



CITY COUNCIL WORK SESSION MINUTES

Pelham City Hall
Council Conference Room
June 3, 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, June 3, 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 5:02 p.m.

Record of Attendance

The following elected officials were present:

Council President Maurice Mercer
Councilmember David Coram
Councilmember Rick Wash
Councilmember Michael Harris, Jr.
Mayor Gary Waters

The following elected official was not present:

Councilmember Chad Leverett

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 May 20, 2024 Regular 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.

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 Wash to enter into an Executive Session of the city council for the stated purpose. Said motion was seconded by Councilmember Coram. 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, Councilmember	<u>Yes</u>
Chad Leverett, Council Member	<u>Not Present</u>
Rick Wash, Council Member	<u>Yes</u>
Michael Harris, Councilmember	<u>Yes</u>

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, Director of Economic Development Michael Simon, 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 5:06 p.m.

Councilmember Coram moved to adjourn the Executive Session. Said motion was seconded by Councilmember Harris. The motion passed unanimously by voice vote of those members present and the Executive Session was adjourned at 5:53 p.m.

The work session was called back to order at 5:53 p.m.

Old Business – None

New Business

1. Discussion – Request for a right-of-way condemnation pursuant to Section 18-3-1, Code of Alabama (1975) as amended for applicant Allison Mitchell.

City Attorney Josh Arnold and City Engineer Mike Eddington addressed the city council and explained Allison Mitchell's right-of-way condemnation request requiring Pelham Planning Commission and City of Pelham approval. The city council expressed no concerns in granting the request.

2. Overview – **Ordinance No. 135-261**, to amend the zone district boundaries of the City of Pelham changing the present zoning O-I (Office and Institutional District) to E-1 (Estate Residential District) for property located along the east side of Bearden Road, across from Pelham High School. Owner: Joey White and Shannon White.

Director of Development Services & Public Works Andre` Bittas provided the city council with an overview of the rezoning request.

There were no comments or questions from the city council.

3. Overview – **Ordinance No. 135-262**, revisions to the Code of Ordinances, City of Pelham, Appendix A, Article XV, Section 14, and Section 16 regarding additional regulations for vape shops and CBD stores in B-2 (General Business District) zones.

Director of Development Services & Public Works Andre` Bittas reviewed the proposed changes in the B-2 zoning regulations for CBD stores and vape shops. He reminded the city council a six-month moratorium adopted in Resolution 2023-12-18-03 is in place regarding CBD stores and vape shops. Mr. Bittas reviewed the revised definitions and requirements in proposed Ordinance No. 135-262. Discussion followed between Mr. Bittas and members of the city council.

Review of June 3, 2024 City Council Agenda

Council President Mercer reviewed the June 3, 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 June 3, 2024 City Council Agenda
2. Approval of the May 20, 2024 Regular Council Meeting Minutes and the May 24, 2024 Special City Council Meeting Minutes
3. **Resolution 2024-06-03-01** for consideration to approve a tax abatement agreement between the City of Pelham, PrintsWell, Inc., and Amazing Grace Properties, LLC.

There were no comments or questions from the city council

4. **Resolution 2024-06-03-02** for consideration to approve job descriptions and associated pay for the positions of IT Systems Analyst, IT Systems Analyst-Public Safety, and GIS Administrator within the IT Department previously reviewed and approved by the Pelham Personnel Board. Funding for the positions will be considered in the FY2024 IT mid-year budget recommendations.

IT Director Chuck Crocker spoke to the request to approve several job descriptions and associated pay in the IT Department. He stated the positions were recently approved by the Pelham Personnel Board and funding is requested in the mid-year FY2024 budget.

5. **Resolution 2024-06-03-03** for consideration to accept responsibility for the electrical bill for eleven (11) new streetlights in the Simms Landing Subdivision, Sector 2-B and 3.

Director of Development Services & Public Works Andre` Bittas explained the sector has been built out and it is time for the city to accept responsibility for the electrical service for the streetlights.

6. **Resolution 2024-06-03-04** authorizing the release of street bond money and accepting the dedication of certain public streets(s), sidewalks and rights-of-way located in the Grey Oaks Subdivision, Phase 6, previously approved by the Pelham Planning Commission.

City Engineer Mike Eddington stated the streets, sidewalks, and rights-of-way were built to specifications and recommended they be accepted by the city. He stated there were no issues with drainage in the referenced sector.

7. **Resolution 2024-06-03-05** authorizing the release of street bond money and accepting the dedication of certain public streets(s), sidewalks and rights-of-way located in the Ballantrae Subdivision, Strathaven at Ballantrae, Sectors 2, 3, and 4 previously approved by the Pelham Planning Commission.

City Engineer Mike Eddington stated the streets, sidewalks, and rights-of-way were built to city specifications and recommended they be accepted by the city. He stated there were no drainage issues in these sectors. He further stated Sectors 2, 3, and 4 do not contribute to drainage problems in the Ballantrae subdivision.

8. **Resolution 2024-06-03-06** for consideration to approve a request for a right-of-way condemnation pursuant to Section 18-3-1, Code of Alabama (1975) as amended for applicant Allison Mitchell.

There were no comments or questions from the city council.

9. **Resolution 2024-06-03-07** for consideration to adopt revised Pelham Parks and Recreation Rules to have authority over city parks and other city owned recreational lands.

There were no comments or questions from the city council.

10. **Resolution 2024-06-03-08** for consideration as a part of the mid-year review to authorize the amending of the city's FY2024 operating, and capital projects budgets as referenced and detailed in attached Exhibit A.

There were no comments or questions from the city council.

F. Public Hearing(s)

1. To consider **Ordinance No. 135-261**, to amend the zone district boundaries of the City of Pelham changing the present zoning O-I (Office and Institutional District) to E-1 (Estate Residential District) for property located along the east side of Bearden Road, across from Pelham High School. Owner: Joey White and Shannon White.

Council President Mercer stated a public hearing would be held tonight to consider Ordinance No. 135-261.

2. To consider **Ordinance No. 135-262**, revisions to the Code of Ordinances, City of Pelham, Appendix A, Article XV, Section 14, and Section 16 regarding additional regulations for CBD stores and vape shops in B-2 (General Business District) zones.

Council President Mercer stated a public hearing would be held tonight to consider Ordinance No. 135-262.

G. Mayor's Report/Comments

Mayor Waters updated the city council regarding Sen. Katie Britt's staff visit last week.

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

I. Report of the City Manager

City Manager DiFante introduced Lucas Kalba, an 11th grader at Pelham High School. She said he will be interning in the City Manager's office this summer and working on several projects.

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. 518** for consideration to repeal Ordinance No. 429 in its entirety regarding occupancy requirements for residential structures. First Reading was on May 20, 2024.

There were no questions or comments from the city council.

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

1. **Ordinance No. 135-261**, to amend the zone district boundaries of the City of Pelham changing the present zoning O-I (Office and Institutional District) to E-1 (Estate Residential District) for property located along the east side of Bearden Road, across from Pelham High School. Owner: Joey White and Shannon White. First Reading.

There were no questions or comments from the city council.

2. **Ordinance No. 135-262**, revisions to the Code of Ordinances, City of Pelham, Appendix A, Article XV, Section 14, and Section 16 regarding additional regulations for vape shops and CBD stores in B-2 (General Business District) zones. First Reading.

There were no questions or comments from the city council.

(End of the June 3, 2024 Agenda Review)

Adjournment

A motion to adjourn the work session was made by Councilmember Wash and seconded by Councilmember Harris. The motion passed unanimously by voice vote of those members present and the work session was adjourned at 6:27 p.m.

Respectfully submitted this 3rd day of June 2024.



Tom Seale, MMC, City Clerk/Treasurer



Maurice Mercer, President of the Council

