

CITY COUNCIL MEETING MINUTES OF SEPTEMBER 20, 2022

The Enterprise City Council convened in Regular Session at 6:00 p.m., Tuesday, September 20, 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. A motion was made by Council Member Johnson, seconded by Council Member Rich, 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 September 6, 2022
- City Council Meeting Minutes of September 6, 2022
- Contract Billings in the amount of **\$215,640.19** as follows:
 - Wiregrass Construction Company, Inc. -**
Estimate No. 8 - \$129,340.49 – Construction – FY21 Resurfacing/Phase II
 - Poly, Inc. -**
Invoice No. 19415 - \$5,035.39 – Engineering/Design – FY21 Resurfacing/Phase II
 - Invoice No. 19416 - \$68,814.31 – Engineering/Design – FY22 Resurfacing/Phase III (A)
 - Ewing-Conner and Associates, Inc. -**
Invoice No. 2 - \$4,000.00 – Administrative Services – 2021 CDBG Demo Project
 - Southern Earth Sciences, Inc. -**
Invoice No. P220379-02 - \$8,450.00 – Asbestos Surveys – 2021 CDBG Demo Project/Phase II

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

PRESENTATION OF PLAQUE & KEY TO THE CITY – Marvin Pinckney

The President recognized Mayor Cooper and Fire Chief Christopher Davis for the presentation of a plaque and “Key to the City” to Marvin Pinckney in recognition of his heroic life-saving actions on September 4 during a residential home fire.

PRESENTATION OF EXTRA MILE AWARD – Michael Green/Public Works

The President recognized Mayor Cooper and Barry Mott, City Engineer/Public Works Director, who presented an Extra Mile Award to Public Works Employee Michael Green in recognition of going above and beyond his everyday job duties for the City of Enterprise.

OATH OF OFFICE – City Prosecutor

The President called on Municipal Judge Paul Sherling, who administered the Oath of Office to City Prosecutor Ashley Marshall.

REQUEST TO ADDRESS COUNCIL/STREET CLOSURE (Deana Pierce/Lunation Downtown Ghost Tour)

The President recognized Deana Pierce, who requested to address the Council to obtain a permit for the following event:

Midnight Margaritas Downtown Ghost Tour
Event Time/Date: 5:30 p.m. – 1:00 a.m., Saturday, October 29, 2022
Street Closure: 5:00 p.m. – 1:30 a.m.
Closure Area: West College Street & Railroad Street

Police Chief Michael Moore indicated he was okay with the request. A motion was made by Council Member Rich, seconded by Council Member Goolsby, 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)

No one requested to address the Council.

STAFF REPORTS

No reports were presented.

OLD BUSINESSPUBLIC HEARING & CONSIDERATION/ORDINANCE 09-06-22-A (Implement Additional Garbage/Sanitation Fees)

The President called for a public hearing prior to consideration of Ordinance 09-06-22-A, providing effective October 1, 2022, garbage fees for all residential and business customers shall increase to \$23.46 per month, and beginning October 1, 2023, and each year thereafter, said garbage fee shall increase by the amount equal to the percentage increase of the Consumer Price Index for All Urban Customers (CPI-U) over the then-last 12-month period (before seasonal adjustment) as published by the U.S. Bureau of Labor Statistics as of August 1 in each year. Unless there is an increase in the CPI-U, there shall be no adjustment to the garbage fee then in existence for a given year unless Council implements any change by ordinance or other appropriate act. No comments were offered. The President closed the hearing and called for consideration of Ordinance 09-06-22-A.

A motion was made by Council Member Johnson, seconded by Council Member Padgett, to adopt Ordinance 09-06-22-A. The vote being: Rich – Aye; Goolsby – Aye; Padgett – Aye; Johnson – Aye; Townsend – Aye. The President declared the motion carried and Ordinance 09-06-22-A duly passed and adopted.

PUBLIC HEARING & CONSIDERATION/ORDINANCE 09-06-22-B (Implement Additional Sanitary Sewer Fees)

The President called for a public hearing prior to consideration of Ordinance 09-06-22-B, providing effective October 1, 2022, sanitary sewer rate fees for all residential and business customers shall increase by a flat fee of \$2.50 per month for all accounts, plus a 15% increase in each category of water usage over 2000 gallons per month/billing period. Thereafter, beginning October 1, 2023, and each year thereafter, said sewer fee shall automatically increase by the amount equal to the percentage increase of the Consumer Price Index for All Urban Customers (CPI-U) over the then-last 12-month period (before seasonal adjustment) as published by the U.S. Bureau of Labor Statistics as of August 1 in each year. Unless there is an increase in the CPI-U, there shall be no adjustment to the sewer fee then in existence for a given year unless Council implements any change by ordinance or other appropriate act. No comments were offered. The President closed the hearing and called for consideration of Ordinance 09-06-22-B.

A motion was made by Council Member Rich, seconded by Council Member Goolsby, to adopt Ordinance 09-06-22-B. The vote being: Rich – Aye; Goolsby – Aye; Padgett – Aye; Johnson – Aye; Townsend – Aye. The President declared the motion carried and Ordinance 09-06-22-B duly passed and adopted.

PUBLIC HEARING & CONSIDERATION/ORDINANCE 09-06-22-C (Implement Additional Engineering/Public Works Fees)

The President called for a public hearing prior to consideration of Ordinance 09-06-22-C, related to an adjustment of sewer tap, building permit and building inspection fees, specifically as follows:

- a) Sewer tap fees shall be adjusted to \$350.00 for each residential sewer tap as of January 1, 2023; thereafter, the said residential sewer tap fee shall be \$600.00 as of October 1, 2023; and, such residential sewer tap fee shall be \$850.00 plus cost of materials as of October 1, 2024, and thereafter, until altered by Council action. The sewer tap fee shall be adjusted to \$450.00 for each commercial sewer tap as of January 1, 2023; thereafter, the said commercial sewer tap fee shall be \$650.00 as of October 1, 2023; and such commercial sewer tap fee shall be \$850.00 plus cost of materials as of October 1, 2024, and thereafter, until if and when altered by Council action; and,
- b) As to building permit fees, effective January 1, 2023, there shall be a minimum fee of \$50.00 as to any total building project \$5,000.00 or less; building projects with an estimated total cost of over \$5,000.00 shall require a fee of \$50.00 plus an additional \$3.00 per \$1,000.00 in total construction costs; specifically for commercial building projects, there shall be added to the permit fees as set out above a charge of \$1.00 per \$1,000.00 in total construction costs for the State of Alabama Craft Fee; and,
- c) As to building inspection fees, said fees shall be included in the cost of building permits as set out above, except, each required re-inspection shall require an additional fee as follows: \$50.00 for the first re-inspection; and for each inspection after the first re-inspection, the permittee shall pay twice the previous amount paid (As an example, for the second re-inspection, an additional cost of \$100.00 shall be due; for the third re-inspection, an additional cost of \$200.00 shall be due, and so on depending on the number of re-inspections).

PUBLIC HEARING/ORDINANCE 09-06-22-C (Continued):

No comments were offered. The President closed the hearing and called for consideration of Ordinance 09-06-22-C. A motion was made by Council Member Johnson, seconded by Council Member Padgett, to adopt Ordinance 09-06-22-C. The vote being: Rich – Aye; Goolsby – Aye; Padgett – Aye; Johnson – Aye; Townsend – Aye. The President declared the motion carried and Ordinance 09-06-22-C duly passed and adopted.

REVIEW & CONSIDER ORDINANCE 09-06-22-E (Ratify & Confirm Appointment of Building Official)

The President called for consideration of Ordinance 09-06-22-E, ratifying and confirming that the City Engineer and Director of Public Works in the building official of the City, and the alternate building official is the Assistant Director of Engineering Services.

A motion was made by Council Member Rich, seconded by Council Member Padgett, to adopt Ordinance 09-06-22-E. The vote being: Rich – Aye; Goolsby – Aye; Padgett – Aye; Johnson – Aye; Townsend – Aye. The President declared the motion carried and Ordinance 09-06-22-E duly passed and adopted.

REVIEW & CONSIDER ORDINANCE 09-06-22-F (Re-Establish Reserve Law Enforcement Officer Program)

The President called for consideration of Ordinance 09-06-22-F, providing for the re-establishment of a law enforcement reserve officer program within the Enterprise Police Department.

A motion was made by Council Member Johnson, seconded by Council Member Goolsby, to adopt Ordinance 09-06-22-F. The vote being: Rich – Aye; Goolsby – Aye; Padgett – Aye; Johnson – Aye; Townsend – Aye. The President declared the motion carried and Ordinance 09-06-22-F duly passed and adopted.

REVIEW & CONSIDER ORDINANCE 09-06-22-G (City School Funding)

The President called for consideration of Ordinance 09-06-22-G, providing for school funding. The ordinance repeals Section 11, paragraph (d) of Ordinance 07-01-14 related to a formularized percentage funding basis from which the City has been allocating and paying certain adjusted net sales tax receipts to the City Board of Education, and all prior portions of any ordinances which call for the same action as said Section, and to implement a funding procedure in lieu of said formularized percentage basis which will grant the Enterprise City Board of Education a \$5,900,000.00 allocation of said sales tax receipts collected for fiscal year 2022-2023. Said funding shall take place by payments over 12 months. The allocation for fiscal year 2022-2023 takes in to account that the City does not seek a refund of the portion of the State of Alabama Simplified Seller's Use Tax which has been inadvertently paid to said Board. The ordinance provides that future grants of funding from the adjusted net sales tax receipts to the Board by the City will be considered each budget year of the City.

A motion was made by Council Member Padgett, seconded by Council Member Johnson, to adopt Ordinance 09-06-22-G. The vote being: Rich – Aye; Goolsby – Aye; Padgett – Aye; Johnson – Aye; Townsend – Aye. The President declared the motion carried and Ordinance 09-06-22-G duly passed and adopted.

NEW BUSINESSINTRODUCE ORDINANCE 09-20-22 (Unsafe Building Board of Adjustment & Appeals)

The President introduced Ordinance 09-20-22, providing to establish the Unsafe Building Board of Adjustment and Appeals and appoint its Board Members. The ordinance will layover until the regular meeting scheduled for October 4, 2022.

REVIEW & CONSIDER RESOLUTION 09-20-22 (FY 2023 Operating Budget)

The President introduced and called for consideration of Resolution 09-20-22, providing for the adoption of the Fiscal Year 2023 Budget in the total amount of \$98,264,279 for the general fund, all governmental funds, capital projects funds, sewer/disposal funds, and debt service funds. City Administrator Jonathan Tullos noted the proposed budget provides for the funding of various grant projects of approximately \$1.39 million and equipment and capital improvements outlay of \$37.5 million, funded by proceeds in the amount of \$33.3 million from general obligation warrants issued in FY21 and a fund balance carryover of \$2.75 million.

A motion was made by Council Member Padgett, seconded by Council Member Rich, to adopt Resolution 09-20-22. The vote being: Rich – Aye; Goolsby – Aye; Padgett – Aye; Johnson – Aye; Townsend – Aye. The President declared the motion carried and Resolution 09-20-22 duly passed and adopted.

TEMPORARY CLOSURE OF PORTIONS OF ROAD (Hickman Road & Dozier Road)

The President called for a motion, second and vote on a request by the City and/or Consulting Engineer for temporary closure of portions of Hickman Road and Dozier Road as shown until such time as the City and/or Consulting Engineer informs the Police Chief that the portion of those roads closed may again be opened. The road closure, in association with the VA Home Construction Project and for safety concerns of the public, is expected to last approximately 90 days or longer.

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

REQUEST TO HOLD YOUNG EAGLE FLIGHT RALLY (Enterprise Municipal Airport)

The President introduced and called for consideration of a request on behalf of EAA Chapter 351 to hold a Young Eagle Flight Rally at the Enterprise Municipal Airport on Saturday, October 22, 2022, with a rain date of October 29. The rally will feature free airplane rides for children ages 8-17.

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

MAYOR’S REPORT

Mayor Cooper discussed the CBS Sunday Morning show’s segment on Enterprise and the positive comments received since its airing.

COUNCIL MEMBERS COMMENTS

Council Members congratulated award recipients, thanked meeting attendees and citizens watching online.

ADJOURNMENT

There being no further business before the Council, the President declared the Regular Session adjourned at 6:40 p.m.

Turner Townsend
Council President

Beverly Sweeney
City Clerk