

The Planning Commission held a Special Meeting on Wednesday, May 30, 2018 at 5:00 PM at the City Municipal Complex, 161 N. Section Street in the Council Chambers.

Present: Lee Turner, Chairperson; Art Dyas; Rebecca Bryant; Charles Johnson; Richard Peterson; Ralph Thayer; Hollie MacKellar; Jack Burrell, Council President; Buford King, Planner; Emily Boyett, Secretary; and Ken Watson, City Attorney
Absent: Tim Simmonds; Jay Robinson; Wayne Dyess, Planning Director

Chairman Turner called the meeting to order at 5:06 PM.

Mr. Watson made a Declaration and Opinion in compliance with Section 36-25A-7(3) of the *Code of Alabama (1975)* calling for an executive session to discuss with their attorney the legal ramifications of and legal options for pending litigation, controversies not yet being litigated but imminently likely to be litigated or imminently likely to be litigated if the governmental body pursues a proposed course of action, or to meet or confer with a mediator or arbitrator with respect to any litigation or decision concerning matters within the jurisdiction of the governmental body involving another party, group, or body. Prior to voting to convene an executive session under this exception the governmental body shall receive a written opinion or oral declaration reflected in the minutes from an attorney licensed to practice law in Alabama that this exception is applicable to the planned discussion. Such declaration shall not otherwise constitute a waiver of the attorney-client privilege. Notwithstanding the foregoing, if any deliberation begins among the members of the governmental body regarding what action to take relating to pending or threatened litigation based upon the advice of counsel, the executive session shall be concluded and the deliberation shall be conducted in the open portion of the meeting or the deliberation shall cease.

Art Dyas made a motion to close the public meeting and enter executive session. Ralph Thayer 2nd the motion and the motion carried unanimously with the following roll call vote: AYE – Art Dyas, Rebecca Bryant, Charles Johnson, Ralph Thayer, Lee Turner, Hollie MacKellar, and Richard Peterson. NAY – none.

The Commission left the dais at 5:08.

The Commission returned to the dais at 6:42.

Art Dyas made a motion to reconvene the public meeting at 6:43 PM. Ralph T Thayer 2nd the motion and the motion carried unanimously with the following roll call vote: AYE – Art Dyas, Rebecca Bryant, Charles Johnson, Ralph Thayer, Lee Turner, Hollie MacKellar, and Richard Peterson. NAY – none.

Pursuant to discussion in the executive session regarding SD 18.21 Old Battles Place, Phase 2, Art Dyas made a motion to authorize Ken Watson, City Attorney, to respond to the plaintiff's attorney's letter of intent, state concerns, and to discuss possible ways to proceed with the other attorney without having to wait 6 months. Ralph Thayer 2nd the motion and the motion carried unanimously with the following vote: AYE – Art Dyas,

Rebecca Bryant, Charles Johnson, Ralph Thayer, Lee Turner, Hollie MacKellar, and Richard Peterson. NAY – none.

Having no further business, Ralph Thayer made a motion to adjourn. Richard Peterson 2nd the motion and the motion carried unanimously. The meeting was adjourned at 6:45 PM.



Lee Turner, Chairman



Emily Boyett, Secretary