. Gilliam who owns the land. Mr. Webb said Mr. Gilliam owned all of Elm Springs at one point and sold most of it to the Sons of the Confederate Veterans. Mr. Webb informed Council that Mr. Gilliam kept a 9.21 acre tract but the Sons of the Confederate Veterans asked to purchase an additional 8 acres. Mr. Webb advised Mr. Gilliam made a deal with the Sons of the Confederate Veterans that they would not oppose any type of rezoning. Mr. Webb said Mr. Gilliam does want to put a building on the tract at some point. Mr. Webb advised that a sewer easement has been reserved. Mr. Webb said the plans show what can go on the property and the size of the building that can go on the property. Council Member Martin moved to close the Public Hearing on Ordinance No. 3826. Council Member Matthews seconded the motion. All Council Members present voted aye.

APPROVED:

DEAN DICKEY, 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. Assistant City Recorder Sue York called the roll. Present were Mayor William E. Gentner, Vice Mayor Wayne Kennedy, Council Members Carl McCullen, Debbie Matthews, Christa Martin and Susan Stephenson; City Manager Paul C. Boyer, Jr.; City Attorney Tim Tisher; Assistant City Recorder Sue York; and Liz Bermudez, Recording Secretary. Council Member Dean Dickey and City Recorder Betty Modrall were absent.

Council Member McCullen offered the invocation followed by the Pledge of Allegiance led by Vice Mayor Kennedy.

APPROVAL OF AGENDA:

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

PRESENTATION:

Item 5.1 – **PRESENTATION OF A PROCLAMATION TO COLUMBIA CENTRAL HIGH SCHOOL LIONS FOOTBALL COACHES.** Mayor Gentner asked Coach Belew and his staff to come forward. Coach Belew introduced Rick Sykes, Tom Turchetta, Howard Stone, Wes Duncan, and Orlando Cox. Mayor Gentner read the Proclamation and proclaimed December 17, 2009 as Columbia Central High School Lions Football Day in Columbia, Tennessee. Coach Belew said they have outstanding people in their organization and that is what has made the Lions' achievements possible. Coach Belew thanked the Mayor and Council Members for tonight. Coach Belew also thanked the Mayor and Members of Council that have made it to Central's football games because the players did make note of their presence.

ORGANIZATIONAL BUSINESS:

Item 6.1 – **MINUTES OF THE REGULAR CITY COUNCIL MEETING OF DECEMBER 3, 2009.** Council Member Martin moved to approve the Minutes of the December 3, 2009 Council Meeting. Council

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Member Matthews seconded the motion. All Council Members present voted aye.

Item 6.2 - RATIFICATION OF MAYOR'S APPOINTMENT OF MR. TOMMY LOGUE TO THE CIVIL SERVICE BOARD FOR A SIX-YEAR TERM EFFECTIVE DECEMBER 21, 2009. Mayor Gentner moved to approve the appointment of Mr. Logue to the Civil Service Board for a six-year term effective December 21, 2009. Vice Mayor Kennedy seconded the motion. Council Member Stephenson spoke about term limits needing to be consistent. Council Member Stephenson said if you are going to do one thing for one board/commission than you need to do it for all of them. Council Member Stephenson said she understands that the various boards/commissions have different term lengths, but her concern is they have presented a double standard when they are selective with term limits from individual to individual. Council Member Stephenson reminded Council that they previously ratified Mr. Campbell for the Planning Commission for another four-year term. Council Member Stephenson advised that Mr. Campbell had been on the Planning Commission for twenty years and if he serves out the additional four-year term, he would have served on the Planning Commission for twenty-four years. Council Member Stephenson said they have a situation where Mr. Potts has served two terms on the Civil Service Board. Council Member Stephenson said she believes in term limits and it concerns her when the same standards are not applied to the nominees and ratifications. Council Member Matthews advised she has had emails from other members of the Civil Service Board about the two people that have been removed from the Board and not asked back. Council Member Matthews said the two people that have been removed have been leaders and have been among the hardest working members of the Civil Service Board. Council Member Matthews said Mr. Potts gave extra time over and above everyone else. Council Member Matthews advised the other members of the Civil Service Board do not understand what is going on. Council Member Matthews asked the Mayor why he is making the change. Council Member Matthews said she would like to know more about Mr. Logue. Council Member Matthews said she wishes Mr. Dickey were there tonight for his feedback because the members would be serving under his Mayor's status. Mayor Gentner said there are no set term limits for the principal boards/commissions; it is the prerogative of the Mayor. Mayor Gentner said until an Ordinance is passed he has the

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ability to make the appointments. Mayor Gentner said if Council wants to set term limits then that is fine. Mayor Gentner advised no Mayor before him has ever had to address term limits; that is why it is appropriate for him to put on the boards people that he feels are important and can lead the board in an effective way. Mayor Gentner said Mr. Logue has been a former Member of Council, served a term on the Planning Commission and is currently on the Maury County Civil Service Board. Mayor Gentner advised that he had asked Mr. Logue if he would resign from the County Civil Service Board if he is approved for this appointment. Mayor Gentner said Mr. Logue advised him that he would resign from the County Civil Service Board. Mayor Gentner urged Council's approval of Mr. Logue. Council Member Matthews said she has gone with the Mayor on his appointments to this point but tonight she will vote against this. Council Member Matthews advised she is not voting against Mr. Logue per say, but voting in favor of the service Mr. Potts has shown the Civil Service Board. Council Member Stephenson asked if Mr. Potts indicated if he wants to come off the Civil Service Board. Mayor Gentner said no. Mayor Gentner said he has tried in various cases to accommodate Members of Council's concerns. Mayor Gentner said he has tried to balance the process and in the absence of legislation passed by the Council it is his decision to make and he thinks he is making the right decision in this case and has made the right decision in the previous cases. All Council Members present voted aye with the exception of Council Members Martin, Matthews and Stephenson who voted no. Motion failed.

Item 6.3 - CONSIDERATION OF RETIREMENT BENEFITS FOR DONALD MARTIN, CHIEF, FIRE DEPARTMENT – PERSONNEL DEPARTMENT. Council Member Stephenson moved to approve the retirement benefits for Chief Martin. Council Member Martin seconded the motion. All Council Members present voted aye.

Item 6.4 - CONSIDERATION OF RETIREMENT BENEFITS FOR GWENDOLYN DUGGER, EXECUTIVE SECRETARY, CODE ADMINISTRATION DEPARTMENT – PERSONNEL DEPARTMENT. Council Member Martin moved to approve the retirement benefits for Mrs. Dugger. Council Member Stephenson seconded the motion. All Council Members present voted aye.

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CONSENT AGENDA:

Mayor Gentner advised he was asked to remove Item 7.3 from the Consent Agenda. Council Member McCullen moved to approve the Consent Agenda with the exception of Item 7.3. Council Member Martin seconded the motion. All Council Members present voted aye and the following items were approved:

1. Disbursements for the month of November 2009 in the amount of \$4,156,366.91.
2. Acceptance of the City of Columbia Comprehensive Annual Financial Report for the fiscal year ended June 30, 2009 – Finance Department.
4. Bid award for pest control services – Finance Department.
5. Approval of service agreement with Coleman Technologies, Inc. – MIS Department.
6. Bid award for aerial platform lift truck – Public Works Department.
7. Ratification of agreement with South Central Tennessee Workforce Alliance for On-the-Job Training Contract – Police Department.

Item 7.3 – CONSIDER AUTHORIZING A GRANT APPLICATION TO THE ENERGY POLICY OFFICE OF TENNESSEE DEPARTMENT OF ECONOMIC AND COMMUNITY DEVELOPMENT (ECD) FOR THE ENERGY EFFICIENCY AND CONSERVATION BLOCK GRANT – CODE ADMINISTRATION DEPARTMENT. Council Member Martin moved to approve the grant application. Council Member Matthews seconded the motion. Council Member Martin said she asked to have this item pulled from the Consent Agenda because of calls she has received about the grant and its impact on the job opportunities in the City of Columbia. Council Member Martin asked the City Manager to speak about the grant information and whether it will have an impact on allowing for additional jobs in Columbia. City Manager Boyer said the grant is part of President Obama’s Economic Stimulus Program and as such the intent is to encourage energy efficiency but also create jobs throughout the United States. City Manager Boyer said whether it specifically creates jobs in Columbia would remain to be seen because any work that is performed would be contracted out and who works

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for that contractor is up to the contractor. Council Member Martin said the grant will allow the contract to be bid out and people will get jobs from that. City Manager Boyer advised that is correct. All Council Members present voted aye.

RESOLUTIONS:

RESOLUTION NO. 09-61 - TAX CORRECTIONS – CITY RECORDER’S OFFICE.

Council Member Martin moved to approve Resolution No. 09-61. Council Member Matthews seconded the motion. All Council Members present voted aye.

RESOLUTION NO. 09-63 - A RESOLUTION APPROVING THE COLUMBIA YOUTH EMPOWERMENT CENTER AS A BONA FIDE COMMUNITY DEVELOPMENT PROJECT AND CERTAIN EXPENSES INCURRED THEREWITH AS A DEDUCTIBLE EXPENSE FROM ANY PAYMENTS IN LIEU OF TAXES DUE OR THAT BECOME DUE TO THE CITY OF COLUMBIA FROM THE COLUMBIA HOUSING AUTHORITY – CITY MANAGER’S OFFICE.

Council Member Martin moved to approve Resolution No. 09-63. Council Member Matthews seconded the motion. Council Member Stephenson said, “Thank you Mayor. Mayor, Members of Council I, I went through both 9.2 and 9.3 again and I had a couple of questions I’d like to ask Mr. Boyer. Trent’s not here this evening. I understand that one is for the playground for the purchase and the installation of the playground equipment and the other one is for the empowerment center project. Do we, did we get any kind of a breakdown of the project plan that outlines a what they’re going to do exactly and what the expense any kind of projected expenses. Did we receive any kind plan...?” City Manager Boyer asked, “For which project?” Council Member Stephenson replied, “On the empowerment.” City

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Manager Boyer said, “Empowerment Center is the project that the City has applied, has been awarded a Community Development Block Grant of \$300,000 umm...and the partners are the City, the Boys & Girls Club, the Housing Authority and umm...Headstart.” Council Member Stephenson asked, “But have we seen any kind of a plan?” City Manager Boyer replied, “The plan hasn’t been developed yet.” Council Member Stephenson said, “Umm...my second questions is on both these Resolutions they state ‘allowing the deduction of certain community development projects expenses’ I’m focusing on the word ‘certain’ and then down below in the text it says ‘the Columbia Housing Authority is authorized to deduct the amount of any expense from any payment in lieu of taxes’. So, when the plan is put together, I mean are there, do they, have they already been given, you know when the grant was awarded they already have an idea of what’s allowed to be deducted and what’s not.” City Manager Boyer said, “The, the Resolution that’s set up this agreement between the City and the Columbia Housing Authority states what expenses are permissible expenses. The Housing Authority has already committed \$25,000 of the required local match to the Community Development Block Grant as their share of the expenses for the project. And what they’re asking for is that those expenses be allowed as community, as umm...credits against their payments in lieu of tax because the project is a community development project. And if you look at the grant application and the material that’s in the Agenda in the letter from Mr. Ogilvie and then look at the Resolution No. 06-78 all of which is in the Agenda package, it’s clear that the empowerment center is a community development project and therefore eligible for credit against their payments in lieu of tax.” Council Member Stephenson said, “And I’m not questioning that Mr. Boyer that you said what I wanted to hear, and that is that there are specified permissible expenses and that’s, that’s why I wanted to hear because I was just a little concerned with the wording of ‘any expense’.” City Manager Boyer said, “I particularly avoided the use of the word ‘expense’ because it’s not the agreement is not expense specific the agreement says if the project qualifies the Housing Authority be can be given payment in lieu of tax credit up to the full amount of the project. We do not review the projects expense by expense or line item by line item. We look at their request and look at the project that they’re talking about and it either qualifies or it don’t, it doesn’t and then after that we don’t do anymore review of the project. So, I don’t want to leave Council with the impression that we’re doing any kind of

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expense review or audit of how the Columbia Housing Authority spends its money.” Council Member Stephenson said, “Well, but the word ‘expense’ is in the second paragraph of both these Resolutions. And I don’t know can that be, can that be clarified to read ‘that the CHA is authorized to deduct the amount of any permissible expense?’” City Manager Boyer replied, “No, because that wording is directly out of the Resolution that City Council adopted back in 2006. I wrote that paragraph and I wrote it right out of the existing Resolution to be make sure that I used the language that was in the Resolution.” Council Member Stephenson said, “Okay, well I...” City Manager Boyer said, “And, and it’s just my explanation of the Resolution that you’re approving, so in my opinion amending what I wrote is meaningless anyway, what counts is the Resolution.” Council Member Stephenson said, “I was just concerned that there be clarification on expenses that are permitted. Thank you.” All Council Members present voted aye.

RESOLUTION NO. 09-64 - A RESOLUTION ALLOWING THE DEDUCTION OF CERTAIN COMMUNITY DEVELOPMENT PROJECT EXPENSES INCURRED BY THE COLUMBIA HOUSING AUTHORITY IN 2009 FROM THEIR PAYMENT IN LIEU OF TAXES OBLIGATION – CITY MANAGER’S OFFICE.

Council Member Martin moved to approve Resolution No. 09-64. Council Member McCullen seconded the motion. City Manager Boyer said, “Mayor, if I could. Give, given Council Member Stephenson’s concern about the use of the word ‘expenses’ while I wouldn’t recommend amending what we have tonight. I will talk with Mr. Ogilvie about the possibility of amending the base agreement for this to get rid of the word ‘expense’ because I would agree it implies that we’re looking at how much was spent on individual project line items. And that’s not what we’re doing. So, I would be glad to do that because that probably is misleading verbiage in the base Resolution from back in, could be misleading wording from the base Resolution in 2006.” Council Member Stephenson said, “I appreciate that Mr. Boyer, but and my concern is also for the word ‘any’. I had really

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more concern with the word ‘any’ than, than a just the word ‘expense’. But, thank you, I appreciate you doing that.” All Council Members present voted aye.

ORDINANCES:

ORDINANCE NO. 3826 - AN ORDINANCE TO AMEND ORDINANCE NO. 3638 –THE SAME BEING THE ZONING ORDINANCE OF THE CITY OF COLUMBIA, BY REZONING 1.21 ACRE TRACT OFF OF PARK PLUS DRIVE FROM RS-40 (LOW DENSITY RESIDENTIAL) TO I-R (RESTRICTIVE INDUSTRIAL) – WARD 4 – GRANTS AND PLANNING DEPARTMENT.

THIRD CONSIDERATION

Vice Mayor Kennedy moved to approve Ordinance No. 3826 on third consideration. Council Member McCullen seconded the motion. Council Member Stephenson advised this is a rezoning and she will be abstaining due to the requirement that is stipulated in 3.18.2A of the Zoning Ordinance. All Council Members present voted aye with the exception of Council Member Stephenson who abstained. Motion passed.

ORDINANCE NO. 3828 - AN ORDINANCE AMENDING THE COLUMBIA MUNICIPAL CODE AS IT PERTAINS TO PARKING PERMIT FEES – ENGINEERING DEPARTMENT.

THIRD CONSIDERATION

Council Member Matthews moved to approve Ordinance No. 3828 on third consideration. Council Member Martin seconded the motion. Council Member Martin said she has only had two constituents voice their concerns about this increase. All Council Members present voted aye.

ORDINANCE NO. 3829 - AN ORDINANCE PROVIDING FOR THE COLLECTION OF 2008 DELINQUENT PROPERTY TAXES – CITY RECORDER’S OFFICE.

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Vice Mayor Kennedy moved to approve Ordinance No. 3829 on second consideration. Council Member Matthews seconded the motion. All Council Members present voted aye.

ORDINANCE NO. 3830 - AN ORDINANCE PROVIDING FOR THE COLLECTION OF 2008 DELINQUENT PERSONAL PROPERTY TAXES – CITY SECOND CONSIDERATION RECORDER’S OFFICE.

Vice Mayor Kennedy moved to approve Ordinance No. 3830 on first consideration. Council Member Matthews seconded the motion. All Council Members present voted aye.

ORDINANCE NO. 3831 - AN ORDINANCE PROVIDING FOR THE COLLECTION OF 2008 DELINQUENT SPECIAL ASSESSMENTS – CITY SECOND CONSIDERATION RECORDER’S OFFICE.

Council Member Stephenson moved to approve Ordinance No. 3831 on second consideration. Council Member Matthews seconded the motion. All Council Members present voted aye.

ORDINANCE NO. 3832 - AN ORDINANCE TO AMEND ORDINANCE NO. 3825 BY AMENDING THE CLASSIFICATION AND COMPENSATION PLAN FOR THE EMPLOYEES OF THE CITY OF COLUMBIA FOR THE 2009-2010 FISCAL YEAR – PERSONNEL DEPARTMENT. FIRST CONSIDERATION

Council Member Martin moved to approve Ordinance No. 3832 on first consideration. Council Member Matthews seconded the motion. Council Member Martin asked the City Manager to address this position in the Compensation Plan and Organization Chart. Council Member Martin also asked the City Manager to advise if there is going to be supervised staff under the position. City Manager Boyer advised this position will report

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directly to the Police Chief, it is a management position in terms of program management more than it is in terms of a day-to-day people supervisor. City Manager Boyer advised the person will need to have supervisory authority because during the reaccreditation process they will have to form employee committees and task groups to work on various tasks that are necessary to accomplish reaccreditation. City Manager Boyer said the person will serve as the supervisor of the group but day to day that person will not have police officers working for them. All Council Members present voted aye.

OTHER BUSINESS:

Vice Mayor Kennedy said he is really going to miss the Mayor. Vice Mayor Kennedy said there was a statement in the past where someone said they did not think they were getting good leadership out of the Mayor. Vice Mayor Kennedy said he personally thinks the leadership could not have been any better. Vice Mayor Kennedy told Mayor Gentner that he has done a great job and has shown what it takes to be a Mayor. Vice Mayor Kennedy said he appreciates Mayor Gentner very much.

Council Member Matthews said as being a new Council Member the Mayor's kindness and patience with her and teaching her is something she will always treasure and she appreciates his guidance over the last two years.

Council Member Martin said Mayor Gentner and her have had a long history with the City of Columbia. Council Member Martin said when she came onboard in 1992 he was serving as the City Manager of the City of Columbia. Council Member Martin said that over the years they have entertained many Agendas, he has entertained all kinds of ribbon cuttings and sessions with good food and fellowship. Council Member Martin said the Mayor has done some tremendous things for the City and they appreciate all the hard work. Council Member Martin advised the Mayor's position with the City is not a full-time position it is a part-time position but because of his interest in the City he has made it a full-time position. Council Member Martin recognized Mrs. Hazel Gentner for her support. Council Member Martin advised Mayor Gentner's leadership has lead things to be different in the City and she looks forward to running into him

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around the City. Council Member Martin said the Mayor and her have agreed on some things and disagreed on others, but she appreciates his efforts.

Council Member McCullen said he appreciates serving under Mayor Gentner because he has dealt with adverse circumstances with his health along with his companion's health. Council Member McCullen said even with those issues the Mayor has put forth a gallant effort to deal with the issues and problems that the City has faced over the last four years particularly the last two years. Council Member McCullen reiterated that he appreciated serving with Mayor Gentner.

Council Member Stephenson thanked Mayor Gentner for his service to the City and wished him well in all his future endeavors. Council Member Stephenson wished everyone a blessed holiday and safe holiday. Council Member Stephenson advised Council had a Scout in the audience this evening and she thanked him for being there. Council Member Stephenson advised the Scout it is important to stay active in government.

City Manager Boyer said when he came to Columbia, one of his biggest concerns was coming to a City where the Mayor used to be the City Manager. City Manager Boyer advised the past two and half years are some of the best two and half years of his career. City Manager Boyer said Mayor Gentner has been gracious and he showed him the ropes. City Manager Boyer said he appreciates Mayor Gentner and that this has been very rewarding. City Manager Boyer announced that there will be a Special Called Monday December 21st at 5:30 p.m. to consider some financing and refinancing of bonds with the objective of hopefully Council approving the purchase of the former AmSouth Building at the corner of 6th and North Garden Street. City Manager Boyer advised the meeting will be televised live on Columbia Power and Water Systems Channel 13.

City Attorney Tisher thanked the Mayor and said it has been a privilege to work with the Mayor over the years. City Attorney Tisher advised that he and Council Member Martin have had the opportunity to work with the Mayor also as a trustee and that his work as a trustee is something most people do not see or do not know about. City Attorney Tisher advised the Mayor will be missed here but also as a trustee for the pension fund.

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Mayor Gentner said, “First, Hazel and I would like to thank the City for hosting and for everyone who attended our reception earlier this evening. That was very kind of you, of those who were able to attend and hopefully you enjoyed the food that was provided. I’ve had the privilege as several members of Council have alluded to of being the City Manager for this City of Columbia for eleven and half years prior to running for elected office in 2003. I served two years as the fifth Ward Councilman and then in 2005 was elected Mayor. I have enjoyed these seventeen plus years with the City both as an employee and elected official. And I feel like that I have been able to make positive difference in the governance of this City as well as working diligently and compassionately with all of the citizens of Columbia. During this period, I have also had the opportunity to draft and pass legislation that has and will in the future make this City a better place to live, work and prosper. I’ve also been honored to work with the most dedicated, hardworking city staff that any city would ever hope to employ. It has truly been a pleasure; Mr. Boyer not only with your staff but also while I was City Manager. I think you would have to agree that the city staff you came to is far better than than any ones out there. I also want to say thank you to those who have served and is serving and has served on the various boards as well as the Planning Commission for our City. I appreciate the time and experience that these people have shared so freely with our City. Vice Mayor and Members of Council thank you also for your time in helping me as Mayor and your desire to see our community grow and prosper. Mayor-elect Dickey is not here this evening but if he were I would tell him that I understand and feel very comfortable that with his capable leadership this community will continue to move forward in these very tough economic times. In closing, Hazel and I wish everyone a Merry Christmas and a prosper and Happy New Year.”

There being no further business, the meeting adjourned at 7:20 p.m.

APPROVED:

DEAN DICKEY, MAYOR

ATTEST:

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BETTY MODRALL, CITY RECORDER