

## MINUTES OF A REGULAR MEETING OF THE CITY COUNCIL OF THE CITY OF SYLACAUGA HELD MARCH 17, 2020

1. Council President, Lee Perryman, called the meeting to order at 6:03 p.m.
2. Roll Call: Council Members Present: Ashton Fowler, Tiffany Nix, Donnie Blackmon, Dallas Davenport, and Lee Perryman. Absent: None. Mayor James Heigl and City Clerk/Treasurer Patricia Carden were also present.
3. Invocation was given by Rev. Douglas Varner, True Light Community Church.
4. Council President Perryman led the group in the Pledge of Allegiance to the Flag.
5. Mayor James Heigl provided an update about the provision of city services during the COVID outbreak. He reported that employee travel activities have been suspended, distancing is being practiced, and that groups are being limited to five or less. Mayor Heigl asked Municipal Judge, Barry Vaughn, to explain how the Municipal Court operations will be affected during the pandemic. Vaughn reported that the Supreme Court has suspended all in-person appearances with two exceptions for protection hearings and bond hearings. He indicated that normal court appearances have been suspended during March. However, they are still trying to decide how to handle the plea date in April, and will provide an update as soon as a determination has been made.
6. Adopt Agenda:  
*A motion by Councilwoman Nix, second by Councilman Fowler to adopt agenda was carried by the following roll call vote: Yeas: Fowler, Nix, Perryman, Blackmon, Davenport; Nays: None.*
7. Approve minutes of the regular city council meeting held March 3, 2020:  
*A motion by Councilman Blackmon, second by Councilman Davenport to approve minutes as written was carried by the following roll call vote: Yeas: Fowler, Nix, Perryman, Blackmon, Davenport; Nays: None.*

### OLD BUSINESS: None.

### NEW BUSINESS:

8. Reading into minutes as record of Mayor James Heigl's re-appointment of Lawrence McGhee to the Sylacauga Planning Commission for the six-year term ending January, 2026.
9. Public hearing for consideration of Zoning Ordinance as recommended by the Planning Commission—*Hearing date set 2/04/2020; Resolution 06-2020.*

### **Council President opened the public hearing and called for comments:**

The City's consultant on the new zoning ordinance, Jason Fondren (KPS), explained the process followed in drafting the new ordinance, discussed the addition of new/different zones, and highlighted some of the major changes affecting existing zones. Council President, Lee Perryman, commented on the recommendation from Mike Whetstone to remove the B-2 classification from permitted zones for adult entertainment and also the recommended buffer related to adult entertainment businesses, stating that the 750 foot choice seems logical. Perryman further stated that the 200 block of S. Norton Avenue should be left unchanged, and requested that necessary adjustments be made to accomplish that fact. He referenced the default zoning of R-1 that was applied to all unzoned properties that were identified during the update process, and specifically referenced a late request from one such property owner for rezoning to AG-1 to allow for replacement of an existing mobile home. He then asked City Clerk-

Treasurer, Patricia Carden, to relay her questions/comments about the request. Carden stated that the subject property and the other properties affected by the default zoning classification were outlying annexations, most of which were legislative annexations, are not in high concentrations, and have never been zoned at all prior to the current proposed action. She added that many of the surrounding properties have the more liberal AG-1 zoning. This, and the fact that the default R-1 classification was limited to those unzoned properties annexed through a single legislative Act was confirmed by both Mike Whetstone and Shannon Plexico, who helped draft the proposal. Carden suggested that Council look at those unzoned properties and give consideration to the zoning of surrounding properties rather than just applying the most restrictive classification as a default. Following additional discussion, Perryman asked that the default zoning be reconsidered to AG-1 instead of R-1 to reflect the zoning of the majority of the surrounding areas. Perryman recapped the Council's requested changes for their approval of the proposed ordinance as being: the S. Norton piece, the 750 feet and confirming the adult entertainment in M-1 and M-2, and that the default classification of AG-1 be applied to the unzoned properties until there's a need or request to change it. Perryman spoke more about the need for a new zoning ordinance to replace the existing outdated model, and talked about the benefits derived from doing so related to business/industry recruitment and expansion. No additional concerns were raised, and no other considerations were presented. He asked that the Council's requested changes be incorporated into the proposed ordinance and that an updated copy be distributed.

**Council President closed the public hearing and called for action by Council:**

**Ordinance #2224-20** was introduced by Councilwoman Nix; Read by City Clerk.

*A motion by Councilman Fowler, second by Councilwoman Nix to suspend the rules and give immediate consideration was carried by the following roll call vote: Yeas: Fowler, Nix, Perryman, Blackmon, Davenport; Nays: None.*

**Upon unanimous consent by Council to give the ordinance immediate consideration:**

*A motion by Councilwoman Nix, second by Councilman Fowler to adopt Ordinance 2224-20 subject to the changes made by Council was carried by the following roll call vote: Yeas: Fowler, Nix, Perryman, Blackmon, Davenport; Nays: None.*

10. Action that is necessary to approve resolution granting extension of the Special Use Permit granted to T-Mobile for modification of equipment on the existing tower located at 2155 Settlement Road—*SUP granted through Resolution 52-2019; 9/17/2019 & Extension is recommended by CMS, as City's telecommunications consultant:*

**Resolution #19-2020** was introduced by Councilman Blackmon; Read by City Clerk.

*A motion by Councilwoman Nix, second by Councilman Fowler to suspend the rules and give immediate consideration was carried by the following roll call vote: Yeas: Fowler, Nix, Perryman, Blackmon, Davenport; Nays: None.*

**Upon unanimous consent by Council to give the resolution immediate consideration:**

*A motion by Councilman Blackmon, second by Councilman Davenport to approve Resolution 19-2020 was carried by the following roll call vote: Yeas: Fowler, Nix, Perryman, Blackmon, Davenport; Nays: None.*

11. Action that is necessary to approve resolution acknowledging conditions and authorizing lease/purchase of Caterpillar 938M Wheel Loader from Thompson Caterpillar with financing through Caterpillar Financial with guaranteed buy-back—

60 monthly payments of \$2,942.55; Final Lease payment of \$73,342.55; Guaranteed buy-back of \$70,400.00.

**Resolution #20-2020** was introduced by Councilwoman Nix; Read by City Clerk.

A motion by Councilman Fowler, second by Councilwoman Nix to suspend the rules and give immediate consideration was carried by the following roll call vote: Yeas: Fowler, Nix, Perryman, Blackmon, Davenport; Nays: None.

**Upon unanimous consent by Council to give the resolution immediate consideration:**

A motion by Councilman Blackmon, second by Councilman Davenport to approve Resolution 20-2020 was carried by the following roll call vote: Yeas: Fowler, Nix, Perryman, Blackmon, Davenport; Nays: None.

12. Action that is necessary to approve resolution acknowledging conditions and authorizing lease/purchase of Caterpillar 308-07CR Hydraulic Excavator from Thompson Caterpillar with financing through Caterpillar Financial with guaranteed buy-back--60 monthly payments of \$1,379.96; Final Lease payment of \$39,459.96; Guaranteed buy-back of \$38,080.00:

**Resolution #21-2020** was introduced by Councilwoman Nix; Read by City Clerk.

A motion by Councilman Fowler, second by Councilwoman Nix to suspend the rules and give immediate consideration was carried by the following roll call vote: Yeas: Fowler, Nix, Perryman, Blackmon, Davenport; Nays: None.

**Upon unanimous consent by Council to give the resolution immediate consideration:**

A motion by Councilman Blackmon, second by Councilman Davenport to approve Resolution 21-2020 was carried by the following roll call vote: Yeas: Fowler, Nix, Perryman, Blackmon, Davenport; Nays: None.

13. Action that is necessary to approve resolution acknowledging conditions and authorizing lease/purchase of Caterpillar 420F2 Backhoe Loader from Thompson Caterpillar with financing through Caterpillar Financial with guaranteed buy-back--60 monthly payments of \$1,533.02; Final Lease payment of \$42,253.02; Guaranteed buy-back of \$40,720.00:

**Resolution #22-2020** was introduced by Councilman Fowler; Read by City Clerk.

A motion by Councilwoman Nix, second by Councilman Fowler to suspend the rules and give immediate consideration was carried by the following roll call vote: Yeas: Fowler, Nix, Perryman, Blackmon, Davenport; Nays: None.

**Upon unanimous consent by Council to give the resolution immediate consideration:**

A motion by Councilman Blackmon, second by Councilman Davenport to approve Resolution 22-2020 was carried by the following roll call vote: Yeas: Fowler, Nix, Perryman, Blackmon, Davenport; Nays: None.

14. Action that is necessary to approve resolution amending FY2020 Capital Budget relative to FD vehicle purchase:

**Resolution #23-2020** was introduced by Councilwoman Nix; Read by City Clerk.

A motion by Councilwoman Nix, second by Councilman Fowler to suspend the rules and give immediate consideration was carried by the following roll call vote: Yeas: Fowler, Nix, Perryman, Blackmon, Davenport; Nays: None.

**Upon unanimous consent by Council to give the resolution immediate consideration:**

A motion by Councilman Blackmon, second by Councilman Davenport to approve Resolution 23-2020 was carried by the following roll call vote: Yeas: Fowler, Nix, Perryman, Blackmon, Davenport; Nays: None.

15. Action that is necessary to approve Memorandum of Understanding between 1768 Development Corporation, Inc. and the City of Sylacauga relative to the provision of financial incentives for acquisition and development of a commercial/retail development within the City—Approval authorizes Mayor James Heigl to execute said MOU:

A motion by Councilman Fowler, second by Councilwoman Nix to approve action as stated was carried by the following roll call vote: Yeas: Fowler, Nix, Perryman, Blackmon, Davenport; Nays: None.

16. Action that is necessary to approve application for Retail Liquor License from Juan Jimenez Mendoza, owner of AJ International Cuisine, LLC, DBA AJ Cuisine located at 108 North Broadway Avenue, Sylacauga—Police report complete; Council can waive waiting period:

A motion by Councilman Fowler, second by Councilwoman Nix to approve application as filed was carried by the following roll call vote: Yeas: Fowler, Nix, Perryman, Davenport; Nays: Blackmon.

17. Action that is necessary to approve request from Police Chief Kelley Johnson to authorize the addition of Internet services and a security light at the firing range facility and to accept the ongoing associated monthly utility costs through the Sylacauga Utilities Board—Estimated monthly cost is \$118.00:

A motion by Councilwoman Nix, second by Councilman Fowler to authorize action as requested was carried by the following roll call vote: Yeas: Fowler, Nix, Perryman, Blackmon, Davenport; Nays: None.

18. Action necessary to authorize removal of charges for garbage fees from utility billing for vacant residence located at 406 S. Broadway Avenue; former owner/resident is deceased and home has remained vacant since December, 2018:

A motion by Councilwoman Nix, second by Councilman Fowler to authorize action as requested was carried by the following roll call vote: Yeas: Fowler, Nix, Perryman, Blackmon, Davenport; Nays: None.

19. Action that is necessary to authorize payments totaling \$442,770.04 for payrolls for February, 2020:

A motion by Councilwoman Nix, second by Councilman Fowler to authorize payment of payrolls as reported was carried by the following roll call vote: Yeas: Fowler, Nix, Perryman, Blackmon, Davenport; Nays: None.

20. Action that is necessary to authorize payments totaling \$144,942.72 for accounts payable invoices received to date for February, 2020:

A motion by Councilwoman Nix, second by Councilman Fowler to authorize payment of accounts payable invoices as presented was carried by the following roll call vote: Yeas: Fowler, Nix, Perryman, Blackmon, Davenport; Nays: None.

21. Council President asked anyone wishing to address Council to come to the microphone & state name and address for record prior to addressing Council:

- 1) Jonathan Hall, Pinewood Lane—As President of the VVA Chapter 945, announced that March 29th has been declared National Vietnam Veterans Day by the President. Hall stated that the VVA have planned an outside event to be held at the flagpole at the American Legion on Saturday, March 28th at 1:00 p.m., and invited the Council and Mayor to attend.
- 2) David Jackson, 201 S. Norton Avenue--Thanked Council for giving consideration to the residents of the 200 block of S. Norton concerning the proposed rezoning, and for acting according to their requests to leave the zoning unchanged.
- 3) Council President Perryman thanked the administration for making sure that the distance seating recommendations to control spread of the COVID-19 virus were taken into consideration when setting up the room to accommodate the work session and council meeting. He stressed containment and taking the threat seriously as he commended the Mayor for taking steps to minimize exposure through limited public contact while ensuring that providing public services is not being minimized. Perryman further commented on the importance of knowing what the Police and Fire Departments are doing to maximize their responses to issues without putting themselves at risk by ensuring that safe practices are followed to keep from not only contracting it, but to keep from becoming carriers of the virus. He stressed the importance of being careful; of taking precautions to avoid becoming carriers who unwittingly spread the virus to others so that we can hopefully get through this crisis in a few weeks.
- 4) Councilman Blackmon thanked those who attended the special prayer vigil that was held at the city hall flagpole earlier in the day. Blackmon expressed the need for the community to continue to pray and to seek God's guidance and wisdom concerning the situation facing the community and nation.

**22. Having no further business to discuss:**

*A motion by Councilwoman Nix, second by Councilman Fowler to adjourn was carried by the following roll call vote: Yeas: Fowler, Nix, Perryman, Blackmon, Davenport; Nays: None.*

*(Time of adjournment 6:50 p.m.)*

APPROVED BY COUNCIL APRIL 5, 2020:



Lee Perryman, President of City Council

**CERTIFICATION:**

I, PATRICIA G. CARDEN, 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 Sylacauga City Council held March 17, 2020.

  
Patricia G. Carden, City Clerk-Treasurer