

CITY OF PELHAM – WORK SESSION

**Pelham City Hall – Conference Room
February 6, 2017 – 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 February 6, 2017 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 Council President Hayes at 6:01 p.m.

Record of Attendance

The following elected officials were present:

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

Absent: Councilmember Beth McMillan

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 Lanier to approve the January 17, 2017 regular council work session minutes. The motion was seconded by Councilmember Mercer and passed unanimously by voice vote of those members present.

Mayor Waters' Comments

Mayor Waters shared the results of an on-line city auction that netted \$17,280 for the city.

The mayor introduced John Tyler Story, the new HR Director for the city. Mr. Story shared some information about himself, his goals and answered questions from the council.

Mayor Waters said he wished to defer his other comments for the city council meeting.

Review of Council Agenda

Council President Hayes reviewed the February 6, 2017 council agenda.

K. New Business

1. **Resolution 2017-02-06-01** for consideration to adopt the Shelby County Multi-Jurisdictional, Multi-Hazard Mitigation Plan

Mr. Hub Harvey, Supervisor for Shelby County Development Services-Emergency Management, gave a quick overview of the mitigation plan which is updated every five years. It has been approved by both the Alabama EMA and FEMA, and it opens the door to receive FEMA support in case of a major disaster. Our police, fire and public works departments worked with the county in developing the plan.

2. **Resolution 2017-02-06-02** for consideration to approve an extension of the special use permit issued to Foresite, LLC for the construction of a new wireless telecommunication facility to be located at 1373 McCain Parkway

Mr. David Aymett, CMS Representative, explained the need for the permit extension. While the construction of the new tower had been completed prior to the February 1st expiration date of the special use permit, the Verizon equipment to be installed on the tower had been backordered and the installation of said equipment was not completed before the permit expired. CMS recommends approval.

3. **Resolution 2017-02-06-03** for consideration to approve the appointment of Mr. John Tyler Story as Human Resources Director for the City of Pelham

There was no further discussion.

4. **Resolution 2017-02-06-04** for consideration to approve a lease agreement between the City of Pelham and Alabama Bullz, LLC related to the use of the Pelham Civic Complex & Ice Arena for a professional hockey team

President Hayes recommended the resolution be tabled for tonight's meeting due to unresolved issues related to the agreement. Councilmember Scott moved to table Resolution 2017-02-06-04 and Councilmember Mercer seconded the motion. The motion to table passed by unanimous voice vote of the council members present and the resolution was tabled.

5. **Resolution 2017-02-20-01** (First Reading) for consideration to approve the establishment of a city manager position for Pelham and authorizing the hiring of a Pelham City Manager

President Hayes said the job description and salary range presented with the resolution had been approved and recommended by the Personnel Board.

Councilmember Scott asked if there was a place holder for this dollar amount in this year's budget for the city manager salary, and President Hayes replied there was not, but that there were available funds in this year's budget to address this.

Councilmember Scott asked if there had been any discussions with the CDA about not hiring an executive director and allowing the city manager to take up those duties of the CDA director and use the money in the CDA account toward the city manager position.

President Hayes replied that Councilmember Scott and he had discussed this with the CDA as a potential option before, but that this had not been discussed with the CDA recently. He said if the right person was found that it might be appropriate to discuss this with the CDA again to see if they thought it would be a good idea.

Councilmember Lanier asked if the job description would have to be altered to include the CDA director duties. President Hayes said that it would, but that the job description could be changed whenever it is appropriate.

It was determined that the HR director will be responsible for distributing the notification for the city manager job position on a local and national level, and he would also receive and retain the resumes for the council.

Mayor Waters asked at what point it would be prudent to reappoint our city clerk to her position now that the merging of the city clerk duties with the city manager position had been written out of the current city manager job description. He said at this time, if we are not going to merge the two positions, that it is only fair to take action and reappoint our city clerk to her position.

President Hayes suggested hiring a city manager first so that the city manager could review all the options and give the council a recommendation on the best organization alternative before the council commits and limits the city manager's opportunity to improve the operations for the next four years.

Councilmember Mercer said he is of the opinion that when the council takes action on the city manager position that they should take action to reappoint the city clerk.

Councilmember Scott asked Councilmember Mercer if he was recommending that the council consider a resolution to reappoint the current city clerk at the same time they consider the resolution to establish the city manager position. Councilmember Mercer confirmed that was his recommendation, and Councilmember Scott said that he would second the recommendation.

Councilmember Lanier said she would like to have the city manager in place and have him or her be a part of the process.

President Hayes reminded the members of the timing set out in the Code of Alabama when hiring a city manager. The city manager is to assume his or her duties in not less than thirty (30) days and not more than sixty (60) days from the time the position is approved.

Mayor Waters stated they were getting away from the law which requires the city council, as a body, to appoint four individuals: the police chief, fire chief, finance director and city clerk. It is up to the council to appoint the city clerk, and the city manager, whoever that may be, should not have any input.

6. Ordinance #091-02 (First Reading) for consideration to adjust water rates for residential and commercial customers

Councilmember Mercer requested that the ordinances be amended to include wording related to the social security and disability rate available for qualified residents. The council agreed to present the current ordinance as a first reading tonight, then to amend it to include the social security rate information and to present it as another first reading at the next meeting with the option to suspend the rules and consider the ordinance at the next meeting.

(End of February 6, 2017 Agenda Review)

Old Business

1. Discuss the business license moratorium

Mayor Waters said that in Ken Smith's reply from the Alabama League of Municipalities, he basically said the city cannot make a trade that is legal by state law illegal by a municipal ordinance. He quoted our city attorney saying, "This is a legal and constitutional minefield." Mayor Waters said we can't restrict trade, but we can manage it, making it more of a planning and zoning issue than a council action. He referred to the Northport ordinance which determined how many like businesses could be within a certain distance of each other. Mayor Waters said this ordinance was passed several years ago and so far had not been contested in court. He suggested to Councilmember Lanier, who serves on the Planning Commission, that this business moratorium might be a good next order of business for the Planning Commission.

Councilmember Scott said the answer from the ALM was directed at the question of making this a permanent moratorium. He said the council still had the option of renewing the temporary moratorium from year to year.

Mayor Waters said that our city attorney's advice regarding that option was, as long as the city can show that this is an ongoing project or concern, one that we can actually document, track and trace, then we are on safe ground to renew it from year to year, but we must be moving forward looking for a permanent solution.

President Hayes said he had discussed this with Attorney Bill Justice, and they agreed that it is important that the city do what was stated in the business license moratorium resolution. President Hayes said we had reached out to the CDA and the Planning Commission to get them involved and to help with the studies. He told Mr. Justice that we needed templates or some examples to give to the CDA and Planning Commission that will show the type of studies that we need to be sure we are in keeping with the law. Mr. Justice committed to President Hayes today to find the appropriate studies to serve as examples for the CDA and Planning Commission. President Hayes asked the mayor if certain city employees would be available to help with the studies, and Mayor Waters agreed to the request.

Councilmember Scott suggested that a survey be conducted with the citizens of Pelham to make sure that the overwhelming majority of our city and our citizens embrace and endorse what the city is doing through the moratorium. He said he would like for this to be a component of the studies.

2. Review options and recommendations from the Phase 2 Traffic Study for Pelham Park Middle School and the City Center

President Hayes stated that updated options were emailed to the council last week so everyone would have an opportunity to review them.

Keith Strickland with Goodwyn, Mills and Cawood addressed the council and reviewed the updated versions of the options that were presented two weeks ago. GM&C took the input they received at the public hearing from the council and the public and put it into these two updated options.

Option 1B would take traffic along Court Way through the Parkside neighborhood, through the four-way stop, toward Bearden Road and make a right turn and intersect with Bearden Road at a ninety degree angle.

Option 2 from Court Way would travel west and go down the west side of the Parkside neighborhood and tie in with Bearden Road. This option would tie in the new road with the park road and would also reconfigure the two existing parking lots on this side of the park.

President Hayes said regardless of which option is selected, he would like to have an additional entrance to the post office on the table for future discussions. He said this would be a logical component and would be an advantage for our residents.

Mr. Strickland gave cost estimates for the improvements. The U.S. 31/Pelham Parkway improvements would be around \$300,000. The Court Way improvements, including water and sewer relocation, drainage improvements and resurfacing Court Way would be around \$600,000. Option 1B would use an existing road, add some street lights and reconstruct the cul-de-sac into a roundabout for about \$180,000. There would also be some right-of-way and property to purchase in order to tie into Bearden Road. Option 2 would be the construction of an entirely new roadway including the road base and the asphalt, the connector road over to the ballpark entrance and the rehab of the two parking lots for about \$700,000. None of these estimates include any improvements on Bearden Road or the related engineering costs.

The city would need approval from the Shelby County Highway Department before any changes could be made to Bearden Road.

President Hayes brought up the timing of completing the work, especially if Option 2 is selected which would take much more time to complete, and said the city might need a short term solution to give us a temporary route through the neighborhood until the new road is finished.

Mayor Waters suggested putting the question to the neighborhood, asking if they would object to their street being used as an alternate route while the new road is being constructed.

President Hayes said he was pleased to have the various options and thanked Mr. Strickland for the creativity that was put into the options. He was pleased that Option 2 did include ways to protect the safety of the children at the park, which he stated was a major concern of his. President Hayes said that this is complicated either way we go, and he said that the council needs to consider what they would be comfortable giving up if the additional funds are approved spent on Option 2.

Councilmember Lanier suggested the council have another public hearing to allow the community to see and hear these options. The council and mayor agreed.

President Hayes said that based on the need to move quickly on this project based on the scheduled opening of the new middle school in August, it will be important to make a decision right after the next public hearing.

3. Plan a special work session to discuss newsletter, marketing and communication options
New Business

The council set the special called work session for Monday, February 13th at 7:00 p.m. in the conference room of city hall.

New Business

1. Discuss the MOU between Pelham and Shelby County for the use of the Pelham water line along County Road 11 as a conduit to carry water to the Birmingham Water Works Board during draught emergencies

Chris Cousins with Municipal Consultants recommended that a cancellation clause be added to the MOU and said he would take care of getting this done. He stated he was comfortable with the numbers and had no other concerns with the MOU.

2. Discuss the proposed Water Resources, Conservation and Emergency Plan

Chris Cousins with Municipal Consultants told the council his main concern was determining the residential water allocation should the city be hit with a severe draught situation. He was not comfortable using a single month to figure the allocation for each resident because of many variations related to issues like vacations, etc., but he thinks the plan to base the allocation on the monthly average for the lowest three consecutive months during the previous twelve month period is reasonable. He will bring a final plan to the council for consideration.

Announcements

1. The Pelham Library Guild will host a Virtual Tour for the New Pelham Library tomorrow (February 7th) from 4:00 to 6:30 at the current Pelham Library.
2. Ballantrae Golf Club will host a special Valentine Steak Dinner from 6:00 until 8:00 p.m. on Valentine's Day. The cost is \$17/person. Reservations can be made until noon February 11th.
3. The American Legion Post 555 will host Military Appreciation Night at the Alabama vs. Life University Hockey Game on Friday, February 17th at the Pelham Civic Complex & Ice Arena. Pregame and opening ceremony events start at 7:45 p.m.

Adjournment

A motion to adjourn the work session was made by Councilmember Mercer and seconded by Councilmember Lanier. The motion passed unanimously by voice vote of those members present, and the work session was adjourned at 7:17 p.m.

Respectfully submitted this 6th day of February 2017,


Marsha Yates, MMC, City Clerk


Rick Hayes, Council Member

