# CITY OF PELHAM

**Council Work Session**
**Pelham City Hall - Council Conference Room**
**March 21, 2011 – 6 p.m.**

## MINUTES

Members of the Pelham City Council met on March 21, 2011 at 6 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 Bill Meadows
Councilmember Teresa Nichols
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 p.m.

<u>Approval of Minutes</u>

A motion was made by Mr. Meadows to approve the March 7, 2011 work session minutes. The motion was seconded by Dr. Nichols and by voice vote the motion passed unanimously by all members present.

<u>Mayor's Comments</u>

Mayor Murphy elected to hold his comments until council meeting.

<u>Review of Council Agenda</u>

Mr. Dickens reviewed the council agenda for March 21, 2011.

A. 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 are 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 March 21, 2011 City Council Agenda.

2. Approval of the March 7, 2011 regular City Council meeting minutes.

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

    a. Municipal Corrections Fund - Current Balance $ 77,376.54

        1. Authorization for 25 blood tests for DUI suspects at $ 18 per test, total requested for the remainder of FY2011 is $ 450.00. (Police Department)

B. Public Hearing

1. A petition by SAC Commercial Improvement District of Pelham, Alabama to assess land within the district for improvements. (See Resolution 2011-03-21-03.)

    Mr. Brad Cherry, representing the SAC Commercial Improvement District, explained the purpose of the District was to construct Huntley Parkway. The debt of the District is being refinanced with BB&T which requires certain council action. The proposed assessments are placed on the principals and are not obligations of the City of Pelham or any other party. Mr. Meadows questioned whether the directors of the District had full knowledge of the intentions of the Resolutions and had given their consent. Mr. Cherry explained the directors had requested to assess themselves. Mayor Murphy addressed Mr. Cherry stating the dedication of Huntley Parkway needed to be addressed as soon as possible. Mr. Cherry committed to talk with the directors of SAC Commercial Improvement District and to communicate their wishes to City Clerk Tom Seale regarding the road dedication. Mr. Dickens noted that due to the nature of the request with regard to the hearing, public notification was not required.

C. Mayor's Comments - HOLD

D. Proclamations - None

E. Requests to Address the Council

1. Mildred Lanier, President, Hayesbury HOA.

    Discussion – Curb and valley gutter issues.

2. Tony Edwards, Scoutmaster of Troop 5, Christ Church United Methodist Church, is scheduled to attend with several members of the Troop.

F. Old Business

1. Resolution 2011-03-07-05 declaring the City's Intent for Reimbursement of costs associated with the purchase of real estate, the design, acquisition, construction and installation of various park and recreation capital improvements and certain other municipal capital improvements.

   Mr. Powell referenced a sales contract regarding Resolutions 2011-03-07-06 and 2011-03-07-07. Mr. Powell moved to remove Resolutions 2011-03-07-05, 2011-03-07-06 and 2011-03-07-07 from the council agenda and that the council be provided copies of the sales contract. Mayor Murphy distributed copies of both contracts which were finalized last Friday. Mrs. Rice seconded the motion to remove Resolutions 2011-03-07-05, 2011-03-07-06 and 2011-03-07-07 from the March 7, 2011 council agenda. Mr. Dickens asked Mayor Murphy to confirm if the sales contract is approved there is no going back, except the provisions stated in the contract which must be met. Mr. Meadows commented this was a basic, simple contract. Mayor Murphy further explained the properties would have to appraise for the purchase price in order to move forward with the sale. Mr. Meadows stated the property can only increase in value and that the commercial property is located on Highway 31 and could be developed for businesses. He further noted the trailer park has a positive revenue stream that will continue for a period of time. There are many possibilities for the 36 acres under consideration. Mr. Meadows mentioned financing opportunities and reserves could be used to pay for the property. He said the acquisition of the property gives us a bargaining chip. Mr. Meadows thanked Mayor Murphy and Finance Director Tom Seale for their work on the project. Mrs. Rice said with regard to a bond issue that the park cannot pay for a bond issue and the city should not be the one to buy the property, it should be a private company. Mr. Meadows stated there is interest from a developer in building a facility to bring jobs to Pelham. Mr. Dickens said the purchase of the property was part of an overall picture of developing a greenway and this is a first step. He said this is not just about expanding the park; it is about bringing Pelham to a new standard. There being no further discussion Mr. Dickens called for a vote to remove Resolutions 2011-03-07-06 and 2011-03-07-07 from the March 7, 2011 agenda. By voice vote said motion was approved 3-2 with Dr. Nichols and Mr. Meadows voting no.

   Mr. Dickens instructed the city clerk to add the resolutions to the April 4, 2011 city council agenda.

   Mr. Dickens noted Mayor Murphy was following the directions of the council with regard to bringing the property purchase contracts to the council for consideration. Mayor Murphy noted, for the record, there was no real estate company involved in this process and there would be no real estate commissions paid.

   Mr. Powell stated he would like the opportunity to have several questions answered prior to a vote by the council to purchase the property.

2. Resolution 2011-03-07-06 authorizing the purchase of real property plus closing costs for park and recreation improvements. Requirements for closing include, but are not limited to, a satisfactory survey, appraisal and title insurance.

3. Resolution 2011-03-07-07 authorizing the purchase of real property plus closing costs for park and recreation improvements. Requirements for closing include, but are not limited to, a satisfactory survey, appraisal and title insurance.

4. Resolution 2011-03-07-08 approval of City Park Sidewalk Project contract revision with Gallet & Associates, Inc. in an additional amount of $ 5,780.45 due to contract overruns. The revised amount is subject to 100% of federal American Recovery and Reinvestment Act (ARRA) funding. Mrs. Rice questioned City Engineer Jesse Jowers regarding the additional costs. Mr. Jowers explained the contractor took longer than expected which increased the engineering costs of the project. He further explained the additional costs are 100% reimbursable.

G. New Business

2. Resolution 2011-03-21-01 Authorizing the participation by the City of Pelham in the 2011 Sales Tax Holiday, August 5-7, 2011.

   Revenue Director Mike Morgan stated there was no way to determine the economic impact of a sales tax holiday in Pelham. He recommended approving the resolution since the surrounding cities and Shelby County will be participating.

3. Resolution 2011-03-21-02 Reappointment of directors to the SAC Commercial Improvement District of Pelham, Alabama.
   Brad Cherry, Maynard, Cooper & Gale, P.C., will be present.

   No Comments

4. Resolution 2011-03-21-03 Approving a petition by SAC Commercial Improvement District of Pelham, Alabama to assess land within the district for improvements.
   Brad Cherry, Maynard, Cooper & Gale, P.C., will be present.

   No Comments

H. Council and Public Comments

I. Public Announcements

1. Youth Government Day – April 18, 2011

2. Rescheduling of the May 2, 2011 council meeting (Alabama League of Municipalities Annual Convention) to May 9, 2011 and the July 4, 2011 council meeting (4th of July Holiday) to July 11, 2011.

Old Business – AS TIME PERMITS

1. Resolution 2011-02-21-01 – Establishing a Tobacco Tax within the City of Pelham.

   Mr. Dickens reported on the outcome of the council's request to establish a tobacco tax within the city limits of Pelham. Representative Mike Hill has notified City Clerk Tom Seale that state law prohibits the City of Pelham from establishing a tobacco tax at this time.

New Business – AS TIME PERMITS

1. Selection of the voting delegates from the Council for the 2011 Alabama League of Municipalities, April 30 – May 3, 2011, Huntsville, Alabama.

   With the consent of the council, Mr. Dickens appointed Mayor Murphy as the voting delegate for the annual league convention with Dr. Nichols as first alternate delegate and Mrs. Rice as the second alternate delegate.

2. Distribution of FY2010 financial audits.

   Finance Director Tom Seale informed the council the 2010 audited financial statements had been completed and were available for review. He stated the auditors would be attending the April 4, 2011 work session to present the audit and answer any questions. Mr. Seale requested the council to submit questions about the audit to him and he would forward to the auditors.

Announcements

Council Comments

Mr. Meadows mentioned the March 2011 city news magazine article and thanked former Fire Chief Gary Waters and Mayor Murphy for making a difference in Pelham.

Adjournment

Mr. Meadows moved to adjourn the work session and said motion was seconded by Mr. Powell. The motion passed unanimously by those present and the work session was adjourned at 6:42 p.m.

Respectfully submitted,

CITY OF PELHAM CITY SEAL ALABAMA

[SEAL]

Tom Seale, Finance Director/City Clerk