



Meeting Minutes - Draft
City Council

Monday, July 21, 2014

5:30 PM

Council Chambers

Council Meeting

Public Hearing

14-0500

A Public Hearing for the purpose of considering the transaction of business that may properly come before the Council such business to include, but not be limited to, the authorization by the Council, pursuant to Amendment No. 750 of the Constitution of Alabama of 1901, as amended, of a resolution approving the execution and delivery of a Special Economic Development Grant Agreement (the "Agreement") by the City and SSFoley, LLC (the "Owner").

Attachments: [Foley Shoe Station. Legal Notice of Hearing \(02951808\).pdf](#)

Council President Wayne Trawick opened the public hearing at 5:34 p.m. for the purpose of considering the transaction of business that may properly come before the Council such business to include, but not be limited to, the authorization by the Council, pursuant to Amendment No. 750 of the Constitution of Alabama of 1901, as amended, of a resolution approving the execution and delivery of a Special Economic Development Grant Agreement (the "Agreement") by the City and SSFoley, LLC (the "Owner"). President Trawick asked for comments from the public. Hearing no comments, he closed the public hearing.

Call to Order

President Trawick called the meeting to order at 5:35 p.m.

Roll Call

All Council members were present. Also present: Mayor John Koniar, City Administrator Mike Thompson, City Clerk Vickey Southern, Katy Taylor, Steve Smith, David Wilson, Joey Darby, Miriam Boutwell, Chad Christian, Jeff Rouzie, Leslie Gahagan, Sharon Knight, Gregg Knight, Daley Torrence, Bob Webb, Joyce Shildar, Roddy Burkle, Jerry Delmont, Carol Chisenberry, Britton Henig, Bob Young, John Jackson, Marita Johnson, Erby Suits, Bubba Baker, Tim O'Leary, Wade Palmer, Amy Palmer and press representative Cathy Higgins (Onlooker).

Present: 5 - President Wayne Trawick, Council Member Vera Quaites, Council Member Ralph Hellmich, Council Member Rick Blackwell and Council Member Charles Ebert III

Pledge of Allegiance

Additions/Removals

A motion was made by Council Member Ralph Hellmich to remove items 14-0501 and 14-0502 due to these items being duplicates of items 14-0470 and 14-0471; to carry over item 14-0524 to the Council meeting of August 4, 2014; to add Randy Arp to item 14-0278 to be reappointed to the Construction Board of Adjustments and Appeals. The motion was seconded by Council member Charles Ebert III and carried by an unanimous vote.

Approval of Minutes

14-0497 Work Session Minutes Of July 7, 2014.

Attachments: [07-07-2014 Work Session Minutes.pdf](#)

A motion was made by Council Member Ralph Hellmich to approve the Work Session Minutes of July 7, 2014. The motion was seconded by Council Member Rick Blackwell and carried by an unanimous vote.

14-0490 Council Meeting Minutes of July 7, 2014.

Attachments: [7-07-2014 Council Meeting Minutes.pdf](#)

A motion was made by Council Member Rick Blackwell to approve the Council Meeting Minutes of July 7, 2014. The motion was seconded by Council Member Ralph Hellmich and carried by an unanimous vote.

Audit of the Accounts

14-0531 Audit The Accounts Of June, 2014.

A motion was made by Council Member Ralph Hellmich to approve payment for the June 2014 accounts. The motion was seconded by Council Member Vera Quaites and carried by an unanimous vote.

Reports

14-0524 June 2014 Sales, Lodging and Rental Tax Reports

Attachments: [DOC021.pdf](#)

A motion was made by Council Member Ralph Hellmich to remove this item from the agenda. City Administrator Mike Thompson gave the preliminary figures for June along with the May 2014 report during the July 7, 2014 Council meeting; however, the final June 2014 Sales, Lodging and Rental Tax Report is attached in its entirety to the minutes. The motion was seconded by Council Member Charles Ebert III and carried by an unanimous vote.

14-0487 June 2014 CDD Report

Attachments: [CDD June Report for Council.pdf](#)

City Planner Miriam Boutwell gave a synopsis of the June 2014 CDD Report, which is attached as back up to the minutes.

14-0520 Fire Department Monthly Report June 2014

Attachments: [Council June 14 7-14](#)

Fire Chief Joey Darby gave a synopsis of the June 2014 Fire Department Report, which is attached as back up to the minutes. He also noted that there were two building fires, one fire was on Lymon Lane that started as a grease fire in the kitchen. This fire was mostly contained upon the Department's arrival but it did temporarily displace the occupants. There was a significant residential fire on North Alston Street in a rental home. No one was home at the time of the fire but it is being investigated as an arson. The State Fire Marshall and the Foley Police Department are investigating the fire. The occupants of the home were displaced. There was a Class A RV fire at the Elks Lodge that started in the refrigerator. The RV was a total loss.

14-0496 Foley Police Activity Report for June 2014

Attachments: [June.activity.14](#)

Police Chief David Wilson gave a synopsis of the Foley Police Activity Report for June 2014, which is attached as back up to the minutes.

Ordinances, Resolutions, and Other Business

14-0530 AN ORDINANCE AUTHORIZING THE ISSUANCE AND MAKING PROVISION FOR
THE PAYMENT OF \$16,805,000 GENERAL OBLIGATION WARRANTS, SERIES 2014

Attachments: [Foley GO 2014. Minutes with Warrant Ordinance \(02900578-2\).pdf](#)

A motion was made by Council Member Charles Ebert III to suspend the rules for the immediate adoption of this ordinance. The motion was seconded by Council Member Ralph Hellmich.

City Administrator Mike Thompson took the following Roll Call vote: Council

Member Vera Quaite, aye; Council Member Ralph Hellmich, aye; Council President Wayne Trawick, aye; Council Member Rick Blackwell, aye and Council Member Charles Ebert III, aye. The vote was unanimous to suspend the rules.

A motion was made by Council Member Charles Ebert III to authorize the issuance and making provisions for the payment of \$16,805,000 general obligation warrants, series 2014. The motion was seconded by Council Member Ralph Hellmich and carried by an unanimous vote.

Enactment No: 14-1021-ORD

14-0260

Approval To Purchase Pole Mounted Christmas Decorations

Attachments: [Northern Lights Display.pdf](#)
 [Northern Lights Display Quote for Wreaths and Trees 07.15.14.pdf](#)

A motion was made by Council Member Ralph Hellmich to approve the transfer of \$10,000 from Beautification Board Account No. 01-619-2010 (Utilities) to Beautification Board Account No. 01-619-7100 (Decorations-New) and to approve the purchase of twenty-seven (27) 8' Zig Zag Trees and thirty-eight (38) 5' wreaths not to exceed \$23,670.00 from Northern Lights Display under Account No. 01-619-7100 (Decorations-New). The motion was seconded by Council Member Rick Blackwell and carried by an unanimous vote.

Enactment No: 14-0280-RES

14-0441

AN ORDINANCE APPROVING PETITION FOR ANNEXATION AND BRINGING PROPERTY INTO THE CORPORATE LIMITS OF THE CITY OF FOLEY

Attachments: [Litzsinger Annexation](#)
 [Annexation Reports](#)

A motion was made by Council Member Ralph Hellmich to approve the first reading of an ordinance approving petition for annexation and bringing property owned by William and Kathleen Litzsinger into the corporate limits of the City of Foley. The motion was seconded by Council Member Charles Ebert III and carried by an unanimous vote.

14-0442

AN ORDINANCE APPROVING PETITION FOR ANNEXATION AND BRINGING PROPERTY INTO THE CORPORATE LIMITS OF THE CITY OF FOLEY

Attachments: [Reports](#)
 [Vamonos LLC Map](#)
 [Vomonos LLC Annexation](#)
 [Vamonos Warranty Deed](#)

A motion was made by Council Member Rick Blackwell to approve the first reading of an ordinance approving petition for annexation and bringing property into the corporate limits of the City of Foley owned by Vamonos, LLC. The motion was seconded by Council Member Vera Quaite and carried by an

unanimous vote.

14-0452

Consider Appointment to the Library Advisory Board

Attachments: [JOHN E. BOLTON](#)
 [PARKER C. JOHNSTON](#)
 [Sara Thompson](#)

A motion was made by Council Member Ralph Hellmich to appoint Sara Thompson to the Library Advisory Board to fill the vacancy left by the resignation of R. Paul Cater. The motion was seconded by Council Member Rick Blackwell and carried by an unanimous vote.

Enactment No: 14-0281-RES

14-0470

A RESOLUTION AUTHORIZING A SPECIAL ECONOMIC DEVELOPMENT GRANT AGREEMENT BY THE CITY OF FOLEY, ALABAMA AND SSFOLEY, LLC

Attachments: [SSFOLEY GRANT AGREEMENT.pdf](#)

A motion was made by Council Member Ralph Hellmich to authorize a special Economic Development Grant agreement by the City of Foley and SSFoley, LLC. The motion was seconded by Council Member Rick Blackwell and carried by an unanimous vote.

Enactment No: 14-0278-RES

14-0471

A RESOLUTION AUTHORIZING A PROJECT USER FEE AGREEMENT BY THE CITY OF FOLEY, ALABAMA AND THE CITY OF FOLEY PUBLIC FACILITIES COOPERATIVE DISTRICT

Attachments: [SSFOLEY USER FEE AGREEMENT.pdf](#)

A motion was made by Council Member Charles Ebert III to authorize a Project User Fee agreement by the City of Foley and the City of Foley Public Facilities Cooperative District. The motion was seconded by Council Member Vera Quaite and carried by an unanimous vote.

Enactment No: 14-0279-RES

14-0478

Consider Reappointment to the Construction Board of Adjustments and Appeals

Attachments: [Construction BAA EXPIRATIONS.pdf](#)
 [Otis Gatlin Email](#)
 [Randy Arp Email](#)

A motion was made by Council Member Ralph Hellmich to reappoint Otis Gatlin and Randy Arp to the Construction Board of Adjustments and Appeals. The motion was seconded by Council Member Charles Ebert III and carried by an unanimous vote.

Enactment No: 14-0282-RES

14-0479

Vehicle Surplus Request

Attachments: [ford.expedition.0853](#)
 [surburan.surplus.7.2014](#)

A motion was made by Council Member Charles Ebert III to declare the vehicles listed on the attached lists as surplus and to authorize their disposal by the best possible means. The motion was seconded by Council Member Ralph Hellmich and carried by an unanimous vote.

Enactment No: 14-0283-RES

14-0483

Residential Sanitation Write Offs as Uncollectible In The Amount Of \$ 112.00

Attachments: [Sanitation Write Offs](#)

A motion was made by Council Member Vera Quaite to write off certain residential sanitation accounts in the amount of \$112.00. The motion was seconded by Council Member Ralph Hellmich and carried by an unanimous vote.

Enactment No: 14-0284-RES

14-0486

A resolution setting a public hearing to consider Planning Commission's recommendation for re-zoning for property owned by Magnolia Land Company.

Attachments: [Mag. Land Rezone App](#)
 [Mag Land Rezone Map](#)

A motion was made by Council Member Blackwell to set a public hearing for the re-zoning of property owned by Magnolia Land Company. The motion was seconded by Council Member Quaite and carried by the following vote: Council Member Vera Quaite, aye; Council Member Ralph Hellmich, aye; Council President Wayne Trawick, abstained; Council Member Rick Blackwell, aye and Council Member Charles Ebert III, abstained. The vote passed by a majority vote.

Aye: 3 - Council Member Quaite, Council Member Hellmich and Council Member Blackwell

Abstain: 2 - President Trawick and Council Member Ebert III

Enactment No: 14-0285-RES

14-0489

A resolution to rescind Resolution 14-0254 reappointing Vernie Heard Jr. to the Board of Adjustments and Appeals

Attachments: [Resolution 14-0254](#)
 [Resolution 13-0481](#)

A motion was made by Council Member Vera Quaite to rescind Resolution

14-0254 appointing Vernie Heard Jr. to the Board of Adjustments and Appeals and to reinstate/reconfirm Resolution 13-0481 moving Mr. Heard from an alternate member to a regular member with a term ending September 16, 2016. The motion was seconded by Council Member Rick Blackwell and carried by an unanimous vote.

Enactment No: 14-0286-RES

14-0499

Request to update Graham Creek Nature Preserve Master Plan

A motion was made by Council Member Ebert III to approve the proposal from Goodwyn, Mills and Cawood for the Graham Creek Nature Preserve Master Plan update in the amount of \$10,000 and to allocate the funds to Planning Expense account 12-600-9595 A12 GCNP MPU. The motion was seconded by Council Member Blackwell and carried by the following vote: Council Member Vera Quaites, aye; Council Member Ralph Hellmich, aye; Council President Wayne Trawick, abstained; Council Member Rick Blackwell, aye and Council Member Charles Ebert III, aye. The vote passed by a majority vote.

Aye: 4 - Council Member Quaites, Council Member Hellmich, Council Member Blackwell and Council Member Ebert III

Abstain: 1 - President Trawick

Enactment No: 14-0287-RES

14-0501

**A RESOLUTION AUTHORIZING A PROJECT USER FEE AGREEMENT
BY
THE CITY OF FOLEY, ALABAMA
AND
THE CITY OF FOLEY PUBLIC FACILITIES COOPERATIVE DISTRICT**

Attachments: [Foley Shoe Station. City Council Minutes - User Fee Agreement \(02911296\) \(2\).pdf](#)

This Resolution was removed.

14-0502

**A RESOLUTION AUTHORIZING A SPECIAL
ECONOMIC DEVELOPMENT GRANT AGREEMENT
BY THE CITY OF FOLEY, ALABAMA
AND
SSFOLEY, LLC**

Attachments: [Foley Shoe Station. City Council Minutes - Grant Agreement \(02911294\) \(3\).pdf](#)

This Resolution was removed.

Enactment No: 14-0279-RES

14-0503

Foley Library Computer Work Station Addition

Attachments: [Hallex Computer Station Quote 7_14](#)

A motion was made by Council Member Ralph Hellmich to approve the completion of the Foley Public Library Computer Work Station Addition project through Hallex Construction at a cost of \$2,360.00 and to approve the transfer

of budget funds in the amount of \$2,500.00 from account 04-600-5020 (Audio/Visual) to account 04-600-5010 (Small Tools). The motion was seconded by Council Member Rick Blackwell and carried by an unanimous vote.

Enactment No: 14-0288-RES

14-0504

Purchase of ATV Rescue Cart for Fire Department

Attachments: [ATV Cart quote - NAFECO -CGRI1219_QUOTENEW_M703092258 \(1\) \(2\)](#)
[ATV Cart quote from EEResQ -](#)
[Foley-FD_AL - Quote #130625-Q-ATR-2-a \(4\)](#)
[ATV stretcher plus shipping - NAFECO -](#)
[CGRI1219_QUOTENEW_M714113942](#)

A motion was made by Council Member Rick Blackwell to approve the purchase of an All Terrain Res-Q Trailer (ATR-2 with Attendant's seat) and a Junkin Stretcher (JSA 200) from NAFECO in an amount not to exceed \$4,600. The motion was seconded by Council Member Vera Quaites and carried by an unanimous vote.

Enactment No: 14-0289-RES

14-0505

Retiree Bonus Authorization (ACT 2014-429)

Attachments: [Retiree Bonus Authorization \(ACT 2014-429\)](#)

A motion was made by Council Member Rick Blackwell to provide the necessary funds to the Employees' Retirement System to cover the cost of the one-time lump sum payment as provided for by ACT 2014-429 for those eligible retirees and beneficiaries of deceased retirees of the City of Foley with the lump sum payment being paid in October 2014. The motion was seconded by Council Member Charles Ebert III and carried by an unanimous vote.

Enactment No: 14-0290-RES

14-0506

Transfer of Airport Funds

A motion was made by Council Member Rick Blackwell to approve the transfer of \$22,000 from Account 01-613-4010 to Capital Project Account 12-665-7344 for paving of the airport access road and required drainage. The motion was seconded by Council Member Ralph Hellmich and carried by an unanimous vote.

Enactment No: 14-0291-RES

14-0507

Request to construct mountain biking trails at Graham Creek Preserve

Attachments: [GCNP Mtn Bike Trail Access](#)

A motion was made by Council Member Charles Ebert III to approve the request to construct the mountain biking trail system at Graham Creek Nature Preserve and to appropriate up to \$10,000 to Capital Projects Account 12-665-7345. The motion was seconded by Council Member Rick Blackwell and carried by an unanimous vote.

Enactment No: 14-0292-RES

14-0508

Amending Resolutions #14-0039 and #14-0093 to correct typos. These are housekeeping items and require no budget adjustments.

Attachments: [14-0039](#)
 [14-0093](#)

A motion was made by Council Member Ralph Hellmich to amend Resolution 14-0039 to correctly state "two" Mechanic positions and not "one" and to amend Resolution 14-0093 to correctly state a "Grade 19" and not a "Grade 23". The motion was seconded by Council Member Rick Blackwell and carried by an unanimous vote.

Enactment No: 14-0293-RES

14-0509

Award Bid for Clubhouse Dr. Culvert Repairs

Attachments: [Clubhouse Dr. Repairs Bid Results](#)

A motion was made by Council Member Ralph Hellmich to approve and accept awarding the lowest responsible bid for Clubhouse Drive culvert repairs to R&S Paving & Grading, Inc. in the amount of \$57,911.00 and to amend Account 01-660-8300 accordingly. The motion was seconded by Council Member Charles Ebert III and carried by an unanimous vote.

Enactment No: 14-0294-RES

14-0510

Sod Purchase for Glenlakes Sidewalk Ph. II

Attachments: [Glenlakes Sidewalk Ph. II Sod](#)

A motion was made by Council Member Rick Blackwell to approve direct owner purchase of sod from Haber Sod Farms, LLC in the amount of \$1,950.00 for the Glenlakes Sidewalk Ph. II project, amending Account 12-665-7281 Q64 CONST accordingly. The motion was seconded by Council Member Charles Ebert III and carried by an unanimous vote.

Enactment No: 14-0295-RES

14-0513

Right of Way and Easement Donations for Pride Drive Extension

Attachments: [RCS PROPERTIES TRACT 1.pdf](#)
[Sansing Tract 1.pdf](#)
[Shoppes of Riviera Pride dr tract 2 deed ROW.pdf](#)
[Shoppes of Riviera Pride dr tract 2 easement deed.pdf](#)
[Shoppes of Riviera Pride DR tract 2 Foley Eng.pdf](#)
[Shoppes of Riviera Pride dr Tract 2 Waiver of Appraisel.pdf](#)
[Shoppes of Riviera oride dr tract 2 drwg 1,2,3.pdf](#)
[Tract 3 Ryans Ventures, LLC](#)
[Tract 4 RSBill, LLC](#)
[Seven Amigos Tract 5.pdf](#)
[Tract 6 BC Foley, LLC](#)

A motion was made by Council Member Ralph Hellmich to approve and accept the donations of the properties as attached and to accept the same as right of way and easements for the extension of Pride Drive, Project No. ACOA59521-ATRP(003). The motion was seconded by Council Member Charles Ebert III and carried by an unanimous vote.

Enactment No: 14-0296-RES

14-0515

A RESOLUTION TO RETAIN THE SERVICES OF GLOBAL MARKETING INC FOR UPGRADES TO THE VISITFOLEY.ORG WEBSITE

Attachments: [7.9.14 responsive web quote and database change final](#)

A motion was made by Council Member Ralph Hellmich to approve the transfer of \$8,750 from Account 01-625-5210 Advertising and Printing to Account 01-625-3020 Consultant/Professional Fees and to accept Global Marketing Solutions' quote in the amount of \$9,750 to upgrade the VisitFoley.org website. The motion was seconded by Council Member Rick Blackwell and carried by an unanimous vote.

Enactment No: 14-0297-RES

14-0516

Volkert, Inc.'s Contract for Resurfacing Ph. V

Attachments: [Resurfacing Ph. V Volkert Contract](#)

A motion was made by Council Member Blackwell to approve Volkert, Inc.'s contract for engineering services related to the Resurfacing Ph. V project in the amount of \$105,120.00, amending Account 12-600-9365 A13 PHV accordingly. The motion was seconded by Council Member Quaite and carried by the following vote: Council Member Vera Quaite, aye; Council Member Ralph Hellmich, aye; Council President Wayne Trawick, abstained; Council Member Rick Blackwell, aye and Council Member Charles Ebert III, aye. The vote passed by a majority vote.

Aye: 4 - Council Member Quaite, Council Member Hellmich, Council Member Blackwell and Council Member Ebert III

Abstain: 1 - President Trawick

Enactment No: 14-0298-RES

14-0518 Reimbursement of Baldwin EMC for Relocation of Certain Utility Facilities

A motion was made by Council Member Charles Ebert III to reimburse Baldwin EMC for all costs arising from any betterment of utilities relative to the Pride Drive Extension and widening Juniper Street from County Road 20 to Tammany Boulevard. The motion was seconded by Council Member Vera Quaites and carried by the following vote: Council Member Vera Quaites, aye; Council Member Ralph Hellmich, aye; Council President Wayne Trawick, abstained; Council Member Rick Blackwell, aye and Council Member Charles Ebert III, aye. The vote passed by a majority vote.

Aye: 4 - Council Member Quaites, Council Member Hellmich, Council Member Blackwell and Council Member Ebert III

Abstain: 1 - President Trawick

Enactment No: 14-0299-RES

14-0519 Reimbursable Agreement for Relocation of Utility Facilities for the Pride Drive Extension

Attachments: [Baldwin EMC Agreement](#)

A motion was made by Council Member Blackwell to approve the Mayor to execute an agreement with Baldwin EMC titled "Reimbursable Agreement for Relocation of Utility Facilities on Private or Public Right-Of-Way" Project No. ACOA59521-ATRP(003), City account/project 12-665-7311 Q88 CONST. The motion was seconded by Council Member Ebert III and carried by the following vote: Council Member Vera Quaites, aye; Council Member Ralph Hellmich, aye; Council President Wayne Trawick, abstained; Council Member Rick Blackwell, aye and Council Member Charles Ebert III, aye. The vote passed by a majority vote.

Aye: 4 - Council Member Quaites, Council Member Hellmich, Council Member Blackwell and Council Member Ebert III

Abstain: 1 - President Trawick

Enactment No: 14-0300-RES

14-0523 Approves roof addition and repainting of the clock tower to be installed at Centennial Plaza

Attachments: [Email from Verdin Company.docx](#)

A motion was made by Council Member Charles Ebert III to approve the roof addition and repainting of the clock tower by The Verdin Company for a total of \$39,000 and to appropriate the funds under Account 28-600-7120 CEN DOP. The motion was seconded by Council Member Ralph Hellmich and carried by an unanimous vote.

Enactment No: 14-0301-RES

14-0528 Rescinds Resolution 14-0186 Accepting Bid For Solar Screen System

Attachments: [14-0186 RES](#)

A motion was made by Council Member Ralph Hellmich to rescind Resolution 14-0186 and to state there is no longer a need to appropriate funds to Account 12-665-7335 (USDA/Equipment For FFM) in the amount of \$37,965.00 for a solar screen system. The motion was seconded by Council Member Rick Blackwell and carried by an unanimous vote.

Enactment No: 14-0302-RES

14-0532

Authorizing Waiver of Certain Fees for the CAFFM, Inc.'s Retail Center

Attachments: [201407171442](#)

A motion was made by Council Member Ralph Hellmich to waive all but the minimum Community Development Department and Engineering Department Permit Fees relating to the build-out of the Retail Center belonging to the CAFFM, Inc., a 501(c)(3) organization. The motion was seconded by Council Member Vera Quaites and carried by an unanimous vote.

Enactment No: 14-0303-RES

14-0533

Request permission to go to bid for aggregation equipment

A motion was made by Council Member Charles Ebert III to approve General Government going to bid for produce grading equipment under Expense Account 12-665-7335 and to appropriate up to \$350 for bid related expenses. The motion was seconded by Council Member Ralph Hellmich and carried by an unanimous vote.

Enactment No: 14-0304-RES

Mayor's Comments

Mayor John Koniar reported that while at the Air Show in London, he met with the President of UTC, Governor Bentley, Congressman Bonner and the Secretary of Commerce. The President of UTC reported that the Foley operations plant was the best of all of the UTC plants. They are expecting to expand and hopefully this will create more jobs in Foley.

Visitor's Comments

Amy Palmer of 2693 S. Hickory Street addressed the Council with her concerns of drainage issues with Ashford Park Subdivision's retention pond. She asked about the status of the ATRIP money that was suppose go to towards addressing the drainage and she also stated that work was suppose to begin in July of 2014. Councilman Hellmich reported that the drainage improvement that was anticipated will be along County Road 20 that will benefit the out fall for Ashford Park. The ATRIP funds that was received for County Road 20 can not be used for the retention pond. The City will have to do those repairs as a separate project. The City has spoken with a few of the land owners and one is interested in the repairs and the other is concerned that improving the drainage negatively could impact his property. The City believes that as they continue to improve drainage along County Road 20, that will keep the drainage from backing up. The City's new Engineer, Chad Christian, will continue to work on Ashford Park's outfall to County Road 20. The Engineer's

reviews in the past indicated that as long as the pond is draining there is no issue and the City is unaware of any type of back up that would cause water to back up into the neighborhoods. The City hopes to go through the environmental reviews and try to go through some type of low impact drainage improvement to get the water from Ashford Park's outfall over to County Road 20 once the improvements are complete. This project is still moving forward; however, ATRIP moves at a slow pace.

City Administrator Mike Thompson reported that the ATRIP project for the drainage in that area is actually a County project and not a City ATRIP project. The City is not managing the project but the City is partnering with them for the 50% funding match. The County is moving forward; however, they needed to get easements on three different properties along County Road 20 to properly design the drainage ditches on either side. They have received two of the three easements thus far and they will continue to try to obtain the third easement. They must obtain the easements before the ATRIP money will be released to them.

Councilman Hellmich reported that the City is not delaying the progress because they cannot fix the drainage until there is a place for the water to go.

Mrs. Palmer stated that Ashford Park HOA spent \$45,000 in the past six months on improvements for the retention pond that has an island that is full of snakes, many of which have been removed. They have not received any cooperation from Hampton Park Subdivision, which is located south of Ashford Park, in working with them on the drainage issue. Many of their residents want to keep the retention ponds in a natural environment.

Mr. Thompson reported that once the County receives the easements needed, the repairs can move forward. The City cannot start on repairs then get too far ahead of the County's repairs.

Councilman Ebert, III suggested that perhaps the easements could be obtained by legal means if they are not getting them voluntarily.

Mrs. Palmer invited the Council and Mayor to Ashford Parks semi-annual meeting. It will be a day of fun at the Gulf State Park.

Erby Suits from Ashford Park reported that the subdivision spent \$45,000 on their repairs but Hampton Park will not. He is concerned that if the water does not flow, the work they did will have been for nothing. The water will back up again into Ashford Park's retention pond.

Councilman Ebert, III asked if the City's weed abatement or nuisance ordinances could take effect in this situation. Environmental Manager, Leslie Gahagan reported that she has sent letters to Hampton Park and they have answered that they are not going to begin work until the City removes the cattails. Councilman Hellmich asked Mrs. Gahagan if weed abatements have ever been used in situations like this and she reported yes, they have.

Mr. Suits reported that anything that could be done would be greatly appreciated.

Gregg Knight of 809 E. Azalea Avenue addressed the Council with concerns

over drainage in his back yard. He reported that the mosquitoes were really bad. Assistant City Engineer Taylor Davis reported that they will return to that area to survey what is happening. Mr. Knight also asked if the City had any plans to get any other internet providers other than Century Link with their DSL bandwidth. President Trawick reported that there are three providers but he wasn't sure what the size of the bandwidths.

Executive Session

Mike Thompson reported Jeff Rouzie, the Director of Economic Development, has called for an Executive Session to discuss the preliminary negotiations involving trade or commerce in which the City is competing with others. This trade negotiation exception requires someone familiar with the negotiations to advise the City Council that the discussions, if held in open meeting, would have a detrimental effect on the competitive position of the City or another party.

The Executive Session should take approximately 15 minutes and it will not be necessary for Council to come back for a vote and they will adjourn from the Executive Session. Councilman Ebert made a motion to go into Executive Session and Councilman Hellmich seconded the motion. Mr. Thompson took the following roll call vote: Council Member Quaites, aye; Councilman Hellmich, aye; President Trawick, aye; Councilman Blackwell, aye and Councilman Ebert, aye. The vote was a unanimous vote to go into Executive Session and they recessed at 6:58 p.m.

Adjourn

Reconvened Meeting - President Trawick called the meeting back to order at 6:39 p.m. All Council members were present. Others present: Mike Thompson. Hearing no further business a motion was made by Council Member Ralph Hellmich to adjourn the meeting. The motion was seconded by Council Member Charles Ebert III and carried by an unanimous vote.

The meeting adjourned at 6:40 p.m.