

City of Sylacauga
City Council Agenda
May 7th, 2024

1. Called meeting to order at 5:55 p.m. by Council President, Tiffany Nix.
2. Roll Call:
Councilmembers present included – Tiffany Nix, Nate Brewer, Ashton Fowler, Lee Perryman and Laura Barlow-Heath. Councilmembers absent: None. Mayor James Heigl and City Clerk-Treasurer Alexandra Lambert were also present.
3. Invocation was provided by Nate Brewer prior to the work session.
4. Pledge of Allegiance to the Flag.
5. Report from Mayor Heigl:

The Mayor addressed Council regarding National Nurses Week and recognized the invaluable contributions of nurses who have played a pivotal role in improving the quality of healthcare, especially amidst the challenges posed by the pandemic. Their courage, compassion, and leadership have been instrumental in ensuring the well-being of our community members. The mayor expressed the city's pride in acknowledging the dedication and selflessness of these healthcare professionals and extended gratitude to all nurses for their unwavering commitment.

Additionally, the mayor introduced Josh Coleman the newly appointed Nuisance and Abatement Officer during the council meeting. Coleman provided background information on his extensive experience, having previously served with the SPD for five years before relocating to Gulf Shores, where he spent 17 years. Now returning to Sylacauga with his family, Coleman is enthusiastic about taking on his new role and contributing to the city's efforts in maintaining a safe and thriving community.

Council President Nix relinquished her chair to Councilmember Brewer at 6:05 p.m., and left the Council Meeting. Councilmember Barlow-Heath also left the meeting at 6:05 p.m.

6. Amend Agenda:
Prior to the work session, Agenda Item #13, authorizing a Nuisance and Abatement contract with Mintz Machine, was removed from the agenda. Agenda Item #33, proposing a temporary 10% pay increase for the Current Magistrate and Assistant Court Clerk, was added, along with Agenda Item #34, seeking approval of Resolution No. 49-2024 to amend the General Fund FY24 Budget. Additionally, action was taken to include an FY24 Sylacauga Parks and Recreation appropriation, requiring an additional \$77,846.40, on the agenda.

*A motion by Councilmember Brewer, second by Councilmember Perryman to amend agenda was carried by the following roll call vote:
Yeas Perryman, Fowler and Brewer; Nays None.*

7. Adopt Agenda:

*A motion by Councilmember Perryman Fowler, second by Councilmember Fowler to adopt amended agenda was carried by the following roll call vote:
Yeas Perryman, Fowler and Brewer; Nays None.*

8. Approve minutes of the regular work session held April 16th, 2024:
*A motion by Councilmember Fowler, second by Councilmember Perryman to approve minutes as written was carried by the following roll call vote:
Yeas Perryman, Fowler and Brewer; Nays None.*

9. Approve minutes of the regular City Council meeting held April 16th, 2024:

*A motion by Councilmember Fowler, second by Councilmember Perryman to approve minutes as written was carried by the following roll call vote:
Yeas Perryman, Fowler and Brewer; Nays None.*

Old Business:

None.

New Business:

10. Public hearing to consider rezoning property located on Chappell Street from AG-1 (Residential-Agricultural) district and placing in an R-2 (Medium Density Residential) district.

Councilmember Brewer announced speakers are limited to 5 minutes each; groups presenting or supporting the same/similar opinions are limited to 1 representative speaker. Brewer opened public hearing and called for comments.

None.

Brewer closed public hearing and called for action by Council.

If to consider at this meeting:

Ordinance No. 2267-24 as introduced by Councilmember Fowler.

If to take action at this meeting:

A motion by Councilmember Perryman, second by Councilmember Fowler to suspend the rules and give immediate consideration was carried by the following roll call vote:

Yeas Perryman, Fowler and Brewer; Nays None.

If unanimous:

*A motion by Councilmember Fowler, second by Councilmember Perryman to rezone property located on Chappell Street from AG-1 (Residential-Agricultural) district and placing in an R-2 (Medium Density Residential) district was carried by the following roll call vote:
Yeas Perryman, Fowler and Brewer; Nays None.*

11. Action that is necessary to authorize Resolution No. 57-2024 to hold a public hearing to consider assessment of costs by the City of Sylacauga for abatement of nuisance structure and weeds located at 500 West Spring Street, Sylacauga, AL was carried by the following roll call vote.

*A motion by Councilmember Fowler, second by Councilmember Perryman to hold a public hearing to consider assessment of costs by the City of Sylacauga for abatement of nuisance structure and weeds located at 500 West Spring Street, Sylacauga, AL. was carried by the following roll call vote:
Yeas Perryman, Fowler and Brewer; Nays None.*

12. Public hearing to consider assessment of costs totaling \$3,758.43 by the City of Sylacauga for abatement of nuisance structure and weeds located at 500 West Spring Street, Sylacauga, AL, so that said costs can be forwarded to the Office of the Revenue Commissioner of Talladega County to be added to the ad valorem tax bill for the house and real estate at that address.

Councilmember Brewer announced speakers are limited to 5 minutes each; groups presenting or supporting the same/similar opinions are limited to 1 representative speaker. Brewer opened public hearing and called for comments.

None.

Brewer closed public hearing and called for action by Council.

If to consider at this meeting:

Resolution No. 58-2024 as introduced by Councilmember Fowler.

*If to take action at this meeting:
A motion by Councilmember Fowler, second by Councilmember Perryman to suspend the rules and give immediate consideration was carried by the following roll call vote:
Yeas Perryman, Fowler and Brewer; Nays None.*

*If unanimous:
A motion by Councilmember Fowler, second by Councilmember Perryman to consider assessment of costs totaling \$3,758.43 by the City of Sylacauga for abatement of nuisance structure and weeds located at 500 West Spring Street, Sylacauga, AL, so that said costs can be forwarded to the Office of the Revenue Commissioner of Talladega County to be added to the ad valorem tax bill for the house and real estate at that address was by the following roll call vote:
Yeas Perryman, Fowler and Brewer; Nays None.*

13. Action that is necessary to adopt Ordinance 2268-24 authorizing the City's participation in the Back-to-School Tax Holiday - the 3rd Friday in July of each year and ending at 12 midnight the following Sunday and the Severe Weather Preparedness Tax Holiday - the last full weekend in February of each year.

*If to consider at this meeting:
Ordinance No. 2268-24 as introduced by Councilmember Fowler.*

*If to take action at this meeting:
A motion by Councilmember Fowler, second by Councilmember Perryman to suspend the rules and give immediate consideration was carried by the following roll call vote:
Yeas Perryman, Fowler and Brewer; Nays None.*

*If unanimous:
A motion by Councilmember Fowler, second by Councilmember Perryman to authorize the City's participation in the Back-to-School Tax Holiday - the 3rd Friday in July of each year and ending at 12 midnight the following Sunday and the Severe Weather Preparedness Tax Holiday - the last full weekend in February of each year was carried by the following roll call vote:
Yeas Perryman, Fowler and Brewer; Nays None.*

14. **Removed:** Action that is necessary to approve Resolution No. ~~48-2024~~ to authorize the Mayor to enter into Nuisance and Abatement contract with Mintz Machine effective June 1st, 2024. ~~(Equipment provided on an hourly basis, inclusive of operator and fuel. Rubber Track Skid Steer in 70HP class with Bucket and Grapple \$160.00; Track Hoe with thumb in 18K lb class \$160.00; Tractor with Bucket and Brush Hog 50HP class; or Skid Steer with Brush Axe attachment \$160.00; Commercial Grade Mower with minimum 54 inch Deck \$160.00; Commercial Grade String Trimmer \$160.00; Board Up Services \$50.00 per sheet of OSB; Debris Removal \$65.00 per ton) (City Clerk Treasurer to read Resolution No. 48-2024 into the meeting minutes.)~~

15. Action that is necessary to accept and authorize the Mayor by Resolution No. 50-2024 to sign the amended FY24 South Talladega County ARC contract in the amount of \$32,750.00.
*A motion by Councilmember Fowler, second by Councilmember Perryman to accept and authorize the Mayor by Resolution No. 50-2024 to sign the amended FY24 South Talladega County ARC contract in the amount of \$32,750.00 was carried by the following roll call vote:
Yeas Perryman, Fowler and Brewer; Nays None.*

16. Action that is necessary to accept and authorize the Mayor by Resolution No. 51-2024 to sign the amended FY24 Industrial Development Board contract in the amount of \$50,000.00.

*A motion by Councilmember Perryman, second by Councilmember Fowler to accept and authorize the Mayor by Resolution No. 51-2024 to sign the amended FY24 Industrial Development Board contract in the amount of \$50,000.00 was carried by the following roll call vote:
Yeas Perryman, Fowler and Brewer; Nays None.*

17. Action that is necessary to accept and authorize the Mayor by Resolution No. 52-2024 to sign the FY24 Commercial Development Authority contract in the amount of \$30,000.00.

A motion by Councilmember Fowler, second by Councilmember Perryman to accept and authorize the Mayor by Resolution No. 52-2024 to sign the FY24 Commercial Development Authority contract in the amount of \$30,000.00 was carried by the following roll call vote: Yeas Perryman, Fowler and Brewer; Nays None.

At 6:07 p.m., Councilmember Brewer relinquished the chair to Council President Nix, who temporarily adjourned the Council Meeting to allow for the continuation and completion of the Work Session.

The Council meeting was reconvened at 6:33 p.m.

18. Action that is necessary to approve Resolution No. 53-2024 to approve a Memorandum of Understanding with SHRI AKSHAR, LLC for a proposed hotel development.

A motion by Councilmember Brewer, second by Councilmember Fowler to approve Resolution No. 53-2024 to approve a Memorandum of Understanding with SHRI AKSHAR, LLC for a proposed hotel development was carried by the following roll call vote: Yeas Nix, Brewer, Fowler, Perryman, Barlow-Heath; Nays None.

19. Action that is necessary to approve Resolution No. 54-2024 authorizing 94.01 hearing and publication of notice related to Amended and Restated Development Agreement with Wharf Casual Seafood Sylacauga, LLC.

A motion by Councilmember Brewer, second by Councilmember Perryman to approve Resolution No. 54-2024 authorizing 94.01 hearing and publication of notice related to Amended and Restated Development Agreement with Wharf Casual Seafood Sylacauga, LLC was carried by the following roll call vote: Yeas Nix, Brewer, Fowler, Perryman, Barlow-Heath; Nays None.

20. Action that is necessary to approve Resolution No. 55-2024 repealing Resolution No. 13-2023 and amending contract due to increase in costs. Local match amount of \$784.00 payable to East Alabama. (Original cost in Spring 2023 was \$92,489.00; match was 80/20, Sylacauga paid \$18,600.00, Sylacauga responsible for insuring the van.)

A motion by Councilmember Brewer, second by Councilmember Fowler to approve Resolution No. 55-2024 repealing Resolution No. 13-2023 and amending contract due to increase in costs. Local match amount of \$784.00 payable to East Alabama was carried by the following roll call vote: Yeas Nix, Brewer, Fowler, Perryman, Barlow-Heath; Nays None.

21. Action that is necessary to approve FY24 Board of Education appropriation to add an additional \$319,000.00. (Total FY24 Budget approved for the Board of Education is \$919,000.00, effective in the May 2024 appropriation.)

A motion by Councilmember Barlow-Heath, second by Councilmember Perryman to approve FY24 Board of Education appropriation to add an additional \$319,000.00 was carried by the following roll call vote: Yeas Nix, Brewer, Fowler, Perryman, Barlow-Heath; Nays None.

22. Action that is necessary to approve FY24 Network Expense to add \$80,000.00. (Total FY24 Budget approved for the Network Expense line is \$80,000.00, effective May 2024.)

A motion by Councilmember Brewer, second by Councilmember Fowler to approve FY24 Network Expense to add \$80,000.00 was carried by the following roll call vote: Yeas Nix, Brewer, Fowler, Perryman, Barlow-Heath; Nays None.

23. Action that is necessary to approve FY24 Transportation Contract to add an additional \$32,915.00. (Total FY24 Budget approved for the FY24 Transportation Contract is \$91,015.00, effective May 2024.)

- A motion by Councilmember Brewer, second by Councilmember Fowler to approve FY24 Transportation Contract to add an additional \$32,915.00 was carried by the following roll call vote:
Yeas Nix, Brewer, Fowler, Perryman, Barlow-Heath; Nays None.*
24. Action that is necessary to approve FY24 Library appropriation to add an additional \$35,156.00. (Total FY24 Budget approved for the FY24 Library appropriation is \$686,172.27 effective in the May 2024 appropriation.)
- A motion by Councilmember Perryman, second by Councilmember Barlow-Heath to approve FY24 Library appropriation to add an additional \$35,156.00 was carried by the following roll call vote:
Yeas Nix, Brewer, Fowler, Perryman, Barlow-Heath; Nays None.*
25. Action that is necessary to approve FY24 ARC appropriation to add an additional \$2,750.00. (Total FY24 Budget approved for the FY24 ARC appropriation is \$32,750.00 effective in the May 2024 appropriation.)
- A motion by Councilmember Brewer, second by Councilmember Fowler to approve FY24 ARC appropriation to add an additional \$2,750.00 was carried by the following roll call vote:
Yeas Nix, Brewer, Fowler, Perryman, Barlow-Heath; Nays None.*
26. Action that is necessary to approve FY24 Airport Authority to add an additional \$18,850.00. (Total FY24 Budget approved for the Airport Authority is \$38,850.00, effective in the May 2024 appropriation.)
- A motion by Councilmember Perryman, second by Councilmember Barlow-Heath to approve FY24 Airport Authority to add an additional \$18,850.00 was carried by the following roll call vote:
Yeas Nix, Brewer, Fowler, Perryman, Barlow-Heath; Nays None.*
27. Action that is necessary to approve FY24 Industrial Development Board contract to add an additional \$20,000.00. (Total FY24 Budget approved for the Industrial Development Board is \$50,000.00, effective in the May 2024 appropriation.)
- A motion by Councilmember Perryman, second by Councilmember Barlow-Heath to approve FY24 Industrial Development Board contract to add an additional \$20,000.00 was carried by the following roll call vote:
Yeas Nix, Brewer, Fowler, Perryman, Barlow-Heath; Nays None.*
28. Action that is necessary to approve the FY24 Commercial Development Authority contract to add an additional \$10,000.00. (Total FY24 Budget approved for the Commercial Development Authority is \$30,000.00, effective in the May 2024 appropriation. Refer to Resolution No. 49-2024.)
- A motion by Councilmember Fowler, second by Councilmember Barlow-Heath to approve the FY24 Commercial Development Authority contract to add an additional \$10,000.00 was carried by the following roll call vote:
Yeas Nix, Brewer, Fowler, Perryman, Barlow-Heath; Nays None.*
29. Action that is necessary to approve an additional \$750.00 to the Historical Commission for the FY24 Budget. (Total FY24 Budget approved for the Historical Commission is \$3,750.00.)
- A motion by Councilmember Fowler, second by Councilmember Brewer to approve an additional \$750.00 to the Historical Commission for the FY24 Budget was carried by the following roll call vote:
Yeas Nix, Brewer, Fowler, Perryman, Barlow-Heath; Nays None.*
30. Action that is necessary to approve Karen Tampling for a Special Event License for Community Summer Kick-Off event on June 1st, 2024. (Central Park: coordinated with Parks and Recreation)

- A motion by Councilmember Brewer, second by Councilmember Fowler to approve Karen Tampling for a Special Event License for Community Summer Kick-Off event on June 1st, 2024 was carried by the following roll call vote:*
Yeas Nix, Brewer, Fowler, Perryman, Barlow-Heath; Nays None.
31. Action that is necessary to approve Stephanie McGregor for a Special Event License for Back to School Summer Bash event on July 13th, 2024. *(Noble Park: coordinated with Parks and Recreation)*
A motion by Councilmember Brewer, second by Councilmember Fowler to approve Stephanie McGregor for a Special Event License for Back to School Summer Bash event on July 13th, 2024 was carried by the following roll call vote:
Yeas Nix, Brewer, Fowler, Perryman, Barlow-Heath; Nays None.
32. Action that is necessary to approve Fiscal Year 2023 Accounts Payable invoices in the amount of \$1,886.70.
A motion by Councilmember Brewer, second by Councilmember Fowler to approve Fiscal Year 2024 Accounts Payable invoices in the amount of \$1,886.70 was carried by the following roll call vote:
Yeas Nix, Brewer, Fowler, Perryman, Barlow-Heath; Nays None.
33. Action that is necessary to approve Fiscal Year 2024 Accounts Payable invoices in the amount of \$540,139.11.
A motion by Councilmember Brewer, second by Councilmember Fowler to approve Fiscal Year 2024 Accounts Payable invoices in the amount of \$540,139.11 was carried by the following roll call vote:
Yeas Nix, Brewer, Fowler, Perryman, Barlow-Heath; Nays None.
34. **Add Item:** Action that is necessary to amend the agenda to include a temporary 10% pay increase for the Current Magistrate and Assistant Court Clerk to be paid from unused salaries until September 30th, 2024, to amend Item #14 Resolution No. 40-2024 to provide additional funding for contracts and entities in the amount of \$624,415.00.
A motion by Councilmember Fowler, seconded by Councilmember Brewer to amend the agenda to include a temporary 10% pay increase for the Current Magistrate and Assistant Court Clerk to be paid from unused salaries until September 30th, 2024 was carried by the following roll call vote:
Yeas Nix, Brewer, Fowler, Perryman, Barlow-Heath; Nays None.
35. **Add Item:** Action that is necessary to approve Resolution No. 49-2024, the FY24 General Fund Operating Budget, to amend Resolution No. 40-2024 to provide additional funding for contracts and entities in the amount of \$623,500.00.
A motion by Councilmember Brewer, second by Councilmember Fowler to approve Resolution No. 49-2024, the FY24 General Fund Operating Budget, to amend Resolution No. 40-2024 to provide additional funding for contracts and entities in the amount of \$ 623,500.00 was carried by the following roll call vote:
Yeas Nix, Brewer, Fowler, Perryman, Barlow-Heath; Nays None.
36. **Add Item:** Action that is necessary to approve FY24 Sylacauga Parks and Recreation appropriation to add an additional \$77,846.40. (Total FY24 Budget approved for the Sylacauga Parks and Recreation is \$959,084.55 effective in the May 2024 appropriation.
A motion by Councilmember Brewer, second by Councilmember Fowler to approve FY24 Sylacauga Parks and Recreation appropriation to add an additional \$77,846.40. (Total FY24 Budget approved for the Sylacauga Parks and Recreation is \$959,084.55 effective in the May 2024 appropriation was carried by the following roll call vote:
Yeas Nix, Brewer, Fowler, Perryman, Barlow-Heath; Nays None.

37. Council President Nix announced that it is time for anyone to address the City Council and clarified that no action would be taken at this meeting. She requested that anyone speaking please approach the microphone and state their name and address for the record before addressing the Council.

Don Bozeman from 1936 Pleasant Ridge, Sylacauga, AL, expressed concerns about underage kids driving off-road vehicles such as UTVs and golf carts in the neighborhood. He reported increased danger to pedestrians, including schoolchildren, pets, and residents. Mr. Bozeman stated that he had spoken with the police; however, the problem persisted. Interim-Chief Muse commented on increased police patrols, education on laws and consequences, and exploring the possibility of ordinances to regulate vehicle use, assuring the Council that efforts to address the issue are ongoing.

38. City Attorney Edwin B. Livingston, Jr., addressed Council regarding a need to go into executive session to discuss certain matters for which an executive session is allowed pursuant to Section 36-25A-7(a)(3) Code of Alabama 1975, as amended:

To take action relative to Mr. Livingston's comments:

Council President Tiffany Nix detailed letter from City Attorney, Edwin B. Livingston, Jr., recommending and detailing the Open Meetings Act section allowing such executive session.

Livingston suggested going into executive session in order to have discussions of legal ramifications of and legal options for pending litigation, controversies not yet being litigated but imminently likely to be litigated if the governmental body pursues a proposed course of action.

Nix called for Council action on the recommendation.

A motion by Councilmember Perryman, second by Councilmember Fowler to enter executive session was carried by the following roll call vote:
Yeas Nix, Brewer, Fowler, Perryman, Barlow-Heath; Nays None.

Nix stated that once Council concludes the executive session Council will adjourn the city council meeting immediately following the executive session.

All Council members, Mayor Heigl, City Attorney Edwin Livingston, Attorney David Stubbs and Patricia Carden entered into executive session at approximately 7:44 p.m.

A motion by Councilmember Perryman, second by Councilmember Fowler to exit executive session was carried at approximately 8:16 p.m. by the following roll call vote:
Yeas Nix, Brewer, Fowler, Perryman, Barlow-Heath; Nays None.

39. Having no further business to discuss, motion to adjourn Council Meeting:

A motion by Councilmember Perryman, second by Councilmember Barlow-Heath to adjourn was carried by the following roll call vote:
Yeas Nix, Brewer, Fowler, Perryman, Barlow-Heath; Nays None.

(Time of adjournment: 8:17 p.m.)

APPROVED BY COUNCIL May 21st, 2024


Tiffany Nix, President of City Council

CERTIFICATION

I, ALEXANDRA LAMBERT, as City Clerk-Treasurer of the CITY OF SYLACAUGA, ALABAMA, do hereby certify that the foregoing document constitutes a true and correct permanent record of the action taken during a regular meeting of the City Council held May 7th, 2024.


Alexandra Lambert, City Clerk-Treasurer
City of Sylacauga