

STATE OF ALABAMA
ST. CLAIR COUNTY

The City Council of the City of Pell City met in a work session at City Hall at 5:30 p.m. on Monday, February 22, 2021. Present were Council President Pro Tem Jason Mitcham, Councilmembers Ivi McDaniel, Blaine Henderson, and Jay Jenkins. Council President Alverson was absent. Those present constituting a quorum of the Council, Council President Pro Tem Jason Mitcham opened the meeting for discussion.

The invocation was led by Councilmember Jay Jenkins

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

The City Clerk had roll call for attendance.

There were no comments regarding the bills on file.

There were no comments on the minutes of the regular council meeting held on February 8, 2021.

Mayor Bill Pruitt, Councilmember Ivi McDaniel, Judge Phil Seay, and District Attorney Lyle Harmon addressed the Council regarding the prohibition of the sale or delivery of the drug Tianeptine.

Beth Waggoner and Renee Cramer addressed the Council regarding the jail being re-constructed in the historic district of Pell City. Ms. Cramer read from the presentation for Ms. Waggoner which advised the Council of their concerns with the jail being built in the downtown area. Sheriff Billy Murray advised the Sheriff is tasked with managing and running a safe County Jail. He stated that so long as he holds office the City of Pell City has a Sheriff that will ensure the facility for the inmates is safe and secure. Mr. Caleb Hoyle, the son of Beth Waggoner, also addressed the Council regarding his concerns about the jail being built in a neighborhood and a fifteen-minute walk from the Pell City High School.

James Hadaway, Utility Supervisor addressed the Council with an update on the Harrisburg/Whitesville Road Gravity Sewer Project. He advised the old life stations that the gravity sewer was replacing have been disconnected and the gravity sewers have been antiquated. Councilmember Jay Jenkins confirmed with Mr. Hadaway that the gravity sewer was sufficient and had enough capacity for the new construction in Fox Hollow.

City Manager Brian Muenger addressed the Council regarding the purchase of a restroom facility for Glenn City Park. He advised the order was from CXT, Inc. and is approximately 90 to 120 days from delivery. He advised with the location of the restroom facility and the weight of the truck that would be on the basketball court it might have to be repaired.

Mr. Muenger addressed the City Council to set a public hearing regarding the assessment of the 2020 Weed Abatement Liens. He advised the Council had to set a public hearing to consider the assessment of the liens.

Mr. Muenger addressed the Council regarding the adoption of the 2021 Regional Hazard Mitigation Plan. He advised that only parts of the document relate to Pell City and advised the adoption was required for FEMA aid if there were a need.

Mr. Muenger addressed the Council regarding the vacancies of various boards and committees. He advised there were eleven vacancies across several boards and wanted to bring it to the attention of the Council.

Mr. Muenger addressed the Council regarding the Weather Preparedness Sales Tax Holiday to take place from February 26th through February 28th, 2021. He advised there was no action required.

City Manager Comments: Mr. Muenger advised there were a couple of hearings in March regarding the construction of the jail. He advised of the City's limitations in this regarding and

confirmed the City Council has limited recourse on this matter. Mr. Muenger encouraged those in attendance to attend the hearings and to speak with County representatives.

Mayor Comments: Mayor Pruitt thanked those in attendance at the meeting and advised that he was very confident in the ability of the Sheriff to operate the jail.

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, February 22, 2021. Present were Council President Pro Tem Jason Mitcham, Councilmember Ivi McDaniel, Blaine Henderson, and Jay Jenkins. Council President 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 Councilmember Henderson, 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 minutes of the regularly scheduled council meeting held on February 8, 2021.

Council President Pro Tem Mitcham introduced the following ordinance regarding certain real property no longer needed for public or municipal purposes:

ORDINANCE NO. 2021 - 5467

AN ORDINANCE OF THE CITY OF PELL CITY, ALABAMA PROHIBITING THE SALE OR DELIVERY OF CERTAIN DANGEROUS SUBSTANCES, SOLD AND MARKETED AS A DIETARY SUPPLEMENT AFFECTING THE PUBLIC HEALTH, SAFETY AND WELFARE OF CITIZENS AND PROVIDING FOR A PENALTY FOR VIOLATION

WHEREAS, The City of PELL CITY, Alabama has been informed about the growing presence of a potentially dangerous substance affecting the public health, safety, and welfare of the citizens, particularly the youth of Pell City; and

WHEREAS, in response to these warnings, the Mayor and City Council has been provided information indicating that this threat is presented in the form of products sold or distributed as a dietary supplement, a healthier alternative to opioid use disorder or methadone programs, and a pain reliever; and

WHEREAS, such substances are reported to cause neurologic, cardiovascular, gastrointestinal signs and symptoms, dermal effects, constitutional respiratory, ocular, renal, metabolic, musculoskeletal, and psychiatric, with some effects mimicking opioid toxicity and withdrawal; and

WHEREAS, the substance identified is considered to be generally distributed, sold, and marketed under such names to include but not limited to, Tianeptine Sulfate, Tianeptine Sodium Powder, Tianaa, Tianna Green, Tianna Red, Tianna White, Coaxil, Salymbra, Stablon, Tatinol, Tianeptax, Tynept, Zaza Red, Zaza White, Zaza Silver, and Zinosal; and

WHEREAS, the Alabama Department of Public Health has requested to amend the current controlled substances list to add Tianeptine and any salt, sulfate, free acid, or other preparation of Tianeptine, and any salt, sulfate, free acid compound, derivative, precursor, or preparation thereof which is substantially chemically equivalent or identical with Tianeptine as a schedule two controlled substance; and

WHEREAS, if approved placing Tianeptine on schedule two would allow for use by prescription if, in the future, it were to be approved for human medical use by the Food and Drug Administration; and

WHEREAS, the Alabama Department of Public Health has also requested that this substance be removed from including but not limited to convenience stores, online retailers, and

other retailers within the state of Alabama; and

WHEREAS, the substances identified above manifest all of the demonstrated attributes of substances that deprive persons of judgment, coordination and the ability to conduct themselves in a safe and appropriate manner in modern society; and

WHEREAS, the available medical information on these products indicate that person(s) under the effects of these substances may be a clear and present danger to themselves and others; and;

WHEREAS, in accordance with its powers under Alabama law, including, but not limited to, § 11-45-1, Ala. Code 1975, the City Council hereby finds and determines that prohibiting the sale or delivery of Tianeptine as provided herein will provide for the safety, preserve the health, promote the prosperity, and improve the morals, order, comfort, and convenience of the inhabitants of the City.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF PELL CITY, ALABAMA THAT:

SECTION 1. Definitions

"Person" shall mean an individual, corporation, partnership, wholesaler, retailer or any licensed or unlicensed business.

"Tianeptine" shall mean any substance whether described as a dietary supplement, a healthier alternative to opioid use disorder or methadone programs, and a pain reliever, which includes, but not limited to, any one or more of the following chemicals:

- (1) 7-[(3-chloro-6-methyl-5,5-dioxo-11H-benzo[c][2,1]benzothiazepin-11-yl)amino]heptanoic acid is a medium-chain fatty acid;
- (2) 7-[(3-chloro-6-methyl-5,5-dioxo-11H-benzo[c][2,1]benzothiazepin-11-yl)amino]heptanoic acid;
- (3) InChI=1S/C21H25ClN2O4S/c1-24-18-9-6-5-8-16(18)21(23-13-7-3-2-4-10-20(25)26)17-12-11-15(22)14-19(17)29(24,27)28/h5-6,8-9,11-12,14,21,23H,2-4,7,10,13H2,1H3,(H,25,26);
- (4) JICJBGPMZQUBB-UHFFFAOYSA-N;
- (5) CN1C2=CC=CC=C2C(C3=C(S1(=O)=O)C=C(C=C3)Cl)NCCCCCCC(=O)O;
- (6) C21H25ClN2O4S;
- (7) (3-chloro-6-methyl-5,5-dioxo-6,11-dihydrodibenzo(c,f)(1,2)thiazepin-11-yl)-7-aminoheptanoic acid; coaxil; stablon; tianeptine; tianeptine, (+)-isomer; tianeptine, monosodium salt; tianeptine, monosodium salt, (+)-isomer;
- (8) 72797-41-2;
- (9) 169293-31-6;
- (10) 66981-73-5;
- (11) 276-851-9;
- (12) 614-004-0;
- (13) XV6773012I;
- (14) AKU7QFL9ZT;
- (15) DTXSID7048295;

Products containing some or all of the above substances are currently being marketed under the following commercial names including but not limited to: Tianeptine Sulfate, Tianeptine Sodium Powder, Tianaa, Tianna Green, Tianna Red, Tianna White, Coaxil, Salymbra, Stablon, Tatinol, Tianeptax, Tynept, Zaza Red, Zaza White, Zaza Silver, and Zinosal.

Any product containing any of the chemical compounds set forth above shall be subject to the provisions of this Ordinance, regardless of whether they are marketed under any alternative names.

Nothing in this ordinance bans prescription medicine or medicines dispensed by a hospital or health care facility.

SECTION 2. Sell, Offer, or Display

It shall be unlawful for any person(s) to purchase, barter, publicly display, sell, or offer for sale Tianeptine (as defined in Section 1) within the city limits of PELL CITY, Alabama, including but not limited to the following: Tianeptine Sulfate, Tianeptine Sodium Powder, Tianaa, Tianna Green, Tianna Red, Tianna White, Coaxil, Salymbra, Stablon, Tatinol, Tianeptax, Tynept, Zaza Red, Zaza White, Zaza Silver, and Zinosal.

SECTION 3. Penalty

Any person, firm, corporation or entity violating this Ordinance, as it exists or may be amended, upon conviction thereof, shall be fined a sum not exceeding \$500.00 (Five Hundred Dollars) and may be sentenced up to 60 (Sixty) days in jail. Conviction of this Ordinance may also result in the City of PELL CITY revoking any person, firm, corporation or entity's privilege of operating a business within the city limits of PELL CITY, Alabama. Each continuing day's violation under this Ordinance shall constitute a separate offense.

SECTION 5. Savings/Repealing Clause

All provisions of any ordinance in conflict with this Ordinance are hereby repealed to the extent they are in conflict; but such repeal shall not abate any pending prosecution for violation of the repealed ordinance, nor shall the repeal prevent a prosecution from being commenced for any violation if occurring prior to the repeal of the ordinance. Any remaining portions of said ordinance shall remain in full force and effect.

SECTION 6. Severability

Should any section, subsection, sentence, clause or phrase of this Ordinance be declared unconstitutional or invalid by a court of competent jurisdiction, it is expressly provided that any and all remaining portions of this Ordinance shall remain in full force and effect.

SECTION 7. Effective Date

That this Ordinance shall become effective five days upon its adoption and publication in three public places within the municipality, to include the Mayor's office in the City.

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

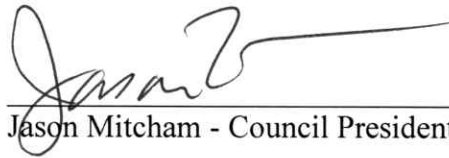
Councilmember Henderson then moved that said ordinance be now placed upon its final passage and adopted. The motion was seconded by Councilmember McDaniel. The question being put as to the adoption of said motion and the passage of said ordinance, on roll call vote, the motion was unanimously approved.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

On motion of Councilmember McDaniel, seconded by Councilmember Henderson, the Council unanimously approved **RESOLUTION NO. 2021 – 5468** authorizing the purchase of a restroom facility at the Glenn City Park from CXT, Inc.

On motion of Councilmember Henderson, seconded by Councilmember Jenkins, the Council unanimously approved setting a public hearing for March 8, 2021, regarding the assessment of the 2020 Weed Abatement Liens.

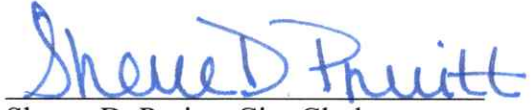
On motion of Councilmember Jenkins, seconded by Councilmember Henderson, the Council unanimously approved **RESOLUTION NO. 2021 – 5469** adoption the 2021 Regional Hazard Mitigation Plan as presented.

On motion of Councilmember Henderson, seconded by Councilmember McDaniel, the Council adjourned, subject to the call of Council President Pro Tem Jason Mitcham.



Jason Mitcham - Council President Pro Tem

ATTEST:



Sheree D. Pruitt - City Clerk