

CITY OF WHIGHAM  
COUNCIL MEETING  
DECEMBER 13, 2022

The Whigham City Council met in regular session on Tuesday, December 13, 2022 at the Whigham City Council Chambers with Mayor Trey Gainous presiding. Gainous called the meeting to order at 6:00 P.M. and opened the meeting with a prayer and led the Pledge to the Flag.

Those present were: Mayor Trey Gainous, Mayor Pro Tem Jim Sellers, Jimmie Laing, Joel Singletary, Andrew Walden, Robert Porter, Utilities Director Josh Ausburn, Police Chief Tony Black, and City Clerk Rachel Jenson. Members of the public present were Larry Plank and Katie Williams with Royce's Towing.

***Agenda Adoption***

**A motion was made by Jim Sellers to adopt the agenda. Joel Singletary seconded the motion. All members present voted in favor of the motion. Motion carried.**

***Minutes Adoption***

**A motion was made by Jimmie Laing to adopt the minutes from the November meeting. Robert Porter seconded the motion. All members present voted in favor of the motion. Motion carried.**

***Public Participation***

Royce's Towing: Mr. Larry Plank and Mrs. Katie Williams came on behalf of Royce's Towing, located in Cairo, to request being added to the Police Department's towing rotation. Mr. Plank provided a packet of company information for each Council Member that included the history of the company and certificates of workers comp and liability insurances. Mr. Plank stated that Royce's had not been used by the City of Whigham Police Department since before he took over the company and was only asking for a fair chance to be in the rotation, since any issues between the towing company and the Police Department would have taken place before he took ownership. Mayor Pro Tem Sellers thanked the representatives for coming and presenting the information. Councilman Laing asked Chief Black who the Police Department currently uses to which Chief Black responded Rusty's Towing. Black stated that the Chief of Police usually decides who they will use for bonding and towing companies, just like any other vendor used by the City. Chief Black gave a history of using both companies and stated that Rusty's Towing had always been good to the Police Department and had done several jobs at no charge to the City while Royce's had been used to do a job once and had invoiced the City. Mr. Plank pointed out that was the previous owner who had billed that job. Sellers inquired how many vehicles were towed each year on average. Chief Black stated on rotation, with no preference as to which company would pick up, the department averages about 25 tows per year. Black also stated that recently Grady County and the City of Cairo both went to using Royce's Towing only and taking Rusty's off of their rotation due to an apparent mishap between an Officer and a Rusty's employee. Councilman Laing stated that if the Chief was happy using Rusty's only, they should just let it be as it has been. Mr. Plank commented that it seemed to be a conflict of interest since the owner of Rusty's Towing had a son employed by the City of Whigham Police Department as an Officer. Chief Black stated he did not see where there was a conflict since he had been using the company before Officer Evans was employed with the City. Councilman Porter said if there have been no issues with Rusty's, "don't fix what isn't broken." Councilmen Laing and Singletary agreed. Mayor Pro Tem Sellers stated he felt like it was showing favoritism towards

Rusty's to not give Royce's a fair chance. Chief Black said he disagreed and stated he would put in his notice of resignation if the Council had him put Royce's on the schedule. Mr. Platt and Mrs. Williams thanked the Council for their time and left the meeting.

### **Reports**

*Utilities Dept:* Utilities Director Josh Ausburn said the meter training/installations with Tesco/NightHawk went very well on December 6<sup>th</sup> and 7<sup>th</sup>. He reported there had been several water leaks they had worked on, a new residential service added on Sherman St., minor equipment repairs and servicing and the bathroom installation had begun in the old museum building.

### **Council Matters of Interest**

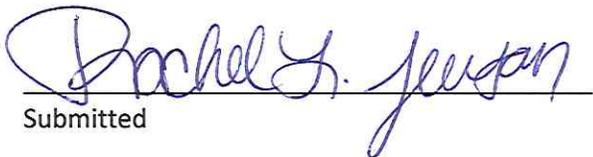
The cemetery rates were brought up again with all members feeling a decision needed to be made. Mayor Pro Tem Sellers made a motion to limit the sale of cemetery lots to Whigham residents only. With no second to the motion, Sellers stated they needed to discuss how they wanted to proceed. Rates were discussed in surrounding Cities and other fees associated with locating, opening and closing, etc. Utilities Director Ausburn stated that there have been several graves that he has marked and had to remark 3-4 or more times again because the work is not done in a timely manner and the flag is taken up. Sellers made a motion to establish a locate fee of \$150 for up to 4 times in a 6 month period. Any locates after that would have a new charge. Sellers then retracted his motion. A discussion of what we can and can not do was brought up. City Clerk Jenson said she had talked to the City Attorney that stated we could charge what we wanted but wanted to make sure of the "cans and can not's" of charging different rates, etc. **Jim Sellers made a motion to increase the rate of 1 cemetery lot of \$750, which would include a locate for burial, headstone, and slab, that would go into effect January 1, 2023. Robert Porter seconded the motion.** All members present voted in favor of the motion. Motion carried.

Mayor Gainous told the Councilmembers he wanted to see about having a Town Hall meeting to get input from the citizens of Whigham on what they wanted to see in Downtown since we were looking to open up some buildings. He and the City Clerk felt it would be best to hold a meeting on 2 separate occasions, one during the day and one in the evening, so all would have the opportunity to attend. Mayor Gainous said it would be open for he and any other elected official could hold a listening session to make a better plan to fit their needs and wants and he would be Moderator. All council members agreed this would be a great idea. City Clerk Jenson stated January would be a good month to hold the meetings as her February calendar was filled with City Clerk trainings, LEADS retreat and a doctor's appointment for her daughter. The Mayor said he would get the dates to the Council as soon as he and the Clerk decided on them.

Mayor Gainous also informed the Council there had been several people reach out to him about renaming or dedicating a road in honor of the Late Mayor, George Trulock. All members agreed this would be a good idea. The City Clerk said she would look into the process of renaming a road.

Mayor Pro Tem Sellers inquired about the billing situation for City Hall. Jenson stated the current provider, HyperWeb, had reached out to her and said he would be calculating up a bill for the services he has provided and she would present that to the Council as soon as it was received. The new billing software, Edmunds, had been keeping in touch very well but still had no set "go live" date.

With no other matters to tend to, a motion to adjourn was made by Joel Singletary. Robert Porter seconded the motion. All members present voted in favor. Motion carried. Meeting adjourned at 7:16 PM.

  
Submitted

  
Approved

CITY OF WHIGHAM  
CALLED COUNCIL MEETING  
DECEMBER 1, 2022

The Whigham City Council met in a called session on Thursday, December 1, 2022 at the Whigham City Council Chambers with Mayor Trey Gainous presiding. Gainous called the meeting to order at 6:00 P.M. and Jim Sellers opened the meeting with a prayer and led the Pledge to the Flag.

Those present were: Mayor Trey Gainous, Mayor Pro Tem Jim Sellers, Robert Porter, Joel Singletary, and City Clerk Rachel Jensen.

***Agenda Adoption***

**A motion was made by Jim Sellers to adopt the agenda. Joel Singletary seconded the motion. All members present voted in favor of the motion. Motion carried.**

***Unfinished Business***

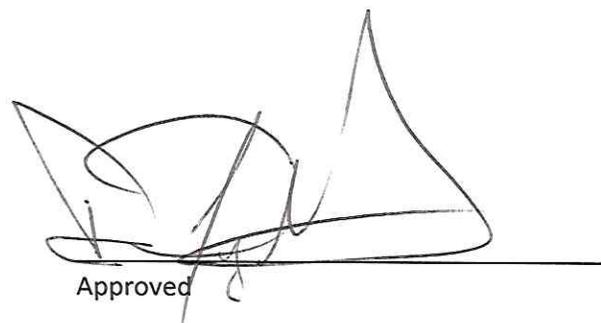
Mayor Gainous informed the Council that the reason for the called meeting was to finish the Sunday Alcohol sales Ordinance that had recently been voted on by the registered voters in the City. The Mayor read aloud the drafted resolution authorizing the ordinance to be amended based on the referendum that had been approved by vote. **Robert Porter made a motion to accept the resolution for the amendment of the ordinance. Joel Singletary seconded the motion. All members present voted in favor. Motion carried.**

Mayor Gainous then read the ordinance amendment, specifying the precise days and times alcohol could be sold in the City limits, including Sundays between the hours of 12:30 PM-11:30 PM. **Robert Porter made a motion to accept the ordinance amendment as presented. Joel Singletary seconded the motion. All members present voted in favor of the motion. Motion carried.**

Mayor Pro Tem Jim Sellers, addressed the Mayor and other Council members stating that he knew there was not a lot of turnout for the Election due to the confusion of City residents having to vote in two different locations, but did want to put on the record that the Council did take into consideration all votes cast in the referendum, both for and opposed to Sunday sales of alcohol. Sellers asked the City Clerk how many had voted, to which she stated a total of 46 votes, 37 Yes and 9 No.

**With no other matters to tend to, a motion to adjourn was made by Robert Porter. Joel Singletary seconded the motion. All members present voted in favor. Motion carried. Meeting adjourned at 6:06 PM.**

  
Submitted

  
Approved