

CITY COUNCIL MEETING MINUTES OF MARCH 1, 2022

The Enterprise City Council convened in Regular Session at 6:00 p.m., Tuesday, March 1, 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 Sonya W. Rich, 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.

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 February 15, 2022
- City Council Meeting Minutes of February 15, 2022
- Accounts Payable (A) for February 2022 in the amount of **\$751,236.20** as follows:
City of Enterprise - \$525,201.04 Water Works Board - \$226,035.16
- Accounts Payable (B) for February 2022 in the amount of **\$175.95** as follows:
Water Works Board - \$175.95
- Contract Billings in the amount of **\$560,132.98** as follows:
Wiregrass Construction Co., Inc. -
Estimate No. 2 - \$484,272.71 – Construction – FY21 Resurfacing/Phase II
Poly, Inc. -
Invoice No. 19100 - \$18,882.73 – Engineering/Design – FY21 Resurfacing/Phase II
Invoice No. 19102 - \$3,217.54 – Engineering Services – Hwy 167N Sanitary Sewer Relocation
CDG Engineers & Associates -
Invoice No. 1 - \$28,506.00 – Geotechnical/Surveying – VA Home Access Road
Invoice No. 2 - \$19,004.00 – Geotechnical/Surveying – VA Home Access Road
Fine, Geddie & Associates, LLC -
Invoice No. 1305 - \$6,250.00 – Contract Services – February 2022
- Travel Requests as follows:
Main Street
Mariah Montgomery
(2) Main Street Board Members
Main Street Alabama State Quarterly Training Workshop
Montevallo, Alabama
March 7-8, 2022
Estimated Cost: \$751.96

Police Department
Sergeant Angela Brown FTO Madison Nichols
SRO Tina Johnson FTO Daniel Choate
SRO Andrew Shelton Basic Drug Investigation Course
K-9 Officer Keith Lindley Stapleton, Alabama
TAASRO Training Conference March 14-16, 2022
Orange Beach, Alabama Estimated Cost: \$1,154.20
June 4-10, 2022
Estimated Cost: \$6,621.52

A motion was made by Council Member Padgett, seconded by Council Member Goolsby, 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.

CONSIDER PERMIT REQUEST (Stephan Berlet/Church With U Egg Drop)

The President introduced a request on behalf of Stephan Berlet, representing Church With U, to obtain a permit to hold the 2022 Egg Drop on Saturday, April 16, 2022 from 7:00 a.m. until 1:00 p.m. at Bates Memorial Stadium. Parks & Recreation Director Billy Powell and Fire Chief Christopher Davis indicated they were okay with the request.

CONSIDER PERMIT REQUEST (Continued):

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

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

The President recognized Jennifer Braden, who presented information on the Educational Opportunity Center program housed at Enterprise State Community College. The program, which is free to join, aids and assists adult learners who need to complete their secondary education and/or wish to pursue higher education.

STAFF REPORTS

City Engineer/Public Works Director Barry Mott advised that the city's self-service recycling center at the Public Works facility is now operating on the left side of the complex when accessed from the Glover Avenue entrance. New signage is being put up with the updated information.

City Administrator Jonathan Tullos and City Engineer/Public Works Director Barry Mott informed the Council of ongoing efforts to address nuisance properties within the City of Enterprise.

OLD BUSINESS**PUBLIC HEARING & CONSIDERATION/ORDINANCE 02-01-22 (Annexation & Zoning/Howell)**

The President called for a public hearing of Ordinance 02-01-22, providing for the annexation and zoning of 184 acres of land owned by Shang and Faye Howell into the city limits and to establish zoning of TH-3 (Townhouse District). Recommendation is made from the Planning Commission to deny the request.

Tom Sims, representing Longleaf Engineering, presented a brief history of the annexation/zoning request. He advised that the developer has re-presented a plan to the Planning Commission to limit the subdivision to the first two phases and become more in line with previously approved developments. In order to move forward at the next Planning Commission meeting, Mr. Sims requested the Council approve annexation and zoning, contingent upon one of the following two options:

- 1) Amend the vote to set zoning for Phase I and Phase II of the development to TH-3 (Townhouse District), with the remaining portion of the parcel set at a more restrictive zoning, such as Agriculture (AGRIC) or R-100 (Residential District). City Attorney Rainer Cotter noted that with it being a different request than what was before the Planning Commission, he was concerned that the new request had to originate in the Planning Commission.
- 2) Approve annexation and zoning for the entire parcel at TH-3 (Townhouse District), contingent upon the subsequent rezone of the western portion of the property back to Agriculture (AGRIC). City Attorney Rainer Cotter advised Council that this was something to his knowledge that was never done before (no precedent) and believed better course would be to originate a new request in the Planning Commission even if they needed to have a special meeting of the Planning Commission to try and help speed up the process.

City Engineer/Public Works Director Barry Mott addressed the Council to recommend denial of the annexation/rezone request. Noted concerns discussed by Mr. Mott included potential noise complaints due to residential dwellings abutting the existing airport, possible road improvements, and future maintenance of roads by the city should the annexation be approved.

There being no further comments from the public, the President closed the hearing and called for consideration of Ordinance 02-01-22. A motion was made by Council Member Padgett, seconded by Council Member Rich. The President called for further discussion. Noted concerns expressed by the Council included potential noise complaints with residential properties abutting the airport, additional road maintenance costs should the annexation be approved, and approval of zoning contingent upon the subsequent rezoning of property. Following a lengthy discussion, the consensus of the Council was to follow the recommendation of the Enterprise Planning Commission and deny the annexation and zoning request. The vote being: Rich – Nay; Goolsby – Nay; Padgett – Nay; Johnson – Nay; Townsend – Nay. The President declared the motion failed and Ordinance 02-01-22 denied.

PUBLIC HEARING & CONSIDERATION/ORDINANCE 02-01-22-A (Thomas Rezone)

The President called for a public hearing prior to consideration of Ordinance 02-01-22-A, providing for the rezone of 6.31 acres of land owned by Frank Thomas from R-65 (Residential District) to TH-2 (Townhouse District) located off of Ozark Highway and Porter Lunsford Road. No comments were offered. The President closed the hearing and called for consideration of Ordinance 02-01-22-A.

A motion was made by Council Member Goolsby, seconded by Council Member Rich, to adopt Ordinance 02-01-22-A. The vote being: Rich – Aye; Goolsby – Aye; Padgett – Aye; Johnson – Aye; Townsend – Aye. The President declared the motion carried and Ordinance 02-01-22-A duly passed and adopted.

PUBLIC HEARING & CONSIDERATION/ORDINANCE 02-01-22-B (EGC Investments, LLC Rezone)

The President called for a public hearing prior to consideration of Ordinance 02-01-22-B, providing for the rezone of 10.13 acres of land owned by EGC Investments, LLC from R-100 (Residential District) and B-1 (General Business District) to R-65 (Residential District) located off of Damascus Road. The President recognized Todd Boland who spoke in opposition to the proposed rezone, citing inconsistencies when voting to densify areas with existing noise complaints. City Engineer/Public Works Director Barry Mott responded to the comments, noting there would only be a minimal increase in the total number of lots, if approved. The President recognized Peggy Contreras who inquired as to the location of the proposed rezone on Damascus Road. Mr. Mott responded and identified the location as Turnberry Lane, at the entrance of Tartan Pines Subdivision. There being no further comments from the public, the President closed the hearing and called for consideration of Ordinance 02-01-22-B.

A motion was made by Council Member Johnson, seconded by Council Member Rich, to adopt Ordinance 02-01-22-B. The vote being: Rich – Aye; Goolsby – Aye; Padgett – Aye; Johnson – Aye; Townsend – Aye. The President declared the motion carried and Ordinance 02-01-22-B duly passed and adopted.

REVIEW & CONSIDER BID RECOMMENDATION (Sidewalk Rehabilitation)

The President introduced and called for consideration of a recommendation from City Engineer/Public Works Director Barry Mott to award Bid Requisition No. 2022-01 for Sidewalk Rehabilitation to Lewis Incorporated in the amount of \$162,375.34. Other bids received are as follows:

- Avery Landscape \$269,640.00

A motion was made by Council Member Goolsby, seconded by Council Member Rich, to award Bid Requisition No. 2022-01 for Sidewalk Rehabilitation to Lewis Incorporated in the amount of \$162,375.34. The vote being: Rich – Aye; Goolsby – Aye; Padgett – Aye; Johnson – Aye; Townsend – Aye. The President declared the motion carried.

REVIEW & CONSIDER BID RECOMMENDATION (Concrete)

The President introduced and called for consideration of a recommendation from City Engineer/Public Works Director Barry Mott to award Bid Requisition No. 2022-02 for Concrete to Smyrna Ready Mix in the amount of \$126.00/Cubic Yard. No other bids were received.

A motion was made by Council Member Johnson, seconded by Council Member Goolsby, to award Bid Requisition No. 2022-02 for Concrete to Smyrna Ready Mix in the amount of \$126.00/Cubic Yard. The vote being: Rich – Aye; Goolsby – Aye; Padgett – Aye; Johnson – Aye; Townsend – Aye. The President declared the motion carried.

NEW BUSINESSINTRODUCE 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 Northstar Engineering Services on behalf of Kevin Axton for the rezoning of 139.56 acres of land from R-100 (Residential District) and AGRIC-1 (Agriculture District) to R-85 (Residential District) and R-75-A (Residential District) located off of Porter Lunsford Road.

INTRODUCE ORDINANCE 03-01-22 (Axton Rezone)

The President introduced Ordinance 03-01-22, providing for the rezone of 139.56 acres of land owned by Kevin Axton from R-100 (Residential District) and AGRIC-1 (Agriculture District) to R-85 (Residential District) and R-75-A (Residential District) located off of Porter Lunsford Road and called for a public hearing to be held at the regular meeting scheduled for April 5, 2022.

AUTHORIZE MAYOR TO EXECUTE FIRST AMENDMENT TO SRO AGREEMENT

The President called for a motion to authorize the Mayor to execute a First Amendment to the School Resource Security Agreement. The amendment relates to the cooperation between the City and Enterprise Board of Education related to the purchase of two police canines to assist the City school system. The City will purchase two K-9's for \$38,000 (cost to include training) and will be reimbursed by the Board. The Board will also provide a vehicle to the City to accommodate the K-9's and their handlers. The K-9's will remain in the custody of the City police department and will be used by the department when staffing levels require and when the K-9's are not otherwise being used by the school system.

AUTHORIZE MAYOR TO EXECUTE AGREEMENT (Continued):

A motion was made by Council Member Goolsby, seconded by Council Member Johnson, to authorize the Mayor to execute the First Amendment to the School Resource Security Agreement. The vote being: Rich – Aye; Goolsby – Aye; Padgett – Aye; Johnson – Aye; Townsend – Aye. The President declared the motion carried.

REVIEW & CONSIDER SERVICE AGREEMENT (NeoGov/Learn Module)

The President introduced and called for consideration of a request from Human Resources Director Christina Meissner to enter into an agreement with Governmentjobs.com d/b/a NEOGOV for learning management software and operations support at a total cost of \$13,243.54 for Fiscal Year 2022.

A motion was made by Council Member Rich, seconded by Council Member Johnson, to approve an agreement with Governmentjobs.com d/b/a NEOGOV for learning management software and operations support at a total cost of \$13,243.54 for Fiscal Year 2022. The vote being: Rich – Aye; Goolsby – Aye; Padgett – Aye; Johnson – Aye; Townsend – Aye. The President declared the motion carried.

REVIEW & CONSIDER CHANGE ORDER NO. 1 (Harris Security Systems/Civic Center AV Equipment)

The President introduced and called for consideration of Change Order No. 1 to Harris Security Systems, providing for an increase of \$27,877.27 to the contract for Civic Center AV Equipment to reflect additional unexpected costs due to supply chain shortages. The change order adjusts the total contract amount to \$147,603.94.

A motion was made by Council Member Padgett, seconded by Council Member Rich, to approve Change Order No. 1 to Harris Security Systems as submitted. The vote being: Rich – Aye; Goolsby – Aye; Padgett – Aye; Johnson – Aye; Townsend – Aye. The President declared the motion carried.

REQUEST PERMISSION TO SHOOT FIREWORKS (Parks & Recreation/Children's Festival in the Park)

The President introduced and called for consideration of a request from Billy Powell, Parks & Recreation Director, to shoot fireworks on Saturday, May 7, 2022 during the Children's Festival in the Park. All safety requirements will be met and the show will be contracted through Pyro Productions, Inc. The cost of \$5,000 is to be paid by sponsorships.

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

INTRODUCE ABC LICENSE REQUEST (Family Dollar Store 32970)

The President introduced a request from Family Dollar Stores of Alabama d/b/a Family Dollar Store 32970 for a Retail Beer (Off Premises Only) license and Retail Wine (Off Premises Only) license located at 903 Rucker Boulevard and called for a public hearing to be held at the regular meeting scheduled for March 15, 2022.

MAYOR'S REPORT

Mayor Cooper asked attendees to join him in a moment of silence in remembrance of the nine victims and all others who continue to live with the consequences of the devastating March 1, 2007 tornado.


Following a moment of silence, Mayor Cooper provided reports and updates on various departments, projects, and events.

COUNCIL MEMBERS COMMENTS

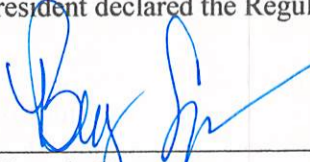
Council Members thanked Mayor Cooper for leading the congregation in a moment of silence and asked citizens to keep the families of the nine victims lost during the March 1, 2007 tornado in their thoughts and prayers.

ADJOURNMENT

There being no further business before the Council, the President declared the Regular Session adjourned at 7:15 p.m.



Turner Townsend
Council President



Beverly Sweeney
City Clerk