

**CITY HALL, DECATUR, ALABAMA, NOVEMBER 15, 2012 - SPECIAL CALLED WORK SESSION**

The members of the City Council of the City of Decatur, Alabama met on November 15, 2012 at 5:30 PM, on the 6<sup>th</sup> floor of City Hall.

The following members were present: Councilmembers Hammon, Anders, Ard, Jackson and Kirby. Also present were Mayor Don Kyle, City Attorney Herman Marks and Assistant City Clerk Stephanie Simon.

Mr. Haynes with Cornerstone Engineering discussed the HVAC and other costs associated with the upcoming renovations to the Decatur Public Library.

Mark Petersohn said no foundation problems were found when inspecting the library.

Wally Terry updated the Council that due to changes in plans for the Highway 31 Causeway project that approximately \$71,000 would be transferred to the Lower Bank project.

Fred Underwood updated the Council about the Railroad Depot project revisions and the approval for an extension had been received.

Mark Petersohn discussed the ATRIP projects and that costs would cause some of the current street paving schedule to be removed or suspended until a later date.

The work session adjourned at 6:40 o'clock p.m.

CITY HALL, DECATUR, ALABAMA, NOVEMBER 19, 2012 – WORK SESSION

The members of the City Council of the City of Decatur, Alabama met on November 19, 2012 at 9:00 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, Assistant, City Clerk-Treasurer Stacy Gilley and Assistant City Attorney, Chip Alexander.

Council reviewed the agenda for the November 19, 2012 City Council meeting.

The following was removed from the agenda and will be addressed at a Special Called Meeting to be held on November 20, 2012 at 10:30 a.m.

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| 30. <u>Resolution No. 12-410</u> | Award Bid No. 13-003 to Smith Service Corporation in the amount of \$348,800.00 for the HVAC removal and replacement at Decatur Public Library                                    |
| 31. <u>Resolution No. 12-412</u> | Award Bid to BBC Systems, Inc. in the amount of \$3,043.00 for Fire Alarm system upgrade to Decatur Public Library  |
| 33. <u>Resolution No. 12-413</u> | Approve purchase order in the amount of \$14,600.00 to Hardiman Remediation Services, Inc. for removal and disposal of asbestos containing materials<br>At Decatur Public Library |
| 34. <u>Resolution No. 12-414</u> | Award Bid No. 13-004 to Jennings Interiors for Ceiling Tile Removal and Replacement in the amount of \$56,841.00  |
| 35. <u>Resolution No. 12-415</u> | Declare surplus and authorize the disposal of Carrier 45 ton chiller no longer needed by Decatur Public Library   |

The meeting recessed at 9:45 a.m. and will reconvene at 11:00am on the 6<sup>th</sup> floor in the Mayor's conference room.

CITY HALL, DECATUR, ALABAMA, NOVEMBER 19, 2012 – WORK SESSION RECONVENED

The members of the City Council of the City of Decatur, Alabama reconvened the work session at 11:00 a.m. on the 6<sup>th</sup> floor of City Hall, with Council President Hammon presiding.

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

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

Council reviewed the items that were deleted from November 19<sup>th</sup> Council Agenda regarding the bids for the Decatur Public Library renovations.

The meeting adjourned at 12:00 p.m.

Minutes dated November 19, 2012 Read, Approved and Adopted on December 4, 2012

**MINUTES**  
**OF THE**  
**DECATUR CITY COUNCIL**  
**NOVEMBER 19, 2012**  
**10:00 AM**

The Decatur City Council met in regular session on Monday, November 19, 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 Ard 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

Council President Hammon noted that Mayor, Don Kyle was also in attendance.

**APPROVAL OF MINUTES:**

The following minutes were approved by unanimous consent.

- A. October 10, 2012 – Finance Meeting
- B. October 15, 2012 – Work Session
- C. October 15, 2012 – Regular Meeting
- D. October 16, 2012 – Canvass Election Results Meeting
- E. October 19, 2012 – Special Called Meeting
- F. October 31, 2012 – Finance Meeting
- G. November 5, 2012 – Organization Meeting

**APPROVAL OF OCTOBER, 2012 BILLS:**

Council Member Kirby motioned to approve the October, 2012 bills. Council Member Anders seconded. The vote was recorded as follows

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

Motion Carried.

**ASSESSMENTS:**

**RESOLUTION NO. 12-385 - ASSESS \$419.78 AGAINST 1303 KATHY LN. SW FOR COST OF ABATEMENT OF NUISANCE**

Council Member Kirby motioned to approve Resolution No. 12-385. Council Member Anders seconded. The vote was recorded as follows

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

Motion Carried.

**RESOLUTION NO. 12-386 -ASSESS \$399.80 AGAINST 1911 BETTY ST. SW FOR COST OF ABATEMENT OF NUISANCE**

Council Member Kirby motioned to approve Resolution No. 12-386. Council Member Anders seconded. The vote was recorded as follows

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

Motion Carried.

**RESOLUTION NO. 12-387 - ASSESS \$299.90 AGAINST 712 4TH AVE. SE FOR COST OF ABATEMENT OF NUISANCE**

Council Member Kirby motioned to approve Resolution No. 12-387. Council Member Anders seconded. The vote was recorded as follows

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

Motion Carried.

**RESOLUTION NO. 12-388 - ASSESS \$318.88 AGAINST 2216 11TH ST. SE FOR COST OF ABATEMENT OF NUISANCE**

Council Member Kirby motioned to approve Resolution No. 12-388. Council Member Anders seconded. The vote was recorded as follows

AYES: Hammon, Jackson, Anders, Kirby and Ard

NAYS: None

Motion Carried.

**RESOLUTION NO. 12-389 - RESCHEDULE OF DECEMBER 3, 2012 WORK SESSION AND COUNCIL MEETING TO DECEMBER 4, 2012**

Council Member Anders motioned to approve Resolution No. 12-389. Council Member Kirby seconded. The vote was recorded as follows

AYES: Hammon, Anders, Kirby and Ard

NAYS: Jackson

Motion Carried.

**RESOLUTION NO. 12-390 - AUTHORIZE A ONE-TIME PAY INCREASE FOR FULL-TIME EMPLOYEES FOR PAY PERIOD ENDING DECEMBER 9, 2012**

Council Member Jackson motioned to approve Resolution No. 12-390. Council Member Kirby seconded. The vote was recorded as follows

AYES: Hammon, Anders, Jackson, Kirby and Ard

NAYS: None

Motion Carried

**RESOLUTION NO. 12-391 - AUTHORIZE THE MAYOR TO EXECUTE A SHORT TERM LEASE FOR IN LINE SPACE WITH GARRISON DECATUR OWNER LLC FOR POLICE DEPARTMENT USAGE**

Council Member Anders motioned to approve Resolution No. 12-391. Council Member Kirby seconded. The vote was recorded as follows

AYES: Hammon, Anders, Jackson, Kirby and Ard

NAYS: None

Motion Carried.

**RESOLUTION NO. 12-392 - AUTHORIZE CONSULTING AGREEMENT BETWEEN THE CITY OF DECATUR AND CHARLES BOOTH FOR PROCUREMENT SERVICES**

Council Member Kirby motioned to approve Resolution No. 12-392. Council Member Ard seconded. The vote was recorded as follows

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

Motion Carried.

**RESOLUTION NO. 12-393 - AUTHORIZE THE MAYOR TO EXECUTE AN AGREEMENT WITH ESRI FOR SMALL MUNICIPAL AND COUNTY ENTERPRISE LICENSE AGREEMENT FOR 3 YRS.**

Council Member Anders motioned to approve Resolution No. 12-393. Council Member Kirby seconded. The vote was recorded as follows

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

Motion Carried.

**PROPOSED ORDINANCE NO. 12-4134 - AMEND SEC. 14-30 OF THE CODE OF DECATUR ALABAMA RELATING TO PAYMENT OF LICENSE TAX AND ISSUANCE FEE FIRST READING**

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

**RESOLUTION NO. 12-394 - DECLARE ITEMS OF NEGLIGIBLE VALUE AN AUTHORIZE THE DISPOSAL**

Council Member Anders motioned to approve Resolution No. 12-394. Council Member Kirby seconded. The vote was recorded as follows

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

Motion Carried.

**RESOLUTION NO 12-395 - AWARD BID NO. 12-023 TO REED CONTRACTING SERVICES FOR THE DECATUR PEDESTRIAN AND BIKE TRAIL, PHASE 3 IN THE AMOUNT OF THE \$175,930.92**

Council Member Anders motioned to approve Resolution No. 12-395. Council Member Kirby seconded. The vote was recorded as follows

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

Motion Carried.

**RESOLUTION NO. 12-396 - GRANT A SPECIAL USE PERMIT TO AT&T TO MODIFY AN EXISTING TOWER LOCATED AT 2481 HIGHWAY 20**

Council Member Anders motioned to approve Resolution No. 12-396. Council Member Jackson seconded. The vote was recorded as follows

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

Motion Carried.

**RESOLUTION NO. 12-397 - GRANT A SPECIAL USE PERMIT TO AT&T TO MODIFY AN EXISTING TOWER LOCATED AT 2524 POINT MALLARD DRIVE SE**

Council Member Anders motioned to approve Resolution No. 12-397. Council Member Ard seconded. The vote was recorded as follows

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

Motion Carried.

**RESOLUTION NO. 12-398 - GRANT A SPECIAL USE PERMIT TO AT&T TO MODIFY AN EXISTING TOWER LOCATED AT 2611-B HIGHWAY 31 SOUTH**

Council Member Ard motioned to approve Resolution No. 12-398. Council Member Anders seconded. The vote was recorded as follows

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

Motion Carried.

**PUBLIC HEARINGS:**

**RESOLUTION NO. 12-399 - DIVINE INC. D/B/A FIRST STOP LAST STOP LOCATED 4702 DANVILLE ROAD, HARTSELLE, AL 35640 FOR RETAIL BEER & WINE-OFF PREMISE LICENSE**

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

Council Member Kirby motioned to approve Resolution No. 12-399. Council Member Anders seconded. The vote was recorded as follows

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

Motion Carried.



**RESOLUTION NO 12-400 - SAIKRIPA INC.D/B/A THE PIT STOP #2 LOCATED AT 5006 HWY. 31 SOUTH FOR RETAIL BEER-OFF PREMISE LICENSE**

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

Council Member Kirby motioned to approve Resolution No. 12-400. Council Member Ard seconded. The vote was recorded as follows

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

Motion Carried.

**RESOLUTION NO 12-401 - MANPREET INC. D/B/A JACK'S BEVERAGES LOCATED AT 3238 GORDON TERRY PKWY RETAIL LIQUOR, WINE & BEER OFF-PREMISE LICENSE**

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

Council Member Kirby motioned to approve Resolution No. 12-401. Council Member Ard seconded. The vote was recorded as follows

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

Motion Carried.

**RESOLUTION NO 12-402 - CANTON HOUSE DECATUR LLC D/B/A CANTON HOUSE DECATUR LOCATED AT 609 14TH ST. SE RETAIL BEER & WINE ON-PREMISE LICENSE**

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

Council Member Kirby motioned to approve Resolution No. 12-402. Council Member Anders seconded. The vote was recorded as follows

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

Motion Carried.

**RESOLUTION NO. 12-403 WINTZELL'S-DECATUR, LLC D/B/A WINTZELL'S OYSTER HOUSE LOCATED AT 1208 BELTLINE RD SW RESTAURANT RETAIL LIQUOR LICENSE**

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

Council Member Kirby motioned to approve Resolution No. 12-403. Council Member

Anders seconded. The vote was recorded as follows

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

Motion Carried.

**RESOLUTION NO. 12-404 - ACCEPTANCE OF GRANT FROM THE ALABAMA HISTORICAL COMMISSION IN THE AMOUNT OF \$25,000 FOR RENOVATIONS AT THE OLD STATE BANK (NO MATCH REQUIRED)**

Council Member Anders motioned to approve Resolution No. 12-404. Council Member Kirby seconded. The vote was recorded as follows

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

Motion Carried.

**RESOLUTION NO. 12-405 - AUTHORIZE BANK SIGNATORIES**

Council Member Anders motioned to approve Resolution No. 12-405. Council Member Ard seconded. The vote was recorded as follows

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

Motion Carried.

**RESOLUTION NO.12-406 APPROVE MUB EXPENDITURE IN THE AMOUNT OF \$1,600,000.FOR ENGINEERING & DESIGN FOR MALLARD FOX INDUSTRIAL PARK LIFT STATION #12 & FORCE MAIN**

Council Member Ard motioned to approve Resolution No. 12-406. Council Member Anders seconded. The vote was recorded as follows

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

Motion Carried.

**RESOLUTION NO. 12-407 - AUTHORIZE THE MAYOR TO ENTER INTO AN AGREEMENT WITH TVA TO PROMOTE INSTALLATION OF SMALL RENEWABLE GENERATION SYSTEMS**

Council Member Anders motioned to approve Resolution No. 12-407. Council Member Kirby seconded. The vote was recorded as follows

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

Motion Carried.

**RESOLUTION NO. 12-408 - AUTHORIZE BANK SIGNATORIES - JAIL ACCOUNT**

Council Member Anders motioned to approve Resolution No. 12-408. Council Member Ard seconded. The vote was recorded as follows

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

Motion Carried.

**RESOLUTION NO. 12-409 - AUTHORIZE \$71,150.00 TO BE TRANSFERRED FROM THE HIGHWAY 31 CAUSEWAY PROJECT TO THE LOWER BANK PROJECT**

Council Member Anders motioned to approve Resolution No. 12-409. Council Member Kirby seconded. The vote was recorded as follows

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

Motion Carried.

**RESOLUTION NO. 12-410 - AWARD BID NO. 13-003 TO SMITH SERVICE CORPORATION IN THE AMOUNT OF \$348,800.00 FOR THE HVAC REMOVAL AND REPLACEMENT AT DECATUR PUBLIC LIBRARY**

This item was removed from the agenda and will be addressed at the Special Called Meeting on November 20, 2012 at 10:30 a.m.

**RESOLUTION NO. 12-411 - AUTHORIZE TO REJECT AND REBID FOR WINDOW TINT FOR THE DECATUR PUBLIC LIBRARY BID NO. 13-005**

Council Member Anders motioned to approve Resolution No. 12-411. Council Member Kirby seconded. The vote was recorded as follows

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

Motion Carried.

**RESOLUTION NO. 12-412 - AWARD BID TO BBC SYSTEMS, INC. IN THE AMOUNT OF \$3,043.00 FOR FIRE ALARM SYSTEM UPGRADE TO DECATUR PUBLIC LIBRARY**

This item was removed from the agenda and will be addressed at the Special Called Meeting on November 20, 2012 at 10:30 a.m.

**RESOLUTION NO. 12-413 - APPROVE PURCHASE ORDER IN THE AMOUNT OF \$14,600.00 TO HARDIMAN REMEDIATION SERVICES, INC. FOR REMOVAL AND DISPOSAL OF ASBESTOS CONTAINING MATERIALS AT DECATUR PUBLIC LIBRARY**

This item was removed from the agenda and will be addressed at the Special Called Meeting on November 20, 2012 at 10:30 a.m.

**RESOLUTION NO. 12-414 - AWARD BID NO. 13-004 TO JENNINGS INTERIORS FOR CEILING TILE REMOVAL AND REPLACEMENT IN THE AMOUNT OF \$56,841.00**

This item was removed from the agenda and will be addressed at the Special Called Meeting on November 20, 2012 at 10:30 a.m.

**RESOLUTION NO. 12-415 – DECLARE SURPLUS AND AUTHORIZE THE DISPOSAL OF CARRIER 45 TON CHILLER NO LONGER NEEDED BY DECATUR PUBLIC LIBRARY**

This item was removed from the agenda and will be addressed at the Special Called Meeting on November 20, 2012 at 10:30 a.m.

**BOARD APPOINTMENTS:**

**Board of Zoning Adjustment – Term Expires 12/31/14**

Council Member Ard nominated Mike Harris to the Board of Zoning Adjustment. Council Member Anders seconded.

AYES: Hammon, Anders, Jackson, Kirby and Ard

NAYS: None

Motion Carried.

**Decatur Morgan County Port Authority – Term Expires 5/17/13**

Council Member Anders nominated Tim Lovelace to the Decatur Morgan County Port Authority. Council Member Kirby seconded.

AYES: Hammon, Anders, Jackson, Kirby and Ard

NAYS: None

Motion Carried.

**Decatur Morgan County Port Authority – Term Expires 5/17/17**

Council Member Kirby nominated Jimmy Ray Smith for reappointment to the Decatur Morgan County Port Authority. Council Member Ard seconded.

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

Motion Carried.

**ORDINANCE NO. 12-4133 – APPROVE UPDATED GAS RATE ORDINANCE (FIRST READING 10/15/12)**

Council Member Anders motioned to approve Ordinance No. 12-4133. Council Member Kirby 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 10:30 a.m.

Minutes dated November 19, 2012 read, approved, and adopted on December 4, 2012.

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

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The City Council of the City of Decatur met in a special called session at City Hall in the City of Decatur on Tuesday the 20<sup>th</sup> day of November, 2012. 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 10:34 a.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. 12-410 - AWARD BID NO. 13-003 TO SMITH SERVICE CORPORATION IN THE AMOUNT OF \$348,800.00 FOR THE HVAC REMOVAL AND REPLACEMENT AT DECATUR PUBLIC LIBRARY**

Council Member Anders motioned to approve Resolution No. 12-410. Council Member Kirby seconded. The vote was recorded as follows:

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

Motion carried.

**RESOLUTION NO. 12-412 - AWARD BID TO BBC SYSTEMS, INC. IN THE AMOUNT OF \$3,043.00 FOR FIRE ALARM SYSTEM UPGRADE TO DECATUR PUBLIC LIBRARY**

Council Member Anders motioned to approve Resolution No. 12-412. Council Member Kirby seconded. The vote was recorded as follows:

AYES: Hammon, Anders, Jackson, Kirby and Ard

NAYS: None

Motion carried.

**RESOLUTION NO. 12-413 - APPROVE PURCHASE ORDER IN THE AMOUNT OF \$14,600.00 TO HARDIMAN REMEDIATION SERVICES, INC. FOR REMOVAL AND DISPOSAL OF ASBESTOS CONTAINING MATERIALS AT DECATUR PUBLIC LIBRARY**

Council Member Kirby motioned to approve Resolution No. 12-413. Council Member Anders seconded. The vote was recorded as follows:

AYES: Hammon, Anders, Jackson, Kirby and Ard

NAYS: None

Motion carried.

**RESOLUTION NO. 12-414 - AWARD BID NO. 13-004 TO JENNINGS INTERIORS FOR CEILING TILE REMOVAL AND REPLACEMENT IN THE AMOUNT OF \$56,841.00**

Council Member Kirby motioned to approve Resolution No. 12-414. Council Member Ard seconded. The vote was recorded as follows:

AYES: Hammon, Anders, Jackson, Kirby and Ard

NAYS: None

Motion carried.

**RESOLUTION NO. 12-415 – DECLARE SURPLUS AND AUTHORIZE THE DISPOSAL OF CARRIER 45 TON CHILLER NO LONGER NEEDED BY DECATUR PUBLIC LIBRARY**

Council Member Anders motioned to approve Resolution No. 12-415. 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 10:49 a.m.

Minutes dated November 20, 2012 read, approved, and adopted on December 4, 2012.