

Special Meeting of the Town of Highland Lake, Alabama

The Highland Lake Town Council held a special meeting on Thursday November 5, 2015 at the Anchor. Mayor Bailey called the meeting to order at 7:00 p.m. Skip Davis gave the invocation.

ROLL CALL:

Present: Mayor Gail Bailey
Council members Skip Davis, Donna Hanby, Shani Ort, Tim Peek, and Connie Vice
Absent: None

Town Attorney Alex Smith was also present.

Ort made a motion to suspend the rules for normal proceedings. Vice seconded. Roll call. All voted yes. Motion carried.

Mayor Bailey stated the purpose of the meeting was to discuss the property located at 545 West Lakeshore Drive. Briefly; the lot was sold at .37 acres. Fill dirt was added to the property, increasing the size by .34 acres. The fill dirt was added on town property (the lake), which almost doubled the size of the lot. Approximately 90% of the house is built in this new area, which is Town property. The appraised value of the additional land is \$46,000.00.

Town Attorney Alex Smith advised the town council that it would be appropriate to go into executive session, to consider the offer regarding the purchase sale of real estate, and to discuss the objections Attorney Lowe raised regarding the appraisal at the November 2, 2015 regular council meeting. Councilmember Vice moved to go into executive session to consult with the town attorney. The motion was seconded by Councilmember Hanby. There was no debate or discussion. The council voted as follows to go into executive session:

| | |
|---------------------|-----|
| Councilmember Davis | yea |
| Councilmember Ort | yea |
| Councilmember Peek | yea |
| Councilmember Hanby | yea |
| Councilmember Vice | yea |
| Mayor Bailey | yea |

Attorney Dalton NeSmith provided a written document supporting Attorney Lowe's statement at the November 2nd council meeting.

Mayor Bailey stated they expect to be in executive session approximately 15 to 20 minutes. The executive session began at 7:05 pm and ended at 7:40 pm.

After the executive session had ended, Peek made a motion to reject the \$15,000.00 offer from the sellers, along with the attorney fees and appraisal cost. Vice seconded. Davis, Ort, Peek, Vice and Bailey voted yes to reject the offer. Hanby voted no to not reject the offer. Motion carried.

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The Mayor opened the meeting to the public.

Cecil Dorsett thanked the council for considering the offer. Mr. Dorsett stated they felt the \$15,000.00 was an adequate offer. The appraiser placed a value on the property at \$3.10 a square foot. No other properties came out that high. Mr. Dorsett asked if the council had an offer. Mayor Bailey responded there is no offer at this time. Mayor Bailey added the council is willing to listen to another offer, and hopes to settle this as soon as possible.

Attorney Dalton NeSmith commented that it was a strange approach that the council was taking. Normally the council would make the next offer. Mayor Bailey reiterated that both parties were in agreement with the appraiser that was used. Councilmember Vice stated we are too far apart; therefore, the council did not make an offer. Discussion took place.

Mr. Dorsett asked the council to look at the entire appraisal and it's unusual situation. Two methods were used to determine the value of the appraisal. Mr. Dorsett asked the council to use an average of the square footage method. The value of the waterfront property has already been paid for. Mr. Dorsett stated he would like the money to go to the town, instead of attorneys. He hopes we can negotiate and come to an agreement. He is lost for direction since no counteroffer was made.

Attorney Alex Smith asked the council to consider a resolution and offered to discuss with Attorney Dalton NeSmith. There were no objections. This discussion began at 7:54 pm.

Attorney Alex Smith stated the town council needed to return to executive session to continue discussions regarding the purchase sale of real estate. Hanby moved to go into executive session to consult with the town attorney. Ort seconded. There was no debate or discussion. The council voted as follows to go into executive session:

| | |
|---------------------|-----|
| Councilmember Davis | yea |
| Councilmember Ort | yea |
| Councilmember Peek | yea |
| Councilmember Hanby | yea |
| Councilmember Vice | yea |
| Mayor Bailey | yea |

Mayor Bailey stated they expect to be in executive session just a few minutes. The executive session began at 8:10 pm and ended at 8:23 pm.

Ort made a motion to come out of executive session. Hanby seconded. Roll call. All voted yes. Motion carried.

Mayor Bailey stated the council does not accept the latest recommendation, but does agree for the two attorneys to continue discussions.

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Attorney Alex Smith stated the town council needed to return to executive session to continue discussions regarding the purchase sale of real estate. Davis made a motion to go into executive session to consult with the town attorney. Hanby seconded. There was no debate or discussion. The council voted as follows to go into executive session:

| | |
|---------------------|-----|
| Councilmember Davis | yea |
| Councilmember Ort | yea |
| Councilmember Peek | yea |
| Councilmember Hanby | yea |
| Councilmember Vice | yea |
| Mayor Bailey | yea |

Mayor Bailey stated they expect to be in executive session just a few minutes. The executive session began at 8:35 pm and ended at 8:45 pm.

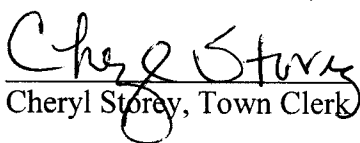
Davis made a motion to come out of executive session. Peek seconded. Roll call. All voted yes. Motion carried.

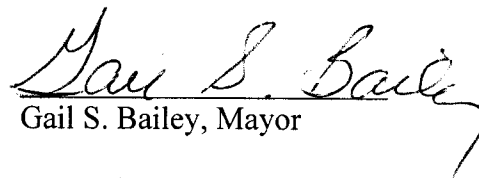
Hanby made a motion to accept the offer of \$30,000.00, including expenses to settle this case. There was no second. Motion died due to lack of second.

Davis made a motion to authorize Attorney Smith to continue discussions with Attorney NeSmith. Peek seconded. Roll call. All voted yes. Motion carried.

Davis made a motion to adjourn. Vice seconded. All said I. Meeting adjourned at 8:50 pm.

Respectfully submitted:


Cheryl Storey, Town Clerk


Gail S. Bailey, Mayor