



**Meeting Minutes - Draft
City Council**

Tuesday, January 21, 2014

5:30 PM

Council Chambers

Council Meeting

Public Hearing

14-0044 Public Hearing To Declare Weeds To Be A Public Nuisance And Order Its Abatement at Lot South of Pensacola Pools on Highway 59. PIN# 211746

Council President Wayne Trawick opened the public hearing at 5:30 P.M. to declare weeds to be a nuisance and order its abatement at Lot South of Pensacola Pools on Highway 59 PIN# 211746. The property has been abated by the owner and no further action was required. President Trawick asked for comments from the public. Hearing no comments, he closed the public hearing.

14-0045 Public Hearing To Declare Weeds To Be A Public Nuisance And Order Its Abatement at Lot South of Pensacola Pools on Highway 59. PIN# 23319

Council President Wayne Trawick opened the public hearing to declare weeds to be a nuisance and order its abatement at Lot South of Pensacola Pools on Highway 59 PIN# 23319. The property has been abated by the owner and no further action was required. President Trawick asked for comments from the public. Hearing no comments, he closed the public hearing.

14-0046 Public Hearing To Declare Weeds To Be A Public Nuisance And Order Its Abatement at 22996 Highway 98. **Property has been abated. No further Action Required.**

Council President Wayne Trawick opened the public hearing to declare weeds to be a nuisance and order its abatement at 22996 Highway 98. The property has been abated by the owner and no further action was required. President Trawick asked for comments from the public. Hearing no comments, he closed the public hearing.

14-0047 Public Hearing To Declare Weeds To Be A Public Nuisance And Order Its Abatement at 22970 Highway 98.

Council President Wayne Trawick opened the public hearing to declare weeds to be a nuisance and to order its abatement at 22970 Highway 98. The property has been abated by the owner and no further action was required. President Trawick asked for comments from the public. The owner of the property, Tom Norton was present and stated to the Council that he was the owner and he wanted to make sure there is nothing further he needed to do to abate his property. President Trawick answered him saying because the public hearing was advertised, the public hearing still needed to take place and because Mr. Norton abated his property, no further action was required. Councilman Ebert III thanked Mr. Norton for attending the public hearing. Hearing no further 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 E. Koniar, City Administrator Mike Thompson, City Clerk Vickey Southern, Katy Taylor, Steve Smith, Leslie Cahagan, Miriam Boutwell, Joey Darby, Randy Bishop, LaDonna Hinsley, Jeff Rouzie, Kurt Hellmich, Anne Smith, Tom Norton, Taylor Davis, Sarah Johnson, Sal Muccio, Houston Callihan, James Ellis 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 add items 14-0043; 14-0052; 14-0074 and 14-0075 to the agenda and to remove items 14-0048; 14-0049; 14-0050 and 14-0051 from the agenda. The motion was seconded by Council Member Charles Ebert III and carried by an unanimous vote.

Approval of Minutes

14-0061 Work Session Minutes of January 6, 2014

Attachments: [Work Session Minutes 01-06-2014.pdf](#)

A motion was made by Council Member Rick Blackwell to approve the Work Session Minutes of January 6, 2014. The motion was seconded by Council Member Ralph Hellmich and carried by an unanimous vote.

14-0032 Council Meeting Minutes Of January 6, 2014.

Attachments: [Council Meeting Minutes of January 6, 2014](#)

A motion was made by Council Member Vera Quaites to approve the Council Meeting Minutes of January 6, 2014. The motion was seconded by Council Member Charles Ebert III and carried by an unanimous vote.

Reports

14-0055 December 2013 Community Development Department Report

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

City Planner Miriam Boutwell gave a synopsis of the December 2013 Community Development Report that is attached as back up to the minutes.

14-0067 Marketing Department Quarterly Report Oct/Nov/Dec. 2013

Attachments: [CY 2011 - 2013 Chart All Locations](#)
 [CY 2011 - 2013 Chart Downtown and North Visitors Centers 2011 - 2013](#)
 2013 Calendar Year Statistics
 [Marketing Dept. Report - Oct. - Dec. 2013 \(2\)](#)

Marketing Director LaDonna Hinsley gave a synopsis of the Marketing Department Quarterly Report for October, November and December 2013 that is attached as back up to the minutes. Councilman Ebert asked if the dining guide will be updated and Mrs. Hinsley stated that the dining guide gets updated every 4-5 months. Councilman Ebert stated there is a new establishment, Cornerstone Kitchen that may want to be included in the dining guide and asked if there was a charge to be included, Mrs. Hinsley said there is no charge to be included in the dining guide. President Trawick asked Mrs. Hinsley if visitors at the North Visitor Center are being made aware that the visitor center will be moving to a different location. Mrs. Hinsley informed Council that Mrs. Snook, the owner of the current location of the Visitor Center has agreed to re-consider her decision and she is considering allowing the Visitor Center to remain at its current location through the summer months. City Administrator Mike Thompson asked what time frame was originally planned for the Visitor Center to relocate and Mrs. Hinsley answer the last day of of March 2014.

14-0063 December 2013 End of Month Report Foley PD

Attachments: [20140113114919860](#)

Deputy Chief Randy Bishop gave a synopsis of the Foley Police Department December 2013 report that is attached as back up to the minutes. Deputy Chief Randy Bishop also informed Council that Police Chief David Wilson is preparing an annual police report and he is planning on presenting the report to Council at the February 3, 2014 Council meeting.

14-0068

Fire Department Monthly Report December 2013

Attachments: [Council December 13 1-2014](#)

Fire Chief Joey Darby gave a synopsis of the Fire Department December 2013 Report that is attached as back up to the minutes. He stated that the number of incidents are down from the previous month but that may change with the number and severity of incidents that have occurred already this month. There were several dispatched structure fires most of which were not serious. There was a shed fire on Sandy Lane that was fully involved and a total loss. There was a house fire on Caitlynn Street in Bon Secour. The fire was confined to the attic by responders which prevented it from spreading to the living area. The family was displaced for a very short period of time. The other fires the Department responded to were extinguished upon arrival with no significant damage.

14-0070

December 2013 Sales, Lodging and Rental Tax Reports

Attachments: [DOC003.pdf](#)

The December 2013 sales, Lodging and Rental Tax Report is attached as back up to the minutes.

Ordinances, Resolutions and Other Business

14-0019

Consider Appropriating Funds and Approving Ordinance Codification for Supplement #16

Attachments: [Foley AL supp 16 v repub REV4.pdf](#)

A motion was made by Council Member Charles Ebert III to appropriate \$3,000 for reformatting the City of Foley Code of Ordinances and to approve the expenditure up to \$10,000 for Municipal Code Corporation to reformat the City of Foley's Code of Ordinances. The motion was seconded by Council Member Rick Blackwell and carried by an unanimous vote.

Enactment No: 14-0012-RES

14-0021

Reducing the City's Corporate Limits

Attachments: [Petition Requesting De-annexation James E. Roberts](#)
 [Deed - James E. Roberts](#)
 [Code of Alabama Re De-annexation](#)

A motion was made by Council Member Vera Quaites to approve the first reading of a resolution reducing the City's Corporate Limits by de-annexing property owned by James E. Roberts and Kimberly D. Roberts along HWY 98. The motion was seconded by Council Member Ralph Hellmich and carried by an unanimous vote.

14-0022

A Resolution Setting a Public Hearing to Consider a Portion of Vacation of Right-of-Ways at 547, 550 and 551 Park Avenue.

Attachments: [Pezikian Declaration of Vacation](#)
 [Walosz Declaration of Vacation](#)
 [Kelly Declaration of Vacation](#)

A motion was made by Council Member Ralph Hellmich to carry this item over to the Council meeting of February 17, 2014 to allow for legal review by the City's attorney. The motion was seconded by Council Member Charles Ebert III and carried by an unanimous vote.

14-0023

A Resolution Setting A Public Hearing For The Initial Zoning Of Mallard Point, LLC.

Attachments: [Mallard Point Initial Zoning & Map](#)

A motion was made by Council Member Ralph Hellmich to set a public hearing for the initial zoning of Mallard Point LLC. to consider Planning Commission's recommendation of MH-1 (Mobile/Manufactured Dwelling Park). The motion was seconded by Council Member Rick Blackwell and carried by an unanimous vote.

Enactment No: 14-0013-RES

14-0024

Record Fee Approval

Attachments: [record.fee.schedule](#)

A motion was made by Council Member Rick Blackwell to approve the fee schedule for copies of record files both paper and in digital format. The motion was seconded by Council Member Charles Ebert III and carried by an unanimous vote.

Enactment No: 14-0014-RES

14-0025

A Resolution Reappointing Patricia Libby To The Revitalization and Beautification Advisory Board.

Attachments: [1-6-13 Revitalization & Beautification Advisory Board](#)

A motion was made by Council Member Vera Quaites to re-appoint Patricia Libby to the Revitalization and Beautification Advisory Board. The motion was seconded by Council Member Rick Blackwell and carried by an unanimous vote.

Enactment No: 14-0015-RES

14-0028

Ordinance Approving The Initial Zoning And Re-Zoning Of PDD (Planned

Development District) For Blue Collar Country.

A motion was made by Council Member Ralph Hellmich to approve the second reading of an ordinance approving the initial zoning and re-zoning of PDD (Planned Development District) for Blue Collar Country. The motion was seconded by Council Member Rick Blackwell and carried by an unanimous vote.

Enactment No: 14-1001-ORD

14-0029

Amends Resolution 13-0526 Accepting ATRIP Round III For Fern Ave. Extension

Council President Trawick turned the meeting over to Pro-tem Hellich.

A motion was made by Council Member Charles Ebert III to amend Resolution 13-0526 and to accept the \$3,536,030.43 ATRIP funding offered by ALDOT and to approve the City's match of \$1,334,811.64 for a total estimated project cost of \$4,870,842.07 and to approve payment of the City's portion of the project construction cost to ALDOT prior to award of the contract to the successful low bidder and to accept Volkert's Task Agreement #15 for the Fern Avenue Resurfacing and Extension related to the ATRIP fund. The motion was seconded by Council Member Vera Quaites and carried by the following vote. Councilman Hellmich, aye; Council Member Quaites, aye; President Trawick, abstained; Councilman Blackwell, aye and Councilman Ebert III, aye. The vote passed by a majority vote.

Pro-tem Hellmich turned the meeting back over to Council President Trawick.

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

Abstain: 1 - President Trawick

Enactment No: 14-0016-RES

14-0033

Request capital purchase of additions to disc golf course at Graham Creek Preserve

Attachments: [Quote from Gulf Coast High Flyers](#)

A motion was made by Council Member Rick Blackwell to approve the purchase of nine baskets from Gulf Coast High Flyers in the amount of \$3605.85 and the purchase of materials to construct 36 tee pads in the amount of up to \$4500 for a total project cost up to \$8105.85 that is budgeted in the amount of \$10,000. The motion was seconded by Council Member Charles Ebert III and carried by an unanimous vote.

Enactment No: 14-0017-RES

14-0035

Request to Accept Proposal for Construction of Equipment Storage Area at Graham Creek Preserve

Attachments: [Proposal](#)

A motion was made by Council Member Charles Ebert III to accept the proposal from Heard Roofing and Construction Company for \$9,325 for the construction

of a storage area and privacy fence that is budgeted in an amount of \$7,500 and to approve the transfer of \$1,825 from Disc Golf Baskets, Signage & Tee Pads to Equipment Storage Area & Privacy Fence. The motion was seconded by Council Member Ralph Hellmich and carried by an unanimous vote.

Enactment No: 14-0018-RES

14-0036

An Ordinance Rescinding Ordinance 13-1050 Approving Petition for Annexation and Bringing Property into the Corporate Limits of The City of Foley owned by Charles & Joyce Ann Roberts.

Attachments: [13-1050 ORD](#)

A motion was made by Council Member Ralph Hellmich to approve the first reading of an ordinance rescinding Ordinance 13-1050 Approving Petition for Annexation and Bringing Property into the Corporate Limits of the City of Foley owned by Charles and Joyce Ann Roberts. The motion was seconded by Council Member Vera Quaites and carried by an unanimous vote.

14-0037

(First Reading) An Ordinance Approving Petition for Annexation and Initial Zoning and Bringing Property into the Corporate Limits of The City of Foley owned by Charles & Joyce Ann Roberts

Attachments: [13-1050 ORD](#)
 [Roberts Initial Zoning](#)

A motion was made by Council Member Ralph Hellmich to approve the first reading of an ordinance approving the petition for annexation and initial zoning and bringing property into the corporate limits of the City of Foley owned by Charles and Joyce Ann Roberts. The motion was seconded by Council Member Rick Blackwell and carried by an unanimous vote.

14-0038

Release of Funds for RTV

Attachments: [Baldwin Tractor & Equip](#)
 [John Deere](#)
 [Victory Motors](#)

A motion was made by Council Member Ralph Hellmich to accept Baldwin Tractor & Equipment's lowest responsible quote in the amount of \$14,780 for a four wheel RTV which is budgeted in the amount of \$15,000 for the Police Department and to approve the remaining balance of \$220 for purchasing miscellaneous equipment. The motion was seconded by Council Member Rick Blackwell and carried by an unanimous vote.

Enactment No: 14-0019-RES

14-0039

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

Attachments: [Kathryn Flanagan Annexation](#)

A motion was made by Council Member Ralph Hellmich to approve the first

reading of an ordinance approving petition for annexation and bringing the property owned by Kathryn D. Flanagan 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.

14-0040

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

Attachments: [Michelle H. Nelson](#)

A motion was made by Council Member Ralph Hellmich to approve the first reading of an ordinance approving petition for annexation and bringing the property owned by Michelle H. Nelson into the corporate limits of the City of Foley. The motion was seconded by Council Member Rick Blackwell and carried by an unanimous vote.

14-0041

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

Attachments: [Albert Pool](#)

A motion was made by Council Member Rick Blackwell to approve the first reading of an ordinance approving petition for annexation and bringing the property owned by Albert Pool into the corporate limits of the City of Foley. The motion was seconded by Council Member Ralph Hellmich and carried by an unanimous vote.

14-0042

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

Attachments: [Joe Thomas](#)

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

14-0048

Resolution authorizing employees to enter upon the property at lot South of Pensacola Pools on Highway 59 (PIN# 211746) for the purpose of abating the public nuisance.

Attachments: [Weeds-Lot S. of Pensacola Pools PIN# 211746](#)

A motion was made by Council Member Ralph Hellmich to remove this item from the agenda. The motion was seconded by Council Member Charles Ebert III and carried by an unanimous vote.

14-0049

Resolution authorizing employees to enter upon the property at lot South of Pensacola Pools on Highway 59 (PIN# 23319) for the purpose of

abating the public nuisance.

Attachments: [Weeds-Lot S. of Pensacola Pools PIN# 23319](#)

A motion was made by Council Member Ralph Hellmich to remove this item from the agenda. The motion was seconded by Council Member Charles Ebert III and carried by an unanimous vote.

14-0050

Resolution authorizing employees to enter upon the property at 22996 Highway 98 for the purpose of abating the public nuisance.

Attachments: [Weeds- 22996 Hwy 98](#)

A motion was made by Council Member Ralph Hellmich to remove this item from the agenda. The motion was seconded by Council Member Charles Ebert III and carried by an unanimous vote.

14-0051

Resolution authorizing employees to enter upon the property at 22970 Highway 98 for the purpose of abating the public nuisance.

Attachments: [Weeds-22970 Hwy 98](#)

A motion was made by Council Member Ralph Hellmich to remove this item from the agenda. The motion was seconded by Council Member Charles Ebert III and carried by an unanimous vote.

14-0053

Upgrade Adobe Creative Suite

Attachments: [Adobe CS6 Master Suite Quote](#)

A motion was made by Council Member Ralph Hellmich to transfer \$350.00 for an annual subscription from Adobe. The motion was seconded by Council Member Vera Quaites and carried by an unanimous vote.

Enactment No: 14-0020-RES

14-0054

Upgrade printers and copiers

Attachments: [IRS Form 8038 gc - Return for Leases](#)

A motion was made by Council Member Rick Blackwell to approve a 36 month FMV lease with Ricoh for \$297.31 per month for two units and to appropriate \$295.02 to GE Maintenance account and \$477.72 to GE Maintenance account to cover the lease for the remainder of the fiscal year and to transfer \$1,903.05 and to approve the lease buyout of the Savin C9020 Copier at the Depot Museum and to appropriate \$597 to buyout the lease and ship the unit back and to appropriate \$525 each to replace two copiers with owned Multifunction Printers. The motion was seconded by Council Member Charles Ebert III and by an unanimous vote.

Enactment No: 14-0021-RES

14-0056

Release of Capital Funds for Enclosed Trailer

Attachments: [cid.capital.trailer](#)

A motion was made by Council Member Charles Ebert III to approve the purchase of one enclosed trailer for the Police Department in the amount of \$2,195 which is budgeted in the amount of \$10,000 and to approve the purchase and installation of racks, cabinets and power supply in the amount of \$4,500 for the enclosed trailer which is also budgeted for the trailer. The motion was seconded by Council Member Rick Blackwell and carried by an unanimous vote.

Enactment No: 14-0022-RES

14-0057

Approves Going to Bid for Vegetative and Pest Management Services for the Street Department and the Foley Municipal Airport.

A motion was made by Council Member Rick Blackwell to approve going to bid for vegetative and pest management services for the Street Department and the Foley Municipal Airport and to approve advertising costs in an amount up to \$350.00. The motion was seconded by Council Member Vera Quaites and carried by an unanimous vote.

Enactment No: 14-0023-RES

14-0059

A Resolution Approving The Use Of John B. Foley Park On March 29, 2014 For The Annual Walk For Life

Attachments: [Women's Care Medical Center](#)

A motion was made by Council Member Vera Quaites to approve the use of John B. Foley Park and to approve waiving the fees for the Women's Care Medical Center Walk For Life event on March 29, 2014 from 8:00 a.m. until 10:00 a.m. The motion was seconded by Council Member Ralph Hellmich and carried by an unanimous vote.

Enactment No: 14-0024-RES

14-0060

Approve E-J Builders Change Order #3 for 121 N. Alston Street Office Renovations

Attachments: [Change Order #3 - Alston Street](#)
 [Change Order #1 & #2 - Alston Street](#)

A motion was made by Council Member Blackwell to approve E-J Builders Change Order #3 in the amount of \$2,977.49. The motion was seconded by Council Member Hellmich and carried by the following vote: Council member Hellmich, aye; Council member Quaites, aye; President Trawick, aye; Council member Blackwell, aye and Council member Ebert, abstained. The vote passed by a majority vote.

Aye: 4 - President Trawick, Council Member Quaites, Council Member Hellmich and Council Member Blackwell

Abstain: 1 - Council Member Ebert III

Enactment No: 14-0025 - RES

14-0062

Request Permission to Purchase a quantity of Two (2) Trailers for Barricades

A motion was made by Council Member Ralph Hellmich to approve the purchase of two trailers in the amount of \$11,074.00 from Bye-Rite Trailer Sales, LLC for the purpose of storing and transporting barricades which is budgeted in the amount of \$11,000. The motion was seconded by Council Member Charles Ebert III and carried by an unanimous vote.

Enactment No: 14-0026 - RES

14-0064

Property Disposal Ordinance

A motion was made by Council Member Ralph Hellmich to approve the Property Disposal Ordinance. The motion was seconded by Council Member Rick Blackwell and carried by an unanimous vote.

Enactment No: 14-1002-ORD

14-0065

Approves Use of Max Griffin Pavilion for a benefit fish fry.

Attachments: [Benefit Fish Fry Feb 8 2014](#)

A motion was made by Council Member Rick Blackwell to approve the use of Max Griffin Park on February 8, 2014 for a benefit fish fry from 8:00 a.m. until 5:00 p.m. The motion was seconded by Council Member Vera Quaites and carried by an unanimous vote.

Enactment No: 14-0027 - RES

14-0066

Residential Sanitation Write Offs as Uncollectible In The Amount Of \$319.62

Attachments: [1-21-14 Sanitation Write Offs](#)

A motion was made by Council Member Charles Ebert III to write off certain City residential sanitation accounts in the collective amount of \$ 319.62. The motion was seconded by Council Member Ralph Hellmich and carried by an unanimous vote.

Enactment No: 14-0028 - RES

14-0072

Ordinance declaring certain real property no longer needed for municipal purposes and authorizing the sale of same to North Alabama Property Leasing, Inc.

Attachments: [NAPL_Lease_Agreement.pdf](#)
 [IDB_RES_Approving_sale_to_NAPL.pdf](#)
 [FBE_Industrial_Park_Map.pdf](#)

A motion was made by Council Member Ralph Hellmich to approve the first reading of an ordinance declaring certain real property no longer needed for municipal purposes and authorizing the sale of the same to North Alabama Property Leasing, Inc. The motion was seconded by Council Member Rick Blackwell and carried by an unanimous vote.

14-0074

A resolution setting a public hearing to consider the vacation of an

unimproved alley way located between the East side of Chicago Street and the West side of Cypress Street

A motion was made by Council Member Ralph Hellmich to set a public hearing in accordance with the Code of Alabama, 1975, Section 23-4-2 to consider the vacation of an unimproved alley located east/west and north of HWY. 98 between North Cypress Street and North Chicago Street and to authorize the notification of all adjacent landowners thirty days prior to the public hearing in accordance with State Code Section 23-4-2. The motion was seconded by Council Member Vera Quaites and carried by an unanimous vote.

Enactment No: 14-0029-RES

- 14-0043** Discuss Purchasing An Ad In The Alabama Conservation Enforcement Officers Association Publication.

Attachments: [AL. Conserv. Enf. Ofc. Assoc.](#)

A motion was made by Council Member Ralph Hellmich to approve the purchase of a 1/4 page ad in The Alabama Conservation Enforcement Officers Association Publication. The motion was seconded by Council Member Charles Ebert III and carried by an unanimous vote.

Enactment No: 14-0030-RES

- 14-0052** Discuss Carolyn Hollis's request to plant a tree at the Kids Park

A motion was made by Council Member Ralph Hellmich to approve Carolyn Hollis's request to plant a tree a Foley Kids Park in memoriam of her great-niece. The motion was seconded by Council Member Charles Ebert III and carried by an unanimous vote.

Enactment No: 14-0031 - RES

- 14-0075** Authorizing Mayor to set up an escrow account for New Market Tax Credits

A motion was made by Council Member Ralph Hellmich to authorize the Mayor to establish an escrow account of up to \$30,000 with Chase Bank for the New Market Tax Credits. The motion was seconded by Council Member Rick Blackwell and carried by an unanimous vote.

Enactment No: 14-0032 - RES

Executive Session

City Administrator Mike Thompson announced the need to go into executive session to discuss certain aspects of the City's negotiations concerning trade or commerce with a potential economic development project. The "trade or commerce" exception to the open meeting law allows the City to protect its competitive position in its negotiations with others concerning matters of trade or commerce.

City Administrator Mike Thompson reported the executive session will take

approximately 20 minutes and that Council will then reconvene to vote.

A motion was made by Councilman Hellmich to go into executive session. The motion was seconded by Council member Quaites.

City Administrator Mike Thompson took the following Roll Call vote: Councilman Ralph Hellmich, aye; Council member Vera Quaites, aye; Council President Wayne Trawick, aye; Councilman Rick Blackwell, aye and Councilman Charles Ebert III, aye. The vote passed unanimously to go into executive session.

The Council meeting recessed at 6:16 p.m. to go into executive session.

The Council meeting reconvened at 6:34 p.m.

All Council members were present. Also present: City Administrator Mike Thompson, City Clerk Vickey Southern, Katy Taylor, Steve Smith, Jeff Rouzie, Houston Callihan, James Ellis and Sal Muccio

14-0080

A Resolution To Modify Resolution 13-0491 B Approving A One Percent User Fee For A National Big Box Retailer

A motion was made by Council Member Ralph Hellmich to approve the \$200,000 increase in the commitment amount the City is willing to fund towards the infrastructure improvements for the big box retailer for a total of \$1.2 million and to authorize the funding to occur at the point of construction as opposed to the establishment opening for business and to approve modifying the original user fee split of 20/80 to a 70/30 user fee split. The 30% will be used on infrastructure and the developer will guarantee the City's contribution at the point of construction. The motion was seconded by Council Member Rick Blackwell and carried by an unanimous vote.

Enactment No: 14-0033-RES

Mayor's Comments

The Mayor had no comments.

Visitor's Comments

There were no visitor comments.

Adjourn

A motion was made by Council Member Ralph Hellmich to adjourn the meeting. The motion was seconded by Council Member Vera Quaites and carried by an unanimous vote.

The meeting adjourned at 6:36 P.M.