

CITY OF PELHAM – WORK SESSION

**Pelham City Hall – Council Conference Room
July 16, 2012 – 6 p.m.**

MINUTES

Proper notice of the regular scheduled Pelham City Council Work Session was given at least 72 hours in advance of such public meeting and the notice remained posted through the scheduled meeting.

Members of the Pelham City Council met on July 16, 2012 at 6:00 p.m. The regular work session was held in the Council Conference Room in Pelham City Hall and was open to the public. The work session was called to order by Council President Nichols at 6:00 p.m.

Call to Order

Roll Call

The following elected officials were present:

Mayor Don Murphy
Council President Teresa Nichols
Councilmember Bill Meadows
Councilmember Steve Powell
Councilmember Karyl Rice
Councilmember Ron Scott

Media Present: Neal Wagner, Shelby County Reporter

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

Approval of Minutes

A motion was made by Mr. Scott to approve the July 2, 2012 regular work session minutes. The motion was seconded by Mr. Meadows and by voice vote the motion was passed unanimously by those members present.

Mayor's Comments

Summer Classics Update. Mayor Murphy stated Mr. Bew White is in China and the requested financial information from Summer Classics has not been received by the county. Mayor Murphy further stated there was no need to have a meeting at this time. Dr. Nichols asked that the city move forward. Mayor Murphy said he did not know who all the players are in the contract

negotiations and city attorney Butch Ellis was out of town. Mr. Scott said we are waiting to see if Shelby County is going to be a partner with the city. Mr. Meadows said no matter what the county does he wants the city to move forward with the project. Mayor Murphy said the county is working to gather financial information from Summer Classics. Mr. Meadows questioned Mayor Murphy if the city could execute a contract with Mr. White subject to financing. Mayor Murphy explained there are a lot of pieces to the puzzle prior to executing a contract. Mr. Meadows stated time is of the essence.

Civic Complex Update. Mayor Murphy said the city has not heard from any representatives of Live Nation. Mayor Murphy said the process is moving forward and he will provide information to the council as soon as possible when received.

Review of Council Agenda

Dr. Nichols reviewed the council agenda for July 16, 2012.

- A. Call to Order
- B. Invocation
- C. Pledge of Allegiance
- D. Roll Call
- E. 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 July 16, 2012 City Council Agenda.
- 2. Approval of the July 2, 2012 regular City Council meeting minutes.
- 3. Approval of the following non-budgeted expenses from restricted fund accounts.
 - a. 911 Account. Reprogramming and creating a Pelham/Hoover page button for the Fire Department's Paging Screens by Allcomm Wireless in the amount of \$ 340.00. Current balance \$ 31,886.00.

- F. Public Hearing - None
- G. Mayor's Comments
- H. Proclamations - None

I. Requests to Address the Council - None

J. Old Business – None

K. New Business

1. Resolution 2012-07-16-01 for consideration of an ABC application for 020 – Restaurant Retail Liquor for applicant Rib Kings, LLC operating under trade name Rib Kings, located at 2005 Valleydale Road, Suite 5, Pelham, Alabama 35244.

Mr. Scott made a motion to remove Resolution 2012-07-16-01 from the agenda if the applicant is not in attendance at tonight's council meeting to answer questions. Mr. Scott said he would like more information as to the nature of the business regarding tobacco sales, specifically, the restaurant's policy regarding smoking and non-smoking areas. Mrs. Rice seconded the motion. Mr. Powell requested to amend the motion that if the applicant is present the resolution would be considered. Mr. Scott and Mrs. Rice consented to the amended motion. Mr. Meadows said he was not in favor of removing the resolution from the agenda. Mayor Murphy stated the police investigate the applicant and report their findings to the council. Dr. Nichols asked Revenue Director Mike Morgan if liquor license applications typically included tobacco sales. Mr. Morgan said it was typical of this type of liquor application. Mrs. Rice stated it had not been a requirement in the past that an applicant attend council meetings. There being no further discussion and by voice vote the amended motion to remove Resolution 2012-07-16-01 passed by a vote of 3-2 with Dr. Nichols and Mr. Meadows voting no. The council instructed the city clerk to request applicants in the future attend council meetings to answer questions.

2. Ordinance 013-01 to amend Ordinance 013, Section 3, Codified at Chapter 4, (Buildings, Construction and Related Activities) Article II, (Dangerous Buildings) Section 4-22, (Declaration of Nuisance) of the Code of Ordinances, City of Pelham, Alabama.
(1st Reading)

Dr. Nichols asked Mildred Lanier and the Pelham Homeowners Association (PHOA) to review both ordinances. Mr. Powell summarized the changes in the proposed ordinances. He stated proposed Ordinances 013-01 and 449 represented modifications to the city's existing ordinances. Mr. Powell further stated the proposed ordinances have been reviewed by staff and the city attorney for compliance.

3. Ordinance 449 to change the title of Chapter 8 of the Code of Ordinances, City of Pelham, Alabama, to amend Ordinance 061-B, as previously amended by Ordinance 394, codified at Chapter 8 (Health and Sanitation), Article II, (Cleanliness of Premises) Sections 8-20 through 8-26 and to add Section 8-27 (Related Code Sections).
(1st Reading)

Mr. Powell reviewed the changes in Ordinances 061-B and 394 contained in the proposed Ordinance 449. He outlined and summarized the changes under consideration by the city council. Dr. Nichols stated she would like some clarification from the PHOA with regard to the proposed ordinances.

4. Resolution 2012-07-16-02 for consideration by the Pelham City Council to commit to deannexing certain property annexed by Pelham 157, LLC (Randy Goggans) by Ordinance 450 if the requested zoning by the property owner is not approved by the Pelham City Council.

City Clerk Tom Seale explained the purpose of adopting the resolution if the rezoning is not approved by the City Council. Mrs. Rice expressed her concerns about the proposed resolution. Dr. Nichols clarified the resolution. Following additional discussion the council decided to move forward with the resolution on the agenda. Mrs. Rice asked about the proposed zoning. Mr. Morgan explained the zoning requested by Pelham 157, LLC. The council asked additional questions regarding the proposed rezoning. Dr. Nichols requested the council consider suspending the rule for immediate consideration of the ordinance tonight. Mr. Powell asked if adjacent property owners would have an opportunity to address the rezoning at a Pelham Planning Commission meeting. Mr. Morgan said the adjacent property owners would be notified and would have an opportunity to attend the rezoning meeting. Mayor Murphy stated the annexation would be a nice addition to the City of Pelham.

5. Ordinance 450 for consideration of an annexation request by Pelham 157, LLC (Randy Goggans) for property located east of Little Oak Ridge Estates, north of Shelby County Road 33, west of I-65, north and west of Valley Intermediate School consisting of approximately 120 +/- acres. **(1st Reading)**

L. Council and Public Comments

M. Public Announcements

Mayor-Council election qualification ends tomorrow, July 17, 2012, at 5 p.m.

Rescheduling of the September 3, 2012 Work Session and Council Meeting to September 10, 2012 due to the Labor Day holiday.

N. Adjournment

Old Business – AS TIME PERMITS

1. Chandalar Water Main Replacement Project Update. Bid opening is August 2, 2012. Project has be scaled back to 800 linear feet. No additional comments.
2. Pelham Civic Complex Update (See Mayor's Comments above.)
3. Moore-Handley / Summer Classics Update (See Mayor's Comments above.)

New Business – AS TIME PERMITS

1. Janis Parks, Human Resources Department, Time and Attendance Benefits Enrollment Presentation

Due to a lack of time, Janis Parks said she would be ready to make her presentation on August 6, 2012.

2. Weatherly Homeowners Association, Inc. (WHOA) street light request. Mayor Murphy stated the project would be phased in over six years. Discussion followed about past practices. Mike Morgan said street lighting plans are reviewed prior to installation. Mr. Powell requested a lighting plan from WHOA for review by the Building Department.

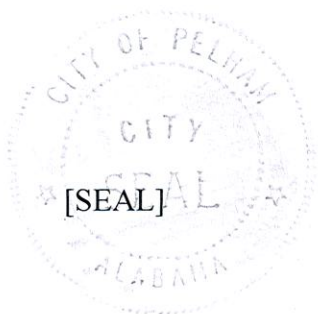
Announcements

1. Mayor-Council election qualification ends tomorrow, July 17, 2012, at 5 p.m.
2. Rescheduling of the September 3, 2012 Work Session and Council Meeting to September 10, 2012 due to the Labor Day holiday.

Adjournment

Mr. Meadows moved to adjourn the work session and said motion was seconded by Mr. Scott. The motion passed unanimously by those present and the work session was adjourned at 6:59 p.m.

Respectfully submitted this 16th day of July 2012.




Tom Seale, CMC, City Clerk