

CITY OF PELHAM – WORK SESSION

Pelham City Hall – Conference Room

April 16, 2018 – 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 April 16, 2018 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.

Call to Order

The work session was called to order by Council President Hayes at 6:00 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: Brianna 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 McMillan to approve the April 2, 2018 Regular Council Work Session and the April 10, 2018 Special Called Work Session Minutes. The motion was seconded by Councilmember Scott and passed unanimously by voice vote of those members present.

Mayor Waters' Comments - None

City Manager's Comments

City Manager DiFante elected to hold her comments until council meeting.

Review of Council Agenda

Council President Hayes reviewed the April 16, 2018 city council agenda.

F. Public Hearing - None

H. Proclamations - None

J. Requests to Address the Council

1. Stella Tipton, candidate for Judge of Probate, Shelby County

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

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

1. **Resolution 2018-04-16-01** for consideration to approve ABC applications (No Alcohol Outside of Licensed Area and No to Go Sales) for applicant Margarita Grill, LLC located at 234 Cahaba Valley Road, Pelham, Alabama 35124 operating under various trade names for the 2018 Concert Series

Councilmember Scott stated Margarita Grill has expanded their music series over the years. He said Margarita Grill hires off-duty Pelham Police officers and has never had a problem. He further stated Margarita Grill does a very good job and recommends approval of Resolution 2018-04-16-01. City Manager DiFante noted for the record, in the absence of Police Chief Palmer, he recommended approval of the resolution. Chief Palmer joined the Work Session and stated there have been no problems or concerns with the approval of the resolution.

2. **Resolution 2018-04-16-02** for consideration to approve an ABC license application for Legends Music, LLC, doing business as Oak Mountain Spring Fair, located in the parking lot of 1000 Amphitheater Road, Pelham, AL 35124

Councilmember Scott said we know these people and fully expect the continuation of past practices. Chief Palmer said there have been no problems or concerns and recommended approval of the resolution. Council President Hayes stated he had recently met with the general manager of the Oak Mountain Amphitheater and discussed the upcoming concert season.

3. **Resolution 2018-04-16-03** for consideration to accept the lowest responsive bid from Mark Johnson Construction, LLC for Lift Station "F" Phase 1, Dry-Prime Pump Addition

Water and Sewer Manager Eddy Jowers stated the project had been advertised and three bids received. He further stated this is a very complicated sewer project. He said the most responsive bid was \$98,000 higher than the project budget. Interim City Engineer Chris Cousins stated this sewer project is very important and recommends approval. Council President Hayes asked City Manager DiFante about options in the budget to fund both sewer projects. She stated the Weatherly water tank repainting project could not be completed before FY2019 and would recommend this project for next year's budget. Chief Palmer stated the P25 radio project is back on track. Testing is scheduled over the next couple of weeks with an anticipated operational date the first of July 2018. At that point, the radio antennas will be removed from the Weatherly tank and painting can proceed. However, Interim City Engineer Chris Cousins said this painting would not be completed during the summer months.

4. **Resolution 2018-04-16-04** for consideration to accept the lowest responsive bid from REV Construction, Inc. for Sanitary Sewer Rehabilitation – Phase 1 Improvements

Mr. Jowers said repairs are needed and recommends approval of the resolution. Mr. Cousins stated the city received seven bids for phase one of the project. Councilmember Scott asked about the overages

in both projects. Councilmember Lanier asked about the timeline to complete the Lift Station F project. Mr. Cousins said the project should begin within 30-45 days with a 90 day completion period.

5. **Resolution 2018-04-16-05** for consideration to accept the lowest bid from Uricho Services, Inc. for janitorial services at the Pelham Public Library

Library Director Mary Campbell said she is very comfortable with the low bidder, Uricho Services. She further stated Uricho Services has been a quality vendor for a number of years. Council President Hayes noted the add-ons in the bid, which were not a part of the base bid.

6. **Resolution 2018-04-16-06** for consideration to approve a moving expense contract with Armstrong Relocation & Companies for the Pelham Public Library

Mrs. Campbell stated the moving of office furniture and equipment is underway by city staff and is not a part of the contract. This in-house moving efforts should result in an approximate \$1,500 savings.

7. **Resolution 2018-04-16-07** for consideration of a construction change order for Taylor-Miree related to the Pelham Civic Complex & Ice Arena

City Building Official Bob Miller stated he had reviewed the related items under consideration and the pay request. He said some of the items were related to life safety issues and corrections to the plans for the Pelham Civic Complex & Ice Arena renovations. Council President Hayes also addressed the pending final payment to Seating Solutions, Inc. and stated several issues under review.

8. **Resolution 2018-04-16-08** for consideration to amend the Agreement between Two Mountains, LLC and the City of Pelham to include additional real estate in the subdivision development called Magnolia Mill, now known as The Highlands

City Clerk/Treasurer Tom Seale reviewed the proposed amendment to the Agreement with Two Mountains, LLC with the city council. Councilmember Lanier asked about the “Chelsea” lots. It was explained the 81 lots under consideration in the amended agreement are in the City of Chelsea, but served by Pelham Water.

9. **Ordinance No. 116-05** for consideration to repeal Section 3-10 of the Code of Ordinances for the City of Pelham and creating an ordinance in Chapter 11.5 Parks and Recreation, Article 1., Sec. 11.5-4 in order to and preserve park facilities for long term use; promote recreational opportunities for the community; and protect the health, safety, and welfare of the residents of the City of Pelham. **(FIRST READING)**

City Park and Recreation Director Billy Crandall stated he had no additional comments. City Manager DiFante stated Ordinance No. 116-05 has been reviewed by the city attorney and approved. She stated the Ordinance No. 116-05 allows the city staff to review, on an annual basis, and make recommendations to the city council. Councilmember Scott asked about the penalties for non-compliance. Mrs. DiFante stated the fines are \$50 for the first offense, \$100 for the second and \$200 for the third offense. Mr. Crandall and Chief Palmer will have the authority in the ordinance to restrict anyone from using the parks. Councilmember Scott said he was glad to see some discretion in the ordinance. Council President Hayes mentioned the accompanying resolution, which is addressed in the ordinance.

10. Ordinance No. 489 for consideration to declare excess dirt, timber and miscellaneous items not required for the development of the property purchased by the City pursuant to Ordinance 484 on October 2, 2017 and further amended by Resolution 2017-12-27-01 is no longer needed for public or municipal purposes. **(FIRST READING)**

City Manager DiFante stated with the approval of Ordinance No. 489 the city will have the authority to dispose of excess dirt, timber and miscellaneous items on the property commonly referred to as the Blueberry Estates. Council President Hayes said this is a first step in getting the property ready for future development. He further mentioned Chilton Contractors has stated the dirt on the property has value to the city. Councilmember McMillan asked if the city will designate where on the property the dirt will be removed. Council President Hayes said there is a plan in place to make sure the removal of dirt and timber is done in an orderly manner and the land is not clear cut. He further stated the city wants to develop and follow a master plan to make sure the removal of dirt and timber is done in a proper and appropriate manner while avoiding aesthetic issues.

Council President Hayes passed out a draft of the Pelham Board of Education board appointment resolution. Councilmember Scott asked that Resolution 2018-04-16-09 be added to tonight's agenda.

(End of April 16, 2018 Agenda Review)

Old Business

1. Update regarding residential trash issues

City Manager DiFante stated she had met with senior staff from Advanced Disposal. She said Advanced Disposal has been "batch" closing of trouble tickets, typically every two weeks. She stated this has now been changed to a daily closeout. She informed the city council of having addressed ongoing problems with Advanced Disposal. She asked that our citizens use the online tracking system when logging questions or concerns with Advanced Disposal.

Executive Assistant Paula Holly demonstrated the online "Report of Concern" on the city website. She said this is the fastest method of reporting issues regarding residential trash. She also stated the city is able to track trash issues using this online reporting method. Mrs. Holly said communications are a vital part of delivering exceptional customer service. She further stated a resident can include a photograph of the area of concern when reporting a residential trash issue. City Manager DiFante said the picture could possibly allow city staff to avoid making a trip to investigate the problem.

2. Pelham Board of Education appointment

Council President Hayes opened the discussion with regard to the Pelham Board of Education (BOE) appointment by distributing a packet of information to the city council. Councilmember Scott made a motion, which was seconded by Councilmember Mercer, to add the Pelham Board of Education appointment to the agenda. Councilmember Lanier asked if information passed out was important to the discussion of the appointment. Council President Hayes said it was. Councilmembers McMillan and Lanier asked for a few minutes to review the information provided by Council President Hayes.

Council President Hayes thanked the BOE for everything they have done in the past. He stated he has been struggling with several issues, which cause him concern. He wanted to make sure that the city council was aware of those issues.

Councilmember Scott expressed gratitude the city does not have an elected school board. He further stated the city has been fortunate to have been able to recruit the individuals who serve or have served on the BOE. He said it is not the responsibility of the city council to run the school system. Council President Hayes said he absolutely agreed and pointed out that his letter stated that, but emphasized the city council's responsibility regarding the appointment of school board members.

Further discussion followed with regard to the appointment of the board member.

Councilmember McMillan asked if the council wanted to delay the decision another week. Councilmember Mercer said he wanted to move forward with the appointment tonight.

Mayor Waters noted the council has made difficult, hard and courageous decisions in the past. He said the reappointment of Rick Rhoades to the BOE is an easy decision and is a "no-brainer". He said, "Don't mess with success."

Councilmember Lanier said she wished that the city council would had been able to review the information earlier and asked about the option to delay the decision until the April 23rd city council meeting. Council President Hayes said most of the city council had seen parts of the information before, but that some of it was very recent and based on the Open Meetings Act, he did not believe it would have been appropriate to distribute his letter to the city council outside of a called meeting. He went on to say he thought it would be best to take the time to consider all the information and vote during the council meeting already scheduled for April 23rd.

Councilmembers Scott and Mercer asked that the resolution be added to the April 16th agenda. Councilmember McMillan said that based on the concerns raised about not having enough time to review the information it would seem appropriate to delay the vote one week.

Councilmembers Scott, Mercer and Lanier voiced their support for Rick Rhoades. Councilmember McMillan voiced her support for Robert O'Neil. Council President Hayes called for a vote to add Resolution 2018-04-16-09 to the April 16, 2018 city council agenda. Council President Hayes announced the majority vote in favor of adding Resolution 2018-04-16-09 to the agenda.

New Business - None

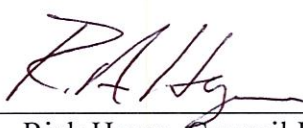
Adjournment

A motion to adjourn the work session was made by Councilmember Scott and seconded by Councilmember Lanier. The motion passed unanimously by voice vote of those members present, and the work session was adjourned at 7:27 p.m.

Respectfully submitted this 16th day of April 2018,



Tom Seale, MMC, City Clerk/Treasurer

Rick Hayes, Council President