

**MINUTES OF A REGULAR MEETING OF THE CITY COUNCIL OF THE CITY
OF SYLACAUGA HELD MARCH 20, 2018**

1. Meeting called to order at 6:00 p.m. by Council President, Lee Perryman.
2. Roll Call: Council Members Present: Ashton Fowler, Tiffany Nix, Donnie Blackmon, Lee Perryman, and Dallas Davenport; Absent: None. Mayor James Heigl and City Clerk/Treasurer Patricia Carden were also present.
3. Invocation was given by Rev. Doug Varner, True Light Community Church.
4. Pledge of Allegiance to the Flag was led by Council President.
5. Mayor Heigl reported that the Lions Club will be holding its annual convention in Sylacauga this upcoming weekend, reported that the new PetSense store will be hosting its grand opening in the Marble City Square shopping center, and that following Council's award of the bid, the City's 2018 paving project should be underway by May 1, 2018. Mayor Heigl also announced that the annual city-wide clean-up day is planned for the upcoming Saturday, and named several places where trash bags and other supplies would be located during the event.
6. Adopt Agenda:
A motion by Councilman Blackmon, second by Councilman Davenport 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 6, 2018:
A motion by Councilwoman Nix, second by Councilman Fowler to approve minutes as written was carried by the following roll call vote: Yeas: Fowler, Nix, Perryman, Blackmon, Davenport; Nays: None.
8. Approve following excerpts from the work session held February 22, 2018, relative to an executive session which was entered into during said work session:

Council President Lee Perryman advised Council of the need to go into executive session in order to discuss with the City Attorney the legal options and legal ramifications of certain on-going controversies that could possibly result in litigation against the City. Perryman presented a letter from City Attorney, Edwin B. Livingston, Jr., recommending and detailing the OMA section allowing such executive session. Perryman further stated that Council would go straight to the regularly scheduled city council meeting following the executive session.

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

All Council members, City Attorney Win Livingston, Mayor James Heigl, and City Clerk Patricia Carden entered into executive session at approximately 5:12 p.m.

A motion by Councilman Fowler, second by Councilwoman Nix to exit executive session was carried at approximately 6:10 p.m. by the following roll call vote: Yeas: Fowler, Nix, Perryman, Blackmon, Davenport; Nays: None.

No further business was discussed and Council moved to the Council Chambers for the regularly scheduled council meeting immediately after exiting the executive session.

A motion by Councilman Fowler, second by Councilwoman Nix to approve excerpts as written was carried by the following roll call vote: Yeas: Fowler, Nix, Perryman, Blackmon, Davenport; Nays: None.
9. Approve following excerpts from the work session held March 6, 2018, relative to an executive session which was entered into during said work session:

Council President Lee Perryman advised Council of the need to go into executive session in order to discuss with the City Attorney the legal options and legal ramifications of controversies currently being litigated and not currently being litigated but likely to be litigated if the City Council takes a particular course of action. Perryman presented a letter from City Attorney, Edwin B. Livingston, Jr., recommending and detailing the OMA section allowing such executive session. Perryman further stated that Council would go straight to the regularly scheduled city council meeting following the executive session.

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

All Council members, City Attorney Win Livingston, Mayor James Heigl, and City Clerk Patricia Carden entered into executive session at approximately 5:37 p.m.

A motion by Councilman Fowler, second by Councilman Blackmon to exit executive session was carried at approximately 6:05 p.m. by the following roll call vote: Yeas: Fowler, Nix, Perryman, Blackmon, Davenport; Nays: None.

No further business was discussed and Council moved to the Council Chambers for the regularly scheduled council meeting immediately after exiting the executive session.

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

OLD BUSINESS: None.

NEW BUSINESS:

10. Action that is necessary to accept recommendation from the Shop Supt., Police Chief, Fire Chief, and Street Supt. to approve resolution declaring certain vehicles and other equipment items from their respective departments as surplus property no longer needed for municipal purposes, and authorizing disposal of said items through GovDeals online auction or other appropriate means:

Resolution #16-2018 was introduced by Councilwoman Nix; Read by City Clerk.

A motion by Councilman Blackmon, second by Councilman Davenport to approve Resolution 16-2018 was carried by the following roll call vote: Yeas: Fowler, Nix, Perryman, Blackmon, Davenport; Nays: None.

11. Action that is necessary to approve resolution authorizing award of contract in the amount of \$3,021,253.60 for the City of Sylacauga 2018 Street Paving Project, Phase I to Dunn Construction as the lowest qualified bidder based upon the recommendation from EEFS Company, PC after tabulation of all bids received and publicly opened on 3/16/2018:

Resolution #17-2018 was introduced by Councilwoman Nix; Read by City Clerk.

A motion by Councilman Blackmon, 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 resolution immediate consideration:

A motion by Councilman Fowler, second by Councilwoman Nix to approve Resolution 17-2018 was carried by the following roll call vote: Yeas: Fowler, Nix, Perryman, Blackmon, Davenport; Nays: None.

12. Action that is necessary to approve resolution authorizing a FY2018 Budget Amendment transferring \$5,000.00 from Other Grant Revenue (GL Account #010-000-34650-000) to Appropriation-Festival Expense (GL Account #010-586-

46580-000) in order to properly reflect funding source for the sponsorship of the annual Magic of Marble Festival which was authorized through Resolution 11-2018 approved 3/06/2018--(FY2018 Budget approved 11/21/2017, Resolution 51-2017):

Resolution #18-2018 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 resolution immediate consideration:

A motion by Councilman Fowler, second by Councilman Davenport to approve Resolution 18-2018 was carried by the following roll call vote: Yeas: Fowler, Nix, Perryman, Blackmon, Davenport; Nays: None.

Item removed during work session:

13. Action that is necessary to approve resolution approving a Road Resurfacing Agreement between the City of Sylacauga and the Talladega County Commission which authorizes resurfacing/paving, striping, and installation of pavement markers (if applicable) of that segment of Avondale Avenue which is outside the city limits to be included in the COS 2018 Street Paving Project with the cost for such work to be reimbursed to the City by the Talladega County Commission—Action authorizes Mayor James Heigl to execute agreement and any other related documents on behalf of the City of Sylacauga:

If to consider at this meeting:

Resolution #19-2018 as introduced by Councilman _____; Read by City Clerk.

If to take action at this meeting:

A motion by Councilman _____, second by Councilman _____ to suspend the rules and give immediate consideration was _____ by the following roll call vote: Yeas _____ Nays _____

If unanimous:

A motion by Councilman _____, second by Councilman _____ to _____ was _____ by the following roll call vote: Yeas _____ Nays _____

14. Action that is necessary to accept ownership transfer of the former Mountainview School and former BOE Central Office properties from the Sylacauga City School Board to the City of Sylacauga:

A motion by Councilwoman Nix, second by Councilman Fowler to accept ownership transfer of the two properties was carried by the following roll call vote: Yeas: Fowler, Nix, Perryman, Blackmon, Davenport; Nays: None.

15. Action that is necessary to approve request from Fire Chief Adam Gardner for authorization of a job posting to fill three (3) Fire Lieutenant positions:

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

16. Action that is necessary to approve request from the Sylacauga Utilities Board for permission/authority to relocate the existing power lines located on East 10th Street between Main Avenue and Hwy 21 to the N/S of the street in order to remove the poles from the parking spaces at the Babe Ruth Field—Tree Commission has recommended relocation & approved removal of existing trees that will be affected:

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

17. Action that is necessary to approve request from Interim Code Enforcement Director Mike Whetstone for authorization to replace existing Ricoh MPCW2201SP Wide Format MFP with a Ricoh W6700SP Wide Format MFP (including front feed stacker, OCR scan, and a power filter) at an additional cost of \$4,908.98—*Existing machine does not meet department needs & Ricoh has not been able to correct the problem; Ricoh has agreed to credit full original cost of MPCW2201SP in the amount of \$10,259.02 toward replacement cost:*

A motion by Councilman Blackmon, second by Councilman Davenport to authorize replacement/upgrade of printer at the additional quoted cost was carried by the following roll call vote: Yeas: Fowler, Nix, Perryman, Blackmon, Davenport; Nays: None.

18. Action that is necessary to approve travel/expenses for HR Specialist Jayne McGee to attend the Birmingham Society of HR Management Annual Legal Update to be held in Birmingham, April 11, 2018—*Registration fee is \$100.00; Additional expenses for mileage will be incurred—Estimated total cost of travel/training for McGee is \$149.38:*

A motion by Councilwoman Nix, second by Councilman Blackmon to approve travel/expenses 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 \$366,065.31 for payrolls for February, 2018:

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 \$433,913.30 for balance of accounts payable invoices received for February, 2018:

A motion by Councilman Fowler, second by Councilwoman Nix 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.

Item added during work session:

21. Action that is necessary to authorize Interim Code Enforcement Director Mike Whetstone to seek bids for renovation of restrooms at the Comer Museum—*Building is owned by the City & estimated cost of \$22,000.00 for work was included in FY2018 Budget:*

A motion by Councilman Blackmon, second by Councilman Davenport to authorize Mr. Whetstone to seek bids as stated was carried by the following roll call vote: Yeas: Fowler, Nix, Perryman, Blackmon, Davenport; Nays: None.

22. Action necessary to approve request from Fire Chief Adam Gardner to authorize the temporary assignments of three (3) senior employees to the positions of Interim Lieutenant until such time as a promotional test for the Lieutenant positions can be given or for a period not to exceed 120 days, whichever comes first, and to authorize a 5% pay increase during such interim appointment—*Action to become effective with the first day of the pay period beginning following appointment by Fire Chief:*

A motion by Councilman Blackmon, second by Councilman Fowler to authorize the temporary assignments of three (3) senior employees to the positions of Interim Lieutenant was carried by the following roll call vote: Yeas: Fowler, Nix, Perryman, Blackmon, Davenport; Nays: None.

- 23.** Council President asked anyone wishing to address Council to come to the microphone & state name and address for record prior to addressing Council.
- 1) Councilwoman Nix announced that supplies for clean-up day on Saturday would also be available at the Verlie Collins Community Center as well as the other locations that Mayor Heigl mentioned.
 - 2) Councilman Blackmon provided an update on the progress of the Second Street development team at the Dirt Cheap location and the projected opening date.
 - 3) Council President provided a brief update on the TJ Maxx opening and the progress/development of other stores in the new Marble City Square shopping center.

- 24.** Having no further business to discuss,
A motion by Councilman Blackmon, second by Councilman Davenport to adjourn was carried by the following roll call vote: Yeas: Fowler, Nix, Perryman, Blackmon, Davenport; Nays: None.

(Time of adjournment 6:16 p.m.)

APPROVED BY COUNCIL APRIL 3, 2018:



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 20, 2018.



Patricia G. Carden, City Clerk-Treasurer