



City of Broken Arrow

AMENDED Minutes City Council

City Hall
220 S 1st Street
Broken Arrow OK
74012

Mayor Craig Thurmond
Vice Mayor Richard Carter
Council Member Mike Lester
Council Member Johnnie Parks
Council Member Scott Eudey

Tuesday, September 15, 2015

6:30 PM

Council Chambers

1. Call to Order

Mayor Craig Thurmond called the meeting to order at approximately 6:30 p.m.

2. Invocation

Minister Tom Liteer led the invocation.

3. Roll Call

Present: 5 -

Scott Eudey, Johnnie Parks, Mike Lester, Richard Carter, and Craig Thurmond

4. Pledge of Allegiance to the Flag

Councilor Mike Lester led the Pledge of Allegiance to the Flag.

5. Consideration of Consent Agenda

Mayor Thurmond removed item 5I because of conflict. He asked if there were any other items to be removed from the Consent Agenda. Councilor Scott Eudey asked that item 5E be removed due to personal conflict.

MOTION: A motion was made by Mike Lester, seconded by Richard Carter.

Move to approve the Consent Agenda excluding item 5E and 5I

The motion carried by the following vote:

Aye: 5 -

Scott Eudey, Johnnie Parks, Mike Lester, Richard Carter, and Craig Thurmond

- A. 15-395 Approval of City Council meeting minutes of September 1, 2015**
- B. 15-424 Acceptance of minutes of Planning Commission meeting held August 13, 2015**
- C. 15-441 Approval of and authorization to execute Earth Change Pay Request Number 2 for Tri-Star Construction, LLC through the Vision 2025 Sales Tax Program in association with the Stoney Creek Hotel and Conference Center**
- D. 15-436 Approval of and authorization to execute Pay Request Number 3 for Professional Design Services through the Vision 2025 Sales Tax Program in association with the Stoney Creek Hotel and Conference Center**
- E. 15-440 Approval of and authorization to execute a Promotional License Agreement between the City of Broken Arrow and the Broken Arrow Arts Council for the Chalk It Up! Event**
- F. 15-383 Approval of and authorization to execute an amended contract for professional services between the City of Broken Arrow and Family and Children's Services to**

provide a Violence Response Program for the City of Broken Arrow in Fiscal year 2015-2016

- G. 15-434 Approval of and authorization to execute three (3) Contracts with Tulsa County for Public Improvements, Provision of Public Services and Assistance to Vintage Housing for the Fiscal Year 2015 Community Development Block Grant (CDBG) Programs**
- H. 15-393 Approval of and authorization to execute a Parks and Recreation Use Agreement between the City of Broken Arrow and the Broken Arrow Volleyball Club**
- I. 15-433 Approval of PT08-106A, Conditional Final Plat, Seven Oaks South II, 92 Lots, 23.36 acres, A-1 to RS-3, one-quarter mile south of New Orleans Street, one-quarter mile east of 9th Street**
- J. 15-442 Approval of the Claims List 09/15/2015**

6. Consideration of Items Removed from Consent Agenda

Councilor Scott Eudey left the room.

- E. 15-440 Approval of and authorization to execute a Promotional License Agreement between the City of Broken Arrow and the Broken Arrow Arts Council for the Chalk It Up! Event**

MOTION: A motion was made by Mike Lester, seconded by Richard Carter.

Move to approve item 5E

The motion carried by the following vote:

Aye: 4 - Johnnie Parks, Mike Lester, Richard Carter, and Craig Thurmond
Recused: 1 - Scott Eudey

Councilor Eudey returned to the room.

Mayor Thurmond left the room.

- I. 15-433 Approval of PT08-106A, Conditional Final Plat, Seven Oaks South II, 92 Lots, 23.3 acres, A-1 to RS-3, one-quarter mile south of New Orleans Street, one-quarter mile east of 9th Street**

MOTION: A motion was made by Mike Lester, seconded by Johnnie Parks.

Move to approve item 5I

The motion carried by the following vote:

Aye: 4 - Scott Eudey, Johnnie Parks, Mike Lester, and Richard Carter
Recused: 1 - Craig Thurmond

Mayor Thurmond returned to the room.

7. Public Hearings, Appeals, Presentations, Recognitions, Awards

There were no public hearings, appeals, presentations, recognitions, awards or oaths. No action was required or taken.

8. Citizens' Opportunity to Address the Council on General Topics

No citizens signed up to speak.

9. General Council Business

- A. 15-431 Consideration, discussion and possible action regarding BACP 146 (Comprehensive Plan Change), Elm Ridge Crossing II, 19.64 acres, Level 2 to Level 3, one-quarter**

mile south of Omaha Street, east of Elm Place

Mayor Thurmond turned the meeting over to Vice Mayor Richard Carter because of possible personal conflict and left the room.

Councilor Eudey left the room because of possible personal conflict.

City Planner, Mr. Farhad Daroga, told the Council this was a requested change to the Comprehensive Plan's designation for 19.64 acres south of Centennial Middle School and Country Lane Elementary School. He said currently the property was designated Level 2 (Urban Residential) and the proposal would change the designation to Level 3 (Multi residential development). Mr. Daroga said the applicant had also submitted a draft PUD to illustrate the proposed development that would be executed in two phases and produce up to 320 multi-family dwelling units. He told the Council that the Planning Commission had recommended approval.

Councilor Parks clarified that while only the front 14.6 acres would be developed multi-family the entire 19.64 acres would fall under the Level change. Mr. Daroga replied that was correct.

Councilor Parks and Lester explored issues related to traffic flow in and around the neighborhood and the schools seeking assurances that both the Police and School officials would be consulted regarding the proposed developments. Mr. Daroga reassured the Councilors that when the Technical Advisory Committee meetings were held the Police would be consulted. Director of Development Services, Mr. Michael Skates, added that all the Directors in the Department had been included in discussions and that the Schools had been consulted.

Councilor Parks expressed the need for a protective transition between the apartment development and the existing subdivision. Mr. Daroga explained that there would be a buffer of townhomes or duplexes as well as property situated between the proposed apartments and Country Lane Estates that would remain zoned for single family homes.

Councilor Lester stated, in the interest of transparency, he had real estate dealing, in the past, with one of the minority owners on another project not related to the site in question but the transaction would not impact any decisions that he would make relative to this item.

Mr. Larry Caster with Architects Collective, a representative of the applicant, gave background information on the development plans for the project. He said the eastern most building would be situated 500 feet from the property line of Country Lane Estates. Mr. Caster said the second phase of the project would be limited to six units per acre which was a fairly low density. He highlighted the features of the project describing the appearance of the proposed gated community. Mr. Caster estimated that there would be over 1,000 trees for the project, some of which would serve as a buffer. He addressed a series of issues raised by homeowners including, traffic, crime, water run-off, and property values.

Thirty-three residents signed up in opposition to this item. Vice Mayor Carter called on the seven who had elected to speak before the Council.

Mr. Darin Swinney explained he had invested his home based on the City's existing Comprehensive Plan. He presented the City's zoning ordinance that outlined criteria for changing the City's Comprehensive Plan. He asked the Council why the Plan was to be changed.

Mr. Bill Day handed out a presentation that illustrated his reasons to oppose the change to the Comprehensive Plan and the subsequent issues that would be caused by traffic issues. He expressed concerns for school traffic issues and he cited the ineffective school connections that were attempted at other locations.

Mr. Lionel Pickens opposed saying three different developers in the past six years had requested changes to the Plan and two requests were granted. Mr. Pickens said the corner of Elm and Omaha, now zoned commercial at a developer's request, was right next to the school. He said if multiple businesses are established there the school could potentially suffer the same traffic issues experienced at Lynn Lane and Kenosha which would then be added to the traffic of the proposed apartment project.

Mr. Stephen Gurney provided handouts to the Council illustrating issues related to the creek that passes behind the homes of Country Lane Estates. His concerns and opposition related to stormwater runoff which he observed had increased overtime. Mr. Gurney said the additional runoff from an upstream development could produce property damage and reduce property values.

Ms. Erin Duin expressed opposition based on concerns for the safety of school children and the increase in traffic that would result from the proposed apartment development. She said there were 2,745 children enrolled in the schools for that area and 200 children walked to and from the schools every day.

Ms. Sylvia Cicco opposed the changes that had already been made to the Comprehensive Plan and new requests that had been made by the same developer. She said she bought her home based on the Comprehensive Plan and asked the Council not to continue with the ongoing changes.

Mr. David Pearsall, President of the Home Owner's Association (HOA) for Country Lane Estates, said the entire Board of the HOA was opposed to the proposed change to the Comprehensive Plan. He said reasons for the Board's opposition had already been stated but he added an additional concern for the ongoing multi-family developments that now surrounded the neighborhood.

City Planner, Mr. Farhad Daroga, was asked for perspective on the City's Comprehensive Plan by the Council. He said the City has a fairly aggressive plan for commercial development along the Broken Arrow Expressway which had set aside several acres for commercial developments. Mr. Daroga said, additionally, there were schools, golf courses, shopping centers, and car dealerships that had taken large swaths of land in this corridor. He said this compels the need to balance development with more roof tops. Mr. Daroga suggested that in deciding what would be the best use for the nineteen acre site the Council should bear in mind these capacious land developments. Mr. Daroga said that the Planning Commission had discussed the projected development of Broken Arrow and they also noted the need to balance commercial opportunities with housing development.

The Councilor's discussed the project and the related traffic issues, street developments, stormwater runoff and the need to buffer the existing neighborhood.

MOTION: A motion was made by Mike Lester, seconded by Johnnie Parks.

Move to approve BACP 146, as recommended by the Planning Commission and Staff

The motion carried by the following vote:

Aye: 3 -
Recused: 2 -
Johnnie Parks, Mike Lester, and Richard Carter
Scott Eudey, and Craig Thurmond

B. 15-432 Consideration and possible approval of PUD 240 and BAZ 1942, Villas at Bricktown, 11.58 acres, R-1 to PUD 240/RS-3, and abrogation of BACP 87, north of the northeast corner of Kenosha Street and Olive Avenue

At 8:06 Vice Mayor Carter called a brief recess to allow for those who wished to leave to clear the gallery.

Councilor Eudey returned to the room

At 8:11 Vice Mayor Carter resumed the Council meeting.

Mr. Daroga said item 9B was a request for a zone change to develop thirty six single family residential lots on a 11.5 acre site. Mr. Daroga described the proposed development. Councilor Parks ask if they planned to make the development a gated neighborhood. Mr. Daroga said that it had not yet been decided but the streets would be private.

Ms. Linda Lind spoke in opposition to the development because of the flooding issues. She said the 100 year flood plain had flooded five times in the past forty three years. Ms. Lind described issues related to access to the area by emergency services as well.

Councilor Eudey asked if there were plans to develop Olive Street. Mr. Skates said that congestion on Olive had been improved somewhat through other road improvements in the area. Acting City Manager, Mr. Russell Gale, said that street widening was part of the 2014 Bond Issue between Olive and Kenosha.

Vice Mayor Carter ask if the water detention area had been addressed. Mr. Daroga said that there were current studies and analysis of the detention area underway. He added that a detention area would be dedicated to the development.

Councilor Lester asked if the developer planned to address clearing the creek. Mr. Daroga said the creek would be outside the property to be developed.

MOTION: A motion was made by Mike Lester

Move to approve PUD 240 and BAZ 1942, subject to the property being platted and as recommended by the Planning Commission and Staff

Hearing no Second the motion dies.

Councilor Parks said that a determination could not be made without the applicant's representative present to answer questions.

Councilor Eudey agreed.

Vice Mayor Carter ask if the Council would like to table this item until the next meeting.

MOTION: A motion was made by Scott Eudey, seconded by Johnnie Parks.

Move to table item 9B until the next meeting.

The motion carried by the following vote:

Aye: 4 -

Recused: 1 -

Scott Eudey, Johnnie Parks, Mike Lester, and Richard Carter

Craig Thurmond

C. 15-403

Consideration, discussion and possible acceptance of the Federal Emergency Management Agency (FEMA) Fiscal Year 2014 Staffing for Adequate Fire and Emergency Response (SAFER) Grant that will fund the salaries and benefits of nine new firefighter positions for a period of two years

Fire Chief, Jeremy Moore, told the Council the SAFER Grant, Staffing for Adequate Fire and Emergency Response, would fund the salaries and benefits of nine new firefighter positions for a period of two years. He said in August of 2015 the Federal Emergency Management Agency had notified the Department that the Grant had been awarded in the sum of \$1,090,791. Chief Moore said the City was not under any obligation to retain the positions at the end of the two year period but since the Council had sent the Vision 2025 extension to a vote that would provide funding to expand emergency personnel by twenty this would mean that the City would have nine of the needed twenty fire fighters two

years early. He said staff recommended acceptance of the SAFER Grant.

Councilor Parks asked the Acting City Manager what would be the course of action if the Vision 2025 did not pass; would the City be able to retain the nine fire fighters. Mr. Gale said it would be necessary for the Vinson 2025 extension to pass to retain the fire fighters unless the Council was willing to compromise the General Fund or some other funding could be obtained. Chief Moore said that if the Vision extension did not pass the Department would have that two year period to allow attrition to reduce the number of the force making it possible to keep the nine fire fighters.

MOTION: A motion was made by Johnnie Parks, seconded by Scott Eudey.

Move to approve the accept the Fiscal Year 2014 SAFER grant

The motion carried by the following vote:

Aye: 5 - Scott Eudey, Johnnie Parks, Mike Lester, Richard Carter, and Craig Thurmond

D. 15-419 Consideration, discussion and possible action regarding a wage increase for the Acting City Manager retroactive to January 1, 2015, and consideration, discussion and possible action on a merit payment

City Attorney, Ms. Beth Anne Wilkening, explained the unique circumstances that had prevented a wage increase for Acting City Manager, Mr. Russell Gale. She said that after discussions with the Director of Finance it had been decided that rather than handling it as a step increase it was recommended, if the Council was so inclined, that there be a wage increase to an annual salary of \$123,354.84 which is prior to the 15% that Council approved for Mr. Gale to perform as the Acting City Manager. She said she wanted to take the opportunity to mention the possibility for merit bonuses for all employees that are designed to promote outstanding performance.

MOTION: A motion was made by Mike Lester, seconded by Richard Carter.

Move to increase the Acting City Manager's annual salary to \$123,354.84

The motion carried by the following vote:

Aye: 5 - Scott Eudey, Johnnie Parks, Mike Lester, Richard Carter, and Craig Thurmond

MOTION: A motion was made by Mike Lester, seconded by Scott Eudey.

Move to approve a merit payment of 2.5% for the Acting City Manager

The motion carried by the following vote:

Aye: 5 - Scott Eudey, Johnnie Parks, Mike Lester, Richard Carter, and Craig Thurmond

E. 15-428 Consideration, discussion and possible approval of Resolution No. 892, a Resolution authorizing the City Attorney to enter into a proposed Joint Petition for Approval of Settlement and a Journal Entry of Judgment in regard to the tort claim filed by Robert Cook's Green Acre Sod Farms, Inc., and directing the City Attorney to prepare and file the necessary documents to effectuate settlement, including a Journal Entry of Judgment incorporating the resolution of the Court's approval, pursuant to 51 O.S. § 158

Ms. Wilkening said this item would address an issue related to a settlement of a tort claim filed by Green Acre Sod Farms, Inc. She said the City retained an expert to review the damages that were submitted. Ms. Wilkening said that steps had been taken to insure that water discharges do not create flooding of property in the future.

MOTION: A motion was made by Scott Eudey, seconded by Johnnie Parks.

Move to approve Resolution No. 892 and authorize its execution

The motion carried by the following vote:

Aye: 5 - Scott Eudey, Johnnie Parks, Mike Lester, Richard Carter, and Craig Thurmond

F. 15-426 Consideration, discussion and possible approval of Resolution No. 893, a Resolution

of the City Council of the City of Broken Arrow formally expressing the intent of the City of Broken Arrow to continue to assume jurisdiction of cases involving children under eighteen (18) years of age charged with violating municipal ordinances committed in Wagoner County, Oklahoma, pursuant to authority of Title 10A, Oklahoma Statutes §2-2-103; and directing the Legal Department to file the Resolution with the Wagoner County District Court

Ms. Wilkening explained that the State Legislature enabling Municipal Courts to have jurisdiction over municipal offences committed by children less than eighteen years of age. She said the Legislature had continued to expand the authority beyond truancy and curfew violations. Ms. Wilkening said this approach was preferred to adding to the burden of the District Court. She said the City had a successful program that due to changes in the law required the Council's approval of a Resolution which would communicate the City's intent to maintain jurisdiction over these juvenile cases.

MOTION: A motion was made by Johnnie Parks, seconded by Richard Carter.

Move to approve Resolution 893 and authorize it execution

The motion carried by the following vote:

Aye: 5 - Scott Eudey, Johnnie Parks, Mike Lester, Richard Carter, and Craig Thurmond

G. 15-427 Consideration, discussion and possible approval of Resolution No. 894, a Resolution of the City Council of the City of Broken Arrow formally expressing the intent of the City of Broken Arrow to continue to assume jurisdiction of cases involving children under eighteen (18) years of age charged with violating municipal ordinances committed in Tulsa County, Oklahoma, pursuant to authority of Title 10A, Oklahoma Statutes §2-2-103; and directing the Legal Department to file the Resolution with the Tulsa County District Court

Ms. Wilkening this is the same Resolution as 9F, except that it's for Tulsa County.

MOTION: A motion was made by Johnnie Parks, seconded by Scott Eudey.

Move to approve Resolution No. 894 and authorize its execution

The motion carried by the following vote:

Aye: 5 - Scott Eudey, Johnnie Parks, Mike Lester, Richard Carter, and Craig Thurmond

H. 15-429 Consideration and possible appointment of Michael Spurgeon, City Manager, City of Broken Arrow, to complete Acting City Manager Russell M. Gale's term as representative to the Indian Nations Council of Governments (INCOG) Board of Directors and the General Assembly effective September 21, 2015

Mr. Gale said the City has three members on the Indian Nations Council of Government's Board of Directors. He said typically the members serving on the Board were made up of two elected officials and the City Manager. Mr. Gale said this item would appoint the City's new City Manager, Mr. Michael Spurgeon to take his place on the Board.

MOTION: A motion was made by Mike Lester, seconded by Richard Carter.

Move to appoint Michael Spurgeon to the Indian Nations Council of Governments (INCOG) Board of Directors and as the alternate to the General Assembly effective September 21, 2015

The motion carried by the following vote:

Aye: 5 - Scott Eudey, Johnnie Parks, Mike Lester, Richard Carter, and Craig Thurmond

10. Preview Ordinances

A. 15-418 Consideration, discussion and possible preview of an ordinance amending Chapter 6, Building and Building Regulations, Article II, Building Code; Section 6-16, Adopted; Section 6-17 Amendments; Section 6-21, Construction standards for handicapped parking spaces; Section 6-23, Existing building code adopted; Section

6-24 Amendments; Section 6-66, Adoption of National Electrical Code; amendments; Repealing Section 6-70, Receptacle and light fixture loading; Repealing Section 6-71, Special circuits and independent fusing for appliances; Repealing Section 6-74, Wall switches required; Article V, Plumbing, Division 1, Generally, Section 6-94 plumbing code - adopted; Section 6-95, Same - Amendments; Division 2, Landscaping Irrigation; Section 6-101 - Backflow prevention; Section 6-103 Installation requirements; Article VI, Underground Outside Gas Piping, Section 6-111 Application of article; Section 6-112 Amendments; Repealing Section 6-113, Installation requirements generally; Article VII, Mechanical Code, Section 6-128 - Adopted; and Section 6-129 Amendments; specifically adopting the requirements of the 2014 and 2015 NFPA NEW ICC Code as to Building, Mechanical, Fuel Gas, Plumbing, and Electrical into the City's Code of Ordinances in order to comply with state statute approved by legislative action and signed by Governor Mary Fallin to become effective November 1, 2015; repealing all ordinances to the contrary and declaring an emergency

Mr. Skates said this item would modify the City's Chapter 6 Building and Building Ordinance to comply with changes in legislation established by the Oklahoma Uniform Building Code Commission.

MOTION: A motion was made by Mike Lester, seconded by Johnnie Parks.

Move to preview the attached ordinance and set for final adoption

The motion carried by the following vote:

Aye: 5 - Scott Eudey, Johnnie Parks, Mike Lester, Richard Carter, and Craig Thurmond

11. Ordinances

A. 15-421

Consideration, discussion and possible adoption of Ordinance No. 3365, an ordinance amending Chapter 2, Administration, Article IX, Employee Rules and Regulations, Section 2-151, Attendance, of the Broken Arrow Code, to add Christmas Eve to the list of observed holidays for the City of Broken Arrow, Oklahoma; repealing all ordinances to the contrary; and declaring an emergency

Mayor Thurmond expressed his pleasure that this Ordinance to add Christmas Eve to the list of observed holidays for the City of Broken Arrow staff had at last come before the Council. He said he had observed very little activity at City Hall on Christmas Eve for the past ten years and the employee's deserve this holiday.

MOTION: A motion was made by Johnnie Parks, seconded by Scott Eudey.

Move to adopt Ordinance No. 3365

The motion carried by the following vote:

Aye: 5 - Scott Eudey, Johnnie Parks, Mike Lester, Richard Carter, and Craig Thurmond

MOTION: A motion was made by Mike Lester, seconded by Richard Carter.

Move to approve the emergency clause

The motion carried by the following vote:

Aye: 5 - Scott Eudey, Johnnie Parks, Mike Lester, Richard Carter, and Craig Thurmond

12. Remarks and Inquiries by Governing Body Members

Mayor Thurmond expressed his gratitude for all that Ms. Wilkening and Mr. Gale had done over the past year or more in keeping the City on track and moving forward as a search for the new City Manager was carried out. He said that they had done an outstanding job. On behalf of the Council, Mayor Thurmond presented them both with cards and gift certificates as a token of the Council's appreciation. Each of the Councilors expressed appreciation and respect for the extra efforts that were required to carry out the responsibilities of Acting City Manager and the support and guidance provided by legal

counsel in addition to their normal duties.

13. Remarks by Acting City Manager

Mr. Gale said that this would be his last Council meeting as Acting City Manager. He expressed his gratitude for the opportunity and the privilege of serving with the Council. Mr. Gale said he wanted to give credit to the 733 employees that serve the City by doing their job every day to keep the ship floating. He said that success is founded in hiring good people and giving them the tools they need to do their jobs and then standing aside and letting them do it.

Mayor Thurmond asked for a motion to recess in order to enter into the Broken Arrow Municipal Authority and the Broken Arrow Economic Development Authority meetings.

MOTION: A motion was made by Mike Lester, seconded by Richard Carter.

Move to recess in order to enter into the Broken Arrow Municipal Authority meeting and the Broken Arrow Economic Development Authority meeting

The motion carried by the following vote:

Aye: 5 - Scott Eudey, Johnnie Parks, Mike Lester, Richard Carter, and Craig Thurmond

Mayor Thurmond reconvened the regular Council meeting at approximately 9:05 p.m. and asked for a motion to recess prior to entering into the Executive Session.

MOTION: A motion was made by Mike Lester, seconded by Johnnie Parks.

Move to take a recess prior to entering Executive Session

The motion carried by the following vote:

Aye: 5 - Scott Eudey, Johnnie Parks, Mike Lester, Richard Carter, and Craig Thurmond

Mayor Thurmond asked for a motion to enter into the Executive Session.

MOTION: A motion was made by Johnnie Parks, seconded by Scott Eudey.

Move to enter Executive Session

The motion carried by the following vote:

Aye: 5 - Scott Eudey, Johnnie Parks, Mike Lester, Richard Carter, and Craig Thurmond

14. Executive Session

Executive Session for the purpose of discussing and conferring on matters pertaining to:

- (1) **economic development and specifically discussing an economic development proposal involving a commercial and retail establishment proposed for the location north of the Creek Turnpike and east of South Olive Avenue, to include the transfer of property, financing, and the creation of a proposal to entice a business to locate within the City of Broken Arrow, and taking appropriate action in open session, including direction to the City Manager and Staff to negotiate for an economic development agreement, under 25 O.S. §307(C)(10); and**
- (2) **the appraisal of this subject real property and possible action in open session, including authorization to obtain additional appraisals for this real property, under 25 O.S. §307(B)(3),**

In the opinion of the City Attorney, the Council is advised that the Executive Session is necessary to protect the confidentiality of the businesses and also that disclosure will impair the ability of the City Council to process the pending appraisal of real property in the public interest. After the conclusion of the confidential portion of executive session, the Council will reconvene in open meeting, and the final decision,

if any, will be put to a vote.

At approximately 9:20 p.m., Mayor Thurmond reconvened the regular session of the City Council meeting and the room was opened to the public. The Mayor asked if there was a motion.

MOTION: A motion was made by Mike Lester, seconded by Richard Carter.

Move to find that the Executive Session was necessary to process the potential claims and litigation in the public interest

The motion carried by the following vote:

Aye: 5 - Scott Eudey, Johnnie Parks, Mike Lester, Richard Carter, and Craig Thurmond

MOTION: A motion was made by Richard Carter, seconded by Mike Lester.

Move to authorize the City Attorney to proceed with filing a claim or claims if necessary and as recommended by outside counsel against professional liability carriers, insurance companies, or other responsible parties regarding the retaining wall located at the corner of Kenosha and Lynn Lane

The motion carried by the following vote:

Aye: 5 - Scott Eudey, Johnnie Parks, Mike Lester, Richard Carter, and Craig Thurmond

15. Adjournment

The meeting adjourned at approximately 9:21 p.m.

MOTION: A motion was made by Richard Carter, seconded by Scott Eudey.

Move to adjourn

The motion carried by the following vote:

Aye: 5 - Scott Eudey, Johnnie Parks, Mike Lester, Richard Carter, and Craig Thurmond

ATTEST:

Mayor

City Clerk