



CITY COUNCIL EXECUTIVE SESSION
Monday, January 9, 2012
Lorraine H. Morton Civic Center
Aldermanic Library

Present: Alderman Wilson Alderman Wynne
Alderman Holmes Alderman Fiske
Alderman Tendam Alderman Grover
Alderman Braithwaite Alderman Burrus

Absent: Alderman Rainey

Others Present: City Attorney Grant Farrar, City Manager Wally Bobkiewicz, Marty Lyons, Assistant City Manager, Steve Griffin, Director Community and Economic Development, Johanna Nyden, Economic Development Planner, Paul Zalmezak, Economic Development Planner, Nancy Radzevich, Division Manager Economic Development, Richard Eddington, Chief of Police

Presiding: Mayor Elizabeth B. Tisdahl

Mayor Tisdahl called the meeting to order at 9:47 pm.

Real Estate:

City Manager Bobkiewicz asked Paul Zalmezak to give an update on possible property acquisition for the City. He stated they had discovered Mr. Cheifetz had three E-town development organizations, and that they had completed the legal research the Council had directed them to do. The property at Church & Darrow properties were appraised at \$340,000. They bided the 1911-1917 Church Street property but do not have an appraisal as of yet, and an EPA study must be accomplished. Mr. Bobkiewicz stated staff will continue working to bring back a finished package to Executive Session prior to coming back to the Council when it is available.

Ms. Johanna Nyden reported on the progress of the property located at 1800 Maple Avenue. The Olive Mediterranean Grill is a "fast-casual" restaurant has shown an interest in purchasing. Mr. Bobkiewicz stated they will continue moving forward and come back later with an update.

Litigation:

Mr. Farrar stated he had a trial last week that was successful and he thanked the Chief of Police and his staff for the outstanding assistance in the conclusion of the case. It was an excessive force case and also a failure to intervene as well as failure to provide medical care to the plaintiff. He stated the Plaintiff's Lawyer's actions were deplorable in every

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aspect of his presentation. Under Mr. Farrar's cross examination he got the Plaintiff to admit to the following:

- He knew it was stupid to run.
- He knew he was breaking the law when he ran
- He was not fighting no more (which meant he was not resisting)

The jury felt sorrow for the Plaintiff and wanted to do something for him other than give him money as stated by Mr. Farrar. The jury then find for the Plaintiff for excessive force against the Officer, they found for the City on the fail to intervene claim, and found for the City on the claim of failure to supply medical care. This was because someone looked as to be smiling in the booking room which was in violation of the Plaintiff's Constitutional Rights. At the end of the day, the Plaintiff receives nominal damages and receives (\$1500.00), his Attorney will receive his third and we won 80% of the case, says Mr. Farrar. He also mentioned a wrongful state death case as well as a

Minutes:

The minutes were approved for the months of November 7th, 28th, and December 12th, 2011. The meeting ended at 10:16 p.m. after a unanimous voice vote.

Submitted by,

Hon. Rodney Greene / City Clerk

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