

**Minutes
Scottsboro City Council
January 14, 2008**

The City Council of the City of Scottsboro, Alabama met in regular session on this the 14th day of January, 2008 in the Council Chambers of Scottsboro City Hall.

The meeting was called to order by the Council President and 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 City 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 adopted as prepared by the Council President.

The Minutes of the November 26, 2007 and December 10, 2007 were read and approved as read.

The Council President stated that this is the date, time and place as advertised for a public hearing for the purpose of hearing input for the rezoning of 76.12 acres located on Veterans Drive adjacent and surrounding The Daily Sentinel Building. The Council President opened the floor for anyone wishing to speak for or in opposition to the rezoning. No one was present to speak in opposition of the rezoning. Dr. Darren Barrilleaux asked the Council to please consider his request to rezone the 76.12 acres from AR (Agriculture-Recreation District) to R-1 (Single Family Residential District) and M-1 (Light Manufacturing District) to officially be zoned P-1 (Planned Unit Development District). There being no one else to speak the Council President closed the public hearing.

The Council President asked the Council to consider an Ordinance to rezone the property being discussed.

ORDINANCE NO. 530

**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 Matthew Hodges and was unanimously carried. Those voting aye being:

Council President:	Keith Smith
Council Members:	Terry Thomas Matthew Hodges Buddy Simmons Josephine Smith
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 Terry Thomas that said Ordinance be now placed upon its final passage and adoption. The motion was seconded by Council Member Matthew Hodges. 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:

Council President:	Keith Smith
Council Members:	Terry Thomas Matthew Hodges Josephine Smith
Those voting nay:	None
Those abstaining:	
Council Member:	Buddy Simmons

The Council President thereupon declared the motion carried and said Ordinance No. 530 passed and was adopted as introduced and read.

The Council President announced that it is now the date, time and place as advertised for a public hearing for the purpose of hearing input for the rezoning of 192.60 acres located on Snodgrass Road at Driftwood Shores. The Clerk reported the request is to change from AR (Agriculture-Recreation District) to R-1 (Single Family Residential District) and M-1 (Light Manufacturing District) that hereafter be P-1 (Planned Unit Development District). The Council President opened the floor for anyone to speak in favor of or in opposition to the rezone change. Mr. Sonny Barnes, Riverside Property, asked the Council to please change the zoning that he had plans for a mixed use community. His plans include Town Houses, individual residences, condos, health club, etc. but no shopping center.

Mr. Don Glassco spoke in opposition of the rezoning. Mr. Glassco presented a petition signed by 23 property owners that opposes the rezoning. Drainage and dumping in the Tennessee River was the biggest complaint. He asked that the zoning stay as it is zone now. The Council asked Mr. Barnes to present a drawing of his plans at the next meeting. There being no one else to speak, the Council President closed the public hearing.

The Council President asked the Council to consider the Ordinance to rezone the property. There was no motion to set the rules aside to adopt the Ordinance. The Council President stated the Ordinance would be voted on at the January 28, 2008 Council Meeting.

BID OPENING FOR TWO VEHICLES FOR THE PLANNING DEPARTMENT

The Clerk reported that on December 17, 2007 the Council approved a total of \$36,640.00 for the Planning Department to order two vehicles.

Upon the request of Mayor Deason and the Planning Department, the Council voted on January 7, 2008 to let local dealers bid on the vehicles.

The bids are as follows:

Harbin Motor Co. – 2 vehicles	\$36,585.00
Hi-Country – 2 vehicles	\$44,398.00
1 @ \$20,499.00 and 1 @ \$23,899.00	

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 for one ½ ton pick up full size cab and one ½ ton pick up full size with extended cab be awarded to Harbin Motor Company as the lowest responsible bidder that met specifications.

Upon vote being taken, the following voted aye. Council Members Buddy Simmons, Terry Thomas, Matthew Hodges and Josephine Smith. Those voting nay: None. Those abstaining: Council President Keith Smith.

ORDINANCE NO. 531

FLOOD DAMAGE PREVENTION ORDINANCE NON-COASTAL/RIVERINE COMMUNITIES

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 Matthew Hodges and was unanimously carried. Those voting aye being:

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

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 Terry Thomas that said Ordinance be now placed upon its final passage and adoption. The motion was seconded by Council Member Matthew Hodges. 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:

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

Those voting nay: None

The Council President thereupon declared the motion carried and said Ordinance No. 531 passed and was adopted as introduced and read.

ORDINANCE NO. 532

AN ORDINANCE PROVIDING FOR THE SEIZURE AND FORFEITURE OF AUTOMOBILES WHERE OPERATORS ARE UNABLE TO PRODUCE A VALID DRIVER'S LICENSE ON THE DEMAND OF A LAW ENFORCEMENT OFFICER

Printed in Ordinance Book No. 4

It was moved by Council Member Josephine Smith 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: Josephine Smith
Buddy Simmons
Terry Thomas
Matthew Hodges

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 Josephine Smith 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:

Council President:	Keith Smith
Council Members:	Josephine Smith Buddy Simmons Terry Thomas Matthew Hodges
Those voting nay:	None

The Council President thereupon declared the motion carried and said Ordinance No. 532 passed and was adopted as introduced and read.

BID OPENING FOR A USED TRUCK CHASSIS FOR THE SOLID WASTE DEPARTMENT

Having requested bids for a used Truck Chassis for the Solid Waste Department, the following was received and opened prior to the Council Meeting.

Southland International	\$32,500.00
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Upon the recommendation of the Bid Review Committee, motion was made by Council Member Buddy Simmons and seconded by Council Member Terry Thomas to award the used truck chassis bid to Southland International as the lowest responsible bidder that met specifications.

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

BID OPENING FOR A NEW REFUSE TRUCK FOR THE SOLID WASTE DEPARTMENT

Having requested bids for a new Refuse Truck for the Solid Waste Department, the following were received and opened prior to the Council Meeting.

Ingram Equipment Co.	\$204,352.00
Long Lewis Sterling	\$213,829.50

Upon the recommendation of the Bid Review Committee, motion was made by Council Member Josephine Smith and seconded by Council Member Buddy Simmons to award the new refuse truck bid to Ingram Equipment Co. as the lowest responsible bidder that met specifications.

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

BID OPENING FOR A FILTRATION SYSTEM FOR THE REC COM POOL

Having requested bids for a filtration system for the Rec Com Pool, the following was received and opened prior to the Council Meeting.

Duffield Aquatics, Inc.	\$36,412.50
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The Clerk reported that the Recreation Department only has a budget of \$23,000.00 for the filter system, this budget request was based on a quote of the filter only, it did not include labor to install.

Upon the recommendation of the Bid Review Committee, motion was made by Council Member Terry Thomas and seconded by Council Member Buddy Simmons to reject the bid and allow the Recreation Director to negotiate on the price of installation with Duffield Aquatics as they were the only bidder. Upon vote being taken, all voted aye. The Council President declared the motion carried.

**BUDGET AMENDMENT FOR OFFICE FURNITURE FOR
THE ASSISTANT CITY CLERK**

The Clerk reported that furniture and equipment needed to set up an office for the Assistant Clerk was \$3500.00 as follows:

Desk with Arm	\$ 700.00
Chair	\$ 200.00
Computer	\$1000.00
Key Board	\$ 80.00
Printer	\$ 400.00
Label Maker	\$ 250.00
Scanner	\$ 600.00
Total	\$3500.00

Motion was made by Council Member Josephine Smith and seconded by Council Member Terry Thomas to amend the budget in the amount of \$3500.00 to buy furniture and equipment for the Assistant City Clerk. Upon vote being taken, all voted aye. The Council President declared the motion carried.

The following Resolution was introduced by Council Member Buddy Simmons and read in full by the Clerk.

RESOLUTION

WHEREAS, the City of Scottsboro, Alabama, has certain items of personal property which are no longer needed for public or municipal purposes; and

WHEREAS, Section 11-43-56 of the Alabama Code of 1975 authorizes the municipal governing body to dispose of unneeded personal property;

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

Section 1. That the following personal property owned by the City of Scottsboro, Alabama is not needed for public or municipal purposes:

- A. 1993 Chevrolet Caprice
- B. Fujitsu M40970 Scanner

Section 2. That the Mayor and City Clerk and they hereby are, authorized and directed to dispose of the property owned by the City of Scottsboro, Alabama, described in Section 1 above, by placing on Gov Deals for building a storage room upstairs at City Hall.

Section 3. That funds received from the sale of the above items be placed in the General Administration's capitol outlay.

ADOPTED AND APPROVED THIS THE 14TH DAY OF JANUARY, 2008.

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

**BY LAWS OF THE CITY OF SCOTTSBORO
PARKS AND RECREATION ADVISORY BOARD**

The following By Laws were introduced for adoption by Council Member Terry Thomas:

**CITY OF SCOTTSBORO PARKS AND RECREATION
ADVISORY BOARD**

BY-LAWS

I. CREATION

The Scottsboro Parks and Recreation Advisory Board was established by City Council of Scottsboro to advocate for recreational opportunities in the City of Scottsboro.

II. NAME

Title name of this organization is the Scottsboro Parks and Recreation Advisory Board hereinafter referred to as the Advisory Board.

III. PURPOSE

The Advisory Board exists to aid the Scottsboro Parks and Recreation Department in providing ample and diverse recreational program opportunities for City residents, by advising the City Council, through the Director of Parks and Recreation. The Advisory Board shall consult with and advise the Parks and Recreation Director in matters affecting recreation programs and its long range projected programs for recreation. The Advisory Board has no legal authority or responsibility for policymaking or administrative control unless established through local ordinances and resolutions.

IV. MEMBERSHIP

Each Scottsboro City Council member shall make one appointment and the Mayor shall make two (2) appointments to the Advisory Board, who shall be chosen from the citizens of Scottsboro. Each Advisory Board member's term shall run consecutive with his or her appointee. If the appointee is re-elected they have the option either to re-appoint or appoint a new member to the Advisory Board. Members shall serve no more than two (2) consecutive terms.

The Director of Parks and Recreation and Assistant Director of Parks and Recreation or their designee shall serve as non-voting, Ex-Officio members of the Board.

The Committee shall consist of seven (7) appointed members and two (2) Ex Officio members.

The City Council may, without consent of the Advisory Board, or on recommendation of the Advisory Board, remove any member of the Advisory Board deemed appropriate.

Advisory Board members absent from three (3) consecutive scheduled meetings shall be automatically terminated.

V. ORGANIZATION

The Advisory Board membership shall elect a Chairperson who will serve for one (1) year. The Chairperson shall appoint a Vice-Chairperson and a Secretary, who will serve for one (1) year.

Regular meetings shall be held monthly at a time and place agreed on by the Advisory Board.

The Director of Parks and Recreation and/or Assistant Director of Parks and Recreation or designee shall attend all meetings. Their purpose is to aid the Advisory Board with information relating to recreational programs.

VI. MEETINGS

A minimum of twelve (12) regular meetings shall be scheduled annually at a time and place agreed upon by the Advisory Board. These meetings shall last a maximum of ninety minutes.

The Chairperson or the Parks and Recreation Director may call special meetings as needed. A minimum notice of forty-eight hours must be provided for any called special meetings.

A quorum shall exist when four (4) of the appointed membership is present.

Advisory Board Secretary shall be responsible for recording minutes and preparing the agenda for all meetings.

Voting will be by voice vote. No voting by proxy.

Formal agenda items must be submitted to the Advisory Board Secretary by 12:00 noon on scheduled meeting date.

Meeting Procedure: The parliamentary procedure for meeting and operations of the Committee shall be the responsibility of and within the authority of the Chairperson. In the event there is a disagreement or objection to the procedures pursued by the Chairperson, Roberts Rule of Order, Newly Revised, shall constitute the authority.

VII. AMENDMENTS

Modification of these By-Laws must be approved by the City Council before they become effective.

The procedure to recommend modification of these By-Laws to the City Council shall be:

All recommended modifications are to be presented and discussed at a regularly scheduled Advisory Board meeting; recommendations to the City Council may be made at the same meeting if consensus is reached.

A majority vote of the Advisory Committee membership is necessary to recommend a change in the By-Laws.

Motion was made by Council Member Terry Thomas and seconded by Council Member Josephine Smith to adopt the above By-Laws. On vote being taken, all voted aye. The Council President declared the motion carried.

COMPUTER BACK UP INFORMATION

Motion was made by Council Member Josephine Smith and seconded by Council Member Terry Thomas to place Finance Director Rick Wheeler in charge of all municipal back up equipment of computer information and the storage thereof. Upon vote being taken, all voted aye. The Council President declared the motion carried.

The Council President reported that it is now time to consider an appointment to the Street Superintendent. He then read a letter from Eddie Blizzard who had applied for the position of Street Superintendent.

Mr. Blizzard stated that “with all due respect to the City Council, at this time I would like to withdraw by name from consideration for the job of Street Superintendent. I have also asked my attorney not to pursue the charge of “Breach of Contract” levied against the City of Scottsboro any further.

The Council President asked for nominations for Street Superintendent.

Motion was made by Council Member Matthew Hodges to allow the Mayor additional time and to table the appointment. Mr. Hodges motion died for a lack of a second.

Council Member Terry Thomas nominated Ronnie Dolberry as Street Superintendent. There being no other nominations the following voted aye to appoint Ronnie Dolberry as Street Superintendent: Council President Keith Smith, Council Members Terry Thomas, Matthew Hodges, Josephine Smith and Buddy Simmons. Those voting nay: None. The Council President declared Ronnie Dolberry appointed as Street Superintendent. He stated this is Government in action.

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