

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

**HELD ON MONDAY, JULY 6, 2015**

The Honorable City Council of the City of Tarrant, Alabama met in regular Pre-council Meeting on Monday, July 6, 2015 at 6:00 p.m. at City Hall.

The purpose of said meeting was to review the Monday, July 6, 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:

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

The following department head was absent:

Patrick Coleman

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

Whereupon, Councilmember Bryant made a motion calling for an Executive Session (6:36 p.m.) for the purpose of discussing with the City's attorney the legal ramifications of and legal options for pending litigation and to discuss with the City's attorney controversies not yet being litigated or imminently likely to be litigated, if the Council pursues a proposed course of action. Said motion 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 that the motion had carried and that the City Council would reconvene into the Regular City Council Meeting, immediately following the Executive Session.

READ AND APPROVED THIS THE 20TH DAY OF JULY, 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 6, 2015**

The Honorable City Council of the City of Tarrant, Alabama reconvened from executive session to regular session on the 6th day of July, 2015 at 7:25 p.m., in the City Council Chambers of 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 Pro Tem Horton 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 Thursday, May 21, 2015, the Regular City Council Meeting held on Thursday, May 21, 2015, the Reconvened Regular City Council Meeting held on Wednesday, May 27, 2015, the Pre-council Meeting held on Monday, June 8, 2015, the Regular City Council Meeting held on Monday, June 8, 2015, the Pre-council Meeting held on Monday, June 15, 2015 and the Regular City Council Meeting held on Monday, June 15, 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 stated that the Birmingham Planning Commission of Greater Birmingham, on behalf of the Birmingham Metropolitan Planning Organization, has scheduled a public involvement meeting. Mayor Tuck welcomed everyone to attend the meeting on Wednesday, July, 2015, from 12:00 p.m. – 2:00 p.m. Mayor Tuck stated that the meeting would be held at the Regional Planning Commission of Greater Birmingham, located at 2 North 20<sup>th</sup> Street, Birmingham, Alabama, in the Juster Conference Room, Suite 310. Mayor Tuck explained that the purpose of the meeting would be to obtain public comments, regarding the FY2016-2019 Transportation Improvement Program (TIP), Air Quality Conformity Determination and the Amended 2040 Regional Transportation Plan (RTP) Capacity Project Listing.

Mayor Tuck recognized Doctor Richard Craig, Executive Director of the Jefferson-Blount-St. Clair Mental Health Authority. Dr. Craig stated that he wished to present the Jefferson-Blount-St. Clair Mental Health Authority budget and funding request, for the Fiscal Year 2016. Dr. Craig explained that the total amount of local support needed, from all of the region's local governments is \$947,361. Dr. Craig asked that the Mayor and City Council Members consider an appropriation to the agency, in the amount of \$800.00, for the 2016 Fiscal Year. Dr. Craig stated that this amount is equal to a level funding request, for fiscal year 2016. Dr. Craig stated that contributions made by the City of Tarrant in the past, have made a tremendous difference in the lives of the clients they serve. Dr. Craig stated that in combination with state, federal, and other local allocations, the City of Tarrant funds have provided the following to 156 City of Tarrant residents, in the past year:

- Inpatient crisis stabilization services for uninsured mentally ill persons,
- Medications and outpatient therapy for citizens with mental illness,
- A place to live and receive treatment for community members with mental illness,
- In-home therapy to prevent at-risk youth from being removed from their homes, admissions to state hospitals,
- Social work assistance to families coming to the probate court seeking treatment for relatives.

Dr. Craig stated that local funds are one of the most important resources to their system of care, because they provide flexibility in their use. Dr. Craig explained that this flexibility allows their system to fill gaps in funding, sometimes left as a result of designated state and federal funding of services. Dr. Craig stated that these funds also provide matching funds, so that the Authority can draw from federal funds. Dr. Craig explained that without the support of the City of Tarrant, their system would not be able to provide many of the services, so crucial to the mental health needs of the community.

Dr. Craig stated that on behalf of the agency and the clients that they serve, the agency wished to thank the Mayor and City Council for their careful consideration of the request and for their past and continued support of their clients and programs. Dr. Craig welcomed everyone and others from the office, to tour the group homes and other facilities, as a guest. Dr. Craig explained that those taking a tour, would further become acquainted with the agencies, programs and services.

Mayor Tuck thanked Dr. Craig and the Jefferson-Blount- St. Clair Mental Health Authority for their efforts in making numerous resources available, to the residents of the City of Tarrant.

Councilmember and Chairman of the Utility Committee Debra Matthews stated that a Utility Committee Meeting had been held on Wednesday, June 24, 2015, at 5:00 p.m., in the Council Chambers located at City Hall. Councilmember Matthews stated that the purpose of the meeting had been to discuss: the Tarrant Electric Department Budget for the 2016 Fiscal Year, the Flexpay Program, Local Rate Adjustment and *The Flats of Colebridge Project*.

Councilmember Matthews, Utility Committee Chairperson, presented a copy of the Tarrant Electric Department's Accounts Receivable Customer Debt, for the Fiscal Year ending June 30, 2014. Councilmember Matthews stated that the Accounts Receivable Customer Debt for Fiscal Year 2014 was \$61,824.58. The Tarrant Electric Department's Accounts Receivable Customer debt for the Fiscal Year ending June 30, 2014, is as follows:

Mayor Pro Tem Laura Horton, Finance Committee Chairperson, stated that the Finance Committee had held a meeting on Monday, July 6, 2015 at 4:30 p.m. Mayor Pro Tem Horton stated that those in attendance were: Mayor Pro Tem Horton, Councilmember Bryant, Councilmember Middlebrooks, Chief Dennis Reno and City Clerk Lillian Keith. Mayor Pro Tem Horton stated that purpose of the meeting had been to review the current financial reports, of the City.

Mayor Pro Tem Laura Horton, Finance Committee Chairperson, stated that the firm of Carr, Riggs and Ingram, L.L.C. and completed the City of Tarrant, Alabama Financial Statements, for the year ending September 30, 2014. Mayor Pro Tem Horton stated that Financial Statements are available for those who wished to review them. The City of Tarrant, Alabama Financial Statements for the year ending September 30, 2014 are as follows:

Mayor Tuck recognized Building Inspections Officer Ken Jones. Mr. Jones reported to the Mayor and City Council that he wished to recommend an extension of the time for the demolition, of the structure located at 305 Springdale Road, Tarrant, Alabama. Mr. Jones requested that the City Council consider an extension be granted, for a reasonable period of time, as set by the City Council.

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 Mayor Pro Tem Horton read the list of proposed properties, which were as follows:

Street #	Street	City	State	Zip	Parcel ID #
Lot @ 2024	Baker Drive	Tarrant	Alabama	35217	23-00-04-3-019-013.000-RR-00
Lot @ 2030	Baker Drive	Tarrant	Alabama	35217	23-00-04-3-019-014.000-RR-00
2036	Baker Drive	Tarrant	Alabama	35217	23-00-04-3-019-015.000-RR-00
1143	Birmingham Street	Tarrant	Alabama	35217	23-00-08-1-010-010.000-RR-01
1425	Burlington Avenue	Tarrant	Alabama	35217	23-00-08-1-009-007.000-RR-00
Lot @ 2013	East Lake Boulevard	Tarrant	Alabama	35217	23-00-04-3-019-009.000-RR-00
2025	East Lake Boulevard	Tarrant	Alabama	35217	23-00-04-3-019-007.000-RR-00
2029	East Lake Boulevard	Tarrant	Alabama	35217	23-00-04-3-019-006.000-RR-00
Lot @ 1738	Lakeland Street	Tarrant	Alabama	35217	23-00-04-3-010-018.000-RR-00
1249	Maple Street	Tarrant	Alabama	35217	23-00-08-2-006-004.000-RR-00
1816	Mountain Circle	Tarrant	Alabama	35217	23-00-04-3-004-017.000-RR-00
1551	Mountain Circle	Tarrant	Alabama	35217	23-00-05-4-019-005.000-RR-00
Lot @ 216	Springdale Road	Tarrant	Alabama	35217	13-00-32-1-003-018.000-RR-00
229	Springdale Road	Tarrant	Alabama	35217	13-00-32-1-002-012.000-RR-00
Lot @ 319	Springdale Road	Tarrant	Alabama	35217	13-00-32-4-003-027.000-RR-00
333	Springdale Road	Tarrant	Alabama	35217	13-00-32-4-003-024.000-RR-00
1316	Thomason Avenue	Tarrant	Alabama	35217	23-00-05-3-020-005.000-RR-00
Lot @ 1326	Thomason Avenue	Tarrant	Alabama	35217	23-00-05-3-020-007.000-RR-00
1328	Thomason Avenue	Tarrant	Alabama	35217	23-00-05-3-020-008.000-RR-00
1016	Waverly Street	Tarrant	Alabama	35217	23-00-08-1-019-040.000-RR-00
1205	Waverly Street	Tarrant	Alabama	35217	23-00-08-1-009-010.000-RR-00
1208	Waverly Street	Tarrant	Alabama	35217	23-00-08-1-008-001.000-RR-00
1236	Waverly Street	Tarrant	Alabama	35217	23-00-08-1-007-004.000-RR-00
1241	Waverly Street	Tarrant	Alabama	35217	23-00-08-1-006-006.000-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, 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 NO. 8088**

**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 6, 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 6TH DAY OF JULY, 2015.

ATTEST:

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

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

# Exhibit A

Street #	Street	City	State	Zip	Parcel ID #
Lot @ 2024	Baker Drive	Tarrant	Alabama	35217	23-00-04-3-019-013.000-RR-00
Lot @ 2030	Baker Drive	Tarrant	Alabama	35217	23-00-04-3-019-014.000-RR-00
2036	Baker Drive	Tarrant	Alabama	35217	23-00-04-3-019-015.000-RR-00
1143	Birmingham Street	Tarrant	Alabama	35217	23-00-08-1-010-010.000-RR-01
1425	Burrington Avenue	Tarrant	Alabama	35217	23-00-08-1-009-007.000-RR-00
Lot @ 2013	East Lake Boulevard	Tarrant	Alabama	35217	23-00-04-3-019-009.000-RR-00
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1236	Waverly Street	Tarrant	Alabama	35217	23-00-08-1-007-004.000-RR-00
1241	Waverly Street	Tarrant	Alabama	35217	23-00-08-1-006-006.000-RR-00

Motion for the adoption of Resolution Number 8088 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 8088 duly and legally adopted.

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

RESOLUTION NO. 8089

A RESOLUTION AUTHORIZING THE ALLOCATION OF FUNDS TO THE JEFFERSON – BLOUNT – ST. CLAIR MENTAL HEALTH AUTHORITY FOR FISCAL YEAR 2016

BE IT RESOLVED by the City Council of the City of Tarrant, Alabama at a regular session on Monday, July 6, 2015, as follows:

Section 1. That, the Mayor is hereby authorized to allocate funds to the Jefferson – Blount – St. Clair Mental Health Authority for the Fiscal Year 2016,

Section 2. That said funds shall be in the amount of \$800.00 and shall be paid from the general fund,

ADOPTED this the 6th day of July, 2015.

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

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

Motion for the adoption of Resolution Number 8089 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 8089 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 8090 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 had been adopted by unanimous consent of the members present.

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

**RESOLUTION NO. 8090**

**A RESOLUTION AUTHORIZING THE MAYOR TO ENTER INTO A POWER SUPPLY CONTRACT.**

**WHEREAS**, the Tarrant Electric Department (“the Department”) desires to enter into a Power Supply Contract with The Flats at Colebridge, Ltd.;

**WHEREAS**, the Department has prepared an Aid to Construction chart, a copy of which is attached hereto as **Exhibit A** hereof and is incorporated herein by reference;

**THEREFORE, BE IT RESOLVED** by the City Council of the City of Tarrant, Alabama, while in regular session on Monday, February 2, 2015, at 7:00 p.m. as follows:

**Section 1.** That the Mayor of the City of Tarrant, Alabama, on behalf of the Department is hereby authorized to enter into the Power Supply Contract, a copy of which is attached hereto as **Exhibit B** hereof.

Adopted this the 2nd day of February, 2015.

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

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

Motion for the adoption of Resolution Number 8090 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 8090 duly and legally adopted.

Whereupon, Councilmember Middlebrooks moved that the rules and procedures of the Council be suspended, to add proposed Resolution Number 8091 to the agenda. Said motion 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

Mayor Tuck declared that the motion had been adopted by unanimous consent of the members present.

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

**RESOLUTION NO. 8091**

**A RESOLUTION AUTHORIZING THE MAYOR AND THE CITY'S ATTORNEY TO REPRESENT THE CITY'S INTERESTS IN CITY OF TARRANT, ALABAMA, v. JERRELL WAYNE KANUTE, ET AL., CASE NO. CV-2014-903868 PENDING BEFORE THE CIRCUIT COURT OF JEFFERSON COUNTY, ALABAMA, AND TO BIND THE CITY TO ANY AGREEMENT OR TERMS NECESSARY TO PROTECT THE CITY'S INTERESTS IN CONNECTION WITH SAID CASE**

**WHEREAS**, the City of Tarrant, Alabama ("City") filed suit against Jerrell Wayne Kanute, Donna Yancey, and various fictitious parties in Case No. CV-2014-903868, pending in the Circuit Court of Jefferson County, Alabama ("the Case");

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

A. That the Mayor and the City Attorney be and are hereby authorized to represent the City's interests in the Case and to bind the City to any agreement or terms necessary to protect the City's interests in connection with the Case.

**ADOPTED AND APPROVED THIS THE 6TH DAY OF JULY, 2015.**

APPROVED:

\_\_\_\_\_  
Loxeil B. Tuck, Mayor

ATTEST:

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

Motion for the adoption of Resolution Number 8091 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 8091 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 8:43 p.m.

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

Attest:

Lillian A. Keith, City Clerk

LOXCIL B. TUCK, MAYOR