

**MINUTES OF A MEETING OF THE EUFAULA CITY COUNCIL HELD ON
MONDAY, DECEMBER 19, 2022**

The Eufaula City Council met in a regular rescheduled session on Monday, December 19, 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 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 Monday, December 19, 2022. President Pro Tem Hill 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 5, 2022.
- (b) Motion and second to dispense with and approve the Prepaid Claims Docket dated November 30, 2022, in the amount of \$1,478,055.91.
- (c) Motion and second to dispense with and approve the Claims Docket dated December 14, 2022, in the amount of \$13,830.34.

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

MAYOR'S REPORT

Mayor Tibbs reported that he and Kevin Heartsill, WWSB General Manager, recently met with RAM Hospitality engineers and architects and received a very detailed preview of the new Bluff City Inn. He discussed the new hotel and some of the amenities adjacent to the hotel. Mayor Tibbs stated that additional demo work needs to be done prior to the initial stages of work on the hotel. A press conference and RAM presentation is expected for the council members sometime after the first of the new year 2023. Mayor Tibbs also announced that the City has been awarded the Land and Water grant for the pickleball facility to tentatively begin construction in late summer-early fall of 2023. Mayor Tibbs did mention the potential completion of the walking trail near Frost-Marlow Road, towards the latter quarter of 2023.

Mayor Tibbs then announced that the Conservation Commissioner of the State of Alabama, Christopher Blankenship, appointed the mayor to be a member of the Outdoor Recreation Roundtable Committee to improve, market, and utilize the state's recreational assets such as the lakes, creeks, trails, wildlife refuge, etc.

Mayor Tibbs reported that after two months, Eufaula will be the #1 industrial user in the southeast Alabama gas district and possibly first overall. The profits are based on percentage of usage within the cities in the system.

VISITORS

ORDINANCES AND RESOLUTIONS

President Register introduced Ordinance 2022-7 (First Reading – Eufaula Franchise Agreement with Alabama Power Company) and City Attorney Joel Smith gave the first reading. President Register called for any questions or comments. There were no questions or comments. President Register stated that the second reading will be held at the next council meeting and that Council would act at that time.

President Register introduced Resolution 129-2022 (Resolution to Purchase Street Sweeper). Councilman Garrison offered a motion to adopt Resolution 129-2022 (Resolution to Purchase Street Sweeper). Councilman Brown seconded the motion. After a voice vote, President Register announced Resolution 129-2022 was adopted.

RESOLUTION 129-2022

WHEREAS, the Public Works Department wishes to trade-in a Street Sweeper for a new Model 600 Street Sweeper which is available through the Sourcewell Contract until February 20, 2023: and

WHEREAS, the trade-in purchase amount totaling \$158,225.00 for the new Model 600 Street Sweeper is included in the Public Works Department approved FY2023 budget;

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Eufaula, Alabama, approval to proceed with the purchase as outlined.

DONE THIS 19th day of December 2022.

CITY OF EUFAULA, ALABAMA
A MUNICIPAL CORPORATION

Wes Register, CMO
City Council President

ATTEST:

Joy White, City Clerk/Treasurer

President Register introduced Resolution 130-2022 (Authorize Phase I Environmental Study and Wetland and Stream Delineation – Ricks Property Next to Airport). Councilman Garrison offered a motion to adopt Resolution 130-2022 (Authorize Phase I Environmental Study and Wetland and Stream Delineation – Ricks Property Next to Airport). Councilman Robinson seconded the motion. After a voice vote, President Register announced Resolution 130-2022 was adopted.

RESOLUTION
130-2022

WHEREAS, on November 21, 2022, Resolution 123-2022 authorized Mayor Jack B. Tibbs, Jr. to enter into a Purchase and Sale Agreement and arrange for due diligence to be conducted on the 138 acre parcel adjacent to Weedon Field; and

WHEREAS, a proposal from Wildland Services, LLC is submitted for Wetland & Stream Delineation to include GPS work to identify the wetlands and streams, a Cad drawing, a detailed report showing their findings, and to include the Limitation of Liability as listed in the attached proposal, in the total amount of \$ 4,120.00; and

WHEREAS, a proposal from Goodwyn, Mills and Cawood for Phase I Environmental Site Assessment to investigate the referenced site for evidence of hazardous or regulated non-hazardous materials contamination and to include the course of action as listed within the attached proposal in the total amount of \$ 3,000.00, and

THEREFORE, BE IT RESOLVED by the City Council of the City of Eufaula, that authorization be given to Mayor Jack B. Tibbs, Jr., to execute the two agreements as outlined above in the total amount of \$ 7,120.00.

ADOPTED AND APPROVED this 19th day of December, 2022.

CITY OF EUFAULA, ALABAMA,
A MUNICIPAL CORPORATION

Wes Register, CMO
City Council President

ATTEST:

Joy White
City Clerk/Treasurer

President Register introduced Resolution 131-2022 (Accept Proposal for Landscape Construction at Splash Pad). Councilman Robinson asked who would take care of the landscaping once the project is completed. Councilman Robinson then noted the warranty statement, "Turning the controller off or adjusting watering days/times will void any warranty" to mean that Dunson Lawn and Landscape would take care of the landscaping the first year. The council members agreed that clarification was needed to approve and adopt this resolution. President Pro Tem Hill then offered a motion that Resolution 131-2022 (Accept Proposal for Landscape Construction at Splash Pad) be tabled until clarified. Councilman Robinson seconded the motion. After a voice vote, President Register announced that Resolution 131-2022 was tabled.

PUBLIC HEARING

President Register introduced Ordinance 2022-6 (First Reading – First Reading – Amendment to Zoning Ordinance – Manufactured Homes) and City Attorney Joel Smith gave the resolution its first reading. President Register called for any questions or comments. There was one comment from the audience. Donna Green, Eufaula resident, commented that with the risen costs of everything, it makes it harder to afford a new manufactured home that is less than fifteen years old. President Register accepted the comment and there were no other comments, and the floor was closed. President Register stated that the second reading will be held at the next council meeting and Council would act at that time.

President Register introduced Resolution 132-2022 (Resolution Vacating Portion of Surplus Dale Road Right of Way – BBLLC) and opened the floor for comments. There were no comments. President Pro Tem Hill offered a motion to adopt Resolution 132-2022 (Resolution Vacating Portion of Surplus Dale Road Right of Way – BBLLC). Councilman Brown seconded the motion. President Register announced that Resolution 132-2022 was adopted.

RESOLUTION 132-2022

WHEREAS, BB, LLC ("Petitioner") has petitioned the City Council of the City of Eufaula, Alabama to vacate a portion of the former and surplus Dale Road right-of-way which is no longer in use as a right-of-way by the City of Eufaula due to the realignment of Dale Road, as described in its Petition to Vacate Former Portion of Dale Road filed with the City (the "Petition"); and

WHEREAS, the petition is filed in accordance with the provisions of Section 23-4-20 of the Code of Alabama (1975) which provides that any street or alley may be vacated, in whole or

in part, by the owner or owners of the land abutting the street or alley or abutting that portion of the street or alley desired to be vacated; and

WHEREAS, the property abutting the right-of-way to be vacated is owned by BB, LLC on one side and the Alabama Department of Transportation on the other side; and,

WHEREAS, the Alabama Department of Transportation has provided to the City its Consent of the Alabama Department of Transportation to Petition to Vacate Former Portion of Dale Road Filed by BB, LLC, in which it consents to the vacation, disclaims any property interest in the right-of-way, and consents to the conveyance thereof to Petitioner;

WHEREAS, no property owner will be deprived of any right they may have to convenient and reasonable means of ingress and egress to and from their property as a result of the vacation; and

WHEREAS, the City also authority to vacate said right-of-way pursuant to Section 23-4-1 et seq. of the Code of Alabama (1975); and

WHEREAS, a public hearing was conducted by the Eufaula City Council on December 19, 2022, at which time all persons were given an opportunity to be heard in favor of or in opposition to the proposed right-of-way vacation; and,

WHEREAS, public notice of the public hearing was provided in accordance with Section 23-4-2 of the Code of Alabama (1975); and,

WHEREAS, the property's use as a public way is no longer necessary due to the realignment of Dale Road and the property is no longer needed for public purposes and retention of said surplus right-of-way will not benefit the City of Eufaula, Alabama, or the public; and

WHEREAS, adequate, convenient, and reasonable means of ingress and egress are available to all owners of surrounding property, such being afforded by virtue of other streets, easements, and alleys, and the vacation will not deprive other property owners of such right as they may have to adequate, convenient, and reasonable means of ingress and egress to and from their property; and

WHEREAS, it is in the best interest of the City to vacate the surplus right-of-way described herein and the same should be returned/conveyed to the abutting landowner/petitioner, BB, LLC, subject to any rights of the Water Works and Sewer Board of the City of Eufaula with respect to any water and sewer lines located on any of the property or any other holders of utility easements on the property.

NOW, THEREFORE, BE IT RESOLVED that the City of Eufaula, Alabama, does hereby vacate and assent to the vacation of former right-of-way as requested in the petition, which right-of-way is described as follows:

All that certain tract or parcel of land containing 0.259 acre located in the Northwest Quarter of Section 8, Township 10 North, Range 29 East, Eufaula, Barbour County, Alabama, identified as Parcel E on that Right of Way map Exhibit – Dale Road Realignment recorded in the Office of the Judge of Probate of Barbour County, Alabama in Plat Book 5 at page 204, and being more particularly described as follows:

Starting at the Northwest corner of Section 8, Township 10 North, Range 29 East, Eufaula, Barbour County, Alabama go North 88 degrees 20 minutes East a distance of 658.3 feet to a point on the East right of way of Old Dale Road; thence South 67 degrees 53 minutes 40 seconds East a distance of 599.04 feet to an Alabama Power Company metal monument on the West right of way of Dale Road; thence along the West right of way of Dale Road South 21 degrees 35 minutes 34 seconds West a distance of 954.46 feet to the POINT of BEGINNING; thence continue along the original West right of way of Dale Road South 21 degrees 35 minutes 34 seconds West a distance of 285.66 feet to its intersection with the present North right of way of Dale Road; thence along the present North right of way of Dale Road South 86 degrees 35 minutes 35 seconds East a distance of 3.99 feet to the West right of way of U. S. Highway 431 (also known as South Eufaula Avenue); thence along the West right of way of U. S. Highway 431, as it curves, concave Southeast, with a radius of 34,437.76 feet, an arc distance of 180.64 feet, a chord direction North 39 degrees 59 minutes 04 seconds East and a chord distance of 180.64 feet; thence continue along the West right of way of U. S. Highway 431, also being the original East right of way of Dale Road, North 21 degrees 33 minutes 02 seconds East a distance of 75.92 feet; thence crossing the original right of way of Dale Road go North 36 degrees 59 minutes 42 seconds West a distance of 71.16 feet to the POINT of BEGINNING. Subject to utility and drainage easements as shown on the plat titled “Right of Way Exhibit, Dale Road Realignment” as recorded in Plat Book E-5 at page 204 in the Office of the Judge of Probate of Barbour County, Alabama.

BE IT FURTHER RESOLVED that the City of Eufaula, Alabama, does hereby remise, release, and quitclaim to BB, LLC whatever right, title, and interest the City of Eufaula may have acquired in the property by virtue of dedication or the vacation of said property, or otherwise, and the Jack B. Tibbs, Jr., the Mayor of the City of Eufaula, is authorized to execute and deliver a quitclaim deed to BB, LLC and the City Clerk is hereby authorized and directed on behalf of the City of Eufaula to attest to same.

BE IT FURTHER RESOLVED that the City Clerk shall cause of a copy of this resolution to be filed in the Probate Court of Barbour County, Alabama and shall further cause of a copy of this resolution to be published once in a newspaper in Barbour County no later than 14 days after its adoption, with BB, LLC to pay the cost of recordation and publication.

Adopted this the 19th day of December, 2022.

CITY OF EUFAULA, ALABAMA,
A MUNICIPAL CORPORATION

Wes Register, President

ATTEST:

Joy White, City Clerk/Treasurer

President Register introduced Resolution 133-2022 (Resolution Vacating Portion of Surplus Dale Road Right of Way – DH & PH Enterprises, LLC) and opened the floor for comments. Councilman Brown offered a motion to adopt Resolution 133-2022 (Resolution Vacating Portion of Surplus Dale Road Right of Way – DH & PH Enterprises, LLC). President Pro Tem Hill seconded the motion. President Register announced that Resolution 133-2922 was adopted.

RESOLUTION 133-2022 TO BE PRINTED IN OFFICIAL MINUTE BOOK

UNFINISHED BUSINESS

COUNCIL ACTION/DISCUSSION

Council President Register then called for the consideration of an off-premise beer and wine license for Mazen Mart Inc., d/b/a Depot Food Store located at 622 Highway 30, Eufaula, AL. Councilman Garrison offered a motion to adopt the off-premise beer and wine license for Mazen Mart Inc., d/b/a Depot Food Store located at 622 Highway 30, Eufaula, AL. Councilman Robinson seconded the motion. After a voice vote, Council President Register announced that the motion carried.

President Pro Tem Hill offered a motion to reappoint Dr. Ed Richardson to the Rescue Squad Board to serve a full three-year term. Councilman Robinson seconded the motion. President Register then announced that Dr. Ed Richardson was re-appointed to serve a full three-year term on the Rescue Squad Board. This term will expire January 6, 2026.

Councilman Garrison offered a motion to reschedule Monday, January 2, 2023 council meeting to Tuesday, January 3, 2023 due to the New Year's holiday. Councilman Robinson seconded the motion. After a voice, vote, Council President Register announced that the motion carried.

REGULAR AGENDA (NEW BUSINESS)

COUNCIL COMMITTEE REPORTS

Councilman Garrison reported that finances continue to be stable. He also commended downtown store owners for the nicely decorated storefronts supporting the holiday season and wished them continued success in their businesses.

Council President Register announced that Eufaula City Schools would dismiss Tuesday, December 20, 2022 for the Christmas and New Year holidays. The after-school Twenty-First Century program performed “A Charlie Brown Christmas” recently and was a great success. He commended the staff for a very successful and positive program. The Carnegie Library will be closed December 23-26, 2022 for the Christmas holiday. The library’s jigsaw puzzle swap continues through December 22, 2022.

Councilman Robinson commended the Airport Advisory Board for all that they do. The board meets once per quarter. He commended Keef Pettis and community center staff for all their 2022 accomplishments. The Chamber of Commerce continues to work on its various projects throughout the city. Councilman Robinson also commended the Water Works & Sewer Board (WWSB), Police and Fire Departments, city staff, and his fellow council members for all that they do and has enjoyed working as a council member. Disc Golf operation is also scheduled to begin in the coming weeks.

Councilman Brown reported for the week of December 5-16, 2022, that the street department recycled 23 bales of cardboard. Code Enforcement issued 85 solid waste and non-compliance letters. The shop crew completed 33 work orders entered for vehicle and/or equipment repairs. The litter crew collected 174 bags of litter. Trash crews collected and hauled 195 tons of debris to the Barbour County landfill. Garbage crew collected and hauled 161 tons of garbage. Councilman Brown also thanked the street department and other city employees for what they do and stated that he has enjoyed working as councilman for the past three years.

President Pro Tem Hill noted that there are 118 participating children in this year’s police department annual Christmas gift-sharing event. Eufaula Police Department Administrative Assistant, Wanda Crowley coordinates and distributes the annual Christmas gifts from the police department to community children during the Christmas season. Ms. Crowley has spearheaded this annual holiday event for over 30 years.

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 19th day of November 2022.

CITY OF EUFAULA, ALABAMA
A MUNICIPAL CORPORATION

Wes Register, CMO
City Council President

ATTEST:

Joy White, City Clerk/Treasurer