



CITY COUNCIL WORK SESSION MINUTES

Pelham City Hall
Council Conference Room
March 18, 2024 – 5:00 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 18, 2024 at 5:00 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 5:04 p.m.

Record of Attendance

The following elected officials were present:

President of the Council Maurice Mercer
Councilmember David Coram
Councilmember Chad Leverett
Councilmember Michael Harris, Jr.

The following elected officials were not present:

Councilmember Rick Wash
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 Coram to approve the March 4, 2024 Regular Work Session Minutes and the March 11, 2024 Special Work Session Minutes.

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

Old Business

1. Presentation – Shelby County Highway 35 & 52E Traffic Study

Director of Development Services & Public Works Andre` Bittas and Ben Adams, Skipper Consulting, Inc., presented the results of Shelby County Highway 35 & 52E Traffic Study. It was noted the construction of a Jack's Family Restaurant in the Oak Mountain Trail Commercial subdivision would have little or no impact on the Highways 35/52E corridor traffic. Mr. Adams stated the study showed an increase of three (3) seconds in additional traffic delays. Mr. Bittas stated the survey was done with the expectation of a complete build-out of the site to include a hotel and sit-down restaurant.

2. Discussion – Jack's Family Restaurants, L.P. Purchase and Sale Agreement

Todd Bartmess, Chief Executive Officer, Steve Lisner, Vice President of Operations, and Jim Avery, Vice President of Development & Construction were present representing Jack's Family Restaurants, LP. Director of Economic Development Michael Simon stated his memorandum addressed the concerns the city council expressed during the March 11, 2024 special work session. He noted the changes in the Letter of Interest (LOI) and Purchase and Sale Agreement. Mr. Avery stated Jack's would be making a \$3 million investment in the new restaurant in Pelham.

There was discussion among the city council and Jack's management team regarding the purchase and sale agreement. The restrictive covenants were addressed by both parties. The city and Jack's mutually agreed to reduce the restrictive covenant period from five years to four years and remove Waffle House from the list of prohibited restaurants in the Oak Mountain Trail development.

New Business

1. Discussion – Legal Advertising for the City of Pelham Civil Service Act

City Attorney Josh Arnold led the discussion regarding an invoice in the amount of \$25,000.00 presented to the city by the Shelby County Reporter for advertising the city's Civil Service Act (CSA). He explained the city paid over \$8,000.00 in 2023 to advertise the CSA for introduction into the 2023 Alabama Legislative session. He further explained the Shelby County Reporter advertised the CSA for only a week, instead of the required four weeks. Mr. Arnold noted an additional advertising error was made by the Shelby County prior to the 2024 Alabama Legislative session.

The consensus of the city council was to instruct Mr. Arnold to request a \$5,000 reduction in the invoice from the Shelby County Reporter.

Review of March 18, 2024 City Council Agenda

Council President Mercer reviewed the March 18, 2024 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 March 18, 2024 City Council Agenda
2. Approval of the March 4, 2024 Regular Council Meeting Minutes
3. **Resolution 2024-03-18-01** for consideration to approve the city manager's revised employment agreement.

Council President Mercer explained the proposed changes and the justification for the revisions to the city manager's employment agreement.

4. **Resolution 2024-03-18-02** for consideration to accept the City of Pelham's Fiscal Year 2023 audit as prepared and presented by Truitt Tingle Paramore & Argent, LLC, Certified Public Accountants, the city's independent auditors.

There were no questions from the city council.

5. **Resolution 2024-03-18-03** for consideration to approve a twenty-six (26) month lease agreement with DLL Finance, LLC through supplier Jerry Pate Turf & Irrigation for four (4) pre-owned 2020 Club Car gas utility vehicles for Ballantrae Golf Club. This lease expense was budgeted in FY2024.

There were no questions from the city council.

6. **Resolution 2024-03-18-04** for consideration to enter into an agreement with the Alabama Department of Transportation (ALDOT) for the cooperative maintenance of a public right-of-way (sidewalk) along Pelham Parkway as part of the Enterprise Rent-A-Car development.

City Engineer Mike Eddington noted the location of the new Enterprise rental lot along Pelham Parkway. He stated the city's ordinance requires the construction of a pedestrian sidewalk in commercial areas. He said approval of the resolution will allow the city to perform maintenance work in the U.S. Highway 31 right-of-way.

7. **Resolution 2024-03-18-05** for consideration to accept the lowest and most responsive bid from Central Alabama Asphalt & Construction Company, LLC for the city's FY2024 street resurfacing projects. These projects were budgeted in FY2024.

City Engineer Mike Eddington stated the city received several bids for the paving project. He said the bids came in under budget which will allow all the streets on the proposed list to be resurfaced. Mr. Eddington said the resurfacing project should begin in the next 30 days.

F. Public Hearing(s) – None

G. Mayor's Report/Comments – None

H. Proclamation(s) by the Mayor and Others

1. Declaring March 2024 as A Month to Recognize Pelham's Elected Women Leaders

I. Report of the City Manager

1. Capital Projects Update

J. Report of the City Attorney

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

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

1. **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 Pkwy, containing approximately 5.6 acres (+/-) of vacant property. A Public Hearing and the First Reading was on March 4, 2024.

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 questions from the city council.

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

1. **Resolution 2023-03-18-06** for consideration of ABC license 140 – Special Events Retail for applicant Margarita Grill, LLC operating under the trade name Margarita Grill Cinco de Mayo 2024 located at 234 Cahaba Valley Road, Pelham, Alabama 35124.

Councilmember Coram stated this request is for Margarita Grill's annual Cinco de Mayo celebration in their parking lot on Cahaba Valley Road. He recommended approval of the ABC license request.

2. **Resolution 2024-03-18-07** for consideration to approve an agreement for the purchase and sale of real estate between the City of Pelham and Jack's Family Restaurant, LP.

Director of Development Services & Public Works Andre' will be meeting with Jack's representatives to discuss their driveway location. As noted in earlier discussion, the city and Jack's mutually agreed to reduce the restrictive covenant period from five years to four years and remove Waffle House from the list of prohibited restaurants in the Oak Mountain Trail development.

Councilmember Coram made a motion to remove Resolution 2024-03-18-07 from the March 18, 2024 city council agenda. Said motion was seconded by Councilmember Harris. There being no further discussion, the motion to remove Resolution 2024-03-18-07 passed by a unanimous voice vote of those members

present. It was noted by the city clerk/treasurer Resolution 2024-03-18-07 would be on the April 1, 2024 city council meeting agenda for consideration.

(End of the March 18, 2024 Agenda Review)

Adjournment

A motion to adjourn the work session was made by Councilmember Coram and seconded by Councilmember Harris. The motion passed unanimously by voice vote of those members present and the work session was adjourned at 6:29 p.m.

Respectfully submitted this 18th day of March 2024.



Tom Seale, MMC, City Clerk/Treasurer



Maurice Mercer, President of the Council

