

State of Alabama)
City of Oneonta, November 10, 2020
County of Blount)

Work Session

The Mayor and City Council held a work session on Tuesday, November 10, 2020 immediately following the council meeting for the purpose to discuss the artistic display and mural ordinance draft.

Present at the work session were: Mayor Phillips, Council Members: Alexander, Pierce, McAlpine and Underwood. Also, present were Ed Lowe, Alex Smith, Allie Allcorn, Brandon Horton, Andy Alexander, Fire Chief Booth, OBA representatives, Barbara Andersen and Amanda Cole. Councilman Bradley was not present for the work session.

Brandon Horton stated the main purpose for the mural ordinance is to ensure the murals are being done properly throughout the city. He acknowledged the inspection department on the wonderful job they did for researching over the last few weeks of how to meet regulations of the sign ordinance but to accommodate artistic display and murals. Brandon stated there is a fine line between a mural and advertisement and that is advertisement has text advertising an individual or business and a mural does not.

Brandon stated the current ordinance draft accommodates the murals to only be displayed in B-1, B-2 and B-3 zoning, yet later in the work session there was question to adding M-1 zoning to the ordinance. Also, the intent of the murals true artwork must stay for five (5) years.

Brandon reiterated the ordinance is not for the city to receive permit fees for all the mural applications, but for the murals to be properly monitored. He stated the ordinance draft requests an application to be submitted to the city in order to obtain a permit from the city. Once the application is received then it will be submitted to the Design Review Committee, and the committee will have thirty (30) days to review the application. Once the application is approved by the Design Review Committee, it will then go before the Mayor and City Council for final approval. Brandon mentioned if the mural is not completed within 180 days of obtaining permit to begin work, then the application process will have to start over.

There were questions regarding the definition of double-frontage and if there is a way to establish the frontage be where the main entrance for the location exists. Brandon Horton stated an option for double-frontage mural requests could be set to case by case basis. He mentioned it is better to have it in the ordinance then to remove it because it gives the committee opportunity to review the submission.

Alex Smith mentioned regarding Section XI.3; General Regulations (f) Mural Maintenance, Penalty, there will need to be language giving the municipal judge authority to deem a mural project as public nuisance. Alex stated the zoning ordinance will need to be amended in order to

accommodate the mural ordinance; so, he will present an ordinance at the next public hearing to complete that action.

After much discussion, Brandon Horton stated he would take all the recommendations into amending the mural ordinance draft. Mayor Phillips thanked everyone for attending the work session and stated the ordinance will be ready for the next council meeting agenda.

Mayor Phillips entertained a motion to adjourn. Councilman McAlpine made a motion to adjourn the work session. Councilman Alexander seconded and the motion carried with all ayes. The work session ended at 7:45 p.m.

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The Mayor and City Council met during regular scheduled meeting on November 10, 2020 with a work session beginning at 5:30 p.m. Present were Mayor Phillips, Council Members: Alexander, McAlpine, Pierce and Underwood. Also, present in the meeting were Ed Lowe, Allie Allcorn, Alex Smith, Brandon Horton, Fire Chief Booth, Police Chief Clifton, Rachel and Mark Gargus, Patti Williams, Kay Butts, Briar Fowler, Tara Murphree, Bill Hendrickson, Cindy Lyle, Betty Sherrer, David Dobson, Lea White, Kevin Nicodemus, Roland McCoy, Andy Alexander, Barbara Andersen and Amanda Cole. Councilman Bradley was not present for the meeting.

Mayor Phillips opened the work session at 5:30 p.m. for the purpose of reviewing the agenda for the council meeting. The Mayor started the review with discussing the resolution number 1120-08, concerning amending Swamptails, LLC 772 tax abatement agreement. Ed Lowe mentioned the original Swamptails, LLC tax abatement was the first 772 tax abatement the city had approved and in his opinion the terms were a little too aggressive. He said all the other tax abatements are 1.5% with 60 months or \$150,000.00 cap; yet Swamptails, LLC agreed to 3% with 36 months or \$150,000.00. Ed stated COVID has made an impact on the downtown businesses and he believes this extension will help the businesses out during this trying time. Mayor Phillips stated the amendment only extends the terms from 36 months to 60 months, and there are no other changes.

Mayor Phillips opened discussion for resolution number 1120-09, concerning establishing board appointment terms. The Mayor stated the proposed resolution will allow board appointments to only serve two terms consecutively, then that individual will sit off the board for one term before having the capabilities of being reappointed. Mayor Phillips mentioned the only board the above does not refer to is the Beautification Board due to the longevity to keep the great things they do going.

Mayor Phillips stated due to COVID affecting the police department there is a need to approve an emergency hire of a part-time officer.

Allie Allcorn touched base on the promotion of Jeff Ivey to Assistant Fire Chief. She stated his promotion is a part of Fire Chief Booth's succession plan and it is well within the budget to accommodate the promotion.

Mayor Phillips stated Mark Gargus, Oneonta Utility Board Member will speak at the council meeting regarding Shuff Mountain.

Before the work session was closed, Councilmember McAlpine asked Alex Smith if the amended Swamptails, LLC 772 tax abatement would be for 60 months or 36 months. Alex reiterated the amended agreement would be increased from 36 months to 60 months.

There being no further business to discuss, Mayor Phillips requested a motion to adjourn the work session. Councilman McAlpine made a motion to adjourn the work session. Councilman Alexander seconded and the motion carried with all ayes. The work session closed at 5:45 p.m.

The Mayor opened the regular scheduled council meeting at 6:00 p.m.

Councilwoman Underwood gave the invocation.

Councilman McAlpine lead the Pledge of Allegiance.

Councilwoman Pierce made a motion to approve the minutes of November 2, 2020 Organizational Meeting. Councilwoman Underwood seconded and the motion carried with all ayes.

Mayor Phillips stated there was open discussion regarding resolution number 1120-08, concerning amending Swamptails, LLC 772 tax abatement agreement during the work session. Ed Lowe reiterated Swamptails, LLC 772 tax abatement agreement was the first one the city passed. He stated the 772 legislative act allows the city council to set the terms and what the city needs from approving a tax abatement. He mentioned the amended would increase the term from 36 months to 60 months and Swamptails, LLC would receive the remaining \$50,000.00. Mayor Phillips read resolution number 1120-08, in its entirety. Councilwoman Underwood made a motion to approve resolution number 1120-08, concerning amending Swamptails, LLC 772 tax abatement agreement. Councilwoman Pierce seconded; Councilman Alexander voted nay and Councilman McAlpine voted aye and the motion carried.

Mayor Phillips read resolution number 1120-09, concerning establishing board appointment terms. The Mayor stated the policy to adopt would prevent a person from serving on a board for more than two consecutive terms, and that person will be eligible to serve after sitting off for one term. Mayor Phillips mentioned the policy of terms does not apply to the Beautification Board. Councilman Alexander made a motion to approve resolution number 1120-09, establishing board appointment terms. Councilwoman Pierce seconded and the motion carried with all ayes.

Councilwoman Pierce made a motion to approve setting a public hearing for November 24, 2020 at 5:15 p.m. for the purpose to discuss the artistic display and mural ordinance. Councilman Alexander seconded and the motion carried with all ayes.

Councilwoman Underwood stated due to an emergency with COVID, the police department is requesting to hire a part-time police officer. Councilwoman Underwood made a motion to hire Jonathan Garner as a part-time police officer. Councilwoman Pierce seconded and the motion carried with all ayes.

Councilwoman Pierce read a recommendation letter on behalf of Fire Chief Booth requesting to promote Jeff Ivey as Assistant Fire Chief. Councilwoman Pierce made a motion to promote Jeff

Ivey as Assistant Fire Chief. Councilwoman Underwood seconded and the motion carried with all ayes.

Oneonta Utility Board Member, Mark Gargus congratulated everyone on their new appointment and introduced engineer James Cassidy. Mr. Cassidy stated the Utility Board has received all equipment needed for the Dogwood Drive project. He mentioned the Utility Board was required to obtain ten (10) easements for the project, yet one easement is pending and the litigation concerning the pending easement has been continued for two more weeks. Mr. Cassidy stated once the easement is obtained, the Utility Board will be complete within 45- 60 days then the city will be obligated to complete the paving. Mayor Phillips thanked both Mark Gargus and James Cassidy for attending the meeting and asked for them to stay after the meeting to address some residents near Dogwood Drive.

Barbara Andersen gave a brief update on behalf of the Chamber of Commerce. She stated the final details of the New Year's Eve supply box will be complete this week. She mentioned the Annual Blount County Christmas Parade was cancelled and explained the discussion was well thought out and not an easy one but the Chamber felt it was the best interest of the residents to cancel it due to the rise of COVID cases within Blount County.

Patti Williams gave a brief update on behalf of the Oneonta Business Association. She stated the OBA was able to purchase thirty-five (35) flags for the Flags of Honor project and she thanked Mayor Phillips for working with APCO to possibly utilize the utility poles. Patti also mentioned that Charlie B's and the Little Brick Church are additional locations participating in Light the Town. She reminded everyone interested in helping decorate the downtown area to meet Saturday morning at the gazebo at 10:00 a.m. In Patti's closing remarks, she raved about how wonderful Bill Hendrickson and Tara Murphree are and what all they have done for the OBA.

Allie Allcorn stated Tennessee Valley Metals approached the city requesting a quit claim deed for a strip of property consisting of 0.87 acres that is inside their fence line. She stated the strip was never obtained by the current owners and that it is currently owned by the city. She mentioned Tennessee Valley Metals has been maintaining and using the property and the city has no interest in the property. Ed Lowe stated Tennessee Valley Metals had a survey completed and that is how the discrepancy was discovered. Councilwoman Underwood made a motion to surplus the above referenced property due to the city no longer having a need of the property. Councilman McAlpine seconded and the motion carried with all ayes. Councilwoman Pierce made a motion to authorize Mayor Phillips to sign the quit claim deed to transfer property to Tennessee Valley Metals. Councilman McAlpine seconded and the motion carried with all ayes. Allie Allcorn reported the paving project list is complete and cost the city a little under \$500,000.00.

Mayor Phillips requested anyone interested to follow the city on any of the following social media websites: Facebook, Twitter and/or Instagram. The Mayor also stated anyone interested in Nixel alerts for the Oneonta area, just text oneontacity to 888-777.

Mayor Phillips asked Ed Lowe to approach the bench and give an update on broadband options. Ed Lowe stated he has been working with Otelco and Alabama Power on adding broadband to bring it up one gig in the area. He stated currently APCO is working to find a substation location and completing above and below terrain audit to find the best location. Ed mentioned they are still on track to receive the feasibility study in order to apply for a \$10 million dollar ARC grant late February of 2021. He stated the topography and geography in Oneonta is easier to hang the wire instead of burying the wire. The study will tell them where to bury the fiber or where to hang off Otelco and/or APCO buildings.

Public Safety Director, Brandon Horton stated beginning Thursday, November 12th, all city employees will return to working remotely. He mentioned there has been an increase of employees testing positive for COVID and as a preventive measure city hall will be closed to the public. He mentioned all staff will either be working from home or will come into work on a two-tier schedule in order to separate employees from working in tight quarters. Brandon stated the library will be conducting curbside service, inspections will be conducted on schedule basis and park and recreation indoor sports will be closed and monitored. Mayor Phillips ensured all city services will still be the same, but the interaction will be different.

Mayor Phillips stated there will be a work session after a five-minute break to discuss the artistic display and mural ordinance. There being no further business to discuss, Mayor Phillips entertained for a motion to adjourn the council meeting. Councilman McAlpine made a motion to adjourn the council meeting. Councilwoman Pierce seconded and the motion carried with all ayes. The council meeting ended at 6:45 p.m.