

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, November 28, 2022. 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 Councilmember Jay Jenkins.

The pledge to the American Flag was led by Councilmember Jason Mitcham.

The City Clerk had roll call for attendance.

Athletic Director Joey Morrow introduced the Cheer Coaches, Caycyn Sanford, Ashley Jeffers, and Amanda Cole for their recognition as 6u, 10u, and 12u league cheer winners; and 6u Football Coach Mark Tidwell for their UYFA League Football Championship.

There were no comments regarding the bills on file.

There were no comments regarding the minutes from the regularly scheduled Council Meeting held on November 14, 2022.

City Clerk Sheree Pruitt addressed the Council regarding the assessment of abatement costs to the following properties. Mrs. Pruitt confirmed the properties were declared a nuisance, ordered abated and confirmed the costs were tabulated using the FEMA codes.

- o 932 Comer Avenue
- o 106 Heights Way
- o 109 Heights Way
- o 107 Heights Way
- o 111 Heights Way
- o 3305 Stemley Bridge Road
- o Property Located on Martin Street South at Highway 34
- o Property Located on Martin Street South at 19th Street South

City Clerk Sheree Pruitt addressed the Council regarding the annexation with R-4 zoning of certain property located on Roberts Mill Pond Road. Mrs. Pruitt advised that the request was submitted by Rhett Loveman on behalf of Metro Bank for the southern portion of the property that had been previously annexed and zoned R-4. Rhett Loveman was present and advised that the property was not under contract and desired to make this change prior to selling.

City Manager Brian Muenger addressed the Council regarding the landscape bids received for the Municipal Complex. Mr. Muenger advised the current contract had expired and stated the City received two bids. He confirmed the lowest responsive bidder was Owens Landscape of Trussville,

City Manager Brian Muenger addressed the Council regarding the bid for one cargo van for the Animal Control Center. Mr. Muenger advised that Stivers Ford was initially awarded the bid in 2021, but confirmed that Stivers had yet to delivery on the bid. He confirmed three bids were received with the lowest bidder being Donahoo Chevrolet with a delivery date of January for an amount of \$34,378. He advised the difference would be funded from Capital Improvement Project.

City Manager Brian Muenger addressed the Council regarding an intergovernmental agreement with St. Clair County regarding the Hazelwood Drive Project. He advised the initial \$150,000 would be paid by the County in lieu of other public improvements on Highway 231. Mr. Muenger confirmed the City had budgeted for the expense of the additional improvements on Highway 231.

Police Chief Clay Morris addressed the Council regarding a replacement vehicle for the totaled 2021 Chevrolet Tahoe. Chief Morris confirmed that Donahoo Chevrolet was the only dealer that had a Police Patrol Vehicle package available. He stated the cost of the vehicle was approximately \$10,000 less than the insurance payout for the totaled vehicle.

City Manager Brian Muenger addressed the Council regarding the hire of an IT Specialist at a step 9 for \$26.24 per hour. He stated the applicant had over twenty years' experience and requested Council to authorize the hire at step 9.

City Manger Comments: None

Mayor Comments: Mayor Pruitt thanked the Fire Chief and Police Chief for the work conducted by both departments.

Council President Alverson thanked Joey Morrow and Council President Pro-Tem, Jason Mitcham, for giving the opportunity for the sports teams to be recognized.

The City Council of the City of Pell City met in a regularly scheduled council meeting at City Hall immediately following the work session on Monday, November 28, 2022. 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 McDaniel, 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 Mitcham, seconded by Councilmember Jenkins, the Council unanimously approved the minutes from the regularly scheduled Council Meeting held on November 28, 2022.

Now was the time set aside for a public hearing regarding the assessment of abatement costs for the following properties:

- o 932 Comer Avenue
- o 106 Heights Way
- o 109 Heights Way
- o 107 Heights Way
- o 111 Heights Way
- o 3305 Stemley Bridge Road
- o Property Located on Martin Street South at Highway 34
- o Property Located on Martin Street South at 19th Street South

Council President Alverson opened the Public hearing at 6:04 p.m., there being no one present, he closed the Public Hearing at 6:04 p.m.

On motion of Councilmember Mitcham, seconded by Councilmember McDaniel, the Council unanimously approved the following resolutions:

- | | |
|-------------------------------------|------------------|
| o RESOLUTION NO. 2022 - 5802 | 932 Comer Avenue |
| o RESOLUTION NO. 2022 - 5803 | 106 Heights Way |
| o RESOLUTION NO. 2022 - 5804 | 109 Heights Way |
| o RESOLUTION NO. 2022 - 5805 | 107 Heights Way |

- **RESOLUTION NO. 2022 - 5806** 111 Heights Way
- **RESOLUTION NO. 2022 - 5807** 3305 Stemley Bridge Road
- **RESOLUTION NO. 2022 - 5808** Martin St S at Hwy 34
- **RESOLUTION NO. 2022 - 5809** Martin St S at 19th Street South

Now was the time set aside for a public hearing regarding the annexation and R-4 zoning of certain property located on Roberts Mill Pond Road. Council President opened the Public Hearing at 6:09 p.m., there being no one present, he closed the Public Hearing at 6:10 p.m.

Council President Alverson introduced the following Ordinance:

ORDINANCE NO. 2022 - 5810

AN ORDINANCE TO ALTER, EXTEND AND REARRANGE THE CORPORATE LIMITS OF THE CITY OF PELL CITY, ALABAMA, TO INCLUDE ADDITIONAL PARTS OF ST. CLAIR COUNTY, ALABAMA.

WHEREAS, all of the owners of the following described real estate situated in St. Clair County Alabama, to-wit:

- **PARCEL NO. 1:** Commence at the Southwest corner of the Southeast one-fourth of the Southeast one-fourth of Section 33, Township 16 South, Range 3 East, St. Clair County, Alabama being a 1" square tube in place, said point being the point of beginning. From this beginning point proceed North 00° 55' 59" West along the West boundary of said quarter-quarter section for a distance of 230.13 feet (set ¹A" rebar CA-0114-LS), said point also being located on the Southeasterly right-of-way of Roberts Mill Pond Road; thence proceed North 61° 05' 05" East along the Southeasterly right-of-way of said road for a distance of 230.46 feet to the P. C. of a concave curve left having a delta angle of 14° 11' 38" and a radius of 1059.58 feet; thence proceed Northeasterly along the Southeasterly right-of-way of said road and along the curvature of said curve for a chord bearing and distance of North 53° 59' 16" East, 261.82 feet to the P. T. of said curve; thence proceed North 46° 43' 57" East along the Southeasterly right-of-way of said road for a distance of 113.91 feet to the P. C. of a concave curve right having a delta angle of 02° 41' 48" and a radius of 2388.55 feet; thence proceed Northeasterly along the Southeasterly right-of-way of said road and along the curvature of said curve for a chord bearing and distance of North 48° 04' 51" East, 112.41 feet to the P. T. of said curve; thence proceed North 49° 25' 45" East along the Southeasterly right-of-way of said road for a distance of 344.66 feet to its point of intersection with the Westerly right-of-way of Pine Hill Road; thence proceed South 25° 11' 39" East along the Westerly right-of-way of said road for a distance of 77.46 feet to the curvature of a concave curve right having a delta angle of 26° 20' 38" and a radius of 188.48 feet; thence proceed Southeasterly along the Westerly right-of-way of said road along the curvature of said curve for a chord bearing and distance of South 12° 01' 20" East, 85.90 feet to the P. T. of said curve; thence proceed South 01° 08' 59" West along the Westerly right-of-way of said road for a distance of 27.02 feet to the P. C. of a concave curve left having a delta angle of 18° 21' 53" and a radius of 307.28 feet; thence proceed Southeasterly along the Westerly right-of-way of said road along the curvature of said curve for a chord bearing and distance of South 08° 01' 58" East, 98.07 feet to the P. T. of said curve; thence proceed South 17° 12' 54" East along the Westerly right-of-way of said road for a distance of 153.52 feet to the P. C. of a concave curve right having a delta angle of 16° 57' 49" and a radius of 301.92 feet; thence proceed Southeasterly along the Westerly right-of-way of said road along the curvature of said curve for a chord bearing and distance of South 08° 44' 00" East, 89.06 feet to the P. T. of said curve; thence proceed South 00° 15' 05" East along the Westerly right-of-way of said road for a distance of 123.66 feet to the P. C. of a concave curve right having a delta angle of 33° 32' 18" and a radius of 240.28 feet; thence proceed Southeasterly along the Westerly right-of-way of said road along the curvature of said curve for a chord bearing and distance of South 17° 01' 15" East, 138.65 feet to the P. T. of said curve; thence proceed South 33° 47' 24" East along the Westerly right-of-way of said road for a distance of 21.15 feet to the P. C. of a concave curve right having a delta angle of 16° 13' 14" and a radius of 311.99 feet; thence proceed Southeasterly along the Westerly right-of-way of said road along the curvature of said curve for a chord bearing and distance of South 25° 40' 47" East, 88.03 feet (set ¹A" rebar CA-0114-LS) to a point on the South boundary of said Southeast one-fourth of the Southeast one-fourth; thence proceed South 89° 37' 56" West along the South boundary of said quarter-quarter section for a distance of 1052.20 feet to the point of beginning. The above described land is located the Southeast one-fourth of the Southeast one-fourth of Section 33, Township 16 South, Range 3 East, St. Clair County, Alabama and contains 12.02 acres.
- **PARCEL NO. 2:** Commence at the Southeast corner of Section 33, Township 16 South, Range 3 East, St. Clair County, Alabama, said point being the point of beginning. From this beginning point proceed South 89° 37' 56" West along the South boundary of said Section 33 for a distance of 205.37 feet to a point on the Easterly right-of-way of Pine Hill Road; thence proceed Northwesterly along the Easterly right-of-way of said Pine Hill Road and along the curvature of a concave curve left having a delta angle of 18° 39' 19" and a radius of 361.99 feet for a chord bearing and distance of North 24° 27' 44" West, 117.34 feet to the P. T. of said curve; thence proceed North 33° 47' 24" West along the Easterly right-of-way of said road for a distance of 21.15 feet to the P. C. of a concave curve right having a delta angle of 33° 32'

18" and a radius of 190.28 feet; thence proceed Northwesterly along the Easterly right-of-way of said road and along the curvature of said curve for a chord bearing and distance of North 17° 01' 15" West, 109.80 feet to the P. T. of said curve; thence proceed North 00° 15' 05" West along the Easterly right-of-way of said road for a distance of 123.66 feet to the P. C. of a concave curve left having a delta angle of 16° 57' 49" and a radius of 351.92 feet; thence proceed Northwesterly along the Easterly right-of-way of said road and along the curvature of said curve for a chord bearing and distance of North 08° 44' 00" West, 103.81 feet to the P. T. of said curve; thence proceed North 17° 12' 54" West along the Easterly right-of-way of said road for a distance of 153.52 feet to the P. C. of a concave curve right having a delta angle of 18° 21' 53" and a radius of 257.28 feet; thence proceed Northwesterly along the Easterly right-of-way of said road and along the curvature of said curve for a chord bearing and distance of North 08° 01' 58" West, 82.11 feet to the P. T. of said curve; thence proceed North 01° 08' 59" East along the Easterly right-of-way of said road for a distance of 27.02 feet to the P. C. of a concave curve left having a delta angle of 26° 20' 38" and a radius of 238.48 feet; thence proceed Northwesterly along the Easterly right-of-way of said road and along the curvature of said curve for a chord bearing and distance of North 12° 01' 20" West, 108.69 feet to the P. T. of said curve; thence proceed North 25° 11' 39" West along the Easterly right-of-way of said road for a distance of 91.21 feet to its point of intersection with the Southeasterly right-of-way of Roberts Mill Pond Road; thence proceed North 49° 25' 45" East along the Southeasterly right-of-way of said Roberts Mill Road for a distance of 405.77 feet to the P. C. of a concave curve left having a delta angle of 10° 15' 08" and a radius of 873.70 feet; thence proceed Northeasterly along the Southeasterly right-of-way of said road and along the curvature of said curve for a chord bearing and distance of North 44° 18' 11" East, 156.13 feet to a point on the East boundary of said Section 33; thence proceed South 00° 39' 43" East along the East boundary of said section for a distance of 1273.86 feet to the point of beginning. The above described land is located in the Southeast one-fourth of the Southeast one-fourth of Section 33, Township 16 South, Range 3 East, St. Clair County, Alabama and contains 8.31 acres, said property being subject to Alabama Power Company Transmission right-of-way and a utility easement begin recorded in the office of the Judge of Probate of St. Clair County, in Deed Book 2013 at Pages 9633-9635.

WHEREAS, the Owners, through their representative, did file with the City Clerk of the City of Pell City, Alabama, an application requesting that said described real property proposed for annexation be pre-zoned R-4 in accordance with the applicable provisions of Alabama law and the City's Zoning Ordinance; and,

WHEREAS, said pre-zoning petition did have attached thereto an accurate description of said territory proposed to be annexed and pre-zoned, together with a map of said real property, all as is required under the applicable provisions of Alabama law and the City's Zoning Ordinance; and,

WHEREAS, the City Council of the City of Pell City, Alabama, has heretofore given notice of and convened a public hearing on November 28, 2022, pertaining to said pre-zoning, and has examined the aforesaid petition and exhibits attached thereto; and,

WHEREAS, the City Council has heretofore examined the aforesaid annexation petition and said exhibit attached thereto and finds that the said described lands are located and contained within an area contiguous to the corporate limits of the City of Pell City, Alabama, and that said described lands do not lie within the corporate limits or the police jurisdiction of any other municipality, and that all of the Owners of said described lands joined in said petition by affixing their signatures thereto; and,

WHEREAS, the City Council has determined that it is in the public interest that said property be annexed to the City of Pell City, Alabama, and the City Council has further determined that all legal requirements for annexing said real property have been satisfied pursuant to Sections 11-42-20 through 11-42-24, Code of Alabama 1975; and,

WHEREAS, the City Council has determined that it is in the public interest that said property proposed to be annexed be zoned R-4 under the City's Zoning Ordinance, and the City Council has further determined that all legal requirements for pre-zoning said real property under applicable Alabama law have been satisfied.

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

Section 1. The City Council of the City Pell City, Alabama, finds and declares as the legislative body of the City of Pell City, Alabama that it is in the best interests of the citizens of the City of Pell City, Alabama, and the citizens of the affected area, to bring the territory described in Section 2 of this Ordinance into the corporate limits of the City of Pell City, Alabama, and does hereby assent to the annexation of the territory described in Section 2 of this Ordinance into the corporate limits of the City of Pell City, Alabama.

Section 2. The boundary lines of the City of Pell City, Alabama, be, and the same are hereby, altered, or rearranged so as to include all of the territory encompassed by the corporate limits of the City of Pell City, Alabama as of the date of this Ordinance, and in addition thereto the following described territory, to-wit:

- **PARCEL NO. 1:** Commence at the Southwest corner of the Southeast one-fourth of the Southeast one-fourth of Section 33, Township 16 South, Range 3 East, St. Clair County, Alabama being a 1" square tube

in place, said point being the point of beginning. From this beginning point proceed North 00° 55' 59" West along the West boundary of said quarter-quarter section for a distance of 230.13 feet (set 1A" rebar CA-0114-LS), said point also being located on the Southeasterly right-of-way of Roberts Mill Pond Road; thence proceed North 61° 05' 05" East along the Southeasterly right-of-way of said road for a distance of 230.46 feet to the P. C. of a concave curve left having a delta angle of 14° 11' 38" and a radius of 1059.58 feet; thence proceed Northeasterly along the Southeasterly right-of-way of said road and along the curvature of said curve for a chord bearing and distance of North 53° 59' 16" East, 261.82 feet to the P. T. of said curve; thence proceed North 46° 43' 57" East along the Southeasterly right-of-way of said road for a distance of 113.91 feet to the P. C. of a concave curve right having a delta angle of 02° 41' 48" and a radius of 2388.55 feet; thence proceed Northeasterly along the Southeasterly right-of-way of said road and along the curvature of said curve for a chord bearing and distance of North 48° 04' 51" East, 112.41 feet to the P. T. of said curve; thence proceed North 49° 25' 45" East along the Southeasterly right-of-way of said road for a distance of 344.66 feet to its point of intersection with the Westerly right-of-way of Pine Hill Road; thence proceed South 25° 11' 39" East along the Westerly right-of-way of said road for a distance of 77.46 feet to the curvature of a concave curve right having a delta angle of 26° 20' 38" and a radius of 188.48 feet; thence proceed Southeasterly along the Westerly right-of-way of said road along the curvature of said curve for a chord bearing and distance of South 12° 01' 20" East, 85.90 feet to the P. T. of said curve; thence proceed South 01° 08' 59" West along the Westerly right-of-way of said road for a distance of 27.02 feet to the P. C. of a concave curve left having a delta angle of 18° 21' 53" and a radius of 307.28 feet; thence proceed Southeasterly along the Westerly right-of-way of said road along the curvature of said curve for a chord bearing and distance of South 08° 01' 58" East, 98.07 feet to the P. T. of said curve; thence proceed South 17° 12' 54" East along the Westerly right-of-way of said road for a distance of 153.52 feet to the P. C. of a concave curve right having a delta angle of 16° 57' 49" and a radius of 301.92 feet; thence proceed Southeasterly along the Westerly right-of-way of said road along the curvature of said curve for a chord bearing and distance of South 08° 44' 00" East, 89.06 feet to the P. T. of said curve; thence proceed South 00° 15' 05" East along the Westerly right-of-way of said road for a distance of 123.66 feet to the P. C. of a concave curve right having a delta angle of 33° 32' 18" and a radius of 240.28 feet; thence proceed Southeasterly along the Westerly right-of-way of said road along the curvature of said curve for a chord bearing and distance of South 17° 01' 15" East, 138.65 feet to the P. T. of said curve; thence proceed South 33° 47' 24" East along the Westerly right-of-way of said road for a distance of 21.15 feet to the P. C. of a concave curve right having a delta angle of 16° 13' 14" and a radius of 311.99 feet; thence proceed Southeasterly along the Westerly right-of-way of said road along the curvature of said curve for a chord bearing and distance of South 25° 40' 47" East, 88.03 feet (set 1A" rebar CA-0114-LS) to a point on the South boundary of said Southeast one-fourth of the Southeast one-fourth; thence proceed South 89° 37' 56" West along the South boundary of said quarter-quarter section for a distance of 1052.20 feet to the point of beginning. The above described land is located the Southeast one-fourth of the Southeast one-fourth of Section 33, Township 16 South, Range 3 East, St. Clair County, Alabama and contains 12.02 acres.

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(Collectively, the "Property")

Section 3. The City Council of the City Pell City, Alabama, finds and declares as the legislative body of the City of Pell City, Alabama that it is in the best interests of the citizens of the City of Pell City, Alabama, and the citizens of the affected area, to zone the territory described in Section 2 of this Ordinance as R-4 residential zoning in accordance with the City's Zoning Ordinance.

Section 4. This Ordinance shall be published as provided by law, and a certified copy of same, together with a certified copy of the petition of the property owners, shall be filed with the Probate Judge of St. Clair County, Alabama.

Section 5. The territory described in this Ordinance shall become a part of the corporate limits of the City of Pell City, Alabama, upon publication of this Ordinance as set forth herein.

Section 6. Severability. If any section or provision of this Ordinance shall hereafter be declared invalid by a court of competent jurisdiction, such declaration shall not affect the validity of any other section or provision of this Ordinance.

Section 7. Repeal of Conflicting Ordinances. Any Ordinance in conflict with this Ordinance shall be and is hereby repealed on the effective date of this Ordinance.

Section 8. Effective Date. This Ordinance shall become effective upon approval, passage, and publication as required by law.

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

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

On motion of Councilmember Mitcham, seconded by Councilmember Henderson, the Council unanimously approved **RESOLUTION NO. 2022 - 5811** awarding the bid for landscape services at the Municipal Complex to Owens Landscape.

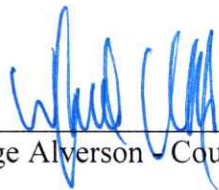
On motion of Councilmember Jenkins, seconded by Councilmember Mitcham, the Council unanimously approved **RESOLUTION NO. 2022 - 5812** awarding the bid for a cargo van to be used at the Animal Control Center to Donahoo Chevrolet.

On motion of Councilmember Henderson, seconded by Councilmember Mitcham, the Council unanimously approved **RESOLUTION NO. 2022 - 5813** authorizing an intergovernmental agreement with St. Clair County regarding the Hazelwood Drive Project.

On motion of Councilmember Jenkins, seconded by Councilmember McDaniel, the Council unanimously approved **RESOLUTION NO. 2022 - 5814** authorizing the purchase of a 2023 Chevrolet Silverado Pick Up from Donahoo Chevrolet for use in the Police Department.

On motion of Councilmember Mitcham, seconded by Councilmember Henderson, the Council unanimously approved the hire of an IT Specialist on Range 19, Step 9.

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



W. Judge Alverson Council President

ATTEST:



Sheree D. Pruitt - City Clerk