

The City Council of the City of Tuskegee met in special session on Tuesday, January 26, 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 as circulated. Council Member Lee seconded the motion and all members voted aye. Mayor Ford declared the motion carried.

6. **APPROVAL OF MINUTES.** (Minutes for February 16, 2016 and February 23, 2016)

A. Minutes for February 16, 2016:

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

B. Minutes for February 23, 2016:

Motion was made by Mayor Pro-Tempore Haygood to accept and approve the minutes as circulated with the necessary changes and/or corrections. Council Member Whitehead seconded the motion and all members voted aye. Mayor Ford declared the motion carried.

7. **CITIZEN'S COMMUNICATIONS:**

1. Bernice L. Frazier, SCL Foundation, Darryl Rock, National Program Director & Dr. Pamela Williams  
RE: Live Black History Icons Wax Museum
2. Dr. Elaine C. Harrington  
RE: 13<sup>th</sup> Annual Carver Festival (April 30<sup>th</sup>) & Special Recognition Event to be held on March 12<sup>th</sup>  
honoring: Ms. Janet Sullins, Ms. Mary Harris and Ms. Ruby Robinson
3. Thomas Reed, Jr.  
RE: Tuskegee Solar Services, LLC
4. Dr. Lisa Bradford, History Dept. Tuskegee University  
RE: Olympics of the Mind (27 categories) for Grades 9<sup>th</sup> - 12<sup>th</sup>

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

Motion was made by Council Member Whitehead to receive the financial report as presented by Ms. Frankie Williams, Finance Director. Council Member Moon seconded the motion and all members voted aye. Mayor Ford declared the motion carried.

- Approval of FEMA Local Disaster Agreement

Motion was made by Mayor Pro-Tempore Haygood to accept and approve the FEMA Local Disaster Agreement. Council Member Moon seconded the motion and all members voted aye. Mayor Ford declared the motion carried.

- D. Head Start Report:
  1. Executive Director's Report (Jan. 2016)
  2. Revenue & Expenditure Report including Credit Card Report (Jan. 20165)
  3. Monthly Summary of Meals and Snacks Provided through USDA (Jan. 2016)
  4. Enrollment and Attendance Report
  5. Classroom Assessment Scoring System (CLASS) Fall Program Results
  6. National Average CLASS Grantee Results and Scores
  7. 2015-2016 Disability Waiver Request
  8. Revised Finance Policies and Procedures (Incentive Compensation & Administrative Costs)

Motion was made by to Mayor Pro-Tempore Haygood to accept and approve the Head Start Report as 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 to Council Member Moon to accept and approve the 2015-2016 Disability Waiver Request for Head Start Report as presented by Nannette Phillips, Director. Mayor Pro-Tempore Haygood seconded the motion and all members voted aye. Mayor Ford declared the motion carried.

Motion was made by to Council Member Whitehead to accept and approve the revised Finance Policies and Procedures (Incentive Compensation & Administrative Costs) for Head Start Report as presented by Nannette Phillips, Director. Council Member Moon seconded the motion and all members voted aye. Mayor Ford declared the motion carried.

- E. Housing Demolition: Request Public Hearing
  - 304 Bibb Street
  - 1805 A & B West Martin Luther King Highway
  - 2002 West Martin Luther King Highway
  - 107 Short Street

Motion was made by Council Member Whitehead to set a public hearing for the next council meeting on March 8, 2016 at 6:30 PM regarding housing demolition for the following properties: 304 Bibb Street, 1805 A & B West Martin Luther King Highway, 2002 West Martin Luther King Highway and 107 Short Street. Council Member Lee seconded the motion and all members voted aye. Mayor Ford declared the motion carried.

- F. Update on MOU / LOI: Tuskegee Solar Services, LLC (Thomas Reed, Jr.)
- G. Tobacco Ordinance No. 2015-8.
- H. Employee Recognition: "Years of Service"
  - Kiwanis Woods, Fire Dept. "10 Years of Service"
  - Uralvin Clark, Fire Dept. "10 Years of Service"
  - Kendarius Kendrick, Fire Dept. "10 Years of Service"
  - Jason Levett, Fire Dept. "10 Years of Service"

- I. Announcements.

11. **ORDINANCES:**

- A. Ordinance No. 2016-5. Amending Tobacco Ordinance No. 2015-8 adding taxes little cigars sold like cigarettes in packs of 20. (1<sup>st</sup> Reading)

12. **RESOLUTIONS:**

- A. Resolution No. 2016-21. Celebrating & Remembering the Life of Dudley Smith, Sr., deceased.

Motion was made by Council Member Whitehead to accept and approve resolution 2016-21 as stated. Council Member Lee seconded the motion and all members voted aye. Mayor Ford declared the motion carried.

- B. Resolution No. 2016-22. Celebrating & Remembering the Life of Dr. Eugene Adams, deceased.

Motion was made by Council Member Whitehead to accept and approve resolution 2016-22 as stated. Mayor Pro-Tempore Haygood seconded the motion and all members voted aye. Mayor Ford declared the motion carried.

- C. Resolution No. 2016-23. Celebrating & Remembering the Life of Rev. William Schooler, deceased.

Motion was made by Mayor Pro-Tempore Haygood to accept and approve resolution 2016-23 as stated. Council Member Whitehead seconded the motion and all members voted aye. Mayor Ford declared the motion carried.

**RESOLUTION NO. 2016-23**

**Celebrating & Remembering the Life of the Reverend William Schooler**

**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 the Reverend William Schooler; and with a lasting gratitude for his exemplary life at St. Peter's Missionary Baptist

Church in Dayton, Ohio, his tireless and unselfish labor among us; the good he did 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 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 Reverend William Schooler and express sympathy to his wife and family and friends and former church family; 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 the Reverend William Schooler.

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



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Johnny Ford, Mayor

D. Resolution No. 2016-24. Approving the FEMA Local Disaster Agreement.

Motion was made by Council Member Moon to accept and approve resolution 2016-24 as stated. Mayor Pro-Tempore Haygood seconded the motion and all members voted aye. Mayor Ford declared the motion carried.

#### **RESOLUTION NO. 2016-24**

#### **A Resolution Accepting the FEMA Local Disaster Assistance Agreement for assistance with damages to the roadways and bridges caused by Severe Storms, Tornadoes, Straight Line Winds and/or Flooding in the City of Tuskegee, Alabama**

**WHEREAS**, the City of Tuskegee is eligible to request funds and assistance from FEMA 425-DR-AL through the State of Alabama in accordance with the Robert T. Stafford Disaster Relief and Emergency Assistance Act, 44 CFR §206 and 44 CFR Part 13; and that these funds are made available and authorized by the Governor's Authorized Representative/State EMA Director; and

**WHEREAS**, the City of Tuskegee has determined that one of the greatest operational needs for the City of Tuskegee is the acquisition of the funds from FEMA 425-DR-AL is to make all of the necessary repairs to the roads, bridges, culverts, buildings and etc. that were damaged during the storm in the City of Tuskegee.

**NOW, THEREFORE, BE IT RESOLVED**, by the City Council of the City of Tuskegee, as follows:

1. That the City of Tuskegee shall enter into an agreement with the State of Alabama by accepting the FEMA Local Disaster Assistance Agreement so that the City of Tuskegee can receive funds for assistance with repairs for damages done to roads, bridges, culverts, buildings and etc. in the City of Tuskegee during the storm; and
2. That FEMA 425-DR-AL Representative shall obtain all the necessary documents and estimates for all of the damages made during the storm; and
3. The City Manager is hereby authorized and directed to execute all required agreement documentation on behalf of the City of Tuskegee; and is authorized to take other necessary actions as may be required to implement the project with all due speed in the event of funding approval.

**ADOPTED AND APPROVED** by the City Council of the City of Tuskegee, Alabama this 29<sup>th</sup> day of February, 2016.

CITY OF TUSKEGEE, ALABAMA



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Johnny Ford, Mayor

ATTEST:

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James W. Harper, City Manager

- E. Resolution No. 2016-25. Authorizing the Gray Firm to continue to serve as legal counsel for the City of Tuskegee regarding the Benjamin Franklin Cox case.

Council agreed to discuss Resolution No. 2016-25 at the next council meeting (March 8, 2016) due to receiving the resolution during the council meeting and not prior to the meeting.

#### **RESOLUTION NO. 2016 – 25**

#### **A Resolution authorizing the Gray Firm to continue as legal counsel for the City of Tuskegee regarding the Benjamin Franklin Cox et. al vs. City of Tuskegee et. al Case**

**WHEREAS**, the City of Tuskegee, Alabama (City) caused the Utilities Board of the City of Tuskegee (UBT) to be incorporated in 1970, conveying to it the City's electrical, sewer and water systems for a nominal consideration; and

**WHEREAS**, since the incorporation of the UBT, a majority of the members of the of the UBT have been appointed by the City Council of the City pursuant to state statute; and

**WHEREAS**, since UBT's incorporation, the City and the UBT have worked together toward improving the City of Tuskegee and the system of the UBT, all for the benefit of the residents of the City and the customers of the UBT; and

**WHEREAS**, since the incorporation of UBT, the City and UBT have worked together and have, for the most part, used the same lawyer or same law firm to represent the City and the UBT; and the bodies have worked well and without conflict with one law firm representing the two; and

**WHEREAS**, the City Council of the City and the Board of Directors of UBT each separately appointed the law firm of Gray, Langford, Sapp, McGowan, Gray, Gray & Nathanson, P.C. to represent each respectively and each has indicated satisfaction with the services performed by said attorneys; and

**WHEREAS**, on June 21, 2013 the case of *Benjamin Franklin Cox, et al. v. the City of Tuskegee, et al.* was filed in the Circuit Court of Macon County, Alabama, Case Number CV-13-900123 and said law firm is representing the City of Tuskegee and UBT, defendants in the case; and

**WHEREAS**, in a hearing on February 24, 2016, the attorneys for the Plaintiffs raised alleged that a conflict of interest exists for said law firm to represent both of these defendants in the case and the circuit judge presiding over the case inquired concerning the same in open court and requested a response from the UBT; and

**WHEREAS**, the City Council of the City of Tuskegee has carefully considered the alleged conflict of interest suggestion made by counsel for the Plaintiffs and the Circuit Judge's inquiry; and states that it is desirous of the law firm of Gray, Langford, Sapp, McGowan, Gray, Gray and Nathanson, P.C. continuing in its representation of the City. Additionally, the City asserts that no conflict of interest exists in its appointing by election three (3)

council members to the UBT's Board of Directors. The City Council believes it is in the best interest of the City to continue to retain said attorneys;

**NOW, THEREFORE, BE IT RESOLVED** by the City Council of the City of Tuskegee that it has carefully examined and reviewed the relationship of the Law firm of Gray, Langford, Sapp, McGowan, Gray, Gray & Nathanson, P.C. with the City of Tuskegee and the Utilities Board of the City of Tuskegee and finds that it is satisfied that said law firm may continue to represent the City. The City of Tuskegee hereby ratifies and confirms its own action retaining the law firm of Gray, Langford, Sapp, McGowan, Gray, Gray & Nathanson, P.C. and authorizes said firm to continue representing it in the case referred to above.

**ADOPTED AND APPROVED** by the City Council of the City of Tuskegee, Alabama, this \_\_\_\_\_ day of \_\_\_\_\_, 2016.

CITY OF TUSKEGEE, ALABAMA

By: \_\_\_\_\_  
Johnny Ford, Mayor

ATTEST:

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James W. Harper, City Manager

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

- Firearms Policy. (City Attorney will have at the next Council Meeting, March 8, 2016)
- Fracking Policy. (City Attorney will have at the next Council Meeting, March 8, 2016)
- Nightclub: Soul Inn

The clubs and lounges are governed by Ordinance No. 2014-6 which is an ordinance that amends ordinance 98-7 and 2003-1 and further amended two (2) years ago or about a year and a half (1 ½ ) year ago. Ordinance No. 2014-6 requires among other things that all night clubs that serve alcoholic beverages must provide and show proof of adequate parking which is based upon the establishments occupancy as determined by the City of Tuskegee's Fire Marshal, appropriate officer or Police Officer; and it also sets forth a fine for every individual infraction. The ordinance further provides that every club that sells alcoholic beverages must have a written safety plan. The written safety plan includes certain criteria based upon the occupancy and many other requirements. Every club has to satisfy the items identified in Ordinance No. 2014-6 in order to get a business license.

The Soul Inn's owner or manager submitted to council at the last meeting what's called the Soul Inn Security Plan. It is a good start but it does not comply or appears not to be in compliance with the ordinance just from the provisions mentioned to you that are in the Ordinance No. 2014-6. That is it from a stand point. The ordinance contemplates interaction between the city manager and the operator for any potential nonviolence issues.

Motion was made by Council Member Moon that Soul Inn not be granted a business license to reopen the club because the plan submitted to council does not appear to meet the specification of Ordinance No. 2014-6. Mayor Ford seconded the motion and on call for the question the following vote was recorded:

**VOTING AYE**

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

**VOTING NAYE**

Council Member Frank Christopher Lee, II

Mayor Ford declared the motion carried not to grant a business license to open Soul Inn Night Club.

**Attorney's Report Continued:**

Attorney Gray stated that he has one resolution which goes back to the Cox Case. He stated that there was a question that arose from the other lawyers concerning the firm's representation of the City of Tuskegee and the Utilities Board. Although the inquiry only went to the Utilities Board, the firm thought it wise to prepare for the council a resolution where you acknowledge the fact that you realize that the City of Tuskegee and the Utilities Board have the same attorneys; and that from a City's stand point that you are satisfied with the firm continuing to represent Council. Attorney Gray also stated that the resolution before Council is pretty much the same resolution that was prepared for the Utilities Board except, where you see UBT it will be replaced with City of Tuskegee. This resolution is not a requirement of the Judge but the firm thought it was necessary to be prepared.

Atty. Gray stated that in the Cox vs. City of Tuskegee Case, there was hearing about a week ago and the purpose of the hearing was for the Judge to rule on certain motions that were pending. There was a motion that was filed on behalf of the City of Tuskegee and the Utilities Board asking the Judge to make final his earlier ruling and by making final the ruling on summary judgment or granting summary judgment to the plaintiffs on certain issues it would stop the process at the local level; and then send everything to the Supreme Court of Alabama which is where one part of the case is already and has been for about six to nine months. It is important to stay or stop all proceedings at this point so that the parties can take the record that has been established and appeal the issues that the judge has ruled which they think erroneously. The Judge also took up some discovery motions on some things on certain information from the City of Tuskegee and the Utilities Board and to be consistent on behalf of the City of Tuskegee and the Utilities Board providing that information; and the Judge ruled against the City of Tuskegee verbally on that. Although having practiced law now for over 27/28 years, Atty. Gray stated that when a Judge says something from the bench that lawyers don't wait until they get something in writing to start acting on it but they go ahead and start preparing to be ready; and so to that end he has been working with the appropriate individuals on the City of Tuskegee side and Utilities Board side and on the City side to some extent with respect to discovery. He stated that he will not discuss any further with that because it is attorney client/privilege information. All they are waiting on now is the Judge to send a written order.

Motion was made by Council Member Whitehead to receive the City Attorney's Report as presented. Mayor Pro-Tempore Haygood seconded the motion and all members voted aye. Mayor Ford declared the motion carried.

14. **OTHER BUSINESS.**

There being no further matters to come before the Council at this time, Council Member Moon moved to adjourn at 7:58 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