



WORK SESSION
Pelham Police & Court Building
July 20, 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 July 20, 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 Maurice Mercer
Councilmember Mildred Lanier
Mayor Gary Waters

Not Present: Councilmember Beth McMillan

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 Scott to approve the July 6, 2020 Regular Council Work Session Minutes. The motion was seconded by Councilmember Mercer and passed by unanimous voice vote of those members present.

Executive Session

Council President Hayes stated for the record the purpose of the Executive Session was to discuss the legal ramifications of and legal options for pending litigation and to discuss with our attorney controversies not yet being litigated, but imminently likely to be litigated if the governmental body pursues a proposed course of action. City Attorney Bent Owens stated the purposes of tonight's Executive Session are appropriate under Section 36-25-A-7(3) (a), 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 Lanier. 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>Not Present</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, Director of Development Services & Public Works Andre' Bittas, City Attorney Bent Owens 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 40 minutes. The city council went into executive session at 5:04 p.m.

Councilmember Lanier moved to adjourn the executive session. Said motion was seconded by Councilmember Scott. The motion passed unanimously by voice vote of those members present, and the executive session was adjourned at 5:38.m.

Council President Hayes called the work session back to order at 5:40 p.m.

Old Business

1. Update – Tier 1/Tier 2 Options & Retiree Healthcare Benefits

Lt. Joey Pitts asked Accounting Manager Jenny Gray to review the spreadsheet and savings involved regarding the Tier 1/Tier 2 options and retiree healthcare benefits. Mrs. Gray reviewed the spreadsheet and responded to questions posed by members of the city council. She said the numbers represent part of the actuarial study performed earlier this year. She stated the cost to the city is based upon several variables which were discussed during her detailed presentation. Lt. Pitts reviewed the employee percentage contributions as a part of the evaluation process. He discussed the potential turnover and costs in the police department if the Tier 1/Tier 2 is not adopted by the city council. He asked the city council to consider adopting the resolution to make this change. Council President Hayes stated the way Tier 2 is set up is problematic especially for Public Safety, but addressed why it was adopted by the Alabama Legislature. He mentioned the current Retirement Systems of Alabama (RSA) funding issues and the Mountain Brook presentation that addressed the related issues with increasing RSA payments/percentages, as well as his concern about the asking the current Tier 1 employees to pay more related to this change. Councilmember Scott stated he was in favor of introducing a resolution to extend Tier 1 benefits to Tier 2 employees. He said this would benefit the hiring process. He further stated he would like to move the discussion of retiree benefits into the FY2021 budget discussions. Lt. Pitts and Human Resources Benefits Coordinator Candy Porter discussed a triggering date for the change to become effective. City Manager Gretchen DiFante mentioned she was a little tentative about selecting a trigger date based on the current COVID-19 issues and concerns with the city's revenues. She recommended doing what other communities in our area have adopted with regard to Tier 1/Tier 2. Councilmember Mercer stated he agreed in moving forward with the resolution. Councilmember Lanier

asked how many vacancies are currently in the police department. Lt. Pitts stated there are currently six. Council President Hayes asked again that data be provided on the step and grade where new hires started their employment with the City of Pelham. City Manager DiFante said I think we are switching back and forth between retiree health care benefits and Tier 1/Tier 2. She said that question is directed toward retiree health care benefits. She stated the city council had been provided, instead of the requested two years of data, three years of data. She further stated a note was provided explaining why the third year of data was included. She said there was significant reorganization in FY2018 in the Department of Development Services & Public Works which made it difficult to compare apples to apples. City Manager DiFante asked for clarification as to what information the staff should provide the city council at the next work session. Council President Hayes said further clarification could be discussed after the work session was called back to order following the recess.

2. Discussion – Amending the Zoning Ordinance with regard to Food Trucks and Airbnb
(Angie Brown)

Building Official Angie Brown discussed with the city council definitions under consideration to be added to the Zoning Ordinance regarding Airbnb and food trucks. She discussed the specific updates to the ordinance she would like the city council to consider. Councilmember Mercer asked if there was a “policing” procedure in the proposed revisions in the Zoning Ordinance. Mrs. Brown said there were guidelines and regulations requiring various city department approval. Councilmember Mercer asked if Pelham’s proposed ordinance was any different than other local cities. She said it was not.

3. Update – Winslett Road Project (Andre’ Bittas)

Director of Development Services & Public Works Andre’ Bittas discussed the ongoing flooding issues along Winslett Road. He said Ralph Dewberry of Printswell, Inc. was funding the flooding study. Michael Rice, EEFS Company, Inc., reviewed the Winslett Road engineering studies. He stated the Winslett Road area drains approximately 285 acres creating the flooding issue. Mr. Rice said they have evaluated several options. He said the ideal solution is to put the surface water in an open ditch across Winslett Road. He suggested closing Winslett Road to through traffic. Mr. Bittas said this is an expensive project with estimates of approximately \$1.8 million. Council President Hayes asked if there was any potential federal assistance in funding the potential project. Mr. Bittas stated he would move forward with funding options and see what is available. Mr. Dewberry spoke in favor of closing the road.

Review of Council Agenda

Council President Hayes reviewed the July 20, 2020 city council agenda.

F. Public Hearing – None

G. Mayor’s Comments

H. Proclamations by the Mayor – None

I. Report of the City Manager – None

J. Request(s) to Address the Council

1. Capt. Clay Hammac, Executive Director, Compact 2020

2. Kenneth Paschal, regarding the recent *Standing United for Progress* informational meeting held on June 28th at the Pelham City Complex & Ice Arena

K. Old Business / Resolutions / Ordinances / Orders and Other Business – None

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

1. **Resolution 2020-07-20-01** for consideration to approve a contract extension with Alabama Power Company for maintenance of equipment

There were no comments from the city council.

2. **Resolution 2020-07-20-02** for consideration to declare certain personal property of the City of Pelham surplus and is no longer needed for public or municipal purposes

Pelham Civic Complex & Ice Arena Administrator Danny Tate stated this is an old dehumidifier which has already been stripped of most parts. He stated he recommended approval of Resolution 2020-07-20-02.

3. **Resolution 2020-07-20-03** for consideration to adopt a Memorandum of Agreement with the Compact 2020 for Fiscal Year 2021

There were no comments from the city council.

4. **Resolution 2020-07-20-04** for consideration to approve the purchase of professional IT services, computer hardware and maintenance agreements

IT Manager Dell Ann Holly spoke to the necessity of replacing computers since a lot of employees are currently working from home during the COVID-19 pandemic. She stated she is moving the city toward going mobile with laptops and docking stations. Council President Hayes asked questions about the high prices of the proposed laptops, as well as the need for the docking stations, and asked Mrs. Gray about the FEMA reimbursable options for the computer equipment. She stated in her opinion it is a justifiable FEMA reimbursable expense. City Manager DiFante stated the city will be drawing down the CARES Act money and will apply for FEMA monies, which is not 100% reimbursable. She said the city is trying to apply for all funding available. She further stated the city will bring a resolution to the city council to draw down the CARES Act money using public safety salaries. Councilmember Lanier asked about the professional services portion of the expenditure. Mrs. Holly explained the need for the purchase. She further explained the purchases were being made through the state bid.

5. **Resolution 2020-07-20-05** for consideration to approve City of Pelham job descriptions

There were no comments from the city council.

6. **Resolution 2020-07-20-06** for consideration to accept the lowest responsive and responsible bid from Willoughby Contracting Company, Inc. for pressure reducing valves in Cahaba Valley Estates

Chris Cousins, Municipal Consultants, Inc., said the expenditure is consistent with the city's approach to the PVC pipe replacement projects and that it will be funded as part of the PVC pipe replacement initiative in the FY2020 budget.

7. **Resolution 2020-07-20-07** for consideration to accept the lowest responsible bid from Chilton Contractors, Inc. for the realignment of the Bearden Road/Village Place intersection

City Engineer Chris Nicholson stated the bids were opened about two weeks ago. He said this project will improve the alignment of both Bearden Road and Village Place. Council President Hayes noted this was roughly half the previous low bid. Mr. Nicholson said the project should start around the first of August with a construction timeline of 45 days. Development Services & Public Works Director Andre' Bittas stated the city will coordinate the road improvement project with the Pelham Board of Education.

8. **Resolution 2020-07-20-08** for consideration to approve the lowest responsible pricing from Addison Steel Truss, Inc. as a public works project for the construction of the Pelham Public Works Pole Barn

Mr. Bittas, stated this project is a part of the overall renovations of the old city garage. He further stated this public works project is coming in under budget.

9. **Resolution 2020-07-20-09** for consideration to appoint the City Clerk/Treasurer as the Elections Manager for the City of Pelham's 2020 municipal elections

There were no comments from the city council.

10. **Resolution 2020-07-20-10** for consideration to appoint an assistant elections manager and an assistant absentee elections manager for the City of Pelham's 2020 municipal elections

There were no comments from the city council.

11. **Resolution 2020-07-20-11** for consideration to set the election officers compensation for the City of Pelham's 2020 municipal elections

There were no comments from the city council.

12. **Ordinance No. 498** for consideration to annex into the corporate limits of the City of Pelham 35.867 acres of real property owned by Syed Q. Hussaini and Robin L. Hussaini, located along Highway 332, Pelham, AL 35124 (First Reading)

There were no comments from the city council.

13. **Ordinance No. 499** for consideration to grant a construction right-of-way and franchise agreement to Telepak Networks, Inc. and its affiliates d/b/a C Spire to provide video and telecommunications services to the City of Pelham (First Reading)

There were no comments from the city council.

(End of July 20, 2020 Agenda Review)

Councilmember Mercer moved to recess the July 20, 2020 work session. Said motion was seconded by Councilmember Lanier. There being no further discussion, the motion to recess passed unanimously by voice vote of those members present and the council president declared the same passed and the work session was recessed at 7:05 p.m.

Council President Hayes called the work session back to order at 8:18 p.m.

Old Business

3. Update – Tier 1/Tier 2 Options & Retiree Healthcare Benefits

Discussion continued regarding the triggering date for the Tier 1/Tier 2 adjustments and Council President Hayes suggested approving both the implementation of both the 2011 and 2019 acts effective October 1, 2021, and approving an adjustment to the retiree health benefits during the next city council meeting too. Lt. Pitts said he didn't see a problem with this approach and again spoke in favor of approving a change to the retiree healthcare benefits in the meeting possibly via three resolutions. Councilmember Lanier spoke in support of permitting employees time to prepare for the implementation and addressing retiree healthcare benefits at the same time. Councilmember McMillan, Councilmember Scott and Councilmember Mercer spoke in favor of separating Tier 1/Tier 2 options from retiree healthcare benefits decision.

4. Discussion – FY2020 Budget Revisions

City Manager DiFante spoke to the idea of continuing to discuss the FY2020 budget revisions during council work sessions. She stated the department heads have worked to get their budget revisions updated. Council President Hayes asked about unfilled employee positions. City Manager DiFante stated she and the Human Resources Director are reviewing each of the unfilled positions. Council President Hayes asked, with all the uncertainty, if they and the councilmembers were comfortable moving forward with filling all of these positions without reviewing them as part of the upcoming budget discussions. Mr. Bittas addressed the need to hire a facilities manager to oversee the maintenance of city buildings. City Manager DiFante said vacant positions are being evaluated as to the need to fill these specific positions. There was some support to move forward with filling the various approved and unfilled positions and no additional comments on this issue.

5. Discussion – City of Pelham's Park & Recreation Master Plan

Director of Parks & Recreation D. Tyrell McGirt stated he was before the city council to answer their questions about the Park Master Plan. Council President Hayes noted one item in the Park Master Plan addressed the construction of a new city hall in the City Park area. Mr. McGirt said specifics in the Master Plan were recommendations. Council President Hayes stated if there were any specifics listed in the Master Plan that we know are not going to be completed they should be removed prior to the Plan's approval related to the issues the Councilmember McMillan previously addressed. Councilmember McMillan, via Zoom, echoed the concerns of Council President Hayes. Councilmember Lanier asked Mr. McGirt to comment on those items in the Master Plan which are not going to be considered at this time. Mr. McGirt stated aquatics and moving the Senior Center were two of items which are not under consideration and that based on the feedback he is planning for the Master Plan to be amended before council approval. He further stated the recommendations were on Page 18 of the Master Plan. Council President Hayes stated he thought Mr. McGirt was on the right course.

6. Discussion – Nepotism Policy (Tracy Hill)

Mrs. Hill stated a draft of the policy had been previously provided to the city council. She said the new version is more concise and contains a “grandfather” clause. She said the city’s legal counsel had reviewed the newly proposed Nepotism Policy and recommended it. Council President Hayes asked if the procedures for addressing nepotism issues that are to be “grandfathered” would be included in the proposed policy.

New Business

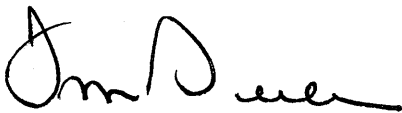
1. Update - State Revolving Fund (SRF) (Chris Cousins)

Chris Cousins, Municipal Consultants, Inc., referenced a recent meeting attended by city staff regarding the State Revolving Fund (SRF). He mentioned the backup Ballantrae water line where a savings of \$1.4 million could be realized if a reciprocal water purchase agreement could be reached with the Columbiana Water Board and there have been some favorable conversations for mutual backup water supplies. Mr. Cousins said there is no deadline in submitting the SRF application, but it should be submitted as soon as possible. Council President Hayes asked Mr. Cousins to provide an updated projects list for the water and sewer projects to be reviewed during the next work session. Mr. Cousins was asked to continue to move the SRF application forward with the understanding that they are not going to submit it yet. It was noted the radio read meters are a part of the SRF application.

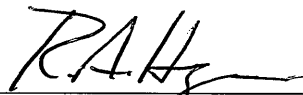
Adjournment

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 8:58 p.m.

Respectfully submitted this 20th day of July 2020,



Tom Seale, MMC, City Clerk/Treasurer



Rick Hayes, Council President

