

**PRE-COUNCIL MEETING OF THE CITY OF TARRANT, ALABAMA**

**HELD ON MONDAY, SEPTEMBER 12, 2016**

**The City Council of the City of Tarrant, Alabama** met in a regular Pre-council Meeting, on Monday, September 12, 2016 at 6:00 p.m. at City Hall.

The purpose of said meeting was to review the Monday, September 12, 2016 agenda of the 7:00 p.m. regularly scheduled City Council Meeting.

The following officials were present:

Catherine "Cathy" Anderson	Councilmember
John T. "Tommy" Bryant	Councilmember
Laura D. Horton	Mayor Pro Tem
Debra M. Matthews	Councilmember
Betty S. Middlebrooks	Councilmember
Loxcil B. Tuck	Mayor

The following department heads and/or representatives were present:

Daniel Chaviers  
Patrick Coleman  
Ken Jones  
Lynn Juneau  
James Phillips  
Lieutenant Jerry Presley  
Chief Dennis Reno  
Joe Schmitt  
Gail Hill

The following department heads and/or representatives were absent:

Chris O'Rear  
Chief Jason Rickels  
Lillian A. Keith

Mayor Tuck called the meeting to order. General discussion followed.

There being no other business to discuss, the meeting was adjourned. The Pre-council Meeting ended at 7:10 p.m.

READ AND APPROVED THIS THE 19TH DAY OF SEPTEMBER, 2016.

APPROVED: \_\_\_\_\_  
LOXCIL B. TUCK, MAYOR

ATTEST: \_\_\_\_\_  
Lillian A. Keith, City Clerk

**MINUTES OF THE REGULAR MEETING  
OF THE CITY OF TARRANT, ALABAMA**

**HELD ON MONDAY, SEPTEMBER 12, 2016**

The Honorable City Council of the City of Tarrant, Alabama met in regular session, on the 12th day of September, 2016 at 7:15 p.m., in the City Council Chambers at City Hall.

Mayor Loxcil B. Tuck called the meeting to order. Mayor Tuck requested that Attorney Benjamin S. Goldman open the meeting, with prayer. Mayor Tuck asked Lieutenant Jerry Presley to lead the pledge of allegiance.

Mayor Pro Tem Horton made a motion to appoint Gail Hill as acting secretary, for the City Council Meeting of September 12, 2016, in the absence of City Clerk Lillian Keith. Councilmember Bryant seconded the motion and when put to a vote, the motion was passed by unanimous vote.

Gail Hill, acting secretary, called the roll. Upon roll call, the following officials answered present:

Catherine "Cathy" Anderson	Councilmember
John T. "Tommy" Bryant	Councilmember
Laura D. Horton	Mayor Pro Tem
Debra M. Matthews	Councilmember
Betty S. Middlebrooks	Councilmember
Loxcil B. Tuck	Mayor

Mayor Loxcil B. Tuck stated that the Councilmembers had been provided with copies of the following minutes:

Pre-council Meeting held on Monday, August 15, 2016  
Regular City Council Meeting held on Monday, August 15, 2016  
Regular City Council Meeting held on Tuesday, August 30, 2016

Mayor Tuck asked if there were any additions or corrections. The motion was made by Mayor Pro Tem Horton and seconded by Councilmember Bryant, to approve said minutes as corrected, regularly put and upon roll call; the vote thereon was as follows:

AYES: Councilmembers Anderson, Bryant, Horton, Matthews, Middlebrooks, and Mayor Tuck

NAYS: None

ABSENT: None

The Recording Secretary announced the vote, whereupon Mayor Tuck declared the minutes approved and legally adopted.

Mayor Tuck announced that the *Annual Homecoming Steak Dinner* would be held on Thursday, September 22, 2016 at 5:30 p.m., at the Tarrant Public Safety Building. Mayor Tuck stated that the dinner has become a special event for the City and a time to honor the Tarrant High School Football Players, Cheerleaders and Band.

Mayor Tuck announced that the Tarrant High School Annual Homecoming Parade has been scheduled for Friday, September 23, 2016, at 3:00 p.m. Mayor Tuck explained that the event would begin, at the Tarrant Parks and Recreation Center.

Mayor Tuck stated that the Tarrant Police Department annually provides a tour, of all of the City of Tarrant Municipal Buildings, for our children attending Kindergarten. Mayor Tuck stated that the Tarrant Fire and Rescue Department has prepared a special surprise, for the children this year. Mayor Tuck explained that the Fire Department will distribute bags to the children, which will contain items pertaining to public safety and other items such as crayons, candy, etc. Mayor Tuck stated that the items would be distributed to the children, following their tour of the City, on Tuesday, September 13, 2016.

Mayor Tuck stated that the *Tarrant Trunk or Treat* would be held on Saturday, October 30, 2015, from 4:00 p.m. through 6:00 p.m., beginning on Ford Avenue. Mayor Tuck invited everyone to participate in the fun.

Mayor Tuck stated that preparations are being made for the annual *Thanksgiving Community Service*. Mayor Tuck explained that the service has been traditionally recognized, as the beginning of the "Tarrant Toy Drive". Mayor Tuck stated that the contributions received from the service, assist in providing families in need, with food boxes and toys for children.

Mayor Tuck stated that *The City of Tarrant Annual Christmas Parade* would be held on Saturday, December 10, 2016 beginning at 5:30 p.m., at City Hall. Mayor Tuck stated that those who are interested in participating in the Parade, should contact her Assistant Gail Hill.

Mayor Tuck stated that public notice had been given regarding a public hearing to be held this evening, concerning the consideration of the emergency remediation and demolition of an unsafe and dangerous structure, located at 1506 Mountain Drive, Tarrant, Alabama. \*Public Notice of "Finding of Public Nuisance, Notice of Declaration of Emergency, and notice of Lis Pendens" by Advertising, legal notification to interested parties, and a copy of the referenced documents were posted at the following locations: Tarrant Board of Education, Tarrant City Hall, Tarrant Library, Tarrant Parks and Recreation Center. Mayor Tuck stated at this time a Public Hearing would be opened for the consideration of the immediate remediation and emergency demolition of an unsafe and dangerous structure, located at 1506 Mountain Drive, Tarrant, Alabama. Mayor Tuck noted that Building Inspection Officer Ken Jones had determined that the structure located at 1506 Mountain Drive, Tarrant Alabama is dangerous and unsafe, to the extent that it is a public nuisance, because of the danger of the burnt structure collapsing; and such situation is in need of immediate remediation because of imminent danger, endangering adjoin property,

the public right of way, and human life or health. Mayor Tuck closed the public hearing as no one requested to speak.

Whereupon, Mayor Pro Tem Horton introduced the following proposed resolution:

**RESOLUTION NO. 8260**

**A RESOLUTION ORDERING THE EMERGENCY DEMOLITION OF A BUILDING OR STRUCTURE LOCATED AT 1506 MOUNTAIN DRIVE, TARRANT, ALABAMA, PARCEL ID# 23-00-05-4-010-007.000-RR-00, IN COMPLIANCE WITH SECTIONS 11-40-30 THROUGH 11-40-36, SECTIONS 11-53B-1 THROUGH 11-53B-16, INCLUSIVE, OF THE CODE OF ALABAMA, AND IN COMPLIANCE WITH ORDINANCE NUMBER 1022 OF THE CITY OF TARRANT, ALABAMA; AND CALLING FOR SAID DEMOLITION TO BE PERFORMED BY THE CITY OF TARRANT AND DIRECTING THE CITY ATTORNEY AND THE CITY CLERK TO CAUSE THE COST OF SUCH DEMOLITION TO BE CHARGED AGAINST THE LAND ON WHICH THE BUILDING OR STRUCTURE EXISTS AS A MUNICIPAL LIEN OR CAUSE SUCH COST TO BE RECOVERED IN A SUIT AT LAW AGAINST THE OWNER OR OWNERS**

**WHEREAS**, the Appropriate Municipal Official determined that the condition of the building or structure located at 1506 Mountain Drive, Tarrant, Alabama, Parcel I.D. Number 23-00-05-4-010-007.000-RR-00 (the "Subject Property") is in such a condition as to make it dangerous and unsafe to the extent that it is a public nuisance because of the danger of a burnt structure collapsing, and such situation is in need of immediate remediation because of imminent danger endangering adjoining property, the public right of way, and human life or health.

**WHEREAS**, contemporaneously with the filing of "Finding of Public Nuisance, Notice of Declaration of Emergency and Notice of Lis Pendens" on August 31, 2016, a copy of same was sent via certified mail, properly addressed and postage prepaid, to:

- A. All person or persons, firms, associations, or corporations last assessing the subject property for state taxes to the address on file in the Jefferson County Tax Collector's Office,
- B. The record property owner or owners (including any owner or owners of an interest in the subject property) as shown from a search of records of the office the judge of Probate of Jefferson County, Alabama, at the owner or owners' last known address and at the address of the subject property,
- C. All mortgagees of record as shown from a search of the records of the office of the Judge of Probate of Jefferson County, Alabama, to the address set forth in the mortgage or, if no address for the mortgagee is set forth in the mortgage, to the address determined to be the correct address by the Appropriate Municipal Official,
- D. All lien holders of record as shown from a search of the records of the office of the Judge of Probate of Jefferson County, Alabama to the address set forth in the statement of lien or, if no address for the lien holder is set forth in the statement of lien, to the address determined to be the correct address by the Appropriate Municipal Official,
- E. Such other persons who are otherwise known to the City Clerk or to the Appropriate Municipal Official who could have an interest in the subject property.

**WHEREAS**, contemporaneously with the filing of the "Finding of Public Nuisance, Notice of Declaration of Emergency and Notice of Lis Pendens", a copy of the same was posted at or within three feet of an entrance to the building on the subject property and posted in four public places located within the City of Tarrant: 1) City Hall, 2) Tarrant Public Library, 3) Tarrant Parks and Recreation Building and 4) Tarrant Board of Education.

**WHEREAS**, notice that the Appropriate Municipal Official has made a finding that the building or structure located at 1506 Mountain Drive, Tarrant, Alabama, Parcel I.D. Number 23-00-05-4-010-007.000-RR-00 (the "Subject Property") is in such a condition as to make it dangerous and unsafe to the extent that it is a public nuisance because of the danger of the burnt structure colapsing, (ii) such situation is in need of

immediate remediation because of imminent danger endangering adjoining property, the public right of way, and human life or health , and (iii) that a public hearing would be held on a certain date was also given to all interested parties and to the public at large by publication in the Alabama Messenger.

**WHEREAS**, the Appropriate Municipal Official has made a Finding of Public Nuisance and Declaration of Emergency to the City Council of the City of Tarrant.

**BE IT RESOLVED** by the City Council of the City of Tarrant, Alabama while in regular session on Monday, September 12, 2016 at 7:00 p.m. as follows:

**Section 1.** A Public Hearing was held on September 12, 2016 at 7:00 p.m. and after due deliberation, the City Council of the City of Tarrant, Alabama finds that the structure standing at 1506 Mountain Drive, Tarrant, Alabama, Parcel I.D. Number 23-00-05-4-010-007.000-RR-00 is unsafe to the extent it is a public nuisance to the citizens of City of Tarrant, Alabama, such building is subject to immediate emergency demolition because of the danger of a burnt structure collapsing, and such situation is in need of immediate remediation because of imminent danger endangering adjoining property, the public right of way, and human life or health, and is due to be condemned and demolished in compliance with Ordinance Number 1022 of the City of Tarrant, Alabama;

**Section 2.** That said demolition is to be performed as soon as possible by the City of Tarrant; and

**Section 3.** That the City Attorney and the City Clerk are hereby directed to cause the cost of such demolition to be charged against the land on which the building or structure is located and shall constitute a lien on the property for the amount of the assessment or cause such cost to be recovered in a suit at law against the owner or owners.

Adopted this the 12<sup>th</sup> day of September, 2016.

APPROVED: \_\_\_\_\_  
Loxcil B. Tuck, Mayor

ATTEST: \_\_\_\_\_  
Lillian A. Keith, City Clerk

Whereupon, Mayor Pro Tem Horton moved for the adoption of Resolution Number 8260. Motion for the adoption of Resolution Number 8260 was seconded by Councilmember Bryant, regularly put and upon roll call; the vote thereon was as follows:

AYES: Councilmembers Anderson, Bryant, Horton, Matthews, Middlebrooks, and Mayor Tuck

NAYS: None

ABSENT: None

The Recording Secretary announced the vote, whereupon Mayor Tuck declared Resolution Number 8260 duly and legally adopted.

City Attorney Benjamin Goldman asked that the City Council Minutes reflect that the Mayor and City Councilmembers had been provided documents, consisting of "Finding of Public Nuisance, Notice and Order to Remedy, and Notice of *Lis Pendens*", regarding the property located at 1506 Mountain Drive, Tarrant, Alabama.

Mayor Tuck stated that the next item on the agenda would be a public hearing, for consideration of the proposed abatement, of grass and weed violations. Mayor Tuck therefore opened the public hearing, for the following properties:

<b>Street #</b>	<b>Street Name</b>	<b>City &amp; State</b>	<b>Zip Code</b>	<b>Parcel I.D. Number</b>
<b>Lot 2030</b>	<b>Baker Drive</b>	<b>Tarrant, AL</b>	<b>35217</b>	<b>23-00-04-3-019-014.000-RR-00</b>
<b>2036</b>	<b>Baker Drive</b>	<b>Tarrant, AL</b>	<b>35217</b>	<b>23-00-04-3-019-015.000-RR-00</b>
<b>2110</b>	<b>Baker Drive</b>	<b>Tarrant, AL</b>	<b>35217</b>	<b>23-00-04-3-021-005.000-RR-00</b>
<b>Back 1420</b>	<b>East Lake Boulevard</b>	<b>Tarrant, AL</b>	<b>35217</b>	<b>23-00-05-4-018-015.000-RR-00</b>
<b>Back 1424</b>	<b>East Lake Boulevard</b>	<b>Tarrant, AL</b>	<b>35217</b>	<b>23-00-05-4-018-016.000-RR-00</b>
<b>1436</b>	<b>East Lake Boulevard</b>	<b>Tarrant, AL</b>	<b>35217</b>	<b>23-00-05-4-018-019.000-RR-00</b>
<b>1440</b>	<b>East Lake Boulevard</b>	<b>Tarrant, AL</b>	<b>35217</b>	<b>23-00-05-4-018-020.000-RR-00</b>
<b>1452</b>	<b>East Lake Boulevard</b>	<b>Tarrant, AL</b>	<b>35217</b>	<b>23-00-05-4-019-024.000-RR-00</b>
<b>Lot 1520</b>	<b>East Lake Boulevard</b>	<b>Tarrant, AL</b>	<b>35217</b>	<b>23-00-05-4-019-024.000-RR-00</b>
<b>1534</b>	<b>East Lake Boulevard</b>	<b>Tarrant, AL</b>	<b>35217</b>	<b>23-00-05-4-019-027.000-RR-00</b>
<b>1548</b>	<b>East Lake Boulevard</b>	<b>Tarrant, AL</b>	<b>35217</b>	<b>23-00-05-4-019-029.000-RR-00</b>
<b>1636</b>	<b>East Lake Boulevard</b>	<b>Tarrant, AL</b>	<b>35217</b>	<b>23-00-05-4-019-035.000-RR-00</b>
<b>1708</b>	<b>East Lake Boulevard</b>	<b>Tarrant, AL</b>	<b>35217</b>	<b>23-00-05-4-020-010.000-RR-00</b>
<b>1709</b>	<b>East Lake Boulevard</b>	<b>Tarrant, AL</b>	<b>35217</b>	<b>23-00-05-4-021-003.000-RR-00</b>
<b>1720</b>	<b>East Lake Boulevard</b>	<b>Tarrant, AL</b>	<b>35217</b>	<b>23-00-05-4-020-012.000-RR-00</b>
<b>Lot 2013</b>	<b>East Lake Boulevard</b>	<b>Tarrant, AL</b>	<b>35217</b>	<b>23-00-04-3-019-009.000-RR-00</b>
<b>Lot 2019</b>	<b>East Lake Boulevard</b>	<b>Tarrant, AL</b>	<b>35217</b>	<b>23-00-04-3-019-008.000-RR-00</b>
<b>Lot 2025</b>	<b>East Lake Boulevard</b>	<b>Tarrant, AL</b>	<b>35217</b>	<b>23-00-04-3-019-007.000-RR-00</b>
<b>Lot 2029</b>	<b>East Lake Boulevard</b>	<b>Tarrant, AL</b>	<b>35217</b>	<b>23-00-04-3-019-006.000-RR-00</b>
<b>Lot 2076</b>	<b>East Lake Boulevard</b>	<b>Tarrant, AL</b>	<b>35217</b>	<b>23-00-04-3-012-018.000-RR-00</b>
<b>2112</b>	<b>East Lake Boulevard</b>	<b>Tarrant, AL</b>	<b>35217</b>	<b>23-00-04-3-011-005.000-RR-00</b>
<b>Back 1816</b>	<b>Enfield Street</b>	<b>Tarrant, AL</b>	<b>35217</b>	<b>23-00-05-4-003-061.000-RR-00</b>
<b>1237</b>	<b>Etowah Street</b>	<b>Tarrant, AL</b>	<b>35217</b>	<b>23-00-08-1-005-004.000-RR-00</b>
<b>2124</b>	<b>Etowah Street</b>	<b>Tarrant, AL</b>	<b>35217</b>	<b>23-00-04-3-004-034.000-RR-00</b>
<b>1452</b>	<b>Ford Avenue</b>	<b>Tarrant, AL</b>	<b>35217</b>	<b>23-00-05-4-012-023.000-RR-00</b>
<b>1500</b>	<b>Mountain Drive</b>	<b>Tarrant, AL</b>	<b>35217</b>	<b>23-00-05-4-010-006.000-RR-00</b>
<b>1719</b>	<b>Mountain Drive</b>	<b>Tarrant, AL</b>	<b>35217</b>	<b>23-00-05-4-020-005.000-RR-00</b>
<b>1723</b>	<b>Mountain Drive</b>	<b>Tarrant, AL</b>	<b>35217</b>	<b>23-00-05-4-020-004.000-RR-00</b>
<b>1724</b>	<b>Mountain Drive</b>	<b>Tarrant, AL</b>	<b>35217</b>	<b>23-00-05-4-008-007.000-RR-00</b>
<b>1801</b>	<b>Springfield Street</b>	<b>Tarrant, AL</b>	<b>35217</b>	<b>23-00-04-3-004-080.000-RR-00</b>
<b>1512</b>	<b>St. Joseph Street</b>	<b>Tarrant, AL</b>	<b>35217</b>	<b>23-00-04-3-019-019.000-RR-00</b>
<b>1545</b>	<b>Wharton Avenue</b>	<b>Tarrant, AL</b>	<b>35217</b>	<b>23-00-08-1-004-002.000-RR-00</b>
<b>1913</b>	<b>Wharton Avenue</b>	<b>Tarrant, AL</b>	<b>35217</b>	<b>23-00-09-2-006-003.000-RR-00</b>

Mayor Tuck asked if there was anyone present who wished to speak, in regards to these properties.

Mayor Tuck therefore closed the public hearing, as no one requested to speak.

Whereupon, Councilmember Bryant introduced the following proposed resolution:

**CITY COUNCIL OF THE CITY OF TARRANT, ALABAMA**

**RESOLUTION NO. 8261**

**A RESOLUTION OF THE CITY OF TARRANT PURSUANT TO  
ORDINANCE NO. 1017 OF THE CITY OF TARRANT DECLARING  
CERTAIN PROPERTIES A PUBLIC NUISANCE.**

**WHEREAS**, an abundance of weeds and overgrown vegetation provide favorable conditions for the harboring of mosquitoes and other insects of like kind, and do otherwise have a negative impact on the health and safety of the citizens of Tarrant;

**WHEREAS**, Ordinance No. 1017 of the City of Tarrant was designed to deter and provide for the abatement of weeds and overgrown vegetation;

**WHEREAS**, on September 12, 2016, a public hearing was held before the City Council of Tarrant, Alabama, to determine whether certain properties constituted a public nuisance by reason of overgrown grass, weeds, and/or other voluntary or spontaneous growth; and

**WHEREAS**, the appropriate notice called for in Ordinance No. 1017 was given to the person or persons in possession of, in ownership of, or in charge or control of said property, with respect to the public hearing.

**NOW, THEREFORE, BE IT RESOLVED** by the City Council of the City of Tarrant, Alabama, as follows:

1. The properties on the list attached hereto as Exhibit "A" are hereby determined to be a nuisance by reason that the abundance of overgrown grass and/or weeds within the City is injurious to the general public health, safety, and general welfare by providing breeding grounds and shelter for rats, mice, snakes, mosquitoes, and other vermin, insects, and pests; that the height and dryness of said overgrown grass and weeds constitutes a serious fire threat or hazard; that said overgrown grass and weeds produces allergens that cause irritation to the throat, lungs, and eyes of the public; that said overgrown grass and weeds hides debris that could inflict injury on persons going upon the property; and/or that said overgrown grass and weeds are unsightly and in excess of twelve (12) inches in height.

2. Said nuisance shall be abated as provided for in Ordinance No. 1017 of the City of Tarrant, Alabama.

3. Those individuals abating the nuisance described herein shall render an itemized report in writing to the City Council showing the cost of removing the nuisance. Before the report is submitted to the City Council, a copy of the report shall be posted for at least five days prior thereto on or near the chamber door of the City Council, together with a notice of the time when the report shall be submitted to the City Council for confirmation.

**ADOPTED AND APPROVED THIS THE 12TH DAY OF SEPTEMBER, 2016.**

\_\_\_\_\_  
LOXCIL B. TUCK, MAYOR

ATTEST:

\_\_\_\_\_  
Lillian A. Keith, City Clerk

## EXHIBIT "A"

<u>Street #</u>	<u>Street Name</u>	<u>City &amp; State</u>	<u>Zip Code</u>	<u>Parcel I.D. Number</u>
<b>Lot 2030</b>	<b>Baker Drive</b>	<b>Tarrant, AL</b>	<b>35217</b>	<b>23-00-04-3-019-014.000-RR-00</b>
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<b>2110</b>	<b>Baker Drive</b>	<b>Tarrant, AL</b>	<b>35217</b>	<b>23-00-04-3-021-005.000-RR-00</b>
<b>Back 1420</b>	<b>East Lake Boulevard</b>	<b>Tarrant, AL</b>	<b>35217</b>	<b>23-00-05-4-018-015.000-RR-00</b>
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<b>1440</b>	<b>East Lake Boulevard</b>	<b>Tarrant, AL</b>	<b>35217</b>	<b>23-00-05-4-018-020.000-RR-00</b>
<b>1452</b>	<b>East Lake Boulevard</b>	<b>Tarrant, AL</b>	<b>35217</b>	<b>23-00-05-4-019-024.000-RR-00</b>
<b>Lot 1520</b>	<b>East Lake Boulevard</b>	<b>Tarrant, AL</b>	<b>35217</b>	<b>23-00-05-4-019-024.000-RR-00</b>
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<b>1636</b>	<b>East Lake Boulevard</b>	<b>Tarrant, AL</b>	<b>35217</b>	<b>23-00-05-4-019-035.000-RR-00</b>
<b>1708</b>	<b>East Lake Boulevard</b>	<b>Tarrant, AL</b>	<b>35217</b>	<b>23-00-05-4-020-010.000-RR-00</b>
<b>1709</b>	<b>East Lake Boulevard</b>	<b>Tarrant, AL</b>	<b>35217</b>	<b>23-00-05-4-021-003.000-RR-00</b>
<b>1720</b>	<b>East Lake Boulevard</b>	<b>Tarrant, AL</b>	<b>35217</b>	<b>23-00-05-4-020-012.000-RR-00</b>
<b>Lot 2013</b>	<b>East Lake Boulevard</b>	<b>Tarrant, AL</b>	<b>35217</b>	<b>23-00-04-3-019-009.000-RR-00</b>
<b>Lot 2019</b>	<b>East Lake Boulevard</b>	<b>Tarrant, AL</b>	<b>35217</b>	<b>23-00-04-3-019-008.000-RR-00</b>
<b>Lot 2025</b>	<b>East Lake Boulevard</b>	<b>Tarrant, AL</b>	<b>35217</b>	<b>23-00-04-3-019-007.000-RR-00</b>
<b>Lot 2029</b>	<b>East Lake Boulevard</b>	<b>Tarrant, AL</b>	<b>35217</b>	<b>23-00-04-3-019-006.000-RR-00</b>
<b>Lot 2076</b>	<b>East Lake Boulevard</b>	<b>Tarrant, AL</b>	<b>35217</b>	<b>23-00-04-3-012-018.000-RR-00</b>
<b>2112</b>	<b>East Lake Boulevard</b>	<b>Tarrant, AL</b>	<b>35217</b>	<b>23-00-04-3-011-005.000-RR-00</b>
<b>Back 1816</b>	<b>Enfield Street</b>	<b>Tarrant, AL</b>	<b>35217</b>	<b>23-00-05-4-003-061.000-RR-00</b>
<b>1237</b>	<b>Etowah Street</b>	<b>Tarrant, AL</b>	<b>35217</b>	<b>23-00-08-1-005-004.000-RR-00</b>
<b>2124</b>	<b>Etowah Street</b>	<b>Tarrant, AL</b>	<b>35217</b>	<b>23-00-04-3-004-034.000-RR-00</b>
<b>1452</b>	<b>Ford Avenue</b>	<b>Tarrant, AL</b>	<b>35217</b>	<b>23-00-05-4-012-023.000-RR-00</b>
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<b>1719</b>	<b>Mountain Drive</b>	<b>Tarrant, AL</b>	<b>35217</b>	<b>23-00-05-4-020-005.000-RR-00</b>
<b>1723</b>	<b>Mountain Drive</b>	<b>Tarrant, AL</b>	<b>35217</b>	<b>23-00-05-4-020-004.000-RR-00</b>
<b>1724</b>	<b>Mountain Drive</b>	<b>Tarrant, AL</b>	<b>35217</b>	<b>23-00-05-4-008-007.000-RR-00</b>
<b>1801</b>	<b>Springfield Street</b>	<b>Tarrant, AL</b>	<b>35217</b>	<b>23-00-04-3-004-080.000-RR-00</b>
<b>1512</b>	<b>St. Joseph Street</b>	<b>Tarrant, AL</b>	<b>35217</b>	<b>23-00-04-3-019-019.000-RR-00</b>
<b>1545</b>	<b>Wharton Avenue</b>	<b>Tarrant, AL</b>	<b>35217</b>	<b>23-00-08-1-004-002.000-RR-00</b>
<b>1913</b>	<b>Wharton Avenue</b>	<b>Tarrant, AL</b>	<b>35217</b>	<b>23-00-09-2-006-003.000-RR-00</b>

Whereupon, Councilmember Bryant moved for the adoption of Resolution Number 8261.

Motion for the adoption of Resolution Number 8261 was seconded by Councilmember Anderson, regularly put and upon roll call; the vote thereon was as follows:

AYES: Councilmembers Anderson, Bryant, Horton, Matthews, Middlebrooks, and Mayor Tuck

NAYS: None

ABSENT: None

The Recording Secretary announced the vote, whereupon Mayor Tuck declared Resolution Number 8261 duly and legally adopted.

Whereupon, Councilmember Matthews introduced the following proposed resolution:



**RESOLUTION NO. 8262**

**A RESOLUTION AUTHORIZING THE EXECUTION AND RENEWAL OF A TELEPHONE SYSTEM MAINTENANCE AGREEMENT BETWEEN THE CITY OF TARRANT AND LASERONE COMMUNICATIONS INC FOR THE PURPOSE OF MAINTENANCE OF THE TELEPHONE SYSTEM EQUIPMENT FOR THE CITY OF TARRANT MUNICIPAL COMPLEX**

**BE IT RESOLVED** by the City Council of the City of Tarrant, Alabama while in regular session on Monday, September 12, 2016 at 7:00 p.m. as follows:

**Section 1.** That the execution and renewal of a Telephone System maintenance agreement between the City of Tarrant and LaserOne Communication, Inc. for the purpose of maintenance of the telephone system equipment for the City of Tarrant Municipal Complex, is hereby authorized; and

**Section 2.** That said agreement shall be effective October 1, 2016 and terminate on September 30, 2017; and

**Section 3.** That said amount of \$5,200.00 shall be paid from the City of Tarrant General Fund Line Item 01-6000-148, and the amount of \$1,300.00 shall be paid from the Tarrant Electric Department budget. That the total combined costs for the City of Tarrant and the Tarrant Electric Department shall not exceed the total amount of \$6,500.00; and

**Section 4.** That a copy of said agreement is attached hereto and made a part thereof.

ADOPTED THIS THE 12TH DAY OF SEPTEMBER, 2016.

APPROVED: \_\_\_\_\_  
LOXCIL B. TUCK, MAYOR

ATTEST: \_\_\_\_\_  
Lillian A. Keith, City Clerk

Whereupon, Councilmember Matthews moved for the adoption of Resolution Number 8262 Motion for the adoption of Resolution Number 8262 was seconded by Councilmember Middlebrooks, regularly put and upon roll call; the vote thereon was as follows:

AYES: Councilmembers Anderson, Bryant, Horton, Matthews, Middlebrooks, and Mayor Tuck

NAYS: None

ABSENT: None

The Recording Secretary announced the vote, whereupon Mayor Tuck declared Resolution Number 8262 duly and legally adopted.



Maintenance Coverage for 2016-2017

DATE: 9/7/2016

**EXCLUSIVE MAINTENANCE AGREEMENT - RENEWAL**

Presented To: City of Tarrant  
 Channel: LASERONE COMMUNICATIONS / Terry Darden  
 User Reference: City of Tarrant  
 Address: 1604 Pinson Valley Pkwy  
 Tarrant, AL 35217  
 Phone: (205) 849-2800

INVOICE #: 009622  
 Amount Due: \$6,500.00

Outlined below is for maintenance, by LaserOne Communications, for the telephone system equipment listed below. LaserOne communications equipment (hardware and software) will be by agreement subsequently signed by LaserOne Communications and City of Tarrant

**Equipment Covered Under Service Agreement  
 Phone Equipment - City of Tarrant**

Part	Description	Qty
90-05385-BL	SIP/50: MX250, RAID, 50-User, 25-MXIE, 2-MXvideo, 3-Fax, 4 Call Record, 60-SIP Trunks, 5-MXconference, 2-Mobile Access	1
	<b>User and Session Licenses for MX Systems</b>	
	Total MX-Users (MX Bundles + Licenses)	50
	Total MXIE Clients (MX Bundles + Licenses)	25
90-0933i-10	10 Pack of ZIP 33i - 3 line LCD, 6 Programmable Buttons, PoE, no AC Adapter	4
90-0933i	ZIP 33i - 3 line LCD, 6 Programmable Buttons, PoE, no AC Adapter	2

\*Labor for service on Phone System is included with this service agreement\*

\*\*Software Assurance is included with this service agreement\*\*

\*\*\*Software Assurance is required by Manufacture\*\*\*

\*\*\*Without software assurance you will not be able to get support on this system\*\*\*

**Data Equipment - Parts Only - Covered By Service Agreement  
 City of Tarrant**

Part	Description	Qty
	EnGenius EAP 350 WAP with POE Injector	6
	GS1910-24HP 24 Port GbE L2 Advanced Web Managed 802.3 POE Switch	5
	GS1910-24 24 Port Managed Switch 10/100/1000	5
	XGS3600-28F Fiber Switch	1
	Cyberoam Firewall/Router	1
	LC Media Converter, 850NM 1000	3
	SFP-LX-10-D SFP (mini GBIC) Transceiver module	12

\*Labor on any Data is not covered with this service Agreement\*

\*\*Blocks of hours is available for purchase that will cover data labor\*\*

**COST PER YEAR: \$6,500.00**

Please refer to the maintenance program terms and conditions included according to the Basic Maintenance Program.

Starting Coverage Date: 10/01/2016

Ending Coverage Date: 9/30/2017

*Loycil B Inuh*

Customer Signature

*9-13-16*

Date

**Contact: Terry Darden (256) 962-1454**

LaserOne Communications Inc.

210 W. Main St.

Glencoe, AL 35905

(256) 492-5959, (866) 492-5959, Fax (256) 4925968

Whereupon, Councilmember Middlebrooks introduced the following proposed resolution:

**RESOLUTION NO. 8263**

**A RESOLUTION AUTHORIZING THE MAYOR TO EXECUTE A CONTRACT BETWEEN THE CITY OF TARRANT AND THE LEGAL AID SOCIETY FOR INDIGENT DEFENSE SERVICES**

BE IT RESOLVED by the City Council of the City of Tarrant, Alabama while in regular session on Monday, September 12, 2016 at 7:00 p.m. as follows:

**Section 1.** That the Mayor is hereby authorized to execute a contract between the City of Tarrant and the Legal Aid Society for Indigent Services.,

**Section 2.** That said contract shall be effective on the 5th day of August, 2016 and shall terminate on the fourth day of August, 2017,

**Section 3.** That said cost shall be \$1,500.00 (One Thousand Five Hundred Dollars) or the amount of Fair Trial Tax collected, whichever is less, per month, as described in the attached contract and shall be payable as set forth in said contract,

**Section 4.** That a copy of said contract is attached hereto and made a part hereof,

ADOPTED THIS THE 12TH DAY OF SEPTEMBER, 2016.

APPROVED: \_\_\_\_\_  
LOXCIL B. TUCK, MAYOR

ATTEST: \_\_\_\_\_  
Lillian A. Keith, City Clerk

Whereupon, Councilmember Middlebrooks moved for the adoption of Resolution Number 8263. Motion for the adoption of Resolution Number 8263 was seconded by Councilmember Matthews, regularly put and upon roll call; the vote thereon was as follows:

AYES: Councilmembers Anderson, Bryant, Horton, Matthews, Middlebrooks, and Mayor Tuck

NAYS: None

ABSENT: None

The Recording Secretary announced the vote, whereupon Mayor Tuck declared Resolution Number 8263 duly and legally adopted.

STATE OF ALABAMA )

JEFFERSON COUNTY )

**CONTRACT FOR INDIGENT LEGAL SERVICES**

THIS AGREEMENT made this \_\_\_\_\_ day of \_\_\_\_\_, 2016, by and between the City of Tarrant, a municipal corporation of the State of Alabama (hereinafter referred to as City or the City), and the Legal Aid Society of Birmingham, Inc., a non-profit corporation organized under the laws of the State of Alabama (hereinafter referred to as Legal Aid or the Society);

WITNESSETH:

IT IS MUTUALLY AGREED by and between the City and Legal Aid as follows:

Section 1. (a) Legal Aid shall provide full legal representation and services of and for indigent defendants charged with violations of municipal ordinances and/or laws of the State of Alabama before the municipal court of the City to the extent required by law. The final determination of indigence shall be made by the Judge of said municipal court.

(b) Legal representation and services as set forth in (a) above shall include representation of such defendants in subsequent appeal proceedings before all courts having jurisdiction in such cases where determined by Legal Aid to be appropriate and wherein said court has appointed Legal Aid to be the attorney for said defendant and any probation or parole revocation hearings arising out of any of the above mentioned cases.

(c) Legal Aid will provide an attorney to be present or on call, at the pleasure of the Judge of said municipal court, at and during each regular or special session of the court and an attorney for cases appealed from said municipal court if appointed by the Circuit Judge in said appeal case. It is understood and agreed that the City will not pay for representation of any

indigent when said case is not within the jurisdiction of the municipal court.

(d) Legal Aid further agrees to maintain adequate records and accounts of monies and time expended by its personnel in effectuating the provisions of this agreement and to provide such information to the City as may be required. Said records and accounts shall be open to inspection by the City, and any State of Alabama or Federal agency having an interest in the fiscal, administrative or operational affairs of Legal Aid.

Section 2. Legal Aid shall be paid One Thousand Five Hundred Dollars (\$1,500.00) or the amount of Fair Trial Tax collected, whichever is less, per month. This payment shall not include any cases which are appealed to the Circuit Court from the municipal court of the City of Tarrant. It shall be Legal Aid's responsibility to obtain payment from the State of Alabama for all appealed cases by filing vouchers with the State of Alabama.

Section 3. City shall be under no obligation to Legal Aid except to the extent set out expressly in this agreement.

Section 4. The terms of this agreement shall commence as of the 5<sup>th</sup> day of August, 2016, and shall terminate on the 4<sup>th</sup> day of August, 2017, unless sooner terminated. Either party to this agreement may terminate this agreement as of the first day of any month by giving the other party not less than thirty (30) days written notice thereof.

Section 5. Legal Aid reserves the right to subcontract to any other entity the performance of the service it agrees to render under this agreement having obtained prior written approval of such subcontract by the Mayor of the City.

Section 6. Legal Aid hereby covenants and agrees that in performing its responsibilities and obligations hereunder Legal Aid will not discriminate on the basis of color,

sex, race, religion, disability, age, national origin, sexual orientation, weight or any other basis prohibited by law.

IN WITNESS WHEREOF, the parties hereto have executed this agreement as of the day and date set forth above.

\_\_\_\_\_  
The Legal Aid Society of Birmingham  
BY: Its President

\_\_\_\_\_  
ATTEST: Its Secretary

\_\_\_\_\_  
CITY OF TARRANT  
A Municipal Corporation  
BY: Its Mayor

\_\_\_\_\_  
ATTEST: Its City Clerk

Whereupon, Mayor Pro Tem Horton moved that the rules and procedures of the Council be suspended, to allow proposed Resolution Numbers 8264 and 8265, to be added to the agenda. Said motion was seconded by Councilmember Bryant, regularly put and upon roll call; the vote thereon was as follows:

AYES: Councilmembers Anderson, Bryant, Horton, Matthews, Middlebrooks and Mayor Tuck

NAYS: None

ABSENT: None

The Recording Secretary announced the vote, whereupon Mayor Tuck declared that proposed Resolution Numbers 8264 and 8265 had been added to the agenda, for immediate consideration.

Whereupon, Mayor Pro Tem Horton introduced the following proposed resolution:

**CITY COUNCIL OF THE CITY OF TARRANT, ALABAMA**

**RESOLUTION NO. 8264**

**A RESOLUTION AUTHORIZING THE RETENTION OF COUNSEL TO FILE AND PROSECUTE A CLAIM AND/OR ACTION AGAINST CARRINGTON MORTGAGE SERVICES, LLC, SONYA SMITH, THE NEXT-OF-KIN OF HORACE SMITH, DECEASED, MIDLAND CREDIT MANAGEMENT, INC., AND/OR OTHER RESPONSIBLE PARTIES ARISING FROM A PUBLIC NUISANCE UPON THE PROPERTY LOCATED AT 1809 DAMON CIRCLE, BIRMINGHAM, ALABAMA 35217.**

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

A. That the City Attorney is hereby authorized to represent the interests of the City of Tarrant, Alabama (the "City") and any and all of its associated departments in pursuing a claim and/or filing suit against Carrington Mortgage Services, LLC; Sonya Smith; the next-of-kin of Horace Smith, deceased; Midland Credit Management, Inc.; and any other parties who may have an interest in 1809 Damon Circle, Tarrant, Alabama, to associate such other counsel as may be required to represent the interests of the City; and to take any and all actions necessary to advance the interests of the City in relation to the matters described herein, including all stages of litigation, discovery, trial, and appeal; and

B. That the Mayor and other officers and employees of the City are hereby authorized to execute any claim forms, pleadings, engagement agreements, waivers, or other documents that may be necessary to preserve the City's interests relative to the matters described herein.

ADOPTED this the 12th day of September, 2016.

APPROVED: \_\_\_\_\_  
Loxcil Tuck, Mayor

ATTEST: \_\_\_\_\_  
Lynne Keith, City Clerk



Whereupon, Mayor Pro Tem Horton moved for the adoption of Resolution Number 8264. Motion for the adoption of Resolution Number 8264 was seconded by Councilmember Bryant, regularly put and upon roll call; the vote thereon was as follows:

AYES: Councilmembers Anderson, Bryant, Horton, Matthews, Middlebrooks, and Mayor Tuck

NAYS: None

ABSENT: None

The Recording Secretary announced the vote, whereupon Mayor Tuck declared Resolution Number 8264 duly and legally adopted.

Whereupon, Councilmember Bryant introduced the following proposed resolution:

**RESOLUTION NO. 8265**

**A RESOLUTION AUTHORIZING THE MAYOR TO ENTER INTO A DEBRIS REMOVAL CONTRACT.**

**WHEREAS**, the City of Tarrant, Alabama (“the City”) desires to enter into a Contract for debris removal with Bostic Trucking & Excavating, Inc., with respect to 2518 and 2528 Commerce Way, Tarrant, Alabama;

**THEREFORE, BE IT RESOLVED** by the City Council of the City of Tarrant, Alabama, while in regular session on Monday, September 12, 2016, at 7:00 p.m. as follows:

**Section 1.** That the Mayor of the City of Tarrant, Alabama, on behalf of the City, is hereby authorized to enter into the Contract, a copy of which is attached hereto as **Exhibit 1** hereof. All payments to be made under the Contract shall be paid from the City’s General Fund.

ADOPTED this the 12th day of September, 2016.

APPROVED: \_\_\_\_\_  
Loxcil Tuck, Mayor

ATTEST: \_\_\_\_\_  
Lillian A. Keith, City Clerk

# EXHIBIT 1

## CONTRACT

This Contract is made and entered into by the City of Tarrant, Alabama, a municipal corporation ("the City") and Bostic Trucking & Excavating, Inc. ("Contractor"), to take effect upon ratification by the City Council of the City of Tarrant, Alabama, through a duly adopted resolution, and in consideration of the premises and the promises contained herein, it is agreed as follows:

1. **Consideration.** In consideration for payment of the agreed upon rates as provided in Exhibit A hereto, the sufficiency of which is hereby acknowledged, Contractor hereby agrees to furnish all the material, labor and equipment, and do all the work in a workmanlike manner to remove debris from 2518 and 2528 Commerce Way, Tarrant, Alabama 35217 as requested by the City's Mayor or the Mayor's representative. In no event shall any change order be allowed under this Contract that shall cause the total amount of this Contract to exceed forty-nine thousand, nine hundred ninety-nine dollars and ninety-nine cents (\$49,999.99). All monies due to Contractor under this Contract will be paid within thirty (30) days of the completion of the work required under this Contract.

2. **Warranties.** Contractor warrants that its liability insurance previously presented to the City remains in full force and effect and will remain so at all times that the work required by this Contract is provided. Contractor warrants, acknowledges, understands, and agrees that this Contract is totally unrelated to the City of Tarrant Commerce Way Improvement Project and that this Contract was not contemplated in any way at the time that Contractor's bid for the previous project was solicited and/or awarded. Contractor warrants, acknowledges, understands, and agrees that the City and all of its agents, officers, and employees are relying upon these warranties as material representations.

3. **Contract.** This Contract is contractual in nature and not mere recital. This Contract is made and entered into in the State of Alabama, and shall in all respects be interpreted, enforced, and governed under the laws of said State. The language of all parts of this Contract shall in all cases be construed as a whole, according to its fair meaning, and not strictly for or against any of the parties.

4. **Validity.** The persons signing this Contract assert that they have the actual authority to enter into this Contract. This is a material representation being relied upon by the other parties, respectively.

5. **Counterparts.** This Contract may be executed in counterparts, each of which shall be deemed an original, but all of which together shall be deemed to be one and the same Contract. A copy of this Contract shall be given the same force and effect as an original.

*[SIGNATURES ON NEXT TWO PAGES.  
THE REMAINDER OF THIS PAGE IS LEFT INTENTIONALLY BLANK.]*

IN WITNESS WHEREOF, and intending to be legally bound hereby the parties have executed the foregoing Contract.

Executed on this the 12<sup>th</sup> day of September, 2016.

FOR: BOSTIC TRUCKING & EXCAVATING, INC.

(Signature) \_\_\_\_\_

(Printed Name) BY: \_\_\_\_\_

(Title) ITS: \_\_\_\_\_

STATE OF ALABAMA )  
COUNTY OF \_\_\_\_\_ )

I, the undersigned, a Notary Public in and for said County in said State, do hereby certify that Bostic Trucking & Excavating, Inc., by and through \_\_\_\_\_, its \_\_\_\_\_, whose name is signed to the foregoing Contract, and who is known to me, acknowledged before me on this day, that being informed of the contents of said instrument, he/she executed same voluntarily on the date shown by his/her signature.

Given under my hand and official seal, the \_\_\_\_ day of \_\_\_\_\_, 2016.

\_\_\_\_\_  
Notary Public  
My commission expires \_\_\_\_\_

FOR: CITY OF TARRANT, ALABAMA, a municipal corporation

(Signature) \_\_\_\_\_  
(Printed Name) BY: Loxcil B. Tuck  
(Title) ITS: Mayor

ATTEST:

\_\_\_\_\_  
Lillian A. Keith, City Clerk

# **EXHIBIT A**

# Bostic Trucking & Excavating, Inc.

P.O. Box 38  
Watson, AL 35181  
Phone: (205) 323-8840 Fax: (205) 323-8839  
E-Mail: bostic.trucking@att.net

2016bte9/9/16

Mayor Loxcil Tuck  
City of Tarrant  
1604 Pinson Valley Parkway  
Tarrant, AL 35217  
Re: Commerce Way Site Improvements

<u>Bobcat</u>	<u>\$80.00 per hr.</u>
<u>Packer</u>	<u>\$100.00 per hr.</u>
<u>Backhoe</u>	<u>\$85.00 per hr.</u>
<u>Dozer 850, 39</u>	<u>\$125.00 per hr.</u>
<u>Excavator 228</u>	<u>\$125.00 per hr.</u>
<u>Excavator 228 w/ Hammer</u>	<u>\$200.00 per hr.</u>
<u>Loader FL 10</u>	<u>\$125.00 per hr.</u>
<u>Motorgrader</u>	<u>\$200.00 per hr.</u>
<u>Mini-x w/Bucket</u>	<u>\$85.00 per hr.</u>
<u>Mini-x w/Cutter</u>	<u>\$100.00per hr.</u>
<u>Scraper</u>	<u>\$175.00 per hr.</u>
<u>Tandem</u>	<u>\$80.00 per hr.</u>
<u>Tri-axle</u>	<u>\$85.00 per hr.</u>
<u>Dump Trailer Hauling dirt</u>	<u>\$100.00 per hr.</u>
<u>Dump Trailer Hauling demo</u>	<u>\$125.00 per hr.</u>
<u>Supervisor</u>	<u>\$45.00 per hr.</u>

\*\*Truck has 4 hr. min (30min travel time, 3 1/2hr work time)

\*\*\*Equipment 5hr min (1hour travel time, 4hrwork time)

Sincerely,  
Jay Bostic



Whereupon, Councilmember Bryant moved for the adoption of Resolution Number 8265. Motion for the adoption of Resolution Number 8265 was seconded by Councilmember Anderson, regularly put and upon roll call; the vote thereon was as follows:

AYES: Councilmembers Anderson, Bryant, Horton, Matthews, Middlebrooks, and Mayor Tuck

NAYS: None

ABSENT: None

The Recording Secretary announced the vote, whereupon Mayor Tuck declared Resolution Number 8265 duly and legally adopted.

Mayor Tuck recognized Ms. Susie McCray of 1833 Mountain Circle, Tarrant, Alabama. Ms. McCray asked for consideration in the placement of a speed breaker, before the stop sign at 1833 Mountain Circle, Tarrant, Alabama. Mayor Tuck explained that the City normally does not place speed breakers on the streets and roads, due to the liability. Ms. McCray expressed concern regarding the change in departmental phone numbers, for the City of Tarrant. General discussion followed. Mayor Tuck explained that the only departmental numbers changed, were for the departments located at City Hall. Mayor Tuck explained that by dialing (205) 849-2800, a prompt can be followed to connect to any of the departments, located at City Hall. General discussion followed.

Whereupon, Mayor Pro Tem Horton moved for the payment of the following list of payroll and expense vouchers for the City of Tarrant and the City of Tarrant Electric Department:

Motion for payment of the above list of payroll and expense vouchers was seconded by Bryant, regularly put and upon roll call thereon; the vote was as follows:

AYES: Councilmembers Anderson, Bryant, Horton, Matthews, Middlebrooks, and Mayor Tuck

NAYS: None

ABSENT: None

Whereupon Mayor Pro Tem Horton moved that the meeting be adjourned. Said motion was seconded by Councilmember Bryant, regularly put and carried, whereupon the meeting adjourned at 7:40 p.m.

READ AND APPROVED THIS THE 19TH DAY OF SEPTEMBER, 2016.

APPROVED: \_\_\_\_\_  
LOXCIL B. TUCK, MAYOR

ATTEST: \_\_\_\_\_  
Lillian A. Keith, City Clerk