



WORK SESSION
Pelham City Hall – Council Conference Room
January 3, 2019 – 6:00 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 January 3, 2019 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: None

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 December 17, 2018 Regular Council Work Session Minutes. The motion was seconded by Councilmember Lanier 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 January 3, 2019 city council agenda.

F. Public Hearing

To consider the revocation of the business license of Oak Mountain Glass Services for failure to file and pay applicable sales and use taxes to the City of Pelham

Building Official Bob Miller addressed members of the city council and stated the Revenue Department had sent certified letters, made in-person contacts, and numerous telephone calls to the business owner. He said the business is past due since July 2018 in paying their sales and use taxes. Mr. Miller said he received a telephone call at 3:00 p.m. today from the business owner requesting an additional two weeks to pay the taxes. Mr. Miller stated he recommends approval of the resolution to revoke the business license.

H. Proclamations

Proclaiming January 2019 as Human Trafficking Awareness Month in Pelham, Alabama.

J. Requests to Address the Council – None

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

1. **Resolution 2018-12-03-03** for consideration to accept a donation of land from Housso, LLC located at 3191 Lee Street and containing approximately .07727 acres

Mayor Waters stated he recommends the city council consider the acceptance of the land donation whether the property owner is present or not. It was noted this resolution has been withdrawn from two previous council meeting agendas due to the property owner not being able to attend. Council President Hayes asked Mayor Waters if he had any concerns about accepting the donation. Mayor Waters said he had no concerns.

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

1. **Resolution 2019-01-03-01** for consideration to accept the dedication of streets and rights-of-way within Lauchlin at Ballantrae, Phases I and II and to release street bonds of said subdivision

City Engineer Chris Cousins stated he had inspected the streets and rights-of-way within Lauchlin at Ballantrae, Phases I and II and had no concerns. He stated he recommends the approval of Resolution 2019-01-03-01.

2. **Resolution 2019-01-03-02** for consideration to revoke the business licenses of Oak Mountain Glass Services for failure to file and pay applicable sales and use taxes to the City of Pelham

There were no additional comments.

3. **Ordinance No. 492** for consideration to require permitting, bonding and remedy of defects regarding construction within City of Pelham rights-of-ways and easements **(First Reading)**

City Engineer Chris Cousins said the ordinance is primarily an accountability measure so the city will have the means to track construction activity. He stated going forward, contractors will be required to be permitted to work on the city rights-of-way or easements. Mr. Cousins said the city attorney has reviewed the proposed ordinance and approved. He further stated he recommends the city council consider and approve Ordinance No. 492.

Councilmember Lanier thanked Mr. Cousins for his work on the ordinance and holding individuals and contractors accountable for their actions. Director of Development Services and Public Works David Willingham informed the city council Pelham is now a member of 811. He said we should be notified of any construction which might affect the city's utilities.

(End of January 3, 2019 Agenda Review)

Old Business

1. City Manager Evaluation

Council President Hayes stated HRM had sent a list of individuals to be included in the city manager's annual evaluation. Councilmember Scott asked when the evaluations will be sent out. Council President Hayes said it was his understanding the evaluations will be sent out next week. Discussion followed regarding those individuals which would be included on the list to evaluate the city manager.

Councilmember Scott related his thoughts on individuals which have been included in the city managers' evaluation, in particular, Greg Darnell and Art Clarkson. City Manager DiFante said she has no experience with Mr. Darnell, other than a presentation she made in a Personnel Board meeting. She further stated she has a working relationship and a lot of interaction with Art Clarkson, the managing partner of the Birmingham Bulls. She mentioned other individuals which she has worked with during the past year. Council President Hayes said he included Greg Darnell on the list because he is the city's representative on the Personnel Board appointed by the city council. Councilmember Scott mentioned the two issues under discussion, the accounting manager position and the city manager's evaluation. He said you cannot mix the two. He further stated outside the presentation made by the city manager to the Personnel Board, Mr. Darnell has not had a lot of interaction with the city manager. Councilmember Scott requested Mr. Darnell's name be stricken from the evaluation process. Council President Hayes mentioned several factors he felt spoke in favor of Mr. Darnell being a part of the city manager's evaluation. He said he would leave it up to the city council as to whether to strike Mr. Darnell's name or not from the evaluation list. Councilmember Mercer said Councilmember Scott made a good point in distinguishing the two differences. He agreed in striking Mr. Darnell's name from the list due to his lack of interaction with the city manager. Councilmember Lanier asked City Manager DiFante about including Dell Ann Holly and Candy Porter, and if she was requesting Chaney Mills and Robert Finnerty be removed from the list. City Manager DiFante stated she has had little interaction with Mr. Finnerty until just a few days ago. She stated her list included direct reports and those she has had interaction with during 2018. She further stated having included Cheryl Kidd on the list because of their collaboration in the Woman Leading Government organization initiative. Councilmember Mercer stated since Mrs. Mills and Mr. Finnerty are just coming into their roles they should not be included on the evaluation list. Mayor Waters and Councilmember Lanier agreed with not including Mrs. Mills or Mr. Finnerty.

Councilmember Lanier said there is interaction between the Birmingham Bulls and the City. She agreed it is good to have Art Clarkson on the evaluation list. She further stated the Planning Commission and the Personnel Board are “legal” boards. She said having Kim Speorl from the Planning Commission and a representative from the Personnel Board (Greg Darnell) adds a degree of balance to the evaluation process from those boards. Council President Hayes expressed his thoughts on including Greg Darnell on the evaluation list since he is the city’s representative on the Personnel Board.

Mayor Waters expressed his concerns of having the city attorney included on the evaluation list. He said the city manager talks with the city attorney almost on a daily basis. He asked if we are in the process of changing their relationship should the city attorney become an evaluator. Additional discussion continued regarding whether the city attorney should be included as a part of the evaluation process.

Councilmember McMillan said she does not feel strongly either way but since the Personnel Board is an independent board we could remove him. She expressed her thoughts of having someone on the evaluation list who might be a direct conflict. She said she was okay with striking Chaney Mills, Robert Finnerty and Greg Darnell from the list and leaving Candy Porter and Dell Ann Holly.

Councilmember Scott asked for a summation of the list. Council President Hayes reviewed the list of those individuals who were to be added or removed from the evaluation list. Those names included: removing Chaney Mills, Robert Finnerty, leaving Candy Porter, Dell Ann Holly, Cheryl Kidd and Brian Binzer and not including Greg Darnell on the list.

Council President Hayes stated Fran Bostick with HRM made a couple of suggestions for the city manager evaluation form and offered to convert the paper evaluation to an online questionnaire. He mentioned she suggested adding an “N/A” to the 1-5 scale just in case it was needed on the evaluation. He said she would review and get back to the city council with suggestions.

New Business – None

Executive Session

Council President Hayes stated for the record the purpose of the Executive Session was to discuss the consideration the governmental body is willing to offer or accept when considering the purchase, sale, exchange, lease, or market value of real property. Council President Hayes read a statement from City Attorney Bill Justice agreeing with the stated purpose of tonight’s Executive Session is appropriate under Section 36-25-A-7(a)(6), Code of Alabama 1975 as amended.

A motion was made by Councilmember Scott to enter into an Executive Session of the city council for the stated purpose. Said motion was seconded by Councilmember Mercer. 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, David Willingham, representatives from 58 Inc. (Melody Whitten and Yvonne Murray), 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 20 minutes. The city council went into executive session at 6:33 p.m.

Councilmember Scott moved to adjourn the executive session. Said motion was seconded by Councilmember McMillan. The motion passed unanimously by voice vote of those members present, and the executive session was adjourned at 6:56 p.m.

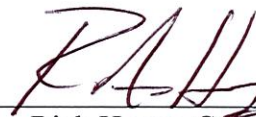
Adjournment

A motion to adjourn the work session was made by Councilmember Lanier and seconded by Councilmember Scott. The motion passed unanimously by voice vote of those members present, and the work session was adjourned at 6:57 p.m.

Respectfully submitted this 3rd day of January 2019,



Tom Seale, MMC, City Clerk/Treasurer



Rick Hayes, Council President

