

The Saraland City Council met in regular session on September 8, 2022, at the Saraland Municipal Annex. The meeting was called to order at 6:28 p.m. by Council President McDonald. Roll call was as follows:

Present: Council President Joe McDonald  
Councilmember Wayne Biggs  
Councilmember Newton Cromer  
Councilmember Veronica Hudson  
Councilmember Natalie Moye

Attorney, Andy Rutens was present.

Councilmember Hudson opened the meeting with prayer.

#### APPROVAL OF MINUTES

Motion was made by Councilmember Biggs, seconded by Councilmember Moye, to approve the minutes of the pre-meeting and regular session minutes of August 25, 2022. Motion carried.

#### REPORT OF MAYOR

Motion was made by Councilmember Cromer, seconded by Councilmember Hudson, to authorize expenses for the flyer announcing the Fall Clean Up day October 15, 2022. Motion carried.

#### APPROVAL OF INVOICES

Motion was made by Councilmember Hudson, seconded by Councilmember Moye, to approve the following invoice:

##### **General Fund**

1. R. Jeffrey Perloff, PC – August 2022 Statement \$1,538.50

Motion carried.

Motion was made by Councilmember Cromer, seconded by Councilmember Hudson, to approve the following invoice:

##### **Gas Tax Fund**

1. Geotechnical Engineering Testing, Inc. – Celeste Road Widening Project \$1,142.00

Motion carried.

Motion was made by Councilmember Cromer, seconded by Councilmember Hudson, to approve the following invoice:

**2018 General Obligation Warrant**

1. Ephriam & Associates Environmental, LLC – Sportsplex Project \$7,720.00

Motion carried.

ORDERS, RESOLUTIONS, ORDINANCES & OTHER BUSINESS

Councilmember Biggs introduced an ordinance amending Article IX of Chapter 12 of the City of Saraland Municipal Code to increase the lodging tax rate for the benefit of debt repayment for the new sportsplex.

**ORDINANCE 1237**

**AN ORDINANCE AMENDING ARTICLE IX OF CHAPTER 12  
OF THE CITY OF SARALAND MUNICIPAL CODE TO INCREASE  
THE LODGING TAX RATE FOR THE BENEFIT OF DEBT  
REPAYMENT FOR THE NEW SPORTSPLEX**

WHEREAS, on June 9, 2022, the City Council approved an Ordinance authorizing the Mayor to take certain actions concerning the obtaining of Economic Development Warrants for the construction of a Sportsplex; and

WHEREAS, the City filed a validation proceeding in the Circuit Court of Mobile County, Alabama (CV-2022-901146.00), seeking an Order validating the issuance of the Warrants for Economic Development; and

WHEREAS, on August 8, 2022, the Circuit Court of Mobile County, Alabama entered an Order and Judgment validating the Warrants for Economic Development; and

WHEREAS, the City Council has passed resolutions authorizing the Mayor to take appropriate actions to secure pricing, interest rate, and credit approvals for Fifty Million (\$50,000,000.00) Dollars in Economic Development Warrants for the Sportsplex Project; and

WHEREAS, the City Council is committed to ensuring proper funding for debt repayment on the Economic Development Warrants; and

WHEREAS, the Sportsplex Project when complete will increase tourism to the City through tournaments and games, resulting in an increase in hotel and motel rooms usage and nights of stay; and

WHEREAS, it is the determination of the City Council that the lodging tax rate should be increased from a current eight percent (8%) tax rate to a ten percent (10%) tax rate, with the two percent (2%) increase earmarked for debt repayment.

THEREFORE, BE IT ORDAINED by the City Council of the City of Saraland, Alabama as follows:

ARTICLE IX. - LODGING TAX

**Sec. 12-376. Renting or furnishing rooms, lodgings, or accommodations to transient tax.**

- (a) *Levy in city.* There is hereby levied and imposed, in addition to all other taxes of every kind now imposed by law, a privilege or license tax upon every person, firm or corporation engaging or continuing with the city in the business of renting or furnishing any rooms, lodgings or accommodations to transients in any hotel, motel, inn, tourist camp, tourist cabin or any other place in which rooms, lodgings, or accommodations are regularly furnished to transients for a consideration, in an amount to be determined by the application of the rate of eight percent (8%) of the charge for the rooms, lodgings, or accommodations, including the charge for use or rental of personal property and services furnished in the room; provided, however, there is exempted from the tax levied rooms, lodgings or accommodations supplied for a period of one hundred eighty (180) continuous days or more in any place.
- (b) *Tax levied in police jurisdiction, but outside of city limits.* Every person who is subject to the provisions of this article in the business of furnishing rooms, lodgings, or accommodations to transients outside the corporate limits of the city but within the police jurisdiction of the city, shall remit one-half of the lodgings or license tax under the preceding section for the renting or furnishing of rooms, lodgings or accommodations covered under the terms and provisions of this section.
- (c) *Provisions of state lodgings tax statutes applicable to this section and taxes herein levied.* This section and the taxes levied herein shall be subject to all definitions, exceptions, exemptions, proceedings, requirements, rules, regulations, provisions, discounts, penalties, fines, punishments, and deductions that are applicable to the taxes levied by the state lodgings tax statutes, except where inapplicable or where herein otherwise provided, including all provisions of the state lodgings tax statutes for enforcement and collection of taxes.

(Code 1984, § 14-311; Ord. No. 730, §§ 1—4, 9-14-2006; Ord. No. 735, §§ 1—5, 10-26-2006; Ord. No. 758, §§ 1—5, 12-27-2007)

Section 12-376 is hereby amended to read as follows:

**“ARTICLE IX. - LODGING TAX**

**Sec. 12-376. Renting or furnishing rooms, lodgings, or accommodations to transient tax.**

- (a) *Levy in city.* There is hereby levied and imposed, in addition to all other taxes of every kind now imposed by law, a privilege or license

tax upon every person, firm or corporation engaging or continuing with the city in the business of renting or furnishing any rooms, lodgings or accommodations to transients in any hotel, motel, inn, tourist camp, tourist cabin or any other place in which rooms, lodgings, or accommodations are regularly furnished to transients for a consideration, in an amount to be determined by the application of the rate of ten percent (10%) of the charge for the rooms, lodgings, or accommodations, including the charge for use or rental of personal property and services furnished in the room; provided, however, there is exempted from the tax levied rooms, lodgings or accommodations supplied for a period of one hundred eighty (180) continuous days or more in any place.

- (b) *Tax levied in police jurisdiction, but outside of city limits.* Every person who is subject to the provisions of this article in the business of furnishing rooms, lodgings, or accommodations to transients outside the corporate limits of the city but within the police jurisdiction of the city, shall remit one-half of the lodgings or license tax under the preceding section for the renting or furnishing of rooms, lodgings or accommodations covered under the terms and provisions of this section.
- (c) *Provisions of state lodgings tax statutes applicable to this section and taxes herein levied.* This section and the taxes levied herein shall be subject to all definitions, exceptions, exemptions, proceedings, requirements, rules, regulations, provisions, discounts, penalties, fines, punishments, and deductions that are applicable to the taxes levied by the state lodgings tax statutes, except where inapplicable or where herein otherwise provided, including all provisions of the state lodgings tax statutes for enforcement and collection of taxes.

(Code 1984, § 14-311; Ord. No. 730, §§ 1—4, 9-14-2006; Ord. No. 735, §§ 1—5, 10-26-2006; Ord. No. 758, §§ 1—5, 12-27-2007)

This Amendment is to be effective upon approval by the Mayor and publishing of this Ordinance as required by law.

ADOPTED and APPROVED this the 8<sup>th</sup> day of September, 2022.

Motion was made by Councilmember Biggs, seconded by Councilmember Hudson, to suspend the rules to allow for immediate consideration of the proposed ordinance amending Article IX of Chapter 12 of the City of Saraland Municipal Code to increase the lodging tax rate for the benefit of debt repayment for the new sportsplex.

The following votes were recorded:

Yes: Council President Joe McDonald  
Councilmember Wayne Biggs  
Councilmember Newton Cromer  
Councilmember Veronica Hudson  
Councilmember Natalie Moyer

Motion carried.

Unanimous consent being given to allow for immediate consideration of the proposed ordinance, motion was made by Councilmember Biggs, seconded by Councilmember Moyer, to adopt the ordinance amending Article IX of Chapter 12 of the City of Saraland Municipal Code to increase the lodging tax rate for the benefit of debt repayment for the new sportsplex.

The following votes were recorded:

Yes: Council President Joe McDonald  
Councilmember Wayne Biggs  
Councilmember Newton Cromer  
Councilmember Veronica Hudson  
Councilmember Natalie Moyer

Motion carried.

Motion was made by Councilmember Cromer, seconded by Councilmember Moyer, to authorize the mayor to execute the 2022-2023 contract with the Saraland Chamber of Commerce. Motion carried.

Motion was made by Councilmember Cromer, seconded by Councilmember Moyer, to authorize the mayor to sign the hold harmless and indemnity agreement with Mobile County Engineering & Public Works. Motion carried.

Motion was made by Councilmember Cromer, seconded by Councilmember Moyer, to approve 2022-2023 employee Holiday Schedule. Motion carried.

Motion was made by Councilmember Moyer, seconded by Councilmember Cromer, to approve the parade application for Witches Ride, October 16, 2022, 5:00 p.m. in the Spanish Trace Subdivision. Motion carried.

Motion was made by Councilmember Moyer, seconded by Councilmember Hudson, to approve the solicitation of funds application from the Lion's Club for October 1, 2022, 10:00 a.m. to 1:00

p.m. at the intersection of Saraland Boulevard and Celeste Road. Councilmember Cromer abstained. Motion carried.

Motion was made by Councilmember Hudson, seconded by Councilmember Cromer, to authorize the mayor to sign the 2022-2023 Contract for Services Under Title III of the Older Americans Act. Motion carried.

Motion was made by Councilmember Moye, seconded by Councilmember Cromer, to approve the purchase of benches, trash receptacles and pet waste station for approximately \$13,000.00 from Kirby Built Quality Products. Motion carried.

Motion was made by Councilmember Hudson, seconded by Councilmember Cromer, to approve payment to S.C. Stagner Contracting Inc. for demolition, foundation work and site work of the police gym to be paid from the Alabama Trust Fund. Motion carried.

Council President McDonald advised there is a matter to be discussed in executive session concerning an economic development opportunity that the City of Saraland is in competition with.

City Attorney, Andy Rutens, advised this is appropriate use of executive session as authorized by state law.

Motion was made by Councilmember Cromer, seconded by Councilmember Moye, to adjourn into executive session with Mayor Rubenstein and Andy Rutens to discuss an economic development opportunity that the City of Saraland is in competition with.

The following votes were recorded:

Yes: Council President Joe McDonald  
Councilmember Wayne Biggs  
Councilmember Newton Cromer  
Councilmember Veronica Hudson  
Councilmember Natalie Moye

Motion carried.

Council President McDonald advised he anticipates the executive session to last approximately 30 (thirty) minutes.

The Council adjourned into executive session with the Mayor and City Attorney at 7:17 p.m.


Motion was made by Councilmember Biggs, seconded by Councilmember Hudson, to reconvene at 7:52 with all members present. Motion carried.

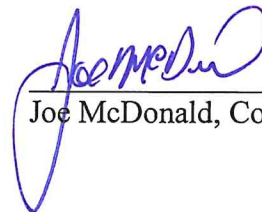
Motion was made by Councilmember Biggs, seconded by Councilmember Moye, to

authorize the Mayor and City Attorney to negotiate a lease for property to be used for the city incinerator. Motion carried.

There being no further business to come before the Council, motion was made by Councilmember Hudson to adjourn at 7:53 p.m.

ACCEPTED and APPROVED the 22<sup>nd</sup> day of September 2022.

  
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Judi Smith, City Clerk

  
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Joe McDonald, Council President