

THE CITY OF PELHAM, ALABAMA

COUNCIL MEETING
Pelham Senior Center
November 1, 2021 – 6:00 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: November 1, 2021
Time: 6:00 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 6:00 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 all elected officials were in attendance and a quorum was present. City Manager Gretchen DiFante and City Attorney Josh Arnold were 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 November 1, 2021 City Council Agenda
2. Approval of the October 18, 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 Lanier and approved unanimously by voice vote of those members present. The council meeting recessed at 6:03 p.m.

Council President Mercer explained the purpose of the public hearing was to consider Ordinance No. 135-243, an amendment to the zone district boundaries of the City of Pelham changing the present zoning A-1 (Agricultural District) to MX-C (Mixed-Use Commercial District) for property located at Huntley Parkway and Shelby County Highway 11, Pelham, AL 35124 containing 28.80 acres.

Applicant(s): John David Chambless/Hall Group, 2810 Fortner Street, Building J, Dothan, Alabama 36305

Name of Legal Owner(s): Louise Ann Pardue Devers, et al., 451 Tranquil Bay Circle, Norwood, North Carolina 28128

Council President Mercer announced the public hearing was in session regarding the amending of the Zoning Ordinance of the City of Pelham as noted in Ordinance No. 135-243. He further stated the city council would now hear comments both for and against the consideration to amend the Zoning Ordinance of the City of Pelham.

Speaking in favor of amending the Zoning Ordinance:

- John David Chambless/Hall Group, 2810 Fortner Street, Building J, Dothan, Alabama 36305, spoke in favor of the rezoning. He gave a brief overview of the project which will include 280 luxury apartments and a mix of retail development.
- Darrell Skipper, Skipper Consulting, Inc., explained the traffic impact of the proposed apartment/retail development. He said the additional traffic could be handled by the current infrastructure.

Speaking against amending the Zoning Ordinance:

- No one spoke in opposition to the rezoning request.

Council President Mercer called the November 1, 2021 City Council Meeting back to order at 6:11 p.m.

PROCLAMATION(S) BY THE MAYOR AND OTHERS

1. Mayor Waters proclaimed November 2021 as National Hospice and Palliative Care Month in the City of Pelham, Alabama. Chaeli Lawson, N.P. and Jeff Greer, Bereavement Coordinator and Office Manager, from Affinity Hospice accepted the Proclamation from Mayor Waters.

MAYOR'S REPORT/COMMENTS – None

REPORT OF THE CITY MANAGER

- a. Highlighted the response to the October 6-7, 2021 flood recovery:
 - Shelby County EMA has performed an assessment of 364 damaged structures.
 - The city is making application for assistance from the United States Department of Agriculture's Natural Resources Conservation Service through the Emergency Watershed Protection Program.
 - The city is considering undertaking a drainage study to identify the flooding "hot spots".
- b. Steve St. John updated the city council on the start of the 2021-2022 Birmingham Bulls season.
- c. New Employee Introduction(s)
 1. Ainsley Allison, Communications Manager
 - Gina Womack, Community Relations Coordinator
- d. Recognized Police Chief Pat Cheatwood, Fire Chief Mike Reid, Director of Development Services & Public Works Andre` Bittas, Building Official Angie Brown, Chief Court Magistrate Jennifer Bridwell, Code Enforcement Officer David Tkacik and Fire Inspector Wes Green for their efforts to improve consistency and working together to improve the look of our city.

REPORT OF THE CITY ATTORNEY – None

REQUEST(S) TO ADDRESS THE COUNCIL

Bill Daniel, Sons of the American Revolution addressed the city council and presented a Certificate of Appreciation to the Pelham Police and Fire Department for their response to the October 6-7, 2021 flood event.

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

NEW BUSINESS / RESOLUTIONS / ORDINANCES / ORDERS and OTHER BUSINESS

1. **Resolution 2021-11-01-01** for consideration to approve a 36-month lease agreement for golf course maintenance equipment at Ballantrae Golf Club was introduced by Council President Mercer.

Councilmember Coram moved to adopt Resolution 2021-11-01-01 and Councilmember Wash seconded the motion.

There being no further discussion, the motion to adopt Resolution 2021-11-01-01 passed unanimously by voice vote of those members present and the council president declared the same passed and adopted.

2. **Resolution 2021-11-01-02** for consideration to approve a professional services contract and proposal from Barrett Architecture Studio to provide design services for the Conference Center at the Pelham Civic Complex & Ice Arena was introduced by Council President Mercer.

Councilmember Wash moved to adopt Resolution 2021-11-01-02 and Councilmember Coram seconded the motion.

There being no further discussion, the motion to adopt Resolution 2021-11-01-02 passed unanimously by voice vote of those members present and the council president declared the same passed and adopted.

3. **Resolution 2021-11-01-03** for consideration to authorize a proposed agreement with the Regional Planning Commission of Greater Birmingham (RPCGB) to conduct an Advanced Planning and Logical Engineering (APPLE) study of a regional trail system connecting the City of Pelham's trail network to the City of Helena's trail network was introduced by Council President Mercer.

Councilmember Coram moved to adopt Resolution 2021-11-01-03 and Councilmember Palmer seconded the motion.

There being no further discussion, the motion to adopt Resolution 2021-11-01-03 passed unanimously by voice vote of those members present and the council president declared the same passed and adopted.

4. **Resolution 2021-11-01-04** for consideration to amend (decrease) the FY2022 Department Operating Budgets for health insurance premiums was introduced by Council President Mercer.

Councilmember Coram moved to adopt Resolution 2021-11-01-04 and Councilmember Palmer seconded the motion.

There being no further discussion, the motion to adopt Resolution 2021-11-01-04 passed unanimously by voice vote of those members present and the council president declared the same passed and adopted.

5. **Resolution 2021-11-01-05** for consideration to request permission to receive Pelham, Alabama's Repetitive Loss Property information to consider application to the Federal Emergency Management Agency's (FEMA) Community Rating System was introduced by Council President Mercer.

Councilmember Coram moved to adopt Resolution 2021-11-01-05 and Councilmember Wash seconded the motion.

There being no further discussion, the motion to adopt Resolution 2021-11-01-05 passed unanimously by voice vote of those members present and the council president declared the same passed and adopted.

6. **Resolution 2021-11-01-06** for consideration to authorize a request for assistance from the United States Department of Agriculture's Natural Resources Conservation Service through the Emergency Watershed Protection Program was introduced by Council President Mercer.

Councilmember Wash moved to adopt Resolution 2021-11-01-06 and Councilmember Coram seconded the motion.

There being no further discussion, the motion to adopt Resolution 2021-11-01-06 passed unanimously by voice vote of those members present and the council president declared the same passed and adopted.

7. **Resolution 2021-11-01-07** for consideration to approve an ABC application (No Alcohol Outside of Licensed Area and No to Go Sales) for applicant Margarita Grill, LLC located at 234 Cahaba Valley Road, Pelham, Alabama 35124 operating under the trade name Margarita Grill Turns 15 to be held only on November 16, 2021 was introduced by Council President Mercer.

Councilmember Coram moved to adopt Resolution 2021-11-01-07 and Councilmember Palmer seconded the motion.

There being no further discussion, the motion to adopt Resolution 2021-11-01-07 passed unanimously by voice vote of those members present and the council president declared the same passed and adopted.

8. **Resolution 2021-11-01-08** for consideration to affirm the Mayor's reappointment of a citizen to the Pelham Planning & Zoning Commission was introduced by Council President Mercer.

Councilmember Wash moved to adopt Resolution 2021-11-01-08 and Councilmember Coram seconded the motion.

There being no further discussion, the motion to adopt Resolution 2021-11-01-08 passed unanimously by voice vote of those members present and the council president declared the same passed and adopted.

9. **Resolution 2021-11-01-09** for consideration to appoint a citizen to the Pelham Storm Water Board was introduced by Council President Mercer.

Councilmember Coram moved to adopt Resolution 2021-11-01-09 and Councilmember Wash seconded the motion.

There being no further discussion, the motion to adopt Resolution 2021-11-01-09 passed unanimously by voice vote of those members present and the council president declared the same passed and adopted.

10. **Resolution 2021-11-01-10** for consideration to appoint a citizen to the Pelham Storm Water Board was introduced by Council President Mercer.

Resolution 2021-11-01-10 did not receive a motion to adopt, thereupon, Council President Mercer announced the Resolution died.

11. **Resolution 2021-11-01-11** for consideration to appoint Chris Cousins as Acting City Engineer for the City of Pelham was introduced by Council President Mercer.

Councilmember Coram moved to adopt Resolution 2021-11-01-11 and Councilmember Wash seconded the motion.

Councilmember Lanier asked for additional information regarding Resolution 2021-11-01-11. City Manager DiFante noted the recent resignation of the city engineer. She stated this position oversees the city's floodplain management. Director of Development Services & Public Works Andre` Bittas stated Municipal Consultants, Inc. would be paid based on assigned projects at an hourly rate previously approved by the city council. Mr. Bittas stated the city council would be updated on the projects assigned to Municipal Consultants, Inc. on an ongoing basis.

There being no further discussion, the motion to adopt Resolution 2021-11-01-11 passed unanimously by voice vote of those members present and the council president declared the same passed and adopted.

12. **Resolution 2021-11-01-12** for consideration to appoint Josh Osborne as the Interim Zoning Official for the City of Pelham was introduced by Council President Mercer.

Councilmember Coram moved to adopt Resolution 2021-11-01-12 and Councilmember Palmer seconded the motion.

City Manager DiFante noted the need to separate the Building Official and Zoning Official positions. She stated Mr. Bittas would bring a revised job description for both positions to the Personnel Board for consideration. She further stated code requirements mandate these municipal positions. Mr. Bittas said Josh Osborne was been working over the past year reviewing all zoning requests. He said it is his recommendation to separate the two positions. Additional discussion followed between the city council and city staff regarding positions, assignments and evaluations within the department.

There being no further discussion, the motion to adopt Resolution 2021-11-01-12 passed unanimously by voice vote of those members present and the council president declared the same passed and adopted.

13. **Resolution 2021-11-01-13** for consideration to appoint an Interim Building Official for the City of Pelham was introduced by Council President Mercer.

Councilmember Coram moved to adopt Resolution 2021-11-01-13 and Councilmember Wash seconded the motion.

Director of Development Services & Public Works Andre` Bittas noted the qualifications of Levis Peters as a building inspector. Fire Chief Mike Reid stated Mr. Peters made a tremendous impact and contribution during the recent flood event of October 6-7, 2021.

There being no further discussion, the motion to adopt Resolution 2021-11-01-13 passed unanimously by voice vote of those members present and the council president declared the same passed and adopted.

- 14. Resolution 2021-11-01-14** for consideration to approve emergency expenditures per the City of Pelham's State of Emergency authorized by Resolution 2021-10-12-01 and Section 41-16-53, Code of Alabama 1975, as amended was introduced by Council President Mercer.

Councilmember Coram moved to adopt Resolution 2021-11-01-14 and Councilmember Wash seconded the motion.

Director of Development Services & Public Works Andre` Bittas stated these locations were identified as damaged by the flood event of October 6-7, 2021. He further stated the city's intent to seek reimbursement from FEMA for the emergency repair projects. Upon questioning from the city council, Mr. Bittas stated the estimated pricing was in line with expected costs.

There being no further discussion, the motion to adopt Resolution 2021-11-01-14 passed unanimously by voice vote of those members present and the council president declared the same passed and adopted.

- 15. Ordinance No. 135-243** an amendment to the zone district boundaries of the City of Pelham changing the present zoning A-1 (Agricultural District) to MX-C (Mixed-Use Commercial District) for properties located at Huntley Parkway and Shelby County Highway 11, Pelham, AL 35124 containing 28.80 acres was introduced by Council President Mercer as a First Reading.

Applicant(s): John David Chambless/Hall Group, 2810 Fortner Street, Building J, Dothan, Alabama 36305

Name of Legal Owner(s): Louise Ann Pardue Devers, et al., 451 Tranquil Bay Circle, Norwood, North Carolina 28128

He stated a complete text of Ordinance No. 135-243 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.

There were no public comments or statements.

COUNCIL COMMENTS

Councilmember Coram noted CBS42's recent highlighting of the Pelham Fire Department. He encouraged participation in the upcoming 5K run.

Councilmember Palmer thanked the Sons of the American Revolution and their recognition of Pelham's first responders. He noted his personal experience with hospice care.

Councilmember Wash made no comments.

Councilmember Lanier wished everyone a wonderful evening at the National Night Out on November 2, 2021.

Council President Mercer echoed the comments of Councilmember Lanier regarding National Night Out. He thanked the Parks & Recreation Department for the Music in the Park concerts. He noted the opening of Buck Creek Coffee Shop. He asked everyone to visit the new Exclusive Auto Wholesale in Pelham.

PUBLIC ANNOUNCEMENTS

1. The Pelham Police Department will host National Night Out, tomorrow night 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.
2. Two Public Engagement Meetings are planned for residents to review proposed improvements to city park properties, view suggested locations for potential new park properties, and provide recommendations on park amenities to be included at each location. The public engagement meetings are designed for the public to give feedback to the proposed park improvements.

When: November 3rd from 9:00 a.m. – 11:00 a.m. and November 9th from 4:30 p.m. – 7:00 p.m.
Where: Pelham Recreation Center Multipurpose Room

3. City offices will be closed Thursday, November 11th in observance of Veterans Day and Thursday and Friday, November 25th and 26th for the Thanksgiving Holidays.
4. A public hearing will be held on November 15, 2021 at 7:00 p.m. at the Pelham Senior Center 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, Alabama 35124.
First Reading was on June 7, 2021.
The motion to adopt Ordinance No. 135-234 failed to receive a second on June 21, 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

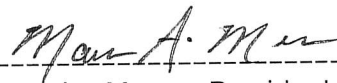
ADJOURNMENT

With no other business before the council, Councilmember Palmer moved to adjourn the council meeting and Councilmember Coram seconded the motion. By voice vote, the motion passed unanimously by those members present and the meeting was adjourned at 7:42 p.m.

Respectfully submitted this 1st day of November 2021.



Tom Seale, MMC, City Clerk/Treasurer



Maurice Mercer, President of the Council

