

**MINUTES OF A MEETING OF THE EUFAULA CITY COUNCIL HELD ON
MONDAY, MARCH 6, 2023**

The Eufaula City Council met in a scheduled session on Monday, March 6, 2023, at 5:15 p.m. in the police department courtroom at 545 East Barbour Street. Council President Register called the meeting to order, and Elder Larry Parks 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, and Councilman Ben Garrison.
Absent: Councilman John Robinson.

Also present: Mayor Jack Tibbs, 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 amended agenda for Monday, March 6, 2023. President Pro Tem Hill seconded the motion. A roll call vote was taken and recorded as follows: Yeas: Councilman Garrison, Councilman Brown, President Pro Tem Hill, and President Register. Nays: None. President Register then announced that the amended 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 February 20, 2023.
- (b) Motion and second to dispense with and approve the Claims Docket dated March 2, 2023, in the amount of \$8,700.63.

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 reported that he and the Eufaula-Georgetown Ministerial Association recently took a tour of the Humminbird facility. He noted that this is another resource for pastors, ministers, and their families, newcomers, etc., when relocating to Eufaula. Tesla is interested in installing charging stations here in Eufaula, and Mayor Tibbs discussed the location and some of the benefits of the stations. Mayor Tibbs noted that some of the city's new projects will require more time and effort on behalf of the council members and Alabama state officials to potentially pursue additional funding. Mayor Tibbs then reported that the recent Bassmaster tournament was a great success with 225 participating boats. Some of the city's newer projects that are underway in the city are Starbuck's, Dunkin Donuts, David's Catfish, etc., and plans for the new hotel are also being finalized. The rebuilding of the Cheneyhatchee and Lake Eufaula bridges will be longer term projects in the city tentatively expected to begin in the coming months. The

expansion of highway 82 has potential for new businesses to locate along the route after the project begins in the coming months.

VISITORS

Caty Richardson, Director of Connections Respite Ministry, meets every Tuesday and Thursday. The respite ministry began in 2019 to support families living with Dementia, Alzheimer's, cognitive impairment, etc. Mrs. Richardson noted that Dementia is a growing issue and more than 6,000,000 people in America currently suffer from Dementia and that number is expected to rise to 15,000,000 in 30 years. The community ministry is locally supported by other churches, donations, and volunteer participants. Connections Respite Ministry has assisted approximately 20 families to date. Daphne Johnson assisted in starting this ministry which ranks #13 and there are now 25 other programs in six different states.

ORDINANCES AND RESOLUTIONS

President Register introduced Resolution 13-2023 (Flea Market and Consignment Moratorium Resolution). President Pro Tem Hill offered a motion to adopt Resolution 13-2023 (Flea Market and Consignment Moratorium Resolution). Councilman Garrison seconded the motion. After a voice vote, President Register announced Resolution 13-2023 was adopted.

RESOLUTION 13-2023

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.

For the purpose of this moratorium, and as used in this Ordinance, the following terms shall have the following meanings:

“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
City Council President

ATTEST:

Joy White, City Clerk/Treasurer

President Register introduced Resolution 16-2023 (Authorize Additional Clearing Cost for Disc Golf Course). Councilman Garrison offered a motion to adopt Resolution 16-2023 (Authorize Additional Clearing Cost for Disc Golf Course). President Pro Tem Hill seconded the motion. After a voice vote, President Register announced Resolution 16-2023 was adopted.

**RESOLUTION
16-2023**

WHEREAS, on August 1, 2022, the City Council approved Resolution 78-2022 to construct a Disc Golf Course with eighteen holes and two tee boxes per hole; and

WHEREAS, the Disc Golf Course grounds need additional clearing; and

WHEREAS, the quotes received are the following:

Jackson Demo	\$ 4,500.00
Hughes Tree & Clearing Co.	\$ 1,300.00 per day estimated 2 to 3 days
(Not to exceed 3 days	\$ 3,900.00)

WHEREAS, the funding source for this project will be from capital projects or bond issue funds.

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Eufaula hereby authorizes Mayor Jack B. Tibbs, Jr. to execute contractual documents with Hughes Tree & Clearing not to exceed \$ 3,900.00.

DONE THIS 6th day of March, 2023.

CITY OF EUFAULA, ALABAMA
A MUNICIPAL CORPORATION

Wes Register, CMO
Council President

ATTEST:

Joy White, City Clerk/Treasurer

President Register introduced Resolution 17-2023 (Amending Personnel Rules and Regulations Adding Good Friday Holiday). President Pro Tem Hill offered a motion to adopt Resolution 17-2023 (Amending Personnel Rules and Regulations Adding Good Friday). Councilman Brown seconded the motion. After a voice vote, President Register announced Resolution 17-2023 was adopted.

RESOLUTION

17-2023

WHEREAS, on July 1, 2019, the City Council of Eufaula adopted and approved the City of Eufaula Employee Handbook which replaced all previous versions; and

WHEREAS, the City Council desires to recognize Good Friday as an official paid holiday for eligible city employees; and

WHEREAS, the City Council of Eufaula desires to add to the list of Holidays, Good Friday holiday (Friday before Easter Sunday), under Article IV - Leaves of Absence, Section II - Holidays, below (a) Designated.

NOW, THEREFORE BE IT RESOLVED that the City Council of the City of Eufaula hereby authorizes Good Friday (Friday before Easter Sunday) to be added to the list of recognized holidays for eligible city employees.

ADOPTED AND APPROVED this 6th day of March, 2023.

CITY OF EUFAULA, ALABAMA
A MUNICIPAL CORPORATION

Wes Register, CMO
City Council President

Joy White
City Clerk/Treasurer

President Register introduced Resolution 18-2023 (Resolution ICE Range Memorandum of Understanding). President Pro Tem Hill offered a motion to adopt Resolution 18-2023 (Resolution ICE Range Memorandum of Understanding). Councilman Brown seconded the motion. After a voice vote, President Register announced Resolution 18-2023 was adopted.

RESOLUTION
18-2023

WHEREAS, law enforcement agencies must utilize specialized units, personnel, and tactics at times to apprehend criminals and suppress crime; and

WHEREAS, these agencies utilizing these specialized units need remedial training that is unique to their mission, and;

WHEREAS, it is advantageous for agencies to assist one another in acquiring training when practicable and desirous, and;

WHEREAS, the Eufaula Police Department maintains a firing range that is strategically located for mutual benefit to surrounding entities without such range resources, and;

WHEREAS, the Immigrations and Customs Enforcement (ICE) division of the Department of Homeland Security (DHS) wishes to provide training to the Eufaula Police Department in exchange for use of the Eufaula Police Department firing range, and;

WHEREAS, ICE will make limited monetary contributions (<\$5000.00) to the Eufaula Police Department for upgrades, resources, and training equipment for the range, and;

NOW THEREFORE, BE IT RESOLVED BY THE City of Eufaula, that the City Council authorizes Mayor Jack Tibbs, Jr. or his designee to accept monetary contributions from ICE (<\$5,000.000) for upgraded and additional firing range equipment and resources in exchange for ICE's unencumbered use of the Eufaula Police Department's firing range.

ADOPTED AND APPROVED this 6th day of March 2023.

CITY OF EUFAULA, ALABAMA
A MUNICIPAL CORPORATION

Wes Register, CMO
City Council President

ATTEST

Joy White
City Clerk/Treasurer

President Register introduced Resolution 19-2023 (Authorize Mayor to Execute Engagement Letter for two (2) months with Bradley Arant Boulton Cummings LLP). Councilman Garrison offered a motion to adopt Resolution 19-2023 (Authorize Mayor to Execute Engagement Letter for two (2) months with Bradley Arant Boulton Cummings LLP). President Pro Tem Hill seconded the motion. After a voice vote, President Register announced Resolution 19-2023 was adopted.

RESOLUTION

19-2023

WHEREAS, the City of Eufaula wishes to continue services with Bradley Arant Boulton Cummings LLP ("Bradley") for Federal Governmental Affairs services; and

WHEREAS, Bradley will continue to provide legal services and advice as needed to accomplish certain goals determined to be in the interest of the City of Eufaula; and

WHEREAS, the monthly retainer is \$ 7,500.00 per month for a two-month period beginning March 6, 2023 through May 6, 2023; and

WHEREAS, in addition to legal fees, the city will be invoiced for costs and expenses incurred on its behalf, or in the course of these services; and

NOW, THEREFORE BE IT RESOLVED, that the City Council authorizes Jack B. Tibbs, Jr., Mayor, to execute the engagement letter with Bradley.

ADOPTED AND APPROVED this 6th of March, 2023.

CITY OF EUFAULA, ALABAMA
A MUNICIPAL CORPORATION

Wes Register, CMO
City Council President

ATTEST:

Joy White
City Clerk/Treasurer

President Register introduced Resolution 20-2023 (Resolution Glock 18 Transfer to Killen). Councilman Garrison offered a motion to adopt Resolution 20-2023 (Resolution Glock 18 Transfer to Killen). President Pro Tem Hill seconded the motion. After a voice vote, President Register announced Resolution 20-2023 was adopted.

RESOLUTION
20-2023

WHEREAS, law enforcement agencies must utilize specialized units, personnel, and tactics at times to apprehend criminals and suppress crime; and

WHEREAS, these agencies utilizing these specialized units need equipment that is unique to their training and mission, and;

WHEREAS, it is advantageous for agencies to assist one another in acquiring equipment when practicable and desirable, and;

WHEREAS, the Eufaula Police Department has in its possession on inventory two (2) Glock Model 18c select-fire handguns that no longer meet their needs and mission, and;

WHEREAS, the Town of Killen Alabama Police Department wishes to add two (2) Glock Model 18c select-fire weapons to their arsenal for their tactics and mission, and;

WHEREAS, the transfer of weapons will be conducted in accordance with the acknowledgement of both entities' governing bodies and with all required Bureau of Alcohol, Tobacco and Firearms (ATF) documentation and requirements, and;

NOW THEREFORE, BE IT RESOLVED BY THE City of Eufaula, that the City Council authorizes Mayor Jack Tibbs, Jr. or his designee to accept payment of \$700.00 (\$350.00 each)

for two (2) Glock Model 18c from the Town of Killen Alabama contingent upon the acceptance of the required documentation by the ATF.

ADOPTED AND APPROVED this 6th day of March 2023.

CITY OF EUFAULA, ALABAMA
A MUNICIPAL CORPORATION

Wes Register, CMO
City Council President

ATTEST

Joy White
City Clerk/Treasurer

PUBLIC HEARING

President Register introduced Resolution 14-2023 (Weed/Trash Abatement: Ronald Caesar, 618 Davis Lane). President Register called for any questions or comments. President Pro Tem Hill suggested that this resolution be tabled for clarification of ownership. Councilman Garrison offered a motion to table Resolution 14-2023 (Weed/Trash Abatement: Ronald Caesar, 618 Davis Lane). President Pro Tem Hill seconded the motion. After a voice vote, President Register announced that Resolution 14-2023 was tabled.

President Register introduced Resolution 15-2023 (Weed/Trash Abatement: Horace Guilford, Davis Lane). President Register called for any questions or comments. President Pro Tem Hill stated that the owner recently had surgery but has committed to clean up after release from the doctor's care. President Pro Tem Hill then offered a motion to table Resolution 15-2023 (Weed/Trash Abatement: Horace Guilford, Davis Lane). After a voice vote, President Register announced that Resolution 15-2023 was tabled.

UNFINISHED BUSINESS COUNCIL ACTION/DISCUSSION

President Register introduced the voting delegation for the annual League of Municipalities Conference to be held in Birmingham, Alabama. Councilman Garrison offered a motion for President Wes Register to serve as the primary voting delegate, President Pro Tem Hill to serve as the first alternate, and Councilman Marvin Brown to serve as the second alternate. President Pro Tem Hill seconded the motion. After a voice vote, President Register announced that the primary voting delegate and first and second alternates were established for the annual League of Municipalities Conference in Birmingham, Alabama.

President Register introduced the recommendation of rezoning requests for Shah and Shah Living Trust. Both properties are currently split-zoned C-4 (Highway Commercial) and FAR (Forest, Agriculture, Residential) and request each parcel be completely zoned C-4 (Highway Commercial). The Planning Commission unanimously approved the request and is asking that

Council propose and introduce an ordinance for rezoning so that this matter may be properly advertised and subsequently adopted. Councilman Garrison offered a motion that the Council accept and approve the recommendation of rezoning requests for Shah and Shah Living Trust to be added to the next available agenda for its first reading after proper media advertisement. President Pro Tem Hill seconded the motion. After a voice vote, President Register announced that the recommendation of rezoning requests for Shah and Shah Living Trust was approved.

REGULAR AGENDA (NEW BUSINESS)

COUNCIL COMMITTEE REPORTS

Councilman Garrison noted that the new, incoming businesses to Eufaula confirms the optimistic outlook for the city.

President Register announced that the month of March is Middle Level Education month for the celebration of students and middle school administrative staff. Last week was Maintenance Workers Appreciation Day commending Elmo Duckworth, Brandon Shirley, Donnie Cox, Jeffrey Green, Richard Baggett, and James Bailey, Director of Operations. Music and Arts will be held at Eufaula High School on Thursday, March 23, 2023. The art show will begin at 6:00 p.m. and the concert will begin at 7:00 p.m. Katie Vickers will host Photography Basics, Part III at 10:00 a.m. on Saturday, March 25, 2023 at the Carnegie Library Auditorium.

Councilman Brown reported the following for February 27, 2023 through March 3, 2023: the street department recycled 20 bales of cardboard, Code Enforcement issued 60 non-compliance letters, the shop crew completed 35 work orders entered for vehicle and/or equipment repairs, the litter crew collected 196 bags of litter, the trash crew collected and hauled 148 tons of debris to the Barbour County landfill and the garbage crew collected and hauled 131 tons of garbage.

President Pro Tem Hill's report announces the law enforcement executive certification for Police Chief Steve Watkins. The State of Alabama has a certified executive law enforcement program in connection with Alabama Chiefs of Police Association and several universities throughout the state. They offer executive level college courses of which approximately 10-14 chiefs per year advance to the executive level. APOST (Alabama Peace Officers Standards and Training) issues only two certifications, one for police officer and the other for law enforcement executive. Chief Watkins has surpassed the required number of hours and was awarded the law enforcement executive level certification at the chief's conference.

Mayor Tibbs then announced a forum held on last week consisting of the NAACP, Mayor Tibbs, Police Chief Steve Watkins, Code Enforcement Officer Danny Christ, and Barbour County Sheriff Tyrone Smith. This forum discussed issues that relate to maintaining the safety of the community and minimizing crime.

ADJOURNMENT

There being no further business to come before the Council, the same was on motion by Councilman Garrison, and duly seconded by President Pro Tem Hill adjourned this 6th day of March, 2023.

CITY OF EUFAULA, ALABAMA
A MUNICIPAL CORPORATION

Wes Register, CMO
City Council President

ATTEST:

Joy White, City Clerk/Treasurer