

**MINUTES  
SCOTTSBORO CITY COUNCIL  
October 10, 2005**

The City Council of the City of Scottsboro, Alabama met in a regular session on October 10, 2005.

The roll was called with the following results:

Present: Council President: Harold Brookshire

Council Members: Matthew Hodges  
Jim Boatner  
Jim Helms  
Buddy Simmons

Absent: None

Mayor Dan Deason, City Clerk Gail Duffey and Attorney Stephen Kennamer were also present.

The Council President stated a quorum was present and the meeting was open for the transaction of business.

The agenda was amended to add four (4) additional items as follows:

The naming of Fire Station No. 1 and Fire Station No. 2  
Personnel recommendations by Mayor Deason  
Fire Department Organizational Chart  
Report on Animal Shelter by Council Member Helms

The minutes from the September 26, 2005 Council Meeting were read and approved as read.

The following resolution was introduced by Council Member Jim Boatner and explained by the Council President.

**RESOLUTION**

Be it resolved by the City Council of the City of Scottsboro, Alabama as follows:

Section One. Hereby ratifies and confirms the releasing of the remaining 10% of the 2004-2005 General Fund Budget in the amount of \$1,632,172.00 in Revenue and \$1,485,009.00 in expenditures.

Section Two: The purpose of this release is for the close out of the 2004-2005 Budget year.

Duly adopted on this the 10<sup>th</sup> day of October, 2005.

Motion was made by Council Member Jim Boatner and seconded by Council Member Buddy Simmons to adopt the above resolution. Upon vote being taken, all voted aye. The Council President declared the motion carried.

**ORDINANCE NO. 506**

**AN ORDINANCE DECLARING CERTAIN REAL ESTATE OWNED BY THE CITY OF SCOTTSBORO AS SURPLUS, DIRECTING THE MATTER OF SALE THEREOF AND OTHER MATTERS RELATED THERETO.**

Ordinance No. 506 had been introduced at the September 26, 2005 Council Meeting.

After said Ordinance had been discussed and considered in full by the Council it was moved by Council Member Buddy Simmons that said Ordinance be now placed upon its final passage and adoption. The motion was seconded by Council Member Matthew Hodges. The question being put as to the adoption of said motion and the final passage and adoption of said Ordinance, the roll was called with the following results:

Those voting aye:

Council President: Harold Brookshire

Council Members: Matthew Hodges  
Jim Helms  
Jim Boatner  
Buddy Simmons

Those voting nay: None

The Council President declared the motion carried and said Ordinance No. 506 passed and was adopted as introduced and read.

Upon the recommendation of Mayor Deason, the following resolution was introduced by Council Member Buddy Simmons.

#### **RESOLUTION**

Be it resolved by the City Council of the City of Scottsboro, Alabama as follows:

Section One. That Fire Station No. 1 be memorialized to Chief E. V. "Shorty" Bishop and a plaque be placed therein as an appropriate memorial.

Section Two: That Fire Station No. 2 be memorialized to Captain Floyd M. "Shank" Dawson and a plaque be placed therein as an appropriate memorial.

Duly adopted on this the 10<sup>th</sup> day of October, 2005.

Motion was made by Council Member Buddy Simmons and seconded by Council Member Jim Boatner to adopt the above resolution. Upon vote being taken, the following voted aye: Council President Harold Brookshire, Council Members: Jim Boatner, Buddy Simmons, Matthew Hodges and Jim Boatner. The Council President declared the motion carried.

The Council President announced that Kathy Bivens had applied for an alcoholic beverage license. The Clerk announced that this was a transfer license for the location of the Veranda Café and Catering to locate at 209 South Market Street. A personal background investigation was clear. The type license is retail wine on and off premises license. Out of a survey of six (6), there was one (1) objection, four (4) no objections and one (1) no contact. The nearest church and school meets the required distance. The license application is in order. The zoning, parking and floor space requirements are met. The Health, Fire and Building verifications are pending final inspection.

The Council President opened the floor to anyone wishing to speak in opposition of the license being issued. There being no one present in opposition to the license being issued, the Council President closed the hearing.

#### **RESOLUTION FOR APPROVAL OF AN ALCOHOLIC BEVERAGE LICENSE FOR THE VERANDA CAFÉ AND CATERING**

BE IT RESOLVED, by the City of Scottsboro as follows: that the City Council has received and reviewed the city application for the Veranda Café and Catering and finds and determines that an off and on premises wine license is hereby approved pending final inspections and approval of the Health, Fire and Building inspections on this the 10<sup>th</sup> day of October, 2005.

Motion was made by Council Member Jim Boatner and seconded by Council Member Jim Helms to adopt the above resolution. Upon vote being taken, all voted aye. The Council President declared the motion carried.

The following policy was introduced by Council Member Matthew Hodges and read in full by the Clerk.

### **POLICY ON DIRECT NOTICE TO THE MEDIA AND PUBLIC**

**Section One. Purpose.** The purpose of this policy is to set forth the procedures and policies applicable to all members of the public or media who wish to receive direct notice of meetings held by entities in the City of Scottsboro subject to the Alabama Open Meetings Act.

**Section Two. Applicability.** Any member of the public or media may request to receive direct notice of meetings held by entities in the City of Scottsboro subject to the Alabama Open Meetings Act.

**Section Three. Procedure.**

- (a) The City of Scottsboro will provide direct notice via e-mail.
- (b) Any member of the media or public who wishes to receive direct notice of Meetings held by entities in the City of Scottsboro that are subject to the Alabama Open Meetings Act must file a written application with the City Clerk and pay a \$10.00 annual registration fee to cover the costs of registration and maintenance of the list. Persons wishing to receive direct notice must provide, at a minimum, their name, address and telephone number and a valid e-mail address. The list of individuals requesting direct notice shall be maintained as a public record by the City of Scottsboro.
- (c) Direct notice will be provided once annually for all regularly scheduled meetings. Notice of any special called meetings will be provided 24 hours in advance of the meeting, with the exception of emergency meetings as defined by the Alabama Open Meetings Act.

**Section Four. Updating List.** Following application and the payment of the \$10.00 registration fee, the applicant's name shall be added to the list of those who shall receive direct notice of all future meetings.

**Section Five. Removal from List.** A person's name may be removed from the list if he or she fails to attend four meetings after notice has been provided. That person may then reapply to receive direct notice by following the procedures set out in this policy. An individual may also be removed if the City has information that indicates that the e-mail address is no longer valid or that the applicant is not checking his or her messages. Misuse of the e-mail notification in any manner will also result in removal from the list and may constitute grounds to prevent future registration and inclusion on the list by the offending individual.

**Section Six. Notice Failure.** The City of Scottsboro is not responsible in the event of any notice failure.

Motion to adopt the above policy was made by Council Member Matthew Hodges and seconded by Council Member Buddy Simmons. Upon vote being taken, all voted aye. The Council President declared the motion carried.

Having requested bids for cleaning at City Hall the following were received and opened prior to the Council Meeting.

|                           |                 |
|---------------------------|-----------------|
| Hester's Cleaning Service | \$40.00 per day |
| Total Custodial Service   | \$65.00 per day |
| Garner's Cleaning Service | \$39.00 per day |

Upon the recommendation of the bid review committee, motion was made by Council Member Matthew Hodges and seconded by Council Member Jim Boatner to reject bids since a part time employee can be hired at a cheaper rate per hour and to give the bid review committee the opportunity to try using a part time employee rather than a cleaning service. During a discussion Council Member Buddy Simmons asked that the Council accept the lower bidder listed above. It was determined it would be a conflict of interest since the low bidder was a City Hall municipal employee. Upon vote being taken, the following voted aye: Council Members Matthew Hodges and Jim Boatner and Council President Harold Brookshire. Those voting nay: Council Members Jim Helms and Council Member Buddy Simmons.

The Council President declared the motion carried.

The Clerk reported that the Scottsboro Planning Commission had made a request for a zoning change which would call for a public hearing and the consideration of a zoning ordinance.

The following resolution was introduced by Council Member Jim Boatner and read and explained by the Clerk:

**A RESOLUTION SETTING A PUBLIC HEARING  
ON THE ADOPTION OF A PROPOSED ORDINANCE  
AMENDING THE ZONING ORDINANCE OF THE  
CITY OF SCOTTSBORO, ALABAMA, AND PROVIDING FOR  
THE GIVING OF NOTICE OF SUCH PUBLIC HEARING**

**WHEREAS**, the Scottsboro Planning Commission has recommended that the Scottsboro City Council adopt an amendatory ordinance to the Zoning Ordinance of the City of Scottsboro, Alabama which would result in changing the zoning of the lands described in the proposed amendatory ordinance as therein set forth, and

**WHEREAS**, it is the judgment and opinion of the City Council that consideration should be given to the adoption of such proposed amendatory ordinance.

**NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF SCOTTSBORO, ALABAMA as follows:**

1. That the City Council shall hold a public hearing on the adoption of such proposed amendment to the City's Zoning Ordinance and such public hearing shall be held at the City Hall in the City of Scottsboro, Alabama, on the 14<sup>th</sup> day of November beginning at 6:00 P.M.
2. That the proposed ordinance shall be considered by the City Council at such time and place, and at such time and place all persons who desire shall have an opportunity of being heard in the opposition to or in favor of such proposed amendment to the City's Zoning Ordinance.
3. That the proposed amendatory ordinance, together with this resolution of which said ordinance is a part, shall be published in a newspaper of general circulation published within the City of Scottsboro once a week for two successive weeks, and both newspaper publications shall be at least fifteen days in advance of the passage of said proposed amendatory ordinance.
4. That said proposed amendatory ordinance is to be substantially the following:

**ORDINANCE NO:** \_\_\_\_\_

**AN ORDINANCE AMENDING THE ZONING ORDINANCE OF THE CITY OF SCOTTSBORO, ALABAMA**

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF SCOTTSBORO, ALABAMA, as follows:

**SECTION ONE:** The Zoning of the following described lands shall change applicant's property from M-2 (Heavy Manufacturing District) that hereafter such lands shall be shown and classified by The Zoning Ordinance of the City of Scottsboro, Alabama and on the official Zoning Map forming a part of said Zoning Ordinance as being C-4 (Regional Commercial District) zone.

Being a part of the Northeast quarter of the Southeast quarter of Section 2, Township 5 South, Range 5 East of the Huntsville Meridian in Jackson County, Alabama and being more particularly described as follows:

Commence at a 2-inch pipe at the Northeast corner of said Northeast quarter of the Southeast quarter being at the Northeast corner of the tract hereby described and the true point of beginning, thence South 02 degrees 01 minutes East a distance of 210.05 feet to the Northwest margin of U. S. Highway 72, thence with said margin South 50 degrees 40 minutes West a distance of 1245.07 feet, thence leaving said highway North 39 degrees 23 minutes West a distance of 103.0 feet to the East margin of Porter Road, thence with said East margin North 09 degrees 33 minutes East a distance of 58.55 feet, thence North 04 degrees 49 minutes East 84.13 feet, thence North 01 degrees 08 minutes East a distance of 92.73 feet, thence North 03 degrees 28 minutes West a distance 108.74 feet, thence North 06 degrees 51 minutes West a distance of 88.36 feet, thence North 10 degrees 52 minutes West a distance of 113.83 feet, thence North 18 degrees 14 minutes West a distance of 279.2 feet, thence North 23 degrees 58 minutes West a distance of 25.79 feet, thence leaving said road North 89 degrees 54 minutes East a distance of 1126.6 feet to the point of beginning and containing 15 acres more or less.

**SECTION TWO:** The Zoning ordinance of the City of Scottsboro, Alabama and the official Zoning Map forming a part of said Zoning Ordinance are hereby altered, amended, changed and modified in accordance with Section One hereof.

**SECTION THREE:** This ordinance shall become effective immediately upon its due passage and publication, as required by law.

Duly passed and adopted on this the 10<sup>th</sup> day of October, 2005.

City of Scottsboro, Alabama

\_\_\_\_\_  
President of the City Council

Authenticated and attested:

\_\_\_\_\_  
City Clerk

Transmitted to and approved by the Mayor, this 10<sup>th</sup> day of October, 2005.

\_\_\_\_\_  
Mayor

SEAL

ATTEST

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City Clerk

5. This resolution adopted and approved on the 10<sup>th</sup> day of October, 2005.

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President of the City Council

ATTEST:

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City Clerk

Motion was made by Council Member Jim Boatner and seconded by Council Member Matthew Hodges to adopt the above resolution. Upon vote being taken, all voted aye. The Council President declared the motion carried.

Mayor Deason made a recommendation to the Council that Gary McDonald be appointed Acting Assistant Police Chief to replace the retired Assistant Police Chief Jim Miller. Attorney Kennamer was asked to research if the Mayor has the authority to appoint an Acting Assistant Police Chief or to recommend that the Council appoint Captain Gary McDonald.

Council Member Buddy Simmons presented an organizational chart for the Scottsboro Fire Department. The organizational chart is on file in the Human Resource Department, City Clerk's office and the Fire Department.

The following Ordinance was introduced by Council Member Jim Boatner and read by Attorney Steve Kennamer.

**ORDINANCE NO. 507**

**AN ORDINANCE REPEALING ORDINANCE NO. 472 TITLED "AN ORDINANCE ESTABLISHING AN ORGANIZATIONAL CHART FOR THE SCOTTSBORO POLICE DEPARTMENT".**

Printed in Ordinance Book No. 4

It was moved by Council Member Jim Boatner that all rules and regulations, which unless suspended, would prevent the immediate consideration of said Ordinance be given. The motion was seconded by Council Member Jim Helms and was unanimously carried, those voting aye being:

Council President: Harold Brookshire

Council Members: Matthew Hodges  
Jim Helms  
Jim Boatner  
Buddy Simmons

Those voting nay: None

The Council President declared the motion carried.

After said Ordinance had been discussed and considered in full by the Council it was moved by Council Member Jim Helms that said Ordinance be now placed upon its final passage and adoption. The motion was seconded by Council Member Matthew Hodges. The question being put as to the adoption of said motion and the final passage and adoption of said Ordinance, the roll was called with the following results:

Those voting aye:

Council President: Harold Brookshire

Council Members: Matthew Hodges  
Jim Helms  
Jim Boatner  
Buddy Simmons

Those voting nay: None

The Council President declared the motion carried and said Ordinance No. 507 passed and was adopted as introduced and read.

Council Member Matthew Hodges presented an organizational chart for the Recreation Department and moved that it be adopted. The move was seconded by Council Member Buddy Simmons. Upon vote being taken, all voted aye. The Council President declared the motion carried. The chart is on file in the Human Resource Department, the City Clerk's office and at the Recreation Department.

Council Member Jim Helms presented an organizational chart for the Police Department and moved that it be adopted. The motion was seconded by Council Member Buddy Simmons. Upon vote being taken, all voted aye. The Council President declared the motion carried. The chart is on file in the Human Resource Department, the City Clerk's office and at the Police Department.

Council Member Jim Helms told the Council and those in attendance that the County and City committee for the Animal Shelter had met and that as results from the meeting he was recommending that the City enter into an agreement with the Jackson County Commission to build and operate an Animal Control facility in the City of Scottsboro.

He recommended at this time that temporary upgrades to the euthanasia area be made at the current shelter since it failed a state inspection.

The expected cost for this upgrade is to be approximately \$15,000.00 and the County is expected to share in this cost. Mr. Helms said it is critical we get this issue put to rest.

Mayor Deason said he felt the City of Scottsboro and Jackson County officials could build a facility similar to the Blount County facility and stay within guidelines and have a very workable facility. This needs to be done quickly as long as we show the state officials that we are trying to comply.

There being no further business to come before the Council at this time, motion was made by Council Member Buddy Simmons and seconded by Council Member Matthew Hodges that the meeting be adjourned. All voted aye.

