

**MINUTES OF A SCHEDULED MEETING OF THE EUFAULA CITY COUNCIL HELD ON
MONDAY, APRIL 4, 2022**

The Eufaula City Council met in a scheduled session on Monday, April 4, 2022, at 5:15 p.m. in the Police Department Courtroom at 545 East Barbour Street. Council President Register called the meeting to order, and Dr. Richard Harvey offered the invocation. Council President Register led the Council and audience in the Pledge of Allegiance.

Upon call of the roll the following members were present: Council President Wes Register, President Pro Tem Otis Hill, Marvin Brown, Ben Garrison, and John Robinson.

Also present: Mayor Jack B. Tibbs, Jr., Joy White, City Clerk/Treasurer, and Joel Smith, City Attorney.

HONORS AND RECOGNITION

APPROVAL OF AGENDA

Mr. Robinson offered a motion to approve the order of the agenda for the meeting of April 4, 2022. President Pro Tem Hill seconded the motion. Council President Register then announced that the agenda was approved and adopted.

CONSENT AGENDA

Council President Register reviewed the items on the Consent Agenda for council approval.

- (a) Motion and second to dispense with and approve the regular session minutes of March 21, 2022.
- (b) Motion and second to dispense with and approve the Claims Docket dated March 30, 2022 in the amount of \$15,281.88.

Mr. Garrison offered a motion to approve the Consent Agenda. Mr. Robinson seconded the motion. After a voice vote, Council President Register announced the Consent Agenda was adopted.

MAYOR'S REPORT

Mayor Tibbs announced that the Alabama Department of Transportation (ALDOT) will replace the Chewalla Bridge and the bridge on the walking trail. Building/repair will take approximately 18-24 months. Mayor Tibbs requested that the Council take into consideration Resolution 42-2022 (Authorize appropriation to downtown Redevelopment Authority – April -2022) to add additional parking for the new hotel, theater, surrounding businesses, and shops. In connection to the additional parking, Tesla is also considering a Eufaula location for electric car charging stations.

Mayor Tibbs stated that a grant application can now be submitted to the Department of Labor to receive funding for the Eufaula Youth Build program. The program is a successful, three-year training program that benefits its students by securing a high school diploma and teaching life skills and a vocation/trade for success in a career after graduation.

Mayor Tibbs noted that the fishing tournament along with the Pilgrimage over the past weekend was a success, and that additional tournaments will be held in the coming weeks and throughout this year, and should contribute to a considerable boost in the local economy. Accountant Gloria Helms added that the pricing policy for the electric car charging station(s) will soon be put in place at .16¢ per kilowatt hour.

VISITORS

ORDINANCES AND RESOLUTIONS

Council President Register introduced and explained that Resolution 41-2022 (Price Change of 2023 Freightliner M2-106 Chassis with Ramer 3500 Shuttle Loader and Trailer) is a price increase for this listed equipment since the initial approval of Resolution 22-2022 (Proceed with purchase of 2023 Freightliner M2-106 Chassis with Ramer 3500 Shuttle Loader) on February 7, 2022. President Pro Tem Hill offered a motion to adopt Resolution 41-2022 (Price Change of 2023 Freightliner M2-106 Chassis with Ramer 3500 Shuttle Loader and Trailer). Mr. Brown seconded the motion. Council President Register then announced that Resolution 41-2022 had been adopted.

RESOLUTION 41-2022

WHEREAS, on February 7, 2022, the City Council approved the purchase of a 2023 Freightliner M2-106 Chassis with Ramer 3500 Shuttle Loader and Trailer which was available on the Sourcewell Contract (Formerly Known as NJPA); and

WHEREAS, the Unit Cost approved was \$ 185,709.00 with National Auto Fleet Group; and

WHEREAS, the Public Works Director received notification the price has increased to \$ 214,563.00, an additional cost of \$28,854.00.

NOW, THEREFORE BE IT RESOLVED by the City Council of the City of Eufaula, Alabama, that approval is given to proceed with the purchase with bond funds in the amount of \$ 214,563.00.

DONE THIS 4th of April, 2022.

CITY OF EUFAULA, ALABAMA
A MUNICIPAL CORPORATION

Wes Register, President

ATTEST:

Joy White, City Clerk/Treasurer

Council President Register introduced Resolution 42-2022 (Authorize appropriation to Downtown Redevelopment Authority – April 2022). President Pro Tem Hill asked for clarification about the sensitivity of purchase as it relates to a potential revocation of transaction by the City of Eufaula. Mr. Garrison responded that a Letter of Intent and a Promissory have been established for the transaction. Mayor Tibbs and Mr. Garrison stated that this is a very good opportunity for the City of Eufaula and will be a significant long-term benefit to the city. Mr. Garrison then offered a motion to adopt Resolution 42-2022 (Authorize appropriation to Downtown Redevelopment Authority – April 2022). Mr. Robinson seconded the motion. Council President Register then announced that Resolution 42-2022 had been adopted.

PUBLIC HEARING

Council President Register introduced Ordinance 2022-4 (Second Reading – Amended Solid Waste Ordinance). City Attorney Joel Smith gave Ordinance 2022-4 (Second Reading – Amended Solid Waste Ordinance). Council President Register opened the floor for any comments, questions, or concerns. There were no comments, questions, or concerns from the floor. President Pro Tem Hill offered a motion to adopt Ordinance 2022-4 (Second Reading – Amended Solid Waste Ordinance). Mr. Garrison seconded the motion. A roll call vote was taken and recorded as follows: Yeas: Mr. Robinson, Mr. Garrison, Mr. Brown, President Pro Tem Hill, and President Register. Nays: None. Council President Register announced that Ordinance 2022-4 was adopted.

AMENDED ORDINANCE

2022-4

AN ORDINANCE AMENDING THE SOLID WASTE ORDINANCE TO ESTABLISH AND PROVIDE FOR AUTOMATED CURBSIDE GARBAGE COLLECTION FOR RESIDENTIAL AND LIGHT COMMERCIAL ESTABLISHMENTS

WHEREAS, the City currently collects household and light commercial garbage from containers provided by residents and certain businesses by entering onto the premises of such residents and businesses and manually dumping garbage into the City's collection vehicles;

WHEREAS, automated curbside garbage collection is more efficient than the present method of collection; and

WHEREAS, it is in the best interest of the public's health and welfare for the City to establish and provide for automated curbside garbage collection for residential and light commercial establishments.

THEREFORE, BE IT ORDAINED BY THE CITY OF EUFAULA THAT THE FOLLOWING AMENDMENTS TO CHAPTER 78 OF THE CODE OF ORDINANCES OF THE CITY OF EUFAULA, ALABAMA, ARE HEREBY ENACTED.

ARTICLE I. - IN GENERAL

Sec. 78-1. - Definitions.

The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Bulky waste means large items such as furniture, large auto parts, trees (in sections and being less than five feet in length and less than four inches in diameter), branches, stumps and other oversize wastes whose large size precludes or complicates their handling by normal solid waste collection, processing, or disposal methods, which includes the term "yard waste."

City shall mean the City of Eufaula, Alabama.

Code Enforcement Officer means the code enforcement /solid waste compliance specialist employed by the City or such other person or position designated by ordinance or resolution of the City Council to enforce the provisions of this Chapter.

Construction and demolition waste means waste resulting solely from construction, remodeling, repair, or demolition operations on buildings, or other structures, but not inert debris, land-clearing debris, yard debris, or used asphalt, asphalt mixed with dirt, sand, rock, concrete, or other similar nonhazardous material.

Containers shall mean and include the roll-out garbage containers authorized and provided by the City to each Customer..

Customer means any residential unit or light commercial entity located within the city limits which generates solid waste for collection by the City.

Garbage means dead animals of less than ten pounds in weight that have been slaughtered for human consumption; every accumulated waste (animal, vegetable and/or other matter) that results from the preparation, processing, consumption, dealing in, handling, packing, canning, storage, transportation, decay or decomposition of meats, fish, fowl, birds, fruits, grains or other animal or vegetable matter including, but not limited to, other food containers; and all putrescible or easily decomposable waste; animal or vegetable matter which is likely to attract flies or rodents, but excluding sewage and human waste.

Hazardous waste means any chemical, compound, mixture, substance or article which is designated by the United States Environmental Protection Agency or appropriate agency of the federal or state government to be hazardous, toxic, radioactive, volatile, corrosive, flammable, explosive, biomedical, infectious and/or bio-hazardous as those terms are defined by or pursuant to federal or state law or regulations.

Industrial waste means solid waste generated by industrial process and manufacturing.

Light commercial entity means a business entity within the city limits that generates a volume of municipal solid waste that can be adequately accommodated by one container.

Litter means any quantity of uncontainerized paper, metal, plastic, glass or miscellaneous solid waste or other objects which may be classed as trash, debris, rubbish, refuse, garbage or junk.

Medical waste means any solid waste which is generated in diagnosis, treatment, or immunization, of human beings or animals, in research pertaining thereto, or in the production or testing of biologicals, but does not include any hazardous waste or those substances excluded from the definition of solid waste.

Mobile home park means a parcel of land containing two or more mobile homes or trailers and operated as a single operation under the same ownership and management.

Municipal solid waste means solid waste resulting from the operation of residential, commercial, industrial, governmental or institutional establishments that would normally be collected, processed and disposed of through a public or private solid waste management service. Municipal solid waste never includes hazardous waste, special waste, medical waste or solid waste from mining or agricultural operations.

Private property includes but is not limited to the following exterior locations owned by private individuals, firms, corporations, institutions or organizations: yards, grounds, driveways, entranceways, passageways, parking areas, working areas, storage areas, vacant lots, recreation facilities and bodies of water, including ponds, pools, streams and lakes.

Public property includes but is not limited to the following exterior locations: streets, street medians, road medians, catch basins, sidewalks, strips between streets and sidewalks, lanes, alleys, public rights-of-way, public parking lots, school grounds, municipal housing project grounds, municipal vacant lots, parks, beaches, playgrounds, other publicly owned recreation facilities and publicly owned lakes, rivers, creeks, streams and other bodies of water.

Refuse means all nonputrescible waste.

Residential unit means a residence, dwelling, home, cottage, apartment, trailer, mobile home, manufactured home, duplex, or any other structure inhabited by one or more persons within the city, occupied for at least a portion of the relevant month by a person or group of persons. Each unit of an apartment or condominium dwelling consisting of four or less living units, whether of single-level or multilevel construction, shall be treated as a residential unit. A residential unit shall be deemed occupied when both water and power services are being supplied thereto. The fact that any residential unit is occupied shall be prima facie evidence that solid waste is being produced and accumulated upon the premises thereof.

Rubbish or trash means all waste wood, wood products (but not yard waste), chips, shavings, sawdust, pasteboard, rags, straw, used and discarded clothing, used and discarded shoes and boots, combustible waste pulp and other products such as are

used for packaging, or wrapping crockery and glass, ashes, cinders, glass, and mineral or metallic substances.

Solid waste.

- (1) The term "solid waste" means all solid and semi-solid garbage, refuse, and rubbish/trash.
- (2) But the term never means:
 - a. Hazardous waste or special waste;
 - b. The other items excluded under the exclusions paragraph of any contract under article II of this chapter;
 - c. Solid or dissolved materials in domestic sewage;
 - d. Solid or dissolved materials in irrigation return flows;
 - e. Industrial discharges which are point sources subject to permits under section 402 of the Federal Water Pollution Control Act as amended (33 USCA. § 1342); or
 - f. Source, special nuclear, or by-product materials as defined by the Atomic Energy Act of 1954 as amended (42 USCA 2011 et seq.).

Special waste means solid waste that can require special handling and management, including whole tires, used motor oil, and lead-acid batteries; also, all treated/de-characterized (formerly hazardous) wastes, polychlorinated biphenyl ("PCB") wastes, industrial process wastes, asbestos containing material, chemical containing equipment, demolition debris, incinerator ash, medical wastes, off-spec chemicals, sludges, spill-cleanup wastes, underground storage tank (UST) soils, and wastes from service industries.

White goods means refrigerators, stoves and ranges, water heaters, freezers, swing sets, bicycles (without tires), scrap metal, copper, used and discarded mattresses, televisions, electronics, furniture and other similar domestic and commercial large appliances.

Yard waste means any and all vegetative matter resulting from private landscaping or regular yard maintenance. The term "yard waste" shall not include limbs which are greater than five feet in length or four inches in diameter. The term "yard waste" shall also not include debris from commercial/professional landscaping or excessive debris caused by storms or other inclement weather.

Sec. 78-2. - Enforcement.

In the following departments, designated personnel are authorized to enforce sections of this chapter as stated:

- (1) *Police department.* Regular officers are empowered to enforce any regulation of which violation may be observed in the normal course of patrol duty.
- (2) *Building department.* In pursuance of their normal work, inspectors in the building department are authorized to enforce the following sections:

- a. Section 78-39, litter control at construction or demolition projects and appropriate collection or disposal.
 - b. Section 78-70, approval of solid waste disposal and storage facilities at new buildings.
- (3) *Fire department.* In pursuance of their normal work, inspectors in the fire department are authorized to enforce the following sections:
- a. Sections 78-67(a) and (b) and 78-68, wherever violations of solid waste containerization regulations constitute existing or potential fire hazards.
 - b.
 - c. Sections 78-40 and 78-42 through 78-44, wherever violations of clean property sections constitute existing or potential fire hazards.
- (4) *Parks and recreation director.* Along with his regular duties, the parks and recreation director is authorized to enforce the following sections at parks, beaches and other recreation facilities over which the director has jurisdiction:
- a. Section 78-32(a), littering by pedestrians.
 - b. Section 78-34, littering with handbills, leaflets, etc.

Sec. 78-3. Rules and Regulations.

The Director of Public Works may promulgate necessary or desirable policies, rules and regulations not inconsistent with the provisions of this Chapter in order to aid in its implementation and administration and to ensure compliance and enforcement.

Article III. - SOLID WASTE COLLECTION AND DISPOSAL

Sec. 78-68. Automated Residential and Light Commercial Solid Waste Collection

- (a) *The City will provide one roll-out container to each customer at no cost to the customer. A customer may obtain an additional container from the City for a fee of \$75.00. The City will service no more than two containers per customer.*
- (b) *The container(s) provided by, or purchased from, the City will be the only containers authorized for use. The City will not collect any loose garbage or garbage in any can or other receptacle not issued by the City for use by the customer.*
- (c) *Customers shall bag all solid waste items and loose garbage and place the bags in the containers. All animal waste and animal parts and carcasses must be double bagged. Total weight of the container and contents shall not exceed 250 pounds.*
- (d) *Any garbage placed outside of the container will not be collected.*

- (e) *All items of solid waste too large to fit into containers, such as bulky waste, white goods, appliances, furniture and mattresses shall be disposed of only by notifying the streets and sanitation department for pickup. Any such pickup shall be subject to an extra charge to be determined by the director of public works.*
- (f) *Containers will not be collected on regular collection day due to (1) not being out at times of collection; (2) improper location; (3) not facing the street properly; (4) overloaded; (5) unacceptable contents; (6) contents lodged or frozen in container; or (7) for reasons otherwise determined by the director of public works. Notice will be given to the customer of the reason refuse was not collected and specifying which requirements of this Article were not met.*
- (g) *It is the customer's responsibility to remove and dispose of any unacceptable refuse in an approved manner.*
- (h) *Collection shall be made from curbside at the exact location as determined by the public works director. Containers must be located no more than three (3) feet from the edge of pavement or gutter unless specified otherwise by the public works director. Containers shall not be placed in the street or gutter. Containers must be three (3) feet from stationary objects such as mailboxes and utility poles and shall not be located under overhead obstacles such as power lines and canopies. Containers not placed in a manner as directed by the public works director, such as location, direction of container opening, etc. shall not be collected.*
- (i) *Customers shall store the container(s) out of view of front and side streets either in an enclosed garage or behind or beside the residence or business. Customers are required to roll their container(s) to the location designated by the public works director by 2:00 AM on their scheduled collection day, but no earlier than 5:00 PM on the day before their scheduled collection day. Customers are required to return their container(s) to the storage location by 6:00 AM on the day after their scheduled collection day.*
- (j) *Lids of containers shall be kept closed and watertight at all times other than when refuse is being deposited therein or removed therefrom.*
- (k) *Each customer shall be responsible for cleaning their container(s). The public works department shall have no responsibility for cleaning containers.*

(l) *The public works department shall be responsible for repair or replacement of containers damaged or stolen through no fault of the customer. If any container is lost, stolen, or damaged by the customer, the customer shall reimburse the City its costs for a replacement container.*

(m) *All containers shall remain the property of the City and shall remain at the residence when residential customer moves or at the light commercial establishment if the establishment closes or moves. Any container removed from a residential unit or light commercial entity will be considered stolen and the theft may be prosecuted through applicable courts of law.*

Sec. 78-69 Non-Compliance

In the event a customer violates any provision of Sec. 78-68, the public works director or the code enforcement officer may issue a warning explaining the violation. In the event the customer again violates any provision of Sec. 78-68 after a warning is given, the public works director or the code enforcement officer may give a second warning to the customer explaining the violation. In the event of a third violation of Sec. 78-68 after two prior warnings, the public works director or the code enforcement officer may cause a non-compliance fee of \$25 to be added to the customer's monthly bill. In the event of a fourth violation of Sec. 78-68 after two prior warnings and the assessment of a \$25 non-compliance fee, the public works director or the code enforcement officer may cause a non-compliance fee of \$50 to be added to the customer's monthly bill for said violation and each subsequent violation,

Sec. 78-73. Yard Waste collection.

- (a) *All yard waste, except limbs and hedge cuttings more than five feet in length and four inches in diameter, placed for collection, shall be in 32 gallon or larger bags (tied at the top) and shall be placed behind the curb. It shall be unlawful to sweep, blow, or pile yard trash, limbs, or leaves in the streets, gutter, or median.*
- (b) *During the period of October 1 through April 15 of each year, tree or shrubbery leaves are exempt from the requirement to be placed in bags. . Tree or shrubbery leaves placed behind the curb in orderly piles or rows will be picked up. Trash service shall be rendered on scheduled days, Monday through Friday.*
- (c) *Brush, tree trunks and large limbs over five feet in length and four inches in diameter may be picked up on scheduled days, Monday through Friday. The minimum charge for this service shall be \$10.00, with a charge of \$150.00 if the load fills the entire trash wagon, together with appropriate tipping fees. The public works department will estimate the weight of loads that do not fill the entire trash wagon and prorated tipping fees for tonnage will be calculated and added to the charges applied to resident without further notice. When the load fills the entire*

trash wagon, the entire cost of the tipping fee will be assessed to the resident. Stoves, refrigerators, freezers, sofas, mattresses, hot water heaters, and other appliances or household furnishings will be picked up at a charge of \$10.00 per item.

- (d) Residents will be requested to keep separate limbs, leaves and grass from all other trash pickup items. Failure to do so could result in the street and sanitation department from serving a residence or business until such items comply with this section.
- (e) The street and sanitation department will not be responsible for picking up building materials left by private contractors and homeowners, or limbs and tree trunks left by commercial or nonprofit tree cutters.

Sec. 78-74. - Fees.

- a) *Effective June 1, 2022, the following charges shall be paid to the city by every customer:*
 - (1) *For each residential unit or light commercial entity, the charge shall be \$19.00 per month for one container and \$10 per month for any additional container utilized.. .*
 - 2)
 - () For each single-family dwelling unit, mobile home, apartment unit or business, the charge shall be \$2.75 per month for the purpose of collecting trash, limbs, leaves and other miscellaneous nonputridable waste.
 - ((3) In addition to the fees stated in subsections (a)(1) and (a) (2)of this section, the city shall charge \$5.00 per car tire and \$10.00 per truck tire to remove such from the site of a residence, commercial or industrial facility.
 -) .
- ((b) Any person aggrieved by any determination of chargesmade *or fees imposed* by the *public works director or the code enforcement officer* shall have the right to appeal to the city council or to a committee which may be established by the city council for the purpose of hearing such appeals, by filing with the city clerk/treasurer a written *statement setting forth the grounds for appeal*.

If this Ordinance conflicts with any other ordinance adopted by the City, the more stringent standard shall apply.

The provisions of this Ordinance are severable. If any part of this ordinance is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

This Ordinance shall be in full force and effect beginning May 1, 2022.

ADOPTED AND APPROVED this ____ day of _____, 2022.

CITY OF EUFAULA, ALABAMA
A MUNICIPAL CORPORATION

Wes Register, Council President

ATTEST:

Joy White, City Clerk/Treasurer

UNFINISHED BUSINESS

COUNCIL ACTION/DISCUSSION

Council President Register opened the floor for nominations to the City of Eufaula School Board. President Pro Tem Hill offered a motion to reappoint Twana R. Purifoy Anderson to a five-year term. There were no other nominations. Mr. Garrison seconded the motion. A roll call vote was taken and recorded as follows: Yeas: Mr. Robinson, Mr. Garrison, Mr. Brown, President Pro Tem Hill, President Register. Nays: None. Council President Register congratulated Mrs. Anderson on her re-appointment to the school board. The term is a five-year term to expire April 1, 2027.

Council President Register then called for the consideration of an on-premise beer, wine, and liquor license for Tienda El Torito LLC dba Rodeo's Mexican Restaurant located at 1037 South Eufaula Avenue, Eufaula, AL. Mr. Garrison offered a motion to approve the on-premise beer, wine and liquor license for Tienda El Torito LLC dba Rodeo's Mexican Restaurant. Mr. Robinson seconded the motion. After a voice vote, Council President Register announced that the motion had carried.

REGULAR AGENDA (NEW BUSINESS)

COUNCIL COMMITTEE REPORTS

Mr. Garrison reported that the Pilgrimage was successful and that the City must remain persistent and progressive in its growth and success to move from better to best.

Council President Register reported that he attended the Chamber of Commerce Networking at Noon which the Eufaula High School discussed their new CTE programs such as ROTC, Agri-Science, and Communications and Media Arts. Next year EHS plans to do an academy in education and training for students interested in the teaching field to earn college credits. Eufaula High School will also offer tours for the programs on Friday, April 8th and April 13th at

11:00 a.m. He noted that the Music and Arts concert held on March 24th were a great success as a result of all of the extremely talented students. Standardized testing will take place over the course of the next couple of weeks. He also noted that today is School Librarian Appreciation Day and commended and recognized the following librarians: Lee Ann Martin/Eufaula High School, Amber Brannan/Admiral Moorer Middle School, Laura Motley/Elementary School, and Michelle Jones/Primary School. The second "Lunch and Learn" will be held tomorrow, April 5, 2022, beginning at 12:00 noon. The Carnegie Library successfully participated in the Pilgrimage over last weekend welcoming many visitors with a history exhibit, also available until Tuesday, April 12th and other activities.

Mr. Robinson commended and thanked all first responders, Eufaula Police Department, Eufaula Fire & Rescue, Mayor Tibbs, Barbour County Sheriff's Department, Henry County, Houston County, Dale County, and Russell County Rescue teams, for their participation in the search for a local missing 12-year old last week. Mr. Robinson also reported that Barge & Waggoner are working to resolve the issues with the T-Hangers at the local Weedon Field Airport. Baseball and softball seasons open tonight at Old Creek Town Park and lighting improvements are also being made in the park areas. The renovation project is progressing at the community center and a review meeting will be held on Friday, April 22, 2022. The Rural Tourism Council awarded four grants in March 2022, and over 60 participants attended the Networking at Noon event held at the Chamber of Commerce on Tuesday, March 22, 2022. Mr. Robinson commended Ms. Pam Snead for her efforts in making the Annual Eufaula Pilgrimage a success. There were also 600 participants in the bass tournament over the Pilgrimage weekend which was also a substantial contribution to the local economy with additional tournaments scheduled for the coming weeks.

Mr. Brown reported that David Ewing and qualifying residents of the Edgewood Project are in preparation for the work to begin in the coming weeks. Mr. Brown also reported that the garbage crew collected and hauled 64 tons of garbage. Trash crews collected and hauled 89 tons of debris to the Barbour County landfill. The litter crew collected 51 bags of litter throughout the city. The shop crew completed 15 work orders entered for vehicle and/or equipment repairs. The construction crew also performed necessary construction to include the installation of speed breakers on assigned streets. The department recycled 7 bales of cardboard.

ADJOURNMENT

There being no further business to come before the Council, the same was on motion by Mr. Garrison, and duly seconded by Mr. Robinson, adjourned this 4th day of April, 2022.

CITY OF EUFAULA, ALABAMA
A MUNICIPAL CORPORATION

Wes Register, Council President

ATTEST:

Joy White, City Clerk/Treasurer