**Lee Town Council**

**Regular Meeting Minutes**

**June 4, 2024**

Mayor: James Ruzicka

Council President: Ronnie Bass

Council: Edwin McMullen, Lloyd Burke & Ken Szostek

Town Manager/Clerk: Sona Hayslett

Attorney: Rhett Bullard

County Commissioner: Brian Williams - Absent

Absent: Joyce Bethea

Mayor Ruzicka called the meeting to order.

**Amend or Update Agenda**

Council reviewed the agenda.

**Mayor asked for a vote:**

**Action Item**:

A motion to amend the agenda to move item # 3 to be first under Old Business, was made by Councilman McMullen. Councilman Szostek seconded the motion and the motion was approved unanimously.

The Minutes for the May 7, 2024 Regular Council Meeting were reviewed by the Council.

**Mayor asked for a vote:**

**Action Item**:

A motion to accept the minutes as printed for the May 7, 2024 Regular Council Meeting was made by Councilman Szostek. Councilman Burke seconded the motion and the motion was approved unanimously.

**Public Comments:**

Marie Smith, candidate running for Property Appraiser, introduced herself.

Amon Doyle, neighbor to Kellie’s Daycare, appreciates us accommodating Kellie’s Daycare as they relocated.

Robin Hart, candidate running for Tax Collector, introduced herself.

Roy Jones did not understand why there was a meeting about Edge of Town. Joann Jones, Jim Hulme, Pete Pahman, and several others spoke of their support for Edge of Town. (See sign in sheet. It should be noted that others spoke that did not sign in.)

Mayor Ruzicka did clarify that the meeting was not about Edge of Town, but to simply update the Noise Ordinance.

Robert Moral spoke that there is a Constitutional issue and wanted to know why there was a new noise ordinance and what is wrong with the old one.

Noah and Rey Ortiz spoke on their concerns over the noise regulation.

Bill Eckert asked for the noise ordinance to be read because he feels others do not have the internet or transportation to see the copies. (It should be noted that at this time, Julie Korn interrupted and was not signed in to speak. It should also be noted that Mayor Ruzicka stated that he will read the whole ordinance at the time of the public hearing.) Mr. Eckert explained that he is having other issues besides the noise complaints, such as other buildings on his property not having the correct permits.

Lynnette Sirmon, realtor of All Realty Services, explained that Martin Sapp is asking for a mobile home to be placed on the parcel that is zoned as RSF-1. (It should be noted that she had to wade through a crowd blocking the doorway.) It was explained that this subject is on the agenda under New Business to be discussed at that time.

Taylor Burnett explained that she just brought home a newborn baby and works 12 hour shifts. She does not understand why the music can’t just be simply turned down. She stated that she would like to be able to rest when she gets home from her shift work. Mrs. Burnett commented that Madison County handles the building permits not the City of Lee and that everyone has to have buildings permitted. (It should be noted that there was a disruption while Taylor was addressing council.)

Councilman Burke discussed that he did not like misinformation. The information going around that the Town of Lee is trying to shut down The Edge of Town is not true. He stated that the town manager and council have been supportive of the business, otherwise the business would not have an exception to be able to sell alcohol and that the town has not said anything to them about other ordinances that have been in place for years. Councilman Burke explained that the only thing the council is addressing is the noise ordinance for the Town of Lee. He explained that the only time the Edge of Town is brought up in the council room is when people show up and say something about the Edge of Town.

Mayor Ruzicka stated that he does agree the noise ordinance does need updated and he does not believe the noise ordinance is unconstitutional. The ordinance will only have an effect on business owners if they are not in compliance with the ordinance.

Town Manager, Sona Hayslett, explained that she was the one that presented for the Edge of Town asking for an exception to be able to sell alcohol. She explained to council what was explained to her and council was very supportive and approved the exception. She did state that she was not told that there were going to be bands and that people were going to be disturbed.

**Hearing for the Second Reading of the Noise Ordinance 2024-03 for the Town of Lee.**

**Mayor asked for a vote:**

**Action Item**:

A motion to open the Public Hearing for the Second Reading of the Noise Ordinance 2024-03 for the Town of Lee was made by Council President Bass. Councilman Szostek seconded the motion and the motion was approved unanimously.

**Public Comments:**

Eddie Bell, former Town Mayor, explained that the council has fully supported the Edge of Town with what they asked for. He stated that what they asked for has changed. It was presented to have beer and wine while you shop and they would have a couple of events a year, now its several times a month. He does support their events, but does not support the infringement on other peoples’ rights. He does not want them to stop the events, but does want them to turn the volume down.

John Anderson, Tim Murphy, and several others spoke about being a good neighbor and keeping the noise levels down. (See sign in sheet.)

Bill Eckert explained that he is working on getting the music turned down. He does not know how loud a band is going to be until he hires them. He pays $800 for the band and if they are too loud he does not hire that band again. Mr. Eckert states that he is trying to be a good neighbor. (It should be noted that there was a disruption during this time.)

Several others spoke up on their opinions regarding the Edge of Town.

It should be noted that there was a disruption during this time.

Town attorney, Rhett Bullard, explained that there is some confusion that the ordinance is an Edge of Town ordinance. He explained that this is a Noise Ordinance for the Town of Lee, which is being updated since the 1921 Noise Ordinance. Bullard went on to explain that every town has ordinances including noise ordinances, so this is not uncommon.

Deputy Clerk, Trisha Burke, explained that the Edge of Town’s business is a business that sells items. The business is not about live music. The events presented were to be once in a while such as painting classes, charities, etc. When a new business wants to be in a town, that business is supposed to go to the town to see what is allowed.

Debbie Eckert explained that they are trying to keep the noise down and are not trying to be bad neighbors.

There was further discussion regarding the Noise Ordinance. Multiple conversations were going on at the same time.

It must be noted that there was a disruption at this time.

**Mayor asked for a vote:**

**Action Item**:

A motion to close the Public Comments for the Public Hearing was made by Councilman Burke. Councilman Szosteck seconded the motion and the motion was approved unanimously.

The Public Hearing for the Second Reading of the Noise Ordinance 2024-03 for the Town of Lee was concluded.

**Mayor asked for a vote:**

**Action Item**:

A motion to close the Public Hearing for the Second Reading of the Noise Ordinance for the Town of Lee was made by Councilman Szostek. Councilman Burke seconded the motion and the motion was approved unanimously.

**Old Business**

1. Discussion was made on the second reading of the Noise Ordinance 2024-3. Councilman McMullen asked the attorney if he saw anything in the ordinance that would impair a business or growth of a business. Attorney, Rhett Bullard, said it would not.

**Mayor asked for a vote:**

**Action Item**:

A motion to adopt Noise Ordinance 2024-3 for the Town of Lee was made by Councilman Szostek. Councilman Bass seconded the motion and the motion was approved unanimously.

2. The Council reviewed the updated list of Past Due accounts.

3. Renee Demps, Lee Planning Consultant, monthly reports were reviewed. Mrs. Demps discussed a letter that was sent to the Edge of Town regarding violations of the town’s LDR due to a violation notice from the building inspector. The business on site started out as a consignment shop and progressed to other types of businesses that are in buildings permitted for accessory (storage). Mrs. Demps stated a compliance letter was given for Kellie’s Daycare for use of the Business Complex.

**New Business:**

1. Renee Demps, Lee Planning Consultant, is asking for a waiver for Martin Sapp to be able to move a mobile home on parcel #11-1S-10-1152-004-000. Council would like more information on the mobile home and to schedule a Special Meeting for further discussion.

**Mayor asked for a vote:**

**Action Item**:

A motion to table discussion at a special meeting for waiver for a permit to move a mobile home on parcel #11-1S-10-1152-004-000 was made by Councilman Bass. Councilman McMullen seconded the motion and the motion was approved unanimously.

**Reports:**

**Fire Department:** None

**Town Manager:**

1. The lawn mowers sold on paygov at a total of $3,225.

Bills:

 Utility: **#3629 – 3643; ACH #669 - 674; EFT #0501U**

 Utility Deposit Account: **NONE**

 Debt Service Account: **NONE**

General: **#9789 - 9817; ACH #1732 - 1752; EFT#0501 – 0510**

**Mayor asked for a vote:**

**Action Item**:

A motion to pay the bills was made by Councilman McMullen. Councilman Szostek seconded the motion and the motion was approved unanimously.

**Attorney Rhett Bullard:** See Public Comments

**County Commissioner Brian Williams:** Absent

**Council Member Comments**:

Council President Bass: See Public Comments

Councilman Burke: States that he will be supportive if someone takes his spot. He will continue to come to meetings just as he did before he was appointed. Also, see Public Comments.

Councilman Szostek: See Public Comments

Councilwoman Bethea: Absent

Councilman McMullen: It is going around that we are trying to shut down the bar. We are not trying to shut anyone down. Just asking to respect your neighbor.

There being no further business the meeting was adjourned.

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James Ruzicka, Mayor

Attested: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

 Trisha Burke, Deputy Clerk