

The City Council of the City of Tuskegee met in regular session on Tuesday, April 12, 2016 at 6:00 P.M. in the L.M. Gregg Auditorium at the Municipal Complex located at 101 Fonville Street, Tuskegee, Alabama.

1. **CALL TO ORDER.** Mayor Johnny Ford.
2. **INVOCATION.** Repeated Lord's Prayer in Unison.
3. **PLEDGE OF ALLEGIANCE.** Repeated in Unison.
4. **ROLL CALL.** Fartima B. Clark, City Clerk.

PRESENT

Mayor Johnny Ford
Mayor Pro-Tempore Lawrence F. Haygood, Jr.
Council Member Ala Whitehead
Council Member Georgette White Moon

ABSENT

Council Member Frank Christopher Lee, II

5. **APPROVAL OF AGENDA.**

Motion was made by Council Member Moon to accept and approve the amended agenda with the following additions: under City Manager's Communication 10.A) Soul Inn Night Club, DHR Volunteer Project and Report from Clean City Committee. Mayor Pro-Tempore Haygood seconded the motion and all members voted aye. Mayor Ford declared the motion carried.

6. **APPROVAL OF MINUTES.** April 12, 2016

Motion was made by Council Member Moon to accept and approve the minutes as circulated with any necessary changes and corrections. Council Member Whitehead seconded the motion and all members voted aye. Mayor Ford declared the motion carried.

7. **CITIZEN'S COMMUNICATIONS:**

1. Dr. Elaine C. Harrington RE: 13th Annual Carver Festival (April 30th)
2. Rev. William C. Lennard RE: Chairman of the Board for Carver Festival
3. Jennifer Meyers RE: Temporary Permits for New Modular Home
4. Frances Arnold RE: Taylor Street
5. Melvin Adams RE: Update on Clean City Committee
6. Sam Davis, Sr. RE: Chisholm's Laundry

8. **MAYOR'S COMMUNICATIONS.** Mayor Johnny Ford

- A. City Council Work Session.
- B. Transportation Alternative Program (TAP). (Approval Notice)
- C. National Gun Violence Awareness.
- D. National Donate Life Month. (Proclamation)
- E. Relay for Life. (April 22, 2016)
- F. Announcements.

9. **SGA /OTHER AGENCIES, ETC. COMMUNICATIONS:**

- Presentation of Resolution 2016-32. Commendations to BTW High School JROTC

10. **CITY MANAGER'S COMMUNICATIONS.** James W. Harper, City Manager.

A. Council Update / Concerns:

- *Soul Inn Night Club (recommendation)*

The recommendation of the City Manager is to provide Soul Inn Night Club with a Business License subject to the following conditions: issue a Temporary Occupancy Permit which is limited to sixty (60) days. There are several things that need to happen during that 60 day period: all bar and operating staff need to be certified in that type of establishment and background checks should be done on members of the staff; if during the 30 days of operation, assuming that the license is granted and the operation is in full compliance the temporary status will be removed. If the operation is found not in compliance according to the ordinance which includes no parking on the street and there are noise level requirements as well, the City reserves the right to remove the certificate of occupancy altogether.

Motion was made by Council Member Whitehead to ratify the recommendation of the City Manager regarding Soul Inn Nightclub for a period of sixty (60) days. Mayor Ford seconded the motion and on call for the question, the following was recorded:

VOTING AYE

Mayor Johnny Ford
Council Member Ala Whitehead

VOTING NAY

Council Member Georgette White Moon

ABSTAIN

Mayor Pro-Tempore Lawrence F. Haygood, Jr.

ABSENT

Council Member Frank Christopher Lee, II

Mayor Ford declared the motion carried. Soul Inn Night Club will be given a temporary certificate of occupancy for operation.

- *DHR Volunteer Project*
- *Clean City Committee Report*

B. Street Maintenance Report.

C. Financial Report. (Council's Report)

D. Moton Field New Terminal Building. (Diane White & Roland Vaughn)

E. Franchise Fee Ordinance. (change to 3%)

F. Announcements:

- *All Public Officials, Current/Former Employees and Retirees, All Board and/or Commission Members who meet the filing requirements should file the 2015 Statement of Economic Interest Forms (SEI) by May 2, 2016. (www.ethics.alabama.gov)*

11. **ORDINANCES:**

- A. Ordinance No. 2016-6. An ordinance changing the number of days candidates can display and/or erect political signs prior to the municipal election (Aug 23, 2016). (Adopt)

Motion was made by Council Member Whitehead to accept and approve ordinance number 2016-6 as stated changing the number of days candidates can display and/or erect political signs for municipal election. Mayor Pro-Tempore Haygood seconded the motion and all members voted aye. Mayor Ford declared the motion carried.

ORDINANCE NO. 2016-6

**An Ordinance Amending Chapter Eight of the Zoning of the City of Tuskegee
Establishing Regulation for the Display of Political and Temporary Signs**

BE IT ORDAINED by the City Council of the City of Tuskegee, Alabama as follows:

Section One. Strike and delete Section 8.10 of Article VIII of the Zoning Ordinance of the City of Tuskegee, which pertains to political signs; and replace with the following:

Section 8.10

- A. It shall be unlawful to erect or display political signs on any property owned or controlled by the City of Tuskegee. This shall include, but not be limited necessarily to, trees, light poles, sidewalks, streets, benches, fire hydrants, public parks, playgrounds, City Square, libraries, fire stations or the Municipal Complex.
- B. It shall be unlawful to place, erect, or maintain political signs on any real property before ninety (90) days prior to the beginning of the qualifying period for any election. Said signs must be removed within fourteen (14) days after certification of the results of the election. In the event of a run-off election, the signs of the run-off candidates must be removed within fourteen (14) days after the official run-off date.
- C. Political signs shall be limited in size to no more than thirty-two (32) square feet.
- D. It shall be the candidate's responsibility to ensure that the volunteers and sign contractors who distribute and erect political signs during an election are doing so in compliance with the law. Candidates shall be held responsible for violations.
- E. Violation of the provisions of this section or failure to comply with any of its requirements shall constitute an offense against the City of Tuskegee and shall be prosecuted in the Municipal Court of the City of Tuskegee as such. It is the candidate's responsibility to ensure volunteers' and sign contractors' compliance with the within ordinance. The person whose name is on any violating sign shall be cited as violating the ordinance and will be adjudicated in the Municipal Court for City of Tuskegee. Candidates will be held responsible for violations. Any person who violate this section or fails to comply with any of its requirements shall, upon conviction thereof be punished as prescribed by the Tuskegee Municipal Court.

Section Two. Severability. The provisions of the Ordinance are severable. If any section, subsection or provision of this Ordinance is for any reason declared void or invalid, such invalidity shall not affect any other section, subsection, schedule, or provision of this ordinance.

Section Three. Effective Date. This Ordinance shall be effective immediately upon its approval by the City Council, and its publication as required by law in a newspaper of general circulation within the City of Tuskegee.

ADOPTED AND APPROVED by the City Council of the City of Tuskegee, Alabama, this the 12th day of April, 2016.

CITY OF TUSKEGEE, ALABAMA

Johnny Ford, Mayor

ATTEST:

James W. Harper, City Manager

B. Ordinance No. 2016-7. Anti-Fracturing. (Adopt)

Motion was made by Mayor Pro-Tempore Haygood to accept and approve ordinance number 2016-7 as stated regarding anti-fracturing. Council Member Moon seconded the motion and all members voted aye. Mayor Ford declared the motion carried.

ORDINANCE NO. 2016-7

ORDINANCE AMENDING BUSINESS LICENSE ORDINANCE, ORDINANCE 90-18, BY ADDING A NEW SECTION, 151-31, TITLED "PROHIBITION OF HYDRAULIC FRACTURING"

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF THE CITY OF TUSKEGEE, ALABAMA, AS FOLLOWS:

SECTION 1

That Chapter 15, Article I, Section 15-1 through 12 of the City Code of the City of Tuskegee, Alabama, as amended by Ordinance 90-18 and amends the Ordinance by adding a new Article **151-31, "Prohibition of Hydraulic Fracturing,"** to read as follows:

ARTICLE 151-31 PROHIBITION OF HYDRAULIC FRACTURING

Sec. 1. Definitions.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Fluid means any material or substance which flows or moves whether in semi-solid, liquid, sludge, gas, or any other form or state.

Gas means all natural gas, whether hydrocarbon or non-hydrocarbon, including hydrogen sulfide, helium, carbon dioxide, nitrogen, hydrogen, casing head gas, and all other fluid hydrocarbons not defined as oil.

Hydraulic fracturing means the process of directing pressurized fluids containing any combination of water, proppant, and any added chemicals to penetrate tight formations, such as shale or coal formations, that subsequently require high rate, extended flow-back to expel fracture fluids and solids during completions.

Oil means crude petroleum, oil, and all hydrocarbons, regardless of specific gravity, that are in the liquid phase in the reservoir and are produced at the wellhead in liquid form.

Oil and gas means both oil and gas, or either oil or gas, as the context may require giving effect to the purposes of this article.

Person means any person, firm, association of persons, company, corporation, or their agents, servants, or employees.

Sec.2 Prohibition of Hydraulic Fracturing.

It shall be unlawful for any person to engage in hydraulic fracturing within the corporate limits of the City of Tuskegee.

Sec. 3 Penalty.

Civil. The violation of this Ordinance shall result in the imposition of a fine by the City of Tuskegee Code Enforcement Office or other duly authorized office. The fine for violation of this Ordinance or any part hereof is One Thousand Dollars (\$1,000.00) per occurrence. Each day of violation is a separate offense and may be punishable as such. Any violator may also be fined or otherwise punished for conducting the activity without a business license, a license which will not be issued as fracking is prohibited pursuant to the within Ordinance.

Criminal. The violation of or noncompliance with this article by any person, firm, association of persons, company, corporation, or their agents, servants, or employees shall be punishable as an offense in the Municipal Court of the City of Tuskegee and, upon conviction, such person, firm, association, company, corporation or their agents, servants or employees shall be fined a sum not less than one dollar (\$1.00) but shall not exceed five hundred dollars (\$500.00), or the jurisdictional amount for violations as determined in the Municipal Court, whichever is higher. Each day of any violation or noncompliance shall constitute a separate and distinct offense.”

SECTION 4

Any and all ordinances, orders or resolutions heretofore adopted by the City Council of the City of Tuskegee, Alabama that are in conflict with this Ordinance are hereby repealed to the extent of such conflict.

SECTION 5

If any part, section or subdivision of this Ordinance shall be held unconstitutional or invalid for any reason by a court of competent jurisdiction, such holding shall not be construed to invalidate or impair the remainder of this Ordinance, which shall continue in full force and effect notwithstanding such holding.

SECTION 6

Any person, firm or corporation violating any of the provisions or terms of this Ordinance shall be deemed guilty of a violation, and, upon conviction, shall be punished pursuant to the provisions contained in Section _____ of the Code of Ordinances of Tuskegee, Alabama, as amended.

SECTION 7

This Ordinance shall become effective upon its passage and publication or as otherwise provided by law.

ADOPTED AND APPROVED by the City Council of the City of Tuskegee, Alabama, this 12th day of April, 2016.

CITY OF TUSKEGEE, ALABAMA

Johnny Ford, Mayor

ATTEST:

James W. Harper, City Manager

C. Ordinance No. 2016-8. An ordinance considering a 3% franchise fee. (1st Reading)

12. **RESOLUTIONS:**

A. Resolution No. 2016-35. Gun Violence Awareness.

Motion was made by Mayor Pro-Tempore Haygood to accept and approve resolution number 2016-35 as stated regarding gun violence awareness. Council Member Moon seconded the motion and all members voted aye. Mayor Ford declared the motion carried.

RESOLUTION 2016-35

This proclamation declares June 2nd, 2016 to be National Gun Violence Awareness Day in the City of Tuskegee to honor and remember all victims and survivors of gun violence and to declare that we as a country must do more to reduce gun violence.

WHEREAS, every day, 91 Americans are killed by gun violence and the lives of countless others are injured; and

WHEREAS, Americans are 25 times more likely to be murdered with guns than people in other developed countries; and

WHEREAS, protecting public safety in the communities they serve is mayors' highest responsibility; and

WHEREAS, support for the Second Amendment rights of law-abiding citizens goes hand-in-hand with keeping guns away from dangerous people; and

WHEREAS, mayors and law enforcement officers know their communities best, are the most familiar with local criminal activity and how to address it, and are best positioned to understand how to keep their citizens safe; and

WHEREAS, June 2nd, 2016 would have been the 19th birthday of Hadiya Pendleton, a teenager who marched in President Obama's second inaugural parade and was tragically shot and killed just weeks later; and

WHEREAS, to help honor Hadiya – and the 91 Americans whose lives are cut short and the countless survivors who are injured by shootings every day – a national coalition of organizations has designated June 2nd, 2016, as the second annual National Gun Violence Awareness Day; and

WHEREAS, the idea was inspired by a group of Hadiya's friends, who asked their classmates to commemorate her life by wearing orange; they chose this color because hunters wear orange to announce themselves to other hunters when out in the woods and orange is a color that symbolizes the value of human life; and

WHEREAS, anyone can join this campaign by pledging to Wear Orange on June 2nd to help raise awareness about gun violence; and

WHEREAS, by wearing orange on June 2nd, Americans will raise awareness about gun violence and honor the lives and lost human potential of Americans stolen by gun violence; and

WHEREAS, we renew our commitment to reduce gun violence and pledge to do all we can to keep firearms out of the wrong hands, and encourage responsible gun ownership to help keep our children safe.

NOW, THEREFORE BE IT RESOLVED, that, I, Johnny Ford, Mayor, and on behalf of the City Council of City of Tuskegee declares June 2nd to be National Gun Violence Awareness Day. I encourage all citizens to support their local communities' efforts to prevent the tragic effects of gun violence and to honor and value human lives.

DONE this 12th day of April, 2016.

CITY OF TUSKEGEE, ALABAMA



Johnny Ford, Mayor

B. Resolution No. 2016-36. National Donate Life Month (April).

Motion was made by Mayor Pro-Tempore Haygood to accept and approve resolution number 2016-36 as stated regarding National Donate Life Month (April). Council Member Moon seconded the motion and all members voted aye. Mayor Ford declared the motion carried.

RESOLUTION NO. 2016-36

WHEREAS, one of the most meaningful gifts that a human being can bestow upon another is the gift of life; and

WHEREAS, 30,970* candidates on the nation's organ transplant waiting list received a life-saving or life-enhancing organ transplant in 2015; of those 395* received an organ transplant in Alabama; and

WHEREAS, a new patient is added to the national waiting list for an organ transplant every 21* minutes; and

WHEREAS, nearly 121,416* men, women and children are currently on the national waiting list for organ transplantations, of which approximately 3,294* are on Alabama's list; and

WHEREAS, 6,045* candidates on the national waiting list died waiting for an organ transplant which did not come in time; of those 169* were on Alabama's waiting list.

WHEREAS, the Alabama Organ Center is the non-profit, independent organ recovery organization dedicated to the recovery of high quality organs and tissues for transplantation therapy; and

WHEREAS, Tuskegee, Alabama supports the Alabama Organ center's life-saving mission;

NOW, THEREFORE, I, Johnny Ford, Mayor of the city of Tuskegee, Alabama, do hereby proclaim April 2016 as

DONATE LIFE MONTH

In Tuskegee, Alabama we honor all who have given the gift of life, we focus our efforts on the extreme need for organ and tissue donors, and we encourage residents to designate their donation decision and share the decision to donate with family members.

On this, the 22nd day of March, 2016



Johnny Ford
Mayor of the Tuskegee, Alabama

*Data source: United Network for Organ Sharing, 2016

C. Resolution No. 2016-37. Relay for Life.

Motion was made by Mayor Pro-Tempore Haygood to accept and approve resolution number 2016-37 as stated supporting the Relay for Life to be held on April 22, 2016. Council Member Moon seconded the motion and all members voted aye. Mayor Ford declared the motion carried.

**RESOLUTION NO. 2016-37
RELAY FOR LIFE**

American Cancer Society Relay For Life® Proclamation for Tuskegee, Alabama; and

WHEREAS, Relay For Life is the signature activity of the American Cancer Society and celebrates cancer survivors and caregivers, remembers loved ones lost to the disease, and empowers individuals and communities to fight back against cancer; and

WHEREAS, money raised during Relay For Life of the City of Tuskegee supports the American Cancer Society's mission of saving lives and creating a world with less cancer and more birthdays – by helping people stay well, by helping people get well, by finding cures for cancer and by fighting back; and

WHEREAS, Relay For Life helped fund more than \$150 million in cancer research last year;

NOW, THEREFORE, BE IT RESOLVED, that I, Johnny Ford, Mayor and on behalf of the City Council of Tuskegee, Alabama, do hereby proclaim April 22, 2016 as,

"RELAY FOR LIFE DAY"

in Tuskegee and encourage citizens to participate in the Relay For Life event at Tuskegee on April 22nd, 2016.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the seal of Tuskegee, Alabama, to be affixed on this 22nd day of April 2016



Johnny Ford, Mayor

- D. Resolution No. 2016-38. Authorizing City Manager to submit application to the State for approval of new terminal building at Moton Field Municipal Airport.

Motion was made by Mayor Pro-Tempore Haygood to accept and approve resolution number 2016-38 as stated authorizing the City Manager to submit application to the State for approval of funds for new terminal building at Moton Field Municipal Airport. Council Member Moon seconded the motion and all members voted aye. Mayor Ford declared the motion carried.

- E. Resolution No. 2016-39. Celebrating & Remembering the lives of Michelle Smith, deceased and Kyla Yarbrough, deceased.

Motion was made by Mayor Pro-Tempore Haygood to accept and approve resolution number 2016-39 as stated celebrating & remembering the lives of Michelle Smith, deceased and Kyla Yarbrough, deceased. Council Member Moon seconded the motion and all members voted aye. Mayor Ford declared the motion carried.

RESOLUTION NO. 2016-39
Celebrating & Remembering the Lives of
Michele Lavette Smith and Kyla Vetandrea Yarbrough

WHEREAS, of all beautiful things in life, the most beautiful, is character, and they who possess a beautiful character are worthy of notice. A beautiful life is the fruit of a beautiful character. They, of whom we speak, are Michele and Kyla; and with a lasting gratitude for their exemplary life, their tireless and unselfish labor among us; the good they did, the inspiration we imbibed; we dedicate this hour; and

WHEREAS, as Mayor and on behalf of the City Council of the City of Tuskegee, we recognize lives well lived. Michele was born in Tuskegee to the late Rev. Nathaniel Smith and Shelia Smith in 1979, attended Booker T. Washington High School and later served as the file clerk for A. G. Dre'Co. Kyla was born in Opelika to Cleveland Yarbrough and Shelia Smith Yarbrough in 1989, graduated from Booker T. Washington High School in 2007. She was employed by the Magnolia Haven Nursing Home where she took great pride in caring for her patients.

NOW, THEREFORE BE IT PROCLAIMED by me as the Mayor of the City of Tuskegee and on behalf of the City Council of the City of Tuskegee as follows: (1) that the above recitals are true and correct; (2) that we mourn the death of Michele Lavette Smith and Kyla Vetandrea Yarborough and express sympathy to their mother, Shelia Smith Yarborough, Kyla's father, Cleveland Yarborough, their children, Caleb, Cameron and Khalil, their sisters and brothers, their extended family and many friends; and

BE IT FURTHER PROCLAIMED, that the City Clerk is hereby authorized and directed to spread this Proclamation and transmit a duly authenticated copy to the family of Michele Lavette Smith and Kyla Vetandrea Yarborough.

In witness I have hereunto set my hands and caused this seal to be affixed.



Johnny Ford, Mayor

- F. Resolution No. 2016-40. Celebrating & Remembering the life of Margaret Lacy Mallard, deceased

Motion was made by Mayor Pro-Tempore Haygood to accept and approve resolution number 2016-40 as stated celebrating & remembering the life of Margaret Lacy Mallard, deceased. Council Member Moon seconded the motion and all members voted aye. Mayor Ford declared the motion carried.

Resolution No. 2016-40
Celebrating & Remembering the Life of Margaret Lacy Mallard

WHEREAS, of all beautiful things in life, the most beautiful, is character, and they who possess a beautiful character are worthy of notice. A beautiful life is the fruit of a beautiful character. She, of whom we speak, is Margaret Lacy Mallard; and with a lasting gratitude for her exemplary life, her tireless and unselfish labor as an educator among us; the good she did, the inspiration we imbibed; we dedicate this hour; and

NOW, THEREFORE BE IT PROCLAIMED by me as the Mayor of the City of Tuskegee and on behalf of the City Council of the City of Tuskegee as follows: (1) that the above recitals are true and correct; (2) that we mourn the death of Margaret Lacy Mallard and express sympathy to her family and many friends; and

BE IT FURTHER PROCLAIMED, that the City Clerk is hereby authorized and directed to spread this Proclamation and transmit a duly authenticated copy to the family of Margaret Lacy Mallard.

In witness I have hereunto set my hands and caused this seal to be affixed.



Johnny Ford, Mayor

G. Resolution No. 2016-41. Special commendations to Jerry Tarver.

Motion was made by Mayor Pro-Tempore Haygood to accept and approve resolution number 2016-41 as stated for special commendations to Mr. Jerry Tarver. Council Member Moon seconded the motion and all members voted aye. Mayor Ford declared the motion carried.

13. **CITY ATTORNEY'S REPORT.**

Attorney Gray stated that he is continually working on the litigated matters that the City is involved in as well as non-litigated claims. He stated that he has worked on various memorandum of understandings, proposals, leases and proposed contracts. He also stated that he regularly consulted and advised the City Manager have and he is engaged in conversations with counsel and co-counsel with respect to the litigated matters of the City. Atty. Gray state that he will provide council with the confidential litigation report that will be disseminated.

14. **OTHER BUSINESS / EXECUTIVE SESSION.**

7:46 PM Motion was made by Council Member Whitehead to enter Executive Session. Mayor Pro-Tempore Haygood seconded the motion and all members voted aye. Mayor Ford declared the motion carried.

8:10 PM Motion was made by Mayor Pro-Tempore Haygood to end Executive Session. Council Member Whitehead seconded the motion and all members voted aye. Mayor Ford declared the motion carried.

There being no further matters to come before the Council at this time, Council Member Moon moved to adjourn at 8:10 PM. Mayor Ford declared the meeting adjourned.

CITY OF TUSKEGEE, ALABAMA

Johnny Ford, Mayor

ATTEST:

Fartima B. Clark, City Clerk