

City Council Meeting
Minutes December 18,2023
@ 5:00 PM

Present: Mayor Roger Weatherwax
Denise Lovett
Cassandra Lee
Jason White

Absent: Brent White & Joyce Jeffreys

The meeting was called to order by Mayor Weatherwax followed by pledge and prayer. Council was asked to approve and dispense the reading of the minutes from September 11,2023, September 18, 2023, October 02, 2023, October16, 2023 November 06,2023, and November 13, 2023 Work Session Minutes.

Motion: Jason White

2nd: Denise Lovett

Invoice for paving from Quality Paving – Gas Dept \$4,310.00, Water Dept \$8,010.00, Street Dept \$2,780.00 for a Total of \$15,100.00

Motion: Denise Lovett

2nd: Jason White

Deangelo McDaniel ask for approval in the amount of \$55,244.05 for work to be done on the infields of all 7 ball fields the City will purchase the materials to do this work which is \$29,400.00 that is included in the overall total of \$55,244.05.

Motion: Denise Lovett

2nd: Cassandra Lee

Mayor Weatherwax ask that the Council increase his approval amount for purchases from \$5,000.00 to \$10,000.00 or \$15,000.00 due to the cost for services and parts has increase drastically in the past several years.

Motion to increase to \$10,000.00: Denise Lovett

2nd: Jason White

Cassandra Lee opposed but also ask that Council be notified at meetings when monies in these amounts are spent.

Greg Flanagan ask for permission to move forward with Mountain Home Tank Project which was approved for \$220,000.00 in budget but due to a different plan should be approximately \$60,000.00 less. First phase proposal information was given to Council in packets.

Motion: Jason White

2nd: Denise Lovett

Mayor Weatherwax addressed Council Member Lee and gave the floor to address the roll of city clerk as requested. Council Member Lee stated she had researched sections from the Code of Alabama and had quoted from the Code of Alabama at the last work session, also that she had called the Alabama League of Municipalities to see if there were ordinances or resolutions regarding the roll of the city clerk position and was told that there were ordinances and resolutions addressing the roll of city clerk. I want to get a motion to make sure there is an ordinance reflecting this.

Section 11-43-4, I Cassandra Lee, District 4 City Council, move that the council adopt an ordinance that the Office of City Clerk City of Moulton, less than 6,000 inhabitants, shall elect a clerk in accordance with Sections of the Code of Alabama 1975. The following sections were cited:

Section 11-43-3

Election, etc., of treasurer, clerk, etc., in cities having more than 6,000 inhabitants; consolidation or abolishment of offices.

(a) In cities having a population of more than 6,000, there shall be elected by the council, at its first regular meeting or as soon thereafter as practicable, a city treasurer and a city clerk, who shall hold office until the next general election and until their successors are elected and qualified, and such council may elect an auditor, and any officers whose election is required by ordinance, and, except as otherwise provided, the council shall have authority to fix the terms of office, prescribe their duties, and fix the salaries of the officers. The council may, by ordinance, require the city treasurer and the city clerk to be residents of the city. Except as provided in subsection (b), the council, by a two-thirds vote of the members elected, by and with the consent of the mayor, may consolidate two or more of the offices and may abolish any of the offices; provided, that the term of office of no incumbent shall be diminished.

(b) The consent of the mayor is not necessary to consolidate or abolish offices pursuant to subsection (a) if the mayor is operating pursuant to Section 11-43-2 as it relates to the legislative functions of the mayor in cities and towns having a population of 12,000 or more but less than 25,000 inhabitants according to the most recent or any subsequent federal decennial census.

(Code 1907, §1066; Code 1923, §1758; Code 1940, T. 37, §405; Acts 1984, No. 84-296, p. 661, §1; Act 2018-281, §1.)

Section 11-43-4

Election of clerk, etc., in towns and in cities having less than 6,000 inhabitants; filling of vacancies in council generally.

In cities having a population of less than 6,000 and in towns, the council shall elect a clerk and fix the salary and term of office, and may determine by ordinance the other officers of the city or town, their salary, the manner of their election and the terms of office, and shall fill all vacancies in the council by a majority vote of the council; and all members of the council may vote to fill vacancies any provision of law to the contrary notwithstanding. The clerk and such other officers elected by the council shall serve until their successor or successors are elected and qualified.

(Code 1907, §1067; Acts 1919, No. 448, p. 687; Code 1923, §1759; Code 1940, T. 37, §406; Acts 1951, No. 290, p. 583; Acts 1981, No. 81-627, p. 1043; Acts 1984, No. 84-286, p. 497, §1.)

Section 11-43-45

Officers - Election or appointment.

All elections of officers shall be made viva voce, and a concurrence of a majority of the members to the council shall be required, and all members of the council may vote any provision of law to the contrary notwithstanding. On the vote resulting in an election or appointment, the name of each member and for whom he voted shall be recorded.

(Code 1907, §1192; Code 1923, §1908; Code 1940, T. 37, §429; Acts 1961, No. 666, p. 910, §4; Acts 1984, No. 84-286, p. 497, §2.)

Section 11-43-46

Officers - Terms of service.

The council shall fix by ordinance the terms of service, not to exceed the term of the mayor, of all the officers appointed or elected whose terms are not prescribed by law.

(Code 1907, §1192; Code 1923, §1908; Code 1940, T. 37, §429; Acts 1961, No. 666, p. 910, §4.)

Section 11-43-160

Removal.

(a)(1) Any person appointed to office in any city or town may, for cause, after a hearing, be removed by the officer making the appointment.

(2) The council of the municipality may remove, by a two-thirds vote of all those elected to the council, any person in the several departments for incompetency, malfeasance, misfeasance, or nonfeasance in office and for conduct detrimental to good order or discipline, including habitual neglect of duty.

(b) Notwithstanding subsection (a), in municipalities having a population of less than 12,000 inhabitants, according to the last or any subsequent federal census, the mayor may vote on the removal of any person appointed to office in the municipality pursuant to subsection (a) and the mayor shall be considered as a member of the council in determining whether there is a two-thirds vote of the council for the removal of the officer.

(Code 1907, §1172; Code 1923, §1888; Code 1940, T. 37, §451; Act 2009-402, p. 729, §1.)

Council Member Lee further added to the call for a motion - This is Alabama Code of Law and needs to be in an ordinance to insure the following of protocol. The motion died for lack of further action.

Sewer Superintendent Mark Heflin requested approval to replace (2) thirty-year old pumps at the sewer treatment plant.

Motion: Denise Lovett

2nd: Jason White

Invoice in the amount of \$6,690.00 for the annual Gas Leak Survey.

Motion: Jason White

2nd: Denise Lovett

Street and Sanitation Supervisor Daniel Woodard requested approval of an invoice in the amount of \$27,000.00 for the repairs that had to be made to the garbage truck.

Motion: Jason White

2nd: Denise Lovett

Council Member Cassandra Lee made a motion to include in the present nuisance ordinance that the city inspector would report to the council on a monthly basis as part of his job duties. The motion died for lack of a second. Council Member Lee requested the item be added to the next agenda.

Council Member Denise Lovett made a motion to adjourn

2nd: Jason White

Roger Weatherwax, Mayor

Deroma Pepper, City Clerk

Jason White, Council Member

Cassandra Lee, Council Member

Denise Lovett, Council Member