

## CITY COUNCIL MEETING MINUTES OF JANUARY 7, 2020

The Enterprise City Council convened in Regular Session at 6:00 p.m., Tuesday, January 7, 2020 in the Council Chambers at City Hall.

**PRESENT:** Council President Perry Vickers, District #3  
Council Member Sonya W. Rich, District #1  
Council President Pro-Tem Eugene Goolsby, District #2  
Council Member Wallace "Al" Miller, Jr., District #4  
Council Member Turner Townsend, District #5

**ALSO PRESENT:** Mayor William E. Cooper  
Interim City Clerk/Treasurer Beverly Sweeney was present and kept the minutes.

**ROLL CALL** – Council President Vickers noted that all Council Members were present.

### REVIEW OF MINUTES

A copy of the minutes from the December 17, 2019 Work Session and December 17, 2019 Regular Session were provided to each member of the Council for review. Following review, Council Member Townsend offered the motion to approve the minutes as written. Council Member Miller made the second. The vote being: Rich – Aye; Goolsby – Aye; Vickers – Aye; Miller – Aye; Townsend – Aye. The President declared the motion carried.

### ADOPTION OF AGENDA

The President called for a motion to adopt the agenda of the meeting as submitted.

Council Member Townsend offered the motion to adopt the agenda of the meeting as submitted. Council Member Goolsby made the second. The vote being: Rich – Aye; Goolsby – Aye; Vickers – Aye; Miller – Aye; Townsend – Aye. The President declared the motion carried.

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

The President recognized David Rowe who spoke in opposition to the Clark Theaters loan, voicing concerns over the city loaning money to a private entity.

The President recognized Bruce Miller who spoke in opposition to the Clark Theaters loan, citing numerous expenses facing the city.

### OLD BUSINESS

#### PUBLIC HEARING & CONSIDERATION (Continued) – Clark Theaters Loan Transaction

An amendment 723 and 772 public hearing continued regarding a proposed loan agreement between the City of Enterprise and Clark Theaters, Inc. The city proposes to make two loans to Clark for the purpose of inducing and incentivizing Clark to build an addition to its existing cinema located in the City of Enterprise. Amendments 723 and 772 to the Constitution of Alabama 1901 permits the city to enter into such agreement for the purpose of promoting the economic development of the city. The proposed incentives totaling \$925,000, will bear an interest rate determined by the city to be the prevailing interest rate at which the city borrows money, and will be amortized so as to be repaid approximately 15 years after the money is distributed. The first loan, in the amount of \$800,000, will be disbursed at the project's completion and repayment will begin the following month, for a term of 15 years. The second loan, in the amount of \$125,000, will be distributed at the end of the project, and repayment will begin the following month, for a term of 15 years. For a period of two years following disbursement, the principal balance of the second loan will bear no interest, and no cash payments will be due. Following that two-year period, interest on the remaining principal balance will begin to accrue, the loan will be amortized over a 13-year period, and the loan will have a remaining term of 13 years. The initial principal balance will be reduced by the city's portion of sales and use taxes paid for tangible personal property and taxable services incorporated into the project during construction. In addition, during the initial two-year period, its amount will be further reduced by the city's portion of sales taxes paid by patrons of Clark, in excess of the average amount of sales taxes paid to the city by patrons of Clark during the years 2018, 2019 and 2020.

The President opened up the public hearing for public comments. Robbin Thompson, representing River Bank & Trust, spoke on behalf of Clark Theaters. Mr. Thompson noting concerns, likened the city's participation in the project as more of an economic development incentive than a loan to a private citizen or business, adding it is common to provide incentives to attract businesses in the area.

**PUBLIC HEARING & CONSIDERATION (Continued):**

Council Member Townsend addressing Mr. Rowe and Mr. Miller's comments, explained that the city is simply the conduit the project is using to secure financing, and provided the project performs as expected, will increase the city's revenue. Council Member Miller stated he supported the project, calling it a good private-public partnership, but expressed concern that the loan is unsecured. Mr. Thompson advised Council Members that Mr. Clark would be willing to provide a \$250,000 life insurance policy with the city being named the beneficiary. Following discussion, David Rowe readdressed the Council and recommended a vote be held to allow taxpayers the opportunity to decide whether or not to move forward with the loan. There being no further comments, the President closed the hearing and called for consideration of the project.

Council Member Townsend offered the motion to move forward with the project as presented. Council Member Goolsby made the second. The vote being: Rich – Aye; Goolsby – Aye; Vickers – Aye; Miller – Nay; Townsend – Aye. The President declared the motion carried.

**PUBLIC HEARING & CONSIDERATION/ORDINANCE 12-03-19 (Worthington Millwork, LLC Rezone)**

The President called for a public hearing prior to consideration of Ordinance 12-03-19 providing for the rezone of property owned by Worthington Millwork, LLC from M-1 (Light Industry District) to M-3 (General Industry District) located at 114 South Conner Street. No comments were offered. The President closed the hearing and called for consideration of Ordinance 12-03-19.

Council Member Miller offered the motion to adopt Ordinance 12-03-19. Council Member Goolsby made the second. The vote being: Rich – Aye; Goolsby – Aye; Vickers – Aye; Miller – Aye; Townsend – Aye. The President declared Ordinance 12-03-19 duly passed and adopted.

**PUBLIC HEARING & CONSIDERATION/ORDINANCE 12-03-19-A (Stokes Rezone)**

The President called for a public hearing prior to consideration of Ordinance 12-03-19-A providing for the rezone of property owned by Angelia R. Stokes from B-2 (Downtown Business District) and R-75-S (Residential District) to R-75-M (Residential District) located at 205 East Adams Street. No comments were offered. The President closed the hearing and called for consideration of Ordinance 12-03-19-A.

Council Member Townsend offered the motion to adopt Ordinance 12-03-19-A. Council Member Miller made the second. The vote being: Rich – Aye; Goolsby – Aye; Vickers – Aye; Miller – Aye; Townsend – Aye. The President declared Ordinance 12-03-19-A 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 Michael S. Brooks to rezone property from R-85 (Residential District) to B-3 (Highway Commercial District) located at 1408 E. Park Avenue.

**INTRODUCE ORDINANCE 01-07-20 (Brooks Rezone)**

The President introduced Ordinance 01-07-20 providing for the rezone of property owned by Michael S. Brooks from R-85 (Residential District) to B-3 (Highway Commercial District) located at 1408 E. Park Avenue and called for a public hearing to be held at the regular meeting scheduled for February 4, 2020.

**REVIEW & CONSIDER RESOLUTION 01-07-20 (Severe Weather Preparedness Sales Tax Holiday)**

The President introduced Resolution 01-07-20 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 21, 2020 and ending at twelve midnight on Sunday, February 23, 2020. Covered items will include among other things, batteries, tarps, plywood and radios with a sales price of \$60.00 or less.

Council Member Goolsby offered the motion to adopt Resolution 01-07-20. Council Member Townsend made the second. The vote being: Rich – Aye; Goolsby – Aye; Vickers – Aye; Miller – Aye; Townsend – Aye. The President declared Resolution 01-07-20 duly passed and adopted.

REVIEW & CONSIDER ADDITIONAL SERVICES ADDENDUM (Barge Design Solutions, Inc./Road Assessment)

The President introduced and called for consideration of the approval of Barge Design Solutions, Inc. Additional Services Addendum No. 1 in the amount of \$8,250.00. This addendum to the Professional Services Agreement dated April 9, 2019 between the City and Barge Design Solutions, Inc., provides for the assessment, feature extraction, and data collection of an additional 22 centerline miles of streets as part of the City's Road Assessment Project.

Council Member Townsend offered the motion to approve the Additional Services Addendum. Council Member Rich made the second. The vote being: Rich – Aye; Goolsby – Aye; Vickers – Aye; Miller – Aye; Townsend – Aye. The President declared the motion carried.

REVIEW & CONSIDER ACCOUNTS PAYABLE (A)

The President introduced and called for consideration of Accounts Payable (A) for December 2019 in the amount of \$727430.48 as follows:

- City of Enterprise - \$552,311.04
- Water Works Board - \$175,119.44

Council Member Miller offered the motion to approve Accounts Payable (A) as submitted. Council Member Rich made the second. The vote being: Rich – Aye; Goolsby – Aye; Vickers – Aye; Miller – Aye; Townsend – Aye. The President declared the motion carried.

REVIEW & CONSIDER CONTRACT BILLINGS

The President introduced and called for consideration of the following Contract Billings:

1. **S.A. Graham Co., Inc. -**  
Estimate No. 2 - \$93,607.06 – Construction – Airport Apron Rehab
2. **Barge Design Solutions, Inc. -**  
Invoice No. 174960 - \$10,299.11 – Contract Services – Airport Apron Rehab  
Invoice No. 174961 - \$73,373.20 – Contract Services – Airport Terminal Building

**TOTAL CONTRACT BILLINGS - \$177,279.37**

Council Member Townsend offered the motion to approve Contract Billings as submitted. Council Member Miller made the second. The vote being: Rich – Aye; Goolsby – Aye; Vickers – Aye; Miller – Aye; Townsend – Aye. The President declared the motion carried.

MAYOR'S REPORT

Mayor Cooper presented reports from the following departments:

- Parks & Recreation
- Engineering
- Water

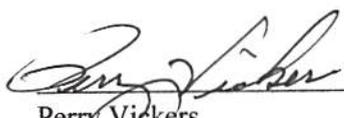
Following his report, Mayor Cooper recognized three Boy Scouts in attendance and thanked everyone for coming.

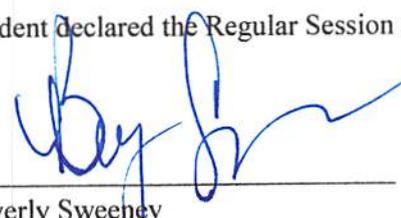
COUNCIL MEMBER COMMENTS

Council Members commended the efforts of those involved in Enterprise being selected as the site of the state's newest VA home.

ADJOURNMENT

There being no further business before the Council, the President declared the Regular Session adjourned at 6:45 p.m. until Tuesday, January 21, 2020 at 5:00 p.m.

  
Perry Vickers  
Council President

  
Beverly Sweeney  
Interim City Clerk/Treasurer