

CITY OF PELHAM
Council Regular Work Session
Pelham City Hall – Council Conference Room
February 6, 2012 – 5:30 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 February 6, 2012 at 5:30 p.m. The regular work session was held in the Council Conference Room in Pelham City Hall and was open to the public. The work session was called to order by Council President Nichols at 5:30 p.m.

The following elected officials were present:

Mayor Don Murphy
Council President 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.

Approval of Minutes

A motion was made by Mr. Powell to approve the January 23, 2012 regular work session minutes. The motion was seconded by Mr. Meadows and by voice vote the motion was passed unanimously by those members present.

Executive Session

A motion was made by Mr. Meadows for the purpose of entering into executive session to discuss preliminary negotiations involving matters of trade or commerce and pending litigation. Said motion was seconded by Mr. Powell. There being no further discussion Council President Nichols asked the city clerk to call the roll on the motion to enter into executive session. The roll call votes were recorded as follows:

Teresa Nichols	Yes
Council President	

Bill Meadows Council Member	Yes
Steve Powell Council Member	Yes
Karyl Rice Council Member	Yes

Council President Nichols stated the City Council, Mayor Don Murphy and City Clerk Tom Seale would attend the executive session. Council President Nichols stated the council would return from the executive session no later than 6:30 p.m. and reconvene the work session. The council returned at 6:30 p.m. and Council President Nichols called the meeting back to order.

Mayor's Comments

Mayor Murphy elected to hold his comments until council meeting.

Review of Council Agenda

Dr. Nichols reviewed the council agenda for February 6, 2012.

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 February 6, 2012 City Council Agenda.
2. Approval of the January 23, 2012 regular City Council meeting minutes.
3. Approval of the following non-budgeted expenses from restricted fund accounts. None

F. Public Hearing - None

G. Mayor's Comments

H. Proclamations

None

I. Requests to Address the Council

Honorable James W. Fuhrmeister, Judge of Probate, Shelby County, Alabama.

J. Old Business

1. Resolution 2012-01-23-04 for consideration for the City of Pelham to enter into a one year contract with Shelby County to secure the rights as a sponsor in the 2012 International Triathlon Union (ITU) World Championships on May 19-20, 2012 at Oak Mountain State Park in the amount of \$ 5,000.00 and to amend the FY2012 General Fund budget as required. (1st Reading – January 23, 2012) There were no council comments.

K. New Business

1. Resolution 2012-02-06-01 for consideration to purchase two 2 gigabytes of memory for the Police Department's mobile data computers for patrol vehicles 265 and 279 from Insight Public Sector in the amount of \$ 265.37. Said expense was included in the Police Department's FY2012 budget. There were no council comments.
2. Resolution 2012-02-06-02 authorizing the Finance Director to obtain an unsecured promissory loan to finance seven new 2012 police vehicles and further authorizing the Mayor to sign such documents on behalf of the City with Central State Bank for \$ 165,611.00, no closing costs or attorney fees, for 36 months at 1.75 % fixed rate interest. (Expense was included in the FY2012 Police Department Operating Budget.) There were no council comments.
3. Resolution 2012-02-06-03 authorizing the Mayor and City Clerk to issue and sign the Certificate designating the promissory loan as a "qualified tax-exempt obligation" of the City of Pelham within the meaning of Section 265(b)(3)(B) of the Internal Revenue Code. There were no council comments.
4. Resolution 2012-02-06-04 approving the commitment of a 20% match for sidewalks along Industrial Park Drive and Shelby County Highway 105 (Bearden Road) from U.S. Highway 31 to Pelham High School and amending the FY2012 General Fund Budget as required. (1st Reading) There were no council comments.
5. Resolution 2012-02-06-05 for consideration to purchase an upgrade of Peachtree Accounting Software for the Water Department from Allday Consulting Group, LLC in the amount of \$ 1,200.00. Said expense was included in the Water Department's FY2012 budget. There were no council comments.
6. Resolution 2012-02-06-06 for consideration to appoint _____ to the City of Pelham's Personnel Board with the term ending on January 31, 2016.

Mr. Powell discussed his conversation with Tracy Roberts, Alabama League of Municipalities, concerning the ambiguity of the Pelham Civil Service Law regarding the appointment of members to the Personnel Board. Mr. Roberts' stated the mayor and council would have equal voting authority, the mayor one vote, the council (by majority vote) one vote and that the mayor and council majority must be in agreement for an appointment to be made. City Attorney Bill Justice stated he is of the opinion each councilmember and the mayor would have one equal vote. Mr. Powell addressed several options in appointing the mayor/council representative. He suggested (1) follow Mr. Roberts recommendation allowing the mayor one vote and council one vote, (2) allow the attorneys to work toward a consensus, or (3) seek an Attorney General's Opinion to resolve the issue. Dr. Nichols noted Mayor Murphy has nominated Mike Kelley for the Mayor/Council position on the Personnel Board. She further stated if the council agreed with the nomination there would be no conflict. Mrs. Rice recommended Mosley Johnson for the position. Mayor Murphy mentioned several positions that could possibly disqualify a candidate from holding the position. Dr. Nichols suggested the need to update the Pelham Civil Service Law, stating the "city cannot go against state law". Mr. Powell read the Personnel Board qualifications from the Pelham Civil Service Law. Mr. Meadows moved to "lay on the table" the question of the appointment to the Personnel Board. Mr. Powell seconded the motion. Mayor Murphy stated there are currently two vacancies on the board. Mr. Powell stated the current members will remain on the board until replaced. Mr. Meadows withdrew his motion to "lay on the table" the Personnel Board appointment. Mr. Powell withdrew his second to the motion. Discussion followed regarding Mayor Murphy's nominee, Mike Kelly and his qualifications to serve on the Personnel Board.

Mr. Meadows nominated Mike Kelley to serve as the Mayor/Council representative on the Pelham Personnel Board. Said motion was seconded by Dr. Nichols. The motion was approved by a vote of 3-2 with Mayor Murphy, Dr. Nichols and Mr. Meadows voting for the nominee and Mrs. Rice and Powell voting against. Mr. Powell challenged the chair with regard of not allowing any additional nominations to the Personnel Board and that nominations and voting should not occur during the work session. The nomination of Mr. Kelley will be forwarded to the City Council for consideration.

7. Resolution 2012-02-06-07 authorizing the Finance Director/City Clerk to request proposals from interested parties to refinance the existing eligible long-term debt of the City of Pelham to take advantage of the significant drop in interest rates and to bring such proposals to the Council for final authorization and approval. There were no council comments.

8. Ordinance 447 to declare Lots 67 and 68 according to the Final Plat of Oaklyn Hills, Phase 3, as recorded in Map Book 34, Page 52, in the Probate Office of Shelby County, Alabama and to hereby establish that the aforementioned real property of the City of Pelham, Alabama, is no longer needed for public or municipal purposes and to approve the sale of said property to the Oaklyn Hills Homeowners' Association, Inc. in the amount of \$ 10,000.00. (1st Reading) Mrs. Rice asked about the cost of the lots acquired from the developer. Mayor Murphy explained the lots were obtained as payment to the city for completing the paving in the Oaklyn Hills subdivision.

Old Business – AS TIME PERMITS

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

Dr. Nichols requested the council to continue reviewing the ordinance.

2. Ice Rink Management

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

New Business – AS TIME PERMITS

Announcements

Special City Council Work Session Monday, February 13, 2012 in the Council Chambers at Pelham City Hall.

5:30 p.m. – Presentation by Leonard A. Matarese, Director, ICMA Research and Development, regarding staffing and workload analysis.

7:00 p.m. - Conduct public interviews for filling the vacancy in Council Place 2.

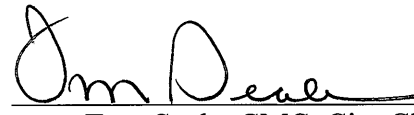
Dr. Nichols discussed the council interviews. It was the consensus of the Council that all 10 candidates would be interviewed on February 13, 2012 in the Council Chambers at Pelham City Hall beginning at 7 pm.

Council President Nichols announced the April 16, 2012 council meeting would be moved to April 23, 2012 to accommodate Youth Government Day.

Adjournment

Mr. Meadows 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 6th day of February 2012.



Tom Seale, CMC, City Clerk

