



CITY COUNCIL MEETING MINUTES

Pelham City Hall
Council Chambers
December 18, 2023 – 7:00 p.m.

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

Date: December 18, 2023
Time: 7:00 p.m.
Place: Pelham City Hall – Council Chambers
Present: Council President Maurice Mercer
Councilmember David Coram
Councilmember Chad Leverett
Councilmember Rick Wash
Councilmember Mildred Lanier-Reed
Mayor Gary Waters

CALL TO ORDER, INVOCATION AND PLEDGE OF ALLEGIANCE

Council President Mercer called the meeting to order at 7:05 p.m. Councilmember Leverett led the invocation. The Pledge of Allegiance was led by Councilmember Wash.

RECORD OF ATTENDANCE

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.

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, 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 considered 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 18, 2023 City Council Agenda
2. Approval of the December 4, 2023 Regular City Council Meeting Minutes
3. **Resolution 2023-12-18-01** for consideration to enter into agreements with American Specialty Health Fitness, Inc. (Silver and Fit) and OptumHealth Care Solutions, LLC (Fitness Passport) to enhance the Recreation Center's programs for senior adults.
4. **Resolution 2023-12-18-02** for consideration to enter into a proposed agreement with CSpire Business to begin work on co-location of data center hardware for the City of Pelham. This expense was budgeted in FY2024.

Council President Mercer stated the complete text of the agenda, minutes, ordinance(s), and resolutions are available at Pelham City Hall and online at www.pelhamalabama.gov.

Councilmember Coram made a motion to adopt the Consent Agenda as presented by Council President Mercer. Councilmember Lanier-Reed seconded the motion.

Council President Mercer asked the city clerk/treasurer for a roll call vote. The vote to adopt the Consent Agenda 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>

There being no further discussion, the motion to adopt the Consent Agenda passed unanimously by roll call vote of those members present and the council president declared the same passed and adopted.

PUBLIC HEARING(S)

Councilmember Coram moved to recess the city council meeting to hold two public hearings for which proper notice had been given. The motion was seconded by Councilmember Leverett and approved unanimously by voice vote of those members present. The council meeting recessed at 7:07 p.m.

Council President Mercer explained the purpose of the first public hearing is to consider a Development Agreement between HCI Pelham Central, LLC and the City of Pelham for real property located east of the Pelham Public Library.

Council President Mercer announced the public hearing was in session regarding the request to consider a Development Agreement between HCI Pelham Central, LLC and the City of Pelham for property located east of the Pelham Public Library.

Director of Economic Development Michael Simon gave an overview of the proposed Development Agreement with HCI Pelham Central, LLC.

Council President Mercer stated the city council would now hear comments both for and against the proposed Development Agreement.

Speaking in favor of the proposed Development Agreement:

- John Benner, HCI Pelham Central, LLC, spoke in favor of approving the Development Agreement.

Speaking against the proposed Development Agreement:

- No member of the public spoke against the Development Agreement.

Council President Mercer stated the public hearing to consider the Development Agreement has now concluded.

Council President Mercer explained the purpose of the second public hearing is to consider the adoption of Ordinance No. 418-02 regarding potential revisions to the Pelham Arts & Entertainment District boundaries.

Council President Mercer announced the second public hearing was in session regarding the request to consider the adoption of Ordinance No. 418-02 regarding potential revisions to the Pelham Arts & Entertainment District boundaries.

Director of Economic Development Michael Simon gave an overview of the proposed revisions to the Pelham Arts & Entertainment District boundaries.

Council President Mercer stated the city council would now hear comments both for and against the adoption of Ordinance No. 418-02.

Speaking in favor of Ordinance No. 418-02:

- Peter Genereux, Oak Mountain Brewing Company, 110 Cahaba Valley Road, Pelham, Alabama 35124, spoke in favor of Ordinance No. 418-02.

- Latavia Goodwin, The Chandelier Karaoke Lounge, 212 Cahaba Valley Road, Pelham, Alabama 35124, spoke in favor of Ordinance No. 418-02 .
- Jesus Melendez, Margarita Grill, 234 Cahaba Valley Road, Pelham, Alabama 35124, spoke in favor of adopting Ordinance No. 418-02.

Speaking against Ordinance No. 418-02:

- No member of the public spoke against Ordinance No. 418-02.

Council President Mercer called the December 18, 2023 City Council meeting back to order at 7:15 p.m.

MAYOR'S REPORT/COMMENTS

- Mayor Waters invited the city council to attend the City Employee Appreciation Breakfast on Friday at 8:30 a.m. at the Pelham Civic Complex & Ice Arena.
- Mayor Waters wished everyone a Merry Christmas.

PROCLAMATION(S) AND RESOLUTION(S) BY THE MAYOR AND OTHERS – None

REPORT OF THE CITY MANAGER

- Stated this past weekend the Pelham Civic Complex & Ice Arena hosted their annual figure skating event. Over 750 spectators attended this year's show. She said the youngest skater was two years old.
- Congratulated Det. Todd McCann and Det. Donnie Peterson for their investigation into multiple burglaries. She stated their investigation resulted in the arrest of an individual and the recovery of multiple stolen items. She further stated their investigation and resulting arrest solved several crimes in Birmingham, Hoover, Vestavia, Pelham, and other communities in our area.

REPORT OF THE CITY ATTORNEY – None

REQUEST(S) TO ADDRESS THE COUNCIL

1. Maddie Rasco, Following Faith, LLC, addressed the city council. She explained her work with the Spina Bifida Association in Alabama. She said she hopes to host a walk and roll-a-thon in Pelham. Ms. Rasco is a sophomore at Pelham High School.
2. Bill Blank, 1st Vice Commander, American Legion, Matthew Blount Post No. 555, addressed the city council. Mr. Blank presented Mayor Waters with a plaque on behalf of the American Legion, Matthew Blount Post No. 555. Donald Walker, American Legion, Matthew Blount Post No. 555, addressed the city council. He reviewed the ongoing projects in Pelham. Mayor Waters accepted the Declaration of Independence plaque on behalf of the City of Pelham.

OLD 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 1001020.001 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.

Councilmember Leverett moved to adopt Resolution 2023-12-04-06. Councilmember Lanier-Reed seconded the motion.

Councilmember Coram noted his objection to approving the Letter of Intent before the traffic study is completed.

Councilmember Leverett and Councilmember Lanier-Reed expressed support for moving forward and bringing a new business to our city. Council President Mercer concurred with their comments. He stated the city will be working directly with Jack's Family Restaurant, LP. Councilmember Wash thanked Jack's for considering Pelham for a new restaurant in our community.

There being no further discussion, the motion to adopt Resolution 2023-12-04-06 passed by voice vote of 4-1 of those members present with Councilmember Coram dissenting. The council president declared the same passed and adopted.

- 2. **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 was on December 4, 2023.

Councilmember Coram moved to adopt Ordinance No. 135-259 as presented and Councilmember Leverett seconded the motion. Council President Mercer expressed his support of the rezoning. There being no further discussion, Council President Mercer asked the city clerk/treasurer for a roll call vote to adopt Ordinance No. 135-259. The roll call vote 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 announced Ordinance No. 135-259 was passed and adopted by unanimous roll call vote of those councilmembers present.

NEW BUSINESS / RESOLUTIONS / ORDINANCES / ORDERS and OTHER BUSINESS

- 1. **Resolution 2023-12-18-03** for consideration to declare a six-month moratorium on the issuance of new business licenses for certain business types in the City of Pelham.

Councilmember Wash moved to adopt Resolution 2023-12-18-03 and Councilmember Coram seconded the motion.

Council President Mercer stated this will give the city an opportunity to review the business licenses of certain business types.

There being no further discussion, the motion to adopt Resolution 2023-12-18-03 passed unanimously by voice vote of those members present and the council president declared the same passed and adopted.

- 2. **Resolution 2023-12-18-04** for consideration to appoint the city council representative to the Pelham Personnel Board.

Councilmember Coram moved to adopt Resolution 2023-12-18-04 and Councilmember Lanier-Reed seconded the motion.

It is noted for the record by city council's action during the December 18, 2023 Work Session, Martina Winston was recommended to be appointed as the city council representative to the Pelham Personnel Board.

Councilmember Lanier-Reed thanked the citizens who have volunteered to serve on the city's various boards. Councilmember Coram and Council President Mercer concurred with her comments.

There being no further discussion, the motion to adopt Resolution 2023-12-18-04 passed unanimously by voice vote of those members present and the council president declared the same passed and adopted.

- 3. **Resolution 2023-12-18-05** for consideration to approve a Development Agreement between HCI Pelham Central, LLC and the City of Pelham.

Councilmember Coram moved to adopt Resolution 2023-12-18-05 and Councilmember Leverett seconded the motion.

Councilmember Lanier-Reed thanked HCI Pelham Central, LLC for the quality of development which has been brought to the City of Pelham. The council concurred with the comments of Councilmember Lanier-Reed.

There being no further discussion, the motion to adopt Resolution 2023-12-18-05 passed unanimously by voice vote of those members present and the council president declared the same passed and adopted.

- 4. **Resolution 2023-12-18-06** for consideration to authorize the submission of sub applications for the Federal Emergency Management Agency’s Flood Mitigation Assistance Grant Program.

Councilmember Coram moved to adopt Resolution 2023-12-18-06 and Councilmember Lanier-Reed seconded the motion.

Councilmember Lanier-Reed thanked the city staff for bringing this opportunity to the city for flood mitigation. Her comments were echoed by other members of the city council.

There being no further discussion, the motion to adopt Resolution 2023-12-18-06 passed unanimously by voice vote of those members present and the council president declared the same passed and adopted.

- 5. **Ordinance No. 418-02** amending Chapter 11, Article VIII by deleting Section 11-164 in its entirety, which established the Pelham Arts and Entertainment District, and replacing it with a new Section 11-164 in the Code of Ordinances of the City of Pelham and the amended portion was read in its entirety by Council President Mercer as a First Reading.

He stated a complete text of Ordinance No. 418-02 is available at Pelham City Hall and online at www.pelhamalabama.gov.

Council President Mercer announced this Ordinance will likely be considered by the city council at a future city council meeting.

Councilmember Coram moved that all rules which would prevent the immediate consideration of Ordinance No. 418-02 be suspended and immediate consideration given. The motion was seconded by Councilmember Leverett.

Council President Mercer asked the city clerk/treasurer for a roll call vote. The vote to suspend the rule for immediate consideration of Ordinance No. 418-02 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 announced the motion to suspend the rule for immediate consideration of Ordinance No. 418-02 passed by a unanimous roll call vote of those councilmembers present.

Councilmember Wash moved to adopt Ordinance No. 418-02 as presented and Councilmember Leverett seconded the motion.

Councilmember Leverett stated this is an example of the city working with businesses. Councilmember Lanier-Reed thanked Director of Economic Development Michael Simon. Councilmember Wash stated the need to expand the Entertainment District was recognized and thanked Mr. Simon for working with the local businesses. Council President Mercer concurred with the comments of the city council.

There being no further discussion, Council President Mercer asked the city clerk/treasurer for a roll call vote to adopt Ordinance No. 418-02. The roll call vote 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 announced Ordinance No. 418-02 was passed and adopted by unanimous roll call vote of those councilmembers present.

6. **Ordinance No. 515** for consideration to annex into the corporate limits of the City of Pelham one (1) acre (+/-) of real property owned by Jerri C. Corn, located at 59 Homestead Trail, Pelham, Alabama 35124 was read in its entirety by Council President Mercer as a First Reading.

He stated a complete text of Ordinance No. 515 is available at Pelham City Hall and online at www.pelhamalabama.gov.

Council President Mercer announced this Ordinance will likely be considered by the city council at a future city council meeting.

PUBLIC COMMENTS

Public comments are limited to three (3) minutes per speaker. Individuals wishing to address the City Council may, after being recognized, approach the podium, and state their name and physical address prior to making their comments in a respectful manner.

Johnny Massey, 132 Brookshire Lane, Pelham, Alabama 35124, spoke in opposition to Jack's Family Restaurant. Mr. Massey stated he was a member of the Brookshire Homeowners Association and was speaking on their behalf. He noted the traffic issues related to a proposed fast-food restaurant in this area.

Rex Jones, 148 Brookshire Lane, Pelham, Alabama 35124, spoke of the need to have a traffic study performed prior to approving the proposed Jack's Family Restaurant. He encouraged the council to move forward with a traffic study.

Latavia Goodwin, The Chandelier Karaoke Lounge, 212 Cahaba Valley Road, Pelham, Alabama 35124, thanked the city for their support. She said she enjoys being a part of the city.

CITY COUNCIL COMMENTS

Councilmember Coram recognized Maddie Rasco for her presentation tonight and offered the city's support in her ongoing project. He thanked American Legion Post 555 for their support of the city. He thanked Councilmember Wash and Councilmember Leverett for their leadership in delivering another great Christmas Parade. Councilmember Coram wished everyone a wonderful Christmas holiday.

Councilmember Leverett stated serving on the city council is an honor and he does not take the responsibility lightly. He thanked Chief Sugg and the police department, Chief Reid and Deputy Chief Carpenter and the fire department for their assistance at the annual Christmas Parade. Councilmember Leverett recognized city staff Ainsley Allison, Gina Womack, Hal Brown, and Chaney Mills in making the Christmas Parade a success. He noted the success of the recent toy drive. He thanked Mickey Dunaway and his Public Works staff and Andre Bittas and his team. He further recognized Seth Greenberg and the Pelham Civic Complex & Ice Arena staff and Brian Cooper and the Parks & Recreation staff. Councilmember Leverett said it is awesome to live in the City of Pelham with the support of the city staff.

Councilmember Wash stated it is the city who should get the credit for a successful 2023 Christmas Parade. He said the city staff makes every effort to make things possible. He said he was grateful to live in Pelham.

Councilmember Lanier-Reed echoed the comments of her fellow council members. She said believing and acknowledging God makes Pelham special. She said serving on the city council is a calling. She stated we are a city with a town feeling. Councilmember Lanier-Reed wished everyone a Merry Christmas.

Council President Mercer noted having attended the Alpha Extreme Cheer competition in Pigeon Forge, Tennessee last weekend. He acknowledged the success of the 2023 Christmas Parade. He thanked Parks & Recreation for hosting Panther Madness this year. He asked the city council to discuss at a future council work session their thoughts regarding the restaurant pad on the Oak Mountain Trail site and what the city

wants on the property. Council President Mercer wished everyone a Merry Christmas and a Happy New Year.

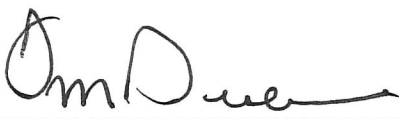
PUBLIC ANNOUNCEMENTS

- 1. City offices will be closed Monday and Tuesday, December 25th and 26th for the Christmas Holidays.
- 2. The city council has rescheduled the January 1, 2024 work session and council meeting to January 8, 2024 and the January 15, 2024 work session and council meeting to January 22, 2024. Starting times to be announced.

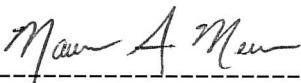
ADJOURNMENT

With no other business before the city council, Councilmember Coram moved to adjourn the council meeting and Councilmember Leverett seconded the motion. By voice vote the motion passed unanimously by those members present and the meeting was adjourned at 8:27 p.m.

Respectfully submitted this 18th day of December 2023.



Tom Seale, MMC, City Clerk/Treasurer



Maurice Mercer, President of the Council

