

**BOARD OF COMMISSIONERS
CITY OF DOTHAN, ALABAMA
REGULAR MEETING
JANUARY 8, 2008**

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, January 8, 2008 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 Scott Wyatt, Bay Springs Baptist Church, then led in prayer, after which Commissioner Barbaree led in the Pledge of Allegiance to the Flag.

Commissioner Barbaree moved that the Minutes of the Meeting of December 18, 2007, be approved, motion seconded by Commissioner Matthews and unanimously approved.

Commissioner Craig commended the Environmental Services Department for the great job they did collecting trash during the holiday period.

Commissioner Matthews wished everyone a Happy New Year! He said he believed 2008 will be a very prosperous year for Dothan.

Commissioner Seagle said the public input the Commission has been receiving is inspiring. He said he has had several communications in regard to the Southwest Park location and the proposed animal ordinance. Commissioner Seagle said the emails and phone calls are encouraging and that we all are going to be better for the process.

Commissioner Barbaree announced he would be attending a "Friends of Fort Rucker" meeting January 24th. They will be going over our federal agenda, which will be presented to the Congressional Representatives sometime in February.

Mayor Thomas stated that Item No. 5 on today's agenda, the public hearing regarding the abatement and removal of noxious or dangerous weeds, will not be held today due to posting problems. Also, Item No. 10, declaring certain properties which are overgrown with weeds, scrub, wild brushes, grass and other vegetable growth and are injurious to the health, safety and welfare of the community as nuisances and ordering that the properties be abated, will need to be removed from the agenda at the appropriate time.

Mayor Thomas stated that anyone present to speak at the hearing would be allowed to do so at this time. There being no one present, Mayor Thomas proceeded with the next item.

Kim Meeker, Leisure Services presented the Amateur Softball Association National James Farrell Award of Excellence for the Westgate Softball Complex to Tony Kirkland; the 2007 Alabama Recreation and Park Association District VI Support Staff Person to Tina Fuselier; and the 2007 Alabama Recreation and Park Association District VI Grounds Staff Person to Matt Barefield.

Mr. Meeker encouraged everyone to visit the www.kaboom.org website at noon today to see if Dothan is awarded the Playful City USA \$25,000.00 grant for a playground.

City Manager West, along with Billy Mayes presented a Service Award to Kerry Farrar, Dothan Utilities for twenty five years of service with the City.

City Manager West, presented a Service Award to Anne Rumble, Director of Leisure Services for thirty years of service with the City.

City Manager West announced that a Planning Training Session will be held January 11th by the University of North Alabama at the Wiregrass Museum of Art. The session will cover planning and zoning issues that are primarily designed for elected officials, members of the Planning Commission and the Zoning Board of Adjustments. The public is invited to attend. The fee for the session is \$82.00.

City Manager West stated that the City of Dothan is accepting applications for the CDBG Advisory Board who will help with the planning for improvements associated with the Community Development Block Grant.

City Manager West asked Public Works Director Jerry Corbin to update the Commission on the temporary closing of Denton Road during the five-laneing of the Westgate Parkway construction process. Mr. Corbin said Ernie Stokes is the Project Manager for the City on this project. He will be available to answer questions from anyone regarding this project. Mr. Stokes said traffic will be closed on Denton Road from north of the Westgate Intersection to Flynn Road. Local traffic will be maintained in there so people will be able to get in and out of their homes. The construction should begin on January 21st. Mr. Stokes said this will be about an eighteen month project. He said Westgate Parkway will remain open to through traffic the entire time of the project.

Commissioner Matthews asked if the arms would be put at the railroad crossing. Mr. Stokes said the railroad crossing will be upgraded. It will have lights and cross bucks.

Mayor Thomas introduced the application of Christopher Allen Jones for a Retail Beer and Table Wine License for Discount Tobacco Outlet #118, located at 4143 West Main Street. Commissioner Lee moved for approval, motion seconded by Commissioner Seagle and unanimously carried.

Mayor Thomas introduced the application of Ricky L. Treadwell for a Retail Beer and Table Wine License for Piggly Wiggly Discount Foods #2, located at 767 West Selma Street. Commissioner Barbaree moved for approval, motion seconded by Commissioner Newsome and unanimously carried.

Mayor Thomas introduced Ordinance No. 2008-1 (recorded in Ordinance Book No. _____ at Page _____), annexing property owned by John and Gayla Adams, a.k.a. Cypress Glades Subdivision, located on the east side of the 600 block of North Brannon Stand Road. Commissioner Barbaree moved for immediate consideration, motion seconded by Commissioner Matthews and upon the motion being put to vote, those voting "yea," were Thomas, Matthews, Newsome, Lee, Craig, Barbaree and Seagle; "nay:" none. The motion was carried by the majority of seven "yeas" to no "nays."

Commissioner Barbaree then moved for adoption of Ordinance No. 2008-1, motion seconded by Commissioner Newsome and upon the motion being put to vote, those voting "yea," were Thomas, Matthews, Newsome, Lee, Craig, Barbaree and Seagle; "nay:" none. The motion was carried by the majority of seven "yeas" to no "nays."

Commissioner Seagle pointed out that a detailed economic analysis provided by the planning staff has been added to the ordinance. He said we can use this to see how an annexation will affect our water revenues, sewer revenues, garbage expense, electrical, police and fire protection. Commissioner Seagle commended the staff for providing this information so that a more informed decision could be made. Commissioner Seagle asked if this information will be available to the public. City Manager West said yes.

Mayor Thomas expressed appreciation to Mr. Adams for his investment in the community.

Mayor Thomas introduced Ordinance No. 2008-2 (recorded in Ordinance Book No. _____ at Page _____), rezoning property of Lifestyle Developments from

R-100-S District to R-75-M District, said property located on the east side of the 3300-3600 block of South Park Avenue. Commissioner Lee moved for immediate consideration, motion seconded by Commissioner Barbaree and upon the motion being put to vote, those voting “yea, “ were Thomas, Matthews, Newsome, Lee, Craig, Barbaree and Seagle; “nay:” none. The motion was carried by the majority of seven “yeas” to no “nays.”

Commissioner Lee then moved for adoption of Ordinance No. 2008-2, motion seconded by Commissioner Barbaree and upon the motion being put to vote, those voting “yea,” were Thomas, Matthews, Newsome, Lee, Craig, Barbaree and Seagle; “nay:” none. The motion was carried by the majority of seven “yeas” to no “nays.”

Mayor Thomas introduced Ordinance No. 2008-3 (recorded in Ordinance Book No. _____ at Page _____), rezoning property of Southern Discount Corporation from B-4 District to B-3 District, said property located at 105 South Cherokee Avenue. Commissioner Barbaree moved for immediate consideration, motion seconded by Commissioner Matthews and upon the motion being put to vote, those voting “yea, “ were Thomas, Matthews, Newsome, Lee, Craig, Barbaree and Seagle; “nay:” none. The motion was carried by the majority of seven “yeas” to no “nays.”

Commissioner Barbaree then moved for adoption of Ordinance No. 2008-3, motion seconded by Commissioner Matthews and upon the motion being put to vote, those voting “yea,” were Thomas, Matthews, Newsome, Lee, Craig, Barbaree and Seagle; “nay:” none. The motion was carried by the majority of seven “yeas” to no “nays.”

Mayor Thomas introduced Ordinance No. 2008-4 (recorded in Ordinance Book No. _____ at Page _____), rezoning property of CWS, LLC from AGR-CONV District to TH-24 District, said property located on the north side of the 4300 block of Fortner Street. Commissioner Barbaree moved for immediate consideration, motion seconded by Commissioner Matthews and upon the motion being put to vote, those voting “yea, “ were Thomas, Matthews, Newsome, Lee, Craig, Barbaree and Seagle; “nay:” none. The motion was carried by the majority of seven “yeas” to no “nays.”

Commissioner Lee then moved for adoption of Ordinance No. 2008-4, motion seconded by Commissioner Barbaree. Commissioner Matthews asked if there are a lot of town homes in that area. Todd McDonald, Planning Director said Laver Hills Subdivision is located directly to the east of this area. There is a private subdivision to the west. He said these properties are zoned in 100-S or 15,000 square foot lot categories. Mr. McDonald said even though they have rezoned this property to a TH-4 designation, their plat shows that they are more in line with an R-85 designation. The lots are larger. They are looking for a larger house with smaller set backs on it. That is the way the market is going with residential development these days.

Commissioner Barbaree asked if this was the same property as the Fortner Street ballpark. Mr. McDonald said no, it is further to the west. It is located directly across from Laver Hills Subdivision.

Commissioner Seagle inquired about the requirement of a homeowner’s association agreement providing for the maintenance of their walking trail, common area, retention ponds, etc. Mr. McDonald said there is not a homeowners association in place now. He said on those common elements we require that the homeowners step up to the bar on that. Commissioner Barbaree said it does not require there be an active homeowners association. Mr. McDonald said we require they file paperwork on it. He said usually these are active for a time. Sometimes they tend to be inactive especially if there is not anything ongoing that would require a continual maintenance issue. Mr. McDonald said over time homeowners associations tend to go away. He said in the State of Alabama most of them have a twenty year time limit on them if it is not otherwise stated in the agreement. Commissioner Seagle said putting in here that they are responsible for providing the maintenance of; it actually protects the City if at some future date they were to come and say they want the City to fix our trail or our pond.

Commissioner Newsome said the classification request for zoning now is for TH-24. He said his understanding is that is not going to be townhouses. Mr. McDonald said when they submitted their application for rezoning they also submitted their preliminary plat for their subdivision. He said that is where he makes his comments from. They indicate to the Planning Commission that they intend to do something other than a townhouse development. Mr. McDonald said in speaking with the developer he understood that is the market driving the need for a smaller lot with smaller setbacks to provide a bigger house on it. He said if you approve their zoning today, tomorrow they pull their preliminary plat; it is probably within their legal right to do so, there would probably be a lot of grief that would ensue if that were to be the case.

Mayor Thomas said you currently do not have a garden home.....Mr. McDonald said yes we do. He said that is one of the issue's he has with the zoning ordinance. Mr. McDonald said the garden home district does not work because of the setbacks. He said it is one of the things that need to be fixed. The townhouse zoning district seems to be where the developers are seeing an ability to develop what they think the market is asking for. Mr. McDonald said although it is called a townhouse district we allow detached townhouses to be built.

City Manager West said this has occurred before. Mr. McDonald said that is correct. This is not a new occurrence.

Commissioner Newsome said the public notice that was published is aware of what you are saying now. Mr. McDonald said our notices are for TH-24 that went out and the hearings were wrapped around that issue, but a companion case to that was the preliminary plat. He said if you stayed for the entire meeting you saw that they were asking for a TH-24, that sets a minimum on those lot sizes; they are in fact asking to build something bigger so they can have the setbacks that TH-24 provides.

Mayor Thomas asked what the possibility was of coming up with a designation that will allow the proper setbacks with the garden size homes. Mr. McDonald said he was working on it. He said he has a major amendment coming on the zoning ordinance. Mr. McDonald said we need to look at some broader issues in the zoning ordinance that have just been there for so long.

Commissioner Barbaree asked if they were putting sidewalks in this subdivision. Mr. McDonald said he believed so; he would have to go back and pull the resolution on that. Mayor Thomas said if they don't they would have to get a variance not to. Mr. McDonald said the approvals for this came through before the current subdivision regulations were changed, which was in September of 2007, if it did not meet the four unit per acre, which was the previous cut off, then the answer to that is no. Ten thousand square foot lots is about four units per acre, but the way it is worded in the ordinance is that it is net density. Mr. McDonald said there are other things to take into account. There is a large area of flood plain that is not going to be built in. All those have to come into the calculation.

There being no further discussion and upon the motion being put to vote, those voting "yea," were Thomas, Matthews, Newsome, Lee, Craig, Barbaree and Seagle; "nay:" none. The motion was carried by the majority of seven "yeas" to no "nays."

Commissioner Lee made a motion to remove Item No. 10 from the agenda, motion seconded by Commissioner Barbaree and unanimously carried.

Mayor Thomas introduced Resolution No. 2008-5 (recorded in Ordinance Book No. _____ at Page _____), declaring certain properties as creating nuisances, constituting a hazard to the public health, safety and convenience of the citizens of the City of Dothan and ordering the demolition and removal of said structures. Commissioner Newsome moved for adoption, motion seconded by Commissioner Seagle and unanimously adopted.

Mayor Thomas introduced Resolution No. 2008-6 (recorded in Ordinance Book No. _____ at Page _____), entering into an agreement with Ocè Imagistic, Inc.

for maintenance of the IM650 copy machine located in the Police Department docket room. Commissioner Lee moved for adoption, motion seconded by Commissioner Barbaree and unanimously adopted.

Mayor Thomas introduced Resolution No. 2008-7 (recorded in Ordinance Book No. _____ at Page _____), accepting a grant award from the LET06 Grant Program through the Dothan/Houston County Emergency Management Agency in the amount of \$4,095.29 to reimburse all overtime costs associated with the EMA training exercise for first responders. Commissioner Matthews moved for adoption, motion seconded by Commissioner Lee and unanimously adopted.

Mayor Thomas introduced Resolution No. 2008-8 (recorded in Ordinance Book No. _____ at Page _____), authorizing the Police Department to conduct a K-9 Training Course to be held January 28, 2008 through February 1, 2008 and charge a registration fee of \$50.00 for K-9 teams attending the training from other entities. Commissioner Lee moved for adoption, motion seconded by Commissioner Barbaree and unanimously adopted.

Mayor Thomas introduced Resolution No. 2008-9 (recorded in Ordinance Book No. _____ at Page _____), entering into a permit agreement with the Alabama Department of Transportation to install a 6” water tap for a commercial and residential development off Highway 52 West. Commissioner Matthews moved for adoption, motion seconded by Commissioner Lee. Commissioner Seagle said he understood that this is being done at no cost to the City. City Manager West said that is correct; the developer will assume all the costs associated with installation of this line. Commissioner Seagle said all we need then is a permit from ALDOT. Mr. West said that is correct. There being no further discussion the resolution was unanimously adopted.

Mayor Thomas introduced Resolution No. 2008-10 (recorded in Ordinance Book No. _____ at Page _____), approving the payment of invoices for the month of December, 2007 in the amount of \$12,246,814.30. Commissioner Mathews moved for adoption, motion seconded by Commissioner Barbaree and unanimously adopted.

Mayor Thomas introduced Resolution No. 2008-11 (recorded in Ordinance Book No. _____ at Page _____), appointing Charlene EL-Amin as a member of the Museum Board. Commissioner Barbaree moved for adoption, motion seconded by Commissioner Newsome and unanimously adopted.

Mayor Thomas introduced Resolution No. 2008-12 (recorded in Ordinance Book No. _____ at Page _____), reappointing Dr. Debora Pettway as a member of the Museum Board. Commissioner Newsome moved for adoption, motion seconded by Commissioner Matthews. Commissioner Seagle said Dr. Pettway is a fine woman and she will serve the City well. There being no further discussion the resolution was unanimously adopted.

Mayor Thomas introduced Resolution No. 2008-13 (recorded in Ordinance Book No. _____ at Page _____), awarding the following bids and approving other purchases over \$7,500.00 by the City. Commissioner Lee read each item in the meeting.

<u>ITEM</u>	<u>VENDOR</u>	<u>AMOUNT</u>
New Filing System completely installed	Hudson Office Supply Dothan, AL	\$26,940.00
<u>Other Purchases:</u>		
Professional Services for Leadership and Strategic Planning Workshop-for Mayor, City Manager, Commission and staff to include travel expenses	Lyle Sumeck Associates, Inc. Heathrow, FL	\$15,000.00

Commissioner Lee then moved for adoption of Resolution No. 2008-13, motion seconded by Commissioner Barbaree and unanimously carried.

Mayor Thomas introduced Resolution No. 2008-14 (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>
William Wozniak Lynn Watkins	Vohne Liche Kennels Denver, IN	\$ 556.70
Kim Meeker	United States Tennis Association Southern Section Annual Meeting Atlanta, GA	\$ 153.40
Doug Magill William Glover	Basic Criminal Investigation and New Detective Training Birmingham, AL	\$ 835.00
Robert Miller Jared Bladen William Phares Warren Aplin	Alabama Police Academy Selma, AL	\$ 4,439.00
David Lewis Stephanie Johnson Mamie Grubbs	American Jail Association Exited Delirium/Sudden in Custody Deaths Fort Walton Beach, FL	\$ 703.50
Deanna Kinney	GFOA of Alabama 24 th Annual Conference Mobile, AL	\$ 670.00
Anita Robertson	The Essentials of Managing Front Desk Montgomery, AL	\$ 263.95
Rosa Ford Angie Lowe Tony Thorne	Special Olympics Sectional Swim Meet Tuscaloosa, AL	\$ 172.50
Glen Ketchum	Alabama Police Academy Selma, AL	\$ 1,100.00

Commissioner Barbaree then moved for adoption of Resolution No. 2008-14, motion seconded by Commissioner Craig and unanimously carried.

Commissioner Barbaree moved to approve the claim by ALFA Insurance in the amount of \$16,671.81, motion seconded by Commissioner Lee and unanimously carried.

Mayor Thomas explained that this was a damage claim where a City employee was involved in a traffic accident. This claim includes repairs and medical expenses and came with a recommendation from the safety committee to pay the claim.

Commissioner Lee moved for acceptance of a storm drainage easement from Waterford Place Homeowners Association and Steven H. Sykes and wife, Juanita L. Sykes, needed for the storm water discharge from the Pavilion, motion seconded by Commissioner Barbaree.

Commissioner Seagle asked for an update on the Waterford Place Project. Mr. Corbin stated the contractor, SETCO, who is the contract arm of Thomas Enterprises that is building the Pavilion, is accomplishing the majority of the work out at Waterford Place. Mr. Corbin said they are installing a 48” storm drainage line which will bypass the majority of the run-off from the Pavilion site around the pond and into a drainage structure going into the creek. They have drained the pond several times. Mr. Corbin said they are scheduled to start installation on the storm drainage pipe this week. Commissioner Seagle commended Mr. Corbin and his staff for working closely with the Homeowner’s Association to make this happen. There being no further discussion, motion and second to accept the easement was unanimously carried.

Commissioner Barbaree requested an update on Spann Farms and also the drainage at the January 15th City Commission meeting.

Commissioner Lee moved for acceptance of a sanitary sewer easement from Northview Christian Church, Inc. needed for improvements at Northview Christian Church property, motion seconded by Commissioner Newsome 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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