

**MINUTES OF A MEETING OF THE EUFAULA CITY COUNCIL HELD ON  
MONDAY, APRIL 17, 2023**

The Eufaula City Council met in a scheduled session on Monday, April 17, 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 Chaplain Brad Mitchell 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, Councilman Ben Garrison, and 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 Robinson offered a motion to approve the order of the agenda for Monday, April 17, 2023. President Pro Tem Hill 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 Monday, April 3, 2023.
- (b) Motion and second to dispense with and approve the Prepaid Claims Docket dated March 31, 2023, in the amount of \$1,859,289.71.
- (c) Motion and second to dispense with and approve the Claims Docket dated April 11, 2023, in the amount of \$21,867.24.

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 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 announced that the three dam locks will be repaired within the next three years contingent upon the passing of the 2023-2024 budget. All new businesses are progressing well with expectancy to open in the coming months.

**VISITORS**

Officer Steven Webb presented a proposal to implement a voluntary physical fitness program for all police officers and a request for assistance to purchase the needed equipment. He

discussed several benefits for a physical fitness program that improve job performance, assist in maintaining better health and wellness, and offer a cost savings to the City of Eufaula.

## **ORDINANCES AND RESOLUTIONS**

President Register introduced Resolution 28-2023 (Authorizing Mayor to Execute Documents Relating to EBTA Grant). President Pro Tem Hill offered a motion to adopt Resolution 28-2023 (Authorizing Mayor to Execute Documents Relating to EBTA Grant). Councilman Garrison seconded the motion. After a voice vote, President Register announced Resolution 28-2023 was approved and adopted.

### **RESOLUTION**

**28-2023**

Resolution authorizing the filing of an application with Department of Transportation, United State of America, and the Alabama Department of Transportation for a grant under the Federal Transit Act.

WHEREAS, the Secretary of U.S. Department of Transportation and Director of the Alabama Department of Transportation are authorized to make grants for a public transportation program;

WHEREAS, the contract for financial assistance will impose certain obligations upon the applicant, including the provision by it of the local share of the project costs in the program; and

WHEREAS, it is required by the U. S. Department of Transportation in accord with the provisions of Title VI of the Civil Rights Act of 1964, that in connection with the filing of an application for assistance under 49 USC Section 5311 the applicant give an assurance that it will comply with Title VI of the Civil Rights Act of 1964 and other pertinent directives and the U. S. Department of Transportation requirements thereunder; and

WHEREAS, the goal of the applicant that disadvantaged business enterprises (minority business enterprises and woman business enterprises) be utilized to the fullest extent possible in connection with this/these project(s), and that definite procedures shall be established and administered to ensure that disadvantaged business enterprises (DBEs) shall have the maximum feasible opportunity to compete for contracts and purchase orders when procuring construction contracts, supplies, equipment contracts, or consultant and other services.

NOW, THEREFORE, BE IT RESOLVED BY CITY COUNCIL OF EUFAULA, ALABAMA

1. That Jack B. Tibbs, Jr., Mayor is authorized to execute and file (an) application(s) on behalf of City of Eufaula with the Alabama Department of Transportation to aid in the financing of administration, planning, capital and/or operating assistance projects pursuant to 49 USC Section 5311, the Alabama Public Transportation Grant Program, and the Alabama Elderly and Disabled Transit Fare Assistance Program.
2. That Jack B. Tibbs, Jr., Mayor is authorized to execute and file with such applications an assurance or any other document required by the U. S. Department of Transportation and the Alabama Department of Transportation effectuating the purposes of Title VI of the Civil Rights Act of 1964.
3. That Jack B. Tibbs, Jr., Mayor is authorized to furnish such additional information as the U.S. Department of Transportation and the Alabama Department of Transportation may require in connection with the application for the program of projects submitted to FTA.
4. That Jack B. Tibbs, Jr., Mayor, is authorized to set forth and execute affirmative disadvantaged business enterprise policies in connection with any procurements made as part of the project.
5. That Jack B. Tibbs, Jr., Mayor, is authorized to execute grant agreements on behalf of City of Eufaula with the Alabama Department of Transportation for aid in the financing of the administration, planning capital, and/or operating assistance projects.

ADOPTED AND APPROVED this 17<sup>th</sup> day of April, 2023.

CITY OF EUFAULA, ALABAMA,  
A MUNICIPAL CORPORATION

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Wes Register, CMO  
City Council President

ATTEST:

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Joy White, CMC  
City Clerk/Treasurer

President Register introduced Resolution 29-2023 (EBTA Local Matching Funds). Councilman Garrison offered a motion to adopt Resolution 29-2023 (EBTA Local Matching Funds). Councilman Robinson seconded the motion. After a voice vote, President Register announced Resolution 29-2023 was approved and adopted.

RESOLUTION  
29-2023

AUTHORIZING LOCAL MATCHING FUNDS  
Section 5311 RURAL AREA PUBLIC TRANSPORTATION

WHEREAS, the City of Eufaula recognizes the need for a public transportation program; and

WHEREAS, the City of Eufaula is recognized as a member of the Eufaula Barbour Transit Authority Steering Committee; and

WHEREAS, the City of Eufaula recognizes that the requirements to obtain Section 5311 funds from the Alabama Department of Transportation includes a local match of 50% for operating expenses and 20% for administration, planning and capital expenses; and

WHEREAS, the City of Eufaula recognizes that the local match will be a shared cost with other participating municipalities being responsible for providing an appropriate allocation of local non-federal funds to secure the operating of the Section 5311 Rural Area Public Transportation Program.

NOW, THEREFORE, BE IT RESOLVED, that the City of Eufaula hereby commits the amount of \$ 121,549.00 local non-federal match for operations, administration, planning and capital expenditures under the Section 5311 Rural Area Public Transportation Program during Fiscal Year 2024.

ADOPTED AND APPROVED this 17th day of April, 2023.

CITY OF EUFAULA, ALABAMA,  
A MUNICIPAL CORPORATION

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Wes Register, CMO  
City Council President

ATTEST:

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Joy White, CMC  
City Clerk/Treasurer

## PUBLIC HEARING

President Register introduced Ordinance 2023-1 (Second Reading – Shah – Shah Rezoning) and City Attorney Joel Smith gave the second reading. President Register called for questions or comments, and there were none. Councilman Garrison offered a motion to adopt Ordinance 2023-1 (Second Reading – Shah – Shah Rezoning). Councilman Robinson seconded the motion. A roll call vote was taken and recorded as follows: Yeas: Councilman Robinson, Councilman Garrison, Councilman Brown, President Pro Tem Hill, and President Register. Nays: None. After the roll call vote, President Register announced that Ordinance 2023-1 was approved and adopted.

## ORDINANCE

2023-1

AN ORDINANCE AMENDING THE COMPREHENSIVE ZONING ORDINANCE 1986-26, AS AMENDED, AND RECOMMENDED BY THE EUFAULA PLANNING COMMISSION, BY CHANGING THE CLASSIFICATION OF PROPERTY LOCATED ON THE WEST SIDE OF HIGHWAY 431 NORTH ACROSS FROM TIGER DRIVE FROM C-4 (HIGHWAY COMMERCIAL) AND FAR (FOREST, AGRICULTURE, RESIDENTIAL) TO C-4 (HIGHWAY COMMERCIAL, AND BEING KNOWN AS PROPERTY OF MITESH HEMCHANDRA SHAH AND VISHAL HEMCHANDRA SHAH.

BE IT ORDAINED by the City Council of the City of Eufaula, Alabama that General Ordinance Number 1986-26, as amended, is hereby further amended to read as follows:

General Ordinance Number 1986-26, as amended, and accompanying map thereto, as amended to change the zoning classification of the following described parcels of land as follows:

### Legal Description

Starting at the Southeast corner of Section 20, Township 11 North, Range 29 East, Eufaula, Barbour County, Alabama go North 01 degree 52 minutes 47 seconds East a distance of 1514.50 feet; thence North 76 degrees 35 minutes 13 seconds West a distance of 1577.10 feet to a point on the West right of way of U. S. Highway 431, also known as North Eufaula Avenue; thence Northerly along the West right of way of U. S. Highway 431, as it curves, concave Easterly, with a radius of 7787.71 feet, an arc distance of 150.00 feet, a chord direction of North 24 degrees 06 minutes 23 seconds East, and a chord distance of 150.00 feet to the Southeast corner of the land of Mitesh Hemchandra Shah and Vishal Hemchandra Shah (hereinafter Shah and Shah); thence along the South line of the land of Shah and Shah North 76 degrees 35 minutes 13 seconds West a distance of 335 feet, more or less, to the Present Zoning District Line, also being the POINT of BEGINNING; thence continue along the South line of the land of Shah and Shah North 76 degrees 35 minutes 13 seconds West a distance of 168 feet, more or less; thence continue along the South line of the land of Shah and Shah North 31 degrees 35 minutes 13 seconds West a distance of 35.36 feet; thence

continue along the South line of the land of Shah and Shah North 13 degrees 24 minutes 47 seconds East a distance of 98.57 feet; thence continue along the South line of the land of Shah and Shah North 76 degrees 35 minutes 13 seconds West a distance of 526.22 feet to the Southwest corner thereof; thence along the West line of the land of Shah and Shah North 01 degree 43 minutes 41 seconds East a distance of 370.93 feet to the Northwest corner thereof; thence along the North line of the land of Shah and Shah South 72 degrees 49 minutes 23 seconds East a distance of 891 feet, more or less, to the Present Zoning District Line; thence along the Present Zoning District Line approximately South 26 degrees West a distance of 440 feet, more or less, to the POINT of BEGINNING, and containing 6.85 acres, more or less.

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 passage and approval by the Mayor, or upon its otherwise becoming a law.

ADOPTED THIS \_\_\_\_\_ day of \_\_\_\_\_, 2023.

CITY OF EUFAULA, ALABAMA,  
A MUNICIPAL CORPORATION

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Wes Register, CMO  
President

ATTEST:

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Joy White, City Clerk

President Register introduced Ordinance 2023-2 (Second Reading – Shah Living Trust) and City Attorney Joel Smith gave the second reading. President Register called for questions or comments, and there were none. Councilman Robinson offered a motion to adopt Ordinance 2023-2 (Second Reading – Shah Living Trust). Councilman Brown seconded the motion. A roll call vote was taken and recorded as follows: Yeas: Councilman Robinson, Councilman Garrison, Councilman Brown, President Pro Tem Hill, and President Register. Nays: None.

After the roll call vote, President Register announced that Ordinance 2023-2 was approved and adopted.

**ORDINANCE  
2023-2**

**AN ORDINANCE AMENDING THE COMPREHENSIVE ZONING ORDINANCE 1986-26, AS AMENDED, AND RECOMMENDED BY THE EUFAULA PLANNING COMMISSION, BY CHANGING THE CLASSIFICATION OF PROPERTY LOCATED ON THE WEST SIDE OF HIGHWAY 431 NORTH AT THE INTERSECTION WITH GAMMAGE ROAD FROM C-4 (HIGHWAY COMMERCIAL) AND FAR (FOREST, AGRICULTURE, RESIDENTIAL) TO C-4 (HIGHWAY COMMERCIAL, AND BEING KNOWN AS PROPERTY OF THE SHAH LIVING TRUST.**

BE IT ORDAINED by the City Council of the City of Eufaula, Alabama that General Ordinance Number 1986-26, as amended, is hereby further amended to read as follows:

General Ordinance Number 1986-26, as amended, and accompanying map thereto, as amended to change the zoning classification of the following described parcels of land as follows:

**Legal Description**

Starting at the Southeast corner of Section 20, Township 11 North, Range 29 East, Eufaula, Barbour County, Alabama go North 01 degree 52 minutes 47 seconds East a distance of 1514.50 feet; thence North 76 degrees 35 minutes 13 seconds West a distance of 1577.10 feet to a point on the West right of way of U. S. Highway 431, also known as North Eufaula Avenue; thence Northerly along the West right of way of U. S. Highway 431, as it curves, concave Easterly, with a radius of 7787.71 feet, an arc distance of 150.00 feet, a chord direction of North 24 degrees 06 minutes 23 seconds East, and a chord distance of 150.00 feet; thence continue along the West right of way of U. S. Highway 431, as it curves, concave Easterly, with a radius of 7787.71 feet, an arc distance of 417.01 feet, a chord direction of North 26 degrees 11 minutes 32 seconds East, and a chord distance of 416.96 feet to the Southeast corner of the land of Land of The Subhaschandra P. Shah and Minalben S. Shah Living Trust Dated June 16, 2020; thence along the South line of the Land of The Subhaschandra P. Shah and Minalben S. Shah Living Trust North 72 degrees 49 minutes 53 seconds West a distance of 333 feet, more or less, to the present Zoning District Line, also being the POINT of BEGINNING; thence continue along the South line of the Land of The Subhaschandra P. Shah and Minalben S. Shah Living Trust North 72 degrees 49 minutes 53 seconds West a distance of 891 feet, more or less, to the Southwest corner thereof; thence along the West line of the Land of The Subhaschandra P. Shah and Minalben S. Shah Living Trust North 01 degree 43 minutes 09 seconds East a distance of 456.62 feet to the Northwest corner thereof; thence along the North line of the Land of The Subhaschandra P. Shah and Minalben S. Shah Living Trust South 76 degrees 48 minutes 52 seconds East a distance of 980 feet, more or less, to the present Zoning District Line; thence

along the Present Zoning District Line approximately South 02 degrees West a distance of 280 feet, more or less; thence continue along the Present Zoning District Line approximately South 26 degrees West a distance of 240 feet, more or less, to the POINT of BEGINNING, and containing 10.54 acres, more or less.

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 passage and approval by the Mayor, or upon its otherwise becoming a law.

ADOPTED THIS \_\_\_\_\_ day of \_\_\_\_\_, 2023.

CITY OF EUFAULA, ALABAMA,  
A MUNICIPAL CORPORATION

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Wes Register, CMO  
President

ATTEST:

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Joy White, City Clerk

President Register introduced Resolution 30-2023 (Weed/Trash Abatement: Sardenia Peacock et als, 305 Irwinton Drive). President Register called for questions or comments. Councilman Robinson requested that this resolution be tabled until further notice of action. Councilman Garrison offered a motion that this resolution be tabled until further notice. President Pro Tem Hill seconded the motion. After a voice vote, President Register announced that Resolution 30-2023 was tabled.

**UNFINISHED BUSINESS**

**COUNCIL ACTION/DISCUSSION**

**REGULAR AGENDA (NEW BUSINESS)**



## **COUNCIL COMMITTEE REPORTS**

Councilman Garrison commented in favor of supporting Medical Center Barbour as a critically vital entity that serves the City of Eufaula and Barbour County.

President Register announced that the next school board meeting would be held Tuesday, April 18, 2023 at the superintendent's office at 5:30 p.m. The County Extension Service will host the next "bring your own" brown bag lunch at the Carnegie Library on Wednesday, May 3, 2023 at noon. 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 will begin offering new digital services to patrons in the coming weeks.

Councilman Robinson reported that repairs are ongoing at the community center and ball fields. An attendance report for the 2023 annual Pilgrimage is expected in the coming weeks. April 30 through May 6 is National Small Business Week with a kick-off event held at the Chamber of Commerce on May 1, 2023.

Councilman Brown gave the following report for public works for April 3, 2023 through April 14, 2023: 19 bales of cardboard recycled, Code Enforcement issued 35 non-compliance letters, the shop crew completed 33 work orders entered for vehicle and/or equipment repairs, the litter crew collected 130 bags of litter, the trash crew collected and hauled 152 tons of debris to the Barbour County landfill and the garbage crew collected and hauled 137 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 17<sup>th</sup> day of April, 2023.

CITY OF EUFAULA, ALABAMA  
A MUNICIPAL CORPORATION

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Wes Register, CMO  
City Council President

ATTEST:

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Joy White, City Clerk/Treasurer