

## **CITY COUNCIL MEETING MINUTES OF OCTOBER 1, 2013**

The City Council of the City of Enterprise convened in regular session Tuesday, October 1, 2013 at 6:00 p.m. in the Council Chambers at City Hall.

PRESENT: Council President Tommy Johnson, Jr., District #2  
Council Member William E. Cooper, District #1  
Council President Pro-Tem Kirk Donaldson, District #3  
Council Member Wallace "Al" Miller, Jr., District #4  
Council Member Rhett Marques, District #5

ALSO PRESENT: Mayor Kenneth W. Boswell  
City Clerk/Treasurer Steve Hicks was present and kept the minutes.

### **REVIEW OF MINUTES – September 17, 2013 Regular Session & September 18, 2013 Work Session**

A copy of the minutes of the September 17, 2013 Regular Session and September 18, 2013 Work Session was provided to each member of the Council for review. Following review, Council Member Cooper offered the motion to approve the minutes as written. Council Member Miller made the second. The vote being: Cooper – Aye; Johnson – Aye; Donaldson – Aye; Miller – Aye; Marques – Aye. The President declared the motion carried.

### **PROCLAMATION – Fire Prevention Week**

The President recognized Mayor Boswell and Fire Chief Byron Herring for the proclamation of Fire Prevention Week.

### **REQUEST TO ADDRESS COUNCIL/STREET CLOSURE – College Street Elementary Red Ribbon Parade**

The President introduced a request from Audrey Windham, College Street Elementary Counselor, to obtain approval to block West College Street from the corners of Jones Street and Pine Street on Thursday, October 24, 2013 from 12:45 p.m. until 2:30 p.m. for the school's annual Red Ribbon Parade.

Council Member Donaldson offered the motion to approve the request for street closure. Council Member Cooper made the second. The vote being: Cooper – Aye; Johnson – Aye; Donaldson – Aye; Miller – Aye; Marques – Aye. The President declared the motion carried.

### **REQUEST TO ADDRESS COUNCIL/STREET CLOSURE – Wiregrass Christian Academy Fall Festival**

The President introduced a request from Joan Howell, representing Wiregrass Christian Academy, to close Conner Street from Harrison Street to West College Street from 6:30 p.m. until 8:30 p.m. on Thursday, October 24, 2013 in conjunction with its annual Fall Festival activities.

Council Member Donaldson offered the motion to approve the request for street closure. Council Member Marques made the second. The vote being: Cooper – Aye; Johnson – Aye; Donaldson – Aye; Miller – Aye; Marques – Aye. The President declared the motion carried.

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

The President recognized Ted Watson of 1601 Damascus Road who addressed the Council concerning the need for a stoplight at the intersection of Highway 134W and North Main Street. The Mayor informed Mr. Watson that both Highway 134W and Main Street are state highways and therefore the decision to install a stoplight would be determined by ALDOT.

The President recognized Kurt Bensch of 113 Harrand Creek Drive who addressed the Council concerning the timing of the stoplight located at Rucker Boulevard/Glover Avenue and the Boll Weevil Circle. Mayor Boswell informed Mr. Bensch that the stoplight had a broken loop and ALDOT had been informed and would repair as soon as possible.

**OLD BUSINESS****PUBLIC HEARING & CONSIDERATION/ABC LICENSE REQUEST – Thompson Pinnacle Holdings, Incorporated**

The President called for consideration of a request from Thompson Pinnacle Holdings, Incorporated for a wholesale wine and beer distributor license. (A public hearing was held September 3, 2013. There was no opposition. All background checks have been completed.)

Council Member Donaldson offered the motion to approve the ABC license request. Council Member Cooper made the second. The vote being: Cooper – Aye; Johnson – Aye; Donaldson – Aye; Miller – Aye; Marques – Aye. The President declared the motion carried.

**NEW BUSINESS****REVIEW & CONSIDER PLANNING COMMISSION RECOMMENDATIONS**

The President introduced for the record, recommendations from the Enterprise Planning Commission to approve the following requests:

- A request by St. Mary Missionary Baptist Church to rezone property from M-1, (Light Manufacturing District) to INST (Institutional District) located on the Northwest corner of the Dan Henderson Subdivision on Pittman Street.
- A request by Christian Mission Centers, Incorporated to rezone .50 acres from R-65 (Residential District) to R-75-A (Residential District) located next to 215 South Watson Street on the southwest corner of South Watson and East Hildreth and for the rezone of 1 adjoining acre from B-3 (Business District) to R-75-A (Residential District) located at the corner of East Park Avenue and South Watson Street.

**INTRODUCE ORDINANCE 10-01-13 (St. Mary's Missionary Baptist Church Rezone)**

The President introduced Ordinance 10-01-13 providing for the rezone of property owned by St. Mary's Missionary Baptist Church from M-1 (Light Manufacturing District) to INST (Institutional District) located on the Northwest corner of the Dan Henderson Subdivision on Pittman Street.

The President called for a public hearing to be held at the regular meeting scheduled for November 5, 2013 prior to consideration of the Ordinance.

**INTRODUCE ORDINANCE 10-01-13-A (Christian Mission Centers Incorporated Rezone)**

The President introduced Ordinance 10-01-13-A providing for the rezone of .50 acres owned by Christian Mission Centers, Incorporated from R-65 (Residential District) to R-75-A (Residential District) located next to 215 South Watson Street on the southwest corner of South Watson and East Hildreth and for the rezone of 1 adjoining acre from B-3 (Business District) to R-75-A (Residential District) located at the corner of East Park Avenue and South Watson Street.

The President called for a public hearing to be held at the regular meeting scheduled for November 5, 2013 prior to consideration of the Ordinance.

**REVIEW & CONSIDER CITY/COUNTY LEACHATE AGREEMENT**

The President introduced and called for consideration of the approval of an agreement between the City of Enterprise and Coffee County that provides for the discharge of leachate into the City's Wastewater Treatment facilities for a 3-year period at a cost of \$.02 per gallon. Provisions also apply for termination of the agreement solely at the discretion of the City at any time if the WWTP is out of compliance with permit conditions and the City becomes aware of some discharged material that causes the City to be in violation of its permit conditions. The City may also stop accepting leachate for any reason upon 60 days prior written notice to the County Administrator.

Council Member Cooper offered the motion to approve the City/County leachate agreement. Council Member Marques made the second. The vote being: Cooper – Aye; Johnson – Aye; Donaldson – Aye; Miller – Aye; Marques – Aye. The President declared the motion carried.

**REVIEW & CONSIDER STANDARD POLICY FOR LEACHATE**

The President introduced and called for consideration of the adoption of a standard policy for receiving landfill leachate into the City's Wastewater Treatment Plants applicable to existing dischargers and proposed new dischargers into the WWTP facilities. The policy provides that all existing and proposed dischargers will be required to submit a characterization of the wastewater, monitor the wastewater on a regular basis, maintain records to identify the source of landfill leachate and keep daily totals of the quantity of wastewater discharged.

Council Member Miller offered the motion to adopt the standard policy for leachate. Council Member Cooper made the second. The vote being: Cooper – Aye; Johnson – Aye; Donaldson – Aye; Miller – Aye; Marques – Aye. The President declared the motion carried.

**REVIEW & CONSIDER AGREEMENT FOR ENGINEERING SERVICES – CDG Engineers/ATRIP Phase III**

The President introduced and called for consideration of an agreement with CDG Engineers & Associates in the amount of \$80,000 for design and engineering services related to the preparation of construction plans and specifications for the Shellfield and Coppinville Road Improvements Project.

Council Member Cooper offered the motion to approve the agreement with CDG Engineers & Associates for engineering services. Council Member Marques made the second. The vote being: Cooper – Aye; Johnson – Aye; Donaldson – Aye; Miller – Aye; Marques – Aye. The President declared the motion carried.

**INTRODUCE ABC LICENSE REQUEST – Suzy Ques Smoke Shack, LLC**

The President introduced a request from Suzy Ques Smoke Shack, LLC for a Restaurant Retail On Premises Consumption License located at 1282 Geneva Highway and called for a public hearing to be held at the regular meeting scheduled for October 15, 2013 prior to consideration of the request.

**REVIEW & CONSIDER POLYENGINEERING TASK ORDER NO. 20 – Environmental Site Assessment**

The President introduced and called for consideration of Task Order No. 20 to Polyengineering, Inc. in the amount of \$2,500 for the preparation and update of Environmental Site Assessments for property located in the Yancey Parker Industrial Park Phase I and II.

Council Member Marques offered the motion to approve the Task Order. Council Member Miller made the second. The vote being: Cooper – Aye; Johnson – Aye; Donaldson – Aye; Miller – Aye; Marques – Aye. The President declared the motion carried.

**REVIEW & CONSIDER ACCOUNTS PAYABLE**

The President introduced and called for consideration of the approval of Accounts Payable for September 2013-1 in the amount of \$480,042.32 as follows:

❖ City of Enterprise - \$376,955.71

Water Works Board - \$103,086.61

Council Member Donaldson offered the motion to approve Accounts Payable for September 2013-1 as submitted. Council Member Miller made the second. The vote being: Cooper – Aye; Johnson – Aye; Donaldson – Aye; Miller – Aye; Marques – Aye. The President declared the motion carried.

**REVIEW & CONSIDER CONTRACT BILLINGS**

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

1. **CDG Engineers & Associates -**  
Invoice #1 - \$19,500.00 – Construction Engineering/Design – Farmer's Market Project
2. **CDG Engineers & Associates -**  
Invoice #4 - \$10,680.00 – Construction Engineering – Dauphin Street Phase II

**TOTAL CONTRACT BILLINGS - \$30,180.00**

REVIEW & CONSIDER CONTRACT BILLINGS (Continued):

Council Member Donaldson offered the motion to approve Contract Billings as submitted. Council Member Cooper made the second. The vote being: Cooper – Aye; Johnson – Aye; Donaldson – Aye; Miller – Aye; Marques – Aye. The President declared the motion carried.

REVIEW & CONSIDER TRAVEL REQUESTS – Administrative, Engineering

The President introduced and called for consideration of the following Travel Requests:

Administrative

Christina Meissner  
Human Resources Director  
AAPPA Compensation and Job Evaluation Course  
November 7-8, 2013  
Montgomery, Alabama  
Estimated Cost: \$490.00

Engineering

Buddy Wise  
Traffic Controller/Electrical Technician  
NEMA Traffic Controller Class  
November 11-14, 2013  
Decatur, Alabama  
Estimated Cost: \$815.00

Council Member Marques offered the motion to approve Travel Requests as submitted. Council Member Cooper made the second. The vote being: Cooper – Aye; Johnson – Aye; Donaldson – Aye; Miller – Aye; Marques – Aye. The President declared the motion carried.

MAYOR’S REPORT

Public Works Director Ray Bickley addressed the Council requesting permission for the Public Works Complex to no longer serve as a recycling drop-off point. He explained that according to ADEM, if the City were to continue to accept recyclable goods it would have to register as a recycling facility and the costs of obtaining permits to do so would not be financially feasible to the City. He noted that regular recycling routes throughout the City would not be affected by this change.

Council Member Marques offered the motion to approve the request to discontinue recycling drop-offs at the Public Works Complex. Council Member Cooper made the second. The vote being: Cooper – Aye; Johnson – Aye; Donaldson – Aye; Miller – Aye; Marques – Aye. The President declared the motion carried.

Parks & Recreation

- Youth Football Season Starts October 1, 2013.
- The Splash Pad is closed for the season and will reopen on April 1, 2014.
- Youth Basketball Registration is open for the month of October.

Engineering Department

▪ Permits Approved:			
Single Family Detached	3	\$685,000.00	
Single Family Attached	0	\$ 0.00	
Residential Additions	14	\$ 75,363.00	
Commercial Additions	6	\$498,404.00	
New Commercial	0	\$ 0.00	

MAYOR’S REPORT (Continued):

Engineering Department

- Nuisance Properties:

Investigated Properties	19
Notifications Mailed	10
Waiting to be burned	3
Waiting for City Clean Up	0
In Process	2
In Magistrate	1
Ready for Magistrate	1
Mitigated	17
Awaiting City Demo	0
Requiring Attorney Assistance	25
  
- Approved Business Site Plans for Popeye’s and Super Pawn.
  
- LaVeta Woods Apartments Case is currently with the Circuit Court and no date has been set.

Fire Department

- GPS System is 65% complete.

Water Department

- Water supply line for the irrigation project around City Hall is complete.
  
- Rehab project at the 801 Mill Avenue office building will begin this month.
  
- All static and pumping water levels are complete for 2013.
  
- Well recharge project will start over this winter to prepare for the summer demand.

Miscellaneous

- Coffee County Arts Alliance presents Sha Na Na on Thursday, October 3, 2013 at 7:00 p.m. in Elba.

EXECUTIVE SESSION PURSUANT TO ALABAMA OPEN MEETING LAW

Rainer Cotter appeared before the Council and stated that issues pending before the Council involved issues of real estate requiring legal advice and counsel; real estate transactions; trade secrets.

STATE OF ALABAMA     )  
CITY OF ENTERPRISE    )

MINUTE EXCERPTS AND MOTION FOR EXECUTIVE SESSION  
PURSUANT TO THE ALABAMA OPEN MEETINGS LAW  
A05-0145

WHEREAS, the City Council of the City of Enterprise, Alabama with a quorum being present, was conducting a meeting on the 1<sup>st</sup> day of October, 2013, the time, date, place and agenda of which were duly announced and notices of which were posted in accordance with the Alabama Open Meetings Law, Act 2005-40 (Act); and,

WHEREAS, during the course of said meeting, a motion was made by Council Member Miller to go into Executive Session for the purpose of a real estate transaction; legal advice and counsel; and trade secrets, all being one of the following purposes authorized by the act which motion was seconded by Council Member Marques and;

EXECUTIVE SESSION (Continued):

- Reputation and Character
- Legal Advice and Counsel
- Security Plans
- State and/or Federal Law
- Law Enforcement
- Real Estate Transactions
- Trade Secrets
- Public Employee Negotiations
- Quasi-Judicial Deliberations

WHEREAS, the attorney advised the Council that a declaration was required by the act for an Executive Session if it was in regard to any of the following purposes:

- Legal Advice and Counsel
- Law Enforcement
- Trade Secrets
- Employee Negotiations

WHEREAS, Attorney Rainer Cotter appeared before the Council and stated for the record that he/she was duly qualified and/or had the personal knowledge to provide the requisite declaration for the stated purposes of the Executive Session authorized by the act and informed the Council that an Executive Session was necessary for the following reasons:

Discussion of issues involving a real estate transaction; legal advice and counsel; and trade secrets.

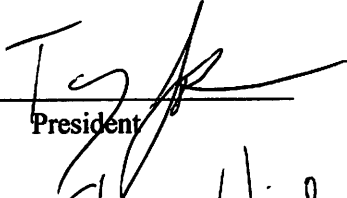
WHEREAS, Council President Johnson directed the City Clerk to enter said motion, purpose and declaration into the minutes of the meeting and called for a vote on said motion; and,

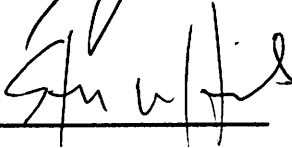
WHEREAS, said vote in regard to the motion for Executive Session was taken with the “yeas” and “nays” being recorded into the minutes as follows:

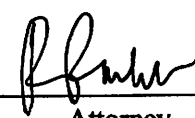
<u>Yeas</u>	<u>Nays</u>
1. Cooper	
2. Johnson	
3. Donaldson	None
4. Miller	
5. Marques	

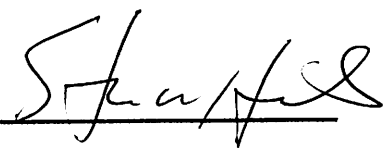
and the President declared that a majority of the votes being in favor of the motion, that such motion had therefore passed and the Council would forthwith recess into Executive Session at 6:30 p.m. for the purpose as stated in said motion and no other purpose, in accordance with the Act and reconvene in approximately 45 minutes.

In addition to Council Members, the following persons were in attendance: Mayor Kenneth W. Boswell and City Attorney Rainer Cotter. City Clerk/Treasurer Steve Hicks was present and kept the minutes of the meeting. Council President Johnson presided over the meeting.

By:   
President

Attest: 

By:   
Attorney

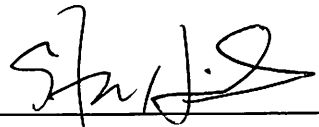
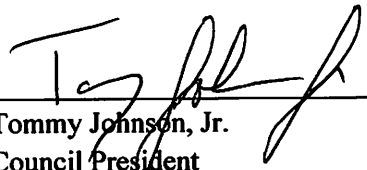
Attest: 

RECONVENE IN REGULAR SESSION

The Regular Session was adjourned into Executive Session at 6:30p.m. and was ended at 7:15 p.m.  
The Regular Session was reconvened.

ADJOURNMENT

There being no further business before the Council, the President declared the meeting adjourned at 7:15 p.m. until Tuesday, October 15, 2013 at 6:00 p.m.

  
\_\_\_\_\_  
Steve Hicks  
City Clerk/Treasurer  
\_\_\_\_\_  
Tommy Johnson, Jr.  
Council President