

CITY OF TRUSSVILLE  
SPECIAL CITY COUNCIL MEETING  
SEPTEMBER 30, 2016

The City Council of the City of Trussville met in special session on Friday, September 30, 2016 at 9:00 a.m. at Trussville City Hall. Councilman President Anthony Montalto presided over the meeting and City Clerk Lynn Porter served as recording secretary.

Those members answering present to roll call were as follows:

Council President Anthony Montalto  
Councilman Buddy Choat  
Councilman Perry Cook  
Councilman Brian Plant  
Councilman Alan Taylor

Others present in official capacity: Mayor Eugene Melton  
Attorney Whit Colvin

Council President Montalto called the meeting to order and announced that this special meeting was called to take care of some year-end items, adopt the FY 2016-2017 budget, discuss refinancing some city debt and select someone to conduct the audit on the volunteer fire department finances.

Liabilities	\$ 10,985.55
Transfers between Funds	\$ 679,215.05
Employee Reimbursements	\$ 230.58
Board of Education Ad Valorem	\$ 109,377.76

Councilman Taylor moved these items be approved, seconded by Councilman Cook and the vote was unanimous.

Council President Montalto stated the City has been contacted today about purchasing an advertisement in the November/December edition of Alabama Magazine which features Trussville. Alan Taylor moved we purchase a one page ad at a cost of \$1,845.00, seconded by Councilman Choat, and the vote was unanimous.

Discussion was begun on the FY 2016-2017 budget. Councilman Cook moved \$50,000 be allocated to the RDA Facade Grant Program, seconded by Councilman Choat and the vote was unanimous.

Councilman Taylor stated several projects such as the Valley Road Extension and the Chalkville Road widening have no money allocated in the budget. He stated we have discussed these things, and asked where we go from here.

Councilman Choat asked where the funding would come from?

Mayor Melton stated it could come from reimbursements from current projects, from the sale of land, or from borrowing. It will be up to the new administration to determine where the money will come from. There is not enough surplus in current year funding for these projects.

Councilman Choat asked that the two new programs in the Park and Recreation budget be approved. Both the pre-team swimming program and the youth track program will generate funds to offset the costs. He also asked that the Park and Recreation Director's request for a vehicle be approved. This vehicle was approved up to \$28,000.

Councilman Cook stated the Public Works department has asked for a skid steer. This will allow this department to better utilize their time without having to make trips back to the garage.

This item is \$80,000. Discussion followed on whether to purchase or to finance and spread out the payments over several years.

Councilman Plant stated the police and fire departments have asked for vehicle replacements. We need to get this into a rotation. The police department has also asked for three new officers - two for patrol and one code enforcement officer.

Councilman Taylor stated the fire department has also asked for eight firefighters. All of these are important. He recommended we wait for the new mayor and city council to make these decisions. He also suggested any decision on vehicles be left to the next administration.

Councilman Cook moved the FY 2016-2017 budget be approved as amended today with other decisions left to the new administration., seconded by Councilman Plant, and the vote was unanimous.

Councilman Taylor thanked the City Clerk for her efforts to make this budget easy for the Council to understand.

A resolution to approve selecting a firm to assist with a refunding of \$10 million of the 2014-B warrants was presented. Councilman Taylor stated Stifel, Nicolaus, and Company called him to say that the market rates are down to a point that it is advantageous to refinance a portion of these warrants. A \$10 million refunding can be done on a bank qualified basis.

Councilman Cook asked that this be carried over for the next administration to address.

Councilman Taylor stated the market is fluxuating, and he suggested we allow them to work on the preliminaries. We only have a snapshot in time to do this. This week we lost ground in the market. When the preliminaries are finished, we will go to market and find a sales date.

Councilman Cook asked were we looking to any one person or rate today, and Councilman Taylor replied yes, this will authorize Stifel, Nicolaus, and Company to go forward. Councilman Cook asked have we discussed this with others?

Councilman Taylor stated he has been happy with the job this company has done for us.

Councilman Taylor moved Resolution 2016-048 be approved authorizing Stifel, Nicolaus to begin the process to refund \$10,000,000 of the 2014-B warrants, seconded by Councilman Choat, and the motion carried with Councilman Cook voting no.

The City Council then addressed investigation options on the Volunteer Fire Department financial records.

Council President Montalto stated David Barber has twenty-five years as District Attorney. He is knowledgeable and has excellent credentials.

Councilman Choat stated the decision we made in our Executive Session was to go outside of the city to find someone to conduct the investigation. A recommendation came today with a suggestion. Councilman Choat stated he spoke with Councilman-elect Jef Freeman who suggested we go to the Attorney Generals's Office. Ms. Alice Martin has a task force to investigate these types of incidents that consists of three CPAs, two of whom are former FBI. This will be at no cost to the city.

Council President Montalto stated when we talked about not using someone with Trussville ties, his understanding was that it would not be someone doing business in Trussville. Mr. Barber lives here, but is not in business here.

Councilman Choat stated Mr. Barber is retired and we do not know what he does now.

Council President Montalto stated he was sure none of these ties was to Trussville.

Councilman Cook asked would Mr. Barber's services be for free or for a fee.

Council President Montalto stated that is not known.

Councilman Taylor stated he would not think this would be free.

Councilman Plant stated we would need an agreement for what we think needs to be done, and let whoever is chosen suggest what they believe needs to be done. He stated he left a message with the AG that we were going to work on this. He stated he did not think that we will get a suggestion to not go forward on something of this magnitude.

Council President Montalto stated that enforcement people brought Mr. Barber's name to his attention.

Councilman Taylor stated anyone that we bring in, we would like to talk to. We have employees on administrative leave, so we need to act quickly. He stated it concerns him going to the AG's office. Our motion was to hire an independent attorney to handle the investigation. From a perception level, he thought that going to the DA or the AG gives a perception that we have already determined that there is criminal activity rather than an investigation into finances. We need to get going and move forward on the investigation.

Councilman Plant stated at the executive session we said we needed to retain someone to conduct an independent investigation. We could ask someone in our current attorney's office and begin looking.

Councilman Cook pointed out the motion said a law firm would investigate. He stated we did talk about our city attorney's firm. We need to gather the facts first.

Councilman Taylor asked City Attorney Whit Colvin, would there be a fee for their services, and was told this was correct.

Councilman Choat asked how we could not take advantage of the AG's services when this would be provided at no cost to us. We have someone in Montgomery who can do this for us. We have talked about not going to the DA because of image, but the image is already out there. Why would we talk to someone who will tell us what to do for a fee, when we have a no charge option. He stated he felt we should take advantage of this.

Councilman Taylor stated the perception in public in going to the AG means going to another level.

Council President Montalto stated we may need to discuss this further.

Councilman-elect Jef Freeman was recognized and stated he thought everyone has consulted with people that they have great respect for and know well. He stated personally, he did not know how we could raise the level of public perception much more than the Council President appearing on television. He stated we need to use our best source. We must face the facts. The investigation may come back and say everyone is in the clear.

Council President Montalto stated we have talked about transparency, and he felt that the public had a right to know what was going to happen. He stated he thinks we need to move forward. He stated he suggested David Barber due to his history, integrity, and knowledge. That is the reason for his suggestion.

Councilman Plant stated he had no problem with the suggestion, but the way this came up was a surprise to hear it on television before the Council discussed it. We would need to meet with him to go over what is expected.

Council President Montalto stated we need to get on this quickly. He stated he hated to see this get bogged down.

Councilman Taylor stated he felt that a suggestion that had not been discussed in a public meeting, was brought to the public. He asked Councilman-elect Freeman if he had talked to the AG yet? If we can go that route, he did not see any need to meet with them first as they do this all of the time. He stated he would assume that they would want to know what we have.

Councilman Plant stated he felt that, at some point, one or two of us need to meet with them and tell them what we need for them to do.

Councilman Taylor asked would we need to go into Executive Session to talk to them, and Whit Colvin responded no, he would not think so. The AG's office is not like a regular attorney's office. It is a different sort of entity. If Alice Martin came here, he felt it would meet the exception. If we interview several firms, this would need to be done in an open meeting.

Councilman Taylor asked if we go another route, would we need another meeting.

Attorney Colvin stated he would expect only a motion today to supercede the other motion.

Councilman Cook stated he felt we were running in circles over using a law firm, DA, or AG. Do we think this is criminal?

Councilman Choat stated he would recommend a motion along the lines of an independent party to investigate the matter. We do think bottom line that there is a problem. We do not know the extent. He suggested we amend the wording of the motion.

Councilman Taylor agreed.

Councilman Choat moved, in the process of reviewing the situation with the Volunteer Fire Department and city employees, that we select an independent party to proceed with the investigation. He further moved that the City Council approve running this investigation through the AG's office to determine the validity of the allegations against the Volunteer Fire Department and city employees. This was seconded by Councilman Cook, and the vote was unanimous.

Councilman Choat stated at the executive session meeting Tuesday night, we all agreed not to discuss the investigation.

Council President Montalto stated he thought they agreed not to discuss in executive session, but it is in the public now. We are doing an investigation of a report. To not discuss it appears that we are hiding something.

Councilman Plant stated he felt the comment made are in violation of an agreement made in executive session. We have been transparent, but we should not convict without investigation.

Council President Montalto stated the public perception is that we are not transparent.

Councilman Taylor stated he wished that we would not address political agendas while we are up here. This is not about politics. This is about us doing the right thing for the city. This is a personnel issue being discussed in public when our policy is that we will not discuss this in public.

No other business coming before the Council, Councilman Cook moved the meeting be adjourned, seconded by Councilman Taylor and the vote was unanimous.

Respectfully submitted,

Lynn B. Porter  
City Clerk