

The Saraland City Council met in regular session on July 30, 2020 at the Saraland Municipal Annex. The meeting was called to order at 6:28 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 Hudson opened the meeting with prayer.

#### APPROVAL OF MINUTES

Motion was made by Councilmember Hudson, seconded by Councilmember Biggs, to approve the minutes of the meeting of July 9, 2020. Motion carried.

#### REPORT OF OFFICERS

Motion was made by Councilmember Cromer, seconded by Councilmember Hudson, to adopt a resolution authorizing the Fire Department to surplus SCBA's and allow them to donate to the Oak Grove Volunteer Fire Department. Motion carried.

#### **RESOLUTION 2147**

BE IT RESOLVED by the City Council of the City of Saraland, as follows:

WHEREAS, the City of Saraland, Alabama, has certain equipment which is no longer needed for public or municipal purposes; and

WHEREAS, Section 11-43-56 of the Alabama Code of 1975 authorizes the municipal governing body to dispose of unneeded property; and

NOW, THEREFORE, BE IT RESOLVED by the City Council of Saraland, Alabama, as follows:

Section 1: That the below listed equipment owned by the City of Saraland, Alabama is not needed for public or municipal purposes:

DRAEGER SCBA units and its accessories

Section 2: That the surplus property indicated above owned by the City of Saraland be auctioned or donated to charitable organizations.

ADOPTED AND APPROVED this the 30<sup>th</sup> day of July, 2020.

Motion was made by Councilmember Cromer, seconded by Councilmember Hudson, to authorize the advertisement for bids for the boat ramp project. Motion carried.

Motion was made by Councilmember Hudson, seconded by Councilmember Cromer, to execute a contract with Dell Consulting in an amount not to exceed \$1,500.00 for the coordination with Alabama Power for the lighting for the Boat Launch project. Motion carried.

#### REPORT OF STANDING COMMITTEES

Motion was made by Councilmember Biggs, seconded by Councilmember Cromer, to adopt a resolution to surplus and auction various police department vehicles. Motion Carried.

#### RESOLUTION 2149

BE IT RESOLVED by the City Council of the City of Saraland, as follows:

WHEREAS, the City of Saraland, Alabama, has certain vehicles and trailer which are no longer needed for public or municipal purposes; and

WHEREAS, Section 11-43-56 of the Alabama Code of 1975 authorizes the municipal governing body to dispose of unneeded property; and

NOW, THEREFORE, BE IT RESOLVED by the City Council of Saraland, Alabama, as follows:

Section 1: That the below listed vehicles and trailer is personal property owned by the City of Saraland, Alabama that are not needed for public or municipal purposes:

2005 Ford Crown Victoria Vin# 2FAFP71W65X120557 (#48)

2008 Ford Crown Victoria Vin# 2FAFP71V28X125478 (#37)

2008 Ford Crown Victoria Vin# 2FAFP71V08X125477 (#39)

2002 Nissan Pathfinder Vin# JN8DR09X42W667598 (Narcotic Confiscation)

Homemade flatbed trailer

Section 2: That the surplus property indicated above owned by the City of Saraland be auctioned or donated to charitable organizations.

ADOPTED AND APPROVED this the 30<sup>th</sup> day of July, 2020.

#### REPORT OF MAYOR

Mayor Rubenstein appointed Dr. Wayne Lyssy to the Planning Commission to replace Mr. Ronnie Outlaw.

**APPROVAL OF INVOICES**

Motion was made by Councilmember Hudson, seconded by Councilmember Cromer, to approve the following invoices.

**General Fund**

- |  |             |
|--|-------------|
| 1. Aeiker Construction and Recreation – Est. 3 Splash Pad Phase II | \$54,084.78 |
| 2. Galloway, Wettermark & Rutens, LL- Billing through 4/30/20      | \$9,995.00  |
| 3. Wise Technology, LLC - Permit Software Renewal Fee              | \$3,750.00  |
| 4. Neel-Schaffer- Invoice 1066423 Splash Pad Phase II              | \$3,513.31  |
| 5. Alliance Publishing, LLC – Saraland Magazine 2020               | \$1,075.00  |

Motion carried.

Motion was made by Councilmember Hudson, seconded by Councilmember Biggs, to approve the following invoices.

**General Obligation Warrant**

- |                                       |            |
|---------------------------------------|------------|
| 1. Neel-Schaffer – Boat Ramp Phase II | \$1,006.22 |
|---------------------------------------|------------|

Motion carried.

**ORDERS, RESOLUTIONS, ORDINANCES & OTHER BUSINESS**

AFTER PROPER PUBLIC NOTICES HAVING BEEN DULY GIVEN, A PUBLIC HEARING WAS HELD TO CONSIDER THE annexation of Parcel R021801120000045.18, also known as 3811 Lowell Lane, petitioned by Philip Gore.

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 R021801120000045.18, 3811 Lowell Lane, Saraland, AL 36571, filed by property owner Philip Gore.

**ORDINANCE 1167**

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:

Lot 18, Janwood Hills, as recorded in Map Book 34, Page 01, of the records in the Office of the Judge of Probate, Mobile County, Alabama

The Real Property or its address is commonly known as **3811 Lowell Lane, Saraland, AL 36571**, Parcel No. R021801120000045.18, petitioned by property owner Philip Gore.

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 30<sup>th</sup> day of July 2020.

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 R021801120000045.18, 3811 Lowell Lane, Saraland, AL 36571, filed by property owner Philip Gore.

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 Biggs, to adopt the ordinance for the annexation of Parcel R021801120000045.18, 3811 Lowell Lane, Saraland, AL 36571, filed by property owner Philip Gore.

The following votes were recorded:

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

Motion carried.

AFTER PROPER PUBLIC NOTICES HAVING BEEN DULY GIVEN, A PUBLIC HEARING WAS HELD TO CONSIDER THE rezoning of Parcels R021908400003086.001, R021908400003086.004, and R021908400003086.005, a/k/a Baldwin Street Homes Subdivision, Resubdivision of Lots 2, 5, and 6, from R-2 to R-1A, filed by PMR, LLC.

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 Hudson introduced an ordinance approving the rezoning of Parcels R021908400003086.001, R021908400003086.004, and R021908400003086.005, a/k/a Baldwin Street Homes Subdivision, Resubdivision of Lots 2, 5, and 6 from R-2 to R-1A, filed by PMR, LLC.

### **ORDINANCE 1168**

#### **AMENDMENT TO ORDINANCE 757**

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

SECTION 1: That Section 3-3 Official Zoning District Map of the Saraland Land Use & Development Ordinance is hereby amended to read as follows:

The following property in the City of Saraland is hereby rezoned from R-2 to R1-A:

Lots 2, 5 and 6, Baldwin Street Homes Subdivision, according to plat thereof recorded in Map Book 138, Page 28, of the records in the Office of the Judge of Probate of Mobile County, Alabama.

Also known as **Parcel Numbers R021908400003086.001, R021908400003086.004, and R021908400003086.005**, filed by PMR, LLC.

SECTION 2: That the balance of said ordinance is hereby and heretofore ratified and affirmed.

ADOPTED AND APPROVED THIS THE 30<sup>th</sup> day of July 2020.

Motion was made by Councilmember Hudson, seconded by Councilmember Stanley, to suspend the rules to allow for immediate consideration of the proposed ordinance for the rezoning of Parcels R021908400003086.001, R021908400003086.004, and R021908400003086.005, a/k/a Baldwin Street Homes Subdivision, Resubdivision of Lots 2, 5, and 6 from R-2 to R-1A, filed by PMR, LLC..

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 Biggs, seconded by Councilmember Hudson, to adopt the ordinance for the rezoning of Parcels R021908400003086.001, R021908400003086.004, and R021908400003086.005, a/k/a Baldwin Street Homes Subdivision, Resubdivision of Lots 2, 5, and 6 from R-2 to R-1A, filed by PMR, LLC.

The following votes were recorded:

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

Motion carried.

AFTER PROPER PUBLIC NOTICES HAVING BEEN DULY GIVEN, A PUBLIC HEARING WAS HELD TO CONSIDER THE request for extension of approval of the rezoning of Parcel No. R022204370004001.001 from R-1 to R-4, filed by property owner J K Associates, LLC.

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.

Motion was made by Councilmember Cromer, seconded by Councilmember Hudson, to grant the Request for Extension of approval of the rezoning of Parcel No. R022204370004001.001 from R-1 to R-4, filed by property owner J K Associates, LLC. Motion carried.

Motion was made by Councilmember Biggs, seconded by Councilmember Cromer, to adopt a resolution to appoint the election officials for the upcoming Municipal Election to be held August 25, 2020. Motion carried.

#### **RESOLUTION 2150**

WHEREAS a regular municipal election has been called to be held on the 25<sup>th</sup> day of August, 2020 and a runoff election to be held, if necessary, on the 6<sup>th</sup> day of October, 2020; and

WHEREAS, Sections 11-46-27 of the Alabama Code of 1975, as amended, provides, in part, that the municipal governing body, not less than 15 days before the holding of any municipal election, shall appoint from the qualified electors of the municipality, officers to hold the election and;

WHEREAS, Sections 17-11-14 and 17-11-15 of the Alabama Code, as amended, provides in pertinent part, that the City Clerk is to serve as the Municipal Absentee Elections Manager, and;

WHEREAS, the Alabama Code and Saraland Ordinance require the payment of these officials and managers, and the City of Saraland approved budget contains provisions for said payments;

THEREFORE, BE IT RESOLVED, pursuant to the respective Code Sections, the following individuals are hereby confirmed and appointed as election officials to serve in the following locations and capacities:

1 – KALI OKA RECREATION CENTER

Inspector Janie Taylor  
Chief Clerk Patricia Castleberry  
Assistant Clerk Joyce Stacey  
Assistant Clerk Pat Simison

Assistant Clerk N. Sue Jones  
Assistant Clerk Wyatt Fulton  
Assistant Clerk Judy Raybon

2 – BAYOU SARA BAPTIST CHURCH

Inspector Elizabeth Bradford  
Chief Clerk Leslie Wainwright  
Assistant Clerk Jean Smith  
Assistant Clerk Mary Waddill  
Assistant Clerk Kenneth L. Thomas  
Assistant Clerk Claudia Wheatley  
Assistant Clerk Lorine May

3 – SARALAND CIVIC CENTER

Inspector Doris Leach  
Chief Clerk Leslie Wainwright  
Assistant Clerk Ladye Alford  
Assistant Clerk Mary King  
Assistant Clerk Lois Elms  
Assistant Clerk Joseph Leach

ABSENTEE ELECTION OFFICIALS

Assistant Rita Wall Smith  
Assistant Eleanor Schmitz  
Assistant Margaret Bledsoe  
Assistant Holly McClesky

The election school required by Section 11-46-30 of the Alabama Code of 1975, as amended, and due to COVID-19 the training will be done by video at a date to be determined.

BE IT FURTHER RESOLVED, Judi Smith is confirmed and appointed to serve as the Saraland Municipal Absentee Elections Manager;

BE IT FURTHER RESOVLED, that the Mayor is authorized to make payment to these individuals for the services performed and consistent with Alabama Statute and provided in the Saraland FY 2019-20 budget.

ADOPTED AND APPROVED this the 30<sup>th</sup> day of July, 2020.



Motion was made by Councilmember Cromer, ~~seconded by Councilmember Biggs~~, to adopt a resolution affirming the ½ cent City Sales Tax for the City Schools. Motion carried.

### RESOLUTION 2151

#### **RESOLUTION AUTHORIZING AN AGREEMENT REGARDING SALES TAX TO BE PLEDGED IN FAVOR OF CERTAIN WARRANTS TO BE ISSUED BY THE BOARD OF EDUCATION**

**WHEREAS**, the City of Saraland, Alabama (the "City") has heretofore adopted Ordinance 894 on September 17, 2012 (the "Sales Tax Ordinance") pursuant to which, among other things, a one half percent sales and use tax (the "School Tax") was levied for use exclusively by the City Board of Education of the City of Saraland (the "Board") to pay school system expenses and to retire debt;

**WHEREAS**, the City has heretofore issued its General Obligation Warrant, Series 2008 (the "City 2008 Warrant"), which is secured by a pledge of the School Tax on a first priority basis;

**WHEREAS**, the Board has heretofore issued its School Tax Warrants, Series 2015-A and School Tax Warrants, Series 2016-A (collectively, the "Existing School Warrants"), which are secured by various school taxes, including without limitation, a subordinate pledge of the School Tax;

**WHEREAS**, the Board now wishes to issue its Taxable School Tax Warrants, Series 2020-A and School Tax Warrants, Series 2020-B (collectively, the "Series 2020 Warrants"), which will be secured on a parity basis with the Existing School Warrants, for the purpose of (a) refunding certain bonds issued for the Board's benefit by the Public Educational Building Authority of the City of Saraland, (b) refunding certain warrants issued by the Board, and (c) financing the costs of acquiring and constructing certain improvements to the facilities of the Board, including a multi-classroom addition to Saraland Early Education Center;

**WHEREAS**, in connection with the issuance of the Series 2020 Warrants (together with the Existing School Warrants, the "School Warrants"), the insurer of the School Warrants will require that the City and the Board enter into an agreement (the "Agreement") providing that, to the fullest extent permitted by applicable law, the City will not repeal or reduce the rate of the School Tax while the School Warrants are outstanding and that, except with respect to any indebtedness incurred by the City in order to refund the City 2008 Warrant and any indebtedness incurred by the Board in order to refund the School Warrants, the City will not further pledge or encumber the School Tax on any basis while the School Warrants are outstanding; and

**WHEREAS**, a copy of the proposed Agreement has been presented to, considered and approved by the City Council of the City.

**NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF SARALAND, ALABAMA** as follows:

1. The City Council does hereby approve, authorize, ratify and confirm the execution and delivery of the Agreement by the City and the consummation of all transactions contemplated by the Agreement. The Mayor is hereby authorized and directed to execute and deliver the Agreement in substantially the form presented to the City Council at this meeting with such changes or additions thereto or deletions therefrom as the officers executing the same shall approve, which approval shall be conclusively evidenced by his execution of such instrument. The City Clerk is hereby authorized and directed to affix the seal of the City and to attest the same.

2. The officers of the City and any person or persons designated and authorized by any officer of the City to act in the name and on behalf of the City, or any one or more of them, are authorized to do and perform or cause to be done and performed in the name and on behalf of the City such other acts, and to execute and deliver or cause to be executed and delivered in the name and on behalf of the City such other notices, requests, demands, directions, consents, approvals, applications, certificates, agreements, further assurances, or other instruments or communications, under the corporate seal of the City, or otherwise, as they or any of them may deem necessary, advisable, or appropriate in order to carry into effect the intent of the provisions of this resolution and the Agreement and to demonstrate the validity of the Agreement.

3. Each act of any officer or officers of the City or any person or persons designated and authorized to act by any officer of the City, which act would have been authorized by the foregoing provisions of this resolution except that such action was taken prior to the adoption of this resolution, is hereby ratified, confirmed, approved and adopted.

4. This resolution shall take effect immediately.

ADOPTED AND APPROVED this 30<sup>th</sup> day of July, 2020.

Motion was made by Councilmember Hudson, seconded by Councilmember Cromer, to authorize training expenses and adopt a resolution for cash advance for Judge Erwin to attend the Fall Municipal Law Conference in Gulf Shores, Alabama, September 24-26, 2020. Motion carried.

**RESOLUTION 2152**

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

**WHEREAS**, a cash advance for Judge Erwin to attend Fall Municipal Law Conference in Gulf Shores, Alabama, September 24-26, 2020; 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 30<sup>th</sup> day of July 2020.

Motion was made by Councilmember Hudson, seconded by Councilmember Biggs, to authorize training expenses and adopt a resolution for cash advance for Harry Milbrath to attend the Master Use of Force class in Iron Dale, AL, August 16-21, 2020. Motion carried.

**RESOLUTION 2153**

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

**WHEREAS**, a cash advance for Harry Milbrath to attend Master Use of Force Class in Iron Dale, Alabama, August 16-21, 2020; 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 30<sup>th</sup> day of July 2020.

Motion was made by Councilmember Cromer, seconded by Councilmember Biggs, to authorize the City of Saraland to enter into a contract with Alabama Power Company for the Woodlands Subdivision Phase 3 LED street lighting and the retrofit of LED lighting for Phases 1 & 2. Motion carried.

There being no further business to come before the Council, motion was made by Councilmember Hudson to adjourn at 7:02 p.m.

ACCEPTED and APPROVED the 13<sup>th</sup> day of August, 2020.

  
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Joe McDonald, Council President

  
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Judi Smith, City Clerk