



CITY COUNCIL WORK SESSION MINUTES

Pelham City Hall

Council Chambers

July 1, 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, July 1, 2024 at 5:00 p.m. The regular work session was held in the Council Chambers 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 5:00 p.m.

Record of Attendance

The following elected officials were present:

Council President Maurice Mercer
Councilmember Chad Leverett
Councilmember Rick Wash
Councilmember Michael Harris, Jr.
Mayor Gary Waters

The following elected official was 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 Leverett to approve the June 17, 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 general reputation and character, physical condition, professional competence, or mental health of individuals, or, subject to the limitations set out herein, to discuss the job performance of certain public employees pursuant to Section 36-25A-7(1)(a), to discuss the consideration the governmental body is willing to offer or accept when considering the purchase, sale, exchange, lease, or market value of real property. Provided, however, that the material terms of any contract to purchase, exchange, or lease real property shall be disclosed in the public portion of a meeting prior to the execution of the contract pursuant to Section 36-25A-6, and 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 pursuant to 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(1)(a), Section 36-25A-6, and Section 36-25A-7(3)(a), Code of Alabama 1975, as amended.

A motion was made by Councilmember Wash to enter an Executive Session of the city council for the stated purposes. Said motion was seconded by Councilmember Leverett. 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>
Michael Harris, Jr. 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, Police Chief Brent Sugg, Fire Chief Mike Reid, 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 40 minutes. The city council went into Executive Session at 5:04 p.m.

Councilmember Wash 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 6:08 p.m.

Council President Mercer called the work session back to order at 6:09 p.m.

Old Business

1. Discussion – Appointment to the Pelham Parks & Recreation Advisory Board, Place No. 7

Council President Mercer reviewed the results of the city council's recommendation for the appointment. It was noted two of the candidates tied for first place following the interviews on June 17, 2024.

A motion was made by Councilmember Leverett to recommend the appointment of Daniela DeLuca to the unexpired term on the Pelham Parks & Recreation Advisory Board, Place No. 7. The motion was seconded by Councilmember Harris. There being no further comments, the motion passed unanimously by voice vote of those council members present. Council President Mercer stated Daniela DeLuca's name would be added to Resolution 2024-07-01-01 for consideration during tonight's city council meeting.

New Business

1. Discussion – Dotry Enterprises, LLC (Edgar's) Economic Development Incentive Agreement-Retail

Director of Economic Development Michael Simon reviewed the proposed retail Agreement with the city council. He stated for the record:

- City authorization of the incentive falls under Amendment 772.
- Incentive eligibility is tied to the commencement of construction of their new retail store within twelve (12) months and commencement of operations within eighteen (18) months of closing on the Pelham Central Park property.
- Sales Tax Revenue sharing for a period of 15 years or \$800,000 whichever comes first at a rate of 75% for years 1-10 and 50% for years 11-15.
- Rebate of the city's non-educational related ad valorem property taxes at a rate of 50% for a period of ten (10) years.
- Rebate on a portion of the land acquisition cost in the amount of \$100,000, provided the new retail bakery has been in operation for a period of one year from the Certificate of Occupancy date.

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

2. Discussion – Waldo's Economic Development Incentive Agreement – Retail

Director of Economic Development Michael Simon reviewed the proposed retail Agreement with the city council. He stated for the record:

- City authorization of the incentive allowable falls under Amendment 772.
- Commencement of construction of the project will occur within twelve (12) months of acquiring the property and commencement of operations within twenty (20) months of closing on the Pelham Central Park property.
- Sales Tax Revenue sharing for a period of 10 years or \$425,00 whichever comes first.

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

Councilmember Wash moved to add the two retail incentive agreements to the July 15, 2024 city council agenda for consideration. Councilmember Harris seconded the motion.

There being no further discussion, the motion to add the Dotry Enterprises, Inc. and the Bodnar Investment Group, D/B/A WCB Pelham, LLC agreements to the July 15, 2024 council agenda for consideration, passed unanimously by voice vote of those members present and the President of the Council declared the same passed.

Council President Mercer asked the city clerk/treasurer to add the Agreements to the July 15, 2024 city council agenda for consideration.

Review of July 1, 2024 City Council Agenda

Council President Mercer reviewed the July 1, 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 July 1, 2024 City Council Agenda
2. Approval of the June 17, 2024 Regular Council Meeting Minutes
3. **Resolution 2024-07-01-01** for consideration to appoint Daniela Deluca to the unexpired term on the Pelham Parks & Recreation Advisory Board, Place No. 7.

Council President Mercer noted the city council voted during tonight's work session to recommend the appointment of Daniela DeLuca to the unexpired term on the Pelham Parks & Recreation Advisory Board, Place No. 7.

4. **Resolution 2024-07-01-02** for consideration to approve the Tax Abatement Agreement between the City of Pelham and Dotry Enterprises, LLC (Edgar's Bakery and Café).

There were no questions or comments from the city council.

5. **Resolution 2024-07-01-03** for consideration to approve right-of-way agreements with Alabama Water Utilities, Inc. to install and maintain sanitary sewer systems within the Ballantrae and Weatherly subdivisions.

City Engineer Mike Eddington explained the agreements under consideration in Resolution 2024-07-01-03 and Resolution 2024-07-01-04 permit the two utility companies to install and maintain sanitary sewer systems in the city's rights-of-way in the Ballantrae, Weatherly, and Grey Oaks subdivisions.

6. **Resolution 2024-07-01-04** for consideration to approve a right-of-way agreement with Shelby Ridge Utilities, Inc. to install and maintain sanitary sewer systems within the Grey Oaks subdivisions.

See comments in Resolution 2024-07-01-03.

7. **Resolution 2024-07-01-05** for consideration to authorize a License Agreement to access real property across city-owned property.

City Attorney Josh Arnold explained the location and the request by Kent and Kyle McCain regarding access to their property along I-65. He stated the Agreement is revocable at the city's discretion.

F. Public Hearing(s) – None

G. New Employee Introductions

H. Mayor's Report/Comments

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

J. Report of the City Manager

K. Report of the City Attorney – None

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

M. Old Business / Resolutions / Ordinances / Orders and Other Business – None

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

1. **Resolution 2024-07-01-06** for consideration of an ABC License application(s) for 050 – Retail Beer (Off Premises Only) and 070 – Retail Table Wine (Off Premises Only) for applicant Narayanmuni, Inc. operating under the trade name Oak Mountain Mobil located at 2310 Pelham Parkway, Pelham, Alabama 35124.

Police Chief Brent Sugg stated the ABC application has been reviewed by each city department and is compliant with city ordinances.

There were no questions or comments from the city council.

2. **Ordinance No. 519** for consideration to declare that certain real property of the City of Pelham, Alabama, is no longer needed for public or municipal purposes and further described as Lots A, B, C, D and E of the Resurvey of Lot 3, according to the Final Plat of The Pelham Park Subdivision, a Commercial Subdivision, as recorded in Map Book 60, Pages 13-A and 13-B in the office of the Judge of Probate of Shelby County, Alabama. **FIRST READING.**

Director of Economic Development Michael Simon reviewed Ordinance No. 519 under consideration. He stated the buyer is ready to close and requested the rule be waived during the council meeting for immediate consideration to approve Ordinance No. 519.

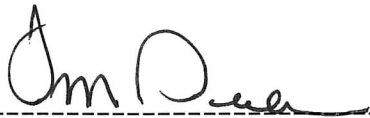
(End of the July 1, 2024 Agenda Review)

Council President Mercer mentioned the Pelham City Schools Foundation has requested members of the city council be appointed to the Pelham City Schools Foundation as ex-officio members. He suggested Councilmember Harris and himself be appointed to the Foundation. The city council concurred with Council President Mercer's appointment suggestion.

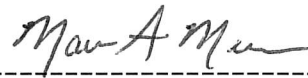
Adjournment

A motion to adjourn the work session was made by Councilmember Leverett and seconded by Councilmember Harris. The motion passed unanimously by voice vote of those members present and the work session was adjourned at 6:37 p.m.

Respectfully submitted this 1st day of July 2024.



Tom Seale, MMC, City Clerk/Treasurer



Maurice Mercer, President of the Council

