



CITY COUNCIL WORK SESSION MINUTES

Pelham Police & Court Building

March 7, 2023 – 4:00 p.m.

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 on Tuesday, March 7, 2023, at 4:00 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 Mercer at 4:00 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 city clerk/treasurer recorded the attendance of the elected officials and announced a quorum was present. City Manager Gretchen DiFante and City Attorney Josh Arnold were present.

Media Present: None

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

Approval of Minutes

A motion was made by Councilmember Coram to approve the February 20, 2023 Regular Work Session Minutes.

The motion was seconded by Councilmember Lanier.

There being no further discussion, the motion passed unanimously by voice vote of those members present.

Executive Session

Council President Mercer stated for the record the purpose of the Executive Session is to discuss the legal ramifications of and legal options for pending litigation, controversies not yet being litigated, but imminently likely to be litigated if the governmental body pursues a proposed course of action under Section 36-25A-7(3)(a), Code of Alabama 1975, as amended.

City Attorney Josh Arnold stated the purpose of tonight's Executive Session is appropriate under Section 36-25A-7(3) (a) Code of Alabama 1975, as amended.

A motion was made by Councilmember Palmer to enter an Executive Session of the city council for the stated purpose. Said motion was seconded by Councilmember Coram. Council President Mercer asked the city clerk/treasurer 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>Yes</u>
Rick Wash, Council Member	<u>Yes</u>
Mildred Lanier, Council Member	<u>Yes</u>

Council President Mercer asked the members of the city council, Mayor Waters, City Manager Gretchen DiFante, City Attorney Josh Arnold, Director of Development Services & Public Works Andre` Bittas, Acting City Engineer Chris Cousins and City Clerk/Treasurer Tom Seale 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 4:03 p.m.

Councilmember Lanier moved to adjourn the Executive Session. Said motion was seconded by Councilmember Coram. The motion passed unanimously by voice vote of those members present and the Executive Session was adjourned at 4:32 p.m.

Council President Mercer called the work session back to order at 4:36 p.m.

Request to Address the City Council – None

Old Business

1. Discussion – Live Streaming of City Council Work Sessions

Councilmember Wash had earlier requested the city council revisit the discussion of live streaming the council work sessions. He shared his thoughts of having open conversations with the council and the public without live streaming the work sessions. Councilmember Wash stated he would like to see the work sessions continue without live streaming. Councilmember Coram and Councilmember Palmer concurred with Councilmember Wash's comments. Councilmember Lanier disagreed. She stated the importance of live streaming for those citizens who are unable to attend the work sessions. She further

stated much of the discussion occurs during the work session. Council President Mercer noted the reluctance of some not wishing to speak publicly due to the live streaming. He stated agreeing with the comments of Councilmember Wash.

City Manager Gretchen DiFante spoke to the need to complete the punch list for the Council Chambers renovations project. Director of Development Services & Public Works suggested delaying the first meeting in the Council Chambers to April 3rd.

Councilmember Mercer suggested revisiting live streaming of the council work sessions in a couple of weeks.

2. Discussion – **Ordinance No. 067-12** adopting portions of the 2021 International Building and Fire Code and the International Property Maintenance Code, et al.

Director of Development Services & Public Works Andre` Bittas addressed the city council and noted one individual's concerns with the ordinance. He said city staff reviewed the proposed ordinance and made additional recommendations, including correcting reference numbers. Mr. Bittas stated the ordinance has been updated and suggested holding another public hearing to address the changes.

It was the consensus of the city council to set a public hearing on March 20, 2023 at 7:00 p.m. in the Courtroom at the Pelham Police & Court Building to consider Ordinance No. 067-12.

New Business

1. Update – Revised Five-Year Street Resurfacing Plan

Director of Development Services & Public Works Andre` Bittas and Acting City Engineer Chris Cousins addressed the city council and discussed the revised five-year street resurfacing plan. Mr. Bittas stated the first resurfacing plan was established in 2018. Mr. Cousins explained the process of rating the streets and the city's resurfacing strategy. He stated the 2023 paving should begin in May. Councilmember Lanier and Councilmember Wash spoke in favor of the current paving evaluations and paving plan. Mr. Cousins stated the city works with the Shelby County Highway Department regarding paving projects whenever possible.

2. Discussion – Revisions to The City of Pelham in Shelby County, Alabama Civil Service System Act and the City of Pelham Employee Handbook

Human Resources Director Tracy Hill and City Attorney Josh Arnold gave a brief background and led the discussion regarding revisions to The City of Pelham in Shelby County, Alabama Civil Service System Act (CSA) and the City of Pelham Employee Handbook. Mrs. Hill reviewed the key changes recommended in the revised Handbook. The city council spoke to their appreciation of Mrs. Hill, Mr. Arnold, city staff and employees of the city for their input into the proposed revisions. Mayor Waters said discussion of the revisions to the CSA included the city employees. He thanked everyone involved in the process.

A motion was made by Councilmember Wash to add Resolution 2023-03-07-11 to the March 7, 2023 City Council Agenda

The motion was seconded by Councilmember Lanier.

There being no further discussion, the motion passed unanimously by voice vote of those members present.

Resolution 2023-03-07-11 approving revisions to the City of Pelham, Shelby County, Alabama Civil Service System Act was added to the March 7, 2023 agenda by council action.

3. Discussion – Set Date and Time for Pelham Board of Education Place No. 5 Interviews

Council President Mercer discussed with the city council a timeline for interviews for the Pelham Board of Education (Board) Place 5 Interviews. He reminded the city council the Board has a vacancy in Place No. 5 due to the recent resignation of Rick Rhoades.

It was the consensus of the city council to conduct interviews for the Pelham Board of Education (Board) Place 5 on March 20, 2023 at 4:00 p.m. in the Courtroom of the Pelham Police & Court Building. Council President Mercer suggested 15 minutes for each interview. The city clerk/treasurer stated he would notify each candidate of their interview time.

4. Discussion – Set Date and Time for Pelham City Council Place No. 2 Interviews

There was discussion of possible dates to conduct interviews for the pending vacancy on the Pelham City Council Place No. 2. It was noted Councilmember Palmer's resignation is effective on Tuesday, March 28, 2023. It was suggested the city council hold a special work session to conduct the interviews.

The city council called for a Special Work Session to be held on April 24, 2023 at 5:00 p.m. in the Council Chambers of Pelham City Hall to conduct the interviews to fill the vacant position on the Pelham City Council.

5. Discussion – Set Date and Time for Pelham Commercial Development Authority Place No. 1, Place No. 2 and Place No. 5 interviews

The city council discussed dates and times to conduct interviews for the three positions on the Pelham Commercial Development Authority (CDA). It was the consensus of the city council to set the location, date and time for the CDA interviews later.

6. Discussion – Set Date for a Public Hearing regarding FSI/Green Park South's rezoning request

It was the consensus of those members of the city council present to set the date and time for FSI/Green Park South's rezoning request on March 20, 2023 at 7:00 p.m. in the Courtroom of the Pelham Police & Court Building.

7. Discussion - Designating an official voting delegate and alternates for the Alabama League of Municipalities' Annual Business Meeting in Birmingham, AL on May 12, 2023

It was the consensus of those members of the city council present to designate Council President Mercer as the voting delegate to the Alabama League of Municipalities' Annual Business Meeting. There were no nominations for first alternate or second alternate.

Councilmember Coram moved to designate Council President Mercer as the voting delegate. Councilmember Palmer seconded the motion.

There being no further discussion, the motion to designate Council President Mercer as the voting delegate to the Alabama League of Municipalities' Annual Business Meeting in Birmingham, AL on May 12, 2023 passed unanimously by voice vote of those members present and the council president declared the same passed and adopted.

Review of March 7, 2023 City Council Agenda

Council President Mercer reviewed the March 7, 2023 city council agenda.

E. Consent Agenda

A consent agenda is presented by the presiding officer at the beginning of a council meeting. Items presented on the consent agenda are considered routine and/or non-controversial and are organized apart from the rest of the agenda and are adopted by general consent and vote by the city council without debate. Items may be removed from the consent agenda on the request of any one member. Removed items may be taken up either immediately after the consent agenda is approved or placed later on the agenda at the discretion of the presiding officer and City Council.

1. Approval of the March 7, 2023 City Council Agenda
2. Approval of the February 20, 2023 Regular Council Meeting Minutes
3. **Resolution 2023-03-07-01** for consideration to accept the resignation of City Councilmember Larry Palmer, Place No. 2, effective March 28, 2023

There were no comments or questions from the city council.

4. **Resolution 2023-03-07-02** for consideration to transfer excess in revenues over expenditures from the FY2022 budget for deposit into the various reserve funds on or before March 31, 2023 which were established by the Pelham City Council

Finance Director Jamie Wagner stated this is a follow up to the financial update presented two weeks ago. She said the resolution details the requested transfers.

5. **Resolution 2023-03-07-03** for consideration to approve a joint Emergency Water Purchase Agreement between the Water Works Board of the Town of Columbiana and the City of Pelham

There were no comments or questions from the city council.

6. **Resolution 2023-03-07-04** for consideration to approve a request by Dish Wireless for a special use permit to install their equipment on an existing tower located at 2030 Valleydale Terrace

David Andrews, with the Center for Municipal Solutions (CMS), the city's telecommunications consultants, stated Dish Wireless has made application to co-locate/install their equipment on the existing tower located at 2030 Valleydale Terrace. He said the existing tower is a 180-foot monopole and Dish Wireless is not currently providing service from this facility. He stated Dish Wireless proposes to add three (3) new antennas to the tower at a height of 158 feet. Mr. Andrews said Dish will also be installing remote radio units behind each antenna. They propose to add one (1) additional feed line inside the monopole's shaft. The

new feed line will not be visible. He said Dish Wireless will be providing a new service to the surrounding area. Mr. Andrews said CMS recommends approval of the Special Use Permit as submitted.

7. **Resolution 2023-03-07-05** for consideration to approve a lease agreement of five annual payments for (2) beverage carts and (3) utility carts at Ballantrae Golf Club and to repeal Resolution 2022-10-03-05 in its entirety. This lease was approved in the FY2023 Ballantrae Golf budget.

Ballantrae Golf General Manager Hal Brown explained delivery has been delayed resulting in separate resolutions for the utility and range picker carts.

8. **Resolution 2023-03-07-06** for consideration to approve a lease agreement of five annual payments for one (1) utility driving range picker cart at Ballantrae Golf Club. This lease was approved in the FY2023 Ballantrae Golf budget.

There were no comments or questions from the city council.

9. **Resolution 2023-03-07-07** for consideration to approve a quote from Dexter Fortson & Associates, Inc. to perform the integration of new SCADA software for the Pelham Sewer System, Phase II. This expense was approved as a part of the Capital Projects-Sewer budget.

Director of Development Services & Public Works Andre` Bittas explained this is to upgrade the equipment which monitors the health of the sewer system.

10. **Resolution 2023-03-07-08** for consideration to approve a quote from Dexter Fortson & Associates, Inc. to perform the integration of new SCADA software for the Pelham Water System, Phase II. This expense was approved as a part of the FY2023 Capital Projects-Water budget.

Director of Development Services & Public Works Andre` Bittas explained this purchase is to upgrade the equipment which monitors the water department systems.

- F. Public Hearing(s) – None
- G. Mayor's Comments
- H. Proclamation(s) by the Mayor and Others – None
- I. Report of the City Manager
- J. Report of the City Attorney – None
- K. Request(s) to Address the Council

Chad Leverett

- L. Old Business / Resolutions / Ordinances / Orders and Other Business – None
- M. New Business / Resolutions / Ordinances / Orders and Other Business

1. **Resolution 2023-03-07-09** for consideration to enter into a purchase agreement with Playcore Wisconsin, Inc. d/b/a Gametime for the manufacture and installation of a splash pad at Pelham City Park. This expense was approved as a part of the FY2023 Capital Projects budget.

Parks & Recreation Director Brian Cooper reviewed the proposed splash pad purchase with the city council. City Manager DiFante explained the options for funding the infrastructure construction for the splash pad. The council inquired about the features of the splash pad. Mr. Cooper stated he anticipated the project to be completed this summer.

Pelham High School Principal Kim Kiel spoke to the success of the programs within the Pelham school system.

2. **Resolution 2023-03-07-10** for consideration to authorize the Mayor to enter into a Settlement Agreement and General Release regarding the *FSI Green Park South Property LLC v. The City of Pelham, Alabama, et al* litigation

City Attorney Josh Arnold stated adopting Resolution 2023-03-07-10 authorizes the Mayor to sign the Settlement Agreement and General Release documents.

3. **Ordinance No. 411-01** for consideration to amend Ordinance No. 411 providing a free individual lifetime membership to the Pelham Racquet Club and/or Ballantrae Golf Club and/or the Pelham Recreation Center for any retiring City of Pelham employee and retiring elected official with certain minimum years of service. First Reading.

There were no comments or questions from the city council.

(End of March 7, 2023 Agenda Review)

Michael Simon introduced Mark Dinan who introduced Mark Byers regarding his qualifications and the marketing of Old Fire Station No. 3. This was at the request of the city council. Mr. Byers explained his company's relationship with the City of Pelham. He said any potential business on the property would adhere to the B-2 zoning and be an asset to Pelham. He said he would be an investor in the project. Mr. Byers said he could not commit to a particular business at this time. The city council stated their desire for a best fit for the property.

City Manager Update

- Stated the city has hired Michael Eddington as the city's Deputy Director of Development Services & Public Works. Director of Development Services & Public Works Andre` Bittas reviewed Mr. Eddington's qualifications and detailed his experience in the engineering field. Mr. Eddington's start date is April 17.
- Recommended contracting with Strategic Government Resources for strategic planning for Pelham. She referenced the key retreat objectives and mentioned the recently completed plans and assessments. She asked the city council to review and provide comments on the objectives from the proposal submitted by Strategic Government Resources. She asked the city council to begin looking at dates for a one-day retreat. The city council spoke in favor of moving forward with the planning of the retreat.

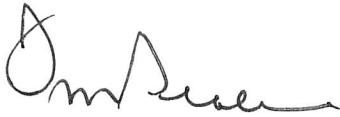
Council President Mercer noted he and Councilmember Coram met with City Manager DiFante regarding her annual performance, goals and achievements. Council President Mercer asked for a resolution to be prepared for the next city council meeting to consider a pay adjustment per her employment agreement.

Councilmember Coram made a request to further investigate employees of the Pelham Board of Education being provided a free membership to the Pelham Recreation Center. Parks & Recreation Director Brian Cooper was asked to research the offering of free memberships and report back to the city council.

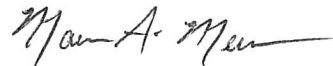
Adjournment

A motion to adjourn the work session was made by Councilmember Wash and seconded by Councilmember Palmer. The motion passed unanimously by voice vote of those members present and the work session was adjourned at 6:48 p.m.

Respectfully submitted this 7th day of March 2023.



Tom Seale, MMC, City Clerk/Treasurer



Maurice Mercer, President of the Council

