

**PELHAM CITY COUNCIL
MINUTES OF REGULAR MEETING**

Date: February 6, 2006
Time: 7 p.m.
Place: Pelham City Hall
Present: Mayor Bobby Hayes
Mr. Mike Dickens, Council President
Ms. Karyl Rice, Council Member
Ms. Rosemary Metcalf, Council Member
Mr. Robert Sullivan, Council Member
Absent: Mr. Willard Payne, Council Member

Council President Mike Dickens called the meeting to order. Robert Sullivan led the invocation.

Mike Dickens asked that the record show all members of the council present except Willard Payne.

Rosemary Metcalf moved to waive the oral reading of the January 16, 2006 minutes and approve as presented. Robert Sullivan seconded the motion. Mike Dickens asked for a vote on the motion to approve; on voice vote the motion passed unanimously.

During old business, a public hearing was held to consider Ordinance No. 135-170 changing the present zoning of B-2 General Business to M-1 Light Industrial District. The property location is 3114 Cummins Street, and the applicants were Millard R. Cox and Betty S. Cox. Moore Handley spoke for the rezoning, stating they have an option to purchase the property and wanted it to be zoned M-1 as their current property is zoned. Karyl Rice moved to approve the rezoning as presented, and Robert Sullivan seconded the motion. Mike Dickens asked for a vote on the motion to approve; on voice vote the motion passed unanimously.

During new business, Ordinance No. 199-4 was introduced amending the Code of Ordinances to correct a printing error in Chapter 14, Article II, Section 14-24(b)(3), speed limit schedules. Karyl Rice moved to suspend the rules to allow immediate consideration of Ordinance No. 199-4. Rosemary Metcalf seconded the motion, and Mike Dickens called for a roll call vote. The clerk recorded the following votes.

Aye
Mike Dickens
Rosemary Metcalf
Karyl Rice
Bob Sullivan

Nay

Mike Dickens declared the rules suspended for immediate consideration of Ordinance 199-4. Thereupon Karyl Rice moved to approve Ordinance No. 199-4 as presented. Rosemary Metcalf seconded the motion. Mike Dickens asked for a vote on the motion to approve; on voice vote the motion passed unanimously.

Ordinance No. 422 was introduced annexing Jesse Edward Jowers, Jr. and Hilda Jowers property. The property is located east of SC11 at SC52. It borders SC332 on one side. Rosemary Metcalf moved to suspend the rules to allow immediate consideration of Ordinance No. 422. Karyl Rice seconded the motion, and Mike Dickens called for a roll call vote. The clerk recorded the following votes.

Aye
Mike Dickens
Rosemary Metcalf
Karyl Rice
Bob Sullivan

Nay

Mike Dickens declared the rules suspended for immediate consideration of Ordinance 422. Thereupon Karyl Rice moved to approve Ordinance No. 422 as presented. Rosemary Metcalf seconded the motion. Mike Dickens asked for a vote on the motion to approve; on voice vote the motion passed unanimously.

A resolution was introduced approving expenditures of \$1,862,708.50 for costs associated with the construction of the public safety building. Rosemary Metcalf moved to approve the resolution as presented. Robert Sullivan seconded the motion. Mike Dickens asked for a vote on the motion to approve; on voice vote the motion passed unanimously.

A resolution was introduced approving AL DOT plans and authorizing the state to proceed with Project No. 99-303-595-119-616 planing, loop detectors, resurfacing, and permanent traffic stripe along SR119 from East of SR3 (US31) in Pelham to Cahaba River Road. Rosemary Metcalf moved to approve the resolution as presented, and Karyl Rice seconded the motion. Mike Dickens asked for a vote on the motion to approve; on voice vote the motion passed unanimously.

A resolution was presented adopting a membership policy at Ballantrae and the Pelham Racquet Club for retired employees and elected officials. Karyl Rice moved to approve the resolution as presented, and Rosemary Metcalf seconded the motion. Mike Dickens asked for a vote on the motion to approve; on voice vote the motion passed unanimously.

A resolution was introduced adopting 2006 membership rules for Ballantrae Golf Club. Karyl Rice moved to approve the resolution as presented, and Rosemary Metcalf seconded the motion. Mike Dickens asked for a vote on the motion to approve; on voice vote the motion passed unanimously.

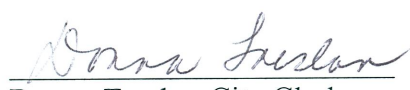
A resolution was introduced accepting a bid of \$33,520 from NAFECO for breathing apparatus for the Pelham Fire Department. Robert Sullivan moved to approve the resolution as presented, and Karyl Rice seconded the motion. Mike Dickens asked for a vote on the motion to approve; on voice vote the motion passed unanimously.

A resolution was presented accepting and approving the dedication of Legacy Park subdivision. Rosemary Metcalf moved to approve the resolution as presented, and Karyl Rice seconded the motion. Mike Dickens asked for a vote on the motion to approve; on voice vote the motion passed unanimously.

Kenny Short with Price Ceiling addressed the city council requesting a change order in the amount of \$53,000 for his contract on the public safety building. The change order is due to a mistake he made by not including the cost of stainless steel sheet metal panels on the outside of the building in his bid. Mike Dickens informed Mr. Short that the city attorney had been consulted and quoted the following from his correspondence, "The contractor must complete the work for the contracted amount and there is no authority for the City to increase the amount of the contract price by change order or otherwise due to the bidder's unilateral mistake in failing to allow for certain necessary materials. A unilateral bid error by the contractor would not justify or even allow an increase by change order."

Mike Dickens recognized scouts from Troop 5 and Troop 404.

With no other business before the council, Robert Sullivan moved to adjourn. Rosemary Metcalf seconded the motion, and the meeting adjourned at 7:22 p.m.


Donna Treslar, City Clerk