



COUNCIL MEETING
Pelham Senior Center
June 7, 2021 – 7:00 p.m.

MINUTES

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: June 7, 2021
Time: 7:00 p.m.
Place: Pelham Senior Center
Present: Council President Maurice Mercer
Councilmember David Coram
Councilmember Larry Palmer
Councilmember Rick Wash
Councilmember Mildred Lanier
Mayor Gary Waters

CALL TO ORDER, INVOCATION AND PLEDGE OF ALLEGIANCE

Council President Mercer called the meeting to order at 7:14 p.m. Shelby County Commissioner Ward Williams led tonight's invocation. The Pledge of Allegiance was led by Councilmember Palmer.

RECORD OF ATTENDANCE

The city clerk/treasurer recorded all members of the city council were in attendance and a quorum was present. Mayor Waters, City Manager Gretchen DiFante and City Attorney Josh Arnold were also in attendance.

CONSENT AGENDA

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

1. Approval of the June 7, 2021 City Council Agenda
2. Approval of the May 17, 2021 Regular City Council Meeting Minutes
3. Approval of non-budgeted expenses from restricted fund account(s): None

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

PUBLIC HEARING(S)

Councilmember Coram moved to recess the city council meeting in order to hold a public hearing for which proper notice had been given. The motion was seconded by Councilmember Wash and approved unanimously by voice vote of those members present. The council meeting recessed at 7:18 p.m.

1. To consider Ordinance No. 135-232 an amendment to the zone district boundaries of the City of Pelham changing the present zoning R-A (Apartment Residential District) and B-2 (General Business District) to P-MX (PUD Mixed Use) and PC (PUD Commercial) for properties located along State Park Road and Amphitheater Road, Pelham, AL 35124
Applicants: HCI Oak Mountain, LLC and HCI Oak Mountain Cabin, LLC
Name of Legal Owner(s): HCI Oak Mountain, LLC and HCI Oak Mountain Cabin, LLC

Council President Mercer announced the public hearing was in session regarding the rezoning request as noted in Ordinance No. 135-232. He further stated the city council would now hear comments both for and against the consideration to amend the zone district boundaries of the City of Pelham.

Speaking in favor of the Rezoning:

- Jordy Henson, 2421 Mountain Vista Drive, Birmingham, AL 35243, owner of both companies requesting the rezoning.

Speaking against the Rezoning:

- None
- 2. To consider Ordinance No. 135-233 an amendment to the zone district boundaries of the City of Pelham changing the present zoning B-4 (Miniwarehouse District) to B-2 (General Business District) for property located at 200 Ridge Drive, Pelham, AL 35124
Applicant: Nathan Wells and Kristy Wells
Name of Legal Owner(s): Dominion Evangel Education Ministries, LLC

Council President Mercer announced the public hearing was in session regarding the rezoning request as noted in Ordinance No. 135-233. He further stated the city council would now hear comments both for and against the consideration to amend the zone district boundaries of the City of Pelham.

Speaking in favor of the Rezoning:

- Building Official Angie Brown spoke to the rezoning. She stated a B-2 zoning is more appropriate for this property. She further stated the Planning Committee had recommended the rezoning.

Speaking against the Rezoning:

- None
- 3. To consider Ordinance No. 135-234 an amendment to the zone district boundaries of the City of Pelham changing the present zoning A-1 (Agricultural District) to R-G (Garden Home Residential District) for property located along Ridge Drive, Pelham, AL 35124
Applicant: SNO Inc.
Name of Legal Owner(s): Steve Issis

Council President Mercer announced the public hearing was in session regarding the rezoning request as noted in Ordinance No. 135-234. He further stated the city council would now hear comments both for and against the consideration to amend the zone district boundaries of the City of Pelham.

Speaking in favor of the Rezoning:

- Building Official Angie Brown spoke to the rezoning. She stated the developer is requesting a change for A-1 to R-G to build 30 garden homes. She further stated the Planning Committee had recommended the rezoning.

Speaking against the Rezoning:

- Maggie Amsler, 13 Oak Ridge Drive, Pelham, Alabama 35124
- Fred Benton, 111 Ridge Drive, Pelham, Alabama 35124
- Doug Bradle, 25 Oak Ridge Drive, Pelham, Alabama 35124
- William Kok, 17 Oak Ridge Drive, Pelham, Alabama 35124
- R.B. Kincaid, 6 Ridge Drive, Pelham, Alabama 35124
- Houston T. Lawless, 21 Ridge Drive, Pelham, Alabama 35124
- 4. To consider Ordinance No. 135-235 an amendment to the zone district boundaries of the City of Pelham changing the present zoning B-2 (General Business District) to M-1 (Light Industrial District) for property located at Shelby County Highways 52 and 11, Pelham, AL 35124
Applicant: Mike Sasser and Dr. David T. Fuller, III

Name of Legal Owner(s): Dr. David T. Fuller, III, Elpis Holdings, LLC

Council President Mercer announced the public hearing was in session regarding the rezoning request as noted in Ordinance No. 135-235. He further stated the city council would now hear comments both for and against the consideration to amend the zone district boundaries of the City of Pelham.

Speaking in favor of the Rezoning:

- Miriam Fuller, 750 W. Ashby Road, Brierfield, Alabama 35035, owner of Hope Animal Clinic in Bessemer, Alabama and Mike Sasser addressed the city council. Ms. Fuller stated the property is currently zoned B-2, permitting use for a veterinary clinic. She further stated a change to M-1 would allow for the construction of outdoor dog runs.
- Eddy Jowers, 3505 Highway 11, Pelham, Alabama 35124, asked for consideration for his 15 acres to be rezoned to M-1 if Ordinance No. 135-235 is approved.
- Scott Gosnell, 156 Mallard Pointe Circle, Pelham, Alabama 35124, attorney for Hope Animal Clinic, stated the purpose requesting the M-1 rezoning is to allow for outdoor dog runs.

Speaking against the Rezoning:

- None
- 5. To consider Ordinance No. 135-236 an amendment to the zone district boundaries of the City of Pelham changing the present zoning B-2 (General Business District) to R-G (Garden Home Residential District) for property located on Shelby County Highway 11 at Grey Oaks, Pelham, AL 35124
Applicant(s): Grey Oaks Gardens, LLC / John Reamer
Name of Legal Owner(s): Double Mountain, LLC

Council President Mercer announced the public hearing was in session regarding the rezoning request as noted in Ordinance No. 135-236. He further stated the city council would now hear comments both for and against the consideration to amend the zone district boundaries of the City of Pelham.

Speaking in favor of the Rezoning:

- John Reamer, Post Office Box 430067, Birmingham, Alabama 35243, developer of the property, addressed the city council requesting a zoning change to build garden homes on Shelby County Highway 11 at Grey Oaks.

Speaking against the Rezoning:

- Mike Carignan, 309 Grey Oaks Cove, Pelham, Alabama 35124
- Laura Kutcher, 257 Grey Oaks Court, Pelham, Alabama 35124, presented a petition signed by 367 individuals opposing the rezoning to the city council.
- Pat Wade, 396 Grey Oaks Drive, Pelham, Alabama 35124
- Paul Walker, 237 Grey Oaks Court, Pelham, Alabama 35124
- Brian Roy, 156 Grey Oaks Court, Pelham, Alabama 35124
- Eddy Jowers, 3505 Highway 11, Pelham, Alabama 35124, asked if the county was considering widening Shelby County Highway 11.
- Brian Sharp, 312 Grey Oaks Drive, Pelham, Alabama 35124

Council President Mercer called the June 7, 2021 City Council Meeting back to order at 8:18 p.m.

MAYOR'S REPORT – None

PROCLAMATION(S) BY THE MAYOR – None

REPORT OF THE CITY MANAGER

City Manager DiFante made the following comments:

- Closed on Summer Classics and Welborn Street real estate property sales last week.
- Noted the expansion of the Parks & Recreation Department programs, including Pickle Ball, Art in the Park and Movie Nights
- The Pelham Civic Complex & Ice Arena is and will be hosting a regional qualifying pool tournament and Theatre on Ice. Attendance is expected to exceed 1,500.
- The Pelham Racquet Club experienced record attendance during the recent Senior Cup event.
- Ballantrae Golf Club continues to have record rounds of golf played.
- The Summer Reading Program at the Pelham Public Library has begun.
- The 2021 paving projects have begun, which will include the “hot” patching of several additional streets.
- Additional interviews will be conducted this week for the economic development director position.
- The application and procedures for submitting a request for the American Rescue Act funds has been received and will be completed.
- Police Chief Pat Cheatwood, City Clerk/Treasurer Tom Seale and City Attorney Josh Arnold have been tasked to prepare an ordinance to address weed and debris, invoicing if the city is involved with clean up and tax levies against the property if not paid.

REPORT OF THE CITY ATTORNEY – None

REQUEST(S) TO ADDRESS THE COUNCIL – None

OLD BUSINESS / RESOLUTIONS / ORDINANCES / ORDERS and OTHER BUSINESS

1. **Resolution 2021-05-03-12** for consideration of an ABC License application for a 040 – Retail Beer (On or Off Premises) and a 060 – Retail Table Wine (On or Off Premises) license by applicant 24E Fitness, LLC operating under the trade name 24E Fitness located at 2244-A Pelham Parkway, Pelham, AL 35124. Removed from the May 3, 2021 agenda. Resolution 2021-05-03-12 was reintroduced by Council President Mercer.

Councilmember Coram moved to adopt Resolution 2021-05-03-12 and Councilmember Wash seconded the motion.

There being no further discussion, the motion to adopt Resolution 2021-05-03-12 failed by voice vote of 1-4 with Council President Mercer, Councilmember Palmer, Councilmember Wash and Councilmember Lanier dissenting. Council President Mercer stated Resolution 2021-05-03-12 failed to pass by a majority of those members present.

2. **Resolution 2021-05-17-01** for consideration to appoint members to the new Pelham Parks & Recreation Advisory Board. Removed from the May 17, 2021 agenda. Resolution 2021-05-17-01 was reintroduced by Council President Mercer.

Resolution 2021-05-17-01 was removed from the June 7, 2021 agenda by city council action.

3. **Resolution 2021-05-17-07** authorizing the City of Pelham’s participation in the formation of the Cahaba Solid Waste Disposal Authority. Removed from the May 17, 2021 agenda. Resolution 2021-05-17-07 was reintroduced by Council President Mercer.

Councilmember Coram moved to adopt Resolution 2021-05-17-07 and Councilmember Wash seconded the motion.

Councilmember Lanier thanked City Manager Gretchen DiFante and City Attorney Josh Arnold for clarification regarding formation of the Authority. Councilmember Palmer stated this could be a much better solution to our solid waste management. Councilmember Coram, Council President Mercer and Councilmember Wash agreed with the comments of Councilmember Lanier and Councilmember Palmer.

There being no further discussion, the motion to adopt Resolution 2021-05-17-07 passed unanimously by voice vote of those members present and the council president declared the same passed and adopted.

4. **Resolution 2021-05-17-08** appointing Gretchen DiFante to the Cahaba Solid Waste Disposal Authority Board of Directors, Place No. 5, with the term of office ending on _____. Removed from the May 17, 2021 agenda. Resolution 2021-05-17-08 was reintroduced by Council President Mercer.

Councilmember Wash moved to adopt Resolution 2021-05-17-08 and Councilmember Coram seconded the motion.

There being no further discussion, the motion to adopt Resolution 2021-05-17-08 passed unanimously by voice vote of those members present and the council president declared the same passed and adopted.

5. **Ordinance No. 288-14** to amend Code of Ordinances, City of Pelham, Alabama, Chapter 5, Article I, Section 5-1 Subsection (4) – License shall be location specific, and Subsection (28) – License Fee Schedule FF (Mobile Food Units). First Reading was on May 17, 2021. Ordinance No. 288-14 was reintroduced by Council President Mercer.

Councilmember Wash moved to adopt Ordinance No. 288-14 as presented and Councilmember Coram seconded the motion. There being no further discussion, Council President Mercer asked the city clerk/treasurer for a roll call vote to adopt Ordinance No. 288-14. The roll call vote was recorded as follows:

Maurice Mercer, Council President	<u>Yes</u>
David Coram, Council Member	<u>Yes</u>
Larry Palmer, Council Member	<u>Yes</u>
Rick Wash, Council Member	<u>Yes</u>
Mildred Lanier, Council Member	<u>Yes</u>

Council President Mercer announced Ordinance No. 288-14 was passed and adopted by unanimous roll call vote of those councilmembers present.

NEW BUSINESS / RESOLUTIONS / ORDINANCES / ORDERS and OTHER BUSINESS

1. **Resolution 2021-06-07-01** for consideration to appoint members to the Pelham Public Library Board was introduced by Council President Mercer.

Councilmember Lanier moved to adopt Resolution 2021-06-07-01 and Councilmember Coram seconded the motion.

There being no further discussion, the motion to adopt Resolution 2021-06-07-01 passed unanimously by voice vote of those members present and the council president declared the same passed and adopted.

2. **Resolution 2021-06-07-02** for consideration to appoint members to the Pelham Storm Water Board was introduced by Council President Mercer.

Councilmember Coram moved to adopt Resolution 2021-06-07-02 and Councilmember Wash seconded the motion.

There being no further discussion, the motion to adopt Resolution 2021-06-07-02 passed unanimously by voice vote of those members present and the council president declared the same passed and adopted.

3. **Resolution 2021-06-07-03** for consideration to amend the FY2021 budgets was introduced by Council President Mercer.

Councilmember Coram moved to adopt Resolution 2021-06-07-03 and Councilmember Lanier seconded the motion.

There being no further discussion, the motion to adopt Resolution 2021-06-07-03 passed unanimously by voice vote of those members present and the council president declared the same passed and adopted.

4. **Resolution 2021-06-07-04** for consideration to approve an agreement with SWITCH for design specifications and details for the audio/video upgrades to be included as a part of the City Hall renovation project was introduced by Council President Mercer.

Councilmember Lanier moved to adopt Resolution 2021-06-07-04 and Councilmember Coram seconded the motion.

There being no further discussion, the motion to adopt Resolution 2021-06-07-04 passed unanimously by voice vote of those members present and the council president declared the same passed and adopted.

5. **Resolution 2021-06-07-05** for consideration to approve an agreement with 1 Call Contractors (Electrical) for the installation of the replacement backup generator and automatic transfer switch at Fire Station No. 2 was introduced by Council President Mercer.

Councilmember Wash moved to adopt Resolution 2021-06-07-05 and Councilmember Coram seconded the motion.

There being no further discussion, the motion to adopt Resolution 2021-06-07-05 passed unanimously by voice vote of those members present and the council president declared the same passed and adopted.

6. **Resolution 2021-06-07-06** for consideration to approve a proposal from Engineering Design Technologies, Inc. (EDT) for a survey of certain properties located along U.S. Highway 31 and Amphitheater Road as a part of the land acquisition process and land use design project was introduced by Council President Mercer.

Councilmember Coram moved to adopt Resolution 2021-06-07-06 and Councilmember Lanier seconded the motion.

There being no further discussion, the motion to adopt Resolution 2021-06-07-06 passed unanimously by voice vote of those members present and the council president declared the same passed and adopted.

7. **Ordinance No. 135-232** an amendment to the zone district boundaries of the City of Pelham changing the present zoning R-A (Apartment Residential District) and B-2 (General Business District) to P-MX (PUD Mixed Use) and PC (PUD Commercial) for properties located along State Park Road and Amphitheater Road, Pelham, AL 35124.

Applicant(s): HCI Oak Mountain, LLC and HCI Oak Mountain Cabin, LLC, 3075 Healthy Way, Birmingham, Alabama 35243

Name of Legal Owner(s): HCI Oak Mountain, LLC and HCI Oak Mountain Cabin, LLC, 3075 Healthy Way, Birmingham, Alabama 35243

Ordinance No. 135-232 was introduced and read in its entirety by Council President Mercer as a First Reading.

He stated a complete text of Ordinance No. 135-232 is available at Pelham City Hall and online at www.pelhamalabama.gov.

Council President Mercer announced this ordinance will likely be considered by the city council at a future city council meeting.

8. **Ordinance No. 135-233** an amendment to the zone district boundaries of the City of Pelham changing the present zoning B-4 (Miniwarehouse District) to B-2 (General Business District) for property located at 200 Ridge Drive, Pelham, AL 35124.

Applicant(s): Nathan Wells and Kristy Wells, 1773 King James Drive, Alabaster, AL 35007

Name of Legal Owner(s): Dominion Evangel Education Ministries, LLC, 1773 King James Drive, Alabaster, Alabama 35007

Ordinance No. 135-233 was introduced and read in its entirety by Council President Mercer as a First Reading.

He stated a complete text of Ordinance No. 135-233 is available at Pelham City Hall and online at www.pelhamalabama.gov.

Council President Mercer announced this ordinance will likely be considered by the city council at a future city council meeting.

9. **Ordinance No. 135-234** an amendment to the zone district boundaries of the City of Pelham changing the present zoning A-1 (Agricultural District) to R-G (Garden Home Residential District) for property located along Ridge Drive, Pelham, AL 35124.

Applicant: SNO Inc., 2858 Highway 31 S, Pelham, Alabama 35124

Name of Legal Owner(s) Steve Issis, 2858 Highway 31 S, Pelham, Alabama 35124

Ordinance No. 135-234 was introduced and read in its entirety by Council President Mercer as a First Reading.

He stated a complete text of Ordinance No. 135-234 is available at Pelham City Hall and online at www.pelhamalabama.gov.

Council President Mercer announced this ordinance will likely be considered by the city council at a future city council meeting.

10. **Ordinance No. 135-235** an amendment to the zone district boundaries of the City of Pelham changing the present zoning B-2 (General Business District) to M-1 (Light Industrial District) for property located at Shelby County Highways 52 and 11, Pelham, AL 35124.

Applicant(s): Mike Sasser, 3051 Morgan Road, Bessemer, Alabama 35022 and Dr. David T. Fuller, III, 750 West Ashby Road, Brierfield, AL 35035 of Hope Animal Clinic

Name of Legal Owner(s): Dr. David T. Fuller, III / Elpis Holdings, LLC, 750 West Ashby Road, Brierfield, AL 35035

Ordinance No. 135-235 was introduced and read in its entirety by Council President Mercer as a First Reading.

He stated a complete text of Ordinance No. 135-235 is available at Pelham City Hall and online at www.pelhamalabama.gov.

Council President Mercer announced this ordinance will likely be considered by the city council at a future city council meeting.

11. **Ordinance No. 135-236** an amendment to the zone district boundaries of the City of Pelham changing the present zoning B-2 (General Business District) to R-G (Garden Home Residential District) for property located on Shelby County Highway 11 at Grey Oaks, Pelham, AL 35124.
First Reading

Applicant(s): Grey Oaks Gardens, LLC / John Reamer, Post Office Box 430067, Birmingham, Alabama 35243

Name of Legal Owner(s): Double Mountain, LLC; 2924 Crescent Avenue, Birmingham, Alabama 35209

Ordinance No. 135-236 was introduced and read in its entirety by Council President Mercer as a First Reading.

He stated a complete text of Ordinance No. 135-236 is available at Pelham City Hall and online at www.pelhamalabama.gov.

Council President Mercer announced this ordinance will likely be considered by the city council at a future city council meeting.

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 address prior to making their comments in a respectful manner.

Kenneth Paschal, 216 Huntley Apartment Drive, Pelham, Alabama 35124. Mr. Paschal announced he was recently elected as the Republican representative for Alabama House District 73. He said the general election will be held on July 13, 2021. He thanked the voters of District 73 and asked them to come out and vote on July 13th. He said the number one issue in District 73 is infrastructure, primarily roads.

Anita Saxena, 455 Holland Lakes Drive North, Pelham, Alabama 35124. She stated she has been a skate school instructor for a number of years. She further stated the Pelham Civic Complex & Ice Arena is an asset to the community and asked the city council to visit and talk to the instructors. She stated her concerns about where the facility is headed.

COUNCIL COMMENTS

Councilmember Coram thanked all the citizens for coming out tonight and expressing their opinions to the city council. He noted and thanked the Parks & Recreation Department for the "Movies in the Park". He offered his condolences to Councilmember Wash on the recent loss of his brother.

Councilmember Palmer said it is a breath of fresh air to see the Council Chambers full. He said we did hear your voices.

Councilmember Wash thanked everyone for attending tonight's meeting. He said this is the reason we have these meetings.

Councilmember Lanier thanked the residents for attending tonight's meeting. She said your comments make a difference. She thanked Building Official Angie Brown and Director of Development Services & Public Works Andre` Bittas for providing the rezoning information in the council packet.

Council President Mercer thanked everyone for attending tonight and adhering to the rules of the city council in addressing the zoning issues. He noted his attendance at the recent Alabama City County Management Association meeting. He thanked Director of Development Services & Public Works Andre` Bittas for his service to the Pelham community. He acknowledged and thanked Mayor Waters for his comments at the 2021 Pelham High School graduation.

PUBLIC ANNOUNCEMENTS

1. The Pelham City Council is accepting letters of interest and resumes through Wednesday, June 30, 2021 at 5:00 p.m. from those citizens who would like to be considered for an appointment to the Storm Water Board. Please submit all letters and resumes to Pelham City Clerk/Treasurer Tom Seale at Pelham City or email tom@pelhamalabama.gov prior to the deadline.
2. The City of Pelham will host its annual Fire on the Water celebration in partnership with Oak Mountain State Park on Saturday, July 3, 2021. The event begins at 5:00 p.m. with activities, music, food trucks, and more. The fireworks show begins at 9:00 p.m. Gates will close promptly at 7:00 p.m. to allow ample time for everyone to make their way to the beach before the show. Please plan accordingly.

In the interest of public safety, a *limited* number of tickets will be sold for Fire on the Water. They cost \$15, however, Pelham residents may purchase them at a discounted rate of \$10 per ticket. Each ticket is valid for one vehicle carrying up to four people. A state-issued ID or utility bill is required for proof of residency. Additional information is available on the city's website, www.pelhamalabama.gov, and official social media pages.

3. Pelham City Offices will be closed Monday, July 5th, in observance of Independence Day.

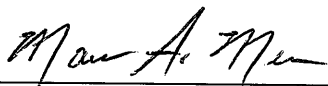
ADJOURNMENT

With no other business before the council, Councilmember Coram moved to adjourn the council meeting and Councilmember Wash seconded the motion. By voice vote, the motion passed unanimously by those members present and the meeting was adjourned at 9:02 p.m.

Respectfully submitted this 7th day of June 2021,



Tom Seale, MMC, City Clerk/Treasurer



Maurice Mercer, President of the Council

