



CITY COUNCIL MEETING MINUTES

Pelham City Hall
City Council Chambers
October 7, 2024 – 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: October 7, 2024
Time: 7:00 p.m.
Place: Pelham City Hall – City Council Chambers
Present: President of the Council Maurice Mercer
Councilmember David Coram
Councilmember Rick Wash
Councilmember Michael Harris, Jr.
Mayor Gary Waters

Not Present: Councilmember Chad Leverett

CALL TO ORDER, INVOCATION AND PLEDGE OF ALLEGIANCE

Council President Mercer called the meeting to order at 7:00 p.m. Mayor Waters led the invocation. The Pledge of Allegiance was led by Councilmember Coram.

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.

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 on the agenda at the discretion of the presiding officer and City Council.

1. Approval of the October 7, 2024 City Council Agenda
2. Approval of the September 16, 2024 Regular City Council Meeting Minutes
3. **Resolution 2024-10-07-01** for consideration to enter into a service agreement with NEOGOV to provide new hire support from the Human Resources Department. This expense was budgeted for FY2025.
4. **Resolution 2024-10-07-02** for consideration to enter into an agreement with the Government and Economic Development Institute at Auburn University (GEDI) for employee customer training. This expense has been budgeted for FY2025.
5. **Resolution 2024-10-07-03** for consideration to enter into a service agreement with Placer Labs, Inc. (Placer. ai) to provide enhanced demographic data for the City of Pelham. Year One of the Service Agreement was budgeted for FY2025.
6. **Resolution 2024-10-07-04** for consideration to approve a contract with ETC Institute for the design and administration of a Citizen Survey. This expense has been budgeted for FY2025.

- 7. **Resolution 2024-10-07-05** for consideration to approve a lease agreement extension and a three-year lease agreement between the City of Pelham and the Alabama-Northwest Florida Section, Professional Golf Association (PGA) of America for office space located at Ballantrae Golf Club.
- 8. **Resolution 2024-10-07-06** for consideration to enter an agreement with Bluefin Payment Systems, LLC for utility billing credit card payment processing.
- 9. **Resolution 2024-10-07-07** authorizing the release of street bond money and accepting the dedication of certain public streets(s) and rights-of-way located in the Ballantrae Subdivision, Kirkwall at Ballantrae, Phase 5, (Kirkwall Lane) previously approved by the Pelham Planning Commission.
- 10. **Resolution 2024-10-07-08** for consideration to accept the lowest and most responsive bid from Taylor Corporation for the Lift Station "F" Phase 2 Upgrades and Improvements and to authorize the mayor to execute the Notice of Award. This project was budgeted for FY2025.
- 11. **Resolution 2024-10-07-09** for consideration to enter into a service agreement with Southeastern Refrigeration to provide routine and preventive maintenance on the recently commissioned Turbochiller at the Pelham Civic Complex & Ice Arena. This expense was budgeted for FY2025.
- 12. **Resolution 2024-10-07-10** for consideration to elect to participate in the Shelby County Solid Waste Management Plan pursuant to the Code of Alabama (1975), as amended.
- 13. **Resolution 2024-10-07-11** for consideration to approve an agreement with Axon Enterprise, Inc. for the purchase of four (4) in-vehicle camera systems for the Pelham Police Department's new 2024 Chevrolet Tahoes. This expense has been budgeted for FY2025.

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 Wash 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>Not Present</u>
Rick Wash, Council Member	<u>Yes</u>
Michael Harris, Jr., 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 President of the Council declared the same passed and adopted.

PUBLIC HEARING(S)

Councilmember Coram moved to recess the city council meeting to hold three public hearings for which proper notice had been given. The motion was seconded by Councilmember Harris and approved unanimously by a voice vote of those members present. The council meeting recessed at 7:03 p.m.

Council President Mercer explained the purpose of the first public hearing is to consider Resolution 2024-10-07-15, the revocation of the business license of Santuario, LLC, operating under the trade name El Santuario, located at 400 Keystone Court, Pelham, Alabama 35124, Corporate Address: 4643 U.S. Highway 280, Suite M, Birmingham, Alabama 35242.

Council President Mercer announced the public hearing was in session regarding the request to consider Resolution 2024-10-07-15.

City Attorney Josh Arnold gave an overview of proposed Resolution 2024-10-07-15 regarding the letter written and delivered to the business owner. He explained during the review of the current business license

several violations were noted and outlined in the letter. Mr. Arnold stated these violations would rise to the level of a business license revocation.

Council President Mercer stated the city council would now hear comments both for and against the adoption of Resolution 2024-10-07-15.

Speaking in favor of the proposed Resolution 2024-10-07-15:

- No one spoke in favor of Resolution 2024-10-07-15.

Speaking against the proposed Resolution 2024-10-07-15:

Attorney Krystel Reed, Reed Law Firm, P.C., 1823 3rd Ave. North, Bessemer, Alabama, 35020, representing Santuario, LLC., spoke against Resolution 2024-10-07-15, the revocation of the business license. She stated the business has always responded to concerns. Councilmember Coram asked Michael Catanese, the owner El Santuario, about the Responsible Vendor Program. He stated the business does not participate in the Responsible Vendor Program. Councilmember Wash asked Mr. Catanese to explain the nature of his business. He explained he was not aware of any violations in his business practices. Mr. Catanese stated he has been in business since 2018 with multiple locations. He stated the translation from Spanish to English, as referenced by letter, was not a correct interpretation of the advertisements.

Council President Mercer stated the public hearing to consider Resolution 2024-10-07-15 has now concluded.

Council President Mercer explained the purpose of the second public hearing is to consider Ordinance No. 135-263, to amend the zone district boundaries of the City of Pelham changing the present zoning A-1 (Agriculture District) to M-1 (Light Industrial District) for property located at 1600 Shelby County Highway 33, Pelham, Alabama 35124, containing approximately 3.72 acres (+/-) of vacant, mostly wooded property.

Applicant and Owner: Anthony M. Colbaugh, 1007 Spyglass Lane, Birmingham Alabama 35244.

Council President Mercer announced the public hearing was in session regarding the request to consider Ordinance No. 135-263.

Director of Development Services & Public Works Andre` Bittas gave an overview of proposed Ordinance No. 135-263, to rezone property from A-1 to M-1 to build an office and storage building. He stated the Planning Commission voted in favor of the rezoning request.

Council President Mercer stated the city council would now hear comments both for and against the adoption of Ordinance No. 135-263.

Speaking in favor of the proposed Ordinance No. 135-263:

- Anthony M. Colbaugh, 1007 Spyglass Lane, Birmingham Alabama 35244. Mr. Colbaugh stated he would not be storing hot tubs at this location.

Speaking against the proposed Ordinance No. 135-263:

- Marco Hernandez, 1570 Highway 33, Pelham, Alabama 35124, spoke against Ordinance No. 135-263. He stated that growth needs to enhance the city. He said the property is surrounded by residential property, is in a flood zone, and in a high traffic area. He asked the city council for their consideration to deny the rezoning request.

Mr. Bittas explained the builder will be required to provide buffer areas, and a drawing stating they were complying with the flood zones, and the overlay district. He stated these requirements require a review by the city.

Council President Mercer stated the public hearing to consider Ordinance No. 135-263 has now concluded.

Council President Mercer explained the purpose of the third public hearing is to consider Ordinance No. 135-263, to amend the zone district boundaries of the City of Pelham changing the present zoning R-1 (Residential District) to A-1 (Agriculture District) for property located at 694 Shelby County Highway 35, Pelham, Alabama 35124, containing approximately 3.78 acres (+/-) of vacant, mostly wooded property.

Applicant and Owner: Shannon G. Humphrey and Stacie T. Humphrey, 1945 Riva Ridge Road, Helena, Alabama 35080.

Council President Mercer announced the second public hearing was in session regarding the request to consider the adoption of Ordinance No. 135-264.

Director of Development Services & Public Works Andre` Bittas gave an overview of proposed Ordinance No. 135-264, to rezone from R-1 to A-1 to build a private home and a small vegetable garden. He stated the Planning Commission voted unanimously to approve the request. He said the owner is required to meet all A-1 zoning requirements.

Council President Mercer stated the city council would now hear comments both for and against the adoption of Ordinance No. 135-264.

Speaking in favor of Ordinance No. 135-264:

- Shannon G. Humphrey, 1945 Riva Ridge Road, Helena, Alabama 35080, said plans are to build a private home and a small vegetable garden. Several members of the city council spoke in favor of the rezoning.
- Johnny Busby, 1010 Highway 361, Pelham, Alabama 35124, spoke in favor of the rezoning.

Speaking against Ordinance No. 135-264:

- Jill Green, 153 Mallard Pointe Circle, Pelham, Alabama 35124, asked the city council if the applicant could have livestock. Mr. Bittas stated Mr. Humphrey could have livestock on the property based on the A-1 zoning . Mr. Humphrey stated he would not have livestock.

Council President Mercer stated the public hearing to consider Ordinance No. 135-264 has now concluded.

Council President Mercer called the October 7, 2024 City Council meeting back to order at 7:25 p.m.

MAYOR'S REPORT/COMMENTS

Mayor Waters stated the city is preparing to provide supplies to the hurricane victims in Tennessee, Georgia, and North Carolina in the next two weeks. He stated having raised \$19,000.00 in just 30 minutes last week. He said Communications and Branding Manager Ainsley Allison will be providing a list of needed supplies.

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

REPORT OF THE CITY MANAGER

City Manager Gretchen DiFante made the following comments.

- Asst. City Manager Justin Smith, Racquet Club Director Chaney Mills, Director of Parks & Recreation Brian Cooper, Ballantrae Golf Club Hal Brown, Executive Director of the Pelham Civic Complex & Ice Arena Seth Greenberg, and herself met with Dr. Chuck Ledbetter and Pelham High School Principal Kim Kiel, and Athletics Director Trey Simpson regarding the city's partnership with the Pelham Board of Education. She said the city is trying to be flexible with the teams using the city's recreational facilities. She stated it was good to reinforce the city and school district has a great working relationship.
- We have had about 26 applicants for 10 open positions in the Police Department, nine applications for the position of Deputy Police Chief, 17 qualified applicants for the communications position, and 32 applications for the revenue clerk in the Finance Department.
- Birmingham Regional Emergency Medical Services System will honor Dr. Shea Duerring and Fire Department Captain Matt Maples as Emergency Medical Technicians of the Year for Shelby County.
- Ballantrae Golf Club set a record of 44,257 for rounds of golf in a fiscal year.
- Pelham Racquet Club hosted 112 juniors for their Oktoberfest tennis tournament.

- Pelham Parks and Recreation have been busy hosting National Night Out, the Pelham High School Homecoming Parade, and Music in the Park, in the span of five days.
- The Finance Department is doing a soft closing of FY2024 books. The independent auditors are due October 21st. We are expecting a smooth and the fastest audit ever.
- Provided an idea of how busy our inspections staff truly is. Owen Watkins, Zoning Department, conducted 37 inspections last week, 16 business license checks, while being involved in several meetings to analyze and improve processes. In addition, our three building inspectors conducted an average of 18 inspections each in the same five-day period.
- Jack's Family Restaurant has scheduled their grand opening for October 16th at 10:30 a.m.

REPORT OF THE CITY ATTORNEY – None

REQUEST(S) TO ADDRESS THE COUNCIL – None

OLD BUSINESS / RESOLUTIONS / ORDINANCES / ORDERS and OTHER BUSINESS – None

NEW BUSINESS / RESOLUTIONS / ORDINANCES / ORDERS and OTHER BUSINESS

1. **Resolution 2024-10-07-12** for consideration of an ABC 040 – Retail Beer (On or Off Premises) license and an ABC 060 – Retail Table Wine (On or Off Premises) license for applicant Ooka Grill and Sushi House, Inc. located at 2005 Valleydale Road, Suites 5 and 6, Birmingham, Alabama 35244, operating under the trade name Ooka Grill and Sushi House was introduced by Council President Mercer.

Police Capt. Joey Pitts stated the applicant met all the city's requirements.

Councilmember Coram asked about the Responsible Vendor Training. The owner stated training will be completed. Capt. Pitts said the ABC application references a name change following a fire at this location.

Councilmember Coram moved to adopt Resolution 2024-10-07-12 and Councilmember Harris seconded the motion.

There being no further discussion, the motion to adopt Resolution 2024-10-07-12 passed unanimously by voice vote of those members present and the council president declared the same passed and adopted.

2. **Resolution 2024-10-07-13** 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 Fall Fair 2024 was introduced by Council President Mercer.

Police Capt. Joey Pitts stated the applicant met all the city's requirements.

Lamar Miller, 1000 Amphitheater Road, Pelham, Alabama 35124, representing Legends Music, LLC, addressed the city council. He stated all employees handling alcohol have completed Teams training.

Councilmember Coram moved to adopt Resolution 2024-10-07-13 and Councilmember Harris seconded the motion.

There being no further discussion, the motion to adopt Resolution 2024-10-07-13 passed unanimously by voice vote of those members present and the council president declared the same passed and adopted.

3. **Resolution 2024-10-07-14** for consideration to adopt a "stay" on enforcement action on short term residential rentals until February 28, 2025 or the adoption of a new zoning code was introduced by Council President Mercer.

Asst. City Manager Justin Smith gave an overview of Resolution 2024-10-07-14. He stated the resolution places a stay on any enforcement action by the city until guardrails for short term residential rentals can be established.

Councilmember Wash moved to adopt Resolution 2024-10-07-14 and Councilmember Harris seconded the motion.

Councilmember Coram stated his concerns about adopting this Resolution while other businesses are operating within the law in Pelham. He stated he would be voting no. Council President Mercer and Councilmember Wash spoke in favor of adopting a stay on the enforcement of those business in violation.

There being no further discussion, the motion to adopt Resolution 2024-10-07-14 passed by voice vote of 3-1 of those members present with Councilmember Coram dissenting. The council president declared the same passed and adopted.

- 4. **Resolution 2024-10-07-15** for consideration to revoke the business license of Santuario, LLC, operating under the trade name El Santuario, located at 400 Keystone Court, Pelham, Alabama 35124, Corporate Address: 4643 U.S. Highway 280, Suite M, Birmingham, Alabama 35242.

Resolution 2024-10-07-15 was introduced by Council President Mercer.

Councilmember Coram moved to adopt Resolution 2024-10-07-15 and Councilmember Wash seconded the motion.

There being no further discussion, the motion to adopt Resolution 2024-10-07-15 passed unanimously by voice vote of those members present and the council president declared the same passed and adopted.

- 5. **Ordinance No. 135-263** an amend the zone district boundaries of the City of Pelham changing the present zoning A-1 (Agriculture District) to M-1 (Light Industrial District) for property located at 1600 Shelby County Highway 33, Pelham, Alabama 35124, containing approximately 3.72 acres (+/-) of vacant, mostly wooded property.
Applicant and Owner: Anthony M. Colbaugh, 1007 Spyglass Lane, Birmingham Alabama 35244.

Ordinance No. 135-263 was introduced and read in its entirety by Council President Mercer as a First Reading.

He stated a complete text of Ordinance No. 135-263 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.

- 6. **Ordinance No. 135-264** to amend the zone district boundaries of the City of Pelham changing the present zoning R-1 (Residential District to A-1 (Agriculture District) for property located at 694 Shelby County Highway 35, Pelham, Alabama 35124, containing approximately 3.78 acres (+/-) of vacant, mostly wooded property.

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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.

Buffy Murphy, 134 Chase Creek Circle, Pelham, Alabama 35124, stated she is a supporter of Pelham civic activities. She addressed her concerns regarding traffic issues in Pelham. She asked the city council to consider infrastructure improvements prior to approving any future growth. She said there are residents in Pelham who would like help but are discouraged in doing so. She asked the city council to look to the future and form solutions before moving forward.

CITY COUNCIL COMMENTS

Councilmember Coram acknowledged all the first responders participating in National Night Out. He stated getting involved in the city is important and thanked those who speak out, whether negative or positive.

Councilmember Wash thanked those present for attending tonight’s council meeting. He said the city council enjoys hearing feedback from the residents. He spoke highly of the attendance at National Night Out. He said it was a great family event. Councilmember Wash said he was fortunate to attend the annual Pelham High School Homecoming Parade, along with Council President Mercer and Councilmember Leverett. He said there is a lot of pride in Pelham.

Councilmember Harris noted the pending retirement of City Clerk/Treasurer Tom Seale. He thanked Mr. Seale for his dedicated service to the city.

Council President Mercer encouraged residents to speak to the city council regarding their concerns. He said the city has several board vacancies and encouraged those to apply. He said National Night Out was a tremendous success. He noted having attended the Music in the Park yesterday at Pelham City Park. He said it was a wonderful experience and noted the next Music in the Park is this weekend.

PUBLIC ANNOUNCEMENTS – None

ADJOURNMENT

With no other business before the city council, Councilmember Coram moved to adjourn the council meeting and Councilmember Harris seconded the motion. By voice vote the motion passed unanimously by those members present and the meeting was adjourned at 8:13 p.m.

Respectfully submitted this 7th day of October 2024.



Tom Seale, MMC, City Clerk/Treasurer



Maurice Mercer, President of the Council

