

PRE-COUNCIL MEETING OF THE CITY OF TARRANT, ALABAMA

HELD ON MONDAY, JULY 20, 2015

The Honorable City Council of the City of Tarrant, Alabama met in regular Pre-council Meeting on Monday, July 20, 2015 at 6:12 p.m. at City Hall.

The purpose of said meeting was to review the Monday, July 20, 2015 agenda, for 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:

Patrick Coleman
Ken Jones
Lynn Juneau
Chris O'Rear
James Phillips
Chief Dennis Reno
Chief Jason E. Rickels
Joe Schmitt
Lillian A. Keith

Mayor Loxcil B. 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 3RD DAY OF AUGUST, 2015.

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, JULY 20, 2015**

The Honorable City Council of the City of Tarrant, Alabama met in regular session on the 20th day of July, 2015 at 7:12 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 Chief Jason Rickels to lead the pledge of allegiance.

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

Mayor Tuck stated that the Councilmembers had been provided with copies of the minutes of the Pre-council Meeting held on Monday, July 6, 2015, and the Regular City Council Meeting held on Monday, July 6, 2015, and 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 written. Upon roll call, all members present voted yes.

Mayor Tuck asked that everyone be careful, as the heat index would be over 100 degrees. Mayor Tuck stated that if possible, it would be helpful to stay cool and hydrated.

Mayor Tuck stated that she had recently attended a meeting, of the Alabama League of Municipalities Executive Committee. Mayor Tuck stated that there are many bills currently before the Legislature, which are intended to protect Cities and also to increase revenues.

Mayor Tuck stated that on Sunday, July 19, 2015, Rushing Springs Baptist Church held the installation service for their new Pastor and also dedicated the Church Grounds.

Mayor Tuck stated that the next item on the agenda would be a public hearing, for the consideration of extending the time for the demolition, of the structure located at 305 Springdale Road, Tarrant, Alabama, to the date of October 1, 2015. Mayor Tuck therefore opened the public hearing. Mayor Tuck asked if there was anyone who wished to speak, regarding these properties. Mayor Tuck closed the public hearing, as there was no one present who requested to speak.

Whereupon, Councilmember Bryant introduced and after reading at length moved for the adoption of the following proposed resolution:

RESOLUTION NO. 8092

A RESOLUTION EXTENDING THE DEADLINE FOR THE DEMOLITION OF A BUILDING OR STRUCTURE LOCATED AT 305 SPRINGDALE ROAD, TARRANT, AL 35217, PARCEL ID# 13-00-32-4-003-030.000, IN COMPLIANCE WITH SECTION 4-115(F) OF ORDINANCE NUMBER 1022 OF THE CITY OF TARRANT, ALABAMA

WHEREAS, a Public Hearing was held on April 6, 2015 at 7:00 p.m. and after due deliberation the City Council of the City of Tarrant, Alabama found that the structure standing at 305 Springdale Road, Tarrant, AL 35217, Parcel ID# 13-00-32-4-003-030.000 was unsafe to the extent of becoming a public nuisance to the citizens of City of Tarrant, Alabama and was due to be condemned and demolished in compliance with Sections 11-40-30 through 11-40-36 and Sections 11-53B-1 through 11-53B-16, inclusive, of the Code of Alabama (1975), and Ordinance Number 1022 of the City of Tarrant, Alabama;

WHEREAS, there exists a considerable amount of asbestos in the structure and the City has recently been discussing with the record owner of such structure about the record owner demolishing the structure;

WHEREAS, on July 6, 2015, Ken Jones, the Building Inspector for the City of Tarrant, Alabama made a report to the City Council of the City of Tarrant, Alabama recommending an extension of the time for demolition for a reasonable period of time as set by the City Council of the City of Tarrant, Alabama; and

WHEREAS, on July 20, 2015, a public hearing was held before the City Council to determine whether to extend the time for demolition;

BE IT RESOLVED by the City Council of the City of Tarrant, Alabama while in regular session on Monday, July 20, 2015 at 7:00 p.m. as follows:

Section 1. The City Council of the City of Tarrant, Alabama hereby extends the deadline for demolition of the structure standing at 305 Springdale Road, Tarrant, AL 35217, Parcel ID# 13-00-32-4-003-030.000 until the 1st day of October, 2015.

ADOPTED this July 20, 2015.

APPROVED: _____
LOXCIL B. TUCK, MAYOR

ATTEST: _____
Lillian A. Keith, City Clerk

Motion for the adoption of Resolution Number 8092 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 8092 duly and legally adopted.

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

and requested that Councilmember Bryant read the list of proposed properties, which were as follows:

Street #	Street	City	State	Zip	Parcel ID #
1715	Damon Street	Tarrant	Alabama	35217	23-00-05-4-009-014.000-RR-00
1746	Damon Street	Tarrant	Alabama	35217	23-00-05-4-010-021.000-RR-00
Lot @ 1812	Day Avenue	Tarrant	Alabama	35217	23-00-09-2-011-008.000-RR-01
1824	Day Avenue	Tarrant	Alabama	35217	23-00-09-2-011-011.000-RR-00
1901	Day Avenue	Tarrant	Alabama	35217	23-00-09-2-012-012.000-RR-00
1941	Day Avenue	Tarrant	Alabama	35217	23-00-09-2-012-002.000-RR-00
1945	Day Avenue	Tarrant	Alabama	35217	23-00-09-2-012-001.000-RR-00
Lot @ 2076	East Lake Boulevard	Tarrant	Alabama	35217	23-00-04-3-012-018.000-RR-01
2112	East Lake Boulevard	Tarrant	Alabama	35217	23-00-04-3-011-005.000-RR-00
Lot @ 2119	East Lake Boulevard	Tarrant	Alabama	35217	23-00-04-3-021-015.000-RR-00
Lot @ 2121	East Lake Boulevard	Tarrant	Alabama	35217	23-00-04-3-021-013.000-RR-02
2120	Etowah Street	Tarrant	Alabama	35217	23-00-04-3-004-033.000-RR-00
2231	Evergreen Street	Tarrant	Alabama	35217	13-00-33-4-010-009.000-RR-00
1721	Highland Street	Tarrant	Alabama	35217	23-00-04-3-010-012.000-RR-00
2070	Lane Avenue	Tarrant	Alabama	35217	13-00-33-4-011-011.000-RR-00
Lot @ 2141	Lane Avenue	Tarrant	Alabama	35217	13-00-33-4-014-010.000-RR-00
1823	Ligon Avenue	Tarrant	Alabama	35217	23-00-08-1-023-001.000-RR-01
1112	Linthicum Street	Tarrant	Alabama	35217	23-00-08-1-010-018.000-RR-00
1249	Maple Street	Tarrant	Alabama	35217	23-00-08-2-006-004.000-RR-00
Lot @ 1447	Park Avenue	Tarrant	Alabama	35217	23-00-08-1-020-007.000-RR-00
1821	Princeton Avenue	Tarrant	Alabama	35217	23-00-09-2-008-002.000-RR-00
1512	St. Joseph Street	Tarrant	Alabama	35217	23-00-04-3-019-019.000-RR-00
1141	West Street	Tarrant	Alabama	35217	23-00-09-2-006-011.001-RR-00
1601/1603	Woodrow Drive	Tarrant	Alabama	35217	23-00-04-3-011-004.000-RR-00

Mayor Tuck asked if there was anyone who wished to speak regarding these properties. Mayor

Tuck closed the public hearing, as there was no one present who requested to speak.

Whereupon, Councilmember Bryant introduced and after reading at length moved for the adoption of the following proposed resolution:

CITY COUNCIL OF THE CITY OF TARRANT, ALABAMA

RESOLUTION NO. 8093

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 July 20, 2015, 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 20TH DAY OF JULY, 2015.

LOXCIL B. TUCK, MAYOR

ATTEST:

Lillian A. Keith, City Clerk

Exhibit A

Street #	Street	City	State	Zip	Parcel ID #
1715	Damon Street	Tarrant	Alabama	35217	23-00-05-4-009-014.000-RR-00
1746	Damon Street	Tarrant	Alabama	35217	23-00-05-4-010-021.000-RR-00
Lot @ 1812	Day Avenue	Tarrant	Alabama	35217	23-00-09-2-011-008.000-RR-01
1824	Day Avenue	Tarrant	Alabama	35217	23-00-09-2-011-011.000-RR-00
1901	Day Avenue	Tarrant	Alabama	35217	23-00-09-2-012-012.000-RR-00
1941	Day Avenue	Tarrant	Alabama	35217	23-00-09-2-012-002.000-RR-00
1945	Day Avenue	Tarrant	Alabama	35217	23-00-09-2-012-001.000-RR-00
Lot @ 2076	East Lake Boulevard	Tarrant	Alabama	35217	23-00-04-3-012-018.000-RR-01
2112	East Lake Boulevard	Tarrant	Alabama	35217	23-00-04-3-011-005.000-RR-00
Lot @ 2119	East Lake Boulevard	Tarrant	Alabama	35217	23-00-04-3-021-015.000-RR-00
Lot @ 2121	East Lake Boulevard	Tarrant	Alabama	35217	23-00-04-3-021-013.000-RR-02
2120	Etowah Street	Tarrant	Alabama	35217	23-00-04-3-004-033.000-RR-00
2231	Evergreen Street	Tarrant	Alabama	35217	13-00-33-4-010-009.000-RR-00
1721	Highland Street	Tarrant	Alabama	35217	23-00-04-3-010-012.000-RR-00
2070	Lane Avenue	Tarrant	Alabama	35217	13-00-33-4-011-011.000-RR-00
Lot @ 2141	Lane Avenue	Tarrant	Alabama	35217	13-00-33-4-014-010.000-RR-00
1823	Ligon Avenue	Tarrant	Alabama	35217	23-00-08-1-023-001.000-RR-01
1112	Linthicum Street	Tarrant	Alabama	35217	23-00-08-1-010-018.000-RR-00
1249	Maple Street	Tarrant	Alabama	35217	23-00-08-2-006-004.000-RR-00
Lot @ 1447	Park Avenue	Tarrant	Alabama	35217	23-00-08-1-020-007.000-RR-00
1821	Princeton Avenue	Tarrant	Alabama	35217	23-00-09-2-008-002.000-RR-00
1512	St. Joseph Street	Tarrant	Alabama	35217	23-00-04-3-019-019.000-RR-00
1141	West Street	Tarrant	Alabama	35217	23-00-09-2-006-011.001-RR-00
1601/1603	Woodrow Drive	Tarrant	Alabama	35217	23-00-04-3-011-004.000-RR-00

Motion for the adoption of Resolution Number 8093 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 8093 duly and legally adopted.

Mayor Tuck stated that the next item on the agenda would be a public hearing, for consideration of the proposed demolition, of the structure located at 1216 Jefferson Boulevard, Tarrant, Alabama. Mayor Tuck therefore opened the public hearing. Mayor Tuck recognized Attorney Goldman. Attorney Goldman stated that the Mayor and each City Councilmember had received a packet, concerning the property located at 1216 Jefferson Boulevard, Tarrant, Alabama. Attorney Goldman explained that each packet contained the following information: Finding of Public Nuisance, Notice and Order to Remedy and Notice of Lis Pendens; Alabama Messenger Affidavit of Publication of Notice, Pictures of the Structure; and the Findings of the Building Inspection Officer. Attorney Goldman stated that a copy of this package is on file, in the office of the City Clerk. Mayor Tuck asked if there was anyone who wished to speak, regarding this property. Mayor Tuck closed the public hearing, as there was no one present who requested to speak.

Whereupon, Councilmember Matthews introduced and after reading at length moved for the adoption of the following proposed resolution:

RESOLUTION NO. 8094

A RESOLUTION ORDERING THE DEMOLITION OF A BUILDING OR STRUCTURE LOCATED AT 1216 JEFFERSON BOULEVARD, TARRANT, ALABAMA, PARCEL ID# 23-08-2-006-015.000-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 1216 Jefferson Boulevard, Tarrant, Alabama, Parcel I.D. Number 23-08-2-006-015.000-RR-00 is in such a condition as to make it dangerous to the life, health, property, morals, safety, or general welfare of the public or the occupants.

WHEREAS, contemporaneously with the filing of "Finding of Public Nuisance, Notice and Order to Remedy and Notice of Lis Pendings" on May 28, 2015, a copy of same was sent via certified mail, properly addressed and postage prepaid, to:

- A. All person or persons, firm, association, or corporation 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 and Order to Remedy, 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 subject property is a dangerous building because it is unsafe to the extent that it is a public nuisance and is subject to demolition and 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.

BE IT RESOLVED by the City Council of the City of Tarrant, Alabama while in regular

session on Monday, July 20, 2015 at 7:00 p.m. as follows:

Section 1. A Public Hearing was held on July 20, 2015 at 7:00 p.m. and after due deliberation the City Council of the City of Tarrant, Alabama finds that the structure standing at 1216 Jefferson Boulevard, Tarrant, Alabama, Parcel ID# 23-08-2-006-015.000-RR-00 is unsafe to the extent of becoming a public nuisance to the citizens of City of Tarrant, Alabama and is due to be condemned and demolished in compliance with Sections 11-40-30 through 11-40-36 and Sections 11-53B-1 through 11-53B-16, inclusive, of the Code of Alabama (1975), and Ordinance Number 1022 of the City of Tarrant, Alabama;

Section 2. That said demolition is to be performed 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 20th day of July, 2015.

APPROVED: _____

LOXCIL B. TUCK, MAYOR

ATTEST: _____

Lillian A. Keith, City Clerk

Motion for the adoption of Resolution Number 8094 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 8094 duly and legally adopted. Mayor Pro Tem Horton asked if the demolition would begin immediately. Attorney Goldman stated that the demolition could not begin, until twenty (20) days had passed.

Mayor Tuck stated that the next item on the agenda would be a public hearing, for the consideration of the proposed emergency remediation, of the structure located at 1610 Jackson Boulevard, Tarrant, Alabama. Mayor Tuck therefore opened the public hearing. Mayor Tuck recognized Attorney Goldman. Attorney Goldman stated that he had presented to the Mayor and each City Councilmember a package, concerning the structure located at 1610 Jackson Boulevard, Tarrant, Alabama 35217. Attorney Goldman stated that each package contained the following information: Lis Pendens; Tax Collector's Record; Findings of the Appropriate Municipal Officials; and Pictures. Attorney Goldman stated that a copy of this package is on file, in the office of the City Clerk. Mayor Tuck asked if there was anyone who wished to speak, regarding this property. Mayor Tuck closed the public hearing, as there was no one present who requested to speak.

Whereupon, Councilmember Middlebrooks introduced and after reading at length moved for the adoption of the following proposed resolution:

RESOLUTION NO. 8095

A RESOLUTION ORDERING THE EMERGENCY REMEDIATION OF A SITUATION AS THE STRUCTURE IS UNSAFE TO THE EXTENT THAT IT IS A PUBLIC NUISANCE THE PROPERTY IS LOCATED AT 1610 JACKSON BOULEVARD, TARRANT, ALABAMA, PARCEL ID# 23-00-05-3-003-022.000, IN COMPLIANCE WITH ORDINANCE NUMBER 1022 OF THE CITY OF TARRANT, ALABAMA; AND CALLING FOR SAID EMERGENCY REMEDIATION TO BE PERFORMED BY THE CITY OF TARRANT AND DIRECTING THE CITY ATTORNEY AND THE CITY CLERK TO CAUSE THE COST OF SUCH EMERGENCY REMEDIATION TO BE CHARGED AGAINST THE LAND ON WHICH THE SITUATION DUE TO A FALLEN TREE IS LOCATED 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 (i) a property located within the City is dangerous and unsafe to the extent that it is a public nuisance because a building thereon is unsecured so as to become an attractive nuisance to children who might play in or on the building to their danger, has become a harbor for vagrants, criminals, or immoral persons, and enables persons to resort to the building for committing a nuisance or an unlawful act, and (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.

WHEREAS, contemporaneously with the filing of "Finding of Public Nuisance, Notice of Declaration of Emergency and Notice of Lis Pendens" on July 15, 2015, 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 (i) a property located within the City is dangerous and unsafe to the extent that it is a public nuisance because a building thereon is unsecured so as to become an attractive nuisance to children who might play in or on the building to their danger, has become a harbor for vagrants, criminals, or immoral persons, and enables persons to resort to the building for committing a nuisance or an unlawful act, and (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.

BE IT RESOLVED by the City Council of the City of Tarrant, Alabama while in regular session on Monday, July 20, 2015 at 7:00 p.m. as follows:

Section 1. A Public Hearing was held on July 20, 2015 at 7:00 p.m. and after due deliberation the City Council of the City of Tarrant, Alabama finds that the property located at 1610 Jackson Boulevard, Tarrant, Alabama, Parcel ID# 23-00-05-3-003-022.000 is dangerous and unsafe to the extent that it is a public nuisance to the citizens of City of Tarrant, Alabama because (i) a building thereon is unsecured so as to become an attractive nuisance to children who might play in or on the building to their danger, has become a harbor for vagrants, criminals, or immoral persons, and enables persons to resort to the building for committing a nuisance or an unlawful act and such situation is due to be immediately remediated because of imminent danger endangering adjoining property, the public right of way, and human life or health in compliance with Ordinance Number 1022 of the City of Tarrant, Alabama;

Section 2. That said emergency remediation is to be performed 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 emergency remediation to be charged against the land on which the situation due to a fallen tree 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 20th day of July, 2015.

APPROVED:

Loxcil B. Tuck, Mayor

ATTEST:

Lillian A. Keith, City Clerk

Motion for the adoption of Resolution Number 8095 was seconded by Councilmember Matthews. Mayor Tuck recognized Councilmember Bryant. Councilmember Bryant stated that the emergency remediation is not due to a tree falling, on the structure. Mayor Tuck recognized Building Inspections Officer Ken Jones. Mr. Jones stated that the issue involves vandalism. Mayor Tuck asked if there was anyone who wished to speak, in regards to the emergency remediation of the structure located at 1610 Jackson Boulevard, Tarrant, Alabama, as the structure is currently unsecured, and considered dangerous and unsafe. There being no one present who requested to speak, Mayor Tuck officially closed the public hearing for the second time.

Whereupon, Councilmember Middlebrooks introduced and after reading at length moved for the adoption of the following proposed amended resolution:

RESOLUTION NO. 8095

A RESOLUTION ORDERING THE EMERGENCY REMEDIATION OF A SITUATION AS THE STRUCTURE IS UNSAFE TO THE EXTENT THAT IT IS A PUBLIC NUISANCE THE PROPERTY IS LOCATED AT 1610 JACKSON BOULEVARD, TARRANT, ALABAMA, PARCEL ID# 23-00-05-3-003-022.000, IN COMPLIANCE WITH ORDINANCE NUMBER 1022 OF THE CITY OF TARRANT, ALABAMA; AND CALLING FOR SAID EMERGENCY REMEDIATION TO BE PERFORMED BY THE CITY OF TARRANT AND DIRECTING THE CITY ATTORNEY AND THE CITY CLERK TO CAUSE THE COST OF SUCH EMERGENCY REMEDIATION TO BE CHARGED AGAINST THE LAND OR STRUCTURE 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 (i) a property located within the City is dangerous and unsafe to the extent that it is a public nuisance because a building thereon is unsecured so as to become an attractive nuisance to children who might play in or on the building to their danger, has become a harbor for vagrants, criminals, or immoral persons, and enables persons to resort to the building for committing a nuisance or an unlawful act, and (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.

WHEREAS, contemporaneously with the filing of “Finding of Public Nuisance, Notice of Declaration of Emergency and Notice of Lis Pendens” on July 15, 2015, 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 (i) a property located within the City is dangerous and unsafe to the extent that it is a public nuisance because a building thereon is unsecured so as to become an attractive nuisance to children who might play in or on the building to their danger, has become a harbor for vagrants, criminals, or immoral persons, and enables persons to resort to the building for committing a nuisance or an unlawful act, and (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.

BE IT RESOLVED by the City Council of the City of Tarrant, Alabama while in regular session on Monday, July 20, 2015 at 7:00 p.m. as follows:

Section 1. A Public Hearing was held on July 20, 2015 at 7:00 p.m. and after due deliberation the City Council of the City of Tarrant, Alabama finds that the property located at 1610 Jackson Boulevard, Tarrant, Alabama, Parcel ID# 23-00-05-3-003-022.000 is dangerous and unsafe to the extent that it is a public nuisance to the citizens of City of Tarrant, Alabama because (i) a building thereon is unsecured so as to become an attractive nuisance to children who might play in or on the building to their danger, has become a harbor for vagrants, criminals, or immoral persons, and enables persons to resort to the building for committing a nuisance or an unlawful act and such situation is due to be immediately remediated because of imminent danger endangering adjoining property, the public right of way, and human life or health in compliance with Ordinance Number 1022 of the City of Tarrant, Alabama;

Section 2. That said emergency remediation is to be performed 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 emergency remediation 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 20th day of July, 2015.

APPROVED: _____
Loxcil B. Tuck, Mayor

ATTEST: _____
Lillian A. Keith, City Clerk

Motion for the adoption of Resolution Number 8095 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 8095 duly and legally adopted. Attorney Goldman asked that the records reflect that the purpose of the emergency remediation is simply to secure the building and that the process can begin tomorrow.

Whereupon, Mayor Pro Tem Horton introduced and after reading at length moved for the adoption of the following proposed resolution:

RESOLUTION NO. 8096

A RESOLUTION AUTHORIZING NOTICE AND SCHEDULING A PUBLIC HEARING FOR THE PROPOSED AMENDMENT TO ORDINANCE NUMBER 1020 OF THE CITY OF TARRANT, ALABAMA, AUTHORIZING THE ENACTMENT AN IMPLEMENTATION OF AN OCCUPATIONAL LICENSE FEE APPLICABLE TO PERSONS ENGAGED IN TRADES, OCCUPATIONS, AND PROFESSIONS PERMITTED TO BE UNDERTAKEN IN THE CITY OF TARRANT, ALABAMA AND PROVIDING FOR THE METHOD OF REPORTING AND COLLECTING THE OCCUPATIONAL LICENSE FEE

WHEREAS, the City Council of the City of Tarrant, Alabama, adopted Ordinance Number 1020, authorizing the enactment and implementation of an Occupational License Fee, on the 2nd day of August, 2010; and

WHEREAS, pursuant to Ordinance Number 1020, the City's Occupational License Fee shall expire by its own terms on September 30, 2015, unless extended by an ordinance of the City Council; and

WHEREAS, the City would suffer a deficit in the following fiscal years if the City's Occupation License Fee were allowed to expire; and

WHEREAS, the City would benefit from the continued imposition of an occupational tax or license fee for the purpose of supplementing the City's operational revenue; and

WHEREAS, the City Council desires that a public hearing be held to provide an opportunity to all interested parties, to present their view with respect to the proposed amendment to Ordinance Number 1020 of the City of Tarrant, Alabama; and

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Tarrant, Alabama, while in regular session on Monday, July 20, 2015, at 7:00 p.m. as follows:

Section 1. That the Mayor of the City of Tarrant, Alabama, is hereby authorized to set a public hearing date, on the aforesaid described proposed ordinance to amend Ordinance Number 1020; and

Section 2. That said Public Hearing shall be held before the City Council in the Council Chamber of City Hall, located at 1604 Pinson Valley Parkway, Tarrant, Alabama on Monday, August 17, 2015, at 7:00 p.m.; and

Section 3. That the City Council will conduct said Public Hearing for the purpose of taking public comment, both orally and in writing, with respect to the proposed amendment to Ordinance Number 1020; and

Section 4. That a copy of said proposed Ordinance is available at the City of Tarrant City Clerk's Office, for public inspection during regular business hours; and

Section 5. That the Mayor of the City of Tarrant, Alabama is authorized to direct the City Clerk to publish notice of said Public Hearing once in *The Birmingham News*, at least ten (10) days prior to the date of the Public Hearing.

ADOPTED AND APPROVED THIS THE 20TH DAY OF JULY, 2015.

ATTEST:

LOXCIL B. TUCK, MAYOR

Lillian A. Keith, City Clerk

Motion for the adoption of Resolution Number 8096 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 8096 duly and legally adopted.

Whereupon, Mayor Pro Tem Horton moved that the rules and procedures of the Council be suspended, to add proposed Resolution Number 8097 in support of remote sellers legislation; Resolution Number 8098 authorizing an agreement between the City of Tarrant and SkyTalk Plus, LLC to host services for phone hardware, equipment and services; and Resolution Number 8099 authorizing an agreement between the City of Tarrant and LaserOne Communications, LLC for the upgrade of the Municipal Complex telephone system and associated costs, 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

Mayor Tuck declared that the motion to add Resolution Numbers 8097, 8098 and 8099 to the agenda, had been adopted by unanimous consent of the members present.

Whereupon, Mayor Pro Tem Horton introduced and after reading at length moved for the adoption of the following proposed resolution:

CITY COUNCIL OF THE CITY OF TARRANT, ALABAMA

RESOLUTION NUMBER 8097 SUPPORTING REMOTE SELLERS LEGISLATION

WHEREAS, the Marketplace Fairness Act, S.698, and the Remote Transactions Parity Act, H.R. 2775, have been introduced and are currently being considered by the United States Congress; and

WHEREAS, this legislation would give states the authority to enforce local and state taxes that are already in place and owed by out-of-state online retailers by requiring retailers to collect and remit sales taxes to states and local governments for out-of-state online sales; and

WHEREAS, this legislation will enable Alabama to collect an estimated \$350 million worth of uncollected sales and use taxes annually; and

WHEREAS, this legislation is not a new tax or a tax increase, but rather enables states to collect taxes that are already due; and

WHEREAS, this legislation would create a level competitive market for local retail businesses, pay uncollected sales taxes to the state treasury, encourage more local retail-development, creating jobs for local workers and infuse more money into local economies throughout the State of Alabama; and

WHEREAS, the full membership of the Alabama League of Municipalities adopted a resolution supporting the Marketplace Fairness Act at the League Convention on May 18, 2015;

NOW, THEREFORE, BE IT RESOLVED by the Mayor and City Council of the City of Tarrant, Alabama while in regular session on Monday, July 20, 2015 at 7:00 p.m., hereby adopt Resolution Number 8097 and urge the Alabama's Congressional Delegation to co-sign H.R. 2775 and S.698, and vote in favor of passage of the Marketplace Fairness Act, the Remote Transactions Parity Act or companion legislation; and

BE IT FURTHER RESOLVED that the Mayor and City Council of the City of Tarrant, Alabama calls upon federal policy makers to enact legislation requiring the collection and remittance of state and local sales taxes allowing all retailers to compete in a true free market and give every business an equal opportunity to compete, innovate and create jobs.

ADOPTED AND APPROVED THIS THE 20TH DAY OF JULY, 2015.

LOXCIL B. TUCK, MAYOR

ATTEST:

Lillian A. Keith, City Clerk

Motion for the adoption of Resolution Number 8097 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 8097 duly and legally adopted.

Whereupon, Mayor Pro Tem Horton introduced and after reading at length moved for the adoption of the following proposed resolution:

RESOLUTION NO. 8098

A RESOLUTION OF AUTHORIZING THE MAYOR TO EXECUTE AN AGREEMENT BETWEEN THE CITY OF TARRANT AND SKYTALK PLUS, LLC TO HOST SERVICES FOR PHONE DIAL TONE SERVICES AND SUPPORT 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, July 20, 2015 at 7:00 p.m. as follows:

- Section 1.** That the Mayor is hereby authorized to execute an agreement between the City of Tarrant and SkyTalk Plus, LLC to host services for phone dial tone services and support for the City of Tarrant; and
- Section 2.** That the total amount due upon the signing of said agreement shall be the amount of \$85.37 and the first monthly invoice shall be in the amount of \$774.84; and
- Section 3.** That said monthly recurring cost of services thereafter shall not exceed the amount of \$724.84; and
- Section 4.** That the term of said agreement shall be for 24 months following the date of service activation; and
- Section 5.** That a copy of said contract is attached hereto and made a part hereof,

ADOPTED THIS THE 20TH DAY OF JULY, 2015.

APPROVED: _____
LOXCIL B. TUCK, MAYOR

ATTEST: _____
Lillian A. Keith, City Clerk

Motion for the adoption of Resolution Number 8098 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 8098 duly and legally adopted.

Whereupon, Mayor Pro Tem Horton introduced and after reading at length moved for the adoption of the following proposed resolution:

RESOLUTION NO. 8099

A RESOLUTION OF AUTHORIZING THE MAYOR TO EXECUTE AN AGREEMENT BETWEEN THE CITY OF TARRANT AND LASERONE COMMUNICATIONS INC FOR THE PURPOSE OF TELEPHONE SYSTEM UPGRADE AND ASSOCIATED COSTS 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, July 20, 2015 at 7:00 p.m. as follows:

Section 1. That the Mayor is hereby authorized to execute an agreement between the City of Tarrant and LaserOne Communication, Inc. for the purpose of telephone system upgrade and associated costs, which shall include installation for the City of Tarrant Municipal Complex; and

Section 2. That said amount of \$9,780.31 shall be paid from the line item Capital Improvements from the City of Tarrant General Fund and the amount of \$4,602.50 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 \$14,382.81; and

Section 3. That a copy of said contract is attached hereto and made a part hereof,

ADOPTED THIS THE 20TH DAY OF JULY, 2015.

APPROVED: LOXCIL B. TUCK, MAYOR

ATTEST: Lillian A. Keith, City Clerk

Motion for the adoption of Resolution Number 8099 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 8099 duly and legally adopted.

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 Tarrant Electric Department:

Motion for payment of the above list of payroll and expense vouchers was seconded by Councilmember 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 7:41 p.m.

READ AND APPROVED THIS THE 3RD DAY OF AUGUST, 2015.

LOXCIL B. TUCK, MAYOR

Attest:

Lillian A. Keith, City Clerk