

**MINUTES  
SCOTTSBORO CITY COUNCIL  
November 14, 2005**

The City Council of the City of Scottsboro, Alabama met in a regular session on November 14, 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

City Clerk Gail Duffey and Attorney Stephen Kennamer were also present.

Mayor Dan Deason was absent due to illness.

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

The agenda was approved as prepared by the Council President.

The minutes from the October 24, 2005 Council Meeting were read and approved as read.

Ken Tolar, Construction Manager for the Senior Center, made a presentation to the Council showing plans, drawings and designs of the new proposed Senior Center to be built adjacent to the existing Senior Center in the Jackson County Park. Following the presentation, motion was made by Council Member Jim Helms and seconded by Council Member Buddy Simmons to approve the plans and authorize Mr. Tolar to put out bids for the Senior Center. Upon vote being taken, all voted aye. The Council President declared the motion carried.

**PUBLIC HEARING**

The Council President announced that it was now the date, time and place as advertised to hold a public hearing for the consideration of rezoning a track of land located at the intersection of Porter Road and the John T. Reid Parkway 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, if approved by the Council.

There was no one present to speak in opposition to or in support of the zoning change. The Council President closed the public hearing.

The following Ordinance was introduced by Council Member Buddy Simmons and read and explained by the City Clerk.

**ORDINANCE NO. 508**

Printed in Ordinance Book No. 4

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

Ordinance No. 508 had been introduced at the October 10, 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 Jim Helms. 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: Buddy Simmons  
Jim Helms  
Jim Boatner  
Matthew Hodges

Those voting nay: None

The Council President thereupon declared the motion carried and said Ordinance No. 508 passed and was adopted as introduced and read.

The following Ordinance was introduced by Council Member Buddy Simmons and read in full by Attorney Steve Kennamer.

**ORDINANCE NO. 509**

Printed in Ordinance Book No. 4

**AN ORDINANCE AMENDING THE SCOTTSBORO PERSONNEL HANDBOOK.**

It was moved by Council Member Buddy Simmons 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: Buddy Simmons  
Jim Helms  
Jim Boatner  
Matthew Hodges

Those voting nay: None

The Council President thereupon 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 Buddy Simmons. 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: Buddy Simmons  
Jim Helms  
Jim Boatner  
Matthew Hodges

Those voting nay: None

The Council President thereupon declared the motion carried and said Ordinance No. 509 passed and was adopted as introduced and read.

**TEMPORARY APPOINTMENT OF  
ACTING SOLID WASTE SUPERVISOR**

Motion was made by Council Member Buddy Simmons and seconded by Council Member Jim Helms to appoint Eddie Blizzard as Temporary Acting Supervisor of the Solid Waste Department. Upon vote being taken, all voted aye. The Council President declared the motion carried.

**ADOPTION OF 90% OF THE  
2005-2006 GENERAL FUND BUDGET**

Motion was made by Council Member Jim Boatner and seconded by Council Member Matthew Hodges to accept 90% of the 2005-2006 General Fund Budget in the amount of \$14,867,887.00. Upon vote being taken, all voted aye. The Council President declared the motion carried. Budget is on file in the office of the Finance Director and the City Clerk's office.

**AN AGREEMENT BETWEEN TVA  
AND SCOTTSBORO SOLID WASTE AUTHORITY**

Motion was made by Council Member Jim Helms and seconded by Council Member Jim Boatner to authorize the Solid Waste Authority Chairman, Buddy Simmons and Secretary Gail Duffey to execute an agreement with the Tennessee Valley Authority. The work scope shall essentially consist of the following:

(a) removal of two existing towers (structures 255 and 256), (b) installation, as replacements for these towers, of two new structures, (c) adjustment of fiber optic ground wire from structure 252 through structure 256, and (d) addition of any related fixtures and attachments that are customarily part of this type of work.

**Payment for Work Scope Performance**

SSWD shall pay TVA a fixed amount of \$266,742 (Two Hundred Sixty-six Thousand Seven Hundred Forty-two Dollars) for the work under this agreement. Accordingly, in addition to the deposit payment of \$20,000, which SSWD has made to TVA (under an agreement between SSWD and TVA, dated May 10, 2005, and numbered 00023085), and notwithstanding section 2 of the Terms and Conditions, SSWD shall by December 7, 2005 make an additional payment of \$246,742 (Two Hundred Forty-six Thousand Seven Hundred Forty-two Dollars) to TVA.

Upon vote being taken, all voted aye. The Council President declared the motion carried.

The Clerk announced that Jim Nichols had resigned his appointment to the Personnel Board. She asked that anyone wishing to fill the unexpired term of Mr. Nichols to please make request in writing by 12:00 noon, December 17, 2005. Term to expire February 26, 2006.

The following one time bonus was introduced by Council Member Jim Boatner and read in full by the Clerk.

SUBJECT: ONE TIME BONUS

DATE: NOVEMBER 14, 2005

Concerning the One Time Bonus use the following guidelines:

FULL TIME EMPLOYEES	\$150.00
FULL TIME/PART TIME EMPLOYEES*	\$ 75.00

PART TIME EMPLOYEES\*\*

\$ 50.00

\* This category would be School Patrol, Senior Citizens Coordinator, Recreation Night Manager, Recreation Weekend Manager, Airport Part Time, Jail Part Time and Volunteer Firemen.

\*\* This category would include part time employees that meet the criteria of 500 hours worked during the year and employed as of November 30, 2005.

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

The Council President said he would ask the City's Administration to get with the City Attorney, Stephen Kennamer to study and develop a policy on leasing city equipment to churches, schools and other non-profit organizations for the Council's consideration. City Attorney Steve Kennamer had said the City doesn't have a policy right now that we have a practice.

Attorney Kennamer reviewed a number of opinions issued by the Attorney General's office on renting or leasing city equipment. Each opinion cited outlined guidelines that must be met if a municipality agrees to rent or lease equipment to individuals and private businesses.

They include: the service must not be available in the area through private enterprise; the equipment can be leased only when not needed by the municipality; the amount of the lease should be comparable to that of such rental from private sources; the equipment must be operated by a qualified operator; and municipal employees are not allowed to operate the equipment while on their municipal job.

The Scottsboro Street Department had recently leased a piece of equipment to the Randall's Chapel United Methodist Church. Mr. Kennamer reported that this situation met all the above listed criteria.

The following Resolution was introduced by Council Member Matthew Hodges and read and explained by the City Clerk.

**RESOLUTION**

**BE IT RESOLVED, by the City of Scottsboro, Alabama** as follows:

1. That the City of Scottsboro is authorized to make an application in the amount of One hundred nine thousand, one hundred sixty-three dollars (\$11,326) for airport improvement funding assistance from the State of Alabama Department of Transportation, for the purpose of undertaking a project to make improvements at the Word Field.
2. That the application be submitted for and on behalf of the City of Scottsboro by its Mayor who is authorized by this resolution to sign the application and any related forms or documents on behalf of the City.
3. That the city of Scottsboro is authorized to enter into an airport improvement funding agreement with the State of Alabama, acting by and through the Alabama Department of Transportation, for the purpose of undertaking a project to make improvements at the Word Field, with partial funding provided by the State of Alabama.
4. That the agreement be executed in the name of the City of Scottsboro for and on behalf of the City by its Mayor.

5. That the agreement be attested by the City Clerk and the seal of the City of Scottsboro fixed thereto.
6. That the authority of the City of Scottsboro to enter into contracts with the State of Alabama has been reviewed by the City's attorney, and in his/her opinion, the City is duly authorized to commit the City of Scottsboro to an agreement with the Alabama Department of Transportation.

BE IT FURTHER RESOLVED, that the City of Scottsboro hereby affirms that the local matching share of funds in the amount of One hundred nine thousand, one hundred sixty-four dollars (\$11,326) required for this agreement has been officially approved, placed into the budget of the airport and is available for expenditure upon execution of the State of Alabama's funding agreement and the start of the project.

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

**TAX RECEIPT ISSUED  
FOR DONATION TO CITY**

Motion was made by Council Member Jim Boatner and seconded by Council Member Matthew Hodges to issue a tax receipt to Mr. Randy Tubbs for the \$7,000.00 he saved the city of Scottsboro by giving dirt to put out a fire in a brush and tire pit owned by the City. The dirt was hauled from Mr. Tubbs' property to the pit by the Scottsboro Street Department. Upon vote being taken on issuing the tax receipt the following voted aye.

Council President: Harold Brookshire

Council Members: Jim Boatner  
Matthew Hodges

Those voting nay:

Council Members: Jim Helms  
Buddy Simmons

The Council President declared the motion carried.

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

