



COUNCIL MEETING
Pelham Senior Center
June 21, 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 21, 2021
Time: 7:00 p.m.
Place: Pelham Senior Center
Present: Council President Maurice Mercer
Councilmember David Coram
Councilmember Larry Palmer
Councilmember Mildred Lanier
Mayor Gary Waters

Not Present: Councilmember Rick Wash

CALL TO ORDER, INVOCATION AND PLEDGE OF ALLEGIANCE

Council President Mercer called the meeting to order at 7:00 p.m. Councilmember Lanier 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, with the exception of Councilmember Wash, 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 21, 2021 City Council Agenda
2. Approval of the June 7, 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.

RETIREMENT RECOGNITION

Fire Chief Mike Reid introduced retiring Captain Jeff Hay following 25 years of service to the City of Pelham.

NEW EMPLOYEE INTRODUCTIONS

The following new employees were introduced to the city council by their department head:

FIRE – Chief Mike Reid
Aaron Vines – Firefighter

HUMAN RESOURCES – Tracy Hill, Director
Kimberley Williams, Human Resources Administrative Assistant

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 Lanier and approved unanimously by voice vote of those members present. The council meeting recessed at 7:07 p.m.

1. 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(s): Mike Sasser, 3051 Morgan Road, Bessemer, Alabama 35022 and Dr. David T. Fuller, III, 750 West Ashby Road, Brierfield, Alabama 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

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 West Ashby Road, Brierfield, Alabama 35035

Speaking against the Rezoning:

- None
2. To consider Ordinance No. 135-237 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 116 Hilltop Business Center Dr., Pelham, AL 35124

Applicant: Robert B. Melton, 212 Red Bay Drive, Alabaster, Alabama 35007

Name of Legal Owner(s): Robert B. Melton and Carol Ann Melton, 212 Red Bay Drive, Alabaster, Alabama 35007 and Jonathan W. Melton, 4158 Gardenia Lane, Moody, Alabama 35004

Council President Mercer announced the public hearing was in session regarding the rezoning request as noted in Ordinance No. 135-237. 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 stated the rezoning will bring the property into its current use as a B-2 business.

Speaking against the Rezoning:

- None
3. To consider Ordinance No. 135-238 an amendment to the zone district boundaries of the City of Pelham changing the present zoning R-1 (Single Family Residential District) to R-G (Garden Home Residential District) for property located at 121 and 131 Pickle Drive, Chelsea, Alabama 35043

Applicant: Madison Earl Development, 1960 County Road 33, Suite C, Pelham, Alabama 35124

Name of Legal Owner(s): Madison Earl Development, 1960 County Road 33, Suite C, Pelham, Alabama 35124

Council President Mercer announced the public hearing was in session regarding the rezoning request as noted in Ordinance No. 135-238. 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:

- Steve McMinn, 81 Windsor Circle, Pelham, Alabama 35124

Speaking against the Rezoning:

- None
4. To consider Ordinance No. 135-239 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 52E and 35, Pelham, AL 35124.

Applicant: BT Pelham Associates, LLC, 943 Oak Valley Lane, Nashville, Tennessee 37220

Name of Legal Owner: Susan Schein, 1406 Sutherland Place, Homewood, Alabama 35209

Council President Mercer announced the public hearing was in session regarding the rezoning request as noted in Ordinance No. 135-239. 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:

- Brad Thomason, 943 Oak Valley Lane, Nashville, Tennessee 37220

Speaking against the Rezoning:

- None

Council President Mercer called the June 21, 2021 City Council Meeting back to order at 7:15 p.m.

MAYOR'S REPORT - None

PROCLAMATION(S) BY THE MAYOR

Mayor Waters proclaimed June 2021 as Scleroderma Awareness Month in the City of Pelham. Accepting the Proclamation was Deven Woods on behalf of Many Infinities.

REPORT OF THE CITY MANAGER

City Manager DiFante made the following comments:

- Cahaba Solid Waste Disposal Authority – Listed those cities which have become a part of the Authority. She stated the by-laws have been completed and the Authority will be issuing a Request for Proposal on June 22, 2021. Negotiations will be handled by the board of directors.
- Reported on meeting with customers of the Pelham Civic Complex & Ice Arena, including the Birmingham Bulls, Birmingham Figure Skating Association, youth and adult hockey organizations and figure skating students and parents. She stated there was a lot of positive feedback received during the meetings. She thanked the city council for their leadership.
- Lt. Matt Maples has received the American Legion Post 555 and the state American Legion "Firefighter of the Year" award.

REPORT OF THE CITY ATTORNEY - None

REQUEST(S) TO ADDRESS THE COUNCIL – None

NEW BUSINESS / RESOLUTIONS / ORDINANCES / ORDERS and OTHER BUSINESS

1. **Resolution 2021-06-21-01** for consideration to repeal and replace the Pelham Parks & Recreation Advisory Board enabling Resolution 2021-02-01-02 was introduced by Council President Mercer.

Councilmember Coram moved to adopt Resolution 2021-06-21-01 and Councilmember Lanier seconded the motion.

There being no further discussion, the motion to adopt Resolution 2021-06-21-01 passed unanimously by voice vote of those members present and the council president declared the same passed and adopted.

OLD BUSINESS / RESOLUTIONS / ORDINANCES / ORDERS and OTHER BUSINESS

- 1. **Resolution 2021-05-17-01** for consideration to appoint members to the new Pelham Parks & Recreation Advisory Board was reintroduced by Council President Mercer. Resolution 2021-05-17-01 was removed from the May 17, 2021 and June 7, 2021 agendas.

Councilmember Coram moved to adopt Resolution 2021-05-17-01 and Councilmember Lanier seconded the motion.

There being no further discussion, the motion to adopt Resolution 2021-05-17-01 passed unanimously by voice vote of those members present and the council president declared the same passed and adopted.

- 2. **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 was reintroduced by Council President Mercer. **First Reading was on June 7, 2021.**

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

Councilmember Coram moved to adopt Ordinance No. 135-232 and Councilmember Lanier seconded the motion.

Council President Mercer asked the city clerk/treasurer for a roll call vote. The vote to adopt said Ordinance 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>Not Present</u>
Mildred Lanier, Council Member	<u>Yes</u>

There being no further discussion, the motion to adopt Ordinance No. 135-232 passed unanimously by a roll call vote of those members present and the council president declared the same passed and adopted.

- 3. **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 was reintroduced by Council President Mercer. **First Reading was on June 7, 2021.**

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

Councilmember Lanier moved to adopt Ordinance No. 135-233 and Councilmember Coram seconded the motion.

Council President Mercer asked the city clerk/treasurer for a roll call vote. The vote to adopt said Ordinance 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>Not Present</u>
Mildred Lanier, Council Member	<u>Yes</u>

There being no further discussion, the motion to adopt Ordinance No. 135-233 passed unanimously by a roll call vote of those members present and the council president declared the same passed and adopted.

- 4. 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 was reintroduced by Council President Mercer. **First Reading was on June 7, 2021**

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

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

Councilmember Lanier moved to adopt Ordinance No. 135-234. The motion to adopt Ordinance No. 135-234 failed to receive a second.

Council President Mercer announced Ordinance No. 135-234, having not received a second to the motion for adoption, failed to be approved and adopted by the city council.

- 5. 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 was reintroduced by Council President Mercer. **First Reading was on June 7, 2021**

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

Councilmember Coram moved to adopt Ordinance No. 135-236 and Councilmember Lanier seconded the motion.

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

Maurice Mercer, Council President	<u>No</u>
David Coram, Council Member	<u>No</u>
Larry Palmer, Council Member	<u>No</u>
Rick Wash, Council Member	<u>Not Present</u>
Mildred Lanier, Council Member	<u>No</u>

There being no further discussion, the motion to adopt Ordinance No. 135-236 failed to receive a majority roll call vote of those members present and the council president declared the same was not passed nor adopted.

NEW BUSINESS / RESOLUTIONS / ORDINANCES / ORDERS and OTHER BUSINESS

CONTINUED

- 1. Resolution 2021-06-21-02** for consideration to approve a request by Verizon Wireless for a special use permit for modifications to their equipment on an existing facility located at 2030 Valleydale Terrace was introduced by Council President Mercer.

Councilmember Coram moved to adopt Resolution 2021-06-21-02 and Councilmember Lanier seconded the motion.

David Andrews with the Center for Municipal Solutions (CMS), the city's telecommunications consultants, stated Verizon has made application to modify their equipment on the existing tower located at 2030 Valleydale Terrace. He said the existing structure is a 180 foot monopole tower and Verizon is currently providing service from this facility at a height of 168 feet. Mr. Andrews stated Verizon currently has six (6) antennas mounted on the tower and three (3) feedlines mounted inside the monopole shaft. The feedlines will not be altered. He further stated Verizon proposes to add three (3) antennas to their existing configuration. Mr. Andrews said the antenna count will increase from six (6) antennas to nine (9) antennas, which is not a substantial modification as defined by the Federal Communications Commission and should not have a negative effect on the aesthetics of the facility. Mr. Andrews stated CMS recommends approval of the request.

There being no further discussion, the motion to adopt Resolution 2021-06-21-02 passed unanimously by voice vote of those members present and the council president declared the same passed and adopted.

2. **Resolution 2021-06-21-03** for consideration to approve a proposal by McLeod Architecture to provide architectural design and engineering services for the renovations at the Well Operators Building was introduced by Council President Mercer.

Councilmember Coram moved to adopt Resolution 2021-06-21-03 and Councilmember Palmer seconded the motion.

There being no further discussion, the motion to adopt Resolution 2021-06-21-03 passed unanimously by voice vote of those members present and the council president declared the same passed and adopted.

3. **Resolution 2021-06-21-04** for consideration to approve a summary change order for the County Road 52W bridge replacement and utility relocation project was introduced by Council President Mercer.

Councilmember Lanier moved to adopt Resolution 2021-06-21-04 and Councilmember Coram seconded the motion.

There being no further discussion, the motion to adopt Resolution 2021-06-21-04 passed unanimously by voice vote of those members present and the council president declared the same passed and adopted.

4. **Resolution 2021-06-21-05** for consideration to approve a summary change order for Sewer Lift Station "M" Emergency Generator was introduced by Council President Mercer.

Councilmember Coram moved to adopt Resolution 2021-06-21-05 and Councilmember Palmer seconded the motion.

There being no further discussion, the motion to adopt Resolution 2021-06-21-05 passed unanimously by voice vote of those members present and the council president declared the same passed and adopted.

5. **Resolution 2021-06-21-06** for consideration to approve the lowest responsible bid from Gillespie Construction for American Disabilities Act (ADA) improvements to install handicap curb ramps in the Beaver Creek subdivision was introduced by Council President Mercer.

Councilmember Coram moved to adopt Resolution 2021-06-21-06 and Councilmember Palmer seconded the motion.

There being no further discussion, the motion to adopt Resolution 2021-06-21-06 passed unanimously by voice vote of those members present and the council president declared the same passed and adopted.

6. **Resolution 2021-06-21-07** for consideration to approve the lowest responsible bid from Wright Construction Company for Pelham Fire Station No. 4 driveway repairs was introduced by Council President Mercer.

Councilmember Coram moved to adopt Resolution 2021-06-21-07 and Councilmember Palmer seconded the motion.

There being no further discussion, the motion to adopt Resolution 2021-06-21-07 passed unanimously by voice vote of those members present and the council president declared the same passed and adopted.

7. **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.

8. **Ordinance No. 135-237** 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 116 Hilltop Business Center Dr., Pelham, AL 35124

Applicant: Robert B. Melton, 212 Red Bay Drive, Alabaster, Alabama 35007

Name of Legal Owner(s): Robert B. Melton and Carol Ann Melton, 212 Red Bay Drive, Alabaster, Alabama 35007 and Jonathan W. Melton, 4158 Gardenia Lane, Moody, Alabama 35004

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9. **Ordinance No. 135-238** an amendment to the zone district boundaries of the City of Pelham changing the present zoning R-1 (Single Family Residential District) to R-G (Garden Home Residential District) for property located at 121 and 131 Pickle Drive, Chelsea, Alabama 35043

Applicant: Madison Earl Development, 1960 County Road 33, Suite C, Pelham, Alabama 35124

Name of Legal Owner(s): Madison Earl Development, 1960 County Road 33, Suite C, Pelham, Alabama 35124

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

10. **Ordinance No. 135-239** 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 52E and 35, Pelham, AL 35124.

Applicant: BT Pelham Associates, LLC, 943 Oak Valley Lane, Nashville, Tennessee 37220

Name of Legal Owner: Susan Schein, 1406 Sutherland Place, Homewood, Alabama 35209

Ordinance No. 135-239 was introduced and read in its entirety by Council President Mercer as a First Reading.

He stated a complete text of Ordinance No. 135-239 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.

Brad Thomason, 943 Oak Valley Lane, Nashville, Tennessee 37220, spoke to the zoning restrictions in Ordinance No. 135-239. Council President Mercer stated Mr. Bittas would review the zoning restrictions and follow up with him.

Amos Mitchim, Secure Storage, 900 Keystone Court, Pelham, Alabama 35124, addressed the city council regarding the Holland Lakes subdivision flooding concerns. He noted the recent meeting of the Holland Lakes Homeowners Association (HOA) with city officials. He asked the city to take another look at the drainage issues, including the size of the discharge pipes in the detention ponds.

COUNCIL COMMENTS

Councilmember Coram stated the city council's thoughts and prayers are with Councilmember Wash and his family.

Councilmember Palmer concurred with the comments of Councilmember Coram. He thanked those citizens in attendance tonight. He requested Mr. Bittas and Mrs. Brown include in the council packet future development plans for all rezoning requests.

Councilmember Lanier echoed the thoughts of Councilmember Coram. She thanked her fellow councilmembers for their attention to detail regarding the numerous rezoning requests.

Council President Mercer also asked prayers for Councilmember Wash and his family. He thanked the Pelham Public Library for their promotion of Juneteenth.

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.

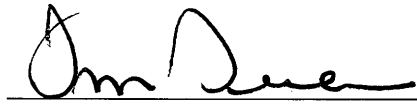
In the interest of public safety, a *limited* number of tickets will be sold for Fire on the Water. They cost \$15, however, Pelham residents may purchase them at a discounted rate of \$10 per ticket. Each ticket is valid for one vehicle carrying up to four people. A state-issued ID or utility bill is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

3. The Pelham Public Library is accepting donations of new school supplies for the Shelby County Foster Parents Association until July 9th. You may drop off supplies inside the Pelham Recreation Center or at the Pelham Library during regular business hours.
4. Pelham City Offices will be closed Monday, July 5th, in observance of Independence Day.
5. The July 5, 2021 Work Session and City Council meetings have been rescheduled to July 6th, beginning at 4:00 p.m.

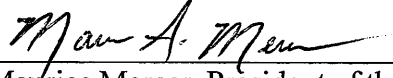
ADJOURNMENT

With no other business before the council, Councilmember Coram moved to adjourn the council meeting and Councilmember Palmer seconded the motion. By voice vote, the motion passed unanimously by those members present and the meeting was adjourned at 8:15 p.m.

Respectfully submitted this 21st day of June 2021,



Tom Seale, MMC, City Clerk/Treasurer



Maurice Mercer, President of the Council

