

**CITY OF SPRINGVILLE
CITY COUNCIL**

The City Council of the City of Springville (the "Council") held its regularly scheduled meeting at 6:05 P.M. on August 17th, 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 then gave the invocation and led the Pledge of Allegiance.

Visitors

Mayor Isley stated the first item on the agenda was a presentation from City Librarian, Betty Wisner. Ms. Wisner was not present so Mayor Isley stated the library had received a grant, but Mrs. Wisner would address the Council at a later date.

Mayor Isley introduced visitor Kathy Hathaway of Heritage Hills Subdivision. Mrs. Hathaway voiced concerns about excessive speeding in her neighborhood. She asked the Council to consider installing speed breakers. Mayor Isley asked if there was proper signage in place such as "Slow Children Playing". Mrs. Hathaway stated that she did not think so. Mayor Isley stated that he will request more police enforcement. Wayne Tucker advised that speed breakers should be a last resort because they can cause accidents. He further stated that he is not in opposition to speed breakers, but would like to see other means of control first. Mayor Isley suggested that if the police enforcement did not help, then Mrs. Hathaway may consider getting a petition signed by neighbors requesting speed breakers and present it to the Council for consideration. City Attorney, James Hill, asked if Heritage Drive was in the city limits. Brian Skinner stated that he thought it was. Herbert Toles asked what time of day the speeding seemed to be the worst so the police would know when to patrol the area. Mrs. Hathaway answered that it seemed to be between 3:15 and 6:00 PM. Wayne Tucker made a motion to place the proper signage as to be determined by the Director of Public Works, Earl Peoples and Police Chief Greg Charles. Herbert Toles seconds the motion. Motion carried unanimously.

Mayor Isley then introduced visitor Robert Allen who lives at 650 Washington Valley Road. He stated that Mr. Allen was seeking to de-annex part of a parcel that was allegedly incorrectly annexed in its entirety several years ago. Mr. Allen stated that the City approached him concerning annexing into the City in 1998. He decided to survey off his house and driveway which ended up being approximately 4 plus acres. When he presented this for annexation, the deed for the entire parcel was incorrectly used by the city. Mr. Allen advised he would like to keep the portion of land, with his house and driveway on it, inside the city and de-annex the remaining land, which is approximately 19 plus acres. He also feels the city should pay for the incurred legal expense to resolve the error.

Mr. Allen also advised he has spoken with State Representative, Jim McClendon concerning taking his request back through Legislation. Wayne Tucker stated that he remembered when a City employee did approach property owners about annexing property and Mr. Allen's story seemed likely. John Coyne asked if they needed to wait on legislation action, before the Council takes action. James Hill, City Attorney stated that Mr. McClendon would need the Council's decision in order to proceed. Mayor Isley added that the city's yearly ad valorem tax on the property is only about \$265. He also advised that the legal cost could be about \$ 1, 000 or more. Brian Skinner advised he knew Mr. Allen personally and believes his story. Skinner also suggested the city look at paying half of the legal cost. City Attorney James Hill asked that he be given a chance to research the legal ramifications of providing the legal fees. Hugh Marlin made a motion in favor of de-annexing approximately 19 plus acres and paying the legal expense, with the stipulation of approval of legal expense by our city attorney. Mayor Isley stated that he would like to explore the legal expense on a de-annexation on Highway 174, owned by Gene Farmer.

Next, Mayor Isley introduced City employee, Lauri Jones as Court Clerk. Mrs. Jones provided the Council with a package requesting to buy new hardware and software to comply with the State requirements for e-tickets in the future. This expense will be \$10,648.68. David Jones made a motion to approve the expenditure, seconded by Wayne Tucker. Motion carried unanimously.

Change Council Meeting from September 7th to September 8th

Mayor Isley stated the next order of business was the proposal to move the regularly scheduled Council meeting from September 7th to September 8th, due to the Labor Day holiday. John Coyne made a motion to move the meeting as suggested, seconded by Herbert Toles. Motion carried unanimously.

Ordinance 2009-08 to require a Land Disturbance Permit

Mayor Isley turned the floor over to City Attorney James Hill to discuss the Land Disturbance Ordinance. James Hill advised this Ordinance comes as a recommendation by the Planning & Zoning Commission. He further explained this ordinance will require a property owner to obtain a land disturbance permit before disturbing any land that was less than an acre. He also added that there are several exceptions included in the Ordinance and that ADEM would have exclusive jurisdiction on disturbances over an acre in size. This ordinance essentially allows the city to monitor erosion control to prevent any future problems. John Coyne made a motion to suspend the rules and to consider adopting Ordinance 2009-18 at this meeting. David Jones seconds the motion. Mayor Isley called for voice votes: Skinner, yea; Jones, yea; Coyne, yea; Hennings, yea; Isley, yea; Marlin, yea; Toles, yea and Tucker voting yea. Motion carried.

John. Coyne made a motion to approve Ordinance 2009-18 as presented. Hugh Marlin seconds the motion. Motion carried unanimously.

**Resolution 2009-17; Advertise Study for Library Site Selection
Analysis and Design Work**

Mayor Isley stated that the next agenda item was the consideration of Resolution 2009-17 to advertise for a proposal to conduct a study for a site selection, analysis, and design work for a library facility. David Jones made a motion to suspend the rules and consider Resolution 2009-17 at this meeting. Second was made by Wayne Tucker. Mayor Isley called for voice votes: Skinner, yea; Jones, yea; Coyne, yea; Hennings, yea; Isley, yea; Marlin, yea; Toles, yea, Tucker voting yea. Motion carried. David Jones made a motion to approve Resolution 2009-17 as presented, seconded by Katrina Hennings. Hugh Marlin stated that the RFP is ready and based mainly on qualifications. City Attorney James Hill stated that he prepared the RFP and it is only about 15% financially base. [B1] Hugh Marlin said that he spoke with Mrs. Campbell about the grant and she informed him that the grant money can only be used for city owned property, so a study on the existing library would not be covered. Marlin stated that the estimated expense is not as much as the entire grant of \$50,000 and having the study done can help with future grant applications. Motion carried unanimously.

Financial Statement for July 2009

Mayor Isley stated that the next order of business was the consideration of the financial statement for July 2009. David Jones asked if all the Springfest expenditures were on this statement. City Clerk, Brenda Roberts, replied that she thought so, but that contributions posted in July and expenses will be paid in August. Herbert Toles asked what bank the capital improvement money market was in. City Clerk Brenda Roberts replied that it was in the RBC Bank. Mayor Isley stated that the City had certificates of deposits in more than one local institution, RBC and Metro. Wayne Tucker made a motion to approve the July 2009 financial statement as presented. David Jones seconds the motion. Motion carried unanimously.

Mayor Isley announced that he had been working on the budget for next year and hoped to have them done within the next two weeks. He invited the Council members to come by and meet with him to review the figures.

Approval of Minutes

Mayor Isley stated that there were sets of minutes from the Work Session of July 20, 2009, the Regular Meeting of July 20, 2009, the Regular Meeting of August 3, 2009, and the Special Called Meeting of August 5, 2009 that needed to be considered. Wayne Tucker stated that “avoid” should be corrected to “void” in the minutes of August 3, 2009. David Jones made a motion to approve contingent on Wayne Tucker’s correction being made, seconded by Herbert Toles. Motion carried by unanimous vote.

**Architectural Proposal on Building on Walker Drive
For the Police Department**

Mayor Isley stated the last item on the agenda was a proposal by Police Chief Greg Charles, on an architectural proposal concerning the old Reaves building on Walker Drive. A proposal had previously been provided to the Mayor and Council. Chief Charles stated that he would defer all questions to Kyle Franklin, the architect proposing to do the study. Kyle Franklin

stated that he had met with Chief Charles at the building and discussed the expected needs of the police department. Hugh Marlin asked why the proposal is broken down into two phases. Kyle Franklin stated that Chief Charles was unsure of the Council's desire and budget figures, so it was broken down into phases for financial reasons. Hugh Marlin asked if the City would receive credit for programming in the state building contract. Kyle Franklin stated that the contract could be altered accordingly. Mayor Isley clarified that he advised Chief Charles to break the proposal into phases for financial purposes. Herbert Toles asked if every worker on the hourly rate list in the proposal would be needed. Kyle Franklin stated that it probably would not be necessary. Brian Skinner asked how large the existing building is. Kyle Franklin replied that it was approximately 2,600 square feet. Mr. Skinner voiced concerns on the cost of the total job. Chief Charles stated that he had researched applicable grants, and most include 80/20 % contribution figures. Herbert Toles voiced a desire for the Council to meet at the building with the Chief to find out what his ideas were. Mayor Isley agreed that this could be done. Wayne Tucker stated that spending this \$12,000 will tell the City how much more money will need to be spent. Wayne Tucker made a motion to enter into an agreement for phase 1 for \$12,000. A double-second was made by John Coyne and Hugh Marlin. Motion carried unanimously.

Miscellaneous

Mayor Isley stated that the cameras at Big Springs Park are in the process of being installed. He also said that he and Mr. Peoples had purchased an aerator for the lake with a light in it.

Herbert Toles asked Earl Peoples the status of the piping job in the curve on Mountain Drive. Earl Peoples stated he had several projects going on, but he would try to get to it soon. Herbert Toles asked if they need to hire the job out. Earl Peoples replied he would like his department to do the job to make sure it gets done correctly and would try to get some caution tape up to try to keep vehicles from running off in the curve.

John Coyne asked if the floor could be opened to allow members of the audience speak. Mayor Isley stated that the first meetings of the month are for reports and citizen comments, unless on the agenda. Mayor Isley encouraged everyone to be placed on the agenda by the Wednesday prior to each meeting. Mayor Isley also stated that non-citizens can request to be put on the agenda and the Mayor and Council would decide on whether to allow them to speak.

Hugh Marlin motioned to adjourn at 7:30 PM. Motion was second by Wayne Tucker. Motion carried unanimously.

Attest:

Brenda Roberts, City Clerk

William Isley, Mayor

Jennifer Milner, Assistant City Clerk

Minutes transcribed by Brenda Roberts and Jennifer Milner and typed by Jennifer Milner.