

**MINUTES OF A REGULAR MEETING OF THE
CITY COUNCIL OF THE CITY OF
JASPER, ALABAMA, HELD NOVEMBER 3, 2020**

10:02 a.m. - The meeting was called to order by Councilmember Willie Moore, III in the Council Chamber, City Hall, 400 19th Street West, Jasper.

Present: Councilmembers Jed Daniel, Gary Cowen, Jennifer W. Smith and Willie Moore, III, Mayor David P. O'Mary, City Clerk/Administrator Kathy Chambless and Russell B. Robertson, City Attorney.

Absent: Presiding Officer Danny Gambrell

Invocation: Revenue Compliance Office Brent McCarver

Pledge of Allegiance: Purchasing Agent Derleda Abrom

Approval of Minutes:

Motion

Moved by Councilmember Smith, seconded by Councilmember Cowen that the minutes of the regular meeting held October 20, 2020, be approved.

Vote

Councilmember Jed Daniel	Yes
Councilmember Gary Cowen	Yes
Councilmember Jennifer W. Smith	Yes
Councilmember Willie Moore, III	Yes
Presiding Officer Danny Gambrell	Absent

Motion

Moved by Councilmember Cowen, seconded by Councilmember Smith that the minutes of the organizational session held November 2, 2020, be approved.

Vote

Councilmember Jed Daniel	Yes
Councilmember Gary Cowen	Yes
Councilmember Jennifer W. Smith	Yes
Councilmember Willie Moore, III	Yes
Presiding Officer Danny Gambrell	Absent

Consider amendments to the agenda. The agenda was amended to add one item: Consider appointment of a Board Member for District 3 to the Jasper Water & Sewer Board.

Consider approval of the agenda.

Motion

Moved by Councilmember Cowen, seconded by Councilmember Daniel that the agenda be approved.

Vote

Councilmember Jed Daniel	Yes
Councilmember Gary Cowen	Yes
Councilmember Jennifer W. Smith	Yes
Councilmember Willie Moore, III	Yes
Presiding Officer Danny Gambrell	Absent

Receive report on excavator, Caterpillar 313F.**Consider a request for permission to purchase a Dell PowerEdge server.****Motion**

Moved by Councilmember Cowen, seconded by Councilmember Daniel to give permission to purchase server either through the bid process, state contract, or cooperative program.

Vote

Councilmember Jed Daniel	Yes
Councilmember Gary Cowen	Yes
Councilmember Jennifer W. Smith	Yes
Councilmember Willie Moore, III	Yes
Presiding Officer Danny Gambrell	Absent

Conduct a public hearing concerning economic development assistance for a retail establishment.

City Attorney Russ Robertson spoke about specific details relating to this establishment. Development costs will exceed \$2 million. There will be 25 new full time jobs if approved. There will be a 50% rebate on sales tax revenues, which will end upon reaching \$250,000 in sales tax revenue. Mayor O'Mary spoke to the importance of honoring and adhering to the non-disclosure agreement to this point and then announced that the establishment formerly known as FIDC 109, LLC will be Dunham's and will be located at the Jasper mall.

Motion

Moved by Councilmember Cowen, seconded by Councilmember Daniel to adopt a Resolution to recognize that steps required by Ordinance No. 2011-15 have occurred and the economic incentives provided for by Resolution No. 2020-97 are finally approved.

Vote

Councilmember Jed Daniel	Yes
Councilmember Gary Cowen	Yes
Councilmember Jennifer W. Smith	Yes
Councilmember Willie Moore, III	Yes
Presiding Officer Danny Gambrell	Absent

Consider adoption of a Resolution to allow Mayor O’Mary to enter into a Permissive Use Agreement with Walker County Commission relating to the use of the Jasper Civic Center.

Motion

Moved by Councilmember Cowen, seconded by Councilmember Smith to adopt a Resolution to allow Mayor O’Mary to enter into a Permissive Use Agreement with Walker County Commission relating to the use of the Jasper Civic Center for certain Circuit and District Court sessions.

Vote

Councilmember Jed Daniel	Yes
Councilmember Gary Cowen	Yes
Councilmember Jennifer W. Smith	Yes
Councilmember Willie Moore, III	Yes
Presiding Officer Danny Gambrell	Absent

Introduce Budget Amendment #2020/21-1. The budget amendment was introduced by the City Clerk.

Conduct a Public Hearing and consider adoption of a Resolution to set cost for Nuisance Abatement. Following a public hearing during which no comments were made, a motion was considered.

Motion

Moved by Councilmember Cowen, seconded by Councilmember Smith to adopt a Resolution to set cost for Nuisance Abatement for unsafe structures.

Vote

Councilmember Jed Daniel	Yes
Councilmember Gary Cowen	Yes
Councilmember Jennifer W. Smith	Yes
Councilmember Willie Moore, III	Yes
Presiding Officer Danny Gambrell	Absent

Consider adoption of a Resolution to waive penalties for businesses that did not receive notice of business license due relating to rental properties.

Motion

Moved by Councilmember Cowen, seconded by Councilmember Daniel to adopt a Resolution to provide a waiver of the penalties for a period of 30 days from the date of notification for business license due relating to rental properties.

Vote

Councilmember Jed Daniel	Yes
Councilmember Gary Cowen	Yes
Councilmember Jennifer W. Smith	Yes
Councilmember Willie Moore, III	Yes

Presiding Officer Danny Gambrell

Absent

Consider adoption of a Resolution for nuisance abatement of inoperative vehicle.

Motion

Moved by Councilmember Smith, seconded by Councilmember Cowen to adopt a Resolution for nuisance abatement of an inoperative vehicle.

Vote

Councilmember Jed Daniel	Yes
Councilmember Gary Cowen	Yes
Councilmember Jennifer W. Smith	Yes
Councilmember Willie Moore, III	Yes
Presiding Officer Danny Gambrell	Absent

Consider adoption of a Resolution vacating a portion of an alley behind Los Reyes and Pinnacle Bank. This agenda item is to consider a request for permission to vacate a portion of an alley behind Los Reyes and Pinnacle Bank; not to adopt a Resolution.

Motion

Moved by Councilmember Smith, seconded by Councilmember Cowen to grant permission to start the process of vacating a portion of an alley behind Los Reyes and Pinnacle Bank.

Vote

Councilmember Jed Daniel	Yes
Councilmember Gary Cowen	Yes
Councilmember Jennifer W. Smith	Yes
Councilmember Willie Moore, III	Yes
Presiding Officer Danny Gambrell	Absent

Consider adoption of an Ordinance to provide for the enforcement of the Safer at Home Health Order issued by Governor Ivey. City Attorney Russ Robertson discussed, at some length, two Ordinances that he drafted. One of the proposed Ordinances specifically aligns with Governor Ivey's Safer at Home Order. In prefacing the second Ordinance, Russ Robertson explained that all violations of state law are misdemeanors or violations; however, emergency gubernatorial orders are neither misdemeanors nor violations, but instead are unclassified. Regarding the city code, we have not yet adopted an Ordinance for violations for emergency gubernatorial orders yet. The proposed second Ordinance would alter the city code relating to state law in order to provide that all violations of state law are violations of state code.

Prior to a motion, Rose Taft requested to speak. Councilmember Moore, presiding over the meeting, allowed her to speak at this time because she was already on the agenda to speak about this issue. Ms. Taft stated that she was forced to wear a mask against her will. In her opinion, it appears to be a chilling effect that this week a mask is required and last week was not. She continued saying it is not a law, it is a mandate; that our governor does not have the ability to make a law and that mandates are unconstitutional.

Councilmember Daniel stated that the city is not mandating the wearing of masks, only abiding by what the state of AL has put forth, reiterating that the council is not setting the law; that was done by the state of al.

Motion

Moved by Councilmember Cowen, seconded by Councilmember Smith that the rules be suspended and unanimous consent be given for immediate consideration of and action on said Ordinance.

Vote

Councilmember Jed Daniel	Yes
Councilmember Gary Cowen	Yes
Councilmember Jennifer W. Smith	Yes
Councilmember Willie Moore, III	Yes
Presiding Officer Danny Gambrell	Absent

Motion

Moved by Councilmember Cowen, seconded by Councilmember Smith to adopt an Ordinance to amend Code 1-8, subsection B to alter code relating to state law.

Vote

Councilmember Jed Daniel	Yes
Councilmember Gary Cowen	Yes
Councilmember Jennifer W. Smith	Yes
Councilmember Willie Moore, III	Yes
Presiding Officer Danny Gambrell	Absent

Consider adoption of an Ordinance Rezoning a .43 acre+- parcel(s) of land located at 2209-2211 Indiana Avenue from the R-2 (Single Family Residential) Zoning District to the B-1 (Neighborhood Business) Zoning District for the purpose of establishing a Funeral Home. A public hearing was conducted. Demetrius Clark, who is the owner of Peaceful Rest Memorial Funeral Home, explained that the previous location of the funeral home was forced to cease operation due to flooding. He would like to move to this location in order to build a proper funeral home.

Motion

Moved by Councilmember Daniel, seconded by Councilmember Cowen to adopt an Ordinance rezoning a .43 acre+- parcel(s) of land located at 2209-2211 Indiana Avenue from the R-2 (Single Family Residential) Zoning District to the B-1 (Neighborhood Business) Zoning District for the purpose of establishing a Funeral Home.

Vote

Councilmember Jed Daniel	Yes
Councilmember Gary Cowen	Yes
Councilmember Jennifer W. Smith	Yes
Councilmember Willie Moore, III	Yes
Presiding Officer Danny Gambrell	Absent

Consider adoption of an Ordinance Rezoning a .28 acre+- parcel(s) of land located just south of 804 20th Avenue East from the R-1 (Single Family Residential) & B-T (Transition Business) Zoning Districts to the B-2 (Community Service) Zoning District for the purpose of commercial development. After a public hearing was conducted during which no comments were made, a motion was considered.

Motion

Moved by Councilmember Daniel, seconded by Councilmember Cowen to adopt an Ordinance rezoning a .28 acre+- parcel(s) of land located just south of 804 20th Avenue East from the R-1 (Single Family Residential) & B-T (Transition Business) Zoning Districts to the B-2 (Community Service) Zoning District for the purpose of commercial development.

Vote

Councilmember Jed Daniel	Yes
Councilmember Gary Cowen	Yes
Councilmember Jennifer W. Smith	Yes
Councilmember Willie Moore, III	Yes
Presiding Officer Danny Gambrell	Absent

Introduce an Ordinance rezoning a .32 acre+- parcel(s) of land located at 1509 Alabama Avenue from the R-1 (Single Family Residential) Zoning District to the B-T (Transition Business) Zoning District for the purpose of future development. The Ordinance was introduced by the City Planner and will be considered at the next council meeting.

Introduce an Ordinance to amend the business license Ordinance in order to delete the requirement to charge interest on delinquent business licenses. The Ordinance was introduced by the City Clerk and will be considered at the next council meeting.

Consider appointment of a Board Member from District 3 to the Jasper Water & Sewer Board. Councilmember Cowen nominated Bob Forbes for reappointment to the Jasper Water & Sewer Board.

Motion

Moved by Councilmember Cowen, seconded by Councilmember Smith to close the nominations for the Jasper Water & Sewer Board, District 3.

Vote

Councilmember Jed Daniel	Yes
Councilmember Gary Cowen	Yes
Councilmember Jennifer W. Smith	Yes
Councilmember Willie Moore, III	Yes
Presiding Officer Danny Gambrell	Absent

Motion

Moved by Councilmember Cowen, seconded by Councilmember Daniel to reappoint Bob Forbes to the Jasper Water & Sewer Board, District 3 for a term to expire October 1, 2026.

Vote

Councilmember Jed Daniel	Yes
Councilmember Gary Cowen	Yes
Councilmember Jennifer W. Smith	Yes
Councilmember Willie Moore, III	Yes
Presiding Officer Danny Gambrell	Absent

Comments:

Mayor O'Mary spoke about the culture of servanthood, saying a perfect example of the culture of this city is the United Way campaign. This year was the city's best year yet in which a \$1,600 one-time donation was made by employees. Mayor recognized the employees who contributed on the United Way team and thanked all of the employees who made a contribution and for their commitment to the city. Mayor asked Lisa Myers to talk about the luncheon and give an overview.

Lisa Myers briefly spoke about the United Way campaign. She believes the event was a great success and couldn't have gone any better, saying it was a great team effort.

Councilmember Smith commented that she is glad Councilmember Daniel is on the council.

Councilmember Moore spoke about asking for a traffic study to be conducted on 21st Street about a month ago, which has not yet happened. He has recently been on that street twice and almost got hit twice. Another time he was driving too slow and the driver went around him. He pleaded for this to be addressed. He welcomed Jed back and shared that he is looking forward to another term. He asked for prayers for Councilmember Gambrell and his family.

Randy Line of Cordova spoke and thanked the council for the opportunity to speak. He believes there is a political agenda to bring socialism in and the mask ordinance is a part of this agenda. He does not want to participate in a political agenda that is trying to destroy this country.

Kristin Blaylock of Arley addressed the council. She lives in Winston Co, but chooses to do business in Jasper and estimates that she has spent thousands of dollars in Jasper. She will take her business elsewhere if a mask Ordinance is passed.

Consider adjournment of the meeting.

Motion

Moved by Councilmember Cowen, seconded by Councilmember Daniel to adjourn the meeting.

Vote

Councilmember Jed Daniel	Yes
Councilmember Gary Cowen	Yes
Councilmember Jennifer W. Smith	Yes
Councilmember Willie Moore, III	Yes
Presiding Officer Danny Gambrell	Absent

11:15 a.m. - Meeting adjourned.

A P P R O V E D:

Willie Moore, III, Acting Presiding Officer

A T T E S T:

Kathy Chambless, City Clerk/Administrator