

Chickasaw City Council

State of Alabama Mobile, County

The Chickasaw City Council met in a regularly scheduled session on Tuesday, January 28, 2025, at 7:00 p.m. Present were Mayor Barry Broadhead, Councilmember Jim Trout, Jennifer White, and Ken Sterrett, JR Rawls, and Jim Hanson. City Attorney Nash Campbell and City Clerk Michelle Ross were present. Pastor Curtis, from High Praise Church, gave the invocation.

ADOPTION OF AGENDA - Councilmember Trout moved to approve the agenda for the regular meeting on January 28, 2025. Councilmember White seconded the motion. The motion for final adoption was passed by the following voice votes: AYE – White, Broadhead, Trout, Sterrett, Hanson, Rawls. NAY-None

APPROVAL OF MINUTES – Councilmember Hanson moved to approve the minutes from the regularly scheduled meeting on January 14, 2025. Councilmember Trout seconded the motion. Motion for final adoption passed by the following voice votes: AYE – Broadhead, White, Trout, Sterrett Hanson, Rawls. NAY - None

COMMUNICATION FROM THE MAYOR –

- The Osprey Initiative's one-year grant for the Litter Gitter will expire in March 2025. The city must pay \$18,000/year to keep the Litter Gitter. The council discussed and agreed this was not the best use of funds.
- Carbonite Backup Renewal – an off-site backup company. The renewal cost is \$760.00/year for two years

RESOLUTIONS & ORDINANCES

Councilmember Trout moved to approve the first reading of Ordinance No. 25-07. Seconded by Councilmember Hanson & Sterrett. Ordinance No. 25-07 will be placed on the Agenda for final reading and approval on March 11, 2025

ORDINANCE 25-07

AN ORDINANCE ESTABLISHING THE MONTHLY SALARY OF THE MAYOR AND COUNCILMEMBERS

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF CHICKASAW, ALABAMA, AS FOLLOWS:

Section 1. That the salary of the Mayor of the City of Chickasaw, Alabama, shall remain fixed at the sum of \$1,000 per month.

Section 2. That each Councilmember's compensation shall remain fixed at the sum of \$600 per month.

Section 3. This ordinance shall become effective on the first Monday in November 2025 and shall continue in force and effect until repealed by action of the council.

Section 4. The provisions of this ordinance are hereby declared severable; if any portion of this ordinance shall be held unconstitutional or otherwise invalid by a court of competent jurisdiction, such ruling shall not affect the remaining portions of this ordinance.

Section 5. Any other ordinance setting forth the salary of the Mayor and City Councilmembers is hereby repealed to the extent that the provisions of such ordinances conflict with the provision hereof.

Chickasaw City Council

Councilmember Sterrett moved to approve the first reading of Ordinance No. 25-08. Seconded by Councilmember Rawls. Ordinance No. 25-08 will be placed on the Agenda for final reading and approval on March 11, 2025.

ORDINANCE 25-08

AN ORDINANCE REPLACING & REPLACING ORDINANCE NO. 2022-06 AN ORDINANCE REQUIRING ALL VACANT BUILDINGS TO BE REGISTERED IN A CITY-MAINTAINED DATABASE

WHEREAS, the City Council of the City of Chickasaw has an interest in promoting and maintaining the health, safety, welfare, and convenience of the residents of the City of Chickasaw; and

WHEREAS, the City Council recognizes that long-standing vacant residences and buildings can create blighted conditions that negatively impact environmental and economic values; and

WHEREAS, it is the City's intent to prevent nuisance-related and blighted conditions and

WHEREAS, the City finds it in the interest of public health, safety, and welfare to require the information of vacant building owners and/or creditors to be included in a City-maintained registered database.

NOW THEREFORE BE IT ORDAINED by the City Council of the City of Chickasaw as follows:

Section 1. Definitions

1. **Agent** means an individual with a place of business in this state in which he or she is authorized to accept inquiries, notices, and service of process on behalf of a vacant or foreclosed real property owner.
2. **Commercial or industrial building** means a building, structure, facility, or complex, or part thereof, located within the corporate limits of the City of Chickasaw that is used, or designed to be used, for any private manufacturing, industrial, or commercial business purposes whether or not legally zoned for such use. A multi-family residential property with more than four (4) dwelling units shall be a commercial or industrial building.
3. **Creditor** means a federal or state-chartered bank, savings bank, savings and loan association, credit union, mortgagee, and any entity acting on behalf of the creditor named in the debt obligation including, but not limited to, services;
4. **Owner** means any person, heirs at law, executors, administrators, co-partnership, association, corporations, fiduciary, or other legal entity having a legal or equitable title or any interest in any real property.
5. **Residential property** means real property located within the corporate limits of the City of Chickasaw with one (1) to four (4) dwelling units.
6. **Vacant** means a commercial or industrial building or residential property with no legal resident or tenant. Evidence of vacancy includes any condition that on its own, or combined with other conditions present, would lead a reasonable person to believe that the property is vacant. Such conditions include but are not limited to overgrown or dead vegetation, accumulation of flyers, mail, or trash, disconnected utilities, the absence of window coverings or furniture, and statements by neighbors, delivery persons, or government employees.

Section 2. Registration.

1. Upon knowledge of a commercial or industrial building or residential property being vacant, the owner and/or creditor shall, within fifteen (15) days, register the property as a vacant property with the building and safety division of the City of Chickasaw.

Chickasaw City Council

2. Upon initiating the legal process to foreclose real property, but no later than upon filing a complaint of foreclosure upon executing a deed in lieu of foreclosure on a commercial or industrial building or residential property registration as prescribed in subsection (1), above, has not yet been completed, the creditor shall within seven (7) days register the property as a property in foreclosure with the building and safety division of the City of Chickasaw
3. Registration shall include the address of the property, the name and contact information of the creditor's agent, if applicable, the name and contact information of a property preservation company or property manager, if applicable, along with any additional information deemed necessary by the Public Safety Director or his/her designee, in his capacity as director of the building and safety division.
4. A creditor is required to update the registration form with all pertinent information when
 - (a) a commercial or industrial building or residential property becomes vacant at any time after submission of the registration required by subsection (2), above,
 - (b) a creditor files a complaint of foreclosure or executes a deed in lieu of foreclosure at any time after submission of the registration required by subsection (2), above,
 - (c) a creditor acquires title to the property at sheriff/foreclosure sale, or
 - (d) any previously provided information (i.e. name or contact information of agent or property preservation vendor) changes.
5. The city may utilize a third-party to administer the program and cause or direct all relevant information to be submitted to the third-party administrator.

Section 3. Maintenance.

1. The owner or creditor of a vacant commercial or industrial building or residential property is required to conduct regular inspections, at the minimum once a month, to ensure property is compliant with all City building, housing, and property maintenance codes.
2. For all properties registered pursuant to section 2, if the city determines the property is in violation of any ordinance regulating a nuisance, the city may notify the owner or creditor of the violation by providing notice of the violation by electronic mail and/or certified mail return receipt requested to the person (s) identified on the submitted registration form.
3. The city may require the owner to correct the violation and may require creditor to correct the violation to the extent consistent with the terms of the mortgage or other rights and interests in the property.

A notice of violation shall include a description of the conditions that give rise to the violation and shall provide a period of not less than seven (7) days to remedy the violation from the owner's or creditor's receipt of the notice. The building and safety division may require expedited maintenance actions in certain emergency situations, such as vandalism, unsecured entranceways, and criminal activity, etc.

Section 4. Enforcement

1. The owner's or creditor's failure to remedy the violation within the period required by the notice of violation shall be an offense against the City of Chickasaw and shall be punishable by a fine not to exceed five hundred dollars (\$500.00) per offense, per location. The Code Enforcement Officer or his/her designee may issue a citation to the owner or creditor for violations of the provisions of this section. If the offense or property remains in disrepair for more than 24 months after being found guilty of the initial citation, an additional citation resulting in a fine of not more than Five Hundred dollars (\$500) may be issued.

Chickasaw City Council

2. Any owner or creditor that fails to register commercial or industrial building or residential property shall be subject to a civil fine of one hundred dollars (\$100.00) per offense, per location, payable to the city for each day of delinquency. If the offense or property remains vacant or unregistered for more than 24 months after being found guilty of the initial citation, an additional citation resulting in a fine of not more than five hundred dollars (\$500) may be issued.

Section 5. Administrative Fees.

1. Any owner or creditor of a commercial or industrial building required to be registered by this article shall pay to the City a registration fee in the amount of four hundred dollars (\$400.00) per year
2. Any owner or creditor of a residential property required to be registered by this article shall pay to the city a registration fee in the amount of two hundred dollars (\$200.00) per year.
3. The registration of a commercial or industrial building or residential property shall pay to the city a registration shall be valid for one (1) year from the date of registration. The owner or creditor shall renew the registration annually so long as the property meets the criteria requiring the registration fee
4. The city may contract with a third-party administrator to assess, charge, and collect all registration and renewal fees due and payable pursuant to this article. In such event, the owner or creditor may pay the registration and renewal fees directly to the contracted third-party administrator.
5. For properties registered under Section 2, the owner or creditor is not required to renew the registration when, before the expiration of one (1) year from the date of registration or renewal, the property is legally re-occupied, or the property is transferred to an unaffiliated third-party.
6. For properties registered under Section 2, the creditor is not required to renew the registration when, before the expiration of one (1) year from the date of registration or renewal, the foreclosure action is dismissed, or the property is transferred to an unaffiliated third party. If the foreclosure action is dismissed however the property remains vacant, the annual renewal is still required.
7. The creditor is not required to renew the registration when, before the expiration of one (1) year from the date of registration or renewal, the creditor releases the lien and removes the creditor's interest in the property.
8. For properties registered under Section 2, the creditor may apply the vacant property fees to the purchase of a business license.

Section 6. De-registration.

When any registered property transfers to an unaffiliated third party, or the foreclosure action is dismissed, and the property is occupied or is legally re-occupied and not subject to a foreclosure action, or the registering creditor releases the lien, the owner or creditor shall de-register the property using the forms and instructions provided by the city or its third-party administrator.

Section 7. Exemptions.

1. The Code Enforcement officer or his/her designee may exempt a property from the registration and fee requirements of this article in the following instances:
 - a. The property is habitable wherein all building systems are in sound working order, which is evidenced by the issuance of a certificate of occupancy, the building and grounds are

Chickasaw City Council

maintained in good order, and the building is being actively marketed for sale or rental and actively maintained. Evidence of property being marketed for sale or rent could include but is not limited to, retaining a licensed real estate agent or broker to list the property for sale or rent, taking out advertisements in various media forms such as newspapers and online services, and need to be provided to the designated municipal official. The building and safety division may request additional information, for example any available photos, price, and agent information.

- b. An owner submits plans to the building and safety division demonstrating that the property will be rehabilitated and restored to productive use and occupancy within twelve (12) months following the initial property registration along with a certified letter from a licensed contractor or architect stating that the property is capable of being rehabilitated and restored to productive use and occupancy within the twelve (12) months following the initial property registration, provided the property is actively maintained in the interim. The building and safety division may request additional information, such as any available photos, plot plan, layout plan, etc.
 - c. The owner certifies to the building and safety division that the vacancy is a result of damage from a natural disaster in the past six (6) months and is actively seeking insurance proceeds or Federal/State assistance to rehabilitate the property. The owner is required to update the building and safety division monthly until the property is rehabilitated.
 - d. The owner certifies the vacancy is a result of a fire in the past thirty (30) days and the owner is actively seeking insurance proceeds to rehabilitate the property. The owner is required to update the building and safety division monthly until property is rehabilitated.
 - e. The owner certifies to the designated municipal official that the vacancy is not an abandonment and is utilized as a vacation home, or conversely, the property is vacant while the owner resides at a vacation home and the subject property is actively maintained.
 - f. The owner is on active duty with any branch of the U.S. Armed Services.
2. In determining whether to grant a request for exemption, the Code Enforcement Officer or his/her designee shall consider the following:
 - a. The applicant's prior record as it pertains to the city's housing, building, fire, and property maintenance code violations.
 - b. The amount of vacant property that the applicant currently has within the city and the length of time that the property for which the exemption is sought has been vacant.
 - c. The proximity of the vacant property to a school or other properties that require additional safety considerations.

SECTION 8. Severability.

If any section, subsection, sentence, clause, phrase, or portion of this Ordinance is for any reason held invalid or unconstitutional by any Court of competent jurisdiction, such portion shall be deemed a separate, distinct, and independent provision, and such holding shall not affect the validity of the remaining portion hereof.

SECTION 9. Repealer.

Any ordinance(s), parts of ordinance(s), or resolution(s) conflicting with the provisions of this Ordinance are hereby repealed insofar as and only to the extent to which they conflict.

Chickasaw City Council

SECTION 10. Effective Date.

This Ordinance shall be in full force and effect from and after the date of its approval by the City Council of Chickasaw and publication as required by law.

Councilmember White moved to approve the first reading of Ordinance No. 25-09. Seconded by Councilmember Hanson. Ordinance No. 25-09 will be placed on the Agenda for final reading and approval on March 11, 2025.

ORDINANCE 25-09

AN ORDINANCE ESTABLISHING PARK HOURS AND REGULATIONS FOR BROOKS PARK

WHEREAS, the City of Chickasaw, Alabama desires to maintain public safety and preserve the tranquility of Brooks Park; and

WHEREAS, the regulation of park hours will help ensure the well-being of visitors, improve park management, and reduce potential hazards during non-daylight hours;

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF the City of Chickasaw, Alabama; as follows:

SECTION 1: DEFINITIONS

For the purposes of this Ordinance:

1. Park refers to Brooks Park, located at
2. "Park hours" refer to the designated times during which the park is open to the public.

SECTION 2: PARK HOURS

1. City park will open at sunrise and close at the later of 6:00 or sunset.
2. Exceptions to the park hours may be granted for special events, organized activities, or other purposes authorized by the Chief of Police or City Clerk. Such events must be scheduled in advance and approved by the appropriate city department.

SECTION 3: ENFORCEMENT Any person found in the park during closed hours, except as permitted by an authorized exception, may be subject to a fine not to exceed \$500 dollars and up to 10 days in jail.

1. The Chickasaw Police Department shall have the authority to enforce these regulations.

SECTION 5: EFFECTIVE DATE

This Ordinance shall take effect on _____ and it shall be posted in all prominent areas of Brooks Park for public notice.

Councilmember Sterrett moved to approve the first reading of Ordinance No. 25-10. Seconded by Councilmember Trout. Ordinance No. 25-10 will be placed on the Agenda for final reading and approval on March 11, 2025

ORDINANCE 25-10

AN ORDINANCE AMENDING THE CODE OF ORDINANCES,

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF CHICKASAW, ALABAMA, AS FOLLOWS:

The Code of Ordinances for the City of Chickasaw is hereby amended as follows:

Chickasaw City Council

Section 1: All references to Twelfth Avenue or Twelfth Avenue Extension shall be amended to read "Chieftain Way".

Section 2: All references to Seventh Avenue shall be amended to read "West Grant Street".

Section 3: All references to Public Safety Chief shall be amended to read "Chief of Police".

Section 4: All references to P. J. Hamilton School shall be amended to read "12 Grant Street".

Section 5: All references to The Air Show Theater shall be amended to read "52 Chieftain Way".

Section 6: All references to The Chickasaw Plaza shall be amended to read "from 416 North Craft Highway to 422 North Craft Highway".

Section 7: All references to Village Square Shopping Center shall be amended to read "351 South Craft Highway".

Section 8: All references to Howell's Hardware shall be amended to read "1800 South Craft Highway".

Section 9: Section 90-344 subsection (1), which refers to Burke's Seafood Restaurant, is hereby repealed.

FINANCIAL REPORT - *Accounts Payable \$16,272.52* - Councilmember White moved to put the accounts payable in line for payment, seconded by Councilmember Sterrett. Motion carried and so ordered. Motion for final adoption passed by the following voice votes: AYE – White, Trout, Broadhead, Sterrett, Rawls, Hanson. NAY-None.

MISCELLANEOUS BUSINESS & ANNOUNCEMENTS

1. Pat Maurin Recognition – Chickasaw Market
2. Patsy Lewis Recognition – 24 years on the Historical Commission
3. Theresa Goolsby Recognition - Over 24Historic Preservation Society
4. Chickasaw will celebrate their 80th Anniversary in 2026

PUBLIC COMMENT – No public comments

ADJOURNMENT—With no further business, Councilmember White moved to adjourn the scheduled council meeting at 7:25 p.m., Seconded by Councilmember Trout. The motion carried, and so it was ordered.

ATTEST:

Barry Broadhead
Barry Broadhead, Mayor

Michelle Ross
Michelle Ross, City Clerk