

**MINUTES OF A REGULAR MEETING OF THE  
SCOTTSBORO CITY PLANNING COMMISSION**

January 5, 2010

The Scottsboro City Planning Commission convened a regular meeting Tuesday January 5, 2010, at 5:30 p.m. at the City Hall in the City of Scottsboro, Alabama.

The roll was called with the following results.

Present: **Chairman Mr. Jim Boatner**  
**Vice-Chair Mr. Rob Carlile**  
**Mr. Ronnie Dolberry**  
**Mr. Jim Olyniec**  
**Mr. Joe Porch**  
**Mr. James D. Stevens**

Absent: **Councilman Terry Thomas**  
**Mr. John Parsons**  
**Mr. Doug Wynn**

Also present at the meeting were Mr. Charles King, City Engineer.

The Chairman declared a quorum present and opened the meeting for the transaction of business.

The Chairman called for a motion regarding the minutes from the December 1, 2009 meeting. Mr. Carlile made a motion that the minutes be approved as written. Mr. Porch seconded the motion. **Upon vote being taken, all voted aye.**

**Case No 722:** Mr. Sam Givhan, attorney for Mr. Miller, was present seeking approval to commence a private action to acquire a private right-of-way near Happiness Drive.

Mr. Givhan explained how he developed the form seeking Planning Commission approval prior to proceeding to Probate Court, since the law provides for this sequence of approvals. A discussion took place regarding the need for access and the wording of the Alabama law concerning landowner approval and access across the landowner's property. It was noted that the request was for a 30' ROW and that 50' frontage on a public street is required for any residence.

Mr. Parks, representing the property owners Mr. and Mrs. Sam Arnold whose land is being crossed, pointed out the prior attempts to cross the Arnold's property. He also addressed his interpretation of the Alabama law and the adverse affect that this requested action would have on his clients.

Mr. Givhan noted that this was not a court and that the requested action of the Planning Commission was only to take action per the Alabama statute.

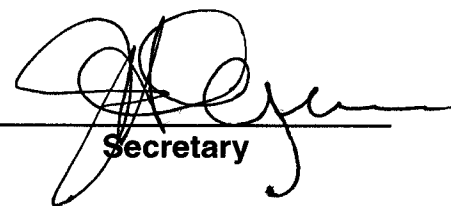
Other long discussions took place regarding several sales of the landlocked property, as well as some alternatives utilizing the adjoining property for access to the landlocked property.

When the Chairman called for a motion, Mr. Olyniec made a motion to deny the request. Mr. Stevens seconded the motion. There was no further discussion. **Upon vote being taken, all voted aye, except Mr. Carlile, who abstained. The request is denied.**

The Chairman noted that it was time to vote for officers. He opened the floor for nominations for Chairman. Mr. Olyniec nominated Mr. Boatner for Chairman. There being no other nominations, the Chairman called for a vote, and all voted aye for Mr. Boatner for Chairman. The Chairman opened the floor for Vice-Chairman. Mr. Porch nominated Mr. Carlile for Vice Chairman. There being no other nominations, the Chairman called for a vote and all voted aye for Mr. Carlile for Vice Chairman. The Chairman opened the floor for Secretary. Mr. Porch nominated Mr. Olyniec for Secretary. There being no other nominations, the Chairman called for a vote and all voted aye for Mr. Olyniec for Secretary.

There being no further business to come before the "Board" at this time the meeting was adjourned.

  
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**Jim Boatner, Chairman**  
**Scottsboro Planning Commission**

Attest:   
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**Secretary**