

The regular called Meeting of the Northport City Council convened at **5:30 p.m.** on **Monday, November 7, 2022**, at Northport City Hall, located at 3500 McFarland Blvd., in the Council Chambers. The invocation was offered by Pro Tem Hinton and President Hogg led the assembly in the Pledge of Allegiance. Upon roll call, the following were found to be present: President Hogg, Councilwoman Bobo, Councilman Washington, Pro Tem Hinton, and Councilwoman Dykes. Also present at tonight's meeting, City Administrator Webb and Mayor Herndon.

Mayor Herndon presented a proclamation recognizing Mr. Elijah Brantley as MMA Featherweight Title Holder.

Mr. James Hammett, an approved visitor to address Council as tonight's meeting, was not in attendance.

Motion by Councilman Washington, **Second** by Pro Tem Hinton **to approve the agenda for November 7, 2022.** Roll call was as follows: Councilman Washington, Yes; Pro Tem Hinton, Yes; Councilwoman Bobo, Yes; Councilwoman Dykes, Yes; and President Hogg, Yes. **Motion Carried Unanimously.**

Motion by Councilwoman Bobo, **Second** by Councilman Washington **to adopt Ordinance 2159 amending Chapter 54, Article XIII relating to Noise Ordinance.** Roll call was as follows: Councilwoman Bobo, Yes; Councilman Washington, Yes; Pro Tem Hinton, Yes; Councilwoman Dykes, Yes; and President Hogg, Yes. **Motion Carried Unanimously.**

Motion by Councilwoman Dykes, **Second** by Councilman Washington **to adopt Ordinance 2160 re-establishing a City Tree Program.** Roll call was as follows: Councilwoman Dykes, Yes; Councilman Washington, Yes; Councilwoman Bobo, Yes; Pro Tem Hinton, Yes; and President Hogg, Yes. **Motion Carried Unanimously.**

Motion by Pro Tem Hinton, **Second** by Councilman Washington **to adopt Ordinance 2161 correcting Chapter 42, Article VII of the Northport Municipal Code pertaining to weed control.** Roll call was as follows: Pro Tem Hinton, Yes; Councilman Washington, Yes; Councilwoman Bobo, Yes; Councilwoman Dykes, Yes; and President Hogg, Yes. **Motion Carried Unanimously.**

Motion by Councilman Washington, **Second** by Councilwoman Bobo **to adopt Ordinance 2162 amending Chapter 74, Article V, relating to extensions for Water and Sanitary Sewer Main Outside the City Limits.** Roll call was as follows: Councilman Washington, Yes; Councilwoman Bobo, Yes; Pro Tem Hinton, Yes; Councilwoman Dykes, Yes; and President Hogg, Yes. **Motion Carried Unanimously.**

Councilwoman Bobo offered for a 1st Reading, Declaring Severe Weather Preparedness Tax Holiday (February 24-February 26, 2023)

Motion by Councilwoman Bobo, **Second** by Councilman Washington **to adopt Resolution 22-174 authorizing the City Administrator to enter into an agreement with Ricoh Software for Ransomware Protection and to approve any requisitions pertaining to said agreement.** Roll call was as follows: Councilwoman Bobo, Yes; Councilman Washington, Yes; Pro Tem Hinton, Yes; Councilwoman Dykes, Yes; and President Hogg, Yes. **Motion Carried Unanimously.**

Motion by Councilwoman Bobo, **Second** by Councilman Washington **to adopt Resolution 22-175 allocating the available 2022 Northport First Funds for proposed projects in the amount of \$3,945,238.46.** Roll call was as follows: Councilwoman Bobo, Yes; Councilman Washington, Yes; Pro Tem Hinton, Yes; Councilwoman Dykes, Yes; and President Hogg, Yes. **Motion Carried Unanimously.**

Motion by Pro Tem Hinton, **Second** by Councilwoman Dykes **to approve Resolution 22-176 authorizing the City Administrator to extend the professional services contract with The Cassady Company, Inc. to assist with sewer improvements throughout the City and to execute any necessary documents and approve requisitions pertaining to said contract.** Roll call was as follows: Pro Tem Hinton, Yes; Councilwoman Dykes, Yes; Councilwoman Bobo, Yes; Councilman Washington, Yes; and President Hogg, Yes. **Motion Carried Unanimously.**

Motion by Councilwoman Dykes, **Second** by Pro Tem Hinton to approve Resolution 22-177 awarding the bid for the Sanitary Sewer Rehabilitation and Repair construction contract to One Call Services of Alabama, LLC in the amount of \$113,225.00 and to authorize the City Administrator to execute the necessary documents and requisitions needed to proceed with the contract. Roll call was as follows: Councilwoman Dykes, Yes; Pro Tem Hinton, Yes; Councilwoman Bobo, Yes; Councilman Washington, Yes; and President Hogg, Yes. **Motion Carried Unanimously.**

Motion by Pro Tem Hinton, **Second** by Councilman Washington to approve Resolution 22-178 awarding the bid for the Utility Easement Clearing, Phase 1, construction contract to Price Civil Services, Inc. in the amount of \$490,000.00 and to authorize the City Administrator to execute the necessity documents and requisitions needed to proceed with the contract. Roll call was as follows: Pro Tem Hinton, Yes; Councilman Washington, Yes; Councilwoman Bobo, Yes; Councilwoman Dykes, Yes; and President Hogg, Yes. **Motion Carried Unanimously.**

Motion by Councilwoman Bobo, **Second** by Councilman Washington to adopt Resolution 22-179 authorizing the City Administrator to execute a consent letter to reassign existing contracts from Burk-Kleinpeter, Inc. to Thompson Engineering. Roll call was as follows: Councilwoman Bobo, Yes; Councilman Washington, Yes; Pro Tem Hinton, Yes; Councilwoman Dykes, Yes; and President Hogg, Yes. **Motion Carried Unanimously.**

Motion by Councilwoman Dykes, **Second** by Councilman Washington to adopt Resolution 22-180 authorizing the City Administrator to execute an agreement with Thompson Engineering, Inc for C,E,&I Services for Charlie Shirley Road. Roll call was as follows: Councilwoman Dykes, Yes; Councilman Washington, Yes; Councilwoman Bobo, Yes; Pro Tem Hinton, Yes; and President Hogg, Yes. **Motion Carried Unanimously.**

Motion by Councilwoman Dykes, **Second** by Pro Tem Hinton to adopt Resolution 22-181 authorizing the City Administrator to execute an agreement with ALDOT awarding the Charlie Shirley Road Project to S.T. Bunn Construction Company, Inc. Roll call was as follows: Councilwoman Dykes, Yes; Pro Tem Hinton, Yes; Councilwoman Bobo, Yes; Councilman Washington, Yes; and President Hogg, Yes. **Motion Carried Unanimously.**

Motion by Councilman Washington, **Second** by Councilwoman Dykes to approve the November 7, 2022, Consent Agenda Items:

CONSENT AGENDA

1. Minutes, October 24, 2022, Regular Meeting
2. Bill Listing
3. PO Requisition, Video Sewer Inspection, Video Industrial Services, \$12,840.00- Mr. Webb
4. PO Requisition, Sand Springs Booster Station VFD Upgrade, Morrow Water Technologies, Inc., \$22,432.59- Mr. Webb
5. PO Requisition, Travel Reimbursement, fuel for Julie Ramm, 872 miles, \$545.00- Ms. Ramm
6. PO Requisition, Flocculator Motor Replacement at WTP, Eshelman Co., Inc., \$6,845.00-Mr. Webb
7. PO Requisition, American Insurance Company, Firefighter Cancer, and Disability Insurance, \$13,984.00- Mr. Rose
8. PO Requisition, West Alabama Regional Commission, FY 2023 Membership Dues, \$12,450.00- Ms. Webb

Roll call was as follows: Councilman Washington, Yes; Councilwoman Dykes, Yes; Councilwoman Bobo, Yes; Pro Tem Hinton, Yes; and President Hogg, Yes. **Motion Carried Unanimously.**

Public Hearings

There were no Public Hearings items on the agenda for the Engineering Department.

Legal Department had 4 items on the agenda under Public Hearings.

President Hogg opened the floor for Public Hearing for agenda item 11b1.

President Hogg closed the floor for Public Hearing for agenda item 11b1.

Motion by Councilman Washington, **Second** by Pro Tem Hinton **to adopt Resolution 22-182 fixing the cost of nuisance weed abatement and authorizing filing a lien for the property located at 1405 Union Chapel Road, Parcel No. 63-31-02-03-2-007-002.000.** Roll call was as follows: Councilman Washington, Yes; Pro Tem Hinton, Yes; Councilwoman Bobo, Yes; Councilwoman Dykes, Yes; and President Hogg, Yes. **Motion Carried Unanimously.**

President Hogg opened the floor for Public Hearing for agenda item 11b2.

President Hogg closed the floor for Public Hearing for agenda item 11b2.

Motion by Washington, **Second** by Pro Tem Hinton **to adopt Resolution 22-183 fixing the cost of nuisance weed abatement and authorizing filing a lien for the property located at 2300 Snows Mill Avenue, Parcel No. 63-31-02-10-4-004-008.000.** Roll call was as follows: Councilman Washington, Yes; Pro Tem Hinton, Yes; Councilwoman Bobo, Yes; Councilwoman Dykes, Yes; and President Hogg, Yes. **Motion Carried Unanimously.**

President Hogg opened the floor for Public Hearing for agenda item 11b3.

President Hogg closed the floor for Public Hearing for agenda item 11b3.

Motion by Councilwoman Bobo, **Second** by Pro Tem Hinton **to adopt Resolution 22-184 fixing the cost of nuisance weed abatement and authorizing filing a lien for the property located at 1101 10th Street, Parcel No. 63-31-05-15-2-024-001.000.** Roll call was as follows: Councilwoman Bobo, Yes; Pro Tem Hinton, Yes; Councilman Washington, Yes; Councilwoman Dykes, Yes; and President Hogg, Yes. **Motion Carried Unanimously.**

President Hogg opened the floor for Public Hearing for agenda item 11b4.

President Hogg closed the floor for Public Hearing for agenda item 11b4.

Motion by Councilman Washington, **Second** by Pro Tem Hinton **to adopt Resolution 22-185 fixing the cost of nuisance weed abatement and authorizing filing a lien for the property located at 1503 7th Street, Parcel No. 63-31-05-15-3-007-008.000.** Roll call was as follows: Councilman Washington, Yes; Pro Tem Hinton, Yes; Councilwoman Bobo, Yes; Councilwoman Dykes, Yes; and President Hogg, Yes. **Motion Carried Unanimously.**

Planning and Inspections Department had 5 items under Public Hearings.

President Hogg opened the floor for Public Hearing for agenda item 11c1.

President Hogg closed the floor for Public Hearing for agenda item 11c1.

Motion by Councilwoman Bobo, **Second** by Councilwoman Dykes **to grant the request for annexation for Ordinance 2163 annexing approximately 0.91 acres located at 9911 Jones Road, zoned for RS-1, meets annexation requirements and is eligible for annexation into the City limits.** Roll call was as follows: Councilwoman Bobo, Yes; Councilwoman Dykes, Yes; Councilman Washington, Yes; Pro Tem Hinton, Yes; and President Hogg, Yes. **Motion Carried Unanimously.**

President Hogg opened the floor for Public Hearing for agenda item 11c2.

President Hogg closed the floor for Public Hearing for agenda item 11c2.

Motion by Councilwoman Dykes, **Second** by Councilwoman Bobo **to grant the request for annexation for Ordinance 2164 annexing approximately 0.45 acres located at 9725 Jones Road.** Roll call was as follows: Councilwoman Dykes, Yes; Councilwoman Bobo, Yes; Councilman Washington, Yes; Pro Tem Hinton, Yes; and President Hogg, Yes. **Motion Carried Unanimously.**

President Hogg opened the floor for Public Hearing for agenda item 11c3.

President Hogg closed the floor for Public Hearing for agenda item 11c3.

Motion by Councilwoman Bobo, **Second** by Councilman Washington **to adopt Ordinance 2165 of the Zoning Ordinance regarding flood regulations found in Sections 412.03 through 412.0.1003.01, and 1003.06.** Roll call was as follows: Councilwoman Bobo, Yes; Councilman Washington, Yes; Pro Tem Hinton, Yes; Councilwoman Dykes, Yes; and President Hogg, Yes. **Motion Carried Unanimously.**

President Hogg opened the floor for Public Hearing for agenda item 11c4.

President Hogg closed the floor for Public Hearing for agenda item 11c4.

Motion by Pro Tem Hinton, **Second** by Councilman Washington **to approve Ordinance 2166 ordering the demolition of an unsafe structure located at 908 15th Avenue.** Roll call was as follows: Pro Tem Hinton, Yes; Councilman Washington, Yes; Councilwoman Bobo, Yes; Councilwoman Dykes, Yes; and President Hogg, Yes. **Motion Carried Unanimously.**

President Hogg opened the floor for Public Hearing for agenda item 11c5.

Mayor Bobby Herndon, 5925 4th Avenue, Northport, AL 35473 addressed Council during the Public Hearing. He stated the request for the street renaming was to recognize the citizens of the City of Northport. These citizens have contributed and distributed goods to other cities that have come together in times of natural disasters. The street renaming would be in honor of the hundreds of citizens that have donated food, money, supplies and have driven trucks when asked. Mayor Herndon requested that the City grant a grandfather waiver. About a year ago, Mayor Herndon stated he submitted an application for the street renaming prior to the new regulations but was asked to wait until the new regulations were put into place. He did not name a specific person who requested him to wait.

President Hogg asked if Mayor Herndon submitted a completed an application prior to the new regulations being adopted. Mayor Herndon said he had completed the application and then he was asked to wait to submit until the new regulations were adopted. Mayor requested a favorable vote on this item. President Hogg stated his current application does not meet the policy adopted by Council. Mayor Herndon said he understands the policy adopted a couple of months ago impacted his application.

Before closing the Public Hearing President Hogg called on any staff that could offer any further insight to help better understand this situation.

City Attorney Ron Davis said he could not speak to when the application was submitted. All he could speak to was the current policy requires the street renaming request be for an individual or for an organization and required for it to be brought by a member of Council. And to clarify, President Hogg repeated, the police required it to be brought a member of Council.

President Hogg closed the floor for Public Hearing for agenda item 11c5.

Councilman Washington asked if the motion is denied at this meeting, does it have to wait an entire to be brought back to Council. City Attorney replied that there is no clear-cut answer to that. Usually someone from the prevailing side could bring it up before that. Councilman Washington asked if someone from the Mayor's group wanted to bring it back before the Council prior to a year, could they do that. Mr. Davis said that it could be done.

Mr. Davis said to his knowledge there is no organization named Benevolent Way.

Motion by Councilman Washington, Second by Pro Tem Hinton to table the motion for the street remaining until January 23rd Council Meeting.

Mayor Herndon interrupted stated he did not have a group; the citizens of Northport was his group. Mayor Herndon requested Councilman Washington rescind his motion for tabling. He did not see the motion passing on the January 23rd meeting if it did not pass at tonight's meeting.

Motion was rescinded by Councilman Washington and Pro Tem Hinton agreed to this.

Motion by Councilman Washington, to rename a portion of 28th Street, located between Lurleen B Wallace Blvd and 20th Avenue to Benevolent Way. There was no Second. The Motion died due to lack of support.

President Hogg opened the floor for Public Hearing for agenda item 11d1.

President Hogg closed the floor for Public Hearing for agenda item 11d1.

Motion by Councilman Washington, **Second** by Councilwoman Bobo **to approve the ABC License for Mansa Hospitality, LLC dba Courtyard by Marriott.** Roll call was as follows: Councilman Washington, Yes; Councilwoman Bobo, Yes; Pro Tem Hinton, Yes; Councilwoman Dykes, Yes; and President Hogg, Yes. **Motion Carried Unanimously.**

CITY ADMINISTRATOR'S BUSINESS

City Administrator Webb reminded Mayor and Council of the upcoming Veterans Day Parade being held on Friday, November 11th, 2022. The opening ceremony will begin at 8:00 am at Shirley Place in Downtown Northport and the parade will begin at 8:30 am from Echols Middle School and continue down Main Avenue.

City Administrator Webb also brought up the topic of January Council Meeting dates due to holidays, New Years and Martin Luther King Jr Holiday, falling on originally scheduled meeting dates. She proposed Council meeting on the 2nd and 4th Mondays in January rather than the 1st and 3rd Mondays.

Motion by Councilman Washington, **Second** by Councilwoman Dykes **to move January 2nd and January 16th, 2023 Council Meeting dates to January 9th and January 23rd, 2023, due to the originally scheduled meeting dates falling on holidays.** Roll call was as follows:

Councilman Washington, Yes; Councilwoman Dykes, Yes; Councilwoman Bobo, Yes; Pro Tem Hinton, Yes; and President Hogg Yes. **Motion Carried Unanimously.**

MAYOR AND COUNCIL MEMBER'S BUSINESS

Mayor Herndon, Mayor Herndon reminded the crowd of the Veterans Day Parade on Friday. He stated earlier in the meeting, he has a great passion for helping people. He said that he felt that this time he could not do that and he apologized for that. In 2008 he said that if he ever felt if he was not doing his job, he would resign. Having said that, effective December 31, he will no longer be Mayor of Northport. He declared that if he could not get support on something that simple as a street renaming that he does not need to be Mayor.

President Hogg deferred to Legal on whether the Mayor could specify a date or whether it has to become effective immediately. Mr. Davis stated he has never faced this issue before but stated it should be voted to accept as long it is the pleasure of the Council.

Motion (reluctantly) by President Hogg, **Second** by Pro Tem Hinton to accept the resignation of Mayor Bobby Herndon effective December 31, 2022. Roll call was as follows: President Hogg, Yes, Pro Tem Hinton, Yes; Councilwoman Bobo, Yes; Councilman Washington, Yes; Councilwoman Dykes, No. Motion Carries.

Councilwoman Bobo, District 1, Councilwoman Bobo had no official business to discuss for District 1.

Councilman Washington, District 2, Councilman Washington had no official business to discuss for District 2.

Pro Tem Hinton, District 3, Pro Tem Hinton stated he agreed to the resignation at the request of the Mayor only. Pro Tem Hinton expressed his appreciation and gratitude of Mayor Herndon and his great efforts for the City. His only hesitation for the street renaming was for the requirement of the policy and some legal concerns.

Councilwoman Dykes, District 4, Councilwoman Dykes stated she was pretty "pissed off." She stated that all of the good he had done for the city was negated by selfish a decision made out of haste. She declared that the City Administrator had given him other options and he chose to not take those options. She said he is quitting and that is not him as a person and that is not him as a Mayor.

President Hogg, District 5, President Hogg stated that there are not many times he is speechless is any type of setting. He never thought this would come. President Hogg said that the Mayor and Council still have until December 31st to work together and do great things. He wishes the Mayor the best and nothing but great things

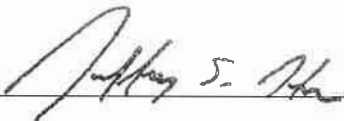
Motion by President Hogg, **Second** by Councilman Washington to adjourn the meeting into Executive Session to discuss potential property acquisition. The session should take no longer than 20 minutes (twenty minutes). It is anticipated that the Council will not take action after the Executive Session is concluded. Staff does not need to stay. Roll call was as follows: President Hogg, Yes; Councilman Washington, Yes; Councilwoman Bobo, Yes; Pro Tem Hinton, Yes; and Councilwoman Dykes, Yes. **Motion Carried Unanimously.**

Council adjourned into Executive Session at 6:26 p.m.

Council reconvened into Regular Council Meeting at 6:53 p.m. with no action needing to be taken.

Motion by President Hogg, **Second** by Councilwoman Dykes to adjourn the meeting. Roll call vote was as follows: President Hogg, Yes; Councilwoman Dykes, Yes; Councilman Washington, Yes; Councilwoman Bobo, Yes; and Pro Tem Hinton, Yes. **Motion Carried Unanimously.**

There being no further business to come before the Council, the meeting was adjourned at 6:53 p.m.



Jeff Hogg, President

ATTEST:



Glenda D. Webb, City Administrator