

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, February 24, 2020. Present were Council President James McGowan, Councilmen Jay Jenkins, Blaine Henderson, and Jud Alverson. 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 Jud Alverson.

The City Clerk had roll call for attendance.

Councilman Jud 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 February 10, 2020.

Mrs. Janet Pruett and her husband Mr. Randy Pruett addressed council to discuss flooding issues on her property, located at 484 Dickey Drive. Mrs. Pruett recognized this was the second wettest February that had occurred since records were being kept, but advised the flooding occurred every time it rained. Mrs. Pruett contributed the flooding issue to the lack of attention to the drainage pipes and ditches. Mr. Randy Pruett advised that he believed the pipe needed to be larger and the road needed to be fixed. He also advised he believed another cause was the "ponds" at Riverside Refractories. Mr. Greg Gossett, Street Department Superintendent, confirmed the City cleaned the pipes and ditches regularly and confirmed the property had always had a drainage problem even before the property was purchased by the Pruett's. Councilman Jud Alverson advised the City had plans for widening Dickey Drive. Brian Muenger, City Manager, advised he had received information there was an ADEM NPDES Permit for the three ponds and confirmed the property is owned by the Morris's. He also advised Allied confirmed they had no future plans for the use of the ponds.

Brian Muenger, City Manager, addressed the Council regarding the zoning and rezoning classifications of three sets of properties within the City Limits of Pell City. Mr. Muenger advised the first was related to Hazelwood Drive annexed area, the second was citizen initiated re-zoning, and the third was City initiated re-zoning, which is part of the clean-up of the existing zoning map and were improperly classified. He advised all three came from the Planning Commission with a full recommendation.

David Ahmet with the Center for Municipal Solutions (CMS) addressed council to request an extension of two (2) Special Use Permits that were originally approved by the City Council on September 9, 2019. He advised the extension was requested was due to the Sprint and T-Mobile merger.

Brian Muenger, City Manager, addressed the Council regarding participating in the select employment group with AOD Federal Credit Union. Mr. Muenger advised it was a select employer group, therefore requiring an employer to "opt-in" to allow employees to bank at AOD. He confirmed there was not a mandate that employees bank with AOD should the City choose to participate.

Brian Muenger, City Manager addressed council regarding two (2) bids received for the purchase of two (2) trucks to be used in the Parks & Recreation Department.

- ❖ McSweeney Dodge Ram      \$27,669.00
- ❖ Town & Country Ford      \$36,650.00

Mr. Muenger stated there was \$69,000.00 budgeted in CIP funds for the purchase of the two (2) trucks, and advised the bids were \$4,681.00 under the budgeted figure.

Brian Muenger, City Manager discussed an agreement with ALSCO regarding the rental of linens to be used at the Municipal Complex. Mr. Muenger advised the terms and conditions were under review by the City Attorney. He advised the City had only paid approximately \$2,000.00, to ALSCO over the years. John Rea, City Attorney stated the agreement had similar terms as the agreement the City had with ALSCO in 2016 and advised the revisions would be in line with that agreement.

Brian Muenger, City Manager, discussed surplus item from the Fire Department and Street Department that were no longer needed. Mr. Muenger advised the hard drives would be removed prior to surplus sale.

Brian Muenger, City Manager, discussed the purchase of two (2) John Deere 5090 M tractors and two (2) bat-wing bush hogs that were approved through the CIP. Mr. Muenger stated the price of the tractors were \$113,584.80, and the bush hogs total were \$42,661.52. Mr. Greg Gossett, Street Department Superintendent advised there was a six (6) month turn around time for the equipment.

Brian Muenger, City Manager addressed council to discuss streetlights for a segment of Mays Bend Road past the St. Clair County Airport. He advised he had reviewed the area and there was not any appreciable lighting. Mr. Muenger stated pricing was put together with the help of Alabama Power. Mr. Muenger advised the cost for the LED lights would be \$13,707.00 over ten years, with an upfront payment of \$3,795.00 for the equipment.

Ms. Penny Isbell, City Clerk addressed council to discuss Board Appointments. She advised there were various terms that were expired or about to expire.

<b>Applicant</b>	<b>Board</b>
❖ Matthew Pope	Commercial Development Authority
❖ Barnett Lawley	St. Clair EDC
❖ Ren Wheeler	Board of Zoning Adjustments
❖ Roy Forman	Board of Zoning Adjustments
❖ Lyle Harmon	D.A.R.E. Board
❖ Cecil Fomby	D.A.R.E. Board
❖ Phil Seay	D.A.R.E. Board
❖ Lance Bell	D.A.R.E. Board

Ms. Isbell advised there were three additional vacancies on the DARE Board, for which applications were received from Dr. James Martin, Del Hufford, Byron Gover and Carla Gover. Chief Irwin advised he did not have any objections to any applicants and recommended the reappointments. City Manager Muenger stated if the City Council wanted to wait for additional applicants, or to discuss appointing the current applicants listed as board positions.

Brian Muenger, City Manager, addressed the Council regarding a proposal received from EEFS Company regarding the improvements of Dickey Drive. Mr. Muenger advised the proposal was separated in three phases and the City would be able to withdraw during any phase of the agreement. He confirmed the total cost would not exceed \$52,000.00, and was included in the total cost of the project as it was previously discussed.

Brian Muenger, City Manager, addressed the City Council regarding the final easement needed to install a gravity sewer main. He advised they had received positive feed back from the property owner previously; however, had been non-responsive recently. Mr. Muenger advised the resolution would allow the City Attorney, himself and other City Employees to negotiation with the property owner if needed. He also advised he had spoken with the engineers regarding an alternate plan; however, there was not an option. He confirmed the easement would not impact the use of the property. City Attorney John Rea confirmed the property owner had been offered fair market value, which was determined by an appraisal that was completed of an adjacent property.

Brian Muenger, City Manager, addressed council regarding leasing additional space to JBS Mental Health and MSH Appraisal, two current tenants at the municipal complex. He confirmed both had been good tenants and there were not any improvements needed other than rekeying the locks.

Brian Muenger, City Manager, addressed council regarding Legislative Bills of Interest that needed immediate action. He advised top bill for the current session was SB57 regarding to the Alabama Open Records Act and stated it would only allow 14 day response period. Mr. Muenger confirmed after the 14 days there would be a one-time extension, which would not be reasonable in most cases depending upon the complexity of the requested information. He advised it would be good to have a deadline, but believed the 14 days would be onerous and could be negotiated to be more reasonable. Mr. Muenger advised the second bill was SB142 which dealt with the Police and Planning Jurisdictions introduced by Senator Elliott, which would prohibit municipalities from exercising Police and Planning Jurisdictions if they were not already exercised without a referendum. He advised the third bill was HB112 regarding Fireworks. Mr. Muenger advised this would strike the City's existing ordinance and would be forced to permit those vendors within the City Limits and believes this should be something addressed on a city by city basis. He advised the next bill HB147 regarding Occupational Tax, which would ultimately take the authority from the local council and place it in the hands of Montgomery. Mr. Muenger advised Senator Melson introduced SB52 regarding Medical Cannabis preempting municipal authority over the sale of medical cannabis. He advised the bill was getting favorable reports in committee. Mr. Muenger advised SB196 was introduced regarding Animal Enterprise Preemption. He advised the City had employed an Animal Control Officer and stated the bill would place the authority in the hands solely with the State Department of Agriculture. Mr. Muenger confirmed there was already some dialogue regarding this bill.

City Manager Comments: City Manager Muenger had no additional comments.

Mayor Comments: Mayor Pruitt had no additional comments.

There being no further items to discuss, Council President McGowan adjourned the work session.

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, February 24, 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 Jenkins, seconded by Councilman Mitcham, the council unanimously approved the agenda as presented.

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

On motion of Councilman Alverson, seconded by Councilman Henderson, the council unanimously approved the minutes of the regularly scheduled council meeting held on February 10, 2020.

No was the time set aside for a Public Hearing to consider the zoning classification of certain properties annexed into the City Limits of the City of Pell City by Legislative Act 2019-378. Penny Isbell, City Clerk, read the owners names and addresses for the R-A zoning classification.

Council President McGowan opened the Public Hearing at 7:03 p.m.

Mr. Johnny Cash who resides at 499 Hazelwood Drive addressed the Council regarding his opposition to his property being annexed into the City Limits of the City of Pell City. Mr. Cash expressed several concerns regarding trash, speeders, etcetera. He also questioned why his

property was annexed and confirmed he would complete an application to de-annex from the City.

No one else appeared and there was no further discussion. Council President McGowan closed the Public Hearing at 7:06 p.m.

Council President McGowan introduced the following ordinance regarding the zoning classification of certain properties annexed into the City Limits of the City of Pell City by Legislative Act 2019-378 to be R-A (Residential Agricultural District).

**ORDINANCE NO. 2020 – 5260**

**AN ORDINANCE AMENDING ORDINANCE NO. 79 -516 TO ASSIGN A ZONING CLASSIFICATION TO CERTAIN PROPERTY ANNEXED INTO THE CITY LIMITS OF THE CITY OF PELL CITY, ALABAMA BY LEGISLATIVE ACT 2019 -378**

**WHEREAS**, the City of Pell City, St. Clair County, Alabama, did file with the Clerk of the City of Pell City, Alabama, written petitions duly signed by the Mayor, requesting that said described properties annexed into the corporate limits of the City of Pell City by Legislative Act 2019 - 378 be zoned to R-A (Residential Agricultural 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 zoned, 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 February 24, 2020 pertaining to said zoning; 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.** That the Zoning District Map of the City of Pell City, as described in Zoning Ordinance No. 79 – 516, be and said Zoning District Map hereby is amended by assigning an R-A (Residential Agricultural District) zoning classification to the following described lands annexed by Legislative Act No. 2019 - 378 of the 2019 regular session of the Legislature of Alabama and the same is hereby approved, to-wit:

- a) **Owner:** George Cash – Hazelwood Drive, Pell City, AL 35125  
**Tax Parcel Information:** PPIN: 20727 Parcel Number: 23-07-25-0-002-046.000  
**Legal Description:** BEG 190' W & 472.82' S NW COR OF SW/4 SW/4 TH SW 306.08' N WALG R/W 646.25' SE 726.65' TO POB 25-16-3  
**Action:** Zone to R-A (Residential Agricultural District)
  
- b) **Owner:** Richard & Cecelia Byrd – Robin Drive, Pell City, AL 35125  
**Tax Parcel Information:** PPIN: 43290 Parcel Number: 23-07-25-0-002-046.004  
**Legal Description:** BEG 190' W NE COR SW/4 SW/4 TH S 472.82' NWLY 242.4' N 297.99' E 295.37' TO POB 25-16-3  
**Action:** Zone to R-A (Residential Agricultural District)
  
- c) **Owner:** Eugene W & Frankie L Smith – Hazelwood Drive, Pell City, AL 35125  
**Tax Parcel Information:** PPIN: 43769 Parcel Number: 23-07-25-0-002-046.006  
**Legal Description:** COM NE COR SW/4 SW/4 TH W 190' W 295.37' TO POB TH S 297.99' NWLY 384.25' NW ALG R/W 115' E 385' TO POB 25-16-3  
  
**Legal Description revised:** COM NE COR SW¼ SW¼ TH W 551.4 TO POB TH SW 27.69 SE 10 SW217.22 NW 62'S TO NE ROW HAZELWOOD DR., TH NW ALG ROW 115E 318.97 TO POB .65 ACC 25-16-3  
**Action:** Zone to R-A (Residential Agricultural District)  
  
**Tax Parcel Information:** PPIN: 73775 Parcel Number: 23-07-25-0-002-046.008  
**Legal Description new:** COM NE COR SW¼ SW¼ TH W 485.37 TO POB TH S 130.81 SW 75.67NW 5 SW 50 NW 10 SW 29.41 NW 148.95 NE 217.22 NW 10 NE 27.69E 66.03 TO POB .69 AC 25-16-3  
**Action:** Zone to R-A (Residential Agricultural District)

Tax Parcel Information: PPIN: 73776 Parcel Number: 23-07-25-0-002-046.009  
Legal Description new: COM NE COR SW¼ SW¼ TH W 485.37 S 130.81 TO POB  
CONT S 167.18NWLY 170'S TH NE 29.41 SE 10 NE 50 SE 5 NE 75.67 TO POB.22  
ACC 25-16-3  
Action: Zone to R-A (Residential Agricultural District)

- d) Owner: Johnny E & Sharmon L Cash – 499 Hazelwood Drive, Pell City, AL 35125  
Tax Parcel Information: PPIN: 45258 Parcel Number: 23-07-25-0-002-046.007  
Legal Description: BEG 421.00' S NW COR SW/4 SW/4 TH E 567.69' SE ALG R/W  
23/52' W 795.23' N 200.83' TO POB 25-16-3  
Action: Zone to R-A (Residential Agricultural District)
- e) Owner: George Cash – Hazelwood Drive, Pell City, AL 35125  
Tax Parcel Information: PPIN: 72557 Parcel Number: 23-07-25-0-002-050.002  
Legal Description: COM NE COR SW ¼ SW ¼ S 444.81' SW 192.99' TO POB SW  
306.58' TOR/W HAZELWOOD DR SE 73.93' NE 295.5' TO POB 25-16-3  
Action: Zone to R-A (Residential Agricultural District)

**Section 2.** The Zoning District Map of the City of Pell City shall be amended by zoning the aforesaid described parcels of land to R-A.

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

Councilman Alverson 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.

No was the time set aside for a Public Hearing to consider the zoning classification of certain properties annexed into the City Limits of the City of Pell City by Legislative Act 2019-378. Penny Isbell, City Clerk, read the owners names and addresses for the R-1 zoning classification.

Council President McGowan opened the Public Hearing at 7:10 p.m.

Marsha and Burford O'Neal who reside at 200 Hazelwood Drive addressed the Council regarding their opposition of their property being annexed into the City limits of Pell City. Mrs. O'neal asked about taxes, water service and fire service. City Attorney John Rea advised Wattsville would continue to supply water, but the City of Pell City would provide fire protection. Mr. and Mrs. O'neal questioned why the property owners were not notified about the annexation. Councilman Alverson advised the annexation process was completed in accordance with the law. City Manager Muenger confirmed the annexation was noted in the agreement in 2012, confirmed their water would still be supplied by Wattsville Water Authority and advised his understanding was the "fire dues" was voluntary, but those funds were not provided to the City.

No one else appeared and there was no further discussion. Council President McGowan closed the Public Hearing at 7:20 p.m.

Council President McGowan introduced the following ordinance regarding the zoning classification of certain properties annexed into the City Limits of the City of Pell City by Legislative Act 2019-378 to be R-1 (Low Density Residential District).

## **ORDINANCE NO. 2020 - 5261**

**AN ORDINANCE AMENDING ORDINANCE NO. 79 -516 TO ASSIGN A  
ZONING CLASSIFICATION TO CERTAIN PROPERTY ANNEXED  
INTO THE CITY LIMITS OF THE CITY OF PELL CITY, ALABAMA  
BY LEGISLATIVE ACT 2019 -378**

**WHEREAS**, the City of Pell City, St. Clair County, Alabama, did file with the Clerk of the City of Pell City, Alabama, a written petition duly signed by the Mayor, requesting that said described property annexed into the corporate limits of the City of Pell City by Legislative Act 2019 - 378 be zoned to R-1 (Low 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 zoned, 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 February 24, 2020 pertaining to said zoning; 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.** That the Zoning District Map of the City of Pell City, as described in Zoning Ordinance No. 79 – 516, be and said Zoning District Map hereby is amended by assigning an R-1 (Low Density Residential District) zoning classification to the following described lands annexed by Legislative Act No. 2019 - 378 of the 2019 regular session of the Legislature of Alabama and the same is hereby approved, to-wit:

- a) Owner: The Pentecostals of Pell City Inc – Robin Drive, Pell City, AL 35125  
Tax Parcel Information: PPIN: 20697 Parcel Number: 23-07-25-0-002-022.000  
Legal Description: COM SE COR NE/4 SW/4 W 674.7' N 210' E 105' S 60.13' TO POBTH W 75' SE 103.57' SW ALG R/W 15.6' SW ALG R/W 75' N 150' TO POB 25-16-3  
Action: Zone to R-1 (Low Density Residential District)
- b) Owner: The Pentecostals of Pell City Inc – Robin Drive, Pell City, AL 35125  
Tax Parcel Information: PPIN: 20698 Parcel Number: 23-07-25-0-002-023.000  
Legal Description: E ¼ OF NE/4 SW/4 25-16-3  
Action: Zone to R-1 (Low Density Residential District)
- c) Owner: Distini L Carter – Robin Drive, Pell City, AL 35125  
Tax Parcel Information: PPIN: 20699 Parcel Number: 23-07-25-0-002-024.000  
Legal Description: BEG 780' W SE COR NE/4 SW/4 TH N 210' E 105' S 210' W 105' TO POB 25-16-3  
Action: Zone to R-1 (Low Density Residential District)
- d) Owner: Jackie Ronald & Elizabeth D Robertson – 45 Robin Drive, Pell City, AL 35125  
Tax Parcel Information: PPIN: 20700 Parcel Number: 23-07-25-0-002-025.000  
Legal Description: BEG NE COR NW/4 SW/4 TH S 660' E 330' S 450' E 240' S 210' SW ALG R/W 60' N 26' W 225' N 7' W 44' S 7' W 560' N 1320' TO POB 25-16-3 17AC  
Action: Zone to R-1 (Low Density Residential District)
- e) Owner: Johnny Lee & Gloria Sue Sauls – 600 Hazelwood Drive, Pell City, AL 35125  
Tax Parcel Information: PPIN: 20722 Parcel Number: 23-07-25-0-002-041.000  
Legal Description: COM SE COR NW/4 SW/4 330' TO IRON STAKE POB 25-16-3 2AC  
Legal Description revised: COM SE COR NW¼ SW¼ W 552.39 TO POB CONT W 207.39 TH N 210 E420 S 115'S SW 110.23 NW 10 SW 122.31 TO POB 1.78 AC25-16-3  
Tax Parcel Information: PPIN: 73774 Parcel Number: 23-07-25-0-002-041.001  
Legal Description: COM SE COR NW¼ SW¼ W 339.78 TO POB CONT W 212.61 TH NE122.31 SE 10 NE 110.32 S 94.51 TO POB .23 AC  
Action: Zone to R-1 (Low Density Residential District)
- f) Owner: Richard & Cecelia Byrd – Hazelwood Drive, Pell City, AL 35125  
Tax Parcel Information: PPIN: 20723 Parcel Number: 23-07-25-0-002-042.000  
Legal Description: BEG 750' W OF SE COR NW/4 SW/4 W 120.53' NW ALG R/W 120.53' NE 200' S 210' TO POB 25-16-3  
Action: Zone to R-1 (Low Density Residential District)

- g) Owner: Rebecca Ann Cooper – 16 Cash Lane, Pell City, AL 35125  
Tax Parcel Information: PPIN: 43287 Parcel Number: 23-07-25-0-002-046.001  
Legal Description: BEG 750' W OF SE COR NW/4 SW/4 W 120.53' NW ALG R/W 120.53' NE 200' S 210' TO POB 25-16-3  
Action: Zone to R-1 (Low Density Residential District)
  
- h) Owner: Ronald G & Barbara J Johnson – 35 Cash Lane, Pell City, AL 35125  
Tax Parcel Information: PPIN: 43288 Parcel Number: 23-07-25-0-002-046.002  
Legal Description: BEG NE COR SW/4 SW/4 TH S 444.81' SW 192.99' N 472.82' E 190' TO POB 25-16-3  
Action: Zone to R-1 (Low Density Residential District)
  
- i) Owner: Faye N Hurst – 417 Hazelwood Drive, Pell City, AL 35125  
Tax Parcel Information: PPIN: 20730 Parcel Number: 23-07-25-0-002-049.000  
Legal Description: BEG SE COR SW/4 TH W 195' NW ALG R/W 450 NE 50' ELY 210' S 300' E 100' N 300' NE 15' S 174' E 45' S 290' SE ALG I-20 TO S LINE SEC W TO POB 25-16-3  
Action: Zone to R-1 (Low Density Residential District)
  
- j) Owner: Gary L Sr & Barbara Hurst – 365 Hazelwood Drive, Pell City, AL 35125  
Tax Parcel Information: PPIN: 20731 Parcel Number: 23-07-25-0-002-049.001  
Legal Description: COM SE COR N 200' TO BEG W 100' N 300' .70AC 25-16-3  
Action: Zone to R-1 (Low Density Residential District)
  
- k) Owner: Jerry Kay Mathews – 365 Hazelwood Drive, Pell City, AL 35125  
Tax Parcel Information: PPIN: 20732 Parcel Number: 23-07-25-0-002-050.000  
Legal Description: COM NE COR SW ¼ S 444.81' SW 192.00' TO POB SW 295.5' S & ELY ALG HAZELWOOD DR 405' NW 273.49' SW 22.77' TO POB 25-16-3  
Action: Zone to R-1 (Low Density Residential District)
  
- l) Owner: Jerry Kay Mathews – Hazelwood Drive, Pell City, AL 35125  
Tax Parcel Information: PPIN: 70695 Parcel Number: 23-07-25-0-002-050.001  
Legal Description: COM NE COR SW/4 SW/4 S 444.81' SW 135.08' TO POB SE 205.98' NW 205.98' NE 35' TO POB 25-16-3  
Action: Zone to R-1 (Low Density Residential District)
  
- m) Owner: Jeffery D & Malanie A Williams – 340 Hazelwood Drive, Pell City, AL 35125  
Tax Parcel Information: PPIN: 20733 Parcel Number: 23-07-25-0-002-051.000  
Legal Description: COM NW COR SE/4 OF SW/4 S 444.81' NE 160.14' SE ALG R/W 61.28' TO POB SE ALG R/W 129.83' SW ALG R/W 279.3' NW 146.97' NE 280.9' TO POB 25-16-3  
Action: Zone to R-1 (Low Density Residential District)
  
- n) Owner: Ronald G & Barbara J Johnson – Cash Lane, Pell City, AL 35125  
Tax Parcel Information: PPIN: 20734 Parcel Number: 23-07-25-0-002-051.002  
Legal Description: PT NW/4 SE/4 SW/4 COM NW COR TH S 33.60' TO BEG NE 179.46' TO W ROW UNNAMED PUBLIC RD S 116' SW 160.23' N 111.21' TO POB 25-16-3 .50 ACRES  
Action: Zone to R-1 (Low Density Residential District)
  
- o) Owner: Ronald G & Barbara J Johnson – 35 Cash Lane, Pell City, AL 35125  
Tax Parcel Information: PPIN: 20735 Parcel Number: 23-07-25-0-002-052.000  
Legal Description: BEG 220' S NW COR SE/4 SW/4 S 111.2' NE 200' 25-16-3 .46AC  
Legal Description revised: COM NW COR NW¼ SE¼ SW¼ S 222.4' TO POB NE 178.2' S 100.45'SW 179.46' N 111.2' TO POB 25-16-3 .46 AC  
Action: Zone to R-1 (Low Density Residential District)
  
- p) Owner: Benny L & Mary Mathis – 47 Cash Lane, Pell City, AL 35125  
Tax Parcel Information: PPIN: 20736 Parcel Number: 23-07-25-0-002-053.000  
Legal Description: PT SE/4 SW/4 BEG NW COR TH S 220' (S) NE 195' (S) TO RD TH NELY 70' (S) ON RD TH N 120' (S) TO N/LNTH W 220' (S) TO POB 25-16-3 .88AC  
Action: Zone to R-1 (Low Density Residential District)
  
- q) Owner: Roy W & Fairy A Richardson – 46 Cash Lane, Pell City, AL 35125  
Tax Parcel Information: PPIN: 20737 Parcel Number: 23-07-25-0-002-054.000  
Legal Description: BEG 147.9' W NE COR NW/4 TH S 26' SW ALG R/W 385.27' NW 42' N 310.25' E 44' S 7' E 225' TO POB 25-16-3  
Action: Zone to R-1 (Low Density Residential District)
  
- r) Owner: Janice E Lewis – 280 Hazelwood Drive, Pell City, AL 35125  
Tax Parcel Information: PPIN: 20738 Parcel Number: 23-07-25-0-002-055.000

Legal Description COM NE COR NW/4 SE/4 SW/4 S 152.4' SW 395' TO POB SW 155.67' SW 165.33' NE 109.42' SE 164.95' TO POB 25-16-3  
Action: Zone to R-1 (Low Density Residential District)

- s) Owner: Mt Zion Freewill Baptist – Hazelwood Drive, Pell City, AL 35125  
Tax Parcel Information: PPIN: 20739 Parcel Number: 23-07-25-0-002-057.000  
Legal Description BEG 425' (S) E & 170' (S) S OF NW COR SE/4 SW/4 SE 180' (S) SW 240' (S) NW 185' (S) NE TO POB .49AC 25-16-3  
Action: Zone to R-1 (Low Density Residential District)
- t) Owner: Lawrence D Jenkins Jr – 220 Hazelwood Drive, Pell City, AL 35125  
Tax Parcel Information: PPIN: 20740 Parcel Number: 23-07-25-0-002-058.000  
Legal Description COM NE COR NW/4 SE/4 SW/4 TH S 152.4' SW 75' TO POB SW 100' NW 165' NE 100' SE 165' TO POB AKA LOT 8 GEORGE CASH S/D 25-16-3  
Action: Zone to R-1 (Low Density Residential District)
- u) Owner: Buford & Marsha O'Neal – 200 Hazelwood Drive, Pell City, AL 35125  
Tax Parcel Information: PPIN: 20741 Parcel Number: 23-07-25-0-002-059.000  
Legal Description BEG @ INT NW R/W GUM SPRINGS RD & W/E LN NW-SE-SWAS POB SW ALG R/W 75' (S) NW 165' (D) 180' (S) NE 194.2' S BACK TO POB 25-16-3 .48AC  
Action: Zone to R-1 (Low Density Residential District)
- v) Owner: Buford & Marsha O'Neal – 200 Hazelwood Drive, Pell City, AL 35125  
Tax Parcel Information: PPIN: 20742 Parcel Number: 23-07-25-0-002-060.000  
Legal Description BEG 25' S NW COR E/2 SE/4 SW/4 S 158' NE 205' W TO POB 25-16-3  
Action: Zone to R-1 (Low Density Residential District)
- w) Owner: Barry Lee & Carol Ann Brasher – Hazelwood Drive, Pell City, AL 35125  
Tax Parcel Information: PPIN: 20746 Parcel Number: 23-07-25-0-002-064.000  
Legal Description BEG 225' (S) S OF NW COR E/2 SE/4 SW/4 S 315.73' NW 215.2' NE TO POB .46AC 25-16-3  
Action: Zone to R-1 (Low Density Residential District)
- x) Owner: Chad A Richardson – 245 Hazelwood Drive, Pell City, AL 35125  
Tax Parcel Information: PPIN: 20747 Parcel Number: 23-07-25-0-002-065.000  
Legal Description BEG @ SE COR NW/4 SE/4 SW/4 TH NW 274.03' NE 100' SE 215.2' S 95' POB 25-16-3  
Action: Zone to R-1 (Low Density Residential District)
- y) Owner: Brandon L & Abigail J Mcaden – 273 Hazelwood Drive, Pell City, AL 35125  
Tax Parcel Information: PPIN: 20748 Parcel Number: 23-07-25-0-002-066.000  
Legal Description BEG SE COR NW/4 SE/4 SW/4 S 86.57' SW 43.08' NW 324.72' NE 100' SE 274.03' TO POB 25-16-3 1AC  
Action: Zone to R-1 (Low Density Residential District)
- z) Owner: Sang Thi Le & Brian Van Nguyen – 297 Hazelwood Drive, Pell City, AL 35125  
Tax Parcel Information: PPIN: 20749 Parcel Number: 23-07-25-0-002-067.000  
Legal Description BEG 86.57' S & 43.08' SW SE COR NW/4 SE/4 SW/4 TH SE 250' NW 322.7' TO S RW RD NE ALG RD 170' SE 324.72' TO POB 25-16-3  
Action: Zone to R-1 (Low Density Residential District)
- aa) Owner: Michael & Rachel Jeff – 315 Hazelwood Drive, Pell City, AL 35125  
Tax Parcel Information: PPIN: 20750 Parcel Number: 23-07-25-0-002-068.000  
Legal Description COM NE COR SW/4 SE/4 SW/4 W 392.88' TO POB TH SW ALG R/W 135.59' SE 380.43' NE ALG I-20 222.97' NW 321.57' TO POB 25-16-3  
Action: Zone to R-1 (Low Density Residential District)
- bb) Owner: Marco Antonio Terrazas Giron – 321 Hazelwood Drive, Pell City, AL 35125  
Tax Parcel Information: PPIN: 20751 Parcel Number: 23-07-25-0-002-069.000  
Legal Description COM NE COR SW/4 SE/4 SW/4 W 392.88' SW ALG R/W 135.59' TO POB TH SE ALG R/W 131.19' S 176.21' NE 56.86' S 355.45' NE ALG I-20 265.68' NW 380.43' TO POB 25-16-3  
Action: Zone to R-1 (Low Density Residential District)
- cc) Owner: Pell City City of – Pell City, AL 35125  
Tax Parcel Information: PPIN: 47008 Parcel Number: 23-07-36-2-001-001.002  
Legal Description BEG 992.97' E NW COR SEC 36 TH E 100' SE 89.78' SW 112.55' N 111.14' TO POB 36-16-3  
Action: Zone to R-1 (Low Density Residential District)



**Section 2.** The Zoning District Map of the City of Pell City shall be amended by zoning the aforesaid described parcels of land to R-1.

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

Councilman Alverson 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 Mitcham then moved that said ordinance be now placed upon its final passage and adopted. The motion was seconded by Councilman Alverson. 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.

No was the time set aside for a Public Hearing to consider the re-zoning classification of certain located on Tutwiler Drive and owned by Howard Tutwiler. Mr. Tutwiler requested the property to be re-zoned from R-1 to R-A

Council President McGowan opened the Public Hearing at 7:22 p.m. No one was present regarding this re-zoning. Council President McGowan closed the Public Hearing at 7:22 p.m.

Council President McGowan introduced the following ordinance regarding the re-zoning of certain property located on Tutwiler Drive to be R-A (Residential Agricultural District).

### **ORDINANCE NO. 2020 – 5262**

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

**WHEREAS**, Howard Tutwiler, the owner 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 Howard Tutwiler, requesting that said described property located within the corporate limits of the City of Pell City be rezoned from R-1 (Low Density Residential District) to R-A (Residential Agricultural 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 February 24, 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 Howard Tutwiler, the owner of the following described lands situated in the City of Pell City, Alabama, requesting that the same be rezoned from R-1 to R-A be and the same is hereby approved, to-wit:

A parcel in the Southwest Quarter of the Southwest Quarter of Section 18, Township 18 South, Range 4 East in St. Clair County, Alabama and being more particularly described as follows: Commence at the Southwest corner of Section 18 and run South 87° 11' 40" East along the South line of said Section for 204.70 feet, thence North 14° 41' 30" East for 182.67 feet, thence North 15° 44' 35" East for 70.17 feet, thence North 44° 16' 05" East for 18.13 feet, thence North 45° 43' 55" West for 9.85 feet, thence North 15° 34' 00" East for 338.74

feet, thence North 15° 13' 10" East for 97.70 feet to the Point of Beginning. Thence North 29° 28' 00" East for 153.79 feet, thence North 47° 07' 40" East for 257.84 feet, thence North 48° 57' 20" East for 72.50 feet, thence North 48° 09' 25" East for 183.00 feet, thence North 80° 00' 50" West for 200.00 feet, thence North 23° 19' 45" East for 137.73 feet, thence North 80° 03' 15" West for 525.00 feet to Blue Springs Branch, thence along Blue Springs Branch, a chord of South 32° 49' 35" West for 283.22 feet, thence along Blue Springs Branch and the normal pool elevation of Logan Martin Lake a chord of South 02° 26' 50" West for 354.13 feet, thence along the normal pool elevation of Logan Martin Lake a chord of South 07° 16' 10" East for 74.00 feet, thence thence (leaving normal pool elevation) rim South 83° 09' 00" East for 220.04 feet, thence South 74° 46' 50" East for 150.00 feet to the Point of Beginning. The above containing 9 acres +/- . The above is subject to the Alabama Power Company Flood Easement and the Special Flood Hazard Area Zone AE.

This description has been prepared without the benefit of a survey and is intended to describe all of Howard Tutwiler property, being Tax Parcel 29-04-18-3-000-020.000.

**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-1 to R-A.

**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 Jenkins. 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 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. 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.

No was the time set aside for a Public Hearing to consider the re-zoning classification of certain properties located on 1<sup>st</sup> Avenue North and owned by St. Clair County. The City requested the property to be re-zoned from R-3 to B-2.

Council President McGowan opened the Public Hearing at 7:24 p.m. No one was present regarding this re-zoning. Council President McGowan closed the Public Hearing at 4:24 p.m.

Council President McGowan introduced the following ordinance regarding the re-zoning classification of certain properties located on 1<sup>st</sup> Avenue North to be B-2 (General Business District).

### **ORDINANCE NO. 2020 – 5263**

#### **AN ORDINANCE AMENDING THE ZONING ORDINANCE OF THE CITY OF PELL CITY, ALABAMA (ORDINANCE NO. 79-516, AS AMENDED) TO REZONE CERTAIN PROPERTY LOCATED WITHIN THE CITY LIMITS OF THE CITY OF PELL CITY, ALABAMA.**

**WHEREAS**, the City of Pell City, Alabama did file with the Clerk of the City of Pell City, Alabama, written petitions duly signed by the Mayor requesting that the following described property located within the corporate limits of the City of Pell City be rezoned under the provisions of the Zoning Ordinance of the City of Pell City, Alabama (Ordinance No. 79-516, as amended) (“the Zoning Ordinance”) and applicable Alabama law; and

**WHEREAS**, said petitions did have attached thereto an accurate description of said territory proposed to be rezoned, together with a map of said parcels, all as is required under the provisions of the Zoning Ordinance and applicable Alabama law; and

**WHEREAS**, after appropriate public notice and public hearing, the Planning Commission of the City of Pell City, Alabama, favorably recommended to the City Council the approval of the proposed amendment to the Zoning Ordinance as set forth herein; and,

**WHEREAS**, due notice of said proposed amendment to the Zoning Ordinance has been provided to the public as required by law through publication, and a public hearing concerning the proposed amendment to the Zoning Ordinance will be held by the City Council on February 24, 2020; and,

**WHEREAS**, the City Council of the City of Pell City, Alabama, after due consideration and upon the recommendation of the Planning Commission of the City of Pell City, Alabama, finds and determines that it is in the best interest of the health, safety, and welfare of the citizens of the City of Pell City to amend the Zoning Ordinance as recommended and as further set forth herein.

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

**Section 1.** The petitions of The City of Pell City requesting that the following described parcels be rezoned are hereby approved as follows:

- a. Owner: St Clair County – 1<sup>st</sup> Avenue North, Pell City, AL 35128  
Tax Parcel Information: PPIN: 29153 Parcel Number: 28-01-01-2-003-023.000  
Legal Description: LOTS 13-16 BLK 21 PELL CITY1-17-3  
Action: Rezone from R-3 (Medium Density Residential District) to B-2 (General Business District)
- b. Owner: St Clair County (Jail) – 1<sup>st</sup> Avenue North, Pell City, AL 35128  
Tax Parcel Information: PPIN: 29154 Parcel Number: 28-01-01-2-003-024.000  
Legal Description: LOTS 17-22 BLK 21 PELL CITY1-17-3  
Action: Rezone from R-3 (Medium Density Residential District) to B-2 (General Business District)
- c. Owner: St Clair County – 1<sup>st</sup> Avenue North, Pell City, AL 35128  
Tax Parcel Information: PPIN: 29155 Parcel Number: 28-01-01-2-003-024.001  
Legal Description: LOTS 23-24 BLK 21 PELL CITY1-17-3  
Action: Rezone from R-3 (Medium Density Residential District) to B-2 (General Business District)
- d. Owner: St Clair County – 1<sup>st</sup> Avenue North, Pell City, AL 35128  
Tax Parcel Information: PPIN: 29226 Parcel Number: 28-01-01-2-004-037.000  
Legal Description: LOTS 11 & 12 BLK 25 PELL CITY1-17-3  
Action: Rezone from R-3 (Medium Density Residential District) to B-2 (General Business District)
- e. Owner: St Clair County – 1<sup>st</sup> Avenue North, Pell City, AL 35128  
Tax Parcel Information: PPIN: 29230 Parcel Number: 28-01-01-2-004-041.000  
Legal Description: LOTS 7-10 BLK 25 PELL CITY1-17-3  
Action: Rezone from R-3 (Medium Density Residential District) to B-2 (General Business District)

**Section 2.** The Zoning District Map of the City of Pell City shall be amended by rezoning the above-described parcels of land as set forth in Section 1 above.

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

Councilman Alverson 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 Mitcham then moved that said ordinance be now placed upon its final passage and adopted. The motion was seconded by Councilman 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. 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 Alverson, the council unanimously approved **RESOLUTION NO. 2020 – 5264** granting the extension of the Special Use Permit for the Modification of the Telecommunication Facility for T-Mobile located at 474 Walkers Crossing Road, Pell City, Alabama.

On motion of Councilman Alverson, seconded by Councilman Mitcham, the Council unanimously approved **RESOLUTION NO. 2020 – 5265** granting the extension of the Special Use permit for the Modification of the Telecommunication Facility for T-Mobile located at 1418 Parkhill Parkway, Pell City, Alabama.

On motion of Councilman Mitcham, seconded by Councilman Henderson, the Council unanimously approved the City of Pell City to become a Select Employee Group with AOD Federal Credit Union.

On motion of Councilman Jenkins, seconded by Councilman Alverson, the Council unanimously approved **RESOLUTION NO. 2020 – 5266** awarding the bid to McSweeney Dodge Ram for the purchase of a Ram Crew Cab Truck for the Parks and Recreation Department.

On motion of Councilman Mitcham, seconded by Councilman Jenkins, the Council unanimously approved **RESOLUTION NO. 2020 – 5267** awarding the bid to Town & Country Ford for the purchase of a Maintenance Supervisor Truck for the Parks and Recreation Department.

On motion of Councilman Alverson, seconded by Councilman Mitcham, the Council unanimously approved **RESOLUTION NO. 2020 – 5268** regarding an agreement with ALSCO for the rental of linens for the Municipal Complex.

On motion of Councilman Mitcham, seconded by Councilman Henderson, the Council unanimously approved **RESOLUTION NO. 2020 – 5269** declaring certain items from the Fire Department and Street Department as surplus.

On motion of Councilman Jenkins, seconded by Councilman Henderson, the Council unanimously approved **RESOLUTION NO. 2020 – 5270** regarding the purchase of two utility tractors from the State Bid List for the Street Department.

On motion of Councilman Henderson, seconded by Councilman Alverson, the Council unanimously approved **RESOLUTION NO. 2020 – 5271** regarding the purchase of two rotary cutters through Sourcewell for the Street Department.

On motion of Councilman Mitcham, seconded by Councilman Jenkins, the Council unanimously approved the placement of two (2) LED street lights as listed in the memorandum on Mays Bend Road.

On motion of Councilman Jenkins, seconded by Councilman Alverson, the Council unanimously approved the reappointment of the following to their respective boards:

- Matthew Pope – C.D.A. – 4-year term to expire 06/25/2023
- Barnett Lawley – St. Clair EDC – 3-year term to expire 03/19/2022
- Lyle Harmon – D.A.R.E. Board – 3-year term to expire 03/14/2022
- Cecil Fomby - D.A.R.E. Board – 3-year term to expire 03/14/2022
- Phil Seay - D.A.R.E. Board – 3-year term to expire 03/14/2022
- Lance Bell - D.A.R.E. Board – 3-year term to expire 03/14/2022

On motion of Councilman Alverson, seconded by Councilman Jenkins, the Council unanimously approved the appointment of Dr. James Martin and Mr. Del Hufford to the D.A.R.E. Board and agreed to allow Byron or Carla Gover to be appointed at their discretion to the D.A.R.E. Board.

On motion of Councilman Henderson, seconded by Councilman Alverson, the Council unanimously approved the following appointments to the Board of Zoning Adjustments:

- Ren Wheeler – 3-year term to expire on 06/13/2022
- Roy Forman – 3-year term to expire on 06/13/2022

On motion of Councilman Henderson, seconded by Councilman Mitcham, the Council unanimously approved **RESOLUTION NO. 2020 – 5272** regarding a proposal received from EEFS for Engineering Services on the Dickey Drive Project.

On motion of Councilman Alverson, seconded by Councilman Henderson, the Council unanimously approved **RESOLUTION NO. 2020 – 5273** regarding the condemnation of property for the Harrisburg and Whitesville Gravity Sewer Improvements.

Council President McGowan introduced the following ordinance regarding the leasing of additional space at the Municipal Complex to MSH Appraisal, LLC.

**ORDINANCE NO. 2020 – 5274**

**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: An office suite located on the second floor in the Municipal Complex of the City of Pell City, 1000 Bruce Etheredge Parkway, Pell City, Alabama 35128, containing approximately 542 square feet.

2. The City of Pell City, Alabama, having received an offer from MSH Appraisals, LLC to lease 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 MSH Appraisals, LLC under the following terms and conditions, to-wit:

Approximately 542 square feet of office space located on the second floor of the Municipal Complex together with the right to use in common with Lessor, its employees, invitees, and customers, and Lessor's other tenants and their employees, invitees, and customers, the conference room and restroom facilities located on the second floor of the Municipal Complex for a term of one (1) year at the annual rental rate of \$6,600.00 or \$550.00 per month, commencing on the 1<sup>st</sup> day of March, 2020

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 agreements, 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 MSH Appraisals, LLC.

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 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 Jenkins. 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 Mitcham then moved that said ordinance be now placed upon its final passage and adopted. The motion was seconded by Councilman 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. 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.

Council President McGowan introduced the following ordinance regarding the leasing of additional space at the Municipal Complex to JBS Mental Health Authority.

**ORDINANCE NO. 2020 - 5275**

**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:**

7. 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: An office suite located on the second floor in the Municipal Complex of the City of Pell City, 1000 Bruce Etheredge Parkway, Pell City, Alabama 35128, containing approximately 542 square feet.

8. The City of Pell City, Alabama, having received an offer from Jefferson-Blount-St. Clair Mental Health Authority to lease 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 Jefferson-Blount-St. Clair Mental Health Authority under the following terms and conditions, to-wit:

Approximately 340 square feet of office space located on the second floor of the Municipal Complex together with the right to use in common with Lessor, its employees, invitees, and customers, and Lessor's other tenants and their employees, invitees, and customers, the conference room and restroom facilities located on the second floor of the Municipal Complex for a term of one (1) year at the annual rental rate of \$4,200.00 or \$350.00 per month, commencing on the 16<sup>th</sup> day of March, 2020

9. 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 agreements, 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 Jefferson-Blount-St. Clair Mental Health Authority.

10. 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.

11. 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.

12. Effective Date. This Ordinance shall become effective immediately upon approval 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.

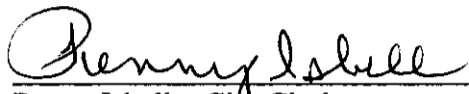
Councilman Jenkins then moved that said ordinance be now placed upon its final passage and adopted. The motion was seconded by Councilman Mitcham. The question being put as to the adoption of said motion and the passage of said ordinance, on roll call vote, the motion was

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

  
James McGowan - Council President

ATTEST:

  
Penny Isbell - City Clerk