

## CITY COUNCIL MEETING MINUTES OF NOVEMBER 15, 2022

The Enterprise City Council convened in Regular Session at 6:00 p.m., Tuesday, November 15, 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 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, with amendment to add the following item under New Business.

- RESOLUTION 11-15-22-E (Condemnations/Airport Runway Extension Project)

A motion was made by Council Member Padgett, seconded by Council Member Johnson, to approve the agenda of the meeting as amended. 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 October 18, 2022
- City Council Meeting Minutes of November 1, 2022
- Contract Billings in the amount of \$771,801.27 as follows:
  - Wiregrass Construction Company, Inc. -  
Estimate No. 1 - \$730,945.53 – Construction – FY22 Resurfacing/Phase III (A)
  - Poly, Inc. -  
Invoice No. 19511 - \$34,605.74 – Engineering/Design – FY22 Resurfacing/Phase III (A)
  - Fine Geddie & Associates, LLC -  
Invoice No. 1769 - \$6,250.00 – Contract Services – November 2022

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

### RECOGNITION OF FIRE DEPARTMENT PROMOTION

The President recognized Mayor Cooper and Fire Chief Christopher Davis for the badge pinning of newly promoted Fire Captain Bobby Hice.

### CONSIDER PERMIT/STREET CLOSURE REQUEST (Main Street Enterprise/2022 Whoville Celebration)

The President called for a motion to approve the following permit request as submitted:

2022 Whoville Celebration

Event Time/Date: 10:00 a.m. – 4:00 p.m., Saturday, December 3, 2022

Rain Date: Saturday, December 10, 2022

Street Closure: 7:00 a.m. – 5:00 p.m.

Closure Area: On East College to Railroad, West College to Edwards Street, Easy Street to Edwards Street and West Grubbs to Edwards Street

Street Closure: 8:00 a.m. – 5:00 p.m.

Closure Area: On North and South Main from Lee Street to Harrison Street (*Prior street closure obtained from ALDOT*)

*\*\*Previously approved by Council on April 5, 2022. Amended to include additional street closures and an additional hour of street closure for this event.*

A motion was made by Council Member Johnson, 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)

Matt and Jennie Chancey, owners of Coffee Corner, thanked city leaders and the community for the outpouring of support they have received since the devastating loss of their business on October 16.

**STAFF REPORTS**

No reports were presented.

**OLD BUSINESS****PUBLIC HEARING & CONSIDERATION/ORDINANCE 11-01-22-A (Regulation of Short-Term Rentals)**

The President opened the floor for public comments prior to consideration of Ordinance 11-01-22-A, providing for regulations associated with short-term rentals. Cheryl Piccinini, Cara Catrett, Iris Waters, and Johanna Pankuch addressed the Council to express their concerns regarding portions of the proposed ordinance. Topics discussed included altering the definition of a short-term rental as being 179 days or less; notification of violations to hosting platforms in lieu of proposed fines and/or imprisonment; eliminating the requirement for a 24-hour local contact who will respond to complaints regarding the condition, operation, or conduct of the occupants, as this places an undo burden on the homeowner; and whether or not ADA compliance would be required in the ordinance. Hearing no further public comments, the President closed the hearing and called for Council discussion. Each Council Member was given the opportunity to provide feedback and share their recommended changes to the proposed ordinance. Following a lengthy discussion, Council Members determined the best course of action would be for city staff to make amendments to the proposed ordinance in accordance with the recommended changes provided by Council for introduction at the December 6, 2022 Council Meeting. No motion was offered for action and Ordinance 11-01-22-A failed for lack of a motion.

**CONSIDERATION OF BIDS FOR NEW RECREATION CENTER**

Council President Townsend read aloud the following bids received for the new recreation center:

	<u>Base Bid</u>	<u>Total of All Alternates &amp; Base Bid</u>
Bear Brothers	\$21,660,000.00	\$27,776,000.00
Rabren General Construction	\$20,568,000.00	\$25,990,000.00
Whaley Construction	\$19,593,280.00	\$23,162,394.00
Wyatt Sasser Construction	\$21,147,193.00	\$27,010,494.00

Following a review of the bid spreadsheet and discussion, the President entertained a motion to accept the low bid of Whaley Construction, Base Bid plus Alternates 1, 2, 3, 4, and 5, in the amount of \$23,074,155.00 subject to and conditioned upon mutual agreement between the bidder and the city after review and approval by the Mayor, City Administrator, City Engineer, and City Attorney, as to a suitable contract for the work.

A motion was made by Council Member Padgett, seconded by Council Member Johnson, to accept the low bid of Whaley Construction, Base Bid plus Alternates 1, 2, 3, 4, and 5, in the amount of \$23,074,155.00 subject to and conditioned upon mutual agreement between the bidder and the city after review and approval by the Mayor, City Administrator, City Engineer, and City Attorney, as to a suitable contract for the work. The vote being: Rich – Aye; Goolsby – Aye; Padgett – Aye; Johnson – Aye; Townsend – Aye. The President declared the motion carried.

**NEW BUSINESS****PUBLIC HEARING & CONSIDERATION/RESOLUTION 11-15-22 (Economic Development Grant Agreement)**

The President called for a public hearing, as advertised, prior to consideration of Resolution 11-15-22 regarding the consideration and approval of certain economic development incentives to be granted by the city to Aronov Realty Developer, Inc. and Johnston Enterprise Shopping Center, LLC. The public benefit sought to be achieved by such incentives are the economic growth and anticipated increase in new employment, tax revenues and other benefits which will directly benefit the city and serve a valid and sufficient public purpose. No comments were offered.

The President closed the public hearing and called for consideration of Resolution 11-15-22, providing for the authorization to grant public funds and things of value not to exceed \$655,000.00 to Aronov Realty Developer, Inc. and Johnston Enterprise Shopping Center, LLC to renovate and/or redevelop a commercial retail center or portions thereof at Enterprise Shopping Center, subject to the terms of the agreement.

A motion was made by Council Member Johnson, seconded by Council Member Padgett, to adopt Resolution 11-15-22. The vote being: Rich – Aye; Goolsby – Aye; Padgett – Aye; Johnson – Aye; Townsend – Aye. The President declared the motion carried and Resolution 11-15-22 duly passed and adopted.

**REVIEW & CONSIDER RESOLUTION 11-15-22-A (Mutual Aid Consortium Agreement/AAFC)**

The President introduced and called for consideration of Resolution 11-15-22-A, authorizing the execution of a mutual aid consortium agreement between the Alabama Association of Fire Chiefs and City of Enterprise. The agreement provides for an understanding between and among public fire protection agencies of Alabama in the provision and reception of resources, equipment, and personnel for response to natural or man-made disasters, acts of war or unrest, or other emergencies requiring outside assistance. Resolution 11-15-22-A further authorizes the Mayor or Fire Chief to execute the agreement.

A motion was made by Council Member Rich, seconded by Council Member Goolsby, to adopt Resolution 11-15-22-A. The vote being: Rich – Aye; Goolsby – Aye; Padgett – Aye; Johnson – Aye; Townsend – Aye. The President declared the motion carried and Resolution 11-15-22-A duly passed and adopted.

**REVIEW & CONSIDER RESOLUTION 11-15-22-B (Annual Employee Compensation)**

The President introduced and called for consideration of Resolution 11-15-22-B, providing for an annual one-time compensation adjustment of \$150 to all full-time employees and \$75 adjustment to all part-time and seasonal employees of the City of Enterprise to be paid in the month of December.

A motion was made by Council Member Padgett, seconded by Council Member Johnson, to adopt Resolution 11-15-22-B. The vote being: Rich – Aye; Goolsby – Aye; Padgett – Aye; Johnson – Aye; Townsend – Aye. The President declared the motion carried and Resolution 11-15-22-B duly passed and adopted.

**REVIEW & CONSIDER RESOLUTION 11-15-22-C (Severe Weather Preparedness Sales Tax Holiday)**

The President introduced and called for consideration of Resolution 11-15-22-C, providing for the adoption of the “Severe Weather Preparedness Sales Tax Holiday” as Per Act 2012-256 beginning at 12:01 a.m. on Friday, February 24, 2023, and ending at midnight on Sunday, February 26, 2023. Covered items include, among other things, batteries, tarps, plywood and radios with a sales price of \$60.00 or less.

A motion was made by Council Member Johnson, seconded by Council Member Goolsby, to adopt Resolution 11-15-22-C. The vote being: Rich – Aye; Goolsby – Aye; Padgett – Aye; Johnson – Aye; Townsend – Aye. The President declared the motion carried and Resolution 11-15-22-C duly passed and adopted.

**REVIEW & CONSIDER RESOLUTION 11-15-22-D (Appoint Municipal Judge)**

The President introduced and called for consideration of Resolution 11-15-22-D, appointing Paul Sherling as part-time Municipal Judge for a two-year term per the provisions of the Resolution.

A motion was made by Council Member Padgett, seconded by Council Member Rich, to adopt Resolution 11-15-22-D. The vote being: Rich – Aye; Goolsby – Aye; Padgett – Aye; Johnson – Aye; Townsend – Aye. The President declared the motion carried and Resolution 11-15-22-D duly passed and adopted.

**REQUEST PERMISSION TO SEEK BIDS (Bay Doors/Fire Department)**

The President introduced and called for consideration of a request from Fire Chief Christopher Davis to seek bids on nine (9) bay door replacements at Central Fire Station (lower building). The request is a budgeted item in the FY 2023 budget.

A motion was made by Council Member Goolsby, seconded by Council Member Johnson, to approve the request to seek bids 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 (Blue Rose LLC)**

The President introduced a request from Blue Rose LLC d/b/a Big Blue Catfish Phil AM Bistro, for a restaurant retail liquor license located at 1016 Rucker Boulevard, and called for a public hearing to be held at the regular meeting scheduled for December 6, 2022.

**REVIEW & CONSIDER RESOLUTION 11-15-22-E (Condemnations/Airport Runway Extension Project)**

The President introduced and read at length, Resolution 11-15-22-E, a resolution to ratify and confirm the filing of condemnation actions related to the Airport Runway Extension Project.

A motion was made by Council Member Johnson, seconded by Council Member Padgett, to adopt Resolution 11-15-22-E. The vote being: Rich – Aye; Goolsby – Aye; Padgett – Aye; Johnson – Aye; Townsend – Aye. The President declared the motion carried and Resolution 11-15-22-E duly passed and adopted.

MAYOR'S REPORT

In his report, Mayor Cooper:

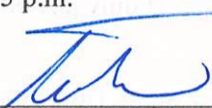
- Thanked Veteran Service Organizations and the Enterprise Chamber of Commerce for their assistance with the Veterans Day Wreath-Laying and Tribute Ceremony, and congratulated Buddy Keen, the 2022 Veteran of the Year, and Matthew Vecchione, the 2022 Active Duty Service Member of the Year.
- Reminded citizens that city offices will be closed Thursday, November 24, and Friday, November 25, 2022, in observance of Thanksgiving, and no garbage pick-up will occur those two days. Garbage pick-up regularly scheduled on Thursday, November 24, and Friday, November 25, will be picked up on Wednesday, November 23.

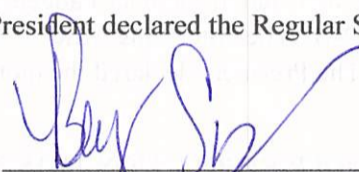
COUNCIL MEMBERS COMMENTS

Council Members congratulated newly promoted Fire Captain Bobby Hice, thanked meeting attendees and citizens watching online, and wished everyone a Happy Thanksgiving.

ADJOURNMENT

There being no further business before the Council, the President declared the Regular Session adjourned at 7:55 p.m.

  
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Turner Townsend  
Council President

  
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Beverly Sweeney  
City Clerk