

## MINUTES OF A RESCHEDULED REGULAR MEETING OF THE CITY COUNCIL OF THE CITY OF SYLACAUGA HELD OCTOBER 8, 2020

1. Call meeting to order at 5:38 p.m. by Council President, Lee Perryman.
2. Roll Call: Council Members Present: Ashton Fowler, Tiffany Nix, Dallas Davenport, and Lee Perryman. Absent: \*Donnie Blackmon. Mayor James Heigl and City Clerk/Treasurer Patricia Carden were also present.  
  
\*Council President announced that Councilman Blackmon would not be attending due to a medical condition and that depending on his recovery, he might possibly be unable to attend any further meetings.
3. Invocation was given by Ashton Fowler, City Council D-1.
4. Council President Lee Perryman led the group in the Pledge of Allegiance to the Flag.
5. Mayor James Heigl introduced Beautification Council President, Terry Morris, who spoke briefly about the Beautification Council and the annual awards normally presented during the Dinner Under the Stars event held in the community garden. Morris then invited Mayor Heigl to present the 2020 awards. Kimberly Morris received the Mary Jo Brown Volunteer of the Year Award, Jerry Walker received the Nanellen Lane Citizen of the Year Award, and Charlie Conn received the newly created Frances W. Conn Shining Star Award. Mayor Heigl proclaimed September, 2020, as Gynecologic Cancer Awareness Month in the City of Sylacauga. Heigl then introduced cancer survivors, Whitley Wheeler, Joyce Beard and Sondra Epperson. Each survivor spoke briefly about cancer awareness and shared their experiences with the disease. Mayor Heigl presented a Certificate of Appreciation to the Sylacauga Alliance for Family Enhancement (S.A.F.E.) for their community efforts which resulted in their receipt of the 2020 Alabama Works! Innovator Award for Region 2.
6. Adopt Agenda:  
*A motion by Councilwoman Nix, second by Councilman Fowler to adopt the agenda was carried by the following roll call vote: Yeas: Fowler, Nix, Perryman, Davenport; Nays: None.*
7. Approve minutes of the regular city council meeting held September 15, 2020:  
*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, Davenport; Nays: None.*
8. Approve minutes of the special year-end city council meeting held September 30, 2020:  
*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, Davenport; Nays: None.*

**OLD BUSINESS: None.**

**NEW BUSINESS:**

9. Public hearing to consider approval of incentive agreement between the City and Hurr, Smith & Sanders, LLC, for an economic development project in the former Broadway Café building located at 205 N Broadway Avenue—*Public hearing date set 9-01-2020; Resolution 61-2020:*  
  
*Council President opened the Public Hearing and called for any comments. No one spoke in favor of or in opposition to the proposed action under consideration by Council. Hearing no comments or questions, Council President closed the Public Hearing and called for action from the Council regarding the proposed agreement.*

**Resolution #69-2020** was introduced by Councilwoman Nix; Dispensed with reading of the resolution.

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, Davenport; Nays: None.

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

A motion by Councilman Nix, second by Councilman Fowler to approve Resolution 69-2020 was carried by the following roll call vote: Yeas: Fowler, Nix, Perryman, Davenport; Nays: None.

10.

Public hearing to consider approval of incentive agreement between the City and Hurr, Smith & Sanders, LLC, for an economic development project in the former Stanton's building located at 201 N Broadway Avenue—Public hearing date set 9-01-2020; Resolution 61-2020:

*Council President opened the Public Hearing and called for any comments. No one spoke in favor of or in opposition to the proposed action under consideration by Council. Hearing no comments or questions, Council President closed the Public Hearing and called for action from the Council regarding the proposed agreement.*

**Resolution #70-2020** was introduced by Councilwoman Nix; Dispensed with reading of the resolution.

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, Davenport; Nays: None.

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

A motion by Councilman Fowler, second by Councilwoman Nix to approve Resolution 70-2020 was carried by the following roll call vote: Yeas: Fowler, Nix, Perryman, Davenport; Nays: None.

11.

Public hearing to consider approval of incentive agreement between the City and Hurr, Smith & Sanders, LLC, for an economic development project in the former Rex Hotel building located at 200 N Broadway Avenue—Public hearing date set 9-01-2020; Resolution 61-2020:

*Council President opened the Public Hearing and called for any comments. No one spoke in favor of or in opposition to the proposed action under consideration by Council. Hearing no comments or questions, Council President closed the Public Hearing and called for action from the Council regarding the proposed agreement.*

**Resolution #71-2020** was introduced by Councilwoman Nix; Dispensed with reading of the resolution.

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, Davenport; Nays: None.

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

A motion by Councilwoman Nix, second by Councilman Fowler to approve Resolution 71-2020 was carried by the following roll call vote: Yeas: Fowler, Nix, Perryman, Davenport; Nays: None.

12.

The Council President announced that Council needed to go into executive session to discuss certain matters for which an executive session is allowed pursuant to Section 36-25A-7(a)(1) Code of Alabama 1975, as amended and advised that the Council would return to complete the council meeting in approximately fifteen (15) minutes:

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

All Council members, the City Attorney, Mayor, City Clerk, PD Chief, PD Officer Grantham, and HR Specialist entered into executive session in the second floor conference room at approximately 6:03 p.m.

*A motion by Councilman Fowler, second by Councilwoman Nix to exit executive session was carried at approximately 6:29 p.m. by the following roll call vote: Yeas: Fowler, Nix, Perryman, Davenport; Nays: None.*

*Upon return to the council chambers, a motion by Councilwoman Nix, second by Councilman Fowler to reconvene the council meeting was carried at approximately 6:32 p.m. by the following roll call vote: Yeas: Fowler, Nix, Perryman, Davenport; Nays: None.*

13. Action that is necessary to approve the request from Municipal Judge Barry Vaughn to authorize an extension of the additional municipal court dates previously authorized by Council through Resolution 37-2020 on 5-19-2020, through December, 2020, to help clear the backlog of cases created by the COVID pandemic:

**Resolution #68-2020** was introduced by Councilwoman Nix; Dispensed with reading of the resolution.

*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, Davenport; Nays: None.*

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

*A motion by Councilman Fowler, second by Councilwoman Nix to approve Resolution 68-2020 was carried by the following roll call vote: Yeas: Fowler, Nix, Perryman, Davenport; Nays: None.*

14. Action that is necessary to approve resolution setting public hearing date for consideration of recommendations from the Planning Commission for the zoning of those certain properties annexed to the City of Sylacauga by the Alabama Legislature through Act 2020-148 and located at or otherwise described as 52 Virginia Avenue, 617 Pine Grove Road, 1878 Tallaseehatchee Road, 7970 Al Hwy 21, 3073 Tallaseehatchee Road, 274 Twin Pines Drive, 524 Loblolly Trace, City of Sylacauga 15.25 acres purchased from Comer Museum, and City of Sylacauga property received from Talladega County (consisting of Mill Village roads, alleys, easements, rights-of-ways, common areas, green spaces)—*first available date for hearing is December 1, 2020:*

**Resolution #72-2020** was introduced by Councilwoman Nix; Dispensed with reading of the resolution.

*A motion by Councilman Fowler, second by Councilwoman Nix to approve Resolution 72-2020 was carried by the following roll call vote: Yeas: Fowler, Nix, Perryman, Davenport; Nays: None.*

15. Reading into Minutes as a record of Mayor James Heigl's appointment of Patrick Lozito as Commissioner of the Sylacauga Housing Authority for the five-year term expiring February 3, 2023—*Informational only, no action required by Council.*

16. Reading into Minutes as a record of Mayor James Heigl's appointment of Matt Hubbard as Commissioner of the Sylacauga Housing Authority for the five-year term expiring February 3, 2025—*Informational only, no action required by Council.*

17. Action that is necessary to approve recommendation from Mayor James Heigl to approve the request from PD Officer Adam Grantham for a 90-day General Leave Without Pay (employee responsible for insurance benefits)—*12-week FMLA benefits expired 9-30-2020; PD Chief has approved request for additional leave without pay:*

*A motion by Councilman Fowler, second by Councilwoman Nix to approve request for leave without pay as recommended was carried by the following roll call vote: Yeas: Fowler, Nix, Perryman, Davenport; Nays: None.*

**18.** Action that is necessary to re-establish Pay Grade AO-9 as the pay grade for the Accounting Manager position within the Admin/Finance Department:

*A motion by Councilwoman Nix, second by Councilman Fowler to re-establish pay grade for the position as stated was carried by the following roll call vote: Yeas: Fowler, Nix, Perryman, Davenport; Nays: None.*

**19.** Action that is necessary to reclassify the Administrative Clerk position in the Maintenance Shop from Pay Grade AO-1 to Pay Grade AO-3 and to authorize a corresponding pay adjustment for any employee who may be affected by the pay grade reclassification, effective with the first payroll ending following Council approval:

*A motion by Councilwoman Nix, second by Councilman Fowler to reclassify the pay grade for the position as stated was carried by the following roll call vote: Yeas: Fowler, Nix, Perryman, Davenport; Nays: None.*

**20.** Action that is necessary to authorize renewal of an agreement with the Alabama Institute for Deaf & Blind for the provision of Interpreter Services as needed during the fiscal period from October 1, 2020 through September 30, 2021:

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

**21.** Action that is necessary to approve request from City Clerk-Treasurer Patricia Carden to authorize the interim assignment of Yourlanda Burns as Interim Accounting Manager until such time as the position can be filled through the CSB process and to authorize a minimum 5% increase in pay during such assignment, effective with the first payroll ending following Council approval:

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

**22.** Action that is necessary to authorize payments totaling \$20,561.65 for additional FY2020 accounts payable invoices received for September, 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, Davenport; Nays: None.*

**23.** Action that is necessary to authorize payments totaling \$50,086.29 for FY2021 accounts payable invoices received to date for October, 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, Davenport; Nays: None.*

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

*Clara Curtis, 303 W. Bay Street—Addressed Council concerning a problem at her residence that she believes is caused by the City's incinerator used by the Street Department to burn yard waste. Ms. Curtis provided Council photographs of her home showing the evidence of damage she believes is caused by the burning. Ms. Curtis described physical symptoms that she suffers and believes are caused by the fumes from the incinerator which Ms. Curtis believes to be toxic. Curtis further stated that she lost all of her carpet about three (3) years ago due to an overflow and that the contractor put the carpet on the road for the Street Dept. to pick up, which caused her to wonder where it all goes. She added that she believes that all the items picked up curbside by the Street Dept. are burned and that the resulting fumes are causing her physical symptoms and the discoloring effects on her house as well. She asked that Council do something about this immediately. Councilman Fowler assured Ms. Curtis that the City will look*

into the matter. Ms. Curtis responded that she didn't want the City to look into it, she wanted them to do something about it. The Council President assured Curtis that they will get with the Street Superintendent to look into her concerns and get back with her on the issue.

25. 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, Davenport; Nays: None.

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

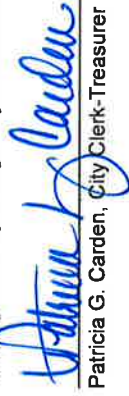
APPROVED BY COUNCIL OCTOBER 20, 2020:



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 rescheduled regular meeting of the Sylacauga City Council held October 8, 2020.

  
Patricia G. Carden, City Clerk-Treasurer