

The Saraland City Council met in regular session on July 28, 2022, at the Saraland Municipal Annex. The meeting was called to order at 6:51 p.m. by Council President McDonald. Roll call was as follows:

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

Attorney Tommy Overton was present.

Councilmember Biggs opened the meeting with prayer.

### **APPROVAL OF MINUTES**

Motion was made by Councilmember Biggs, seconded by Councilmember Moye, to approve the minutes of the meeting of June 6, Work Session, July 14, Pre-Meeting and Regular Session and July 25 Work Session. Motion carried.

### **REPORT OF OFFICERS**

Motion was made by Councilmember Biggs, seconded by Councilmember Cromer to authorize the Fire Department to purchase a 2022 F150 in the amount of \$35,626.00 – to be paid from General Obligation Warrant funds. Motion carried.

### **REPORT OF STANDING COMMITTEES**

Motion was made by Councilmember Cromer, seconded by Councilmember Biggs to authorize the mayor to execute contracts with Alabama Power to convert existing lighting to LED lighting in the following parks: Norton Park, Hertz Park, Kali Oka Park and Dixon Park. Motion carried.

Motion was made by Councilmember Moye, seconded by Councilmember Cromer to approve a resolution recognizing July as Park and Recreation Month in the City of Saraland. Motion carried.

### **RESOLUTION 2248**

**WHEREAS** parks and recreation is an integral part of communities throughout this country, including City of Saraland; and

**WHEREAS** parks and recreation promotes health and wellness, improving the physical and mental health of people who live near parks; and

**WHEREAS** parks and recreation promotes time spent in nature, which positively impacts mental health by increasing cognitive performance and well-being, and alleviating illnesses such as depression, attention deficit disorders, and Alzheimer's; and

**WHEREAS** parks and recreation encourages physical activities by providing space for popular sports, hiking trails, and many other activities designed to promote active lifestyles; and

**WHEREAS** parks and recreation is a leading provider of healthy meals, nutrition services and education; and

**WHEREAS** park and recreation programming and education activities, such as out-of-school time programming, youth sports and environmental education, are critical to childhood development; and

**WHEREAS** parks and recreation increases a community's economic prosperity through increased property values, expansion of the local tax base, increased tourism, the attraction and retention of businesses, and crime reduction; and

**WHEREAS** parks and recreation is fundamental to the environmental well-being of our community; and

**WHEREAS** parks and recreation is essential and adaptable infrastructure that makes our communities resilient in the face of natural disasters and climate change; and

**WHEREAS** our parks and natural recreation areas ensure the ecological beauty of our community and provide a place for children and adults to connect with nature and recreate outdoors; and

**WHEREAS** the U.S. House of Representatives has designated July as Parks and Recreation Month; and

**WHEREAS** Saraland, AL recognizes the benefits derived from parks and recreation resources.

**NOW THEREFORE, BE IT RESOLVED BY** Mayor Rubenstein that July was and has been recognized as Park and Recreation Month in the City of Saraland.

**ADOPTED AND APPROVED** this 28<sup>th</sup> day of July 2022.

Motion was made by Councilmember Moye, seconded by Councilmember Cromer to authorize payment of Invoice# INV-0683 from National Fitness Campaign, in the amount of \$92,350.00, to be paid from the General Obligation Warrant funds. Motion carried.

Motion was made by Councilmember Moye, seconded by Councilmember Cromer to authorize payment of Invoice # 1170 from Engineered Installation Solutions, LLC in the amount of \$25,000.00 to be paid from the General Obligation Warrant funds. Motion carried.

Motion was made by Councilmember Moye, seconded by Councilmember Cromer to authorize payment of Invoice # 2022.0719 from Chambless King Architects, in the amount of \$20,000.00 for initial payment on the proposed Sportsplex project. Motion carried.

Motion was made by Councilmember Moye, seconded by Councilmember Biggs to authorize payment of Invoice # 2022.0603 from Chambless King Architects, in the amount of \$17,500.00 which represents one half of the fixed fee of \$35,000.00 for the City of Saraland Visioning Package initial payment on the proposed Sportsplex project. Motion carried.

### **APPROVAL OF INVOICES**

Motion was made by Councilmember Biggs, seconded by Councilmember Moye to approve the following invoices:

#### **General Fund**

- |  |             |
|--|-------------|
| 1. Galloway, Wettermark & Rutens LLP – Billing through 3/31/22 | \$11,890.00 |
| 2. Neel-Schaffer – General Consulting                          | \$3,850.00  |

Motion carried.

Motion was made by Councilmember Moye, seconded by Councilmember Biggs to approve the following invoices:

#### **Gas Tax Fund**

- |  |            |
|--|------------|
| 1. Neel-Schaffer - Celeste Road Widening Project | \$2,116.76 |
|--|------------|

Motion carried.

### **ORDERS, RESOLUTIONS, ORDINANCES & OTHER BUSINESS**

Motion was made by Councilmember Biggs, seconded by Councilmember Moye, to suspend the rules to allow for immediate consideration of the proposed resolution pursuant to Article IV, Section 94.01 of the Constitution of Alabama of 1901, authorizing the partial rebate of Non-Educational Sales Tax.

The following votes were recorded:

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

Motion carried.

Unanimous consent being given to allow for immediate consideration of the proposed resolution, motion was made by Councilmember Biggs, seconded by Councilmember Moye, to adopt the proposed resolution pursuant to Article IV, Section 94.01 of the Constitution of Alabama of 1901, authorizing the partial rebate of Non-Educational Sales Tax.

The following votes were recorded:

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

Motion carried.

## RESOLUTION 2249

### RESOLUTION PURSUANT TO ARTICLE IV, SECTION 94.01 OF THE CONSTITUTION OF ALABAMA OF 1901, AUTHORIZING THE PARTIAL REBATE OF NON-EDUCATIONAL SALES TAX

WHEREAS, Article IV, Section 94.01 of the Constitution of Alabama of 1901 specifically allows municipal governments to grant public funds and things of value in aid of or to any individual, firm, corporation or other business entity, public or private, for the purpose of promoting the economic and industrial development of the Municipality; and

WHEREAS, Section 94.01(c) establishes procedures and requirements for entering into agreements to grant things of value pursuant to the Constitutional provision; and

WHEREAS, the City of Saraland published a "Notice of Proposed Action at Public Meeting" in the Mobile Press Register, said publication occurring on July 20, 2022, and establishing that at 6:30 p.m. the City would consider entering into an economic development agreement with Payne & Payne, LLC, as it relates to their purchase, development and operation of a Briquettes Steakhouse at the property located at 300 Industrial Parkway in Saraland, Alabama; and

WHEREAS, the proposed development agreement includes requirements that Payne & Payne, LLC purchase the property located at 300 Industrial Parkway, which is currently the location of the Catfish Junction Restaurant, and further requires them to renovate and remodel the current facility in order to operate a Briquettes Steakhouse Restaurant; and

WHEREAS, the City proposes an economic incentive, including the rebate of twenty-five percent (25%) of non-educational sales tax generated by the Briquettes Steakhouse, said rebate to have a yearly cap of Fifty Thousand And No/100ths

(\$50,000.00) Dollars and the rebate provision expiring upon the cumulative rebate equaling Two Hundred Thousand And No/100ths (\$200,000.00) Dollars; and

WHEREAS, it is the finding of the City Council of the City of Saraland that the proposed restaurant will promote the economic, commercial and industrial development of the City by providing amenities necessary to attract additional businesses to locate within the City and creating economic growth and increased tax revenues in the City, and will thereby serve a valid and sufficient public purpose, notwithstanding any benefit to any private business or person, or any private entity or entities; and

WHEREAS, a proposed Redevelopment and Reimbursement Agreement between the City of Saraland, Alabama and Payne & Payne, LLC has been submitted to the City Council and it is the decision of the City Council that the Mayor is authorized to enter into on behalf of the City said Redevelopment and Reimbursement Agreement.

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

1. Pursuant to Article IV, Section 94.01(a)(3) of the Constitution of Alabama of 1901, the City of Saraland approves the granting of funds and things of value in aid of the redevelopment and operation of a Briquettes Steakhouse at 300 Industrial Parkway, Saraland, Alabama for the purpose of promoting the economic and industrial development of the City.
2. It is the expressed determination of the City Council that the entering into of the Redevelopment and Reimbursement Agreement under the terms and provisions as outlined above will serve a valid and sufficient public purpose, notwithstanding any incidental benefit accrued to any private entity or entities.
3. On July 20, 2022, notice was published in the Mobile Press Register that this matter would be heard by the City Council at the regularly scheduled meeting on July 28<sup>th</sup>, 2022 at 6:30 p.m.
4. After reviewing the information concerning the Redevelopment and Reimbursement Agreement, as well as the document itself, the City Council hereby authorizes the Mayor to execute the Redevelopment and Reimbursement Agreement with Payne & Payne, LLC to include the rebate of twenty-five percent (25%) of non-educational sales tax generated by the operation of a Briquettes Steakhouse at 300 Industrial Parkway, said rebate to have a yearly cap of Fifty Thousand And No/100ths (\$50,000.00) Dollars, and the rebate to expire upon the cumulative rebate amount equaling Two Hundred Thousand And No/100ths (\$200,000.00) Dollars.

Adopted and approved this 28<sup>th</sup> day of July 2022.

Motion was made by Councilmember Cromer, seconded by Councilmember Moye to approve a resolution authorizing the mayor to approve items up to \$15,000.00 for Parks & Recreation league expenditures. Motion carried.

### **RESOLUTION 2250**

#### **RESOLUTION REGARDING SPORTS AND RECREATION LEAGUE EXPENDITURES NOT TO EXCEED \$15,000.00**

WHEREAS, the City of Saraland has recently taken over finances for the City's Sports and Recreation Leagues; and

WHEREAS, those funds are currently being deposited into a bank account held by the City of Saraland; and

WHEREAS, there are numerous expenses that require the use of sign-up and League fees paid by participants;

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

Mayor Howard Rubenstein is authorized to approve expenditures of those funds not to exceed \$15,000.00 (fifteen thousand and 0/100 dollars) without the approval of Council.

Adopted and approved this 28<sup>th</sup> day of July 2022.

Motion was made by Councilmember Biggs, seconded by Councilmember Moye to authorize training expenses and adopt a resolution for a cash advance for Sophia Anthony and Justin Wells to attend Basic SRO Course, August 1-5, 2022, in Opelika, Alabama. Motion carried.

### **RESOLUTION 2251**

**BE IT RESOLVED** by the City Council of the City of Saraland, that

**WHEREAS** a cash advance for Sophia Anthony and Justin Wells to attend Basic SRO Course, August 1-5, 2022, in Opelika, Alabama; and

**WHEREAS** a statement of said expenditures will be presented to the City Clerk immediately upon return, at which time all monies will be balanced.

**ADOPTED AND APPROVED** this 28<sup>th</sup> day of July 2022.

Motion was made by Councilmember Cromer, seconded by Councilmember Moye to authorize training expenses and adopt a resolution for a cash advance for Jessie Abbott, Stephanie Anderson, Paige Bryan, Angela Grantham, Kathie Hatchett and Kelly Wright to attend 2022 AMCCMA Annual Conference, September 21-23, 2022, in Orange Beach, Alabama. Motion carried.

**RESOLUTION 2252**

**BE IT RESOLVED** by the City Council of the City of Saraland, that

**WHEREAS** a cash advance for Jessie Abbott, Stephanie Anderson, Paige Bryan, Angela Grantham, Kathie Hatchett and Kelly Wright to attend 2022 AMCCMA Annual Conference, September 21-23, 2022, in Orange Beach, Alabama; and

**WHEREAS** a statement of said expenditures will be presented to the City Clerk immediately upon return, at which time all monies will be balanced.

**ADOPTED AND APPROVED** this 28<sup>th</sup> day of July 2022.

Motion was made by Councilmember Cromer, seconded by Councilmember Moye to approve the submission of the FY 2023 application for Title III funding Area Agency on Aging, South Alabama Regional Planning Commission. Motion carried.

Motion was made by Councilmember Cromer, seconded by Councilmember Moye to approve phase II feasibility study for Sportsplex, in the amount of \$46,500.00 to be paid from the American Rescue Plan funds. Motion carried.

Motion was made by Councilmember Biggs, seconded by Councilmember Moye to approve the previously approved invoices in the amounts of \$20,000.00 and \$17,500.00 from Chambless King Architects be paid from the American Rescue Plan funds. Motion carried.

Motion was made by Councilmember Cromer, seconded by Councilmember Moye to approve a resolution authorizing the awarding of service weapon to Bobby Epperson upon his retirement. Motion carried.

**RESOLUTION 2253**

**WHEREAS**, Corporal Bobby Epperson has announced his retirement effective August 1, 2022, from the City of Saraland's Police Department and;

WHEREAS, a service weapon Glock Model 22, Serial #FCH706US was issued to Corporal Epperson by the City of Saraland;

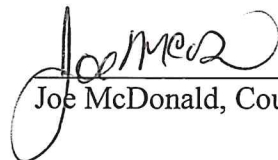
THEREFORE, BE IT RESOLVED that the City Council of the City of Saraland, hereby award said weapon to Bobby Epperson upon his retirement.

ADOPTED AND APPROVED this 28<sup>th</sup> day of July 2022.

There being no further business to come before the Council, motion was made by Councilmember Biggs to adjourn at 7:16 p.m.

ACCEPTED and APPROVED the 11<sup>th</sup> day of August 2022.

  
Judi Smith, City Clerk

  
Joe McDonald, Council President