

CITY OF PELHAM – COUNCIL MEETING

Council Chambers – Pelham City Hall

October 20, 2014 – 7:00 p.m.

MINUTES

Proper notice of the regular meeting of the Pelham City Council was given in advance of such public meeting and the notice remained posted through the scheduled meeting.

Date: October 20, 2014
Time: 7:00 p.m.
Place: Council Chambers – Pelham City Hall
Present: Council President Rick Hayes
Councilmember Beth McMillan
Councilmember Maurice Mercer
Councilmember Karyl Rice
Mayor Gary W. Waters
Absent: Councilmember Ron Scott

CALL TO ORDER, INVOCATION AND PLEDGE OF ALLEGIANCE

Council President Rick Hayes called the meeting to order at 7:00 p.m. Councilmember McMillan voiced the invocation and Council President Hayes led the Pledge of Allegiance.

ROLL CALL

Council President Hayes asked the City Clerk to call the roll.

Council President Rick Hayes	Present
Councilmember Ron Scott	Absent
Councilmember Beth McMillan	Present
Councilmember Maurice Mercer	Present
Councilmember Karyl Rice	Present

All city council members and the mayor with the exception of Councilmember Ron Scott were present.

CONSENT AGENDA

(A consent agenda is presented by the Council President at the beginning of a council meeting. Items presented on the consent agenda are considered routine and non-controversial and are organized apart from the rest of the agenda and are adopted by general consent 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 Council President and City Council.)

1. Approval of the October 20, 2014 City Council Agenda as amended
2. Approval of the October 6, 2014 Regular City Council Meeting Minutes
3. Approval of non-budgeted expenses from restricted fund accounts: None

Hearing no objections from the Council, President Hayes declared the consent agenda approved as submitted.

PUBLIC HEARING - None

MAYOR WATERS' COMMENTS

Mayor Waters announced the City of Pelham was the “Digital Capital of Alabama” as he displayed an award from Google naming Pelham the 2014 eCity of Alabama. After reading aloud a letter to the city from Google, Mayor Waters congratulated the businesses of Pelham whose e-commerce efforts helped win the designation. The eCity Award recognizes the strongest online business community in each state.

Mayor Waters shared results of Shelby Living Magazine’s “Best of the Best” contest published in the October 2014 issue. Among the best in Shelby County were: Best Bakery - Edgar’s Pelham, Best Donut Shop - Donut Joe’s Pelham, Best Margarita - Margarita Grill Pelham, Best Mexican Food - Cozumel Pelham, Best Family Physician - Dr. Robert Snyder, Cahaba Family Medicine Pelham, Best Orthodontist - Orthodontist South Pelham, Best Golf Course - Ballantrae Pelham, Best Place for Family Outing - Oak Mountain State Park Pelham, Best Place for Kid’s Birthday - Pump It Up Pelham, Best Place to Worship - Church of the Highlands Pelham, Best Day Care - Covenant Classical School Pelham, Best Library - Pelham Public Library, Best Gift Shop - Gifted Pelham, Best Garden Center - Myers Plants and Pottery Pelham, Best Used Car Dealer - Donohoo Auto Pelham.

PROCLAMATIONS - None

REQUESTS TO ADDRESS THE COUNCIL

1. Mrs. Dulce Huerta, resident of Belle Vista Mobile Home Park

Mrs. Huerta asked that her husband, Marco Huerta, be allowed to speak in her place.

Mr. Huerta addressed the council regarding the pending closing of Belle Vista MHP which has 137 manufactured homes and houses over 550 residents. He spoke on behalf of the residents of Belle Vista and asked the council for help with relocation expenses and to extend the closing date of the park to allow the residents more time to relocate.

2. Dustin Chandler – Carly’s Clubhouse

Mr. Chandler shared the newly released drawing of the proposed Carly’s Clubhouse, an all-inclusive, all-accessible playground planned for Pelham Park. He thanked the mayor and city council for stepping up and supporting this project, but added that no government entity would be paying for the playground. Carly’s Clubhouse will be planned, built and paid for by the community through businesses, volunteers and fundraisers. Mr. Chandler displayed a picket fence board, one of thousands that will be used throughout the playground. These boards are for sale to anyone who wishes to make a donation and be a part of the project. Boards are available for a donation of \$35 each or three boards for \$90, and each board can be personalized with the name of a person or business.

OLD BUSINESS - None

NEW BUSINESS

Ordinance No. 091-01 (First Reading) for consideration to adjust water rates.

President Hayes read the ordinance and announced it would be voted on during the next city council meeting.

Ordinance No. 156-07 (First Reading) for consideration to adjust residential sewer rates.

President Hayes read the ordinance and announced it would be voted on during the next city council meeting.

Resolution 2014-10-20-01 was introduced by President Hayes for consideration to authorize emergency storm drain pipe replacement located in The Cottages at Stonehaven, Second Addition, Phase One. Councilmember McMillan moved to adopt Resolution 2014-10-20-01 as presented and Councilmember Mercer seconded the motion. Mayor Waters described the depth of the sinkhole created by the damaged pipe and its proximity to a busy subdivision as valid reason to qualify this as an emergency repair. There being no further discussion, the motion to adopt Resolution 2014-10-20-01 passed unanimously by voice vote of those members present and the council president declared the same passed.

Resolution 2014-10-20-02 was introduced by President Hayes for consideration to redevelop, improve, revitalize and expand Pelham City Park, and to authorize the mayor to notify all owners, lessees and/or renters currently located on the properties commonly referred to as the "Lee Property" and the "Belle Vista Property" that all leases will be terminated no later than July 31, 2015 and all buildings, mobile homes or other structures should be removed on or before August 31, 2015. Councilmember McMillan moved to adopt Resolution 2014-10-20-02 as presented and Councilmember Rice seconded the motion.

President Hayes addressed some of the issues raised by Mr. Huerta earlier in the meeting. He acknowledged the mobile home park did generate revenue for the city, but stated law prohibited the city to continue operating the mobile home park. Mr. Hayes stated from the time the land was purchased in 2011 to the time all residents must relocate will have been four years. The city must move forward with the transition to phase out the mobile home park to comply with the Comprehensive Plan passed in 2002. He pointed out that all 137 units in the mobile home park have code violations and/or life safety violations. The city is looking at ways to minimize the effects of the relocations and is in discussions with our city attorneys to see what options the city may offer to assist the Belle Vista residents. Regarding deposits paid to a previous owner, Mr. Hayes offered to reach out to the previous owner to see what can be done.

Councilmember Mercer expressed his desire for the council, mayor and residents to work together as a community to make the best of the situation and to achieve a smooth transition.

Mayor Waters said he was proud to live in a country where we have the freedom to march on city hall. He stated three points needing to be considered: 1) the mobile home park has to be closed because 2/3 of the lots are in a floodway; 2) this land is the only available land contiguous to our current city park; and 3) this is necessary to be compatible with our 2002 Comprehensive Plan which calls for a plan to expand parks and greenways, and our 2007 Planning and Zoning Ordinance which requires the city to have a strict plan to enforce the improvement of housing, including manufactured housing.

Councilmember Rice stated she voted against the land purchase in 2011 because the city had no plan on paper for the development of the land. However, we now have a plan and are compelled to abide by our laws.

There being no further discussion, the motion to adopt Resolution 2014-10-20-02 passed unanimously by voice vote of those members present and the council president declared the same passed.

Resolution 2014-10-20-03 was introduced by President Hayes for consideration to appoint Mr. Danny Hayes to the Board of Adjustment. Councilmember Mercer moved to adopt Resolution 2014-10-20-03 as presented and Councilmember McMillan seconded the motion. There being no further discussion, the motion to adopt Resolution 2014-10-20-03 passed unanimously by voice vote of those members present and the council president declared the same passed.

Resolution 2014-10-20-04 was introduced by President Hayes for consideration to accept the low bid of \$4,300.00 from OutBidders Construction to demolish and remove the existing mobile home and adjacent building(s) located at 1453 Kelly Drive, to clear all debris and trash and to grade the

property to the satisfaction and approval of the City Council. Councilmember Rice moved to adopt Resolution 2014-10-20-04 as presented and Councilmember Mercer seconded the motion. President Hayes shared how the city had acquired ownership of the property. There being no further discussion, the motion to adopt Resolution 2014-10-20-04 passed unanimously by voice vote of those members present and the council president declared the same passed.

Resolution 2014-10-20-05 was introduced by President Hayes for consideration to reject all bids for the resurfacing of twenty tennis courts at the Pelham Racquet Club. Councilmember Mercer moved to adopt Resolution 2014-10-20-05 as presented and Councilmember McMillan seconded the motion. There being no further discussion, the motion to adopt Resolution 2014-10-20-05 passed unanimously by voice vote of those members present and the council president declared the same passed.

Resolution 2014-10-20-06 was introduced by President Hayes for consideration to authorize the mayor, on behalf of the City of Pelham, to enter into a lease agreement with the Pelham Board of Education to lease certain office space located in the Pelham Water Administration Building. Councilmember Rice moved to adopt Resolution 2014-10-20-06 as presented and Councilmember McMillan seconded the motion. President Hayes stated this was a good opportunity to create useful space where there had not been any since the water building was built. This is a good situation for both the city and the Pelham Board of Education. There being no further discussion, the motion to adopt Resolution 2014-10-20-06 passed unanimously by voice vote of those members present and the council president declared the same passed.

Resolution 2014-10-20-07 was introduced by President Hayes for consideration to approve an ABC license application for 040 Retail Beer (On or Off Premises) for applicant Papa T Companies, Inc., trade name Johnny Rays BBQ Oak Mountain, located at 2252 Pelham Parkway, Pelham, Alabama. Councilmember Mercer moved to adopt Resolution 2014-10-20-07 as presented and Councilmember Rice seconded the motion. President Hayes told the council that Councilman Scott had interviewed both ABC applicants on tonight's agenda and recommended approving their applications. There being no further discussion, the motion to adopt Resolution 2014-10-20-07 passed unanimously by voice vote of those members present and the council president declared the same passed.

President Hayes passed the chair to President Pro Tempore Rice to introduce the next resolution and announced he would abstain when the vote was called.

Resolution 2014-10-20-08 was introduced by President Pro Tempore Rice for consideration to approve an ABC license application for 160 Special Retail-More than Thirty (30) Days for applicant Gaslight Events, LLC, trade name Gaslight House, located at 8066 Helena Road, Pelham, Alabama. Councilmember Mercer moved to adopt Resolution 2014-10-20-08 as presented and Councilmember McMillan seconded the motion. Councilmember McMillan said she had talked with the applicant who stated she was familiar with the Responsible Vendor Program. There being no further discussion, the motion to adopt Resolution 2014-10-20-08 passed by voice vote of those members present and the council president pro tempore declared the same passed. The vote was three for, none against with Council President Hayes abstaining.

COUNCIL AND PUBLIC COMMENTS

The floor was opened for public comments and many residents of Belle Vista addressed the city council with questions and comments regarding the closing of the mobile home park August 31, 2015. There were also non-residents of Belle Vista who spoke on behalf of the residents.

Some of the residents' requests included suspending rent, putting in writing ways the city will assist with the relocation and allowing more time to move out.

One concern shared by many of the residents was the lack of communication by previous owners and the manager to inform people buying the mobile homes that Belle Vista would be closed sometime in the future by the city.

One resident claimed she had seen additional mobile homes being moved into the park and asked why the city would allow people to move in when the city planned to close the park. Another asked how the city could develop the land since it was in a floodway or flood plain.

President Hayes addressed some of the questions. In response to the flood plain question, he informed the residents that while homes and buildings could not be built, the land could be used for parks and walking or bike trails. The land closest to the highway is not in a floodway or flood plain, but many of the lots in the mobile home park are.

President Hayes said that the city would suspend the August 2015 rent to help the residents with their relocation expenses. He was unaware of additional homes being moved into Belle Vista and said he would investigate the claim. Regarding residents not knowing Belle Vista would close at some time in the future, Mr. Hayes stated that in 2011 when the city purchased the land, it was publicly stated and reported that the land would be used for the expansion of the city park, a new library and other commercial or community development. It was the plan from the very beginning to close Belle Vista once a land development plan was in place. The manager did not know the plan until it was in place, and now that we have a plan, we are making it known to the public immediately.

Councilmember Rice stated many of the laws that regulate housing and land usage in Belle Vista are state laws; not all of them, but many.

Mr. Kenneth Pascal spoke about communication between the leadership of the city and the residents. He suggested the city and community identify a liaison to improve communication between the two groups and said he hopes Pelham can move forward as a family.

PUBLIC ANNOUNCEMENTS

1. The quarterly Pelham Business Council meeting will be held at the Pelham Civic Complex & Ice Arena on October 21, 2014 at 11:00 a.m. All Pelham business owners and business leaders are welcome to attend. Lunch will be provided.

ADJOURNMENT

With no other business before the council, Councilmember Mercer moved to adjourn the council meeting and Councilmember McMillan seconded the motion. By voice vote the motion passed unanimously by those members present and the council meeting was adjourned at 8:33 p.m.

Respectfully submitted this 20th day of October 2014.



Marsha Yates, CMC, City Clerk



Rick Hayes, Council President



[Seal]

