

The City Council of the City of Tuskegee met in regular session on Tuesday, May 24, 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.** Lord's Prayer Repeated 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  
Council Member Frank Christopher Lee, II

**All Members of the Council were present for this Meeting.**

5. **APPROVAL OF AGENDA.**

Motion was made by Council Member Whitehead to accept and approve the agenda with the following additions: Resolution for Tolbert Gordon, Mayor Dr. James Walls, Kimberly Adams and Lula Glen, deceased. Mayor Pro-Tempore Haygood seconded the motion and all members voted aye. Mayor Ford declared the motion carried.

6. **APPROVAL OF MINUTES.** (May 10, 2016)

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

7. **CITIZEN'S COMMUNICATIONS:**

1. Dr. Elaine C. Harrington RE: Restroom at the Valero Gas Station (give them a deadline of 30 days to comply)
2. Lenora Goode RE: Campaign Signs & Clean City Committee Report
3. Atty. Lateefah Muhammad RE: 14<sup>th</sup> Annual Juneteenth Celebration (June 25, 2016)
4. Jerome Temple RE: Support to children involved with activities with the Parks & Recreation

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

- A. City Council Work Session.
- B. Announcements.

9. **SGA /OTHER AGENCIES, ETC. COMMUNICATIONS.** NONE.

10. **CITY MANAGER'S COMMUNICATIONS.** James W. Harper, City Manager.
- A. Council Updates / Concerns.

Motion was made by Council Member Whitehead asking the City Manager to send a letter to owner of the Valero Gas Station giving him 30 days to comply with providing a public restroom. Council Member Moon seconded the motion and all members voted aye. Mayor Ford declared the motion carried.

City Manager asked Mayor Ford if he would take on the project of raising funds for the parks and recreation swimming pool. Council Members Lee and Whitehead volunteered their services to assist with raising funds (\$20,000.00) for the Swimming Pool for the parks & recreation dept. so that the children will have the pool for the summer. The following individuals gave monies and/or made pledges in support of the swimming pool fund:

1. Rev. Williams & Mrs. Anita Lennard 200.00
  2. Dr. Elaine C. Harrington 100.00
  3. Council Member Ala Whitehead 200.00
  4. Council Member Moon 100.00
  5. Council Member Lee 100.00 pledged
  6. Mayor Pro-Tempore Haygood 100.00 pledged
- Total Actually Collected tonight-----\$ 600.00

- B. Street Maintenance Activities.
- C. Financial Report.

Motion was made by Council Member Whitehead to receive the financial report with specific thanks to Ms. Frankie Williams for the work that she has done and to the City Manager regarding the financials. Mayor Pro-Tempore Haygood seconded the motion and all members voted aye. Mayor Ford declared the motion carried.

- D. Head Start Report:
  1. Executive Director's Report (April 2016)
  2. Revenue & Expenditure Report including Credit Card Report (April 2016)
  3. Monthly Summary of Meals and Snacks Provided through USDA (April 2016)
  4. Enrollment and Attendance Report (April 2016)
  5. Cost of Living Adjustment (COLA).
  6. 2016-2017 School Calendar.
  7. Revised Organizational Structure.
  8. Data Collection Plan.
  9. Self-Assessment Results & Action Plan.
  10. 2016-2017 Training & Technical Assistance Plan.

Motion was made by Council Member Moon to accept and approve the Head Start Report as circulated and presented by Nannette Phillips, Director. Council Member Whitehead seconded the motion and all members voted aye. Mayor Ford declared the motion carried.

Motion was made by Council Member Whitehead to accept and approve item #5 of the Head Start Report regarding the funds from the federal government to provide a 1.8% Cost of Living Adjustment for all Head Start employees. Mayor Pro-Tempore Haygood seconded the motion and all members voted aye. Mayor Ford declared the motion carried.

- E. Alcoholic Beverage License: Torch 85 Travel Center

Motion was made by Mayor Pro-Tempore Haygood to set the public hearing Tuesday, June 14, 2016 at 6:45 PM for an alcoholic beverage license for Torch 85 Travel Center. Council Member Whitehead seconded the motion and all members voted aye. Mayor Ford declared the motion carried.

F. Announcements:

- City of Tuskegee will be Closed, Monday, May 30<sup>th</sup> in observance Memorial Day Holiday.
- Garbage Collection: Monday's garbage will be collected on Tuesday, May 31, 016 with the regular pickup.
- Memorial Day Services at Greenwood Cemetery at 9:00 AM (placing flags on the graves)
- Annual Checkers & Domino Tournament, Municipal Complex Monday, May 30<sup>th</sup> at 10:00 AM

11. **RESOLUTIONS:**

A. Resolution No. 2016-59. Celebrating & Remembering the Life of Tolbert Gordon, deceased.

Motion was made by Council Member Moon to accept and approve resolution number 2016-59 as stated celebrating and remembering the Life of Tolbert Gordon, deceased. Mayor Ford seconded the motion and all members voted aye. Mayor Ford declared the motion carried.

**RESOLUTION NO. 2016-59**

Celebrating & Remembering the Life of Tolbert Gordon

**WHEREAS**, of all beautiful things in life, the most beautiful, is character, and he who possesses a beautiful character is worthy of notice. A beautiful life is the fruit of a beautiful character. He, of whom we speak is Tolbert Gordon; and

**WHEREAS**, with a lasting gratitude for his exemplary life, his tireless and unselfish labor among us; the good he did, the things he taught and the inspiration we imbibed; we dedicate this hour;

**WHEREAS**, as Mayor and on behalf of the City Council of the City of Tuskegee, we recognize a life well lived; and

**NOW, THEREFORE BE IT RESOLVED** by me as the Mayor of the City of Tuskegee and 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 Tolbert Gordon and express sympathy to his family and many friends; and

**BE IT FURTHER RESOLVED**, that the City Clerk is hereby authorized and directed to spread this Resolution and transmit a duly authenticated copy to the family of Tolbert Gordon.

In witness I have hereunto set my hands and caused this seal to be affixed this the 24<sup>th</sup> day of May, 2016.

**CITY OF TUSKEGEE, ALABAMA**



\_\_\_\_\_  
Johnny Ford, Mayor

ATTEST:

\_\_\_\_\_  
Fartima B. Clark, City Clerk

B. Resolution No. 2016-60. Celebrating & Remembering the Life of Mayor James L. Walls, Jr., deceased.

Motion was made by Mayor Pro-Tempore Haygood to accept and approve resolution number 2016-60 as stated celebrating and remembering the Life of Mayor James Walls, deceased. Council Member Lee seconded the motion and all members voted aye. Mayor Ford declared the motion carried.

**RESOLUTION NO. 2016-60**

Celebrating & Remembering the Life of James L. Walls, Jr.

**WHEREAS**, it is with sadness that we recognize the death of Mayor James L. Walls, Jr. and a life cut short; and

**WHEREAS**, James L. Walls, Jr., the youngest person to serve as Vice Mayor and City Commissioner of District Heights, Maryland proved to be a real public servant working for the betterment of his community; and

**WHEREAS**, Mayor Walls worked hard to make a difference for the City of District Heights seniors, youth, and families; and

**WHEREAS**, Mayor Walls held membership in many organizations and served as President for the National Black Caucus of Local Elected officials, past-President of the Maryland Black Mayors Association, and was currently serving as the President of the World Conference of Mayors; and

**WHEREAS**, as Mayor and on behalf the City of Tuskegee City Council we express our deepest condolences to the family of Mayor James L. Walls and the City of District Heights, Maryland and the State of Maryland.

**NOW, THEREFORE BE IT RESOLVED** by me as the Mayor of the City of Tuskegee and 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 Mayor James L. Walls, Jr. and express sympathy to his family and many friends; and

**BE IT FURTHER RESOLVED**, that the City Clerk is hereby authorized and directed to spread this Resolution and transmit a duly authenticated copy to the family of Mayor James L. Walls, Jr.

In witness I have hereunto set my hands and caused this seal to be affixed this 24<sup>th</sup> day of May, 2016.

CITY OF TUSKEGEE, ALABAMA



\_\_\_\_\_  
Johnny Ford, Mayor

ATTEST:

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Fartima B. Clark, City Clerk

C. Resolution No. 2016-61. Celebrating & Remembering the Life of Kimberly Adams, deceased.

Motion was made by Mayor Pro-Tempore Haygood to accept and approve resolution number 2016-61 as stated celebrating and remembering the Life of Kimberly Adams, deceased. Council Member Lee seconded the motion and all members voted aye. Mayor Ford declared the motion carried.

**RESOLUTION NO. 2016-61**

**Celebrating & Remembering the Life of Kimberly Adams**

**WHEREAS**, of all beautiful things in life, the most beautiful, is character, and he who possesses a beautiful character is worthy of notice. A beautiful life is the fruit of a beautiful character. She, of whom we speak is Kimberly Adams; and

**WHEREAS**, with a lasting gratitude for her exemplary life, her tireless and unselfish labor among us; the good she did, the things she taught and the inspiration we imbibed; we dedicate this hour;

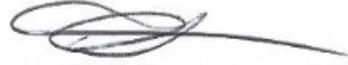
**WHEREAS**, as Mayor and on behalf of the City Council of the City of Tuskegee, we recognize a life well lived; and

**NOW, THEREFORE BE IT RESOLVED** by me as the Mayor of the City of Tuskegee and 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 Kimberly Adams and express sympathy to her survivors; and

**BE IT FURTHER RESOLVED**, that the City Clerk is hereby authorized and directed to spread this Resolution and transmit a duly authenticated copy to the family of Kimberly Adams.

In witness I have hereunto set my hands and caused this seal to be affixed this the 24<sup>th</sup> day of May, 2016.

**CITY OF TUSKEGEE, ALABAMA**



\_\_\_\_\_  
Johnny Ford, Mayor

ATTEST:

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Fartima B. Clark, City Clerk

D. Resolution No. 2016-62. Celebrating & Remembering the Life of Lula Glen, deceased.

Motion was made by Council Member Lee to accept and approve resolution number 2016-62 as stated celebrating and remembering the Life of Lula Glen, deceased. Mayor Pro-Tempore Haygood seconded the motion and all members voted aye. Mayor Ford declared the motion carried.

**RESOLUTION NO. 2016-62**

Celebrating & Remembering the Life of Lula Glen

**WHEREAS**, of all beautiful things in life, the most beautiful, is character, and he who possesses a beautiful character is worthy of notice. A beautiful life is the fruit of a beautiful character. She, of whom we speak is Lula Glen; and

**WHEREAS**, with a lasting gratitude for her exemplary life, her tireless and unselfish labor among us; the good she did, the things she taught and the inspiration we imbibed; we dedicate this hour;

**WHEREAS**, as Mayor and on behalf of the City Council of the City of Tuskegee, we recognize a life well lived; and

**NOW, THEREFORE BE IT RESOLVED** by me as the Mayor of the City of Tuskegee and 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 Lula Glen and express sympathy to her survivors; and

**BE IT FURTHER RESOLVED**, that the City Clerk is hereby authorized and directed to spread this Resolution and transmit a duly authenticated copy to the family of Lula Glen.

In witness I have hereunto set my hands and caused this seal to be affixed this the 24<sup>th</sup> day of May, 2016.

**CITY OF TUSKEGEE, ALABAMA**



\_\_\_\_\_  
Johnny Ford, Mayor

ATTEST:

\_\_\_\_\_  
Fartima B. Clark, City Clerk

12. **CITY ATTORNEY'S REPORT.** *Gray, Langford, Sapp, McGowan, Gray, Gray & Nathanson.*

- **EXECUTIVE SESSION**

7:26 PM Motion was made by Council Member Whitehead for Council to enter Executive Session. Mayor Ford seconded the motion and all members voted aye. Mayor Ford declared the motion carried.

8:08 PM Motion was made by Council Member Lee for Council to come out of the Executive Session. Mayor Ford seconded the motion and all members voted aye. Mayor Ford declared the motion carried.

Motion was made by Mayor Pro-Tempore Haygood to authorize the 1<sup>st</sup> reading of the franchise ordinance for a 3% franchise fee. Council Member Moon seconded the motion and all members voted aye. Mayor Ford declared the motion carried.

Motion was made by Council Member Whitehead for council to ask the City Attorney to prepare a business license for 2% of the gross earnings of the UBT to be considered at the next regular city council meeting (June 14, 2016). Mayor Ford seconded the motion and all members voted aye. Council Member Lee stated that a UBT Meeting would be held on Wednesday, May 25, 2016 at 11:00 AM and that the 2% business license could be discussed at that time. Motion for 2% business license was not carried.

City Attorney's Report:

Atty. Gray stated that he recently received an order from the court in the Cox from the local court and the Supreme Court of Alabama. In the Supreme Court of Alabama, part of the case was on appeal regarding the conflict of interest and the Supreme Court of Alabama Affirmed that dismissal. At the local level the Judge granted an injunction that the City of Tuskegee cannot collect the franchise fee from the UBT and the UBT is enjoined from paying the franchise fee to the City of Tuskegee. The Court stated that UBT shall pay the franchise fee collected from its customers into an escrow account controlled by the Circuit Clerk. Atty. Gray stated that there is a docket call on Wednesday morning where cases that are pending for jury trial will be looked at to determine if they are ready for trial or whether they will be passed on to another docket. Also Atty. Gray stated that he continually consults and advises the City Manager when called upon and he has been in regular contact with the City Clerk and other Dept. Heads on matters of the City.

Motion was made by Council Member Whitehead to accept and receive the City Attorney's report as presented by Atty. Fred Gray, Jr. Council Member Lee seconded the motion and all members voted aye. Mayor Ford declared the motion carried.

13. **ORDINANCES:**

- A. Ordinance No. 2016-8. An ordinance setting a 3% franchise fee. (1<sup>st</sup> reading)

Motion was made by Mayor Pro-Tempore Haygood to have the 1<sup>st</sup> reading of the franchise ordinance for a 3% franchise fee. Council Member Moon seconded the motion and all members voted aye. Mayor Ford declared the motion carried.

**ORDINANCE NO. 2016-8**

**AN ORDINANCE GRANTING AN EXCLUSIVE FRANCHISE FOR THE  
OPERATION OF ELECTRIC DISTRIBUTION, WATERWORKS AND SANITARY  
SEWER SYSTEMS AND APPURTENANT FACILITIES**

**BE IT ORDAINED BY THE** Mayor and City Council of the CITY OF TUSKEGEE (herein called the "City"), as follows:

**Section 1.** The City hereby grants to the Utilities Board of the City of Tuskegee (herein called the "Board"), its successors and assigns, the right, privilege, authority and franchise to acquire, construct, own, repair, maintain, enlarge, extend, improve, replace and operated an electric distribution system, a waterworks plant and distribution system, and a sanitary sewer system, as well as all appurtenant facilities (which are herein together called the "Systems") to serve the City and the surrounding territory and the inhabitants thereof and businesses and institutions situated therein, and to use the streets, avenues, alleys and public ways and places in the city for such purpose.

**Section 2.** The City hereby grants to the Board the right, privilege, authority and franchise at any time and from time to time during the period covered by this franchise, in consideration of the payment by the Board to the City of the fees specified in Section 8 hereof, to construct, repair, maintain, enlarge, extend, improve and replace its wires, substations, mains, pipes, conduits and facilities in, over, under, across or along any street, avenue, alley or public way or place in the City and to make all excavations necessary therefore, for the purpose of constructing, repairing, maintaining, improving, enlarging, extending, replacing or operating any or all of the Systems.

**Section 3.** The Board shall, and by accepting this franchise, agree that it will operate the Systems and keep the same in good repair and operating condition so as to provide adequate electric, water and sanitary sewer service to the City and its inhabitants, businesses and institutions at all times.

**Section 4.** The Board shall, and by accepting this franchise, agrees that it will, upon making any excavation to the streets, avenues, alleys, public ways and places of the City in the exercise of this franchise, restore the surface and paving at the point of such excavation in the substantially the same condition as before the work was done, within a reasonable time thereafter, and will save the City harmless from any liability arising out of any change in the condition of any street, avenue, alley, public way or place by the Board.

**Section 5.** The rights, privileges, authorities and franchise hereby granted shall continue in force and effect for a period of thirty (30) years from the effective date of this ordinance.

**Section 6.** The franchise herein granted shall be exclusive. The City hereby covenants and agrees not to grant any franchise for any electric distribution system, or any water system or sanitary sewer system to any person, firm or corporation other than the Board during the term of the franchise hereby granted, insofar as an exclusive franchise now is or may hereafter be authorized or permitted by law to a public corporation such as the Board.

**Section 7.** The City hereby consents and agrees that the franchise hereby granted may be covered by any mortgage, deed or indenture of trust executed by the Board for the purpose of securing the payment of the principal of and Interest on any bonds or other obligations (including any refunding bonds or refunding obligations) issued by the Board in order to acquire, construct, enlarge, extend, improve, replace, maintain, repair or operate the Systems or any other system or systems, including a natural gas distribution-system, which the Board may hereafter acquire, and any such mortgage or deed or indenture of trust shall constitute, a lien on this franchise, and this franchise may be transferred or assigned in accordance with the provisions of any such mortgage or deed or indenture of trust; but this franchise shall not otherwise be transferred or assigned.

**Section 8.** The franchise herein granted by the City to the Board is granted in consideration of the agreement on the part of the Board to pay to the City in monthly installments three percent (3%) of the gross revenues derived by the Board within the City limits from the operation of the Systems from the immediately preceding year. The said agreement of the Board shall be made pursuant to a Franchise Agreement (the "Franchise Agreement") that shall be in substantially the form presented to the meeting of the Mayor and City Council of the City at which this ordinance is adopted (which form shall be attached to this ordinance as Exhibit 1 and which is hereby adopted in all respects as if set out in full herein), with such changes as the City Manager, acting with the advice of counsel to the City, shall determine to be necessary or desirable in order to consummate the transactions authorized by this ordinance; provided, however, that the determination of the definitive form of the Franchise Agreement by the City Manager shall be conclusively established by the execution of such document. The City Manager is hereby authorized and directed to execute and deliver the Franchise Agreement for and in the name and behalf of the City, and the City Clerk of the City is hereby authorized and directed to affix the official and corporate seal of the City to the Franchise Agreement and to attest the same.

**Section 9.** **Severability.** In the event that any provision hereof shall be held invalid or unenforceable by any court of competent jurisdiction, such holding shall not invalidate or render unenforceable any other provision hereof.

**Section 10. Ordinance to become effective.** This ordinance shall become effective, upon passage and publication as required by law.

**ADOPTED** this the \_\_\_\_ day of June, 2016.

CITY OF TUSKEGEE, ALABAMA

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Johnny Ford, Mayor

ATTEST:

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James W. Harper, City Manager

14. **OTHER BUSINESS.**

There being no further matters to come before the Council at this time, Council Member Whitehead moved to adjourn at 8:31 PM. Mayor Ford declared the meeting adjourned.

CITY OF TUSKEGEE, ALABAMA

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Johnny Ford, Mayor

ATTEST:

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Fartima B. Clark, City Clerk