

STATE OF ALABAMA

CITY OF RED BAY

FRANKLIN COUNTY

MINUTES OF A REGULAR MEETING OF THE CITY COUNCIL  
JANUARY 17, 2005

The City Council of Red Bay met in a regular meeting January 17, 2005 at 7:00 p.m.

Present and presiding was Mayor Tommy G. Nelson and Council Members present were Bobby Nelson, Rayford Seahorn, Pat Hammock, Ann Wilkins, and Jeff Reid.

Linda B. Holcomb, City Clerk, was present and recording.

Bobby Nelson led the Invocation.

Ann Wilkins led the Allegiance to the Flag.

Others present were Police Chief Pat Creel and Fire Chief Bud Strickland.

A motion was made by Rayford Seahorn and seconded by Bobby Nelson to:

1. Adopt a Step Pay Plan for Red Bay Police Officers
2. Allow roll over of sick days for up to three months
3. Allow officers to receive equivalent compensation for vacation days earned at the end of each year. If two weeks vacation has been earned, the employee must take one week off, but can receive equivalent compensation pay for one week. If three weeks have been earned, one week must be taken off and two weeks of equivalent compensation paid to the employee.

Unanimously passed.

A motion was made by Jeff Reid and seconded by Pat Hammock for the City to pay 30% of all employees' family health insurance coverage. Unanimously passed.

Fire Chief Bud Strickland proposed to hire Dewayne McCarley and Anthony Pugh as Firemen. Jeff Reid made a motion to do so, seconded by Bobby Nelson. Unanimously passed.

Bids were opened for a police car and a bread truck to be sold as scrap iron. Jeff Reid made a motion to accept the high bid made by Ronnie Pruitt of \$80.00. Seconded by Bobby Nelson. Unanimously passed.

Rayford Seahorn made a motion to give the owners of the burned building on 4<sup>th</sup> Ave. S.E., 60 days to clean up the property or have the City clean up the property. If the City does the work then a lien will be placed against the property until the cost is paid. Bobby Nelson seconded the motion. Unanimously passed.

Pat Hammock made a motion to take down the 20 minute parking signs on 4<sup>th</sup> Ave. Ann Wilkins seconded the motion. Unanimously passed.

Rayford Seahorn made a motion to adopt **RESOLUTION FOR CITY OF RED BAY CDBG PROJECT LR-CM-PF-02-008 #05-01-17**, Bobby Nelson seconded the motion. Voting for were Bobby Nelson, Rayford Seahorn, and Jeff Reid. Pat Hammock and Ann Wilkins abstained. Motion carried.

Plans were presented for the proposed new Emergency Building. Cost \$685,000.00

Community Spirit Bank requested two dates for roadblocks to be held in support of the Relay for Life Cancer Society. March 26, 2005 and April 23, 2005. Bobby Nelson made a motion to grant the request and Rayford Seahorn seconded the motion. Unanimously passed.

A letter from Glenn Law Office, Hamilton, AL was presented to the council. The letter claimed damages of the City of Red Bay in the amount of \$250,000.00, by a Red Bay Police Officer. The Officer in question is not presently employed with the city.

Approval for official sewer certification training for Donnie Swindle was tabled until a later meeting.

Bobby Nelson made a motion not to commit funds to Nichols Marketing Concepts for the purpose of erecting a monument in Russellville honoring the 115<sup>th</sup> Signal Battalion. Pat Hammock seconded the motion. Unanimously passed.

Jeff Reid made a motion to contract the services of Sales Tax Auditing and Collection Services, Muscle Shoals, AL to administer the collecting of sales tax for the City of Red Bay. Ann Wilkins seconded the motion. Unanimously passed.

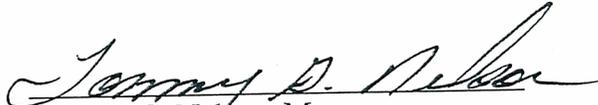
The Mayor and Council discussed at length a city employee being attacked by a vicious dog, after the owner had been warned. Councilman Bobby Nelson made a motion to amend Dog Ordinance 95-11-27 with Ordinance 05-01-17. Amending Section 5 to allow law enforcement to use deadly force. Rayford Seahorn seconded the motion. Unanimously passed.

Jeff Reid made a motion to purchase a vehicle for the Park and Recreation Department to replace the presently worn out vehicle. Rayford Seahorn seconded the motion. Voting for were Bobby Nelson, Rayford Seahorn, Pat Hammock, and Jeff Reid. Ann Wilkins abstained. Motion carried.

Bobby Nelson made a motion to approve and pay the bills, seconded by Jeff Reid. Unanimously passed.

Pat Hammock made a motion to approve the previous minutes with the following changes – to add the approval to pay bills and that no action was taken on the Sewer Superintendent position. Bobby Nelson seconded the motion. Unanimously passed.

Bobby Nelson made a motion to adjourn, seconded by Ann Wilkins. Unanimously passed.

  
Tommy G. Nelson, Mayor

  
Linda B. Holcomb, City Clerk

ORDINANCE NUMBER 05-01-17

AN ORDINANCE AMENDING THE ANIMAL CONTROL ORDINANCE FOR THE CITY OF RED BAY, ALABAMA, PREVIOUSLY ADOPTED BY ORDINANCE 95-11-27 AND AMENDED BY ORDINANCE 97-09-15.

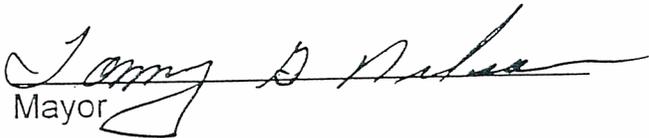
BE IT HEREBY ORDAINED BY THE COUNCIL OF THE CITY OF RED BAY, ALABAMA, as follows:

That Section 5 of Ordinance 95-11-27 and amended by Ordinance 97-09-15 of the City of Red Bay is hereby amended by adding the following:

.. (C). Law enforcement is hereby authorized to use deadly force, if necessary, to restrain a vicious animal that poses an immediate threat to city personnel attempting to discharge the duties of their employment or to the public at large.

ADOPTED AND APPROVED the 17 day of January, 2005.

COUNCIL OF THE CITY OF  
RED BAY, ALABAMA

  
Mayor

  
Council Member - Place No. 1

Rayford Lehou  
Council Member - Place No. 2

Dee Hammack  
Council Member - Place No. 3

Ann Wilkin  
Council Member - Place No. 4

W. Reid  
Council Member - Place No. 5

CERTIFIED AND ATTESTED A TRUE COPY:

Gunda B. Holcomb  
City Clerk

ORDINANCE NO. 05-01-17A

**AN ORDINANCE ESTABLISHING THE TAX COLLECTION AGENT FOR RED BAY, ALABAMA**

**BE IT RESOLVED** by the Red Bay City Council, that the city Sales Tax levied by the Red Bay City Council shall be collected by Sales Tax Auditing & Collection Services (Agent), and the Mayor of the City of Red Bay is hereby authorized to contract with Agent for the collection services so agreed.

**EFFECTIVE DATE:** The effective date of this Resolution shall be January 17, 2005

APPROVED THIS 25 DAY OF January, 2005

  
City Clerk

STATE OF ALABAMA )

CITY OF RED BAY )

## TAX SERVICE CONTRACT

This Agreement made and entered into on this the 25 day of JAN 2005 by and between the City of Red Bay, Alabama, hereinafter referred to as CITY and Sales Tax Auditing & Collection Services, hereinafter referred to as STACS.

### WITNESSETH

WHEREAS, CITY is desirous of contracting with an entity for the purpose of handling the collection of its sales, use, and other taxes; and performing revenue examination services (auditing) and;

WHEREAS, STACS has offered its services as an independent contractor for the purpose of performing these services; and,

WHEREAS, the parties hereto are desirous of memorializing their agreement concerning the services to be provided by STACS and the consideration to be paid by CITY for said services.

NOW, THEREFORE, for and in consideration of the mutual promises and covenants herein made and of the acts to be performed by the parties hereto, it is mutually agreed and each covenants and agrees as follows:

- 1) CITY will provide to STACS an updated copy of all ordinances, resolutions and agreements related to sales, use, and other taxes.
- 2) STACS will perform the following tax collection services:
  - a) STACS will notify taxpayers and prepare and mail forms and other documentation necessary to collect, document taxpayer payments and remit tax revenues to CITY.
  - b) Upon receipt of taxpayer remittance forms and tax payments, STACS will verify the accuracy of the taxpayers' tax calculations and record the amounts submitted for payment.
  - c) STACS will deposit tax monies in CITY'S bank account(s) generally on the same day of receipt but always within twenty-four (24) hours of receipt by STACS.
  - d) STACS will mail notices to taxpayers relating to delinquencies, under and over payments, and bad checks.
  - e) Each month STACS will provide CITY detailed and summary reports of tax collection activities.
- 3) STACS will perform the following revenue examination (auditing) services for CITY:
  - a) Identify candidates for audit and provide information for CITY to use to determine if an audit is appropriate. STACS will not initiate a local audit without prior approval by CITY.
  - b) When conducting audits initiated by other STACS clients, STACS will include CITY on the required list of entities for which the examination is being conducted. (as required by the Alabama Taxpayers' Bill of Rights)
  - c) Perform examinations of taxpayer records in accordance with the "Minimum Standard Examination Program" established by the Alabama Local Tax Institute of Standard and Training.
  - d) Present to CITY a monthly "Audit Findings Report" if applicable.

- e) Assist in the preparation of any legal documents that may be required to collect any amounts due from the taxpayer. (Note also that examiners are required by law to notify the taxpayer if any tax overpayments are discovered and the taxpayer is due any refunds.)
- 4) CITY will pay the following:
- a) For sales and use tax collection services, the sum of FIVE HUNDRED AND 00/100 (\$500.00) DOLLARS per month. STACS will bill CITY for services rendered pursuant to the consideration referred to in this paragraph on or before the tenth (10th) day of the month following the tax month for which tax payment is due and CITY shall pay STACS by the thirtieth (30th) day of the month in which STACS bills CITY.
  - b) For revenue examination (auditing) services, the sum of FORTY-FIVE and 00/100 (\$45.00) per hour. If overnight travel outside the State of Alabama is required, STACS will obtain prior written approval from CITY and STACS will be paid an agreed upon travel expense and daily per-diem amount. It is understood that each STACS client will only pay a prorated portion of audit fees when STACS is conducting audits for multiple clients at one time. Both parties, to this agreement, understand that State of Alabama legislation specifically prohibits any form of auditing on a contingency fee basis and further agree that STACS compensation is not, in any way, connected to the amounts discovered during audits nor connected to amounts finally received by CITY.
- 5) This Contract shall be for a term of one (1) years beginning April 1, 2005 and expiring March 30, 2006.
- 6) STACS shall not assign this Contract or any part thereof during the term of this Agreement, without the prior written approval of CITY.
- 7) CITY shall have the right to cancel this agreement, on sixty (60) days notice to STACS, for any reason.

IN WITNESS WHEREOF, this Agreement has been executed by the parties on this the 25 day of Jan 2005.

City of Red Bay

BY: Sammy Nelson

Title: MAYOR

ATTEST: Bunda B Holcomb

CITY CLERK

Sales Tax Auditing & Collection Services

BY: Donald H. Allen

Donald H. Allen

Title: OWNER

**RESOLUTION  
FOR CITY OF RED BAY  
CDBG PROJECT LR-CM-PF-02-008**

WHEREAS, the City of Red Bay wishes to provide adequate new public sewer service to residents in the 9<sup>th</sup> Street West and Dogwood Drive neighborhoods of Southwest Red Bay,

AND WHEREAS, overall poor condition of private sewer sources constitutes a risk to the health of area residents,

NOW, THEREFORE, BE IT RESOLVED that the City of Red Bay has concluded a public purpose will be served by the expenditure of local funds, labor and/or other resources necessary in the hook-up of households to the City of Red Bay Sewer System,

FURTHER BE IT RESOLVED, that this action is taken in compliance with a policy memorandum issued by John D. Harrison, Director of the Alabama Department of Economic Affairs dated February 27, 2003 regarding customer hook-up; a copy of which shall be attached to this resolution.

ADOPTED THIS THE 17 DAY OF Jan 2005

SEAL:

ATTEST: Dinda B. Helms James B. Pelt  
Mayor

OFFICE OF THE GOVERNOR

BOB RILEY  
GOVERNORALABAMA DEPARTMENT OF ECONOMIC  
AND COMMUNITY AFFAIRSJOHN D. HARRISON  
DIRECTOR

STATE OF ALABAMA

February 27, 2003

ALABAMA CDBG INTERGOVERNMENTAL  
POLICY LETTER NUMBER 18

REVISION 4

TO: Persons Interested in State CDBG Program

FROM: John D. Harrison  
Director

A handwritten signature in black ink, appearing to read "JDA", is written over the printed name of John D. Harrison.

POLICY ON NEW RESIDENTIAL WATER AND SEWER HOOKUPS  
(SERVICE CONNECTIONS) IN CDBG PROJECTS

This notice is issued to clarify and/or amend the provisions of Policy Letter No. 18, Revision. 3, dated February 12, 2002, regarding the State's Rehabilitation Policy on household connections. It is the State's policy to require a CDBG grantee, as a part of new public facilities construction, to hookup (connect) Low and Moderate Income persons' residential structures on to water distribution lines and/or local sewer collection lines. This activity must be done for all verified LMI persons in the approved project area in accordance with the locality's approved Policies on Household Connections. This policy may also establish a reasonable ceiling for hookups. CDBG grant funds may be used for the hookup of low and moderate income households. However, CDBG funds may not be used to hookup high income households.

The units to be connected will not have to meet Section 8 Minimum Housing Quality Standards in order to be eligible to receive this assistance. However, such connections are considered to be housing rehabilitation and must be so designated as a separate activity. In those instances where connections are to be made to sewer collection lines, either a licensed plumber or qualified plumbing inspector must certify that the drain, waste, and venting system for each unit is safe. For all hookups, the necessary legal Right-of-Entry permits, income certification, etc. should be secured prior to construction from the individual property owners.

If a homeowner refuses the hookup, a plumbing inspection, or necessary repairs/connections, that unit cannot be connected. Further, if the cost of hookup exceeds the established ceiling and the homeowner does not wish to contribute the additional funds, the locality is not required to provide the hookup. Whenever a household connection is refused, a written refusal of service will be required. If a signed statement cannot be obtained, a written explanation signed by the chief elected official should be placed in the program files.

Reconnections are not subject to this policy letter. Reconnections are considered a construction activity caused or necessitated by the project's design for existing water and/or sewer projects.

Attachments: Sample Owner Certification  
Sample Right of Entry Permit  
Sample Refusal of Service  
Sample Income Certification

Effective Date: Projects Funded in FY 2003 Program Year and Thereafter.

**COPY**

**PROPOSAL FOR STEP PAY PLAN**  
**RED BAY POLICE DEPARTMENT**

THE PLAN WILL TAKE EIGHT YEARS TO MATURE. ONCE IMPLEMENTED IT WILL CONSIST OF SIX-MONTH INTERVALS AT WHICH TIME OFFICER EVALUATIONS WILL TAKE PLACE. PROVIDED AN OFFICER HAS A SATISFACTORY EVALUATION HE/SHE WOULD RECEIVE A TWENTY-FIVE CENTS AN HOUR PAY INCREASE. AGAIN, THIS WOULD TAKE PLACE TWICE A YEAR. OVER THE EIGHT YEAR PERIOD IT WOULD MEAN AN INCREASE IN PAY OF FOUR DOLLARS AN HOUR. ANY COST OF LIVING ADJUSTMENTS WILL BE ABOVE AND BEYOND THE STEP PLAN.

THE ASSISTANT CHIEF AND LIEUTENANT WILL EVALUATE ALL OTHER OFFICERS AND DISPATCHER/ JAILORS. THE CHIEF WILL EVALUATE THE ASSISTANT AND LIEUTENANT. THE CHIEF OF POLICE WILL ALSO SIGN OFF ON ALL EVALUATIONS FOR APPROVAL OR DENIAL. IF ADOPTED THOSE OFFICERS WHO ARE EMPLOYED WITH THE RED BAY POLICE DEPARTMENT WILL REMAIN AT THE LEVEL OF

COPY

PAY THAT THEY ARE CURRENTLY RECEIVING. THE STEP PLAN WILL RESUME FROM CURRENT SALARY. AS AN EXAMPLE IF AN OFFICER CURRENTLY MAKES \$ 12.50 AN HOUR, THEN AFTER A SATISFACTORY EVALUATION HE/SHE WOULD RECEIVE \$ 12.75 AN HOUR AND SO FORTH.

COST ANALYSIS PER YEAR IS \$9360.00. THESE FIGURES ARE BASED ON 12 EMPLOYEES. THE FIRST SIX MONTHS WOULD BE 25 CENTS AN HOUR AFTER THE FIRST EVALUATION. 25 CENTS TIMES 12 = \$3.00. 3 TIMES 40 = 120. 120 TIMES 26 = \$3120.00. THE SECOND SIX MONTHS WOULD FACTOR AT 50 CENTS AN HOUR, THEREFORE THE COST FOR THE SECOND HALF OF THE YEAR IS \$6240.00. FACTORING IN THE CHIEF'S RAISE THAT WOULD BRING THE TOTAL FOR THE YEAR TO \$10224.18.

THE RECOMMENDED TOP-OUT PAY FOR ASST. CHIEF IS: \$20.00/HOUR

THE RECOMMENDED TOP-OUT PAY FOR LT. IS: \$19.00/HOUR

THE RECOMMENDED TOP-OUT PAY FOR SGT. IS: \$17.50/HOUR

THE RECOMMENDED TOP-OUT FOR PATROL IS: \$16.50/HOUR

THE RECOMMENDED TOP-OUT FOR DISPATCH IS \$15.50/HOUR

THE RECOMMENDED PAY INCREASE FOR THE CHIEF OF POLICE

IS BASED ON A 1% INCREASE OF GROSS SALARY TWICE A YEAR.