



CITY COUNCIL WORK SESSION MINUTES

Pelham City Hall
Council Conference Room
September 5, 2023 – 4:00 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, September 5, 2023, at 4:00 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 4:00 p.m.

Record of Attendance

The following elected officials were present:

Council President Maurice Mercer
Councilmember Rick Wash
Councilmember David Coram
Councilmember Chad Leverett
Councilmember Mildred Lanier-Reed
Mayor Gary Waters

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 August 21, 2023 Regular Work Session Minutes and the August 23, 2023 Special Works Session Minutes.

The motion was seconded by Councilmember Lanier-Reed. There being no further discussion, the council president announced the motion passed by a majority 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 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(3)(a) Code of Alabama 1975, as amended.

A motion was made by Councilmember Lanier-Reed to enter an Executive Session of the city council for the stated purpose. Said motion was seconded by Councilmember Coram. 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-Reed, 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, Pelham Civic Complex & Ice Arena-VenuWorks Executive Director Seth Greenberg, Finance Director Jamie Wagner, Director of Development Services & Public Works Director Andre` Bittas, IT Director Chuck Crocker, Police Chief Brent Suggs, Fire Chief Mike Reid, and City Clerk/Treasurer Tom Seale to attend various portions of 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 4:02 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 5:26 p.m.

Council President Mercer called the work session back to order at 5:28 p.m.

Old Business

1. Final Review – FY2024 Operating and Capital Budgets

City Manager Gretchen DiFante and Finance Director Jamie Wagner stated the council has before them for review the FY2024 Budget Book. She stated the Finance Committee, Councilmember Lanier-Reed, and Councilmember Wash, have reviewed the proposed FY2024 budget. City Manager DiFante provided a brief overview of the FY2024 operating and capital budgets. Finance Director Wagner summarized the funding sources for the various FY2024 budgets. The city council expressed their appreciation to City Manager DiFante, Finance Director Wagner, the Finance Department, the Communications & Branding Department, and the department heads for their efforts in drafting and preparing the FY2024 budgets.

There were no additional comments or questions from the city council.

Council President Mercer said the FY2024 operating and capital budgets will be on the September 18, 2023 agenda for city council consideration.

New Business

1. Discussion – FEMA Buyout Program and Drainage Study Review

Director of Development Services & Public Works Andre` Bittas and Chris Cousins, Municipal Consultants, Inc. reviewed the Federal Emergency Management Agency's (FEMA) Buyout Program and Drainage Study. Mr. Bittas stated there is not an engineered solution to the flooding issues for the properties in the Chandalar area of Pelham. He said there is a FEMA buyout grant, which is expensive. Mr. Cousins explained the FEMA Flood Mitigation Assistance (FMA) grant program. He stated the program is competitive and is a 75%/25% match. Mr. Cousins suggested phasing the project into several grant applications for numerous reasons. He stated the timeline on a decision from FEMA is approximately 12 months. Mr. Bittas said the FEMA buyout program is totally voluntary. Additional discussion continued regarding the grant, the funding process, and a suggested grant match in the amount of \$2.3 million. The city council asked Mr. Bittas to move forward with the FEMA application.

2. Discussion - Expiring Terms of City Board-Commission-Authority Positions

Council President Mercer reviewed the expiring terms of City Board-Commission-Authority positions provided by the city clerk/treasurer. He asked that this item be placed on the September 18, 2023 work session agenda.

Review of September 5, 2023 City Council Agenda

Council President Mercer reviewed the September 5, 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 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 September 5, 2023 City Council Agenda
2. Approval of the August 21, 2023 Regular Council Meeting Minutes
3. **Resolution 2023-09-05-01** for consideration to declare as surplus certain personal property of the City of Pelham (Police Department & Public Works) which are no longer needed for public or municipal purposes.

There were no comments or questions from the city council.

4. **Resolution 2023-09-05-02** for consideration to accept the most responsive and responsible bid for the purchase of three (3) 2023 Dodge Chargers from Woody Folsom Auto Group.

There were no comments or questions from the city council.

5. **Resolution 2023-09-05-03** for consideration to amend and establish guidelines for funding requests from the City of Pelham.

There were no comments or questions from the city council.

6. **Resolution 2023-09-05-04** for consideration to enter an Inmate Housing Contract with the Shelby County Commission to provide the housing of inmates of the City of Pelham's Municipal Court. The contract excludes prescription drugs, medical and dental care.

There were no comments or questions from the city council.

7. **Resolution 2023-09-05-05** for consideration to enter into a contract agreement with C-Spire Business to transfer from our current vendor and host the city's Microsoft 365 Services.

There were no comments or questions from the city council.

8. **Resolution 2023-09-05-06** for consideration to enter into a contract agreement with C-Spire Business to transfer from our current vendor and host the city's Duo Multi-Factor Authentication Services.

There were no comments or questions from the city council.

9. **Resolution 2023-09-05-07** authorizing the release of street bond money and accepting the dedication of certain public streets(s), sidewalks and rights-of-way for Ambergate at Ballantrae located in the Ballantrae subdivision previously approved by the Pelham Planning Commission.

City Engineer Mike Eddington recommended the release of street bond money and accepting the dedication of certain public streets(s), sidewalks and rights-of-way for Ambergate at Ballantrae located in the Ballantrae subdivision. He stated the Pelham Planning Commission approved the release and dedication unanimously on August 25, 2023.

10. **Resolution 2023-09-05-08** authorizing the release of street bond money and accepting the dedication of certain public streets(s), sidewalks and rights-of-way for Dunrobin at Ballantrae, Phase III, located in the Ballantrae subdivision previously approved by the Pelham Planning Commission.

City Engineer Mike Eddington recommended the release of street bond money and accepting the dedication of certain public streets(s), sidewalks and rights-of-way for Dunrobin at Ballantrae, Phase III, located in the Ballantrae subdivision. He stated the Pelham Planning Commission approved the release and dedication unanimously on August 5, 2023.

11. **Resolution 2023-09-05-09** authorizing the release of street bond money and accepting the dedication of certain public streets(s), sidewalks and rights-of-way for Stoneykirk at Ballantrae, Phases 3 and 4, located in the Ballantrae subdivision previously approved by the Pelham Planning Commission.

City Engineer Mike Eddington recommended the release of street bond money and accepting the dedication of certain public streets(s), sidewalks and rights-of-way for Stoneykirk at Ballantrae, Phases 3 and 4, located in the Ballantrae subdivision. He stated the Pelham Planning Commission approved the release and dedication unanimously on August 25, 2023.

12. **Resolution 2023-09-05-10** authorizing the release of street bond money and accepting the dedication of certain public streets(s) and rights-of-way for Gleneagles at Ballantrae located in the Ballantrae subdivision previously approved by the Pelham Planning Commission.

City Engineer Mike Eddington recommended the release of street bond money and accepting the dedication of certain public streets(s) and rights-of-way for Gleneagles at Ballantrae located in the Ballantrae Subdivision, as shown on the final plat. He noted the sidewalks will be maintained by the adjacent property owners and are not included in the dedication. He stated the Pelham Planning Commission approved the release and dedication unanimously on August 25, 2023.

13. **Resolution 2023-09-05-11** authorizing the release of street bond money for Carnoustie Crest at Ballantrae, Phase I, located in the Ballantrae subdivision previously approved by the Pelham Planning Commission.

City Engineer Mike Eddington recommended the release of street bond money for Carnoustie Crest at Ballantrae, Phase I, in the Ballantrae subdivision. He noted this is a privately maintained street and not dedicated as a public right-of-way. He stated the Pelham Planning Commission approved the release unanimously on August 25, 2023.

14. **Resolution 2023-09-05-12** for consideration to authorize a public works contract to install lighting in the existing batting cages in City Park. This project was budgeted in FY2023.

Director of Development Services & Public Works Andre` Bittas stated the public works project is to install lights in the existing batting cages in City Park. He further stated the project is budgeted in FY2023.

15. **Resolution 2023-09-05-13** for consideration to approve a quote from Landscape Structures to provide materials and build a pavilion at the Campus No. 124 park. Public works contracts will coordinate the work for electrical and footers. This project was budgeted in FY2023.

Director of Development Services & Public Works Andre` Bittas stated the proposed project is to provide materials and build a pavilion at the Campus No. 124 park. He further stated public works contracts will coordinate addition work for electrical and footings. He said the project is budgeted in FY2023.

16. **Resolution 2023-09-05-14** for consideration to authorize a public works contract with Pelham Fences and Decks for a new fence at the Senior Center Pickleball Courts. This contract is separate from the work agreement entered with SCPARA per Resolution 2022-12-19-07. This project was budgeted in FY2023.

Director of Development Services & Public Works Andre` Bittas stated the public works project is to install a new fence at the Senior Center Pickleball Courts. He said the project is budgeted in FY2023.

17. **Resolution 2023-09-05-15** for consideration to approve Change Order No. 1 and close the project with Gillespie Construction, LLC for the Stratford Sidewalk Repairs for compliance with the Americans with Disabilities Act (ADA) and amend the FY2023 project budget.

City Engineer Mike Eddington explained the project was completed \$12,513.00 over the contract amount due to additional work required. He said the original expense was approved by Resolution 2023-05-01-01. He requested approval of the change order and to amend the project budget in the same amount.

18. **Resolution 2023-09-05-16** for consideration to award the most responsive and responsible bid for upgrades to the traffic signal detection system, Alternate Bid 2, to Temple J Electric, LLC. This project was budgeted in FY2023.

Director of Development Services & Public Works Andre` Bittas stated having received two bids for upgrades to the traffic signal detection system in two locations in the city. He recommended the city council accept the most responsive and responsible bid from Temple J. Electric, LLC. He said these locations were selected due to ongoing problems with the traffic control loops. He said this project was budgeted in FY2023.

19. **Resolution 2023-09-05-17** for consideration to award the most responsive and responsible bid for Water Department Warehouse Building improvements to JG Willens Building, LLC. This project was budgeted in FY2023.

Director of Development Services & Public Works Andre` Bittas stated having received bids for the Water Department Warehouse Building improvements. He recommended the city council accept the most responsive and responsible bid from JG Willens Building, LLC with an additional \$10,000.00 for unforeseen conditions or occurrences. He said this project was budgeted in FY2023.

20. **Resolution 2023-09-05-18** for consideration to authorize an expenditure up to \$100,000 for the purchase and replacement of the clarifier, appurtenances, and equipment at the Pelham Wastewater Treatment Plant. This project was budgeted in FY2023.

Chris Cousins, Municipal Consultants, Inc., stated the drive unit for Clarifier No. 2 at the Pelham Wastewater Treatment Plant has failed and is inoperable. He said it is essential the clarifier be returned to service as soon as possible. He stated proposals to replace the equipment were due on Wednesday, August 30, 2023, which is after the cutoff date for the September 5, 2023 agenda. He requested the city council approve an expenditure up to \$100,000.00 to replace the clarifier due to the significant lead time in ordering and receiving the equipment. Mr. Bittas said if Resolution 2023-09-05-18 is approved he would report to the city council regarding the results of the bid opening and his recommendations.

21. **Resolution 2023-09-05-19** for consideration to approve a proposal from Parkson Corporation for rehabilitation of the Pelham Wastewater Treatment Plant Influent Screen. This project received no bids on August 17, 2023. This project was budgeted in FY2023.

Chris Cousins, Municipal Consultants, Inc., stated this project was originally advertised for a bid opening on August 17, 2023. He said no bids were received which allows the city to directly solicit and negotiate with prospective vendors. He recommended the city council accept the most responsive and responsible

quote from Parkson Corporation with an additional \$50,000.00 for construction, engineering, and inspections (CE&I) contracts. He said this project was budgeted in FY2023.

F. Public Hearing(s)

1. To consider **Ordinance No. 135-256** an amendment to the zone district boundaries of the City of Pelham changing the present zoning MX-C (Mixed Use Development District) to R-T (Townhouse Residential District) for property located on the east side of Huntley Parkway approximately 1,500 feet north of Simmsville Road (Shelby County Highway No. 11).

Applicant: Grants Mill, LLC, 2106 Devereux Circle, Birmingham, AL 35243.

Owner: Louise Ann Pardue Devers, et al, 451 Tranquil Bay Circle, Norwood, NC. 28128

G. Mayor's Report/Comments

H. Proclamation(s) by the Mayor and Others

1. Declaring September 2023 as Childhood Cancer Awareness Month in the City of Pelham

I. Report of the City Manager

J. Report of the City Attorney – None

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

L. Old Business / Resolutions / Ordinances / Orders and Other Business

1. **Ordinance No. 513** declaring certain real property of the City of Pelham is no longer needed for public or municipal purposes, located at 1297 Shelby County Highway 52E, Pelham, Alabama 35124 and known as Old Fire Station No. 3. First Reading was on August 21, 2023.

There were no comments or questions from the city council.

2. **Resolution 2023-08-21-11** for consideration to authorize the sale of real estate pursuant to Section § 11-47-20, Code of Alabama 1975, as amended, containing .94 acres (+/-) located at 1297 County Road 52E, Pelham, Alabama 35124 and known as Old Fire Station No. 3, and recorded in Book 267, Page 305-306 and identified as parcel 14 4 19 3 001 010.002 in the office of the Judge of Probate of Shelby County, Alabama to Southeastern Construction Partners, LLC.

There were no comments or questions from the city council.

3. **Ordinance No. 418-01** amending Chapter 11, Article VIII by adding a Section 11-164 to the Code of Ordinances of the City of Pelham establishing a Pelham Arts and Entertainment District. First Reading was on August 21, 2023.

There were no comments or questions from the city council.

4. **Ordinance No. 135-257** an amendment to the zone district boundaries of the City of Pelham changing the present zoning B-2 (General Business District) to R-T (Townhouse Residential District) for property located on the north side of Midridge Lane approximately 400 feet east of Pelham Parkway, containing approximately 2.99 (+/-) acres. First Reading was on August 21, 2023.

Applicant: Sohil Lalani, 4889 Provence Circle, Vestavia Hills, Alabama 35242.

Owner: Lovelady Properties, LLC, 3347 Pelham, Parkway, Pelham, Alabama 35124

There were no comments or questions from the city council.

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

1. **Resolution 2023-09-05-20** for consideration for the City of Pelham to enter into an agreement with the Alabama Department of Transportation (ALDOT) and the Alabama Department of Conservation and Natural Resources (ADCNR) to maintain certain portions of Oak Mountain State Park Road within the City of Pelham as a public roadway which lies between its intersection with Alabama Highway 119 and the boundary of the Oak Mountain State Park owned property.

Director of Development Services & Public Works Andre` Bittas stated the city is being asked to take responsibility for the maintenance of Oak Mountain State Park Road. He said the state spent approximately \$6.3 million on the project improvements. The city's only expense was for utility relocation.

2. **Resolution 2023-09-05-21** for consideration to approve an ABC application (No Alcohol Outside of Licensed Area and No to Go Sales) for applicant MI Pueblo Supermarket, LLC located at 3060 Pelham Parkway, Pelham, Alabama 35124 operating under the trade name Hispanic Independence Day Festival.

Councilmember David Coram reported this is a request from Mi Pueblo Supermarket. He stated having talked to Mi Pueblo Supermarket and said they are familiar with the Responsible Vendor Program and will adhere to the requirements.

3. **Resolution 2023-09-05-22** for consideration of ABC license applications for 050 – Retail Beer (Off Premises Only), 070 – Retail Table Wine (Off Premises Only) for applicant Circle K Stores, Inc. operating under the trade name Circle K Store 2707205 located at 2101 Pelham Parkway, Alabama 35124.

Councilmember David Coram reported this is the new location for Circle K, the former location of RiteAid. He stated having visited the store. He said Circle K is familiar with the Responsible Vendor Program and will adhere to the requirements. David Bean, the Market Manager for Circle K Stores, Inc. was present.

4. **Resolution 2023-09-05-23** for consideration of ABC license applications for 050 – Retail Beer (Off Premises Only), 070 – Retail Table Wine (Off Premises Only) for applicant T 1170, LLC operating under the trade name Marathon Grocery located at 3560 Pelham Parkway, Alabama 35124.

Councilmember David Coram reported this is a new location for Marathon Grocery and is the former site of Coosa Mart near Big Lots. He stated having visited the store. He said T 1170, LLC/Marathon is familiar with the Responsible Vendor Program and will adhere to the requirements.

5. **Resolution 2023-09-05-24** for consideration to approve a settlement and release agreement between the City of Pelham and Thrive Operations, LLC. This expense has been budgeted in FY2023.

There were no comments or questions from the city council.

6. **Ordinance No. 135-256** an amendment to the zone district boundaries of the City of Pelham changing the present zoning MX-C (Mixed Use Development District) to R-T (Townhouse Residential District) for property located on the east side of Huntley Parkway approximately 1,500 feet north of Simmsville Road (Shelby County Highway No. 11). (First Reading)

There were no comments or questions from the city council.

(End of the September 5, 2023 Agenda Review)

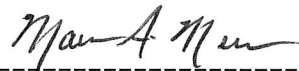
Adjournment

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 6:46 p.m.

Respectfully submitted this 5th day of September 2023.



Tom Seale, MMC, City Clerk/Treasurer



Maurice Mercer, President of the Council

