

**MINUTES OF A SCHEDULED MEETING OF THE EUFAULA CITY COUNCIL HELD ON
MONDAY, MARCH 21, 2022 AT 5:15 P.M.**

The Eufaula City Council met in a scheduled session on Monday, March 21, 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 Chaplain Brad Mitchell 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, President Pro Tem Otis Hill, Marvin Brown, Ben Garrison, and 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. Robinson offered a motion to approve the order of the agenda for the meeting of March 21, 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 March 7, 2022.
- (b) Motion and second to dispense with and approve the Claims Docket dated March 16, 2022 in the amount of \$41,068.84.

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 stated that Martha Roby will assist with securing projects such as the Appalachian-Chattahoochee-Flint Waterway Project, application for the airport terminal funding by Barge & Waggoner in the approximate amount of \$1.5 million with a 5% match, funding for the new hospital, and an EDA grant for the roadway located south of Eufaula. Hyundai Poly-Tech also has an optimistic outlook to expand its plant production here in Eufaula. The city's outlook continues to be positive and progressive.

Mayor Tibbs re-appointed Alenna Peak and Arnie Cutchen to the Historic Preservation Commission to each serve another three-year term.

VISITORS

Rachel Smith, District One County Commissioner, appeared before the Council in regards to an arrest and seizure of property at a local residence by the Eufaula Police Department in October 2021. Mrs. Smith expressed concern for the family's property because she noted that the property has not been returned to the owner while also questioning the length of time that the property has been in the possession of the police department. Mrs. Smith pursued answers to these concerns from the Council and asked that the Council please respond to the police department's actions in this particular incident. Council President Register responded that the Council needs to review this incident to give an appropriate response. Mr. Brown asked Mrs. Smith to please reason together with the Council for a resolution to this concern.

ORDINANCES AND RESOLUTIONS

PUBLIC HEARING

Council President Register introduced Ordinance 2022-3 (Second Reading – Annexing Mineral Manufacturing). City Attorney Joel Smith gave Ordinance 2022-3 (Second Reading – Annexing Mineral Manufacturing) its second reading. Council President Register opened the floor for any comments, questions, or concerns. There was no response from the audience. Mr. Garrison offered a motion to adopt Ordinance 2022-3 (Second Reading – Annexing Mineral Manufacturing). Mr. Robinson seconded the motion. A roll call vote was taken and recorded as follows: Yeas: Mr. Robinson, Mr. Garrison, Mr. Brown, President Pro Tem Hill, and President Register. Nays: None. Council President Register announced that Ordinance 2022-3 was adopted.

ORDINANCE 2022-3

AN ORDINANCE ASSENTING TO THE REQUEST OF THE SOLE PROPERTY OWNER TO BE ANNEXED INTO THE CITY OF EUFAULA, ALABAMA, A MUNICIPAL CORPORATION, OF CERTAIN LANDS LOCATED ON THE NORTH SIDE OF HIGHWAY 131 ADJACENT TO HARBISON WALKER ROAD WHICH ARE CONTIGUOUS TO THE EXISTING CITY LIMITS

BE IT ORDAINED by the City Council of Eufaula, Alabama, as follows:

The City of Eufaula, acting through its duly elected city council, does hereby assent to the request of the sole owner of the herein described real property to be annexed into the City of Eufaula.

The land described below is hereby annexed into the city limits of Eufaula, Alabama, pursuant to the provisions of Section 11-42-21, as amended, Code of Alabama, 1975, as amended.

**MINERAL MANUFACTURING CORPORATION PROPERTY GENERALLY LOCATED
ON THE NORTH SIDE OF HIGHWAY 131 ADJACENT TO HARBISON WALKER
ROAD AND CONTAINING 6.69+/- ACRES TO BE ANNEXED**

ANNEXATION LEGAL DESCRIPTION

All that certain tract or parcel of land located in Section 25, Township 10 North, Range 28 East, Barbour County, Alabama, containing 6.69 acres, more or less, and being more particularly described as follows: Commencing at the intersection of the East right-of-way of Harbison Walker Road and the North right-of-way of Alabama Highway 131, run thence along said North right-ofway of Alabama Highway 131, as it curves, concave Southeasterly, having a chord bearing and distance of North 60 degrees 12 minutes 09 seconds East 380.43 feet, an arc length of 380.45 feet and a radius of 10054.68 feet to the POINT OF BEGINNING; run thence South 00 degrees 22 minutes 53 seconds West 68.73 feet to the center-line of Alabama Highway 131; thence along said center-line of Alabama Highway 131, North 60 degrees 10 minutes 45 seconds East 1124.93 feet to the existing City Limits of the City of Eufaula; thence along said City Limits of the City of Eufaula, North 02 degrees 16 minutes 57 seconds East 120.47 feet; thence South 73 degrees 55 minutes 16 seconds West 1017.95 feet; thence North 89 degrees 37 minutes 07 seconds West 398.80 feet; thence South 01 degree 29 minutes 53 seconds West 100.02 feet; thence South 89 degrees 37 minutes 07 seconds East 400.74 feet; thence South 00 degrees 22 minutes 53 seconds West 229.14 feet to the North right-of-way of Alabama Highway 131, also being the POINT OF BEGINNING.

The provisions of this ordinance are severable. If any part of the ordinance is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

All ordinances or parts thereof which conflict with this ordinance are hereby repealed.

This ordinance shall become effective immediately upon its adoption and publication as required by law.

ADOPTED AND APPROVED this _____ day of _____,
2022.

CITY OF EUFAULA, ALABAMA
A MUNICIPAL CORPORATION

Wes Register, Council President

ATTEST:

Joy White, City Clerk/Treasurer

Council President Register introduced Ordinance 2022-4 (First Reading – Amended Solid Waste Ordinance). City Attorney Joel Smith gave Ordinance 2022-4 (First Reading – Amended Solid Waste Ordinance) 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 second reading/hearing will take place at the next regularly scheduled city council meeting to be held on Monday, April 4, 2022.

Council President Register introduced Resolution 40-2022 (Vacating Portion of Livingston Street). Council President Register explained that Reeves Peanut Company, Inc., an Alabama corporation, has petitioned the City Council of the City of Eufaula to vacate portions of an alley and right of way of Livingston Street as described in its Petition for Approval of and Assent to Vacation of, and to Vacate, an Alley and Portion of Right of Way of Livingston Street filed with the City on or about February 17, 2022. Council President Register opened the floor for any comments, questions, or concerns. Honorable Walter Calton asked for clarification of the boundaries to vacate the alley and portion of right of way adjacent to his property. The boundaries to vacate the alley and portion of right of way adjacent to his property was clarified by City Attorney Joel Smith. Mr. Garrison offered a motion to adopt Resolution 40-2022 (Vacating Portion of Livingston Street). Mr. Robinson seconded the motion. A roll call vote was taken and recorded as follows: Yeas: Mr. Robinson, Mr. Garrison, Mr. Brown, President Pro Tem Hill, and President Register. Nays: None. Council President Register announced that Resolution 40-2022 was adopted.

**RESOLUTION
40-2022**

**A RESOLUTION TO VACATE AN ALLEY AND PORTION OF RIGHT OF WAY OF
LIVINGSTON STREET LOCATED WITHIN THE CITY OF EUFAULA, ALABAMA**

WHEREAS, Reeves Peanut Company, Inc., an Alabama corporation, has petitioned the City Council of the City of Eufaula, Alabama to vacate portions of an alley and right of way of Livingston Street as described in its Petition for Approval of and Assent to Vacation of, and to Vacate, an Alley and Portion of Right of Way of Livingston Street filed with the City on or about February 17, 2022 (the “Petition”); and

WHEREAS, said portions of an alley and Livingston Street right-of-way petitioner desires to be vacated are located within the City limits of the City of Eufaula, Alabama, and described as follows:

Parcel A
(West Right of Way Abandonment)
LEGAL DESCRIPTION:

All that tract or parcel of land being part of and located in
Section 33, Township 11 North, Range 29 East, Eufaula, Barbour

County, Alabama and being more particularly described as follows:

Commencing at a railroad iron at the intersection of the original East right of way of Livingston Street and the North right of way of East Broad Street; Thence, along said North right of way, South 88 degrees 51 minutes 42 seconds West a distance of 95.43 feet to an iron pin set CA-108 (Eufaula Surveying Co., LLC.) on the new West right of way of Livingston Street, also being the POINT OF BEGINNING; Thence, continue along said North right of way, South 88 degrees 51 minutes 42 seconds West a distance of 27.14 feet to a point on the original West right of way of Livingston Street; Thence, along said original West right of way of Livingston Street, North 00 degrees 46 minutes 00 seconds West a distance of 667.50 feet to a point on the South property line of the Eufaula Water Works & Sewer Board in Deed Book E-134 Page 666; Thence, along said South property line, North 87 degrees 39 minutes 26 seconds East a distance of 39.78 feet to an iron pin set CA-108 (Eufaula Surveying Co., LLC.) on the new West right of way of Livingston Street; Thence, along said new West right of way of Livingston Street, South 00 degrees 18 minutes 55 seconds West a distance of 668.54 feet to an iron pin set (Eufaula Surveying Co., LLC.) and the POINT OF BEGINNING. Together with and subject to covenants, easements and restrictions of record. Said property contains 0.51 Acres more or less.

Parcel B
(Partial Alley Abandonment)

LEGAL DESCRIPTION:

All that tract or parcel of land being part of and located in Section 33, Township 11 North, Range 29 East, Eufaula, Barbour County, Alabama and being more particularly described as follows:

Commencing at a railroad iron at the intersection of the original East right of way of Livingston Street and the North right of way of East Broad Street; Thence, along said North right of way, South 88 degrees 51 minutes 42 seconds West a distance of 122.57 to a point on the original West right of way of Livingston Street; Thence, along said original West right of way of Livingston Street, North 00 degrees 46 minutes 00 seconds West a distance of 208.83 feet to a point on the South margin of a fifteen foot alley, also being the POINT OF BEGINNING; Thence, continue along said original West right of way of Livingston Street, North 00 degrees 46 minutes 00 seconds West a distance of 15.00 feet to a point on the North margin of a fifteen foot alley; Thence, along said North margin, South 89 degrees 04 minutes 19 seconds West a distance of 164.68 feet to chisel X on concrete; Thence, South 01 degrees 33 minutes 18 seconds East a distance of 15.00 feet to

a railroad iron on the South margin of a fifteen foot alley; Thence, along said South margin, North 89 degrees 04 minutes 19 seconds East a distance of 164.47 feet to a point and the POINT OF BEGINNING. Together with and subject to covenants, easements and restrictions of record. Said property contains 0.06 Acres more or less.

Parcel C
(East Right of Way Abandonment)
LEGAL DESCRIPTION:

All that tract or parcel of land being part of and located in Section 33, Township 11 North, Range 29 East, Eufaula, Barbour County, Alabama and being more particularly described as follows:

Commencing at a railroad iron at the intersection of the original East right of way of Livingston Street and the North right of way of East Broad Street, also being the POINT OF BEGINNING; Thence, along said North right of way, South 88 degrees 51 minutes 42 seconds West a distance of 40.41 feet to an iron pin set CA-108 (Eufaula Surveying Co., LLC.) on the new East right of way of Livingston Street; Thence, along said new East right of way of Livingston Street, North 00 degrees 18 minutes 55 seconds East a distance of 768.72 feet to an iron pin set CA-108 (Eufaula Surveying Co., LLC.); Thence, leaving said new East right of way, North 88 degrees 19 minutes 28 seconds East a distance of 25.90 feet to a point on the original East right of way of Livingston Street; Thence, along said original East right of way of Livingston Street, South 00 degrees 46 minutes 00 seconds East a distance of 768.74 feet to a railroad iron at the intersection of the original East right of way of Livingston Street and the North right of way of East Broad Street and the POINT OF BEGINNING. Together with and subject to covenants, easements and restrictions of record. Said property contains 0.58 Acres more or less.

Parcel D
(Partial Alley Abandonment)
LEGAL DESCRIPTION:

All that tract or parcel of land being part of and located in Section 33, Township 11 North, Range 29 East, Eufaula, Barbour County, Alabama and being more particularly described as follows:

Commencing at a railroad iron at the intersection of the original East right of way of Livingston Street and the North right of way of East Broad Street; Thence, along said original East right of way of Livingston Street, North 00 degrees 46 minutes 00 seconds West a distance of 208.38 feet to a point on the South margin of a fifteen-foot alley, also being the POINT OF BEGINNING;

Thence, continue along said original East right of way of Livingston Street, North 00 degrees 46 minutes 00 seconds West a distance of 15.00 feet to a point on the North margin of a fifteen foot alley; Thence, along said North margin, North 89 degrees 04 minutes 19 seconds East a distance of 150.22 feet to a point on the property line of the City of Eufaula Deed Book E-275 Page 125; Thence, leaving said North margin, along said property line of the City of Eufaula, South 27 degrees 05 minutes 34 seconds West a distance of 16.99 feet to a point on the South margin of the aforementioned alley; Thence, along said South margin, South 89 degrees 04 minutes 19 seconds West a distance of 142.28 feet to a point on the original East right of way of Livingston Street and the POINT OF BEGINNING. Together with and subject to covenants, easements and restrictions of record. Said property contains 0.05 Acres more or less.

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 Petition states that 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 requested vacation; and

WHEREAS, a public hearing was conducted by the Eufaula City Council on March 21, 2022, at which time all persons were given an opportunity to be heard in favor of or in opposition to the proposed 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 Water Works and Sewer Board of the City of Eufaula owns property abutting the North side of Parcel A described above, and has consented to the vacation sought in the Petition, provided said vacation does not interfere with any established water or sewer lines on any of the parcels; 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, the portions of alleys and right-of-way sought to be vacated are not needed for public purposes; and

WHEREAS, the retention of said portions of alleys and right-of-way by the City will not benefit the City of Eufaula, Alabama, or the public; and

WHEREAS, it is in the best interest of the City to vacate the portions of the alley and right-of-way described herein and the same should be returned/conveyed to the abutting landowner/petitioner, Reeves Peanut Company, Inc., 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.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Eufaula, Alabama, that it is in the best interest of the City to vacate the alleys and right-of-way of Livingston Street as described herein, and the City does hereby assent to the alley and right-of-way vacation.

BE IT FURTHER RESOLVED that the City of Eufaula, Alabama does hereby remise, release, and quitclaim to Reeves Peanut Company, Inc., 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 therein, and that Jack B. Tibbs, Jr., Mayor of the City of Eufaula, is authorized to execute and deliver a Quitclaim Deed to Reeves Peanut Company, Inc. 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, with Reeves Peanut Company, Inc. to pay the cost of recordation and publication.

Adopted this _____ day of March, 2022.

CITY OF EUFAULA, ALABAMA
A MUNICIPAL CORPORATION

Wes Register, President

ATTEST:

Joy White, City Clerk/Treasurer

UNFINISHED BUSINESS

COUNCIL ACTION/DISCUSSION

Council President Register introduced the voting delegation for the Annual Membership Meeting of the Alabama Municipal Insurance Corporation. This conference will be held in Tuscaloosa, Alabama. Mr. Garrison offered a motion for Mayor Tibbs to serve as the voting delegate, President Pro Tem Hill to serve as the first alternate, and President Wes Register to serve as the second alternate. Mr. Robinson seconded the motion.

REGULAR AGENDA (NEW BUSINESS)

COUNCIL COMMITTEE REPORTS

Mr. Garrison reported that the City is within budget and has an optimistic, progressive outlook.

Council President Register attended the Library Board meeting this morning. The second "Lunch and Learn" will be held on Tuesday, April 5, 2022, beginning at 12:00 p.m. The Eufaula High School band had a safe, successful trip to Chicago participating in the St. Patrick's Day parade in 11° weather with a wind chill of -4°! Council President Register added that the EHS band enjoyed their trip and represented Eufaula well. The Chamber of Commerce will host Networking at Noon on tomorrow. 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. President Pro Tem Hill encouraged everyone to go out and support the children for their display of enthusiastic effort each year.

Mr. Robinson reported that Barge & Waggoner is testing moisture issues in the T-Hangars at the local airport in an attempt to resolve the issue. The renovation project is progressing at the community center with the last review tentatively scheduled for Friday, April 22, 2022. The softball season is scheduled to begin Monday, April 4, 2022. The umpire certification course was held recently certifying 12 umpires for the upcoming season. The flashlight Easter egg hunt will be held Friday, April 15, 2022. The Chamber of Commerce Jr. Ambassadors participated in the Barbour County 4-H Peanut Butter and Jelly Drive. They collected 85 pounds of peanut butter and 75 pounds of jelly. All donations will go to the local Clearinghouse. The Chamber Jr. Ambassadors also read to third and fourth graders during the Read Across America event. The Annual Pilgrimage will be held on Friday, April 1, 2022 through Sunday, April 3, 2022. Mr. Robinson attended an Appalachian-Chattahoochee-Flint Waterway Project addressing the dredging process.

Mr. Brown reported that qualifying residents of the Edgewood Project have turned in the necessary and required funds in the initial phase of the project. Mr. Brown then reported that the garbage crew collected and hauled 63 tons of garbage. Trash crews collected and hauled 78 tons of debris to the Barbour County landfill. The litter crew collected 35 bags of litter throughout the city. The shop crew completed 25 work orders entered for vehicle and/or equipment repairs. The construction crew also performed necessary construction. The department recycled 12 bales of cardboard.

President Pro Tem Hill called for Police Chief Watkins to give a summary crime report to Council.

ADJOURNMENT

There being no further business to come before the Council, the same was on motion by Mr. Garrison, and duly seconded by Mr. Robinson, adjourned this 21st day of March, 2022.

CITY OF EUFAULA, ALABAMA
A MUNICIPAL CORPORATION

Wes Register, Council President

ATTEST:

Joy White, City Clerk/Treasurer