

Mayor Kathy Harrison called the special meeting of the City Council to order at 8:45 p.m. in the jury room of the Carroll County Western District Courthouse.

PRESENT: Mayor Kathy Harrison, Aldermen Robert "Butch" Berry, Beverly Blankenship, Aaron Falotico, Rick Rojek, Terry McClung, Lori Weaver, City Attorney Tim Weaver and City Clerk-Treasurer Mary Jean Sell.

The purpose of the meeting is to discuss a settlement offer in the appeal of the Marilyn Still lawsuit against the City.

Mr. Weaver and Jay Williams, attorney for Tracy Consulting Engineers, Inc. of Tulsa, Ok., explained the situation and the reason for the settlement offer at this time.

Mr. Weaver said Judge Clement J. Kennington had told attorneys for all three parties early Wednesday afternoon to "settle the case or I will." He said the settlement offer is for \$120,000 with no admission of guilt or liability on the part of the City. The offer includes all attorneys' fees and grants full release from all claims against any or all of the parties.

Mr. Weaver said Mr. Tracy had offered \$5,000 toward the settlement costs but would not be able to contribute any more.

Mr. McClung moved to acquiesce and accept the settlement. Ms. Weaver seconded.

After discussion and negotiations between Mr. Weaver and Ms. Still and her attorney, Richard Renner, Mr. Weaver reported the settlement amount would not change.

Mr. Berry moved to amend the motion to pay half of the amount now and the remainder in early 2006. Mr. Weaver said that would be acceptable to Ms. Still.

Mr. McClung withdrew his motion. Ms. Weaver withdrew her second.

Mr. McClung moved that the City agrees to pay \$60,000 by Sept. 30 and \$55,000 by March 1, 2006, with the language included in the settlement of no fault to the city or liability. Mr. Berry seconded.

The motion is with the understanding that Mr. Tracy pays \$5,000, plus the accrued interest of approximately \$500 on the City's second payment.

By roll call, those voting aye: Ms. Blankenship, Mr. Berry and Ms. Weaver. Those voting no: Mr. McClung, Mr. Falotico and Mr. Rojek. Mayor Harrison voted aye to approve the motion. Motion passed 4/3/0

Mr. Falotico moved that a discussion to determine which funds the settlement amount would be taken from be put on the agenda for the regular meeting Monday, Sept. 12. Mr. Rojek seconded. All voted aye.

Mr. McClung moved to adjourn at 9:24 p.m. Mr. Falotico seconded. All voted aye. Motion passed 6/0/0

Special City Council 9/7/05 1

This is the signature page for the minutes of the special City Council meeting Wednesday, Sept. 7, 2005.

Mayor Kathy Harrison

City Clerk-Treasurer Mary Jean Sell

