

CITY OF TALLADEGA
CITY COUNCIL REGULAR MEETING
December 7, 2009

The City Council of the City of Talladega met in a regular meeting on Monday, December 7, 2009 at 5:30 p.m., in the City Hall Auditorium, the regular place for such meetings. The meeting was called to order and the following were present: Council President Horace Patterson, Councilman Eddie Tucker, Councilman Donnie Miller, Councilman Jimmy Davis, Councilman Lance Grissett, Mayor Brian York and City Manager Michael Stampfler.

As there were no matters before the pre-Council meeting, the regular Council meeting convened at 5:10 pm.

Motion by Councilman Davis with a second from Councilman Grissett to approve invoices and expenditures. AYES: All.

Total Invoices & Expenditures for 11/14/2009 to 12/04/2009	\$ 543,931.37
General Operating Fund	437,045.35
Capital Improvement Fund	2,386.40
Corrections Fund	60,224.58
Senior Nutrition Program	771.46
Oil Trust Fund	543.14
\$.04 Gas Tax Fund	42,960.44

Motion by Councilman Grissett with a second by Councilman Davis for approval of minutes of the regular meeting of October 10, 2009, and October 26, 2009 with corrections. AYES: All.

Motion by Councilman Davis with a second by Councilman Miller for approval of minutes of the regular meeting of November 10, 2009. AYES: All.

Mayor Brian York swore in Rebecca Newman and Nicola Lawler to the Talladega Public Library Board. Also, Ray Miller, Jeff Roberts and Calvin McRae were sworn in as members of the Talladega Municipal Airport Board by Mayor Brian York.

Council was presented with correspondence concerning ATAP's lease renewal at the Municipal Airport. Recommendation was to refer the matter to the Municipal Airport Board.

Habitat for Humanity presented a request for waiver of weed abatement costs on property owned by the Chapter. City Attorney Michael O'Brien was present and warned the Council against setting such a precedent.

Motion by Councilman Miller with a second by Councilman Davis to deny Habitat for Humanity's request for waiver of weed abatement costs. Ayes: All.

Resolution #1996 appointing Brian Miller, Manager of Wastewater Treatment Plant, as the Ethics Compliance Officer (EOC) in the absence of the Water & Sewer Director, James Brasher.

Resolution #1997 approving a contract with Munroe & Jenkins Architects LLC for architectural and engineering services associated with the improvements to the Park & Recreation facilities at a fee rate of 7.5% of the construction cost (approximately \$45,000).

Resolution #1998 approving the purchase of a 2010 Chevrolet Impala for the Street Crime Unit from Larry Puckett Chevrolet for a cost of \$23,709.18 and funded by the Edwards Byrnes Jag Grant.

Resolution #1999 approving an agreement with B&S Sporting Goods for the Parks & Recreation Department's sports uniforms during the 2009-2010 fiscal year per bid specifications

Resolution #2000 approving the FY 2010 Grant Agreement with East Alabama Regional Planning and Development Commission Area Agency on Aging (Senior Nutrition Program).

Resolution # 2001 approving the purchase of 10 additional daily Senior Nutrition meals during fiscal year 2009-2010 at a total cost of \$6,864.00 (cost is within the budgeted amount).

Motion by Councilman Grissett with a second by Councilman Miller to approve Resolutions #1996-#2001. Roll Call. AYES: All.

Motion by Councilman Grissett with a second by Councilman Davis to approve invoices and expenditures for the Water Department. AYES: Council President Patterson, Councilman Davis and Councilman Miller; NAY: Councilman Tucker

Water Department Expenditures for 11/19/09 to 12/03/09	\$ 286,056.24
General Fund	285,366.24
Coleman Circle Project	690.00

Motion by Councilman Davis with a second by Councilman Grissett to move the second payday in December to December 23, 2009 because of the holiday. AYES: All.

Councilman Miller commented that on this anniversary of Pearl Harbor all of our country's veterans should be remembered and honored.

Councilman Tucker commended the Public Works Department on their diligence in maintaining drainage issues and that during the last rains there was less flooding because of the maintenance work. He thanked all departments for doing a great job.

Councilman Grissett made reference to the monthly department reports and making them a part of the minutes' record.

Councilman Davis requested financial information on the revenue generated by Brecon Recreation Center. City Manager Stampfler indicated that a report would be prepared in January.

City Attorney Michael O'Brien recommended that the Council retire to executive session to discuss matters of pending litigation, the content of which qualifies for exemption under the Open Meeting Law.

Motion by Councilman Miller with a second from Councilman Tucker for the Council to retire to Executive Session and to reconvene in about 30 minutes. AYES: All.

Council reconvened at 6:10 pm

Councilman Miller stated that the Council had requested that the City Manager provide options to deal with issues within the Water and Sewer Department so that standards set forth by the EPA and ADEM could be met and that routine services were performed that are necessary for public health.

Councilman Tucker commented that an overreaching concern about the public health dictates a need to re-build the City's utility. Councilman Tucker stated that there was an apparent lack of successful management at the Water Dept. (for example, the retirement of the construction supervisor with no one to replace him and the Director of Operations out on medical leave with no one designated to take over during his absence). Councilman Tucker indicated that was no plan in the Water Department for successorship in management. The City assumes liability on all Water Department issues from possible suspension or debarment by the EPA and fire protection. Councilman Tucker stated that continuing the wrestle with ADEM and EPA on compliance issues means the City's system is inadequate.

Councilman Grissett stated that the City Manager through his research had presented the Council with three recommendations.

1. Hire an outside company or consultant to provide short term management of the utility
2. Initiate the preparation of a Request for Qualifications (RFQ) for experienced operations companies.
3. Hire a professional operation firm to manage the system on behalf of the City on an emergency basis.

Councilman Davis stated that the Council's recommendation is to authorize the manager to negotiate with a professional firm on an emergency basis which will allow the city to address the issues yet maintain full control of the utility. There must be a guarantee that all current employees be retained for a minimum of three years at their current wage and benefit level. It is hoped that the negotiations will produce an infusion of private capital into the system. The 8% raise in rates every year that the Council has already approved appears to not be enough to yield sufficient funds for infrastructure improvements. Councilman Davis also stated that the negotiations must guarantee compliance with all EPA compliance issues and ADEM consent orders. The Council authorizes the City Manager to obtain a company that will meet these qualifications in late January or early February and that there will be open meetings to discuss these matters at that time. Council will refrain from speaking with vendors but continue open communication with citizens on these issues. Mayor Brian York stated he was in favor of the finding the best possible solution.

Motion by Councilman Davis with a second by Councilman Miller to authorize the City Manager to move forward in negotiations with Water & Sewer vendors. AYES: All.

Council President Patterson further emphasize to the community that there would be at least two open hearings concerning any management of the Water Department. He further stated that the Council is dealing with EPA compliance and serious legal issues and that it was imperative to make sure that the City and Council were doing everything that they legally needed to do.

City Attorney Michael O'Brien commented that over the last several months the Council has met in closed session about pending litigation that some may view as a strictly Water & Sewer Department issue but it is a City issue because the City has ownership of the utility. It should be noted that the drinking water is safe, but that the utility has not kept up needed upgrades and improvements in the infrastructure and part of that is what EPA and ADEM have addressed. Mr. O'Brien further stated that it goes beyond that, into very big and expense issues that have to be addressed as part of the compliance reality and the funding reality. Mr. O'Brien commented that what the Council had authorized today to find a management company was a sound strategy and showed that the City was doing something about the issues and moving forward.

City Manager Stampfler commented that what the Council has charged him to do is very clear and that he has outlined a course that the City administration is going to move very quickly on. Mr. Stampfler further stated that the City was looking at a decade to get this system up to speed. It would be a challenge to get negotiations completed in early February and that there will be a lot of vendors coming forward. It will be important to find the company that will offer the best service to the City and treat the employees extremely well.

Councilman Miller moved for adjournment.

AUTHENTICATION

I, Elizabeth Cheeks, Acting City Clerk of the City of Talladega, Alabama, do hereby attest that the foregoing is a true and correct copy of the proceedings of the City Council of Talladega, Alabama, which met in a regular session on Monday, December 7, 2009, at 5:30 p.m. at City Hall in the City of Talladega, Alabama.

Elizabeth Cheeks
City Clerk