WORK SESSION
Pelham Police & Court Building
April 15, 2019 – 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 April 15, 2019 at 5:45 p.m. The regular work session was held at the Pelham Police & Court Building and was open to the public.

Call to Order

The work session was called to order by Council President Hayes at 5:45 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: Pelham 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 1, 2019 Special and Regular Council Work Session Minutes. The motion was seconded by Councilmember Mercer and passed unanimously by voice vote of those members present.

Review of Council Agenda

Council President Hayes reviewed the April 15, 2019 city council agenda.

E. Consent Agenda

Purchase multiple pieces of equipment (headsets, earpieces, voice tubes and cords) for the Pelham Communications Center from the 911 Account in an amount not to exceed $1,500.

F. Public Hearing

For consideration to amend the zone district boundaries of the City of Pelham changing the present zoning A-1 (Agricultural District) to B-2 (General Business District). The property is located along Shelby County Highway 33. Applicant: David W. Miles and Nancy Y. Miles.

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 2019-04-15-01** 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 2019 Concert Series

Police Chief Larry Palmer stated all required ABC paperwork had been submitted and approval was recommended.

2. **Resolution 2019-04-15-02** for consideration to appoint ____________________ to the Pelham Board of Education, Place No. 1 with the term expiring in June 2024

Councilmember Scott stated both Paul Howell and Bob O'Neil were outstanding individuals. He further stated each would be an excellent board member. He said Mr. Howell has done an outstanding job and exhibited knowledge of the school board. He said Mr. Howell would be his choice for reappointment to the Pelham Board of Education (BOE).

Councilmember McMillan said both individuals did an outstanding job in their interviews. She stated she supported Mr. O'Neil during the last board appointment and would support him again.

Councilmember Mercer agreed Mr. Howell and Mr. O'Neil were two outstanding candidates. He said he appreciated both individuals and each should be commended on their willingness to serve on the BOE. He stated this is a very tough decision and will be supporting Mr. O'Neil.

Councilmember Lanier thanked both candidates and their willingness to serve on the BOE. She said she is being led to support Mr. O'Neil.

Council President Hayes thanked the city council for their comments. He said the time our volunteers put into their roles is commendable and appreciated. He stated he will support Mr. O'Neil for the BOE appointment to Place No. 1.

There being no further discussion, Councilmember McMillan made a motion to nominate Robert E. O'Neil to Place No. 1 on the Pelham Board of Education. Said motion was seconded by Councilmember Lanier. The vote to nominate Mr. O'Neil passed by a voice vote of 4-1 of those members present with Councilmember Scott dissenting. The council president declared the same passed.

3. **Resolution 2019-04-15-03** for consideration to enter into an agreement with ATC Group Services LLC for the purpose of performing a Phase 1 Environmental Assessment at Valley Elementary School located at 310 Opportunity Drive, Pelham, AL 35124

Director of Development Services & Public Works David Willingham stated the city has executed a non-binding Letter of Intent with Schrimsher Company, Inc. for the purchase of Valley Elementary School. He said the Phase 1 Environmental Assessment report is typically required by a lender in this type of transaction.

4. **Resolution 2019-04-15-04** for consideration to enter into an agreement with Wiregrass Construction Company for street repairs on Ballantrae Parkway at Cove Lane

Mr. Willingham stated this area of Ballantrae Parkway at Cove Lane has been a problem area for a longtime primarily due to the lack of a slope on the road. He said Wiregrass Construction Company will mill the asphalt and put a crown on the road for drainage purposes. Council President Hayes asked if this project would be paid from repaving money. Mr. Willingham said yes it would.

5. **Resolution 2019-04-15-05** for consideration to amend the legal description on property acquired through a donation by the City of Pelham on Lee Street

GIS Director Josh Osborne stated the resolution under consideration will correct the legal description of the property recently donated to the city.

6. **Resolution 2019-04-15-06** for consideration to authorize the granting of a cable television franchise to Spectrum Southeast, LLC D/B/A Charter Communications to construct, operate, and maintain a cable system in the City of Pelham, Alabama.

City Engineer Chris Cousins stated there was no significant push to have Resolution 2019-04-15-06 approved tonight.

Councilmember Mercer made a motion to remove Resolution 2019-04-15-06 from the April 15, 2019 city council agenda. The motion was seconded by Councilmember Scott.

There being no further discussion, the motion to remove Resolution 2019-04-15-06 from the city council agenda passed unanimously by voice vote of those members present and the council president declared the same passed.

It was the consensus of the city council to place Resolution 2019-04-15-06 for consideration to authorize the granting of a cable television franchise to Spectrum Southeast, LLC D/B/A Charter Communications to construct, operate, and maintain a cable system in the City of Pelham, Alabama on the May 13, 2019 special work session agenda.

7. **Resolution 2019-04-15-07** for consideration to enter into a professional services contract with Edmonds Engineering, Inc. to assess the condition and infrastructure and prepare a bid package for remediation, repairs and construction at Pelham City Hall

Mr. Willingham introduced Joey Roach with Edmonds Engineering, Inc. Mr. Willingham stated the city has asked Edmonds Engineering, Inc. (Edmonds) to assemble a great deal of information in a short period of time. He said they will be looking at the moisture problem which could be caused by a combination of problems from the roof, foundation and/or the heating, ventilation or air conditioning (HVAC) systems. He stated they are still looking into what needs to be done regarding the mold situation. Mr. Willingham said Edmonds will be putting together a bid package to address all the City Hall issues. He further stated this will allow Edmonds to develop a complete picture of City Hall for evaluation by the city council.

Council President Hayes inquired on how comfortable the city is with the overall cost of the project. Mr. Willingham stated several items are not included in the current estimate. Councilmember Lanier asked if mold and asbestos would be addressed. Mr. Willingham said that a specific mold remediation cost from a specialty contractor is not included in the estimate, but the proposal that will be put out for bid will address the mold and other areas. City Manager DiFante stated no airborne asbestos was detected in the building following the latest air quality test. Councilmember Lanier asked if the asbestos present in the building would be addressed for removal. City Manager DiFante said the city will look at the need to remove the asbestos in the areas which may be disturbed. Mr. Willingham said Edmonds will educate the city on the recommended needs as they move forward. Council President Hayes asked Mr. Roach if their fee was based on a percent of the construction cost. Mr. Roach stated the estimate is based on a percentage of the actual construction costs.

8. **Resolution 2019-04-15-08** for consideration to enter into an agreement with Gonzalez-Strength & Associates, Inc. for engineering services related to the HEROES Project

Mr. Willingham said discussions have been held over the past 4-6 weeks with several potential developers of the site. He said the city wants to take the next step and determine how much land can be developed and the cost of the project.

9. **Resolution 2019-04-15-09** for consideration to approve an addendum to the Human Resource Management, Inc. consulting services contract

City Manager DiFante stated HRM has outlined the scope of additional work requested by the city to be provided.

Councilmember Lanier asked if HRM will be able to complete the project based on this resolution. City Manager DiFante said yes.

10. **Resolution 2019-04-15-10** for consideration to enter into a lease agreement for the purpose of providing office space for various departments of the City of Pelham

City Manager DiFante said the city has been working to find a place to lease, where the staff can be together with approximately 6,000 square feet of office space. Several options were discussed. She stated 401 Southgate Drive seems to meet the current needs of the City Hall staff. She said there is adequate parking and office space for Finance, IT, Mayor Waters, Building/Revenue, Human Resources and the City Manager. She said the lease is $7,500 per month but the city is still negotiating with the building owner. She stated several options are under consideration for Internet and IT connectivity.

Council President Hayes inquired as to the anticipated timeline in addressing all the issues in City Hall. Mr. Willingham said he does not think six months is realistic. He said we do not have all the answers at this time, there are a lot of unknowns. City Manager DiFante said she is suggesting a one year lease, but at this time we really do not know.

Council President Hayes asked if there were any other reasonable options at this time. Councilmember Lanier thanked the city hall staff, City Manager DiFante and Director of Development Services & Public Works David Willingham.

11. **Resolution 2019-04-15-11** for consideration to establish a business moratorium on CBD oils and extracts

Councilmember McMillan asked about adding CBD oils and extracts to the existing moratorium. Council President Hayes stated this was proposed as an independent moratorium.

Councilmember Scott suggested removing Resolution 2019-04-15-11 from the agenda. City Manager DiFante agreed. She stated it is important to hear from the Police Chief Larry Palmer on this issue before moving forward.

Council President Hayes asked the city council if they had any issues in removing this item from the April 15, 2019 agenda. Councilmember Scott asked Chief Palmer to make his presentation about CBD oils and extracts in a work session prior to putting this item on the agenda. It was the consensus of the city council to place the discussion regarding Resolution 2019-04-15-11 on the May 20th work session agenda.

Councilmember Scott made a motion to remove Resolution 2019-04-15-11 from the April 15, 2019 city council agenda. The motion was seconded by Councilmember Mercer.

There being no further discussion, the motion to remove Resolution 2019-04-15-11 from the agenda passed unanimously by voice vote of those members present and the council president declared the same passed.

12. **Ordinance No. 135-222** an amendment to the zone district boundaries of the City of Pelham changing the present zoning A-1 (Agricultural District) to B-2 (General Business District). The property is located along Shelby County Highway 33.
    Applicant: David W. Miles and Nancy Y. Miles. **FIRST READING.**

(End of April 15, 2019 Agenda Review)

<u>Old Business</u>

1. Update – Fire Station No. 3 – Chief Tim Honeycutt

Fire Chief Tim Honeycutt discussed the growth of the city along Highway 11. He gave an overview of all the current fire stations and the lack of storage space in each.

Architect Barry Davis thanked the city council for the opportunity to speak. He explained the proposed design of the new station. Mr. Davis stated the construction documents are complete and will be ready for bid this Thursday. He explained the site has construction challenges. Council President Hayes asked about the estimated time to complete the site preparation work prior to construction. Mr. Davis stated he expected the site work to be completed in approximately four months after work began and an additional 14 months for construction. Councilmember Scott asked the distance between the new Station 3 and the Grey Oaks subdivision. Chief Honeycutt said it is 2.9 miles to the entrance of Grey Oaks. Chief Honeycutt thanked Battalion Chief Steve Holler for his assistance during the design phase of Station 3. Mr. Davis said he is prepared to move forward with an additional contract with the city for bidding and construction of Station 3. Chief Honeycutt explained the initial contract will be completed this week. Councilmember Mercer asked about accommodations for all members of the fire department staff and if the building will be ADA and NFPA compliant. Chief Honeycutt said the facility will be ADA compliant and our first fire station built with separate sleeping quarters for each person.

Councilmember Lanier said she is excited about the proposed new fire station and hopes that we are strategically looking at our other current facilities.

2. Update – City Hall – City Manager Gretchen DiFante

City Manager Gretchen DiFante stated once a location has been finalized there will be additional communication with the mayor and city council.

3. Update – Small Cell Facilities – City Engineer Chris Cousins

City Engineer Chris Cousins provided the city council with bullet points on the proposed small cell facilities ordinance. He asked the city council to review and forward their comments to him. Councilmember Scott asked if the city will be able to enforce the ordinance. Mr. Cousins said yes. He said the proposed ordinance mimics the Federal Communications Commission's requirements and no problems are expected. Mr. Cousins mentioned legislation currently under discussion in Montgomery. He said if the legislation is passed it would supersede the city ordinance. He further stated the state bill is more favorable to the communications industry. Rick Fryer, a representative from Verizon Communications, voiced concerns regarding the proposed small cell ordinance. Council President Hayes asked Mr. Fryer to discuss any concerns he may have with City Engineer Chris Cousins.

It was the consensus of the city council to place the Small Cell Facilities ordinance on the May 13, 2019 work session agenda for discussion.

New Business

Council President Hayes volunteered to act as the City of Pelham's voting member at the annual Alabama League of Municipalities Convention in Mobile May 4-7, 2019. He suggested Councilmember Lanier be the alternate voting member. By consensus, the city council approved the recommendations of Council President Hayes.

GIS Director Josh Osborne offered several options to the city council for the lighting of the Greenway Trails Phases 1 and 2. Mr. Willingham informed the city council the bid opening for the first two phases would be on May 9, 2019.

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 7:07 p.m.

Respectfully submitted this 15th day of April 2019,

Tom Seale, MMC, City Clerk/Treasurer

Rick Hayes, Council President

CITY OF PELHAM CITY SEAL ALABAMA

[SEAL]