

MINUTES
CITY OF TRENTON
SPECIAL CALLED MEETING
AUGUST 25, 2022 AT 6:00 P.M.
MEETING ROOM: TRENTON CITY HALL

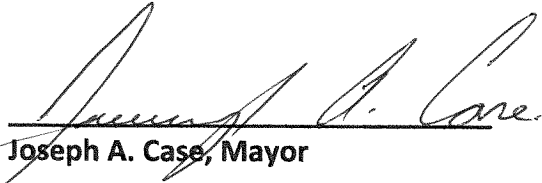
SPECIAL MEETING

1. Call to Order was by Mayor Case at 6:24 pm due to the decision to wait on City Clerk coming from jury duty in Jackson County Alabama.
2. The city attorney Ryan Ray as well as the attorney for the other party Larry Cash were present.
3. Mayor Case began the meeting by stating this meeting was to rectify the appeals process for the denial of 80 Oakwood Ave Package Store. We are here to hear the appeal of the license of this chapter which is Chapter 6 of our Alcohol Ordinance. Mayor Case stated that the owners had done this with the board of appeals and now they have the opportunity to be heard by this commission for licensing of the alcohol. This will still have to go before the planning commission for the conditional use. Mr. Ray spoke up to clarify that there is a separate conditional use but this the hearing for the licensure itself. Commission Wooten had a question as to what was being talked about regarding conditional use. Mr. Ray spoke up to clarify. He stated there are two separate issues here, one is to establish if the license to sale the alcoholic beverage, distilled spirits license is to be granted to the applicant and that issue should have gone to the commission for the appeal process which is what we are here for now. The other is the issue of the conditional use for the property itself will be granted to have a package store at that location. That would be decided by the planning commission. Mayor Case stated which that location is the BR zone/conditional use where the other two applicants were BR zones as well. Commission Wooten asked what good is one without the other and Mr. Ray stated they need both. Ms. Deval asked what the difference is now when the planning commission was the one who denied their application to start with. Mr. Ray stated that the commission did not hear the appeal on the denial of the license and we are essentially beginning the process over again. Once that issue is decided then the issue of the conditional use can be submitted to the planning commission to consider that aspect separately. Ms. Brandon spoke and asked what would be different than before if it is the same people hearing the issue as before. Why would they think it would be any different? Mayor Case advised we have to go through the correct appeals process and we are hoping to work out the issue that we have. At this time there is no appeal process. Commission Wooten asked were they originally denied their license and Mayor Case stated no. When they go back to the planning commission we can express our concern to them what we (City Commission) wants, the planning commission is currently in the ordinance they are the final say as far as the zone. Mr. Hibbs asked who was on the planning commission. Mayor Case stated, Daniel Case is Chairman, Ryan Faircloth, Steven Ryan, Cody Doyle and Philip York. The question was asked if Mr. York was related to Larry York, he was advised that he being Philip

excused himself as well as Ryan Faircloth from voting in that because of conflict of interest. Ms. Brandon spoke up and said all 3 of them told them before the meeting that they did not want any more liquor stores in the city. She asked if there was a way to have an un-biased planning commission. Mr. Ray spoke up to advise that is probably out of the scope of this meeting. Mr. Hibbs asked why they were denied. Mr. Ray stated that they have never had the opportunity to present this to the commission and the commission is the body that should have heard it and we are rectifying that now. Mr. Ray introduced the other parties Counsel Mr. Larry Cash and to please hold questions till after. Mr. Cash stated we hit a bump in the road and we are working on that now. Mr. Cash said it is his understanding that we are to decide whether or not these people will be granted a liquor license at 80 Oakwood Ave. which is what was on their application. Mr. Cash spoke on behalf of the applicants Saurin and Swati. He spoke that Swati and her husband own Trenton Tobacco and have lived here for over 10 years. He states they have met all qualifications to have their license approved. He is asking that the City Commissioners grant them the liquor license. They have people at the meeting who are in support of the license. He allowed the applicants to show the commissioners their plans and speak to the commission. Saurin asked if the commissioners had any questions would be where he would like to start. Commissioner Norris stated it was his understanding that the property has already been purchased and Mr. Patel stated no we are planning to it is contingent upon this license. Ms. Brandon stated they are supposed to close on the 29th. She stated the seller and his agent are present at the meeting as well as herself as the agent for the buyers. Commissioner Norris just wanted to make sure if the license is approved that they still have the property. Saurin stated it will be a very nice modern business. He stated until you walk into the building you will not know it is a liquor store. Swati stated they have had a business in the city for the last several years. Saurin stated they have years of experience. Commissioner Norris stated it appears they have put a lot of work into this. Swati stated everything is behind as of right now. Mayor Case stated he was good with the presentation and that we have some decisions to make and one is if the license is approved tonight do we have to do it on the conditions of the zoning. Mayor Case asked City Attorney Ryan Ray this question or can we hold another joint meeting with them to discuss in an open meeting. Can the city commissioner and planning commission meet together and we stress why we approve the license tonight? Ryan stated he would need to think on that a minute before answering, his initial response would be no. Mayor Case stated we could be in the audience to stress our support? Mr. Ray said that was ok. MR. Ray stated there are certain criteria that has to be considered for this decision. He read the criteria of the ordinance. Commissioner Wooten if this is our decision does that mean if they go before the planning commission and they deny it again that it would they appeal to us for that? Mr. Ray stated no. Mayor Case said as of right now that is one of the issues we have found. They feel this is the best way to approve the license if we go back to the original ordinance for Distilled Spirits E section 6.158, the 2 areas are B3 and BR residential district as conditional use. Mayor Case stated he believed they went out and spoke to community too and believe it was 66 to 61, Saurin spoke up that they have not seen their record. It was only like 6 or 7 votes different. Mr. Ray spoke out stating that body does not have the authority to decide that appeal in the first place. It never should have happened and we are moving in the right state now. Mr. Cash

stated that Mr. Ray read the requirements and that his client has met those requirements. Mayor Case recommended that someone make a motion. Commissioner Wooten made motion to approve the license. Commissioner Houts second the motion. Mayor Case stated he has a motion and a second are there any other discussion by commissioner or applicants? If not all in favor for license at 850 Oakwood Ave say "I". Unanimous no one opposed. Motion carries. We will be presenting our vote to the planning commission and both attorneys will work together on the next step.

4. Commissioner Wooten made motion to adjourn. Commissioner Norris 2nd. Meeting adjourned



Joseph A. Case, Mayor



April Keith, City Clerk