



COUNCIL MEETING
Council Chambers – Harpersville Town Hall
July 6, 2020 – 5:30 p.m.

MINUTES

Proper notice of the regularly scheduled meeting of the Harpersville Town Council was given in advance of such public meeting and the notice remained posted throughout the scheduled meeting.

Date: July 6, 2020
Time: 5:30 p.m.
Place: Harpersville Town Hall
Present: Mayor Don Greene
Councilmember Beverly O. Johnson
Councilmember Martin Dates
Councilmember Sheila K. Rich
Councilmember William Rayfield
Councilmember Janet Gill

CALL TO ORDER, INVOCATION, AND PLEDGE OF ALLEGIANCE

Mayor Greene called the meeting to order at 5:30 p.m. Councilmember Dates led the invocation. The Pledge of Allegiance was led by Police Chief Jimmy Macon.

RECORD OF ATTENDANCE

The following elected officials were present:

Mayor Don Greene
Councilmember Beverly O. Johnson
Councilmember Martin Dates
Councilmember Sheila K. Rich
Councilmember William Rayfield
Councilmember Janet Gill

It was noted for the record a quorum of the town council was present.

APPROVAL OF TOWN COUNCIL AGENDA

Councilmember Gill made a motion to approve the town council agenda for July 6, 2020. Councilmember Rayfield seconded the motion. By voice vote, the motion passed unanimously by those members of the council present.

APPROVAL OF MINUTES

Councilmember Johnson made a motion to approve and dispense with the reading of the regular council meeting minutes from June 15, 2020. Councilmember Rich seconded the motion. Mayor Greene called for a roll call vote:

| | |
|-----------------------------------|------------|
| Don Greene, Mayor | <u>Yes</u> |
| Beverly O. Johnson, Councilmember | <u>Yes</u> |
| Martin Dates, Councilmember | <u>Yes</u> |
| Sheila K. Rich, Councilmember | <u>Yes</u> |
| William Rayfield, Councilmember | <u>Yes</u> |
| Janet Gill, Councilmember | <u>Yes</u> |

APPROVAL OF INVOICE REPORT

The Town Clerk/Treasurer presented the invoice report. Councilmember Rich made a motion to approve the report as submitted. Councilmember Johnson seconded the motion. Mayor Greene called for a roll call vote:

| | |
|-----------------------------------|----------------|
| Don Greene, Mayor | <u>Yes</u> |
| Beverly O. Johnson, Councilmember | <u>Yes</u> |
| Martin Dates, Councilmember | <u>Yes</u> |
| Sheila K. Rich, Councilmember | <u>Yes</u> |
| William Rayfield, Councilmember | <u>Yes</u> |
| Janet Gill, Councilmember | <u>Abstain</u> |

It was noted for the record the Harpersville Municipal Court account summary report for the month of June 2020 was provided to the town council.

DEPARTMENT AND COMMITTEE REPORTS

Police Department:

Police Chief Jimmy Macon stated he has provided the police department reports for May and June to the town council. He noted many of the citation numbers are down due to COVID-19 and the department being temporarily closed as a precautionary measure in June. He said he anticipates the numbers increasing to their normal average over the coming months.

Fire Department:

Fire Chief Heath Confer said the state issued burn ban is still in effect until October 31, 2020, regardless of the amount of rainfall.

PROCLAMATIONS BY THE MAYOR – None

PUBLIC HEARING – None

REQUEST(S) TO ADDRESS THE COUNCIL – None

OLD BUSINESS / RESOLUTIONS / ORDINANCES / ORDERS and OTHER BUSINESS

1. **Ordinance 2020-03** for consideration to regulate permitting, siting, and construction of wireless telecommunications facilities, including but not limited to towers and any associated equipment or facilities. *First Reading was on June 15, 2020.*

Councilmember Gill moved and Councilmember Dates seconded the motion that Ordinance 2020-03 be given vote. There being no further discussion, the motion to adopt Ordinance 2020-03 was given vote, and the roll call vote was recorded by the Town Clerk/Treasurer as follows:

| | |
|-----------------------------------|------------|
| Don Greene, Mayor | <u>Yes</u> |
| Beverly O. Johnson, Councilmember | <u>Yes</u> |
| Martin Dates, Councilmember | <u>Yes</u> |
| Sheila K. Rich, Councilmember | <u>Yes</u> |
| William Rayfield, Councilmember | <u>Yes</u> |
| Janet Gill, Councilmember | <u>Yes</u> |

Ordinance 2020-03 passed by unanimous roll call vote of those members of the council present and the mayor declared the same passed.

NEW BUSINESS / RESOLUTIONS / ORDINANCES / ORDERS and OTHER BUSINESS

1. **Resolution 2020-07-06-01** for consideration to approve an ABC license application (Retail Beer, Off Premises Only and Retail Table Wine, Off Premises Only) for applicant Ajax Food Mart, LLC located at 5275 U.S. Highway 280, Harpersville, Alabama 35078 operating under the trade name Hop In Harpersville

Councilmember Gill moved to adopt Resolution 2020-07-06-01 and Councilmember Johnson seconded the motion.

There being no further discussion, Mayor Greene called for a roll call vote:

| | |
|-----------------------------------|------------|
| Don Greene, Mayor | <u>Yes</u> |
| Beverly O. Johnson, Councilmember | <u>Yes</u> |
| Martin Dates, Councilmember | <u>Yes</u> |
| Sheila K. Rich, Councilmember | <u>Yes</u> |
| William Rayfield, Councilmember | <u>Yes</u> |
| Janet Gill, Councilmember | <u>Yes</u> |

The motion to adopt Resolution 2020-07-06-01 passed by a unanimous roll call vote of those members present and the mayor declared the same passed.

2. **Resolution 2020-07-06-02** for consideration to make a new addition to the Harpersville Fire Department Volunteer Firefighter roster

Councilmember Gill moved to adopt Resolution 2020-07-06-02 and Councilmember Rayfield seconded the motion.

There being no further discussion, Mayor Greene called for a roll call vote:

| | |
|-----------------------------------|------------|
| Don Greene, Mayor | <u>Yes</u> |
| Beverly O. Johnson, Councilmember | <u>Yes</u> |
| Martin Dates, Councilmember | <u>Yes</u> |
| Sheila K. Rich, Councilmember | <u>Yes</u> |
| William Rayfield, Councilmember | <u>Yes</u> |
| Janet Gill, Councilmember | <u>Yes</u> |

The motion to adopt Resolution 2020-07-06-02 passed by a unanimous roll call vote of those members present and the mayor declared the same passed.

COUNCIL AND PUBLIC COMMENTS – None

EXECUTIVE SESSION

Mayor Greene stated for the record the purpose of the Executive Session was to discuss the general reputation, physical condition, professional competence, or mental health of individuals; or, subject to the limitations set out herein to discuss the job performance of certain public employees. Town Attorney Josh Arnold, by letter, stated the purpose of tonight's Executive Session is appropriate under Section 36-25A-7(a) (1), Code of Alabama 1975, as amended.

A motion was made by Councilmember Gill to enter into an Executive Session of the town council for the stated purpose. Said motion was seconded by Councilmember Rayfield. Mayor Greene asked the Town Clerk/Treasurer for a roll call vote. The vote to adopt said motion was recorded as follows:

| | |
|-----------------------------------|------------|
| Don Greene, Mayor | <u>Yes</u> |
| Beverly O. Johnson, Councilmember | <u>Yes</u> |
| Martin Dates, Councilmember | <u>Yes</u> |
| Sheila K. Rich, Councilmember | <u>Yes</u> |
| William Rayfield, Councilmember | <u>Yes</u> |
| Janet Gill, Councilmember | <u>Yes</u> |

Mayor Greene asked the members of the town council to attend the Executive Session. Mayor Greene stated he expected the town council to return from the Executive Session in approximately 20 minutes. The town council went into Executive Session at 5:50 p.m.

Police Chief Jimmy Macon was invited to the Executive Session at 6:03 p.m. and returned to the council meeting at 6:12 p.m.

Councilmember Johnson moved to adjourn the Executive Session. Said motion was seconded by Councilmember Gill. The motion passed unanimously by voice vote of those members present and the Executive Session was adjourned at 6:13 p.m.

Mayor Greene called the council meeting back to order at 6:14 p.m.

PUBLIC ANNOUNCEMENTS

1. The 2020 Census is happening now. You can respond online (my2020census.gov), by phone (844-330-2020), or by U.S. Mail.
2. The qualifying period for candidates for the offices of mayor and town council is Tuesday, July 7th at 8:00 a.m. through Tuesday, July 21 at 5:00 p.m. Candidates shall qualify with the Town Clerk/Treasurer at Town Hall located at 83 Town Hall Lane during regular office hours. The qualifying period ends promptly at 5:00 p.m. on Tuesday, July 21st.

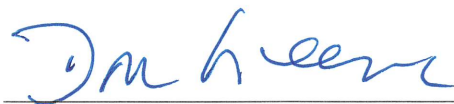
ADJOURNMENT

With no other business before the council, Councilmember Gill moved to adjourn the council meeting and Councilmember Johnson seconded the motion. By voice vote, the motion passed unanimously by those members present and the council meeting was adjourned at 6:15 p.m.

Respectfully submitted this 6th day of July 2020,



Jonathan Seale, Town Clerk/Treasurer



Don Greene, Mayor



WALLACE | ELLIS

Ellis Head Owens Justice & Arnold
Attorneys at Law

Frank C. Ellis, Jr.
J. Frank Head
J. Bentley Owens, III
William R. Justice
Joshua D. Arnold
G. Daniel Head

Wales W. Wallace, Jr. (1919-1986)
Frank Head (1891-1979)

Of Counsel:
Judge Oliver P. Head, Retired
Conrad M. Fowler, Jr., Retired

July 1, 2020

Members of the Harpersville City Council
P.O. Box 370
Harpersville, AL 35078

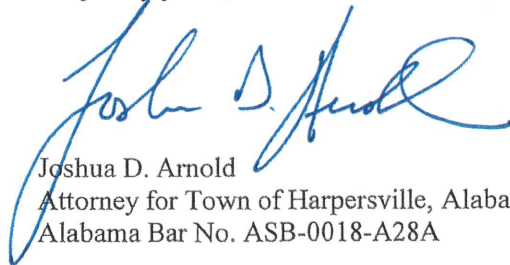
Re: Opinion on Applicability of Executive Session

Dear Harpersville City Council Members:

This is to advise the members of the Harpersville City Council that I have reviewed the matters on which the City Council is considering convening an executive session on July 6, 2020 for discussion regarding the general reputation, physical condition, professional competence or mental health of certain public employee(s). I have determined that, in my legal opinion, this matter is appropriate for executive session under Section 36-25A-7(a)(1), Code of Alabama 1975, as amended.

Pursuant to Section 36-25A-7(a)(1), a copy of this letter should be attached to the minutes of the City Council meeting wherein the City Council considers the motion to convene an executive session to discuss this matter.

Very truly yours,



Joshua D. Arnold
Attorney for Town of Harpersville, Alabama
Alabama Bar No. ASB-0018-A28A