



Minutes of the City of Calera Council Meeting February 20, 2023

The Council of the City of Calera met in the Council Chambers of the City Hall at 7901 Highway 31 on Monday, February 20, 2023, at 6:30 p.m., in a regular meeting. Mayor Graham presiding.

Mayor and Council Members Present:

Jon G. Graham, Mayor
Philip Busby, Council Member
Kenny Dale Cost, Council Member
Ernest Montgomery, Council Member
Calvin Morgan, Council Member
Kay Snowden Turner, Council Member
Alan Watts, Council Member

City Attorney:

Bent Owens

Guests:

James Fuller, Reggie Darden, Kelly Ellison, Sean Kendrick, David Hyche, Bill Hilyer, Chris Pappas, Bill and Ann Davis, Jackie Batson, Dennis Torrealba, Dawn Gragg, Tip Edwards

Mayor Graham called the meeting to order at 6:30 p.m.

Word of Prayer and Pledge of Allegiance:

Council Member Watts opened the meeting with prayer and the Pledge of Allegiance.

Approval of Minutes:

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

Regular Meeting – February 6, 2023
Work Session – February 6, 2023

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

AYES: Busby, Cost, Graham, Montgomery, Morgan, Watts

NAYS: None

Motion Passed

Old Business:

No old business

New Business:

Resolution No. 2023-06 – Surplus Fire Department Inventory

Council Member Busby moved that Resolution No. 2023-06 is adopted. Council Member Turner seconded the motion and upon vote, the results were as follows:

AYES: Busby, Cost, Graham, Montgomery, Morgan, Turner, Watts

NAYES: None

Motion Passed- Adopted this 20th day of February 2023

Volkert, Inc. – Manpower & Fee Proposal, Professional Service Agreement – Volkert, Inc. and Skipper Consulting, Inc.

Council Member Busby made a motion to approve the Professional Service Agreement as requested. Council Member Turner seconded said motion and upon vote, the results were as follows:

AYES: Busby, Cost, Graham, Montgomery, Morgan, Turner, Watts

NAYS: None

Motion Passed

Resolution No. 2023-07 Four Factor Analysis for Limited English Proficiency Persons

Council Member Watts moved that Resolution No. 2023-07 is adopted. Council Member Morgan seconded the motion and upon vote, the results were as follows:

AYES: Busby, Cost, Graham, Montgomery, Morgan, Turner, Watts

NAYES: None

Motion Passed- Adopted this 20th day of February 2023

Resolution No. 2023-08 Civil Rights Grievance Procedures

Council Member Morgan moved that Resolution No. 2023-08 is adopted. Council Member Turner seconded the motion and upon vote, the results were as follows:

AYES: Busby, Cost, Graham, Montgomery, Morgan, Turner, Watts

NAYES: None

Motion Passed- Adopted this 20th day of February 2023

Resolution No. 2023-09 EPA Non-Discrimination Regulations

Council Member Cost moved that Resolution No. 2023-09 is adopted. Council Member Watts seconded the motion and upon vote, the results were as follows:

AYES: Busby, Cost, Graham, Montgomery, Morgan, Turner, Watts

NAYES: None

Motion Passed- Adopted this 20th day of February 2023

Kelly Ellison, Finance Director – Budget Adjustments (Attached Documents)

Council Member Morgan made a motion to approve the budget adjustments. Council Member Cost seconded said motion and upon vote, the results were as follows:

AYES: Busby, Cost, Graham, Montgomery, Morgan, Turner, Watts

NAYES: None

Motion Passed

Guests:

Council Member Busby made a motion to adjourn the meeting at 6:42 p.m.

Approved this 6th day of March 2023.

Jon G. Graham, Mayor

ATTEST:

Connie B. Payton, City Clerk

Mayor Graham introduced the following Resolution:

RESOLUTION NO. R-2023-06

BE IT RESOLVED BY THE MAYOR AND COUNCIL OF THE CITY OF CALERA, ALABAMA AS FOLLOWS:

WHEREAS, the City of Calera, Alabama has inventoried all Fire Department Inventory

WHEREAS, the City has found the following items for the City of Calera no longer needed.

Asset ID 000557 Weather Sirens

Council Member Busby moved that Resolution No. R-2023-06 is adopted. Council Member Turner seconded said motion and upon vote, the results were as follows:

AYES: Montgomery, Watts, Morgan, Graham, Cost, Busby, Turner

NAYS: None

Mayor Graham declared Resolution No. R-2023-06 adopted.

Adopted this 20th day of February 2023

Connie Payton, City Clerk

Jon G. Graham, Mayor

Mayor Graham introduced the following Resolution:

RESOLUTION NO. R-2023-07

BE IT RESOLVED BY THE MAYOR AND COUNCIL OF THE CITY OF CALERA, ALABAMA

WHEREAS, the Mayor and Council of the City of Calera, Alabama hereby adopts the following Four-Factor Analysis for Limited English Proficiency Persons

Purpose: In compliance with Executive Order 13166, the City of Calera has developed the following Language Access Plan (LAP) for Limited English Proficiency (LEP) persons.

History: Title VI of the Civil Rights Act of 1964 is the federal law which protects individuals from discrimination on the basis of their race, color, or national origin in programs that receive federal financial assistance. In certain situations, failure to ensure that persons who have limited English proficiency can effectively participate in, or benefit from, federally assisted programs may violate Title VI's prohibition against national origin discrimination.

Persons who, as a result of national origin, do not speak English as their primary language and who have limited ability to speak, read, write, or understand English may be entitled to language assistance under Title VI in order to receive a particular service, benefit, or encounter.

City of Calera Four-Factor Analysis: The following Four-Factor Analysis will serve as the guide for determining which language assistance measures they will undertake to guarantee access to the City's Community Development Block Grant (CDBG) programs by LEP persons.

1. Number or proportion of LEP persons served or encountered in the eligible service population (served or encountered includes those persons who would be served by the recipient if the person received education and outreach and the recipient provided sufficient language services).

The City of Calera utilized Census 2000 Special Tabulation 194 and Table 2, Summary Social, Economic, and Housing Characteristics. Based on this data, the City of Calera does not meet the 1,000 or 5% LEP persons threshold for any languages or Language(s) identified.

Individuals conducting income surveys in the project area were asked to determine if any LEP households were located in the potential project area. According to surveyors, there were 0 LEP households located in the proposed project area. This does/does not represent a threshold population of LEP residents.

2. The frequency with which the LEP persons come into contact with the program.

The proposed project does include acquisition, relocation, housing rehabilitation, and/or water/sewer hookups. Therefore, residents are likely to have considerable direct contact with the program and its staff.

3. The nature and importance of the program, activity, or service provided by the program.

The proposed project does provide direct assistance to project area beneficiaries related to hookups; therefore, the nature of the activity or service is of significant importance to the proposed project area(s) residents.

4. The resources available and costs to the recipient.

Currently, the ADECA website can be utilized to translate some written materials. Additionally, local volunteers have been identified to provide oral translation services at public meetings and during conversations with LEP residents during the implementation of the proposed project. Furthermore, many of the common forms used in the implementation of a CDBG project are available in multiple languages on the HUD and DOL websites. Additionally, translation activities are an eligible CDBG administrative expense. Therefore, limited LAP measures are reasonable given the resources available to City of Calera.

Certification: Based on the above Four-Factor Analysis, the City of Calera is not required to develop a LAP. However, the City of Calera will make all reasonable attempts to accommodate language access needs of residents requesting oral translation during citizen participation activities.

BE IT FURTHER RESOLVED, that upon the adoption and execution of this resolution, that a copy of this policy be kept on record by the City Clerk.

Council Member Watts made a motion to adopt Resolution No. R-2023-07. Council Member Morgan seconded said motion and upon vote, results were as follows:

AYES: Montgomery, Watts, Morgan, Graham, Cost, Busby, Turner

NAYS: None

The Mayor declared Resolution No. R-2023-07 adopted this the 20th day of February 2023.

Jon G. Graham, Mayor

ATTESTED BY:

Connie B. Payton, City Clerk

Mayor Graham introduced the following Resolution:

RESOLUTION NO. R-2023-08

BE IT RESOLVED BY THE MAYOR AND COUNCIL OF THE CITY OF CALERA, ALABAMA

WHEREAS, the Mayor and Council of the City of Calera, Alabama hereby adopts the following Civil Rights Grievance Procedures

Purpose: In compliance with 40 C.F.R., Parts 5 and 7, Section 7.90(a), the City of Calera has established a grievance procedure to ensure prompt and fair resolution of complaints alleging violations of Title VI, Section 601 of the 1964 Civil Rights Act in the administration of any project using EPA assistance.

The grievance procedure is intended to address allegations of discrimination on the basis of:

Race, Color, National Origin, Religion, Disability, Income, Age, or Gender.

The grievance procedure provides a process for filing a timely complaint to the proper authority and describes the process that will be used to investigate and resolve the complaint. However, the procedures do not apply to administrative actions that are being pursued in another forum.

Submission of a Complaint

Filing of Complaint - A person (or the authorized representative of a person) who believes that he or she or a class of persons has been discriminated against may file a complaint with the City of Calera. The complaint should: Be in writing, be filed within 60 days of an alleged violation (except as otherwise indicated in the following paragraph); describe with specificity the action(s) that allegedly result in discrimination in violation of 40 C.F.R. Parts 5 and 7; describe with specificity the discrimination that allegedly has occurred or will occur as the result of such action(s); and identify the parties impacted or potentially impacted by the alleged discrimination.

The City of Calera may request additional information from the complainant, if this information is needed to meet the complaint requirements described above. The City of Calera may waive requirement two (2) in its discretion, in order to address allegations of potential discrimination caused by pending actions at the earliest appropriate and feasible juncture; or, for good cause, to address complaints filed more than 60 days after an alleged violation.

All written complaints shall be addressed to the following address:

City of Calera City Clerk, 7901 Highway 31, Calera, AL 35040 Phone: 205-668-3500

Within 10 days of receiving a written complaint, the City of Calera will provide the complainant with written notice of receipt. At this time, the City of Calera may request any additional information needed to meet the complaint requirements above. Within 10 days of receiving

any additional information, the City of Calera will provide the complainant with written notice that the complaint is complete.

Determination of Jurisdiction and Investigative Merit

The City of Calera based on information in the complaint and other information available, will determine if it has jurisdiction to pursue the matter and whether the complaint has sufficient merit to warrant an investigation. A complaint shall be regarded as meriting investigation unless:

It clearly appears on its face to be frivolous or trivial;

Within the time allotted for making the determination of jurisdiction and investigative merit, the City of Calera voluntarily concedes noncompliance and agrees to take appropriate remedial action or reaches an informal resolution with the complainant;

Within the time allotted for making the determination of jurisdiction and investigative merit, the complainant withdraws the complaint; or

It is not timely and good cause does not exist for waiving the timing requirement under section A.2.

Disposition of Complaints

Within 120 days of accepting a written complaint, the City of Calera will respond in writing to the complainant with resolution.

BE IT FURTHER RESOLVED, that upon the adoption and execution of this resolution, that a copy of this policy be kept on record by the City Clerk.

Council Member Morgan made a motion to adopt Resolution No. R-2023-08. Council Member Turner seconded said motion and upon vote, results were as follows:

AYES: Montgomery, Watts, Morgan, Graham, Cost, Busby, Turner

NAYS: None

The Mayor declared Resolution No. R-2023-08 adopted this the 20th day of February 2023.

Jon G. Graham, Mayor

ATTESTED BY:

Connie B. Payton, City Clerk

Mayor Graham introduced the following Resolution:

RESOLUTION NO. R-2023-09

BE IT RESOLVED BY THE MAYOR AND COUNCIL OF THE CITY OF CALERA, ALABAMA

WHEREAS, the Mayor and Council of the City of Calera, Alabama hereby adopts the following;

WHEREAS, the City of Calera has applied for funding from the US Environmental Protection Agency administered through the Alabama Department of Environmental Management; and

WHEREAS, Under EPA's nondiscrimination regulations (40 C.F.R. Parts 5 & 7) the External Compliance Program ensures that recipients of EPA assistance comply with the relevant requirements under federal law. This is done by investigating complaints filed by the public which allege discriminatory conduct by EPA recipients, and through civil rights compliance reviews of recipient and/or applicant programs.

NOW, THEREFORE IT BE RESOLVED that the City of Calera has adopted a Policy regarding Standards of Conduct, a Policy regarding Civil Rights Grievance Procedures; and, a Limited English Proficiency Plan that comply with the applicable laws, rules and regulations of the EPA; and

BE IT FURTHER RESOLVED that copies of these documents are attached to this Resolution, the Mayor is authorized to sign these documents on behalf of the City of Calera, and a copy of these documents will be kept on file at City of Calera and will be available for review by the public as requested.

BE IT FURTHER RESOLVED, that upon the adoption and execution of this resolution, that a copy of this policy be kept on record by the City Clerk.

Council Member Cost made a motion to adopt Resolution No. R-2023-09. Council Member Watts seconded said motion and upon vote, results were as follows:

AYES: Montgomery, Watts, Morgan, Graham, Cost, Busby, Turner

NAYS: None

The Mayor declared Resolution No. R-2023-09 adopted this the 20th day of February 2023.

Jon G. Graham, Mayor

ATTESTED BY:

Connie B. Payton, City Clerk

Memo

To: Mayor & Council
From: Kelly Ellison
Cc: Connie Payton
Date: 2/17/2023
Re: Requested Budget Adjustments

Attached are the requested budget adjustments. The impact on the Funds are as follows:

General Fund/Capital Project Fund: \$0
Court: \$2,775 Decrease in Revenue over Expense
Garbage: \$21,273 Increase in Revenue over Expense
Debt Service: \$15,000 Increase in Revenue Over Expense
Gas: \$2,823.36 Decrease in Revenue over Expense
Sewer: \$1,156,541.11 Increase in Revenue over Expense

Fund	Dept	Account Name	2023 Budget	Requested Adjustment
10	495	9217 TRANSFER TO CAP PROJ FUND	\$ -	\$ 4,943,280.88
17	495	9110 TRANSFER FROM GENERAL FUND	\$ -	\$ (4,943,280.88)
Transfer Cash from the General Fund to the Capital Projects Fund Bank Account for the Capital Assets that Were Moved in the Budget Adjustments Passed on 2/6/2023				\$ -

Fund	Dept	Account Name		2023 Budget	Requested Adjustment
11	300	8010 INTEREST INCOME	\$	112.16	\$ 600.00
11	480	2087 IT RECURR CHGS, LIC FEE, ETC	\$	-	\$ 2,175.00
		Court Fund Expense Increase			\$ 2,775.00

Fund	Dept	Account Name		2023 Budget	Requested Adjustment
12	300	4010 GARBAGE SERVICE	\$	1,088,127.00	\$ 21,873.00
		Garbage Fund Revenue Increase			\$ 21,873.00
12	425	1120 UNIFORMS	\$	4,500.00	\$ 600.00
		Garbage Fund Expense Increase			\$ 600.00
		Change in Revenue over Expense			\$ 21,273.00

Fund	Dept	Account Name		2023 Budget	Requested Adjustment
16	300	8011 INTEREST INCOME (RESTRICTED)	\$	100.00	\$ 15,000.00
		Debt Fund Revenue Increase			\$ 15,000.00

Fund	Dept	Account Name		2023 Budget	Requested Adjustment
20	300	8010 INTEREST INCOME	\$	987.59	\$ 4,500.00
		Gas Fund Revenue Increase			\$ 4,500.00
20	422	1008 PAYROLL OFFSET-CAPITAL LABOR	\$	-	\$ 9,536.62
20	492	2201 ODORIZER UPGRADE GATE 1	\$	70,000.00	\$ (35,000.00)
20	492	7100 CAMDEN PARK SYSTEM EXT	\$	-	\$ 25,647.88
20	492	7221 EQUIPMENT - GAS	\$	15,500.00	\$ 6,726.06
20	492	7223 GAS SYSTEM EXTENSIONS	\$	-	\$ 412.80
		Gas Fund Expense Increase			\$ 7,323.36
		Change in Revenue over Expense			\$ (2,823.36)

Fund	Dept	Account Name		2023 Budget	Requested Adjustment
40	300	4010 RESIDENTIAL SALES	\$	2,641,561.00	\$ 908,289.00
40	300	4020 INDUSTRIAL SALES	\$	20,076.00	\$ 68,796.00
40	300	4022 COMMERCIAL SALES	\$	367,561.85	\$ 132,579.00
40	300	4024 GOVERNMENTAL SALES	\$	85,845.00	\$ 173,448.00
		Sewer Revenue Increase			\$ 1,283,112.00
40	424	1150 PAYROLL OFFSET-CAPITAL LABOR	\$	-	\$ (18,302.08)
40	424	2085 IT EQUIPMENT	\$	-	\$ 26.76
40	434	2060 MISCELLANEOUS EXPENSE	\$	-	\$ 358.97
40	434	5086 DUMPSTERS	\$	-	\$ 4,800.00
40	434	6010 ADEM LOAN (CWSRF)	\$	-	\$ 6,150.00
40	492	7098 ALABAMA POWER PUMP ST #2	\$	-	\$ 7,191.00
40	492	7228 RATE STUDY	\$	-	\$ 15,000.00
40	492	7341 EQUIPMENT - WWTP	\$	-	\$ 3,762.00
40	492	7342 VEHICLES - WWTP	\$	-	\$ 40,000.00
40	492	7343 PUMP REPLACEMENTS-WWCOL	\$	-	\$ 22,787.09
40	492	7346 PLANT-WWTP CB	\$	145,000.00	\$ 4,091.00
40	492	7354 PUMP STATION FENCING	\$	-	\$ 16,075.00
40	492	7355 PUMP PANELS	\$	-	\$ 24,631.15
		Sewer Expense Increase			\$ 126,570.89
		Change in Revenue over Expense			\$ 1,156,541.11