

# *The City of Pelham*

## **MINUTES OF THE REGULAR MEETING**

**November 19, 2020 – 6:30 p.m. – Council Chambers**

### **PRESENT:**

Mayor James Eubanks  
Mayor Pro-Tem Alfred Brown  
Council Member Bennett Adams  
Council Member Fredrick Davis  
Council Member Robert Hodges  
Council Member Bobby Robinson  
Council Member Tad Williamson

City Manager, Craig Bennett  
City Clerk, Lisa Austin  
City Attorney, Tommy Coleman  
Police Chief, Nealie McCormick  
Asst. Police Chief, Rod Williams  
Main Street, DDA Director, Christian Drake  
MCTV, Jerry White

Teresa Robinson  
Felisha Davenport  
Eddie Cobb JR.  
Candance Roberts  
Andrew Gaines  
Jack Wood  
John C. Moore  
Bertha Cobb  
Carol Southard  
Eddie Cobb SR.

\*\*\*\*Absent from the meeting Council Member Ansel Parrish\*\*\*\*

With a quorum present, Mayor Eubanks called the meeting to order at 6:34 p.m. followed by the Pledge of Allegiance to the flag. Mayor Eubanks provided the opening prayer.

### **REGULAR SESSION – LED BY MAYOR EUBANKS**

#### **APPROVAL OF REGULAR MEETING AGENDA**

**Council Member Hodges made a motion to approve the agenda as presented, seconded by Council Member Williamson. The vote was unanimous.**

#### **COUNCIL MINUTES**

**Council Member Adams made a motion to approve minutes from October 15, 2020 Council Meeting, as distributed, seconded by Council Member Robinson. The vote was unanimous.**

#### **PUBLIC HEARING**

Mayor Eubanks stated the Regular Meeting is closed and opened the Public Hearing at 6:36 p.m.

#### **CLOSEOUT OF CDBG 17 HOUSING**

Carol Southard stated that The City of Pelham has completed the FY 2017 Community Development Block Grant Program.

The following activities were completed:

- 6 Vacant Dilapidated Structures were removed
- 10 Families consisting of 29 persons are now living in standard housing conditions.

All citizens were invited to attend this hearing. There were no citizens present to speak about the FY 2017 Community Development Block Grant. A copy of the final quarterly report is now available at Pelham City Hall.

### **REZONING APPLICATION 159 MLK JR BLVD.**

Applicant Eddie Cobb Jr. has requested to have 159 MLK Blvd. rezoned to C-2- Central Business District. The current zoning for the property is R-1. The intended use of the property will be for a Funeral Home. In the ordinance a C-2 is intended to project and promote suitable areas for business and commercial uses which benefit from proximity to each other, to encourage the eventual elimination of uses inappropriate of a centralized business center for the City of Pelham. First Question: Does a funeral home fall under "Other uses similar to the above compatible with the particular neighborhood and environment as approved by the Mayor and Council."

The following are recommendations:

- SWGRC-Recommends approval
- Police Chief-Concerned about traffic congestion
- City Manager-Recommends disapproving the application due to: Traffic, Parking implications on Hill Street and Bennett Street, Spot zoning, Wrong zoning on the request, ordinance does not have a clean zone for this type of business.
- Planning Commission-Recommends disapproving the application.

The following citizens addressed the city council in favor or not in favor of the rezoning of 159 MLK Jr. Blvd.

- Eddie Cobb Jr.-addressed the council about the traffic concerns, asked the council to rezone the property to a C-2 in order for him to open a Funeral Home at the location and be able to give back to the community, in favor of the rezoning.
- Russell Florence-addressed the council about the traffic concerns and the safety of the kids crossing the streets if its rezoned, in favor of the rezoning.
- Andrew Gaines-addressed the council about the traffic concerns, Mr. Gaines is the owner of the property and is in favor of the rezoning.
- Candance Roberts-addressed the council and stated she had been working with Mr. Cobb on this project. Ms. Roberts stated the purpose of the Funeral Home will be to embalm the bodies and selling the funeral services to the families, the actual funeral will be hosted at a different location in favor of the rezoning.

- Jack Woods-addressed the council and stated he is a resident in the area and concerned about the traffic when a funeral takes place at the location and is not in favor of the rezoning.
- Teresa Robinson-addressed the council and stated give Mr. Cobb a chance and opportunity to open his business and is in favor of the rezoning.
- Eddie Cobb Sr.-addressed the council with concerns of pedestrian traffic in favor of the rezoning.

### **CLOSE PUBLIC HEARING**

Mayor Eubanks stated the Public Hearing was closed at 7:35 p.m. and the Regular Meeting was reconvened.

### **REZONING**

**Council Member Hodges made a motion to not approve the rezoning of 159 MLK. Blvd. for Mr. Cobb seconded by Council Member Williamson. The vote was unanimous.**

### **GMA ETHICS PROGRAM RESOLUTION**

Pelham has been a certified member of the GMA Ethics Program for several years. Per the program’s website, the program is a set of principles, which “...are designed to guide the elected officials as individuals and as a governing body. These principles are:

- Serve others, not ourselves
- Use resources with efficiency and economy
- Treat all people fairly
- Use the power of our position for the well-being of our constituents
- Create an environment of honesty, openness, and integrity

**Council Member Williamson made a motion to approve and readopt the GMA Ethics Program Resolution, seconded by Council Member Adams. The vote was unanimous.**

### **MGAG PORTFOLIO V**

The City of Pelham is in a long-term gas supply contract with MGAG until December 31, 2050. The first amendment extends the contract until December 31, 2060. The supplemental contract provides the MGAG the authority to raise bonds and the responsibilities of the member cities.

**Council Member Adams made a motion to adopt the ordinance to approve the amendment to gas supply contract and supplemental contract each between the Gas Authority and City of Pelham and dispense with the second reading, seconded by Council Member Williamson. The vote was unanimous.**

## CITY HALL ROOF

The roof at City Hall was installed by the previous owner. The City moved into the City Hall building in 2009. The roof has leaked since early 2019. The FY21 Budget has a 10K apportioned for roof repairs. There were three bids to fix the bids to repair the roof at City Hall and that are:

COMPANY	LOCATION	BID
CAMPBELL CONSTRUCTION AND ROOFING	TIFTON	\$7,270
HELEN'S VINYL SIDING AND ROOFING, LLC	ALBANY	\$4000-\$5000
S&S ROOFING	ALBANY	\$14,500

**Council Member Robinson made a motion to hire Helen's Vinyl Siding and Roofing, LLC at an estimate of \$4000-\$5000, seconded by Council Member Davis. The vote was unanimous.**

## LIFT STATION PUMPS

**Council Member Williamson made a motion to re-appropriate \$16,100 from SPLOST capital outlays for fire hydrants, water meters, and aerators to purchase a 20HP and 10HP Wilo submersible pump from Smith Electric Motor Service, seconded by Mayor Pro-Tem Brown. The vote was unanimous.**

## 2021 LMIG

**Council Member Hodges made a motion to apply for 2021 LMIG, with a local match of \$18,821.46 to increase of \$2,269.85 over the budget apportioned local match, seconded by Council Member Robinson. The vote was unanimous.**

## ALCOHOL LICENSE PACEMART

Pacemart at the corner of Green Street and Curry Street is changing ownership. Mrs. Sudhaben C. Patel is purchasing it from the previous owner. Mrs. Patel is applying for a retail malt beverage and wine package licenses.

**Council Member Robinson made a motion to approve the alcohol license for Mrs. Sudhaben C. Patel for the Pacemart store, seconded by Council Member Adams. The vote was unanimous.**

## FINANCIAL REPORTS

Reviewed financial reports of October that were presented.

## DEPARTMENT REPORTS

Reviewed department reports from October 2020 from the Pelham Police Department, Fire Department, Utility Department, and Code Enforcement.

## CITY MANAGER'S REPORT

Subject: City Manager's Report

Week of 16-20 November

### **Coronavirus**

Area	Contracted COVID 19		Died		%	
	Today	Previous Report	Today	Previous Report	Today	Previous Report
Global	55,928,327	51,848,261	1,344,003	1,280,868	2.4	2.47
U.S.	11,465,722	10,314,254	249,670	241,069	2.18	2.34
Georgia	393,980	377,694	8,536	8,333	2.17	2.21
Mitchell County	879	872	47	47	5.35	5.39

- We have one employee in Public Works on quarantine because of a family member with COVID-19.
- County Health Department is opening the conversation on vaccines. More to follow...

### **Fire-Dex**

- Mayor, City Manager and DDA Director visited Fire-Dex.
- Fire-Dex is looking to hire and seeking assistance from the economic development community on marketing to get good candidates.

## **Frances Davis Park**

- We had a tremendous turnout from GA Power Legacy Group on Saturday for a workday at Frances Davis Park.
- A lot of work was accomplished was completed to include:
  - Setting the new commercial swing set
  - Setting the new commercial slide
  - Painting the bathroom
  - Renovating the carpentry work on the dugouts
  - Stripping the basketball courts and putting up new nets
  - Lining the fencing with a protective boarder
- Still to accomplish:
  - Hang swings
  - Add Slide
  - Concrete the dugout
  - Hang new doors and place new windows in the bathroom
  - Add wood ships around playground equipment with manufactured boarder

## **Holiday Schedule**

- November 28<sup>th</sup>: Movie Night in Freedom Park
- November 30<sup>th</sup> Christmas Tree Lighting
- December 3<sup>rd</sup> Drive Thru Christmas Parade
- December 5<sup>th</sup> An Old Pelham Christmas

## **EXECUTIVE SESSION**


**Council Member Hodges made a motion to close the Regular Session and enter Executive Session, seconded by Mayor Pro-Tem Brown. The vote was unanimous. Mayor Eubanks stated the Regular Session is closed at 8:22 p.m. and the purpose of the Executive Session is to discuss a personnel matter.**

## **RECONVENE REGULAR SESSION**

**Council Member Robinson made a motion to close the Executive Session and Reconvene the Regular Session, seconded by Mayor Pro-Brown. The vote was unanimous. Mayor Eubanks stated the Regular Session is reconvened at 8:42 p.m. and no votes were taken during the Executive Session.**

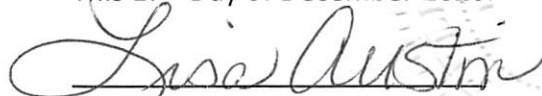
**ADJOURN**

With no further business to come before the Pelham City Council, **Council Member Robinson** made a motion to adjourn the meeting, **seconded by Mayor Pro-Tem Brown**. The vote was **unanimous**. Mayor Eubanks declared the meeting closed at 8:53 p.m.

  
Mayor, James Eubanks

**AUTHENTICATED:**

This 17<sup>th</sup> Day of December 2020.

  
City Clerk, Lisa Austin

# Government in the Sunshine

## SAMPLE AFFIDAVIT

Before an officer duly authorized to administer oaths appeared James Eubanks who, after being duly sworn, deposes and on oath states the following:

- (1) I am competent to make this Affidavit and have personal knowledge of the matters set forth herein.
- (2) Pursuant to my duties as Mayor, I was the presiding officer of a meeting of the Regular City Council held on the 19th day of Nov 2020. A portion of said meeting was closed to the public.
- (3) It is my understanding that O.C.G.A. § 50-14-4(b) provides as follows:

When any meeting of an agency is closed to the public pursuant to subsection (a) of this Code section, the person presiding over such meeting or, if the agency's policy so provides, each member of the governing body of the agency attending such meeting, shall execute and file with the official minutes of the meeting a notarized affidavit stating under oath that the subject matter of the meeting or the closed portion thereof was devoted to matters within the exceptions provided by law and identifying the specific relevant exception.

- (4) The subject matter of said meeting, or the closed portion thereof, was devoted to matters within exceptions to public disclosure provided by law. Those specific relevant exceptions are identified as follows: *(Using the list below as a guide list in the affidavit only the exceptions actually applicable to the specific closed meeting.)*

A. Meeting to discuss or vote to authorize the settlement of a matter covered by the attorney-client privilege as provided in Georgia Code section 50-14-2(1) and 50-14-3(b)(1)(A). The subject discussed was [identify the case or claim discussed but not the substance of the attorney-client discussion].

B. Meeting to discuss or vote to authorize negotiations to purchase, dispose of or lease property as provided in Georgia Code section 50-14-3(b)(1)(B).



## Open Meetings

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- C. Meeting to discuss or vote to authorize the ordering of an appraisal related to the acquisition or disposal of real estate as provided in Georgia Code section 50-14-3(b)(1)(C).
- D. Meeting to discuss or vote to enter into a contract to purchase, dispose of, or lease property subject to approval in a subsequent public vote as provided in Georgia Code section 50-14-3(b)(1)(D).
- E. Meeting to discuss or vote to enter into an option to purchase, dispose of, or lease real estate subject to approval in a subsequent public vote as provided in Georgia Code section 50-14-3(b)(1)(E).
- F. Meeting to discuss or deliberate upon the appointment, employment, compensation, hiring, disciplinary action or dismissal, or periodic evaluation or rating of a public officer or employee as provided in Georgia Code section 50-14-3(b)(2).
- G. Meeting to interview one or more applicants for the position of the executive head of an agency as provided in Georgia Code section 50-14-3(b)(2).
- H. Pursuant to the attorney-client privilege and as provided by Georgia Code section 50-14-2(1), a meeting otherwise required to be open was closed to the public in order to consult and meet with legal counsel pertaining to pending or potential litigation, settlement, claims, administrative proceedings, or other judicial actions brought or to be brought by or against the agency or any officer or employee or in which the agency or any officer or employee may be directly involved and the matter discussed was identify the matter but not the substance of the discussion.
- I. Staff meeting held for investigative purposes under duties or responsibilities imposed by law as provided by Georgia Code section 50-14-3(a)(1).

# Government in the Sunshine

J. Meeting to consider records or portions of records exempt from public inspection or disclosure pursuant to Article 4 of Chapter 18 of Title 50 of the Georgia Code because there are no reasonable means to consider the record without disclosing the exempt portions.

This Affidavit is executed for the purpose of complying with the mandate of O.C.G.A. § 50-14-4(b) and is to be filed with the official minutes for the aforementioned meeting.

This 19<sup>th</sup> day of November, 2020

Affiant

Sworn to and subscribed before me  
this 19<sup>th</sup> day of November, 2020

Lisa Austin

Notary Public

