



**WORK SESSION
Pelham Senior Center
March 18, 2019 – 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 March 18, 2019 at 6:00 p.m. The regular work session was held at the Pelham Senior Center and was open to the public.

Call to Order

The work session was called to order by Council President Hayes at 6:15 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: Pelham Reporter

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 March 4, 2019 Special and Regular Council Work Session Minutes. The motion was seconded by Councilmember Scott and passed unanimously by voice vote of those members present.

Mayor Waters' Comments

- Spoke about the origins of Youth Government Day in Pelham as a means of delivering civics to 5th graders. He suggested postponing the tentatively scheduled Young Government Day until the fall. He said civics is now included in the 7th grade curriculum.
- Invited everyone to attend the Pelham Storm Water meeting on April 8th. Wilsonville Mayor Lee McCarty will speak about the Alabama Power Company's ash pond and storm water runoff.

City Manager's Comments

- Accounting Manager: The salary and job description were approved by the Personnel Board last week. The job will be posted following the city council's adoption of Resolution 2019-03-19-01.
- CSX has begun railroad crossing repair work in Pelham which was confirmed by David Willingham, Director of Development Services & Public Works. Several members of the staff agreed CSX had not provided the details of the repair schedule. It was noted clarification is needed. Mr. Willingham stated he will try to get answers from the local contractor regarding the scope of work and timeline. We will post information through our website when received.

Review of Council Agenda

Council President Hayes reviewed the March 18, 2019 city council agenda.

F. Public Hearing – None

H. Proclamations – None

J. Requests to Address the Council

Evan Dujanovic, LED Advertising Opportunities

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

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

1. **Resolution 2019-03-18-01** for consideration to amend the City of Pelham Classification Pay Plan effective April 1, 2019

Council President Hayes stated the resolution includes the previously approved budgeted amount for the pay plan revision as well as the job description for the Accounting Manager and the Director of Parks and Recreation. He further stated the resolution also includes the salary matrix for the Accounting Manager position. He said these items were approved by the Personnel Board last week.

2. **Resolution 2019-03-18-02** for consideration to declare certain personal property as surplus and no longer needed by the City of Pelham or the Pelham Police Department and to approve the donation of said personal property to the Brookside Police Department

Police Chief Larry Palmer stated the Brookside Police Department is in need of assistance acquiring equipment. He said Pelham has established a relationship with Brookside over the years, even hiring a couple of police officers from the department. Chief Palmer said they saw an opportunity to assist the Brookside Police Department with light bars and a protective cage. He thanked the city council for their consideration in adopting Resolution 2019-03-18-02.

3. **Resolution 2019-03-18-03** for consideration to participate in the State of Alabama's 2019 "Back to School" Sales Tax Holiday the weekend of July 19-21, 2019

No comments were made by the city council.

4. **Resolution 2019-03-18-04** for consideration to approve an ABC license for applicant Lal Maharajaji, LLC, operating under the trade name Raceway 6818, located at 3314 Pelham Parkway, Pelham, AL 35124

Councilmember Scott thanked Kishan Amin for attending tonight's city council work session. He stated Mr. Amin has many years of experience operating multiple locations. He said Mr. Amin has recently attended a meeting regarding changes and updates to the Responsible Vendor Law. He stated Mr. Amin is familiar with the Responsible Vendor Program and incorporates those rules into the daily operations of his businesses. Councilmember Scott said he has a high degree of confidence in Mr. Amin operating within the rules regarding the sale of alcohol. Council President Hayes mentioned other businesses owned by Mr. Amin, including the Highway 119 Raceway. He asked Mr. Amin if he was expanding his operation with the purchase of the Raceway located at 6818 Pelham Parkway. Mr. Amin stated he was expanding with this purchase. Mr. Amin noted his donation over the past 10 years to Children's Hospital of 1 cent per gallon sold.

(End of March 18, 2019 Agenda Review)

Old Business

1. Small Cell Technology Facilities – Update

City Engineer Chris Cousins stated he received last Friday the latest revision of the ordinance from David Andrews, with the Center for Municipal Solutions (CMS), the city's telecommunications consultant. He said he has reviewed the revisions and expects to finalize them in the coming week. Councilmember Scott asked a question about finalizing the document. Mr. Cousins said what he meant was to get the document in a format which will be ready to distribute to the city council for their review and comments. Mr. Cousins stated the importance in adhering to the Federal Communications Commission (FCC) regulations, which we cannot change. Councilmember Scott mentioned Alabaster's opposition to the new FCC regulations. He asked that Pelham do the same by passing a resolution and forwarding to Congressman Gary Palmer asking for a rollback of some of the language restricting a city's ability to manage its rights-of-way. Council President Hayes asked Councilmember Scott if he had any opposition in adopting the ordinance while discussion continues regarding the FCC regulations. Councilmember Scott said he did not have any opposition. Mr. Cousins stated he added language giving the city a degree of flexibility and not box ourselves into a corner. Councilmember Lanier suggested obtaining a copy of Alabaster's resolution. Mr. Cousins said he would provide a copy of the Alabama League of Municipalities' draft resolution.

2. Massage Ordinance – Update

City Manager DiFante stated the moratorium was revised to distinguish between those businesses like a spa that also offers massage therapy services. She said the city council had asked for us to look at an ordinance to see what we can do from a legal standpoint to regulate massage businesses. She stated in working with City Attorney Bill Justice and having numerous conversations he decided to look at the most strict ordinances in Alabama. She further stated Mr. Justice has developed a very comprehensive ordinance about how a massage business should be conducted in our city. She mentioned having conversations with Chief Palmer and how to enforce the ordinance and hold the businesses accountable.

Police Chief Larry Palmer said he has reached out to larger municipalities in the state who have dealt with these businesses. He stated it is very difficult to differentiate between legitimate and illegal operations. Chief Palmer said he likes the ordinance, it has a lot to it.

Councilmember Scott stated there was nothing in the ordinance restricting the hours of operation. It was noted the ordinance does address hours of operation. He asked how we ensure the employees are not illegal workers. He further stated his concerns about the potential for a proliferation of massage parlors in Pelham. City Manager DiFante mentioned putting language in our comprehensive plan which will address these concerns. She further stated the ordinance and enforcement could deter the opening of massage parlors. Chief Palmer stated an ordinance gives the police department enforcement opportunities. Further discussion followed regarding the number of massage parlors and a requirement that all massage parlor business licenses to be reviewed and approved by the city council. Councilmember Lanier stated she agreed with Councilmember Scott regarding the issues of sex trafficking. She asked about the possibility of engaging our city attorney to determine if the city can limit the number of massage parlors. She cautioned about singling out a specific business requiring only that type business to come before the city council regarding business license approvals.

Councilmember Lanier asked Chief Palmer what additional support was needed by the police department from the city council. Chief Palmer explained he cannot run a background check using his database on business license applicants, it is not allowed. He further explained massage parlors are a difficult operation to start with. He said there are issues and problems of enforcement. Chief Palmer further stated with regard to resources, the Pelham Police Department can proceed as we are.

Councilmember McMillan stated this was a well written ordinance. She questioned certain language in the ordinance and requested a review by Mr. Justice.

Mayor Waters said the city needs to be bold with regard to a massage parlor ordinance. He stated we need to go up to the point where the law says we cannot go any further.

Discussion followed between Councilmember Scott and Council President Hayes regarding the extension or renewal of existing moratoriums.

New Business

1. CBD Oil – Update

By consensus the city council agreed to move the discussion regarding CBD oil to a future work session.

2. Discuss Scheduling of Pelham Board of Education Place 1 Interviews

Council President Hayes stated two applications had been received for the Pelham Board of Education appointment, Place 1, Paul Howell and Bob O'Neil. Councilmember McMillan said she saw no need to interview the candidates again since they were both previously interviewed. Councilmember Mercer said he would like hear from the two potential appointees. He said he would be interested in hearing their ideas, what they would like to accomplish, be able to ask questions and have a discussion with the applicants. Councilmember Lanier said it would be wise and appropriate to have interviews. Council President Hayes suggested 20 minute interviews, with no strong opinion either way with regard to interviewing the applicants. He reminded the city council the appointment must be made in April. He suggested interviews on April 1 or shortly thereafter. It was the consensus to schedule the interviews on Monday, April 1, 2019 during the special called work session.

3. Discuss Appointments to the Commercial Development Authority, Place 1 and Place 2

Council President Hayes mentioned having received two applications for the Commercial Development Authority (CDA) Place 1 and Place 2 board positions, Scott Christian and Brent Todd. Councilmember McMillan said she would like to have the opportunity to interview Mr. Todd. Councilmember Mercer asked how long the positions had been advertised to assure there had been adequate advertising for the CDA board positions. It was noted for the record the positions were posted on the city website on February 26, 2019 with an application closing date of March 15, 2019. The city council felt there was no need to interview Mr. Christian since he was recently appointed to the CDA. It was the consensus to schedule Mr. Todd's interview on Monday, April 1, 2019.

4. Review Rescheduling Options for the May 6th Work Session and City Council Meetings

Council President Hayes explained several members of the city council will be attending the annual Alabama League of Municipalities meeting in Mobile May 4-7, 2019. Following additional discussion, it was agreed to move the May 6th work session and council meeting to May 13th.

Councilmember Mercer asked the city clerk/treasurer to confirm the appointment process of both the Board of Education and Commercial Development Authority board appointments.

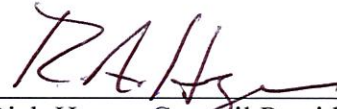
Adjournment

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 7:14 p.m.

Respectfully submitted this 18th day of March 2019,



Tom Seale, MMC, City Clerk/Treasurer



Rick Hayes, Council President

