

**MINUTES OF A RE-SCHEDULED MEETING OF THE EUFAULA CITY COUNCIL HELD ON  
WEDNESDAY, AUGUST 18, 2021 AT 5:15 P.M.**

The Eufaula City Council met in a re-scheduled session on Wednesday, August 18, 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 Gary Fleming 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, Joy White, City Clerk/Treasurer, and Joel Smith, City Attorney. Representative Berry Forte was also present in this session.

**HONORS AND RECOGNITION**

**APPROVAL OF AGENDA**

Mr. Robinson offered a motion to approve the order of the rescheduled amended agenda for the meeting of August 18, 2021. Mr. Brown seconded the motion. Council President Register called for a roll call vote recorded as follows: Yeas: Mr. Robinson, Mr. Garrison, Mr. Brown, President Pro Tem Hill, and President Register. Nays: None.

**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 August 2, 2021.
- (b) Motion and second to dispense with and approve the Prepaid Claims Docket dated July 31, 2021 in the amount of \$3,437,448.63.
- (c) Motion and second to dispense with and approve the Claims Docket dated August 11, 2021 in the amount of \$96,125.47.

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 attended the American Gas Board Association Annual Convention in New Mexico along with other mayors from various cities. Participants engaged in networking opportunities sharing their experiences and expertise.

Mayor Tibbs again commended volunteers of the Ridgewood Baptist Church out of Dothan, Alabama for assisting Gammage Road residents after the March 3, 2019 storm, and Country Club of Alabama (CCA) residents after the March 31, 2020 storm. Mayor Tibbs will recognize this group and Walmart manager Todd Phillips, at an upcoming council meeting. Mr. Phillips donated supplies in the initial phase of COVID-19 to the City of Eufaula and Medical Center Barbour.

Applications for airport terminal grants with a match of up to \$300,000 are due October 1, 2021. If Eufaula is awarded funding for a new terminal, the current airport terminal could potentially be used as a life flight or flight school. Mayor Tibbs announced that John Savage is reappointed to the Planning Commission for another six-year term.

Mayor Tibbs noted the recurring school traffic issue on Pump Station Road. He recommended a two or three lane one-way that may resolve the issue for the long term. Mr. Robinson also suggested a survey to determine the number of cars that travel the route daily to assist in finding a solution.

Mayor Tibbs announced that Channel 3 News out of Columbus, Georgia has requested to strategically locate weather cams in Eufaula for local weather reporting through their news cast. Mayor Tibbs stated that this project will benefit the viewers as well as the city.

### **VISITORS**

Mr. Jason Winkleblack addressed the city council about the increased criminal activity in the City of Eufaula. He gave the following statistics: 81% of the communities in Alabama are safer than Eufaula; Eufaula is only safer than approximately 6% of the entire United States; and the chances of becoming a property crime victim in Eufaula are 1 in 27. Mr. Winkleblack stated that an increase in police salary and manpower could help to reduce criminal activity in the city. He stated that he grew up in Eufaula and has seen the increase in criminal activity over time. Mr. Winkleblack requested that the Council consider his view to help resolve the issue of criminal activity in Eufaula.

### **ORDINANCES AND RESOLUTIONS**

Council President Register introduced Resolution 75-2021 (Approve proposal from Barge Design Solutions for Medical Complex Development). President Pro Tem Hill offered a motion to adopt Resolution 75-2021 (Approve proposal from Barge Design Solutions for Medical Complex Development). Mr. Robinson seconded the motion. After a voice vote, Council President Register announced that Resolution 75-2021 was adopted.

### **RESOLUTION 75-2021**

WHEREAS, on July 27, 2021, the City of Eufaula opened requests for proposals from qualified engineers and/or architectural firms to provide professional services related to long-term project for a possible medical complex development; and

WHEREAS, the following proposals were received:

Goodwyn, Mills and Cawood, LLC  
Barge Design Solutions  
CDG Engineers and Associates, Inc.  
Donofro Architecture & Planning  
SS & L Architects

WHEREAS, the requests for proposals have been duly reviewed and it is the recommendation to the City Council the firm Barge Design Solutions be selected for the project.

NOW THEREFORE, BE IT RESOLVED the City Council of the City of Eufaula approves the firm Barge Design Solutions for the professional services of the medical complex development.

ADOPTED AND APPROVED this \_\_\_\_\_ day of August, 2021.

CITY OF EUFAULA, ALABAMA  
A MUNICIPAL CORPORATION

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Wes Register, Council President

ATTEST:

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Joy White, City Clerk/Treasurer

Council President Register introduced Resolution 76-2021 (Additional Costs for the Eufaula Industrial Park Project). Mr. Robinson offered a motion to adopt Resolution 76-2021 (Additional Costs for the Eufaula Industrial Park Project). President Pro Tem Hill seconded the motion. After a voice vote, Council President Register announced that Resolution 76-2021 was adopted.

**RESOLUTION  
76-2021**

WHEREAS, the City of Eufaula opened bids on May 27, 2021 for Roadway and Intersection Improvements for the Eufaula Industrial Park; and

WHEREAS, Wiregrass Construction Company was awarded the contract at the lowest bid received in the amount of \$289,325.00; and

WHEREAS, the Public Works Director recommends additional paving is needed on State Docks Road which is not eligible for reimbursement from the Alabama Department of Transportation; and

WHEREAS, the additional costs to the city is \$ 31,651.40.

NOW THEREFORE, BE IT RESOLVED the City Council of the City of Eufaula authorizes Mayor Jack B. Tibbs, Jr. to accept the proposal and execute the appropriate documents to include this additional work as recommended.

DONE THIS 18th day of August, 2021.

CITY OF EUFAULA, ALABAMA  
A MUNICIPAL CORPORATION

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Wes Register, Council President

ATTEST:

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Joy White, City Clerk/Treasurer

Council President Register introduced Resolution 80-2021 (Approval to extend lease Sam's Kitchen & Grill for five years). Mr. Garrison offered a motion to adopt Resolution 80-2021 (Approval to extend lease Sam's Kitchen & Grill for five years). President Pro Tem Hill seconded the motion. After a voice vote, Council President Register announced that Resolution 80-2021 was adopted.

**RESOLUTION  
80-2021**

WHEREAS, the City of Eufaula entered into a lease agreement with Sam's Kitchen & Grill, LLC for the restaurant located at 1720 North Eufaula Avenue in August of 2016; and

WHEREAS, Sam's Kitchen & Grill, LLC wishes to extend the lease with the City of Eufaula for an additional five (5) year term; and

WHEREAS, the lease agreement states the term of the lease may be renewed for one (1) additional five year term upon the mutual written agreement of the parties.

NOW THEREFORE, BE IT RESOLVED that the City Council of the City of Eufaula authorizes Mayor Jack B. Tibbs, Jr. to execute a lease extension with Sam's Kitchen & Grill, LLC for an additional five (5) year term.

DONE THIS 18<sup>th</sup> day of August, 2021.

CITY OF EUFAULA, ALABAMA  
A MUNICIPAL CORPORATION

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Wes Register, Council President

ATTEST:

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Joy White, City Clerk/Treasurer

Council President Register introduced Resolution 81-2021 (Authorize agreement with ADOT for roadway lighting). Mr. Garrison offered a motion to adopt Resolution 81-2021 (Authorize agreement with ADOT for roadway lighting). President Pro Tem Hill seconded the motion. After a voice vote, Council President Register announced that Resolution 81-2021 was adopted.

**RESOLUTION  
81-2021**

WHEREAS, pursuant to Resolution 22-2021, the City of Eufaula entered into a Master Contract for Lighting Services with Alabama Power Company on May 3, 2021; and

WHEREAS, the City of Eufaula wishes to enter into an agreement with the Alabama Department of Transportation for the accomplishment of equipment upgrade, operation and maintenance related to the agreement with Alabama Power Company.

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 Department of Transportation.

DONE THIS 18<sup>th</sup> day of August, 2021.

CITY OF EUFAULA, ALABAMA  
A MUNICIPAL CORPORATION

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Wes Register, Council President

ATTEST:

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Joy White, City Clerk/Treasurer

Council President Register introduced Resolution 82-2021 (Authorizing Eminent Domain Proceedings for Fee Simple Title to McKenzie Property along North Eufaula Avenue). President Pro Tem Hill offered a motion to adopt Resolution 82-2021 (Authorizing Eminent Domain

Proceedings for Fee simple title to McKenzie Property along North Eufaula Avenue). Mr. Brown seconded the motion. After a voice vote, Council President Register announced that Resolution 82-2021 was adopted.

## **RESOLUTION**

### **82-2021**

BE IT RESOLVED, by the City Council of the City of Eufaula, Alabama (the “City” or “Eufaula”), a municipal corporation organized under the laws of the State of Alabama, as follows:

1. That, in the judgment and opinion of the City Council of the City of Eufaula, Alabama, it is in the public interest and necessary and expedient that the City acquire, whether by purchase and/or, if necessary, eminent domain proceedings, fee simple title in and to the following described parcel of land owned by Dan McKenzie, viz:

See Exhibit A attached hereto and incorporated herein, a copy of which is being permanently kept on file in the Office of the City Clerk/Treasurer of the City of Eufaula, Alabama.

A corresponding tax map for the parcel is attached hereto as Exhibit B.

Said property is hereinafter referred to as the “Subject Property”.

2. That the City has implemented the Eufaula Downtown Redevelopment Authority for the purpose of improving the City’s downtown area, which is undergoing revitalization as evidenced by, among other things, downtown restaurants undergoing renovation, increased retail activity in the downtown area, and the pending redevelopment of the Martin Theatre as a public multi-purpose outdoor venue.

3. That tourists frequently park in the City’s downtown area to shop downtown and tour the adjacent historic district.

4. That the expansion of U.S. Highway 431 along North Eufaula Avenue from two lanes to four lanes eliminated a substantial amount of on-street parking on North Eufaula Avenue, thereby reducing available parking spaces in the City’s historic district adjacent to the downtown area.

5. That plans are in place for the restoration and redevelopment of the Bluff City Inn hotel property and adjacent alley (the “Bluff City Inn Property”), which are located next to the Subject Property, and that the restoration and redevelopment of the Bluff City Inn Property will attract additional visitors to the City of Eufaula.

6. That, as a result of the foregoing conditions at a minimum, along with future improvement and redevelopment, the City is in need of additional parking in the downtown area.

7. That the procurement of the Subject Property will provide additional land necessary for the construction and operation of parking facilities in the downtown area for use by the general public, including, but not limited to, tourists and other visitors to the City.
8. That pursuant Ala. Code 1975 § 11-61-2 the City is authorized to “plan, establish, develop, acquire, construct, enlarge, improve, maintain, equip, operate, regulate, and protect parking facilities.”
9. That pursuant to Ala. Code 1975 § 11-47-170 et seq. the City is authorized to acquire the Subject Property by purchase or condemnation as, in the judgment of the Council, it is necessary and expedient to do so for the purposes of carrying out the powers granted to the City as stated herein.
10. That the Mayor of the City of Eufaula be, and he is further authorized, empowered, and directed to cause the Subject Property to be appraised in accordance with Ala. Code 1975 § 18-1A-22 to determine the fair market value of the Subject Property for the purposes of acquiring the Subject Property by purchase acquisition and otherwise establishing a value that would constitute just compensation for its taking in the event that eminent domain proceedings are necessary.
11. That the Mayor of the City of Eufaula be, and he is further, authorized, empowered, and directed, to engage such appraisers, engineers, surveyors, or other professionals as he deems necessary to make surveys, examinations, tests, soundings, borings, and samplings, or engage in other activities for the purpose of appraising and evaluating the Subject Property in accordance with Ala. Code § 18-1A-50, et seq.
12. That the Mayor of the City of Eufaula be, and he is further, authorized, empowered, and directed to attempt to acquire the Subject Property for the City for the aforesaid purposes at a fair and reasonable price in accordance with Ala. Code § 18-1A-22.
13. That the Mayor of the City of Eufaula be, and he is further, authorized, to engage Joseph E. Smith and John D. Bethay, III, Attorneys at Law, and the law firm of Maynard, Cooper & Gale, P.C. to represent and counsel the Mayor and City of Eufaula with respect to all matters and actions hereinabove authorized with respect to the Subject Property, as well as all other matters incidental to the procurement of the Subject Property by the City of Eufaula.
14. That in the case of failure to acquire the Subject Property for the purposes aforesaid by purchase from the owner thereof, the Mayor of the City Eufaula is hereby authorized to engage Joseph E. Smith and John D. Bethay, III, Attorney at Law, and the law firm of Maynard, Cooper & Gale, to file and conduct condemnation proceedings on behalf of the City of Eufaula for the acquisition of fee simple title to the Subject Property by the exercise of the right of eminent domain.

15. The officers of the City and any person or persons designated and authorized by any officer of the City to act in the name and on behalf of the City, or any one or more of them, are authorized to do and perform or cause to be done and performed in the name and on behalf of the City such other acts, to pay or cause to be paid on behalf of the City such related costs and expenses, and to execute and deliver or cause to be executed and delivered in the name and on behalf of the City such other notices, requests, demands, directions, consents, approvals, orders, applications, certificates, agreements, amendments, further assurances, or other instruments or communications, under the corporate seal of the City, or otherwise, as they or any of them may deem necessary, advisable, or appropriate, in order to carry into effect the intent of the provisions of this resolution.

16. Each act of any officer or officers of the City or any person or persons designated and authorized to act by any officer of the City, which act would have been authorized by the foregoing provisions of this resolution except that such action was taken prior to the adoption of this resolution, is hereby ratified, confirmed, approved, and adopted.

ADOPTED and APPROVED this \_\_\_\_ day of August, 2021.

CITY OF EUFAULA, ALABAMA,  
A MUNICIPAL CORPORATION

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Wes Register, Council President

ATTEST:

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Joy White, City Clerk/Treasurer

**PUBLIC HEARING**

Council President Register introduced Resolution 78-2021 (Weed Abatement – Ricky L. Wilborn, Ash Street) and opened the floor for comments. There were no responses from the floor. Mr. Garrison offered a motion to adopt Resolution 78-2021 (Weed Abatement – Ricky L. Wilborn, Ash Street). Mr. Robinson seconded the motion. After a voice vote, Council President Register announced that Resolution 78-2021 was adopted.

**RESOLUTION  
78-2021**

BE IT RESOLVED that we, the City Council of Eufaula, Alabama, having examined the report from the Public Works Superintendent for the following properties:



OWNER	LOCATION OF PROPERTY	PARCEL NUMBER
Ricky L. Wilborn 382 Lee Road 941 Smith Station, AL 36877	Ash Street	061309323018005000

Do hereby find that the properties in question constitute a public nuisance due to the weeds existing on the properties as defined under Ordinance 1997-13, and do hereby order the abatement of such public nuisance.

ADOPTED AND APPROVED this \_\_\_\_\_ day of August, 2021.

CITY OF EUFAULA, ALABAMA  
A MUNICIPAL CORPORATION

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Wes Register, Council President

ATTEST:

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Joy White, CMC  
City Clerk/Treasurer

**COUNCIL ACTION/DISCUSSION**

Mr. Robinson offered a motion to reschedule the Monday, September 6, 2021 council meeting to Tuesday, September 7, 2021 due to the Labor Day holiday. Mr. Garrison seconded the motion. After a voice vote, Council President Register announced that the September 6, 2021 council meeting was rescheduled for Tuesday, September 7, 2021.

Council President Register called for the consideration of a restaurant retail on premise beer, wine, and liquor license for JY-Chavez Properties LLC, d/b/a Uptown Sports Bar located at 207 East Broad Street, Eufaula, AL. Mr. Garrison offered a motion to approve the restaurant retail on premise beer, wine, and liquor license for JY-Chavez Properties LLC, d/b/a Uptown Sports Bar. President Pro Tem Hill 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 noted that the revenue for the year has been very positive and is expected to continue in an upward trend with all of the new business prospects and openings. He also stressed the importance of “Shop Eufaula first”. He continued that a census overview illustrating population changes such as newcomers to the city would assist in establishing the upward trend. He thanked the citizens of Eufaula for positivity through the issues and concerns of COVID simultaneous to the city’s success.

Council President Register reported that the library received a Federal Library Services Technology grant in the amount of \$10,000 to buy books for the adult non-fiction collection. Friends of the Library will meet Thursday, August 26, 2021 at 3:00 p.m. New members are encouraged to join at this time. A four-part online banking program will be offered for the month of September. Additional details may be found on the library's Facebook page. Eufaula City Schools Board of Education voted for a mask mandate beginning Tuesday, August 17, 2021 through Friday, September 17, 2021. The positive case rate for the virus is low, but the exposure rate at the schools is high. The first high school volleyball game is Thursday, August 19, 2021, and the first Eufaula High School football game is Friday, August 20, 2021 at Eufaula High Tiger Stadium.

Mr. Robinson thanked Keef Pettis and staff for consistent management of their budget through the COVID pandemic 2020-2021. He continued that the community center is in need of building repairs and a plan of execution. Mr. Robinson thanked Mr. Steve Hawkins and Mr. Phil Clayton, Eufaula Chamber of Commerce, for attending this session of council for reporting.

Mr. Hawkins gave an overview of the programs offered by the Chamber, an accounting of the businesses that are members with the Chamber, new business prospects, MainStreet and Chamber goals/mission, tourism and advertising, Work Force Development's entities and initiatives, AIDT, gift certificate program for small businesses, online membership directory, referral services, and membership discounts. Mr. Hawkins extended an invitation to council members and the audience to the next "Business after Hours", networking at noon, to be held on Thursday, September 16, 2021 at 5:30 p.m., and hosted by 22<sup>nd</sup> State Bank. The Chamber prepared an RFP and presented an in-person presentation in Tuscaloosa, Alabama on August 6, 2021. Eufaula has been awarded the 2022 Rural Tourism Conference.

Mr. Clayton announced a \$25,000 grant awarded through the Barbour County Hospital Authority for doctor recruitment for the next three years renewable. Chairman Rebecca Beasley also requested a second mil on property tax for the hospital authority. Mr. Clayton attended the MRO (Maintenance, Repair and Overhaul) Conference in Orlando, Florida that involves aviation companies seeking facilities and recruiting companies. These networking opportunities can potentially benefit airports such as our local Weedon Airfield.

Mr. Clayton continued that there is contact with four businesses as it pertains to industrial development that would yield approximately 1,500 local jobs in the City of Eufaula. He also noted that the city needs work force housing and that there are several projects that are currently developing. Mr. Clayton is also active in re-establishing the Chattahoochee-Flint River system for barge transport that could potentially replace truck and rail. This project is currently developing and moving in a very positive direction for revitalization. Retail Strategies is also seeking to fulfill the business needs of the city to make the city a more functional and attractive community.

Mr. Robinson stated that the railroad tracks on Randolph Street and in the south Industrial Park are still in disrepair. He has been unsuccessful in getting the tracks repaired in a timely manner, but hopeful that there will be a response and repair very soon.

Mr. Brown also reported that the garbage crew collected and hauled 56 tons of garbage. Trash crews picked up and hauled 3 tons of debris to the Barbour County landfill. The litter crew picked up 75 bags of trash throughout the city. The shop crew completed 18 work orders entered for vehicle and/or equipment repairs. The department produced 12 bales of recycled cardboard.

President Pro Tem Hill stated that crime has increased in recent weeks. He stated that local law enforcement is working to deter or eliminate any crime or violence as it occurs, and activity will continue to be monitored and assessed. He also asked that everyone please secure your vehicles at all times.

**ADJOURNMENT**

There being no further business to come before the Council, the same was on motion by Mr. Garrison duly made and seconded by Mr. Robinson, adjourned this 18<sup>th</sup> day of August, 2021.

CITY OF EUFAULA, ALABAMA  
A MUNICIPAL CORPORATION

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Wes Register, City Council President

ATTEST:

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Joy White, City Clerk/Treasurer