CITY COUNCIL
WORK SESSION MINUTES

Pelham City Hall
Council Conference Room
March 4, 2024 – 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, March 4, 2024 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 David Coram
Councilmember Chad Leverett
Councilmember Rick Wash
Councilmember Place No. 5: Vacant
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: Shelby County Reporter

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

Approval of Minutes

A motion was made by Councilmember Wash to approve the February 19, 2024 Regular Work Session Minutes.

The motion was seconded by Councilmember Coram. 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 Coram to enter into 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	Yes
David Coram, Councilmember	Yes
Chad Leverett, Council Member	Yes
Rick Wash, Council Member	Yes
Councilmember Place No. 5: Vacant	NA

Council President Mercer asked the members of the city council, Mayor Gary Waters, City Manager Gretchen DiFante, City Attorney Josh Arnold, Director of Development Services & Public Works Andre` Bittas, Ballantrae Golf Club General Manager Hal Brown, 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 4:32 p.m.

Councilmember Coram moved to adjourn the Executive Session. Said motion was seconded by Councilmember Leverett. The motion passed unanimously by voice vote of those members present and the Executive Session was adjourned at 5:23 p.m.

The work session was called back to order at 5:24 p.m.

New Business

1. Review – FY2023 Audited Financial Statements by Truitt Tingle Paramore & Argent, LLC, Certified Public Accountants

Patrick Bowman, CPA, with Truitt Tingle Paramore & Argent, LLC, (TTPA), the city's independent auditing firm, presented the FY2023 draft financial audit and statements. He thanked the city staff for their prompt response and overall helpfulness during the audit. Mr. Bowman stated the audit was given an unmodified opinion in accordance with generally accepted accounting practices. Mr. Bowman reviewed the current financial position of the city. He said the audit team did not encounter any issues. Mr. Bowman continued to review highlights of the FY2023 financial statements. Members of the city council asked several questions with respect to the audit. Council President Mercer asked the city council to forward any additional questions about the FY2023 audit to Finance Director Jamie Wagner's attention. It was noted acceptance of the FY2023 audit would be on the March 18, 2024 agenda for city council consideration.

2. Discussion – City Manager's Annual Performance Review

It was noted Council President Mercer and Councilmember Wash were asked to facilitate City Manager DiFante's annual performance review. Councilmember Wash stated she received phenomenal reviews from the five members of the city council and her direct reports.

Councilmember Wash and Councilmember Leverett thanked City Manager Gretchen DiFante for her leadership, putting policies and procedures in place, and dedicated service to the City of Pelham.

Council President Mercer explained a proposed change in her employment contract which would remove the annual 2.00% cap on any potential pay increases.

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

3. Discussion – Set Date and Time for Pelham Board of Education Place No. 1 Interviews

Council President Mercer discussed with the city council a date and time for the Pelham Board of Education Place No. 1 interviews.

It was the consensus of the city council to conduct interviews for the Pelham Board of Education Place No. 1 position on April 1, 2024 at 4:00 p.m. in the Council Chambers at Pelham City Hall. The city council requested using the old ranking system. Council President Mercer suggested 15 minutes for each interview. The city clerk/treasurer stated he would notify each candidate of their designated interview time.

4. Discussion – Designating an official voting delegate and alternates for the Alabama League of Municipalities Annual Business Meeting in Huntsville, Alabama on May 17, 2024

It was the consensus of those members of the city council present to designate Council President Mercer as the voting delegate to the Alabama League of Municipalities' Annual Business Meeting.

Councilmember Coram moved to designate Council President Mercer as the voting delegate. Councilmember Leverett seconded the motion.

There being no further discussion, the motion to designate Council President Mercer as the voting delegate to the Alabama League of Municipalities' Annual Business Meeting in Huntsville, Alabama on May 17, 2024 passed unanimously by voice vote of those members present and the council president declared the same passed.

<u>Old Business</u>

1. Discussion – Jack's Family Restaurant, L.P. Purchase Agreement

Director of Development Services & Public Works Andre` Bittas and Director of Economic Development Michael Simon stated the traffic study being conducted by Skipper Engineering has not been completed. Mr. Simon requested to place discussion of Jack's Family Restaurant, L.P. Purchase Agreement along with the traffic study on the March 18, 2024 work session agenda.

There was discussion among the city council regarding the restrictive covenants in the purchase agreement. Mr. Simon said he would review the purchase agreement language and any other issues concerning the city council.

2. Discussion – Pelham City Council Place No. 5 Vacancy

Council President Mercer reviewed the applicant interviews held on February 13, 2024. He thanked those applicants for applying for the appointment.

Discussion continued regarding the excellent qualifications of all the candidates.

Councilmember Leverett made a motion to move the name of Michael Harris, Jr. forward for election to fill the vacancy on the Pelham City Council, Place No. 5. The motion was seconded by Councilmember Coram. There being no further discussion, the motion passed by a unanimous voice vote of those members of the city council present. City Clerk/Treasurer Tom Seale stated Resolution 2024-03-04-01 would be on tonight's city council agenda for consideration to elect Michael Harris, Jr. to the Pelham City Council, Place No. 5.

<u>Review of March 4, 2024 City Council Agenda</u>

Council President Mercer reviewed the March 4, 2024 city council agenda.

E. Appointment – Pelham City Council, Place No. 5

1. **Resolution 2024-03-04-01** for consideration to appoint Michael Harris, Jr. to the Pelham City Council Place No. 5 effective March 4, 2024.

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

F. Oath of Office – Pelham City Council, Place No. 5

G. 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 March 4, 2024 City Council Agenda

2. Approval of the February 19, 2024 Regular Council Meeting Minutes

3. **Resolution 2024-03-04-02** for consideration to enter into a service agreement with C-Spire Business to move the city's multi-factor authentication to a Microsoft based platform. This expense was budgeted in FY2024.

IT Director Chuck Crocker explained the move from Sisco to C-Spire Business, a Microsoft based platform. He stated the funds are budgeted in FY2024.

4. **Resolution 2024-03-04-03** for consideration to authorize an increase in the base pay compensation for the Pelham City Manager per the Employment Agreement dated November 16, 2020 retroactive to November 16, 2023. This expense was budgeted in FY2024.

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

5. **Resolution 2024-03-04-04** for consideration to approve the lowest and most responsible bid by Southeastern Sealcoating, Inc. for the Pelham City Park Parking Lot Paving Project. This expense was budgeted in FY2024.

City Engineer Mike Eddington stated having received eight sealed bids for the paving project. He explained the project will include paving and stripping of the parking lot.

6. **Resolution 2024-03-04-05** for authorization to amend the FY2024 Water Department budget and purchase a small Vermeer Vacuum Trailer through Sourcewell, a purchasing cooperative.

Director of Development Services & Public Works Andre` Bittas explained the excavator originally budgeted will not meet their service needs. He explained the purchase, if approved, will require a budget amendment for FY2024. He said the new equipment will reduce potential property damage and repairs will be less expensive going forward. Mr. Bittas said the equipment can be delivered in about two weeks.

H. Public Hearing(s)

1. To consider **Ordinance No. 135-260** 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 along Huntley Parkway, containing approximately 5.6 acres (+/-) of vacant property.

   Applicant: Grants Mill, LLC, (Tower Homes) 2106 Devereux Circle, Birmingham, AL 35243.

   Owner: SAC LLC c/o Eugene K. Cole, 1100 East Park Drive, Suite 400, Birmingham, AL 35235

Council President Mercer explained the location of the property, which was discussed earlier by the city council.

I. Mayor's Report/Comments

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

K. Report of the City Manager

L. Report of the City Attorney

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

N. Old Business / Resolutions / Ordinances / Orders and Other Business - None

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

1. **Resolution 2024-03-04-06** for consideration of ABC license 020 – Restaurant Retail Liquor for applicant Cottage House of Pelham LLC operating under the trade name Cottage House of Pelham located at 3187 Lee Street, Pelham, Alabama 35124.

Councilmember Coram stated having visited the location on Lee Street. Kim McConnell, the owner of Cottage House of Pelham, was present. She explained the concept of the restaurant, which will be primarily the serving of wine. She said other alcoholic beverages will be available.

2. **Resolution 2024-03-04-07** for consideration of ABC license 150 - Special Retail License – 30 Days or Less for applicant Legends Music, LLC located at 1000 Amphitheater Road, Pelham, Alabama 35124 operating under the trade name Oak Mountain Spring Fair 2024 Legends Music LLC.

Councilmember Coram stated this request is for the annual spring fair in the parking lot at Oak Mountain Amphitheater.

3. **Resolution 2024-03-04-08** for consideration of ABC license 010 – Lounge Retail Liquor – Class I for applicant Pitstop Pub LLC operating under the trade name Pitstop Pub located at 983 Yeager Parkway Suite A, Pelham, Alabama 35124.

Councilmember Coram stated the business currently operates a motorcycle repair shop. He said the applicant is requesting approval of a neighborhood "pit stop" at this location where the public can stop after work for a drink. Laura Krubinski, the applicant, further explained the concept of the business. She stated no food would be served and the motorcycle repair shop would be closed when the bar is open.

There were no comments or questions from the city council.

4. **Ordinance No. 135-260** 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 along Huntley Parkway, containing approximately 5.6 acres (+/-) of vacant property. First Reading.

   Applicant: Grants Mill, LLC, (Tower Homes) 2106 Devereux Circle, Birmingham, AL 35243.

   Owner: SAC LLC c/o Eugene K. Cole, 1100 East Park Drive, Suite 400, Birmingham, AL 35235

There were no comments or questions from the city council.

Other Business

1. U.S. Highway 31/Pelham Parkway Relighting Project

Director of Development Services & Public Works Andre` Bittas explained the progress on relighting Pelham Parkway. He stated the project has been engineered and is awaiting approval by the Alabama Department of Transportation. Mr. Bittas said available funding is $6.2 million with an estimated cost of over $10 million which will result in the project being built in phases. He said Phase 1 of the project will be from Shelby County Highway 52 north to Alabama Highway 119.

2. U.S. Highway 31 and Shelby County Highway 52W Flyover

Director of Development Services & Public Works Andre` Bittas said progress is being made with "obligations" to be finalized in June 2024 to start spending money. He said after the obligation is secured and documentation completed the city can move forward with engineering and bidding. He further explained the Federal Railroad Administration Grant is new and all parties are working on the project. He said Shelby County and ALDOT have committed funds and discussions are ongoing with Helena. He said right-of-way acquisition and construction are the most expensive part of the project. He noted the importance of securing the necessary funding to have cash available for the project. Mr. Bittas said he expects engineering, bidding, approval, and construction to take the full five years. He said more information will be available to the city council once the design phase is complete. Mr. Bittas said construction projects of this size will attract larger, more experienced contractors.

3. Residential Garbage Pickup

City Manager DiFante explained the Wednesday and Saturday garbage pickups will be eliminated by AmWaste. She stated AmWaste has had difficulty hiring and retaining employees to work on Saturday. She said AmWaste expects improvement, better customer service, and holiday service with the elimination of the Wednesday and Saturday routes. City Manager DiFante said the new routes are scheduled to begin the last week of March 2024. She said consistency with having experienced route drivers is important to the overall success of city's waste management program.

4. Addition to Council Agenda

Councilmember Coram made a motion to add Resolution 2024-03-04-09, the city's Civility and Cooperative Leadership Pledge, to the March 4, 2024 city council agenda. Said motion was seconded by Councilmember Leverett.

There being no further discussion, the motion to add Resolution 2024-03-04-09 passed unanimously by voice vote of those members present and the council president declared the same passed.

(End of the March 4, 2024 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 6:32 p.m.

Respectfully submitted this 4th day of March 2024.

Tom Seale, MMC, City Clerk/Treasurer

Maurice Mercer, President of the Council

[SEAL]

CITY SEAL