

CITY OF PELHAM – WORK SESSION

**Pelham City Hall – Conference Room
November 21, 2016 – 6:00 p.m.**

MINUTES

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

Members of the Pelham City Council met November 21, 2016 at 6:00 p.m. The regular work session was held in the Conference Room in Pelham City Hall and was open to the public.

Call to Order

The work session was called to order by Councilmember Hayes at 6:00 p.m.

Record of Attendance

The following elected officials were present:

Councilmember Rick Hayes
Councilmember Ron Scott
Councilmember Beth McMillan
Councilmember Maurice Mercer
Councilmember Mildred Lanier
Mayor Gary Waters

Media Present: Briana Harris, Shelby County Reporter

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

Approval of Minutes

A motion was made by Councilmember McMillan to approve the November 7, 2016 regular council work session minutes. The motion was seconded by Councilmember Lanier and passed unanimously by voice vote of those members present.

Mayor Waters' Comments

Mayor Waters said he had received a request from Shelby County asking the city council to authorize him to sign a MOA with the county for the county-wide radio system.

Chief Palmer reported that the City of Alabaster had decided not to fund the additional tower that was needed for the new system to have what was considered full coverage. However, he had reviewed everything with representatives of Motorola and believed that Pelham would still have very good coverage based on some changes that had been made to the plans for other towers in the area. Therefore, Chief Palmer said that he was comfortable that Pelham should move ahead with the radio system that would initially only include six towers instead of the original plan for seven towers. The funds for the city's participation were approved in the FY2017 budget.

Councilmember Hayes moved to support the county-wide radio system and to authorize the mayor to sign the MOA. Councilmember Mercer seconded the motion and it was approved unanimously by voice vote of those members present.

Review of Council Agenda

Councilmember Hayes reviewed the November 21, 2016 council agenda and noted there was a public hearing scheduled.

J. Old Business

1. Election of the Council President

City Attorney Butch Ellis explained various AG and Ethics Opinions related to the election of council officers. Mr. Ellis serves on the Ethics Commission, but stated that he was providing his feedback as the city attorney and not a member of the Ethics Commission. He said we should have an Ethics Opinion by our next council meeting. He offered to call the Attorney General's office on our behalf to request that our pending AGO be expedited.

Councilmember Hayes recommended that the council go ahead and elect a council president for now, saying that another election could be held if the council received unexpected opinions from either the Ethics Commission or the Attorney General's Office. He suggested an informal caucus during the work session allowing everyone to indicate their preference for council president with the council members agreeing to vote in the council meeting for any member that received the support of a majority of the council members. This would allow the council to elect officers without having to wait for an Attorney General's Opinion because the member who received the majority support could abstain from the official election during the council meeting as was done during the 2012 election of the Pelham council president.

Mr. Ellis said that was permissible. However, he pointed out that council members' agreements during the work session were not binding and the council members could vote however they wished in the council meeting.

Councilmember Mercer agreed that it was appropriate to go ahead and try to elect a council president based on the majority opinion. He also said that he would like to be considered for a leadership position on the council.

Councilmember Scott said he would support Councilmember Mercer for president.

Councilmember Lanier said she would like for Councilmember Hayes to remain the council president.

Councilmember McMillan said she would support Councilmember Hayes for president.

2. Election of the Council President Pro Tempore

There was no discussion.

K. New Business

1. **Resolution 2016-11-21-01** for consideration to appoint a city clerk

Councilmember Hayes proposed a short-term appointment of a city clerk based on the previously agreed upon plan to discuss a city manager and determine what responsibilities this position would include if approved. He explained the code issues related to the term of the city clerk position and the inability for the term of a city clerk to be reduced even if the related responsibilities were included in another position's responsibilities. He distributed a version of Resolution 2016-11-21-01 to appoint Tom Seale as city clerk from November 21, 2016 through the second city council meeting in February 2017. This was introduced as a potential replacement of the version of the Resolution 2016-11-21-01 he had sent out the previous week to the council, mayor and city clerk that did not list who would be appointed to city clerk or the term of the appointment since the city council would have to determine the related appointment in a called meeting. Councilmember Hayes suggested possibly adding an additional step to the finance director's pay class to compensate for the additional responsibilities of city clerk, which had been included in the finance director's responsibilities until 2013. Councilmember Hayes stated that he thought it best not to appoint a city clerk for a four-year term while the city manager position was being reviewed and the potential search for a city manager was being completed since the \$80K+ city clerk salary could potentially be used for the city manager as was discussed earlier this year.

City attorney Butch Ellis stated that it was unclear whether the city could change the term of a city clerk after an appointment based on the Code of Alabama. He said if the council did not appoint a city clerk at this point that the current city clerk could remain in that office until someone else is appointed.

Councilmember Hayes asked members of the council if they would like to table the appointment of a city clerk at this time and all agreed.

Councilmember Scott moved to remove Resolution 2016-11-21-01 from the council agenda and Councilmember Mercer seconded the motion. Upon voice vote, the motion passed by majority vote of the council members present and the resolution was removed from the November 21st agenda.

2. **Resolution 2016-11-21-02** for consideration to appoint a council member to the Pelham Planning Commission

The draft Resolution 2016-11-21-02 to authorize the mayor to continue in the role of superintendent of the city waterworks and sewer departments was replaced with the above resolution. It was determined that the mayor's appointment to the superintendent position in 2012 remains in effect.

Councilmember Hayes recommended that Councilmember Lanier be appointed as the council representative to the Pelham Planning Commission especially since she has served on the commission for the past six years. Councilmember Lanier agreed to accept the appointment.

3. **Resolution 2016-11-21-03** for consideration to affirm the mayor's appointment of Larry Palmer as police chief for the City of Pelham

Councilmember Hayes thanked Chief Palmer for he has done for Pelham.

4. **Resolution 2016-11-21-04** for consideration to affirm the mayor's appointment of Danny Ray as fire chief for the City of Pelham

Councilmember Hayes also thanked Chief Ray for his service to Pelham.

5. **Resolution 2016-11-21-05** for consideration to appoint Richard Lee Barnes as municipal judge for the Pelham Municipal Court

Councilmember Scott commented that Judge Barnes had done an excellent job for the city.

6. **Resolution 2016-11-21-06** for consideration to appoint Charlie D. Waldrep as municipal prosecutor and Frank G. Alfano and Brandon Prince as assistant prosecutors for the Pelham Municipal Court

There was no discussion.

7. **Resolution 2016-11-21-07** for consideration to appoint Jeffrey G. Hester as the municipal public defender for Pelham Municipal Court

Councilmember Hayes noted that they are appointing a new public defender and asked Court Clerk Jennifer Bridwell if she was in agreement, and she affirmed that she was in agreement with the appointment.

8. **Resolution 2016-11-21-08** for consideration to designate council members to serve as council liaisons to various boards and departments of the City of Pelham

The council discussed the various liaison assignments and it was agreed that the following assignments be made:

Councilmember Mercer will be council liaison to the Library, Library Board, Senior Center and Pelham Civic Complex & Ice Arena.

Councilmember McMillan will be council liaison to the Parks and Recreation Department, Racquet Club, Pelham Parks and Recreation Advisory Board, Police Department and Fire Department.

Councilmember Scott will be council liaison to the Public Works Department and Ballantrae Golf Club.

Councilmember Lanier will be council liaison to the Pelham Board of Education.

Councilmember Hayes will be council liaison to the Finance and Revenue Departments, Pelham Board of Education and the Commercial Development Authority.

9. **Resolution 2016-11-21-09** for consideration to approve an ABC license transfer application for HOA Restaurant Holder, LLC, operating under the trade name of Hooters of Pelham, located at 400 Cahaba Valley Road, Pelham, Alabama

Chief Palmer told the council he supported the license transfer and that the employee involved in a prior incident was no longer employed.

Councilmember Scott asked Brian Wahl with Bradley Arant Boult and Cummings who was at the meeting representing HOA Restaurant Holder, LLC (Hooters) if this restaurant has a responsible vendor program in place currently and if it had one at the time of a recent incident. Mr. Wahl said that ServSafe was the responsible vendor program which trained and certified Hooters employees for all Hooters locations.

10. **Resolution 2016-11-21-10** for consideration to approve an employee vacation sell back opportunity

HR Director Janis Parks verified that the maximum number of hours an employee could sell was 32 hours and that the separate checks would be distributed with the December 2nd payroll.

11. **Resolution 2016-11-21-11** for consideration to declare various items as surplus personal property and authorize the disposal of same

There was no discussion.

12. **Resolution 2016-11-21-12** for consideration to declare the police K-9 Bizzy as surplus personal property and transfer ownership to her handler, Police Sergeant Steve Johnson

Councilmember Hayes asked that this resolution be moved to the first of the agenda at the request of Chief Palmer. There were no objections.

13. **Resolution 2016-11-21-13** for consideration to revoke the business license for Owen's Bar & Grill for failure to file tax returns and the non-payment of applicable sales, use and liquor taxes

Finance Director Tom Seale confirmed that the past due taxes had not been paid by the deadline.

(End of November 21, 2016 Agenda Review)

Old Business

1. Discuss the election of new officers for the city council and the potential for appointing a member of the council to preside over council meetings and perform other duties of the council president until the election of new city council officers

This was discussed earlier in the work session.

2. Review applications for the Commercial Development Authority and discuss an appointment

The council agreed to review the applications that were submitted and to discuss an appointment at the December 5th work session. At that time the council will decide if applicants will be invited to the December 19th work session for an interview.

New Business

1. Revitalization of Boy Scouts in Pelham – Billy Crandall

Parks and Recreation Director Billy Crandall said he had been approached by local Boy Scout leaders who were asking the city to charter a troop in Pelham through the Parks and Recreation Department. Currently there is no Boy Scout troop in Pelham.

The Boy Scouts representatives in attendance were Larry Walck, Chris Combs, Kirk Toole and Aaron Heape along with two cub scouts. Mr. Walck addressed the council to request that the city consider sponsoring a troop for boys in Pelham and presented the city clerk with a charter agreement.

The council expressed support for the Boy Scouts and requested the charter agreement be reviewed by the city attorney before the next council meeting.

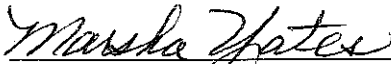
Announcements

1. City offices will be closed this Thursday and Friday, November 24th and 25th for Thanksgiving.
2. The City of Pelham will host a Christmas Open House on Monday, November 28th from 5:00 p.m. to 9:00 p.m. at the Pelham Civic Complex & Ice Arena.
3. The American Legion Post 555 will meet Thursday, December 1st at 7:00 p.m. at the Pelham Senior Center.
4. The Pelham High School SGA is sponsoring a toy drive for Oak Mountain Ministries. New or gently used, unwrapped toys may be dropped off at the Pelham Public Library through December 12th.

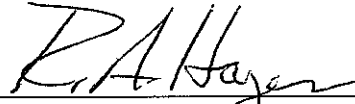
Adjournment

A motion to adjourn the work session was made by Councilmember McMillan and seconded by Councilmember Lanier. The motion passed unanimously by voice vote of those members present, and the work session was adjourned at 7:07 p.m.

Respectfully submitted this 21st day of November 2016,



Marsha Yates, MMC, City Clerk



Rick Hayes, Council Member

