



CITY COUNCIL WORK SESSION AGENDA

Pelham City Hall – Council Conference Room
August 7, 2023 – 4:30 p.m.

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

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

- A. Call to Order
- B. Record of Attendance
- C. Approval of the July 10, 2023 and the July 24, 2023 Regular Work Session Minutes
- D. Executive Session
- E. Old Business
 - 1. Discussion – Finalize Old Fire Station No. 3 Purchase Offers
 - 2. Discussion – Finalize Arts & Entertainment District
- F. New Business
 - 1. Update – Warrant Series 2021-A Expenditures
 - 2. Discussion – Proceeds from sale of 2013 Porsche Panamera
 - 3. Discussion – Project Manager-Grants (Finance Department)
 - 4. Discussion – Proposed Membership Rates for Pelham City School Employees at the Pelham Recreation Center
- G. Review of the August 7, 2023 City Council Agenda
- H. Adjournment

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



CITY COUNCIL WORK SESSION MINUTES

Pelham City Hall

Council Chambers

July 10, 2023 – 5:00 p.m.

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 throughout the scheduled meeting.

Members of the Pelham City Council met on Monday, July 10, 2023, at 5:00 p.m. The regular work session was held in the Council Chambers at Pelham City Hall and was open to the public.

Call to Order

The work session was called to order by Council President Mercer at 5:00 p.m.

Record of Attendance

The following elected officials were present:

Council President Maurice Mercer
Councilmember Chad Leverett
Councilmember Rick Wash
Councilmember Mildred Lanier
Mayor Gary Waters

The following elected official(s) were not present:

Councilmember David Coram

The city clerk/treasurer recorded the attendance of the elected officials and announced a quorum was present. City Manager Gretchen DiFante and City Attorney Josh Arnold were present.

Media Present: None

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

Approval of Minutes

A motion was made by Councilmember Wash to approve the June 20, 2023 Regular Work Session Minutes.

The motion was seconded by Councilmember Leverett. There being no further discussion, the motion passed by a majority voice vote of those members present with Councilmember Lanier abstaining.

Request to Address the City Council – None

New Business

1. Presentation – Drainage Study

Director of Development Services & Public Works Andre` Bittas reintroduced Kirk Mills and Kandace Kea, with Kimley-Horn and Associates. Mr. Bittas gave a brief recap of previous flooding issues. Kimley-Horn and Associates have recently completed a hydrology study for the Bishop Creek and Buck Creek watershed basins. The professional services agreement was adopted by Resolution 2021-12-20-14 on December 20, 2021 in the amount of \$417,500.00.

Ms. Kea explained the definition of flooding, discussed previous rain events, and reviewed the findings of the hydrology study.

Following the presentation, the city council asked questions and made comments regarding the study.

Old Business

1. Discussion – Old Fire Station No. 3 Purchase Offers

City Manager Gretchen DiFante reviewed the purchase offers received for old Fire Station No. 3.

- a. Pelham Church of God: \$100 per year, 10-year lease, option to purchase. The agreement includes payment by the church for utilities, property taxes, maintenance, and insurance.

Pastor Dr. Michael Welborn addressed the city council and gave a brief history of the church. He outlined potential uses of the property if acquired by the church. He acknowledged their offer is a long shot.

- b. Triple Point Properties, LLC: \$525,000 purchase, \$50,000 to be returned of the purchase monies after completion of the renovations and a signed lease.

Charles Maynard, representing Triple Point Properties, LLC, stated the area is an icon in the community. He proposed a coffee shop, ice cream shop or pizza location. He said there are few family restaurants in the area. He noted the need for a new roof and other upgrades. Mr. Maynard said they have reached out to several possible tenants.

- c. Southeastern Construction Partners, LLC: \$525,000 purchase

Gary Lantrip stated Southeastern Construction is a commercial builder having been in Pelham for 14 years. He provided a rendering of the property which included upgrades and improvements. He explained there would be no outside storage other than small construction trailers which would not be visible from the street. He noted a privacy fence would be built around the property.

d. Fortis, LLC: \$300,000 purchase

Josh Pospy, a business partner with CrossFit Alabaster, stated having lived in Pelham for the past seven years. He said he has been doing CrossFit for over ten years. He read a statement from Leigh Hulse, owner of CrossFit Alabaster, outlining the reasons behind the move to Pelham.

City Manager DiFante reviewed each offer with the city council. She asked the council to consider placing discussion of the proposed sale on the July 24, 2023 work session agenda. Councilmember Wash stated he wanted the buyer of the property to a partner with the city. Councilmember Wash suggested further discussion at the July 24, 2023 work session, to include Councilmember Coram, who is not present tonight.

2. Discussion - Sales & Use Taxes

City Manager DiFante updated the Council on a request she had received from one council member to research the process for state legislative consideration for a sales tax increase to include the recently-frozen tax on some types of groceries. She reported the city could appeal to the legislature for the entire increase or enact a local sales tax increase separately that would not include the tax on some types of groceries. The impact on revenues from not being able to charge the additional 1% sales tax on groceries would be approximately \$1.5 million in less revenue. Councilmember Lanier thanked the staff for the presentation and the need to maintain the city's infrastructure. Councilmember Leverett stated the need for a sales tax increase to fund city projects. He noted how a tax increase is not popular with the public. Councilmember Wash stated the need for a sales tax increase. Short term rentals were also discussed, and the City does not collect taxes on short term rentals. Council President Mercer asked the council to consider adding a tax for short term rentals adding this would not affect most of the public. City Manager DiFante suggested putting together a timeline for city council review.

Review of July 10, 2023 City Council Agenda

Council President Mercer reviewed the July 10, 2023 city council agenda.

E. Retirement Recognition - Police Lt. James Carter

F. Consent Agenda

A consent agenda is presented by the presiding officer at the beginning of a council meeting. Items presented on the consent agenda are considered routine and/or non-controversial and are organized apart from the rest of the agenda and are adopted by general consent and vote by the city council 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 presiding officer and City Council.

1. Approval of the July 10, 2023 City Council Agenda
2. Approval of the June 20, 2023 Regular Council Meeting Minutes
3. **Resolution 2023-07-10-01** for consideration to appoint citizens to the Pelham Board of Adjustment (Supernumery Positions), effective immediately with the term of office ending September 30, 2023

There were no questions or comments from the city council.

4. **Resolution 2023-07-10-02** for consideration to approve a proposal from Atlas Technical Consultants, LLC for construction materials testing services for the Amphitheater Road Widening Project. This project was budgeted in FY2023.

Director of Development Services & Public Works Andre` Bittas stated Amphitheater Road is under construction. He said Atlas Technical Consultants, LLC will provide materials testing during construction.

5. **Resolution 2023-07-10-03** for consideration to approve a final summary change order for the King Valley Drive PVC Replacement Project

Director of Development Services & Public Works Andre` Bittas stated the project required additional PVC replacement and the decision was made to proceed while the contractor was on site.

6. **Resolution 2023-07-10-04** for consideration to accept the lowest and most responsible bid from Willoughby Contracting Co., Inc. for the Ballantrae Back-Up Water Supply Project

Director of Development Services & Public Works Andre` Bittas stated this is to install an emergency water supply line for the Ballantrae community.

7. **Resolution 2023-07-10-05** for consideration to accept responsibility for the electrical bill only for six (6) new streetlights in the Oak Forest neighborhood

Director of Development Services & Public Works Andre` Bittas said the request is to convert six lights to LED and assume the electric billing.

8. **Resolution 2023-07-10-06** for consideration to accept the lowest and most responsible bid from Norris Paving & Asphalt, Inc. for the public parking expansion project at the Pelham Civic Complex & Ice Arena and amend the FY2023 Bond Projects Budget

Director of Development Services & Public Works Andre` Bittas said approval of the resolution will provide additional public parking at the Pelham Civic Complex & Ice Arena. City Manager DiFante stated the parking lot will be gravel and include curbs, gutters, and storm water inlets and culverts.

9. **Ordinance No. 091-05** for consideration to amend the water fees structure for residential and commercial customers effective October 1, 2023. (First Reading was on June 20, 2023)

Director of Development Services & Public Works Andre` Bittas said adoption of Ordinance No. 091-05 will update the water fee schedule for the first time in approximately 15 years.

10. **Ordinance No. 156-10** for consideration to amend the sewer fees structure for residential and commercial customers effective October 1, 2023. (First Reading was on June 20, 2023)

Director of Development Services & Public Works Andre` Bittas stated approval of Ordinance No. 156-10 will update the sewer fee schedule for the first time in approximately 15 years.

11. **Ordinance No. 135-255** an amendment to the zone district boundaries of the City of Pelham changing the present zoning M-1 (Light Industrial District) to B-2 (General Commercial District)

for Lot No. 2 in the Grande Vista subdivision located near the intersection of Shelby County Highway No. 52E and 35, Pelham, Alabama 35124. (First Reading was on June 20, 2023)

Director of Development Services & Public Works Andre` Bittas is requesting to rezone city owned property in the Grande Vista subdivision on Shelby County Highway 52 East and 35.

E. Public Hearing(s)

To consider **Ordinance No. 135-256** an amendment to the zone district boundaries of the City of Pelham changing the present zoning MX-C (Mixed Use Development District) to R-G (Garden Home Residential District) for property located on the east side of Huntley Parkway approximately 1,500 feet north of Simmsville Road (Shelby County Highway No. 11).

Council President Mercer noted a public hearing would be held tonight to consider rezoning a parcel of land owned by Louise Ann Pardue Devers, et al, 451 Tranquil Bay Circle, Norwood, NC. 28128.

Price Hightower, with Tower Homes addressed the city council. He stated they are requesting a zoning change from MX-C (Mixed Use Development District) to R-G (Garden Home Residential District). He stated the current zoning is for mixed-commercial use to include 280 apartments. He said the rezoning is for 84 single family garden homes priced in the mid \$400s to lower \$500s. Mr. Hightower emphasized their plan is to maximize green space in the development. He stated the rezoning request is consistent with the city's comprehensive plan. The city council asked whether a homeowner's association (HOA) would be established. He said there would be an HOA.

F. Mayor's Comments

G. Proclamation(s) by the Mayor and Others – None

H. Report of the City Manager

I. Report of the City Attorney

J. Request(s) to Address the Council

1. Alise Tressillian addressed the city council regarding short term rental of residential properties.

K. Old Business / Resolutions / Ordinances / Orders and Other Business – None

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

1. **Ordinance No. 135-256** an amendment to the zone district boundaries of the City of Pelham changing the present zoning MX-C (Mixed Use Development District) to R-G (Garden Home Residential District) for property located on the east side of Huntley Parkway approximately 1,500 feet north of Simmsville Road (Shelby County Highway No. 11). (First Reading)

There were no city council questions or comments.

(End of July 10, 2023 Agenda Review)

Councilmember Wash made a motion to recess the July 10, 2023 city council work session. The motion was seconded by Councilmember Leverett. There being no further discussion the motion was adopted by a voice vote of those members present. The work session recessed at 7:00 p.m.

Council President Mercer called the city council work session back to order at 7:49 p.m. to discuss Item 2 under Old Business, Sales & Use Taxes. *See the discussion above.*

Adjournment

A motion to adjourn the work session was made by Councilmember Lanier and seconded by Councilmember Leverette. The motion passed unanimously by voice vote of those members present and the work session was adjourned at 8:23 p.m.

Respectfully submitted this 10th day of July 2023.

Tom Seale, MMC, City Clerk/Treasurer

Maurice Mercer, President of the Council

[SEAL]



CITY COUNCIL WORK SESSION MINUTES

Pelham City Hall

Council Chambers

July 24, 2023 – 4:30 p.m.

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 throughout the scheduled meeting.

Members of the Pelham City Council met on Monday, July 24, 2023, at 4:30 p.m. The regular work session was held in the Council Conference Room at Pelham City Hall and was open to the public.

Call to Order

The work session was called to order by Council President Mercer at 4:30 p.m.

Record of Attendance

The following elected officials were present:

Council President Maurice Mercer
Councilmember Chad Leverett
Councilmember Rick Wash
Councilmember Mildred Lanier Reed
Mayor Gary Waters

The following elected official was not present:

Councilmember David Coram

The city clerk/treasurer recorded the attendance of the elected officials and announced a quorum was present. City Attorney Josh Arnold was present.

Media Present: None

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

Approval of Minutes

Councilmember Lanier Reed made a motion to table the approval of the July 10, 2023 work session minutes. The motion was seconded by Councilmember Leverett and passed by a unanimous voice vote of those

members present. The consensus was for the city clerk/treasurer to forward the proposed revisions to the city council after City Manager DiFante has had an opportunity to review her comments.

Request to Address the City Council – None

Old Business

1. Sales & Use Taxes

Finance Director Jamie Wagner reviewed the timeline required to implement the sales and use tax increase on November 1, 2023. She noted the state's requirement to give the Alabama Department of Revenue 60 days notice prior to an increase. Mrs. Wagner reviewed the notification process drafted with the assistance of Ainsley Allison, Manager of Communications and Branding. She provided the city council copies of proposed Ordinance No. 324-06. Council President Mercer stated the need to move forward with notification of the public hearing to allow for public comments at that time. Councilmember Wash stated he would be out of town on August 7, 2023. The consensus of the city council was to move forward with the announcement of the public hearing on August 7, 2023 at 7:00 p.m. in the Council Chambers at Pelham City Hall.

2. Discussion – Old Fire Station No. 3 Purchase Offers

Economic Development Director Michael Simon reviewed the pending purchase offers as follows:

- a. Pelham Church of God: \$100 per year, 10-year lease, option to purchase. The agreement includes payment by the church for utilities, property taxes, maintenance, and insurance.
- b. Triple Point Properties, LLC: \$525,000 purchase, \$50,000 to be returned of the purchase monies after completion of the renovations and a signed lease.
- c. Southeastern Construction Partners, LLC: \$525,000 purchase
- d. Fortis, LLC: \$300,000 purchase

Mr. Simon said he received a revised offer from the Pelham Church of God earlier today.

Leigh Hulsey, owner of Fortis, LLC, doing business as CrossFit Alabaster, stated having made a request to the CrossFit corporate office regarding a name change from CrossFit Alabaster to CrossFit Alpha. She stated CrossFit was willing to consider CrossFit Alpha as the new name.

Council President Mercer asked if city staff had a recommendation regarding the proposed sale. Mr. Simon stated he would like to see the property sold to an income producing business that would generate sales and uses taxes, and/or property taxes. The council questioned several of the proposed purchasers regarding timelines and potential uses of the old Fire Station No. 3 site.

Council President Mercer suggested further discussion regarding the sale of the property be conducted in an executive session. There was agreement among the city council to his suggestion.

Executive Session

Council President Mercer stated for the record the purpose of the Executive Session is to discuss the consideration the governmental body is willing to offer or accept when considering the purchase, sale, exchange, lease, or market value of real property, per Section 36-25A-7(6) Code of Alabama 1975, as amended.

City Attorney Josh Arnold stated the purpose of tonight's Executive Session is appropriate under Section 36-25A-7(6) and Code of Alabama 1975, as amended.

A motion was made by Councilmember Wash to enter an Executive Session of the city council for the stated purpose. Said motion was seconded by Councilmember Leverett. Council President Mercer asked the city clerk/treasurer for a roll call vote. The vote to adopt said motion was recorded as follows:

Maurice Mercer, Council President	<u>Yes</u>
David Coram, Councilmember	<u>Not Present</u>
Chad Leverett, Council Member	<u>Yes</u>
Rick Wash, Council Member	<u>Yes</u>
Mildred Lanier Reed, Council Member	<u>Yes</u>

Council President Mercer asked the members of the city council, Mayor Waters, City Attorney Josh Arnold, Economic Development Director Michael Simon, Director of Development Services & Public Works Andre' Bittas, Real Estate Agent Mark Dinan and City Clerk/Treasurer Tom Seale to attend the Executive Session. Council President Mercer stated he expected the city council to return from the Executive Session in approximately 25 minutes. The city council went into Executive Session at 5:05 p.m.

Economic Development Director Michael Simon and Real Estate Agent Mark Dinan were excused from the Executive Session at 5:20 p.m.

Councilmember Wash moved to adjourn the Executive Session. Said motion was seconded by Councilmember Leverett. The motion passed unanimously by voice vote of those members present and the Executive Session was adjourned at 5:37 p.m.

Council President Mercer called the work session back to order at 5:38 p.m.

A motion was made by Councilmember Leverett to lay on the table further discussion on the sale of Old Fire Station No. 3. Said motion was seconded by Councilmember Lanier Reed. There being no further discussion the motion to lay on the table further discussion on the topic passed by a unanimous voice vote of those members present and the council president declared the same passed.

3. Discussion - Proposed Pelham Creekside Arts & Entertainment District

Economic Development Director Michael Simon discussed a proposed name for consideration by the city council. He stated having had discussions with Police Chief Brent Sugg, Fire Chief Mike Reid, Executive Director of the Pelham Civic Complex & Ice Arena Seth Greenberg, and Director of Parks & Recreation

Brian Cooper regarding the times of operation for the entertainment district. Mr. Simon stated the goal is to make Pelham a destination place and support the businesses in the entertainment district. Mr. Simon discussed establishing physical boundaries of the district. Discussion continued among the city council regarding proposed hours of operation. Chief Sugg stated it is important the entertainment district's rules and regulations established by the city council are enforceable by the police department. Mr. Simon stated the direction given to him tonight will allow for the preparation and finalizing of the ordinance establishing the entertainment district. Councilmember Lanier Reed expressed several concerns about expanding the footprint of the entertainment district. City Attorney Josh Arnold mentioned the option of modifying the boundaries later.

New Business

1. Presentation – Christie Hester – CDBG Shelby County Urban County Program

Council President Mercer introduced Christie Hester, Director of Development Services, Shelby County Commission. She explained the Community Development Block Grant Program and the opportunity for Pelham to participate. She said the grant funding is approximately \$1 million per year. She said if Pelham agrees to participate the city would have a seat on the Policy Board. The funding would begin on October 1, 2024. Ms. Hester stated the program would be beneficial to Shelby County and the participating communities. She said the block grants typically fund roads, sewer, water, and other infrastructure projects. She stated funding needs are based on priorities established by the Policy Board. She further stated no matching grant funds are expected from the participating cities.

2. Interview – Pelham Parks & Recreation Board Appointment (Student Representative)

Parks & Recreation Director Brian Cooper introduced Juliana Bitas. She stated she is a junior at Pelham High School, a member of the volleyball team, has lived in Pelham 16 years, and currently volunteers at the Pelham Recreation Center. She mentioned several events she would like to see brought to Pelham. The city council thanked Juliana for her willingness to serve the community.

3. Building Fee Permit Schedule

Director of Development Services & Public Works Andre` Bittas noted the need to update the Building Fee Schedule. He highlighted the fees his department would like to add, which would simply cover the city's cost to provide these services. Mr. Bittas stated a typographical error in a definition was made in the fee schedule approved earlier by the city council, which needs to be corrected.

Review of July 24, 2023 City Council Agenda

Council President Mercer reviewed the July 24, 2023 city council agenda.

F. Consent Agenda

A consent agenda is presented by the presiding officer at the beginning of a council meeting. Items presented on the consent agenda are considered routine and/or non-controversial and are organized apart from the rest of the agenda and are adopted by general consent and vote by the city council 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 presiding officer and City Council.

1. Approval of the July 24 2023 City Council Agenda
2. Approval of the July 10, 2023 Regular Council Meeting Minutes
3. **Resolution 2023-07-24-01** for consideration to declare certain personal property of the City of Pelham which are no longer needed for public or municipal purposes as surplus

City Clerk/Treasurer Tom Seale stated the city has two items which are no longer needed for public or municipal purposes and need to be declared surplus. Those items include a 2006 Sterlin Acterra Boom/Brush Truck and a 1997 Zamboni Model 500. Mr. Seale requested the city council approve Resolution 2023-07-24-01 as submitted. Director of Development Services & Public Works Andre' Bittas stated there is no need for the city to operate three brush trucks since this service is now provided by a contractor.

4. **Resolution 2023-07-24-02** for consideration to appoint a citizen to the Pelham Parks & Recreation Advisory Board as the Student Representative

There were no comments or questions from the city council.

5. **Resolution 2023-07-24-03** for consideration to approve an updated job description for the current position of Sergeant within the Pelham Police Department previously reviewed and approved by the Pelham Personnel Board

Police Chief Brent Sugg provided the city council with updated job descriptions for the positions of sergeant, lieutenant, captain, and deputy chief. He noted the current required educational training of these police department positions. He stated his desire to move the requirement for a college degree to preferred requirement. He said changes to years of service were revised in each position, except for deputy chief. The equivalence requirement of experience was added to the deputy chief position. Councilmember Lanier Reed asked Chief Sugg what requirements are necessary in lieu of a degree. He explained those requirements. Chief Sugg explained the difficulty of attracting applicants, regardless of education background.

6. **Resolution 2023-07-24-04** for consideration to approve an updated job description for the current position of Lieutenant within the Pelham Police Department previously reviewed and approved by the Pelham Personnel Board

See the comments under Resolution 2023-07-24-03.

7. **Resolution 2023-07-24-05** for consideration to approve an updated job description for the current position of Captain within the Pelham Police Department previously reviewed and approved by the Pelham Personnel Board

See the comments under Resolution 2023-07-24-03.

8. **Resolution 2023-07-24-06** for consideration to approve an updated job description for the current position of Deputy Chief within the Pelham Police Department previously reviewed and approved by the Pelham Personnel Board

See the comments under Resolution 2023-07-24-03.

9. **Resolution 2023-07-24-07** for consideration to accept the lowest responsible bid from CDI Janitorial Service for janitorial services for the Pelham Tennis Center, Water Works Building, Pelham Public Library, Pelham Recreation Center, Pelham City Hall, Pelham Racquet Club, Pelham Senior Center, Ballantrae Golf Clubhouse and Turf Care Center

City Clerk/Treasurer Tom Seale stated the city mailed Request for Proposals (RFP) on June 28, 2023 to 10 vendors to bid on the janitorial services for the City of Pelham for the next three years. These 10 vendors had bid on the city's 2020 janitorial contract and received a 2023 bid packet. Each was invited to attend a mandatory pre-bid meeting at Pelham City Hall. The RFP was posted at Pelham City Hall and online at www.pelhamalabama.gov on Wednesday, June 28, 2023. The pre-bid meeting was held on July 6, 2023 and involved a tour of each facility under consideration. The pre-bid meeting was attended by 11 potential bidders.

He further stated on July 17, 2023 sealed bids were received from five (5) vendors and were opened in public and read aloud. The bids ranged from \$9,910.00 to \$28,000.00 for monthly janitorial service for the Pelham Tennis Center, Water Works Building, Pelham Public Library, Pelham Recreation Center, Pelham City Hall, Pelham Racquet Club, Pelham Senior Center, Ballantrae Golf Clubhouse and Turf Care Center. The apparent low bidder was Uricho Services, Inc. at a monthly rate of \$9,910.00. The proposed contract is for three years with an option for one additional three-year renewal period.

Mr. Seale said due do past documented performance issues Uricho Services, Inc. was disqualified.

He stated the second low bidder was CDI Janitorial Service at \$11,060.00 per month, a Pelham business. CDI Janitorial Service has been a vendor in the past and is a current provider for janitorial services at Pelham City Hall. The city has been satisfied with their services in the past.

Mr. Seale recommended the City Council consider approving the most responsible bid from CDI Janitorial Service for a three-year contract, with an option for one additional three-year period, effective October 1, 2023 at the monthly rate of \$11,060.00.

10. **Resolution 2023-07-24-08** for consideration to participate in the Community Development Block Grant Entitlement Program - Shelby County Urban County

There were no comments or questions from the city council.

11. **Resolution 2023-07-24-09** for consideration to approve a public works contract with Mickey Hamrick Construction for labor and materials for construction of a pavilion at the Pelham Senior Center. This project was budgeted in FY2023.

Parks & Recreation Director Brian Cooper stated the project has already begun. He said this is the next phase of the ongoing projects at the Pelham Senior Center.

Mr. Cooper was questioned about the opening of the splash pad. He said if the splash pad is not painted until next spring, he anticipates an opening date in mid-August 2023.

12. **Resolution 2023-07-24-10** for consideration to approve a public works contract to remove and replace the roof at the Indian Hills Well House. This work has been budgeted in FY2023.

Director of Development Services & Public Works Andre` Bittas stated this is to remove and replace the original roof on the well house.

13. **Resolution 2023-07-24-11** for consideration to approve a professional services agreement between the City of Pelham and Skipper Consulting, Inc. for additional design services for the installation of an emergency exit traffic light at Fire Station No. 3. This work has been budgeted in FY2023.

City Engineer Mike Eddington stated the professional services agreement is for the redesign for an emergency exit traffic light at Fire Station No. 3 on Shelby County Highway 11. He said the original design concept was not approved by the Shelby County Highway Department. Director of Development Services & Public Works Andre` Bittas said the original design was approved by the Shelby County Highway Department but due to staff changes the final design was denied. Mr. Bittas said the redesign should be completed in about two months with the total project completed within six months.

14. **Resolution 2023-07-24-12** for consideration to enter into agreements with Shelby County Park & Recreation Authority (SCPRA) for site work and project administration for drainage improvements at Coker Park. This work has been budgeted in FY2023.

City Engineer Mike Eddington stated the need to regrade this area for the new swing set for drainage purposes and expansion of the parking lot. He said the project should be completed in about 90 days.

- E. Public Hearing(s) – None
- F. Mayor's Comments
- G. Proclamation(s) by the Mayor and Others – None
- H. Report of the City Manager – None
- I. Report of the City Attorney
- J. Request(s) to Address the Council – None
- K. Old Business / Resolutions / Ordinances / Orders and Other Business – None
- L. New Business / Resolutions / Ordinances / Orders and Other Business – None

(End of July 24, 2023 Agenda Review)

Adjournment

A motion to adjourn the work session was made by Councilmember Lanier Reed and seconded by Councilmember Leverett. The motion passed unanimously by voice vote of those members present and the work session was adjourned at 6:52 p.m.

Respectfully submitted this 24th day of July 2023.

Tom Seale, MMC, City Clerk/Treasurer

Maurice Mercer, President of the Council

[SEAL]

ORDINANCE No. 513

An Ordinance Declaring Certain Real Property as Surplus Located at 1297 County Road 52, Pelham, Alabama 35124 and Known as Old Fire Station No. 3

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

Section 1. It is hereby established and declared that the following described real property of the City of Pelham, Alabama, is no longer needed for public or municipal purposes:

Legal Description:

Commence at the NW corner of the SE ¼ of the SW ¼ of Section 19, Township 20 South, Range 2 West; thence South 89 deg. 28 min. 49 sec. East and run along North line of said ¼ - ¼ Section 564.54 feet; thence South 0 deg. 30 min. East and run 25.32 feet to a point on the Southerly right-of-way of County Road No. 52, this point being the point of beginning; thence South 80 deg. 23 min. 51 sec. East and run along said right-of-way 103.05 feet to the point of a curve to the left, said curve having a central angle of 6 deg. 42 min. 40 sec. and a radius of 1310.56 feet; run along said right-of-way and arc of said curve 153.51 feet; thence South 17 deg. 33 min. 49 sec. West and run 221.00 feet; thence North 64 deg. 26 min. 7 sec. West and run 150.00 feet to the point of a curve to the right, said curve having a central angle of 69 deg. 9 min. 13 sec. and a radius of 154.8 feet, run along arc of said curve 186.84 feet to the point of a curve to the right, said curve having a central angle of 94 deg. 54 min. 14 sec. and a radius of 30.40 feet, run along arc of said curve 50.35 feet to the point of beginning; being situated in Book 267, Page 305 of the county records of Shelby County, Alabama. Said parcel containing .94 acres (+ -).

End of Legal Description

Shelby County, Alabama Parcel I.D. No.: 14-4-19-3-001-010.002

Property Physical Location: 1297 County Road 52, Pelham, Alabama 35124.

Section 2. Pursuant to the authority granted by § 11-47-20, Code of Alabama 1975, the Mayor is hereby authorized and directed to execute a general warranty deed for the above described parcel containing .94 acres (+ -) for the total sales price of \$_____ to _____ in accordance with the terms and conditions as set forth in the attached Real Estate Purchase Agreement which shall become a permanent part of this Ordinance.

Section 3. All Ordinances or parts of Ordinances in conflict to the provisions of this Ordinance are hereby specifically repealed.

Section 4. Within said codes when reference is made to the duties of certain officials named therein that designated official in the city who has duties corresponding to those of the named officials in said code shall be deemed the responsible official insofar as enforcing the provisions of said code concerned.

Section 5. The provisions of this Ordinance are severable, and if any part of this Ordinance is declared invalid or unconstitutional, that declaration shall not affect the remainder of this Ordinance, which shall remain in full force and effect.

Section 6. This Ordinance shall become effective upon its passage and publication or posting as required by law.

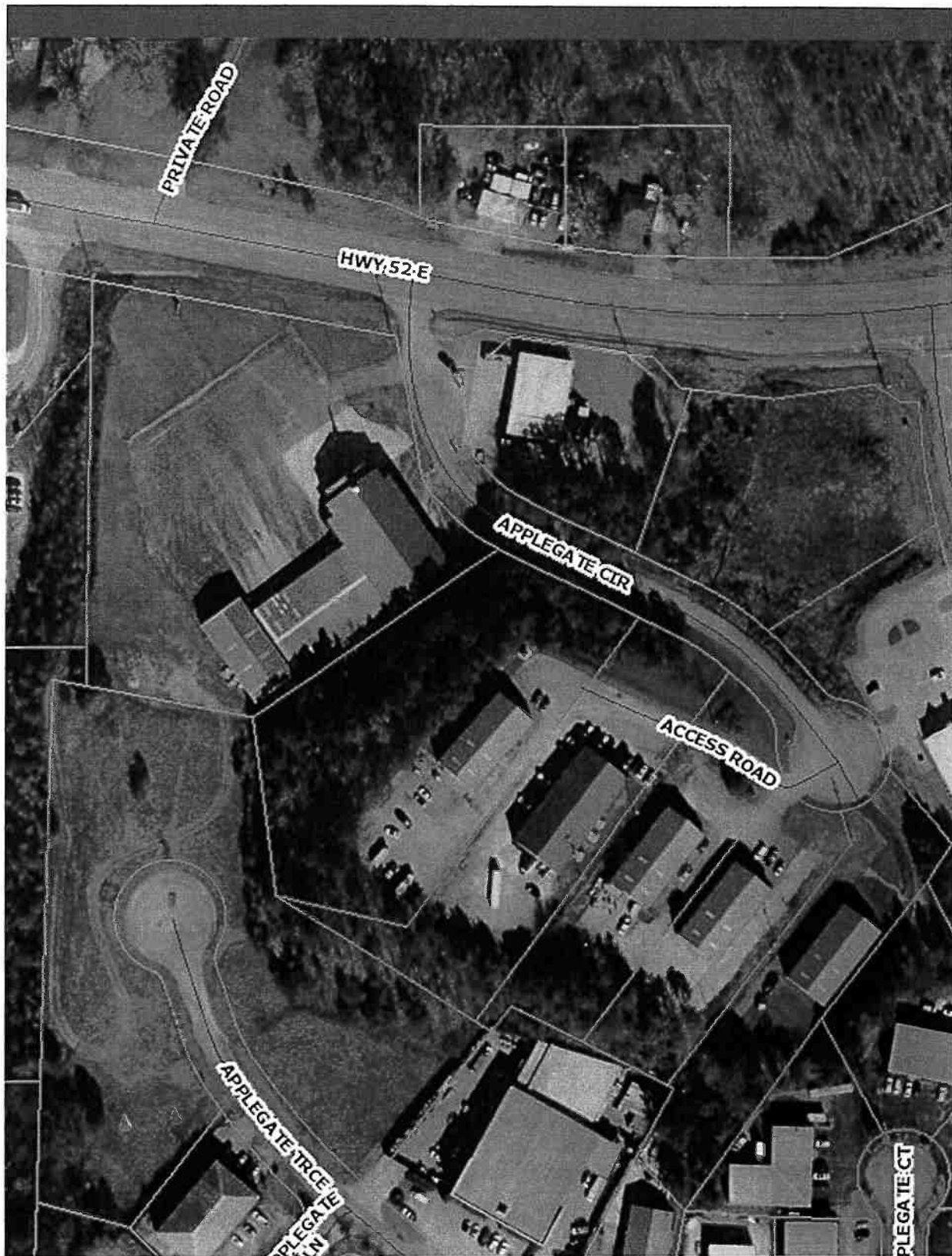
THEREUPON _____, a councilmember moved and _____, a councilmember seconded the motion that Ordinance No. 513 be given vote. The roll call vote on said motion was recorded as follows:

Maurice Mercer
President of the Council _____

David Coram
Council Member _____

Offers to Purchase City of Pelham Owned, old Fire Station No. 3

	Southeastern Construction Partners, LLC	Triple Point Properties, LLC	Fortis, LLC	Pelham Church of God
Purchase Price	\$525,000.00	\$475,000.00	\$300,000.00	\$125,000 sale price, lease to own over 5 years, \$25,000/yr, Triple Net
Earnest Money	\$10,000.00	\$5,000.00	\$3,000.00	N/A
Balance to Close	\$515,000.00	\$470,000.00	\$297,000.00	N/A
Inspection Period	Ten (10) days	Thirty (30) days	One hundred twenty (120) days	Twenty (20) days
Contingency	Financing, with approval letter provided within five (5) days of execution	None	Financing	N/A
Closing Date	8/31/2023 or 30 days after the contract execution date	Fifteen Days from the end of the inspection Period	November 14, 2023	August 1, 2028
Property Use	A Pelham-based company (14 yrs) purchasing property for their office. No storage of heavy equipment, just utility trailers.	Being purchased as an investment property for use as retail, office, or restaurant space. 1031 Exchange	Fitness/Gym	The Abby, which will be a community outreach center and youth services center



SUBJECT PROPERTY

1297 Shelby County Highway 52E
Approximately .94 +/- acres and identified as parcel 14 4 19 3 001 010.002,
Pelham, Shelby County, Alabama

This form furnished by: **Cahaba Title, Inc.**

Riverchase Office
(205) 988-5600

Eastern Office
(205) 833-1571

This instrument was prepared by:

(Name) Charlene H. Scott Quinn

(Address) _____

Send Tax Notice to:

(Name) City of Pelham

(Address) P.O. Box 277

Pelham, AL 35124

CORPORATION FORM WARRANTY DEED

STATE OF ALABAMA

SHELBY

COUNTY

KNOW ALL MEN BY THESE PRESENTS,

That in consideration of Twenty Thousand and no/100 (\$20,000.00) DOLLARS
to the undersigned grantor, J.A. Brown Company, Inc. a corporation, ar
Charlene H. Scott Quinn, a married woman,

(herein referred to as GRANTOR) in hand paid by the grantee herein, the receipt of which is hereby acknowledged, the said GRANTOR does by these presentes, grant, bargain, sell and convey unto
City of Pelham

(herein) referred to as GRANTEE, whether one or more), the following described real estate, situated in
Shelby County, Alabama, to-wit:

Commence at the NW corner of the SE $\frac{1}{4}$ of the SW $\frac{1}{4}$ of Section 19, Township 20 South, Range 2 West; thence South 89 deg. 28 min. 49 sec. East and run along North line of said $\frac{1}{4}$ - $\frac{1}{4}$ Section 564.54 feet; thence South 0 deg. 30 min. East and run 25.32 feet to a point on the Southerly right-of-way of County Road No. 52, this point being the point of beginning; thence South 80 deg. 23 min. 51 sec. East and run along said right-of-way 103.05 feet to the point of a curve to the left, said curve having a central angle of 6 deg. 42 min. 40 sec. and a radius of 1310.56 feet; run along said right-of-way and arc of said curve 153.51 feet; thence South 17 deg. 33 min. 49 sec. West and run 221.00 feet; thence North 64 deg. 26 min. 7 sec. West and run 150.00 feet to the point of a curve to the right, said curve having a central angle of 69 deg. 9 min. 13 sec. and a radius of 154.8 feet, run along arc of said curve 186.84 feet to the point of a curve to the right, said curve having a central angle of 94 deg. 54 min. 14 sec. and a radius of 30.40 feet, run along arc of said curve 50.35 feet to the point of beginning; being situated in Shelby County, Alabama.

The above described property does not constitute the homestead of the grantor, Charlene H. Scott Quinn.

The Grantor, J.A. Brown Company, Inc. conveys a one-half interest and Charlene H. Scott Quinn conveys a one-half interest to the above described property.

TO HAVE AND TO HOLD, To the said GRANTEE, his, her or their heirs and assigns forever.

And said GRANTOR does for itself, its successors and assigns, covenant with said GRANTEE, his, her, or their heirs and assigns, that it is lawfully seized in fee simple of said premises, that they are free from all encumbrances, that it has a good right to sell and convey the same as aforesaid, and that it will, and its successors and assigns shall, warrant and defend the same to the said GRANTEE, his, her or their heirs, executors and assigns forever, against the lawful claims of all persons.

IN WITNESS WHEREOF, the said GRANTOR by its
authorized to execute this conveyance, hereto set its signature and seal,

President, who is

this the 16 day of November, 19 89

ATTEST:

J.A. BROWN COMPANY, INC.

By

J.A. Brown Jr.
President

Secretary

Charlene H. Scott Quinn
CHARLENE H. SCOTT QUINN

STATE OF ALABAMA

SHELBY

County

I, the undersigned authority

a Notary Public in and for said County, in said State,

hereby certify that J.A. Brown, Jr.

whose name as President of J.A. Brown Company, Inc., a corporation, is signed to the foregoing conveyance, and who is known to me, acknowledged before me on this day that, being informed of the contents of the conveyance, he, as such officer and with full authority, executed the same voluntarily for and as the act of said corporation.

Given under my hand and official seal, this the

16 day of

November

19 89.

My Commission Expires March 3, 1991

Commission Expires:

Michael David Phipps
Notary Public

STATE OF ALABAMA

COUNTY OF SHELBY

I, the undersigned authority, a Notary Public in and for said County, in said State, hereby certify that Charlene H. Scott Quinn, a married woman, whose name is signed to the foregoing conveyance and who is known to me, acknowledged before me on this day that, being informed of the contents of the conveyance, she executed the same voluntarily on the day the same bears date.

Given under my hand and official seal, this 16 day of November, 1989.

My Commission Expires March 3, 1991
My Commission Expires:

Michael David Phillips
Notary Public

STATE OF ALA. SHELBY CO.
I CERTIFY THIS
INSTRUMENT WAS FILED

89 NOV 22 AM 10:03

Thomas A. Snowden, Jr.
JUDGE OF PROBATE

NO TAX COLLECTED

1. Deed Tax	\$ 0.00
2. Mort. Tax	\$ 0.00
3. Ad Val. Tax	\$ 0.00
4. Transfer Tax	\$ 0.00
5. Notary Fee	\$ 1.00
6. Other Fees	\$ 0.00
Total	\$ 1.00

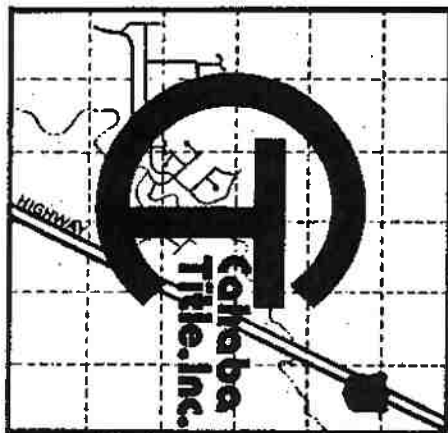
Return to:

TO

WARRANTY DEED

Corporation Form Warranty Deed

STATE OF ALABAMA
COUNTY OF



Recording Fee \$
Deed Tax \$

This form furnished by

Cahaba Title, Inc.

RIVERCHASE OFFICE
2068 Valleydale Road
Birmingham, Alabama 35244
Phone (205) 988-5600

EASTERN OFFICE
213 Gadsden Highway, Suite 227
Birmingham, Alabama 35235
(205) 833-1571

306 PAGE 267 192 X008

SUMMARY APPRAISAL REPORT

This appraisal was developed in accordance with Standards Rule 1 of the Uniform Standards of Professional Appraisal Practice (USPAP). This report is reported as a "Appraisal Report" in accordance with Standards Rule 2-2(a) of the Uniform Standards of Professional Appraisal Practice (USPAP). The depth of discussion contained in this report is specific to the needs of the client and for the intended use stated below. Neither DeltaResearchers nor the appraiser is responsible for any unauthorized use of this report, and personal responsibilities do not extend to any unauthorized third party.

CLIENT:

City of Pelham, Alabama
Attn: Tom Seale, CMC, CMRO
Finance Director, City of Pelham
3162 Pelham Parkway
Pelham, AL 35124

PROPERTY IDENTIFICATION:

The subject property consists of land with improvements. The irregular-shaped parcel consists of approximately 0.94 +/- acres (40,946 +/- SF) of land improved with a 5,046 square foot building that was specifically constructed to be a fire station with its typical appurtenances. The subject is located in Shelby County, Alabama within the limits of the City of Pelham and fronts along the south side of Highway 52 East and east side of Applegate Circle.

The property identification & address: 14-4-19-3-001-010.002
1297 County Road 52
Pelham, Shelby, Alabama, 35124

LEGAL DESCRIPTION AND SALES and LISTING HISTORY

The subject property is located within Section 19, Township 20 South, Range 3 West, Shelby County Alabama. The client provided the legal description for the subject property on the Warranty Deed recorded in Book 267 Page 305 (see addenda).

According to my inspection of the public records, this real property appears to have been held by the City of Pelham since 1989 and has not been offered for sale within the past three years.

ORDINANCE No. 418-01

AN ORDINANCE TO AMEND CHAPTER 11, ARTICLE VIII BY ADDING A SECTION 11-164 TO THE CODE OF ORDINANCES OF THE CITY OF PELHAM – ESTABLISHING AN ARTS AND ENTERTAINMENT DISTRICT

WHEREAS, the City of Pelham has determined that it is in the best interest of the City to amend Chapter 11, Article VIII by adding a section to be numbered 11-164.

NOW, THEREFORE BE IT ORDAINED by the Council of the City of Pelham, Alabama, that Chapter 11, Article VIII be amended to add Section 11-164 to the Code of Ordinances of the City of Pelham, Alabama establishing an “Arts and Entertainment District” as follows:

I. ARTICLE VIII. ALCOHOL

Section 11-164. - Arts and Entertainment District.

Authority. Pursuant to Code of Ala. 1975, § 45-37A-243, the city may establish by ordinance no more than one (1) entertainment district permitting the consumption of alcoholic beverages purchased from on-premise alcoholic beverage licensees to be consumed by purchasers anywhere within an applicable entertainment district. Once a district is created, the ABC Board may issue an entertainment district designation for retail alcoholic beverage licenses within a district that will allow the patrons, guests or members of the licensee to exit the licensed premises with open containers of alcoholic beverages, and to consume those beverages anywhere within the confines of a district with the exception of excluded places, as defined herein.

Definitions. The following words, terms, and phrases, when used in this section, shall have the meanings ascribed to them in this subsection (a), except where the context clearly indicates a different meaning:

ABC Board shall mean the Alabama Alcoholic Beverage Control Board.

Alcoholic beverage shall mean any beverage regulated by the ABC Board.

Approved container shall mean a container that is not a can, bottle, or glass container, that does not exceed sixteen (16) fluid ounces in volume, and that is provided to a patron, guest or member by a licensee who is located within the boundaries of the district in which the alcoholic beverage is being served. The approved container shall bear the commercially printed name and/or logo of the district or the commercially printed name and/or logo of the district licensee or any combination thereof.

Arts and entertainment district or **district** mean the district established hereinafter in subsection (b) of this section, as such district may be from time to time amended.

Arts and entertainment district area or **area** mean public places within the art and entertainment district, except for an excluded public place.

Arts and entertainment district event mean a special event that meets each of the following criteria:

(1) The event is open to the general public and may or may not include an admission fee for entrance into the event.

(2) The purpose of the event is to promote local arts, culture, or entertainment, through a venue that is consistent with the purpose of the arts and entertainment district.

Arts and entertainment district permittee or **permittee** means an on-premise retail city licensee permitted by the city in accordance with subsection (f) of this section.

Entertainment event shall mean any concert, sports event, show, performance, presentation, or production for the purpose of amusement, pleasure, leisure, recreation, relaxation, fun, enjoyment, or interest and governed by Article XII. of this Code.

Excluded public place means a public place within the arts and entertainment district that is not included within the arts and entertainment district are as follows:

- (1) A public building, facility, garage, or parking lot that is posted with signage at each entrance or in conspicuous places that no open containers of alcoholic beverages are allowed on the premises;
- (2) Property privately owned or controlled that is posted with signage at each entrance or in conspicuous places that no open containers of alcoholic beverages are allowed on the premises;
- (3) An area being used for an Article XII entertainment event that is posted with signage at each entrance or in conspicuous places occupied by the event that no open containers of alcoholic beverages are allowed on the premises;
- (4) An area being used for an Article XII entertainment event that is licensed to sell alcoholic beverages; or
- (5) The premises of a city licensee.

Licensee shall mean any person or business within a district that holds a valid license issued by the ABC Board to sell alcoholic beverages for consumption on the licensed premises.

Special temporary event shall mean a special temporary event within the district authorized by the city under Article XII of the zoning ordinance.

Purpose.

Purpose of section. The purpose of this section is:

- a. To establish districts authorized by Code of Ala. 1975, § 28-3A-17.1, within which certain conduct that is otherwise prohibited by this article is permitted, specifically, regulations against possessing an open container and drinking in a public place under Section 11-161, regulations against removal of open containers under Section 11-162, regulations against allowing an open container or consumption of alcoholic beverages on the parking lot area of a city licensee under Section 11-163; and
- b. To establish regulations governing the district.

Purpose of arts and entertainment districts. In addition to the foregoing, the purpose of establishing an arts and entertainment district is to enhance the public enjoyment of the district and to promote local arts, culture, and entertainment, while, at the same time, protecting existing uses and preserving the quiet enjoyment of the district.

Arts and Entertainment District established.

Subject to subsections (2) and (3) of this subsection (c), there is hereby established the following named and generally described district, the _____ Arts and Entertainment District, which is also shown on the appended map (see Appendix A) and incorporated herein by reference, which district shall constitute an entertainment district pursuant to Code of Ala. 1975, § 28-3A-17.1:

Notwithstanding anything in this section to the contrary, at any time and from time to time, the arts and entertainment districts established in this section may be enlarged, reduced, modified, or eliminated, in whole or part, and the regulations set forth in this section are subject to amendment at any time and from time to time. No vested rights shall be acquired by or be conferred upon any person as a result of the establishment of an arts and entertainment district or permitting under this section.

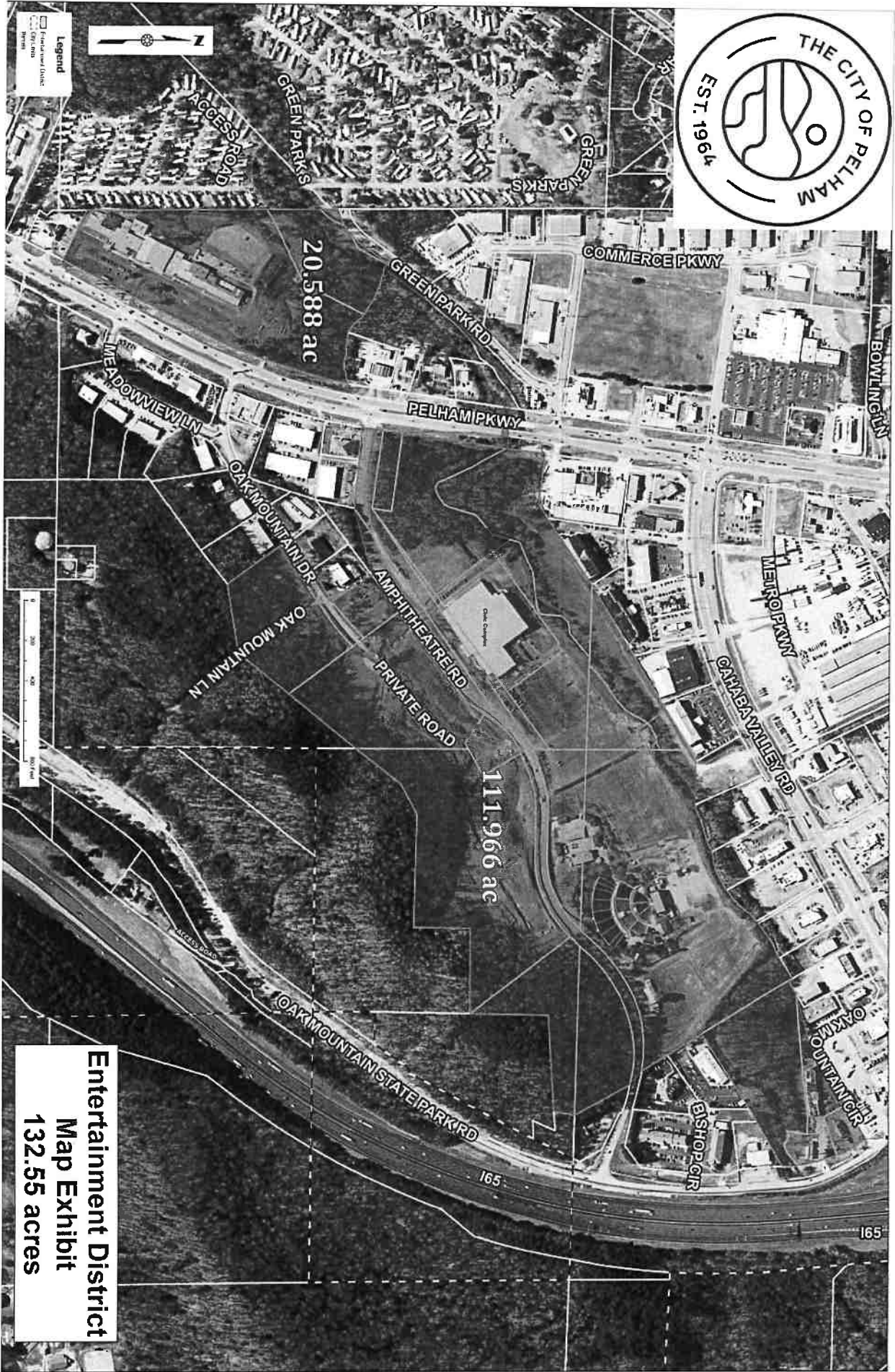
In the event the arts and entertainment district established by this section falls below the number of alcoholic beverage licensees required for the establishment of the district according to the Code of Ala. 1975, § 28-3A-17.1, then the city may amend this section to either eliminate the arts and entertainment district or modify the district so as

to remain in compliance with Code of Ala. 1975, § 28-3A-17.1, unless applicable state alcoholic beverage control laws allow for the continuance of a once-established district regardless of the number of alcoholic beverage licensees remaining.

Where this section provides for the opening of a portion of the arts and entertainment district, that portion that is opened shall not have fewer than the required number of alcoholic beverage licensees.

Reserved.

The boundaries of the _____ Arts & Entertainment District are shown outlined in red on the following map:



Rules and regulations.

The following rules and regulations shall be followed in any entertainment district created by the city pursuant to this article.

(1) *Alcohol within an entertainment district.* Any licensee within a district who receives an entertainment district designation for its on-premises retail license from the ABC Board or who otherwise holds a valid license from the ABC Board to sell alcoholic beverages for consumption on the licensed premises shall comply with all laws, rules, and regulations which govern its license type. Patrons, guests or members of that licensee may exit that licensed premises with an open container of an alcoholic beverage and consume alcoholic beverages anywhere within the confines of a district (except for excluded places as defined herein), but may not enter another licensed premises with open containers or closed containers of alcoholic beverages acquired elsewhere. Nothing in this article shall be construed to allow the sale of alcohol to minors.

No licensee within a district shall be required to allow the removal of alcoholic beverages for consumption outside of its licensed premises. Any licensee that does not desire to allow the removal of alcoholic beverages from its licensed premises shall clearly post a notice that no open containers of alcoholic beverages may be removed from the licensed premises. Such notice shall be posted, at a minimum, at all exits of the licensed premises and where beverages are dispensed within the licensed premises.

This article shall not be construed to prohibit the sale of alcoholic beverages in their original, unopened containers for off-premises consumption by any establishment authorized by the ABC Board to make such sales. However, the consumption of alcoholic beverages sold in original, unopened containers for off-premises consumption shall not be allowed in any public area of a district.

The following rules shall apply within a district:

- a. A person shall not enter a licensed premises within a district with an alcoholic beverage(s) acquired at another licensed premises.
- b. A person shall not exist, nor shall a licensee allow a person to exit such licensed premises with an alcoholic beverage in any container other than an approved container. Alcoholic beverages sold for removal from a licensed premises within a district shall be dispensed only in an approved container. No beverage shall be removed from a licensed premises in a can, bottle, or glass container, except that cans, bottles, or glass containers shall be allowed in a licensee's outdoor seated dining areas. No person shall possess on the streets, sidewalks, rights-of-way, or outdoor public areas located within a district any open alcoholic beverage container which exceeds sixteen (16) fluid ounces in size.
- c. A person shall not enter into a designated entertainment district with alcoholic beverages purchased outside of the district, except as otherwise permitted by the ABC Board and in compliance with all applicable laws, ordinances, rules and regulations governing the sale, possession or consumption of alcoholic beverages.
- d. A person shall not remove an alcoholic beverage purchased for on-premises consumption from the premises from which they were sold for consumption or remove the container in which the alcoholic beverage was sold for on-premises consumption, except from the premises of those licensees who receive an entertainment district designation in a district.
- e. A person shall not refill an approved container from a licensed premises with an alcoholic beverage not purchased at a licensed premises within the district.
- f. A person shall not exit a district with an alcoholic beverage(s) purchased in an open container for consumption within that district.

g. A person shall not have and/or consume an alcoholic beverage(s) (i) in any parking lot or parking facility within a district or (ii) in a motor vehicle parked or in motion within a district, with the exception of a common carrier vehicle licensed by the ABC Board to serve alcoholic beverages.

h. A licensee shall not to allow a patron, guest or member to exit its licensed premises with more than one (1) open container of an alcoholic beverage, and it shall be unlawful for any person to exit such licensed premises with more than one (1) such open container.

i. A person shall not possess on the streets, sidewalks, rights-of-way, or any other public area located within a district any open alcoholic beverage which was not purchased from an on-premises retail alcohol beverage licensee lawfully doing business within a district and who has met all requirements of the ABC Board and the City of Pelham.

j. The consumption of an alcoholic beverage and/or possession of an open alcoholic beverage container shall not be allowed in any excluded place within a district that is posted with signage stating that alcoholic beverages may not be present or consumed on the premises.

Hours of the district.

Regular hours and days of district. The regular hours of operation for the arts and entertainment district shall be from the daily opening time of the first district licensee to open until the daily closing time of the last district licensee to close during which time a patron, guest, or member of a licensee may exit the licensed premises with an open container of an alcoholic beverage and consume such alcoholic beverage anywhere within the confines of the district subject to the provisions of this article.

Arts and entertainment district event.

A Business that is the organizer of an entertainment event that is an *arts and entertainment district* event, including an organized event on private property that requires city event services in accordance with Article XII, may request, with the organizer's application for an entertainment event permit and on forms provided by the city, that the arts and entertainment district, or a portion thereof specified in the request, be opened during the event.

The request shall be processed with the application for an entertainment event permit and the event organizer, as that term is defined in Article XII, Sec. 5-241, shall be responsible for all costs incurred by the city as a result of the opening of the district during the special event, including safety, traffic and crowd control; clean-up costs; and the use of city equipment. City services necessitated by the conduct of the entertainment event independent of the opening of the arts and entertainment district shall be governed by Article XII. - Entertainment Events.

City-sponsored opening of the district. At any time and from time to time, the City, through the Mayor or his/her designee, may elect to sponsor the opening of all or a portion of the arts and entertainment district.

Conduct in the entertainment district.

The regulations of Article VIII of this Code, concerning the possession of an open container or drinking an alcoholic beverage in a public place, shall not apply in the case of the possession or consumption of alcoholic beverages in an approved container within the confines of the arts and entertainment district area during the hours of operation of the arts and entertainment district. Otherwise, the regulations of Article VIII of this Code shall apply.

The regulations of Article VIII., concerning removal of an open container from an authorized licensed premises, shall not apply in the case of the removal of an approved container of alcoholic beverages from the premises of the arts and entertainment district permittee providing the same, during the hours of operation of the arts and entertainment district. Otherwise the regulations of subsections Article VIII of this Code shall apply.

It shall be unlawful for any person to re-use or to knowingly allow the re-use of an approved container for an alcoholic beverage and nothing in this section shall be construed to authorize the same.

Nothing in this section shall be construed to authorize any person to violate the state's open container law found at Code of Ala. 1975, § 32-5A-330.

Nothing in this section shall be construed to authorize any person to violate the state and city's laws against under-aged drinking.

Signage required.

Businesses that wish to participate in the district privileges must display participation signage near the entrance to such establishment. Signs shall display the district name, establishment name, and the hours of district operation. The signage shall be unified in a district with regard to content, size, color, material, and method of attachment to the building. The signage shall be fixed to the building and no more than five (5) feet from the door at each public entrance.

Each boundary to a district shall be clearly marked at all district entrances and exits with fixed signage showing a boundary map. Signs for pedestrians entering a district shall display the district name and the hours of district operation, shall clearly mark the boundary of the district, and shall indicate the prohibition against bringing an alcoholic beverage purchased outside of the district into such district. Signs for pedestrians leaving the district area shall clearly mark the boundary of the district and shall indicate the prohibition concerning the removal of alcoholic beverages from the district area. The signage shall be unified in a district with regard to content, size, color, material, and method of attachment.

The requestor/developer of a district within the city shall be responsible for all signage required hereunder and shall be responsible for the cost of obtaining and installing such signage.

Permitting.

Qualifications. In order to qualify for an arts and entertainment district permit, an applicant shall meet each of the following:

The applicant shall be a city business licensee that is authorized by the city to sell alcoholic beverages at retail for on-premises consumption; and

The applicant agrees to make any modification to the licensed premises as required to become a permittee such as but not limited to the posting of district maps, instructional signage, public safety, server training; and

No adverse criminal, quasi-criminal, or administrative action shall be pending or shall have been taken in the immediately preceding 12-month period against the city licensee or its owner related to the retail license or the operation of the city-licensed premises.

Application process; permit duration. A city business licensee that meets the qualification of subsection (f)(1) above:

(1) may apply with the city clerk's office to become an entertainment district permittee by filling out a form provided by the city. A permit shall be valid for a license year, at the end of which a renewal application must be made. The city clerk-treasurer may deny a permit if the applicant does not meet the qualifications stated in subsection (1) above. If denied and after making the necessary corrections in order to

meet the qualifications stated in subsection (1), the applicant may reapply to become an entertainment district permittee by refilling the application with the city clerk-treasurer within 45 days after the denial.

Action against permit. A permit may be revoked, suspended, or not renewed by the city clerk-treasurer if the permittee or applicant for renewal no longer meets the qualifications stated in subsection (1) above.

Entertainment District Permit Fees. The entertainment district permit fee schedule for the city is as follows:

Permittee annual license fee: \$50.00

Issue fee for permit: \$15.00

Security.

Temporary closure of district. At any time and from time to time, the Chief of Police shall have the authority to temporarily close the arts and entertainment district, or portions of the district, which includes the authority to require persons to disperse from the area, should he, in his sole discretion, determine it is appropriate to do so in order to protect the public health, safety, or general welfare. The arts and entertainment district shall remain closed until the Chief of Police allows the district to be re-opened. The city shall not be responsible for any costs incurred by any person as a result of the closing and the city shall still be entitled to reimbursement for city services provided in connection with the opening of the district for an arts and entertainment district event.

II. The provisions of this Ordinance are severable. If any part of this Ordinance is declared invalid or unconstitutional, that declaration shall not affect the part which remains.

III. This ordinance shall go into effect upon the passage and adoption by the City Council of the City of Pelham, Alabama and posting as required by law.

THEREUPON _____, a councilmember moved and _____ a councilmember seconded the motion that Ordinance No. 418-01 be given vote. The roll call vote on said motion was as follows:

Maurice Mercer Council President	_____
David Coram Council Member	_____
Chad Leverett Council Member	_____
Rick Wash Council Member	_____
Mildred Lanier Reed Council Member	_____

Ordinance No. 418-01 passed by majority vote of the Council and the Council President declared the same passed.

ADOPTED this 21st day of August 2023.

Maurice Mercer
Council Member



Pelham

A path apart.

MEMORANDUM

TO: Gretchen DiFante

FROM: Jamie Wagner

CC:

DATE: 07/31/2023

SUBJECT: Disbursement of Action Proceeds

The Finance Department received auction proceeds related to Resolution 2023-04-03-09 declaring a 2013 Porsche surplus personal property. The vehicle was unclaimed property related to a Police Department case, and the Police Department has requested to apply the proceeds to a new fleet vehicle purchase. The Finance Department would like to request authorization to make a budget adjustment to 1003510-550499 applying the full proceeds of \$27,900.

Thank you for your review and consideration of this request.

Jamie Wagner, CGFM

Pelham PD Case # 22-016106

On May 23, 2022, I was contacted by Investigator Dennis Blankenship with the NCIB, National Insurance Crime Bureau. Blankenship gave me a lead regarding a Ford Raptor registered to Timothy Brown in Pelham. This vehicle contained no shipping papers with NICB and was believed to contain a counterfeit VIN when registered by Brown. During a search of all vehicles registered to Brown, I determined Brown had multiple vehicles, including a 2016 Porsche Panamera, which contained no shipping papers on file with NICB.

The Porsche VIN was sent to Porsche of North America by NICB to determine if it had ever been manufactured.

Porsche of North America confirmed the VIN had never been manufactured and was invalid.

During a search warrant of Brown's business, the Porsche was located. I determined the Porsche contained three different vehicle identification numbers. Dennis Blankenship with NCIB was assisting and was able to identify the "true VIN" stamped on the passenger side frame. I determined the vehicle was manufactured in 2013, not 2016, as registered by Brown. I had the Porsche towed to Kirkland Wrecker Service, where it remained up until the auction date by Pearce and Associates. Blankenship provided me with the lien holder information he had on file. Note: Blankinchip found no insurance claims on the Porsche.

Black Mountain Holdings LLC

Donlen Trust

111 Brickell Avenue, Miami, FL 33131

2315 Sanders Road, Northbrook, IL 60062

I issued both companies certified letters of unclaimed/abandoned vehicle notices on 10-14-2022. Both letters returned as "Not Deliverable as Addressed" on 10-19-2022.

I placed the "true VIN" into the Alabama Abandon/Unclaimed portal for 45 days, as required by the State of Alabama. After the 45-day waiting period, I requested an Alabama title from the Alabama Department of Revenue. Agent Matt Young with the Alabama Department of Revenue assisted me with this process. A surety bond was also purchased as required by state law (Section 32-8-36, Code of Alabama. 1975). The Alabama Department of Revenue issued an Alabama title for the Porsche to the City of Pelham.

The Alabama Department of Motor Vehicles placed a state-issued plate containing the valid VIN inside the driver-side door jamb.

The vehicle was auctioned and sold by Pearce & Associates Auction Company, located at 720 Fulton Springs Road, Alabaster, AL 35007, in July 2023.

On September 19, 2022, I attempted to contact anyone with a financial interest involving a 2013 Porsche Panamera that was recovered on September 7, 2022. I located this vehicle during a search warrant (Pelham PD Case # 22-016106) at 162 Highway 265, suite 1005 Alabaster, AL. This vehicle was towed due to it containing three different **Vehicle Identification Numbers**. During the search, Dennis Blankinchip with National Insurance Crime Bureau was present. Blankinchip located the manufacturer's stamped VIN WP0AF2A72DL075152 within the vehicle frame. This VIN was checked through NCIC, and determined it had not been reported stolen. The PVIN displayed under the front windshield was determined to be a sticker and counterfeit. I removed this sticker to reveal another counterfeit VIN. Blankinchip checked the manufacturer's VIN and determined it was last registered to Black Mountain Holdings LLC of 1111 Brickell Avenue, Miami, FL 33131. I located Black Mountain Holdings LLC through an online search of Florida Limited Liability Companies. During this search, I discovered Articles of Organization that provided the following name(s) and addresses of the person(s) authorized to manage this LLC.

Title Manager(s):

Marc Lee Steed (786-865-5420)
Marie Michelle Steed
Roy Hippolyte
19150 SW 296th Street Homestead, FL 33030

I contacted the phone number for Marc Steed several times to be sent directly to his voicemail, which was not set up to leave a voice message.

Blankinchip determined Black Mountain Holdings previously leased the Porsche through Donlen Trust. I contacted Donlen Trust (847-714-1400) on September 12, 2022, and spoke to a representative. I provided all the information on the Porsche to the Donlen Trust representative and was told someone would contact me after they conducted some research. As of today, 9-20-2022, I have not been contacted by anyone with affiliated Donlen Trust.

Oct 25, 2022

Donlen Trust
2315 Sanders Road
Northbrook, IL 60062

RE: Notice of Possession of an Unclaimed Vehicle

To Whom It May Concern,

The following motor vehicle has been reported as "unclaimed" as defined in Section 32-8-84, Code of Alabama 1975.

YEAR: 2013
MAKE: Porsche
MODEL: PANAMERA
COLOR: Red/Red
VIN: WP0AF2A72DL075152
TAG NUMBER: RDBTM

As required by law, a person or entity in possession of an unclaimed motor vehicle, upon reporting the motor vehicle as unclaimed to the department, shall send notice to the owner and lienholder of record by certified mail with either return receipt requested or electronic delivery of confirmation. The motor vehicle may be redeemed upon payment of the following fees/charges for repairs, recovery, towing and storage of the vehicle:

DATE OF POSSESSION: 9/7/2022
LOCATION OF VEHICLE: 1365 McCain Parkway
Pelham, AL 35124
CONTACT HOURS: Mon-Fri
ACCRUED CHARGES/FEEES: \$1,000.00
STORAGE: \$720.00 (\$45.00 per day X 16 days)
TOTAL DUE: \$1,720.00

Storage charges will continue to accrue daily.

If this motor vehicle is not redeemed by the recorded owner or lienholder of record within 30 calendar days from the date of this notice, the motor vehicle shall be considered abandoned as defined in Section 32-13-1, Code of Alabama 1975. The motor vehicle may then be sold pursuant to the provisions of the Alabama Abandoned Motor Vehicle Act as provided for in Title 32, Chapter 13, Code of Alabama 1975.

Please contact us immediately in order to redeem the vehicle.

City of Pelham
32 Philip Davis Street
Pelham, AL 35124
(205)620-6550
tmccann@pelhamalabama.gov

Oct 25, 2022

Black Mountain Holdings LLC
1111 Brickell Avenue
Miami, FL 33131

RE: Notice of Possession of an Unclaimed Vehicle

To Whom It May Concern,

The following motor vehicle has been reported as "unclaimed" as defined in Section 32-8-84, Code of Alabama 1975.

YEAR: 2013
MAKE: Porsche
MODEL: PANAMERA
COLOR: Red/Red
VIN: WP0AF2A72DL075152
TAG NUMBER: RDBTM

As required by law, a person or entity in possession of an unclaimed motor vehicle, upon reporting the motor vehicle as unclaimed to the department, shall send notice to the owner and lienholder of record by certified mail with either return receipt requested or electronic delivery of confirmation. The motor vehicle may be redeemed upon payment of the following fees/charges for repairs, recovery, towing and storage of the vehicle:

DATE OF POSSESSION: 9/7/2022
LOCATION OF VEHICLE: 1365 McCain Parkway
Pelham, AL 35124
CONTACT HOURS: Mon-Fri
ACCRUED CHARGES/FEES: \$1,000.00
STORAGE: \$720.00 (\$45.00 per day X 16 days)
TOTAL DUE: \$1,720.00

Storage charges will continue to accrue daily.

If this motor vehicle is not redeemed by the recorded owner or lienholder of record within 30 calendar days from the date of this notice, the motor vehicle shall be considered abandoned as defined in Section 32-13-1, Code of Alabama 1975. The motor vehicle may then be sold pursuant to the provisions of the Alabama Abandoned Motor Vehicle Act as provided for in Title 32, Chapter 13, Code of Alabama 1975.

Please contact us immediately in order to redeem the vehicle.

City of Pelham
32 Philip Davis Street
Pelham, AL 35124
(205)620-6550
tmccann@pelhamalabama.gov



ALABAMA DEPARTMENT OF REVENUE
MOTOR VEHICLE DIVISION
Abandoned Motor Vehicle Bill of Sale

MVT 32-13B

(01/10/2020)

VIN: WP0AF2A7ZDL075152 Year: 2013 Report Code: aNy1W
Make: Porsche Model: PANAMERA Date Qualified Abandoned: 11/16/2022
Sale Date: 11/29/2022 Location of Sale: 32 Philip Davis Street
Relham, AL 35124

Dates on which the notice of sale was published (if required):

Name of Newspaper/Courthouse Posting: N/A
Date of 1st Publication/Courthouse Posting: N/A (must at least thirty (30) days prior to date of sale)
Date of 2nd Publication/Courthouse Posting: N/A (must be one (1) week from date of 1st publication)

Notice of Termination was sent to owner and/or lienholder of record on the following date: 10/26/2022

INFORMATION ON NET PROCEEDS OF SALE OF ABANDONED MOTOR VEHICLE

1. Sale Price of Abandoned Motor Vehicle	<u>\$0.00</u>
2. Amount of Repair	<u>\$0.00</u>
3. Towing Expenses	<u>\$1,000.00</u>
4. Storage Expenses	<u>\$2,295.00</u>
5. Other	<u>\$0.00</u>
6. Total Amount Deducted from Sale Price (total lines 2 through 5)	<u>\$3,295.00</u>
7. Net Sale Balance (line 1 minus line 6 – if zero or less, enter -0-)	<u>\$0.00</u>

(This amount shall be paid to the county licensing official for deposit into the county general fund and a copy of the receipt of such funds must accompany this form.)

Buyer's Signature: _____ Buyer's Signature: _____
Buyer's Name: City of Pelham Buyer's Name: _____
Buyer's Address: 32 Philip Davis Street Buyer's Address: _____
Pelham, AL 35124

The seller hereby affirms that this vehicle was sold to the buyer listed above as an abandoned motor vehicle in accordance with the provisions of Title 32, Chapter 13, Code of Ala. 1975. The seller also hereby affirms that the above information is true and correct and the seller is aware that a false statement made on this document, with intent to defraud, is a criminal offense under the Alabama Uniform Certificate of Title and Antitheft Law as codified in Title 32, Chapter 8, Code of Ala. 1975.

Seller's Signature: _____
Seller's Name: City of Pelham
Seller's Address: 32 Philip Davis Street
Pelham, AL 35124

*All VINs for 1981 and subsequent year model vehicles that conform to federal anti-theft standards are required to have 17 digits/characters.

Alterations or illegible information void this form.

NOTE: Buyer must obtain a title surety bond in order to title the vehicle. (bonds.mvtrip.alabama.gov)

DHSMV RECORD - VIN REC#: *01
BHTJ54 WP0AF2A72DL075152 PORS 4D 13 004597 ORIGINAL - NEW
COLOR: RED/RED
DONLEN TRUST

2315 SANDERS RD CLASS: 009 GVW: 000000
NORTHBROOK IL 60062-0000 COUNTY RES: 02
DOB: NONE SEX: DECAL/YR: /0000 DECAL EXP: 07/31/13 USE: LEASE
REGISTRANT(S) INFORMATION
REGISTRANT 1: BLACK MOUNTAIN HOLDINGS LLC
1111 BRICKELL AVE FL 11 SEX: DOB: NONE
MIAMI FL 33131-0000 DL#1: NO FL DL



State of Alabama
Department of Revenue

(www.revenue.alabama.gov)
50 North Ripley Street
Montgomery, Alabama 36132

owner

APPLICATION NUMBER: REPLACEMENT

The Department of Revenue hereby assigns Alabama assigned vehicle identification number

WP0AF2A72DL075152 to the following vehicle and owner described below:

VIN: WP0AF2A72DL075152

YEAR: 2013 MAKE: PORSCHE MODEL: PANAMERA

COLOR: RED BT: 4D CYLS: 08

OWNER NAME: CITY OF PELHAM

ADDRESS: 32 PHILIP DAVIS ST

CITY: PELHAM STATE: AL ZIP: 35124

I certify that the above described vehicle has been inspected by me and that it is the vehicle for which the Alabama assigned vehicle identification number listed above was intended and I further certify that said plate has been properly attached to the vehicle.

B T G

5-24-2023

Signature of Revenue Department Agent

Date

[Signature]

5/24/23

Signature of Applicant

Date

RESOLUTION 2023-08-21-01

Approving a Certain Job Description & Pay Ranges for Project Manager-Grants

WHEREAS, the City of Pelham Personnel Board in accordance with The City of Pelham, Shelby County, Alabama, Civil Service System Act recommended approval of a certain City of Pelham job description and pay ranges at their regularly scheduled meeting on July 26, 2023; and

WHEREAS, the Pelham City Council has reviewed said job description and pay ranges recommended for approval by the Pelham Personnel Board.

NOW, THEREFORE, BE IT RESOLVED by the Pelham City Council in accordance with The City of Pelham, Shelby County, Alabama, Civil Service System Act approves the following job description and pay ranges as provided to the Pelham City Council.

Project Manager-Grants (Finance Department)

BE IT FURTHER RESOLVED the job description and pay ranges are for a new position and will be included in the FY2024 budget for consideration. The job description and pay ranges shall be a permanent part of this Resolution and will become effective upon its adoption.

THEREUPON _____, a councilmember, moved and _____, a councilmember, seconded the motion that Resolution 2023-08-21-01 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 and adopted.

ADOPTED this 21st day of August 2023.

Maurice Mercer, President of the Council

[SEAL]

ATTEST

Tom Seale, MMC, City Clerk/Treasurer

I, the undersigned City Clerk/Treasurer 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 21st day of August 2023 and that such Resolution is on file in the office of the City Clerk/Treasurer 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 21st day of August 2023.

Tom Seale, MMC, City Clerk/Treasurer

[SEAL]



Pelham

A path apart.

MEMORANDUM

TO: Gretchen DiFante
FROM: Tracy Hill
DATE: 07/28/2023
SUBJECT: Job Descriptions

At the July 26, 2023 Personnel Board meeting, the new position for Project Manager – Grants was presented. The job description and pay grade were approved for presentation to the City Council.

If any addition information is needed, please let me know.

Personnel Board Meeting

July 26, 2023 6:00 p.m.

HR Department Conference Room

MINUTES

Date: July 26, 2023
Time: 6:00 p.m.
Place: Water Building, 2nd Floor, HR Department Conference Room
Present: Board Member Jim Collins
Board Member Martina Winston
Board Member Floyd Collins attended via conference call

Others Present: Tracy Hill, Gretchen DiFante, Jamie Wagner

CALL TO ORDER

Tracy Hill called the meeting to order at 6:15 p.m.

RECORD OF ATTENDANCE

Board members Jim Collins and Martina Winston were present. Board Member Floyd Collins participated via conference call.

APPROVAL OF MINUTES

Floyd Collins made a motion to approve the minutes from the July 11, 2023 meeting and it was seconded by Martina Winston. The minutes were approved.

NEW BUSINESS

Gretchen DiFante and Jamie Wagner presented a job description and pay grade for a new position, Project Manager – Grants. The need for the role and associated responsibility was discussed. The position will be posted internally.

Martina Winston made a motion to approve the job description and pay grade and the motion was seconded by Jim Collins. While Floyd Collins was unable to vote, he shared his approval and support for the position. The motion was approved. It was noted that if the position is ever posted externally, edits to the job description will be made.

ADJOURNMENT

With no additional business to come before the Board, the meeting was adjourned at 7:00.

Respectfully submitted,

Tracy Hill, Board Secretary/Director of Human Resources

Job Description

Job Title: Project Manager, Grants
Reports To: Finance Director
FLSA Status: Exempt
Department: Finance
Location: City of Pelham

Summary: The Project Manager, Grants (PMG) is responsible for identifying grant opportunities that would help to fund existing operational and/or capital priorities and long-term strategic priorities. The PMG is also responsible for the grant application process, securing grants of all types, and managing and assisting in the management of approved grants in specified functional and program areas.

Independent judgment is exercised in performing duties which include identifying, developing and coordinating intergovernmental resources available to the city in the form of grants; systematic investigation and research of community and city needs; determining and recommending grants which are fundable; determining overall return on investment; and monitoring the administration of grants.

Representative List of Essential Duties and Responsibilities: The list is not intended to be all-inclusive nor exclusive but is intended to provide examples of typical duties performed.

Key Responsibilities

- Conducts research to identify, apply for, administer, oversee, coordinate and monitor federal, state, and local grants or loans in accordance with applicable standards, regulations, and guidelines.
- Interacts with federal, state, and local agencies to ensure that grant projects comply with program guidelines for expenditure, funding, and accountability.
- Investigates, researches and analyzes legislation relating to federal, state and local grant programs.
- Obtains access to new legislation relating to current and future programs.
- Works in close conjunction with City department directors to determine programs which could be funded through grants.
- Prepares grant applications and proposals for submittal and/or oversees the work of third-party grant preparation, including writing, reviewing, and editing grant applications and proposals.
- Coordinates and participates in city and other governmental meetings related to grant needs and applications.
- Prepares monthly reports on funded and non-funded project status.
- Maintains and verifies payment records, reviews invoices and records receipts.
- Provides oversight of internal resources and third-party vendors to ensure timely completion of grant applications and ensures compliance with grantors.
- Becomes knowledgeable with and utilizes third party software programs as required to track grant application and management.

- Builds relationships with internal partners and external partners in federal, state and local government organizations.
- Manages grant audits involving more than one city department.
- Responds to requests from auditors related to single point audits and grant funding.
- Performs related duties as required.
- Establishes and maintains effective work relationships with others.

Competency:

To perform the job successfully, an individual should demonstrate the following competencies:

Problem Solving - Identifies and resolves problems in a timely manner; **Customer Service** - Manages multiple and sometimes competing customer requests; Responds promptly to customer needs; **Team Work** - Exhibits objectivity and openness to others' views; Contributes to building a positive team spirit; **Leadership** - Inspires respect and trust; **Ethics** - Works with integrity and ethically; Upholds organizational values; **Organizational Support** - Follows policies and procedures; **Dependability** - Takes responsibility for own actions; **Professionalism** - Treats others with respect and consideration regardless of their status or position; **Quality** - Looks for ways to improve and promote quality.

Qualifications:

To perform this job successfully, an individual must be able to perform each essential duty satisfactorily. The requirements listed below are representative of the knowledge, skill, and/or ability required. Reasonable accommodations may be made to enable individuals with disabilities to perform the essential functions.

Knowledge and Skills:

Plan, coordinate and prioritize a variety of opportunities and projects.

Analyze complex technical and administrative requirements, evaluate alternatives, and implement creative but sound alternatives.

Direct and coordinate the work of professional and technical personnel involved in grant projects. Work with department heads to gain compliance when necessary.

Interpret, analyze, apply and articulate relevant laws, rules, contracts, ordinances, regulations, and guidelines.

Prepare and present clear, concise, and competent reports, both orally and in writing.

Efficiently and effectively learn and operate software required to monitor, analyze, submit, evaluate and develop reports as required by granting agencies.

Education/Experience:

Bachelor's degree in business, public administration or related field and a minimum of three (3)

years of related grant and/or project management experience with demonstrated experience in delivering complex projects is required. A Master's degree is preferred.

Information Technology coursework and/or demonstrated proficiency with multiple information systems and Microsoft Office Suite is required.

GMC certificate, CAPM certification, and/or PMP certification is preferred.

Language Ability:

Ability to read, analyze, and interpret the most complex documents. Ability to respond effectively to the most sensitive inquiries or complaints. Ability to write speeches and articles using original or innovative techniques or style. Ability to make effective and persuasive speeches and presentations on controversial or complex topics to top management.

Math Ability:

Ability to work with mathematical concepts such as probability and statistical inference, and ability to apply concepts such as percentages, ratios, and proportions to practical situations.

Must have knowledge of planning, forecasting, and budgeting techniques.

Reasoning Ability:

Ability to deal with a variety of abstract and concrete variables. Must have the ability to perform complex problem analysis and supervisory practices.

Certificates and Licenses:

Must possess and maintain a valid driver's license.

Supervisory Responsibilities:

May supervise the work of professional, sub-professional and third-party vendor personnel while assigned to specific projects.

Work Environment:

The work environment characteristics described here are representative of those an employee encounters while performing the essential functions of this job. Reasonable accommodations may be made to enable individuals with disabilities to perform the essential functions.

While performing the duties of this job, the employee is occasionally exposed to outdoor weather conditions. The noise level in the work environment is usually moderate.

Physical Demands:

The physical demands described here are representative of those that must be met by an employee to successfully perform the essential functions of this job. Reasonable accommodations may be made to enable individuals with disabilities to perform the essential functions.

The employee must occasionally lift and/or move up to 25 pounds. Specific vision abilities

required by this job include Close vision, Distance vision, Peripheral vision, Depth perception and Ability to adjust focus. While performing the duties of this Job, the employee is regularly required to sit and operate a computer.

Grade	Step 1	Step 2	Step 3	Step 4	Step 5	Step 6	Step 7	Step 8	Step 9	Step 10
420	65,801.04	68,104.08	70,487.72	72,954.79	75,508.21	78,151.00	80,886.29	83,717.31	86,647.42	89,680.08



Pelham

A path apart.

M E M O R A N D U M

To: Gretchen DiFante
City Manager

From: Brian Cooper
Director of Parks and Recreation

Date: July 6, 2023

Subject: Proposed Membership Rate for Pelham City School Employees

Dr. Ledbetter, Pelham School Superintendent, and I have held 2 meetings in regards to recreation center memberships for Pelham City School employees.

Because we value our relationship with the school system and their employees, partner with them on many levels, share facilities, believe that they are an integral part of serving our community, and consider them a sister institution, we would like to propose that Pelham City School Employees be allowed to join the recreation center free of charge to the employee. The Pelham City School Board would then pay for these memberships on behalf of the employee(s), less a 20% discount.

Each membership would be treated the same as a Pelham citizen membership. Single would pay the citizen rate of \$10 per month (currently) and the family would pay the citizen family rate of \$20 per month (currently). The Pelham City School Board would pay for the individual membership, however, the school employee would be responsible for paying for the additional portion for the family membership. The waived fees would be calculated annually and billed directly to the Pelham City School Board for a one time annual payment for all PCS recreation center members.



CITY COUNCIL WORK SESSION AGENDA

SPECIAL WORK SESSION **Pelham City Hall – Council Chambers** **August 8, 2023 – 4:00 p.m.**

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

Proper notice of the special 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. New Business
 - 1. FY2024 Department Budget Review
 - a. Revenue
 - b. Human Resources
 - c. Municipal Court
 - d. Police
 - e. City Clerk/Treasurer
 - f. Finance
 - g. City Manager
 - 2. Review City Council FY2024 Budget Meeting Schedule
 - a. August 9, 2023, 4:00 p.m.
Communications & Branding, Public Works, Water & Sewer, Capital Projects
 - b. August 10, 2023, 4:00 p.m.
Parks & Recreation, Racquet Club, Pelham Civic Complex & Ice Arena, Mayor, City Council
- D. Old Business – None
- E. Adjournment

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



CITY COUNCIL WORK SESSION AGENDA

SPECIAL WORK SESSION Pelham City Hall – Council Chambers August 9, 2023 – 4:00 p.m.

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

Proper notice of the special 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. New Business
 - 1. FY2024 Department Budget Review
 - a. Communications & Branding
 - b. Public Works
 - c. Water
 - d. Sewer
 - e. Capital Projects
 - 2. Review City Council FY2024 Budget Meeting Schedule
 - a. August 10, 2023, 4:00 p.m.
Parks & Recreation, Racquet Club, Pelham Civic Complex & Ice Arena, Mayor, City Council
- D. Old Business – None
- E. Adjournment

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



CITY COUNCIL WORK SESSION AGENDA

SPECIAL WORK SESSION

Pelham City Hall – Council Chambers

August 10, 2023 – 4:00 p.m.

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

Proper notice of the special 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. New Business
 - 1. FY2024 Department Budget Review
 - a. Parks & Recreation
 - b. Pelham Racquet Club
 - c. Pelham Civic Complex & Ice Arena
 - d. Mayor
 - e. City Council
- D. Old Business – None
- E. Adjournment

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



CITY COUNCIL MEETING AGENDA

Pelham City Hall – Council Chambers

August 7, 2023 – 7:00 p.m.

**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 throughout 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 presiding officer at the beginning of a council meeting. Items presented on the consent agenda are considered routine and/or non-controversial and are organized apart from the rest of the agenda and are adopted by general consent and vote by the city council 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 presiding officer and City Council.

- 1. Approval of the August 7, 2023 City Council Agenda
- 2. Approval of the July 24, 2023 Regular Council Meeting Minutes
- 3. **Resolution 2023-08-07-01** for consideration to amend the Police Department's FY2023 budget to apply proceeds from the sale of assets to fund a new fleet vehicle purchase
- 4. **Resolution 2023-08-07-02** for consideration to declare as surplus certain personal property of the City of Pelham (Water & Sewer) which are no longer needed for public or municipal purposes
- 5. **Resolution 2023-08-07-03** for consideration to approve a final summary change order for the AMR Radio Read Water Meter Replacement Project. This project was budgeted in FY2023.
- 6. **Resolution 2023-08-07-04** for consideration to approve a quote to furnish two (2) emergency call stations along the Pelham City Park portion of the Pelham trail system. This project was budgeted in FY2023.

F. Public Hearing(s)

1. To consider **Ordinance No. 067-13** amending Chapter 4, Article I, Section 4.2, Building Permit Fees, City of Pelham Code of Ordinances.
2. To consider **Ordinance No. 324-06** amending Ordinance Number 324-04 levying a privilege license or excise tax against persons, firms or corporations storing, using or otherwise consuming or engaging in the business of selling at retail tangible personal property or conducting places of amusement in the City of Pelham, Alabama.

G. Mayor's Report/Comments

H. Proclamation(s) and Resolution(s) by the Mayor and Others – None

I. Report of the City Manager

J. Report of the City Attorney

K. Request(s) to Address the Council - None

L. Old Business / Resolutions / Ordinances / Orders and Other Business - None

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

1. **Ordinance No. 067-13** amending Chapter 4, Article I, Section 4.2, Building Permit Fees, City of Pelham Code of Ordinances. First Reading.
2. **Ordinance No. 324-06** amending Ordinance Number 324-04 levying a privilege license or excise tax against persons, firms or corporations storing, using or otherwise consuming or engaging in the business of selling at retail tangible personal property or conducting places of amusement in the City of Pelham, Alabama. First Reading.

N. Public Comments

Public comments are limited to three (3) minutes per speaker. Individuals wishing to address the City Council may after being recognized approach the podium and state their name and physical address prior to making their comments in a respectful manner.

O. City Council Comments

P. Public Announcements

1. The Pelham City Council will begin holding special work sessions to discuss the FY2024 operating and capital budgets in the Council Chambers at Pelham City Hall on the following date and time.
 - Tuesday, August 8, 2023: 4:00 p.m. until 8:00 p.m.
 - Wednesday, August 9, 2023: 4:00 p.m. until 8:00 p.m.
 - Thursday, August 10, 2023: 4:00 p.m. until 7:00 p.m.

2. The Pelham City Council will hold a public hearing on Monday, August 21, 2023 at 7:00 p.m. in the Council Chambers at Pelham City Hall to consider **Ordinance No. 135-257** an amendment to the zone district boundaries of the City of Pelham changing the present zoning B-2 (General Business District) to R-T (Townhouse Residential District) for property located on the north side of Midridge Lane approximately 400 feet east of Pelham Parkway, containing approximately 2.99 (+/-) acres

Applicant: Sohil Lalani, 4889 Provence Circle, Vestavia Hills, Alabama 35242.

Owner: Lovelady Properties, LLC, 3347 Pelham, Parkway, Pelham, Alabama 35124

Q. Adjournment

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



CITY COUNCIL MEETING MINUTES

Pelham City Hall

Council Chambers

July 24, 2023 – 7:00 p.m.

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

Date: July 24, 2023
Time: 7:00 p.m.
Place: Pelham City Hall – Council Chambers
Present: Council President Maurice Mercer
Councilmember Chad Leverett
Councilmember Rick Wash
Councilmember Mildred Lanier Reed
Mayor Gary Waters

Not Present: Councilmember David Coram

CALL TO ORDER, INVOCATION AND PLEDGE OF ALLEGIANCE

Council President Mercer called the meeting to order at 7:01 p.m. Councilmember Lanier Reed led the invocation. The Pledge of Allegiance was led by Councilmember Wash.

RECORD OF ATTENDANCE

The city clerk/treasurer recorded the attendance of the elected officials and announced a quorum was present. City Attorney Josh Arnold was present.

CONSENT AGENDA

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

1. Approval of the July 24, 2023 City Council Agenda
2. Approval of the July 10, 2023 Regular City Council Meeting Minutes
3. **Resolution 2023-07-24-01** for consideration to declare certain personal property of the City of Pelham as surplus which are no longer needed for public or municipal purposes
4. **Resolution 2023-07-24-02** for consideration to appoint a citizen to the Pelham Parks & Recreation Advisory Board as the Student Representative
5. **Resolution 2023-07-24-03** for consideration to approve an updated job description for the current position of Sergeant within the Pelham Police Department previously reviewed and approved by the Pelham Personnel Board
6. **Resolution 2023-07-24-04** for consideration to approve an updated job description for the current position of Lieutenant within the Pelham Police Department previously reviewed and approved by the Pelham Personnel Board

- 7. **Resolution 2023-07-24-05** for consideration to approve an updated job description for the current position of Captain within the Pelham Police Department previously reviewed and approved by the Pelham Personnel Board
- 8. **Resolution 2023-07-24-06** for consideration to approve an updated job description for the current position of Deputy Chief within the Pelham Police Department previously reviewed and approved by the Pelham Personnel Board
- 9. **Resolution 2023-07-24-07** for consideration to accept the lowest responsible bid from CDI Janitorial Service for janitorial services for the Pelham Tennis Center, Water Works Building, Pelham Public Library, Pelham Recreation Center, Pelham City Hall, Pelham Racquet Club, Pelham Senior Center, Ballantrae Golf Clubhouse and Turf Care Center
- 10. **Resolution 2023-07-24-08** for consideration to participate in the Community Development Block Grant Entitlement Program - Shelby County Urban County
- 11. **Resolution 2023-07-24-09** for consideration to approve a public works contract with Mickey Hamrick Construction for labor and materials for construction of a pavilion at the Pelham Senior Center. This project was budgeted in FY2023.
- 12. **Resolution 2023-07-24-10** for consideration to approve a public works contract to remove and replace the roof at the Indian Hills Well House. This work has been budgeted in FY2023.
- 13. **Resolution 2023-07-24-11** for consideration to approve a professional services agreement between the City of Pelham and Skipper Consulting, Inc. for additional design services for the installation of an emergency exit traffic light at Fire Station No. 3. This work has been budgeted in FY2023.
- 14. **Resolution 2023-07-24-12** for consideration to enter into agreements with Shelby County Park & Recreation Authority (SCPRA) for site work and project administration for drainage improvements at Coker Park. This work has been budgeted in FY2023.

Council President Mercer stated the complete text of the agenda, minutes, ordinance(s), and resolutions are available at Pelham City Hall and online at www.pelhamalabama.gov.

Councilmember Wash made a motion to adopt the Consent Agenda as presented by Council President Mercer.

Councilmember Leverett seconded the motion.

Council President Mercer asked the city clerk/treasurer for a roll call vote. The vote to adopt the Consent Agenda was recorded as follows:

Maurice Mercer, Council President	<u>Yes</u>
David Coram, Council Member	<u>Not Present</u>
Chad Leverett, Council Member	<u>Yes</u>
Rick Wash, Council Member	<u>Yes</u>
Mildred Lanier Reed, Council Member	<u>Yes</u>

There being no further discussion, the motion to adopt the Consent Agenda passed unanimously by roll call vote of those members present and the council president declared the same passed and adopted.

PUBLIC HEARING(S) – None

MAYOR'S REPORT/COMMENTS

Mayor Waters noted the recent wedding of Councilmember Lanier Reed, a first at Pelham City Hall, and the opportunity to be a part of the celebration.

PROCLAMATION(S) AND RESOLUTION(S) BY THE MAYOR AND OTHERS – None

REPORT OF THE CITY MANAGER - None

REPORT OF THE CITY ATTORNEY - None

REQUEST(S) TO ADDRESS THE COUNCIL - None

OLD BUSINESS / RESOLUTIONS / ORDINANCES / ORDERS and OTHER BUSINESS - None

NEW BUSINESS / RESOLUTIONS / ORDINANCES / ORDERS and OTHER BUSINESS - None

PUBLIC COMMENTS

Public comments are limited to three (3) minutes per speaker. Individuals wishing to address the City Council may after being recognized approach the podium and state their name and physical address prior to making their comments in a respectful manner.

There were no public comments.

CITY COUNCIL COMMENTS

Councilmember Leverett noted having recently visited Ballantrae Golf Club with his son. He said Ballantrae is a great facility.

Councilmember Wash wished Councilmember Coram a speedy recovery and echoed Mayor Waters comments.

Councilmember Lanier Reed thanked Mayor Waters, City Manager Gretchen DiFante, Assistant to the City Manager Brooke Jenkins, and city staff for their assistance in her wedding at Pelham City Hall.

Council President Mercer congratulated Councilmember Lanier Reed on her recent marriage.

Councilmember Leverett read a letter in its entirety to the Vulcan Steel Dynamics Foundation from Mayor Waters regarding a grant funding opportunity supporting Pelham Strong's grant application.

PUBLIC ANNOUNCEMENTS

1. The Pelham City Council will begin holding special work sessions to discuss the FY2024 operating and capital budgets in the Council Conference Room at Pelham City Hall on the following date and time.
 - Thursday, August 3, 2023: 3:00 p.m. until 8:00 p.m.
2. A public hearing will be held on Monday, August 7, 2023 at 7:00 p.m. in the Council Chambers at Pelham City Hall to consider **Ordinance No. 324-06** amending Ordinance Number 324-04 levying a privilege license or excise tax against persons, firms or corporations storing, using or otherwise consuming or engaging in the business of selling at retail tangible personal property or conducting places of amusement in the City of Pelham, Alabama.
3. A public hearing will be held on Monday, August 7, 2023 at 7:00 p.m. in the Council Chambers at Pelham City Hall to consider **Ordinance No. 067-13** amending Chapter 4, Article I, Section 4.2, Building Permit Fees, City of Pelham Code of Ordinances

ADJOURNMENT

With no other business before the council, Councilmember Lanier Reed moved to adjourn the council meeting and Councilmember Leverett seconded the motion. By voice vote the motion passed unanimously by those members present and the meeting was adjourned at 7:13 p.m.

Respectfully submitted this 24th day of July 2023.

Tom Seale, MMC, City Clerk/Treasurer

Maurice Mercer, President of the Council

[SEAL]

RESOLUTION 2023-08-07-01

Amending the Police Department's FY2023 Budget from Sale of Surplus Assets for the Purchase of a Vehicle

WHEREAS, the Pelham City Council adopted Resolution 2022-09-19-02 approving the City's annual budgets for Fiscal Year 2023 on September 19, 2022; and

WHEREAS, the Pelham Police Department recovered an abandoned 2013 Porsche Panamera GTS, VIN WPOAF2A72DL075152, as defined by Section 32-13-1, Code of Alabama (1975) as amended, and was subsequently reported unclaimed pursuant to Section 32-8-84, Code of Alabama (1975) as amended; and

WHEREAS, the State of Alabama Revenue Department issued a "Certificate of Title For A Vehicle" on March 15, 2023 to the City of Pelham for the 2013 Porsche Panamera GTS; and

WHEREAS, the City of Pelham declared the vehicle as surplus and no longer needed for public or municipal purposes pursuant to Section 11-43-56, Code of Alabama (1975) as amended, by adopting Resolution 2023-04-03-09 on April 3, 2023; and

WHEREAS, the 2013 Porsche Panamera GTS was sold at public auction by Alabama Auctioneering, Inc. D/B/A/ Pearce & Associates on July 11, 2023 with the net proceeds of \$27,900.00; and

WHEREAS, the Pelham Police Department is requesting to use the auction proceeds to partial fund the purchase of one police vehicle for its current fleet which is essential to patrolling the streets of our community.

NOW, THEREFORE, BE IT RESOLVED by the Pelham City Council to authorize the amending of the Police Department's FY2023 budget for the partial purchase of one (1) police vehicle from the General Fund in the amount of \$27,900.00, General Ledger Acct. 1003510-550499.

THEREUPON _____, a councilmember, moved and _____, a councilmember, seconded the motion that Resolution 2023-08-07-01 be given vote, and said resolution passed by majority vote of the Council present, and the President of the Council declared the same passed and adopted.

ADOPTED this 7th day of August 2023.

Maurice Mercer, President of the Council

[SEAL]

ATTEST

Tom Seale, MMC, City Clerk/Treasurer

I, the undersigned City Clerk/Treasurer 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 7th day of August 2023 and that such Resolution is on file in the office of the City Clerk/Treasurer 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 7th day of August 2023.

Tom Seale, MMC, City Clerk/Treasurer

[SEAL]



Pelham

A path apart.

MEMORANDUM

TO: Gretchen DiFante

FROM: Jamie Wagner

CC:

DATE: 07/31/2023

SUBJECT: Disbursement of Action Proceeds

The Finance Department received auction proceeds related to Resolution 2023-04-03-09 declaring a 2013 Porsche surplus personal property. The vehicle was unclaimed property related to a Police Department case, and the Police Department has requested to apply the proceeds to a new fleet vehicle purchase. The Finance Department would like to request authorization to make a budget adjustment to 1003510-550499 applying the full proceeds of \$27,900.

Thank you for your review and consideration of this request.

Jamie Wagner, CGFM

Pelham PD Case # 22-016106

On May 23, 2022, I was contacted by Investigator Dennis Blankenship with the NCIB, National Insurance Crime Bureau. Blankenship gave me a lead regarding a Ford Raptor registered to Timothy Brown in Pelham. This vehicle contained no shipping papers with NICB and was believed to contain a counterfeit VIN when registered by Brown. During a search of all vehicles registered to Brown, I determined Brown had multiple vehicles, including a 2016 Porsche Panamera, which contained no shipping papers on file with NICB.

The Porsche VIN was sent to Porsche of North America by NICB to determine if it had ever been manufactured.

Porsche of North America confirmed the VIN had never been manufactured and was invalid.

During a search warrant of Brown's business, the Porsche was located. I determined the Porsche contained three different vehicle identification numbers. Dennis Blankenship with NCIB was assisting and was able to identify the "true VIN" stamped on the passenger side frame. I determined the vehicle was manufactured in 2013, not 2016, as registered by Brown. I had the Porsche towed to Kirkland Wrecker Service, where it remained up until the auction date by Pearce and Associates. Blankenship provided me with the lien holder information he had on file. Note: Blankinchip found no insurance claims on the Porsche.

Black Mountain Holdings LLC

Donlen Trust

111 Brickell Avenue, Miami, FL 33131

2315 Sanders Road, Northbrook, IL 60062

I issued both companies certified letters of unclaimed/abandoned vehicle notices on 10-14-2022. Both letters returned as "Not Deliverable as Addressed" on 10-19-2022.

I placed the "true VIN" into the Alabama Abandon/Unclaimed portal for 45 days, as required by the State of Alabama. After the 45-day waiting period, I requested an Alabama title from the Alabama Department of Revenue. Agent Matt Young with the Alabama Department of Revenue assisted me with this process. A surety bond was also purchased as required by state law (Section 32-8-36, Code of Alabama. 1975). The Alabama Department of Revenue issued an Alabama title for the Porsche to the City of Pelham.

The Alabama Department of Motor Vehicles placed a state-issued plate containing the valid VIN inside the driver-side door jamb.

The vehicle was auctioned and sold by Pearce & Associates Auction Company, located at 720 Fulton Springs Road, Alabaster, AL 35007, in July 2023.

RESOLUTION 2023-08-07-02

Declaring Surplus Personal Property

WHEREAS, the City of Pelham, Alabama, has certain items of personal property which are no longer needed for public or municipal purposes; and

WHEREAS, Section 11-43-56 of the Code of Alabama of 1975 authorizes the municipal governing body to dispose of unneeded personal property.

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

SECTION 1. That the personal property as listed below is owned by the City of Pelham, Alabama and is not needed for public or municipal purposes.

1999 Dodge Ram 1500 Truck #742	VIN: 1B7HF13Z6XJ617165
2002 Dodge Ram 2500 Truck #58	VIN: 3B7KF26W12M250829
1999 Ford F-350 Truck #47	VIN: 1FDWW36S6XED05255

SECTION 2. The mayor, city manager, and city clerk/treasurer shall be, and they are hereby, authorized and directed to dispose of the personal property owned by the City of Pelham, Alabama, by receiving bids, auctioning, direct selling, or donating such property. Except for the items to be sold or donated as noted in Section 1 above, all such property shall be sold to the highest bidder, provided, however, that the mayor, city manager, and city clerk/treasurer shall have the authority to reject all bids when, in their opinion, they deem the bids to be less than adequate consideration for the personal property. If an item does not receive a bid due to lack of value or condition, the mayor, city manager, and city clerk/treasurer are authorized to dispose of the property.

SECTION 3. All vehicles, items and equipment will be sold or donated “as is” and “where is” with no expressed or implied warranty or guarantee. Buyers are responsible for pick-up and transport of the vehicles, items and equipment from the sale or alternate site. All sales are final. No refunds will be granted. Payment for surplus personal property shall be in the form of cash or an official bank check. No personal checks will be accepted.

THEREUPON _____, a councilmember, moved and _____, a councilmember, seconded the motion that Resolution 2023-08-07-02 be given vote, and said resolution passed by majority vote of the Council present, and the President of the Council declared the same passed and adopted.

ADOPTED this 7th day of August 2023.

Maurice Mercer President of the Council

[SEAL]

ATTEST

Tom Seale, MMC, City Clerk/Treasurer

I, the undersigned qualified City Clerk/Treasurer 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 of Pelham, at a regular meeting of such Council held on the 7th day of August 2023 and that such Resolution is on file in the office of the City Clerk/Treasurer 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 7th day of August 2023.

Tom Seale, MMC City Clerk/Treasurer

[SEAL]



Pelham

A path apart.

M E M O R A N D U M

To: Gretchen DiFante
City Manager

From: Andre` Bittas
Director of Development Services & Public Works

Date: July 27, 2023

Subject: Declaring Surplus Personal Property

The City of Pelham (Water & Sewer Department) has certain items of personal property which are no longer needed for public or municipal purposes. Those items included below were damaged beyond repair in the flood event of October 6, 2021.

1999 Dodge Ram 1500 Truck #742

VIN: 1B7HF13Z6XJ617165

2002 Dodge Ram 2500 Truck #58

VIN: 3B7KF26W12M250829

1999 Ford F-350 Truck #47

VIN: 1FDWW36S6XED05255

The vehicles/items will be auctioned to the highest bidder with proceeds credited to the appropriate fund account.

I am requesting a resolution declaring the vehicles as surplus be prepared and placed on the August 7, 2023 Council agenda for consideration.

RESOLUTION 2023-08-07-03

Approving Radio Read Water Meter Replacement Project Summary Change Order No. 1 - Final

WHEREAS, the Pelham City Council adopted Resolution 2021-09-20-12 and accepted the lone bid from Central Pipe Supply, Inc. to provide meters for the Radio Read Water Meter Replacement Project; and

WHEREAS, the final cost exceeded the contract amount previously approved by the Pelham City Council for the radio read replacement project; and

WHEREAS, the City of Pelham's engineer and engineering consultants, Municipal Consultants Inc., has recommended the approval of Summary Change Order No. 1 Final associated with increased costs incurred during the project.

NOW, THEREFORE, BE IT RESOLVED the Pelham City Council has determined it serves the public interest to accept and approve attached Summary Change Order No. 1 in the amount of \$4,560.00 related to increased costs associated with the AMR System Radio Read Water Meter Replacement Project and to authorize the Mayor to sign on behalf of the City, the related agreements with Central Pipe Supply, Inc. for said summary change order, which funding has been budgeted in FY2023. Munis Account No. 4005201-554800, Project No. 7123007.

Summary Change Order Request No. 1

Original Contract Price	\$ 2,376,478.00
Change Order No. 1 (Final)	+ \$ 4,560.00
Revised Contract Price	\$ 2,381,038.00 (FINAL)

THEREUPON _____, a councilmember, moved and _____, a councilmember, seconded the motion that Resolution 2023-08-07-03 be given vote, and said resolution passed by majority vote of the Council present, and the President of the Council declared the same passed and adopted.

ADOPTED this 7th day of August 2023.

Maurice Mercer, President of the Council

[SEAL]

ATTEST

Tom Seale, MMC, City Clerk/Treasurer

I, the undersigned City Clerk/Treasurer 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 7th day of August 2023 and that such Resolution is on file in the office of the City Clerk/Treasurer 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 7th day of August 2023.

Tom Seale, MMC, City Clerk/Treasurer

[SEAL]



MEMORANDUM

To: Andre' Bittas

Cc: Mike Eddington
Chris Cousins

From: Andrew Golden

Date: July 17, 2023

Subject: 2021 AMR System – Meters
Munis Acct No. 4005201-554800
Project No. 7123007

This project has been completed for \$4,560 over the contract amount for a final contract amount of \$2,381,038. Attached is a summary change order to reflect this difference for accounting purposes. We are requesting that a resolution to execute the attached change order be placed on the City Council agenda for the next available meeting at your convenience.

If you have any questions or need additional information, please let me know.

CONTRACT CHANGE ORDER

CHANGE ORDER NO: 1- Final PROJECT: 2021 AMR System – Meters

Date: _____ LOCATION: City of Pelham, Alabama 35124

To: Central Pipe Supply, Inc.
(Contractor)

TERMS: You are hereby authorized, subject to the provisions of your Contract for this project, to make the following changes.

DESCRIPTION:

Amend the Contract to change the items listed below for the above listed project.
(Note: Values in parentheses are deductions)

	<u>Change</u>
1.) Bid Item 1 – Discount for 1,000 5/8" x 3/4" Meter Complete with Body, Encoder, and Smart Endpoint	(\$3,000.00)
2.) Bid Item 1 – Add 342 5/8" x 3/4" Meter Complete with Body, Encoder, and Smart Endpoint	\$90,570.00
3.) Bid Item 3 – Delete 10 1 1/2" Meter Complete with Body, Encoder, and Smart Endpoint	(\$8,080.00)
4.) Bid Item 5 – Discount for 10,000 Meter Retrofit	
5.) (Encoder and Radio Endpoint Only, All Sizes)	(\$80,000.00)
6.) Bid Item 5 - Add 10 Meter Retrofit	
(Encoder and Radio Endpoint Only, All Sizes)	\$1,470.00
7.) Add 600 Badger ADA-Compliant Installation Kits	\$3,600.00

Total Amended Amount: \$4,560.00

ORIGINAL CONTRACT PRICE	<u>\$2,376,478.00</u>
Net total of previous Change Orders	<u>\$0.00</u>
Previous revised Contract Price	<u>\$2,376,478.00</u>
This Change Order No. <u>1 - Final</u>	<u>\$4,560.00</u>
Revised Contract Price this date	<u>\$2,381,038.00</u>

Extension of time resulting from this Change Order none (Insert "none" or No. of days)

This Contract Modification constitutes full and mutual accord and satisfaction for all time and all costs Related to this change. By acceptance of this Contract Modification, the Contractor hereby agrees that the modification represents an equitable adjustment to the Contract, and further, agrees to waive all rights to file any further claims against the Owner, its agents and Engineers for changes arising out of or as a result of this change, or the accumulation of executed Contract Modifications on this Contract. The Contractor and Owner hereby agree to the terms of this Change Order as contained herein.

RECOMMENDED

Municipal Consultants, Inc.

By: 
Andrew Golden

CONTRACTING PARTIES

Central Pipe Supply, Inc.
(Contractor)

By: _____
Sheriee Townsend, President

City of Pelham, Alabama
(Owner)

By: _____
Gary W. Waters, Mayor

RESOLUTION 2021-09-20-12

Accepting Material Only Bid for City-Wide Radio Read Water Meters

WHEREAS, the City of Pelham requested and received only a single bid to provide radio read water meters for the city-wide transition project; and

WHEREAS, having received a single bid, Code of Alabama (1975), as amended, permits the city to negotiate a reduced radio read water meter price with the vendor.

NOW, THEREFORE, BE IT RESOLVED by the Pelham City Council to accept the single responsible bid of \$2,376,478.00, with a savings of up to \$83,000.00 if said material is ordered on or before December 24, 2021, with Central Pipe Supply, Inc. to provide radio read water meters and to further authorize the Mayor, on behalf of the city to enter into an agreement, which shall become a permanent part of this Resolution, with Central Pipe Supply, LLC for said project.

THEREUPON Rick Wash, a councilmember, moved and David Coram, a councilmember, seconded the motion that Resolution 2021-09-20-12 be given vote, and said resolution passed by majority vote of the Council present, and the President of the Council declared the same passed and adopted.

ADOPTED this 20th day of September 2021.



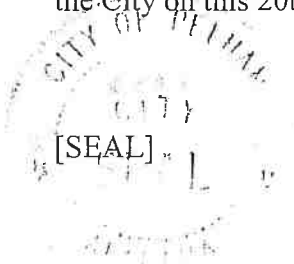
Maurice Mercer
Maurice Mercer President of the Council

ATTEST

Tom Seale
Tom Seale, MMC, City Clerk/Treasurer

I, the undersigned qualified City Clerk/Treasurer 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 of Pelham, at a regular meeting of such Council held on the 20th day of September 2021 and that such Resolution is on file in the office of the City Clerk/Treasurer and that no action has been taken to rescind or modify said Resolution.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the official seal of the City on this 20th day of September 2021.



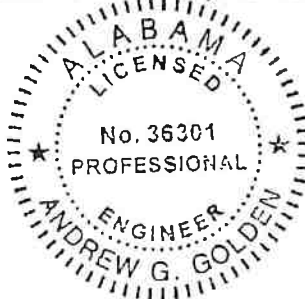
Tom Seale
Tom Seale, MMC City Clerk/Treasurer

The City of Pelham, Alabama
2021 AMR System - Meters
Bid Date / Time: August 24, 2021 at 2:00 p.m.

				Central Pipe Supply, Inc.	
ITEM	QUANT	UNIT	DESCRIPTION	UNIT PRICE	TOTAL
1	1000	Each	5/8" x 3/4" Meter Complete With Body, Encoder, and Smart Endpoint	\$262.00	\$262,000.00
2	300	Each	1" Meter Complete With Body, Encoder, and Smart Endpoint	\$405.00	\$121,500.00
3	10	Each	1 1/2" Meter Complete with Body, Encoder, and Smart Endpoint	\$808.00	\$8,080.00
4	30	Each	2" Meter Complete With Body, Encoder, and Smart Endpoint	\$1,045.00	\$31,350.00
5	10,000	Each	Meter Retrofit (Encoder and Radio Endpoint Only, All Sizes)	\$192.00	\$1,920,000.00
6	100	Each	Meter Retrofit (Encoder and Cellular Endpoint Only, All Sizes)	\$199.00	\$19,900.00
7	12,600	Each	Monthly Hosting Fees Per Year (Minimum of 12 reads per year)	\$0.48	\$6,048.00
8	1	Lump Sum	Mobile Reading Equipment (2 Trucks)	\$7,600.00	\$7,600.00
Total Base Bid					\$2,376,478.00

I certify that these are the correct bids received for the City of Pelham, Alabama 2021 AMR System - Meters on August 24, 2021 at 2:00 p.m.


 Andrew G. Golden, P.E. #36301



RESOLUTION 2023-08-07-04

Authorizing Emergency Call Boxes Along the Pelham Greenway Trail

WHEREAS, the City of Pelham acknowledges it serves a public purpose to maintain a safe and secure walking and bike trail system within the city; and

WHEREAS, the Pelham City Council adopted Resolution 2023-04-17-03 accepting the America Walks no match grant for emergency call boxes in the amount of \$4,000.00.

NOW, THEREFORE, BE IT RESOLVED by the Pelham City Council to accept the quote from Rath Communications to furnish two (2) emergency call boxes in the amount of \$7,782.00, which funding has been budgeted in FY2023, and authorize the Mayor, on behalf of the city, to execute all documents necessary for said purchase from Rath Communications. Munis Account No. 1006010-520335.

THEREUPON _____, a councilmember, moved and _____, a councilmember, seconded the motion that Resolution 2023-08-07-04 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 and adopted.

ADOPTED this 7th day of August 2023.

Maurice Mercer, President of the Council

[SEAL]

ATTEST

Tom Seale, MMC, City Clerk/Treasurer

I, the undersigned City Clerk/Treasurer 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 7th day of August 2023 and that such Resolution is on file in the office of the City Clerk/Treasurer 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 7th day of August 2023.

Tom Seale, MMC, City Clerk/Treasurer

[SEAL]



MEMORANDUM

To: Andre' Bittas

Cc: Brian Cooper
Mike Eddington

From: Chris Cousins

Date: July 17, 2023

Subject: City Trail System – Emergency Call Stations
Munis Account: 1006010-520335

Attached is a quote from Rath Communications to furnish 2 emergency call stations to be installed along the southern most portion of the City Trail system in the amount of \$7,782. This purchase has been partially funded by the America Walks Grant accepted by Resolution 2023-04-07-03 in the amount of \$4,000. The difference in the purchase price and Grant has been budgeted for FY23.

This quote is only for the equipment only. A separate Public Works Contract will be coordinated for installation.

I am requesting that this purchase be placed on the Council agenda for consideration.



Quote Number	230538270
Created Date	7/5/2023
Expiration Date	9/3/2023

Business Marketers Group, Inc.
DBA Rath Communications

Contact Information

Contact Name	Hannah Landers	Project Name	Case City of Pelham, Al - Trails Call Station
Account Name	Municipal Consultants	Email	hlanders@municipalconsultants.org
Billing Address	200 Century Park South Birmingham, Alabama 35226 United States		

Items

Product	Product Description	Quantity	Unit Price	Total Price
2100-CPC2	36" Call Station, 120v, Cellular, Blue Beacon/Strobe	2.00	USD 3,183.00	USD 6,366.00
ATTPLAN-2	SIM Card and 2-Year Prepaid Cellular Plan	2.00	USD 468.00	USD 936.00
RP7700098AE	Call Station Mounting Bracket	2.00	USD 240.00	USD 480.00

Pre-Tax Amount	USD 7,782.00
Tax %	0.00%
Tax Amount	USD 0.00
Grand Total	USD 7,782.00

Notes/Comments

Battery back-up and system operation requirements are determined by local jurisdiction. Please advise if any special requirements exist.

Prepared By	Cory Fuller
Phone	(800) 451-1460 x112
Email	cory.fuller@rathcommunications.com
Company Address	N56W24720 N Corporate Circle Sussex, Wisconsin 53089 United States

Notes:

- 1) Price does not include installation
- 2) Shipping not included unless specified in quote
- 3) Two-year warranty applies
- 4) All quotes valid until the expiration date
- 5) Quotes do not include tax unless requested prior to quoting.
- 6) Click to View Standard Terms and Conditions

RATH's assistance with system design is an estimation and RATH is not responsible for final system design. Always review the quantities on this quote with building specifications before submitting for bid.

RESOLUTION 2023-04-17-03

Accepting the America Walks Grant

WHEREAS, the City of Pelham acknowledges it serves a public purpose to maintain a safe and secure walking and bike trail system within the city.

NOW, THEREFORE, BE IT RESOLVED by the Pelham City Council to accept the America Walks grant in the amount of \$4,000.00 and authorize the Mayor, on behalf of the city, to execute all documents necessary to receive said grant funding.

BE IT FURTHER RESOLVED no grant match is required by the City of Pelham.

BE IT FURTHER RESOLVED the Pelham Parks & Recreation requests the America Walks grant be used to acquire security call boxes along the Pelham City Park portion of the Greenway Trail.

THEREUPON David Coram, a councilmember, moved and Mildred Lanier, a councilmember, seconded the motion that Resolution 2023-04-17-03 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 and adopted.

ADOPTED this 17th day of April 2023.


Maurice Mercer, President of the Council

ATTEST


Tom Seale, MMC, City Clerk/Treasurer

I, the undersigned City Clerk/Treasurer 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 17th day of April 2023 and that such Resolution is on file in the office of the City Clerk/Treasurer 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 17th day of April 2023.


Tom Seale, MMC, City Clerk/Treasurer



Pelham

A path apart.

NOTICE OF A PUBLIC HEARING

The Pelham City Council will hold a Public Hearing on Monday, August 7, 2023 in the Council Chambers at Pelham City Hall at 7:00 p.m. to consider the following:

Ordinance No. 067-13 amending Chapter 4, Article I, Section 4.2, Building Permit Fees, Code of Ordinances of the City of Pelham

All persons who desire shall have an opportunity of being heard in favor or in opposition of **Ordinance No. 067-13**.

Individuals with disabilities needing special services to participate are requested to coordinate their needs in advance.

If special accommodations are required, please contact Tom Seale, City Clerk/Treasurer by calling (205) 620-6404.

Tom Seale

Tom Seale, City Clerk/Treasurer

Posted: July 25, 2023

ORDINANCE No. 067-13

An Ordinance to amend Chapter 4, Article I, Section 4.2 of the Pelham Code of Ordinances – Building Permit Fees

AN ORDINANCE AMENDING ORDINANCE No. 067-12, BUILDING PERMIT FEE SCHEDULE

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

Section 1. Be it ordained by the Mayor and City Council of the City of Pelham, Alabama that Chapter 4, Article I, Section 4.2 Pelham Code of Ordinances be deleted in its entirety and replaced as follows:

Sec. 4.2 – Building Permit Fee Schedule

(a) *Building permit fees.*

The building permit fee schedule for the city is as follows:

Total Valuation	Fees
\$2,000 or Less	\$50.00
\$2,001 to \$10,000	\$75.00 for the First \$2,000 plus \$6.00 for each additional thousand or fraction thereof
\$10,001 to \$50,000	\$123.00 for the First \$10,000 plus \$7.00 for each additional thousand or fraction thereof
\$50,001 to \$100,000	\$403.00 for the First \$50,000 plus \$6.00 for each additional thousand or fraction thereof
\$100,001 to \$150,000	\$703.00 for the First \$100,000 plus \$5.50 for each additional thousand or fraction thereof
\$150,001 to \$200,000	\$978.00 for the First \$150,000 plus \$5.50 for each additional thousand or fraction thereof
\$200,001 to \$500,000	\$1,253.00 for the First \$200,000 plus \$6.00 for each additional thousand or fraction thereof
\$500,001 and up	\$3,053.00 for the First \$500,000 plus \$5.50 for each additional thousand or fraction thereof
Permit Issuance Fee for <u>all</u> permits (Garage Sale Permits are omitted)	\$15.00
<u>All Commercial Properties:</u> State Craft Fee will be added to the permit Cost (ACT 2015-308)	\$1.00 for every \$1,000.00
New Business Inspection Fee	\$40.00
Commercial Property Owners Permanent Power Inspection Fee	\$40.00
Mobile Food Unit Inspection Fee	\$75.00
Garage Sale/Estate Sale	\$10.00
Trade Permits (If associated with the General Contractors or Home Builders Building Permit)	\$50.00
Moving (Any Building)	\$300.00
Demolition (Residential)	\$300.00 (Any Building)
Demolition (Commercial) Requires Asbestos Testing	\$500.00 (Any Building)
Re-Inspection Fee (First)	\$50.00
Re-Inspection Fee (Second)	\$75.00
Re-Inspection Fee (Third)	\$100.00
Failure to obtain a permit, the permit fee doubles	

Plan Review \$10,000 to \$50,000 (Residential)	\$50.00
Plan Review \$50,001 and Up (Residential)	\$100.00
Plan Re-Review for Each Set of Comments (Residential)	\$50.00
Plan Review \$10,000 to \$50,000 (Commercial)	\$100.00
Plan Review \$50,001 to \$200,000 (Commercial)	\$200.00
\$200,001 and Up (Commercial)	\$300.00
Plan Re-Review for Each Set of Comments (Commercial)	\$125.00
Flood Plain Plan Review	\$50.00
Right-of-Way/Utility Plan Review	\$50.00
Special Event Permit	\$50.00
Land Disturbance Permit (initial Acre)	\$250.00
Land Disturbance Permit (Each Additional Acre)	\$15.00
Banner Permit - 7 Days	\$5.00
Banner Permit - 14 Days	\$10.00
Banner Permit – 30 Days	\$30.00
Seasonal Business Sign (60 Days)	\$15.00
Temporary Business Sign	\$15.00

In the event of a disagreement related to the estimated cost of construction as proposed by the building contractor, the Building Official may require a copy of the construction contract or other documents to determine actual construction costs and to derive a building permit fee based on this information.

Section 4-2(b). Other Fees

Zoning Board of Adjustment	\$300.00
Zoning Board of Adjustment and Appeals	\$300.00
Conditional Use Permit	\$300.00
Zoning Verification Letter	\$25.00
Planning & Zoning - Rezoning	\$300.00
Planning & Zoning - Rezoning (Per Acre)	\$10.00
Planning & Zoning Preliminary Plat	\$500.00
Planning & Zoning Preliminary Plat (Per Acre)	\$10.00
Planning & Zoning Final Plat (5 Lots or Less)	\$100.00
Planning & Zoning Final Plat per Lot (5 Lots or Less)	\$25.00
Planning & Zoning Final Plat (6 Lots or More)	\$250.00
Planning & Zoning Final Plat per Lot (6 Lots or More)	\$25.00
Final Plat Recording Fee	Shelby County fees will be charged at Final Plat Submittal

Section 2. All Ordinances or parts of Ordinances in conflict to the provisions of this Ordinance are hereby specifically repealed.

Section 3. Within said codes when reference is made to the duties of certain officials named therein that designated official in the city who has duties corresponding to those of the named officials in said code shall be deemed the responsible official insofar as enforcing the provisions of said code concerned.

Section 4. The provisions of this Ordinance are severable, and if any part of this Ordinance is declared invalid or unconstitutional, that declaration shall not affect the remainder of this Ordinance, which shall remain in full force and effect.

Section 5. This Ordinance shall become effective upon its passage and publication or posting as required by law.

THEREUPON _____, a councilmember moved and _____, a councilmember seconded the motion that Ordinance No. 067-13 be given vote. The roll call vote on said motion was recorded as follows:

Maurice Mercer President of the Council	_____
David Coram Council Member	_____
Chad Leverett Council Member	_____
Rick Wash Council Member	_____
Mildred Lanier Reed Council Member	_____

Ordinance No. 067-13 passed by a majority vote of all members of the Council present and the Council President declared the same passed.

ADOPTED this the 21st day of August 2023.

Maurice Mercer, Council President

David Coram, Council Member

Chad Leverett, Council Member

Rick Wash, Council Member

Mildred Lanier Reed, Council Member

[SEAL]

ATTEST

APPROVED

Tom Seale, MMC, City Clerk/Treasurer

Gary W. Waters, Mayor Date

POSTING AFFIDAVIT

I, the undersigned qualified City Clerk/Treasurer of the City of Pelham, Alabama, do hereby certify that the above and foregoing **ORDINANCE NO. 067-13** 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 21st day of August 2023 and duly published by posting an exact copy thereof on the 22nd day of August 2023 at four public places within the City of Pelham, including the Mayor’s Office at City Hall, City Park, Library, Pelham Water Works and www.pelhamalabama.gov. I further certify that said ordinance is on file in the office of the City Clerk/Treasurer and a copy of the full ordinance may be obtained from the office of the City Clerk/Treasurer during normal business hours.

Tom Seale, MMC, City Clerk/Treasurer

[SEAL]



Pelham

A path apart.

NOTICE OF A PUBLIC HEARING

The Pelham City Council will hold a Public Hearing on Monday, August 7, 2023 at 7:00 p.m. in the Council Chambers at Pelham City Hall to consider the following:

Ordinance No. 324-06 amending Chapter 5, Article II, Sections 5-30, 5-32, 5-33, and 5-33.1, Code of Ordinances of the City of Pelham, increasing the amount of the privilege license or excise tax levied against persons, firms or corporations storing, using or otherwise consuming or engaging in the business of selling at retail tangible personal property or conducting places of amusement in the City of Pelham, Alabama

All persons who desire shall have an opportunity of being heard in opposition or in favor of revisions to the Code of Ordinances of the City of Pelham

Individuals with disabilities needing special services to participate are requested to coordinate their needs in advance.

If special accommodations are required, please contact Tom Seale, City Clerk/Treasurer by calling (205) 620-6404.

Tom Seale

Tom Seale, City Clerk/Treasurer

Posted: July 25, 2023

ORDINANCE No. 324-06

An Ordinance to Amend Certain Sections of Chapter 5, Article II of the Pelham Code of Ordinances Increasing the Amount of Privilege or License Tax Levied Against Persons, Firms or Corporations Storing, Using or Otherwise Consuming or Engaging in the Business of Selling at Retail Tangible Personal Property or Conducting Places of Amusement in the City of Pelham, Alabama

WHEREAS the City of Pelham, Alabama desires to amend certain sections of Chapter 5, Article II of the Pelham Code of Ordinances to increase the amount of privilege or license tax to five percent (5%) levied Against Persons, Firms or Corporations Storing, Using or Otherwise Consuming or Engaging in the Business of Selling at Retail Tangible Personal Property or Conducting Places of Amusement in the City of Pelham, Alabama.

State Law reference— Authority to Levy, Code of Ala. 1975, § 11-51-200 et seq.

SECTION 1. BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF PELHAM, ALABAMA THAT THE PELHAM CODE OF ORDINANCES BE AMENDED OR OMITTED TO READ AS FOLLOWS:

Sec. 5-30. SALES TAX; LEVY AND AMOUNT

There is hereby levied, in addition to all other taxes of every kind now imposed by law, and shall be collected as herein provided, a privilege or license tax against the person on account of the business activities and in the amount to be determined by the application of rates against gross sales, or gross receipts as the case may be as follows:

(a) Upon every person, firm, or corporation (including the State of Alabama and its Alcoholic Beverage Control Board in the sale of alcoholic beverages of all kinds, the University of Alabama, Auburn University, and all other institutions of higher learning in the state, whether such institutions be denominational, state, county or municipal institutions, any association or other agency or instrumentality of the institutions) engaged or continuing within the City of Pelham, in the business of selling at retail any tangible personal property whatsoever, including merchandise and commodities of every kind and character, (not including, however, bonds or other evidences of debts or stocks, nor sales of material and supplies to any person for use in fulfilling a contract for the painting, repair, or reconditioning of vessels, barges, ships, other watercraft, and commercial fishing vessels of over five tons load displacement as registered with the U.S. Coast Guard and licensed by the State of Alabama Department of Conservation and Natural Resources), an amount equal to five percent (5%) of the gross proceeds of sales of the business except where a different amount is expressly provided herein. Provided, however, that any person engaging or continuing in business as a retailer and wholesaler or jobber shall pay the tax required on the gross proceeds of retail sales of the business at the rates specified, when his or her books are kept so as to show separately the gross proceeds of sales of each business, and when his or her books are not so kept he or she shall pay the tax as a retailer, on the gross sales of the business.

Where any used part including tires of an automotive vehicle or a truck trailer, semitrailer, or house trailer is taken in trade, or in a series of trades, as a credit or part payment on the sale of a new or rebuilt part or tire, the tax levied herein shall be paid on the net difference, that is, the price of the new or used part or tire sold less the credit for the used part or tire taken in trade, provided, however, this provision shall not be construed to include batteries.

(b) Upon every person, firm, or corporation engaged or continuing within the City of Pelham in the business of conducting or operating places of amusement or entertainment, billiard and pool rooms, bowling alleys, amusement devices, musical devices, theaters, opera houses, moving picture shows, vaudeville, amusement parks, athletic contests, including wrestling matches, prize fights, boxing and wrestling exhibitions, football and baseball games (including athletic contests, conducted by or under the auspices of any educational institution within this City, or any athletic association thereof, or other association whether the institution or association be a denominational, a state, or county, or a municipal institution, or association or a state, county, or city school, or other institution, association or school), skating rinks, race tracks, golf courses, or any other place at which any exhibition, display, amusement, or entertainment is offered to the public or place or

places where an admission fee is charged, including public bathing places, public dance halls of every kind and description within the City, an amount equal to five percent (5%) of the gross receipts of any such business. Provided, however, notwithstanding any language to the contrary in the prior portion of this subdivision, the tax provisions so specified shall not apply to any athletic event conducted by a public primary or secondary school or any football playoff conducted by or under the auspices of the Alabama High School Athletic Association. The tax amount which would have been collected pursuant to this subdivision shall continue to be collected by the public primary or secondary school but shall be retained by the school which collected it and shall be used by the school for school purposes.

(c) Upon every person, firm, or corporation engaged or continuing within the City of Pelham in the business of selling at retail machines used in mining, quarrying, compounding, processing, and manufacturing of tangible personal property an amount equal to five percent (5%) of the gross proceeds of the sale of the machines. The term "machine" as herein used, shall include machinery, which is used for mining, quarrying, compounding, processing, or manufacturing tangible personal property, and the parts of the machines, attachments, and replacements therefor, which are made or manufactured for use on or in the operation of the machines and which are necessary to the operation of the machines and are customarily so used.

(d) Upon every person, firm, or corporation engaged or continuing within the City of Pelham in the business of selling at retail any automotive vehicle or truck trailer, semitrailer, or house trailer, or mobile home set-up materials and supplies including but not limited to steps, blocks, anchoring, cable pipes, and any other materials pertaining thereto an amount equal to one percent (1%) of the gross proceeds of sale of the automotive vehicle or truck trailer, semitrailer, or house trailer, or mobile home set-up materials and supplies, provided, however, where a person subject to the tax provided for in this subsection withdraws from his or her stock in trade any automotive vehicle or truck trailer, semitrailer, or house trailer for use by him or her or by his or her employee or agent in the operation of the business, there shall be paid, in lieu of the tax levied herein, a fee of one dollar (\$1.00) per year or part thereof during which the automotive vehicle, truck trailer, semitrailer, or house trailer shall remain the property of the person. Each year or part thereof shall begin with the day or anniversary date as the case may be of such withdrawal and shall run for the twelve succeeding months or part thereof during which the automotive vehicle, truck trailer, semitrailer or house trailer shall remain the property of the person.

Where any used automotive vehicle or truck trailer, semitrailer, or house trailer is taken in trade or in a series of trades, as a credit or part payment on the sale of a new or used vehicle, the tax levied herein shall be paid on the net difference, that is, the price of the new or used vehicle sold less the credit for the used vehicle taken in trade.

(e) Upon every person, firm, or corporation engaged or continuing within the City of Pelham in the business of selling at retail any machine, machinery or equipment which is used in planting, cultivating and harvesting farm products, or used in connection with the production of agriculture produce or products, livestock or poultry on farms, and the parts of such machine, machinery or equipment, attachments and replacements therefor which are made or manufactured for use on or in the operation of such machine, machinery or equipment, and which are necessary to and customarily used in the operation of such machine, machinery or equipment, an amount equal to five percent (5%) of the gross proceeds of the sale thereof. Provided, that the five percent (5%) rate herein prescribed with respect to parts, attachments and replacements shall not apply to any automotive vehicle or trailer designed primarily for public highway use, except farm trailers used primarily in the production and harvesting of agriculture commodities.

Where any used machine, machinery or equipment which is used in planting, cultivating and harvesting farm products, or used in connection with the production of agricultural produce or products, livestock or poultry on farms is taken in trade or in a series of trades as a credit or part payment on a sale of a new or used machine, machinery or equipment, the tax levied herein shall be paid on the net difference, that is, the price of the new or used machine, machinery or equipment sold, less the credit for the used machine, machinery or equipment taken in trade.

(f) Upon every person, firm, or corporation engaged or continuing within the City of Pelham in the business of selling through coin-operated dispensing machines, food and food products for human consumption, not including beverages other than coffee, milk, milk products and substitutes therefor, there is levied a tax equal to five percent (5%) of the cost

of the food, food products, and beverages sold through the machines, which cost for the purpose of this subsection shall be the gross proceeds of sales of the business.

(g) Upon every person, firm, or corporation engaged or continuing within this state in the business of selling food there is a tax levied equal to four percent (4%) of the gross proceeds of the sale of food as defined in 7 U.S.C. § 2011, et seq.

State Law reference: Sales Tax, Code of Alabama, 1975, § 40-23-1 et seq.

Sec. 5-31. APPLICABILITY OF STATE SALES TAX STATUTES

The taxes levied by Section 5-30 of this ordinance shall be subject to all definitions, exceptions, exemptions, proceedings, requirements, rules, regulations, provisions, discounts, penalties, fines, punishments, and deductions that are applicable to the taxes levied by the State sales tax statutes, except where inapplicable or where herein otherwise provided, including all provisions of the State sales tax statutes for enforcement and collection of taxes.

State Law reference: Sales Tax, Code of Alabama, 1975, § 40-23-1 et seq.

Sec. 5-32 USE TAX; LEVY AND AMOUNT

(a) An excise tax is hereby imposed on the storage, use or other consumption in the City of Pelham of tangible personal property, not including, however, materials and supplies bought for use in fulfilling a contract for the painting, repairing or reconditioning of vessels, barges, ships, other watercraft and commercial fishing vessels of over five tons load displacement as registered with the U.S. Coast Guard and licensed by the State of Alabama Department of Conservation and Natural Resources, purchased at retail on or after October 1, 1965, for storage, use or other consumption in the City of Pelham at the rate of five percent (5%) of the sales price of such property, except as provided in subsections (b), (c) and (d) of this section.

(b) An excise tax is hereby imposed on the storage, use or other consumption in the City of Pelham of any machines used in mining, quarrying, compounding, processing, and manufacturing of tangible personal property, purchased at retail on or after the effective date of this ordinance, at the rate of five percent (5%) of the sales price of any such machine, provided, that the term "machine" as herein used, shall include machinery which is used for mining, quarrying, compounding, processing, or manufacturing tangible personal property, and the parts of such machines, attachments and replacements therefor, which are made or manufactured for use on or in the operation of such machines and which are necessary to the operation of such machines and are customarily so used.

(c) An excise tax is hereby imposed on the storage, use or other consumption in the City of Pelham of any automotive vehicle or truck trailer, semitrailer or house trailer, and mobile home set-up materials and supplies including but not limited to steps, blocks, anchoring, cable pipes and any other materials pertaining thereto, purchased at retail on or after the effective date of this ordinance, for storage, use or other consumption in the City of Pelham at the rate of one percent (1%) of the sales price of such automotive vehicle, truck trailer, semitrailer or house trailer, and mobile home set-up materials and supplies as specified above. Where any used automotive vehicle or truck trailer, semitrailer or house trailer is taken in trade, or in a series of trades, as a credit or part payment on the sale of a new or used vehicle, the tax levied herein shall be paid on the net difference, that is, the price of the new or used vehicle sold less the credit for the used vehicle taken in trade.

(d) An excise tax is hereby levied and imposed on the storage, use or other consumption in the City of Pelham of any machine, machinery or equipment which is used in planting, cultivating and harvesting farm products, or used in connection with the production of agriculture produce or products, livestock or poultry on farms, and the parts of such machines, machinery or equipment, attachments and replacements therefor which are made or manufactured for use on or in the operation of such machine, machinery or equipment, and which are necessary to and customarily used in the operation of such machine, machinery or equipment, which is purchased at retail after the effective date of this ordinance, for storage, use or other consumption in the City of Pelham, at the rate of five percent (5%) of the sales price of such property. Provided, that the five percent (5%) rate herein prescribed with respect to parts, attachments and replacements shall not apply to any

automotive vehicle or trailer designed primarily for public highway use, except farm trailers used primarily in the production and harvesting of agricultural commodities.

(e) Every person storing, using or otherwise consuming in the City of Pelham tangible personal property purchased at retail shall be liable for the tax imposed by this article, and the liability shall not be extinguished until the tax has been paid to the City of Pelham; provided, that a receipt from a retailer maintaining a place of business in this City or a retailer authorized by this City, under such rules and regulations prescribed by law, to collect the tax imposed hereby and who shall for the purpose of this article be regarded as a retailer maintaining a place of business in this City, given to the purchaser in accordance with the provisions of Section 40-23-67, Code of Alabama, 1975, shall be sufficient to relieve the purchaser from further liability for tax to which such receipt may refer.

(f) An excise tax is hereby imposed on the classes of tangible personal property, and at the rates imposed on such classes, specified in subsections (a), (b), (c) and (d) of this section, on the storage, use, or other consumption in the performance of a contract in this City of any such tangible personal property, new or used, the tax to be measured by the sales price or the fair and reasonable market value of such tangible personal property when put into use in this City, whichever is less; provided, that the tax imposed by this subsection shall not apply where the taxes imposed by subsection (a), (b), (c) or (d) of this section apply.

(g) Seller to collect tax; seller not to assume or absorb tax. Every such seller making sales of tangible personal property for storage, use or other consumption in the City of Pelham, not exempted under the provisions of Section 40-23-62, shall at the time of making such sales or, if the storage, use or other consumption of the tangible personal property is not then taxable hereunder, at the time such storage, use or other consumption becomes taxable hereunder, collect the tax imposed by this article from the purchaser, and give to the purchaser a receipt therefor in the manner and form prescribed by the City. The tax required to be collected by the seller from the purchaser shall be displayed separately from the list, advertised in the premises, marked or other price on the sales check or other proof of sales. It shall be unlawful for any such seller to advertise or hold out or state to the public or to any customer, directly or indirectly, that the tax or any part thereof imposed by this article will be assumed or absorbed by the seller or that it will not be added to the selling price of the property sold, or if added that it or any part thereof will be refunded. Any person violating any of the provisions of this section shall be guilty of a misdemeanor. The tax herein required to be collected by the seller shall constitute a debt owned by the seller to this City.

(h) Seller to file returns. There is hereby adopted by reference Section 40-23-68, Code of Alabama, 1975, as amended.

(i) An excise tax is hereby imposed on the storage, use, or other consumption in this state of food at the rate of four percent (4%) of the sales price of such food as defined in 7 U.S.C. § 2011, et seq.

State Law reference: Sales Tax, Code of Alabama, 1975, § 40-23-60 et seq.

Sec. 5-33. APPLICABILITY OF STATE USE TAX STATUTES

The taxes levied by Section 5-32 of this ordinance shall be subject to all definitions, exceptions, exemptions, proceedings, requirements, rules, regulations, provisions, discounts, penalties, fines, punishments, and deductions that are applicable to the taxes levied by the State use tax statutes, except where inapplicable or where herein otherwise provided, including all provisions of the State use tax statutes for enforcement and collection of taxes.

State Law reference: Use Tax, Code of Alabama, 1975, § 40-23-60 et seq.

Sec. 5-33.1. EXPENDITURE OF PROCEEDS

Excluding Section 5-30(d) and Section 5-32(c), one-fifth (20%) of the proceeds collected through the levy of the taxes imposed by this ordinance, less penalties and interest accrued or assessed per Section 5-34.1 and Section 5-34.2, less refunds and rebates, shall be expended to support public education for the residents of Pelham and for any other expenses deemed necessary for the support of the public schools located within the city limits of Pelham, as directed and appropriated by the Pelham City Council.

SECTION 2. ORDINANCE CUMULATIVE

This Ordinance shall not be construed to repeal any provisions of the general license code or any other ordinance of the City of Pelham under which a privilege or license tax is levied, but shall be held to be cumulative, and the amounts of the taxes herein levied shall be in addition to the amounts of all other license fees and taxes imposed by the City of Pelham.

SECTION 3. SEVERABILITY

Each section and provision of this ordinance is hereby declared to be an independent section or provision. If any section or provision shall be declared void, invalid, or unconstitutional, the remaining sections or provisions shall not be affected but shall remain in full force and effect.

SECTION 4. EFFECTIVE DATE

This ordinance shall become effective on the November 1, 2023.

THEREUPON _____, a councilmember moved and _____, a councilmember seconded the motion that **Ordinance No. 324-06** be given vote. The roll call vote on said motion was as follows:

- Maurice Mercer, Council President _____
- David Coram, Council Member _____
- Chad Leverett, Council Member _____
- Rick Wash, Council Member _____
- Mildred Lanier Reed, Council Member _____

Ordinance No. 324-06 passed by majority vote of the Council and the Council President declared the same passed.

ADOPTED this 21st day of August 2023.

Maurice Mercer, Council President

David Coram, Council Member

Chad Leverett, Council Member

Rick Wash, Council Member

Mildred Lanier Reed, Council Member

ATTEST

APPROVED:

Tom Seale, MMC, City Clerk/Treasurer

Gary Waters, Mayor

Date _____

POSTING AFFIDAVIT

I, the undersigned qualified City Clerk/Treasurer of the City of Pelham, Alabama, do hereby certify that the above and foregoing ORDINANCE No. 324-06 was duly ordained, adopted, and passed by the City Council of the City of Pelham, Alabama at a regular called meeting of such Council held on the 21st day of August 2023 and duly published by posting an exact copy thereof on the 22nd day of August 2023 at four public places within the City of Pelham, including Pelham City Hall, Pelham Recreation Center, Pelham Public Library, Pelham Water Works Building and online at www.pelhamalabama.gov. I further certify that said Ordinance is on file in the office of the City Clerk/Treasurer and a copy of the full Ordinance may be obtained from the office of the City Clerk/Treasurer during normal business hours.

Tom Seale, MMC, City Clerk/Treasurer

[SEAL]