

STATE OF ALABAMA  
ST. CLAIR COUNTY

The City Council of the City of Pell City met in a work session at the City Hall at 5:30 p.m. on Monday, July 27, 2020. Present were Council President James McGowan, Councilmen Jay Jenkins, Jud Alverson, Jason Mitcham and Blaine Henderson. Those present constituting the entirety of the Council, Council President McGowan opened the meeting for discussion.

The invocation was led by Councilman Jay Jenkins.

The pledge to the American Flag was led by Councilman Jason Mitcham.

The City Clerk had roll call for attendance.

Councilman Alverson stated the bills on file had been reviewed and everything was in order.

There were no comments on the minutes of the regular Council meeting held on July 13, 2020.

Council President McGowan stated there was a Public Hearing set for 7:00 p.m., to consider the following:

- A grass/weed nuisance at 3305 Stemley Bridge Road
- Rezoning of property located at 2918 Stemley Bridge Road

City Manager Brian Muenger addressed the Council regarding the revised Building and Fire Code Ordinance. Mr. Muenger advised it was tabled from the July 13<sup>th</sup> meeting due to local home builders requesting additional time to review the changes. He confirmed he had confirmed with the homebuilders that there were no issues and the City could move forward without opposition. Mr. Muenger advised adopting the updated codes would place the City in line with the State which would also include the same exemptions.

City Manager Muenger addressed the Council regarding the Inmate Housing Agreement with St. Clair County. Mr. Muenger advised the facility is being reviewed by an architect but did not provide an exact date when the issue will be rectified. He confirmed with Sheriff Billy Murray that there would be space in Ashville for housing city inmates. Mr. Muenger advised the agreement was for a single year with all terms remaining the same.

City Manager Muenger addressed the Council regarding a deductive change order on the WWTP Improvements project. Mr. Muenger confirmed the deduction was \$81,000.00 with a total cost of the project of \$628,500.

City Manager Muenger addressed the Council regarding agreements with St. Clair County for E911 Dispatch, Juvenile Detention Center and EMA. Mr. Muenger advised the agreements are annual agreements and confirmed there was not a change in cost.

City Manager Muenger addressed the Council regarding job descriptions for temporary employment positions with the Street Department and differential pay for a Park a Rec Athletic Assistant. Mr. Muenger advised inmates had been utilized in the past for right-of-way maintenance supervised by street department employees and one inmate utilized at the Animal Control Center; however, the inmates had not been available in several months. Dawn Childre, Human Resources Director advised the Street Department had funds available in their budget for the Fiscal Year that would cover the cost of the temporary position from the inmate expense line item along with salaries, due to positions that remained unfilled. Ms. Childre also advised the Park and Recreation Department had been operating without a concession manager since 2018 and requested a two step pay increase for the employee that would take on the additional task. Mr. Muenger concurred that the concession manager was best delegated to one member of staff by the Director.

Jeff Thompson, Executive Director of the CEPA addressed the Council regarding a user agreement for the Black Jacket Symphony which would take place at Lakeside Park on Labor Day if approved by Council. Mr. Thompson advised this was a very popular event and confirmed the safety and enjoyment of the show from the community was their main concern. He advised there was a grid layout with “pods” that would seat four people and confirmed attendance by boat would also be permissible. Mr. Muenger confirmed there was a strong demand for the Black Jacket Symphony performance. Mr. Thompson advised the patrons would be allowed to begin arriving at 6 p.m. with the show starting at 7:30 p.m. Mr. Thompson confirmed cleanup would be provided and reiterated there would not be asking for any financial support from the City.

City Manager Muenger addressed the Council regarding a lease agreement with the St. Clair Community Health Clinic. Mr. Muenger advised the lease was necessary due to the change of hands of the clinic from Easter Seales. He confirmed the Clinic was doing well and had successfully applied for several grants in conjunction with the City over the last several months. Mr. Muenger advised the Clinic continued to be a great value with health services being provided in one location.

City Clerk Penny Isbell addressed the Council regarding the appointment of Election Officers and their compensation for the 2020 Municipal Election. Ms. Isbell stated that 20 individuals had been recruited but at least 24 were needed still. She stated she was requesting for approval of \$150.00 for poll workers and \$175.00 for the Chief Clerks. Mr. Muenger advised this rate of pay was concurrent with the rate the County was paying.

City Manager Muenger confirmed that the following candidates which qualified for the 2020 Municipal Election with no opposition would need to be approved during the Council Meeting:

- Jay H. Jenkins – Council District 1
- Blaine Henderson – Council District 3
- Jud Alverson – Council District 5
- Joe Sawyer – Board of Education District 1
- Cecil A. Fomby – Board of Education District 2

City Manager Muenger addressed the Council regarding a Utility Account leak credit adjustment. He stated the property owner had taken the appropriate steps to have the leak fixed. Mr. Muenger advised the credit exceeded \$1,000 and required the Council’s approval.

City Manager Comments: None.

City Attorney John Rea stated there was an executive session listed on the agenda to discuss a potential real estate transaction and potential litigation involving the City. Mr. Rea certified the reasons set forth qualified for an Executive Session. Mr. Rea advised the Executive Session would last no longer than one hour. On motion of Councilman Henderson, seconded by Councilman Jenkins, the Council unanimously approved entering the Executive Session at 5:56 p.m. On roll call, those voting aye being: Council President McGowan, Councilmen Jenkins, Henderson, Mitcham and Alverson. Nays: None. Council McGowan declared the motion approved. The Executive Session closed at 6:40 p.m. with no action being taken.

The City Council of the City of Pell City met in a regular council meeting at City Hall at 7:00 p.m. on Monday, July 27, 2020. Present were Council President James McGowan, Councilmen Jay Jenkins, Blaine Henderson, Jason Mitcham and Jud Alverson. Those present constituting the entirety of the Council, the following business was transacted:

The City Clerk had roll call for attendance.

On motion of Councilman Alverson, seconded by Councilman Henderson, the Council unanimously approved the agenda as presented.

On motion of Councilman Alverson, seconded by Councilman Henderson, the Council unanimously approved the payment of bills on file.

On motion of Councilman Mitcham, seconded by Councilman Jenkins, the Council unanimously approved the minutes of the regularly scheduled council meeting held on July 13, 2020.

Now was the time set aside for a public hearing to determine if the property located at 3305 Stemley Bridge Road constituted a public nuisance with overgrown grass/weeds. Council President McGowan opened the public hearing at 7:01 p.m. There was no one present. However, City Manager Muenger advised that the City had been in communication with the individual who possessed the current tax lien on the property. Mr. Muenger advised the individual had communicated that he did not have an intent to abate the nuisance. There being no further comment, Council President McGowan closed the Public Hearing at 7:02 p.m.

Now was the time set aside for a public hearing to consider the rezoning request from Thomas F. and Miriam L. Finch on property they own located at 2918 Stemley Bridge Road. The requested rezoning was from R-A (Residential Agricultural District) to O-1 (Office Building District). Council President McGowan opened the public hearing at 7:03 p.m. Mr. Finch advised the Council that the gentleman who proposed to purchase the land owned a franchise for Serve Pro in Talladega, Clay, Coosa and St. Clair Counties. Jason, the owner of Serve Pro, advised he had owned the St. Clair license since 2007, but had ran the business out of the Childersburg office. Jason advised if approved, it would create local jobs. City Manager Muenger advised there were two parcels with one already zoned O-1. The rezoning would make the two parcels have the same zoning classification. He also confirmed this zoning would not allow for warehousing, but instead business support services and related storage. Mr. Muenger also advised that the potential purchaser was aware of issues that would need to be worked out with ALDOT as far as ingress and egress. There was no opposition to the request. There being no further discussion, Council President McGowan closed the public hearing at 7:08 p.m.

On motion of Council Henderson, seconded by Councilman Mitcham, the council unanimously approved **RESOLUTION NO. 2020 – 5334** declaring the property located at 3305 Stemley Bridge Road a public nuisance and ordering the property abated.

Council President McGowan introduced **ORDINANCE NO. 2020 – 5335** regarding the rezoning of property located at 2918 Stemley Bridge Road:

### **ORDINANCE NO. 2020 - 5335**

#### **AN ORDINANCE AMENDING ORDINANCE NO. 79-516 TO REZONE FROM R-A TO O-1 CERTAIN PROPERTY LOCATED WITHIN THE CITY LIMITS OF THE CITY OF PELL CITY, ALABAMA**

**WHEREAS**, Thomas F. & Miriam L. Finch, the owners of the hereinafter described real estate situated in Pell City, St. Clair County, Alabama, did file with the Clerk of the City of Pell City, Alabama, a written petition duly signed by Thomas F. & Miriam L. Finch, requesting that said described property located within the corporate limits of the City of Pell City be rezoned from R-A (Residential Agricultural District) to O-1 (Office Building District) under the provisions of section 11-52-70, *et seq*, Code of Alabama, 1975, as amended; and

**WHEREAS**, said petition did have attached thereto an accurate description of said territory proposed to be rezoned, together with a map of said property, all as is required under the provisions of said section 11-52-70, *et seq*; and

**WHEREAS**, the City Council of the City of Pell City has heretofore given notice of and convened a public hearing on July 27, 2020 pertaining to said rezoning; and has examined the aforesaid petition and exhibits attached thereto and finds that the said described lands are located within the corporate limits of the City of Pell City.

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF PELL CITY, ALABAMA, as follows:**

**Section 1.** The petition of Thomas F. & Miriam L. Finch, the owners of the following described lands situated in the City of Pell City, Alabama, requesting that the same be rezoned from R-A (Residential Agricultural District) to O-1 (Office Building District) be and the same is hereby approved, to-wit:

A parcel located in the Northeast Quarter of the Southwest Quarter of Section 18, Township 17 South, Range 4 East in Pell City, St. Clair County, Alabama and being more particularly described as follows: Commence at the Northeast corner of said quarter-quarter section and run South along the East line of said quarter-quarter section for 1311.98 feet to an existing ½" rebar on the North right-of-way of Mays Bend Road. Thence North 89° 30' 00" West along said North right-of-way for 120.79 feet to an existing 1" solid iron at the Point of Beginning. Thence (leaving right-of-way) run North 00° 42' 25" East for 454.79 feet to a 5/8" rebar set, thence North 72° 06' 16" West for 397.19 feet to an existing 3/8" rebar, thence South 19° 55' 00" West for 490.84 feet to a 5/8" rebar set on the North right-of-way of Alabama Highway 34, thence South 77° 56' 05" East along said North right-of-way for 551.76 feet to the Point of Beginning. The above containing 5.06 acres, more or less. Parcel ID: 29-04-18-3-000-014.000

According to the survey by Derrol D. Luker, License No. 23006, dated June 19, 2004.

**Section 2.** The Zoning District Map of the City of Pell City shall be amended by rezoning the aforesaid described parcel of land from R-A (Residential Agricultural District) to O-1 (Office Building District).

**Section 3.** This Ordinance shall become effective upon approval, passage and publication as required by law.

Councilman Mitcham moved that all rules and regulations, which unless suspended would prevent the immediate consideration and adoption of said ordinance, be suspended and that unanimous consent to the immediate consideration and adoption of said ordinance be given. The motion was seconded by Councilman Henderson. On roll call vote, the motion was unanimously approved. Those voting aye being: Council President McGowan, Councilmen Jenkins, Henderson, Mitcham and Alverson. Nays: None. Council President McGowan declared the motion approved.

Councilman Jenkins then moved that said ordinance be now placed upon its final passage and adopted. The motion was seconded by Councilman Mitcham. The question being put as to the adoption of said motion and the passage of said ordinance, on roll call vote, the motion was unanimously approved. Those voting aye being: Council President McGowan, Councilmen Jenkins, Henderson, Mitcham and Alverson. Nays: None. Council President McGowan declared the motion approved and the ordinance adopted.

On motion of Councilman Alverson, seconded by Councilman Mitcham, the Council unanimously approved the following Ordinance which was introduced at the July 13<sup>th</sup> council meeting:

**ORDINANCE NO. 2020 – 5319**

**AN ORDINANCE AMENDING ORDINANCE 2014-4300 REGULATING THE ERECTION, CONSTRUCTION, ENLARGEMENT, ALTERATION, MAINTENANCE, REPAIR, REHABILITATION, RECLAMATION, REMEDIATION, DEMOLITION OR ANY IMPROVEMENT OF BUILDINGS OR STRUCTURES WITHIN THE CITY OF PELL CITY; PROVIDING FOR THE ISSUANCE OF PERMITS AND COLLECTION OF FEES THEREOF; DECLARING AND ESTABLISHING A FIRE DISTRICT; PROVIDING PENALTIES FOR THE VIOLATION THEREOF AND REPEALING ALL ORDINANCE AND PARTS OF ORDINANCES IN CONFLICT HEREWITH.**

**BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF PELL CITY, ALABAMA, AS FOLLOWS:**

**Section A:** That the provisions of Section 1 of Ordinance 2014-4300 and the provisions of Section 12 of Ordinance 2012-2159 are hereby amended to read as follows:

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**SECTION 1:** There is hereby adopted by the City of Pell City for the purpose of establishing rules and regulations for the construction, enlargement, alteration, maintenance, repair, rehabilitation, reclamation, remediation, demolition or any improvement of buildings or structures within the City of Pell City, the following codes to run concurrent with the State adopted codes:

*International Building Code*, International Code Council, as adopted by the State of Alabama in Alabama Administrative Code Chapter 482-2-101, including all supplements and amendments thereto;

*International Residential Code*, International Code Council, as adopted by the State of Alabama in Alabama Administrative Code Chapter 305-2-4, including all supplements and amendments thereto;

*International Existing Building Code*, International Code Council, as adopted by the State of Alabama in Alabama Administrative Code Chapter 482-2-109, including all supplements and amendments thereto;

*International Fire Code*, International Code Council, as adopted by the State of Alabama in Alabama Administrative Code Chapter 482-2-101, including all supplements and amendments thereto;

*International Fuel Gas Code*, International Code Council, as adopted by the State of Alabama in Alabama Administrative Code Chapter 482-2-109, including all supplements and amendments thereto;

*International Energy Conservation Code*, International Code Council, as adopted by the State of Alabama in Alabama Administrative Code Chapter 305-2-4, including all supplements and amendments thereto;

*National Electrical Code*, International Code Council, as adopted by the State of Alabama in Alabama Administrative Code Chapter 170-X-2-.01, including all supplements and amendments thereto;

*International Mechanical Code*, International Code Council, as adopted by the State of Alabama in Alabama Administrative Code Chapter 170-X-2-.01, including all supplements and amendments thereto; and

*International Plumbing Code*, International Code Council, as adopted by the State of Alabama in Alabama Administrative Code Chapter 170-X-2-.01, including all supplements and amendments thereto.

Three (3) copies of each of such codes are on file in the office of the City Clerk, and the same are hereby adopted and incorporated as if set out at length herein; and from the date on which this Ordinance shall take effect, the provisions thereof shall be controlling within the limits of the City.

The City Clerk is hereby authorized, directed and empowered to insert at the appropriate place in a copy of each of such codes a certificate to the effect that said codes are an official publication of building laws, ordinances, and resolutions passed and adopted by the Council and that said publications in book form of said building ordinances, laws, and resolutions affecting the City, by authority and under direction of the Council, are to be and become effective as the building laws and ordinances of the City.

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**Section B:** That the provisions of Section 1 of Ordinance 2014-4300 and the provisions of Section 12 of Ordinance 2012-2159 are hereby amended to read as follows:

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**SECTION 12: Schedule of Permit Fees for Building Contractors** - The permit fee for building contractors shall be Five dollars per thousand or fraction thereof of the total cost of the job. Minimum permit fee shall be \$25.00. And in addition to the permit fee, for each permit issued there shall be an issuance fee added of Ten Dollars (\$10.00) and said issuance fee shall be collected in the same manner as the permit fee.

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**Section C:** Severability. If any section or provision of this Ordinance shall hereafter be declared invalid by a court of competent jurisdiction, such declaration shall not affect the validity of any other section or provision of this Ordinance.

**Section D:** Repeal of Conflicting Ordinances. Any Ordinance in conflict with this Ordinance shall be and is hereby repealed on the effective date of this Ordinance.

**Section E:** Effective Date. This Ordinance shall become effective upon approval, passage, and publication as required by law.

On motion of Councilman Henderson, seconded by Councilman Mitcham, the Council unanimously approved **RESOLUTION NO. 2020 – 5329** regarding the agreement with St. Clair County for housing of inmates.

On motion of Councilman Jenkins, seconded by Councilman Henderson, the Council unanimously approved **RESOLUTION NO. 2020 – 5332** regarding Change Order No. 1 on the WWTP improvements. (This resolution was tabled from the July 13<sup>th</sup> council meeting.)

On motion of Councilman Alverson, seconded by Councilman Mitcham, the Council unanimously approved **RESOLUTION NO. 2020 – 5336** regarding an agreement with St. Clair County for Central Dispatch Services for FY20/21.

On motion of Councilman Jenkins, seconded by Councilman Mitcham, the council unanimously approved **RESOLUTION NO. 2020 – 5337** regarding an agreement with St. Clair County for Juvenile Detention Services for FY20/21.

On motion of Councilman Jenkins, seconded by Councilman Mitcham, the Council unanimously approved **RESOLUTION NO. 2020 – 5338** regarding an agreement with St. Clair County for Emergency Management Services for FY20/21.

On motion of Councilman Henderson, seconded by Councilman Mitcham, the Council unanimously approved job descriptions for temporary employment positions with the Street Department.

On motion of Councilman Mitcham, seconded by Councilman Alverson, the Council unanimously approved a 6% pay differential for a Park & Rec Athletic Assistant, who would assume the duties of the Concession Manager.

Council President McGowan introduced **ORDINANCE NO. 2020 – 5339** regarding an agreement with the St. Clair Community Health Clinic.

### **ORDINANCE NO. 2020 - 5339**

#### **AN ORDINANCE DECLARING CERTAIN REAL PROPERTY NO LONGER NEEDED FOR PUBLIC OR MUNICIPAL PURPOSES AND AUTHORIZING THE LEASE OF SAID PROPERTY BY THE CITY OF PELL CITY, ALABAMA**

**BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF PELL CITY, ALABAMA, AS FOLLOWS:**

1. It is hereby established and declared that the following described real property of the City of Pell City, Alabama, is no longer needed for public or municipal purposes, to-wit: the Social Services Building of the City of Pell City, Alabama, located at 205 Edwin Holladay Place, Pell City, Alabama 35125, and further identified as Tax Parcel Number 28-01-01-2-002-026.000 and Tax Parcel Number: 28-01-01-2-002-026.001.

2. The City of Pell City, Alabama, having received an offer from St. Clair Community Health Clinic to lease multiple suites located at that real property described in Section 1, above, it is hereby declared to be in the best interest of the public and the City of Pell City, Alabama, to lease said real property to St. Clair Community Health Clinic, to-wit:

- Suites 120, 130, 140, 152, 157, and 171 (containing approximately 775 square feet) for a term of one (1) year at the rental rate of \$600.00 per month.

3. Pursuant to the authority granted by § 11-47-21, Ala. Code 1975, the Mayor of the City of Pell City, Alabama, is hereby directed to execute the lease agreement, in form and substance as attached hereto as Exhibit A, in the name of the City of Pell City, Alabama, by and between the City and St. Clair Community Health Clinic.

4. Severability. If any part, section, or provision of this Ordinance shall hereafter be declared unconstitutional or invalid for any reason, such declaration shall not affect the validity of any other section or provision of this Ordinance, which shall continue in full force and effect notwithstanding such holding.

5. Repeal of Conflicting Ordinances. Any Ordinance, Resolution, or previous Council authorization in conflict with this Ordinance shall be and is hereby repealed on the effective date of this Ordinance.

6. Effective Date. This Ordinance shall become effective immediately upon approval and publication as required by law.

Councilman Henderson moved that all rules and regulations, which unless suspended would prevent the immediate consideration and adoption of said ordinance, be suspended and that unanimous consent to the immediate consideration and adoption of said ordinance be given. The motion was seconded by Councilman Mitcham. On roll call vote, the motion was unanimously approved. Those voting aye being: Council President McGowan, Councilmen Jenkins, Henderson, Mitcham and Alverson. Nays: None. Council President McGowan declared the motion approved.

Councilman Alverson then moved that said ordinance be now placed upon its final passage and adopted. The motion was seconded by Councilman Mitcham. The question being put as to the adoption of said motion and the passage of said ordinance, on roll call vote, the motion was unanimously approved. Those voting aye being: Council President McGowan, Councilmen Jenkins, Henderson, Mitcham and Alverson. Nays: None. Council President McGowan declared the motion approved and the ordinance adopted.

On motion of Councilman Jenkins, seconded by Councilman Henderson, the Council unanimously approved **RESOLUTION NO. 2020 – 5341** appointing Election Officers for the 2020 Municipal Election

On motion of Councilman Alverson, seconded by Councilman Mitcham, the Council unanimously approved **RESOLUTION NO. 2020 - 5342** regarding the compensation for the 2020 Municipal Election Officials.

On motion of Councilman Alverson, seconded by Councilman Mitcham, the Council approved **RESOLUTION NO. 2020 – 5343** declaring Jay H. Jenkins duly elected to the City Council – District 1 with no opposition. Councilman Jenkins recused himself.

On motion of Councilman Jenkins, seconded by Councilman Alverson, the Council approved **RESOLUTION NO. 2020 – 5344** declaring Robert Blaine Henderson duly elected to the City Council – District 3 with no opposition. Councilman Henderson recused himself.

On motion of Councilman Mitcham, seconded by Councilman Henderson, the Council approved **RESOLUTION NO. 2020 – 5345** declaring William Judge Alverson duly elected to the City Council – District 5 with no opposition. Council Alverson recused himself.

On motion of Councilman Alverson, seconded by Councilman Mitcham, the Council unanimously approved **RESOLUTION NO. 2020 - 5346** declaring Joe Sawyer, III duly elected to the Pell City Board of Education – District 1 with no opposition.

On motion of Councilman Henderson, seconded by Councilman Alverson, the Council unanimously approved **RESOLUTION NO. 2020 - 5347** declaring Cecil A. Fomby duly elected to the Pell City Board of Education – District 2 with no opposition.

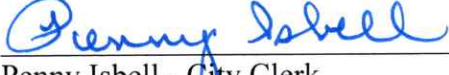
On motion of Councilman Mitcham, seconded by Councilman Henderson, the Council unanimously approved **RESOLUTION NO. 2020 - 5348** regarding a rental agreement with CEPA for the use of Lakeside Park on September 4, 2020 for the Black Jacket Symphony.

On motion of Councilman Henderson, seconded by Councilman Alverson, the Council unanimously approved a Utility Account leak credit adjustment.

On Motion of Councilman Alverson, seconded by Councilman Henderson the Council adjourned subject to the call of the Council President.

  
James McGowan - Council President

ATTEST:

  
Penny Isbell - City Clerk