

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, August 10, 2020. Present were Council President James McGowan, Councilmen Jay Jenkins, Jud Alverson, Jason Mitcham and Blaine Henderson. Those present constituting the entirety of the Council, Council President McGowan opened the meeting for discussion.

The invocation was led by City Attorney John Rea.

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

The City Clerk had roll call for attendance.

Councilman 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 July 27, 2020.

Council President McGowan stated there was a Public Hearing set for 7:00 p.m., to consider the following items; however, there were no comments.

- Rezoning of .13 acres located on Highway 231 South
(Parcel ID: 28-06-23-0-000-004.062)
- Rezoning of .64 acres located on Highway 231 South
(Parcel ID: 28-06-23-0-000-004.000)

There were no comments on appointing additional Election Officials as listed:

- Megan Spann
- Nyasia Threatt
- Ted K. Moss
- Janet Pruettt
- Elizabeth Haynes
- Lynda Wheeler
- Trinity Herren
- De-Onta Bush

City Manager Brian Muenger addressed the Council regarding properties that were overgrown with grass/weeds. He stated the first available public hearing would be September 14, 2020.

City Manager Brian Muenger advised Mr. James Hadaway, Utility Supervisor, was present to discuss the proposal received for the installation of the Weir Gate at the WWTP. Mr. Hadaway stated one gate was replaced last year and advised this gate controlled the flow to each clarifier. He advised the installation cost was in the budget and recommended Taylor Corporation who submitted the lowest proposal.

City Manager Brian Muenger addressed the council regarding the annual ADEM Sanitary Sewer Survey. Mr. Muenger advised upon completion of inspection a score sheet is provided to the City. He stated there was nothing adverse noted in the report, but did recommend that the City implement a tank maintenance program. James Hadaway, Utility Manager advised the maintenance program was in the process and confirmed there would be items on the budget proposal for FY2021. Mr. Hadaway confirmed with Councilman Henderson that the tanks needed to be painted both inside and outside.

City Manager Brian Muenger addressed the Council regarding the FY2021 Plan for the Rebuild Alabama Act. Mr. Muenger advised a plan had been generated in concert with the Street Department, engineers and Vulcan Construction. He confirmed the plan this year included two roads, Dickey Drive and Industrial Park Drive.

City Manager Comments: None.

City Attorney John Rea stated there was an executive session listed the agenda to discuss a potential real estate transactions and potential litigation involving the City. Mr. Rea certified the

reasons set forth qualified for an Executive Session. Mr. Rea advised the Executive Session would last no longer than one hour. On motion of Councilman Alverson, seconded by Councilman Henderson, the Council unanimously approved entering the Executive Session at 5:45 p.m. On roll call, those voting aye being: Council President McGowan, Councilmen Alverson, Henderson, Jenkins and Mitcham. Nays: None. Council McGowan declared the motion approved.

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, August 10, 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 Mitcham, seconded by Councilman Henderson, the Council unanimously approved the agenda as presented.

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

On motion of Councilman Jenkins, seconded by Councilman Mitcham, the Council unanimously approved the minutes of the regularly scheduled council meeting held on July 27, 2020.

Now was the time set aside for a public hearing to consider rezoning of 0.13 acres located on Highway 231 South adjacent to Easonville Subdivision from R-A to R-1. Council President McGowan opened the public hearing at 7:01 p.m.

Mr. Jeff Jones was present and thanked the City for their time invested in making the decision and the opportunity to build more homes in the community.

There being no further comment, Council President McGowan closed the Public Hearing at 7:02 p.m.

Council President McGowan introduced **ORDINANCE NO. 2020 – 5349** regarding the rezoning of 0.13 acres located on Highway 231 South adjacent to Easonville Subdivision (Parcel ID: 28-06-23-0-000-004.062):

ORDINANCE NO. 2020 - 5349

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

WHEREAS, Metro Bank, 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 Metro Bank, requesting that said described property located within the corporate limits of the City of Pell City be rezoned from R-A (Residential Agricultural District) 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 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 August 10, 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 Metro Bank, the owner of the following described lands situated in the City of Pell City, Alabama, requesting that the same be rezoned from R-A to R-1 be and the same is hereby approved, to-wit:

Commence at the Southeast corner of said Section, said point being the Point of Beginning and run North 00° 13' 00" East along the East line of said Section for 181.41 feet to the South right-of-way of Homestead Drive (60' right-of-way), said point being a P.O.C on a right-of-way curve to the right (Radius = 280.00', Delta = 06° 47' 37", Chord = South 76° 37' 40" West, 33.18 feet), thence in a Southwesterly direction along the arc of said curve for 33.20 feet, thence (leaving right-of-way) run South 00° 16' 10" East for 173.91 feet to a point on the South line of said Section, thence North 89° 40' 35" East along the South line of said Section for 30.78 feet to the Point of Beginning. The above containing 0.13 acres. (Original Parcel ID: 28-06-23-0-000-004.062)

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-A to R-1.

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 Alverson 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.

Now was the time set aside for a public hearing to consider the rezoning of 0.64 acres located on Highway 231 South adjacent to Easonville Subdivision from R-A to R-1. Council President McGowan opened the public hearing at 7:04 p.m.

Council President McGowan introduced **ORDINANCE NO. 2020 – 5350** regarding the rezoning of 0.64 acres located on Highway 231 South adjacent to Easonville Subdivision (Parcel ID: 28-06-23-0-000-004.000):

ORDINANCE NO. 2020 - 5350

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

WHEREAS, Metro Bank, 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 Metro Bank, requesting that said described property located within the corporate limits of the City of Pell City be rezoned from R-A (Residential Agricultural District) 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 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 August 10, 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 Metro Bank, the owner of the following described lands situated in the City of Pell City, Alabama, requesting that the same be rezoned from R-A to R-1 be and the same is hereby approved, to-wit:

Commence at the Southeast corner of said Section and run thence North 00° 13' 00" East along the East line of said Section for 454.18 feet to the Point of Beginning. Thence continue North 00° 13' 00" East along said East line for 122.29 feet, thence South 89° 35' 00" West for 178.80 feet to a point on the East line of Lot 33 of Easonville Subdivision, said Subdivision being on record in the Office of the Judge of Probate of St. Clair County, Alabama in Map Book 2007, Page 6 and 7, thence South 00° 25' 00" East along the East line of Lot 33 for 74.16 feet, thence South 00° 15' 10" East along the East line of Lot 34 of said subdivision for 102.07 feet, thence North 89° 42' 00" East for 45.67 feet, thence North 67° 20' 00" East for 142.70 feet to the Point of Beginning. The above containing 0.64 acres. (Parcel ID: 28-06-23-0-000-004.000)

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

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 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 Alverson 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 Henderson, the Council unanimously approved **RESOLUTION NO. 2020 - 5351** appointing Election Officials for the 2020 Municipal Election.

On motion of Councilman Jenkins, seconded by Councilman Mitcham, the Council unanimously approved **RESOLUTION NO. 2020 - 5352** setting a Public Hearing for new Grass/Weed Nuisance Cases for September 14, 2020 at 7:00 p.m.

On motion of Councilman Henderson, seconded by Councilman Alverson, the Council unanimously approved **RESOLUTION NO. 2020 - 5353** approving the proposal received from Taylor Corporation for the Installation of the Weir Gate at the WWTP.

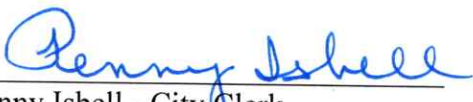
On motion of Councilman Alverson, seconded by Councilman Henderson, the Council unanimously approved **RESOLUTION NO. 2020 - 5354** approving the FY2021 Plan for the Rebuild Alabama Act.

Council President McGowan advised the next item on the Agenda was the Consideration of an Ordinance to Provide for the Issuance of General Obligation Warrants, Taxable Series 2020, of the City of Pell City, Alabama. City Attorney John Rea advised the Council would need to adjourn the meeting until 5:30 p.m. on Thursday August 13th at City Hall.

On Motion of Councilman Alverson, seconded by Councilman Henderson the Council adjourned the Council Meeting until Thursday August 13th, 2020 at 5:30 p.m. subject to the call of the Council President.


James McGowan, Council President

ATTEST:


Penny Isbell - City Clerk