

MINUTES OF THE COUNCIL MEETING
APRIL 28, 2014

The City Council of the City of Brewton, Alabama met in regular session at the Municipal Complex in said City on Monday evening, April 28, 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. Playground options at the J. L. Fisher Center and Sportsman Park, items to make those two (2) areas compliant, Non ATRIP paving and some current projects were discussed.

Councilman Barton 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, 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 April 14, 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 April 14, 2014 minutes as presented.

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

Mayor Lovelace then welcomed a number of visitors that were 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 only item under Old Business was two (2) appointments to upcoming vacancies on the Industrial Development Board (IDB) by the Committee of Councilmen Watson and Poole. Councilman Watson took the floor and recommended that Sammy Weaver and Larry Waldrep both be reappointed to the IDB.

A motion was made by Councilman Watson and seconded by Councilman Poole to approve the reappointment of Sammy Weaver and Larry Waldrep to the IDB as recommended. Passed Una. These terms are for six (6) years (April 28, 2020).

The first item under New Business was an update on Chamber of Commerce events throughout the City. Judy Crane took the floor and stated that the first event was last Saturday (April 26, 2014), that being the 2nd Annual Kick It At The Creek crawfish boil and concert. Approximately 1,200 pounds of crawfish was available, with 470 flats actually sold, along with much pizza. The next event is actually this Saturday (May 3, 2014), in conjunction with East Brewton, that being Earth Day. The City Landfill will be open from 7:00 AM to 2:00 PM, with regular used oil and battery recycling at all auto parts stores. The graduation luncheon for Adult Leadership Class XVII and Junior Leadership Class IX will be Wednesday, May 7, 2014 at 11:30 AM, with Mayor Lovelace as the speaker. The 9th Annual Golf Tournament will be May 15, 2014 at the Country Club of Brewton; with Coffee With The Candidates at David's Catfish on Tuesday, May 20, 2014, from 7:30 AM to 9:00 AM. Finally, the Annual Blueberry Festival will be Saturday, June 21, 2014, which does not interfere with Fathers' Day this year. It was noted that the Friday Night Street Dance will also be resurrected this year (June 20, 2014).

Mayor Lovelace added that he was at the event Saturday night; the weather was great and the singer, twelve (12) year old Chloe Channell was excellent entertainment. Councilman Barton asked the location of the Leadership luncheon; it was stated to be in the Council Chamber. Ms. Crane then thanked the Council for all of their support of the Chamber.

City Clerk John Angel then took the floor and stated that the City had received its annual share of the Alabama Trust Fund, also known as the 666 Fund after Section 11-66-6 of the Alabama Code which authorizes the payment. Brewton's share is \$48,294.95 and is restricted to Capital Improvements only; these funds have been deposited into the Street Improvement Fund since the payments started. Mr. Angel asked the Council's permission to, once again, deposit these funds into the Street Improvement Fund.

A motion was made by Councilman Watson and seconded by Councilman Barton to deposit the funds stated into the Street Improvement Fund as recommended. Councilman Littles asked if the funds then become a part of the Fund's budget; there is no budget for each individual fund, but that particular fund is restricted to paving, street collapse, drainage issues with roadways, etc. As there was no further discussion on the motion, the vote was then taken. Passed Una.

Mayor Lovelace then stated that the next item was a Resolution to appoint a new Fire Chief, which, of course, means that the current Chief, Lawrence Weaver, will be retiring. It was noted that Lawrence began as a Volunteer Fireman in 1970, becoming full time in 1975. Mayor Lovelace recognized his many years of service and thanked him for it. Mayor Lovelace then recommended the following be approved.

RESOLUTION NO. 14-0428

WHEREAS, Fire Chief Lawrence Weaver has announced his retirement effective September 1, 2014, with his last day at work being May 9, 2014; and

WHEREAS, the Fire Chief has recommended an internal promotion and the nominee is trained, certified and able to assume the duties of this position; and

WHEREAS, third party evaluation shows the nominee as suitable for the position.

THEREFORE, BE IT RESOLVED by the City Council of the City of Brewton, Alabama, that the nominee for internal promotion to Brewton Fire Chief, Captain Jeffery R. Salter, is hereby approved, with the effective date of the promotion being April 29, 2014.

ADOPTED AND APPROVED this the 28th day of April, 2014.

Yank Lovelace, Mayor

ATTEST:

John F. P. Angel, CMC, City Clerk

A motion was made by Councilman Cotten and seconded by Councilman Barton to approve Promotion Resolution No. 14-0428 as recommended. Passed Una.

City Clerk John Angel took the floor and stated that the City has been bidding out and selling refuse bags, which have been well received by the public. Bids were requested recently, with the vendor, whose current stock is available, winning the bid. It was noted that the winning bid is \$5.92 / roll, with the City price being \$7.00 / roll, so no cost would be passed on to the citizens. The following was then presented.

RESOLUTION NO. 14-0428-1

WHEREAS, the following bids for the City of Brewton refuse bags were opened, read aloud and recorded on Monday, May 23, 2011; and

WHEREAS, the bidders are identified as follows:

Dyna-Pak Corporation	Lawrenceburg, TN	\$5.92 per roll
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Jadcore Plastics	Terre Haute, IN	\$6.19 per roll
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and,

WHEREAS, it has been recommended by the City Clerk that the identified bidder has submitted an adequate bid and the item meets the specifications for the product.

THEREFORE, BE IT RESOLVED by the City Council of the City of Brewton, Alabama, that the submitted bid for the City of Brewton refuse bags be, and is hereby awarded to, Dyna-Pak Corporation, for the total amount of \$18,944.00 for 160,000 bags (3,200 rolls of 50).

ADOPTED AND APPROVED this the 28th day of April, 2014.

Yank Lovelace, Mayor

ATTEST:

John F. P. Angel, CMC, City Clerk

A motion was made by Councilman Cotten and seconded by Councilman Littles to approve Award Resolution No. 14-0428-1 as recommended. The following vote was taken.

YEAS: Councilmen Cotten, Littles, Watson, Barton

NAYS: Councilman Poole

Councilman Poole stated that he felt the City should not be selling items which local businesses also sell.

The motion passed by majority.

Mayor Lovelace then took the floor and stated that Burnt Corn Creek and Trail, LLC, approved last year to supply equestrian rides from O'Bannon to Jennings Park, has decided to go off in a different direction, however, one (1) of the partners has requested that the lease documents be amended to show his service agency, namely Low Country Adventures, so that plans for the events can continue. This is also the same outfit supporting the kayak and tubing events. The following was then presented and recommended for approval.

RESOLUTION NO. 14-0428-2

WHEREAS, on or about July 24, 2013, and October 1, 2013, pursuant to §11-47- 21, Code of Alabama, 1975, and §94.01, Constitution of Alabama, the City of Brewton entered into two (2) lease agreements with Burnt Corn Creek & Trail, L.L.C., with respect to certain properties owned by the City of Brewton located in O'Bannon Park and at the intersection of Burnt Corn Creek and U.S. Highway 31; and

WHEREAS, Burnt Corn Creek & Trail, L.L.C., was unwilling or unable to perform its duties and obligations under the lease agreements and the City of Brewton was informed that Burnt Corn Creek & Trail, L.L.C., had dissolved and is no longer a viable business entity; and

WHEREAS, one of the former principal members of Burnt Corn Creek & Trail, L.L.C., James Chris Fields, has requested that he be allowed to assume the obligations and responsibilities of Burnt Corn Creek & Trail, L.L.C., to the City of Brewton as outlined in said lease agreements; and

WHEREAS, the Council finds that it would be in the best interest of the City of Brewton if James Chris Fields is allowed to do so.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF BREWTON, ALABAMA, as follows:

1. That the properties that were the subject to the prior lease agreements between the City of Brewton and Burnt Corn Creek & Trail, L.L.C. (a now dissolved and defunct entity) shall be leased to James Chris Fields, d/b/a Low Country Adventures, under the same terms, conditions and attendant obligations.
2. That the Mayor is hereby directed to execute said lease agreements in the name of the City of Brewton.

ADOPTED AND APPROVED this the 28th day of April, 2014.

Yank Lovelace, Mayor

ATTEST:

John F. P. Angel, CMC, City Clerk

A motion was made by Councilman Barton and seconded by Councilman Watson to approve Lease Amendment Resolution No. 14-0428-2 as recommended. Passed Una.

City Clerk John Angel then took the floor and presented an approved ABC application from Acapulco Mexican Restaurant to the Council. This new business will be taking up residence at the Orleans Po Boys' location at 102 St. Joseph Avenue, with the application approved as a transfer of a license already in effect. The following was then presented and recommended for approval.

RESOLUTION NO. 14-0428-3

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

That application for a Restaurant Retail Liquor License has been filed by Angela Jackson Rivas, DBA Acapulco Mexican Restaurant, located at 102 St. Joseph Street, and said application was considered for approval by the City Council at a Regular Meeting held in the Municipal Complex at 4:30 P.M. on April 28, 2014, at which time the license was approved as a transfer of a license already in effect, that being Gregory J. Wendling, DBA Orleans Po Boys.

APPROVED AND ADOPTED this the 28th day of April, 2014.

Yank Lovelace, Mayor

ATTEST:

John F. P. Angel, CMC, City Clerk

A motion was made by Councilman Littles and seconded by Councilman Barton to approve Liquor License Transfer Resolution No. 14-0428-3 as recommended. Passed Una.

There were no Announcements.

There was one (1) Comment, that being from Reverend H. K. Matthews. Reverend Matthews took the floor and stated that the bulk of the problem is not the City's problem, but there is really no other outlet for him to voice his concern. A letter was originally written to the local ALDOT office in 2001, advising them that the intersection of SR 41 (St. Nicholas Avenue) and Underwood Street is dangerous enough to warrant either four (4) way STOP signage or a flashing warning light. The concern is that drivers heading west on Underwood and turning south on St. Nicholas have no requirement to look into the intersection and have a tendency to turn into southbound St. Nicholas traffic or eastbound Underwood traffic wanting to turn right to go south on St. Nicholas. Since the letter was written, there has been one (1) fatality and four (4) accidents with serious injuries at that location. Reverend Matthews understands that the City has made attempts to get ALDOT to research the problem, but the issue needs to be revisited.

Mayor Lovelace stated that the only way to be effective was to meet with the head of ALDOT; he recommended that, at some point, he, Representative Baker, Reverend Matthews and any Council Members could ride to Montgomery to voice this concern and bring pressure to bear. That was acceptable to all parties and dates would be researched.

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

ADOPTED

APRIL 28, 2014

APPROVED

APRIL 28, 2014

John F. P. Angel, CMC, City Clerk

Yancey E. Lovelace, Mayor