

Regular Meeting No. 2023-03-07 RG
Of the Town Council of the Town of Gurley, Alabama
Gurley Town Hall
March 7, 2023 7:00 p.m.

Regular Meeting:

The Town Council of Gurley, Alabama, met on March 7, 2023, at 7:00 p.m. in the Gurley Town Hall for a regular meeting.

Mayor Simpson called the regular meeting to order. Upon roll call, present were Richard Meyers, Robert Winn, Gary Boyett, Joseph Belles and Stan Simpson.

Business License Approvals

- **Sperrow LLC dba Cristina's Freestyle Cooking:** A motion was made by Belles, seconded by Meyers to provisionally approve the Business License for Sperrow LLC dba Cristina's Freestyle Cooking upon passing inspections. Discussion regarding grease traps. Upon roll call: Yea's- Meyers, Winn, Boyett, Belles and Simpson. Nay's- none. Having unanimous consent, motion carried.
- **Liberty Lumber, Inc.:** A motion was made by Meyers, seconded by Winn to approve the Business License for Liberty Lumber, Inc. Upon roll call: Yea's-Meyers, Winn, Boyett, Belles and Simpson. Nay's-none. Having unanimous consent, motion carried.

Reading of Minutes:

A motion was made by Boyett, seconded by Winn, to dispense with the reading and approve as prepared, the Minutes of the Regular Meeting held on February 21, 2023. On voice vote, motion carried.

Public Comments:

No Public Comments.

Reports of Officers:

- a. **Town Administrator:** A copy of Gary's Building Department report was in your packet.
- b. **Fire Department:** Approximately 40 calls in February. Change of policy regarding unattended deaths. Will be buying 5 Wildman Fire Sets and river signs.

Hearings of Petitions. Applications. Complaints. Appeals. Communications. etc.:

1. **Stan Simpson-Mayor:** Several properties in town are being worked on and progress has been made. Meeting set for Muni-code. Appreciates the Fire Department helping with the railroad crossings this week and working the race. Fifty percent of the rehab project is complete. The adult fitness equipment is shipping. The 2022 Financial Audit report from Tucker, Smith & Associates is complete.

Resolutions. Ordinances. Orders and other business:

- **Approval for Expenditures:** A motion was made by Boyett, seconded by Belles to approve the payment of the expenditures. Motion carried on voice vote.
- **Voting Delegate Authorization for the Annual Convention:** A motion was made by Belles, seconded by Meyers for Mayor Simpson to be the voting delegate and Gary Boyett to be the alternate for the Annual Convention in May. Motion carried on voice vote.

Consent Agenda:

- **Ordinance 2023-003 R1 Burn Ordinance:** A motion was made by Meyers, seconded by Winn to dispense with the reading and move for immediate consideration of Ordinance 2023-003 R1 by Title. Upon roll call: Yea's- Meyers, Winn, Boyett and Simpson. Nay's – Belles. Motion failed.

Mayor Simpson directed a First Reading of Ordinance 2023-003 R1.

A motion was made by Meyers, seconded by Boyett to pass Ordinance 2023-003 R1 on first reading.

Motions for Amendments

A motion was made by Belles to remove adequate stack, duct, or chimney on Page 1. No second, motion failed.

A motion was made by Belles to remove the dead animals from Page 4, e., v. No second, motion failed. Belles recommended we change the terminology of the usage of his to he/she.

The Mayor called a recess from the meeting for the Town Administrator to identify the usage of the Mayor's he's and change it to the Mayor's.

Mayor Simpson called us back in session.

A motion was made by Belles, seconded by Meyers to remove all the references of he in Ordinance 2023-003 R1. Upon roll call: Yea's- Meyers, Winn, Boyett, Belles & Simpson. Nay's- none. Having unanimous consent, motion carried.

Council returned to pending motion. Upon roll call: Yea's- Meyers, Winn, Boyett and Simpson. Nay's – Belles. Motion passed on first reading.

Resolutions. Ordinances. Orders and other business (Continued):

- **Consideration of Appointment of Vacancy of Place 5:** A motion was made by Boyett, seconded by Winn to consider the appointment of Tammy Whitten for the vacancy of Place 5 and for her to serve the rest of Councilman Whitten's term. Discussion concerning the time frame from the resignation to the appointment. Meyers stated the 2-week time was not enough to fill the vacancy. Belles questioned whether there was a vacancy on March 7, 2023, and the search can only happen when office was vacant.

A motion was made by Meyers, seconded by Belles to extend the search for 2-weeks. Upon roll call: Yea's- Meyers & Belles. Nay's- Winn, Boyett and Simpson. Motion fails

Council returned to pending motion to appoint Tammy Whitten as the Place 5 Council Member. Upon roll call: Yea's- Winn, Boyett & Simpson. Nay's-Meyers. Belles abstained. Motion carried.

Councilman Belles stated that he believes the 60-day timeline starts today. Councilman Belles stated he had contacted the League and Frank Barger. Councilman Belles asked the Mayor if the vacancy started on March 7th and the Mayor agreed. Councilman Belles wanted it known that he was investigating the procedure. He did not know about Andy's resignation prior to the meeting so he could not research prior to the meeting. He did not know the procedure before asking people.

Councilman Meyers stated that although the Town may not be violating the Code of Alabama, he believed the Town was violating the spirit and intent of the code by essentially filling the vacancy on the same day it was officially made vacant. Councilman Meyers also stated he expressed his concerns about the timeline to the Mayor in a March 1 email.

Mayor stated that no one expressed any issue or concern on February 21st meeting where the notice process was outlined and that, the only concern that was expressed, was by Councilman Meyers on March 1st 2023, 8 days after the posting.

Councilman Boyett commented the vacancy notice was posted on February 22nd at multiple locations and shared on all our Facebook locations and only one response was received before the end of the day on March 3rd. Councilman Boyett also wanted it noted that he asked if anyone on the council over the last 2 weeks had anyone contact them concerning the vacancy other than Tammy Whitten and no one responded that they had been contacted.

The Town Clerk administered the oath of office to Tammy Whitten.

A motion was made by Meyers, seconded by Boyett to adjourn. Motion carried on voice vote.

Ginger Patterson, Town Clerk

Stan Simpson, Mayor