

April 15, 2013

The Mayor and Council of the City of Calera met on April 15, 2013 at 6:30 p.m. at Calera City Hall with the following present:

Mayor: Jon G. Graham

Council Members: Ernest Montgomery, Alan Watts, David Bradshaw, Chris Bunn, Philip Busby, Bobby Joe Phillips

Department Heads: Roy Hadaway, Finance Director  
Sean Kendrick, Fire Chief  
Chris Pappas, City Engineer  
Matt Worthen, IT Services Manager  
Doug Smedley, Sewer Operations Director  
Seth Gandy, Parks and Recreation Director  
David Jones, Public Works Director

Guests: Mollie Brown, Harold Cole, Sandra Coley, Bill Davis and Jasper Levio

Joe Raines called the meeting to order and opened with a Word of Prayer and the Pledge of Allegiance.

Council Member Bradshaw made a motion to approve and dispense with the reading of the following minutes:

Regular Meeting – April 1, 2013  
Work Session – April 1, 2013

Council Member Phillips seconded said motion which was carried unanimously.

#### **REPORTS OF DEPARTMENT HEADS:**

Roy Hadaway, Finance Director requested to add Ordinance 2013-08 to the agenda for consideration.

Sean Kendrick, Fire Chief requested approval to post and hire part time firefighter's positions.

Council Member Watts made a motion to approve the hiring of the part time firefighters. Council Member Bunn seconded said motion which was carried unanimously.

Sean Lemley, Police Chief stated he is still waiting on a return call from CSX.

#### **COUNCIL MEMBER REPORTS:**

Council Member Montgomery reminded everyone about the upcoming Strawberry Festival. Mr. Montgomery thanked Seth Gandy, Parks and Recreation Director for his hard work preparing for the festival. Mr. Montgomery requested Mr. Gandy give an overview of events for the upcoming Strawberry Festival.

Seth Gandy, Parks and Recreation Director advised the Strawberry Festival is scheduled

for Saturday, April 27, 2013 from 10:00 a.m. till 2:00 p.m. at Oliver Park. Mr. Gandy stated there will be new and returning vendors for the festival and lots of activities for kids and entertainment for everyone.

Council Member Bradshaw requested Chris Pappas, City Engineer place a detailed design of the Sports Complex Project on the city website and requested a progress report.

Council Member Bunn thanked Seth Gandy, Parks and Recreation Director and his staff for their work in making the Special Olympics such a success. The new sound system was a nice addition.

Council Member Busby questioned if the City could advertise the Strawberry Festival with the Shelby County Chamber? Mr. Busby reported that James Knowles has been named Coach of the Year and requested that we recognize Mr. Knowles at an upcoming meeting.

### **MAYOR REPORT:**

Mayor Graham stated On April 9th Senator Cam Ward, Council Member David Bradshaw, Fire Chief Sean Kendrick, City Engineer Chris Pappas and I met with Governor Robert Bentley and Highway Director John Cooper to discuss the widening of the bridge on US-31 over I-65 at Exit 231. I would like to take this time to communicate to everyone that we had a very productive meeting with Governor Bentley and Director Cooper. It is their recommendation that the City pursue funding the bridge project through the Alabama Transportation Rehabilitation and Improvement Program (ATRIP). This project will replace the existing two lane bridge with a seven lane bridge that will relieve the chronic traffic congestion and provide safe and quick passage for Calera's first responders as well as the rest of our traveling public. In order to be considered for funding I have instructed Chris Pappas to move forward with the City's ATRIP application which is due by May 31, 2013. The City of Calera is committed to pursue the fulfillment of this project with absolute vigor and I will keep you all abreast as the project progresses.

Chris Pappas, City Engineer explained what is involved in submitting the ATRIP application and requesting ADLOT to fund the project. Mr. Pappas and the administration think this is the quickest route to get the project started.

The administration has requested the fire department and police department submit letters on behalf of the project.

### **OLD BUSINESS:**

No Old Business

### **NEW BUSINESS:**

Mayor Graham introduced the following Resolution:

**RESOLUTION NO. R-2013-03**

**A RESOLUTION ACCEPTING A BID FOR PEST CONTROL SERVICE FOR THE CITY OF CALERA, ALABAMA.**

**WHEREAS**, the City of Calera has solicited sealed bids as required under the Alabama bid law; and

**WHEREAS**, bids were opened at Calera City Hall on April 1, 2013 at 6:30 p.m.; and

**WHEREAS**, bids were as follows:

| Company                | Monthly Charge | Total Charge |
|------------------------|----------------|--------------|
| Cook's Pest Control    | \$375.00       | \$4,500.00   |
| Connell's Pest Control | \$470.45       | \$5,820.00   |
| Mr. Bugg's             | \$690.00       | \$8,280.00   |

**WHEREAS**, the Mayor and Council of the City of Calera, at the Regular Meeting on April 15, 2013, considers the recommendation of the Building Official, Mr. Mike Wood. The Mayor and Council will award the bid for the Pest Control Service in the amount of \$4,500.00 to Cook's Pest Control.

(Copy of Building Official's recommendation letter attached to this Resolution)  
(Bid Tabulation attached to this Resolution)

Council Member Montgomery moved that Resolution No. R-2013-03 be adopted.

Council Member Busby seconded said motion and upon vote, the results were as follows:

AYES: Montgomery, Watts, Bradshaw, Graham, Bunn, Busby, Phillips

NAYS: None

Mayor Graham declared Resolution No. R-2013-03 adopted.

Adopted this 15<sup>th</sup> day of April, 2013.

\_\_\_\_\_  
Jon G. Graham, Mayor

ATTEST:

\_\_\_\_\_  
Vickie Lewis, Assistant City Clerk

Mayor Graham introduced the following Ordinance:

## **ORDINANCE NO. 2013-08**

BE IT ORDAINED by the Mayor and the City Council (the "Council") of the City of Calera, Alabama (the "City") as follows:

WHEREAS, the Council did heretofore on, to-wit, January 31, 2008, adopt Ordinance No. 2008-01 (capitalized terms used herein without being defined shall have the meanings given them in Ordinance 2008-01), and

WHEREAS, pursuant to Ordinance 2008-01, the City has heretofore issued its \$8,750,000 General Obligation Warrant (772 Street Improvement Project), Series 2009 AMF-A, dated August 31, 2009 (the "Warrant"), and

WHEREAS, proceeds of the Warrant were deposited in the Project Account (the "Project Account") with respect to the Warrant that was established within the Project Fund under the Trust Indenture by the AMFund Trustee, The Bank of New York Mellon Trust Company, National Association, for the benefit of the City, and

WHEREAS, to date, amounts on deposit in the Project Account have been used to pay acquisition and construction costs of the capital improvements specified in Section 2(a) of Ordinance 2008-01, and

WHEREAS, there is an unspent amount (approximately \$1,600,000) remaining on deposit in the Project Account (the "Project Account Unspent Amount"), and

WHEREAS, the Council finds that the use of the Project Account Unspent Amount for purposes other than the capital improvements specified in Section 2(a) of Ordinance 2008-01 will be in the best interests of the City:

NOW, THEREFORE, BE IT FURTHER ORDAINED BY THE MAYOR AND THE CITY COUNCIL (THE "COUNCIL") OF THE CITY OF CALERA, ALABAMA (THE "CITY"), as follows:

1. That in accordance with the provisions of Section 14 of Ordinance No. 2008-01, the Council hereby directs that the Project Account Unspent Amount be applied for the purpose of paying costs of acquiring or constructing the following capital improvements and capital items: Fire Station 3 building interior completion; City Hall renovation (Roof, etc.); Fire Truck for Station 3; Park equipment; Vehicles (6); and Garbage Vehicle (collectively, the "Alternative Uses").

2. That the use of the Project Account Unspent Amount for the Alternative Uses will be in the best interests of the City.

3. That the opinion of bond counsel, Benjamin B. Spratling III, in the form submitted to the Council at the meeting at which this ordinance is adopted (a copy of which shall be preserved in the permanent records of the City pertaining to the said meeting), to the effect that the use of the Project Account Unspent Amount for the Alternative Uses is authorized by law and will not result in the interest income on the Warrant becoming subject to federal income taxation, shall be delivered as provided in

Section 14 of Ordinance No. 2008-01.

4. That the City warrants that the interest on the Warrant is and will continue to be excludable from the gross income of the recipients thereof under federal income tax law in effect as of the date of issuance of the Warrant. The City covenants that it will not take any action, or fail to take any action, if any such action or failure to take action would adversely affect the exclusion from gross income of the interest on the Warrant under Section 103 of the Internal Revenue Code of 1986 (the "Code"). The City will not directly or indirectly use or permit the use of any proceeds of the Warrant or any other funds of the City or take or omit to take any action that would cause the Warrant to be an "arbitrage bond" within the meaning of Section 148(a) of the Code. To that end, the City will comply with all requirements of Section 148 of the Code to the extent applicable to the Warrant. Without limiting the generality of the foregoing, the City covenants that there shall be paid from time to time all amounts required to be rebated to the United States pursuant to Section 148(f) of the Code and any temporary, proposed or final Treasury Regulations as may be applicable to the Warrant from time to time. This covenant shall survive payment in full or defeasance of the Warrant.

5. That the Mayor of the City, the City Clerk, the City Treasurer and all other officers of the City and of the Council are hereby authorized and directed to execute, deliver, seal and attest such other agreements, undertakings, documents and certificates and to take such other actions on behalf of the City as may be necessary to cause the use of the Project Account Unspent Amount for the Alternative Uses and to carry out fully the transactions contemplated by this ordinance.

Council Member Bradshaw moved that unanimous consent of the Council is given for the immediate action upon said Ordinance. Council Member Busby seconded said motion and upon vote the results were:

AYES: Montgomery, Watts, Bradshaw, Graham, Bunn, Busby, Phillips

NAYS: None

The Mayor declared said motion carried and unanimous consent given.

Council Member Watts moved that Ordinance No. 2013-08 be adopted. Council Member Bradshaw seconded said motion and upon vote the results were as follows:

AYES: Montgomery, Watts, Bradshaw, Graham, Bunn, Busby, Phillips

NAYS: None

Adopted this 15<sup>th</sup> day of April, 2013.

Mayor Graham declared Ordinance No. 2013-08 adopted.

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Jon G. Graham, Mayor

Attest:

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Vickie Lewis, Assistant City Clerk

Council Member Phillips made a motion to adjourn the meeting at 7:00 p.m.

Approved this 6<sup>th</sup> day of May, 2013.

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Jon G. Graham, Mayor

ATTEST:

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Vickie Lewis, Assistant City Clerk