

**Minutes**  
**Scottsboro City Council**  
**August 27, 2007**

The City Council of the City of Scottsboro, Alabama met in regular session on this the 27th day of August, 2007 in the City Council Chambers at Scottsboro City Hall.

The roll was called with the following results:

Present:	Council President:	Keith Smith
	Council Member:	Matthew Hodges Buddy Simmons Josephine Smith Terry Thomas
Absent:		None

City Clerk Gail Duffey and Attorney Stephen Kennamer were also present. Mayor Deason was at a conference.

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 July 23, 2007 Council Meeting were read and approved as read.

The Clerk reported that the next regular Work Session falls on September 3, 2007 which is a holiday. The Work Session is being changed to begin at 6:00 pm on September 10, 2007 prior to the Council Meeting.

**APPROVED ROAD CLOSING**

Upon the request of the Cross Country Coach and the request of the Electric Power Board, motion was made by Council Member Terry Thomas and seconded by Council Member Josephine Smith to approve the following road closing and allow the police to block the streets.

Micay Way from Snodgrass Road to Wal Mart will be closed:

September 15, 2007	Cross Country Invitational Event
October 15, 2007	Cross Country Championship
November 01, 2007	Cross Country Sectionals

Laurel Street between Scott and Couch streets:

October 11, 2007 from 5:00 p.m. till 7:30 p.m.

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

The following Resolution allowing a seven (7) % raise for retirees was introduced by Council Member Matthew Hodges and read in full by the Clerk.

**RESOLUTION FOR RETIREES ACT 2006-510**

**Section 1.** Be it resolved by the Scottsboro City Council of the City of Scottsboro that the City of Scottsboro elects to come under the provisions of Section 2 of Act 510 of the regular session of the 2006 Legislature.

**Section 2.** The City of Scottsboro agrees to provide all funds necessary to the Employees' Retirement System to cover the cost of the increase as provided for by said Act for those eligible employees retired from the City of Scottsboro with the aforementioned increase being effective with the October 2007 benefit payments.

Motion was made by Council Member Matthew Hodges and seconded by Council Member Terry Thomas to approve the above seven (7) % raise for City of Scottsboro retirees. Upon vote being taken, the following voted aye: Council Members Matthew Hodges, Terry Thomas, Josephine Smith and Council President Keith Smith. Those abstaining: Council Member Buddy Simmons. The Council President declared the motion carried.

### **BID OPENING FOR A SERVICE TRUCK AND EQUIPMENT FOR THE FIRE DEPARTMENT**

Having requested bids on a service truck and equipment for the Fire Department, the following bids were received and opened prior to the Council Meeting:

	<b>Service Truck</b>	<b>Equipment</b>
NAFECO	\$289,191.00	\$23,907.00

Fire Chief Melton Potter explained to the Council that the money to pay for the service truck and equipment would not be from the General Fund Budget but if approved would come from the County Fire Tax Mileage collected by the Revenue Commissioner and held by the Jackson County Commission.

Upon the recommendation of the Bid Review Committee, motion was made by Council Member Terry Thomas and seconded by Council Member Matthew Hodges to award the bid to NAFECO 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 WATER AND SEWER LINES FOR KTNA PROJECT FOR THE JACKSON COUNTY INDUSTRIAL PARK PHASE II**

Having requested bids for water and sewer lines for the KTNA Project for the Jackson County Industrial Park Phase II the following bid was received and opened prior to the Council Meeting:

Lambert, Inc. Stevenson	\$156,239.00
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Upon the recommendation of the Bid Review Committee and the Water Sewer and Gas Board, motion was made by Council Member Matthew Hodges and seconded by Council Member Josephine Smith to award the bid to Lambert, Inc. as the lowest responsible bidder that met specifications pending grant agreement approval and giving the Council President and Finance Director the authority to sign all documents at the pre construction conference due to the absence of the Mayor and City Clerk. Upon vote being taken, all voted aye. The Council President declared the motion carried.

### **CHANGE ORDER NO. 1 FOR WATER AND SEWER LINES PROJECT IN THE JACKSON COUNTY INDUSTRIAL PARK PHASE II**

The Clerk advised the Council that the Grant for the water and sewer lines project in the Jackson County Industrial Park Phase II was for \$99,000.00 and that the Water Sewer and Gas Board had pledged \$23,000.00 making a total of \$122,000.00 which had been the estimated amount. Now that the bid has come in over the estimate, the Water Sewer and Gas Board is requesting a Change Order in the amount of \$26,441.40 which would reduce the length of water line to stay within CDBG Project Budget and would reduce the cost of Lambert, Inc. contract to \$129,907.60.

Upon the request of the Water Sewer and Gas Board, motion was made by Council Member Terry Thomas and seconded by Council Member Buddy Simmons to approve the Change Order No. 1 for reducing the length of the water line to stay within the CDBG Project Budget. The amount of the change was to reduce the cost in the amount of \$26,331.40 and that Council President Keith Smith be authorized to sign the Change Order in absence of the Mayor. Upon vote being taken, all voted aye. The Council President declared the motion carried.

**BID OPENING FOR ACCELERATING AND DECELERATION LANES  
ON U.S. 72 AND ACCESS ROAD GRADE, CURB AND GUTTER, DRAIN  
BASE AND PAVEMENT OF PHASE TWO (2) OF THE  
JACKSON COUNTY INDUSTRIAL PARK**

Having requested bids for acceleration and deceleration lanes on U.S. Hwy 72 and access road grade, curb and gutter, drain, base and pavement of Phase Two (2) of the Jackson County Industrial Park the following were received and opened prior to the Council Meeting:

Carcell and G	Cullman	\$1,007,652.60
Jackson Paving	Guntersville	798,601.18
Lambert, Inc.	Stevenson	760,413.44

Upon the recommendation of the Bid Review Committee, motion was made by Council Member Buddy Simmons and seconded by Council Member Terry Thomas that the bid be awarded to Lambert, Inc. as the lowest responsible bidder that met specifications and that Council President Keith Smith and Finance Director Rick Wheeler be authorized to sign all documents at the pre construction conference in absence of the Mayor and City Clerk. Upon vote being taken, all voted aye. The Council President declared the motion carried.

The Council President announced that the request to advertise and sell the City and First Monday by using Charter will be considered during a budget hearing.

The request for approval of an organizational chart for the Solid Waste was taken off the agenda and set aside until the next Work Session.

The following amendment to Industrial Park Restrictions was introduced by Council Member Matthew Hodges and read and explained by Attorney Kennamer.

**AMENDMENT TO INDUSTRIAL PARK RESTRICTIONS**

**THIS AMENDMENT TO INDUSTRIAL PARK RESTRICTIONS (this “Amendment”) is made as of this 27<sup>th</sup> day of August, 2007, by the CITY OF SCOTTSBORO, ALABAMA (the “City”), a municipal corporation, and JOHNS MANVILLE, a Delaware corporation (“Landowner”).**

**WITNESSETH:**

**WHEREAS**, the City has imposed restrictions and requirements upon certain property located in Jackson County, Alabama, as more particularly described on Exhibit “A” attached hereto (the “Property”) as set out in the Industrial Park Restrictions (the “Restrictions”) attached to that certain Warranty Deed dated October 11, 1989, filed of record in Book 89, Page 11961, Probate Office of Jackson County, Alabama;

**WHEREAS**, Landowner is the owner of the Property pursuant to that certain Limited Warranty Deed dated July 19, 2007, filed of record in Book 2007, Page 21527, aforesaid records; and

**WHEREAS**, the City and Landowner wish to amend the Restrictions as set forth herein;

**NOW, THEREFORE**, in consideration of the premises, the covenants and agreements hereinafter set forth and in furtherance of the parties’ understanding, it is agreed as follows:

1. All capitalized terms not defined herein shall have the meanings assigned to said terms in the Restrictions.

2. In the event of any conflict between the provisions of the Restrictions and this Amendment, this Amendment shall control.

3. The City hereby acknowledges and agrees that the Minutes of a Regular Meeting of the Board of Zoning Adjustment dated December 14, 1999, reflect that a variance (the "Variance") was granted to the then current landowner of the Property to permit the improvements as shown on the survey prepared by Taylor, Rainwater & Associates, Inc., dated July 3, 2007, last revised July 19, 2007 (the "Survey") attached hereto as Exhibit "B".

4. In addition to and not in lieu of the Variance identified above, the Restrictions are hereby amended to reflect that setbacks applicable to the Property shall be the lesser of (i) the setback currently set forth in the Restriction or (ii) as to the front, rear and each side of the Property, the distance from the boundary line of the Property to the nearest improvement, as shown on the Survey. The City hereby acknowledges and agrees that all improvements located on the Property comply with the Restrictions, as modified herein.

5. The setback requirements affecting the Property as set forth in the Restrictions shall not be amended without the prior written consent of Landowner.

Motion was made by Council Member Matthew Hodges and seconded by Council Member Buddy Simmons that the Amendment to the Industrial Park Restrictions be adopted, that Mayor Deason be authorized to sign all documents. Upon vote being taken, all voted aye. The Council President declared the motion carried.

#### **HIRING FREEZE EXCEPTION APPROVED**

Upon the request of the Human Resource Director Debra Borders, motion was made by Council Member Buddy Simmons and seconded by Council Member Terry Thomas to approve a hiring freeze exception for a part time manager for the Council on Aging and an Office Manager for the Solid Waste Department. Upon vote being taken, all voted aye. The Council President declared the motion carried.

#### **BUDGET AMENDMENT FOR THE REC COM**

Upon the request of Yvonne Yockel, Recreation Director, motion was made by Council Member Terry Thomas and seconded by Council Member Josephine Smith to increase the Rec Com budget in the amount of \$22,000.00 to cover utilities for the August and September payments. When preparing the 2006-2007 budget the estimated allowance for the new Rec Com addition was not enough to cover the utilities. Upon vote being taken, all voted aye. The Council President declared the motion carried.

#### **ONE TIME RAISE FOR RETIREES**

Motion was made by Council Member Matthew Hodges and seconded by Council Member Josephine Smith to table any action on a one time raise for city retirees after Council President Keith Smith said he was opposed to the raise. Mr. Smith would be eligible for the one time raise and could not vote on any action taken. Upon vote being taken, all voted aye.

#### **AIRPORT BOARD MEMBER RESIGNATION**

The Clerk announced that Bill Tally will resign from the Scottsboro Airport Advisory Board effective September 1, 2007. The Clerk told that his appointment was made by the Mayor and he will be asked to replace Mr. Tally. She asked that anyone that was interested in serving on this Board to please contact the Mayor or give her a request in writing.

The Finance Officer gave a report on behalf of the Insurance Committee. He told of the rising insurance cost. He gave the cost of several plans and the difference in their plans. He reported that the Committee would continue to study for a more affordable insurance.

The Council President reminded the Council that he had given each of them the plans and recommendation of J. H. Partners, Architects, hired to study the old City Hall for renovations to the Police Department. He asked that the Council be ready to discuss the plans at the September 10, 2007 Work Session.

The Council told those in attendance they were glad everyone is out.

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.