

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 22, 2024. Present were Council President Alverson, Councilmembers Jay Jenkins, Ivi McDaniel, Blaine Henderson, Jason Mitcham and Council President Alverson. Those present constituting the entirety of the Council, Council President Alverson opened the meeting for discussion.

The invocation was led by Reverend Donald Gover.

The pledge to the American Flag was led by Councilmember Ivi McDaniel.

Reverend Donald Gover extended an invitation to everyone for the National Day of Prayer Event at Celebrations on Monday May 2, 2024 beginning at 7:00 a.m.

The City Clerk had roll call for attendance.

There were no comments regarding the bills on file.

There were no comments regarding the minutes from the regularly scheduled council meeting held on April 8, 2024.

City Clerk Sheree Pruitt addressed the Council regarding the change of the date of the second City Council Meeting in May due to the Memorial Day Holiday. She advised City Hall would be closed and stated a calendar of meetings and events had been enclosed for their review. Mrs. Pruitt recommended the Council move the date from May 27, 2024 to May 28, 2024.

City Manager Brian Muenger addressed the Council regarding a leak adjustment request received from the tenant and owner of property located at 810 Comer Avenue. He advised that the request for an adjustment had been submitted jointly. Mr. Muenger confirmed the leak had been repaired and stated the amount of the adjustment was over \$1,000 and required Council approval.

City Manager Brian Muenger addressed the Council regarding the annexation of certain property owned by the City of Pell City and located at 46 Cogswell Avenue. Mr. Muenger explained that the property was recently acquired and, in an attempt, to clarify records, the City petitioned to annex the property in its entirety with RA (Residential Agriculture) zoning. He clarified the next step would be to petition for a lot split in order to construct the New Eden Sewer Lift Station on one parcel and auction off the remainder with a twenty-foot permanent utility easement noted across the property.

City Manager Brian Muenger addressed the Council regarding the buy out of a lease purchase for a hydraulic excavator through Komatsu Financial, Inc.; the declaration of certain items no longer needed for municipal purposes; and an agreement with JM Wood Auction Company, Inc. He explained the excavator under lease with Komatsu was at the end of the lease and stated the excavator could be purchased by the City. Mr. Muenger stated the equipment had less than seven hundred hours of total use. With the buyout of the excavator lease, it along with several other items from the street department could be declared a surplus and no longer needed for a municipal purpose. He confirmed if the surplus of all the items was approved to include the excavator that an agreement with JM Wood Auction would be necessary to effectuate the auction. Mr. Muenger stated JM Wood if approved JM Wood would auction off the items with a guaranteed gross return with a seven percent auction premium. He confirmed there was language in the agreement to protect the City should the guaranteed gross return not be achieved where JM Wood would be responsible for providing that difference to the City. Mr. Muenger advised that City Attorney John Rea had reviewed the agreement and if approved by Council the items would be up for auction in June.

City Manager Brian Muenger addressed the Council regarding the purchase of a caterpillar 320 Excavator from Thompson Tractor for use in the Street Department. Mr. Muenger advised the cost of equipment is less if the City purchases equipment verses leasing equipment. He stated

that at the present time there was a robust number of requests for heavy equipment. Street Department Superintendent expressed his appreciation for everyone's time and research on this matter and stated there were two other pieces of equipment to be handled. Mr. Muenger confirmed the City would not be without any specific pieces of equipment for any given time during the exchange.

City Manager Brian Muenger addressed the Council regarding an allocation agreement with Cardinal Health and Cencora regarding the Alabama-Specific Opioid Settlement. He advised the Council had previously authorized a sign on agreement and confirmed the agreement at hand was specifically related to the division of funds. Mr. Muenger advised this item was recommended for approval.

Utility Superintendent James Hadaway provided the Council with an update on the Eden Sewer Lift Station Project. Mr. Hadaway confirmed the contractor was a little over 200 days into their 320-day allowance. He stated the City had received one payment request from the contractor and stated he believed the contractor would be able to make up some days that he was behind once the brick masons were completed with their portion of the project.

City Manager Comments: Mr. Muenger advised the City had received an appreciation letter for the use of the library computers to help seniors complete their tax returns. Mr. Muenger stated almost two hundred returns were completed.

Mayor Comments: None.

City Attorney John Rea advised that the Council needed to enter into Executive Session to discuss a potential real estate transaction. Mr. Rea certified this qualified for Executive Session and did not expect the session to last any longer than five minutes. Mr. Rea stated he did expect action from the session. At 5:55 p.m., Councilmember Jenkins made a motion to enter into Executive Session for approximately five minutes. The motion was seconded by Councilmember Mitcham and unanimously approved by the Council. On roll call, those voting aye being: Councilmembers Jenkins, McDaniel, Henderson, Mitcham and Council President Alverson. Nays: None. Council President Alverson declared the motion approved.

---

The City Council of the City of Pell City adjourned from executive session into a regularly scheduled Council Meeting held at City Hall at 6:00 p.m. on Monday April 22, 2024. Present were Council President Jud Alverson, Councilmembers Jay Jenkins, Ivi McDaniel, Blaine Henderson, and Jason Mitcham. Those present constituting the entirety of the Council, the following business was transacted:

The City Clerk had roll call for attendance.

On motion of Councilmember Mitcham, seconded by Councilmember Henderson, the Council unanimously approved to amend the Agenda. On roll call, those voting aye being: Councilmembers Jenkins, McDaniel, Henderson, Mitcham and Council President Alverson. Nays: None. Council President Alverson declared the motion approved

On motion of Councilmember Henderson, seconded by Councilmember Mitcham, the council amended to add **RESOLUTION NO. 2024-6064** authorizing a purchase agreement for certain property located on Cogswell Avenue owned by Pine Harbor Properties, Inc. On roll call, those voting aye being: Councilmembers Jenkins, McDaniel, Henderson, Mitcham and Council President Alverson. Nays: None. Council President Alverson declared the motion approved

On motion of Councilmember McDaniel, seconded by Councilmember Mitcham, the Council unanimously approved the agenda as amended.

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

On motion of Councilmember Jenkins, seconded by Councilmember Mitcham, the Council unanimously approved the minutes from the regularly scheduled Council Meeting held on April 8, 2024.

On motion of Councilmember Henderson, seconded by Councilmember Mitcham, the Council unanimously approved to reschedule the council meeting to be held on Monday May 27<sup>th</sup> to take place on Tuesday May 28<sup>th</sup>, 2024.

On motion of Councilmember Mitcham, seconded by Councilmember Henderson, the Council unanimously approved a water leak adjustment request for 810 Comer Avenue in the amount of \$1,106.61.

Council President Alverson Introduced the following Ordinance:

**ORDINANCE NO. 2024 - 6058**

**AN ORDINANCE TO ALTER, EXTEND AND REARRANGE THE CORPORATE LIMITS OF THE CITY OF PELL CITY, ALABAMA, TO INCLUDE ADDITIONAL PARTS OF ST. CLAIR COUNTY, ALABAMA.**

**WHEREAS**, all of the owners of the following described real estate situated in St. Clair County, Alabama, to-wit:

A tract of land located in St. Clair County, Alabama, lying and being on the Southerly side of U.S. Highway Number 78, more particularly described as follows:

Commencing at the Southwest intersection of the Wolf Creek Road and said U. S. Highway Number 78 in the Town of Eden, Alabama; thence 363 feet, more or less, to the corner of a tract conveyed to J.M. Brannon by *deed* recorded in Volume 26, Page 104 in the Office of the Judge of Probate; thence Southwestwardly along the Southwest line of said Brannon tract a distance of 350 feet more or less, to a corner where the Southeast line of said Brannon tract intersects the east line of a tract conveyed to J. W. Allen by deed recorded in Volume 35 Page 483 in the Office of the Judge of Probate; thence South along the East line of said Allen tract a distance of 550 feet, more or less, to the right of way of the Southern Railway; thence East along said right of way a distance of 450 feet, more or less, to the Wolf Creek Road; thence North along the said Wolf Creek Road a distance of 655 feet, more or less, to the Point of Beginning; and bounded on the North side by said U. S. Highway Number 78, on the Northwest by lands owned by J. M. Brannon, on the West lands owned by J.W. Allen, on the South by the right of way of Southern Railway, and on the East side by Wolf Creek Road, and containing Eight (8) acres, more or less, together with free use of water front spring near South line of said land all situated in Section 3, Township 17, Range 3 East.

PARCEL # 28-02-03-2-000-016.000

Did file a written petition, duly signed by William T. Pruitt, IV as Mayor of the City of Pell City and Sheree D. Pruitt as City Clerk for the City of Pell City, requesting that said described territory in the petition be annexed to the City of Pell City and zoned R-A (Residential Agricultural District) under the provisions of § 11-42-21, *Code of Alabama*, 1975; and

**WHEREAS**, said petition did have attached thereto, marked "Exhibit A", an accurate description of said territory proposed to be annexed, together with a map of said territory showing its said relationship to the corporate limits of the City of Pell City, all as is required under the provisions of said § 11-42-21; and

**WHEREAS**, the City Council of the City of Pell City has heretofore examined the aforesaid petition and said exhibit attached thereto and finds that the said described lands are located and contained within an area contiguous to the corporate limits of the City of Pell City and that said described lands do not lie within the corporate limits or the police jurisdiction of any other municipality, and that all of the owners of said described lands joined in said petition by affixing their signatures thereto.

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

Section 1. That said petition of all of the owners of the following described lands situated in St. Clair County, Alabama, to-wit:

A tract of land located in St. Clair County, Alabama, lying and being on the Southerly side of U.S. Highway Number 78, more particularly described as follows:

Commencing at the Southwest intersection of the Wolf Creek Road and said U. S. Highway Number 78 in the Town of Eden, Alabama; thence 363 feet, more or less, to the corner of a tract conveyed to J.M. Brannon by deed recorded in Volume 26, Page 104 in the Office of the Judge of Probate; thence Southwestwardly along the Southwest line of said Brannon tract a distance of 350 feet more or less, to a corner where the Southeast line of said Brannon tract intersects the east line of a tract conveyed to J. W. Allen by deed recorded in Volume 35 Page 483 in the Office of the Judge of Probate; thence South along the East line of said Allen tract a distance of 550 feet, more or less, to the right of way of the Southern Railway; thence East along said right of way a distance of 450 feet, more or less, to the Wolf Creek Road; thence North along the said Wolf Creek Road a distance of 655 feet, more or less, to the Point of Beginning; and bounded on the North side by said U. S. Highway Number 78, on the Northwest by lands owned by J. M. Brannon, on the West lands owned by J.W. Allen, on the South by the right of way of Southern Railway, and on the East side by Wolf Creek Road, and containing Eight (8) acres, more or less, together with free use of water front spring near South line of said land all situated in Section 3, Township 17, Range 3 East.

PARCEL # 28-02-03-2-000-016.000

Requesting that the same be annexed to the City of Pell City, Alabama, and zoned as R-A (Residential Agricultural District) be and the same is hereby approved.

Section 2. That the City Council of the City of Pell City does hereby assent to the annexation of the said described lands to the City of Pell City and the corporate limits of the City of Pell City be and the same are hereby extended and rearranged so as to embrace and include said described lands and that the same shall become a part of the corporate area of the City of Pell City, Alabama, and zoned as R-A (Residential Agricultural District) upon the date of the publication of this Ordinance.

Section 3. That this Ordinance shall become effective upon passage, approval 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.

On motion of Councilmember Mitcham, seconded by Councilmember Henderson, the Council unanimously adopted said ordinance authorizing the annexation of property located at 46 Cogswell Avenue. The motion was seconded by Councilmember Jenkins. On roll call vote those voting ayes being: Councilmember Jenkins, McDaniel, Henderson, Mitcham, and Council President Alverson. Nays: None. Council President Alverson declared the motion approved.

On motion of Councilmember Mitcham, seconded by Councilmember Henderson, the Council unanimously approved **RESOLUTION NO. 2024 – 6059** authorizing the buyout of a lease purchase for a Komatsu PC210LC-11 Hydraulic Excavator through Komatsu Financial, Inc.

On motion of Councilmember Mitcham, seconded by Councilmember McDaniel, the Council unanimously approved **RESOLUTION NO. 2024 – 6060** declaring certain items surplus and no longer needed for municipal purposes.

On motion of Councilmember Mitcham, seconded by Councilmember McDaniel, the Council unanimously approved **RESOLUTION NO. 2024 – 6061** authorizing an agreement with JM Wood Auction Company, Inc. to auction the following items:

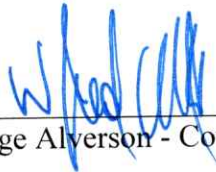
- 1986 Caterpillar 130G Motor Grader – S/N: 7GB014758
- 1973 Caterpillar D7F Dozer – S/N: R61G1264
- (2) – 1995 Caterpillar 613C Motor Scrapers – S/N: 9FM00140
- 1983 Raygo 420C Roller – S/N: W010110816
- 2021 Komatsu P210LC-11 Excavator – S/N: A13216

On motion of Councilmember Jenkins, seconded by Councilmember Mitcham, the Council unanimously approved **RESOLUTION NO. 2024 – 6062** authorizing the purchase of a Caterpillar 320 Excavator from Thompson Tractor.

On motion of Councilmember Henderson, seconded by Councilmember Mitcham, the Council unanimously approved **RESOLUTION NO. 2024 – 6063** authorizing an allocation agreement with Cardinal Health and Cencora regarding the Alabama-Specific Opioid Settlement.

On motion of Councilmember McDaniel, seconded by Councilmember Mitcham, the Council unanimously approved **RESOLUTION NO. 2024 – 6064** authorizing a purchase agreement for certain property located on Cogswell Avenue and owned by Pine Harbor Properties, Inc.

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

  
\_\_\_\_\_  
W. Judge Alverson - Council President

ATTEST:

  
\_\_\_\_\_  
Sheree D. Pruitt - City Clerk