

**MINUTES OF A SCHEDULED MEETING OF THE EUFAULA CITY COUNCIL HELD ON  
MONDAY, MARCH 7, 2022 AT 5:15 P.M.**

The Eufaula City Council met in a scheduled session on Monday, March 7, 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 Councilman Marvin Brown 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, Marvin Brown, President Pro Tem Otis Hill, and Ben Garrison. Absent: John Robinson.

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

**HONORS AND RECOGNITION**

**APPROVAL OF AGENDA**

Mr. Garrison offered a motion to approve the order of the agenda for the meeting of March 7, 2022. President Pro Tem Hill seconded the motion. Council President Register then announced that the agenda was approved and adopted.

**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 February 21, 2022.
- (b) Motion and second to dispense with and approve the Claims Docket dated March 2, 2022 in the amount of \$24,549.80.
- (c) Motion and second to dispense with and approve the Prepaid Claims Docket dated February 28, 2022 in the amount of \$1,162,712.02.

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

**MAYOR'S REPORT**

Mayor Tibbs announced that the City will apply for a TAP grant to install sidewalks in the vicinity of the Admiral Moorer Middle School and Eufaula High School. This project will make it safer for students to travel between the schools to various activities.

Barge & Waggoner will apply for airport terminal funding in the approximate amount of \$1.5 million with a 5% match. Mayor Tibbs also announced that Martha Roby will assist with securing projects such as the Chattahoochee Waterway Project, funding for the new hospital, an EDA grant for the roadway located south of Eufaula, and funding for a nitrile glove production project.

President Pro Tem Hill asked when the Union Street storm water repair work could expect to proceed. Mayor Tibbs responded that the City can again apply for grant funding and discussed several potential avenues to acquire the funding.

Mayor Tibbs noted that Ordinance 2022-3 (First Reading – Annexing Mineral Manufacturing) is on the agenda for this evening’s session. He stated that several of the local businesses have a high gas usage and the annexation would allow installation of a new natural gas meter to be served by Southeast Alabama Gas District. Dave’s Catfish will tentatively begin construction in June-July 2022.

### **VISITORS**

Mr. Fredcus Tate appeared before the council to address whether the City of Eufaula accepts emergency ambulance/rescue calls for service from county residents. He explained his emergency situation that occurred approximately two weeks ago that finally resulted in his personal transport of a family member. Miscommunication has directed this issue towards the re-enforcement of additional training and clarity efforts for all first responders.

Fire Chief Feggins did explain to Mr. Tate that city services are available for county residential emergencies. Fire Chief Feggins then added that the Fire Department has taken the initiative to provide emergency services to the outlying county areas that includes areas such as highway 431 to the county line, highway 82, Gammage Road, etc. Chief Feggins along with Council President Register noted that the county commissioner and city council will work together to come to a clear resolve for county residents to receive a type of residential emergency service when it is needed. Fire Chief Feggins again noted that the city does currently provide emergency services to county residents without the approval of the county.

### **ORDINANCES AND RESOLUTIONS**

Council President Register introduced Resolution 37-2022 (Public Works Department Equipment Surplus). Mr. Brown offered a motion to adopt Resolution 37-2022 (Public Works Department Equipment Surplus). Mr. Garrison seconded the motion. Council President Register announced that Resolution 37-2022 was adopted.

#### **RESOLUTION 37-2022**

WHEREAS, THE City of Eufaula Public Works Department has equipment which is no longer needed for public or municipal purposes; and

WHEREAS, Section 11-43-56 of the Alabama Code of 1975 authorizes the municipal governing body to dispose of unneeded property.

**SECTION 1.** The following items and vehicles are declared surplus and will be either placed on GovDeals.com for sale or sold as scrap:

Description	VIN	Decal #	Reason
2005 Bobcat S130	529211255	R55	No longer in service
2009 Ford Ranger mini dump	1FTYR10D09PA14048	270	No longer in service
268 Chevy Colorado	1GCCSBF92C145877	268	No longer in service
2005 Chevy Silverado	1GCE19Z280284	R58	No longer in service
SL2100 Phone System four telco line ports with six 24-button IP phones			Inoperable
Globe 2 post lift – Car lift – 9,000 lbs. inspected yearly			Inoperable

NOW, THEREFORE, BE IT RESOLVED that the Mayor and City Clerk be, and hereby are, authorized and directed to dispose of the Public Works Department equipment as described above.

ADOPTED AND APPROVED this 7<sup>th</sup> day of March, 2022.

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

Council President Register introduced Resolution 38-2022 (Resolution accepting bid for Splash Pad Entrance and Restrooms – March 2022). Council President Register abstained from the vote on this resolution due to a business relationship with Trademark Custom Homes, LLC. President Pro Tem Hill offered a motion to adopt Resolution 38-2022 (Resolution accepting bid for Splash Pad Entrance and Restroom – March 2022). Mr. Garrison seconded the motion. Council President Register announced that Resolution 38-2022 was adopted.

**RESOLUTION  
38-2022**

WHEREAS, on February 22, 2022, the City of Eufaula opened sealed bids for the Splash Pad Entrance/Restrooms project; and

WHEREAS, this project is for the construction of an entrance to the Splash Pad from Broad Street and the construction of restrooms, which will be accessible to the Splash Pad and to the Public during special events; and

WHEREAS, two bids were received which include the Base bid and Alternate 1 and Alternate 2, as follows:

**Trademark Custom Homes, LLC**

Base Bid \$ 490,431.30

Alternate 1: Use Faux Slate Shingle in Lieu of Asphalt Shingles \$ 2,300.00

Alternate 2: Add Spray-Foam Insulation at Attic and Rigid Board Insulation in Cavity Walls \$ 3,500.00

**Southern Quest Construction Inc.**

Base Bid \$ 1,018,200.00

Alternate 1: Use Faux Slate Shingle in Lieu of Asphalt Shingles \$ 15,000.00

Alternate 2: Add Spray-Foam Insulation at Attic and Rigid Board Insulation in Cavity Walls \$ 4,680.00

NOW, THEREFORE, BE IT RESOLVED that the bid submitted by Trademark Custom Homes, LLC be accepted and that Mayor Jack B. Tibbs, Jr., in his official capacity, be authorized to execute all necessary documents relating to the project.

DONE THIS 7th Day of March, 2022.

THE CITY OF EUFAULA, ALABAMA  
A MUNICIPAL CORPORATION

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Wes Register, President

ATTEST:

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Joy White, City Clerk/Treasurer

Council President Register introduced Resolution 39-2022 (Flea Market and Consignment Moratorium Resolution). Mr. Garrison offered a motion to adopt Resolution 39-2022 (Flea Market and Consignment Moratorium Resolution). President Pro Tem Hill seconded the motion. Council President Register announced that Resolution 39-2022 was adopted.

**RESOLUTION  
39-2022**

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 one (1) year 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 7th day of March, 2022.

THE CITY OF EUFAULA, ALABAMA

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Wes Register, President

ATTEST:

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Joy White, City Clerk/Treasurer

### **PUBLIC HEARING**

Council President Register introduced Ordinance 2022-3 (First Reading – Annexing Mineral Manufacturing). City Attorney Joel Smith gave Ordinance 2022-3 (Second Reading – Annexing Mineral Manufacturing) its first reading. Council President Register opened the floor for any comments, questions, or concerns. There was no response from the audience. Council President Register noted that the seconding reading/hearing will take place at the next regularly scheduled city council meeting to be held on Monday, March 21, 2022.

### **UNFINISHED BUSINESS**

#### **COUNCIL ACTION/DISCUSSION**

Council President Register announced that a school board appointment is scheduled on or about Friday, April 1, 2022. The Council agreed that resumes would be accepted for consideration of appointment beginning tomorrow, March 8, 2022 through Tuesday, March 22, 2022. Mr. Garrison requested that the Council adopt as standard procedure for appointing school board members a two-week window of consideration of resumes for each appointment at expiration.

### **REGULAR AGENDA (NEW BUSINESS)**

#### **COUNCIL COMMITTEE REPORTS**

Mr. Garrison expressed his concern for inflation, and stated that the City of Eufaula should be very cautious about its spending habits considering the increase in product costs, building materials, labor, etc., at the current time. He stated that he has spoken with Edith Haas who has an optimistic outlook for the City of Eufaula and who will potentially pursue multiple, long-term projects in the city.

Council President Register reported that the Carnegie Library will host young children, ages 5 and up on Saturday, March 19, 2022 at 10:00 a.m. Sidney the Dog and a craft activity will be a part of the program, and pre-registration is required. The Eufaula High School band will travel this week to Chicago to participate in the St. Patrick's Day parade on Saturday, March 12, 2022. Last week was Read Across America Week, and Mayor Tibbs, Council President Register, Mr. Garrison, and many other volunteers went to some of the class rooms to read to the students. The ACAP Carnival student testing will be held at the elementary school later in this month. Music and Arts will be held at Eufaula High School on Thursday, March 24, 2022. The art show will be held at 6:00 p.m. and the concert will begin at 7:00 p.m.

Council President Register reported for Mr. Robinson. Barge & Waggoner is testing moisture issues in the T-Hangars at the local airport. Parks & Rec had very good participation for the recent yard sale. The disc golf course is developing and renovations for the community center and its adjacent facilities will begin soon. The Networking at Noon will be held on Tuesday, March 22, 2022. The Rural Tourism Conference is scheduled for Monday, November 7, 2022

through Wednesday, November 9, 2022 and will coincide with the Christmas Open House. Approximately 300 attendees are expected. The Annual Pilgrimage will be held on Friday, April 1, 2022 through Sunday, April 3, 2022.

Mr. Brown reported that the garbage crew collected and hauled 62 tons of garbage. Trash crews collected and hauled 78 tons of debris to the Barbour County landfill. The litter crew collected 87 bags of litter throughout the city. The shop crew completed 15 work orders entered for vehicle and/or equipment repairs. The construction crew also performed necessary construction. The department recycled 10 bales of cardboard.

President Pro Tem Hill reported that the police and fire departments are routinely running at this time.

Mayor Tibbs thanked the Barbour County-Georgetown Ministerial Association for volunteering to open the Monday morning staff meetings with prayer.

### **ADJOURNMENT**

There being no further business to come before the Council, the same was on motion by Mr. Garrison, and duly seconded by President Pro Tem Hill, adjourned this 7<sup>th</sup> day of March, 2022.

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Wes Register, Council President

ATTEST:

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Joy White, City Clerk/Treasurer