INTRODUCTORY

The City Council of the City of Columbia, Missouri met for a regular meeting at 7:00 p.m. on Monday, January 3, 2011, in the Council Chamber of the City of Columbia, Missouri. The roll was taken with the following results: Council Members DUDLEY, NAUSER, HOPPE, MCDAVID, STURTZ, THORNHILL and KESPOHL were present. The City Manager, City Counselor, City Clerk and various Department Heads were also present.

APPROVAL OF THE MINUTES

The minutes of the regular and special meetings of December 20, 2010 were approved unanimously by voice vote on a motion by Ms. Nauser and a second by Mr. Dudley.

APPROVAL AND ADJUSTMENT OF AGENDA INCLUDING CONSENT AGENDA

The agenda was approved unanimously by voice vote on a motion by Ms. Nauser and a second by Mr. Dudley.

SPECIAL ITEMS

R3-11 Opposing the issuance of the Environmental Protection Agency’s proposed Hinkson Creek Total Maximum Daily Load (TMDL).

The resolution was read by the Clerk.

Mr. Glasco provided a staff report and explained a Total Maximum Daily Load (TMDL) was the amount of pollutant a water body could take while still fully supporting its intended uses. The EPA was recommending a waste load allocation and load allocation. He displayed a diagram of the Hinkson Watershed, which showed the impaired section and the monitoring stations. He provided a history that indicated the Hinkson was placed on a list of impaired waters in 1998 due to an unspecified pollutant from urban non-point lagoon runoff. In 2001, the EPA was told to step up the issuance of TMDL’s and given a deadline of December 31, 2010, which had been extended to January, 2011. He displayed the locations and results of samplings done by the Missouri Department of Natural Resources (DNR) from 2001 to 2006. In September, 2009, DNR issued the first draft of the TMDL without any stakeholder input, and withdrew it in October, 2009. In December, 2009, DNR published a second draft, which still did not identify the pollutant and focused on controlling stormwater runoff. In January, 2010, the MS4, which included the University of Missouri, Boone County and the City of Columbia, recommended a phased approach, targeted studies and modest flow reductions while the studies were being done. In addition, the studies would be used to write a more targeted TMDL. In February, 2010, DNR published a third draft, which did not include any fundamental changes or a phased approach, and in April, 2010, the MS4 commissioned Geosyntec to review the studies and listed the issues found with regard to those studies. In September, 2010, the EPA assumed responsibility for formulating the
TMDL and published a draft in October, 2010 without input from any stakeholders. He listed some of the requirements and described how it might affect the City in terms of area.

Ms. Hoppe asked for clarification regarding the 880 acres versus the 125 acres. Mr. Glascock replied the area involved could be 125 to 880 acres per information provided by different engineers based on a 3.2 inch reduction in flow for 24 hours. He noted the cost was estimated at $50-$300 million and pointed out the TMDL was modeled after the Potash Brook Creek in Vermont, which was one-thirteenth the size of the Hinkson Creek.

Mr. Sturtz asked if there were any regional examples. He understood there were 170 municipalities in Region 7 that had to adopt the TMDL and wondered if there was anything closer than Vermont. Mr. Glascock replied staff could not find anything closer. He noted the one in Vermont was a sediment surrogate.

Mayor McDavid asked how many times a TMDL had been done using stormwater as a surrogate for a pollutant. Mr. Glascock replied they could only find the Potash Brook, Vermont example. Mayor McDavid understood it had not been done before. Mr. Glascock noted there were no results if it had been. Mayor McDavid asked if Potash Brook was an urban stream. Mr. Glascock replied it was in a township in Vermont. Mayor McDavid understood there was not enough experience to know the effect of this mandate since no one had done it. Mr. Glascock stated staff did not know if it would hurt or help the stream.

Ms. Hoppe asked whether Potash Brook was an intensely urban stream and if it was in an urban environment or rural environment.

Georganne Bowman of the Boone County Public Works Department stated Potash Brook was a seven square mile watershed and the Hinkson Creek was a 90 square mile watershed. The Potash Brook Watershed drained to a lake. It was in an urbanized area and the impaired section was a 4-6 on the SCI. They were constructing three structures in the area to control flows.

Mr. Thornhill asked if the pollutant was clearly identified for Potash Brook. Ms. Bowman replied it was not identified, but extensive sediment sampling had been done, and they were able to determine certain flows moved a certain size of sediment that would cover aquatic beds and affect the mortality of certain species. Sediment had not been part of the study involving the Hinkson Creek.

Mr. Sturtz understood the index score for Potash Brook was 4-6 and much worse than the Hinkson Creek. Mr. Glascock stated it was not supporting at all. Mr. Sturtz asked how the index numbers could be compared. Mr. Glascock replied he did not know. They knew it was not supporting and how they measured aquatic life, but they did not know whether runoff control would work. He pointed out Potash Brook did not have any money so they had not done anything yet.

Mr. Glascock continued with the staff report and noted they had asked the EPA to accept a phased approach, but he was uncertain as to whether it would be allowed. He pointed out a concern was that a tremendous amount of the watershed below the monitoring point would not be measured, and he wondered if the Council would want to spend money below the monitoring point if the flow was not addressed. He also pointed out the basepoint flow was based on 1967 values at the monitoring station.
Ms. Hoppe understood there was a high E. coli count in the Hinkson and asked for the reason. Mr. Glascock replied he did not know, but explained there were still lagoons within the watershed. In addition, sanitary sewer overflows occurred from time to time. Ms. Bowman explained the bacteria could come from pet waste and wildlife as well.

Mr. Glascock listed other concerns with regard to the TMDL and described things that had been done over the last 50 years to improve the stream.

Ms. Hoppe asked Mr. Glascock if he was saying all of the oil and gas runoff from the Conley complex parking lot was being filtered. Mr. Glascock replied it was being run through water quality features, such as BMP's. He noted it would not capture everything, but did remove some pollutants and complied with the current ordinance. Ms. Hoppe noted the 1967 site did not have the gas and oil runoff.

Ms. Hoppe understood the Hinkson Creek Watershed Restoration Project Steering Committee had been in existence prior to 2006 and that there was a paid study titled the Hinkson Creek Watershed Restoration Program Feasibility Analysis for Retrofitting Stormwater Treatment Structures or Best Management Practices. She asked Mr. Glascock if he was familiar with the study, the nineteen hotspots identified between the intersection of I-70 and Highway 63 and the proposed improvements for the area as some were inexpensive. Mr. Glascock replied he was aware of it. He explained he only had 3-5 years per the EPA, and not fifteen years. In addition, it still might not resolve the problem.

Mr. Glascock explained the City wanted a healthy, vibrant stream. They planned to continue the study started by DNR and wanted to retrofit to meet more modest goals. In addition, they needed to develop and fund a stormwater utility plan before proceeding and needed to continue monitoring after attaining the goal. When the EPA issued the TMDL, the City planned to work with the MS4 partners to meet all of the goals.

Mr. Watkins stated the number of gallons that needed to be diverted north of the Providence monitoring station could be computed and was large. He explained they would not get credit for other areas, such as the Flat Branch, the Hominy, etc. In addition, they only had 3-5 years to get it done. As a result, he did not believe it was unreasonable to think they would be looking to acquire hundreds of acres of ground to treat the water via a wetlands approach as it would need to be done for a typical storm. The cost was significant even if on the low end of the estimates, and at this point, he was not certain the EPA requirements would solve the problem.

Ms. Hoppe stated she had seen the deterioration of the Hinkson firsthand since 1987 and wondered where they would be if they had enacted stormwater ordinances earlier as a lot of development had occurred in the last 30 years. She felt they needed to move forward and not stall any further.

Tom Wellman of the City of Columbia Public Works Department explained stormwater controls in the 1980’s and 1990’s typically involved detention for flood control and studies had indicated it made the stream worse with respect to water quality because the peak flows were squeezed down and flowed in the streams for a longer period of time. It did more damage than not having any controls in place. He thought they were in a good position now to take advantage of scientific research and studies done over the last 20 years in order to develop controls that would help the creek.
Ms. Hoppe stated she did not see anything regarding University of Missouri Professor Jason Hubbart’s research on the Hinkson in terms of volume control. Mr. Glascock commented that he was aware of Mr. Hubbart’s research and explained it had not been incorporated as it was not complete yet. Ms. Hoppe understood it had not been published. Mr. Glascock stated he would not want to use the information until it was published. Ms. Hoppe asked if staff had consulted with Mr. Hubbart. Mr. Glascock replied he had not. Ms. Bowman stated Boone County had. Ms. Hoppe asked if she could explain what his studies showed in terms of comparisons from the 1960’s to current day. Ms. Bowman replied Mr. Hubbart was really not looking at volume changes. He was looking at climate effects, such as how precipitation events moved sediment and pollutants through the watershed.

Mr. Sturtz asked why this report had not been provided a few months ago or a year ago and why a work session had not been held on the topic earlier in the process, prior to comments being due to the EPA and prior to a consultant being hired to represent a certain point of view. Mr. Glascock replied they were only allowed 30 days to comment on the TMDL and that was essentially gone by the time City staff and the MS4 provided him information to draft a comment letter.

Mr. Sturtz asked when Mr. Shorr of Lathrop and Gage had been hired to represent the City on the TMDL. Mr. Glascock replied he thought it had been in November. Mr. Sturtz commented that it had not gone through Council. Mr. Boeckmann explained the City Manager had the authority to hire attorneys and other experts with no dollar limit per Chapter 2 of the Code of Ordinances. Mr. Sturtz commented that a case could have been made that Mr. Shorr had a conflict of interest as he was employed by the Central Missouri Development Council. He understood Mr. Shorr had been lobbying on their behalf to the EPA since 2004 and believed Council needed to have been made aware of the conflict.

Ms. Hoppe understood the meetings of the Hinkson Creek Watershed Restoration Project Steering Committee had stopped in January and that the City and County had not told them about the latest TMDL, so they had not been able to provide any input. She felt they were an important stakeholder that should have been involved. Ms. Bowman explained that due to staffing issues at the County, it was difficult for them to hold meetings, and at a certain point, they needed to get the information into a watershed management plan to provide to DNR. They were currently waiting for comments from DNR. Ms. Hoppe understood the Committee meetings had abruptly stopped in January 2010. She reiterated she thought they should have been involved. Ms. Bowman stated quite a few members of the Committee were involved in the TMDL public comments in September, 2009.

Todd Houts of the University of Missouri explained there were two groups. There was a steering committee and a stakeholder committee. Most of the members of the steering committee were non-voting members on the stakeholder committee. In addition, the steering committee continued to meet more often than the stakeholder committee. The stakeholder committee came to a standstill due to opposing views. Ms. Hoppe stated she understood a few members of the stakeholder committee thought they were moving ahead with no response. Mr. Houts noted the project was not TMDL based. It was stormwater and watershed based. He also noted that most of the nineteen hotspots identified in the study completed by A Civil Group, which was mentioned earlier, were MoDOT sites. Mr. Wellman
explained MoDOT had special concerns since most of the sites were on MoDOT right-of-way. Although they wanted to work with MoDOT to work BMP’s into those sites, they would have to defer to them due to those special concerns.

Ken Midkiff, 1005 Belleview Court, commented that he had been the Director of the Clean Water Campaign of the National Sierra Club until 2003 and was currently the Conservation Chair of the Osage Group of the Sierra Club, the Chair of the Missouri Clean Water Campaign and a Level 2 Water Quality Monitor, whereby he submitted quarterly data regarding the type and number of macro-invertebrates and water quality information for a portion of Flat Branch. He thanked Mayor McDavid for placing this matter on the agenda, but believed it was only done due to recent media coverage questioning actions taken contrary to the mandates of the City Charter. He understood representatives of the City, County and University had indicated they hoped to see a healthy Hinkson Creek, but felt there had been little action taken to clean up the creek and believed it had gotten worse. For each reduction project, there were at least two projects that added stormwater. He noted there was nothing to show the Hinkson Creek was healthy and supported the full expected range of aquatic life, but there was a lot showing there were several fish kills and aquatic life was suffering. He stated he felt Mr. Shorr’s comments to the EPA were not accurate and listed some of those statements with which he disagreed. He believed the Hinkson Creek was impaired, and that stormwater runoff as a surrogate for unknown pollutants was legal as there was precedent and was appropriate as stormwater contained a number of water contaminants outlined by the EPA. He commented that the citizens of Columbia expected a healthy and vibrant Hinkson Creek and that Mr. Shorr’s comments amounted to a “do nothing” approach until more information was collected. He agreed more information was needed, but still felt stormwater should be reduced as it was good for the creek. The Hinkson Creek was placed on the 303D list in 1998 and there had been twelve years for studies. He did not believe any extensions of time should be granted. He understood the City Manager, Mayor and Mr. Shorr had indicated the reduction of stormwater runoff would cost millions based on the Potash Brook, Vermont stormwater reduction project, but that was the most expensive project in the nation. He noted there were many other projects nationwide that met stormwater reductions goals at a fraction of the Potash Brook project cost, and listed actions with lower costs that could be done. He noted everyone within the City paid a modest stormwater utility fee and Boone County had received a Section 319 grant. He understood Mr. Shorr stated downstream landowners would suffer and did not understand how suffering would occur from a healthy restored stream that remained mostly within its banks. He believed the comment of other watersheds being negatively impacted by development being halted in the Hinkson Creek Watershed was speculative and unsupported. He noted he agreed with staff in terms of a scheduled approach for compliance and would advocate for a schedule of compliance with benchmarks be added to the TMDL document so the goal of 39.6 percent could be achieved within five years. With regard to process, he felt it was flawed as the Council was being asked to support a staff established position on the Hinkson Creek TMDL after comments had already been provided to the EPA. He cited several documents he obtained from a sunshine law request and noted Mr. Watkins had signed a contract authorizing Mr. Shorr of Lathrop and Gage to represent the City in appealing the general stormwater permit.
without knowledge by the Council. He also noted Mr. Shorr sent a letter dated November 29, 2010 asking the City, County and University to authorize Lathrop and Gage to represent them in connection with the appeal of a TMDL determination from the EPA and DNR regarding Hinkson Creek, and as of Friday, none had signed the letter of authorization. Although Mr. Shorr indicated he represented the City on this issue, he had yet to see a document authorizing him to do so. He stated Mr. Glascock sent a letter on City letterhead dated March 20, 2010 to John Hoke of DNR with objections to the DNR Hinkson Creek TMDL without consultation with or the knowledge of the Council. An e-mail with Mr. Glascock’s letter was sent to the Council by the City Manager’s Office on April 29, 2010, which was over a month after it had been sent to DNR and had nothing to do with the EPA TMDL. He explained he had not been provided with a document that showed the Council was informed of staff’s position on the EPA Hinkson Creek TMDL. He noted the City Charter indicated all powers of the City shall be vested in the Council and the City Manager shall be responsible for the proper administration of all of the City’s affairs, but with regard to Hinkson Creek TMDL, the City Manager had established policy outside of public and Council knowledge, which he did not believe was proper administration. He asked the Council to vote against the resolution to show the City Charter must be complied with and that democracy was to be observed.

Mr. Sturtz understood Mr. Shorr indicated that pollutants would be concentrated if the amount of stormwater going into the Hinkson was reduced. Mr. Midkiff explained stormwater carried a load of pollutants and the pollutants were reduced when stormwater was reduced.

Ms. Hoppe understood stream teams had monitored water quality for many years and asked what the data showed. Mr. Midkiff cited page 20 of the TMDL as it indicated the Hinkson Creek had higher chloride levels and the late winter/early spring 2009 data contained readings higher than the water quality criterion for chronic toxicity.

Ms. Hoppe understood Mr. Shorr indicated rain gardens and sediment reduction would hurt the pallid sturgeon in the Missouri River as they needed more sediment. Mr. Midkiff stated he did not believe the Hinkson Creek added much sediment to the Missouri River and that the Missouri River was sediment starved due to upstream dams.

Mayor McDavid asked if the Sierra Club was willing to advocate removing the Hinkson Creek from the impaired stream list if they could get fecal coliform counts within an acceptable range, were unable to identify any pollutant in the creek and the creek had normal biologic support as defined by the Missouri Stream Condition Index. Mr. Midkiff replied the TMDL would need to be adhered to or the stream would need to meet water quality standards for it to be removed from the list, and he felt either would be supported. Mayor McDavid commented that his hypothetical question did not include the TMDL, so he understood Mr. Midkiff would not be willing to advocate the removal of the Hinkson Creek impaired stream list if those three items he listed were met. Mr. Midkiff stated his answer was yes only to part of the hypothetical question.

Mr. Thornhill asked for Mr. Midkiff’s expectation of the Council’s involvement with regard to hired experts, such as attorneys and engineers. Mr. Midkiff replied his expectation was for the Council to approve of the people being hired through a general approval or by giving approval for a specific purpose.
Mr. Sturtz understood some believed the EPA would require the vacation and demolition of homes and asked if that had happened in other communities. Mr. Midkiff replied the EPA did not make anyone do anything. They only provided suggestions and recommendations. He did not believe the scenario outlined would happen as smaller sediment basins and swales could be used to control stormwater. Mr. Sturtz asked if many municipalities had decided to vacate sections of town due to adopting the TMDL. Mr. Midkiff replied that the bulldozing of lots for retention measures had not been done anywhere to his knowledge.

Ms. Hoppe commented that there were stretches of the Hinkson that were not developed, but were zoned for development, and understood the City could acquire those properties to begin stormwater retention, filtration and control. Mr. Midkiff stated the Hinkson Creek TMDL, if approved as written, would require stormwater controls to be initiated. It would also create difficulty in allowing development along an impaired waterbody for which a TMDL was done.

John Glenn, 300 Macaw Drive, stated he was a landscape architect and agreed that detention and retention basins were not a great option for creeks. He understood Mayor McDavid had indicated the pollution would become more concentrated if some of the things going into the creek were eliminated and noted he did not believe that was accurate. He commented that sediment was one of the worse things for a creek because it flooded the creek and clogged the rock areas, which was a problem for microorganisms as they did not live in those situations. In addition, the water coming from parking lots was heated and killed wildlife. He hoped the Council would take into consideration the comments of the Sierra Club and noted homeowners were contributing to pollution in creeks through herbicides and fertilizer.

Mr. Kespolh asked if water from parking lots that ran across the ground would become somewhat cooler. Mr. Glenn replied water was essentially piped into the creek so there was no opportunity for it to cool down. In addition, the bulldozers involved in developments tended to go over the green areas so much that they became impervious in terms of absorbing water.

Christine Dorr commented that the Hinkson was a different creek than it was eighty years ago as it used to be clear with lush green banks and noted she and her daughter managed stormwater for the entire neighborhood by creating a series of rainwater retention ponds and wetlands in her backyard. She listed the species of animals and plants along the Hinkson of which they were seeing less and less and cited three instances of pollution in the Hinkson to DNR and the City. She believed silt fences were a joke and suggested engineers find new solutions.

Scott Dye stated he was the National Program Director for Sierra Club Water Sentinels and noted they monitored water quality at fifty-one project sites in twenty-one states. He commented that he believed the Mayor and certain City staff felt properly informing and engaging Council was an impediment. He explained he was submitting a sunshine law request of the Mayor and City Manager with regard to this issue and provided a copy of his request to Council. He noted they would make regular and repeated request of City officials until open governance was restored. They believed the polluted condition of the Hinkson
Creek was an embarrassment to the citizens of Columbia as evidenced by their original litigation over ten year ago.

Georganne Bowman of the Boone County Public Works Department stated she believed they were close and noted 63 percent of the floodplain was still protected in forestry and grassland, which was unprecedented for most urban streams. She explained the original TMDL process was for point sources of pollution, and since then, stormwater had been deemed a point source although it had a large diffused component as there were a lot of people contributing and more than one property owner and pipe. She believed the TMDL process developed in the 1970’s was being applied to stormwater and was an issue. The EPA was requiring entities to reduce the volume or flow of water going into the creek and this tied their hands as they could not address other pollutants such as chlorides or sediments. She commented that the Hinkson had hydrology, chemical and habitat problems, and hydrology was only one piece of the puzzle. She felt an approach that looked at all three problems was necessary.

Ms. Hoppe asked why the recommended approach would not address sediment. Ms. Bowman replied she believed it would make the sediment problem worse because most of the sediment problems were due to high flows in the banks. There would be periods of time for 2-3 weeks when the banks would be saturated and heavy, and would cause the banks to sink, collapse and create a widening effect. Detention basins upstream would increase peak flow and create more base flow conditions, which would destabilize banks and cause sediment to be lost with the widening of the creek. Ms. Hoppe understood Ms. Bowman was saying there would be a longer flow that would not be as high. Ms. Bowman stated that was correct. It would remove the peak so there would not be any flooding, but there would be a smoother and longer term flow that would fill up the entire bank. Ms. Hoppe understood Ms. Bowman was saying that would actually cause more erosion than the quick flow of high water that could pull trees out of the ground. Ms. Bowman stated there were pros and cons to each approach, but she did not believe the stream could be managed by only one tool.

John Holmes, 213 Rothwell, stated he was a civil engineer and noted he understood the need for sustainability and biodiversity, but felt the proposed TMDL was a concern because it was impractical. The TMDL would require the runoff to be reduced by 30-40 percent over the entire basin. The maximum runoff volume that could be reduced at the large developments, such as Wal-mart and Hy-Vee was three inches. The TMDL would require runoff to be captured in the basin and more rural areas where the City might not have any jurisdiction. He also felt the science was lacking with regard to the TMDL. The slopes of the streams the Hinkson was being compared with were less than half the slope of the Hinkson, so the runoff characteristics would not be the same. He understood there might have been a process issue, but felt that was a separate concern, and asked the Council to recognize the effects the TMDL could have on the community. He noted there was no data indicating conditions in the Hinkson were declining as the data in the TMDL showed it had been steady for the past several years, and in the past three years, new ordinances that would change things in the future had been put in place.

Jeanine Pagan, 701 Bluff Dale Drive, explained the Hinkson Watershed Restoration Project began in 2004 with a $400,000 grant from DNR that was intended to educate citizens
and work on stormwater pollution. She did not feel staffing was the issue because phase one was completed after four years and phase two began afterward, at which time the stakeholders met every three weeks through all of 2009. She believed the process was moving along and noted there had been a draft version of the Boone County Watershed Management Plan. The meetings essentially stopped in January, 2010 after changes to Chapter 6 of the draft plan were made and she was not sure why the meetings continued to be canceled. She explained the purpose of phase two was to retrofit different areas, such as hotspots, which was why A Civil Group had been hired to develop the feasibility study. The stakeholder committee, of which she was a voting member, had a vested interest in the project and was not meeting just to meet.

Claire Baffaut, 604 Redbud Lane, stated she had also been a voting member of the Hinkson Creek Watershed Committee, which had been charged with revising the watershed manual, and noted it had not been submitted to DNR. It was still at the County awaiting approval by the Watershed Stakeholder Committee. It had not been finalized because they were waiting for more data regarding the impervious area in the watershed. She had been told the final version would be available for review in a few weeks and the Committee would have the opportunity to review and vote on the plan. She felt the Committee should have been told about the response to the EPA relating to the TMDL. She noted the Committee was provided the opportunity to review the report completed by A Civil Group and believed there were opportunities for low or lower cost retrofitting as the average cost of treatment in the report was $30,000. Based on the number of areas needed to be treated, she understood the cost would be $16-$35 million, which was significantly less than the $300 million quoted in the response to the EPA. She also noted smaller detention basins could be located strategically without the need for a huge detention facility near the stream.

Marc Poston stated he was a resident in the Hinkson Creek Watershed and asked the Council to vote against this resolution and Mr. Shorr's arguments, which did not reflect the values of the people of Columbia. He did not believe Mr. Shorr's letter was an unbiased analysis of the TMDL. He believed it was clear a stream could be impaired by runoff without the identification of a single pollutant scientifically and legally, especially in an urban environment where there were a multitude of toxins. It might be impossible to identify the single pollutant causing the harm in the Hinkson Creek because a single pollutant might not be the problem. He believed the TMDL conclusions were based on scientific fact and the Clean Water Act. He asked the Council to vote against the resolution and focus efforts on managing the runoff problem that impaired and continued to impair the Hinkson Creek.

Don Stamper stated he was speaking on behalf of the Central Missouri Development Council (CMDC) with offices at 2604 N. Stadium and commented that he felt they were debating many things that had little to do with the resolution. The resolution was about whether they agreed with the position that had been adopted publicly and in writing by the Mayor, City staff, Boone County and the University of Missouri. He noted Mr. Shorr had worked for the CMDC, but had asked to be released earlier in the year due to a potential legal conflict and to have the ability to work for the other jurisdictions. The CMDC agreed to release him. The work of Mr. Shorr spawned from an attempt to not allow building permits in the Hinkson Creek drainage basin and evolved into the TMDL. He commented that the
CMDC did not question whether there should be a TMDL, but did question the content and approach of the TMDL. The CMDC was not opposed to making the streams better and cleaner and was willing to work with the public bodies and other group in the community. He felt they should stop arguing about things that were not on the agenda and should instead pull together to move Columbia and Boone County forward.

Mr. Sturtz understood Mr. Shorr was released from being a lobbyist for the CMDC. Mr. Stamper stated Mr. Shorr was released from being their legal council. Mr. Sturtz asked if Mr. Shorr still served as a lobbyist on CMDC’s behalf. Mr. Stamper replied no. Mr. Sturtz asked when he last served as the CMDC lobbyist. Mr. Stamper replied he believed it was in July or August. He also clarified that Mr. Shorr had been legal counsel for the CMDC and not a lobbyist. Mr. Sturtz understood that Mr. Shorr had argued on behalf of the CMDC on the Hinkson Creek issue since 2004. Mr. Stamper stated that was correct, but noted it was only until earlier this year when he asked to be released due to a legal conflict.

Mr. Sturtz asked who the CMDC represented. Mr. Stamper replied the CMDC represented a variety of business and development interests and others concerned about moving the community forward.

John Clark, 403 N. Ninth, commented that he believed the EPA was proposing this TMDL, which seemed extreme in some ways, in an effort to send a message to do something since nothing had really been done in the past 12-15 years. He wondered why there was not more data as no one had funded a study since 2006 to determine if there had been an impact since then. He asked the Council to separate itself from past Council actions and inactions and encouraged them to refuse to oppose the TMDL at this time and to ask the EPA what it wanted the City to do.

Todd Houts stated he was representing the University of Missouri and noted a comment had been made indicating the reduction of stormwater runoff would reduce the pollutant. He explained that was not necessarily true if the stormwater was reduced prior to it coming in contact with the pollutant, so it could increase the concentration of a specific pollutant. He was not sure a definitive statement either way could be made. His concern with the TMDL was that only one process had been promulgated to implement the Clean Water Act while ignoring other important factors. He explained the Clean Water Act was originally written to address point source pollution, and when amended, it referred to stormwater as a conveyance of pollutants. Stormwater was not defined as a pollutant. The reason the Clean Water Act was amended was to allow for the phase one and phase two stormwater programs. The City, County and University became a part of those programs as co-phase two communities in 2003. That program took a holistic approach to stormwater management using education, BMP’s, elicit discharges, good housekeeping, etc., and was designed to try to create cleaner streams and reduce pollutants entering the streams. He noted the TMDL process was written before stormwater was involved and felt it was an inappropriate conveyance. A TMDL was the sum of the individual waste load allocations for point sources and the EPA was saying a surrogate was another appropriate measure. Waste load allocation was allocated to the existing or future point source of pollution, which was defined as the man-made or man-induced alteration of chemical, physical, biological and radiological integrity of water. Stormwater, which was water, could not change the integrity of
water, and therefore, stormwater could not be a pollutant. The EPA was trying to set precedent by making stormwater a pollutant in the community when it could not be defined as a pollutant.

Mr. Midkiff stated he objected to the people on Mr. Glascock’s team addressing the Council and asked that their remarks not be included as part of the record.

Sid Sullivan, 2980 Maple Bluff, commented that the Council set ad-hoc policies every other week instead of setting major policies. There were a number of conflicting statements on this serious problem that needed to be solved in terms of how the City would deal with stormwater, flooding and pollutants. He understood the concern of City staff working with only the Mayor and not consulting the entire Council. The process of working with one member of the Council or until there was an emergency situation was an injustice to the City and the Council.

Mr. Kespohl understood Mr. Sullivan thought only the Mayor had access to documents. Mr. Sullivan stated he understood the Council only received the documents on Thursday evening. Mr. Kespohl stated that was not true and explained that he had asked for documents for the past six months on the Hinkson Creek and staff had provided it each time. Mr. Sullivan asked if there had been a work session on this particular issue. Mr. Kespohl replied the Hinkson Creek had been discussed at several meetings. Ms. Hoppe stated she had not received what Mr. Kespohl had received. Mr. Sturtz disagreed about the discussions as well.

Hank Ottinger, 511 Westwood, commented that some felt the developers wanted to turn the Hinkson into a sewer and some felt the environmentalists wanted to turn the Hinkson into a Garden of Eden. The result would end up being something in the middle. He stated the Hinkson Creek was a remarkable resource, similar to trails and the unique way the City treated wastewater, and creeks enhanced the community when in good shape. He encouraged the Council to consider setting it as priority.

Catherine Parke, 413 Thilly Avenue, stated she believed it was imperative for the citizens of Columbia to know its government was forthcoming and if some members of Council were receiving information that others were not.

Mr. Dudley commented that he believed some of the information in the TMDL was outdated as the City had done a lot to help the Hinkson Creek, and thought current data was needed before proceeding with the TMDL process. He suggested they ask for additional testing and data for the Hinkson. He believed a phased approach should be used and felt the massive flushes of the stream were needed to wash out the stream and allow aquatic life to continue.

Mr. Sturtz stated it was great for this issue to be discussed in a public forum as that had not occurred with regard to the topic until tonight, but noted he refused to vote on this as if this conversation had happened a few months ago. He felt it was insulting to be asked to vote in support of a document that had already been sent out on December 1. He noted this had happened before and provided the IBM agreement as an example. He did not feel a democracy should be run in this manner. He wished this discussion had occurred earlier so they would be endorsing a position that was meaningful instead of endorsing a letter that had already been sent to the EPA. He stated he would vote against the resolution for that reason.
He commented that this was a very complicated issue and something he hoped they would talk about in-depth repeatedly in the future. He also hoped the City would be dedicated to changing the Hinkson for the better.

Ms. Hoppe commented that with regard to procedure, she had not been involved in Council discussion on this issue and she had not received the information the Mr. Kespohl had unilaterally received. She believed this was an important policy issue for the City and that it should have been discussed with Council through work sessions before a policy was established. This forum was being held after the fact, so it did not allow the public or Council the opportunity to provide staff meaningful input. The Council should have had the opportunity help decide if Mr. Shorr, who had worked with the CMDC for four years in opposition of the TMDL, was appropriate representation for the City. The Council was elected to participate in the dialogue and arrive at a decision that was representative of the community. With regard to the substantive issue, she noted she lived on Hinkson Creek and had seen its destruction in terms high flows, turbidity, sand beaches, oil, etc. She felt it was clear that stormwater controls and a pro-active approach were needed. She believed the City had been dragging its feet for years and had not done all it could to address stormwater. Since there had not been discussion, she was relying on the information provided by the EPA as it had the knowledge and science in terms of creating stormwater improvements. She noted concern with the construction phase of projects and displayed photos and a video of the Grindstone Creek and the Maguire Bridge project, which showed continual problems in terms of sediment control, piping, improper installation of controls, etc. that had not been addressed although it had been brought to staff’s attention. Mr. Sturtz understood the Public Works Director had indicated the project followed all City regulations each time the issue had been brought up to them. Ms. Hoppe stated she wanted to see something done and trusted the EPA would be the driver to get something started. She agreed the approach should be phased, but noted had she been given the opportunity to provide input, she would have asked for the response to the EPA to be more positive in an effort to determine what the City might be able to do to assist in the effort.

Mr. Kespohl stated he believed issuance of the TMDL by the EPA for the Hinkson Creek for unknown pollutants might be unfounded. He understood suspected causes of pollution were oil, gas, anti-freeze and heated water from parking lots and impervious surfaces in the area. He noted the EPA report showed the amount of urban development in southern Columbia in 1993 and 2005, and although there had been a 60 percent increase in the urban area, the scores were better in 2006 than they were in 2001. The City, County and the University were concerned about Hinkson Creek and the environment as they had employed practices in the past six years to reduce the amount of water going into the Hinkson Creek. The EPA, however, had not taken new samples to determine if these practices were having an effect on the Creek. He listed lagoons and treatment plants that had been eliminated and noted these actions removed hundreds of thousands of gallons of water per day from the Creek. He listed others that would soon be eliminated along with other actions the City, County and University had taken, and based on all of these positive actions, he felt a new study should be done to determine if the stream was currently impaired.
Mr. Thornhill commented that he was not sure why the Council had chosen this particular issue to decide it was uncomfortable with a long standing practice of City staff working with professionals in varying fields of expertise, such as engineering, law, etc. He noted he always received information from staff upon request, and if he was interested in a particular subject, he asked for more information. He did not feel he needed to wait to receive something when he could ask for it. He believed it was incumbent upon the Council to determine what was impairing the Hinkson Creek before deciding to implement ways to correct a problem that was not clearly identified.

Ms. Nauser stated the EPA would ultimately issue the mandate on what would happen with regard to the Hinkson. She noted she also received information when requesting it and relied upon the professionals hired, which included City staff and outside consultants, to provide that information and recommendations. She investigated further when she had questions. She explained her biggest concern involving this issue was that federal bureaucracies were continuing to place mandates on citizens that they were unable to fund. She believed everyone wanted to correct the problems of the Hinkson Creek. In her review of the studies, the monitoring station at Forum and Scott, which was at the end of the Hinkson Creek Watershed, met stream quality standard for aquatic life in the spring of 2006. In addition, although the Twin Lakes monitoring station was not fully supporting, it was still somewhat supporting. From her review of the data, she felt they were making progress. She was also concerned with the idea of reducing stormwater because the properties that had been developed along the Hinkson Creek had been built according to standards at the time they were built. The City would now have to tell all of the property owners in the area that they would have to comply with additional requirements upon the mandate of the EPA. She was not sure how the City would be able to fund the improvements necessary. She agreed further studies were needed because she believed it was possible the stream quality had improved. She did not support the EPA requirement that the City needed to deal with stormwater runoff until she was provided more information.

Mayor McDavid stated he believed the Hinkson Creek TMDL was now largely a legal matter before the EPA and this resolution would not really do much to alter the EPA’s decision. He had introduced this resolution in an effort to define any descent on the Council and to allow an open debate since it involved City policy. He noted he had met with representatives of the EPA in Kansas City during the recent presentation of representatives of the City, Boone County and the University of Missouri, and noted he believed they would issue a reasonable response. The reason he supported the City, County and University position was because he believed the Hinkson Creek TMDL proposal was not reasonable and lacked science. He relied on Todd Houts of the University and Georganne Bowman of the County as they were environmentalists and offered a lot of credibility to him. He noted they all shared the desire for a healthy Hinksom Creek with the Sierra Club. The decision as to whether the Hinkson Creek supported biologic life was not a matter of opinion or personal experience. It was based on data and he felt they needed to deal with data. Impaired streams had a mean stream index of ten, and sixteen was considered to show biologic support. He noted 35 tests were done from 2001 to 2006 with a median score of sixteen, which he believed indicated normal biologic support. He wanted to know what was
acceptable from the EPA and Sierra Club. He wanted to know the criteria of when they could say the Hinkson Creek was made healthier. He challenged the Sierra Club to advocate removing the Hinkson Creek from the impaired stream list if the fecal coliform counts were in an acceptable range, no pollutant could be identified in Hinkson Creek and the Hinkson Creek could show normal biologic support as defined by the Missouri Stream Condition Index. If additional criteria were needed, he was willing to hear the suggestions. He noted he did not support the EPA Hinkson Creek TMDL as it was unreasonable and unworkable and the results were unpredictable. He stated he would vote to endorse the position on the City, County and University.

The vote on R3-11 was recorded as follows: VOTING YES: DUDLEY, NAUSER, MCDAVID, THORNHILL, KESPOHL. VOTING NO: HOPPE, STURTZ. Resolution declared adopted, reading as follows:

**APPOINTMENTS TO BOARDS AND COMMISSIONS**

None.

**SCHEDULED PUBLIC COMMENT**

None.

**PUBLIC HEARINGS**

(A) **Construction of sidewalks and a pedway located within Arbor Pointe Subdivision along Waco Road and Arbor Pointe Parkway.**

Item A was read by the Clerk.

Mr. Watkins provided a staff report.

Mayor McDavid opened the public hearing.

There being no comment, Mayor McDavid closed the public hearing.

Mr. Thornhill made a motion directing staff to proceed with final plans, specifications and construction of the sidewalks and pedway along both Waco Road and Arbor Pointe Parkway. The motion was seconded by Mr. Kespolh and approved unanimously by voice vote.

**OLD BUSINESS**

**B316-10 Authorizing construction of the Hinkson Creek Siphon Elimination Project; calling for bids through the Purchasing Division.**

The bill was given second reading by the Clerk.

Mr. Watkins and Mr. Glascock provided a staff report.

B316-10 was given third reading with the vote recorded as follows: VOTING YES: DUDLEY, NAUSER, HOPPE, MCDAVID, STURTZ, THORNHILL, KESPOHL. VOTING NO: NO ONE. Bill declared enacted, reading as follows:

**B319-10 Amending Chapter 22 of the City Code as it relates to over-occupancy in rental units.**

The bill was given second reading by the Clerk.

Mr. Watkins provided a staff report.
Ms. Nauser made a motion to table B319-10 to the January 18, 2011 Council Meeting. The motion was seconded by Mr. Thornhill.

Mr. Sturtz noted this issue came up at the last meeting during discussion regarding the El Cortez rezoning, and at that time, he had suggested a phased occupancy related to the square footage of a home, and asked if his suggestion would be considered as a part of this. Mr. Boeckmann replied his suggestion would be considered separately. Mr. Sturtz understood that would happen after this was approved.

Mr. Dudley asked if this would exacerbate the problem by taking away a landlord’s ability to rent for three years. Mr. Watkins replied the hope was that this would send a message to the few landlords who were disregarding the rules. Ms. Nauser pointed out it would allow individuals to obtain a provisional certificate of occupancy after meeting more stringent requirements to prove compliance with the law.

The motion made by Ms. Nauser and seconded by Mr. Thornhill to table B319-10 to the January 18, 2011 Council Meeting was approved unanimously by voice vote.

**B321-10 Appropriating asset forfeiture funds to be used by the Police Department to purchase a replacement CVSA instrument system.**

The bill was given second reading by the Clerk.

Mr. Watkins and Chief Burton provided a staff report.

Mayor McDavid asked when the computer voice stress analyzer would be used. Chief Burton replied it was used for pre-employment examinations to verify background information and was occasionally in criminal cases.

Mr. Sturtz understood there were some criticisms of the asset forfeiture fund and asked for clarification regarding the funds. He wondered if they were federal funds that were channeled through various police departments and municipalities. Chief Burton replied it varied. It was sometimes a local case where a judge would award the Police Department money or vehicles from the criminal case when it could be shown the items were gained from criminal activity. A criticism was that these funds would be used for SWAT equipment and weapons for fighting the drug war. Mr. Sturtz asked if these particular funds were obtained locally. Chief Burton replied it was all deposited into the same account, so he could not say how these specific dollars were obtained. Mr. Sturtz understood the main criticism was that this encouraged a focus on drug dealers because of this incentive, which put the City in an awkward position. Chief Burton stated he was trying to use those funds for items that would not be construed as being purchased to go after other drug dealers.

B321-10 was given third reading with the vote recorded as follows: VOTING YES: DUDLEY, NAUSER, HOPPE, MCDavid, STURTZ, THORNHILL, KESPOHL. VOTING NO: NO ONE. Bill declared enacted, reading as follows:

**B323-10 Appropriating funds to provide for City of Columbia employee bonus awards.**

The bill was given second reading by the Clerk.

Mr. Watkins provided a staff report.

Mr. Dudley made a motion to amend B323-10 per the amendment sheet. The motion was seconded by Mr. Thornhill and approved unanimously by voice vote.
Mr. Thornhill made a motion to table B323-10, as amended, to the January 18, 2011 Council Meeting. The motion was seconded by Ms. Nauser and approved unanimously by voice vote.

B324-10 Calling a special election to be held on April 5, 2011 on a proposed amendment to Section 7 of the Home Rule Charter for the City of Columbia, Missouri, pertaining to stipends for city council members.

The bill was given second reading by the Clerk.

Mr. Watkins provided a staff report.

Mr. Kespohl made a motion to amend B324-10 per the amendment sheet. The motion was seconded by Mr. Dudley and approved unanimously by voice vote.

Ms. Hoppe understood the stipend would be subject to income tax, so the net amount would be much less. Mr. Watkins stated that was correct.

Mr. Sturtz understood incumbents running in the 2014 election would be eligible for the stipend if re-elected. Mr. Boeckmann stated that was correct. He explained it took effect for everyone at the same time, so everyone on the Council in 2014 would receive the stipend.

Bob Roper, 3404 Woodrail Terrace, thanked the Council for introducing and allowing discussion the issue, and stated he hoped they would vote affirmatively to put this on the ballot as he believed they were due for a good community conversation on this issue again. He noted the ad-hoc stipend committee, which was a diverse group, would make the case publicly.

Kee Groshong, 201 West Boulevard South, stated he agreed with the statements made by Mr. Roper and offered to answer questions.

Ms. Hoppe stated she had signed on knowing there was no pay involved and noted the amount proposed would not have enticed her if she did not have other reasons for wanting to be on the Council. She noted she had attended many events around the Country and had not met any elected official that was not paid. Small communities, such as Perry, Missouri, paid their elected officials, so she felt it was a standard investment in the community.

Mr. Sturtz thanked the committee for this effort to allow the voters to make the decision.

B324-10, as amended, was given third reading with the vote recorded as follows:

VOTING YES: DUDLEY, NAUSER, HOPPE, MCDAVID, STURTZ, THORNHILL, KESPOHL.
VOTING NO: NO ONE. Bill declared enacted, reading as follows:

B325-10 Amending Chapter 2 of the City Code to provide for recitation of the Pledge of Allegiance at the beginning of every council meeting and council work session.

The bill was given second reading by the Clerk.

Mr. Watkins provided a staff report.

Mayor McDavid understood this would not include pre-council meetings. Mr. Dudley replied that was correct. It would only apply to council meetings and work sessions.

Ms. Hoppe asked if any previous Council had ever addressed this issue. Mr. Boeckmann replied he did not know, but noted it had not come up in the past 24 years. Ms.
Hoppe asked if the Boone County Court recited the Pledge of Allegiance each day before beginning. Mr. Boeckmann replied they had not the times he had been there. Ms. Hoppe asked if the Boone County Commission or the Board of Curators recited the Pledge of Allegiance prior to their meetings. Mr. Boeckmann replied he did not.

Mr. Sturtz asked if he had any sense of the percentage of councils throughout the Country that recited the Pledge of Allegiance. Mr. Boeckmann replied he did not.

Mr. Dudley listed the organizations he had been involved with that had recited the Pledge of Allegiance prior to its meetings and stated he believed it was done out of the respect for the military and veterans.

Mr. Sturtz stated he felt everyone on the Council believed in the Country and in democracy and that the Pledge was divisive in terms of the “under God” clause, which was added in 1954. Since some people did not believe in God, he felt it would put them in an uncomfortable position at the start of the meeting. He understood some courts had ruled that it violated the establishment clause of the First Amendment as well. He stated he did not feel it was necessary and that there were many other opportunities to recognize and help veterans.

Ms. Hoppe noted each Council Member took an oath of office when elected and re-elected, which publicly committed each of them to support the Constitution, laws of the United States and the charter and ordinances of the City, and she believed that was adequate. She noted George Washington and Abraham Lincoln did not recite the Pledge of Allegiance. In addition, all prior councils did not feel it was necessary. She noted Columbia was a very international community and not everyone was a citizen of the United States, but they still welcomed everyone to attend the meetings to express their opinions, so she was concerned some people might be uncomfortable participating in meetings.

B325-10 was given third reading with the vote recorded as follows: VOTING YES: DUDLEY, NAUSER, MCDAVID, THORNHILL, KESPOHL. VOTING NO: HOPPE, STURTZ. Bill declared enacted, reading as follows:

CONSENT AGENDA

The following bills were given second reading and the resolutions were read by the Clerk.

B311-10 Amending Chapter 29 of the City Code as it relates to continuing care retirement communities and apartment complexes.

B312-10 Rezoning property located on the north side of Lynn Street and west of Garth Avenue from C-P to PUD-4.3; approving the Lynn Street Subdivision PUD-4.3 Development Plan; approving less stringent yard requirements.

B313-10 Approving the Final Plat of Lynn Street Subdivision Plat 1, a Replat of Part of Lot 12 and Lot 11 of John A. Stewarts Subdivision, located on the southwest corner of Lynn Street and Garth Avenue; authorizing a performance contract; granting a variance from the Subdivision Regulations regarding the dedication of street right-of-way.

B314-10 Approving the Final Plat of Lynn Street Subdivision Plat 2, a Replat of the East Half of Lot 7 and Lot 8 of John A. Stewart’s Subdivision, located on the north side of Lynn Street and west of Garth Avenue; authorizing a performance contract.
B315-10 Vacating utility easements located on the east side of Paris Road, south of the Paris Road and U.S. Highway 63 interchange.

B317-10 Authorizing a waterline design contract with Public Water Supply District No. 9 of Boone County, Missouri for the design and preparation of plans and specifications for relocating and replacing waterlines as part of the Rolling Hills Road project.

B318-10 Accepting conveyances for utility purposes.

B320-10 Authorizing Amendment No. 3 to the agreement with the Missouri Department of Health and Senior Services for Public Health Emergency Response Services; appropriating funds.

B322-10 Appropriating asset forfeiture funds to be used by the Police Department for the proactive auto theft Bait Car Program (E-BAIT).

R1-11 Setting a public hearing: construction of the Westwood Avenue and Edgewood Avenue PCCE #7 Sewer Improvement Project.

R2-11 Setting a public hearing: ecological restoration of the former Columbia Sewer Treatment Plant #2 located along Hinkson Creek and adjacent to the MKT Trail.

The bills were given third reading and the resolutions were read with the vote recorded as follows: VOTING YES: DUDLEY, NAUSER, HOPPE, MCDAVID, STURTZ, THORNHILL, KESPOHL. VOTING NO: NO ONE. Bills declared enacted and resolutions declared adopted, reading as follows:

NEW BUSINESS

None.

INTRODUCTION AND FIRST READING

The following bills were introduced by the Mayor unless otherwise indicated, and all were given first reading.

B1-11 Amending Chapter 14 of the City Code to restrict parking on a portion of Rogers Street.

B2-11 Amending Chapter 14 of the City Code to remove parking on a portion of Campusview Drive.

B3-11 Authorizing construction of the Hominy Branch Outfall Relief Sewer, Phases I and II; calling for bids through the Purchasing Division.

B4-11 Authorizing construction of the Hominy Creek Trail, Phase II (from Woodridge Drive to Clark Lane); calling for bids through the Purchasing Division.

B5-11 Authorizing the acquisition of easements for construction of the Hominy Branch Outfall Relief Sewer, Phase II and the acquisition of additional easements for construction of Hominy Creek Trail, Phase II.

B6-11 Authorizing agreements with Boone Electric Cooperative to provide for primary electrical service for the Cascades Pump Station and Gans Creek Pump Station projects.
B7-11 Authorizing agreements with Boone Electric Cooperative to provide for primary and backup electrical service for the Clear Creek Pump Station project.

B8-11 Calling a municipal election to elect Council Members for Ward 1 and Ward 5.

B9-11 Calling a special election relating to the issuance of Water and Electric System Revenue Bonds for the purpose of purchasing the outstanding shares of the Columbia Energy Center.

B10-11 Accepting conveyance; authorizing payment of differential costs for construction of a water main serving Mill Creek Manor, Plat 4; approving the Engineer’s Final Report.

B11-11 Authorizing construction of improvements for the ecological restoration of the former Columbia Sewer Treatment Plant #2 located along Hinkson Creek and adjacent to the MKT Trail; calling for bids through the Purchasing Division; transferring funds.

B12-11 Appropriating funds for parks projects authorized at the November, 2010 election.

B13-11 Accepting and appropriating donated funds from Columbia Youth Football, Inc. for the purchase of irrigation materials for football fields located in Columbia Cosmopolitan Recreation Area.

B14-11 Authorizing Amendment No. 2 to the redevelopment agreement with Tiger Columns, L.L.C.

B15-11 Appropriating funds for Share the Light Program.

B16-11 Appropriating funds for Columbia Values Diversity Celebration activities.

REPORTS AND PETITIONS

REP1-11 Intra-Departmental Transfer of Funds Requests.

Mr. Watkins noted this report was provided for informational purposes.

REP2-11 Designated Taxi Stands Downtown.

Mr. Watkins provided a staff report.

Mr. Sturtz asked if someone who parked in the taxi stand area earlier in the evening would be towed if they remained there after 9:00 p.m. Sergeant Kelley replied he understood the areas would be posted at the meter similar to postings in certain areas on game days and vehicles would be towed.

Mr. Sturtz asked if it was necessary to clear everything out by 9:00 p.m. in order to deal with the peak time of 1:00 a.m. Sergeant Kelley replied there was a high frequency of taxi traffic between those determined hours. Mr. Sturtz asked how many parking spaces this would involve. Sergeant Kelley replied that had not been decided, but they were estimating 4-5 spots at each location.

Mr. Thornhill asked for the level of support from the taxi companies as he understood there were conflicting comments. Sergeant Kelley replied he understood there was some miscommunication, so they intended to have additional meetings to work out any issues.

Mayor McDavid made a motion directing staff to hold an interested parties meeting with the taxi cab companies and to prepare an ordinance designating taxi stands at the
locations indicated in the report. The motion was seconded by Mr. Thornhill and approved unanimously by voice vote.

**REP3-11 Proposed Street Name Changes – Old Scott Boulevard and a Portion of Maguire Boulevard.**

Mr. Watkins provided a staff report.

Ms. Hoppe made a motion directing staff to schedule public hearings on the renaming of the three street sections discussed. The motion was seconded by Mr. Thornhill and approved unanimously by voice vote.

**REP4-11 Worley/Fairview Turn Lanes.**

Mr. Watkins and Mr. Glascock provided a staff report.

Mr. Thornhill made a motion directing staff to re-stripe Worley Street as shown in the report. The motion was seconded by Mr. Dudley and approved unanimously by voice vote.

**REP5-11 Skylane Drive and Blue Ridge Road – All-Way Stop.**

Mr. Watkins and Mr. Glascock provided a staff report.

Mr. Dudley made a motion directing staff to prepare an ordinance that removed the all-way stop from the intersection of Blue Ridge Road and Skylane Drive and to install a signed and marked pedestrian crosswalk at the east leg of Blue Ridge Road and Deer Run Drive. The motion was seconded by Mr. Thornhill and approved unanimously by voice vote.

**REP6-11 Forum Boulevard Speed Limit.**

Mr. Watkins provided a staff report.

Ms. Hoppe stated she did not understand the 45 mph limit since it was bounded by 35 mph limits and because of the dangerous ingress and egress situation at the old Woodrail Center. Mr. Glascock explained a change in speed limit would not change the condition. There needed to be a right-in/right-out at Woodrail. Ms. Hoppe asked when they might have a right-in/right-out at that intersection. Mr. Glascock replied Council needed to provide direction as the business at the intersection was opposed to the change. Mr. Watkins explained he believed the Council had approved a redevelopment at that location even though staff was skeptical of the information provided by the developer's traffic engineer for a full intersection. He noted the best solution was for Forum Boulevard to be constructed as a four-lane road all the way through, so appropriate turns could be built into it. This meant the bridge would need to be replaced. He suggested this be considered for the next road ballot issue.

Mr. Thornhill understood the developer had agreed to participate in some of the cost, although it was minimal.

Ms. Nauser noted this issue had been discussed several times during the past six years and there was not an appropriate measure to resolve the problem. She thought the entire roadway would need to be addressed to resolve the problem. She hoped future Councils would address this road with the next road ballot issue.

**COMMENTS BY PUBLIC, COUNCIL AND STAFF**
Mayor McDavid noted a city manager recruitment profile had been provided to the Council for review and input.

Mayor McDavid made a motion to approve the city manager recruitment profile pending editing. The motion was seconded by Mr. Dudley.

Mr. Thornhill wished a more finalized version would have been submitted for approval. Mr. Sturtz asked if the profile would be sent around one more time for review to ensure the errors were fixed. Mayor McDavid understood the review would be for editing purposes as everyone agreed with the content and suggested a 24 hour turnaround time for this last review.

The motion made by Mayor McDavid and seconded by Mr. Dudley to approve the city manager recruitment profile pending editing was approved unanimously by voice vote.

Ms. Hoppe stated she had met with the Parks and Recreation Department regarding the changes being made at the historic roadside park on Old Highway 63 and asked if a pedestrian light could be installed on Old 63 at Shepard Boulevard so people could cross safely to get to the pedway. Mr. Watkins noted a report would be provided.

Ms. Hoppe asked for a work session to further discuss the Hinkson Creek TMDL so they could determine what positive actions could be taken.

Mr. Watkins understood this work session should be scheduled after the TMDL was issued. Ms. Hoppe stated that was correct.

Ms. Hoppe commented that she had a step-son in the military, who was currently in Afghanistan, and while she supported him, she did not feel it was necessary to recite the Pledge of Allegiance, and thought he would agree.

Mr. Kespolh asked for the status on the new cell phone policy. Mr. Watkins replied it had been implemented and was in the transition phase. If a cell phone or allowance was not identified by January 31, the bill would not be paid by the City.

Mr. Kespolh asked if a decision had been made with regard to the back-in parking on Ash Street. Mr. Watkins replied they intended to bring that to Council before next spring when it would be re-paved and re-striped. Mr. Kespolh understood meter revenues were down at that location. Mr. Watkins replied revenues were significantly down.

The meeting adjourned at 10:27 p.m.

Respectfully submitted,

Sheela Amin
City Clerk