

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, September 28, 2020. Present were Council President James McGowan, Councilmen Jud Alverson, Blaine Henderson, Jay Jenkins and Jason Mitcham. 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 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 September 14, 2020.

Ms. Carol Pappas addressed council to discuss the Pell City Museum. Ms. Pappas stated the museum will be managed by the Historical Committee of the Heart of Pell City. She updated Council with the progress of the museum and presented a short video to provide an overview that will be used in the campaign to raise funds for the museum. Their goal is to raise \$100,000.00. They have "The Way We Worked" that was on display several years back as well as the State's Bicentennial Exhibit. Previously, the Committee was given permission to use the old Avondale office as a museum. Ms. Pappas stated that the building was not large enough to display the exhibits they have. They asked for at least a 10-year lease on the old library. Ms. Pappas also asked that the Council consider appointing a Museum Board. They were wanting to open the museum in approximately six months. City Manager Brian Muenger stated the City would continue to have ownership of the building but there needed to be an agreement stating the plans and future plans for the use of the building. Mr. Muenger stated it was best for the City to maintain the ownership of the building in the long term.

Mayor Pruitt read a Proclamation proclaiming September 30, 2020 as NICU Awareness Day.

Mayor Pruitt read a Proclamation proclaiming September 28, 2020 as Family Day and the week of September 27th – October 3rd, 2020 as Family Week.

Council President McGowan stated there was a Public Hearing set for 7:00 p.m., to consider a request from Mr. Richard Evan Gordon, III to rezone his property located at 330 Sunset Strip. City Manager Muenger stated the property was annexed previously with an R-A zoning due to the fact that there was not sufficient time to properly advertise for the proper zoning. Mr. Gordon requested to be rezoned to R-2, which would put the zoning in line with other parcels in the neighborhood.

Council President McGowan stated that a Public Hearing needed to be set for the following properties to determine if they constituted a public nuisance with overgrown grass/weeds. The November 9th council meeting was the earliest date to set the hearings.

- Property on 15th Avenue South
- 190 Vaughn Lane
- 4812 Masters Road
- 1113 29th Street North
- 600 Kings Circle
- 500 26th Street North
- 400 29th Street North
- Property on 34th Street North

Mr. Darrell Walker was present to request his property to be de-annexed. Mr. Walker stated he was requesting to keep Rickey Lane as a private drive. Mr. Walker stated he owned both properties on each side of the road.

City Manager Muenger discussed a maintenance contract with Otis Elevator Company for a full coverage maintenance plan. Mr. Muenger stated there would be a 10% discount in the amount of \$505.19 per year, and the gross contract amount will be \$5,015.88. The contract was for five years. It will cover the elevator at City Hall and the Municipal Complex.

City Manager Muenger discussed renewing an agreement with Ingenuity Inc. Mr. Muenger stated the City initially signed an agreement with Ingenuity 3 years ago, and exceeded the initial savings plan in the amount of \$105,856.94. Mr. Muenger stated the City had issued payments to the company in the amount of \$38,099.97. The agreement started out with the electrical savings then branched out to telecommunications savings. There is still ongoing work in relations to telecommunications. Mr. Muenger stated that they had been very helpful in saving the City money.

City Manager Muenger discussed renewing an agreement with L.P. Campbell Company, for a one-year contract, which will end on September 30, 2021. Ms. Campbell provides grant writing services to the City. The terms of the agreement were identical to last year's at \$4,125.00 per quarter.

City Manager Muenger discussed a Community Development Block Grant (CDBG) subcontractor for improvements to the Wastewater Treatment Plant, which council previously awarded the construction bid to Taylor Corporation in the amount of \$709,500.00. Mr. Muenger stated Industrial Control Systems, Inc. will be the subcontractor on the project. The City's engineers reviewed the proposal from the subcontractor and recommended approval.

City Manager Muenger addressed council to discuss leases for two pieces of equipment for the Street Department. Mr. Greg Gossett, Street Superintendent, addressed council to fully describe the leases and the equipment that will be leased. These two pieces of equipment will be replacements for expired leases.

- The first lease was from Thompson Caterpillar for a Caterpillar 420 Backhoe. The payment term was sixty (60) months at \$1,584.83 per month. It was recommended that the leased equipment be insured under the City's general policy rather than through the company.
- The second lease was from Tractor & Equipment Company for a Komatsu D51PX-24 Bulldozer. The lease term was thirty-six (36) months at a rate of \$3,260.14 per month. The lease replaced the current D51 lease, which was at a monthly rate of \$2,809.21.

Mr. Muenger stated the leases had been presented to the City Attorney for review.

City Manager Muenger addressed council to discuss a potential application for an ATRIP II grant. Mr. Muenger stated last year the City submitted an application for a smaller grant for a different project but the City was not successful in being awarded that Grant. If awarded, the grant will be used for turn lanes into the Industrial Park at Cogswell Avenue and Hardwick Road.

City Manager Muenger discussed the City's appropriations for FY 2020/21. Mr. Muenger stated there were two modifications to the packet, and one additional appropriation for Lakeside Hospice in the amount of \$2,500.00. Mr. Muenger stated there was an agreement for each of the appropriations included with the Work Session packets, and asked that each council member review the agreements, and advise of any modifications needed for the agenda. The appropriations requests for FY20/21 were as follows:

- St. Clair County Airport Authority
- Boys and Girls Club of Central Alabama, Inc.
- Center for Education and Performing Arts

- St. Clair Children's Policy Council
- Council of the Arts Inc. / Artscape Gallery
- Pell City DARE Program
- St. Clair County EDC
- JBS Mental Health Authority
- Kid One Transport
- Christian Love Pantry
- American Red Cross
- Pell City Chamber of Commerce
- St. Clair Children's Advocacy Center
- United Way of Central Alabama
- YWCA of Central Alabama

City Manager Muenger addressed council to discuss the FY 2020/21 budget packet, that was provided at the Budget Work Session on September 17, 2020. Mr. Muenger discussed some adjustments made to the FY 2019/20 budget. Mr. Muenger stated the City closed out the year very strongly in spite of the pandemic. The departments' spending was well controlled and the City looked for that to continue into FY 2020/21. Mr. Muenger commended the employees for a job well performed. Mr. Muenger stated that the CIP budget will be presented at a later date.

Council President McGowan stated a time and date needed to be discussed for the canvassing of the Run-Off Election. Ms. Penny Isbell, City Clerk stated the time frame to canvass would fall on the next council meeting, October 12th, and asked if that would be a good time for each council member.

City Manager Comments: Mr. Muenger stated there was an Executive Session scheduled, and that Mr. John Rea, City Attorney had some documents to be signed, and matters to be discussed.

Mayor Comments: Mayor Pruitt had no additional comments.

Mr. John Rea, City Attorney advised that the Council needed to enter into Executive Session to discuss a potential real estate transaction and potential litigation involving the City. Mr. Rea certified this qualified for Executive Session. Councilman Henderson made a motion to enter into Executive Session at 6:21 p.m. for approximately 40 minutes. The motion was seconded by Councilman Alverson and unanimously approved by the Council. On roll call, those voting aye being: Council President McGowan, Councilmen Alverson, Henderson, Jenkins and Mitcham. Nays: None. Council President McGowan declared the motion approved.

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

Councilman Alverson made a motion to end the Executive Session and continue to the regular council meeting at 7:00 p.m. The motion was seconded by Councilman Mitcham and unanimously 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, September 28, 2020. Present were Council President James McGowan, Councilmen Jud Alverson, Blaine Henderson, Jay Jenkins and Jason Mitcham. Those present constituting the entirety of the Council, the following business was transacted:

City Manager Brian Muenger addressed the Council regarding the Health Insurance increase for City employees and their families for 2021. Mr. Muenger advised the budget in place could absorb the increase for individuals and families. There was a 5.5% increase for the year.

The City Clerk had roll call for attendance.

City Attorney John Rea addressed the Council regarding amending the Council Agenda to include three (3) land donation agreements for land located at 201 19th Street South. He advised the agreements were between the City, Bussie Petroleum, Inc., Mr. and Mrs. Barnett Lawley, and

United Energy Distributors, Inc., which represents the three entities or persons that have interests in the property. Mr. Rea stated these agreements would allow the City to seek funding from ADEM for environmental clean-up on the property and for the City to ultimately own the property.

On motion of Councilman Jenkins, seconded by Councilman Alverson, the Council unanimously approved adding the following agreements to the agenda.

- Agreement with Bussie Petroleum, Inc.
- Agreement with Mr. and Mrs. Lawley
- Agreement with United Energy Distributors, Inc.

On motion of Councilman Alverson, seconded by Councilman Mitcham, the Council unanimously approved the following agreements for the land donation located at 201 19th Street South.

- Agreement with Bussie Petroleum, Inc.
- Agreement with Mr. and Mrs. Lawley
- Agreement United Energy Distributors, Inc.

On motion of Councilman Alverson, seconded by Councilman Henderson, the Council unanimously approved the agenda as presented with the addition of the above.

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

On motion of Councilman Jenkins, seconded by Councilman Henderson, the Council unanimously approved the minutes of the regularly scheduled council meeting held on September 14, 2020.

Now was the time set aside for a public hearing to consider a request from Richard Evan Gordon, III to rezone property he owned located at 330 Sunset Strip. The requested rezoning was from R-A (Residential Agricultural District) to R-2 (Medium-Low Density Residential District). The request came from the Planning Commission with a unanimous recommendation for approval.

Council President McGowan opened the Public Hearing at 7:12 p.m. There being no one present on behalf of or in opposition to the rezoning request, Council President McGowan closed the Public Hearing at 7:12 p.m.

Council President McGowan introduced the following Ordinance rezoning 330 Sunset Strip from R-A to R-2:

ORDINANCE NO. 2020 - 5371

AN ORDINANCE AMENDING ORDINANCE NO. 79-516 TO REZONE FROM R-A TO R-2 CERTAIN PROPERTY LOCATED WITHIN THE CITY LIMITS OF THE CITY OF PELL CITY, ALABAMA

WHEREAS, Richard Evan Gordon III, 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 Richard Evan Gordon III, 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-2 (Medium-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 September 28, 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 Richard Evan Gordon III, the owner of the following described lands situated in the City of Pell City, Alabama, requesting that the same be rezoned from R-A (Residential Agricultural District) to R-2 (Medium-Low Density Residential District) be and the same is hereby approved, to-wit:

Lot 9 and the West Half of Lot 8 of Sunset Strip Subdivision as on record in the Office of the Judge of Probate of St. Clair County in Pell City on Slide A-15, Page 2

Revisions: Proposed house location added to the survey 3/5/2020, lot not re-surveyed. Parcel ID: 29-06-14-0-001-004.000. That said property was surveyed under my supervision on the 26th day of July 2018. Derrol D. Luker, Luker and Company Land Surveying.

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 (Residential Agricultural District) to R-2 (Medium-Low Density Residential District).

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 Alverson, Henderson, Jenkins and Mitcham. Nays: None. Council President McGowan declared the motion approved.

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

On motion of Councilman Henderson, seconded by Councilman Alverson, the Council unanimously approved **RESOLUTION NO. 2020 – 5372** setting a Public Hearing for new Grass/Weed Nuisance Cases for November 9th, 2020 at 7:00 p.m.

City Attorney John Rea addressed the Council and advised that in order for the Council to approve a de-annexation request, the Council must determine that the public health or public good requires that the City limits be reduced. He advised that was the standard in approving or considering such a request.

On motion of Councilman Alverson, seconded by Councilman Henderson, the council unanimously denied the de-annexation request from Darrel Walker for property he owns on Lakeshore Drive (Parcel ID #: 29-08-28-0-002-009.000).

On motion of Councilman Henderson, seconded by Councilman Mitcham, the Council unanimously approved **RESOLUTION NO. 2020 – 5373** authorizing to renew an agreement with Otis Elevator for five years.

On motion of Councilman Alverson, seconded by Councilman Mitcham, the Council unanimously approved **RESOLUTION NO. 2020 – 5374** authorizing the approval of a Master Agreement with Ingenuity for energy and telecom expense management.

On motion of Councilman Jenkins, seconded by Councilman Henderson, the Council unanimously approved **RESOLUTION NO. 2020 – 5376** authorizing the renewal of an agreement with Louise Campbell with the same terms as last year.

On motion of Councilman Alverson, seconded by Councilman Mitcham, the Council unanimously approved **RESOLUTION NO. 2020 – 5377** approving Industrial Control System, Inc. as a subcontractor for the Dye Creek Wastewater Treatment Plant Improvements.

On motion of Councilman Jenkins, seconded by Councilman Alverson, the Council unanimously approved **RESOLUTION NO. 2020 – 5378** authorizing a lease agreement with Thompson Cat for equipment for the Street Department.

On motion of Councilman Alverson, seconded by Councilman Mitcham, the Council unanimously approved **RESOLUTION NO. 2020 – 5379** authorizing a lease agreement with Komatsu for equipment for the Street Department.

On motion of Councilman Jenkins, seconded by Councilman Mitcham, the Council unanimously approved the following Resolutions for appropriations for FY20/21:

- RESOLUTION NO. 2020 – 5380** St. Clair County Airport Authority
- RESOLUTION NO. 2020 – 5381** Boys and Girls Club of Central Alabama, Inc.
- RESOLUTION NO. 2020 – 5382** Center for Education and Performing Arts
- RESOLUTION NO. 2020 – 5383** St. Clair Children’s Policy Council
- RESOLUTION NO. 2020 – 5384** Council of the Arts Inc./Artscape Gallery
- RESOLUTION NO. 2020 – 5385** Pell City DARE Program
- RESOLUTION NO. 2020 – 5386** St. Clair County EDC
- RESOLUTION NO. 2020 – 5387** JBS Mental Health Authority
- RESOLUTION NO. 2020 – 5388** Kid One Transport
- RESOLUTION NO. 2020 – 5389** Christian Love Pantry
- RESOLUTION NO. 2020 – 5390** American Red Cross
- RESOLUTION NO. 2020 – 5391** Pell City Chamber of Commerce
- RESOLUTION NO. 2020 – 5392** St. Clair Children’s Advocacy Center
- RESOLUTION NO. 2020 – 5393** United Way of Central Alabama
- RESOLUTION NO. 2020 – 5394** YWCA of Central Alabama

On motion of Councilman Jenkins, seconded by Councilman Henderson, the Council approved **RESOLUTION NO. 2020 – 5395** authorizing an appropriation agreement with the St. Clair County Soil & Water Conservation District. Councilman Mitcham recused himself.

On motion of Councilman Alverson, seconded by Councilman Mitcham, the Council approved **RESOLUTION NO. 2020 – 5396** authorizing an appropriation agreement with Lakeside Hospice. Councilman Jenkins and Council President McGowan recused themselves.

Council President McGowan introduced the following ordinance adopting the revised annual budget for FY 19/20 and the initial annual budget for FY 20/21:

ORDINANCE NO. 2020 - 5397

AN ORDINANCE ADOPTING THE REVISED ANNUAL BUDGET FOR FISCAL YEAR 2019-2020 AND THE INITIAL ANNUAL BUDGET FOR FISCAL YEAR 2020-2021 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 revised annual budget for the City for Fiscal Year 2019-2020 and a proposed initial annual budget for Fiscal Year 2020-2021, 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 revised budget as proposed for the City for Fiscal Year 2019-2020 and the proposed initial annual budget for Fiscal Year 2020-2021, 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 revised annual budget for Fiscal Year 2019-20 and the expenditures set forth in the proposed initial annual budget for Fiscal Year 2020-2021 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 ORDAINED BY THE CITY COUNCIL OF THE CITY OF PELL CITY, ALABAMA, as follows:

1. That the revised annual budget of the City's expenses for Fiscal Year 2019-2020, attached hereto as Exhibit A and expressly incorporated herein by reference, be, and the same hereby is, approved and adopted as the final Annual Budget of the City of Pell City, Alabama for Fiscal Year 2019-2020 for the purpose of financing the operations and activities of the City of Pell City, Alabama, during the Fiscal Year beginning October 1, 2019, and ending September 30, 2020.

2. That the proposed initial annual budget of the City's expenses for Fiscal Year 2020-2021, attached hereto as Exhibit A and expressly incorporated herein by reference, be, and the same hereby is, approved and adopted as the initial Annual Budget of the City of Pell City, Alabama for Fiscal Year 2020-2021 for the purpose of financing the operations and activities of the City of Pell City, Alabama, during the Fiscal Year beginning October 1, 2020, and ending September 30, 2021.

3. That the expenditures set forth in the budget for Fiscal Year 2019-2020 and Fiscal Year 2020-2021 (collectively the "Budget") will serve a public purpose by promoting the public health, safety, morals, security, prosperity, contentment, and general welfare of the community.

4. That the City Manager be, and is hereby, authorized to approve the expenditures set forth in the 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.

5. That, notwithstanding the foregoing, the City Manager be, and is hereby, authorized to approve all expenditures for Fiscal Year 2019-2020 and Fiscal Year 2020-2021 made pursuant to contracts approved by the City Council through the Alabama Competitive Bid Law and Public Works Bid Law.

6. That employees are eligible for health insurance through the Local Government Health Insurance Program. All health insurance premiums, which include family and single coverage, for Calendar Year 2021 will increase by 5.5%. The City will pay a monthly premium of \$521.00 for eligible employees with single coverage and a monthly premium of \$935.00 for eligible employees with family coverage. The eligible employees who have selected family coverage will be responsible for a monthly premium of \$337.00 which will be deducted through bi-weekly payroll in the amount of \$168.50.

7. That all eligible employees shall receive a one-step increase on the City of Pell City General Compensation Plan and the Public Safety Compensation Plan effective as of the payroll processed from September 22, 2020, through September 30, 2020, provided, however, that individuals employed by the City of Pell City for less than thirty (30) days as of the date of this Ordinance shall not be eligible for the one-step increase provided herein.

8. That the City Manager and City Treasurer be, and they hereby are, authorized to expend such amounts as consistent with the Budget to honor contracts and obligations that are in effect as of the date of this Ordinance and which are properly adopted by the City Council in the 2020-2021 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. That the City Treasurer be, and hereby is, authorized to make the appropriate disbursements for the expenditures set forth in the Budget upon receipt of the necessary approval from the City Manager.


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

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


James McGowan – Council President

ATTEST:


Penny Isbell - City Clerk