

January 14, 2013

The City Council of the City of Valley, Alabama, met for its first meeting of the month on Monday, January 14, 2013, at 6:00 p.m., at Valley City Hall.

PRESENT AND PRESIDING: Mayor Leonard Riley

COUNCIL MEMBERS PRESENT: Paul Story, Jim Jones, Randall Maddux, Marquetta Madden, Lana Wiggins, Henry Cooper, and Jim Gilson

COUNCIL MEMBERS ABSENT: None

Mayor Riley called the Council meeting to order after which he called on Councilmember Jimmy Gilson to give the invocation and Councilmember Story to lead the Pledge of Allegiance.

Mayor Riley opened a Public Hearing on a proposed zoning change to the River Park District. Planning and Development Department Head Allen Hendrix stated that the proposed change would allow commercial businesses that promote outdoor recreation along the Chattahoochee River as long as the business would not endanger natural and scenic areas and would be compatible with the intent of the River Park District. He added that the Planning Commission recommended adopting the zoning change.

Mayor Riley asked for comments on the proposed change. There were none. He then closed the Public Hearing.

Mayor Riley asked for a motion to adopt the minutes in the Council's packets. Councilmember Gilson made the motion that was seconded by Councilmember Story.

VOTING YES: Story, Jones, Maddux, Madden, Wiggins, Cooper, and Gilson.

VOTING NO: None

Mayor Riley declared the motion passed and the minutes adopted.

OFFICER/DEPARTMENT HEAD REPORTS

Public Works Department Head Patrick Bolt said that Public Works would begin cutting 5-10 trees per month. He announced that citizens could begin to pick-up the surplus wood from the deconstruction of the warehouses at Langdale Mill on Tuesday, Jan 15 and the give-away would last 2 weeks. The wood could be

picked up from 8AM to 2PM at the mill and those interested should see Frank Montroy or himself.

Mayor Riley added that anyone who needed sand could get the sand from the dredging of the River View Boat Landing. If the sand was for personal use it would be free, but for commercial use there would be a fee. Mayor Riley asked Mr. Bolt how many trees would be removed and Mr. Bolt replied about 51.

Planning and Development Department Head Allen Hendrix had no further report.

Police Chief/Public Safety Director Tommy Weldon gave the Police Department, EMS Department, and Animal Control statistics for the month of December. He announced a meeting of the Langdale Neighborhood Watch on Thursday, January 17 at 6:30PM in City Hall. Chief Weldon thanked the mayor and council for allowing him to hire some police officers and for putting a second ambulance in service for the Valley EMS. He added that the Police Department was now back to full force and there were 4 officers on patrol at night and there would soon be 4 patrolling during the day.

COUNCIL MEMBER'S COMMUNICATIONS

Councilmember Story thanked Chief Weldon for the speedy response to the robbery incident at Taco Bell and thanked the Public Works Director Bolt for the tree cutting taking place in his district. He also stated that he had received many compliments on the job Patrick Bolt was doing as Head of the Public Works Department.

Councilmember Jones had no report.

Councilmember Maddux said that there would be a 2-3 month period of work going on in his district to replace a water main. He asked citizens in his district to be patient and drive carefully during the several weeks that will be required to complete the job.

Councilmember Madden thanked Chief Weldon and the EMS Department for their professionalism when responding to an emergency call involving her mother.

Councilmember Wiggins had no report.

Councilmember Cooper had no report.

Councilmember Gilson said that the litter situation had improved slightly and thanked the Public Works Department for their efforts at cleaning up along Fob

James Drive and Fairfax Bypass. He added that anyone driving along 61st Street in his district to be careful because it's narrow and there are a lot of cars parking on the street.

CITIZENS COMMUNICATIONS

There were no citizens' communications.

MAYOR'S COMMUNICATIONS

Mayor Riley asked Councilmember Maddux to hand out Certificates of Recognition to the "Dirty Birds" Valley Rams 11 & under football team. The team participated in the Battle at Rocky Top held in Knoxville, Tennessee. Coach 'Bam' Phillips said that the team represented the city well, they showed class and a positive attitude, which he said came from encouragement from their parents, teachers, and coaches.

Mayor Riley told the council members that he had given them a packet that contained a list of city employees as of December 17, 2012, a list of pending Valley court cases, a copy of the survey broken down into several different spreadsheets, a listing of all the property owned by the city, a fuel recap, an estimated cost of asphalt patching on a per-hour basis, a 12 month reading of all city owned water meters, a City of Valley power meters reading from December 2011, to November 2012, maps of tree removal and dilapidated housing removal, and the latest copy of the City of Valley mold and mildew remediation, and the tax-record of all the property owned by the city.

Mayor Riley stated that the maps were drawn by district and that there would be an overlay on the maps of tree removal, dilapidated houses, and paving of streets, which would allow the council members to see what was and wasn't being done in their district. He added that there were a lot of older trees in the city and the removal would start with the worst first. He told the council members to let Public Works Department Head Bolt know of any trees in their district that weren't on the map and needed to be looked at by the city's arborist for possible removal.

Mayor Riley said that a financial work session would be held January 24 at 6PM. He added that the city would have the last meeting with the engineers next week and would be getting ready to bid out the mold and mildew remediation.

ACCOUNT AUDITS

City Clerk/Treasurer Regina Glaze presented the treasurer's report.

Mayor Riley stated that the name of the 'Rainy Day Fund' had been changed to the 'Reserve Fund' and that the total of the Reserve Fund and the General Fund was around \$980,000. He said that the city's financial situation was improving,

but the mold and mildew remediation had not been bid. He then asked for a motion to adopt the treasurer's report as read

Councilmember Jones made the motion.

Councilmember Madden seconded the motion.

There was no discussion from council.

VOTING YES: Story, Jones, Maddux, Madden, Wiggins, Cooper, and Gilson.

VOTING NO: None

Mayor Riley declared the treasurer's report passed.

RESOLUTIONS

CONSENT AGENDA

There were no items in the Consent Agenda

Mayor Riley asked City Clerk Regina Glaze to read the items in the Regular Resolution agenda.

REGULAR AGENDA

1. Settlement Agreement with Nortech

13-01R

WHEREAS, The City of Valley maintained a claim against Nortech Incorporated a result of it rental of certain property from the City. The parties have now resolved this claim the terms of which are set forth in the attached agreement. Therefore, upon motion and second, it is hereby

RESOLVED that the settlement agreement executed by the City attorney on December 20, 2012 is hereby ratified and approved and the City attorney John Ben Jones is authorized to proceed and resolve the claim as set forth in the agreement.

Mayor Riley asked for a motion to adopt the resolution as read

Councilmember Jones made the motion.

Councilmember Cooper seconded the motion.

Mayor Riley asked for discussion. There was no discussion from council.

VOTING YES: Story, Jones, Maddux, Madden, Wiggins, Cooper, and Gilson.

VOTING NO: None

Mayor Riley declared the resolution adopted.

2. Settlement Agreement with Norman Milner **13-02R**

WHEREAS, The City of Valley maintained a claim against Norman Milner as a result of his unauthorized use and occupation of a property leased to Nortech Incorporated. The parties have now resolved this claim the terms of which are set forth in the attached agreement. Therefore, upon motion and second, it is hereby

RESOLVED that the settlement agreement executed by Mayor Leonard Riley on December 20, 2012 is hereby ratified and approved and the Mayor is authorized to commit the City to the terms thereof.

Mayor Riley asked for a motion to adopt the resolution as read

Councilmember Story made the motion.

Councilmember Gilson seconded the motion.

Mayor Riley asked for discussion. There was no discussion from council.

VOTING YES: Story, Jones, Maddux, Madden, Wiggins, Cooper, and Gilson.

VOTING NO: None

Mayor Riley declared the resolution adopted.

3. Financial Depository Addition **13-03R**

WHEREAS, previously, the Valley City Council adopted a comprehensive set of rules to be observed while conducting business for the City of Valley; and

WHEREAS, previously, financial depositories were set along with the comprehensive set of rules for the conduction of day to day operations in the City of Valley.

BE IT RESOLVED THAT, Auburn Bank located at 132 Fob James Drive; Valley, Alabama, 36854 became a depository for the City of Valley along with the other depositories previously named.

Mayor Riley asked for a motion to adopt the resolution as read

Councilmember Madden made the motion.

Councilmember Wiggins seconded the motion.

Mayor Riley asked for discussion.

Councilmember Jones asked what the city's other depositories were. Mayor Riley replied that they were Charter Bank and Capital City; he added that the city was adding a depository and not moving any money at this time.

VOTING YES: Story, Jones, Maddux, Madden, Wiggins, Cooper, and Gilson.

VOTING NO: None

Mayor Riley declared the resolution adopted.

4. Authority to Dispose of Surplus Property **13-04R**

WHEREAS, there exists the need to declare certain property items as surplus, and such action is legally required prior to disposal, transfer, or sales; and

WHEREAS, the City no longer has a need for the following described property for public or municipal purposes:

- Clarke Encore S33 Floor Machine, Serial Number: XB1280
- Sears Refrigerator, Serial Number: BA73705030

BE IT THEREFORE RESOLVED THAT, the Valley City Council does hereby declare the listed items as surplus, allowing them to be sold in accordance with existing municipal policy and state law.

FURTHER, authorizing Recreation Director, Laurie Blount, to dispose of the described property for a value comparable to the fair market value of the property. Upon payment of the consideration, the Recreation Director is authorized to execute and deliver the appropriate bill of sales or execute all other transfers to the purchaser in order to convey titles.

Mayor Riley asked for a motion to adopt the resolution as read

Councilmember Cooper made the motion.

Councilmember Story seconded the motion.

Mayor Riley asked for discussion. There was no discussion from council.

VOTING YES: Story, Jones, Maddux, Madden, Wiggins, Cooper, and Gilson.

VOTING NO: None

Mayor Riley declared the resolution adopted.

5. Accept Tree Bids

13-05R

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF VALLEY, ALABAMA, AS FOLLOWS:

THAT, upon motion duly made and seconded the City Council hereby accepts Tree Bid #1 from Aikens Tree Service, Valley, Alabama, in the amount of Seventeen Thousand Seven Hundred Fifty Dollars (\$17,750.00) and also accepts Tree Bid #2 from Aikens Tree Service, Valley, Alabama, in the amount of Sixteen Thousand Four Hundred Dollars (\$16,400.00). The work is to be completed up to the date of October 31, 2013.

Mayor Riley asked for a motion to adopt the resolution as read

Councilmember Maddux made the motion.

Councilmember Cooper seconded the motion.

Mayor Riley asked for discussion. There was no discussion from council.

Mayor Riley stated that there were 2 bidders and that the city was bidding 50 trees in 2 separate bids. He added that by doing both bids at this time the city was able to get a better price.

Mayor Riley asked Public Works Supervisor Bolt how many trees were cut in the first round of cutting. Mr. Bolt replied seven. Mayor Riley said that would make 57 trees being cut. He added that Aikens Tree Service was the low bidder on both bids. Mayor Riley stated that the city would still have \$11,000 in the budget for trees that were not cut during these two bids, adding that the city had a lot of old trees.

VOTING YES: Story, Jones, Maddux, Madden, Wiggins, Cooper, and Gilson.

VOTING NO: None

Mayor Riley declared the resolution adopted.

6. Authority to Dispose of Surplus Property

13-06R

WHEREAS, there exists the need to declare certain property owned by the City of Valley as surplus, and such action is legally required prior to disposal, transfer or sales; and

WHEREAS, the City no longer has a need for the following described property for public or municipal purposes:

Vacant Lots

<u>Address</u>	<u>County Parcel Number</u>
• 2200 50 th Street	12-18-03-07-3-001-025.000
• 2211 50 th Street	12-18-03-07-3-001-032.000
• 1352 California Rd.	12-18-08-28-2-001-023.000
• Lot East Of Gibson St.	12-18-09-32-0-001-010.000
• 10A Lower Street	12-18-08-28-2-001-004.000
• 107 Gates Street	12-17-06-13-4-003-023.002
• 2107 58 th Street	12-18-04-18-2-001-003.000
• 500 Harmon Street	12-17-06-24-2-001-001.002
• 105 Walnut Street	12-18-04-19-3-001-024.000
• Truitt Street	12-18-04-09-3-001-047.000

Lot With Buildings

<u>Address</u>	<u>County Parcel Number</u>
• 128 G.I. Street	12-18-08-28-2-001-043.000
• 5001 23 rd Blvd.	12-18-03-07-3-001-033.000
• 5804 19 th Avenue	12-18-04-18-1-001-037.000
• Riverview Post Office	12-18-08-28-2-003-011.000

BE IT THEREFORE RESOLVED THAT, the Valley City Council does hereby declare the listed properties as surplus, allowing them to be sold in accordance with existing municipal policy and state law.

FURTHER, authorizing the Mayor or his designee to dispose of the above listed property for a value comparable to the fair market value of the property. Upon payment of this consideration the City Clerk is authorized to deliver a deed to the purchaser.

Mayor Riley asked for a motion to adopt the resolution as read.

City Attorney John Ben Jones stated that the selling of property had to be done through an ordinance. He added that the resolution should also be changed so that the Mayor was the one authorized.

Councilmember Jones made a motion to take the recommendations from the city attorney to make the resolution an ordinance.

Councilmember Madden seconded the motion.

VOTING YES: Story, Jones, Maddux, Madden, Wiggins, Cooper, and Gilson.

VOTING NO: None

Councilmember Jones then made a motion to adopt the new ordinance on its first reading.

Councilmember Maddux seconded the motion.

VOTING YES: Story, Jones, Maddux, Madden, Wiggins, Cooper, and Gilson.

VOTING NO: None

Mayor Riley declared the ordinance adopted.

City Attorney Jones stated that item 7 also concerned selling property and recommended pulling it and revisiting it as an ordinance at the next council meeting.

Mayor Riley then pulled item 7 from the agenda.

Mayor Riley asked Mr. Jones if item 8 would have the same problem as item 7. Mr. Jones said yes and Mayor Riley also pulled item 8 from the agenda.

7. Declare Surplus Property **13-07R**
Pulled from agenda

8. Authorizing Mayor to Provide Cemetery Lot for Indigent Burials **13-08R**
Pulled from agenda.

9. Award Contract to Demolish and Remove Structures **13-09R**
WHEREAS, the city received two quotes for the demolition and cleanup of five tracts of property containing dilapidated structures; and

WHEREAS, the quotes for the demolition and cleanup of the five tracts were from J-South for Thirty Thousand Five Hundred Fifty Dollars (\$30,550.00) and Mac Rudd Cement for Nineteen Thousand Four Hundred Dollars (\$19,400.00).

BE IT THEREFORE RESOLVED THAT, Mac Rudd Cement is awarded the project to remove the structures and clean the lots for a total amount of Nineteen Thousand Four Hundred Dollars (\$19,400.00).

Mayor Riley asked for a motion to adopt the resolution as read

Councilmember Madden made the motion.

Councilmember Story seconded the motion.

Mayor Riley asked for discussion. There was no discussion from council.

Mayor Riley stated that the bids came in higher than expected. He said that the city would look at the possibility of purchasing equipment that the city's Public Works Department could use to do the work. He added that he felt the city could move faster and save money doing the work itself.

VOTING YES: Story, Jones, Maddux, Madden, Wiggins, Cooper, and Gilson.

VOTING NO: None

Mayor Riley declared the resolution adopted.

10. Budget Amendment/Traffic Safety Grant 13-10R

WHEREAS, the Valley Police Department was previously awarded a Traffic Safety Grant through ADECA for seat belt enforcement; and

WHEREAS, the grant period has been completed and funds for the Traffic Safety Grant has been applied for and received; and

WHEREAS, said grant funds are provided to assist with traffic safety during certain holiday periods since traffic volume tremendously increases during this time and unfortunately the rates of traffic crashes, injuries and deaths usually increases during this same time.

BE IT THEREFORE RESOLVED THAT, the FY 2011/2012 Fiscal Year budget be increased to account for the Revenues and Expenses for the facilitation of this grant as follows:

556/01 Traffic Safety Grant ADECA		\$4,164.00
661/09 Salaries (Police Department)	\$4,164.00	
TOTALS	\$4,164.00	\$4,164.00

Mayor Riley asked for a motion to adopt the resolution as read

Councilmember Story made the motion.

Councilmember Maddux seconded the motion.

Mayor Riley asked for discussion. There was no discussion from council.

Mayor Riley said that the resolution was for grant funds that came in late and would amend last years budget to reflect this.

VOTING YES: Story, Jones, Maddux, Madden, Wiggins, Cooper, and Gilson.

VOTING NO: None

Mayor Riley declared the resolution adopted.

11. Accept Tennis Court Bids **13-11R**

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF VALLEY, ALABAMA, AS FOLLOWS:

THAT, upon motion duly made and seconded the City Council hereby accepts the bid from Lower Brothers Company, Inc., Birmingham, Alabama, to resurface six tennis courts in the amount of Twenty Four Thousand Four Hundred Dollars (\$24,400.00). Payments to be made as work progresses on the project.

Mayor Riley stated that he would like to table the resolution because of some problems he had noted in the bid and asked for a motion to do so.

Councilmember Maddux made the motion.

Mayor Riley stated there were 3 bidders on the tennis courts project. He said that he did not think that the low bid was the one the city should accept because of the number of coats included in the bid and in the specifications. He added that the needed to get clarifications from Pro-Camp Construction and Lower Brothers because he wanted it to be done correctly and that was his reason for tabling. Mayor Riley said that the issue would be brought back at the next council meeting.

Mayor Riley asked for a vote on tabling 13-11R.

VOTING YES: Story, Jones, Maddux, Madden, Wiggins, Cooper, and Gilson.

VOTING NO: None

Mayor Riley declared the resolution tabled.

City Attorney John Ben Jones read the following ordinance.

ORDINANCES

1. Amend Section of the River Park District (1st Reading) **13-01**

BE IT ORDAINED by the City Council of Valley, Alabama as follows:

ORDINANCE 99-07, as may have been previously amended, is hereby further amended to add to Section 21.4, Special Exception Uses in the River Park Zoning District the following use:

Commercial Businesses that promote outdoor recreation along the Chattahoochee River that would not endanger natural and scenic areas and will be compatible to the intent of the River Park District.

In all other respects, Ordinance 99-07 as may have been previously amended shall remain the same.

Councilmember Jones asked if there was a 'sense of urgency' for this zoning change. Mayor Riley replied no. Councilmember Jones said he recommended having a second reading of the ordinance.

ANNOUNCEMENTS

Mayor Riley announced that Valley offices would be closed on Monday, January 21, in observance of Robert E. Lee and Martin Luther King Day.

Councilmember Jones made a motion to adjourn.

Councilmember Maddux seconded.

Mayor Riley adjourned the council meeting at 6:45PM on this the 14th day of January.

Leonard Riley, Mayor

ATTEST:

Regina Glaze, City Clerk