

**CITY OF TALLADEGA  
CITY COUNCIL REGULAR MEETING  
18 February 2008**

The City Council of the City of Talladega met in a regular meeting on Monday, 18 February 2008, at 5:30 p.m., at the new children's room at the Armstrong/Osborne Public Library. The meeting was called to order and the following were present: Councilman Eddie Tucker, Council President Horace Patterson, Councilman Donnie Miller, Councilman Lance Grissett, Councilman Jimmy Davis, Mayor Brian York, and City Manager Sue Horn.

Invocation given by Mr. Wiley Lucas – Deacon of Mt. Canaan Baptist Church and Chaplain at Citizens Hospital.

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

**SUMMARY OF INVOICES & EXPENDITURES**

<b>Transfer of Funds</b>	<b>169,902.35</b>
<b>Payroll Deductions, Benefits &amp; Taxes</b>	<b>112,915.04</b>
<b>Refunds</b>	<b>30,128.91</b>
<b>City Council</b>	<b>7,735.00</b>
<b>City Manager's Office</b>	<b>822.73</b>
<b>Finance Department</b>	<b>830.14</b>
<b>City Clerk's Office</b>	<b>1,434.60</b>
<b>Police Department</b>	<b>35,273.12</b>
<b>Police Communications</b>	<b>3,194.70</b>
<b>Animal Control</b>	<b>2,342.53</b>
<b>Municipal Court Office</b>	<b>26,977.52</b>
<b>Fire Department</b>	<b>5,506.14</b>
<b>Public Works Department</b>	<b>18,661.07</b>
<b>Community Appearance Department</b>	<b>6,490.91</b>
<b>Parks &amp; Recreation Department</b>	<b>30,954.93</b>
<b>City Building Expenditures</b>	<b>555.26</b>
<b>Non-Departmental Expenditures</b>	<b>151,991.52</b>
<b>Debt Service</b>	<b>8,563.49</b>
<b>Police Technology Grant</b>	<b>14.99</b>
<b>Total Invoices &amp; Expenditures</b>	<b>614,294.95</b>

Motion by Councilman Grissett with a second by Councilman Davis to approve minutes of 4 February 2008 meeting with two corrections. AYES: All.

Council President Patterson commended Mitch Bast and the staff of the Community Appearance Department for their work on the trees along the City's streets through the Talladega College campus. An additional \$1,400 will be needed to complete the project and Council President Patterson asked for the Council's approval of the expenditure up to \$1,400 for tree trimming. The City Manager informed Council President Patterson that Council approval was not necessary and that it was included in the budget for maintenance of City right-of-ways.

**Resolution #1636** authorizing Change Order on Bemiston Community Development Block Grant (CDBG).

**Resolution #1637** awarding contract for Parks & Recreation Department's Central Air Conditioning Unit(s) at Brecon Recreation Center.

**Resolution #1638** awarding contract for Parks & Recreation Department's Spring Street Pool Heater.

Council President Patterson stated that he wished to deal with the three resolutions at once. Councilman Miller had a question about whether the Bemiston project was truly complete as the walls have not been painted, etc. The City Manager indicated that the painting is not in the Change Order amount and that the City would handle that themselves. The Manager further stated that all of this began before the current Council was here and that this contract came in \$160,000 over budget and we had to negotiate it down to what ADECA required to be put in which was the sprinkler system and other things. ADECA also was requiring us to do some ADA compliance which is listed on this Change Order to close out the grant. Painting and cleanup and others things are going to have to be done by the City. Councilman Miller asked if it was possible to get a breakdown of everything that was bought through this grant to renovate the Bemiston facility. The Manager stated that it may be difficult because we have a single contract of \$220,000 given to a single contractor and not sure if we can get a cost breakdown. Councilman Miller again asked to see a breakdown of costs, stating that this old building was worth saving if only for the beautiful gym flooring. It is a shame not to see it finished and have it ready for a grand opening with the closing out of this grant. The City Manager stated that the engineer could come and discuss it with him, but that the upstairs was not a part of the original contract. The Manager continued by saying there was more done than just the sprinkler systems (upstairs and downstairs), there were also fire alarms and a lot of other things. Council President Patterson requested that a meeting be set up with the engineer or architect.

Motion by Councilman Grissett with a second by Councilman Davis to approve **Resolution 1636** authorizing the Change Order No. 1 on the renovations at Bemiston Community Center with Hester Construction Company for a cost of \$12,939.00. Roll Call: AYES: All.

Councilman Tucker questioned the Brecon Air Conditioner bid. The City Manager explained that the bids were opened when she was not present and a recommendation was then brought to her, and then for whatever reason, a second recommendation was brought to her. Councilman Tucker said that he wished to hold off on the Brecon Air Conditioner resolution until the bids could be looked at more closely. Councilman Tucker asked if one of the companies had been contacted to verify their bid. Assistant Director Brian Hutton indicated that the contractor had indeed been contacted and that he had stated that the unit was the same as the other bid, so that is why the Parks & Recreation Department administration had changed their recommendation to the lowest bidder.

Motion from Councilman Miller for the adoption of **Resolution 1637**. Died for lack of a second.

Motion by Councilman Davis with a second by Councilman Tucker for the adoption of **Resolution 1638** to enter in an agreement with Specialty Contracting & Supplies for the pool heater at Spring Street Recreation Center for a cost of \$21,677.00. Roll Call. AYES: All.

Motion by Councilman Tucker with a second by Councilman Davis for the immediate consideration of **Ordinance # 1634** eliminating impound fees. Roll Call. AYES: All.

Motion by Councilman Grissett with a second by Councilman Davis for the reading of the heading only of **Ordinance # 1634** eliminating impound fees. Roll Call. AYES: All.

**An Ordinance to repeal Ordinance No. 1550 in its entirety which amended Ordinance #1430, regarding abandonment or wrecked, discarded or non-operating vehicles and to make provision for vehicles left without protection by reason of the person in charge or in control thereof having been arrested and/or incarcerated; and to provide for the impoundment of vehicles under the provisions of the "Safe Streets Act of 1995."**

Motion by Councilman Tucker with a second by Councilman Davis for the adoption of **Ordinance #1634** eliminating impound fees. Roll Call. AYES: All.

Motion by Councilman Tucker with a second by Councilman Grissett for the immediate consideration of **Ordinance #1635** revising wrecker fees. Roll Call. AYES: All.

Motion by Councilman Tucker with a second by Councilman Miller for the reading of the heading only of **Ordinance #1635** revising wrecker fees. Roll Call. AYES: All.

**An Ordinance to amend Ordinance #1468 and #1519, to regulate the business of vehicle wrecker or towing service; to require a license therefore; to provide for the rotation of wrecker service calls by police officers; to establish requirements for participation in wrecker service rotation; to provide for revocation of participation in wrecker service rotation; and to provide punishment for the violation thereof.**

Motion by Councilman Grissett with a second by Councilman Davis for the adoption of **Ordinance #1635** revising wrecker fees. Roll Call. AYES: All.

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

**Expenditures for February 1-14, 2008**

**\$437,368.49**

Motion by Councilman Grissett with a second by Councilman Davis to authorize a 3-year insurance policy with Alabama Municipal Insurance Corporation (AMIC) covering professional liability, property, business auto, general liability and equipment for a cost of \$101,373.00. AYES: Councilman Davis, Councilman Grissett, Councilman Patterson, and Councilman Miller. NAY: Councilman Tucker.

Motion by Councilman Tucker with a second by Councilman Miller to appoint the Reverend Greg Rice to the Cemetery Board. AYES: All.

Motion by Councilman Miller with a second by Councilman Tucker to appoint Ms. Sidney Elliott Thompson to the Historic Preservation Board: AYES: All.

Motion by Councilman Davis with a second by Councilman Grissett to accept the board appointment of Dr. Keith A. Winsell and re-appointment of Jean B. McMillan to the Heritage Commission. AYES: All.

Motion by Councilman Grissett with a second by Councilman Davis to approve the re-appointment of Mr. Jimmy Nabors to the Industrial Development Board. AYES: All.

Mayor Brian York swore in the following: Lynn Bonner, Sidney Thompson, and Nancy Lutchendorf to the Historic Preservation Commission and Maude Swain to the Cemetery Board.

Mr. Terry Hanner presented a draft of a City uniform policy. Council President Patterson suggested that all the department heads and the department liaisons to have input into the establishment of the uniform policy. City Manager was asked to organize the process of putting together a recommendation on this policy. Councilman Davis brought up the idea of all employees having an identification badge. Council President Patterson requested an update at the next council meeting.

A joint meeting has been set for March 24, 4:30 pm joint meeting with Board of Education location to be announced.

Meeting has been set for February 25, 2008 at 5:00 p.m. with Ellen Austin, Community Development Director with East Alabama Regional Planning and Development Commission to discuss CDBG applications.

Council President Patterson stated he consistently gets calls about dogs loose near the area of the Animal Control Center (Ft. Lashley). Are the dogs getting out of the fence? Chief Watson indicated that the dogs are not getting out, it is that citizens are just leaving dogs at the Animal Control building and not putting them inside the drop off pen. Chief indicated that they will try putting up a sign requesting that the animals be put into the drop off pen and see if that helps. Council President Patterson indicated that he wanted to talk with the Animal Control employees and see whatever is needed as far as resources.

Councilman Davis stated he has been working with groups on the downtown redevelopment and asked the Chief of Police what could be done about the parking problem on the courthouse square. Chief Watson indicated that the biggest problem was courthouse employees using parking spaces right on the square and that in the past the City had a meter person to write tickets. Council President Patterson indicated that there was a new County Manager and that a dialogue with the county employees to not park on the square is needed. The Chief also indicated that once county jail administration moved out to the new building that it would free up some parking spaces. Councilman Davis suggested moving the reserved spots for driver's license testing to free up spaces.

Councilman Grissett stated he was interested in attending a training session for City Officials in Birmingham on April 7, 2008. City Manager approved the expenditure. Councilman Miller also expressed an interest in attending.

Councilman Grissett requested an update on the surplus fire truck. City Manager remarked that many fire departments, especially volunteer fire departments, are cautious about taking on the responsibility and cost of an older fire truck. Nothing has been settled at this point.

Councilman Grissett asked for a clarification on the City's drug testing policy. The City Manager said the City had a random drug testing policy but that she didn't agree with the policy and that it needs to be closely looked at. Councilman Grissett asked when the last random drug testing was done. Cathy Fuller of the Water Department indicated that originally it was to be done quarterly and that the last random drug testing was done in the fall of 2007.

Councilman Davis requested an update on the South Street sidewalk project. City Manager indicated that the current engineer was discussing using the drawings and work done by the previous engineer and that they would be getting back with her in a couple days.

Councilman Grissett addressed the issue of getting information out to the citizens concerning the water shortage and water restrictions. Terry Hanner of the Water Department presented a sample of the signs to be placed around the City indicating that there was a Drought Situation and to please conserve water. Department Head James Brasher stressed that it takes a long time for groundwater levels to return to normal, taking years instead of months.

Council President Patterson requested that the City Manager set up a meeting with the bond attorney and various council members for discussion.

City Manager's comments included the following:

- Over the past year our cafeteria plan was not reported correctly on our returns and we found that out in time to correct the W-2's for 2007. What this results in is a refund to the City of Talladega and a portion of this will go to the employees. Refunds to employees will be taken care as soon as all the information and the actual refund are available. This problem was found by our auditors.

- Not quite sure if we have issued the building permit for Walgreens yet. We have approval on omitting the detention pond and there are some sewage lines that need to be moved. The Water Department will run a new sewer line to access customers who will be cut off when it is moved. As soon as we have everything signed the City will proceed with our portion of the work. Councilman Miller requested that a notification be put into the paper about what is being done. It was indicated that the Water Department would probably go house to house before any cutoff was done.
- Update on Coleman Project – Mr. Terry Hanner indicated that after talking with the attorney, Mr. O'Brien, he was unable to contact Ms. Coleman but things were going forward with the appraisal and survey work

The City Manager read a prepared statement:

“Mr. President and members of the Council, I was not here last week and I was inundated by calls, e-mails, employees, department heads, and council members about some of the things that were said during the council meetings. I don't want to belabor this or embarrass anybody more than people were embarrassed during the last meeting, but I certainly was embarrassed, because I read things in the paper that were not true. Then there was an editorial that came out which I assume was based on what Mr. Miller said and subsequently printed in the paper. I am going to address those comments by Mr. Miller.

Mr. Miller stated that I had handled absolutely nothing this Council had asked me to do in the last four months. I have spoken to most of the Council, and neither I nor anyone else apparently knows what he is talking about. I can not even imagine what this council (or any other council) has asked me to do that I have not done if it was legal, moral, or ethical. Mr. Miller stated that this council had asked for central purchasing and we have nothing. I have been a proponent for central purchasing for the past 15 years. However, this council has never discussed central purchasing with me. It has been discussed in previous administrations numerous times. The former City Manager was directed to immediately implement central purchasing. I performed feasibility studies and prepared policies for him to implement but he recommended to the council that they not implement central purchasing at that time and it was dropped. The only person that I discussed central purchasing with is an employee who subsequently has asked that he be considered for the function if I were to implement it. I can only assume that this employee has discussed it with Mr. Miller. I know I have not.

Mr. Miller has, on more than one occasion, indicated that the City's “messed up” payscales are somehow my fault. I am going on record one last time, that this payscale was created and implemented by the former City Manager. I informed the previous administration that the scale had numerous problems and was wrong at the time of adoption. The former Manager and a former Council person requested two department heads to “audit” the payscale to determine if it was correct and if employees were being paid correctly. They reported back to the council a few days later that everything was proper. It was not, but the council accepted the former Manager's advice as being accurate. These employees advised me that their instructions from the former City Manager was to simply calculate the percentages between the steps and not to audit the employees' rate of pay. The auditors didn't find these problems. I personally turned it over to them for review and audit, because I knew they were wrong. The problems were being addressed, but every time we got into it we found other problems and it took a lot of time to research and correct. It has been corrected.

Mr. Miller states ‘she has not even returned my phone calls.’ I don't know who Mr. Miller is talking to, but he has not called and left word for me to call him... not one time. I have checked with the administrative assistant and the ladies up front. They tell me that he calls them and asks them questions and they come to me and I give them the answers. I have passed on a couple in writing to him. He has not communicated with me. He communicates with other employees and those employees communicate with me. It is supposed to be the other way around.

Mr. Miller states he is ready to move to cut my salary by \$40,000. Before he makes any such move he needs to understand that I have the same salary as the former City Manager. However, I am also the City Clerk. I am responsible for revenue, license, taxes, building permits, inspections. I serve as liaison to the Adjustment and Appeals Board. I serve on the Planning Commission. I am the Purchasing Director. I am the Personnel Director. I am the Grants Administrator. I am the Water & Sewer Manager.

The former Manager received \$20,000 for his duties with the Water & Sewer Department. Two weeks prior to his termination it was suggested that this be re-instated. The former Manager got a new vehicle when he got here. I drive one that is eight years old. The former Manager received \$500 per month vehicle allowance. I don't. The former Manager's contract called for the City to pay his spouse's health insurance. That was not offered to me. I pay my own. To this point, managing this City does not just happen on the first and third Monday nights of each month. It is a twenty-four hour per day, 365 days per year job. I ran an election for the past several months. The former City Manager (nor any future one) will have to do that. To be perfectly blunt, my responsibilities are many times what the former Manager's were and for much less compensation. Mr. Miller asks 'is the council allowed to interact with employees or not?' Of course they are. However, the State Law state that except for inquiry the council shall deal with employees only through the City Manager. Mr. Miller does not deal with me. He deals directly with employees. I have had more complaints than I care to count about Mr. Miller giving instructions to employees and I can back these up.

Mr. Miller stated that I told the council in a previous meeting that they could declare the repairs to the pool heater an emergency. I did not. When I saw the council was prepared to approve a \$17,000 expenditure, I advised that the only way that amount of money could be expended was in an emergency situation. Even though the council voted to declare it an emergency, I spoke to some of them after the meeting and stated that we would bid this because it could not be considered an emergency. Additionally, Mr. Miller did not advise the council in the last meeting that he himself had called the City Attorney after I told him this could not be considered an emergency, and that the City Attorney told him that I was correct. Again, I don't want to belabor this; I just want to set the record straight."

City Manager's final comments included:

- Mr. Swinford has been talking to Wal-Mart about additional handicapped parking spaces.
- Have not spoken to Mr. Grissett about permits to built swimming pools during water restrictions but I know we cannot deny construction permits under these circumstances. Construction sometimes takes several months on these projects. However, we will advise contractors when we issue permits that they cannot fill the pools under the current restrictions... Grissett concurred.
- Talladega High School can use the park without a contract, just need to have an agreement.
- Stop sign on private drive at Curry Court can be done without ordinance.

Councilman Tucker comments included:

- He would like to see where it is in state law that we can turn over our collections to a probation office and that they can charges a certain amount of money. Also who is the authority for Talladega's probation officer?
- Addressed the numerous water leaks. Perhaps need to prepare an ordinance forcing owners to repair water leaks within a certain amount of time.
- Revisit the former City Manager's cost cutting measures for ideas because the revenue is not coming in as we projected. Revenue is not even coming in at last year's pace – as a Council we need to make some decisions.
- Sidewalks for the Knoxville area, requesting update.
- Double wide trailers in Ward 2 and Knoxville area. Manager indicated that this might require legal involvement. The moratorium was not lifted, but we need to work out some kind of solution for double wide trailers. Manager indicated that the question is if we are discriminating by not allowing single-wide mobile homes. Council President Patterson indicated that as long as it is only in Ward 2, then he has no problem supporting it. Manager indicated that the zoning law is city wide. Councilman Tucker stated that there are no zones for this in other wards, just in Ward 2.
- The Mercer Group City manager search – it is \$23,000 instead of \$15,000 what are we getting for the money – have seen no advertisement except for one in January. Councilman Davis indicated that the council approved the contract and they are in the process of doing a national search.

- Councilman Patterson requested that Councilman Davis give the council an update. Councilman Grissett also requested documentation on the advertising and where and when the ads were placed.

Councilman Miller comments included:

- What is the plan for the concession stand and has it been advertised? Manager indicated that there were some legal issues in the past for allowing the Little League having the concession stands. Council President Patterson stated that at the last council meeting, Department Head Beth Martin was looking into having a third party run the concession stand. Manager indicated that in other cities the Little League runs the concession stand in order to make enough money to offset the cost of renting the field. They do it voluntarily and we are paying employees to do it. It is being looked into. Councilman Miller said this had been brought up before. This is a service by the City for the taxes that we pay. He could not see how there would be legalities. It is three weeks away from the first game of the season and, if there is no concession stand, it would be an injustice to the citizens. Councilman Miller continued by asking for a legal opinion. City Manager indicated that there was a very thick folder indicating what we can do and can not do and the attorney tells us we can not do what the previous agreement with the Little League stated.
- Have been working with Ms. Edwards of the Chamber of Commerce to start a program of giving a warm basket with information about the city to any new business that comes into Talladega. Need to have information on any new business licenses be provided to Ms. Edwards.
- As far as the payscale situation, the only complaint I had about it was that the letter from our auditor in February 2007 stated that the payscales were incorrect and the highest number were in the Water Department and there were others. My point is we have employees who complained that it was not discussed with them before their pay was cut. It took two weeks to get it resolved in November when it could have been done back in February 2007.
- As far as the central purchasing, I did not talk to anyone about central purchasing. I have seen it before, it was recommended by the auditors. We need to seriously look at it and put it into operation before October 1, 2008.
- The City also needs to work on getting payroll back in-house. This has been discussed before, too. We need to get it going long before January 2009.
- Stated he was more upset about the memo that I got from the Manager when he had called twice on a Thursday. He realized the Manager was out of town on Friday and didn't get back til Monday, but he needed to pass the information on to someone and when he got a memo from the administrative assistant instead of a return phone call, it was upsetting.

Council President Patterson stated that every now and then things happen, and he hoped it had been therapeutic tonight, because we are not going to revisit this area again. Thanked Ms. Horn and Mr. Miller for their honesty.

Mayor York indicated that both the Talladega High School Boys and Girls Basketball team are in the regional finals on Wednesday at Jacksonville State. Council President Patterson requested that the police and fire department escort the teams out of town with some fanfare.

Council President Patterson thanked the Library Director and library staff for hosting the meeting tonight. Councilman Davis commented on facilities available for community meetings and encouraged citizens to make use of the facilities.

Council President Patterson asked Councilman Tucker for an update on Alagasco and Pastor Curry's church. Councilman Tucker called the marketing department of Alagasco and indicated that the area was to be developed around the bypass. Alagasco was to set up a meeting with the church administration.

Motion by Councilman Davis for adjournment.

Minutes Recorded by: \_\_\_\_\_  
Elizabeth Cheeks

**AUTHENTICATION**

I, Sue A. Horn, 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, 18 February 2008, at 5:30 p.m. at the Armstrong/ Osborne Public Library in the City of Talladega, Alabama.

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Sue A. Horn  
City Clerk/ City Manager