



City of Foley, AL

407 E. Laurel Avenue
Foley, AL 36535

Meeting Minutes - Final City Council

Monday, October 7, 2013

5:30 PM

Council Chambers

Council Meeting

Public Hearing

[13-1032](#)

Public Hearing To Declare Weeds A Public Nuisance And Order Its Abatement At 1721 N. Bunner Street. **Property has been abated by owner. No further action required.**

Council President Trawick called the public hearing to order at 5:30 p.m. President Trawick reported that the property had been abated by the property owner and no further action was required. He then asked if there were any comments from the public. Hearing no comments, President Trawick closed the public hearing.

[13-1033](#)

Public Hearing To Declare Weeds A Public Nuisance And Order Its Abatement at Vacant Lot at 34105 S. McKenzie Street. **Property has been abated by the owner. No further action required.**

Council President Trawick opened the public hearing. He reported that the property had been abated by the property owner and no further action was required. He then asked if there were any comments from the public. Hearing no comments, President Trawick closed the public hearing.

[13-1034](#)

Public Hearing To Declare Weeds A Public Nuisance And Order Its Abatement at Vacant Lot (Victoria Place) at 2651 Juniper Street. **Property has been abated by the owner. No further action required.**

Council President Trawick opened the public hearing. He reported that the property had been abated by the property owner and no further action was required. He then asked if there were any comments from the public. Hearing no comments, President Trawick closed the public hearing.

Call to Order

Council President Wayne Trawick called the meeting to order at 5:32 p.m.

Roll Call

All Council members were present. Also present: Mayor John Koniar, City Administrator Mike Thompson, City Clerk Vicky Southern, Katy Taylor, Steve Smith, David Wilson, Joey Darby, Tom DeBell, Kate Norris, Nathan Norris, Molly Norris, Sloan Norris, Diann Sharp, Lacie Madison, Jackson Madison, Mary Madison, Rob Madison, Larry Hood, Dana Hood, Blakeli Hood, Maggie Sharp, Mari Tisdale, Sherri Shutt, Leslie Mapp, Josie Madison Casey Pipes, press representative Cathy Higgins (Onlooker), press representative Guy Busby (Press Register).

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

Mayor's Presentation

[13-1047](#)

Proclamation Declaring October, 2013 As National Dyslexia Awareness Month.

Attachments: [10-7-13 Proclamation](#)

Mayor John Koniar presented Jackson Madison with a proclamation declaring October, 2013 as National Dyslexia Awareness Month. After Jackson accepted the proclamation, his mother, Lacie Madison reported how proud she and Jackson's father, Rob Madison are of Jackson and that he has made tremendous progress and that he has great teachers helping him at St. Benedict School.

[13-1059](#)

Proclamation Declaring October 2013 as Breast Cancer Awareness Month.

Attachments: [10-7-13 Breast Cancer Awareness Proclamation](#)

There was no one present to accept the proclamation.

Additions/Removals

Councilman Ralph Hellmich made a motion to remove items 13-1015 and 13-1055 from the agenda and to add items 13-1061, 13-1063, and 13-1068. The motion was seconded by Councilman Rick Blackwell and carried by an unanimous vote.

Approval of Minutes

[13-1026](#)

Work Session Minutes Of September 16, 2013.

Attachments: [Work Session Minutes 9-16-2013](#)

A motion was made by Council Member Ralph Hellmich to approve the Work Session Minutes of September 16, 2013. The motion was seconded by Council Member Vera Quaite and carried by an unanimous vote.

[13-1029](#)

Council Meeting Minutes of September 16, 2013

Attachments: [Council Meeting Minutes 9-16-2013](#)

A motion was made by Council Member Rick Blackwell to approve the Council Meeting Minutes of September 16, 2013. The motion was seconded by Council Member Charles Ebert III and carried by an unanimous vote.

[13-1027](#)

Special Call Council Meeting Minutes Of September 17, 2013.

Attachments: [Special Call Meeting Minutes 9-17-2013](#)

A motion was made by Council Member Ralph Hellmich to approve the Special Call Meeting Minutes of September 17, 2013. The motion was seconded by Council Member Vera Quaite and carried by an unanimous vote.

[13-1028](#)

Special Call Council Meeting Minutes Of September 23, 2013.

Attachments: [Special Call Meeting Minutes 9-23-2013](#)

A motion was made by Council Member Rick Blackwell to approve the Special Call Meeting Minutes of September 23, 2013. The motion was seconded by Council Member Ralph Hellmich and carried by an unanimous vote.

New Business

Ordinances, Resolutions and Other Business

[13-1010](#)

Residential Sanitation Write Offs as Uncollectible

Attachments: [10-7-13 Sanitation Write Offs](#)

A motion was made by Council Member Ralph Hellmich to approve the residential sanitation write offs in the amount of \$271.99. The motion was seconded by Council Member Charles Ebert III and carried by an unanimous vote.

Enactment No: 13-0492-RES

[13-1011](#)

Property Disposal Ordinance

Attachments: [property.disposal.ord.req.13](#)

A motion was made by Council Member Ralph Hellmich to approve the first reading of the property disposal ordinance for the Foley Police Department. The motion was seconded by Council Member Rick Blackwell and carried by an unanimous vote.

[13-1015](#)

A Resolution Approving the Purchase of Patrol Vehicles off the State Bid List

This item was carried over to the City Council meeting of October 21, 2013.

[13-1016](#)

Permission to seek new bids on Police Emergency Equipment and the cost of Installation

A motion was made by Council Member Ralph Hellmich to approve the Foley Police Department to go to bid on emergency equipment and the necessary items to equip five vehicles and to include the installation. The motion was seconded by Council Member Rick Blackwell and carried by an unanimous vote.

Enactment No: 13-0493-RES

[13-1018](#)

Declaring Baker & Taylor, Baker & Taylor Entertainment, Over Drive And Recorded Books As Primary Sources For Purchases For The Library.

A motion was made by Council Member Charles Ebert, III to declare Baker & Taylor as the primary source for book purchases in an amount up to \$50,000 and to declare Baker & Taylor Entertainment, Recorded Books and Over Drive as the primary source for audio/visual material in an amount up to \$20,000 for the Foley Public Library. The motion was seconded by Council Member Vera Quaites and carried by an unanimous vote.

Enactment No: 13-0494-RES

[13-1020](#)

(Second Reading) A Resolution Declaring a Portion of Right of Way to be Vacated at 8454 Palmetto Way for a Masonry Mailbox

Attachments: [Flowers Petition of Declaration of Vacation](#)
 [Flowers Mailbox Vacation](#)
 [Flowers Warranty Deed](#)

A motion was made by Council Member Ralph Hellmich to declare a portion of the right of way to be vacated at 8454 Palmetto Way for a masonry mailbox. The motion was seconded by Council Member Rick Blackwell and carried by an unanimous vote.

Enactment No: 13-0495-RES

[13-1021](#)

Approval For Temporary Road Closures For Halloween

A motion was made by Council Member Vera Quaite to approve the temporary road closures of West Laurel Avenue (U.S. 98) from Highway 59 to Alston Street and Orange Avenue from Highway 59 to Alston Street for the annual Foley Halloween Party on Thursday, October 24, 2013 from 5:15 pm until 8:30 pm. The motion was seconded by Council Member Charles Ebert, III and carried by an unanimous vote.

Councilman Ebert also recommended the Marketing Department to notify businesses about the road closures.

Enactment No: 13-0496-RES

[13-1022](#)

Reimbursement Resolution for Municipal Projects

Attachments: [EXHIBIT A Reimbursement Resolution for Municipal Projects.pdf](#)

A motion was made by Council Member Ralph Hellmich to approve the reimbursement of expenditures made by the City for Municipal projects up to the amount of \$10,000,000 from Warrants which are tax-exempt bonds as defined in Section 150(a)(6) of the code and Treas. Reg. 1.150-1. The motion was seconded by Council Member Vera Quaite and carried by an unanimous vote.

Enactment No: 13-0497-RES

[13-1025](#)

Recommendation to Accept Bid to Construct Fuel Farm at the Foley Municipal Airport

Attachments: [Award Recommendation - Fuel Farm](#)
 [Bid Tab - Fuel Farm @ Airport](#)

A motion was made by Council Member Ralph Hellmich to accept the bid submitted by Blade Construction in the amount of \$212,978.25 for the construction of a fuel farm at the Foley Municipal Airport. The motion was seconded by Council Member Charles Ebert, III and carried by an unanimous vote.

Enactment No: 13-0498-RES

[13-1030](#)

Purchase of NCIC Interface for CAD System

Attachments: [ss.ncic.interface.13](#)

A motion was made by Council Member Rick Blackwell to approve the purchase of software that interfaces with NCIC from Southern Software in an amount of \$4,500 and the annual 24/7 support for NCIC in an amount of \$1,250 for a total cost of \$5,750 for the Foley Police Department. The motion was seconded by Council Member Ralph Hellmich and carried by an unanimous vote.

Enactment No: 13-0499-RES

[13-1031](#)

A Resolution amending Resolution 13-0445 approving the Cooperative District's recommendations regarding funding the Farmers Market

A motion was made by Council Member Ralph Hellmich to authorize the Mayor to sign the guarantee agreement and any necessary documents to complete United Bank's revolving line of credit transaction associated with the Coastal Alabama Farmers and Fishermens Market in the amount of \$400,000. The motion was seconded by Council Member Rick Blackwell and carried by an unanimous vote.

Enactment No: 13-0500-RES

[13-1035](#)

Resolution Accepting Costs for Weed Abatement at 1904 Bay Street and Authorizing a Copy be Sent to the Baldwin County Tax Collector's Office

Attachments: [1904 Bay Street Costs](#)

A motion was made by Council Member Charles Ebert, III to accept the total costs in the amount of \$175.40 for the abatement of weeds at 1904 Bay Street and authorizes the City Clerk to forward a copy of the costs to the Baldwin County Tax Collector to be collected under the "Optional Method of Taxation" pursuant to Sections 11-51-40 through 11-51-74 Code of Alabama, 1975; whereupon it shall be the duty of said tax collector to add the amounts of the respective weed lien to the next regular bill for taxes levied against the respective parcel of land. The motion was seconded by Council Member Vera Quaites and carried by an unanimous vote.

Enactment No: 13-0501-RES

[13-1036](#)

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

Attachments: [Rita U Watt Petition for annexation 10-07-2013.pdf](#)
 [Rita U Watt Warranty Deed.pdf](#)
 [Rita U Watt Underwood Deed.pdf](#)
 [Rita U Watt Underwood Death Certificate.pdf](#)
 [Rita U Watt Map.pdf](#)
 [Memo Engineering - Rita Underwood Watt Annexation.pdf](#)
 [Annexation Report for Mayor and Council Watt_Underwood.pdf](#)
 [Underwood Watt Annexation. Environmental Report 9.27.13.pdf](#)
 [Rita M Watt Infrastructure Info.pdf](#)

A motion was made by Council Member Hellmich to suspend the rules for the immediate adoption of the ordinance. The motion was seconded by Council Member Ebert, III and carried by the following vote: Council member Vera Quaites, aye; Councilman Ralph Hellmich, aye; Council President Wayne Trawick, aye; Councilman Rick Blackwell, abstained; and Councilman Charles Ebert III, aye. The vote to suspend the rules did not carry.

City Clerk Vickey Southern explained that in order to be able to suspend the rules all members must vote in the affirmative. If a member wishes to vote nay

or abstain on the actual motion on adopting the ordinance, they may do so at that time.

At this time Councilman Blackwell explained that he wanted to change his vote to aye for the suspension of the rules and wanted to abstain on voting for the actual ordinance. He amended his vote to aye. The vote was recounted and all members voted in the affirmative in the suspension of the rules.

A motion was made by Council Member Ralph Hellmich to approve Rita Watt's petition for annexation and to bring property into the corporate limits of the City of Foley. The motion was seconded by Council Member Ebert, III and City Administrator Mike Thompson took the following Roll Call vote: Council member Vera Quaites, aye; Councilman Ralph Hellmich, aye; Council President Wayne Trawick, aye; Councilman Rick Blackwell, abstained; and Councilman Charles Ebert III, aye. The motion passed by a majority vote.

Aye: 5 - President Trawick, Council Member Quaites, Council Member Hellmich, Council Member Blackwell and Council Member Ebert III

Enactment No: 13-1041-ORD

[13-1037](#)

Purchase Light Fixtures for 121 N. Alston Street Office Renovation Project

A motion was made by Council Member Charles Ebert, III to approve the purchase of twenty-nine (29) 2'x4' LED lay-in troffer light fixtures in an amount up to \$6,000 from E-conolight. The motion was seconded by Council Member Rick Blackwell and carried by an unanimous vote.

Enactment No: 13-0502-RES

[13-1039](#)

Resolution Amending Merit Raise and "GAP" policies. These are housekeeping corrections and have no impact to the budget.

Attachments: [4. Policy on Merit Raises FY14 Amended 10-07-13](#)
 [5. Policy On GAP Days Amended 10-07-13](#)

A motion was made by Council Member Ralph Hellmich to amend the Merit Raise Policy percentage brackets as reflected on the corrected policy attached as back up to the minutes and to amend the "GAP" day policy as reflected on the corrected policy attached as back up to the minutes. The motion was seconded by Council Member Rick Blackwell and carried by an unanimous vote.

Enactment No: 13-0503-RES

[13-1040](#)

Resolution to amend the Pay Classification Plan to create the Assistant City Engineer position that was funded in the FY14 budget and granting permission to advertise.

Attachments: [Asst City Engineer Resolution & Job Description](#)

A motion was made by Council Member Charles Ebert, III to authorize the creation of the Assistant City Engineer at a Grade 23 in the City's Pay Classification Plan. The motion was seconded by Council Member Vera Quaites and carried by an unanimous vote.

Enactment No: 13-0504-RES

[13-1041](#)

Resolution Adopting City of Foley Safety Manual

Attachments: [City of Foley Safety Manual](#)

A motion was made by Council Member Ralph Hellmich to approve the City of Foley Safety Manual that is attached as back up to the Minutes. The motion was seconded by Council Member Rick Blackwell and carried by an unanimous vote.

Enactment No: 13-0505-RES

[13-1042](#)

Resolution Memorializing Purchase of Capital Equipment for the Horticulture Department.

Attachments: [Horticulture Invoices](#)

A motion was made by Council Member Ralph Hellmich to memorialize the purchase of a sprayer from John Deere Landscapes in the amount of \$3,949.91 and to memorialize the purchase of a trailer from B.E. Savage, Inc. in the amount of \$1,100. The motion was seconded by Council Member Charles Ebert III and carried by an unanimous vote.

Enactment No: 13-0506-RES

[13-1043](#)

Resolution Amending the Safety Sensitive List of Positions in the City's Substance Abuse Policy and Program

Attachments: [Pay Classification Plan - 09-24-13 \(DRAFT TAKING TO COUNCIL TO UPDATE SAFETY SENSITIVE\)](#)

A motion was made by Council Member Rick Blackwell to amend the Safety Sensitive List as reflected in the last column of the Pay Classification Plan that is attached as back up to the minutes and which, becomes a part of the City's Substance Abuse Policy and Program. The motion was seconded by Council Member Vera Quaites and carried by an unanimous vote.

Enactment No: 13-0507-RES

[13-1044](#)

Resolution Transferring Personnel Funds for the Municipal Complex Department

A motion was made by Council Member Ralph Hellmich to authorize a transfer of \$39,131.10 from the Library to the Municipal Complex. The motion was seconded by Council Member Rick Blackwell and carried by an unanimous vote.

Enactment No: 13-0508-RES

[13-1045](#)

Resolution Allocating Funds for IT/GIS Offices

Attachments: [Tiger Direct Quote](#)

A motion was made by Council Member Charles Ebert, III to authorize an allocation of \$5,505 and approve the purchase of fiber connectivity payable to B&L Cable and to authorize an allocation of \$11,745 and approve the purchase

of a plotter payable to TigerDirect.com and to authorize an allocation of \$1,500 and approve the purchase of miscellaneous small tools/furishings. The motion was seconded by Council Member Ralph Hellmich and carried by an unanimous vote.

Enactment No: 13-0509

[13-1046](#)

Resolution Approving Employee On-Site Health Care Clinic Incentives

Attachments: [FOLEY Proposed Incentive Design](#)

A motion was made by Council Member Rick Blackwell to approve the Proposed Incentive Design for the City of Foley that is attached as back up to the minutes. The motion was seconded by Council Member Ralph Hellmich and carried by an unanimous vote.

Enactment No: 13-0510

[13-1048](#)

A Resolution Approving A Performance Contract Agreement Amendment Request By Medstar Emergency Medical Services (Medstar).

A motion was made by Council Member Charles Ebert, III to approve Medstar Emergency Medical Service to file a claim for any available insurance reimbursement for services rendered to the prisoners in addition to the monthly contract amount of \$500 per month. The motion was seconded by Council Member Vera Quaites and carried by an unanimous vote.

Enactment No: 13-0511-RES

[13-1050](#)

A Resolution Setting A Public Hearing For B. J. Blanchard Re-zoning

Attachments: [Ace Mini Warehouse Deed.pdf](#)
[Ace Mini Warehouse Beacon Report.pdf](#)
[Ace Mini Warehouse County Info.pdf](#)
[Ace Mini Warehouse Map.pdf](#)

A motion was made by Council Member Ralph Hellmich to set a public hearing for November 4, 2013 for the rezoning of B.J. Blanchard (Ace Mini Warehouse) to consider Planning Commission's recommendation of R-3 rezoning. The motion was seconded by Council Member Rick Blackwell and carried by an unanimous vote.

Enactment No: 13-0512-RES

[13-1051](#)

A Resolution Appointing Skip Davis As The Chair Person To Replace Marita Johnson And Appointing Forrest Mixon As An Alternate Member Of The **Personnel Action Committee**.

A motion was made by Council Member Rick Blackwell to appoint Skip Davis as the Chair Person to the Personnel Action Committee and to appoint Forrest Mixon as an alternate member of the Personnel Action Committee. The motion was seconded by Council Member Charles Ebert, III and carried by an unanimous vote.

Enactment No: 13-0513-RES

[13-1052](#)

Resolution Amending Pay Classification Plan for Municipal Complex Positions

Attachments: [Farmers and Fishermans Market Coordinator Part-Time - Municipal Complex \(1\)](#)
[Events Coordinator - Municipal Complex \(1\)](#)

A motion was made by Council Member Ralph Hellmich to authorize the deletion of one vacant Building Custodian in the City's Pay Classification Plan and to authorize the addition of one part-time, permanent position for Farmers Market Coordinator and to authorize the employee to remain in this position at the new pay rate effective Pay Period Beginning October 8, 2013 and to authorize the conversion of the part-time, permanent position of Events Coordinator to a full-time, permanent position of Events Coordinator at a Grade 8, with a Safety Sensitive designation and to authorize the employee to remain in this position at the new pay rate effective Pay Period Beginning October 8, 2013 and to allocate \$15,635.12 in support of this action and to authorize General Government to bill the Farmers Market directly for the fully loaded payroll costs of the Farmers Market Coordinator and the fully loaded independent contractor costs of the Farmers Market Manager beginning April, 2014. The motion was seconded by Council Member Charles Ebert, III and carried by an unanimous vote.

Enactment No: 13-0514-RES

[13-1053](#)

Approves Transfer of Funds

Attachments: [13-0343 RES.pdf](#)
[HoarProgramManagementATRIP.pdf](#)
[HoarProgramManagementCAFFM.pdf](#)

A motion was made by Council Member Ralph Hellmich to approve the transfer of \$3,255 for Hoar Program Management for monitoring the ATRIP Grant and to approve the transfer of \$1,860 for Hoar Program Management for the Public Facilities Cooperative District's CAFFM Project. The motion was seconded by Council Member Rick Blackwell and carried by an unanimous vote.

Enactment No: 13-0515-RES

[13-1054](#)

Approves purchase of a new 60" zero turn mower and 42" zero turn mower in the amount of \$12,000 for sports complex.

A motion was made by Council Member Rick Blackwell to approve the purchase of a 60" zero turn mower and a 40" zero turn mower in the amount of \$12,000 for the Recreation Department. The motion was seconded by Council Member Vera Quaites and carried by an unanimous vote.

Enactment No: 13-0516-RES

[13-1055](#)

Accepts Quote From R&S Paving

Attachments: [R&SPavingBushCut.pdf](#)

This item was carried over to the City Council meeting of October 21, 2013.

[13-1056](#)

Accepts Quote From Hatch Mott MacDonald For Survey

Attachments: [ALTA Survey Updated expenses on CAFFM.pdf](#)

A motion was made by Council Member Ralph Hellmich to accept the quote from Hatch Mott MacDonald for the ALTA Survey in the amount of \$5,500 and the Environmental Phase I in the amount of \$2,500. The motion was seconded by Council Member Rick Blackwell and carried by an unanimous vote.

Enactment No: 13-0517-RES

[13-1058](#)

A Resolution Approving Becky Hoover's Request To Hold A Rosary Rally At Max Griffin Park Saturday October 12, 2013 From 12:00 PM Until 2:00 PM.

Attachments: [10-7-13 Park Request](#)

A motion was made by Council Member Charles Ebert, III to approve the use of Max Griffin Park on Saturday October 12, 2013 from 12:00 pm until 2:00 pm for a public peace rally requested by Becky Hoover. The motion was seconded by Council Member Vera Quaite and carried by an unanimous vote.

Enactment No: 13-0518-RES

[13-0649](#)

Accepting the Order of Deannexation from the Judge of Probate

Attachments: [Lay Order of Deannexation.pdf](#)

A motion was made by Council Member Ralph Hellmich to accept the Order of Deannexation dated the 23rd of September, 2013 thereby deannexing the property owned by Robert J. and Dianne C. Lay. The motion was seconded by Council Member Charles Ebert, III and carried by an unanimous vote.

Enactment No: 13-0519-RES

[13-1060](#)

Ordinance declaring property no longer needed for municipal purposes and authorizing the sale of the same to the Cooperative District

Attachments: [Wilson Pecan Property Plat.pdf](#)
 [Deed to Public Facilities Cooperative District \(2\)](#)

A motion was made by Councilman Hellmich to suspend the rules for the immediate adoption of the ordinance. The motion was seconded by Councilman Blackwell and City Administrator Mike Thompson took the following Roll Call vote: Council member Vera Quaite, aye; Councilman Ralph Hellmich, aye; Council President Wayne Trawick, aye; Councilman Rick Blackwell, aye; and Councilman Charles Ebert III, aye. The vote passed unanimously to suspend the rules.

A motion was made by Council Member Ebert, III to declare parcel 1 of the Wilson Pecan Property no longer needed and to authorize the sale of the same. The motion was seconded by Council Member Quaite and carried by the following vote: Council member Vera Quaite, aye; Councilman Ralph Hellmich, aye; Council President Wayne Trawick, aye; Councilman Rick Blackwell, aye; and Councilman Charles Ebert III, aye. The vote passed

unanimously.

Aye: 5 - President Trawick, Council Member Quaites, Council Member Hellmich, Council Member Blackwell and Council Member Ebert III

Enactment No: 13-1042-ORD

[13-1062](#)

The Heart Association wishes to reschedule their October 5th "Heart Walk" to October 12th due to Tropical Storm Karen.

A motion was made by Council Member Ralph Hellmich to approve rescheduling the American Heart Association's Heart Walk that was scheduled for Saturday October 5, 2013 to Saturday October 12, 2013 to be held at Heritage Park and Gazebo. The motion was seconded by Council Member Rick Blackwell and carried by an unanimous vote.

Enactment No: 13-0520-RES

[13-1061](#)

A Resolution approving an appraisal for two parcels owned by Gulf Tide Development LLC

Attachments: [Gulf Tide Development Properties.pdf](#)

A motion was made by Council Member Ralph Hellmich to approve Advanced Appraisals to perform an appraisal on parcels PPIN# 024278 and 063160 in an amount not to exceed \$2,500. The motion was seconded by Council Member Charles Ebert, III and carried by an unanimous vote.

Enactment No: 13-0521-RES

[13-1068](#)

A Resolution Setting A Public Hearing For Willow Lakes Estates Initial Zoning

Attachments: [Willow Lakes Estates](#)

A motion was made by Council Member Vera Quaites to set a public hearing for November 4, 2013 for the initial zoning of Willow Lakes Estates to consider Planning Commission's recommendation of R-1D. The motion was seconded by Council Member Rick Blackwell and carried by an unanimous vote.

Enactment No: 13-0522

[13-1075](#)

Approving The Expenditure Of Funds For Architect

A motion was made by Council Member Charles Ebert, III to approve the expenditure of \$25,000 from United Bank's -Line of Credit and to accept McCollough Architect, Inc.'s quote in the amount of \$25,000. The motion was seconded by Council Member Ralph Hellmich and carried by an unanimous vote.

Enactment No: 13-0523-RES

Mayor's Comments

The Mayor had no comments.

Visitor's Comments

There were no visitor comments.

Executive Session

Council President Wayne Trawick reported that Council needed to discuss in executive session, certain aspects of the City's desire to acquire real property by purchase or by condemnation. There are two different exceptions to the open meetings law that come into play in this instance - the real property discussion and the litigation exception. The real property discussion exception allows for the City to discuss in an executive session the consideration that it would be willing to offer to purchase or lease real property. Under this exception, only those people representing the City's interests can attend the meeting (not the land owner). The litigation exception allows the City to meet with their attorney in an executive session to discuss litigation-related matters. This includes matters that are not yet in litigation, but which are likely to be litigated if the City pursues a certain course of action.

City Attorney Casey Pipes reported the executive session will take approximately 15 minutes and that he did not foresee any action being taken by Council and there would be no need for Council to return.

A motion was made by Council Member Hellmich to go into executive session. The motion was seconded by Council Member Blackwell. City Administrator Mike Thompson took the following roll call vote: Council member Vera Quaites, aye; Councilman Ralph Hellmich, aye; Council President Wayne Trawick, aye; Councilman Rick Blackwell, aye; and Councilman Charles Ebert III, aye. The vote to go into executive session passed unanimously.

Council recessed to go into executive session at 6:07 pm.

Council reconvened at 6:50 p.m. to adjourn the meeting.

Aye: 5 - President Trawick, Council Member Quaites, Council Member Hellmich, Council Member Blackwell and Council Member Ebert III

Adjourn

The meeting was adjourned at 6:50 p.m.