



WORK SESSION
Pelham Senior Center
June 7, 2021 – 4:00 p.m.

MINUTES

Proper notice of the regularly scheduled work session of the Pelham City Council was given in advance of such public meeting and the notice remained posted throughout the scheduled meeting.

Members of the Pelham City Council met on Monday, June 7, 2021 at 4:00 p.m. The regular work session was held in the Pelham Senior Center and was open to the public.

Call to Order

The work session was called to order by Council President Mercer at 4:01 p.m.

Record of Attendance

The following elected officials were present:

Council President Maurice Mercer
Councilmember David Coram
Councilmember Larry Palmer
Councilmember Rick Wash
Councilmember Mildred Lanier
Mayor Gary Waters

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, City Attorney Bent Owens and City Attorney Josh Arnold were also in attendance.

Media Present: None

Others Present: City department heads, city employees, and members of the public.

Approval of Minutes

A motion was made by Councilmember Coram to approve the May 17, 2021 Regular Council Work Session Minutes and the May 27, 2021 Special Work Session Minutes. The motion was seconded by Councilmember Wash and passed by unanimous voice vote of those members present.

Executive Session

Council President Mercer stated for the record the purpose of the Executive Session was to discuss the legal ramifications of and legal options for pending litigation. City Attorney Bent Owens stated the

purpose of tonight's Executive Session are appropriate under Section 36-25-A-7(3) (a) Code of Alabama 1975, as amended.

A motion was made by Councilmember Coram to enter into an Executive Session of the city council for the stated purpose. Said motion was seconded by Councilmember Wash. Council President Mercer asked the city clerk/treasurer for a roll call vote. The vote to adopt said motion 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 asked the members of the city council, Mayor Gary Waters, City Manager Gretchen DiFante, City Attorney Bent Owens, City Attorney Josh Arnold, Director of Development Services & Public Works Andre` Bittas and City Clerk/Treasurer Tom Seale to attend the Executive Session. Council President Mercer stated he expected the city council to return from the Executive Session in approximately 30 minutes. The city council went into Executive Session at 4:04 p.m.

Councilmember Coram moved to adjourn the Executive Session. Said motion was seconded by Councilmember Wash. The motion passed unanimously by voice vote of those members present, and the Executive Session was adjourned at 4:35 p.m.

Council President Mercer called the work session back to order at 4:36 p.m.

New Business

1. Discussion – Cahaba Solid Waste Disposal Authority

City Manager Gretchen DiFante noted there are four cities which have signed onto the Authority. City Attorney Josh Arnold stated having reviewed the request for proposals (RFP) from the Authority's attorney. He said the RFP is a good document with flexibility to serve the communities. City Manager DiFante answered questions from the city council concerning user fees and the financing of the Authority. Further discussion followed with regard to the appointment to the Authority's board of directors. City Manager DiFante said the city council would be updated on an ongoing basis.

2. Discussion and Update – Holland Lakes Storm Water

Director of Development Services & Public Works Andre` Bittas explained to the city council the background and the processes of approving sub-division plans. He stated the city followed all the procedures and requirements when the Holland Lakes subdivision was approved in 2005. City Manager DiFante stated there are many codes adopted by the city which must be followed in the approval process of all subdivisions.

Chris Cousins, Municipal Consultants, Inc., walked the city council through the history, steps of the approval process and the plat map of the Holland Lakes subdivision. Mr. Bittas and Mr. Cousins explained the Federal Emergency Management Agency's (FEMA) flood mapping processes, hydraulics, drainage, detention ponds and the discharge of storm water into Buck Creek.

City Attorney Josh Arnold stated anytime a municipality undertakes maintenance on any infrastructure they are not required to, the city then assumes the maintenance and liability forever.

3. Discussion and Update – Windsor Lane Traffic

Director of Development Services & Public Works Andre` Bittas provided a follow up on previous discussions regarding traffic on Windsor Lane. He noted the options available to the city, including enforcement of the speed limit.

Chris Cousins, Municipal Consultants, Inc., stated the warning and calming devices over time become less and less effective as the public becomes use to them. He further stated traffic enforcement appears to be more effective in the long run.

Police Chief Pat Cheatwood said the police department has worked 20 traffic details over the past two weeks and issued 19 traffic citations. He shared traffic counts and speeds with the city council. He informed the city council about the installation of a traffic monitoring system which provides valuable information to the police department. He suggested the city council consider purchasing additional equipment to provide data to better monitor traffic and speeds within the city. The city council expressed their desire and encouraged Chief Cheatwood to include these devices in the FY2022 police budget.

4. Update – Commercial Development Authority (CDA)

Commercial Development Authority Chairperson Ron Scott thanked the city council for their support and encouragement. He updated the city council on the recent activities of the organization, more particularly the Welborn Street property. He invited the city council, Mayor Waters and City Manager DiFante to meet with the CDA next Tuesday at the Senior Center. He said Attorney Rod Kanter will be in attendance. He noted the importance in working with the city council and city administration in order to move the CDA's efforts forward.

5. Discussion – FY2022 Budget Schedule

City Manager Gretchen DiFante and Accounting Manager Jenny Gray outlined the proposed budget calendar for FY2022. City Manager DiFante stated an additional step, presentation to the Council Finance Committee, has been included this year. Council President Mercer asked the city council to look at their calendars over the next couple of months.

BUDGET CALENDAR

- June 11 - Finance Department completes the books through May 2021.
- June 23 - Finance Department prepares budget packets and worksheets and forwards to each department.
- June 25 - Human Resources will began sending salary and benefits calculations to the various departments upon their completion.
 - After receiving your department's salary and benefit calculations from Human Resources send your proposed budgets with justifications to my attention within three (3) days.
- July 9 - Finance Department completes the books through June 2021.

- July 9 – Department budgets to City Manager, Accounting Manager and City Clerk/ Treasurer.
- July 12 - Finance Department begins preparing budget packets for the Mayor and City Manager.
- July 12 – July 26 – Department Heads work through budgets with City Manager, Accounting Manager, and City Clerk/ Treasurer.
- July 26 – August 9 – Department Heads present to Council.
- August 9 – August 22 – Budget work – No Meetings.
- August 23 – Proposed budget completed by staff.
- August 30 – Proposed budget to finance committee.
- September 7 – Proposed budget to city council for consideration.
- September 20 – City Council scheduled to vote on proposed FY2022 budget.
- October 1 – FY2022 begins

6. Discussion – Rescheduling the July 5, 2021 Work Session & Council Meeting

Council President Mercer noted the city offices will be closed on Monday, July 5, 2021 in observance of Independence Day. He asked the city council to review their calendars in order to reschedule both the work session and council meeting to another date.

It was the consensus of the city council to reschedule the July 5, 2021 work session and council meeting to July 6, 2021 at 4:00 p.m.

Old Business

1. Interviews – Pelham Parks & Recreation Advisory Board

The interviews for the Pelham Parks & Recreation Advisory Board began at 6:19 p.m.

- a. Kevin Jones (5:45 p.m.)
- b. Melissa Leverett (5:50 p.m.)
- c. Ramona Sewell (5:55 p.m.)

The candidate interviews concluded at 6:25 p.m.

Discussion followed with regard to appointing members to the Pelham Parks & Recreation Advisory Board.

Councilmember Lanier asked about adding another position to the Pelham Parks & Recreation Advisory Board. It was the consensus to move forward with adding another position to the Advisory Board.

2. Update – HCI Oak Mountain, LLC and HCI Oak Mountain Cabin, LLC (The Canopy)

Developers Jordy Henson and John Benner addressed and updated the city council on The Canopy project. Mr. Henson discussed updating the development and incentive agreements previously approved by the city council. He asked that the financial incentive be increased by \$1 million over the same period of time. City Manager DiFante stated the development and incentive package would require updating by Attorney Rod Kanter. Council President Mercer said the city council would review the proposal.

Review of June 7, 2021 Council Agenda

Council President Mercer reviewed the June 7, 2021 city council agenda.

F. Public Hearing

1. **Ordinance No. 135-232** (Rezoning)

Applicant(s): HCI Oak Mountain, LLC and HCI Oak Mountain Cabin, LLC

2. **Ordinance No. 135-233** (Rezoning)

Applicant(s): Nathan Wells and Kristy Wells

3. **Ordinance No. 135-234** (Rezoning)

Applicant(s): SNO Inc.

4. **Ordinance No. 135-235** (Rezoning)

Applicant(s): Mike Sasser and Dr. David T. Fuller, III

5. **Ordinance No. 135-236** (Rezoning)

Applicant(s): Grey Oaks Gardens, LLC / John Reamer

G. Mayor's Comments

H. Proclamation(s) by the Mayor – None

I. Report of the City Manager

J. Report of the City Attorney

K. Request(s) to Address the Council – None

L. 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.

Councilmember Coram stated the applicant has completed the Responsible Vendor Program. Adam Galey, representing 24E Fitness, explained they will be selling alcohol “on tap” only.

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.

A motion was made by Councilmember Lanier to remove Resolution 2021-05-17-01 from the June 7, 2021 city council agenda. Said motion was seconded by Councilmember Coram. There being no further discussion said motion passed by a unanimous voice vote of those members present.

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.

There were no comments or questions from the city council.

4. **Resolution 2021-05-17-08** appointing City Manager 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.

There were no comments or questions from the city council.

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.

There were no comments or questions from the city council.

M. 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

There were no comments or questions from the city council.

2. **Resolution 2021-06-07-02** for consideration to appoint members to the Pelham Storm Water Board

There were no comments or questions from the city council.

3. **Resolution 2021-06-07-03** for consideration to amend the FY2021 budgets

There were no comments or questions from the city council.

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

Chris Cousins, Municipal Consultants, Inc., stated this is a part of the city hall renovation project and to ensure the audio and visual systems are properly design.

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

There were no comments or questions from the city council.

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

There were no comments or questions from the city council.

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. **First Reading**

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

Building Official Angie Brown noted the rezoning was recommended for approval by the Pelham Planning Commission.

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. **First Reading**

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

Building Official Angie Brown noted the rezoning was recommended for approval by the Pelham Planning Commission.

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. **First Reading**

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

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

Building Official Angie Brown noted the rezoning was recommended for approval by the Pelham Planning Commission.

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.

First Reading

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

Building Official Angie Brown noted the rezoning was recommended for approval by the Pelham Planning Commission. She further stated the applicant wanted to construct outdoor “dog runs” which would require additional approval by the Pelham Board of Adjustment.

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

Building Official Angie Brown noted the rezoning was not recommended for approval by the Pelham Planning Commission.

(End of June 7, 2021 Agenda Review)

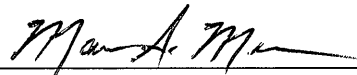
Adjournment

A motion to adjourn the work session was made by Councilmember Coram and seconded by Councilmember Wash. The motion passed unanimously by voice vote of those members present, and the work session was adjourned at 7:04 p.m.

Respectfully submitted this 7th day of June 2021.



Tom Seale, MMC, City Clerk/Treasurer



Maurice Mercer, President of the Council

