



# City of Clay

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

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## CITY COUNCIL MINUTES

### August 2, 2010

The City Council of the City of Clay, Alabama met in regular session on Monday, August 2, 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 City Clerk Bobby Christmas opened in prayer.

Mayor McGuffie 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 and regular minutes of July 19, 2010. Councilman Small made a motion to approve the pre-council and regular 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 Councilman Webster and approved by unanimous voice vote.

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

Under **Scheduled Public Comments**, Mayor McGuffie introduced Case Annex 2010-01, an Annexation and Zoning of property at 6423 Clay Palmerdale Road. The Mayor called for anyone to talk for and/or against this case. Mr. James Harbison was recognized and identified himself as living at 7081 Mountainview Drive Northeast. He stated he had talked to the Planning and Zoning Commission in their meeting of July 15, 2010, and made them aware of a covenant on this property. He stated it was in the best interest of the neighborhood that the covenant remains intact. He stated he did not have a problem with the annexation or rezoning but wanted the covenant to remain intact.

Mr. Russell Steen, City Attorney, addressed the four items in the covenant being:

(1) Said property is zoned L-1 (Light Industry) and is to be used for a public garage and for no other business; (2) Said property is not to be used as a permanent storage of disabled automobiles or other motor vehicles and is not to be used as a junk yard; (3) Said property will be kept clean, compatible with its use as a public garage; and (4) The restrictions and limitations herein set out constitute and shall be construed to be covenants running with the land and shall be binding upon C.L. McClain and



## City Council Meeting

August 2, 2010

Page 2

all future owners of said property respect to which the same shall be applicable, and upon all persons claiming unto such owners, until such time as the governing body of Jefferson County, Alabama, allows and permits, upon proper zoning and requests, changes in and from the said L-I (Light Industry) zoning.

Councilman Feemster made a motion to accept the recommendation of the Planning and Zoning Commission to annex the property and rezone it to NC (Neighborhood Commercial). Other discussion concerned the validity of the covenant and what the property was going to be used for. Councilman Feemster expressed concern that the City's hands would be tied if the zoning remained L-I (Light Industrial). He questioned what the property could be used for if there was no interest from anyone to rent it for a public garage. Councilman Feemster withdrew his motion due to lack of a second.

Mr. Russell Steen, City Attorney, reviewed the Zoning Ordinance and determined that a public garage was not identified in the NC (Neighborhood Commercial) Zoning. Councilman Feemster made a motion to table Case Annex 2010-01 until the issue with the covenant and the zoning could be resolved. Councilwoman Hambrick seconded the motion which was approved by a unanimous voice vote.

Under **Reports from Standing Committees** Mayor McGuffie recognized Councilman Feemster for a report from the **Public Safety Committee**. Councilman Feemster reported that there was not a quorum for the Public Safety meeting on July 26. He reported on the progress of the storm water and erosion control project at the ballpark. He stated the project was over half way complete and in the last two weeks work had been done on the hydro-seeding, some rearranging of some of the slopes and the upper portion of the slope was complete. He stated that work needed to be completed on the construction road shoulders to seed, hay and fertilize, as well as, shaping around the creek and front slopes which he stated could possibly be completed within the next two weeks.

Councilwoman Hambrick was recognized for a report from the **Committee on Community Development, Environmental, Historical, Library and Seniors**. Councilwoman Hambrick recognized the Seniors and they had nothing to report. Councilwoman Hambrick reported she was working with the Seniors on a project to prepare gift baskets for new people moving into Clay. She stated the Library was going well and a fund raiser was being planned for October. Also, she stated the Environmental Committee was working on a grant for a gateway project into the city.

Under **Committee on Annexation, Business, Census, Planning & Zoning and Schools**, Councilwoman Johnson was recognized and reported on the following: (1) She announced that the Clay Chalkville Middle School was working on a grant for \$250,000 to build some tennis courts at the school. She announced that everyone could go on the website and vote for this grant and the grant with the most votes will win. She encouraged everyone to vote and help the school win this grant. (2) Councilwoman Johnson announced that there would be a School Committee meeting at City Hall on Tuesday August 10. (3) She reported she had received a letter from the Census Bureau thanking us for our help and stated that the Clay area did a good job of getting the Census forms returned. (4) She announced that football season was very close and the high school was already working on the school year book. Councilwoman Johnson made a motion that the City of Clay purchase an ad for \$600 for the Clay Chalkville High School football program. The motion was seconded by Councilwoman Hambrick and approved by a unanimous voice vote.



## City Council Meeting

August 2, 2010

Page 3

Councilman Small was recognized for a report from the **Committee on Building Inspections, Sanitation, Streets and Utilities**. Councilman Small reported on the following: (1) Public Works would begin cleaning up the Hanson property on Trussville Clay Road tomorrow if weather permits; (2) made corrections to the Gas Funds on the account balances; (3) expressed appreciation for the many jobs that the Public Works Department has completed.

Councilman Webster was recognized for a report from the **Parks and Recreation Committee**. Councilman Webster reported on the following: (1) accomplishments of the 8u Cougar Baseball team at the Dizzy Dean World Series; (2) Singing last Saturday night was great and the next one is scheduled for August 28; (3) Councilman Webster made a motion to purchase a 2010 or 2011 Ford Explorer from the state bid list in the amount of \$22,986 to be funded out of the General Fund. The motion was seconded by Councilman Feemster and approved by a unanimous voice vote.

Under the **Committee on Finance and Ordinance**, Mayor McGuffie reported that it had been brought to the attention of the City that there is a problem with wild hogs in this area. He stated there had been meetings with Clay Deputy John Bryant, Conservation Officer Mike Jackson, and Deputy Dwight Sloan, Animal Cruelty Deputy for Jefferson County to address this problem. The Mayor reported that traps were being purchased to hopefully control this problem.

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 on the balances in the 4 & 5 Cent Gasoline Fund = \$167,179.55; 7 Cent Gasoline Fund = \$107,517.93; AmFund Account = \$770,510.96; Capital Improvement Fund = \$171,421.30; Concession Stand = \$4,036.67; Contractors Bond = \$43,299.58; General Fund = \$530,752.21; Library Fund = \$3,386.79; Park and Recreation Fund = \$677.67; and Senior Citizens Fund = \$7,882.58.

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 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

Ordinance 2010 – 05, An Ordinance Annexing 6423 Clay Palmerdale Road, was on the meeting agenda but was not considered at this time due to the tabling of Annex 2010-01 earlier in this meeting.

Mayor McGuffie introduced Ordinance 2010 – 06; An Ordinance Amending the Parks and Recreation Committee; which was read by City Clerk Bobby Christmas.

Councilman Small made a motion to approve Ordinance 2010 – 06 which was seconded by Councilman Webster.



**City Council Meeting**  
**August 2, 2010**  
**Page 4**

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 Resolution 2010 – 26, A Resolution Concerning Improvements to the City of Clay Deerfoot Parkway Gateway, which was read by City Clerk Bobby Christmas.

Councilwoman Hambrick made a motion to approve Resolution 2010 – 26 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

Mayor McGuffie introduced Resolution 2010 – 27, A Resolution Authorizing the Mayor to Enter into a Contract for Project No. SRTS-SR10(914) - Sidewalk along Cougar Drive in the City of Clay, which was read by City Clerk Bobby Christmas.

Councilman Small made a motion to approve Resolution 2010 – 27 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 Resolution 2010 – 28, A Resolution Declaring Weeds to be a Public Nuisance and to Eliminate a Nuisance Upon Private Property, which was read by City Clerk Bobby Christmas.

Councilwoman Johnson made a motion to approve Resolution 2010 – 28 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



**City Council Meeting**  
**August 2, 2010**  
**Page 5**

Nays: None

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

Mr. Dennis Locke, President of the Steeple Chase Homeowners Association, was recognized and expressed appreciation to the city for the paving of Harness Circle and Harness Lane. Also, Mr. Locke asks when the parking lot on Steeple Chase would be completed. He was told that work should begin on it this week and there had been some problems with the telephone lines.

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

Mayor McGuffie called for any Mayor and/or Council comments.

Councilwoman Hambrick was recognized and wanted to remind everyone of the Historical Society's project to erect a Veterans Memorial. She encouraged all veterans to complete the form and submit to the Historical Society for recognition as a veteran. She stated the deadline to submit these forms was August 14.

Councilman Feemster was recognized and reported on a work session held by the Argo Town Council that he, Mayor McGuffie, and Bobby Christmas attended two weeks ago. He explained the purpose of this work session was for the Argo Town Council to discuss a request by a developer for Argo to provide fire protection at an apartment complex they want to build on Deerfoot Parkway. He explained that this property was in Jefferson County but surrounded by the Trussville city limits. Also, if Argo approves this, they would get the benefits but the kids living in these apartments would be zoned for Clay schools. Councilman Feemster reported that Mayor Melton of Trussville had written a letter opposing this action and that Mayor McGuffie had written a letter also.

Mayor McGuffie announced that the next City Council meeting would be Monday August 16 at the Clay Community Center.

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

The City Council meeting adjourned at 8:05 p.m.

Respectfully Submitted,

Bobby Christmas  
City Clerk / Treasurer