



# CITY COUNCIL MEETING MINUTES

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Pelham City Hall  
City Council Chambers  
October 21, 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 21, 2024  
**Time:** 7:00 p.m.  
**Place:** Pelham City Hall – City Council Chambers  
**Present:** President of the Council Maurice Mercer  
Councilmember David Coram  
Councilmember Chad Leverett  
Councilmember Rick Wash  
Councilmember Michael Harris, Jr.  
Mayor Gary Waters

## CALL TO ORDER, INVOCATION AND PLEDGE OF ALLEGIANCE

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

## 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 21, 2024 City Council Agenda
2. Approval of the October 7, 2024 Regular City Council Meeting Minutes
3. **Resolution 2024-10-21-01** for consideration to enter an Interstate 65 (Exits 242 and 246) right-of-way maintenance agreement with the Alabama Department of Transportation (ALDOT).
4. **Resolution 2024-10-21-02** for consideration to enter an installation, maintenance, and/or landscaping agreement with the Alabama Department of Transportation (ALDOT) for a proposed gateway sign at U.S. Highway 31 Alabama Highway 261. This expense was budgeted for FY2025.
5. **Resolution 2024-10-21-03** for consideration to enter an agreement with Shelby County Parks and Recreation Authority (SCPRA) to perform clearing and grading for Phase IV of the Greenway Trails Project from Campus No. 124 to The Canopy. This project was budgeted for FY2025.
6. **Resolution 2024-10-21-04** for consideration to approve to a master contract with Alabama Power Company for public safety services. This expense was budgeted for FY2025.

7. **Resolution 2024-10-21-05** for consideration to approve a FY2025 recruitment compensation incentive for the Pelham Police Department. This expense was 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](http://www.pelhamalabama.gov).

Councilmember Coram made a motion to adopt the Consent Agenda as presented by Council President Mercer. Councilmember Leverett 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>Yes</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 Leverett and approved unanimously by a voice vote of those members present. The council meeting recessed at 7:02 p.m.

Council President Mercer explained the purpose of the first public hearing is to consider Resolution 2024-10-21-06, the revocation of the business license of Lil Bits LLC, operating under the trade name Lil Bits Tavern, 3221 Highway 52 West, Suites A & B, Pelham, Alabama 35124.

Council President Mercer announced the public hearing was in session regarding the request to consider Resolution 2024-10-21-06.

City Attorney Josh Arnold gave an overview of proposed Resolution 2024-10-21-06 regarding the letter written and delivered to the business owner. He explained during the review of the current business license violations were noted and outlined in the letter. Mr. Arnold stated the 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 2024-10-21-06.

Speaking in favor of the proposed revocation Resolution 2024-10-21-06:

- No one spoke in favor of Resolution 2024-10-21-06.

Speaking against the proposed revocation Resolution 2024-10-21-06:

- Ray Foushee, 400 Cambrian Ridge Trail, Pelham, Alabama 35124, attorney, representing Lil Bits, LLC.
- Angel Davis, 1156 Yeager Parkway, Pelham, Alabama 35124
- Crystal Jenkins, 317 Waterford Cove Trail, Calera, Alabama 35040
- Lyn Aaron, 713 Sherwood Forest Circle, Birmingham, Alabama 35235
- Teresa Brasher, no address provided
- Stephen Lucas, 235 County Road 108, Montevallo, Alabama 35115
- Aaron Wilkes, 102 Stone Road, Pelham, Alabama 35124
- Jessica Italiano, 1132 9th Avenue, SW, no city provided

Council President Mercer stated the public hearing to consider Resolution 2024-10-21-06 has now concluded.

Council President Mercer explained the purpose of the second public hearing is to consider Resolution 2024-10-21-07, the revocation of the business license of M & K Enterprises, LLC, operating under the trade name Pub 261, located at 9440 Helena Road, Suites B & C, Birmingham, Alabama 35244.

Council President Mercer announced the public hearing was in session regarding the request to consider Resolution 2024-10-21-07.

City Attorney Josh Arnold gave an overview of proposed Resolution 2024-10-21-07 regarding the letter written and delivered to the business owner. He explained during the review of the current business license violations were noted and outlined in the letter. Mr. Arnold stated the 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 2024-10-21-07.

Speaking in favor of the proposed revocation Resolution 2024-10-21-07:

- No one spoke in favor of revocation Resolution 2024-10-21-07.

Speaking against the proposed Resolution 2024-10-21-07:

- Michael Wallace, Post Office Box 177, Helena, Alabama 35080, attorney, representing M&K Enterprises, Inc.
- Teresa Harvill, 19664 Highway 5, West Blocton, Alabama 35184
- Trace McKee, 2071 Royal Fern Lane, Birmingham, Alabama 35244
- Stephanie Samduio, 113 Fallow Circle, Chelsea, Alabama 35043
- Chris Guglielmelli, 1800 Indian Hills Road, Pelham, Alabama 35124
- Clinton Bearden, 18 Brookhollow Drive, Pelham, Alabama 35124
- Pamela Lacey, 1241 Berwick Road, Birmingham, Alabama 35242
- Breanna Bentley, 4648 Summit Cove, Birmingham, Alabama 35226
- Angel Davis, 1156 Yeager Parkway, Pelham, Alabama 35124
- Ana Cook, 41 Chatham Court, Pelham, Alabama 35124
- Keith Wilkins, no address provided.
- Etta Oliver, 180 Stratford Circle, Pelham, Alabama 35124
- Keyvan Soleymani, 9340 Helena Road, Suite B & C, Birmingham, Alabama 35124
- Donna Gardner, 180 Stratford Circle, Pelham, Alabama 35124

Council President Mercer stated the public hearing to consider Resolution 2024-10-21-07 has now concluded.

Council President Mercer explained the purpose of the third public hearing is to consider Ordinance No. 270-02 amending Chapter 11, Article IV (Noise Ordinance) of the Code of Ordinances of the City of Pelham.

Council President Mercer announced the public hearing was in session regarding the request to consider Ordinance No. 270-02.

Council President Mercer stated the city council would now hear comments both for and against the adoption of Ordinance No. 270-02

Police Chief Brent Sugg and Asst. City Manager Justin Smith provided an overview of the recommended revisions to the Noise Ordinance. It was stated the times have been changed from midnight – 9:00 a.m. to 10:00 p.m. until 7:00 a.m. to provide clarity. They noted the times regarding maintenance at Ballantrae Golf Club and Public Works activities. Chief Sugg stated the noise complaints originated from the public in residential areas. Chief Sugg further stated most noise violations are addressed by the police department with in-person visits. He said the public wanted the police to address the noise violations much earlier

than midnight but were unable to do so because of the Ordinance. Chief Sugg said the revised ordinance is good and is fully supported by the police.

Speaking in favor of the proposed Ordinance No. 270-02:

City Manager DiFante thanked the public for their input and city staff for moving forward with the recommendations.

Speaking against the proposed Ordinance No. 270-02:

- Chris Guglielmelli, 1800 Indian Hills Road, Pelham, Alabama 35124

Council President Mercer stated the public hearing to consider Ordinance No. 270-02 has now concluded.

Council President Mercer called the October 21, 2024 City Council meeting back to order at 7:52 p.m.

MAYOR'S REPORT/COMMENTS

Mayor Waters and Director of Economic Development Michael Simon announced the City of Pelham and Southeastern Construction Partners, LLC were the recipient of the 2024 International Economic Development Council's Excellence in Economic Development Bronze Award regarding the renovations of Old Fire Station No. 3, located at 1297 Highway 52E, Pelham, Alabama 35124.

Mr. Simon noted after receiving multiple offers and several months of review, the City Council selected the purchase offer of \$525,000.00 from Southeastern Construction Partners (SECP), LLC. They took ownership of the property on September 14, 2023. He stated SECP is a family-owned construction company headquartered in Pelham for the past 15 years. He stated they brought their extensive knowledge in renovation work to transform the building from a fire station to a commercial business headquarters. Mr. Simon said SECP has taken great pride in converting the fire station into its headquarters, as shown by the quality of the interior renovation and subtle but impactful changes in the appearance of the building. Mr. Simon further stated in selecting the offer submitted by SECP, the City was able to retain an established business and help the company grow as property owners rather than continue as renters. He said SECP invested approximately \$385,000.00 into the building renovations, which generated \$15,400.00 in sales tax revenue and \$9,800.00 in annual property taxes for the city. Another significant impact of the Project was the increase in SECP's workforce from five to 14 employees.

"This award highlights the City of Pelham's commitment to its community and demonstrates the transformative impact of economic development," said Nathan Ole, IEDC President and CEO, "It is with great pride that IEDC presents this award to the City of Pelham, celebrating their leadership and innovation in the field of economic development."

Southeastern Construction Partners, LLC owners Gary Lantrip and Gunnar Lantrip were present.

Gary Lantrip addressed the city council and thanked the city for their efforts in repurposing old Fire Station No. 3.

PROCLAMATION(S) AND RESOLUTION(S) BY THE MAYOR AND OTHERS

Mayor Waters proclaimed November 2024 as National Hospice and Palliative Care Month in Pelham, Alabama.

REPORT OF THE CITY MANAGER

City Manager Gretchen DiFante made the following comments.

- Falloween at Pelham City Park had great crowds and great weather. She thanked the city staff for making Falloween an enjoyable, family fun event.
- Stated the city is updating the Pelham Homeowners Association (HOA) contact information. She and Mayor Waters will be scheduling meetings with the HOAs in November.

REPORT OF THE CITY ATTORNEY

City Attorney Josh Arnold addressed the city council. He stated the Pelham City Council has no authority whether to authorize or not authorize Bingo in the city. He said the Alabama Legislature is solely

responsible for addressing Bingo. He further stated a statewide constitutional amendment would be required to allow Bingo in Shelby County and would further require a vote by city council to authorize.

REQUEST(S) TO ADDRESS THE COUNCIL

Janae Pinson, Community Resource Coordinator, Shelby County Compact, addressed the city council. Det. Adam Schniper, Pelham Police Department, and Det. Tommy Stewart, Alabaster Police Department, provided an overview of the activities and responsibilities of Shelby County Compact.

Pelham Police Chief Brent Sugg presented Det. Adam Schniper with the Compact Meritorious Service Award for his contributions to Shelby County.

OLD BUSINESS / RESOLUTIONS / ORDINANCES / ORDERS and OTHER BUSINESS

- 1. **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 was introduced by Council President Mercer. The First Reading was on October 7, 2024.

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

Councilmember Wash moved to adopt Ordinance No. 135-263 as presented and Councilmember Coram seconded the motion. There being no further discussion, Council President Mercer asked the city clerk/treasurer for a roll call vote to adopt Ordinance No. 135-263.

The roll call vote 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> |

There being no further discussion, the motion to adopt Ordinance No. 135-263 passed unanimously by roll call vote of those members present and the President of the Council declared the same passed and adopted.

- 2. **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 was introduced by Council President Mercer. The First Reading was on October 7, 2024.

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

It was noted, as a part of the rezoning request, Mr. Humphrey has agreed there will be no livestock on the property.

Councilmember Coram moved to adopt Ordinance No. 135-264 as presented and Councilmember Harris seconded the motion. There being no further discussion, Council President Mercer asked the city clerk/treasurer for a roll call vote to adopt Ordinance No. 135-264.

The roll call vote 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 Yes

Michael Harris, Jr., Council Member Yes

There being no further discussion, the motion to adopt Ordinance No. 135-264 passed unanimously by roll call vote of those members present and the President of the Council declared the same passed and adopted.

#### NEW BUSINESS / RESOLUTIONS / ORDINANCES / ORDERS and OTHER BUSINESS

1. **Resolution 2024-10-21-06** for consideration to revoke the business license of Lil Bits LLC, operating under the trade name Lil Bits Tavern, 3221 Highway 52 West, Suites A & B, Pelham, Alabama 35124.

Councilmember Coram moved to not revoke the business license of Lil Bits LLC, operating under the trade name Lil Bits Tavern, and adopt Resolution 2024-10-21-06. Councilmember Wash seconded the motion.

There being no further discussion, the motion to adopt Resolution 2024-10-21-06 passed unanimously by voice vote of those members present and the President of the Council declared the same passed and adopted.

2. **Resolution 2024-10-21-07** for consideration to revoke the business license of M & K Enterprises, LLC, operating under the trade name Pub 261, located at 9440 Helena Road, Suites B & C, Birmingham, Alabama 35244.

Councilmember Wash moved to not revoke the business license of M & K Enterprises, LLC, operating under the trade name Pub 261, and adopt Resolution 2024-10-21-07. Councilmember Leverett seconded the motion.

There being no further discussion, the motion to adopt Resolution 2024-10-21-07 passed unanimously by voice vote of those members present and the President of the Council declared the same passed and adopted.

3. **Ordinance No. 267-05** for consideration to establish the compensation of the Mayor and Councilmembers of the City of Pelham effective November 3, 2025. First Reading.

Ordinance No. 267-05 was introduced and read in its entirety by Council President Mercer as a First Reading.

He stated a complete text of Ordinance No. 267-05 is available at Pelham City Hall and online at [www.pelhamalabama.gov](http://www.pelhamalabama.gov).

Council President Mercer announced this Ordinance will likely be considered by the city council at a future city council meeting.

4. **Ordinance No. 270-02** for consideration to amend Chapter 11, Article IV (Noise Ordinance) of the Code of Ordinances of the City of Pelham. First Reading.

Ordinance No. 270-02 was introduced, and a summary read by Council President Mercer as a First Reading.

He stated a complete text of Ordinance No. 270-02 is available at Pelham City Hall and online at [www.pelhamalabama.gov](http://www.pelhamalabama.gov).

Council President Mercer announced this Ordinance will likely be considered by the city council at a future city council meeting.

#### 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.*

- Aaron Wilkes, 102 Stone Road, Pelham, Alabama 35124, addressed the city council and thanked them for allowing the two businesses to remain open.

## CITY COUNCIL COMMENTS

Councilmember Coram thanked those in attendance tonight for sharing their comments. He said he was thankful for the Pelham businesses. He encouraged all citizens to use the Pelham 311 app.

Council President Mercer said the Falloween event at Pelham City Park was a huge success, with a great and wonderful crowd.

Mayor Waters thanked Lil Bits Tavern and said they are a great bar. He noted Councilmember Wash was the first officer to bring the DARE program to Pelham.

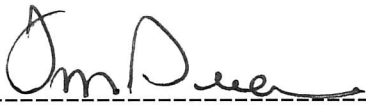
## PUBLIC ANNOUNCEMENTS

1. A public hearing will be held on Monday, November 4, 2024 at 7:00 p.m. in the Council Chambers at Pelham City Hall to consider **Ordinance No. 135-265** an amendment to the zone district boundaries of the City of Pelham changing the present zoning B-2 (General Business District) to MXD-N (Mixed Use-Neighborhood District) for property located along Shelby County Highway 11, Pelham, Alabama 35124, containing approximately 167 acres (+/-) of vacant, mostly wooded property.
2. A public hearing will be held on Monday, November 4, 2024 at 7:00 p.m. in the Council Chambers at Pelham City Hall to consider the revocation of the business license of The Beer Hog, LLC, 2408 Pelham Parkway, Suite 205, Pelham, Alabama 35124, operating under the trade name The Beer Hog.
3. A public hearing will be held on Monday, November 4, 2024 at 7:00 p.m. in the Council Chambers at Pelham City Hall to consider the revocation of the business license of Blues Bourbon & Brews, LLC, 9340 Helena Road, Suites H & I, Birmingham, Alabama 35244, operating under the trade name Blues Bourbon & Brews.

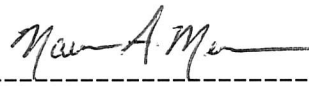
## ADJOURNMENT

With no other business before the city council, Councilmember Coram moved to adjourn the council meeting and Councilmember Leverett seconded the motion. By voice vote the motion passed unanimously by those members present and the meeting was adjourned at 8:35 p.m.

Respectfully submitted this 21st day of October 2024.



Tom Seale, MMC, City Clerk/Treasurer



Maurice Mercer, President of the Council

