



# City of Clay

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## CITY COUNCIL MINUTES December 20, 2010

The City Council of the City of Clay, Alabama met in regular session on Monday, December 20, 2010, at 7:00 p.m. at the Community Center with Mayor Ed McGuffie presiding and City Clerk Bobby Christmas serving as recorder.

Mayor McGuffie called the meeting to order and Councilwoman Jackie Hambrick opened in prayer.

Councilwoman Hambrick led everyone in reciting the Pledge of Allegiance to the flag of the United States.

Roll call of those present was answered by the following:

Councilman L. B. Feemster

Councilwoman Becky Johnson

Mayor Ed McGuffie

Councilwoman Jackie Hambrick

Councilman Kevin Small

Absent. Councilman Charles Webster

Mayor McGuffie called for a motion to approve the Pre-Council and Regular Council minutes of December 6, 2010. Councilman Small made a motion to approve the minutes which was seconded by Councilwoman Johnson and approved by unanimous voice vote.

Mayor McGuffie called for a motion to approve tonight's Meeting Agenda. Councilman Feemster made a motion to approve the meeting agenda which was seconded by Councilwoman Hambrick and approved by unanimous voice vote.

Mayor McGuffie called for a motion to approve the Consent Agenda. Councilman Small made a motion to approve the Consent Agenda, which was seconded by Councilman Feemster and approved by unanimous voice vote.

Under **Scheduled Public Comments**, Mayor McGuffie opened a Public Hearing for Ordinance 2010 – 02 Sign Ordinance and announced that those wishing to speak for this Ordinance would have 13 minutes with those speaking against having 15 minutes and those speaking for would have a 2 minute rebuttal time.

Mayor McGuffie called for anyone wishing to speak for Ordinance 2010 – 02 and recognized Mr. Mark Halstead. Mr. Halstead introduced himself as living at 8005 Creekstone Circle in the city of Clay and being Vice-Chairman of the Planning and Zoning Commission. He stated the Commission and others had been working on this Ordinance for about a year. He stated that it was not a perfect document but requested the Council consider it with the possibility of tweaking it as time goes on. He stated the Planning and Zoning Commission recommends it for approval by the City Council.



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Mr. Steve Ostaseski was recognized and introduced himself as living at 5583 Summit Pointe in the city of Clay and a member of the Planning and Zoning Commission. He stated this Ordinance was a revision to the 1996 document and a fair and impartial document that regulates signs and not their content. He stated it was a better document than the prior one for temporary signs.

Ms. Pat Feemster was recognized and introduced herself as living at 7388 Lake In The Woods Lane in the city of Clay and played a part in developing this Ordinance. She passed out to the Council a copy of her comments which she stated the Ordinance was beneficial to the economy, businesses and overall quality of life for the citizens of Clay.

Mayor McGuffie called for anyone else wishing to speak in favor of this Ordinance which there was no response.

Mayor McGuffie called for anyone wishing to speak against this Ordinance. Mr. Alan Drinkard was recognized and introduced himself as living at 7281 Cavern Road and being the Broker / Owner of the ReMax Market Place on Happy Hollow Road. He asks the City Council to consider the new size of real estate signs as being three square feet which he stated was smaller than the current sign regulations. He questioned the 87 definitions listed in the Ordinance and referred to balloons defined in four different places. He commented on the different places that balloons could not be used based on this new ordinance. Mr. Drinkard referred to the 2006 Ordinance that has not been enforced and questioned how this new Ordinance would be enforced.

Mayor McGuffie called for anyone else wishing to speak against this Ordinance and there was no response.

Mayor McGuffie called for anyone wishing to rebut the previous comments and there was no response.

Under **Reports from Standing Committees** Mayor McGuffie recognized Councilman Feemster for a report from the **Public Safety Committee**. Councilman Feemster introduced Mr. Matt Angelo with the Center Point Fire District who passed out pamphlets identifying the "Yellow Dot" program. He stated this program started initially for senior citizens that may have medical problems and is now available to anyone with medical problems. He stated that a yellow dot would be placed on a vehicle of a senior citizen and, in case of an accident; the first responder could find information on this person's medical condition in the glove compartment of their vehicle. He encouraged anyone who wanted to be a part of this program to contact one of the Center Point Fire Stations to get signed up.

Councilman Feemster reported that there had been several burglaries and vandalism at the city park facilities and he had been looking at security systems and getting quotes for a burglary system and a camera system for the park facilities. He stated six or eight companies have given quotes on cameras, alarms and card entry systems. He stated all quotes were evaluated and it was decided to eliminate a card entry system due to the expense involved. He stated that quotes were received for contacts on the two outside doors and motion detectors inside on both floors of the Concession Stand. Also, four cameras would be mounted outside looking down each sidewalk outside the Concession stand and



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would identify anyone before getting to the building. He stated the same type concept was designed for the maintenance facility at the park. He stated there would be an 8 channel DVD player recording on a loop with at least ten days of film on the recorder. He stated the cameras could be monitored on the internet or a smart phone. Councilman Feemster announced that the cameras cost \$4,568 which includes installation; the alarm system would be \$774 on the Concession Stand and \$484 on the maintenance building for a total of \$5,826. He stated coax cable will have to be run between the Concession Stand and the maintenance building which will be an additional cost. He stated that the building surveillance would cost \$98 monthly.

Councilman Feemster made a motion to suspend the council imposed bid limit of \$5000 and purchase and install the alarm and camera systems quoted above along with running the coax cable and monthly surveillance charges. Councilman Small seconded the motion which was approved by a unanimous voice vote.

Councilwoman Hambrick was recognized for a report from the **Committee on Community Development, Environmental, Historical, Library and Seniors**. Councilwoman Hambrick thanked everyone who attended the Christmas tree lighting and Christmas Parade. She thanked everyone who helped and those who participated. She announced that the Grinch float won first place; the Park Board Boat won second place; and the Seniors float won third place in the judging of the Christmas parade floats.

Councilwoman Hambrick announced that 56 trees had been planted on Deerfoot Parkway and the next step was to get the directional signs and get them installed hopefully in the next quarter of the year.

Under **Committee on Annexation, Business, Census, Planning & Zoning and Schools**, Councilwoman Johnson reported that she attended the Somersby Neighborhood Christmas party and the School meeting on Cyber Bullying at the High School which was very informative. She stated the school committee would be meeting on the second Monday of each month except for January. She announced that the Clay Pinson Chamber of Commerce has hired Mr. Phil Sims as Executive Director and recognized him. Mr. Sims stated the next Chamber meeting would be January 18 and the CEO of Birmingham Blueprint would be the speaker.

Councilman Small was recognized for a report from the **Committee on Building Inspections, Sanitation, Streets and Utilities**. Councilman Small thanked the Council for supporting the purchase of the leaf vacuum which has been received and put to good use. He stated that in the last January Council meeting he planned to introduce a plan for some paving projects in the spring.

Councilman Webster was not present for a report from the **Parks and Recreation Committee**.

Under **Reading of Petitions, Applications, Complaints, Appeals, Communications, etc.** Mayor McGuffie announced there was nothing to report.

Under the **City Clerk's Report**, City Clerk Bobby Christmas reported that the account balances in the 4 & 5 Cent Gasoline Fund = \$77,626.26; 7 Cent Gasoline Fund = \$36,882.59; AmFund Account = \$621,135.98; Capital Improvement Fund = \$68,277.35; Concession Stand = \$2,754.09; Contractors Bond = \$43,332.12; General Fund = \$326,266.66; Library Fund = \$7,585.73; and Senior Citizens Fund = \$1,375.36.



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Under **Resolutions, Ordinances, Orders and Other Business** Mayor McGuffie called for a motion to enter into Unanimous Consent. Councilman Feemster made a motion to suspend the regular rules of order and enter into Unanimous Consent which was seconded by Councilwoman Hambrick.

That the motion was put before the Council and a roll call vote was conducted with the results as follows:

Yeas: Council members Feemster, Hambrick, Johnson, Small, and Mayor McGuffie

Nays: None

Mayor McGuffie introduced Ordinance 2010 – 02, A Sign Ordinance.

Councilwoman Johnson made a motion to table Ordinance 2010 – 02 to give more time to study the Ordinance by some of the Council who have not had time to read it. Also, she stated she would like for the new Executive Director of the Chamber of Commerce to have time to look it over for the business community. Councilman Small seconded the motion.

Councilman Feemster questioned Mr. Drinkard on what he would propose for the size of a real estate sign. Mr. Drinkard responded that a six square foot sign would be satisfactory but he also restated his concern on the enforcement of this Ordinance.

That the motion was put before the Council and a roll call vote was conducted with the results as follows:

Yeas: Council members Johnson, Small, and Mayor McGuffie

Nays: Council members Feemster and Hambrick

City Attorney Russell Steen stated that four votes are required for a majority so the motion fails to pass.

Councilman Small questioned the lack of enforcement and questioned the plan to enforce this Ordinance. Councilman Feemster stated the Ordinance can be enforced by the employees of the City and the more it is enforced the better it will get.

Other comments, concerns and questions by the City Council centered on enforcement and the fact that so much time has been put into this Ordinance not to be implemented and enforced. Also, there was discussion on a section included in the Ordinance for special events that allows for balloons at Clay May Days and the Christmas Parade.

Councilman Feemster made a motion to adopt Ordinance 2010 – 02 with a change in the maximum sign area of temporary signs from three square foot to four square foot with the maximum height of temporary signs not to exceed five foot and suspend the rules for special events such as the Christmas Parade and Clay May Days.



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The motion was seconded by Councilwoman Hambrick.

That the motion was put before the Council and a roll call vote was conducted with the results as follows:

Yeas: Council members Feemster, Hambrick, Small and Mayor McGuffie

Nays: Council member Johnson

Ordinance 2010 – 02 Sign Ordinance was adopted.

Mayor McGuffie introduced Resolution 2010 – 44, A Resolution Designating Meeting Times for the Environmental Committee for Calendar Year 2011; which was read by City Clerk Bobby Christmas.

Councilman Small made a motion to approve Resolution 2010 – 44 which was seconded by Councilwoman Hambrick.

That the motion was put before the Council and a roll call vote was conducted with the results as follows:

Yeas: Council members Feemster, Hambrick, Johnson, Small and Mayor McGuffie

Nays: None

Mayor McGuffie introduced Resolution 2010 – 45, A Resolution Abating Property Located at 6872 Trussville Clay Road; which was read by City Clerk Bobby Christmas.

Councilman Small made a motion to approve Resolution 2010 – 45 which was seconded by Councilwoman Johnson.

That the motion was put before the Council and a roll call vote was conducted with the results as follows:

Yeas: Council members Feemster, Hambrick, Johnson, Small and Mayor McGuffie

Nays: None

Mayor McGuffie called for any **Public Comments** and recognized Mr. George Post who summarized the actions of the Council on the Sign Ordinance and questioned when the Council was informed that this action was coming before the Council. After discussion Mr. Post withdrew his comments.

Mr. Alan Drinkard was recognized and thanked everyone for what has been done and stated he wanted the best for the businesses in the city. Councilwoman Johnson agreed.

Mayor McGuffie called for any other Public Comments and there was no response.



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Mayor McGuffie called for any further Council comments.

Councilwoman Hambrick and Mayor McGuffie announced that radio station 101.1 the Source would re-air their broadcast from the Christmas Parade on Christmas Day from 2:00 p.m. until 4:00 p.m. and on Sunday December 26 from 3:00 p.m. until 5:00 p.m.

Mayor McGuffie announced that the next City Council meeting would be Monday January 3, 2011, at the Clay Community Center.

Councilman Feemster made a motion to adjourn which was seconded by Councilman Small.

The City Council meeting adjourned at 8:50 p.m.

Respectfully Submitted,

Bobby Christmas  
City Clerk / Treasurer