



City of Clay

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

CITY COUNCIL MINUTES February 4, 2013

The City Council of the City of Clay met in regular session on Monday, February 4, 2013, at 7:00 p.m. at Clay City Hall. Mayor Webster presided over the meeting and City Manager Ronnie Dixon, served as recorder.

Mayor Webster called the meeting to order and City Manager Ronnie Dixon opened in prayer and led everyone in reciting the Pledge of Allegiance.

Roll call of those present was answered by the following:

Councilor Baker
Councilor Small

Councilor Halstead
Councilor Thackerson

Councilor Johnson
Mayor Webster

Absent: None

Mayor Webster called for a motion to approve the Regular Council meeting minutes of January 22, 2013.

Councilor Johnson made a motion to approve the Regular Council meeting minutes of January 10, 2013, which was seconded by Councilor Thackerson and approved by unanimous voice vote.

Mayor Webster called for a motion to approve tonight's Meeting Agenda.

Councilor Small made a motion to approve tonight's Meeting Agenda, which was seconded by Councilor Johnson and approved by a unanimous voice vote.

Mayor Webster called for a motion to approve tonight's Consent Agenda.

Councilor Halstead made a motion to approve the Consent Agenda sated 2/4/2013, which was seconded by Councilor Small.

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

Yeas: Councilors Baker, Halstead, Johnson, Small, Thackerson, and Mayor Webster

Nays: None

Under **Scheduled Public Comments**, Mayor Webster introduced the presentation of Proclamation 2013-02, which was read aloud by City Manager, Ronnie Dixon. *Councilor Johnson made a motion to adopt Proclamation 2013-02, A Proclamation to Recognize the 2012 Clay Chalkville Middle School Lady Cougars Basketball Team, which was seconded by Councilor Thackerson and approved by a unanimous voice vote.*

Mayor Webster then presented the Proclamation to the Clay Chalkville Middle School Lady Cougars Basketball Team.

Mayor Webster introduced the Public Hearing for non-renewal of the business license for Exxon located at 6412 Old Springville Road. Mr. Dixon explained that over the course of the last few years, employees of this establishment have been arrested for selling illegal drugs. Mr. Dixon asked business owner, Mr. Huyn to explain his case. Mr. Huyn introduced himself as the owner of the business and stated that he could not control what his employees do when he is not present. Mr. Huyn explained that he has reprimanded his employees, who are also his children, to which they reply that they would not break any



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laws. He stated that he has laid off one of the employees who was arrested, and asked that the Council give him a chance.

Mayor Webster asked for anyone else to speak on behalf of this business and recognized Mr. Rocky Neeson who identified himself as living at 605 Tara Lane, Trussville. He explained that he has known Mr. Huyn for 20 years and spoke highly of Mr. Huynh's work ethic. Mr. Neeson explains that he also represents Chevron and that the contract specifically addresses drugs. He has spoken with Mr. Huyn who has assured him that the employee who was arrested for drugs will not be allowed back on the premises. He asked the Council to consider alternative options for addressing this issue including a 30 day suspension of license and fines. He asked the Council if any Councilors had any questions. Councilor Small asked Mr. Neeson if he has had to "debrand" any other locations for issues like this. Mr. Neeson answered that he has had to write letters to business owners, but has never had to debrand a store. City Attorney Alan Summers asked about on-site violations and the process for ABC license. Councilor Baker asked Mr. Huyn about who committed the first offense and if they were allowed to return to work. Mr. Dixon explained that the first offense was pleaded down to a misdemeanor, for which the employee has served probation.

Mayor Webster asked if there was anyone else present who wished to speak about this case. There was no response. Mayor Webster closed discussion to the floor and opened discussion among the Council. Mr. Summers suggested that the Council impose a fine or a suspension or both, if they were considering allowing Mr. Huyn to renew his license. Councilor Baker asked about the legality of imposing a fine. Mr. Dixon suggested allowing Mr. Huyn to make a donation to the High School for drug testing rather than imposing a fine that is not outlined in the City's business license ordinance. *Councilor Johnson made a motion to table the discussion until the next meeting to allow the City Attorney to meet with the business applicant to discuss penalties. The motion was seconded by Councilor Halstead.*

The motion was put before the Council and a roll call vote was conducted with the results as follows:
Yeas: Councilors Baker, Halstead, Johnson, Small, Thackerson, and Mayor Webster
Nays: None

Under **Reports from Standing Committees** Mayor Webster reported for the **Finance Committee**. He announced that he will be in contact with the members of the finance committee for a meeting this month.

Councilor Baker was recognized for a report from the **Public Safety Committee**. Councilor Baker announced that the Public Safety Committee meets every two weeks for the time being and there will be a Resolution declaring meeting dates for the Public Safety Committee. He also announced that the City has ordered a radar gun for the City's Deputies.

Councilor Halstead was recognized for a report from the **Committee on Community Development and Annexations and the Building Inspections Department**. Councilor Halstead announced the first meeting for the Committee on Community Development and Annexations will take place on February 5 at 5:30 at the Cosby Lake House. He also announced that in the last few weeks he has had thirteen people volunteer for his committee and that he will meet with them.

Under **Committee on Schools, Seniors Advisory Board Liaison and Planning and Zoning Councilor Ex-Officio**, Councilor Johnson asked for volunteers for the School committee's reading program.



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Councilor Small was recognized for a report from the **Public Work Department and Library Board** and announced that the City has its tractor back. He also discussed the recycling bin at the Old City Hall, saying that he already sees evidence of abuse of this program. The Library Board met Tuesday, January 29 and made progress on decisions for the sign and outdoor reading area, both sponsored by grants awarded to the library. He hopes to have final decisions to bring to the Council after the next Library Board meeting. The City continues to work with the County on issues like road and right-of-way maintenance.

Councilor Thackerson was recognized for a report on the **Parks and Recreation Board**. He announced that baseball and softball registration is open until February 8 and evaluations will be held on February 9. He and Park Superintendent Will Collins met with representatives of the youth soccer league to discuss field rental. Councilor Thackerson thanked Coaches Johnson and Jones for hosting a coaches' clinic. Councilor Baker asked Councilor Thackerson about the status of the field rental contract and expressed his concern about the volume of their use. He discussed the City's cost for the disc golf course and brought the packet (included) to the Council's attention.

After discussion about the cost of the disc golf course, Councilor Thackerson made a motion to set aside \$25,000.00 for the construction of a disc golf course which was seconded by Councilor Halstead.

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

Yeas: Councilors Baker, Halstead, Johnson, Small, Thackerson, and Mayor Webster

Nays: None

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

Under the **City Manager's Report**, City Manager Ronnie Dixon reported the account balances in the 4 & 5 Cent Gasoline Fund = \$112,650.15; 7 Cent Gasoline Fund = \$132,077.71; Capital Improvement Fund = \$69,484.57; General Fund = \$504,328.03; Library Fund = \$1,485.49; Senior Citizens Fund = \$4,084.03; and Contractors Bond = \$53,302.96.

Mr. Dixon discussed keys for the park, saying several different people have keys to different locks and the Park Superintendent has no way to keep track of who was given a key before he was hired. Mr. Dixon asked the Council to allow him to rekey the ballpark so the City will have more control over who has keys and is allowed to turn on the lights etc. He estimated that the cost for this job is approximately \$2,000.00. He stated that the money for this job is in the previously approved budget, so no motion is necessary, but he would like permission from the Council to begin this project. The Council expressed their agreement that the ball park should be rekeyed to ensure that only the proper people have the keys.

The splashpad is returned. Mr. Dixon was able to negotiate the restocking fee down from \$40,000.00 to \$25,000.00.

The City's tractor has been returned. Mr. Dixon was able to negotiate the restocking fee to \$0.00.

The trash bid was mailed to seven companies. The date for bid opening will be February 18. Curbside recycling is an option to be included in the bids.

The Concession Stand Agreement has been signed. The term is two years with a two year option.



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Wayne Sullivan from Jefferson County Roads and Transportation said he will send an engineer to look at the roads in the Cross Keys subdivision. He stated that the County does not formally bid on projects, but that they will submit an estimate for their work.

Mr. Dixon then introduced the annual renewal of the City's contract with the Clay-Pinson Chamber of Commerce. The contract is for \$6,500.00 for the general promotion of the Chamber and the City as well as the Chamber's promotion of the City's Christmas Parade. There is a separate contract for \$5,000.00 for the Chamber's hosting of Clay May Days. He asked the Council to consider these contracts so the Council can begin working on these events.

Councilor Halstead made a motion to allow Mayor Webster to enter into an agreement to donate \$6,500.00 to the Clay Pinson Chamber of Commerce for the promotion of the City, which was seconded by Councilor Baker.

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

Yeas: Councilors Baker, Halstead, Johnson, Small, Thackerson, and Mayor Webster

Nays: None

Councilor Halstead made a motion to allow the Mayor to donate \$5,000.00 to the Clay Pinson Chamber of Commerce for their use for Clay May Days, which was seconded by Councilor Baker.

Councilor Small asked if Clay May Days could be hosted at Cosby Lake instead of at the High School. Councilor Baker suggested the ballpark. Mr. Dixon discussed changes for improvements in Clay May Days.

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

Yeas: Councilors Baker, Halstead, Johnson, Small, Thackerson, and Mayor Webster

Nays: None

The City sent out over 1,100 business license renewal notices and over 800 second notices. Approximately 300 have been processed and approximately 300 are waiting processing. The City received \$336,000.00 in franchise fees and \$127,000.00 in business license renewals.

Per the Council's instruction, Mr. Dixon has investigated the monthly telephone service for the City of Clay and AT&T has provided him with a new price of \$1,165.24. The City currently pays approximately \$2,600.00 for telephone service per month. The contract will be prepared for the council's review soon.

Mayor Webster signed the grant for the Senior Citizens Center Improvement grant. The Senior Center now has \$160,000.00 for a sunroom, outdoor area, and kitchen improvements.

Councilor Thackerson asked Mr. Dixon if the City has a bush hog to use with the tractor. Public Works Director, Josh Isbell answered that the City does have a bush hog and a flail mower.

Councilor Thackerson inquired about the paving for Garden Valley Lane. Mr. Dixon stated that he and Mr. Isbell have investigated and most of the damage is not out of ordinary. However, he has spoken with Ketona who said their policy is not to repair rights-of-way and driveways which is where most of the damage has occurred. They are still investigating responsibility for maintenance.

Councilor Halstead asked for clarification on AT&T savings and to add the total of all bank accounts, excluding the Contractors' Bonds on the Consent Agenda. Mr. Dixon stated that he and the bookkeeper are working to create new account names so that the accounts will match the budget and be easier to read.



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Mr. Dixon announced that there has been a lot of interest in renting Cosby Lake House for events, but that the City does not have an existing policy for renting this facility. He stated that the City will have to rent handicap accessible portable toilets for all events as well as the public's use. He stated that the City can use the rental agreement currently used for the Senior Center and Community Center for the Lake House, but that the Council will need to decide on a rental fee and should keep the portable toilets in mind when discussing this figure. The Council discussed location of these facilities and options for restrooms. Mr. Dixon discussed the rental fees for the Community Center and Senior Center. Councilor Baker asked about the rental fees for Community Organizations. Mayor Webster and Ronnie Dixon clarified that City policy allows the City Manager to negotiate special rates and the City generally does not charge community organizations for their use of the Community Center. Councilor Small suggested that a Deputy be required at Cosby Lake for groups of 50 or more. Councilor Thackerson suggested the rental rate of \$150.00 for two hours and \$50.00 for each additional hour. Mr. Dixon stated that he would have a rental agreement for the Council's review at the next meeting.

Under **Resolutions, Ordinances, Orders and Other Business** Mayor Webster called for a motion to enter into unanimous consent.

Councilor Johnson made a motion to suspend the regular rules of order and enter into unanimous consent which was seconded by Councilor Small.

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

Yeas: Councilors Baker, Halstead, Johnson, Small, Thackerson, and Mayor Webster

Nays: None

Mayor Webster introduced Resolution 2013-05, A Resolution Designating Meeting Times for the School Committee for the Calendar Year 2013, which was read by City Manager Ronnie Dixon.

Councilor Johnson made a motion to approve Resolution 2013-05 which was seconded by Councilor Halstead.

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

Yeas: Councilors Baker, Halstead, Johnson, Small, Thackerson, and Mayor Webster

Nays: None

Mayor Webster introduced Resolution 2013-06, A Resolution Designating Meeting Times for the Library Board for the Calendar Year 2013, which was read by City Manager Ronnie Dixon.

Councilor Small made a motion to approve Resolution 2013-06 which was seconded by Councilor Halstead.

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

Yeas: Councilors Baker, Halstead, Johnson, Small, Thackerson, and Mayor Webster

Nays: None

Mayor Webster introduced Resolution 2013-07, A Resolution Designating Meeting Times for the Public Safety Committee for the Calendar Year 2013, which was read by City Manager Ronnie Dixon.

Councilor Baker made a motion to approve Resolution 2013-07 which was seconded by Councilor Thackerson.

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

Yeas: Councilors Baker, Halstead, Johnson, Small, Thackerson, and Mayor Webster

Nays: None



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Mayor Webster introduced Resolution 2013-08, A Resolution Designating Meeting Times for the Community Development Committee for the Calendar Year 2013, which was read by City Manager Ronnie Dixon.

Councilor Halstead made a motion to approve Resolution 2013-08 which was seconded by Councilor Thackerson.

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

Yeas: Councilors Baker, Halstead, Johnson, Small, Thackerson, and Mayor Webster

Nays: None

Mayor Webster called an end to Unanimous Consent and called for **Public Comments** and recognized Mr. Charlie Shoop who identified himself as living at 5538 Garden Valley Lane. He asked the Council to install a "Dead End" street sign. Mr. Dixon assured him that the City will take care of it by the following Wednesday.

Mayor Webster recognized Ms. Gail Kosher who identified herself as living at 7090 Goodner Mountain Road. She commended the Council and Mayor for their financial transparency. Ms. Kosher asked for clarification on a previous meeting's decision to stop spending money. She asked the Council if the Chamber of Commerce spending was a donation or a part of a contract. Mr. Dixon answered that both motions were for a contract between the City and the Chamber of Commerce. She reiterated the need for the City to establish an emergency fund as quickly as possible. Ms. Kosher asked the Council to be clearer about the mixed messages she's receiving from various media versus the Council meetings. She asked for clarification as to whether the Seniors Activity Center belongs to the City or the County. Mr. Dixon answered that the building belongs to the County, but the City has a contract to manage the facility.

Mayor Webster called for any **Mayor / Council comments** and announced the next meeting will be Monday, February 18, 2013.

Councilor Johnson made a motion to adjourn, which was seconded by Councilor Baker and approved by a unanimous voice vote.

The City Council adjourned at 8:30 pm.

Respectfully Submitted,

Ronnie Dixon
City Manager