

TUSCALOOSA CITY COUNCIL MEETING AGENDA

Tuesday, May 7, 2024

1. CALL TO ORDER: 6:00 p.m.

Council Prayer: Dear God, bless our proceedings today. Give us wisdom to know what is just and the strength to do what is right. Amen.

Pledge of Allegiance: I pledge allegiance to the flag of the United States of America and to the republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

2. APPROVAL OF MINUTES

Council President Pro Tem: As the Council has received a synopsis of the previous meeting, I move that we dispense with the reading of the minutes of the same unless there are any deletions, additions, or corrections.

3. PROCLAMATIONS AND STATEMENTS BY MAYOR AND COUNCIL

Mayor Announcements

Department Announcements

4. AGENDA ITEM COMMENTS BY CITIZENS

Citizens are encouraged to sign in with the City Clerk in order to assure that their comments related to a specific agenda item are received prior to consideration by the City Council. Speakers are limited to five (5) minutes each.

5. UNFINISHED BUSINESS

Council Committee Reports

Clerk's Report of Mayor's Veto

6. CONSENT AGENDA: (items "a through c") All matters listed on the Consent Agenda are considered to be routine by the City Council and will be enacted by one motion and vote. There will be no separate debate, amendment, or substitution of these items. If the same is desired by the Mayor and/or any member of the Council, upon request made on the record, that item will be removed from the Consent Agenda and considered separately under the regular Order of Business.

- a. Authorizing payment to Lamonte Hurt Jr. in settlement of a claim; total: \$1,800.00 (OCA-24-0615). **P4**
- b. Authorizing payment to Alisha Waller in settlement of a claim; total: \$300.00 (OCA-24-0558). **P5**
- c. Declaring property surplus and authorizing its disposal. **P6**

7. PUBLIC HEARINGS

Authorizing the Mayor to execute a development agreement with Encore Tuscaloosa, LLC to provide economic development assistance for the development and construction of a commercial development on the former McFarland Mall site (OCA-23-0464). **PP 7-13**

8. RESOLUTIONS AND ORDINANCES NOT OF A GENERAL NATURE OR PERMANENT OPERATION

Authorizing amendment no. 1 to the engineering contract between the City of Tuscaloosa and TTL, Inc. for Afflink Place Drainage Repair Project; total amended compensation amount: \$179,750.00 (A22-0154). **P14**

Authorizing a minor public works contract with K&A Builders, Inc.; total: \$22,456.00 (OCA-24-0563). **P15**

Authorizing the Mayor to execute amendment no. 2 to work authorization (WA-G-03-23) to Atkins Realis for runway 4-22 extension environmental assessment; total: not to exceed \$99,079.98 (OCA-24-0139). **P16**

Authorizing a disbursement from district 1 improvement funds for the Tuscaloosa Juvenile Detention Center; total: \$500.00 (OCA-24-0545). **P17**

Authorizing a disbursement from district 4 improvement funds for the preservation of historic homes; total: \$5,000.00 (OCA-24-0584). **P18**

Authorizing payment of flood insurance premium for the Tuscaloosa River Market; total: \$9,653.00 (OCA-24-0413). **P19**

Authorizing the purchase of equipment/supplies/services from Stivers; total: \$42,267.36 (TPD; 2024 Dodge Durango Pursuit). **P20**

Authorizing the purchase of equipment/supplies/services from Brinc Drones; total: \$25,000 (TPD; Drone). **P21**

Authorizing the purchase of equipment/supplies/services for TPD; total \$2,599.98. **P22**

Authorizing the City of Tuscaloosa to join the state of Alabama and other local governments as participants in certain opioid settlements (OCA-23-0113). **PP23-24**

If necessary, Council rules of procedure will be suspended at this time.

9. ORDINANCES AND RESOLUTIONS OF A GENERAL NATURE OR PERMANENT OPERATION

FOR INTRODUCTION

Introducing Zoning Amendment 1525 rezoning approximately 15.91 acres at 3200 Fosters Ferry Road from R-2 to ML; RHZ Development, LLC (OCA-24-0596/ Z-04-24). **PP25-26**

Approving the development plan for The Druid, 219 Greensboro Avenue, pursuant to the Riverfront District regulations (RD-01-24/ OCA-24-0318). **unanimous consent following introduction). PP27-28**

Appointing Wayne Yarbrough to the Historic Preservation Commission **(may be adopted by unanimous consent following introduction). P29**

FOR ADOPTION

Setting June 4, 2024 as the date for a public hearing to consider Zoning Amendment 1525 (RHZ Development, LLC; OCA-24-0596/ Z/04-24). **P30**

10. AUDITING ACCOUNTS

Authorizing the payment of bills; total: \$320,860.02 **P31**

11. CITIZEN'S COMMENTS AND OTHER COMMUNICATIONS

12. EXECUTIVE SESSION

13. POLICY IMPLEMENTATION

Mayor: Subject to the exercise of mayoral veto on ordinances of a general nature or permanent operation, all applicable departments are hereby ordered to otherwise implement council policy this date enacted.


14. ADJOURN

5/3/2024

Haley S. Abbett *Haley Abbett*
Acting City Clerk

Following each item of business is the page number of the item as it appears in the full agenda presented to council members. Should you have questions about a particular item, you may contact the Office of the City Clerk at (205) 248-5010 or by email to cityclerk@tuscaloosa.com. Please refer to the page number of the item in question so it can be more quickly accessed.

APPROVED AS TO FORM


Office of the City Attorney

Prepared By: CJE/rd

Requested by: OCA

Council Presentation: 05/07/2024

Suspension of Rules: No

RESOLUTION

RESOLUTION AUTHORIZING PAYMENT TO
LAMONTE HURT JR. IN SETTLEMENT OF CLAIM
(OCA-24-0615)

BE IT RESOLVED BY THE CITY COUNCIL OF TUSCALOOSA as follows:

That the Chief Financial Officer be, and she is hereby, authorized to draw a draft on the General Fund, and the Mayor and City Clerk are hereby authorized to execute the same, in the amount of \$1,800.00, payable to Lamonte Hurt Jr., when on or about March 12, 2024 an Environmental Services truck backed over his brick mailbox destroying it at 3217 2nd Avenue.

Special Handling Check Request – Please return check to the Office of the City Attorney for additional processing.

FUNDING REQUIRED: Yes No

10104081-3060

By: 
Chief Financial Officer

COUNCIL ACTION

Resolution _____

Ordinance _____

Introduced _____

Passed _____

2nd Reading _____

Unanimous _____

Failed _____

Tabled _____

Amended _____

Comments: _____

APPROVED AS TO FORM


Office of the City Attorney

Prepared By: CJE/rd

Requested by: OCA

Council Presentation: 05/07/2024

Suspension of Rules: No

RESOLUTION

RESOLUTION AUTHORIZING PAYMENT TO
ALISHA WALLER IN SETTLEMENT OF CLAIM
(OCA-24-0558)

BE IT RESOLVED BY THE CITY COUNCIL OF TUSCALOOSA as follows:

That the Chief Financial Officer be, and she is hereby, authorized to draw a draft on the General Fund, and the Mayor and City Clerk are hereby authorized to execute the same, in the amount of \$300.00, payable to Alisa Waller, when on or about April 1, 2024 Environmental Service crew workers damaged her fence located at 2911 21st Street.

Special Handling Check Request – Please return check to the Office of the City Attorney for additional processing.

FUNDING REQUIRED: Yes No

10104081-3060

By: 
Chief Financial Officer

COUNCIL ACTION

Resolution _____
Ordinance _____
Introduced _____
Passed _____
2nd Reading _____
Unanimous _____
Failed _____
Tabled _____
Amended _____
Comments: _____

RESOLUTION

RESOLUTION DECLARING PROPERTY
SURPLUS AND AUTHORIZING ITS DISPOSAL

WHEREAS, the Purchasing Agent has reported to the City Council that certain equipment from various departments is surplus and no longer needed for municipal purposes, and he has requested permission to dispose of the same in the manner stated.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF TUSCALOOSA, ALABAMA, as follows:

That the following item(s) from the listed department(s) be declared surplus and no longer needed for municipal purposes and the Purchasing Agent is authorized to dispose of the same in the manner stated.

AUCTION

POLICE	
ITEM(S)	CITY ID NO.
1996 Dodge Ram 3500 Flat Bed	2566

Requested: Accounting & Finance
Prepared: Accounting & Finance
Agenda: 05/07/2024



RESOLUTION

RESOLUTION AUTHORIZING THE MAYOR TO EXECUTE A DEVELOPMENT AGREEMENT WITH ENCORE TUSCALOOSA, LLC TO PROVIDE ECONOMIC DEVELOPMENT ASSISTANCE FOR THE DEVELOPMENT AND CONSTRUCTION OF A COMMERCIAL DEVELOPMENT ON THE FORMER MCFARLAND MALL SITE (OCA-23-0464)

WHEREAS, notice was hereby given under 94.01 of the Constitution of the State of Alabama of 1901(also known as the Amendment 772 to the Alabama Constitution of 1901), as amended, by publication in the Tuscaloosa News in its issue of April 26, 2024 that the City Council of Tuscaloosa would meet in the Council Chamber of City Hall, 2201 University Boulevard, Tuscaloosa, Alabama, at 6 o'clock, P.M., on Tuesday, May 7, 2024, to consider the adoption of a resolution to approve a development agreement between the City of Tuscaloosa, Alabama, and Encore Tuscaloosa, LLC, for economic development incentive payments from the City of Tuscaloosa to Encore Tuscaloosa, LLC;

NOW THEREFORE BE IT RESOLVED BY THE CITY COUNCIL OF TUSCALOOSA as follows:

That the Mayor is hereby authorized to execute on behalf of the City of Tuscaloosa the development agreement presently before the City Council with Encore Tuscaloosa, LLC containing the following general terms and conditions:

1. Developer agrees at its sole cost and expense to develop and construct a new commercial development on Lot 1 of the Tuscaloosa Encore Subdivision a map or plat of which is recorded in Plat Book 2023 Page 119 and located at 900 Skyland Boulevard East Tuscaloosa, Alabama.
2. The Discharge Date of the Agreement means the earlier of December 31, 2048 or the date the Total Incentive Amount has been paid to Developer if prior to December 31, 2048.
3. Except for infrastructure located on state and federal rights-of-way, the Developer shall be responsible, at its cost, for all infrastructure (the "Infrastructure") relating to the Project. Any infrastructure must be constructed to the applicable City standards and dedicated to the City. All utilities shall be placed underground.

4. The City's economic development assistance shall consist of a revenue sharing agreement to provide certain funding to the Developer in the form of (i) tax revenue sharing consisting of sales tax dollars generated by the Project; (ii) liquor tax dollars generated by the Project; (iii) lodging taxes generated by the Project; (iv) rental license generated by the Project; (v) rebate of the building permit fee less and excepting the portion of the fee that is levied and collected on behalf of the State of Alabama (vi) rebate of business license fees; and (vii) rebate of City non-educational ad valorem taxes, all to assist with the costs of development of the Project in order to induce Developer to develop and construct the Project; and,

5. Limit on City's Obligation:

a. The financial obligation of the City to Developer under this Agreement shall be the aggregate sum of sixty-five million one hundred thousand dollars (\$65,100,000.00) (the "Total Incentive Amount").

b. Under no circumstances shall the City's obligation under this Agreement exceed the Total Incentive Amount in payments based on total taxes collected (business licenses, building permit fees, less and excepting the portion of the fee that is levied and collected on behalf of the State of Alabama, sales taxes, liquor taxes, lodging taxes, rental license taxes, and non-educational ad valorem tax revenues).

c. No amounts owed by the City to the Developer hereunder shall accrue interest.

d. Developer acknowledges and agrees that certain of the payments hereunder are performance based, and, accordingly, the Total Incentive Amount may not be realized depending on the performance of the businesses located within the Project.

e. The City's obligations hereunder, including, without limitation, the City's obligations to pay the Developer any amounts of the Derived City Revenues are expressly contingent and conditioned upon there being no uncured Developer Event of Default.

f. The City's obligations hereunder, including, without limitation, the City's obligations to pay the Developer any amounts of the Derived City Revenues and any other incentives payments are expressly contingent and conditioned upon any maximum exemption period as codified under Section 94.01 as of the date hereof.

Funding Source of Assistance: The funding source of the City's economic development assistance to the Developer shall be from new tax dollars generated from the Project itself by Derived City Revenues collected from the operation and ownership of the Project by the Developer, or any other party, and rebating the business license and building permit fees less and excepting the portion of the fee that is levied and collected on behalf of the State of Alabama.

The City's Obligation to Make Payments: The City's obligation hereunder is not a general obligation of the City, and the City's full faith and credit is not pledged to any obligation hereunder. The payment of any particular amount by the City to the Developer is conditioned upon the City having first been paid the tax or fee amount upon which the particular payment is based. If the City is not paid the full amount of any such tax or fee, then the City shall not be obligated to make the payment based upon or related to that unpaid portion of the tax or fee. The City's limited obligation hereunder is also subject to any law-imposed requirement that, if necessary, there must first be paid from the collected tax dollars from the Project the necessary and legitimate governmental expenses of operating the City. Developer shall execute and forward to the City of Tuscaloosa Chief Financial Officer a W-9 form (Request for Tax Payer Identification Number and Certification) in order for the City to disburse the rebates of the business licenses, building permit fees, sales taxes, liquor taxes, lodging taxes, and rental license as well as ad valorem taxes collected and assessed from the operation and ownership of the Project by the Developer and its tenants, and transferees. The City will not forward any tax or fee rebates to the Developer until the executed W-9 form is received and approved by the Chief Financial Officer of the City.

The City hereby orders and directs the Finance Director of the City (and any successor to the duties and functions thereof) to pay the Derived City Revenues, when and as the same become due and payable hereunder, in lawful money of the United States of America and in immediately available funds from the sources herein provided, without deduction for exchange, fees or expenses, all as provided in this Agreement.

Payment Period and Cessation of Payments: The maximum term of such payments commences on the Effective Date hereof and ends on the Discharge Date.

Each time the City makes a payment to the Developer as provided herein, the amount of the payment shall be credited toward the Total Incentive Amount, which shall apply at all times and under any circumstances.

a. Should the aggregate Total Incentive Amount be reached prior to the Discharge Date, the City's economic development financial obligation assistance to the Developer pursuant to this Agreement shall cease with the final payment and the City shall be absolved of any further obligation to the Developer under this Agreement.

b. In the event that the aggregate Total Incentive Amount is not reached at the Discharge Date, the City's economic development financial obligation assistance to the Developer pursuant to this Agreement shall cease at the Discharge Date. All sums paid at the end of such period by the City and collected by the Developer shall constitute full and final payment by the City and the City shall be absolved of any further obligation to the Developer under Section 4 of the Agreement.

c. Satisfaction of the City's obligations hereunder shall occur upon the Discharge Date, as defined herein, at which time the obligations of the City pursuant to this Agreement shall be deemed discharged in full and all obligations of the City to remit revenues to the Developer shall cease.

Municipal Sales Tax, Liquor Tax, Lodging Tax and Rental License Rebate:

(a) The Developer will receive a 100% rebate of the Derived City Sales Tax, the Derived City Liquor Tax, the Derived City Lodging Tax, and the Derived Rental License generated by the development. The maximum term of the City's economic assistance shall not exceed the Discharge Date. The rebate of the Derived City Sales Taxes, the Derived City Liquor Tax, the Derived City Lodging Tax, and the Derived Rental License is included in the Total Incentive Amount.

(b) **Quarterly Sales Tax, Liquor Tax, Lodging and Rental License Rebate:** At the end of each calendar quarter (i.e., March 31, June 30, September 30, and December 31) after issuance of a certificate of occupancy for a given Eligible Parcel within the Project, the City's Chief Financial officer shall determine how much City Sales Tax, City Liquor Tax, City Lodging Tax and City Rental License was generated by the Project in the preceding calendar quarter (or portion thereof). No later than the sixtieth (60th) day following the end of each such calendar quarter, the City shall pay cash to the Developer equal to 100% of the amount of the Derived City Sales Tax, the Derived City Liquor Tax, the Derived Lodging Tax and the Derived Rental License due and paid to the City in the preceding calendar quarter, generated by Eligible Parcels within the Project.

Building Permit Fee Rebate: the economic development assistance shall also be rebate the building permit fee less and excepting the portion of the fee that is levied and collected on behalf of the State of Alabama. For any such fee paid by Developer or any tenant or transferee of Developer, Developer shall submit a request for a rebate, together with such supporting documentation reasonably requested by the City and the City shall rebate such payment for Eligible Parcels to Developer within forty-five (45) days thereafter. The rebate of the building permit fee is included in the Total Incentive Amount.

Business License Fees Rebate: The economic development assistance shall also rebate the business license fees. For any such fee paid by Developer, or any tenant or transferee of Developer, Developer shall submit a request for a rebate, together with such supporting documentation reasonably requested by the City and the City shall rebate such payment for Eligible Parcels to Developer within forty-five (45) days thereafter. The rebate of the business license fees is included in the Total Incentive Amount.

City Ad Valorem taxes: The economic development assistance shall also rebate the Derived City Non-Educational Ad Valorem taxes. The rebate of the Derived City non-educational ad valorem taxes is included in the Total Incentive Amount.

a. The Developer will receive a 100% rebate of the Derived City Ad Valorem Taxes on the Project. The maximum term of the City's economic assistance shall not exceed the earlier of the Discharge Date, or the statutory limit on real property tax abatements as codified under Section 94.01 as of the date hereof, if any.

b. Generally: Ad valorem taxes in the State of Alabama and Tuscaloosa County are paid in arrears. Taxes for the current year are due and payable on October 1st of each year and taxes for the coming year are likewise assessed on October 1st of each year. Taxes for the prior year are delinquent and subject to penalties on January 1st of each year.

c. Payment of Derived City Ad Valorem Taxes: Subsequent to October 1st of each year, the Developer, or any tenant or transferee of Developer, upon receiving a tax notice from the Tuscaloosa County Tax Assessor, and prior to December 31st of the same year, shall pay all ad valorem taxes due on the Project to the Tuscaloosa County Tax Collector including the assessed non-educational municipal ad valorem taxes. Developer or any tenant or transferee of Developer shall be solely responsible for the payment of all penalties imposed if the ad valorem taxes are delinquent and paid subsequent to December 31st. The City shall not reimburse the Developer for any delinquent tax penalties or any portion thereof if such ad valorem taxes are paid after December 31st.

d. Rebate Payment of Derived City Ad Valorem Taxes: Developer shall be responsible for forwarding proof of payment of the City ad valorem taxes to the City Revenue Department for reimbursement of the Derived City ad valorem taxes. Upon receiving proof of payment from the Developer of payment to the Tax Collector/State of Alabama of the City's portion of the non-educational ad valorem taxes levied against the Project, the City shall calculate the amount of the Derived City's ad valorem taxes received for that tax year and shall remit within Forty-Five (45) days by commercially reasonable means to the Developer the amount of the Derived City Ad Valorem Taxes for the previous tax year per Eligible Parcel.

e. Effective Tax Year of Rebate Payments: The rebate payment of the Derived City ad valorem taxes shall commence during the first tax year in which the subject Eligible Parcel is fully assessed to include the costs of the land and all constructed improvements and all other improvements located thereon and any ad valorem taxes are paid thereon.

f. Adjustments to Ad Valorem Tax Rebates:

The amount of the ad valorem tax rebate from year to year shall be paid in accordance with any re-appraisal of the subject parcel by the Tax Assessor which may either increase or decrease the value of the land and improvements on the parcel during the applicable period that such rebates are payable under this Agreement subject however to the provisions as set forth in Sections 4.7 (a) and (b).

Public Information and Waiver of Taxpayer Confidentiality: For each tax rebate payment made by the City to the Developer, the Developer does hereby for itself and its successors in interest, waive any confidentiality otherwise provided by law specifically limited to the amount of ad valorem assessed values, ad valorem tax owed, and/or ad valorem taxes paid, related to the Project.

Disputes as to the Amount Paid: The City shall calculate and remit rebate payments pursuant to Section 4.11. The Developer shall have thirty (30) days after receipt of payment to contest the calculation and payment amount. If the parties are not able to agree as to the correct rebate amount then the amount owed by the City to the Developer shall be determined as any disputed debt is determined. Any payments owed but not paid by the City to the Developer after the applicable due date shall be subject to interest in the same amount as the City charges for overdue ad valorem taxes; and any amounts overpaid by the City based on a claimed amount by the Developer shall be subject to the same interest rate when repaid to the City.

Prohibition of Challenge Appraisal Assessment or Protest of Ad Valorem Tax:

a. Subject to subsection 4.14(b), Developer shall not, during the term of the economic development assistance payment periods as set forth in Section 4 herein, file a challenge or protest to the Tuscaloosa County Board of Equalization and or the State of Alabama challenging or protesting either the appraised or assessed value of the ad valorem property taxes, educational and/or non-educational, of the parcel of land upon which the Project and improvements thereon are located as appraised and assessed by the Tuscaloosa County Tax Assessor and or the State of Alabama.

b. Provided however, if the appraisal/ assessment of a parcel within the Project and improvements thereon during the term of the economic development assistance payment periods as set forth in Section 4 herein exceeds 101% of the appraisal/assessment of the tax year immediately preceding the increased appraisal/ assessment by the Tuscaloosa County Tax Assessor or the State of Alabama, excluding the construction of any new buildings or improvements constituting the Project then the Developer or any tenant or transferee of Developer may file a challenge or protest with the Tuscaloosa County Board of Equalization and or the State of Alabama challenging or protesting either the appraised or assessed value of the ad valorem property taxes, educational and/or non-educational, of the parcel of land upon which the improvements thereon are located. However, in the event of a successful challenge or protest, under no event or circumstance shall the appraised/ assessed value of the parcel and improvements thereon be less than the ad valorem tax appraisal/ assessment of the previous tax year immediately preceding the challenge or protest.

6. **New Jobs Covenant:** The Developer shall use its commercially reasonable efforts to provide 850 plus new jobs (full and part time) to be generated by the Project.

7. **Local Labor and Material Purchase Initiatives:** With due diligence the Developer agrees and endeavors to give preference to retaining and employing at least 50% of the

construction participation, including subcontractors, vendors and suppliers are to be acquired locally for Project construction and local qualified labor shall include minority qualified contractors and subcontractors in its total workforce; provided Developer requires all contractors and subcontractors to be available, bondable and competent in their applicable trade. Developer agrees to coordinate with and participate in the Tuscaloosa's Business Opportunity Program to employ minority contractors. Developer will contact the office of Community and Neighborhood Services of the City of Tuscaloosa at 205 248-5725 to participate in the program. Participation in the Tuscaloosa's Business Opportunity Program is mandatory and is considered a default under Section 7 herein for failure to comply. Developer will also use its commercially reasonable efforts to purchase at least fifty per-cent (50%) of materials locally for construction of the Project within a twenty (20) mile radius of the Project. The foregoing local materials purchasing requirement may be satisfied either by purchasing materials manufactured, generated or otherwise sourced locally or by construction materials for the Project purchased from contractors, subcontractors, vendors or suppliers based within such 20 mile radius. It is understood between the parties that certain materials and finishes that are unique and specific to the Project may not be available locally and may need to be purchased from vendors within or outside the State of Alabama. Not less than one year after City's first abatement payment for each Eligible Parcel (or, if later, not more than thirty days after written notice therefor from the City) the Developer shall certify the percentage of minority qualified contractors and subcontractors utilized in its total workforce and the local materials purchased for the Project, which certification shall satisfy the requirement of this Section 3.6.

8. The expenditure of public funds as provided in the development agreement serves the valid and sufficient public purposes of promoting the economic and industrial development of the City of Tuscaloosa and Tuscaloosa County, revitalizing the City of Tuscaloosa, increasing the tax base notwithstanding any incidental benefit accruing to any private entity or entities.

FUNDING REQUIRED: Yes No

COUNCIL ACTION

Sharing of revenues generated by
the development.

By: Bucky Sahall
Chief Financial Officer

Resolution _____
Ordinance _____
Introduced _____
Passed _____
2nd Reading _____
Unanimous _____
Failed _____
Tabled _____
Amended _____
Comments: _____

APPROVED AS TO FORM

Office of the City Attorney

Prepared By: SEM/hdh
Requested: Projects Date: 04/30/2024
Council Presentation: 05/07/2024
Suspension of Rules: NO

RESOLUTION

RESOLUTION AUTHORIZING AMENDMENT NO. 1 TO THE ENGINEERING CONTRACT BETWEEN THE CITY OF TUSCALOOSA AND TTL, INC. FOR AFFLINK PLACE DRAINAGE REPAIR PROJECT (A22-0154)

WHEREAS, on March 7, 2022 the City entered into a contract for engineering and related Services with TTL, Inc. for the Afflink Place Drainage Repair Project; and

WHEREAS, ARTICLE 3, Scope of Services shall be amended to reflect additional services for the Construction Phase Services; and

WHEREAS, ARTICLE 14, Compensation shall be amended to reflect the amount of One Hundred Seventy-Nine Thousand Seven Hundred Fifty Dollars (\$179,750.00). This is an increase of \$19,050.00 from the original contract amount of \$160,700.00.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF TUSCALOOSA:

That the Mayor, be and he is hereby, authorized to execute, by and as an act for and on behalf of, the City of Tuscaloosa, the First Amendment to the contract with TTL, Inc. which reflects the amended scope of work to reflect additional services for the Construction Phase Servies and an amended total compensation increase to the amount of \$179,750.00 and the City Clerk be, and is, hereby authorized to attest the same.

FUNDING REQUIRED: Yes No

20309030-22003 _____

By: Betsy Sheff
Chief Financial Officer

COUNCIL ACTION

Resolution _____
Ordinance _____
Introduced _____
Passed _____
2nd Reading _____
Unanimous _____
Failed _____
Tabled _____
Amended _____
Comments: _____

APPROVED AS TO FORM


Office of the City Attorney

Prepared By: SEM/rmm
Requested: Projects Date: 04/30/2024
Council Presentation: 05/07/2024
Suspension of Rules: NO

RESOLUTION

RESOLUTION AUTHORIZING MINOR PUBLIC WORKS CONTRACT WITH
K&A BUILDERS, INC.
(OCA-24-0563)

BE IT RESOLVED BY THE CITY COUNCIL OF TUSCALOOSA AS FOLLOWS:

That the Mayor is authorized to execute a minor public works contract in the amount of \$22,456.00 with K&A Builders, Inc. for Parking Deck ADA Door as an act for, and on behalf of the City of Tuscaloosa, and the City Clerk is authorized to attest the same.

FUNDING REQUIRED: Yes No

10709042-16153

By: 
Chief Financial Officer

COUNCIL ACTION

Resolution _____
Ordinance _____
Introduced _____
Passed _____
2nd Reading _____
Unanimous _____
Failed _____
Tabled _____
Amended _____
Comments: _____

APPROVED AS TO FORM

Office of the City Attorney

Prepared By: SEM/hdh

Requested: Projects Date: 04/30/2024

Council Presentation: 05/07/2024

Suspension of Rules: No

RESOLUTION

RESOLUTION AUTHORIZING THE MAYOR TO EXECUTE AMENDMENT NO. 2 TO
WORK AUTHORIZATION (WA-G-03-23) TO ATKINS REALIS FOR
RUNWAY 4-22 EXTENSION ENVIRONMENTAL ASSESSMENT
(OCA-24-0139)

WHEREAS, the City of Tuscaloosa entered into an Agreement with Atkins Realis (Atkins) for professional services to prepare an environmental assessment related to the Runway 4-22 Extension at the Tuscaloosa National Airport; and,

WHEREAS, the scope of the Atkins assessment requires a modification to add additional Cultural Resources Assessment Survey (CRAS) efforts as required by the Alabama Historic Commission following review of findings from the project's originally scoped level of Cultural Resources Assessment;

WHEREAS, the City shall compensate Atkins an amount not to exceed Ninety-Nine Thousand, Seventy-Nine Dollars and Ninety-Eight Cents (\$99,079.98) for the additional Special Services task for the Cultural Resources Assessment Survey Phase 2.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF TUSCALOOSA AS FOLLOWS:

That the Mayor be and he is hereby, authorized to execute, by and as an act for and on behalf of, the City of Tuscaloosa, Amendment 2 to Atkins Work Authorization (WA-G-03-23), which reflects the amended scope of work to add additional Cultural Resources Assessment Survey (CRAS) efforts as required by the Alabama Historic Commission (Phase 2) and compensate Atkins an amount not to exceed \$99,079.98 for those services, and the City Clerk be, and is, hereby authorized to attest the same .

FUNDING REQUIRED: Yes No
10802020-24513

By: Bruce Schaefer
Chief Financial Officer

COUNCIL ACTION

Resolution _____
Ordinance _____
Introduced _____
Passed _____
2nd Reading _____
Unanimous _____
Failed _____
Tabled _____
Amended _____
Comments: _____

APPROVED AS TO FORM



Office of the City Attorney

Prepared By: SBH/tj
Requested: Finance Date: 04/30/2024
Council Presentation: 05/07/2024
Suspension of Rules: NO

RESOLUTION

RESOLUTION AUTHORIZING DISBURSEMENT FROM DISTRICT 1 IMPROVEMENT FUNDS FOR THE
TUSCALOOSA JUVENILE DETENTION CENTER
(OCA-24-0545)

BE IT RESOLVED BY THE CITY COUNCIL OF TUSCALOOSA AS FOLLOWS:

That the Councilmember for Tuscaloosa City Council District 1 has requested that the amount of \$500.00 be designated for the Tuscaloosa Juvenile Detention Center, from the District 1 Improvement Funds, by, and as an act for, and on behalf of the City of Tuscaloosa.

FUNDING REQUIRED: Yes No
10104050-99901

By: 
Chief Financial Officer

COUNCIL ACTION
Resolution _____
Ordinance _____
Introduced _____
Passed _____
2nd Reading _____
Unanimous _____
Failed _____
Tabled _____
Amended _____
Comments: _____

APPROVED AS TO FORM


Office of the City Attorney

Prepared By: SBH/tj
Requested: Finance Date: 4/30/24
Council Presentation: 5/7/24
Suspension of Rules: No

RESOLUTION

**RESOLUTION AUTHORIZING DISBURSEMENT FROM DISTRICT 4 IMPROVEMENT FUNDS FOR THE
PRESERVATION OF HISTORIC HOMES
(OCA-24-0584)**

BE IT RESOLVED BY THE CITY COUNCIL OF TUSCALOOSA AS FOLLOWS:

That the Councilmember for Tuscaloosa City Council District 4 has requested that the amount of \$5000.00 be designated for the preservation of Tuscaloosa historic homes, from the District 4 Improvement Fund, by, and as an act from, and on behalf of the City of Tuscaloosa.

FUNDING REQUIRED: Yes No
10104050-99904

By: 
Chief Financial Officer

COUNCIL ACTION
Resolution _____
Ordinance _____
Introduced _____
Passed _____
2nd Reading _____
Unanimous _____
Failed _____
Tabled _____
Amended _____
Comments: _____

APPROVED AS TO FORM


Office of the City Attorney

Prepared By: SBH/cmh
Requested: Ins. & Lit. Comm. Date: 4/30/2024
Council Presentation: 5/7/2024
Suspension of Rules: No

RESOLUTION

RESOLUTION AUTHORIZING PAYMENT OF FLOOD INSURANCE PREMIUM
FOR THE TUSCALOOSA RIVER MARKET
(OCA-24-0413)

NOW THEREFORE BE IT RESOLVED BY THE CITY COUNCIL OF TUSCALOOSA that the Chief Financial Officer is hereby authorized to issue payment from the appropriate account to Homesite Insurance Company for the flood insurance coverage concerning the Tuscaloosa River Market Facility and contents in the amount of \$9,653.00.

FUNDING REQUIRED: Yes No
10135010-3085

By: 
Chief Financial Officer

COUNCIL ACTION

Resolution _____
Ordinance _____
Introduced _____
Passed _____
2nd Reading _____
Unanimous _____
Failed _____
Tabled _____
Amended _____
Comments: _____

RESOLUTION

RESOLUTION AUTHORIZING PURCHASE OF EQUIPMENT/SUPPLIES/SERVICES

BE IT RESOLVED BY THE CITY COUNCIL OF TUSCALOOSA, ALABAMA, as follows:

That the Purchasing Agent be, and he is hereby, authorized to issue purchase order(s) to the following individuals, organizations and/or vendors in the amounts shown for the purchase and/or lease of the listed equipment, supplies, and/or services for the named municipal departments:

TUSCALOOSA POLICE DEPARTMENT

Equipment: 2024 Dodge Durango Pursuit

Cost: \$42,267.36

Vendor: Stivers

This item was not included in an itemized equipment budget. State of Alabama Contract T191L.

FUNDING REQUIRED: Yes No

22605010-4010 _____

By: Burky Schaff
Chief Financial Officer

COUNCIL ACTION

Resolution _____
Ordinance _____
Introduced _____
Passed _____
2nd Reading _____
Unanimous _____
Failed _____
Tabled _____
Amended _____
Comments: _____

Prepared: Purchasing
Requested: Purchasing
Agenda: 05/07/2024

RESOLUTION

RESOLUTION AUTHORIZING PURCHASE OF EQUIPMENT/SUPPLIES/SERVICES

BE IT RESOLVED BY THE CITY COUNCIL OF TUSCALOOSA, ALABAMA, as follows:

That the Purchasing Agent be, and he is hereby, authorized to issue purchase order(s) to the following individuals, organizations and/or vendors in the amounts shown for the purchase and/or lease of the listed equipment, supplies, and/or services for the named municipal departments:

TUSCALOOSA POLICE DEPARTMENT

Equipment: Drone
Cost: \$25,000
Vendor: Brinc Drones

This item was not included in an itemized equipment budget.

FUNDING REQUIRED: Yes No
70101000-22512

By: Buffy Shaff
Chief Financial Officer

COUNCIL ACTION

Resolution _____
Ordinance _____
Introduced _____
Passed _____
2nd Reading _____
Unanimous _____
Failed _____
Tabled _____
Amended _____
Comments: _____

Prepared: Purchasing
Requested: Purchasing
Agenda: 05/07/2024

RESOLUTION

RESOLUTION AUTHORIZING PURCHASE OF EQUIPMENT/SUPPLIES/SERVICES

WHEREAS, the City of Tuscaloosa anticipates the issuance of approximately \$2,599.98 and wishes to present these expenditures before Council.

NOW THEREFORE BE IT RESOLVED BY THE CITY COUNCIL OF TUSCALOOSA that, upon approval, the expenditures shall be as follows:

<u>Line Item Description</u>	<u>Account Type</u>	<u>GL Account</u>	<u>Amount</u>
FY 2022 Equipment - TPD	Expense	70101000-22512	2,599.98
Grand Total			\$2,599.98

FUNDING REQUIRED: Yes No

Various – Detailed Above

By: 
Chief Financial Officer

COUNCIL ACTION

Resolution _____
Ordinance _____
Introduced _____
Passed _____
2nd Reading _____
Unanimous _____
Failed _____
Tabled _____
Amended _____
Comments: _____

Prepared: Purchasing
Requested: Purchasing
Agenda: 05/07/2024

APPROVED AS TO FORM


Office of the City Attorney

Prepared By: CLH/cmh
Requested: OCA Date: 4/30/2024
Council Presentation: 5/7/2024
Suspension of Rules: No

RESOLUTION

A RESOLUTION AUTHORIZING THE CITY OF TUSCALOOSA TO JOIN THE STATE OF ALABAMA AND OTHER LOCAL GOVERNMENTS AS PARTICIPANTS IN CERTAIN OPIOID SETTLEMENTS (OCA-23-0113)

WHEREAS, the opioid epidemic continues to impact communities in the United States, the State of Alabama, and the City of Tuscaloosa, Alabama;

WHEREAS, the City of Tuscaloosa has suffered harm and will continue to suffer harm as a result of the opioid epidemic;

WHEREAS, the State of Alabama and some Alabama local governments have filed lawsuits against opioid manufacturers, distributors, and retailers (“Opioid Litigation”);

WHEREAS, the State of Alabama has entered into settlement agreements with Cardinal Health, Inc., and Cencora, Inc., and their related entities, which include the claims for the State of Alabama’s local governments, and the City of Tuscaloosa finds the terms of the settlement agreements acceptable and in the best interest of the community;

WHEREAS, the State of Alabama has proposed Settlement Sign-On Agreements to the local governments and the City of Tuscaloosa finds the terms of the Sign-On Agreements acceptable and in the best interest of the community;

WHEREAS, the Settlement Agreements and Sign-On Agreements detail the allocation of settlement funds, which the City of Tuscaloosa finds acceptable and in the best interest of the community;

NOW, THEREFORE, BE IT RESOLVED BY THE TUSCALOOSA CITY COUNCIL,

Section 1. That the City of Tuscaloosa finds that participation in the Settlement Agreements and Sign-On Agreements are in the best interest of the City of Tuscaloosa and its citizens because such a plan would ensure an effective structure for the commitment of settlement funds to abate and seek to resolve the opioid epidemic.

Section 2. That the City of Tuscaloosa hereby expresses its support for the Settlements and allocation and use of settlement funds as generally described in the Settlement Agreements and Sign-On Agreements.

Section 3. That the City Attorney is hereby expressly authorized to execute Settlement Sign-On Agreements and any formal agreements necessary to implement the Settlements and plan for the allocation and use of Settlement Funds.

Section 4. That the City Attorney is hereby expressly authorized to execute any formal agreements and related documents evidencing the City of Tuscaloosa's agreement to the settlement of claims and litigation specifically related to Cardinal Health, Inc. and Cencora, Inc., and their related entities.

Section 5. That the City Attorney is authorized to take such other action as necessary and appropriate to effectuate the City of Tuscaloosa's participation in the Settlements.

Section 6. This Resolution is effective upon adoption, the welfare of the City of Tuscaloosa, Alabama requiring it.

FUNDING REQUIRED: Yes No

By: _____

Chief Financial Officer

COUNCIL ACTION

Resolution _____
Ordinance _____
Introduced _____
Passed _____
2nd Reading _____
Unanimous _____
Failed _____
Tabled _____
Amended _____
Comments: _____

APPROVED AS TO FORM



Office of the City Attorney

Prepared By: JPW III/rd

Requested: Planning Com/UD Date: 04/15/2024

Council Presentation on: 05/07/2024

Suspension of Rules: No

ORDINANCE NO. _____

AN ORDINANCE AMENDING THE ZONING ORDINANCE OF TUSCALOOSA
AMENDMENT NO. 1525

(Approx. 15.91 acres located at 3200 Fosters Ferry Road—RHZ Development, LLC)
(R-2 to ML)
(OCA-24-0596/Z-04-24)

BE IT ORDAINED BY THE CITY COUNCIL OF TUSCALOOSA, as follows:

That the Zoning Map of Tuscaloosa, adopted as a part of the Zoning Ordinance of Tuscaloosa be, and the same is hereby, amended and the following zoning classification is changed and established as follows:

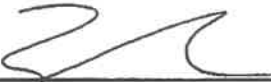
A part of the Northeast ¼ of Section 32, Township 21 South, Range 10 West, in Tuscaloosa County, Alabama, said parcel being more particularly described as follows:

As a POINT OF BEGINNING, start at a 1/2" iron pipe found marking the Northeast corner of Lot 1 Springer Conservation Subdivision as recorded in the Probate Office of Tuscaloosa County, Alabama in Plat Book 2010 at Page 10; thence run in a Southerly direction along the East boundary of said Lot 1 for a distance of 1,108.08' to a capped rebar set on the Northern right-of-way of Fosters Ferry Road, said road having a 90' right-of-way; thence with an interior angle of 52°53'30" to the right, run in a Northeasterly direction along said Northern right-of-way for a distance of 394.02' to a concrete monument (STA 33+83.50 PC) found at the point of curvature of said Northern right-of-way, said curve being concave South, having a radius of 5,774.27', and a delta of 1°22'21"; thence with an interior angle of 179°20'10" to the chord, continue in a Northeasterly direction along said curving Northern right-of-way for an arc distance of 138.33' (chord distance = 138.33') to a concrete monument (STA 35+22.36 PT) found at the point of tangency of the aforementioned curve; thence with an interior angle of 179°16'43" to the right from the chord, continue in a Northeasterly direction along said Northern right-of-way for a distance of 330.09' to a concrete monument (STA 38+52.99) found at the point of curvature of said Northern

right-of-way, said curve being concave South, having a radius of 999.93', and a delta of 22°00'17"; thence with an interior angle of 184°30'30" to the chord, continue in a Northeasterly direction along said curving Northern right-of-way for an arc distance of 158.60' (chord distance = 158.43') to a capped rebar set on said Northern right-of-way; thence with an interior angle of 127°48'09" to the right from the chord, departing from said Northern right-of-way of Fosters Ferry Road, run in a Northerly direction for a distance of 508.22' to a capped rebar (Montgomery-Hinkle) found; thence with an interior angle of 90°00'00" to the right, run in a Westerly direction for a distance of 849.01' to the POINT OF BEGINNING, at which point the interior angle of closure is 86°10'57", said parcel containing 15.91 acres, more or less.

The above referenced property is presently zoned Residential District (R-2) to be zoned Light Industrial District (ML).

DESCRIPTION APPROVED BY:



OFFICE OF URBAN DEVELOPMENT

FUNDING REQUIRED: Yes No

By: _____
 Chief Financial Officer

COUNCIL ACTION

Resolution _____
 Ordinance _____
 Introduced _____
 Passed _____
 2nd Reading _____
 Unanimous _____
 Failed _____
 Tabled _____
 Amended _____
 Comments: _____

APPROVED AS TO FORM


Office of the City Attorney

Prepared By: J. Woodson III
Requested: Council/UD
Presentation on: 05/07/2024
Suspension of Rules: No

ORDINANCE NO _____

AN ORDINANCE APPROVING THE DEVELOPMENT PLAN FOR
THE DRUID, 219 GREENSBORO AVENUE, PURSUANT TO
THE RIVERFRONT DISTRICT REGULATIONS
(RD-01-24 / OCA-24-0318)

WHEREAS, on December 18, 2023, 219 Greensboro Avenue, LLC made an application to the Zoning Officer for approval of a development, within the area of the City of Tuscaloosa zoned Riverfront Development District, for The Druid, 219 Greensboro Avenue.

WHEREAS, on January 11, 2024, the zoning officer submitted his report to the Tuscaloosa Planning and Zoning Commission. Said report stated that the Application was not reviewed with comments by the Riverfront Advisory Commission due to a lack of a quorum at the scheduled meeting on December 4, 2023 and the application was then submitted the Planning Commission pursuant to Section 24-242(C) containing the Zoning Officer's recommendation of the Development; and,

WHEREAS, on January 17, 2024, a public hearing was held by the Tuscaloosa Planning and Zoning Commission to consider the application, as presented by the Developer Riverhill, LLC. The Commission recommended the development for approval by the Council. The Commission reported on the nature and content of its findings and of the development, stating the degree to which the development conforms or fails to conform to the standards set forth in Chapter 24, Article XVIII, and forwarded its report to the City Council; and,

WHEREAS, thereafter the Zoning Officer caused to be made notice of a public hearing, not less than seven (7) days prior to said hearing, to be conducted by the City Council of the City of Tuscaloosa in accordance with the requirements of said Regulations on the 30th day of April, 2024. At which time and place the Zoning Officer did publicly present the report and recommendations of the Planning and Zoning Commission to the City Council, and also did comment upon the Development Plan and answered any questions and comments the Council may have had in regard to the same.

The Developer and/or his representative did then appear on behalf of the application and made a presentation to the Council demonstrating how and in what manner the development conforms to all of the substantive standards for the Riverfront. All other interested parties and persons were then given a reasonable opportunity to be heard on the matter. At the conclusion of said hearing, the City Council did adopt a resolution directing the

City Attorney to prepare an ordinance of a general and permanent nature for the next regular Council meeting approving the development plan subject to certain terms and conditions relating to post-approval compliance and requirements.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF TUSCALOOSA; as follows:

1. Substantial Compliance with all specifications outlined in the Application as supplemented by the Development Plan submitted to the Zoning Officer, building in compliance with renderings, elevations, site plan, and Design Development Plans submitted to the Planning Commission and Council and compliance with all applicable requirements, terms and conditions of the Riverfront Development District Regulations, Chapter 24, Article XVIII of the Code of Tuscaloosa.
2. The condominium development consists of the conversion of the 42 unit Riverhill Apartments to twenty, one bedroom condos. There will be commercial space on the lower floor facing Jack Warner Parkway.

FUNDING REQUIRED: Yes No

By: _____
Chief Financial Officer

COUNCIL ACTION

Resolution _____
Ordinance _____
Introduced _____
Passed _____
2nd Reading _____
Unanimous _____
Failed _____
Tabled _____
Amended _____
Comments: _____


ORDINANCE NO. _____

AN ORDINANCE APPOINTING WAYNE YARBROUGH
TO THE HISTORIC PRESERVATION COMMISSION

BE IT ORDAINED BY THE CITY COUNCIL OF TUSCALOOSA, ALABAMA, as follows:

THAT Wayne Yarbrough be, and he is hereby appointed as a member on the Historic Preservation Commission to fill the unexpired term of Francine Wasden, said term of Wayne Yarbrough to expire on May 31, 2025. (Reference: Act No. 2004-267 and Chapter 68 of Title 11 of the *Code of Alabama, 1975*; Ordinance No. 6590).

Requested: City Council
Prepared: Acting City Clerk
Agenda: 5/7/2024

APPROVED AS TO FORM

Office of the City Attorney

Prepared By: JPW III/rd
Requested: Planning Com/UD Date: 04/15/2024
Council Presentation on: 05/07/2024
Suspension of Rules: No

RESOLUTION

RESOLUTION FIXING DAY FOR PUBLIC HEARING TO CONSIDER ADOPTION OF
AMENDMENT TO THE ZONING ORDINANCE OF TUSCALOOSA
AMENDMENT NO. 1525

(Approx. 15.91 acres located at 3200 Fosters Ferry Road—
RHZ Development, LLC)
(R-2 to ML)
(OCA-24-0596/Z-04-24)

WHEREAS, a certain amendment to the Zoning Ordinance of Tuscaloosa, being an amendment to the Zoning Map and a change in zoning classification, has been prepared in ordinance form, and this day introduced before the City Council; and,

WHEREAS, it is desired to hold a public hearing to consider the adoption of said amendment.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF TUSCALOOSA, as follows:

1. That a public hearing to consider the adoption of said proposed amendment to the Zoning Ordinance of the City of Tuscaloosa be held in the Council Chamber of the City Hall, at 6 o'clock, p.m., on Tuesday, June 4, 2024 and at such time and place all persons who desire shall have an opportunity of being heard in opposition to, or in favor of, the adoption of said amendment.

2. That prior to adoption, the City Clerk shall cause to be published the proposed ordinance, further amending the Zoning Ordinance of the City of Tuscaloosa, Alabama, which was this day introduced before the City Council of Tuscaloosa, being Zoning Amendment No.1525 in full for one insertion and an additional insertion of a synopsis of the proposed ordinance, one week after the first insertion, which synopsis shall refer to the date and name of the newspaper in which the proposed ordinance was first published together with a notice stating the time and place where the public hearing will be held. Both such insertions shall be at least 15 days in advance of its passage and in a newspaper of general circulation published within the municipality, or if no such newspaper then in four conspicuous places within the municipality, together with a notice stating the time and place that the ordinance is to be considered by the city council and stating further that at such time and place all persons who desire shall have an opportunity of being heard in opposition to or in favor of such ordinance.

RESOLUTION

RESOLUTION AUTHORIZING PAYMENT OF BILLS

BE IT RESOLVED BY THE CITY COUNCIL OF TUSCALOOSA, ALABAMA, as follows:

That the Chief Financial Officer be, and he is hereby, authorized to draw vouchers on municipal funds in the amounts shown, payable to the identified individuals/organizations for the purposes stated, and the Mayor and City Clerk are authorized to sign said vouchers:

Blue Cross Blue Shield of Alabama March 2024 <i>Self-funded Invoice</i>	\$270,450.86
Blue Cross Blue Shield of Alabama <i>Access2Day Health April 2024</i>	\$50,409.16

TOTAL: \$320,860.02

Prepared: Assistant City Clerk

Requested: Accounting & Finance

Agenda: 5-7-2024

Copies of bill documentation are on file in the Office of the
City Clerk and are available for review upon request.