CITY OF PELHAM

Council Work Session
Pelham City Hall - Council Conference Room
December 6, 2010 – 6 p.m.

MINUTES

Members of the Pelham City Council met on December 6, 2010 at 6:00 p.m. The work session was held in the conference room of Pelham City Hall and was open to the public.

The following elected officials were present:

Mayor Don Murphy
Council President Mike Dickens
Councilmember Teresa Nichols
Councilmember Bill Meadows
Councilmember Steve Powell
Councilmember Karyl Rice

Media Present: Neal Wagner, Shelby County Reporter

Others present: City department heads, city employees and members of the public.

The council work session was called to order by Council President Mike Dickens at 6:00 p.m.

<u>Approval of Minutes</u>

A motion was made by Dr. Nichols to approve the November 15, 2010 work session minutes. The motion was seconded by Mr. Powell and by voice vote the motion passed unanimously by all members present.

Mr. Dickens moved that the city council enter into executive session for the sole purpose of discussing contract negotiations. Said motion was seconded by Mr. Powell and by voice vote the motion was approved unanimously by all members present. Mr. Dickens requested Mayor Murphy and City Clerk Tom Seale attend the executive session. Mr. Dickens stated the council would return in 5 minutes. The council returned at 6:10 p.m. and the work session was called back to order.

<u>Mayor's Comments</u>

Mayor Murphy elected to hold his comments until regular council meeting.

<u>Review of Council Agenda</u>

E. Motion for the adoption of a special rule of order allowing for the consent agenda process at City of Pelham city council meetings. Mr. Dickens explained to the council the intent and purpose of the consent agenda was to move routine and non-controversial items from the regular agenda in order to streamline council meetings.

F. Consent Agenda

(A consent agenda is presented by the Council President at the beginning of a council meeting. Items presented on the consent agenda are considered routine and non-controversial and are organized apart from the rest of the agenda and is adopted by general consent without debate. Items may be removed from the consent agenda on the request of any one member. Removed items may be taken up either immediately after the consent agenda is approved or placed later on the agenda at the discretion of the Council President and City Council.)

1. Approval of December 6, 2010 City Council Agenda.

2. Approval of the November 15, 2010 regular City Council meeting minutes.

3. Approval of the following non-budgeted expenses from restricted fund accounts:

   a. 7 Cent Gasoline Account – Current Balance $ 4,198.91

      Averett Dump Services $ 460.00 (Street Department - Rock)

   b. Federal Forfeiture Account – Current Balance $ 124,447.99

      Dell Computers $ 1,078.58 (Police Department - Replace Dispatch workstation)

   c. Municipal Correction Account – Current Balance $ 84,699.61

      Publix $ 525.09 (Police Department - Jail Meals)
      Urgent Care $ 18.00 (Police Department - Blood drawn from inmate)

G. Public Hearing – None

H. Mayor's Comments

1. Presentation of donations to the following Pelham public schools: $ 129,416.85

   a. Valley Elementary School – $ 29,255.15 - Debbie Scarbrough, Principal

   b. Valley Intermediate School – $ 24,296.65 – Dana Payne, Principal

   c. Riverchase Middle School – $ 23,304.95 – Charles Smith, Principal

   d. Linda Nolen Learning Center – $ 9,421.15 – Michele Shepherd, Principal

   e. Pelham High School - $ 43,138.95 – Bob Lavett, Principal

I. Proclamation – Mayor Murphy - Declaring December 4-11, 2010 as Officer Philip Mahan Davis Week in the City of Pelham, Alabama.

J. Requests to Address the Council

1. David Fielding, President of the Oaklyn Hills Homeowners Association and Jim Dollar, immediate past president of the Oaklyn Hills Homeowners Association regarding the donation of land to the HOA by the City of Pelham for a park.

K. Old Business

Ordinance 387-1 Amending the City Of Pelham's Ordinance providing for a current Certificate of Occupancy with regard to obtaining a City of Pelham Alcohol Beverage Sales License. Mr. Powell noted he had provided annotated comments regarding the ordinance revisions. The revised ordinance would allow the applicant to apply for the ABC license and the certificate of occupancy concurrently following the procedures established by the Council. Mr. Meadows asked about the benefits to small business. Mr. Powell explained the revisions to the Ordinance would allow business to obtain council approval while seeking their certificate of occupancy. Discussion followed about procedures between Mr. Powell and Mr. Meadows. Revenue Director Mike Morgan further explained procedures in the Building Department with regard to a certificate of occupancy.

Resolution 2010-11-15-06 Request to amend the Fire Department budget by transferring budget funds from the Grant line item to Repairs and Maintenance line item in the amount of $ 3,417.00 and additional transfers for roof repairs to Fire Stations 2, 3 and 4 due to rain and hail damage. Mr. Powell questioned Finance Director Tom Seale if the Capital Improvement Fund would be used to fund these roof repairs per council request. Mr. Seale said the Capital Improvement Fund would be used for this purpose.

Resolution 2010-11-15-07 Authorization to approve the expenditure of funds not to exceed $ 10,000 from the Capital Improvement Fund for the replacement of the septic tank and field lines at the City Park Small Concession Stand/Bathrooms. Mr. Powell moved to table Resolution 2010-11-15-07. Said motion was seconded by Mrs. Rice. Mr. Meadows asked questions regarding the current sewer situation at the City Park Concession Stand. Mayor Murphy stated currently the small concession stand under discussion is on a septic system. The Mayor further stated public sewer is accessible but the cost is approximately $ 100,000. There being no further discussion and by voice vote, the motion passed unanimously by those members present and Resolution 2010-11-15-07 was tabled.

L. New Business

Resolution 2010-12-06-01 Accepting the low bid of $ 17,128.28 from CDW-G for 50 licenses of Microsoft Office 2007 Professional Plus. (Expense was included in the 2011 Budget.) Mr. Meadows asked why the bid requests were for licenses for Microsoft Office 2007 when the 2010 license was available. Mr. Seale, responding to the inquiry from Mr. Dickens and Mr. Meadows stated he had talked to Information Technology Manager Dell Ann Holly and she said the approved bid could be used to purchase either the 2007 or 2010 software edition.

Resolution 2010-12-06-02 Accepting the low bid for turf care equipment for Ballantrae Golf Course. (Expense was included in the 2011 Budget.) There were no comments.

Resolution 2010-12-06-03 Authorizing the renaming of Church Street to Philip Davis Street and changing the address of the Police and Court Building to 32 Philip Davis Street. Mrs. Rice questioned why the street was being renamed Philip Davis Street, that in her opinion, Philip Davis Drive sounded better. Mr. Meadows moved to amend the resolution to name a street in the future for a city employee killed in the line of duty. Said motion was second by Mrs. Rice. Mr. Powell suggested the city address this issue on a case by case basis in the future. There being no further discussion and by voice vote, the motion passed 3 - 2 by those members present.

Resolution 2010-12-06-04 Authorizing the Pelham Police Department to apply for a grant through the Jefferson State Community College and the Alabama Department of Economic and Community Affairs (ADECA) for 100% funding of salary plus allowable fringe for overtime traffic enforcement and education. Mr. Meadows moved to table Resolution 2010-12-06-04. He stated a 100% match should not be subject to council approval. Dr. Nichols said it was not the council's intention to micromanagement the city's departments per Mr. Meadow's comments, but a matter of public record. Mr. Meadows stated the Mayor needs to have authority to approve 100% grants. Mayor Murphy said the city has received this particular grant for a number of years. Discussion followed with comments regarding the 100% grant. Mayor Murphy made additional comments regarding grant processing. Mr. Powell said the council should move forward with this resolution and develop a solution to this question for future grant applications. Said motion to table the resolution was seconded by Mrs. Rice and then withdrawn. The motion to table Resolution 2010-12-06-04 having not received a second failed to pass. The Council requested that the question of grant approvals be researched by the city clerk and a resolution be prepared to address these issues. Dr. Nichols requested Mayor Murphy report to the council regarding grant applications in the future.

Resolution 2010-12-06-05 Authorization to approve the expenditure of funds not to exceed $ 12,000 from the Capital Improvement Fund for the replacement of a heat pump system at the wastewater treatment facility. (1st Reading) Dr. Nichols asked Mayor Murphy if this request constituted an emergency situation. Mayor Murphy responded the cold weather anticipated over the coming months would make this an emergency in his opinion.

Resolution 2010-12-06-06 Authorizing the demolition and structure removal at 10 locations along SR-261 for the Alabama Department of Transportation's highway widening project from Bearden Road to Highway 31. Mr. Powell had questions regarding the scope of the project. City Engineer Jesse Jowers provided details of the project and stated this was a standard resolution required by ALDOT regarding structure removal. The council requested of Mr. Jowers to expedite the required approval required by the Alabama Department of Transportation in order to get the project moving forward.

Resolution 2010-12-06-07 Consideration to approve the educational incentive of Lt. Scott E. Tucker - 10% for his Bachelor of Science Degree in Criminal Justice Administration from the University of Phoenix, Birmingham, AL campus awarded on November 15, 2010. There were no comments from the council.

Resolution 2010-12-06-08 Approving a special use permit for Verizon Wireless, 7060 Highway 11, Pelham Alabama for modification of an existing cell tower facility. Representing The Center for Municipal Solutions, Mignon Bowers explained to the council this was a modification to an existing cell tower site and would provide enhanced 3G to 4G service in the area. She further stated CMS recommends approval of the resolution. Mr. Dickens asked if there would be any noticeable changes to the antenna. Ms. Bowers stated there would be no change in the antenna array.

Resolution 2010-12-06-09 Authorizing the amending of the FY2011 Sewer budget by establishing a new general ledger account for Permits, Dues and Fees, 408134 and increasing said expense line item in the amount of $ 6,800 and increasing Sewer Unencumbered Fund Balances by $ 6,800, new balance $ 956,296.00, for the purpose of securing the Alabama Department of Environmental Management's waste load allocation permit. (1st Reading) Public Works Director Eddy Jowers stated that the Alabama Department of Environmental Management (ADEM) was requesting additional fees for permits. The original permit was paid in 2007, according to Mr. Jowers. He further stated ADEM is requesting the additional $ 6,800 in order to build a model regarding the waste load. Mr. Meadows said he was considering laying on the table the resolution and requesting ADEM to justify the expense. Mr. Jowers said he had requested that information from ADEM. Dr. Nichols said the council needs to get behind Mr. Jowers and approve the resolution. Mr. Dickens stated the council would proceed with the first reading at tonight's council meeting.

Ordinance 70-3 For flood and damage prevention and repealing Ordinances 70-A, 70-1 and 70-2 heretofore adopted by the City of Pelham, Alabama. (1st Reading) Jesse Jowers stated the impact on citizens in Pelham would be small, with just a few changes, including definitions. Mr. Powell requested Mr. Jowers provide annotated copies of the changes in the ordinance so it is clear to the council. Mike Morgan stated these were mandatory changes by FEMA. If the ordinance is passed residents would get to keep their flood insurance.

Public Works Director Eddy Jowers stated Phase 2 of the sewer ordinance would become effective January 1, 2011. The council thanked Mr. Jowers for the reminder. Dr. Nichols asked how many residents took advantage of the dual meter ordinance revision adopted several months ago by the council. Mr. Jowers stated that to the best of his knowledge approximately 15-20 residents took advantage of this provision in the sewer ordinance.

M. Council and Public Comments

N. Public Announcements

1. City Hall will be closed December 24 & 27, 2010 in observance of the Christmas Holidays.

2. City Hall will be closed on January 3, 2011 in observance of the New Year's Day holiday.

3. The January 3, 2011 City Council meeting has been rescheduled to Monday, January 10, 2011 due to the observance of the New Year's Day holiday.

Old Business - None

Adjournment

Mr. Powell moved to adjourn the work session and said motion was seconded by Mrs. Rice. The motion passed unanimously by those present and the work session was adjourned at 7:04 p.m.

Respectfully submitted,

Tom Seale, Finance Director/City Clerk

[SEAL]

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