

MINUTES OF THE COUNCIL MEETING
JULY 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, July 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 3:00 P.M. with the Council Members present at roll call, concerning the FY2015 Annual Budget. The possibility of the City doing its own trash pickup, employees paying a portion of health care, the Christmas Fund and a one-time 'bonus' for retirees was discussed.

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

The Invocation was carried over to the next Regular Meeting on Monday, August 11, 2014.

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

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 July 7, 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 July 7, 2014 minutes as presented.

A motion was made by Councilman Littles and seconded by Councilman Cotten 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 the approval of a lease amendment to Low Country Adventures for their kayak / boating business. They already have a lease which allows them to use a portion of O'Bannon Park, and this amendment would expand the use of that area to include the pavilion, which will be used as an assembly area for the water participants. The terms would remain the same. All of the documents, including insurance, were in order and City Clerk John Angel recommended approval.

A motion was made by Councilman Cotten and seconded by Councilman Littles to approve the lease amendment to Low Country Adventures as recommended. Passed Una.

The first item under New Business was approval of a lease agreement with GP concerning the BDA Spec Building #3 at the Industrial Park, along with two (2) additional parcels of land, which are City property. Broox Garrett took the floor on behalf of the Brewton Development Authority (BDA) (Suzanne Anderson was in the audience on behalf of GP) and stated that a lease has been negotiated with GP as previously stated, but there are Covenants in place which restrict the use of this property and would not allow GP to make the improvements they propose to support their temporary work force, some of it being storage, which is prohibited by the Covenants. Mr. Garrett asked the Council to approve a Resolution that would waive the Covenant restrictions for the term(s) of the leases and thus allow the two (2) leases (forthcoming) to be signed. Each entity would receive \$5,000.00 for two (2) annual terms, with up to two (2) additional six (6) month periods allowed at \$2,500.00 for each entity.

Mayor Lovelace added that GP would remove or leave any of the improvements or modifications as stated by the BDA or the City. The following was then presented.

RESOLUTION NO. 14-0728

WHEREAS, Georgia-Pacific Brewton LLC (hereinafter "GP") will undertake a major capital improvement project at its paper mill located within police jurisdiction of Brewton; and

WHEREAS, in connection with said project, GP needs the use of land and facilities located near its mill where construction will take place to store outside equipment and construction materials (hereinafter collectively referred to as "lay down storage"); and

WHEREAS, the City of Brewton and the Brewton Development Authority have agreed to lease to GP certain land owned by them within the Brewton Industrial Park for these purposes; however, such land is currently subject to certain restrictive covenants that would prohibit the land to be utilized for lay down storage; and

WHEREAS, pursuant to Paragraph 12 of said covenants, the Brewton Development Authority has recommended to the Brewton City Council that any such restriction or prohibition be suspended or waived for a period

of time equal to the term (and any renewal thereof) of the lease between GP and the City of Brewton with respect to land located within the Brewton Industrial Park.

NOW, THEREFORE, BE IT RESOLVED AND DECLARED as follows:

1. That with respect to those certain parcels of land located within the Brewton Industrial Park outlined in red and depicted on Exhibit A attached, the applicability of the Prohibited Uses set forth in Paragraphs 3(h) and 3(j) of the restrictive covenants are hereby waived or suspended;
2. That the Covenants for the Brewton Industrial Park are hereby modified or amended accordingly;
3. That this modification or amendment shall expire automatically, and without further formality or action by the Brewton City Council, on the expiration or termination date of the lease of said land depicted on Exhibit A by the City of Brewton to GP, at which time all provisions of Paragraph 3 shall be deemed reinstated and shall continue in full force and effect with application to all lots within Brewton Industrial Park.

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

CITY OF BREWTON, ALABAMA

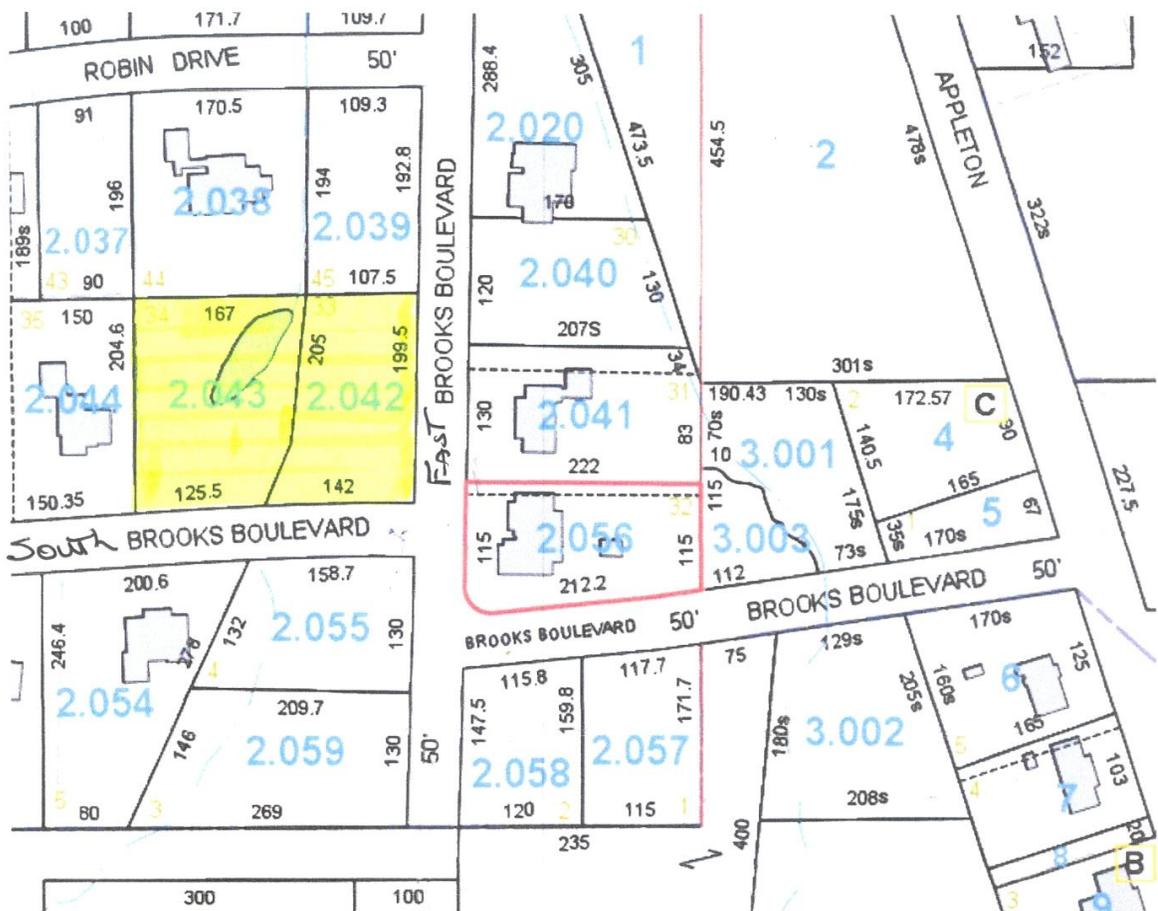
[MUNICIPAL SEAL]

BY: _____
YANK LOVELACE, Mayor

ATTESTED:

BY: _____
JOHN F. P. ANGEL, CMC, City Clerk





RESOLUTION NO. 14-0728-1

WHEREAS, the City of Brewton plans to expand the sewer system to the area known as East and West Alexander (Drive); and

WHEREAS, a pump station is required for the adequate function of the expanded system, with two (2) lots (33 & 34) available for purchase in 2nd Alexander Heights; and

WHEREAS, it is in the best interest of the City to purchase this property, at appraised value, to eliminate any potential health hazard and maintain sufficient space for the pump station; and

WHEREAS, the owner has accepted an offer of \$29,500.00, which is the legal appraised value.

THEREFORE, BE IT RESOLVED by the City Council of the City of Brewton, Alabama, that the City of Brewton Sewer Department is authorized to purchase the stated property for \$29,500.00 as the purchase is in the best interest of the City.

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

Yank Lovelace, Mayor

ATTEST:

John F. P. Angel, CMC, City Clerk

A motion was made by Councilman Cotten and seconded by Councilman Poole to approve Purchase Resolution 14-0728-1 as recommended. Passed Una.

Mayor Lovelace took the floor and stated there was an upcoming vacancy on the Planning Commission, which is a mayoral appointment. Mayor Lovelace reappointed Sandy Hardee to another term. This term is for six (6) years (July 28, 2020).

There were no Announcements.

There were three (3) Comments, the first being from Margot Adams on behalf of the T. R. Miller Band Boosters. Ms. Adams took the floor and stated that, with the new construction at the high school, there are issues with parking buses for band members and students; having them cross the street at dangerous times. Permission was asked to block Tiger Drive during the home games west of the entrance to Farmer's Furniture and at the four way STOP (Tiger Drive and Belleville Avenue). This would be in effect from 1:00 PM to around 9:00 PM during those games and the buses would park in the area behind Farmer's Furniture.

Councilman Littles recommended that Ms. Adams coordinate with Chief McGougin, since blocking a crossing street between two (2) thoroughfares could aggravate traffic flow. Mayor Lovelace suggested that, perhaps, police could be stationed there instead of blocking the street; he asked Ms. Adams to consult with Chief McGougin on this concept, come up with a cost, and return to the Council with it.

The second request to be able to fire one (1) Class C firework shell during the band events at the game. The shell would be fired from the long jump box, which is 12' x 12' and 3' high. A waiver of the fireworks Ordinance would be required and this is why she is asking.

Mayor Lovelace was concerned about the liability; Ms. Adams stated they would carry that. The Mayor also recommended that a consultation be done with Chief Salter, as fireworks fall under State Law.

A motion was made by Councilman Barton and seconded by Councilman Cotten to approve the waiver of the fireworks Ordinance, subject to the consultation with Chief Salter and the State Fire Marshall. Passed Una.

The second comment was by Dr. Rosemary Watkins, on behalf of Southern Normal, stating that a Community Forum would be held in the Council Chamber on Wednesday, July 30, 2014 beginning at 5:00 PM. All businesses, elected officials and the community are invited to express their opinions as to what services and / or classes could be held at Southern Normal to further develop the work force necessary for the businesses here to flourish. It was noted that the senior leadership would be present for this forum to ascertain the community's educational needs.

Bill McGhee then took the floor, also on behalf of Southern Normal, to ask permission to conduct a parade on Saturday, September 20, 2014 beginning at 11 AM and assembling near the utilities shed area. The route would go up Sowell Road, Then MLK Drive to Sportsman Park. Mayor Lovelace urged him to coordinate with the Police Department, which, it was noted, already has been done.

A motion was made by Councilman Barton and seconded by Councilman Littles to approve the parade 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

JULY 28, 2014

APPROVED

JULY 28, 2014

John F. P. Angel, CMC, City Clerk

Yancey E. Lovelace, Mayor