

CITY OF PELHAM – WORK SESSION

Pelham City Hall – Conference Room

August 7, 2017 – 6:00 p.m.

MINUTES

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

Members of the Pelham City Council met August 7, 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 6:04 p.m.

Record of Attendance

The following elected officials were present:

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

Media Present: Briana Harris, Pelham/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 July 24, 2017 regular council work session minutes. The motion was seconded by Councilmember McMillan and passed unanimously by voice vote of those members present.

Mayor Waters' Comments

1. The mayor complimented the Pelham Police Department on the excellent security they provided for the U. S. Senate Forum last Friday evening. Senator Strange said it was the best security he had seen since being on the campaign trail.
2. The mayor was visited by Bobby Joe Seales to discuss publishing a pictorial history book for the City of Pelham much like the ones he has done for Siluria and Alabaster. Mr. Seales plans to contact the city council at a future date to ask for financial support for this project.
3. Mayor Waters told the council that the hats they received were provided by HR Director Ty Story.

4. Mr. Jim Latham, a representative to the North Shelby County Board of Equalization, is resigning, and Don Armstrong asked Mayor Waters if the city had someone they would like to recommend to the board. Mayor Waters said Mr. Latham did an excellent job serving, partly because of his background in real estate and his knowledge of the area and land values; however, the representative does not have to be in real estate, but should be good with numbers. Mayor Waters asked the city council to assist him in compiling a list of possible appointees to this board. He added that the board meets for fifteen days one time per year so it would need to be someone either retired or someone with a flexible schedule.

Review of Council Agenda

President Hayes reviewed the August 7, 2017 city council agenda.

K. New Business

1. **Resolution 2017-08-07-01** for consideration to accept the lowest bid from Complete Janitorial Service, Inc. for janitorial services to city hall, the water works building and the police and court building, and to authorize the mayor to enter into an agreement for same

City Clerk Marsha Yates reported that Complete Janitorial had the lowest bid and that she received positive responses from the four references she had called. The bid amount came in lower than the current amount the city is paying for janitorial services by approximately \$5,500.00 per year.

2. **Resolution 2017-08-07-02** for consideration to appoint a city clerk

President Hayes recommended appointing Tom Seale going forward as city clerk.

Councilmember Mercer said that the council postponed the appointment of the city clerk in November and again in February because they wanted to wait until the city manager was in place in order to have his or her recommendation and expertise in the decision.

President Hayes said the council did discuss having the city manager also serve as the city clerk, but agreed not to do that. He said that the council had also discussed getting feedback and input from the city manager on the organization. However, he feels that that the necessary feedback has been received and that with the city manager starting, the city council needs to go ahead and fulfill its responsibility to appoint a city clerk.

Councilmember Mercer asked President Hayes if he had received feedback from the city manager about her choice for the clerk appointment.

President Hayes said he didn't ask the incoming city manager about her choice for city clerk and did not think it would be appropriate to do so, but had asked for her opinion about the city manager also serving as the city clerk. He said that she did not think that would be the best option at this time and that he agrees based on her having to come up to speed on many things including Alabama law. He also received feedback related to the city clerk's role in similar situations and the city manager's agreement that it was not the city manager's role to appoint the city clerk.

Councilmember Mercer said he made that argument when the council tabled the appointment the first time, then he read a portion from the February 6, 2017 work session minutes, "President Hayes

suggested the city manager be hired first then have that person review the process and give the council a recommendation on what they should do.” He continued reading, “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. Also, Councilmember Lanier said she would like to have the city manager in place and have him or her to be a part of that process.”

Councilmember Mercer said the council has not had a conversation about this since February and now we are talking about appointing a clerk two weeks before the city manager comes. He said the last thing this body discussed was to wait until we had a city manager. He asked to hear from the other council members about what is going on.

Councilmember Lanier said she stands by her statement in the February 6th minutes to wait until we have a city manager in place and have him or her be a part of the process. She further stated she thinks the mayor, council and city manager need to discuss what clerk duties the city manager may assume since this was not discussed during the interview process. She said this body must decide what will happen with the city clerk position once the city manager is working with the city, no matter who is appointed as city clerk. She said it is important that we have clarification, and since the city manager will be here in a few weeks, waiting should not create a hardship for us.

Councilmember McMillan said she understood why the council would want to wait until the city manager comes so we can get her opinion, but depending on how the decision goes, that could be a very awkward position for someone just coming in unless she decided to go with the status quo. McMillan said that something we need to consider going into the budget season is that part of the funds for the city manager position were to come from the city clerk’s position. She said we need to keep that in mind as we are making decisions.

Councilmember Lanier stated that the decision to fund the city manager position with the salary from the city clerk position was made in the prior administration which she was not a part of and she asked for clarification. Was a percentage of the city clerk salary to be used or was the city clerk position to be phased out? She said there should be something in the minutes to clarify this decision.

President Hayes said the council talked about where the funding would come from in the February 2016 town hall meeting and in work sessions when they discussed salaries for the elected officials and the city manager position. Funding the city manager’s role via the city clerk’s salary and the reduction in the mayor’s salary when that role changed to part-time was discussed several times. He said at that point in time, it was not finalized if the city clerk and city manager were going to be the same position. However, because of some of the other organizational changes that the mayor has recommended, combining the roles of the city clerk and finance director again is just the logical way to go.

Councilmember Lanier asked if it was a unanimous decision of the council on how the city manager position would be funded. President Hayes replied that it was not in that this was not an issue to vote on at that point. Lanier asked if it was a percentage of the city clerk salary that would be pulled out, and Hayes replied that it was not a percentage, but the position itself. He said the compensation was to be based on the candidate.

Councilmember Lanier said it was important to her to understand what was done. She said it appears that we’re building on decisions that were made that affect the city clerk position as a whole, and she asked if that was something that was approved, saying she was assuming it had been approved.

President Hayes said the council did not approve the funding for the city manager in the budget because it was not clear at that time when the city manager would start. He said he feels very strongly that the council needs to go ahead and complete the appointment, which it is mandated to make. He said that he had that discussion with Councilmember Mercer and that it is the council's responsibility to move forward on this; something that we were supposed to do a long time ago. .

Councilmember Mercer asked if Tom Seale would have any increase in his salary with the added duties or would he continue to make the same compensation and have an extra workload.

President Hayes answered that his recommendation is to look at the reorganization that had been discussed for Tom's area, including additions and subtractions to his responsibilities. He suggested that related to these changes, Mr. Seale's position and compensation should be reevaluated by the Personnel Board.

Councilmember Mercer stated that in March the council voted four to one (4-1) to move forward with a city manager, and the council said that they wanted to have a nationwide search and get a qualified person in place, a person that could transcend this council and help with the organization. Yet all this time we have been making organizational moves without that person. Mercer said this is another key position that this body said at multiple times that they wanted to wait until the city manager comes to make this appointment, and now, two weeks before the city manager comes, we're trying to ramrod this through. He said he thinks it is an insult because we've had plenty of time when we could have been talking about this the last four or five weeks. Ever since we made an offer to our city manager, we could have put this back on the table for discussion. He said that he just had the opportunity on Friday to be informed of this proposed resolution so he hasn't had an opportunity to ask if this is an evaluation from the mayor that has anything derogatory on the current clerk. He continued saying that he knows the clerk serves at the pleasure of this council and he has not heard of any grievance or displeasure in this forum from this council. Mercer said he had nothing against Mr. Seale, and that he does a fine job with finance, but we have a fine city clerk who has been assistant clerk since 2006 and has served as treasurer of the county clerks since 2010 and is a person that is fully qualified and should continue in the role as clerk. He said he doesn't understand why the council is introducing someone else that could have budgetary impacts and also has more decisional impacts than when we said we would wait.

Councilmember Mercer asked Mr. Seale about insurance bonds and if the bond on him as finance director currently covered clerk responsibilities. Mr. Seale replied that the bond covers all municipal employees.

President Hayes said that this was an appointed position that should have been made last November, and there was no ramrodding here, that they have taken plenty of time to consider this and the city council needs to move forward and do what is in the best interest of the city.

Mayor Waters asked the council to be mindful and respectful of their responsibility as legislators and he urged them to be unified in their decision. President Hayes said that he hoped that the council would be unanimous on this appointment too, but that unfortunately he didn't think that would happen.

After further questions and much discussion, Councilmember Mercer requested having the city attorney present to answer some of the questions he had concerning the appointment.

Councilmember Mercer moved to table Resolution 2017-08-07-02 and Councilmember Lanier seconded the motion. The voice vote on the motion was 3-2 with Mercer, Lanier and McMillan voting to table and Hayes and Scott voting Nay. The motion passed and the resolution was tabled.

3. **Ordinance No. 480** (First Reading) for consideration to approve the transfer of surplus easements and authorize the Mayor to execute a quitclaim deed for said easement transfer to Two Mountains, LLC in exchange for easements to be conveyed simultaneously to the City of Pelham by Two Mountains, LLC

President Hayes read the ordinance aloud and stated this all relates to The Highlands development. The council intends to entertain this ordinance at the next city council meeting.

(End of August 7, 2017 Agenda Review)

Old Business

1. Discuss FY2018 budget review schedule and related special called work sessions

The council favored Option Three which would start the budget hearings on August 21st to allow the city manager to be on board and a part of the process. President Hayes pointed out a few revisions that had been made to Option Three, and everyone was agreeable.

New Business

1. Compact 2020 CEO Alan Miller to address the council about the Drug Task Force

Mr. Miller handed out a PowerPoint overview of the Compact 2020 Initiative to the city council. He described the program and how it works to identify and reach at risk young people before they get into drugs too deeply. He said once they have identified a student they suspect is using drugs through social media, SROs in the schools or from their anonymous tip line, they contact the parents and seek their support in prevention and intervention to get their child the help they need. This approach is preferred rather than arresting the young person.

Mr. Miller said that the Shelby County Compact 2020 partners were Shelby County, the Shelby County Sheriff Department, Alabaster, Chelsea, Hoover, Pelham and Montevallo. He plans to re-engage with Calera and Helena, and then contact Columbiana, Vincent and Harpersville to request that they join the partnership to bring the county to 100% participation. He thanked Pelham Police Officer Adam Schniper, who represents Pelham on the Drug Task Force, for his excellent work, saying Pelham sent them an all-star. Councilmember Scott asked if Shelby County had the potential to be 100%, and Mr. Miller said we did.

Councilmember Scott asked if the city had the authority to pass an ordinance to prohibit the sale of dangerous drug products and if the city could revoke business licenses to take these illegal narcotic products off the shelves.

Chief Palmer explained the difficulty in the enforcement of such an ordinance because of limited state resources which are needed to test the products for levels of THC. The Alabama Legislature made it legal to sell CBD products so long as THC levels are less than 3%. Some tests results have shown levels well over the legal limit and some have shown no THC. Chief Palmer was in support of drafting

a city ordinance to assist the police in eliminating illegal narcotic products being sold in the city, but he suggested bringing the city attorneys in to help with the ordinance.

Councilmember McMillan asked if the city could have a Compact 2020 Vendor Program much like the Responsible Vendor Program and ask business owners if they are a Compact 2020 member.

Mayor Waters suggested the city incorporate a sticker or some form of signage to place on the door of businesses that partner with Compact 2020 stating, "We support Compact 2020."

Police Chief Larry Palmer thanked the city for allowing the police to participate in this initiative. Officer Schniper said he would like for the city to pass an ordinance mandating that the CBD products be kept behind the counter and not on the store shelves in plain view.

The consensus of the council was to invite the city attorneys to attend a special called work session to address the legality of an ordinance restricting sales of these products or the authority to revoke business licenses of owners who sell these products. Mr. Miller said he would be glad to come back to meet with the city again when the city attorneys are present. President Hayes said he would contact our attorneys to see when they would be available.

President Hayes brought up the request from Panther Radio, Station APH related to broadcasting the Pelham High School football games. Councilmember Scott had asked questions in the previous council meeting about the broadcasting schedule of the Pelham games. President Hayes said that APH confirmed that Pelham would have four games on the radio, three Pelham home games and the Helena game, which will be a Helena broadcast. All the Pelham games will be available on the internet app which is available worldwide. Councilman Scott had also asked about advertising for the Bulls hockey games during the broadcasts. President Hayes said that APH agreed to allow a Bulls plug in Pelham's ad, and also offered the opportunity for the city to be interviewed on air and to help to promote the Bulls season to other groups in the area during the interviews. He stated there was money in the administration budget for this sponsorship. There were no objections from the council.

Announcements

1. The Pelham Fire Department will be conducting a live fire training fire on Highway 31 across from Valley Elementary School on Saturday, August 12th beginning at 8:00 a.m. and should conclude around 3:00 p.m.
2. The Pelham Public Library's Used Book Sale will be held August 7th through the 25th. The library will have hundreds of items for sale, with most priced at \$1.00 or less. The sale will be located in the Library Program Room, and all proceeds will benefit the Pelham Library Building Fund.
3. The Pelham Public Library will host an Eclipse Viewing Party complete with eclipse glasses, crafts and snacks on August 21st. All ages from kids to adults are invited. Contact the library for details.

Adjournment

A motion to adjourn the work session was made by Councilmember Scott and seconded by Councilmember McMillan. The motion passed unanimously by voice vote of those members present, and the work session was adjourned at 7:40 p.m.

Respectfully submitted this 7th day of August 2017,

Marsha Yates

Marsha Yates, MMC, City Clerk

R. A. Hayes

Rick Hayes, Council President

