

THE CITY OF PELHAM, ALABAMA

COUNCIL MEETING
Pelham Senior Center
October 4, 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: October 4, 2021
Time: 7:00 p.m.
Place: Pelham Senior Center
Present: Council President Maurice Mercer
Councilmember David Coram
Councilmember Larry Palmer
Councilmember Rick Wash
Mayor Gary Waters

Not Present: Councilmember Mildred Lanier

CALL TO ORDER, INVOCATION AND PLEDGE OF ALLEGIANCE

Council President Mercer called the meeting to order at 7:00 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, with the exception of Councilmember Lanier, all elected officials were in attendance and a quorum was present. 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 October 4, 2021 City Council Agenda
2. Approval of the September 20, 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.

MAYOR'S REPORT – None

PROCLAMATION(S) BY THE MAYOR AND OTHERS

1. Mayor Waters proclaimed October 2021 as Breast Cancer Awareness Month in the City of Pelham, Alabama. Beth Bradner Davis, Executive Director of the Breast Cancer Research Foundation of Alabama, Robin Wilkerson, Administrative Assistant, Pelham Fire Department and Fire Chief Mike Reid were present to accept the Proclamation from Mayor Waters.
2. Mayor Waters proclaimed October 1, 2021 as Alabama Down Syndrome Day and October 2021 as National Down Syndrome Awareness Month in the City of Pelham, Alabama. Kathy Olive, Beth Olive and the Henderson family were present to accept the Proclamation from Mayor Waters.

3. Mayor Waters proclaimed the week of October 3-9, 2021 as Fire Prevention Week in the City of Pelham, Alabama. Robin Wilkerson, Administrative Assistant, Pelham Fire Department and Fire Chief Mike Reid were present to accept the Proclamation from Mayor Waters

REPORT OF THE CITY MANAGER

City Manager Gretchen DiFante made the following comments:

- VenuWorks began managing the Pelham Civic Complex & Ice Arena of October 1, 2021.
- Noted effective October 5, 2021 the mask mandate has been removed but masks are encouraged in city buildings. Stated the Pelham City Schools have removed their mask mandates.
- High Hampton Drive repairs have been completed.
- Alabama Power Company has converted 518 street lights to LEDs. They expect to complete the project over the next several months.
- Stated she is attending ICMA's virtual conference this week. She acknowledged Mountain Brook City Manager Sam Gaston for receiving a high honor from ICMA.

REPORT OF THE CITY ATTORNEY

City Attorney Josh Arnold noted the tremendous amount of work from city staff and the attorneys for BT Pelham Associates, LLC in bringing the Purchase & Sales Agreement to the city council for consideration.

REQUEST(S) TO ADDRESS THE COUNCIL – None

OLD BUSINESS / RESOLUTIONS / ORDINANCES / ORDERS and OTHER BUSINESS

1. **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 was reintroduced by Council President Mercer. First Reading was on June 21, 2021.

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

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

He stated a complete text of Ordinance No. 135-239 is available at Pelham City Hall during regular business hours and online at www.pelhamalabama.gov.

Councilmember Wash moved to adopt Ordinance No. 135-239 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>Yes</u>
Mildred Lanier, Council Member	<u>Not Present</u>

There being no further discussion, the motion to adopt Ordinance No. 135-239 passed unanimously by a roll call vote of those members present and the council president declared the same passed and adopted.

2. **Ordinance No. 135-242** amending Article XVI – B-3 Warehouse Business District, Section 2 - Permitted Uses by adding “Any use permitted in the B-2 zoning [district] not to include permitted uses in the B-1 neighborhood business district, however, the requirements set forth in B-2 general business district, Article XV, shall apply to this permitted use” and further renumbering

the remaining items in Section 2 was reintroduced by Council President Mercer. First Reading was on September 20, 2021.

He stated a complete text of Ordinance No. 135-242 is available at Pelham City Hall during regular business hours and online at www.pelhamalabama.gov.

Councilmember Coram moved to adopt Ordinance No. 135-242 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>Not Present</u>

There being no further discussion, the motion to adopt Ordinance No. 135-242 passed unanimously by a roll call vote of those members present and the council president declared the same passed and adopted.

NEW BUSINESS / RESOLUTIONS / ORDINANCES / ORDERS and OTHER BUSINESS

- 1. **Resolution 2021-10-04-01** for consideration to approve a request by T-Mobile for a special use permit to modify their equipment on an existing facility located at 1000 Martin Street was introduced by Council President Mercer.

Councilmember Wash moved to adopt Resolution 2021-10-04-01 and Councilmember Coram seconded the motion.

There being no further discussion, the motion to adopt Resolution 2021-10-04-01 passed unanimously by voice vote of those members present and the council president declared the same passed and adopted.

- 2. **Resolution 2021-10-04-02** for consideration to approve a donation to Pelham Strong in support of their community efforts in hosting the 2021 Christmas activities within the City of Pelham was introduced by Council President Mercer.

Councilmember Coram moved to adopt Resolution 2021-10-04-02 and Councilmember Palmer seconded the motion.

There being no further discussion, the motion to adopt Resolution 2021-10-04-02 passed by voice vote of 3-0-1 those members present with Councilmember Wash abstaining. Council President Mercer declared the same passed and adopted.

- 3. **Resolution 2021-10-04-03** for consideration to approve or deny an ABC License application for a 020 – Restaurant Retail Liquor License for applicant Creekside Foods, LLC, operating under the trade name Creekside BBQ located at 1020 Oak Mountain State Park Road, Pelham, Alabama 35124 was introduced by Council President Mercer.

Councilmember Coram moved to adopt Resolution 2021-10-04-03 and Councilmember Wash seconded the motion.

There being no further discussion, the motion to adopt Resolution 2021-10-04-03 passed unanimously by voice vote of those members present and the council president declared the same passed and adopted.

- 4. **Resolution 2021-10-04-04** for consideration to approve or deny an ABC License application for a 220 – Brewpub license for applicant Oak Mountain Brewing Company, LLC operating under the trade name Oak Mountain Brewing Company located at 110 Cahaba Valley Road, Pelham, AL 35124 was introduced by Council President Mercer.

Councilmember Coram moved to adopt Resolution 2021-10-04-04 and Councilmember Palmer seconded

the motion.

There being no further discussion, the motion to adopt Resolution 2021-10-04-04 passed unanimously by voice vote of those members present and the council president declared the same passed and adopted.

5. **Resolution 2021-10-04-05** for consideration to reappoint a citizen to the Pelham Public Library Board was introduced by Council President Mercer.

Councilmember Coram moved to adopt Resolution 2021-10-04-05 and Councilmember Wash seconded the motion.

There being no further discussion, the motion to adopt Resolution 2021-10-04-05 passed unanimously by voice vote of those members present and the council president declared the same passed and adopted.

6. **Resolution 2021-10-04-06** for consideration to approve a job description and pay scale within Administration Department previously reviewed and approved by the Pelham Personnel Board was introduced by Council President Mercer.

Councilmember Wash moved to adopt Resolution 2021-10-04-06 and Councilmember Coram seconded the motion.

There being no further discussion, the motion to adopt Resolution 2021-10-04-06 passed unanimously by voice vote of those members present and the council president declared the same passed and adopted.

7. **Resolution 2021-10-04-07** for consideration to approve a job description and pay scale within Administration Department previously reviewed and approved by the Pelham Personnel Board was introduced by Council President Mercer.

Councilmember Coram moved to adopt Resolution 2021-10-04-07 and Councilmember Wash seconded the motion.

There being no further discussion, the motion to adopt Resolution 2021-10-04-07 passed unanimously by voice vote of those members present and the council president declared the same passed and adopted.

8. **Resolution 2021-10-04-08** for consideration to approve a public works contract with Rustic Roof Restoration for roof repairs at the main entrance portico of the Pelham Civic Complex & Ice Arena was introduced by Council President Mercer.

Councilmember Wash moved to adopt Resolution 2021-10-04-08 and Councilmember Coram seconded the motion.

There being no further discussion, the motion to adopt Resolution 2021-10-04-08 passed unanimously by voice vote of those members present and the council president declared the same passed and adopted.

9. **Resolution 2021-10-04-09** for consideration to approve the lowest responsive and responsible bid from One Call Services of Alabama, LLC for the Chandalar Drive PVC Water Main Replacement Project was introduced by Council President Mercer.

Councilmember Coram moved to adopt Resolution 2021-10-04-09 and Councilmember Palmer seconded the motion.

There being no further discussion, the motion to adopt Resolution 2021-10-04-09 passed unanimously by voice vote of those members present and the council president declared the same passed and adopted.

10. **Resolution 2021-10-04-10** for consideration to approve a public works contract with Winston Contracting, LLC for the installation of a water main stub out for a future secondary service line to Oak Mountain State Park was introduced by Council President Mercer.

Councilmember Wash moved to adopt Resolution 2021-10-04-10 and Councilmember Coram seconded the motion.

There being no further discussion, the motion to adopt Resolution 2021-10-04-10 passed unanimously by voice vote of those members present and the council president declared the same passed and adopted.

11. **Resolution 2021-10-04-11** for consideration to approve a professional services contract proposal with Crocker Moving Services to remove furniture and dispose of trash as a part of the Pelham City Hall Renovation Project was introduced by Council President Mercer.

Councilmember Coram moved to adopt Resolution 2021-10-04-11 and Councilmember Wash seconded the motion.

There being no further discussion, the motion to adopt Resolution 2021-10-04-11 passed unanimously by voice vote of those members present and the council president declared the same passed and adopted.

12. **Resolution 2021-10-04-12** for consideration to approve a real estate purchase agreement between Susan Schein and the City of Pelham was introduced by Council President Mercer.

Councilmember Wash moved to adopt Resolution 2021-10-04-12 and Councilmember Palmer seconded the motion.

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

Maurice Mercer, Council President	<u>Yes</u>
David Coram, Council Member	<u>Abstained</u>
Larry Palmer, Council Member	<u>Yes</u>
Rick Wash, Council Member	<u>Yes</u>
Mildred Lanier, Council Member	<u>Not Present</u>

There being no further discussion, the motion to adopt Resolution 2021-10-04-12 passed 3-0-1 by roll call vote of those members present with Councilmember Coram abstaining. Council President Mercer declared the same passed and adopted.

13. **Resolution 2021-10-04-13** for consideration to approve a real estate purchase agreement between the City of Pelham and BT Pelham Associates, LLC was introduced by Council President Mercer.

Councilmember Palmer moved to adopt Resolution 2021-10-04-13 and Councilmember Wash seconded the motion.

Council President Mercer asked the city clerk/treasurer for a roll call vote. The vote to adopt said Resolution 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>Not Present</u>

There being no further discussion, the motion to adopt Resolution 2021-10-04-13 passed unanimously by roll call vote of those members present and the council president declared the same passed and adopted.

14. **Resolution 2021-10-04-14** for consideration to approve a professional services contract with Atlas Technical Consultants, LLC for geotechnical services required for the development site along Shelby County Highways 52E and 35 was introduced by Council President Mercer.

Councilmember Coram moved to adopt Resolution 2021-10-04-14 and Councilmember Wash seconded the motion.

There being no further discussion, the motion to adopt Resolution 2021-10-04-14 passed unanimously by voice vote of those members present and the council president declared the same passed and adopted.

15. **Resolution 2021-10-04-15** for consideration to approve a professional services contract with Ray and Gilliland P.C. for surveying services required for the development site along Shelby County Highways 52E and 35 was introduced by Council President Mercer.

Councilmember Wash moved to adopt Resolution 2021-10-04-15 and Councilmember Coram seconded the motion.

There being no further discussion, the motion to adopt Resolution 2021-10-04-15 passed unanimously by voice vote of those members present and the council president declared the same passed and adopted.

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.

There were no public comments.

COUNCIL COMMENTS

Councilmember Coram thanked the Public Works Department for their street repair work on High Hampton Drive.

Councilmember Palmer thanked the city employees for their continued hard work.

Councilmember Wash acknowledged the purchase of the property on Shelby County Highway 52E and 35 and all the hard work and dedication in moving this project forward. He noted National Night Out has been rescheduled and will be held on Tuesday, November 2, 2021.

Council President Mercer echoed the thoughts of Councilmember Wash on National Night Out. He acknowledged Brooke Jenkins for her excellent planning of the reception for Economic Development Director Michael Simon last week and said it was a "classy" event. Noted the resignation of Accounting Manager Jenny Gray. He said she would be missed. Thanked Communications Manager Ainsley Allison for keeping the city council and community informed of all the activities and news within the City of Pelham.

PUBLIC ANNOUNCEMENTS

1. The Pelham Police Department will host National Night Out on Tuesday, October 5, 2021, from 6:00 p.m. - 8:00 p.m. at Pelham City Park. National Night Out is designed to strengthen partnerships between first responders and the community. Enjoy public safety demonstrations and good conversations with your Pelham Police Officers and Firefighters. Council President Mercer announced due to the threat of inclement weather National Night Out has been rescheduled to Tuesday, November 2, 2021.
2. Heavy trash collection will be offered this fall. City street department staff will pick up items over two weekends. Homes east of I-65 will be collected October 9th & 10th. Homes west of I-65 will be collected October 16th & 17th. To guarantee pick-up, heavy trash must be curbside no later than 6:00 a.m. Saturday on your designated weekend. Our trucks will only sweep each street once. All heavy trash will be collected by the end of the day Sunday.

Additional information on what is and is not accepted as heavy trash can be found on the city website, <https://pelhamalabama.gov>

3. The Pelham Fire Department is selling Breast Cancer Awareness T-Shirts for \$15. All proceeds benefit Breast Cancer Research. Shirts may be purchased during the month of October between 7:00 a.m. and 5:00 p.m., Monday through Friday at Fire Station No. 1.
4. Notice is hereby given regarding a change in the date and time of the following meetings of the Pelham City Council:
Work Session: Thursday, October 28, 2021, at 4:00 p.m.
Council Meeting: Monday, November 1, 2021 at 6:00 p.m.

These meetings of the Pelham City Council will be held at the Pelham Senior Center and are open to the public.

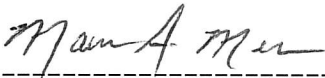
ADJOURNMENT

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 7:47 p.m.

Respectfully submitted this 4th day of October 2021.



Tom Seale, MMC, City Clerk/Treasurer



Maurice Mercer, President of the Council

