

MINUTES OF THE COUNCIL MEETING
AUGUST 25, 2014

The City Council of the City of Brewton, Alabama met in regular session at the Municipal Complex in said City on Monday evening, August 25, 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 Council Members present at roll call, concerning the FY2015 Annual Budget. Police operations, Non ATRIP paving and a one-time increase for retired City employees was discussed.

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

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

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 August 11, 2014, there were none mentioned. As there was no discussion or changes to the minutes, Mayor Lovelace then asked if the Council would accept the August 11, 2014 minutes as presented.

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

Mayor Lovelace began with a statement concerning an alleged event which has no place in a community. The Mayor condemned any behavior that injures young people, any community's greatest resource and the future of our country. This recent event resulted in an investigation by the Brewton Police Department and an arrest within three (3) days. The City is doing everything in its power to assure that justice is served. The Mayor then pledged his support to the Brewton City School System as they deal with these events.

Mayor Lovelace then welcomed the visitors in the audience.

The Mayor then asked if the Council Meeting Agenda presented by the Clerk required any additions or deletions. As there were no items added or deleted, nor any discussion about the Agenda, a vote to approve the Agenda, as presented, was taken. Passed Una.

The first item was a Public Hearing for the rezoning of a parcel from R-A Rural Residential to B-3 General Business. The following was presented for reference and the Mayor opened the Public Hearing, announcing that he recused himself from any vote or decision.



Steve Yuhasz took the floor and stated that on July 7, 2014, the Planning Commission met to hear a request from Kelly Properties concerning a parcel of property on Foshee Road and within the City limits. The original request was to rezone from R-A 'Rural and Agricultural District' to R-5 'Mobile Home District', to which there was opposition at the meeting. A compromise was reached, which did not appease all, to rezone to B-3 'General Business District', with the intent to build an RV park on the property to accommodate the influx of personnel who would be arriving to work on the GP modification project (which could take up to two (2) years). A B-3 designation allows for RV activity, but never mobile home activity; a fence would be erected on Foshee Road to provide a buffer to that activity as well. Some argument was presented as to "Spot Zoning", but there are other similar (B-3) activities in that general vicinity, i.e., Craver's Funeral Home. Should the rezoning be approved, an Ordinance would have to be Introduced, but since the Mayor has recused himself, a unanimous vote for Immediate Consideration was not possible during this meeting.

Mayor Lovelace then asked if there was anyone who wished to speak in favor of, or in opposition to, the Rezoning Ordinance, they were invited to speak with a limit of three (3) minutes. The first was Sherry Siebert (203 Foshee Road), stating that this was the first time she saw the plat (above) as they could not attend the Planning Commission presentation. Ms. Siebert asked why trees were being cut down in front of her house, as her house is the first on the left and the drawing shows the parcel east of her. Mr. Yuhasz stated that the map is only an approximation, so trees being removed across the street from her house would signify part of the RV area would be built there. A concern is the devaluation of her property, as no buyer would come forward with an RV park across the street. She asked Jim Fountain's crew if they would leave a row of pine trees at the edge of the road as a shield; they would not do so. When the GP construction ends, what happens with the park (and its residents)? Would it be rezoned? Permanently occupied? Transients? It was noted that her home was recently burglarized when they were known not to be home. Would you like to walk out every morning and have a view of fifty (50) RV units?

James and Rhonda Smith then took the floor; Mr. Smith stated they own property to the north and west of this parcel. Their pond is now being filled with red dirt being washed from the construction site due to the removal of the vegetation there. A picture of the pond was then given to the Council and an EPA concern was voiced.

Ted Jennings then took the floor on behalf of Jerry Kelly and stated that the meeting on July 7, 2014, as mentioned, lasted over an hour and Mr. Kelly was will to give concessions (also as stated). The Planning Commission voted unanimously to recommend approval for the rezoning and it was noted that County land has no restrictions whatsoever. When the City as considering annexing north, the County residents made it clear that they did not want to live in an area with zoning requirements. Jerry Kelly then took the floor and gave the same PowerPoint presentation given to the Planning Commission.

Finally, Jim Fountain (Contractor) took the floor and stated the parcel is 3.63 acres; Southern Pine has agreed to run electricity to the site and, in fact, an ADEM representative (Mobile) approved the construction plans. Mr. Fountain felt that the park, close enough to other industries, would enhance the area, as well as bring in sewer and water revenue to the City.

As there were no more comments, the Mayor closed the Public Hearing with the following then presented.

ORDINANCE NO. 14-0825

AN ORDINANCE TO AMEND THE ZONING MAP OF ORDINANCE NO. 92-0414, LAND USE AND DEVELOPMENT ORDINANCE

A motion was made by Councilman Poole for the Introduction of Ordinance No. 14-0825, but, hearing no second, the motion died. Ordinance was not Introduced.

The first item under Old Business was the approval of the Annual City Budget for FY 2015. The following was presented to account for the spending levels of each entity.

RESOLUTION NO. 14-0825

APPROVAL OF THE ANNUAL FY 2015 CITY BUDGET

WHEREAS, the Annual City FY 2015 has been reviewed by the Department Heads, Mayor, Finance Committee and City Council, in order; and

WHEREAS, the following levels have been approved for Department and Project operations for FY 2015, as follows:

| | | |
|-----------------------------------|-----|-----------------|
| For the General Fund Departments: | NTE | \$ 6,728,835.00 |
| For the Enterprise Funds: | | |
| Airport | NTE | \$ 152,657.00 |
| Sanitation | NTE | \$ 720,151.00 |
| Sewer | NTE | \$ 1,448,725.00 |

Natural Gas NTE \$ 21,252,211.00

For the Reserve Fund: NTE \$ 1,680,000.00

BE IT RESOLVED by the City Council of the City of Brewton, Alabama, that the stated disbursement levels are hereby approved as stated, to be allocated at the beginning of the Fiscal Year, that being October 1, 2014.

ADOPTED AND APPROVED this the 25th day of August, 2014.

Yank Lovelace, Mayor

ATTEST:

John F. P. Angel, CMC, City Clerk

A motion was made by Councilman Watson and seconded by Councilman Poole to Budget Resolution No. 14-0825 as presented. Passed Una.

City Clerk John Angel then took the floor and stated that, generally, after every ten (10) year Census, an evaluation of the size of Districts should be done. The City of Brewton has one (1) 'heavy' District, that being District 1 and, although the Department of Justice has not ordered a change and no citizen has brought an objection to the Council, it is felt that it would be prudent to have a third party (SARPC) review the demographics, as well as the law, and present courses of action for redistricting to the City Council prior to the 2016 General Election. The cost is a Not to Exceed cost of \$18,500.00.

A motion was made by Councilman Watson and seconded by Councilman Cotten to enter into a Redistricting Contract with SARPC as recommended. Councilman Poole asked if SARPC would generate the criteria of what is to be accomplished. The answer was that the law and the data would be reviewed together and the best courses of action would then come before the Council. As there was no more discussion on the motion, the vote was then taken. Passed Una.

That was the last under Old Business.

The first item under New Business was the approval of a Joint Funding Agreement (JFA) with the USGS concerning three (3) telemetric flood gauges, those being Conecuh River at SR 41, Murder Creek at SR 41 and Burnt Corn Creek at SR 41. The City originally gave up the Conecuh River station, but GP felt it was important enough to monitor, so they pledge half of the gauge's cost each year; the County also pledges \$5,000.00 in support of these gauges. The total City cost of \$25,150.00 (the other half borne by USGS) is thus reduced to \$12,200.00 and City Clerk John Angel recommended the approval of the FY agreement.

A motion was made by Councilman Cotten and seconded by Councilman Watson to approve the USGS FY 2015 JFA as presented. Passed Una.

Mayor Lovelace then took the floor and stated that Round 1 of the Non ATRIP (100% City paid) paving has been completed, with Round 2 having gone to the Council for approval (to bid out). The following was then presented.

RESOLUTION NO. 14-0825-1

WHEREAS, the City of Brewton will continue paving roads throughout the City which are not subject to ATRIP III approval, now known as Non ATRIP Paving, Round 2; and

WHEREAS, it is in the opinion of the City Council that said streets, those being Bonita Avenue (Peavy to North Street), Escambia Alleys (3), Spring Street, Edgewood Drive (beginning at Pineview Street), Peavy Street, Scott Street, Underwood Street (Belleville Avenue to Hays Street), James Street, North Shore Drive (North Forest Hill Drive to Garrett Farm Road) and Garrett Street are in need of resurfacing / repaving and were not included in the Non ATRIP Paving, Round 1 RFP.

NOW, THEREFORE, BE IT RESOLVED by the City Council, assembled in Brewton, Alabama, that the expenditure of funds for the resurfacing and repaving of the streets so noted is allowed, and the Request for Bids may be released as planning time allows for the streets stated; the priority and timing to be determined by the engineer in charge of the project.

ADOPTED AND APPROVED this 25th day of August, 2014.

Yank Lovelace, Mayor

ATTEST:

John F. P. Angel, CMC, City Clerk

A motion was made by Councilman Poole and seconded by Councilman Watson to approve Resolution No. 14-0825-1 as presented. Passed Una.

There were no Announcements.

There were no Comments.

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

ADOPTED

AUGUST 25, 2014

APPROVED

AUGUST 25, 2014

John F. P. Angel, CMC, City Clerk

Yancey E. Lovelace, Mayor