



City of Clay
P.O. Box 345
Clay, Al 35048-0345

CITY COUNCIL MINUTES
August 1, 2011

The City Council of the City of Clay, Alabama met in regular session on Monday, August 1, 2011, at 7:00 p.m. at the Clay Community Center. Mayor McGuffie presided and City Clerk Bobby Christmas served as recorder.

Mayor McGuffie called the meeting to order and Councilman Webster opened in prayer.

Councilman Webster 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
Councilman Charles Webster

Councilwoman Jackie Hambrick
Councilman Kevin Small
Mayor Ed McGuffie

Absent: None

Mayor McGuffie called for a motion to approve the Pre-Council meeting and Regular Council meeting minutes of July 18, 2011. Councilwoman Johnson made a motion to approve the Pre-Council meeting minutes and Regular Council meeting minutes of July 18, 2011, which was seconded by Councilman Small and approved by a unanimous voice vote.

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

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

Under **Scheduled Public Comments**, Mayor McGuffie recognized Mr. Valton Johnson who identified himself as owning the Johnson Group and on contract with the Regional Planning Commission. He stated he was speaking to different groups about the Clean Air Act and what everyone can do to help improve air quality. Some things he mentioned that everyone could do included: (1) keep cars tuned up; (2) cut grass at a reasonable time of day; (3) turn off vehicles when not in use to stop emitting pollution; (4) car pool; and (5) walk when possible.



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Mayor McGuffie introduced a Public Hearing for an amendment to Zoning Ordinance 2006 – 07 to change the Highway Commercial Zone. Councilman Feemster was recognized as a member of the Planning and Zoning Commission and explained that the Commission was recommending that the Highway Commercial Zone be amended for parking in the front of a building. He explained that the Commission had determined that there was no commercial zoning at this time that allowed for parking in the front of a building and there was a need for this in some areas of the city.

Mayor McGuffie called for anyone to speak for this amendment and there was no response.

Mayor McGuffie called for anyone to speak against this amendment and there was no response.

Mayor McGuffie stated there was an Ordinance under Unanimous Consent addressing this amendment.

Mayor McGuffie introduced a Public Hearing for Case Z 2011 – 02, an amendment to Zoning Ordinance 2006 – 07 to rezone property at 2230 Sweeney Hollow Road. Mr. Kenneth Frazier was recognized and stated that he owned this property and would like to rezone the property to Neighborhood Commercial for an insurance office for his wife.

Mayor McGuffie called for anyone to speak for Case Z 2011 – 02 and there was no response.

Mayor McGuffie called for anyone to speak against Case Z 2011 – 02 and there was no response.

Mayor McGuffie stated there was an Ordinance under Unanimous Consent addressing this amendment.

Under **Reports from Standing Committees** Councilman Feemster was recognized for a report from the **Public Safety Committee**. He reported that the Public Safety Committee was working on writing an emergency plan for all municipal facilities. He stated that Michael Harter of the Public Safety Committee was working on the first draft to be presented at the next Public Safety Committee. He stated there would be some recommendations to improve safety at some of the municipal locations coming out of this emergency plan proposal.

Councilman Feemster introduced Deputy Terry Scott who reported that two arrests for burglary and thievery had been made outside of Clay but these two individuals would probably be linked to some of the burglaries that have occurred in the city. Also, he reported that a shooting that occurred in the city was a dispute between two people and should not be considered a random act.

Councilwoman Hambrick was recognized for a report from the **Committee on Community Development, Environmental, Historical, Library and Seniors**. She thanked everyone for their involvement in the auction last Saturday. She reported that \$1,792.53 had been collected from the auction with \$1,687.50 coming from the auction and \$105.03 coming from yard sale items and the concessions that the Senior's had prepared.



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Councilwoman Hambrick reported that the Library summer reading program was very successful and that circulation of items in June had almost doubled over June 2010 with over 2,300 items being checked out. She read an article about Ms. Joy Lee, Library Assistant Director, and expressed appreciation for her hard work with the summer reading program and coordinating the adult reading program. Councilwoman Hambrick reported that the Library now has a website and expressed appreciation to Library Director Karen Moody's husband for his work creating it. She encouraged everyone to visit it at www.claylibrary.com.

Councilwoman Hambrick recognized Mr. and Mrs. Guy Scott for a report from the Seniors Center. Mr. Scott reported that there were several day trips planned for the Seniors.

Ms. Pat Feemster, Environmental Committee, was recognized and expressed concern for the appearance of the roadways and acknowledged that the Mayor and Council were working on this problem. She further expressed concern with storm water and bank erosion throughout the city. Also, she expressed concern with the herbicides that the county is spraying along the roads which is killing grass and causing further erosion.

Councilman Feemster stated that the Alabama Department of Transportation uses a selective herbicide that kills weeds but not grass. He stated he would set up a meeting with Steve Green, Jefferson County Roads and Transportation, to discuss this problem.

Under **Committee on Annexation, Business, Census, Planning & Zoning and Schools**, Councilwoman Johnson was recognized for a report. She reported that the Alabama State Department of Education had released the Average Yearly Progress Report and Clay Elementary School had made a perfect score. She reported that Clay Chalkville Middle School made 23 of 25 goals and fell short in reading and math for special education students. Also, Clay Chalkville High School made 16 of 17 goals and fail short in reading proficiency for African American students. Mayor McGuffie stated that Mr. Laney, Principal, Clay Chalkville High School had called to inform him of the high school scores before it came out in the newspaper.

Councilwoman Johnson reported that the Board of Zoning Adjustments approved variances for a Fred's Discount Store to locate on Deerfoot Parkway next to Roe Chandler Road. Also, the Chamber of Commerce luncheon will be August 16 at the Community Center.

Mr. Chuck Burns, Burns Insurance on Chalkville Mountain Road, questioned the cities intent to annex commercial property along Chalkville Mountain Road. There was some discussion and the Mayor stated this would be worked on in the future.

Councilman Small was recognized for a report from the **Committee on Building Inspections, Sanitation, Streets and Utilities**. Councilman Small responded to a question from Mr. Burns concerning what the city had to offer. He stated how people had the advantage of coming to Council meetings and City Hall to discuss issues and problems and it was not that easy being in the County.



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Councilman Small reported the work that has been done to solve some of the problems with grown up lots and right of ways in the city. He stated that they were working on 26 properties to get them cleaned up and had been successful with 5 at this time.

Councilwoman Johnson reported that she saw the grass being cut at the Alabama Living Center today which was a good sign.

Councilman Webster was recognized for a report from the **Parks and Recreation Committee**. He reported that they were laying block at the new concession stand at the athletic complex behind the Library. He stated he hoped this concession stand and rest rooms would be complete by the end of the month for football and soccer.

Councilman Webster stated they were close to getting started on the walking trails and bridges at Cosby Lake. He stated construction should begin on the bridges within the next month. Also, a barrier is being constructed to go at the spill way to keep the fish from being able to go over it. After this barrier is installed the plan is to purchase fish to put in the lake that will help clean up the weeds and algae.

Mayor McGuffie called everyone's attention to the display advertising the City of Clay that was in the back of the room. He explained that this display had been in the Capitol building in Montgomery for the last two weeks and approximately 6,000 people had seen it. He encouraged everyone to look at it before they left tonight.

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 = \$59,063.83; 7 Cent Gasoline Fund = \$73,766.52 AmFund Account = \$141,395.52; Capital Improvement Fund = \$550,842.33; Concession Stand = \$5,155.33; Contractors Bond = \$43,375.76; General Fund = \$440,860.97; Library Fund = \$4,724.26; and Senior Citizens Fund = \$7,838.36.

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 Councilman Webster.

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, Webster and Mayor McGuffie

Nays: None



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Mayor McGuffie introduced Ordinance 2011 – 04, An Ordinance Amending Zoning Ordinance 2006-07 to change the Highway Commercial Zone, which was read by City Clerk Bobby Christmas.

Councilman Feemster made a motion to approve Ordinance 2011 - 04 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, Webster and Mayor McGuffie

Nays: None

Mayor McGuffie introduced Ordinance 2011 – 05, An Ordinance Amending Zoning Ordinance 2006-07 to change the Zoning for 2230 Sweeney Hollow Road, which was read by City Clerk Bobby Christmas.

Councilwoman Johnson made a motion to approve Ordinance 2011 - 05 which was seconded by Councilman Small.

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, Webster and Mayor McGuffie

Nays: None

Mayor McGuffie called an end to Unanimous Consent and called for any **Public Comments**.

Ms. Carol Foster was recognized and introduced herself as living in the Clayton Cove subdivision. She expressed concern with vacant lots in her neighborhood that are not being kept cleaned. She stated there should be something in the city Ordinance that should make property owners keep their grass cut. She stated her concern and 20 other homeowners in this subdivision are concerned that they do not have a homeowners association at this time and the developers pay no attention to them when they are requested to clean up their property. She stated she has reported these problems to the City who has notified them by certified mail and the city has cut the grass. She stated something needs to be done to keep the grass cut on a continuing basis. She stated the homeowners should be made accountable for their properties and they need to keep their grass cut. City Attorney Russell Steen stated that the city statute follows state law.

Mr. Dennis Locke, President, Steeple Chase Homeowners Association, was recognized and invited the Mayor and Council to their homeowners meeting tomorrow night at 7 p.m. at the Community Center.



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Ms. Pat Feemster was recognized and explained some pluses for living in Clay with some being the fact that Clay puts out a lot of money for picking up litter and has a sign ordinance to improve the looks of Clay. Mr. Burns responded stating that he had to take his sign down at his business because it did not comply with the ordinance so other businesses should be required to comply also. Mayor McGuffie stated this was being looked into.

Ms. Crystal McGough, Trussville Tribune, was recognized and stated that they had learned that she would be having a boy.

Mayor McGuffie called for any further Public Comments and there were none.

Mayor McGuffie called for any Mayor and / or Council comments and recognized Councilman Webster.

Councilman Webster pointed out to everyone that a new map was on the front table that was an updated Master Plan for Cosby Lake. He invited everyone to take a look at it.

Councilwoman Hambrick was recognized and invited everyone to take a look at items around the room that were left over from the auction. She stated they would listen to any offers to purchase any of these items.

Mayor McGuffie recognized City Clerk Bobby Christmas who gave the following trivia information. The Mayor and Council have been in office 1,001 days or 68.57% or 2 years 8 months and 29 days of this administration. This means that the Mayor and Council have 462 days or 31.43% or 1 year 3 months and 2 days left in this administration. He informed the Council that it takes time to get projects accomplished so they have 462 days of this administration to get whatever projects they want done during this administration.

Mayor McGuffie announced that the next City Council meeting would be Monday August 15, 2011.

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

The City Council meeting adjourned at 8:01 p.m.

Respectfully Submitted,

Bobby Christmas
City Clerk