

CITY OF PELHAM – WORK SESSION

Pelham City Hall – Council Chambers

August 6, 2018 – 6:00 p.m.

MINUTES

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 through the scheduled meeting.

Members of the Pelham City Council met August 6, 2018 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 6:01 p.m.

Record of Attendance

The following elected officials were present:

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

Not Present: Councilmember Mildred Lanier

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 McMillan to approve the July 16, 2018 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 – None

Review of Council Agenda

Council President Hayes reviewed the August 6, 2018 city council agenda.

F. Public Hearing – None

H. Proclamations – None

J. Requests to Address the Council

1. Paul Curcio, Golden Rule BBQ (Huntley Parkway)

2. Scott and Donna Reneau, Subway Restaurant Franchises

K. Old Business / Resolutions / Ordinances / Orders and Other Business – None

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

1. **Resolution 2018-08-06-01** for consideration to approve an ABC License application for a 040-Retail Beer (On or Off Premises) and 060-Retail Table Wine (On or Off Premises) for applicant Birmingham Wine Group LLC operating under the trade name Pleasure Is All Wine

Attorney Brad McGiboney was in attendance representing the applicant. He stated the purpose of this ABC application was due to a transfer of ownership. Mr. McGiboney stated the business plans to retain all five employees. Councilmember Scott mentioned the Responsible Vendor Program and emphasized that it is the business's duty to check for valid identifications. He added he has no concerns with the application and is glad to have this business in Pelham. Mr. McGiboney stated the new owner has already completed the Responsible Vendor Program. Council President Hayes asked when the change in ownership took place. Mr. McGiboney said the ownership change had been made within the past year. He further explained there had been an issue with the Health Department as to whether a health department permit was required. He said the owner recently obtained a letter from the Health Department stating a permit was not required. Police Chief Larry Palmer stated there were no outstanding issues which would delay the approval of the application.

2. **Resolution 2018-08-06-02** for consideration to approve an ABC License application for a 040-Retail Beer (On or Off Premises) and 060-Retail Table Wine (On or Off Premises) for applicant Ooka Sushi Hibachi Restaurant Inc., operating under the trade name Ooka Chinese Japanese Restaurant

Since the Ooka representative had not arrived, Council President Hayes suggested, and it was agreed upon by those council members present, to hold all discussion related to Resolution 2018-08-06-02 for the city council meeting.

3. **Resolution 2018-08-06-03** for consideration to declare certain personal property (vehicles and trailer) of the City of Pelham, which are no longer needed for public or municipal purposes, as surplus

City Clerk/Treasurer Tom Seale stated the city has four vehicles and one trailer which are no longer needed. Fire Chief Tim Honeycutt stated two of the vehicles to be declared surplus were received as donations for Colonial Pipeline.

Chief Honeycutt recommended the following items be donated to various fire departments within the surrounding area:

2006 V-Nose Trailer – Brierfield Volunteer Fire Department
2009 Ford F-150 Pick-Up Truck – Westover Volunteer Fire Department
2001 Ford F-150 Pick-Up Truck – Shelby Volunteer Fire Department

Mr. Seale stated the remaining two vehicles would be auctioned.

4. **Resolution 2018-08-06-04** for consideration to appoint Tim German to an unexpired term on the Pelham Storm Water Regulations Board

Council President Hayes and Councilmember Mercer both stated they had received support for Mr. German's appointment and felt comfortable moving forward.

5. **Resolution 2018-08-06-05** for consideration to reject all bids and rebid the Old Ashville Road at Bearden Road Intersection Realignment Project as recommended by Goodwyn, Mills & Cawood, Inc.

Council President Hayes stated this has been an ongoing initiative for the city and was taking longer than anyone would like. He noted the bid for the project came in at almost double the original estimated construction costs. City Manager Gretchen DiFante mentioned several major construction projects are taking place around the Pelham area. She stated the timing of the original bid resulted in the high bid costs. Goodwyn, Mills & Cawood, Inc. has recommended the project be rebid.

6. **Resolution 2018-08-06-06** for consideration to approve a request by AT&T for modifications to an existing telecommunications facility located at 2000 Bearden Road

Jeff Bass, with the Center for Municipal Solutions (CMS), the city's telecommunications consultant, stated AT&T's application was for an upgrade to this site. He explained this site currently has a 150-foot self-supporting tower with AT&T located at the 120 foot level. He said AT&T currently has (9) antennas mounted on the tower, (3) per sector or side. They are proposing to swap out (6) of the antennas with new antennas. Also, they propose to add (1) feed line to the exterior of the tower. Mr. Bass explained AT&T has complied with the city's Wireless Telecommunication Ordinance. He further stated after the service upgrades are completed the antenna count will not change. According to Mr. Bass, there will be no adverse impact to the visual aesthetics of the tower site. Mr. Bass further stated the upgrade to the existing tower is due to improved technology. He said CMS has reviewed the application and recommends approval.

7. **Resolution 2018-08-06-07** for consideration to reapprove an ABC License application for 050-Retail Beer (Off Premises Only) and 070-Retail Table Wine (Off Premises Only) for applicant AIZA, LLC operating under the trade name Riverchase Exxon

Council President Hayes stated the purpose for reapproving this resolution was to correct an issue with the address that had been included on the original application and ensure certain details on the application were properly aligned with the ABC Board's requirements. Councilmember Scott asked if the owners were present during the original approval process. Council President Hayes stated that the owners had been out of town during the previous work session, but their representative attended and the owners answered the related questions earlier that day. The owners also attended the quarterly business council meeting the following day.

(End of August 6, 2018 Agenda Review)

Old Business – None

New Business – None

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 Bent Owens if he agreed with the stated purpose of tonight's Executive Session. Mr. Owens 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 Scott. 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	—

Council President Hayes asked the members of the city council, City Attorney Bent Owens, Mayor Waters, City Manager Gretchen DiFante, City Clerk/Treasurer Tom Seale, as well as Carolyn Campbell, Roger McCullough and Fran Bostick from Human Resource Management, Inc. to attend the executive session. Council President Hayes stated he expected the city council to return from the executive session in 40-45 minutes.

A motion was made by Councilmember Mercer to recess the executive session and work session. Said motion was seconded by Councilmember Scott. The motion to recess passed unanimously by voice vote of those members present. The executive session and work session was recessed at 7:01 p.m.

Council President Hayes called the executive session and work session back to order at 7:41 p.m.

Councilmember Scott excused himself at 8:19 p.m.

Councilmember McMillan moved to adjourn the executive session. Said motion was seconded by Councilmember Mercer. The motion passed unanimously by voice vote of those members present, and the executive session was adjourned at 9:25 p.m.

Adjournment

A motion to adjourn the work session was made by Councilmember McMillan and seconded by Councilmember Mercer. The motion passed unanimously by voice vote of those members present, and the work session was adjourned at 9:26 p.m.

Respectfully submitted this 6th day of August 2018,



Tom Seale, Mayor City Clerk/Treasurer





Rick Hayes, Council President