

## Chickasaw City Council

### **State of Alabama Mobile, County**

The Chickasaw City Council met in regular session on November 25, 2025, at 6:00 p.m. Present were Mayor Tyran Colvin. Councilmembers Kathy Couey, Jennifer White, and Jim Hanson. Attorney Reynolds Sorrell filled in for City Attorney Nash Campbell. City Clerk Michelle Ross was present. Council members Ken Sterrett and Jim Trout were absent. Mayor Colvin gave the invocation.

**ADOPTION OF AGENDA** - Councilmember Hanson moved to approve the agenda for the regularly scheduled meeting on November 25, 2025. Councilmember White seconded the motion. The motion for final adoption was passed by the following voice votes: AYE – Colvin, Couey, White, Hanson. NAY-None

**APPROVAL OF MINUTES** – Councilmember Couey moved to approve the minutes from the regularly scheduled meeting on November 25, 2025. Councilmember Hanson seconded the motion. The motion for final adoption was passed by the following voice votes: AYE – Colvin, Couey, White, Hanson. NAY - None

#### **COMMUNICATION FROM THE MAYOR –**

- Councilmember Couey made a motion to approve the City's purchase of a \$200 square from the City of Chickasaw School System for their Chickasawopoly board game. Seconded by Councilmember Hanson. Motion passed by the following voice votes: AYE – Colvin, Couey, White, Hanson. NAY-None

#### **RESOLUTIONS & ORDINANCES**

Councilmember Hanson moved to approve Resolution No. 25-72 – Accepting a \$50,000 grant from Mobile County for windows in the Civic Center. Seconded by Councilmember White. The motion for final adoption was passed by the following voice votes: AYE – Colvin, Couey, White, Hanson.

#### **RESOLUTION NO: 25-72**

##### **A RESOLUTION ACCEPTING A GRANT FROM THE MOBILE COUNTY COMMISSION FOR REPLACEMENT OF WINDOWS IN THE CIVIC CENTER**

WHEREAS, the Mobile County Commission has awarded the City of Chickasaw a second sum of \$50,000 for the purpose of funding window replacement at the Civic Center; and

WHEREAS, the total required cost for the Civic Center Window Replacement is One Hundred Fifty-Three Thousand Six Hundred Forty-One Dollars (\$153,641); and

WHEREAS, the second awarded amount of \$50,000.00 (for a total award amount of \$100,000) will be applied toward the total cost, reducing the city's financial responsibility to Fifty-Three Thousand Six Hundred Forty-One Dollars (\$53,641.00); and

WHEREAS, this project is essential to ensuring the safety, energy efficiency, and aesthetic improvement of the Civic Center for the benefit of the community

**THEREFORE, BE IT RESOLVED BY THE CITY OF CHICKASAW, IN REGULAR SESSION ASSEMBLED,**

1. The City of Chickasaw hereby accepts the \$50,000 grant award from the Mobile County Commission to replace windows in the Civic Center.

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2. The funds awarded shall be used exclusively for the window replacement project, which is scheduled for completion in soon.
3. The Mobile County Commission authorizes the appropriate City officials to take all necessary steps to apply and account for the awarded funds as outlined above, including executing any necessary documents or agreements related to this grant.
4. The City of Chickasaw commits to funding the remaining \$53,641.00 required to complete the replacement of windows in the Civic Center

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Councilmember White moved to approve the First Reading of Ordinance No. 25-73. An Ordinance to establish reasonable limits on mature businesses. Second by Councilmember Couey. Ordinance #25-73 will be placed on the agenda for final reading and approval at the December 9th, 2025 meeting.

### ORDINANCE NO: 25-73

### 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 or Adult Novelty.

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.

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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.
  - 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 upon publication as required by law.

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Councilmember White move to approve the First Reading of Ordinance No. 25-74. The motion failed for a lack of second. No further action was taken on the ordinance.

### ORDINANCE NO: 25-74

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#### AN ORDINANCE GOVERNING SEWER AND SOLID WASTE COLLECTION ACCOUNTS; PROVIDING FOR BILLING, ENFORCEMENT, EXCEPTIONS, AND RELATED MATTERS

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WHEREAS, the health, safety, and welfare of the residents of the City of Chickasaw, Alabama, are of paramount importance; and

WHEREAS, the provision, maintenance, and continuity of sewer and solid waste collection services are essential to public health, sanitation, environmental protection, and quality of life within the City; and

WHEREAS, the City Council finds that assigning primary responsibility for sewer and solid waste service accounts to property owners, while permitting tenants to be responsible and to be named on accounts, promotes accountability, reduces service interruptions, facilitates effective billing and collection, and supports the City's sanitation and environmental objectives;

NOW, THEREFORE, be it ordained by the City Council of the City of Chickasaw, Alabama as follows:

#### Section 1. Purpose.

The purpose of this Ordinance is to ensure that sewer and solid waste collection services for all premises within the City of Chickasaw are billed to accounts that must include the property owner as an accountholder, while permitting a tenant to also be named, and ensuring that owners remain responsible, in order to protect public health, safety, and welfare, and to promote consistent, uninterrupted provision of essential sanitation services.

#### Section 2. Definitions.

For purposes of this Ordinance, the following terms shall have the meanings set forth below:

- (a) "City" means the City of Chickasaw, Alabama.
- (b) "Owner" means the owner of record of real property as shown by the records of the office of the judge of probate or other applicable land records, including any person or entity holding legal title, and, where applicable, a duly authorized agent or property manager.
- (c) "Premises" or "Property" means any parcel of real property, including all buildings, structures, and dwelling units located thereon, within the City's police jurisdiction that is served by the City's sewer system and/or subject to the City's solid waste collection service.
- (d) "Sewer Services" means wastewater collection, conveyance, treatment, and related utility services provided by the Utilities Board.
- (e) "Solid Waste Services" or "Trash Services" means municipal solid waste and recycling collection and disposal services provided by or on behalf of the City.

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- (f) "Tenant" means an occupant or lessee of a premises who is not the Owner.
- (g) "Delinquent" means past due according to the applicable due date, grace period, and late fee schedule established by the City, the Utilities Board, or their contractors.
- (h) "Utilities Board" means the Utilities Board of the City of Chickasaw.

### **Section 3.      Applicability.**

This Ordinance applies to all premises within the City that receive, are required to receive, or are eligible to receive Sewer Services and/or Solid Waste Services from the City or its contractors.

### **Section 4.      Accounts; Eligible Accountholders.**

Effective as of the Effective Date stated in Section 15, accounts for Sewer Services and Solid Waste Services for any premises within the City shall be established, maintained, and billed with the Owner named on the account; Tenants may also be named on the account, provided, however, that the Owner remains responsible for all charges. Tenants may open, hold, and be billed for such utility accounts, provided that the Owner is also named on the account, and any Tenant named on an account shall be responsible for the charges billed to that account.

### **Section 5.      Owner and Tenant Responsibility.**

- (a) The Owner shall be responsible for ensuring that required Sewer Services and Solid Waste Services are activated for each premises, remain in good standing, and are timely paid, regardless of whether a Tenant is also named on the account.
- (b) The Owner's responsibility for charges shall apply regardless of whether the premises is vacant, leased, or otherwise occupied by a Tenant or other third party, and regardless of whether a Tenant is named on the account.
- (c) The Owner remains responsible for all fees, rates, charges, penalties, interest, administrative costs, and other amounts assessed in accordance with the City's or the Utilities Board's ordinances, policies, regulations, and duly adopted fee schedules, as applicable.

### **Section 6.      Notice of Change in Ownership or Occupancy; Accountholder Information.**

- (a) The Owner shall notify the City in writing of any change in ownership within thirty (30) days of the closing or other transfer event and shall provide such documentation as the City reasonably requires to update its records.
- (b) For rental or leased premises, the Owner shall notify the City within thirty (30) days of any change in occupancy if the change affects the level of service, billing address, or other material account information.
- (c) The City or the Utilities Board, as applicable, shall update billing records upon receipt of complete and accurate information from the Owner or any Tenant accountholder.

### **Section 7.      Billing; Rates; Fees.**

- a) Charges for Sewer Services and Solid Waste Services shall be billed to the Owner and as applicable, any Tenant accountholder in accordance with the City's or the Utilities Board's duly adopted rates, fees, and policies, as amended from time to time.

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(b) Late charges, administrative fees, interest, returned payment fees, and other lawful charges may be imposed on delinquent accounts in accordance with the schedules and policies of the City or the Utilities Board, as applicable.

### **Section 8. Delinquency; Enforcement; Remedies.**

(a) If an Owner or Tenant account holder fails to pay any bill when due, the account shall be deemed delinquent and subject to late fees, penalties, and interest as provided by the applicable policies of the City or the Utilities Board.

(b) After notice and an opportunity to cure as provided in Section 9, the City (for Solid Waste Services) or the Utilities Board (for Sewer Services) may take enforcement action, including:

(1) Suspension or discontinuation of Sewer Services and/or Solid Waste Services to the premises, to the extent permitted by law;

(2) Assessment of fees and charges associated with delinquency, collection, and service discontinuation and restoration;

(3) Referral to collections and initiation of lawful legal proceedings to recover all amounts due; and

(4) Any other remedy authorized by ordinance or applicable law.

(c) The cost to disconnect and reconnect Sewer Services, including any excavation, restoration, and inspection expenses, shall be borne by the Owner in accordance with the City's adopted fee schedule. If applicable, the City's current disconnection charge for Sewer Services is \$5,000, subject to change by duly adopted schedule.

### **Section 9. Notice; Opportunity to Cure; Administrative Review.**

(a) Prior to service suspension or discontinuation for nonpayment, the City (for Solid Waste Services) or the Utilities Board (for Sewer Services) shall provide written notice to the Owner and to any Tenant account holder stating the delinquent amount, the proposed enforcement action, the deadline to cure, and the process to request administrative review.

(b) Except in cases of emergency, tampering, or hazardous conditions, the City shall provide a reasonable cure period prior to termination.

### **Section 10. Exceptions and Hardship Relief.**

(a) The City Council, or its designee, may grant exceptions to account requirements or adjust enforcement measures in cases of documented hardship, unique property arrangements, or other circumstances where strict application would be inequitable, provided that public health and safety are not compromised.

(b) Requests for exception shall be made in writing on City-approved forms, supported by documentation, and may be conditioned, time-limited, and subject to periodic review.

(c) Any exception granted under this Section shall not constitute a waiver for future compliance and may be revoked upon material change of circumstances or noncompliance with conditions.

### **Section 11. Multi-Unit and Master-Metered Premises.**

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For multi-unit or master-metered premises, each account shall include the Owner as an accountholder covering all units served by the applicable service, and, where permitted, Tenants may also be named on such accounts. The Owner remains responsible for all charges regardless of the allocation of costs among occupants.

### Section 12. No Waiver; Cumulative Remedies.

Failure of the City to enforce any provision of this Ordinance in a particular instance shall not constitute a waiver of the City's right to enforce such provision thereafter. The remedies provided herein are cumulative and in addition to any other remedies available at law or in equity.

### Section 13. Severability.

If any provision of this Ordinance is held invalid or unenforceable, such provision shall be severed, and the remaining provisions shall remain in full force and effect.

### Section 14. Repealer.

All ordinances or parts of ordinances in conflict herewith are repealed to the extent of such conflict.

### Section 15. Effective Date.

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**FINANCIAL REPORT - Accounts Payable \$57,296.46** – Councilmember Hanson moved to put the accounts payable in line for payment, seconded by Councilmember White. Motion carried and so ordered. The motion for final adoption was passed by the following voice votes: AYE – Colvin, Kouey, White, Hanson. NAY-None.

## MISCELLANEOUS BUSINESS & ANNOUNCEMENTS

- Mayor Colvin thanked the Rose Bud for donations of Christmas bows for the tree and Elizabeth Grizzle for painting the Christmas ornaments.

## PUBLIC COMMENT

- Monzal Stigers – 67 Tenth Avenue.
- Jeff Light – Pine Cove Apartments.

**ADJOURNMENT**—With no further business, Councilmember White moved to adjourn the regularly scheduled council meeting at 6:24 p.m., seconded by Councilmember Kouey. The motion carried, and so it was ordered.

Tyran Colvin

Tyran Colvin, Mayor

ATTEST:

Michelle Ross

Michelle Ross, City Clerk

