

**BOARD OF COMMISSIONERS
CITY OF DOTHAN, ALABAMA
REGULAR MEETING
NOVEMBER 27, 2007**

The Board of Commissioners of the City of Dothan, Alabama, met in regular session in the Commission Chambers of the Roy Driggers Municipal Building at 10:00 A.M., Tuesday, November 27, 2007 with the following members present: Mayor Pat Thomas, Associate Commissioners Larry Matthews, Amos M. Newsome, Jr., Paul Lee, John E. Craig, Jr., Taylor Barbaree and Keith Seagle. Also present were City Manager Michael West, City Clerk Pam McCoy, Secretary Tammy Danner, who recorded the Minutes of the Meeting, and the local news media representatives.

Mayor Thomas called the meeting to order. Pastor Thomas Harrison, Harper's Joy Church Assembly of God, then led in prayer, afterwhich Commissioner Matthews led in the Pledge of Allegiance to the Flag.

Commissioner Matthews moved that the Minutes of the Meeting of November 20, 2007, be approved, motion seconded by Commissioner Craig and unanimously approved.

Commissioner Matthews presented and read a proclamation, proclaiming December 1, 2007 as "World Aids Day" in the City of Dothan. Delia Reynolds, Alabama Department of Public Health, representatives from Montgomery Aids Outreach, and Elder Marcus Petty were present for the proclamation.

Commissioner Barbaree expressed appreciation to everyone for their thoughts and prayers last week during his absence attending his uncle's funeral.

Commissioner Newsome said due to the Thanksgiving holiday, many of the garbage cans contain food and have been turned over. Commissioner Newsome said there are an enormous number of dogs patrolling the streets. In particular between the 1100 block of E. Burdeshaw Street, down Burdeshaw Street to the 800 block and across Maryland Avenue and the open lot that is owned by the City. Commissioner Newsome said there is some trash there that needs to be picked up also. He added that across the tracks over to Martin Homes and back out of Martin Homes back across the track at 500 Maryland Street directly across in front of his mobile home and back up Burdeshaw there are about seven dogs that looked like they were having a parade. Commissioner Newsome said every morning around 5:00 a.m. between Burdeshaw Street and Houston Street along Montana Street you can generally find five or six dogs in that particular vicinity. They are running loose. Commissioner Newsome said he spoke with a lady this morning on Houston Street and one of the complaints there is speeding, but this had to do with someone who intentionally left a street in order to run over a dog. The dog belonged to an elderly man and the man was devastated by that. Commissioner Newsome said we need to do whatever we can to get the dogs off the street. He said he had spoken with several people and they have also spoken with the dog catcher and some have been told that the dog catcher said he could not catch the dogs. Commissioner Newsome said he did not understand that; we need make every effort to ensure that the dogs are caught. He said these dogs do not have leashes; nor do they have collars. They are stray dogs and we know what can happen. Commissioner Newsome said everyone knows what happened with the pit bull. He said he had brought attention early on about some pit bulls on Acid Plant Hill. He said he did not know what the status was on that. Commissioner Newsome said anyone who is raising pit bulls inside the City limits we need to know about it. City Manager West said that Commissioner Newsome had brought up the 1100 block of Adams yesterday; Chief Powell has instructed his department to police that area. Mr. West said the incident that just happened has created some concerns in the minds of the public and he has talked with Chief Powell on how we need to be prepared to be a little more aggressive in that area.

Commissioner Craig said I understand that we have a new ordinance that will address all of this. City Manager West said yes. One of the options will be to

expand the leash law to include that it has to be on a leash in your own yard also. Ultimately that will be a policy that the Commission will have to approve. Mr. West said larger cities do; the dog has to be contained in a fence, on a chain or leash anytime it is out. Mr. West said that is one way to give us the authority that if the dog is in someone's yard and is not on a leash we can go get it. Commissioner Craig said he was ready for it yesterday.

Commissioner Newsome said the dog catcher can practice catching dogs on lots and in yards. He said sometimes that is easier than on the street because there is a tendency for a dog to resist and depart into homes. Commissioner Newsome said we are ready for that.

City Manager West reminded everyone that the December 11th City Commission Meeting will be held at Calvary Baptist Church (Chapel) at 5:30 p.m.

Cathy Cole, Director of the Dothan Downtown Group, along with Robin Rainer and other members of the Downtown Group were present to announce this year's Downtown Christmas Festival to be held this weekend beginning on Thursday at 6:30 p.m. with the 29th Annual Christmas Tree Lighting Ceremony; on Friday, the Opera House Holiday Spectacular at 7:30 p.m.; there will be a second performance on Saturday at 2:00 p.m. Also on Saturday the Snow Zone will be on Troy Street beginning at 9:00 a.m. There will be horse and buggy rides, holiday shopping, music, a visit from Santa and many other activities going on.

City Manager West stated that the Fire Department's mutual aid hazmat team is on a mutual aid call in Geneva at this time due to an overturned tanker truck that is leaking gasoline.

City Manager West commended the Commission on the planning session held yesterday.

Commissioner Newsome announced that Retired Air Force Major Carrol Woods passed away on November 20th. Major Wood's funeral will be at 11:00 a.m. today at the Washington Chapel AME Church in Tuskegee. Commissioner Newsome said Major Woods was one of the airmen who were on the forefront of opening the doors for Afro-Americans to become pilots. Not only to fly for the pleasure of flying, but to fly in protection of their country. Commissioner Newsome said that group, historically, did a tremendous job. He said we need to be very cautious and appreciative of those who did so much to change the attitude of many people about abilities not based on color, but based on the professional contribution that one can make. Commissioner Newsome said he had planned on attending the funeral and would have had there not been items on the agenda that he deemed very important and should be attended to. Commissioner Newsome said today we lost an 88 year old Tuskegee Airman.

Commissioner Craig asked everyone to remember Sherman Rose. He was one of those airmen who are still alive.

Mayor Thomas introduced the application of John Trotman Carroll for a Retail Beer License for Liberty Food Store #111, located at 2437 East Cottonwood Road. Commissioner Lee moved for approval, motion seconded by Commissioner Barbaree and unanimously carried.

Mayor Thomas introduced the application of James Wilson, III for a Special Retail Liquor License for Dothan Convention Center, located at 4106 Ross Clark Circle. Commissioner Matthews moved for approval, motion seconded by Commissioner Newsome and unanimously carried.

Mayor Thomas expressed appreciation to Mr. Wilson for his continued investment in the community. Commissioner Newsome asked Mr. Wilson when we would be able to utilize the facility. Mr. Wilson said that the Holiday Inn Express is scheduled to open December 13th and hopefully the Convention Center will follow suit soon after. He said there will be a ribbon cutting and open house sometime in December and he invited everyone to attend.

Mayor Thomas introduced a proposed resolution, superseding the employment agreement between the City of Dothan and Michael West in favor of a new employment agreement effective November 27, 2007. Commissioner Lee moved for adoption, motion seconded by Mayor Thomas.

Commissioner Newsome said he was one of the commissioners from the City of Dothan who visited Mr. West in Johnson City sometime ago. He said during the visit they discussed several areas of responsibilities, several areas that we hoped and planned to take this city and some concerns that we had with the city. Commissioner Newsome said one of the things that was holding the city manager back was his desire to have a super majority vote. Mr. West said he informed them at that time that if he did not have a unanimous vote he would not come. Commissioner Newsome said at the time they left he was under the impression it was a super majority of the city commission. He said as he just learned today for the first time and was glad they were able to deliver to the city manager his level of approval from the city commission. Commissioner Newsome said one of the things we must recognize is that when we set standards of employment we also have to live up to certain standards of performance. So when you set a standard where you have to have, not a super majority of a commission, but a unanimous support from that commission, your performance must be for the unanimous concern of the entire city. Commissioner Newsome said when that is not the case then you have already set your epitaph. Your level of employment, your demand and your requirements also say there is a target at which time when you do not meet that level then you deem your employment to come to an end. Commissioner Newsome said everyone knows now that the city manager does not enjoy a one hundred or a unanimous support of this commission. He said that is a fairly well known situation. Commissioner Newsome said with that he appreciates this opportunity to put that out and he appreciates the city manager for correcting him that is was not a super majority, but a unanimous vote.

Mayor Thomas said he did not ask for us, we asked for him, and he said he would come to Dothan if he had the unanimous consent from the commission to do that. There had been split votes on city managers before. The unanimous vote is what got him here. Mayor Thomas said from that point forward, his contract has been renewed. All that is required is a simple majority vote for that to happen. Four votes to stay and he stays. Mayor Thomas said the last place he was at, he had a split commission, not over his performance, but they were just a split city council there. Mayor Thomas said we have recently received evaluations from every commissioner except one. He said he hoped to have that one very soon after the meeting and those evaluations will be released to the media this afternoon.

Commissioner Barbaree said for clarification purposes, today we are voting for a new contract for an additional two years. Mayor Thomas said that is correct; that is what we do every year. He said right now we have elections on two year cycles so we will only give two year contracts. Mayor Thomas said if we ever get to a point where a two year contract is not given then he still has twelve months on his contract. That is basically an invitation for him to look for work. Mayor Thomas said a city manager's job is not one that you can go get tomorrow or in a month or two; it is a long term deal. He said that is why the buy out clause is for nine months.

Commissioner Newsome asked Mayor Thomas to explain to everyone what the buy out clause entailed. Mayor Thomas said this commission could today or at anytime in the past days of this city manager's employment give him nine months salary and release him immediately. He said that is one of the protections that all city managers have. The number of months vary; the last four city managers, one had a full twelve months, one had six months; Mr. West's is nine months. Mayor Thomas said there are several clauses that protect the city and several clauses that protect the city manager. He said those have been brought forward in this contract. Mayor Thomas said rather than giving contract extensions, on the anniversary of his employment, we have superseded the previous employment agreement and given him a new two year contract.

Commissioner Newsome said in addition to what the Mayor has said, if the city manager decides to seek new employment and he stays with the City of Dothan until he enters into new employment, there is no need for buy out. He said there is a 30 day health and a 30 day pay and that is it. Commissioner Newsome said the

ordinance that is required by law. There being no further discussion the resolution was unanimously carried.

Mayor Thomas introduced Resolution No. 2007-421 (recorded in Ordinance Book No. _____ at Page _____), approving the following advance travel requests for City employees:

<u>NAME</u>	<u>CONFERENCE</u>	<u>AMOUNT</u>
Kimberly Arnold	Criminal Justice Technology Symposium 1X Auburn, AL	\$ 250.00
Gerald R. Bruce Mark A. Thompson	Protective Relay Maintenance, Solid State Dallas, TX	\$ 4,920.64
Jason Layton	Utility Truck & Equipment Service Inc. Thonotosassa, FL	\$ 479.00
Jeff Ward Doug Mollohan	Emergency Vehicle Operator's Course-Instructor Level Montevallo, AL	\$ 505.60

Commissioner Craig then moved for adoption of Resolution No. 2007-421, motion seconded by Commissioner Barbaree and unanimously carried.

There being no further business, Commissioner Barbaree moved that the meeting be adjourned, motion seconded by Commissioner Matthews and upon the unanimous vote of "yea," the meeting was duly adjourned.

/s/Pam McCoy, City Clerk

Approved:

/s/Pat Thomas, Mayor

/s/Larry Matthews, Associate Commissioner

/s/Amos M. Newsome, Jr., Associate Commissioner

/s/Paul Lee, Associate Commissioner

/s/John E. Craig, Jr., Associate Commissioner

/s/Taylor Barbaree, Associate Commissioner

/s/Keith Seagle, Associate Commissioner

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