



CITY COUNCIL WORK SESSION MINUTES

Pelham City Hall
Council Conference Room
June 20, 2023 – 5:00 p.m.

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 Tuesday, June 20, 2023, at 5:00 p.m. The regular work session was held in the Council Conference Room at Pelham City Hall and was open to the public.

Call to Order

The work session was called to order by Council President Mercer at 5:13 p.m.

Record of Attendance

The following elected officials were present:

Council President Maurice Mercer
Councilmember David Coram
Councilmember Chad Leverett
Councilmember Rick Wash
Mayor Gary Waters

The following elected official(s) were not present:

Councilmember Mildred Lanier

The city clerk/treasurer recorded the attendance of the elected officials and announced a quorum was present. City Manager Gretchen DiFante and City Attorney Josh Arnold were present.

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 June 5, 2023 Regular Work Session Minutes and the June 12, 2023 Special Work Session Minutes.

The motion was seconded by Councilmember Wash. There being no further discussion, the motion passed unanimously by voice vote of those members present.

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, provided, however, that the material terms of any contract to purchase, exchange, or lease real property shall be disclosed in the public portion of a meeting prior to the execution of the contract as defined in Section 36-25A-7(6)(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)(a), Code of Alabama 1975, as amended.

A motion was made by Councilmember Leverett to enter 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>
Chad Leverett, Council Member	<u>Yes</u>
Rick Wash, Council Member	<u>Yes</u>
Mildred Lanier, Council Member	<u>Not Present</u>

Council President Mercer asked the members of the city council, Mayor Waters, City Manager Gretchen DiFante, City Attorney Josh Arnold, Legal Intern Victoria Perry, Director of Economic Development Michael Simon, 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 5:17 p.m.

Councilmember Leverett moved to adjourn the Executive Session. Said motion was seconded by Councilmember Coram. The motion passed unanimously by voice vote of those members present and the Executive Session was adjourned at 5:44 p.m.

Council President Mercer called the work session back to order at 5:45 p.m.

Request to Address the City Council – None

Old Business

1. Discussion – Racquet Club Corners at Shelby County Highways 52E and 35

Discussion regarding Racquet Club Corners at Shelby County Highways 52E and 35 has been rescheduled.

2. Discussion – FY2024 Budget Workshop Dates

City Manager Gretchen DiFante had previously discussed proposed dates for the city council's FY2024 budget workshops. She stated the time needed for the budget meetings is approximately 16 hours for the department presentations. Council President Mercer had asked the city council to review the proposed dates. It was the consensus of the city council to schedule the FY2024 budget workshops on August 3rd, August 8th, and August 9th with the starting times to be announced. City Manager DiFante said she would schedule the city department budget meetings on these dates and inform the city council.

New Business

1. Interview – Pelham Board of Adjustment & Appeals

The city council interviewed Eden Roy for the vacant Place No. 1 (At Large) position on the Pelham Board of Adjustment & Appeals. A motion was made by Councilmember Coram to move Ms. Roy's name forward for city council consideration. Said motion was seconded by Councilmember Leverett. There being no further discussion the motion to consider Ms. Roy's recommendation for appointment to the Pelham Board of Adjustment & Appeals passed unanimously by voice vote of those members present and the council president declared the same passed and approved. Council President Mercer stated the appointment will be considered during tonight's city council meeting.

2. Interview – Pelham Board of Adjustment – Supernumerary Positions

The city council interviewed Steve Bedsole and Nicole Brazelton for supernumerary positions on the Pelham Zoning Board of Adjustment. A motion was made by Councilmember Wash to move the names of Steve Bedsole and Nicole Brazelton forward for city council consideration. Said motion was seconded by Councilmember Coram. There being no further discussion the motion to consider the recommendation for appointments to the Pelham Board of Adjustment passed unanimously by voice vote of those members present and the council president declared the same passed and approved. Council President Mercer stated the appointments will be considered at a future city council meeting.

3. Discussion – Bishop Creek Entertainment District (Draft Ordinance)

Director of Economic Development Michael Simon explained the purpose of an entertainment district would allow for the movement and consumption of alcoholic beverages between businesses in a defined area. He stated the entertainment district requires at least four businesses holding an ABC license. City Attorney Josh Arnold stated the city council will need to adopt an ordinance establishing the entertainment district. He said an ordinance has been drafted for reviewed and consideration by the city council. Council President Mercer asked Mr. Simon to bring specific recommendations to the city council to establish the entertainment district at the next council work session.

4. Discussion – Sales & Use Taxes

See the Sales & Use Taxes discussion following the reconvening of the city council work session.

Review of June 20, 2023 City Council Agenda

Council President Mercer reviewed the June 20, 2023 city council agenda.

E. Consent Agenda

A consent agenda is presented by the presiding officer 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 presiding officer and City Council.

1. Approval of the June 20, 2023 City Council Agenda
2. Approval of the June 5, 2023 Regular Council Meeting Minutes
3. **Resolution 2023-06-20-01** for consideration to appoint a citizen to the Pelham Board of Adjustment & Appeals, Place No. 1 (At Large), effective immediately with the term of office ending September 30, 2024

There were no city council questions or comments.

4. **Resolution 2023-06-20-02** for consideration to appoint a citizen to the Pelham Parks & Recreation Advisory Board, Place No. 5 effective October 1, 2023 with the term of office ending on September 30, 2026

There were no city council questions or comments.

5. **Resolution 2023-06-20-03** for consideration to approve the city's Parks & Recreation Dedication Policy

There were no city council questions or comments.

6. **Resolution 2023-06-20-04** for consideration to repeal Resolution 2016-03-21-01 in its entirety which granted an annual weapons allowance benefitting all sworn officers of the Pelham Police Department having met specific requirements

Council President Mercer explained the purpose of repealing the resolution is the city now provides all sworn police officers with weapons and accessories. City Attorney Josh Arnold and Police Chief Brent Sugg concurred with Council President Mercer's comments.

7. **Resolution 2023-06-20-05** for consideration to accept the lowest and most responsive bid from Goldman Contractors, LLC for the Southgate Sewer Lift Station Pump Replacement Project and to amend the Sewer Department's FY 2023 budget in the amount of \$170,630.00.

Director of Development Services & Public Works Andre` Bittas stated this project will upgrade the sewer lift station behind Campus No. 124. He said the city received several excellent bids, but funding was inadequate to complete the project requiring a FY2023 Sewer Department budget amendment.

8. **Resolution 2023-06-20-06** for consideration to approve a public works contract with Wright Renovations to repair the golf cart bridge on Hole #18 as part of the Ballantrae Hole No. 18 Bridge Repair Project and amend Ballantrae Golf's Capital Projects FY2023 budget in the amount of \$5,345.00.

Director of Development Services & Public Works Andre` Bittas explained the wooden golf cart bridge needs repairs.

F. Public Hearing(s)

To consider **Ordinance No. 135-255** an amendment to the zone district boundaries of the City of Pelham changing the present zoning M-1 (Light Industrial District) to B-2 (General Commercial District) for Lot No. 2 in the Grande Vista sub-division located near the intersection of Shelby County Highway No. 52E and 35, Pelham, Alabama 35124.

Council President Mercer noted a public hearing would be held tonight to consider rezoning a parcel of land owned by the City of Pelham.

Director of Development Services & Public Works Andre` Bittas said this is the property originally purchased for Tractor Supply. He further stated the rezoning request is to attract additional businesses to the site.

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

1. **Resolution 2023-04-17-11** for consideration of an ABC License application for 011 – Lounge Retail Liquor – Class II (Package) license for applicant FNA Investments LLC operating under the trade name Pelham Exxon Package Store, located at 2264 Highway 52 East Suite B, Pelham, Alabama 35124. **Resolution 2023-04-17-11** died for a lack of a motion on April 17, 2023.

Council President Mercer stated this ABC request has been before the city council on several occasions. He stated a motion to approve or deny the request will be needed during tonight's council meeting.

City Attorney Josh Arnold stated he had no additional comments.

M. New Business / Resolutions / Ordinances / Orders and Other Business

1. **Resolution 2023-06-20-07** for consideration of an ABC License application(s) for 050 – Retail Beer (Off Premises Only) and 070 – Retail Table Wine (Off Premises Only) license for applicant Mi Ranchito Supermarket, LLC operating under the trade name Mi Ranchito Supermarket, located at 150 Cahaba Valley Road, Pelham, Alabama 35124

Councilmember David Coram stated the grocery store is requesting the opportunity to sell beer and wine. He further stated the Responsible Vendor program has been discussed with the owner.

2. **Resolution 2023-06-20-08** for consideration of an ABC License application(s) for 020 – Restaurant Retail Liquor license for Mi Ranchito Restaurant, LLC operating under the trade name Mi Ranchito Restaurant, located at 152 Cahaba Valley Road, Pelham, Alabama 35124

Councilmember David Coram stated the restaurant is requesting to sell alcoholic beverages. City Manager DiFante noted the supermarket and restaurant currently hold ABC licenses under the previous owner.

3. **Ordinance No. 091-04** to consideration to adjust water rates for residential and commercial customers effective October 1, 2023. **(First Reading)**

Council President Mercer explained the need to consider adopting the ordinance tonight to give the public proper notice of the rate adjustments. Director of Development Services & Public Works Andre` Bittas stated the ordinance is for consideration of a rate adjustment for residential and commercial customers effective October 1, 2023. He stated having reviewed the recommendation of Councilmember Leverett. He said the gradual increase gives the city almost the same revenue. Councilmember Wash stated he favors the gradual increase but sees the merits of a onetime increase. Council President Mercer thanked Councilmember Leverett for his recommendation regarding the rate adjustment.

4. **Ordinance No. 156-09** for consideration to adjust sewer rates for customers effective October 1, 2023. **(First Reading)**

Director of Development Services & Public Works Andre` Bittas stated Ordinance No. 156-09 is not a rate increase but ties future adjustments to the Consumer Price Index (CPI).

5. **Ordinance No. 091-05** for consideration to amend the water fees structure for residential and commercial customers effective October 1, 2023. **(First Reading)**

Director of Development Services & Public Works Andre` Bittas stated Ordinance No. 091-05 amends the current fee structure and includes new fees which will become effective October 1, 2023.

6. **Ordinance No. 156-10** for consideration to amend the sewer fees structure for residential and commercial customers effective October 1, 2023. **(First Reading)**

Director of Development Services & Public Works Andre` Bittas stated Ordinance No. 156-10 amends the current fee structure and includes new fees which will become effective October 1, 2023.

7. **Ordinance No. 135-255** an amendment to the zone district boundaries of the City of Pelham changing the present zoning M-1 (Light Industrial District) to B-2 (General Commercial District) for Lot No. 2 in the Grande Vista sub-division located near the intersection of Shelby County Highway No. 52E and 35, Pelham, Alabama 35124. **(First Reading)**

There were no city council questions or comments.

(End of June 20, 2023 Agenda Review)

Councilmember Coram made a motion to recess the June 20, 2023 city council work session. The motion was seconded by Councilmember Leverett. There being no further discussion the motion was adopted by a voice vote of those members present. The work session recessed at 7:08 p.m.

Council President Mercer called the June 20, 2023 work session back to order at 8:09 p.m.

New Business - Continued

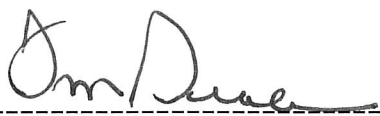
- Discussion - Sales & Use Taxes

City Manager Gretchen DiFante and Finance Director Jamie Wagner discussed a proposed sales and use tax increase. They explained the recent law passed by the Alabama Legislature and signed by Governor Ivey. Ms. Wagner stated there is the possibility the legislature could freeze additional taxes in the future. Discussion focused on conservative budgeting for FY2023 and consider possible cuts. The capital projects budgets were discussed.

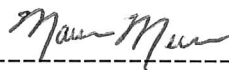
Adjournment

A motion to adjourn the work session was made by Councilmember Coram and seconded by Councilmember Leverett. The motion passed unanimously by voice vote of those members present and the work session was adjourned at 8:55 p.m.

Respectfully submitted this 20th day of June 2023.



Tom Seale, MMC, City Clerk/Treasurer



Maurice Mercer, President of the Council

