

MINUTES OF A REGULAR MEETING OF THE CITY COUNCIL OF THE CITY OF SYLACAUGA HELD DECEMBER 6, 2022

1. Meeting was called to order at 5:28 P.M. by Council President, Ashton Fowler.
2. Roll Call: Council Members Present: Ashton Fowler, Tiffany Nix, Nate Brewer, Lee Perryman, and Laura Heath. Council Members Absent: None. Mayor James Heigl and Interim City Clerk/ Treasurer Kim Morris were also present.
3. Invocation was provided by Mark Ledbetter, Police Chaplain, prior to the work session.
4. Council President led the group in the Pledge of Allegiance to the Flag.
5. Report from Mayor James Heigl:
Mayor Heigl allowed Parks & Recreation Director Steve Masters to introduce the following youth championship teams: 12U Girls' Soccer - District and State Champions; Girls' 7th & 8th Grade Volleyball – District and State Champions; and 10U Boys' Tackle Football – League Champions.
Mayor Heigl thanked citizens for providing food to the Animal Shelter when supplies were low. Heigl also proclaimed December 7 as National Pearl Harbor Remembrance Day.
6. Adopt Agenda:
A motion by Councilman Brewer, second by Councilwoman Heath to amend agenda by removing Item #10 and adding Items #24, #25, and #26 was carried by the following roll call vote: Yeas: Fowler, Nix, Brewer, Perryman, and Heath; Nays: None.
7. Approve minutes of the regular city council meeting held November 15, 2022:
A motion by Councilwoman Heath, second by Councilman Perryman to approve minutes as written was carried by the following roll call vote: Yeas: Fowler, Nix, Brewer, Perryman, and Heath; Nays: None.
8. Approve minutes of the regular work session held November 15, 2022:
A motion by Councilman Perryman, second by Councilwoman Nix to approve minutes as written was carried by the following roll call vote: Yeas: Fowler, Nix, Brewer, Perryman, and Heath; Nays: None.

Old Business:

None.

New Business:

9. Action that is necessary to consider ordinance authorizing the operation of medical cannabis dispensaries and integrated facilities within the city limits of Sylacauga:
Council President introduced Randy Beavers of Aspire Medical Partners, who explained that the company plans to open a business in Sylacauga to cultivate and process medical cannabis, creating 100-150 jobs.

Ordinance #2249-22 was introduced by Councilman Brewer; Dispensed with reading of the ordinance.

A motion by Councilman Brewer, second by Councilwoman Heath to suspend the rules and give immediate consideration was carried by the following roll call vote: Yeas: Fowler, Nix, Brewer, Perryman, and Heath; Nays: None.
Upon unanimous consent to consider ordinance at this meeting:

A motion by Councilman Brewer, second by Councilwoman Heath to adopt Ordinance #2249-22 was carried by the following roll call vote: Yeas: Fowler, Nix, Brewer, Perryman, and Heath; Nays: None.

10. Action that is necessary to adopt ordinance #2250-22 to declare property located at 407 North Main Avenue surplus, no longer needed for municipal purposes, and to authorize City Attorney to prepare a deed to Matthew Gregory at the purchase price of \$225,000.00.
Item was removed from the agenda prior to meeting.

11. Action that is necessary to approve resolution expanding health and dental insurance benefits for retirees effective January 1, 2023:

Resolution #75-2022 was introduced by Councilwoman Heath; Dispensed with reading of the resolution.

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

Upon unanimous consent to consider resolution at this meeting:

A motion by Councilwoman Nix, second by Councilwoman Heath to approve Resolution #75-2022 was carried by the following roll call vote: Yeas: Fowler, Nix, Brewer, Perryman, and Heath; Nays: None.

12. Action that is necessary to approve resolution adopting FY2023 General Fund Operating Budget for the City of Sylacauga, with revenues of \$19,795,438.80, expenditures of \$19,768,684.40, including inter-fund transfers and authorizing associated agency contracts for services – Approval gives Mayor authority to execute associated contracts on behalf of City:

Resolution #76-2022 as introduced by Councilwoman Nix; Dispensed with reading of the resolution.

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

Upon unanimous consent to consider resolution at this meeting:

A motion by Councilwoman Heath, second by Councilwoman Nix to adopt Resolution #76-2022 was carried by the following roll call vote: Yeas: Fowler, Nix, Brewer, Perryman, and Heath; Nays: None.

13. Action that is necessary to accept recommendation from InSite Engineering to award bid for the Hickory Street drainage project to Gillespie Construction Co. as the low and responsive bidder in the amount of \$1,002,375.00, less cost savings of \$40,600.00, for a total bid award of \$961,775.00. Funding from American Rescue Funds:

Resolution #77-2022 was introduced by Councilman Brewer; Dispensed with reading of the resolution.

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

Upon unanimous consent to consider resolution at this meeting:

A motion by Councilwoman Heath, second by Councilman Perryman to adopt Resolution #77-2022 was carried by the following roll call vote: Yeas: Fowler, Nix, Brewer, Perryman, and Heath; Nays: None.

14. Action that is necessary to authorize construction agreement for the Transportation Alternatives Program (TAP project #TAPAA-TA23(916)) with the State of Alabama for Streetscape Improvements along Norton Avenue from 1st Street to 3rd Street and parking renovations on the E/S of Alabama Hwy 21 between 1st Street and 2nd Street; *Federal funding of \$800,000.00, with required City matching funds of \$200,000.00. Approval authorizes Mayor Heigl to sign agreement on behalf of the City.*
- Resolution #78-2022** was introduced by Councilwoman Nix; Dispensed with reading of the resolution.
- A motion by Councilman Brewer, second by Councilwoman Heath to suspend the rules and give immediate consideration was carried by the following roll call vote: Yeas: Fowler, Nix, Brewer, Perryman, and Heath; Nays: None.*
- Upon unanimous consent to consider resolution at this meeting:**
A motion by Councilman Perryman, second by Councilwoman Nix to approve Resolution #78-2022 was carried by the following roll call vote: Yeas: Fowler, Nix, Brewer, Perryman, and Heath; Nays: None.
15. Action that is necessary to approve resolution setting date for public hearing to consider the annexation and zoning of properties located at 303 Rocky Road, 300 Marble City Heights Circle, 10 Oak Street, and 2485 Old Birmingham Hwy; *First available date for public hearing is January 19, 2023.*
- Resolution #79-2022** was introduced by Councilwoman Nix; Dispensed with reading of the resolution.
- A motion by Councilman Brewer, second by Councilwoman Heath to suspend the rules and give immediate consideration was carried by the following roll call vote: Yeas: Fowler, Nix, Brewer, Perryman, and Heath; Nays: None.*
- Upon unanimous consent to consider resolution at this meeting:**
A motion by Councilman Brewer, second by Councilwoman Nix to approve Resolution #79-2022 was carried by the following roll call vote: Yeas: Fowler, Nix, Brewer, Perryman, and Heath; Nays: None.
16. Action that is necessary to approve resolution setting date for public hearing to consider a recommendation from the Planning Commission to amend the City's zoning ordinance #2224A-20 relating to manufactured homes and off-street parking; *First available date for public hearing is January 19, 2023.*
- Resolution #80-2022** was introduced by Councilwoman Nix; Dispensed with reading of the resolution.
- A motion by Councilman Brewer, second by Councilwoman Heath to suspend the rules and give immediate consideration was carried by the following roll call vote: Yeas: Fowler, Nix, Brewer, Perryman, and Heath; Nays: None.*
- Upon unanimous consent to consider resolution at this meeting:**
A motion by Councilman Brewer, second by Councilwoman Heath to approve Resolution #80-2022 was carried by the following roll call vote: Yeas: Fowler, Nix, Brewer, Perryman, and Heath; Nays: None.
17. Action that is necessary to accept recommendation from Lathan Architects to award bid for Water Damage Repair at City Hall to M J Brooks and Son Construction, Inc. as the low and responsible bidder with a base bid of \$172,864.00. *Bid Alternate #1 to install fire alarm system of \$102,700.00 and Alternate #2 for New Investigator Offices of \$60,500.00. Funding from insurance proceeds and City Government (Trust) funds.*
- Resolution #81-2022** was introduced by Councilwoman Nix; Dispensed with reading of the resolution.

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

Upon unanimous consent to consider resolution at this meeting:

A motion by Councilman Brewer, second by Councilwoman Heath to approve Resolution #81-2022 was carried by the following roll call vote: Yeas: Fowler, Nix, Brewer, Perryman, and Heath; Nays: None.

- 18.** Action that is necessary to authorize amendment to agreement with GovDeals adding financial settlement services authorizing GovDeals to collect all future auction fees from successful bidders on behalf of the City, including a 12.5% buyer's premium fee:
A motion by Councilman Perryman, second by Councilwoman Nix to authorize amendment to agreement as stated was carried by the following roll call vote: Yeas: Fowler, Nix, Brewer, Perryman, and Heath; Nays: None.
- 19.** Action that is necessary to approve purchase of Trane 14.0 SEER 2 Gas/Electric Duel Fuel Package Heat Pump for the Lake Howard caretaker's house from Culver Heating & Air at a cost of \$9,400.00; *Funding from LHRA funds:*
A motion by Councilwoman Heath, second by Councilman Brewer to approve purchase as stated was carried by the following roll call vote: Yeas: Fowler, Nix, Brewer, Perryman, and Heath; Nays: None.
- 20.** Action that is necessary to approve 2023 City Council Meeting Schedule and 2023 Holiday Schedule:
A motion by Councilman Brewer, second by Councilman Perryman to approve schedules as presented was carried by the following roll call vote: Yeas: Fowler, Nix, Brewer, Perryman, and Heath; Nays: None.
- 21.** Action that is necessary to approve travel/training expenses for Police Recruit Triston Olesen to attend the Basic Training/Police Academy at the NE Alabama Law Enforcement Academy January 2-April 6, 2023. *Tuition fee of \$500.00 (APOSTC will pay \$500.00 upon successful graduation; food and lodging expenses of \$3,000.00; ammunition of \$299.00. Total estimated expenses for Olesen are \$4,299.00:*
A motion by Councilman Brewer, second by Councilwoman Heath to approve travel/training expenses as stated was carried by the following roll call vote: Yeas: Fowler, Nix, Brewer, Perryman, and Heath; Nays: None.
- 22.** Action that is necessary to approve training expenses for FD Firefighters Harmony Kelley, Shelby Byrd, Clay Upchurch, Donnie Lester, Logan Blake, Matt Carpenter, and Fire Inspector Chad Toland to participate in the National Child Passenger Safety Certification course sponsored by the Sylacauga FD December 12-15. *Registration fee of \$95.00/ea.; no additional expenses will be incurred:*
A motion by Councilman Brewer, second by Councilwoman Heath to approve training expenses as stated was carried by the following roll call vote: Yeas: Fowler, Nix, Brewer, Perryman, and Heath; Nays: None.
- 23.** Action that is necessary to approve travel expenses for PD Investigators Chris Vinson and Josh Morris to extradite prisoner from Florida; travel dates unknown at this time. *Estimated expenses for Vinson and Morris are \$50.00/ea. for meals and fuel reimbursement of \$100.00; estimated meal expenses for prisoner of up to \$50.00:*
A motion by Councilwoman Heath, second by Councilman Brewer to approve travel expenses as stated was carried by the following roll call vote: Yeas: Fowler, Nix, Brewer, Perryman, and Heath; Nays: None.

24. Action that is necessary to approve revised MOU with Blue Bell Creameries L.P., for the purchase of City property located on West 4th Street; *MOU provides terms for both parties to enter into a Real Estate Sales Contract and authorizes Mayor Heigl to sign MOU on behalf of the City. Action repeals MOU approved by Council at the 11-15-22 meeting, adding revisions as recommended by Blue Bell and City Attorney.*

A motion by Councilman Brewer, second by Councilwoman Heath to approve revised MOU with Blue Bell was carried by the following roll call vote: Yeas: Fowler, Nix, Brewer, Perryman, and Heath; Nays: None.

25. Action that is necessary to adopt ordinance to amend Business License Ordinance #2206-18 to add NAICS code 4248 – Wholesale Beer and Wine Combined to current business license schedule:

Ordinance #2251-22 was introduced by Councilwoman Heath; Dispensed with reading of ordinance.

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

Upon unanimous consent to consider ordinance at this meeting:

A motion by Councilman Brewer, second by Councilwoman Heath to adopt Ordinance #2251-22 was carried by the following roll call vote: Yeas: Fowler, Nix, Brewer, Perryman, and Heath; Nays: None.

26. Action that is necessary to approve the recommendation of Mayor James Heigl and the request of Interim Director-Building Services Dept. Mike Whetstone to roll 40 hours of unused vacation time from FY2022 over to FY2023, due to a severe staffing shortage. *Action allowed per COS Personnel Policies and Procedures Chapter 9.4, Section 1.3:*

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

27. Action that is necessary to approve additional Accounts Payable invoices received for FY22 in the amount of \$2,285.13:

A motion by Councilman Brewer, second by Councilwoman Heath to approve payments as stated was carried by the following roll call vote: Yeas: Fowler, Nix, Brewer, Perryman, and Heath; Nays: None.

28. Action that is necessary to approve November Accounts Payable invoices received to date in the amount of \$407,135.16:

A motion by Councilwoman Nix, second by Councilman Brewer to approve payments as stated was carried by the following roll call vote: Yeas: Fowler, Nix, Brewer, Perryman, and Heath; Nays: None.

29. Council President asked anyone wishing to address Council to come to the microphone & state name and address for record prior to addressing Council. Councilman Brewer congratulated the BB Comer Tigers and Coach Adam Fossett on their successful football season, stating the last time Comer had played in the State play-offs was 1995.

Councilwoman Heath reminded the group of the Christmas Parade on Thursday night.

Councilman Perryman reminded the group of the public meeting with Chambless and King on December 15 at 6:00 PM.

30. Having no further business to discuss:

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

(Time of adjournment 5:59 PM)

APPROVED BY COUNCIL DECEMBER 20, 2022



Ashton Fowler, President of City Council

CERTIFICATION

I, KIMBERLY S. MORRIS, as Interim 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 December 6, 2022.



Kimberly S. Morris, Interim City Clerk/Treasurer
City of Sylacauga