

**Minutes of the proceedings of the City Council of the City of Graysville,
Alabama of the regular meeting held on February 2, 2023.**

Councilmember Randy Teeter gave the invocation.

The regular meeting of the City Council of the City of Graysville was called to order at 6:00 p.m. in the Council Chambers of City Hall in the City of Graysville, Alabama by Mayor James C. Davis.

Upon roll call those present:

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|----------------------------|----------------------|
| <i>Clark "Julio" Davis</i> | <i>Mayor</i> |
| <i>Faye Busby</i> | <i>Councilmember</i> |
| <i>Raleigh Fuller</i> | <i>Councilmember</i> |
| <i>Dorothy Hawthorne</i> | <i>Councilmember</i> |
| <i>Louella Kelley</i> | <i>Councilmember</i> |
| <i>Karen Lauderdale</i> | <i>Councilmember</i> |
| <i>Randy Teeter</i> | <i>Councilmember</i> |

Also, present was Attorney Charlie Waldrep by via telephone; Comptroller Tommy Greene; several local citizens; several city employees and City Clerk Kathy Dumas.

Councilmember Lauderdale moved to approve minutes of January 19, 2023 as presented. Motion seconded by Councilmember Fuller and carried.

Invoices were presented for payment as follows:

| CITY: | | Thursday, February 2, 2023 |
|----------------------------|-------------|-----------------------------------|
| GRAYSVILLE FIRE DEPARTMENT | \$102.50 | FIREHOUSE FUND |
| UNITED WAY | \$10.00 | EMP DEDUCTION |
| ALCSPC | \$540.00 | EMP DEDUCTION |
| JACQUELINE ANDERSON SMITH | \$847.67 | EMP DEDUCTION |
| ALCSPC | \$534.46 | EMP DEDUCTION |
| SUSAN ODOM, CIRCUIT CLERK | \$455.06 | EMP DEDUCTION |
| WARRIOR TRACTOR | \$2,014.00 | REIMB SALES TAX PER AGREEMENT |
| TRUCKWORX | \$2,960.14 | REIMB SALES TAX PER AGREEMENT |
| LEE BARNES | \$1,000.00 | JUDGE SALARY |
| CHARLIE WALDREP | \$1,000.00 | PROSECUTOR SALARY |
| GRAYSVILLE WATER BOARD | \$1,082.25 | FIRE PLUG RENTAL |
| BEST INSURANCE | \$24,869.40 | WORKERS COMP 23-24 |
| CINTAS | \$750.89 | EMP UNIFORMS |
| AT&T | \$1,900.31 | FAX MACHINE |
| TEAMLOGIC IT | \$259.93 | OFFICE TELEPHONES |
| CONCORD TRAVEL CENTER | \$2,411.36 | GAS & OIL |
| CARD SERVICES | \$2,413.73 | ADM/FIRE/COM CTR SUPPLIES |
| LOWE'S | \$511.41 | STREET/P&R SUPPLIES |
| BACK IN-LINE CHIROPRACTIC | \$235.00 | DRUG TESTING |
| STRYKER | \$105.48 | LEASED AEDS |
| COLONIAL LIFE | \$310.25 | EMP ACCIDENT INS |
| LOCAL GOVERNMENT | \$19,438.00 | EMP HOSPITAL/VISION/DENTAL INS |
| AMERIACN UNITED LIFE | \$322.45 | EMP L&H INS |
| LIBERTY NATIONAL | \$105.66 | EMP ACC LIFE INS |
| ALABAMA POWER | \$10,218.34 | UTILITIES |
| GRAYSVILLE GAS & WATER | \$2,538.34 | UTILITIES |
| CAPITAL ONE/WALMART | \$441.34 | ADM/FIRE/SENIOR CTR SUPP |
| AL ASSOC OF MUN CLERKS ADM | \$50.00 | 2023 MEMBERSHIP DUES |
| JEFFERSON CO MAYOR ASSOC | \$390.00 | 2023 MEMBERSHIP DUES |
| J.T. SMALLWOOD, TAX COLL | \$3,085.44 | PROPERTY TAX ON DONATED PROP |
| JAMES C. DAVIS | \$639.28 | JANUARY 2023 MILES |

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|------------------------------|---------------------|--------------------------------|
| RONNIE SAINT | \$60.00 | INSPECTION SERVICES |
| MOSES HILL | \$90.00 | INSPECTION SERVICES |
| QUILL.COM | \$272.98 | POLICE OFFICE SUPPLIES |
| READS UNIFORMS | \$1,691.00 | FIRE UNIFORMS |
| JEFFERSON CO ASSOC OF FIRE | \$30.00 | MEMBERSHIP DUES |
| FIRE PROGRAMS | \$2,800.00 | 2023-2024 ANNUAL RENEWAL |
| EMERGENCY EQUIPMENT PRO | \$1,598.16 | FIRE REPAIRS & MAINT |
| CHARTER COMMUNICATION | \$231.38 | FIRE INTERNET/CABLE EXP |
| KAREN LAUDERDALE | \$70.00 | FIRE VOLUNTEER REIMB |
| COOPER GILCHRIST | \$110.00 | FIRE VOLUNTEER REIMB |
| PRESTON CREWS | \$20.00 | FIRE VOLUNTEER REIMB |
| BRIAN FREEMAN | \$35.37 | FIRE EDUCATION |
| HENRY SCHEIN INC | \$537.41 | FIRE EMS SUPPLIES |
| SUNBELT FIRE | \$3,605.00 | FIRE BLITZ NOZZLE |
| NORTHERN SAFETY CO. | \$362.69 | STREET UNIFORMS |
| CHARLES GILLIAM | \$90.00 | DELIVERY FEE |
| WADE SAND & GRAVEL | \$368.90 | LOAD OF DIRT |
| PINEVIEW LANDFILL | \$731.30 | LANDFILL FEES |
| WESTWOOD AUTO PARTS | \$49.96 | P&R REPAIRS & MAINT |
| GRAYSVILLE LIBRARY | \$1,272.35 | APPROPRIATION |
| CHARTER COMMUNICATION | <u>\$107.98</u> | COMM CTR INTERNET EXP |
| TOTAL CITY: | \$95,677.17 | |
| GAS: | | |
| BROOKLERE | \$56.70 | COLLECTION FEE |
| UNITED WAY | \$10.00 | EMP DEDUCTION |
| BEST INSURANCE | \$10,362.25 | WORKERS COMP 23-24 |
| CINTAS | \$159.56 | EMP UNIFORMS |
| AT&T | \$1,071.70 | FAX MACHINE |
| TEAMLOGIC IT | \$118.05 | OFFICE TELEPHONES |
| CARD SERVICES | \$1,213.66 | DUES & SUBS/OP MAT |
| LOWE'S | \$59.25 | OPERATING MATERIAL |
| BACK IN-LINE CHIROPRACTIC | \$120.00 | DRUG TESTING |
| STRYKER | \$150.49 | LEASED AEDS |
| COLONIAL LIFE | \$341.45 | EMP ACCIDENT INS |
| LOCAL GOVERNMENT | \$9,150.00 | EMP HOSPITAL/VISION/DENTAL INS |
| AMERIACN UNITED LIFE | \$152.00 | EMP L&H INS |
| LIBERTY NATIONAL | \$292.56 | EMP ACC LIFE INS |
| FINANCIAL IMAGING | \$2,014.72 | BILLING EXP |
| G & C SUPPLY CO | \$780.04 | OPERATING MATERIAL |
| SHERRI FOSTER | \$67.27 | OVERPAYMENT REFUND |
| VIKING BUSINESS SOLUTIONS | \$40.75 | OFFICE SUPPLIES |
| ALABAMA POWER | \$2,651.34 | UTILITIES |
| GRAYSVILLE GAS & WATER | \$1,024.06 | UTILITIES |
| CONCORD TRAVEL CENTER | \$1,362.28 | GAS & OIL |
| CHARTER COMMUNICATION | \$207.97 | INTERNET EXP |
| FIELDS' EXTERMINATING | \$125.00 | PEST CONTROL |
| CONSOLIDATED PIPE & SUPPLY | \$5,678.92 | OPERATING MATERIAL |
| VERIZON | <u>\$120.03</u> | MIFI FOR HANDELDS |
| TOTAL GAS: | \$37,330.05 | |
| TOTAL: CITY & GAS | \$133,007.22 | |

Councilmember Busby moved to approve invoices as presented. Motion seconded by Councilmember Fuller and carried.

Mayor Davis stated at the last meeting it was agreed that each councilmember was to present one structure to be torn down in their district. The following properties were presented:

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|-------------------|---------------------------------------|
| District 1 | 861 7th Street S.E. |
| District 2 | 40 7th Street N.E. |
| District 3 | 485 7th Avenue S.W. |
| District 4 | 904 7th Street S.E. |
| District 5 | 237 North Main Street |
| District 6 | No Report |

City Attorney, Charlie Waldrep by via telephone explained the legal situation with Goudy Construction, the City of Graysville, and Jefferson County in reference to agreement to authorize Mayor Davis to sign resolution that the City do not have to sign off on completion of grant projects that are administered through Jefferson County.

Councilmember Hawthorne asked City Attorney, Charlie Waldrep “You said the mayor received a card to fill out on Goudy Construction about the project.”

City Attorney, Charlie Waldrep replied saying the mayor gave his honest opinion of the project and his opinion was the work did not comply with what he anticipated the specifications called for in the project. Attorney Waldrep also stated that Goudy Construction claimed stated that this form affected their bonding capacity and it defamed their construction company. Attorney Waldrep furthermore stated the asphalt samples was sent off to be analyzed by an independent laboratory and it was determined that the asphalt work was not satisfactory.

Councilmember Hawthorne asked what type of form was sent for the mayor to complete? She stated she have not ever heard of a form being sent to the mayor to fill out and she was curious.

Mayor Davis stated he did not have the form in front of him at this time.

City Attorney Waldrep stated he did not know if the form was provided by Jefferson County or some other outside source.

Councilmember Hawthorne stated the asphalt was installed in the Graysville East area and in the Graysville Southeast area.

Mayor Davis stated in his opinion the Graysville Heights Park asphalt was not satisfactory.

Councilmember Hawthorne asked if the city or the mayor did not sign off on this project, what effect would this have on future projects?

City Attorney, Charlie Waldrep stated he did not know the answer to that question. He stated that would be a question you would need to address to Jefferson County.

Councilmember Hawthorne asked Mayor Davis did he say we have another Jefferson County project?

Mayor Davis answered yes, we do.

Councilmember Hawthorne stated that if we do not honor the contract agreement with Jefferson County and the City, will Jefferson County pay for the work that has already be done and will they honor other projects by the federal government?

City Attorney Charlie Waldrep stated he did not know the answer to that question. He stated again that would be a question you would need to address to Jefferson County.

Councilmember Hawthorne stated if we have a project, will the government continue paying for work through their program if payment is not made?

Mayor Davis stated he did not have the answer to that question either.

Councilmember Hawthorne stated the project for Maurice West, which is also needed for \$250,000.00, she thinks it would be worth the effort and if any of the other councilmembers want to do proposals through Jefferson County they would not be denied. I think it is important for us to know that.

Mayor Davis stated it is not our money to pay, it is Jefferson County's money. However, Goudy Construction is trying to say the lawsuit is not because he did not sign off on the project, but it's because he doesn't like them. Mayor Davis stated that has nothing to do with anything all he wanted Goudy Construction to do was do the job right.

Mayor Davis stated the asphalt was not done right, they came back and fixed it and he and Attorney Waldrep talked about it and they asked Jefferson County to pay Goudy Construction. Mayor Davis said they asked the lawyer to drop the lawsuit and the lawyer refuses to drop the lawsuit.

City Attorney, Charlie Waldrep stated what we have is a claim pending against the City of Graysville and now we have a contractor who wants to be paid who is the same one who filed the claim. The architect who will not pay the money because the work was not done correctly, however the claim was not against the architect it is against the city because if the mayor had not told the architect that he was dissatisfied with the composition of the application of the asphalt we would not be discussing this because the asphalt would have never been sent off to be analyzed and they would have never known the asphalt was defective. Now they do know its defective and I do not understand why the contractor is pressing the claim but that is their business.

Councilmember Teeter stated he thinks that Mayor Davis was doing his job by checking it and looking out for the city by saying the asphalt was not right and it turns out he was right about the asphalt and I think he did his job.

Councilmember Hawthorne stated the issue is the contract agreement with Jefferson County and the City, the legal aspect of it and if you have read the contract agreement there is a certain procedure you have to follow.

Mayor Davis stated until we get this lawsuit settled, I don't know if they will do any other projects in the city.

Councilmember Hawthorne announced that Lawson State Community College will have a Weekend Welcome Showcase beginning on Friday February 24th with a kickoff basketball game at the Community Center starting at 6:00 pm between Lawson State and the City of Graysville Employees. This is a free event and we welcome everyone to come out and support. On Saturday February 25th from 10:00 am until 2:00 pm Lawson State will be showcasing all they have to offer with community-based programs such as GED classes, high school diploma options, health care training, manufacturing, transportation and logistics, information technology, hospitality and tourism, architecture and construction. Councilmember Hawthorne is asking for volunteers.

Councilmember Teeter moved to donate up to \$600.00 for the Lawson State "Weekend Welcome Showcase". Motion seconded by Councilmember Busby. Roll call votes as follows:

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|---------------------------------|------------|
| <i>Councilmember Busby</i> | <i>Yes</i> |
| <i>Councilmember Fuller</i> | <i>Yes</i> |
| <i>Councilmember Hawthorne</i> | <i>Yes</i> |
| <i>Councilmember Kelley</i> | <i>Yes</i> |
| <i>Councilmember Lauderdale</i> | <i>Yes</i> |

Councilmember Teeter *Yes*
Mayor Davis *Yes*

Comptroller Tommy Greene was recognized and presented several simple grants available for Assistance to Firefighters Grant with 15% match and Rebuilding American Infrastructure with Sustainability and Equity with a 20% match and the deadlines are on February 10th and 28th 2023. Mr. Greene asked the council to approve moving forward with these two simple grants.

Councilmember Teeter moved to pursue the Assistance to Firefighters Grant and the Rebuilding American Infrastructure with Sustainability and Equity grants as presented. Motion seconded by Councilmember Lauderdale. Roll call votes as follows:

Councilmember Busby *Yes*
Councilmember Fuller *Yes*
Councilmember Hawthorne *Yes*
Councilmember Kelley *Yes*
Councilmember Lauderdale *Yes*
Councilmember Teeter *Yes*
Mayor Davis *Yes*

Mayor Davis presented invoice for workers compensation insurance due February 1st for \$41,449.00.

Councilmember Teeter moved to approve workers compensation insurance from Best Insurance Company for \$41,449.00 as presented. Motion seconded by Councilmember Lauderdale. Roll call votes as follows:

Councilmember Busby *Yes*
Councilmember Fuller *Yes*
Councilmember Hawthorne *Yes*
Councilmember Kelley *Yes*
Councilmember Lauderdale *Yes*
Councilmember Teeter *Yes*
Mayor Davis *Yes*

Mayor Davis recognized Mr. Oscar Requena who has concerns about the bingo halls in Graysville.

Mayor Davis stated that the city gets revenue from these bingo halls, however there is a limit of three bingo halls allowed in the city limits per the bingo ordinance.

Thereupon, on motion of Councilmember Teeter, motion seconded by Councilmember Busby and being unanimously carried the meeting was duly adjourned.

Councilmember Faye Busby

Councilmember Raleigh Fuller

Councilmember Dorothy Hawthorne

Councilmember Louella Kelley

Councilmember Karen Lauderdale

Councilmember Randy Teeter

Mayor James C. "Julio" Davis

City Clerk Kathy Dumas