

The Saraland City Council met in regular session on March 28, 2024 at the Saraland Municipal Annex. The meeting was called to order at 6:17 p.m. by Council Vice President Cromer. Roll call was as follows:

Present: Council Vice President Newton Cromer
Councilmember Wayne Biggs
Councilmember Veronica Hudson
Councilmember Natalie Moye

Absent : Council President Joe McDonald

Attorney Tommy Overton was present.

Councilmember Moye opened the meeting with prayer.

APPROVAL OF MINUTES

Motion was made by Councilmember Hudson, seconded by Councilmember Moye, to approve the minutes of the meeting of March 14th and March 25th, 2024. Motion carried.

REPORT OF OFFICERS

Motion was made by Councilmember Biggs, seconded by Councilmember Moye to send a letter of support to Alabama Department of Transportation for the design scope changes to the ATRIP (Alabama Transportation Rehabilitation and Improvement Program) project that is currently on 158. Motion carried.

REPORT OF STANDING COMMITTEES

Motion was made by Councilmember Moye, seconded by Councilmember Hudson to approve the advertisement opportunity for the women's event called Built for This in the amount of \$500.00 sponsored by Laurel Flowers and Saraland Chamber of Commerce that will be held in August 2024. Motion carried.

REPORT OF MAYOR

Motion was made by Councilmember Moye, seconded by Councilmember Hudson to authorize the mayor to execute a letter of intent with Hellas Construction for the turf fields at the Sportsplex. Motion carried.

Mayor Rubenstein requested that we strike invoice number one on the agenda.

Motion was made by Councilmember Biggs, seconded by Councilmember Moye to approve the purchase of two (2) metal detectors from Shelsky Metal Detectors in the amount of \$4,484.00 each for the court building and the recreational center. Motion carried.

ORDERS, RESOLUTIONS, ORDINANCES & OTHER BUSINESS

Motion was made by Councilmember Moye, seconded by Councilmember Hudson, to authorize the opening of bids for the Library Roof Project. Motion carried.

Bids are as follows:

Bidders	Base Bid	Alt.#1	Alt.#2
1) Ala-Season, LLC	\$ 52,408.73	\$ 7.50/sq ft	\$ 12.00/linear ft
2) Johns & Kirksey, Inc.	\$ 58,800.00	N/A	N/A
3) Amerson Roofing, Inc.	\$ 50,000.00	N/A	N/A
4) Southern Labor & Construction	\$ 47,826.00	N/A	\$500.00/ drip edge
5) Ridgeline Construction Roofing & Exteriors	\$ 50,218.00	\$ 80.00/Per Piece	N/A
6) Professional Roofing & Construction	\$ 47,835.00	N/A	N/A

Motion was made by Councilmember Biggs, seconded by Councilmember Hudson, to authorize the planning department and city engineer to tabulate the bids and return a recommendation to the Mayor and authorize the Mayor to execute the contract. Motion carried.

Motion was made by Councilmember Biggs, seconded by Councilmember Hudson to table agenda item number 2 (two). Motion carried.

Motion was made by Councilmember Hudson, seconded by Councilmember Moye, to consider authorizing the mayor to execute a final contract consistent with the previously accepted public bid for Phase 1A of the Sportsplex project with White-Spinner Construction. Motion carried.

Motion was made by Councilmember Hudson, seconded by Councilmember Moye to consider approval of engaging Neel-Schaffer to apply for a SS4A (Safe Streets and Roads for All) grant for an action plan for the City on Celeste Road. Motion carried.

Motion was made by Councilmember Biggs, seconded by Councilmember Hudson to consolidate the consideration of agenda items 5, 6, 7, 8, 9, 10 and 11. Motion carried.

The following votes were recorded:

Yes: Council Vice President Newton Cromer
 Councilmember Wayne Biggs
 Councilmember Veronica Hudson
 Councilmember Natalie Moye

Motion carried.

Motion was made by Councilmember Biggs, seconded by Councilmember Moye, to suspend the rules to allow for immediate consideration of the agenda item as amended, to consider the adoption of an ordinance extending the time to complete development and use of property indicated on the agenda of previously approved rezonings pursuant to Saraland Municipal Code 26-703.

The following votes were recorded:

Yes: Council Vice President Newton Cromer
Councilmember Wayne Biggs
Councilmember Veronica Hudson
Councilmember Natalie Moye

Motion carried.

ORDINANCE 1325

AN ORDINANCE REGARDING REZONING EXTENSION REQUEST

WHEREAS, Elcan and Associates, Inc. currently own several parcels immediately adjacent to State Highway 158 and Spartan Drive; and

WHEREAS, these parcels were obtained by purchase from several different entities and individuals; and

WHEREAS, Elcan and Associates presented to the planning commission and the City Council a comprehensive develop and plan for the properties in their entirety which necessitated the properties be rezoned from general industrial zoning to various business and residential zoning; and

WHEREAS, those various rezoning requests are as follows:

a. Zoning Amendment Extension Request, concerning parcel 2204370001002.000 & 2204370001002.008, from M-1 Light Industrial to R-4 High Density Residential, filed by Elcan and Associates, Inc. on behalf of owner Regions Bank Trustee of the Harry F. Cessna Trust. Approved by the City Council on March 25, 2021, Ord. 1191

b. Zoning Amendment Extension Request, concerning parcel 2202093000003.02, from M-2 General Industrial to B-2 General Business, filed by Elcan and Associates, Inc. on behalf of owners Paul Stanley & Carolyn Stanley. Approved by the City Council on August 12, 2021, Ord. 1199

c. Zoning Amendment Extension Request, concerning a portion of parcel 2202093000003.000, from M-2 General Industrial to R-4 High Density Residential, filed

by Elcan and Associates, Inc. on behalf of owners Paul Stanley & Carolyn Stanley. Approved by the City Council on August 12, 2021, Ord. 1200

d. Zoning Amendment Extension Request, concerning Lot A of the Spartan Land Development Subdivision, from M-2 General Industrial to B-2 General Business, filed by Elcan and Associates, Inc. on behalf of owners James Stanley & Rebecca Stanley. Approved by the City Council on February 24, 2022, Ord. 1207

e. Zoning Amendment Extension Request, concerning Lot B of the Spartan Land Development Subdivision, from M-2 General Industrial to B-2 General Business, filed by Elcan and Associates, Inc. on behalf of owners James Stanley & Rebecca Stanley. Approved by the City Council on February 24, 2022, Ord. 1208

f. Zoning Amendment Extension Request, concerning Lot C of the Spartan Land Development Subdivision, from M-2 General Industrial to R-4 High Density Residential, filed by Elcan and Associates, Inc. on behalf of owners James Stanley & Rebecca Stanley. Approved by the City Council on February 24, 2022, Ord. 1209

g. Zoning Amendment Extension Request, concerning Lot D of the Spartan Land Development Subdivision, from M-2 General Industrial to R-4 High Density Residential, filed by Elcan and Associates, Inc. on behalf of owners James Stanley & Rebecca Stanley. Approved by the City Council on February 24, 2022, Ord. 1210; and

WHEREAS, Elcan and Associates has undertaken all reasonable and necessary efforts to develop the properties for use consistent with the individual parcels rezoning classifications; and

WHEREAS, the continued development and construction on the property for use consistent with rezoning was halted by administrative action of the State of Alabama for historical and archeological review of the property during which time no additional actions could be legally taken by Elcan and Associates to complete the development of the property; and

WHEREAS, Elcan and Associates has diligently pursued and paid for archeological and historical review and inspection of the property which is a time consuming effort; and

WHEREAS, the ability to further develop and utilize the property as rezoned has been paused due to no fault of the developer, rather by state action; and

WHEREAS, Section 26-703 of the City of Saraland Land Use and Development Ordinance provides for reversion of property to prior zoning should rezoned property not be developed and used consistent with a rezoning absent an extension being granted by the City Council; and

WHEREAS, the City of Saraland planning commission has recommended an extension to allow for rezonings to remain in place and effective until such time as the State of Alabama administrative prohibition on further development of the property is removed or otherwise concluded; and

WHEREAS, it is the determination of the City Council that these actions by the developer have shown a good faith effort to legally comply with City zoning requirements and

timely development of the property and any delay and use of the property as rezoned is as a direct result of state action.

THEREFORE BE IT ORDAINED by the City Council for the City of Saraland, Alabama as follows:

Pursuant to Section 26-703 of the City of Saraland Municipal Code, an extension of the rezoning of the following properties is granted until a period of one year from the date of the release of the property from the administrative action prohibiting future development of the property issued by the State of Alabama, consistent with the recommendation from the City of Saraland Planning Commission. The properties are as follows:

- a. Zoning Amendment Extension Request, concerning parcel 2204370001002.000 & 2204370001002.008, from M-1 Light Industrial to R-4 High Density Residential, filed by Elcan and Associates, Inc. on behalf of owner Regions Bank Trustee of the Harry F. Cessna Trust. Approved by the City Council on March 25, 2021, Ord. 1191
- b. Zoning Amendment Extension Request, concerning parcel 2202093000003.02, from M-2 General Industrial to B-2 General Business, filed by Elcan and Associates, Inc. on behalf of owners Paul Stanley & Carolyn Stanley. Approved by the City Council on August 12, 2021, Ord. 1199
- c. Zoning Amendment Extension Request, concerning a portion of parcel 2202093000003.000, from M-2 General Industrial to R-4 High Density Residential, filed by Elcan and Associates, Inc. on behalf of owners Paul Stanley & Carolyn Stanley. Approved by the City Council on August 12, 2021, Ord. 1200
- d. Zoning Amendment Extension Request, concerning Lot A of the Spartan Land Development Subdivision, from M-2 General Industrial to B-2 General Business, filed by Elcan and Associates, Inc. on behalf of owners James Stanley & Rebecca Stanley. Approved by the City Council on February 24, 2022, Ord. 1207
- e. Zoning Amendment Extension Request, concerning Lot B of the Spartan Land Development Subdivision, from M-2 General Industrial to B-2 General Business, filed by Elcan and Associates, Inc. on behalf of owners James Stanley & Rebecca Stanley. Approved by the City Council on February 24, 2022, Ord. 1208
- f. Zoning Amendment Extension Request, concerning Lot C of the Spartan Land Development Subdivision, from M-2 General Industrial to R-4 High Density Residential, filed by Elcan and Associates, Inc. on behalf of owners James Stanley & Rebecca Stanley. Approved by the City Council on February 24, 2022, Ord. 1209
- g. Zoning Amendment Extension Request, concerning Lot D of the Spartan Land Development Subdivision, from M-2 General Industrial to R-4 High Density Residential,

filed by Elcan and Associates, Inc. on behalf of owners James Stanley & Rebecca Stanley. Approved by the City Council on February 24, 2022, Ord. 1210.

Unanimous consent being given to allow for immediate consideration of the proposed ordinance, motion was made by Councilmember Hudson, seconded by Councilmember Moye, to adopt the ordinance approving the extension of the ordinances rezoning on the properties as listed in the agenda, items 5, 6, 7, 8, 9, 10 and 11.

The following votes were recorded:

Yes: Council Vice President Newton Cromer
Councilmember Wayne Biggs
Councilmember Veronica Hudson
Councilmember Natalie Moye

Motion carried.

Council President Vice President Cromer advised there is a matter to be discussed in executive session concerning an economic development item.

City Attorney, Tommy Overton, advised this is appropriate use of executive session as authorized by state law.

Motion was made by Councilmember Biggs, seconded by Councilmember Hudson, to adjourn into executive session with Mayor Rubenstein and Tommy Overton to discuss an economic development item.

The following votes were recorded:

Yes: Council Vice President Newton Cromer
Councilmember Wayne Biggs
Councilmember Veronica Hudson
Councilmember Natalie Moye

Motion carried.

Council Vice President Cromer advised he anticipates the executive session to last approximately 15 minutes.

The Council adjourned into executive session with the Mayor and City Attorney at 6:46 p.m.

Motion was made by Councilmember Hudson, seconded by Councilmember Biggs, to reconvene at 6:53 p.m. with all members present. Motion carried.

Motion was made by Councilmember Biggs, seconded by Councilmember Hudson to remove agenda item number 2 (two) from the table for consideration. Motion carried.

Motion was made by Councilmember Biggs, seconded by Councilmember Hudson to adopt a resolution authorizing the mayor to enter into a local party development agreement with the City of Saraland Board of Water and Sewer Commissioners of the City of Saraland. Motion carried.

RESOLUTION 2340

A RESOLUTION AUTHORIZING THE MAYOR TO ENTER INTO A LOCAL PARTY DEVELOPMENT AGREEMENT WITH THE CITY OF SARALAND BOARD OF WATER AND SEWER COMMISSIONERS OF THE CITY OF SARALAND, ALABAMA PURSUANT TO SECTION 94.01 OF THE ALABAMA CONSTITUTION

WHEREAS, on March 20, 2024, the City published a Public Notice in The Call News Newspaper pursuant to Section 94.01 of the Alabama Constitution, notifying the public that they would be considering a resolution to enter into a Development Agreement with the Board of Water and Sewer Commissioners for the City of Saraland, Alabama; and

WHEREAS, said notice explained that this Agreement would be to expand the sewer system such that it would run from an existing sewer lift station on the north side of state Highway 158 to the south side of the highway and terminate on the right of way adjacent to property which is currently the focus of a separate development agreement between the City and Saraland 158 Partners LLC.; and

WHEREAS, by the terms of the Agreement the Board was going to enter into an Agreement to offset the cost of construction such infrastructure with Saraland 158 Partners LLC; and


WHEREAS, the Development Agreement between the City and the Board is such that the City and Board will equally pay for the offset of construction costs each to pay no more than \$75,000; and

WHEREAS, the City and Board Development Agreement further provides that the City will reimburse the Board for an additional \$50,000 in infrastructure costs should the entire cost of the project exceed the initial amount of \$150,000.

THEREFORE, BE IT RESOLVED, by the City Council for the City of Saraland that the Local Party Development Agreement by and between the Board and the City of Saraland is hereby approved. The City determines that the expenditure of public funds for the purposes specified in this Agreement will serve a valid and sufficient public purpose, notwithstanding any incidental benefit accruing to any private entity or entities.

There being no further business to come before the Council, motion was made by Councilmember Hudson to adjourn at 6:54 p.m.

ACCEPTED and APPROVED the 11th day of April, 2024.


Casey Etheredge, Assistant City Clerk


Newton Cromer, Council Vice President