

DEMOPOLIS CITY COUNCIL MEETING AGENDA
October 2, 2008

Call to Order – Invocation 5:15pm

Pledge of Allegiance

Roll Call

Approval of Minutes

Reports from Departments

Police

Court

Fire

Public Works

Parks & Recreation

Horticulture

Building Official

Library

Unfinished Business –

1. Dilapidated Houses
2. Resolution 2008-08 – Alabama Dept of Transportation – French Creek
3. EMA Choctaw Co.
4. Barrown D. Lankster – License fee review
5. Hospital Board Appointments (2)
6. Cemetery Trustees Appointment (1)
7. Recreation Board Appointment (1)
8. Board of Adjustment (3)
9. Historic Preservation Committee (1)
10. Agreement with Tombigbee Emergency Medical Services
11. South Alabama Mutual Assistance Agreement

New Business –

1. State of Alabama ABC Board – 050 Retail Beer – Off Premises Only: Car Enterprises LLC, dba Demopolis Tobacco Store & More, 702 Hwy 80 E
2. ADEM increasing landfill disposal fees by \$0.16 per home, per month.
3. Sale of State Trooper Property
4. Proposed schematics for Fire Station
5. South Alabama Mutual Assistance Agreement
6. Chuck Smith - Workforce Development – Region 6 update

Projects-

1. Municipal Complex
2. Fire Station #3
3. Riverwalk Project
4. Theo Ratliff Expansion

Mayor Discussion

Council Discussion

Executive Session

Announcement

Adjourn

MINUTES OF THE DEMOPOLIS COUNCIL
OF THE CITY OF DEMOPOLIS, ALABAMA

Regular Council Meeting

October 2, 2008

The Regular Council meeting of the Demopolis City Council convened at 5:15pm on Thursday, October 2, 2008 in the Demopolis Rooster Hall.

Present:

Council Members: Cecil P. Williamson, Mayor
Thomas Moore, Mayor Pro Tempore
Charles Jones
Melvin Yelverton
Jack Cooley

City Clerk: Paula Bird

Absent: Woody Collins

Department Heads:

- | | |
|-----------------------------------|----------------------------------|
| • Police -- Tim Williams | Court |
| • Fire - Ron Few | Building Official |
| • Public Works -- Mike Baker | Library |
| • Horticulture -- Barbara Blevins | Park & Recreation -- Mark Pettus |

Mayor Cecil P. Williamson called the meeting to order and opened with an invocation. Pledge allegiance to the flag of the United States of America.

The Council reviewed the minutes of the September 18, 2008 regular meeting. Councilman Yelverton noted a correction on page 3 should read **Barrown D. Lankster – Helen Adams License request:** The License Committee *recommended no change*. Councilman Cooley asked for a change in the minutes to clarify the sentence on page 5 regarding Fire Station #3 and should read: Councilman Jones said *the architect* signed off on the building but not the off-site improvements.

Councilman Jones made the motion to approve the minutes for September 18, 2008 as corrected. Councilman Moore seconded the motion and motion passed with 5 yes votes by the following roll call vote:

Mayor Williamson: yes	Councilman Moore: yes	Councilman Jones: yes
Councilman Yelverton: yes	Councilman Collins:	Councilman Cooley: yes

Departmental reports

Departmental reports were submitted as indicated above.

Ronnie Few, Fire Chief, addressed the Council regarding Fire Prevention Month and distributed a calendar showing programs that would be presented for children outside of the City of Demopolis. Fire Prevention Programs are presented to Demopolis City Schools but not displayed on the calendar distributed. Chief Few said the Fire Department is searching for funds to help with the cost of presenting programs outside the City of Demopolis.

Unfinished business

Dilapidated housing: No report

Resolution 2008-08 – Alabama Dept of Transportation – French Creek: Waiting on Rick Manly, City Attorney’s recommendation.

EMA Choctaw Co.: Ronnie Few, Fire Chief, reported a meeting is being arranged for October.

Barrown D. Lankster – Helen Adams License request: The License Committee recommended no change at the September 18, 2008 Regular Council Meeting

Hospital Board Appointments: Councilman Moore made the motion to reappoint Tom Perry and Annye Braxton. Councilman Cooley seconded the motion and motion passed with 5 yes votes by the following roll call vote:

Mayor Williamson: yes Councilman Moore: yes Councilman Jones: yes
Councilman Yelverton: yes Councilman Collins: Councilman Cooley: yes

Cemetery Trustees Appointment: Mayor Williamson spoke with Tommy Reynolds and he does not want to be reappointed. This appointment will be tabled until the next Regular Council Meeting.

Recreation Board Appointment: Mark Pettus reported that a quorum was not present at the September Board meeting and had no recommendation at this time. This appointment will be tabled until the next Regular Council Meeting.

Board of Adjustment Appointment: Councilman Moore made the motion to appoint Mark Dollar and Ann Hunter to the Board of Adjustment. Councilman Cooley seconded the motion and motion passed with 5 yes votes by the following roll call vote:

Mayor Williamson: yes Councilman Moore: yes Councilman Jones: yes
Councilman Yelverton: yes Councilman Collins: Councilman Cooley: yes

Councilman Yelverton made the motion to reappoint Mary Jo Martin for a second term to the Board of Adjustment. Councilman Cooley seconded the motion and motion passed with 4 yes votes by the following roll call vote:

Mayor Williamson: Councilman Moore: yes Councilman Jones: yes
Councilman Yelverton: yes Councilman Collins: Councilman Cooley: yes

Historic Preservation Commission Appointment: Mayor Williamson said she is waiting on a recommendation from the Historic Preservation Commission and this would be tabled until the next Regular Council Meeting.

Agreement with Tombigbee Emergency Medical Services: Mayor Williamson reported that Rick Manly, City Attorney approved the agreement and the hospital and fire chief also approve the agreement. Councilman Cooley requested the item be tabled until all of the

Council is present to review the document. The agreement will be discussed at the next Regular Council Meeting.

South Alabama Mutual Assistance Agreement: Councilman Yelverton stated he would prefer Rick Manly, City Attorney review this agreement. Ronnie Few, Fire Chief stated this agreement would provide a way to get reimbursement for expenses related to a mutual call. Councilman Cooley asked that the agreement will be tabled until the next Regular Council Meeting.

New business

Application for 050 – Retail Beer – Off Premises Only License: Avinash I. Patel dba Demopolis Tobacco Store & More is requesting the Off Premise Only License. Tim Williams, Acting Police Chief, stated he had no problem with granting the license, however the City of Demopolis zoning ordinance is violated because Mr. Patel maintains a residence in the building.

Mr. Avinash Patel addressed the Council and stated that he would move from the building.

Councilman Jones made a motion to approve the Retail Beer – Off Premises Only License application as presented. Councilman Moore seconded the motion and motion passed with 4 yes votes by the following roll call vote:

Mayor Williamson:	Councilman Moore: yes	Councilman Jones: yes
Councilman Yelverton: yes	Councilman Collins:	Councilman Cooley: yes

ADEM Landfill Increase: The City of Demopolis received a letter from Advanced Disposal stating that the ADEM landfill increase in the amount of \$0.16 per home per month would be reflected in our invoice for garbage pick up services beginning in October. Mayor Williamson stated that Alabama Statute mandates this charge to be passed to the City by the garbage contractor.

Councilman Cooley noted that we have a specific contract price with Advanced Disposal and does not see where the Alabama Statute says it must be passed on. Councilman Moore asked that Rick Manly, City Attorney review the contract and verify if the mandate must be passed on to the City of Demopolis. This item will be tabled until the next Regular Council Meeting.

Sale of State Trooper Property: The Building Committee obtained an appraisal on the State Trooper property. Councilman Yelverton made the motion to sell the State Trooper property. Councilman Moore seconded the motion. After discussion Councilman Moore withdrew his second and Councilman Yelverton withdrew his motion.

Councilman Jones recommended tabling this decision for the incoming Council at the first Regular Council Meeting in November.

Workforce Development Report: Chuck Smith addressed the Council to give an update on the Region Six Workforce Development Council. Mr. Smith reported the Region Six

Workforce Development Council was formed in 2000, but during 2007 the group actively worked to develop a plan to train area youth for entering the workforce. Mr. Smith presented preliminary plans on expanding the Southern University Building to incorporate dual enrollment education for area students beginning in the 9th grade. This program would be offered at no cost to the student as it is State funded.

The Workforce Development Council will be seeking grant funding for the building project. At this time they are not seeking funds from the City of Demopolis but hopes the City of Demopolis will become a partner in this endeavor in the future.

Proposed Schematics for Downtown Fire Station: Mayor Williamson presented a set of drawings developed for grant applications in funding the rehabilitation of Fire Station #2 on Capitol Street and Cedar. This is a three phase project that can be completed in any order. Ellis Architect prepared the drawings.

Projects

Municipal Complex: Mayor Williamson reported that Ellis Architect has submitted the completed drawings of the Municipal Complex. The cost to complete the project as submitted is \$1.9 million. There is \$1.6 million available from the 2007 Bond Warrant. Mayor Williamson asked the Council what amount is the City of Demopolis willing to commit to this project.

Councilman Moore made a motion to approve \$1.7 million for the Municipal Complex including all parking lot, paving, and architect fee. Councilman Cooley seconded the motion and motion passed with 4 yes votes by the following roll call vote:

Mayor Williamson:	Councilman Moore: yes	Councilman Jones: yes
Councilman Yelverton: yes	Councilman Collins:	Councilman Cooley: yes

Fire Station #3: Councilman Jones met with a contractor and an architect regarding the problems with the driveway. Councilman Jones obtained an estimate from two asphalt companies ranging from \$6000 - \$10,000. The City of Demopolis has withheld \$10,000 from the current contractor and has withheld the final payment of approximately \$7,200 from the current architect until the problem can be resolved.

Riverwalk Project: All garbage cans, benches and lights have been installed. The signage is not finished and Alabama Power is to remove the old lights.

Theo Ratliff Expansion: Project still in progress.

Council Discussion

Councilman Jones reported receiving numerous calls regarding their water bills. Mayor Williamson stated the Water & Sewer Authority will meet on Monday at 5:15pm and several citizens are planning to attend.

Councilman Cooley reported calls concerning overgrown grass at the old West Alabama Prep School. Councilman Cooley reported receiving a call from a physician verifying that one patient has West Nile virus and asked if we could spray for mosquitoes. Mike Baker, Public Works Director stated that the mosquito truck runs five days a week on a regular route that covers the whole City. Councilman Moore inquired on the cost of spraying. Mr. Baker estimated that the chemicals alone were approximately \$25,000 per year.

Mayor Discussion

Mayor Williamson stated the Special Called Meeting held on September 24, 2008 was not a legal meeting per her discussion with the Alabama League of Municipalities.

Mayor Williamson proposed approving Resolution 2008-23 to replace Resolution 2008-22 that was approved at the September 24th meeting.

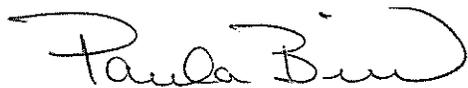
Councilman Moore stated that Rick Manly, City Attorney declared the Special Called Meeting a legal meeting and he respects the City Attorney's opinion. Councilmen Cooley and Yelverton agree with Councilman Moore. Councilman Yelverton stated that approving Resolution 2008-23 would be admitting the September 24th meeting was illegal.

Councilman Jones recommended tabling this item until the next Regular Council Meeting.

Councilman Cooley made the motion to adjourn. Councilman Jones seconded the motion. The Council meeting adjourned at 6:45pm.



Cecil P. Williamson, Mayor

ATTEST: 

Paula Bird, City Clerk

- * Audiotape is used by City Clerk to prepare minutes and will be destroyed after being approved by the Mayor and Council.

MINUTES OF THE DEMOPOLIS COUNCIL
OF THE CITY OF DEMOPOLIS, ALABAMA

**Special Called Meeting
For The Purpose of Canvassing Election**

October 13, 2008

The special called meeting of the Demopolis City Council convened at 12:05pm on Monday October 13, 2008 in the Demopolis Rooster Hall.

Present:

Council Members: Cecil P. Williamson, Mayor
Thomas Moore, Mayor Pro Tempore
Melvin Yelverton
Woody Collins

City Clerk: Paula Bird

Absent: Charles Jones
Jack Cooley

Mayor Cecil P. Williamson called the meeting to order.

A tabulation sheet was distributed for the purpose of canvassing the election results. The envelopes marked "Mayor" and "Canvassing Board" were inspected and opened. The votes were tabulated with the following results:

Candidate	Precinct Voters	Absentee Voters	Total
Mitchell Congress	175	26	201
Charles E. Jones Jr.	127	5	132
Total	302	31	333

Resolution 2008-23 Canvassing of Run-Off Election Results declaring Mitchell Congress received a majority of the votes cast for office of Council District 2 was presented. Councilman Moore made a motion to approve Resolution 2008-23 as presented. Councilman Yelverton seconded the motion and the motion passed with 4 yes votes by the following roll call vote:

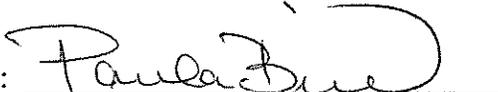
Mayor Williamson: Councilman Moore: yes Councilman Jones:
Councilman Yelverton: yes Councilman Collins: yes Councilman Cooley:

A Certificate of Election was signed declaring Mitchell Congress was duly elected to the office of Council District 2 of the City of Demopolis, for the term commencing on the first Monday of November, 2008.

Councilman Moore made the motion to adjourn. Councilman Collins seconded the motion.

The Special Called Council Meeting adjourned at 10:30am.


Cecil P. Williamson, Mayor

ATTEST: 
Paula Bird, City Clerk

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RESOLUTION 2008-23
CANVASSING OF RUN-OFF ELECTION RESULTS

**STATE OF ALABAMA
MARENGO COUNTY
CITY OF DEMOPOLIS**

WHEREAS, the run-off election for the City of Demopolis was duly and legally held on October 7, 2008, as provided by law, and

WHEREAS, the municipal governing body of the City of Demopolis met on this 13th day of September, 2008, all members thereof being present, at 12:00 pm, and has canvassed the returns, and has ascertained and determined the number of votes received by each candidate, and

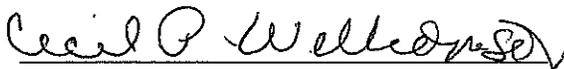
WHEREAS, the said municipal governing body has ascertained and determined the result of said run-off election as follows:

Candidate	Precinct Voters	Absentee Voters	Total
Mitchell Congress	175	26	201
Charles E. Jones Jr.	127	5	132
Total	302	31	333

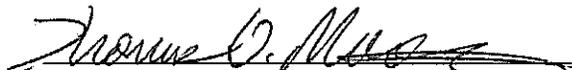
NOW, THEREFORE, BE IT RESOLVED by the City of Demopolis, Alabama as follows:

1. That **Mitchell Congress** received a majority of the votes cast for the office of Council District 2 and is hereby declared duly elected to that office for the term beginning on the first Monday in November, 2008.

Adopted this 13th day of October, 2008.


Cecil P. Williamson, Mayor

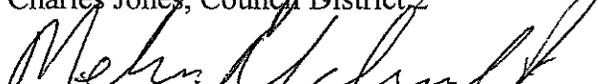

John R. (Jack) Cooley, Council District 5

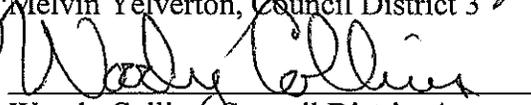

Thomas O. Moore, Council District 1

Attest:


Charles Jones, Council District 2


Paula Bird, City Clerk


Melvin Yelverton, Council District 3


Woody Collins, Council District 4

DEMOPOLIS CITY COUNCIL MEETING AGENDA
October 16, 2008

Call to Order – Invocation 5:15pm

Pledge of Allegiance

Roll Call

Approval of Minutes: September 24, October 2, October 13

Reports from Departments

Police - submitted
Court - submitted
Fire
Public Works
Parks & Recreation
Horticulture
Building Official
Library - submitted

Unfinished Business –

1. Dilapidated Houses
2. Resolution 2008-08 – Alabama Dept of Transportation – French Creek
3. EMA Choctaw Co.
4. Cemetery Trustees Appointment (1)
5. Recreation Board Appointment (1)
6. Board of Adjustment – Alternates and Billy James Resignation
7. Historic Preservation Committee (1)
8. Agreement with Tombigbee Emergency Medical Services
9. South Alabama Mutual Assistance Agreement
10. ADEM fee passed through Advanced Disposal Billing
11. Sale of State Trooper Property
12. Resolution 2008-24
13. Coliseum Property

New Business –

1. Grant of Pardon
2. Special Called Meeting for the Purpose of Administering the Oath of Office to Incoming Mayor/Council and to hold the Organization Meeting

Projects-

1. Municipal Complex
2. Fire Station #3
3. Riverwalk Project
4. Theo Ratliff Expansion

Mayor Discussion

Council Discussion

Executive Session

Announcement

Adjourn

MINUTES OF THE DEMOPOLIS COUNCIL
OF THE CITY OF DEMOPOLIS, ALABAMA

Regular Council Meeting

October 16, 2008

The Regular Council meeting of the Demopolis City Council convened at 5:15pm on Thursday, October 16, 2008 in the Demopolis Rooster Hall.

Present:

Council Members: Cecil P. Williamson, Mayor
Thomas Moore, Mayor Pro Tempore
Charles Jones
Melvin Yelverton
Woody Collins
Jack Cooley

City Clerk: Paula Bird

Department Heads:

- | | |
|-------------------------------------|---|
| • Police – Tim Williams - submitted | Court - submitted |
| • Fire - Ron Few | Building Official – Clarence Brooker, Jr. |
| • Public Works – Mike Baker | Library – Morgan Grimes - submitted |
| • Horticulture – Barbara Blevins | Park & Recreation – Mark Pettus |

Mayor Cecil P. Williamson called the meeting to order and opened with an invocation. Pledge allegiance to the flag of the United States of America.

The Council reviewed the minutes of the September 24, 2008 special called meeting, the October 2, 2008 regular council meeting and the October 13, 2008 special called meeting. Councilman Yelverton made the motion to approve all the minutes as presented. Councilman Moore seconded the motion and motion passed with 5 yes votes by the following roll call vote:

Mayor Williamson:	Councilman Moore: yes	Councilman Jones: yes
Councilman Yelverton: yes	Councilman Collins: yes	Councilman Cooley: yes

Departmental reports

Departmental reports were submitted as indicated above.

Mayor Cecil P. Williamson commended the Mike Baker and the Public Works department for the immediate cleaning of property after the homecoming parades.

Unfinished business

Dilapidated housing: No report

Resolution 2008-08 – Alabama Dept of Transportation – French Creek: Rick Manley, City Attorney, spoke with ALDOT engineers regarding the indemnity and save harmless clause in Resolution 2008-08. ALDOT will not complete the work without the signed

Resolution. The Resolution contains boiler plate language required by the State of Alabama. Mr. Manley recommends signing Resolution 2008-08 as presented.

Councilman Collins made the motion to approve Resolution 2008-08 as presented. Councilman Jones seconded the motion and motion passed with 4 yes votes and 1 no vote by the following roll call vote:

Mayor Williamson:	Councilman Moore: no	Councilman Jones: yes
Councilman Yelverton: yes	Councilman Collins: yes	Councilman Cooley: yes

Councilman Cooley noted his 'yes' vote was made with objection.

EMA Choctaw Co.: Ronnie Few, Fire Chief, reported a meeting is being arranged for November.

Cemetery Trustees Appointment: Councilman Yelverton made the motion to appoint *Linda Burnham as board member. Councilman Collins seconded the motion and motion passed with 5 yes votes by the following roll call vote:*

<i>Mayor Williamson:</i>	<i>Councilman Moore: yes</i>	<i>Councilman Jones: yes</i>
<i>Councilman Yelverton: yes</i>	<i>Councilman Collins: yes</i>	<i>Councilman Cooley: yes</i>

Recreation Board Appointment: Mark Pettus reported that the Recreation Board has not had a meeting and had no recommendation at this time. This appointment will be tabled until the next Regular Council Meeting.

Board of Adjustment Appointment: Two alternates will need to be appointed at the next Regular Council Meeting.

Historic Preservation Commission Appointment: Mayor Williamson said she is waiting on a recommendation from the Historic Preservation Commission and this would be tabled until the next Regular Council Meeting.

Agreement with Tombigbee Emergency Medical Services: Rick Manley, City Attorney, reviewed the agreement and sees no problem with the content as long as the hospital is in agreement. Councilman Yelverton made the motion to adopt the Tombigbee Emergency Medical Services Agreement as presented. The motion died for lack of a second. Councilman Moore stated that Council should be certain the hospital concurs with the document before voting to accept the document.

South Alabama Mutual Assistance Agreement: Rick Manley, City Attorney, reviewed the agreement and has concerns regarding the wording in Article 2 and Article 5 on page 2. Councilman Collins stated he did not understand the purpose of the agreement. The City of Demopolis already participates in mutual aid arrangements without the agreement. Mr. *Manley* is not comfortable with the agreement as presented. This will be tabled until the next Regular Council Meeting.

ADEM Landfill Increase: The City of Demopolis received a letter from Advanced Disposal stating that the ADEM landfill increase in the amount of \$0.16 per home per month would be reflected in our invoice for garbage pick up services beginning in October. Mayor Williamson contacted the Alabama League of Municipalities Counsel advised that the State Act does supersede the contract and the disposal fee must be paid according to law.

Councilman Moore made the motion to accept the \$0.16 per month per cart increase and recuperate the cost by passing the increase to the consumer through an increased rate on the November 25, 2008 billing. Councilman Collins seconded the motion and motion passed with 4 yes votes and 1 abstain vote by the following roll call vote:

Mayor Williamson:	Councilman Moore: yes	Councilman Jones: yes
Councilman Yelverton: abstain	Councilman Collins: yes	Councilman Cooley: yes

Sale of State Trooper Property: The Building Committee obtained an appraisal on the State Trooper property. At the previous meeting Councilman Jones recommended tabling this decision for the incoming Council at the first Regular Council Meeting in November.

Coliseum Property: This will be addressed with the incoming Council at the first Regular Council Meeting in November.

New business

Grant of Pardon: Mayor Cecil Williamson announced a full and unconditional grant of pardon for Steven Marion Foster for a conviction on July 28, 1997 City of Demopolis Case #MC-97-364.

Special Called Meeting for the Purpose of Administering the Oath of Office to Incoming Mayor/Council and to hold the Organization Meeting: A Special Called Meeting will be held on November 3, 2008 at 8:00am in Rooster Hall.

Audit Services: Mayor Cecil Williamson announced that Wilson Price Barranco Blankenship & Billingsley P.C. were engaged to perform the audit for the 2007/2008 fiscal year.

Projects

Municipal Complex: The architect has submitted drawings which will be presented to the new Mayor and Council.

Fire Station #3: Councilman Jones is working with outside contractors for solutions to the asphalt problems. The contractor is allowed one year to complete work on problems.

Riverwalk Project: The City of Demopolis and project managers will be going over punch list this Wednesday or Friday.

Theo Ratliff Expansion: Project still in progress. Sheetrock will be installed within 7 – 10 days.

Mayor Discussion

Mayor Cecil Williamson presented plaques to retiring Councilman Woody Collins and Councilman Charles Jones in appreciation of their service to the City of Demopolis.

Council Discussion

Councilman Jones reported a water leak on Highway 80. Byron Cook stated the water leak was not on the City's side.

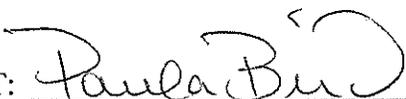
Councilman Cooley stated the accounting firm from Andalusia performed last year's audit for approximately \$19,000 and on October 14th the Mayor Williamson exercised her authority to hire a firm for approximately \$47,000.

Councilman Collins stated that the Council should have been included in the decision to hire a firm to perform the City's audit. Councilman Collins asked the mayor if she would write a letter to cancel the contract. Mayor Williamson said no. Councilman Collins asked if the new Council could fire the accounting firm. Mayor Williamson said they could.

Councilman Moore made the motion to adjourn. Councilman Jones seconded the motion. The Council meeting adjourned at 6:00pm.



Cecil P. Williamson, Mayor

ATTEST: 

Paula Bird, City Clerk

- * Audiotape is used by City Clerk to prepare minutes and will be destroyed after being approved by the Mayor and Council.

Resolution 2008-08

WHEREAS, the City of Demopolis (hereinafter at times referred to as Governmental Body) is desirous of having certain improvements made on SR-8 (US-80) in accordance with plans prepared by the Department of Transportation and designated as BRF-0008(528), Marengo County, from Station 100+00.00, which is described as extending from 1800 feet west of French Creek Circle then East to Station 162+12.29, which is 2571 feet west of Napoleon Drive, for a total distance of 6212.29 feet or 1.177 miles on SR-8 (US-80) as shown on exhibit number one.

WHEREAS, the Alabama Department of Transportation is now or may later be desirous of receiving Federal Aid for improvement of said highway; and

WHEREAS, the Federal Highway Administration, an agency of the United States of America will not participate in any funding for the construction of said project until and unless the Governmental Body will agree to certain requirements of the Federal Highway Administration. The Governmental Body for the purpose of complying with requirements of the Federal Highway Administration in regard to its funding of improvements of the type and kind in this agreement provided for, does hereby pass and adopt the following resolution:

BE IT RESOLVED: The City, by and through its council, hereby grants to the Department of Transportation the full use of and access to the dedicated widths of any existing streets for the construction of said project and hereby agrees to permit and allow the Department of Transportation to close and barricade the said project and intersecting streets for as long as necessary while the said project is being graded, drained, paved, and otherwise improved.

The City shall indemnify and save harmless the State, the Department, its officials and employees, in both their official and individual capacities, from all suits, actions, or claims of any character brought because of any injuries or damages received or sustained by any person, persons, or property due to the work pursuant to this Resolution.

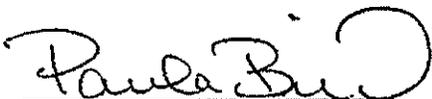
BE IT FURTHER RESOLVED by the Council, that for and in consideration of the Department of Transportation in cooperation with the Federal Highway Administration, constructing said highway and routing traffic along the same through the City over said project, such City hereby agrees with the Alabama Department of Transportation and for the benefit of the Federal Highway Administration, that on the above mentioned project the City will not in the future permit encroachments upon the right-of-way; nor will it pass any ordinances or laws fixing a speed limit contrary to those limits provided for in Title 32, Chapter 5, Code of Alabama 1975, as amended, and other laws of Alabama; nor will it permit other than parallel parking in areas where parking is permitted; nor will it allow the placing of any informational, regulatory, or warning signs, signals, median crossovers, curb and pavement or other markings, and traffic signals without written approval of the Department of Transportation and the Federal Highway Administration, of the location, form and character of such installations. The traffic control devices and signs installed during construction, and those installed after completion of this project shall be in accordance with the latest edition of the Manual on Uniform Traffic Control devices and accepted standards adopted by the Department of Transportation and by the Federal Highway Administration. The City further agrees that the subsequent traffic control devices

deemed necessary by it in keeping with applicable statutes, rules and regulations to promote the safe and efficient utilization of the highway under the authority of Title 32, Chapter 5, Code of Alabama 1975, and all other applicable laws of Alabama, shall be subject to and must have the approval of the Alabama Department of Transportation and of the Federal Highway Administration, prior to installation and the City further agrees that it will enforce traffic and control the same under the provisions of Title 32, Chapter 5, Code of Alabama 1975, and other applicable laws of Alabama.

It is understood and agreed that no changes in this Resolution of Agreement shall in the future be made without having obtained the prior approval of the Federal Highway Administration.

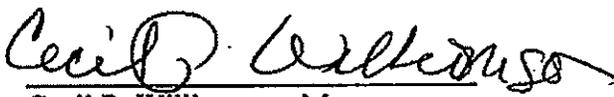
I, the undersigned, Clerk of the City of Demopolis, do hereby certify that the above and foregoing is a true and correct copy of a resolution duly and lawfully adopted by the City Council of the foregoing City, at its regular meeting held on the 16th day of October, 2008, as the same appears of record in the Minute Book.

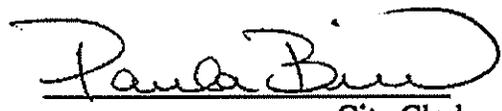
Given under my hand and the official seal of such City this 16th day of October, 2008.


Clerk

THIS RESOLUTION PASSED this the 16th day of October, 2008.

ATTEST:


Cecil P. Williamson, Mayor


City Clerk

DEMOPOLIS CITY COUNCIL MEETING AGENDA
November 3, 2008

Call to Order – Invocation 8:00am
Pledge of Allegiance
Roll Call

Oath of Office – Judge Wade Drinkard

- Mike Grayson, Mayor
- Thomas O. Moore, Council District 1
- Mitchell Congress, Council District 2
- Melvin Yelverton, Council District 3
- Bill Meador, Jr., Council District 4
- John R. (Jack) Cooley, Council District 5

Organization of New Council

1. Election of Chairman Pro Tempore
2. Establish time and place of regular meetings (2 per month)
3. Adoption of Rules of Procedure
4. Appointment of Committees
5. Appointments and Salaries for Administrative Officers and Employees;
appointment of City Attorney
6. Ratify Use of Present Depositories
7. Resolution 2008-24: A Resolution for the City of Demopolis, Alabama, to
authorize Mike Grayson, Mayor of Demopolis, signatory powers on checking
accounts, debt obligations, and authority to obtain necessary information in the
course of duty.

Executive Session
Announcement
Adjourn

MINUTES OF THE DEMOPOLIS COUNCIL
OF THE CITY OF DEMOPOLIS, ALABAMA

Special Called Meeting
Oath of Office
Organizational Meeting

November 3, 2008

The special called meeting of the Demopolis City Council convened at 8:00am on Monday November 3, 2008 in the Demopolis Rooster Hall.

Present:

Council Members: Mike Grayson, Mayor
Thomas Moore, Mayor Pro Tempore
Mitchell Congress
Melvin Yelverton
Bill Meador, Jr.
Jack Cooley
City Clerk: Paula Bird

Judge Wade Drinkard called the meeting to order. Dr. Arthur L. Luckie, pastor at First United Methodist Church, opened the meeting with prayer.

Judge Drinkard asked the Mayor and Council to stand as he administered the oath of office as follows:

I solemnly swear that I will support the Constitution of the United States and the Constitution of the State of Alabama, so long as I continue a citizen thereof; and that I will faithfully and honestly discharge the duties of the office upon which I am about to enter, to the best of my ability, so help me God.

Mayor Mike Grayson called the Organization Meeting of the Council to order at 8:05am.

Mayor Pro Tempore: Councilman Yelverton made a motion to nominate Thomas Moore as Mayor Pro Tempore. Councilman Congress seconded the motion and motion passed by unanimous vote.

Establish time and place of regular meetings: Councilman Congress made a motion to meet the first and third Thursday of each month at 5:15pm in Rooster Hall. Councilman Meador seconded the motion and motion passed with 6 yes votes by the following roll call vote:

Mayor Grayson: yes Councilman Moore: yes Councilman Congress: yes
Councilman Yelverton: yes Councilman Meador: yes Councilman Cooley: yes

Adoption of Rules of Procedure: Councilman Meador made a motion to adopt Roberts Rules of Order as the rule of procedure. Councilman Cooley seconded the motion and motion passed with 6 yes votes by the following roll call vote:

Mayor Grayson: yes Councilman Moore: yes Councilman Congress: yes
Councilman Yelverton: yes Councilman Meador: yes Councilman Cooley: yes

Appointment of Committees: Committee appointments will be made at the next Regular Council Meeting on November 6, 2008.

Appointments and Salaries for Administrative Officers and Employees and City Attorney: Councilman Cooley made a motion to keep appointments and salaries the same until the new Mayor/Council has the opportunity to evaluate. Councilman Meador seconded the motion. Councilman Moore asked specifically what positions are appointed. Mayor Grayson stated it would be the City Clerk, Police Chief, Fire Chief, Attorney and Judge. The motion failed with 3 yes votes and 3 no votes by the following roll call vote:

Mayor Grayson: yes Councilman Moore: no Councilman Congress: no
Councilman Yelverton: no Councilman Meador: yes Councilman Cooley: yes

Councilman Congress made a motion to make appointments at the November 6, 2008 Regular Council Meeting. Councilman Moore seconded the motion and motion passed with 6 yes votes by the following roll call vote:

Mayor Grayson: yes Councilman Moore: yes Councilman Congress: yes
Councilman Yelverton: yes Councilman Meador: yes Councilman Cooley: yes

Ratify Use of Present Depositories: Councilman Cooley made a motion to maintain the current City of Demopolis accounts with BankTrust and Robertson Bank. Councilman Meador seconded the motion and motion passed with 6 yes votes by the following roll call vote:

Mayor Grayson: yes Councilman Moore: yes Councilman Congress: yes
Councilman Yelverton: yes Councilman Meador: yes Councilman Cooley: yes

Resolution 2008-24 A Resolution for the City of Demopolis, Alabama, to authorize Mike Grayson, Mayor of Demopolis, signatory powers on checking accounts, debt obligations, and authority to obtain necessary information in the course of duty: Councilman Congress made a motion to adopt Resolution 2008-24 as presented. Councilman Moore seconded the motion and motion passed with 6 yes votes by the following roll call vote:

Mayor Grayson: yes Councilman Moore: yes Councilman Congress: yes
Councilman Yelverton: yes Councilman Meador: yes Councilman Cooley: yes

Mayor/Council Discussion

Mayor Mike Grayson said he wanted each Councilman to have the opportunity to express their goals and vision for the City of Demopolis.

Councilman Melvin Yelverton - District 3: Councilman Yelverton said he would like to help make Demopolis the best place to live and work. This is Councilman Yelverton's second term. Councilman Yelverton strives to put his personal feelings aside when representing the citizens of Demopolis. Councilman Yelverton said improvements were made over the past four years and looks forward to continuing the effort. Councilman Yelverton said that standards have been improved for employees. Councilman Yelverton works at Suttle Truck Leasing and welcomes any phone calls.

Councilman Mitchell Congress – District 2: Councilman Congress stated he intends to follow through on his campaign pledges. Councilman Congress said he will see that Demopolis is cleaned up and that abandoned and dilapidated houses will be removed and lots cleaned. Councilman Congress looks forward to working with the Mayor and Council to secure grants. Councilman Congress agrees with Mayor Mike Grayson that we should have one Demopolis. Councilman Congress hopes to see business development on the east side of highway 80 as well as the west side. Councilman Congress will work to ensure that all streets in need of paving including the French Creek area. Councilman Congress would like to see a two term limit on Mayor/Council. Councilman Congress would like to see more citizens given the opportunity to serve on boards. Councilman Congress said he feels the City of Demopolis department heads and employees have done a good job. Councilman Congress welcomes phone calls from all citizens of Demopolis.

Councilman Jack Cooley – District 5: Councilman Cooley stated that he represents everyone in the City of Demopolis. Councilman Cooley's vision is to unify and unification starts with the Council, which has not existed in the past four years. Councilman Cooley stated that his vision is that information will be shared within and among all members of Council. Councilman Cooley hopes the "hidden agenda" will disappear. Councilman Cooley's goal is to make life better for the citizens of Demopolis.

Councilman Thomas Moore – District 1: Councilman Moore stated he has enjoyed serving the City of Demopolis for 18 years. Councilman Moore loves the challenge of serving. Councilman Moore said there are four things he would like to address during this term.

1. Financial Soundness – critical with the current economic downturn
2. Completion of the North East Drainage project – this project has been ongoing since before 1988
3. Elect a permanent long term Police Chief
4. Quality jobs and benefits for City of Demopolis employees – next to our citizens they are our most precious resources

Councilman Moore thanks the citizens of Demopolis for the opportunity to serve and welcomes phone calls. Let's work to make Demopolis better.

Councilman Bill Meador, Jr. – District 4: Councilman Meador stated he represents all of Demopolis. Councilman Meador appreciates the support of the citizens of Demopolis and looks forward to working together to move forward and make Demopolis a wonderful place to live. Councilman Meador welcomes phone calls.

Mayor Mike Grayson: Mayor Grayson stated that he appreciates the opportunity to serve as your mayor. Mayor Grayson asked everyone to look around at the diversity of the individuals present in the meeting. Even though we don't look alike or live on the same street, we have more things in common that brings us together than separate us. We, the community of Demopolis, can do great things when we are united with the purpose to improve the life in this town. The Mayor and Council will work together to move forward. Mayor Grayson stated he campaigned under the slogan - "One Demopolis First". To this Mayor Grayson is committed. Mayor Grayson welcomes phones calls. Mayor Grayson is looking forward to the challenges over the next four years but with God's help there is no challenge that cannot be met and overcome.

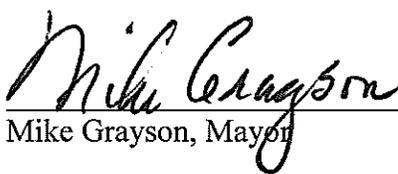
Councilman Congress announced that he is looking for a committee of block captains and if anyone is interested to call him at 289-1247.

Mayor Grayson asked if anyone would like to address the Council. Linda Brown, a resident outside the city limits, asked if the Council will address the ban on sign advertising in the sign ordinance. Mayor Grayson said this would be reviewed again.

Mayor Grayson encouraged all to attend Council meetings.

Councilman Cooley made the motion to adjourn. Councilman Moore seconded the motion.

The Special Called Council Meeting adjourned at 8:28am.



Mike Grayson, Mayor

ATTEST: 

Paula Bird, City Clerk

- * Audiotape is used by City Clerk to prepare minutes and will be destroyed after being approved by the Mayor and Council.

Resolution 2008-24

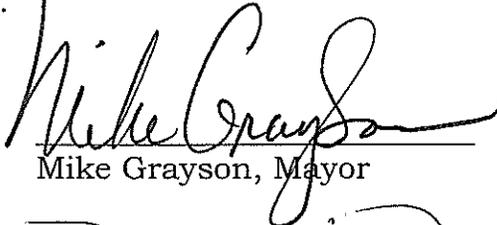
A RESOLUTION FOR THE CITY OF DEMOPOLIS, ALABAMA, TO AUTHORIZE MIKE GRAYSON, MAYOR OF DEMOPOLIS, SIGNATORY POWERS ON CHECKING ACCOUNTS, DEBT OBLIGATIONS, AND AUTHORITY TO OBTAIN NECESSARY INFORMATION IN THE COURSE OF DUTY.

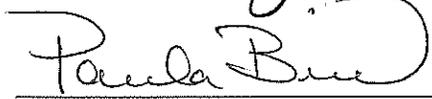
WHEREAS, this Resolution is to adopt the policy for the Mayor to have signatory powers on bank accounts, certificates of deposits, debt obligations and to obtain financial information as necessary to perform duties for The City of Demopolis.

NOW THEREFORE, be it resolved by the City of Demopolis, Alabama, at a special called meeting duly assembled, a quorum being present, as follows:

1. Mike Grayson, Mayor, be granted signatory powers on bank accounts, certificates of deposits and debt obligations.
2. Mike Grayson, Mayor, be granted authority to obtain financial information from banking institutions as necessary to perform duties for The City of Demopolis.

The Mayor and City Council of Demopolis adopted this Resolution at the special called meeting on Monday November 3, 2008. It shall become effective immediately.


Mike Grayson, Mayor


Attest: Paula Bird, City Clerk

DEMOPOLIS CITY COUNCIL MEETING AGENDA
November 6, 2008

Call to Order – Invocation 5:15pm

Pledge of Allegiance

Roll Call

Proclamation – Recognition of Demopolis City Schools

Approval of Agenda

Approval of Minutes: October 16, 2008 and November 3, 2008

Reports from Departments

Police - submitted

Court - submitted

Fire - submitted

Public Works – submitted

Parks & Recreation

Horticulture

Building Official

Library

City Hall

Unfinished Business –

1. Dilapidated Houses
2. EMA Choctaw Co.
3. Recreation Board Appointment (1)
4. Board of Adjustment – Alternates (2)
5. Historic Preservation Committee (1)
6. Agreement with Tombigbee Emergency Medical Services
7. South Alabama Mutual Assistance Agreement
8. Sale of State Trooper Property
9. Coliseum Property
10. Auditor Selection Update Information
11. River Walk Project - Goodwyn, Mills and Cawood, Inc. compliance to request

New Business –

1. State of Alabama ABC Board – 070 Retail Table Wine – Off Premises Only:
Chris Smith dba Smoke N Chew Tobacco 3, 1603 Hwy 80 West.
2. State of Alabama ABC Board – 150 Special Retail License - 30 Days or Less:
Demopolis Area Chamber of Commerce, N Commissioners St & Childers Ave.
3. Brian Brooker: Municipal Complex update
4. Terry Kelley: Landfill Management of Alabama
5. Dan England: License Fee
6. Appointment of Officers
7. Appointment of Committees

Projects-

1. Municipal Complex
2. Fire Station #3
3. Riverwalk Project
4. Theo Ratliff Expansion

Mayor Discussion

Council Discussion

Executive Session

Announcement

Adjourn

MINUTES OF THE DEMOPOLIS COUNCIL
OF THE CITY OF DEMOPOLIS, ALABAMA

Regular Council Meeting

November 6, 2008

The Regular Council meeting of the Demopolis City Council convened at 5:15pm on Thursday, November 6, 2008 in the Demopolis Rooster Hall.

Present:

Council Members: Mike Grayson, Mayor
Thomas Moore, Mayor Pro Tempore
Mitchell Congress
Melvin Yelverton
Bill Meador, Jr.
Jack Cooley

City Clerk: Paula Bird

Department Heads:

- Police – Tim Williams - submitted
- Fire - Ron Few - submitted
- Public Works – Mike Baker - submitted
- Horticulture – Barbara Blevins
- City Hall – Paula Bird
- Court - submitted
- Building Official – Clarence Brooker, Jr.
- Library – Morgan Grimes
- Park & Recreation – Mark Pettus

Mayor Mike Grayson called the meeting to order and opened with an invocation. Pledge allegiance to the flag of the United States of America. Brother Rex Kent of First Baptist Church offered the invocation.

A Proclamation honoring the administration, faculty and staff of Demopolis High School and Demopolis Board of Education for achieving the No Child Left Behind/Blue Ribbon School designation was presented to Dr. Wayne Vickers, Superintendent and other faculty, staff, and board members. Dr. Wesley Hill, the former Superintendent was recognized.

Mayor Grayson announced that he had the honor of attending the Police Academy graduation. The City of Demopolis had 4 graduates out of a class of 22 from around the State of Alabama. Chief Williams will introduce the 4 new police officers at the next Regular Council Meeting. Roger B. Anderson, one of the graduates from Demopolis, received the Excellence Award.

Approval of Agenda: Mitchell Congress made the motion to approve the Agenda with the addition of items: 6. Appointment of City Attorney, City Judge, City Clerk, Police Chief and Fire Chief and 7. Committee appointments. Bill Meador Jr. seconded the motion and the motion with 6 yes votes by the following roll call vote:

Mayor Grayson: yes Councilman Moore: yes Councilman Congress: yes
Councilman Yelverton: yes Councilman Meador: yes Councilman Cooley: yes

Approval of Minutes: The Council reviewed the minutes of the October 16, 2008 regular council meeting and the November 3, 2008 special called meeting. Councilman Yelverton made the motion to approve the October 16, 2008 minutes as corrected and the November 3, 2008 meeting as presented. Councilman Moore seconded the motion and motion passed with 6 yes votes by the following roll call vote:

Mayor Grayson: yes Councilman Moore: yes Councilman Congress: yes
Councilman Yelverton: yes Councilman Meador: yes Councilman Cooley: yes

The corrections on the October 16, 2008 minutes included: 1. Note Councilman Collins was present at the meeting; 2. Correct spelling of Mr. Manley on page 2; and 3. Correct typing error on page 2 as follows: **Cemetery Trustees Appointment:** Councilman Yelverton made the motion to appoint *Linda Burnham as board member*. Councilman Collins seconded the motion and motion passed with 5 yes votes by the following roll call vote:

Mayor Williamson: Councilman Moore: yes Councilman Jones: yes
Councilman Yelverton: yes Councilman Collins: yes Councilman Cooley: yes

Departmental reports

Departmental reports were submitted as indicated above.

Mike Baker, Public Works Director, announced the department was in the process of purchasing a 35 foot bucket truck.

Unfinished business

Dilapidated housing: Tabled until the next Regular Council Meeting

EMA Choctaw Co.: Ronnie Few, Fire Chief, reported a meeting is being arranged for November.

Recreation Board Appointment: Mark Pettus, Director of Park and Recreation, reported that the Recreation Board recommends Paul Willingham. Mr. Willingham is a resident of the City of Demopolis and has agreed to serve. Councilman Cooley asked if Mr. Willingham was aware of the minimum attendance requirements. Mr. Pettus said Mr. Willingham was made aware of the board requirements.

Councilman Cooley made the motion to appoint Paul Willingham to the Recreation Board. Councilman Meador seconded the motion and motion passed with 6 yes votes by the following roll call vote:

Mayor Grayson: yes Councilman Moore: yes Councilman Congress: yes
Councilman Yelverton: yes Councilman Meador: yes Councilman Cooley: yes

Board of Adjustment Appointment: Alternates attend meetings and step up to a voting position at the absence of regular board members. Clarence Brooker, Jr. said the board has had a difficult time of obtaining a quorum. Mayor Grayson asked to table this decision until the next Regular Council Meeting so the board could make recommendations. Councilman

Moore noted that he does not mind receiving a recommendation from the various board members as long as they realize the appointment is at the discretion of the Council. Councilman Moore stated Freddy Charleston is interested and submits his name for consideration as an alternate. Mr. Charleston served on this board previously and attended meetings.

Historic Preservation Commission Appointment: Brian Brooker said the Historic Preservation Committee is working on a list of candidates for the Council to review. Mayor Grayson noted that this appointment is a Mayoral appointment, but he would like the Council to be aware of any appointments made. Mr. Brooker said he would have a list to present for the next Regular Council Meeting.

Agreement with Tombigbee Emergency Medical Services: Mayor Grayson stated that he spoke with Mike Marshall, CEO/Administrator of Tombigbee Healthcare Authority, and he did not have any objections to the agreement as presented.

Councilman Yelverton made the motion to approve the agreement as presented. Councilman Moore seconded the motion and motion passed with 6 yes votes by the following roll call vote:

Mayor Grayson: yes	Councilman Moore: yes	Councilman Congress: yes
Councilman Yelverton: yes	Councilman Meador: yes	Councilman Cooley: yes

South Alabama Mutual Assistance Agreement: Rick Manley, City Attorney, has concerns that have not been resolved to his satisfaction regarding the agreement as it is presented. Mr. Manley will provide a report for the next Regular Council Meeting.

Sale of State Trooper Property: Mayor Grayson will locate the appraisal for discussion at the next Regular Council Meeting.

Coliseum Property: The City of Demopolis received an offer from Drew Porter on the Coliseum Property in the amount of \$95,500 the City would pay the deed and property tax. The Porter offer will be valid until November 7, 2008. Mr. Rick Manley, City Attorney, stated that the City of Demopolis needs to declare the coliseum property as surplus before moving ahead with any sale. Mayor Grayson said at this time we will decline the offer but the offer can be resubmitted.

Councilman Cooley made the motion to proceed with declaring the Coliseum Property and the old State Trooper property as surplus. Councilman Yelverton seconded the motion and motion passed with 6 yes votes by the following roll call vote:

Mayor Grayson: yes	Councilman Moore: yes	Councilman Congress: yes
Councilman Yelverton: yes	Councilman Meador: yes	Councilman Cooley: yes

An Ordinance will be prepared for Council approval at the next Regular Council Meeting.

Auditor Selection Update: The Finance Committee has received proposals from a few firms and expects to receive one or two more. The prices are significantly less than the original quote from Wilson Price. Wilson Price will also resubmit their proposed fee.

River Walk Project: Goodwyn, Mills and Cawood Inc. submitted a letter on October 27, 2008 regarding the items remaining on the punch list after the final inspection that was held on October 24, 2008. Mayor Grayson asked Mark Pettus if the punch list items were completed. Mr. Pettus said he has not seen a copy of the punch list. Mr. Pettus did attend the final inspection. Mayor Grayson asked Mr. Pettus to report back to the Council on the River Walk punch list at the next Regular Council Meeting.

New business

State of Alabama ABC Board – 070 Retail Table Wine – Off Premises Only: Chris Smith dba Smoke N Chew Tobacco 3, 1603 Hwy 80 West is requesting the license. Tim Williams, Acting Police Chief, stated he had no problem with granting the license.

Councilman Cooley made the motion to grant Chris Smith dba Smoke N Chew Tobacco 3 the 070 Retail Table Wine – Off Premises Only license. Councilman Meador seconded the motion and motion passed with 5 yes votes and 1 abstain by the following roll call vote:

Mayor Grayson: abstain Councilman Moore: yes Councilman Congress: yes
Councilman Yelverton: yes Councilman Meador: yes Councilman Cooley: yes

State of Alabama ABC Board – 150 Special Retail License – 30 Days or Less: Kelley Smith representing Demopolis Area Chamber of Commerce is requesting the license for the Christmas On The River festivities held at N Commissioners Street and Childers Avenue. Tim Williams, Acting Police Chief, stated he had no problem with granting the license.

Councilman Meador made the motion to grant the Demopolis Area Chamber of Commerce the 150 Special Retail License – 30 Days or Less. Councilman Congress seconded the motion and motion passed with 6 yes votes by the following roll call vote:

Mayor Grayson: yes Councilman Moore: yes Councilman Congress: yes
Councilman Yelverton: yes Councilman Meador: yes Councilman Cooley: yes

Councilman Congress inquired about the entrance fee to the barbeque cook off. Many citizens pay to enter the complex with the impression that they are paying to taste food at the various tents. Kelley Smith said that Councilman Congress may want to address this issue with the Christmas On The River Committee. Councilman Congress said the entrance fee and what it covers should be communicated in the newspaper.

Municipal Complex Update: Brian Brooker, AIA with Ellis Architect presented the drawings for the new Municipal Complex. Mr. Brooker displayed a picture of the building as it was originally constructed and said the new building will maintain the design of the original construction. Mr. Brooker is asking for approval of the Council to use Almon & Associates for the civil work. The fees for Almon & Associates is included in the \$1.7

million construction cost. Almon & Associates surveyed the property several years ago and their services will be on an hourly basis not to exceed a specified amount.

Councilman Cooley made the motion to approve Almon & Associates for the civil work on the Municipal Complex construction project. Councilman Moore seconded the motion and motion passed with 6 yes votes by the following roll call vote:

Mayor Grayson: yes Councilman Moore: yes Councilman Congress: yes
Councilman Yelverton: yes Councilman Meador: yes Councilman Cooley: yes

Landfill Management of Alabama: Terry Kelley with Alabama Environmental Services a.k.a. Landfill Management of Alabama appeared before the Council to introduce their company and ask the Council to allow them to submit a proposal on the garbage collection contract that will expire the end of December 2008. The representatives present were Knox Horner, Mike Covington, Randy Billingsly and Stephen Jack.

Councilman Cooley asked if this is an existing company or a new company. Terry Kelley said this is an existing company. Councilman Cooley asked Mr. Kelley if he would leave some information about the company for reference. Mr. Kelley said he would.

Dan England – License Fee: Mr. England said he compared the City of Demopolis license fees with Thomasville and Selma and Demopolis license is higher. The City of Demopolis does not have a specific license for surveyors, but is instead charged under a professional services license. Councilman Cooley stated the business license fees were amended last year for the first time in many years. Mr. England said he would like for Demopolis to be a competitive and business friendly city.

Appointment of City Attorney, City Judge, City Clerk, Police Chief and Fire Chief:

At 6:20pm the Mayor and Council moved into Executive Session, to discuss General Reputation and Character and Job Performance, with the following statement:

STATE OF ALABAMA)
CITY OF DEMOPOLIS)

MINUTES EXCERPTS AND MOTION FOR EXECUTIVE SESSION
PURSUANT TO THE ALABAMA OPEN MEETING LAW
A05-0145

WHEREAS, the City Council of the City of Demopolis, Alabama with a quorum being present, was conducting a regular Council Meeting on the 6th day of November, 2008 the time, date, place and agenda of which were duly announced and notices of which were posted in accordance with the Alabama Open Meeting Law, Act 2005-40 (Act); and,

WHEREAS, during the course of said meeting, a motion was made by Councilman Cooley for the Council to go into Executive Session for the purpose of discussing general reputation and character, and job performance and which motion was seconded by Councilman Moore; and,

WHEREAS, the Presiding Officer directed the City Clerk to enter said motion, purpose and declaration, if made, into the minutes of the meeting and called for a vote on said motion; and,

WHEREAS, said vote in regard to the motion for Executive Session was taken with the "yeas" and "nays" being recorded onto the minutes as follows:

	Yeas	Nays
1. Mayor Mike Grayson	Yea	
2. Mayor Pro Tempore Moore	Yea	
3. Councilman Congress	Yea	
4. Councilman Yelverton	Yea	
5. Councilman Meador	Yea	
6. Councilman Cooley	Yea	

And Presiding Officer declared that a majority of the votes in favor of the motion, that such motion had therefore passed and the Council would forthwith recess into Executive Session for the purpose as stated in said motion and no other purpose, in accordance with the Act for approximately 5 minutes.

The Council reconvened into regular session at 6:36pm.

Councilman Congress made the motion to table the appointment of City Officers until the next Regular Council Meeting. Councilman Meador seconded the motion and motion passed with 6 yes votes by the following roll call vote:

Mayor Grayson: yes	Councilman Moore: yes	Councilman Congress: yes
Councilman Yelverton: yes	Councilman Meador: yes	Councilman Cooley: yes

Committee Assignments: Mayor Grayson distributed to the Council a list of each Councilman's Committee assignments. Councilman Congress asked for a complete listing of all committee assignments.

Projects

Municipal Complex: Discussed previously.

Fire Station #3: Former Councilman Charles Jones previously communicated with outside contractors for solutions to the asphalt problems. Mayor Grayson will gather information necessary to complete this project.

Riverwalk Project: Discussed previously.

Theo Ratliff Expansion: Project still in progress and looking good.

Mayor Discussion

Mayor Grayson stated he has been reading **Boomtown USA: The 7 – ½ Keys to Big Success in Small Towns** by Jack Schultz. The book emphasizes the importance of a “can do” attitude and spirit of cooperation between City Officials, Chamber of Commerce and Economic Development Authorities.

Council Discussion

Councilman Congress asked if the Beautification Committee will work on the dilapidated housing. Mayor Grayson said the Beautification Committee will have some input in the dilapidated housing procedure. Brian Brooker requested that the Historic Preservation Committee be consulted before proceeding with dilapidated housing in historic areas.

Councilman Yelverton asked how the committee assignments were determined. Councilman Yelverton stated that the Councilmen were asked to submit a list of committees they were interested in working, but he was not assigned to any of he submitted. Mayor Grayson said he tried to match up interest and experience. The committee assignments are at the discretion of the Mayor.

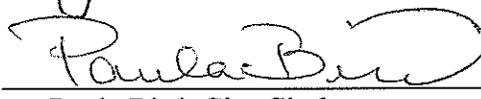
Citizen Discussion

Mr. Robert Shepherd addressed the Council about his concern in the adherence to the Sunshine Laws (The Alabama Open Meetings Act). The Council stated they would be in executive session for 5 minutes. The Council stayed in executive session for approximately 15 minutes.

Councilman Moore made the motion to adjourn. Councilman Cooley seconded the motion. The Council meeting adjourned at 7:30pm.



Mike Grayson, Mayor

ATTEST: 

Paula Bird, City Clerk

* Audiotape is used by City Clerk to prepare minutes and will be destroyed after being approved by the Mayor and Council.

DEMOPOLIS CITY COUNCIL MEETING AGENDA
November 20, 2008

Call to Order – Invocation 5:15pm

Pledge of Allegiance

Roll Call

Approval of Agenda

Approval of Minutes: November 6, 2008

Reports from Departments

Chamber of Commerce

Police

Court

Fire

Public Works

Parks & Recreation

Horticulture

Building Official

Library -submitted

City Hall -submitted

Unfinished Business –

1. Dilapidated Houses
2. Board of Adjustment – Alternates (2)
3. Historic Preservation Committee (1)
4. Sale of State Trooper Property – have appraisal
5. Coliseum Property and State Trooper Property – Ordinance 2008-09 To Declare Surplus Property
6. Auditor Selection Update Information
7. River Walk Project - Goodwyn, Mills and Cawood, Inc. compliance – review prior minutes.
8. Appointment of Officers

New Business –

1. Public Hearing regarding amendments to the City of Demopolis Zoning Ordinance
2. Advanced Disposal – address garbage contract renewal
3. Chu Clinic request to have fireworks at grand opening

Projects-

1. Municipal Complex
2. Fire Station #3
3. Riverwalk Project
4. Theo Ratliff Expansion

Mayor Discussion

Council Discussion

Executive Session

Announcement

Adjourn

MINUTES OF THE DEMOPOLIS COUNCIL
OF THE CITY OF DEMOPOLIS, ALABAMA

Regular Council Meeting

November 20, 2008

The Regular Council meeting of the Demopolis City Council convened at 5:15pm on Thursday, November 20, 2008 in the Demopolis Rooster Hall.

Present:

Council Members: Mike Grayson, Mayor
Thomas Moore, Mayor Pro Tempore
Mitchell Congress
Melvin Yelverton
Bill Meador, Jr.
Jack Cooley

City Clerk: Paula Bird

Department Heads:

- Police – Tim Williams
- Fire - Ron Few
- Public Works – Mike Baker
- Horticulture – Barbara Blevins
- City Hall – Paula Bird -submitted
- Court
- Building Official – Clarence Brooker, Jr.
- Library – Morgan Grimes - submitted
- Park & Recreation – Mark Pettus

Mayor Mike Grayson called the meeting to order. Reverend Lacornia Harris opened with an invocation. Pledge allegiance to the flag of the United States of America.

Approval of Agenda: Councilman Meador made the motion to approve the Agenda as presented. Councilman Cooley seconded the motion and the motion passed with 6 yes votes by the following roll call vote:

Mayor Grayson: yes Councilman Moore: yes Councilman Congress: yes
Councilman Yelverton: yes Councilman Meador: yes Councilman Cooley: yes

Approval of Minutes: The Council reviewed the minutes of the November 6, 2008 regular council meeting. Councilman Cooley made the motion to approve the November 6, 2008 minutes as presented. Councilman Moore seconded the motion and motion passed with 6 yes votes by the following roll call vote:

Mayor Grayson: yes Councilman Moore: yes Councilman Congress: yes
Councilman Yelverton: yes Councilman Meador: yes Councilman Cooley: yes

Departmental reports

Departmental reports were submitted as indicated above.

Kelley Smith, executive director of the Demopolis Area Chamber of Commerce and Kirk Brooker, 2009 Christmas On The River Chairman presented gala tickets to the Council and City Department Heads in appreciation to the City of Demopolis.

Councilman Congress asked Kelley Smith if the Christmas On The River Committee discussed the admission fee for the Barbeque Cookoff. Ms. Smith said it was discussed and that the committee decided it was too late in the process to make any changes this year.

Chief Tim Williams introduced the new police officers that recently graduated from the Police Academy: Cody Key, Cole Basinger, Chris Matthews, and Roger Anderson.

Mark Pettus, PARD director, reported the Theo Ratliff Center prepared a nice booklet which was delivered to Mayor Grayson for all Council members to review.

At 5:35pm the Mayor and Council moved into Executive Session, to negotiate the sell of real property, with the following statement:

STATE OF ALABAMA)
CITY OF DEMOPOLIS)

MINUTES EXCERPTS AND MOTION FOR EXECUTIVE SESSION
PURSUANT TO THE ALABAMA OPEN MEETING LAW
A05-0145

WHEREAS, the City Council of the City of Demopolis, Alabama with a quorum being present, was conducting a regular Council Meeting on the 20th day of November, 2008 the time, date, place and agenda of which were duly announced and notices of which were posted in accordance with the Alabama Open Meeting Law, Act 2005-40 (Act); and,

WHEREAS, during the course of said meeting, a motion was made by Councilman Cooley for the Council to go into Executive Session for the purpose of negotiating the sell of real property and which motion was seconded by Councilman Moore; and,

WHEREAS, the Presiding Officer directed the City Clerk to enter said motion, purpose and declaration, if made, into the minutes of the meeting and called for a vote on said motion; and,

WHEREAS, said vote in regard to the motion for Executive Session was taken with the "yeas" and "nays" being recorded onto the minutes as follows:

	Yeas	Nays
1. Mayor Mike Grayson	Yea	
2. Mayor Pro Tempore Moore	Yea	
3. Councilman Congress	Yea	
4. Councilman Yelverton	Yea	
5. Councilman Meador	Yea	
6. Councilman Cooley	Yea	

And Presiding Officer declared that a majority of the votes in favor of the motion, that such motion had therefore passed and the Council would forthwith recess into Executive Session for the purpose as stated in said motion and no other purpose, in accordance with the Act for approximately 30 minutes.

Councilman Moore made the motion to reconvene into regular session at 6:16pm. Councilman Congress seconded the motion and motion passed with 6 yes votes by the following roll call vote:

Mayor Grayson: yes Councilman Moore: yes Councilman Congress: yes
Councilman Yelverton: yes Councilman Meador: yes Councilman Cooley: yes

Unfinished business

Dilapidated housing: Clarence Brooker Jr., Building Official, distributed a current dilapidated housing report. Councilman Congress asked why all properties were not listed on the report. Rick Manley, City Attorney stated that it would be a cumbersome task to list every property, listing the properties currently in progress created a better management tool. Councilman Congress asked for a definition of a “dilapidated” property. Mr. Brooker stated that you have to use personal judgment. Mayor Grayson stated a property would be “uninhabitable”.

Board of Adjustment Appointment: Councilman Congress nominated Drew Johnson and Thomas Harris Jr. as alternates for the Board of Adjustment.

Councilman Meador made the motion to name Drew Johnson and Thomas Harris Jr. as alternates for the Board of Adjustment. Councilman Yelverton seconded the motion and motion passed with 6 yes votes by the following roll call vote:

Mayor Grayson: yes Councilman Moore: yes Councilman Congress: yes
Councilman Yelverton: yes Councilman Meador: yes Councilman Cooley: yes

Historic Preservation Commission Appointment: Brian Brooker submitted a list of names to Mayor Grayson for consideration to serve on the Historic Preservation Commission. Mayor Grayson will make an appointment next week.

State Trooper Property: Nothing new to report.

Coliseum Property: *We will adopt ordinance to declare as surplus property at next regular Council meeting.*

Auditor Selection Update: Rob Pearson, CPA distributed a list of proposals from various accounting firms. The finance committee recommends retaining LeCroy Hunter & Company PC for the amount of \$22,750 for City of Demopolis and Demopolis Water & Sewer Authority. The City of Demopolis portion would be \$15,500.

Councilman Yelverton asked why we didn’t go with the firm from Andalusia for the amount of \$22,500. Mayor Grayson said the Demopolis Water & Sewer Authority did not want to use this firm. Councilman Moore said the bid price was a package deal and the price would not remain the same if they were not awarded as a package.

Councilman Cooley made the motion to retain LeCroy Hunter & Company PC to perform the audit of the City of Demopolis as a combined package for the amount of \$22,750. Councilman Moore seconded the motion and motion passed with 5 yes votes and 1 no vote by the following roll call vote:

Mayor Grayson: yes Councilman Moore: yes Councilman Congress: yes
Councilman Yelverton: no Councilman Meador: yes Councilman Cooley: yes

River Walk Project: Goodwyn, Mills and Cawood Inc. will meet with Mayor Grayson on Tuesday November 25, 2008 and therefore recommends tabling this item until the next Regular Council Meeting.

Appointment of City Officers: Councilman Congress made the motion to reinstate the Fire Chief, City Attorney, City Judge, and City Clerk for a four year term and to vote on the Police Chief in a separate motion since the current position is Acting Police Chief. Councilman Yelverton seconded the motion and the motion failed with 3 yes votes and 3 no votes by the following role call vote:

Mayor Grayson: no Councilman Moore: yes Councilman Congress: yes
Councilman Yelverton: yes Councilman Meador: no Councilman Cooley: no

Councilman Moore made the motion to reinstate the Acting Police Chief until a Police Chief is appointed for a permanent position. Councilman Congress seconded the motion and the motion passed with 6 yes votes by the following role call vote:

Mayor Grayson: yes Councilman Moore: yes Councilman Congress: yes
Councilman Yelverton: yes Councilman Meador: yes Councilman Cooley: yes

Councilman Yelverton made the motion to begin the application process for Police Chief. Councilman Congress seconded the motion and the motion passed with 6 yes votes by the following role call vote:

Mayor Grayson: yes Councilman Moore: yes Councilman Congress: yes
Councilman Yelverton: yes Councilman Meador: yes Councilman Cooley: yes

New business

Public Hearing on Zoning Ordinance 2008-12: This ordinance contains three separate amendments to be considered individually.

1. An amendment to Section 302.4 Table of Uses to replace the existing wording regarding Bait Store or Sales (live bait). This amendment would allow a business located in B-3 or B-4 to obtain special exception to sell live bait. The business would have to appeal for special exception to the Board of Adjustments.

Lakeside Grocery on North Walnut is seeking permission to sell live bait in a building that sold live bait for many years. The business closed for over six months before being reopened thereby making it ineligible to sell live bait. Councilman Yelverton asked if the Council could give this business permission to sell live bait tonight. Councilman Congress stated that the City of Demopolis should not hinder a person from making a living that offers a service to the City especially if it had been allowed in the past. The only way to give immediate permission to operate this business tonight would be by overriding the current Zoning Ordinance. Councilman Cooley asked if the amendment were approved would the Board of Adjustments most likely approve Lakeside Grocery's request. Clarence Brooker, Building Official said yes.

Councilman Cooley made the motion to approve Amendment 1 of Ordinance 2008-12 as presented. Councilman Congress seconded the motion and the motion passed with 6 yes votes by the following role call vote:

Mayor Grayson: yes	Councilman Moore: yes	Councilman Congress: yes
Councilman Yelverton: yes	Councilman Meador: yes	Councilman Cooley: yes

2. An Amendment to Section 907 Nonconforming Signs to add the following requirement as Section 907.8:

907.8 Lighting and/or electronic or digital displays shall not be added to nonconforming signs.

3. An Amendment to Section 910.4 Regulations Applicable To All Off-Premise Signs to add the following requirement as sub-section L:

L. Off-premise or general advertising signs shall be static and shall not have any electronic, digital, trivision or other changeable copy display or movement including but not limited to flashing, scrolling, rotating, changing in light intensity or color, or image projection.

Mayor Grayson asked if anyone was present to speak for or against the proposed Amendments 2 and 3. There was none. Councilman Moore asked if the Planning Committee received any written objections. They did not.

Councilman Yelverton made the motion to reject Amendments numbers 2 and 3 of Ordinance 2008-12. Councilman Congress seconded the motion and the motion passed with 5 yes votes and 1 abstain by the following role call vote:

Mayor Grayson: abstain	Councilman Moore: yes	Councilman Congress: yes
Councilman Yelverton: yes	Councilman Meador: yes	Councilman Cooley: yes

Advanced Disposal: Jessie Shows with Advanced Disposal addressed the Council regarding the garbage collection contract that expires in December 2008. Advanced Disposal is proposing an additional 2 years service at \$12.87 per unit. Currently our rate is \$12.38 per

unit after the \$0.16 increase due to ADEM requirement. Our rate with Advanced Disposal has only increase twice since 2002 even though the current contract allows them a yearly increase based on CPI.

Councilman Yelverton asked why Advanced Disposal pulled out of Demopolis. Mr. Shows said it was due to limited space and the desire to build a transfer station. Advanced Disposal relocated to Linden, Alabama but still owns the property.

Councilman Moore stated that he believes the City of Demopolis should put the contract out for bid. Councilman Cooley concurred. Mayor Grayson noted that the City of Demopolis is operating in a short time frame and the City doesn't need to have an interruption in service.

After discussion Mr. Shows said Advanced Disposal will offer a 3 year contract covering 2009 – 2011 with the first year rate remaining at the current level of \$12.38. On January 1 of the remaining two years the rate will be adjusted based on the CPI.

Councilman Congress asked if the company could offer door service to the elderly. Mr. Shows said this service is currently being offered if the request is accompanied by a doctor's written recommendation due to health.

Councilman Cooley made the motion to accept Advanced Disposal's offer of a 3 year contract with the 2009 rate at the current rate of \$12.38 (\$12.22 + .16) with a rate increase in January 2010 and January 2011 based on the CPI. Councilman Moore seconded the motion and the motion passed with 6 yes votes by the following roll call vote:

Mayor Grayson: yes	Councilman Moore: yes	Councilman Congress: yes
Councilman Yelverton: yes	Councilman Meador: yes	Councilman Cooley: yes

Chu Clinic Grand Opening Request: Sunday November 23rd is the grand opening of the new Chu Clinic. Ordinance 2001-3 regulates the dates and times fireworks can be discharged so Dr. Chu is requesting permission from Council to fire Class C fireworks at the celebration. Chief Ronnie Few reported that he has met with Dr. Chu to review the plans and the surrounding property and said the Fire Department will be present to ensure the safety of people and property.

Councilman Yelverton made the motion to grant Chu Clinic permission to discharge the fireworks as discussed with Fire Chief Few. Councilman Congress seconded the motion and the motion passed with 6 yes votes by the following roll call vote:

Mayor Grayson: yes	Councilman Moore: yes	Councilman Congress: yes
Councilman Yelverton: yes	Councilman Meador: yes	Councilman Cooley: yes

Projects

Municipal Complex: Target date for completion of plans is around December 15, 2008. Hope to bid the project in the 2nd or 3rd week of January.

Fire Station #3: Mayor Grayson said he is determined to find completion and closure to this project as well as the Riverwalk project so they can be removed from the Agenda.

Riverwalk Project: Discussed previously.

Theo Ratliff Expansion: Mark Pettus, PARD director reported the project is progressing nicely and is looking good. The sheetrock is going up so it looks like rooms. Mr. Pettus hopes to be finished in early December.

Mayor Discussion

Mayor Grayson stated there are conflicts with holding the next Regular Council Meeting on Thursday December 4, 2008. After discussion the Council unanimously agreed to reschedule the next Regular Council Meeting to Wednesday December 3, 2008 at 5:15pm.

Mayor Grayson said the meetings for January 1 and January 15 may be rescheduled at the next Regular Council Meeting.

Mayor Grayson announced that Councilman Yelverton, Councilman Congress, and Mayor Grayson are appointed to the Public Works Committee.

Council Discussion

Councilman Yelverton made a motion to approve the Fire Department raises proposed by Chief Ronnie Few as part of the Fire Department realignment plan. Councilman Congress seconded the motion and the motion failed with 3 yes votes and 3 no votes by the following roll call vote:

Mayor Grayson: no	Councilman Moore: yes	Councilman Congress: yes
Councilman Yelverton: yes	Councilman Meador: no	Councilman Cooley: no

Mayor Grayson stated the Finance Committee needed additional time to review the proposal because it appears to be over budget and there needs to be further review of the reorganization plan.

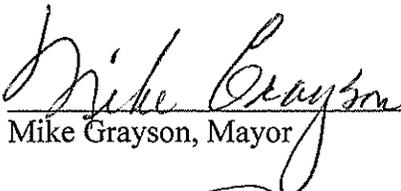
Councilman Congress stated the current budget approved \$4,500 for reorganization. There was discussion on the ambiguity of what the \$4,500 approved was for.

Councilman Congress asked Paula Bird, City Clerk if an analysis had been performed on the proposed raises. Ms. Bird stated a spreadsheet was prepared with the current budget, the current pay, and the proposed pay and it appeared the payroll costs would be over budget by approximately \$10,000. This amount could be reduced by the \$4,500 budgeted for reorganization since she was not aware that this amount was for payroll costs. A spreadsheet was emailed to the Finance Committee, Chief Few and Rob Pearson.

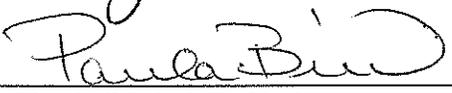
There was discussion with Chief Ronnie Few about the reorganization plan and employee rankings. Chief Few said the reorganization and employee rankings were based on NFTA standards. Councilman Cooley stated that the decision of holding off on approving the raises was not questioning the safety standards, but was a financial concern.

Councilman Yelverton stated that if the department is not over budget by granting the raises the Council should not micromanage. Councilman Cooley stated to find out what it will cost to see if it goes over the current budget.

Councilman Meador made the motion to adjourn. Councilman Cooley seconded the motion. The Council meeting adjourned at 7:55pm.



Mike Grayson, Mayor

ATTEST: 

Paula Bird, City Clerk

* Audiotape is used by City Clerk to prepare minutes and will be destroyed after being approved by the Mayor and Council.

ORDINANCE 2008-12

AN ORDINANCE TO AMEND THE ZONING ORDINANCE OF THE CITY OF DEMOPOLIS, ALABAMA,

BE IT RESOLVED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF DEMOPOLIS, ALABAMA AS FOLLOWS:

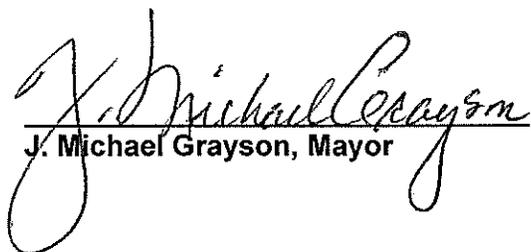
- Section 302.4 Table of Uses of the Demopolis Zoning Ordinance is amended to replace the existing wording regarding Bait Store or Sales (live bait) with the following provision:**

SECTION 302.4 TABLE OF USES	USE DISTRICTS															
	A-1	R-1	R-2	R-3	R-4	R-5	R-6	M	O-1	B-1	B-2	B-3	B-4	BL I	I-1	I-2
Bait store or sales (live bait).													S	S	R	R

THIS ORDINANCE WAS ADOPTED BY THE DEMOPOLIS CITY COUNCIL ON November 20, 2008. IT SHALL BECOME EFFECTIVE UPON ITS APPROVAL BY THE MAYOR AND CITY COUNCIL AND ITS PROPER PUBLICATION AS REQUIRED BY LAW.

CITY OF DEMOPOLIS, ALABAMA

ATTEST:


 J. Michael Grayson, Mayor


 Paula Bird, City Clerk

DEMOPOLIS CITY COUNCIL MEETING AGENDA
Special Called Meeting
For the Purpose of Discussing Coliseum Property and Appointment of City
Officers

November 25, 2008

Call to Order – Invocation 5:15pm
Pledge of Allegiance
Roll Call
Approval of Agenda

Discussion of Coliseum Property

Discussion Regarding Appointment of:

City Clerk
Fire Chief
City Attorney
City Judge

Adjourn

MINUTES OF THE DEMOPOLIS COUNCIL
OF THE CITY OF DEMOPOLIS, ALABAMA

**Special Called Meeting
For the Purpose of Discussing Coliseum Property
And Appointment of City Officers**

November 25, 2008

The Special Called Council Meeting of the Demopolis City Council convened at 5:15pm on Thursday, November 25, 2008 in the Demopolis Rooster Hall.

Present:

Council Members: Mike Grayson, Mayor
Thomas Moore, Mayor Pro Tempore
Mitchell Congress
Melvin Yelverton
Bill Meador, Jr.
Jack Cooley
City Clerk: Paula Bird

Mayor Mike Grayson called the meeting to order and the invocation was presented by Councilman Congress. Pledge allegiance to the flag of the United States of America.

Approval of Agenda: Councilman Meador made the motion to approve the Agenda as presented. Councilman Congress seconded the motion and the motion passed with 6 yes votes by the following roll call vote:

Mayor Grayson: yes	Councilman Moore: yes	Councilman Congress: yes
Councilman Yelverton: yes	Councilman Meador: yes	Councilman Cooley: yes

Coliseum Property: Councilman Cooley made the motion to accept the offer from the Demopolis Water & Sewer Authority for the purchase of the Coliseum Property in the amount of \$184,400. Councilman Moore seconded the motion and the motion passed with 6 yes votes by the following roll call vote:

Mayor Grayson: yes	Councilman Moore: yes	Councilman Congress: yes
Councilman Yelverton: yes	Councilman Meador: yes	Councilman Cooley: yes

Appointment of Officers:

Councilman Yelverton made the motion to reappoint Paula Bird as City Clerk for the four year term of office. Councilman Meador seconded the motion and the motion passed with 6 yes votes by the following roll call vote:

Mayor Grayson: yes	Councilman Moore: yes	Councilman Congress: yes
Councilman Yelverton: yes	Councilman Meador: yes	Councilman Cooley: yes

Councilman Congress made the motion to reappoint Ronnie Few as Fire Chief for the four year term of office. Councilman Moore seconded the motion and the motion passed with 6 yes votes by the following roll call vote:

Mayor Grayson: yes Councilman Moore: yes Councilman Congress: yes
Councilman Yelverton: yes Councilman Meador: yes Councilman Cooley: yes

Councilman Cooley stated that he votes yes based on what he thinks is best for the future of Demopolis.

Councilman Meador made the motion to renew the contract with Rick Manley as City Attorney for the four year term of office. Councilman Yelverton seconded the motion and the motion passed with 6 yes votes by the following roll call vote:

Mayor Grayson: yes Councilman Moore: yes Councilman Congress: yes
Councilman Yelverton: yes Councilman Meador: yes Councilman Cooley: yes

Councilman Congress made the motion to reappoint Woody Dinning as City Judge for the four year term of office. Councilman Moore seconded the motion and the motion passed with 6 yes votes by the following roll call vote:

Mayor Grayson: yes Councilman Moore: yes Councilman Congress: yes
Councilman Yelverton: yes Councilman Meador: yes Councilman Cooley: yes

Councilman Moore made the motion to adjourn. Councilman Yelverton seconded the motion. The Council meeting adjourned at 7:23pm.



Mike Grayson, Mayor

ATTEST: 

Paula Bird, City Clerk

* Audiotape is used by City Clerk to prepare minutes and will be destroyed after being approved by the Mayor and Council.

DEMOPOLIS CITY COUNCIL MEETING AGENDA
December 3, 2008

Call to Order - 5:15pm

Invocation

Pledge of Allegiance

Roll Call

Approval of Agenda

Approval of Minutes: November 20, 2008 and November 25, 2008

**Certificates of Appreciation – Demopolis High School Sr. Football Players
And Coach Tom Causey and Coaching Staff**

Reports from Departments

Police

Court

Fire

Public Works

Parks & Recreation

Horticulture

Building Official

Library

City Hall

Unfinished Business –

1. Dilapidated Houses
2. Historic Preservation Committee (1)
3. Coliseum Property and State Trooper Property – Ordinance 2008-09 To Declare As Surplus Property

New Business –

1. Public Safety Information – Chief Ronnie Few
2. 070-Retail Table Wine (Off Premises Only) license application: Car Enterprises LLC, dba Demopolis Tobacco Store and More (Avinash Patel) 702 Hwy 80 E, Demopolis, AL 36732
3. Library Board Appointments (2)
4. Resolution 2008-25: Agreement with the State of Alabama through the Alabama Department of Transportation for Improvements along Airport Industrial Road
5. Christmas Turkey for Employees (Last year \$27.07 = \$25.00 check)

Projects-

1. Municipal Complex
2. Fire Station #3
3. Riverwalk Project
4. Theo Ratliff Expansion

Mayor Discussion

Council Discussion

Executive Session

Announcement

Adjourn

MINUTES OF THE DEMOPOLIS COUNCIL
OF THE CITY OF DEMOPOLIS, ALABAMA

Regular Council Meeting

December 3, 2008

The Regular Council meeting of the Demopolis City Council convened at 5:15pm on Wednesday, December 3, 2008 in the Demopolis Rooster Hall.

Present:

Council Members: Mike Grayson, Mayor
Thomas Moore, Mayor Pro Tempore
Mitchell Congress
Melvin Yelverton
Bill Meador, Jr.
Jack Cooley

City Clerk: Paula Bird

Department Heads:

- Police – Tim Williams
- Fire - Ron Few
- Public Works – Mike Baker
- Horticulture
- City Hall – Paula Bird
- Court
- Building Official – Clarence Brooker, Jr.
- Library – Morgan Grimes
- Park & Recreation – Mark Pettus

Mayor Mike Grayson called the meeting to order. Reverend Timothy Page opened with an invocation. Pledge allegiance to the flag of the United States of America.

Approval of Agenda: Councilman Cooley made the motion to approve the Agenda as presented. Councilman Moore seconded the motion and the motion passed with 6 yes votes by the following roll call vote:

Mayor Grayson: yes Councilman Moore: yes Councilman Congress: yes
Councilman Yelverton: yes Councilman Meador: yes Councilman Cooley: yes

Approval of Minutes: The Council reviewed the minutes of the November 20, 2008 Regular Council meeting and the November 25, 2008 Special Called meeting. Paula Bird, City Clerk noted that information regarding the Coliseum property should be inserted on page 3 after the State Trooper Property discussion on the November 20, 2008 minutes.

Councilman Cooley made the motion to approve the November 20, 2008 minutes as corrected and the November 25, 2008 minutes as presented. Councilman Meador seconded the motion and motion passed with 5 yes votes and 1 abstain vote by the following roll call vote:

Mayor Grayson: yes Councilman Moore: yes Councilman Congress: abstain
Councilman Yelverton: yes Councilman Meador: yes Councilman Cooley: yes

Presentation: Mayor Grayson and the City Council recognized Coach Tom Causey and staff for their work with the young men on the Demopolis High School football team. The young

men on the football team are ambassadors for the City of Demopolis and represent the City well.

Mayor Grayson and the City Council recognized each senior player with a certificate of appreciation for their efforts and a great football season. Councilman Cooley noted that these young men displayed character, honesty and intelligence.

Departmental reports

There were no Departmental reports submitted.

Councilman Cooley commended the Police Department for their dedication of many hours of service resulting in the arrest of persons regarding the recent double homicide in Demopolis. Mayor Grayson said we can be proud of the teamwork between the Demopolis Police, the Marengo County Sheriff and the District Attorney.

Councilman Congress asked if the Police Department is still investigating the Randy Warren murder case. Tim Williams, Acting Police Chief, said the case is still under investigation.

Mayor Grayson stated the City of Demopolis has posted the position of Police Chief. It was posted internally on December 1, 2008 for seven days then will be posted publicly with the Alabama Career Center on December 8, 2008.

Mike Baker, Public Works Director, stated a letter from Alabama Department of Transportation and a letter from Almon Associates was distributed to Council regarding bridge inspection. A bridge inspection is required on all rated bridges every 12 months. The City of Demopolis is due for an inspection on three bridges at a cost of approximately \$3,700.

Councilman Congress made the motion to approve \$3,700 for the bridge inspection. Councilman Meador seconded the motion and motion passed with 6 yes votes by the following roll call vote:

Mayor Grayson: yes	Councilman Moore: yes	Councilman Congress: yes
Councilman Yelverton: yes	Councilman Meador: yes	Councilman Cooley: yes

Councilman Meador suggested adding a line item to the budget for bridge maintenance and repair. Councilman Congress asked Mike Baker to explain an SWA account. Mike Baker said it was an escrow account required by the Alabama Department of Transportation used to provide the rental equipment needed to conduct the bridge inspection. Councilman Moore asked to check on a previous deposit in the amount of \$6000 sent to ALDOT in October 2008.

Councilman Congress asked Morgan Grimes, Library Director, about the search for an assistant director and if the City of Demopolis requires the assistant director to have a Masters in Library Science. Morgan Grimes stated that the Library Board of Directors requires the assistant director to possess a Masters in Library Science. Generally speaking an

assistant librarian is required to obtain a bachelors degree in any field. Morgan Grimes stated the Library Board meets on the fourth Monday of each month. Councilman Congress stated he would like to be placed on the agenda for the next meeting. Councilman Cooley stated we should hear the Library Board's reasoning for requiring the MLS. Mayor Grayson stated at this time we are not filling nonessential job vacancies.

Unfinished business

Dilapidated housing: There is no official report. Clarence Brooker Jr. Building Official and Rick Manley City Attorney are working on processing claims for prosecution. Councilman Moore asked about a lot on the 200 block of South Ash Street. Clarence Brooker Jr. stated they are aware of this problem and are taking the necessary steps to solve the problem. Mayor Grayson asked what precludes the City of Demopolis from cleaning the lot and charging the property owner. Clarence Brooker Jr. stated there are state laws the City of Demopolis is required to follow. The procedure the City of Demopolis follows is part of the Southern Building Code which the City has adopted. Councilman Congress asked if there was anything illegal about the City of Demopolis cleaning the property. Rick Manly stated private property laws prevent the City of Demopolis from cleaning property without permission of owner. Mayor Grayson suggested calling the health department as the condition of the property is a health hazard. Councilman Meador suggested starting both processes immediately i.e. call the health department and write letter.

Historic Preservation Commission Appointment: Mayor Grayson said he spoke with someone about this appointment and will know something by Tuesday.

Ordinance 2008-09 – An Ordinance To Declare The Following Described Real Property of the City of Demopolis, Alabama as Surplus: This is the second reading of the ordinance to declare the Coliseum Property and State Trooper Property as surplus.

Councilman Moore made the motion to approve Ordinance 2008-09 as presented. Councilman Congress seconded the motion and motion passed with 6 yes votes by the following roll call vote:

Mayor Grayson: yes	Councilman Moore: yes	Councilman Congress: yes
Councilman Yelverton: yes	Councilman Meador: yes	Councilman Cooley: yes

New business

Public Safety Information: Ronnie Few, Fire Chief gave a presentation on the importance of having operational smoke detectors in your home. If possible install fire detectors with carbon monoxide detectors. The points Chief Few made were: 1. Look for Underwriter Laboratory (UL) label 2. Install smoke detector near sleeping area and 3. Put a smoke detector on each floor of your home.

The Fire Department applied for a grant that provides free smoke detectors for the public.

070 – Retail Table Wine (Off Premises Only) license: Avinash Patel representing Car Enterprises LLC, dba Demopolis Tobacco Store and More 702 Hwy 80 E appeared before the council to obtain the license as stated above.

Councilman Moore made the motion to approve the 070 – Retail Table Wine Off Premises Only license as presented. Councilman Yelverton seconded the motion and motion passed with 4 yes votes , 1 no vote, and 1 abstain vote by the following roll call vote:

Mayor Grayson: abstain Councilman Moore: yes Councilman Congress: *no*
Councilman Yelverton: yes Councilman Meador: yes Councilman Cooley: yes

Library Board Appointments: The Library Board recommended Catherine Meador and Anita Freeman as candidates for the Library Board of Directors. Councilman Congress recommended Aquinetta *Henderson* and said she would like to serve.

Councilman Congress made the motion to nominate Aquinetta *Henderson* to serve on Library Board of Directors. Councilman Moore seconded the motion and motion passed with 5 yes votes and 1 abstain vote by the following roll call vote:

Mayor Grayson: yes Councilman Moore: yes Councilman Congress: yes
Councilman Yelverton: yes Councilman Meador: abstain Councilman Cooley: yes

Councilman Cooley made the motion to nominate Catherine Meador to serve on Library Board of Directors. Councilman Congress seconded the motion and motion passed with 5 yes votes and 1 abstain vote by the following roll call vote:

Mayor Grayson: yes Councilman Moore: yes Councilman Congress: yes
Councilman Yelverton: yes Councilman Meador: abstain Councilman Cooley: yes

Resolution 2008-25 - Agreement with the State of Alabama through the Alabama Department of Transportation for Improvements along Airport Industrial Road: This Resolution is necessary to give the Mayor authority to sign the agreement for the Airport Industrial Road.

Councilman Cooley made the motion to approve Resolution 2008-25 as presented. Councilman Meador seconded the motion and motion passed with 6 yes votes by the following roll call vote:

Mayor Grayson: yes Councilman Moore: yes Councilman Congress: yes
Councilman Yelverton: yes Councilman Meador: yes Councilman Cooley: yes

Employees One Time Pay Adjustment: Councilman Yelverton made the motion to grant a \$27.07 one time pay adjustment for City employees as a Christmas “Turkey” bonus. Councilman Meador seconded the motion and the motion passed with 6 yes votes by the following roll call vote:

Mayor Grayson: yes Councilman Moore: yes Councilman Congress: yes
Councilman Yelverton: yes Councilman Meador: yes Councilman Cooley: yes

Projects

Municipal Complex: No report.

Fire Station #3: Mayor Grayson said he is in discussion with the contractor and architect to solve this problem.

Riverwalk Project: Mayor Grayson reported meeting with Goodwyn Mills and Cawood and the punch list will be completed within two weeks.

Theo Ratliff Expansion: Mark Pettus, PARD director reported the project progress has slowed down, but they are in the process of picking colors. Mark Pettus distributed a job site inspection report submitted by McKee and Associates.

Mayor Discussion

Mayor Grayson stated that the meetings for January should be rescheduled. Councilman Yelverton made the motion to reschedule the January meeting dates to Wednesday January 7 and Thursday January 22, 2009. Councilman Meador seconded the motion and the motion passed with 6 yes votes by the following roll call vote:

Mayor Grayson: yes	Councilman Moore: yes	Councilman Congress: yes
Councilman Yelverton: yes	Councilman Meador: yes	Councilman Cooley: yes

Mayor Grayson distributed a copy of the purchase order procedure put in place last week. Mayor Grayson distributed a copy of an invoice from Wilson Price CPA's and a copy of his letter in response. Mayor Grayson announced that Alabama Power cut 26 trees and issued the City of Demopolis a check in the amount of \$2,600. Mayor Grayson announced that the City of Demopolis is preparing a list of "shovel ready" projects to submit as a request to the proposed Obama administration stimulus package.

Council Discussion

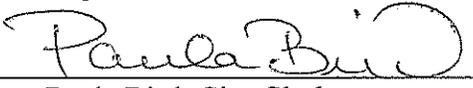
Councilman Yelverton stated that he would like to address the state truck route with the new Council in a future meeting. Councilman Yelverton asked about the status of the paving in the French Creek area. Mayor Grayson will contact Freddy Armstead about the status of this project.

Councilman Congress asked if we have a CDBG grant in place now. We have several projects in place that utilize CDBG funds. Councilman Congress stated that department heads should have to justify the use of overtime. Councilman Congress asked Rick Manly and Clarence Brooker Jr. if Ordinance 2008-12 that was passed November 20, 2008 changed the zoning of property. Clarence Brooker Jr. said the Ordinance amended the Table of Permitted Usage to allow by special exception the sell of live bait. Councilman Congress asked if there were different fees for the Civic Center for different uses. Paula Bird stated that there were different fees for rental of the Civic Center for profit motive purposes.

Councilman Cooley made the motion to adjourn. Councilman Congress seconded the motion. The Council meeting adjourned at 6:35pm.



Mike Grayson, Mayor

ATTEST: 

Paula Bird, City Clerk

* Audiotape is used by City Clerk to prepare minutes and will be destroyed after being approved by the Mayor and Council.

ORDINANCE 2008-09

AN ORDINANCE TO DECLARE THE FOLLOWING DESCRIBED REAL PROPERTY OF THE CITY OF DEMOPOLIS, ALABAMA AS SURPLUS

BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF DEMOPOLIS, ALABAMA AS FOLLOWS:

SECTION 1. It is hereby established and determined by the governing body of the City of Demopolis, Alabama that the hereinafter described property is not needed for public or municipal purposes and is therefore declared as surplus property available for sale.

SECTION 2A. All of the real estate known as the Coliseum property fronted on the East by Floyd Street and on the North by Pettus Street.

SECTION 2B. All of the real estate known as the former Alabama Highway Patrol lot and building fronting on U.S. Highway 80 and bordered on the West by Bailey Street.

SECTION 3. Upon acquiring an offer for purchase of the property at a figure equal to or exceeding the appraised value of the property and a proper legal description being available or if not, a survey being conducted in order to establish the correct legal bounds of the property, the Mayor and City Clerk are directed to execute a deed to a purchaser selected by the Mayor and City Council at the purchase price accepted and approved by the Mayor and City Council.

This Ordinance was adopted by the Demopolis City Council at its regular meeting on the 3rd day of December, 2008. It shall become effective upon its approval by the Mayor and its proper publication as required by law.

ATTEST:


J. Michael Grayson, Mayor


Paula Bird, City Clerk

RESOLUTION 2008-25

**STATE OF ALABAMA
MARENGO COUNTY
CITY OF DEMOPOLIS**

Be it resolved by the City Council of the City of Demopolis as follows:

1. That the City enters into an Agreement with the State of Alabama, acting by and through the Alabama Department of Transportation for:

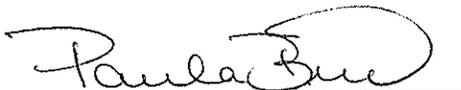
Project IAR-046-000-003 for improvements along Airport Industrial Road from US-80 to CTCO Shipyard plant site to benefit CTCO Shipyard of Alabama, LLC, and project Rock Paper Scissors in the City of Demopolis, Alabama; which Agreement is before this council.

2. That the Agreement be executed in the name of the City, by its Mayor, for and on its behalf;
3. That the Agreement be attested by the City Clerk and the seal of the City affixed thereto.

BE IT FURTHER RESOLVED, that upon the completion of the execution of the Agreement by all parties, that a copy of such Agreement be kept on file by the City Clerk.

Passed, adopted and approved this 3rd Day of December, 2008.

ATTESTED:



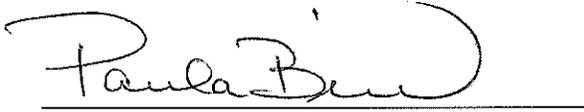
Paula Bird, City Clerk



J. Michael Grayson, Mayor

I, the undersigned qualified and acting clerk of the City of Demopolis, Alabama, do hereby certify that the above and foregoing is a true copy of a resolution passed and adopted by the City Council of the City named therein, at a regular meeting of such Council held on the 3rd day of December 2008, and that such resolution is on file in the City Clerk's office.

In Witness Whereof, I have hereunto set my hand and affixed the official seal of the City of this 3rd day of December, 2008.

A handwritten signature in cursive script, appearing to read "Paula Bird", written over a horizontal line.

Paula Bird, City Clerk

DEMOPOLIS CITY COUNCIL MEETING AGENDA
December 18, 2008

Call to Order - 5:15pm

Invocation – Father J.D. Barnes

Pledge of Allegiance

Roll Call

Approval of Agenda

Approval of Minutes: December 3, 2008

Certificates of Appreciation – Public Works and Horticulture Departments for excellent work on COTR festivities

Reports from Departments

Police - submitted

Court - submitted

Fire

Public Works - submitted

Parks & Recreation

Horticulture

Building Official

Library - submitted

City Hall - submitted

Unfinished Business –

1. Dilapidated Houses
2. Historic Preservation Committee (1)

New Business –

1. 2009 Holiday Calendar
2. Mr. Deke Glass – Citizen report on employees (working in rain)
3. Public Hearing – Proposed Ordinance 2008-10 An Ordinance to change the zoning of a parcel measuring approximately 79 x 104 located at 611 East Fulton Street from an I-2 zone to R-3 zone.
4. Public Hearing – Proposed Ordinance 2008-11 An Ordinance to change the zoning of a parcel measuring approximately 2 acres located at 500 Russell Drive from an R-1 zone to R-3 zone.
5. Hwy 43 Truck Route

Projects-

1. Municipal Complex
2. Fire Station #3
3. Riverwalk Project
4. Theo Ratliff Expansion

Mayor Discussion

Council Discussion

Executive Session

Announcement

Adjourn

MINUTES OF THE DEMOPOLIS COUNCIL
OF THE CITY OF DEMOPOLIS, ALABAMA

Regular Meeting

December 18, 2009

The regular meeting of the Demopolis City Council convened at 5:15pm on Thursday, December 18, 2009 in the Demopolis Rooster Hall.

Present:

Council Members: J. Michael Grayson, Mayor
Thomas Moore, Mayor Pro Tempore
Mitchell Congress
Melvin Yelverton
Bill Meador, Jr.
Jack Cooley

City Clerk: Paula Bird

Department Heads:

- Police – Tim Williams - submitted
- Fire - Ronnie Few
- Public Works – Mike Baker - submitted
- Horticulture
- City Hall – Paula Bird - submitted
- Court - submitted
- Building Official – Clarence Brooker, Jr.
- Library – Morgan Grimes - submitted
- Park & Recreation – Mark Pettus

Mayor Mike Grayson called the meeting to order. Father J.D. Barnes opened the meeting with an invocation. Pledge of Allegiance to the flag of the United States of America.

Councilman Meador made the motion to approve the agenda as presented. Councilman Moore seconded the motion and motion passed with 6 yes votes by the following roll call vote:

Mayor Grayson: yes Councilman Moore: yes Councilman Congress: yes
Councilman Yelverton: yes Councilman Meador: yes Councilman Cooley: yes

The Council reviewed the minutes of the December 3, 2008 regular meeting. Councilman Congress noted a correction to the minutes on the misspelling of Acquinetta *Henderson* and also to correct Councilman Congress vote as *no* on the retail wine license. Both corrections are on page 4.

Councilman Yelverton made a motion to approve the minutes as corrected. Councilman Congress seconded the motion and motion passed with 6 yes votes by the following roll call vote:

Mayor Grayson: yes Councilman Moore: yes Councilman Congress: yes
Councilman Yelverton: yes Councilman Meador: yes Councilman Cooley: yes

Departmental reports

Departmental reports were submitted as indicated above.

Ronnie Few, Fire Chief, addressed the Council thanking them for attending the EMA meeting in Choctaw County. The EMA asked to place the Hazmat facility in Demopolis.

Chief Few asked the firemen in attendance to stand before the Council as Jeb Bailey distributed a letter to the Council. Mr. Bailey addressed the Council with the request that the reorganization of the fire department including job title promotion be put in place. The fire department stated they will forego the wage increases in the spirit of cooperation with the Council in cutting budgetary expense. The Council thanked the fire department for their consideration. Mayor Grayson stated this was a classic display of team sacrifice.

Mayor Grayson called on Morgan Grimes, Library Director to share news about a new computer available in the library. Morgan stated that Governor Riley and Bill Gates Foundation granted an Apple computer with a web camera to enable military separated from their families the ability to communicate. The computer is located in the conference room on the second floor of the library. The computer is available to all, but military family get first priority.

Unfinished business

Dilapidated housing: There is no official report. Someone is working on clearing the property on Ash Street.

Historic Preservation Committee Board Appointment: Mayor Grayson appointed Willie Basil as board member. Mr. Basil meets the qualifications of a board member and is willing to serve.

New business

Holiday Calendar for 2009: A proposed holiday list was presented to the Council for review. The list included a floating holiday to be used by an employee for their birthday. The birthday holiday would be used within the 14 day work period that the birthday occurs.

Councilman Cooley made a motion to approve the holidays as presented. Councilman Meador seconded the motion and motion passed with 6 yes votes by the following roll call vote:

Mayor Grayson: yes	Councilman Moore: yes	Councilman Congress: yes
Councilman Yelverton: yes	Councilman Meador: yes	Councilman Cooley: yes

Mr. Deke Glass was not present

Ordinance 2008-10 : This Ordinance proposes to change the zoning of a parcel measuring approximately 79 x 104 located at 611 East Fulton Street from an I-2 zone to R-3 zone.

Councilman Moore made a motion to approve Ordinance 2008-10 as presented. Councilman Congress seconded the motion and motion passed with 6 yes votes by the following roll call vote:

Mayor Grayson: yes Councilman Moore: yes Councilman Congress: yes
Councilman Yelverton: yes Councilman Meador: yes Councilman Cooley: yes

Ordinance 2008-11: This Ordinance proposes to change the zoning of a parcel measuring approximately 2 acres located at 500 Russell Drive from an R-1 zone to R-3 zone.

Councilman Congress made a motion to approve Ordinance 2008-11 as presented. Councilman Yelverton seconded the motion and motion passed with 6 yes votes by the following roll call vote:

Mayor Grayson: yes Councilman Moore: yes Councilman Congress: yes
Councilman Yelverton: yes Councilman Meador: yes Councilman Cooley: yes

Highway 43 Truck Route: Councilman Yelverton asked the Council to consider using the State of Alabama truck route turning on Capitol Street then turning on Cedar Avenue instead of the current alternate truck route that turns on Fulton Street then turning on Cedar Avenue. The State of Alabama will not maintain an alternate truck route. This forces the City of Demopolis to bear the cost of maintaining the alternate truck route.

Councilman Yelverton made a motion for the City of Demopolis to utilize and enforce the State of Alabama Highway 43 truck route and to disengage from the use of the alternate truck route. Councilman Moore seconded the motion and motion passed with 4 yes votes, 1 abstain vote and 1 no vote by the following roll call vote:

Mayor Grayson: yes Councilman Moore: yes Councilman Congress: yes
Councilman Yelverton: yes Councilman Meador: abstain Councilman Cooley: no

There was discussion on the traffic jams and bottlenecks created by tractor trailer rigs not being able to make a turn until traffic cleared. Mayor Grayson stated he would contact Alabama Department of Transportation about the location of the white vehicle stop line.

Police Chief Tim Williams will call Alabama Department of Transportation in Grove Hill regarding the white vehicle stop line. Councilman Congress asked Chief Williams if he would ask what the procedure would be to put a no parking sign at the corner of Highway 80 and Old Springhill Road.

Projects

Municipal Complex: Mayor Grayson distributed a copy of the advertisement to run December 22nd. There will be a walk through on January 7, 2009 at 10:00am at the police station. Bid opening will be January 20, 2009 at 2:00pm.

Mayor Grayson distributed information from Brian Brooker with Ellis Architects regarding the drawings and specifications for the project. Mr. Brooker stated that our contract with Ellis Architects includes 15 sets of drawings and specifications for bid requests. Mr. Brooker suggests printing an additional 50 sets of drawings and specification at a cost of \$5,800 to meet the expected requests.

Mayor Grayson will tell Ellis Architects that the Council does not want to print additional sets at this point.

Councilman Moore made the motion to utilize an exemption for the City of Demopolis sales tax on materials used in the construction of the Municipal Complex. Councilman Cooley seconded the motion and motion passed with 6 yes votes by the following roll call vote:

Mayor Grayson: yes Councilman Moore: yes Councilman Congress: yes
Councilman Yelverton: yes Councilman Meador: yes Councilman Cooley: yes

Councilman Meador made the motion to include a penalty for liquidated damages for not completing the project on time and to consult with Brian Brooker on a proper time frame. Councilman Cooley seconded the motion and motion passed with 6 yes votes by the following roll call vote:

Mayor Grayson: yes Councilman Moore: yes Councilman Congress: yes
Councilman Yelverton: yes Councilman Meador: yes Councilman Cooley: yes

Councilman Congress asked if the Municipal Complex would have space for a storm shelter. Police Chief Tim Williams said there is not with the current plans.

Fire Station #3: Clarence Brooker, Jr., Mike Baker, Charles Jones Sr., and Mayor Grayson met with the contractors regarding the paving and drainage problems at Fire Station #3. S.T. Bunn said they could fix the problem but couldn't guarantee that water would drain at a cost of approximately \$7000. S.T. Bunn suggested if we wanted it done correctly to bring in an engineering firm to issue a professional opinion. The contractor has offered to split the cost but the architect said he would not participate. Almon Associates gave an estimate of \$2500 to provide a professional opinion on correcting the problem.

Councilman Yelverton made a motion to allow Almon Associates to perform the fieldwork to provide an opinion on correcting the paving and drainage problems at Fire Station #3 for the amount of \$2500 and determine a plan of action after receiving the report. Councilman Congress seconded the motion and motion passed with 4 yes votes, 1 no vote, and 1 abstain by the following roll call vote:

Mayor Grayson: yes Councilman Moore: no Councilman Congress: yes
Councilman Yelverton: yes Councilman Meador: yes Councilman Cooley: abstain

Riverwalk Project: The punch list is complete. We received a final bill from Cardwell Construction. We are in discussion with Goodwyn, Mills, and Cawood on another matter and when this is resolved we will close the books on this project.

Theo Ratliff Expansion: Mayor Grayson distributed an update from McKee and Associates. Mayor Grayson asked McKee and Associates to keep the Council updated on the Demopolis High School Stadium even though the City of Demopolis is not responsible for tracking this project we do have a financial interest.

Mark Pettus, PARD Director would like to establish a date for dedicating the new addition, possibly January 31, 2009.

Mayor Discussion

Mayor Grayson reported that the Finance Committee met and Rob Pearson, CPA produced a pie chart depicting the current budgeted expenditures.

Council Discussion

Councilman Yelverton stated that it was a great day for the City of Demopolis for the EMA Hazmat to be located in Demopolis.

At 6:35pm the Mayor and Council moved into Executive Session, for general reputation and character, with the following statement:

STATE OF ALABAMA)
CITY OF DEMOPOLIS)

MINUTES EXCERPTS AND MOTION FOR EXECUTIVE SESSION
PURSUANT TO THE ALABAMA OPEN MEETING LAW
A05-0145

WHEREAS, the City Council of the City of Demopolis, Alabama with a quorum being present, was conducting a regular Council Meeting on the 18th day of December, 2008 the time, date, place and agenda of which were duly announced and notices of which were posted in accordance with the Alabama Open Meeting Law, Act 2005-40 (Act); and,

WHEREAS, during the course of said meeting, a motion was made by Councilman Yelverton for the Council to go into Executive Session for the purpose of general reputation and character and which motion was seconded by Councilman Meador; and,

WHEREAS, the Presiding Officer directed the City Clerk to enter said motion, purpose and declaration, if made, into the minutes of the meeting and called for a vote on said motion; and,

WHEREAS, said vote in regard to the motion for Executive Session was taken with the "yeas" and "nays" being recorded onto the minutes as follows:

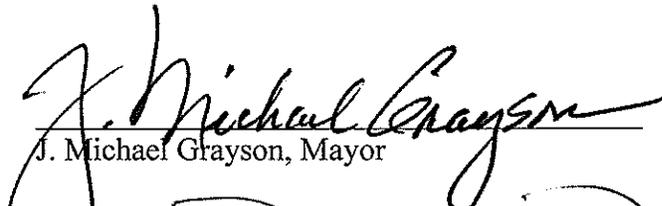
	Yeas	Nays
1. Mayor Mike Grayson	Yea	
2. Mayor Pro Tempore Moore	Yea	
3. Councilman Congress	Yea	
4. Councilman Yelverton	Yea	
5. Councilman Meador	Yea	
6. Councilman Cooley	Yea	

And Presiding Officer declared that a majority of the votes in favor of the motion, that such motion had therefore passed and the Council would forthwith recess into Executive Session for the purpose as stated in said motion and no other purpose, in accordance with the Act for approximately 10 minutes.

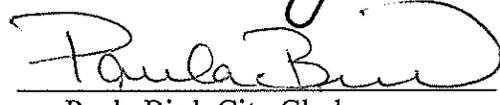
The Demopolis City Council reconvened into regular session at 6:48pm.

Councilman Cooley made the motion to adjourn. Councilman Yelverton seconded the motion.

The Regular Council Meeting adjourned at 6:50pm.



J. Michael Grayson, Mayor

ATTEST: 

Paula Bird, City Clerk

- * Audiotape is used by City Clerk to prepare minutes and will be destroyed after being approved by the Mayor and Council.

ORDINANCE 2008-10
ZONING ORDINANCE – 611 EAST FULTON STREET

AN ORDAINED TO CHANGE THE ZONING OF CERTAIN PROPERTY IN THE CITY OF DEMOPOLIS, ALABAMA.

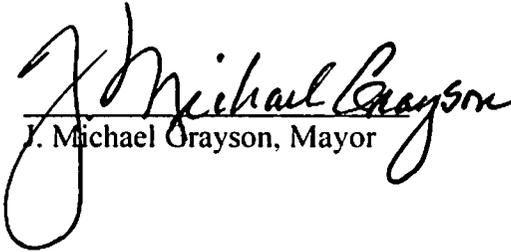
BE IT HEREBY ORDAINED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF DEMOPOLIS, ALABAMA AS FOLLOWS:

1. The zoning of real property described in the paragraph below shall be changed from an I-2 zone to R-3 zone.

Part of Section 24, Township 18 north, Range 2 East, Map # 48-02-24-1.
Said parcel measuring approximately 79 x 104 located at 611 East Fulton Street.

This Ordinance was adopted by the Demopolis City Council at its regular meeting on the 18th day of December, 2008. It shall become effective upon its approval by the Mayor and its proper publication as required by law.

ATTEST:



J. Michael Grayson, Mayor



Paula Bird, City Clerk

ORDINANCE 2008-11

AN ORDINANCE TO CHANGE THE ZONING OF CERTAIN PROPERTY IN THE CITY OF DEMOPOLIS, ALABAMA.

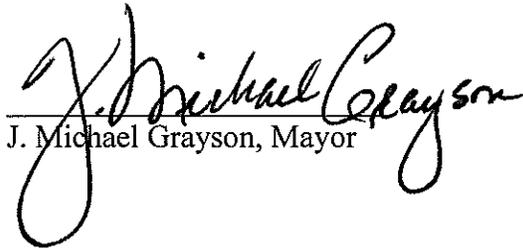
BE IT HEREBY ORDAINED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF DEMOPOLIS, ALABAMA AS FOLLOWS:

1. The zoning of real property described in the paragraph below shall be changed from an R-1 zone to R-3 zone.

Part of Section 32, Township 18 north, Range 3 East, Map # 48-01-09-32.
Said parcel measuring approximately 2 acres located at 500 Russell Drive.

This Ordinance was adopted by the Demopolis City Council at its regular meeting on the 18th day of December, 2008. It shall become effective upon its approval by the Mayor and its proper publication as required by law.

ATTEST:



J. Michael Grayson, Mayor



Paula Bird, City Clerk

MINUTES OF THE DEMOPOLIS COUNCIL
OF THE CITY OF DEMOPOLIS, ALABAMA

**Special Called Meeting
For Purpose of City Wide Employee Meeting**

December 22, 2008

The special called meeting of the Demopolis City Council convened at 2:00pm on Monday December 22, 2008 in the Demopolis Civic Center.

Present:

Council Members: J. Michael Grayson, Mayor
Thomas Moore, Mayor Pro Tempore
Mitchell Congress
Melvin Yelverton
Bill Meador, Jr.
Jack Cooley
City Clerk: Paula Bird

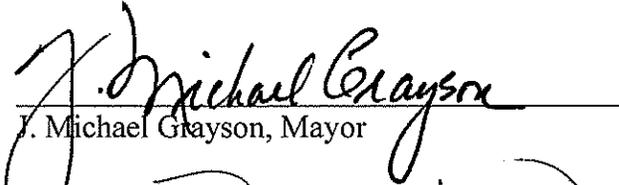
Mayor Mike Grayson called the meeting to order. Mayor Grayson welcomed all city employees and stated that he wanted them to hear about the city deficit directly from him. Mayor Grayson stated that department heads have been instructed to reduce their budget by 15%. Mayor Grayson stated that this does not mean the city is laying off employees. We will not lose any jobs or reduce any services. We must do more with less. This is an opportunity for us to move ahead and show what we are made of.

Councilman Cooley addressed the employees to give them a brief overview of the Finance Committee. The Finance Committee members are Mayor Mike Grayson, Councilman Thomas Moore and Councilman Jack Cooley. The Finance Committee's sole responsibility is to oversee and monitor city revenue received and expenditures are in line with the budgeted amount. Alabama Code states that a municipality cannot expend more than 90% of revenue. In previous years the expenditures could not be more than 95%. The budgeted revenue for 2008/2009 was set before the current economic downfall and is higher than what we anticipate in the current economic conditions. The Finance Committee feels that the current budgeted revenues are overstated by \$700,000. We don't intend to lay off any employees but we have to be realistic about spending and it is critical that we cut back expenditures and live within our means.

Councilman Moore addressed the employees concerning overtime. After reviewing the financial statements for the first two months in the fiscal year, the Finance Committee strongly recommends to eliminate non-essential, non-emergency overtime pay. Any future overtime pay must be approved in advance by the Mayor. Every full time employee will receive 40 hours per week. People everywhere are losing jobs and we don't want this to happen. We must each examine ourselves and try to legally reduce the expense of performing our duties. We don't have bad news today we have good news – everyone will keep their 40 hour work week.

Mayor Grayson stated this was all Council had to say to the city employees and ask all employees to do their best. Mayor Grayson stated that the 4% raise given at the beginning of the fiscal year is not being taken away. Mayor Grayson and the Council wished all a Merry Christmas.

The Regular Council Meeting adjourned at 2:15pm



J. Michael Grayson, Mayor

ATTEST: 

Paula Bird, City Clerk

- * Audiotape is used by City Clerk to prepare minutes and will be destroyed after being approved by the Mayor and Council.

DEMOPOLIS CITY COUNCIL MEETING AGENDA
January 7, 2009

Call to Order - 5:15pm

Invocation –

Pledge of Allegiance

Roll Call

Approval of Agenda

Approval of Minutes: December 18, 2008

Reports from Departments

Police - submitted

Court

Fire

Public Works

Parks & Recreation – Ravine - submitted

Horticulture

Building Official

Library

City Hall

Unfinished Business –

1. Dilapidated Houses

New Business –

1. Dr. John Johnson and Angelia Mance : Workforce Development and Federal Stimulus

Projects-

1. Municipal Complex
2. Fire Station #3
3. Riverwalk Project
4. Theo Ratliff Expansion

Mayor Discussion

Council Discussion

Executive Session

Announcement

Adjourn

MINUTES OF THE DEMOPOLIS COUNCIL
OF THE CITY OF DEMOPOLIS, ALABAMA

Regular Meeting

January 7, 2009

The regular meeting of the Demopolis City Council convened at 5:15pm on Wednesday, January 7, 2009 in the Demopolis Rooster Hall.

Present:

Council Members: J. Michael Grayson, Mayor
Thomas Moore, Mayor Pro Tempore
Mitchell Congress
Melvin Yelverton
Bill Meador, Jr.
Jack Cooley

City Clerk: Paula Bird

Department Heads:

- Police – Tim Williams - submitted
- Fire - Carl Johnson- Asst. Fire Chief
- Public Works – Mike Baker
- Horticulture – Barbara Blevins
- City Hall – Paula Bird
- Court Building Official – Clarence Brooker, Jr.
- Library – Morgan Grimes - submitted
- Park & Recreation – Ravine –Mark Pettus

Mayor Mike Grayson called the meeting to order. Reverend Sid Rowser opened the meeting with an invocation. Pledge of Allegiance to the flag of the United States of America was led by Wolf Den Pack 41 of the Cub Scouts of America.

Councilman Meador made the motion to approve the agenda as presented. Councilman Congress seconded the motion and motion passed with 6 yes votes by the following roll call vote:

Mayor Grayson: yes Councilman Moore: yes Councilman Congress: yes
Councilman Yelverton: yes Councilman Meador: yes Councilman Cooley: yes

The Council reviewed the minutes of the December 18, 2008 regular meeting. Councilman Congress made a motion to approve the minutes as presented. Councilman Moore seconded the motion and motion passed with 6 yes votes by the following roll call vote:

Mayor Grayson: yes Councilman Moore: yes Councilman Congress: yes
Councilman Yelverton: yes Councilman Meador: yes Councilman Cooley: yes

Departmental reports

Departmental reports were submitted as indicated above.

Chief Tim Williams, Acting Police Chief, addressed the Council about handicap parking offenses. The Police Department will issue State UTC citations which will include municipal court costs to curb illegal parking. Mike Baker, Public Works Director and Chief Williams met with State of Alabama engineers last week regarding the stop lines at the Capitol Street

and Walnut Avenue truck route intersection. There will be signage placed at the intersection forbidding right turns on red to prevent vehicles from passing the stop lines which prohibit trucks from making their turns.

Mayor Grayson received a letter from Mike Evans with Regions Bank thanking the Police Department for their help securing the lobby during an outage on December 23, 2008.

Mike Baker, Public Works Director, reported that the bridge repair work began on Jackson Street and will take approximately 20 days to complete.

Unfinished business

Dilapidated housing: Clarence Brooker, Jr., Building Official reported sending three letters. The property located on 211 N Cherry was cleaned up. The property located on 209 S. Ash has been turned over to Rick Manley, City Attorney for further action.

New business

Workforce Development and Federal Stimulus: Dr. John Johnson and Angelia Mance addressed the Council concerning the proposed Federal Stimulus Package and the continuing efforts of expanding the Workforce Development program at the Demopolis Alabama Southern Community College. The proposal being presented by Alabama Southern Community College for the Federal Stimulus Package projects includes expanding the Demopolis campus and offering high school students split schedules while earning technology certificates. The Federal Stimulus proposal will gain better consideration if letters of commitment for community financial support are included.

The City of Demopolis currently has an agreement with Alabama Southern Community College to contribute \$92,500 plus in-kind service in the amount of \$7,500 for a total of \$100,000 per year. Alabama Southern Community College is asking the City of Demopolis to extend the current agreement by committing \$100,000 for an additional five year period for a total of \$500,000. This extended agreement will only be effective for the City of Demopolis if the Federal Stimulus Package is granted.

The contributed funds will be used for operating capital. Alabama Southern is also seeking commitments of support from industry. The Demopolis school system and University of West Alabama is a proponent of this program.

Mayor Grayson distributed a draft letter of support committing to extending the current agreement for 5 years at \$100,000 per year (2016 – 2020), 30 acres of land that is set aside at the current campus site, and continuation of services to the facility that is currently maintained for the present building.

Councilman Yelverton made the motion to approve issuing the letter of support to Alabama Southern commit. Councilman Congress seconded the motion and motion passed with 5 yes votes and 1 abstain by the following roll call vote:

Mayor Grayson: yes Councilman Moore: yes Councilman Congress: yes
Councilman Yelverton: yes Councilman Meador: yes Councilman Cooley: abstain

Councilman Cooley stated that he is abstaining due to making a large financial commitment with such short notice.

Projects

Municipal Complex: Mayor Grayson and Councilman Congress attended the pre-bid walk through of the project. There were 27 participants. The bid opening will be January 20, 2009 at 2:00pm at the Police Department training room. (Note: This bid opening was postponed until January 27, 2009 at 2:00pm.)

Fire Station #3: Mike Baker, Public Works Director, reported that Almon Associates have been contracted to shoot levels of the property and will issue a report by the next Regular Council Meeting.

Riverwalk Project: This project is complete and will be removed from the agenda.

Theo Ratliff Expansion: Mayor Grayson distributed an update from McKee and Associates. Mark Pettus, PARD Director, reported the colors have been selected and the contractors will begin painting.

Mayor Discussion

Mayor Grayson reported that the equipment is on site to begin the paving in the French Creek area. The rain has delayed the work, but they will be paving when weather permits.

Council Discussion

Councilman Yelverton questioned why the City of Demopolis pays the cost of insurance for the Demopolis Water & Sewer Authority. Councilman Cooley stated that the explanation given in the past was there was an agreement between the two entities that in exchange for the cost of insurance the Water & Sewer Authority would install and maintain fire hydrants. Mayor Grayson said this would be investigated and reported on at the next Regular Council Meeting. Mayor Grayson stated that the Newell Building which was recently damaged by fire was still city property. Councilman Yelverton questioned why we allowed the Water & Sewer Authority to take possession of the building without a deed. Rick Manley, City Attorney, stated there was a holdup in transferring the property due to a survey.

Councilman Yelverton questioned why the City of Demopolis still pays Mason & Gardner to perform accounting services. Councilman Yelverton stated that hiring a City Clerk that held a CPA certificate should have reduced the need to hire out this service. Mayor Grayson stated that the City Clerk does not have the time to perform all the necessary accounting tasks.

Councilman Congress asked if Rob Pearson, with Mason & Gardner CPA's, charges the City of Demopolis for attending the Council meetings. Rob Pearson stated that the firm charges a fee if he is attending by request on a professional basis.

Councilman Congress presented a letter to Mayor Grayson requesting information from City Hall that he feels is necessary to perform his duties.

Councilman Congress stated that he feels the entire Council should be involved in the interview process of the Police Chief instead of relying on the recommendations of the Personnel Committee. Mayor Grayson asked why we operate by committee if you don't want to rely on the recommendations. Councilman Moore stated he does not have a problem with the entire Council being involved with the interview process for appointed positions.

Councilman Congress made the motion to restructure the interview process for the purposes of hiring the Chief of Police to include the entire Council. Councilman Moore seconded the motion and motion failed with 2 yes votes, 3 no votes and 1 abstain by the following roll call vote:

Mayor Grayson: no	Councilman Moore: yes	Councilman Congress: yes
Councilman Yelverton: abstain	Councilman Meador: no	Councilman Cooley: no

Mayor Grayson stated the number of candidates brought to Council is not absolute. If you have a candidate that you would like to champion you are welcome to do so.

Councilman Congress made the motion to bring the top 6 candidates for Chief of Police to the entire Council. Councilman Yelverton seconded the motion and motion passed with 4 yes votes, 1 no vote and 1 abstain by the following roll call vote:

Mayor Grayson: yes	Councilman Moore: yes	Councilman Congress: yes
Councilman Yelverton: yes	Councilman Meador: abstain	Councilman Cooley: no

Councilman Congress asked if anyone has a problem with the items requested from City Hall in his letter. Councilman Cooley stated there is no problem with a request to review the items requested at City Hall, but no copies should leave the premises.

Councilman Congress referred to a letter Chief Ronnie Few placed in Council boxes regarding donated funds. This topic was discussed at the past Department Head meeting.

Councilman Congress asked about the Northeast Drainage project. Councilman Moore stated that there has been no formal reply to the grant request. Mayor Grayson stated that this is included in the City of Demopolis Federal Stimulus Package request.

Councilman Congress stated that 1st Avenue greatly needs a sidewalk for the safety of children. Councilman Moore stated that this project is on the board and the City of Demopolis is searching for funding for the sidewalk. Mike Baker, Public Works Director, stated the city is pursuing a Safe Routes To School grant.

Councilman Congress stated Charles Avery's family extends their gratitude to the City of Demopolis and Mayor Grayson for their support and delivering the proclamation at the funeral service.

Councilman Congress asked about the cost of health insurance for retirees.

At 6:55pm the Mayor and Council moved into Executive Session, for preliminary negotiations in trade competition, with the following statement:

STATE OF ALABAMA)
CITY OF DEMOPOLIS)

MINUTES EXCERPTS AND MOTION FOR EXECUTIVE SESSION
PURSUANT TO THE ALABAMA OPEN MEETING LAW
A05-0145

WHEREAS, the City Council of the City of Demopolis, Alabama with a quorum being present, was conducting a regular Council Meeting on the 7th day of January, 2009 the time, date, place and agenda of which were duly announced and notices of which were posted in accordance with the Alabama Open Meeting Law, Act 2005-40 (Act); and,

WHEREAS, during the course of said meeting, a motion was made by Councilman Moore for the Council to go into Executive Session for the purpose of preliminary negotiations in trade competition and which motion was seconded by Councilman Meador; and,

WHEREAS, the Presiding Officer directed the City Clerk to enter said motion, purpose and declaration, if made, into the minutes of the meeting and called for a vote on said motion; and,

WHEREAS, said vote in regard to the motion for Executive Session was taken with the "yeas" and "nays" being recorded onto the minutes as follows:

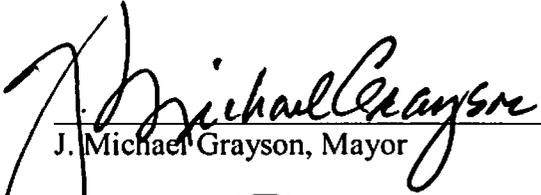
	Yeas	Nays
1. Mayor Mike Grayson	Yea	
2. Mayor Pro Tempore Moore	Yea	
3. Councilman Congress	Yea	
4. Councilman Yelverton	Yea	
5. Councilman Meador	Yea	
6. Councilman Cooley	Yea	

And Presiding Officer declared that a majority of the votes in favor of the motion, that such motion had therefore passed and the Council would forthwith recess into Executive Session for the purpose as stated in said motion and no other purpose, in accordance with the Act and Council would adjourn after reconvening.

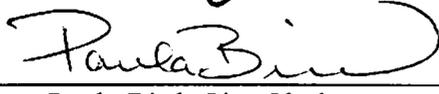
The Demopolis City Council reconvened into regular session at 7:16pm.

Councilman Cooley made the motion to adjourn. Councilman Yelverton seconded the motion.

The Regular Council Meeting adjourned at 7:16pm.



J. Michael Grayson, Mayor

ATTEST: 

Paula Bird, City Clerk

- * Audiotape is used by City Clerk to prepare minutes and will be destroyed after being approved by the Mayor and Council.

DEMOPOLIS CITY COUNCIL MEETING AGENDA
January 22, 2009

Call to Order - 5:15pm

Invocation – Rev. Tommy Carr

Pledge of Allegiance

Roll Call

Approval of Agenda

Approval of Minutes: December 22, 2008 and January 7, 2009

Reports from Departments

Police

Court – submitted

Fire - submitted

Public Works - submitted

Parks & Recreation

Horticulture

Building Official

Library - submitted

City Hall – submitted

Unfinished Business –

1. Dilapidated Houses
2. Almon Associates report on Fire Station #3

Projects-

1. French Creek Paving
2. Municipal Complex
3. Fire Station #3
4. Theo Ratliff Expansion

New Business –

1. Jody Smith Cooperative District Presentation
2. Woody Dinning and Byron Cook – Agreement between City of Demopolis and Water & Sewer Authority
3. Propose to take time stamped pictures of banners and send invoice to businesses that don't acquire banner permits
4. Petition to name Municipal Complex
5. ABC 090- Wholesale Beer Only – Allstate Beverage Company LLC - due to change in organization from corporation to LLC
6. Police Chief Discussion

Mayor Discussion

Council Discussion

Executive Session

Announcement

Adjourn

MINUTES OF THE DEMOPOLIS COUNCIL
OF THE CITY OF DEMOPOLIS, ALABAMA

Regular Meeting

January 22, 2009

The regular meeting of the Demopolis City Council convened at 5:15pm on Thursday, January 22, 2009 in the Demopolis Rooster Hall.

Present:

Council Members: J. Michael Grayson, Mayor
Thomas Moore, Mayor Pro Tempore
Mitchell Congress
Melvin Yelverton
Bill Meador, Jr.
Jack Cooley

City Clerk: Paula Bird

Department Heads:

- Police – Tim Williams
- Fire - Ronnie Few - submitted
- Public Works – Mike Baker - submitted
- Horticulture – Barbara Blevins
- City Hall – Paula Bird - submitted
- Court - submitted
- Building Official – Clarence Brooker, Jr.
- Library – Morgan Grimes - submitted
- Park & Recreation – Mark Pettus

Mayor Mike Grayson called the meeting to order. Rev Tommy Carr opened the meeting with an invocation. Pledge of Allegiance to the flag of the United States of America.

Councilman Meador made the motion to approve the agenda as presented. Councilman Congress seconded the motion and motion passed with 6 yes votes by the following roll call vote:

Mayor Grayson: yes Councilman Moore: yes Councilman Congress: yes
Councilman Yelverton: yes Councilman Meador: yes Councilman Cooley: yes

The Council reviewed the minutes of the December 22, 2008 special called meeting and the January 7, 2009 regular meeting. Councilman Cooley made a motion to approve both sets of minutes as presented. Councilman Yelverton seconded the motion and motion passed with 6 yes votes by the following roll call vote:

Mayor Grayson: yes Councilman Moore: yes Councilman Congress: yes
Councilman Yelverton: yes Councilman Meador: yes Councilman Cooley: yes

Mayor Grayson recognized the Youth Lead group visiting the Council meeting. This group is comprised of students from the Demopolis High School and John Essex School. The Mayor thanked the group for visiting and stated they are our future leaders.

Departmental reports

Departmental reports were submitted as indicated above.

Mike Baker, Public Works Director, reported to the Council on the status of the bridge repair work and made note of a report from Almon Associates.

Unfinished business

Dilapidated housing: Clarence Brooker Jr., submitted a report on the status of various properties. Rick Manley, City Attorney, gave a verbal report on the status of various properties.

Almon Associates report of Fire Station #3: Almon Associates inspected the asphalt and paving problems at Fire Station #3 and issued an opinion on the cause of the problems and the cost to repair. The total estimated cost to correct the paving and asphalt at Fire Station #3 is \$32,500. Final payments to the architect and the contractor totaling approximately \$17,200 are being held until a decision can be made on the action that the City will pursue. The letter from Almon Associates stated that “the limited information provided by the architect does not meet the standard of practice for site design”. Councilman Moore stated that there were changes made to Fire Station #3 to cut costs and does not agree with the weight of the blame placed against the architect. The architect and the contractor both made mistakes on this project. Rick Manley, City Attorney, recommends writing letters to both parties to suggest that each party contribute the amount of their final invoices as compensation for their respective errors and the City will pay the remaining balance.

Councilman Congress made the motion to follow the City Attorney’s recommendation. Councilman Yelverton seconded the motion and motion passed with 6 yes votes by the following roll call vote:

Mayor Grayson: yes	Councilman Moore: yes	Councilman Congress: yes
Councilman Yelverton: yes	Councilman Meador: yes	Councilman Cooley: yes

Projects

French Creek Paving: Mayor Grayson reported that the paving of the French Creek area was complete. Mike Baker, Public Works Director, stated that thanks to the Marengo County Commission the French Creek paving project was complete and the residents of the area were satisfied with the work. Mayor Grayson thanked County Commissioner Freddie Armstead. Councilman Congress thanked Mike Baker for his attention.

Municipal Complex: Mayor Grayson stated that the bid opening originally scheduled for January 20th was postponed until January 27, 2009 at 2:00pm at the Police Station. The extension was granted to allow contractors more time to estimate costs. There are approximately 15 bidders.

Theo Ratliff Expansion: Mark Pettus, PARD Director, stated that there were delays in the project due to installation of the HVAC unit. Mayor Grayson asked if there was a completion date for this project. The completion date should have been in December, but PARD asked the contractors to delay the start due to some events that were planned at the Theo Ratliff Center.

Fire Station #3: Covered previously.

New business

Mr. Jody Smith – Economic Development Tools: Mr. Jody Smith is with the law firm of Maynard, Cooper and Gale. Mr. Smith presented to the Council a booklet describing Economic Development Tools for positioning the City of Demopolis to attract new business. Mr. Smith explained the situation that a city would incorporate each of the techniques. Several of these techniques have proved successful in rural areas in Chambers County and Prattville, AL.

Debra Fox, Executive Director of Marengo County Economic Development Authority was invited to make a comment regarding economic development in Demopolis. Ms. Fox stated that the tools were designed to attract, expand, and retain businesses in the area. The City of Demopolis might identify gaps in residential real estate markets and to look into rehabilitation of blighted areas.

Agreement between City of Demopolis and Demopolis Water & Sewer Board: Byron Cook, Operations Manager, stated that approximately 10 years ago during Mayor Caldwell's administration the City of Demopolis paid rent on the fire hydrants and the Water & Sewer board reimbursed the city for the cost of insurance. It was decided at that time to eliminate the swap and the city paid for the insurance in exchange for rent on the fire hydrants.

Councilman Cooley stated that over the years the comparative costs could have fluctuated and the equality of the costs could have changed. Perhaps the costs should be re-evaluated. Councilman Meador asked Mr. Cook what the fair value of rent would be today. Mr. Cook said he would have to research the answer. Ronnie Few, Fire Chief, stated there are approximately 400 hydrants. There is also a question on who is responsible for maintaining the hydrants.

Mayor Grayson stated that an analysis should be made to compare the costs. Rick Manley, City Attorney will check with the Alabama League of Municipalities on how other cities handle this situation. This will be readdressed after this study is conducted.

Banner Permit Procedure: Paula Bird, City Clerk, asked if it would be permissible to take time stamped photographs of non-permitted banners and send an invoice to the business for the permit charge.

Clarence Brooker Jr., Building Official, said there is a penalty clause in the city ordinance for violation of the permit ordinance but it is not enforced. Mr. Brooker stated that he is not sure he has the authority to enforce the penalty or if he should turn it over to the City Attorney. Rick Manley, City Attorney, will get with Mr. Brooker and bring a suggestion back to Council on how to enforce the permit ordinance.

Petition to name Municipal Complex: Rex Flowers and the Police Department presented a letter signed by the entire police department and municipal court asking the Council to name the new municipal complex after Former Chief Charles Avery.

Councilman Meador proposed tabling the request to allow time for consideration. Councilman Congress said it would be appropriate to show a sign of gratitude to Charles Avery. After considering comments from all Council it was deemed appropriate table this decision.

Councilman Meador made the motion to table the decision to consider the petition to name the municipal complex until the next regular council meeting. Councilman Yelverton seconded the motion and motion passed with 5 yes votes and 1 no vote by the following roll call vote:

Mayor Grayson: yes	Councilman Moore: yes	Councilman Congress: no
Councilman Yelverton: yes	Councilman Meador: yes	Councilman Cooley: yes

ABC 090-Wholesale Beer Only-Allstate Beverage Co. LLC: Allstate Beverage Co. LLC is requesting a license due to a change in organization form of the business from a corporation to a limited liability company. There is no change in the type of license requested.

Councilman Moore made a motion grant the issuance of the ABC 090-Wholesale Beer Only license to Allstate Beverage Co. LLC. Councilman Congress seconded the motion and motion passed with 6 yes votes by the following roll call vote:

Mayor Grayson: yes	Councilman Moore: yes	Councilman Congress: yes
Councilman Yelverton: yes	Councilman Meador: yes	Councilman Cooley: yes

Councilman Congress noted that he does not support the sale of alcohol but agrees to the license since it was due to a change in organization form and they previously held a license.

At 6:25pm the Mayor and Council moved into Executive Session, for general reputation and character, job performance, or compensation, with the following statement:

STATE OF ALABAMA)
CITY OF DEMOPOLIS)

MINUTES EXCERPTS AND MOTION FOR EXECUTIVE SESSION
PURSUANT TO THE ALABAMA OPEN MEETING LAW
A05-0145

WHEREAS, the City Council of the City of Demopolis, Alabama with a quorum being present, was conducting a regular Council Meeting on the 22nd day of January, 2009 the time, date, place and agenda of which were duly announced and notices of which were posted in accordance with the Alabama Open Meeting Law, Act 2005-40 (Act); and,

WHEREAS, during the course of said meeting, a motion was made by Councilman Moore for the Council to go into Executive Session for general reputation and character, job

performance, or compensation and which motion was seconded by Councilman Meador; and,

WHEREAS, the Presiding Officer directed the City Clerk to enter said motion, purpose and declaration, if made, into the minutes of the meeting and called for a vote on said motion; and,

WHEREAS, said vote in regard to the motion for Executive Session was taken with the "yeas" and "nays" being recorded onto the minutes as follows:

	Yeas	Nays
1. Mayor Mike Grayson	Yea	
2. Mayor Pro Tempore Moore	Yea	
3. Councilman Congress	Yea	
4. Councilman Yelverton	Yea	
5. Councilman Meador	Yea	
6. Councilman Cooley	Yea	

And Presiding Officer declared that a majority of the votes in favor of the motion, that such motion had therefore passed and the Council would forthwith recess into Executive Session for the purpose as stated in said motion and no other purpose, in accordance with the Act and Council for approximately 35 minutes.

Councilman Meador made the motion to reconvene into regular session. Councilman Moore seconded the motion and motion passed with 6 yes votes by the following roll call vote:

Mayor Grayson: yes Councilman Moore: yes Councilman Congress: yes
Councilman Yelverton: yes Councilman Meador: yes Councilman Cooley: yes

Police Chief Appointment: Mayor Grayson stated there were nine candidates that applied for the position of Police Chief. The Personnel committee chose seven candidates to interview. There were four candidates named as finalist for the entire council to interview. These candidates were Randall Estes, Tommie Reese, Leslie Hines, and Tim Williams. All of the candidates were highly qualified, but only one person can fill the position. Councilman Cooley stated that all the candidates were winners and Demopolis is blessed to have such qualified men.

Councilman Cooley stated that the Personnel Committee unanimously agreed and made a motion to recommend and nominate Tommie Reese as Demopolis Police Chief. Councilman Congress seconded the motion and motion passed with 6 yes votes by the following roll call vote:

Mayor Grayson: yes Councilman Moore: yes Councilman Congress: yes
Councilman Yelverton: yes Councilman Meador: yes Councilman Cooley: yes

Mayor Grayson stated that Tommie Reese will be offered the position of Police Chief. Mayor Grayson thanked Acting Police Chief Tim Williams for his exemplary service to the City of Demopolis during the interim period, a job well done.

Mayor Discussion

The Mayor distributed a revised proposed budget to the Council for review and will be discussed at the next regular council meeting. Rob Pearson addressed the Council to advise them on the various columns presented on the revised proposed budget. The revised proposed budget reflects a more realistic revenue budget. Each department head participated in revising and decreasing their respective budgeted costs of operation.

Councilman Moore thanked the department heads for taking the Mayor's request to revise and cut their budgets.

Mayor Grayson distributed the sales tax report for November sales collected in December and an email from Rob Pearson stating the property tax collection was up over the prior year to date collection. Councilman Congress requested to review the department heads documentation turned in to the Mayor on their revised budgets.

Mayor Grayson distributed construction progress reports from McKee and Associates for Theo Ratliff Center and the Demopolis High School Stadium. Mayor Grayson announced receiving a letter from Demopolis Cable TV regarding rate changes for cable and a revised channel lineup.

Council Discussion

Councilman Congress inquired about the City of Demopolis policy regarding comp time, specifically if an ordinance was in place. Paula Bird, City Clerk, reported that the Personnel Policy Manual approved by a previous Council states that the city does not allow comp time. Councilman Congress said that he has received a complaint from an employee that the city is allowing comp time. Mayor Grayson stated that we do not have comp time but scheduled leave to reduce overtime. Mayor Grayson asked if there was a particular department that complained and did this employee consult the department head. Mike Baker, Public Works Director, stated that the employee was scheduled time off to only allow a 40 hour work week. It is the nature of the custodial crew position to work a varied time shift. Councilman Congress stated his impression was an employee was paid 80 hours for a two week time period and accumulated comp time. Paula Bird, City Clerk, stated there are no time sheets turned in for payroll indicating an accumulation of comp time and there are no records being maintained in the City's payroll records of comp time. Councilman Congress stated the comp time is being maintained at the Public Works Department. Mike Baker disclaims this practice. Mr. Baker stated that he schedules the employee for 40 hours and after they work 40 hours the employee is off the rest of the week. Mayor Grayson asked Mike to verify his understanding of the situation: we are guaranteeing the employees 40 hours per week, but we are not paying overtime. Mike Baker said this is correct. They are only physically working 40 hours per week.

Councilman Congress noted a checklist used for closing the Civic Center after a function. There is a place for the custodian to sign. If the custodian is not there when the function is

over how does the custodian sign the document? Mr. Baker stated they sign it when they go in to clean up. If there is not a function on the next day the clean up crew does not have to clean up until a regular day shift. Mr. Baker suggested a police officer make a routine check particularly when the custodial crew does not have to clean up that night. Councilman Congress stated the Civic Center was a gift from Vanity Fair and a showplace for the City of Demopolis and we need to protect the integrity of the building.

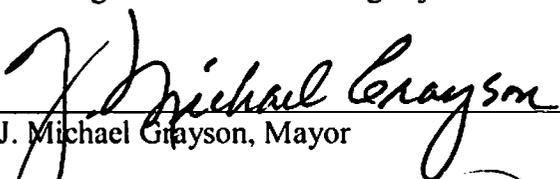
Councilman Congress requested Rainbow Circle be striped as there is serious danger of someone being injured. The speed limit is 25mph but no one adheres to the limit. There are other thoroughfares striped in the city. Councilman Congress asked that the Council consider striping Rainbow Circle at the next regular council meeting.

Councilman Congress asked that Regions Bank be included in the bids for certificates of deposit.

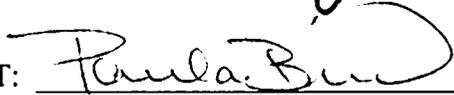
Councilman Cooley stated that the first entrance to Wal-Mart on Hwy 80 W is dark and hard to see and would like to discuss installing a light at the next regular council meeting. Councilman Cooley would also like to discuss changing the speed limits on Janet Street and Lake Lane at the next regular council meeting. Councilman Cooley suggests keeping the digital recordings of the council meetings for a period of two years. Councilman Cooley would also like to consider mounting a video recorder to tape the council meeting as a protective measure which can be accomplished for approximately \$100.

Councilman Cooley made the motion to adjourn. Councilman Congress seconded the motion.

The Regular Council Meeting adjourned at 7:25pm.



J. Michael Grayson, Mayor

ATTEST: 

Paula Bird, City Clerk

* Audiotape is used by City Clerk to prepare minutes and will be destroyed after being approved by the Mayor and Council.

DEMOPOLIS CITY COUNCIL MEETING AGENDA
February 5, 2009

Call to Order - 5:15pm

Invocation – Dr. Allen Atkins, Fairhaven Baptist

Pledge of Allegiance

Roll Call

Approval of Agenda

Proclamation in honor of Battalion Chief James Rhone

Approval of Minutes: January 22, 2009

Reports from Departments

Police - submitted

Court - submitted

Fire - submitted

Public Works

Parks & Recreation - submitted

Horticulture

Building Official

Library

City Hall

Projects-

1. Fire Station #3
2. Theo Ratliff Expansion
3. Municipal Complex

Unfinished Business –

1. Revised Budget
2. Petition to name Municipal Complex
3. Video camera installation/Retention of audio recording
4. Dilapidated Houses/Properties
5. Street striping – Sunset Road Paving
6. Water Dept/ City Agreement

New Business –

1. Resolution 2009-01: Support of Application for Appropriation for Theo Ratliff Center
2. Municipal Complex Bid Award
3. Ordinance 2009-01: Change to Travel Ordinance Reimbursement for Meal Expense

Mayor Discussion

Council Discussion

Executive Session

Announcement

Adjourn

MINUTES OF THE DEMOPOLIS COUNCIL
OF THE CITY OF DEMOPOLIS, ALABAMA

Regular Meeting

February 5, 2009

The regular meeting of the Demopolis City Council convened at 5:15pm on Thursday, February 5, 2009 in the Demopolis Rooster Hall.

Present:

Council Members: J. Michael Grayson, Mayor
Thomas Moore, Mayor Pro Tempore
Mitchell Congress
Melvin Yelverton
Bill Meador, Jr.
Jack Cooley

City Clerk: Paula Bird

Department Heads:

- Police – Tim Williams - submitted
- Fire - Ronnie Few - submitted
- Public Works – Mike Baker
- Horticulture – Barbara Blevins
- City Hall – Paula Bird
- Court - submitted
- Building Official – Clarence Brooker, Jr.
- Library – Morgan Grimes
- Park & Recreation – Mark Pettus - submitted

Mayor Mike Grayson called the meeting to order. Dr. Allen Atkins opened the meeting with an invocation. Pledge of Allegiance to the flag of the United States of America.

Councilman Meador made the motion to approve the agenda as presented. Councilman Congress seconded the motion and motion passed with 6 yes votes by the following roll call vote:

Mayor Grayson: yes Councilman Moore: yes Councilman Congress: yes
Councilman Yelverton: yes Councilman Meador: yes Councilman Cooley: yes

Mayor Grayson and the Public Safety Committee presented Battalion Chief James Rhone with a Proclamation in honor of his retirement after 25 years of devoted service with the Demopolis Fire Department.

The Council reviewed the minutes of the January 22, 2009 regular meeting. Councilman Meador noted a correction on page 7. Janice Street should be corrected to read *Janet* Street. Councilman Moore stated that he would like to include in the minutes his disagreement with the weight of the blame placed on the architect for Fire Station #3. The minutes will be corrected to reflect these corrections.

Councilman Moore made a motion to approve the minutes as corrected. Councilman Meador seconded the motion and motion passed with 6 yes votes by the following roll call vote:

Mayor Grayson: yes Councilman Moore: yes Councilman Congress: yes
Councilman Yelverton: yes Councilman Meador: yes Councilman Cooley: yes

Departmental reports

Departmental reports were submitted as indicated above.

Mayor Grayson recognized the City of Demopolis Police Chief Tommie Reese. Mayor Grayson stated Chief Reese would take the Oath of Office on Tuesday February 10, 2009 at 10:00am.

Fire Chief Ronnie Few asked if the Council will address the home inspection program at tonight's meeting. Mayor Grayson stated to the Council that Chief Few is referring to a discussion that took place in a Public Safety Committee meeting and a memo regarding the meeting was distributed to the Councilmen. Mayor Grayson conferred with Clarence Brooker Jr., Building Official, that an ordinance is in place regarding visible identification of property address. Mayor Grayson asked that the discussion regarding home inspection be addressed at the next regular council meeting. Councilman Moore stated that there was a concern that a public hearing should be held. Councilman Cooley asked for an explanation of the home inspection program. Fire Chief Few stated the desired ordinance would require all new construction of single family and multi-family dwellings be required to install a combination smoke/carbon monoxide detectors. The City of Demopolis has adopted the 1999 Code which currently requires a smoke detector. Councilman Cooley does not agree with a mandate as you take away a consumers right of choice. Councilman Cooley can understand the mandate for commercial buildings as they are for public use. Councilman Congress stated the City of Demopolis should look into adopting the 2006 Code.

Projects

Fire Station #3: Mr. Manley reported letters were mailed to the architect and contractor with offer as discussed at the last council meeting.

Theo Ratliff Expansion: Mark Pettus, PARD Director, stated that there was progress with the project, but hesitates to name a completion date due to previous delays.

Municipal Complex: Brian Brooker with Ellis Architects gave a brief summary of the bid results and the various alternates presented to the contractors for bid. The alternates are required to be accepted in the order presented in the bid. The Building Committee met and recommended awarding the base bid plus the first three alternates to the low bidder, Revon Bigham Construction Inc. for the amount of \$1,466,400. There would be additional costs for technology wiring, furnishings, and landscaping to complete the project. City Hall is working on preparing bid specifications for the technology wiring. After gathering estimates for these costs, the City can consider the remaining alternates listed on the bid document as change orders to the construction if the budget allows. The total costs for the Municipal Complex is not to exceed \$1.7 million. The bid price for the remaining alternates can only be guaranteed until February 26, 2009.

Councilman Cooley made the motion to approve the Building Committee recommendation of awarding the bid to Revon Bigham Construction Inc. for the base bid and first three

alternates in the amount of \$1,466,400. Councilman Congress seconded the motion and motion passed with 6 yes votes by the following roll call vote:

Mayor Grayson: yes Councilman Moore: yes Councilman Congress: yes
Councilman Yelverton: yes Councilman Meador: yes Councilman Cooley: yes

Brian Brooker stated again that the change order prices are guaranteed for 30 days after bid opening which will be February 26, 2009. Mr. Brooker also stated there would be some tax savings due to the City waiving their portion of the sales tax. There is also a \$60,000 contingency built in to the base bid.

Unfinished business

Revised Budget: The Mayor stated that he hopes everyone reviewed the revised budget distributed at the last council meeting and can approve tonight. Councilman Congress stated that before we approve this budget we need to discuss whether the City is going to approve paving of Sunset Road and striping of Rainbow Circle. Councilman Cooley stated that the Finance Committee worked to reduce the budget by a certain percentage and the Department Heads contributed by stating where they could reduce the spending. It would be detrimental to start discussing increasing spending at this point. Councilman Moore stated that the previous administration approved to pave Sunset Road and that he proposed to discuss with the housing authority a joint effort on striping Rainbow Circle.

Mayor Grayson distributed a letter he received from Mrs. Singleton and a copy of a 2005 Blackbelt Gazette article.

Rob Pearson, CPA, stated that the 4cent Gas Tax Fund can be used for paving projects.

Councilman Moore stated that during the previous administration Senator Singleton and Representative McCampbell had \$60,000 of funds available so the City hoped that this would be enough to complete the project. A county engineer brought in a cost study estimating the cost to be approximately \$92,000. Councilman Moore stated that the City agreed to do this project in order to get the \$60,000 appropriation.

Mr. Don Singleton of 171 Sunset Road addressed the Council and asked to be heard. For four years they have been promised various city amenities. They have never seen a police officer on Sunset Road except for a neighbor. They have only had one load of gravel on the road.

Mr. Eddie Carpenter of 321 Sunset Road stated that the rain washes the road, there is no drainage ditch. There are large trees that are going to fall due to the wash and there is water build up so deep that a child could drown.

Mr. Mitch Singleton of 171 Sunset Road stated the residents on Sunset Road did not get to voice their opinion on annexation into the City.

Councilman Congress stated that he agrees with the citizens on their positions. He knew they didn't want to be annexed. The City knew there was work needed in the area and the citizens should enjoy the same amenities as other citizens and he will do all he can to see they get it.

Ms. Bernice Owen of 235 Sunset Road agrees with what the other residents have stated. Her property gets a lot of water and erosion.

Mayor Grayson asked Mike Baker if he had any information about the 2005 street paving. Mike Baker, Public Works Director, stated this was before he began working with Public Works and would have to research the records. It was stated that Commissioner Armstead appropriated \$60,000 for the paving of French Creek.

Mr. Don Singleton stated that if the money used to pave French Creek was appropriated for Sunset Road it should have been used for Sunset Road. Councilman Cooley stated that it was not determined that the \$60,000 used to pave French Creek was appropriated for Sunset Road.

Councilman Congress read a portion of the article in the Blackbelt Gazette and would like to research the minutes to see if they match the listing in the article.

Mayor Grayson explained where Sunset Road is located and stated that it was a gravel road.

Councilman Yelverton stated that we need to review the minutes. Councilman Cooley said we need to also check with Almon Associates regarding the priority list.

Mr. Don Singleton asked if the City could put a load of dressing on the road as a temporary fix. Mayor Grayson said that the Public Works Department will dress the road.

Mayor Grayson stated that the Council will now address the revised budget.

Councilman Yelverton stated that the Administration needs to do our part and cut the proportionate percentage. Mayor Grayson asked what the Council would recommend. Councilman Meador proposed the same 15% as the other departments. Mayor Grayson said this is a fair request. The Mayor should have the discretion to decide where to cut the 15%.

Councilman Moore was concerned that the departments who were able to cut the 15% may have bad feelings that the Police Department was not required to cut by 15%. Councilman Congress asked if the City was cutting services in order to reduce the budget by 15%. Mike Baker stated at this time he was not. Councilman Congress asked Fire Chief Few if he cut 15%. Fire Chief Few affirmed. Councilman Congress asked if all departments cut their budget by 15%. The Mayor stated all but the Police Department and the Building Official. Councilman Yelverton stated that Public Safety is a necessity. Councilman Moore stated that citizens locate in Demopolis for quality of life issues as well. Councilman Congress asked for a copy of the documentation the department heads turned in with their budget cut recommendations.

Mayor Grayson stated that he agrees that there is not one department that is not essential. Councilman Cooley suggests tabling approving the revised budget until the Council can meet to discuss the proposed revised budget. Councilman Congress suggests calling a special meeting and entering into executive session to discuss.

Councilman Moore made the motion to table the approving of the revised budget until a time after the Council has discussed and reviewed. Councilman Cooley seconded the motion and motion passed with 6 yes votes by the following roll call vote:

Mayor Grayson: yes	Councilman Moore: yes	Councilman Congress: yes
Councilman Yelverton: yes	Councilman Meador: yes	Councilman Cooley: yes

Petition to name Municipal Complex: At the last council meeting Rex Flowers and the Police Department presented a letter signed by the entire police department and municipal court asking the Council to name the new municipal complex after Former Chief Charles Avery.

Councilman Cooley suggested tabling this decision until the Council can make the right decision at the right time for the right people involved and that it would be a rush of judgment to make this decision before construction begins. Councilman Cooley stated that the proper time to make this decision is when plans are made for the dedication of the building. This would give everyone ample time to make this important decision.

Councilman Congress said that Former Chief Charles Avery's name should be the name or one of the names on the Municipal Complex. Councilman Meador agrees that more time is needed to make this decision. Councilman Yelverton also agrees with Councilman Cooley, that more time is necessary to make the decision. Councilman Moore is supportive of naming the complex for Chief Avery, but can agree with taking additional time. Mayor Grayson agrees that more time is necessary and the grand opening would be more appropriate.

Councilman Congress recognized two members of Chief Charles Avery who were attending the Council meeting.

Councilman Meador made the motion to table the decision to consider the petition to name the municipal complex until such a time deemed appropriate. Councilman Cooley seconded the motion and motion passed with 5 yes votes and 1 no vote by the following roll call vote:

Mayor Grayson: yes	Councilman Moore: yes	Councilman Congress: no
Councilman Yelverton: yes	Councilman Meador: yes	Councilman Cooley: yes

Video Camera and Retention of Audio Recordings: Councilman Cooley suggested installing a video camera identical to the two used in the interview room at the Police Department. The estimated cost would be approximately \$100. Councilman Congress stated that the tapes shouldn't be available to use against a Councilman in a civil suit and they would be public record.

Councilman Cooley made the motion to install the video camera in Rooster Hall and will be charged against the General Government technology account. Councilman Meador seconded the motion and motion passed with 5 yes votes and 1 no vote by the following roll call vote:

Mayor Grayson: yes Councilman Moore: yes Councilman Congress: yes
Councilman Yelverton: no Councilman Meador: yes Councilman Cooley: yes

Councilman Cooley suggested retaining the digital audio recording made of the council meetings for a period not less than 7 years.

Councilman Congress made the motion to retain the audio and video recordings for a period not less than 7 years of the council meeting. Councilman Cooley seconded the motion and motion passed with 6 yes votes by the following roll call vote:

Mayor Grayson: yes Councilman Moore: yes Councilman Congress: yes
Councilman Yelverton: yes Councilman Meador: yes Councilman Cooley: yes

Dilapidated housing: Rick Manley, City Attorney sent letters on five properties. One of the five complied with the request. The property owner of 207 S. Ash asked to be given until Friday February 13 to respond. Mr. Manley agreed and will check on the property on Monday February 16. The property owner of 1108 Roman Drive has a permit to demolish the structure and has 60 days to complete. No other responses were received.

Sunset Road Paving: Covered previously. Councilman Congress stated that Councilman Meador drove the street at Rainbow Circle to inspect the need for striping. Councilman Moore suggested tabling the discussion of Rainbow Circle until someone can discuss a joint effort with the housing authority.

Councilman Congress made the motion to table the discussion of Rainbow Circle until someone discusses the topic with the Demopolis Housing Authority to see if they will share the cost of striping. Councilman Moore seconded the motion and motion passed with 6 yes votes by the following roll call vote:

Mayor Grayson: yes Councilman Moore: yes Councilman Congress: yes
Councilman Yelverton: yes Councilman Meador: yes Councilman Cooley: yes

Water Dept/City Agreement: Woody Dinning, Attorney for Demopolis Water & Sewer Board, and Byron Cook addressed the Council regarding an agreement that was made decades ago. This was an agreement that the City of Demopolis would pay premiums for property and liability insurance on behalf of the Water & Sewer Board in exchange for services. These services include: 1) replacing fire hydrants as needed 2) provide mechanical maintenance on fire hydrants and 3) allow fire department to use the hydrants.

Mr. Dinning stated that many cities charge per fire hydrant to cover the cost of flushing for ISO rating and putting out fires, which includes the cost of the water, anywhere from \$50 - \$225 per year per hydrant. Mr. Dinning stated that the Water & Sewer Board did not want a bidding war and request a work session if necessary to discuss the services. Mr. Dinning maintains the City is getting more in services than it pays in insurance. Councilman Yelverton stated he did not like the threatening tone of the conversation. Councilman

Councilman Moore stated that we are in a discovery stage of analyzing the services the City receives from the Water & Sewer Board. Councilman Moore stated the City would just like to know the value of the services received. Mr. Dinning stated they haven't kept accurate records on the maintenance for the City as it was considered normal operation. Councilman Cooley suggested keeping accurate records of the services for the next 180 days and project this cost forward. Councilman Congress agreed and suggested tabling the discussion for six months for the Water & Sewer Board to track activity.

New business

Resolution 2009-01 Support of Application for Appropriation for Theo Ratliff Center: Mark Pettus, PARD Director, presented a letter from Mrs. Ratliff informing the Council of the Friends of Theo Ratliff intention to file for an appropriation from Senator Richard Shelby for outdoor play equipment, fencing, and landscaping. Mrs. Ratliff stated that the Friends of Theo Ratliff will fund and matching obligation. The request has to be made in the name of the City of Demopolis.

The proposed Resolution 2009-01 states the City of Demopolis supports the efforts of the Friends of Theo Ratliff in the application for an appropriation to improve the Theo Ratliff Activity Center which operates as a service to the citizens through the City of Demopolis.

Councilman Cooley made the motion to approve Resolution 2009-01 as presented. Councilman Congress seconded the motion and motion passed with 6 yes votes by the following roll call vote:

Mayor Grayson: yes	Councilman Moore: yes	Councilman Congress: yes
Councilman Yelverton: yes	Councilman Meador: yes	Councilman Cooley: yes

Municipal Complex Bid Award: Covered previously.

Ordinance 2009-01 To Amend Ordinance 2007-13 An Ordinance To Set Out a Travel Policy For The City of Demopolis Employees and City Officials: This Ordinance is presented to amend the paragraph titled "Reimbursement for Meal Expenses".

Councilman Moore made the motion to approve Ordinance 2009-01 as presented. Councilman Meador seconded the motion and motion passed with 6 yes votes by the following roll call vote:

Mayor Grayson: yes	Councilman Moore: yes	Councilman Congress: yes
Councilman Yelverton: yes	Councilman Meador: yes	Councilman Cooley: yes

Councilman Congress asked who authorizes Council travel. The Mayor stated that he holds that authority. The City of Demopolis Travel Policy states the Mayor holds the authority to approve. Councilman Congress stated that it was important to receive training.

Mayor Discussion

The Mayor distributed letters of thanks from Leslie Hines and R.W. Estes for allowing them to opportunity to interview for Police Chief. The Mayor distributed a letter of thanks for the floating Birthday Holiday from the Public Works department.

Council Discussion

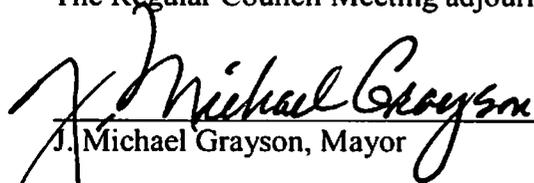
Councilman Congress stated that at the last council meeting the Council voted to offer the position of Police Chief to Tommie Reese if he accepts the position. The Council still needs to formally vote to hire Tommie Reese as Police Chief.

Councilman Congress made the motion to hire Tommie Reese to fill the position of Police Chief for the term of this administration. Councilman Moore seconded the motion and motion passed with 6 yes votes by the following roll call vote:

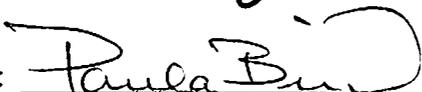
Mayor Grayson: yes Councilman Moore: yes Councilman Congress: yes
Councilman Yelverton: yes Councilman Meador: yes Councilman Cooley: yes

Councilman Meador made the motion to adjourn. Councilman Congress seconded the motion.

The Regular Council Meeting adjourned at 7:35pm.



J. Michael Grayson, Mayor

ATTEST: 

Paula Bird, City Clerk

* Audiotape is used by City Clerk to prepare minutes and will be maintained not less than seven years from date of approval.

ORDINANCE 2009-01

AN ORDINANCE TO AMEND ORDINANCE 2007-13 AN ORDINANCE TO SET OUT A TRAVEL POLICY FOR THE CITY OF DEMOPOLIS EMPLOYEES AND CITY OFFICIALS

BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF DEMOPOLIS AS FOLLOWS:

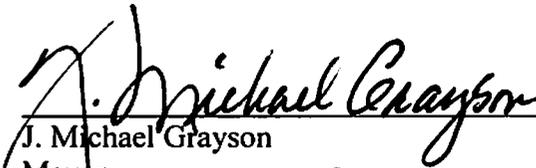
1. That Ordinance 2009-01 of the City of Demopolis be amended to delete the paragraph titled Reimbursement for Meal Expenses and substitute therefore the following new section:

Payment and/or Reimbursement for Meal Expenses

There will be payment and/or reimbursement for meal expenses only in connection with official City travel. Reimbursement for meals will be a true per diem as established by the IRS for meal and incidental expenses.

- 1) In state out of town travel during lunch hour the city will pay the per diem as established by the IRS for lunch.
- 2) In state out of town travel leaving before 6:00am the city will pay the per diem as established by the IRS for breakfast.
- 3) In state out of town travel returning after 7:00pm the city will pay the per diem as established by the IRS for dinner.
- 4) Official City travel for four complete days or less, the city will pay the per diem as established by the IRS for the day.
- 5) Official City travel for 5 complete days or more, the city will pay a per diem of \$30 per day not to exceed \$150 per week.
- 6) Meals for entertainment purposes, as previously defined in the paragraph titled DEFINITION/AUTHORIZATION/JUSTIFICATION FOR TRAVEL, the city will reimburse actual expenses incurred supported by a detail receipt(s).

THIS ORDINANCE WAS ADOPTED BY THE DEMOPOLIS CITY COUNCIL ON February 5, 2009. IT SHALL BECOME EFFECTIVE UPON ITS APPROVAL BY THE MAYOR AND CITY COUNCIL.



J. Michael Grayson
Mayor



Paula Bird, City Clerk

RESOLUTION 2009-1

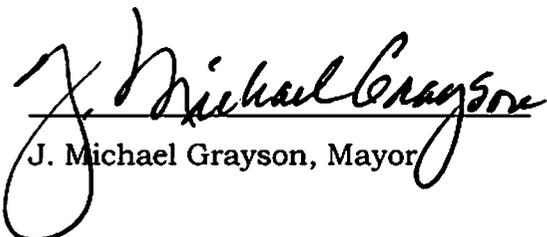
**STATE OF ALABAMA
MARENGO COUNTY
CITY OF DEMOPOLIS**

WHEREAS, the City of Demopolis, Alabama and the Friends of Theo Ratliff is applying to Senator Richard Shelby for an appropriation for outdoor play equipment, fencing and landscaping for the Theo Ratliff Activity Center; and,

WHEREAS, the Friends of Theo Ratliff have committed to contribute matching funds if required; and

WHEREAS, the City of Demopolis supports the efforts of the Friends of Theo Ratliff in the application for an appropriation to improve the Theo Ratliff Activity Center which operates as a service to the citizens through the City of Demopolis;

ADOPTED and APPROVED by the Demopolis City Council on this 5th day of February, 2009.


J. Michael Grayson, Mayor

ATTEST:


Paula Bird, City Clerk

DEMOPOLIS CITY COUNCIL MEETING AGENDA
February 19, 2009

Call to Order - 5:15pm

Invocation – Rev. Frank Stiff

Pledge of Allegiance

Roll Call

Approval of Agenda

Approval of Minutes: February 5, 2009

Reports from Departments

Police

Court

Fire - submitted

Public Works - submitted

Parks & Recreation

Horticulture - submitted

Building Official

Library - submitted

City Hall

Projects-

1. Fire Station #3
2. Theo Ratliff Expansion
3. Municipal Complex

Unfinished Business –

1. EDB Board Appointments
2. Revised Budget
3. Speed Limit Changes
4. Mutual Aid Agreement
5. Light at Wal-Mart
6. Home Inspection Program

New Business –

1. Municipal Complex Change Orders

Mayor Discussion

Council Discussion

Executive Session

Announcement

Adjourn

MINUTES OF THE DEMOPOLIS COUNCIL
OF THE CITY OF DEMOPOLIS, ALABAMA

Regular Meeting

February 19, 2009

The regular meeting of the Demopolis City Council convened at 5:15pm on Thursday, February 19, 2009 in the Demopolis Rooster Hall.

Present:

Council Members: J. Michael Grayson, Mayor
Thomas Moore, Mayor Pro Tempore
Mitchell Congress
Melvin Yelverton
Bill Meador, Jr.
Jack Cooley

City Clerk: Paula Bird

Department Heads:

- Police – Tommie Reese
 - Fire - Ronnie Few - submitted
 - Public Works – Mike Baker - submitted
 - Horticulture
 - City Hall – Paula Bird
- Court
Building Official – Clarence Brooker, Jr.
Library – Morgan Grimes - submitted
Park & Recreation

Mayor Mike Grayson called the meeting to order. Reverend Frank Stiff opened the meeting with an invocation. Pledge of Allegiance to the flag of the United States of America.

Councilman Meador made the motion to approve the agenda as presented. Councilman Cooley seconded the motion and motion passed with 6 yes votes by the following roll call vote:

Mayor Grayson: yes Councilman Moore: yes Councilman Congress: yes
Councilman Yelverton: yes Councilman Meador: yes Councilman Cooley: yes

The Council reviewed the minutes of the February 5, 2009 regular meeting. Councilman Congress noted a correction regarding the audiotape used to prepare the minutes. The corrected note will state: *Audiotape is used by City Clerk to prepare minutes and will be maintained not less than seven years from date of approval.*

Councilman Cooley made a motion to approve the minutes as corrected. Councilman Yelverton seconded the motion and motion passed with 6 yes votes by the following roll call vote:

Mayor Grayson: yes Councilman Moore: yes Councilman Congress: yes
Councilman Yelverton: yes Councilman Meador: yes Councilman Cooley: yes

Departmental reports

Departmental reports were submitted as indicated above.

Morgan Grimes, Library Director, shared with the Mayor and Council valentines made by children visiting the library. Councilman Congress asked if the money bequeathed to the library was received and if the money was earmarked. Ms. Grimes stated the money had been received and it was not earmarked. The library board invested the funds in certificates of deposit and are working on some projects that will utilize some of the funds.

Projects

Fire Station #3: Mr. Manley is still negotiating with the architect and contractor. There is nothing new to report at this time.

Theo Ratliff Expansion: A copy of email correspondence between Mark Pettus and Eaves Construction and project reports from McKee & Associates are included in the Council notebook. Councilman Congress asked for the date of completion. Mayor Grayson stated that there was previously a tentative date of January 31, 2009.

Municipal Complex: This will be addressed in **New Business**.

Unfinished business

EDB Board Appointments: Mayor Grayson stated that the term expires for John Laney, John Wallace and Alvin Williams and they do not want to be reappointed. Mike Marshall will serve as chairman, Diane Brooker will serve as vice chair and Fred Armstead Jr. will serve as secretary. The EDB submitted the names of five people to fill the three positions. Mayor Grayson stated that this is a Council appointment.

Councilman Congress stated he had a problem with boards choosing nominees to fill vacancies instead of the Council making the appointments. Councilman Moore agrees that the board nominees should be made by the Council. The nominees made by the current board members should not be an overbearing prerequisite to the Council appointments.

Councilman Congress nominated Clarence Jackson to serve on the Economic Development Board. Mr. Jackson is the Principal at Demopolis Middle School.

Councilman Cooley nominated Woody Collins, Travis Burnham, and Jared Kupcake to serve on the Economic Development Board.

Councilman Moore nominated Cecil Williamson to serve on the Economic Development Board.

Councilman Meador nominated Angela Mance and Dan Lawrence to serve on the Economic Development Board.

Mayor Grayson stated there are seven people to consider as nominees as stated above. The first three to get majority vote would fill the positions.

Councilman Congress nominated Clarence Jackson to fill one of the positions of the Economic Development Board. Councilman Moore seconded the motion and motion passed with 4 yes votes and 2 no votes by the following roll call vote:

Mayor Grayson: yes	Councilman Moore: yes	Councilman Congress: yes
Councilman Yelverton: yes	Councilman Meador: no	Councilman Cooley: no

Councilman Cooley nominated Woody Collins to fill one of the positions of the Economic Development Board. Councilman Meador seconded the motion and motion passed with 4 yes votes and 2 no votes by the following roll call vote:

Mayor Grayson: yes	Councilman Moore: yes	Councilman Congress: no
Councilman Yelverton: no	Councilman Meador: yes	Councilman Cooley: yes

Councilman Congress nominated Cecil Williamson to fill one of the positions of the Economic Development Board. Councilman Moore seconded the motion and motion failed with 3 yes votes and 3 no votes by the following roll call vote:

Mayor Grayson: no	Councilman Moore: yes	Councilman Congress: yes
Councilman Yelverton: yes	Councilman Meador: no	Councilman Cooley: no

Councilman Cooley nominated Travis Burnham to fill one of the positions of the Economic Development Board. Councilman Meador seconded the motion and motion passed with 6 yes votes by the following roll call vote:

Mayor Grayson: yes	Councilman Moore: yes	Councilman Congress: yes
Councilman Yelverton: yes	Councilman Meador: yes	Councilman Cooley: yes

Mayor Grayson stated the 3 people appointed to serve on the Economic Development Board are Clarence Jackson, Woody Collins, and Travis Burnham.

Revised Budget: Mayor Grayson stated the Finance Committee met this afternoon. Councilman Moore stated that the Finance Committee is not ready to make a recommendation at this time. The Finance Committee is in the process of studying the financial data of various departments for accuracy and equity. The Finance Committee will be prepared to make a recommendation at the next regular council meeting.

Councilman Congress asked for a work session for all Council to attend to review the data submitted by each department. Councilman Congress stated there should be equity among all departments.

Mayor Grayson said the entire Council will vote on the revised budget. Councilman Congress made a motion to set a date for a work session for the revised budget. Councilman Yelverton seconded the motion and motion failed with 3 yes votes and 3 no votes by the following roll call vote:

Mayor Grayson: no	Councilman Moore: yes	Councilman Congress: yes
Councilman Yelverton: yes	Councilman Meador: no	Councilman Cooley: no

Councilman Meador stated he does agree with Councilman Congress on the need of all Council to be provided information in advance on the status of the revised budget. Cooley

stated that all the concerns Councilman Congress mentioned regarding equity among departments were discussed in the Finance Committee meeting. Mayor Grayson stated he made copies of the department budget revision worksheets for Councilman Congress to distribute copies. Councilman Congress made copies for Councilman Moore. Councilman Cooley assured the Council they would be given information in advance and not be given a sheet of paper for a one minute vote. Councilman Congress stated that all members of Council are not privy to the discussion of the Finance Committee and his only concern is that departments are properly staffed. Mayor Grayson stated that every department head is treated fairly. Mayor Grayson further stated that a first draft copy of the revised budget was distributed to all Council at the January 22, 2009 Council meeting for all Council to review and discuss. Everyone at this table is concerned about public safety. Councilman Yelverton stated that he would like a copy of the department worksheets to review. Mayor Grayson asked Paula Bird, City Clerk to distribute copies of the department head worksheets to Councilman Yelverton, Councilman Cooley and Councilman Meador.

Speed Limit Change: Councilman Cooley stated that Janet Street and Lake Lane speed limit is posted as 35mph and some of the residents believe this is too high. Herbert Street is posted as 30mph. Alabama Law states that the speed limit is 25mph on residential streets in a municipality unless otherwise posted. Councilman Moore suggested the police department study the current speed limits within the City of Demopolis and make a recommendation to Council. The Council will table this discussion for 30 days for Tommie Reese, Police Chief, to make a recommendation at the March 19th regular council meeting.

Mutual Aid Agreement: Mr. Kevin McKinney, Director for the Marengo County Office of Emergency Management presented the Council with the South Alabama Mutual Assistance Agreement. Fire Chief Ronnie Few and Police Chief Tommie Reese were present in support of the Mutual Assistance Agreement. The Mutual Assistance Agreement is intended for catastrophic disaster situations.

Councilman Cooley asked if this was a new agreement in the State of Alabama. Mr. McKinney stated they have been in existence for approximately 10 years, but after Hurricane Ivan in 2004 they became more popular. Councilman Cooley asked if there was an agreement like this in North Alabama and why only 28 out of 65 counties in Alabama find this so valuable. After the tornado in Enterprise, Alabama the agreement has become more popular in South Alabama. Chief Few stated that having an agreement in place would cut down on the paperwork in the event of a disaster.

Councilman Moore asked if there are any downsides to this Agreement. Chief Few stated that the Mutual Assistance Agreement was a voluntary agreement and not enforceable unless the parties agreed to agree. The Mutual Assistance Agreement helps to facilitate reimbursement for costs expended in assistance to other entities.

Councilman Cooley asked about the immunity clause on page 2 Article 5. Councilman Cooley also did not understand the clauses on page 3 Article 8 and Article 10. Councilman Cooley asked if the County attorney reviewed this agreement. Mr. McKinney said the County and State attorneys have reviewed. Councilman Cooley stated that he didn't believe you could sign away your immunity. Rick Manley, City Attorney, concurred with

Councilman Cooley. Councilman Cooley thinks the concept is good, but would like answers to these questions before approving the agreement. Councilman Cooley stated that this agreement would not abate liability.

Councilman Yelverton made the motion to approve the South Alabama Mutual Assistance Agreement as presented. Councilman Congress seconded the motion and motion failed with 2 yes votes and 4 no votes by the following roll call vote:

Mayor Grayson: no	Councilman Moore: no	Councilman Congress: yes
Councilman Yelverton: yes	Councilman Meador: no	Councilman Cooley: no

Councilman Cooley stated that he voted no because there are articles that he does not understand. Councilman Cooley stated that he has questions regarding articles 5,8,9, and 10.

Mayor Grayson stated that he voted no because he agrees with Councilman Cooley and would like more time to study the issues.

Councilman Moore stated that he is in favor of the agreement but does not like to vote on an issue if other members have questions that are not answered.

Rick Manley, City Attorney, stated he would like the opportunity to respond in writing to article 5 regarding immunity. Mr. Manley stated that you can't preempt a person's right to sue.

Councilman Moore made the motion to have a definite final vote on the South Alabama Mutual Assistance Agreement at the next council meeting on March 5, 2009. Councilman Meador seconded the motion and motion passed with 6 yes votes by the following roll call vote:

Mayor Grayson: yes	Councilman Moore: yes	Councilman Congress: yes
Councilman Yelverton: yes	Councilman Meador: yes	Councilman Cooley: yes

Lighting at Wal-Mart Entrance: Mayor Grayson talked with Diane Brooker regarding the installation of a street light at the east entrance of Wal-Mart. Alabama Power will not install one light but will install a 31 light system running from Demopolis High School to Maria Drive. The City of Demopolis would pay a lump sum amount of \$33,978 plus \$682.62 monthly for usage or the City can finance the lump sum for equipment \$546.14 per month plus the \$682.62 usage.

Councilman Congress stated that in our budgetary situation it would not be prudent to purchase 31 lights in order to obtain the 1 light requested.

Councilman Cooley made the motion to table the discussion. Councilman Meador seconded the motion. Councilman Meador withdrew the second and Councilman Cooley withdrew the motion.

Councilman Cooley asked if the City can install a light at the entrance. Rick Manley, City Attorney, stated that the State of Alabama would have to approve the light.

Councilman Congress made the motion to not install the 31 lights as proposed by Alabama Power. Councilman Yelverton seconded the motion and motion passed with 6 yes votes by the following roll call vote:

Mayor Grayson: yes	Councilman Moore: yes	Councilman Congress: yes
Councilman Yelverton: yes	Councilman Meador: yes	Councilman Cooley: yes

The Council will look further into installing one light at the east entrance of Wal-Mart.

Home Inspection Program: Fire Chief Ronnie Few is requesting the Council to adopt a program that requires new construction of residential property be required to install a combination smoke/carbon monoxide detector. This would be a proactive measure for the safety of Demopolis citizens. Mayor Grayson stated that the current code requires a smoke detector and the combination smoke/carbon monoxide detector would cost approximately \$10 more.

Councilman Yelverton stated that he believes Demopolis should be proactive to approve this requirement for the safety of the citizens.

Clarence Brooker Jr., Building Official stated a change in the ordinance to adopt a change in the code would require advertising the change and holding a public hearing.

Councilman Yelverton made the motion to begin the process to amend the code. Councilman Moore seconded the motion and motion passed with 5 yes votes and 1 no vote by the following roll call vote:

Mayor Grayson: yes	Councilman Moore: yes	Councilman Congress: yes
Councilman Yelverton: yes	Councilman Meador: yes	Councilman Cooley: no

Councilman Cooley is not for a code that mandates a requirement to a homeowner that cannot be enforced. Councilman Moore said that he would not vote to change a code that did not require a public hearing.

New business

Municipal Complex Change Orders: The prices quoted on the various change orders for the municipal complex are good through February 26. We are in the process of compiling the specifications for a bid on the IT equipment and installation costs. The subcontractors have agreed to extend the prices quoted on the various change orders through March 13 since we have to know the IT cost before making a decision on the change orders.

Mayor Discussion

Mayor Grayson encouraged everyone to visit the website www.CityOfDemopolis.com. This site is a one-stop website for links to the City of Demopolis, Demopolis City Schools, Chamber of Commerce, Economic Development Board, Bryan Whitfield Memorial Hospital,

and the Demopolis University System. This site was created to market the City of Demopolis as a city of opportunity for businesses and individuals.

Mayor Grayson invited Fire Chief Few to announce the Fire Department will have a swearing in and badge pinning ceremony to be held on March 5, 2009 at the Civic Center. The public is invited to attend.

Council Discussion

Councilman Yelverton asked if the Council will discuss Sunset Road. Mayor Grayson stated that we are still gathering information on the events in question that occurred December 2004 and January 2005. The Council package includes copies of information from this time period and there are questions unanswered as to why Sunset Road was not ranked on the list of 2006 street paving projects. This is not a dead issue but more information is needed before it can be resolved.

Mr. Don Singleton of 171 Sunset Road commended the Council and Mike Baker, Public Works Director, for laying additional gravel on the road. He stated that more gravel would be needed in the near future. Mr. Singleton stated the police have patrolled the area since last Council meeting.

Councilman Yelverton asked for the March 5th Council Meeting to be rescheduled. Councilman Yelverton made the motion to reschedule the March 5th Council Meeting from 5:15 pm to March 5th at 12:00 noon with proper notification. Councilman Congress seconded the motion and motion passed with 6 yes votes by the following roll call vote:

Mayor Grayson: yes	Councilman Moore: yes	Councilman Congress: yes
Councilman Yelverton: yes	Councilman Meador: yes	Councilman Cooley: yes

Councilman Yelverton stated that the Cemetery Board needs funds for lawn maintenance. Councilman Cooley stated that if the cemetery was perpetual care you have to maintain the lawn. Councilman Congress said if the cemetery was perpetual care, a portion of the lot sales are suppose to be maintained for perpetual care. Councilman Cooley stated it was a state mandate to withhold a portion of lot sales for perpetual care. The Council would like to know where the money is from lot sales. Councilman Yelverton stated he would consult the Cemetery Board regarding the perpetual care fund. The Memorial Gardens and Riverside Cemeteries belong to the City of Demopolis.

Councilman Yelverton asked Police Chief Reese if the police officers on duty can close the cemetery gates in the evening and open the gates in the morning. Chief Reese stated he would.

Councilman Yelverton stated the airport would like a lawn mower at the airport to cut around the light poles.

Councilman Congress stated the Beautification Committee has three vacancies and would like to appoint these positions tonight. There were five names presented for consideration. Mayor Grayson stated that there are other people who have expressed an interest in serving and asked to make these appointments at the next council meeting on March 5th.

Councilman Congress inquired on the status of the shared cost agreement with the Water & Sewer Board. Mayor Grayson stated that the Water & Sewer Board were compiling information over a six month period and then would meet back with Council.

Councilman Congress stated that he contacted a company working in the area and they could stripe Rainbow Circle for \$1,250. Councilman Congress would like to discuss the striping with the Finance Committee. Mayor Grayson stated the next meeting would be March 19th. Mayor Grayson stated his concern over striping Rainbow Circle and not other streets. Councilman Congress stated Rainbow Circle is a one way street and is a safety issue. Mayor Grayson expressed his concern that painting stripes may not be the solution to the problem. The problem could be speeding. Councilman Cooley stated one of the biggest problems is children run out into the street from behind parked cars.

Councilman Congress made the motion to stripe Rainbow Circle for the amount of \$1,250. Councilman Moore seconded the motion and motion failed with 3 yes votes and 3 no votes by the following roll call vote:

Mayor Grayson: no	Councilman Moore: yes	Councilman Congress: yes
Councilman Yelverton: yes	Councilman Meador: no	Councilman Cooley: no

Councilman Cooley made the motion to adjourn. Councilman Meador seconded the motion.

The Regular Council Meeting adjourned at 7:15pm.



J. Michael Grayson, Mayor

ATTEST: 

Paula Bird, City Clerk

* Audiotape is used by City Clerk to prepare minutes and will be maintained not less than seven years from date of approval.

DEMOPOLIS CITY COUNCIL MEETING AGENDA
March 5, 2009

Call to Order – 12:00pm

Invocation –

Pledge of Allegiance

Roll Call

Approval of Agenda

Approval of Minutes: February 19, 2009

Reports from Departments

Police - submitted

Court

Fire

Public Works

Parks & Recreation

Horticulture

Building Official

Library

City Hall - submitted

Projects-

1. Fire Station #3
2. Theo Ratliff Expansion
3. Municipal Complex

Unfinished Business –

1. Revised Budget
2. Mutual Aid Agreement
3. Home Inspection Program Update

New Business –

1. Tiffany Cannon – Ad for the Demopolis Times Profile 2009

Mayor Discussion

Council Discussion

Executive Session

Announcement

Adjourn

MINUTES OF THE DEMOPOLIS COUNCIL
OF THE CITY OF DEMOPOLIS, ALABAMA

Regular Meeting

March 5, 2009

The regular meeting of the Demopolis City Council convened at 12:00pm on Thursday, March 5, 2009 in the Demopolis Rooster Hall.

Present:

Council Members: J. Michael Grayson, Mayor
Thomas Moore, Mayor Pro Tempore
Mitchell Congress
Melvin Yelverton
Bill Meador, Jr.
Jack Cooley
City Clerk: Paula Bird

Department Heads:

- Police – Tommie Reese - submitted
 - Fire - Ronnie Few
 - Public Works – Mike Baker
 - Horticulture
 - City Hall – Paula Bird - submitted
- Court
Building Official – Clarence Brooker, Jr.
Library – Morgan Grimes
Park & Recreation

Mayor Mike Grayson called the meeting to order and opened the meeting with an invocation. Pledge of Allegiance to the flag of the United States of America.

Councilman Yelverton made the motion to approve the agenda as presented. Councilman Meador seconded the motion and motion passed with 6 yes votes by the following roll call vote:

Mayor Grayson: yes Councilman Moore: yes Councilman Congress: yes
Councilman Yelverton: yes Councilman Meador: yes Councilman Cooley: yes

The Council reviewed the minutes of the February 19, 2009 regular meeting. Councilman Yelverton made a motion to approve the minutes as presented. Councilman Congress seconded the motion and motion passed with 6 yes votes by the following roll call vote:

Mayor Grayson: yes Councilman Moore: yes Councilman Congress: yes
Councilman Yelverton: yes Councilman Meador: yes Councilman Cooley: yes

Departmental reports

Departmental reports were submitted as indicated above.

Councilman Moore asked Mark Pettus, PARD Director, if there was a completion date on the Theo Ratliff Center Addition. Mr. Pettus said there was not a date specified at this time. McKee & Associates made a site inspection report that is included in the Council package.

The project is 90 days overdue. Mayor Grayson stated that the City has stressed to the contractor the importance of completing this project.

Councilman Yelverton stated that the assignment of Tim Williams as the school resource officer has already proved to be a great asset. Councilman Congress asked if the Demopolis City Schools paid for the school resource officer. Police Chief Tommie Reese stated that the City of Demopolis is paying Tim Williams salary, but we have not lost an officer to this position. Tim Williams can still be utilized in other positions as needed.

Projects

Fire Station #3: There is nothing new to report at this time. Councilman Moore asked if the site survey from Almon Associates was available for review. Clarence Brooker, Building Official, stated there is a copy available at City Hall. Mayor Grayson asked Mr. Brooker to place a copy in Council each members box.

Theo Ratliff Expansion: Covered previously.

Municipal Complex: There will be a preconstruction meeting held with the contractor and sub-contractors on Monday March 9 at 1:00pm at the Police Department training room.

Unfinished business

Revised Budget: Mayor Grayson stated a copy of the proposed revised budget was placed in Council's box for review prior to the meeting. The Finance Committee recommends adopting the proposed revised budget as presented. The significant change in this revised budget and one distributed previously is reflected in the Fire Department overtime budget. The revised Fire Department budget originally submitted by Chief Ronnie Few did not realistically reflect the overtime salaries required due to the Federal Wage and Hour work period and due to the loss of two key personnel. Councilman Congress asked why a wage and hour attorney was consulted concerning the Fire Department. Mayor Grayson stated that Thomas Scroggins was consulted to review the Fire Department reorganization plan to ensure compliance with Federal Wage and Hour laws.

Councilman Yelverton asked if this proposed budget represents a straight 15% across the board cut. Councilman Cooley said it was not because some departments could not realistically cut 15% as is the case with the Police Department and Fire Department. Mayor Grayson stated that this administration inherited an unrealistic budget. Every department is working hard to cut expenses.

Councilman Congress asked what revenues are falling short. Mayor Grayson asked Rob Pearson, CPA to address this question. Mr. Pearson stated the budgeted revenues are higher than the FY 2007/2008 actual revenues. The expectation in the current economy holds that revenues will at best be flat and as of January 2009 the City revenues collected are flat in comparison to the prior year actual. Mayor Grayson stated that the proposed revised budget is based on actual previous year revenues. Mayor Grayson stated that the law requires that

municipalities not budget more than 90% of budgeted revenues. The current budget expenditures are greater than 90%.

Councilman Congress requested a detail expenditure report listing every purchase.

Councilman Cooley made a motion to adopt the revised budget as presented. Councilman Meador seconded the motion and motion passed with 6 yes votes by the following roll call vote:

Mayor Grayson: yes	Councilman Moore: yes	Councilman Congress: yes
Councilman Yelverton: yes	Councilman Meador: yes	Councilman Cooley: yes

Mutual Aid Agreement: Mayor Grayson stated that Rick Manley, City Attorney, was researching information and this will be addressed at the next regular council meeting.

Home Inspection Program: Clarence Brooker, Building Official, stated that the City can amend the 1999 Building Code which requires a public hearing. The City can choose instead to adopt the 2006 Building Code. If the City chooses to adopt the 2006 Building Code we will be required to maintain three sets of codes. Mr. Brooker recommends amending the 1999 Building Code. Mayor Grayson requested to schedule the public hearing.

New business

Demopolis Times Profile 2009 Edition: Tiffany Cannon presented information to Council regarding the Demopolis Times Profile 2009 Edition and asked the City of Demopolis to place an ad.

Councilman Congress made a motion to give the Mayor the authority to decide to place an ad after checking on legal questions. Councilman Yelverton seconded the motion and motion passed with 6 yes votes by the following roll call vote:

Mayor Grayson: yes	Councilman Moore: yes	Councilman Congress: yes
Councilman Yelverton: yes	Councilman Meador: yes	Councilman Cooley: yes

Mayor Discussion

Mayor Grayson stated Kitty Eddins and Judy Day with the Cemetery Board are present and he yields his discussion time to the Cemetery Board.

Kitty Eddins presented a copy of the Cemetery Board financial statements to Council. The Cemetery Board is asking the City of Demopolis with help or suggestions with lawn care. The cost for lawn care last year was over \$20,000. The Cemetery maintains two employees, a manager and a groundskeeper. There was discussion between Council and the Cemetery Board on various operations.

Councilman Cooley asked about the certificate of deposits on the second page and if they could be used. Kitty Eddins said they were available to use, but using them would deplete

their resources. Councilman Cooley asked about the endowment. Kitty Eddins said the endowment was not included on the reports that were distributed.

Councilman Moore asked if the cemeteries were not profitable should the City consider selling. Councilman Congress stated that if the cemeteries were sold the cost of plots might become prohibitive. Councilman Moore stated that if the Council considers maintaining the cemeteries a desired service for citizens, then the City should support the cost of operations.

Kitty Eddins asked the City to consider eliminating the allotment to the Cemetery Board and maintain the grounds.

Council Discussion

Councilman Congress asked the Mayor about the Beautification Committee appointments. Mayor Grayson stated this is a Mayoral appointment and he is working with Amanda Smith. An appointment will be made before the next Beautification Committee meeting.

Councilman Congress reported that the Planning Commission is reviewing the Brickyard community. ~~The Planning Commission is planning a public hearing regarding the location of mobile homes in the area.~~ *Clarence Brooker Jr., Building Official discussed the possibility of rezoning the property with Mr. Gary Cooper, Consultant. Rezoning the properties from I2 to R3 will eliminate each owner from appearing to the Planning Commission, but will still appear before the Board of Adjustment for special exception. The Planning Commission wanted to make the Council aware of this project.*

Councilman Moore asked if a resident of the community made a request to Council. Councilman Congress said ~~the no resident complained to him personally about the costs of rezoning~~ and apologized to Councilman Moore for not bringing it to his attention.

Councilman Cooley passed around photos of a home located in Ashwood that was damaged by a tornado or straight line winds in 2006. The house is rat infested and has been vandalized. The owners are in litigation regarding an insurance claim. The Department of Public Health inspected the house and has turned over to their legal department. Councilman Cooley asked that the City turn ask Rick Manley, City Attorney, to pursue action to clean this property.

Councilman Meador made a motion to turn the issue of this property over to Rick Manley, City Attorney to pursue action to clean this property. Councilman Congress seconded the motion and motion passed with 6 yes votes by the following roll call vote:

Mayor Grayson: yes Councilman Moore: yes Councilman Congress: yes
Councilman Yelverton: yes Councilman Meador: yes Councilman Cooley: yes

Councilman Moore stated the citizens of the River Road area have concerns with discrepancies regarding the city limits. They were informed they were in the city limits, but the courthouse records reflect they are not in the city limits. The residents do not receive adequate water. Councilman Moore requests a public hearing for these residents.

Residents in the 1st Avenue area (including Blacks Drive, Jones Drive, Will Circle and 2nd Avenue) have paid tap fees and obtained permits, but have not received services. The Water Works & Sewer Board is aware of this problem and have not addressed it.

Councilman Meador inquired about if there was any information as to why the Sunset Road paving was omitted from prioritization on the paving list. Councilman Cooley stated that the project was removed without his knowledge. Councilman Yelverton and Councilman Moore agreed with Councilman Cooley. Councilman Moore stated the minutes do specifically mention the paving project and the minutes are the legal representation of Council actions.

Mayor Grayson stated the road would have to be built according to specifications and he has asked for a cost estimate. Councilman Moore noted that the minutes reflected that in the 2004 minutes the Council approved an overlay for Sunset Road.

Mr. Singleton addressed the Council and asked the discussion to be tabled until residents of Sunset Road can be present.

Councilman Congress made a motion to table until the next regular council meeting. Councilman Meador seconded the motion and motion passed with 6 yes votes by the following roll call vote:

Mayor Grayson: yes	Councilman Moore: yes	Councilman Congress: yes
Councilman Yelverton: yes	Councilman Meador: yes	Councilman Cooley: yes

Councilman Cooley made the motion to adjourn. Councilman Meador seconded the motion.

The Regular Council Meeting adjourned at 1:50pm.



J. Michael Grayson, Mayor

ATTEST: 

Paula Bird, City Clerk

* Audiotape is used by City Clerk to prepare minutes and will be maintained not less than seven years from date of approval.

MINUTES OF THE DEMOPOLIS COUNCIL
OF THE CITY OF DEMOPOLIS, ALABAMA

**Special Called Meeting
For Purpose of Discussing Construction
Options for the Municipal Complex**

March 12, 2009

The special called meeting of the Demopolis City Council convened at 5:15pm on Thursday, March 12, 2009 in the Demopolis Rooster Hall.

Present:

Council Members: J. Michael Grayson, Mayor
Thomas Moore, Mayor Pro Tempore
Mitchell Congress
Melvin Yelverton
Bill Meador, Jr.
Jack Cooley
City Clerk: Paula Bird

Mayor Mike Grayson called the meeting to order. Councilman Congress opened the meeting with an invocation. Pledge of Allegiance to the flag of the United States of America.

Municipal Complex Discussion: Mayor Grayson provided a recap of the committed construction costs. Included in the analysis were the two IT System bids and the requested change orders. Karen Broadhead, Court Clerk, distributed copies of a previously sent email that listed the change orders recommended by Chief Tommie Reese and her. The change orders that they recommend are:

Alternate 6 - Hard Tile Installations -	\$ 8,300
Alternate 7 - Aluminum Awnings -	\$ 7,500
Alternate 8 - Motorized Projection Screen -	\$ 1,650
Alternate 10 - Exterior Lighting Standard -	\$ 1,800
Alternate 11 - Carpet Tiles	\$ 1,000

The Corrections Fund can pay for Alternate 2 (from base bid) and Alternate 11 for a total of \$18,100.

Brian Brooker, Architect with Ellis Architect, stated that the City of Demopolis and the contractor, Revon Bigham Construction Inc., has entered into an Agency Contract that allows the City to purchase all materials saving the 9% sales tax. The dollar amount of savings will not be known until the end of the contract. The 9% savings will be on material cost not the total contract. There is also a contingency allowance built into the contract in the amount of \$60,000 to allow for any unforeseen expenses. The City of Demopolis has authority to approve expenditures from the contingency allowance.

Brian Brooker stated that the recap of costs distributed earlier in this meeting does not include the cost of advertising the construction project for bid. This cost will be approximately \$2,800.

If the above alternates are approved and with consideration of the cost of the IT System bid, there will be approximately \$4,000 remaining to purchase furnishings. Councilman Yelverton asked about information he received earlier about donated pews. Chief Tommie Reese stated that Reverend Eddie J. White with True Love Church in Birmingham donated approximately twelve 18ft church pews for the new municipal court room. Chief Reese previously worked in ministry with True Love Church. Brian Brooker stated that they have researched the cost of 16ft pews which would have cost approximately \$15,000. The donated pews may need to be modified. A company in Grove Hill said they could probably modify the 18ft pews. The Council commended Chief Tommie Reese and Karen Broadhead for working hard to minimize the cost of this project.

Councilman Congress asked what would be done with the furnishings in the existing courtroom. Karen Broadhead stated some would be used and some would be salvaged.

Ellis Architect will issue inspection reports every two weeks on the progress of the project. The Order to Proceed was issued at the March 9th pre-construction meeting. The contractor will have 300 days from March 18th to complete the project.

Councilman Congress reported the Building Committee met Wednesday March 11 to open bids on the Municipal Complex IT System. Your Source Communication submitted the lowest bid in the amount of \$55,184.00. Collins Communication submitted a bid in the amount of \$57,031.60.

The Collins Communication bid is slightly over 3% greater than the Your Source bid. John Scales with Collins Communication asked that the Council consider that they are located in the City of Demopolis and has maintained the City's phones and internet for the past ten years.

Councilman Meador stated that the Building Committee, Chief Tommie Reese, Karen Broadhead and Paula Bird thoroughly reviewed both bids. The Building Committee recommends awarding the bid to Your Source Communication.

Councilman Cooley asked how long Your Source Communication has been in business and do they have the expertise to perform the work. Councilman Meador replied they have been in business since 2001. Chief Tommie Reese stated that Your Source Communication installed the IT wiring at the Marengo County Courthouse and the service was superb. Mayor Grayson stated he spoke with Rick Manley, City Attorney, concerning the bid law and during this conversation he also commended the work of Your Source Communication.

Councilman Moore asked if we annually bid out the City of Demopolis computer maintenance contract. Paula Bird, City Clerk, stated that it has not been. Mayor Grayson asked to review the yearly amount

Councilman Congress made a motion to table until the next regular council meeting. Councilman Meador seconded the motion and motion passed with 6 yes votes by the following roll call vote:

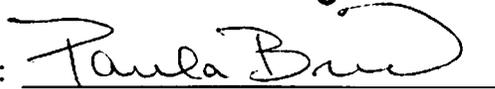
Mayor Grayson: yes	Councilman Moore: yes	Councilman Congress: yes
Councilman Yelverton: yes	Councilman Meador: yes	Councilman Cooley: yes

Councilman Cooley made the motion to adjourn. Councilman Meador seconded the motion.

The Regular Council Meeting adjourned at 1:50pm.



J. Michael Grayson, Mayor

ATTEST: 

Paula Bird, City Clerk

* Audiotape is used by City Clerk to prepare minutes and will be maintained not less than seven years from date of approval.

DEMOPOLIS CITY COUNCIL MEETING AGENDA
March 19, 2009

Call to Order – 5:15pm

Invocation –

Pledge of Allegiance

Roll Call

Approval of Agenda

Approval of Minutes: March 5, 2009

Reports from Departments

Police

Court - submitted

Fire

Public Works - submitted

Parks & Recreation

Horticulture - submitted

Building Official

Library - submitted

City Hall

Projects-

1. Fire Station #3
2. Theo Ratliff Expansion
3. Municipal Complex

Unfinished Business –

1. Mutual Aid Agreement: Report from Rick Manley, City Attorney
2. Home Inspection Program Update
3. Speed Limit Study
4. Beautification Committee Mayoral appointment
5. Resolution 2009-2: Street Lighting Modification – WalMart Drive & Hwy 80
6. Cemetery Grass Cutting
7. Sunset Road Paving

New Business –

1. Planning Commission Mayoral appointment
2. ABC 020 Restaurant Retail Liquor License Transfer – El Ranchero Loco
3. Resolution 2009-3: Off-Duty Employee Policy
4. Tommie Reese: ADECA Law Enforcement Grants
5. Resolution 2009-4: Methods of Procurement Policy
6. Mr. Ed Key: Sign Ordinance

Mayor Discussion

Council Discussion

Executive Session

Announcement

Adjourn

MINUTES OF THE DEMOPOLIS COUNCIL
OF THE CITY OF DEMOPOLIS, ALABAMA

Regular Meeting

March 19, 2009

The regular meeting of the Demopolis City Council convened at 5:15pm on Thursday, March 19, 2009 in the Demopolis Rooster Hall.

Present:

Council Members: J. Michael Grayson, Mayor
Thomas Moore, Mayor Pro Tempore
Mitchell Congress
Melvin Yelverton
Bill Meador, Jr.
Jack Cooley

City Clerk: Paula Bird

Department Heads:

- Police – Tommie Reese
- Fire - Ronnie Few
- Public Works – Mike Baker - submitted
- Horticulture – Barbara Blevins - submitted
- City Hall – Paula Bird
- Court
- Building Official – Clarence Brooker, Jr.
- Library – Morgan Grimes
- Park & Recreation

Mayor Mike Grayson called the meeting to order. The Reverend Mick Green opened the meeting with an invocation. Pledge of Allegiance to the flag of the United States of America.

Councilman Meador made the motion to approve the agenda as presented. Councilman Yelverton seconded the motion and motion passed with 6 yes votes by the following roll call vote:

Mayor Grayson: yes Councilman Moore: yes Councilman Congress: yes
Councilman Yelverton: yes Councilman Meador: yes Councilman Cooley: yes

The Council reviewed the minutes of the March 5, 2009 regular meeting. Councilman Congress noted a correction on page 4 under Council Discussion and should read as follows:

Councilman Congress reported that the Planning Commission is reviewing the Brickyard community. ~~The Planning Commission is planning a public hearing regarding the location of mobile homes in the area.~~ *Clarence Brooker Jr., Building Official discussed the possibility of rezoning the property with Mr. Gary Cooper, Consultant. Rezoning the properties from I2 to R3 will eliminate each owner from appearing to the Planning Commission, but will still appear before the Board of Adjustment for special exception. The Planning Commission wanted to make the Council aware of this project.*

Councilman Moore asked if a resident of the community made a request to Council. Councilman Congress said ~~the~~ no resident complained to him personally ~~about the costs of rezoning~~ and apologized to Councilman Moore for not bringing it to his attention.

Councilman Congress made a motion to approve the minutes as corrected. Councilman Meador seconded the motion and motion passed with 6 yes votes by the following roll call vote:

Mayor Grayson: yes	Councilman Moore: yes	Councilman Congress: yes
Councilman Yelverton: yes	Councilman Meador: yes	Councilman Cooley: yes

Departmental reports

Departmental reports were submitted as indicated above.

Barbara Blevins, Horticulture Director, made a presentation to Council of the Horticulture greenhouses and spring plantings and invited Council to visit.

Mayor Grayson wished Clarence Brooker Jr. a happy birthday.

Projects

Fire Station #3: The City of Demopolis is waiting on a response from the architect. The contractor has contacted the city with an offer.

Theo Ratliff Expansion: Mark Pettus, PARC Director, stated the heat and air is installed and should be operational. There is no definite completion date.

Municipal Complex: The official starting date was March 18, 2009 but they started Monday March 16. The contractor has 300 calendar days from the official start date to complete the contract, which will be January 12, 2010. There is a penalty clause in the contract of \$200/day. Rick Manley, City Attorney advised to require any extensions granted to be given in writing.

Unfinished business

Mutual Aid Agreement: Rick Manley, City Attorney, researched the state laws regarding the immunity clauses contained in the Mutual Aid Agreement. The Alabama State Code affords broad exemptions for entities involved in mutual aid agreements. Mr. Manley stated in light of his research he is comfortable with the Mutual Aid Agreement as presented.

Councilman Moore made a motion to approve the Mutual Aid Agreement as presented. Councilman Congress seconded the motion and motion passed with 6 yes votes by the following roll call vote:

Mayor Grayson: yes	Councilman Moore: yes	Councilman Congress: yes
Councilman Yelverton: yes	Councilman Meador: yes	Councilman Cooley: yes

Home Inspection Program: Clarence Brooker Jr., Building Official, stated that we could amend the current 1999 Building Code to require the carbon monoxide detector or the city could choose to update to the 2006 Building Codes and amend the 2006 Building Code. It would be cost efficient to update to the 2006 Building Codes at the same time as amending the code to require the carbon monoxide detector. The City is required to maintain a copy of all the adopted Building Codes and will cost approximately \$1500. The City of Demopolis can pass an ordinance to adopt the 2006 Building Codes and amend the Code to require the carbon monoxide detector after advertising the proposed ordinance in the newspaper and holding a public hearing. Mr. Brooker will consult with Mr. Gary Cooper on the correct wording of the ordinance. Chief Ronnie Few stated the Fire Department would require a copy of the 2006 Building Codes in an electronic format.

Councilman Moore made a motion to draft the ordinance and notice for a public hearing to adopt the 2006 Building Codes and amend the 2006 Building Code to require the carbon monoxide detector. Councilman Yelverton seconded the motion and motion passed with 5 yes votes and 1 abstain vote by the following roll call vote:

Mayor Grayson: yes Councilman Moore: yes Councilman Congress: yes
Councilman Yelverton: yes Councilman Meador: yes Councilman Cooley: abstain

Speed Limit Study: Police Chief Tommie Reese distributed the traffic study. This report includes speed limit recommendations as requested by the Council. The study of various streets within the city was conducted over a 28 day period. The recommendations are made for the safety of pedestrians and motorist. Two streets were inadvertently omitted, Edgewood and Hwy 43 S (Racetrack). Councilman Congress requested adding speed breakers in Old Springhill Road. Councilman Yelverton stated that in past speed breakers were not allowed on city roads. Speed breakers are located on private property. Councilman Meador stated that the Council would like to have cost estimates for the signage recommended in the traffic study. Councilman Cooley stated that he had information regarding a safe and effective speed breaker that he presented to Council in the previous administration and will submit this information to Council for consideration. The Public Works department would be able to perform the installation.

Councilman Moore recommended tabling the discussion on the traffic study to allow time for study. Mayor Grayson stated that the Council will discuss the traffic study and discuss the costs of signage and speed breakers at the next council meeting. Councilman Yelverton stated that the Fire Department should be consulted regarding the speed breakers and what effect it may have on the response time and equipment.

Beautification Board Appointments: Mayor Grayson announced that Carolyn Moore, Cathy Robertson, and Dana McCants were appointed to serve on the Beautification Board. The Beautification Board is a Mayoral appointment.

Resolution 2009-2 Street Lighting Modification – WalMart Drive & Hwy 80: Mayor Grayson stated that Alabama Power will install 1 350 M.W. Cobra Head on a 12 Ft Arm on an existing pole for a \$286.68 net change in annual billing. The light will have to be tilted

slightly toward WalMart and not parallel to Highway 80. Diane Brooker with Alabama Power stated that they would remove the light if the city was not satisfied.

Councilman Yelverton made a motion to approve Resolution 2009-2 and authorize the installation of the street lighting modification. Councilman Cooley seconded the motion and motion passed with 6 yes votes by the following roll call vote:

Mayor Grayson: yes Councilman Moore: yes Councilman Congress: yes
Councilman Yelverton: yes Councilman Meador: yes Councilman Cooley: yes

Cemetery Grass Cutting: Councilman Yelverton stated that due to the high cost of lawn cutting and maintenance he recommends the Public Works department take on the job of grass cutting at the cemeteries. Mayor Grayson stated that he respectfully disagrees because the city does not have the manpower. Councilman Cooley stated the Cemetery Board listed approximately \$77,000 in certificates of deposit in the financial information previously submitted to Council. Councilman Yelverton stated that the Cemetery Board tries to use only the income from investments. Councilman Yelverton stated that the City of Demopolis previously contracted out the grass cutting for the cemeteries and does not know when it changed. Councilman Cooley stated the City of Demopolis understands the dilemma of the financial crisis, but sometimes you have to use your reserves. Councilman Meador confirmed that the City of Demopolis did pay the \$15,000 allotment granted to the Cemetery Board.

Councilman Cooley made a motion that the Cemetery Board remains responsible for the lawn maintenance and grass cutting of the properties. Councilman Meador seconded the motion and motion passed with 4 yes votes and 2 no votes by the following roll call vote:

Mayor Grayson: yes Councilman Moore: yes Councilman Congress: no
Councilman Yelverton: no Councilman Meador: yes Councilman Cooley: yes

Councilman Yelverton asked Mayor Grayson to find out when the city went to a straight allotment for the Cemetery Board instead of directly paying the grounds maintenance contract.

Sunset Road Paving: Councilman Congress and Mike Baker, Public Works Director, met with the residents of Sunset Road and made an informal survey of the existing road condition. There are problems with flooding and there are no culverts.

Councilman Congress inquired about information distributed to Council on March 5, 2009. Mayor Grayson stated that this was a cost estimate from Goodwyn, Mills, and Cawood to build a road to code and an estimate of the cost to extend water and sewer to the residents of Sunset Road. This is not a current plan of action, but information that is useful if the city were able to get a grant to help fund this project in the future. The original plan in the December 2004 minutes was to put an asphalt overlay on Sunset Road. Mike Baker stated that an asphalt overlay would only last approximately three years. The residents of Sunset Road do not want to waste money on a temporary fix, but they do not want to be forgotten.

Rick Manley, City Attorney, will begin the process of getting easements from the residents of Sunset Road. The residents should provide Mr. Manley with a copy of their property deeds. The Public Works department will continue grading the existing road.

Councilman Cooley and Councilman Congress assured the residents of Sunset Road that this project will not be put aside or ignored.

Councilman Moore noted that there are areas of concern on Blacks Drive. Mr. Murphy has been a resident since March 1977 and has not had water. Mr. Murphy purchased meters as required by the city, but there is still no water. Councilman Moore stated that someone has to look at this now. Mayor Grayson stated that this will be on the next Water & Sewer Board meeting agenda. Mayor Grayson stated that it is understood that this would be taken care of before Sunset Road project.

Councilman Moore stated that he believes that the City of Demopolis should not have any dirt streets within its city limits.

New business

Planning Commission Appointment: Mayor Grayson appointed Willie Ingram and Ben Sherrod to serve the unexpired terms of Mack Fitzgerald and Wyatt Williams on the Planning Commission. This is a mayoral appointment.

ABC 020 Restaurant Retail Liquor License Transfer: Maricela N. Devora and Benito Devora have applied for a transfer of license from El Ranchero Loco to El Ranchero Loco LLC. This property is located at 547 Hwy 80 W Suite 3. Police Chief Tommie Reese has no objection to this transfer.

Councilman Yelverton made a motion to approve the transfer of the ABC 020 Restaurant Retail Liquor License. Councilman Meador seconded the motion and motion passed with 5 yes votes and 1 abstain vote by the following roll call vote:

Mayor Grayson: yes	Councilman Moore: yes	Councilman Congress: abstain
Councilman Yelverton: yes	Councilman Meador: yes	Councilman Cooley: yes

Resolution 2009-03 Off-Duty Employee Policy: Chief Tommie Reese stated that Police Officers that accept off duty security employment use city issued equipment to perform these duties. This would subject the off duty police officer employment to the terms, conditions, restrictions of the policies and procedures approved by the resolution.

Councilman Yelverton made a motion to approve Resolution 2009-03 as presented. Councilman Moore seconded the motion and motion passed with 6 yes votes by the following roll call vote:

Mayor Grayson: yes	Councilman Moore: yes	Councilman Congress: yes
Councilman Yelverton: yes	Councilman Meador: yes	Councilman Cooley: yes

Resolution 2009-06 Approval of ADECA Law Enforcement Grant Application: Chief Tommie Reese reported to the Council of a grant application that will pay 100% of seven new police officers.

Councilman Yelverton made a motion to approve the application for the ADECA Law Enforcement Grant as stated in Resolution 2009-06. Councilman Congress seconded the motion and motion passed with 6 yes votes by the following roll call vote:

Mayor Grayson: yes Councilman Moore: yes Councilman Congress: yes
Councilman Yelverton: yes Councilman Meador: yes Councilman Cooley: yes

Resolution 2009-04 Methods of Procurement: Paula Bird, City Clerk, stated the city auditor and the CDBG auditor advised the city to maintain a written policy statement of the methods of procurement. This policy will ensure that all contracts will be in writing, include the appropriate state, federal, and local clauses, and that all contracts will be authorized by the Demopolis City Council prior to the Mayor executing the document. Further it will ensure that the procurement of labor, services, or materials will be conducted in accordance with applicable laws.

Councilman Congress made a motion to approve Resolution 2009-04 as presented. Councilman Yelverton seconded the motion and motion passed with 6 yes votes by the following roll call vote:

Mayor Grayson: yes Councilman Moore: yes Councilman Congress: yes
Councilman Yelverton: yes Councilman Meador: yes Councilman Cooley: yes

Mr. Ed Key – Sign Ordinance Request: Mr. Ed Key distributed a letter he composed to the Mayor and Council. Mr. Key asked the Council to relax the sign ordinance laws. Mr. Key stated that he felt the sign ordinance was harassment to business owners. Mayor Grayson acknowledged the sentiments of business owners in regard to the existing sign/banner ordinance. Mayor Grayson stated that the City of Demopolis needs to retain existing businesses as well as attract new businesses. Mayor Grayson stated the Planning Commission will meet on the 2nd Tuesday of the month. Councilman Congress asked Mr. Key if he and other business owners would like to appear before the Planning Committee to make suggestions. Councilman Cooley stated that a year ago the Planning Committee made changes to the banner ordinance and sent a recommendation which was passed by Council that allowed banners four times per year for 15 days each. Mayor Grayson stated the general consensus of the Planning Committee is that they were not totally satisfied with the existing sign/banner ordinance. Councilman Meador stated that Mr. Key should ask to be placed on the agenda to address the existing sign/banner ordinance. The City is required to enforce the ordinance as it stands without exception.

Mayor Discussion

Mayor Grayson asked to reschedule the April Regular Council Meetings to April 9th and April 23rd at 5:15pm.

Councilman Congress made a motion to reschedule the April Regular Council Meetings to April 9th and April 23rd at 5:15pm. Councilman Cooley seconded the motion and motion passed with 6 yes votes by the following roll call vote:

Mayor Grayson: yes Councilman Moore: yes Councilman Congress: yes
Councilman Yelverton: yes Councilman Meador: yes Councilman Cooley: yes

Mayor Grayson stated that he would like the Council to discuss forming a cooperative district to provide incentives for new or existing businesses in a growth pattern at the next regular council meeting.

Mayor Grayson stated that a suggestion was made at the Department Head meeting to install a suggestion box at City Hall. Councilman Congress suggested using the drop box in the front door to allow for anonymous suggestions.

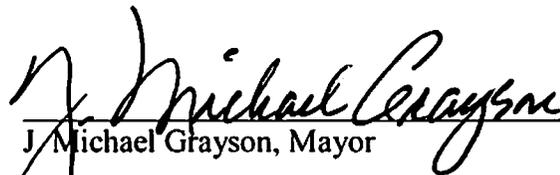
Council Discussion

Councilman Yelverton stated the Cemetery Board thanks the Police Department for opening and closing the cemetery gates.

Councilman Yelverton asked that the Council be forwarded information regarding zoning changes. Councilman Moore agreed that the Council should be informed so they can be aware of applications in their districts.

Councilman Meador made the motion to adjourn. Councilman Congress seconded the motion.

The Regular Council Meeting adjourned at 7:40pm.



J. Michael Grayson, Mayor

ATTEST: 

Paula Bird, City Clerk

* Audiotape is used by City Clerk to prepare minutes and will be maintained not less than seven years from date of approval.

RESOLUTION 2009-2
SREET LIGHTING ON WALMART DRIVE & HIGHWAY 80

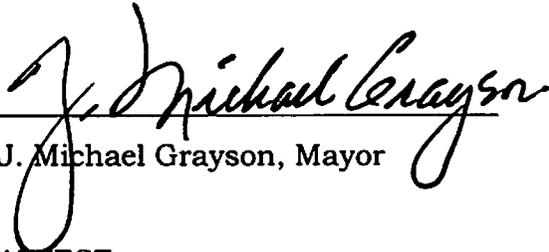
**STATE OF ALABAMA
MARENGO COUNTY
CITY OF DEMOPOLIS**

WHEREAS, the City of Demopolis, Alabama wants to improve the safety of the citizens by adding a light at the entrance on WalMart Drive and Highway 80;
and

WHEREAS, Alabama Power will install 1 350 M.W. Cobra Head on a 12 Ft Arm on an existing pole for a \$286.68 net change in annual billing.

THEREFORE, the Council of the City of Demopolis approves and authorizes the work order for the light installation on WalMart Drive and Highway 80.

ADOPTED and APPROVED by the Demopolis City Council on this 19th day of March, 2009.



J. Michael Grayson, Mayor

ATTEST:



Paula Bird, City Clerk

RESOLUTION 2009-3
Off Duty Employee Policy

STATE OF ALABAMA

MARENGO COUNTY

CITY OF DEMOPOLIS

KNOWN ALL MEN BY THESE PRESENTS: THAT,

WHEREAS, the City of Demopolis, Alabama, desires to adopt uniform policies and procedures permitting City of Demopolis Police Officers to voluntarily accept and perform off-duty employment; and

WHEREAS, this off-duty employment may include voluntary acceptance and performances of these services related to law enforcement; and,

WHEREAS, the City of Demopolis desires to equip the off-duty police officers in the performance of services related to law enforcement with specific public equipment (car, uniform, gun, duty gear), subject to the conditions and restrictions of the policies and procedures governing off-duty employment; and,

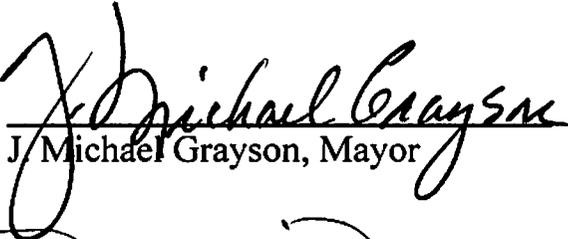
WHEREAS, said policies and procedures governing the voluntary off-duty employment of the City of Demopolis Police Officers shall be applicable to events held upon or in facilities owned by the City that may be sponsored by City, private/for profit, non-profit, charitable or other governmental parties; and,

WHEREAS, payment of services/fees for non-City of Demopolis entities shall be forwarded to the treasurer of the City of Demopolis after the services are rendered; and,

WHEREAS, said policies and procedures governing the voluntary off-duty employment of the City of Demopolis Police Officers shall be applicable to events held upon or in property owned or leased by a private corporation or individual:

THEREFORE, Be it resolved that the City of Demopolis authorizes City of Demopolis Police Officers to voluntarily accept and perform off-duty employment subject to the terms, conditions, restrictions of the policies and procedures approved by the City of Demopolis City Council.

DONE this the 19th day of March, 2009



J. Michael Grayson, Mayor



Paula Bird, City Clerk

RESOLUTION 2009-4
Method of Procurement Policy

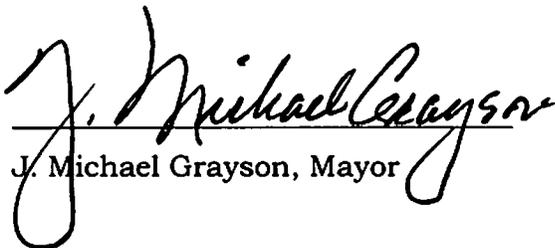
**STATE OF ALABAMA
MARENGO COUNTY
CITY OF DEMOPOLIS**

WHEREAS, the City of Demopolis, Alabama desires to establish a written policy to document the method of procurement of goods and services; and

WHEREAS, the City of Demopolis will ensure that the procurement of labor, services, or materials will be conducted in accordance with these local written procedures that conform to Title 41, Code of Alabama (Bid Law), and Title 39, Code of Alabama (Public Works Law), and 24 CFR 85.36 (Common Rule) where applicable for grants.

THEREFORE, the Council of the City of Demopolis approves the Method of Procurement Policy dated March 19, 2009.

ADOPTED and APPROVED by the Demopolis City Council on this 19th day of March, 2009.



J. Michael Grayson, Mayor

ATTEST:



Paula Bird, City Clerk

**City of Demopolis
Methods of Procurement
Adopted March 19, 2009**

The City of Demopolis will follow the procurement methods described below and will ensure that all contracts will be in writing, include the appropriate state, federal, and local clauses, and that all contracts will be authorized by the Demopolis City Council prior to the Mayor executing the document. Further, the City of Demopolis will ensure that the procurement of labor, services, or materials will be conducted in accordance with these local written procedures that conform to Title 41, Code of Alabama (Bid Law), and Title 39, Code of Alabama (Public Works Law), and 24 CFR 85.36 (Common Rule) where applicable for grants. All procurement follows one of the following methods:

1. Small Purchase

a. See State Bid Law (Title 41, Code of Alabama) and Common Rule (24CFR85.36),

1. Price or rate quotations for purchases or contracts with an aggregate cost \$15,000 or less must be obtained from at least three (3) qualified sources. (No purchase or contract involving an amount in excess of \$15,000 shall be divided into parts involving amounts \$15,000 or less for the purpose of avoiding the requirements of the Bid Law.) File documentation is required.

b. See Public Works Law (Title 39, Code of Alabama) and Common Rule (24CFR85.36),

1. Price or rate quotations for professional services with an aggregate cost of \$100,000 or less must be obtained from at least three (3) qualified sources. File documentation and contract for professional services are required.
2. Contracts for public works involving \$50,000 or less may be let without advertising or sealed bids. Price or rate quotations must be obtained from at least three (3) sources. (No public work involving a sum in excess of \$50,000 shall be split into parts involving sums of \$50,000 or less for the purposes of evading the Public Works Law.) File documentation is required.

2. Sealed Bids

- a. See State Bid Law (Title 41, Code of Alabama),
 1. All purchases in excess of \$15,000 shall be advertised by posting notice thereof on a bulletin board maintained inside City Hall and in any other manner and for any length of time as may be determined. Sealed bids shall also be solicited by sending notice by mail or other electronic means to all persons, firms, or corporations who have filed a request in writing that they be listed for solicitation on bids for the particular items that are set forth in the request. All bids shall be sealed when received and shall be opened in public at the hour stated in the notice.
 2. All original bids together with all documents pertaining to the award of the contract shall be retained in accordance with a retention period of at least seven years established by the Local Government Records Commission and shall be open to public inspection.
- b. See Public Works Law (Title 39, Code of Alabama),
 1. Definition of Public Works: The construction, repair, renovation, or maintenance of public buildings, structures, sewers, waterworks, roads, bridges, docks, underpasses, and viaducts as well as any other improvement to be constructed, repaired, renovated, or maintained on public property and to be paid, in whole or in part, with public funds or with financing to be retired with public funds in the form of lease payments or otherwise.
 2. Before entering into any contract for a public works involving an amount in excess of \$50,000, the awarding authority shall advertise for sealed bids. If the awarding authority is the state or a county, or an instrumentality thereof, it shall advertise for sealed bids at least once each week for three consecutive weeks in a newspaper of general circulation in the county or counties in which the improvement or some part thereof, is to be made. If the awarding authority is a municipality, or an instrumentality thereof, it shall advertise for sealed bids at least once in a newspaper of general circulation published in the municipality where the awarding authority is located. If no newspaper is published in the municipality, the awarding

authority shall advertise by posting notice thereof on a bulletin board maintained outside the purchasing office and in any other manner and for the length of time as may be determined. In addition to bulletin board notice, sealed bids shall also be solicited by sending notice by mail to all persons who have filed a request in writing with the official designated by the awarding authority that they be listed for solicitation on bids for the public works contracts indicated in the request. For all public works contracts involving an estimated amount in excess of \$500,000, awarding authorities shall also advertise for sealed bids at least once in three newspapers of general circulation throughout the state.

3. The advertisements shall briefly describe the improvement, state that plans and specifications for the improvement are on file for examination in a designated office of the awarding authority, state the procedure for obtaining plans and specifications, state the time and place in which bids shall be received and opened, and identify whether prequalification is required and where all written prequalification information is available for review. All bids shall be opened publicly at the advertised time and place.

3. Competitive Negotiations

The technique of competitive proposals is normally conducted with more than one source submitting an offer, and either a fixed-price or cost-reimbursement type contract is awarded. It is generally used when conditions are not appropriate for the use of sealed bids. If this method is used, the following requirements apply:

- a. See Common Rule (24CFR85.36)
- b. Requests for proposals will be publicized and identify all evaluation factors and their relative importance.
- c. Proposals will be solicited from an adequate number of qualified sources.
- d. Grantees will have a method for conducting technical evaluations of the proposals received and for selecting awardees.

- e. Awards will be made to the responsible firm whose proposal is most advantageous to the program, with price and other factors considered.
- f. Grantees may use competitive proposal procedures for qualifications-based procurement of architectural/engineering (A/E) professional services whereby competitors' qualifications are evaluated and the most qualified competitor is selected, subject to negotiation of fair and reasonable compensation. The method, where price is not used as a selection factor, can only be used in procurement of A/E professional services. It cannot be used to purchase other types of services though A/E firms are a potential source to perform the proposed effort.

4. Noncompetitive Negotiations

Procurement by noncompetitive proposals or “sole source” is procurement through solicitation of a proposal from only one source, or after solicitation of a number of sources, competition is determined inadequate. Procurement by noncompetitive proposals may be used only when the award of a contract is infeasible under small purchase procedures, sealed bids or competitive proposals and one of the following circumstances applies: the item is available only from a single source; the public exigency or emergency for the requirement will not permit a delay resulting from competitive solicitation; the awarding agency authorizes noncompetitive proposals; and after solicitation of a number of sources, competition is determined inadequate.

- a. Proper documentation that one or more of the above circumstances existed.
- b. There is no conflict of interest by the parties involved.
- c. Cost analysis, i.e., verifying the proposed cost data, the projections of the data, and the evaluation of the specific elements of costs and profits, is required.

5. Price/Cost Analysis for Grants

Grantees must perform a cost or price analysis in connection with every procurement action including contract modifications. The method and degree of analysis is dependent on the facts surrounding the particular procurement situation, but as a starting point, grantees must make independent estimates before receiving bids or proposals.

- a. A cost analysis must be performed when the offeror is required to submit the elements of his estimated cost, e.g., under professional, consulting, and architectural engineering services contracts.
- b. A cost analysis will be necessary when adequate price competition is lacking, and for sole source procurements, including contract modifications or change orders, unless price reasonableness can be established on the basis of a catalog or market price of a commercial product sold in substantial quantities to the general public or based on prices set by law or regulation.
- c. A price analysis will be used in all other instances to determine the reasonableness of the proposed contract price.
- d. Grantees will negotiate profit as a separate element of the price for each contract in which there is no price competition and in all cases where cost analysis is performed.
- e. To establish a fair and reasonable profit, consideration will be given to the complexity of the work to be performed, the risk borne by the contractor, the contractor's investment, the amount of subcontracting, the quality of its record of past performance, and industry profit rates in the surrounding geographical area for similar work.
- f. Costs or prices based on estimated costs for contracts under grants will be allowable only to the extent that costs incurred or cost estimates included in negotiated prices are consistent with Federal cost principles (see Sec. 85.22). Grantees may reference their own cost principles that comply with the applicable Federal cost principles.
- g. The cost plus a percentage of cost and percentage of construction cost methods of contracting shall not be used.

ADOPTED THIS 19TH DAY OF MARCH, 2009



J. Michael Grayson, Mayor



Paula Bird, City Clerk

DEMOPOLIS CITY COUNCIL MEETING AGENDA
April 9, 2009

Call to Order – 5:15pm

Invocation –

Pledge of Allegiance

Roll Call

Approval of Agenda

Approval of Minutes: March 12, 2009 and March 19, 2009

Reports from Departments

Police - submitted

Court

Fire

Public Works

Parks & Recreation

Horticulture

Building Official

Library - submitted

City Hall

Projects-

1. Fire Station #3
2. Theo Ratliff Expansion
3. Municipal Complex – field report

Unfinished Business –

1. Public Hearing adoption of the 2006 Editions of the following International Codes: Building, Residential, Plumbing, Mechanical, Fire, Fuel Gas, Pool and Property Maintenance and of the 2008 National Electrical Code: **Ordinance 2009-03**
2. Speed Limit Study

New Business –

1. Mr. Ed Ward: Youth Empowerment Organization
2. Cooperative District
3. Police Department Organization

Mayor Discussion

Council Discussion

Executive Session

Announcement

Adjourn

MINUTES OF THE DEMOPOLIS COUNCIL
OF THE CITY OF DEMOPOLIS, ALABAMA

Regular Meeting

April 9, 2009

The regular meeting of the Demopolis City Council convened at 5:15pm on Thursday, April 9, 2009 in the Demopolis Rooster Hall.

Present:

Council Members: J. Michael Grayson, Mayor
Thomas Moore, Mayor Pro Tempore
Mitchell Congress
Melvin Yelverton
Bill Meador, Jr.
Jack Cooley

City Clerk: Paula Bird

Department Heads:

- Police – Tommie Reese - submitted
- Fire - Ronnie Few
- Public Works – Mike Baker
- Horticulture – Barbara Blevins
- City Hall – Paula Bird
- Court
- Building Official
- Library – Morgan Grimes - submitted
- Park & Recreation – Mark Pettus

Mayor Mike Grayson called the meeting to order. The Reverend Frank Stiff opened the meeting with an invocation. Pledge of Allegiance to the flag of the United States of America.

Councilman Meador made the motion to approve the agenda as presented. Councilman Congress seconded the motion and motion passed with 6 yes votes by the following roll call vote:

Mayor Grayson: yes Councilman Moore: yes Councilman Congress: yes
Councilman Yelverton: yes Councilman Meador: yes Councilman Cooley: yes

The Council reviewed the minutes of the March 12, 2009 special called meeting and the March 19, 2009 regular council meeting. Councilman Cooley made a motion to approve both sets of minutes as presented. Councilman Congress seconded the motion and motion passed with 6 yes votes by the following roll call vote:

Mayor Grayson: yes Councilman Moore: yes Councilman Congress: yes
Councilman Yelverton: yes Councilman Meador: yes Councilman Cooley: yes

Departmental reports

Departmental reports were submitted as indicated above.

Mayor Grayson stated two citizens complimented the city landscaping and commended the horticulture department for their work.

Projects

Fire Station #3: Rick Manley, City Attorney, stated there was nothing new to report. Councilman Congress asked Mr. Manley on the status of the dilapidated properties. Mr. Manley gave an update on the progress.

Theo Ratliff Expansion: Mark Pettus, PARD Director, stated the work was complete and they are working on the punch list. Mayor Grayson stated that everyone should go and see the new addition to the Theo Ratliff Activity Center. Mark Pettus stated that a grand opening date will be established.

Municipal Complex: A field report from Ellis Architect is included in the Council package. This project is progressing.

Unfinished business

Public Hearing for Ordinance 2009-03 – Adoption of the 2006 Editions of the International Codes and the 2008 Edition of the National Codes including an amendment to require smoke alarms and carbon monoxide detectors or a combination smoke alarm/carbon monoxide detector: Notice of the public hearing was properly advertised in the Demopolis Times. Mayor Grayson called the public hearing to order and asked if anyone was present to speak for or against the proposed Ordinance 2009-03. There was none.

Councilman Meador made the motion to accept Ordinance 2009-03 as presented. Councilman Moore seconded the motion and motion passed with 5 yes votes and 1 no vote by the following roll call vote:

Mayor Grayson: yes	Councilman Moore: yes	Councilman Congress: yes
Councilman Yelverton: yes	Councilman Meador: yes	Councilman Cooley: no

Councilman Congress made the motion to suspend the rules and allow immediate consideration to adopting Ordinance 2009-03. Councilman Meador seconded the motion and the motion passed with 6 yes votes by the following roll call vote:

Mayor Grayson: yes	Councilman Moore: yes	Councilman Congress: yes
Councilman Yelverton: yes	Councilman Meador: yes	Councilman Cooley: yes

Councilman Congress made the motion to have the second reading of Ordinance 2009-03 and to adopt Ordinance 2009-03 as presented. Councilman Yelverton seconded the motion and motion passed with 5 yes votes and 1 no vote by the following roll call vote:

Mayor Grayson: yes	Councilman Moore: yes	Councilman Congress: yes
Councilman Yelverton: yes	Councilman Meador: yes	Councilman Cooley: no

Speed Limit Study – Discussion on Speed Bumps: Mayor Grayson stated that a copy of a memorandum issued by Rick Manley, City Attorney is included in the Council's notebook. Mr. Manley included a copy of Title 32-5-31 of the Alabama State Code which is the only statutory provision in Alabama law regarding speed breakers. Mr. Manley contacted the

Alabama League of Municipalities and was cautioned about the question of whether the city's liability insurance will cover claims of damage resulting from the speed bump.

Mike Baker issued a memorandum with pricing estimates for signage and construction of speed breakers. Mr. Baker suggested building a speed bump on Jackson Street near the Public Works office to study the effects on traffic. Councilman Yelverton asked if Mr. Baker estimates for pre-constructed speed bumps was acquired. Mr. Baker will look into obtaining prices but to install they would have to cut into the road surface. Councilman Moore asked if someone requested a speed bump on Jackson Street. Mr. Baker said no one requested it, but it would be convenient for daily inspection if located near the Public Works office. Councilman Moore strongly opposes placing a speed bump on Jackson Street. Councilman Moore recommends that we only consider installing speed bumps as recommended in Chief Tommie Reese's Traffic Study Report.

Mayor Grayson asked about previous installations of speed bumps. Mayor Grayson stated that we will discuss this further after obtaining cost estimates for pre-constructed speed bumps. The City of Demopolis wants to ensure public safety.

Councilman Congress made the motion to table the speed bump discussion and to get cost estimates for pre-constructed speed bumps prior to the next regular council meeting. Councilman Meador seconded the motion and motion passed with 6 yes votes by the following roll call vote:

Mayor Grayson: yes	Councilman Moore: yes	Councilman Congress: yes
Councilman Yelverton: yes	Councilman Meador: yes	Councilman Cooley: yes

New business

Youth Empowerment Group: Mr. Ed Ward, Director of Theo Ratliff Activity Center, expressed his thanks for allowing the Youth Empowerment Group to address the Council. Mr. Ward commended Ms. Pugh and Ms. Webb with Tombigbee Health Care Authority for working with the Youth Empowerment Group particularly with the anti tobacco program. The group presented a prepared statement to the council regarding the harmful affects of tobacco products. The group presented the Council with their recommendations for a tobacco use ordinance and enforcement. The Youth Empowerment Group asked the Council to review the city's current tobacco use ordinance. Mayor Grayson recognized Ms. Lomax for her good work with various youth organizations.

Cooperative District: Mayor Grayson gave a brief summary of a presentation to Council last January regarding cooperative district and distributed a copy of the Alabama League of Municipalities Proposed Policies and Goals for 2009. One of the goals in the area of economic development encourages municipalities to take advantage of all legislatively authorized incentives, including but not limited to, new market tax credits, Tax Increment Financing (TIF), Downtown Redevelopment Authorities and Improvement districts to improve central business districts. This is a localized incentive for commercial and retail economic growth. The incentives are for existing businesses in an expansion mode as well as new business. Industrial growth is generally handled at a state level.

WHEREAS, the City Council of the City of Demopolis, Alabama with a quorum being present, was conducting a regular Council Meeting on the 9th day of April, 2009 the time, date, place and agenda of which were duly announced and notices of which were posted in accordance with the Alabama Open Meeting Law, Act 2005-40 (Act); and,

WHEREAS, during the course of said meeting, a motion was made by Councilman Cooley for the Council to go into Executive Session for general reputation and character, job performance, or compensation and which motion was seconded by Councilman Meador; and,

WHEREAS, the Presiding Officer directed the City Clerk to enter said motion, purpose and declaration, if made, into the minutes of the meeting and called for a vote on said motion; and,

WHEREAS, said vote in regard to the motion for Executive Session was taken with the "yeas" and "nays" being recorded onto the minutes as follows:

	Yeas	Nays
1. Mayor Mike Grayson	Yea	
2. Mayor Pro Tempore Moore	Yea	
3. Councilman Congress	Yea	
4. Councilman Yelverton	Yea	
5. Councilman Meador	Yea	
6. Councilman Cooley	Yea	

And Presiding Officer declared that a majority of the votes in favor of the motion, that such motion had therefore passed and the Council would forthwith recess into Executive Session for the purpose as stated in said motion and no other purpose, in accordance with the Act and Council for approximately 10 minutes.

Councilman Moore made the motion to reconvene into regular session at 7:30pm. Councilman Congress seconded the motion and motion passed with 6 yes votes by the following roll call vote:

Mayor Grayson: yes	Councilman Moore: yes	Councilman Congress: yes
Councilman Yelverton: yes	Councilman Meador: yes	Councilman Cooley: yes

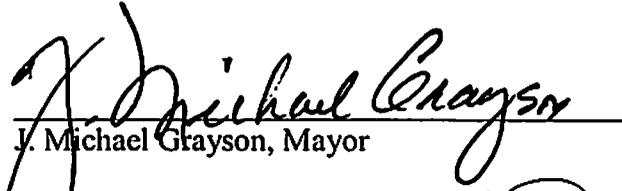
Councilman Moore inquired about a dilapidated property that is a rental house next door to Mr. Griffith.

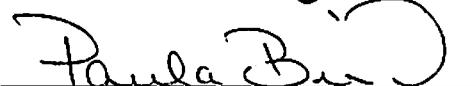
Councilman Meador made the motion to reschedule the next regular council meeting from April 23rd at 5:15pm to April 23rd at 12:00pm. Councilman Yelverton seconded the motion and motion passed with 6 yes votes by the following roll call vote:

Mayor Grayson: yes	Councilman Moore: yes	Councilman Congress: yes
Councilman Yelverton: yes	Councilman Meador: yes	Councilman Cooley: yes

Councilman Meador made the motion to adjourn. Councilman Moore seconded the motion.

The Regular Council Meeting adjourned at 7:40pm.


J. Michael Grayson, Mayor

ATTEST: 
Paula Bird, City Clerk

* Audiotape is used by City Clerk to prepare minutes and will be maintained not less than seven years from date of approval.

ORDINANCE 2009-03

Building Code

**STATE OF ALABAMA
MARENGO COUNTY
CITY OF DEMOPOLIS**

AN ORDINANCE OF THE CITY OF DEMOPOLIS, ALABAMA ADOPTING THE 2006 EDITIONS OF THE INTERNATIONAL CODES IDENTIFIED HEREIN AND THE 2008 EDITION OF THE NATIONAL ELECTRICAL CODE, REGULATING AND GOVERNING THE CONDITIONS AND STANDARDS OF BUILDING, RESIDENTIAL, PLUMBING, MECHANICAL, FIRE, FUEL GAS, POOL, PROPERTY MAINTENANCE AND ELECTRICAL ACTIVITIES IN THE CORPORATE LIMITS AND POLICE JURISDICTION OF THE CITY OF DEMOPOLIS, ALABAMA; PROVIDING FOR THE ISSUANCE OF PERMITS AND COLLECTION OF FEES THEREFOR; PROVIDING FOR THE ENFORCEMENT OF SAID REGULATIONS AND PRESCRIBING PENALTIES FOR THE VIOLATION THEREOF; REPEALING ORDINANCE NO. 2000-2 OF THE CITY OF DEMOPOLIS, ALABAMA AND ALL OTHER ORDINANCES AND PARTS OF THE ORDINANCES IN CONFLICT THEREWITH.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF DEMOPLIS, ALABAMA:

Section One. Pursuant to the authority granted to the cities and towns of Alabama by Section 11-45-8(c) of the Code of Alabama, 1975, as amended, the following Codes are hereby adopted by the City Council of the City of Demopolis, Alabama for the purpose of prescribing regulations governing the nine areas listed below:

2006 Edition: International Building Code
2006 Edition: International Residential Code
2006 Edition: International Plumbing Code
2006 Edition: International Mechanical Code
2006 Edition: International Fire Code
2006 Edition: International Fuel Gas Code
2006 Edition: International Pool Code
2006 Edition: International Property Maintenance Code
2008 Edition: National Electrical Code

That no less than three (3) copies of each of the above Codes are on file in the office of the City Clerk of the City of Demopolis, Alabama, being marked and designated as the 2006 Editions of the International Building Code listed above as published by the International Code Council and of the 2008 National Electrical Code, be and is hereby adopted from the date on which this Ordinance shall take effect, the provisions therein shall be controlling within the corporate limits and police jurisdiction of the City of Demopolis, Alabama; providing for the issuance of permits and collection of fees therefore; and each and all of the regulations, provisions, penalties, conditions and terms of said Codes on file in the office of the City Clerk of the City of Demopolis, Alabama are hereby referred to, adopted, and made a part hereof, as if fully set out in this Ordinance, with the additions, insertions, deletions and changes, if any, prescribed in Section 2 of this Ordinance.

Section Two. Section R-313 of the International Residential Code is hereby revised to require smoke alarms and carbon monoxide detectors or a combination smoke alarm / carbon monoxide detector. All provision of Section R-313 related to smoke alarms shall also be applicable to carbon monoxide detectors.

Section Three. That Ordinance No. 2000-2 of the City of Demopolis, Alabama and all other ordinances

or parts of ordinances in conflict herewith are hereby repealed.

Section Four. The Fire Chief of the City of Demopolis shall be responsible for the enforcement of the Fire Code as set forth above and adopted herein. The Building Inspector of the City of Demopolis shall be responsible for the enforcement of the remaining eight Codes set forth above and adopted herein.

Section Five. That if any section, subsection, sentence, clause or phrase of this ordinance is, for any reason, held to be unconstitutional, such decision shall not affect the validity of the remaining portions of this ordinance. The City Council hereby declares that it would have passed this ordinance, and each section, subsection, clause or phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses and phrases be declared unconstitutional.

Section Six. That nothing in this ordinance or in the Building Code hereby adopted shall be construed to affect any suit or proceeding impending in any court, or any rights acquired, or liability incurred, or any cause or causes of action acquired or existing, under any act or ordinance hereby repealed as cited in Section 3 of this ordinance; nor shall any just or legal right or remedy of any character be lost, impaired or affected by this ordinance.

Section Seven. This Ordinance was considered by the City Council of the City of Demopolis after the appropriate notice was published in The Demopolis Times on March 25, 2009 and on April 1, 2009 and was adopted at a scheduled City Council meeting on April 9, 2009.

This ordinance and the rules, regulations, provisions, requirements, orders and matters established and adopted hereby shall take effect and be in full force and effect on April 11, 2009, after the signatures of the Mayor and City Clerk are affixed hereto.

THIS ORDINANCE WAS ADOPTED BY THE DEMOPOLIS CITY COUNCIL ON APRIL 9, 2009 AND SHALL BECOME EFFECTIVE UPON ITS APPROVAL BY THE MAYOR AND CITY COUNCIL.



J. Michael Grayson
Mayor



Paula Bird, City Clerk

DEMOPOLIS CITY COUNCIL MEETING AGENDA
April 23, 2009

Call to Order – 12:00pm

Invocation –

Pledge of Allegiance

Roll Call

Approval of Agenda

Approval of Minutes: April 9, 2009

Reports from Departments

Police

Court - submitted

Fire - submitted

Public Works - submitted

Parks & Recreation

Horticulture - submitted

Building Official

Library

City Hall

Projects-

1. Fire Station #3
2. Theo Ratliff Expansion – field report and final inspection
3. Municipal Complex – field report

Unfinished Business –

1. Speed Bump Discussion
2. Cooperative District

New Business –

1. Public Hearing: Proposed Ordinance 2009-02 to change the zoning of certain property from B-3 to BLI zone located at 1614 Highway 80 East
2. River City Car & Truck Club – Derrick Carter: Car Show at River Landing BBQ area on July 4, 2009
3. Chuck Smith – Rock Tenn Presentation
4. Budget Amendments
5. Tommie Reese – Resolution 2009-7 Edward Byrne Memorial Justice Assistance Grant
6. City School Board Appointment

Mayor Discussion

Council Discussion

Executive Session

Announcement

Adjourn

MINUTES OF THE DEMOPOLIS COUNCIL
OF THE CITY OF DEMOPOLIS, ALABAMA

Regular Meeting

April 23, 2009

The regular meeting of the Demopolis City Council convened at 12:00pm on Thursday, April 23, 2009 in the Demopolis Rooster Hall.

Present:

Council Members: J. Michael Grayson, Mayor
Thomas Moore, Mayor Pro Tempore
Mitchell Congress
Melvin Yelverton
Bill Meador, Jr.
Jack Cooley

City Clerk: Paula Bird

Department Heads:

- Police – Monica Oliver
- Fire - Ronnie Few - submitted
- Public Works – Mike Baker - submitted
- Horticulture – Barbara Blevins -submitted
- City Hall – Paula Bird
- Court - submitted
- Building Official – Clarence Brooker Jr.
- Library – Morgan Grimes
- Park & Recreation – Mark Pettus

Mayor Mike Grayson called the meeting to order. Councilman Mitchell Congress opened the meeting with an invocation. Pledge of Allegiance to the flag of the United States of America.

Councilman Meador made the motion to approve the agenda as presented. Councilman Congress seconded the motion and motion passed with 6 yes votes by the following roll call vote:

Mayor Grayson: yes Councilman Moore: yes Councilman Congress: yes
Councilman Yelverton: yes Councilman Meador: yes Councilman Cooley: yes

The Council reviewed the minutes of the April 23, 2009 regular council meeting. Councilman Meador made a motion to approve the minutes as presented. Councilman Moore seconded the motion and motion passed with 6 yes votes by the following roll call vote:

Mayor Grayson: yes Councilman Moore: yes Councilman Congress: yes
Councilman Yelverton: yes Councilman Meador: yes Councilman Cooley: yes

Departmental reports

Departmental reports were submitted as indicated above. Councilman Congress requested that the departmental reports be sent to Council prior to the council meetings.

Councilman Moore asked Mike Baker, Public Works Director, about the animal control report. Public Works received 361 calls regarding dogs and they took in 48 dogs during the month of March. There is no overtime for dog calls.

Projects

Fire Station #3: Mayor Grayson stated there is no further information. Councilman Meador asked if a deadline was set for a response. Councilman Cooley stated that there was a deadline set.

Theo Ratliff Expansion: Mark Pettus, PARD Director, stated final inspection was Tuesday morning. There is one punch list item remaining. The project is complete and can be removed from the agenda. A grand opening ceremony will probably be held in June when Theo Ratliff will be available to attend.

Municipal Complex: A field report from Ellis Architect is included in the Council package.

Unfinished business

Speed Limit Study – Discussion on Speed Bumps: Mayor Grayson stated that this discussion originated from a request made to Police Chief Tommie Reese to study and make recommendations regarding speed limits within the city limits of Demopolis.

Councilman Congress said at the last council meeting Mike Baker was asked to bring in cost estimates for pre-constructed speed bumps. Councilman Congress stated the idea of holding a public hearing to determine if residents of any particular street wanted a speed bump on their street and to determine if a speed bump was necessary was discussed. Councilman Cooley stated that to discuss cost before determining need is putting the cart before the horse. Councilman Cooley stated that Chief Reese was asked to prepare the traffic study and the council should allow Chief Reese to make the recommendations for speed limits and speed bump/breaker locations.

Councilman Cooley made the motion to ask Chief of Police Tommie Reese to expand the traffic study and present recommendations regarding speed limits and speed inhibitors to council. Councilman Meador seconded the motion and motion passed with 4 yes votes and 2 no votes by the following roll call vote:

Mayor Grayson: yes	Councilman Moore: no	Councilman Congress: no
Councilman Yelverton: yes	Councilman Meador: yes	Councilman Cooley: yes

Cooperative District: Debra Fox, Executive Director of Marengo County Economic Development Authority addressed the council with a recap of the presentation given by Mr. Jody Smith on January 22, 2009. Mayor Grayson stated that he is not looking for a vote but asked Ms. Fox to present general information to the council. There was discussion on the structure and voting capacity of a cooperative district. Councilman Yelverton stated that the discussion should be tabled until a work session is scheduled.

New business

Public Hearing and Ordinance 2009-02 to change the zoning of certain property from B-3 to BLI zone located at 1614 Highway 80 East: Mayor Grayson asked if anyone was

present to speak for or against said zoning change. No one responded. The zoning change would allow the relocated Marvin's to sell building supplies and materials. Clarence Brooker Jr., Building Official, stated the planning committee has approved the zoning change.

Councilman Yelverton made the motion to approve Ordinance 2009-2 as presented. Councilman Congress seconded the motion and motion passed with 6 yes votes by the following roll call vote:

Mayor Grayson: yes Councilman Moore: yes Councilman Congress: yes
Councilman Yelverton: yes Councilman Meador: yes Councilman Cooley: yes

River City Car & Truck Club: Derrick Carter stated the club plans to have a car and truck show at the River Field (BBQ) area on the 4th of July. They have contacted Mark Pettus, PARC Director and the Demopolis Area Chamber of Commerce regarding their plans. The proceeds and donations from this event will be used to provide Thanksgiving dinner and Christmas for needy families. Councilman Cooley asked that pegs used for tents and displays be restricted to less than 15 inches in the ground due to underground utility lines.

Councilman Moore made the motion to allow River City Car & Truck Club to hold a car and truck show at the River Field (BBQ) area on the 4th of July. Councilman Yelverton seconded the motion and motion passed with 6 yes votes by the following roll call vote:

Mayor Grayson: yes Councilman Moore: yes Councilman Congress: yes
Councilman Yelverton: yes Councilman Meador: yes Councilman Cooley: yes

Councilman Moore asked that the agendas be sent to council at least 24 hours before the regular council meeting and to adhere to the Wednesday noon cutoff for agenda items unless there is an emergency.

Chuck Smith – Rock Tenn Presentation: Mr. Smith stated that Rock Tenn just completed a maintenance shut down. There were concerns of traffic safety due to increased traffic in and out of the plant. Rock Tenn asked Police Chief Tommie Reese to assist with traffic during shift changes. Mr. Smith presented a \$2000 donation to the police department for their assistance.

During the maintenance shut down Rock Tenn became concerned about power outages and asked Fire Chief Ronnie Few for assistance in providing a generator and other equipment to have as a standby. Mr. Smith presented a \$2000 donation to the fire department for their assistance.

The Council thanked Rock Tenn and Chuck Smith. Mayor Grayson stated the City of Demopolis Police and Fire Departments were more than happy to assist.

Budget Amendments: The finance committee met and recommends the budget amendments presented in the council package. Requests were made from some department heads to move amounts between budget lines within the current budget. A new account was added to each department for uniforms and gear to better account for these expenditures. They were

formally recorded in an account titled miscellaneous employee expenses. There is a request to increase budget line items for contributions that were previously received.

Councilman Congress asked about confiscated funds and where they should be deposited. Paula Bird, City Clerk, stated the \$2000 on the budget amendment was money confiscated in the prior fiscal year and being transferred to the police department bank account.

Councilman Congress asked about funds confiscated in a gambling raid. Councilman Cooley stated this occurred before the previous administration. There has been discussion in the finance committee concerning these confiscated funds and at this time the discussion will be tabled until further information is acquired. Councilman Congress stated that the full council should be informed of any investigations.

Councilman Cooley made the motion to approve the budget amendments as presented and to include as an attachment to the minutes of this meeting. Councilman Moore seconded the motion and motion passed with 6 yes votes by the following roll call vote:

Mayor Grayson: yes	Councilman Moore: yes	Councilman Congress: yes
Councilman Yelverton: yes	Councilman Meador: yes	Councilman Cooley: yes

Resolution 2009-7 Edward Byrne Memorial Justice Assistance Grant: Monica Oliver presented the information for the resolution to authorize the application for a grant totaling \$66,192. This grant is a joint venture with the Marengo County Sheriff Department. The Demopolis Police Department will get \$55,708 and the Sheriff Department \$10,484. The grant funds will be used to purchase a transport van, radars and other equipment. This is a full grant and does not require any matching funds.

Councilman Moore made the motion to approve Resolution 2009-7 as presented. Councilman Cooley seconded the motion and motion passed with 6 yes votes by the following roll call vote:

Mayor Grayson: yes	Councilman Moore: yes	Councilman Congress: yes
Councilman Yelverton: yes	Councilman Meador: yes	Councilman Cooley: yes

City School Board Appointment: Mayor Grayson stated he received a letter from Dr. Wayne Vickers recommending reappointment of Laura Foster to the Demopolis City School Board. The expiring term was the first term that Ms. Foster served and her work on the board was exemplary.

Councilman Moore stated to clarify an earlier statement regarding board recommendations. Councilman Moore feels recommendations should not be the overriding factor for board appointments, but does not object to receiving the recommendation.

Councilman Congress made the motion to reappoint Laura Foster to the Demopolis City School Board. Councilman Meador seconded the motion and motion passed with 5 yes votes and 1 abstain by the following roll call vote:

Mayor Grayson: yes	Councilman Moore: yes	Councilman Congress: yes
Councilman Yelverton: yes	Councilman Meador: yes	Councilman Cooley: abstain

Councilman Cooley abstained because he did not research the recommendation because of Councilman Moore's stance on acting on an outside recommendation. Councilman Moore clarified his stance on outside board recommendations as noted above

Mayor Discussion

Mayor Grayson had no further items to discuss.

Council Discussion

Councilman Yelverton noted the landing area looked good although the grass needed cutting. Mayor Grayson stated it was probably because of the rain.

Councilman Yelverton asked if all contractors working on the municipal complex obtained business license. Clarence Brooker, Jr., Building Official, stated they have.

Councilman Yelverton stated the tax incentives granted to Marvin's relocation was not voted on by Council or in the minutes.

Councilman Yelverton made the motion to approve the incentive package for the Marvin's relocation. Councilman Congress seconded the motion and motion passed with 6 yes votes by the following roll call vote:

Mayor Grayson: yes	Councilman Moore: yes	Councilman Congress: yes
Councilman Yelverton: yes	Councilman Meador: yes	Councilman Cooley: yes

Councilman Yelverton stated that council should consider selling the property on Walnut Avenue that previously housed the old jail. Councilman Cooley stated the building committee should meet and make a recommendation.

Councilman Yelverton asked Barbara Blevins, Horticulture Director, why the City of Demopolis is landscaping the Demopolis Water & Sewer Board office. Mayor Grayson stated the Demopolis Water & Sewer Board is related to the City of Demopolis as a whole, although it operates as a separate entity. Mayor Grayson gave the Horticulture Department permission to plant this area as long as she had the time as it is on a major thoroughfare and is a reflection on the City of Demopolis. The Demopolis Water & Sewer Board pays the cost of the landscape plants.

Councilman Congress asked if the Cemetery Board hired someone to cut grass. Councilman Yelverton stated they did.

Councilman Congress stated the dilapidated housing process is too slow and suggested that the City of Demopolis should hire an additional attorney to assist Rick Manley, City Attorney. Mr. Manley stated that the properties have multiple heirs and each one has to be contacted and hiring another attorney will not help.

At 1:25 the Mayor and Council moved into Executive Session, for general reputation and character, job performance, or compensation, with the following statement:

STATE OF ALABAMA)
CITY OF DEMOPOLIS)

MINUTES EXCERPTS AND MOTION FOR EXECUTIVE SESSION
PURSUANT TO THE ALABAMA OPEN MEETING LAW
A05-0145

WHEREAS, the City Council of the City of Demopolis, Alabama with a quorum being present, was conducting a regular Council Meeting on the 23rd day of April, 2009 the time, date, place and agenda of which were duly announced and notices of which were posted in accordance with the Alabama Open Meeting Law, Act 2005-40 (Act); and,

WHEREAS, during the course of said meeting, a motion was made by Councilman Cooley for the Council to go into Executive Session for general reputation and character, job performance, or compensation and which motion was seconded by Councilman Meador; and,

WHEREAS, the Presiding Officer directed the City Clerk to enter said motion, purpose and declaration, if made, into the minutes of the meeting and called for a vote on said motion; and,

WHEREAS, said vote in regard to the motion for Executive Session was taken with the "yeas" and "nays" being recorded onto the minutes as follows:

	Yeas	Nays
1. Mayor Mike Grayson	Yea	
2. Mayor Pro Tempore Moore	Yea	
3. Councilman Congress	Yea	
4. Councilman Yelverton	Yea	
5. Councilman Meador	Yea	
6. Councilman Cooley	Yea	

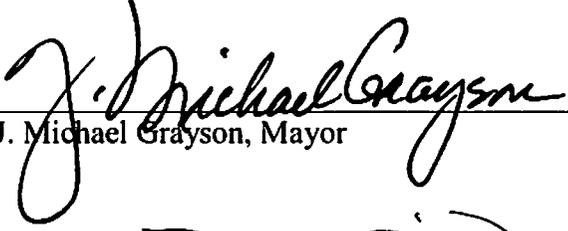
And Presiding Officer declared that a majority of the votes in favor of the motion, that such motion had therefore passed and the Council would forthwith recess into Executive Session for the purpose as stated in said motion and no other purpose, in accordance with the Act and Council for approximately 10 minutes.

Councilman Meador made the motion to reconvene into regular session at 1:45pm. Councilman Congress seconded the motion and motion passed with 6 yes votes by the following roll call vote:

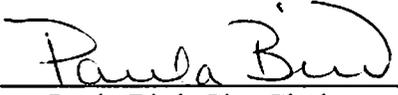
Mayor Grayson: yes	Councilman Moore: yes	Councilman Congress: yes
Councilman Yelverton: yes	Councilman Meador: yes	Councilman Cooley: yes

Councilman Cooley made the motion to adjourn. Councilman Meador seconded the motion.

The Regular Council Meeting adjourned at 1:45pm.



J. Michael Grayson, Mayor

ATTEST: 

Paula Bird, City Clerk

* Audiotape is used by City Clerk to prepare minutes and will be maintained not less than seven years from date of approval.

April 23, 2009

Budget Amendments

Department	Account	Acct Name	Amount	Description
Police	10-03-56940	Trx to Police CID Fnd	2,000.00	Transfer CID proceeds collected last year to police account
Police	10-34-56027	Oil/Grease	1,000.00	Reallocate funds from Capital Exp
Police	10-34-56900	Capital Expenditure	(1,000.00)	Reallocate funds to Oil/Grease
Police	10-34-56050	Uniform/Gear	19,000.00	Set up new uniform account and moved expenditures
Police	10-34-56038	Misc Employee Exp	(19,000.00)	Set up new uniform account and moved expenditures
Horticulture	10-10-56926	Materials/Supplies	2,600.00	To allow expenditure of APC funds rec'd
Fire	10-25-56070	Exp of Donated Funds	500.00	Donation made 12/4/08 EPCO
Fire	10-25-56070	Exp of Donated Funds	1,500.00	Donation made 9/10/08 Kendall & Co
Fire	10-25-56050	Uniform/Gear	19,000.00	Set up new uniform account and moved expenditures
Fire	10-25-56038	Misc Employee Exp	(19,000.00)	Set up new uniform account and moved expenditures
Net effect of changes			<u>6,600.00</u>	Increase in budget expenditures

ORDINANCE 2009-02

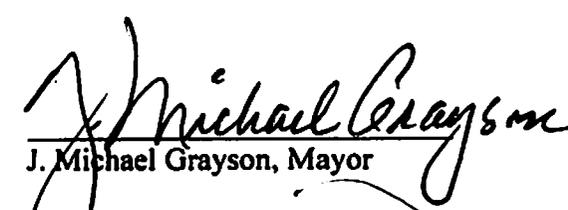
AN ORDINANCE TO CHANGE THE ZONING OF CERTAIN PROPERTY IN THE CITY OF DEMOPOLIS, ALABAMA.

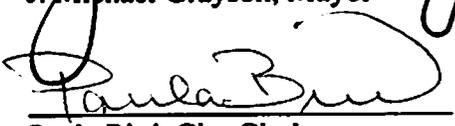
BE IT HEREBY ORDAINED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF DEMOPOLIS, ALABAMA AS FOLLOWS:

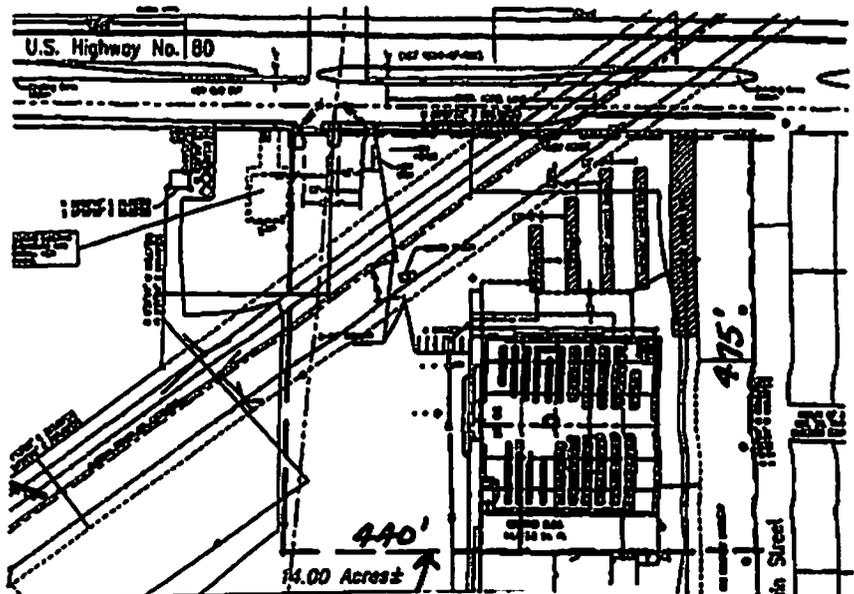
1. The zoning of real property described in the paragraph below shall be changed from B-3 zone to BLI zone.

Part of Section 30, Township 18 north, Range 3 East, Map # 48-01-09-30-4 and Part of Section 29, Township 18 north, Range 3 East, Map # 48-01-09-29-03
Said parcel measuring approximately 440' x 475' located at 1614 Highway 80 East.

2. This Ordinance was adopted by the Demopolis City Council at its regular council meeting on April 23, 2009. It shall become effective upon approval by the Mayor and City Council and its proper publication as required by law.


J. Michael Grayson, Mayor


Paula Bird, City Clerk



RESOLUTION 2009-7
Approval of Edward Byrne Memorial Justice Assistance Grant
FY2009

**STATE OF ALABAMA
MARENGO COUNTY
CITY OF DEMOPOLIS**

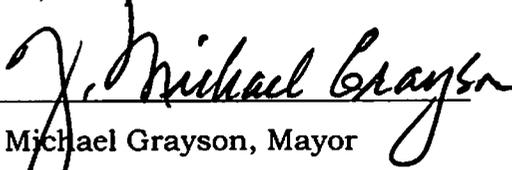
WHEREAS, the Edward Byrne Memorial Justice Assistance Grant Program for FY 2009, is offering financial aid to combat rising crime, improve the criminal justice system, assist victims of crime, and assist in the problems of juvenile justice; and

WHEREAS, the City of Demopolis hereinafter referred to as Applicant together with the Marengo County Sheriff Office, are of the opinion that it would be beneficial to make application for such assistance, and

WHEREAS, said City of Demopolis agrees to be accountable for the distribution of funds for the said project,

NOW, THEREFORE, BE IT RESOLVED by J. Michael Grayson, in his official capacity as Mayor, be authorized to make application to the Edward Byrne Memorial Justice Assistance Grant Program for FY 2009 for said financial assistance.

ADOPTED and APPROVED by the Demopolis City Council on this 23rd day of April, 2009.



J. Michael Grayson, Mayor

ATTEST:



Paula Bird, City Clerk

Paula Bird, City Clerk

DEMOPOLIS CITY COUNCIL MEETING AGENDA
May 7, 2009

Call to Order – 5:15pm

Invocation –

Pledge of Allegiance

Roll Call

Approval of Agenda

Approval of Minutes: April 23, 2009

Reports from Departments

Police - submitted

Court

Fire

Public Works

Parks & Recreation

Horticulture

Building Official

Library

City Hall

Projects-

1. Fire Station #3
2. Municipal Complex – field report

Unfinished Business –

1. Traffic Study Report (including speed breakers)
2. Cooperative District – to set up work session

New Business –

1. Resolution 2009-8 Economic Development Grant from ADECA to refurbish the rail spur at the Airport Industrial Park
2. Presentation of 2007/2008 Audit

Mayor Discussion

Council Discussion

Executive Session

Announcement

Adjourn

MINUTES OF THE DEMOPOLIS COUNCIL
OF THE CITY OF DEMOPOLIS, ALABAMA

Regular Meeting

May 7, 2009

The regular meeting of the Demopolis City Council convened at 5:15pm on Thursday, May 7, 2009 in the Demopolis Rooster Hall.

Present:

Council Members: J. Michael Grayson, Mayor
Bill Meador, Jr.
Jack Cooley

Absent: Thomas Moore, Mayor Pro Tempore
Mitchell Congress
Melvin Yelverton

City Clerk: Paula Bird

Department Heads:

- Police – Tommie Reese
- Fire - Ronnie Few
- Public Works – Mike Baker
- Horticulture – Barbara Blevins
- City Hall – Paula Bird
- Court
- Building Official – Clarence Brooker Jr.
- Library
- Park & Recreation

Mayor Mike Grayson called the meeting to order. Reverend J.D. Barnes opened the meeting with an invocation. Pledge of Allegiance to the flag of the United States of America.

Mayor Grayson stated that for lack of a quorum the Council is adjourned until the next regularly scheduled meeting.

The Regular Council Meeting adjourned at 5:20pm.



J. Michael Grayson, Mayor

ATTEST: 

Paula Bird, City Clerk

* Audiotape is used by City Clerk to prepare minutes and will be maintained not less than seven years from date of approval.

DEMOPOLIS CITY COUNCIL MEETING AGENDA
May 26, 2009

Call to Order – 5:15pm

Invocation –

Pledge of Allegiance

Roll Call

Approval of Agenda

Approval of Minutes: April 23, 2009 and May 7, 2009

Reports from Departments

Police - submitted

Court - submitted

Fire - submitted

Public Works -submitted

Parks & Recreation

Horticulture

Building Official

Library - submitted

City Hall

Projects-

1. Fire Station #3
2. Municipal Complex – field report
3. Demopolis High School Stadium – field reports

Unfinished Business –

1. Traffic Study Report (including speed breakers)
2. Cooperative District

New Business –

1. Resolution 2009-8 Economic Development Grant from ADECA to refurbish the rail spur at the Airport Industrial Park
2. 050 – Retail Beer (Off Premises Only) – GOCO Ltd, 1407 Hwy 80 Demopolis, AL
3. Presentation of 2007/2008 Audit

Mayor Discussion

None

Council Discussion

1. National League of Cities pharmacy card coverage program

Executive Session

Announcement

Adjourn

MINUTES OF THE DEMOPOLIS COUNCIL
OF THE CITY OF DEMOPOLIS, ALABAMA.

Regular Meeting

May 26, 2009

The regular meeting of the Demopolis City Council convened at 5:15pm on Thursday, May 26, 2009 in the Demopolis Rooster Hall.

Present:

Council Members: J. Michael Grayson, Mayor
Thomas Moore, Mayor Pro Tempore
Mitchell Congress
Melvin Yelverton
Bill Meador, Jr.
Jack Cooley

Assistant Clerk: Sam Gross

Absent: City Clerk: Paula Bird

Department Heads:

- Police – Tommie Reese - submitted
- Fire - Ronnie Few - submitted
- Public Works – Mike Baker - submitted
- Horticulture – Barbara Blevins
- City Hall – Sam Gross
- Court - submitted
- Building Official – Clarence Brooker Jr.
- Library – Morgan Grimes - submitted
- Park & Recreation

Mayor Mike Grayson called the meeting to order. Reverend Timothy Paige opened the meeting with an invocation. Pledge of Allegiance to the flag of the United States of America.

Mayor Grayson asked for a motion to approve the agenda. Councilman Congress asked if the Council Discussion was limited only to the item placed on the agenda. Mayor Grayson said the Mayor and Council were asked to place discussion items on the agenda with the goal of holding an organized meeting. Councilman Congress stated that he believed the Council and Mayor discussion should be at each person's discretion at the meeting as something could be brought to their attention after the agenda was prepared. Councilman Cooley stated that if an item involved a question that a department head could answer it should be directed to the department head and not take up time in the regular council meeting.

Councilman Cooley made the motion to approve the agenda as presented. Councilman Meador seconded the motion and motion failed with 3 yes votes and 3 no votes by the following roll call vote:

Mayor Grayson: yes	Councilman Moore: no	Councilman Congress: no
Councilman Yelverton: no	Councilman Meador: yes	Councilman Cooley: yes

Councilman Moore asked if the agenda format was for this meeting only. Mayor Grayson stated that it was prepared in this format because of the lengthy agenda for tonight's meeting. However if the format worked he would like to maintain the format. Councilman Meador stated he would like the Mayor and Council to submit items of discussion to be included on

the agenda when known in advance. If the Mayor or Council had an additional topic of discussion that was not included on the agenda, the item could be added to the agenda at the regular council meeting before approving.

Councilman Congress made the motion to approve the agenda with an amendment to allow open Council and Mayor Discussion without limitation. Councilman Yelverton seconded the motion and motion failed with 3 yes votes and 3 no votes by the following roll call vote:

Mayor Grayson: no	Councilman Moore: yes	Councilman Congress: yes
Councilman Yelverton: yes	Councilman Meador: no	Councilman Cooley: no

Councilman Moore made the motion to approve the agenda as presented for this meeting, but future meetings will allow open Council and Mayor Discussion as it has been in the past. Councilman Congress seconded the motion and motion passed with 6 yes votes by the following roll call vote:

Mayor Grayson: yes	Councilman Moore: yes	Councilman Congress: yes
Councilman Yelverton: yes	Councilman Meador: yes	Councilman Cooley: yes

The Council reviewed the minutes of the April 23, 2009 and the May 7, 2009 regular council meetings. Councilman Meador noted corrections on page 5 of the April 23, 2009 minutes. Corrections are noted as follows:

Councilman Yelverton stated the tax incentives granted to Marvin's relocation was *not* voted on by Council or in the minutes. (Council Discussion, paragraph 3)

Mayor Grayson gave the Horticulture Department *permission* to plant this area as long as she had the time as it is on a major thoroughfare and is a reflection on the City of Demopolis. (Council Discussion, paragraph 6)

Councilman Meador made a motion to approve the April 23, 2009 minutes as amended and the May 7, 2009 minutes as presented. Councilman Congress seconded the motion and motion passed with 6 yes votes by the following roll call vote:

Mayor Grayson: yes	Councilman Moore: yes	Councilman Congress: yes
Councilman Yelverton: yes	Councilman Meador: yes	Councilman Cooley: yes

Departmental reports

Departmental reports were submitted as indicated above.

Councilman Moore asked Mike Baker, Public Works Director, about the animal control report. Public Works received 361 calls regarding dogs and they took in 48 dogs during the month of March. There is no overtime for dog calls.

Projects

Fire Station #3: Rick Manley, City Attorney has not received any correspondence from the engineer firm and stated that the next alternative is to file a lawsuit. Mayor Grayson stated

that Almon Associates previously gave an estimate of \$32,500 to correct the construction flaws. Both the engineering firm and the construction contractor were determined to be at fault. The construction contractor has been cooperative in negotiations to correct the problems. The City of Demopolis is holding approximately \$10,000 in payments from the engineering firm and the construction firm.

Councilman Cooley made the motion to authorize Rick Manley, City Attorney, to move forward with litigation to recover all damages and costs to remedy the problem. Councilman Congress seconded the motion.

Councilman Yelverton stated he doesn't agree with filing a suit against the contractor since they have been negotiating with the City of Demopolis to settle their part of the liability. Councilman Congress noted that the contractor only agreed to pay \$5,000 and it would be unfair to settle for \$5,000 from the contractor and file a suit against the engineer for the remaining balance.

The motion passed with 4 yes votes, 1 no vote, and 1 abstain vote by the following roll call vote:

Mayor Grayson: yes	Councilman Moore: abstain	Councilman Congress: yes
Councilman Yelverton: no	Councilman Meador: yes	Councilman Cooley: yes

Theo Ratliff Expansion: Mark Pettus, PARD Director, stated final inspection was Tuesday morning. There is one punch list item remaining. The project is complete and can be removed from the agenda. A grand opening ceremony will probably be held in June when Theo Ratliff will be available to attend.

Municipal Complex: A field report from Ellis Architect is included in the Council package.

Demopolis High School Stadium: A field report from McKee and Associates is included in the Council package.

Unfinished business

Speed Limit Study – Discussion on Speed Bumps: Tommie Reese, Police Chief, presented to the Council an updated Traffic Study Report. Chief Reese recommends implementing the speed limits and signage on a few streets at a time until all changes can be made. Chief Reese recommends beginning with Janet Street, Herbert Street, Hill Top Circle and Rainbow Circle, Old Springhill Road, Walnut Street, and Ash Street in the Brickyard area.

Councilman Yelverton made the motion to implement all speed limit and signage recommendations included in the Traffic Study in the order determined feasible by Tommie Reese, Police Chief and Mike Baker, Public Works Director. Councilman Meador seconded the motion and motion passed with 6 yes votes by the following roll call vote:

Mayor Grayson: yes	Councilman Moore: yes	Councilman Congress: yes
Councilman Yelverton: yes	Councilman Meador: yes	Councilman Cooley: yes

Cooperative District: Mayor Grayson stated that the Cooperative District work session was very informative. Councilman Meador stated Mr. Will Rusick and Mr. Pfil Hunt presented information pertaining to cooperative districts and improvement zones. The cooperative district is allowed to offer financing tools to business developers as incentives to locate within the defined cooperative district. The cooperative district does not have to be formed immediately, but can be established upon contact by a business developer. Councilman Congress stated that a business developer will present a petition for approval by the Council. Councilman Congress said that setting up the board before receiving a petition from a business developer is a waste of time and money. There are three types of legally structured incentives a municipality can use as tools to attract business: the cooperative district, the improvement district, and the Section 772 of the Alabama Code. Mayor Grayson stated we have the information and the Council does not need to act on it at this time.

New business

Resolution 2009-8 Economic Development Grant from ADECA to refurbish the rail spur at the Airport Industrial Park: Mayor Grayson stated that this resolution states that we are applying for \$460,000 in Community Development Block Grant funds and there is no match to this fund. Councilman Congress asked if this allocation will close the door to future funding during the next year. Receiving this grant does not preclude the city from obtaining another CDBG grant.

Councilman Yelverton made the motion to approve Resolution 2009-8 as presented. Councilman Congress seconded the motion and motion passed with 6 yes votes by the following roll call vote:

Mayor Grayson: yes	Councilman Moore: yes	Councilman Congress: yes
Councilman Yelverton: yes	Councilman Meador: yes	Councilman Cooley: yes

Councilman Congress stated the City of Demopolis might consider hiring a grant writer. Mayor Grayson agreed.

050 – Retail Beer (Off Premises Only) GOCO Ltd, 1407 Hwy 80 Demopolis, AL: This application is for a transfer of license from Highway 80 Citgo to GOCO Ltd. Police Chief Tommie Reese does not object to the license. Councilman Cooley noted that the contact person was Sammy Bibson and the partners name is Sammy Y. Gibson, and asked if that would cause a problem with the license. Mr. Sammy Gibson stated that this was a spelling error. Mr. Gibson noted that the applicant is listed as GOCO Ltd, when it should have been GOC Ltd. Mr. Gibson will ask the Alabama Alcoholic Beverage Control Board to correct the information and resubmit at the next regular council meeting.

Presentation of 2007/2008 Audit by Richard LeCroy: Mr. Richard LeCroy, CPA with LeCroy, Hunter & Company PC distributed copies of the audit to the Mayor and Council along with a Management letter, Auditing Standard 112 Communicating Internal Control Related Matters letter, and Communication with Governing Authority Auditing Standard 114 letter. Mr. LeCroy stated that he would go over the information and then address any questions. The Management letter outlines recommendations the City of Demopolis should

incorporate into their internal control policy. Mr. LeCroy commended the work of Rob Pearson, CPA with Mason & Gardner. Using the services of Mason & Gardner to prepare the financial statements for the City of Demopolis ensured that the auditing firm did not have to make significant financial adjustments which made the Auditing Standard 112 Communicating Internal Control Related Matters letter more favorable. This letter can significantly impact the City's bonding ability. Mr. LeCroy does recommend the City of Demopolis continue this arrangement.

Councilman Moore made the motion to accept the audit as presented. Councilman Cooley seconded the motion and motion passed with 6 yes votes by the following roll call vote:

Mayor Grayson: yes Councilman Moore: yes Councilman Congress: yes
Councilman Yelverton: yes Councilman Meador: yes Councilman Cooley: yes

The Mayor and Council signed a Certificate of Audit Committee/City Council Members for the Year Ended September 30, 2008 and will be included in the minutes.

At 8:15pm the Mayor and Council moved into Executive Session, for general reputation and character, job performance, or compensation, with the following statement:

STATE OF ALABAMA)
CITY OF DEMOPOLIS)

MINUTES EXCERPTS AND MOTION FOR EXECUTIVE SESSION
PURSUANT TO THE ALABAMA OPEN MEETING LAW
A05-0145

WHEREAS, the City Council of the City of Demopolis, Alabama with a quorum being present, was conducting a regular Council Meeting on the 26th day of May, 2009 the time, date, place and agenda of which were duly announced and notices of which were posted in accordance with the Alabama Open Meeting Law, Act 2005-40 (Act); and,

WHEREAS, during the course of said meeting, a motion was made by Councilman Meador for the Council to go into Executive Session for general reputation and character, job performance, or compensation and which motion was seconded by Councilman Yelverton; and,

WHEREAS, the Presiding Officer directed the City Clerk to enter said motion, purpose and declaration, if made, into the minutes of the meeting and called for a vote on said motion; and,

WHEREAS, said vote in regard to the motion for Executive Session was taken with the "yeas" and "nays" being recorded onto the minutes as follows:

	Yeas	Nays
1. Mayor Mike Grayson	Yea	
2. Mayor Pro Tempore Moore	Yea	
3. Councilman Congress	Yea	
4. Councilman Yelverton	Yea	

5. Councilman Meador Yea
6. Councilman Cooley Yea

And Presiding Officer declared that a majority of the votes in favor of the motion, that such motion had therefore passed and the Council would forthwith recess into Executive Session for the purpose as stated in said motion and no other purpose, in accordance with the Act and Council for approximately 22 minutes.

Councilman Cooley made the motion to reconvene into regular session at 8:48pm. Councilman Moore seconded the motion and motion passed with 6 yes votes by the following roll call vote:

Mayor Grayson: yes	Councilman Moore: yes	Councilman Congress: yes
Councilman Yelverton: yes	Councilman Meador: yes	Councilman Cooley: yes

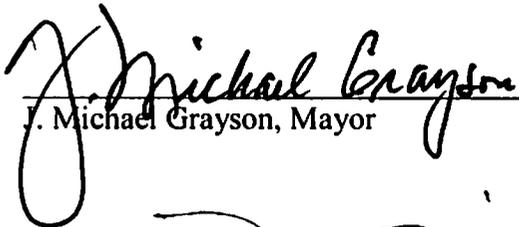
Mayor Discussion

None

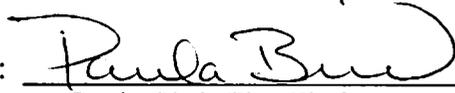
Council Discussion

None

The Regular Council Meeting adjourned at 8:48pm.



J. Michael Grayson, Mayor

ATTEST: 

Paula Bird, City Clerk

* Audiotape is used by City Clerk to prepare minutes and will be maintained not less than seven years from date of approval.

RESOLUTION 2009-8
Economic Development Grant - ADECA

STATE OF ALABAMA
MARENGO COUNTY
CITY OF DEMOPOLIS

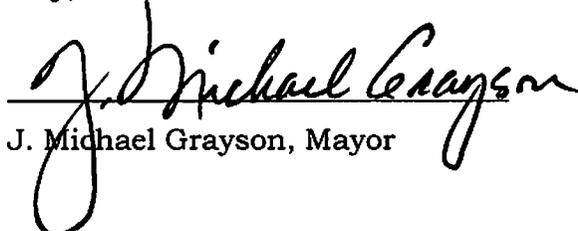
WHEREAS, the City of Demopolis is applying for an economic Development Grant from the Alabama Department of Economic and Community Affairs to refurbish the rail spur at the Airport Industrial Park; and

WHEREAS, the Demopolis City Council recognizes the need for the rail spur refurbishment; and

WHEREAS, the City of Demopolis wishes to apply for \$460,000 in Community Development Block Grant funds;

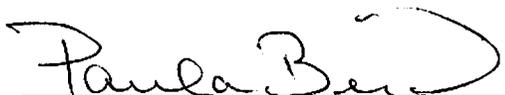
BE IT THEREFORE RESOLVED, the Demopolis City Council adopts this resolution and authorizes the Mayor to sign the application and all pertinent paperwork.

ADOPTED and APPROVED by the Demopolis City Council on this 7th day of May, 2009.



J. Michael Grayson, Mayor

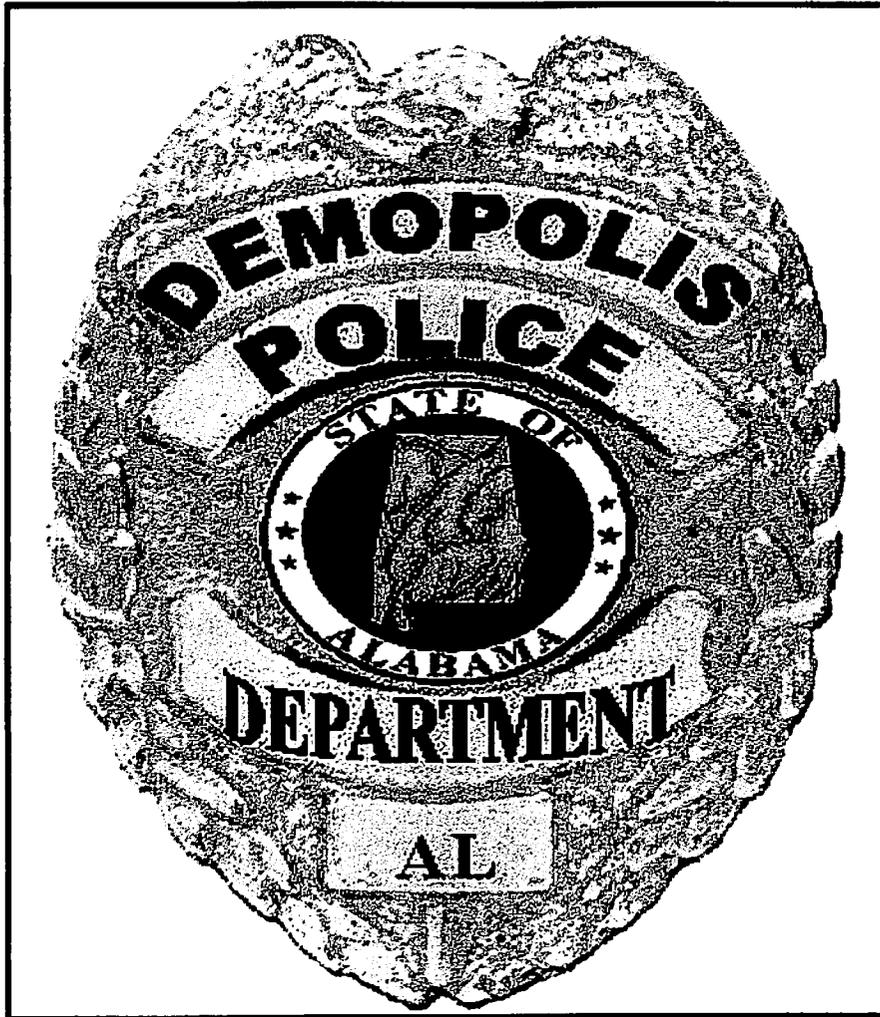
ATTEST:



Paula Bird, City Clerk

Paula Bird, City Clerk

**Demopolis Police Department
Traffic Study Report**



**Prepared By:
Tommie J. Reese, Chief of Police
Demopolis Police Department**

Mayor Mike Grayson and the Demopolis City Council

May 7, 2009

To: Mayor Mike Grayson and

Councilmen

District One-Thomas Moore

District Two-Mitchell Congress

District Three-Melvin Yelverton

District Four-Bill Meador, Jr.

District Five-Jack Cooley

Gentlemen,

Once again at your request I was tasked with doing a Traffic Study for the City of Demopolis, which included speed recommendations, as well as other traffic related issues. This was conducted over ten day period of various streets within the city. I have instructed my Officers to give me continual input that we may add to this report in the future.

There are many residential areas throughout the city where children ride bikes, and play in or near the street unsupervised. It is our responsibility to insure the safety of pedestrians and the motorist within the city. The Demopolis Police Department generally allows a certain amount of speed over the limit before stopping a motorist. So you can imagine what 10 mph to 15 mph in some areas of the city would be like. Therefore I make the following recommendations:

- **Lake Lane**- The speed limit on this street is 30 mph. I feel that this too fast for a residential street and should be reduced to 25 mph.
- **Janet Street**- The speed limit on this street is 30 mph. I feel that this too fast for a residential street and should be reduced to 25 mph.
- **Herbert Street**- The speed limit on this street is 25 mph. This street is used an alternate route for parent taking their children to and from school. I recommend that speed breakers would cut down on speeding on this street as well as extra police presents.
- **Mayton Avenue, Olive Avenue, Dow Street, Mason Ridge, East Whitfield Street, East Lyon Street, East Monroe, Greenwood Circle, Elmwood Drive, Earl Street, McGhee Street, Boundary Street and Gaineswood Drive**- Theses streets are heavily populated by children. I recommend the speed be reduced from 30 mph to 25 mph.
- **Cedar Street near the Demopolis Middle School**- The speed limit on this street is 30 mph even during school traffic. I recommend that the speed limit be 25 mph with flashing school zone signs.

- **Wallace Harper, Spencer Ave and Ridge Circle-** are dead end or either circular streets. I recommend speed breakers installed and the posted speed be 25 mph.
- **Glover Street, Eastern Circle, and B Street-** these streets all have playgrounds located on them. I recommend that the posted speed be 25 mph as well as children at play signs installed.
- **Maria Street-** The posted speed for this street is 30 mph. Most of the complaints about speeding are during school admission or dismissal. I recommend that the speed limit be 25 mph with flashing school zone signs.
- **Edgemont Drive-** The speed limit on this street is 25 mph. I recommend that speed breakers should be considered to slow traffic down.
- **Hackberry-** I feel like speed breakers on this street help as well as children at play signs.
- **East Jackson Street-** The speed limit on this street is 30 mph and 20 mph during school hours. I recommend flashing school zone signs during school hours from 7:00 am until 8:15 am and 2:30 pm until 3:30 pm. which would make drivers more aware. I also recommend that reducing the speed to 25 mph when children are not present.
- **East Pettus Street-** The posted speed on this street is 20 mph. I recommend flashing school zone signs during school hours from 7:00 am until 8:15 am and 2:30 pm until 3:30 pm. I recommend that the posted speed be 25 mph
- **Floyd Avenue-** The posted speed limit on this street is 25 mph. I recommend that children at play signs be installed.
- **Arcola Road-** The speed limit on this street is 25 mph but no signs are posted. Children normally used this road walking to and from U.S. Jones Elementary and Demopolis Middle School.
- **Hill Top Circle and Rainbow Circle-** There is no posted speed. I recommend speed breakers and children at play signs and the speed limit be posted at 15mph.
- **Old Springhill Road-** This road is used by motorist as a cut through road from Hwy 80 to Hwy 43. This is a residential area where a large amount children play. I recommend speed limit be changed to 25 mph and speed breakers.
- **Reed Drive and Eastern Circle-** This is a residential street with a play ground. I recommend speed breakers. . I recommend that the posted speed be 20 mph
- **Fourth Ave and Braswell Drive-** This is a residential area and I recommend the speed limit be posted at 25 mph.

- **Third Avenue-** This is residential street with no posted speed limit. I recommend the posted speed limit be 25 mph.
- **A Street, C Street, D Street, Center Street and Laura Avenue-** This is residential area where children play on or near the streets. I recommend children at play signs be installed and the posted speed limit be set at 15 mph. I also recommend speed breakers be installed on Center Street and A Street.
- **U.S Hwy 80 and Walnut Street-** Given the amount of accidents that have occurred at this intersection. I recommend that the state or city install a flashing strobe light in the east and west bound traffic lanes which would help motorist, recognized that the light has change especially in the morning and evening times.
- **Walnut Street-** I recommend the speed limit be post at 25 mph.
- **Front Street north of Pettus Street-** This is a residential street going toward the U.S. Jones Elementary School. This street is heavily travelled by pedestrian and vehicle. I recommend children at play signs and that 15mph be the posted speed.
- **Decatur Street near U.S. Jones-** This is residential area near a school. The speed limit is not posted. I recommend that the speed limit be 25 mph.
- **Ash Street in the Brickyard Area-** I recommend the posted speed limit be 20 mph and speed breakers be installed.
- **Hwy 80 west near Tiger Lane-** This is a School zone area. I recommend flashing school zones signs be installed on both sides of the Hwy 80 during school hours from 7:15 am until 8:10 am and 2:45 pm until 3:30 pm. which would make drivers more aware.
- **Main Street, West Pettus Street and Commissioner Street-** These are residential streets and the speed limit is 30 mph. I recommend the speed limit be reduced to 25 mph.
- **Elmwood-** I recommend the posted speed limit be 20 mph.
- **I recommend that all other city streets within residential areas be posted at 25 mph.**

It is our goal to make the City of Demopolis a safer place to live and raise our children and with you help and input we will. If you desire any other information please feel free in calling.

Tommie J. Reese
Chief of Police

CITY OF DEMOPOLIS, ALABAMA
CERTIFICATE OF AUDIT COMMITTEE/CITY COUNCIL MEMBERS
FOR THE YEAR ENDED SEPTEMBER 30, 2008

We the members of the Audit Committee/City Council of The City of Demopolis, Alabama, do hereby accept and approve the auditor's opinion letter, financial statements and related required correspondence letters for the fiscal year ended September 30, 2008. We further agree to the release of the report to interested "third parties" and to the general public and recommend the acceptance and approval by the City officials.

This report accepted and approved on this the 26 day of May, 2009.

Audit Committee/City Council Members:

By: J. Michael Crayson

By: Thomas O. Moore

By: W. W. ...

By: John R. ...

By: ...

By: C. M. Yearwood

This document should be placed in the Minute Book of the City Council on the effective date of approval by the Governing Body.

DEMOPOLIS CITY COUNCIL MEETING AGENDA
June 4, 2009

Call to Order – 5:15pm

Invocation – Reverend Lacornia Harris

Pledge of Allegiance

Roll Call

Approval of Agenda

Approval of Minutes: May 26, 2009

Reports from Departments

Police - submitted

Court

Fire

Public Works

Parks & Recreation

Horticulture

Building Official

Library

City Hall

Projects-

1. Fire Station #3
2. Municipal Complex – field report
3. Demopolis High School Stadium – field reports

Unfinished Business –

1. 050 – Retail Beer (Off Premises Only) – GOC Ltd, 1407 Hwy 80 Demopolis, AL
(Transfer from Highway 80 Citgo)

New Business –

2. Demopolis Area Chamber of Commerce – Kelley Smith – Freedom on the River request
3. Margaret Baty – Dog leash law
4. Ordinance 2009-04 Establishing a Reserve Police Force
5. Resolution 2009-9 Sales Tax Holiday
6. National League of Cities: pharmacy card coverage program
7. Pardon

Council Discussion

Mayor Discussion

Executive Session

Announcement

Adjourn

MINUTES OF THE DEMOPOLIS COUNCIL
OF THE CITY OF DEMOPOLIS, ALABAMA

Regular Meeting

June 4, 2009

The regular meeting of the Demopolis City Council convened at 5:15pm on Thursday, June 4, 2009 in the Demopolis Rooster Hall.

Present:

Council Members: J. Michael Grayson, Mayor
Thomas Moore, Mayor Pro Tempore
Mitchell Congress
Melvin Yelverton
Bill Meador, Jr.
Jack Cooley
City Clerk: Paula Bird

Department Heads:

- Police – Tommie Reese - submitted
- Fire - Ronnie Few
- Public Works – Mike Baker
- Horticulture – Barbara Blevins
- City Hall – Paula Bird
- Court
- Building Official – Clarence Brooker Jr.
- Library – Morgan Grimes
- Park & Recreation

Mayor Mike Grayson called the meeting to order. Reverend Lacornia Harris opened the meeting with an invocation. Pledge of Allegiance to the flag of the United States of America.

Mayor Grayson asked for a motion to approve the agenda. Councilman Congress made the motion to approve the agenda as presented. Councilman Meador seconded the motion and motion passed with 6 yes votes by the following roll call vote:

Mayor Grayson: yes Councilman Moore: yes Councilman Congress: yes
Councilman Yelverton: yes Councilman Meador: yes Councilman Cooley: yes

The Council reviewed the minutes of the May 26, 2009 regular council meeting. Mayor Grayson noted a correction on page 4, the correct spelling of Phil Hunt should be *Pfil* Hunt.

Councilman Cooley made a motion to approve the May 26, 2009 minutes as amended. Councilman Moore seconded the motion and motion passed with 6 yes votes by the following roll call vote:

Mayor Grayson: yes Councilman Moore: yes Councilman Congress: yes
Councilman Yelverton: yes Councilman Meador: yes Councilman Cooley: yes

Departmental reports

Departmental reports were submitted as indicated above.

Councilman Cooley complimented Chief Reese and the Police Department on the enforcement of moving violations, particularly the 93 no proof of insurance violations.

Mayor Grayson thanked Councilman Yelverton and Dana Companies for help loading and providing transport for the church pews donated for the municipal complex. This was a great service to the City of Demopolis and it is much appreciated. Mayor Grayson also recognized the Police Department for their hard work in transporting the church pews.

Projects

Fire Station #3: Mayor Grayson reported that the engineer and contractor are working with the City on a settlement.

Municipal Complex: A field report from Ellis Architect is included in the Council package.

Demopolis High School Stadium: A field report from McKee and Associates is included in the Council package.

Unfinished business

050 – Retail Beer (Off Premises Only) GOC Ltd, 1407 Hwy 80 Demopolis, AL: This application is for a transfer of license from Highway 80 Citgo to GOC Ltd. Police Chief Tommie Reese does not object to the license.

Councilman Moore made the motion to approve the 050 – Retail Beer (Off Premises Only) license to GOC Ltd. Councilman Cooley seconded the motion and motion passed with 4 yes votes and 2 abstain votes by the following roll call vote:

Mayor Grayson: abstain	Councilman Moore: yes	Councilman Congress: abstain
Councilman Yelverton: yes	Councilman Meador: yes	Councilman Cooley: yes

New business

Demopolis Area Chamber of Commerce – Freedom On The River Request: Kelley Smith submitted a letter to the Council requesting the following for the 4th of July:

- Use the City Landing area for parking, viewing, food and other activities planned
- Hold Children’s Patriotic Parade at 7pm starting on Commissioners Avenue at Bluff Hall and ending at the City Landing parking lot
- Permission to host fireworks display beginning at 8:30pm

It was noted the Council previously approved the use of the BBQ area to the River City Car & Truck Club to hold a car show on July 4th.

Councilman Cooley made the motion to approve the Demopolis Area Chamber of Commerce request with the understanding the River City Car & Truck Club was previously granted permission to use the BBQ field area. Councilman Moore seconded the motion and motion passed with 6 yes votes by the following roll call vote:

Mayor Grayson: yes Councilman Moore: yes Councilman Congress: yes
Councilman Yelverton: yes Councilman Meador: yes Councilman Cooley: yes

Councilman Congress asked Police Chief Tommie Reese to contact Kelley Smith about the previous commitment. Mayor Grayson stated that he would contact Kelley Smith regarding the BBQ field area.

Dog Leash Law – Margaret Baty: Margaret Baty addressed the Council with concerns over dog owners that do not adhere to the dog leash laws. Mrs. Baty stated that she has to walk with a stick to protect her from dogs that are allowed to roam the streets. Mrs. Baty also stated that she has to shovel excrement from her yard. Many times dogs are let out in the early morning or in the evening when animal control employees are off duty. Mrs. Baty stated that the animal control officer have been responsive and brought a trap to her yard, but someone releases the dog before animal control can arrive. Mrs. Baty asked the Council to enforce the leash laws as people shouldn't have to be afraid to walk on the streets. Mrs. Hilda Elmore was also present to support Mrs. Baty in her request to Council.

The Mayor and Council agree that citizens should not be afraid of dogs while performing any daily activity on city streets. Mayor Grayson invited Mrs. Baty to return and give a status report to Council.

Mike Baker, Public Works Director, stated that they are working with Rick Manley, City Attorney, on drafting a vicious dog ordinance to present to the Council. Mr. Baker stated that the department will work on varying their work schedules to have someone available in the morning and evenings.

Mayor Grayson stated that he would see that the Councilmen receive a copy of the current ordinance to review. Mrs. Baty thanked the Mayor and Council for listening and responding to her request.

Ordinance 2009-04 - Establishing a Reserve Police Force: Police Chief Tommie Reese asked the Council to consider and adopt Ordinance 2009-04 to establish a reserve police force; defining the same; establishing qualifications, appointment, supervision, equipment, duties, powers, authority, weapons and compensation; and setting penalties for violation. Rick Manley, City Attorney, has reviewed the ordinance. A goal is to have 10 – 15 trained and approved officers in place by August. The reserve officers will be utilized to work football games, parades, Christmas On The River functions, and similar activities.

Mayor Grayson asked Chief Reese to explain the training and qualifications of the applicants and the guidelines to weapons possession. Chief Reese reviewed the supervision and rules for carrying weapons which is covered in Section 9. The qualifications are covered in Section 2.

Appointments to the reserve will be made by the Mayor. Mayor Grayson stated that he would rely on Chief Reese's recommendations before making an appointment.

Councilman Moore stated that the city would have to include the officers in our insurance policies. Chief Reese stated that it would cost \$125 per year per officer for liability coverage and \$10 per year per officer for worker's compensation insurance.

Councilman Cooley stated the reserve unit could be a training environment to train men or women who may consider a career as a police officer. This would give the police chief an opportunity to observe their character and ability in action. The cost to the city of establishing a reserve force is incomparably less than the cost of overtime labor.

Councilman Yelverton made the motion to approve Ordinance 2009-04 as presented. Councilman Cooley seconded the motion and motion passed with 6 yes votes by the following roll call vote:

Mayor Grayson: yes	Councilman Moore: yes	Councilman Congress: yes
Councilman Yelverton: yes	Councilman Meador: yes	Councilman Cooley: yes

Councilman Congress made the motion to suspend the rules for a second reading to approve Ordinance 2009-04 as presented. Councilman Meador seconded the motion and motion passed with 6 yes votes by the following roll call vote:

Mayor Grayson: yes	Councilman Moore: yes	Councilman Congress: yes
Councilman Yelverton: yes	Councilman Meador: yes	Councilman Cooley: yes

Councilman Congress made the motion to approve Ordinance 2009-04 as presented. Councilman Moore seconded the motion and motion passed with 6 yes votes by the following roll call vote:

Mayor Grayson: yes	Councilman Moore: yes	Councilman Congress: yes
Councilman Yelverton: yes	Councilman Meador: yes	Councilman Cooley: yes

Resolution 2009 -09 Sales Tax Holiday: This State of Alabama gives cities and counties the authority to participate in the Sales Tax Holiday Rule 810-6-3-.65 that is held the first weekend in August. The Sales Tax Holiday begins at 12:01 am on Friday, August 7, 2009 and ends at 12:00 midnight on Sunday, August 9, 2009. A resolution must be submitted to the State of Alabama if the city participates.

Councilman Moore stated that Demopolis citizens were favorable to the sales tax holiday. Councilman Yelverton added that it was expected.

Councilman Cooley made the motion to approve Resolution 2009-09 as presented. Councilman Congress seconded the motion and motion passed with 6 yes votes by the following roll call vote:

Mayor Grayson: yes	Councilman Moore: yes	Councilman Congress: yes
Councilman Yelverton: yes	Councilman Meador: yes	Councilman Cooley: yes

National League of Cities pharmacy card coverage program: Councilman Meador distributed information to Council regarding a program sponsored by National League of Cities and CVS pharmacy to assist citizens without medical and/or pharmaceutical insurance. National League of Cities prints cards with the city's logo for the city to distribute. They can

use the card at a CVS or other participating pharmacy for up to 20% discount on prescription drugs. Councilman Moore said the cost to the city is membership in the National League of Cities.

Councilman Congress asked if participating in this program would be viewed by citizens as an endorsement for CVS. Mayor Grayson stated that other pharmacies can participate in the program. Councilman Meador stated that CVS is a sponsor of the program and helps promote it.

Mayor Grayson asked if you had to live within the city limits to participate. It would be good if communities surrounding the city limits could participate. Councilman Meador stated he would check in to the answer.

Councilman Cooley suggested tabling the discussion until the next regular council meeting in order to research the participating pharmacies and the area of participation allowed. Councilman Cooley and Councilman Meador agreed to do the research.

Pardon: Mayor Grayson stated that Lakecia Yvette Collins was granted a pardon. Mayor Grayson stated that he contacted the victim, Police Chief, City Judge and City Magistrate and there was no opposition to the pardon. Mayor Grayson stated that Ms. Collins has paid the price for her mistake and requested the pardon because she has trouble obtaining employment.

Council Discussion

Councilman Moore stated he would like to add two houses to the dilapidated housing list: 301 N Front St and 318 N Front St. There are many documented complaints on these properties.

Councilman Cooley stated the house damaged by a storm in 2006 on Ashwood that he reported on previously now has a big tree on the roof.

Councilman Congress would like to receive written progress reports at council meetings on the status of dilapidated properties. This would be useful in answering inquiries by citizens. Councilman Cooley stated that a written report was presented to the prior administration and would like to continue with a monthly update from Rick Manley, City Attorney. Dilapidated housing will be put on the Unfinished Business agenda.

Councilman Yelverton stated that he would like to see permanent city decals on city vehicles. Placing identification on city vehicles was discussed and voted on in 2007. Departments were allowed to place magnetic identification logos, but they are not being used.

Mayor Grayson stated that he would check into the vehicle decals and report at the next regular council meeting.

At 6:23pm the Mayor and Council moved into Executive Session, for general reputation and character, job performance, or compensation, with the following statement:

STATE OF ALABAMA)
CITY OF DEMOPOLIS)

MINUTES EXCERPTS AND MOTION FOR EXECUTIVE SESSION
PURSUANT TO THE ALABAMA OPEN MEETING LAW
A05-0145

WHEREAS, the City Council of the City of Demopolis, Alabama with a quorum being present, was conducting a regular Council Meeting on the 4th day of June, 2009 the time, date, place and agenda of which were duly announced and notices of which were posted in accordance with the Alabama Open Meeting Law, Act 2005-40 (Act); and,

WHEREAS, during the course of said meeting, a motion was made by Councilman Yelverton for the Council to go into Executive Session for general reputation and character, job performance, or compensation and which motion was seconded by Councilman Meador; and,

WHEREAS, the Presiding Officer directed the City Clerk to enter said motion, purpose and declaration, if made, into the minutes of the meeting and called for a vote on said motion; and,

WHEREAS, said vote in regard to the motion for Executive Session was taken with the "yeas" and "nays" being recorded onto the minutes as follows:

	Yeas	Nays
1. Mayor Mike Grayson	Yea	
2. Mayor Pro Tempore Moore	Yea	
3. Councilman Congress	Yea	
4. Councilman Yelverton	Yea	
5. Councilman Meador	Yea	
6. Councilman Cooley	Yea	

And Presiding Officer declared that a majority of the votes in favor of the motion, that such motion had therefore passed and the Council would forthwith recess into Executive Session for the purpose as stated in said motion and no other purpose, in accordance with the Act and Council for approximately 18 minutes.

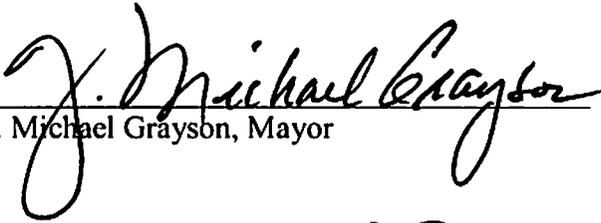
Councilman Meador made the motion to reconvene into regular session at 6:47pm. Councilman Congress seconded the motion and motion passed with 6 yes votes by the following roll call vote:

Mayor Grayson: yes Councilman Moore: yes Councilman Congress: yes
Councilman Yelverton: yes Councilman Meador: yes Councilman Cooley: yes

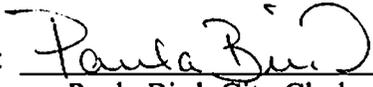
Mayor Discussion

Mayor Grayson informed the Council of a grant program offered through the Department of Housing and Urban Development that he hopes the City of Demopolis can obtain in the future. Pam Dorr with HERO has utilized this program in the past to help turn dilapidated housing and/or abandoned properties into functional housing for citizens. Mayor Grayson stated he would ask Ms. Dorr to provide a presentation at a later time, but wanted Council to be aware of the programs.

The Regular Council Meeting adjourned at 6:55pm.



J. Michael Grayson, Mayor

ATTEST: 

Paula Bird, City Clerk

* Audiotape is used by City Clerk to prepare minutes and will be maintained not less than seven years from date of approval.

ORDINANCE 2009-04

AN ORDINANCE OF CITY OF DEMOPOLIS, ALABAMA, ESTABLISHING A RESERVE POLICE FORCE; DEFINING THE SAME; ESTABLISHING QUALIFICATIONS, APPOINTMENT, SUPERVISION, EQUIPMENT, DUTIES, POWERS, AUTHORITY, WEAPONS AND COMPENSATION; AND SETTING PENALTIES FOR VIOLATION

WHEREAS, The City Council of Demopolis, Alabama, in order to protect the public health, safety, morals and welfare of the City of Demopolis citizens, finds it necessary to establish and to set proper standards regulating a reserve police force within the City of Demopolis and its police jurisdiction.

NOW THEREFORE, be it ordained by the City Council of the City of Demopolis, Alabama, as follows:

SECTION 1. ESTABLISHMENT. As provided by Section 11-43-210 Code of Alabama, 1975, as amended, a police reserve force, hereinafter called Reserve, is hereby established within the Police Department of the City of Demopolis, Alabama.

SECTION 2. QUALIFICATIONS. The Reserve shall consist of not more than fifteen (15) members. Any person desiring appointment to the Reserve must submit a written application to the Mayor of Demopolis, Alabama, certifying that he or she is a resident of Marengo County, Alabama, is at least 19 years of age, of good moral character and reputation, and has never been convicted of a felony or of a misdemeanor involving force, violence or moral turpitude. Applicants must consent in writing to be fingerprinted and a background search.

SECTION 3. APPOINTMENT. Appointments to the Reserve shall be made by the Mayor of the City of Demopolis.

Such appointments shall be for terms of five (5) years. Members of the Reserve shall serve at the pleasure of the Mayor and may be removed with or without cause and without hearing, by the Mayor.

SECTION 4. SUPERVISION. The Reserve shall function under the immediate direction of the Chief of Police, who shall provide for its organization and training.

SECTION 5. EQUIPMENT. Each member of the Reserve shall be issued an identification card signed by the Chief of Police and the Mayor. Members of the Reserve shall carry this identification card with them at all times. Whenever a member of the reserve shall be called to active duty, he or she shall be issued a badge and a cap which shall be worn at all times while on active duty in the manner prescribed by the Chief of Police. Upon completion of each tour of active duty, members of the Reserve shall turn in their badges and caps at Police Headquarters.

SECTION 6. DUTIES. The duties of reserve officers are confined to the following:

(1) Patrol operation performed for the purpose of detection, prevention and suppression of crime or enforcement of the traffic or highway laws of the state, provided the reserve law enforcement officer acts at all times under the direct control and supervision of a certified law enforcement officer of the City of Demopolis, Alabama.

(2) Traffic direction and control may be performed without direct supervision; provided, however, that supervisory control is exercised by a certified law enforcement officer whose total span of control would be considered within reasonable limits.

(3) Reserve officers may render crowd control assistance at public gatherings or municipal functions as directed by the municipality, provided supervisory control will be exercised by a certified law enforcement officer whose total span of control would be considered within reasonable limits.

For the purposes of this section, the term "certified law enforcement officer" shall mean a municipal police officer of the City of Demopolis Alabama, who has completed the training requirements of the Alabama Peace Officers' Standards and Training Commission as set out in Article 3, Chapter 21, Title 36, Code of Alabama, 1975 as amended.

SECTION 7. ARREST POWERS. No member of the Reserve shall have any authority to exercise the power of arrest unless he or she has satisfactorily completed the training requirements of the Alabama Peace Officers Standards and Training Commission as set out in Article 3, Chapter 21, Title 36, Code of Alabama, 1975 as amended.

SECTION 8. ACTIVE DUTY. Members of the Reserve shall be called to active duty by the Chief of Police with the written consent of the Mayor.

SECTION 9. WEAPONS. No member of the Reserve shall carry a weapon while on active duty unless he/she has completed a firearms training course approved by the Chief of Police; has received a certificate of such training; has approval of the Demopolis City Council and Mayor to carry the weapon, and has obtained a properly issued permit for the firearm. Reserve law enforcement officers may use such firearms only to the extent permitted by properly promulgated regulations of the City of Demopolis, Alabama.

SECTION 10. COMPENSATION. No member of the Reserve shall receive compensation for the time required by Reserve rules and regulations while on active duty.

SECTION 11. VIOLATIONS.

(1) It shall be a misdemeanor for any person not a member of the Reserve to wear, carry or display a Reserve identification card, badge, or cap, or in any way to represent himself or herself to be connected with the Reserve.

(2) It shall be a misdemeanor for any person not a member of the Reserve to loan, sell, lease, or otherwise permit any person not a member of the Reserve to wear, carry or display a Reserve identification card, badge, or cap.

(3) It shall be a misdemeanor for any person not a member of the Reserve to assist any person not a member of the Reserve to represent himself or herself as connected with the Reserve.

SECTION 12. PENALTY. Any person found guilty of violating the provisions of Section 11 of this ordinance shall, upon conviction, be fined in an amount not exceeding \$500.00, and/or sentenced to imprisonment for not exceeding six months, either or both, at the discretion of the court trying the case.

Additionally any member of the Reserve charged with violating subsections (2) and (3) of Section 11 of this ordinance shall be suspended from the Reserve pending a determination of guilt. Suspended Reserve members must surrender their identification card, badge, and cap to the Chief of Police. Reserve members who are convicted of violating subsections (2) and (3) of Section 11 of this ordinance shall immediately be removed from the Reserve force. A person convicted of violating subsections (2) and (3) of Section 11 of this ordinance is not eligible for reappointment to the Reserve.

SECTION 13. EFFECTIVE DATE. This ordinance shall become effective immediately upon its adoption and publication as required by law.

THIS ORDINANCE WAS ADOPTED BY THE DEMOPOLIS CITY COUNCIL ON JUNE __, 2009.



J. Michael Grayson
Mayor



Paula Bird, City Clerk

Resolution 2009-9 Sales Tax Holiday

WHEREAS the City Council of the City of Demopolis wishes to exempt certain covered items from the city sales and use tax during the first full weekend in August of the year 2009, (begins 12:01 a.m. Friday August 7th and ends Sunday August 9th at 12:00 a.m. midnight) and;

WHEREAS the State of Alabama has authorized any county or city to exempt certain covered items from local sales and use taxes, and prohibited a county or municipality from providing for a sales and use tax exemption during any period other than the first full weekend in August;

NOW THEREFORE BE IT RESOLVED BY THE CITY OF
DEMOPOLIS, ALABAMA:

Section 1. (a) As used in this section, the term "covered items" means the following:

(1) Articles of clothing with a sales price of one hundred dollars (\$100), or less, per article of clothing.

a. "Clothing" means all human wearing apparel suitable for general use including sandals, shoes and sneakers.

Clothing shall not include:

1. Belt buckles sold separately;
2. Costume masks sold separately;
3. Patches and emblems sold separately;
4. Sewing equipment and supplies including, but not limited to, knitting needles, patterns, pins, scissors, sewing machines, sewing needles, tape measures, and thimbles;
5. Sewing materials that become part of "clothing" including, but not limited to, buttons, fabric, lace, thread, yarn, and zippers;

1 In addition, clothing shall not include clothing accessories or equipment, protective equipment, or sport or recreational equipment; as defined herein.

b. "Clothing accessories or equipment" means incidental items worn on the person or in conjunction with "clothing." The following list contains examples and is not intended to be an all-inclusive list. "Clothing accessories or equipment" shall include:

1. Briefcases;
2. Cosmetics;
3. Hair notions, including, but not limited to, barrettes, hair bows, and hair nets;
4. Handbags;
5. Handkerchiefs;
6. Jewelry;
7. Sun glasses, non-prescription;
8. Umbrellas;
9. Wallets;

10. Watches; and
11. Wigs and hair pieces.

c. "Protective equipment" means items for human wear and designed as protection of the wearer against injury or disease or as protections against damage or injury of other persons or property but not suitable for general use. The following list contains examples and is not intended to be an all-inclusive list. "Protective equipment shall include:

1. Breathing masks;
2. Clean room apparel and equipment;
3. Ear and hearing protectors;
4. Face shields;
5. Hard hats;
6. Helmets;
7. Paint or dust respirators;
8. Protective gloves;
9. Safety glasses and goggles;
10. Safety belts;
11. Tool belts; and
12. Welders gloves and masks.

d. "Sport or recreational equipment" means items designed for human use and worn in conjunction with an athletic or recreational activity that are not suitable for general use. The following list contains examples and is not intended to be an all-inclusive list. "Sport or recreational equipment" shall include:

1. Ballet and tap shoes;
2. Cleated or spiked athletic shoes;
3. Gloves, including, but not limited to, baseball, bowling, boxing, hockey, and golf;
4. Goggles;
5. Hand and elbow guards;
6. Life preservers and vests;
7. Mouth guards;
8. Roller and ice skates;
9. Shin guards;
10. Shoulder pads;
11. Ski boots;
12. Waders; and
13. Wetsuits and fins.

(2) A single purchase, with a sales price of seven hundred fifty dollars (\$750), or less, of computers, computer software, and school computer supplies.

a. A "computer" means an electronic device that accepts information in digital or similar form and manipulates it for a result based on a sequence of instructions.

b. "Computer software" means a set of coded instructions designed to cause a "computer" or automatic data processing equipment to perform a task.

c. A "school computer supply" means an item commonly used by a student in a course of study in which a computer is used. The following is an all-inclusive list of school computer supplies:

1. Computer storage media; diskettes, compact disks;
2. Handheld electronic schedulers, except devices that are cellular phones;
3. Personal digital assistants, except devices that are cellular phones;
4. Computer printers; and
5. Printer supplies for computers; printer paper, printer ink.

"Computer," "Computer software," and "School computer supplies" shall not include furniture and any systems, devices, software, peripherals designed or intended primarily for recreational use, or video games of a non-educational nature.

(3) Noncommercial purchases of school supplies, school art supplies, and school instructional material, up to a sales price of fifty dollars (\$50) per item.

a. "School supply" is an item commonly used by a student in a course of study. The following is an all-inclusive list:

1. Binders;
2. Book bags;
3. Calculators;
4. Cellophane tape;
5. Blackboard chalk;
6. Compasses;
7. Composition books;
8. Crayons;
9. Erasers;
10. Folders; expandable, pocket, plastic, and manila;
11. Glue, paste, and paste sticks;
12. Highlighters;
13. Index cards;
14. Index card boxes;
15. Legal pads;
16. Lunch boxes;
17. Markers;
18. Notebooks;
19. Paper; loose leaf ruled notebook paper, copy paper, graph paper, tracing paper, manila paper, colored paper, poster board, and construction paper;
20. Pencil boxes and other school supply boxes;
21. Pencil sharpeners;
22. Pencils;
23. Pens;
24. Protractors;
25. Rulers;

26. Scissors; and
27. Writing tablets.

b. "School art supply" is an item commonly used by a student in a course of study for artwork. The following is an all-inclusive list:

1. Clay and glazes;
2. Paints; acrylic, tempera, and oil;
3. Paintbrushes for artwork;
4. Sketch and drawing pads; and
5. Watercolors.

c. "School instructional material" is written material commonly used by a student in a course of study as a reference and to learn the subject being taught. The following is an all-inclusive list:

1. Reference books;
2. Reference maps and globes;
3. Textbooks; and
4. Workbooks.

d. "School instructional material" is written material commonly used by a student in a course of study as a reference and to learn the subject being taught. The following is an all inclusive list:

1. Reference maps and globes.
2. Required textbooks on an official school book list with a sales price of more than thirty dollars (\$30) and less than fifty dollars (\$50).

(4) Noncommercial purchases of books with a sales price of not more than thirty dollars (\$30) per book. The term book shall mean a set of printed sheets bound together and published in a volume with an ISBN number, but does not include magazines, newspapers, periodicals, or any other document printed or offered for sale in a non-bound form.

Section 2. Covered items, as defined herein, are exempted from paying the City of Demopolis sales and use tax during the period from 12:01 a.m. on the first Friday in August of the year 2009 and ending at twelve midnight the following Sunday in August, 2008. Items normally sold in pairs shall not be separated to qualify for the exemption provided for in this act.

Section 5. The Mayor and City Council of Demopolis adopted this Resolution at the regular meeting on Thursday, June 4, 2009. It shall become effective immediately.



J. Michael Grayson, Mayor



Attest: Paula Bird, City Clerk

DEMOPOLIS CITY COUNCIL MEETING AGENDA
June 18, 2009

Call to Order – 5:15pm

Invocation – Reverend Robert Shepherd

Pledge of Allegiance

Roll Call

Approval of Agenda

Approval of Minutes: June 4, 2009

Reports from Departments

Police

Court - submitted

Fire - submitted

Public Works - submitted

Parks & Recreation

Horticulture - submitted

Building Official

Library

City Hall – emailed

Projects-

1. Fire Station #3
2. Municipal Complex – Building Committee
3. Demopolis High School Stadium – field report

Unfinished Business –

1. National League of Cities: pharmacy card coverage program
2. Dilapidated Properties

New Business –

1. Alabama Southern Campus Update
2. Cathan Oliver – Address Council regarding neighbor's dog
3. ~~Beautification Committee – Present request to Council- rescheduled~~
4. Kyle Gillespie – Address Council regarding golf carts
5. Resolution 2009-10 JAG Grant Approval

Council Discussion

Mayor Discussion

Executive Session

Announcement

Adjourn

MINUTES OF THE DEMOPOLIS COUNCIL
OF THE CITY OF DEMOPOLIS, ALABAMA

Regular Meeting

June 18, 2009

The regular meeting of the Demopolis City Council convened at 5:15pm on Thursday, June 18, 2009 in the Demopolis Rooster Hall.

Present:

Council Members: J. Michael Grayson, Mayor
Thomas Moore, Mayor Pro Tempore
Mitchell Congress
Melvin Yelverton
Bill Meador, Jr.
Jack Cooley

City Clerk: Paula Bird

Department Heads:

- Police – Monica Oliver
- Fire - Ronnie Few - submitted
- Public Works – Mike Baker - submitted
- Horticulture – Barbara Blevins - submitted
- City Hall – Paula Bird - submitted
- Court - submitted
- Building Official – Clarence Brooker Jr.
- Library
- Park & Recreation

Mayor Mike Grayson called the meeting to order. Reverend Robert Shepherd opened the meeting with an invocation. Pledge of Allegiance to the flag of the United States of America.

Mayor Grayson asked for a motion to approve the agenda. Councilman Congress made the motion to approve the agenda as presented. Councilman Meador seconded the motion and motion passed with 6 yes votes by the following roll call vote:

Mayor Grayson: yes Councilman Moore: yes Councilman Congress: yes
Councilman Yelverton: yes Councilman Meador: yes Councilman Cooley: yes

The Council reviewed the minutes of the June 4, 2009 regular council meeting. Councilman Yelverton made a motion to approve the June 4, 2009 minutes as presented. Councilman Congress seconded the motion and motion passed with 6 yes votes by the following roll call vote:

Mayor Grayson: yes Councilman Moore: yes Councilman Congress: yes
Councilman Yelverton: yes Councilman Meador: yes Councilman Cooley: yes

Departmental reports

Departmental reports were submitted as indicated above.

Projects

Fire Station #3: Mayor Grayson reported a settlement was made between the City of Demopolis, the engineer and the contractor. The project is considered complete.

Municipal Complex: The Building Committee met to review three proposed change orders involving increased security. Councilman Congress stated that the change order adds additional card reader locks to better secure the courtroom area, evidence room, and judge chamber. The Building Committee emphasized that the project will not exceed the \$1.7 million budget. It was the general consensus that the sales tax savings would provide adequate funds for the change orders. The Building Committee recommends approving the proposed change orders.

Councilman Yelverton asked if the Building Committee had any discussion regarding the old police station on Walnut Avenue. Mayor Grayson said they did not discuss it at this meeting but will discuss in the near future.

Councilman Cooley made a motion to approve the three change orders as recommended by the Building Committee. Councilman Meador seconded the motion and motion passed with 6 yes votes by the following roll call vote:

Mayor Grayson: yes	Councilman Moore: yes	Councilman Congress: yes
Councilman Yelverton: yes	Councilman Meador: yes	Councilman Cooley: yes

Demopolis High School Stadium: A field report from McKee and Associates is included in the Council package. Mayor Grayson stated August 28th is the first home game.

Unfinished business

National League of Cities pharmacy card coverage program: Councilman Cooley and Councilman Meador contacted several of the local pharmacies concerning participation in the pharmacy program. Councilman Cooley stated that F&F Drugs was not familiar with this program but would honor the cards. Councilman Meador stated that CVS would accept the pharmacy program card. Mayor Grayson asked if anyone contacted Wal Mart pharmacy. Councilman Meador stated he did not talk with the local pharmacist, but that Wal Mart was a participant in the program.

Councilman Meador stated that anyone in the region can participate in the program if they qualify as it is not limited to citizens within the city limits. Individuals who have no existing pharmacy coverage will qualify to participate in the program.

Councilman Cooley asked how the program will be advertised. Councilman Meador stated NLC will provide advertisement materials that can be used, hopefully with PSA spots. Councilman Meador stated that any public access building can be a distribution point for registration materials.

Councilman Moore made a motion to complete the enrollment process to allow the City of Demopolis to offer the NLC pharmacy card coverage program. Councilman Cooley seconded the motion and motion passed with 6 yes votes by the following roll call vote:

Mayor Grayson: yes Councilman Moore: yes Councilman Congress: yes
Councilman Yelverton: yes Councilman Meador: yes Councilman Cooley: yes

Dilapidated Properties: Clarence Brooker, Jr., Building Inspector, distributed a status report of various properties on the list, a copy of which will be made a part of the minutes. Rick Manley will proceed to the next level for the properties on which no response or action was made by the owners.

Councilman Moore asked why the property in Oak Park that Councilman Cooley has spoken of in previous meetings is not on the list. How does a property make it to the list and why is this property not on the list? Mayor Grayson stated that the property does need to be on the list to address. Councilman Cooley noted the property has been in litigation over storm damage insurance coverage for approximately 3 years. Councilman Congress stated that a timeline should be developed to project the progress and estimated time to act on a property. Councilman Congress suggested that the city consider hiring an additional attorney to assist Mr. Manley. Councilman Cooley suggested making the dilapidated housing report a permanent part of the minutes.

Mayor Grayson stated there is a plan available that will allow the City to turn dilapidated properties into useable housing. Pamela Dorr with HERO will present the program to Council at the next regular council meeting.

New business

Alabama Southern Campus/Demopolis Higher Education Center Update: The Demopolis Higher Education Center is a partnership between the City of Demopolis, University of Alabama, Auburn University, University of West Alabama, and Alabama Southern. Alabama Southern has been the managing partner to date. The City of Demopolis has the opportunity to change the managing partner to the University of West Alabama. Councilman Moore stated that he generally approves, but would like to see a written document regarding the role and expectations of UWA as managing partner. Mayor Grayson stated that time is of the essence as the fall semester is rapidly approaching.

Dr. Ken Tucker and Angelia Mance were present to discuss the transition. Dr. Tucker stated that UWA is committed to expanding dual enrollment, expand continuing education, increase academic course offerings and meet the needs of Demopolis citizens and the surrounding areas. UWA is also committed to technical training, work force development, skills training, not-for-profit and governmental entity training.

Councilman Congress asked if UWA would maintain an office in Demopolis. Dr. Tucker stated that initially they would bring employees from their current office until enrollment expanded to the point of allowing additional employment. Councilman Cooley asked if UWA is the managing partner what would be their operative role. Dr. Tucker stated that UWA would eventually have a director and personnel located in Demopolis. UWA could offer four year college courses as well as technical courses. The courses offered at the Demopolis Campus would be listed in the UWA catalog.

Councilman Congress expressed concern for the local citizens currently employed at the Demopolis Campus. If Alabama Southern chooses to remain a partner they will continue to play a role at the Demopolis Campus. If UWA becomes the managing partner the Adult Education Courses will be relocated to the Theo Ratliff Activity Center. Mayor Grayson stated that some of the courses are presently being offered there. Councilman Congress asked about the financial commitment made to Alabama Southern. The financial commitment will be transferred to UWA as managing partner.

Councilman Moore asked if UWA will not ask for any additional funds other than the existing financial commitment. Dr. Tucker stated that was a presidential decision. Councilman Moore stated that this is why he believes there should be a written document. Councilman Meador agreed. Dr. Tucker stated Dr. Richard Holland has responded in writing on a general level and an ad hoc committee is currently working on a detailed plan.

This topic will be postponed until the end of the meeting for continued discussion.

Cathan Oliver – Address Council for assistance in neighborhood: Mrs. Cathan Oliver and other residents in the 300 block of South Desnouette asked Council for assistance in problems with a neighbor's dogs and eliminating a foul odor from the property located at 303 S. Desnouette. Mrs. Oliver stated that she does not object to the neighbor having dogs, but the dogs are on a short chain and the owners do not clean the area of defecation. Animal control did come by and spoke with the owners and made some suggestions, however there still remains a foul odor. Mike Baker, Public Works Director, asked animal control to survey property and take pictures so suggestions could be made to the owners. They found an open sewer problem on the property owner's side. Councilman Meador asked if the dogs were neglected. Mr. Baker stated they were not, but animal control will follow up to insure conditions are acceptable. Councilman Cooley asked if the health department could be contacted about the open sewer condition.

Mrs. Oliver noted that they moved the dogs from her side of the property to Mrs. Lawson's side of the property. Councilman Congress noted the dogs are chained but there is no fence and they can encroach on Mrs. Lawson's property and she is afraid of the dogs. Councilman Moore asked Mrs. Oliver what type of dogs these were. She stated they were pit bulls. Councilman Moore stated that Council needs to speed up on approving a vicious dog ordinance and we need to address the sewer problem immediately. Mike Baker noted that these dogs were not vicious dogs. Mrs. Oliver stated there are problems with other dogs from Jackson Street to Desnouette Avenue. The biggest problem is with the number of dogs in the trailer park on Jackson Street.

Mayor Grayson asked Mike Baker to contact the Water & Sewer Board and the Health Department to work on a quick resolution to the sewer problem. Mayor Grayson stated the Council and Police will monitor the progress of this situation to ensure safety. Councilman Yelverton asked animal control to also monitor the area for safety and neglected dogs. Councilman Congress stated he would like to see a list of calls with names and addresses and the resolution to the call.

Councilman Yelverton asked if the neighbors were satisfied with the proposed solution. Several neighbors reported a problem with traffic, parking, and noise from the trailer park on Jackson Street. The problems have escalated since the property was sold to a new owner. The neighbors have spoken to the new owner but were told to call the police. Mayor Grayson asked the Police Department to monitor the situation.

Request to Council for Golf Cart Ordinance: Dr. Kyle Gillespie requested the Council to consider an ordinance to allow golf carts access to city streets. Dr. Gillespie distributed a proposed ordinance and suggested rules and regulations.

There was discussion regarding state laws and the legality of allowing an unlicensed motorized vehicle on the streets. Mayor Grayson stated that the topic will be tabled until next regular council meeting when Rick Manley, City Attorney and Tommie Reese, Police Chief can advise the Council.

Resolution 2009 -10 JAG Grant Application: Tommie Reese, Police Chief, is requesting Council to approve the resolution to apply for a JAG grant of approximately \$13,000 that does not require matching funds. The grant will be used to combat crime, improve the criminal justice system, assist victims of crime, and assist in problems of juvenile justice.

Councilman Congress made the motion to approve Resolution 2009-10 as presented. Councilman Meador seconded the motion and motion passed with 6 yes votes by the following roll call vote:

Mayor Grayson: yes	Councilman Moore: yes	Councilman Congress: yes
Councilman Yelverton: yes	Councilman Meador: yes	Councilman Cooley: yes

Council Discussion

None

Mayor Discussion

None

At 6:43pm the Mayor and Council moved into Executive Session, for general reputation and character, job performance, or compensation, with the following statement:

STATE OF ALABAMA)
CITY OF DEMOPOLIS)

MINUTES EXCERPTS AND MOTION FOR EXECUTIVE SESSION
PURSUANT TO THE ALABAMA OPEN MEETING LAW
A05-0145

WHEREAS, the City Council of the City of Demopolis, Alabama with a quorum being present, was conducting a regular Council Meeting on the 18th day of June, 2009 the

time, date, place and agenda of which were duly announced and notices of which were posted in accordance with the Alabama Open Meeting Law, Act 2005-40 (Act); and,

WHEREAS, during the course of said meeting, a motion was made by Councilman Cooley for the Council to go into Executive Session for general reputation and character, job performance, or compensation and which motion was seconded by Councilman Meador; and,

WHEREAS, the Presiding Officer directed the City Clerk to enter said motion, purpose and declaration, if made, into the minutes of the meeting and called for a vote on said motion; and,

WHEREAS, said vote in regard to the motion for Executive Session was taken with the "yeas" and "nays" being recorded onto the minutes as follows:

	Yeas	Nays
1. Mayor Mike Grayson	Yea	
2. Mayor Pro Tempore Moore	Yea	
3. Councilman Congress	Yea	
4. Councilman Yelverton	Yea	
5. Councilman Meador	Yea	
6. Councilman Cooley	Yea	

And Presiding Officer declared that a majority of the votes in favor of the motion, that such motion had therefore passed and the Council would forthwith recess into Executive Session for the purpose as stated in said motion and no other purpose, in accordance with the Act and Council for approximately 22 minutes.

Councilman Meador made the motion to reconvene into regular session at 7:07pm. Councilman Congress seconded the motion and motion passed with 6 yes votes by the following roll call vote:

Mayor Grayson: yes	Councilman Moore: yes	Councilman Congress: yes
Councilman Yelverton: yes	Councilman Meador: yes	Councilman Cooley: yes

Councilman Congress made the motion to recess until 2:30pm June 19, 2009. Councilman Moore seconded the motion and motion passed with 6 yes votes by the following roll call vote:

Mayor Grayson: yes	Councilman Moore: yes	Councilman Congress: yes
Councilman Yelverton: yes	Councilman Meador: yes	Councilman Cooley: yes

The Regular Council entered into recess until 2:30pm Friday June 19, 2009.

Councilman Meador made the motion to reconvene into regular session at 2:35pm Friday June 19, 2009. Councilman Congress seconded the motion and motion passed with 6 yes votes by the following roll call vote:

Mayor Grayson: yes	Councilman Moore: yes	Councilman Congress: yes
Councilman Yelverton: yes	Councilman Meador: yes	Councilman Cooley: yes

Alabama Southern Campus/Demopolis Higher Education Center Update (continued):

Dr. Ken Tucker delivered a memorandum signed by Dr. Richard D. Holland. The memo states it is UWA's intent to determine the educational needs of the Demopolis Higher Education Center and meet those needs. Dr. Holland proposed to expand the dual enrollment program and continuing education offerings, increase the number and variety of academic course offerings, create technical and workforce development programs, provide training for municipalities, business, and industry, and work toward the betterment of the great City of Demopolis as an active, long-term, fully committed member of the community. UWA does not seek further financial support beyond what is currently being provided, including the \$92,500 annual contribution.

Councilman Moore asked about the status of the existing employees. UWA will conduct an evaluation of existing personnel. UWA is committed to retaining the current employees who meet the criteria and standards of various positions. Dr. Tucker cannot guarantee that all existing employees will be retained by UWA. A lot depends on the role Alabama Southern brings to the partnership. If Alabama Southern decides to remain in the partnership many of these employees will remain employed with Alabama Southern.

Councilman Moore asked about the adult GED program. Dr. Tucker stated that the GED program is not a part of UWA as this falls within the two year college program. Mayor Grayson stated the adult GED program will move to the Theo Ratliff Activity Center. Alabama Southern will still be in charge of the GED program. Mayor Grayson stated that post secondary education in Montgomery is supportive of this program.

Councilman Meador stated the annual \$92,500 is a commitment for a fixed number of years. Mayor Grayson stated that we are in the middle of a ten year commitment that the City of Demopolis agreed to extend if the workforce development building was constructed.

Councilman Congress asked why the City of Demopolis pays \$92,500 per year to cover operating expenses when students pay tuition to cover these expenses and if we are committed to Alabama Southern to pay the annual payment would the City of Demopolis double the annual outlay by paying UWA. Mayor Grayson stated the annual payment is paid only once to the managing partner. The payment would be paid to UWA instead of Alabama Southern. The City of Demopolis would not be liable to pay Alabama Southern if they are not acting as the managing partner. Dr. Tucker stated that until enrollment is built up the tuition would not cover operating and startup expenses.

Mayor Grayson noted that the workforce development program is primarily part of the post secondary education system. Angelia Mance confirmed that workforce development is part of the post secondary education system (2 year college system). Mrs. Mance emphasized that this is a point to stress that the DHEC is a partnership of which Alabama Southern is a partner. The partnership of the DHEC system does not change, only the managing partner. Dr. Johnson spoke to the Council in December regarding Alabama Southern resources and interest in the workforce development program.

Mayor Grayson stated there has been conversation with post secondary education, Alabama Southern, and the interim chancellor Joan Davis regarding the proposed change in managing partner and everyone is fully supportive. Mayor Grayson noted that the Demopolis Higher Education Campus was not included on an Alabama Southern drop/add form. Dr. Tucker assured the Council that the DHEC will be listed in all catalogs and programs. Dr. Tucker stated that the entire annual payment will be spent on the DHEC. Mayor Grayson stated there were plans to have an LPN program and a truck driving school; after five years these programs have not come into fruition. Councilman Congress stated there is a need for technical training as well as college level courses. Mayor Grayson stated that is exactly why they are asking Alabama Southern to remain a partner.

Councilman Congress asked what can be expected in the short term. Dr. Tucker stated that UWA hired Angelia Mance to focus her efforts toward the workforce development project. UWA has \$250 thousand dollars of machine tool technology equipment that can be transferred to DHEC if there is adequate space. They are already talking with instructors about finding the greatest need to address first. UWA is looking at grant programs but these funds are not dedicated to brick and mortar projects.

Councilman Yelverton made the motion to appoint University of West Alabama managing partner for the Demopolis Higher Education Campus. Councilman Congress seconded the motion and motion passed with 6 yes votes by the following roll call vote:

Mayor Grayson: yes Councilman Moore: yes Councilman Congress: yes
Councilman Yelverton: yes Councilman Meador: yes Councilman Cooley: yes

At 2:55pm the Mayor and Council moved into Executive Session, for general reputation and character, job performance, or compensation, with the following statement:

STATE OF ALABAMA)
CITY OF DEMOPOLIS)

MINUTES EXCERPTS AND MOTION FOR EXECUTIVE SESSION
PURSUANT TO THE ALABAMA OPEN MEETING LAW
A05-0145

WHEREAS, the City Council of the City of Demopolis, Alabama with a quorum being present, was conducting a regular Council Meeting on the 19th day of June, 2009 the time, date, place and agenda of which were duly announced and notices of which were posted in accordance with the Alabama Open Meeting Law, Act 2005-40 (Act); and,

WHEREAS, during the course of said meeting, a motion was made by Councilman Moore for the Council to go into Executive Session for general reputation and character, job performance, or compensation and which motion was seconded by Councilman Meador; and,

WHEREAS, the Presiding Officer directed the City Clerk to enter said motion, purpose and declaration, if made, into the minutes of the meeting and called for a vote on said motion; and,

WHEREAS, said vote in regard to the motion for Executive Session was taken with the "yeas" and "nays" being recorded onto the minutes as follows:

	Yeas	Nays
1. Mayor Mike Grayson	Yea	
2. Mayor Pro Tempore Moore	Yea	
3. Councilman Congress	Yea	
4. Councilman Yelverton	Yea	
5. Councilman Meador	Yea	
6. Councilman Cooley	Yea	

And Presiding Officer declared that a majority of the votes in favor of the motion, that such motion had therefore passed and the Council would forthwith recess into Executive Session for the purpose as stated in said motion and no other purpose, in accordance with the Act and Council for approximately 20 minutes.

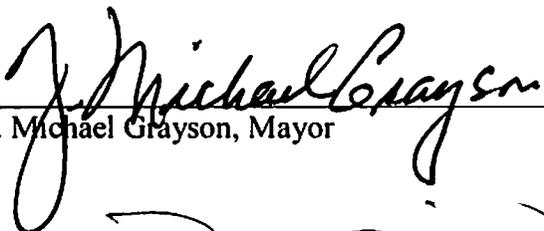
Councilman Meador made the motion to reconvene into regular session at 3:25pm. Councilman Moore seconded the motion and motion passed with 6 yes votes by the following roll call vote:

Mayor Grayson: yes	Councilman Moore: yes	Councilman Congress: yes
Councilman Yelverton: yes	Councilman Meador: yes	Councilman Cooley: yes

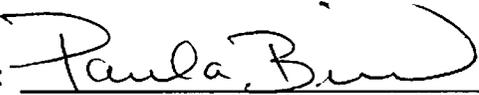
Councilman Cooley made the motion to adjourn. Councilman Meador seconded the motion and motion passed with 6 yes votes by the following roll call vote:

Mayor Grayson: yes	Councilman Moore: yes	Councilman Congress: yes
Councilman Yelverton: yes	Councilman Meador: yes	Councilman Cooley: yes

The Regular Council Meeting adjourned at 3:25pm.



J. Michael Grayson, Mayor

ATTEST: 

Paula Bird, City Clerk

* Audiotape is used by City Clerk to prepare minutes and will be maintained not less than seven years from date of approval.

DILAPIDATED STRUCTURES REPORT

June 18, 2009

- 1. Letter sent for 1814 "A" St. – No action Rick to address**
- 2. Letter sent for 606 2nd Ave. – No action Rick to address**
- 3. Letter sent for 507 N. Ash Ave – No action Rick to address**
- 4. 211 S. Main Ave. – Abated**
- 5. 318 N. Front – Rick to address**
- 6. 701 E. Capitol – Rick to address**
- 7. 207 S. Ash – Rick to address**
- 8. Letter sent for 1504 Hwy 80 East – No action Rick to address**
- 9. 301 N. Front – Rick to address**
- 10. 504 Jones Drive – Structure torn down**
- 11. 1318 Jefferson Road – Structure to be remodeled**
- 12. 1316 Jefferson Road – Abated**
- 13. 105 N. Chestnut – Abated**
- 14. 404 E. Washington St. – Rick to address**
- 15. 408 N. Ash – Abated**
- 16. 406 N. Cedar Ave. – Abated**
- 17. 409 A & 409 B - Standstill**

RESOLUTION 2009-10
BJA FY 09 Edward Byrne Memorial
Justice Assistance Grant Program
2009-G8818-AL-DJ

**STATE OF ALABAMA
MARENGO COUNTY
CITY OF DEMOPOLIS**

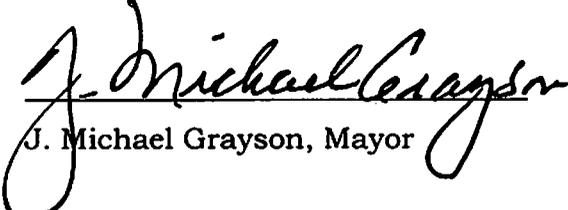
WHEREAS, the Edward Byrne Memorial Justice Assistance Grant Program for FY 2009, is offering financial aid to combat rising crime, improve the criminal justice system, assist victims of crime, and assist in the problems of juvenile justice; and

WHEREAS, the City of Demopolis hereinafter referred to as Applicant is of the opinion that it would be beneficial to make application for such assistance, and

WHEREAS, said City of Demopolis agrees to be accountable for the distribution of funds for the said project,

NOW, THEREFORE, BE IT RESOLVED by J. Michael Grayson, in his official capacity as Mayor, be authorized to make application to the Edward Byrne Memorial Justice Assistance Grant Program for FY 2009 for said financial assistance.

ADOPTED and APPROVED by the Demopolis City Council on this 18th day of June, 2009.



J. Michael Grayson, Mayor

ATTEST:



Paula Bird, City Clerk

Paula Bird, City Clerk

DEMOPOLIS CITY COUNCIL MEETING AGENDA
July 2, 2009

Call to Order – 5:15pm

Invocation –

Pledge of Allegiance

Roll Call

Approval of Agenda

Approval of Minutes: June 18, 2009

Reports from Departments

Police

Court

Fire - submitted

Public Works – Bridge Inspection Review

Parks & Recreation

Horticulture - submitted

Building Official

Library

City Hall

Projects-

1. Municipal Complex – field report
2. Demopolis High School Stadium

Unfinished Business –

1. Golf Cart Request
2. Dilapidated Properties

New Business –

1. Ordinance 2009-05 Increase Court Cost
2. Dana McCants Beautification Committee request
3. Telephone Cost Reduction Proposal
4. Resolution 2009-11 to surplus confiscated bicycles
5. Budget amendment
6. Resolution 2009-12 to request street lights

Council Discussion

Mayor Discussion

Executive Session

Announcement

Adjourn

MINUTES OF THE DEMOPOLIS COUNCIL
OF THE CITY OF DEMOPOLIS, ALABAMA

Regular Meeting

July 2, 2009

The regular meeting of the Demopolis City Council convened at 5:15pm on Thursday, July 2, 2009 in the Demopolis Rooster Hall.

Present:

Council Members: J. Michael Grayson, Mayor
Thomas Moore, Mayor Pro Tempore
Mitchell Congress
Melvin Yelverton
Bill Meador, Jr.
Jack Cooley

City Clerk: Paula Bird

Department Heads:

- Police – Tommie Reese
- Fire - Ronnie Few - submitted
- Public Works – Mike Baker – Bridge Inspection Report
- Library – Morgan Grimes
- Park & Recreation
- Court – Karen Broadhead
- Building Official – Clarence Brooker, Jr.
- Horticulture- Barbara Blevins - submitted
- City Hall – Paula Bird

Mayor Mike Grayson called the meeting to order and Monica Oliver opened the meeting with an invocation. Pledge of Allegiance to the flag of the United States of America.

Councilman Congress made the motion to approve the agenda as presented. Councilman Moore seconded the motion and motion passed with 6 yes votes by the following roll call vote:

Mayor Grayson: yes Councilman Moore: yes Councilman Congress: yes
Councilman Yelverton: yes Councilman Meador: yes Councilman Cooley: yes

The Council reviewed the minutes of the June 18, 2009 regular meeting. Councilman Moore made a motion to approve the minutes as presented. Councilman Meador seconded the motion and motion passed with 6 yes votes by the following roll call vote:

Mayor Grayson: yes Councilman Moore: yes Councilman Congress: yes
Councilman Yelverton: yes Councilman Meador: yes Councilman Cooley: yes

Departmental reports

Departmental reports were submitted as indicated above.

Mike Baker, Public Works Director addressed Council regarding discussion of animal control in previous Council meetings. Mr. Baker distributed a call log for May indicating 360 calls involving animal control. Mr. Baker was concerned there was a misconception that these calls represented call outs to pick up dogs. They are simply 360 telephone calls from

the public with questions regarding animals. Some calls are instantly resolved with an answer to a question from a person on the telephone. There were 65 – 70 calls specifically to address stray dogs or problems with dogs. Mr. Baker just wanted to clear up any misconception that may have occurred due to the number of telephone calls received. Animal Control officers are not on the streets patrolling the entire work day, they have other duties as well.

Councilman Yelverton asked Mr. Baker if the problem reported last Council meeting regarding an open sewer was resolved. Mr. Baker stated that the owners hired a plumber to correct the problem.

Councilman Yelverton asked Mr. Baker about the Bridge Inspection Report distributed to the Council. Mr. Baker stated all bridges in the City of Demopolis are in good shape.

Councilman Congress stated Lucille Carpenter has a dual position of animal control and office manager, and asked how she is able to handle other duties if there are 300+ animal control telephone calls. Mr. Baker stated there are two additional people that help with the animal control duties. Mrs. Carpenter gets involved with the telephone calls if it can result in a legal matter.

Councilman Yelverton asked where we stood on the vicious dog ordinance. Councilman Moore asked that the ordinance be presented at the next regular scheduled Council meeting.

Projects

Municipal Complex: Construction is timely. A field report is presented in the package

Demopolis High School Stadium: Mayor Grayson stated construction is moving rapidly for the August 26 completion date.

Unfinished business

Golf Cart Request: Dr. Kyle Gillespie distributed additional information to the Council regarding the request to adopt an ordinance to allow golf carts street access. Police Chief Tommie Reese stated that a golf cart does not meet the specifications of a motor vehicle that can be licensed to operate on a street. Chief Reese stated that a city cannot pass an ordinance that supercedes state law and that it is unsafe to allow golf carts on a street.

Councilman Congress made a motion to deny establishing an ordinance to allow golf carts access to public streets. Councilman Moore seconded the motion and motion passed with 6 yes votes by the following roll call vote:

Mayor Grayson: yes	Councilman Moore: yes	Councilman Congress: yes
Councilman Yelverton: yes	Councilman Meador: yes	Councilman Cooley: yes

Mayor Grayson told Dr. Gillespie that the Council appreciated the hard work in presenting his request.

Dilapidated Properties: A report was submitted to Council in their books. Mayor Grayson stated that Rick Manley, City Attorney, requested addresses from the Council to add to list. Councilman Congress asked to clarify the City's intention by submitting a property to be included on the dilapidated property list. Mayor Grayson stated that the intention is to get the property cleaned up.

Councilman Yelverton asked if 600 N Walnut had been appraised and/or declared as surplus property. Mayor Grayson asked Paula Bird to research and report back to Council.

New business

Ordinance 2009-05 – To Increase the Court Costs: Karen Broadhead, Court Magistrate, presented the proposed ordinance to the Council. The last court cost increase was in July 1998. The State of Alabama is increasing court costs effective August 1, 2009. Our accounting software vendor is updating our software to reflect this change. If we increase our cost with the same effective date the software vendor can update the changes simultaneously. The funds will be placed in the Corrections Fund account which can be utilized to cover court related expenditures. Councilman Meador asked how the City of Demopolis court fines compared with other cities our size. Mrs. Broadhead said she would investigate.

Councilman Cooley made a motion to table the adoption of Ordinance 2009-05 until the next regular Council meeting to allow time to study the request. Councilman Yelverton seconded the motion and motion passed with 6 yes votes by the following roll call vote:

Mayor Grayson: yes Councilman Moore: yes Councilman Congress: yes
Councilman Yelverton: yes Councilman Meador: yes Councilman Cooley: yes

Dana McCants Beautification Committee request: Mr. McCants stated the Beautification Committee recognizes that the City is making an effort to keep the parks and right of ways clean. There is concern about mowing over paper left on the green areas in the parks and on the right of ways when cutting resulting in shredded paper. The Committee would like to see city employees cleaning more often. Mr. McCants stated that it will also take community volunteer effort. Mr. McCants stated that perhaps the police could increase ticketing people for littering. Mr. McCants stated that he could get volunteers to help keep the town clean.

Councilman Congress reported at the meeting that the Beautification Committee did not feel the town was kept clean and is concerned about paper being shredded when cutting grass. Councilman Congress asked Mike Baker how many employees cut grass in his department. Mr. Baker stated there were 10 – 12 employees. Councilman Congress does not feel the Public Works department has the manpower or equipment available to cut grass more often. Councilman Congress stated Mr. Baker needs to request funding for adequate equipment. Councilman Congress is concerned about the right of ways and litter being thrown on the roads. Mr. McCants asked the Council if they were committed to keeping the city clean.

Mayor Grayson stated the City will do whatever it takes to keep the city looking beautiful within the budget. Mayor Grayson stated it takes a concerted effort with all the departments.

Mayor Grayson stated that there is always room for improvement, but thinks the city looks good.

Mr. McCants inquired on the status of the Task Force. The Mayor stated that the task force no longer exists. Properties are managed in the city through the dilapidated property process that involves the city attorney. The list is compiled through various sources that include the mayor-council, the building inspector and the city attorney. Anyone can submit a property to any of the sources above.

Telephone Cost Reduction: Councilman Cooley distributed information from a study he compiled regarding cell phones and radio communication devices. Councilman Cooley proposes the City of Demopolis combine all the various accounts into one government plan with pooled cellular minutes and unlimited minutes for radio communication. This plan does not require a signed contract and can be cancelled without penalty. The City of Demopolis currently does not have a policy regarding who is allowed to have a city cell phone and/or radio and who has authority to establish a new account. Councilman Cooley recommends that the department head be allowed to have a cell phone with radio communication and certain key employees maintain a radio communication device only.

After discussion, Councilman Moore suggested that several department heads will need to help develop the policy as there are some employees within a department that may require having a cell phone and radio communication device.

Councilman Congress made a motion to adopt using the government cellular phone plan and to develop a telecommunication policy that establishes who is allowed to maintain a city owned phone and/or radio and consequences of overuse of device. Councilman Yelverton seconded the motion and motion passed with 6 yes votes by the following roll call vote:

Mayor Grayson: yes Councilman Moore: yes Councilman Congress: yes
Councilman Yelverton: yes Councilman Meador: yes Councilman Cooley: yes

Resolution 2009-11 to declare surplus equipment: Police Chief Tommie Reese presented to Council a proposed resolution to declare confiscated bicycles as surplus equipment. Chief Reese stated that a legal notice was placed in the Demopolis Times to notify the public. The unclaimed bicycles will be auctioned at a time to be determined and advertised.

Councilman Meador made a motion approve Resolution 2009-11. Councilman Congress seconded the motion and motion passed with 6 yes votes by the following roll call vote:

Mayor Grayson: yes Councilman Moore: yes Councilman Congress: yes
Councilman Yelverton: yes Councilman Meador: yes Councilman Cooley: yes

Budget Amendment: A schedule of departmental budget amendments was presented to Council. The schedule is included in the minutes.

Councilman Yelverton made a motion to approve the budget amendments as presented. Councilman Meador seconded the motion and motion passed with 6 yes votes by the following roll call vote:

Mayor Grayson: yes Councilman Moore: yes Councilman Congress: yes
Councilman Yelverton: yes Councilman Meador: yes Councilman Cooley: yes

There was discussion regarding the policy of obtaining prior approval of purchases of \$100 or more. The practice of requiring pre-approval of purchases was a result of the economic downturn and the efforts by the Mayor to insure budgetary compliance and to save jobs. This policy can be revisited during the next budget year.

Resolution 2009-12 to approve street lighting modification: Mike Baker, Public Works Director, stated there have been requests for additional street lights. Alabama Power Company requires a resolution from Council to authorize installation of the lights. There is no cost to the City for the installation of the lights and the additional monthly charge for electricity is minimal. The addresses requesting additional street lighting are: 803 Arcola Road, 406 North Cedar Avenue, 607 East Washington Street, and 509 South Front Street.

Councilman Yelverton made a motion to approve Resolution 2009-12. Councilman Moore seconded the motion and motion passed with 6 yes votes by the following roll call vote:

Mayor Grayson: yes Councilman Moore: yes Councilman Congress: yes
Councilman Yelverton: yes Councilman Meador: yes Councilman Cooley: yes

Council Discussion

Councilman Congress received a request from the residents of Russell Drive to install a fire hydrant in the area. Councilman Meador asked where the nearest fire hydrant was located. Fire Chief Ronnie Few stated that he would have to investigate the area to get an accurate answer. Councilman Congress asked Chief Few to get with the Russell's. Councilman Meador stated that this would involve a cooperative effort between the Fire Department and the Water and Sewer Board.

Councilman Yelverton stated that Lem Wilson Road doesn't have water or a fire hydrant. Councilman Yelverton said he has been trying for six years to bring water to this area.

Mayor Grayson asked Chief Few to report on these two issues at the next regular Council meeting.

At 7:06pm the Mayor and Council moved into Executive Session, for general reputation and character, job performance, or compensation, with the following statement:

STATE OF ALABAMA)
CITY OF DEMOPOLIS)

MINUTES EXCERPTS AND MOTION FOR EXECUTIVE SESSION
PURSUANT TO THE ALABAMA OPEN MEETING LAW

WHEREAS, the City Council of the City of Demopolis, Alabama with a quorum being present, was conducting a regular Council Meeting on the 2nd day of July, 2009 the time, date, place and agenda of which were duly announced and notices of which were posted in accordance with the Alabama Open Meeting Law, Act 2005-40 (Act); and,

WHEREAS, during the course of said meeting, a motion was made by Councilman Meador for the Council to go into Executive Session for general reputation and character, job performance, or compensation and which motion was seconded by Councilman Congress; and,

WHEREAS, the Presiding Officer directed the City Clerk to enter said motion, purpose and declaration, if made, into the minutes of the meeting and called for a vote on said motion; and,

WHEREAS, said vote in regard to the motion for Executive Session was taken with the "yeas" and "nays" being recorded onto the minutes as follows:

	Yeas	Nays
1. Mayor Mike Grayson	Yea	
2. Mayor Pro Tempore Moore	Yea	
3. Councilman Congress	Yea	
4. Councilman Yelverton	Yea	
5. Councilman Meador	Yea	
6. Councilman Cooley	Yea	

And Presiding Officer declared that a majority of the votes in favor of the motion, that such motion had therefore passed and the Council would forthwith recess into Executive Session for the purpose as stated in said motion and no other purpose, in accordance with the Act and Council for approximately 24 minutes.

Councilman Meador made the motion to reconvene into regular session at 7:55pm. Councilman Moore seconded the motion and motion passed with 6 yes votes by the following roll call vote:

Mayor Grayson: yes	Councilman Moore: yes	Councilman Congress: yes
Councilman Yelverton: yes	Councilman Meador: yes	Councilman Cooley: yes

Mayor Discussion

None

Councilman Meador made the motion to adjourn. Councilman Moore seconded the motion.

The Regular Council Meeting adjourned at 7:55pm.


J. Michael Grayson, Mayor

ATTEST: 
Paula Bird, City Clerk

* Audiotape is used by City Clerk to prepare minutes and will be maintained not less than seven years from date of approval.

ORDINANCE 2009-05

AN ORDINANCE TO AMEND ORDINANCE 1998-6 TO INCREASE THE COURT COSTS TO BE PLACED IN THE CORRECTIONS FUND, TO BE ASSESSED IN THE MUNICIPAL COURT OF THE CITY OF DEMOPOLIS, ALABAMA.

WHEREAS, The Alabama Legislature provided in Section 11-47-7.1 for the implementation of an assessment of court costs in Municipal Courts for use in a "Corrections Fund", and utilized according to said Code of Alabama, and

WHEREAS, Ordinance 1998-6 provided for said costs to be assessed at twenty five and 50/100 (\$25.50) dollars per case to be placed in the corrections fund and used for the construction, equipment and maintenance of municipal courts and municipal jails, and

WHEREAS, The Council of the City of Demopolis has determined that said Correction Fund cost should be increased by five (\$5.00) dollars to a total of thirty and 50/100 (\$30.50) dollars,

NOW, THEREFORE, BE IT ORDAINED BY THE DEMOPOLIS CITY COUNCIL OF THE CITY OF DEMOPOLIS, ALABAMA AS FOLLOWS:

1. Ordinance 1998-6 is hereby amended so that said cost for the "Corrections Fund" is increased by five (\$5.00) dollars per case to a total of thirty and 50/100(\$30.50) dollars per case filed in Municipal Court.
2. This Ordinance was adopted by the Demopolis City Council at its regular council meeting on July 27, 2009. It shall become effective on August 1, 2009 upon approval by the Mayor and City Council and its proper publication as required by law.

Resolution 2009-11

**STATE OF ALABAMA
MARENGO COUNTY
CITY OF DEMOPOLIS**

**A RESOLUTION FOR THE CITY OF DEMOPOLIS, ALABAMA, TO
DECLARE SURPLUS PROPERTY**

WHEREAS, The City of Demopolis, Alabama, has equipment which is no longer needed for public or municipal purposes; and

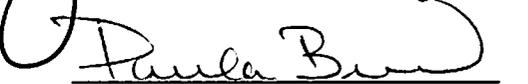
WHEREAS, Section 11-43-56 of the Code of Alabama of 1975 authorizes the municipal governing body to dispose of unneeded personal property:

NOW THEREFORE, be it resolved by the City Council of Demopolis, Alabama, at a regular meeting duly assembled, a quorum being present, as follows:

1. That the attached list of personal property owned by the city of Demopolis, Alabama, is not needed for public or municipal purposes:
2. That the mayor and city clerk be, and they hereby are, authorized and directed to dispose of the personal property owned by the City of Demopolis, Alabama, described in Section 1, above, by receiving bids for such property. All such property shall be sold to the highest bidder, provided, however, that the council shall have the authority to reject all bids when, in its opinion, it deems the bids to be less than adequate consideration for the personal property.

The Mayor and City Council of Demopolis adopted this Resolution at the regular council meeting on Thursday July 2, 2009.


J. Michael Grayson, Mayor


Attest: Paula Bird, City Clerk

1)	Next	Powertrainer	Blue	39422387
2)	Roadmaster	Mt Sport	Purple	GK52388360
3)	Ironman		Silver	BP00H000209
4)	Next	Ultra Terrain	Blue	99TD681228
5)	Roadmaster	Mt Fury	Purple	XC10058810
6)	Mongoose	D60R	Orange	M990247997
7)	Huffy	Ultra Terrain	Green	OL98143717
8)	Roadmaster	Elevation	Blue	K90F015385
9)	Roadmaster	Mtn Sport	Blue	No S/N
10)	Roadmaster	Mt Fury		BC10075878
11)	Open Road		Blue	A807615001
12)	Huffy	Mountain Series	Green	26504
13)	Huffy	Tem America	Blue	No S/N
14)	Quest	Boomer	Red	LWE6194381
15)	Trek		Blue	M3F8A03
16)	Huffy	Max	Green	K66200082111m480
17)	Roadmaster		Red	M000870749
18)	Huffy		Black	No S/N
19)	Roadmaster	Mt Climber	Purp/Pnk	R702106972
20)	Mongoose	Judge	Silver	SNHUA04F28440
21)	Roadmaster	Mt Sport	Blue	644322418
22)	Roadmaster	Mt Fury	Blue	K1FD092C64
23)	Murry	Ultra Terrian	Green	No S/N
24)	Roadmaster	Mt Climber	Blue/Purp	No S/N
25)	Roadmaster	Power	Red	NFSD04JC7
26)	Huffy		Green	2624SK
27)	Roadmaster	Mt Fury		RM40171512
28)	Huffy	Howler	Blk/Red	BB02E073029
29)	Quest		Red	LWLG311304
30)			Blk/Red	No S/N
31)	Huffy	Rockit	Blue	HEE04H56343
32)	Huffy	Hill Terrain	Blue	00TD890816
33)	Huffy		Green	3669690590612F305
34)	Roadmaster		Red	M000870236
35)	Roadmaster		Blk/Red	3090021706
36)	Pacific	Timber	Red	C549D9359
37)	Roadmaster	Mt Fury	Blue	F030800071
38)	Roadmaster	Mt Fury	Silver	FSD06B53267
39)	Mongoose		Green	GNP0G05729
40)	Next		Yellow	69569128
41)	Next		Green	02TD2456871
42)	Next		Pink	37566338
43)	Huffy		Red	50360PP0F12143
44)	Huffy		Purp/pnk	51816P
45)	Huffy		Blue	2347619022621F8844
46)	PTI Sports	Bad Cat	Black	DWOD13517
47)	Quest	Escape	Purple	LBH26B32

48)	Quest		Blue	LBH20G32
49)	Next		Blue	4553215
50)	Huffy		White	50319E
51)	Huffy	Sea Star	Blue	NE02164868
52)	Huffy		Silver	205613
53)	NA			
54)	NA			
55)	NA			
56)	Next		Green	34554497
57)	Huffy	Sea Star	Purple	513910260112M0345
58)	Huffy		Silver	3C5678
59)	Huffy		Red	No S/N
60)	Huffy		Blue	503209315921M
61)	Huffy		Purple	503708
62)	Mongoose		Silver	AU112365
63)	Next		Blue	853661E

Resolution 2009-12

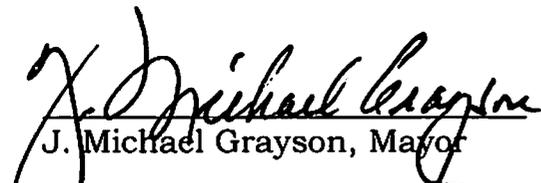
**A RESOLUTION FOR THE CITY OF DEMOPOLIS, ALABAMA, TO
APPROVE THE STREET LIGHTING MODIFICATION**

WHEREAS, this Resolution is to authorize Alabama Power Company to make street modifications;

NOW THEREFORE, be it resolved by the City of Demopolis, Alabama, at a regular council meeting duly assembled, a quorum being present, to install a street light at the following locations:

803 Arcola Road
406 North Cedar Avenue
607 East Washington Street
509 South Front Street

The Mayor and City Council of Demopolis adopted this Resolution at the regular meeting on Thursday July 2, 2009.


J. Michael Grayson, Mayor


Attest: Paula Bird, City Clerk

DEMOPOLIS CITY COUNCIL MEETING AGENDA
July 27, 2009

Call to Order – 12:00pm
Invocation – Mitchell Congress
Pledge of Allegiance
Roll Call
Approval of Agenda
Approval of Minutes: July 2, 2009
Proclamation – National Pro Bono Week

Reports from Departments
Police - submitted
Court - submitted
Fire - submitted
Public Works - submitted
Parks & Recreation - submitted
Horticulture - submitted
Building Official - submitted
Library - submitted
City Hall

Projects-

1. Municipal Complex – field report
2. Demopolis High School Stadium – field report

Unfinished Business –

1. Dilapidated Properties
2. Dog Ordinance
3. Report from Fire Department regarding hydrants in Russell Drive area and Lem Wilson Road
4. Ordinance 2009-05 Increase Court Cost
5. Sunset Road Update
6. Haz-Mat Update

New Business –

1. Resolution 2009-13 Agreement with ALDOT for maintenance along Cedar Avenue and East Capital Street (Municipal Complex)
2. Demopolis Quarterback Club – approval of fireworks on August 8, 2009
3. Carolyn Cowling – Old School
4. Pam Dorr – HERO
5. Auburn Personnel Study
6. Buddy Gray – Fire Safety Equipment

Council Discussion
Mayor Discussion
Executive Session
Announcement
Adjourn

MINUTES OF THE DEMOPOLIS COUNCIL
OF THE CITY OF DEMOPOLIS, ALABAMA

Regular Meeting

July 27, 2009

The regular meeting of the Demopolis City Council convened at 5:15pm on Thursday, July 27, 2009 in the Demopolis Rooster Hall.

Present:

Council Members: J. Michael Grayson, Mayor
Thomas Moore, Mayor Pro Tempore
Mitchell Congress
Melvin Yelverton
Bill Meador, Jr.
Jack Cooley

City Clerk: Paula Bird

Department Heads:

- Police – Tommie Reese - submitted
- Fire - Ronnie Few - submitted
- Building Official–Clarence Brooker, Jr.-submitted
- Public Works – Mike Baker – submitted
- Library – Morgan Grimes - submitted
- Park & Recreation
- Court – Karen Broadhead - submitted
- Horticulture- Barbara Blevins - submitted
- City Hall – Paula Bird

Mayor Mike Grayson called the meeting to order. Councilman Mitchell Congress opened the meeting with an invocation. Pledge of Allegiance to the flag of the United States of America.

Councilman Meador made the motion to approve the agenda as presented. Councilman Moore seconded the motion and motion passed with 6 yes votes by the following roll call vote:

Mayor Grayson: yes Councilman Moore: yes Councilman Congress: yes
Councilman Yelverton: yes Councilman Meador: yes Councilman Cooley: yes

The Council reviewed the minutes of the July 2, 2009 regular meeting. Councilman Cooley noted a correction to the minutes. The minutes should be corrected as follows:

Councilman Cooley proposes the City of Demopolis combine all the various accounts into one government plan with pooled ~~unlimited~~ cellular minutes *and unlimited minutes for radio communication.*

Councilman Congress made a motion to approve the minutes as corrected. Councilman Meador seconded the motion and motion passed with 6 yes votes by the following roll call vote:

Mayor Grayson: yes Councilman Moore: yes Councilman Congress: yes
Councilman Yelverton: yes Councilman Meador: yes Councilman Cooley: yes

Councilman Congress requested the minutes be sent 2 – 3 days prior to Council meetings.

Mayor Grayson recognized Alyce Manley Spruell, president-elect of the Alabama Bar Association and Rick Manley's daughter. Alyce Spruell grew up in Demopolis and currently lives in Tuscaloosa County. Mayor Grayson presented Mrs. Spruell with a Proclamation declaring October 25 – 31, 2009 as Pro Bono Week.

Mrs. Spruell stated that Demopolis is the first city to declare October 25 – 31, 2009 as Pro Bono Week, for people who need assistance and cannot afford it. Mrs. Spruell said she was proud to be from Demopolis. There will be a Legal Clinic held in Demopolis on November 13, 2009.

Departmental reports

Departmental reports were submitted as indicated above.

Police Chief Tommie Reese reported to Council research of the number of citations by year for the past two years compared to 2009 year to date. Councilman Cooley noted there were more traffic citations for the seven months of 2009 as compared to the prior two years and commended Chief Reese and the Police Department.

Councilman Congress commended Fire Chief Ronnie Few and the Fire Department on raising funds for charity. Councilman Congress also commended Chief Few and the Fire Department on quickly responding to the fire call at the old meat packing plant on the corner of Pettus and Ash Street.

Mayor Grayson stated that there was a question at the last regular Council meeting regarding the city owned building at 600 N Walnut. The past minutes were researched and cannot find a record of the building being appraised or declared surplus. Councilman Moore stated that Mr. Mem Webb prepared an appraisal for the property.

Projects

Municipal Complex: A field report is presented in the package

Demopolis High School Stadium: Three weeks of field reports were submitted. The grand opening of the Demopolis High School Stadium is August 8, 2009 around 8:00pm.

Unfinished business

Dilapidated Properties: Rick Manley, City Attorney, distributed a report to Council that itemized fourteen properties that letters have been sent to the owners. A lawsuit will be filed on all the properties on the list plus two additional properties. Mr. Manley displayed pictures showing the current condition of each of the properties.

Councilman Cooley inquired about the house on Ashwood. Mr. Manley stated the owners are involved in lawsuits with regard to the property. The trial has been continued three times and will come up for trial again in September. The City of Demopolis should wait until this lawsuit is resolved.

Councilman Congress stated he had three properties he would like to include and would get with Mr. Manley tomorrow, July 28. Mr. Manley stated it would take approximately two weeks to file the lawsuit. Then the property owners would have to be served.

Councilman Congress stated that he would like the citizens of Demopolis to know that the Council is doing all that it can to alleviate the dilapidated properties.

Vicious Dog Ordinance: Lucille Carpenter, Animal Control, gave Rick Manley a copy of an ordinance adopted in another Alabama city to review and to make a recommendation to Council on the City of Demopolis. Mr. Manley stated that the ordinance was extremely broad. Mr. Manley said he would draft an ordinance to present to the council meeting. Councilman Moore asked if the ordinance could be presented at the next regular council meeting. Mr. Manley stated that we don't need to amend our present ordinance, but instead adopt a new ordinance. It will take a few days to draft a new ordinance.

Fire Department Report on Russell Drive and Lem Wilson Road: Fire Chief Ronnie Few stated that he was not prepared to discuss Lem Wilson Road. Rick Manley stated that Lem Wilson Road is a County Road.

Chief Few distributed a map to the Council and stated that there is a hydrant on Highway 43 at the fork on Russell Drive. There are hydrants on the opposite side of Highway 43 but the fire department would be required to run hoses across the highway and stop traffic. Chief Few stated they would also have to run hose over private property. Councilman Congress stated that an ambulance would not be able to cross the hose if run over Highway 43. The distance between the fork located on Russell drive to the cul-de-sac is 2500 feet. This area does need additional hydrants. Councilman Cooley asked how many feet of hose are carried on a fire truck. Chief Few stated there was 1000 feet of hose on each truck. Rick Manley stated there was a problem with how the property was subdivided. It was outside of city limits when the houses were built. There are three houses currently in the Russell Drive subdivision. The area is on city water, but it is not enough water to service a fire hydrant. Councilman Congress stated the Russell Drive subdivision needs hydrants for future growth. Mayor Grayson stated that many municipalities charge assessments to property owners to build infrastructure. Councilman Cooley stated that a structure within 1000 feet of a hydrant gets a good insurance rate.

Councilman Yelverton stated that the residents of Lem Wilson Road do not have city water even though they were annexed in to the city limits. Councilman Cooley stated that the residents of Lem Wilson Road were offered city water if they would bear the cost of the materials. Councilman Yelverton stated they were going to receive free water from the County.

Mayor Grayson stated that a decision could not be made until the Council is clear on who has the authority to make the decision for installing fire hydrants.

Councilman Moore made a motion to table the discussion until additional information is obtained on Russell Drive and Lem Wilson Road until the first meeting in September. Councilman Congress seconded the motion and motion passed with 6 yes votes by the following roll call vote:

Mayor Grayson: yes	Councilman Moore: yes	Councilman Congress: yes
Councilman Yelverton: yes	Councilman Meador: yes	Councilman Cooley: yes

Ordinance 2009-05 – To Increase the Court Costs: Karen Broadhead, Court Magistrate, presented the proposed ordinance to the Council. The last court cost increase was in July 1998. The State of Alabama is increasing court costs effective August 1, 2009. Our accounting software vendor is updating our software to reflect this change. If we increase our cost with the same effective date the software vendor can update the changes simultaneously. The funds will be placed in the Corrections Fund account which can be utilized to cover court related expenditures.

Councilman Yelverton made a motion to reject the adoption of Ordinance 2009-05. Councilman Moore seconded the motion and motion failed with 3 yes votes and 3 no votes by the following roll call vote:

Mayor Grayson: no	Councilman Moore: yes	Councilman Congress: yes
Councilman Yelverton: yes	Councilman Meador: no	Councilman Cooley: no

Councilman Meador stated that he sees the benefit of accepting Ordinance 2009-05. The funds would be deposited into the Corrections Fund and can be used to support the cost of running court. This fiscal year we have used funds from the Corrections Fund to offset costs of construction of the new municipal court and to fund a portion of the current year court payroll. There has not been an increase in 10 years and Demopolis court cost fines are lower than others in this area.

Sunset Road Update: Rick Manley, City Attorney, distributed a package to Council with a tax map showing the Sunset Road property. Goodwyn Mills & Cawood provided an estimate of running sewer, water and paving of roads in the amount of \$927,000. Mr. Manley stated we are ready to prepare the title work for the road. The question to the Council is what work do you want to authorize and how to fund the project. The project can be broken into phases. Phase I - \$228,000, Phase II - \$60,000, Phase III - \$126,000, Phase IV – Water Main Sewer Extension- \$513,000.

Councilman Congress stated the citizens were concerned about paving until the water is run.

Councilman Congress asked about the status of grant funds from the American Reinvestment Recovery Act. Mayor Grayson asked Audrey Haskins, with Congressman Artur Davis office. The City of Demopolis has not been awarded any of the ARRA funds. Ms. Haskins stated we would have to check with ADECA on the status of any future grant awards. The City of Demopolis is still eligible to receive funds even if not on the current list. Ms. Haskins stated she would work with the Mayor on trying to obtain funding from ADECA.

Councilman Congress stated the City of Demopolis is responsible to address the needs of the area since they were annexed in against their wishes. Mr. Manley stated the area voted to be annexed in to the City of Demopolis. Mr. Carpenter stated the annexation of the Sunset Road area was included in the annexation of the French Creek area. The French Creek area had water and sewer.

Mayor Grayson stated the City of Demopolis will aggressively seek grant funding for this project. It would be fiscally imprudent to enter in to a financial contract without funding in place.

Mrs. Estelle Taylor stated that in the past the City of Demopolis assessed the property owners for running water and paving roads. Councilman Congress stated that he was opposed to charging assessment fees for improvements and doesn't feel the citizens of Sunset Road should have to bear the cost.

Councilman Cooley recommends pursuing all avenues possible to find grant money to help fund the project.

Haz-Mat Update: Kevin McKinney, Director of Marengo County Homeland Security, distributed to the Council a list of equipment and the agreement to house the area Haz-Mat team. The equipment has been inventoried by the State of Alabama and contracted with the City of Mobile Heavy Rescue Team to value the equipment. Demopolis will pay a sum of \$10.00 to transfer title. The items highlighted in yellow are not in possession. The State of Alabama has allocated \$11,000 of available funds to the Haz-Mat team for reimbursement for eligible expenses. The items eligible for reimbursement are submitted on an annual budget worksheet.

Mr. McKinney said the City of Demopolis will cover the insurance on the equipment and possibly a few miscellaneous expenses such as gasoline. Mayor Grayson stated that we already pay health insurance on full time employees.

Councilman Yelverton stated that this is a win-win decision for the City of Demopolis. The City will be paid by the company requiring the services of the Has-Mat team. But ultimately this is about saving lives.

Councilman Congress asked if the City of Demopolis firefighters would be the only group sent to respond to a Haz-Mat call. Chief Few stated that it would be a joint effort with other area fire and/or police departments and volunteer groups. The City of Demopolis will never be left without firefighters. Kevin McKinney stated the Haz-Mat team has never left the three county area.

Councilman Cooley made a motion to ratify the agreement as presented. Councilman Yelverton seconded the motion and motion passed with 6 yes votes by the following roll call vote:

Mayor Grayson: yes	Councilman Moore: yes	Councilman Congress: yes
Councilman Yelverton: yes	Councilman Meador: yes	Councilman Cooley: yes

New business

Resolution 2009-13 Agreement with ALDOT for maintenance along Cedar Avenue and East Capital Street (Municipal Complex): Councilman Congress made a motion to approve Resolution 2009-13 as presented. Councilman Meador seconded the motion and motion passed with 6 yes votes by the following roll call vote:

Mayor Grayson: yes Councilman Moore: yes Councilman Congress: yes
Councilman Yelverton: yes Councilman Meador: yes Councilman Cooley: yes

Demopolis Quarterback Club: Demopolis Quarterback Club requests permission from Council to display fireworks at the grand opening celebration of the new Demopolis High School Stadium. Chief Ronnie Few stated he would have safety equipment on location. Chief Tommie Reese stated he would be present to monitor the event.

Councilman Yelverton made a motion grant approval to the Demopolis Quarterback Club to display fireworks at the grand opening celebration of the Demopolis High School Stadium on August 8, 2009. Councilman Cooley seconded the motion and motion passed with 6 yes votes by the following roll call vote:

Mayor Grayson: yes Councilman Moore: yes Councilman Congress: yes
Councilman Yelverton: yes Councilman Meador: yes Councilman Cooley: yes

Old School Report – Carolyn Cowling: Carolyn Cowling stated she is part of a newly formed group of friends of the Old School on Main Street. The mission statement of the new organization is: To preserve the historic integrity of the 1913 public school designed by Frank Lockwood and to promote the Old School as a regional art center. The group would like to build on the work the City of Demopolis has already started. The City previously roofed the Old School and brought the wiring up to code. The group will base its work on the feasibility study prepared in 2007 by Ellis Architects for the City of Demopolis under a grant awarded from the Alabama State Council on the Arts and the National Endowment for the Arts. The group is going to diligently search and apply for grant funding. The group at this time is only asking the City of Demopolis to enthusiastically support the efforts of the group. The group is asking the City of Demopolis to continue the current level of support on the building. Currently the City of Demopolis insures the building, pays the utility bills, and general grounds and building maintenance. The group will either form a 501(c)3 organization or work under the umbrella of an existing non-profit organization.

In applying for grants the non-profit organization will have to show some type of ownership interest in the building. The group is asking the City of Demopolis to consider a lease arrangement to meet this requirement. The group is looking at grants from private industry and these grants are not generally awarded to a municipality. The group is also exploring fund raising ideas.

The group would like to request a liaison from the City to serve on the Board. Councilman Congress volunteered to serve. Mrs. Cowling stated this is a working group. Councilman Yelverton stated that he appreciates the efforts of the group.

HERO – Pam Dorr – National Vacant Properties Campaign: Ms. Pam Dorr, Director of HERO in Greensboro was asked to present to Council information regarding the National Vacant Properties Campaign. Ms. Dorr gave a brief outline of the work that HERO does in Hale County. Ms. Dorr recently partnered with the Alabama Tombigbee Regional Commission to apply for grants one of which could provide a full time representative for Marengo County. The HUD housing counseling grant provides assistance with home ownership, home repair, and rental. This program provides an educational program for first time home buyers, which helps the buyer qualify for a down payment assistance program. Demopolis qualifies for the Neighborhood Stabilization Program 2 funding. The Ms. Dorr has applied for this grant for the City of Demopolis. This is to help with vacant, abandoned, and foreclosed properties. If an FHA foreclosed property stays on the market 6 months or longer it is eligible to be purchased by a HUD certified non-profit for \$1. This property can be rehabilitated with green technology and offer the house on the market to a qualifying family at a fixed interest rate. HERO has also been HUD trained to offer reverse mortgage, loan document review, and loss mitigation counseling to rural families.

The National Vacant Properties Campaign was designed to recapture abandoned properties and place back in service. One of the problems in rural areas is heir properties. This is one quick way to take care of abandoned property. There are 246 vacant properties identified on the census tract. One quick test to determine whether a property is abandoned is to determine if there are utilities. The National Vacant Properties Campaign can be used for residences, commercial, or industrial properties. Basically the process is to identify the person who will manage the process, send a letter to the last person that paid property tax, after 30 days with no response, make necessary repairs to make safe and place a lien on the property.

In order to follow the process the city ordinance has to mirror the state ordinance. The University of Alabama offers technical assistance with this ordinance. The City of Mobile has used this program successfully.

If the person comes forward and is willing but not able to make repairs there are finance options a property owner can utilize. Rick Manley, City Attorney, expressed his concern of the legality of this process. Mr. Manley will research the National Vacant Properties Campaign.

Councilman Congress asked if the National Vacant Properties Campaign was a federal law. Ms. Dorr stated it is not a federal law but is connected to the State Ordinance for vacant properties. Mayor Grayson stated that this is about turning eyesores of the community into useful housing. This program will increase the city's tax base and increase the community value.

HERO is offering housing counseling in Greensboro that a Demopolis resident can attend to qualify for down payment assistance after grant funds are available. The certificate is good for one year. This program is for first time home buyers. If a person has purchased a trailer that purchase does not disqualify a person from being a first time home buyer. This year a person can qualify for \$23,000 down payment assistance.

Auburn Personnel Study: Mariah Folmar with Auburn University Governmental Services appeared to Council to request payment for the personnel study which began July 23, 2007. Ms. Folmar stated the Program of Work detailed the job timeline which was six months from start to completion. Ms. Folmar presented Council with a package of documents to support Auburn University Governmental Services request for payment of \$16,000.

Councilman Cooley stated that Councilman Moore, Councilman Yelverton and he were on the Council when the services were contracted. Auburn University was contracted to conduct interviews with identified job classifications, write job descriptions, and make salary recommendations based on municipalities similar in size to Demopolis.

Paula Bird, City Clerk, presented Council with documents to support why representatives of the City of Demopolis charged with managing the project were dissatisfied with the progress and quality of the work. The former Mayor asked Ms. Folmar if the work could be completed in time for the 2007/2008 budget year. Ms. Folmar stated they would work to meet that deadline. The City of Demopolis received the final draft of the job descriptions on May 15, 2008 and the final draft of the salary structure in July 2008. Ms. Bird stated there was discussion with the prior Mayor of paying ½ of the invoice. Mayor Grayson asked if this was communicated with Auburn University Governmental Services. Ms. Bird said she did not know. Ms. Folmar said it was not.

Mayor Grayson stated that the discussion will be tabled in order for the current Council to research the information made available. Ms. Folmar suggested the Council to call her or her director for any information.

Buddy Gray – Fire Safety Equipment: Mr. Gray distributed a packet of documents to the Council. Mr. Gray wanted to address the Council regarding fire extinguisher requirements, fire fighting gear and safety equipment purchases, and an unpaid invoice for EMS boots. Mr. Gray stated that his company services fire extinguishers. Mr. Gray stated the fire department is not NPA10 trained to certify fire extinguishers and asked if there was a fire extinguisher in the Council room. Mr. Gray stated that it was not unknown about his feelings regarding hiring Chief Few. Councilman Moore stated that he feels Mr. Gray is out of line and is trying to tell the City how to run its business.

Mr. Gray stated that his company has had a long term relationship with the City of Demopolis before Chief Few was hired. Mr. Gray stated Chief Few said his products were inferior and said his products are not inferior. Mr. Gray stated that he would like to be given the opportunity to quote a price on all fire safety equipment the City of Demopolis purchases. Mr. Gray stated he would like the opportunity to act as a consultant regarding new products.

Mr. Gray asked about an outstanding invoice. Mayor Grayson said he would consult with accounts payable regarding the invoice.

Council Discussion

Councilman Yelverton requested a feasibility study on Lem Wilson Road similar to the study on Sunset Road.

Councilman Cooley inquired about caterers providing services on city owned property, specifically do they have the proper license, liability insurance, and any other requirements by the State Health Department. Councilman Cooley would like this to be included on the agenda as unfinished business.

Councilman Moore asked what the coverage area was for animal control. It is the police jurisdiction. Councilman Moore stated the City of Demopolis will pick up a hog, but not a cat. Mike Baker, Public Works Director, stated they will pick up animals besides dogs in an abuse situation. Councilman Moore requested a work session on animal control. Councilman Congress stated that we need to have the workshop before Mr. Manley drafts the animal control ordinance. Mayor Grayson stated that the budget work session will have priority. Councilman Moore said an October work session on animal control will suffice.

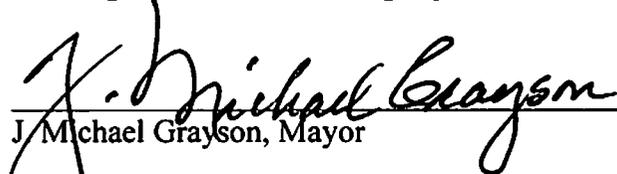
Mayor Discussion

Mayor Grayson received a letter from LaCoste Construction thanking the Fire Department for providing equipment for laying sod at the Demopolis High School.

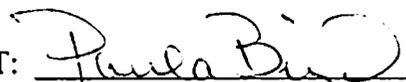
Mayor Grayson announced that Brian Brooker, Sarah Chandler Hallmark, and Martha Kidd have been reappointed to the Historic Preservation Committee.

Councilman Meador made the motion to adjourn. Councilman Cooley seconded the motion.

The Regular Council Meeting adjourned at 3:00pm.



J. Michael Grayson, Mayor

ATTEST: 

Paula Bird, City Clerk

* Audiotape is used by City Clerk to prepare minutes and will be maintained not less than seven years from date of approval.

ORDINANCE 2009-05

AN ORDINANCE TO AMEND ORDINANCE 1998-6 TO INCREASE THE COURT COSTS TO BE PLACED IN THE CORRECTIONS FUND, TO BE ASSESSED IN THE MUNICIPAL COURT OF THE CITY OF DEMOPOLIS, ALABAMA.

WHEREAS, The Alabama Legislature provided in Section 11-47-7.1 for the implementation of an assessment of court costs in Municipal Courts for use in a "Corrections Fund", and utilized according to said Code of Alabama, and

WHEREAS, Ordinance 1998-6 provided for said costs to be assessed at twenty five and 50/100 (\$25.50) dollars per case to be placed in the corrections fund and used for the construction, equipment and maintenance of municipal courts and municipal jails, and

WHEREAS, The Council of the City of Demopolis has determined that said Correction Fund cost should be increased by five (\$5.00) dollars to a total of thirty and 50/100 (\$30.50) dollars,

NOW, THEREFORE, BE IT ORDAINED BY THE DEMOPOLIS CITY COUNCIL OF THE CITY OF DEMOPOLIS, ALABAMA AS FOLLOWS:

1. Ordinance 1998-6 is hereby amended so that said cost for the "Corrections Fund" is increased by five (\$5.00) dollars per case to a total of thirty and 50/100(\$30.50) dollars per case filed in Municipal Court.
2. This Ordinance was adopted by the Demopolis City Council at its regular council meeting on July 27, 2009. It shall become effective on August 1, 2009 upon approval by the Mayor and City Council and its proper publication as required by law.

Resolution 2009-13

**A RESOLUTION FOR THE CITY OF DEMOPOLIS, ALABAMA, TO
ENTER INTO AN AGREEMENT WITH THE STATE OF ALABAMA
DEPARTMENT OF TRANSPORTATION**

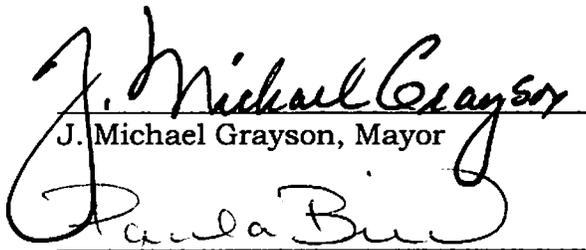
Be It Resolved, by the City Council of Demopolis, Alabama, that the City enter into an Agreement with the State of Alabama; acting by and through the Alabama Department of Transportation for:

The installation, maintenance and/or landscaping of curb and sidewalk on AL-13 (US-43) (Along Cedar Avenue and East Capital Street in Demopolis).

Which agreement is before this Council, and that the agreement be executed in the name of the City, by its Mayor, for and on its behalf and that it be attested by the City Clerk and the seal of the City affixed thereto.

Be It Further Resolved, that upon the completion of the execution of the agreement by all parties, that a copy of such agreement be kept on file by the City Clerk.

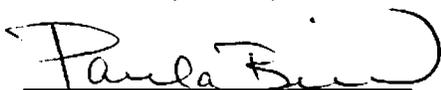
The Mayor and City Council of Demopolis passed, adopted, and approved this Resolution at the regular meeting on Monday July 27, 2009.


J. Michael Grayson, Mayor

Attest: Paula Bird, City Clerk

I, the undersigned qualified and acting clerk of the City of Demopolis, Alabama, do hereby certify that the above and foregoing is a true copy of a resolution lawfully passed and adopted by the City Council of the City named therein, at a regular meeting of such Council meeting held on the 27th day of July, 2009, and that such resolution is on file in the office of the City Clerk.

In Witness Whereof, I have hereunto set my hand and affixed the official seal of the City this 27th day of July, 2009.


Paula Bird, City Clerk

DEMOPOLIS CITY COUNCIL MEETING AGENDA
August 6, 2009

Call to Order – 5:15pm
Invocation – Reverend Frank Stiff
Pledge of Allegiance
Roll Call
Approval of Agenda
Approval of Minutes: July 27, 2009
Reports from Departments

Police
Court
Fire - submitted
Public Works
Parks & Recreation
Horticulture
Building Official
Library
City Hall - emailed

Projects-

1. Municipal Complex – field report
2. Demopolis High School Stadium – field report

Unfinished Business –

1. Dilapidated Properties
2. Catering Requirements
3. Auburn Personnel Study

New Business –

1. Dan Wilson Highway 80 Traffic Study

Council Discussion
Mayor Discussion
Executive Session
Announcement
Adjourn

MINUTES OF THE DEMOPOLIS COUNCIL
OF THE CITY OF DEMOPOLIS, ALABAMA

Regular Meeting

August 6, 2009

The regular meeting of the Demopolis City Council convened at 5:15pm on Thursday, August 6, 2009 in the Demopolis Rooster Hall.

Present:

Council Members: J. Michael Grayson, Mayor
Bill Meador, Jr.
Jack Cooley

City Clerk: Paula Bird

Absent: Thomas Moore, Mayor Pro Tempore
Mitchell Congress
Melvin Yelverton

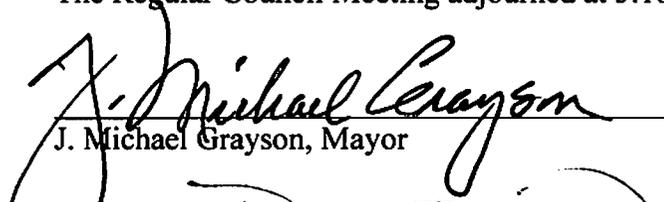
Department Heads:

- | | |
|---------------------------------|---|
| • Police – Tommie Reese | Court |
| • Fire - Ronnie Few - submitted | Building Official–Clarence Brooker, Jr. |
| • Public Works – Mike Baker | Horticulture- Barbara Blevins |
| • Library – Morgan Grimes | City Hall – Paula Bird - emailed |
| • Park & Recreation | |

Mayor Mike Grayson called the meeting to order. Brother Atkins opened the meeting with an invocation followed by the Pledge of Allegiance to the flag of the United States of America.

Mayor Grayson proceeded with a roll call vote. The roll call is noted above. Mayor Grayson stated that since there was no quorum the meeting was adjourned.

The Regular Council Meeting adjourned at 5:18pm.



J. Michael Grayson, Mayor

ATTEST: 

Paula Bird, City Clerk

* Audiotape is used by City Clerk to prepare minutes and will be maintained not less than seven years from date of approval.

DEMOPOLIS CITY COUNCIL MEETING AGENDA
August 20, 2009

Call to Order – 5:15pm

Invocation –

Pledge of Allegiance

Roll Call

Approval of Agenda

Approval of Minutes: July 27, 2009 and August 6, 2009

Reports from Departments

Police - submitted

Court - submitted

Fire – submitted (8/6/09)

Public Works - submitted

Parks & Recreation

Horticulture

Building Official

Library

City Hall – emailed report (8/6/09)

Projects-

1. Municipal Complex – field report (8/6/09)
2. Demopolis High School Stadium – field report (8/6/09)

Unfinished Business –

1. Dilapidated Properties
2. Catering Requirements
3. Auburn Personnel Study

New Business –

1. Public Hearing: Zoning Ordinance 2009-06 Rezone 1608 & 1610 Lock Rd.
2. Public Hearing: Zoning Ordinance 2009-07 Amendment to Zoning Ordinance regarding portable signs.
3. Dan Wilson Highway 80 Traffic Study
4. 040 -Retail Beer (On or Off Premises) and 060 – Retail Table Wine (On or Off Premises) Graysons Vine and Hoof
5. 050 – Retail Beer (Off Premises Only) – Omart Food and Fuel
6. 020 – Restaurant Retail Liquor – Smokin Jacks BBQ LLC

Council Discussion

Mayor Discussion

Executive Session

Announcement

Adjourn

MINUTES OF THE DEMOPOLIS COUNCIL
OF THE CITY OF DEMOPOLIS, ALABAMA

Regular Meeting

August 20, 2009

The regular meeting of the Demopolis City Council convened at 5:15pm on Thursday, August 20, 2009 in the Demopolis Rooster Hall.

Present:

Council Members: J. Michael Grayson, Mayor
Thomas Moore, Mayor Pro Tempore
Mitchell Congress
Melvin Yelverton
Bill Meador, Jr.
Jack Cooley

City Clerk: Paula Bird

Department Heads:

- Police – Tommie Reese - submitted
- Fire - Ronnie Few – submitted (8/6)
- Park & Recreation
- Building Official–Clarence Brooker, Jr.
- Library – Morgan Grimes
- Court - submitted
- Public Works – Mike Baker – submitted
- Horticulture- Barbara Blevins
- City Hall – Paula Bird – emailed (8/6)

Mayor Mike Grayson called the meeting to order. Councilman Mitchell Congress opened the meeting with an invocation followed by the Pledge of Allegiance to the flag of the United States of America.

Councilman Meador made the motion to approve the agenda as presented. Councilman Yelverton seconded the motion and motion passed with 6 yes votes by the following roll call vote:

Mayor Grayson: yes Councilman Moore: yes Councilman Congress: yes
Councilman Yelverton: yes Councilman Meador: yes Councilman Cooley: yes

The Council reviewed the minutes of the July 27, 2009 and August 6, 2009 regular meetings. Councilman Meador made a motion to approve both sets of minutes as presented. Councilman Cooley seconded the motion and motion passed with 6 yes votes by the following roll call vote:

Mayor Grayson: yes Councilman Moore: yes Councilman Congress: yes
Councilman Yelverton: yes Councilman Meador: yes Councilman Cooley: yes

Departmental reports

Departmental reports were submitted as indicated above.

Projects

Municipal Complex: A field report is presented in the package. (8/6)

Demopolis High School Stadium: A field report is presented in the package. (8/6)

Unfinished business

Dilapidated Properties: Rick Manley, City Attorney, presented an update on the status of various properties. Lawsuits have been served and the property owners have 30 days to answer. If there is no response a lien will be placed on the respective properties.

Councilman Congress thanked Mr. Manley and stated that citizens recognize the efforts of the City of Demopolis to resolve dilapidated properties.

Mayor Grayson announced that the City of Demopolis has developed a strategy to clean up “junk cars”. We will start on Commissioner Street between Jackson and Jefferson Streets. Pictures will be taken of cars without current tags and/or inoperable. A letter will be sent to the property owner and given 10 days to respond. Mr. Manley will make contact with the property owner to inform them of the penalties for non-compliance.

Proposed Catering Requirements: Councilman Cooley strongly recommends drafting an ordinance that requires a caterer to maintain a business license, health department permit, and liability insurance when catering a function at city owned property. The ordinance should include the appropriate fine imposed for violation of the ordinance. The purpose of the ordinance is to limit the liability exposure to the city.

There was discussion concerning the definition of a caterer. Various scenarios were discussed regarding self catered and friend catered events. Scenarios included no payment and some included payment for a friend providing cooking services.

Councilman Congress stated that some people do not know how to operate the equipment in the Civic Center kitchen and suggested a city employee might be available to instruct the lessee of the building.

Councilman Cooley made a motion to authorize creating a draft of an Ordinance regarding caterers to be presented to Council for review. Councilman Meador seconded the motion and motion passed with 6 yes votes by the following roll call vote:

Mayor Grayson: yes	Councilman Moore: yes	Councilman Congress: yes
Councilman Yelverton: yes	Councilman Meador: yes	Councilman Cooley: yes

Auburn Personnel Study: Mayor Grayson stated that the study was completed approximately one year ago and the invoice has not been paid. Councilman Cooley stated that at the past Council meeting where there was no quorum several representatives from Auburn Center for Governmental Services were present for the meeting. As there was no quorum the meeting was adjourned. However, those present discussed the Auburn Personnel Study project with the Auburn representatives. Councilman Cooley stated that the previous administration signed a valid contract to perform the services and a completed project was delivered. Although there was dissatisfaction with the progress and product of the project the

City of Demopolis should honor the terms of the contract and pay the reduced amount of the invoice of \$15,000.

Maria Folmar with Auburn Center for Governmental Services stated that they would provide two copies of an updated pay plan schedule to reflect the recent change in the minimum wage laws. Ms. Folmar stated that they would like to present the personnel study to the Council at a future meeting.

Councilman Moore made the motion to pay the invoice in the amount of \$15,000. Councilman Cooley seconded the motion and motion passed with 4 yes votes and 2 no votes by the following roll call vote:

Mayor Grayson: yes	Councilman Moore: yes	Councilman Congress: no
Councilman Yelverton: no	Councilman Meador: yes	Councilman Cooley: yes

New business

Public Hearing and Zoning Ordinance 2009-06: This ordinance authorizes the rezoning of 1608 & 1610 Lock Road. The Planning Commission approves the rezoning requests. The property owner was present to request approval. No one was present to oppose approval of the request.

Councilman Yelverton made a motion to approve Ordinance 2009-06 as presented. Councilman Congress seconded the motion and motion passed with 6 yes votes by the following roll call vote:

Mayor Grayson: yes	Councilman Moore: yes	Councilman Congress: yes
Councilman Yelverton: yes	Councilman Meador: yes	Councilman Cooley: yes

Public Hearing and Zoning Ordinance 2009-07: This ordinance will amend the zoning ordinance regarding the use of portable signs. Several business owners were present in support of passing the proposed ordinance. No one was present to oppose the approval of the ordinance. Councilman Congress noted that the proposed ordinance was a compromise between all parties that participated in the Planning Commission meetings in regard to the use of portable signs.

Councilman Congress made a motion to approve Ordinance 2009-07 as presented. Councilman Cooley seconded the motion and motion passed with 6 yes votes by the following roll call vote:

Mayor Grayson: yes	Councilman Moore: yes	Councilman Congress: yes
Councilman Yelverton: yes	Councilman Meador: yes	Councilman Cooley: yes

Dan Wilson Highway 80 Traffic Study: Mr. Wilson was not present.

040-Retail Beer (On or Off Premises) and 060-Retail Table Wine (On or Off Premises) Graysons Vine and Hoof: Susan Grayson currently has an ABC Retail Beer and Retail Table Wine (Off Premises) and is asking for approval for a change in license. Police Chief Tommie Reese does not have any objections.

Councilman Congress made a motion to approve the 040-Retail Beer (On or Off Premises) and 060-Retail Table Wine (On or Off Premises) for Graysons Vine and Hoof as requested. Councilman Moore seconded the motion and motion passed with 5 yes votes (1 abstain) by the following roll call vote:

Mayor Grayson: abstain Councilman Moore: yes Councilman Congress: yes
Councilman Yelverton: yes Councilman Meador: yes Councilman Cooley: yes

050-Retail Beer (Off Premises Only) – Omart Food and Fuel: Councilman Yelverton asked if this was the business located across from the middle school and the school board and whether there were any restrictions on selling alcoholic beverages within a certain distance from schools. Mayor Grayson stated that the application requires the information about distance from schools on the application, but the ABC Board stated it was at Council's discretion to approve. Councilman Moore stated that the previous business located at this address had an ABC license. Police Chief Tommie Reese stated his only concern about the request was the approximation to school property.

Councilman Moore made a motion to approve the 050-Retail Beer (Off Premises Only) for Omart Food and Fuel as requested. Councilman Meador seconded the motion and motion passed with 3 yes votes and 1 no vote (2 abstain) by the following roll call vote:

Mayor Grayson: abstain Councilman Moore: yes Councilman Congress: abstain
Councilman Yelverton: no Councilman Meador: yes Councilman Cooley: yes

020-Restaurant Retail Liquor – Smokin Jacks BBQ LLC: Jackie Poole was present to request the ABC liquor license. Mr. Poole stated the restaurant had an ABC license in the past and would like to reinstate it in an effort to offer clientele a service and to increase business. Police Chief Tommie Reese stated that he had no objections.

Councilman Meador made a motion to approve the 020-Restaurant Retail Liquor for Smokin Jacks BBQ LLC as requested. Councilman Moore seconded the motion and motion passed with 4 yes votes (2 abstain) by the following roll call vote:

Mayor Grayson: abstain Councilman Moore: yes Councilman Congress: abstain
Councilman Yelverton: yes Councilman Meador: yes Councilman Cooley: yes

Council Discussion

Councilman Congress thanked Mike Baker, Public Works Director and the Public Works Department for being available and responding to calls promptly.

Councilman Congress stated that many citizens are complaining about young people wearing indecent attire by wearing their pants so low that their underwear is exposed. Many people find this disrespectful and should be considered indecent exposure. Mayor Grayson stated that he recently heard of a city establishing an ordinance to disallow this type of behavior. The Council agrees that this should be addressed.

Councilman Congress made a motion to draft an ordinance concerning indecent exposure and banning such dress that exposes undergarments to be presented to the Council for review. Councilman Meador seconded the motion and motion passed with 6 yes votes by the following roll call vote:

Mayor Grayson: yes Councilman Moore: yes Councilman Congress: yes
Councilman Yelverton: yes Councilman Meador: yes Councilman Cooley: yes

Mayor Discussion

Mayor Grayson stated that the City of Demopolis was awarded a grant from the State of Alabama in the amount of \$460,000 for the rehabilitation of the railroad spur at CTCO.

Mayor Grayson distributed copies of letters of appreciation from LaCoste Construction and the Board of Education. Mayor Grayson stated a citizen called in to express their appreciation of the barricades set up which helped slow down the traffic on Maria Street. Mayor Grayson stated the UWA will be holding softball games at the park.

Councilman Congress asked the Mayor about the status of Sunset Road. Mayor Grayson stated that a group met with ATRC to discuss this project as well as Black Drive.

Councilman Congress stated he forgot to bring up also there was a conflict at the Civic Center regarding the duties of the officers that are required for security. There was a conflict regarding a lessee who thought they could direct the officer as to their duties.

At 6:41pm the Mayor and Council moved into Executive Session, for general reputation and character, job performance, or compensation, with the following statement:

STATE OF ALABAMA)
CITY OF DEMOPOLIS)

MINUTES EXCERPTS AND MOTION FOR EXECUTIVE SESSION
PURSUANT TO THE ALABAMA OPEN MEETING LAW
A05-0145

WHEREAS, the City Council of the City of Demopolis, Alabama with a quorum being present, was conducting a regular Council Meeting on the 20th day of August, 2009 the time, date, place and agenda of which were duly announced and notices of which were posted in accordance with the Alabama Open Meeting Law, Act 2005-40 (Act); and,

WHEREAS, during the course of said meeting, a motion was made by Councilman Yelverton for the Council to go into Executive Session for general reputation and character, job performance, or compensation and which motion was seconded by Councilman Congress; and,

WHEREAS, the Presiding Officer directed the City Clerk to enter said motion, purpose and declaration, if made, into the minutes of the meeting and called for a vote on said motion; and,

WHEREAS, said vote in regard to the motion for Executive Session was taken with the "yeas" and "nays" being recorded onto the minutes as follows:

	Yeas	Nays
1. Mayor Mike Grayson	Yea	
2. Mayor Pro Tempore Moore	Yea	
3. Councilman Congress	Yea	
4. Councilman Yelverton	Yea	
5. Councilman Meador	Yea	
6. Councilman Cooley	Yea	

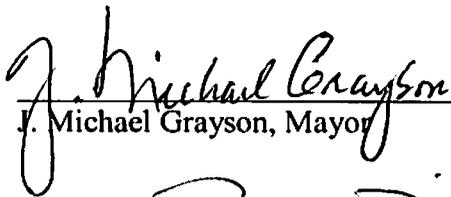
And Presiding Officer declared that a majority of the votes in favor of the motion, that such motion had therefore passed and the Council would forthwith recess into Executive Session for the purpose as stated in said motion and no other purpose, in accordance with the Act and Council for approximately 25 minutes.

Councilman Meador made the motion to reconvene into regular session at 7:30pm. Councilman Congress seconded the motion and motion passed with 6 yes votes by the following roll call vote:

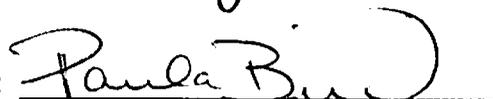
Mayor Grayson: yes	Councilman Moore: yes	Councilman Congress: yes
Councilman Yelverton: yes	Councilman Meador: yes	Councilman Cooley: yes

Councilman Meador made the motion to adjourn. Councilman Congress seconded the motion.

The Regular Council Meeting adjourned at 7:30pm.



J. Michael Grayson, Mayor

ATTEST: 

Paula Bird, City Clerk

* Audiotape is used by City Clerk to prepare minutes and will be maintained not less than seven years from date of approval.

ORDINANCE 2009-06

AN ORDINANCE TO CHANGE THE ZONING OF CERTAIN PROPERTY IN THE CITY OF DEMOPOLIS, ALABAMA.

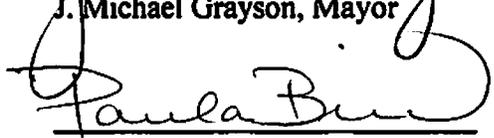
BE IT HEREBY ORDAINED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF DEMOPOLIS, ALABAMA AS FOLLOWS:

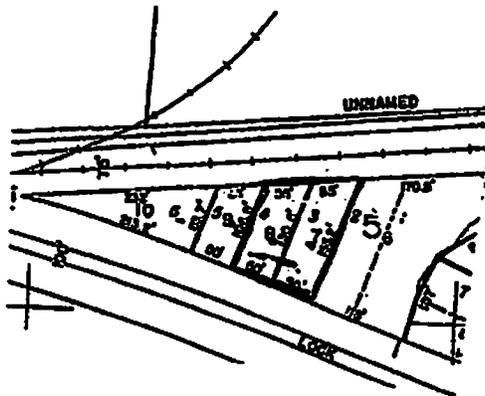
1. The zoning of real property described in the paragraph below shall be changed from I-2 zone to R-3 zone.

Part of Section 23, Township 16 north, Range 2 East, Map # 48-02-06-23-3, block 2, parcel 7 & 8. Said parcel measuring approximately 100' x 130' located at 1608 and 1610 Lock Road.

2. This Ordinance was adopted by the Demopolis City Council at its regular council meeting on August 20, 2009. It shall become effective upon approval by the Mayor and City Council and its proper publication as required by law.


J. Michael Grayson, Mayor


Paula Bird, City Clerk



ORDINANCE 2009-07

AN ORDINANCE TO CHANGE THE ZONING CODE IN THE CITY OF DEMOPOLIS, ALABAMA.

BE IT HEREBY ORDAINED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF DEMOPOLIS, ALABAMA AS FOLLOWS:

- 1. Amend Section 901.12 to delete the following wording if the proposed new Sub-section 902.8 is approved:**

Portable signs shall only be used as temporary signs.

- 2. Amend Section 902 to add a new Sub-section 902.8 that reads as follows:**

902.8 Portable Signs for Businesses. Each business located in a non-residential zoning district that possesses a valid business license shall be entitled to have no more than one (1) portable sign that shall only be displayed when the business is open and shall be stored within a closed structure when the business is closed. The portable sign may be one- or two-sided with a maximum surface area of eight (8) square feet for each side of the sign; shall not be internally illuminated; shall not be placed within a public right-of-way; and may include the following type sign: A-frame, easel, menu or sandwich board, T-frame or type of signs typically used in political campaigns.

- 3. Amend Section 904 to delete Sub-section 904.4 from the Zoning Ordinance if the proposed Sub-section 902.8 is approved and upon the deletion of Sub-section 904.4 revise the numbering sequence of the sub-sections from 904.5 thru 904.13 to 904.4 thru 904.12.**

- 4. Amend the last sentence in the first paragraph of Section 904.12 to change "upon written application to the Building Official" to read as follows:**

"upon written application delivered by U. S. Mail, courier, fax machine, e-mail or personally by the applicant to the Building Official"

- 5. Amend Section 904.12 B to add the following wording:**

However, a permit may be extended an additional fifteen (15) days upon written request to the Building Official at least five (5) days prior to termination of the permit. The written request shall be delivered by U. S. Mail, courier, fax machine, e-mail or personally by the applicant. The additional period of time shall count toward the maximum number of days permitted in one (1) calendar year by Section 904.12 C.

- 6. Amend Section 904.12 C to increase the times each year and the total number of days each year temporary signs or banners may be permitted and to read as follows:**

C. Not more than one (1) permit shall be issued for the same premises more frequently than six (6) times a year for a total of ninety (90) days in a calendar year.

This Ordinance was adopted by the Demopolis City Council at its regular council meeting on August 20, 2009. It shall become effective upon approval by the Mayor and City Council and its proper publication as required by law.


J. Michael Grayson, Mayor


Paula Bird, City Clerk

MINUTES OF THE DEMOPOLIS COUNCIL
OF THE CITY OF DEMOPOLIS, ALABAMA

Regular Meeting

September 3, 2009

The regular meeting of the Demopolis City Council convened at 5:15pm on Thursday, September 3, 2009 in the Demopolis Rooster Hall.

Present:

Council Members: J. Michael Grayson, Mayor
Thomas Moore, Mayor Pro Tempore
Mitchell Congress
Melvin Yelverton
Bill Meador, Jr.
Jack Cooley

City Clerk: Paula Bird

Department Heads:

- Police – Tommie Reese
 - Fire - Ronnie Few - submitted
 - Public Works – Mike Baker
 - Horticulture- Barbara Blevins
 - City Hall – Paula Bird-submitted by email
- Court
Building Official – Clarence Brooker, Jr.
Library – Morgan Grimes
Park & Recreation-Mark Pettus

Mayor Mike Grayson called the meeting to order. The Demopolis Police & Fire Honor Guard presented the flags of the United States of America and the State of Alabama. Mike Baker opened the meeting with an invocation followed by the Pledge of Allegiance to the flag of the United States of America.

Councilman Meador made the motion to approve the agenda as presented. Councilman Yelverton seconded the motion and motion passed with 6 yes votes by the following roll call vote:

Mayor Grayson: yes Councilman Moore: yes Councilman Congress: yes
Councilman Yelverton: yes Councilman Meador: yes Councilman Cooley: yes

The Council reviewed the minutes of the August 20, 2009 regular meeting. Councilman Meador made a motion to approve the minutes as presented. Councilman Yelverton seconded the motion and motion passed with 6 yes votes by the following roll call vote:

Mayor Grayson: yes Councilman Moore: yes Councilman Congress: yes
Councilman Yelverton: yes Councilman Meador: yes Councilman Cooley: yes

Departmental reports

Departmental reports were submitted as indicated above.

Projects

Municipal Complex: A field report is presented in the Councils package. Councilman Cooley asked if the project was on schedule to be completed on time. Mayor Grayson stated that the consensus with Brian Brooker and Police Chief Tommie Reese is that the project will be completed on schedule which is January 12, 2010.

Mayor Grayson reported that additional subsoil work in the parking area was necessary. Councilman Cooley asked when the Council needed to address the need for a new roof. There currently is a significant leak that is affecting new construction. Councilman Moore stated that the Council needs to address this immediately. Mayor Grayson stated that the roof repair would have to be funded from reserves. The contractor estimated the cost of the new roof in the amount of \$98,857

Councilman Cooley made the motion to use city reserve funds to immediately begin the process of replacing the roof of the Municipal Complex. Councilman Moore seconded the motion and motion passed with 6 yes votes by the following roll call vote:

Mayor Grayson: yes	Councilman Moore: yes	Councilman Congress: yes
Councilman Yelverton: yes	Councilman Meador: yes	Councilman Cooley: yes

The roof will be a change order on the project and is within limits not requiring a bid.

Demopolis High School Stadium: Field reports are included in the Councils package. Councilman Congress asked if the City of Demopolis owns the new stadium. Rick Manley is researching this question and will provide an answer to Council tomorrow. Councilman Meador asked when this project would be completed. Mayor Grayson stated that Dr. Vickers said the August 26 completion date was for the stadium. Councilman Moore stated there should be a definitive completion date. Councilman Yelverton asked if the contractor would fix the road. Councilman Cooley stated they would fix the road after all construction is completed. Mike Baker, Public Works Director said the contractors have patched some of the bad areas.

Unfinished business

Dilapidated Properties: Rick Manley, City Attorney, stated he is struggling with ownership issues of heir properties.

Proposed Catering Ordinance: Councilman Cooley distributed a proposed ordinance that he and Rick Manley composed. Councilman Cooley asked Council to take home and review for discussion at the next regular council meeting.

Proposed Indecent Exposure Ordinance: Councilman Congress stated that he is working on the proposed ordinance and will email to Council for discussion at the next regular council meeting.

New business

Lake Demopolis Renew Our Rivers – Bob McCants: Mr. McCants stated that the Renew Our Rivers is Alabama’s largest organized river-system cleanup which began as a community project in May 2000 by Alabama Power employees in Gadsden, Alabama and has since spread to Mississippi, Georgia and Florida.

The Demopolis community cleanup on Lake Demopolis has collected 256,000 pounds of material between 2005-2008. The community is very responsive to this area. There have been 190+ volunteers each year. Local business and industry have all worked together including Greene County Steam Plant, Rowley Recycling, Reynolds Agency, Cemex and the City of Demopolis. Approximately 40% of the materials collected are recycled.

The Lake Demopolis cleanup will be held for 1 ½ days on September 18 – 19, 2009.

Mike Baker, Public Works Director said the Public Works department will be working with the Renew Our Rivers to extend the cleanup to the City of Demopolis. Citizens can place items on the street for pickup by the Public Works Department. There will be a press release concerning the pickup schedule. The Public Works Department will also use this time to clean ditches and streets.

Councilman Congress asked if the City of Demopolis had an ordinance regarding the 10 working day requirement to remove certain cars from property. Mayor Grayson asked Clarence Brooker Jr. to give a report on the letters sent to property owners on removing cars from property.

Budget: The Finance Committee conducted interviews with department heads and agencies throughout the months of July and August. Mayor Grayson stated the budget was previously sent to Council to facilitate discussion tonight on the budget recommended by the Finance Committee. Each Councilman was given the opportunity to ask questions and make recommendations. There was lengthy discussion regarding these comments.

Councilman Yelverton stated that the Council should have a work session. Councilman Moore stated that the idea of sending the first draft to council early was to review and forward questions to the finance committee before tonight’s meeting. Council should be in a position to vote on the budget at the September 17, 2009 regular council meeting.

A work session will be conducted at the September 17, 2009 regular council meeting. Councilman Moore asked if council can forward any questions to the finance committee in advance to facilitate the work session. Mayor Grayson stated that the City of Demopolis has limited resources so if there is a request to add expenditures to the budget to also state which expenditure will be reduced to compensate for the addition. State law mandates that only 90% of budgeted revenues can be expended.

At 7:35pm the Mayor and Council moved into Executive Session, for general reputation and character, job performance, or compensation, with the following statement:

STATE OF ALABAMA)

MINUTES EXCERPTS AND MOTION FOR EXECUTIVE SESSION
PURSUANT TO THE ALABAMA OPEN MEETING LAW
A05-0145

WHEREAS, the City Council of the City of Demopolis, Alabama with a quorum being present, was conducting a regular Council Meeting on the 3rd day of September, 2009 the time, date, place and agenda of which were duly announced and notices of which were posted in accordance with the Alabama Open Meeting Law, Act 2005-40 (Act); and,

WHEREAS, during the course of said meeting, a motion was made by Councilman Congress for the Council to go into Executive Session for general reputation and character, job performance, or compensation and which motion was seconded by Councilman Yelverton; and,

WHEREAS, the Presiding Officer directed the City Clerk to enter said motion, purpose and declaration, if made, into the minutes of the meeting and called for a vote on said motion; and,

WHEREAS, said vote in regard to the motion for Executive Session was taken with the "yeas" and "nays" being recorded onto the minutes as follows:

	Yeas	Nays
1. Mayor Mike Grayson	Yea	
2. Mayor Pro Tempore Moore	Yea	
3. Councilman Congress	Yea	
4. Councilman Yelverton	Yea	
5. Councilman Meador	Yea	
6. Councilman Cooley	Yea	

And Presiding Officer declared that a majority of the votes in favor of the motion, that such motion had therefore passed and the Council would forthwith recess into Executive Session for the purpose as stated in said motion and no other purpose, in accordance with the Act and Council for approximately 45 minutes.

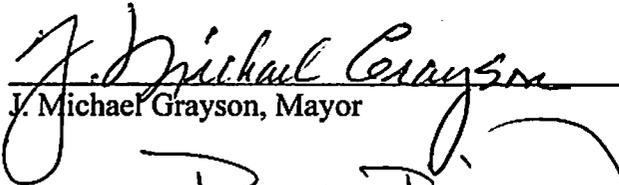
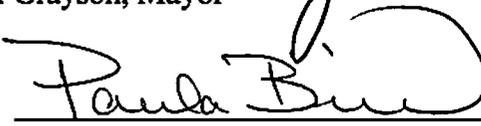
Councilman Meador made the motion to reconvene into regular session at 7:53pm. Councilman Moore seconded the motion and motion passed with 6 yes votes by the following roll call vote:

Mayor Grayson: yes	Councilman Moore: yes	Councilman Congress: yes
Councilman Yelverton: yes	Councilman Meador: yes	Councilman Cooley: yes

Councilman Meador made the motion to adjourn. Councilman Moore seconded the motion and motion passed with 6 yes votes by the following roll call vote:

Mayor Grayson: yes	Councilman Moore: yes	Councilman Congress: yes
Councilman Yelverton: yes	Councilman Meador: yes	Councilman Cooley: yes

The Regular Council Meeting adjourned at 7:53pm.


J. Michael Grayson, Mayor
ATTEST: 
Paula Bird, City Clerk

* Audiotape is used by City Clerk to prepare minutes and will be maintained not less than seven years from date of approval.

DEMOPOLIS CITY COUNCIL MEETING AGENDA
September 17, 2009

Call to Order – 5:15pm

Invocation –

Pledge of Allegiance

Roll Call

Approval of Agenda

Approval of Minutes: September 3, 2009

Reports from Departments

Police - submitted

Court - submitted

Fire - submitted

Public Works

Parks & Recreation

Horticulture - submitted

Building Official

Library

City Hall

Projects-

1. Municipal Complex – field report
2. Demopolis High School Stadium – field report

Unfinished Business –

Will be addressed at the next regular council meeting

New Business –

1. Public Hearing – Ordinance 2009-08 An Ordinance to change the zoning of certain property in the City of Demopolis, AL located at the 400 block of Barley Road.
2. Demopolis Water & Sewer Authority Board
3. Resolution 2009-15: Budget Amendment to FY 2008/2009
4. Adoption of 2009/2010 Budget

Council Discussion

Mayor Discussion

Executive Session

Announcement

Adjourn

MINUTES OF THE DEMOPOLIS COUNCIL
OF THE CITY OF DEMOPOLIS, ALABAMA

Regular Meeting

September 17, 2009

The regular meeting of the Demopolis City Council convened at 5:15pm on Thursday, September 17, 2009 in the Demopolis Rooster Hall.

Present:

Council Members: J. Michael Grayson, Mayor
Thomas Moore, Mayor Pro Tempore
Mitchell Congress
Melvin Yelverton
Bill Meador, Jr.
Jack Cooley

City Clerk: Paula Bird

Department Heads:

- | | |
|---|-------------------------------|
| • Police – Tommie Reese –submitted | Court - submitted |
| • Fire - Ronnie Few - submitted | Building Official |
| • Public Works – Mike Baker | Library |
| • Horticulture- Barbara Blevins-submitted | Park & Recreation-Mark Pettus |
| • City Hall – Paula Bird | |

Mayor Mike Grayson called the meeting to order. Chief Tommie Reese opened the meeting with an invocation followed by the Pledge of Allegiance to the flag of the United States of America.

Councilman Moore noted that he would discuss a RFP for Information Technology during the Council Discussion. Councilman Yelverton made the motion to approve the agenda as presented. Councilman Meador seconded the motion and motion passed with 6 yes votes by the following roll call vote:

Mayor Grayson: yes	Councilman Moore: yes	Councilman Congress: yes
Councilman Yelverton: yes	Councilman Meador: yes	Councilman Cooley: yes

The Council reviewed the minutes of the September 3, 2009 regular meeting. Councilman Congress made a motion to approve the minutes as presented. Councilman Meador seconded the motion and motion passed with 5 yes votes and 1 abstains by the following roll call vote:

Mayor Grayson: yes	Councilman Moore: abstain	Councilman Congress: yes
Councilman Yelverton: yes	Councilman Meador: yes	Councilman Cooley: yes

Departmental reports

Departmental reports were submitted as indicated above.

Mayor Grayson stated that the manager of the Demopolis Airport, Colonel Julian D. “Buzz” Sawyer will be inducted into the Alabama Military Hall of Honor on October 30, 2009. Col. Sawyer was awarded the Silver Star, five Distinguished Flying Cross medals, and 23 air

medals for heroism while serving in the Republic of Vietnam providing extensive air support for Army ground forces.

In addition Brigadier General Jack Collins, a native of Demopolis currently living in San Antonio, will also be inducted into the Alabama Military Hall of Honor. This ceremony is held at Marion Military Institute in Marion, Alabama on October 30, 2009.

Projects

Municipal Complex: A field report is presented in the Councils package. Councilman Cooley asked where we stood on installing a new roof to protect the city's investment. Mayor Grayson stated that he would have to consult Brian Brooker, the project architect. A building committee meeting will be held in the morning and this can be addressed.

Demopolis High School Stadium: Field reports are included in the Councils package. Councilman Congress asked if Rick Manley, City Attorney, made a determination on ownership of the stadium. Mayor Grayson stated that Mr. Manley determined the stadium to be city property.

Unfinished business

Mayor Grayson stated that unfinished business will be addressed at the next regular council meeting.

New business

Public Hearing on adopting Ordinance 2009-08: Ordinance 2009-08 will change the zoning of certain property in the City of Demopolis, AL located at the 400 block of Barley Road. The request has been approved by the Planning Committee.

Councilman Yelverton made a motion to approve Ordinance 2009-08 as presented. Councilman Congress seconded the motion and motion passed with 6 yes votes by the following roll call vote:

Mayor Grayson: yes	Councilman Moore: yes	Councilman Congress: yes
Councilman Yelverton: yes	Councilman Meador: yes	Councilman Cooley: yes

Councilman Congress asked Rick Manley, City Attorney, why individuals have to go through three different entities. Mr. Manley will research the question and give a specific answer at the next regular council meeting.

Demopolis Water & Sewer Authority Board Appointment: Mr. Carl Austin is relocating to Georgia and is resigning his position on the board.

Mayor Grayson stated Martin Simmons recently rotated off of the Park & Recreation Board. Councilman Meador stated Mr. Simmons served the city well and was very active on the

Park & Recreation Board and nominated Mr. Simmons for appointment to the Water & Sewer Authority Board.

Councilman Congress nominated Freddie Charleston for appointment to the Water & Sewer Authority Board. Councilman Congress stated Mr. Charleston previously served on the Board of Adjustments and has been active in the community.

Councilman Moore made the motion to close the nominations. Councilman Congress seconded the motion and motion passed with 6 yes votes by the following roll call vote:

Mayor Grayson: yes	Councilman Moore: yes	Councilman Congress: yes
Councilman Yelverton: yes	Councilman Meador: yes	Councilman Cooley: yes

Freddie Charleston received 3 votes and Martin Simmons received 3 votes by the following roll call vote:

Mayor Grayson: Simmons	Councilman Moore: Charleston
Councilman Congress: Charleston	Councilman Yelverton: Charleston
Councilman Meador: Simmons	Councilman Cooley: Simmons

The Water & Sewer Authority Board nomination will be addressed at the next regular council meeting.

Resolution 2009-15 Budget Amendment for FY 2008/2009: This resolution proposes to amend the current year budget expenditures by a total of \$16,710 for current and necessary expenditures as detailed in the resolution.

Councilman Meador made a motion to approve Resolution 2009-15 as presented. Councilman Cooley seconded the motion and motion passed with 6 yes votes by the following roll call vote:

Mayor Grayson: yes	Councilman Moore: yes	Councilman Congress: yes
Councilman Yelverton: yes	Councilman Meador: yes	Councilman Cooley: yes

Adoption of Budget 2009/2010: The Council previously received a copy of the proposed 2009/2010 budget as recommended by the Finance Committee. Councilman Congress asked if the city could expect to receive the projected revenues for 2009/2010. Mayor Grayson stated the projected revenues were basically projected to be the same as the current fiscal year and does expect to make this estimate. The budgeting rule states that budgeted expenditures should not exceed 90% of budgeted revenues. The recommended budget does not adhere to this rule. Mayor Grayson stated that if this rule is followed there would be considerable cutbacks. The Finance Committee feels that expenditures will have to exceed the 90% rule based on hard economic times, the desire to ensure essential services, and maintain full employment. Councilman Cooley noted that the city funded health insurance costs increased 10% for the coming year.

Councilman Congress stated he spoke with the Alabama League of Municipalities regarding the legality of funding the Chamber of Commerce. Rick Manley, City Attorney, stated payments were legal for payments made for contract services used to promote the City of

2009 the time, date, place and agenda of which were duly announced and notices of which were posted in accordance with the Alabama Open Meeting Law, Act 2005-40 (Act); and,

WHEREAS, during the course of said meeting, a motion was made by Councilman Congress for the Council to go into Executive Session for general reputation and character, job performance, or compensation and which motion was seconded by Councilman Moore; and,

WHEREAS, the Presiding Officer directed the City Clerk to enter said motion, purpose and declaration, if made, into the minutes of the meeting and called for a vote on said motion; and,

WHEREAS, said vote in regard to the motion for Executive Session was taken with the "yeas" and "nays" being recorded onto the minutes as follows:

	Yeas	Nays
1. Mayor Mike Grayson	Yea	
2. Mayor Pro Tempore Moore	Yea	
3. Councilman Congress	Yea	
4. Councilman Yelverton	Yea	
5. Councilman Meador	Yea	
6. Councilman Cooley	Yea	

And Presiding Officer declared that a majority of the votes in favor of the motion, that such motion had therefore passed and the Council would forthwith recess into Executive Session for the purpose as stated in said motion and no other purpose, in accordance with the Act and Council for approximately 60 minutes.

Councilman Meador made the motion to reconvene into regular session at 7:26pm. Councilman Congress seconded the motion and motion passed with 6 yes votes by the following roll call vote:

Mayor Grayson: yes	Councilman Moore: yes	Councilman Congress: yes
Councilman Yelverton: yes	Councilman Meador: yes	Councilman Cooley: yes

Councilman Congress made the motion to use the current 2008/2009 budget until Council passes a new budget. Councilman Yelverton seconded the motion and motion passed with 4 yes votes and 2 no votes by the following roll call vote:

Mayor Grayson: yes	Councilman Moore: yes	Councilman Congress: yes
Councilman Yelverton: yes	Councilman Meador: no	Councilman Cooley: no

Council Discussion

Councilman Moore asked the city to prepare a request for proposal for technology services. Councilman Moore stated that during this fiscal year the city spent approximately \$48,000 for technology services and feels it would be wise to seek proposals in an attempt to save money.

Councilman Moore made the motion to develop a request for proposal for technology services. Councilman Congress seconded the motion and motion passed with 5 yes votes and 1 no votes by the following roll call vote:

Mayor Grayson: yes Councilman Moore: yes Councilman Congress: yes
Councilman Yelverton: yes Councilman Meador: no Councilman Cooley: yes

Councilman Cooley asked what specific services this proposal will cover and who will write the specifications of services. Councilman Moore stated internet/technology services currently being provided and we could contact various vendors or look at current contracts for specifications. Councilman Cooley stated his reservation on obtaining recommendations from vendors is they may present specifications that are more suited to them instead of the city. Paula Bird, City Clerk, stated she did not feel qualified to write the specifications for internet/technology services just as she was not qualified to write the specifications for the telephone system for the municipal court. Mayor Grayson stated that he and Paula Bird along with someone will draft a prospective specification requirement to bring to Council for review. Councilman Moore stated that we can look at the services we already pay.

Councilman Congress made the motion to draft a resolution honoring Buzz Sawyer's induction into the Military Hall of Honor. Councilman Meador seconded the motion and motion passed with 6 yes votes by the following roll call vote:

Mayor Grayson: yes Councilman Moore: yes Councilman Congress: yes
Councilman Yelverton: yes Councilman Meador: yes Councilman Cooley: yes

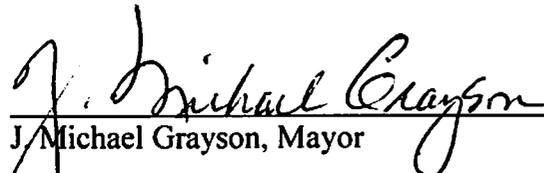
Mayor Discussion

Mayor Grayson announced the Trash & Treasures along the Tenn-Tom 234 Miles of Yard Sales will be held on October 2nd and 3rd. This event is sponsored by the TennTom Tourism Association. The Demopolis location will be held at the Demopolis City Landing.

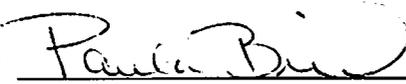
Councilman Meador made the motion to adjourn. Councilman Congress seconded the motion and motion passed with 6 yes votes by the following roll call vote:

Mayor Grayson: yes Councilman Moore: yes Councilman Congress: yes
Councilman Yelverton: yes Councilman Meador: yes Councilman Cooley: yes

The Regular Council Meeting adjourned at 7:36pm.



J. Michael Grayson, Mayor

ATTEST: 

Paula Bird, City Clerk

* Audiotape is used by City Clerk to prepare minutes and will be maintained not less than seven years from date of approval.

Resolution 2009-15

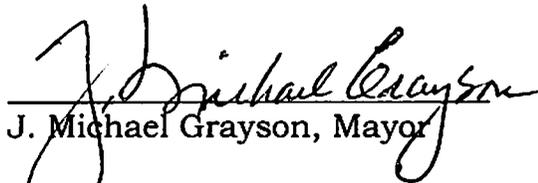
A RESOLUTION FOR THE CITY OF DEMOPOLIS, ALABAMA, TO AMEND THE FY 2008/2009 BUDGET

WHEREAS, this Resolution is to amend the fiscal year 2008/2009 budget;

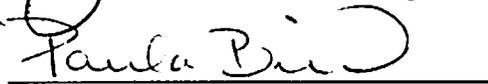
NOW THEREFORE, be it resolved by the City of Demopolis, Alabama, at a regular council meeting duly assembled, a quorum being present, to amend the fiscal year 2008/2009 budget items as follows:

Fire Department	Increase \$8,875
Civic Center	Increase \$6,000
Trustee Fees	Increase \$1,835

The Mayor and City Council of Demopolis adopted this Resolution at the regular meeting on Thursday September 17, 2009.



J. Michael Grayson, Mayor



Attest: Paula Bird, City Clerk

Ordinance 2009-08

AN ORDINANCE TO CHANGE THE ZONING OF CERTAIN PROPERTY IN THE CITY OF DEMOPOLIS, ALABAMA.

BE IT HEREBY ORDAINED BY THE MAYOR CITY COUNCIL OF THE CITY OF DEMOPOLIS, ALABAMA AS FOLLOWS:

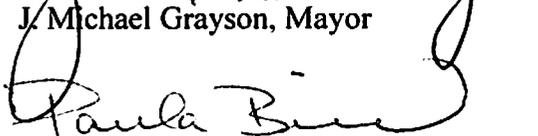
1. The zoning of real property described in the paragraph below shall be changed from R-1 zone to R-3 zone.

A part of Lot 1 of the Division of the Heyward L. Compton "Home place" as recorded in the Probate Office of said County in Map 2 at page 70, said Lot 1 lying in the southeast quarter of the southeast quarter of Section 36, Township 18 North, Range 2 East and in the northeast quarter of the northeast quarter of Section 1, Township 17 North, Range 2 East and being more particularly described as follows:

Begin at the 2" iron found at the northeast corner of said Lot 1; thence run North 89 degrees 26 minutes, 20 seconds East and along the north boundary of said Lot 249.85 feet to a capped rebar set; thence run South 01 degrees, 08 minutes, 26 seconds East 781.91 feet to a capped rebar set on the south boundary of said Lot 1; thence run South 89 degrees, 50 minutes, 22 seconds West 250.40 feet to a 2" iron found at the southwest corner of said Lot 1; thence run North 01 degrees, 06 minutes, 07 seconds West along the west boundary of said Lot 780.15 feet to the point of beginning. Located at the 400 block of Barley Road.

2. This Ordinance was adopted by the Demopolis City Council at its regular council meeting on September 17, 2009. It shall become effective upon approval by the Mayor and City Council and its proper publication as required by law.


J. Michael Grayson, Mayor


Paula Bird, City Clerk