



WORK SESSION
Pelham Police & Court Building
March 16, 2020 – 5:00 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 throughout the scheduled meeting.

Members of the Pelham City Council met March 16, 2020 at 5:00 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 5:02 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 March 2, 2020 Special and Regular Council Work Session Minutes. The motion was seconded by Councilmember Mercer and passed by unanimous voice vote of those members present.

COVID-19 Update

City Manager Gretchen DiFante updated the city council on the City of Pelham's operational response to the COVID-19 pandemic. She said the Emergency Operations Center (EOC) opened this morning. She encouraged the city council to consider passage of a resolution declaring the city is in a state of emergency as recommended by the city attorney. She said the city wants to reduce the amount of potential liability. She further stated cities are asking for approval of a certain amount of money to address expenditures related to the pandemic. In addition to declaring a state of emergency, City Manager DiFante asked the city council to set aside funds for COVID-19 response efforts. She said a

general ledger account has been created within the General Fund for expenses related to COVID-19. She outlined the procedures for expense approval in order to be able to file reimbursement requests with the federal government. Fire Chief Tim Honeycutt updated the city council on the procedures being implemented by the City of Pelham. Chief Honeycutt made the following statement:

“As a part of my job as the Emergency Management Director for our City, approximately one week ago we began to track all information concerning a virus known as COVID-19 (Coronavirus). This virus causes respiratory illness (similar to the flu) with symptoms such as cough, fever, runny nose, sore throat, difficulty breathing and in more severe cases, pneumonia. Senior adults and those with compromised immune systems are the patients with the greatest susceptibility; however, no one is immune from COVID-19. The virus has a five day incubation period meaning a person may be infected for five days, passing it to people they come in contact with, before having the first sign or symptom.

As this situation began to unfold in greater numbers we continued to monitor information from the World Health Organization, the Center for Disease Control and the Alabama Department of Public Health. We quickly realized our state and our city would eventually be impacted.

Earlier this week we prepared a rough draft of the continuity of government plan for our city. This plan would be in effect in the event our city administration and city employees were to become compromised in great quantities. The reason this plan is mission critical is so we can continue to provide essential city services to our citizens. Through the creation of this plan we have identified those departments who are considered essential verses those who are non-essential. Furthermore, we have instructed department heads to identify those employees who are essential verses non-essential as well as those employees who could possibly work remotely in the event the staff of the city were to be compromised.

Through the diligent work of many of our team members we have consistently provided updates to all of our staff members with regards to safety precautions. While it will always be our goal to serve and protect our citizens, we also have a responsibility to protect our greatest resource which is our employees and their families. We have also began tracking the number of employees who test positive for the flu so we may identify departments and buildings which may need a full disinfectant procedure.

In an effort to be proactive instead of reactive and in an abundance of caution, on Friday March 13th the leadership of the city made the decision to close all public facilities such as: Ballantrae Golf, the Pelham Civic Complex & Ice Arena, Library, Pelham Racquet Club, Recreation Center and the Senior Center to do our part to stop the spread of COVID-19. We as a team did not take this decision lightly as we are aware the closing of these facilities has an impact on revenue. As you are aware the Southern Professional Hockey League has suspended games for the remainder of the season and the United States Tennis Association cancelled the tournament which was scheduled at the Pelham Racquet Club. We also learned Live Nation has cancelled all concerts for April and May which impacts one concert at Oak Mountain Amphitheater.

Friday afternoon the president declared a national state of emergency and instructed all states to implement their Emergency Operations Centers which five fire department members are qualified and are on stand-by to be deployed to assist on the state level in the EOC. I have instructed all department heads to begin tracking all expenses, including overtime and off time cost, directly related to the COVID-19 pandemic. We are compelled to believe those expenses will be eligible for reimbursement; however, we are compiling data in the event we can seek those funds. Effective today we have established a small emergency operations center located at City Hall working eight hour operational periods Monday through Friday so that we may create a whole government approach in the establishment of a unified command. This will allow us to control all information that is disseminated to the public as well

as departments working together to track impact the pandemic will have on city revenues. As the city leadership we have begun looking for ways to cut expenses during this time. Our city manager has instructed the finance director to establish a COVID-19 budget code for closer tracking of expenses directly related to the pandemic event.

The governor has also declared a state of emergency which in turn allowed schools state wide to cancel class through April 6. This is concerning to us as a great number of our city employees will be limited to child care during this time which in turn may cause our off time numbers to rise.

With regards to Public Safety, the police department and fire department leadership along with supervisors from our dispatch center and Shelby County 911 have prepared a plan in the event our dispatch center or Shelby County 911 were to have a high number of employees who become infected. This plan will only be implemented in the event either of us feel as though our dispatch centers were to be compromised. Furthermore, Chief Pat Cheatwood has been in contact with the fleet maintenance division for the City of Hoover to ensure our public safety vehicles will have access to fuel in the event this becomes a more severe crisis limiting our access to fuel in our city. The public safety division is strong and will continue to provide the highest level of public safety. The fire department is fully prepared to respond to any patient who presents with the signs and symptoms of COVID-19. We have implemented several safety precautions for our team to protect them.

Your city leadership remains fully committed to our citizens and our employees to continue to provide the highest level of care and service even in these desperate times. I cannot say enough about the collaboration our leadership shares on a daily basis and especially in the last few days. We as a city are extremely lucky to have the employees and leadership that we have in place. We will continue to provide updates to you and to our citizens as this fluid situation continues to unfold.

Are there any questions I can answer for you at this time?"

Mayor Waters discussed the resolution to declare a state of emergency which is before the city council. He said when making decisions for the City of Pelham our decisions must be decisive.

Review of Council Agenda

Council President Hayes reviewed the March 16, 2020 city council agenda.

F. Public Hearing

To consider Ordinance No. 135-229 an amendment to the zone district boundaries of the City of Pelham changing the present zoning O & I (Office & Industrial District) to B-2 (General Business District) for property located along State Park Road. Applicant: James B. Kovakas

H. Proclamations by the Mayor

1. Proclaiming March 15-21, 2020 as National Safe Place Week in Pelham, Alabama

I. Request(s) to Address the Council – None

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

1. **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, as amended. The First Reading was on March 2, 2020.

Chris Cousins, Municipal Consultants, Inc., said there is legislation making the rounds in Montgomery to address this issue. He stated there is a provision in the proposed bill that the state law does not apply to any ordinances approved prior to May 1, 2021. Council President Hayes asked Mr. Cousins if he was comfortable with the way Ordinance No. 493 is written. Mr. Cousins said yes.

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

1. **Resolution 2020-03-16-01** for consideration to accept the lowest responsible bid from Chilton Contractors, Inc. for site preparation for the new Fire Station No. 3 and to further amend the FY2020 construction budget for said project

Andre` Bittas, Director of Development Services & Public Works, stated the FY2020 budget line item was approved to begin site preparation on the new Fire Station No. 3. He stated the bids were slightly higher than anticipated. Mr. Bittas requested the city council consider approving the bid and amending the budget. Council President Hayes asked about the other aspects of the construction project. Mr. Bittas said the project is moving forward and he will come back to the city council with an update as to estimated costs and a construction timeline.

2. **Resolution 2020-03-16-02** for consideration to appoint Fredrick Hamilton to the unexpired term of James Camel, Place No 5., with the term of office expiring on March 15, 2021

There were no comments from the city council.

3. **Resolution 2020-03-16-03** for consideration to amend the City of Pelham Classification Pay Plan effective April 1, 2020

Council President Hayes stated a 2.00% pay plan adjustment was included in the FY2020 budget. He said there were several position pay ranges that HRM, Inc. recommended to be reduced, but that the related numbers were still being reviewed. Council President Hayes said it was certainly not his intent to delay the approval of a pay plan adjustment, but asked about the number of people who could be impacted by the adjustment in relation to HRM's recommendations. Additional discussion followed between Council President Hayes, Director of Human Resources Tracy Hill and City Manager Gretchen DiFante regarding the HRM, Inc. recommendations. Mrs. Hill said she would follow up and provide city council with the requested information by the end of the week if the information was still needed at the conclusion of the meeting. Council President Hayes asked City Attorney Josh Arnold whether pay plan adjustments are required to be approved by the Personnel Board prior to submission to the city council. City Manager DiFante spoke to the approval of the pay plan by the Personnel Board. Mr. Arnold stated job descriptions must originate with the Personnel Board with the assistance of the Human Resources Director. He further stated the city council cannot develop a job description and then push it down to the Personnel Board for approval, but the approval of pay plan is a little more ambiguous. However, he said approval of the expenditure of city funds rests solely with the city council. He stated approval of a pay plan does not technically require any sort of approval by the Personnel Board, but council may want the board's input. He further stated job descriptions and changes to job descriptions must be approved by both the Personnel Board and city council. Discussion followed as to whether to

request an opinion by the Alabama Attorney General's (AG) Office in order to clear up confusion with specific areas regarding the approval of the classification and pay plan. The city attorney explained that an AG opinion could be valuable and he would recommend one. Council President Hayes suggested giving the Personnel Board an opportunity to weigh in on the proposed pay plan adjustment might be cleaner. The city attorney explained that step was not legally required, but it may be good practice.

Discussion followed regarding the Civil Service Act (CSA). Councilmember McMillan asked if the pay plan is approved tonight is there a need to refer the pay plan adjustment back to the Personnel Board for their approval. Approval procedures were discussed between Councilmember McMillan and Council President Hayes. Councilmember Scott noted these issues brought up tonight further illustrated the necessity to revisit and rewrite the CSA. He further stated he would not be in favor at any one time to diminish or give up the authority of the city council to deal with issues budgetary in nature. Councilmember Scott said an AG opinion does not have the force of law, and he does not put a lot of stock in AG opinions as a whole. He believes the city council has the fiduciary responsibility to make a decision. He said if the Personnel Board wants to kick this matter around that would be fine, but he is ready to move forward for the benefit of the city employees and the city. Councilmember Mercer stated he agreed with some of the remarks made by Councilmember Scott. He said he would not be in favor of delaying the pay plan adjustment. He further stated he is strongly in favor of spending time rewriting the CSA. Councilmember Lanier stated it is important to compensate our employee. She said it is important to put in place a process recognizing the CSA guidelines. She confirmed the pay plan adjustment has not been approved by the Personnel Board. Additional discussion followed between the city council and the city manager regarding the required process for approving job descriptions.

City Manager DiFante stated the city attorney's opinion as provided to the HR Director in writing earlier the previous week was the city council did not have to approve the job description in question. She said she was unaware of discussions between the city council president and city attorney regarding this matter. She mentioned there were job descriptions related to the compensation study that have been approved by the Personnel Board but not the city council and that the compensation study will have to be put on hold until those job descriptions are approved by council. She further stated it is important for the city council to trust the City Manager, the Human Resources Director and the Department Heads to tell council what they need in order to run the city and what we need those individuals to be responsible for. She said if the city council wants us to call a Personnel Board meeting and have the 2% pay plan adjustment approved, or disapproved, we can do that. City Manager DiFante said the Human Resources Director is not prepared to discuss the many conversations she has had with the city attorney and Personnel Board about the CSA; however if she had known these items were in question or that the city attorney was going to be present to speak to these questions, the staff would have been prepared for that discussion. She further stated discussions included implementing procedures to try to operate in a more efficient manner. Councilmember Lanier said one of the things she would want the city council to consider is having the Personnel Board review, approve and then send forward their recommendations. Councilmember Scott stated this discussion before us is so unnecessary. He said diminishing the responsibility of the city council to take this matter where we have legal counsel and to delay this is bordering on the edge of irresponsibility. He said it has been made clear all the proper procedures have been followed regarding this matter. He further stated he is seeing us pause before we make a decision to go back, defer and give someone else the ability to change and modify what we might think would be best to do here tonight. Councilmember Scott said that is his concern. He said he believed it is a bad precedent. Councilmember Lanier said it is important to have a procedure in place. She said it would be wise to allow the Personnel Board to review and approve the 2.00% pay plan adjustment since several of the members are new. She said she felt like the Personnel Board would not vote against either the pay

plan adjustment or job descriptions. She stated she did not think an AG opinion was needed but would not undermine the fact if an AG's opinion was sought if someone thought it was a necessity. Council President Hayes discussed procedures in place with regard to Personnel Board approvals. He further stated wanting to make sure the city council was following those procedures. Councilmember Mercer said the council had not followed procedures with regard to a recent board appointment. Members of the city council discussed at length the ongoing process of approving the city's budgeted pay plan adjustment. Council President Hayes said the right answer is to have the Personnel Board review and send back to the city council. He stated if the city council wished to move forward tonight he would vote in favor. He said he did not think it was the right move and this decision would be in conflict with the way the code reads. It was the consensus of the city council to move forward tonight in considering the adoption of Resolution 2020-03-16-03.

4. **Resolution 2020-03-16-04** for consideration to enter into a contract with EEFS Company, PC for bid procurement services and Construction, Engineering & Inspection Services (CE&I) related to the Huntley Parkway Roadway Improvements Project

Mr. Cousins said this is an extension of a contract previously approved by city council. He stated the bid day for the Huntley Parkway project is April 16, 2020. Mr. Cousins recommended the city council consider approving Resolution 2020-03-16-04 in order to move forward with the project.

5. **Resolution 2020-03-16-05** for consideration to approve an extension of the special use permit issued to T-Mobile for modifications on the existing wireless telecommunication facility located at 5010 Oak Mountain Drive, Pelham, Alabama

David Aymett with the Center for Municipal Solutions (CMS), the city's telecommunications consultant, stated T-Mobile has requested an extension for the Special Use Permit that was approved by the City Council (Resolution 2019-09-23-01) on September 23, 2019. He said T-Mobile is requesting this extension due to the recent merger with Sprint. He further stated they were not able to make the modifications in the permit period. The original application was to modify their equipment at the existing tower located at 5010 Oak Mountain Drive. In the September 23, 2019 city council meeting, CMS representative Jeff Bass stated T-Mobile currently was providing service from the 248 foot self-support tower at a height of 248 feet. He said at the time T-Mobile currently had six (6) antennas mounted on the tower, three (3) per sector or side. Mr. Bass stated they were proposing to remove all of the existing antennas and replace with three (3) new models. The total antenna count will be reduced from six (6) to three (3) antennas. He further stated T-Mobile will be removing six (6) remote radio units and replace them with six (6) new models. He said there should not be any adverse impact to the aesthetics of the facility. He stated T-Mobile currently has five (5) feedlines mounted on the face of the tower and they are proposing to add one (1) additional feedline. He said T-Mobile had complied with the city's Wireless Telecommunication Ordinance. Mr. Bass further stated the upgrade to the existing tower is due to a change in technology. In closing, Mr. Aymett said CMS has reviewed the extension request and recommends approval. Councilmember Scott asked if there would be any aesthetic changes to the tower. Mr. Aymett stated there would be no changes.

6. **Resolution 2020-03-16-06** for consideration to amend the City of Pelham Classification Pay Plan by adding job descriptions and pay ranges for the positions of Manager of Building Maintenance and Communications and Branding Manager

Council President Hayes commented on the Personnel Board approving both these job descriptions and pay ranges. He said he was comfortable moving forward. Councilmember McMillan questioned how

the pay ranges were arrived at. City Manager DiFante said the same process was used, government and non-profits. She further stated City School Superintendent Scott Coefield was consulted. Dr. Coefield provided information regarding the school system's Director of Communications compensation. She said the salary and job description of their Director of Communications and the city's Communications and Branding Manager were comparable.

7. **Resolution 2020-03-16-07** for consideration to authorize the participation of the city's first responders in the Public Safety Insurance Fund at no cost to the city

There were no comments from the city council.

8. **Resolution 2020-03-16-08** for consideration to declare a state of emergency in the City of Pelham due to the COVID-19 virus

Councilmember McMillan asked what supplies would be purchased. City Manager DiFante stated we do not know the full scope of the city's needs at this time. She mentioned the supply chain regarding both water and sewer expenditures and public safety issues. Council President asked about the \$1,000,000 placeholder and Mayor Waters stated the total needs are unknown. He stated the expenses will be tracked separately. City Manager DiFante stated the city is working with other municipalities with regard to emergency needs and staffing. She reviewed procedures the city is considering to minimize face-to-face contact with the public. City Manager DiFante reviewed with the city council the meaning of declaring a state of emergency. Chief Honeycutt stated a state of emergency gives both the city government and public safety additional authority.

9. **Ordinance No. 135-229** an amendment to the zone district boundaries of the City of Pelham changing the present zoning O & I (Office & Industrial District) to B-2 (General Business District) for property located along State Park Road. Applicant: James B. Kovakas (First Reading)

There were no comments from the city council.

(End of March 16, 2020 Agenda Review)

Old Business

1. Presentation – City Hall options by Williams-Blackstock Architects

City Manager DiFante reviewed the options previously discussed with the city council. Andre' Bittas, Director of Development Services & Public Works, stated they were asked to review several options for City Hall. Bill Segrest and Derek Needham, Williams-Blackstock Architects, outlined the four options their firm was tasked with reviewing.

Option 3A - Renovate/Repair Existing City Hall and Retrofit to Meet Program Needs

Pros

- Welcoming Front Porch/Entry
- Known Location by Longtime Residents
- Hwy 52 Project Improves Site Access

- Utilizes Existing Water Works Building for Development Services
- Close Proximity to Fire Department Police Department and Board of Education

Cons

- Access to Site - No Traffic Signals at Intersections
- Traffic Congestion on Hwy 31 at Peak Hours
- Limited Opportunity for Civic Space

Cost Per Square Foot: \$245.15

Total Estimate: \$7,054,302

Option 3B - Renovate/Repair Existing City Hall with New Addition

Pros

- Welcoming Front Porch/Entry
- Known Location by Longtime Residents
- Highway 52 Project Improves Site Access
- Close Proximity to Fire Department, Police Department and Board of Education
- Development Services Remains Adjacent to Field Operations and is in the Same Building as Other Departments

Cons

- Access To Site Remains Difficult
- Traffic Congestion On Highway 31 at Peak Hours
- Limited Opportunity for Civic Space

Cost Per Square Foot: \$353.97

Total Estimate: \$8,357,204

Option 3C - Demolish Existing City Hall and Construct New Building to Meet Program Needs

Pros

- New Building is in Familiar Location
- Known Location by Longtime Residents
- Highway 52 Project Improves Site Access
- Close Proximity to Fire Department, Police Department and Board Of Education
- Development Services Remains Adjacent to Field Operations and is in the Same Building as Other Departments

Cons

- Access To Site Remains Difficult
- Traffic Congestion On Hwy 31 at Peak Hours
- Limited Opportunity For Civic Space

Cost Per Square Foot: \$384.64

Total Estimate: \$8,481,376

Option 3D - Construct New City Hall on Alternate Site

Pros

- Location of New City Hall Will Create a “City Center”
- Within Walking Distance to Recreation Center and New Library
- Signaled Intersections to Help Access in and out of the Site

Cons

- Field Operations is No Longer Adjacent to Water Works/Development Services
- No Longer Historic City Hall Site

Cost Per Square Foot: \$374.83

Total Estimate: \$8,246,279

Mr. Bittas stated these are not design documents and additional work will be required in the future which will increase the overall cost of the project.

2. Director of Racquet Club

Councilmember Scott asked about an item that was listed under new business, the Director of Racquet Club job description and pay range, be put back of the March 16, 2020 city council agenda. Councilmember Scott made a motion to put the resolution back on the agenda related to the position of Director of Racquet Club for a vote. Said motion was seconded by Councilmember Mercer. Council President Hayes said there were numerous issues related to it. He said the Personnel Board has not agreed to what has been presented regarding the position for a number of reasons. He suggested taking a step back and discuss with the Personnel Board. Council President Hayes recounted how the Personnel Board had voted on this issue in the past. Councilmember Scott requested this matter be expedited and addressed as soon as possible.

There being no further discussion, the motion to place the compensation and job description of the Director of Racquet Club on the March 16, 2020 city council agenda passed by a voice vote of 3-2 of those members present with Council President Hayes and Councilmember Lanier dissenting. The council president declared the same passed. Councilmember Lanier she was voting no because of a lack of clarity and was not informed enough to vote on this issue. Council President Hayes stated this item would be on tonight’s city council agenda.

Recess Work Session

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 7:29 p.m.

Council President Hayes called the work session back to order at 8:50 p.m.

3. Discussion – Additional voting location for municipal elections

Council President Hayes pointed out particular streets and subdivision in his discussion with the city council regarding the establishment of an additional voting location for municipal elections. Councilmember McMillan asked about houses in certain locations in the area under discussion. Council President Hayes commented on the possible confusion in the language of the ordinance if we try to define each house. Further discussion followed.

New Business

1. Discussion – Voting Delegate designation for annual Alabama League of Municipalities Convention in Tuscaloosa, May 16 – 19, 2020

Council President Hayes volunteered to be the voting delegate for the annual Alabama League of Municipalities Convention. Councilmember Lanier offered to be the back-up voting delegate. There was consensus among the members of the city council to move forward with the appointments.

2. Review proposed Director of Racquet Club job description and pay range

Discussion of the Director of Racquet Club job description and pay range was moved to the regular City Council Agenda for March 16, 2020.

3. Fire Chief Tim Honeycutt regarding the purchase of an additional Zoll Autopulse CPR device

City Manager DiFante spoke to the Colonial Pipeline donation of \$1,225,000 for the purchase of a new Hazmat truck for the Pelham Fire Department. She said there was approximately \$13,000 left over from this purchase in the FY2018 budget. She stated approval of Chief Honeycutt's request by the city council would require a FY2020 budget adjustment.

Executive Session

Council President Hayes elected not to call an Executive Session as a part of tonight's Work Session agenda.

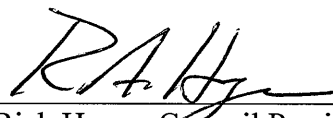
Adjournment

A motion to adjourn the work session was made by Councilmember Lanier and seconded by Councilmember Mercer. The motion passed unanimously by voice vote of those members present, and the work session was adjourned at 8:57 p.m.

Respectfully submitted this 16th day of March 2020,



Tom Seal, MMC, City Clerk/Treasurer



Rick Hayes, Council President

