

**MINUTES OF THE REGULAR MEETING OF THE  
HAILEY CITY COUNCIL  
HELD MONDAY, DECEMBER 12, 2005  
IN THE HAILEY TOWN CENTER MEETING ROOM**

The regular meeting of the Hailey City Council was called to order at 5:30 p.m. by Mayor Susan McBryant. Present were Council members Rick Davis, Martha Burke, Don Keirn, and Carol Brown. Staff present included City Attorney Ned Williamson and City Clerk Heather Dawson.

Representatives of the Wood River Community YMCA were present at the invitation of Rick Davis to give a brief presentation about the activities of the YMCA. Organization fundraising efforts have raised 12 million dollars. The fund-raising goal is now 18 million because costs of construction have increased by one third. The Boise YMCA has three main facilities, but operates in over 80 locations within the Treasure Valley. The Ketchum based YMCA will be home-base for many other locations within the Wood River Valley.

**CONSENT AGENDA**

The following items were pulled from the Consent Agenda: CA 387, CA 389, CA 392, CA 393, and CA 394. Keirn moved to adopt the consent agenda without those 5 items. Burke seconded; the motion carried unanimously

- CA 385        Motion to approve and execute support of legislation amending 24 U.W.S.C. 2210, to include Idaho Counties in the Radiation Exposure Compensation Act
- CA 386        Motion to approve summary of Ordinance # 925, revisions to the Subdivision Ordinance, for publication
- ~~CA 387        Motion to approve contract for services between City of Hailey and Becki Keefer for City Parks Management Contract~~
- CA 388        Motion to approve Supplemental Agreement No. 1. to Agreement 6232, the STP-0004(132) Hailey Transportation Planning Project 9
- ~~CA 389        Motion to approve contract for services with Carollo Engineers for Water Storage Tank Construction Engineering~~
- CA 390        Motion to approve Change Order No. 2 for Walton, Inc to complete installation of the meter vaults in remaining areas to townhouses and apartments within Hailey
- CA 391        Motion to authorize signature of proposal from High Country Heating for library furnace repair
- ~~CA 392        Motion to approve Minutes of October 24, 2005, and to suspend reading~~
- ~~CA 393        Motion to approve Minutes of November 14, 2005, and to suspend reading of them~~
- ~~CA 394        Motion to approval Minutes of November 28, 2005, and to suspend reading of them~~

CA 387 Williamson said the document is more of a letter of intent than a contract, and he felt the motion should accept the letter of intent, and direct the attorney to draft a contract accordingly. Burke moved and Brown seconded a motion that the council accept the letter of intent, and direct the attorney to draft a contract .

CA 389 Williamson said the Carollo contract needs more substance, and said that after reworking it, he would bring that back to the council at a later meeting.

CA 392 Minutes of October 24, 2005 - Mayor McBryant said the heading needs to reflect who was present and that it was a joint meeting. Brown moved to approve the minutes of October 24, 2005 as amended. Burke seconded; the motion carried unanimously.

CA 393 Minutes of November 14, 2005 – Mayor McBryant asked that the minutes identify who Len Harlig and Tom Bowman are by title. Brown moved to approve the minutes of November 14, 2005 as amended. Burke seconded; the motion carried unanimously.

CA 394 Minutes of November 28, 2005 – On page 6, 2<sup>nd</sup> paragraph, Mayor McBryant changed the word “is” to “she” to change the intent and content of that sentence. Burke moved that the minutes of November 28, 2005 be approved as amended. Brown seconded; the motion carried unanimously.

### **THIRD READING OF ORDINANCE 925**

Keirn moved to authorize the 3<sup>rd</sup> reading by title only of Ordinance 925. Davis seconded; the motion carried unanimously.

### **WOODSIDE ELEMENTARY SCHOOL PUD**

Williamson said at the city council’s last meeting in which the council discussed the Woodside Elementary School PUD Agreement Amendment, there were three areas of focus; a completion date for upgrading, seeding and installation of boulders, getting landscaping design service provided by Ron Adams, and getting some surety in place to insure the work is done. Williamson said he had drafted a revised PUD Agreement Amendment, requiring the improvements to be done by May 15, 2006 and requiring \$15,660 of surety. He had received from the district a letter that was provided to homeowners, which was hand delivered to the school district shortly after the September meeting with the Hailey City Council.

**Brown moved to approve the Planned Unit Development Agreement Amendment as shown, with a required surety amount of \$15, 660.** Keirn seconded; the motion carried unanimously.

### **APPOINTMENTS**

McBryant nominated Kathy Noble to a three-year appointment on the Hailey Parks and Lands Board. Brown moved and Burke seconded to approve the appointment.

McBryant nominated Stephanie Marvel to three year appointment on the Hailey Planning and Zoning Commission. Brown moved and Keirn seconded to approve that appointment.

McBryant nominated the appointment of Taylor Walker, Anna Mathieu, and John Seiller to the Hailey Historic Preservation Commission, which would then be numbered at ten. Burke moved and Keirn seconded that those appointments be approved; the motion carried unanimously.

### **BLUEBIRD SUBDIVISION FINAL PLAT**

The project surveyor of Bluebird Subdivision introduced an application for final plat approval of Bluebird Subdivision, saying the requirements of the preliminary plat have been met. There still needs to be some signs erected, and roadmix still needs to be spread for the walking pathways, and he hoped to bond for those final improvements because weather has prohibited that type of work.

Grotto said water and sewer utility easements are shown on the plat. Brown asked if mailboxes are consolidated at one site.

Sheila Plowman of 430 Northstar Drive had a concern about traffic on the blind corner at Northstar and Spruce Street. Because now even more people will live in the area, she again requested a stop sign. The homeowners association is willing to pay for the stop sign purchase, if the city will install it.

**Keirn moved to approve the final plat with conditions as noted A-G.** Davis seconded; the motion carried unanimously.

### **INTERIM MORATORIUM ON TOWNSITE OVERLAY DEVELOPMENT**

Grotto said that no proposed text amendments or changes to the townsite overlay are being considered tonight. Two letters received from members of the public contain comments regarding future text amendments, which will be heard at a later date, and will be publicly noticed. A proposed interim moratorium is what is proposed tonight. The draft ordinance before the council is all inclusive. The draft ordinance lists the five types of applications, and a list of questions just handed out ask if the council wants to further limit development within that area. For example, item B may be limited to smaller lots. Item C is broad, and is written to put a building permit moratorium on all single family and multifamily construction. The council may want to limit that to new dwellings only, or new single family dwellings, or it may wish to eliminate it entirely and instruct staff to work on design review guidelines. The council may wish to impose a moratorium on demolition permits on buildings constructed prior to a certain year. Grotto said an interim moratorium can be in place for up to one year. An emergency moratorium can be adopted for only 6 months, and can be enacted without notice to the public. This interim moratorium has been noticed under LLUPA.

McBryant said some issues have come at this city council rapid fire, and the interim moratorium would allow a period to build a foundation of understanding. Moratoriums are not entered into casually; there is a ripple effect to all parties.

Marty Flannes of Robin Hood Drive asked if this has been through the planning and zoning commission process. Grotto said it hasn't. Flannes said that Idaho Code 67-6523 and 67-6509 calls out the process, and requires commission action and public notice.

Rob Thomas of East Carbonate said he had worked on getting the grass roots movement going on this matter because he has watched the demise of Ketchum. He said Ketchum has lots its roots, which are now fully contained in only three houses. He said he is not of the close-the-gate mentality. With wide avenues and a core like Hailey has, our town should be able to keep its integrity. He said Boulder has gone completely to the green side and developed its own set of problems. It may get more expensive to live in Hailey, but if we don't restrict our development through planning we will regret it. He spoke about several good planning mechanisms that are currently being used, including the transportation plan.

Larry Huck of 215 Fourth Avenue said he supported the moratorium. Idaho has the most RV's per capita, and in the real world there will be three to four people per home, a couple of cars, an RV, and a couple of dogs. He said dogs were one of the problems brought up at the town hall meeting.

Diane Barker of 317 East Spruce asked if GR is included in the interim moratorium. Grotto said it is not in the draft. Barker encouraged the council to consider an interim moratorium for all zones. The city needs to figure out the requirements for parking, and improvement of alleys. She encouraged caution on restricting demolition of older homes.

Kim Johnson said GR should be included in the interim moratorium. There are more homes that need protection in the GR district.

Wynn Bird of Myrtle Street asked that GR be included.

Larry Butler of Third Avenue South said his experience with moratoriums is that it increases costs. He encouraged the council to allow subdivisions, and revamp its design review criteria. People in Hailey will build structures that look nice, because the cost of land is so great. The townsite overlay encourages infill, and promotes greater density near the community core.

Tony Taylor of North Fourth Ave. said the moratorium comes with a program called Smart Growth. He said the lack of snow storage will be a major issue as the townsite develops.

Ben Scheppes of 315 Fourth Avenue North supported the moratorium and asked for the inclusion of GR zone. The commercial core is expanding. A line has been drawn

arbitrarily. The character of the townsite is the same in the entire overlay, and in all zones. It is the character of our city that we need to imagine in ideas and then translate them into words. Change is encroaching, and he can't walk through certain LR subdivisions and still see what we came here for. He said there is no place to urinate during a walk through town.

Ed Mackum of 225 West Walnut Street supported the moratorium. Helen Stone supported the moratorium and wanted GR added. Kim Johnson said with the new townsite overlay regulations, a lot of problems have emerged that need to be dealt with. The same problems still apply to GR as to LR.

Ken Ward of 310 South Main expressed concern about the demolition aspect of the interim moratorium draft. A lot of communities have a lot of houses older than 1940. If the old houses are kept, owners become slum landlords. This community used to be the paradise we all came to. Planned growth sounds great if you're on the side of planned growth. There are a lot of people who don't want to see more rules. It might change in 10 years anyway. He opposed the moratorium.

Mayor McBryant closed the public hearing.

Brown said her idea of design review was not architectural or historical, it was more related to mechanical aspects. She is counting on the Historic Preservation Commission to bring discussions to the council about what should be preserved. She would like to get a demolition permit up sooner rather than later, but needs the elements of that ordinance discussed first. Brown asked if there is any essential change in GR. Grotto said before the James Reed text amendment, the minimum lot size was 6000 square feet, but a duplex could have been built on lots just larger than 6000 square feet. A structural design review would be across all units in any zone. Ordinance 925 prohibits flag lots and subdivision of lots if access is only from the alley. Brown said the tree ordinance needs to be developed concurrently with this.

Burke said if we were to approve the moratorium language as presented, with direction for staff to work on a demolition ordinance, can individual items be pulled out as progress is made on the ordinances. Williamson said we can narrow the focus of the moratorium over time.

McBryant said demolition should be allowed if the ground isn't scraped bare, elevations aren't changed, and properties are not left to sit in that manner for a long period of time. A demolition permit would have to be accompanied by a building application, and consideration of whether specific trees should be kept. Control of weeds and dust abatement and to prevent the laying of land bare without a plan in place that the city has seen are important elements of a demolition permit.

Keirn asked if we have a weed abatement ordinance for vacant lots. He said in his previous municipal experience, a city would go in an mow weeds when they became a

fire hazard, and then bill the property owner. He favored Brown's concept of less than 8000 square feet.

Davis said the historic commission has applied for a grant for the purpose of identifying historical buildings. He said he would like to use Ketchum's demolition ordinance as a template. He favored allowing vacant lots to be built upon. He favored allowing additions or remodels. We have no review clause for demolition. He agreed with the tree ordinance. The type of design review is structural, related to snow storage and ingress, not taste, which is subjective. Brown too was fine with additions and remodels not being included in the moratorium.

Burke said the reason she likes what is in place, is she would rather see bungalows on 6000 square feet than large duplexes on larger lots. She favored leaving demolition moratoriums in now, but pulling them out as soon as possible. Keirn felt leaving demolition out of the moratorium would be better.

Williamson said he had looked at the statute at the November 10 joint meeting, and the commission does not need to be involved. This is not an extension of the existing moratorium. Some items of the comprehensive plan need to be revisited.

Brown moved to approve ordinance 928, modifying condition E to have it end at the word "district" (taking out "built prior to 1940"), and that conditions A and B only effect lots resulting in less than 8000 square feet, that condition C effect building permits on new dwellings only (not additions/remodels), and that the three readings be waived and the ordinance read by title only. Burke seconded; the motion carried unanimously.

#### **INCLUSIONARY HOUSING IN SUBDIVISION ORDINANCE**

Grotto covered modifications made to the draft since the last council discussion where clear direction was given to staff. The timing of the provision of community housing units shall be the fifth occupancy permit, and a unit shall be required after multiples of fives thereafter. If the offsite units are not adjacent, then 150% of the required number will be built off-site. The goal is to disperse the community housing units throughout the community. Section 4.11.5.1.6 is a new subsection which was a result of the council's discussion of the Telluride model, and states that in large developments where 6 or more housing units are required, the city may designate that half the units be restricted in other ways than by deed, such as by residency, employment, or age. That provision would be flexible and reviewed on a case by case basis by the city. There won't be too many projects of 30 units or more. If that alternative is chosen, the density increase could be reduced from 20% to 10%. The density increase chart has been revised to reflect a 20% density increase.

Williamson said he had consolidated and reorganized the whereas clauses, which are the findings of fact. He changed the definition of deed restriction, based on revisions allowing other factors. There needs to be more flexibility in the deed restriction definition. The council will review the types of deed restrictions with each project. He inserted language dealing with homeowner fees, which allows the city to review what the

CC&R's will say in terms of assessments. We may require the local housing authority or city to have a say if there is an amendment. If payment of in lieu fees is an option, the appraisal will be at the front end of the application, and fair market value shall be increased by an interest rate. At the very end there's a new section about the community housing fund. The city needs to control where those funds can be used.

Williamson said before he went into any drafting of certain concepts, he wanted discussion of them.

Mayor McBryant said the council had heard public comment at the last meeting. She turned the matter over to the city council. Does the ordinance meet what the city was trying to achieve, and should the city take an action now?

Davis liked what he sees in the draft, specifically because it allows the council a lot of flexibility. There's methodology out there that's mind boggling, and he liked the potential give and take of this ordinance. He had noted 10% and 15% requirements in the ordinance; there's just so many numbers out there. Williamson said the equity builder program is not in the options drafted for council consideration. He said we still need to meet our standards, and need to outline all the options available. Williamson said the alternatives must be applied through standards, to avoid being arbitrary and capricious.

Brown liked the direction the draft had taken. She would be willing to take it forward to adoption tonight, understanding that we are just learning about alternatives, and over the next several months the commission would be dealing with some of these alternatives and we would be learning more about them than we currently know. There are a lot of alternatives that have been discussed as part of this process. The 20% is a national standard that will hold up. Grotto said nationally there is a typical range between 10% and 20%. We found in our research of the census data, that there is a huge percentage of people earning between 50% and 150% of area median income. She had felt comfortable with the 20% number.

Keirn felt the draft is adequate for what we want to do, and could be further amended in the future. It is a good starting point.

McBryant said we learned from the Tischler study that residential development doesn't pay its way, and dense residential development costs the taxpayers a lot of money. We don't have impact fees in place to accommodate for the increased density and increased calls for fire and police. Our ability to provide basic services is paramount. Brown said she is expecting development impact fees to be right on the heels of this. We've got an understanding with the developer of the large parcel in Woodside, so there is hope that there may be less impact as this is put into effect. She said Jim Laski had put some comments about phasing this ordinance in, and going more gently on developments that are already in the line-up. We've already made some negotiations with the developer because the property is not being commercially developed. Brown felt we put the emergency moratorium in place for a reason, and felt community housing was paramount.

Burke said the draft ordinance represents wonderful work, and we should not let it drop. Davis said we will need to revisit the ordinance frequently, at least annually.

Mayor McBryant opened the public hearing.

Jim Laski, representing the Sweetwater Project, commended staff and city attorney for their great effort in crafting this ordinance. He addressed the perception that 20% is the standard, saying that Aspen is out of the range at 30%, with community housing units that sell in the \$400,000 range. If we were under Aspen's program, well over 50% would fall in as market units. That concept ties into some of the proposals that he had sent to Williamson. He wanted credits for some AMI to offset some of the community housing units. In conclusion, if Hailey is going to push through an ordinance, it should expand on different tools so that developers that are coming through immediately have a broader range of options. Some of those other opportunities are available. If Hailey expands the alternatives to include some of the other things we suggested, it may be a better approach than taking now and expanding later, and easier to narrow down later rather than expand later.

John Campbell said the ordinance has been improved since the last meeting. He encouraged the council to phase in people who have their projects in the pipeline, they didn't know this was coming and it represents a financial impact. He said in Massachusetts they have a statewide standard, based on 10% community housing. He said the cost to a developer of one community housing unit is great. If we're to sell a two bedroom community housing unit, and we assume the interest rate and homeowner association dues, the unit needs to sell for \$155,463, and the developer nets \$150,000. A 1250 square foot house will cost an average of \$200 per square foot to build. The cost to the developer to build the community housing unit will be \$280,000, and the developer will experience a total loss of \$130,000. He encouraged the council to include builder equity programs and the Sweetwater market program.

Jan Edelstein appreciated the council's boldness and their willingness to move forward with speed, saying the ordinance can be modified as Hailey moves forward. She commended the council for taking the advice of counsel in creating an ordinance that will resist a takings challenge. She questioned if, with the backtrack from 30%, that has been undone. She said the question to ask is what do we need as a community. If all the living units are turned over, at 20% we would only have 500 units. Most big communities recognize that community housing is a government service. If we want it, we need to figure out a way to create it. The city does have the ability to create density. With annexations, all bets are off. If the city annexed 100 acres of R-5 property, the landowner could build 30 units in the county and 300 units after being annexed. That is 270 new units. What percentage of that new property right should be set aside for increased community housing? Ten years ago Hailey was 90% community housing.

Janine Bear said she has seen the Sweetwater Project, it would be sad to see this project go away. The density bonus would turn that project into a Balmoral. She has not seen

Laski's alternatives; it would be a detriment to Hailey to lose a project like this because the numbers don't work. She encouraged the council to look at alternatives, it would be sad to see that land go back to Business zoning. People drop off the list in hopes of buying something that is not deed restricted. Any developer would walk out the door.

Kate Giese said there is nothing better than to make it affordable for people to live here. If the Telluride model is one of the alternatives, the city should seriously consider decreased density bonus to maximize the community housing for the town.

Mayor McBryant closed the public hearing. Davis said alternatives need to be considered. Brown said those alternatives need to have the scrutiny that these have had at the staff and planning and zoning commission levels. There has to be a certain amount of predictability in our ordinances. Brown said there are four alternative models that are worth getting a public discussion upon. There needs to be more discussion, but she would like to get this one going. She suggested adopting this tonight, but having the commission look at alternatives. McBryant said her comment was intended to provoke real strong direction. We've just passed a year-long interim moratorium. The mechanics of who is going to bring this forward need to be considered. Davis asked if the ground rules of percentages and density bonuses need to be stated, or do those help us achieve standards, or both? Williamson said it is both.

Burke said she likes the language "including but not limited to". She would listen to anyone coming forward and saying here is the proposal. She would adopt this, but would be open to expanding the tools. We can't set a standard at 20% and then back off to 15% because we broke that developer. Williamson said there are six different alternatives. He was interested in hearing what the council wants to do in terms of the other guidelines equity program. He said the ordinance would need to go to the press for publication by December 23<sup>rd</sup>. Keirn suggested amending the ordinance in January, after adopting it now.

**Burke moved to approve Ordinance 929 as presented tonight in the council packet, waive the three readings, authorize mayor to sign, and publish it immediately.**

Burke seconded. Davis asked how are we going to add more tools. Williamson said he could outline the alternatives further. The motion carried unanimously, and the mayor read the ordinance by title only.

Burke said this is not a stand-alone deal. Other elements of the community must be involved. It can't all fall to the development community. It is to the benefit of these other organizations to participate in these discussions.

#### **INCLUSIONARY HOUSING– ZONING ORDINANCE**

Grotto said many of the Whereas clauses have been deleted. The other revision is on page 124, Section 10.4.1, regarding density bonus, a subject about which the council had a long discussion at its last meeting, particularly about cumulative density bonus.

Density bonus for a PUD could come into effect only for commercial projects or rental projects.

Mayor McBryant opened the public hearing. There was no public comment. Brown liked the deletion of commulative effects. **Keirn moved to adopt ordinance 930, waive the three readings, and read by title only.** Burke seconded; the motion carried unanimously.

#### **COX COMMUNICATIONS FRANCHISE AGREEMENT AND ORDINANCE**

Williamson said he had received the agreement today signed by Cox, and he revised the ordinance to contain the four year franchise language rather than 10 year. He suggested waiving the three readings of this ordinance.

Brown said she read the agreement again, and made the point that an annexation might be the leverage point where we'll get our cable service needs met to the treatment plant facility.

Mayor McBryant opened the matter for public hearing. There was none. Williamson said Section 4.8 talks about when the cable company is required to extend service, and is a point we negotiated. If we did an annexation of 20 units, they don't have to extend, but if 40 units they do. **Keirn moved to adopt the agreement as presented; and to adopt Ordinance 926, waive the three readings and read by title only.** Burke seconded; the motion carried unanimously.

#### **INTERMOUNTAIN GAS FRANCHISE AGREEMENT AND ORDINANCE**

Williamson said the negotiation with Intermountain Gas Company for a new franchise agreement went smoother than the negotiation with Cox Cable Company. He is comfortable with the language for a 10 year franchise, with a 3% fee, the maximum allowed under state law. We have a deadline for this adoption He has not received the agreement signed yet from IMG, and the motion should state that the agreement should be effective upon full execution, and that the ordinance be published upon receipt of the fully executed agreement. **Davis moved to adopt the agreement as stated by the attorney, and adopt the ordinance 931, read by title only, waive the three readings.** Burke seconded; the motion carried unanimously.

#### **ANIMAL CONTROL ORDINANCE – LEASE LAW**

McBryant said we have learned that when we pass an ordinance, it is the law. With the strength of the law behind us, the enforcement of the leash law was ruthless. Burke said she had an ex parte communication regarding number of dogs. Davis said now that we are about to make an ordinance even more difficult to enforce, why even have it on the books.

Mayor McBryant opened the public hearing. There were no public comments.

**Brown moved to adopt ordinance 932, repealing leash control required of dogs, and read by title only first reading.** Keirn seconded; the motion carried with Davis opposed.

## **WOOD RIVER LAND TRUST CEDAR BEND LAND EXCHANGE**

Kate Giese of the Wood River Land Trust said the WRLT owns the 4.5 acre Cedar Bend Preserve. The area supports an intact cottonwood forest which support wildlife, and it also floods, affording all the benefits of that critical function. The majority of what people think is the Cedar Bend Preserve is actually owned by the Idaho Department of Lands. The WRLT is asking for an equivalent value land exchange by performing a lot line shift on the existing Cedar Bend Preserve, and proposing to receive in exchange an 80 acre parcel, which includes the Della cliffs, the riparian areas, and the wetlands south of Lion's Park. A permanent trail to connect Lion's Park to Heagle Park could be a potential permanent legacy of this land exchange. This land was noted on Hailey's land acquisition map as greenspace. The land trust acquired the Cedar Bend land in a couple of steps. The lot line shift doesn't affect the first of those, which is deed restricted relative to the Cedar Bend subdivision. She said city ordinances would need to be applied upon the state lands.

**Burke moved to provide a letter of support for the land exchange.** Brown seconded; the motion carried unanimously.

## **2005/2006 BUDGET AMENDMENTS**

Mayor McBryant introduced her concept of budgeting back to departments some of the fund balance they had earned through non-expenditure of their budgets. Dawson outlined the process, saying that the council would first need to adopt a tentative budget, which had been presented within the staff report, and then the budget would be noticed for public hearing. After public hearing is conducted, the council could adopt the appropriation ordinance amendment. Davis asked if there would be funds for historical preservation commission match grants. Keirn moved to adopt the tentative budget for publication. Burke seconded; the motion carried unanimously.

## **LOCAL OPTION TAX**

Davis said February is too soon for a Local Option Tax election. The council discussed other election dates including May and November. Keirn said Spinelli has a marketing program ready to drop into place. The council set a special meeting on Jan 2 at 4:00 p.m. to workshop on Local Option Tax strategies with the LOT committee.

## **ATTORNEY REPORTS**

Williamson said Cutters has been requesting information as to when to have the next meeting. Mayor said she would set that for hearing after reviewing the agendas.

Williamson urged the council to hold a special meeting to adopt a summary for publication of the inclusionary housing ordinances. The council set a special meeting for 5:15 p.m. on December 16, 2005.

## **COUNCIL REPORTS**

Davis said he was approached by landowners today who own vacant property south of Marketron.

Mayor McBryant asked who would be interested in serving on Blaine County Housing Authority.

## **EXECUTIVE SESSION**

Davis moved, and Keirn seconded that the council go into executive session to discuss land acquisition, pending litigation, and personnel issues. A roll call vote showed all in favor. The council went into executive session at 9:05 p.m. Following a motion and roll call vote, the council came out of executive session at 9:20 p.m. There being no further business, Mayor McBryant adjourned the meeting.