

**MINUTES  
SCOTTSBORO CITY COUNCIL  
November 28, 2005**

The City Council of the City of Scottsboro, Alabama met in a regular session on November 28, 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 approved as prepared by the Council President.

The minutes from the October 17, 2005 Work Session and from the November 14, 2005 Council Meeting were read and approved as read.

**APPOINTMENT TO THE  
SCOTTSBORO LIBRARY BOARD**

Council Member Jim Boatner nominated James Mick to be appointed to the Scottsboro Library Board to replace Ron Dykes whose term had expired. Dr. Dykes had made a request asking not to be re-appointed. There being no further nominations, motion was made by Council Member Matthew Hodges and seconded by Council Member Jim Helms that the nominations be closed. Upon vote being taken, all voted aye. Upon vote being taken to appoint James Mick to the Scottsboro Library Board, all voted aye. The Council President declared the motion carried. Mr. Mick's term will expire October 1, 2009.

The next item on the agenda was the veto of Ordinance No. 509. When the Council President asked the City Clerk to report on the veto from Mayor Deason, the Clerk reported she had not received the veto in writing.

The City Attorney read from the Code of Alabama that the Clerk must receive the veto in writing within ten (10) days from the date the Mayor received the Ordinance.

Mayor Deason said he didn't know how it got overlooked, that he had run three copies of the original and had given one copy to The Daily Sentinel Reporter, one copy to the North Jackson Progress Reporter and that he could not account for the third copy but indicated that he had given it to the City Clerk or his Secretary.

The Council President asked the City Attorney if holidays needed to be taken into consideration since the tenth day for the Mayor to return the veto to the Clerk was on a scheduled holiday. The Attorney said the Code was clear that it should be returned within ten (10) days. Council Member Simmons asked couldn't the Council just vote to override the veto just in case the veto was valid. The Council President asked if the matter could be

tabled and that the City Attorney check with the League of Municipalities or check further in the Code to see if the verbal veto could be legal.

The Attorney advised that the Council must make their decision at this Council Meeting since the Code says if the Council wishes to override a veto that the Council must vote at their next regular Council Meeting following the veto and that waiting until the December 12, 2005 Council Meeting would be too late.

Council Member Helms said he saw no need to table, that he felt the veto didn't happen. Council Member Simmons voiced his opinion as the only legal way is to vote.

The Council President then asked if the verbal veto was legal can we repeal or adopt the ordinance again. The Attorney advised yes you can.

The Council then accepted that the Clerk did not receive the veto in writing and the Ordinance was to be published as it was written.

The following Resolution was introduced and explained by Council Member Matthew Hodges.

### **MIRACLE RESOLUTION**

**WHEREAS**, it is desired to provide opportunities for disabled children to play baseball, regardless of their abilities.

**RESOLVED**, We, the Miracle League of Jackson County, do endeavor to build and maintain a Miracle League field and facilities to meet the unique needs of the children and their families.

**WHEREAS**, to demonstrate love, compassion, high morals, and integrity at all times and to all.

**RESOLVED FURTHER**, We, The City or Town Council of Scottsboro, Alabama, do hereby support the Miracle League of Jackson County's endeavor for a Miracle League field to be built within Jackson County.

**WHEREAS**, to make sure every child has a chance to play baseball, a chance to be a kid, we do hereby make this agreement our goal.

**WHEREAS**, an agreement having been made and entered into on November 28, 2005 between the Miracle League of Jackson County and the City or Town of Scottsboro, Alabama.

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

The following Resolution was introduced by Council Member Jim Helms and read in full by the Clerk.

### **RESOLUTION**

**WHEREAS**, the intersection of Alabama State Highway 79 and U.S. Highway 72 in the City of Scottsboro has been recorded locally as the most dangerous intersection in Jackson County, if not in the State of Alabama; and

**WHEREAS**, citizens of Scottsboro and Jackson County will be petitioning Governor Riley and the Alabama Legislature for safety improvements to this intersection; and

**WHEREAS**, on behalf of the citizens of the City of Scottsboro, the Scottsboro Mayor and City Council support the citizens concern for improvements at this intersection.

**NOW THEREFORE BE IT RESOLVED BY** the Scottsboro City Council that a copy of this Resolution be sent to Governor Riley, State Highway Director Joe McInnes, State Senator Lowell Barron and State Representative John Robinson and Albert Hall and spread upon the minutes of the City Council Meeting.

**ADOPTED THIS THE 28<sup>TH</sup> DAY OF NOVEMBER, 2005.**

Upon the recommendations of the Council President, motion was made by Council member Jim Helms and seconded by Council Member Jim Boatner that the Mayor and all Council Members sign the above resolution and accept the resolution to be sent to all officials listed in the resolution. Upon vote being taken, all voted aye. The Council President declared the motion carried.

The terms of Dean Gentle and Ken Tolar will expire December 31, 2005 on the Board of Adjustment and Appeal.

Anyone wishing to serve on this Board needs to make a request in writing by 12:00 noon on December 17, 2005.

The new term will expire on December 31, 2009.

The Council President offered his congratulations to Mayor Deason for having been appointed to the League of Municipalities Committee on Community and Economic Development.

The purpose of this Committee is to be responsible for studying all factors affecting the physical development of our cities and towns. This includes community development, industrial development, planning and zoning and recreation.

Some items for consideration of the Committee is planning and zoning laws, annexation problems, Small Business Administration, tourist promotions, Jobs programs, Industrial Park legislation and review programs of HUD, Department of Commerce, EDA, USDA Rural Development, Department of Interior, Heritage Conservation and Recreation Service, Delta Regional Authority.

The Council President said “we are fortunate to have you serving on this Board and we congratulate you Mayor Deason on this appointment.”

Council Member Boatner said he appreciated the Street Department in getting the leaves up all over the City.

Council President Brookshire said he had a concern for the drainage problem in the City and had driven by a couple of homes upon the request of property owners on his way to the Council Meeting. He told the Mayor and Street Superintendent Shag Johnson he appreciated the work they were doing on Parks Ave.

Mayor Deason said it was frustrating that the veto got to the media but then got lost was very disgusting. He said he was not in a good frame of mind. He then reported that the Christmas tree lighting was Dec. 3<sup>rd</sup>, Christmas Parade was Dec. 5<sup>th</sup> and Mayor and Santa Toy Drive was Dec. 14<sup>th</sup>.

He also asked that everyone support the Foster Children Tree at the Chamber of Commerce.

The Mayor reported that the wall at the cemetery needs repairs in a couple of areas but that the wall is structurally sound. He said he would get with Benny Bell and get the wall cleaned and back in tact.

The Council President announced that according to the Finance Officer, there was ½ million dollars for Capital Outlay. He gave each Council Member a copy and asked that they be prepared to meet to allocate the Capital Outlay Funds by January 15, 2006.

The Council President announced that most of the Council would be attending the National League of Cities Conference in Charlotte, N.C. December 7 thru the 11<sup>th</sup>.

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

