

CITY HALL, DECATUR, ALABAMA, DECEMBER 17, 2012 – WORK SESSION

The members of the City Council of the City of Decatur, Alabama met on December 17, 2012 at 9:30 a.m. on the 7<sup>th</sup> floor of City Hall, with Council President Hammon presiding.

The following members were present: Hammon, Anders, Jackson, Kirby and Ard

Also present were Mayor Don Kyle, City Attorney Herman Marks, City Clerk-Treasurer Stacy Gilley and Assistant City Attorney, Chip Alexander.

Council reviewed the agenda for the December 17, 2012 City Council meeting.

The meeting adjourned at 9:47 a.m.

MINUTES  
Of The  
Decatur City Council Meeting  
Held On  
December 17, 2012  
10:00 A.M.

The Decatur City Council met in regular session on Monday, December 17, 2012 at 10:00 a.m. in the Council Chambers of the Decatur City Hall located at 402 Lee Street, Decatur, Alabama.

Noting that a quorum was present the meeting was called to order at 10:00 a.m. by Council President Hammon

Council Member Kirby provided the invocation and led the Pledge of Allegiance.

**ELECTED GOVERNING OFFICIALS IN ATTENDANCE:**

Roll call of Elected Governing Officials was conducted by City Clerk-Treasurer Stacy A. Gilley and recorded as follows:

Council President, Gary Hammon	Present
Council Member, Roger Anders	Present
Council Member, Billy Jackson	Present
Council Member, Charles Kirby	Present
Council Member, Chuck Ard	Present

**PRESENTATION:**

Council President Hammon noted that Superintendent Ed Nichols, School Board Member Donnie Lane and Karen Duke were in attendance at the meeting today. Superintendent Nichols wanted to thank Jeff Dunlap and his department for all their hard work. He also stated he met with Chief Taylor yesterday on how to avoid a crisis like the one that occurred in New Town, CT. Dr. Nichols was thankful for having a partnership with the First Responders in Decatur and Council.

**APPROVAL OF MINUTES:**

The following minutes were approved by unanimous consent:

- A. December 4, 2012 – Work Session
- B. December 4, 2012 – Regular Meeting
- C. December 4, 2012 – Special Called Work Session
- D. December 10, 2012 – Work Session

**APPROVE NOVEMBER, 2012 BILLS**

Council Member Kirby moved to approve the November, 2012 Bills. Council Member Anders seconded. The vote was recorded as follows:

AYES: Hammon, Anders, Jackson, Kirby and Ard

NAYS: None

**RESOLUTION NO. 12-433 - PROTECTIVE COVENANTS FOR THE SEVILLE SUBDIVISION**

Council Member Jackson motioned to approve Resolution No. 12-433. Council Member Kirby seconded. The vote was recorded as follows:

AYES: Hammon, Anders, Jackson, Kirby and Ard

NAYS: None

Motion carried.

**RESOLUTION NO. 12-434: VACATION REQUEST #474-12: A PORTION OF A D.U.T. EASEMENT AND RIGHTS-OF-WAY KNOWN AS 2520 CHAPEL HILL ROAD SW, GOOCH PROPERTY**

Council Member Ard motioned to approve Resolution No. 12-434. Council Member Kirby seconded. The vote was recorded as follows:

AYES: Hammon, Anders, Jackson, Kirby and Ard

NAYS: None

Motion carried.

**RESOLUTION NO. 12-435 - AMEND 2012 CAPITAL FUND (061) BUDGET**

Council Member Anders motioned to approve Resolution No. 12-435. Council Member Kirby seconded. The vote was recorded as follows:

AYES: Hammon, Anders, Jackson, Kirby and Ard

NAYS: None

Motion carried.

**RESOLUTION NO. 12-436 - ADOPT 2013 BUDGETS: GAS TAX FUNDS (002 & 003) HERITAGE TRUST FUND (005) CAPITAL FUND (061)**

Council Member Kirby motioned to approve Resolution No. 12-436. Council Member Anders seconded. The vote was recorded as follows:

AYES: Hammon, Anders, Jackson, Kirby and Ard

NAYS: None

Motion carried.

**RESOLUTION NO. 12-437 - AUTHORIZE MAYOR TO SIGN NEW FIVE-YEAR POWER SUPPLY CONTRACT BETWEEN GENERAL ELECTRIC COMPANY AND CITY OF DECATUR**

Council Member Anders motioned to approve Resolution No. 12-437. Council Member Ard seconded. The vote was recorded as follows:

AYES: Hammon, Anders, Jackson, Kirby and Ard  
NAYS: None

Motion carried.

**RESOLUTION NO. 12-438 - AUTHORIZE MAYOR TO SIGN A NEW POWER SUPPLY CONTRACT BETWEEN AIR PRODUCTS AND CHEMICALS, INC. AND THE CITY OF DECATUR FOR 16,000KW OF ELECTRIC POWER**

Council Member Kirby motioned to approve Resolution No. 12-438. Council Member Anders seconded. The vote was recorded as follows:

AYES: Hammon, Anders, Jackson, Kirby and Ard  
NAYS: None

Motion carried.

**RESOLUTION NO. 12-439 - APPROVE MUB EXPENDITURE OF \$190,000 TO CONVERT TWO DISTRIBUTION CIRCUITS FROM 4KV TO 12KV**

Council Member Kirby motioned to approve Resolution No. 12-439. Council Member Ard seconded. The vote was recorded as follows:

AYES: Hammon, Anders, Jackson, Kirby and Ard  
NAYS: None

Motion carried.

**RESOLUTION NO. 12-440 - APPROVE MUB EXPENDITURE OF \$250,000 TO REPLACE AGING EQUIPMENT AT THE WALLACE SUBSTATION**

Council Member Anders motioned to approve Resolution No. 12-440. Council Member Ard seconded. The vote was recorded as follows:

AYES: Hammon, Anders, Jackson, Kirby and Ard  
NAYS: None

Motion carried.

**RESOLUTION NO. 12-441 - SPECIAL USE PERMIT FOR 401 MCENTIRE LANE REQUEST BY T-MOBILE**

Council Member Kirby motioned to approve Resolution No. 12-441. Council Member Anders seconded. The vote was recorded as follows:

AYES: Hammon, Anders, Jackson, Kirby and Ard

NAYS: None

Motion carried.

**RESOLUTION NO. 12-442 - SPECIAL USE PERMIT FOR 1101 PROSPECT DRIVE SE BY T-MOBILE**

Council Member Kirby motioned to approve Resolution No. 12-442. Council Member Ard seconded. The vote was recorded as follows:

AYES: Hammon, Anders, Jackson, Kirby and Ard

NAYS: None

Motion carried.

**PUBLIC HEARINGS:**

**RESOLUTION NO. 12-443: SPECIAL RETAIL LIQUOR LICENSE FOR INGALLS ENTERTAINMENT INC. D/B/A THE MAGNOLIA ROOM LOCATED AT 216 MOULTON STREET EAST**

Council President Hammon opened the public hearing and having no comments the hearing was closed.

Council Member Kirby motioned to approve Resolution No. 12-443. Council Member Ard seconded. The vote was recorded as follows:

AYES: Hammon, Anders, Jackson, Kirby and Ard

NAYS: None

Motion carried.

**RESOLUTION NO. 12-444: RETAIL BEER & WINE OFF-PREMISE LICENSE BELLE FOODS, LLC D/B/A FOOD WORLD #131 LOCATED AT 1652 BELTLINE ROAD SW**

Council President Hammon opened the public hearing and having no comments the hearing was closed.

Council Member Anders motioned to approve Resolution No. 12-444. Council Member Ard seconded. The vote was recorded as follows:

AYES: Hammon, Anders, Jackson, Kirby and Ard  
NAYS: None

Motion carried.

**RESOLUTION NO. 12-445 - RETAIL BEER & WINE OFF-PREMISE LICENSE FOR BELLE FOODS, LLC  
D/B/A FOOD WORLD #233 LOCATED AT 2019 6<sup>TH</sup> AVENUE SE, SUITE 18**

Council President Hammon opened the public hearing and having no comments the hearing was closed.

Council Member Ard motioned to approve Resolution No. 12-445. Council Member Anders seconded. The vote was recorded as follows:

AYES: Hammon, Anders, Jackson, Kirby and Ard  
NAYS: None

Motion carried.

**RESOLUTION NO. 12-446 - AUTHORIZE MAYOR TO ACCEPT REVISED PROPOSAL OF GRESHAM  
SMITH AND PARTNERS REGARDING SPRING AVENUE PROJECT (ALDOT PROJECT NO. STPOAA-  
9215(003) ADDITIONAL LANES)**

City Engineer, Mark Petersohn stated the Gresham Smith and Partners scope of work includes revision of the construction plans to meet FHWA requirements, including but not limited to allowing for modifications of the recoverable slope outside of the travel lanes to meet clear zone requirements (to the extent possible to minimize guardrail) the addition of a parallel pedestrian/bike facility and preparation of necessary track sketches for additional right-of way.

Council Member Kirby motioned to approve Resolution No. 12-446. Council Member Ard seconded. The vote was recorded as follows:

AYES: Hammon, Anders, Jackson, Kirby and Ard  
NAYS: None

Motion carried.

**RESOLUTION NO. 12-447- RETAIL BEER & WINE OFF-PREMISE FOR SAIKRIPA INC. D/B/A THE  
PIT STOP # 2 LOCATED AT 5006 HIGHWAY 31 SOUTH**

Council President Hammon opened the public hearing and having no comments the hearing was closed.

Council Member Kirby motioned to approve Resolution No. 12-447. Council Member Ard seconded. The vote was recorded as follows:

AYES: Hammon, Anders, Jackson, Kirby and Ard  
NAYS: None

Motion carried.

**RESOLUTION NO. 12-448 - AUTHORIZE MAYOR TO EXECUTE AMENDMENT TO  
THE L & N TRAIN DEPOT REAL ESTATE SALES CONTRACT**

Council Member Anders motioned to approve Resolution No. 12-448. Council Member Ard seconded. The vote was recorded as follows:

AYES: Hammon, Anders, Jackson, Kirby and Ard  
NAYS: None

Motion carried.

**BOARD APPOINTMENTS:**

Parks and Recreation – Tab Bowling (Term Expires 12/31/13)

Council Member Anders motioned to appoint Tab Bowling to the Parks and Recreation Board. Council Member Kirby seconded. The vote was recorded as follows:

AYES: Hammon, Anders, Jackson, Kirby and Ard  
NAYS: None

Motion carried.

Parks and Recreation – Ronnie Dukes (Term Expires 12/31/16)

Council Member Kirby motioned to appoint Ronnie Dukes to the Parks and Recreation Board. Council Member Ard seconded. The vote was recorded as follows:

AYES: Hammon, Anders, Jackson, Kirby and Ard  
NAYS: None

Motion carried.

Having no further business the meeting adjourned at 10:42 a.m.

MINUTES  
OF A  
SPECIAL CALLED MEETING  
OF THE CITY COUNCIL  
OF THE CITY OF DECATUR, ALABAMA  
DECEMBER 20, 2012

The City Council of the City of Decatur met in a special called session at City Hall in the City of Decatur on Thursday the 20<sup>th</sup> day of December, 2012. Prior to the meeting being called to order, a Waiver of Notice was signed by all council members in attendance.

The advertised purpose of the meeting was to address contracts for the MUB and any other business Council deems necessary.

Noting that a quorum was present, the meeting was called to order at 2:00 p.m. by Council President Hammon.

Council President Hammon provided the invocation and led the Pledge of Allegiance.

ELECTED GOVERNING OFFICIALS IN ATTENDANCE;

Roll call of Elected Governing Officials was conducted by City Clerk-Treasurer Stacy A. Gilley and recorded as follows:

Council President, Gary Hammon	Present
Council Member, Roger Anders	Present
Council Member, Billy Jackson	Absent
Council Member, Charles Kirby	Present
Council Member, Chuck Ard	Present

**RESOLUTION NO. 12-449- AUTHORIZE THE MAYOR TO EXECUTE A TWO-PARTY AGREEMENT WITH TVA FOR DELIVERY OF 6,750 KW OF 5 MINUTE RESPONSE INTERRUPTIBLE POWER TO GE**

Council Member Anders moved to approve Resolution No. 12-449. Council Member Ard seconded. The vote was recorded as follows:

AYES: Hammon, Anders, Kirby and Ard  
NAYS: None



Motion carried.

**RESOLUTION NO. 12-450 - AUTHORIZE THE MAYOR TO EXECUTE A TRI-PARTY AGREEMENT WITH GE AND TVA ALLOWING GE TO DESIGNATE 6,750 KW OF ITS 13,500 KW ELECTRICITY SUPPLY AS 5 MINUTE RESPONSE INTERRUPTIBLE POWER**

Council Member Ard moved to approve Resolution No. 12-440. Council Member Anders seconded. The vote was recorded as follows:

AYES: Hammon, Anders, Kirby and Ard

NAYS: None

Motion carried.

**RESOLUTION NO. 12-451- AUTHORIZE THE MAYOR TO EXECUTE A TWO-PARTY AGREEMENT WITH TVA FOR DELIVERY OF 15,500 KW OF 5 MINUTE RESPONSE INTERRUPTIBLE POWER TO AIR PRODUCTS AND CHEMICALS, INC.**

Council Member Anders moved to approve Resolution No. 12-451. Council Member Ard seconded. The vote was recorded as follows:

AYES: Hammon, Anders, Kirby and Ard

NAYS: None

Motion carried.

**RESOLUTION NO. 12-452 -AUTHORIZE THE MAYOR TO EXECUTE A TRI-PARTY AGREEMENT WITH AIR PRODUCTS AND CHEMICALS, INC. AND TVA ALLOWING AIR PRODUCTS AND CHEMICALS, INC. TO DESIGNATE 15,500 KW OF ITS 16,000 KW ELECTRICITY SUPPLY AS 5 MINUTE RESPONSE INTERRUPTIBLE POWER**

Council Member Kirby moved to approve Resolution No. 12-452. Council Member Anders seconded. The vote was recorded as follows:

AYES: Hammon, Anders, Kirby and Ard

NAYS: None

Motion carried.

Having no further business the meeting was adjourned at 2:03 p.m.