

CITY OF PELHAM – WORK SESSION
Pelham City Hall – Conference Room
December 4, 2017 – 6:00 p.m.

MINUTES

Proper notice of the regularly scheduled Pelham City Council Work Session was given in advance of such public meeting and the notice remained posted throughout the scheduled meeting.

Members of the Pelham City Council met December 4, 2017 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.

Call to Order

The work session was called to order by Council President Hayes at 6:00 p.m.

Record of Attendance

The following elected officials were present:

Council President Rick Hayes
Councilmember Ron Scott
Councilmember Beth McMillan
Councilmember Maurice Mercer
Councilmember Mildred Lanier
Mayor Gary Waters

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 November 20, 2017 Regular Council Work Session Minutes. The motion was seconded by Councilmember Mercer and passed unanimously by voice vote of those members present.

Mayor Waters' Comments - None

City Manager's Comments

City Manager Gretchen DiFante made the following comments:

1. Asked Chief Palmer to address the council regarding El Santuario, a new restaurant and bar in Pelham. Chief Palmer said he had been made aware of several issues with the business, including noise and other allegations. He said that the business does not appear to have violated the city's noise ordinance to date. Chief Palmer stated he has reached out to the owner and manager of the restaurant. He said the owner stated the position of chief chef was vacant and he had decided to open the bar in order to generate revenue. Chief Palmer said it was his opinion the poster on the front door of the restaurant depicting dancing and slightly dressed women may have given the community the wrong impression. Chief Palmer said when this was

brought to the attention of the owner the poster was immediately removed. He further stated El Santuario wants to be a good citizen in Pelham. Chief Palmer said both the owner and manager promised to work with the police going forward. Chief Palmer said they have very good security. Their operating hours are from 9:00 p.m. until 5:00 a.m. Chief Palmer said the police are monitoring the business for any potential violations. Chief Palmer mentioned his desire to work with the mayor and city manager to review possible revisions to the city's ordinances concerning the selling and consumption of alcohol. Councilmember Scott asked if conversations have been had with the owner. Chief Palmer said he had personally talked with both the owner and manager. Councilmember Scott asked if Chief Palmer knew how many "clubs" were located in Pelham. Chief Palmer said he did not know. Chief Palmer explained the differences in the many Alabama Beverage Control (ABC) licenses. Mayor Waters said he was impressed by the establishment. He stated it was clean and he did not see anything that would appear to be illegal. He further stated there were no runways or stages in the restaurant. He said he drove through the Holland Lakes sub-division and could not hear any music from El Santuario. Council President Hayes thanked Mayor Waters for visiting El Santuario in order to gain first-hand knowledge of the situation. Councilmember Mercer asked if the city's building code required the business to have thicker walls for sound proofing purposes. Building Official Bob Miller said the code did not.

2. Chief Palmer noted the loss of Officer Philip Davis on December 4, 2009, eight years ago today.
3. Updated the City Council on the road construction project along Village Place (Court Way). She confirmed through Keith Strickland with Goodwyn Mills and Cawood that AT&T was on site today, several weeks earlier than expected, to complete the utility relocations. City Manager DiFante further stated once the utilities are moved, road construction can proceed.

Review of Council Agenda

Council President Hayes reviewed the December 4, 2017 city council agenda.

H. Proclamations - None

J. Requests to Address the Council - None

K. Old Business – Resolutions – Ordinances – Orders and Other Business

1. **Resolution 2017-11-20-08** for consideration to approve or deny a business license application for existing business Bodhi Zen Massage, LLC due to a ownership change

Council President Hayes noted Resolution 2017-11-20-08 was removed from the November 20, 2017 city council agenda. He asked City Attorney Bill Justice if there was any reason why this resolution should not be on tonight's agenda. Mr. Justice said no.

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

1. **Resolution 2017-12-04-01** for consideration to appoint Joseph Schifano, III to fill the unexpired term of Danny Ray to the Pelham Planning Commission

Council President Hayes stated the appointment under consideration tonight requires a city employee to hold this position. Mayor Waters stated he would make a recommendation at a later date to appoint a city employee to this vacant position.

Councilmember McMillan moved to remove Resolution 2017-12-04-01 from the December 4, 2017 city council agenda. Councilmember Mercer seconded the motion.

There being no further discussion, the motion to remove Resolution 2017-12-04-01 from the agenda passed unanimously by voice vote of those members present and the council president declared the same passed.

2. **Resolution 2017-12-04-02** for consideration to enter into a professional services contract with Down In Front Productions, LLC for the video production of 23 home hockey games of the Birmingham Bulls at the Pelham Civic Complex & Ice Arena

City Manager DiFante stated the Birmingham Bulls have already been using Down In Front Productions for the video broadcast and scoreboard presentations related to their hockey games. She stated it is the city's desire to contract directly with this company in order to have control of the city owned equipment. She further stated several groups have voiced their desire to use the video equipment. If approved, the city would receive a \$50.00 per-game discount for the remainder of the season. Councilmember Mercer asked how the reconciliation would work. City Manager DiFante said the city would charge the expense to the Birmingham Bulls.

Councilmember Mercer stated his desire to move forward with the live streaming of the city council meetings.

(End of December 4, 2017 Agenda Review)

Old Business - NONE

New Business

1. Reschedule the January 1st and January 15th council meetings and work sessions

Council President Hayes stated the January 2018 council work sessions and council meetings fall on federal holidays, New Years' Day and Martin Luther King, Jr. Day. Suggestions included moving the meetings to Thursday, January 4th and Monday, January 22nd. Councilmember Mercer stated he would be out of town and unavailable on January 22nd. The city council agreed to move the January 1st meeting to January 4th and to discuss the rescheduling of the second meeting date in January on December 18th.

Executive Session

Council President Hayes stated for the record the purpose of the Executive Session was to discuss controversies not yet being litigated but imminently likely to be litigated or imminently likely to be litigated if the government body pursues a proposed course of action. Council President Hayes asked City Attorney Bill Justice if he agreed with the stated purpose of tonight's Executive Session. Mr. Justice said he agreed.

A motion was made by Councilmember McMillan 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>Yes</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, City Attorney Bill Justice, Pelham City Complex & Ice Arena Supervisor Danny Tate, Building Official Bob Miller, Mayor Waters, City Manager DiFante and City Clerk/Treasurer Tom Seale to attend the executive session. Council President Hayes stated that he expected the city council would return following the executive session in approximately 20-25 minutes. The city council went into Executive Session at 6:38 p.m.

Councilmember Scott moved to adjourn to executive session. Said motion was seconded by Councilmember Lanier.

There being no further discussion, the motion to adjourn the executive session passed unanimously by voice vote of those members present and the council president declared the same passed.

The city council returned from the executive session at 7:29 p.m.

Adjournment

A motion to adjourn the work session was made by Councilmember Lanier and seconded by Councilmember McMillan. The motion passed unanimously by voice vote of those members present, and the work session was adjourned at 7:31 p.m.

Respectfully submitted this 4th day of December 2017,


Tom Seale, MMC, City Clerk/Treasurer


Rick Hayes, Council President

