

CITY COUNCIL MEETING  
DECEMBER 7, 2009

Present: Mayor William Isley, Councilmember's Herbert Toles, Hugh Marlin, Wayne Tucker, Katrina Hennings, John Coyne, David Jones, and Brian Skinner.

Mayor Isley called the meeting to order at 6:05pm and opened with prayer. John Coyne led us in the Pledge of Allegiance to the Flag.

**Parade Application**

Mayor Isley requested the approval to amend the agenda to consider a parade application as the first order of business. Council approved unanimously.

Mayor Isley presented the parade request and discussed the issue of tossing candy during the parade. He advised it has been requested to allow the adults only to toss candy at the Christmas parade. John Coyne stated he thinks the city has an ordinance against the tossing of candy in any parade for the safety of children. Mayor addressed other council members on this matter. Council discussed, Wayne Tucker and Herbert Toles advised there has been discussion at previous Council meetings considering not allowing candy to be thrown for the safety of the children, but does not think any ordinance or resolution was adopted. Mayor Isley stated he will verify with the City Clerk if any ordinance or resolution was adopted. Mayor Isley requested the legal opinion from our City Attorney James Hill on the Council action tonight. James Hill stated that if the council desires to suspend rules and consider this action, it will supersede any previous actions taken until such ordinance or resolution is adopted.

Mayor Isley requested Chief Greg Charles to address his recommendation. Chief Charles stated he has been in several parades where candy was tossed and feels there is no problem. Mayor Isley and Brian Skinner stated most all cities do allow candy being thrown at parades. Chief Charles stated all police personnel including reserve officers will be stationed along the parade route for safety reasons. Mayor Isley also suggested slowing down the parade will also help. Chief Charles stated this would not be a problem either.

Mayor Isley introduced Misty Fowler as the spokesperson for the Chamber of Commerce about the requests she has received to allow the tossing candy. She also advised a waiver has been prepared for all parade participants to sign regarding various safety issues.

Fire Chief Richard Harvey stated his concerns and the safety of children, advising incidents have occurred in previous parades where children have been hurt. Mayor Isley called for council action on this matter. Motion was made by David Jones to suspend rules to consider allowing candy to be thrown at parades. Motion was second by John Coyne. Motion carried unanimously.

Motion was made by Brian Skinner to allow adults only to toss candy along the parade route. Motion was second by John Coyne and passed unanimously. **This will remain in effect until further action taken by the City Council.**

Motion to approve the Parade application was made by David Jones and second by John Coyne. Motion carried unanimously.

### **Visitor Richard Seymour, Board of Adjustments**

Mayor Isley introduced visitor Richard Seymour Chairman of the Board of Adjustments.

Mr. Seymour addressed the council in reference to an issue regarding a variance for Valley Investments dated February 27, 2006 regarding the paving for the commercial property located off highway 11. Mayor Isley presented information regarding this variance was passed out to the council members for review. At the Board of Adjustment meeting in February, Valley Investments requested a 1 year extension to comply with the requirements stated for paving of commercial parking lots. Mr. Seymour stated to this date the paving requirement has not been performed as agreed.

Mr. Seymour advised he has spoken with the City Building/Zoning Inspector Mike Terry and the City Attorney James Hill who advised him to bring the enforcement matter before the council for their discussion. Mr. Seymour stated he feels there should be more support and communication between the City Council and all boards to resolve the issue brought before them.

Katrina Hennings questioned the specific matter presented and the concern of the board. Mr. Seymour stated the issue of the paving of the property and the enforcement has not been done.

Wayne Tucker stated this particular property was rezoned several years ago and requirements were stated at that time.

Brian Skinner advised he remembered when the zoning of the property and the issues related at that time with residents on Spring Street and requirements for a buffer zone and paving were established. The buffer has been implemented but not the paving and agrees that all requirements should be enforced.

Hugh Marlin stated he was on the Board of Adjustments when this particular property and related issues were presented. The property owners agreed to abide by the requirements and the board did agree to the 1 year extension. He thinks the enforcement of the board requirements should be enforced with the City Council support.

Mr. Seymour stated again, he would like to see all the requirements recommended by the Board of Adjustments enforced, but does realize there may be legal aspects that the city may have to consider and that it is ultimately up to the city for enforcement and would also like to have

meetings set up between the Planning and Zoning Board, the Board of Adjustments and the City so that everyone will be informed of the issues before them. Mayor Isley again addressed the issue presented and all the letters and requirements presented in these time frames and desires all rules and requirements presented by all boards to be considered and enforced to alleviate any conflicts and possibly selective enforcement, but also stated the City may not be able to enforce all board recommendations due to legalities and liabilities from the city standpoint.

Wayne Tucker stated that the enforcement of rules and requirements of all of our boards should be enforced and if not then we do not need the boards at all.

Mayor suggested this matter be tabled to another council agenda for more information and considerations and also the new zoning regulations established and who and where they fall under the new regulations.

Brian Skinner stated he would like for the new zoning regulations to address modular home restrictions and issues so that future incidents such as we recently encountered will not happen again.

Mayor Isley suggested that the Board of Adjustments issue and all other matters relating to zoning enforcement implementations be tabled to January 2010.

#### **Appoint Kim Freeman to the St. Clair County MR/DD Board**

Mayor Isley explained the definition of this board stating it is related to children with unusual disabilities with family members and concerned citizens appointed to the board for representation of these children. Motion to appoint Kim Freeman to the St. Clair County MR/DD Board was made by David Jones, second by Katrina Hennings. Motion passed unanimously.

#### **Resolution 2009-24 appoint Louise Campbell**

Resolution 2009-24 to approve the firm for the administration services for Main Streetscape Phase II. (These fees will be paid from the CDBG Grant funds) Louise Campbell was rated and recommended to administer these services. Motion made to approve Louise Campbell was made by Hugh Marlin, second by Herbert Toles. Motion passed unanimously with all yeas.

#### **Financial Statement for October**

Financial Statement for the month of October 2009 was presented. Motion to approve all the receipts and disbursements in the financial statement was made by Wayne Tucker, second by Katrina Hennings. Motion passed unanimously with all yeas.

#### **Loss Run Reports**

Brian Skinner briefly described the definition of loss run reports, what they represent and stated we need to have a better understanding of these reports and the monetary values or expenses they

create. He suggested that Mayor Isley send a letter to our insurance providers and the league insurance representation for this information.

Skinner also brought to the attention of the council the matter of the new sports bar located across from Fontaine on highway 11 and wants to make sure our building and zoning inspector stays on top of what is happening at the location. Council agreed to revise the agenda to discuss this matter.

Mayor Isley briefly described the business. He stated what has been done to the building is very professional and looks really great and the owner has been notified of the requirements he will have to meet in order to open this business including the sale and serving of any liquor. Mayor Isley also advised our inspector to stay on top of this matter and make sure everything is complied with and stated that although there may be some resentment of the type business locating here, if he meets all requirements we may not be able to prevent the establishment of this business.

#### **Purchase of property adjoining the City Park (Sam Jones)**

Mayor Isley briefly described the Sam Jones property available to the City at the purchase price of \$350,000.00 plus all closing costs paid by the City. He advised this would be a valuable piece of property for the future growth of the park and possibly a municipal complex for Springville. Council discussed and a motion to purchase the property for \$350,000.00 plus approximately \$10,000.00 for closing expense was made by Brian Skinner, second by David Jones. Motion passed unanimously with all yeas.

#### **ABC 33/40 Hometown Focus**

Mayor Isley reported that ABC 33/40 Hometown Focus has approached the City wanting to promote the City of Springville, any and all functions/ business events, entertainment events, etc. by advertising with commercials and television coverage for a month. A contract in the amount of \$10,000.00 will need to be entered into. Mayor Isley stated he would like to speak with Chamber of Commerce members and local businesses if interested in sharing this cost. No action was taken by the Council, but more discussion will be considered at a later date.

#### **City Council Minutes**

The City Council Meeting Minutes and Work Session Minutes for November 2, November 16, November 19, and November 25, 2009 were presented. Motion to approve all the minutes with one correction to the work session dated November 19, 2009 to reflect Wayne Tucker absent from this meeting. Motion to approve was made by David Jones, second by Herbert Toles with one correction. Motion passed unanimously with all yeas.

Mayor Isley stated he will be present for City Council meeting December 21, 2009 and will hold a meeting if there is a quorum.

Motion to adjourn was made by Wayne Tucker, second by Herbert Toles at 7:25 pm. Motion carried.

ATTEST:

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Brenda Roberts, City Clerk  
Jennifer Disker, Asst. Clerk

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Mayor William Isley

Minutes transcribed and typed by Helen Williams