



WORK SESSION
Pelham Police & Court Building
October 21, 2019 – 5:30 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 October 21, 2019 at 5:30 p.m. The regular work session was held in the Pelham Police & Court Building and was open to the public.

Call to Order

The work session was called to order by Council President Hayes at 5:32 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 department heads, city employees, and members of the public

Approval of Minutes

A motion was made by Councilmember Scott to approve the October 7, 2019 Special and Regular Council Work Session Minutes. The motion was seconded by Councilmember Lanier and passed by voice vote of those members present.

Review of Council Agenda

Council President Hayes reviewed the October 21, 2019 city council agenda.

F. Public Hearing – None

G. Proclamations by the Mayor

1. Proclaiming the week of October 27, 2019 as Halloween Safety Week in Pelham, Alabama
2. Proclaiming October 2019 as 2020 Census Awareness Month in Pelham, Alabama

J. Requests to Address the Council – None

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

1. **Ordinance No. 135-224.** An amendment to the zone district boundaries of the City of Pelham changing the present zoning from A-1 (Agricultural District) to R-1 (Single Family District) for property located along Shelby County Highway 332, Pelham, Alabama. First Reading was on October 7, 2019.

There were no comments from the city council.

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

1. **Resolution 2019-10-21-01** for consideration to approve an ABC License application for a 010-Lounge Retail Liquor license for applicant Heebie Jeebies, LLC operating under the trade name Jelly's Bar, located at 3180-B Pelham Parkway, Pelham, Alabama 35124

Councilmember Scott expressed concerns with the ABC license application from Heebie Jeebies, LLC. Those concerns include adequate parking and participation in the responsible vendor program. Interim Police Chief Pat Cheatwood stated the police department has a long history with this applicant, which has been problematic at times. Councilmember Scott moved to remove Resolution 2019-10-21-01 from the October 21, 2019 city council agenda. Said motion was seconded by Councilmember Mercer. There being no further discussion, the motion to remove Resolution 2019-10-21-01 from the agenda passed unanimously by voice vote of those members present and the council president declared the same passed. Councilmember Lanier asked Interim Police Chief Cheatwood if he had any additional information for the city council. Interim Police Chief Cheatwood stated the Pelham Police Department's internal background check on the applicant was negative. He mentioned multiple police contacts with the applicant including one incident where a large, volatile crowd had to be dispersed. He further stated a citation was issued in the past year to Jelly's Bar for the lack of a current business license. Councilmember Lanier thanked Councilmember Scott for his due diligence in reviewing the ABC license application from Heebie Jeebies, LLC operating under the trade name Jelly's Bar.

2. **Resolution 2019-10-21-02** for consideration to accept the lowest responsible bid from ICS, Inc. for the replacing and upgrading of electrical equipment and controls at the Campbell Ridge Well House

City Engineer Chris Cousins said the bid was within the approved budget. He stated the Campbell Ridge Well House contains the original electrical components from the 1980s and they have far exceeded their useful life. He said this is the second of four upgrades for the city's well houses. Mr. Cousins stated he recommended approval of Resolution 2019-10-21-02.

3. **Resolution 2019-10-21-03** for consideration to enter into a contract with Engineering Design Group (EDG), LLC for the development of a site grading bid package for the new Fire Station No. 3 located on Shelby County Highway 11

City Engineer Chris Cousins said EDG would be engaged to develop a site grading bid package for the new Fire Station No. 3 location. He further stated he expects a significant reduction in the overall construction cost of the building by removing the site preparation from the bid.

4. **Resolution 2019-10-21-04** for consideration to approve a tax abatement agreement between the City of Pelham, PrintsWell, Inc. and Amazing Grace Properties, LLC

Council President Hayes stated the city had previously approved this incentive package and asked

Yvonne Murray, representing 58, Inc., to review the need to reapprove the tax abatement with Amazing Grace Properties, LLC included. She stated that Amazing Grace Properties, LLC, will be the owner of the related property, was not included in the original resolution and agreement. She said the State of Alabama could not process the abatement application until both PrintsWell, Inc. and Amazing Grace Properties, LLC were included. She further stated there are no changes to the financial incentives.

(End of October 21, 2019 Agenda Review)

Old Business - None

New Business

1. Residential Garbage Collection Agreement Renewal.

Justin Hunt and Scott Henderson, representing Advanced Disposal, addressed the city council and made the following comments.

- Mr. Henderson stated Advanced Disposal has been recently acquired by Waste Management. He said this industry goes through mergers and acquisitions about every ten years.
- Mr. Henderson stated no rate increase has been requested by Advanced Disposal during the current contract.
- Mr. Henderson spoke to the difficulty in finding a market for recyclables in our area. Council President Hayes spoke to the possibility of better educating the public on what Advanced Disposal is currently able and unable to get recycled at this point. Mr. Henderson said he expects the recycling market to come back in a year or two. Councilmember Scott asked if the city dropped recycling would there be a reduction in the cost of garbage service. Mr. Henderson said the recycling cost to each residential account is \$2 per month.
- Councilmember Scott discussed the hydraulic fluid leak which occurred last year in the Ballantrae area. Mr. Henderson said there has been additional training with all the drivers and supervisors. He further stated new drivers go through a six week safety and training program prior to being allowed to drive a truck.
- Councilmember Lanier asked if Advanced Disposal anticipated any changes going forward. Mr. Henderson said Waste Management is the number one waste management company in the United States and does not expect any changes due to the merger.

- Councilmember Lanier asked Executive Assistant Paula Holly to comment on past service issues. Mrs. Holly stated Advanced Disposal has over 461,000 pickups in Pelham each year with only 0.02% customer service problems reported. Councilmember Mercer asked if the new garbage carts were 95 gallons. Mr. Henderson said the carts are rated for 95 gallons. Council President Hayes mentioned the complaints he has seen about carts being knocked over and left in the street. He said that he had witnessed many carts in neighborhood being left on their sides in the street on a few occasions. Mrs. Holly stated there were only 17 customer service calls over the past 12 months regarding carts in the street.

2. Discussion of proposed changes to the Zoning Ordinance of the City of Pelham

Lindsay Puckett, Regional Planning Commission of Greater Birmingham, addressed the city council. She stated on October 10, 2019 the Planning and Zoning Board took action and forwarded the proposed revised zoning sections to the city council for consideration. Ms. Puckett reviewed the proposed revisions with the city council. She stated a part of the proposed changes include definitions for the businesses affected by the revisions. Those revisions include:

- Proposed new sections under Zoning District B-2 and a summary table:
 - Section 10 - Additional Regulations for Alternative Financial Services in B-2 zones
 - Includes payday loan businesses, title loan businesses, pawnshops/pawnbrokers and check cashing businesses
 - Section 11 - Additional Regulations for Gold and Silver Brokers in B-2 zones
 - Section 12 - Additional Regulations for Massage Parlors in B-2 zones
 - Section 13 - Additional Regulations for Tattoo and Body Art Establishments in B-2 zones
 - Section 14 - Additional Regulations for Tobacco, Vape and CBD Shops in B-2 zones
 - Section 15 - Additional Regulations for Thrift Stores in B-2 zones
- Proposed modifications to Section 11 Motor Vehicle Sales and Rental Lots of Zoning Code Article XXV – Detailed Use Regulations
- Proposed new Article XIII (Motor Vehicles Sales and Rental Lots) in Chapter 5 of the Pelham Code for Business Licenses, Taxes and Regulations

The city council asked Ms. Puckett several questions regarding proposed changes to the Zoning Ordinance, including the creation of an additional overlay district. GIS Director Josh Osborne provided further information to the city council.

Ms. Puckett suggested adopting a schedule for the coming months to establish a timeline for approving the revisions to the Zoning Ordinance.

The city council expressed concerns about whether to include other businesses or products in the revision. Ms. Puckett discussed the option to adopt the Zoning Ordinance and revisiting other areas of concern at a later date. Council President Hayes asked Ms. Puckett to provide additional information regarding the concerns cited by the city council. Councilmember Scott reminded the city council why the moratorium was implemented. He said certain business types had become a detriment to the community both in number and aesthetics. Further discussion followed as to whether the Planning Commission should review any additions or deletions to the proposed revisions to the Zoning Ordinance. Council President Hayes suggested communicating with the Planning Commission regarding the potential changes discussed tonight.

Adjournment

A motion to adjourn the work session was made by Councilmember Scott and seconded by Councilmember Lanier. The motion passed unanimously by voice vote of those members present, and the work session was adjourned at 7:01 p.m.

Respectfully submitted this 21st day of October 2019,



Tom Seale, MMC, City Clerk/Treasurer



Rick Hayes, Council President

