

Marion

City Council Meeting

MEETING NOTICE AND AGENDA

Meeting Agenda

Monday, April 5, 2021

The City Council holds its regular meetings every first (1st) and third (3rd) Monday of each month at 6:00 p.m. in the Council's Chambers of City Hall located at 123 E. Jefferson St. Marion, AL 36756. Due to COVID-19, social distancing, and limited seating meetings are available to the public via Zoom to allow listening, viewing, and attendance of the meeting virtually. City Hall will continue to be open unless noted otherwise; however, please keep in mind seating is limited. Meetings begin with public comments which are only three minutes per public speaker. A notice of regular meeting changes or scheduled special meetings shall be posted as required by state law. Please note that regular or other meetings may be rescheduled or changed, AND will be posted if such changes occur. All agenda, minutes from prior meetings, and items to be considered/discussed, or decided are available in city hall and at www.cityofmarional.org under the Governing Body tab.

- All agenda request(s) must be submitted no later than 2:00 p.m. Thursday before the scheduled meeting in order to timely fill request(s). Public Comment time is reserved for citizens on non-agendized items that are within the Council's jurisdiction. Please refrain from comment(s) which attack, harass, or make a mockery of anyone, their general reputation or involves a pending litigation. Submit all request(s) and possible questions in writing @ lwhinton@cityofmarional.org or visit our office for an agenda appearance request form at 123 E. Jefferson St. Marion, AL 36756. Speakers are limited to three minutes to address the Council during "PUBLIC COMMENT."



Americans with Disabilities Act (ADA) Notice



The City of Marion is committed to providing equal access to all public meetings and information per the requirements of ADA and Alabama Statutes. If you require any service that furthers inclusivity please contact the Office of the City Clerk-Treasurer at least 48 hours prior to the meeting at 334-683-6545.

Please note that innovation can be done openly or silently

Meeting Room	Marion City Hall Council's Chambers via Zoom {See enclosed ID & Password}
Date:	Monday, April 5, 2021
Time:	6:00 p.m. {Public Comments } Council Meeting immediately following
Meeting Facilitator:	Presiding Officer Mayor Dexter Hinton
Governing Body Members:	Presiding Officer Mayor Dexter Hinton Council Members: Jeremy Arrington (D1); Tommy L. Kennie (D2); Joseph Pearson (D3); Willie Jackson (D4); Jefferson K. Nail (D5)
Recorder of Minutes:	City Clerk
City Attorney:	Chestnut, Sanders & Sanders Law Firm

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Join Zoom Meeting Online: https://zoom.us/j/2858029880?pwd=TDI3bEVHSIRSMIZoOWxSMXNTZ04xZz09 Phone: +1 301 715 8592 Meeting ID: 285 802 9880 Password: 918364			
No.	Topics	Notes	Presenter/Requestor
1.	Call Meeting to Order <i>*One or more members of the Council, the Clerk, City Attorney, Department Supervisor, or the Magistrate may be attending the Council Meeting by telephone, video, or Internet conferencing, due to COVID-19 & pursuant to Ala. Code § 36-25A-5.1.</i>	Roll Call: Presiding Officer Mayor Dexter Hinton Jeremy Arrington (D1) Tommy L. Kennie (D2) Joseph Pearson (D3) Willie Jackson (D4) Mayor Pro-Tem Jefferson K. Nail (D5)	Presiding Officer Mayor Hinton
2.	Invocation		CM Tommy Kennie (D2)
3.	Pledge of Allegiance		Cite in Concert
4.	Addendums/Adoption of the Minutes	Monday, March 15, 2021 Minutes; Special Call Meeting, Monday, March 22, 2021	Presiding Officer
5.	Rural Heart & Lung Study		Presiding Officer/ Representative Mrs. Brooks
6.	Resolution 2021.04.05.001 Hazard Mitigation Public Hearing Advertisement	Division C Regional Multi- Jurisdictional Hazard Mitigation Plan	Presiding Officer
7.	Fireworks Ordinance	1st Reading Sec.9-28. Sale, possession, discharge of fireworks prohibited. (See enclosed on pg. 469 It shall be unlawful for any person to have in possession, sell, give away or otherwise dispose of or explode fireworks, of any kind or description, within the city limits or police jurisdiction of the city (Ord. of	Presiding Officer

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		11-3-60, § 1) (See enclosed for an ordinance of permanent nature.	
8.	Premium Finance Agreement	Commercial Workers Compensation Finance Agreement with ISG of Birmingham (Agreement Enclosed)	Presiding Officer
9.	ORDINANCE NO. <u>2021.04.05.002</u> GRANTING A FRANCHISE TO SPIRE ALABAMA INC. ITS SUCCESSORS AND ASSIGNS, IN THE CITY OF MARION, ALABAMA	See Ordinance NO. 2021.04.05.002 Also see municipal ordinance information enclosed.	Presiding Officer/ Edgar Downing, Attorney for Spire Ala.
10.	The Annual Convention of the Alabama League of Municipalities Attendance & Voting Delegates Clerk's CEU's Annual Training	May 12-15, 2021 Deadline to submit completed form for Voting Delegation Authorization Form (April 23); Annual Business Meeting on Friday, May 14 @ 3:30 p.m.	Presiding Officer/ City Clerk- Treasurer
11.	Purchase of Police Cruiser(s) Mowers for Street Dept. Est. Reserve Addendums to the budget Other City Needs	Building that houses the Nutrition Site has sustained roof damage that should be repaired	Presiding Officer
12.	Use of Douglas Moore Memorial Park (back area near tennis court) for Recreational Activities		CM Jeremy Arrington (D1)
13.	<u>Departmental Reports</u> Chief of Police City Clerk-Treasurer Water/Sewer Operator Street/Sanitation Superintendent		
14.	An executive session MAY BE requested ONLY FOR the discussion of general reputation and character of an individual, group, business, etc. and or to discuss a pending legal matter with the City Attorney & Legal Representatives. AL Code § 36-25A-7 (2016)		
Public Announcements/Legal Posting			

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Resolution Number 2021.04.05.001

Concerning the Division C Regional Multi-Jurisdictional Hazard Mitigation Plan

Whereas, **Perry County is vulnerable to the human and economic costs of natural disasters, and**

Whereas, **the City of Marion recognizes the importance of reducing or eliminating those vulnerabilities for the overall good and welfare of the community, and**

Whereas, **the City of Marion has been an active participant in the Division C Regional Multi-Jurisdictional Hazard Mitigation Plan which has established a comprehensive, multi-jurisdictional, coordinated planning process to eliminate or decrease these vulnerabilities, and**

Whereas, **the City of Marion's representatives have identified and prioritized a number of proposed actions needed to mitigate the vulnerabilities of the City of Marion to the impacts of future disasters, and**

Whereas, **these mitigation actions have been incorporated into the initial Division C Regional Multi-Jurisdictional Hazard Mitigation Plan that has been prepared and issued for consideration and implementation by the communities of Perry County,**

Now therefore, be it resolved **that,**

1] The City of Marion hereby adopts the 2021 Division C Regional Multi-Jurisdictional Hazard Mitigation Plan, and

2] The City of Marion will continue to participate in the updating and expansion of the Division C Regional Multi-Jurisdictional Hazard Mitigation Plan in the years ahead.

Approved and adopted **this the _____ of April 2021.**

Mayor

Attest

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ORDINANCE NO. _____ 2021.04.05.002 _____
GRANTING A FRANCHISE TO SPIRE ALABAMA INC.
ITS SUCCESSORS AND ASSIGNS,

IN THE CITY OF MARION, ALABAMA

BE IT ORDAINED by the Mayor and the City Council of the City of Marion, Alabama, as follows:

Section 1. In consideration of the benefits to accrue to said City of Marion, Alabama (the “City”) and the inhabitants thereof, Spire Alabama Inc., its successors and assigns (the “Company”) is hereby given, granted and vested with the rights, authority, privileges and franchises hereinafter set forth.

Section 2. The Company is hereby given, granted and vested with the right, authority, easement, privilege and franchise to construct, own, maintain, operate, extend and enlarge in the City a plant or system for the manufacture, transmission, distribution and sale of gas for all purposes whatsoever in and through the City; and the consent of the City acting through the Mayor and the City Council, who are the proper authorities of the City is hereby given to the Company to use the streets, avenues, alleys, ways, bridges, viaduct, underpass and other public places (“Public Infrastructure”) in the City for any and all of the purposes referred to in this Ordinance.

Section 3. The Company is hereby granted and vested with the right, privilege and franchise to construct, erect, lay, install, renew, repair, maintain, operate, use and extend at any time, without the formality of a permit and without paying any fee therefor, its mains, conduits, appliances, meters, sensors, routers, poles, antennae, and any and all other equipment, appurtenances and fixtures as may be reasonably necessary or desirable in the operation of a natural gas distribution system (the “Company Facilities”) under, along, above, and across any Public Infrastructure in the City. The City will not vacate any public right-of-way containing any Company Facilities without first advising the Company of its intention to vacate the right-of-way and cooperating with the Company in reasonable attempts to obtain the necessary property rights to maintain the Company Facilities in the right-of-way.

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Section 4. The said Company Facilities shall be so laid, set or constructed as not to unreasonably interfere with the proper use of the Public Infrastructure, and to that end the Company shall abide by all lawful and reasonable ordinances and resolutions that have been or may be duly adopted by the governing body of the City.

Section 5. Whenever the Company shall cause any opening or alteration to be made in any of the Public Infrastructure in the City for the purpose of laying, setting, maintaining, operating or repairing any Company Facilities, the work shall be completed within a reasonable time and the Company shall, upon the completion of such work, restore such portion of the Public Infrastructure to as good a condition as is reasonably practicable as it was before the opening or alteration was made.

Section 6. The Company shall hold the City harmless from any and all liability or damages resulting from the negligence of the Company in the construction and maintenance of said Company Facilities.

Section 7. The Company shall have the power and authority, subject to the supervision of the Alabama Public Service Commission or other duly constituted governmental authority vested with the power now vested in the Alabama Public Service Commission to supervise and regulate public utilities in the State of Alabama, to make, adopt and enforce rates, rules and regulations for the furnishing of gas and for the reasonable operation of its plant and system and shall have the right at all reasonable hours to have access to its gas pipes and the meters of any consumer for the purpose of making repairs and other proper purposes. City will not prohibit the Company from making connections of the Company Facilities to new customers or providing service to new accounts within the territorial limits of City.

Section 8. Neither acceptance of, nor compliance with, the provisions of this ordinance shall in any wise impair or affect, or constitute or be construed as a relinquishment or waiver of, any right, permission or authority which the Company, its successors or assigns, may have independently of this ordinance; nor shall any use by the Company, its successors or assigns, of public property or places in the City, as authorized by this ordinance or service rendered by the Company, its successors or assigns, in said City, be treated as use solely of the rights, permission and authority provided for by this ordinance or as service referable solely to this ordinance or to any obligation of service consequent upon acceptance thereof or as in any wise indicating non-use of, non-compliance with, any obligation incident to, any right, permission or authority vested in the Company, its successors or assigns, independently of this ordinance; and the acceptance provided for in Section 13 of this ordinance, and each and every compliance with the provisions of this ordinance or with any obligation arising from

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acceptance thereof, shall be subject to, and conditioned by, the provisions of this Section 8, with the same force and effect as though each of the provisions of this section were expressly incorporated in such acceptance and expressly declared by the acceptor, its successors or assigns, at and prior to the time of such compliance by it, as conditions of such compliance.

Section 9. All ordinances and parts of ordinances in conflict with this ordinance or with any of its provisions are, to the extent of such conflict, hereby repealed.

Section 10. The duration of this franchise shall be for a period of thirty (30) years from the date of its adoption by the Mayor and the City Council.

Section 11. As a condition to the continued existence of the franchise herein granted and as compensation or consideration for the granting thereof, the Company agrees by its acceptance hereof that it will pay to the City, in addition to all taxes now or hereafter required by law to be paid, a franchise fee of one percent (1%) of gross gas sales revenues received by the Company from the sale and delivery of gas during the preceding calendar year to customers within the corporate limits and police jurisdiction (so long as the City is providing services in the police jurisdiction) of the City, except for gas which is sold within the corporate limits of another municipality which has granted the Company a franchise.

Section 12. This Ordinance shall be published in accordance with the applicable provisions of Section 11-45-8 of the Code of Alabama (1975). Such publication shall be done by the City Clerk of the City and thereafter the City Clerk shall enter upon the minutes of the City, immediately after the place where this Ordinance is recorded, a certificate setting forth that such Ordinance was published in accordance with the terms hereof and the laws of the State of Alabama. The expense of such publication shall be paid by the Company.

Section 13. Upon filing by the Company with the Clerk of the City of a written acceptance of this Ordinance and of the franchise granted hereby, this Ordinance shall constitute a contract between the City and the Company and their respective successors and assigns, effective from the date that this Ordinance was passed.

Section 14. The enactment of this franchise in the manner hereinabove provided shall have the effect of terminating any other franchise heretofore granted by the City and then held by the Company covering the distribution of gas in the City and territory contiguous thereto.

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Section 15. If any provision of this ordinance, or the application of such provision to particular circumstances, shall be held invalid, the remainder of this ordinance, or the application of such provision to circumstances other than those as to which it is held invalid, shall not be affected thereby.

PASSED, ADOPTED AND APPROVED this ____ day of _____, _____.

Mayor

Attest:

City Clerk

After completion of the reading of said Ordinance (Granting a Franchise to Spire Alabama Inc.) Council member _____ moved that the rules be suspended and that unanimous consent of those present be given for the immediate consideration of said Ordinance. This motion was duly seconded by Council member _____, and upon a call of the roll by the Clerk, upon the adoption of said motion, the following voted Aye:

Nay:

Whereupon the result of the vote was announced, and the Council President declared the rules suspended.

Council member _____ then moved that the said Ordinance be adopted.

This motion was duly seconded by Council member _____ and upon a call of

the roll by the Clerk, upon the motion to adopt the said Ordinance, the following voted Aye:

Nay:

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Whereupon the result of the vote was announced, and the Council President declared the said Ordinance passed and adopted.

* * *

There being no further business to come before said meeting and upon motion of Council member _____ and seconded by Council member _____, the meeting adjourned.

Mayor of the City of Marion, Alabama

Clerk of the City of Marion, Alabama

STATE OF ALABAMA)

)

PERRY COUNTY)

I, the undersigned, _____, Clerk of the City of Marion, Alabama, do hereby certify that the above and foregoing is a true and correct copy of an extract from the minutes of the regular meeting of the City Council of the City of Marion, Alabama, held on the _____ day of _____, _____, at _____ o'clock _____, which said extract correctly sets forth all proceedings of said meeting relating to Ordinance No. _____ granting a franchise to the Spire Alabama Inc.

Witness my hand and the seal of said City of _____ this _____ day of _____, _____.

Clerk of the City of Marion, Alabama

(SEAL)

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