

The Saraland City Council met in regular session on October 24, 2019 at the Saraland Municipal Annex. The meeting was called to order at 6:30 p.m. by Council President McDonald. Roll call was as follows:

Present: Council President Joe McDonald
Councilmember Wayne Biggs
Councilmember Newton Cromer
Councilmember Veronica Hudson
Councilmember Paul Stanley

Attorney, Andy Rutens was present.

Councilmember Cromer opened the meeting with prayer.

APPROVAL OF MINUTES

Motion was made by Councilmember Biggs, seconded by Councilmember Cromer, to approve the minutes of the meetings of October 10, 19 & 21, 2019. Motion carried.

REPORT OF SPECIAL COMMITTEES

No reports from Special Committees.

REPORT OF OFFICERS

Motion was made by Councilmember Biggs, seconded by Councilmember Cromer, to authorize repairs to a fire apparatus through Emergency Equipment Professionals, not to exceed \$4,500.00. Motion carried.

Motion was made by Councilmember Biggs, seconded by Councilmember Cromer, to authorize advertising to begin on the Fort Kali Oka Road paving project, with bids to be opened at the first council meeting in December. Motion carried.

REPORT OF STANDING COMMITTEES

Motion was made by Councilmember Biggs, seconded by Councilmember Stanley, to authorize Court items declared surplus by Resolution #2096, on September 26, 2019 to be destroyed if necessary. Motion carried.

REPORT OF MAYOR

Mayor announced the hiring of Brooke Miller as Assistant City Clerk.

APPROVAL OF INVOICES

There were no invoices for approval.

ORDERS, RESOLUTIONS, ORDINANCES & OTHER BUSINESS

Councilmember Cromer introduced an ordinance authorizing the Mayor to execute necessary documents to include a Commercial Development Agreement, Lease Agreement and any and all documents necessary for the sale of municipal property encompassed within the Development Agreement.

PROPOSED ORDINANCE**AN ORDINANCE AUTHORIZING THE MAYOR TO EXECUTE
NECESSARY DOCUMENTS TO INCLUDE A COMMERCIAL
DEVELOPMENT AGREEMENT, LEASE AGREEMENT AND ANY AND
ALL DOCUMENTS NECESSARY FOR THE SALE OF MUNICIPAL PROPERTY
ENCOMPASSED WITHIN THE DEVELOPMENT AGREEMENT**

WHEREAS, Alabama Code §11-43-56 of the *Code of Alabama* provides that the City Council of the City of Saraland, Alabama, shall have the management and control of all finances and all of the property, real and personal, belonging to the City; and

WHEREAS, §11-47-20 of the *Alabama Code* provides that the City Council, as the governing body may, by ordinance to be entered in its Minutes, direct the disposal of any real property not needed for public or municipal purposes and may direct the Mayor to make title thereto, and a conveyance made by the Mayor in accordance with such Ordinance invests the Grantee with the title of the municipality; and

WHEREAS, the following real property owned by the City of Saraland, Alabama, is currently vacant and unused commercial property with a portion being used for City offices, the Saraland Chamber of Commerce, and a small portion being utilized as retail, and the property in total is no longer functional and as such no longer is needed for public or municipal purposes:

PARCEL I:

Lot 1, Plaza North Subdivision, as per plat thereof recorded in Map Book 103, Page 125, of the records in the Office of the Judge of Probate of Mobile County, Alabama;

More particularly described as follows:

Commencing at the Southwest corner of Section 10 (Also being the Southeast corner of Section 9) T3S-R1W, Mobile County, Alabama, and run N 00°40' W along the section line between Section 9 and 10 for a distance of 2,982.17 feet to a point; thence run S 89°33' E for a distance of 229.60 feet to a point (said point being N 89°33' W 150.00 feet from the West right of way line of U.S. Highway #43); thence run S 03°21'30" W and parallel to the west right of way line of U.S. Highway #43 for a distance of 233.29 feet to the point of beginning of the property herein described; thence continuing S 03° 21' 30" W and parallel to the West right of way line of U.S. Highway #43 for a distance of 63.36 feet to a point; thence run S 86°44' E for a distance of 149.80 feet to a point (said point being the intersection of said line and the west right of way line of U.S. Highway #43); thence run S 03°06'30" W for a distance

of 536.85 feet to a point; thence run N 86°53'30" W for a distance of 180.00 feet to a point; thence run S 03°06'30" W for a distance of 224.95 feet to a point (said point being the intersection of said line and the north right of way line of Cleveland Road); thence run N 69°30" W along the north right of way line of Cleveland Road for a distance of 44.69 feet to a point; thence run N 68°24'06" W along the north right of way line of Cleveland Road for a distance of 281.44 feet to a point (said point being the P.C. of a curve); thence continuing along the north right of way line of Cleveland Road (Radius 1,420.00 feet) having a chord of N 64°35'35" W 170.72 feet to a point; thence run N 03°06'30" E for a distance of 659.14 feet to a point; thence run S 86°55'07" E 497.98 feet to the point of beginning. Containing 10.2804 acres, more or less.

PARCEL II:

Lot 2, Plaza North Subdivision, as per plat thereof recorded in Map Book 103, Page 125, of the records in the Office of the Judge of Probate of Mobile County, Alabama.

WHEREAS, the City has been endeavoring to develop portions of the property for commercial use and to convert the unused portions of the property from vacant eyesores into a multi-functional use property that will include not only retail and services development but also to include a development of a portion of the property as a municipal use facility to serve as a City Hall; and

WHEREAS, the City has been approached by Hix Snedeker, LLC to accomplish this purpose; and

WHEREAS, the City has received an offer from Hix Snedeker, LLC to purchase the property for the purchase price of \$2,150,000.00 in exchange for purchasing the entire property encompassing 12.81 acres, more or less, and the execution of a lease agreement between the City and Hix Snedeker, LLC or their assigns for the leasing and possible subsequent purchase of a new City Hall complex, including a parcel of land encompassing 5 acres, more or less, and the execution of a project development agreement outlining the required development of the remaining portions of the 12.81 acres, more or less; and

WHEREAS, the City has obtained an appraisal concluding the sale price exceeds the fair market value of the entire 12.81-acre property; and

WHEREAS, it is determined by the City Council of the City of Saraland that the sale of the entire parcel, coupled with the construction of a new municipal complex and the commercial development of the remaining portion of the property, is in the best interests of the City inasmuch as it will foster the useful and efficient provision of City services to the citizenry, provide additional retail opportunities to the southeastern section of the City, provide additional sales tax revenue to both the City and to the City School System, and will serve as an anchor and catalyst to the re-development of the southern portion of United States Highway 43 in the City; and

WHEREAS, the City Council of the City of Saraland has determined that the conveyance of the subject parcel in combination with the execution of the project development agreement and lease agreement are in the best interests of the City.

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

1. That that the subject parcel as currently constituted is not needed for public or municipal purposes;
2. That the Mayor is authorized to negotiate, enter into and execute all necessary documents with the buyer for the sale of the property at the purchase price set forth above, and on such other terms and conditions as he shall determine advisable, which approval shall be evidenced by his executing the sale and transfer agreements and documents, closing statements, affidavits and certificates, and to take such other action on behalf of the City as may be necessary or desirable to carry out the transaction contemplated by this Ordinance;
3. That the Mayor is further authorized to negotiate, enter into and execute a project development agreement encompassing the entire subject parcel, to include as a component, the construction of a new City Hall, as well as the retail and commercial development of the remaining portion of the subject parcel;
4. That the Mayor is authorized to negotiate, enter into and execute a lease agreement of a portion of the property upon which the City Hall shall be constructed in accordance with the plans and specifications to be approved by the City Council of the City of Saraland by separate act;
5. That the sale, project development agreement and lease agreement are all contingent upon approval by the City Council of the plans and specifications for the new City Hall;
6. That the proceeds derived from the sale of the subject property shall be deposited into the General Fund of the City of Saraland;
7. That upon this Ordinance becoming one of permanent operation, the Mayor is hereby authorized to execute and deliver a deed in favor of the buyer, conveying all right, title and interest of the City in and to the subject parcel;
8. That the City Council has determined that the conveyance of the subject parcel, in combination with the execution of a project development agreement and lease agreement, are in the best interests of the City.

AFTER PROPER PUBLIC NOTICES HAVING BEEN DULY GIVEN, A PUBLIC HEARING WAS HELD TO CONSIDER THE annexation of Parcel R02130436000013.006, also known as 10888 Army Road, petitioned by Fred E. McAll, Jr.

Council President McDonald declared the public hearing open.

There was no one in favor of or in opposition to the application.

Council President McDonald declared the public hearing closed.

Councilmember Biggs, introduced an ordinance approving the annexation of Parcel R02130436000013.006, also known as 10888 Army Road, petitioned by Fred E. McAll, Jr.

ORDINANCE 1157

AN ORDINANCE ANNEXING PROPERTY TO THE CITY OF SARALAND UNDER CODE SECTION 11-42-21

WHEREAS, the owner of the below-described territory has filed a written petition with the City Clerk requesting that the territory be annexed to the City of Saraland; and

WHEREAS, the City Council of the City of Saraland is desirous of annexing the said territory to the City of Saraland; and

WHEREAS, the said territory is contiguous to the City's present corporate limits and otherwise meets the requirements of Section 11-42-21, Code of Alabama 1975.

THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF SARALAND, ALABAMA, THAT THE FOLLOWING DESCRIBED PROPERTY IS HEREBY ANNEXED INTO THE CITY OF SARALAND:

Section 1: The City of Saraland assents to the annexation of the following described property to the City, to-wit:

Commencing at the Northwest corner of Section 36, Township 1 South, Range 2 West, Mobile County, Alabama; South 89 degrees 48 minutes 48 seconds East 1155.25 feet to a point; thence run South 39 degrees 23 minutes 28 seconds East 1183.97 feet to the P.C. of a curve to the left having a radius of 1100.00 feet and delta angle of 17 degrees 14 minutes 30 seconds; thence run Southwesterly an arc distance of 331.01 feet (chord = South 30 degrees 46 minutes 14 seconds West 329.77 feet) to the point of beginning of the property herein described; said point being situated on the centerline of a 50 foot wide easement; thence continue along said centerline Southwesterly along said curve having a radius of 1100.00 feet and a delta angle of 5 degrees 55 minutes 15 seconds (chord = South 19 degrees 11 minutes 21 seconds West 113.62 feet to the P.T. thereof); thence continue along said centerline South 16 degrees 13 minutes 44 seconds West 184.46 feet to a point; thence run South 77 degrees 07 minutes 23 seconds East 858.85 feet to a point; thence run North 39 degrees 43 minutes 04 seconds East 227.23 feet to a point; thence run North 71 degrees 23 minutes 29 seconds West 942.91 feet to the point of beginning, containing 5.2 acres, more or less.

Together with and subject to a 50 feet wide easement for ingress and egress, 25 feet each side of the following described centerline: commencing at the Northwest corner of Section 36, Township 1 South, Range 2 West, Mobile County, AL, thence run South 89

degrees 48 minutes 48 seconds East, 1155.25 feet to the point of beginning of said easement; thence run South 39 degrees 23 minutes 28 seconds West, along said centerline 1183.97 feet to the P.C. of a curve to the left having a radius of 1100.00 feet and a delta angle of 23 degrees 09 minutes 45 seconds; thence run southwesterly, continuing along said centerline an arc distance of 444.68 feet to the P.T. thereof; thence run South 16 degrees 13 minutes 44 seconds West, 804.21 feet to the P.C. of a curve to the left having a radius of 211.95 feet and a delta angle of 11 degrees 47 minutes 03 seconds; thence continuing along said centerline an arc distance of 43.59 feet to a point on the North right of way of Army Road and the terminus of said easement.

SUBJECT TO HOWEVER:

1. Easement for ingress and egress reserved in Article 1, Section 1.1 (i) and (ii), reservation of minerals set out in Article 1, Section 1.1 (iii), with the exception of clays, sand and gravel contained in deed from International Paper Company to IP Timberlands Operating Company dated March 14, 1985, recorded in Real Property Book 2813, Page 256 and Surface Use Agreement attached thereto as Exhibit "C" as amended by the Mineral and Royalty Deed from International Paper Company, et al, to Pure Resources, L.P. dated October 1, 2000, recorded in Real Property Book 4944, Page 910, and the Surface Use Restrictions Agreement entered into among International Paper Company, et al, and Pure Resources, L.P. dated October 1, 2000, recorded in Real Property Book 4959, Page 479.
2. Hunting Lease from Sustainable Forests, L.L.C. to Beaver Dam H & F Club, the term of which runs from July 1, 2001 through June 30, 2002.
3. Right of way and easement from International Paper Company to Mississippi Power Company dated June 17, 1964 and recorded in Real Property Book 564, Page 42.
4. Right of way easement from International Paper Company to Union Oil Company of California recorded in Real Property Book 2361, Page 659.
5. Right of way and easement from International Papery Company to Union Oil Company of California recorded in Real Property Book 2958, Page 86.
6. Right of way deed for public road from IP Timberlands Operating Company to Mobile County, Alabama, recorded in Real Property Book 2958, Page 86.
7. Right of way and easement from IP Timberlands Operating Company to Union Exploration Partners, Ltd., recorded in Real Property Book 3332, Page 319.
8. Right of way for public road from Sustainable Forests, L.L.C. to County of Mobile recorded in Real Property Book 4780, Page 1831.
9. Agreement by and between IP Timberlands Operating and Champion International dated July 8, 1996 and recorded in Real Property Book 4403, Page 263.

10. Any oil, gas and mineral lease of record affecting subject property.
11. Rights of other parties in and to the easement for ingress and egress to subject property as shown in a survey by Polysurveying dated February 13, 2003.
12. Right of way granted Alabama Power Company by instrument recorded in Deed Book 574, Page 644.
13. Restrictive covenants as contained in deed from Army, L.L.C. to Patricia L. Scoper dated February 19, 2003 and recorded in Real Property Book 5315, Page 393.
14. Building setback line and drainage and utility line easements as shown on the recorded plat of said Subdivision.

Parcel No. R021307360000013.006, also known as **10888 Army Road**, petitioned by owners Fred E. McAll.

The same is hereby annexed to the corporate limits of the City of Saraland, and said property of territory hereby is made a part of the City of Saraland.

Section 2: The City Clerk of the City of Saraland shall file the description of the territory annexed by this ordinance in the Office of the Judge of Probate of Mobile County, Alabama

Section 3: This ordinance shall be effective upon its adoption and publication as required by law.

ADOPTED AND APPROVED this the 24th day of October 2019.

Motion was made by Councilmember Biggs, seconded by Councilmember Hudson, to suspend the rules to allow for immediate consideration of the proposed ordinance for the annexation of Parcel R021304360000013.006, also known as 10888 Army Road, petitioned by Fred E. McAll, Jr.

The following votes were recorded:

Yes: Council President Joe McDonald
Councilmember Wayne Biggs
Councilmember Newton Cromer
Councilmember Veronica Hudson
Councilmember Paul Stanley

Motion carried.

Unanimous consent being given to allow for immediate consideration of the proposed ordinance, motion was made by Councilmember Cromer, seconded by Councilmember Hudson, to adopt

the ordinance for the annexation of Parcel R021304360000013.006, also known as 10888 Army Road, petitioned by Fred E. McAll, Jr.

The following votes were recorded:

Yes: Council President Joe McDonald
Councilmember Wayne Biggs
Councilmember Newton Cromer
Councilmember Veronica Hudson
Councilmember Paul Stanley

Motion carried.

Motion was made by Councilmember Biggs, seconded by Councilmember Hudson, to authorize training expenses and adopt a resolution for a cash advance for Autumn Buettner and Jamal Sullivan to attend the 2019 Alabama APCO Fall Workshop, November 14-15, 2019 in Orange Beach, Alabama. Motion carried.

RESOLUTION 2102

BE IT RESOLVED by the City Council of the City of Saraland, that

WHEREAS, a cash advance for Autumn Buettner and Jamal Sullivan to attend the 2019 Alabama APCO Fall Workshop, November 14-15, 2019 in Orange Beach, AL; and

WHEREAS, a statement of said expenditures will be presented to the City Clerk immediately upon return, at which time all monies will be balanced.

ADOPTED AND APPROVED this 24th day of October, 2019

Motion was made by Councilmember Cromer, seconded by Councilmember Hudson, to authorize training expenses and adopt a resolution for a cash advance for Austin Sealey and Lee Smith to attend Alabama Association of Arson Investigators, November 4-6, 2019 in Gulf Shores, Alabama. Motion carried.

RESOLUTION 2103

BE IT RESOLVED by the City Council of the City of Saraland, that

WHEREAS, a cash advance for Austin Sealey and Lee Smith to attend the Alabama Association of Arson Investigators, November 4-6, 2019 in Gulf Shores, AL; and

WHEREAS, a statement of said expenditures will be presented to the City Clerk immediately upon return, at which time all monies will be balanced.

ADOPTED AND APPROVED this 24th day of October, 2019.

Motion was made by Councilmember Biggs, seconded by Councilmember Hudson, to authorize training expenses and adopt a resolution for a cash advance for Clayton Horton to attend Public Fire and Life Safety Educator Class, November 13-15, 2019 in Tuscaloosa, Alabama. Motion carried.

RESOLUTION 2104

BE IT RESOLVED by the City Council of the City of Saraland, that

WHEREAS, a cash advance for Clayton Horton to attend the Public Fire and Life Safety Educator Class, November 13-15, 2019 in Tuscaloosa, AL; and

WHEREAS, a statement of said expenditures will be presented to the City Clerk immediately upon return, at which time all monies will be balanced.

ADOPTED AND APPROVED this 24th day of October, 2019.

Motion was made by Councilmember Cromer, seconded by Councilmember Hudson, to authorize training expense and adopt a resolution for a cash advance Jody McMillan and Robert Taylor to attend Fire Investigator Class, December 2-6, 2019 in Orange Beach, Alabama. Motion carried.

RESOLUTION 2105

BE IT RESOLVED by the City Council of the City of Saraland, that

WHEREAS, a cash advance for Jody McMillan and Robert Taylor to attend the Fire Investigator Class, December 2-6, 2019 in Orange Beach, AL; and

WHEREAS, a statement of said expenditures will be presented to the City Clerk immediately upon return, at which time all monies will be balanced.

ADOPTED AND APPROVED this 24th day of October, 2019.


Motion was made by Councilmember Hudson, seconded by Councilmember Stanley, to approve the solicitation of funds permit submitted by Gary Raymond for the Saraland's Lions Club, November 9, 2019 at the intersection of Celeste Road / Shelton Beach Road & Saraland Boulevard, N. Councilmember Cromer abstained. Motion carried.

Motion was made by Councilmember Biggs, seconded by Councilmember Hudson, to approve the holiday advertisements with Call News at a cost of \$359.00 each. Motion carried.

Motion was made by Councilmember Cromer, seconded by Councilmember Hudson, to approve a 30-day extension to deadlines established in the Sales & Purchase agreements, with closing to occur within 30 day of October 29, 2019. Motion carried.

There being no further business to come before the Council, motion was made by Councilmember Hudson to adjourn at 6:42 p.m.

ACCEPTED and APPROVED the 14th day of November, 2019.



Joe McDonald, Council President



Judi Smith, City Clerk