

**MINUTES OF A REGULAR MEETING
OF THE CITY COUNCIL
OF THE CITY OF HARTSELLE, ALABAMA
MARCH 28, 2017**

The City Council of the City of Hartselle, Alabama, met in a regular session at 7:00 p.m. on Tuesday, March 28, 2017 inside the Council Chambers at the Hartselle Municipal Building. Council President Thompson called the meeting to order.

Rev. Alan Host, Jubilee Family Worship Center, gave the invocation. Mayor Randy Garrison led the Pledge of Allegiance.

The following were present for the meeting: Council President Kenny Thompson, Council Members Dwight Tankersley, Chuck Gill, Virginia Alexander, Matt Broom, Mayor Randy Garrison, City Attorney Larry Madison and City Clerk-Controller Rita S. Lee, who also acted as secretary of the meeting. Having a quorum present, Council President Thompson declared the proceedings open for business.

Council President Thompson called for the approval of the minutes of the regular meeting held on Tuesday, March 14, 2017. Council Member Alexander motioned to approve the minutes; Council Member Gill seconded the motion. Motion carried by unanimous voice vote.

Council President Thompson addressed the first item on the agenda, Ordinance 1458, and called on City Planner Jeremy Griffith to discuss it with the Council. Mr. Griffith explained to the Council that Ordinance 1458 was introduced at the previous Council meeting and scheduled for a Public Hearing and Final Consideration at this meeting. He also explained that if adopted, this ordinance would annex the Iron Man Grocery property into the City limits as B-1 (neighborhood commercial). Mr. Griffith also stated this is an appropriate zoning designation per the current comprehensive plan, and the Planning Commission had recommended approval 7-0. Council President Thompson declared a Public Hearing open for comments. None were made. Council Member Tankersley motioned to close the Public Hearing; Council Member Gill seconded the motion. Motion carried by unanimous voice vote. Council Member Gill motioned to adopt Ordinance 1458; Council Member Broom seconded the motion. Motion carried by unanimous voice vote.

Council President Thompson then asked Mr. Griffith to discuss Ordinance 1459, also set for a Public Hearing and Final Consideration. Mr. Griffith stated if adopted, this ordinance would zone the Iron Man Grocery property as B-1 (neighborhood commercial). Mr. Griffith also told the Council that this is the appropriate zoning designation per the comprehensive plan, and the Planning Commission had recommended approval 7-0. Council President Thompson declared the Public Hearing open for comments. None were made. Council Member Tankersley motioned to close the Public Hearing; Council Member Gill seconded the motion. Motion carried by unanimous voice vote. Council Member Alexander motioned to adopt Ordinance 1459; Council Member Broom seconded the motion. Motion carried by unanimous voice vote.

Council President Thompson proceeded with the first item of new business, which was the consideration of an alcohol license for El Portal #2. He called on Mayor Garrison to review the application. Mayor Garrison explained that El Portales, Inc. dba El Portal #2 had applied for a restaurant liquor license for the restaurant located at 1314 Highway 31 N.W. He also stated the Alcohol Review Committee (ARC) had met, reviewed the application and made a recommendation to the Council that the license be granted. Council President Thompson announced a Public Hearing open to hear comments for or against the application. Mr. Ron Hammond, 320 Rhodes Street, came forward to voice his support of the license being granted. No other comments were made. Council Member Gill motioned to close the Public Hearing; Council Member Broom seconded the motion, Motion carried by unanimous voice vote. Council Member Broom motioned to approve the alcohol license for El Portal #2 as requested; Council Member Gill seconded the motion. Motion carried by unanimous voice vote.

Council President Thompson then announced the next item under new business, a request for an alcohol license for The Log Cabin Tea Co. Farmhouse Dining. He called on Mayor Garrison to

discuss the application. Mayor Garrison explained that Marita and Callie Mixon had applied for a restaurant liquor license for the restaurant located at 2100 Highway 31 N. He also stated the Alcohol Review Committee (ARC) had met, reviewed the application and made a recommendation to the Council that the license be granted. Council President Thompson announced a Public Hearing open for comments for or against the application. None were made. Council Member Tankersley motioned to close the Public Hearing; Council Member Alexander seconded the motion. Motion carried by unanimous voice vote. Council Member Gill motioned to approve the alcohol license for The Log Cabin Tea Co. Farmhouse Dining as requested; Council Member Broom seconded the motion. Motion carried by unanimous voice vote.

Council President Thompson then called on City Planner Jeremy Griffith to discuss the next item on the agenda, Ordinance 1430. Mr. Griffith explained this ordinance was for introduction only or if the Council wished they could suspend the rules for immediate consideration. He noted the ordinance that had been reviewed at the preceding work session would amend section 18-43 of the Code of Ordinances by providing for the licensing of and defining of Mobile Food Units. He also explained to the Council this ordinance would provide the licensing and permitting provisions and conditions, as well as establish regulations and exceptions for Mobile Food Units, and provide penalties for ordinance violations. Council Member Alexander motioned to suspend the rules for immediate consideration of Ordinance 1430; Council Member Tankersley seconded the motion. Council President Thompson called for a roll call vote and the results were as follows:

Council President Thompson: Yes
Council Member Tankersley: Yes
Council Member Gill: No
Council Member Alexander: Yes
Council Member Broom: Yes

Without a unanimous vote, the motion for immediate consideration failed. Council Member Gill motioned to introduce Ordinance 1430; Council Member Alexander seconded the motion. Motioned carried by unanimous voice vote.

Council President Thompson asked Mr. Griffith to discuss the next item, Ordinance 1460. Mr. Griffith explained to the Council this ordinance was for introduction only, but if adopted, would amend the zoning ordinance to incorporate language related to the sale of alcoholic beverages as recommended by the City Attorney (allowed in B zones and disallowed in others). It also adds “wineries” as permitted on appeal in the AG zone, and adds “unstaffed donation collection” (off-premise donation boxes) as a prohibited use in all zones. He noted the Planning Commission recommended approval 7-0. Council Member Alexander motioned to introduce Ordinance 1460; Council Member Gill seconded the motion. Motion carried by unanimous voice vote.

Council President Thompson then called on Jeff Johnson, Director of the Department of Development, to come forward and discuss Resolution 17-0328. Mr. Johnson explained to the Council that this resolution, if approved, would authorize the Mayor to enter into a construction agreement for a three-tenant shopping plaza, 31 Centre – 709 Highway 31 N.W., between the City of Hartselle and Ming Enterprises, LLC. He also stated the City would agree to reimburse certain costs for the infrastructure and site improvements, through sales tax reimbursement, for a total not to exceed \$185,136.53. These payments would be made quarterly, commencing forty-five (45) days following the end of the quarter in which the City begins receiving sales tax revenue from retail establishments located within the project. Council Member Gill motioned to approve Resolution 17-0328 and grant Mayor Garrison the authority to execute the construction agreement; Council Member Alexander seconded the motion. Motion carried by unanimous voice vote.

Council President Thompson next called on Mayor Garrison to address Resolution 17-0328A. Mayor Garrison explained to the Council that since the City had gone “wet” he had received several inquiries about the sale of draft beer, but stated that by State law, the Council can only permit and regulate the sale of draft or keg beer within the City if authorized by an Act of Legislature. Mayor Garrison stated that if approved, this resolution would request the City’s State Senator and State Representative sponsor, seek and promote the passage of an Act of Legislature which would make the sale of draft or keg beer legal if the majority of the City Council adopts a resolution permitting the sale of draft or keg beer within the municipal limits of the City of Hartselle. Council Member Gill motioned to approve Resolution 17-0328A; Council

Member Broom seconded the motion. Motion carried by unanimous voice vote.

Council President Thompson then recognized Mayor Garrison for a recommendation for the Council concerning the recent request to name a softball field at the Grady Long Softball Complex after Kayleigh McClendon, who had recently lost her battle with cancer. Mayor Garrison stated that at this time, he recommended that the governing body not name or change the name of any current recreational fields or facilities within the City in memory of an individual. He also said that due to the limited number of fields and facilities, and the number of people who may request this action in the future, there would be a time when the requests would have to be denied. He also explained that in order to prevent these declinations in the future, he proposed that family members wishing to memorialize a loved one do so with a monument or plaque in or around the field or facility, which would be approved by the City Council. Council Member Gill motioned to accept Mayor Garrison's recommendation for the memorials; Council Member Alexander seconded the motion. Motion carried by unanimous voice vote.

Council President Thompson asked Mayor Garrison to discuss the renewal to the existing contract and amendments between the City of Hartselle and the Hartselle Area Chamber of Commerce. The Mayor noted the contract that had been discussed at the preceding work session, would be renewed as written along with the amendments that were added last year. Council Member Gill motioned to renew the contract between the City of Hartselle and the Hartselle Area Chamber of Commerce as proposed; Council Member Alexander seconded the motion. Motion carried by unanimous voice vote.

Council President Thompson then asked Mayor Garrison to discuss the Special Event Permits the City had received from the Hartselle Area Chamber of Commerce. Mayor Garrison explained to the Council the City had received three Special Event Permits from the Hartselle Area Chamber of Commerce for the following events:

- 1) Cotton Pickin' BBQ Cook-Off to be held July 27-30, 2017
- 2) Depot Days Festival to be held September 13-16, 2017
- 3) Christmas Open House – November 4, 2017

Mayor Garrison told the Council these are annual events hosted by the Hartselle Area Chamber of Commerce. Council Member Tankersley motioned to approve the three Special Event Permits for the Hartselle Area Chamber of Commerce; Council Member Gill seconded the motion. Motion carried by unanimous voice vote.

Council President Thompson next asked City Clerk-Controller, Rita S. Lee, to discuss the request for a City-wide budget adjustment for Worker's Compensation. Ms. Lee explained to the Council that the Worker's Compensation billing for the period of February 1, 2017 through January 31, 2018 came in initially at \$17,614.24 over budget. After reviewing the statement, Human Resources Administrator, Melee Laney, had worked with the company and received an adjusted billing which is still over budget \$8,425.24. Ms. Lee explained to the Council that when the budget is done each year the worker's compensation amount is only an estimate. This year the billing increase was due to a modification rate change and increased carrier rates. Ms. Lee stated a Worker's Compensation audit is performed each year which may allow for a refund later in the year. Council Member Gill motioned to approve the City-wide budget adjustment for all Worker's Compensation line items; Council Member Alexander seconded the motion. Motion carried by unanimous voice vote.

Council President Thompson then announced the City is accepting applications for positions on the following boards:

- 1) Mental Health Center of North Central Alabama: one unexpired term (one year left on six year appointment)
- 2) Library Board: one unexpired term (18 months left on four year appointment)
- 3) Parks & Recreation: one expired term, five year appointment
- 4) Airport Board: one expired term, five year appointment

Applications will be available at the City Clerk's office in City Hall or on the City's website. Applications must be turned into the City Clerk's office by March 31, 2017 at 4:00 p.m.

Council President Thompson called for comments from the Mayor, Council Members or the City Attorney. Mayor Garrison announced that beginning with the next meeting the walk-through metal detector will be used for all City Council Meetings. He also announced that the City's

sales tax collections were up for the month of February six (6) percent over the previous year and that the year the date collections were up as well. He also stated that a lightning strike had hit City Hall the previous day taking out the HVAC system for part of the building. No comments were made by the City Council Members.

Council President Thompson called for comments from the audience. Kirby Vickery, 2316 Raleigh Street, Decatur, Alabama, came forward to ask questions concerning the naming of the ball field for Kayleigh McClendon and the proposal by the Mayor concerning the issue. Mike Swafford, 909 Barkley Street came forward to state he thought the idea presented by the Mayor and adopted by the Council to allow families to erect a monument or place a plaque was a good balance.

With no other business to come before the Council, Council Member Gill motioned to adjourn; Council Member Alexander seconded the motion. Motion carried unanimously by voice vote and the meeting adjourned at 7:20 p.m.

Kenny Thompson
Council President

ATTEST:

Rita S. Lee, City Clerk - Controller