



CITY COUNCIL WORK SESSION MINUTES

Pelham City Hall
Council Conference Room
October 7, 2024 – 4:00 p.m.

Proper notice of the regularly scheduled work session of the Pelham City Council was given in advance of such public meeting and the notice remained posted throughout the scheduled meeting.

Members of the Pelham City Council met on Monday, October 7, 2024 at 4:00 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 4:00 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 Michael Harris, Jr.
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 September 16, 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 under Section 36-25A-7(1)(a), Code of Alabama 1975, as amended and 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) and Section 36-25A-7(3)(a), Code of Alabama 1975, as amended.

A motion was made by Councilmember Coram to enter 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	<u>Yes</u>
David Coram, Council Member	<u>Yes</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, Assistant City Manager Justin Smith, Director of Human Resources Tracy Hill, 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 45 minutes. The city council went into Executive Session at 4:04 p.m.

Finance Director Jamie Wagner attended the second part of the Executive Session.

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 5:08 p.m.

Council President Mercer called the work session back to order at 5:10 p.m.

Old Business

1. Update – Zoning Ordinance Progress – KPS Group, Inc.

Director of Development Services & Public Works Andre` Bittas, introduced Jason Fondren, with KPS Group, Inc. Mr. Bittas explained the process currently underway with the city's Zoning Advisory Committee. Mr. Fondren stated the committee is working through the ordinance to update, organize, and make it user friendly for everyone. He said they are focused on identifying conflicts with various portions of the ordinance and assuring compliance with federal and state regulations. He further stated they are about halfway through the revisions. He said he anticipates finishing the review over the next several months. Mr. Fondren said a framework will be

developed to encompass all the city's zoning and building regulations. He explained once the final draft is completed the Planning Commission and City Council will have an opportunity to review the document which will include a public hearing. He stated recommendations will be made to address areas of zoning which do not meet the current zoning requirements in a particular zoning district. He said mixed use and the corridor overlay districts will be reviewed. Mr. Fondren asked the city council to review the information and provide input for the work currently underway. Several of the councilmembers spoke positively about the ongoing zoning ordinance update.

2. Presentation and Conclusions – Cushman & Wakefield of Georgia, LLC (Hotel Study)

Director of Economic Development Michael Simon reviewed the Cushman & Wakefield of Georgia, LLC hotel study. He updated the city council on the three sites in Pelham under consideration for a hotel, The Canopy, Barber, and Oak Mountain Trail. He stated the report cost was \$9,000, \$7,000 which was paid through a grant. Mr. Simon said the Oak Mountain Trail site scored the highest of the three under consideration.

Councilmember Leverett left the work session at 5:37 p.m.

3. Review – Economic Development-Projects-Investments in FY2024

A motion was made by Councilmember Coram to remove the Economic Development-Projects-Investments in FY2024 from the work session agenda. The motion was seconded by Councilmember Harris.

There being no further discussion, the motion to remove the item from the October 7, 2024 work session passed unanimously by voice vote of those members present and the council president declared the same passed.

4. Review – Ordinance No. 267-04 – Compensation of the Mayor and Councilmembers

Council President Mercer led the discussion regarding the compensation of the mayor and councilmembers which would become effective on November 3, 2025, as a part of the FY2026 budget.

It was the consensus of the city council to establish the annual compensation for the mayor, council president, and councilmembers as follows:

Mayor: \$75,000.00

Council President: \$13,000.00

Councilmembers: \$11,500.00

The city council asked the City Clerk/Treasurer to prepare a compensation ordinance for consideration at the October 21, 2024 city council meeting. It was noted the elected officials will be entitled to receive the same benefits and cost-of-living adjustments as full-time employees. Further, the ordinance will be effective when the new mayor and city council assume office on November 3, 2025.

5. Discussion – Short-Term Residential Rentals

City Manager DiFante stated the city is currently reviewing the zoning ordinance which does not allow short-term residential rentals. She further stated there are several short-term residential rentals operating in Pelham. She said the law allows the city to place a "stay" on compliance enforcement.

Asst. City Manager Justin Smith led the discussion regarding short-term residential rentals. He stated having prepared a resolution establishing a "stay" on enforcement action for city council consideration. He said the stay is for a certain date, unless zoning regulations are adopted prior to that date. Asst. City Manager Smith said enforcement action can still be brought against the rentals by the neighborhood HOA or the city as a nuisance violation, if necessary. Chief Magistrate Jennifer Bridwell stated two complaints have been received by the city

about short-term residential rentals. City Manager DiFante stated she did not know if the city wanted this law. Discussion followed among the members of the city council and city staff.

New Business

1. Discussion – Set Date and Time for Municipal Board Interviews

Council President Mercer led the discussion to set a date and time for city council interviews for several municipal board positions. It was the consensus of the city council to set November 4, 2024 at 4:00 p.m. to hold interviews. The city clerk/treasurer was asked to contact each applicant.

2. Discussion – City's Noise Ordinance and Set Date for a Public Hearing

City Manager DiFante introduced the need for a review of the city's noise ordinance. Assistant City Manager Justin Smith and Capt. Joey Pitts reviewed proposed revisions to the city's noise ordinance.

It was the consensus of the city council to call for a public hearing on October 21, 2024 at 7:00 p.m. in the Council Chambers to receive comments regarding revisions to the city's noise ordinance.

3. Review – Ballantrae Golf Club/PGA Lease Agreement

Ballantrae Golf Club General Manager Hal Brown reviewed the proposed lease extension and three-year agreement with the Professional Golf Association (PGA). He explained the new lease agreement of \$1,600.00/month and utility reimbursement amount of \$400.00/month. Mr. Brown stated the city currently receives \$1.00/month as lease payment and \$200.00 per month for utility reimbursement.

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

4. Discussion – Public Announcements

A motion was made by Councilmember Wash to remove discussion regarding public announcements from the work session agenda. The motion was seconded by Councilmember Harris.

There being no further discussion, the motion to remove the item from the October 7, 2024 work session passed unanimously by voice vote of those members present and the council president declared the same passed.

5. Discussion – City Clerk/Treasurer Appointment

City Manager DiFante reviewed the process of posting the position of City Clerk/Treasurer. She noted along with the police chief and fire chief, the city clerk/treasurer position is a city council appointment. She stated the normal process is to post the position, evaluate the applications and resumes, and convene a panel review of the applicants, which would include an outside city clerk. City Manager DiFante said the process is like that used during the hiring of the police chief. She stated the mayor was a part of the final review. Human Resources Director Tracy Hill suggested adhering to the city's current practices to ensure the applicants meet all the required qualifications. Further discussion followed with the city council on how they wished the hiring process to continue. The city council indicated they would like to interview the top two or three candidates.

Review of October 7, 2024 City Council Agenda

Council President Mercer reviewed the October 7, 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 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 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.

Human Resources Director Tracy Hill stated Human Resources has been using Munis software. She said the current software does not meet their needs for recruitment and hiring as would NEOGOV. She asked the city council to adopt Resolution 2024-10-07-01 approving the service agreement with NEOGOV.

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.

Human Resources Director Tracy Hill stated the expense has been approved in FY2025 for customer service training. She requested approval of the Resolution.

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.

Communications Manager Ainsley Allison said the expense has been approved in the FY2025 budget. She requested adopt Resolution 2024-10-07-03.

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.

City Manager DiFante stated the Citizens Survey is the same type which was conducted in 2022.

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.

There were no questions or comments from the city council.

8. **Resolution 2024-10-07-06** for consideration to enter an agreement with Bluefin Payment Systems, LLC for utility billing credit card payment processing.

Director of Development Services & Public Works Andre` Bittas stated the agreement is for utility billing credit card processing. He requested the city council approve Resolution 2024-10-07-06.

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.

City Engineer Mike Eddington stated Kirkwall at Ballantrae, Phase 5, has nine lots. He further stated the developer has met all the city's requirements and he recommends approval of Resolution 2024-10-07-07.

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.

Director of Development Services & Public Works Andre` Bittas stated the expense was approved in the FY2025 budget.

There were no questions or comments from the city council.

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.

Director of Development Services & Public Works Andre` Bittas stated the service agreement is to provide routine and preventive maintenance on the new TurboChiller at the Pelham Civic Complex & Ice Arena. He requested the city council give consideration and approve Resolution 2024-10-07-09.

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.

Director of Development Services & Public Works Andre` Bittas stated the Alabama Department of Environmental Management (ADEM) requires an update every 10 years to the city's solid waste management plan. He stated the city is once again partnering with Shelby County as a part of their Solid Waste Management Plan. He requested approval of Resolution 2024-10-07-10

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.

Police Capt. Joey Pitts explained this is an agreement with Axon Enterprise, Inc., for in-car camera systems. He stated the expense was budgeted in FY2025.

F. Public Hearing(s)

1. To consider revoking 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.
2. To consider **Ordinance No. 135-263** an amendment to 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.

3. To consider **Ordinance No. 135-264** an amendment to 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.

G. Mayor's Report/Comments – None

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

I. Report by the City Manager

J. Report by the City Attorney – None

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

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

M. 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.

Police Captain Joey Pitts stated the applicant meets the city's requirements for the license transfer and name change.

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.

Police Captain Joey Pitts stated the applicant meets the city's requirements.

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.

There were no questions or comments from the city council.

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.

There were no questions or comments from the city council.

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. **First Reading.**

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

There were no questions or comments from the city council.

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. **First Reading.**

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

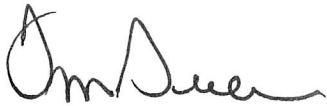
There were no questions or comments from the city council.

(End of the October 7, 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 6:45 p.m.

Respectfully submitted this 7th day of October 2024.



Tom Seale, MMC, City Clerk/Treasurer



Maurice Mercer, President of the Council

