



SPECIAL WORK SESSION

Conference Room at the Pelham Public Library

2000 Pelham Park Blvd., Pelham, AL 35124

May 27, 2021 – 4:00 p.m.

MINUTES

Proper notice of the special called 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 on Thursday, May 27, 2021 at 4:00 p.m. The special called work session was held in the Pelham Public Library and was open to the public.

Call to Order

The special work session was called to order by Council President Mercer at 4:01 p.m.

Record of Attendance

The following elected officials were present:

Council President Maurice Mercer
Councilmember David Coram
Councilmember Larry Palmer
Councilmember Rick Wash
Councilmember Mildred Lanier
Mayor Gary Waters

The Executive Assistant to the City Manager recorded all members of the city council were in attendance and a quorum was present. Mayor Waters, City Manager Gretchen DiFante and City Attorney Josh Arnold were also in attendance.

Media Present: None

Others Present: City department heads, city employees, and members of the public.

Executive Session

Council President Mercer 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 Josh Arnold stated the purposes of tonight's Executive Session are appropriate under Section 36-25-A-7(3) (a) and (3) (b) Code of Alabama 1975, as amended.

Councilmember Lanier questioned the legitimacy of the meeting, that is was set up improperly for the public and the council, the agenda was not proper and this has undermined the process as a governing body. She also questioned having the Executive Assistant to the City Manager to fill the clerk's role in his absence. She suggested it would have been more appropriate to have the current clerk's son, Jonathan Seale, fill the void in Mr. Seale's absence. Councilmember Lanier prepared a statement to be entered into the record:

Councilman Mercer, I did not see your communication to me via text or phone because I was unavailable due to an evening event. Before I could reply to you, your email stating the Special Called Work Session would take place was sent out. As a Council Member, I am willing to work together to do what is right and uphold our duties and legal obligations as Councilors on behalf of the City. However, I am compelled to share my concerns. I would like to point out that as a full Council our Council protocol has been to discuss the best day and time for a Special Called Meeting to eliminate any scheduling conflict that anyone might have or any conflict with an event going on within the city. Unfortunately, that collaborative process that we have been doing as a Council was not done this time, and there was no optional date and time suggested.

Council Member Concerns Below: 1. Not following our Council protocol that includes full Council input to plan a special called work session 2. Short notice given to the Councilors for possible conflict 3. Will the City Clerk be back from vacation to take the required minutes 4. Short notice of the special work session could infringe on the residents of Pelham to be able to attend the work session or watch it live due to possible conflict 5. The special called work session was called on the day of the Pelham High School Graduation 6. Having the special called work session on the day of the Graduation can impact the opportunity for residents to attend the meeting or watch it live 7. The special called work session on the night of the Graduation can put a rush on trying to get through the meeting and potentially limit discussion 8. Not indicating possible discussion items on the Work Session Agenda under Old Business or New Business prevents all Councilors from being informed about discussion topics ahead of time.

Councilman Mercer:

- 1. You never said anything in your email or text about an emergency meeting, until I referenced the Open Meeting Law*
- 2. Reasonable consideration for possible date options, which is what we do in person, would have been reasonable since our next regular meeting is not until June.*
- 3. Brooke is a very capable individual. However, she is not a City Clerk should minutes need to be taken. It would be wrong to put her in that position.*
- 4. We record our work sessions, and this is one*
- 5. We have not scheduled meeting during major events in the city*
- 6. We do not conduct city business that would impact other city business and our next Council meeting is the first Monday in June. There were other possible days.*
- 7. With the conflict of the graduation, there were other possible days before the first Monday in June.*
- 8. You are wrong. We do put Executive Session on the Council Work Session. May 3, 2021 at 4:00pm...E. Executive Session my fellow Councilors and city leaders when our Council protocol is not followed, it undermines our Council procedure and undermines our working together. It also can set precedence that can lead to other City Council protocol not being followed.*

Council President Mercer confirmed that the Executive Session was listed on the agenda, however the topic was not listed per normal protocol. City Attorney Josh Arnold confirmed that under Alabama code section 6-25-3b, proper notice of the meeting was given and that the agenda was proper.

A motion was made by Councilmember Lanier to not enter into an Executive Session of the city council for the stated purpose. Said motion was seconded by Councilmember Palmer. Council President Mercer asked the Executive Assistant for a roll call vote. The vote to adopt said motion was recorded as follows:

Maurice Mercer, Council President	<u>No</u>
David Coram, Council Member	<u>No</u>
Larry Palmer, Council Member	<u>Yes</u>
Rick Wash, Council Member	<u>No</u>
Mildred Lanier, Council Member	<u>Yes</u>

A motion was made by Councilmember Coram to enter into an Executive Session of the city council for the stated purpose. Said motion was seconded by Councilmember Wash. Council President Mercer asked the Executive Assistant for a roll call vote. The vote to adopt said motion was recorded as follows:

Maurice Mercer, Council President	<u>Yes</u>
David Coram, Council Member	<u>Yes</u>
Larry Palmer, Council Member	<u>No</u>
Rick Wash, Council Member	<u>Yes</u>
Mildred Lanier, Council Member	<u>No</u>

Council President Mercer asked the members of the city council, Mayor Gary Waters, City Manager Gretchen DiFante, City Attorney Josh Arnold, City Attorney Josh Arnold, Human Resources Director Tracy Hill, and Police Chief Pat Cheatwood to attend the Executive Session. Council President Mercer stated he expected the city council to return from the executive session in approximately 45 minutes. The city council went into executive session at 4:27 p.m.

Councilmember Coram moved to adjourn the executive session. Said motion was seconded by Councilmember Palmer. The motion passed unanimously by voice vote of those members present, and the executive session was adjourned at 5:30 p.m.

Council President Mercer called the work session back to order at 5:31 p.m.

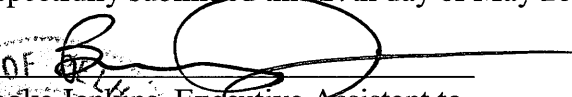
New Business – None

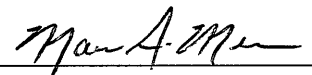
Old Business – None

Adjournment

A motion to adjourn the special called work session was made by Councilmember Wash and seconded by Councilmember Coram. The motion passed unanimously by voice vote of those members present, and the work session was adjourned at 5:32 p.m.

Respectfully submitted this 27th day of May 2021.


Brooke Jenkins, Executive Assistant to
the City Manager


Maurice Mercer, President of the Council