

CITY OF PELHAM – WORK SESSION

Pelham City Hall – Council Conference Room

June 6, 2016 – 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. Record of Attendance

C. Approval of the May 16, 2016 Regular Council Work Session Minutes

D. Mayor Waters' Comments

E. Review of the June 6, 2016 City Council Agenda

F. Old Business - None

G. New Business

1. Discuss flooding issues with representatives of Holland Lakes HOA
2. Review the potential refunding options for the 2006-A & 2006-B warrants
3. Discuss CSX proposal and draft agreement

H. Announcements

1. The City of Pelham and Cahaba Valley Elks invite you to a Flag Day Celebration on Sunday, June 12th, at the Pelham Civic Complex & Ice Arena from 2:00-4:00 p.m.
2. Ballantrae Golf Club will host the Family Night Dinner on Tuesday, June 21st from 6:00-8:00 p.m. Reservations are required by Friday, June 17th.
3. ALDOT will hold a public involvement meeting/open house on Thursday, June 23rd, from 4:00 p.m. until 7:00 p.m. at the Oak Mountain State Park Golf Pro Shop. The public may review maps and project information regarding intersection improvements and adding bike/pedestrian lanes along John Findlay Drive and State Park Road.
4. The mayor and city council will host a Town Hall meeting on June 23rd at 7:00 p.m. at the Pelham Civic Complex & Ice Arena.

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
May 16, 2016 – 6:00 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 May 16, 2016 at 6:00 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 6:05p.m.

Appointment of Acting City Clerk

A motion to appoint Finance Director Tom Seale as acting city clerk in the absence of City Clerk Marsha Yates was made by Councilmember McMillan and seconded by Councilmember Scott. The motion passed unanimously by a voice vote of those members present.

Record of Attendance

The following elected officials were present:

Council President Rick Hayes
Councilmember Ron Scott
Councilmember Beth McMillan
Councilmember Maurice Mercer

Absent: Mayor Gary Waters and Councilmember Karyl Rice

Media Present: None

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

Approval of Minutes

A motion was made by Councilmember Mercer to approve the May 2, 2016 regular council work session minutes. The motion was seconded by Councilmember McMillan and passed unanimously by voice vote of those members present.

Mayor Waters' Comments - None

Review of Council Agenda

Council President Hayes reviewed the following May 16, 2016 council agenda items.

I. Proclamation

1. Recognition of Haley Barber as an Outstanding Community Champion

L. New Business

1. **Resolution 2016-05-16-01** for consideration to declare May 17, 2016 Dabo Swinney Day in Pelham, Alabama

No comments.

2. **Resolution 2016-05-16-02** for consideration to authorize the mayor to execute a Memorandum of Agreement with Shelby County and Elections Systems and Software, Inc. for election equipment and supplies for the 2016 Municipal Elections

No comments.

3. **Resolution 2016-05-16-03** for consideration to accept the Municipal Water Pollution Prevention (MWPP) Annual Report and to authorize the Director of Public Works to submit same to the Alabama Department of Environmental Management (ADEM)

Public Works Director Eddy Jowers said no action is required by the city other than the adoption of the resolution. He further stated it was a “good report”. There were no additional comments.

4. **Resolution 2016-05-16-04** for consideration to approve an ABC license application for The Beer Hog, LLC located at 112 Bowling Lane, Pelham, Alabama 35124

Councilmember Scott said he had met with Chris Lawrence, the owner of The Beer Hog. Councilmember Scott described The Beer Hog as “a unique, craft beer operation, there being nothing else like it in Shelby County”. Councilmember Scott said patrons are currently going to downtown Birmingham to experience craft beer. It was noted Mr. Lawrence is working with the Alcoholic Beverage Control Board to complete the paperwork in order to enter the Responsible Vendor Program certification training. Mr. Lawrence said The Beer Hog will have over 300 international beers available for retail purchase.

5. **Ordinance #135-211** (First Reading) for consideration to rezone property located at 3680 Highway 11 from B-2 General Business District to R-1 Residential District for applicant Valadez Enrique Cortes

It was announced the Pelham Planning Commission had unanimously approved the rezoning request at a recent meeting. Councilmember Scott asked if past real estate property taxes had been paid based upon the current B-2 zoning. President Hayes said it was his understanding that the tax issue had not been resolved. Finance Director Tom Seale was asked to research the status on the payment of property tax at the commercial rate versus the residential rate. Building Official Bob Miller stated the property under consideration for rezoning was a printing business for a number of years prior to closing. Public Works Director Eddy Jowers gave a brief history of the property. Mr. Miller said the new owner would like to convert the property back to residential. President Hayes said that these issues were complicated since the city council has to consider what is “the best and highest use of the property as Pelham continues to develop along Highway 11”.

Old Business

1. Discuss architect alternatives for a new library

Library Director Mary Campbell was present to update the city council on the progress of the new library. President Hayes said the city needs to engage an architect in order to continue moving forward with the project. He said that he doesn't feel qualified to provide the necessary input for the related design at this time and understands that Mrs. Campbell and the Library Board needs some qualified professional assistance. He asked Mrs. Campbell to be very involved and keep the council informed to options and plans as the design moves forward. Mrs. Campbell said she had applied for one grant, with several other opportunities opening later this summer. She plans to attend a federal grant seminar in the near future. President Hayes said the city needs to take into consideration the long term library needs of Pelham. A poll of the council members present did not favor any particular design or concept at this time. President Hayes said the city had not received any related design contracts to review yet, but mentioned that Goodwyn, Mills and Cawood is currently designing all of the other facilities in the city center. The general consensus was that any of the three firms under consideration would do a good job. Mrs. Campbell said the Library Board wants a frame work to work with the new library design. Councilmember McMillan spoke in favor of two floors in order to maximize available space and increase efficiency. President Hayes suggested the Library Board make site visits to the newer libraries in our area and advise the city council on various options. The city council made a request of Library Director Campbell to contact Goodwyn, Mills and Cawood in order to have a contract prepared for preliminary drawings with the understanding there would be a credit toward the final design of the library if Goodwyn, Mills and Cawood is selected as the architect of record for the library.

Police Chief Larry Palmer introduced the city's new K-9 officer, Isaak. Isaak is a drug and tracking dog recently acquired by the department in the FY2016 budget. Officer Shaun Traylor is the K-9 officer in charge. Chief Palmer informed the city council in just three weeks on the job, Isaak has already made five drug cases.

New Business

1. Discuss the deannexation request from Mr. Donovan Gravlee

Mr. Gravlee has brought the deannexation request to the city in order for him to be able to hunt and fire weapons on his nearly 900 acres located entirely within the Pelham city limits and block any efforts of a road ever being built across the property. The approximate 900 acres are situated on a ridge overlooking and contiguous with three large Pelham neighborhoods. Chief Palmer spoke concerning the deannexation request and the firearms ordinance currently. He stated there is a lot of development in the area and wants to determine adequate safety buffers. He further stated there are serious safety issues with this deannexation request. Chief Palmer stated if the property is deannexed the police could not take actions to ensure the safety of the Pelham residents and would create additional burdens on the department. President Hayes asked the city council to consider why approving this deannexing request was in "the best interest of the City of Pelham". Councilmember Scott

said he would never support the deannexation for safety reasons and the potential of accidents. Councilmember McMillan expressed her concerns over the safety issue.

2. Discuss the preliminary annexation request for The Highlands Community

President Hayes stated the property in question contained 4.1 acres and there was no documentation to share with the city council at this time. Chelsea has recently deannexed the property. President Hayes said the city was waiting on additional documentation from The Highlands Community regarding the annexation request.

President Hayes also mentioned some ongoing discussion of a possible deannexation request by Summer Place located on Highway 119 and the appropriate information is being pulled together as requested. The city council should expect to hear from Summer Place in the coming weeks regarding this request.

3. Discuss the condemnation of property at 1830 Trail Ridge Drive

Building Official Bob Miller stated he has been working for over two years on the condemnation of this property. The current owner, Kelley Gray, acquired the property following the death of his grandparents. Mr. Miller said the house is continuing to deteriorate and is in very bad condition. City Attorney Butch Ellis has been consulted and it being kept informed of the ongoing process. Mr. Miller said he had learned there is a tax lien on the property. Mr. Miller said he had been proceeding slowly because Mr. Gray was in the military and away from the property for some time. He further stated he had been unable to locate or contact Mr. Gray. Council President Hayes noted there is an announced public hearing on the June 6, 2016 city council agenda relative to the condemnation of dangerous buildings at 1830 Trail Ridge Drive. Councilmember Mercer said he, along with the area residents, support the council actions in condemning the property.

4. Review updates on the Firearms Ordinance with Chief Larry Palmer

Chief Palmer stated the Police Department is working on an update to the ordinance.

Announcements

1. Pelham High School will host an Alumni Football Game at 6:00 p.m. on May 17th at Ned Bearden Stadium. Admission will be \$5.
2. The Pelham High School graduation ceremony will be held at the Pelham Civic Complex and Ice Arena on Thursday, May 26th at 7:00 p.m.
3. Worship in the Park, a community family event hosted by the City of Pelham and local churches will be held at Pelham City Park on May 29th starting at 5:00 p.m.
4. City offices will be closed May 30th for Memorial Day.
5. The American Legion Matthew Blount Post 555 will meet Thursday, June 2nd, at the Pelham Senior Center at 7:00 p.m.

6. The Pelham City Council will hold a public hearing on June 6, 2016 for the purpose of hearing public comments relative to adopting Ordinance 135-211 to rezone property located at 3680 Highway 11 from B-2 General Business District to R-1 Residential District for applicant Valadez Enrique Cortes.
7. The Pelham City Council will hold a public hearing on June 6, 2016 for the purpose of hearing public comments relative to the condemnation of dangerous buildings at 1830 Trail Ridge Drive located in the City of Pelham.
8. The City of Pelham and Cahaba Valley Elks invite you to a Flag Day Celebration on Sunday, June 12th, at the Pelham Civic Complex and Ice Arena from 2:00 – 4:00 p.m.

Adjournment

A motion to adjourn the work session was made by Councilmember Mercer and seconded by Councilmember McMillan. The motion passed unanimously by voice vote of those members present, and the work session was adjourned at 7:04 p.m.

Respectfully submitted this 16th day of May 2016,

Tom Seale, CMC, Acting City Clerk

Rick Hayes, President of the Council

[SEAL]

CITY OF PELHAM – COUNCIL MEETING
Council Chambers - Pelham City Hall
June 6, 2016 – 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. Record of Attendance
- 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 June 6, 2016 City Council Agenda
- 2. Approval of the May 16, 2016 Regular City Council Meeting Minutes
- 3. Approval of non-budgeted expenses from restricted fund accounts: None

F. Public Hearings

- 1. The Pelham City Council will hold a public hearing tonight for the purpose of hearing public comments relative to adopting Ordinance 135-211 to rezone property located at 3680 Highway 11 from B-2 General Business District to R-1 Residential District for applicant Valadez Enrique Cortes.
- 2. The Pelham City Council will hold a public hearing tonight for the purpose of hearing public comments relative to the condemnation of dangerous buildings at 1830 Trail Ridge Drive located in the City of Pelham.

G. Mayor Waters' Comments

H. Proclamation

- 1. Proclaiming June 2016 as Scleroderma Awareness Month

I. Requests to Address the Council

1. The Cahaba Valley Elks' recognition of Officer Carl Perkinson who received the Enrique Camarena Award for outstanding work with drug abuse programs.

J. Old Business

1. **Ordinance #135-211** for consideration to rezone property located at 3680 Highway 11 from B-2 General Business District to R-1 Residential District for applicant Valadez Enrique Cortes

K. New Business

1. **Resolution 2016-06-06-01** for consideration to extend the moratorium on certain new business licenses
2. **Resolution 2016-06-06-02** for consideration to reappoint Joe Schifano to the Pelham Board of Adjustment
3. **Resolution 2016-06-06-03** for consideration to approve an ABC license application for Britos Restaurant, LLC, located at 152 Cahaba Valley Road, Pelham, Alabama 35124
4. **Resolution 2016-06-06-04** for consideration to approve an ABC license application for Britos Shopping Center, LLC, located at 150 Cahaba Valley Road, Pelham, Alabama 35124
5. **Resolution 2016-06-06-05** for consideration to approve an ABC license application for El Ray Nayar, LLC, located at 3569 Pelham Parkway, Pelham, Alabama 35124
6. **Resolution 2016-06-06-06** for consideration to authorize the mayor to enter into an agreement with ALDOT for Transportation Alternatives Project (TAP) funding for trails and greenways
7. **Resolution 2016-06-06-07** for consideration to authorize the mayor to enter into a construction agreement with Safford Building Company, LLC to act as general contractor for the renovations to Fire Station One for an amount not to exceed \$269,950.00
8. **Resolution 2016-06-06-08** for consideration to authorize the mayor to execute an agreement with Goodwyn, Mills and Cawood for initial program design services related to the design of a new city library
9. **Ordinance #474** (First Reading) for consideration to annex property located in The Highlands development into the City of Pelham

L. Council and Public Comments

M. Public Announcements

1. The City of Pelham and Cahaba Valley Elks invite you to a Flag Day Celebration on Sunday, June 12th, at the Pelham Civic Complex & Ice Arena from 2:00-4:00 p.m.
2. Ballantrae Golf Club will host the Family Night Dinner on Tuesday, June 21st from 6:00-8:00 p.m. Reservations are required by Friday, June 17th.

3. ALDOT will hold a public involvement meeting/open house on Thursday, June 23rd, from 4:00 p.m. until 7:00 p.m. at the Oak Mountain State Park Golf Pro Shop. The public may review maps and project information regarding intersection improvements and adding bike/pedestrian lanes along John Findlay Drive and State Park Road.
4. The mayor and city council will host a Town Hall meeting on June 23rd at 7:00 p.m. at the Pelham Civic Complex & Ice Arena.

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

May 16, 2016 – 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: May 16, 2016
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

Absent: Mayor Gary W. Waters
Councilmember Karyl Rice

CALL TO ORDER, INVOCATION AND PLEDGE OF ALLEGIANCE

Council President Rick Hayes called the meeting to order at 7:10 p.m. Councilmember Scott voiced the invocation and led the Pledge of Allegiance.

APPOINTMENT OF ACTING CITY CLERK

A motion to appoint Finance Director Tom Seale as acting city clerk in the absence of City Clerk Marsha Yates was made by Councilmember Mercer and seconded by Councilmember Scott. The motion passed unanimously by voice vote of those members present.

RECORD OF ATTENDANCE

All city council members and elected officials were present with the exception of Mayor Gary Waters and Councilmember Karyl Rice.

CONSENT AGENDA

(A consent agenda is presented by the Council President at the beginning of a council meeting. Items on the consent agenda are considered routine and non-controversial, 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 May 16, 2016 City Council Agenda
2. Approval of the May 2, 2016 Regular City Council Meeting Minutes
3. Approval of non-budgeted expenses from restricted fund accounts:

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

PUBLIC HEARINGS

None

MAYOR WATERS' COMMENTS

None

PROCLAMATIONS

President Hayes read the Proclamation recognizing Haley Barber as an Outstanding Community Champion. Mark Barber was present to accept the Proclamation on behalf of his daughter, Haley Barber. Mr. Barber thanked President Hayes and the community for making today's Making Miracles Luncheon, benefiting the Children's Miracle Network and Children's Hospital of Alabama, a huge success. The event raised \$32,478.

REQUESTS TO ADDRESS THE COUNCIL - None

OLD BUSINESS - None

NEW BUSINESS

Resolution 2016-05-16-01 for consideration to declare May 17, 2016 Dabo Swinney Day in Pelham, Alabama was introduced by President Hayes. Councilmember McMillan requested Resolution 2016-05-16-01 be read in its entirety. President Hayes read Resolution 2016-05-16-01. Councilmember Mercer moved to adopt Resolution 2016-05-16-01 and Councilmember McMillan seconded the motion. President Hayes said today's event at the Pelham Civic Complex and Ice Arena was a great success and the message shared by Coach Swinney about his upbringing in Pelham was both very funny and inspiring. There being no further discussion, the motion to adopt Resolution 2016-05-16-01 passed unanimously by voice vote of those members present and the council president declared the same passed.

Resolution 2016-05-16-02 for consideration to authorize the mayor to execute a Memorandum of Agreement with Shelby County and Elections Systems and Software, Inc. for election equipment and supplies for the 2016 Municipal Elections was introduced by President Hayes. Councilmember McMillan moved to adopt Resolution 2016-05-16-02 and Councilmember Mercer seconded the motion. There being no further discussion, the motion to adopt Resolution 2016-05-16-02 passed unanimously by voice vote of those members present and the council president declared the same passed.

Resolution 2016-05-16-03 for consideration to accept the Municipal Water Pollution Prevention (MWPP) Annual Report and to authorize the Director of Public Works to submit same to the Alabama Department of Environmental Management (ADEM) was introduced by President Hayes. Councilmember McMillan moved to adopt Resolution 2016-05-16-03 and Councilmember Scott seconded the motion. Public Works Director Eddy Jowers said no action is required by the city other than the adoption of the resolution. He further stated it was a "good report". There being no further discussion, the motion to adopt Resolution 2016-05-16-03 passed unanimously by voice vote of those members present and the council president declared the same passed.

Resolution 2016-05-16-04 for consideration to approve an ABC license application for The Beer Hog, LLC located at 112 Bowling Lane, Pelham, Alabama 35124 was introduced by President Hayes. Councilmember Scott moved to adopt Resolution 2016-05-16-04 and Councilmember McMillan seconded the motion. Councilmember Scott recommended the resolution be approved describing The Beer Hog as "a unique, craft beer operation, there being nothing else like it in Shelby County". Councilmember Scott said patrons are currently going to downtown Birmingham to experience craft beer. It was noted Mr. Lawrence is working with the Alcoholic Beverage Control Board to complete the paperwork in order to enter the Responsible Vendor Program certification training. Councilmember Scott said Mr. Lawrence is well versed in the restaurant business and recommends approval of Resolution 2016-05-16-04. There being no further discussion, the motion to adopt Resolution 2016-05-16-04 passed unanimously by voice vote of those members present and the council president declared the same passed.

Ordinance #135-211 (First Reading) for consideration to rezone property located at 3680 Highway 11 from B-2 General Business District to R-1 Residential District for applicant Valadez Enrique Cortes was introduced by President Hayes. President Hayes requested Ordinance #135-211 be placed on the June 6, 2016 agenda for consideration by the city council.

COUNCIL AND PUBLIC COMMENTS

Councilmember McMillan congratulated the Pelham High School boys' soccer team for their recent success in the state soccer tournament. She thanked the Pelham Fire for three recent events she was aware, which made her very proud.

Councilmember Mercer thanked Ballantrae Golf Club General Manager Hal Brown for his assistance with the ARC of Shelby County golf tournament held at Ballantrae Golf Club. The tournament was a huge success. He noted his attendance at the Alabama League of Municipality convention in Huntsville. He further stated it is always good to network with other elected officials throughout Alabama and appreciated the opportunity to attend. Councilmember Mercer commented on today's luncheon supporting the Children's Miracle Network and Children's Hospital of Alabama and featuring Clemson Head Football Coach Dabo Swinney. He reminded those in attendance of the "Worship in the Park" event scheduled on Sunday, May 29, 2016, beginning at 5 p.m. at the Pelham City Park.

President Hayes commented on the League meetings held this past weekend. He mentioned several events that other cities are using to attract visitors to their communities, as well as the comments made by other cities about schools and access to parks & recreational facilities being the top two priorities for people when trying to decide where to live.

Pelham resident Betty Shinn addressed the city council to discuss the current conditions of the Deer Springs sub-division area. She mentioned talking to Public Works Supervisor Mark Keith and Code Enforcement Officer David Tkacik regarding debris and trash and cars being parked in the resident's yards. Chief Palmer provided some feedback and President Hayes told Ms. Shinn that she was going down the right path with the enforcement of the city ordinances in order to address the related issues. Councilmember Mercer asked Ms. Shinn to keep the council informed.

President Hayes commented on the recent Gone Fishin' Not Just Wishin' annual event held at Oak Mountain State Park. He stated it certainly appeared that all of the kids and other participants had a great time. Chief Palmer forwarded a heartfelt "thank you" from the organizers for the city's donation to the event. Chief Palmer also informed the city council the "Kratom" bill passed the state legislature and the substance is now illegal in the state of Alabama. Chief Palmer said he plans to visit all retailers in Pelham to inform them the sale of Kratom is illegal.

PUBLIC ANNOUNCEMENTS

1. Pelham High School will host an Alumni Football Game at 6:00 p.m. on May 17th at Ned Bearden Stadium. Admission will be \$5.
2. The Pelham High School graduation ceremony will be held at the Pelham Civic Complex and Ice Arena on Thursday, May 26th at 7:00 p.m.
3. Worship in the Park, a community family event hosted by the City of Pelham and local churches, will be held at Pelham City Park on May 29th starting at 5:00 p.m.
4. City offices will be closed May 30th for Memorial Day.
5. The American Legion Matthew Blount Post 555 will meet Thursday, June 2nd, at the Pelham Senior Center at 7:00 p.m.
6. The Pelham City Council will hold a public hearing on June 6, 2016 for the purpose of hearing public comments relative to adopting Ordinance 135-211 to rezone property located at 3680 Highway 11 from B-2 General Business District to R-1 Residential District for applicant Valadez Enrique Cortes.
7. The Pelham City Council will hold a public hearing on June 6, 2016 for the purpose of hearing public comments relative to the condemnation of dangerous buildings at 1830 Trail Ridge Drive located in the City of Pelham.
8. The City of Pelham and Cahaba Valley Elks invite you to a Flag Day Celebration on Sunday, June 12th, at the Pelham Civic Complex and Ice Arena from 2:00 – 4:00 p.m.

ADJOURNMENT

With no other business before the council, Councilmember Mercer moved to adjourn the council meeting and Councilmember McMillan seconded the motion. By voice vote the motion passed unanimously by those members present and the meeting was adjourned at 7:55 p.m.

Respectfully submitted this 16th day of May 2016,

Tom Seale, CMC, Acting City Clerk

Rick Hayes, Council President

[SEAL]

ORDINANCE NO. 135-211

AN ORDINANCE OF THE CITY OF PELHAM, PROVIDING THAT THE CODE OF ORDINANCES, CITY OF PELHAM, ALABAMA, BE AMENDED BY ADDING A SECTION TO BE NUMBERED 135-211 PROVIDING THE FOLLOWING AMENDMENT TO THE ZONING ORDINANCE:

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

SECTION ONE: The zoning of property located at 3680 Highway 11 to be rezoned from B-2 General Business District to R-1 Residential District. Applicant: Valadez Enrique Cortes

Legal Description is attached.

SECTION TWO: All ordinances or parts of ordinances, in any manner conflicting herewith are hereby repealed.

SECTION THREE: This ordinance shall become effective on the 11th day of June 2016.

THEREUPON _____, a council member moved and _____, a council member seconded the motion that Ordinance No. 135-211 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. 135-211 passed by majority vote of the Council and the Council President declared the same passed.

ADOPTED this 6th day of June 2016.

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, MMC, City Clerk

Gary Waters, Mayor Date

POSTING AFFIDAVIT

I, the undersigned qualified City Clerk of the City of Pelham, Alabama, do hereby certify that the above and foregoing ORDINANCE 135-211 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 6th day of June 2016 and duly published by posting an exact copy thereof on the 7th day of June 2016 at four public places within the city, including the Mayor's Office at City Hall, City Park, Water Works and Library, and at 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, MMC, City Clerk

[SEAL]

Council Members

Rick Hayes

Ron Scott

Maurice Mercer

Beth McMillan

Karyl Rice

**Mayor**

Gary W. Waters

City Clerk

Marsha Yates, CMC

LEGAL NOTICE
PELHAM CITY COUNCIL

The Pelham City Council will hold a meeting June 6, 2016 in the Council Chambers at Pelham City hall at 7:00 pm to consider ordinance # 135-211 an amendment to the zone district boundaries of the City of Pelham changing the present zoning B-2 General Business District to R-1 Residential District. If more information is required please contact Cathy Sweeney at 205-620-6480.

Property location:

Lot 46, Deer Springs Estates, First Addition, as shown in Map recorded in Map Book 5, Page 55, in the Probate Office of Shelby County, Alabama, and all that part of Lot 45 of Deer Springs Estates First Addition as shown in Map recorded in Map Book 5, Page 55, in the Probate Office of Shelby County, Alabama with the exception of the following part thereof: Begin at the Northern corner of Lot 45 (which said point is also the Northwestern corner of Lot 46) and run thence Southeasterly along the boundary line between Lot 45 and 46 a distance of 100 feet to a point; thence turn to the right and run Southwesterly parallel with the Northwesterly boundary of said Lot 45 a distance of 102.0 feet, more or less, to a point on the Southwestern boundary of said Lot 45; thence turn to the right and run Northwesterly along the Southwestern boundary of said Lot 45 a distance of 100 feet to a point; thence turn to the right and run Northeasterly along the Northwestern boundary of said Lot 45 a distance of 102.0 feet to the point of beginning, being situated in Shelby County, Alabama.

Applicant: VALADEZ ENRIQUE CORTES

All persons who desire shall have an opportunity of being heard in opposition or in favor of this request. Individuals with disabilities needing special services to participate in applications, activities, programs, or services are requested to coordinate their needs in advance. If special accommodations are required, please contact Marsha Yates, City Clerk (205) 620-6400.

Marsha Yates
City Clerk

Date: 04/08/16

APPLICATION FOR REZONING OF PROPERTY

I/We, the undersigned property owner(s), hereby apply to the City of Pelham to rezone certain property located at 3680 Hwy 11 within the City of Pelham. Please find attached a legal description, and a map of the property to be rezoned. I/We would like the property to be changed from the present zoning of Commercial B-2 to Residential R-1.

Please send any correspondence to the following name and address:

120 Crestmont Lane
Pelham, AL 35124

I can be reached at the following number during the day 205-612-5424

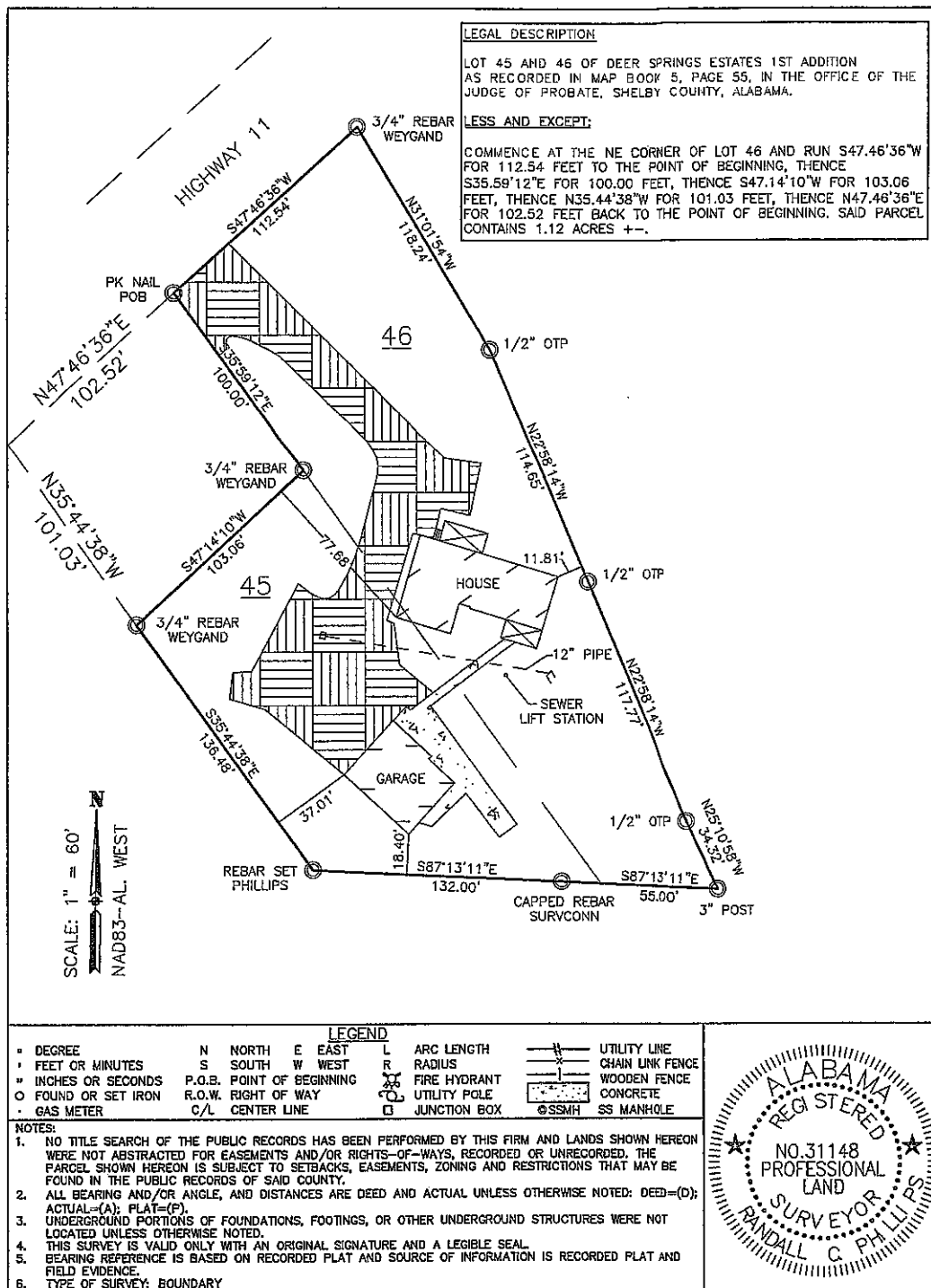
Sincerely,

Ernie Doe
(Property Owner)

(Property Owner)

(Property Owner)

(Property Owner)

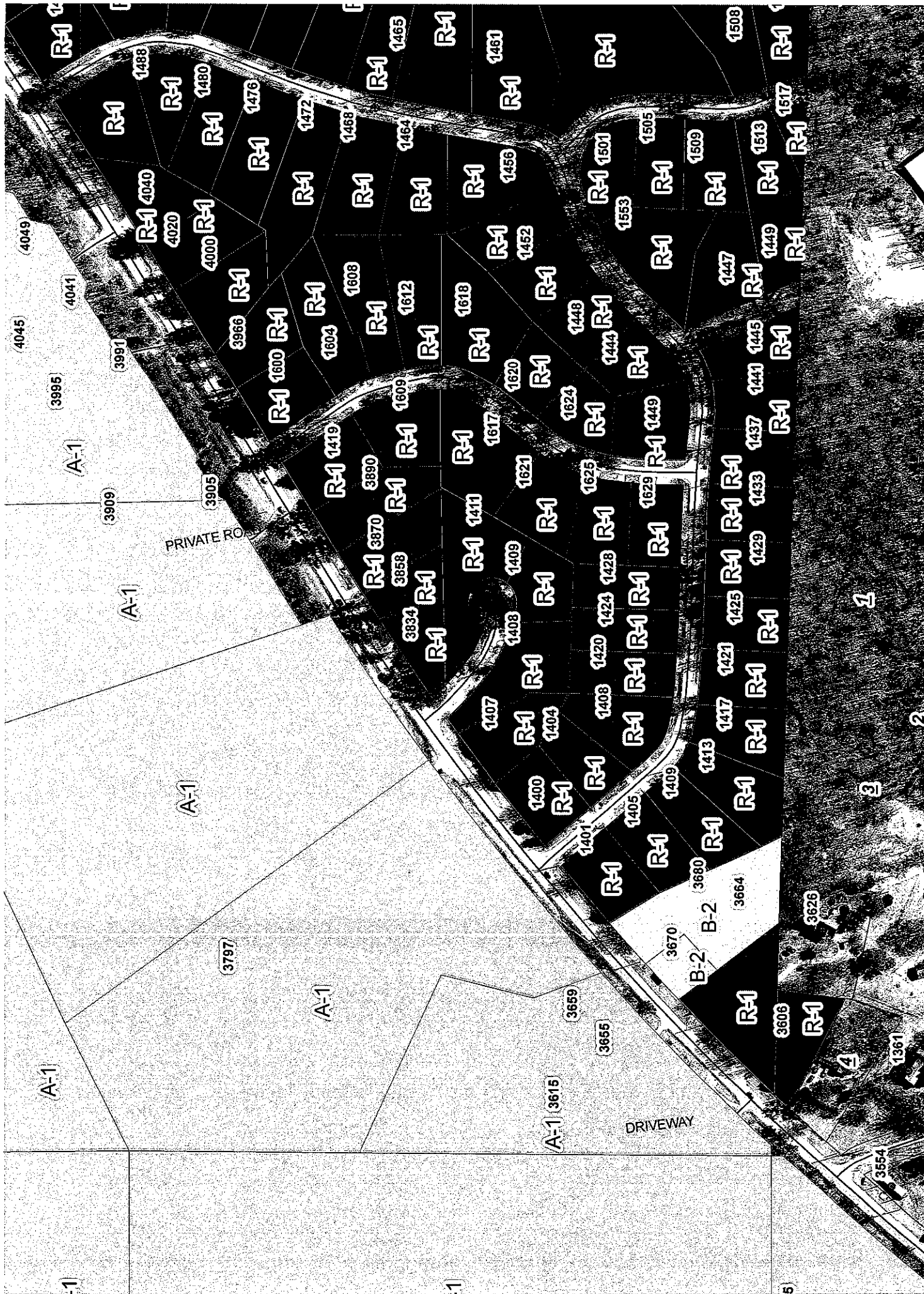


STATE OF ALABAMA
SHELBY COUNTY

I, Randall C. Phillips, a Professional Land Surveyor, certify that I have surveyed Lot 45 and 46, Deer Springs Estates 1st Addition, as recorded in Map Book 5, Page 55 in the Office of the Judge of Probate, Shelby County, AL. That all parts of this survey and drawing have been completed in accordance with the current requirements of the Standards of Practice for Surveying in the State of Alabama to the best of my knowledge, information and belief; That there are no encroachments on said lot except as shown; That improvements are located as shown above.

Address: 3680 Hwy. 11, Pelham, AL. 35124
Date of Fieldwork: 2-10-16
Date of Survey: 2-12-16 By: RP
Order No. 16007 Field Book: 15
For:

Randy Phillips
Randall C. Phillips, AL Reg. #31148
Alabama Surveying & Mapping
9511 County Rd. 51, Jemison, AL 35085
Phone: (205) 688-6656



RESOLUTION 2016-06-06-01

Extend Moratorium on Certain New Business Licenses

WHEREAS, the City Council adopted Resolution 2014-06-16-06 (“Moratorium Resolution”) placing a one-year moratorium on the issuance of business licenses for certain businesses designated in the Moratorium Resolution and Resolution 2015-06-15-02 which extended the moratorium for an additional year; and

WHEREAS, the purposes of the moratorium were for the City Council, with the assistance of the Pelham Planning Commission and the Commercial Development Authority of the City of Pelham, to reassess the City’s present zoning ordinance, policies and procedures concerning the location of payday loan, car title loan, check cashing, gold and silver broker, tattoo parlor, pawn shop, vape shop, tobacco shop and used automobile sales businesses and to research, study and develop an appropriate zoning and commercial development plan for these businesses; and

WHEREAS, the City Council is continuing to work with the appropriate parties on the development of an appropriate zoning and commercial development plan for these businesses and finds that it is necessary, proper and in the public interest to extend the moratorium period so that the purposes of the Moratorium Resolution may be accomplished.

NOW, THEREFORE BE IT RESOLVED by the Pelham City Council that the moratorium declared by the City Council in Resolution 2014-06-16-06 is hereby extended through May 31, 2017 so that the reassessment, research, study, and development of an appropriate zoning and commercial development plan can be completed as set out in the Moratorium Resolution, under the same conditions and restrictions as set out in the Moratorium Resolution. The City Council may approve the issuance of a business license for an existing business which is subject to the moratorium on a case-by-case basis upon application to the City Council.

THEREUPON_____, a council member, moved and _____, a council member, seconded the motion that Resolution 2016-06-06-01 be given vote, and said resolution passed by vote of all council members present, and the Council President declared the same passed.

ADOPTED this 6th day of June 2016.

Rick Hayes
President of the Council

[SEAL]

ATTEST

Marsha Yates, MMC, 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 6th day of June 2016 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 6th day of June 2016.

Marsha Yates, MMC, City Clerk

[SEAL]

RESOLUTION 2016-06-02

Pelham Board of Adjustment Appointment

WHEREAS, the Pelham City Council desires to reappoint Pelham resident Joseph Schifano, III to the Pelham Board of Adjustment for a three-year term ending April 30, 2019.

NOW THEREFORE BE IT RESOLVED by the Pelham City Council that the above named citizen be reappointed to the Pelham Board of Adjustment with the term of office ending April 30, 2019.

THEREUPON _____, a member, moved and _____, a member, seconded the motion that Resolution 2016-06-06-02 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 6th day of June 2016.

Rick Hayes
President of the Council

[SEAL)

ATTEST

Marsha Yates, MMC, 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 6th day of June 2016 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 6th day of June 2016.

Marsha Yates, MMC, City Clerk

[SEAL]

RESOLUTION 2016-06-06-03

ABC License Application for Britos Restaurant, LLC

WHEREAS, the Pelham City Council has considered the ABC License Application for 020 Restaurant Retail Liquor for applicant Britos Restaurant, LLC, trade name Britos Restaurant, LLC, located at 152 Cahaba Valley 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 2016-06-06-03 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 6th day of June 2016.

Rick Hayes
President of the Council

[SEAL]

ATTEST

Marsha Yates, MMC, 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 6th day of June 2016 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 6th day of June 2016.

Marsha Yates, MMC, City Clerk

[SEAL]

RESOLUTION 2016-06-06-04

ABC License Application for Britos Shopping Center, LLC

WHEREAS, the Pelham City Council has considered the ABC License Application for 050 Retail Beer (Off Premises Only) and 070 Retail Table Wine (Off Premises Only) for applicant Britos Shopping Center, LLC, trade name Britos Shopping Center, located at 150 Cahaba Valley 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 2016-06-06-04 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 6th day of June 2016.

Rick Hayes
President of the Council

[SEAL]

ATTEST

Marsha Yates, MMC, 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 6th day of June 2016 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 6th day of June 2016.

Marsha Yates, MMC, City Clerk

[SEAL]

RESOLUTION 2016-06-06-05

ABC License Application for El Rey Nayar, LLC

WHEREAS, the Pelham City Council has considered the ABC License Application for 020 Restaurant Retail Liquor for applicant El Rey Nayar, LLC, trade name El Rey Nayar, located at 3569 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 2016-06-06-05 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 6th day of June 2016.

Rick Hayes
President of the Council

[SEAL]

ATTEST

Marsha Yates, MMC, 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 6th day of June 2016 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 6th day of June 2016.

Marsha Yates, MMC, City Clerk

[SEAL]

RESOLUTION 2016-06-06-06

Authorizing an Agreement between the City of Pelham and ALDOT for TAP Funding for the Pelham Trails and Greenways Project

WHEREAS, the City of Pelham has been awarded CMAQ and TAP funds for the proposed Trails and Greenways Project in the city; and

WHEREAS, the Pelham City Council has determined it serves a public purpose for the City of Pelham to enter into an agreement with the Alabama Department of Transportation (ALDOT) for Transportation Alternatives Project (TAP) funding for this project in the amount of \$469,479.96, of which 80% is federal funds in the amount of \$375,583.97 and 20% is City funds in the amount of \$93,895.99.

NOW, THEREFORE BE IT RESOLVED by the Pelham City Council as follows:

1. That the Mayor, on behalf of the City, enter into an agreement with the State of Alabama, acting by and through the Alabama Department of Transportation relating to a Transportation Alternatives project with partial funding by the Federal Highway Administration, which agreement is attached and before this Council;
2. That the agreement be executed in the name of the City, for and on behalf of the City, by its Mayor;
3. That it be attested by the Clerk and the seal of the City affixed thereto.

BE IT FURTHER RESOLVED, that upon the completion of the execution of the agreement by all parties, that a copy of such agreement be kept on file by the City Council.

THEREUPON_____, a council member, moved and _____, a council member, seconded the motion that Resolution 2016-06-06-06 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 6th day of June 2016.

Rick Hayes
President of the Council

[SEAL]

ATTEST

Marsha Yates, MMC, 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 6th day of June 2016 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 6th day of June 2016.

Marsha Yates, MMC, City Clerk

[SEAL]

MEMORANDUM

TO: Council President Rick Hayes, Council Members, Mayor Waters

FROM: Josh Osborne

**RE: Project No. TAPAA-TA16 (901)
Pelham Trails and Greenways
City of Pelham - Shelby County**

DATE: June 1, 2016

The Alabama Department of Transportation (ALDOT) has provided the Standard Project Resolution and Agreement for a Transportation Alternatives Project. The Standard Project Resolution and Agreement are attached.

Sincerely,

A handwritten signature in black ink, appearing to read "Josh Osborne", with a long horizontal flourish extending to the right.

Josh Osborne
GIS Director



Robert Bentley
Governor

ALABAMA DEPARTMENT OF TRANSPORTATION

EAST CENTRAL REGION
OFFICE OF REGIONAL ENGINEER
100 CORPORATE PARKWAY
SUITE 450
HOOVER, AL 35242
P.O. BOX 382348
BIRMINGHAM, AL 35238-2348
TELEPHONE: (205) 327-4962



John R. Cooper
Transportation Director

May 14, 2016

Honorable Gary W. Waters
Mayor, City of Pelham
3162 Pelham Parkway
Pelham, AL 35124

RE: Project No. TAPAA-TA16 (901)
Pelham Trails and Greenways
City of Pelham – Shelby County

Dear Mayor Waters,

Please find attached a funding agreement between The State of Alabama and the City of Pelham. This agreement is to obligate funds for preliminary engineering and construction on the above-referenced project.

In order to execute this agreement it must be signed by the Mayor with the City seal affixed. In addition, the attached resolution must be completed authorizing the Mayor to be the signatory on behalf of the City. After this agreement is executed by the County please return to this office for regional authorization.

Should you have questions or need additional information, please contact this office.

Sincerely,
DeJarvis Leonard, P.E.
Region Engineer

Kenneth W. Couch, P.E.
County Transportation Engineer

DL/GB/KC/sj

Attachment

cc: file



Robert Bentley
Governor

ALABAMA DEPARTMENT OF TRANSPORTATION

1409 Coliseum Boulevard, Montgomery, Alabama 36110



John R. Cooper
Transportation Director

May 6, 2016

Mr. DeJarvis Leonard, P. E.
East Central Region Engineer
Alabama Department of Transportation
100 Corporate Parkway
Suite 450
Hoover, Alabama 35242

Subject: Transportation Alternative Project
TAPAA-TA16(901)
City of Pelham
Pelham Trails and Greenways
Shelby County

Dear Mr. Leonard:

Enclosed is the original agreement between the State of Alabama and the City of Pelham, which provides for the referenced project.

Please review this agreement and, if you find it acceptable, present it to the city for approval. After execution by the mayor, please sign and return the document to this office for further handling. A certified resolution affixed with the city seal, which authorizes the mayor to sign the agreement, should be included. Also, the city seal should be affixed to the signed agreement.

If you have any questions concerning this agreement, please call Bob Kratzer at 334-353-6442.

Sincerely,

Bob Kratzer For R.J.J.

Robert J. Jilla
Multimodal Transportation Engineer

RJJ:RRS:rac

Enclosure

cc: File

**AGREEMENT
FOR A TRANSPORTATION ALTERNATIVES PROJECT
BETWEEN THE STATE OF ALABAMA AND
THE CITY OF PELHAM**

Shelby County

Pelham Trails and Greenways

Project No. TAPAA-TA16(901)

PART ONE (1): INTRODUCTION

This Agreement is made and entered into by and between the State of Alabama (acting by and through the Alabama Department of Transportation), hereinafter referred to as STATE; and the City of Pelham, Alabama, hereinafter referred to as CITY, in cooperation with the U. S. Department of Transportation, Federal Highway Administration, hereinafter referred to as FHWA, and

WHEREAS, legislation enacted by the U. S. Congress authorizing the establishment of a Transportation Alternatives Program, and

WHEREAS, said legislation requires funds be available for Transportation Alternatives Program activities, and

WHEREAS, transportation alternatives activities are defined as...

1. Construction of on-road and off-road trail facilities for pedestrians, bicyclists, and other non-motorized forms of transportation, including sidewalks, bicycle infrastructure, pedestrian lighting, downtown streetscape (combination of sidewalks, pedestrian lighting and landscaping), and other transportation projects to achieve compliance with the Americans with Disabilities Act of 1990.
2. Construction of infrastructure-related projects and systems that will provide safe routes for non-drivers, including children, older adults, and individuals with disabilities to access daily needs.
3. Conversion and use of abandoned railroad corridors for trails for pedestrians, bicyclists, or other non-motorized transportation users.
4. Construction of turnouts, overlooks, and viewing areas.

5. Community improvement activities, including-
 - i. inventory, control, or removal of outdoor advertising;
 - ii. historic preservation and rehabilitation of historic transportation facilities;
 - iii. vegetation management practices in transportation rights-of-way to improve roadway safety, prevent against invasive species, and provide erosion control; and
 - iv. archaeological activities relating to impacts from implementation of a transportation project eligible under Title 23.
6. Any environmental mitigation activity, including pollution prevention and pollution abatement activities and mitigation to-
 - i. address storm water management, control, and water pollution prevention or abatement related to highway construction or due to highway runoff.
 - ii. reduce vehicle-caused wildlife mortality or to restore and maintain connectivity among terrestrial or aquatic habitats.

WHEREAS, the CITY developed a project application, including the document relating thereto, which was subsequently submitted to the STATE and approved, and

WHEREAS, it is in the public interest for the STATE and the CITY to participate in a transportation alternatives program, as reflected by such project application.

NOW, THEREFORE, the parties hereto do hereby agree as follows:

PART TWO (2): PROJECT PROVISIONS

- A. **Project Description:** The CITY will undertake a transportation alternatives project in accordance with this Agreement, plans approved by the STATE and the requirements, and provisions, including the documents relating thereto, developed by the CITY and approved by the STATE. The plans, including the documents relating thereto, is of record in the Alabama Department of Transportation and is hereby incorporated in and made a part of this Agreement by reference. It is understood by the CITY that failure to carry out the project in accordance with the Agreement and approved plans, including documents related thereto, may result in the loss of federal funding and the refund of any federal funds previously received on the project.

B. Time Limit: This project will commence upon execution of this Agreement and upon written authorization to proceed from the STATE directed to the CITY. The CITY shall have no more than two (2) years from the date of execution of this agreement to have the project authorized for construction, or to begin right-of-way acquisition, or to commence other eligible activities in accordance with the scope of work approved by the STATE. If this stipulation is not met, the STATE will notify the CITY in writing that the project is terminated.

C. Project Funding: It is expressly understood that federal funds for this project will be provided from Transportation Alternatives Program funds as authorized by the U.S. Congress and the STATE will not be liable for any funding. It is further understood that this is a cost reimbursement program and no federal funds will be provided to the CITY prior to accomplishment of the work for which reimbursement is requested. Cost for the project will be financed, when eligible for federal participation, on the basis of 80 percent federal transportation alternatives funds and 20 percent CITY funds, not to exceed a maximum sum of \$375,583.97 in federal funds. The estimated cost and participation by the various parties is as follows:

	<u>Total Estimated Cost</u>	<u>Estimated Federal Funds</u>	<u>Estimated City Funds</u>	<u>Estimated State Funds</u>
Construction (Including Professional Fees For Construction Engineering and Inspection)	\$469,479.96	\$375,583.97	\$93,895.99	\$0
Total	\$469,479.96	\$375,583.97	\$93,895.99	\$0

Plans for constructing improvements under this project will be developed by or for the CITY at no expense to the STATE or FHWA. Construction of improvements under this

agreement will be by contract in keeping with applicable competitive bid laws.

Necessary engineering and inspection during construction will be performed by or for the CITY and will be paid for with project funds. Any cost incurred by the CITY relating to this project which is determined to be ineligible for reimbursement by the FHWA or in excess of the limiting amount previously stated will be borne and paid by the CITY with no liability of the STATE for any such cost.

D. Project Budget: The CITY will develop and submit to the STATE for approval a project budget. This budget will be in such form and detail as may be required by the STATE. At a minimum, all major work activities will be described and an estimated cost and source of funds will be indicated for each activity. Space will be provided for approval by the Region Engineer and date of such approval. All cost for which the CITY seeks reimbursement must be included in a budget approved by the STATE in order to be considered for reimbursement. Budget adjustments may be necessary and may be allowed, subject to the approval of the STATE in writing, in order to successfully carry out the project. However, under no circumstances will the CITY be reimbursed for expenditures over and beyond the amount approved by the STATE.

E. Ownership of Property: All work accomplished under the provisions of this agreement will be accomplished on property owned by or which will be acquired by the CITY in accordance with the provisions of 23 CFR Part 635 and 49 CFR Part 24 and state regulations at no expense to the STATE. This should be shown on the "City and Other Local Public Agency Certification for Physical Construction" form (ROW Certification). Any exceptions to this requirement must be approved by the STATE in writing prior to incurring costs for which reimbursement is requested by the CITY. In cases where property is leased, the terms of the lease will not be less than the expected life of the improvements.

- F. Acquisition of Property:** Acquisition of real property by the CITY as a part of this project will conform to and be in accordance with the provisions of the Federal Uniform Relocation Assistance & Real Property Acquisition Policies Act (49 CFR 24, Subpart B), all federal environmental laws, and all other applicable state and federal laws.
- G. Relocation of Utilities:** The CITY will relocate any utilities in conflict with the project improvements without cost to the STATE or FHWA, in accordance with applicable federal and state laws, regulations, and procedures.
- H. Protection of Interest:** No change in use or ownership of real property acquired or improved with funds provided under the terms of this agreement will be permitted without prior written approval from the STATE and FHWA. The STATE and FHWA will be credited on a prorata share, as provided in paragraph C, any revenues received by the CITY from the sale or lease of property, which is the site of the federally funded project.
- I. Purchase of Project Equipment and/or Services:** The purchase of project equipment and/or services financed in whole or in part pursuant to this Agreement will be in accordance with applicable state and federal laws, rules, regulations, and procedures, including state competitive bidding requirements applicable to counties and municipalities in the State of Alabama when the purchase is made by any such entity. The CITY will, when authorized by the STATE, solicit bids and make awards for construction and/or services pursuant to this agreement. The CITY will not solicit bids until the entire bid package (plans, specifications, estimates, etc.) has been reviewed and approved by the STATE. Following receipt of bids, the CITY will provide all bids to the STATE with a recommendation for award. The CITY will not award the contract until it has received written approval from the STATE.

- J. Invoicing:** The CITY will, when appropriate, submit invoices to the STATE for reimbursement for work performed by or for the CITY in carrying out the terms of this agreement. Requests for reimbursement will be made on forms provided by the STATE and will be submitted through the Region Engineer for payment. The CITY may bill the STATE not more often than once per month for the funds due for work performed under this Agreement. Invoices for payment will be submitted in accordance with state law and will indicate that the payment is due, true, correct, unpaid, and the invoice will be notarized. The cost allowable is the cost defined in 41 CFR Subpart 1-15.7 of the Federal Procurement Regulations and will include direct and indirect cost incurred in carrying out the project as shown in the approved application and the documents related thereto. Invoices for any work performed by the CITY under the terms of this agreement will be submitted within twelve (12) months after the completion and acceptance by the STATE for the work. Any invoices submitted after this twelve-month period will not be eligible for payment.
- K. Maintenance:** Upon completion and acceptance of the work by the STATE, the CITY will assume full responsibility for the project work and will maintain the project work for a reasonable life expectancy.
- L. Contracts under this Agreement:** The CITY will not assign any portion of the work to be performed under this Agreement or execute any contract, amendment or change order thereto, or obligate itself in any manner with any third party with respect to its rights and responsibilities under this Agreement, without the prior written approval of the STATE.
- M. Records and Reports:**
1. Establishment and Maintenance of Accounting Records: The CITY will establish and maintain, in accordance with requirements established by the STATE, separate accounts for the project, either independently or separately within its

existing system, to be known as the Project Account. The cost accounting system must be adequate and acceptable to the STATE as determined by the auditor of the Alabama Department of Transportation.

2. Documentation of Project Cost: All charges to the Project Account will be supported by properly executed invoices, contracts, or vouchers, as applicable, evidencing in proper detail the nature and propriety of the charges, in accordance with the requirements of the STATE.
3. Checks, Orders and Vouchers: All checks, invoices, contracts, vouchers, orders or other accounting documents pertaining in whole or in part to the project will be clearly identified, readily accessible and to the maximum extent feasible, kept separate and apart from all other such documents.
4. Reports: The CITY will report to the STATE the progress of the project in such manner as the STATE may require. The CITY will also provide the STATE any information requested by the STATE regarding the project.
5. Financial Statements: The CITY will submit to the STATE, at such time as the STATE may require, such financial statements, data, records, contracts and other documents and items of any respect related to the project as may be requested by the STATE.
6. Right of Access to Records: The STATE will have full access to and right to examine all project records at all times, and all records of any nature which in any manner relate to the project or to this Agreement in any way.

N. Regulations: The CITY shall comply with all state and federal laws, rules, regulations, and procedures applicable to this Agreement.

- (1) Any user fee or charge to the public for access to any property or services provided through the funds made available under this agreement, if not prohibited

by a federal, state or local law, must be applied for the maintenance and long term upkeep of the transportation alternatives project authorized by this agreement.

- (2) The CITY agrees that in the event it is determined the user fees have not been applied to long term upkeep of the transportation alternatives project, that federal funds expended on this project must be refunded to the FHWA and the CITY will reimburse and pay to the STATE a sum of money equal to the total amount of federal funds expended under this agreement.

- O. Point of Contact:** The applicable or appropriate region office of the Alabama Department of Transportation will be the lead agency for the STATE relative to the work under this agreement and will be the point of contact for the CITY.

PART THREE (3): MISCELLANEOUS PROVISIONS

- A. CITY to Indemnify:** Subject to the limitations on damages applicable to municipal corporations under Ala. Code § 11-47-190 (1975), the City shall indemnify, and hold harmless the State of Alabama, the Alabama Department of Transportation, its officers, officials, agents, servants, and employees from and against (1) claims, damages, losses, and expenses, including but not limited to attorneys' fees arising out of, connected with, resulting from or related to the work performed by the City, or its officers, employees, contracts, agents or assigns (2) the provision of any services or expenditure of funds required, authorized, or undertaken by the City pursuant to the terms of this Agreement, or (3) any damage, loss, expense, bodily injury, or death, or injury or destruction of tangible property (other than the work itself), including loss of use therefrom, and including but not limited to attorneys' fees, caused by the negligent, careless or unskillful acts of the City, its agents, servants, representatives or employees, or the misuse, misappropriation, misapplication, or misexpenditure of any source of funding,

compensation or reimbursement by the City, its agents, servants, representatives or employees, or anyone for whose acts the City may be liable.

- B. Federal Immigration Law:** By signing this contract, the contracting parties affirm, for the duration of the agreement, that they will not violate federal immigration law or knowingly employ, hire for employment, or continue to employ an unauthorized alien within the State of Alabama. Furthermore, a contracting party found to be in violation of this provision shall be deemed in breach of the agreement and shall be responsible for all damages resulting therefrom.
- C. Audit and Inspection:** The CITY will permit the STATE, the Comptroller General of the United States, and the Secretary of the USDOT, or either of them or their respective authorized representatives, to inspect, at any time, any and all vehicles and equipment utilized or used in performance of the project; records of all transportation services rendered by the CITY in the use of such vehicles and equipment; and any and all data and records which in any way relate to the project or to the accomplishment of the project. The CITY will also permit the above noted persons to audit the books, records and accounts of the CITY pertaining to the project at any and all times, and the CITY will give its full cooperation to those persons or their authorized representatives, as applicable.
- D. Audit Requirements:** The CITY will comply with all audit requirements set forth in the Federal Office of Management and Budget (OMB) circular A-128 or A-133 whichever is applicable.
- E. Termination:** In the event the CITY fails at any time, in any manner, to comply with any provision, requirement, term or condition of this Agreement, such failure will constitute a default by the CITY under this Agreement. Any such default or defaults not corrected by the CITY within thirty (30) days following receipt of written notice from the

STATE by certified or registered mail of such default or defaults, will be deemed a breach by the CITY of this Agreement, and the right on the part of the STATE to terminate the Agreement by giving ten (10) days written notice of termination. A waiver by the STATE of a default or defaults by the CITY will not constitute a waiver of subsequent default or defaults by the CITY. In addition, if funding for this project is terminated by FHWA, the STATE will have the right to terminate this Agreement by giving ten (10) days written notice of termination. Said notice will be mailed by certified or registered mail.

- F. Retention of Records:** The CITY will retain all books, records, and other documents relative to this Agreement for a minimum of three (3) years after project termination, expiration of federal interest, or close out, and the STATE, the Comptroller General of the United States, and the Secretary of the USDOT, or either of them or their respective authorized representatives, will have full access to, and right to examine any of said materials at all reasonable times during said period.
- G. Performance:** The CITY will commence, carry on, and complete the project with all practical dispatch, in a sound, economical, and efficient manner.
- H. Equal Employment Opportunity:** The CITY will not discriminate against any employee or applicant for employment because of race, religion, color, sex, or national origin. The CITY will take affirmative action to insure that applicants for employment are employed, and that employees are treated during their employment, without regard to their race, religion, color, sex, or national origin. Such actions will include, but not be limited to the following: employment; upgrading; demotion; transfer; recruitment; layoff or termination; rates of pay or other forms of compensation; and selection for training, including apprenticeship. Furthermore, the STATE and the Secretary of the USDOT, or either of them or their respective authorized representatives, will have full access to, and

right to examine any and all CITY materials for the purpose of monitoring the CITY'S compliance with the provisions of this section.

- I. Title VI – Civil Rights Act of 1964:** The CITY will comply with all the requirements imposed by Title VI of the Civil Rights Act of 1964 (42 U.S.C. § 2000(d.)et seq.), the regulations of USDOT issued thereunder (49 CFR, Subtitle A, Part 21), and the assurance by the CITY pursuant thereto. Furthermore, the STATE and the Secretary of the USDOT, or either of them or their respective authorized representatives, will have full access to, and right to examine any and all CITY materials which will permit them to monitor the CITY for compliance with the provisions of this section.
- J. Prohibited Interest:** No member, officer, or employee of the CITY during their tenure of employment, and for one year thereafter shall have any interest, direct or indirect, in this Agreement or the proceeds, profits, or benefits therefrom.
- K. Americans with Disabilities Act:** The CITY will comply with all requirements of The Americans with Disabilities Act of 1990 (ADA).
- L. Agency:** By entering into this agreement, the CITY is not an agent of the State, its officers, employees, agents or assigns. The CITY is an independent entity from the State and nothing in this agreement creates an agency relationship between the parties.
- M. Permission to Start Work:** The CITY will not proceed with the project work until the STATE gives written authorization for the CITY to proceed.
- N. Other Applicable Regulations:** The CITY will comply with all applicable standards, orders, or requirements issued under Section 306 of the Clean Air Act, 42 U.S.C. § 1857(h) as amended by 42 U.S.C. § 7401, et seq., Section 508 of the Federal Water Pollution Control Act, 33 U.S.C. § 1368, Executive Order 11738, and Environmental Protection Agency regulations (40 CFR Part 15).

- O. Subcontracts:** The CITY will not enter into any subcontract without prior written consent of the STATE and will include in all subcontracts entered into pursuant to this Agreement all of the above clauses as required by the STATE.
- P. Exhibits M and N** are hereby attached to and made a part of this Agreement.
- Q. Agreement Change:** The terms of this Agreement may be modified by supplemental agreement duly executed by the parties hereto.
- R. Drug Free Workplace Act of 1988:** The CITY assures the STATE that it publishes a statement notifying employees of the policies in support of a drug free workplace; and establishes an ongoing drug-free awareness program.
- S. 7/24th Law:** Nothing shall be construed under the terms of this Agreement by the CITY or the STATE that shall cause any conflict with Section 23-1-63, Code of Alabama, 1975.

IN WITNESS WHEREOF, the parties hereto have caused this Agreement to be executed by those officers, officials and persons duly authorized to execute same, and the Agreement is deemed to be dated and to be effective on the date hereinafter stated as the date of its approval by the Governor of Alabama.

ATTEST:

City of Pelham, Alabama

By: _____
City Clerk (Signature)

By: _____
As Mayor (Signature)

Type Name of Clerk

Type Name of Mayor

This agreement has been legally reviewed and approved as to form and content.

By: _____
Jim R. Ippolito, Jr.
Chief Counsel
Alabama Department of Transportation

RECOMMENDED FOR APPROVAL:

DeJarvis Leonard, P. E., Region Engineer

Robert J. Jilla
Multimodal Transportation Engineer

Don T. Arkle, P. E.
Chief Engineer

STATE OF ALABAMA, ACTING BY AND THROUGH
THE ALABAMA DEPARTMENT OF TRANSPORTATION

John R. Cooper, Transportation Director

The foregoing Agreement is hereby executed in the name of the State of Alabama and signed by the Governor on this _____ day of _____, 20__.

Robert Bentley
Governor, State of Alabama

CERTIFICATION FOR FEDERAL-AID CONTRACTS: LOBBYING

This certification is applicable to the instrument to which it is attached whether attached directly or indirectly with other attachments to such instrument.

The prospective participant/recipient, by causing the signing of and the submission of this Federal contract, grant, loan, cooperative AGREEMENT, or other instrument as might be applicable under Section 1352, Title 31, U. S. Code, and the person signing same for and on behalf of the prospective participant/recipient each respectively certify that to the best of the knowledge and belief of the prospective participant or recipient and of the person signing for and on behalf of the prospective participant/recipient, that:

- (1) No Federal appropriated funds have been paid or will be paid, by or on behalf of the prospective participant/recipient or the person signing on behalf of the prospective participant/recipient as mentioned above, to any person for influencing or attempting to influence an officer or employee of any Federal agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with the awarding of any Federal contract, the making of any Federal grant, the making of any Federal loan, the entering into of any cooperative agreement, and the extension, continuation, renewal, amendment, or modification of any Federal contract, grant, loan, or cooperative agreement.
- (2) If any funds other than Federal appropriated funds have been paid or will be paid to any person for influencing or attempting to influence an officer or employee of any Federal agency, a member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with this Federal contract, grant, loan, or cooperative agreement, or other instrument as might be applicable under Section 1352, Title 31, U. S. Code, the prospective participant/recipient shall complete and submit Standard Form-LLL, "Disclosure Form to Report Lobbying," in accordance with its instructions.

This certification is a material representation of fact upon which reliance was placed when this transaction was made or entered into. Submission of this certification is a prerequisite for making or entering into this transaction imposed by Section 1352, Title 31, U. S. Code. Any person who fails to file the required certification shall be subject to a civil penalty of not less than \$10,000 and not more than \$100,000 for each such failure.

The prospective participant/recipient also agrees by submitting this Federal contract, grant, loan, cooperative agreement or other instrument as might be applicable under Section 1352, Title 31, U. S. Code, that the prospective participant/recipient shall require that the language of this certification be included in all lower tier subcontracts, which exceed \$100,000 and that all such subrecipients shall certify and disclose accordingly.

CONSULTANT 2/15/95
REVISED 5/30/02
REVISED 6/16/11
REVISED 10/2/15
REVISED 10/28/2015

EXHIBIT N

FUNDS SHALL NOT BE CONSTITUTED AS A DEBT

It is agreed that the terms and commitments contained herein shall not be constituted as a debt of the State of Alabama in violation of Article 11, Section 213 of the Constitution of Alabama, 1901, as amended by Amendment Number 26. It is further agreed that if any provision of this AGREEMENT shall contravene any statute or Constitutional provision of amendment, either now in effect or which may, during the course of this AGREEMENT, be enacted, then the conflicting provision in the AGREEMENT shall be deemed null and void.

When considering settlement of controversies arising from or related to the work covered by this AGREEMENT, the parties may agree to use appropriate forms of non-binding alternative dispute resolution.

TERMINATION DUE TO INSUFFICIENT FUNDS

- a. If the agreement term is to exceed more than one fiscal year, then said agreement is subject to termination in the event that funds should not be appropriated for the continued payment of the agreement in subsequent fiscal years.
- b. In the event of proration of the fund from which payment under this AGREEMENT is to be made, agreement will be subject to termination.

NO GOVERNMENT OBLIGATION TO THIRD PARTY CONTRACTORS

The STATE and CONSULTANT acknowledge and agree that, notwithstanding any concurrence by the Federal Government in or approval of the solicitation or award of the underlying contract, absent the express written consent by the Federal Government, the Federal Government is not a party to this contract and shall not be subject to any obligations of or liabilities to the STATE, CONSULTANT, or any other party (whether or not a party to that contract) pertaining to any matter resulting from the underlying contract.

The CONSULTANT agrees to include the above clause in each subcontract financed in whole or in part with Federal assistance provided to FHWA. It is further agreed that the clause shall not be modified, except to identify the subcontractor who will be subject to its provisions.

RESOLUTION 2016-06-06-07

Engagement of a General Contractor for Fire Station One

WHEREAS, the Pelham City Council finds it desirable and in the public interest of the City of Pelham to engage the services of a General Contractor related to renovations to the Pelham Fire Station One.

NOW, THEREFORE, BE IT RESOLVED by the Pelham City Council to authorize the Mayor to enter into a construction agreement with Safford Building Company, LLC, who submitted the single bid received in the formal bid opening on April 21, 2016. The agreement, subject to approval by the city attorney, calls for Safford Building Company, LLC to serve as the General Contractor for the Pelham Fire Station One renovation project and all construction costs for a negotiated price not to exceed \$269,950.00.

THEREUPON _____, a council member, moved and _____, a council member, seconded the motion that Resolution 2016-06-06-07 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 6th day of June 2016.

Rick Hayes
President of the Council

[SEAL]

ATTEST

Marsha Yates, MMC, 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 6th day of June 2016 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 6th day of June 2016.

Marsha Yates, MMC, City Clerk

[SEAL]

Fire Chief
Danny C. Ray



Mayor
Gary W. Waters

City of Pelham
Fire Department

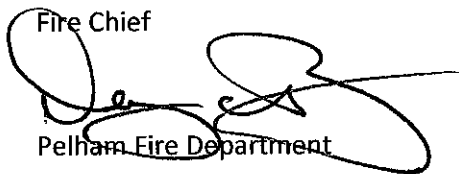
April 25, 2016

Mayor Waters and City Council
City of Pelham

As you know on April 21, 2016 we had a bid opening for the renovations for Station One. We had only one bidder whose bid was \$344,450.00 which was well over our budgeted amount. I asked that the council reject this bid. I also asked that Mayor and I to, in accordance with Title 39 of the Code of Alabama 1975, as the awarding authority to negotiate with this single bidder for a lower bid price. We've spent the past several weeks meeting with Mr. Clifford Safford of Safford Building Construction LLC along with some of his subcontractors and have negotiated a final bid price of \$269,950 for the project which is below what we had budgeted for the project. Therefore I would recommend to the Council that the bid be awarded to Safford Building Construction LLC and allow Mayor Waters to sign a contract with this bidder for the project.

Your consideration on this matter is greatly appreciated.

Danny C. Ray, BS, EMT
Fire Chief



Pelham Fire Department

Bid Proposal Budget Statement

The expenditure requested in the accompanying bid represents an expenditure specifically approved in the current budget category:

411021 (Enter the budget category).

The amount approved in the referenced budget category for the current budget year is:

\$375,000 (\$295,000 for this project) (Enter the approved budget amount).

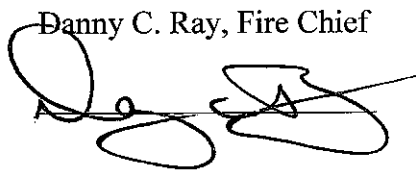
The current balance in this budget category is:

\$326,262 (Enter the current balance including all outstanding payables).

The balance in this budget category after this expenditure:

\$56,312 (Enter the balance after the proposed expenditure).

Certified by:

Danny C. Ray, Fire Chief


Danny Ray

From: Greg Tucker [gtucker@tuckerjones.com]
Sent: Tuesday, May 31, 2016 10:56 AM
To: Danny Ray; Blair Sides
Cc: Steven Trueb
Subject: RE: new price per meeting on monday

Chief Ray,

My number following the budget meeting with Clifford Safford was \$269,950.

Original	\$344,450
Eliminate Taxes	(\$31,000)
Replace SS Angle w/ Concrete	(\$20,000)
Leave Gutter/Coping (Paint) and Replace Downspouts	(\$4000)
Eliminate Generator/Light Stands	(\$7000)
Provide door only - Eliminate hardware, keypads, elec	(\$9500)
City to Provide Dumpster	(\$3000)
 Final Price	 \$269,950

The EIFS will have the same finish as existing throughout. The discussion last week was that a more updated finish could be used if the entire building received new EIFS.

Steve and I are updating the drawings. You can get started on the contract from your end. Let me know if you have questions.

Greg

Gregory L. Tucker, PE, SECB
Principal
Tucker-Jones Engineers Associated, P.C.
3300 Cahaba Road Suite 210
Birmingham, Alabama 35223
205.879.5660 Phone
205.529.9193 Cell
205.879.5606 Fax

-----Original Message-----

From: Danny Ray [mailto:dray@pelhamonline.com]
Sent: Friday, May 27, 2016 7:49 AM
To: Greg Tucker <gtucker@tuckerjones.com>; Blair Sides <Sides@pelhamonline.com>
Subject: RE: new price per meeting on monday

Greg,

So, our final project price is \$270,000, I need to let Marsha know so she can put together a resolution. As for the exterior finish since we are not going full height on the EFIS will we have two different textures and we will have fresh color on the upper part?

RESOLUTION 2016-06-06-08

Authorize an Agreement with Goodwyn, Mills and Cawood For Design Services for a New City Library

WHEREAS, the Pelham City Council has determined it serves a public purpose for the City of Pelham to enter into an agreement with Goodwyn, Mills and Cawood for architectural programming services related to the initial design of a proposed new city library.

NOW, THEREFORE BE IT RESOLVED by the Pelham City Council to authorize the Mayor, on behalf of the city, to enter into an agreement with Goodwyn, Mills and Cawood for architectural programming services related to the initial design of a new city library for the sum of \$15,000. The agreement stating the specific services to be performed is attached and is a part of this resolution.

THEREUPON _____, a council member, moved and _____, a council member, seconded the motion that Resolution 2016-06-06-08 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 6th day of June 2016.

Rick Hayes
President of the Council

[SEAL]

ATTEST

Marsha Yates, MMC, 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 6th day of June 2016 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 6th day of June 2016.

Marsha Yates, MMC, City Clerk

[SEAL]



June 3, 2016

Mr. Gary W. Waters, Mayor
Mr. Rick Hayes, President, City Council
Ms. Mary Campbell, Librarian
3162 Pelham Parkway
Pelham, AL 35124

RE: City of Pelham Library
Programming and Space Planning Services
GMC Proposal No: A16-09

via: e-mail

Dear Mr. Hayes:

Goodwyn Mills and Cawood (GMC) appreciates the opportunity to submit a proposal for architectural programming services for the planned new City of Pelham Library (Library). We have prepared this proposal for your review and comment, and we look forward to working with you throughout the process. This proposal will define the project understanding, the general scope of the work, our deliverables and the proposed compensation structure.

A> PROJECT UNDERSTANDING

The project consists of programming services for the planned new City of Pelham Library. The preliminary site location is adjacent to the new Pelham Park Middle School and a proposed future commercial development along Highway 31.

B> SCOPE OF WORK

Data Collection and Preparation: GMC will collect and organize data from the City of Pelham and other stakeholders in the project. This will consist of data related to the budget, specific space requirements, parking requirements and spatial adjacencies. Preliminary code and zoning data will also be collected. GMC anticipates approximately four meetings as part of this process.

Preliminary Program Design: With the data collected and in coordination with the City of Pelham, GMC will prepare a Program for the Library, including analysis of the data collected and a configuration of the various building and site program requirements. GMC anticipates approximately two meetings to develop the Program.

C> DELIVERABLES

GMC will deliver a Program Package, consisting of drawings to illustrate the program as well as a report of the program data analysis. Program drawings will consist of a diagrammatic site plan, diagrammatic floor plan(s), and preliminary exterior renderings. The program data analysis report will include a spreadsheet depicting the areas required for the program spaces, the overall building area required to accommodate the program, and an estimate of the construction cost based on averages for similar construction in the area.

D> COMPENSATION AND TERMS OF AGREEMENT

PROGRAMMING SERVICES FEES

GMC proposes performing the work outlined above for a Lump Sum of \$15,000. This fee includes all related expenses.

GOODWYN, MILLS AND CAWOOD, INC.

2701 1st Avenue South, Suite 100

Birmingham, AL 35233

Tel 205.879.4462 Fax 205.879.4493

GMCNETWORK.COM



PAYMENT TERMS

GMC will invoice the Lump Sum upon delivery of the final Program Package. Payment is due 30 days from the invoice date, and is considered past-due thereafter. Past-due invoices will accrue interest at a rate of one percent per month.

LIABILITY INSURANCE

GMC maintains workmens' compensation, comprehensive commercial general liability, and professional liability (E&O) insurance coverage. A copy of our insurance certificate is available upon request.

AGREED REMEDY

To the fullest extent permitted by law, the total liability, in the aggregate, of the Architect and Architect's officers, directors, employees, agents, and consultants to the Owner and anyone claiming by, through or under the Owner, for any and all injuries, claims, losses, expenses, or damages whatsoever arising out of or in any way related to the Architect's services, the Project or this Agreement, from any cause or causes whatsoever, including but not limited to, negligence, strict liability, breach of contract or breach of warranty shall not exceed the total compensation received by Architect under this Agreement, or the total amount of \$25,000 whichever is greater.

WAIVER OF CONSEQUENTIAL DAMAGES

Neither the Owner nor the Architect shall be liable to the other or shall make any claim for any incidental, indirect or consequential damages arising out of, or connected in any way to the Project or this Agreement. This mutual waiver includes, but is not limited to, damages related to loss of use, loss of profits, loss of income, loss of reputation, unrealized savings or diminution of property value and shall apply to any cause of action including negligence, strict liability, breach of contract and breach of warranty.

We will commence work immediately upon Owner's acceptance of this proposal.

We appreciate the opportunity to work with you over the course of this project, and trust our proposal is consistent with your expectations. Please feel free to contact me at your convenience to discuss the terms of this proposal and any questions or concerns you may have.

Sincerely:

GOODWYN MILLS & CAWOOD INC.


Robert W. Gray, AIA
Vice President, Architecture

Accepted:

CITY OF PELHAM

cc: Chris Engel, Proposal File

ORDINANCE NO. 474

AN ORDINANCE TO ALTER, REARRANGE AND EXTEND THE CORPORATE LIMITS OF THE CITY OF PELHAM, ALABAMA SO AS TO EMBRACE AND INCLUDE WITHIN THE CORPORATE AREA OF SAID CITY ALL TERRITORY WITHIN SUCH CORPORATE LIMITS AND ALSO CERTAIN OTHER TERRITORY CONTIGUOUS TO SAID CITY.

WHEREAS, a certain petition signed by the property owner(s) requesting territory therein described be annexed to the City of Pelham, together with a map of said territory showing its relationship to the corporate limits of the City has been filed with the City Clerk of the City of Pelham; and

WHEREAS, the Council has determined and found that the matters set forth and alleged in said petition are true, and that it is in the public interest that said property be annexed to the City of Pelham.

NOW, THEREFORE, BE IT ORDAINED by the Council of the City of Pelham, Alabama as follows:

Section 1. That said Council hereby assents to the annexation of said territory to the City of Pelham, Alabama, the corporate limits of the City to be extended and rearranged pursuant to the provisions of Chapter 42, Article 2, Code of Alabama 1975 (Sections 11-42-20 through 11-42-43, as amended) so as to embrace and include said territory, in addition to the territory already within its present corporate limits, within the corporate area of said City, which said territory is not within the corporate limits or "City Boundary" of another municipality. Said territory is described as follows:

The property is located in The Highlands development located in the Southeast one-fourth of the Northeast one-fourth of Section 1, Township 20 South, Range 2 West, Shelby County, Alabama and contains 4.1 acres. The legal description is attached.

Section 2. That the City Clerk shall file a certified copy of this ordinance containing an accurate description of said annexed territory with the Probate Judge of Shelby County, Alabama, and also cause a copy of this ordinance to be published in accordance with state law.

Section 3. That this ordinance shall be effective June 25, 2016.

THEREUPON _____, a council member moved and _____, a council member seconded the motion that Ordinance 474 be given vote. The roll call vote on said motion was recorded as follows:

Rick Hayes
President of the Council _____

Ron Scott
Council Member _____

Beth McMillan
Council Member _____

Maurice Mercer
Council Member _____

Karyl Rice
Council Member _____

Ordinance No. 474 passed by vote of all members of the Council present and the Council President declared the same passed.

ADOPTED this the 20th day of June 2016.

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, MMC, City Clerk

Gary W. Waters, Mayor Date

POSTING AFFIDAVIT

I, the undersigned qualified City Clerk of the City of Pelham, Alabama, do hereby certify that the above and foregoing **ORDINANCE NO. 474** 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 20th day of June 2016 and duly published by posting an exact copy thereof on the 21st day of June 2016 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, City Clerk, MMC

[SEAL]



THE HIGHLANDS

EST • 2016

LETTER OF PETITION FOR ANNEXATION INTO CITY OF PELHAM

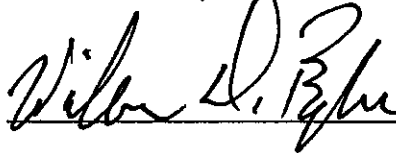
Two Mountains, LLC petitions the City of Pelham to annex the following property:

Commence at the Northeast corner of the Southeast one-fourth of the Northeast one-fourth of Section 1, Township 20 South, Range 2 West, Shelby County, Alabama proceed North 88° 49' 28" West along the North boundary of said quarter-quarter section for a distance of 381.41 feet to a ½" rebar in place; thence proceed South 01° 33' 43" West for a distance of 1046.99 feet, said point being the point of beginning. From this beginning point proceed North 70° 51' 33" East for a distance of 444.89 feet to a point on the East boundary of said quarter-quarter section; thence proceed South 00° 40' 08" East for a distance of 493.05 feet to the Southeast corner of the Southeast one-fourth of the Northeast one-fourth of Section 1; thence proceed South 89° 36' 55" West along the South boundary of said quarter-quarter section for a distance of 432.43 feet; thence proceed North 01° 33' 43" East for a distance of 78.63 feet to a 1" crimp top pipe in place; thence continue North 01° 33' 43" East for a distance of 271.56 feet to the point of beginning.

The above described land is located in the Southeast one-fourth of the Northeast one-fourth of Section 1, Township 20 South, Range 2 West, Shelby County, Alabama and contains 4.1 acres.

- Shelby County 10/1/2015 Property Tax Notice is attached
- Above described property is adjacent on two sides to Two Mountains, LLC property located with the City of Pelham within The Highlands development
- Currently, no utilities are available to this property
- Currently, no dwellings exist on this property
- Currently, no individuals live on this property

Annexation is requested to maintain consistent fire and police protection for The Highlands residents.

 Date 5/24/16

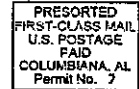
William David Brogdon, Member
Two Mountains, LLC
1500 Resource Drive
Birmingham, AL 35242
205-278-2601

Attachment: Shelby County Property Tax Notice

1500 RESOURCE DRIVE, BIRMINGHAM, AL 35242 • (O)205.278.2600 (F)205.991.6594

THEHIGHLANDSCOMMUNITY.COM

Don Armstrong
Property Tax Commissioner
P.O. Box 1298
Columbiana, AL 35051



Courtesy Tax Notice
IMPORTANT: DO NOT DISCARD

26 : 26711 : 26716

HIMIC STEVE P & LISA B
3227 HEATHROW DOWNS
BIRMINGHAM AL 35226-3355



35226-3355



10/01/2015



R52147Z

HIMIC STEVE P & LISA B

MARKET VALUE: 75,920.00
ASSD. VALUE 7,600.00
HOMESTEAD 0.00
CU VALUE 0.00
MUNICIPALITY CHELSEA

PARCEL NUMBER 14 1 01 0 000 038.000
RECEIPT# 52147
TAX YEAR 2015
TOTAL TAX DUE: \$334.40

AL Firefighter's Annuity and Benefit Fund. If you want to donate an additional \$2.00 to this fund, please check box ☐

E1/2 OF E1/2 OF SE1/4 OF NE1/4 SEC 01 T20S R2W BEAT 8

S: 1 T: 20S R: 02W
ACRES: 13.00
DIM: 120.00 x 1,340.00

Return top stub with payment

OWNER NAME: HIMIC STEVE P & LISA B
PARCEL NUMBER: 14 1 01 0 000 038.000
RECEIPT#: 52147
TAX YEAR: 2015
TAX DUE: \$334.40

Pay your Property Taxes Online at ptc.shelbyal.com. E-Checks and credit cards are accepted online only. Acceptable payment methods in our office are check, certified check, money order, or cash. If mailing payment, submit the top portion to ensure proper credit. To receive a paid receipt, please include a self addressed, stamped envelope.

Make Payment to: DON ARMSTRONG
PROPERTY TAX COMMISSIONER
P.O. BOX 1298
COLUMBIANA, AL 35051



unitedway.shelbyal.com

Taxes are due 10/01 of this year and are delinquent after 12/31.

Note: All Business Personal Property taxes must be paid prior to accepting payment of Real Property

Please check all information on this notice. If you no longer own this property, please notify us at (205) 670-6900. If your mortgage company pays the taxes, please forward this bill to them as a reminder.

Thank you for your cooperation. We are here to serve you.

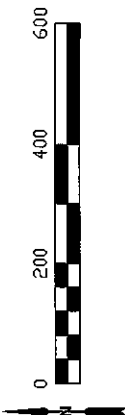
Don Armstrong
Property Tax Commissioner



R52147Z

RAY & GILLILAND, P.C.	
122 NORTH CALHOUN STREET P.O. BOX 1163 ST. LOUIS, ALABAMA 35550	TEL. NO. (256) 245-3243 FAX NO. (256) 245-3202 FILE/MAGNIFILIA HIMIC
DRAWN BY: JMR	SCALE: 1" = 200'

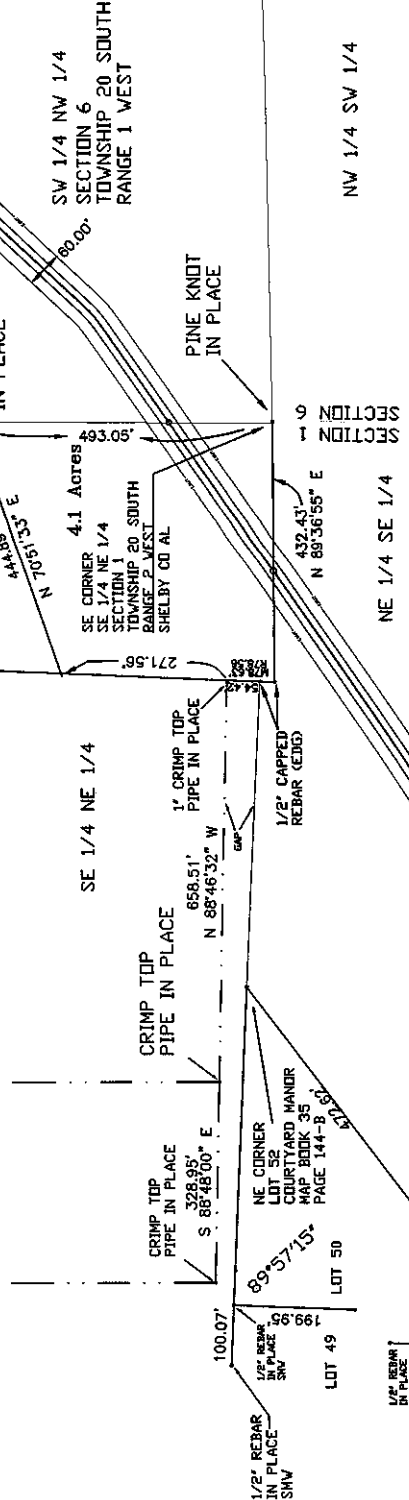
PREPARED FOR:
TWO MOUNTAINS LLC
OCTOBER 30 2015



4.1 ACRE TRACT:

Commence at the Northeast corner of the Southeast one-fourth of the Northeast one-fourth of Section 1, Township 20 South, Range 2 West, Shelby County, Alabama proceed North 88° 49' 28" West along the North boundary of said quarter-quarter section for a distance of 381.41 feet to a 1/2" rebar in place; thence proceed South 01° 33' 43" West for a distance of 1046.99 feet, said point being the point of beginning. From this beginning point proceed North 70° 51' 33" East for a distance of 444.89 feet to a point on the East boundary of said quarter-quarter section; thence proceed South 00° 40' 08" East for a distance of 493.05 feet to the Southeast corner of the Northeast one-fourth of the Northeast one-fourth of Section 1; thence proceed South 89° 36' 55" West along the South boundary of said quarter-quarter section for a distance of 432.43 feet; thence proceed North 01° 33' 43" East for a distance of 78.63 feet to a 1" crimp top pipe in place; thence continue North 01° 33' 43" East for a distance of 271.56 feet to the point of beginning.

The above described land is located in the Southeast one-fourth of the Northeast one-fourth of Section 1, Township 20 South, Range 2 West, Shelby County, Alabama and contains 4.1 acres.





Property to be annexed into the City of Pelham

