

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 22, 2021. 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.

The invocation was led by Mr. Donald Gover.

The pledge to the American Flag was led by Council President Jud Alverson.

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 March 8, 2021.

There were no comments on the minutes of the special called council meeting held on March 18, 2021.

City Manager Brian Muenger addressed the Council regarding the vacation of a portion of 18<sup>th</sup> Street and 1<sup>st</sup> Avenue North, and a one-way designation request received from St. Clair County. Mr. Muenger advised the County requested that the Northern portion of 18<sup>th</sup> Street between Cogswell Avenue and 1<sup>st</sup> Avenue North be changed to a one-way with the Southern Portion of the 18<sup>th</sup> Street North between Cogswell Avenue and 1<sup>st</sup> Avenue North continue as a two-way street.

Police Chief Paul Irwin addressed the Council regarding the sale of off-premise retail beer and off-premise retail wine for Lakeview Mart. He advised he recommended the approval of the request.

Mr. Muenger addressed the Council regarding the approval of special events that qualify for a Special Chamber Business License Fee and Waiver of Sales Tax Bond list received from the Chamber. Mr. Muenger advised this was an annual request as per the City Ordinance.

Mr. Muenger addressed the Council regarding surplus items no longer needed for a municipal purpose. He advised each of the vehicles was from the Park and Recreation Department. He stated two of the vehicles were being replaced by new vehicles. Mr. Muenger stated if approved the items would be listed on gov deals.

Chief Irwin addressed the Council regarding the purchase of a 2021 Ford Transit XL-T150 Low Roof Van from Stivers Ford through the State Bid list. He advised the cost was under budget for the Capital Improvement Plan. Chief Irwin advised if approved to order, the van will be received by July.

James Hadaway Utility Supervisor addressed the Council regarding the 15<sup>th</sup> Street South Water Tank Rehabilitation Project. He advised a portion of the cost of the project was approved through the FY 2021 CIP Budget and the remaining portion would be funded through the FY 2022 CIP Budget. Mr. Hadaway requested the Council to approve the base bid for \$900,500.

Mr. Muenger addressed the Council regarding a franchise agreement request from Hargray. He advised that Hargray had merged or was acquired by Sparklight, commonly known as Cable One. Mr. Muenger stated the request was for an additional three years and confirmed that Hargray was compliant with their current Franchise Agreement. City Attorney John Rea advised the franchise would be kept by Hargray and stated there were no outstanding items. He further advised it was ready to be approved.

City Manager Comments: None.

Mayor Comments: None

City Attorney John Rea advised that the Council needed to enter into Executive Session to discuss potential litigation involving the City and a potential real estate transaction. Mr. Rea certified this qualified for Executive Session. At 5:50 p.m., Councilmember Mitcham made a motion to enter into Executive Session until 7:00 p.m. The motion was seconded by Councilman Jenkins and unanimously approved by the Council. On roll call, those voting aye being: Council President Alverson, Councilmembers Jenkins, McDaniel, Henderson, and Mitcham. Nays: None. Council President Alverson 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, March 22, 2021. Present were Council President Jud Alverson, Councilmembers Jay Jenkins, Ivi McDaniel, Blaine Henderson, and Jason Mitcham. Council President Alverson was absent. Those present constituting an 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 Mitcham, the Council unanimously approved the payment of bills on file.

On motion of Councilmember Jenkins, seconded by Councilmember Mitcham, the Council unanimously approved the minutes of the regularly scheduled council meeting held on March 8, 2021.

On motion of Councilmember Mitcham, seconded by Councilmember Henderson, the Council unanimously approved the minutes of the special called council meeting held on March 18, 2021.

Council President Alverson introduced **RESOLUTION NO. 2021-5481** authorizing the vacation of a portion of 18<sup>th</sup> Street North and 1<sup>st</sup> Avenue North.

Councilmember Henderson 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 those voting aye being: Councilmember Jenkins, McDaniel, Henderson, Mitcham, and Council President Alverson. 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. 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 Jenkins, seconded by Councilmember Mitcham, the Council unanimously approved **RESOLUTION NO. 2021 – 5482** authorizing a portion of 18<sup>th</sup> Street North be a one-way street traveling Northbound.

On motion of Councilmember Henderson, seconded by Councilmember McDaniel, the Council unanimously approved an ABC License for off-premise retail beer and off-premise retail table wine sales for Lakeview Mart.

On motion of Councilmember Henderson, seconded by Councilmember Mitcham, the Council unanimously approved **RESOLUTION NO. 2021 – 5483** authorizing the 2021 Special Events for the Chamber of Commerce.

On motion of Councilmember Jenkins, seconded by Councilmember Henderson, the Council unanimously approved **RESOLUTION NO. 2021 – 5484** authorizing the surplus of certain items no longer needed for a municipal purpose.

On motion of Councilmember Mitcham, seconded by Councilmember Henderson, the Council unanimously approved **RESOLUTION NO. 2021 – 5485** authorizing the purchase of a 2021 Ford transit XL-T150 Low Roof Van from Stivers Ford through the State Bid List.

On motion of Councilmember Henderson, seconded by Councilmember Mitcham, the Council unanimously approved **RESOLUTION NO. 2021 – 5486** awarding the bid for the 15<sup>th</sup> Street South Water Tank Rehabilitation Project to Robinson and Sons.

Council President Alverson introduced the following Ordinance authorizing a franchise agreement request from Hargray:

**ORDINANCE NO. 2021 - 5487**

**AN ORDINANCE APPROVING THE TRANSFER OF THE CABLE TELEVISION FRANCHISE GRANTED BY THE CITY OF PELL CITY, ALABAMA AND APPROVING THE EXTENSION OF THE TERM OF THE FRANCHISE**

**FINDINGS**

- A. The City of Pell City (“City”), has received a request from Hargray of Alabama, Inc. (“Hargray”) to consent to a change in control of Hargray resulting from the acquisition of Hargray’s parent company, Hargray Acquisition Holdings, LLC (the “Parent”), by Cable One, Inc., doing business as Sparklight (“Cable One”), and to extend the term of the cable television franchise (the “Franchise”) held by Hargray by 36 months.
- B. Hargray will continue to hold the Franchise after the change in control.
- C. The Franchise requires that Hargray obtain the City’s prior consent for the change in control of Hargray.
- D. Hargray has properly requested the City’s consent to the change in control of Hargray.
- E. Hargray has properly requested the City’s approval of an extension of the Franchise term.
- F. Hargray continues to have the financial, technical, and legal ability to fulfill the obligations of the Franchise, and consent to the change in control of Hargray and extension of the Franchise term will serve the public interest.

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

1. The foregoing recitals are approved and incorporated herein by reference.
2. The City consents to the change in control of Hargray.
3. Hargray shall continue to be bound by the Franchise and shall perform and discharge all obligations and duties under the Franchise.
4. The City confirms that (a) the Franchise is validly existing and is currently in full force and effect and Hargray is the duly authorized holder of the Franchise; (b) Hargray has properly invoked its franchise renewal rights under Section 626 of the Cable Communications Policy Act of 1984, as amended; (c) the Franchise represents the entire understanding of the parties and Hargray has no obligations to the City other than those specifically stated in the Franchise; and (d) Hargray is materially in compliance with the provisions of the Franchise and applicable law and there exists no fact or circumstance known to the City that constitutes or which, with the passage of time or the giving of notice or both, would constitute a material default or breach under the Franchise or applicable law or would allow the City to cancel or terminate Hargray’s rights thereunder.
5. In addition to the above, the City hereby consents to the following by Hargray or Cable One: (a) assign or transfer its assets, including the Franchise, provided that such assignment or transfer is to an entity directly or indirectly controlling, controlled by or under common control with Cable One; (b) restructure debt or change the ownership interests among existing equity participants in Cable One; (c) pledge or grant a security interest to any lender(s) of Cable One’s assets, including, but not limited to, the Franchise, or of interest in Cable One or any of Cable One’s affiliates, for purposes of securing any indebtedness; and (d) sell equity interests in Cable One or any of Cable One’s affiliates.

6. This Ordinance shall be deemed effective for the purpose of the acquisition of Parent by Cable One immediately prior to the closing of that transaction.
7. The term of the Franchise shall be extended by 36 months, such that it will be effective until June 30, 2024. Except for the extension of the term of the Franchise, all other terms and conditions set forth therein shall remain unchanged.
8. All City action necessary to approve this Ordinance, the change in control, and the Franchise term extension has been duly and validly taken.

This Ordinance shall become effective upon passage, approval and publication as required by law.

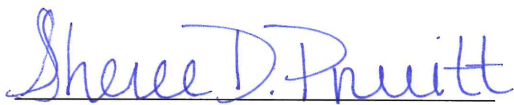
Councilmember Henderson moved that all rules and regulations, which unless suspended would prevent the immediate consideration and adoption of said ordinance, be suspended and that unanimous consent to the immediate consideration and adoption of said ordinance be given. The motion was seconded by Councilmember Mitcham. On roll call vote 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 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. 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 Henderson, seconded by Councilmember McDaniel, the Council adjourned, subject to the call of Council President Alverson.

  
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W. Judge Alverson - Council President

ATTEST:

  
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Sheree D. Pruitt - City Clerk