The Agenda Session was called to order by Chairman Benson, with Councilpersons Scott, McGary, Gilbert, Rico, Ladd and Murphy present. Councilwomen Berz and Robinson joined the meeting later. City Attorney Valerie Maleug and Shirley Crownover, Assistant Clerk to the Council, were also present.

Others present included Dave Crockett, Karen Walsh, Larry Zehnder, Bill Payne, Danny Thornton, Mark Keil, Daisy Madison, Lee Norris, Dennis Malone, Jim Templeton, Dan Johnson, Paul Page, and Barry Bennett. Beverly Johnson, Kathy Fulghum, Jerry Stewart, Chief Dodd, Tony Sammons, Richard Beeland and Marie Chinery joined the meeting later.

Mr. Johnson proceeded to go over today’s agenda, noting that Ordinance (a)—Final Reading was a left-over item and had been discussed in Legal and Legislative Committee.

**Ordinance (a) First Reading** deals with the Animal Ordinance and will be discussed in Legal and Legislative. **Ordinances (b) and (c)** are Closures and Abandonments and will be discussed in Public Works.

**Resolutions (a) and (b)** are bond resolutions dealing with refinancing. Ms. Madison explained that we are financing two issues—one is the Hotel and Motel Tax and the other is a 2002 issue at 4%. Upon questioning, she noted that the transaction cost was .1% of the sale itself. In refinancing, in the past we have gone to a competitive sale or a negotiated sale. The meeting is generally held in the morning at 10:00 or 11:00 a.m.

**Resolutions (c) and (d)** are temporary uses and will be covered in Public Works. **Resolution (e)** is also a Public Works’ item dealing with special police appointments.

**Resolution (f)** authorizes an Agreement with King & Spalding, LLP for legal services relative to the Water Quality Program. This will be further discussed in Public Works.

**Resolution (g)** deals with County and City owned properties, and we split the insurance premiums with the County.

**Resolution (h)** has to do with the Dogwood Manor Apartments, which are owned by the City and any thing over $10,000 has to be approved by the Council.

**Resolution (i)** deals with Neighborhood Services initiatives.
Resolution (j) is a change order relative to the agreement with Barge, Waggoner, Sumner & Cannon, Inc. and will be discussed in Public Works.

Resolution (k) is a change order relative to the agreement with Attorney Michael J. Mahn for legal services relative to the Public Safety Interoperable Communications Project.

Resolution (l) authorizes the establishment of a permanent right-of-way of property located at 3699 Faith Road. Danny Thornton explained that this is a dead-end road and was sold to the City in 2006. There is a driveway at the north end of the property.

Resolution (m) declares a moratorium of 102 days on issuance of new building permits relative to a proposed multi-unit development located on Fairmont Ave. until appropriate studies can be done to determine the need for new zoning regulations to protect the public safety and welfare.

Chairman Benson gave the reason for this and encouraged councilmembers to drive by this area; that CHA was talking about expanding; that he could not believe this and someone needed to look at the suitability; that the road would be one-lane and people could lose their lives if this area is too dense.

Councilwoman Scott agreed that there was an infrastructure issue and that it would be wise for people to look at this; that the road is not wide and not conducive to widening; that there was a safety issue to be looked at.

Chairman Benson noted that we were asking for a moratorium on building permits.

Mr. Bennett further explained that RPA had initiated a Zoning change on behalf of the City; that it was R-3 now and they were tentatively looking at RT-Z low density, which would be much more compatible with the area and would generate less traffic.

Councilman McGary noted that this was something that CHA had received federal dollars for; that they had contracted with an architect, and he should be aware of these concerns.

Councilman Rico stated that everyone was aware of the concerns, with Chairman Benson adding that he was shocked; that this was a very dangerous situation with high density. He encouraged Councilman McGary to go look at this.
Councilman Murphy added that he runs here and this is a dead-end and really steep. He questioned how this could be a beneficial place for people with disabilities and a project of this nature; that it is an isolated dead-end street and very, very steep.

Councilwoman Robinson stated that this was a close neighborhood and that she and Councilwoman Scott provided leadership; that public housing projects were on the downturn, and this one had not been maintained; that the houses had been condemned and there was no plan; that it was run-down and all of a sudden stimulus money was available, and we were one of five cities that was recommended for this money and CHA leaped into this breach without a plan—that the money came along, and they were successful; that a plan needed to have been created to match the footprint; that this was not a good place, and the money should be spent somewhere else; that such a development needed to be near a grocery store and have public transportation; that this was a very steep road.

Chairman Benson stated that we needed to get this moratorium in place tonight.

Councilwoman Scott added that while the population declines, there are houses along the street and high density; that increased density puts a challenge on the infrastructure, which is already marginal; that this would not be conducive to a normal street.

Chairman Benson noted that fire engines would have to push cars off the road to get up there and that it was just out of the world to consider this.

Councilman McGary noted that the Resolution mentioned appropriate studies to be done and wanted to know what these studies were? Chairman Benson stated that it was studies on downzoning. Councilman McGary wanted to know who proposed this and was told RPA. Mr. Bennett stated that they would contact CHA; that this would be taken up at the Planning Commission meeting in February and one month later, in March, it would come before the City Council; that there would be a number of discussions with CHA.

Chairman Benson substantiated that this moratorium pertained only to this street, with Councilman McGary questioning taking this one incident and creating a new zone; that he thought it should be more than one incident and should apply to other areas as well. Chairman Benson noted that it would be all along this street.

**Resolution (n)** deals with a Communications Grant from TEMA, which is a matter of form with Mr. Page adding that there was no match.
AGENDA ITEMS FOR JANUARY 12, 2010

All three of Ordinances—First Reading were zoning matters. Resolutions (a) and (b) were Public Works’ items. Resolutions (c) through (f) were requests for Special Exceptions Permits.

Councilwoman Berz noted that we were having a lot of Special Exceptions Requests; that people were using this in areas that had been downzoned, and the Council was getting hit; that this allows duplexes to be “okay” again where there had been sites of problematic behavior. She stated that she had a real problem with this and questioned when it stopped; that it was not a matter of playing favorites but spot zoning or even rezoning.

Chairman Benson mentioned two people from China who had purchased a house, and the realtor did not tell them that the property had lost its grandfather clause and to rezone to R-3 would be spot zoning. Councilwoman Robinson added that historically this had been a triplex, and the neighborhood was compatible with this and the property had been caught up in an estate; that she had visited the site, and it was something that worked very, very well with other properties.

Mr. Johnson noted that what the Council was talking about was Ordinance (c) under First Reading and what was being discussed were Special Exceptions Permits.

Mr. Bennett explained that Special Exception Permits was an attempt to handle one particular recent situation where there was a duplex in a neighborhood that had been downzoned, and the legal non-conforming use had been lost; that the owner wanted to re-model and re-finance, and the people in the neighborhood had no problem with the duplex but did not want a spot R-2 Zone; that this process was created for someone in this situation so there could be a Special Exceptions Permit as opposed to a R-2 Spot Zoning; that it had been very difficult to establish a criteria on whether to approve or deny; that we entered the process with good intentions, but it had created more problems and issues than it was designed to help; that RPA’s recommendation would be to go ahead and do away with this process; that people would have to get a zoning change and the Council could decide if it were spot zoning.

Chairman Benson agreed that Ordinance (c) on Norcross Rd. was not a Special Exceptions Permit but a request to rezone to R-3 and would be considered next week.

Councilwoman Berz stated that Special Exception Permits puts the Council in a position to discriminate against groups since there is no set policy, and this was wrong, and the Council needed to be more serious; that it was incumbent on the buyer to do due diligence; that it put the Council in the position of being the “bad guy”, and this was manipulative and wrong; that these situations are coming more often, and she did not like it since we were trying to promote quality in old neighborhoods.
Resolution (g) has to do with a lease agreement with Flamingo Skateshop. Paul Page stated that this needed to be pulled and re-bid.

Resolution (h) designates an economic Recovery Zone. Ms. Madison explained that there was an attempt to get the City in the position to take advantage of stimulus funding; that this Zone already has been approved and we are asking that other areas be part of this. She stated that the map was being finalized, mentioning BAB.

Councilman Murphy indicated that he would like to see the expanded area.

Mr. Johnson went over the purchases beginning with a Renewal Agreement for Annual Software for the Fire Dept. from FDM Software Ltd. in the amount of $41,599.80. Councilwoman Scott wanted to know what this software does? Mark Keil responded that it is the Fire Record System and covers all calls and response time and repairs; that it handles day to day functions of the Fire Dept.

The second purchase was for the Police Dept. for two dual purpose canines from Alabama Canine Training Center for $14,500. The dual purpose is narcotics and patrol. Upon questioning by Councilman Murphy, we now have four total with the Councilman wanting to know who has naming rights.

The third and fourth purchases were for the Fire Dept. and the purchase of Reflector Suits and Responder Suits –one from G & C Supply and the other Fisher Scientific in the amount of $26,065.20 and $30,785.35. The Reflector is different from the Responder in that the Reflector is for chemical exposure.

The fifth purchase was a Contract for Janitorial Services for the Fire Dept. with Cleaning Solutions in the amount of $18,209.64. The next purchase was for General Services and a contract for Lock & Key Services with Ace Lock and Key, estimated to be $17,000 annually. The seventh was for Public Works and a contract for Hamilton County Software Maintenance with GIS for $10,000. The next was for Neighborhood Services for a contract for abatement & litter services with several contractors with an estimated amount of $50,000 annually. The next purchase was also for demolition services for Neighborhood Services from several contractors with an estimated amount of $300,000. Councilwoman Scott wanted to know how much we spent on demolition last year and was told by Ms. Johnson that we typically spend our budgeted amount. The Councilwoman wanted to know if this covered everything we wanted to do and was told “no”—that we have to delay some things. Councilman Murphy noted that we have folks in other city departments who “pick up on our grounds”; that he thought by using these other departments we might could get more done for less city dollars. Adm. Leach responded that his department already had a backlog and doing this work would take away from roads—that they did not tear down buildings. Councilman Murphy noted that even the Fire Dept. has heavy equipment operators. Adm. Leach still maintained that these departments had different missions.
The next purchase was for the Police Dept. and the purchase of software maintenance and support from Knowledge Computing Corp. in the amount of $31,875.00. Mr. Keil explained that this was COP Link and one of their shining tools; that they can google to find crime. It was noted by Chief Dodd that they use this every other month.

The last purchase was for the Mayor’s Office—Accela Land Management Software maintenance for Accela Government in the amount of $13,914.00. Mr. Keil noted that Public Works was the biggest user of this, with Mr. Norris noting that they had saved the Treasurers’ Office $150,000 by putting business licenses on line; that this was also used for tracking of building permits. This prompted Chairman Benson to ask if creativity of our employees was recognized—that this needed to be recognized.

Mr. Johnson next mentioned the Board Appointment of Jeff Sikes. Ed Townsend was appointed to the Beer and Wrecker Board for a three-year term.

Chairman Benson reminded everyone of the Blue Ribbon Committee on Water Quality that would be meeting Thursday at 10:00 a.m. He stated that the Council would be in a better position to vote if they at least attended one of these meetings so that they could see the quality of the committee—that it was quite impressive.

The meeting adjourned at 3:45 p.m.