CITY OF PELHAM

Council Regular Work Session

Pelham City Hall – Council Conference Room
December 5, 2011 – 6:00 p.m.

MINUTES

Proper notice of the regular scheduled Pelham City Council Work Session was given at least 72 hours in advance of such public meeting and the notice remained posted through the scheduled meeting.

Members of the Pelham City Council met on December 5, 2011 at 6:00 p.m. The regular work session was held in the Council Conference Room of Pelham City Hall and was open to the public. The work session was called to order by Council President Nichols at 6:02 p.m.

The following elected officials were present:

Mayor Don Murphy
Council President Teresa Nichols
Councilmember Mike Dickens
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.

Approval of Minutes

A motion was made by Mr. Dickens to approve the November 21, 2011 regular work session minutes. The motion was seconded by Mr. Meadows and by voice vote the motion was passed unanimously by those members present.

Mayor's Comments

Mayor Murphy elected to hold his comments until council meeting.

Review of Council Agenda

Dr. Nichols reviewed the council agenda for December 5, 2011.

E. 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 the November 21, 2011 City Council Agenda.

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

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

    a. 4 Cent Gasoline Tax – Current Balance: $ 51,617.20

        1. Request to pay Byrd Contractors, Inc. $ 7,256.00 for street repairs related to a sewer leak on Stratford Place. (Public Works Department)

F. Public Hearing – None

G. Mayor's Comments

H. Proclamations – None

I. Requests to Address the Council - None

J. Old Business – None

K. New Business

1. Resolution 2011-12-05-01 authorizing the Pelham Water Department to perform engineering and design work and the letting of bids to provide for water main improvements, to include the replacement of pipe and the installation of water pressure regulators, as required, in order to maintain the integrity and reliability of the water delivery system in the Chandalar sub-division. Mr. Powell noted this was a first reading of the resolution. He further requested clarification in the resolution to state the funding source of the improvement project. Mr. Powell asked the city clerk to contact Chris Cousins of Municipal Consultants, Inc. in order that the scope of work could be included in the resolution.

2. Resolution 2011-12-05-02 amending the Library's FY2012 budget and authorizing additional funding for senior citizen programs within the City of Pelham, Alabama from proceeds received as reimbursement from the Alabama Department of Economic and Community Affairs (ADECA) for city administrative in-kind expenses associated with the Oak Mountain State Park Bridge Project in the amount of $ 7,000.00. Mr. Meadows explained the project and his desire to fund additional senior programs from the reimbursement of the in-kind services provided by the city administration.

3. Resolution 2011-12-05-03 adopting a hiring freeze for the City of Pelham's Water and Sewer Department administrative staff for any position which is now or hereafter becomes vacant due to advances in technology and recent software upgrades. Mr. Meadows noted for the record that the resolution was on the agenda at his request. He stated the recently approved computer software upgrades will allow the city to do more with less. Mayor Murphy stated the Water and Sewer Departments were working with less personnel now than in the past. The Mayor further stated he does not like the infringement on his daily operational duties that this resolution would have. Public Works Director Eddy Jowers said he believes the new software will eliminate the need for the replacement of employees in the future through resignations or retirements. He said he has concerns a hiring freeze will cause problems during the phase-in period. Dr. Nichols said she has concerns that the hiring freeze resolution focuses on only one department and this department does not have a history of hiring extra employees. Mr. Powell said the employees are in the budget and the time to address this issue is during the budget process. He said the council was putting their trust in the city's administration with regard to doing the right thing. Mr. Dickens said efficiency is important, which will kick in during the next budget period. Mr. Powell moved to remove Resolution 2011-12-05-03 from the December 5, 2011 council agenda. Said motion was seconded by Mr. Dickens. The motion to remove the resolution from the agenda was approved by voice vote, 4-1, with Mr. Meadows voting no. Mr. Meadows stated his intention was to be transparent and allow the mayor to move employees as needed. He further stated his comments were not directed at any one department or individual.

4. Resolution 2011-12-05-04 authorizing the payments for property damages that have occurred due to infrastructure failures of the Pelham Water Department where an insurance claim has been denied and deemed not to have been caused by negligence on the part of the Pelham Water Department. Dr. Nichols stated she would like some direction from our attorney regarding this proposed resolution. Mr. Powell asked if Edward Brasher's claim for damages had been filed and reviewed by the insurance company. Mr. Brasher had stated an additional water valve had not been turned off causing the damage to his property. Mayor Murphy explained the process of turning off valves in the water system. Mr. Powell stated he would like to see an independent adjuster (third party) review the claims in order to protect the city's and the taxpayer's interests. There was discussion about a shared cost of the insurance claim with the city

and the homeowner in the event a claim was denied by the insurance company. Dr. Nichols stated she would like to explore a cap on the claims. Mr. Dickens moved to table Resolution 2011-12-05-04 on the December 5, 2011 council agenda. Said motion was seconded by Mr. Meadows. The motion to table the resolution was unanimously approved by voice vote of those members of the council present. Mr. Powell suggested raising the cap for approval by the mayor and department head for property damages from $ 500 to $ 1,000. Mr. Meadows said the city attorney would have to review and approve the proposed resolution before he would vote to approve.

5. Resolution 2011-12-05-05 advising the Alabama Emergency Management Agency (AEMA) that the City of Pelham desires to proceed with the Hazard Mitigation Grant Program 1971 Community Safe Room Project (Project #71-447) and further agrees to provide the required 20% cash match toward the total cost of the grant project. Mr. Meadows said he felt there was a need for a public hearing to discuss the proposed storm shelters to include the location and type of shelters under consideration. Mayor Murphy explained the process of site selection and matching funding. He stated the proposed sites are close to trailer parks, apartments and townhomes. Mr. Powell stated he had researched the program and said storm shelters are important according to his source. He further stated logistical issues needed to be worked out and parking would be an issue to consider. Mr. Powell asked who would be responsible for opening the storm shelters during bad weather. Mayor Murphy reminded the council the deadline is December 9, 2011 for notifying the Alabama Emergency Management Agency (AEMA) of Pelham's desire to proceed with the grant. Mr. Meadows asked the Mayor if the city had looked at or considered other locations. Mr. Meadows stated he wanted to look into which agency is going to administer the grant. Mr. Powell asked the city clerk to include the required matching funds in the resolution. Mr. Dickens asked what the city's liability is if someone is locked out of the shelter or the shelter is not open.

6. Resolution 2011-12-05-06 accepting the low bid from North Alabama Fire Equipment Company (NAFECO) in the amount of $ 30,960.00 ($ 1,548.00 per set) for fire department protective (turnout gear) clothing and further authorizes the Mayor to execute a contract on behalf of the City of Pelham. There were no council comments.

7. Resolution 2011-12-05-07 approving the terms of the lawsuit settlement agreement and timeline requiring Niebur Golf, Inc. to make certain monetary payments to the City of Pelham in the total amount of $ 30,000.00. Mayor Murphy explained the lawsuit and the mediation and settlement process. There were no council comments.

8. Resolution 2011-12-05-08 accepting and approving the dedication of Panther Ridge Subdivision and accepting the dedication of the public streets and rights-of-way as shown on the final plat. There were no council comments.

9. Resolution 2011-12-05-09 affirming and approving the monthly residential garbage and recycling rate increase of 2.20% ($.22) effective October 1, 2011. (This item is not on the agenda but was under discussion.) Mr. Powell referenced several e-mails in his council packet regarding the proposed garbage rate increase. He stated several reasons he could not vote for the increase including the 60 day notification deadline that was not observed and the fact no public hearings were held. He noted according to the contract the city council must approve any rate increase. Mrs. Rice stated the council needs to address the proposed rate increase.

Old Business – AS TIME PERMITS

1. Ice Rink Management - Request for Proposals Review

   Dr. Nichols stated she would like for the council to look at a management contract for the entire Complex, to include the banquet and ice facilities.

2. Rick Hayes, Ingenuity, Inc., regarding telecommunication optimizations.

3. Review of Ordinance 267-2 (Mayor/Council Compensation)

   Dr. Nichols noted any changes to the mayor / council compensation ordinance must be addressed by the council. Those changes could include adding health insurance, the approval of excused absences and additional compensation for special called city council meetings. Mr. Dickens discussed the cost of health insurance and other benefits with Human Resources' representative Janis Parks. Mr. Powell followed with additional questions regarding the cost to the city for the insurance benefits. Mr. Powell stated he agreed with the excused absences, but was not sure about health insurance or extra pay for the council attending special called council meetings.

4. Review of International Fire Code, International Residential Code and City of Pelham Sub-Division Regulations

New Business – AS TIME PERMITS

<u>Announcements</u>

Rescheduling of the January 2, 2012 council work session (New Years Day) to January 9, 2012.

Rescheduling of the January 16, 2012 council work session (Martin Luther King Day) to January 23, 2012.

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 6:58 p.m.

Respectfully submitted this 5th day of December, 2011.

Tom Seale, CMC, City Clerk

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