THE CITY OF PELHAM, ALABAMA

WORK SESSION
Pelham Senior Center
December 6, 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, December 6, 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 elected officials 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.

A motion was made by Councilmember Coram to add an executive session to tonight's work session agenda. Said motion was seconded by Councilmember Palmer.

There being no further discussion, the motion to add an executive session to the December 6, 2021 work session agenda passed unanimously by voice vote of those members present and the council president declared the same passed.

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, controversies not yet being litigated, but imminently likely to be litigated if the governmental body pursues a proposed course of action. City Attorney Josh Arnold stated the purpose of tonight's Executive Session is 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 Palmer. 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	Yes
David Coram, Council Member	Yes
Larry Palmer, Council Member	Yes
Rick Wash, Council Member	Yes
Mildred Lanier, Council Member	Yes

Council President Mercer asked the members of the city council, Mayor Gary Waters, City Attorney Josh Arnold, Director of Development Services & Public Works Andre` Bittas, Chris Cousins, Municipal Consultants, Inc., Ainsley Allison, Communications Manager 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 4:04 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 5:38 p.m.

Council President Mercer called the work session back to order at 5:41 p.m.

Approval of Minutes

A motion was made by Councilmember Coram to approve the October 28, 2021 and November 15, 2021 Regular Work Session Minutes. The motion was seconded by Councilmember Wash. Motion and second was withdrawn by Councilmember Coram and Councilmember Wash.

A motion was made by Councilmember Coram to add the submitted comments of Councilmember Lanier to the work session minutes of October 28, 2021 and approve the October 28, 2021 and November 15, 2021 work session minutes. Said motion was seconded by Councilmember Wash.

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

A motion was made by Councilmember Coram to remove from the December 6, 2021 Work Session Agenda discussion of an alternative council work session schedule and action minutes vs. detailed/comment minutes. Said motion was seconded by Councilmember Lanier.

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

Old Business

1. Discussion – Hydraulic Modeling & Drainage Studies & Funding

Director of Development Services & Public Works Andre` Bittas discussed the proposed Hydraulic Modeling & Drainage Study for the Bishop Creek and Buck Creek basins. Mr. Bittas stated the modeling request is in response to the recent floods in the city and to identify the root causes.

Kirk Mills and Kandace Kea, with Kimley-Horn, were present to answer questions from the city council.

Mr. Bittas asked the city council how they wished to proceed.

Councilmember Coram requested a resolution be brought to the city council on December 20, 2021 for further discussion and consideration.

Discussion followed regarding debris removal from the creek as a part of the flood mitigation process.

City Manager DiFante suggested using American Rescue Plan Act (ARPA) funds for the Hydraulic Modeling & Drainage Study for the Bishop Creek and Buck Creek basins.

2. Discussion – Alternative Council Work Session Schedule

Removed from the December 6, 2021 Work Session per city council action.

3. Discussion – Rescheduling the January 3, 2022 and January 17, 2022 Work Session and Council meeting due to the observance of New Years' Day and Martin Luther King, Jr. Day

It was the consensus of the city council to reschedule the January 3, 2022 work session and council meeting to January 10, 2022 and the January 17, 2022 work session and council meeting to January 24, 2022.

New Business

1. Discussion – Rental Agreement – 401 Southgate Drive (City Hall)

City Manager Gretchen DiFante explained this will be the third rental agreement with Stelie, LLC. She explained the lease amounts of the previous rental agreements. The suggested renewal term is 12 months. She stated as soon as the renovations of City Hall are completed city staff will be moving from the current location at 401 Southgate Drive.

2. Cahaba Solid Waste Disposal Authority Contract

Director of Development Services & Public Works Andre` Bittas stated the solid waste contract is before the city council for consideration. He explained the monthly fee is $22.11 for the residential garbage removal. He provided an overview of the terms of the contract. Mr. Bittas said the route schedule for twice a week residential garbage service would be announced in the coming weeks.

3. Discussion – Unassigned Fund Balance Reserve Allocations

City Manager Gretchen DiFante discussed establishing Unassigned Fund Balance Reserve Allocations for various departments within the General Fund, the Pelham Civic Complex & Ice Arena, the Pelham Racquet Club and Ballantrae Golf Club. She noted having discussed this topic in the City Manager's Annual Report for FY2021 on November 15, 2021.

Discussion followed about specific funding options. Mr. Bittas stated ARPA monies could possibly be leveraged to apply for grants to assist in the drainage and storm water projects. Councilmember Lanier requested a summary of funds already allocated and a breakdown on monies within the Parks & Recreation Department and other departments. City Manager DiFante explained the process for city council review of monies to be allocated from the various projects.

- Change in Fund Balance: $25,504,557
- Capital Projects: ($18,728,701)
- Amount left to put back in Reserves: $6,775,856
- Emergency Response Reserve: ($1,000,000)
- Emergency Reserve - Facility Repairs and Improvements: ($1,000,000)
- Capital Reserve - Parks and Recreation: ($2,000,000)
- Capital Reserve - Technology Upgrades and Replacements: ($1,000,000)
- Capital Reserve - Vehicle Replacement: ($1,000,000)
- Increase in Unassigned Fund Balance: (Can be used for Compensation Plan) ($775,856)

Council President Mercer requested a resolution be brought to the city council on December 20, 2021 for further discussion and consideration.

4. Discussion – Medical Marijuana Dispensaries Ordinance

Pelham resident Christine Carr made a presentation to the city council regarding medical marijuana. She stated legislation passed earlier in the year required counties and municipalities to opt in. She spoke to the many issues and concerns with the legislation. She encouraged the city council to pass the strictest ordinance in the State of Alabama declaring "Not in Our Town" regarding dispensary marijuana.

City Attorney Josh Arnold spoke briefly to the Act passed by the Alabama Legislature. Councilmember Palmer spoke to the medical marijuana law and the issues with the legislation.

5. Discussion – Action Minutes vs. Detailed/Comment Minutes

Removed from the December 6, 2021 Work Session per city council action.

Review of December 6, 2021 Council Agenda

Council President Mercer reviewed the November 15, 2021 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 December 6, 2021 City Council Agenda

2. Approval of the November 15, 2021 Regular Council Meeting Minutes

3. Approval of non-budgeted expenses from restricted fund accounts: None

4. **Resolution 2021-12-06-01** for consideration to approve a request by Verizon Wireless for a special use permit to modify their equipment on an existing facility located at 5050 Beabout Dr.

Jeff Bass with the Center for Municipal Solutions (CMS), the city's telecommunications consultants, stated Verizon has made application to modify their equipment on the existing tower located at 5050 Beabout Drive. He said the existing tower is a 164 foot monopole tower and Verizon is currently providing service from this facility at a height of 151 feet. He stated Verizon currently has twelve (12) antennas mounted on the tower and eight (8) feedlines mounted inside the monopole shaft. Verizon proposes to remove six (6) of the existing antennas and replace them with six (6) new antennas. Verizon also proposes to add three (3) new remote radio units behind the antennas. Mr. Bass said the antenna count will remain the same and this is not a substantial modification as defined by the Federal Communications Commission. Mr. Bass stated this modification 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 2021-12-06-02** for consideration to approve a request by T-Mobile for a special use permit to modify their equipment on an existing facility located at 5050 Beabout Drive

Jeff Bass with the Center for Municipal Solutions (CMS), the city's telecommunications consultants, stated T-Mobile has made application to modify their equipment on the existing tower located at 5050 Beabout Drive. He said the existing tower is a 164 foot monopole tower and T-Mobile is currently providing service from this facility at a height of 160 feet. T-Mobile currently has three (3) antennas mounted on the tower and one (1) feedline mounted inside the monopole shaft. Mr. Bass said T-Mobile proposes to add three (3) new antennas and one (1) feedline inside the monopoles shaft. He said the antenna count will increase from three (3) to six (6) antennas and this is not a substantial modification as defined by the Federal Communications Commission. Mr. Bass stated this modification 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 2021-12-06-03** for consideration to approve a request by T-Mobile for a special use permit to modify their equipment on an existing facility located at 2030 Valleydale Terrace

Jeff Bass with the Center for Municipal Solutions (CMS), the city's telecommunications consultants, stated T-Mobile has made application to modify their equipment on the existing tower located at 2030 Valleydale Terrace. He said the existing tower is a 180 foot monopole tower and T-Mobile is currently providing service from this facility at a height of 141 feet. T-Mobile currently has three (3) antennas mounted on the tower and one (1) feedline mounted inside the monopole shaft. Mr. Bass said T-Mobile proposes to add three (3) new antennas to their current configuration. He said they propose to add one (1) feedline inside the monopole shaft. The remote radio units on the tower will not be altered. He said the antenna count will increase from three (3) to six (6) and this is not a substantial modification as defined by the Federal Communications Commission. Mr. Bass stated this modification should not have a negative effect on the aesthetics of the facility. He said CMS recommends approval of the Special Use Permit as submitted.

7. **Resolution 2021-12-06-04** for consideration to approve a request by T-Mobile for a special use permit to modify their equipment on an existing facility located at 2000 Bearden Road

Jeff Bass with the Center for Municipal Solutions (CMS), the city's telecommunications consultants, stated T-Mobile has made application to modify their equipment on the existing tower located at 2000 Bearden Road. He said the existing tower is a 150 foot monopole tower and T-Mobile is currently providing service from this facility at a height of 90 feet. T-Mobile currently has six (6) antennas mounted on the tower and two (2) feedlines mounted inside the monopole shaft. Mr. Bass said T-Mobile proposes to remove all current antennas and add six (6) new antennas. The feedlines will not be altered. He said they propose to remove three (3) remote radio units and add three (3) new remote radio units to the tower. He stated the antenna count will remain the same and this is not a substantial modification as defined by the Federal Communications Commission. Mr. Bass further stated this modification should not have a negative effect on the aesthetics of the facility. He said CMS recommends approval of the Special Use Permit as submitted.

8. **Resolution 2021-12-06-05** for consideration to approve a Parks & Recreation FY2022 budget adjustment for the purchase of office furniture for the Depot from unencumbered fund balances

Parks & Recreation Director D. Tyrell McGirt stated office furniture for the recently renovated Depot was budgeted in FY2021 but was not delivered until November 10, 2021 resulting in a Parks & Recreation budget shortage in the Small Equipment/Furniture line item in FY2022 in the amount of $18,082.96. He requested that Resolution 2021-12-06-05 be approved.

9. **Resolution 2021-12-06-06** for consideration to approve a summary change order for the hard court resurfacing project at the Pelham Racquet Club

Director of Development Services & Public Works Andre` Bittas explained the final amount is $4,270.00 over the previously approved by the city council. He stated the additional expense is due to crack repairs but is within the original budgeted amount of $30,560.00. He requested consideration and approval of Resolution 2021-12-06-06 as submitted.

10. **Resolution 2021-12-06-07** for consideration to approve a proposal from Spectrum Industrial Services, Inc. to provide inspection services for sanitary sewer CCTV and cleaning for the KOA lift station drainage basin

Director of Development Services & Public Works Andre` Bittas and Chris Cousins, Acting City Engineer, requested the city council approve Resolution 2021-12-06-07 to enter into a Professional Services Agreement with Spectrum Industrial Services, Inc. for sanitary sewer inspection and cleaning of the KOA lift station drainage basin in an amount not to exceed $44,280.00.

F. Public Hearing(s) – None

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 2021-12-06-08** for consideration to approve an ABC License application(s) for 050 – Retail Beer (Off Premises Only) and 070 - Retail Table Wine (Off Premises Only) for applicant Oak Mountain Encore, LLC operating under the trade name Oak Mountain Encore Mobile located at 2310 Pelham Parkway, Pelham, Alabama 35124

Councilmember Coram stated this is the former location of JetPep across Pelham Parkway from the entrance to Oak Mountain Amphitheater. He said he has spoken with the owner and recommends approval of Resolution 2021-12-06-08.

2. **Resolution 2021-12-06-09** for consideration to enter into a public works contract with Winston Contracting, LLC for preliminary work on the future parking lot addition at the Pelham Civic Complex & Ice Arena

Chris Cousins, Acting City Engineer, said the available dirt is from the Oak Mountain State Park Road improvement project and is being provided free to the city. He explained the time constraints and urgent need to approve Resolution 2021-12-06-09 in order for the contractor to move forward.

(End of December 6, 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: 23 p.m.

Respectfully submitted this 6th day of December 2021.

[signature]	Maurice Mercer
Tom Seale, MMC, City Clerk/Treasurer	Maurice Mercer, President of the Council

[SEAL]

CITY OF PELHAM CITY SEAL ALABAMA