

CITY OF PELHAM – WORK SESSION
Pelham City Hall – Conference Room
January 4, 2018 – 6:30 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 January 4, 2018 at 6:30 p.m. The regular work session was held in the Council 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 6:35 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, Shelby County Reporter

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

Approval of Minutes

A motion was made by Councilmember Scott to approve the December 18, 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 - None

City Manager's Comments

City Manager Gretchen DiFante made the following comments:

- The new time and attendance leave management system is expected to go live on January 27, 2018. She stated Human Resources is running the new system parallel with the current system. She said the new system will improve efficiency and accountability. Training of supervisors is currently underway. She mentioned several features of the new leave management system. Those include: (1) employees will be allowed to "clock in and out" electronically, (2) leave requests can be approved online, and (3) employees can review their leave bank online. She further stated Human Resources Payroll and Benefits Analyst Candy Porter is doing a great job coordinating the process.

- Joan Riosa has reviewed the billing process in the Water Department. Her report has been finalized. City Manager DiFante stated she will review the report with Public Works Director Eddy Jowers and make recommendations to the city council.
- The Planning Commission is scheduled to review the revised sub-division regulations on January 11, 2018. The sub-division regulations were last updated in 1984.
- Met with Dr. Scott Coefield and members of his staff to discuss the sale of the current library.
- Meeting with the city's financial advisors on January 5, 2018.
- Pelham Park Middle School currently has no "walker" policy or procedures in place. She stated a student must be 14 or older to go to the Recreation Center unsupervised. She said Billy Crandall, Mary Campbell and herself would revisit this issue in a couple of weeks.
- Alabama Power Company will begin the line transfers on Court Way (now Village Place) on January 11, 2018. AT&T will follow with their line installations.
- Paula Holly would like to address the city council regarding the 2018 Pelham Palooza. She requests input from the city council as the planning moves forward.

Council President Hayes mentioned that updated Pelham Park Middle School traffic patterns and drop-off/pick-up parking will be implemented related to the opening of the Recreation Center.

Councilmember McMillan asked if each family member would receive a key fob to enter the Recreation Center. Parks Director Billy Crandall said they would.

Council President Hayes brought up the recommendation for those who work in Pelham to be allowed to join the Recreation Center as an individual for the \$20 per month / \$200 per year resident rate and no objections were raised. He also suggested validating their employment in Pelham with a pay stub. He said this is a starting point where adjustments might need to be made. Councilmember McMillan recommended regular validations of employment in Pelham and verifications of city residency through the Water Department records. Councilmember Lanier suggested getting letters from employers to validate that nonresident Recreation Center members work in Pelham.

Review of Council Agenda

Council President Hayes reviewed the January 4, 2018 city council agenda.

F. Public Hearing

To consider amending the zone district boundaries of the City of Pelham, changing the present zoning A-1 Agricultural District to R-1 Residential District. The subject property is located on Shelby County Highway 33 and contains 4.85 acres, more or less. Applicant: Pelham Board of Education.

Pelham Board of Education (BOE) Rick Rhoades stated the rezoning of this property is needed to move forward with the plans to improve access to the schools.

H. Proclamations - None

J. Requests to Address the Council - None

K. Old Business – Resolutions – Ordinances – Orders and Other Business - None

L. New Business – Resolutions – Ordinances – Orders and Other Business

1. **Resolution 2018-01-04-01** for consideration to accept a donation from Firehouse Subs Public Safety Foundation, Inc. for the benefit of the Pelham Fire Department

Deputy Fire Chief Mike Reid commended Firefighters Chris McIntyre and Rusty Murphy for bringing the grant to the attention of the fire chief. Chief Reid said they were working with an approved vendor of Firehouse Subs to acquire battery powered Hurst extrication equipment. He further stated he expected the equipment to be delivered in four to six weeks.

2. **Resolution 2018-01-04-02** for consideration of a request for the installation of street lights on Bent Creek Drive

Building Official Bob Miller stated the Bent Creek Homeowners Association (HOA) had agreed to pay for the street lights/poles and their installation. He said the HOA is requesting the city to pay the monthly electric bill. Mr. Miller said he had no concerns with the request.

3. **Resolution 2018-01-04-03** for consideration to accept the low bid from Pinnacle Data Systems for the outsourcing of the Pelham water, sewer and garbage billing

Public Works Director Eddy Jowers stated the bid was slightly lower than the current contract with Pinnacle Data Systems. He said there should be no budget concerns. Councilmember Scott asked the cost of inserting information into the bills. Mr. Jowers said the cost is one half cent per statement.

4. **Ordinance #135-215**, an amendment to the zone district boundaries of the City of Pelham, changing the present zoning A-1 Agricultural District to R-1 Residential District. The subject property is located on Shelby County Highway 33 and contains 4.85 acres, more or less. Applicant: Pelham Board of Education. **FIRST READING**

Council President Hayes noted for the record this is a first reading of Ordinance #135-215. There were no comments.

(End of January 4, 2018 Agenda Review)

Old Business

1. Wireless Small Cell Telecommunications Facility – Pelham Civic Complex & Ice Arena

Council President Hayes provided information furnished by City Attorney Bill Justice with regard to the request by Verizon to build a small cell telecommunications facility at the Pelham Civic Complex & Ice Arena. Civic Complex & Ice Arena Administrator Danny Tate said Verizon had not discussed the proposed location with him nor made a site visit to review the options. Mr. Tate said his preferred site under consideration is just outside the kitchen area at the Pelham Civic Complex & Ice Arena. Council President Hayes stated that this would be a good location since additional lighting was needed in this area and a light would be included on the small cell pole.

Other Discussion

Councilmember Lanier addressed the dismissal of Human Resources Director Ty Story on January 2, 2018. Councilmember Lanier said that based on the legal advice from the city's attorney, she knew that the executive session was not possible. However, the city's attorney did provide a written response stating that there was no legal conflict with discussing Mr. Story in open public session. After asking several questions, Councilmember Lanier stated that City Manager DiFante did not have to answer any further questions if she did not choose to answer them.

Councilmember Lanier asked that her following statement be entered into the minutes of the January 4, 2018 city council work session.

First, I want to say good evening to the Mayor, Council Members, City Manager, and all those present tonight for our first City Council Meeting this January 4, 2018. Now to the business of why I am reading a statement to all of you. Tom, I will give you this statement so that it, in its entirety, maybe added to the minutes. On Tuesday, January 2nd, late afternoon, I was headed to our library to return two videos that I had checked out for the holiday. But before I could get out of my vehicle to go into the library, I received a brief call from Ty Story in which he said how much he had enjoyed working for the City and that he had been dismissed. He then said someone was at his office door. I heard him tell a person or persons to come in, and then he said bye Mildred. I was truly shocked and saddened by the news. I turned my vehicle back on and decided to take a ride to process what I had just heard. But I did get the videos back the same day.

Later that evening, the Council was emailed by the City Manager, Gretchen, that Ty had been dismissed as of 5:00pm. We were also informed that if we wanted to discuss the matter, we could do so one-on-one with her. I had never met Ty prior to the Mayor having him come before the Council so that we could meet him and ask questions before the decision was made to hire him. Like most of you, these 11 months, I had the opportunity to get to know Ty and observe his work ethic and willingness to work together. I want to emphasize that I refer to him as Ty because within our City, the leaders are on a first name basis.

After taking the evening to try and process what might have happened, I replied all to the email requesting an opportunity for the full Council to be informed and ask questions. After getting legal advice, Gretchen replied back and said that the only way the full Council could be informed was during a public open session. I then replied back requesting that it be discussed at the January 4, 2018 meeting. I also stated that it was unfortunate that the Council was not afforded the opportunity to speak to her about the matter before Ty was dismissed. I don't know it to be a fact but maybe with input from the Council before the action was taken, it might have been able to be resolved. It is also possible that Ty might still be part of the City of Pelham family.

Why Bring This Out In Open Public Session?

To the Mayor, I want you to know how much I respect you and your leadership. I have served with you for several years prior to my election to the Council and I know you to be a leader who does not stop people from asking you questions about a course of action that you have taken. And I also know you to be a person who respects others having opinions that differ from yours and that you can maintain a positive and respectful working relationship.

Gretchen, I am getting to know you as a leader. And as I continue to observe you, I look forward to seeing more of your individual leadership style serving the City employees, Mayor, Council, and all who live, work, and play in Pelham.

The Questions:

Rick: Were you made aware of the situation and decision to dismiss Ty?

Gretchen: Was the Council included in the termination letter to Ty? If so, can we have a copy? I never knew about the situation and had complete trust and confidence in Ty's performance.

Gretchen: At any time did you recommend to the Mayor, or anyone who knew before the dismissal, to inform the Council?

Gretchen: Did you ask for and review any written evaluation of Ty's performance during his probation period since you were new to the City and had worked with him for a few months?

Gretchen: If there was a question about his performance, can you provide documentation of where you sat down with him, identified the problem, and put in place, with Ty's input, goals to improve, a time frame to meet those goals, and get him to sign-off on the document? If yes, can you provide that to the Council?

Gretchen: What evaluation tool did you use to evaluate Ty's performance? Did you get him to sign-off on his evaluation?

Gretchen: What evaluation tool are you using to evaluate all of the employees within City Hall? Can you provide a copy of the evaluation tool to the Council this evening?

Mayor: Are you still responsible for evaluating and investigating issues that arise with City employees? Since the arrival of the City Manager, are you still performing performance evaluations of all the City employees?

Why These Questions:

As an elected official, each one of us took an oath to serve the City of Pelham to the best of our ability. As a Council, we all voted for our City Manager. In this new role, I want her to be successful because her success is the City's success. I also believed Ty needed to have the full support of us as a governing body to help him be successful. And I believe that any new employee or one who has been with the City for years deserves the full support of the governing body. Unless with all possible means to help that person become successful, he or she is not able to do so.

Recommendations:

- 1. Because Gretchen is new and, in reality, in her own form of probationary period, I recommend that the Mayor resume serving as the lead person on employee evaluations and administrative responsibilities that it entails with an increase in his pay. This would be done for the remainder of the year as Gretchen continues learning all of the employees and duties and responsibilities of the City Manager position.*
- 2. I request that Tom email the Council a copy of the evaluation tool being used within City Hall for employees. If that could be done tomorrow, that would be great.*
- 3. I recommend that the evaluation tool for current employees and probationary employees be reviewed and updated as needed to ensure that they are valid and measurable.*
- 4. I also recommend that the Council develop a valid and measurable tool for the evaluation of the City Manager position to ensure that Gretchen is treated fairly.*

5. *Finally, I would recommend that Ty Story be reinstated and assessed based on the fact that certain steps appear to not have been in place to assist him in being successful.*

After much prayer, this was not an issue of one person. It was an issue regarding how all of our employees are being evaluated both vested and probationary. The spirit of the City Manager position was not to separate our employees or not give them the opportunity to seek advice on how to improve from the very people charged to help them. I want every employee within the City of Pelham to know that they can talk to any of the Council Members, the Mayor, and City Manager and know that we will work to help and support them in their career success with objectivity and sincerity.

Councilmember Lanier said the Mayor, Councilmembers and City Manager may or may not answer the questions she posed in her statement.

Mayor Waters said this had been very difficult, but it was the right decision in dismissing Mr. Story. He mentioned anguishing over the decision and losing sleep. Mayor Waters recounted his meeting with Mr. Story in October 2017 where he outlined his shortcomings and recommended areas for improvement. He further stated due process and the City's Civil Service Law was followed.

City Manager Gretchen DiFante stated that she did not provide advance notice to the city council regarding the dismissal of Mr. Ty Story because she did not understand this to be an expectation of council nor did she believe it was standard or even proper protocol for a city manager to do so. After Councilmember Lanier's written request on the previous day to discuss Ty's dismissal in executive session, DiFante informed council this was not a legal topic for discussion under the Alabama Open Meetings Law and offered to speak one-on-one with any councilmember who desired more information. DiFante said that she was definitely willing to answer any questions, but she was uncomfortable answering some of the questions publically because she didn't think it was appropriate to embarrass Mr. Story. Councilmember Lanier said she understood and that City Manager DiFante did not have to answer those questions.

Council President Hayes said that he learned of the decision regarding Mr. Story at the end of the previous week. He also said that per the Pelham Civil Service Act, the mayor is the appointing authority for the Human Resources Director so the decision regarding Mr. Story was not something that should come before the city council.

Councilmember Lanier said that she has great respect for the mayor and his leadership. She further stated that the questions were being asked to get understanding on the evaluation process for both vested and probationary employees.

Councilmember Ron Scott said he fully supports the decisions of the mayor and city manager. He said these decisions are difficult but have to be made by management on a daily basis without city council intervention.

Councilmember Lanier pointed out that as representatives for the people of Pelham, it is important for the council to be aware of what is happening not only with building projects but also concerning all employees.

Councilmember McMillan stated as a supervisor, she understood the need for discretion in handling employee terminations. She said she supported the decision of the mayor and city manager. She further stated it was her opinion the daily operational decisions should be addressed by the city's senior management and not the city council.

Councilmember Lanier replied that in her own leadership roles on many hiring committees, she understood the legal responsibilities for both hiring and termination. She requested that the city review its evaluation process for all employees because the City Manager position must be evaluated by the council.

Councilmember Lanier also asked the council to continue to lay a foundation to help build successful employees both vested and probationary.

Councilmember Mercer said he would have liked for the city council to have been more informed with the decision to dismiss the Human Resources Director.

Councilmember Mercer also asked if there was any update regarding video live streaming broadcasts of the city council meetings. Council President Hayes said that he did not have any update, but understood that Dell Ann Holly had been working on the options. City Manager DiFante said that she did not have any update at that time, but that it really appeared that a city resource would need to be assigned to video/live stream the council meetings. Councilmember Scott expressed his support of beginning the live streaming as soon as possible. City Manager DiFante said the next council meeting would definitely be videoed.

Adjournment

A motion to adjourn the work session was made by Councilmember Scott and seconded by Councilmember Mercer. The motion passed unanimously by voice vote of those members present, and the work session was adjourned at 7:47 p.m.

Respectfully submitted this 4th day of January 2018,



Tom Seale, MMC, City Clerk/Treasurer



Rick Hayes, Council President

