

**SPECIAL MEETING OF THE CITY OF TARRANT, ALABAMA**

**HELD ON WEDNESDAY, MAY 11, 2016**

**The City Council of the City of Tarrant, Alabama** met in special session on Wednesday, May 11, 2016 at 5:45 p.m.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.

Lillian A. Keith, City Clerk, 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

It appears theretofore pursuant to letter, the Mayor caused the following notice to be properly served upon all members of the City Council:

May 9, 2016

**CALL FOR SPECIAL MEETING  
OF THE CITY COUNCIL OF THE  
CITY OF TARRANT, ALABAMA**

I hereby call a Special Meeting of the City Council of the City of Tarrant, Alabama to be held in the Council Chambers of Tarrant City Hall at 1604 Pinson Valley Parkway, Tarrant, Alabama 35217 at 5:30 p.m., on Wednesday, May 11, 2016.

Agenda Items

- 1) Executive Session to discuss with Attorney Goldman the legal ramifications of and legal options for controversies not yet being litigated but imminently likely to be litigated if the governmental body pursues a proposed course of action and to discuss the consideration the governmental body is willing to offer or accept when considering the purchase, sale, exchange, lease, or market value of real property.
- 2) Resolution authorizing the purchase of 2518 Commerce Way, Tarrant, Alabama 35217 and providing related terms concerning the present owner, Star Recycling, Inc.
- 3) Resolution authorizing the solicitation of bids for site work at 2518 Commerce Way, Tarrant, Alabama 35217 and 2528 Commerce Way, Tarrant, Alabama 35217

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

**CALL FOR SPECIAL MEETING OF THE CITY COUNCIL  
OF THE  
CITY OF TARRANT, ALABAMA**

TO THE COUNCIL MEMBERS OF THE CITY OF TARRANT, ALABAMA:

I hereby call a Special Meeting of the City Council of the City of Tarrant to be held in the Council Chambers of Tarrant City Hall at 1604 Pinson Valley Parkway, Tarrant, Alabama 35217 at 5:30 p.m., May 11, 2016.

Loxcil B. Tuck, Mayor

Agenda Items

- 4) Executive Session to discuss with Attorney Goldman the legal ramifications of and legal options for controversies not yet being litigated but imminently likely to be litigated if the governmental body pursues a proposed course of action and to discuss the consideration the governmental body is willing to offer or accept when considering the purchase, sale, exchange, lease, or market value of real property.
- 5) Resolution authorizing the purchase of 2518 Commerce Way, Tarrant, Alabama 35217 and providing related terms concerning the present owner, Star Recycling, Inc.
- 6) Resolution authorizing the solicitation of bids for site work at 2518 Commerce Way, Tarrant, Alabama 35217 and 2528 Commerce Way, Tarrant, Alabama 35217

In addition thereof, all Council Members executed a waiver of notice of this special meeting as follows:

We, the undersigned Mayor and Council Members of the City of Tarrant, Alabama hereby acknowledge and accept service of the foregoing Notice of Special Meeting of the City Council of said City, and acknowledge having received such notice in ample time to attend such Special Meeting, and waive any and all irregularities in such notice and service thereof and any and all other or further notice and consent, and agree that said City Council shall meet at the time and place therein stated, and for the transaction of any and all other business that may come before said meeting.

This 9th day of May, 2016.

s/Loxcil B. Tuck  
s/Cathy Anderson  
s/John T. "Tommy" Bryant  
s/Laura Horton  
s/Debra Matthews  
s/Betty S. Middlebrooks

Whereupon, Mayor Pro Tem Horton made a motion calling for an Executive Session to discuss with Attorney Goldman the legal ramifications of and legal options for controversies not yet being litigated but imminently likely to be litigated if the governmental body pursues a proposed course of action and to discuss the consideration the governmental body is willing to offer or accept when considering the purchase, sale, exchange, lease, or market value of real property. 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 the motion had carried and that the City Council would reconvene directly following the Executive Session. It was requested that City Clerk Lillian Keith join the Executive Session. Whereupon, the Mayor Tuck, the City Councilmembers, and City Clerk Lillian Keith convened into Executive Session at 6:48 p.m. The Executive Session ended at 7:50 p.m. The Mayor and City Councilmembers reconvened into the Special Meeting of the City Council, following the Executive Session and a five minute recess.

Whereupon, Councilmember Bryant introduced the following proposed resolution:

**RESOLUTION NO. 8213**

**A RESOLUTION AUTHORIZING THE MAYOR TO RECEIVE BIDS FOR SITE WORK AT 2528 AND 2518 COMMERCE WAY, TARRANT, ALABAMA AND AUTHORIZING GOODWYN, MILLS, AND CAWOOD, INC. TO PREPARE THE BID SPECIFICATIONS AND TO ADVERTISE BID REQUESTS FOR SAID PROJECT**

**WHEREAS**, the City of Tarrant, Alabama (“City”) currently owns 2528 Commerce Way, Tarrant, Alabama, and is working to purchase 2518 Commerce Way, Tarrant, Alabama; and

**WHEREAS**, the City desires to make certain improvements to both pieces of property, assuming that it is able to complete the purchase of 2518 Commerce Way; and

**WHEREAS**, the City Council of the City of Tarrant, Alabama (“City Council”) finds that it is in the best interest of the project to authorize the Mayor to receive bids for the site work;

**BE IT RESOLVED** by the City Council of the City of Tarrant, Alabama while in special session on Wednesday, May 11, 2016, at 5:30 p.m. as follows:

**Section 1.** The Mayor is hereby authorized, but not required, to employ Goodwyn, Mills and Cawood, Inc. to prepare the bid specifications contemplated herein and to advertise said bid requests for said project.

**Section 2.** The Mayor is hereby authorized, but not required, to receive bids for certain site work at 2528 Commerce Way and 2518 Commerce Way, which shall provide for, according to the discretion of the engineer preparing the bid specifications: 1.) alternative bids for work only to 2528 Commerce Way, for work only to 2518 Commerce Way, and for work on both parcels, 2.) one (1) foot of clay base with an alternative cost if the contractor provides the clay versus if the City provides the clay from its landfill, 3.) in the alternative as appropriate, a cap of 825 Type B crusher run a minimum of 8 inches deep, a cap of crushed concrete, and/or a cap of such material deemed suitable by the engineer, 4.) silt fencing for the project, 5.) pipe for the approach.

ADOPTED this the 11<sup>th</sup> day of May, 2016.

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

ATTEST: \_\_\_\_\_  
Lillian Ann Keith, City Clerk

Whereupon, Councilmember Bryant moved for the adoption of Resolution Number 8213. Motion for the adoption of Resolution Number 8213 was seconded by Mayor Pro Tem Horton, 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 8213 duly and legally adopted.

Whereupon, Councilmember Middlebrooks moved that unanimous consent be given for immediate consideration of and action on said Ordinance Number 1089B and that the agenda be amended to conform to the style of the proposed ordinance, which motion was seconded by Councilmember Bryant and upon the said motion being put to vote, the following vote was recorded:

**YEAS**

Mayor Loxcil Tuck

Councilmembers: Cathy Anderson

John T. Bryant

Laura Horton

Deborah M. Matthews

Betty S. Middlebrooks

**NAYS**

Whereupon, Mayor Tuck thereupon declared that the motion for unanimous consent for immediate consideration of and action on said ordinance and to amend the agenda to conform to the style of the ordinance had been unanimously carried.

Councilmember Middlebrooks introduced Ordinance No. 1089B, in writing, and read the proposed ordinance at length:

**ORDINANCE NO. 1089B**

**AN ORDINANCE OF THE CITY OF TARRANT, ALABAMA, TO  
AUTHORIZE THE PURCHASE OF CERTAIN REAL PROPERTY.**

WHEREAS, the City of Tarrant, Alabama (“the City”) desires to purchase certain real property as more fully described herein;

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF TARRANT AS FOLLOWS:

**Section 1.** The Mayor is hereby authorized, but not required, to purchase for the City certain real property more specifically described as follows from Star Recycling, Inc.:

**Address**

2518 Commerce Way, Tarrant, Alabama 35217

**Parcel ID No.**

23-00-05-2-001-003.019

**Legal Description**

Lot 1, according to a Resurvey as recorded in Map Book 188, Page 40, in the Office of the Judge of Probate of Jefferson County, Alabama of Lots 15-B of a Resurvey of Lot 11 and 15-B of Tarrant Industrial Park.

**Section 2.** Should the Mayor elect to make the purchase authorized by Section 1, a purchase price of Ninety-Two Thousand, Five Hundred Dollars and No Cents (\$92,500.00) is hereby authorized, plus the payment of any taxes, fees, or costs that the Mayor and the City Attorney deem necessary and expedient to complete the transaction.

**Section 3.** Should the Mayor elect to make the purchase authorized by Section 1, then the City Attorney should prepare and the Mayor is hereby authorized to execute on behalf of the City a sales agreement that will require Star Recycling, Inc. to vacate the property described in Section 1 by no later than June 30, 2016, and set forth such other terms that may be necessary in combination with the lease contemplated by Section 4 below;

**Section 4.** As further consideration to accomplish the purchase contemplated above,

**A.** It is hereby established and declared that the following described real property of the City will not be needed for public or municipal purposes and/or that the lease will not

interfere with any required public or municipal purpose from June 1, 2016, through September 30, 2016, to-wit:

**Address**

2508 Commerce Circle, Tarrant, Alabama 35217

**Parcel ID No.**

23-00-05-2-001-003.025

**Legal Description**

LOT 15-A3 RESURVEY OF LOT 15-A OF TARRANT INDUSTRIAL PARK PB 201 PG 79

B. Should the Mayor elect to lease the property as contemplated in Section 4.A., it is hereby declared to be in the best interest of the public and the City to lease the real property described in Section 4.A. to Star Recycling, Inc. under the following terms and conditions, to wit:

1. The City has received a reduction in the purchase price set forth in Section 2 as consideration for the lease, and therefore, no additional payments would be due;
  2. Star Recycling, Inc. will use the property described in Section 4.A. above only for the storage of equipment, will not conduct other operations of any type on the site, will not construct any buildings on the leased property, and will not alter the leased property;
  3. The term of the lease will run from June 1, 2016, through September 30, 2016;
  4. The City will be permitted reasonable and continued access to the leased property and across the leased property so long as it does not interfere with the storage of equipment contemplated herein;
  5. Star Recycling, Inc. shall be responsible for keeping the grass and weeds cut on the leased property during the lease term.
- C. Pursuant to the authority granted by Section 11-47-21 of the *Code of Alabama* (1975), the Mayor is hereby authorized, but not required, to execute said lease agreement in the name of the City.

**Section 5.** That this Ordinance shall become effective upon its adoption as provided by law;

ADOPTED AND APPROVED THIS THE 11TH DAY OF MAY, 2016.

ATTEST:

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

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

Councilmember Middlebrooks thereupon moved that Ordinance Number 1089B be finally adopted, which motion was seconded by Councilmember Bryant and, upon the said motion being put to vote, the following vote was recorded:

**YEAS**

Mayor Loxcil Tuck  
Councilmembers: Cathy Anderson  
John T. Bryant  
Laura Horton  
Deborah M. Matthews  
Betty S. Middlebrooks

**NAYS**

Whereupon, Mayor Tuck then announced that the motion for adoption of said Ordinance Number 1089B had been unanimously carried.

Attorney Goldman thanked the Mayor and City Council for their time and efforts, toward the Special Called Meeting.

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 was adjourned at 8:03 p.m.

READ AND APPROVED THIS THE 23RD DAY OF MAY, 2016.

APPROVED:

  
Loxcil B. Tuck, Mayor

ATTEST:

  
Lillian A. Keith, City Clerk