



COUNCIL MEETING
Pelham Senior Center
July 6, 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: July 6, 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 8:24 p.m. Councilmember Coram 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 Bent Owens 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 July 6, 2021 City Council Agenda
2. Approval of the June 21, 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) – None

MAYOR'S REPORT – None

PROCLAMATION(S) BY THE MAYOR – None

REPORT OF THE CITY MANAGER – None

REPORT OF THE CITY ATTORNEY

City Attorney Bent Owens noted the annual audit report of pending litigation will be forwarded to the city clerk/treasurer on Wednesday. He stated the process of compiling the information is quite involved and time consuming.

REQUEST(S) TO ADDRESS THE COUNCIL – None

OLD BUSINESS / RESOLUTIONS / ORDINANCES / ORDERS and OTHER BUSINESS

1. **Resolution 2021-05-17-02** for consideration to authorize an amendment to the Development Agreement between the City of Pelham and HCI Oak Mountain, LLC and to consider authorizing an amendment to the Special Economic Incentive Agreement between the City of Pelham and HCI Oak Mountain, LLC was reintroduced by Council President Mercer. Resolution 2021-05-17-02 was removed from the May 17, 2021 agenda.

Councilmember Coram moved that all rules which would prevent the immediate consideration of Resolution 2021-05-17-02 be suspended and immediate consideration given. The motion was seconded by Councilmember Wash.

Council President Mercer asked the city clerk/treasurer for a roll call vote. The vote to suspend the rule for immediate consideration of Resolution 2021-05-17-02 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 the motion to suspend the rule for immediate consideration of Resolution 2021-05-17-02 passed by a unanimous roll call vote of those councilmembers present.

Councilmember Coram moved to adopt Resolution 2021-05-17-02 as presented and Councilmember Wash seconded the motion. Councilmember Lanier thanked the city manager, city attorney and Mr. Benner for answering the city council’s question. It was the consensus of the city council to increase the economic incentive amount by \$750,000.00 to \$3,420,000.00. There being no further discussion, Council President Mercer asked the city clerk/treasurer for a roll call vote to adopt Resolution 2021-05-17-02. 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 Resolution 2021-05-17-02 was passed and adopted by a unanimous roll call vote of those councilmembers present.

2. **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 was reintroduced by Council President Mercer. The First Reading of Ordinance No. 135-235 was on June 21, 2021.

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

Councilmember Coram moved to adopt Ordinance No. 135-235 and Councilmember Palmer 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>Yes</u>
Mildred Lanier, Council Member	<u>Yes</u>

There being no further discussion, the motion to adopt Ordinance No. 135-235 passed unanimously by a roll call vote of those members present and the council president declared the same passed and adopted.

3. **Ordinance No. 135-237** 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 Drive, Pelham, AL 35124 was reintroduced by Council President Mercer. The First Reading of Ordinance No. 135-237 was on June 21, 2021.

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.

Councilmember Coram moved to adopt Ordinance No. 135-237 and Councilmember Wash 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>Yes</u>
Mildred Lanier, Council Member	<u>Yes</u>

There being no further discussion, the motion to adopt Ordinance No. 135-237 passed unanimously by a roll call vote of those members present and the council president declared the same passed and adopted.

4. **Ordinance No. 135-238** 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 was reintroduced by Council President Mercer. The First Reading of Ordinance No. 135-238 was on June 21, 2021.

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

Councilmember Wash moved to adopt Ordinance No. 135-238 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>No</u>

Rick Wash, Council Member Yes

Mildred Lanier, Council Member No

There being no further discussion, the motion to adopt Ordinance No. 135-238 passed by a roll call vote of 3-2 of those members present with Councilmember Palmer and Councilmember Lanier dissenting. Council President Mercer declared Ordinance No. 135-238 having received a majority vote of the city council was passed and adopted.

NEW BUSINESS / RESOLUTIONS / ORDINANCES / ORDERS and OTHER BUSINESS

1. **Ordinance No. 135-240** repealing Ordinance No. 135-200 for noncompliance with applicable requirements of Article XX, Section 7 of the Pelham Zoning Ordinance for properties located along Huntley Parkway. First Reading

Ordinance No. 135-240 was introduced and read in its entirety by Councilmember Coram as a First Reading.

He stated a complete text of Ordinance No. 135-240 is available at Pelham City Hall and online at www.pelhamalabama.gov.

Councilmember Coram announced this ordinance will likely be considered by the city council at a future city council meeting.

Councilmember Wash moved that all rules which would prevent the immediate consideration of Ordinance No. 135-240 be suspended and immediate consideration given. The motion was seconded by Councilmember Coram.

Council President Mercer asked the city clerk/treasurer for a roll call vote. The vote to suspend the rule for immediate consideration of Ordinance No. 135-240 was recorded as follows:

Maurice Mercer, Council President Yes

David Coram, Council Member Yes

Larry Palmer, Council Member Yes

Rick Wash, Council Member Yes

Mildred Lanier, Council Member No

Having not received a unanimous vote of the city council, Council President Mercer announced the motion to suspend the rule for immediate consideration of Ordinance No. 135-240 failed by a roll call vote of 4-1 of those councilmembers present with Councilmember Lanier dissenting.

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.

Michael Wallace, 313 Creekside Lane, Pelham, Alabama 35124, addressed the city council regarding the flooding in the Holland Lakes subdivision and asked what the city intends to do about this issue.

Erin Welborn, 5417 Caldwell Mill Road, Birmingham, Alabama 35242, a candidate for District Court Place No. 1, introduced herself and addressed the city council. She stated the Republican primary is in May 2022.

Kenneth Paschal, 216 Huntley Apartment Drive, Pelham, Alabama 35124, addressed the city council regarding the special election for Alabama State House of Representatives District 73 will be held on July 13th. He asked the residents of Pelham for their support.

Michael Henderson, 310 Creekside Lane, Pelham, Alabama 35124, asked the city council for results of the meeting with the city engineering and city attorney regarding the flooding issues in Holland Lakes.

COUNCIL COMMENTS

Councilmember Coram stated his family enjoyed Fire on the Water last Saturday night at Oak Mountain State Park. He thanked everyone involved in the planning and execution of the event.

Councilmember Palmer asked the city council for their support in adopting an ordinance to prevent a medical marijuana clinic/facility from opening in Pelham. He asked City Manager DiFante to look into four locations within the city where food trucks have set up. He noted the success of Fire on the Water.

Councilmember Wash said he enjoyed the entire atmosphere of Fire on the Water. He said it was a great family event. He noted Independence Day and thanked the veterans for serving our country.

Councilmember Lanier thanked the city for sponsoring Fire on the Water. She said it was a great event. She thanked the city leadership for providing information in a timely manner for city council consideration.

Council President Mercer thanked the Public Works and Water Departments for their work over the 4th of July holiday weekend. He asked the city council to submit questions or comments to the city manager or city attorney when additional information is needed.

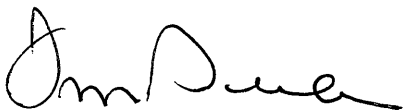
PUBLIC ANNOUNCEMENTS

1. On Tuesday, July 13th a special general election for Alabama State Senate District 14 and Alabama State House of Representatives District 73 seats will be held. Polls open from 7:00 a.m. to 7:00 p.m. Visit the Secretary of State Office website under *Elections, My Voting Information* to determine if you are in Senate District 14 and/or House District 73.
2. 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.
3. The 2021 "Back to School" Sales Tax Holiday begins at 12:01 a.m. on Friday, July 16, 2021 and ends at twelve midnight on Sunday, July 18, 2021.

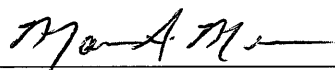
ADJOURNMENT

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 8:58 p.m.

Respectfully submitted this 6th day of July 2021,



Tom Seale, MMC, City Clerk/Treasurer



Maurice Mercer, President of the Council

