

CITY OF WHIGHAM  
COUNCIL MEETING  
MARCH 14, 2023

The Whigham City Council met in regular session on Tuesday, March 14, 2023 at the Whigham City Council Chambers with Mayor Trey Gainous presiding. Gainous called the meeting to order at 6:00 P.M. and Robert Porter 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, Police Chief Tony Black, Utilities Director Josh Ausburn, Rachel and Nicholas Farrell (with children, Ruby and Alice Farrell) and City Clerk Rachel Jenson.

***Agenda Adoption***

**A motion was made by Robert Porter to adopt the agenda. Andrew Walden 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 February 14<sup>th</sup> meeting. Andrew Walden seconded the motion. All members present voted in favor of the motion. Motion carried.**

***Reports***

***Museum Building RFP***

***Bids Received for the Lease of the old Rattlesnake Museum building***

City Clerk Jenson reported that two bids had been received for the potential lease application for the museum building, but the last day to submit, Friday March 10<sup>th</sup>, one application had been withdrawn from consideration per the applicant. The remaining application was from Mrs. Rachel Farrell, whom resides in the City limits. Mrs. Farrell informed the Council that she had begun “flipping” furniture and had begun it as a small, home-based business and the business has done very well so far. Farrell stated she mainly conducts business online and then delivers to customers, but a store front would allow a pickup location and also serve as a “warehouse” where she could move her work from her home. At first, Farrell stated she would start out “by appointment only” but would be at the location pretty much every day working on pieces if someone wanted to come in and look around and would open up for special events in Whigham. Farrell stated she would have little to no needs in the building because she liked the exposed brick and wanted to keep as much original beauty the building had to offer as possible. Mayor Gainous stated that from the Town Hall meetings, the people wanted retail and/or food and Mrs. Farrell’s presence would be good, as long as there was something to draw the eye of passing traffic. Mr. Sellers voiced that he thought the store would be a good ideal and it could have ideal potential to grow. Robert Porter made a motion to make a deal to accept the application, pending the negotiations of rental terms and rates. Jim Sellers seconded the motion. All members present voted in favor of the motion. Motion carried. Mayor Gainous then opened the floor to the Council and Mr. and Mrs. Farrell to begin negotiations as far as length of lease and monthly lease payment. The question was asked of when Mrs. Farrell would be ready to move in to which she stated she would be prepared when the City was ready. Mayor Gainous voiced that due to the amenities and upgrades the City is handling to make sure the minimum requirements are provided, the number he and Utilities Director Ausburn proposed for monthly rent would be \$400-\$500. Sellers asked Mrs. Farrell if \$450 would be doable for

Mrs. Farrell for a monthly rental amount. Farrell stated that that amount seemed too high and she and her husband were thinking around \$300 since she is taking a risk to open a business, and was aware the City was taking a risk as well. The Farrell's stated they would like to discuss the rate amongst each other in private and would like to look at the building again with Ausburn to get an idea of what else was to be done. Sellers asked the Farrell's if they thought they would be interested in signing a 12 month lease to which Mrs. Farrell stated she may would, for the right price. Robert Porter suggested we continue the negotiating at the next Council meeting on April 11<sup>th</sup>. The Mayor and Council thanked the Farrell family for attending the meeting and presenting information as needed. The Farrell's left the meeting.,

#### *Committee Updates*

Mayor Gainous told the Council he had attended the Newly Elected Officials Training and made notes of a few items that may pertain to the City. One thing he noted was the committees the Councilmen are assigned to was a conflict of interest due to Joel Singletary being a member of the Volunteer Fire Department and also being a Councilman assigned to the Fire Department committee. Gainous told the Council the City Clerk had put an updated list in each of their folders reflecting the change of Singletary being moved to the Police Department committee and Andrew Walden being moved from the Police Department committee to the Fire Department, just swapped. Since the Mayor is responsible for assigning the Councilmen to committees, no vote was needed.

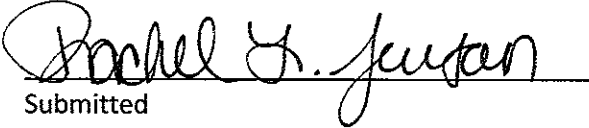
With talk of the committees, City Clerk Jenson wanted to let all the Council know that City Hall had received two complaints on a family grave in the cemetery. The Lawrence headstone, the parents of Emily Maxwell, had a tree that had grown and over the years had disrupted the headstone by pushing it forward and up. The City Clerk provided a photo she had taken when she and Utilities Director Ausburn had gone to look at the grave. The Clerk informed the Council she had spoken with City Attorney Charlie Ferenchick and provided him the photo as well. Ferenchick determined he thought it looked like the tree had intentionally been planted. Ferenchick and Jenson discussed the deed outlines and "how much would the City actually be responsible for" when it came to upkeep. Per the Attorney's recommendation, he stated if the Lawrence family wanted the City to remove the tree, they would need to sign an agreement stating that the City would not be responsible for any damage to the headstone in the removal process. If the family was against that, the City would do nothing. Sellers said he agreed and that if the family would sign a statement not holding the City liable, he did not see a problem with that. Mayor Gainous asked the Clerk to write a letter to send to Mrs. Maxwell.

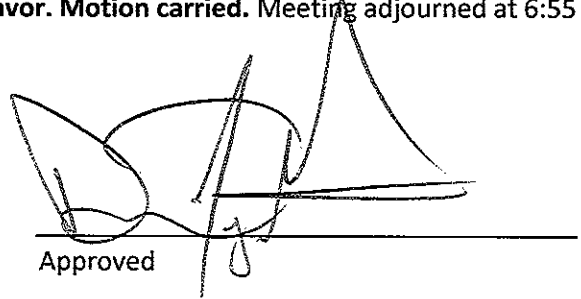
#### *Unfinished Business*

Mayor Gainous spoke with Mr. Jeff Brinson about the condition of the buildings downtown that needed major work done due to serious dilapidation. Brinson said he would be taking down the burnt house in front of the school first and then would be working on the downtown buildings. He told Gainous an offer could be made on the two-story building next to the Police Department and was asking \$60,000. Sellers inquired about what the process and terms would be if Mr. Brinson receives a letter. Gainous replied they would have 60 days to show they had been attempting to repair or take down the building. Per the ordinance, the Chief of Police would be the one to determine if a dwelling is unfit/not up to code. However, Chief Black stated he was not comfortable determining that and would prefer Code Enforcement make the calls and he would follow through with their suggestions.

Grass cutting was mentioned and Ausburn stated Israel had been the one mainly doing the mowing while he and Chad Gainous had been swapping out meters. A couple people had requested they cut the right of way on their property instead of the City.

**With no other matters to tend to, a motion to adjourn was made by Jim Sellers. Joel Singletary seconded the motion. All members present voted in favor. Motion carried. Meeting adjourned at 6:55 PM.**

  
Submitted

  
Approved