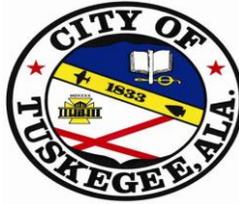


CITY OF TUSKEGEE, ALABAMA
OFFICIAL MINUTES: REGULAR CITY COUNCIL MEETING HELD ON 4th TUESDAY, APR. 27, 2021



The City Council of the City of Tuskegee met in **Regular Session on Tuesday, May 25, 2021**, at 5:35 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.** Rev. Cloud.
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 7A) updates & motion regarding the Mayor for being elected the Vice President of Alabama League of Municipalities; add 13A) Exe Session; under City Manager's Communications at A1) Relocation of Police Dept. and establishing meeting regarding the Salem Nursing Home Building. Council Member Jackson seconded the motion and all members voted aye. Mayor Haygood declared the motion carried.

6. **APPROVAL OF MINUTES.** (May 11, 2021):

Motion was made by Council Member Ford to accept and approve the minutes for May 11, 2021, as circulated with any necessary changes and/or corrections. Council Member-at-Large Lee seconded the motion and all members voted aye. Mayor Haygood declared the motion carried.

7. **CITIZEN'S COMMUNICATIONS:**

1. Dr. Elaine Harrington RE: Closing of Roses Store
2. Dyann Robinson RE: Presentation of the Vester Marable Award by the Historic Preservation Commission recipient (Council Member Ford requested to add an additional \$400.00 to make the award \$500.00 and Dr. Elaine Harrington requested to make the award \$1,000.00)

7A) 2021 ALM Convention Updates by Council Member-at-Large Lee, Council Member Whitehead, Council Member Ford & Mayor Haygood. (Mayor Haygood was elected as Vice President of the Alabama League of Municipalities during the 2021 ALM Convention)

- 7B) **TU/SGA/ OTHER AGENCIES COMMUNICATIONS, ETC.**

Lauryn Johnson 2021-2022 Tuskegee University SGA President (expressed the need for hospital, housing & public transportation for the university students)

8. **MAYOR'S COMMUNICATIONS.** Mayor Lawrence "Tony" Haygood, Jr.
 - A. City Council Work Session.
 - B. Appointment of the City Manager to the Macon County Economic Development Board (MCEDA).
 - C. AES Resolution/Lease.
 - D. Announcements.

9. **TU SGA /OTHER AGENCIES, ETC. COMMUNICATIONS.** *(moved above to 7B).*

10. **CITY MANAGER'S COMMUNICATIONS.** Derrick E. Swanson, Temporary Acting City Manager.

- A. Council Updates / Concerns.

- A1. Relocation of the Police Dept.

Motion was made by Council member Ford to accept the recommendation of the City Manager to relocate the Police Department to the old Board of Education Building Temporarily. Council Member Whitehead seconded the motion and all members voted aye. Mayor Haygood declared the motion carried.

- B. ATV Ordinance.
- C. Amending Ordinance No. 2015-9 -Rerouting Truck traffic on Chappie James drive
- D. Announcements.

11. **ORDINANCES:**

A. Ordinance No. 2021-04. *Regulating & forbidding the operation of all types of all-terrain (ATVs) golf carts and low speed vehicles on public streets within the city limits of Tuskegee & Police Jurisdiction (Adopt)*

Motion was made by Council Member Ford for council to approve and adopt ordinance no. 2021-04 regulating and forbidding the operation of all types of all-terrain (ATVs) golf carts and low speed vehicles on public street within the city limits of Tuskegee and Police Jurisdiction. Council Member Whitehead seconded the motion and all members voted aye. Mayor Haygood declared the motion carried.

ORDINACE NO. 2021-04

REGULATING AND FORBIDDING THE OPERATION OF ALL TYPES OF ALL-TERRAIN VEHICLES (ATV)
GOLF CARTS & LOW SPEED VEHICLES ON PUBLIC STREETS WITHIN THE CITY LIMITS OF TUSKEGEE
& POLICE JURISDICTION

BE IT ORDAINED BY THE MAYOR AND COUNCIL OF THE CITY OF TUSKEGEE, ALABAMA, WHILE IN REGULAR SESSION ON MAY 11, 2021 AS FOLLOWS:

SECTION 1:

Forbidding the Operation of ATVs/Golf Carts on Public Streets.

(a) Policy Statement.

The City understands that residents desire to have the option to operate their Off-Road Utility Vehicles/Golf Carts on a limited basis within the city and have secured the adoption of Ordinance 2021-04 to allow the enactment not to permit such operation in the City of Tuskegee and its Police Jurisdiction subject to the terms of the Ordinance and to such other restrictions the City may impose as unauthorized. In forbidding the use of ATVs/Golf Carts and Low Speed Vehicles on streets and roads within the City Limits and PJ, declaring the operation of such vehicles described herein on streets and roads within the City Limits to be declared illegal. All persons operating Golf Cart/Off-Road Utility Vehicles within the City limits of Tuskegee must do so only in be observant of this ordinance, and attentive to the safety of themselves and others, including their

passengers, other motorists, bicyclists, and pedestrians. All persons who operate or ride ATVs/Golf Carts and Low Speed Vehicles inside the City of Tuskegee and PJ do so at their own risk and peril and is not authorized or sanctioned to do so and shall result in penalties under the law as set forth.

(b) Definitions. As used in this Section, the following terms shall have the following meanings:

"Cart" shall mean a golf cart equipped with head lights, brake lights, efficient brakes, reliable steering apparatus, red reflectorized warning devices on both the front and rear, excepting, however any, State Tagged Cart or Municipal Service Vehicle.

"Off-Road Utility Vehicle (ATV)" means a motorized flotation-tire vehicle with not less than four and not more than eight low-pressure tires that has a seat that is of bucket or bench design, not intended to be straddled by the operator, and a steering wheel or control levers for control. To be street legal, off-road Utility Vehicle (ATV) must have a tag issued by the State of Alabama.

By Resolution of the Council adopted, no street shall be designated as a Designated ATV/Golf Cart Street.

"COT" shall represent the City of Tuskegee founded in 1833 and incorporated in 1843.

"PJ" shall represent the Police Jurisdiction that extends 3 miles past the Tuskegee City Limits.

"State Tagged Cart" shall mean a golf cart, low speed vehicle, or neighborhood electric vehicle that is registered with and licensed by the State of Alabama under Title 32 of the Code of Alabama.

"Municipal Service Vehicle" shall mean a City operated State Tagged Cart or other City operated motorized equipment or vehicle when in service for the provision of public safety or public maintenance services.

(c) Rules and Regulations.

Carts may not be operated on any public street, road, or highway within the corporate limits of the City of Tuskegee.

(d) Violations. The following shall constitute violations of this Section:

(1) The operation of a Cart on any public street, road, or highway within the corporate limits or police jurisdiction of the City of Tuskegee.

(2) No person may drive an off-highway motor vehicle at a speed greater than is reasonable or prudent and in no event at a speed which endangers the safety of other persons or property.

(3) No person may operate, nor may an owner permit the operation of, an off-road motor vehicle in a manner likely to cause within the City of Tuskegee on its roadways malicious or unnecessary damage to the land, wildlife, wildlife habitat or vegetative resources.

(e) Penalties

First Offense:

If an Off-Road Utility Vehicle (ATV)/Golf Cart is stopped in violation of this provision, then the ATV/Golf Cart shall be immediately impounded and held at the owner's expense by the City until such time as all cases involving said ATV/Golf Cart have been finally resolved. In addition, to any other fines and/or costs the owner shall pay towing and storage costs. Storage costs shall be \$25/day held up to thirty (30) days. If the full amount of the storage is not paid by the 1st day after the 30 days, the ATV/Golf Cart shall become property of the City of Tuskegee.

Second Offense:

(1) The unauthorized operation of an Off-Road Utility Vehicle, ATV, Golf Cart, or Cart on any public street, road, or highway shall be a violation for which the City shall assess and collect a civil penalty from the owner in the amount of one thousand dollars (\$1,000).

(2) Any person committing a violation of this Section shall, upon conviction, be punished by a fine of not less than one thousand dollars (\$1,000) and a maximum of two thousand five hundred dollars (\$2,500) and/or may be imprisoned for a period not exceeding sixty (60) days, at the discretion of the Municipal Court Judge.

(f) Exceptions

The followings agencies can use ATVs/Carts on streets and roads within the COT and PJ:

1. Any Law Enforcement Agency
2. The City of Tuskegee Fire Department
3. The Recreation Department to perform daily job duties and its affiliates during City events.
4. The Airport staff to perform daily job duties and its affiliates during events.
5. During disasters and declared emergencies to assist the citizens of this community.
6. All other situations for use must be approved by the City Manager.
7. All safety helmets, eye protection, and safety vests must be worn at all times if applicable.

(g) Section Supplementary to Federal and State Regulation. The provisions of this Section shall be interpreted as supplementary to all other municipal, state, and federal laws and regulations now or hereafter in force, and compliance with this Section does not relieve an individual from the requirement of compliance with all other applicable municipal, state, and federal laws and regulations, if any.

SECTION 2

The provisions of this Ordinance are severable. If any part of this Ordinance is declared invalid or unconstitutional by a court of competent jurisdiction, such declaration shall not affect the validity and enforceability of the remaining provisions of the Ordinance.

SECTION 3

This Ordinance shall become effective upon its adoption and publication as required by law.

ADOPTED AND APPROVED this 25th day of May, 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

12. **RESOLUTIONS:**

A. Resolution No. 2021-72. Appointing the City Manager to the Macon County Economic Development Board.

Motion was made by Council Member Ford to adopt and approve Resolution No. 2021-72 as stated appointing the City Manager to the Macon County Economic Development Board. Council Member Whitehead seconded the motion and all members voted aye. Mayor Haygood declared the motion carried.

RESOLUTION NO. 2021-72

Appointment of the City’s Official Board Member to the Macon County Economic Development Authority

WHEREAS, the MCEDA was created by legislative statute and amendment and is governed by a set of bylaws and that the City of Tuskegee is allotted one voting board member; and

WHEREAS, the previous appointment was former City Manager Bernard E. Houston who upon his resignation to the City of Tuskegee was no longer appointed and that the position cannot be held by any elected official; and

WHEREAS, the City of Tuskegee fully supports and desires to participate fully in the good work and purposes of the MCEDA; and

WHEREAS, the City of Tuskegee, by way of this resolution, hereby nominates and appoints City Manager Derrick E. Swanson as our representative to the MCEDA Board of Director in accordance with the term and bylaws of MCEDA to fulfill the vacancy, and

BE IT RESOLVED THEREFORE, that a formal letter of this action shall be sent to the Chairman of the MCEDA, Mr. Mark Ennis at 608 Dibble Street, Suite 7, Tuskegee, AL 36083 notifying MCEDA of this action effective this day of passage of the resolution, and that Mr. Houston be seated to the board of MCEDA.

ADOPTED AND APPROVED this 25th day of May, 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. 2021-73. Congratulating Mayor Tony Haygood on being elected at Vice President of the Alabama League of Municipalities.

Motion was made by Council Member Ford approving resolution number 2021-73 as stated congratulating Mayor Tony Haygood on being elected as the Vice President of the Alabama League of Municipalities (ALM) during the 2021 Annual Convention held in Huntsville, Alabama. Council Member Jackson seconded the motion and all members voted aye. Mayor Haygood declared the motion carried.

RESOLUTION NO. 2021-73

Congratulating Mayor Tony Haygood on being Elected as the Vice President of the Alabama League of Municipalities (ALM) during the 2021 Annual League Convention May 12-15

BE IT RESOLVED by the City Council of the City of Tuskegee that the City Council congratulates Mayor Tony Haygood on being elected as the Vice President of Alabama League of Municipalities during the 2021 Alabama League of Municipalities Annual Convention on May 12-15, 2021 in Huntsville, Alabama.

ADOPTED and APPROVED this 25th day of May, 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 stated that he had a couple of public items:

1. Ask the City Clerk to poll council members to set a date for the 2nd quarter legal briefing. This is done so that you can have a comprehensive update of all cases and so that you all can stay updated and on track on legal matters.
2. When there are as many challenges as we have with the streets, I urge the council to have members of the street dept. along with the City Manager and the Police Dept to make an assessment. If there are areas that you just can't get to then you need to close the street to the outside and put the signage and barriers up. You can either pay the claims or you can put the money into buying equipment to properly close the streets to the outside.
3. Regarding AES, we are all on the same page. We have had excellent meetings, telephone calls and have gone through the list and have worked things out. AES wanted to have a list of upgrades and have placed a dollar amount on the upgrades; and they have put in a specific time frame which is 6 months from the end of this lease to have those things completed. It is now in the hand of the lawyers. The meetings have been excellent and everybody is on the same page; and the projected time frame will be either June 8th or June 22nd council meeting. AES is requesting a ten year lease with a five year option. They want to donate a crew car to the airport and continue with the current lease payments (\$9,600.00) unless they fail to make the upgrades.

14. **CITIZEN'S COMMUNICATIONS.**

1. Ala Whitehead RE: Questions regarding contracts to keep the City Lake cut and clean
2. Jacqueline D. Gullett RE: Overgrown properties near her house
3. Patrick Wallace RE: Booker T. Washington's House & TU houses are overgrown

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

7:44 PM Motion was made by Council Member Whitehead for council to enter executive session. Council Member Jackson seconded the motion and all members voted aye. Mayor Haygood declared the motion carried.

8:03 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 Ford to accept the recommendation of the City Manager to allow Bama Tree company to enter and exit on Eich Road to remove timber pending an agreement is signed. Council Member Ford seconded the motion and all members voted aye. Mayor Haygood declared the motion carried.

Motion was made by Council Member Ford to authorize the Mayor Tony Haygood to sign the FAA grant offer for Airport Improvements (AIP) Project No. 3-01-0078-022-2021 at Moton Field Municipal Airport. Council Member Whitehead seconded the motion and all members voted aye. Mayor Haygood declared the motion carried.

Motion was made by Council Member Whitehead to authorize the to settle the matter regarding Senior Citizen's Building. Council Member Ford seconded the motion and all members voted aye. Mayor Haygood declared the motion carried.

Motion was made by Council Member Ford to accept the Barge Designs Report to start patching streets. 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 8:05 PM. Mayor Haygood declared the meeting adjourned.

CITY OF TUSKEGEE, ALABAMA

Lawrence F. Haygood, Jr., Mayor

ATTEST:

Fartima B. Clark, City Clerk