CITY OF PELHAM – WORK SESSION

Pelham City Hall – Council Conference Room
November 19, 2012 – 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 November 19, 2012 at 6:00 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 Rick Hayes at 6:00 p.m.

Call to Order

Roll Call

The following elected officials were present:

Mayor Gary W. Waters
Council President Rick Hayes
Councilmember Ron Scott
Councilmember Beth McMillan
Councilmember Maurice Mercer
Councilmember Karyl Rice

Media Present: Neal Wagner, Shelby County Reporter, Martin Reed, Birmingham News.

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

Approval of Minutes

A motion was made by Mrs. Rice to approve the November 5, 2012 regular work session minutes. The motion was seconded by Mr. Scott and by voice vote the motion was passed unanimously by those members present.

Mayor's Comments

Mayor Waters elected to hold his comments until the regular council meeting.

Review of Council Agenda

Council President Hayes reviewed the council agenda for November 19, 2012.

A. Call to Order

B. Invocation

C. Pledge of Allegiance

D. Roll Call

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 19, 2012 City Council Agenda.

2. Approval of the November 5, 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 Gary W. Waters – Comments

H. Proclamations - None

I. Requests to Address the Council

1. Kirk Mancer, President and CEO, Greater Shelby County Chamber of Commerce and consultant Jeff Neufeld.

J. Old Business - None

K. New Business

1. Ordinance 452 for consideration of an annexation request by Kevin R. Wheeler, Malia S. Wheeler and Diana L. Lee, 1741 Highway 35, Pelham, Alabama 35124. (1st Reading)

   There were no council comments.

2. Ordinance 453 for consideration of an annexation request by Thomas J. Dunaway and Pamala W. Dunaway, 1685 Highway 35, Pelham, AL 35124. (1st Reading) Fire Chief Danny Ray noted an issue with a fire hydrant being within 1,000 feet of the Dunaway's home. He stated the house is currently on the outer limits of the 1,000 feet. He further stated homeowners would be responsible for the installation of a hydrant at their expense for insurance purposes. Mrs. Rice concurred and stated this had been past practices in the City of Pelham.

3. Council Committee Appointments

   Finance: Council President Rick Hayes

   Library/Senior Center: Councilmember Maurice Mercer

   Parks/Pelham Racquet Club: Councilmember Beth McMillan

   Public Safety/Public Works/Ballantrae Golf Club: Councilmember Ron Scott

   Pelham Civic Complex: Councilmember Karyl Rice

4. Resolution 2012-11-19-01 for consideration to appoint Karyl Rice as the council representative to the Pelham Planning Commission.

   There were no council comments.

5. Resolution 2012-11-19-02 for consideration to appoint Maurice Mercer as the council representative to the Pelham Library Board.

   There were no council comments.

6. Resolution 2012-11-19-03 for consideration to appoint Beth McMillan as the council representative to the Pelham Park and Recreation Board.

   There were no council comments.

7. Resolution 2012-11-19-04 for consideration to appoint Eddy Jowers as the Public Works Director for the City of Pelham. Mr. Scott moved and Mrs. Rice seconded the motion to remove Resolution 2012-11-19-04 from the November 19, 2012 agenda. There being no further discussion and by voice vote the motion to remove Resolution 2012-11-19-04 passed unanimously by a vote of those members present.

8. Resolution 2012-11-19-05 for consideration to affirm the appointment of Charlie D. Waldrep as the City Prosecutor for the City of Pelham effective November 20, 2012. Mrs. Rice moved and Mr. Mercer seconded the motion to remove Resolution 2012-11-19-05 from the November 19, 2012 agenda. There being no further discussion and by voice vote the motion to remove Resolution 2012-11-19-05 passed unanimously by a vote of those members present.

9. Resolution 2012-11-19-06 for consideration to affirm the appointment of Richard Lee Barnes as the Municipal Judge for the City of Pelham effective November 20, 2012. Mrs. Rice moved and Mr. Mercer seconded the motion to remove Resolution 2012-11-19-06 from the November 19, 2012 agenda. There being no further discussion and by voice vote the motion to remove Resolution 2012-11-19-06 passed unanimously by a vote of those members present.

10. Resolution 2012-11-19-07 for consideration to affirm the appointment of Tommy Thomas as the Police Chief for the City of Pelham.

    There were no council comments.

11. Resolution 2012-11-19-08 for consideration to affirm the appointment of Danny Ray as the Fire Chief for the City of Pelham.

    There were no council comments.

12. Resolution 2012-11-19-09 for consideration to affirm the appointment of Janis Parks as Human Resources Director for the City of Pelham.

    There were no council comments.

13. Resolution 2012-11-19-10 for consideration and authorizing the mayor to sign a contract with The Alabama Youth Ballet Company in the amount of $ 1,000.00 to provide assistance with the production of *The Nutcracker* at Pelham High School December 8-9, 2012.

    There were no council comments.

14. Resolution 2012-11-19-11 for consideration to authorize the participation by the City of Pelham in the 2013 Sales Tax Holiday for Severe Weather Preparedness Items, February 22-24, 2013. Mr. Scott noted the law did not set limits on the number of items that could be purchased during the sales tax holiday. He further stated the faulty language should be addressed by the Legislature in 2013. Mr. Scott said he was withdrawing his previous reservations about supporting the resolution and promised to have discussions with our elected officials about making changes to the law. Mr. Hayes spoke in support of the passage of Resolution 2012-11-19-11.

15. Resolution 2012-11-19-12 for consideration to approve an ABC Application for 240-Non-Profit Tax Exempt license for applicant Ducks Unlimited, Inc., Event Location: Ft. Henry H. Cobb, Jr. Armory, 1000 Yeager Parkway, Pelham, Alabama 35124, Event Name: Ducks Unlimited Cahaba River Charter Membership Banquet.

    There were no council comments.

16. Resolution 2012-11-19-13 for consideration to approve an ABC application for 020 – Restaurant Retail Liquor for applicant Octane, operating under trade name Octane, located at 2969 Pelham Parkway, Pelham, Alabama 35124. Mrs. Rice stated she had discussion with the police and fire departments regarding this ABC application. The Fire Department explained due to the occupancy of the restaurant that a sprinkler system would be required. Fire Chief Danny Ray explained the past and current use of the building under discussion.

17. Resolution 2012-11-19-14 for consideration to approve a purchase, bid and lease agreement between Jerry Pate Turf & Irrigation, Inc., National Intergovernmental Purchasing Alliance, TCF Equipment Finance, Inc. and the City of Pelham in the amount of $ 30,454.37 per year for four years and further authorizing the mayor to sign the lease contract on behalf of the City. Lease payment will be included in the Park and Recreation's FY2013 operating budget. Park and Recreation Director Billy Crandall explained the continuation of the lease and the approval of the bid process.

18. Resolution 2012-11-19-15 for consideration to reimburse Beverly Rector for water billing errors from December 1998 to September 2012 in the amount of $ 6,057.86. Public Works Director Eddy Jowers explained to the council the discovery and origin of the billing error.

    There were no council comments.

19. Resolution 2012-11-19-16 for consideration to repeal the City of Pelham's Compensation Pay Plan adopted by Resolution 2011-10-05-01. Mr. Scott stated he wanted to be proactive with a plan in place after the repeal of the Compensation Pay Plan. Mayor Waters said 1/3 of the current work force will be negatively affected by abolishing the Compensation Pay Plan. The lawsuit brought by the Personnel Board could potentially go away, he stated. Mayor Waters mentioned budget concerns and the ability to work on the budget with good numbers in order to move forward. Mayor Waters explained all employees will go back to their pay rate as of September 30, 2011. He said this is a modest and temporary effect. Mayor Waters further explained employees denied a step raise after October 1, 2011 will receive that step raise if the Compensation Pay Plan is repealed and replaced by the pay plan in effect on September 30, 2011. Mayor Waters laid out options with regard to the resolution on the agenda. Mr. Mercer said he was not ready to move forward tonight and would like to remove the Resolution from agenda. Mrs. Rice said she would like to have something in place to replace the Compensation Pay Plan. Mayor Waters stated the Compensation Pay Plan adopted by the city council on October 5, 2011 is illegal according to the Civil Service Law. Mr. Hayes concurred with delaying the decision by two weeks. Mrs. Rice moved and Mrs. McMillan seconded the motion to remove Resolution 2012-11-19-16 from the November 19, 2012 agenda. There being no further discussion and by voice vote the motion to remove Resolution 2012-11-19-16 passed unanimously by a vote of those members present.

20. Resolution 2012-11-19-17 for consideration to repeal the City of Pelham's Vehicle Policy, Procedures and Guidelines adopted by Resolution 2011-04-04-04. Mr. Scott stated the vehicle policy was an administrative issue best left to Mayor Waters. He further stated that in his opinion the city will see a better utilization of the vehicle fleet, a cost savings and more efficiency.

21. Resolution 2012-11-19-18 for consideration to repeal the City of Pelham's Organizational Structure adopted by Resolution 2010-10-04-09. Mr. Hayes explained the original resolution is unclear as to its intent.

22. Resolution 2012-11-19-19 for consideration and approval of the Agreement for Preliminary Engineering between the State of Alabama and the City of Pelham for Project CMAQ-PE12( ) Sidewalks on Industrial Park and Bearden Road from SR-3 (US Highway 31) to Pelham High School and further authorizing the mayor to sign said agreement on behalf of the City of Pelham.

23. Resolution 2012-11-19-20 for consideration to amend the City of Pelham's Employee Flexible Benefits Plan. Janis Parks, Human Resources Department, explained the changes in the law requiring the amending of the city's Employee Flexible Benefits Plan.

    There were no council comments.

L. Council and Public Comments

M. Public Announcements

N. Adjournment

Old Business – AS TIME PERMITS

None

New Business – AS TIME PERMITS

Mayor Waters asked the council to appoint a representative to the Pay Plan Committee. The council appointed Beth McMillan and Rick Hayes. The Committee will consist of the Mayor, Council representatives, Finance Director, Human Resources Director, other department heads, middle managers and employees.

Mayor Waters and Mr. Scott announced plans to hold the first Business Council meeting in the near future.

Public Announcements

Adjournment

Mr. Scott moved to adjourn the work session and said motion was seconded by Mrs. Rice. The motion passed unanimously by those members present and the work session was adjourned at 6:38 p.m.

Respectfully submitted this 19th day of November 2012.

Tom Seale, CMC, City Clerk

[SEAL]