

CITY HALL, DECATUR, ALABAMA, FEBRUARY 25, 2013 – WORK SESSION

The members of the City Council of the City of Decatur, Alabama met on February 25, 2013 at 5:00 p.m. on the 7th floor of City Hall, with Council President Hammon presiding.

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

Also present were City Attorney Herman Marks, City Clerk Stacy Gilley and Assistant City Attorney, Chip Alexander.

Council reviewed the agenda for the March 4, 2013 City Council meeting.

The meeting adjourned at 5:57 p.m.

MINUTES
OF A
SPECIAL CALLED MEETING
OF THE CITY COUNCIL
OF THE CITY OF DECATUR, ALABAMA
FEBRUARY 25, 2013

The City Council of the City of Decatur met in a special called session at City Hall in the City of Decatur on Monday the 25th day of February, 2013. Prior to the meeting being called to order, a Waiver of Notice was signed by all council members in attendance.

Noting that a quorum was present, the meeting was called to order at 6:01 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	Present
Council Member, Charles Kirby	Present
Council Member, Chuck Ard	Present

RESOLUTION NO. 13-056 - SUPPORT OF DEVELOPMENT OF THE HIGHWAY 20 CORRIDOR

Council Member Anders motioned to approve Resolution No. 13-056. 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 was adjourned at 6:08 p.m.

Minutes dated February 25, 2013 read, approved, and adopted on March 18, 2013.

CITY HALL, DECATUR, ALABAMA, MARCH 4, 2013 – WORK SESSION

The members of the City Council of the City of Decatur, Alabama met on March 4, 2013 at 5:30 p.m. on the 7th floor of City Hall, with Council President Hammon presiding.

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

Also present were City Attorney Herman Marks, City Clerk Stacy Gilley and Assistant City Attorney, Chip Alexander.

Council reviewed the agenda for the March 4, 2013 City Council meeting.

The meeting adjourned at 5:36 p.m.

**MINUTES
OF A
REGULAR MEETING
OF THE CITY COUNCIL OF THE
CITY OF DECATUR, ALABAMA
FEBRUARY 18, 2013**

The Decatur City Council met in regular session on Monday, February 18, 2013 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 Ard provided the invocation and led the Pledge of Allegiance.

APPROVAL OF MINUTES:

The following minutes were approved by unanimous consent.

- A. January 28, 2013 – Work Session
- B. February 4, 2013 – Work Session
- C. February 4, 2013 – Regular Meeting
- D. February 11, 2013 – Work Session

APPROVAL OF JANUARY, 2013 BILLS

Council Member Anders moved to approve January, 2013 bills. Council Member Ard seconded. The vote was recorded as follows:

AYES: Hammon, Anders, Jackson, Kirby and Ard

NAYS: None

Motion carried.

**RESOLUTION NO. 13-034 – APPROVE EXPENDITURE TO JIM HALL
ACOUSTICS RESEARCH IN THE AMOUNT OF \$36,486 FOR SERVICES
AT INGALLS HARBOR PAVILION (TO BE PAID FROM 010-042-590-92)**

Council Member Anders moved to approve Resolution No. 13-034. Council Member Ard seconded. The vote was recorded as follows:

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AYES: Hammon, Anders, Jackson, Kirby and Ard

NAYS: None

Motion carried.

**RESOLUTION NO. 13-035 - SPECIAL USE PERMIT LOCATED
AT 703-A 5TH AVENUE SW REQUEST BY: T-MOBILE**

Council Member Kirby moved to approve Resolution No. 13-035. Council Member Anders seconded. The vote was recorded as follows:

AYES: Hammon, Anders, Jackson, Kirby and Ard

NAYS: None

Motion carried.

**RESOLUTION NO. 13-036 - SPECIAL USE PERMIT LOCATED
105-T 14TH STREET REQUEST BY: T-MOBILE**

Council Member Anders moved to approve Resolution No. 13-036. Council Member Kirby seconded. The vote was recorded as follows:

AYES: Hammon, Anders, Jackson, Kirby and Ard

NAYS: None

Motion carried.

**RESOLUTION NO. 13-037 - SPECIAL USE PERMIT LOCATED
1823 MAGNOLIA STREET REQUEST BY: T-MOBILE**

Council Member Kirby moved to approve Resolution No. 13-037. Council Member Ard seconded. The vote was recorded as follows:

AYES: Hammon, Anders, Jackson, Kirby and Ard

NAYS: None

Motion carried.

**RESOLUTION NO. 13-038 - SPECIAL USE PERMIT LOCATED
1824 PRESBYTERIAN DRIVE REQUEST BY: T-MOBILE**

Council Member Anders moved to approve Resolution No. 13-038. Council Member Ard seconded. The vote was recorded as follows:

AYES: Hammon, Anders, Jackson, Kirby and Ard

NAYS: None

2

Motion carried.

**RESOLUTION NO. 13-039 - SPECIAL USE PERMIT LOCATED
47 THURSTON PARK ROAD REQUEST BY: AT&T**

Council Member Kirby moved to approve Resolution No. 13-039. Council Member Ard seconded. The vote was recorded as follows:

AYES: Hammon, Anders, Jackson, Kirby and Ard

NAYS: None

Motion carried.

PUBLIC HEARING ON RESOLUTION NO. 13-040 - SPECIAL EVENT LIQUOR LICENSE FOR DECATUR MORGAN HOSPITAL FOUNDATION, INC. DRAGON BOAT RACES TO BE HELD 2901-D POINT MALLARD CIRCLE

Council President Hammon opened the floor for public comments. There being none he closed the public hearing and entertained a motion from Council.

Council Member Kirby moved to approve Resolution No. 13-040. Council Member Ard seconded. The vote was recorded as follows:

AYES: Hammon, Anders, Jackson, Kirby and Ard

NAYS: None

Motion carried.

SET PUBLIC HEARING FOR MARCH 4, 2013 AT 6:00 P.M. FOR SUBMISSION TO DEPARTMENT OF JUSTICE REGARDING CITY MANAGER/COUNCIL FORM OF GOVERNMENT

As this item was to set a public hearing no further action was required.

RESOLUTION NO. 13-032 - ESTABLISHING GUIDELINES FOR APPOINTMENT TO BOARDS, COMMITTEES AND COMMISSIONS BY THE CITY COUNCIL

Council Member Anders moved to approve Resolution No. 13-032. Council Member Ard seconded. The vote was recorded as follows:

AYES: Hammon, Anders, Kirby and Ard

3

4

NAYS: Jackson

Motion carried.

RESOLUTION NO. 13-041 - AWARD EMERGENCY REPAIR OF A BOMAG COMPACTOR FOR THE LANDFILL TO COWIN EQUIPMENT CO., INC. FOR \$23,500 TO BE EXPENSED FROM LANDFILL FUND

Council Member Anders moved to approve Resolution No. 13-041. Council Member Kirby seconded. The vote was recorded as follows:

AYES: Hammon, Anders, Jackson, Kirby and Ard

NAYS: None

Motion carried.

RESOLUTION NO. 13-042 - AUTHORIZE THE MAYOR TO EXECUTE CONTRACT WITH TIM HAAHS ENGINEERS AND ARCHITECTS FOR A STUDY ON DOWNTOWN PARKING NEEDS

Council Member Anders moved to approve Resolution No. 13-042. Council Member Kirby seconded. The vote was recorded as follows:

AYES: Hammon, Anders, Jackson, Kirby and Ard

NAYS: None

Motion carried.

BOARDS:

Council Member Kirby nominated Donnie Lane for the Industrial Development board. Council will review the application and address the nomination at the next meeting. Having no further business the meeting was adjourned at 10:47a.m. Minutes dated February 18, 2013 Read, Approved and Adopted on March 4, 2013.

**MINUTES
OF A
REGULAR MEETING
OF THE CITY COUNCIL OF THE
CITY OF DECATUR, ALABAMA
MARCH 4, 2013**

The Decatur City Council met in regular session on Monday, March 4, 2013 at 6:00 p.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 6:00 p.m. by Council President Hammon.

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

APPROVAL OF MINUTES:

The following minutes were approved by unanimous consent.

- A. February 18, 2013 - Work Session
- B. February 18, 2013 - Regular Meeting

RESOLUTION NO. 13-043 - REJECT BID NO. 13-012 FOR PEST CONTROL

Council Member Anders moved to approve Resolution No. 13-043. Council Member Kirby seconded. The vote was recorded as follows:

AYES: Hammon, Anders, Jackson, Kirby and Ard

NAYS: None

Motion carried.

RESOLUTION NO. 13-044 - DECLARE SURPLUS AND AUTHORIZE THE DISPOSAL OF (1) HEATING BOILER NO LONGER NEEDED BY THE DECATUR PUBLIC LIBRARY

Council Member Anders moved to approve Resolution No. 13-044. Council Member Kirby seconded. The vote was recorded as follows:

AYES: Hammon, Anders, Jackson, Kirby and Ard

NAYS: None

Motion carried.

**SET PUBLIC HEARING ON ORDINANCE NO. 13-4140 - ZTA 218-13:
ESTABLISHING ARTS AND ENTERTAINMENT DISTRICT FOR APRIL 1, 2013
AT 6:00PM**

As this item was to set a public hearing no further action was required.

**RESOLUTION NO. 13-045 - AUTHORIZE THE MAYOR TO ENTER INTO AN
AGREEMENT WITH IQM2 FOR AUTOMATED AGENDA WORKFLOW
SOFTWARE AND MINUTES TRAQ**

Council Member Anders moved to approve Resolution No. 13-045. Council Member Kirby seconded. The vote was recorded as follows:

AYES: Hammon, Anders, Jackson, Kirby and Ard

NAYS: None

Motion carried.

**RESOLUTION NO. 13-046 - AUTHORIZE THE MAYOR TO EXECUTE A
CONSULTING SERVICES AGREEMENT WITH HOAR PROGRAM
MANAGEMENT FOR CONSTRUCTION MANAGEMENT ON THE DEPOT
TE PROJECT**

Council Member Ard moved to approve Resolution No. 13-046. Council Member Anders seconded. The vote was recorded as follows:

AYES: Hammon, Anders, Jackson, Kirby and Ard

NAYS: None

Motion carried.

PUBLIC HEARING

**RESOLUTION NO. 13-047 - WAL-MART STORES EAST, LP D/B/A WAL-MART
#2488 LOCATION: 1203 6TH AVE. SE RETAIL BEER & WINE OFF-PREMISE
COMMENTS – NEW RECOMMEND FOR APPROVAL**

Council President Hammon opened the floor for public comments. There being none he closed the public hearing and entertained a motion from Council.

Council Member Anders moved to approve Resolution No. 13-047. Council Member Kirby seconded. The vote was recorded as follows:

AYES: Hammon, Anders, Jackson, Kirby and Ard

NAYS: None

Motion carried.

PUBLIC HEARING

**RESOLUTION NO. 13-048 -704 VENTURES LLC FOR 802 BANK STREET NE
RETAIL BEER OFF-PREMISE COMMENT: NEW-RECOMMENDED FOR
APPROVAL**

Council President Hammon opened the floor for public comments. There being none he closed the public hearing and entertained a motion from Council.

Council Member Anders moved to approve Resolution No. 13-048. Council Member Kirby seconded. The vote was recorded as follows:

AYES: Hammon, Anders, Jackson, Kirby and Ard

NAYS: None

Motion carried.

PUBLIC HEARING

**RESOLUTION NO. 13-057 - GOETZ CATERING LOCATED AT
1801 BELTLINE ROAD SW, SUITE #0200A, DECATUR, AL 35603
SPECIAL EVENT-CARMIKE VIP GRAND OPENING COMMENT:
NEW-RECOMMENDED FOR APPROVAL**

Council President Hammon opened the floor for public comments. There being none he closed the public hearing and entertained a motion from Council.

Council Member Kirby moved to approve Resolution No. 13-057. Council Member Ard seconded. The vote was recorded as follows:

AYES: Hammon, Anders, Jackson, Kirby and Ard

NAYS: None

Motion carried.

PUBLIC HEARING

**RESOLUTION NO. 13-049 - COMMUNITY FREE CLINIC OF DECATUR
MORGAN COUNTY LOCATED AT 2901-D POINT MALLARD CIRCLE,
DECATUR, AL 35601 EVENT-FUNDRAISER APRIL 26, 2013 SPECIAL
EVENT ALCOHOL BEVERAGE LICENSE COMMENT: ANNUAL EVENT-
RECOMMENDED FOR APPROVAL**

Council President Hammon opened the floor for public comments. There being

none he closed the public hearing and entertained a motion from Council.

Council Member Kirby moved to approve Resolution No. 13-049. Council Member Anders seconded. The vote was recorded as follows:

AYES: Hammon, Anders, Jackson, Kirby and Ard

NAYS: None

Motion carried.

ORDINANCE NO. 13-4141- DECLARE SURPLUS AND SELL MUNICIPAL LOT THROUGH DAWN PROGRAM TO LESTER AND NELLA FLETCHER LOCATION: 601 WALNUT STREET NW

As this was a first reading no action was taken on this item.

RESOLUTION NO. 13-051 - ASSESS DEMOLITION COSTS IN THE AMOUNT OF \$2,359.00 AGAINST 815 SYKES ST. NW

Council Member Jackson moved to approve Resolution No. 13-051. Council Member Anders seconded. The vote was recorded as follows:

AYES: Hammon, Anders, Jackson, Kirby and Ard

NAYS: None

Motion carried.

RESOLUTION NO. 13-052 - ASSESS DEMOLITION COSTS IN THE AMOUNT OF \$ 2,830.00 AGAINST 225 4TH AVE. NW

Council Member Jackson moved to approve Resolution No. 13-052. Council Member Anders seconded. The vote was recorded as follows:

AYES: Hammon, Anders, Jackson, Kirby and Ard

NAYS: None

Motion carried.

SET PUBLIC HEARING ON ABATEMENT OF UNSAFE CONDITION LOCATED AT 227 7TH AVENUE SW TO BE HELD ON APRIL 1, 2013 AT 6:00 PM

As this item was to set a public hearing no further action was required.

SET PUBLIC HEARING ON ABATEMENT OF UNSAFE CONDITIONS LOCATED AT 1314 GARTH AVE. SW TO BE HELD ON APRIL 1, 2013 AT 6:00 PM

As this item was to set a public hearing no further action was required.

RESOLUTION NO. 13-053 - APPROVE CHANGE ORDER NO. 1 ON THE HVAC FOR THE AQUADOME IN THE AMOUNT OF \$1,720.66 PAYABLE TO JK JOHNSON CONTRACTORS, INC.

Council Member Jackson moved to approve Resolution No. 13-053. Council Member Anders seconded. The vote was recorded as follows:

AYES: Hammon, Anders, Jackson, Kirby and Ard

NAYS: None

Motion carried.

RESOLUTION NO. 13-055 - AUTHORIZE CHANGE ORDER FOR INSTALLATION OF CUSTOM WATER FEATURE PAYABLE TO BURLESON POOLS IN THE AMOUNT OF \$59,348

Council Member Anders moved to approve Resolution No. 13-055. Council Member Kirby seconded. The vote was recorded as follows:

AYES: Hammon, Anders, Jackson, Kirby and Ard

NAYS: None

Motion carried.

PUBLIC HEARING

RESOLUTION NO. 13-054 - AUTHORIZE THE MAYOR TO SUBMIT TO THE DEPARTMENT OF JUSTICE THE "THREE SUBSTANTIALLY EQUAL DISTRICTS" PLAN

Council President Hammon opened the floor for public comments.

Doris Baker, 405 5th Avenue SW – believes we need to maintain five Council districts but would like Department of Justice to put this matter to rest.

Al Robinson, 406 5th Avenue NW – does not want three districts because NW will not have representation and concerned they would also lose minority representation on the school board as well.

Carl Cole, 8th Avenue – stated there is nothing for council to vote on according to state law and that the decision about submission to the Justice Department was made pursuant to the referendum in 2010. Mr. Cole further stated that the Statute reads "it shall be enacted" and this is really an executive action and the Mayor can submit plan without approval from Council. He further stated the letter from Department of Justice dated December 19th draws a distinction between the Council District issue and the City Manager issue and that implementing a City Manager may not even require Department of Justice approval since it does not effect voting.

Having no further comments Council President Hammon closed the public hearing.

Council Member Ard moved to approve Resolution No. 13-054. Having no second the motion failed.

At 6:45 p.m. Council President Hammon turned the meeting over to Council President Pro Tempore Anders.

Council Member Ard moved to approve Resolution No. 13-054. Council Member Hammon seconded. The vote was recorded as follows:

AYES: Hammon and Ard

NAYS: Anders, Jackson and Kirby

Motion failed.

BOARDS:

INDUSTRIAL DEVELOPMENT BOARD – DONNIE LANE TERM ENDING 4/2/15

Council Member Ard moved to appoint Donnie Lane to the Industrial Development Board term ending 4/25/15. Council Member Hammon seconded. The vote was recorded as follows:

AYES: Hammon, Anders, Jackson, Kirby and Ard

NAYS: None

Motion carried.

Having no further business the meeting was adjourned at 6:47 p.m.

Minutes dated March 4, 2013 read, approved and adopted on March 18, 2013.