



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

CITY COUNCIL MINUTES
June 4, 2012

The City Council of the City of Clay, Alabama met in regular session on Monday, June 4, 2012, at 7:00 p.m. at the Clay Community Center. Mayor Ed McGuffie presided and Bookkeeper Susan Nelson served as recorder.

Mayor McGuffie called the meeting to order and Councilwoman Jackie Hambrick 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 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 May 24, 2012. Councilwoman Hambrick made a motion to approve the Pre-Council meeting minutes and Regular Council meeting minutes of May 24, 2012, which was seconded by Councilwoman Johnson 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 Small 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 Councilwoman Hambrick and approved by a unanimous voice vote.

Under **Scheduled Public Comments**, Mayor McGuffie introduced Chairman of the Board of Zoning Adjustments, Andy Driggers. Mr. Driggers gave each councilmember a packet of information. Mr. Driggers addressed the following: (1) Discussed his submission of a changes to the Board of Zoning Adjustments application. (2) Asked that the City retract a statement on the city website stating that the Board of Zoning Adjustments and Environmental Committee work together. His reasoning is that the Board of Zoning Adjustments is standalone entity. (3) Asked the Council to adopt a Resolution allowing the Mayor and Chairman of the Board of Zoning Adjustments to interview and screen applicants and recommend citizens of Clay for appointment to the BZA. Mr. Driggers stated that there has been a vacancy on the Board of Zoning Adjustments since the end of December 2011, and stressed the importance of filling that position so that the new member may receive proper training. (4) Requested that attorney Charlie Beavers assist the Board of Zoning Adjustments with difficult hearings and provide advice on statutes, prior case law, attorney general opinions and the like. (5) Requested that if the Council declines his request for Charlie Beavers' aid, then the Council consider a line item budget for the Board of Zoning Adjustments expenses, especially in the case of a need to hire an attorney. (6) Asked for a statement of character and integrity in connection with case BZA 2012-01. (7) Requested that City Council appoint a new ex-officio representative to the Board of Zoning Adjustments. (8) Recommended a pay increase for City Attorney Russell Steen for extra work done for the city. (9) Discussed a disc included in the packet. The disc contains evidence of non-conforming signs in Clay, some of which he believes threaten public safety and welfare.

Mayor McGuffie asked for any council questions about the issues discussed by Board of Zoning Adjustments Chairman Andy Driggers. Councilman Small asked if it would be possible to have a work session to address the list of requests. Councilwoman Hambrick stated that she did not appreciate the tactic Mr. Driggers took in pointing out an individual in a derogatory manner. Mr. Driggers disagreed. Discussion of semantics ensued.



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Mayor McGuffie interjected, assuring Mr. Driggers that the Council will take the requests into consideration. Mr. Driggers closed stating his desire to help because he is a citizen of this city.

Mayor McGuffie introduced Mr. Ron Self who identified himself as living at 7339 Weems Road, Pinson, Alabama. Mr. Self stated that he owns property in Chalkville and Clay. He explained that in December of 2011, many of his tenants received notice of violation of the city's sign ordinance. The violations have been rectified. However, he pointed out that the north end of Clay also has many sign ordinance violations. Mr. Self summarized Section 1006 of the sign ordinance, which names the following as prohibited signs: abandoned signs, snipe signs, lighted signs, and signs that resemble traffic symbols. Mr. Self stated that his tenants were told they would be fined if they did not comply with the sign ordinance within the allotted timeframe. He stated that it does not seem fair that the sign ordinance does not seem to be enforced city wide. Mayor McGuffie agreed, applauding Mr. Self's pride in the city and saying that the Administration has not ignored the northern section of Clay. However, because of a lack of cooperation the city will be forced to take drastic actions soon.

Councilman Feemster reiterated Mayor McGuffie's sentiments stating that while many snipe signs still need to be addressed, he has personally taken down hundreds of signs on the northern end of Clay. He also repeated the fact that the city may have to take legal action regarding this sign ordinance. Councilman Feemster observed that real estate signs have begun to be a problem again. He also stated that he agrees with Mr. Self and believes that the ordinance should receive consistent enforcement across city. Mr. Self asked if the city had a code enforcement officer to apply the sign ordinance. Mayor McGuffie answered affirmatively, but stated that the officer has also been doing inspections because the tornado has created an influx of inspection requests.

Under **Reports from Standing Committees** Councilman Feemster was recognized for a report from the **Public Safety Committee**. Councilman Feemster stated that he had nothing to discuss.

Councilwoman Hambrick was recognized for a report from the **Committee on Community Development, Environmental, Historical, Library and Seniors**. Councilwoman Hambrick thanked everyone for attending the City Council meeting. She announced that this was the first day to register for the library's summer reading program. She stated that the library has had an increase in activity since school let out for summer. She announced that the program already has twice the amount of people enrolled as it did in the previous year. Councilwoman Hambrick urged everyone to visit and support the city's library. She announced a seniors picnic planned at Nocalula Falls in Gadsden on June 8. She also announced a seniors day trip to the Moon Pie and Little Debbie outlet stores in Chattanooga, Tennessee. She recognized Linda Love, director of Senior Citizens Center, who stated that the second bus helps tremendously on trips such as the ones mentioned by Councilwoman Hambrick. Councilwoman Hambrick announced that the Cosby Lake house will be a nature center, and there have been many improvements made to the house. Councilwoman Hambrick made a motion to approve labor costs to Kevin Talley in the amount of \$3869.00 and material costs to Emser Tile in the amount of \$5635.61, which was seconded by Councilman Feemster and approved by a unanimous voice vote.

Under **Committee on Annexation, Business, Census, Planning & Zoning and Schools**, Councilwoman Johnson addressed Mr. Ron Self, stating her appreciation and agreement with his comments. She stated that ordinances and resolutions are only as good as their enforcement. Councilwoman Johnson announced the retirement of Clay Chalkville High School Principal, Laney. Councilwoman Johnson made a motion that the Council accepts the changes made to the Board of Zoning Adjustments application which was seconded by Councilman Small and approved by a unanimous voice vote.

Under **Committee on Building Inspections, Sanitation, Streets and Utilities** Councilman Kevin Small announced that the paving bids have gone out and will be opened at the next council meeting. Councilman Small made a motion for a called meeting on Monday June 11, 2012 at the Mayor's Conference Room at 6757 Old Springville Road. The motion was seconded by Councilwoman Johnson Second and approved by a unanimous voice vote.



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Councilman Webster was recognized for a report from the **Committee on Parks and Recreation**. He reminded everyone about the Fishing Rodeo on June 16 from 9am-1pm and stated that everything is in place to move forward. Councilman Webster invited the seniors to fish June 15. He addressed Andy Driggers earlier request for a pay raise for City Attorney Russell Steen, stating that Mr. Steen charges the city for extra time spent on special cases.

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

Under the **City Clerk's Report**, City Revenue Officer Susan Nelson reported the account balances in the 4 & 5 Cent Gasoline Fund = \$55,679.62; 7 Cent Gasoline Fund = \$135,394.09; Capital Improvement Fund = \$188,496.55; Contractors Bond = \$43,375.76; General Fund = \$482,692.17; Library Fund = \$227.16; and Senior Citizens Fund = \$5,524.20. Councilman Feemster asked about the remainder of the loan for the new building. City Revenue Officer Susan Nelson explained that we have not taken any extra money from that loan. Councilwoman Johnson pointed out a separate listing for loan account balances.

Under **Resolutions, Ordinances, Orders and Other Business** Mayor McGuffie called for a motion to enter into unanimous consent. Councilman Johnson made a motion to suspend the regular rules of order and enter into unanimous consent which was seconded by Councilman Small.

That 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 2012-10, A Resolution for a Severe Weather Preparedness Tax Holiday, which was read by City Revenue Officer Susan Nelson.

Councilwoman Johnson made a motion to approve Resolution 2012-10 which was seconded by Councilwoman Hambrick.

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 **Public Comments** and recognized Mrs. Pat Feemster who wanted to clarify that she had not written numerous letters. She explained that she attended the last Board of Zoning Adjustments meeting. While at the meeting, she asked if the agenda allowed public comments and was told that it did not. Because she was unable to speak at the meeting, she gave each member of the Board of Zoning Adjustments a copy of her planned comments which contained an expression of her disappointment in the decision made by the Board of Zoning Adjustments regarding Case BZA2012-01. She emphasized her appreciation for all members of the Board of Zoning Adjustments. Mrs. Feemster then thanked Ron Self for speaking about the sign ordinance. She stated that a lot of effort went into making public aware of sign ordinance, but the city got hit by a tornado shortly after the letters referred to by Mr. Self were written. As a result of the tornado, everything came to a halt except what had to be done for the recovery process. She assured Mr. Self that work is beginning again on the enforcement of this ordinance.

Mayor McGuffie recognized Linda Love, Director of the Seniors Center. Ms. Love asked if it was permissible for her to make tax exempt purchases for the city from the new Freds store. Mayor McGuffie answered affirmatively.



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Mayor McGuffie recognized Sam Stewart who identified himself as living on Kemberton Way. Mr. Stewart stated that at an early April Georgebrook Homeowners Association meeting Mayor McGuffie said the city had no funds for tornado cleanup and that the Mayor encouraged citizens to pay for dumpsters stating that the city would provide labor. Mayor McGuffie said he remembered a woman at the meeting who said they would provide dumpsters. Councilwoman Hambrick stated that the lady referred to by Mayor McGuffie was a representative of Thompson Tractor Company and that at the meeting the representative said they would like to help the Georgebrook subdivision tornado cleanup effort either financially or by volunteering equipment. Building Inspections Superintendent Lynn Burch clarified that Thompson Tractor has since committed to \$5,000.00 reimbursement for costs incurred by the city during tornado cleanup in the Georgebrook subdivision.

Mr. Stewart then asked about the funds allocated to splash pad, specifically where the money came from. Mayor McGuffie answered that the money allocated for the splash pad came from an earlier loan from the previous administration. Mr. Stewart cautioned the City Council about public perception. He stated that he understood the money probably came from two different funds, but it that it was difficult to understand why the administration says there is no money for tornado cleanup, but eight weeks later spend \$172,000.00 on a splash pad. Mayor McGuffie stated that this system is difficult to understand for many people who work outside of governmental accounting, and explained that legally certain funds can only be used for certain costs. Mayor McGuffie continued explaining that the city has 8 different funds, and some have more money than others, but all the funds are for specific different costs. Mr. Stewart asked if money could be transferred between funds in an emergency situation. Mayor McGuffie answered negatively, stating that the city could not do that, and explained further that funds left over from new building loan cannot be used for tornado cleanup. Mr. Stewart asked if the state could regulate our money in such a way. Mayor McGuffie said no, but the lender can dictate how the city spends the money. Mr. Stewart asked for clarification as to whether all the money for the new building is loaned money. Mayor McGuffie answered affirmatively.

Mayor McGuffie called for any **Mayor / Council comments** and announced that City Hall would be closed on Thursday June 7 after 1 and all day on Friday June 8 to move into the new office building over the weekend.

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

Councilwoman Johnson made a motion to adjourn which was seconded by Councilman Feemster and approved by a unanimous voice vote.

The City Council adjourned at 7:49 p.m.

Respectfully submitted,

Bobby Christmas
City Clerk