

MINUTES OF THE COUNCIL MEETING  
SEPTEMBER 8, 2014

The City Council of the City of Brewton, Alabama met in regular session at the Municipal Complex in said City on Monday evening, September 8, 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. YMCA summer help issues, possible incentives that the City could make available to new, startup businesses and school operations were discussed; a discussion with Steve Yuhasz, the prospective City Clerk/Treasurer trainee, was also conducted.

Councilman Littles 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 August 25, 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 25, 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 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 approval of Lounge Retail Liquor License, applied for by Sherri Chappell, DBA 'White Horse Lounge'. Mayor Lovelace opened the Public Hearing and first called Steve Yuhasz to the floor.

Steve Yuhasz took the floor and stated that a building of that age, coupled with the fact a license has been applied for, alerted him to contact the State Fire Marshall's Office, which would have to issue a letter of approval as to the building's fire code compliance and habitability to the owner. Mr. Yuhasz had sent a letter to Ms. Chappell as to this requirement on August 11, 2014, but have not yet received any information from the State Fire Marshall's Office this date.

Mayor Lovelace then asked if there was anyone who wished to speak in favor of, or in opposition to, the approval of said Lounge Retail Liquor License. Hearing none, Mayor Lovelace then closed the Public Hearing and asked what the Council's desires were.

A motion was made by Councilman Watson and seconded by Councilman Cotten to approve the Lounge Retail Liquor License, contingent on the information forthcoming from the State Fire Marshall's Office, as presented. Councilman Barton asked that, if the letter was sent to the owner on August 11, 2014, what would the response time be. Mr. Yuhasz stated that it would depend on the applicant and her request to the State Fire Marshall's Office, after receiving the letter from him (Yuhasz). It is up to the applicant to get the Marshall's approval after their inspection. As there was no further discussion on the motion, the vote was taken. Passed Una. The approval from the City will be held contingent on the outcome of the State Fire Marshall's inspection.

There were no items noted under Old Business.

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

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

Mayor Lovelace then announced that City Clerk/Treasurer John Angel has announced his retirement effective February 2015, and the following was presented to the Council for approval to fill that position.

**RESOLUTION NO. 14-0908**

**WHEREAS**, City Clerk/Treasurer John F. P. Angel has announced his retirement effective June 1, 2015, with his last day at work being on or about February 20, 2015; and

**WHEREAS**, the City Clerk/Treasurer has recommended an internal promotion and the nominee will be trained, begin certification and be able to assume the full duty and authority of this position on the date to be stated; and

**WHEREAS**, this transition is efficient as to the knowledge of the person selected, as well as the approved budget.

**THEREFORE, BE IT RESOLVED** by the City Council of the City of Brewton, Alabama, that the nominee for internal promotion to Brewton City Clerk/Treasurer “in training”, Stephen R. Yuhasz, is hereby approved and effective this date, with the date of his promotion (Oath of Office) to be January 12, 2015.

**ADOPTED AND APPROVED** this the 8th day of September, 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 Resolution No. 14-0908 as presented. The following vote was recorded.

YEAS: Councilmen Cotten, Littles, Watson Barton

NAYS: Councilman Poole

Councilman Poole stated that he voted ‘no’ not because of Steve Yuhasz as the nominee, but for the fact that the position is not being advertised.

The motion passed by majority.

Chief McGougin then took the floor and stated that he has coordinated with the City of East Brewton to approve Halloween activities for Thursday, October 30, 2014, from 5 – 8 PM, as that date does not conflict with other local activities.

A motion was made by Councilman Cotten and seconded by Councilman Barton to approve Halloween activities on Thursday, October 30, 2014, from 5 – 8 PM, as recommended. Passed Una.

City Clerk John Angel then presented the proposed FY 2015 Holiday Schedule for approval. It was noted that the Friday after Thanksgiving was not possible as a holiday due to End of Month, but the Friday after Christmas was added, as was Presidents’ Day (February 16, 2015).

### **FISCAL YEAR 2015 PROPOSED HOLIDAY SCHEDULE**

The following is the proposed City holiday schedule:

1. Tuesday, November 11, 2014 (Veterans’ Day) will be a holiday.
2. Thursday, November 27, 2014 (Thanksgiving Day) will be a holiday.
3. Thursday, December 25, 2014 (Christmas Day) will be a holiday.
4. Friday, December 26, 2014 (Day After Christmas Day) will be a holiday.
6. Thursday, January 1, 2015 (New Year’s Day) will be a holiday.
7. Monday, January 19, 2015 (MLK Birthday) will be a holiday.
8. Monday, February 16, 2015 (Presidents’ Day) will be a holiday.
9. Friday, April 3, 2015 (Good Friday) will be a holiday.
10. Monday, May 25, 2015 (Memorial Day) will be a holiday.
11. Friday, July 3, 2015 (Day Before Independence Day) will be a holiday.
12. Monday, September 7, 2015 (Labor Day) will be a holiday.

**TOTAL OF 12 HOLIDAYS DECLARED**

A motion was made by Councilman Watson and seconded by Councilman Barton to approve the FY 2015 Holiday Schedule, except for Presidents' Day (will be deleted). Passed Una. A total of eleven (11) holidays were approved.

Mayor Lovelace the stated there were three (3) expired terms on the Board of Zoning Adjustments, which are Mayoral appointments. Charles McDaniel has stated that he was no longer interested in a position on this Board, so the Mayor appointed Don Ward in his place; Adam Powell and Betty Clark were reappointed. These terms are for three (3) years (September 8, 2017).

The Mayor then appointed a Committee of Councilmen Cotten and Poole to research candidates for the upcoming term expiration of Dan Weaver, as well as the resignation of Lawrence Patton, to be recommended at the next Regular Meeting (Monday, September 22, 2014).

City Clerk John Angel then took the floor and stated that Jet Pep Convenience Store, formerly owned by Six Flag Groceries, is now owned by Zapp, Inc., but will continue to operate under the Jet Pep name. That store has two (2) alcohol licenses, those being a Retail Beer (Off Premises Only) and a Retail Table Wine (Off Premises Only), both of which have been approved as license name changes by the ABC Board. It was recommended that both applications be approved as submitted, so the first was then presented.

**RESOLUTION NO. 14-0908-1**

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

That application for a Retail Table Wine License (Off Premises Only) has been filed by Arvinder Gulati, DBA "Zapp, Inc.", located at 2277 Douglas Avenue (Jet Pep), 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 September 8, 2014, at which time the license was approved as a name change of a license already in effect, DBA "Six Flag Groceries, LLC".

**APPROVED AND ADOPTED** this the 8th day of September, 2014.

\_\_\_\_\_  
Yank Lovelace, Mayor

ATTEST:

\_\_\_\_\_  
John F. P. Angel, CMC, City Clerk

A motion was made by Councilman Poole and seconded by Councilman Cotten to approve Resolution No. 14-0908-1 as recommended. Passed Una.

The second application was then presented.

**RESOLUTION NO. 14-0908-2**

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

That application for a Retail Beer License (Off Premises Only) has been filed by Arvinder Gulati, DBA "Zapp, Inc.", located at 2277 Douglas Avenue (Jet Pep), 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 September 8, 2014, at which time the license was approved as a name change of a license already in effect, DBA "Six Flag Groceries, LLC".

**APPROVED AND ADOPTED** this the 8th day of September, 2014.

\_\_\_\_\_  
Yank Lovelace, Mayor

ATTEST:

\_\_\_\_\_  
John F. P. Angel, CMC, City Clerk

A motion was made by Councilman Watson and seconded by Councilman Littles to approve Resolution No. 14-0908-2 as recommended. Passed Una.

The Chamber of Commerce has asked if the City is interested in sending a City candidate through the next Chamber of Commerce Leadership Course (XIX). Mayor Lovelace recommended the approval of Lynn Likely, Library Director, as the City's candidate for that course.

A motion was made by Councilman Barton and seconded by Councilman Littles to approve Lynn Likely as the City's candidate for Leadership XIX as recommended. Passed Una.

There were no Announcements.

There were two (2) Comments, the first being from Mike English, who took the floor and stated that a few years ago, Walker Brothers Entertainment (Florida) came to town and had a circus used as a fundraiser event. Selling the tickets is how the funds are produced; the company has already received permission to have the circus, two (2) shows, on Monday, October 6, 2014, in the parking area in front of Tractor Supply. They will conduct all of the cleanup and last year, a successful event was held with the funds purchasing electronic devices for special needs children at the W. S. Neal Elementary School. The proceeds from this circus, in conjunction with the YMCA, will provide swimming lessons for the third graders at the Brewton Elementary School. In order to gain the maximum effect from the circus, Mr. English asked that the license fee be waived for that activity.

Mayor Lovelace asked if this was feasible and what is the fee; City Clerk John Angel stated that the fee is \$350.00 per day, with most of the seven (7) day circuses and carnivals allowed just a one (1) day fee. Since this is only one (1) day, Mr. Angel had no problem waiving it; City Attorney Ed Hines, stated that an actual waiver of a license fee would have to be researched.

Mayor Lovelace stated that the waiver of the fee would be investigated and determined before the September 22, 2014 meeting and the information relayed to Mr. English.

Leza Nelson then took the floor on behalf of students and parents connected with the Brewton City School System, stating that there is a culture of fear in the schools, i.e., a fear of repercussion should leadership or policy decisions become questioned. Ms. Nelson stated that parents are fearful of coming forward and she felt that it was time for the issues to go to the State of Alabama for action. The allegations include lack of documentation of questionable activity and children asking their parents not to confront the leadership at the schools.

Mayor Lovelace thanked Ms. Nelson for her time and the fact that she expressed herself well, but it was noted that the City Council has no control over the school system proper, and only appoints the School Board members so they can act on the issues stated. Having said that, individual members would be happy to meet with any concerned groups or members concerning these issues, including Mayor Lovelace. The Mayor also urged that any unlawful allegations or information be sent to the proper authority, whether it be the police, the DA or whomever.

Councilman Littles added that if you get in trouble for being right, then right will get you out of trouble. If you are right when you go into action, there is no longer a culture of fear. It was noted that Ms. Nelson and her group(s) had not contacted the School Board prior to this presentation.

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

ADOPTED

SEPTEMBER 8, 2014

APPROVED

SEPTEMBER 8, 2014

---

John F. P. Angel, CMC, City Clerk

---

Yancey E. Lovelace, Mayor