

MINUTES OF THE COUNCIL MEETING
JANUARY 13, 2014

The City Council of the City of Brewton, Alabama met in regular session at the Municipal Complex in said City on Monday evening, January 13, 2014 at 4:30 P.M. The meeting was called to order by Mayor Yank Lovelace, who presided as Chairman of the meeting. A Workshop was held in the afternoon at 3:30 P.M. with the same members present at roll call, as well as City Clerk John Angel. Economic Development issues, the possibility of an Economic Development representative for Brewton and several Code Enforcement issues were discussed.

Councilman Watson then led the City Council and guests in the Pledge of Allegiance to the flag.

Mayor Lovelace noted that the City's custom is to have an Invocation during the first Regular Meeting of each quarter; the floor was given to Councilman Cotten, who then introduced Reverend Chase Clower, the Associate Pastor at the First Baptist Church. Reverend Clower then gave a brief prayer.

At roll call, the following persons were found to be present: Councilmen Pat Poole, Frank Cotten, Bill Littles, Joe Watson, Fred Barton and Mayor Yank Lovelace.

John F. P. Angel, City Clerk, was also present and acted as clerk of the meeting. A quorum being present, Mayor Lovelace announced that the meeting was open for transaction of business.

When Mayor Lovelace asked if there were any corrections to the minutes of December 23, 2013, there were none mentioned. As there was no discussion or changes to the minutes, Mayor Lovelace then asked if the Council would accept the December 23, 2013 minutes as presented.

A motion was made by Councilman Watson and seconded by Councilman Barton to approve the minutes of the last Council Meeting as presented. Passed Una.

The Mayor then asked if the Council Meeting Agenda presented by the Clerk required any additions or deletions. City Clerk John Angel carried over a bid tabulation for the repair of the roof on the Municipal Complex building. As there were no additional items added or deleted, nor any discussion about the Agenda, a vote to approve the Agenda, as amended, was taken. Passed Una.

There were no items noted under Old Business.

The first item under New Business was the approval of the City January 2014 Accounts Payable.

A motion was made by Councilman Cotten and seconded by Councilman Watson to approve the City January 2014 Accounts Payable as presented. Passed Una.

Steve Yuhasz then took the floor and stated that, from time to time, his office gets reports of trees on private property which could be classified as a nuisance or threat to either public safety or property. There is really no enforcement policy for these issues, so Mr. Yuhasz is recommending the following be considered by the Council as an addition (date added for clarity).

ORDINANCE NO. 14-0113

**AN ORDINANCE TO ADD TO CHAPTER 14
"OFFENSES AND MISCELLANEOUS PROVISIONS," ARTICLE IV, A SECTION 14-63 ENTITLED
"DANGEROUS TREE REMOVAL ON PUBLIC OR PRIVATE PROPERTY"
TO THE CODE OF ORDINANCES, CITY OF BREWTON, ALABAMA**

WHEREAS, a tree, or any part thereof, located on public or private property, because of condition, surroundings and/or tendency to fall constitutes a danger to life, health or property; and

WHEREAS, a tree, or any part thereof, as herein described is to be considered a dangerous tree; and

WHEREAS, removing a dangerous tree is clearly in the interest of public safety; and

WHEREAS, a property owner should be held responsible for the removal of a dangerous tree; and

WHEREAS, a Code Enforcement Officer of the Community Development Department of the City of Brewton has the authority to enter the property containing a suspected dangerous tree to evaluate the condition of the tree, determine if it is a dangerous tree, and enforce the removal of the dangerous tree.

NOW, THEREFORE, BE IT ORDAINED by the Mayor and City Council of the City of Brewton, Alabama, that the City of Brewton Ordinance Number 14-0113 adds to The Brewton Code of Ordinances Chapter 14 'Offenses and Miscellaneous Provisions, a new Section 14-63, entitled "Dangerous tree removal on public or private property" as follows.

Sec. 14-63. Dangerous tree removal on public or private property.

The City of Brewton shall have the right to cause the removal of any dangerous tree, or any part thereof, on public or private property when such tree constitutes a hazard to life or property. A dangerous tree is a tree, or any part thereof, that because of condition, surroundings and/or tendency to fall constitutes a danger to life, health or property. A Code Enforcement Officer in the Community Development Department of the City of Brewton shall notify in writing the owner of such tree. Removal shall be done by the owner at his/her own expense within 30 (thirty) days after the notice. The failure of the property owner to remove the dangerous tree within 30 (thirty) days of notice shall be deemed a violation. In addition, the provisions of Section 14-59 and Section 14-60 of Chapter 14 of The Brewton Code of Ordinances shall apply for dealing with a failure to comply notice to abate.

This Ordinance shall become effective upon its approval and publication as provided by law.

ADOPTED this the 13th day of January, 2014.

John F. P. Angel, CMC, City Clerk

APPROVED this the 13th day of January, 2014.

Yank Lovelace, Mayor

This procedure would allow Code Enforcement to give the owner(s) thirty (30) days to abate the problem and, if no action is taken, a citation for an Ordinance Violation could be written. Mayor Lovelace asked that, for example, if it takes \$1,500.00 to remove a tree and the owner can't afford it, they come to court, what happens? Mr. Yuhasz replied that fairness would be used, but if the tree must come down, the City could remove it with a lien placed on the property, as the City is not able to take responsibility private property.

A motion was made by Councilman Cotten and seconded by Councilman Barton for the Introduction of Ordinance No. 14-0113 as presented. The following vote was taken.

YEAS: Councilmen Poole, Cotten, Littles, Watson, Barton

NAYS: None

The motion passed by majority.

A motion was then made by Councilman Cotten and seconded by Councilman Barton for the Immediate Consideration of Ordinance No. 14-0113 as presented. Councilman Watson asked about the City's authority to remove a tree; the answer was, if on public property, the City is obligated to correct the issue, but not on private property, regardless of the hazard. Should a court appearance be ordered, it would be up to the Council to allow the City to implement a lien. Councilman Barton asked if the root structure of a tree was endangering a utility line, could the City move in and remove the tree at the City's expense. The answer was not clear. It was noted that the few issues that have been brought to Mr. Yuhasz's office have been clear nuisances or public dangers. As there was no further discussion on the motion, the following vote was taken.

YEAS: Councilmen Poole, Cotten, Littles, Watson, Barton, Mayor Lovelace

NAYS: None

The motion passed unanimously.

A motion was then made by Councilman Watson and seconded by Councilman Barton for the Approval of Ordinance No. 14-0113 as presented. The following vote was taken.

YEAS: Councilmen Poole, Cotten, Littles, Watson, Barton

NAYS: None

The motion passed by majority.

Mr. Yuhasz continued by stating that the Council has recently passed a Cell Tower Ordinance as the construction of these towers relates to the City limits; that Ordinance requires a fee schedule to be determined for the permitting of the construction of such a tower. The following was presented and it was noted that several engineering firms, as well as other municipalities, have agreed that the stated permit cost is within a reasonable guideline for the area.

RESOLUTION NO. 14-0113

A RESOLUTION TO SET THE FEE OF ADMINISTERING ORDINANCE NO. 13-0909 ARTICLE XX IN THE LAND USE AND DEVELOPMENT ORDINANCE "WIRELESS TELECOMMUNICATIONS FACILITIES"

WHEREAS, the Wireless Telecommunications Facilities Ordinance stipulates that applicants shall reimburse the City for any actual, out of pocket costs incurred in reviewing a wireless telecommunications application, including, but not limited to RF Engineers and other technical consultants; and

The Planning Commission has approved the request and has transmitted this approval by letter to the Council; Mr. Yuhasz asked that a Public Hearing be conducted to finalize the rezoning on Monday, February 10, 2014, as follows.

RESOLUTION NO. 14-0113-1

BE IT RESOLVED by the City Council of the City of Brewton, Alabama, as follows:

That the Planning Commission has approved the rezoning of a parcel of land from “R-1 Low Density Single Family Residential District” to “B-3 General Business District”, and said rezoning will be considered for approval by the City Council at a regular Council Meeting to be held in the Municipal Complex at 4:30 P.M. on Monday, February 10, 2014, at which time and place all persons who so desire shall have an opportunity to be heard in opposition to, or in favor of, said rezoning.

BE IT FURTHER RESOLVED, that a Public Notice of said rezoning request be published in the Brewton Standard in the two consecutive issues of January 15 and 22, 2014, stating the time and place said application is to be considered for approval by the City Council.

APPROVED AND ADOPTED this the 13th day of January, 2014.

Yank Lovelace, Mayor

ATTEST:

John F. P. Angel, CMC, City Clerk

A motion was made by Councilman Watson and seconded by Councilman Barton to approve Public Hearing Resolution No. 14-0113-1 as presented. Passed Una.

This concluded the items under New Business.

There were no Announcements.

There was one Comment, that being Gerald Thomas, who took the floor and asked the Council’s permission to hold his annual Block Party at Sportman Park on Saturday, June 14, 2014 from 10:00 A.M. to 6:00 P.M.

A motion was made by Councilman Barton and seconded by Councilman Watson to approve Gerald Thomas’ Block Party as requested. Passed Una.

There being neither any further comments from the floor nor any further business to come before the Council, the meeting was then adjourned.

ADOPTED

JANUARY 13, 2014

APPROVED

JANUARY 13, 2014

John F. P. Angel, CMC, City Clerk

Yancey E. Lovelace, Mayor