

The City Council of the City of Tuskegee met in regular session on Tuesday, November 10, 2015 at 6:00 P.M. in the L.M. Gregg Auditorium at the Municipal Complex located at 101 Fonville Street.

1. **CALL TO ORDER.** *Mayor Johnny Ford.*
2. **INVOCATION.**
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 Georgette White Moon
Council Member Ala Whitehead
Council Member Frank Christopher Lee, II

This record reflects that all members of the Council were present.

5. **APPROVAL OF AGENDA.**

Motion was made by Council Member Lee to accept and approve the amended agenda with the following additions: Executive Session; #7) Cindy Tompkins & Dr. Deana Maxwell; Renaming the block at N. Main Street/Elm Street; Council to vote in support of the financing for Exit 38 with AmeriFirst Bank and adding Carlton Blue. Mayor Pro-Tempore Haygood seconded the motion and all members voted aye. Mayor Ford declared the motion carried.

6. **APPROVAL OF MINUTES.** *October 27, 2015*

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

7. **CITIZEN'S COMMUNICATIONS:**

1. Dr. Deana Maxwell & Cindy Tompkins RE: Introduction of physician and extended hours of operation
2. James Harris RE: Thanks for one-time cost of living increase
3. Rev. William Lennard RE: Historic Union between Mt. Olive Missionary Baptist Church/First Baptist Church
4. Patrick Wallace RE: Relocating Wallace Media from California to Tuskegee in the Senior Citizens Building; High Definition Equipment
5. Carlton Blue RE: Letter of Intent for "Tuskegee Green and Holistic Zone" (Industrial Park)

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 Harper, City Manager.

- A. Council Updates / Concerns.
- B. Street Maintenance Activities.
- C. Financial Report. (*Council's Report*)
- D. Announcements:
 - *City of Tuskegee will be closed on Wednesday, November 11, 2015 in observance of the Veteran's Day Holiday*
 - *City of Tuskegee will be closed Thursday, November 26th and Friday, November 27th for Thanksgiving*

11. **ORDINANCES:**

- A. Ordinance No. 2015-7. Rezoning of property at 102 Foye Street, Tuskegee, Alabama from R1 – Single Family Dwelling to R3 – Multiple Single Family Dwelling on one parcel.

Motion was made by Council Member Moon to adopt Ordinance No. 2015-7 as stated rezoning property at 102 Foye Street, Tuskegee, Alabama from R1 – Single Family Dwelling to R3 – Multiple Single Family Dwelling on one parcel. Council Member Whitehead seconded the motion and all members voted aye. Mayor Ford declared the motion carried.

**ORDINANCE #2015-7
(Amending Zoning Ordinance #2002-2)**

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

Section 1. That Ordinance #2002-2 be and the same is hereby amended by adding the following:

Article XI Zoning Maps

That the zoning maps are amended to add the following: Map 2016-1, which depicts the rezoning of certain described property located at 102 Foye Street, Tuskegee, AL 36088, parcel number 15010220010620000, lots 7 and 8 in Calloway Park Subdivision, from R1 – Single Family to R3 – Multiple Single Family dwellings on one parcel.

Article XII: Legal Status Provisions

Section 12.1 Interpretation and Purpose

In their interpretation and application, the provisions of this ordinance shall be considered minimum requirements adopted for the promotion of the public health, safety, morals, convenience, order, prosperity, and general welfare of the community. Where other ordinances or regulations which may be adopted hereafter impose greater restrictions than those specified herein, compliance with such other ordinances is mandatory. This ordinance shall not lower the restriction of plats, deeds, or private contracts, if such are greater than the provisions of this ordinance.

Section 12.2 Saving Clause

If any section, clause, provision or portion of this ordinance shall be held to be invalid or unconstitutional by any court of competent jurisdiction, such holding shall not affect any other section, clause, provision or portion of this ordinance that is not in and of itself invalid or unconstitutional.

Section 13.3 Effective Date

This ordinance shall take effect and be in force from and after the date of adoption and publication as required by law.

ADOPTED and APPROVED by the City Council of the City of Tuskegee, Alabama, on this the 13th day of October, 2015, following a public hearing and recommendation from the City of Tuskegee Planning Commission; and publication and hearing as required by the laws of the State of Alabama.

CITY OF TUSKEGEE, ALABAMA



Johnny Ford, Mayor

ATTEST:

James W. Harper, City Manager

B. Ordinance No. 2015-8. Tobacco Ordinance: Adjusting the Cigar Tax.

Motion was made by Council Member Moon to adopt Ordinance No. 2015-8 as stated adjusting the Cigar Tax. Council Member Whitehead seconded the motion and all members voted aye. Mayor Ford declared the motion carried.

**ORDINANCE NO. 2015-8
AMENDING ORDINANCE 2003-1 TOBACCO PRODUCTS**

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

SECTION 1. Section 13, Article Three, Chapter 13 (50-59), of the Code of Ordinance, City of Tuskegee, Alabama as amended by Ordinance 87-6, adopted May 26, 1987, and Ordinance 88-4, adopted November 24, 1987, Ordinance 90-12 adopted September 25, 1990, Ordinance #98-4 adopted April 15, 1998 and Ordinance 2003-1 are hereby amended to read as follows:

13-51 Levy of Taxes In City

In addition to the taxes now imposed by law, every person who sells, stores or delivers cigarettes, cigars, smoking tobacco, chewing tobacco, snuff, rolling papers for use of tobacco products shall pay a license tax to the City and a license tax is hereby fixed and levied for the sale, storage or delivery of cigarettes, cigars, smoking tobacco, chewing tobacco, snuff, rolling papers for use of tobacco products in the corporate limits of the City and Police Jurisdiction which license tax shall be as follows:

- A. Cigarettes:
 - 1. Eighteen cents (.18) per package (1 to 20 cigarettes per pack)
 - 2. Eighteen cents (.18) per package (21 to 29 cigarettes per pack)
 - 3. Eighteen cents (.18) per package (30 and above cigarettes per pack)

- B. Cigars:
 - 1. Five cents (.05) single cigars
 - 2. Five cents (.05) small cigars – Fifteen cents (.15) per 3 unit pack, twenty-five cents (.25) per 5 unit pack and thirty cents (.30) per 6 unit pack
- C. Smoking & Chewing Tobacco:
 - 1. Eighteen cents (.18) pipe, smoking or chewing tobacco (5 ounces (oz.) or less)
 - 2. Eighteen cents (.18) pipe, smoking or chewing tobacco (more than 5 oz. and less than 10 oz.)
 - 3. Eighteen cents (.18) pipe, smoking or chewing tobacco (more than 10 oz.)
- D. Snuff & Smokeless Tobacco:
 - 1. Eighteen cents (.18) small snuff and/or any form smokeless tobacco (can, box, tumbler or any container 5 oz. or less)
 - 2. Eighteen cents (.18) small snuff and/or any form smokeless tobacco (can, box, tumbler or any container 6 oz. or more)
- E. Rolling Papers:
 - 1. Eighteen cents (.18) small package of rolling papers
 - 2. Eighteen cents (.18) large package of rolling papers

SECTION 2. This Ordinance continues the Eighteen cents (.18) tax on each item set forth in Section A, B, C, D & E above. In addition to license tax prescribed in Ordinance 90-12, 86-4, 87-6, Ordinance 98-4, when collected by the City shall continue to be used for health purposes. This Ordinance further defines that Cigarette Stamps will be affixed on all tobacco products as set forth in Section A above, and prescribed in Ordinances 87-6, 88-4, Ordinance 90-12 and Ordinance 98-4.

SECTION 3. Any Ordinance heretofore adopted by the City Council of the City of Tuskegee, Alabama which is in conflict with this Ordinance is hereby repealed to the extent of such conflict.

SECTION 4. If any part, section or subdivision of this Ordinance shall be held unconstitutional or invalid for any reason, 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 5. 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 10th day of November, 2015.

CITY OF TUSKEGEE, ALABAMA



Johnny Ford, Mayor

ATTEST:

James W. Harper, City Manager

12. **RESOLUTIONS:**

- A. Resolution No. 2016-4. Resolution Supporting the financing efforts for Exit 38 with AmeriFirst Bank.

Motion was made by Council Member Whitehead to approve a resolution in support of the financing efforts for Exit 38 with AmeriFirst Bank, Union Springs, Alabama. Mayor Pro-Tempore Haygood seconded the motion and all members voted aye. Mayor Ford declared the motion carried.

**CITY OF TUSKEGEE, ALABAMA
RESOLUTION NUMBER 2016-4**

**A RESOLUTION IN SUPPORT OF ECONOMIC DEVELOPMENT PROJECT
AT EXIT 38 TO INTERSTATE 85, TUSKEGE, ALABAMA**

WHEREAS, the City Council of the City of Tuskegee has a vested interest in promoting and encouraging economic development, and other growth in the City and its police jurisdiction; and

WHEREAS, the Tuskegee-UBT Cooperative District has secured a commitment from AmeriFirst Bank for the purpose of financing acquisition of real estate and for other lawful purposes in furtherance of a commercial project (the Project) in Tuskegee, Alabama near Exit 38 off Interstate 85; and

WHEREAS, the Project is expected to have a significant economic impact and other positive impact on Tuskegee and in Macon County, Alabama; and

WHEREAS, the City of Tuskegee and Utilities Board of the City of Tuskegee are the members of the Tuskegee-UBT Cooperative District and both are working cooperatively to support the Project.

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

1. The above recitals are true and correct.
2. The Tuskegee City Council deems the project advisable and well worth pursuing and supporting.
3. That the City Council hereby states its full support of the Project and further states that at an appropriate time, will take such steps and actions as it deems necessary to assist and facilitate the Project.

APPROVED AND ADOPTED this the 10th day of November, 2015.

CITY OF TUSKEGEE, ALABAMA

Johnny Ford, Mayor

ATTEST:

James W. Harper, City Manager

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

Attorney Gray stated that he's in discovery in several cases and some of which were set for the February 6, 2016 docket. Atty. Gray also stated that he received a communication on today or yesterday and he expects a ruling in the Cox case on the Circuit Court side. Lastly, he stated that he will further discuss other legal matters during the executive session.

14. **OTHER BUSINESS.**

Motion was made by Mayor Pro-Tempore Haygood for Council to provide a letter of support to Alpha Phi Alpha Fraternity, Inc. in their quest to be named as "Chapter of the Year". Council Member Moon seconded the motion and all members voted aye. Mayor Ford declared the motion carried.

Motion was made by Council Member Moon for the City Manager, James Harper and the City Attorney, Fred Gray, Jr. to meet and come up with the appropriate action to be sure that council is taking the proper steps and action on closing the Soul Inn Night Club. Council Member Whitehead seconded the motion. On call for the question, the following vote was recorded:

VOTING AYE

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

VOTING NAY

NONE

ABSTAINED

Frank Christopher Lee, II, Council Member

Mayor Ford declared the motion carried.

7:17 PM Motion was made by Mayor Pro-Tempore Haygood for Council to Start the Executive Session. Council Member Whitehead seconded the motion and all members voted aye. Mayor Ford declared the motion carried.

7:29 PM Motion was made by Mayor Pro-Tempore Haygood for Council to End the Executive Session. Council Member Lee 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 7:30 PM. Mayor Ford declared the meeting adjourned.

CITY OF TUSKEGEE, ALABAMA

Johnny Ford, Mayor

ATTEST:

Fartima B. Clark, City Clerk