

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, March 27, 2023. 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. Mayor Pruitt was absent.

The invocation was led by Pastor Donald Gover.

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

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 March 13, 2023.

Michael Liquori with Hargray addressed the Council regarding the status of the Hargray Broadband Upgrade. He stated that Hargray had completed their network center which was located behind their building on Cogswell Avenue. Mr. Liquori advised the project was originally a seventeen-million-dollar project but was now up to a twenty-four-million-dollar project and said the project was fully funded by the Company, not tax payers. He confirmed the core of the business community upgrade was addressed in phase three of the project.

City Clerk Sheree Pruitt addressed the Council regarding the rezoning of property located at 923 Cogswell Avenue. She advised the request was for the property re-zoned from O-1 (Office Business District) to R-1 (Low Density Residential District). Ms. Pruitt advised if the request was approved the zoning would be more in-line with the surrounding properties.

Jeff Bass with Centers for Municipal Consultants addressed the Council regarding a special use permit modification for an existing telecommunications facility located at 474 Walkers Crossing Road. He advised that all submittals had been reviewed as well as the site and confirmed all items met the requirements of the City Ordinance. Mr. Bass recommended the approval of the special use permit modification.

City Manager Brian Muenger addressed the Council regarding the condemnation of property located at 3312 Tyler Street. He advised the item was carried over from the previous Council Meeting and confirmed that Mr. Dailey had re-inspected the property from exterior only. Mr. Muenger confirmed that Mr. Dailey did not find any structural deficiencies that met the City's definition of an unsafe and untenable structure as defined in the Ordinance. Mr. Muenger recommended the Council not take action on the resolution that was previously presented.

City Manager Brian Muenger addressed the Council regarding the FY22/23 Capital Improvement Plan. He confirmed the vast number of projects that were previously approved had been completed. Mr. Muenger advised the Council was provided a breakdown of all capital requests and the budget to address these requests.

City Manager Brian Muenger spoke with regard to the Administration's capital requests. He advised the first request was to upgrade the Tyler Enterprise Software. Mr. Muenger confirmed the upgrade would provide mobile capabilities and confirmed the cost was approximately \$30,000. He advised the second request was the repair of the masonry joints at the municipal complex. Mr. Muenger stated the request was approved in the CIP for the previous fiscal year. He stated the leaks had increased on the inside of the building and confirmed it was due to the joints deteriorating. Mr. Muenger confirmed the project would be bid out for FY22/23. He advised the third request was with regard to offsite improvements which included the intersection of Dr. John Haynes Drive and Highway 231; striping and repaving of City Hall Parking lot. Mr. Muenger confirmed the improvements at the intersection of highway 231 and Dr. John Haynes Drive was related to the new development. He confirmed the total request was

in the amount of \$412,324 and anticipated the City being able to expend those funds during the current fiscal year.

Street Superintendent Greg Gossett addressed the Council regarding the capital request for the street department, which was majority equipment requests. Mr. Gossett explained each piece of equipment and the use for which the equipment was needed. He advised the streetlights would be to replace the unmatching lights and Mr. Muenger confirmed the request was tethered to the TAP sidewalk grant. Mr. Gossett stated the upgrade of the rail spur was to upgrade the cabinet as well. He advised this was an ongoing project and an estimate was received from Fred Owen.

Fire Chief Timothy Kurzejeski addressed the Council regarding the capital requests for the Fire Department. He advised all items previously funded were completed with the exception of the engine purchase. He stated the engine was originally set to be delivered during March, but was not going to be toward the end of the year. Chief Kurzejeski advised the first priority was land acquisition for Fire Station 2, which was on hold pending pre-approval. He said the second priority was for a boat that would be utilized by the Fire Department and the Police Department. He stated the third request was for radios. Chief Kurzejeski advised there was no choice with regard to the radio request and stated there was a pending grant that if approved would cover the majority of the cost for the radio upgrade. He advised the fourth request was for a transport unit, which was needed due to the wait times for an ambulance to arrive. Chief Kurzejeski confirmed he would not shut down a fire engine to operate an ambulance but if help transporting was needed that the Fire Department must be prepared. He advised their fifth request was for hose and nozzle purchases. He confirmed they were still conducting research to obtain the best suited for their department.

Council President Alverson advised it was time to begin the Council Meeting and requested the remaining Capital Improvement presentations be conducted during the Council Meeting.

City Manager Comments: None.

Mayor Comments: Absent.

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The City Council of the City of Pell City met in a regularly scheduled council meeting at City Hall immediately following the work session on Monday, March 27, 2023. 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 Jenkins, the Council unanimously approved the Agenda as presented.

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 Henderson, the Council unanimously approved the Council minutes from the regularly scheduled Council Meeting held on March 13, 2023.

Now was the time set aside for a Public Hearing regarding the rezoning of property located at 923 Cogswell Avenue from O-1 (Office Business District) to R-1 (Low Density Residential). Council President Alverson opened the Public Hearing at 6:02 p.m. Ms. Dana Ellis was present representing the sellers of the property. City Manager Brian Muenger advised the request was from the Planning Commission with a unanimous recommendation for approval. There being no one else present regarding the rezoning request, Council President Alverson closed the Public Hearing at 6:03 p.m.

Council President Alverson introduced the following Ordinance:

**ORDINANCE NO. 2023 - 5868**

**AN ORDINANCE AMENDING ORDINANCE NO. 79-516 TO REZONE FROM O-1 TO R-1 CERTAIN PROPERTY LOCATED AT 923 COGSWELL AVENUE WITHIN THE CITY LIMITS OF THE CITY OF PELL CITY, ALABAMA**

**WHEREAS**, Faye Armijo on behalf of YWCA Central Alabama, Inc., 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 Faye Armijo and LaRhonda Magras on behalf of YWCA Central Alabama, Inc., requesting that said described property located within the corporate limits of the City of Pell City be rezoned from O-1 (Office Business District) to R-1 (Low Density Residential) 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 March 27, 2023 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 Faye Armijo and LaRhonda Magras for YWCA Central Alabama, Inc, the owner of the following described lands situated in the City of Pell City, Alabama, requesting that the same be rezoned from O-1 (Office Business District) to R-1 (Low Density Residential) be and the same is hereby approved, to-wit:

A PARCEL LOCATED IN PART OF THE NORTHEAST QUARTER OF THE NORTHWEST QUARTER OF SECTION 2, TOWNSHIP 17 SOUTH, RANGE 3 EAST IN PELL CITY, ST. CLAIR COUNTY, ALABAMA AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: COMMENCE AT THE NORTHEAST CORNER OF SAID QUARTER-QUARTER SECTION AND RUN SOUTH 89 DEGREES 56' 49" WEST FOR 94.33 FEET, THENCE SOUTH 03 DEGREES 24' 44" WEST FOR 492.39 FEET TO AN EXISTING 1" PIPE AT THE POINT OF BEGINNING. THENCE NORTH 87 DEGREES 46' 35" WEST FOR 216.76 FEET TO AN EXISTING 1" PIPE, THENCE SOUTH 01 DEGREE 07' 1\*" WEST FOR 24632 FEET TO AN EXISTING 1" PIPE, THENCE SOUTH 75 DEGREES 12' 15" WEST FOR 121168 FEET TO AN EXISTING IR" REBAR, THENCE SOUTH 75 DEGREES 06' 00" WEST FOR 54.79 FEET TO AN EXISTING 1/2" REBAR ON THE EAST RIGHT-OF-WAY OF WHITESVILLE ROAD (40 FOOT RIGHT-OF-WAY), THENCE SOUTH 02 DEGREES 22' 40" WEST ALONG SAID EAST RIGHT-OF-WAY FOR 230.45 FEET TO AN EXISTING 1/2" REBAR ON THE NORTH RIGHT-OF-WAY OF U.S. HIGHWAY 78 (100 FOOT RIGHT-OF-WAY), THENCE SOUTH 86 DEGREES 23' 25" EAST ALONG THE CHORD OF A RIGHT-OF-WAY CURVE TO THE RIGHT FOR 376.94 FEET TO AN EXISTING 1/2" REBAR; THENCE (LEAVING RIGHT-OF-WAY) NORTH 03 DEGREES 24' 44" EAST FOR 539.75 FEET TO THE POINT OF BEGINNING. BEARINGS BASED ON COURT CASE CV-88-40. ACCORDING TO THE MARCH 8, 2004 SURVEY BY DERROL D. LUKER, LICENSE NO. 23006.

LESS AND EXCEPT: A PARCEL LOCATED IN PART OF THE NORTHEAST QUARTER OF THE NORTHWEST QUARTER OF SECTION 2, TOWNSHIP 17 SOUTH, RANGE 3 EAST IN PELL CITY, ST. CLAIR COUNTY, ALABAMA AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: COMMENCE AT THE NORTHEAST CORNER OF SAID QUARTER-QUARTER SECTION AND RUN SOUTH 89 DEGREES 56' 49" WEST FOR 94.33 FEET, THENCE SOUTH 03 DEGREES 24' 44" WEST FOR 492-39 FEET TO AN EXISTING 1" PIPE. THENCE NORTH 87 DEGREES 46' 35" WEST FOR 216.76 FEET TO AN EXISTING 1" PIPE, THENCE SOUTH 01 DEGREE 07' 00" WEST FOR 246.32 FEET TO AN EXISTING 1" PIPE, THENCE SOUTH 75 DEGREES 12' 15" WEST FOR 128.68 FEET TO AN EXISTING 1/2" REBAR AT THE POINT OF BEGINNING. THENCE SOUTH 75 DEGREES 06' 00" WEST FOR 54.79 FEET TO AN EXISTING 1/2" REBAR ON THE EASTERN RIGHT-OF-WAY OF WHITESVILLE ROAD (40 FOOT RIGHT-OF-WAY), THENCE SOUTH 02 DEGREES 22' 40" WEST ALONG SAID EASTERN RIGHT-OF-WAY FOR 230.45 FEET TO AN EXISTING 1/2" REBAR ON THE NORTH RIGHT-OF-WAY OF U.S. HIGHWAY 78 (80 FOOT RIGHT-OF-WAY), THENCE NORTH 85 DEGREES 36' 20" EAST ALONG THE CHORD OF A RIGHT-OF-WAY CURVE TO THE RIGHT AND RUN ALONG SAID NORTH RIGHT-OF-WAY FOR 12.32 FEET, THENCE NORTH 11 DEGREES 39' 30" EAST FOR 24834 FEET TO THE POINT OF BEGINNING,

THE ABOVE DESCRIBED PROPERTY DOES NOT CONSTITUTE THE HOMESTEAD OF THE GRANTORS OR THEIR SPOUSES, IF ANY.

SUBJECT TO:

1. MINERAL AND MINING RIGHTS NOT OWNED BY GRANTORS.
2. RIGHT OF WAY FOR U.S. HIGHWAY #78, AKA COGSWELL AVENUE.

This description has been prepared without the benefit of a survey and is intended to describe all of the property located at 923 Cogswell Avenue (Parcel ID: 28-01-02-2-000-004.000).

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

**Section 3.** 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, 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, Henderson, Mitcham, and Council President Alverson. Nays: None. Council President Alverson declared the motion approved and the Ordinance adopted.

On motion of Councilmember Jenkins, seconded by Councilmember McDaniel, the Council unanimously approved **RESOLUTION NO. 2023 – 5869** authorizing special use permit for the modification of an existing telecommunications facility located at 474 Walkers Crossing Road.

Due to a lack of a motion by the City Council, **RESOLUTION NO. 2023 – 5849** regarding the condemnation of property located 3312 Tyler Street failed.

Council President Alverson resumed the capital improvement plan presentations.

Park and Recreation Department Director, Bubba Edge, addressed the Council regarding the request for the department. Mr. Edge advised that all projects funded except the pickle ball court project was completed due to time constraints. He advised the requested items for FY22/23 were for covered cages at the ball park, new roof at the senior center and the parking lot paved. He advised the Senior Center roof was approximately twenty-six years old and needed to be replaced. Mr. Edge advised the rear parking lot at the senior center was not usable due the condition.

Police Chief Clay Morris addressed the Council regarding the capital requests for the police department. He advised their priority request was for a radio upgrade. Chief Morris advised the request was a safety measure request for the officers. He stated the second request was for four tahoes. He advised the Police Department was in a crisis with regard to vehicles supply for officers. Chief Morris stated the third request was for a budget adjustment for the construction of the new range. He advised his fourth request was for an upgrade of equipment needed in the Investigations Division which included the replacement of a polygraph machine. Chief Morris also requested safety equipment for the school resource officers.

Council President Alverson introduced the following resolution:

**RESOLUTION NO. 2023 - 5870**

**A RESOLUTION ADOPTING THE CAPITAL BUDGET FOR FISCAL YEAR 2022 - 2023  
OF THE CITY OF PELL CITY, ALABAMA**

**WHEREAS**, the City Manager and other members of the City Administration have

prepared and submitted to the City Council of the City of Pell City a proposed Capital budget for Fiscal Year 2022-2023, which budgets are attached collectively hereto as Exhibit A and expressly incorporated herein by reference; and,

**WHEREAS**, the City Council has determined that it is wise, prudent, and in the best interests of the citizens of the City to adopt the proposed Capital budget for Fiscal Year 2022-2023, as attached collectively hereto as Exhibit A, and to authorize the expenditures set forth in said budgets as described therein; and,

**WHEREAS**, the City Council has determined that the expenditures set forth in the proposed Capital budget for Fiscal Year 2022-2023 will serve a public purpose by promoting the public health, safety, morals, security, prosperity, contentment, and general welfare of the community.

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

1. That the proposed Capital budget of the City's Capital Projects expenses for Fiscal Year 2022-23, attached hereto as Exhibit A and expressly incorporated herein by reference, be, and the same hereby is, approved and adopted as the Capital Budget of the City of Pell City, Alabama for Fiscal Year 2022-23 for the purpose of financing the Capital Projects of the City of Pell City, Alabama, during the Fiscal Year beginning October 1, 2022, and ending September 30, 2023.

2. That the expenditures set forth in the Capital budget for Fiscal Year 2022-2023 will serve a public purpose by promoting the public health, safety, morals, security, prosperity, contentment, and general welfare of the community.

3. That the City Manager be, and he hereby is, authorized to approve the expenditures set forth in the Capital Budget for the purposes indicated therein, provided, however that all written contracts that require execution on behalf of the City and any expenditures that exceed Fifteen Thousand and No/ 100 Dollars (\$15,000.00) shall be submitted to the City Council for additional approval.

4. That, notwithstanding the foregoing, the City Manager be, and he hereby is, authorized to approve all Capital expenditures for Fiscal Year 2022-2023 made pursuant to contracts approved by the City Council through the Alabama Competitive Bid Law and Public Works Bid Law.

5. That the City Manager and City Treasurer be, and they hereby are, authorized to expend such amounts as consistent with the Capital Budget to honor and execute contracts and obligations necessary to implement the enumerated capital projects and which are properly adopted by the City Council in the 2022-2023 Fiscal Year, and that they are directed to expend said sums in a manner as to satisfy the City's obligations to timely pay said commitments.

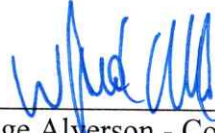
6. That the City Treasurer be, and hereby is, authorized to make the appropriate disbursements for the expenditures set forth in the Capital Budget upon receipt of the necessary approval from the City Manager.

That the City Treasurer be, and hereby is, authorized to transfer the appropriate funds from the City's Cash Reserves to cover the expenditures set forth in the Capital Budget upon receipt of the necessary approval from the City Manager.

Councilmember Mitcham moved that all rules and regulations, which unless suspended would prevent the immediate consideration and adoption of said Resolution, 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, Henderson, Mitcham, and Council President Alverson. Nays: None. Council President Alverson declared the motion approved.

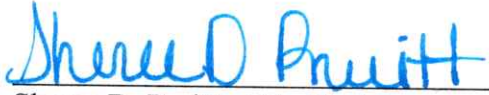
Councilmember Mitcham then moved that said Resolution be now placed upon its final passage and adopted. The motion was seconded by Councilmember Jenkins. The question being put as to the adoption of said motion and the passage of said Resolution, on roll call vote, the motion was unanimously approved.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

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