#### AGENDA MAY 17, 2022 CITY COUNCIL MEETING

The Enterprise City Council will convene in Regular Session at 6:00 p.m., Tuesday, May 17, 2022 in the Council Chambers at City Hall. ROLL CALL.....President OPENING PRAYER & PLEDGE OF ALLEGIANCE......President Call for a motion to approve the agenda of the meeting as submitted. CONSIDERATION OF CONSENT AGENDA......President All matters listed within the Consent Agenda have been distributed to each member of the Council for review, are considered to be routine, and will be enacted by one motion of the City Council with no separate discussion. If separate discussion is desired on an item, that item may be removed from the Consent Agenda and placed on the Regular Agenda by request of a member of the City Council. Call for a motion to approve the Consent Agenda as presented: City Council Work Session Minutes of May 3, 2022 City Council Meeting Minutes of May 3, 2022 • Contract Billings in the amount of \$1,033,034.53 as follows: Wiregrass Construction Company, Inc. -Estimate No. 5 - \$849,565.16 - Construction - FY21 Resurfacing/Phase II Invoice No. 19215 - \$32,730.06 - Engineering/Design - FY21 Resurfacing/Phase II Invoice No. 19216 - \$90,000.00 - Engineering/Design - FY21 Resurfacing/Phase III **CDG Engineers & Associates -**Invoice No. 11 - \$48,616.81 - Engineering Services - AL27/Shellfield Roundabout Three Notch Partners, Inc. -Invoice No. 3 - \$5,872.50 - Engineering/Design - FY 2022 TAP Project Fine, Geddie & Associates, LLC -Invoice No. 1417 - \$6,250.00 - Contract Services - May 2022 MAYORAL PROCLAMATION - National Police & EMS Week......President Recognize Mayor Cooper who will read a proclamation recognizing May 15-22, 2022 as National Police & EMS Week in the City of Enterprise. PRESENTATION OF EXTRA MILE AWARD......President Recognize Mayor Cooper for the presentation of an Extra Mile Award to Officer Frank Clark of the Enterprise Police Department. CONSIDER PERMIT REQUEST......President (Johns Chapel AME Church/Juneteenth Parade) Recognize Nichole Nichols, representing Johns Chapel AME Church, who has requested to address the Council to obtain a parade permit for Saturday, June 18, 2022 from 12:00 p.m. until 12:45 p.m. The parade will kick off the Juneteenth festivities and program that will be held at the church that afternoon. \*\*Refer to Police Chief Michael Moore prior to consideration of the request. PRIVILEGE OF THE FLOOR (Persons allowed 3 minutes to address the Council)......President STAFF REPORTS.....President **OLD BUSINESS** NONE President

#### **NEW BUSINESS**

REVIEW & CONSIDER RESOLUTION 05-17-22......President (Authorize Emergency Purchase of Police Cars)

Introduce and call for consideration of Resolution 05-17-22, providing for the declaration of an emergency affecting public health, safety or convenience relating to the current shortage of available, new police vehicles on the market due to the apparent lasting effects of the pandemic, problems with the supply chain, and the resulting shortage of car chips. The resolution declares an emergency for these reasons and further authorizes the Police Chief to immediately purchase two (2) 2022 Ford Police Interceptor Utility/SUV vehicles from Allan Vigil Ford Lincoln Inc. at a total cost of \$70,808.00.

AUTHORIZE MAYOR TO EXECUTE ESTOPPEL LETTER/ASSIGNMENT OF LEASE.....President

Call for a motion to authorize the Mayor, on behalf of the City of Enterprise, to execute an assignment of ground lease and estoppel letter related to real property the City currently leases to Brightwater Aviation Properties, LLC (where Arista Aviation is located). Upon motion made and duly seconded and passed, such approval shall be granted, contingent upon final review and approval of the documents by the Mayor, City Administrator and City Attorney.

AUTHORIZE MAYOR TO EXECUTE MEMORANDUM OF AGREEMENT......President (Main Street Alabama)

Call for a motion to authorize the Mayor to execute a Memorandum of Agreement between the City of Enterprise and Main Street Alabama for the city's participation in the Main Street Program. The term of the agreement is for one year, beginning June 1, 2022, and ending on May 31, 2023.

MAYOR'S REPORT.....President

COUNCIL MEMBERS COMMENTS.....President

ADDENDUM:

TO: MAYOR AND CITY COUNCIL

FROM: BEVERLY SWEENEY, CITY CLERK

RE: CONSENT AGENDA FOR MAY 17, 2022 COUNCIL MEETING

**DATE:** MAY 13, 2022

By approving the Consent Agenda, you will cumulatively approve the following items as presented in your packets:

- A. The minutes of the May 3, 2022 Work Session.
- **B.** The minutes of the May 3, 2022 Regular Session.
- C. Contract Billings in the amount of \$1,033,034.53 as follows:

#### Wiregrass Construction Company, Inc. -

Estimate No. 5 - \$849,565.16 - Construction - FY21 Resurfacing/Phase II

#### Poly, Inc. -

Invoice No. 19215 - \$32,730.06 - Engineering/Design - FY21 Resurfacing/Phase II Invoice No. 19216 - \$90,000.00 - Engineering/Design - FY21 Resurfacing/Phase III

#### CDG Engineers & Associates -

Invoice No. 11 - \$48,616.81 - Engineering Services - AL27/Shellfield Roundabout

#### Three Notch Partners, Inc. -

Invoice No. 3 - \$5,872.50 - Engineering/Design - FY 2022 TAP Project

#### Fine, Geddie & Associates, LLC -

Invoice No. 1417 - \$6,250.00 - Contract Services - May 2022

#### **CITY COUNCIL WORK SESSION MINUTES OF MAY 3, 2022**

The Enterprise City Council convened in Work Session at 5:00 p.m., Tuesday, May 3, 2022, in the Council Chambers at City Hall. Notice of the meeting was posted as Per Act 2005-40 Code of Alabama.

PRESENT: Council President Turner Townsend, District #5

Council President Pro-Tem Sonya W. Rich, District #1

Council Member Eugene Goolsby, District #2 Council Member Greg Padgett, District #3 Council Member Scotty Johnson, District #4

ALSO PRESENT: Mayor William E. Cooper

City Administrator Jonathan Tullos

City Clerk Beverly Sweeney was present and kept the minutes.

City Attorney Rainer Cotter City Department Heads

Glenn Morgan, Consulting Engineer Michelle Mann, Southeast Sun

ROLL CALL - Council President Townsend noted that all Council Members were present.

The following items were discussed:

#### **QUARTERLY GOALS UPDATE**

City Administrator Jonathan Tullos reviewed the list of Q2 goals and updated the Council on the progress made to address them.

#### **REVIEW OF AGENDA**

Council President Townsend requested a review of the May 3, 2022 Council Meeting agenda. Following review, Council Members requested no additions, deletions, or changes.

#### LWCF GRANT APPLICATION - Peavy Park

Parks & Recreation Director Billy Powell discussed a proposed grant application for FY 2023 Land and Water Conservation Fund (LWCF) assistance for improvements related to the Peavy Park Sports Complex Project. The grant, if awarded, is a 50/50 match, not to exceed \$500,000.00.

#### ANNUAL MWPP REPORTS

Consulting Engineer Glenn Morgan provided an overview of the annual Municipal Water Pollution Prevention (MWPP) Reports for the College Street and Northeast Wastewater Treatment Plant facilities. Mr. Morgan reported that the overall condition of the city's wastewater treatment system is in good shape, with both facilities each having an overall score of 18 out of a possible 730 for calendar year 2021.

#### REQUEST TO PURCHASE VEHICLE - Fire Department

Council Members reviewed a request from Fire Chief Christopher Davis to purchase a 2022 Ford F-150 pickup truck from Stivers Ford at a cost of \$35,191.00. Council Member Goolsby noted the request stated the vehicle would be purchased off the state bid list and inquired if local bids were considered. Bid Official Barry Mott indicated he had reached out to a couple of local vendors who advised that the vehicle was not currently in their inventory but available to order. Mr. Mott expressed concerns about being able to find the vehicle given recent supply chain issues and noted that the truck is currently in stock and is available for purchase off the state bid list.

#### **OPERATION CLEAN SWEEP**

**ADJOURNMENT** 

Turner Townsend Council President

City Engineer/Public Works Director Barry Mott and Code Enforcement Inspector Clay Nelson discussed current procedures to address unsanitary, nuisance, and unsafe properties within the City of Enterprise and informed the Council of additional measures to bring substandard housing into compliance with the city's minimum housing code. Following discussion, the consensus of the Council was to move forward with all legal options available.

•	orther business before the	e Council, the Presid	ent declared the Wo	rk Session adjourned at
6:00 p.m.				

**Beverly Sweeney** 

City Clerk

#### **CITY COUNCIL MEETING MINUTES OF MAY 3, 2022**

The Enterprise City Council convened in Regular Session at 6:00 p.m., Tuesday, May 3, 2022, in the Council Chambers at City Hall.

PRESENT: Council President Turner Townsend, District #5

Council President Pro-Tem Sonya W. Rich, District #1

Council Member Eugene Goolsby, District #2 Council Member Greg Padgett, District #3 Council Member Scotty Johnson, District #4

ALSO PRESENT: Mayor William E. Cooper

City Clerk Beverly Sweeney was present and kept the minutes.

City Administrator Jonathan Tullos

ROLL CALL - Council President Townsend noted that all Council Members were present.

#### APPROVAL OF AGENDA

The President called for a motion to approve the agenda of the meeting as submitted. A motion was made by Council Member Johnson, seconded by Council Member Goolsby, to approve the agenda of the meeting as submitted. The vote being: Rich – Aye; Goolsby – Aye; Padgett – Aye; Johnson – Aye; Townsend – Aye. The President declared the motion carried.

#### CONSIDERATION OF CONSENT AGENDA

The President called for a motion to approve the Consent Agenda as presented:

- City Council Work Session Minutes of April 19, 2022
- City Council Meeting Minutes of April 19, 2022
- Accounts Payable (A) for April 2022 in the amount of \$730,570.37 as follows: City of Enterprise - \$566,248.18 Water Works Board - \$164,322.19
- Accounts Payable (B) for April 2022 in the amount of \$697.86 as follows:
   City of Enterprise \$697.86
- Contract Billings in the amount of \$65,215.75 as follows:

#### Blankenship Contracting, Inc. -

Estimate No. 1 - \$59,724.91 - Construction - Hwy 167N Sewer Utility Relocation

Poly, Inc. -

Invoice No. 19193 - \$1,547.04 - Engineering Services - Hwy 167N Sewer Utility Relocation **KPS Group** -

Invoice No. 1 - \$3,943.80 - Contract Services - Enterprise Comprehensive Plan

• Travel Requests as follows:

#### **Police Department**

Detective Diana Baker

Sergeant Angela Brown

Dispatch Supervisor Clarissa Strickland

Dispatcher Vanessa Boyett

Women in Law Enforcement Conference

Birmingham, Alabama

May 11-13, 2022

Estimated Cost: \$2,603.10

Sergeant Angela Brown

Sergeant Matthew Saxon

Sergeant Mayar Hodiwala

First Line Supervision Course

Austell, Georgia

July 18-22, 2022

Estimated Cost: \$2,848.86

A motion was made by Council Member Padgett, seconded by Council Member Rich, to approve the Consent Agenda as presented. Council President Townsend indicated that Accounts Payable (B) included payments to Townsend Building Supply, a company in which he has an interest, and noted he would abstain from voting. The vote being: Rich – Aye; Goolsby – Aye; Padgett – Aye; Johnson – Aye; Townsend – Abstain. The President declared the motion carried.

#### PRIVILEGE OF THE FLOOR (Persons allowed 3 minutes to address the Council)

No one requested to address the Council.

#### **STAFF REPORTS**

City Administrator Jonathan Tullos reported on the following items:

In a follow-up to a request made at the April 19, 2022 Council Meeting, City Staff is exploring options to convert an existing concrete pad at Enterprise State Community College into a dedicated 8 to 16 pickleball court facility.

A request for the rezone of property located at the corner of Dauphin Street Extension and Highway 27 has been withdrawn by the developer.

#### **OLD BUSINESS**

#### PUBLIC HEARING & CONSIDERATION/ORDINANCE 04-05-22 (Shree Vaikunth, LLC Rezone)

The President called for a public hearing prior to consideration of Ordinance 04-05-22, providing for the rezone of .847 acres of land owned by Shree Vaikunth, LLC from R-100 (Residential District) to B-1 (General Business District) located at 805 Damascus Road. No comments were offered. The President closed the hearing and called for consideration of Ordinance 04-05-22.

A motion was made by Council Member Goolsby, seconded by Council Member Johnson, to adopt Ordinance 04-05-22. The vote being: Rich – Aye; Goolsby – Aye; Padgett – Aye; Johnson – Aye; Townsend – Aye. The President declared the motion carried and Ordinance 04-05-22 duly passed and adopted.

#### **NEW BUSINESS**

#### INTRODUCE PLANNING COMMISSION RECOMMENDATION

The President introduced for the record, a recommendation from the Enterprise Planning Commission to approve the following request for the rezone of property:

• A request by Deborah Severs for the rezoning of .22 acres of land from B-3 (Highway Commercial District) to R-65 (Residential District) located at 204 N. Watson Street.

#### INTRODUCE ORDINANCE 05-03-22 (Severs Rezone)

The President introduced Ordinance 05-03-22, providing for the rezone of .22 acres of land from B-3 (Highway Commercial District) to R-65 (Residential District) located at 204 N. Watson Street and called for a public hearing to be held at the regular meeting scheduled for June 7, 2022.

## <u>REVIEW & CONSIDER RESOLUTION 05-03-22 (Consent to Amend Certificate of Incorporation/Water Works Board)</u>

The President introduced and called for consideration of Resolution 05-03-22, providing for the consent to amend the Certificate of Incorporation of the Water Works Board.

A motion was made by Council Member Goolsby, seconded by Council Member Johnson, to adopt Resolution 05-03-22. The vote being: Rich – Aye; Goolsby – Aye; Padgett – Aye; Johnson – Aye; Townsend – Aye. The President declared the motion carried and Resolution 05-03-22 duly passed and adopted.

#### REVIEW & CONSIDER RESOLUTION 05-03-22-A (Intent to Apply for FY 2023 LWCF Grant)

The President introduced and called for consideration of Resolution 05-03-22-A, providing for notice of the City's intent to apply for FY 2023 Land and Water Conservation Fund assistance through the Alabama Department of Economic and Community Affairs. The resolution further authorizes the Mayor to sign any and all necessary application papers as well as any contracts or agreements relative to the project.

A motion was made by Council Member Rich, seconded by Council Member Goolsby, to adopt Resolution 05-03-22-A. The vote being: Rich – Aye; Goolsby – Aye; Padgett – Aye; Johnson – Aye; Townsend – Aye. The President declared the motion carried and Resolution 05-03-22-A duly passed and adopted.

#### REVIEW & CONSIDER RESOLUTION 05-03-22-B (MWPP/College Street WWTP)

The President introduced and called for consideration of Resolution 05-03-22-B, providing for the adoption of the Municipal Water Pollution Prevention Program (MWPP) annual report for NPDES Permit #AL0020036 for the College Street Wastewater Treatment facility. The report sets forth the actions and schedule necessary to maintain effluent requirements contained in the permit and to prevent the bypass and overflow of raw sewage within the collection system or treatment plant.

#### REVIEW & CONSIDER RESOLUTION 05-03-22-B (Continued):

A motion was made by Council Member Padgett, seconded by Council Member Goolsby, to adopt Resolution 05-03-22-B. The vote being: Rich – Aye; Goolsby – Aye; Padgett – Aye; Johnson – Aye; Townsend – Aye. The President declared the motion carried and Resolution 05-03-22-B duly passed and adopted.

#### REVIEW & CONSIDER RESOLUTION 05-03-22-C (MWPP/Northeast WWTP)

The President introduced and called for consideration of Resolution 05-03-22-C, providing for the adoption of the Municipal Water Pollution Prevention Program (MWPP) annual report for NPDES Permit #AL0020061 for the Northeast Wastewater Treatment facility. The report sets forth the actions and schedule necessary to maintain effluent requirements contained in the permit and to prevent the bypass and overflow of raw sewage within the collection system or treatment plant.

A motion was made by Council Member Goolsby, seconded by Council Member Johnson, to adopt Resolution 05-03-22-C. The vote being: Rich – Aye; Goolsby – Aye; Padgett – Aye; Johnson – Aye; Townsend – Aye. The President declared the motion carried and Resolution 05-03-22-C duly passed and adopted.

#### REVIEW & CONSIDER RESOLUTION 05-03-22-D (Back to School Sales Tax Holiday)

The President introduced and called for consideration of Resolution 05-03-22-D, providing for the adoption of the "Back to School" Sales Tax Holiday as Per Act 2017-120 beginning at 12:01 a.m. on Friday, July 15, 2022, and ending at twelve midnight on Sunday, July 17, 2022. Covered items relate to purchases for school purposes to include among other things, clothing, school supplies, and computers.

A motion was made by Council Member Johnson, seconded by Council Member Rich, to adopt Resolution 05-03-22-D. The vote being: Rich – Aye; Goolsby – Aye; Padgett – Aye; Johnson – Aye; Townsend – Aye. The President declared the motion carried and Resolution 05-03-22-D duly passed and adopted.

#### REVIEW & CONSIDER RESOLUTION 05-03-22-E (Woodland Park Subdivision/Phase IV)

The President introduced and called for consideration of Resolution 05-03-22-E, providing to accept for maintenance the streets and other public easements/improvements which are expressly shown on the final plat of Woodland Park Phase IV Subdivision as public dedications, subject to the contingencies and matters as set out in the April 27, 2022 letter from Barry Mott to the Council.

A motion was made by Council Member Padgett, seconded by Council Member Rich, to adopt Resolution 05-03-22-E. The vote being: Rich – Aye; Goolsby – Aye; Padgett – Aye; Johnson – Aye; Townsend – Aye. The President declared the motion carried and Resolution 05-03-22-E duly passed and adopted.

#### REVIEW & CONSIDER RESOLUTION 05-03-22-F (Bella Woods Subdivision/Phase I)

The President introduced and called for consideration of Resolution 05-03-22-F, providing to accept for maintenance the streets and other public easements/improvements which are expressly shown on the final plat of Bella Woods Phase I Subdivision as public dedications, subject to the contingencies and matters as set out in the April 27, 2022 letter from Barry Mott to the Council.

A motion was made by Council Member Rich, seconded by Council Member Goolsby, to adopt Resolution 05-03-22-F. The vote being: Rich – Aye; Goolsby – Aye; Padgett – Aye; Johnson – Aye; Townsend – Aye. The President declared the motion carried and Resolution 05-03-22-F duly passed and adopted.

#### REVIEW & CONSIDER RESOLUTION 05-03-22-G (Development Agreement/ADVA)

The President introduced Resolution 05-03-22-G, regarding approval of an agreement with the Alabama Department of Veterans Affairs related to the Bennie G. Adkins State Veterans Home in Enterprise, Alabama. If the resolution is passed, it is directed that the final form of the agreement be approved by the City Administrator and Mayor.

Council Member Padgett offered the motion to suspend the rules to allow for immediate consideration of Resolution 05-03-22-G. Council Member Goolsby made the second. The vote being: Rich – Aye; Goolsby – Aye; Padgett – Aye; Johnson – Aye; Townsend – Aye. The President declared the motion carried and called for consideration of Resolution 05-03-22-G.

A motion was made by Council Member Johnson, seconded by Council Member Rich, to adopt Resolution 05-03-22-G. The vote being: Rich – Aye; Goolsby – Aye; Padgett – Aye; Johnson – Aye; Townsend – Aye. The President declared the motion carried and Resolution 05-03-22-G duly passed and adopted.

#### REQUEST PERMISSION TO PURCHASE VEHICLE (Fire Department/F-150 Pickup Truck)

The President introduced and called for consideration of a request from Fire Chief Christopher Davis to purchase a 2022 Ford F-150 ½ ton 4x4 pickup truck in the amount of \$35,191.00. The vehicle will be purchased off the state bid list from Stivers Ford.

A motion was made by Council Member Johnson, seconded by Council Member Padgett, to approve the request to purchase as submitted. The vote being: Rich – Aye; Goolsby – Aye; Padgett – Aye; Johnson – Aye; Townsend – Aye. The President declared the motion carried.

#### CONSIDER BOARD APPOINTMENT - Enterprise City School Board

The President opened the floor for nominations to the Enterprise City School Board, Seat 2, for a five-year term in accordance with Section 16-11-3 of the Code of Alabama commencing on the date of the next regular meeting of the Board in June of this year. Council Member Goolsby nominated Marie W. Harrison to the Enterprise City School Board, Seat 2. Upon hearing no other nominations, the President called for a motion to close the nominations. A motion was made by Council Member Johnson, seconded by Council Member Rich, to close the nominations. All Council Members – Aye. Upon motion by Council Member Rich and second by Council Member Padgett, Marie W. Harrison was appointed to the Enterprise City School Board, Seat 2, by a unanimous vote.

#### CONSIDER BOARD APPOINTMENT - Library Board

The President opened the floor for nominations to the Enterprise Library Board, Seat 3, for a four-year term beginning July 1, 2022, and ending June 30, 2026. Council Member Johnson nominated Rhonda Bowron to the Enterprise Library Board, Seat 3. Upon hearing no other nominations, the President called for a motion to close the nominations. A motion was made by Council Member Padgett, seconded by Council Member Rich, to close the nominations. All Council Members – Aye. Upon motion by Council Member Johnson and second by Council Member Rich, Rhonda Bowron was appointed to the Enterprise Library Board, Seat 3, by a unanimous vote.

#### CONSIDER BOARD APPOINTMENT - Zoning Board of Adjustment, Seat 1

The President opened the floor for nominations to the Zoning Board of Adjustment, Seat 1, for a three-year term beginning July 1, 2022, and ending June 30, 2025. Council Member Padgett nominated Anne Bridgette to the Zoning Board of Adjustment, Seat 1. Upon hearing no other nominations, the President called for a motion to close the nominations. A motion was made by Council Member Goolsby, seconded by Council Member Johnson, to close the nominations. All Council Members – Aye. Upon motion by Council Member Rich and second by Council Member Johnson, Anne Bridgette was appointed to the Zoning Board of Adjustment, Seat 1, by a unanimous vote.

#### CONSIDER BOARD APPOINTMENT - Zoning Board of Adjustment, Seat 2

The President opened the floor for nominations to the Zoning Board of Adjustment, Seat 2, for a three-year term beginning July 1, 2022, and ending June 30, 2025. Council Member Rich nominated Gwendolyn Gilley to the Zoning Board of Adjustment, Seat 2. Upon hearing no other nominations, the President called for a motion to close the nominations. A motion was made by Council Member Goolsby, seconded by Council Member Padgett, to close the nominations. All Council Members — Aye. Upon motion by Council Member Goolsby and second by Council Member Padgett, Gwendolyn Gilley was appointed to the Zoning Board of Adjustment, Seat 2, by a unanimous vote.

#### CONSIDER BOARD APPOINTMENT - Incubator Advisory Committee, Seat 1

The President opened the floor for nominations to the Incubator Advisory Committee, Seat 1, for a four-year term beginning July 1, 2022, and ending June 30, 2026. Council Member Padgett nominated Larry Milliner to the Incubator Advisory Committee, Seat 1. Upon hearing no other nominations, the President called for a motion to close the nominations. A motion was made by Council Member Johnson, seconded by Council Member Goolsby, to close the nominations. All Council Members – Aye. Upon motion by Council Member Rich and second by Council Member Goolsby, Larry Milliner was appointed to the Incubator Advisory Committee, Seat 1, by a unanimous vote.

#### **MAYOR'S REPORT**

Mayor Cooper congratulated former Enterprise Wildcat Marcus Jones on his NFL draft selection by the New England Patriots.

#### **COUNCIL MEMBERS COMMENTS**

Council Members expressed appreciation to City Staff and thanked meeting attendees and citizens watching online.

#### CITY COUNCIL MEETING MINUTES OF MAY 3, 2022

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There being no further business before the Council, the at 6:30 p.m.	President declared the Regular Session adjourned
Turner Townsend Council President	Beverly Sweeney City Clerk

#### CONTRACT BILLINGS REGISTER MAY 17, 2022

#### 1. Wiregrass Construction Company, Inc. -

Estimate No. 5 - \$849,565.16 - Construction - FY21 Resurfacing/Phase II

#### 2. Poly, Inc. -

Invoice No. 19215 - \$32,730.06 - Engineering/Design - FY21 Resurfacing/Phase II Invoice No. 19216 - \$90,000.00 - Engineering/Design - FY21 Resurfacing/Phase III

#### 3. CDG Engineers & Associates -

Invoice No. 11 - \$48,616.81 - Engineering Services - AL27/Shellfield Roundabout

#### 4. Three Notch Partners, Inc. -

Invoice No. 3 - \$5,872.50 - Engineering/Design - FY 2022 TAP Project

#### 5. Fine, Geddie & Associates, LLC -

Invoice No. 1417 - \$6,250.00 - Contract Services - May 2022

**TOTAL CONTRACT BILLINGS - \$1,033,034.53** 

## FY21 RESURFACING IMPROVEMENTS / PHASE II CITY OF ENTERPRISE, ALABAMA

(A) Original Contract Amount	\$3,596,710.35
(B) Plus: Additions Scheduled in Change Orders	
(C) Less: Deductions Scheduled in Change Order	
(D) Adjusted Contract Amount to Date	\$3,596,710.35
ANALYSIS OF WORK PERFORMED:	
(A) Cost of original contract work performed to date	\$2,878,488.34
(B) Change Order work performed to date	
(C) Total Cost of work performed to date	\$2,878,488.34
(D) Stored Materials	
(E) Subtotal of Items (c) and (d)	\$2,878,488.34
(F) Less: Amount retained in accordance with contract terms	\$287,848.83
(G) Net amount earned on contract work to date	\$2,590,639.51
(H) Less: Amount of previous payments	\$1,741,074.35
(I) BALANCE DUE THIS PAYMENT	\$849,565.16

#### CONTRACTOR'S CERTIFICATION

According to the best of my knowledge and belief, I certify that all items and amounts shown on the face of this Periodic Estimate for Partial Payment are correct; that all work has been performed and/or materials supplied in full accordance with the requirements of the referenced contract, and/or duly authorized deviations, substitutions, alterations, and/or additions; that the foregoing is a true and correct statement of the contract account up to and including the last day of the period covered by this Periodic Estimate; that no part of the "Balance Due this Payment" has been received, and that the undersigned and his subcontractors have complied with all the labor provisions of said contract.

I further certify that the labor and materials listed on this request for payment have been used in the construction of this work or that all materials included in this request for payment and not yet incorporated into the construction are now on the site or stored at an approved location; and payment received from the last request for payment has been used to make payments to all first tier subcontractors and suppliers except as listed below.

Jamey Padget, Assistant Secretary

Date

#### ENGINEER'S CERTIFICATION

I certify that I have checked the above Periodic Estimate for Partial Payment and that to the best of my knowledge and belief it is a true and correct statement of work performed and/or material supplied by the Contractor; and that partial payment claim and requested by the Contractor is correctly computed on the basis of work performed and/or material supplied to date.

The date.

C. Glenn Morgan, P.E., Poly, Inc.

05/12/2022 Date



INVOICE

Poly, Inc.

P.O. Box 837 - Dothan, AL 36302 1935 Headland Ave. - Dothan, AL 36303

> Telephone: 334.793.4700 Fax: 334.793.9015

> > www.poly-inc.com

The City of Enterprise PO Box 311000 Enterprise, Alabama 36331-1000

INVOICE:

19215

DATE:

05/12/22

TERMS:

NET 30 Days

JOB NO.:

11-448

Attn: Mrs. Beverly Sweeney, City Clerk

FOR PROFESSIONAL SERVICES RENDERED AS	FOLLOWS:	
Re: FY21 Resurfacing Improvemen	nts - Phase II	
Engineering design services rendered under Task (	Order No. 45 for EV21 Resurfacing	
Improvements:	area no. To for 1.21 hooding	
Contract Amount - \$3,596,710.00		
Contractor - Wiregrass Construction Co., Inc.		
Amount Due Preliminary Design Phase:		
\$3,596,710.00 x .50% x <u>100%</u>	\$17,983.	55
Amount Due Final Design Phase:	Ψ17,000.	
\$3,596,710.00 x 3.25% x <b>100%</b>	\$116,893.0	08
Amount Due Bidding Phase:		
\$3,596,710.00 x .25% x <u>100%</u>	\$8,991.7	8
Amount Due Construction Administration and Obser		
\$3,596,710.00 x 3.50% x <u><b>80%</b></u>	\$100,707.8	88
	Total Amount	\$244,576.29
	Laca Davisora Davisorata	\$044 BAC 00
	Less Previous Payments	\$211,846.23
	Amount Due This Invoice	\$32,730.06





P.O. Box 837 - Dothan, AL 36302

1935 Headland Ave. - Dothan, AL 36303 Telephone: 334.793.4700

> Fax: 334.793.9015 www.poly-inc.com

The City of Enterprise PO Box 311000 Enterprise, Alabama 36331-1000

INVOICE:

19216

DATE:

05/12/22

TERMS:

NET 30 Days

JOB NO.:

11-460

Attn: Mrs. Beverly Sweeney, City Clerk

FOR PROFESSIONAL SERVICES RENDERED A	AS FOLLOWS:	
Re: FY22 Resurfacing Improvement	ents - Phase III	
Engineering design services rendered under Task Improvements:	Order No. 51 for FY22 Resurfacing	
Preliminary Construction Budget - \$5,000,000.00		
Amount Due Preliminary Design Phase: \$5,000,000.00 x .50% x 100% Amount Due Final Design Phase: \$5,000,000.00 x 3.25% x 40% Amount Due Bidding Phase: \$5,000,000.00 x .25% x 0%	\$25,000.00 \$65,000.00 \$0.00	
	Total Amount	\$90,000.00
	Less Previous Payments	\$0.00
	Amount Due This Invoice	\$90,000.00

#### Invoice



City of Enterprise

P.O. Box 311000

501 South Main Street (36330)

Enterprise, AL 36331

May 02, 2022

Project No:

R049320153

Invoice No:

11

Project

R049320153

Enterprise - AL27/Shellfield Roundabout

Professional Services through April 30, 2022

Fee

Dilling Dhase	Faa	Percent	Comed
Billing Phase	Fee	Complete	Earned
Topographic Survey	11,958.00	100.00	11,958.00
Public Involvement	23,220.00	15.00	3,483.00
Geotechnical Services	43,443.00	80.5538	34,995.00
Environmental Services	29,740.00	90.00	26,766.01
Water Main Relocation	21,984.00	30.00	6,595.20
ROW Map, Tract Sketches and Deeds	9,490.00	85.0001	8,066.51
Conceptual Analysis	61,760.00	100.00	61,760.00
30% Plans	54,910.00	100.00	54,910.00
60%/PIH Plans	54,000.00	100.00	54,000.00
85%/PSE Plans	23,510.00	35.00	8,228.50
90%/FBC Plans	23,390.00	0.00	0.00
95%/CN Plans	12,160.00	0.00	0.00
Final/OE Plans	10,300.00	0.00	0.00
Total Fee	379,865.00		270,762.22
	•	revious Fee illing	222,145.41
	=	urrent Fee illing	48,616.81

**Total Fee** 

48,616.81

**Total this Invoice** 

\$48,616.81



**BILL TO** Barry Mott, P.E. City of Enterprise P.O. Box 311000 Enterprise, Alabama 36331 (334) 670-6058

DATE:

5/11/2022

INVOICE #:

Invoice 03

CUSTOMER ID:

Enterprise2021

SHIP TO

Barry Mott, P.E. City of Enterprise P.O. Box 311000 Enterprise, Alabama

(334) 670-6058

PAYMENT TERMS

**JOB** FY 2022 TAP Project Net 10 DESCRIPTION **AMOUNT** Design and Bid Procurement \$39,150.00 65% Complete \$5,872.50 \$5,872.50 TOTAL

Make all checks payable to Three Notch Partners. Thank you for your business

P.O. Box 727, Andalusia, AL 36420, (334) 488-5351, Tim@ThreeNotchPartners.com

## FINE GEDDIE

#### & ASSOCIATES

LIMITED LIABILITY COMPANY

City of Enterprise P. O. Box 311000 Enterprise, AL 36331

#### Invoice

Date	Invoice #
5/1/2022	1417

		Amount
Services Rendered May 2022		6,250.00
	Total	\$6,250.00

## CITY OF ENTERPRISE APPLICATION FOR A PARADE/PUBLIC DEMONSTRATION PERMIT

DATE: 4/27/2022
NAME OF ORGANIZATION: John's Chapel AME Church PHONE:
PERSON/ORGANIZATION Nichole Nichols / Pastor White PHONE: (404) 375-5003
MAILING ADDRESS: 206 Briarhill Rd Enterprise, AL 36336
It is respectfully submitted that a public assembly permit be issued to the above-named person or organization. The following items of information are submitted:
(1) The purpose of the public assembly is: This will be the 3rd year having
a June teenth Celebration in Enterprise. The parade will Kickoff the June teenth festivities and program that will be held at Johns Chapel AME Church that afternoon.  (2) Date of Assembly: 6/18/2022 (3) Hours: Begin 12:00pm End 12:45pm  (4) Number of Persons: Approximately 100 Number of Animals: Number of Floats: 6  (5) Route of parade: (Attach map if needed) Main Street - Downtown Donuts  To River Bank & Trust.
This requested permit is hereby ( ) Granted ( ) Denied
DATE:  William E. Cooper  Mayor  Enterprise, Alabama

Your permit must be submitted at least five (5) days before the event is to take place.

#### **RESOLUTION 05-17-22**

#### AUTHORIZING EMERGENCY PURCHASE OF POLICE CARS

Whereas, the Chief of Police has advised the Council that due to a current shortage of available, new police vehicles on the market, he has had difficulty procuring new police vehicles to take the place of aging vehicles;

Whereas, the Chief of Police has advised that he has searched for new police vehicles on the State bid list and from local dealers and that he has been unable to timely procure the vehicles;

Whereas, the Council is aware that there is a shortage of new vehicles in this city, state and nation due to apparent lasting effects of the pandemic, problems with the supply chain, and the resulting shortage of car chips;

Whereas, the Council finds that the lack of new vehicles for the police department constitutes an emergency affecting public health, safety or convenience, and that updated, new police vehicles are needed to provide necessary security and protection to City residents, and that waiting until the car chip shortage and supply chain are resolved to purchase new police vehicles would not be in the interests of public safety;

Therefore, let it be resolved as follows:

City Clerk

- The Council declares an emergency for the reasons stated above and authorizes the Police Department, by and through the Chief or his designee, to immediately purchase the following vehicles from Allan Vigil Ford Lincoln Inc., Morrow, Georgia: Two (2) 2022 Ford Police Interceptor Utility/SUV vehicles at a total cost of \$70,808.00.
- 2. This resolution will take effect upon passage. Duly Passed and Adopted this \_\_\_\_\_ day of \_\_ , 2022. COUNCIL: Council President Turner Townsend District #5 Council Member Sonya W. Rich District #1 Council Member Eugene Goolsby District #2 Council Member Greg Padgett District #3 Council Member Scotty Johnson District #4 ATTEST: Beverly Sweeney

#### Allan Vigil Ford Lincoln Inc





May 12, 2022 **INVOICE#** 2022 Police Interceptor

Utility SUVs

5/12/2022

BILL TO:

City of Enterprise Police Department ATTN: Chief Michael Moore P O Box 31000 Enterprise, AL 36330

DESCRIPTION	UNIT	QUANTITY	UNIT COST	AMOUNT
2022 Ford Police Interceptor Utility/SUV	2	2	35,404.00	\$70,808.00
Oxford White - Police Patrol				
VIN# 1FM5K8ABNGB03174				
VIN# 1FM5K8AB2NGB03784				
Note: Both units are IN FORD PLANT PROD	UCTION NO	 W - Exact Arriva	al and Delivery TBD	
				-
				-
				-
				-
				-
				-
			TOTAL	\$70,808.00

Make checks payable to Allan Vigil Ford Lincoln

If you have any questions concerning this invoice, contact

Hop Mosel, Government Sales

678-364-3983

678-364-3910 FAX

hop@allanvigilford.com

THANK YOU FOR YOUR BUSINESS!

F2=Return to Order

F3/F12=Veh Ord M

Dealer: F

Page: 1

F9=View Trailers

5005 - INQUIRY IS COMPLETE. ( SEE ATTACHED FOR ETA & VINT

F1=Help

SECHE

6790 Mt. Zion Boulevard Morrow, GA 30260 Phone: 678-364-3673 Toll Free: 800-222-3597

www.vigilford.com

Major (Retired) Government and Law Enforcement Sales

> Phone: 678-364-3983 Cell: 404-488-2696 Fax: 678-364-3910 hop@allanvigilford.com



PLANT STATUS:

AS OF: 3/12/2 Welcome Harlan Mosel of Allan Vigil Ford Lincoln

Home

Vehicle Visibility

Search by Dealer/FIN, Order Number > Search Results

#### Search Results

Dealer Code : F21122

View Status Glossary

#### Printer-friendly version

	***************************************									wing: 1 - 2 of
1571	K8A	1FM5K8AB2NGB03784	Explorer 4-door	In Production	Sent to Plant	Ford Chicago Assembly, IL	May-02- 2022	TBD	TBD	N/A
1570	K8A	1FM5K8AB8NGB03174	Explorer 4-door	In Production	Sent to Plants	Ford Chicago Assembly, IL	May-03- 2 <b>022</b>	TBD	TBD	N/A
Order No	Body Code	VIN	Vehicle Line	Primary	atus Secondary	Vehicle Location	Status Date / Time	Start Date	End Date	ETA Disposition

< Back to search page

Ford Confidential This website and the information contained within is Ford Motor Company Confidential.

https://www.vehiclevisibility.dealerconnection.com/VehicleVisibilityWeb/submitFleetDea... 5/12/2022



Aronberg Goldgehn Davis & Garmisa 330 North Wabash Ave., Suite 1700 Chicago, Illinois 60611-3586

TEL: 312-828-9600

FAX: 312-828-9635 www.agdglaw.com

Michael S. Nelson DIRECT: 312-755-3136 DIRECT FAX: 312-222-6348 mnelson@agdglaw.com

OUR FILE NUMBER: 025489.000900

May 6, 2022

## VIA CERTIFIED MAIL (RETURN RECEIPT REQUESTED) AND FACSIMILE (334-348-2607)

City of Enterprise, Alabama Enterprise City Hall P.O. Box 311000-1000 Enterprise, Alabama 36330

Attention: Mayor

Re: Ground Lease (the "Lease") dated as of December 17, 2013, as amended from time to time, and as evidenced by that certain Memorandum of Ground Lease dated December 17, 2013 between the City of Enterprise, Alabama ("Landlord") and Brightwater Aviation Properties, LLC, an Alabama limited liability company ("Tenant") regarding the property commonly known as 690 Aviation Boulevard, Enterprise, Alabama (the "Property")

#### Ladies and Gentlemen:

Pursuant to Section 8.1 of the Lease, we are hereby notifying you on behalf of Tenant that Tenant will be transferring all of its right, title, and interest in and to the Lease to a Permitted Tenant Transferee as provided in Section 8.1.1 of the Lease. Pursuant to a certain Purchase and Sale Agreement, Tenant will be assigning the Lease to SCP Enterprise, LLC, an Alabama limited liability company (the "Permitted Tenant Transferee"), which is a related entity to Sanders Capital Partners, LLC, an Alabama limited liability company. The expected effective date of this Transfer is contemplated to be between May 23, 2022 and June 6, 2022.

In connection with the assignment of Tenant's leasehold interest in the Lease, we have enclosed a Ground Lease Estoppel for Landlord's execution. Please provide the executed Ground Lease Estoppel as soon as possible in order for the Transfer to close within the time frame indicated above.

We also may need Landlord to execute the Assignment of Tenant's leasehold interest, which would be recorded in the Office of the Judge of Probate of Coffee County, Alabama. We currently are working with the title company involved in the transaction to determine if Landlord's execution of the Assignment will be required. We will provide the Assignment as soon as possible for Landlord's review and execution once we have ascertained whether Landlord's execution is required.



If you have any questions, require any additional information, or would like to discuss the matter further, please do not hesitate to contact us. Thank you in advance for your anticipated cooperation with these matters.

Very truly yours,

ARONBERG GOLDGEHN DAVIS & GARMISA

Michael S. Nelson

Mill & Me

encl.

cc: Via Certified Mail (Return Receipt Requested), Facsimile (601-949-4673), and Email (athomas@joneswalker.com)

Jones Walker LLP

190 East Capitol Street, Suite 800 (39201)

P.O. Box 427

Jackson, Mississippi 39205-0427 Attention: Aileen S. Thomas

Paul A. Gilman (via email) David A. Sosa (via email)

4859.8658.6910

#### **GROUND LEASE ESTOPPEL**

	2022

Brightwater Aviation Properties, LLC ("Ground Lessee") 690 Aviation Boulevard Enterprise, Alabama 36330 Attention: David Sosa

And

SCP Enterprise, LLC ("Purchaser") 1000 Urban Center Drive, Suite 675 Birmingham, Alabama 35242 Attn: Jackson Stewart

ServisFirst Bank 2500 Woodcrest Place Birmingham, Alabama 35209 Attn: Scott Crain

Prim & Mendheim, LLC 207 West Adams Street Dothan, Alabama 36303 Attn: R. Cliff Mendheim

Re: Enterprise Municipal Airport, 690 Aviation Boulevard, Enterprise, Alabama 36330

Ladies and Gentlemen:

The City of Enterprise, Alabama, an Alabama municipal corporation ("Ground Lessor") and Ground Lessee are parties to that certain Ground Lease dated December 17, 2013, pursuant to which Ground Lease, Ground Lessee leases the property described on Schedule I attached hereto (together with the amendments, assignments and other documents set forth on Schedule 2 attached hereto, collectively, the "Ground Lease"). Ground Lessor understands that Purchaser may purchase all of Ground Lessee's right, title and interest in, to and under the Ground Lease and, in connection therewith, Purchaser may obtain one or more loans from ServisFirst Bank (the "Lender") to finance the acquisition of the Ground Lease; that Prim & Mendheim, LLC, as agent for Fidelity National Title Insurance Company (collectively, "Title Company") may issue a leasehold policy of title insurance and a leasehold mortgage policy of title insurance in connection with Purchaser's acquisition of the Ground Lease; and that Purchaser, Ground Lessee, Title Company and the Lender and each of their respective successors and assigns are relying upon the following statements in connection with the purchase, sale and financing of the Ground Lease.

Ground Lessor hereby certifies, represents, warrants, covenants and agrees as follows:

- 1. Ground Lessor is the landlord under the Ground Lease. The term of the Ground Lease commenced on December 17, 2013 and the currently scheduled expiration date of the Ground Lease is December 17, 2053.
- 2. The Ground Lease is in full force and effect. The Ground Lease and all amendments thereto are listed above and on <u>Schedule 2</u>. The Ground Lease contains the entire agreement between Ground Lessor and Ground Lessee with respect to Ground Lessee's leasing of the Property.
- 3. The current rent due under the Ground Lease is \$1.00.
- 4. To Ground Lessor's knowledge, (i) neither Ground Lessor nor Ground Lessee is in default under the Ground Lease and (ii) no event has occurred which with the giving of notice or the passage of time, or both, would constitute a default by Ground Lessor or Ground Lessee under the Ground Lease.
- 5. Ground Lessee has no options to *renew* or extend the term of the Ground Lease except as follows: an option to extend the original term of the Lease for two (2) renewal terms of fifteen (15) years each pursuant to Section 3.2 of the Ground Lease.
- 6. Ground Lessor has no purchase options, rights of offer or rights of refusal to purchase all or any portion of Ground Lessee's interest in the Property except as set forth in the Ground Lease.
- 7. To Ground Lessor's knowledge, Ground Lessor has no rights of setoff, claims against Ground Lessee, or defenses to the enforcement of the Ground Lease.
- 8. The undersigned representative of Ground Lessor is duly authorized and fully qualified to execute this instrument on behalf of Ground Lessor thereby binding Ground Lessor.
- 9. Ground Lessor hereby consents to the assignment of Ground Lessee's interest in the Ground Lease to Purchaser.
- 10. Lender shall have the right at any time prior to termination of the Ground Lease to pay any rent due hereunder and to do any other act or thing required of Ground Lessee thereunder in order to prevent termination of the Ground Lease, reentry without termination, or the exercise of any other remedy to which Ground Lessor is entitled in law or equity. All payments so made and all things done by Lender shall be as effective as payments made and things done by Ground Lessee. This is a right to cure on behalf of Lender, but not an obligation.
- 11. If any event of default under the Ground Lease occurs, Lender shall have thirty (30) days after receipt of notice from Ground Lessor, setting forth the nature of such default, within which to remedy such default. If possession of the Property and the improvements thereon would be reasonably necessary to remedy the default, Lender shall have a reasonable amount of time after the expiration of such thirty (30) day period within which to remedy such default, provided that (i) Lender has cured any default and the payment of any monetary obligations of Ground Lessee which is susceptible of cure by Lender under the Ground Lease within such thirty (30) day period

and continues to pay currently such monetary obligations as they become due and (ii) Lender has acquired Ground Lessee's leasehold estate created hereby or has commenced foreclosure proceedings within or prior to such period and is diligently prosecuting any such proceedings.

This certificate is being executed and delivered to and for the benefit of (a) Purchaser, Ground Lessee and Lender, and each of their respective successors and assigns, with the understanding that each of Purchaser, Ground Lessee and Lender is relying on this certificate and its provisions in connection with Purchaser's assumption of Ground Lessee's interest in and accepting an assignment of the Ground Lease, and (b) Title Company with the understanding that Title Company is relying on this certificate and its provisions in connection with the issuance of a leasehold title insurance policy and leasehold mortgage title insurance policy relating to the assignment and assumption of such leasehold interest.

[Signature Page Follows]

Very	truly yours,
CITY	OF ENTERPRISE, ALABAMA
Ву:	·
	Its

# Schedule 1 to Ground Lessor Estoppel Description of Ground Lease Real Property

A LEASED PARCEL OF LAND IN COFFEE COUNTY, ALABAMA, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT AN IRON PIPE THAT REPRESENTS THE NORTHEAST CORNER OF THE SOUTHEAST ¼ OF THE SOUTHEAST ¼ OF SECTION 24, TOWNSHIP 4 NORTH, RANGE 21 EAST; THENCE N 88° 13' 10" W, A DISTANCE OF 156.96 FEET TO A CONCRETE MONUMENT FOUND ON THE SOUTH RIGHT OF WAY OF AVIATION BOULEVARD; THENCE CROSSING SAID ROAD S 54° 03' 33" W, A DISTANCE OF 572.64 FEET TO AN IRON ROD ON THE NORTH SIDE OF SAID ROAD, IRON ROD IS THE POINT OF BEGINNING OF THE PROPERTY HEREIN DESCRIBED; THENCE ALONG THE WEST SIDE OF SAID ROAD S 29° 19' 31" W, A DISTANCE OF 106.63 FEET, TO AN IRON ROD SET; THENCE S 24° 46' 05" W, A DISTANCE OF 747.86 FEET, TO AN IRON ROD SET; THENCE S 28° 43' 12" W, A DISTANCE OF 215.40 FEET, TO AN IRON ROD SET; THENCE N 52° 29' 00" E, A DISTANCE OF 636.79 FEET, TO AN IRON ROD SET; THENCE S 48° 57' 59" E, A DISTANCE OF 163.50 FEET, BACK TO THE POINT OF BEGINNING OF THE PROPERTY HEREIN DESCRIBED. SAID PROPERTY CONTAINS +8.76 ACRES, MORE OR LESS.

# Schedule 2 to Ground Lessor Estoppel Ground Lease

None.

Prepared by:

Michael S. Nelson Aronberg Goldgehn Davis & Garmisa 330 N. Wabash, Suite 1700 Chicago, IL 60611

#### ASSIGNMENT AND ASSUMPTION OF INTEREST IN GROUND LEASE

THIS ASSIGNMENT.	AND ASSUMPTIO	N OF INTEREST IN GROUI	ND LEASE (the
"Assignment") is made this	day of	, 2022, by and am	ong Brightwater
Aviation Properties, LLC, an Alabama limited liability company ("Assignor") and SCP Enterprise,			
LLC, an Alabama limited liability company (the "Assignee").			

- 1. Effective as of the date hereof, Assignor hereby assigns, set overs and transfers unto the Assignee, all of its right, title, interest and obligations, as Tenant, under that certain Ground Lease dated as of December 17, 2013, by and between the City of Enterprise, Alabama, as Landlord, and Assignor, as Tenant, regarding the property commonly known as 690 Aviation Boulevard, Enterprise, Alabama (the "Ground Lease").
- 2. Assignee hereby acknowledges its receipt of a true and correct copy of the Ground Lease and hereby accepts this assignment of Assignor's right, title and interest as Tenant under the Ground Lease, and does hereby assume and agree to perform all of Assignor's covenants and obligations as Tenant under the Ground Lease accruing from and after the date hereof.
- 3. Assignor hereby indemnifies, defends, and holds harmless Assignee, and Assignee's agents, employees, officers, directors, partners, trustees, members, shareholders, representatives, and attorneys, from any and all cost, liability, loss, damage, claim, lawsuit, or expense, including, without limitation, reasonable attorneys' fees (collectively, "Losses"), to the extent arising under or resulting from Assignor's obligations under the Ground Lease or resulting from or relating to any actions, claims, breaches, defaults, or other obligations as Tenant under the Ground Lease that relate to the period prior to the date hereof.
- 4. Assignee hereby indemnifies, defends, and holds harmless Assignor, and Assignor's agents, employees, officers, directors, partners, trustees, members, shareholders, property managers, representatives, and attorneys, from any and all Losses to the extent resulting from Assignee's obligations under the Ground Lease or resulting from or relating to any actions, claims, breaches, defaults, or other obligations as Tenant under the Ground Lease that relate to the period on or after the date hereof.

5.	This Assignment may be executed in counterparts, each of which shall be deemed ar
original and	d all of which, when taken together, shall constitute one and the same document
Counterpart	signature pages of this Assignment transmitted by facsimile or electronic mail in
portable doc	cument format (.pdf) will have the same effect as physical delivery of the paper documen
bearing an o	original signature.

[Signature Pages Follow]

IN WITNESS WHEREOF, the parties have duly executed this Assignment and Assumption of Interest in Ground Lease as of the day and year first above written.

		OR: WATER AVIATION PI Alabama limited liability	•
	By:	David Sosa, Mana	ger
STATE OF ILLINOIS COUNTY OF COOK	) ) SS. )		
The undersigned, a N CERTIFY that David Sosa, limited liability company, k foregoing instrument as such he signed and delivered the voluntary act of the limited l	known to me to be the sa Manager, appeared before said instrument as his ow	ater Aviation Properties, me person whose name is me this day in person and in free and voluntary act,	LLC, an Alabama s subscribed to the lacknowledged that and as the free and
GIVEN under my ha	nd and notarial seal this _	day of	, 2022.
	_	Notary Pub	olic

4873-1883-3183

	ASSIC	NEE:	
		NTERPRISE, LLC, an A y company	labama limited
	Ву:	Rance M. Sanders, M	Ianager
STATE OF ALABAMA	) ) SS.		
COUNTY OF JEFFERSON	)		
The undersigned, a No CERTIFY that Rance M. Sa liability company, known to instrument as such Manager, signed and delivered the said voluntary act of the limited limi	nders, the Manager of me to be the same pers appeared before me the instrument as his/her of	on whose name is subscr his day in person and ack own free and voluntary ac	an Alabama limited ibed to the foregoing knowledged that s/he at, and as the free and
GIVEN under my har	nd and notarial seal this	day of	, 2022.
		Notary P	ublic

Landlord hereby consents to the assignment of Assignor's interest in the Ground Lease to Assignee. This consent applies only to this Assignment and will not be deemed to be a consent to any other assignment or a waiver of Landlord's right to consent to any subsequent assignment.

		LANDLORD:		
		CITY OF ENTER	RPRISE, ALABAMA ation	A, an Alabama
		Name:		
STATE OF ALABAMA	) ) SS.			
COUNTY OF COFFEE				
CERTIFY that Enterprise, Alabama, an Ala	ıbama municipa	, the l corporation, know		of the City of person whose
name is subscribed to the for this day in person and ackn own free and voluntary act, uses and purposes therein so	owledged that s and as the free	he signed and deliv	vered the said instrur	nent as his/her
GIVEN under my ha	and and notarial	seal this da	ay of	, 2022.
			Notary Public	



# 2022-2023 Memorandum of Agreement between MAIN STREET ALABAMA and DESIGNATED MAIN STREET ORGANIZATION

#### IMPORTANT REMINDERS:

- The deadline to submit this signed agreement, along with all required documents and dues payment, is 5:00pm on May 27, 2022.
- All documents must be uploaded electronically in PDF format to this form.
- Dues should be mailed to: Main Street Alabama, 880 Montclair Road, Suite 245, Birmingham, AL 35213
- Main Street Directors must enter monthly economic impact statistics into Maestro within ten (10) days of the end of each month.
- Main Street Directors must attend all Director Trainings or send a representative from the community (If needed, the National Main Street Conference may be used as a substitute for one of the required Main Street Trainings).

### Name of DESIGNATED MAIN STREET ORGANIZATION

City

This agreement is entered into and executed by MAIN STREET ALABAMA and the DESIGNATED MAIN STREET ORGANIZATION, also referred to as the LOCAL PROGRAM.

This agreement is for the purpose of participation in the Main Street Program. MAIN STREET ALABAMA will administer the statewide Main Street Program and provide technical assistance and training to selected communities.

The parties agree to the following:

# Section I: The DESIGNATED MAIN STREET ORGANIZATION Agrees To:

1. Continue to employ a Director/Program Manager who will be responsible for the day-to-day administration of the MAIN STREET ORGANIZATION. In the event the Director/Program Manager position becomes vacant, the position will be filled within 4 months of the vacancy. Upon hiring a

- new director, agree to send them to the next basic training conducted in Alabama.
- Maintain financial resources necessary to carry out an annual and evolving program of work. The budget should be specifically dedicated for the purpose of revitalizing the commercial district. Expend funds and in-kind services for maintaining a full-time office with the travel and operating budget necessary for the LOCAL PROGRAM.
- 3. Implement the Main Street Four Point Approach® methodology recommended by the National Main Street Center and MAIN STREET ALABAMA, including development of an annual written Work Plan for the LOCAL PROGRAM and the establishment of a strong, broad-based organizational system to include the following committees: organization, promotion, design and economic vitality.
- 4. Concentrate the MAIN STREET ORGANIZATION activities within the boundaries that are agreed upon by the LOCAL PROGRAM and MAIN STREET ALABAMA.
- 5. File all applicable IRS forms file in accordance with state and federal taxation laws.
- 6. Maintain key statistics such as reinvestment, job and business creation for monitoring the progress of the LOCAL PROGRAM, submit monthly reports online using Maestro, and provide other information requested by MAIN STREET ALABAMA on or before the specified deadlines.
- 7. Send the Director to Director Trainings as designated by MAIN STREET ALABAMA. The local organization shall be responsible for the Director's travel costs and expenses associated with these meetings. If the Director cannot attend, another program representative shall attend to represent the district. Board members and volunteers are strongly encouraged to attend all training sessions.
- 8. Promote and encourage local committee and board member attendance at local, state and national training opportunities, as identified by MAIN STREET ALABAMA.
- Ensure that at least sixty percent (60%) of persons designated to participate in any and all MAIN STREET ALABAMA on-site services are committed to attend at least 48 hours before the scheduled event. MAIN STREET ALABAMA reserves the right to cancel said on-site service if this requirement is not met.
- 10. Assist in local arrangements during on-site and public relations visits to the district, as requested by MAIN STREET ALABAMA.
- 11. Maintain a current fee-paid status in the MAIN STREET ALABAMA organization, participating at the Designated Main Street Program tier.
- 12. Agree to acknowledge being an official MAIN STREET ALABAMA program in all printed and electronic materials, (i.e. websites, newsletters and brochures). Utilize MAIN STREET ALABAMA Designated Program logo and tagline following the established brand guidelines provided by MAIN STREET ALABAMA.
- 13. Be an annual dues-paying member of the National Main Street Center at the Designated Main Street Community level. This is one of the 10 criteria to be considered as an accredited program with the National Main Street Center.
- 14. Maintain broad-based public and private community support for the program through financial contributions and in-kind or volunteer support.

#### Section II: MAIN STREET ALABAMA Agrees To:

1. Designate a Main Street State Coordinator to handle communications with the community/district, MAIN STREET ALABAMA, state government agencies and the National Main Street Center, and to act as a liaison between public and private organizations with interests in downtown/district

- revitalization and historic preservation.
- Continue designation of community/district as a Main Street Alabama Program and include the local Main Street Program in Main Street Alabama public relations and marketing. Link local program to the MAIN STREET ALABAMA website: <a href="https://www.mainstreetalabama.org">www.mainstreetalabama.org</a>
- 3. Plan and implement a program of work and schedule for a statewide program in Alabama.
- 4. Conduct and provide access to an annual basic training on the Main Street Four Point Approach™ at a location and date to be determined, open to all program Directors, local board members, local committee members and local government representatives from the Main Street communities, and provide all necessary materials related to training at no cost to the local program.
- Conduct regional training sessions for new board members, and one on-site training session in the community/district for development of goals, objectives and annual work plan. MAIN STREET ALABAMA will also provide guidelines and other materials designed to assist in the educational process.
- 6. Provide Main Street directors meetings and workshops to be held at locations around the state to further develop and refine the skills of the Director, board members, committee members and local government representatives.
- 7. Provide advice, technical assistance and on-site visits to the local program Director and community/district as requested by the local program and agreed upon by the MAIN STREET ALABAMA State Coordinator.
- 8. Facilitate and promote ongoing press coverage of the MAIN STREET ALABAMA program and its individual local programs.
- 9. Provide a year-end review to assess program activities and accomplishments, review goals and program of work for the coming year. This will include a self-evaluation by the local program completed in advance of the on-site visit. The site visit will consist of a roundtable discussion with local board members, committee chairs and the Director to evaluate the program's progress for the past year and aid the community in deciding the direction of the program in the upcoming year.

# Section III: MAIN STREET ALABAMA and the DESIGNATED MAIN STREET ORGANIZATION jointly agree that:

- 1. The term of this agreement shall be for one calendar year, beginning June 1, 2022 and ending on May 31, 2023.
- 2. If funds anticipated for continued fulfillment are, at any time, not forthcoming or insufficient for continuation of the contractual agreement, then either party shall have the right to amend or terminate this agreement without penalty by giving not less than sixty (60) days written notice to the other party.
- 3. Should the DESIGNATED MAIN STREET PROGRAM fail to comply with the provisions of the annual Memorandum of Agreement, MAIN STREET ALABAMA may choose to send that program a written initial notice. MAIN STREET ALABAMA will provide training and advice as needed to assist the program to meet the provisions of the Memorandum of Agreement. If there is no response or progress toward meeting the provisions, the local program may be placed on probationary status and ineligible for any services from MAIN STREET ALABAMA. The notice will include a summary of violations and provide guidance on how to correct the problem. The local program will be reevaluated ninety (90) days following the first warning.
- 4. Jointly hold each other harmless for any activities of the other including but not limited to general

liability, automobile liability, worker's compensation and employer's liability.

WITNESS WHEREOF, THE PARTIES HAVE EXECU	
Signature	
DESIGNATED MAIN STREET PROGRAM Director	
Signature	
MAIN STREET ALABAMA Board Chairperson	
Jim Byard Jr.	
Signature	
MAIN STREET ALABAMA State Coordinator	
Mary Helmer-Wirth	
Signature	
Local Program Information:	
Name of Local Program Director	Beginning Year as Main Street Director
Email	Cell Phone #
Office Phone #	Fax #
Website	
Facebook Address	Other Social Media Links

**Mailing Address** 

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## **Physical Address Board of Directors Chair/President Board of Directors Chair/President Phone # Term of Office Board of Directors Chair/President Email Board of Directors Chair/President Address** Please also complete the following: The information requested below will be kept confidential and used only for statistical purposes by MAIN STREET ALABAMA. **Organizational Structure of Local Program Additional Info about Organizational Structure** (check all that apply) Stand-Alone Main Street Program **Untitled City Population Number of Board Members** Revenue from Memberships/or private contributions **City Contribution County Contribution In Kind Contributions Other Revenue**

**Event Revenue** 

**Total Annual Program Budget (include salary)** 

**Executive Director Annual Salary** 

Payroll Taxes	
Other Staff Salary(s)	
Staff Benefits	
General Expenses (rent, etc.)	
Travel Budget	
Design Committee Budget	
Economic Vitality Committee Budget	
Organization Committee Budget	
Promotion Committee Budget	
Other Program Expenses	
Document Uploads:	
List of activities in each of the 4 Points for coming year	List of Board Members and Committee Chairs