

CITY OF PELHAM – WORK SESSION

Pelham City Hall – Council Conference Room

October 20, 2014 – 6:00 p.m.

AGENDA

**BY GENERAL CONSENT OF THE COUNCIL, AGENDA ITEMS
MAY BE ADDED, REMOVED OR CONSIDERED OUT OF ORDER**

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.

A. Call to Order

B. Roll Call

C. Approval of the October 6, 2014 Regular Council Work Session Minutes

D. Mayor Waters' Comments

E. Review of the October 20, 2014 City Council Agenda

F. Old Business - None

G. New Business

1. 2015 Severe Weather Preparedness Tax Holiday

H. Announcements

1. The quarterly Pelham Business Council meeting will be held at the Pelham Civic Complex & Ice Arena tomorrow, October 21, 2014 at 11:00 a.m. All Pelham business owners and business leaders are welcome to attend. Lunch will be provided.

I. Adjournment

THE COUNCIL WORK SESSION IS OPEN TO THE PUBLIC BUT IS NOT A PUBLIC HEARING

CITY OF PELHAM – WORK SESSION

Pelham City Hall – Conference Room

October 6, 2014 – 6:30 p.m.

MINUTES

Proper notice of the regular scheduled Pelham City Council Work Session 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 6, 2014 at 6:30 p.m. The regular work session was held in the 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 6:32 p.m.

Roll Call

The city clerk called the roll and the following elected officials were present:

Council President Rick Hayes
Councilmember Ron Scott
Councilmember Beth McMillan
Councilmember Maurice Mercer
Councilmember Karyl Rice
Mayor Gary W. Waters

Media Present: Molly Davidson, Shelby County Reporter and Martin Reed, The Birmingham News

Others present: City department heads, city employees and other members of the public.

Approval of Minutes

A motion was made by Councilmember Scott to approve the September 15, 2014 regular council work session minutes as presented. The motion was seconded by Councilmember Mercer and passed unanimously by voice vote of those members present.

Mayor Waters' Comments

Mayor Waters asked Fire Chief Danny Ray to give an update on the recovery efforts for the missing diver at Dive Alabama. Chief Ray reported on the search effort and gave credit to the many organizations who volunteered time and resources to assist us.

Review of Council Agenda

Council President Hayes reviewed the council agenda for October 6, 2014:

A. Call to Order

B. Invocation

C. Pledge of Allegiance

D. Roll Call

E. Consent Agenda

(A consent agenda is presented by the Council President at the beginning of a council meeting. Items presented on the consent agenda are considered routine and non-controversial and are organized apart from the rest of the agenda and are adopted by general consent without debate. Items may be removed from the consent agenda on the request of any one member. Removed items may be taken up either immediately after the consent agenda is approved or placed later on the agenda at the discretion of the Council President and City Council.)

1. Approval of the October 6, 2014 City Council Agenda
2. Approval of the September 15, 2014 Regular City Council Meeting Minutes
3. Approval of the September 22, 2014 Special Called City Council Meeting Minutes
3. Approval of non-budgeted expenses from restricted fund accounts: None

F. Public Hearing

A public hearing will be held at the conclusion of tonight's city council meeting to discuss Pelham water and sewer rates.

G. Mayor Waters' Comments

H. Proclamations - None

I. Requests to Address the Council

1. Mrs. Deborah Grebel – Mother Ginger Announcement
2. Mrs. Tina Castello for the Smoke-Free Pelham initiative

J. Old Business - None

K. New Business

1. **Resolution 2014-10-06-01** for consideration to accept a land donation from J. Steven Mobley.

President Hayes stated this was part of the master plan for the city park expansion.

2. **Resolution 2014-10-06-02** for consideration to declare certain personal property as surplus and authorize the disposal of said personal property.

3. **Resolution 2014-10-06-03** for consideration to engage the services of an architect related to the roof replacement at Pelham City Hall.

Tom Seale gave the reasoning for engaging an architect as needing to check the structure and integrity of the building before replacing the roof. The pitch of the roof needs to be changed in order to avoid on-going leaking caused by the flat roof design.

4. **Resolution 2014-10-06-04** for consideration to authorize the mayor to enter into an agreement with Lathan Associates Architects, P.C. for additions and alterations to the Pelham Senior Center.

Library Director Barbara Roberts voiced her approval to move forward with the agreement.

5. **Resolution 2014-10-06-05** for consideration to approve a fee adjustment to the current garbage fees based on the Consumer Price Index for all Urban Consumers (CPI-U U.S. Average, All Items) as specified in the existing garbage contract.

President Hayes stated he used the CPI data from June 2013 through August 2014 which resulted in a slightly lower increase.

6. **Resolution 2014-10-06-06** for consideration to reappoint Katie Walter to the Pelham Beautification Board.

L. Council and Public Comments

M. Public Announcements

1. The Pelham Library Guild will host the annual Taste of Pelham tomorrow night, October 7, 2014, at the Pelham Civic Complex & Ice Arena from 6:00 p.m. to 8:00 p.m.
2. The City of Pelham will host a free Shred Day at the Pelham Public Library on Saturday, October 11, 2014 from 8 a.m. until 12:00 p.m.
3. The Design Day Celebration for Carly's Clubhouse, the all-inclusive playground being planned for Pelham, will be Thursday, October 16, 2014 at 6:30 p.m. in the Pelham High School Auditorium. This is open to everyone interested in Carly's Clubhouse.
4. The quarterly Pelham Business Council meeting will be held at the Pelham Civic Complex & Ice Arena on October 21, 2014 at 11:00 a.m. All Pelham business owners and business leaders are welcome to attend. Lunch will be provided.
5. The monthly Family Night Dinner at Ballantrae Golf Club is Tuesday, October 21, 2014 from 5:30-7:30 p.m. Please call 205-620-4653 to make your reservation.

N. Adjournment

(End of October 6, 2014 Agenda Review)

Old Business

1. Pelham City Park Master Planning

President Hayes passed out Resolution 2014-10-20-01 which will be on the October 20, 2014 council agenda. This pertains to the closing of the Belle Vista Mobile Home Park and terminating leases no later than July 31, 2015. Mr. Hayes stated the city wants to give the residents as much time as possible to relocate.

Councilmember Scott announced he would be absent from the next council meeting, and that he was in support of the resolution. He requested the vote not be delayed due to his absence.

Councilmember McMillan asked how the residents will be notified. Mr. Hayes stated the mayor will coordinate the notification and that every resident will be personally notified.

Mr. Hayes also passed out Resolution 2014-10-20-02 pertaining to the APPLE Program through the Regional Planning Commission of Greater Birmingham. This program is part of an 80/20 grant match to assist municipalities in developing greenways, something that has been discussed for Pelham for a long time.

Councilmember Scott moved to add Resolution 2014-10-20-02 to the October 6, 2014 council agenda. The motion was seconded by Councilmember McMillan and passed unanimously by all members of the council present. The resolution was renumbered and added to the agenda as Resolution 2014-10-06-07.

Resolution 2014-10-06-07 for consideration to authorize an agreement with the Regional Planning Commission of Greater Birmingham for participation in their Advanced Planning Programming and Logical Engineering (APPLE) Program.

At the last work session Tom Seale was asked to research residential rental properties being rented without a business license and report back to the council. Mr. Seale reported there were 753 potential residential, non-homestead properties being rented, possibly without a business license.

New Business - None

Announcements

1. The Pelham Library Guild will host the annual Taste of Pelham tomorrow night, October 7, 2014, at the Pelham Civic Complex & Ice Arena from 6:00 p.m. to 8:00 p.m.
2. The City of Pelham will host a free Shred Day at the Pelham Public Library on Saturday, October 11, 2014 from 8 a.m. until 12:00 p.m.
3. The Design Day Celebration for Carly's Clubhouse, the all-inclusive playground being planned for Pelham, will be Thursday, October 16, 2014 at 6:30 p.m. in the Pelham High School Auditorium. This is open to everyone interested in Carly's Clubhouse.
4. The quarterly Pelham Business Council meeting will be held at the Pelham Civic Complex & Ice Arena on October 21, 2014 at 11:00 a.m. All Pelham business owners and business leaders are welcome to attend. Lunch will be provided.

5. The monthly Family Night Dinner at Ballantrae Golf Club is Tuesday, October 21, 2014 from 5:30-7:30 p.m. Please call 205-620-4653 to make your reservation.

Adjournment

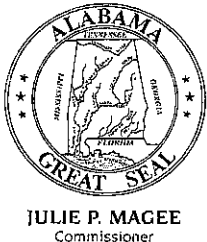
A motion to adjourn was made by Councilmember Scott and seconded by Councilmember McMillan. The motion passed unanimously by voice vote of those members present, and the work session was adjourned at 7:00 p.m.

Respectfully submitted this 6th day of October, 2014.

Marsha Yates, CMC, City Clerk

Rick Hayes, President of the Council

[Seal]



State of Alabama Department of Revenue

(www.revenue.alabama.gov)

50 North Ripley Street
Montgomery, Alabama 36132

August 28, 2014

MICHAEL E. MASON

Assistant Commissioner

JOE W. GARRETT, JR.

Deputy Commissioner

CURTIS E. STEWART

Deputy Commissioner

IMPORTANT

RESPONSE REQUIRED

IMPORTANT

2015 Severe Weather Preparedness Tax Holiday February 20-22, 2015

Deadline to notify ADOR: January 20, 2015

The 2015 Severe Weather Preparedness Tax Holiday begins at 12:01 a.m. on Friday, February 20, 2015, and ends at twelve midnight on Sunday, February 22, 2015. As required by the Sales Tax Holiday for Severe Weather Preparedness Rule, a participating county or municipality shall submit a certified copy of their adopted resolution or ordinance providing for the Severe Weather Preparedness Sales Tax Holiday, and any subsequent amendments thereof, to the Alabama Department of Revenue before January 20, 2015. The Department will compile this information into a list of all counties and municipalities participating in the Severe Weather Preparedness Tax Holiday and issue a current publication of the list on its website at: **www.revenue.alabama.gov/salestax/WPSalesTaxHol.htm**

Notification of participation in the sales tax holiday may not be included in the published list if received after Jan. 20, 2015.

**Your taxpayers want to know if your locality will participate
in the 2015 Weather Preparedness Tax Holiday.**

~ ACTION REQUIRED ~

Please put it on your calendar to discuss and vote on this matter soon and notify the ADOR of the decision before January 20, 2015.

Participating? - Send a certified copy of any resolution, ordinance, or amendment adopted by your locality.

Not Participating? - It is important that you inform us via email, fax, or letter of that fact.

Taxpayers rely on the list provided by the Department of Revenue and the Department cannot post a locality's participation status based on assumption; notification of nonparticipation or copies of resolution/ordinance from the locality is required.

Notification can be faxed, mailed or emailed:

FAX: 334-353-7666

MAIL: ALABAMA DEPARTMENT OF REVENUE
Attention: Wanda Robbins, Room 4311
Sales & Use Tax Division
Post Office Box 327900
Montgomery, Alabama 36132-7900

EMAIL: wanda.robbs@revenue.alabama.gov

QUESTIONS: 334-353-8044

"An Affirmative Action / Equal Opportunity Employer"

CITY OF PELHAM – COUNCIL MEETING
Council Chambers - Pelham City Hall
October 20, 2014 – 7:00 p.m.

AGENDA

**BY GENERAL CONSENT OF THE COUNCIL, AGENDA ITEMS
MAY BE ADDED, REMOVED OR CONSIDERED OUT OF ORDER**

Proper notice of the regular scheduled meeting of the Pelham City Council was given in advance of such public meeting and the notice remained posted through the scheduled meeting.

- A. Call to Order
- B. Invocation
- C. Pledge of Allegiance
- D. Roll Call
- E. Consent Agenda

(A consent agenda is presented by the Council President at the beginning of a council meeting. Items presented on the consent agenda are considered routine and non-controversial and are organized apart from the rest of the agenda and are adopted by general consent without debate. Items may be removed from the consent agenda on the request of any one member. Removed items may be taken up either immediately after the consent agenda is approved or placed later on the agenda at the discretion of the Council President and City Council.)

- 1. Approval of the October 20, 2014 City Council Agenda
- 2. Approval of the October 6, 2014 Regular City Council Meeting Minutes
- 3. Approval of non-budgeted expenses from restricted fund accounts: None

- F. Public Hearing - None
- G. Mayor Waters' Comments
- H. Proclamations - None
- I. Requests to Address the Council

Mrs. Dulce Huerta, resident of Belle Vista Mobile Home Park

- J. Old Business - None
- K. New Business

- 1. **Ordinance No. 091-01 (First Reading)** for consideration to adjust water rates.
- 2. **Ordinance No. 156-07 (First Reading)** for consideration to adjust residential sewer rates.

3. **Resolution 2014-10-20-01** for consideration to authorize emergency storm drain pipe replacement located in The Cottages at Stonehaven, Second Addition, Phase One.
4. **Resolution 2014-10-20-02** for consideration to redevelop, improve, revitalize and expand Pelham City Park, and to authorize the mayor to notify all owners, lessees and/or renters currently located on the properties commonly referred to as the “Lee Property” and the “Belle Vista Property” that all leases will be terminated no later than July 31, 2015 and all buildings, mobile homes or other structures should be removed on or before August 31, 2015.
5. **Resolution 2014-10-20-03** for consideration to appoint Mr. Danny Hayes to the Board of Adjustment.
6. **Resolution 2014-10-20-04** for consideration to accept the low bid of \$4,300.00 from OutBidders Construction to demolish and remove the existing mobile home and adjacent building(s), to clear all debris and trash and to grade the property to the satisfaction and approval of the City Council.
7. **Resolution 2014-10-20-05** for consideration to reject all bids for the resurfacing of twenty tennis courts at the Pelham Racquet Club.
8. **Resolution 2014-10-20-06** for consideration to authorize the mayor, on behalf of the City of Pelham, to enter into a lease agreement with the Pelham Board of Education to lease certain office space located in the Pelham Water Administration Building.
9. **Resolution 2014-10-20-07** for consideration to approve an ABC license application for 040 Retail Beer (On or Off Premises) for applicant Papa T Companies, Inc., trade name Johnny Rays BBQ Oak Mountain, located at 2252 Pelham Parkway, Pelham, Alabama.
10. **Resolution 2014-10-20-08** for consideration to approve an ABC license application for 160 Special Retail-More than Thirty (30) Days for applicant Gaslight Events, LLC, trade name Gaslight House, located at 8066 Helena Road, Pelham, Alabama.

L. Council and Public Comments

M. Public Announcements

1. The quarterly Pelham Business Council meeting will be held at the Pelham Civic Complex & Ice Arena tomorrow, October 21, 2014 at 11:00 a.m. All Pelham business owners and business leaders are welcome to attend. Lunch will be provided.

N. Adjournment

THE COUNCIL MEETING IS OPEN TO THE PUBLIC BUT IS NOT A PUBLIC HEARING

CITY OF PELHAM – COUNCIL MEETING

Council Chambers – Pelham City Hall

October 6, 2014 – 7:00 p.m.

MINUTES

Proper notice of the regular meeting of the Pelham City Council was given in advance of such public meeting and the notice remained posted through the scheduled meeting.

Date: October 6, 2014
Time: 7:00 p.m.
Place: Council Chambers – Pelham City Hall
Present: Council President Rick Hayes
Councilmember Ron Scott
Councilmember Beth McMillan
Councilmember Maurice Mercer
Councilmember Karyl Rice
Mayor Gary W. Waters

CALL TO ORDER, INVOCATION AND PLEDGE OF ALLEGIANCE

Council President Rick Hayes called the meeting to order at 7:06 p.m. Councilmember Mercer voiced the invocation and Councilmember Scott led the Pledge of Allegiance.

ROLL CALL

Council President Hayes asked the City Clerk to call the roll.

Council President Rick Hayes	Present
Councilmember Ron Scott	Present
Councilmember Beth McMillan	Present
Councilmember Maurice Mercer	Present
Councilmember Karyl Rice	Present

All city council members and the mayor were present.

CONSENT AGENDA

(A consent agenda is presented by the Council President at the beginning of a council meeting. Items presented on the consent agenda are considered routine and non-controversial and are organized apart from the rest of the agenda and are adopted by general consent without debate. Items may be removed from the consent agenda on the request of any one member. Removed items may be taken up either immediately after the consent agenda is approved or placed later on the agenda at the discretion of the Council President and City Council.)

1. Approval of the October 6, 2014 City Council Agenda as amended
2. Approval of the September 15, 2014 Regular City Council Meeting Minutes
3. Approval of the September 22, 2014 Special Called City Council Meeting Minutes
3. Approval of non-budgeted expenses from restricted fund accounts: None

Hearing no objections from the Council, President Hayes declared the consent agenda approved as submitted.

PUBLIC HEARING

President Hayes announced there would be a public hearing held at the conclusion of tonight's city council meeting to discuss Pelham water and sewer rates.

MAYOR WATERS' COMMENTS

Mayor Gary Waters reported on the dive recovery efforts at Dive Alabama where a diver from Tennessee was reported missing over the weekend. He requested to go on record to publicly thank the following organizations for their assistance:

Pelham Fire Department	Pelham Police Department
Trussville Fire Department	Calera Police Dive/Rescue Team
Tallapoosa County Rescue	Harden County, Tennessee Water Rescue
Shelby County EMA	American Red Cross
Holiday Inn Express, Pelham	Waffle House, Pelham
Airport Marine	

Mayor Waters announced the Alabama Frozen Tide Hockey season kicked off this weekend and Alabama won all three games played.

PROCLAMATIONS - None

REQUESTS TO ADDRESS THE COUNCIL

1. Mrs. Deborah Grebel – Mother Ginger Announcement

Mrs. Grebel gave Councilmember Ron Scott the wig he wore as Mother Ginger in last year's performance of the "Nutcracker" and he, along with students from the Grebel Dance Studio, cheerfully paraded through the room to reveal the identity of this year's Mother Ginger. "The Passing of the Wig" concluded when the Mother Ginger Wig was presented to Councilmember Maurice Mercer.

Mayor Waters presented a check to the Grebel Dance Studio for their support and dedication to the Pelham community through the annual performance of the "Nutcracker". This year's school

performance will be December 19th, and two public performances will be held December 20th and 21st.

2. Mrs. Tina Castello for the Smoke-Free Pelham initiative

Mrs. Castello spoke on behalf of several supporters in attendance regarding a smoke-free initiative she is spearheading to bring awareness to the public of the harmful effects of second-hand smoke. She is working to make this a community-driven cause and hopes to push for a future comprehensive ordinance which would make Pelham a smoke-free community.

OLD BUSINESS - None

NEW BUSINESS

Resolution 2014-10-06-01 was introduced by President Hayes for consideration to accept a land donation from J. Steven Mobley. Councilmember Rice moved to adopt Resolution 2014-10-06-01 as presented and Councilmember McMillan seconded the motion. Council President Hayes stated this land would be a part of the park expansion. There being no further discussion, the motion to adopt Resolution 2014-10-06-01 passed unanimously by voice vote of those members present and the council president declared the same passed.

Resolution 2014-10-06-02 was introduced by President Hayes for consideration to declare certain personal property as surplus and authorize the disposal of said personal property. Councilmember Mercer moved to adopt Resolution 2014-10-06-02 as presented and Councilmember Rice seconded the motion. President Hayes noted this pertained to outdated computer equipment, and the city has located a company to pick-up and provide certified destruction of the equipment at no charge. There being no further discussion, the motion to adopt Resolution 2014-10-06-02 passed unanimously by voice vote of those members present and the council president declared the same passed.

Resolution 2014-10-06-03 was introduced by President Hayes for consideration to engage the services of an architect related to the roof replacement at Pelham City Hall. Councilmember Scott moved to adopt Resolution 2014-10-06-03 as presented and Councilmember McMillan seconded the motion. There being no further discussion, the motion to adopt Resolution 2014-10-06-03 passed unanimously by voice vote of those members present and the council president declared the same passed.

Resolution 2014-10-06-04 was introduced by President Hayes for consideration to authorize the mayor to enter into an agreement with Lathan Associates Architects, P.C. for additions and alterations to the Pelham Senior Center. Councilmember Mercer moved to adopt Resolution 2014-10-06-04 as presented and Councilmember Rice seconded the motion. There being no further discussion, the motion to adopt Resolution 2014-10-06-04 passed unanimously by voice vote of those members present and the council president declared the same passed.

Resolution 2014-10-06-05 was introduced by President Hayes for consideration to approve a fee adjustment to the current garbage fees based on the Consumer Price Index for all Urban Consumers (CPI-U U.S. Average, All Items) as specified in the existing garbage contract. Councilmember Rice moved to adopt Resolution 2014-10-06-05 as presented and Councilmember McMillan seconded the motion. Council President Hayes noted there was a CPI clause in the current contract which would allow an increase, and the numbers were based on June 2013 through August 2014 data which resulted in a slightly lower increase. There being no further discussion, the motion to adopt Resolution 2014-10-06-05 passed unanimously by voice vote of those members present and the council president declared the same passed.

Resolution 2014-10-06-06 was introduced by President Hayes for consideration to reappoint Katie Walter to the Pelham Beautification Board. Councilmember McMillan moved to adopt Resolution 2014-10-06-06 as presented and Councilmember Mercer seconded the motion. There being no further discussion, the motion to adopt Resolution 2014-10-06-06 passed unanimously by voice vote of those members present and the council president declared the same passed.

The council agenda was amended in the council work session to add resolution 2014-10-06-07.

Resolution 2014-10-06-07 was introduced by President Hayes for consideration to authorize an agreement with the Regional Planning Commission of Greater Birmingham for participation in their Advanced Planning Programming and Logical Engineering (APPLE) Program. Councilmember McMillan moved to adopt Resolution 2014-10-06-07 as presented and Councilmember Scott seconded the motion. Council President Hayes explained the APPLE Program will allow the city to engage a professional group to assist in the planning of the city's greenway project and master planning. There being no further discussion, the motion to adopt Resolution 2014-10-06-07 passed unanimously by voice vote of those members present and the council president declared the same passed.

COUNCIL AND PUBLIC COMMENTS

President Hayes thanked all first responders for their assistance in the dive recovery effort.

Mr. Tully, Pelham business owner, thanked the city council, mayor, Bob Miller and the fire marshal for assisting him with the renovations and opening of his client's new business.

There were several members of the public who voiced support for the smoke-free initiative. Among them were Francine Drexler with Remax First Choice Real Estate, Javier Jerez and Rodrigo Jerez with Margarita Grill, Ashley Lyerly with the American Lung Association, Gerald Castello, Teresa Stahl, Lauren Hood, and Beverly Meadors.

Resident Tony Garrison suggested a smoke-free question be placed on the November ballot. He also asked if a smoke-free ban would include wood-burning fireplaces.

Dustin Chandler announced the kickoff for Carly's Clubhouse would be October 16th at Pelham High School.

Resident Vince Cottone stated that any business could go smoke-free, and they didn't need a city ordinance to do this.

Mr. Cottone asked what the city planned for the land donated by Mr. Mobley since the land is in a flood plain. The council stated it could be used for a park or greenway/walking trails.

Councilmember Rice noted the city has a 25-year plan and a greenway is a part of that plan.

Trash Taxi owner, Roberto Rodriguez, reported that the October heavy trash day was successful.

PUBLIC ANNOUNCEMENTS

1. The Pelham Library Guild will host the annual Taste of Pelham tomorrow night, October 7, 2014, at the Pelham Civic Complex & Ice Arena from 6:00 p.m. to 8:00 p.m.
2. The City of Pelham will host a free Shred Day at the Pelham Public Library on Saturday, October 11, 2014 from 8 a.m. until 12:00 p.m.
3. The Design Day Celebration for Carly's Clubhouse, the all-inclusive playground being planned for Pelham, will be Thursday, October 16, 2014 at 6:30 p.m. in the Pelham High School Auditorium. This is open to everyone interested in Carly's Clubhouse.
4. The quarterly Pelham Business Council meeting will be held at the Pelham Civic Complex & Ice Arena on October 21, 2014 at 11:00 a.m. All Pelham business owners and business leaders are welcome to attend. Lunch will be provided.
5. The monthly Family Night Dinner at Ballantrae Golf Club is Tuesday, October 21, 2014 from 5:30-7:30 p.m. Please call 205-620-4653 to make your reservation.

ADJOURNMENT

With no other business before the council, Councilmember Scott moved to adjourn the council meeting and Councilmember Mercer seconded the motion. By voice vote the motion passed unanimously by those members present and the council meeting was adjourned at 7:45 p.m.

Respectfully submitted this 6th day of October 2014.

Marsha Yates, CMC, City Clerk

Rick Hayes, Council President

[Seal]

PUBLIC HEARING

President Hayes called the public hearing to order at 7:55 p.m.

Mr. Hayes stated the city council has looked at ways to optimize water and sewer rates for the residents of Pelham in light of the Shelby County water rate increase which the city must incur. The city purchases 30% to 35% of our water from Shelby County.

One option would be a two-tier approach – one tier for residents living inside the city and a second tier for residents living outside the city.

Water rates

Inside the city: base rate of \$13.00 up to 3000 gallons usage
 increase rate over 3000 gallons usage from \$3.13 to \$3.30 per 1000 gallons

Outside the city: increase base rate from \$13.00 to \$15.00 up to 3000 gallons usage
 increase rate over 3000 gallons usage from \$3.13 to \$3.80 per 1000 gallons

Sewer rates

In and out of city: decrease rate from \$7.30 to \$6.00 per 1000 gallons

Mr. Hayes opened the floor for anyone who wished to ask a question or make a comment.

Mr. Vince Cottone asked when the rates would go into effect, and Mr. Hayes replied that a date had not been determined as yet, but the council planned to vote at the next council meeting.

Mr. Cottone asked if the county gave an explanation for increasing the rates, and Mr. Hayes replied the increase was mostly due to federal regulations.

Mr. Cottone asked about the \$250K capital improvement budget, specifically what the money will be spent on and where in the city old water pipes will be replaced. Mr. Hayes replied that the city will use expert consultants to determine where the most critical pipe replacements are needed.

There was no further discussion, and the public hearing adjourned at 8:04 p.m.

ORDINANCE NO. 091-01

AN ORDINANCE TO AMEND ORDINANCE 091 HERETOFORE ADOPTED BY THE CITY OF PELHAM, ALABAMA TO ADJUST WATER RATES FOR RESIDENTIAL/COMMERCIAL CUSTOMERS

WHEREAS, the City of Pelham has evaluated the cost associated with the operation, maintenance and regulations of the water system to include the rate increase for water purchased from Shelby County; and

WHEREAS, the Mayor/Superintendent of the Utility Systems and the Pelham City Council find it necessary to adjust the residential/commercial water rates; and

WHEREAS, the City of Pelham has determined that it is in the best interest of the City to amend Chapter 10, Article II, Section 10-23 of the Code of Ordinances, City of Pelham, Alabama, which is contained within and is a part of Ordinance No. 091, as herein provided, and hereinafter set out:

NOW, THEREFORE BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF PELHAM, ALABAMA AS FOLLOWS:

SECTION 1. Chapter 10, Article II, Section 10-23 shall be and hereby is amended by deleting it in its entirety and by substituting the following therefor:

SECTION 10-23. Rate schedule – Generally.

For water service per month, the rates charged to all residential/commercial users, with the exception of Oak Mountain State Park, will be as follows:

- (1) First 3,000 gallons or less per month for customers located within the city limits of Pelham, \$13.00 base minimum rate.
- (2) All usage over 3,000 gallons per month for residential/commercial customers located within the city limits of Pelham will be billed on a prorated per gallon rate based on \$3.30 per thousand gallons.
- (3) First 3,000 gallons or less per month for customers located outside the city limits of Pelham, \$15.00 base minimum rate.
- (4) All usage over 3,000 gallons per month for residential/commercial customers located outside the city limits of Pelham will be billed on a prorated per gallon rate based on \$3.80 per thousand gallons.

SECTION 2. Each of the provisions of this ordinance is severable, and if any provision shall be declared unconstitutional or invalid, the remaining provisions shall not be effected but shall remain in full force and effect.

SECTION 3. All Ordinances or parts of Ordinances, in any manner conflicting herewith are hereby repealed.

SECTION 4. This Ordinance shall become effective on December 1, 2014.

THEREUPON _____, a council member moved and _____, a council member seconded the motion that Ordinance No. 091-01 be given vote. The roll call vote on said motion was as follows:

Rick Hayes
Council President _____

Ron Scott
Council Member _____

Karyl Rice
Council Member

ADOPTED this ____ day of November 2014.

Karyl Rice
Council Member

APPROVED:

Gary Waters, Mayor Date

Marsha Yates, CMC, City Clerk

[Seal]

Ordinance No. 156-07

**AN ORDINANCE AMENDING ORDINANCE 156-06 TO PROVIDE FOR
A SEWER RATE ADJUSTMENT FOR RESIDENTIAL CUSTOMERS**

WHEREAS, the City of Pelham has evaluated the cost associated with the operation, maintenance and regulations of the sewage system; and

WHEREAS, the Mayor/Superintendent of the Utility Systems and the Pelham City Council desire to adjust the residential sewer rate.

WHEREAS, the City of Pelham has determined that it is in the best interest of the City to amend Chapter 10, Article III, Section 10-130 (a) of the Code of Ordinances, City of Pelham, Alabama, which is contained within and is a part of Ordinance No. 156-06, as herein provided, and hereinafter set out:

**NOW THEREFORE BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY
OF PELHAM, ALABAMA AS FOLLOWS:**

SECTION 1. Section 10-130 (a) of the Code of Ordinances, City of Pelham, Alabama, is hereby amended by deleting it in its entirety and by substituting the following therefor:

(a) *Residential users.* Within 30 days after receipt of notice from the city that the public sewer is available, each residential user and owner of the premises serviced thereby (the obligations to pay under this article being joint and several between the owner and user) shall thereafter pay to the city a monthly sewer use charge based upon the meter reading during an applicable meter reading period for each residence connected to the public sewer in the amount set out below or such other amount as may be set from time to time by the city.

\$24.30 per month minimum for the first 3,000 gallons.

All monthly usage over 3,000 gallons will be billed on a prorated per gallon rate based on \$6.00 per 1,000 gallons.

Flat rate monthly charge of \$24.30 for all residential premises having access to the sewage system whose residences are not connected to the sewage system. The residential user shall bear the burden of proving that the residence is not connected to the sewage system based upon the guidelines established by the Pelham Water Department.

Notwithstanding the foregoing provisions regarding residential users, the owner or authorized agent of the owner of an apartment complex, condominium complex, or mobile home park served by a master meter shall receive and pay a single bill for the complex or park, in which case the commercial rate shall apply.

SECTION 2. Each of the provisions of this ordinance is severable, and if any provision shall be declared unconstitutional or invalid, the remaining provisions shall not be effected but shall remain in full force and effect.

SECTION 3. All Ordinances or parts of Ordinances, in any manner conflicting herewith are hereby repealed.

SECTION 4. This Ordinance shall become effective on December 1, 2014.

THEREUPON _____, a council member moved and _____, a council member seconded the motion that Ordinance No. 156-07 be given vote. The roll call vote on said motion was as follows:

Rick Hayes
Council President _____

Ron Scott
Council Member _____

Beth McMillan
Council Member _____

Maurice Mercer
Council Member _____

Karyl Rice
Council Member _____

Ordinance No. 156-07 passed by majority vote of the Council and the Council President declared the same passed.

ADOPTED this ____ day of November 2014.

Rick Hayes, Council President

Ron Scott, Council Member

Beth McMillan, Council Member

Maurice Mercer, Council Member

Karyl Rice, Council Member

[Seal]

ATTEST

APPROVED:

Marsha Yates, CMC, City Clerk

Gary Waters, Mayor Date

POSTING AFFIDAVIT

I, the undersigned qualified acting City Clerk of the City of Pelham, Alabama, do hereby certify that the above and foregoing ORDINANCE No. 156-07 was duly ordained, adopted, and passed by the City Council of the City of Pelham, Alabama at a regular meeting of such Council held on the ____ day of November 2014 and duly published by posting an exact copy thereof on the ____ day of November 2014 at four public places within the City of Pelham, including the Mayor’s Office at City Hall, City Park, Library, Water Works and www.pelhamonline.com. I further certify that said ordinance is on file in the office of the City Clerk and a copy of the full ordinance may be obtained from the office of the City Clerk during normal business hours.

Marsha Yates, CMC, City Clerk

[Seal]

RESOLUTION 2014-10-20-01

The Cottages at Stonehaven, Second Addition, Phase One Storm Drain Repairs

WHEREAS, the City of Pelham desires to use revenues from the Capital Improvement Fund for the purpose of emergency storm drain repairs in The Cottages of Stonehaven, Second Addition, Phase One located within the corporate limits of the City of Pelham. The Capital Improvement Fund is funded on an annual basis from earnings from the Alabama Trust Fund and the Municipal Government Capital Improvement Trust Fund; and

WHEREAS, the cost of the emergency storm drain repairs, quoted to be \$65,000.00, will be paid from the City of Pelham's Capital Improvement Fund, current balance \$_____, and will not affect the FY2015 General Fund Operating Budget.

NOW, THEREFORE BE IT RESOLVED by the Pelham City Council to hereby approve and authorize the expenditure of funds in the amount of \$65,000.00 from the Capital Improvement Fund for emergency storm drain repairs in The Cottages at Stonehaven, Second Addition, Phase One.

BE IT FURTHER RESOLVED by the Pelham City Council to authorize the mayor to enter into an agreement with Byrd Contractors, Inc. for the emergency storm drain repairs in the amount of \$65,000.00. The repairs will include all labor, equipment and materials to remove the collapsed double barrel storm drain and replace with of 275 feet of 60 inch single RCP pipe and related structures.

THEREUPON _____, a council member, moved and _____, a council member, seconded the motion that Resolution 2014-10-20-01 be given vote, and said resolution passed by majority vote of the Council present, and the President of the Council declared the same passed.

ADOPTED this 20th day of October 2014.

[Seal]

Rick Hayes
President of the Council

ATTEST

Marsha Yates, CMC, City Clerk

I, the undersigned qualified clerk of the City of Pelham, Alabama, do hereby certify the above and foregoing is a true copy of a resolution lawfully passed and adopted by the City Council of the City named herein, at a regular meeting of such Council held on the 20th day of October 2014, and such resolution is on file in the office of the City Clerk.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the official seal of the City on this 20th day of October 2014.

Marsha Yates, CMC, City Clerk

[Seal]

BYRD CONTRACTORS, INC.

417 Buttercup Lane
Montevallo, AL 35115
(205) 665-2301

To: City of Pelham
3111 Cummins St. Pelham, AL 35124
Attn: Eddie Jowers
Fax 205-620-6460

PROPOSAL

Page No. 1 of 1 Pages

Job Name/No. Collapsed Storm Drain Reapir	
Location Pelham, Alabama	
Phone: 205-620-6414	Date 10/13/14

We hereby submit estimates to furnish labor, equipment and materials to remove collapsed double barrel storm drain and replace with 60" single RCP pipe and related structures:

275' 60" Pipe @ \$210.00/FT	\$57,750.00
Construct 1 Junction box in place	4,000.00
Construct 1 16" Head wall	3,250.00
Total	\$65,000.00

WE PROPOSE hereby to furnish equipment and labor – complete in accordance with these specifications, for the sum of Sixty-five thousand and no/100 dollars \$65,000.00

Payable as follows: Due upon completion

All material is guaranteed to be as specified. All work to be completed in a workmanlike manner according to standard practices. Any alterations or deviation from above specifications involving extra costs will be executed only upon written orders, and will become an extra charge over and above the estimate. All agreements contingent upon strikes, accidents or delays beyond our control. Owner to carry fire, tornado, and other necessary insurance. Our workers are fully covered by Workman's Compensation Insurance.

Authorized
Signature Gunnar Byrd

NOTE:
This proposal may be withdrawn by us if not accepted within 30 days.

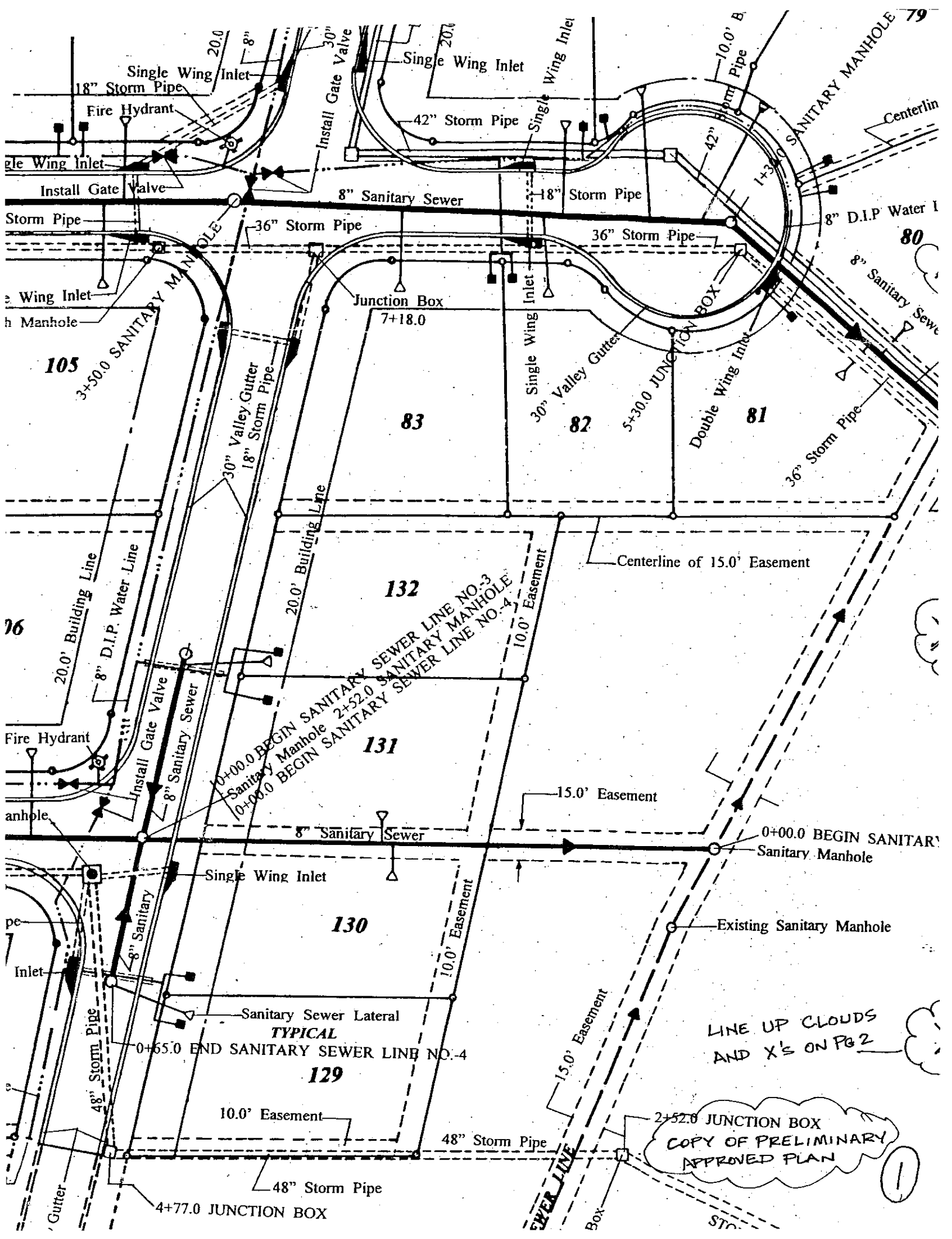
ACCEPTANCE OF PROPOSAL – The process, specifications and conditions are satisfactory and are hereby accepted. You are authorized to do the work specified. Payment will be made as outlined above.

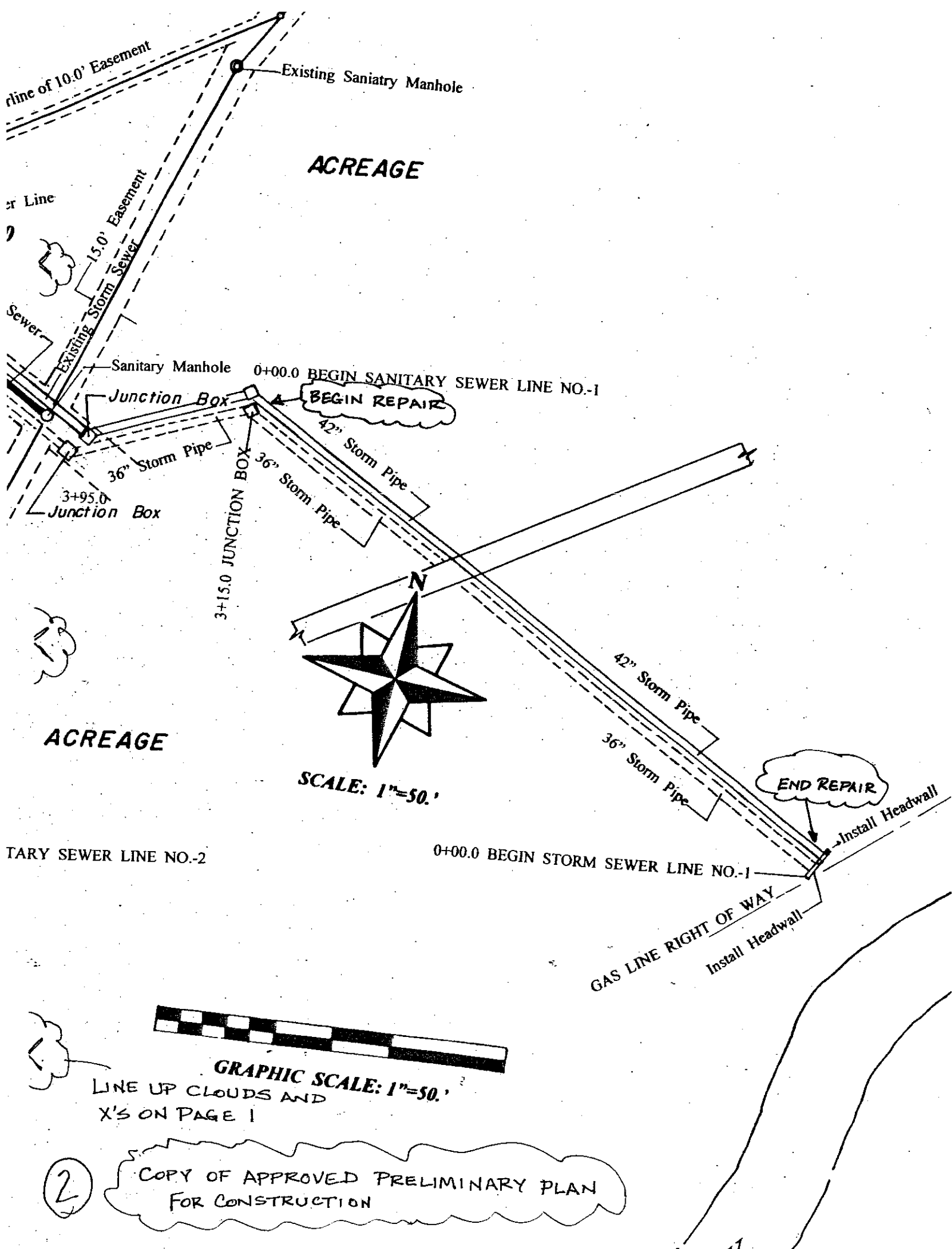
Signature

Date

Signature

Date





2

COPY OF APPROVED PRELIMINARY PLAN FOR CONSTRUCTION

RESOLUTION 2014-10-20-02

Redevelopment, Improvement, Revitalization and Expansion of Pelham City Park

WHEREAS, the Pelham City Council finds it desirable and in the public interest of the citizens of the City of Pelham to redevelop, improve, revitalize and expand Pelham City Park.

NOW, THEREFORE, BE IT RESOLVED by the Pelham City Council related to the Pelham City Park redevelopment, improvement, revitalization and expansion that all Belle Vista Mobile Home Park leases will be terminated no later than July 31, 2015 and all buildings, mobile homes or other structures currently located on the properties commonly referred to as the "Lee Property" and the "Belle Vista Property" should be removed on or before August 31, 2015, and further authorizes the Mayor to contact each lessee and/or renter of the city council's decision.

BE IT FURTHER RESOLVED the Pelham City Council authorizes a site development plan for, but not limited to, the educational, recreational, commercial, retail and residential use of said property.

THEREUPON _____, a council member, moved and _____, a council member, seconded the motion that Resolution 2014-10-20-02 be given vote, and said resolution passed by a majority vote of all members of the Council present and the Council President declared the same passed.

ADOPTED this 20th day of October 2014.

Rick Hayes
President of the Council

[Seal]

ATTEST

Marsha Yates, CMC, City Clerk

I, the undersigned qualified City Clerk of the City of Pelham, Alabama, do hereby certify that the above and foregoing is a true copy of a resolution lawfully passed and adopted by the City Council of the City named herein, at a regular meeting of such Council held on the 20th day of October 2014 and that such resolution is on file in the office of the City Clerk and that no action has been taken to rescind or modify said Resolution.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the official seal of the City on this 20th day of October 2014.

Marsha Yates, CMC, City Clerk

[Seal]

RESOLUTION 2014-10-20-03

Board of Adjustment Appointments

WHEREAS, the Pelham City Council desires to appoint Mr. Danny Hayes to the Pelham Board of Adjustment for a three-year term ending October 2017.

NOW THEREFORE BE IT RESOLVED by the Pelham City Council that Mr. Danny Hayes be appointed to the Pelham Board of Adjustment with the term of office ending October 2017.

THEREUPON _____, a council member, moved and _____, a council member, seconded the motion that Resolution 2014-10-20-03 be given vote, and said resolution passed by majority vote of the Council present, and the President of the Council declared the same passed.

ADOPTED this 20th day of October 2014.

Rick Hayes
President of the Council

[Seal]

ATTEST

Marsha Yates, CMC, City Clerk

I, the undersigned qualified City Clerk of the City of Pelham, Alabama, do hereby certify that the above and foregoing is a true copy of a resolution lawfully passed and adopted by the City Council of the City named herein, at a regular meeting of such Council held on the 20th day of October 2014 and that such resolution is on file in the office of the City Clerk and that no action has been taken to rescind or modify said resolution.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the official seal of the City on this 20th day of October 2014.

Marsha Yates, CMC, City Clerk

[Seal]

RESOLUTION 2014-10-20-04

Demolition and Removal of Debris from 1453 Kelly Drive

WHEREAS, the Pelham City Council desires to demolish and remove all debris from the property acquired by Resolution 2014-09-22-03 located at 1453 Kelly Drive within the city limits of Pelham, Alabama.

NOW, THEREFORE BE IT RESOLVED by the Pelham City Council to accept the low bid of \$ 4,300.00 from OutBidders Construction to demolish and remove the existing mobile home and adjacent building(s), to clear all debris and trash and grade the property to the satisfaction and approval of the City of Pelham which said costs shall be expensed from the City's General Fund / Finance Department – Repair and Maintenance (Other), 411501.

THEREUPON _____, a council member, moved and _____, a council member, seconded the motion that Resolution 2014-10-20-04 be given vote, and said resolution passed by majority vote of the Council present, and the President of the Council declared the same passed.

ADOPTED this 20th day of October 2014.

Rick Hayes
President of the Council

[Seal]

ATTEST

Marsha Yates, CMC, City Clerk

I, the undersigned qualified City Clerk of the City of Pelham, Alabama, do hereby certify that the above and foregoing is a true copy of a resolution lawfully passed and adopted by the City Council of the City named herein, at a regular called meeting of such Council held on the 20th day of October 2014 and that such resolution is on file in the office of the City Clerk and that no action has been taken to rescind or modify said Resolution.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the official seal of the City on this 20th day of October 2014.

Marsha Yates, CMC, City Clerk

[Seal]

OutBidders Construction

205-490-3579

www.outbiddersconstruction.com

outbiddersconstruction@gmail.com



City of Pelham

1453 Kelly Drive
Pelham Al. 35124

Demolition

- Tear down existing mobile home
- Tear down metal building adjacent to the mobile home
- Clean entire lot up using a skid steer
- Remove any and all garbage that is on the property
- Grade the land underneath the mobile home for liability purposes.
- Everything state above will be hauled away to local landfills.

This process will take approximately 3 days to fully complete. During this time, we will be tearing every structure on the property down and clearing the lot off afterwards. This will include all garbage and debris that has been left behind by the previous owner. We will haul away everything so that the lot will project a professional image when complete.

Total: \$4,300.00

DONALD PHILLIPS CONSTRUCTION, CO. INC.

445 County Road 724 • Calera, AL 35040

Cell: 205-365-1321 ID# 9101

Home/Office: 205-668-1622

Fax: 205-319-7419

JULY 31, 2014

PELHAM

TAKING DOWN BUILDING AND OUT BUILDING \$4500.00

HAULING TO DUMP AND CLEANUP

793648

CUSTOMER'S ORDER NO.	DEPARTMENT	DATE 8-1-14				
NAME						
ADDRESS HWY 11 PELHAM						
CITY, STATE, ZIP						
SOLD BY	CASH	C.O.D.	CHARGE	ON ACCT.	MOSE FELD	PAID OUT
QUANTITY	DESCRIPTION	PRICE	AMOUNT			
1						
2	TAKE DOWN HOUSE					
3	+ SHOP					
4						
5	REMOVE + CLEAN UP					
6	ALL DEBRIS					
7						
8	TOTAL	5,000	-			
9						
10						
11	Boly R					
12						
13						
14						
15						
16						
17						
18						
RECEIVED BY						

KEEP THIS SLIP FOR REFERENCE

RESOLUTION 2014-09-22-03

Quitclaim Deed for Lot 61, Deer Springs Estates, First Edition (1453 Kelly Drive)

WHEREAS, the Pelham City Council desires to authorize the Mayor, on behalf of the City of Pelham, to accept a quitclaim deed and to sign a Covenant Not to Sue.

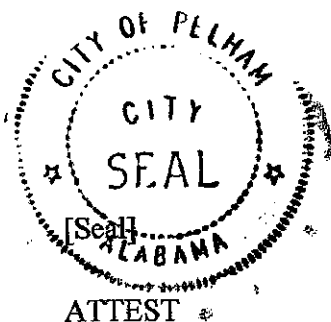
NOW, THEREFORE BE IT RESOLVED by the Pelham City Council to authorize Mayor Gary Waters, for and in consideration of the sum of One and no/100 Dollars (\$1.00) paid to Parvenu Holdings, LLC, to accept a quitclaim deed on behalf of the City of Pelham deeding the parcel of land described below, including all rights, title, interest and claim in such parcel to the City of Pelham.

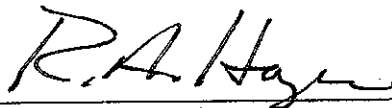
Lot 61, Deer Springs Estates, First Addition, according to the plat thereof recorded in Map Book 5, Page 55, in the Probate Office of Shelby County, Alabama. Parcel # 14-4-20-2-001-044.000

BE IT FURTHER RESOLVED to authorize Mayor Gary Waters, on behalf of the City of Pelham, to enter into a Covenant Not To Sue with Parvenu Holdings, LLC. In executing the Covenant with Parvenu Holdings, LLC, Pelham reserves any and all of its rights, causes of action, claims and demands against any other person, firm or entity.

THEREUPON Beth McMillan, a council member, moved and Karyl Rice, a council member, seconded the motion that Resolution 2014-09-22-03 be given vote, and said resolution passed by majority vote of the Council present, and the President of the Council declared the same passed.

ADOPTED this 22nd day of September 2014.

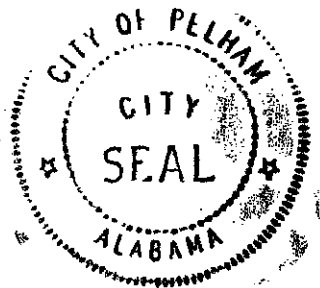



Rick Hayes
President of the Council


Marsha Yates, CMC, City Clerk

I, the undersigned qualified City Clerk of the City of Pelham, Alabama, do hereby certify that the above and foregoing is a true copy of a resolution lawfully passed and adopted by the City Council of the City named herein, at a special called meeting of such Council held on the 22nd day of September 2014 and that such resolution is on file in the office of the City Clerk and that no action has been taken to rescind or modify said Resolution.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the official seal of the City on this 22nd day of September 2014.



[Seal]

Marsha Yates

Marsha Yates, CMC, City Clerk

This instrument was prepared without
benefit of survey by:

William R. Justice
P. O. Box 587
Columbiana, Alabama 35051

Grantee's address:
P.O. Box 1419
Pelham, AL 35124

QUITCLAIM DEED

THE STATE OF ALABAMA,
SHELBY COUNTY


20140926C00302930 1/2 \$18.00
Shelby Cnty Judge of Probate, AL
09/26/2014 12:02:57 PM FILED/CERT

KNOW ALL MEN BY THESE PRESENTS, That for and in consideration of the sum of One and no/100 Dollars (\$1.00) in hand paid to Parvenu Holdings, LLC, an Alabama limited liability company (hereinafter called GRANTOR), the receipt whereof is hereby acknowledged, GRANTOR hereby releases, quitclaims, grants, sells, and conveys to the City of Pelham, Alabama (hereinafter called GRANTEE), all of its right, title, interest, and claim in or to the following described real estate, situated in Shelby County, Alabama, to-wit:

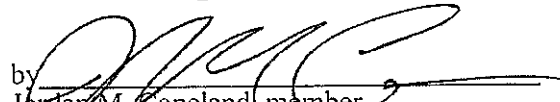
Lot 61, Deer Springs Estates, First Addition, according to the plat thereof recorded
in Map Book 5, Page 55, in the Probate Office of Shelby County, Alabama.

Parcel # 14-4-20-2-001-044.000

TO HAVE AND TO HOLD to said GRANTEE forever.

Given under the hand and seal of GRANTOR, this 22 day of September, 2014.

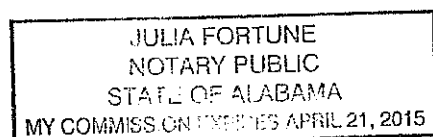
Parvenu Holdings, LLC

by 
Jordan M. Copeland, member

STATE OF ALABAMA
COUNTY OF Talladega

I, the undersigned, a Notary Public in and for said County in said State, hereby certify that Jordan M. Copeland, whose name as member of Parvenu Holdings, LLC, an Alabama limited liability company, is signed to the foregoing conveyance, and who is known to me, acknowledged before me on this day that, being informed of the contents of the conveyance, he, as such officer and with full authority, executed the same voluntarily for and as the act of said company.

Given under my hand and official seal, this the 22nd day of September, 2014.




Notary Public

Real Estate Sales Validation Form

This Document must be filed in accordance with Code of Alabama 1975, Section 40-22-1

Grantor's Name	<u>Parvenu Holdings, LLC</u>	Grantee's Name	<u>City of Pelham</u>
Mailing Address	<u>408 Ballantree Rd</u> <u>Pelham, AL 35124</u>	Mailing Address	<u>P.O. Box 1419</u> <u>Pelham, AL 35124</u>
Property Address	<u>1453 Kelly Dr</u> <u>Pelham, AL</u>	Date of Sale	<u>9-22-14</u>
		Total Purchase Price	\$ _____
		or	
		Actual Value	\$ _____
		or	
		Assessor's Market Value	\$ <u>27,890.00</u>

The purchase price or actual value claimed on this form can be verified in the following documentary evidence: (check one) (Recordation of documentary evidence is not required)

☐ Bill of Sale	☐ Appraisal
☐ Sales Contract	☐ Other
☐ Closing Statement	

If the conveyance document presented for recordation contains all of the required information referenced above, the filing of this form is not required.

Instructions

Grantor's name and mailing address - provide the name of the person or persons conveying interest to property and their current mailing address.

Grantee's name and mailing address - provide the name of the person or persons to whom interest to property is being conveyed.

Property address - the physical address of the property being conveyed, if available.

Date of Sale - the date on which interest to the property was conveyed.

Total purchase price - the total amount paid for the purchase of the property, both real and personal, being conveyed by the instrument offered for record.

Actual value - if the property is not being sold, the true value of the property, both real and personal, being conveyed by the instrument offered for record. This may be evidenced by an appraisal conducted by a licensed appraiser or the assessor's current market value.

If no proof is provided and the value must be determined, the current estimate of fair market value, excluding current use valuation, of the property as determined by the local official charged with the responsibility of valuing property for property tax purposes will be used and the taxpayer will be penalized pursuant to Code of Alabama 1975 § 40-22-1 (h).

I attest, to the best of my knowledge and belief that the information contained in this document is true and accurate. I further understand that any false statements claimed on this form may result in the imposition of the penalty indicated in Code of Alabama 1975 § 40-22-1 (h).

Date <u>9-26-14</u>	Print <u>William R. Justice</u>
☐ Unattested	Sign <u>William R. Justice</u>
	(Grantor/Grantee/Owner/Agent) circle one

(verified by)

Form RT-1



20140926000302930 2/2 \$18.00
Shelby Cnty Judge of Probate, AL
09/26/2014 12:02:57 PM FILED/CERT

RESOLUTION 2014-10-20-05

Rejecting Bids for Resurfacing Tennis Courts

WHEREAS, the City of Pelham has requested and received sealed bids for the resurfacing of twenty (20) fast-drying tennis courts at the Pelham Racquet Club; and

WHEREAS, the city finds it necessary to reject all bids and rebid the project because all bids received exceeded the budgeted amount.

NOW, THEREFORE BE IT RESOLVED by the Pelham City Council to reject all bids received and opened on October 14, 2014 and to rebid the resurfacing project with amended specifications.

THEREUPON _____, a council member, moved and _____, a council member, seconded the motion that Resolution 2014-10-20-05 be given vote, and said resolution passed by majority vote of the Council present, and the President of the Council declared the same passed.

ADOPTED this 20th day of October 2014.

[Seal]

Rick Hayes
President of the Council

ATTEST

Marsha Yates, CMC, City Clerk

I, the undersigned qualified City Clerk of the City of Pelham, Alabama, do hereby certify that the above and foregoing is a true copy of a resolution lawfully passed and adopted by the City Council of the City named herein, at a regular meeting of such Council held on the 20th day of October 2014 and that such resolution is on file in the office of the City Clerk and that no action has been taken to rescind or modify said resolution.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the official seal of the City on this 20th day of October 2014.

Marsha Yates, CMC, City Clerk

[Seal]

City of Pelham Bid Tabulation
Bids Opened: October 14, 2014 at 11 a.m.

Bid Package: Pelham Racquet Club Courts Resurfacing

	<u>A</u>	<u>B</u>	<u>C</u>
COMPANY	Welch Tennis Courts, Inc.	Vesco Tennis Courts, Inc.	Lower Brothers, Inc.
BASE BID	\$103,270.00	No Bid	\$110,000.00
ALTERNATE BID	None		None
ENVELOPE CHANGE	None		None

Bid posted and distributed in accordance with State of Alabama Bid Law.

Tabulated by: Marsha Yates, CMC, City Clerk

	October 14, 2014
Signature	Date

PELHAM PARKS AND RECREATION

300 BALL PARK ROAD

PELHAM, ALABAMA 35124

10-17-14

After reviewing the submitted bids for the resurfacing of 20 clay courts at the Pelham Racquet Club, it is my recommendation to rebid this project because all bids exceeded the approved 2015 budgeted amount of \$92,570.00 found on line N103 of the Pelham Racquet Club Income and Expense Report.

The rebid requirements will be modified to exclude the clean-up and disposal of the removed materials. The city will dispose of the debris.

Thanks for your consideration of the requested above action.

With Kindest Regards,

Billy Crandall

Director of Parks and Recreation

City of Pelham

RESOLUTION 2014-10-20-06

Pelham Board of Education Office Lease Agreement (Water Building)

WHEREAS, the Pelham City Council finds it serves a public purpose to lease certain office space located in the Pelham Water Administration Building to the Pelham Board of Education.

NOW, THEREFORE BE IT RESOLVED by the Pelham City Council to authorize the Mayor, on behalf of the City of Pelham, to enter into a Lease Agreement between the City of Pelham and the Pelham Board of Education.

BE IT FURTHER RESOLVED by the Pelham City Council said Council authorizes the leasing of the entire second floor of the Pelham Water Administration Building, consisting of approximately 4,000 square feet, located at 3111 Cummins Street, Pelham Alabama situated in Shelby County, Alabama together with all improvements thereon, and all rights, easements and appurtenances thereto belonging, to the Pelham Board of Education for a term beginning on the 1st day of January 2015 and ending on the 31st day of December 2016, at \$3,900.00 per month. The applicable premises are currently unoccupied.

BE IT FURTHER RESOLVED by the Pelham City Council that said executed Lease Agreement shall become a part of this resolution.

THEREUPON _____, a member, moved and _____, a member, seconded the motion that Resolution 2014-10-20-06 be given vote, and said resolution passed by vote of all members of the Council present, and the President of the Council declared the same passed.

ADOPTED this 20th day of October 2014.

Rick Hayes
President of the Council

[Seal]

ATTEST

Marsha Yates, CMC, City Clerk

I, the undersigned City Clerk of the City of Pelham, Alabama, do hereby certify that the above and foregoing is a true copy of a resolution lawfully passed and adopted by the City Council of the City named herein, at a regular meeting of such Council held on the 20th day of October 2014 and that such resolution is on file in the office of the City Clerk and that no action has been taken to rescind or modify said resolution.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the official seal of the City on this 20th day of October 2014.

Marsha Yates, CMC, City Clerk

[Seal]

COMMERCIAL REAL ESTATE LEASE AGREEMENT

THIS AGREEMENT, made and entered into this 20th day of October, 2014, by and between, the City of Pelham, Alabama ("Landlord") whose address for the purpose of this lease is: 3162 Pelham Parkway, Pelham, Alabama 35124 and the Pelham Board of Education ("Tenant"), whose address for the purpose of this lease is: 3162 Pelham Parkway, Pelham, Alabama.

The parties agree as follows:

1. **PREMISES AND TERM.** Landlord leases to Tenant approximately 4,000 square feet on the second floor of the Pelham Water Administration Building, located at 3111 Cummins Street, Pelham, Alabama situated in Shelby County, Alabama together with all improvements thereon, and all rights, easements and appurtenances thereto belonging, for a term beginning on the 1st day of January 2015 and ending on the 31st day of December 2016, upon the condition that Tenant performs as provided in this lease. The applicable premises are currently unoccupied.

2. **RENT.** Tenant agrees to pay Landlord as rent \$ 3,900.00 per month, in advance commencing on the 1st day of January 2015, and on the same day of each month thereafter, during the term of this lease. Rent for any partial month shall be prorated as additional rent. Tenant shall pay all sums due under this lease at the address of Landlord, or at such other place as Landlord may designate in writing. Payments that are more than ten (10) days delinquent shall draw interest at 12% per annum. Continued possession, beyond the term of this lease and the acceptance of rent by Landlord shall constitute a month-to-month extension of this lease at the same rate of \$ 3,900.00 per month.

3. **POSSESSION.** Tenant shall be entitled to possession on the first day of the lease term, and shall yield possession to Landlord at the termination of this lease. SHOULD LANDLORD BE UNABLE TO GIVE POSSESSION ON SAID DATE, TENANT'S ONLY DAMAGES SHALL BE A PRO RATA ABATEMENT OF RENT.

4. **USE.** Tenant shall use the premises only for the offices of the Pelham Board of Education.

5. **CARE AND MAINTENANCE.**

(a) Tenant takes the premises as is, except as herein provided: None.

(b) Landlord shall keep the following in good repair: roof, exterior walls, foundation, sewer, plumbing, heating, wiring, air conditioning, plate glass, windows and window glass, parking area, driveways, sidewalks, exterior decorating and interior decorating. Landlord shall not be liable for failure to make any repairs or replacements unless Landlord fails to do so within a reasonable time after written notice from Tenant.

(c) Tenant shall maintain the premises in a reasonable, safe, serviceable, clean and presentable condition, and except for the repairs and replacements provided to be made by Landlord in subparagraph (b) above, shall make all repairs, replacements and improvements to the premises, INCLUDING ALL CHANGES, ALTERATIONS OR ADDITIONS ORDERED BY ANY LAWFULLY CONSTITUTED GOVERNMENT AUTHORITY DIRECTLY RELATED TO TENANT'S USE OF THE PREMISES. Tenant shall make no structural changes or alterations without the prior written consent of Landlord.

6. UTILITIES AND SERVICES. All utilities and services, excluding personal service supplies, including paper towels, toilet paper, trash can liners and hand soap, which may be used on the premises will be furnished by the Landlord. Landlord shall not be liable for damages for failure to perform as herein provided, or for any stoppage for needed repair or for improvements or arising from causes beyond the control of Landlord, provided Landlord uses reasonable diligence to resume such services.

7. SURRENDER. Upon the termination of this lease, Tenant will surrender the premises to Landlord in good and clean condition, except for ordinary wear and tear or damage without fault or liability of Tenant.

8. ASSIGNMENT AND SUBLETTING. No assignment or subletting, either voluntary or by operation of law, shall be effective without the prior written consent of Landlord, which consent shall not unreasonably be withheld.

9. INSURANCE.

A. PROPERTY INSURANCE. Landlord and Tenant agree to insure their respective real and personal property for the full insurable value. Such insurance shall cover losses included in the Insurance Services Offer Broad Form Causes of Loss (formerly fire and extended coverage). To the extent permitted by their policies the Landlord and Tenant waive all rights of recovery against each other.

10. LIABILITY FOR DAMAGE. Each party shall be liable to the other for all damage to the property of the other negligently, recklessly or intentionally caused by that party (or their agents, employees or invitees), except to the extent the loss is insured and subrogation is waived under the owner's policy.

12. DAMAGE. In the event of damage to the premises, so that Tenant is unable to conduct business on the premises, this lease may be terminated at the option of either party. Such termination shall be effected by notice of one party to the other within twenty days after such notice; and both parties shall thereafter be released from all future obligations hereunder.

13. MECHANICS' LIENS. Neither Tenant, nor anyone claiming by, through, or under Tenant, shall have the right to file any mechanic's lien against the premises. Tenant shall give notice in advance to all contractors and subcontractors who may furnish, or agree to furnish, any material, service or labor for any improvement on the premises.

14. DEFAULT, NOTICE OF DEFAULT AND REMEDIES.

EVENTS OF DEFAULT

Each of the following shall constitute an event of default by Tenant: (1) Failure to pay rent within the ten (10) days of its due date; (2) failure to observe or perform any duties, obligations, agreements, or conditions imposed on Tenant pursuant to the terms of the lease; (3) abandonment of the premises. "Abandonment" means the Tenant has failed to engage in its usual and customary business activities on the premises for more than fifteen (15) consecutive business days; (4) Institution of voluntary bankruptcy proceedings by Tenant; Institution of Involuntary bankruptcy proceedings in which the Tenant thereafter is adjudged a bankruptcy; assignment for the benefit of creditors of the interest of Tenant under this lease agreement; appointment of a receiver for the property or affairs of Tenant, where the receivership is not vacated within ten (10) days after the appointment of the receiver.

NOTICE OF DEFAULT

Landlord shall give Tenant a written notice specifying the default and giving the Tenant ten (10) days in which to correct the default. If there is a default (other than for nonpayment of a monetary obligation of Tenant, including rent) that cannot be remedied in the (10) days by diligent efforts of the Tenant, Tenant shall propose an additional period of time in which to remedy the default. Consent to additional time shall not be unreasonably withheld by Landlord. Landlord shall not be required to give Tenant any more than three notices for the same default within any 365-day period.

REMEDIES

In the event Tenant has not remedied a default in a timely manner following a Notice of Default, Landlord may proceed with all available remedies at law or in equity, including but not limited to the following: (1) Termination. Landlord may declare this lease to be terminated and shall give Tenant a written notice of such termination. In the event of termination of this lease, Landlord shall be entitled to the balance of the rent agreed to be paid for the term herein provided, plus all expenses of Landlord in regaining possession of the premises. (2) Forfeiture. If a default is not remedied in a timely manner, Landlord may then declare this lease to be forfeited and shall give Tenant a written notice of such forfeiture, and may, at the time, give Tenant the notice to quit.

15. **NOTICES AND DEMANDS.** All notices shall be given to the parties hereto at the addresses designated unless either party notifies the other, in writing, of a different address. Without prejudice to any other method of notifying a party in writing or making a demand or other communication, such notice shall be considered given under the terms of this lease when it is deposited in the U.S. Mail, registered or certified, properly addressed, return receipt requested, and postage prepaid.

16. **PROVISIONS BINDING.** Each and every covenant and agreement herein contained shall extend to and be binding upon the respective successors, heirs, administrators, executors and assigns of the parties hereto.

CITY OF PELHAM, ALABAMA (LANDLORD)

BY: _____, Mayor

DATE: _____

ATTEST: _____, City Clerk

PELHAM BOARD OF EDUCATION (TENANT)

BY: _____, President, Pelham Board of Education

DATE: _____

ATTEST: _____, Secretary, Pelham Board of Education

RESOLUTION 2014-10-20-07

ABC License Application for Papa T Companies, Inc.
Trade Name – Johnny Rays BBQ Oak Mountain

WHEREAS, the Pelham City Council has considered the ABC License Application for 040 Retail Beer (On or Off Premises) for applicant Papa T Companies, Inc., trade name Johnny Rays Oak Mountain, located at 2252 Pelham Parkway, Pelham, Alabama 35124.

NOW, THEREFORE, BE IT RESOLVED by the Pelham City Council that the Pelham City Council hereby _____ the application as submitted.
(approves or denies)

THEREUPON _____, a council member, moved and _____, a council member, seconded the motion that Resolution 2014-10-20-07 be given vote, and said resolution passed by majority vote of the Council present, and the President of the Council declared the same passed.

ADOPTED this 20th day of October 2014.

Rick Hayes
President of the Council

[Seal]

ATTEST

Marsha Yates, CMC, City Clerk

I, the undersigned qualified City Clerk of the City of Pelham, Alabama, do hereby certify that the above and foregoing is a true copy of a resolution lawfully passed and adopted by the City Council of the City named herein, at a regular meeting of such Council held on the 20th day of October 2014 and that such resolution is on file in the office of the City Clerk and that no action has been taken to rescind or modify said resolution.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the official seal of the City on this 20th day of October 2014.

Marsha Yates, CMC, City Clerk

[Seal]

RESOLUTION 2014-10-20-08

ABC License Application for Gaslight Events, LLC
Trade Name – Gaslight House

WHEREAS, the Pelham City Council has considered the ABC License Application for 160 Special Retail-More than Thirty (30) Days for applicant Gaslight Events, LLC, trade name Gaslight House, located at 8066 Helena Road, Pelham, Alabama 35124.

NOW, THEREFORE, BE IT RESOLVED by the Pelham City Council that the Pelham City Council hereby _____ the application as submitted.
(approves or denies)

THEREUPON _____, a council member, moved and _____, a council member, seconded the motion that Resolution 2014-10-20-08 be given vote, and said resolution passed by majority vote of the Council present, and the President of the Council declared the same passed.

ADOPTED this 20th day of October 2014.

Rick Hayes
President of the Council

[Seal]

ATTEST

Marsha Yates, CMC, City Clerk

I, the undersigned qualified City Clerk of the City of Pelham, Alabama, do hereby certify that the above and foregoing is a true copy of a resolution lawfully passed and adopted by the City Council of the City named herein, at a regular meeting of such Council held on the 20th day of October 2014 and that such resolution is on file in the office of the City Clerk and that no action has been taken to rescind or modify said resolution.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the official seal of the City on this 20th day of October 2014.

Marsha Yates, CMC, City Clerk

[Seal]