

STATE OF ALABAMA
ST. CLAIR COUNTY

The City Council of the City of Pell City met in a regularly scheduled work session at City Hall at 5:30 p.m. on Monday, April 12, 2021. Present were Council President Alverson, Councilmembers Jay Jenkins, Ivi McDaniel, Blaine Henderson, and Jason Mitcham. Those present constituting the entirety of the Council, Council President Alverson opened the meeting for discussion.

The invocation was led by Councilmember Jay Jenkins.

The pledge to the American Flag was led by Councilmember Blaine Henderson.

The City Clerk had roll call for attendance.

There were no comments regarding the bills on file.

There were no comments on the minutes of the regular council meeting held on March 22, 2021.

City Manager Brian Muenger addressed the Council regarding an organizational chart revision and job description revisions for the Planning & Zoning Department. Mr. Muenger reminded the Council the building inspector position was vacated in December by Mr. Kenny Boyd and advised that for 2020 there were 152 permits issued and the current year was 116 permits issued to date. Mr. Muenger advised this department had been uninvested for quite some time. Ms. Childre advised there were minimal changes to the job descriptions presented and mostly consisted of supervisory changes.

Mr. Muenger addressed the Council regarding the rezoning of property located at 2005 1st Avenue North. He advised it was a residential styled home that formerly housed an ambulance service. Mr. Muenger stated this request was recommended by the Planning Commission with unanimous consent.

Mr. Muenger addressed the Council regarding the rezoning of property located at 42nd Street and US 78 from R-4 to B-2. He advised the requested zoning was in line with the land use of the corridor it was located.

Greg Gossett, Street Department Superintendent addressed the Council regarding the lease of an excavator for the Street Department. Mr. Gossett advised he had compared three excavators and confirmed the requested excavator would be sufficient for their use.

James Hadaway, Utility Supervisor addressed the Council regarding the purchase of an Envirosight Camera for the WWTP from Sansom Equipment Company. He advised the previous camera had fallen off the guide and busted. Mr. Hadaway stated the immediate cost was approximately \$9,000 in addition to the settlement received from AMIC.

Mr. Hadaway addressed the Council regarding the bid award to Haracos Chemicals, Inc. He advised the current vendor submitted a bid for ten cents per pound and the lowest was Haracos with a bid at eight cents per pound. Mr. Hadaway recommended Haracos due to significant savings.

Mr. Muenger addressed the Council regarding the user agreements for the Chamber of Commerce Block Party, Lakefest and Boat Show, and Triple H Bucking Bulls Rodeo. He advised the user agreements were nearly identical to the previous years.

Mr. Gossett addressed the Council regarding the surplus of certain items no longer needed for municipal purposes. He advised the items were no longer in use and recommended they be sold on GovDeals.

Mr. Muenger addressed the Council regarding two water leak credit request adjustments. He advised the request regarding 7112 Skyline Drive, met all criteria of the current policy, but was above the \$1,000 mark and needed council approval. Mr. Muenger advised the request received

from the Park on 23rd Place did not meet the criteria of the current policy and would not recommend its approval.

City Manager Comments: Mr. Muenger advised the City had received the silver award from AMIC based on losses for Worker's Compensation and Liability. He advised the City was a longtime customer and the City's liability claims were very low.

Mr. Muenger also advised the Public Hearing for the partial vacation for Williamson drive would be held on May 24, 2021. He stated this was the earliest possible date and confirmed it had already been released to the paper.

Mayor Comments: None

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, April 12, 2021. Present were Council President Jud Alverson, Councilmembers Jay Jenkins, Ivi McDaniel, Blaine Henderson, and Jason Mitcham. Council President Alverson was absent. Those present constituting an entirety of the Council, the following business was transacted:

The City Clerk had roll call for attendance.

On motion of Councilmember Henderson, seconded by Councilmember Mitcham, the Council unanimously approved the agenda as presented.

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

On motion of Councilmember Jenkins, seconded by Councilmember Henderson, the Council unanimously approved the minutes of the regularly scheduled council meeting held on March 22, 2021.

On motion of Councilmember Mitcham, seconded by Councilmember Jenkins, the Council unanimously approved the Amended Organizational Chart for the Planning & Zoning Department.

On motion of Councilmember Mitcham, seconded by Councilmember Jenkins, the Council unanimously approved the following job descriptions as presented:

- Building Official
- Building Inspector
- Planning & Zoning GIS Administrator/GIS Specialist

Now was the time set aside for a Public Hearing to rezone certain property located at 2005 1st Avenue North from B-1 to R-3. Council President Alverson opened the Public Hearing at 7:02 p.m. There being no one present in favor or opposition of the rezoning, Council President Alverson closed the Public Hearing at 7:02 p.m.

Council President Alverson introduced **ORDINANCE NO. 2021 – 5488** authorizing the rezoning of certain property located at 2005 1st Avenue North from B-1 to R-3:

ORDINANCE NO. 2021 - 5488

AN ORDINANCE AMENDING ORDINANCE NO. 79-516 TO REZONE FROM B-1 TO R-3 CERTAIN PROPERTY LOCATED WITHIN THE CITY LIMITS OF THE CITY OF PELL CITY, ALABAMA.

WHEREAS, Blair Fields, the owner of the hereinafter described real estate located at 2005 1st Avenue North 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 Blair Fields requesting that said described

property located within the corporate limits of the City of Pell City be rezoned from B-1 (Neighborhood Business District) to R-3 (Medium Density Residential 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 annexed, 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 April 12, 2021, 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 Blair Fields owner of the following described lands situated in the City of Pell City, Alabama, requesting that the same be rezoned from B-1 to R-3 be and the same is hereby approved, to-wit:

A parcel of property described as follows: Lots 20 and 21 in Block 19, and 25 feet off the East side of Lots 22, 223, 24, 25 and 26 in Block 19, in the Town of Pell City, Alabama, as shown by map or plat of said town and now of record in the Office of the Judge of Probate at Ashville, Alabama. According to the survey of Derrol B. Luker, Reg. No. 11673, dated March 3, 1999.

Section 2. The Zoning District Map of the City of Pell City shall be amended by rezoning the aforesaid described parcel of land from B-1 to R-3.

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

Councilmember Jenkins 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 Councilmember Mitcham. On roll call vote those voting aye being: Councilmember Jenkins, McDaniel, Henderson, Mitcham, and Council President Alverson. Nays: None. Council President Alverson declared the motion approved.

Councilmember Mitcham then moved that said ordinance be now placed upon its final passage and adopted. The motion was seconded by Councilmember Jenkins. 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. On roll call vote those voting aye being: Councilmember Jenkins, McDaniel, Henderson, Mitcham, and Council President Alverson. Nays: None. Council President Alverson declared the motion approved and the ordinance adopted.

Now was the time set aside for a Public Hearing to rezone certain property located at 42nd Street South and US 78 from R-4 to B-2. Council President Alverson opened the Public Hearing at 7:03 p.m. There being no one present in favor or opposition of the rezoning, Council President Alverson closed the Public Hearing at 7:03 p.m.

Council President Alverson introduced the following Ordinance authorizing the rezoning of property located at 42nd Street South and US 78 from R-4 to B-2:

ORDINANCE NO. 2021 - 5489

AN ORDINANCE AMENDING ORDINANCE NO. 79-516 TO REZONE FROM R-4 TO B-2 CERTAIN PROPERTY LOCATED WITHIN THE CITY LIMITS OF THE CITY OF PELL CITY, ALABAMA

WHEREAS, Jason Gellness, the owner of the hereinafter described real estate located on US Highway 78 at 42nd Street South 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 Jason Gellness requesting that said described property located within the corporate limits of the City of Pell City

be rezoned from R-4 (High Density Residential District) to B-2 (General Business 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 annexed, 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 April 12, 2021 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 Jason Gellness the owner of the following described lands situated in the City of Pell City, Alabama, requesting that the same be rezoned from R-4 to B-2 be and the same is hereby approved, to-wit:

Commence at Mile Post 763 in the centerline of the existing Norfolk Southern Railway Company rails and run North 82° 52' 55" East along the centerline of right-of-way in a direction of decreasing mile post for 1054.30 feet to station 5933+00, thence continue North 82° 52' 55" East along the existing centerline of the old railroad centerline for 483.60 feet to station 5928+16.4 P.T., thence run a Chord = North 84° 13' 40" East, 169.99' to station 5926+46.4 to a curve to the right, (Delta = 13° 08' 30", Radius = 1791.70', Chord = South 87° 51' 20" East, 410.05 feet), thence run in an Easterly direction along said curve for 410.95 feet to station 5922+35.5 P.C.C., thence continue along a curve to the right (Delta = 03° 11' 10", Radius = 1809.57', Chord = South 79° 41' 30" East, 100.63 feet), thence run in a Southeasterly direction along the arc of said curve for 100.65 to station 5921+34.85, said point being the Point of Beginning (Alabama East Zone Grid NAD 83, North: 1,125,098.72, East: 526,382.22), thence South 02° 07' 35" East for 46.40 feet to a 5/8" rebar set on the North right-of-way of the new railroad right-of-way, said point being on a right-of-way curve to the right (Delta = 2° 03' 17", Radius = 2914.93', Chord = South 74° 58' 20" East, 104.53 feet), thence run in a Southeasterly direction along said curve for 104.54 feet to a 5/8" rebar set, thence (leaving new right-of-way) run North 09° 49' 15" East for 185.96 feet to a 5/8" rebar set on the South right-of-way of the U.S. Highway 78 (80' right-of-way), thence North 80° 09' 25" West along said South right-of-way for 141.38 feet to an existing 5/8" rebar, thence (leaving right-of-way) run South 02° 04' 40" East for 82.54 feet, thence South 02° 07' 35" East for 51.49 feet to the Point of Beginning. The above parcel lying in part of the Southeast Quarter of the Southeast Quarter of Section 31, Township 16 South, Range 4 East in St. Clair County, Alabama. Bearings are referred to Alabama East Zone Grid.

According to the survey by Derrol D. Luker, License No. 23006, dated February 3, 2021.

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-4 to B-2.

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

Councilmember Jenkins 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 Councilmember Mitcham. On roll call vote those voting aye being: Councilmember Jenkins, McDaniel, Henderson, Mitcham, and Council President Alverson. Nays: None. Council President Alverson declared the motion approved.

Councilmember Mitcham then moved that said ordinance be now placed upon its final passage and adopted. The motion was seconded by Councilmember Henderson. 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. On roll call vote those voting aye being: Councilmember Jenkins, McDaniel, Henderson, Mitcham, and Council President Alverson. Nays: None. Council President Alverson declared the motion approved and the ordinance adopted.

On motion of Councilmember Mitcham, seconded by Councilmember Jenkins, the Council unanimously approved **RESOLUTION NO. 2021 – 5490** authorizing a lease agreement with Komatsu for an excavator.

On motion of Councilmember Mitcham, seconded by Councilmember Henderson, the Council unanimously approved **RESOLUTION NO. 2021 – 5491** authorizing the purchase of an Envirosight Camera from Sansom Equipment.

On motion of Councilmember Henderson, seconded by Councilmember Mitcham, the Council unanimously approved **RESOLUTION NO. 2021 – 5492** authorizing awarding the bid for Aluminum Sulfate to Harcros Chemicals, Inc.

On motion of Councilmember Mitcham, seconded by Councilmember Jenkins, the Council unanimously approved the following resolutions authorizing user agreements for the 2021 events:

- **RESOLUTION NO. 2021 – 5493** **Chamber of Commerce Block Party**
- **RESOLUTION NO. 2021 – 5494** **Lakefest**
- **RESOLUTION NO. 2021 – 5495** **Triple H Bucking Bulls Rodeo**

On motion of Councilmember Jenkins, seconded by Councilmember Mitcham, the Council unanimously approved **RESOLUTION NO. 2021 – 5496** authorizing the surplus of certain items no longer needed for municipal purposes.

Council President Alverson introduced the following Ordinance amending the method of distribution and use of certain tax proceeds of the City of Pell City:

ORDINANCE NO. 2021 - 5497

AN ORDINANCE AMENDING ORDINANCE NO. 2001-1591, AS PREVIOUSLY AMENDED, TO REVISE THE METHOD OF DISTRIBUTION AND USE OF CERTAIN TAX PROCEEDS OF THE CITY OF PELL CITY, ALABAMA

WHEREAS, pursuant to Ordinance No. 2001-1591, as amended by Ordinance No. 2010-3033 and Ordinance No. 2010-3047, the City of Pell City, Alabama, levied an additional one percent (1%) tax on the gross proceeds of sales of the businesses in the City beginning on May 1, 2010; and,

WHEREAS, Ordinance No. 2001-1591, as amended by Ordinance No. 2010-3033 and Ordinance No. 2010-3047, provided that the revenue generated from that additional one percent (1%) tax was to be shared equally between the City and the Pell City Board of Education until April 30, 2014, and that after that date, one hundred percent (100%) of the revenue generated from the additional one percent (1%) tax was to be deposited in the City’s General Fund to be applied for any lawful municipal purposes; and,

WHEREAS, in 2013, the City Council of the City of Pell City extended the distribution of the aforesaid additional one percent (1%) tax to the Pell City Board of Education as set forth in Ordinance No. 2013-4207; and,

WHEREAS, in 2020, the City Council of the City of Pell City again extended the distribution of the aforesaid additional one percent (1%) tax to the Pell City Board of Education as set forth in Ordinance No. 2020-5252; and,

WHEREAS, the Pell City School System was created to provide exceptional educational opportunities to the students residing in Pell City, and the City Council has consistently supported the Pell City Board of Education since its creation in the furtherance of that goal; and,

WHEREAS, the City’s goals remain unchanged: the creation and operation of a City-focused school system that provides educational opportunities and outcomes to the residents of Pell City that are better than those provided by the St. Clair County School System; and,

WHEREAS, when the Pell City School System was formed, the vast majority of the students educated by the Pell City School System lived within the city limits of Pell City; and,

WHEREAS, the City of Pell City and St. Clair County have both experienced significant growth since the formation of the Pell City School System, and now a majority of the students that attend the Pell City School System reside outside the city limits of Pell City; and,

WHEREAS, the City has asked the Pell City Board of Education to revise its current student attendance zone to allow its resources to be concentrated to benefit the residents of Pell City; and,

WHEREAS, the Pell City Board of Education has declined to revise its current student attendance zone; and,

WHEREAS, the City Council of the City of Pell City has determined that it is no longer wise, prudent, or in the best interests of the citizens of Pell City to continue to provide an unlimited tax subsidy to the Pell City Board of Education, given its unwillingness to restore the Pell City School System to a majority City school system, as it was originally intended and created; and

WHEREAS, the City Council of the City of Pell City desires to continue to provide additional funding to the Pell City Board of Education by extending the distribution of the aforesaid additional one percent (1%) tax to the Pell City Board of Education as detailed herein.

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

Section A: That the provisions of Section 6, Distribution and Use of Tax Proceeds, of Ordinance No. 2001-1591, as previously amended by Ordinance No. 2010-3033, Ordinance No. 2010-3047, Ordinance No. 2013-4207, and Ordinance No. 2020-5252 are hereby amended to read as follows:

SECTION 6. DISTRIBUTION AND USE OF TAX PROCEEDS.

The revenue, less the cost of collection, obtained from the taxes levied pursuant to this Ordinance shall be distributed as follows:

(1) One-fourth (25%) of the revenues generated by the taxes imposed by Sections 1(a), 1(b), 1(c), 1(d), 1(e), and 1(f), and Sections 3(a), 3(b), 3(c), and 3(d) shall be paid to the Custodian of Public School Funds of the Pell City Board of Education, if any such independent city board of education shall then be existing, to be applied for school purposes; and

(2) The remaining three-fourths (75%) of the revenues generated by the taxes imposed by Sections 1(a), 1(b), 1(c), 1(d), 1(e), and 1(f), and Sections 3(a), 3(b), 3(c), and 3(d) shall be deposited in the City's General Fund to be applied for any lawful municipal purpose.

(3) Except as provided in subsection (4) below, thirty percent (30%) of the revenues from the additional one percent (1%) tax hereinabove imposed by Section 1(g) and Section 3(e) shall be paid to the Custodian of Public School Funds of the Pell City Board of Education, if any such independent city board of education shall then be existing, to be applied for school purposes; and the remaining seventy percent (70%) of the revenues of the additional one percent (1%) tax hereinabove imposed by Section 1(g) and Section 3(e) shall be deposited in the City's General Fund to be applied for any lawful municipal purposes.

(4) Notwithstanding any provision herein to the contrary, the distribution of the additional one percent (1%) tax hereinabove imposed by Section 1(g) and Section 3(e) and distributed to the Custodian of Public School Funds of the Pell City Board of Education as provided in subsection (3) above shall be limited such that the combined total of one-fourth (25%) of the revenues generated by the taxes imposed by Sections 1(a), 1(b), 1(c), 1(d), 1(e), and 1(f), and Sections 3(a), 3(b), 3(c), and 3(d) of this Ordinance, along with thirty percent (30%) of the revenues from the additional one percent (1%) tax hereinabove imposed by Section 1(g) and Section 3(e) of this Ordinance, shall not exceed \$5,028,222.46 in any fiscal year of the City (the "Annual Cap"). Any funds directly received by the Pell City Board of Education as a result of the Simplified Seller Use Tax (SSUT) shall be treated the same as the revenues from the additional one percent (1%) tax hereinabove imposed by Section 1(g) and Section 3(e) of this Ordinance and shall be included in calculating the Annual Cap. Provided, however, that nothing contained herein shall limit the distribution of one-fourth (25%) of the revenues generated by the taxes imposed by Sections 1(a), 1(b), 1(c), 1(d), 1(e), and 1(f), and Sections 3(a), 3(b), 3(c), and 3(d) of this Ordinance, which shall continue to be paid to the Custodian of Public School Funds of the Pell City Board of Education without limitation.

Section B: 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 C: Repeal of Conflicting Ordinances. Any other Ordinances, or provisions thereof, in conflict with this Ordinance shall be and hereby are repealed on the effective date of this Ordinance.

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

Councilmember 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 Councilmember Henderson. On roll call vote those voting aye being: Councilmember Jenkins, McDaniel, Henderson, Mitcham, and Council President Alverson. Nays: None. Council President Alverson declared the motion approved.

Councilmember Mitcham then moved that said ordinance be now placed upon its final passage and adopted. The motion was seconded by Councilmember Jenkins. 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. On roll call vote those voting aye being: Councilmember Jenkins, McDaniel, Henderson, Mitcham, and Council President Alverson. Nays: None.

Council President Alverson asked if there was any other discussion.

Councilmember Jenkins stated the Council supported the school system and still does. Mr. Jenkins said he and the Council realize how important the school system is to the City. He said he remembered when the school system was formed and said it was formed for the betterment of the City Schools. Mr. Jenkins stated the City has supported the school system monetarily with a percentage of the City budget, which is by a higher percentage than any other municipality. He advised the City did not want to cut the budget for the school system monetarily but the Council wanted to continue to support the school system.

Councilmember McDaniel said she was the newest member of the Council. She said she did not know a lot about the situation due to her own choices. Ms. McDaniel thanked the Council and City Manager for bringing her up to date concerning the schools. She advised she has received all the information and was "wowed". Ms. McDaniel as a mom with active children in the school system, and as a citizen, she agreed with the decision that was made by the Council.

Councilmember Mitcham said the Citizens of Pell City entrusted the Council with the cities monies and entrusted them to be good stewards. He said he believed the decision exemplified that expectation.

Council President Alverson said they had a unique once-in-a-generation opportunity to return to the Pell City School System to the original intent it was formed. He said it was an opportunity that needed to be taken advantage of and there had been a tremendous lack of communication regarding the opportunity. He also said he believed there was a storm brewing in the Western part of the County, the Pell City School System would be looking at other schools as they are growing. Mr. Alverson said the Council needed to look at what was best for the City and the School System.

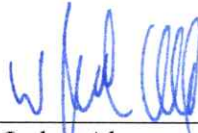
Mayor Pruitt said anytime you have a disagreement between two organizations, there are sometimes questions about intent. Mayor Pruitt advised the Council intended to improve the Pell City School System to be the best it can be. He said he believed the current Council was most closely tied to the school system as any other council in history. Mayor Pruitt said he could not thank the teachers enough for their work, but the intent is only to do what was best for the Pell City School System. He advised they wanted to do what was best for the children in the Pell City School System. Mayor Pruitt said of the 4,000 children in the Pell City School System only 45% were students who lived in the City Limits of Pell City and said their parents are the parents that placed the Council and Mayor into office. He said the Council had a mandate to push the school system to better and do the best it can for those students. Mayor Pruitt advised they must push the school system to the original intent when it was formed approximately 40 years ago.

Council President Alverson declared the motion approved and the ordinance adopted.

On motion of Councilmember Henderson, seconded by Councilmember Jenkins, the Council unanimously approved a water leak adjustment request for 7112 Skyline Drive.

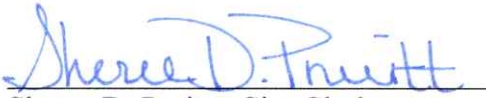
On motion of Councilmember Henderson, seconded by Councilmember Jenkins, the Council denied the water leak adjustment request for 1103 23rd Street North.

On motion of Councilmember Henderson, seconded by Councilmember McDaniel, the Council adjourned, subject to the call of Council President Alverson.



W. Judge Alverson - Council President

ATTEST:



Sheree D. Pruitt - City Clerk