



CITY COUNCIL WORK SESSION MINUTES

Pelham City Hall
Council Conference Room
December 4, 2023 – 4:30 p.m.

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

Members of the Pelham City Council met on Monday, December 4, 2023 at 4:30 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 4:30 p.m.

Record of Attendance

The following elected officials were present:

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

The following elected officials were not present:

Councilmember David Coram

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: Shelby County Reporter

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

Approval of Minutes

A motion was made by Councilmember Lanier-Reed to approve the November 20, 2023 Regular Work Session Minutes.

The motion was seconded by Councilmember Leverett. There being no further discussion, the council president announced the motion passed by a unanimous 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 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>Not Present</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, Finance Director Jamie Wagner, Police Chief Brent Sugg, Fire Chief Mike Reid, Director of Development Services & Public Works Andre` Bittas, City Engineer Mike Eddington, 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 4:33 p.m.

Councilmember Leverett 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 4:59 p.m.

Council President Mercer called the work session back to order at 4:59 p.m.

Old Business

1. Discussion – Rescheduling Certain 2024 Work Session & City Council Meeting Dates

Council President Mercer led the discussion in rescheduling the January 1, January 15, and September 2, 2024 work sessions and council meetings. It was the consensus of the city council to move those conflicting dates to January 8th, January 22nd, and September 9th and reschedule the September 16th meetings to September 23rd. The start time on January 8th will be announced at a later date.

New Business

1. Discussion – City Council's Appointment to the Pelham Personnel Board

Council President Mercer suggested having Martina Winston and Floyd Collins attend the December 18th or January 8, 2024 work session for interviews.

2. Discussion – Set Date and Time for Library Board Appointment Interviews

Council President Mercer suggested having the applicants for the Library Board attend the December 18th or January 8, 2024 work session for interviews. The city clerk/treasurer was asked to contact the candidates for both board appointments to check their availability on those dates.

3. Discussion – Parks & Recreation's Silver & Fit and Renew Active Programs

Parks & Recreation Director Brian Cooper explained the current program with Silver Sneakers. He asked the city council to consider adding American Specialty Health Fitness, Inc. (Silver and Fit) and OptumHealth Care Solutions, LLC (Fitness Passport) to the Recreation Center's programs for senior adults.

4. Discussion – Alterations to the boundaries of the Pelham Entertainment District

Director of Economic Development Michael Simon reviewed his conversations with local business owners about their desire to be included in the Pelham Arts & Entertainment District. He highlighted the areas on the map of the current entertainment district and the proposed expansion. Police Chief Brent Sugg stated he did not anticipate a significant safety issue with the addition to the entertainment district. The city council asked about lighting and cameras in this area. It was the consensus of the city council to move forward with the boundary revisions and hold a public hearing and first reading of the proposed ordinance on December 18, 2023.

5. Discussion – Pelham Greenways Trail Realignment

Director of Development Services & Public Works Andre` Bittas updated the city council regarding the original alignment of the Pelham Greenways Trail. He explained the difficulty in placing the trail along the creek. He further explained the realignment along U.S. Highway 31, which has been approved by the Alabama Department of Transportation (ALDOT). Mr. Bittas said following the lawsuit settlement with FSI Greenpark South (FSI), the original alignment of the trail is now an option. He said discussions would be needed to work out an easement agreement with FSI to move forward. He explained other options available to complete the next portion of the trail. Several members of the city council noted their safety concerns about having the trail along U.S. Highway 31. It was the consensus of the city council to explore returning the trail to the original route.

6. Discussion – Incentive Package for Indoor Soccer Tournament

City Manager Gretchen DiFante, Communications Brand Manager Ainsley Allison, Director of Economic Development Michael Simon, and Pelham Civic Complex & Ice Arena Executive Director Seth Greenberg explained the request from the Magic City Indoor Soccer Tournament (Magic City). Mrs. Allison stated Kendall Williams, Discover Shelby, has already approved \$20,000.00 toward the tournament, to include advertising, website links, etc. Mr. Simon said Magic City's request is \$3,750.00 for reimbursement of hotel expenses in Pelham. Mr. Greenberg said the Civic Complex has already agreed to reduce the rental fee of

the facility by \$6,000.00 to attract the tournament. City Manager DiFante noted the lodging tax ordinance and the provisions allowing the expenditure of funds. She suggested setting aside a portion of the lodging tax to support these types of athletic events.

Mr. Simon explained the economic impact formula used by Shelby County to support these events. He said he has identified funds in his budget to contribute toward the Magic City Indoor Soccer Tournament.

Councilmember Lanier-Reed spoke in favor of adjusting the monthly payment to the Commercial Development Authority (CDA) to fund athletic events of this type. Finance Director Jamie Wagner further suggested reducing the payment to the CDA like the distribution calculations used for the sales and use tax payments to the Pelham Board of Education. The city council spoke in favor of moving forward with the agreement with Magic City and revisions to the lodging tax distribution.

7. Discussion – City Manager's Annual Evaluation

Council President Mercer and Director of Human Resources Tracy Hill reviewed the city manager's annual evaluation process. She noted December 19, 2023 is the due date to complete the evaluation. Council President Mercer asked how the city council would like to review the results and discuss the evaluation. Councilmember Lanier-Reed suggested keeping the council president on the review committee and rotating councilmembers. The city council concurred with the suggestion.

8. Review – FEMA Buyout Program

Director of Development Services & Public Works Andre` Bittas reviewed and updated the city council regarding the Federal Emergency Management Agency (FEMA) flood mitigation buyout program. He stated the deadline for inclusion in the buyout was December 1, 2023. He said the response has been good. He further stated an additional letter was sent last week reminding affected residents of the program. He said 59 of 86 eligible residential properties have "opted in" the buyout, 24 have not responded, and two residents "opted out". Chris Cousins, Municipal Consultants, Inc., stated the city's deadline for submission of the grant application is December 28, 2023. He further explained the application process. Mr. Bittas stated the applications would be broken into several, smaller parts to improve the chance of a grant(s) being approved.

Review of December 4, 2023 City Council Agenda

Council President Mercer reviewed the December 4, 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 December 4, 2023 City Council Agenda
2. Approval of the November 20, 2023 Regular Council Meeting Minutes

3. **Resolution 2023-12-04-01** for consideration to approve an agreement with Axon Enterprise, Inc. for the purchase of ten (10) in-vehicle camera systems for the Pelham Police Department. This expense has been budgeted in FY2024.

Police Chief Brent Sugg explained the purchase of the equipment is for the city's new fleet of 2023 Dodge Durangos. He said the agreement covers a five-year period and the first payment is not due until the installation is completed. He stated this expense was budgeted in FY2024.

4. **Resolution 2023-12-04-02** for consideration to accept and award the most responsive and responsible bid from Temple J Electric, LLC for the installation of a traffic light at Pelham Fire Station No. 3. This expense has been budgeted in FY2024.

City Engineer Mike Eddington stated this project was approved in the FY2024 budget. He said the traffic light is not a full stop signal, but rather a warning light, which is activated by Fire Station No. 3.

5. **Resolution 2023-12-04-03** for consideration to accept the proposal from CC Lynch and Associates to purchase two (2) rain gauges for stormwater monitoring. This expense has been budgeted in FY2024.

Director of Development Services & Public Works Andre' Bittas explained the project and stated the expense was approved in the FY2024 budget. He said the rain gauges will provide accurate and real time data for rain events and storm water monitoring. He stated the equipment will allow the city to be more proactive and provide better monitoring. He said there will be three rain gauges in the city.

6. **Resolution 2023-12-04-04** for consideration to accept the most responsive and responsible bid from Chilton Contractors, Inc. for the installation of an additional crosswalk, signage, activation warning light button, curb ramp and sidewalk to connect The Canopy Development with the LiveNation parking lot. This expense has been budgeted in FY2024.

City Engineer Mike Eddington explained the project and stated the expense was approved in the FY2024 budget.

7. **Resolution 2023-12-04-05** for consideration to participate with Shelby County, Alabama for acquisition of the 2024 Aerial Photography and Topographic Mapping Update. This expense has been budgeted in FY2024.

Director of Information Technology (IT) Chuck Crocker explained the project and stated the expense was approved in the FY2024 budget. GIS Director Matt Griffin said the data collected in the annual aerial project is the basis for updating the city's maps.

F. Public Hearing(s)

1. To consider **Ordinance No. 135-259**, an amendment to the zone district boundaries of the City of Pelham changing the present zoning M-1 (Light Industrial District) to R-T (Residential Townhome) for property located west of Pelham Parkway and north of the former Walmart site consisting of 9.42 +/- acres.

Parcel I.Ds.: 13 7 25 2 001 007.011, 13 7 25 2 001 007.010 and 13 7 25 001 007.000

Applicant: Sohil Lalani

Owners: Holland Real Estate Company, LLC

G. Mayor's Report/Comments

H. Proclamation(s) by the Mayor and Others – None

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 – None

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

1. **Resolution 2023-12-04-06** for consideration to approve a Letter of Intent to purchase a portion of Lot No. 2 in The Grande Vista Commercial Sub-Division pursuant to Section § 11-47-20, Code of Alabama 1975, as amended, containing 1.26 acres (+/-) of real estate and identified as parcel 13 6 24 1 001 020.001 and recorded in Map Book 56, Page 84 in the office of the Judge of Probate, Shelby County, Alabama to Jack's Family Restaurant, LP or its assigns.

Director of Economic Development Michael Simon noted earlier Jack's Family Restaurant (Jack's) is interested in purchasing a portion of Lot No. 2 in the Oak Mountain Trail development. The negotiated purchase price is \$12.12 per square foot for a total sale price of \$665,000.00. The agreement includes \$25,000.00 in earnest money with a 120-day inspection period. Mr. Simon stated the Letter of Intent is the first step in finalizing the purchase agreement.

A call for a traffic study was mentioned by several council members. Mr. Simon explained the process of requesting a traffic study. Mr. Simon stated he and Director of Development Services & Public Works Andre' Bittas met with representatives from Jack's this afternoon. Jack's expressed concerns about the cost of a traffic study. They offered to provide the city with information regarding parking and "stacking" in the drive thru. Further, Jack's said without a signed Letter of Intent (LOI) they are hesitant expending monies on a proposed purchase that may not happen. Mr. Simon said Jack's asked if future tenants on the property would be required to provide a traffic study. Mr. Simon explained the process once the LOI is approved and Jack's moves forward with a formal purchase proposal. He suggested the city use commercial development funds to conduct a traffic study for the entire site. He said Jack's is willing to provide internal data from stores with similar demographics. The city council discussed the pros and cons of a full-scale traffic study. City Manager DiFante suggested removing the Resolution from the agenda and inviting a representative from Jack's to the next work session. She further suggested adding the LOI to the December 18, 2023 agenda for consideration by the city council.

A motion was made by Councilmember Lanier-Reed to remove Resolution 2023-12-04-06 from the December 4, 2023, city council agenda. The motion was seconded by Councilmember Leverett.

Mr. Bittas asked the city council what information they would like for Jack's to provide. Councilmember Lanier-Reed suggested the city contract and pay for the traffic study.

There being no further discussion, the council president announced the motion passed by a unanimous voice vote of those members present.

2. **Resolution 2023-12-04-07** for consideration to approve or deny a request by OG Puff for a conditional use permit for a CBD, vape, alternative health and wellness, tobacco and exotic snacks store at 2271 Pelham Parkway, Pelham, AL 35124.

There were no questions or comments from the city council.

3. **Ordinance No. 135-259**, an amendment to the zone district boundaries of the City of Pelham changing the present zoning M-1 (Light Industrial District) to R-T (Residential Townhome) for property located west of Pelham Parkway and north of the former Walmart site consisting of 9.42 +/- acres. First Reading

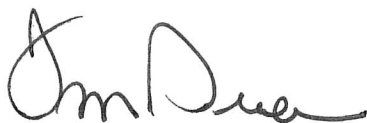
There were no questions or comments from the city council.

(End of the December 4, 2023 Agenda Review)

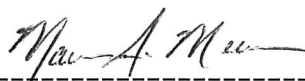
Adjournment

A motion to adjourn the work session was made by Councilmember Lanier-Reed and seconded by Councilmember Leverett. The motion passed unanimously by voice vote of those members present and the work session was adjourned at 6:54 p.m.

Respectfully submitted this 4th day of December 2023.



Tom Seale, MMC, City Clerk/Treasurer



Maurice Mercer, President of the Council

