

The City Council of the City of Prichard, Alabama met in a Regular Session Council Meeting on Thursday August 20, 2009, at 5:30 p.m.

Meeting commenced at 5:30 p.m.

Roll Call: Councilman Bracy present
 Councilwoman Edwards present
 Councilman Ephriam present
 Councilwoman Martin-Harris present
 Councilman Towner present

Mayor Ronald K. Davis was present for the meeting
 Mayor's Staff were present for the meeting.
 City Attorney Frank Taylor was present for the meeting.
 Council Attorney Gregory Harris was present for the meeting.
 Darlene P. Lewis served as clerk for the meeting.

11. The concerns of Ms. Gwen Purifoy were presented to the Council.

* Overgrown Lots

Motion by Councilman Ephriam and seconded by Councilman Towner to forward the concerns of Ms. Gwen Purifoy to the Mayor's Office for review.

Councilman Bracy yea	Councilwoman Edwards yea
Councilman Ephriam yea	Councilwoman Martin-Harris yea
Councilman Towner yea	

Motion carried.

A request was made to take items from the Consent Agenda.

Motion by Councilwoman Edwards and seconded by Councilman Towner to take items from the Consent Agenda.

Councilman Bracy yea	Councilwoman Edwards yea
Councilman Ephriam yea	Councilwoman Martin-Harris yea
Councilman Towner yea	

Motion carried.

A request was made to approve items from the Consent Agenda.

Motion by Councilwoman Edwards and seconded by Councilman Towner to take items # 4, 5, 6, 7, 8, 10, and 12 from the Consent Agenda.

4. Correspondence from Finance Department regarding expenditures from Special Fund #128 Correction Fund. (To approve the expenditures in the amount of \$2,347.96 for Annual Conference for Court Magistrate).
5. Correspondence fro Finance Department regarding expenditure from Special Fund #123 Drug Enforcement Fund. (To approve the expenditure in the amount of \$2,049.87 to Air Comfort for work done on Police Department Air Condition and Public Safety Building).
6. Circuit Court of Mobile County: David Anders Et Al v. City of Prichard. (To forward to the Mayor's Office to be forward to the City Attorney and Council Attorney).
7. An Agreement between the City of Prichard and Goodwyn, Mills and Cawood Inc. (To table for one week).
8. A request made by the Prichard Organization Committee to use the auditorium on December 4, 2009, at 6:00 p.m. for Lighting of the Christmas Tree. (Approve).
10. Expenditure Report from the Prichard Organization Committee from the 2008 Christmas Parade to be made a Matter of Record. (Approve to make the report a Matter of Record).
12. A request made by Councilman Bracy to use the Council Chambers on September 15, 2009, at 6:30 p.m. for a Community Meeting. (Approve).

Councilman Bracy yea
 Councilman Ephriam yea
 Councilman Towner yea

Councilwoman Edwards yea
 Councilwoman Martin-Harris yea

Motion carried. Consent Agenda approve.

1. A resolution authorizing the partnership with the United Way of Southwest Alabama to host the 2009 BBQ Cook-Off to benefit the United Way of Southwest Alabama and the City of Prichard, Alabama; Approving the Memorandum of Understanding between said entities; and declaring a public purpose was presented to the Council.

Motion by Councilwoman Edwards and seconded by Councilman Towner to approve the resolution authorizing the partnership with the United Way of Southwest Alabama to host the 2009 BBQ Cook-Off to benefit the United Way of Southwest Alabama and the City of Prichard, Alabama; Approving the Memorandum of Understanding between said entities; and declaring a public purpose.

Councilman Bracy yea
 Councilman Ephriam yea
 Councilman Towner yea

Councilwoman Edwards yea
 Councilwoman Martin-Harris yea

Motion carried. Resolution # 1152-09 approve. (A Resolution Authorizing the Partnership with the United Way of Southwest Alabama to host the 2009 BBQ Cook-Off to Benefit the

United Way of Southwest Alabama and the City of Prichard, Alabama; Approving the Memorandum of Understanding between said entities; and Declaring a Public Purpose.)

Correspondence from Fire Chief Trenier to hold “Bucket Drops” to benefit the Muscular Dystrophy Association and for the City to open up a Special Checking Account at Regions Bank for the proceeds was presented to the Council.

Motion by Councilwoman Martin-Harris and Councilman Towner to approve the dates for the “Bucket Drop” and to approve the request to open a Special Checking Account for the proceeds.

Councilman Bracy yea
Councilman Ephriam yea
Councilman Towner yea

Councilwoman Edwards yea
Councilwoman Martin-Harris yea

Motion carried.

9. A Performance Contract for the Christmas Parade between the City of Prichard and the Prichard Organization Committee was presented to the Council.

Motion by Councilman Ephriam and seconded by Councilman Towner to approve the Performance Contract for the Christmas Parade between the City of Prichard and the Prichard Organization Committee.

Councilman Bracy yea
Councilman Ephriam yea
Councilman Towner yea

Councilwoman Edwards abstain
Councilwoman Martin-Harris yea

Motion carried. Councilwoman Edwards abstain because she is affiliated with the organization.

3. A request to award Bid #759: Truck Mounted Knuckle Boom Loader with Trash Body was presented to the Council.

Motion by Councilman Towner and seconded by Councilwoman Edwards to award Bid #759: Truck Mounted Knuckle Boom Loader with Trash Body to Truck Equipment Sales, LLC the lowest responsible bidder meeting all specifications in the amount of \$206,970.00 and to secure financing for the trucks.

Councilman Bracy yea
Councilman Ephriam yea
Councilman Towner yea

Councilwoman Edwards yea
Councilwoman Martin-Harris yea

Motion carried.

Councilman Ephriam: Please let the record reflect that I questioned the motion and inquired of the Mayor and City Attorney Frank Taylor about if there were available funds in the budget to purchase the trucks. It was stated that the funds were not available and that City was not required to pay until

next year. Councilman Ephriam asked if it were legal to approve the bid award with no funds available. The City Attorney responded that the Council could approve the bid award contingent upon financing being made available prior to purchasing the trucks.

13. Submittal of Purpose 2009-2010 FY General Fund Budget by the Mayor to the City Council to be made a Matter of Record was presented to the Council.

Motion by Councilman Towner and seconded by Councilwoman Edwards to approve the request to make the submittal of the purpose 2009-10 FY General Fund Budget a Matter of Record.

Councilman Bracy yea

Councilman Ephriam abstain

Councilman Towner yea

Councilwoman Edwards yea

Councilwoman Martin-Harris no

Motion carried.

*Councilwoman Martin-Harris: The Budget Message is dated August 19, 2009; I didn't receive it until today which is the 20th and have not had time to review the information.

*Councilman Ephriam: There is not a funding source for the pension in the budget and I don't see how the Council can accept the purpose budget if that is not included.

Councilman Ephriam thanked the Mayor for providing the budget to the Council in a timely manner but requested that the Council should not accept the budget if there are obligated expenditures omitted from the budget such as Line Item 866-51-6, Additional Pension Compensation. His reasons for this position was because the City has been served a pending litigation over the City's failure to appropriate funds to keep the pension fund solvent. The budget should show the City's intent to address the pension underfunding even if accepting the budget.

Councilman Ephriam gave his example that the City just tentatively approved the awarding of a bid to purchase trucks without a declared funding source. He added that the budget should at least show what the amounts would be in projected expenditures since we are aware of what the costs of the trucks are. He asked the Council and Mayor to show him where the proposed expenditures were for these items if we know we are obligated to appropriate them. Frank Taylor responded that the costs would be deferred to next year but Council Ephriam reasoned that next year is your fiscal year obligation so it should still be shown in the budget. After a response by the Mayor regarding the statute on presenting the budget before the Council albeit balanced, Councilman Ephriam said he has been around this process for a long time and that he clearly understands the budget presentation process and again questioned if in fact the budget can be considered balanced. He stated that it may be balanced on paper but in actuality it was not because there are expenditures omitted and we realize they should be included. Councilman Ephriam again asked the Council to forward the budget back to the Mayor for a resubmission with these things addressed in the budget. After further comments in favor of accepting the budget. He resolved to allow the council to vote as it pleased.

A request was made to approve the minutes of the meeting held on August 13, 2009 was presented to the Council.

Motion by Councilwoman Edwards and seconded by Councilman Towner to approve the minutes of the meeting held on August 13, 2009, with the necessary corrections.

COMMITTEE REPORT: Finance Committee meeting to be held on August 24, 2009; Councilman Bracy requested that a Public Safety Committee Meeting be schedule soon.

Mayor's Report: Sent out a memo from my Office that I would be available to meet with individual Council Members to continue to work on the Budget.

City Attorney Frank Taylor stated that the Mayor has requested of the Council to go into Executive Session to discuss pending litigation and litigation likely to be litigated. The request is for 15 minutes.

Motion by Councilwoman Martin-Harris and seconded by Councilman Towner to approve the Executive Session.

Councilman Bracy yea
Councilman Ephriam yea
Councilman Towner yea

Councilwoman Edwards yea
Councilwoman Martin-Harris yea

Motion carried. Council exit at 6:15 p.m.

Meetings reconvene at 6:25 p.m.

A request was made to adjourn the meeting.

Motion by Councilwoman Martin-Harris and seconded by Councilman Towner to adjourn the meeting.

Councilman Bracy yea
Councilman Ephriam yea
Councilman Towner yea

Councilwoman Edwards yea
Councilwoman Martin-Harris yea

Motion carried. Meeting adjourn at 6:26 p.m.

Council President

August 20, 2009

City Clerk

Date Approved

August 20, 2009