

**Minutes
Scottsboro City Council
February 12, 2007**

The City Council of the City of Scottsboro, Alabama met in regular session on February 12, 2007.

The roll was called with the following results:

Present:	Council President:	Keith Smith
	Council Member:	Jim Helms Matthew Hodges Buddy Simmons Terry Thomas

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 after deleting item No. 14 which was included in item No. 3.

The minutes from the January 22, 2007 and January 30, 2007 were read and approved as read.

PUBLIC HEARING FOR REZONING

The Council President stated it is now the date, time and place as advertised for a public hearing to consider rezoning 5.8 acres more or less located on Snodgrass Road and South George Adams Road. The Clerk reported that the described lands will be changed from R-4 (Multi Family Residential District) to C-4 (Regional Commercial District).

The Council President opened the floor for anyone in opposition of or to speak for the rezoning of the 5.8 acres. There was no one to speak for or against the rezoning.

The following Ordinance was introduced by Council Member Terry Thomas and read and explained by the City Clerk.

ORDINANCE NO. 522

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

Printed in Ordinance Book No. 4.

It was moved by Council Member Terry Thomas 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 Buddy Simmons and was unanimously carried, those voting aye being:

Council President:	Keith Smith
Council Members:	Terry Thomas Buddy Simmons Matthew Hodges Jim Helms

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 Buddy Simmons that said Ordinance be now placed upon its final passage and adoption. The motion

was seconded by Council Member Terry Thomas. 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:	Keith Smith
Council Members:	Buddy Simmons Terry Thomas Matthew Hodges Jim Helms

Those voting nay: None

The Council President thereupon declared the motion carried and said Ordinance No. 522 passed and was adopted as introduced and read.

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

RESOLUTION APPROVING THE ISSUANCE AND SALE BY THE INDUSTRIAL DEVELOPMENT BOARD OF THE CITY OF SCOTTSBORO, ALABAMA OF NOT TO EXCEED \$8,000,000 INDUSTRIAL DEVELOPMENT REVENUE BONDS (ALUMINUM ONE OF ALABAMA, INC. PROJECT) SERIES 2007.

WHEREAS, The Industrial Development Board of the City of Scottsboro, Alabama (the "*Issuer*"), as authorized by applicable law, proposes to issue its Industrial Development Revenue Bonds (Aluminum One of Alabama, Inc. Project) Series 2007, in the aggregate principal amount of not to exceed \$8,000,000 (*the Bonds*) (i) to finance the costs of acquisition, equipping and renovation of an approximately 60,000 square foot facility located at 7525 Roy Owens Boulevard in Scottsboro, Alabama (the "*Facility*"), leased by the Issuer to 7525 Roy Owens Blvd., LLC, an Ohio limited liability company ("*7525 Roy Owens*") and subleased to and operated by Aluminum One of Alabama, Inc., and Ohio corporation ("*Aluminum One*," together with 7525 Roy Owens, the "*Company*"), (ii) to finance the costs of acquisition and installation of certain manufacturing machinery and equipment (the "*Equipment*," together with the Facility, the "*Project*") leased by the issuer to and operated by Aluminum One, which Project is to be used principally for secondary aluminum processing and tolling, including the shredding and melting of aluminum scrap in aluminum ingot, and (iii) to finance certain related costs in connection with the issuance of said Bonds; and

WHEREAS, notice of a public hearing (the "*Notice*") with respect to the proposed issuance of the Bonds was published on January 23, 2007, in *The Daily Sentinel*, a newspaper of general circulation in the City of Scottsboro, Alabama (the "*City*"); and

WHEREAS, on February 8, 2007 said public hearing (the "*Public Hearing*") was held by the Issuer and an opportunity was provided for interested persons to present arguments for and against the issuance of the Bonds; and

WHEREAS, the Bonds, when issued, will be special, limited obligations of the Issuer, and the principal of and interest on such Bonds shall be payable solely out of the revenues derived from a sale Lease Agreement between the Issuer and the Company; and

WHEREAS, the City shall not in any event be liable for the payment of the principal or interest on any Bonds of the Issuer or for the performance of any pledge, mortgage, obligation or agreement of any kind whatsoever which may be undertaken by the Issuer, and none of the Bonds of the Issuer or any of its agreements or obligations shall be construed to constitute an indebtedness of the City within the meaning of any constitutional or statutory provision whatsoever; and

WHEREAS, it is necessary and desirable that the City Council of the City, as the "applicable elected representative" of the City within the meaning of Section 147(f)(2) of the Internal Revenue Code of 1986, as amended, approve the issuance and sale of the Bonds by the Issuer and the financing of the costs of the Project with the proceeds thereof; and

WHEREAS, this City Council of the City desires to make a record by this Resolution that the proposed issuance of Bonds and plan of financing is approved;

NOW, THEREFORE, Be It Resolved by the City Council of the City of Scottsboro, Alabama, as follows:

Section 1. This City Council hereby finds and determines that opportunity for all taxpayers, residents and other interested persons to express their views for or against said proposed plan of financing, orally or in writing, was provided at said Public Hearing.

Section 2. Pursuant to Section 147(f)(2) of the Internal Revenue Code of 1986, as amended, the City Council of the City hereby approves the issuance and sale of the Bonds by the Issuer and the use of the proceeds thereof to finance the costs of the Project and costs relating to the issuance of the Bonds, as described above.

Section 3. All actions previously taken by or on behalf of the officers of the City or the Issuer which are in conformity with the purposes and intent of this Resolution and in furtherance of the issuance and sale of the Bonds and the financing of the Project, including the publication of the Notice and the holding of the Public Hearing, are hereby, in all respects, ratified, approved and confirmed.

Section 4. The provisions of this Resolution are hereby declared to be separable and if any section, phrase or provision shall for any reason be declared to be invalid, such declaration shall not affect the validity of the remainder of the sections, phrases and provisions.

Section 5. All ordinances, resolutions and parts thereof in conflict herewith are hereby repealed to the extent of such conflict.

Section 6. This Resolution shall become effective immediately upon adoption.

Adopted February 12, 2007.

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

Upon the request of Mayor Deason, motion was made by Council Member Buddy Simmons and seconded by Council Member Matthew Hodges to approve the Mayor and City Clerk to approve and attest to the following Resolution. The Resolution will extend the \$800,000.00 grant for the Hollywood Industrial Park.

RESOLUTION

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

1. That the City enters into a Supplemental Agreement Number 1 with the State of Alabama, acting by and through the Alabama Department of Transportation for amending an agreement dated March 1, 2006, for:

Preliminary Engineering, Right-of-Way Acquisition, Utility and Construction Agreement for Project HPP-A149() for construction of an access road to the Jackson County Industrial Park (Phase 2) and construction of acceleration and deceleration lanes on US-72 (SR-2) in Hollywood, Alabama, which Agreement is before this Council.

2. That this Supplemental Agreement be executed in the name of the City, by its Mayor, for and on its behalf;

3. That this Supplemental Agreement be attested by the City Clerk and the seal of the City affixed thereto.

BE IT FURTHER RESOLVED, that upon the completion of the execution of the Agreement by all parties, that a copy of such Agreement be kept on file by the City Clerk.

Passed, adopted and approved this 12th day of February, 2007.

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

**HIRING FREEZE RELEASED FOR
An E-911 DISPATCHER**

Upon the request of Human Resource Director Debra Borders, motion was made by Council Member Terry Thomas and seconded by Council Member Jim Helms to release the hiring freeze to hire an E-911 Dispatcher. The position will be funded by the E-911 Board. Upon vote being taken, all voted aye. The Council President declared the motion carried.

**HIRING FREEZE RELEASED FOR
A HUMAN RESOURCE CLERK**

Upon the request of Human Resource Director Debra Borders, motion was made by Council Member Buddy Simmons and seconded by Council Member Jim Helms to release the hiring freeze for a Human Resource Clerk. This is to fill the position Ms. Borders had before being appointed Human Resource Director. Upon vote being taken, all voted aye. The Council President declared the motion carried.

APPROVAL TO FILL MAJOR POSITION TEMPORARILY

Motion was made by Council Member Jim Helms and seconded by Council Member Terry Thomas to approve posting the Major position opening in the Police Department. This is to fill the position Chief Dawe held before being appointed Police Chief. This is to be a temporary appointment until the end of the fiscal year. Upon vote being taken, all voted aye. The Council President declared the motion carried.

CDBG APPLICATION CONSIDERED

Upon the recommendation of Mayor Deason, motion was made by Council Member Matthew Hodges and seconded by Council Member Jim Helms to authorize Water Board Manager Roy Light to apply for the competitive CDBG Grant for the City of Scottsboro. The grant application will be for sewer. Upon vote being taken, all voted aye. The Council President declared the motion carried.

CDBG APPLICATION CONSIDERED

Upon the recommendation of Mayor Deason, motion was made by Council Member Terry Thomas and seconded by Council Member Buddy Simmons to authorize Water Board Manager Roy Light to apply for an Industrial CDBG Grant for the City of Scottsboro. The grant application is not competitive and will be for \$100,000.00. The Water, Sewer and Gas Board will match the \$100,000.00 with a \$20,000.00 local match. The fund if approved will be used at the Hollywood Industrial Park. Upon vote being taken, all voted aye. The Council President declared the motion carried.

**A CONSTRUCTION MANAGER CONCEPT
APPROVED TO BUILD AN ANIMAL SHELTER**

Following a discussion of the building an animal shelter, motion was made by Council Member Jim Helms and seconded by Council Member Buddy Simmons to use the Construction Manager concept to build an animal shelter. Upon vote being taken, all voted aye. The Council President declared the motion carried.

**BID OPENING FOR UNIFORMS
FOR ALL DEPARTMENTS**

Having requested bids for uniforms for all departments the following was received and opened prior to the Council Meeting.

Ameripride

Description	Cost
1. Daily work shirt	1.98ea
2. Daily work pants	1.98ea
3. Daily work jacket	no charge
4. Daily work coverall	2.37
5. Executive wear shirt	3.11
6. Executive wear pants	3.11
7. Executive wear jacket	no charge
8. Initial prep charge	no charge
9. Add on employee	33.00

REPLACEMENT CHARGE – WORN-

10.	Shirt	no charge
11.	pants	no charge
12.	jacket	no charge
13.	coveralls	no charge

REPLACEMENT CHARGE – ABUSED OR LOST

14.	Shirt	12.00
15.	Pants	22.00
16.	Jacket	26.25
17.	Coveralls	32.00
18.	Towel Cabinet	.33
19.	Towel – continuous roll	2.69
20.	Shop Towel	.06
21.	Fender Cover	.75
22.	Mop Handle	no charge
23.	Dust Mop	1.00
24.	Brown mat 3 x 10	3.98
25.	Brown mat 2 x 3	1.74
26.	Greeting mat 3 x 5	2.24
27.	Safety mat 3 x 4	2.24
28.	Rental tax	no charge
29.	Service or energy charge	1.50

Upon the recommendation of the Bid Review Committee, motion was made by Council Member Matthew Hodges and seconded by Council Member Terry Thomas to award the bid to Ameripride as the lowest responsible bidder that met specifications. Upon vote being taken, all voted aye. The Council President declared the motion carried.

**BID OPENING FOR CLEANING SERVICES
FOR CITY HALL**

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

Company	Overall Per day	Buff as needed	Clean 1 st as needed
1. Hester's Cleaning	\$80.00	50.00	NO BID
2. Dust-A-Way	\$120.00	300.00	150.00
3. M & M Cleaning	\$ 77.88	120.00	660.00
4. Karen Whitehead	\$ 45.00	125.00	125.00

Upon the recommendation of the Bid Review Committee, motion was made by Council Member Matthew Hodges and seconded by Council Member Jim Helms to award the bid to Karen Whitehead as the lowest responsible bidder that met specifications. Upon vote being taken, all voted aye. The Council President declared the motion carried.

**BID OPENING FOR A DOZIER
FOR THE STREET DEPARTMENT**

Having requested bids for a used Dozier the following were received and opened prior to the Council Meeting:

	<u>Company</u>	<u>Price</u>
1.	Joe Money Machinery	NO BID
2.	Thompson Tractor	NO BID
3.	Tractor & Equipment	\$78,450.56

Upon the recommendation of the Bid Review Committee, motion was made by Council Member Buddy Simmons and seconded by Council Member Jim Helms to award the bid to Tractor & Equipment as the lowest responsible bidder that met specifications. Upon vote being taken, all voted aye. The Council President declared the motion carried.

BID OPENING FOR A 3 TON HEAVY DUTY TRUCK FOR THE STREET DEPARTMENT

Having requested bids for a 3 Ton Heavy Duty Truck for the Street Department, the following were received and opened prior to the Council Meeting:

	<u>Company</u>	<u>Price</u>
1.	Harbin Ford	NO BID
2.	Cooks Truck Center	NO BID
3.	Lee Smith (Chattanooga)	\$52,580.00

State Bid - \$51,242.44

Upon the recommendation of the Bid Review Committee, motion was made by Council Member Matthew Hodges and seconded by Council Member Jim Helms that the bids be rejected and that the Street Department Superintendent be allowed to purchase this truck from the State Bid. Upon vote being taken, all voted aye. The Council President declared the motion carried.

BID OPENING FOR A TELEPHONE SYSTEM FOR THE NEW CITY HALL

Having requested bids for a Telephone System for the New City Hall, the following were received and opened prior to the Council Meeting:

	<u>Company</u>	<u>Price</u>
1.	ITC DELTACOM	9,570.80
2.	Interconnect System	14,500.00
3.	Farmers Telecommunications	16,156.80
4.	Signal Voice	9,271.57
5.	Executone	9,985.00

The Clerk read the following recommendation from Finance Director Rick Wheeler:

A very important part of the phone system bid is the warranty and service in the years to follow the initial purchase. This was one of the parts to the bid and selection of a phone system. The low bidder for the phone system was Signal Voice Data from Chattanooga with a bid of \$9,271.57. Their system only came with a 2 year parts and labor warranty. The warranty to cover years 3 thru 5 would cost a total of \$5,348.40 making a total cost for the system of \$14,619.97. The next lowest bidder ITC DELTACOM came in with a bid of \$9,570.80 with warranty of one year labor and 5 years parts. We can buy the extended warranty for \$54 per month for years 2 thru 5 at a cost of \$2,592.00 making a total cost of this system of \$12,162.80. I would recommend that we purchase the phone system from ITC DELTACOM based on them being the lowest responsible bidder taking equipment, warranty and service into consideration.

Upon the recommendation of the Bid Review Committee, motion was made by Council Member Jim Helms and seconded by Council Member Terry Thomas to award the bid to ITC DELTACOM as the lowest responsible bidder that met specifications. Upon vote being taken, all voted aye. The Council President declared the motion carried.

**BID OPENING FOR A UTILITY TRUCK
FOR THE POLICE DEPARTMENT**

Having requested bids for a Utility Truck for the Police Department, the following were received and opened prior to the Council Meeting:

<u>Company</u>	<u>4 x 2</u>	<u>4 x 4</u>
Harbin Motor	\$23,698.50	\$26,602.50

Upon the recommendation of the Bid Review Committee, motion was made by Council Member Terry Thomas and seconded by Council Member Buddy Simmons to award the bid to Harbin Motor Company for the 4 x 2 Utility Truck in the amount of \$23,698.50 as the lowest responsible bidder that met specifications. Upon vote being taken, the following voted aye: Council Members Terry Thomas, Buddy Simmons, Jim Helms and Matthew Hodges. Those voting nay: None. Those abstaining: Council President Keith Smith. The Council President declared the motion carried.

**BID OPENING FOR MOWERS FOR
THE CEMETERY DEPARTMENT**

Having requested bids for mowers for the Cemetery Department, the following were received and opened prior to the Council Meeting:

	<u>Company</u>	<u>Price</u>
1.	Tri Green Equipment	2,800.00
2.	Maynard Equipment Co.	4,160.00

The Clerk gave the following report:

The Cemetery Department can only use mowers with a 36" mowing deck, because they have to mow between the tombstones. The low bidder did not bid a 36" deck but a 42" deck.

Upon the recommendation of the Bid Review Committee, motion was made by Council Member Matthew Hodges and seconded by Council Member Jim Helms to award the bid to Maynard Equipment Co. as the lowest responsible bidder that met specifications. Upon vote being taken, all voted aye. The Council President declared the motion carried.

**COUNCIL APPROVAL OF AN AGREEMENT
WITH NORTHEAST ALABAMA LAW ENFORCEMENT
MUTUAL ASSISTANCE COUNTER-DRUG ACTIVITIES**

Motion was made by Council Member Jim Helms and seconded by Council Member Terry Thomas to authorize Police Chief Ralph Dawe to enter into an agreement with Dekalb, Jackson, Etowah and Marshall County Law Enforcement Agencies through the Northeast Alabama Law Enforcement Mutual Assistance Counter-Drug Activities Agreement. Upon vote being taken, all voted aye. The Council President declared the motion carried.

**APPROVAL TO PURCHASE EIGHT (8) PISTOLS
FOR THE POLICE DEPARTMENT**

Motion was made by Council Member Terry Thomas and seconded by Council Member Buddy Simmons to approve for the Police Chief to purchase eight (8) pistols for the Scottsboro Police Department Investigators. The pistols are to be purchased from FTA funds. Upon vote being taken, all voted aye. The Council President declared the motion carried.

**APPROVAL TO DEVELOP A CANINE UNIT
IN THE SCOTTSBORO POLICE DEPARTMENT**

Motion was made by Council Member Jim Helms and seconded by Council Member Terry Thomas to approve for the Scottsboro Police Department to develop a Canine Unit. The Canine Unit is to be funded from FTA funds. Upon vote being taken, all voted aye. The Council President declared the motion carried.

The Mayor and Council told everyone they were glad they came out.

The Scottsboro High School Wrestling Team was commended.

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 Terry Thomas that the meeting be adjourned. All voted aye.