

RECORD OF COUNCIL MEETING MINUTES  
CITY OF ARGO

Date: 10-26-2020

Time: 6:00 PM

Place: Municipal Complex

**Regular Meeting**

ROLL CALL

Councilperson Ann Cowan

Councilperson Corky Massey

Councilperson Ann Brown

Mayor Betty Bradley

Mayor Bradley called the meeting to order and asked the clerk for a roll call. The clerk called the roll, and the above listed persons were present.

Councilperson Brown gave the invocation.

Mayor Bradley opened with the Pledge of Allegiance.

Councilperson Brown motioned to approve the minutes from budget meeting 10-07-20.

Councilperson Massey seconded the motion. Mayor Bradley called for roll call of votes:

Cowan-yea, Massey-yea, Brown-yea, and Mayor Bradley-yea. Motion carried.

Councilperson Massey motioned to approve the minutes from regular meeting 10-12-20 with

change. Councilperson Brown seconded the motion. Mayor Bradley called for roll call of votes:

Cowan-yea, Massey-yea, Brown-yea, and Mayor Bradley-yea. Motion carried.

Councilperson Massey motioned to approve the minutes from budget meeting 10-13-20, with

change, Councilperson Cowan seconded the motion. Mayor Bradley called for roll call of votes:

Cowan-yea, Massey-yea, Brown-yea, and Mayor Bradley-yea. Motion carried.

The council was presented with Ordinance 2020-10-26, Severe Weather Preparedness Tax

Holiday. Councilperson Massey motioned to approve Ordinance 2020-10-26. Councilperson

Brown seconded the motion. Mayor Bradley called for roll call of votes: Cowan-yea, Massey-

yea, Brown-yea, and Mayor Bradley-yea. Motion carried.

Mayor Bradley briefly spoke to the council about re-applying for the ATRIP-II Grant, the City

applied for it last year and was denied. Councilperson Massey motioned to approve the mayor to

apply for the ATRIP-II Grant. Councilperson Brown seconded the motion. Mayor Bradley called

for roll call of votes: Cowan-yea, Massey-yea, Brown-yea, and Mayor Bradley-yea. Motion

carried.

**City Attorney Report:** Attorney Brunson reported to the council on the State Examiners Mayoral pay investigation, the investigation has since been completed and he is able to give the council the full report. Attorney Brunson has been in contact with Ms. Dixie Broadwater with the State Examiners office as well as their General Council in regard to this issue. It came to the State's attention there was discrepancy in the Mayor's pay, that pre-dated the current clerks. After all documentation was reviewed it was determined it was a clerical error, with no wrongdoing on anyone's part. The current Ordinance for the Mayor and Council salary was passed by the previous administration. The calculated overpayment was \$15,687.50, which has been paid back to the City as of today by Mayor Bradley. This amount was based strictly on salary, not other benefits the Mayor was in fact entitled to as the Ordinance reads. She is entitled to health insurance, compensation for cell phone, as well as mileage for use of her personal vehicle for official business. Attorney Brunson also stated that there were a couple of different ways this could have been handled, Mayor Bradley could have submitted this documentation to the State for those amounts she was entitled to, but did not receive, the City would then need to reconcile the difference and if it was determined that an underpayment was made the City would be responsible for paying the difference back to her. Mayor Bradley chose to put the matter to rest and pay the City the overpayment. Attorney Brunson stated the State could have also fined the City as well as the Council if negligence had been found, but it was simply an error, and has been resolved.

Attorney Brunson also updated the council on the 8885 Gadsden Highway issue, it has been resolved at this time. The total amount due at the time the eviction process was initiated was around \$12k, plus attorney's fees. However, the tenant had been in violation of the lease for some time and the City was doing a month-to-month basis with the tenant. Brunson stated in order to receive the full amount owed from the tenant, the City would have had to start the legal process, with court proceedings and such. The City has since received certified funds from the tenant in the amount of \$10k. Councilperson Massey inquired about the appliances that were in the building when the lease was executed, those appliances belong to the city, refrigerator, ice machine, commercial stove as well as a triple bowl stainless steel sink, Massey also inquired about the fixtures attached to the building, if those were to stay. Attorney Brunson stated per the agreement with the tenant's attorney, the appliances would be left and or returned as some of the appliances were not in the building at the last inspection, and any fixtures to the building would be left alone with the exception of a family heirloom gate, otherwise anything else attached is to stay. Also, all vendors have been contacted to retrieve their items from inside the building.

Attorney Brunson had a handout for the incoming council to help them better understand the Open Meeting Act.

Councilperson Cowan asked Attorney Brunson what needs to be done to correct the oversight on the council's part as far the tow release funds, the Safe Street Ordinance states the \$200 fee is to be split evenly and disbursed into the Police Equipment Fund and the General Fund, to date the full \$200 has been deposited into the Police Equipment Fund. Attorney Brunson suggested this being addressed with the new council, and an amendment and waive any reconciliation. The council would like to make sure it is fixed, to avoid any further oversights. The council agreed to put it on the agenda for the next meeting and the new council could address an amendment.

**Mayor Report:** Mayor Bradley reminded the council that the ALM convention starts this week, she hopes to see all the incoming council in attendance.

She also reminded everyone the swearing ceremony for the new council is set for Monday 11/2 at 4pm, Honorable Judge Carl Chamblee will be in attendance to swear everyone in.

The General Election is upcoming, and any volunteers would be great.

She thanked Councilperson Massey and Mr. Stinson for helping to spread the gravel that the County graciously gave the City for extra parking, she thanked the County as well for getting the gravel out on such short notice.

The Briar Ridge Halloween House judging is coming up this Friday, at 5pm, she reminded everyone to go through the neighborhood and vote for the best decorated house.

Mayor Bradley thanked the incumbent Council for their hard work and dedication to the City over their administration.

Attorney Brunson also thanked the Mayor and Council for allowing their firm to represent the City over the last 4 years. They have enjoyed their time with everyone, and he believes the City is a much better place than it was 4 years ago, and it continues the upward progress trend.

**Council Comments:** Councilperson Brown addressed all the incoming council, encouraging them to invite their families and friends to the swearing in ceremony, she said for her it's an emotional time and wonderful thing for friends and family to see your commitment to the City.

Councilperson Massey inquired about the Massage Therapy Ordinance passed by the Council, he said an Officer stopped to talk to the possible tenants for the property across the street from Hill Top Farms and informed them they needed 10 local residents to submit letters to the City vouching for qualifications, however the Ordinance states the person applying for the business license must have 2 local residents who are not related to the applicant to submit letters on their behalf for their qualifications. Councilperson Massey stated he and Councilperson Cowan are unable to find the draft of the Ordinance that states such requirements. Attorney Brunson will pull the last draft and get it to Tiffany Westbrook, city clerk for clarification.

Councilperson Massey also requested a copy of all the burn permits and building permits that have been issued since those Ordinances have been passed. He also asked Attorney Brunson about an investigation on the Police Department he requested with the previous attorney Scott Barnett, he stated the investigation was stopped and wants to know why, or if it wasn't stopped he did not receive a copy the report. Attorney Brunson was not familiar with this investigation and would get with Attorney Barnett for more information.

**Public Comments:** Larry Bailey a local resident, he and his wife live on Will Keith Rd., came

to tonight's meeting and requested to speak to the council and ask what the process would be to have their property de-annexed out of the City of Argo, he and his wife would like to downsize due to health issues and this would be a huge selling point for someone looking to buy with children as the property now is zoned for Clay, and the rest of the children in the neighborhood would be attending Trussville.

Councilperson Massey spoke up saying just to save time, since he knows how he and the council feel about de-annexation, he requested to suspend the rules and add the de-annexation request to the agenda to discuss it. Attorney Brunson spoke on the matter informing everyone that the council could not forgo the process, according to the Ordinance, there are steps that must be taken in this type of request. Massey would simply like to make the motion, so Mr. Bailey understand how the council feels.

Councilperson Massey made the motion to suspend the rules and address the de-annexation. Motion died for lack of second.

Attorney Brunson stated that from the city's point of view and a legal aspect Mr. Bailey is entitled to due process. He informed Mr. Bailey to gather all the proper documents and get the clerk to be put on the agenda for discussion. Mr. Bailey was very appreciative, he would just like a fair chance to be heard before a final decision is made. Councilperson Massey continued to talk to Mr. Bailey about previous requests, and what the general consensus of the current council is.

Attorney Brunson added one last thing he left off in his report, he has been in contact with Mr. Joe Knight, JeffCo commissioner representative, and Tony Patelis, the City should be entitled to CARES ACT money. This would reimbursement for our first responders from March-December 2020. He will be working on the application process and keep us posted.

Councilperson Massey motioned to adjourn the meeting. Councilperson Brown seconded the motion. All in favor. Meeting adjourned.

APPROVED:



Betty Bradley, Mayor

ATTEST:



Tiffany Westbrook, City Clerk