

City of Foley, AL

407 E. Laurel Avenue Foley, AL 36535

Meeting Minutes - Final City Council

Tuesday, May 6, 2014 5:30 PM Council Chambers

Council Meeting

Public Hearing

14-0227 Public Hearing Notice To Discuss The City's Application For The FY2014

Community Development Block Grant (CDBG) Program

<u>Attachments:</u> Foley CDBG Public Hearing Notice.docx

Council President Wayne Trawick opened the public hearing at 5:36 p.m. to discuss the City's application for the FY2014 Community Development Block Grant (CDBG) program. He asked for comments from the public. Hearing no

comments, he closed the public hearing.

14-0289 Public Hearing To Consider Passage Of An Ordinance And To Consider

Planning Commission's Recommendation For Initial Zoning For Property

Owned By Michelle Nelson Located At 23022 Miflin Road.

President Trawick opened the public hearing to consider passage of an ordinance and to consider Planning Commission's recommendation for initial zoning for property owned by Michelle Nelson located at 23022 Miflin Road. He asked for comments from the public. Hearing no comments, he closed the

public hearing.

14-0290 A Public Hearing To Consider Passage Of An Ordinance And To consider

Planning Commission's Recommendation For Initial Zoning For Property

Owned By Joe & Alice Thomas Located At 23008 Miflin Road.

President Trawick opened the public hearing to consider passage of an ordinance and to consider Planning Commission's recommendation for initial zoning for property owned by Joe & Alice Thomas located at 23008 Miflin Road. He asked for comments from the public. Hearing no comments, he closed the public hearing.

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14-0291 A Public Hearing To Consider Passage Of An Ordinance And To consider

Planning Commission's Recommendation For Initial Zoning For Property Owned By Kathryn Flanagan Located At 23104 Miflin Road.

President Trawick opened the public hearing to consider passage of an ordinance and to consider Planning Commission's recommendation for initial zoning for property owned by Kathryn Flanagan located at 23104 Miflin Road. He asked for comments from the public. Hearing no comments, he closed the public hearing.

14-0292

A Public Hearing To Consider Passage Of An Ordinance And To consider Planning Commission's Recommendation For Initial Zoning For Property Owned By Albert Pool Located At 23148 Miflin Road.

President Trawick opened the public hearing to consider passage of an ordinance and to consider Planning Commission's recommendation for initial zoning for property owned by Albert Pool located at 23148 Miflin Road. He asked for comments from the public. Hearing no comments, he closed the public hearing.

14-0293

A Public Hearing To Consider Passage Of An Ordinance And To Consider Planning Commission's Recommendation For Initial Zoning Of Multiple Parcels Along U.S. Highway 98 West Being Annexed Into The Corporate Limits By Legislative Act. Multiple Zones Are Proposed.

President Trawick opened the public hearing to consider passage of an ordinance and to consider Planning Commission's recommendation for initial zoning for multiple parcels along U.S. Highway 98 West being annexed into the Corporate Limits of the City of Foley by Legislative Act. He asked for comments from the public. Hearing no comments, he closed the public hearing.

14-0294

A Public Hearing To Consider Passage Of An Ordinance And To Consider Planning Commission's Recommendation To Re-zone 51.55+/- Acres. The Requested Zone Is PUD (Planned Unit Development) And Located South Of County Road 20 (aka Miflin Road) And East Of Fairway Drive. Applicant is Glenlakes Realty Co./Lakeview Realty.

President Trawick opened the public hearing to consider passage of an ordinance and to consider Planning Commission's recommendation to re-zone 51.55 +/- acres located south of County Road 20 (aka Miflin Road) and east of Fairway Drive. He asked for comments from the public. Hearing no comments, he closed the public hearing.

Call to Order

Council President Wayne Trawick called the meeting to order at 5:40 p.m.

Roll Call

All Council members were present. Also present: Mayor John Koniar, City Administrator Mike Thompson, City Clerk Vickey Southern, Katy Taylor, Daryl Clevenger, Meg Hellmich, Dan Hellmich, Butch Stokes, Tom DeBell, Taylor Davis, LaDonna Hinesley, Joey Darby, Randy Bishop, Edwin Wirgowski, Doug Bailey, Corley Lauderdale, Michael Stafford, Stacy McKean 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

Mayor's Presentation

<u>14-0285</u> Proclamation: Motorcycle Awareness Month

Attachments: DOC

Mayor Koniar presented Michael Stafford with the Motorcycle Awareness Month proclamation. Mr. Stafford reported that last year, Dixie Abate was in the process of making a video that is now completed. This video is being used in some of the schools in Baldwin County for Drivers Education. It is his hope that next school year, the video will be played in Drivers Education classes in every high school in Baldwin County and eventually the whole State of Alabama. The video was funded by a couple of members of the Dixie Abate along with donations that were made. Dixie Abate is a non-profit organization and donations are tax deductible. The goal is to make motorists aware that motorcyclists are present because if they do not look for the motorcycles, they are not seen.

<u>14-0307</u> Proclamation: National Public Works Week

<u>Attachments:</u> <u>Proclamation National Public Works Week</u>

Mayor Koniar presented Public Works Supervisor Dan Hellmich with the National Public Works Week proclamation. Mayor Koniar also reported that Dan Hellmich and the City Engineer Butch Stokes have done a great job. The City received a card from a Foley resident thanking the City for the creative engineering and putting in sidewalks in the neighborhood which was Dan Hellmich's idea. If it had not been for the sidewalks that neighborhood would have been completely flooded. Mayor Koniar again expressed his gratitude to

Dan Hellmich and Butch Stokes.

Additions/Removals

A motion was made by Council Member Ralph Hellmich to approve the additions of items 14-0320, 14-0323, 14-0328, 14-0329, 14-0330 and 14-0331 to the agenda and to remove item 14-14-0316 from the agenda. The motion was seconded by Council Member Charles Ebert III and carried by an unanimous

Approval of the Minutes

14-0304 04-21-2014 Work Session Minutes

<u>Attachments:</u> 04-21-2014 Work Session Draft Minutes.pdf

A motion was made by Council Member Ralph Hellmich to approve the Work Session Minutes of April 21, 2014. The motion was seconded by Council Member Rick Blackwell and carried by an unanimous vote.

14-0303 Council Meeting Minutes of April 21, 2014

Attachments: Council Meeting Minutes of April 21, 2014

A motion was made by Council Member Rick Blackwell to approve the Council Meeting Minutes of April 21, 2014. The motion was seconded by Council Member Charles Ebert III and carried by an unanimous vote.

Ordinances, Resolutions, and Other Business

14-0228 AN ORDINANCE APPROVING PETITION FOR ANNEXATION AND

BRINGING PROPERTY INTO THE CORPORATE LIMITS OF THE CITY OF

FOLEY

Attachments: Michelle H. Nelson

Planning Commission Rec. Michelle Nelson

A motion was made by Council Member Ralph Hellmich to approve the petition for annexation and bringing property owned by Michelle S. Nelson into the Corporate Limits of the City of Foley. The motion was seconded by Council Member Vera Quaites and carried by an unanimous vote.

Enactment No: 14-1011-ORD

14-0230 AN ORDINANCE APPROVING PETITION FOR ANNEXATION AND

BRINGING PROPERTY INTO THE CORPORATE LIMITS OF THE CITY OF

FOLEY

Attachments: Kathryn Flanagan

Planning Commission Rec. Kathryn Flanagan

A motion was made by Council Member Charles Ebert III to approve the petition for annexation and bringing property owned by Kathryn D. Flanagan into the Corporate Limits of the City of Foley. The motion was seconded by Council Member Rick Blackwell and carried by an unanimous vote.

Enactment No: 14-1012-ORD

14-0231 AN ORDINANCE APPROVING PETITION FOR ANNEXATION AND

BRINGING PROPERTY INTO THE CORPORATE LIMITS OF THE CITY OF

FOLEY

Attachments: Joe Thomas

Planning Commission Rec. Joe Thomas

A motion was made by Council Member Vera Quaites to approve the petition for annexation and bringing property owned by Joe & Alice Thomas 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.

Enactment No: 14-1013-ORD

14-0232 AN ORDINANCE APPROVING PETITION FOR ANNEXATION AND

BRINGING PROPERTY INTO THE CORPORATE LIMITS OF THE CITY OF

FOLEY

Attachments: Albert Pool

Planning Commission Rec. Albert Pool

A motion was made by Council Member Ralph Hellmich to approve the petition for annexation and bringing property owned by Albert & Wanita Pool into the Corporate Limits of the City of Foley. The motion was seconded by Council Member Rick Blackwell and carried by an unanimous vote.

Enactment No: 14-1014-ORD

14-0264 Accept Bid Submitted by GCO Inc. for New Soccer Field Construction

Grow-In

Attachments: GCO Bid - Soccer Field Grow In

Bid Results - Soccer Field Grow In

A motion was made by Council Member Ralph Hellmich to accept the bid submitted by Gulf Coast Organics Inc. for new soccer field construction grow-in in the amount of \$25,980.00. The motion was seconded by Council Member Rick Blackwell and carried by an unanimous vote.

Enactment No: 14-0157-RES

14-0313 Permission to bid sand mix for soccer field construction

<u>Attachments:</u> Proposed Soccer Fields April 28 Update

A motion was made by Council Member Charles Ebert III to grant permission to bid sand mix for the soccer field construction at the Foley Sports Complex. The motion was seconded by Council Member Vera Quaites and carried by an unanimous vote.

Enactment No: 14-0158-RES

14-0286 Approving Parks & Recreation Department To Assist In The Preparation

Of The 2014 Gulf Coast Hot Air Balloon Festival

<u>Attachments:</u> <u>SBCC 2014 Hot Air Ballon Fest Approval</u>

14- Letter to City Council (1)

A motion was made by Council Member Ralph Hellmich to approve the Parks & Recreation Department to assist in the preparation of the 2014 Gulf Coast Hot Air Balloon Festival. The motion was seconded by Council Member Rick Blackwell and carried by an unanimous vote.

Enactment No: 14-0159-RES

14-0295 ORDINANCE APPROVING THE INITIAL ZONING OF U.S. HIGHWAY 98

WEST

Attachments: U.S. Hwy 98 W.

A motion was made by Council Member Ralph Hellmich to approve the first reading of an ordinance approving the initial zoning of U.S. Highway 98 West. The motion was seconded by Council Member Vera Quaites and carried by an unanimous vote.

Enactment No: 14-1015-ORD

14-0296 ORDINANCE AMENDING ORDINANCE NO. 387-87 REZONING PROPERTY

OWNED BY Glenlakes Realty Co./Lakeview Realty.

<u>Attachments:</u> Glen Lakes

Glen Lakes Request For Rezoning
140428-GL-LOTTING CONCEPT1-rev1

A motion was made by Council Member Charles Ebert III to approve the first reading of an ordinance amending Ordinance No. 387-87 and rezoning property owned by Glenlakes Realty Co. / Lakeview Realty. The motion was seconded by Council Member Rick Blackwell and carried by an unanimous vote.

Enactment No: 14-1016-ORD

14-0299 Storage Device for the In car video recordings

Attachments: icop.storage.4.2014

A motion was made by Council Member Rick Blackwell to approve the

expenditure of \$3,125.78 for additional storage space for the in car video recordings for the Police Department. The motion was seconded by Council Member Ralph Hellmich and carried by an unanimous vote.

Enactment No: 14-0160-RES

14-0300 Request for Vehicle Purchase

<u>Attachments:</u> vehicle.statebid.donohoo

A motion was made by Council Member Charles Ebert III to approve the purchase of five (5) patrol vehicles off of the Alabama State Bid Contract with Donohoo Chevrolet in the amount of \$151,871.20 and to appropriate \$23,871.20 in support of this action. The motion was seconded by Council Member Ralph Hellmich and carried by an unanimous vote.

Enactment No: 14-0161-RES

14-0301 A RESOLUTION SETTING A PUBLIC HEARING DECLARING WEEDS TO BE

A PUBLIC NUISANCE AND ORDERING ITS ABATEMENT AT 114 S STUART

ST.

Attachments: 114 S. Stuart St. Grass

A motion was made by Council Member Vera Quaites to set a public hearing to declare weeds to be a public nuisance and to order its abatement at 114 South Stuart Street. The motion was seconded by Council Member Ralph Hellmich and carried by an unanimous vote.

Enactment No: 14-0162-RES

14-0302 Radio and Telephone Recording System

<u>Attachments:</u> Police Dept. Recording System Quote

A motion was made by Council Member Ralph Hellmich to approve the purchase of needed equipment to record two way radio traffic from Quality Recording Systems, LLC. in an amount not to exceed \$15,000.00 and to appropriate \$15,000.00 in support of this action. The motion was seconded by Council Member Rick Blackwell and carried by an unanimous vote.

Enactment No: 14-0163-RES

14-0305 Request Permission to Apply for a ADEM Permit and Appropriate Funds

in the Amount of \$1155

Attachments: ADEM NOI.CAFFM.2014.pdf

FeeScheduleD.pdf

ADEMPermitE-mail.pdf

A motion was made by Council Member Ralph Hellmich to approve the appropriation of funds in the amount of \$1,155.00 upon approval by the Public Facilities Cooperative District for application of an ADEM Permit for the construction of an outdoor market with parking and drainage facilities at the Coastal Alabama Farmers and Fishermens Market. The motion was seconded

by Council Member Charles Ebert III and carried by an unanimous vote.

Enactment No: 14-0164-RES

14-0306 A resolution to appoint Orville Donald Wenzel, Jr. to the Museum-Archive

Advisory Board.

Attachments: Orville Donald Wenzel, JR.

Jeff Michaelson Resignation

A motion was made by Council Member Vera Quaites to appoint Orville Donald Wenzel, Jr. to the Museum-Archive Advisory Board. The motion was seconded by Council Member Ralph Hellmich and carried by an unanimous vote.

Enactment No: 14-0165-RES

14-0309 Request to Install Signage for Graham Creek Preserve at County Road 12

and Wolf Bay Drive

Attachments: Sign Locaiton for GCNP

A motion was made by Council Member Charles Ebert III to approve placing directional signage at the southeast corner of County Road 12 and Wolf Bay Drive for the Graham Creek Nature Preserve. The motion was seconded by Council Member Ralph Hellmich and carried by an unanimous vote.

Enactment No: 14-0166-RES

14-0310 Request to Complete Phase II of Memorial Tree Grove Walk

A motion was made by Council Member Ralph Hellmich to approve Scottland Yards, Inc.'s proposal to upgrade the Memorial Tree Grove walkway and butterfly garden in an amount up to \$5000.00. The motion was seconded by Council Member Rick Blackwell and carried by an unanimous vote.

Enactment No: 14-0167-RES

Authorizing Transfer of Funds in the amount of \$13,800 to Support The Hiring of Two Temporary Part-Time Fire Inspectors For the Remainder of

the Fiscal Year

A motion was made by Council Member Charles Ebert III to authorize a transfer of funds in the amount of \$13,800 in support of hiring two (2) temporary, part-time Fire Inspectors and to direct Human Resources to send the details for the transfer of funds to the Finance Division. The motion was seconded by Council Member Vera Quaites and carried by an unanimous vote.

Enactment No: 14-0168-RES

14-0312 A resolution requesting the use of Max Griffin Park for Abiding Love

Fellowship to hold their annual Vacation Bible School.

<u>Attachments:</u> 2014 Abiding Love VBS.pdf

A motion was made by Council Member Ralph Hellmich to approve Abiding Love Fellowship's request for the use of Max Griffin Park from 10:00 a.m. until

noon on Monday, June 16, 2014 through Wednesday, June 18, 2014 for their Vacation Bible School and to approve their request to erect their 95' in diameter tent. The motion was seconded by Council Member Rick Blackwell and carried by an unanimous vote.

Enactment No: 14-0169-RES

14-0316

A Resolution Accepting the first Comprehensive Annual Financial Report (CAFR) for FY2013 as Audited by Warren Averett, LLC (Warren Averett O'Sullivan Creel Division)

Attachments: Audit Report Ending FY Sept 30 2013 as Issued

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.

Enactment No: 14-0182-RES

14-0317

Set a public hearing to consider Planning Commission's recommendation to rezone 29.5+/- acres owned by Woerner Land

A motion was made by Council Member Ralph Hellmich to set a public hearing to consider Planning Commission's recommendation to rezone 29.5+/- acres owned by Woerner Land, LLC. located on the north side of County Road 20 and south of Lowe's. The motion was seconded by Council Member Vera Quaites and carried by an unanimous vote.

Enactment No: 14-0170-RES

14-0318

Memorialize transfer of \$80k to the Public Facilities Cooperative District for a New Market Tax Credit Transaction

Attachments: FUNDING AGREEMENT

A motion was made by Council Member Rick Blackwell to appropriate \$80,000.00 for the purpose of a New Market Tax Credit transaction and to approve the transfer from the General Fund account to the City of Foley Public Facilities Cooperative District account. The motion was seconded by Council Member Ralph Hellmich and carried by an unanimous vote.

Enactment No: 14-0171-RES

14-0319

Develop two new City Departments and Appropriate Funds for Sports Tourism/Event Management

Attachments: Don Staley Proposed Budget

A motion was made by Council Member Ralph Hellmich to develop two (2) new City Departments by authorizing the Finance Division to transfer budgeted funds and year to date transactions from General Government to the Economic Development and Sports Tourism/Event Management Department for the promotion of sports and event facilities. The motion was seconded by Council Member Charles Ebert III and carried by an unanimous vote.

Enactment No: 14-0172-RES

14-0322

Appropriating funds to Cooperative District for Lease with Wholesaler

Attachments: Amendment to Agreement for Lease

A motion was made by Council Member Ralph Hellmich to appropriate and approve a transfer of \$500,000 to the City of Foley Public Facilities Cooperative District for building improvements and equipment to the Peavey building for Gulf Coast Produce of Alabama, LLC. to run a first class wholesale distribution center. The motion was seconded by Council Member Vera Quaites and carried by an unanimous vote.

Enactment No: 14-0173-RES

14-0325

A Resolution Adopting Policies and Procedures for the Control of Capital

Assets

Attachments: 4916-12 RES

Capital Asset Policy and Procedures

A motion was made by Council Member Vera Quaites to adopt policies and procedures for the control of capital assets that will increase the dollar value threshold for capital assets from \$1000 to \$5000 and the establishment of a threshold of \$100,000 for easements, both effective beginning Fiscal Year 2015, in conformity with Generally Accepted Accounting Principles (GAAP) and other municipalities in the region. The motion was seconded by Council Member Ralph Hellmich and carried by an unanimous vote.

Enactment No: 14-0174-RES

14-0326

A RESOLUTION CONTINUINING THE APPROVAL OF FINANCING DOCUMENTS BY THE CITY OF FOLEY, ALABAMA AND THE CITY OF FOLEYS PUBLIC FACILITIES COOPERATIVE DISTRICT

Attachments: Resolution - Foley 2014 Continuance of City Resolution - Farmers

Market ...

A motion was made by Council Member Ralph Hellmich for the public hearing that was published in the Foley Onlooker on February 14, 2014 setting the public hearing date for March 3, 2014 to be continued to April 21, 2014 to be continued to May 6, 2014 and to be continued to May 16, 2014. The motion was seconded by Council Member Charles Ebert III and carried by an unanimous vote.

Enactment No: 14-0175-RES

<u>14-0323</u>

A resolution appropriating \$200.00 To The American Heroes Memorial Day Cookout 2014.

<u>Attachments:</u> <u>American Heroes</u>

A motion was made by Council Member Ralph Hellmich to appropriate \$200.00 from the Public Relations Account and to approve the expenditure of the same to W.F. Green State Veterans Home for the 2014 American Heroes Memorial Day Cookout on May 26, 2014 at 11:00 a.m. The motion was seconded by Council Member Vera Quaites and carried by an unanimous vote.

Enactment No: 14-0176-RES

14-0320 Approve Foley's Contribution Submission for Responsive/Adaptive Signals on U.S. Hwy. 59

A motion was made by Council Member Ralph Hellmich to approve submitting a formal proposal to ALDOT for Foley contributing a total of \$651,000 to the responsive and/or adaptive traffic signals on U.S. Highway 59 from the Foley Beach Express to County Road 10. The motion was seconded by Council Member Vera Quaites and carried by an unanimous vote.

Enactment No: 14-0177-RES

Land Clearing At The Coastal Alabama Farmers and Fishermens Market to Juniper Street

Attachments: Southern Destinations, LLC.

A motion was made by Council Member Ralph Hellmich to approve Southern Destinations, LLC's contractor, Sam Franklin and Sons, to clear the right-of-way extending west from the current Beck Road that runs along the north property line behind the City property for the Coastal Alabama Farmers and Fishermens Market to South Juniper Street at a rate of \$3800.00 per acre. The motion was seconded by Council Member Rick Blackwell and carried by an unanimous vote.

Enactment No: 14-0178-RES

Appropriate \$2,500 and Approve Sawgrass Consulting, LLC's quote to Perform Survey for The Blue Collar/Foley Sports Complex Trolley Route

Attachments: SawgrassInvoice

A motion was made by Council Member Rick Blackwell to approve Sawgrass Consulting, LLC. to perform the Blue Collar/Foley Sports Complex Trolley Route Survey and to appropriate \$2,500.00 in support of this action. The motion was seconded by Council Member Vera Quaites and carried by an unanimous vote.

Enactment No: 14-0179-RES

14-0329 Approving Gulf Shores FFA To Hold A Car Wash Fund Raiser At The Coastal Alabama Farmers And Fishermens Market

Attachments: FFA Car Wash

A motion was made by Council Member Charles Ebert III to approve Gulf Shores FFA to hold a car wash fund raiser at the Coastal Alabama Farmers and Fishermens Market on Saturday, May 10, 2014 from 10:00 a.m. until 1:00 p.m. The motion was seconded by Council Member Ralph Hellmich and carried by an unanimous vote.

Enactment No: 14-0180-RES

14-0328 Recinds Resolution 14-0150 and Appropriate \$213,810 for Hoar Program Management's Amendment No. 1

<u>Attachments:</u> 20140420 - City of Foley Amendment No 1 to Master Services

Agreement.pdf 13-0343 RES 13-0515 RES

A motion was made by Council Member Ralph Hellmich to rescind Resolution 14-0150; to approve Amendment No. 1 to the City of Foley, Alabama Master Services Agreement between the City of Foley and Hoar Program Management LLC. Consultant; to authorize the Mayor to sign the Master Services Agreement; to appropriate an additional \$116,315 to the \$44,885 remaining for the Sporting Event Facilities account for a total of \$161,200; to appropriate an additional \$21,855 to the \$3,255 previously transferred to ATRIP SE Quadrant Project account for a total of \$25,110 and to approve a \$77,500 appropriation to the Public Facilities Cooperative District transfer account for the management of the CAFFM Phase II Project. The motion was seconded by Council Member Rick Blackwell and carried by an unanimous vote.

Enactment No: 14-0181-RES

Mayor's Comments

Mayor Koniar reminded everyone that this weekend is Mother's Day weekend and Art In The Park is also taking place this weekend. He urged everyone to come to the Art In The Park to buy something for Mom and make her happy.

Visitor's Comments

Edwin Wirgowski of 415 E. Michigan Street addressed the Council with his concerns about the retention pond near his property. He reported that after the recent storm and flooding event, it over flowed and water almost got into his house. He asked the Council if water from somewhere else was draining into that pond. Council Member Ralph Hellmich reported that he is not aware of anything else draining into the retention pond. He added that all the rain fell so fast that it was overwhelming for the whole area. Mr. Wirgowski reported the City increased the berm of the pond ten years ago by two (2) feet. He asked if the City can add a couple more feet to the berm. Mayor Koniar reported that Blue Collar Country on County Road 20 will be adding ponds that will also serve as additional retention ponds. Council Member Hellmich reported that the current retention pond was a \$2.3 million project and Dan Hellmich and his employees are diligent about keeping ditches clean of debris and suggested that the Engineering Department look at the area to see if anything can be done with the retention ponds. Council President Trawick reported that the City has spent \$11,381,122 in drainage projects all over the city in the past ten (10) years and that the City will continue to spend money on drainage. He added that the Engineering Department has several projects going on and that they will add this issue as well.

Adjourn

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

The meeting adjourned at 6:15 p.m.

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