

**MINUTES OF A REGULAR RESCHEDULED MEETING
OF THE EUFAULA CITY COUNCIL HELD ON
TUESDAY, JANUARY 3, 2023**

The Eufaula City Council met in a regular rescheduled session on Tuesday, January 3, 2023, at 5:15 p.m. in the police department courtroom at 545 East Barbour Street. Council President Register called the meeting to order, and Pastor Alvin Godfrey offered the invocation. 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, Councilman Marvin Brown, Councilman Ben Garrison, and Councilman John Robinson.

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

HONORS AND RECOGNITION

APPROVAL OF AGENDA

Councilman Robinson offered a motion to approve the order of the agenda for Tuesday, January 3, 2023. Councilman Brown seconded the motion. President Register then announced that the agenda was approved and adopted.

CONSENT AGENDA

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 Monday, December 19, 2022.
- (b) Motion and second to dispense with and approve the Claims Docket dated December 28, 2022, in the amount of \$10,282.49.

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

MAYOR'S REPORT

Mayor Tibbs announced that Starbuck's will establish business here in Eufaula. Mayor Tibbs also announced that he will be on a business trip next week with several Korean companies to discuss potential facility expansions here in the area.

VISITORS

ORDINANCES AND RESOLUTIONS

President Register introduced Ordinance 2022-7 (Second Reading – Eufaula Franchise Agreement with Alabama Power Company) and City Attorney Joel Smith gave the second reading. President Register called for any questions or comments. There were no questions or comments. President Pro Tem Hill offered a motion to adopt Ordinance 2022-7 (Second

Reading – Eufaula Franchise Agreement with Alabama Power Company). Councilman Garrison seconded the motion. A roll call vote was taken and recorded as follows: Yeas: Councilman Robinson, Councilman Garrison, Councilman Brown, President Pro Tem Hill, and Council President Register. Nays: None. After the roll call vote, President Register announced Ordinance 2022-7 was adopted.

ORDINANCE
2022-7

GRANTING AN ELECTRIC FRANCHISE TO ALABAMA POWER COMPANY, ITS SUCCESSORS
AND ASSIGNS IN THE CITY OF EUFAULA, ALABAMA

BE IT ORDAINED by the CITY Council of EUFAULA as follows:

Section 1. In consideration of the benefits that will accrue to the CITY of EUFAULA and the inhabitants thereof, Alabama Power Company, its successors and assigns, hereinafter referred to as the Grantee, is hereby given and vested with the right, authority, easement, privilege and franchise to construct, erect, suspend, install, renew, repair, maintain, operate and conduct in said CITY a system of poles, towers, conduits, cables, conductors, transforming stations, fittings and all appliances or appurtenances necessary or desirable to the transmission, distribution or sale of electric current for all purposes whatsoever in, over, under, along, upon and across all streets, avenues, alleys, ways, bridges, and public places in said CITY as they now exist or may hereafter be laid out or extended, together with the further right, privilege, and franchise to construct, erect, suspend, install, renew, repair, maintain and operate such poles, towers, conduits, cables, wires, conductors, transforming stations, fittings and all appliances and appurtenances necessary or desirable to the transmission within, unto, through, over and beyond said CITY and furnishing, supplying and distributing to said CITY and to the inhabitants and corporations, both within and beyond the limits thereof, electric energy for lighting, heating, power and all other purposes for which electric energy may be used now or hereafter, and for the purpose of extending its lines and furnishing electric current beyond the limits of said CITY.

Section 2. The poles, towers, conduits, cables, conductors, transforming stations, fittings, appliances and appurtenances composing said lines shall be so constructed as not to unreasonably interfere with the proper use of the streets, avenues, alleys, ways, bridges and public places in said CITY and shall be maintained in a reasonably good condition and repair.

Section 3. Whenever the Grantee shall cause any opening or alteration to be made in any of the streets, avenues, alleys, ways, bridges or public places of said CITY for the purpose of installing, maintaining, operating, or repairing any poles, towers, conduits, cables and other appliances, the work shall be completed within a reasonable time and the Grantee shall upon the completion of such work restore such portion of the streets, avenues, alleys, ways, bridges or other public places to as good condition as it was before the opening or alteration was so made.

Section 4. The Grantee shall hold said CITY harmless from any and all liability or damages resulting from the negligence of the Grantee in the construction, maintenance or operation of said poles, towers, conduits, wires, cables and other appliances.

Section 5. The Grantee may, from time to time, declare, make and enforce reasonable rules and regulations as a condition for the sale or distribution by it of electric current to any person, firm or corporation.

Section 6. In the event the supply of electric energy should be interrupted or fail by reason of accident or otherwise beyond the control of the Grantee, the Grantee shall restore the service within a reasonable time, and such interruption shall not constitute a breach of this franchise, nor shall the Grantee be liable for damages by reason of such interruption or failure.

Section 7. The Grantee shall install and maintain, free of charge, meters for measuring current, and shall have free access to the premises of the consumer, from time to time, for the purpose of reading, repairing, testing and maintaining the meters and appurtenances and shall have the right to make the minimum charges prescribed or approved by the Alabama Public Service Commission for the electric service furnished hereunder, whether electric current of that value is used or not. Such meters shall remain the property of the Grantee.

Section 8. The Grantee shall not have the right to make charges for electricity furnished under this franchise in excess of the rates and charges prescribed or approved by the Alabama Public Service Commission and set forth in the Grantee's respective Service Classifications and rates applicable to the service so furnished by it.

The Grantee shall not be required to furnish electricity to any person, firm or corporation until satisfied of their financial responsibility and may require reasonable security to insure payment for electric energy to be furnished hereunder.

Section 9. The rates and charges for electric energy furnished hereunder shall at all times be subject to alteration, regulation and revision by the Alabama Public Service Commission, or other State Commission vested with such power.

Section 10. Wherever in this ordinance either the CITY or the Grantee is named or referred to, it shall be deemed to include the respective successor, successors or assigns of either, and all rights, privileges and obligations herein conferred shall bind and inure to the benefit of such successor, successors, or assigns of said CITY or of the Grantee.

Section 11. The Grantee, its successors or assigns, shall, within ninety (90) days after the approval of this ordinance by the Mayor, file a written acceptance of the franchise herein granted with the CITY Clerk.

Section 12. The franchise rights herein vested in the Grantee shall terminate at the expiration of 10 years from the effective date of this ordinance unless terminated sooner by the City due to the failure of Grantee to maintain an office as provided in Section 13.

Section 13. This franchise shall be contingent upon Grantee maintaining an office within the City of Eufaula wherein Grantee management and support staff have their primary work location.

Adopted and approved this the ____ day of _____, 2023

CITY OF EUFAULA, ALABAMA
A MUNICIPAL CORPORATION

Wes Register, CMO
City Council President

Joy White, City Clerk/Treasurer

TRANSMITTED TO MAYOR THIS THE ____ DAY OF _____, 2023.

Adopted and approved this the ____ day of _____, 2023

Jack B. Tibbs, Jr.
Mayor

Joy White, City Clerk/Treasurer

President Register introduced Resolution 131-2022 (Accept Proposal for Landscape Construction at Splash Pad). Councilman Robinson offered a motion to adopt Resolution 131-2022 (Accept Proposal for Landscape Construction at Splash Pad). President Pro Tem Hill seconded the motion. After a voice vote, President Register announced Resolution 131-2022 was adopted.

**RESOLUTION
131-2022**

WHEREAS, on March 7, 2022, the City of Eufaula awarded the bid for construction of bathroom facilities located at the splash pad to Trademark Custom Homes; and

WHEREAS, Dunson Lawn & Landscape is submitting a proposal for Landscape and Irrigation Construction for same facility in the total amount of \$ 14,719.80; and

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Eufaula to accept the proposal from Dunson Lawn & Landscape, and Mayor Jack B. Tibbs Jr. in his official capacity, be authorized to execute all necessary documents relating to this project.

DONE THIS _____ date of _____, 2022.

CITY OF EUFAULA, ALABAMA
A MUNICIPAL CORPORATION

Wes Register, CMO
City Council President

ATTEST:

Joy White, City Clerk/Treasurer

President Register introduced Resolution 1-2023 (Authorize Mayor to Execute Contract with Avenu Insights). President Pro Tem Hill offered a motion to adopt Resolution 1-2023 (Authorize Mayor to Execute Contract with Avenu Insights). Councilman Robinson seconded the motion. After a voice vote, President Register announced Resolution 1-2023 was adopted.

**RESOLUTION
1-2023**

WHEREAS, THE City of Eufaula is desirous in entering into a contract for a term of three (3) years with AVENU Insights & Analytics, LLC formerly "RDS" Revenue Discovery Systems for remittance processing, compliance and audit services of sales and use taxes.

NOW, THEREFORE, BE IT RESOLVED that the Mayor, in his official capacity, is hereby authorized to execute the contract with AVENU Insights & Analytics, LLC formerly "RDS" Revenue Discovery Systems.

ADOPTED AND APPROVED this 3rd of January, 2023.

CITY OF EUFAULA, ALABAMA
A MUNICIPAL CORPORATION

Wes Register, CMO
City Council President

ATTEST:

Joy White, City Clerk/Treasurer

PUBLIC HEARING

President Register introduced Ordinance 2022-6 (Second Reading – Amendment to Zoning Ordinance – Manufactured Homes) and City Attorney Joel Smith gave the ordinance its second reading. President Register called for any questions or comments. There were no comments from the audience, and President Register closed the floor. President Pro Tem Hill offered a motion that Ordinance 2022-6 (Second Reading – Amendment to Zoning Ordinance – Manufactured Homes) be adopted. Councilman Robinson seconded the motion. A roll call vote was taken and recorded as follows: Yeas: Councilman Robinson, Councilman Brown, President Pro Tem Hill, and President Register. Nays: Councilman Garrison. President Register announced that Ordinance 2022-6 was adopted.

AMENDED ORDINANCE

2022-6

AN ORDINANCE AMENDING THE ZONING ORDINANCE TO AMEND MINIMUM STANDARDS FOR MANUFACTURED HOMES PLACED IN RESIDENTIAL DISTRICTS

WHEREAS, the City desires to amend its Zoning Ordinance to change the age of used manufactured homes to be considered for placement in certain residential zones to

modify certain of the Minimum Standards for Manufactured Homes Placed in Residential Districts in order to provide more affordable housing options for citizens.

THEREFORE, BE IT ORDAINED BY THE CITY OF EUFAULA THAT THE FOLLOWING AMENDMENTS TO THE ZONING ORDINANCE OF THE CITY OF EUFAULA, ALABAMA, ARE HEREBY ENACTED:

SECTION 5.239 MINIMUM STANDARDS FOR MANUFACTURED HOMES PLACED IN RESIDENTIAL DISTRICTS:

The intent of this section is to insure that manufactured homes placed in residential districts will resemble site-built homes. The Board of Zoning Adjustments may require other conditions and safeguards it deems appropriate to insure the intent of the Zoning Ordinance.

1. Homes shall be set on permanent masonry foundation along the exterior perimeter or have metal skirting installed along the exterior perimeter. In the event metal skirting is used, the skirting shall be inspected by the building inspector. The setting of the home on the permanent masonry foundation or the installation of metal skirting, as the case may be, must be approved by the building inspector prior to occupancy.
2. Wheels, tongue, and axles shall be removed.
3. Roofing materials shall be similar to those used on surrounding homes.
4. Homes shall have pitched roofs (3:12 minimum) with overhang similar to surrounding homes (6" minimum).
5. Homes shall have exterior siding similar to surrounding homes. Steel siding not allowed.
6. Landings shall be required at each exterior entrance. Thirty square feet minimum at the front and 16 square feet at the side or rear. Landings shall be constructed with quality materials and be attractive in appearance. Plans for landings shall be submitted with application for variance.
7. The minimum width of the main portion of the structure shall be no less than 20 feet.
8. Homes shall be built to meet federal manufactured housing standards.
9. Every home shall be placed so that the apparent entrance or front faces or parallels the principal street frontage.
10. Manufactured homes shall be no more than fifteen model years old when installed. Any used manufactured home shall be inspected by the city building inspector and must be found by the inspector to be structurally sound and

suitable for occupancy prior to occupancy by the resident(s). Any new mobile home shall be certified by the dealer/salesperson that the home is structurally sound and suitable for occupancy by the resident(s) and may be subject to inspection by the city building inspector prior to occupancy by the resident(s).

11. The owner of the property shall place the following language on the recorded plat and on all deeds conveying the property: **“THE EUFAULA BOARD OF ZONING ADJUSTMENTS HAS GRANTED A VARIANCE FOR THE PLACEMENT OF A MANUFACTURED HOME ON THIS LOT. THE VARIANCE IS PERSONAL AND IS NOT TRANSFERABLE. ANY SUBSEQUENT OWNERS OF THE LOT MUST APPLY FOR AND RECEIVE A VARIANCE BEFORE THE HOME IS OCCUPIED. THE HOME SHALL NOT BE USED FOR RENTAL PURPOSES”.**

This Amended Ordinance shall be in full force and effect upon its publication.

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

President Register then called for the consideration of an off-premise retail beer and wine license for A & S Gas and Food Co., LLC., d/b/a A & S Gas and Food located at 1301 South Eufaula Avenue, Eufaula, AL. Councilman Garrison offered a motion to adopt the off-premise retail beer and wine license for A & S Gas and Food Co., LLC., d/b/a A & S Gas and Food located at 1301 South Eufaula Avenue, Eufaula, AL. Councilman Robinson seconded the motion. After a voice vote, President Register announced that the motion carried.

President Register called for the consideration of an off-premise retail beer and wine license for Rockey Brothers, LLC, d/b/a Rockey’s Smoke Shop, located at 1768 South Eufaula Avenue, Suite #4, Eufaula, AL 36027. Councilman Robinson offered a motion to adopt the off-premise

retail beer and wine license for Rockey Brothers, LLC, d/b/a Rockey's Smoke Shop, located at 1768 South Eufaula Avenue, Suite #4, Eufaula, AL 36027. Councilman Garrison seconded the motion. After a voice vote, Council President Register announced that the motion carried.

Councilman Garrison offered a motion to reschedule Monday, January 16, 2023, council meeting to Tuesday, January 17, 2023 due to the Dr. Martin Luther King holiday. President Pro Tem Hill seconded the motion. After a voice vote, President Register announced that the motion carried.

REGULAR AGENDA (NEW BUSINESS)

COUNCIL COMMITTEE REPORTS

Councilman Garrison reported that finances continue to be stable for local businesses who are predicting an excellent financial reporting for the month of January over December.

President Register announced that Eufaula City Schools will return to school from holiday vacation on Monday, January 9, 2023. President Register also announced the retirement of Rose Maddox from the Carnegie Library and commended her on her role as youth services librarian.

Councilman Robinson announced that a fishing tournament is forthcoming in February 2023 that will help boost the local economy. Parks & Recreation has begun its 2023 basketball season and Councilman Robinson encouraged the support and participation of this and all other Parks & Recreation sporting activities.

Councilman Brown reported for the week of December 19-30, 2022, that the street department recycled 16 bales of cardboard and 3 bales of plastic. Code Enforcement issued 19 compliance letters. The shop crew completed 25 work orders entered for vehicle and/or equipment repairs. The litter crew collected 89 bags of litter. Trash crews collected and hauled 88 tons of debris to the Barbour County landfill. Garbage crew collected and hauled 140 tons of garbage.

ADJOURNMENT

There being no further business to come before the Council, the same was on motion by Councilman Garrison, and duly seconded by Councilman Robinson, adjourned this 3rd day of January, 2023.

CITY OF EUFAULA, ALABAMA
A MUNICIPAL CORPORATION

Wes Register, CMO
City Council President

ATTEST:

Joy White, City Clerk/Treasurer