

**CITY OF SPRINGVILLE
CITY COUNCIL**

The City Council of the City of Springville (the "Council") held its regularly scheduled meeting at 7:05 P.M. on September 21st, 2009.

ROLL CALL:

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

Absent: None.

Mayor Isley called the meeting to order. He gave the invocation and led the Pledge of Allegiance.

Visitors

Mayor Isley introduced visitor Phillip Gleason, as the president of The Gardens Subdivision Homeowners Association. Mr. Gleason asked for an update on the status on the paving of the streets in The Gardens. Mayor Isley stated that Wayne Tucker and Earl Peoples had ridden through the subdivision and had reached a decision on the paving requirements.

Mayor explained there was some confusion about the street requirements due to the fact that different phases of the subdivision had been submitted under different street regulations. He said after Mr. Peoples and Mr. Tucker meet, they decided to allow the developer to pave under the same regulations in order to have uniformity in the streets. He advised the developer of the subdivision has been notified of the decision on the required street regulations he must meet and the developer is now seeking bids and expects the paving to be done within a month. Public Works Director, Earl Peoples, stated that he had personally met with four contractors and was supposed to meet with one other bidding on the job. Peoples also stated that he had talked the developer, Paul Kell, and he wants to get the paving done before cold weather.

Open Air Permit for First Baptist Church

Mayor Isley stated the first order of business was the consideration of an open air permit request from the First Baptist Church for a Fall Festival on October 25th, 2009. David Jones motioned to approve, seconded by Wayne Tucker. Motion carried unanimously.

**Resolution 2009-21
To Establish Healthcare Premiums**

Mayor Isley stated that the next consideration was a resolution to establish healthcare premiums for City employees. He said this resolution will require all employees to pay 12.5% of health insurance premiums. David Jones made a motion to approve. Wayne Tucker seconded the motion. Mayor Isley stated that the plan is to transition to 25% of premiums paid by employees next year. Motion carried unanimously.

**Resolution 2009-20; De-annex Allen Property
At 650 Washington Valley Rd**

Mayor Isley stated that the next agenda item was the consideration of Resolution 2009-20, which was tabled from the last meeting. City Attorney, James Hill, explained that it was

tabled in order for the City to obtain a correct legal description and map. He stated this had been done. Katrina Hennings made a motion to approve the resolution, and Wayne Tucker seconded the motion. Mayor Isley explained this de-annexation was for a parcel of land that was incorrectly annexed several years ago in its entirety. He stated the owner's intent was to only annex the homestead and leave the rest of the property unincorporated. Motion carried unanimously.

Approval of Minutes

Mayor Isley stated that there were two sets of minutes to consider. The first set of minutes was from the Work Session of September 8, 2009. Motion was made by Herbert Toles to approve as presented, seconded by Hugh Marlin. Motion carried unanimously. The second set of minutes was from the Regular Meeting of September 8, 2009. Wayne Tucker motioned to approve as presented. Herbert Toles seconded the motion, which carried unanimously.

Library Proposal Update

Mayor Isley stated the Hugh Marlin asked to update the Council on the Library proposal. Mr. Marlin stated that the City had received grant money to hire architectural services for a new library. He stated this would be used to develop a plan. He stated that an RFP had been advertised, and four out of sixteen entities had responded with bids. Four people that represented the Library Board, Citizen Committee, and Library Foundation evaluated the submittals. He stated that the group recommended was Williams & Blackstock, P.C. be hired to do the work. He also stated that the money will come out of the foundation, and not out of the general fund. He estimated the cost to be \$30,000 to \$40,000. David Jones asked if the proposal included site locations. Hugh Marlin replied that it did, and that Williams & Blackstock had extensive background on this type of project. City Attorney, James Hill, stated that this was to be approved in a resolution form, which he had already written. David Jones made a motion to suspend the rules, seconded by Brian Skinner. Mayor Isley called for voice votes: Toles: aye; Marlin: aye; Tucker: aye; Isley: aye; Hennings: aye; Coyne: aye; Jones: aye; Skinner: aye. Motion carried. David Jones made a motion to approve the resolution to enter into engagement with Williams & Blackstock P.C. for services to develop a preliminary plan for a new library. Brian Skinner seconded the motion, which carried unanimously.

Comment [MP1]: Replace "plan" with "feasibility study"

Contractor Bonds on Street Paving in Subdivisions

Mayor Isley stated that Hugh Marlin asked to address the Council on the issue of contractor bonds covering street paving in subdivisions. Mr. Marlin voiced concern that the final paving layer has not been done on many subdivision streets, due to the downed economy. He stated that the City requires bonds, but some developers are letting these bonds expire. City Attorney, James Hill, stated that the City has the option to pursue legal action against developers that chose not to renew bonds. Katrina Hennings asked if the action would be against the bond or against the developer. Mr. Hill explained that the bond should be acted against if it is current, but if the developer lets it expire, the developer would be responsible. He recommended against pursuing bankrupt developers since this would not be productive. He also stated an unpopular option that the City could consider is assessing the costs to the adjacent property owners. Wayne Tucker made a motion that the City pursue legal action against developers that defaulted on their bonds. Katrina Hennings seconded the motion, which carried unanimously.

Comment [MP2]: Deleted "downed"

Police Security for Football Games

Mayor Isley stated that Brian Skinner had asked to address the Council concerning police protection being provided by the City at high school football games. Mayor Isley stated that he had made phone calls to Moody, Odenville, and Ashville to find out their policy on this issue. He said that none of these cities provided any money that paid for those services. He also clarified that the officers are only making \$100 each per game. Brian Skinner stated that he had made some phone calls, as well, and discovered that Moody sends reserve officers, but they are not paid. Brian Skinner stated that he had talked to Dr. Harris, the principal of Springville High School, who provided him with an e-mail that is included as an attachment to these minutes. It states that Dr. Harris has never signed a check or received any money from the Board of Education for security at these games. He stated that he also talked with Jenny Seals, the Superintendent of St. Clair County Board of Education. She provided a letter that is also an attachment to the minutes. In it she states that the Board does not provide any funding for security. Brian Skinner estimates the cost to the City to provide this service to be at a worst case scenario of \$1,800 to \$2,000. Brian Skinner made a motion for the City to provide two police officers to all home games and one police officer to escort the buses to all away games. Herbert Toles seconded the motion. David Jones asked if anyone had discussed the issue with anyone from the booster club. John Coyne and Katrina Hennings stated that they had both been approached by people involved with the booster club who were questioning the decision to not provide this service anymore. Mayor Isley named several financial contributions that the City had made to the schools for the children of the community. He stated that the goal was to decrease expenses, because the City cannot continue to spend more than revenues. Police Chief Charles stated that there are currently three officers contracted with the school for home games and two officers for away games. He also stated that there is also a county deputy contracted with the school. He added that if there was an incident at the school, on-duty officers could respond, but he preferred them to remain on patrol if there was nothing going on. David Jones voiced a desire to discuss the matter with booster club representation. Herbert Toles stated that the children were always doing fundraisers for the booster club, so he felt that they were financially limited. Wayne Tucker also stated that he would like to discuss the matter with the booster club or Dr. Harris. Herbert Toles and Brian Skinner stated that they would consider tabling the matter until these conversations could take place. There was discussion on how many officers were currently in place, and how many should be provided. Herbert Toles asked how much of a cost difference would be involved in providing an extra officer. Brian Skinner stated that he felt it would increase the cost to approximately \$2,400. Mollie Lyle stated that the cost would have to be based on overtime rates rather than the contracted amount the officers are currently getting. Chief Charles stated that some of the officers would not make as much at an overtime rate as they would at the currently contracted rate. Brian Skinner amended his motion to approve the City providing three police officers to all home games and one officer to away games. Herbert Toles seconded this motion. Motion carried by unanimous vote. Mayor Isley reiterated that other expenses in the budget must be adjusted, since there would now be overtime built in.

2009-2010 Budget

Mayor Isley stated the last order of business was the consideration to adopt the budget for the fiscal year 2009-2010. John Coyne made a motion to table the approval of the budget until the issues discussed were resolved. Mayor Isley stated that councilors could develop changes to the proposed budget, but expenditures would have to make in other areas to maintain a balanced budget. Herbert Toles stated that the added overtime expense of security protection was not that

much. David Jones asked that a committee be formed to discuss fine-tuning with the mayor and Mrs. Lyle. Mayor Isley voiced frustration with the efforts to change the budget after so much time and effort had already been devoted to developing this proposal. He stated that if the budget did not pass, measure would be taken by October 1st to cut expenses. Brian Skinner stated that the reserve was for situations as times like these, and he feels that it is important to take care of the City's employees. Mayor Isley stated that he feels that it is important to take care of the employees and the citizens. He also stated that he was uncomfortable with the idea of using reserves to pay expenses, and asked for citizens' opinions regarding this matter. Wayne Tucker mentioned several projects that were already obligated from the reserve, and stated that he was not in favor of using money from the reserve. Brian Skinner seconded the motion to table the budget. Toles, Coyne, and Skinner voted in favor of tabling the budget. Marlin, Tucker, Hennings, Jones and Mayor Isley voted against tabling the budget. Motion died to table the budget 3 to 5.

Katrina Hennings made a motion to pass the 2009-2010 budget as presented. Hugh Marlin seconded the motion. Marlin, Tucker, Hennings, Jones and Mayor Isley voted in favor; Toles, Coyne, and Skinner voted against the motion. Motion passed 5-3. Mayor Isley stated that a review committee of Brian Skinner, David Jones, and Hugh Marlin is formed to review the budget and develop any revisions they propose. He restated that any expenses added would need to be offset by decreased expenses elsewhere.

Mayor Isley announced a Council Work Session on October 5th at 5:00. He said the topic of discussion was the potential demolition of buildings in the historical district.

Herbert Toles motioned to adjourn at 8:25 PM. Motion was seconded by Wayne Tucker, and carried unanimously.

Attest:

Brenda Roberts, City Clerk
Jennifer Milner, Assistant City Clerk

William Isley, Mayor

Minutes transcribed and typed by Jennifer Milner.