

**MINUTES OF A MEETING OF THE EUFAULA CITY COUNCIL HELD ON
MONDAY, APRIL 3, 2023**

The Eufaula City Council met in a scheduled session on Monday, April 3, 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 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, Councilman Marvin Brown, Councilman Ben Garrison, and Councilman John Robinson. Absent: President Pro Tem Otis Hill.

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

HONORS AND RECOGNITION

APPROVAL OF AGENDA

Councilman Robinson offered a motion to approve the order of the agenda for Monday, April 3, 2023. Councilman Brown seconded the motion. President Register 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 March 20, 2023.
- (b) Motion and second to dispense with and approve the Claims Docket dated March 29, 2023, in the amount of \$27,240.10.

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 Councilman Garrison traveled to Washington, DC recently for business meetings with Sen. Katie Britt and Rep. Barry Moore. The meetings were productive and promising for potential funding of local projects. Mayor Tibbs congratulated the Heritage Association and all participating volunteers for a successful Pilgrimage that was held March 31, 2023 through April 2, 2023. The Big Bass Tour was also a great success with 500 participants.

VISITORS

ORDINANCES AND RESOLUTIONS

President Register introduced Resolution 24-2023 (Approve Match for Senior Center Bus Purchase). Councilman Garrison offered a motion to adopt Resolution 24-2023 (Approve Match

for Senior Center Bus Purchase). Councilman Brown seconded the motion. After a voice vote, President Register announced Resolution 24-2023 was approved and adopted.

RESOLUTION

24-2023

WHEREAS, an agreement was approved by the Eufaula City Council between the City of Eufaula and the State of Alabama on February 20th, 2023 for partial funding for a bus/van for the Jaxon Life Senior Center; and

WHEREAS, the State of Alabama is acting by and through the Alabama Department of Transportation relating to the purchase of a bus/van with partial funding by the Federal Transit Administration; and

WHEREAS, Jaxon Life Senior Center has been notified that the match for the 2023 Ford Transit Van is \$ 17,000.00; and

WHEREAS, the City of Eufaula will provide local matching funds in the total amount of \$ 17,000.00 for this purchase upon the approval of the Eufaula City Council;

BE IT RESOLVED that this resolution be APPROVED AND ADOPTED this 3rd day of April, 2023.

CITY OF EUFAULA, ALABAMA
A MUNICIPAL CORPORATION

Wes Register, CMO
City Council President

ATTEST:

Joy White
City Clerk/Treasurer

President Register introduced Resolution 25-2023 (Reduction in City Schools Appropriation). Councilman Brown offered a motion to adopt Resolution 25-2023 (Reduction in City Schools Appropriation). Councilman Robinson seconded the motion. After a voice vote, President Register announced Resolution 25-2023 was approved and adopted.

**RESOLUTION
25-2023**

WHEREAS, the City Council has previously made an annual appropriation to the Eufaula City Schools in the sum of \$540,000, of which \$180,000 has previously been paid to the Eufaula City Schools; and

WHEREAS, the City Council, after consultation with the Eufaula City Schools, desires to amend and modify its annual appropriation for 2023 so as reduce said annual appropriation to the \$180,000 amount already paid, in order that the remaining \$360,000 may be used by the City to provide financial assistance to Medical Center Barbour.

NOW THEREFORE, be it resolved, that the City's 2023 appropriation to the Eufaula City Schools is hereby reduced from \$540,000 to \$180,000.

ADOPTED this the 3rd day of April, 2023.

Wes Register, CMO
Council President

Joy White
City Clerk/Treasurer

President Register introduced Resolution 27-2023 (Resolution – E-911 Pay Addendum). Councilman Garrison offered a motion to adopt Resolution 27-2023 (Resolution – E-911 Pay Addendum). Councilman Brown seconded the motion. After a voice vote, President Register announced Resolution 27-2023 was approved and adopted.

RESOLUTION

27-2023

WHEREAS, the Barbour County E-911 Board has offered a proposed addendum to the current Agreement entered into by the City of Eufaula, a Municipal Corporation, hereinafter referred to as "City", and the Barbour County E-911 District Board, Inc., herein referred to as "E-911 Board" on the 12th day of February, 2005.

NOW THEREFORE, in consideration of the mutual benefits to each party resulting from the addendum, the parties agree as follows:

- (A) The E-911 Board agrees to pay an additional \$1.65 per hour for hours worked by E-911 Dispatchers and the City has agreed to facilitate this increase in each pay step by \$1.65.

- (B) The City will bill the E-911 Board each month for the number of hours worked by each dispatcher and to provide each dispatcher's log sheet, as needed, as verification for the record.

- (C) The effective date of this addendum will be _____, 2023.

ADOPTED AND APPROVED this 3rd of April, 2023.

THE CITY OF EUFAULA, ALABAMA
A MUNICIPAL CORPORATION

Wes Register, CMO
City Council President

ATTEST:

Joy White, City Clerk/Treasurer

PUBLIC HEARING

President Register introduced Ordinance 2023-1 (First Reading – Shah – Shah Rezoning) and City Attorney Joel Smith gave the first reading. President Register called for questions or comments, and there were none. The second reading is scheduled for Monday, April 17, 2023.

President Register introduced Ordinance 2023-2 (First Reading – Shah Living Trust) and City Attorney Joel Smith gave the first reading. President Register called for questions or comments, and there were none. The second reading is scheduled for Monday, April 17, 2023.

President Register introduced Resolution 26-2023 (Resolution-Supplemental Contributions for Medical Center Barbour). President Register gave the supplemental contribution of funds distribution schedule for the coming months through September 15, 2023. President Register then called for questions or comments from the audience. Mr. Michael Kozar with Alliant Management Services commented on Medical Center Barbour's services and financial condition. Councilman Garrison commented in favor of supporting Medical Center Barbour as a critically vital entity that serves the City of Eufaula and Barbour County. Councilman Brown commended the Medical Center Barbour staff for taking the initiative to come before the Council to ask for the support of the city. Councilman Robinson offered a motion to adopt Resolution 26-2023 (Resolution-Supplemental Contributions for Medical Center Barbour). Councilman

Garrison seconded the motion. After a voice vote, President Register announced Resolution 26-2023 was approved and adopted.

RESOLUTION
26-2023

WHEREAS, MCBH, LLC (“MCBH”) operates Medical Center Barbour (the “Hospital”) in the City of Eufaula pursuant to that certain Operation Agreement dated November 1, 2017, between MCBH and The Healthcare Authority of the City of Eufaula, an Alabama public corporation (the “Authority”), which owns the Hospital; and

WHEREAS, pursuant to that certain Contribution Agreement between the City and the Authority dated November 1, 2017 (the “Contribution Agreement”), the City makes annual contributions to the Authority to provide financial support to the Hospital; and

WHEREAS, MCBH has advised the City that due to unfavorable financial conditions it will be unable to continue to operate the Hospital without immediate additional public financial assistance and has requested public funds from the City and Barbour County to aid it in continuing to provide healthcare services at the Hospital; and

WHEREAS, the City has determined that the closure of the Hospital would be detrimental to the City and that its continued operation will promote the public health, safety, and general welfare of the citizens of the City and the economic development of the City, and such benefits are significant enough that it is advisable for the City to provide supplemental contributions in the amount of \$1,000,000 during 2023, which contributions will be in addition to those provided for in the Contribution Agreement; and

WHEREAS, the City has determined to make such supplemental contributions to the Authority to be used in aid of the Hospital and MCBH on the terms and conditions set forth in a Supplemental Contribution Agreement to be entered into between the City and the Authority (the “Supplemental Contribution Agreement”), a copy of which is attached; and

WHEREAS, the City’s granting of public funds to the Authority for ultimate contribution to MCBH will constitute a grant of public funds and things of value to MCBH, a private business entity; and

WHEREAS, the City has caused to be published a notice satisfying the requirements stated in Amendment No. 757 of the Constitution of Alabama of 1901, as amended, (hereinafter referred hereto as “Amendment No. 757”), in order, to the extent Amendment No. 757 applies, to approve and authorize the grant of public funds and things of value in aid of MCBH; and

WHEREAS, the City desires to authorize and approve the granting of \$1,000,000 in public funds to the Authority pursuant to the schedule, terms, and conditions set forth in the Supplemental Contribution Agreement; and

WHEREAS, the City desires to enter into the Supplemental Contribution Agreement; and

WHEREAS, the City desires to authorize City officials to take any other actions they deem reasonably necessary or convenient to protect the interests of the City and carry out the intent of this Resolution.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EUFAULA, ALABAMA, AS FOLLOWS:

1. The recitals set forth in the foregoing preambles are hereby found and declared to be true and correct.

2. The City has caused public notice of the meeting at which this Resolution is being adopted to be published in accordance with Amendment No. 757 to the Alabama Constitution of 1901, as amended. A public meeting was held before the City Council on Monday, April 3, 2023, at 5:15 PM and all persons present were given the opportunity to comment and ask questions.

3. It is hereby found and declared that the lending of the City's credit and the grant of public funds and things of value in accordance with the terms hereof as set forth in the foregoing preambles and in the Supplemental Contribution Agreement will serve a valid and sufficient public purpose under Amendment No. 757 to the Constitution of Alabama of 1901, as amended, notwithstanding any incidental benefit accruing to any private entity (including any benefit to MCBH), as the continued operation of the Hospital will promote the public health, safety and general welfare of the citizens of the City and the economic development of the City as follows:

- a. The Hospital is the only hospital in the City and the County. The continued operation of the Hospital will promote the public health, safety and general welfare of the citizens of the City by providing quality health care in the City.
- b. The continued operation of the Hospital is in the economic interest of the City, as it provides employment to citizens of the City.
- c. The availability of quality health care in the City through the continued operation of the Hospital aids in the economic development of the City by providing an incentive for businesses to locate, expand or remain in the City.

4. The City hereby appropriates funds in the amount of \$1,000,000 to the Authority to be used by the Authority to provide public financial assistance to MCBH for operation of the Hospital pursuant to the Supplemental Contribution Agreement. The City Clerk/Treasurer is hereby authorized to transfer funds in the amounts and on the dates set forth herein and in the Supplemental Contribution Agreement for such use.

5. The performance by the City of its obligations pursuant to this Resolution and the Supplemental Contribution Agreement, including, without limitation, the contribution of public funds to the Authority for ultimate contribution to MCBH, is hereby ratified, approved, and authorized, and the Mayor of the City is hereby authorized to execute and deliver the Supplemental Contribution Agreement on behalf of the City.

6. The Mayor and the City Clerk and other representatives or agents of the City Council of the City of Eufaula, Alabama and the City of Eufaula are hereby severally authorized and empowered to take any and all such further actions necessary, required, or convenient to effectuate the intent of this Resolution.

ADOPTED this the 3rd day of April, 2023.

Wes Register, CMO
Council President

Joy White
City Clerk/Treasurer

UNFINISHED BUSINESS

COUNCIL ACTION/DISCUSSION

President Register introduced the Board of Education board appointment and opened the floor for nominations. Councilman Garrison nominated Richard Wingate. There were no other nominations and President Register closed the floor. A roll call vote was taken for the re-appointment of Richard Wingate to the Eufaula City Schools Board of Education and recorded as follows: Yeas: Councilman Robinson, Councilman Garrison, Councilman Brown. Nays: None. President Register abstained from the vote for Richard Wingate noting that he does the IT computer work for Richard Wingate's accounting firm. President Register then announced that Richard Wingate was re-appointed to serve another five-year term on the Eufaula City Schools Board of Education set to expire on April 1, 2028.

REGULAR AGENDA (NEW BUSINESS)

COUNCIL COMMITTEE REPORTS

Councilman Garrison reported that the City's tax revenue continues an optimistic trend.

President Register announced that the County Extension Service will host a "bring your own" brown bag luncheon on April 5, 2023 entitled, "Vegetable Container Gardens" at noon in the auditorium. Katie Vickers will host Photography Editing, Part IV at 10:00 a.m. on Saturday, May 6, 2023 at the Carnegie Library auditorium. The Carnegie Library hosted a successful number

of visitors during the annual Pilgrimage weekend. This week celebrates National Appreciation for Assistant Principals.

Councilman Robinson reported that a WestRock job fair will be held at the Eufaula Chamber of Commerce on Wednesday, April 26, 2023 from 9:00 a.m. to 3:00 p.m. Opening day for baseball and softball was held on Saturday, April 1, 2023 at 9:00 a.m. The Annual Easter Egg Hunt is scheduled for dusk on Friday, April 7, 2023, at Old Creek Town Park. Councilman Robinson announced that EWWSB General Manager Kevin Heartsill, was awarded general manager of the year for the state of Alabama at the Rural Water Association meeting recently.

Councilman Brown reported the following for March 20, 2023 through March 31, 2023: 18 bales of cardboard recycled, Code Enforcement issued 54 non-compliance letters, the shop crew completed 40 work orders entered for vehicle and/or equipment repairs, the litter crew collected 135 bags of litter, the trash crew collected and hauled 158 tons of debris to the Barbour County landfill and the garbage crew collected and hauled 118 tons of garbage.

ADJOURNMENT

There being no further business to come before the Council, the same was on motion by Councilman Robinson, and duly seconded by Councilman Garrison adjourned this 17th day of April, 2023.

CITY OF EUFAULA, ALABAMA
A MUNICIPAL CORPORATION

Wes Register, CMO
City Council President

ATTEST:

Joy White, City Clerk/Treasurer