

The Saraland City Council met in special session on May 4, 2023, at the Saraland Municipal Annex. The meeting was called to order at 6:06 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 Natalie Moyer

Attorney Andy Rutens was present.

Councilmember Biggs opened the meeting with prayer.

Council President McDonald advised the purpose of this meeting is to consider the adoption of a Resolution pursuant to Alabama Constitution, Article IV, Section 94.01, authorizing the Mayor to enter into an agreement with AJM, LLC SARALAND AL, LLC., concerning the sale and redevelopment of the K-Mart Plaza located at 933 through 951 Saraland Boulevard South in Saraland, Alabama. The agreement entailing the sale of said property for fair market value and a rebate of that same sum with the requirement that the rebate be used for the comprehensive redevelopment of the Plaza. In addition, the agreement entails the rebate to AJM, LLC SARALAND AL, LLC of fifty percent (50%) of the non-educational sales tax generated per taxable dollar spent at the redevelopment property for reimbursement of redevelopment costs, which shall equal or exceed \$7,100,000.00. The rebate shall run for a period of time until the total amount of \$2,900,000.00 has been reimbursed from sales tax revenue generated from the property. The public benefit of the redevelopment agreement is to obtain gentrification of the area, stabilize the tax base of the area, and those areas surrounding it and to provide economic development through the creation of jobs and the increase of the City tax base. Said resolution further authorizes the mayor to institute validation proceedings in the Circuit Court of Mobile County.

Other municipal business may be considered at this time.

REPORT OF OFFICERS

Motion was made by Councilmember Cromer, seconded by Councilmember Biggs, to authorize the Mayor to make an offer on the two (2) parcels, located at 512 and 518 Celeste Road, totaling approximately 8.2 acres, in the amount of \$499,000 subject to a fair market appraisal consistent with the offer and acceptable title work performed. Motion carried.

Motion was made by Councilmember Biggs, seconded by Councilmember Cromer, to authorize the Mayor to retain M.D. Bell Company, Incorporated, to provide an appraisal on the two (2) parcels, located at 512 and 518 Celeste Road, at a cost not to exceed \$1,500. Motion carried.

Motion was made by Councilmember Cromer, seconded by Councilmember Biggs, to authorize the Mayor to hire Surety Land Title, Incorporated to provide title work on the property located at 512 and 518 Celeste Road, at a cost not to exceed \$1,500. Motion carried.

Motion was made by Councilmember Moye, seconded by Councilmember Cromer, to authorize the Mayor to make an offer in the amount of \$397,000, on the approximate 50.2 acres, located adjacent to the Sportsplex property, owned by Kalioka, LLC. Councilmember Biggs recused himself. Motion carried.

Motion was made by Councilmember Moye, seconded by Councilmember Cromer, to authorize the Mayor to retain M.D. Bell Company, Incorporated, to provide an appraisal on the approximate 50.2 acres, located adjacent to the Sportsplex property, owned by Kalioka, LLC., confirming the fair market value on the property, at a cost not to exceed \$1,500. Motion carried.

Motion was made by Councilmember Cromer, seconded by Councilmember Moye, to authorize the Mayor to hire Surety Land Title, Incorporated to provide title work on the approximate 50.2 acres, located adjacent to the Sportsplex property, owned by Kalioka, LLC., at a cost not to exceed \$1,500. Motion carried.

Motion was made by Councilmember Hudson, seconded by Councilmember Moye, to authorize advertising for the Second Avenue project. Motion carried.

Mr. Sean Bryant, 3601 Lafitte Road, gave a brief presentation concerning the proposed agreement with AJM, LLC SARALAND AL, LLC., concerning the sale and redevelopment of the K-Mart Plaza located at 933 through 951 Saraland Boulevard South in Saraland, Alabama.

ORDERS, RESOLUTIONS, ORDINANCES & OTHER BUSINESS

Motion was made by Councilmember Cromer, seconded by Councilmember Moye, to suspend the rules to allow for immediate consideration of the proposed Resolution pursuant to Alabama Constitution, Article IV, Section 94.01, authorizing the Mayor to enter into an agreement with AJM, LLC SARALAND AL, LLC., concerning the sale and redevelopment of the K-Mart Plaza located at 933 through 951 Saraland Boulevard South in Saraland, Alabama. The agreement entailing the sale of said property for fair market value and a rebate of that same sum with the requirement that the rebate be used for the comprehensive redevelopment of the Plaza. In addition, the agreement entails the rebate to AJM, LLC SARALAND AL, LLC of fifty percent (50%) of the non-educational sales tax generated per taxable dollar spent at the redevelopment property for reimbursement of redevelopment costs, which shall equal or exceed \$7,100,000.00. The rebate shall run for a period of time until the total amount of \$2,900,000.00 has been reimbursed from sales tax revenue generated from the property. The public benefit of the redevelopment agreement is to obtain gentrification of the area, stabilize the tax base of the area, and those areas surrounding it and to provide economic development through the creation of jobs and the increase of the City tax base. Said resolution further authorizes the mayor to institute validation proceedings in the Circuit Court of Mobile County.

RESOLUTION 2284**RESOLUTION AUTHORIZING THE MAYOR TO
ENTER INTO A REDEVELOPMENT AGREEMENT, LAND SALES AGREEMENT,
AND LEASE AGREEMENT CONCERNING
K-MART PLAZA**

WHEREAS, the City Council of the City of Saraland, Alabama has previously authorized Mayor Howard Rubenstein to negotiate with AJM, LLC SARALAND, ALABAMA, LLC as an affiliate of Rural King Supply Store, Inc. (hereinafter referred to as AJM, LLC) as it concerns the redevelopment of the K-Mart Shopping Center located at 933-951 Saraland Boulevard South; and

WHEREAS, the proposed redevelopment contemplated utilizing Amendment No. 772 of the Alabama Constitution of 1901, otherwise known as Section 94.01 of the Alabama Constitution, to provide incentives to AJM, LLC; and

WHEREAS, the City and AJM, LLC have negotiated a Redevelopment, Payment and Reimbursement Agreement, as well as a Purchase and Sale Agreement and a Commercial Lease Agreement which will provide for the sale of the City owned portion of K-Mart Plaza, a commitment from AJM, LLC to redevelop the Plaza to include the location of a Rural King Supply Store, and the leasing back to the City of a portion of the Plaza for various City operations; and

WHEREAS, the Land Sales Agreement provides that the City will sell the City owned portion of the K-Mart Plaza to AJM, LLC for the sum of TWO MILLION ONE HUNDRED THOUSAND AND NO/100THS (\$2,100,000.00) DOLLARS, which the City has determined to be the fair market value of said property; and

WHEREAS, the terms of the Redevelopment Agreement provide that the City shall pay to AJM, LLC the net sum of the sales proceeds, and said funds will be used to assist in payment for the redevelopment of the K-Mart Plaza; and

WHEREAS, in addition to other financial incentives, AJM, LLC will receive fifty percent (50%) of all non-educational sales tax generated per taxable dollar spent at the redeveloped property, said rebate to run for a period of time until the total amount of TWO MILLION NINE HUNDRED THOUSAND AND NO/100THS (\$2,900,000.00) DOLLARS has been reimbursed from sales tax revenue generated from the property, at which time the sales tax rebate shall expire; and

WHEREAS, AJM, LLC has committed to expend in reimbursement and redevelopment costs an amount equal to or exceeding SEVEN MILLION ONE HUNDRED THOUSAND AND NO/100THS (\$7,100,000.00) DOLLARS; and

WHEREAS, notice of the Redevelopment Agreement was published in the Call News Newspaper on April 26, 2023, notifying any interested party that the matter would be heard at the City Council Meeting scheduled for May 4, 2023; and

WHEREAS, the City Council determines the redevelopment of the property as a retail plaza will provide benefit to the City of Saraland residents through the providing of jobs, the opportunity for convenient and economical shopping, and the promoting of a competitive mercantile environment within the City, and further that this currently vacant space will be providing significant sales tax income to the City of which only a portion is dedicated to the Redevelopment Agreement, thus affording the City additional revenue to which it currently does not receive, and it is the expressed determination of the City Council that the expenditure of public funds for the Redevelopment Agreement will serve a valid and sufficient public purpose, notwithstanding any incidental benefit accruing to any private entity or entities; and

WHEREAS, the City Council for the City of Saraland authorizes the Mayor and City Attorney to initiate a validation proceeding in the Circuit Court of Mobile County, Alabama to confirm the Redevelopment Agreement, as well as the Land Sales Agreement and the Lease Agreement, comply with Section 94.01 of the Alabama Constitution of 1901.

WHEREFORE, THE PREMISES CONSIDERED, the City Council of the City of Saraland, Alabama authorizes the Mayor to execute the Redevelopment Agreement, the Land Sales Agreement, and the Lease Agreement, and to initiate validation proceedings as contemplated in this Resolution.

Adopted and approved this 4th day of May 2023.

The following votes were recorded:

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

Motion carried.

Unanimous consent being given to allow for immediate consideration of the proposed Resolution, pursuant to Alabama Constitution, Article IV, Section 94.01, motion was made by Councilmember Cromer, seconded by Councilmember Hudson, to adopt the Resolution authorizing the Mayor to enter into an agreement with AJM, LLC SARALAND AL, LLC., concerning the sale and redevelopment of the K-Mart Plaza located at 933 through 951 Saraland Boulevard South in Saraland, Alabama. The agreement entailing the sale of said property for fair market value and a rebate of that same sum with the requirement that the rebate be used for the comprehensive redevelopment of the Plaza. In addition, the agreement entails the rebate to AJM, LLC SARALAND AL, LLC of fifty percent (50%) of the non-educational sales tax generated per taxable dollar spent at the redevelopment property for reimbursement of

redevelopment costs, which shall equal or exceed \$7,100,000.00. The rebate shall run for a period of time until the total amount of \$2,900,000.00 has been reimbursed from sales tax revenue generated from the property. The public benefit of the redevelopment agreement is to obtain gentrification of the area, stabilize the tax base of the area, and those areas surrounding it and to provide economic development through the creation of jobs and the increase of the City tax base. Said resolution further authorizes the mayor to institute validation proceedings in the Circuit Court of Mobile County.

Councilmember Biggs spoke in opposition to the proposed agreement with AJM, LLC SARALAND AL, LLC., concerning the sale and redevelopment of the K-Mart Plaza located at 933 through 951 Saraland Boulevard South in Saraland, Alabama.

At the regularly scheduled Council Meeting held on May 8, 2023, Councilmember Biggs asked that the minutes of May 4, 2023 be amended to include the following:

HAVING HAD OPPORTUNITY TO LOOK OVER THE PROPOSAL THAT WE HAVE IN FRONT OF US IN DEPTH, I HAVE MANY CONCERNS, MOST OF WHICH CENTER AROUND THE REAL DOLLAR INCENTIVES, AS WELL AS THE ADDITIONAL BURDENS THAT WILL BE PLACED ON THE CITY IF WE AGREE TO THIS.

That being said, let me first start by saying that I appreciate the effort that goes into these types of transactions, and I want to thank those who worked so hard to try to come up with a viable solution. Having gone through this when Harbert first came to Saraland and the Publix discussions developed into the location on Shell Street, without any incentives from the city I might add, I understand the time and effort that it takes. I personally, along with members of Mike Black's department, put in many, many hours to bring the Publix to fruition. So, I believe I can honestly say that I understand what was trying to be accomplished here. Unfortunately, after all the work that went into this, I cannot find the relative benefit to the city that one would desire from a project of this size and scope.

Another realization is that we missed several opportunities to have the old K-Mart/Food World portion of the center redeveloped, all the while retaining ownership of the northern most portion. But every one of those proposals, and there were several, were bayoneted by an insistence from city leadership that any developer who sought to redevelop the center had to agree, in writing, that they would recruit a family entertainment center. Those types of demands are unheard of because there is not a developer alive that can guarantee that they will bring a certain type of business. Another important fact about these proposals was that the developers were going to write the city a check that we could keep, that really would go towards the construction

of a new city complex — on property we already owned and that was completely paid for.

Now. The Mayor the other day had his Coffee with the Mayor that is sponsored by the chamber, and he told everyone there and all the people who have seen the video of it that streamed on social media that Saraland was getting a Rural King and that it was a cross between a Home Depot (buzz words in Saraland) and a Tractor Supply. Rural King is nothing like Home Depot. It is a Tractor Supply on steroids. He also told them that he was building a new city hall with the money he was getting from the sale of the Kmart property. He could not tell them where it was yet. That's because we don't have any property if we approve this deal. He did tell them that the new city hall would be built with the money that he's getting from Rural King. Well, that's about \$300,000 — per year. The cheapest city hall we can build will cost around \$11 million and with land cost from \$1 million to \$3 million — the note on just a city hall will be north of \$82,000 per month, or \$990,552 per year. How do we pay that with \$300,000??? They are also using their supposed extensive retail contacts to recruit restaurants and stores. I looked up about a dozen of their properties and they are all free-standing stores with nothing around them.

Councilmember Cromer spoke in favor of the proposed agreement with AJM, LLC SARALAND AL, LLC., concerning the sale and redevelopment of the K-Mart Plaza located at 933 through 951 Saraland Boulevard South in Saraland, Alabama, and asked that his key points be inserted into the minutes:

Key Points for Rural King Proposal:

- (1) We have actively entertained developmental opportunities for this property for several years. To date, no sound opportunities have worked out for the City.
- (2) We have been considering the Rural King opportunity for over a year with the Mayor and Attorney having led negotiations. Those cities in Alabama who currently have Rural King stores, have been pleased with their performance and economic vitality.
- (3) Rural King will be a large draw, not only to the North Mobile area residents, but will include those in Baldwin County and other agricultural communities further up Interstate 65, as well as other markets.
- (4) Rural King will market the entire 12-acre retail complex, drawing stable retailers and restaurants, which will increase tax revenues for the City of Saraland.
- (5) Rural King has a solid offer to allow us to transform the above-mentioned property into a good retail tax base. Rural King is a developer, who will ensure these parcels are leased out or they will make no lease monies. With this type of deal, there will be no middleman group.
- (6) Terms of the deal with Rural King are solid and tax incentives apply to the entire development, not just the prime anchor store. Thus, incentive obligation will be fulfilled sooner than relying on just the anchor Rural King store.

- (7) The City Hall complex and replacement facilities have been a concern of mine; however, I trust the Mayor and our entire team will work on temporary facilities until a new City Hall complex can be realized.
- (8) I feel the future tax revenue generated in this Rural King deal is essential in proving a funding base for new City Hall concepts and being able to pay for a state-of-the-art facility.
- (9) Lastly, I am concerned if we say NO to this deal, we may be occupying the current facility for years to come.

The following votes were recorded:

- Yes: Council President Joe McDonald
Councilmember Newton Cromer
Councilmember Veronica Hudson
Councilmember Natalie Moye
- No: Councilmember Wayne Biggs

Motion carried.

Motion was made by Councilmember Cromer, seconded by Councilmember Hudson, to amend the agenda to read Public Hearing for the following item. Motion carried.

AFTER PROPER PUBLIC NOTICES HAVING BEEN DULY GIVEN, A PUBLIC HEARING WAS HELD TO CONSIDER THE rezoning of 512 Celeste Rd, parcel 1908330003016.01, approx. 3.7 acres total, to be rezoned from R-1 (Low Density Single Family Residential) to B-2 (General Business), filed by owners Freida A. Belcher, Vernon E. Kearley, and David A. Kearley.

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.

PROPOSED ORDINANCE

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-1 to B-2:

Approximately 3.7 acres, parcel 02 1908330003016.01, 512 Celeste Road, petitioned by Freida A. Belcher, Vernon E. Kearley, and David A. Kearley, as described by the legal description here:

Lot 1 of Rolston's Addition to Saraland, according to the plat thereof made by Durant Engineering Company, dated October 19, 1942, and filed of record on May 14, 1943, in Map Book 4, Page 97 of the records in the Office of the Judge of Probate of Mobile County, Alabama.

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

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

Motion was made by Councilmember Cromer, seconded by Councilmember Moye, to suspend the rules to allow for immediate consideration of the proposed ordinance for the rezoning of 512 Celeste Rd, parcel 1908330003016.01, approx. 3.7 acres total, to be rezoned from R-1 (Low Density Single Family Residential) to B-2 (General Business), filed by owners Freida A. Belcher, Vernon E. Kearley, and David A. Kearley.

The following votes were recorded:

Yes: Council President Joe McDonald
Councilmember Wayne Biggs
Councilmember Newton Cromer
Councilmember Natalie Moye
No: Councilmember Veronica Hudson

Motion failed.

Motion was made by Councilmember Cromer, seconded by Councilmember Moye, to change the agenda to read Public Hearing for the following item. Motion carried.

AFTER PROPER PUBLIC NOTICES HAVING BEEN DULY GIVEN, A PUBLIC HEARING WAS HELD TO CONSIDER THE rezoning of 518 Celeste Rd, parcel 19083300030161000, approx. 4.0 acres total, to be rezoned from R-1 (Low Density Single Family Residential) to B-2 (General Business), filed by owners Freida A. Belcher, Vernon E. Kearley, and David A. Kearley.

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.

PROPOSED ORDINANCE

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-1 to B-2:

Approximately 4.0 acres, parcel 02 1908330003016.000, 518 Celeste Road, petitioned by Freida A. Belcher, Vernon E. Kearley, and David A. Kearley, as described by the legal description here:

Lot 2 of Rolston's Addition to Saraland, according to the plat thereof made by Durant Engineering Company, dated October 19, 1942, and filed of record on May 14, 1943, in Map Book 4, Page 97 of the records in the Office of the Judge of Probate of Mobile County, Alabama.

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

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

Motion was made by Councilmember Cromer, seconded by Councilmember Moye, to suspend the rules to allow for immediate consideration of the proposed ordinance for the rezoning of 518 Celeste Rd, parcel 19083300030161000, approx. 4.0 acres total, to be rezoned from R-1 (Low Density Single Family Residential) to B-2 (General Business), filed by owners Freida A. Belcher, Vernon E. Kearley, and David A. Kearley.

The following votes were recorded:

Yes: Council President Joe McDonald
Councilmember Wayne Biggs
Councilmember Newton Cromer
Councilmember Natalie Moye
No: Councilmember Veronica Hudson

Motion failed.

Motion was made by Councilmember Biggs, seconded by Councilmember Moye, to change the agenda to read Public Hearing for the following item. Motion carried.

AFTER PROPER PUBLIC NOTICES HAVING BEEN DULY GIVEN, A PUBLIC HEARING WAS HELD TO CONSIDER THE annexation of parcel 1307360000001.027 approx. 1.3 acres, 10976 Celeste Road, filed by owners James & Carey Williamson

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 Cromer introduced an ordinance approving the annexation of parcel 1307360000001.027 approx. 1.3 acres, 10976 Celeste Road, filed by owners James & Carey Williamson.

ORDINANCE 1252

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:

Approximately 2.00 acres at 10976 Celeste Rd, parcel 02 1307360000001.027, petitioned by owners James & Carey Williamson, as described by the legal description here:

Commencing at the Northeast corner of Section 36, Township 1 South, Range 2 West; thence South 00 degrees 30 minutes 19 seconds East along the East line of said Section 36, 1748.25 feet; thence North 89 degrees 26 minutes 08 seconds West 836.52 feet to the Point of Beginning; thence continue North 89 degrees 26 minutes 08 seconds West, 435.44 feet to a point on the East right-of-way line of Celeste Road; thence North 00 degrees 04 minutes 01 second East along the said East line of Celeste Road, 89.00 feet to the point of curvature of a curve to the right having a radius of 1871.35 feet; thence run Northeastwardly and along the arc of said curve to the right of the East right-of-way line of Celeste Road, 111.00 feet. Thence South 89 degrees 26 minutes 08 seconds East, 433.89 feet; thence South 00 degrees 33 minutes 52 seconds West, 199.96 feet to the Point of Beginning. Containing 2.00 acres, more or less.

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 and is to adopt the zoning R-1.

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 4th day of May 2023.

Motion was made by Councilmember Cromer, seconded by Councilmember Hudson, to suspend the rules to allow for immediate consideration of the proposed ordinance for the annexation of parcel 1307360000001.027 approx. 1.3 acres, 10976 Celeste Road, filed by owners James & Carey Williamson.

The following votes were recorded:

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

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 1307360000001.027 approx. 1.3 acres, 10976 Celeste Road, filed by owners James & Carey Williamson.

The following votes were recorded:

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

Motion carried.

Motion was made by Councilmember Cromer, seconded by Councilmember Hudson, to change the agenda to read Public Hearing for the following item. Motion carried.

AFTER PROPER PUBLIC NOTICES HAVING BEEN DULY GIVEN, A PUBLIC HEARING WAS HELD TO CONSIDER THE annexation of parcel 1801010000002.017 approx. 5.0 acres, 10211 Celeste Road, filed by owners David C. James & Bronwyn C. Dodson.

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 Cromer introduced an ordinance approving the annexation of parcel 1801010000002.017 approx. 5.0 acres, 10211 Celeste Road, filed by owners David C. James & Bronwyn C. Dodson.

ORDINANCE 1253

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:

Approximately 5.0 acres at 10211 Celeste Rd, parcel 02 1801010000002.017, petitioned by owners David C. James & Bronwyn C. Dodson, as described by the legal description here:

Commencing at the Southeast corner of the Southwest Quarter of the Northeast Quarter of Section 1, Township 2 South, Range 2 West, Mobile County, Alabama; thence North 89 degrees 53 minutes 20 seconds East a distance of 26.01 feet to a point; thence North 28 degrees 30 minutes 15 seconds East a distance of 441.54 feet to the point of beginning of the parcel herein described; thence North 89 degrees 53 minutes 20 seconds East a distance of 1297.56 feet to a point on the West right of way line of Celeste Road; thence North 00 degrees 11 minutes 12 seconds West along said right of way line a distance of 175.0 feet to a point; thence South 89 degrees 53 minutes 20 seconds West a distance of 1201.85 feet to a point; thence South 28 degrees 30 minutes 15 seconds West a distance of 199.35 feet to the point of beginning. Said parcel being located in the Northeast Quarter of Section 1, Township 2 South, Range 2 West and the Northwest Quarter of Section 6, Township 2 South, Range 1 West, Mobile County, Alabama.

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 and is to adopt the zoning R-1.

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 4th day of May 2023.

Motion was made by Councilmember Cromer, seconded by Councilmember Moye, to suspend the rules to allow for immediate consideration of the proposed ordinance for the annexation of parcel 1801010000002.017 approx. 5.0 acres, 10211 Celeste Road, filed by owners David C. James & Bronwyn C. Dodson.

The following votes were recorded:

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

Motion carried.

Unanimous consent being given to allow for immediate consideration of the proposed ordinance, motion was made by Councilmember Biggs, seconded by Councilmember Moye, to adopt the ordinance for the annexation of parcel 1801010000002.017 approx. 5.0 acres, 10211 Celeste Road, filed by owners David C. James & Bronwyn C. Dodson.

The following votes were recorded:

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

Motion carried.

Motion was made by Councilmember Biggs, seconded by Councilmember Cromer, to change the agenda to read Public Hearing for the following item. Motion carried.

AFTER PROPER PUBLIC NOTICES HAVING BEEN DULY GIVEN, A PUBLIC HEARING WAS HELD TO CONSIDER THE annexation of 9355 Maple Ridge Rd, parcel 021801120000017.000, Lot 33 of the High-Country Estates subdivision, approx. 0.9 acres, filed by owners Justin & Dana Jessee.

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 9355 Maple Ridge Rd, parcel 021801120000017.000, Lot 33 of the High-Country Estates subdivision, approx. 0.9 acres, filed by owners Justin & Dana Jessee.

ORDINANCE 1254

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:

Approximately 0.9 acres at 9355 Maple Ridge Dr, a portion of parcel 02 1801120000017.000, petitioned by owners Justin & Dana Jessee, as described by the legal description here:

Lot 33 "High Country Estates" Second Unit as recorded in Map Book 22, Page 20 of the records in the Office of the Judge of Probate, Mobile County, Alabama.

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 and is to adopt the zoning R-1.

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 4th day of May 2023.

Motion was made by Councilmember Biggs, seconded by Councilmember Cromer, to suspend the rules to allow for immediate consideration of the proposed ordinance for the annexation of 9355 Maple Ridge Rd, parcel 021801120000017.000, Lot 33 of the High-Country Estates subdivision, approx. 0.9 acres, filed by owners Justin & Dana Jessee.

The following votes were recorded:

Yes: Council President Joe McDonald
Councilmember Wayne Biggs
Councilmember Newton Cromer
Councilmember Veronica Hudson
Councilmember Natalie Moyer

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 9355 Maple Ridge Rd, parcel 021801120000017.000, Lot 33 of the High-Country Estates subdivision, approx. 0.9 acres, filed by owners Justin & Dana Jessee.

The following votes were recorded:

Yes: Council President Joe McDonald
Councilmember Wayne Biggs
Councilmember Newton Cromer
Councilmember Veronica Hudson
Councilmember Natalie Moyer

Motion carried.

Councilmember Biggs introduced an ordinance adopting an agreement with the County on subdivision regulations in our Planning Jurisdiction.

ORDINANCE 1255

AN ORDINANCE AUTHORIZING THE MAYOR TO EXECUTE
AN AGREEMENT AMONG THE CITY OF SARALAND, THE MOBILE
COUNTY COMMISSION, AND THE PLANNING COMMISSION OF THE
CITY OF SARALAND CONCERNING THE EXERCISE OF SUBDIVISION
REGULATIONS WITHIN THE PLANNING JURISDICTION OF THE CITY
OF SARALAND PLANNING COMMISSION

WHEREAS, Section 11-52-30, Code of Alabama (1975), was amended by Act No. 2021297, with such amendments becoming effective July 26, 2021, ninety days after its approval by the Governor; and

WHEREAS, Section 11-52-30(a)(12) provides, inter alia, that beginning January 1, 2023, the planning jurisdiction of any municipal planning commission includes all land located within the corporate limits of the municipality and all land not located in any other municipality within one-and-a-half (1.5) miles outside the corporate limits, unless extended by local law enacted after January 1, 2023, to include all land not located in any other municipality within three (3) miles outside the corporate limits; and

WHEREAS, Section 11-52-3(e)(1)(a) provides, that if a county commission has adopted subdivision regulations pursuant to Section 11-24-1, *et seq.*, those subdivision regulations shall apply to the development of subdivisions within the planning jurisdiction of a municipal planning commission outside the corporate limits of a municipality and shall be regulated and enforced by the county commission in the same manner and to the same extent as other subdivision development governed by the county's subdivision regulations; and

WHEREAS, Section 11-52-30(e)(1)(b) provides, that a county commission and a municipal planning commission may enter into a written agreement providing that the municipal planning commission shall be responsible for the regulations and enforcement of the development of subdivisions within the planning jurisdiction of the municipal planning commission under the terms and conditions of the agreement as long as such agreement is approved by a resolution adopted by the county commission, an ordinance adopted by the municipal governing body, and a resolution adopted by the municipal planning commission; and

WHEREAS, the Mobile County Commission (the "County"), the City of Saraland (the "City"), and the Municipal Planning Commission of the City of Saraland (the "Planning Commission"), desire to enter into a written agreement, the terms and conditions of which shall govern the regulation of subdivisions outside the City corporate limits but within the Planning Commission's planning jurisdiction; and

WHEREAS, the City has the legal authority to carry out the intent of this ordinance pursuant to Code of Alabama, Section 11-52-30.

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

SECTION 1. The City hereby agrees to and consents to entering into an agreement whereby the Planning Commission shall have exclusive responsibility for the regulation, review, approval and enforcement of the development of subdivisions, as defined in Section 11-52-1(6) Code of Alabama (1975), within the planning jurisdiction of the Planning Commission.

SECTION 2. That the Mayor of the City is hereby authorized to execute and deliver such agreement to the County as is necessary or requested to carry out the intent of this Ordinance. A copy of the proposed agreement is attached as Exhibit 1 and incorporated herein by reference, subject to any changes deemed necessary by the Mayor.

SECTION 3. The City Council of the City endorses the adoption of a resolution by the Planning Commission approving the agreement in similar form as that attached as Exhibit 1 hereto.

SECTION 4. If any part, section or subdivision of this Ordinance shall be held to be illegal, invalid or unenforceable for any reason, such holding shall not be held or construed to invalidate or impair the remaining provisions of this Ordinance, which shall continue in full force and effect notwithstanding such holding.

SECTION 5. This Ordinance shall become effective upon its adoption and publication as provided by law.

ADOPTED and APPROVED this the 4th day of May 2023.

Motion was made by Councilmember Biggs, seconded by Councilmember Hudson, to suspend the rules to allow for immediate consideration of the proposed ordinance adopting an agreement with the County on subdivision regulations in our Planning Jurisdiction.

The following votes were recorded:

Yes: Council President Joe McDonald
Councilmember Wayne Biggs
Councilmember Newton Cromer
Councilmember Veronica Hudson
Councilmember Natalie Moyer

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 adopting an agreement with the County on subdivision regulations in our Planning Jurisdiction.

The following votes were recorded:

Yes: Council President Joe McDonald
Councilmember Wayne Biggs
Councilmember Newton Cromer
Councilmember Veronica Hudson
Councilmember Natalie Moyer

Motion carried.

Motion was made by Councilmember Cromer, seconded by Councilmember Moyer, to adopt a Resolution on ALDOT 2023 ATRIP-II project. Motion carried.

RESOLUTION 2285

WHEREAS, the Alabama Department of Transportation has awarded a 2023 ATRIP -II project to the City of Saraland,

WHEREAS, the City of Saraland does not anticipate a project cost overrun above the awarded ATRIP-II amount on this project; and

WHEREAS, in the event that such an overrun should occur, the City agrees to be responsible for the overrun.

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

That the City Council of the City of Saraland hereby agrees to be responsible for a project cost overrun above the ATRIP-II awarded amount on the 2023 ATRIP-II project in the event such an overrun should occur.

That the City Council of the City of Saraland hereby authorizes the payment for the aforementioned cost overrun.

ADOPTED this 4th day of May 2023 by the Council of the City of Saraland, Alabama.

Motion was made by Councilmember Biggs, seconded by Councilmember Cromer, to extend the School Board application deadline to May 12, 2023. Motion carried.

There being no further business to come before the Council, motion was made by Councilmember Hudson to adjourn at 6:46 p.m.

ACCEPTED and APPROVED the 8th day of May 2023.



Joe McDonald, Council President



Judi Smith, City Clerk