



WORK SESSION
Pelham Police & Court Building
February 3, 2020 – 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 February 3, 2020 at 6:00 p.m. The regular work session was held in 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 6:01 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 Lanier to approve the January 23, 2020 Special and Regular Council Work Session Minutes. The motion was seconded by Councilmember McMillan and passed by unanimous voice vote of those members present.

Review of Council Agenda

Council President Hayes reviewed the February 3, 2020 city council agenda.

F. Public Hearing

Ordinance No. 135-228 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 subject property is located at 135 Winslett Road in Pelham, Alabama. The applicant is Jamie Lumpkin.

H. Proclamations by the Mayor - None

J. Requests to Address the Council

1. Jim Sumpter, President of the Pelham City Schools Foundation

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

1. **Resolution 2020-01-23-04** for consideration to appoint _____ as the city council representative on the Pelham Personnel Board with the term ending January 31, 2024

Council President Hayes asked City Attorney Josh Arnold to comment on the appointment of the city council representative to the Pelham Personnel Board. Mr. Arnold stated the Civil Service Act (CSA) is not exactly clear to this fact. He mentioned his email dated November 21, 2019 that addressed three different potential interpretations of the CSA related to this matter. However, he pointed out that when the CSA was first passed, the mayor was a voting member of the council, which indicated the original intent was a simple majority vote of the six elected members. Mayor Waters questioned the possibility of a split vote, but said Mr. Arnold made an insightful point about the original intent of the CSA. Mr. Arnold said that Butch Ellis pointed this out.

Council President Hayes asked Mr. Arnold to confirm that he thought there was a 55% chance that a court would rule that the simple majority vote of the six elected members was the appropriate way for the vote to be conducted. Mr. Arnold confirmed this and said the methodology should be something the council agrees upon. Otherwise, the courts would have to decide. Mr. Arnold suggested proceeding with the six member vote and see if there is a need to further discuss the issue.

Councilmember McMillan stated she was impressed with Martina Winston, who brings a different viewpoint with her human resources background. Councilmember Scott agreed with Councilmember McMillan's comments. Councilmember Mercer said Councilmember Scott always says it is amazing with the quality of applicants the city gets for consideration for appointment to civic boards. He further stated Ms. Winston would be an asset to the Pelham Personnel Board. Councilmember Lanier stated all the candidates were wonderful. She further stated having taught business management courses for a number of years afforded her the opportunity to train students and professionals. She noted the importance of having individuals be objective and ready to hit the ground running. She offered her support in reappointing Greg Darnell due to his experience as a current member of the Pelham Personnel Board.

Council President Hayes stated he was very happy with the solid candidates for appointment. He said he was very impressed with Ms. Winston's resume, but what really impressed him was the way she conducted herself when she met with the council. He stated Greg Darnell brings a lot to the table, including logic, business experience and an understanding of what the city is trying to do. He stated his support to reappoint Mr. Darnell for another term, but that he thinks Ms. Winston would do a great job too. Mayor Waters stated he would support the appointment of Martina Winston to the Pelham Personnel Board.

Councilmember Lanier said Ms. Winston would do an excellent job. Council President Hayes stated there are many different types of diversity and that although we need to be cognizant of this issue, we still have to appoint the best person. He said that will be what he bases his vote on during the council meeting tonight.

Council President Hayes recapped the consensus of the city council to appoint Martina Winston to the Pelham Personnel Board was 4-2.

For appointing Martina Winston:

Mayor Waters, Councilmember Scott, Councilmember McMillan and Councilmember Mercer

For appointing Greg Darnell:

Council President Hayes and Councilmember Lanier

Council President Hayes announced the name of Martina Winston would be added to Resolution 2020-01-23-04 for consideration by the city council during tonight's city council meeting.

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

1. **Resolution 2020-02-03-01** for consideration to endorse the adoption by the Pelham Planning Commission of the "Plan Pelham: the City of Pelham Comprehensive Plan"

Maria Hines, Senior Planner with the Regional Planning Commission of Greater Birmingham (RPCGB), provided an overview to the city council of the "Plan Pelham: the City of Pelham Comprehensive Plan". She stated the work of the RPCGB began in October 2018. Ms. Hines outlined the Pelham Comprehensive Plan as follows:

PLAN ORGANIZATION

1. Plan Overview
2. Pelham Today
3. Future Land Use
4. Transportation
5. Green Systems
6. Economic Development
7. Planning + Public Services
8. Implementation

Councilmember Scott questioned Ms. Hines' comments regarding modular homes and "island" annexations. Council President Hayes addressed the island annexation bills that get brought up by the legislature every year and fails. It was suggested that this get addressed via local legislation. Councilmember McMillan and Councilmember Lanier asked about facade improvements and funding at the Pelham Civic Complex & Ice Arena.

2. **Resolution 2020-02-03-02** for consideration to authorize an agreement with Fontenot Benefits & Actuarial Consulting to perform valuations on the impact of various scenarios related to retiree healthcare benefits

Accounting Manager Jenny Gray stated this request is in response to a question asked by members of the city council. Councilmember McMillan asked how many scenarios are realistic. Mrs. Gray said she suggested one to three. Councilmember McMillan made a motion to amend Resolution 2020-02-03-02 by placing a cap on the valuations in an amount not to exceed \$5,000. Councilmember Lanier seconded the motion. The motion to amend Resolution 2020-02-03-02 passed by a unanimous vote of the city council and Council President Hayes declared the same.

3. **Ordinance No. 070-04** for consideration to adopt the City of Pelham's Flood and Damage Prevention Plan and repealing Ordinance No. 070-03 in its entirety (First Reading)

City Engineer Chris Cousins explained the haste in getting Ordinance 070-04 adopted was due to a state requirement he was just made aware. He stated the changes primarily consist of adding definitions to the current ordinance.

4. **Ordinance No. 135-228** 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 subject property is located at 135 Winslett Road in Pelham, Alabama. The applicant is Jamie Lumpkin. (First Reading)

Councilmember McMillan questioned City Engineer Chris Cousins on issuing a land disturbance permit prior to the rezoning approval by the city council. Mr. Cousins explained the property owner was aware the property had not been rezoned but had elected to move forward with the site development.

5. **Ordinance No. 267-05** for consideration to amend the Code of Ordinances, City of Pelham, Alabama, Chapter 2, Article 1. by adding Section 2.14 – Polling Locations (First Reading)

There were no city council comments.

6. **Ordinance No. 493** for consideration to adopt guidelines to regulate the permitting, siting and construction of wireless telecommunications facilities, including but not limited to towers and any associated equipment or facilities (First Reading)

City Engineer Chris Cousins stated the small cell tower ordinance is largely unchanged from the version reviewed by the city council last summer. He said the proposed changes have been communicated to the wireless providers. He further stated having been in contact with Verizon and AT&T today. Council President Hayes asked if there was any concern with the pending state legislation. Mr. Cousins suggested staying on top of the situation in order to move the city forward. Council President Hayes said defeating this bill in the coming legislative session is high on the Alabama League of Municipalities agenda.

(End of February 3, 2020 Agenda Review)

Old Business

1. Maria Hines, Regional Planning Commission of Greater Birmingham

See comments above under "New Business", Resolution 2020-02-03-01.

New Business

1. Discuss Actuarial Review for Retiree Healthcare Benefits

See comments above under "New Business", Resolution 2020-02-03-02.

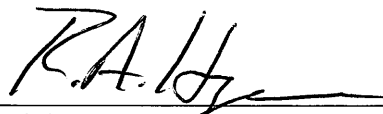
Adjournment

A motion to adjourn the work session was made by Councilmember McMillan and seconded by Councilmember Lanier. 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 February 2020,



Tom Seale, MMC, City Clerk/Treasurer



Rick Hayes, Council President

