

Chickasaw City Council

State of Alabama **Mobile, County**

The Chickasaw City Council met in regular session on Tuesday, January 14, 2025, at 7:00 p.m. Present were Mayor Barry Broadhead, Councilmember Jim Trout, Jim Hanson, Jennifer White, and Ken Sterrett. Attorney Patrick Dungan filled in for City Attorney Nash Campbell. City Clerk Michelle Ross was present. Councilmember JR Rawls was absent. Councilman Hanson gave the invocation.

ADOPTION OF AGENDA - Councilmember Trout moved to approve the agenda for the regularly scheduled meeting on January 15, 2025. Councilmember Sterrett seconded the motion. The motion for final adoption was passed by the following voice votes: AYE – White, Broadhead, Trout, Sterrett. NAY-None

APPROVAL OF MINUTES – Councilmember Hanson moved to approve the minutes from the regularly scheduled meeting on December 18, 2024. Councilmember Trout & White seconded the motion. The motion for final adoption was passed by the following voice votes: AYE – Broadhead, White, Trout, Sterrett. NAY - None

COMMUNICATION FROM THE MAYOR – The Mayor read the Annual Written Report of the Annual Transportation Plan. “As per the Code of Alabama Section 23-8-8(d) and 23-8-8(e) - the City of Chickasaw must present an annual report detailing expenditures made with Rebuild Alabama Act Funds in the previous fiscal year’s transportation Plan – and it must be entered into the council minutes.

“The City of Chickasaw did not spend funds from the Rebuild Alabama Act Fund in FY 2024. The City applied for a Rebuild Alabama Grant and was denied. We will apply for a Rebuild Alabama Act Grant in 2025, and if awarded, the Rebuild Alabama Act Funds will be used toward this if needed and required.”

Councilmember Trout moved to approve Smith Electric repairing the 200 amp service at Mauvilla ballpark at a cost of \$1,525.00 Councilmember Sterrett seconded the motion. The motion for final adoption was passed by the following voice votes: AYE – Broadhead, White, Trout, Sterrett, Hanson. NAY - None

RESOLUTIONS & ORDINANCES

Councilmember Sterrett moved to adopt Resolution No. 25-01 – Authorized submission of the FY25 Rebuild Alabama Annual Grant Program. Seconded by Councilmember White. The motion for final adoption was passed by the following voice votes: AYE – Broadhead, Sterrett, Trout, White, Hanson. NAY-None

RESOLUTION NO: 25-01

AUTHORIZE SUBMISSION OF AN FY25 REBUILD ALABAMA ACT ANNUAL GRANT PROGRAM APPLICATION

WHEREAS, the Alabama Department of Transportation (ALDOT) is accepting applications from municipal governments for FY25 Rebuild Alabama Act Annual Grants: and

WHEREAS, the City of Chickasaw has identified a need to resurface Grant Street, Short Street, Ryan Street, and 12th Avenue within the City limits; and

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WHEREAS, the total project cost estimate is \$250,000, and if funded, the grant funds of \$250,000 will pay for construction costs, and the City will provide a contribution of \$40,000 for the Professional Engineering Fees (Desing, CE&I, and Materials Testing); and

WHEREAS, if funded, the City will see this project through to completion and will be responsible for providing long-term maintenance of the newly resurfaced roads;

THEREFORE, BE IT RESOLVED BY THE City of Chickasaw, that by this Resolution, the City authorizes submission of an application to ALDOT requesting an FY24 Rebuild Alabama Act grant in the amount of \$250,000 for road resurfacing; and

BE IT FURTHER RESOLVED that the Council authorizes the Mayor to sign the grant application documents on behalf of the City.

APPROVED AND ADOPTED THIS 14th DAY OF January 2025

Councilmember White moved to approve the first reading of Ordinance No. 25-02. Seconded by Councilmember Hanson. Ordinance No. 25-02 will be placed on the Agenda for final reading and approval on February 25, 2025

ORDINANCE NO: 25-02

AN ORDINANCE AMENDING THE CODE OF ORDINANCES, SECTION 26-36

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

Section 1. The Code of Ordinances for the City of Chickasaw Section 26-36 is hereby amended to read as follows:

Sec. 26-36. Generally.

Upon each conviction in municipal court for a violation of any ordinance of the city, unless otherwise prohibited by state law or ordinance, there shall be taxed against the defendant as court costs:

(1) \$15.00 to be paid into the general fund of the city;

(2) \$44.50 in each traffic case and \$69.00 in each misdemeanor case to be paid into the city corrections fund, dedicated to the construction, operation, and maintenance of the city jail and court complex and other purposes authorized by Code of Ala. 1975, § 11-47-7.1;

(3) Additional costs and fees imposed by state law which shall be remitted pursuant to such statutes.

RESOLUTIONS & ORDINANCES

Councilmember Sterrett moved to suspend the rules to adopt Ordinance No. 25-03 – An Ordinance to establish reasonable limits on Mature Business. Councilmember Trout seconded this motion. The motion for final adoption was passed by the following voice votes: Hanson-yes, Broadhead-yes, Trout-yes, Sterrett-yes, and White-Yes. NAY-None

Councilmember Sterrett moved to approve the adoption of Ordinance No. 25-03. Councilmember Hanson seconded the motion. The motion for final adoption passed.

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ORDINANCE NO: 25-03

AN ORDINANCE TO ESTABLISH REASONABLE LIMITS ON MATURE BUSINESSES

SECTION 1. PURPOSE

This ordinance aims to establish reasonable limits on the proximity of certain Mature Businesses to Sensitive Locations such as churches, schools, and government buildings and regulate the density of similar businesses within close proximity, promoting the community's general health, safety, welfare, and aesthetics.

SECTION 2. DEFINITIONS

1. **Adult Entertainment:** A nightclub, bar, theater, concert hall, auditorium, restaurant, or similar establishment which, having entertainment, staff, live performances or appearances by nude or topless females, or entertainment, live performances, or appearances characterized by their emphasis on matters depicting, describing or relating to nudity or sexual activity.
2. **Adult Novelty:** An establishment which, as one (1) of its profit centers, offers for sale or rental books, magazines, periodicals, or other printed matter, or photographs, films, motion pictures, videocassettes, slides, tapes, records, compact disks or other form of visual or audio representations or instruments, devices, games, costumes, props or paraphernalia (excluding contraceptives) which are distinguished or characterized by their emphasis on matters depicting, describing or relating to nudity or sexual activity.
3. **Adult Theater:** A commercial establishment where films, motion pictures, or other photographic reproductions are regularly shown or created and distinguished or characterized by their emphasis on matters depicting, describing, or relating to nudity or sexual activity.
4. **Mature Business:** A business engaged in Adult Entertainment, Adult Novelty, alcohol sales, or smoking/vaping products.
5. **Sensitive Locations:** Churches, schools (public and private), parks/playgrounds, and government buildings within the city.
6. **Proximity Distance:** The minimum required distance between a Mature Business and a Sensitive Location.
7. **Same Kind Business:** Businesses engaged in the same or substantially similar type of operation, as defined by their primary products or functions.
8. **Radius:** The defined distance around any given business for purposes of this ordinance, measured in a straight line.

SECTION 3. PROXIMITY LIMITATIONS FOR MATURE BUSINESSES

1. **General Rule:** No Mature Business shall be within 4000 feet of a church, school, park/playground, or government building.
2. **Measurement:** The distance shall be measured in a straight line from the nearest point of the Mature Business to the nearest point of the Sensitive Location
3. **Exceptions:**
 - a. If a Mature Business was lawfully operating prior to the establishment of a new church, school, or government building, it shall not be required to relocate.

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- b. A variance may be granted by the City Council upon review and approval, based on unique circumstances that demonstrate minimal adverse impact on the surrounding community

SECTION 4. LIMITATION ON DENSITY OF SAME KIND BUSINESS

1. **Density Limitations:** No more than one same-kind business shall be permitted within a 4,000 feet radius of any existing same-kind business.
2. **Measurement:** The distance shall be measured as a straight line from the nearest point of one business to the nearest point of one business to the nearest point of the next business of the same kind.
3. **Exceptions:**
 - a. The City Council may grant a variance if it can be demonstrated that the business services a unique or unmet need in the area or that the business will not adversely affect the surrounding community.
 - b. If a business relocates within a 4,000 feet radius of another business of the same kind, it shall not be deemed a violation as long as it does not increase the total number of such businesses within the radius.

SECTION 5. ENFORCEMENT

1. The City Planning Department/(Code Enforcement Office) shall be responsible for enforcing the provisions of this ordinance.
2. Any business found in violation of this ordinance shall be subject to fines, penalties, and/or the revocation of its business license after notice and a hearing before the City Council.

SECTION 6. VARIANCE PROCEDURE

1. A business owner may apply for a variance to the provisions of this ordinance by submitting a written request to the Planning Department) explaining the reasons for the request and demonstrating why a variance would not be detrimental to the public welfare.
2. The City Council may approve or deny the variance based on the circumstances presented, provided that the decision is in the community's best interests.

SECTION 7. SEVERABILITY

If any provision of this ordinance is found to be unconstitutional or invalid by a court of competent jurisdiction, the remainder of the ordinance shall remain in effect.

SECTION 8. EFFECTIVE DATE

This ordinance shall take effect immediately after adoption.

ADOPTED AND APPROVED this 15TH day of January 2025

RESOLUTIONS & ORDINANCES

Councilmember Trout moved to adopt Resolution No. 25-04 – A Resolution authorizing the disposal of surplus equipment. Seconded by Councilmember White. The motion for final adoption was passed by the following voice votes: AYE – Broadhead, Sterrett, Trout, White, Hanson. NAY-None

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RESOLUTION NO: 25-04

A RESOLUTION AUTHORIZING THE DISPOSAL OF SURPLUS EQUIPMENT

WHEREAS, the City of Chickasaw, Alabama, has certain items of personal property that are no longer needed for public or municipal purposes and

WHEREAS, § 11-43-56 of the Code of Alabama of 1975, authorizes the Municipal Governing body to dispose of unneeded personal property; and

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF CHICKASAW, ALABAMA, AS FOLLOWS:

SECTION 1: That the following described personal property owned by the City of Chickasaw, Alabama, is no longer needed for public or municipal purposes or requires a repair that exceeds its worth, to wit:

Quantity	Description	Vin #
1 lot	1 lot of Police phones, radios (Nokia 3120, 38 Motorola Flip phones, 1 blackberry, 22 Motorola phone cases, 3 Quicktel pagers, 2 Motorola Afla paging system, M/A com Radio, Ericson Radio Charger,	
1 each	Nikon Cool Pix L31 Camera – Police	
1 each	Cannon GLPH Camera – Police	
1 each	2010 Crown Vic *AC not working	2FABP7BV0AX125434
1 each	2010 Crown Vic *Smoking, idles rough	2FABP7BVPAX123293
1each	2011 Crown Vic *no tires, does not run	2FABP7BV8BX141317
1 each	2011 Ford Crown Vic	2FABP7BV2BX149249
1 lot	2 Computer monitors & 8 keyboards – Police	
18 each	Blade Tech x26 Holsters (obsolete) – Police	
6 each	Brothers in car printers (not working) – Police	
1 each	Python in car Radar – Police	
1 lot	Police Offer equipment – 3 Hi gloss duty belts; 1 hi gloss duty holster Glock 17/22; 3 hi gloss Mag Holder Glock 17/22; 3 Hi gloss Hand Cuff Pouch; 4 Hi gloss pepper spray holder; 1 high gloss glove pouch; approx. 25 Redman vest (training gear)	
1 lot	Fire Equipment (reserve \$100) 12 Air Bottles – MSA 30 Minutes 2216 psi 11 Air Packs – MSA FireHawk 17 Air Masks -MSA FireHawk	
1 lot	Fire Equipment (reserve \$50) 27 each helmet, 12 pairs of pants, 18 turnout coats	
1 lot	Fire Equipment (reserve \$20) 8 Nozzles & 2 air bags (air bags removed from service 2022)	

Following Items 1033 Program, if sold money, most go to the Police Department

Quantity	Description	Notes
5 each	Large Storage Bags	

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5 each	Face Shields	
1 lot	5 sets of cold weather gloves & 1 pair of knee/elbow pads	
1 each	Compaq Micro portable Projector	*unknown if works
1 each	Top Dawg underwater Diving Products	

From the Civic Center

Quantity	Description	Notes
1 lot	Civic Center Furniture – 3 solid wood long Couches with cushions; 1 short couch with cushions, 6 chairs with cushions, 1 coffee table; 4 end tables	
2 each	Sold wood long couches with cushions	
1 each	Checkers table	
1 each	Trophy case	

SECTION 2: That the Mayor and the City Clerk are hereby authorized and directed by the City of Chickasaw, Alabama to dispose of the personal property described in Section 1, above, by selling for a reasonable price on Govdeals.com or to the highest bidder.

ADOPTED AND APPROVED this the 14th day of January, 2025

RESOLUTIONS & ORDINANCES

Councilmember Hanson moved to suspend the rules and adopt Ordinance No. 25-05 – an Ordinance amending the Code of Ordinance referencing the Director of Public Safety. Seconded by Councilmember White. The motion for final adoption was passed by the following voice votes: AYE – Broadhead, Sterrett, Trout, White, Hanson. NAY-None

ORDINANCE NO: 25-05

AN ORDINANCE AMENDING THE CODE OF ORDINANCES REFERENCING DIRECTOR OF PUBLIC SAFETY

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

Section 1. The Code of Ordinances for the City of Chickasaw is hereby amended to read as follows:

Generally.

All references in any ordinance to the “Director of Public Safety” shall mean, at any time in which the City does not have a Director of Public Safety, the Chief of Police or Fire Chief as designated by the Mayor.

ADOPTED AND APPROVED this 14th day of January 2025

Councilmember White moved to adopt Resolution No. 25-06 – A Resolution to expend funds from Capital Improvements for rotten wood in the Civic Center. Seconded by Councilmember Trout. The motion for

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final adoption was passed by the following voice votes: AYE – Broadhead, Sterrett, Trout, White, Hanson.
NAY-None

RESOLUTION NO: 25-06

RESOLUTION TO EXPEND FUNDS FROM THE CITY OF CHICKASAW CAPITAL IMPROVEMENTS ACCOUNT TO REPAIR ROTTEN WOOD IN THE CIVIC CENTER

WHEREAS, the City of Chickasaw Civic Center, a critical public facility, requires urgent repairs due to the deterioration of wood structures that have been rotten and pose a risk to the building's structural integrity; and

WHEREAS, the repair of the rotten wood is essential to maintain the safety, function, and aesthetic value of the Civic Center, ensuring continued service to the community; and

WHEREAS, the funds are available in the Capital Improvement Fund to address this unanticipated expenditure.

WHEREAS, the Public Works Department has assessed the damage and determined that repairing the rotten wood in the Civic Center is necessary and appropriate to ensure the building's long-term viability;

NOW, THEREFORE BE IT RESOLVED that the City of Chickasaw Council approves the expenditure of funds from the Capital Improvement Account to complete the repair of rotten wood in the Civic Center, as recommended by the Public Works Department and

NOW, THEREFORE, BE IT FURTHER RESOLVED that the City of Chickasaw Council approve the expenditure of funds from the Capital Improvements Account in the amount of \$21,047.00 to repair the rotten wood in the Civic Center.

BE IT FURTHER RESOLVED, that the disbursement of funds shall be made by the policies and procedures of the City of Chickasaw and any applicable laws and regulations.

BE IT FURTHER RESOLVED, that the City Clerk will take any further action necessary to implement this resolution.

ADOPTED AND APPROVED this 14TH day of January 2025

REPORTS FOR OCTOBER 2024

Fire Department: – Total Calls 158 = 128 EMS, 4 Fire, 3 Hazmat, 16 False Alarms – Prichard Water is working on a fire hydrant in Baratara.

Police Department: Given by Chief Parker - Total Calls 690; 19 accidents, 16 arrests, 118 traffic citations

Animal Control Officer: 18 Dogs were picked up, and five dead animals; 4 MOTs & 6 warnings issued

Building Inspector Report: Given by Maurice English—25 Total Permits—15 Building, 6 Electrical, 3 Plumbing, and 1 Utility—The gas company is conducting a survey around the city.

Environmental Report: 24 Theft of service notices, 5 Warning Letters

Attorney's Report: Nothing to report.

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FINANCIAL REPORT - *Accounts Payable \$122,355.31* - Councilmember White moved to put the accounts payable in line for payment, seconded by Councilmember Trout. Motion carried, and so ordered. Motion for final adoption passed by the following voice votes: AYE – White, Trout, Broadhead, Sterrett, Hanson. NAY-None.

MISCELLANEOUS BUSINESS & ANNOUNCEMENTS

- Martin Luther King Day of Service is Monday, January 20, 2025
- Recognize Chief Parker and Chickasaw Officers for the toy drive during the holidays.
- Coat Drive for Chickasaw Citizens scheduled for January 23, 2025
- 2025 Dog License ready for sale in the business office.

PUBLIC COMMENT – No public comments

ADJOURNMENT—With no further business, Councilmember Trout moved to adjourn the regularly scheduled council meeting at 7:21 p.m., Seconded by Councilmember Sterrett. The motion carried, and so it was ordered.

ATTEST:

Barry Broadhead
Barry Broadhead, Mayor

Michelle Ross
Michelle Ross, City Clerk

