

**MINUTES OF A REGULAR RESCHEDULED MEETING OF THE
EUFAULA CITY COUNCIL HELD ON
TUESDAY, JANUARY 17, 2023**

The Eufaula City Council met in a regular rescheduled session on Tuesday, January 17, 2023, at 5:15 p.m. in the police department courtroom at 545 East Barbour Street. President Pro Tem Hill called the meeting to order, and Dr. Richard Harvey offered the invocation. President Pro Tem Hill led the Council and audience in the Pledge of Allegiance.

Upon call of the roll the following members were present: President Pro Tem Otis Hill, Councilman Marvin Brown, Councilman Ben Garrison, and Councilman John Robinson. Absent: President Wes Register.

Also present: 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 regular rescheduled agenda for Tuesday, January 17, 2023. Councilman Garrison seconded the motion. President Pro Tem Hill then announced that the agenda was approved and adopted.

CONSENT AGENDA

President Pro Tem Hill reviewed the items on the Consent Agenda for council approval.

- (a) Motion and second to dispense with and approve the regular session minutes of Tuesday, January 3, 2023.
- (b) Motion and second to dispense with and approve the Prepaid Claims Docket dated December 31, 2022, in the amount of \$1,862,773.93.
- (c) Motion and second to dispense with and approve the Claims Docket dated January 11, 2023, in the amount of \$16,546.37.

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

MAYOR'S REPORT

VISITORS

ORDINANCES AND RESOLUTIONS

President Pro Tem Hill introduced Resolution 2-2023 (Extending Moratorium on Short Term Rental Properties). Councilman Garrison offered a motion to adopt Resolution 2-2023 (Extending Moratorium on Short Term Rental Properties). Councilman Robinson seconded the motion. After a voice vote, President Pro Tem Hill announced Resolution 2-2023 was adopted.

**RESOLUTION
2-2023**

**A RESOLUTION EXTENDING THE TEMPORARY MORATORIUM ON PERMITS AND
LICENSES RELATING TO SHORT TERM RENTAL PROPERTIES**

BE IT RESOLVED by the City Council of the City of Eufaula, Alabama, that Resolution 113-2022 adopted by the Council on October 17, 2022 authorizing a ninety (90) day moratorium on permits and licenses relating to short term rental properties be affirmed and further extended for a period of twelve (12) additional months from January 17, 2023, and expiring January 17, 2024, to provide additional time to study and develop a permanent zoning and land-use solution.

ADOPTED AND APPROVED this _____ day of January, 2023.

THE CITY OF EUFAULA, ALABAMA
A MUNICIPAL CORPORATION

Otis Hill
President Pro Tempore

ATTEST:

Joy White, City Clerk/Treasurer

President Pro Tem Hill introduced Resolution 3-2023 (Extending Moratorium on Cargo Containers and Residential Use of Tiny Homes). Councilman Robinson offered a motion to adopt Resolution 3-2023 (Extending Moratorium on Cargo Containers and Residential Use of Tiny Homes). Councilman Garrison seconded the motion. After a voice vote, President Pro Tem Hill announced Resolution 3-2023 was adopted.

**RESOLUTION
3-2023**

**A RESOLUTION EXTENDING THE TEMPORARY MORATORIUM ON THE
RESOLUTION OF THE CITY COUNCIL OF EUFAULA, ALABAMA (“CITY”)
AUTHORIZING A 12-MONTH MORATORIUM ON PERMITS RELATING TO
CONSTRUCTION AND RESIDENTIAL USE OF TINY HOMES AND CARGO
CONTAINER HOMES AND STORAGE BUILDINGS**

BE IT RESOLVED by the City Council of the City of Eufaula, Alabama, that Resolution 29-2022 adopted by the Council on February 7, 2022 authorizing a six (6) month temporary moratorium on permits relating to construction and residential use of

tiny homes and cargo container homes and storage buildings be affirmed and further extended for a period of twelve (12) additional months from February 7, 2022, and expiring February 7, 2023, to provide additional time to study and develop a permanent zoning and land-use solution.

ADOPTED AND APPROVED this _____ day of January, 2023.

THE CITY OF EUFAULA, ALABAMA
A MUNICIPAL CORPORATION

Otis Hill
President Pro Tempore

ATTEST:

Joy White, City Clerk/Treasurer

PUBLIC HEARING

President Pro Tem Hill introduced Resolution 4-2023 (Resolution Vacating Alley at Bluff City Inn) and called for any comments from the audience. Mr. Robert “Bob” Powers came forward to address the council and audience with the following statement and provided Council with a written copy of the statement:

“My name is Bob Powers. I am here today with Will Dillon. We are the co-owners of the Broad Street Piggly Wiggly shopping center. The alley way that is proposed for vacation runs east/west between our property and the sidewalk on N. Eufaula Avenue.

Based on experience, in specific with our property, we have found that vacating a city-owned alley can have unintended and negative consequences.

We have made numerous inquiries as to how the adjoining property is going to be developed, specifically layout, configuration, buffer (if any), ingress and egress, parking, and so forth. We do know that the alley proposed for vacation adjoins the property purchased by the Eufaula Downtown Authority from Dan McKenzie. We were also of the understanding, based on a Resolution passed by this City Council, I believe Resolution 82-2021, paragraph 7, the City needed the McKenzie parcel for very specific uses. I quote:

“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 the general use by the general public, including, but not limited to, tourists and other visitors to the City.”

Further, the Resolution states, “That, as a result of the foregoing conditions, (*which includes restoration and redevelopment of the Bluff City Inn hotel property, and adjacent alley*), at a minimum, along with **future improvement and redevelopment** (emphasis added), the City is in need of additional parking in the downtown area.” - We hope that our property is part of the

“future improvement and redevelopment” in the Eufaula downtown area.

If the alley and adjoining property purchased by the Eufaula Downtown Development Authority is going to be for the “construction and operation of parking facilities...for the general use by the general public,” we have no objections to the Proposed Vacation of the Alley. Is this the plan?

If there is other proposed use, particularly a non-public, or non-general public use that may limit pedestrian ingress/egress to our property, we offer for your consideration the following points:

1. The “Walkable Community” Principles are principles being applied by at least one, if not all, of Alabama’s Regional Planning and Development Commissions. I submit that these principles are particularly applicable to Historic Downtown Eufaula and the City’s purchase of various parcels of downtown property for parking.

The principle calls for an 8-foot walkway with lighting and landscaping. The subject alley is 10-feet wide thus it can easily meet this principle. In addition to benefiting and facilitating pedestrian access to parking, businesses, Carnegie Library, and other attractions in the historic district, this can be another access for utilities (underground), emergency entry, security, and of course overflow parking for events on Eufaula Ave. and downtown.

2. Future development of commercial property along North Eufaula Avenue and, specifically, the Piggly Wiggly property (connected by this alley to the sidewalk and North Eufaula Avenue) can be enhanced by keeping the alley as a pedestrian walkway. Public parking is enhanced and better utilized if there are well-planned and effective pedestrian sidewalks, i.e., “Walkable Community”. The commercial property formerly operated as “Conner-Lawrence Real Estate”, located adjacent to McKenzie Markets, at one time was a restaurant. It had and has limited parking. It was adversely impacted by the 4-laning of North Eufaula Avenue. In the Council’s Resolution I referenced above, it states: “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.” A pedestrian access, i.e., the subject alley, to and from the Piggly Wiggly parking lot could provide needed parking for future commercial business at locations such as the former Conner-Lawrence Real Estate operation (in an historic property).
3. The parking area behind the Martin Theater has City alleys leading to Eufaula Avenue, Broad Street, and Randolph Avenue, in addition to ingress and egress to Barbour Street/Highway 82. These alleys, which are part of the early and historic plans for designing the layout of the City of Eufaula, not only have historic significance, but they also create excellent efficiency for walkways to the downtown area. It is my understanding that the alley proposed for vacation is part of the original plans for the City of Eufaula. It is historic. I suggest that keeping this

alley is in keeping with one of the primary objectives of developing and renovating the Bluff City Inn---its historic significance. (In addition, there is the benefit of Historic Tax Credits for the developer/owners.) Consider building above/over the alley, this preserving and enhancing the historic Objective.

Upon completion of Mr. Powers' statement, Council President Pro Tem Hill called for any additional comments. The Council thanked Mr. Powers for his statement in response to Resolution 4-2023 (Resolution Vacating Alley at Bluff City Inn).

As a member of, and on behalf of the Downtown Redevelopment Authority, Joel Smith requested to make a statement that the Redevelopment Authority owns the two pieces of property, the McKenzie property, and the hotel property, and is now the abutting landowner on either side of the alley. He stated the vacation of the alley is not opposed by the Redevelopment Authority.

Councilman Brown requested clarification of "vacation of the alley". Attorney Joel Smith clarified that in "vacating the alley", the City relinquishes its rights in the alley by deed to the abutting landowner. The Downtown Redevelopment Authority would then have full ownership of the alley resulting in a single piece of property for the hotel to be constructed.

There were no other comments from the audience. Councilman Robinson then offered a motion to adopt Resolution 4-2023 (Resolution Vacating Alley at Bluff City Inn). Councilman Brown seconded the motion. After a voice vote, President Pro Tem Hill announced that Resolution 4-2023 was adopted.

RESOLUTION 4-2023

WHEREAS, the City Council of the City of Eufaula, Alabama desires to vacate the alley described below, which is in the Eufaula city limits; and

WHEREAS, Section 23-4-2 of the Code of Alabama (1975) provides the procedures by which the City Council may vacate an alley; and

WHEREAS, property abutting both sides of the alley to be vacated is owned by the Eufaula Downtown Redevelopment Authority and the alley dead-ends into property owned by Robert D. Powers and Charles William Dillon II; and

WHEREAS, the Piggly Wiggly grocery store is located on the Powers and Dillon property, which property has approximately 125 feet of frontage along Broad Street and for many decades the public has accessed said property from Broad Street, which access will be unaffected by the vacation of the alley; and

WHEREAS, the subject alley has not been used for vehicular ingress and egress for many years and in fact a concrete block wall was constructed in the alley many years ago, thereby preventing vehicles from driving the length of the alley; and

WHEREAS, the City of Eufaula, the Eufaula Downtown Redevelopment Authority (the “EDRA”), the Eufaula Barbour Chamber of Commerce, and RAM Eufaula Hospitality Two, LLC have previously entered into that certain Project Development Agreement dated August 3, 2022, pursuant to which RAM will redevelop the Bluff City Inn hotel, which redevelopment project will encompass EDRA property on both side of the alley and require the construction of improvements on and over the alley property to be vacated; and

WHEREAS, the redevelopment of the Bluff City Inn hotel will benefit the public and the City of Eufaula; and

WHEREAS, a public hearing was conducted by the Eufaula City Council on January 17, 2023, at which times all persons were given an opportunity to be heard in favor of or in opposition to the proposed alley vacation; and

WHEREAS, notice of the public hearing was published in *The Eufaula Tribune* on December 21, 2022, December 28, 2022, January 4, 2023, and January 11, 2023; posted on the bulletin board at the Barbour County Courthouse in Eufaula at least thirty (30) days prior to the public hearing; and served by U.S. mail at least 30 days prior to the scheduled meeting on all property owners listed hereinabove and utility entities known to have facilities or equipment within the alley to be vacated; and

WHEREAS, The Eufaula City Council finds:

(1) That the name of the owner of the parcels abutting the alley on its North and South sides is the Eufaula Downtown Redevelopment Authority, and the alley dead-ends into property owned by Robert D. Powers and Charles William Dillon II;

(2) That there are no owners of lots or parcels of land which will be cut off from access thereby over some other reasonable and convenient way;

(3) That the alley is no longer needed for public purposes;

(4) That the retention of the alley will not benefit the City or the public;

(5) That the vacation of the alley will not deprive any property owner of such right they may have to adequate, convenient, and reasonable means of ingress and egress to and from their property, as such right is afforded by remaining public streets;

(6) That a public hearing was conducted by the Eufaula City Council on January 17, 2023, at which time all persons were given an opportunity to be heard in favor of or in opposition to the proposed vacation;

(7) That prior notice of the public hearing and meeting was provided to all parties as required by, and in accordance with, Section 23-4-2 of the Code of Alabama (1975); and

(8) That it is in the interest of the public that the alley be vacated and conveyed to the Eufaula Downtown Redevelopment Authority.

NOW, THEREFORE, BE IT RESOLVED, that the City of Eufaula, Alabama does hereby vacate the alley described as follows:

All that certain tract or parcel of land located in Section 32, Township 11 North, Range 29 East, Eufaula, Barbour County, Alabama, being a 10-foot-wide Un-Open Alley, containing 2,104.92 sqft, and being more particularly described as follows:

Commencing at the intersection of the North right-of-way of West Broad Street and the West right-of-way of US Highway 431 (Eufaula Avenue), run thence along the West right-of-way of US Highway 431 (Eufaula Avenue), North 01 degree 12 minutes 04 seconds West 211.55 feet to the POINT OF BEGINNING; thence continue along the West right-of-way of US Highway 431 (Eufaula Avenue), North 01 degree 12 minutes 04 seconds West 10.00 feet; thence departing said right-of-way, South 88 degrees 28 minutes 47 seconds West 210.50 feet; thence South 01 degree 20 minutes 46 seconds East 10.00 feet; thence North 88 degrees 28 minutes 47 seconds East 210.48 feet to the West right-of-way of US Highway 431 (Eufaula Avenue), also being the POINT OF BEGINNING.

BE IT FURTHER RESOLVED, that the City of Eufaula, Alabama does hereby remise, release, and quitclaim to Eufaula Downtown Redevelopment Authority, whatever right, title and interest the City may have acquired in the property sought to be vacated and described herein by virtue of dedication or otherwise, subject to any rights of the Water Works and Sewer Board of the City of Eufaula, Alabama Power Company, and the Southeast Alabama Gas District therein, and that Jack B. Tibbs, Jr., Mayor of the City of Eufaula, is authorized to execute and deliver a Quitclaim Deed to the Eufaula Downtown Redevelopment Authority carrying out the intention of this paragraph, and the City Clerk be and is hereby authorized and directed on behalf of the City to attest the same.

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

Adopted this 17th day of January, 2023.

**CITY OF EUFAULA, ALABAMA
A MUNICIPAL CORPORATION**

Otis Hill
President Pro Tempore

ATTEST:

Joy White, City Clerk/Treasurer

UNFINISHED BUSINESS

COUNCIL ACTION/DISCUSSION

Councilman Garrison offered a motion to confirm the appointment of David Grice by the Barbour County Commission to the Health Care Authority to serve a three-year term. Councilman Robinson seconded the motion. By appointment of the Barbour County Commission and confirmation of the Eufaula City Council, David Grice was appointed to serve a three-year term on the Health Care Authority. This term will expire December 1, 2025.

REGULAR AGENDA (NEW BUSINESS)

COUNCIL COMMITTEE REPORTS

Councilman Garrison reported that finances continue to be stable and trend upward as he encourages businesses to continue to remain strong and positive.

Councilman Robinson announced Parks & Recreation are in preparation and registration for the upcoming baseball/softball season in the spring. The "Souper Bowl" is scheduled for Thursday, February 9, 2023 and tickets are available for \$8.00. Participants will sample various vendor soups and vote for the best soup. Cajun Corner was the winner of the "Souper Bowl" 2022. Basketball season is active with games on each weekday evening except Wednesdays. GLL Marine will begin repairs next week on the Old Creek Town boat dock. The Dr. MLK Service Day and breakfast at the Eufaula Chamber of Commerce had 125 participants and served in eight locations for the day of service. The 99th Annual Chamber meeting will be held on Thursday, January 26, 2023 at Lakepoint at 5:30 p.m.

Councilman Brown reported for the week of January 2, 2023 through January 13, 2023, that the street department recycled 22 bales of cardboard. Code Enforcement issued 45 solid waste non-compliance letters. The shop crew completed 36 work orders entered for vehicle and/or equipment repairs. The litter crew collected 162 bags of litter. Trash crews collected and hauled 135 tons of debris to the Barbour County landfill. Garbage crew collected and hauled 141 tons of garbage.

Police Chief Watkins announced that the department continues its investigation of cases and various crimes through assertive operations and procedure.

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 17th day of January, 2023.

CITY OF EUFAULA, ALABAMA
A MUNICIPAL CORPORATION

Otis Hill
President Pro Tempore

ATTEST:

Joy White, City Clerk/Treasurer