COUNCIL MEETING

CITY OF LUVERNE

May 10, 2021

The City of Luverne Council met in regular session on May 10, 2021 at 5:30 p.m., in the City Hall Building. The following members were present:

Mayor Ed Beasley

Betty Dawson, Councilwoman

Kip Smith, Councilman

Kathy Smyth, Councilwoman

Elliott Jones, Councilman

Eddie Billings, Councilman

Mike Jones, Attorney

Michelle Royals, Engineer

Margie Gomillion, Clerk

William Neal, Building Inspector

Mayor Beasley called the meeting to order. The mayor called on Elliott Jones to lead the pledge of allegiance to the flag and Mike Jones to say a prayer.

The mayor called for the approval of the minutes of April 26, 2021. Councilman Billings made a motion to approve the minutes as written. Councilman Jones seconded the motion and the vote was unanimously approved.

Mayor Beasley moved into old/unfinished business. The mayor asked Councilwoman Smyth if she knew of an update on the event request from Maegan Marshall. Councilwoman Smyth stated her understanding with Maegan Marshall’s event was that she was going to attempt to send her event through the Chamber of Commerce for consideration of an RC&D grant and it was the Chambers decision not to accept. After some discussion, Councilwoman Smyth made a motion to decline the application from Maegan Marshall at this time but is welcome to resubmit when funding and more information is available. Councilman Jones seconded the motion and all was in favor.

Next, the issue on restricting times for the liquor license was addressed as old/unfinished business. Mr. Jones stated he has spoken with multiple representative with the ABC Board and the League of Municipalities. There is no question that the council can set the time for the sale of alcohol. As the ordinance states now, there is no time limitation. The time set by state statue is 2:00 a.m. The City of Luverne has no specific ordinance that controls the sale of alcohol other than the state ordinance. The city can set a time but, the issue is how to differentiate between people selling liquor. If a time is set, can it be restrictive of one class and not another class of licensee. The League of Municipalities suggested the city request an Attorney General’s opinion. I have looked online at multiple cities ordinances. Troy is the only one that has any differentiation and only for class 1 lounges on Sunday’s. All others have the same time for all licensee classes. As for the license itself, the city cannot place conditions on the ABC Board’s liquor license. It has already been granted, so the only thing the council can do is to object to its renewal. The Council could do that now if they chose to and it would go in front of the ABC Board. The Council would have to present the facts to justify its request for non-renewed. If the ABC Board agreed, the owners would lose their liquor license entirely and they could no longer sell alcohol. The chief informed the council that the owners plan to get a private club license if the council restricted them to 10:00 p.m. They would operate until 10:00 p.m. with the existing license and then operate under as a private club after that time. If they chose this option, they would still be required to come back to the council to approve the new license. The question becomes whether the council wants to limit the time for all licensees to 10:00 p.m. or ask the Attorney General if we can differentiate. Mr. Jones presented the council a copy of the City of Troy’s ordinance. Councilwoman Smyth stated that her understanding is the restaurants in town that are selling alcohol all close at 10:00 p.m. anyway and therefore, it boils down to an enforcement issue. Councilwoman Dawson stated she would like to return to the issue of enforcement of the crowd size. They are only allowed 33 people inside. If that was enforced there wouldn’t be as many people but they have that many in the inside plus that many outside. Councilman Smith recommended to delay any action. If there are any further issues, then the council can pursue requesting license revocation at that time. Then no other businesses will be effected. After further discussion, the council decided to revisit this in 30 days unless there is another incident. The council also decided to have the chief talk with the owner of the business and the building owner to inform them that the council is taking this very serious and if there is any more problems, the city will not renew their license.

The mayor stated Councilwoman Dawson had requested the police patrol be increased in District 1. The police chief has done that and 12 of the 36 traffic stops were on or in the area of Woodford Ave. These stops resulted in 4 written warnings, 8 citations, and one felony arrest. The chief has not received any complaints this week so is hopeful that this is helping with traffic problems on Woodford.

Mayor Beasley stated everyone has a copy of Engineer Royals’ departmental reports. Ms. Royals requested to reapply for the CDBG grant that was denied last year to replace the sewer and resurface Jeffcoat Street. Councilman Billings made a motion to allow Engineer Royals to reapply for the CDBG grant to replace the sewer along Jeffcoat Street and resurface Jeffcoat Street. Councilman Jones seconded the motion and the vote was unanimously approved.

Next, the engineer stated that the Electric Board approved a motion earlier today to parlay the $21,519.74 provided by AMEA into a potential match for an Electric Vehicle Charging Station Grant for approximately $100,000. This grant would provide enough money to install a DC fast charger and two (2) Level two chargers which are 45 minute chargers. The Engineer stated that if the grant is approved, she would recommend to place the two slower chargers downtown and the fast charger somewhere near the fast food restaurants or Turner Park.

Councilman Jones reported on the potential FEMA Declaration for the May 4, 2021 Storm. Councilman Jones stated that the city currently has approximately $35,000 in damage and now we have to wait on the state. Engineer Royals stated that the damage to the walking trail is approximately $12,000 more than expected and that it must remain closed until it can be repaired. After some discussion, Councilman Billings made a motion to proceed with the repair of the walking trail and reimburse the general fund with the declaration money if it is approved. Councilman Jones seconded the motion and all was in favor.

The mayor called on the city clerk for the administrative report. Routine work was performed.

Mayor Beasley stated everyone has a copy of Mr. Neal’s report.

The mayor reported he has been doing routine day to day operations.

Mayor Beasley stated Melissa Hermeling’s appointment on the Medical Clinic Board will expire in June. Councilman Jones made a motion to reappoint Melissa Hermeling to the Medical Clinic Board. Councilman Smith seconded the motion and all was in favor.

The mayor presented the request from Don Nix on behalf of the Crenshaw County Chamber of Commerce to have a yard sale to be held at Turner Park on May 22, 2021. After some discussion, Councilwoman Billings made a motion to approve the yard sale for the Crenshaw County Chamber of Commerce event on May 22, 2021 at Turner Park. Councilman Jones seconded the motion. The vote was as follows:

Yea: Betty Dawson Abstained: Kathy Smyth

Kip Smith

Elliott Jones

Eddie Billings

The motion carried.

Councilwoman Smyth stated someone in her neighborhood asked for consideration of a soccer program at the park for the younger kids. Councilman Billings stated he would look into this.

Councilwoman Dawson stated she applied for the Wiregrass League training and will be attending on May 18th & 19th.

Councilman Billings made a motion to adjourn the meeting. Councilwoman Dawson seconded the motion.

Meeting was adjourned.