

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, March 9, 2020. Present were Council President James McGowan, Councilmen Jay Jenkins, Jason Mitcham and Blaine Henderson. Councilman Jud Alverson was absent. 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 Fire Chief Tim Kurzejeski.

The City Clerk had roll call for attendance.

City Manager Brian Muenger said he was contacted by Councilman Alverson, who advised the bills had been reviewed and everything was okay to pay.

There were no comments on the minutes of the regular council meeting held on February 24, 2020.

Ms. Teresa Snider addressed the Council regarding the amount of her water bill. Ms. Snider advised she was staying with her daughter from November through the beginning of January in Hayden due to medical reasons. She advised she did not have a water leak and believed the City should have credited her for the late charge of approximately \$30.00. City Manager Brian Muenger asked permission to have Mr. James Hadaway to read the data log. Ms. Snider advised Ms. Teresa St. James authorized a credit for \$19.60. Mr. Muenger confirmed that Ms. Snider's bill historically had been low and advised the City Policy is only to approved credits for a leak. Mr. Hadaway confirmed the data log was consistent with a toilet or water spicket having run continuously. He advised there were several things that could have caused the readings. Mr. Hadaway confirmed the meter was working properly and the water had flowed through the meter. Council President McGowan confirmed with Ms. Snider that the City treated her the same way as any other customer. Ms. Snider advised that one of the spickets had been unwrapped during the time period she was residing with her daughter. Councilman Jenkins advised the City should credit the late charge and some of the sewer charge if that was appropriate. Mr. Muenger advised there was no issue with crediting a late charge and confirmed this situation was not within the realm of the policy to process a credit. The Councilmembers discussed waiving Ms. Snider's late fees.

City Manager Brian Muenger addressed the Council regarding the revisions to the Flood Control Ordinance. Mr. Muenger advised the Ordinance was submitted to OWR and advised there was one comment received. He confirmed it was a minor clarification as marked and advised the Ordinance was ready for action.

City Manager Brian Muenger addressed the Council regarding the surplus of items from the Park and Recreation Department and the Street Department. Mr. Muenger advised if the Resolution was approved the items would be listed for auction.

Fire Chief Tim Kurzejeski addressed the Council regarding an application for the 2019 Fire Program Grant. He advised an application was submitted yearly and confirmed the deficiency in equipment they found was the automated chest compression device. Chief Kurzejeski advised the device would allow chest compressions to be completed without interruption during a cardiac arrest. He advised the batteries are rechargeable and interchangeable. City Manager Brian Muenger advised a resolution was prepared if the Council would like to approve, and the Fire Department would be able to move forward with the application.

City Clerk, Penny Isbell addressed the Council regarding the assignment of the property along Hazelwood Drive that was annexed by Legislature to a voting District. Ms. Isbell advised the property was contiguous to District 1 and District 3. She confirmed that adding the area to District 1 would keep the numbers within 5 percent. Ms. Isbell advised once the 2020 Census was completed the District lines could be redrawn. Councilman Jenkins questioned if Fox

Hollow was in place before the 2010 Census. Ms. Isbell confirmed that Fox Hollow was in place when the 2010 Census was conducted. When questioned, Ms. Isbell stated that there were approximately 55 registered voters in the Hazelwood Drive annexed area. City Manager Muenger stated that the League advised the City should use the 2010 Census numbers to determine the appropriate district in which to assign the annexed property.

City Manager Brian Muenger addressed the Council regarding the vacation of streets and right of ways on the former hospital site. Mr. Muenger advised it was recommended that the un-platted alleys and rights of ways were vacated. He confirmed the code required the Council set a public hearing prior to any action being taken and stated the earliest date was April 13, 2020.

Council President McGowan asked if there was a date the Council preferred to hold the May 25, 2020, Council Meeting. City Manager Muenger advised the day after Memorial Day had worked well in previous years, which would be Tuesday May 26, 2020.

City Manager Brian Muenger addressed the Council regarding State Bill 57, which was introduced by Senator Ward. Mr. Muenger advised that while he believed the bill was well intended but believed the Legislature might be missing the depth of research that was required to comply with some requests. He stated a revised form of SB57 might be good for consideration. Mr. Muenger advised he personally and the City supported the bill and believed there should be a timeline; however, as the bill stood it created concerns for cities. He advised he was hopeful to see a revised bill in this regard.

City Manager Comments: No comments.

Mayor Comments: No Comments.

City Attorney John Rea advised the council needed to enter into Executive Session to discuss potential litigation and a potential economic development project involving the City. Mr. Rea certified this qualified for Executive Session. He advised the Council meeting would resume on or before 7:00 p.m. Councilman Jenkins made a motion to enter into Executive Session at 6:02 p.m. for approximately one hour. The motion was seconded by Councilman Henderson and unanimously approved by the council. On roll call, those voting aye being: Council President McGowan, Councilmen Jenkins, Henderson and Mitcham. Nays: None. Council President McGowan declared the motion approved.

On motion of Councilman Mitcham, seconded by Councilman Jenkins, the Council adjourned executive session and reconvened for the Council Meeting at 7:00 p.m.

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, March 9, 2020. Present were Council President James McGowan, Councilmen Jay Jenkins, Blaine Henderson and Jason Mitcham. Councilman Jud Alverson was absent. Those present constituting a quorum of the council, the following business was transacted:

The City Clerk had roll call for attendance.

On motion of Councilman Henderson, seconded by Councilman Mitcham, the council unanimously approved the agenda as presented.

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

On motion of Councilman Henderson, seconded by Councilman Mitcham, the council unanimously approved the minutes of the regularly scheduled council meeting held on February 24, 2020.

On motion of Councilman Jenkins, seconded by Councilman Henderson, the council unanimously approved **ORDINANCE NO. 2020 – 5257** regarding the City's Flood Damage Prevention Program, which was introduced at the February 10, 2020 Council Meeting.

On motion of Councilman Henderson, seconded by Councilman Mitcham, the Council unanimously approved **RESOLUTION NO. 2020 – 5276** declaring certain items as surplus.

On motion of Councilman Jenkins, seconded by Councilman Mitcham, the Council unanimously approved **RESOLUTION NO. 2020 – 5277** regarding the submission of an application to the Assistance to Firefighters Grant Program.

Council President McGowan introduced the following ordinance assigning the annexed property along Hazelwood Drive to District 1.

ORDINANCE NO. 2020 – 5278

AN ORDINANCE ALTERING THE COUNCIL DISTRICTS WITHIN THE CITY OF PELL CITY, ALABAMA, BY ASSIGNING CERTAIN ANNEXED PROPERTY ALONG HAZELWOOD DRIVE TO COUNCIL DISTRICT 1

WHEREAS, in accordance with Alabama Act #2019 - 378, the following described real property located on and along Hazelwood Drive was annexed into the corporate limits of the City of Pell City, Alabama, effective October 1, 2019:

A parcel in the Southwest Quarter of Section 25, Township 16 South, Range 3 East and in the Northwest Quarter of Section 36, Township 16 South, Range 3 East in St. Clair County, Alabama and being more particularly described as follows: Commence at the Southwest corner of said Section 25 and run North 89° 59' 45" East along the South line of said Section 25 for 992.97 feet to the Point of Beginning. Thence South 00° 00' 15" East for 111.14 feet to a point on the North right—of—way of Interstate 20, thence North 78° 44' 50" East along said North right—of—way along for 112.56 feet, thence (leaving right—of—way) run North 06° 38' 50" West for 89.77 feet to the North line of said Section 25, thence South 89° 59' 45" West along said North line for 100.00 feet, thence run a reverse course of North 89° 59' 45" East along said North line for 335.05 feet to a point on the North right—of—way of Interstate 20, thence 48° 15' 55" East along said right—of—way for 265.68 feet, thence North 48° 42' 10" East along said right—of—way for 222.97 feet, thence continue Northeasterly along said right—of—way for 300.6+/- feet to the West line of Deed Book 2013, Page 30 (Tax Parcel Number 23-07-25-0-002-063.000), thence (leaving right—of—way) run North 02° 10' 55" West along the West line of Deed Book 2013, Page 30 for 86.47 feet, thence North 02° 53' 35" West along said West line for 408.76 feet to the South right—of—way of Hazelwood Drive, thence continue North 02° 53' 35" West for 90.30 feet to a point on the North right—of—way of Hazelwood Drive, thence run in an Easterly direction along the North right—of—way of Hazelwood Drive to the intersection of the North right—of—way of the proposed new Hospital Connector Road as currently staked by St. Clair County, thence (leaving North right—of—way of Hazelwood Drive) run in a Westerly direction along the proposed new Hospital Connector Road to said right—of—way intersects the West line of Deed Book 2018, Page 13929 (Tax Parcel Number 23-07-25-0-002-021.000) thence run in a Northerly direction along the West line of said Deed Book 2018, Page 13929 to the South line of Deed Book 2014, Page 7102 (Tax Parcel Number 23-07-25-0-002-025.001), thence run in a Westerly direction along the South line of Deed Book 2014, Page 7102 to the intersection with the East line of Deed Book 267, Page 303, (Tax Parcel 23-07-25-0-002-025.000), thence run in a Northerly direction along the East line of Deed Book 267, Page 303 to the intersection with the North line of the Southeast Quarter of the Southwest Quarter of Section 25, thence run in a Westerly direction along said North line of said Quarter—Quarter Section until the intersection with the East line of Deed Book 2015, Page 1948 (Tax Parcel Number 23-07-25-0-002-026.001) thence run in a Southerly direction along the East line of Deed Book 2013, Page 11386 (Tax Parcel Number 23-07-25-0-002-026.002), the East line of Deed Book 2018, Page 6066, (Tax Parcel Number 23-07-25-0-002-027.000) the East line of (Tax Parcel Number 23-07-25-0-002-038.000), the East line of Deed Book 99, Page 214 (Tax Parcel Number 23-07-25-0-002-039.000), the East line of Deed Book 98, Page 551, (Tax Parcel Number 23-07-25-0-002-040.000) to the intersection of the North line of Deed Book 133, Page 581, (Tax Parcel Number 23-07-25-0-002-041.000), thence run in a Westerly direction along the North line of Deed Book 133, Page 581 to the intersection with the North line of Deed Book 2001, Page 5459, thence run in a Westerly direction along the North line of Deed Book 2001, Page 5459 to the intersection with the Northeasterly right—of—way of Hazelwood Drive, thence continue along same course to the Southwesterly right—of—way of Hazelwood Drive, thence run in a Southeasterly direction along the Southwesterly direction along said right—of—way a Chord of South 26° 40' 01" East for 469.71 feet to the North line of Deed Book 1998, Page 8561, thence (leaving right—of—way) run South 88° 23' 20" West along the North line of Deed Book 1998, Page 8561 (Tax Parcel Number 23-07-25-0-002-046.007) to the West line of Section 25, thence South 02° 01' 45" West along said West line for 200.44 feet, thence North 88° 20' 50" East for 761.75 feet to a point on the Southwesterly right—of—way of Hazelwood Drive, thence South 50° 28' 55" East along said right—of—way for 130.16 feet to the intersection of the West right—of—way of old Gum Springs Road, thence South 22° 16' 30" East along said West right—of—way for 264.86 feet, thence South 18° 36' 45" East along said right—

of—way for 222.28 feet to a point on the South line of Section 25, thence South 89° 59' 45" West along said South line for 96.39 feet to the Point of Beginning.

(hereinafter “the Annexed Property”).

WHEREAS, the City of Pell City has previously established five single-member Council districts; and

WHEREAS, the Annexed Property lies contiguous to Council District 1 and Council District 3; and

WHEREAS, Council District 1 and Council District 3 were apportioned in accordance with the 2010 Federal Census and each District contained 2,500 and 2,666 residents, respectively, at the time of apportionment; and

WHEREAS, approximately one hundred (100) residents reside in the geographical boundaries of the Annexed Property; and

WHEREAS, in order to maintain Council districts that have a five percent (5%) or less population deviation from the average in accordance with federal and state guidelines, the City Council has determined that it is wise, prudent, and in the best interests of the City to annex, incorporate, and merge the above-described Annexed Property into Council District 1 pursuant to §11-40-8, Ala. Code 1975 and other applicable Alabama law.

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of Pell City, Alabama, as follows:

1. That the above-described Annexed Property be, and it hereby is, annexed, incorporated, and merged into Council District 1 of the City of Pell City, Alabama, in accordance with §11-40-8, Ala. Code 1975 and other applicable Alabama law.
2. That the residents residing in the Annexed Property be, and they hereby are, authorized to vote for the Mayor of the City of Pell City, the Council Member representing Council District 1, and the Member of the Pell City Board of Education representing District 1 in the 2020 Municipal Election, subject to the general election laws regulating eligibility to vote.
3. That any Ordinances of the City of Pell City or parts of such Ordinances inconsistent or in conflict with the provisions of this Ordinance are hereby expressly repealed.
4. That the Mayor, City Manager, City Clerk, and their designees be, and they hereby are, authorized to take such actions and execute such documents on behalf of the City as are necessary to implement the terms and intent of this Ordinance.

APPROVED AND ADOPTED this the 9th day of March 2020.

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, and Mitcham. 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, and Mitcham. Nays: None. Council President McGowan declared the motion approved and the ordinance adopted.

On motion of Councilman Mitcham, seconded by Councilman Henderson, the Council unanimously approved setting a date for a Public Hearing to hear comments on the vacation of certain streets and alleyways on the old hospital site.

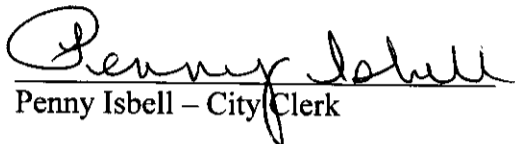
On motion of Councilman Jenkins, seconded by Councilman Henderson, the Council unanimously approved changing the date of the 2nd council meeting in May to May 26, 2020 in the Council Chambers at 7:00 p.m.

On motion of Councilman Henderson, seconded by Councilman Mitcham, the Council unanimously approved **RESOLUTION NO. 2020 – 5279** opposing SB57 regarding Requests for Public Records.

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


James McGowan - Council President

ATTEST:


Penny Isbell – City Clerk