

THE CITY OF PELHAM, ALABAMA

WORK SESSION
Pelham Senior Center
January 10, 2022 – 3:00 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, January 10, 2022 at 3:00 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 3:00 p.m.

Record of Attendance

The following elected officials were present:

Council President Maurice Mercer
Councilmember David Coram
Councilmember Larry Palmer
Councilmember Rick Wash (Present at 3:08 p.m.)
Councilmember Mildred Lanier
Mayor Gary Waters

The city clerk/treasurer recorded all elected officials, except for Councilmember Wash, were in attendance and a quorum was present. City Manager Gretchen DiFante and City Attorney Josh Arnold were 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 December 20, 2021 Regular Work Session Minutes. The motion was seconded by Councilmember Palmer.

There being no further discussion the motion passed unanimously by voice vote of those members present.

Old Business

1. Discussion – Alternative Council Work Session Schedule

There were no comments or questions from the city council. Council President Mercer announced there would be no changes to the current work session schedule.

Executive Session

Council President Mercer stated for the record the purpose of the Executive Session is to discuss the consideration the governmental body is willing to offer or accept when considering the purchase, sale, exchange, lease, or market value of real property, per Section 36-25A-7(6) Code of Alabama 1975, as amended and the legal ramifications of and legal options for pending litigation, controversies not yet being litigated, but imminently likely to be litigated if the governmental body pursues a proposed course of action under Section 36-25A-7(3)(a), Code of Alabama 1975, as amended.

City Attorney Josh Arnold stated the purpose of tonight's Executive Session is appropriate under Section 36-25A-7(6) and Section 36-25A-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 Lanier. 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>Not Present</u>
Mildred Lanier, Council Member	<u>Yes</u>

Council President Mercer asked the members of the city council, Mayor Waters, City Manager Gretchen DiFante, City Attorney Josh Arnold, Police Chief Pat Cheatwood, Director of Economic Development Michael Simon 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 45 minutes. The city council went into Executive Session at 3:07 p.m.

Councilmember Wash arrived at 3:08 p.m.

Councilmember Coram moved to adjourn the Executive Session. Said motion was seconded by Councilmember Palmer. The motion passed unanimously by voice vote of those members present, and the Executive Session was adjourned at 4:03 p.m.

Council President Mercer called the work session back to order at 4:07 p.m.

1. Discussion – Cooperative and Entertainment Districts

Director of Economic Development Michael Simon gave a brief overview of the proposed Cooperative District within the City of Pelham. He explained the procedures and requirements to set up the district. Mr. Simon further explained applications are currently being taken by the city clerk/treasurer for board member positions on the Cooperative District. Councilmember Lanier asked about the number of board members. Mr. Simon said the minimum number is three. City Manager DiFante explained the difficulty in getting three applicants to petition to form the Cooperative District and serve on the board of directors. Councilmember Lanier expressed the need to have an option to increase the board membership if necessary. Mr. Simon provided the following guidelines for city council review.

Formation of the Cooperative District: Campus 124 & The Canopy	
Phase 1:	The Application to create the two Cooperative Districts, 1) The Canopy District; and 2) The Campus 124 District. (Steps will be the same for both.)
Task 1.1	A separate application (the "Application") for each district must be signed requesting the formation of the Cooperative District.
Task 1.2	Recruitment of a minimum of three qualifying "applicants" who agree to participate in the formation of the Cooperative District by signing the application as well as serve as the Board of the Cooperative District.
Task 1.3	If these individuals are to become the Board members of the Cooperative District, they must be residents of the City of Pelham. If they are not, then the only requirement is that each Applicant must be a resident of Shelby County, not necessarily a resident of Pelham.
Task 1.4	Accompanying the signed Applications must be a description of the specific projects to be owned/operated and paid for by the proposed Cooperative District.
Task 1.5	Along with the description of the various projects associated with the Cooperative District, an identification map showing the general area where the proposed projects are located.
Task 1.6	Once the Applications are completed and signed, they will each need to go before both the City Council. Depending on the position of the Council, this could occur in February or March 2022.
Phase 2:	Formal Approval of the "Cooperative District Application"
Task 2.1	The City Council must adopt an approving Resolution containing certain statutorily required findings and declarations approving the signed Application. <i>(This Resolution will be created by Rod Kanter after the application is completed and signed by the three applicants.)</i>
Task 2.2	The signed Application, and Articles of Incorporation and Resolution will be presented to CDA Board for approval.

Task 2.3	The CDA Board must also adopt an approving Resolution containing certain statutorily required findings and declarations approving the signed Application. <i>(This Resolution will be created by Rod Kanter after the application is completed and signed by the three applicants.)</i>
Phase 3:	Actual Creation of the Cooperative Districts through the State Court System
Task 3.1	After the Applications have been formally approved by the City Council and the CDA Board, Rod Kanter will file each with the Office of the judge of Probate of Shelby County.
Task 3.2	The Application packet will be filed with the Office of the Judge of Probate will include, 1) the Application; 2) the signed Certificate of Incorporation; 3) the certified Resolutions approving the Application; and 4) a certificate from the Alabama Secretary of State <i>(provided by R. Kanter)</i> respecting the name chosen for each district.
Phase 4:	Selection and formation of the Cooperative Districts' Board of Directors
Task 4.1	Once the recording is completed, the newly formed Cooperative Districts will need a Board of Directors. The three Applicants can be named to the Board or it could be three entirely new people. The law requires a minimum of three directors, and they must be residents of Pelham. The City Council will formally appoint 2 directors.
Task 4.2	The CDA Board will appoint one director.
Phase 5:	Implementation of the License Fee
Task 5.1	The City Council and the Cooperative Districts' Board of Directors enter into a joint ownership and operations agreement, by Resolution, in order to establish a relationship between the Cooperative District and the Projects for which the license fee is levied.
Task 5.2	Once the joint ownership and operations agreement is approved, the Board of Directors adopts a Resolution to levy the license fee on the sales of tangible personal property within the Cooperative District.
Task 5.3	The license fee is collected by the same entity that collects and distributes tax funds to the City, such as AlaTax, and transferred to the City under the terms of the joint ownership agreement.
Task 5.4	The Cooperative District imposed license fee remains active until the total amount of fees collected equals costs of the identified projects.

Mr. Simon reviewed the Entertainment District and the proposed ordinance. He discussed the proposal of setting up an entertainment district.

2. Discussion - Revised City of Pelham Vehicle Use, Policy, Procedures and Guidelines for city owned vehicles

City Manager DiFante explained the need to revise the City of Pelham's Vehicle Policy to allow approved employees of VenuWorks to drive city vehicles. Councilmember Palmer asked about accident reporting procedures. VenuWorks Executive Director Steve St. John and Human Resources Director Tracy Hill explained VenuWorks employees must adhere to the City of Pelham Employee Handbook. City Manager DiFante suggested adding "all non-employees are subject to the requirements of this resolution". The city

council agreed to this addition to Resolution 2022-01-10-04. Councilmember Lanier asked how many VenuWorks employees would be affected. Mr. St. John said 5 or 6.

3. Discussion – Set Date and Time for Pelham Cooperative Board of Directors Interviews

Mr. Simon explained the process of accepting applications and forming the Cooperative District. He further explained the timeline and need to form the Cooperative District and the appointment of the board of directors. The city council agreed to discuss the date and time for interviews at the January 24, 2022 work session.

Review of January 10, 2022 Council Agenda

Council President Mercer reviewed the January 10, 2022 city council agenda.

E. Consent Agenda

A consent agenda is presented by the Council President at the beginning of a council meeting. Items presented on the consent agenda are considered routine and/or non-controversial and are organized apart from the rest of the agenda and are adopted by general consent and vote by the city council 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 January 10, 2021 City Council Agenda
2. Approval of the December 20, 2021 Regular Council Meeting Minutes
3. Approval of non-budgeted expenses from restricted fund accounts: None
4. **Resolution 2022-01-10-01** for consideration to approve a request by Dish Wireless for a special use permit to install their equipment on an existing facility located at 7050 Highway 11

Tom Seale, City Clerk/Treasurer, provided information from the Center for Municipal Solutions (CMS), the city's telecommunications consultants regarding Dish Wireless' application to co-locate/install their equipment on the existing tower located at 7050 Highway 11. He said the existing tower is a 181.5 monopole and Dish Wireless is not currently providing service from this facility. He stated Dish Wireless proposes to add three (3) new antennas to the tower at a height of 119 feet. They propose to add (1) one hybrid feed line inside the tower and add six (6) new remote radio units to the tower. The remote radio units will mount directly behind the antennas. Mr. Seale said this is not a substantial modification as defined by the Federal Communication Commission (FCC) should not have a negative effect on the aesthetics of the facility. He said CMS recommends approval of the Special Use Permit as submitted.

5. **Resolution 2022-01-10-02** for consideration to approve a request by Dish Wireless for a special use permit to install their equipment on an existing facility located at 2794 Pelham Parkway

Tom Seale, City Clerk/Treasurer, provided information from the Center for Municipal Solutions (CMS), the city's telecommunications consultants regarding Dish Wireless' application to co-locate/install their equipment on the existing tower located at 2794 Pelham Parkway. He said the existing tower is a 116-foot

monopole and Dish Wireless is not currently providing service from this facility. He stated Dish Wireless proposes to add three (3) new antennas to the tower at a height of 80 feet. They propose to add (1) one hybrid feed line inside the monopole tower and add six (6) new remote radio units to the tower. He said the remote radio units will mount directly behind the antennas. Mr. Seale stated this is not a substantial modification as defined by the FCC and should not have a negative effect on the aesthetics of the facility. He said CMS recommends approval of the Special Use Permit as submitted.

6. **Resolution 2022-01-10-03** for consideration to enter into a joint contract with Shelby County, Alabama for the 2022 Aerial Photography and Topographic Mapping Update

GIS Director and Zoning Official Josh Osborne explained the aerial photography is scheduled for February 2022.

7. **Resolution 2022-01-10-04** for consideration to adopt the revised City of Pelham Vehicle Use, Policy, Procedures and Guidelines for city owned vehicles

There were no additional city council comments or questions.

8. **Resolution 2022-01-10-05** for consideration to amend the Pelham Civic Complex & Ice Arena FY2022 budget for food and beverage equipment repairs and replacements

There were no additional city council comments or questions.

9. **Resolution 2022-01-10-06** for consideration to approve an ABC license application(s) for 160 – Special Retail – More than 30 Days, for applicant VenuWorks of Pelham, LLC operating under the trade name Pelham Civic Complex and Ice Arena located at 500 Amphitheater Road, Pelham, Alabama 35124.

There were no additional city council comments or questions.

F. Public Hearing(s)

1. To consider Resolution 2022-01-10-07 an amendment to the Future Land Use Map adopted in the Pelham Comprehensive Plan for the City of Pelham
2. To consider Ordinance No. 135-244, Ordinance No. 135-245, Ordinance No. 135-246, Ordinance No. 135-247 and Ordinance No. 135-248 amending certain sections of the existing Zoning Ordinance of the City of Pelham as follows:
 - i. Article XXI – Corridor Overlay District
 - ii. Article XVII – B-4 Mini Warehouse District
 - iii. Article XI – R-T Townhouse Residential District
 - iv. Article XII – R-A Apartment Dwelling District
 - v. Article XXV- Detailed Use Regulations

G. Mayor's Comments

H. Proclamation(s) by the Mayor and Others – 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 – None
- M. New Business / Resolutions / Ordinances / Orders and Other Business

1. **Resolution 2022-01-10-07** for consideration to amend the Future Land Use Map adopted in the Pelham Comprehensive Plan for the City of Pelham. First Reading

GIS Director and Zoning Official Josh Osborne explained changes have been made requiring the updating of the Future Land Use Map.

2. **Ordinance No. 135-244** for consideration to amend the existing Zoning Ordinance of the City of Pelham - Appendix A – Zoning, Article XXI – Corridor Overlay District, Section 6 – Building Design and Orientation – Item No. 6. First Reading.

GIS Director and Zoning Official Josh Osborne explained the changes under consideration.

3. **Ordinance No. 135-245** for consideration to amend the existing Zoning Ordinance of the City of Pelham - Appendix A – Zoning – Article XVII – B-4 Miniwarehouse District – Section 2 – Permitted Uses. First Reading.

GIS Director and Zoning Official Josh Osborne explained the changes under consideration.

4. **Ordinance No. 135-246** for consideration to amend the existing Zoning Ordinance of the City of Pelham Appendix A – Zoning-Article XI – R-T Townhouse Residential District, Section 2 – Permitted Uses and Appendix A – Zoning-Article XI – R-T Townhouse Residential District, Section 4 – Prohibited Uses. First Reading.

GIS Director and Zoning Official Josh Osborne explained the changes under consideration.

5. **Ordinance No. 135-247** for consideration to amend the existing Zoning Ordinance of the City of Pelham – Appendix A – Zoning-Article XII – R-A Apartment Dwelling District, Section 2 – Permitted Uses and Appendix A – Zoning-Article XII – R-A Apartment Dwelling District, Section 2 – Prohibited Uses. First Reading.

GIS Director and Zoning Official Josh Osborne explained the changes under consideration.

6. **Ordinance No. 135-248** for consideration to amend the existing Zoning Ordinance of the City of Pelham – Appendix A – Zoning – Article XXV – Detailed Use Regulations – Section 2 – Standards Applicable to Certain Uses – Section 6 – Home Occupation by repealing said Section 6 in its entirety and replacing with a new Section 6. First Reading.

GIS Director and Zoning Official Josh Osborne explained the changes under consideration.

Councilmember Coram asked the city council to consider a proclamation regarding medical marijuana dispensaries. It was the consensus of the city council to ask City Attorney Josh Arnold to prepare a proclamation for review at the January 24, 2022 council meeting.

(End of January 10, 2022 Agenda Review)

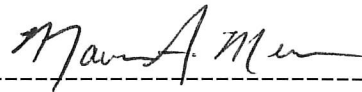
Adjournment

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 5: 01 p.m.

Respectfully submitted this 10th day of January 2022.



Tom Seale, MMC, City Clerk/Treasurer



Maurice Mercer, President of the Council

