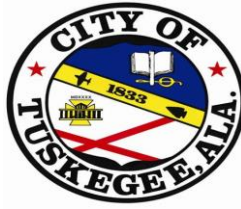


CITY OF TUSKEGEE, ALABAMA
OFFICIAL MINUTES: REGULAR CITY COUNCIL MEETING HELD ON 4th TUESDAY, APR. 27, 2021



The City Council of the City of Tuskegee met in **Regular Session on Tuesday, April 27, 2021** at 5:34 PM in the LM Gregg Auditorium at the Municipal Complex located at 101 Fonville Street, Tuskegee, Alabama.

1. **CALL TO ORDER.** Mayor Lawrence F. Haygood, Jr.
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 Lawrence F. Haygood, Jr.
Council Member-at-Large Frank Christopher Lee, II
Council Member Norma McGowan Jackson
Council Member Johnny Ford
Council Member Orlando R. Whitehead

All Members were present.

5. **APPROVAL OF AGENDA.**

Motion was made by Council Member Ford to accept the agenda as circulated with the following additions: add update on Head Start regarding position of Exe Director and property for the Head Start Building; and add resolution at item 6C). Council Member Whitehead seconded the motion and all members voted aye. Mayor Haygood declared the motion carried.

6. **APPROVAL OF MINUTES.** (April 13, 2021 and April 20, 2021):

A. **Minutes for April 13, 2021:**

Motion was made by Council Member Ford to accept and approve the minutes for April 13, 2021 as circulated with any necessary changes and/or corrections. Council Member Jackson seconded the motion and all members voted aye. Mayor Haygood declared the motion carried.

B. **Minutes for April 20, 2021:**

Motion was made by Council Member Ford to accept and approve the minutes for April 20, 2021 as circulated with any necessary changes and/or corrections. Council Member Whitehead seconded the motion and all members voted aye. Mayor Haygood declared the motion carried.

- C. **Presentation:** Resolution Memorializing and Honoring Coach Solomon Knight, deceased.

7. **CITIZEN'S COMMUNICATIONS:** **NONE**

8. **MAYOR'S COMMUNICATIONS.** Mayor Lawrence "Tony" Haygood, Jr.

- A. City Council Work Session.
- B. SPIRE Franchise Agreement.
- C. Announcements.

9. **TU SGA /OTHER AGENCIES, ETC. COMMUNICATIONS.** NONE.
10. **CITY MANAGER’S COMMUNICATIONS.** Derrick E. Swanson, Temporary Acting City Manager.
 - A. Council Updates / Concerns.
 - B. American Legion. (tabled)
 - C. Announcements.

11. **ORDINANCES:**

A. Ordinance No. 2020-06 (Ord. No. 2021-03). *Renewal of SPIRE Franchise Agreement.(adopt)-* **TABLED.** Motion was made by Council Member Ford to lift ordinance number 2020-06 (Ord. No. 2021-03) from the table to take immediate action regarding the SPIRE Franchise Agreement. Council Member Whitehead seconded the motion and all members voted aye. Mayor Haygood declared the motion carried.

Motion was made by Council Member ford for council to approve and adopt ordinance no. 2020-06 (Ord. No. 2021-03) regarding the SPIRE Franchise Agreement at a rate of 3%. Council Member Whitehead seconded the motion and all members voted aye. Mayor Haygood declared the motion carried.

ORDINACE NO. 2021-03
GRANTING A FRANCHISE TO SPIRE ALABAMA INC.
ITS SUCCESSORS AND ASSIGNS, IN THE CITY OF TUSKEGEE, ALABAMA

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

SECTION 1. In consideration of the benefits to accrue to said City of Tuskegee, Alabama (the “City”) and the inhabitants thereof, Spire Alabama Inc., its successors, and assigns (the “Company”) is hereby given, granted, and vested with the rights, authority, privileges, and franchises hereinafter set forth.

SECTION 2. The Company is hereby given, granted and vested with the right, authority, easement, privilege and franchise to construct, own, maintain, operate, extend and enlarge in the City a plant or system for the manufacture, transmission, distribution and sale of gas for all purposes whatsoever in and through the City; and the consent of the City acting through the Mayor and the City Council, who are the proper authorities of the City is hereby given to the Company to use the streets, avenues, alleys, ways, bridges, and public places in the City for any and all of the purposes referred to in this Ordinance.

SECTION 3. The Company is hereby granted and vested with the right, privilege, and franchise to construct, erect, lay, install, renew, repair, maintain, operate, use, and extend at any time, without the formality of a permit and without paying any fee therefor, its mains, conduits, appliances, appurtenances, and fixtures under, along and across any street, avenue, alley, bridge, viaduct, underpass, or public place in the City. The City will not vacate any public right-of-way containing any Company facilities without first advising the Company of its intention to vacate the right-of-way and cooperating with the Company in reasonable attempts to obtain the necessary property rights to maintain its facilities in the right-of-way.

SECTION 4. The said mains, pipes, conduits, appliances, appurtenances, and fixtures shall be so laid, set or constructed as not to unreasonably interfere with the proper use of the streets, avenues, alleys, ways, bridges, viaducts, underpasses, and public places in the City, and to that end the Company shall abide by all lawful and reasonable ordinances and resolutions that have been or may be duly adopted by the governing body of the City.

SECTION 5. Whenever the Company shall cause any opening or alteration to be made in any of the streets, avenues, alleys, ways, bridges, viaducts, underpasses, or public places of the City for the purpose of laying, setting, maintaining, operating or repairing any mains, pipes, conduits, appliances, appurtenances or fixtures, the work shall be completed within a reasonable time and the Company shall, upon the completion of such work, restore such portion of the streets, avenues, alleys, ways, bridges or public places to as good a condition as is reasonably practicable as it was before the opening or alteration was made.

SECTION 6. The Company shall hold the City harmless from any and all liability or damages resulting from the negligence of the Company in the construction and maintenance of said mains, pipes, conduits, appliances, appurtenances, and fixtures.

SECTION 7. The Company shall have the power and authority, subject to the supervision of the Alabama Public Service Commission or other duly constituted governmental authority vested with the power now vested in the Alabama Public Service Commission to supervise and regulate public utilities in the State of Alabama, to make, adopt and enforce rates, rules and regulations for the furnishing of gas and for the reasonable operation of its plant and system and shall have the right at all reasonable hours to have access to its gas pipes and the meters of any consumer for the purpose of making repairs and other proper purposes.

SECTION 8. Neither acceptance of, nor compliance with, the provisions of this ordinance shall in any wise impair or affect, or constitute or be construed as a relinquishment or waiver of, any right, permission or authority which Spire, its successors or assigns, may have independently of this ordinance; nor shall any use by Spire, its successors or assigns, of public property or places in the City, as authorized by this ordinance or service rendered by Spire, its successors or assigns, in said City, be treated as use solely of the rights, permission and authority provided for by this ordinance or as service referable solely to this ordinance or to any obligation of service consequent upon acceptance thereof or as in any wise indicating non-use of, non-compliance with, any obligation incident to, any right, permission or authority vested in Spire, its successors or assigns, independently of this ordinance; and the acceptance provided for in Section 13 of this ordinance, and each and every compliance with the provisions of this ordinance or with any obligation arising from acceptance thereof, shall be subject to, and conditioned by, the provisions of this Section 8, with the same force and effect as though each of the provisions of this section were expressly incorporated in such acceptance and expressly declared by the acceptor, its successors or assigns, at and prior to the time of such compliance by it, as conditions of such compliance.

SECTION 9. All ordinances and parts of ordinances in conflict with this ordinance or with any of its provisions are, to the extent of such conflict, hereby repealed.

SECTION 10. The duration of this franchise shall be for a period of thirty (30) years from the date of its adoption by the Mayor and the City Council.

SECTION 11. As a condition to the continued existence of the franchise herein granted and as compensation or consideration for the granting thereof, the Company agrees by its acceptance hereof that it will pay to the City, in addition to all taxes now or hereafter required by law to be paid, a franchise fee of three percent (3%) of gross gas sales revenues received by the Company from the sale and delivery of gas during the preceding calendar year to customers within the corporate limits and police jurisdiction (so long as the City is providing services in the police jurisdiction) of the City, except for gas which is sold within the corporate limits of another municipality which has granted the Company a franchise.

SECTION 12. This Ordinance shall be published in accordance with the applicable provisions of Section 11-45-8 of the Code of Alabama (1975). Such publication shall be done by the City Clerk of the City and thereafter the City Clerk shall enter upon the minutes of the City, immediately after the place where this Ordinance is recorded, a certificate setting forth that such Ordinance was published in accordance with the terms hereof and the laws of the State of Alabama. The expense of such publication shall be paid by the Company.

SECTION 13. Upon filing by the Company with the Clerk of the City of a written acceptance of this Ordinance and of the franchise granted hereby, this Ordinance shall constitute a contract between the City and the Company and their respective successors and assigns.

SECTION 14. The enactment of this franchise in the manner hereinabove provided shall have the effect of terminating any other franchise heretofore granted by the City and then held by the Company covering the distribution of gas in the City and territory contiguous thereto.

SECTION 15. If any provision of this ordinance, or the application of such provision to particular circumstances, shall be held invalid, the remainder of this ordinance, or the application of such provision to circumstances other than those as to which it is held invalid, shall not be affected thereby.

ADOPTED AND APPROVED this 27TH day of April, 2021.

CITY OF TUSKEGEE, ALABAMA

/s/ Lawrence F. Haygood, Jr.

Lawrence F. Haygood, Jr., Mayor

ATTEST:

/s. Fartima B. Clark

Fartima B. Clark, City Clerk

After completion of the reading of said Ordinance (Granting a Franchise to Spire Alabama Inc.) **Council Member Ford** moved that the rules be suspended and that unanimous consent of those present be given for the immediate consideration of said Ordinance. This motion was duly seconded by **Council Member Whitehead**, and upon a call of the roll by the Clerk, upon the adoption of said motion, the following voted

AYE: Mayor Tony Haygood, Council Member at Large Chris Lee, Council Member Norma Jackson, Council Member Johnny Ford, Council Member Orlando Whitehead

NAY: NONE

Whereupon the result of the vote was announced, and the Council President declared the rules suspended.

Council Member Ford then moved that the said Ordinance be adopted.

This motion was duly seconded by **Council Member Whitehead** and upon a call of the roll by the Clerk, upon the motion to adopt the said Ordinance, the following voted.

AYE: Mayor Tony Haygood, Council Member at Large Chris Lee, Council Member Norma Jackson, Council Member Johnny Ford, Council Member Orlando Whitehead

NAY: NONE

Whereupon the result of the vote was announced, and the Council President declared the said Ordinance passed and adopted.

* * *

There being no further business to come before said meeting and upon motion of **Council Member Ford** and seconded by **Council Member Whitehead**, the meeting adjourned.

CITY OF TUSKEGEE, ALABAMA

/s/ Lawrence F. Haygood, Jr.

Mayor of the City of Tuskegee, Alabama

/s/ Fartima B. Clark

Clerk of the City of Tuskegee, Alabama

STATE OF ALABAMA)
MACON COUNTY)

I, the undersigned, **FARTIMA B. CLARK**, Clerk of the City of Tuskegee, Alabama, do hereby certify that the above and foregoing is a true and correct copy of an extract from the minutes of the regular meeting of the City Council of the City of Tuskegee, Alabama, held on the **27th day of April, 2021**, at **5:30 PM**, which said extract correctly sets forth all proceedings of said meeting relating to **Ordinance No. 2021-03** granting a franchise to the Spire Alabama Inc.

Witness my hand and the seal of said City of Tuskegee, Alabama this 27th day of April, 2021.

(S E A L)

12. **RESOLUTIONS:**

A. Resolution No. 2021-65. Celebrating & Remembering the Life of Arthur J. Sawyer, Jr.

Motion was made by Council Member Ford to adopt and approve resolution no. 2021-65 as stated celebrating & remembering the life of Arthur J. Sawyer, Jr., deceased. Council Member Whitehead seconded the motion and all members voted aye. Mayor Haygood declared the motion carried.

RESOLUTION NO. 2021-65

Celebrating & Remembering the Life of Arthur J. Sawyer, Jr., deceased
(February 21, 1939 – April 26, 2021)

WHEREAS, Arthur J. Sawyer, Jr. was born in Tuscaloosa, Alabama on February 21, 1939 to the late Arthur James Sawyer, Sr., and Nellie Ruth Sawyer. He was married to the late Jean McDonald Sawyer for 38 years and to this union came a son, Maurice DeVaughn Sawyer and a daughter, Shawn Shannyce Sawyer Armstead; and

WHEREAS, Arthur's educational training started at the 20th Street School in Tuscaloosa, Alabama. After relocating to Tuskegee Institute, Alabama in 1946, he continued his elementary education at St. Joseph Catholic School. He was a graduate in the Class of 1957 from Tuskegee Institute High School. He received a Bachelor of Science in Physical Education from Tuskegee Institute in 1961. In 1973, he received a Master of Education in Guidance and Counseling from Tuskegee Institute. Finally in 1979, he obtained a Specialist Degree in Physical Education from Auburn University. His military service to the country started at Ft. Gordon, Georgia in 1961. He transferred to Ft. Sill, Oklahoma where he spent his remaining service time until 1964 as a Sargent in the Army as a Radar Mechanic; and

WHEREAS, Arthur started teaching in 1966 at Tuskegee Institute High School as a Physical Education teacher. After a year in 1967 he started as a teacher in Physical Education at Debra Cannon Wolfe High School also known as D.C. Wolfe. He stayed at D.C. Wolfe until he retired in 2000. At D.C. Wolfe while being a Physical Education teacher, he was the head coach of the Varsity Football, Basketball and Track Teams. In 1976, he was the coach of the Stare Championship Track Team. With his passion for sports, he even found time to volunteer in the Tuskegee Community by coaching the Greenwood Giants Little League Baseball Team. Throughout life Arthur enjoyed golfing, boating, motor cycling and later after retirement he was an avid bowler; and

WHEREAS, Arthur leaves to cherish his memories: his loving and dedicated son and daughter in-law, Maurice DeVaughn (Moniqua) Sawyer; his loving and devoted daughter and son-in-law, Shawn Shannyce Sawyer (Lionel) Armstead, Jr.; five precious grandchildren, Devin DeVaughn Sawyer, Jere' Dominique Armstead, Tyson Donnell Armstead, Reese Sterling Sawyer, and Campbell Simone Sawyer.

NOW, THEREFORE BE IT RESOLVED by the Mayor and City Council Members of the City of Tuskegee and state the following: (1) that the above recitals are true and correct; (2) that we honor, memorialize, and celebrate the legacy of Arthur J. Sawyer, Jr. with his children, grandchildren, his extended family, and friends.

ADOPTED AND APPROVED this 27th day of April, 2021.

CITY OF TUSKEGEE, ALABAMA

/s/ Lawrence F. Haygood, Jr.

Lawrence F. Haygood, Jr., Mayor

ATTEST:

/s/ Fartima B. Clark

Fartima B. Clark, City Clerk

B. Resolution No. 2021-66. Honoring Tom Davidson, President & Founder of EVERFI

Motion was made by Council Member Ford approving resolution number 2021-66 as stated honoring Tom Davidson, President and Founder of EVERFI. Council Member Jackson seconded the motion and all members voted aye. Mayor Haygood declared the motion carried.

RESOLUTION NO. 2021-66

A Resolution Honoring Tom Davidson, President & Founder of EverFi

WHEREAS, Tom Davidson is the Founder and Chief Executive Officer of EVERFI, Inc. based in Washington, D.C. since starting EVERFI in 2008, Tom has led the Company from a startup to a thriving organization with 550 employees serving more than 3,300 customers, including several Fortune 500 corporations, financial institutions and colleges and universities nationwide; and

WHEREAS, Tom has raised more than \$250 million of venture capital from the world's leading institutions and technology leaders including TPG, The Rise Fund, New Enterprise Associates, Amazon CEO Jeff Bezos, Google Chairman Eric Schmidt, Twitter Founder Evan Williams, and Allen and Company. EVERFI's community engagement technology powers major initiatives for customers including Airbnb, American Express, google, HSBC, MassMutual and Mastercard, as well as major sports leagues including the NFL, NHL, and MLB; and

WHEREAS, Tom has been a leader in education technology for more than 20 years. While a senior at Bowdoin College, Tom ran for the Maine House of Representatives, was elected in an upset and served three consecutive terms before deciding not to pursue reelection. He served as one of the youngest committee Chairs as Chairman of the Utilities and Energy Committee where he led efforts to expand the wiring of schools and libraries across the state. He introduced and passed major legislation on health policy, government ethics, and economic development. He also served as a senior member of the Taxation Committee and the Banking and Insurance and Business and Economic Development Committees; and

WHEREAS, it was during his tenure in the state legislature that Tom Realized the powerful role the private sector can play in tackling issues affecting the public sector—specifically schools. It was this idea that eventually led him to establish EVERFI with an eye toward balancing the opportunities available to students in low-income to moderate-income communities; and

WHEREAS, Tom is the recipient of numerous business and leadership awards including Goldman Sachs Top 100 Most Intriguing Entrepreneurs Award for two consecutive years and Goldman Sachs Top 100 Innovator and Builder Award. He was also named Entrepreneur of the Year for the Greater Washington, D.C. region by Ernst & Young and was recognized by Glassdoor as the 4th highest nationally ranked CEO amongst SMB companies with a 99 percent employee approval rating. He is a sought-after speaker and has been featured in numerous media outlets including Bloomberg, CNN Money, Fast Company, Fortune, Fox Business News, TechCrunch, Yahoo Finance, Wall Street Journal, and The Washington Post. Tom also serves on the Board of DC Ed Fund; and

NOW, THEREFORE BE IT RESOLVED, that I, Lawrence F. Haygood, Jr., as Mayor of the City of Tuskegee and the City Council do hereby state the following: (1) that the above recitals are true and correct; (2) that we honor and celebrate the accomplishments of Tom Davidson as President and Founder of EverFi.

ADOPTED and APPROVED this 27th day of April, 2021.

CITY OF TUSKEGEE, ALABAMA

/s/ Lawrence "Tony" Haygood

Lawrence "Tony" Haygood, Mayor

ATTEST:

/s/ Fartima B. Clark

Fartima B. Clark, City Clerk

13. **CITY ATTORNEY'S REPORT.** (Milton C. Davis, Attorney at Law)

The City Attorney read his legal opinion so that it can be included for the record and attached to the official minutes.

14. **CITIZEN'S COMMUNICATIONS.** NONE.

15. **OTHER BUSINESS / EXECUTIVE SESSION.**

- 7:13 PM Motion was made by Council Member Whitehead for council to enter executive session. Council Member Ford seconded the motion and all members voted aye. Mayor Haygood declared the motion carried.
- 8:01 PM Motion was made by Council Member Ford for council to end executive session. Council Member Whitehead seconded the motion and all members voted aye. Mayor Haygood declared the motion carried.

Motion was made by Council Member Jackson to accept the appointment of Mia Hutcherson as the Executive Director of the Tuskegee-Macon County Head Start. Council Member Ford seconded the motion and all members voted aye. Mayor Haygood declared the motion carried. (the City Attorney will prepare a resolution for the May 11, 2021 Council Meeting that will ratify this action as well as reestablish that council has exclusive authority to select the Executive Director for the Tuskegee-Macon County Head Start Program)

Motion was made by Council Member Ford to set a Special City Council Meeting on Monday, May 3, 2021 at 1:00 PM at the Municipal Complex to discuss resolution no. 2021-64 regarding City Manager's Employment. Council Member Whitehead seconded the motion and all members voted aye. Mayor Haygood declared the motion carried.

16. **ADJOURNMENT.**

There being no further matters to come before the Council at this time, Council Member Whitehead moved to adjourn at 8:03 PM. Mayor Haygood declared the meeting adjourned.

CITY OF TUSKEGEE, ALABAMA

Lawrence F. Haygood, Jr., Mayor

ATTEST:

Fartima B. Clark, City Clerk