

MINUTES
September 6, 2022
Irondale City Council Meeting - City Council Chambers, City Hall
Regular Council Meeting at 6:00 p.m.

I. Invocation by Bishop Jim Lowe of Guiding Light Church and Pledge *Bishop Jim Lowe led the invocation and pledge*

II. Call to Order - *The meeting was called to order by Council President Spivey at 6:04 p.m.*

III. Roll Call

Present

David Spivey, Council President
Aaron Sims
Robert Box
Cindy Cuellar
John London, President Pro Tem

IV. Approval of Minutes of the Regular City Council Meeting on August 6, 2022.

Councilor Box made a motion to approve the minutes for the Regular Council Meeting on September 6, 2022. The motion was seconded by Councilor Sims. A vote was held and this motion passed unanimously with Councilor Sims abstaining.

V. Approval of Current Bills for Payment (\$231,700.38)

Councilor Box made a motion to approve the bills in the amount of \$213,700.38. This motion was seconded by Councilor Sims. A vote was held and this motion passed unanimously.

VI. Professional/Consultants' Reports *None*

VII. Mayor's Report, Announcements, Special Guest

VIII. Department Heads' Reports *None*

Councilmembers, Standing Committees, or Special Committee Reports

- A. David Spivey (Economic Dev., Library, Finance, Planning & Zoning)
- B. John London (Parks)
- C. Cindy Cuellar (Water Dept., Judicial Ordinances, CDA)
- D. Robert Box (Senior Activity Center, Public Safety, Abatement Board)
- E. Aaron Sims (Public Works)

IX. Reports of Boards and Non-Council Committees *None*

- X. Executive Session** – To discuss legal ramifications of and legal options for pending litigation, to discuss the consideration the City Council is willing to offer when considering the purchase, sale, exchange, lease, or market value of real property by the City, and to discuss preliminary negotiations involving matters of trade or commerce.

Councilor Box made a motion to enter into Executive Session. Councilor Cuellar seconded the motion. A vote was held and this motion passed unanimously. Executive Session began at 6:45 p.m.

Councilor Box made a motion to exit Executive Session. Councilor Cuellar seconded the motion. A vote was held and this motion passed unanimously. Executive Session ended at 7:30 p.m.

XI. Public Hearings

1. The City Council of the City of Irondale will hear comments from interested citizens for a change of zoning from an R-2 Residential District to a C-2 Commercial District for the property located at 4999 Overton Road, Irondale, Alabama 35210.

Councilor Cuellar made a motion to open the Public Hearing. Councilor Sims seconded the motion. A vote was held and this motion passed unanimously.

FOR

Zac Nelson; 313 Del Cris Court

AGAINST

Name could not be determined; 418 Cedar Street

Councilor Box made a motion to end the Public Hearing. Councilor Cuellar seconded the motion. A vote was held and this motion passed unanimously.

2. The City Council of the City of Irondale will hear comments from interested citizens for a change of zoning from a A-1 Agriculture District to a R-1 Residential District for the property located at 4283 Hillsedge Road, Irondale, AL 35210.

Councilor Box made a motion to open the Public Hearing. Councilor Sims seconded the motion. A vote was held and this motion passed unanimously.

FOR

*John Castleberry
Baird Castleberry; 222 2nd Ave N*

AGAINST

*Mr. Jackson; 4247 Hillsedge Road
Anne Markiewicz; Cahaba Landings Rd
Linda Webber; 3132 Old Ivey Road*

Councilor Box made a motion to end the Public Hearing. Councilor Sims seconded the motion. A vote was held and this motion passed unanimously

3. The City Council of the City of Irondale will hear comments from interested citizens for a change of zoning from an A-1 Agriculture District to an E-1 Estate District for the property located at proposed Lot 2B of the resurvey of Lots 2 and 3 of Porter Estates property located at 3129 Old Ivy Road, Irondale, Alabama 35210.

Councilor Sims made a motion to open the Public Hearing. Councilor Box seconded the motion. A vote was held and this motion passed unanimously.

FOR
None

AGAINST
None

This public hearing will be continued.

Councilor Box made a motion to end the Public Hearing. Councilor Sims seconded the motion. A vote was held and this motion passed unanimously.

4. The City Council of the City of Irondale will hear any objections or defenses that may be filed from citizens concerning the assessment or the costs of public improvements that were completed to the streets and public right of ways in the Old Overton Trail subdivision in the City of Irondale, Alabama pursuant to Ordinance Nos. 2021-3, 2021-6, and 2021-14.

Councilor Sims made a motion to open the Public Hearing. Councilor Box seconded the motion. A vote was held and this motion passed unanimously.

FOR
None

AGAINST
None

Councilor Box made a motion to end the Public Hearing. Councilor Sims seconded the motion. A vote was held and this motion passed unanimously.

XII. Council Deliberation on Agenda Items Only– *The City Council discussed all agenda items.*

XIII. Approval of the Form of the Agenda – *Councilor Cuellar made a motion that the form of the Agenda be approved. Councilor Box seconded the motion. A vote was held and this motion passed unanimously.*

XIV. Public Comments on Agenda Items Only

Jared Jefferies; 1901 4th Ave South

Mia Jefferies; 1901 4th Ave South

XV. Consent Agenda

Councilor Cuellar made a motion that items 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, Resolution 2022-R-172 remain on the Consent and the Consent agenda be approved. Councilor Box seconded this motion. A vote was held and this motion passed unanimously.

1. Resolved, That Resolution 2022-R-157 declares a 2005 Ford E350 passenger bus and a 2006 Freightliner passenger bus as surplus and authorizes the disposal of such property by Mayor James D. Stewart, Jr. or his designee through sale at gov.deals.com. *(City)*
2. Resolved, That Resolution 2022-R-158 authorizes the City of Irondale to purchase a 2023 Freightliner M2 Chassis from Sansom Equipment Company in an amount not to exceed \$196,777. *(City)*
3. Resolved, That Resolution 2022-R-159 authorizes the City of Irondale to purchase Toter 64 Gallon EVR II Universal/Nestable Carts from Sourcewell in an amount not to exceed \$114,959.88. *(City)*
4. Resolved, That Resolution 2022-R-160 authorizes the City of Irondale to execute voluntary disclosure agreements with business taxpayers in those cases where appropriate and as permitted by law. *(City)*
5. Resolved, That Resolution 2022-R-161 authorizes the allocation of public funds to Shades Valley High School in the amount of \$1,400 from the 21-22 FY Discretionary Fund of Councilor John London to be used exclusively for seat covers and rifles for the Shades Valley High School Ensemble. *(London)*
6. Resolved, That Resolution 2022-R-162 approves the 2022 Road Paving Plan. *(City)*
7. Resolved, That Resolution 2022-R-163 appoints Jackie Crandall to the Library Board for a term ending on September 30, 2026. *(Wilson)*
8. Resolved, That Resolution 2022-R-164 authorizes a Moratorium on the issuance of business licenses and short-term rental permits for short-term rentals in Residential zoning districts within the City of Irondale, Alabama until January 1, 2023. *(City Council)*
9. Resolved, That Resolution 2022-R-165 authorizes Mayor James D. Stewart, Jr. to enter into an agreement with Alabama Power Company for surveillance camera installation at the City of Irondale water wells, tanks, and booster pump stations in an amount not to exceed \$1,657.17 per month plus energy usage. *(City)*

10. Resolved, That Resolution 2022-R-171 authorizes Mayor James D. Stewart, Jr. to execute and enter into a Performance Agreement with Tremayne Thompson/Perfect Note Festival Division/TK Productions Group in the amount of \$61,940.00 for the musical performances at the City of Irondale's 135th Birthday Celebration Music Festival. (City)

Resolution 2022-R-172 (This item was added by the City Council during the regular meeting. Thus, is an unnumbered item.)

XVI. Regular Agenda

Unfinished Business

11. Ordained, That Ordinance 2022-15 rezones the property located at 4999 Overton Road, Irondale, Alabama 35210 from an R-2 Residential District to a C-2 Commercial District. (City)

Councilor Sims made a motion that Ordinance 2022-15 be considered read. Councilor Box seconded this motion. A roll call vote was held and this motion passed with all councilors voting in favor of the motion.

Councilor Sims made a motion that all rules that would prevent the immediate consideration of Ordinance 2022-15 be suspended. Councilor Box seconded this motion. A vote was held and this motion passed with all councilors voting in favor of the motion.

Councilor Sims made a motion that Ordinance 2022-15 be adopted. Councilor Box seconded this motion. A roll call vote was held and this motion passed with all councilors voting in favor of the motion.

12. Ordained, That Ordinance 2022-17 rezones the property located at 4283 Hillsedge Road, Irondale, Alabama 35210 from an A-1 Agriculture District to an R-1 Residential District. (City)

Councilor Cuellar made a motion that Ordinance 2022-15 denied. Councilor Box seconded this motion. A roll call vote was held and this motion passed with Councilors London, Cuellar, Box and Spivey voting in favor of the motion and Councilor Sims not voting in favor of the motion.

Ordinance 2022-17 Failed

13. Ordained, That Ordinance 2022-18 rezones the property located at proposed Lot 2B of the resurvey of Lots 2 and 3 of Porter Estates property located at 3129 Old Ivy

Road, Irondale, Alabama 35210 from A-1 Agriculture District to an E-1 Estate District. (City)

Continued

New Business

14. Ordained, That Ordinance 2022-21 modifies Chapter 18, Article 1, Division 2, Sec. 18-14 of the Municipal Code of the City of Irondale, Alabama to correct an error in Ordinance 2022-19 previously approved by the City Council at its last regular meeting on 8/16/22. (City)

Councilor Cuellar made a motion that Ordinance 2022-21 be considered read. Councilor Box seconded this motion. A roll call vote was held and this motion passed with all councilors voting in favor of the motion.

Councilor Cuellar made a motion that all rules that would prevent the immediate consideration of Ordinance 2022-21 be suspended. Councilor Box seconded this motion. A vote was held and this motion passed with all councilors voting in favor of the motion.

Councilor Cuellar made a motion that Ordinance 2022-21 be adopted. Councilor Box seconded this motion. A roll call vote was held and this motion passed with all councilors voting in favor of the motion.

15. Resolved, That Resolution 2022-R-166 recognizes that Affinity Hospital, LLC, as tenant under a long-term ground lease with the City for property off Grants Mill Road, has exercised its option to purchase such property and authorizes execution of the Buyout and Termination of the Ground Lease Agreement by Mayor James D. Stewart, Jr. (City)

Councilor Box made a motion that Resolution 2022-R-166 be approved. Councilor Sims seconded this motion. A roll call vote was held and this motion passed with all councilors voting in favor of the motion.

16. Resolved, That Resolution 2022-R-167 authorizes the City of Irondale to purchase two Ford Transit Vans for the Senior Activity Center in an amount not to exceed \$57,505.00 for each van. (City)

Councilor Cuellar made a motion that Resolution 2022-R-167 be approved. Councilor Box seconded this motion. A roll call vote was held and this motion passed with all councilors voting in favor of the motion.

17. Ordained, That Ordinance 2022-22 authorizes the lease of one building located in the rear of 3521 Ratliff Road, Irondale, Alabama to the Zamora Shrine Temple

Association and the execution of a lease agreement related thereto by Mayor James D. Stewart, Jr. (City)

Councilor Box made a motion that Ordinance 2022-22 be considered read. Councilor Sims seconded this motion. A roll call vote was held and this motion passed with all councilors voting in favor of the motion.

Councilor Box made a motion that all rules that would prevent the immediate consideration of Ordinance 2022-22 be suspended. Councilor Sims seconded this motion. A vote was held and this motion passed with all councilors voting in favor of the motion.

Councilor Box made a motion that Ordinance 2022-22 be adopted. Councilor Sims seconded this motion. A roll call vote was held and this motion passed with all councilors voting in favor of the motion.

18. Resolved, That Resolution 2022-R-168 fixes the costs of public improvements that were completed to the streets and public right of ways in the Old Overton Trail subdivision. (City)

Councilor Sims made a motion that Resolution 2022-R-168 be considered read. Councilor Box seconded this motion. A roll call vote was held and this motion passed with all councilors voting in favor of the motion.

Councilor Sims made a motion that all rules that would prevent the immediate consideration of Resolution 2022-R-168 be suspended. Councilor Box seconded this motion. A vote was held and this motion passed with all councilors voting in favor of the motion.

Councilor Sims made a motion that Resolution 2022-R-168 be adopted. Councilor Box seconded this motion. A roll call vote was held and this motion passed with all councilors voting in favor of the motion.

19. Resolved, That Resolution 2022-R-169 authorizes the execution of an agreement with Gonzalez-Strength & Associates, Inc. by Mayor James. D. Stewart, Jr. in an amount not to exceed \$79,500.00 for Brand Development Services related to a Brand Development Program for the City of Irondale. (City)

Councilor Box made a motion that Resolution 2022-R-169 be approved. Councilor Sims seconded this motion. A roll call vote was held and this motion passed with all councilors voting in favor of the motion.

20. Resolved, That Resolution 2022-R-170 authorizes the execution of a Contract for Purchase and Sale of Real Estate and an Addendum with Sha Outdoors, LLC by

Mayor James D. Stewart, Jr. for the purchase of 10.49 +/- acres of property located at 1521 Heritage Place, Irondale, Alabama in an amount not to exceed \$275,000.00 plus closing costs. (*Box*)

Councilor Box made a motion that Resolution 2022-R-170 be approved. Councilor Cuellar seconded this motion. A roll call vote was held and this motion passed with all councilors voting in favor of the motion.

XVII. Public Comments to the Council - None

XVIII. Adjournment

Councilor Box made a motion to adjourn the council meeting. Councilor Sims seconded the motion. The meeting adjourned at 8:55 p.m.

Leigh Ann Allison, City Clerk

Read and approved on the 20th day of September, 2022.

David Spivey, President, City Council