



CITY COUNCIL MEETING MINUTES

Pelham City Hall
City Council Chambers
November 4, 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: November 4, 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 Coram 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 were present.

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 November 4, 2024 City Council Agenda
2. Approval of the October 21, 2024 Regular City Council Meeting Minutes
3. **Resolution 2024-11-04-01** for consideration to approve an agreement with the Alabama Department of Transportation (ALDOT) to maintain the traffic signals at the intersection of Alabama Highway 119 and Valley Station Road/Woodard Drive. This expense was budgeted for FY2025.
4. **Resolution 2024-11-04-02** for consideration to approve the non-profit funding requests for FY2025. 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.

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.

RECOGNITION OF RETIREE

Finance Director Jamie Wagner recognized Cathy Sweeney for her 24 years of dedicated service to the City of Pelham.

REPORT OF THE CITY MANAGER

City Manager DiFante stated she, along with Asst. City Manager Justin Smith, Director of Development Services & Public Works Andre` Bittas, and Director of Economic Development met with Shelby County officials, including Chad Scoggins, County Manager, David Willingham, County Engineer, and representatives from Skipper Consulting, regarding a traffic signal warrant study at the intersection of Shelby County Highway 11 and Grey Oaks Parkway. She stated the study revealed a traffic signal was not warranted at this time.

Scott Holliday, Shelby County Deputy Engineer, and Scott Skipper, Vice President, Skipper Consulting, were in attendance. Mr. Skipper reviewed the traffic signal warrant study with the city council. He explained the requirements to qualify for a traffic signal. He further explained the traffic count qualified for a six-hour warrant, and a four-hour warrant, but not the desired eight-hour warrant. Mr. Skipper stated their recommendation would be for the traffic signal to operate 24/7, anything less could cause traffic problems and create a dangerous situation. Members of the city council questioned Mr. Skipper regarding the traffic study. Mr. Skipper estimated an increase of 5% would be needed to qualify for the eight-hour warrant, which is required to justify the installation of the traffic signals. Mr. Holliday confirmed the results of the traffic signal warrant study reviewed by Mr. Skipper. Members of the city council questioned Mr. Holliday regarding the traffic study. City Manager DiFante further explained having explored several options with the Shelby County officials. She recommended the city set aside funding in the FY2026 budget and perform another traffic signal warrant study in September 2025.

PUBLIC HEARING(S)

Councilmember Coram moved to recess the city council meeting to hold three public hearings for which proper notices 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 7:37 p.m.

Council President Mercer announced the first public hearing was in session for the purpose 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.

Director of Development Services & Public Works Andre` Bittas provided an overview of Ordinance 135-265 regarding the number of housing units and the retail area. He stated the Planning Commission has previously conducted a public hearing regarding the request. He further stated the Planning Commission voted 3-1-1 in favor of the rezoning on October 10, 2024. Mr. Bittas said the city staff recommends approval of the rezoning request.

Applicant: Chloe Kelly, 68 Ventures (68V Pay Dirt, LLC) 26051 Predazzer Lane, Suite A, Daphne, Alabama 36526

Council President Mercer stated the city council would now hear comments both for and against the adoption of Ordinance No. 135-265.

Speaking in favor of the proposed Ordinance No. 135-265:

- Price Hightower, Tower Homes, Inc., spoke in favor of the rezoning request. Mr. Hightower introduced staff members and partners in the development plan. He stated the advantages of having a mixed-use community and development including pocket parks, walking trails, retail businesses, home ownership and rentals. Mr. Hightower said they have brought 68 Ventures in as a partner in the project. Members of the city council questioned Mr. Hightower regarding the development.
- Chloe Kelly, 68 Ventures (68V Pay Dirt, LLC) 26051 Predazzer Lane, Suite A, Daphne, Alabama 36526, site developer for the project, spoke in favor of the rezoning request. Ms. Kelly explained the proposed traffic improvements for the development. Members of the city council questioned Ms. Kelly regarding the development.

Speaking against the proposed Ordinance No. 135-265:

- Laura Kutcher, 257 Grey Oaks Court, Pelham, Alabama, spoke against the proposed rezoning request due to traffic and safety concerns.
- Wade Belcher, 149 Grey Oaks Court, Pelham, Alabama 35124, spoke against the proposed rezoning request due to the quality of homes constructed by potential builder, D.R. Horton. He further stated increased traffic and safety issues were a concern.
- Donna Taylor, 204 Woodridge Drive, Pelham, Alabama 35124, spoke against the proposed rezoning request due to traffic and safety concerns.
- Eden Roy, 156 Grey Oaks Court, Pelham, Alabama 35124, spoke against the proposed rezoning request due to traffic and safety concerns. She asked what can be done to qualify for a traffic light.

Mr. Hightower addressed a few of the traffic concerns expressed by the residents of Grey Oaks and Woodridge subdivisions. He said he took exception to the comments concerning a subdivision (Grey Oaks) he did not develop and a road (Grey Oaks Parkway) he did not build. He stated it would be approximately 18-24 months before construction would begin in the proposed development.

Ms. Kelly said she anticipated homes would be occupied during the third or fourth quarter of 2026. She concurred with the comments of Mr. Hightower regarding an increase in traffic which would run concurrently with home construction. She further stated her company could not disqualify a home builder from buying lots in the proposed development.

- Wade Belcher, 149 Grey Oaks Court, Pelham, Alabama 35124, spoke again and asked about having an exclusive builder in the proposed development.

Ms. Kelly said they do not have a formal agreement on the remaining lots not purchased by Tower Homes, Inc. She said excluding a particular builder would be discriminatory and likely result in legal action.

Council President Mercer stated the public hearing to consider Ordinance No. 135-265 has now concluded.

Council President Mercer explained the purpose of the second public hearing is to consider Resolution 2024-11-04-03, 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.

Council President Mercer announced the public hearing was in session regarding the request to consider Resolution 2024-11-04-03.

City Attorney Josh Arnold gave an overview of proposed Resolution 2024-11-04-03 regarding the letter written and delivered to the business owner. He explained cash Bingo is illegal in Shelby County and Pelham. He stated when notified the business immediately ceased hosting Bingo.

Council President Mercer stated the city council would now hear comments both for and against the adoption of Resolution 2024-11-04-03.

Chris Lawrence, owner of The Beer Hog, LLC, 2408 Pelham Parkway, Suite 205, Pelham, Alabama 35124, operating under the trade name The Beer Hog, addressed the city council. He stated The Beer Hog immediately stopped hosting cash Bingo games when notified by the city the activity was illegal in Shelby County and Pelham.

Speaking in favor of the proposed revocation Resolution 2024-11-04-03:

- No one spoke in favor of revocation Resolution 2024-11-04-03.

Speaking against the proposed revocation Resolution 2024-11-04-03:

- No one spoke in against of revocation Resolution 2024-11-04-03.

Council President Mercer stated the public hearing to consider Resolution 2024-11-04-03 has now concluded.

Council President Mercer explained the purpose of the third public hearing is to consider Resolution 2024-11-04-04, 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.

Council President Mercer announced the public hearing was in session regarding the request to consider Resolution 2024-11-04-04.

City Attorney Josh Arnold gave an overview of proposed Resolution 2024-11-04-04 regarding the letter written and delivered to the business owner. He explained cash BINGO is illegal in Shelby County and Pelham. He stated when notified the business immediately ceased hosting Bingo.

Steve Pennington, owner of Blues Bourbon & Brews, LLC, 9340 Helena Road, Suites H & I, Birmingham, Alabama 35244, operating under the trade name Blues Bourbon & Brews, addressed the city council. He stated Blues Bourbon & Brews immediately stopped hosting cash Bingo games when notified by the city the activity was illegal in Shelby County and Pelham.

Council President Mercer stated the city council would now hear comments both for and against the adoption of Resolution 2024-11-04-04.

Speaking in favor of the proposed revocation Resolution 2024-11-04-04:

- No one spoke in favor of revocation Resolution 2024-11-04-04.

Speaking against the proposed revocation Resolution 2024-11-04-04:

- No one spoke against revocation Resolution 2024-11-04-04

Council President Mercer stated the public hearing to consider Resolution 2024-11-04-04 has now concluded.

Council President Mercer called the November 4, 2024 City Council meeting back to order at 8:30 p.m.

MAYOR'S REPORT/COMMENTS

Mayor Waters announced David Russell has resigned from the Planning Commission. He stated having appointed Tim German to the vacancy effective October 28, 2024.

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

REPORT OF THE CITY ATTORNEY - None

REQUEST(S) TO ADDRESS THE COUNCIL - None

OLD BUSINESS / RESOLUTIONS / ORDINANCES / ORDERS and OTHER BUSINESS

1. **Ordinance No. 267-05** for consideration to establish the compensation of the Mayor and Councilmembers of the City of Pelham effective November 3, 2025. The First Reading was on October 21, 2024.

Councilmember Leverett moved to adopt Ordinance No. 267-05 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. 267-05.

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. 267-05 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. **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 Co. Highway 11, Pelham, AL 35124, containing approximately 167.72 acres (+/-) of vacant, mostly wooded property. First Reading.

Applicant: Chloe Kelly, 68 Ventures (68V Pay Dirt, LLC) 26051 Predazzer Lane, Suite A, Daphne, Alabama 36526

Owner: Double Mountain, LLC, 2924 Crescent Avenue, Birmingham, Alabama 35209

Ordinance No. 135-265 was introduced and read in its entirety by Council President Mercer as a First Reading.

He stated a complete text of Ordinance No. 135-265 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.

- 2. **Resolution 2024-11-04-03** for consideration to revoke the business license of The Beer Hog, LLC, 2408 Pelham Parkway, Suite 205, Pelham, Alabama 35124, operating under the trade name The Beer Hog.

Councilmember Coram moved to not revoke the business license of The Beer Hog, LLC, 2408 Pelham Parkway, Suite 205, Pelham, Alabama 35124, operating under the trade name The Beer Hog, and adopt Resolution 2024-11-04-03. Councilmember Wash seconded the motion.

There being no further discussion, the motion to adopt Resolution 2024-11-04-03 passed unanimously by voice vote of those members present and the President of the Council declared the same passed and adopted.

- 3. **Resolution 2024-11-04-04** for consideration to revoke 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.

Councilmember Coram moved to not revoke 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, and adopt Resolution 2024-11-04-04. Councilmember Harris seconded the motion.

There being no further discussion, the motion to adopt Resolution 2024-11-04-04 passed unanimously by voice vote of those members present and the President of the Council declared the same passed and adopted.

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.

There were no public comments or questions.

CITY COUNCIL COMMENTS

Councilmember Coram thanked everyone for their attendance tonight. He said this is how government should work. He noted tomorrow is election day. He said no matter how busy you are, go vote.

Councilmember Leverett thanked everyone for their attendance tonight. He said it is the council's desire to have a traffic signal installed on Shelby County Highway 11 at Grey Oaks Parkway. He said the rezoning is the first step, the development stage will follow.

Councilmember Wash echoed the comments of the city council. He thanked everyone for attending tonight's city council meeting. He said nothing affects the public's life more than local government.

Council President Mercer thanked the residents of the community for attending tonight's city council meeting, being levelheaded, and respectful. He thanked the Pelham businesses in attendance tonight. He stated having completed an additional 40 hours of training and has received the Alabama League of Municipalities' certification as an Advanced Certified Municipal Official.

PUBLIC ANNOUNCEMENTS

1. City offices will be closed Monday, November 11th in observance of Veterans Day.
2. The Cahaba Solid Waste Disposal Authority will meet on Monday, November 18, 2024, at 2:30 p.m. to conduct general business of the authority. The Cahaba Solid Waste Disposal Authority meeting will be held at Hoover City Hall, 100 Municipal Lane, Hoover, AL 35216.
3. The Pelham City Council will hold a Public Hearing on Monday, November 18, 2024 in the Council Chambers of Pelham City Hall at 7:00 p.m. to consider Ordinance No. 270-02 revisions to Chapter 11, Article IV, Code of Ordinances of the City of Pelham, regarding the regulation of noise in the city.
4. City offices will be closed Thursday and Friday, November 28th and 29th for the Thanksgiving Holidays.

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 8:43 p.m.

Respectfully submitted this 4th day of November 2024.



Tom Seale, MMC, City Clerk/Treasurer



Maurice Mercer, President of the Council

