

The regular called Meeting of the Northport City Council convened at **5:30 p.m. on Monday, August 7, 2023**, at Northport City Hall, located at 3500 McFarland Blvd, Northport, AL, 35476, in the Council Chambers. The invocation was offered by Mayor Hinton and President Hogg led the assembly in the Pledge of Allegiance. Upon roll call, the following were found to be present: President Hogg, Pro Tem Bobo, Councilman Washington, and Councilwoman Dykes. Also present at tonight's meeting, Mayor Hinton and City Administrator Webb. Absent and failing to vote at tonight's meeting, Councilman Wiggins.

**Motion** by President Hogg, **Second** by Pro Tem Bobo to **approve the agenda for the August 7, 2023, Council Agenda with the deletion of item 11b2, Resolution fixing the cost of nuisance weed abatement and authorizing the filing of a lien for property located on 19<sup>th</sup> Street, and 11b4, Resolution fixing the cost of nuisance weed abatement and authorizing the filing of a lien for property located at 713 28<sup>th</sup> Avenue.** Roll call was as follows: President Hogg, Yes; Pro Tem Bobo, Yes; Councilman Washington, Yes; and Councilwoman Dykes, Yes. **Motion Carried Unanimously.**

**Ms. Judy Holland, 3617 McFarland Blvd, Northport, AL 35476**, addressed Mayor and Council this evening to discuss progress in Northport and how selling the Community Center will affect progress. Her intent, to tell the Council what the community would like to see happen with the community center and to address the negativity that is the result of this sale and how moving forward everyone can stop it.

**Motion** by Councilman Washington, **Second** by Councilwoman Dykes to **adopt Ordinance 2191 amending Chapter 38, Article II of the Northport Municipal Code Pertaining to Fireworks.** Roll call was as follows: Councilman Washington, Yes; Councilwoman Dykes, Yes; Pro Tem Bobo, Yes; and President Hogg, Yes. **Motion Carried Unanimously.**

**Motion** by President Hogg, **Second** by Pro Tem Bobo to **adopt Ordinance 2192 Amending Chapter 2 of the Northport Municipal Code Pertaining to a Travel Policy for Elected Officials.** Roll call was as follows: President Hogg, Yes; Pro Tem Bobo, Yes; Councilman Washington, Yes; and Councilwoman Dykes, Yes. **Motion Carried Unanimously.**

**Motion** by Councilwoman Dykes, **Second** by Pro Tem Bobo to **adopt Ordinance 2193 Amending the Dirt Road Policy to Include Stabilizing Dirt Roads within the City Limits of the City of Northport.** Roll call was as follows: Councilwoman Dykes, Yes; Pro Tem Bobo, Yes; Councilman Washington, Abstained; and President Hogg, Yes. **Motion Carried.**

**Motion** by Pro Tem Bobo, **Second** by Councilman Washington to **adopt Ordinance 2194 to approve to reduce the corporate limits and reestablish the boundaries of approximately 0.97 acres located at 517 Martin Road East.** Roll call was as follows: Pro Tem Bobo, Yes; Councilman Washington, Yes; Councilwoman Dykes, Yes; and President Hogg, Yes. **Motion Carried Unanimously.**

**Motion** by Councilwoman Dykes, **Second** by Councilman Washington to **adopt Ordinance 2195 Ordering the Demolition of an Unsafe Structure Located at 1314 10<sup>th</sup> Street with a 90 day extension granted per petitioner's request. If plan of action has not been proposed to Planning Director and Building Department and a Building Permit has not been obtained within those 90 days, the demolition will remain on course.** Roll call was as follows: Councilwoman Dykes, Yes; Councilman Washington, Yes; Pro Tem Bobo, Yes; and President Hogg, Yes. **Motion Carried Unanimously.**

**Motion** by Councilwoman Dykes, **Second** by Councilman Washington to **adopt Ordinance 2196 Ordering the Demolition of an Unsafe Structure Located at 4104 Hwy 43 N.** Roll call was as follows: Councilwoman Dykes, Yes; Councilman Washington, Yes; Pro Tem Bobo, Yes; and President Hogg, Yes. **Motion Carried Unanimously.**

**Councilman Washington offered for a 1<sup>st</sup> Reading, Ordinance of Conditional Use Approval to Allow Vehicle Sales and to Allow an Automotive Service Station in a C-3 Zone with the condition of Safe Access to be Approved by City Engineer for the business located at 3811 33<sup>rd</sup> Street.**

**President Hogg offered for a 1<sup>st</sup> Reading, Ordinance Amending to Table 4-1 to add Hotel/Motel and Table 4-3 of Dimensional Standards for Non-Residential Uses to the REC (Recreation) Zone.**

**Councilman Washington offered for a 1<sup>st</sup> Reading, Ordinance Establishing June 19<sup>th</sup> "Juneteenth" as an official Paid Holiday in the City of Northport.**

**Motion** by Councilwoman Dykes, **Second** by Councilman Washington **to adopt Resolution 23-144 authorizing water service outside service outside of the city limits be provided to Ms. Jena Swindle for property located at 15178 Bethabara Road pursuant to the conditions in the resolution.** Roll call was as follows: Councilwoman Dykes, Yes; Councilwoman Washington, Yes; Pro Tem Bobo, Yes; and President Hogg, Yes. **Motion Carried Unanimously.**

**Motion** by President Hogg, **Second** by Councilman Washington **to adopt Resolution 23-145 awarding the bid for the Wastewater Treatment Plant Solids Handling Improvements Project to John Plott Company, Inc. in the amount of \$3,531,622.00 and authorizing the City Administrator to execute the necessary documents and requisitions needed to proceed with the project.** Roll call was as follows: President Hogg, Yes; Councilman Washington, Yes; Pro Tem Bobo, Yes; Councilman Wiggins, Yes; and Councilwoman Dykes, Yes. **Motion Carried Unanimously.**

**Motion** by Pro Tem Bobo, **Second** by Councilman Washington **to adopt Resolution 23-146 authorizing the City Administrator to Execute Change Order No. 1 in the amount of \$7,284.40 with ST Bunn Construction Co. Inc. for the Northwood Estates Drive Project.** Roll call was as follows: Pro Tem Bobo, Yes; Councilman Washington, Yes; Councilwoman Dykes, Yes; and President Hogg, Yes. **Motion Carried Unanimously.**

**Motion** by Pro Tem Bobo, **Second** by Councilwoman Dykes **to adopt Resolution 23-147 authorizing a Special Permit to the Kentuck Association for the 2023 Kentuck Festival of the Arts. The Special Permit will allow for the possession, sale, and consumption of alcohol in a city park on October 14<sup>th</sup> and October 15<sup>th</sup>, 2023.** Roll call was as follows: Pro Tem Bobo, Yes; Councilwoman Dykes, Yes; Councilman Washington, Yes; and President Hogg, Yes. **Motion Carried Unanimously.**

**Motion** by Councilwoman Dykes, **Second** by Councilman Washington **to adopt Resolution 23-148 authorizing the City Administrator to execute a Master Service Agreement and Authorizing Task Order Directive No. 1 in the amount of \$888,750.00 for Warrior Sports and Recreation Complex.** Roll call was as follows: Councilwoman Dykes, Yes; Councilman Washington, Yes; Pro Tem Bobo, Yes; and President Hogg, Yes. **Motion Carried Unanimously.**

**Motion** by Pro Tem Bobo, **Second** by Councilman Washington to approve **the Consent Agenda for the August 7, 2023, Council Meeting as printed:**

**CONSENT AGENDA**

1. Minutes, July 24, 2023, Regular Meeting- Ms. Webb
2. Bill Listing- Ms. Webb
3. PO Requisition, Tree Removal on Lee Avenue, Ellison’s Tree Service, \$8,350.00- Mr. Webb
4. PO Requisition, Hwy 171 Booster Station Transfer Switch, Rick’s Service Company, LLC., \$7,950.00- Mr. Webb
5. PO Requisition, Travel Reimbursement for Chris Cunningham, \$2,137.93- Mr. Davis
6. PO Requisition, Mud Valve Replacement at WTP, Mark Johnson Construction, LLC, \$12,695.00- Mr. Webb
7. PO Requisition, Spillman Software, Motorola, \$144,095.00- Chief Burton

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

**PUBLIC HEARINGS**

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

There were **two** Public Hearings items on the agenda for the **Legal Department.**

**President Hogg Opened the floor for Public Hearing for agenda item 11b1, Resolution Fixing the Cost of Nuisance Weed Abatement and Authorizing the Filing of a Lien for Property Located on 18<sup>th</sup> Avenue.**

There were no speakers to address Mayor and Council.

**President Hogg Closed the floor for Public Hearing agenda item 11b1, Resolution Fixing the Cost of Nuisance Weed Abatement and Authorizing the Filing of a Lien for Property Located on 18<sup>th</sup> Avenue.**

**Motion** by Councilman Washington, **Second** by Pro Tem Bobo **to adopt Resolution 23-149 fixing the cost of nuisance weed abatement and authorizing the filing of a lien for property located on 18<sup>th</sup> Avenue.** Roll call was as follows: Councilman Washington, Yes; Pro Tem Bobo, Yes; Councilwoman Dykes, Yes; and President Hogg, Yes. **Motion Carried Unanimously.**

**Item 11b2, Resolution Fixing the Cost of Nuisance Weed Abatement and Authorizing Filing of a Lien for Property Located on 19<sup>th</sup> Street, was deleted from the agenda upon approval of the agenda.**

**President Hogg Opened the floor for Public Hearing for agenda item 11b3, Resolution Fixing the Cost of Nuisance Weed Abatement and Authorizing the Filing of a Lien for Property Located at 1814 10<sup>th</sup> Street.**

There were no speakers to address Mayor and Council.

**President Hogg Closed the floor for Public Hearing agenda item 11b3, Resolution Fixing the Cost of Nuisance Weed Abatement and Authorizing the Filing of a Lien for Property Located at 1814 10<sup>th</sup> Street.**

**Motion** by Councilman Washington, **Second** by Pro Tem Bobo **to adopt Resolution 23-150 fixing the cost of nuisance weed abatement and authorizing the filing of a lien for property located at 1814 10<sup>th</sup> Street.** Roll call was as follows: Councilman Washington, Yes; Pro Tem Bobo, Yes; Councilwoman Dykes, Yes; and President Hogg, Yes. **Motion Carried Unanimously.**

**Item 11b4, Resolution Fixing the Cost of Nuisance Weed Abatement and Authorizing the Filing of a Lien for Property Located at 713 28<sup>th</sup> Avenue, was deleted from the agenda upon approval of the agenda.**

There were **four** items under Public Hearings for the **Planning & Inspection Department.**

**President Hogg Opened the Floor for a Public Hearing for Agenda Item, 11c1, 2<sup>nd</sup> Reading, Ordinance to Reduce the Corporate Limits and Reestablish the Boundaries of Approximately 0.97 acres located at 517 Martin Road East.**

There was one attendee to address Mayor and Council for this Public Hearing, Mr. Jon Townsend, attorney with Dorroh & Mills, P.C., representing property owner, Anthony Dockery.

**Mr. Jon Townsend**, the attorney representing Mr. Dockery for this agenda item, stated his client had petitioned the Planning and Zoning Commission as well as the Council tonight for approval of de-annexation of property located at 517 Martin Road East. Mr. Townsend stated the parcel was annexed by the City Council in November of 2021 as a portion of a potential development by another developer. Since that time, the purchase agreement was not executed. Mr. Dockery is willing to sign an agreement stating that if the property is considered for annexation in the future, then it would be restricted to annexation only within the City of Northport.

President Hogg requested approval from Legal Department due to this being an uncommon occurrence. Mr. Davis acknowledged that de-annexations are uncommon but under these circumstances the Legal Department has zero objections to this.

**President Hogg Closed the Floor for a Public Hearing for Agenda Item, 11c1, 2<sup>nd</sup> Reading, Ordinance to Reduce the Corporate Limits and Reestablish the Boundaries of Approximately 0.97 acres located at 517 Martin Road East.**

**Motion** by Pro Tem Bobo, **Second** by Councilman Washington **to adopt Ordinance 2194 to reduce the corporate limits and reestablish the boundaries of approximately 0.97 acres located at 517 Martin Road East.** Roll call was as follows: Pro Tem Bobo, Yes; Councilman Washington, Yes; Councilwoman Dykes, Yes; and President Hogg, Yes. **Motion Carried Unanimously.**

**President Hogg Opened the Floor for a Public Hearing for Agenda Item, 11c2, 2<sup>nd</sup> Reading, Ordinance of Conditional Use Approval to locate an Auto Service Station in a C-3 General Commercial Zoning District Located at 1200 Mitt Lary Road.**

**Mr. Bryan Winter**, representative of petitioner informed Mayor and Council item 11c2, 2<sup>nd</sup> Reading, Ordinance of Conditional Use Approval to locate an Auto Service Station in a C-3 General Commercial Zoning District Located at 1200 Mitt Lary Road, was being withdrawn.

**Mr. Bryan Winter**, 3515 Watermelon Road, Northport, AL, attorney representing petitioner, Mavis Southeast, LLC, in their petition for Conditional Use at this property addressed Mayor, Council, and citizens. Mr. McFarland and his client announced they are withdrawing their petition for the present time. After many phone calls to Mr. McFarland from citizens expressing their opposition to this Conditional Use, Mr. McFarland and his client will review comments, understand, and analyze them, and then see how the issues can be addressed. Mr. McFarland stated his client wants to bring a product that is good and useful to the citizens of Northport. When they feel they can bring a product that meets the needs of the citizens of Northport, they may petition again. Mr. McFarland thanked Mayor and Council for listening and for their time.

The following addressed Mayor and Council voicing their opposition to this Conditional Use request:

1. **Mr. James Fields**, 11270 Dooley Circle, expressed his opposition to the Conditional Use. His main concern was wanting to preserve the aesthetic of his neighborhood, Bristol Park. He feels Mavis Tire and all they have to offer does not fit in with the aesthetic of Bristol Park nor surrounding neighborhoods.
2. **Ms. Marianne Rogers**, 11817 Belle Meade Circle, spoke in opposition of Mavis Tire's petition for Conditional Use, stating their other locations are eye sores. She does not want to look out her window and see a tire store nor hear all the loud noises.
3. **Mr. Rick Rogers**, 11817 Belle Meade Circle, stated he and his wife are opposed to industrial or commercial type businesses in or around their neighborhood. He also included that the majority of his neighbors feel the same way.
4. **Ms. Donna Massey**, a Bristol Park resident, voiced her opposition to this business due to the harmful environmental issues that it presents.
5. **Mr. Robert Thomas**, 13609 Old Ivey Drive, Northport, AL, expressed his opposition to Mavis Tire's business locating at 1200 Mitt Lary Road. Mr. Thomas articulated his concern about traffic, low visibility, and overall safety of residents in that particular area.
6. **Ms. Denise Rager**, 11832 Belle Meade Circle, president of the Belle Meade Neighborhood addressed Mayor and Council with a question, why the residents were not alerted prior to the second reading of this potential project. She stated she had not received one positive comment from any of the residents that have reached out to her.

**President Hogg Opened the Floor for a Public Hearing for Agenda Item, 11c2, 2<sup>nd</sup> Reading, Ordinance of Conditional Use Approval to locate an Auto Service Station in a C-3 General Commercial Zoning District Located at 1200 Mitt Lary Road.**

**Motion** by President Hogg, **Second** by Councilwoman Dykes **to accept the withdrawal of Agenda Item 11c2, 2<sup>nd</sup> Reading, Ordinance of Conditional Use Approval to locate an Auto Service Station in a C-3 general Commercial Zoning District Located at 1200 Mitt Lary Road at the request of the petitioner and petitioner's attorney.** Roll call was as follows: President Hogg, Yes; Councilwoman Dykes, Yes; Pro Tem Bobo, Yes; and Councilman Washington, Yes. **Motion Carried Unanimously.**

**President Hogg Opened the Floor for a Public Hearing for Agenda Item, 11c3, 2<sup>nd</sup> Reading, Ordinance Ordering the Demolition of an Unsafe Structure Located at 1314 10<sup>th</sup> Street.**

There was one attendee that addressed Mayor and Council for this Public Hearing. Ms. Stephanie Freeman Waldrop, a family member and spokesperson of the property owner.

**Ms. Stephanie Freeman Waldrop**, a family member of the property owner which can be located at 1314 10<sup>th</sup> Street addressed Mayor and Council requesting a 90-day extension.

**President Hogg Closed the Floor for a Public Hearing for Agenda Item, 11c3, 2<sup>nd</sup> Reading, Ordinance Ordering the Demolition of an Unsafe Structure Located at 1314 10<sup>th</sup> Street.**

**Motion** by Councilwoman Dykes, **Second** by Councilman Washington **to adopt Ordinance 2195 Ordering the Demolition of an Unsafe Structure Located at 1314 10<sup>th</sup> Street with the approval of a 90 day extension request from property owner. If within 90 days the requirements set forth by the Planning Department are not met (Plan of action submitted, building permit purchased, and work complete), the demolition will remain in effect.** Roll call was as follows: Councilwoman Dykes, Yes; Councilman Washington, Yes; Pro Tem Bobo, Yes; and President Hogg, Yes. **Motion Carried Unanimously.**

**President Hogg Opened the Floor for a Public Hearing for Agenda Item, 11c4, 2<sup>nd</sup> Reading, Ordinance Ordering the Demolition of an Unsafe Structure Located at 4104 Hwy 43 N.**

The son of the property owner addressed Mayor and Council requesting an extension until the end of the December due to being under contract with a real estate agent. Ms. Ramm and President Hogg advised the normal extension is 90 days but no longer.

**President Hogg Closed the Floor for a Public Hearing for Agenda Item, 11c4, 2<sup>nd</sup> Reading, Ordinance Ordering the Demolition of an Unsafe Structure Located at 4104 Hwy 43 N.**

**Motion** by Councilwoman Dykes, **Second** by Councilman Washington **to adopt Ordinance 2196 Ordering the Demolition of an Unsafe Structure Located at 4104 Hwy 43N with the approval of a 90-day extension request from property owner. If within 90 days the requirements set forth by the Planning Department are not met (Plan of action submitted, building permit purchased, and work complete), the demolition will remain in effect.** Roll call was as follows: Councilwoman Dykes, Yes; Councilman Washington, Yes; Pro Tem Bobo, Yes; and President Hogg, Yes. **Motion Carried Unanimously.**

There were **no** Public Hearing items on the agenda for the **Police Department.**

**CITY ADMINISTRATOR'S BUSINESS**

City Administrator Webb had no business to discuss at tonight's meeting.

## **MAYOR AND COUNCIL MEMBER'S BUSINESS**

**Mayor Hinton**, Mayor Hinton had no official business to discuss at tonight's meeting.

**Pro Tem Bobo, District 1-** Pro Tem 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 at tonight's meeting.

**. Councilman Wiggins, District 3-** Councilman Wiggins was absent from tonight's meeting.

**Councilwoman Dykes, District 4-** Councilwoman Dykes thanked the citizens that came out to tonight's meeting to voice their opinions on Mavis Tire Store's request for Conditional Use.

**President Hogg, District 5-**

**Motion** by President Hogg, **Second** by Councilman Washington **to move the first Council Meeting of September from Monday, September 4<sup>th</sup>, 2023, to Thursday, September 7<sup>th</sup>, 2023 due to the observance of Labor Day. 5:30 pm will remain the meeting time.**

**Motion** by President Hogg, **Second** by Councilman Washington **to adjourn the meeting into Executive Session to discuss Economic Development. The session should take no longer than 10 minutes (ten minutes). It is anticipated that the Council will not take action after the Executive Session is concluded.** Roll call was as follows: President Hogg, Yes; Councilman Washington, Yes; Pro Tem Bobo, Yes; and Councilwoman Dykes, Yes. **Motion Carried Unanimously.**

**Council adjourned into Executive Session at 6:42 p.m.**

**Council reconvened into Regular Council Meeting at 7:35 p.m. with no action needing to be taken.**

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

**There being no further business to come before the Council, the meeting was adjourned at 7:35 p.m.**