

**MINUTES OF A SCHEDULED MEETING OF THE EUFAULA CITY COUNCIL HELD ON
MONDAY, MAY 3, 2021 AT 5:15 P.M.**

The Eufaula City Council met in a scheduled session on Monday, May 3, 2021, 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 Ken Jackson 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 Tibbs, 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 May 3, 2021. Mr. Garrison seconded the motion. After a voice vote, Council President Register announced that the agenda for May 3, 2021 was approved.

CONSENT AGENDA

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

- (a) Motion and second to dispense with and approve special called session minutes of April 26, 2021.
- (b) Motion and second to dispense with and approve the regular session minutes of April 19, 2021.
- (c) Motion and second to dispense with and approve the Claims Docket dated April 29, 2021 in the amount of \$30,596.96.

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

MAYOR'S REPORT

Mayor Tibbs announced that the Community Development Block Grant (CDBG) has been approved for the south Industrial Park. Alabama Department of Transportation (ALDOT) has also approved the plans and authorized bidding for the project. David's Catfish is permitted to begin the dredging process. Approval of the Alabama Power LED lighting conversion will result in more efficient lighting and significantly decrease the billing if approved during this session of council. The Bluff City Inn project is progressing well as RAM develops a business meeting that will assist in possible expansion and collaboration between other businesses in Columbus and Eufaula. Various other projects throughout the city are continuing to materialize and/or renovate in the city. Gloria Helms, Accounting Manager/Special Projects Coordinator, gave an update on the Martin Theater noting that the marquee is now operable and policy guidelines are developing. The splash pad restrooms are also in the developing/design phase. The Mayor shared his concern about the rise in crime and is calling for a meeting with other community leaders to discuss ideas to deter criminal activity.

VISITORS

ORDINANCES AND RESOLUTIONS

Council President Register introduced Resolution 18-2021 (Authorize Purchase and Installation of Pole Barn). Mr. Robinson offered a motion to adopt Resolution 18-2021 (Authorize Purchase and Installation of Pole Barn). President Pro Tem Hill seconded the motion. After a voice vote, Council President Register announced that Resolution 18-2021 was adopted.

RESOLUTION

18-2021

WHEREAS, the City of Eufaula purchased a utility tractor and flex wing rotary mower to maintain the grounds at the City of Eufaula Weedon Field Airport; and

WHEREAS, the City of Eufaula wishes to purchase and install a pole barn to protect the tractor and mower; and

WHEREAS, the cost to the city for the purchase and installation is approximately \$ 10,600.00; and

WHEREAS, the Federal Aviation Administration has approved the location.

NOW, THEREFORE BE IT RESOLVED that the City Council of the City of Eufaula hereby authorizes the purchase and installation of the pole barn for Weedon Field Airport.

ADOPTED AND APPROVED this 3rd day of May, 2021.

CITY OF EUFAULA, ALABAMA
A MUNICIPAL CORPORATION

Wes Register
City Council President

ATTEST:

Joy White
City Clerk/Treasurer

Council President Register introduced Resolution 19-2021 (Sales Tax Holiday for July 2021). Mr. Garrison offered a motion to adopt Resolution 19-2021 (Sales Tax Holiday for July 2021). Mr. Robinson seconded the motion. After a voice vote, Council President Register announced that Resolution 19-2021 was adopted.

**RESOLUTION
19-2021**

WHEREAS, ACT 2017-120 changed the dates of the “Back-to-School” Sales Tax Holiday from the first weekend of August to the third full weekend of July; and

WHEREAS, the Eufaula City Council has affirmatively voted to grant the exemption of City sales and use taxes on purchases covered by Act No. 2017-120 during the third full weekend of July 2021, beginning at 12:01 a.m. on Friday, July 16, 2021 and ending at twelve midnight on Sunday, July 18, 2021;

WHEREAS, the exemption of certain City sales and use taxes for the third full weekend of July, 2021 is herein adopted by the City Council is an amendment of the City’s sales and use tax levy warranting notice to the Alabama Department of Revenue as provided in Code of Alabama 1975, § 11-51-210(e);

THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL of the City of Eufaula, Alabama that it does hereby provide for an exemption of the City sales and use tax on purchases of items covered by Act No. 2017-120, beginning at 12:01 a.m. on Friday, July 16, 2021 and ending at twelve midnight on Sunday, July 18, 2021.

BE IT FURTHER RESOLVED that a copy of this resolution be spread upon the minutes of the May 3, 2021 meeting of the Eufaula City Council, and be immediately forwarded to the Alabama Department of Revenue in compliance with Code of Alabama 1975, § 11-51-210(e).

IN WITNESS WHEREOF, the Eufaula City Council has caused this Resolution to be executed on this the 3rd day of May, 2021.

CITY OF EUFAULA, ALABAMA
A MUNICIPAL CORPORATION

Wes Register, Council President

ATTEST:

Joy White
City Clerk/Treasurer

Council President Register introduced Resolution 20-2021 (Telephone System Acceptance of Bid – April 2021). President Pro Tem Hill offered a motion to adopt Resolution 20-2021 (Telephone System Acceptance of Bid – April 2021). Mr. Garrison seconded the motion. After a voice vote, Council President Register announced that Resolution 20-2021 was adopted.

RESOLUTION
20-2021

WHEREAS, bids for the City Telephone System were opened promptly at 2:00 P.M. on Tuesday, April 27, 2021; and

WHEREAS, only one bid was received; and

WHEREAS, the bid received was from Pruitt Communications, Inc. (dba PCI Technologies); and

WHEREAS, the bid entailed two parts as follows:

PCI Technologies- One-time\$15,128.87, Monthly-\$495.00
NetFortis- One-time \$2,137.50, Monthly- \$5,789.80; and

WHEREAS, the conversion to the proposed system and service will result in significant savings to the City.

NOW, THEREFORE, BE IT RESOLVED that the bid from Pruitt Communications, Inc. be accepted and Mayor Jack B. Tibbs, Jr. in his official capacity, be authorized to execute all necessary documents relating to this project.

DONE THIS 3rd Day of May, 2021.

THE CITY OF EUFAULA, ALABAMA
A MUNICIPAL CORPORATION

Wes Register
President

ATTEST:

Joy White, City Clerk/Treasurer

Council President Register introduced Resolution 21-2021 (Authorize Professional Services Agreement with Barge Design). Barge Design stated that the best solution is for the Council to allow the architect to be a part of the roof repair assessment to look at the supporting structure and present his findings as a part of the comprehensive repair assessment. Mr. Garrison offered a motion to adopt Resolution 21-2021 (Authorize Professional Services Agreement with Barge Design). Mr. Robinson seconded the motion. After a voice vote, Council President Register announced that Resolution 21-2021 was adopted.

RESOLUTION

21-2021

WHEREAS, the City of Eufaula desires to procure professional engineering services for a Facility Conditions Assessment and Study for the Eufaula Community Center and improvements to Old Creek Town Park; and

WHEREAS, it is prudent to assure that all issues are identified and associated costs assigned in the order that is deemed most urgent and to consider the economies of scale which can be incorporated in the processes proposed; and

WHEREAS, Barge Design Solutions, Inc. has presented a proposal to provide these services for a fee of \$ 55,000.00.

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Eufaula authorizes Mayor Jack B. Tibbs, Jr. to execute documents to move forward with the Professional Services Agreement with Barge Design Solutions, Inc.

DONE THIS 3rd day of May, 2021.

CITY OF EUFAULA, ALABAMA
A MUNICIPAL CORPORATION

Wes Register, Council President

ATTEST:

Joy White, City Clerk/Treasurer

Council President Register introduced Resolution 22-2021 (Authorize Master Contract for Lighting Services). Mr. Robinson offered a motion to adopt Resolution 22-2021 (Authorize Master Contract for Lighting Services). Mr. Brown seconded the motion. After a voice vote, Council President Register announced that the motion had carried.

**RESOLUTION
22-2021**

WHEREAS, the City of Eufaula desires to enter into a Master Contract for Lighting Services with Alabama Power Company; and

WHEREAS, there will be no upfront costs or additional fees associated with the upgrade of 1,933 fixtures to LED technology and the conversion will result in a monthly savings to the City; and

WHEREAS, Alabama Power Company has presented a contract to provide the services.

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Eufaula authorizes Mayor Jack B. Tibbs, Jr. to execute the contract with Alabama Power Company.

DONE THIS 3rd day of May, 2021.

CITY OF EUFAULA, ALABAMA
A MUNICIPAL CORPORATION

Wes Register, Council President

ATTEST:

Joy White, City Clerk/Treasurer

Council President Register introduced Resolution 23-2021 (Authorize Moving Forward with Courtroom Renovations). President Pro Tem Hill offered a motion to adopt Resolution 23-2021 (Authorize Moving Forward with Courtroom Renovations. Mr. Robinson seconded the motion. After a voice vote, Council President Register announced that Resolution 23-2021 was adopted.

**RESOLUTION
23-2021**

WHEREAS, the City of Eufaula desires to update the Courtroom located at the Eufaula Police Department Complex, 545 E. Barbour Street; and

WHEREAS, the Honorable Judge Walter B. Calton has agreed to fund up to \$ 50,000.00 from the Municipal Court Judicial Fund and the City Council agrees to match this funding with \$ 50,000.00 from the General Fund; and

WHEREAS, Honorable Judge Walter B. Calton and the Eufaula City Council are in agreement to move forward with procuring the qualified services needed to assist with the professional design and oversight of the project to include the update of the physical structure, the desired technological enhancements, furnishings, security equipment and compliance with the legal requirements of the American Disabilities Act; and

WHEREAS, upon completion of the proposed project elements, appropriate advertising and requests for bids/proposals will be necessary to secure contract(s) for execution of the project.

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Eufaula authorizes Mayor Jack B. Tibbs, Jr. to execute any documents to move forward with the procurement of these services and updating the Courtroom.

DONE THIS 3rd day of May, 2021.

CITY OF EUFAULA, ALABAMA
A MUNICIPAL CORPORATION

Wes Register, Council President

ATTEST:

Joy White, City Clerk/Treasurer

PUBLIC HEARING

Council President Register introduced Ordinance 2021-3 (First Reading – Intoximeter Ordinance Amendment). City Attorney Joel Smith gave Ordinance 2021-3 (First Reading – Intoximeter Ordinance Amendment) its first reading. After the first reading, Council President Register opened the floor for comments or concerns with Ordinance 2021-3. There were no responses from the floor. Mr. Garrison offered a motion to suspend the rules for immediate consideration of Ordinance 2021-3 (First Reading – Intoximeter Ordinance Amendment). President Pro Tem Hill 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 Council President Register. Nays: None. Mr. Garrison then offered a motion to adopt Ordinance 2021-3 (First Reading – Intoximeter Ordinance Amendment). President Pro Tem Hill 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 Council President Register. Nays: None. Council President Register announced that Ordinance 2021-3 (First Reading – Intoximeter Ordinance Amendment) was adopted.

ORDINANCE 2021-3

AN ORDINANCE AMENDING THE BLOOD TEST OF SUSPECTED INTOXICATED DRIVERS ORDINANCE NUMBER 90-27, AS AMENDED, AS RECOMMENDED BY THE EUFAULA POLICE DEPARTMENT, TO CHANGE THE DESIGNATED INSTRUMENT FOR SAMPLE TESTING TO THE INTOXIMETERS INTOX DMT DUAL SENSOR, AND TO DESIGNATE PERSONS IN ACTUAL PHYSICAL CONTROL OF A VEHICLE.

BE IT ORDAINED by the City Council of the City of Eufaula, Alabama that General Ordinance Number 90-27, as amended, is hereby amended as follows:

• **Sec. 90-27. - Blood test of suspected intoxicated drivers.**

The city designates the ~~Drager Alcotest 7110 test,~~ Intoximeters Inc., Intox DMT Dual Sensor test commonly known as the "breath test," to be used for the purpose of determining the alcohol content of the blood of a person lawfully arrested for any offense arising out of acts alleged to have been committed while the person was driving or in actual physical control of any vehicle. ~~a motor vehicle upon the public highways of this state or the public streets within the city limits. or police jurisdiction of the city.~~

(Code 1974, § 23-22; Ord. No. 1993-14, § 1, 8-2-93; Ord. No. 1993-16, § 1, 9-7-93; Ord. No. 2000-5, 4-17-00)

State Law reference— Driving under influence of alcohol, Code of Ala. 1975, § 32-5A-191; intoxication tests, Code of Ala. 1975, § 32-5A-194.

This ordinance shall become effective immediately upon its passage and approval by the Mayor, or upon its otherwise becoming a law, pursuant to the operability of the updated instrument.

ADOPTED AND APPROVED this ____ day of _____, 2021.

CITY OF EUFAULA, ALABAMA,
A MUNICIPAL CORPORATION

Wes Register, President

ATTEST:

Joy White, City Clerk/Treasurer

Council President Register introduced Resolution 24-2021 (David's Catfish Resolution Authorizing the Grant of Public Funds – 04 29 2021). City Attorney Joel Smith stated that the agreement will permit the City to share with the restaurant owner a 2% sales tax for five years not to exceed \$400,000 in exchange for the dredging and construction of a seawall and a dock accessible to boaters. Council President Register opened the floor for comments or concerns referencing Resolution 24-2021 (David's Catfish Resolution Authorizing the Grant of Public Funds – 04 29 2021). There were no responses from the floor. Mr. Robinson offered a motion to adopt Resolution 24-2021. President Pro Tem Hill seconded the motion. After a voice vote, President Register announced that Resolution 24-2021 (David's Catfish Resolution Authorizing the Grant of Public Funds – 04 29 2021) was adopted.

**RESOLUTION
24-2021**

RESOLUTION AUTHORIZING THE GRANT OF PUBLIC FUNDS

AND THINGS OF VALUE IN AID OF ARMSTRONG SCOTT PORTER, LLC AND PROJECT DEVELOPMENT AGREEMENT FOR DAVID'S CATFISH HOUSE

WHEREAS, the City of Eufaula enthusiastically supports and encourages economic development within the City in order to develop a solid and diverse local economy, to increase employment opportunities in the City, to broaden the City's tax base, to increase revenues, and to provide necessary and improved services to the citizens of the City, thereby improving the quality of life of its citizens;

WHEREAS, the City further desires that waterfront property be developed along Lake Eufaula/Walter F. George for waterfront restaurants and other businesses that may be accessed both by land and from the water by boat;

WHEREAS, Armstrong Scott Porter, LLC, an Alabama limited liability company ("ASP") intends to purchase the real property described more particularly as Barbour County Revenue Commissioner tax parcels 24 03 082 001 047.000 and 24 03 082 001 041.006 (the "Property") in order to develop a David's Catfish House restaurant on the waterfront accessible both by land and from Lake Eufaula/Walter F. George (together with the Waterfront Improvements as defined herein below, the "Project");

WHEREAS, the Property is adjacent to the city park located at the Barbour Creek Boat landing (the "City Park"), and the Project will complement and enhance the City Park, which is frequently used by boaters to access Lake Eufaula;

WHEREAS, the Project is expected to create approximately 50 jobs once construction is complete and the restaurant is in operation;

WHEREAS, the Project is expected to increase tourism and dining opportunities in the City and in particular on Lake Eufaula, resulting in additional tax revenues for the City; and

WHEREAS, in order to undertake and construct the Project, ASP has requested the City grant public funds and things of value to aid ASP in making certain waterfront improvements along the shoreline on adjacent U. S. Army Corps of Engineers property that will allow the restaurant and the Property to be accessed from Lake Eufaula, which improvements include dredging, construction of a seawall, and installation of a boat dock (the "Waterfront Improvements");

WHEREAS, the City has determined that the economic benefits to be derived from the construction and operation of the Project, including the Waterfront Improvements, are significant enough that it is advisable for the City to provide some incentive to ASP to induce ASP to make the Waterfront Improvements as part of the Project;

WHEREAS, the City proposes that it provide ASP or its affiliated designee with economic development incentive/revenue sharing payments equal to fifty percent (50%) of the City of Eufaula General Fund sales tax revenues collected by the City that are generated from

Project operations, for a period of five years of operations, up to maximum of \$400,000 (referred to herein as the “Incentive”) in order that ASP may complete the Waterfront Improvements;

WHEREAS, ASP has indicated the City’s obligations under the Agreement, including, without limitation, the granting of the Incentive, will cause ASP to approve and proceed with construction of the Project and specifically the Waterfront Improvements;

WHEREAS, ASP and the City propose to enter into the attached Project Development Agreement (the “Agreement”) which generally provides that upon permitting and construction of the Waterfront Improvements, commencement of restaurant operations on the Property, and satisfaction of other contingencies set forth in the Agreement, the City will commence payment of the Incentive;

WHEREAS, City’s granting of the Incentive will constitute a grant of public funds and things of value to ASP, a private business entity; and

WHEREAS, the City has caused to be published a notice satisfying the requirements stated in Amendment No. 757 of the Constitution of Alabama of 1901, as amended, (hereinafter referred hereto as “Amendment No. 757”), in order, to the extent Amendment No. 757 applies, to approve and authorize the grant of public funds and things of value in aid of ASP; and

WHEREAS, the City desires to authorize and approve the granting of the Incentive; and

WHEREAS, the City desires to enter into the Agreement; and

WHEREAS, the City desires to authorize City officials to take any other actions they deem reasonably necessary or convenient to protect the interests of the City and carry out the intent of this Resolution.

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

1. The recitals set forth in the foregoing preambles are hereby found and declared to be true and correct.

2. The City has caused public notice of the meeting at which this Resolution is being adopted to be published in accordance with Amendment No. 757 to the Alabama Constitution of 1901, as amended. A public meeting was in fact held before the City Council on Monday, May 3, 2021 at 5:15 PM and all persons present were given the opportunity to make comment and ask questions.

3. It is hereby found and declared that the lending of the City’s credit and the grant of public funds and things of value to ASP or its affiliated designee in accordance with the terms hereof as set forth in the foregoing preambles and in the Agreement will serve a valid and sufficient public purpose under Amendment No. 757 to the Constitution of Alabama of 1901, as amended, notwithstanding any incidental benefit accruing to any private entity (including any benefit to ASP or its affiliated designee), as the Project is expected to ultimately create new jobs

and to have a significant impact on the tax base, tax revenues, tourism, and job opportunities in the City.

4. The performance by the City of its obligations pursuant to this Resolution and the Agreement, including, without limitation, the delivery of the Incentive, is hereby ratified, approved, and authorized, and the Mayor of the City is hereby authorized to execute and deliver the Agreement on behalf of the City.

5. The Mayor, City Clerk, and President of the City Council and other representatives or agents of the City Council of the City of Eufaula, Alabama and the City of Eufaula are hereby severally authorized and empowered to take any and all such further actions necessary, required, or convenient to effectuate the intent of this Resolution.

ADOPTED this the _____ day of May, 2021.

Wes Register
Council President

Joy White
City Clerk/Treasurer

UNFINISHED BUSINESS

COUNCIL ACTION/DISCUSSION

REGULAR AGENDA (NEW BUSINESS)

COUNCIL COMMITTEE REPORTS

Council President Register reported that the library will have a digital summer reading program on Facebook. The contact person for this program is Rose Maddox, Youth Services Director. The library is also hosting an online lesson for preschoolers titled, "Learning about Nutrition through Activities" (LANA), designed to encourage preschoolers to enjoy eating fruits and vegetables. This lesson will be on the library's website May/June. Council President Register announced that this week, May 3rd through May 7th, is teacher's appreciation week. Council President Register presented coins to all of the Board of Education members and thanked them for working diligently, particularly through the pandemic. The state has approved girl's flag football. The 2021-2022 Eufaula City Schools calendar was adopted April 20, 2021, and includes 180 student days and 187 teacher days.

Mr. Robinson reported that the splash pad opened Friday, April 30th. The Chamber of Commerce teams, tourism, economic development, membership services, and community, are developing a 3-5 year strategic plan. Nineteen (19) new members have joined the Chamber. Votes were recently taken for the favorite small business winner that will be announced on

Facebook. An economic grant will help to fund the commercial river navigation study. This study could potentially lead to expanding the market for existing businesses and new businesses for river transport. A town hall has been scheduled for Thursday, June 3, 2021 for Representative Barry Moore at 12:00 noon at the Chamber of Commerce.

Mr. Robinson noted the beginnings of normalcy by the increased activity at Old Creek Town Park during last weekend to include a ball tournament since the pandemic began last year. Another tournament is scheduled for May 15th at Old Creek Town. Mr. Robinson spoke to the YouthBuild Group and encouraged them to complete the program to learn skills that they will carry with them into the workforce. There will be a graduation ceremony in July 2021 for the group. Mr. Robinson also attended the Fishers of Men held at the Chamber of Commerce on April 30th, and welcomed them to town. A fishing tournament will be held locally May 9, 2021 through May 15, 2021.

Mr. Brown reported that the construction crew repaired a storm pipe in Lakewood Subdivision. The garbage crew collected and hauled 70 tons of garbage. Trash crews picked up and hauled 82 tons of debris to the Barbour County landfill. The litter crew picked up 62 bags of trash throughout the city. The shop crew completed 25 work orders entered for vehicle and/or equipment repairs. The department produced 12 bales of recycled cardboard. Mr. Brown also reported that the residents that live on Meadow Drive have concerns about the inadequate flow of rain water on their street that also contributes to potholes. Residents are asking for assistance from the City of Eufaula in this matter.

President Pro Tem Hill asked Chief Watkins to report on activity that occurred in the last several weeks. Chief Watkins explained that there has been an increase in crimes in recent weeks, and the issue needs to be addressed between local law enforcement and community leaders working together to find additional resolutions that will deter this type of activity.

ADJOURNMENT

There being no further business to come before the Council, the same was on motion by Mr. Brown duly made and seconded by Mr. Garrison, adjourned this 3rd day of May, 2021.

CITY OF EUFAULA, ALABAMA
A MUNICIPAL CORPORATION

Wes Register, City Council President

ATTEST:

Joy White, City Clerk/Treasurer