

**MINUTES OF A MEETING OF THE EUFAULA CITY COUNCIL HELD ON
MONDAY, AUGUST 21, 2023**

The Eufaula City Council met in a scheduled session on Monday, August 21, 2023, at 5:15 p.m. at the Board of Education meeting room located at 333 State Docks Road. Council President Register called the meeting to order, and Pastor Gary Fleming 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 W. Robinson.

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

HONORS AND RECOGNITION

APPROVAL OF AGENDA

Councilman Garrison offered a motion to approve the order of the agenda for August 21, 2023. Councilman Robinson seconded the motion. After the roll call vote, President Register 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 scheduled session minutes of August 7, 2023.
- (b) Motion and second to dispense with and approve the Claims Docket dated August 15, 2023, in the amount of \$71,146.23.
- (c) Motion and second to dispense with and approve the Prepaid Claims Docket dated July 31, 2023, in the amount of \$1,837,183.21.

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

MAYOR'S REPORT

Mayor Tibbs announced that he would be meeting with several officials concerning the progression of developing city projects. He introduced Mr. Turner Brock, owner of the skating and bowling center located on highway 431 north. He noted Mr. Brock as a great businessman and extended his appreciation for Mr. Brock's service and becoming a part of the local community.

VISITORS

ORDINANCES AND RESOLUTIONS

President Register introduced Resolution 78-2023 (Purchase of Fire Department Equipment). President Pro Tem Hill offered a motion to adopt Resolution 78-2023 (Purchase of Fire Department Equipment). Councilman Robinson seconded the motion. After a voice vote, President Register announced Resolution 78-2023 was approved and adopted.

**RESOLUTION
78-2023**

WHEREAS; the City of Eufaula fire chief requests to purchase fire equipment (air packs) for the fire department, and the equipment is available through the HGAC Contract EE08-19; and

WHEREAS; the quote from Sunbelt Fire, Inc. is \$ 127,851.22;

NOW, THEREFORE, BE IT RESOLVED that Jack B. Tibbs, Jr., in his official capacity as Mayor, be authorized to execute all documents related to this purchase.

ADOPTED AND APPROVED this 21st day of August, 2023.

THE CITY OF EUFAULA, ALABAMA
A MUNICIPAL CORPORATION

Wes Register, CMO
President

ATTEST:

Joy White, City Clerk/Treasurer

President Register introduced Resolution 79-2023 (Flea Market & Consignment Moratorium Resolution). Councilman Garrison offered a motion to adopt Resolution 79-2023 (Flea Market & Consignment Moratorium). President Pro Tem Hill seconded the motion. After a voice vote, President Register announced Resolution 79-2023 was approved and adopted.

**RESOLUTION
79-2023**

WHEREAS, it is the responsibility of the governing body of the City of Eufaula to set policies and enact regulations which improve the quality of life for everyone who

lives, works or does business in the City and to attract new residents and new and diverse businesses and industry to become a part of the community; and

WHEREAS, it is an inherent function of the City of Eufaula to facilitate growth and diversification of the City's economic platform through business recruitment, retention and expansion;

WHEREAS, the City of Eufaula has experienced a proliferation of businesses that are licensed as flea markets and consignment shops;

WHEREAS, it is in the best interest of the overall economic development of the City to provide for orderly growth, and to balance the development of these businesses in order to have a diverse and stable economy;

WHEREAS, the City Council finds it is in the best interest of the City that the issue of concentration or saturation of flea markets and consignment shops be analyzed by the zoning staff for the purpose of determining the best possible approach for new zoning regulations for the location of such businesses;

WHEREAS, a period of repose is necessary in order to establish regulations made with reasonable consideration of, among other things, the character of the district and its peculiar uses, and with a view to conserving the value of land usage and encouraging the most appropriate use of land throughout the city;

WHEREAS, the Council of the City of Eufaula finds that it is in the public interest to provide for additional zoning regulation of flea markets and consignment shops to guide the City's development and make a determination of how to minimize blight and deterioration of its communities as a result of certain types of businesses which although legally permitted, have some deleterious effects; and

WHEREAS, the City of Eufaula finds it necessary, proper and in the public interest to reassess its present zoning and land-use ordinances, policies and procedures concerning the location of flea market and consignment shop businesses; and

WHEREAS, a temporary moratorium on the issuance of business licenses and other approvals for such flea market and consignment shops will create a more stable environment so that revisions to the City's zoning and land-use ordinances can be considered and adopted in an orderly and thorough process;

WHEREAS, the proposed moratorium will allow the City of Eufaula to protect its communities from a perpetual blight while preserving the status quo; thereby allowing the City the opportunity to perform a comprehensive analysis to determine the appropriate means to reduce any further blight created by such businesses and to enact appropriate licensing requirements and other appropriate regulations of such zones;

WHEREAS, the Council of the City of Eufaula finds that it is necessary and proper for the promotion of the prosperity and welfare of the citizens and in the best interest of the City to declare a moratorium on the issuance of business licenses for new flea market and consignment shops while the City researches, studies and develops an appropriate comprehensive plan; and

WHEREAS, the City Council requests the Planning and Zoning Department lead the effort in developing a plan which will examine lawful alternatives with respect to limiting and discouraging the proliferation, saturation and clustering of these types of businesses within the City.

NOW, THEREFORE, BE IT ORDAINED by the Council of the City of Eufaula that there is hereby declared a moratorium on the issuance of business licenses under the City of Eufaula Business License Code adopted by Ordinance 2007-19, as amended, for any flea market or consignment shop whose business activity includes the selling of White Goods for six (6) months to study and develop a permanent zoning and land-use solution. During the period of the moratorium, applications, other than for renewal licenses for the aforementioned businesses, shall not be accepted by the City of Eufaula and no new or original licenses for such businesses shall be issued.

This moratorium is not intended to impact those flea markets or consignment shops currently operating within the City of Eufaula, unless such businesses cease operation and thereafter seek a renewed business license.

This moratorium shall in no way prohibit a business currently holding a license from obtaining a renewal of that license or obtaining a new license if the business relocates to an existing business of the same entity or takes some other action that would otherwise require a new license; furthermore, the moratorium shall in no way prohibit a business from obtaining a new license if it purchases or merges with an existing licensed business and as a result is required to obtain a new license.

As used herein, the term "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.

ADOPTED AND APPROVED this _____ day of _____, 2023.

THE CITY OF EUFAULA, ALABAMA
A MUNICIPAL CORPORATION

Wes Register, CMO
President

ATTEST:

Joy White, City Clerk/Treasurer

President Register introduced Resolution 80-2023 (Authorize Repair on Eula Street). Councilman Robinson offered a motion to adopt Resolution 80-2023 (Authorize Repair on Eula Street). Councilman Garrison seconded the motion. After a voice vote, President Register announced Resolution 80-2023 was approved and adopted.

RESOLUTION

80-2023

WHEREAS, the Public Works Department has determined there is a collapsed drainage pipe on Eula Street; and

WHEREAS, the cost to repair and purchase pipe is approximately \$ 16,000.00; and

WHEREAS, the City Council authorizes moving forward with purchasing the pipe and hiring Bobby Taylor Enterprises, Inc. to do the repair.

NOW, THEREFORE, BE IT RESOLVED that the Public Works Department is approved to move forward with the project.

ADOPTED AND APPROVED this 21st of August, 2023.

CITY OF EUFAULA, ALABAMA
A MUNICIPAL CORPORATION

Wes Register, CMO
City Council President

ATTEST:

Joy White, City Clerk/Treasurer

President Register introduced Resolution 81-2023 (Renovation Change Order Anderson Construction #3 and #4). Councilman Robinson offered a motion to adopt Resolution 81-2023 (Renovation Change Order Anderson Construction #3 and #4). President Pro Tem Hill seconded the motion. After a voice vote, President Register announced Resolution 81-2023 was approved and adopted.

RESOLUTION

81-2023

WHEREAS, the City of Eufaula opened bids on the 26th day of January, 2023 for the Community Center Renovation Project; and

WHEREAS, on the 20th day of March, 2023 the bid was awarded to Anderson Construction Company in the amount of \$ 3,929,015.00; and

WHEREAS, the source of funding for the renovation project will be from the 2022 Bond Issue and/or from the American Rescue Plan Act (ARPA).

WHEREAS, change orders # 3 and # 4 have been reviewed by Barge Design Solution and Park & Recreation Department and recommended for approval:

Change order # 3 - Operable Partition Support credit of \$ 5,668.00.

Change order # 4 - Pool Roof Eave of \$ 93,580.00.

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Eufaula authorizes Mayor Jack B. Tibbs, Jr. to execute the change orders for the project.

ADOPTED AND APPROVED this 21st of August, 2023.

CITY OF EUFAULA, ALABAMA
A MUNICIPAL CORPORATION

Wes Register, CMO
City Council President

ATTEST:

Joy White, City Clerk/Treasurer

PUBLIC HEARING

UNFINISHED BUSINESS

COUNCIL ACTION/DISCUSSION

President Register introduced the re-appointment of Sidney L. "Chip" Chapman to the Water Works & Sewer Board. Councilman Robinson offered a motion to re-appoint Sidney L. "Chip" Chapman to the Water Works & Sewer Board for another six-year term. President Pro Tem Hill

seconded the motion. After the voice vote, President Register announced that Sidney L. “Chip” Chapman was re-appointed to another six-year term that will expire September 16, 2029.

President Register introduced the vacant Downtown Redevelopment Authority appointment. Councilman Garrison nominated Dee DuPree Bennett. President Register called for any other nominations, but there were none, and the floor was closed. A roll call vote was taken and recorded as follows: Yeas: Councilman Robinson, Councilman Garrison, Councilman Brown, President Pro Tem Hill, and President Register. Nays: None. After the roll call vote, President Register announced that Dee DuPree Bennett was appointed to serve an unexpired six-year term on the Downtown Redevelopment Authority set to expire October 15, 2028. President Register then called for the consideration of an on-premise retail beer, wine, and liquor license for Lake Eufaula Sports Park LLC, d/b/a No Wake Zone Bar & Grill, located at 1229 North Eufaula Avenue, Eufaula, AL. Councilman Garrison offered a motion to approve the on-premise retail beer, wine, and liquor license for Lake Eufaula Sports Park LLC, d/b/a No Wake Zone Bar & Grill, located at 1229 North Eufaula Avenue, Eufaula, AL. Councilman Robinson seconded the motion. After a voice vote, President Register announced that the motion carried.

Councilman Robinson offered a motion to reschedule Monday September 4, 2023, council meeting to Tuesday, September 5, 2023, due to the Labor Day holiday. Councilman Garrison seconded the motion. After a voice vote, President Register announced that the motion had carried.

REGULAR AGENDA (NEW BUSINESS)

COUNCIL COMMITTEE REPORTS

Councilman Garrison stated that finances are stable, and he continues to be optimistic about the city’s financial future.

President Register announced that on September 9th, the library will host “Reconstruction in Alabama”, a lecture by historian Richard Daley and Mr. Kyle Whitmore, Pulitzer Prize winner columnist will discuss his research on “The 1874 Massacre” at 10:00 a.m. Yoga classes taught by Mitzi Yarborough at the Carnegie Library have been a great success and take place each Thursday evening at 6:00 p.m. The first Eufaula High School football game takes place on Friday, August 25th in Enterprise. A free seminar will be hosted by Christie Bush at Eufaula High School on September 20th at 5:30 p.m. Ms. Bush is a National Education Consultant and Social Media Safety expert that teaches how to protect kids from the dangers of social media, and it is open to the public.

Councilman Robinson announced that the “Networking at Noon” would be held at the Chamber of Commerce on August 22nd presented by the Alabama Department of Public Health. October Fest will be held October 7-8, 2023 and applications are available at the Chamber of Commerce. The Christmas Tour of Homes will take place December 2nd, 9:00 a.m. – 5:00 p.m. Football registration is ongoing at Parks & Recreation. C. A. S. T. for Kids fishing activity for special needs kids will be held on October 5th from 9:00 a.m. to 1:00 p.m. The Chamber of Commerce will host a one-on-one on August 31st, and Ann Sparks is the contact for this event.

Councilman Brown reported for Public Works' most recent activity, August 7th – August 18th: 16 bales of recycled cardboard, 3 bales of plastic, Code Enforcement issued 9 compliance letters, 1 weed abatement letter, 34 shop orders for repairs, 99 bags of litter, 160 tons of trash, and 129 tons of garbage. The Barbour County Landfill has increased the landfill dumping fee from \$30 per ton to \$38 per ton with a \$10 minimum effective October 1, 2023.

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 21st day of August, 2023.

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Wes Register, CMO
City Council President

ATTEST:

Joy White, City Clerk/Treasurer