



WORK SESSION
Pelham City Hall – Council Conference Room
October 15, 2018 – 5:45 p.m.

MINUTES

Proper notice of the regularly scheduled work session of the Pelham City Council was given in advance of such public meeting and the notice remained posted through the scheduled meeting.

Members of the Pelham City Council met October 15, 2018 at 5:45 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 5:47 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: Local Birmingham and Shelby County media outlets

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 October 1, 2018 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 – None

City Manager's Comments – None

Review of Council Agenda

Council President Hayes reviewed the October 15, 2018 city council agenda.

F. Public Hearing

The Pelham City Council will hold a public hearing in the Council Chambers in Pelham City Hall at 7:00 p.m. to hear testimony relative to the revocation of a business license of 31 Marketplace, located at 3117 Pelham Parkway, Pelham, Alabama 35124.

Building Official/Revenue Officer Bob Miller stated the Revenue Department sent certified letters, made in-person contact, and made numerous telephone calls to the business owner. He noted the business has yet to make its first payment of sales and use taxes to the City of Pelham. He said recent telephone call attempts have gone unanswered and messages have not been returned. Mr. Miller recommended revocation of the business license.

H. Proclamations – None

J. Requests to Address the Council – None

K. Old Business / Resolutions / Ordinances / Orders and Other Business

1. **Resolution 2018-09-17-01** for consideration to approve or deny an ABC License application for a 011 – Lounge Retail Liquor – Class II (Package) license for applicant FNA Investment, LLC operating under the trade name Pelham Package Store

Council President Hayes noted this resolution was originally on the city council agenda for September 17, 2018; however, the motion to pass said resolution died due to a lack of a second. He said the city attorney stated the city council has the authority to exercise its police powers related to protecting the health, safety, and welfare of the public as it decides whether to approve or deny ABC license applications. Police Chief Larry Palmer stated the background check had been completed and there was no new information regarding the applicant. Councilmember McMillan stated the city has been focusing more attention on improving the gateways leading into the city. She expressed her concerns this business is operating near a gateway. The applicant's attorney, Barry Alvis, stated the issues previously raised regarding the applicant selling certain potential illegal merchandise in the past had been resolved and the owners have spent a significant amount of money to beautify the business location.

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

1. **Ordinance No. 135-219** (First Reading) for consideration to amend the zone district boundaries of the City of Pelham, changing the present zoning A-1 (Agricultural District) and O & I (Office & Institutional) to R-A (Apartment Dwelling District) and B-2 (General Business District). The subject property is located off Oak Mountain Drive and Amphitheater Road. Applicant: HES Investments, LLC

Council President Hayes stated due to changes made to Ordinance No. 135-219, an additional public hearing was required to address the newly added items. The public hearing is scheduled for Thursday, October 18th.

2. **Resolution 2018-10-15-01** for consideration to participate in the 2019 Severe Weather Preparedness Tax Holiday – February 22-24, 2019

There were no additional city council comments.

3. **Resolution 2018-10-15-02** for consideration to revoke the business license of 31 Marketplace for failure to file and pay applicable sales and use taxes to the City of Pelham

Building Official/Revenue Officer Bob Miller stated 31 Marketplace was several months delinquent in their payment of applicable sales and use taxes. He noted the numerous contacts between the city and 31 Marketplace over the past several months. Mr. Miller said these contacts have included in person visits, telephone calls, regular and certified mail.

(End of October 15, 2018 Agenda Review)

Old Business

1. FY2019 Budget

Council President Hayes led the discussion and reviewed updates to the proposed FY2019 budget.

Councilmember Scott asked about the city's partnership with the Alabama Department of Transportation (ALDOT) in regard to various budget line items. Mayor Waters suggested not inserting a placeholder in the budget for projects that may or may not take place within the fiscal year. He said the city has plenty of other capital improvement projects that need funding. Council President Hayes stated the Mayor's comments are an option to consider moving forward, but stated he feels as though it makes sense to budget for the items which have been reasonably designed and are expected to begin soon to avoid future issues with regard to cash reserves.

Councilmember McMillan inquired about the trails project. David Willingham, Director of Development Services & Public Works, said the project is likely to start in spring 2019 and continue to the spring of 2020. Councilmember Lanier stated the irrigation portion of the project is vital to the success and longevity of the Pelham Preserve. There was additional discussion regarding the trails project.

Councilmember Scott asked about the Tennis Center and the proposed conversion to pickleball. Council President Hayes stated no decision has been made. He said if the renovations are made, there would likely be additional revenue for the city. It was agreed upon by those members present that budgeting for any potential revenue for pickleball would not occur until a final decision has been made regarding the conversion of the tennis facility. Council President Hayes noted he could potentially see the facility accommodating both tennis and pickleball. Councilmember Scott stated building pickleball courts is certainly an option to consider in the future.

Councilmember Mercer asked about the School Resource Officer and additional landscape expenses at Pelham City Schools (PCS). Council President Hayes clarified the landscape services for PCS will now be invoiced based on actual costs. Councilmember Mercer stated the city and the Pelham Board of Education will need to come to a mutual understanding before anything is finalized. Councilmember Scott emphasized the importance of recording accurate numbers and hours related to landscape services for the schools. He stated this information will be useful moving forward, primarily during the budget process.

Council President Hayes requested the City Clerk/Treasurer make final updates to the budget and prepare a draft budget resolution.

New Business – None

Executive Session

Council President Hayes stated for the record the purpose of the Executive Session was to discuss controversies not yet being litigated but imminently likely to be litigated if the government body pursues a proposed course of action. Council President Hayes asked City Attorney Bill Justice if he agreed with the stated purpose of tonight's Executive Session. Mr. Justice said he agreed.

A motion was made by Councilmember Lanier to enter into an Executive Session of the city council for the stated purpose. Said motion was seconded by Councilmember Scott. Council President Hayes asked the city clerk/treasurer for a roll call vote. The vote to adopt said motion was recorded as follows:

Rick Hayes, Council President	<u>Yes</u>
Ron Scott, Council Member	<u>Yes</u>
Beth McMillan, Council Member	<u>Yes</u>
Maurice Mercer, Council Member	<u>Yes</u>
Mildred Lanier, Council Member	<u>Yes</u>

Council President Hayes asked the members of the city council, Mayor Gary Waters, City Manager Gretchen DiFante, City Attorney Bill Justice, Mike McGaughy, Bob Miller, Danny Tate, Erik Hudson and City Clerk/Treasurer Tom Seale to attend the Executive Session. Council President Hayes stated he expected the city council to return from the executive session in approximately 15 minutes.

Councilmember McMillan moved to adjourn the executive session. Said motion was seconded by Councilmember Mercer. The motion passed unanimously by voice vote of those members present, and the executive session was adjourned at 7:01 p.m.

A motion was made by Councilmember Scott to recess the work session. Said motion was seconded by Councilmember Mercer. The motion to recess passed unanimously by voice vote of those members present. The work session was recessed at 7:02 p.m.

Council President Hayes called the work session back to order at 7:36 p.m.

Council President Hayes discussed Seating Solutions and the renovation project at the Civic Complex & Ice Arena. Building Official Bob Miller, Director of Hockey Erik Hudson, and Complex Administrator Danny Tate all agreed it was time to move forward with the project without Seating Solutions. Councilmember Scott inquired about the contract with Seating Solutions. Council President Hayes confirmed that executing the Seating Solutions contract before the Taylor-Miree general contractor agreement was required in order to meet the deadline for last year's first hockey game of the season. Mr. Justice reviewed the bid process for this project. He said the bids received were "non-responsive" and were all subsequently rejected. In accordance with the Alabama Bid Law, the city was then allowed to move forward with the project using forced accounts. Council President Hayes discussed the penalties in the contract for non-performance. Mr. Justice advised drafting a resolution to initiate litigation, if so desired by the city council.

Mayor Waters said the city is premature in bringing litigation in this matter. He stated City Manager DiFante and Complex Administrator Tate should be involved with the negotiations with Seating Solutions and report back to the city council.

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 8:54 p.m.

Respectfully submitted this 15th day of October 2018,



Tom Seale, MMC, City Clerk/Treasurer



Rick Hayes, Council President

