

**Minutes
Scottsboro City Council
October 22, 2007**

The City Council of the City of Scottsboro, Alabama met in regular session on this the 22nd day of October, 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

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 adding one item to consider the Organizational Chart for the Solid Waste Department.

The Minutes from the September 24, 2007 and the October 8, 2007 Council Meetings were read and approved as read.

TWO REAPPOINTMENTS TO THE SCOTTSBORO LIBRARY BOARD

Council Member Josephine Smith nominated Arlene Grede to be reappointed to the Scottsboro Public Library Board. Council Member Buddy Simmons nominated Sherry Gross to be reappointed to the Scottsboro Public Library Board. There being no other nominations, the Council President declared the nominations closed. Upon vote being taken, all voted aye for Ms. Grede and Ms. Gross. The Council President declared the nominations carried.

**TWO REAPPOINTMENTS AND ONE APPOINTMENT
TO THE SCOTTSBORO MUSEUM COMMISSION**

Council Member Terry Thomas nominated Peggy McClendon and Liz Bennett to be reappointed and Susan Fisher to be appointed to the Scottsboro Museum Commission. There being no other nominations, the Council President closed the nominations. Upon vote being taken, all voted aye for Ms. McClendon, Ms. Bennett and Ms. Fisher. The Council President declared the nominations carried.

The following Joint Construction and Use Agreement for an Animal Shelter was introduced by Council Member Buddy Simmons and read and explained by Attorney Kennamer.

JOINT CONSTRUCTION & USE AGREEMENT

Jackson County (Jackson County) and the City of Scottsboro (Scottsboro) mutually enter into this Agreement as follows:

WHEREAS, Jackson County Commission is the governing body of Jackson County, a governmental entity;

WHEREAS, the Scottsboro City Council, is the governing body of the City of Scottsboro, a municipal corporation; and

WHEREAS, each of the parties have heretofore operated or contributed to the operation of an animal control shelter in fulfillment of their respective statutory obligation regarding animal control; and

WHEREAS, the parties have each independently determined that the public interest of their respective jurisdictions would be served by the construction of and continued joint operation of a new animal control facility that will meet the respective statutory obligations and regulatory requirements.

NOW, THEREFORE, the parties hereto, acting by and through their respective governing bodies, agree and contract as follows:

1. The parties shall jointly cause to be constructed an animal control facility on real property owned by Scottsboro, meeting the current state guidelines and regulations. The plans and specifications therefore shall be approved by Scottsboro and Jackson County. Each party shall be obligated to contribute one-half of the total costs of construction and equipping the facility as approved. However, Jackson County's obligation for the construction of the facility shall not exceed the sum of \$225,000, including the value of in-find services.

2. Upon completion of such facility, the same shall be jointly utilized by each of the parties hereto for the purpose of animal control, adoption and euthanization. Each of the parties shall be obligated for 50% of the costs of operating the facility, exclusive of animal control officer's salaries, and shall be allocated on a monthly basis based upon itemized invoices.

3. Each of the parties shall be responsible for providing their own animal control officers and shall be solely responsible for their respective animal control officer's salary, uniforms, vehicles, benefits and expenses. Neither party shall exercise direction or control, nor be responsible for the operation of activities of the other party's animal control officers. Each of the parties hereto shall indemnify and hold harmless the other party for all claims, damages, and costs which they may be determined to be responsible arising out of the actions or lack of actions of their own animal control officer.

4. The operation of the facility, including maintenance, repairs, operating hours and schedule shall be controlled by joint agreement of Jackson County and Scottsboro. In no event shall Jackson County be obligated to pay rent, lease payments or other assessment for use of the facility, except as provided for herein.

5. The Agreement allowing for the joint participation by Scottsboro and Jackson County shall be irrevocable, except upon such terms as are mutually agreeable to both parties as evidenced by appropriate Resolution.

6. The parties shall be jointly responsible for insuring the facility including general liability coverage, in a manner that the parties agree is most economically advantageous. In the event either party hereto shall include the newly constructed facility and general liability therefore as an additional premises or operation under their currently existing policy of insurance, then in such event, the other party shall be named as an additional insured under such policy of insurance. The cost of such insurance shall be included as part of the normal operating cost to be divided as provided for herein.

7. The parties shall have the right to supplement this Agreement from time to time as they may determine to be necessary, by appropriate Resolution of both governing bodies.

8. A copy of the duly adopted Resolution of each respective governing body is attached hereto signifying the authorization to enter into this Agreement.

This Agreement shall be executed by the parties in duplicate with each executed duplicate document being deemed to be an original.

Done this 22nd day of October, 2007.

Motion was made by Council Member Buddy Simmons and seconded by Council Member Matthew Hodges to accept the Joint Construction and Use Agreement for an Animal Shelter and to authorize Mayor Deason and the City Clerk to execute the agreement. Upon vote being taken, all voted aye. The Council President declared the motion carried.

**APPROVAL OF A JOB DESCRIPTION FOR THE
SCOTTSBORO STREET SUPERINTENDENT**

Motion was made by Council Member Terry Thomas and seconded by Council Member Buddy Simmons to approve a job description for the Scottsboro Street Department Superintendent, as presented by the Human Resource Director, Debra Borders. Upon vote being taken, all voted aye. The job description is on file in the City Clerk's office and the Human Resource office. The Council President declared the motion carried.

**ORGANIZATIONAL CHART FOR THE
SOLID WASTE DEPARTMENT APPROVED**

Motion was made by Council Member Terry Thomas and seconded by Council Member Josephine Smith to approve the Organizational Chart for the Solid Waste Department as presented by the Solid Waste Superintendent. During a discussion Council Member Matthew Hodges said he would like to wait, that he wanted to review the chart and job description. Upon vote being taken, all voted aye. The Council President declared the motion carried.

The Council President announced that Rajesh Aggarural had applied for an Alcoholic Beverage License. The Clerk reported that the name of the establishment is Scottsboro Quick Mart located at 2307 South Broad St. The type license applied for is a retail beer/wine off premises license. A personal background investigation was clear. Out of a survey on nine (9) there were three (3) no objections and six (6) no contacts. The nearest church and school met the required distance. The parking, floor space and health requirements did not apply. The license application was in order and the fire, building and zoning verification all comply.

**RESOLUTION TO APPROVE AN ALCOHOLIC BEVERAGE
LICENSE FOR SCOTTSBORO QUICK MART**

BE IT RESOLVED, by the City Council of the City of Scottsboro, Alabama, that the Scottsboro City Council has reviewed the city application for the Scottsboro Quick Mart and finds and determines that a retail beer/wine off premises license is hereby approved on this the 22nd day of October, 2007.

Motion was made by Council Member Buddy Simmons and seconded by Council Member Terry Thomas to approve the above Resolution. Upon vote being taken, all voted aye. The Council President declared the motion carried.

The Council President announced that Rajesh Aggarural had applied for an Alcoholic Beverage License. The Clerk reported that the name of the establishment is Expressway located at 502 West Willow St. The type license applied for is a retail beer/wine off premises license. A personal background investigation was clear. Out of a survey on nine (9) businesses and residences there was one (1) objection, three (3) no objections and five (5) no contacts. The nearest church and school met the required distance. The parking, floor space and health requirements did not apply. The license application was in order and the fire, building and zoning verification all comply.

**RESOLUTION TO APPROVE AN ALCOHOLIC BEVERAGE
LICENSE FOR EXPRESSWAY**

BE IT RESOLVED, by the City Council of the City of Scottsboro, Alabama, that the Scottsboro City Council has reviewed the city application for the Expressway on Willow St. and finds and determines that a retail beer/wine off premises license is hereby approved on this the 22nd day of October, 2007.

Motion was made by Council Member Terry Thomas and seconded by Council Member Buddy Simmons to approve the above Resolution. Upon vote being taken, all voted aye. The Council President declared the motion carried.

The Clerk reported that the Scottsboro City Council approved for the Water, Sewer and Gas Board to use the City's application to file for a CDBG Grant this year.

The Grant was approved for sewer system rehabilitation in the Vann, North Houston and Ponroy neighborhoods.

Since the Grant was applied for in the City's name, proposals were accepted at 9:00 a.m. on October 17, 2007 for Professional Engineering and Administrative Assistance.

I only received one proposal for each the Engineering and Administrative Services.

The Bid Review Committee recommends that the Engineering Services be awarded to Nelson & Company and that the Administrative Assistance be awarded to Morton & Associates. Both companies are familiar with the project.

Upon the recommendation of the Bid Review Committee, motion was made by Council Member Matthew Hodges and seconded by Council Member Buddy Simmons to award the Engineering Service for the CDBG Grant for rehabilitation in the Vann, North Houston and Ponroy neighborhoods to Nelson and Company and the Administrative Assistance to Morton and Associates. Upon vote being taken, all voted aye. The Council President declared the motion carried.

BID OPENING FOR PHYSICAL FITNESS PROGRAM

The Clerk reported that the Bid Review Committee request that due to the way the bid was first written, that the bids for the Physical Fitness Program be rejected and that we be allowed to re-write the bid specifications and re-bid.

Upon the recommendation of the Bid Review Committee, motion was made by Council Member Buddy Simmons and seconded by Council Member Josephine Smith to reject the Physical Fitness Program bids and re-write the bid specifications and re-bid. Upon vote being taken, all voted aye. The Council President declared the motion carried.

TRANSFER OF SOLID WASTE FUNDS

Motion was made by Council Member Terry Thomas and seconded by Council Member Josephine Smith to allow the Solid Waste Supervisor to obtain prices on projects needed by the Solid Waste and to authorize the Finance Director to transfer funds to be utilized for Solid Waste projects needed. Upon vote being taken, all voted aye.

The Council President appointed Council Members Terry Thomas and Matthew Hodges to a committee to obtain a feasibility study on the Bynum Property that had been donated to the City for recreational use. The study should include tennis courts, Miracle League ball field and soccer fields.

A contract between the City and Judicial Correction Services, Inc. was presented to the Council for adoption.

Attorney Steve Kennamer told the Council that the Client Agreement between the City of Scottsboro and the Judicial Correction Services, Inc. was in order.

Motion was made by Council Member Terry Thomas and seconded by Council Member Matthew Hodges to authorize Mayor Deason to sign the Courts Collection Client Agreement at no cost to the City. Upon vote being taken, all voted aye. The Council President declared the motion carried. The Agreement is on file in the City Clerk's office.

The Council President announced that this meeting would be continued until November 5, 2007 and that Thursday November 1st at 3:00 p.m. Budget Hearings would continue.

Mayor Deason reported on the arrival of the troops and the Welcome Home reception they received.

All the Council Members thanked everyone for coming 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 Terry Thomas that the meeting be continued until Monday, November 5, 2007 following the Council Work Session. Upon vote being taken all voted aye.