

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, November 9, 2020. Present were Council President Jud Alverson, Councilmember Jay Jenkins, Ivi McDaniel, Blaine Henderson, and Jason Mitcham. Council President Alverson opened the meeting for discussion.

The invocation was led by Councilmember Jay Jenkins.

The pledge to the American Flag was led by Mayor Bill Pruitt.

The City Clerk had roll call for attendance.

Council President 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 October 26, 2020.

There were no comments on the minutes of the organizational meeting held on November 2, 2020.

Council President Alverson advised there were public hearings set for 7:00 p.m. regarding the potential condemnation of the following properties:

- 711 28<sup>th</sup> Street North
- 901 23<sup>rd</sup> Place North

Council President Alverson advised there were public hearings set for 7:00 p.m. regarding the following properties being declared a nuisance and ordering the abatement:

- 190 Vaughan Lane
- 400 29<sup>th</sup> Street North

Jeff Thompson, Director of the CEPA Facility gave a presentation regarding events held at the CEPA along with the updated proposed rate schedule. Mr. Thompson advised the “shelter” at the CEPA was open for potential rental, which would provide additional income for the City and the CEPA. Mr. Thompson advised the Council the proposed rates were not very different from the current rate. City Manager Muenger also advised the Council the utility bills at the CEPA had been reduced tremendously and thanked Mr. Thompson for helping control the utility bills. Mr. Thompson thanked the Council for the control system that was installed at the CEPA.

Jayne Sweatt with the Diamond Dolls program at Pell City High School addressed the Council regarding the baseball and softball fields being turfed. Ms. Sweatt advised the High School Principal had pledged the funds remaining from a roofing project could be allocated for the purpose. Ms. Sweatt advised the total cost was approximately \$750,000.00 for both fields.

Chief Paul Irwin addressed the Council and advised the background check for MF Pell, LLC had been completed. He stated the business was already operating and confirmed the request was for an ABC License transfer. Chief Irwin recommended the Council’s approval.

City Manager Brian Muenger addressed Council regarding the bank signatories for BB&T, Metro Bank, Union State Bank, and Valley National Bank.

David with CMS addressed the Council regarding the existing equipment located at 1418 Parkhill Parkway. He stated there were no changes in the plan of work and confirmed the merger had been completed and they were ready to move forward with the work.

City Manager Brian Muenger addressed the Council regarding the proposed renovation budget and leasing of office space at the Municipal Complex to JBS Mental Health Authority. Mr. Muenger advised council that JBS was interested in a 5-year lease agreement; however, advised there were improvements that needed to be completed with a renovation budget of approximately \$28,000.00. He confirmed the rental rate would be approximately \$27,000.00 per year.

Fire Chief Tim Kurzejeski addressed the Council regarding the purchase of Chest Compression Devices. Chief Kurzejeski advised the request was approved via the 2020/2021 operating budget. He advised the purchase would be made through the National Association of State Procurement Officers for a total purchase amount not to exceed \$62,898.56 for the Lucas Device manufactured by Stryker.

City Manager Brian Muenger addressed the council regarding re-appointments to the Industrial Development Board. The re-appointments discussed were as follows:

- Ofes Forman (Group C – 6 year term)
- Alan Dwight Blair (Group A – 2 year term)
- Philip Guin (Group A – 2 year term)
- Serge Brazzolotto (Group B – 4 year term)
- Bob Barnett (Group B – 4 year term)
- Wayne Smith (Group C – 6 year term)

City Manager Brian Muenger addressed the Council regarding board application received from Grant Hall and Michael Wright.

Council President Jud Alverson spoke regarding the Council Ex-Officio Appointment to the Planning Commission Board. Councilmember Mitcham advised he would like to continue to serve on the Planning Commission Board.

Council President Jud Alverson spoke regarding the Council President Committee Appointments. He advised he had spoken with everyone and would read the appointments into the record during the Council Meeting.

Ms. Theresa St. James addressed the Council regarding the CIP Budget for FY 2020/2021. Ms. St. James explained the transfer of funds to the CIP as per the Ordinance along with additional funds that were transferred. She advised the gas tax funds were depleted for the paving projects and would take time to rebuild. City Manager Muenger requested that the Work Session be scheduled for the following week in order to allow allocation of funds and to be able to move forward with projects such as the Rebuild Alabama Act.

City Attorney John Rea addressed the Council regarding the Alabama Ethics Law and the potential post-employment of Penny Isbell. Mr. Rea advised there was a three-month transition period to which an employee that had retired from a city in a supervisory position in addition to the two-year separation period. He stated that the three-month period could run concurrent with the request from the Director of the Ethics Commission to ensure the City was able to take full advantage of the three-month transition period. Mr. Rea confirmed that the basis was determined by an employee leaving the position of authority, not the position an employee would be hired back to do.

City Manager Comments: Mr. Muenger reminded everyone that City Hall was closed Wednesday due to Veteran's Day.

Mayor Comments: None.

There being no further items to discuss, Council President Alverson 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, November 9, 2020. 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 Henderson, seconded by Councilmember Mitcham, the council unanimously approved the agenda as presented.

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

On motion of Councilmember Jenkins, seconded by Councilmember Henderson, the council unanimously approved the minutes of the regularly scheduled council meeting held on October 26, 2020.

On motion of Councilmember Mitcham, seconded by Councilmember Jenkins, the council unanimously approved the minutes of the regularly scheduled council meeting held on November 2, 2020.

Now was the time set aside for a Public Hearing to consider the condemnation of property located at 711 28<sup>th</sup> Street North.

City Manager Brian Muenger advised the Council that a number of the condemnations had self-resolved and confirmed there were only two properties for consideration of condemnation.

Council President Alverson opened the Public Hearing at 7:02 p.m. Reagan Ford (98 Depot Court, Warrior, AL) addressed the Council and advised she and her mother owned the property. Ms. Ford advised that they had received a quote to demolish the property; however, were confirming the services included within the quoted price. City Manager Muenger explained the "alternative plan of work" and recommended tabling the decision until the next council meeting. There being no further comment in support of or against the condemnation of 711 28<sup>th</sup> Street North; Council President Alverson closed the Public Hearing at 7:07 p.m.

Now was the time set aside for a Public Hearing to consider the condemnation of property located at 901 23<sup>rd</sup> Place North.

Council President Alverson opened the Public Hearing at 7:07 p.m. Jeff Smith (1709 Cogswell Avenue, Pell City, AL) addressed the Council and advised the damage to the house was fairly minor. He stated that Mr. Boyd's pictures were limited to one room and the damage was limited to less than 5% of the house.

City Manager Brian Muenger advised the Council there were several points noted in the packet regarding the property and recommendation of condemnation of same. Mr. Muenger also advised the contractor proposed was not a licensed contractor. Mr. Smith stated that the contractor was a "City Licensed" contractor but was unsure of the whether he was a state licensed general contractor. Council President Alverson advised Mr. Smith that a City Employee would be in contact with him to re-inspect the property the current week and come back before the Council at the next Council Meeting. Council President Alverson advised Mr. Smith that the last thing the City would want to do was to tear down a house; however, the property would need to be re-inspected.

There being no further comment in support of or against the condemnation of 901 23<sup>rd</sup> Place North, Council President Alverson closed the Public Hearing at 7:18 p.m.

On motion of Councilmember Mitcham, seconded by Councilmember Jenkins, the Council unanimously approved to table **RESOLUTION NO 2020 – 5424** for two weeks. (November 23, 2020).

On motion of Councilmember Mitcham, seconded by Councilmember Jenkins, the Council unanimously approved to table **RESOLUTION NO 2020 – 5425** for two weeks pending a reinspection by Building Inspector Kenny Boyd and submittal of an acceptable Plan of Work. (November 23, 2020).

Now was the time set aside for a Public Hearing to declare the property located at 190 Vaughan Lane a public nuisance and ordering its abatement. Council President Alverson opened the Public Hearing at 7:19 p.m. There being no comment or appearance regarding 190 Vaughan Lane, Council President Alverson closed the Public Hearing at 7:19 p.m.

Now was the time set aside for a Public Hearing to declare the property located at 400 29<sup>th</sup> Street North a public nuisance and ordering its abatement. Council President Alverson opened the Public Hearing at 7:19 p.m. There being no comment or appearance regarding 400 29<sup>th</sup> Street North, Council President Alverson closed the Public Hearing at 7:19 p.m.

On motion of Councilmember Henderson, seconded by Councilmember Mitcham, the Council unanimously approved **RESOLUTION NO 2020 – 5426** declaring the property located at 190 Vaughan Lane a public nuisance and ordering it abated.

On motion of Councilmember Henderson, seconded by Councilmember McDaniel, the Council unanimously approved **RESOLUTION NO 2020 – 5427** declaring the property located at 400 29<sup>th</sup> Street North a public nuisance and ordering it abated.

On motion of Councilmember Henderson, seconded by Councilmember McDaniel, the Council unanimously approved the rental rate schedule as presented by Jeff Thompson for the CEPA facility.

On motion of Councilmember Henderson, seconded by Councilmember Mitcham, the Council unanimously approved the ABC License Transfer Request from MF Pell, LLC.

On motion of Councilmember Jenkins, seconded by Councilmember Henderson, the Council unanimously approved the following resolutions authorizing signatories:

- **RESOLUTION NO. 2020 – 5428**                      BB&T
- **RESOLUTION NO. 2020 – 5429**                      Metro Bank
- **RESOLUTION NO. 2020 – 5430**                      Union State Bank
- **RESOLUTION NO. 2020 – 5431**                      Valley National Bank

On motion of Councilmember Henderson, seconded by Councilmember Jenkins, the Council unanimously approved **RESOLUTION NO 2020 – 5432** granting an extension of the special use permit for T-Mobile.

On motion of Councilmember Henderson, seconded by Councilmember Mitcham, the Council unanimously approved **RESOLUTION NO 2020 – 5433** approving a renovation budget at the Municipal Complex.

Council President Alverson introduced the following Ordinance declaring certain real property no longer needed for municipal purposes and authorizing the lease of said property:

**ORDINANCE NO. 2020 - 5434**

**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 2,460 square feet.

2. 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 2,460 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 five years (5) years at the annual rental rate of \$27,000.00 or \$2,250.00 per month, commencing on the \_\_\_\_ day of \_\_\_\_\_, 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 Jefferson-Blount-St. Clair Mental Health Authority.

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.

Councilmember Jenkins 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 Mitcham. On roll call vote, the motion was unanimously approved. Those voting aye being: Council President Alverson, Councilmember Jenkins, McDaniel, Henderson, and Mitcham. Nays: None. Council President Alverson declared the motion approved.

Councilmember Jenkins then moved that said ordinance be now placed upon its final passage and adopted. The motion was seconded by Councilmember 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 Alverson, Councilmember Jenkins, McDaniel, Henderson, and Mitcham. Nays: None. Council President Alverson declared the motion approved and the Ordinance adopted.

On motion of Councilmember Henderson, seconded by Councilmember Mitcham, the Council unanimously approved **RESOLUTION NO 2020 – 5435** authorizing the purchase of Chest Compression Devices for the Fire Department.

On motion of Councilmember Mitcham, seconded by Councilmember Henderson, the Council unanimously approved the following re-appointments to the Industrial Development Board:

- Ofes Forman Industrial Development Board
  - Group C – 6 Year Re-Appointment
- Alan Dwight Blair Industrial Development Board
  - Group A – 2 Year Re-Appointment
- Philip Guinn Industrial Development Board
  - Group A – 2 Year Re-Appointment
- Serge Brazzolotto Industrial Development Board
  - Group B – 4 Year Re-Appointment
- Bob Barnett Industrial Development Board
  - Group B – 4 Year Re-Appointment
- Wayne Smith Industrial Development Board
  - Group C – 6 Year Re-Appointment

On motion of Councilmember Mitcham, seconded by Councilmember Jenkins, the Council unanimously tabled the appointment of Grant Hall and Michael Wright to a board to revisit for additional interest for other open positions.

On motion of Councilmember Henderson, seconded by Councilmember McDaniel, the Council unanimously approving appointing Councilmember Jason Mitcham as the Council Ex-officio appointment to the Planning & Zoning Board.

On motion of Councilmember Henderson, seconded by Councilmember McDaniel, the Council unanimously approved the Committee Appointments as presented by Council President Alverson and listed below:

- Finance:                     Jud Alverson - Chairperson  
  (All Departments)       Ivi McDaniel
- Police:                     Blaine Henderson – Chairperson  
                                  Jud Alverson
- Animal Control:         Ivi McDaniel - Chairman  
                                  Jay Jenkins
- Street/Shop:             Jay Jenkins – Chairperson  
                                  Blaine Henderson
- Library:                   Jay Jenkins – Chairperson  
                                  Jason Mitcham
- Parks & Rec:             Jason Mitcham - Chairperson  
  (Includes Senior Center) Blaine Henderson
- Fire:                      Blaine Henderson - Chairperson  
                                  Jason Mitcham
- Utilities:                 Ivi McDaniel - Chairperson  
  (Includes Water/Sewer)  Blaine Henderson

On motion of Councilmember Henderson, seconded by Councilmember Mitcham, the Council unanimously approved setting a work session for the FY2020/2021 Capital Improvement Plan for Monday November 16, 2020 at 5:00 p.m.

On motion of Councilmember Jenkins, seconded by Councilmember Mitcham, the Council unanimously approved **RESOLUTION NO 2020 – 5436** authorizing the City Attorney to request an opinion from the Alabama Ethics Commission Concerning Post-Retirement Employment of Penny Isbell.

On motion of Councilmember Mitcham, seconded by Councilmember Jenkins, the Council unanimously approved **RESOLUTION NO 2020 – 5437** approving a post-retirement employment contract with Penny Isbell Contingent on the approval of the Director of the Alabama Ethics Commission.

On motion of Councilmember Henderson, seconded by Councilmember McDaniel, the council adjourned subject to the call of the Council President.

  
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W. Judge Alverson - Council President

ATTEST:

  
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Sheree D. Pruitt - City Clerk