



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

CITY COUNCIL MINUTES
October 4, 2012

The City Council of the City of Clay, Alabama met in regular session on Thursday, October 4, 2012, at 7:12 p.m. at the Clay Community Center. Mayor Ed McGuffie presided and City Clerk Bobby Christmas served as recorder.

Mayor McGuffie called the meeting to order and City Clerk Bobby Christmas opened in prayer and 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 Kevin Small	Councilman Charles Webster
Mayor Ed McGuffie	

Absent: Councilwoman Jackie Hambrick

Mayor McGuffie called for a motion to approve the Pre-Council meeting and Regular Council meeting minutes of September 17, 2012.

Councilwoman Johnson made a motion to approve the Pre-Council meeting minutes and Regular Council meeting minutes of September 17, 2012, which was seconded by Councilman Feemster and approved by a unanimous voice vote.

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

Councilwoman Johnson made a motion to approve the meeting agenda which was seconded by Councilman Webster and approved by a 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 a unanimous voice vote.

Under **Scheduled Public Comments**, Mayor McGuffie introduced Proclamation 2012-05, A Proclamation to Observe Breast Cancer Awareness Month, which was read by City Clerk Bobby Christmas.

Councilwoman Johnson made a motion to approve Proclamation 2012-05 which was seconded by Councilman Feemster and approved by a unanimous voice vote.

Mayor McGuffie introduced Mr. Lynn Burch, Building Inspections Superintendent, and Debby Clayton, Inspections Assistant, for the Bid Opening for Tornado Demolition.

The bids were as follows:

Bidder	5118 Rick Drive Slab & Driveway	5118 Rick Drive Structural & Vegetation	5118 Rick Drive Total	5410 Balboa Circle Slab & Driveway	5410 Balboa Circle Structural & Vegetation	5410 Balboa Circle Total	5523 Spanish Trace Slab & Driveway	5523 Spanish Trace Structural & Vegetation	5523 Spanish Trace Total	5530 San Marcos Drive Slab & Driveway	5530 San Marcos Drive Structural & Vegetation	5530 San Marcos Drive Total	Total All Houses
All Star Realty Company Inc.	\$1,900.00	\$6,750.00	\$8,650.00	\$1,800.00	\$6,500.00	\$8,300.00	\$2,000.00	\$5,700.00	\$7,700.00	\$1,000.00	\$7,900.00	\$8,900.00	\$33,550.00
Bento Construction	\$500.00	\$10,500.00	\$11,000.00	\$500.00	\$10,500.00	\$11,000.00	\$750.00	\$11,750.00	\$12,500.00	\$500.00	\$10,500.00	\$11,000.00	\$45,500.00
Cummings Grading	\$2,000.00	\$4,700.00	\$6,700.00	\$2,000.00	\$5,800.00	\$7,800.00	\$1,500.00	\$4,000.00	\$5,500.00	\$1,000.00	\$5,800.00	\$6,800.00	\$26,800.00
D&R Contracting	\$1,200.00	\$6,300.00	\$7,500.00	\$1,200.00	\$5,900.00	\$7,100.00	\$1,900.00	\$7,200.00	\$9,100.00	\$1,200.00	\$6,200.00	\$7,400.00	\$31,100.00
D&S Excavation	\$3,000.00	\$5,500.00	\$8,500.00	\$4,200.00	\$5,300.00	\$9,500.00	\$3,000.00	\$6,500.00	\$9,500.00	\$3,000.00	\$4,500.00	\$7,500.00	\$35,000.00
Deconstruction & Waste Services	\$1,500.00	\$9,000.00	\$10,000.00	\$1,700.00	\$7,700.00	\$9,400.00	\$1,800.00	\$11,200.00	\$13,000.00	\$1,800.00	\$11,200.00	\$13,000.00	\$45,400.00
Elliott Construction	\$1,000.00	\$4,975.00	\$5,975.00	\$1,000.00	\$4,975.00	\$5,975.00	\$1,000.00	\$5,375.00	\$6,375.00	\$1,000.00	\$4,975.00	\$5,975.00	\$24,300.00
Love Landscapes	\$500.00	\$4,298.00	\$4,798.00	\$500.00	\$4,698.00	\$5,198.00	\$800.00	\$6,198.00	\$6,998.00	\$900.00	\$3,798.00	\$4,698.00	\$21,692.00



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Bidder	5118 Rick Drive Slab & Driveway	5118 Rick Drive Structural & Vegetation	5118 Rick Drive Total	5410 Balboa Circle Slab & Driveway	5410 Balboa Circle Structural & Vegetation	5410 Balboa Circle Total	5523 Spanish Trace Slab & Driveway	5523 Spanish Trace Structural & Vegetation	5523 Spanish Trace Total	5530 San Marcos Drive Slab & Driveway	5530 San Marcos Drive Structural & Vegetation	5530 San Marcos Drive Total	Total All Houses
Mark Keel Construction	\$1,797.00	\$4,537.00	\$6,334.00	\$1,997.00	\$4,137.00	\$7,234.00	\$1,797.00	\$5,437.00	\$6,134.00	\$1,797.00	\$5,537.00	\$7,334.00	\$27,036.00
R&K Construction	\$1,675.00	\$9,875.00	\$11,550.00	\$1,675.00	\$9,875.00	\$11,550.00	\$1,675.00	\$9,875.00	\$11,550.00	\$1,675.00	\$9,875.00	\$11,550.00	\$46,200.00
Tomlin Excavation		\$7,200.00	\$7,200.00		\$7,200.00	\$7,200.00		\$7,200.00	\$7,200.00		\$7,200.00	\$7,200.00	\$28,800.00
Lamar Moore	\$1,450.00	\$4,650.00	\$6,100.00	\$1,350.00	\$4,950.00	\$6,300.00	\$1,490.00	\$5,850.00	\$7,340.00	\$1,550.00	\$4,600.00	\$6,150.00	\$25,890.00

The Mayor explained that the bid packets will be reviewed and the bids will be awarded at the next City Council meeting.

Under **Reports from Standing Committees** Councilman Feemster was recognized for a report from the **Public Safety Committee**. Councilman Feemster announced that he, Mrs. Gayle Kosher, and Mrs. Pat Feemster cleaned out the storm center and donated the remaining items to Mission Possible.

Councilwoman Hambrick was not present for a report from the **Committee on Community Development, Environmental, Historical, Library and Seniors**.

Councilwoman Johnson was recognized for a report from the **Committee on Annexation, Business, Census, Planning & Zoning and Schools**. She discussed the following items: (1) Councilwoman Hambrick is ill. (2) Library Craft night will take place October 11 at the Community Center. (3) The next City Council meeting will be held on Thursday October 18 and there will be a Breast Cancer Awareness Reception beforehand. It will begin at 6:00 pm. (4) Clay Chalkville Middle School will host a Pink Out Celebration on October 25 and requests that everyone wear pink. (5) Veteran's Day Luncheon will be held on November 12 at the Grayson Valley Country Club. (6) Clay Christmas Parade will take place on December 8 at 3:30 pm. The Christmas Tree Lighting will take place after the parade. (7) The Chamber of Commerce is hosting the Butterbean Festival October 5 and 6.

Under **Committee on Building Inspections, Sanitation, Streets and Utilities** Councilman Small stated that October 1st was the third anniversary of the Clay Public Library's opening. He reported that the Clay, Pinson, and Trussville libraries would host an informational meeting for Construction Education Foundation of Alabama (CEFA) which offers technical skills training for the unemployed and underemployed. The meeting will take place on October 9th at the Clay Community Center. Councilman Small explained that three months ago the Council passed a motion to hire a library clerk for a trial period. He further explained that the current library clerk is unable to continue working. He stated that the clerk position only has three months left in the original trial period specified by the motion made in July 2012. He indicated that he would like to make this position more attractive to potential library employee candidates.

Councilman Small made a motion to extend the library clerk position for an additional 6 months, which was seconded by Councilwoman Johnson and approved by a unanimous voice vote.

Councilman Small announced Trussville Clay Road is fully paved and thanked Jefferson County for paving. Councilwoman Johnson stated in reference to the library clerk that the person originally hired had an accident and could no longer fill the position.

Councilman Webster was recognized for a report from the **Committee on Parks and Recreation**. He discussed the lighting proposal presented in Pre-Council by Park Superintendent Will Collins.

Councilman Webster made a motion to enter into contract with Alabama Power to change the City's rating to LTU in order to save an estimated 42% on lighting expense. The motion was seconded by Councilman Small and approved by a unanimous voice vote.

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



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Under the **City Clerk's Report**, City Clerk Bobby Christmas introduced Mr. Mike Cason from the Birmingham News who will be the representative from the news to cover our meetings. Mr. Christmas reported the account balances in the 4 & 5 Cent Gasoline Fund = \$82,455.59; 7 Cent Gasoline Fund = \$156,572.68; Capital Improvement Fund = \$98,359.50; Contractors Bond = \$58,375.76; General Fund = \$321,159.70; Library Fund = \$6,413.28; and Senior Citizens Fund = \$6,603.24.

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

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

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

Yeas: Councilmembers Feemster, Johnson, Small, Webster, and Mayor McGuffie.

Nays: None.

Mayor McGuffie introduced Resolution 2012 – 22, A Resolution Declaring Weeds to be a Public Nuisance and to Eliminate a Nuisance on Private Property, which was read by City Clerk Bobby Christmas.

Councilwoman Johnson made a motion to approve Resolution 2012-22 which was seconded by Councilman Small.

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

Yeas: Councilmembers Feemster, Johnson, Small, Webster, and Mayor McGuffie.

Nays: None.

Mayor McGuffie called an end to Unanimous Consent and called for **Public Comments** and recognized Mrs. Pat Feemster, President of the Environmental Committee. Mrs. Feemster reported that the City should receive a recycling trailer early next year through Alabama Environmental Council. The trailer will be painted in Clay school colors.

Mayor McGuffie called for any **Mayor / Council comments** and recognized Councilman Small who discussed the roads in the Cross Keys subdivision. The roads in this subdivision include: Somersby Drive, Hanover Parkway, Dandridge Drive, Buckland Mills, Hatchers Run, and Stedman Circle. He stated that the developer who took out the bonds for the roads is dissolving his business. Councilman Small stated that the City could get the bonds signed over to the City if the City takes the roads. He informed the Council that the bonds total \$44,274.14. He said that the cost to finish the roads will cost approximately \$80,000.00. Councilman Small explained that the other option is for the business to file bankruptcy and the bonds go to bankruptcy court which will mean that the City will still get the roads without any money.

Councilman Small made a motion to accept the bonds and responsibility of the roads.

Mayor McGuffie asked if the City would then pay the remaining money to finish the roads. Councilman Small stated that the City would accept the bonds and bid out the finishing of the roads at that point.

Councilman Webster clarified that the money used for the roads in this subdivision will come from the Gas Tax fund.

City Attorney Russ Steen explained that if the developer goes into bankruptcy, then the bonds become part of his assets and would be divided to pay his bills and the City would only get a small portion of the bonds; but, if the City passes this motion, Building Inspections Superintendent Lynn Burch will require future builders in this subdivision to put up a \$25,000.00 cash bond for any damages to the road that may be incurred during construction.



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Councilman Webster seconded the motion made by Councilman Small, and it was approved by a unanimous voice vote.

Councilman Feemster suggested evaluating the bond process and requirements for future development. City Clerk Bobby Christmas stated that the City has followed the County's lead and recently started collecting cash bonds.

Mayor McGuffie announced that the next regular City Council meeting would be Thursday October 18, 2012, at 7:00 p.m.

Councilman Webster made a motion to adjourn which was seconded by Councilman Small and approved by a unanimous voice vote.

The City Council adjourned at 8:11 p.m.

Respectfully submitted,

Bobby Christmas
City Clerk