

**Minutes
Scottsboro City Council
February 23, 2009**

The City Council of the City of Scottsboro, Alabama met in regular session on February 23, 2009 in the Gail J. Duffey Auditorium of Scottsboro City Hall.

The meeting was called to order by Council President Matthew Hodges and the roll was called with the following results:

Present:	Council President:	Matthew Hodges
	Council Members:	Terry Thomas Thermon Bell Gary Speers Keith Smith
Absent:	None	

City Clerk Cathy O'Shields, City Attorney Stephen Kennamer were also in attendance. The Mayor was in Washington, D.C. on business.

The Council President stated a quorum was present and announced that the meeting was open for transaction of business.

A motion was made by Council Member Gary Speers and seconded by Council Member Thermon Bell to adopt the Agenda as prepared by the Council President, City Clerk and Mayor.

A motion to approve the minutes of February 09, 2009 as prepared by City Clerk Cathy O'Shields was made by Council Member Thermon Bell and seconded by Council Member Gary Speers. All voted aye. The Council President declared the minutes adopted.

PUBLIC HEARING CONCERNING REZONING
GOOSEPOND ISLAND PROPERTY

Council President, Matthew Hodges opened the floor for those who wish to speak against or in favor of the rezoning of 92 acres located at Goosepond Island from an R-1 (residential district) to an M-1 (light manufacturing district).

The first to speak against the rezoning was Mrs. Linda Green. She felt there were two critical areas that were not addressed in the M-1 Zoning with protective covenants. The first was the sound levels as measured at the boundary adjoining any property zoned as residential. She wanted the covenants to state the sound levels shall not exceed 70db(A) utilizing generally accepted methods of measurement and also that outdoor lighting shall not emit fugitive light onto adjoining residential premises exceeding 1 foot candle as measured at ground level, utilizing generally accepted methods of measurement. The second area of concern was wording of prohibited and permitted uses of the covenants. She added additional restrictions on the prohibited list and wanted a paragraph removed from the permitted uses. She was also concerned as to who would be responsible for the enforcement of the Ordinance.

Mr. George Lewis made a few comments in support of the rezoning. At the end of Mr. Lewis comments the Council President then closed the Public Hearing.

CONSIDER THE ADOPTION OF THE ZONING ORDINANCE

Council President, Matthew Hodges than called for a motion to accept or reject the Zoning Ordinance with protective covenants. Council Member Thermon Bell made the motion to approve the Ordinance with its protective covenants. Council Member Gary Speers seconded the motion. The Council President than called for a discussion from each Council Member.

The discussion period was used to address the changes that Mrs. Green had suggested in the protective covenants.

Council Member Thermon Bell began with a statement that he felt like a noise level of less than 70db (decibels) would be adequate protection on the excessive noise issue. Council Member Gary Speers asked what does 70db (decibels) noise level equate too? Mrs. Green stated that the average conversation between people averages 60db and the overall average of factory noise level is 75db therefore, they chose 70db (decibels) by the time the noise reaches the boundary line of the business and residential land. It was established by the Council that the cities interpretation of excessive noise level in the M-1 restrictions and protective covenants would be any noise over the 70db (decibels) at the boundary lines.

Council Member Thermon Bell asked Attorney Kennamer about item four (4) under the prohibited covenants concerning animal slaughtering, raising, or live animal processing of any kind. Would not the M-1 zoning restrictions prohibit this anyway? Attorney Kennamer stated that the M-1 restrictions all apply and then the protective covenants are supplements to the M-1 restrictions, not to lessen the M-1 restrictions but to supplement and add additional protections.

Council Member Gary Speers asked would our zoning laws that are in effect now control the intermingling of M-1 and M-2. Attorney Kennamer responded yes. Council Member Keith Smith asked if someone violated one of the restrictions who would be responsible for enforcement of the Ordinance restrictions. Attorney Kennamer responded that it would first be the Executive Branch of the City, namely the Mayor and City Council. He also said he felt that the neighborhood associations and citizens affected could play a roll if the City's Executive Branch did not take affirmative action.

Council Member Bell questioned the subdividing or re-subdividing of the real estate involved at which Attorney Kennamer stated that five (5) acres or more can not be subdivided or re-subdivided without going to the proper city board and application made by the property owners. He stated that the burden of the restrictive covenants running with the land is shown in Section 1 of the amendment to the City's Zoning Ordinance.

Attorney Kennamer also addressed the issue of " these restrictions may not be waived, altered, modified or changed" language. He stated that there is nothing that a Legislative Body can do that can not be waived, altered, modified or changed by another Legislative Body in the future, but it would require notifications and public hearings to make any changes.

Council President, Matthew Hodges made the final call for comments then called for a roll call vote. The voting results are as follows:

Council President	Matthew Hodges	Yes
Council Member	Thermon Bell	Yes
Council Member	Keith Smith	No
Council Member	Gary Speers	Yes
Council Member	Terry Thomas	No

Council President, Matthew Hodges then declared the motion passed by a 3 to 2 vote. The Amending Zoning Ordinance No. 546 passed and was adopted as introduced and is recorded in Ordinance Book number 6.

APPOINTMENT OF AIRPORT DIRECTOR

Mayor Potter recommended to the Council that Elbert Daugherty be appointed as Airport Director for the period of time remaining on the current four year term to expire in November 2012.

Council Member Terry Thomas made the motion to approve Mr. Daugherty as Director and Council Member Thermon Bell seconded the motion. Upon vote being taken all voted aye. The Council President declared the motion carried.

THREE (3) APPOINTMENTS TO TREE COMMISSION

The terms of Elbert Beard, Arlene Grede and Joe Rodgers expires this month on the Tree Commission. All three have requested to be re-appointed and all three have been recommended by the Tree Commission.

Council Member Gary Speers made the motion to re-appoint all three members to the Tree Commission. The motion was seconded by Council Member Thermon Bell. Upon vote being taken all voted aye. The Council President declared the motion carried.

ANNOUNCE A VACANCY ON THE PORT AUTHORITY

The City Clerk announced that the term of Chuck Abercrombie has expired on the Port Authority. This is a five (5) year appointment to expire in 2014. If anyone is interested in serving on this board to submit in writing a request by 12:00 noon on Thursday, March 19th to the clerk's office.

Council Member Gary Speers asked what is the Port Authority. Attorney Kennamer explained several years ago Attorney Lee help set up the Port Authority to work with the Madison County Port Authority in hopes of setting something up which has not evolved, but the Authority carries legal weight and can work on grants involving river traffic on the Tennessee River.

CONSIDER A LIQUOR APPLICATION FOR PAMELA SMITH

Revenue Officer, Shane McLemore presented to the Council the application from Ms. Pamela Smith applying for a Lounge (not in connection with hotel, motel, or restaurant) liquor licenses. The business name is Scottsboro Wild Horse Saloon located at 3502 South Broad Street formally known as Rock and Country. The application was in order and met the City's requirements pending final inspection.

Council President Matthew Hodges called for a public hearing for anyone to speak in favor or against the licenses. No one came forward, thus the public hearing was closed, and the Council President called for a motion.

Council Member Terry Thomas made the motion to approve the licenses and Council Member Thermon Bell seconded.

Council Member Gary Speers was uncomfortable with the name of Scottsboro Wild Horse Saloon. He did not think it appropriate for Scottsboro to be attached to Wild Horse Saloon. Attorney Kennamer explained that from a stand point we have no legal right to demand Scottsboro be dropped from the name. Council Member Keith Smith requested that we start requiring all licensees to appear at a work session to discuss their applications. Council President, Matthew Hodges told Council Member Speers that he could make a motion to table the item to give the opportunity to Ms. Smith to come to the work session to discuss the issue. With that Council Member Gary Speers made the motion to table the approval of the liquor licenses. Council Member Keith Smith seconded the motion. Upon vote being taken all voted aye. The Council President declared the item tabled.

**CONSIDER A LIQUOR LICENSE FOR
CHARLES (VON) HAM**

Revenue Officer, Shane McLemore presented to the Council the application of Charles L. (Von) Ham for a retail beer/wine off premise liquor licenses. The establishment is Eastside Quickmart located at 1007 East Willow Street next to the Liberty Restaurant. The applicant met all of the City's requirements.

The Council President called for a public hearing for anyone to speak against or in favor of the liquor licenses being issued. No one came forward, thus the Council President closed the public hearing and called for a motion.

Council Member Thermon Bell made the motion to approve Mr. Ham's application for a beer/wine off premise licenses. The motion was seconded by Council Member Gary Speers. Upon vote being taken all voted aye. The Council President declared the licenses approved.

BID OPENING FOR FIRE DEPARTMENT VEHICLE

The City of Scottsboro requested bids on a pickup truck for the Fire Department with the following results: Posted 1 – Mailed 3 – Received 3.

1. Harbin Ford	\$22,904.00
2. High Country	\$29,916.98
3. Avery Ford	\$24,974.00

The Bid Review Committee made the recommendation that Harbin Motor Company be awarded the 2009 Ford Pickup truck bid as the lowest responsible bidder that met specifications.

Council Member Terry Thomas made the motion to award the bid to Harbin Ford and Council Member Gary Speers seconded the motion. Upon vote being taken there were four (4) ayes. Council Member Keith Smith abstained due to relatives working for Ford. Matthew Hodges, Council President, declared the motion carried.

BID OPENING FOR LANDFILL

The City of Scottsboro requested bids on a used compactor for the landfill division of Solid Waste with the following results: Posted 1 – Mailed 5 – Received 2.

1. Tractor & Equipment	\$206,000.00
2. C & K Equipment	\$229,500.00

The Bid Review Committee recommended that the bid be awarded to Tractor and Equipment for the sum of \$206,000.00 for the compactor as the lowest responsible bidder that met specifications.

Council Member Thermon Bell made the motion to award the bid to Tractor and Equipment and Council Member Terry Thomas seconded the motion. Upon vote being taken all voted aye. The Council President declared the motion carried.

**BID OPENING FOR UNIFORMS FOR
CITY EMPLOYEES**

The City of Scottsboro requested bids on uniforms for the City's employees at the Cemetery, Street, Landfill, Solid Waste, Rec Com and Planning Department with the following results: Posted 1 – Mailed 6 – Received 3

		Cintas	Ameripride	Aramark
Weekly Uniforms	\$	14.36	11.10	11.25
Towels, dust mops		11.08	9.92	9.16
Mats		13.70	8.80	11.25

*A complete breakdown per items is on file with the City Clerk.

It was recommended by the Bid Review Committee that Ameripride be awarded the uniform bid as the overall lowest bidder that met specifications.

Council Member Terry Thomas made the motion to award the bid to Ameripride. The motion was seconded by Council Member Thermon Bell . Upon vote being taken all voted aye. The Council President declared the motion carried.

ANNOUNCEMENTS AND REPORTS

Council Member Gary Speers announced that Saturday, February 28th at 6:00 p.m. at the Rec Com will be the Black History Rally. There will be special guest speakers and performing groups.

Council Member Terry Thomas also supported the Black History event and stated there will be interesting speaker for the youth. He also stated he had carefully considered his vote on the Goosepond rezoning and he realized that not everyone can be pleased with his decision but he stood by his decision.

Council President Matthew Hodges reminded everyone of the pancake breakfast and chili challenge which will be this weekend.

There being no further business to come before the Council, Council Member Keith Smith made the motion to adjourn. Council Member Terry Thomas seconded the motion. The meeting was adjourned.

Prepared by: Cathy O'Shields
Approved: March 9, 2009

ATTEST:

/s/ Cathy O'Shields
City Clerk, Cathy O'Shields

/s/ Matthew Hodges
Council President, Matthew Hodges

/s/ Melton Potter
Mayor, Melton Potter