

**MINUTES OF A MEETING OF THE EUFAULA CITY COUNCIL HELD ON
MONDAY, MAY 1, 2023**

The Eufaula City Council met in a scheduled session on Monday, May 1, 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 Chris Sowell 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 amended agenda for Monday, May 1, 2023. Councilman Brown seconded the motion. President Register announced that the agenda was approved and adopted. A roll call vote was taken and recorded as follows: Yeas: Councilman Robinson, Councilman Garrison, Councilman Brown, President Pro Tem Otis Hill, and President Register. Nays: None. President Register 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 April 17, 2023.
- (b) Motion and second to dispense with and approve the Claims Docket dated May 1, 2023, in the amount of \$51,064.70.

Councilman Garrison offered a motion to approve the Consent Agenda. Councilman Robinson seconded the motion. After a voice vote, President Register announced the Consent Agenda was approved and adopted.

MAYOR'S REPORT

Mayor Tibbs congratulated Jackie Hunt, Jaxon Life Senior Center Director, for recently passing the Southern Alabama Regional Council on Aging (SARCOA) inspection on the Jaxon Life Senior Center. Mayor Tibbs also announced that a generous number of charging stations will locate here in Eufaula in the coming months to serve electric cars. The Chamber of Commerce will host the Eldon Bargewell highway dedication on Tuesday, May 2, 2023. The ribbon-cutting ceremony for the splash pad bath house will be held Tuesday, May 9, 2023. Mayor Tibbs and some of the council members will attend the League of Municipalities Conference in Birmingham, Alabama next week.

VISITORS

ORDINANCES AND RESOLUTIONS

President Register introduced Resolution 31-2023 (Sales Tax Holiday for July 2023). President Pro Tem Hill offered a motion to adopt Resolution 31-2023 (Sales Tax Holiday for July 2023). Councilman Brown seconded the motion. After a voice vote, President Register announced Resolution 31-2023 was approved and adopted.

**RESOLUTION
31-2023**

WHEREAS, ACT 2017-120 changed the dates of the “Back-to-School” Sales Tax Holiday from the first weekend of August to the third full weekend of July; and

WHEREAS, the Eufaula City Council has affirmatively voted to grant the exemption of City sales and use taxes on purchases covered by Act No. 2017-120 during the third full weekend of July 2023, beginning at 12:01 a.m. on Friday, July 21, 2023 and ending at twelve midnight on Sunday, July 23, 2023;

WHEREAS, the exemption of certain City sales and use taxes for the third full weekend of July, 2023 is herein adopted by the City Council is an amendment of the City’s sales and use tax levy warranting notice to the Alabama Department of Revenue as provided in Code of Alabama 1975, § 11-51-210(e);

THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL of the City of Eufaula, Alabama that it does hereby provide for an exemption of the City sales and use tax on purchases of items covered by Act No. 2017-120, beginning at 12:01 a.m. on Friday, July 21, 2023 and ending at twelve midnight on Sunday, July 23, 2023.

BE IT FURTHER RESOLVED that a copy of this resolution be spread upon the minutes of the May 1, 2023 meeting of the Eufaula City Council and be immediately forwarded to the Alabama Department of Revenue in compliance with Code of Alabama 1975, § 11-51-210(e).

IN WITNESS WHEREOF, the Eufaula City Council has caused this Resolution to be executed on this the 1st day of May, 2023.

CITY OF EUFAULA, ALABAMA
A MUNICIPAL CORPORATION

Wes Register, CMO
Council President

ATTEST:

Joy White
City Clerk/Treasurer

President Register introduced Resolution 32-2023 (Authorize Demolition of Structure of West Broad Street). Councilman Robinson offered a motion to adopt Resolution 32-2023 (Authorize Demolition of Structure of West Broad Street). Councilman Brown seconded the motion. After a voice vote, President Register announced Resolution 32-2023 was approved and adopted.

**RESOLUTION
32-2023**

WHEREAS, the City of Eufaula desires to demo the structure located at 129 West Broad Street; and

WHEREAS, two proposals have been submitted for the project:

Lanco Construction Services - \$ 48,000.00
Jackson Demolition - \$ 7,000.00, and;

WHEREAS, Jackson Demolition is selected for the structure demo project for the proposed fee of \$ 7,000.00;

NOW THEREFORE, BE IT RESOLVED, that the Eufaula City Council authorizes Mayor Jack B. Tibbs, Jr. to execute an agreement with Jackson Demolition.

DONE THIS 1st day of May, 2023.

CITY OF EUFAULA, ALABAMA
A MUNICIPAL CORPORATION

Wes Register, CMO
Council President

ATTEST:

Joy White, City Clerk/Treasurer

President Register introduced Resolution 33-2023 (Authorize Professional Services Agreement with Barrett-Simpson, Inc.). Councilman Garrison offered a motion to adopt Resolution 33-2023 (Authorize Professional Services Agreement with Barrett-Simpson, Inc.). President Pro Tem Hill seconded the motion. After a voice vote, President Register announced Resolution 33-2023 was approved and adopted.

**RESOLUTION
33-2023**

WHEREAS, the City of Eufaula desires to obtain professional engineering services to design a proposed parking lot at 129 West Broad Street; and

WHEREAS, Barrett-Simpson, Inc presented a proposal to provide engineering services for a fee of \$16,700.00 and Goodwyn, Mills and Cawood for a fee of \$ 25,000.00; and

WHEREAS, Barrett-Simpson, Inc. is selected to provide the necessary professional engineering services for the proposed fee of \$16,700.00;

THEREFORE, BE IT RESOLVED that the Eufaula City Council authorizes Mayor Jack B. Tibbs, Jr. to execute a Professional Services Agreement with Barrett-Simpson, Inc.

DONE THIS 1st day of May, 2023.

CITY OF EUFAULA, ALABAMA
A MUNICIPAL CORPORATION

Wes Register, CMO
Council President

ATTEST:

Joy White, City Clerk/Treasurer

President Register introduced Resolution 39-2023 (Authorize Installation Section of New Roof at Central Fire Station). President Pro Tem Hill offered a motion to adopt Resolution 39-2023 (Authorize Installation Section of New Roof at Central Fire Station). Councilman Robinson seconded the motion. After a voice vote, President Register announced Resolution 39-2023 was approved and adopted.

**RESOLUTION
39-2023**

WHEREAS, the City of Eufaula desires to re-roof a section of the Central Fire Station Building located on Orange Street; and

WHEREAS, the section is the entire living quarters which is the original building to exclude the newer additional which has a metal roof; and

WHEREAS, one proposal was received from Marty Robbins Roofing Company, Inc. in the amount to not exceed \$ 47,400.00.

NOW THEREFORE, BE IT RESOLVED the City Council of the City of Eufaula authorizes Mayor Jack B. Tibbs, Jr. to execute documents to move forward with Marty Robbins Roofing Company, Inc. for this service in the amount to not exceed \$ 47,400.00.

DONE THIS 1st day of May, 2023.

CITY OF EUFAULA, ALABAMA
A MUNICIPAL CORPORATION

Wes Register, CMO
Council President

ATTEST:

Joy White, City Clerk/Treasurer

President Register introduced Resolution 40-2023 (Declaring Administrative Property Surplus). Councilman Garrison offered a motion to adopt Resolution 40-2023 (Declaring Administrative Property Surplus). President Pro Tem Hill seconded the motion. After a voice vote, President Register announced Resolution 40-2023 was approved and adopted.

**RESOLUTION
40-2023**

WHEREAS, THE City of Eufaula Administrative Division 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 are declared surplus for destruction:

An assorted collection of old, broken and otherwise unusable electronic items (i.e.: printers, computer monitors, etc.) that are no longer serviceable and are of no value.

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

ADOPTED AND APPROVED this 1st day of May, 2023.

CITY OF EUFAULA, ALABAMA
A MUNICIPAL CORPORATION

Wes Register, CMO
Council President

ATTEST:

Joy White, City Clerk/Treasurer

PUBLIC HEARING

President Register introduced Resolution 34-2023 (Weed/Trash Abatement: Edward Brown & Teresa Mallard, Hunter Street), Resolution 35-2023 (Weed/Trash Abatement: Allen & Susie Gochett, c/o Anthony Reeves, West Boundary Street), and Resolution 37-2023 (Weed/Trash Abatement: Crystal Ragan, Casey Drive). President Register called for any comments from the audience on either of the three abatements. There was no response. Councilman Garrison offered a motion to approve and adopt Resolution 34-2023 (Weed/Trash Abatement: Edward Brown & Teresa Mallard, Hunter Street), Resolution 35-2023 (Weed/Trash Abatement: Allen & Susie Gochett, c/o Anthony Reeves, West Boundary Street), and Resolution 37-2023 (Weed/Trash Abatement: Crystal Ragan, Casey Drive). Councilman Robinson seconded the motion. After a voice vote, President Register announced that Resolution 34-2023, Resolution 35-2023, and Resolution 37-2023 were approved and adopted.

RESOLUTION 34-2023

BE IT RESOLVED that we, the City Council of Eufaula, Alabama, having examined the report from the Public Works Superintendent for the following properties:

OWNER	LOCATION OF PROPERTY	PARCEL NUMBER
Edward Brown and Teresa Mallard 442 Chattahoochee Courts Eufaula, AL 36027	Hunter Street	062403051012002000

Do hereby find that the properties in question constitute a public nuisance due to the weeds and/or trash existing on the properties as defined under Ordinance 1997-13, and do hereby order the abatement of such public nuisance.

ADOPTED AND APPROVED this _____ day of May, 2023.

CITY OF EUFAULA, ALABAMA
A MUNICIPAL CORPORATION

Wes Register, CMO
City Council President

ATTEST:

Joy White, CMC
City Clerk/Treasurer

RESOLUTION
35-2023

BE IT RESOLVED that we, the City Council of Eufaula, Alabama, having examined the report from the Public Works Superintendent for the following properties:

<u>OWNER</u>	<u>LOCATION OF PROPERTY</u>	<u>PARCEL NUMBER</u>
Allen and Susie Gochett c/o Anthony Reeves 15230 Jennerette Lane Woodbridge, VA 22193	W. Boundary Street	062403054003007000

Do hereby find that the properties in question constitute a public nuisance due to the weeds and/or trash existing on the properties as defined under Ordinance 1997-13, and do hereby order the abatement of such public nuisance.

ADOPTED AND APPROVED this _____ day of May, 2023.

CITY OF EUFAULA, ALABAMA
A MUNICIPAL CORPORATION

Wes Register, CMO
City Council President

ATTEST:

Joy White, CMC
City Clerk/Treasurer

RESOLUTION
37-2023

BE IT RESOLVED that we, the City Council of Eufaula, Alabama, having examined the report from the Public Works Superintendent for the following properties:

<u>OWNER</u>	<u>LOCATION OF PROPERTY</u>	<u>PARCEL NUMBER</u>
Crystal Ragan 40 Cotton Hill Rd. Lot 2 Eufaula, AL 36027	Casey Drive	062301110000012001

Do hereby find that the properties in question constitute a public nuisance due to the weeds and/or trash existing on the properties as defined under Ordinance 1997-13, and do hereby order the abatement of such public nuisance.

ADOPTED AND APPROVED this _____ day of May, 2023.

CITY OF EUFAULA, ALABAMA
A MUNICIPAL CORPORATION

Wes Register, CMO
City Council President

ATTEST:

Joy White, CMC
City Clerk/Treasurer

President Register introduced Resolution 38-2023 (Resolution Authorizing the Grant of Public Funds – Things and Wings). President Register called for comments from the floor. Wilson Properties, LLC commented that he is proud of the new shopping center, The Lake Place, and looking forward to a good relationship with the occupants and the City of Eufaula. There were no other comments. President Register closed the floor, and Councilman Robinson offered a motion to adopt Resolution 38-2023 (Resolution Authorizing the Grant of Public Funds – Things and Wings). President Pro Tem Hill seconded the motion. After a voice vote, President Register announced Resolution 38-2023 was approved and adopted.

**RESOLUTION
38-2023**

**RESOLUTION AUTHORIZING THE GRANT OF PUBLIC FUNDS
AND THINGS OF VALUE IN AID OF WILSON PROPERTIES, LLC AND PROJECT
DEVELOPMENT AGREEMENT FOR THINGS AND WINGS RESTAURANT**

WHEREAS, the City of Eufaula enthusiastically supports and encourages economic development within the City in order to develop a solid and diverse local economy, to increase employment opportunities in the City, to broaden the City’s tax base, to increase revenues, and to provide necessary and improved services to the citizens of the City, thereby improving the quality of life of its citizens; and

WHEREAS, pursuant to Resolution 53-2021 the City Council has previously adopted and approved a Commercial Development Incentive Program (the “Program”) to utilize revenue sharing arrangements to stimulate development of new and/or underdeveloped areas and redevelopment of existing commercial property; and

WHEREAS, Wilson Properties, LLC (“Wilson”) has developed and constructed a shopping center on South Eufaula Avenue in the City of Eufaula known as The Lake Place (“Lake Place”); and

WHEREAS, Wilson is desirous of recruiting a Things and Wings Restaurant (the “Restaurant”) to rent space in Lake Place and has applied to the City for approval of a revenue sharing development agreement as provided under the Program to assist with the cost of the buildout of the space for the Restaurant (the “Improvements”) in order to provide a “turn-key” space for the Restaurant, which will be an anchor tenant for Lake Place; and

WHEREAS, the Improvements are projected to cost between \$110,000 and \$140,000; and

WHEREAS, Wilson expects the Restaurant to create approximately 12-18 jobs and generate projected sales of \$70,000 per month once construction is complete and the Restaurant is in operation; and

WHEREAS, the Restaurant is expected to increase dining opportunities in the City and attract other businesses to locate in Lake Place, resulting in additional tax revenues for the City; and

WHEREAS, Wilson has requested the City grant public funds and things of value to aid in construction of the Improvements; and

WHEREAS, the City has determined that the economic benefits to be derived from the construction and operation of the Restaurant are significant enough that it is advisable for the City to provide some incentive to Wilson to make the Improvements; and

WHEREAS, the City proposes that it provide Wilson with economic development incentive/revenue sharing payments equal to fifty percent (50%) of the City of Eufaula General Fund sales tax revenues collected by the City that are generated by the Restaurant, for a period of five years of operations, up to maximum of \$100,000 (referred to herein as the “Incentive”) in order that Wilson may complete the Improvements; and

WHEREAS, Wilson has indicated the City’s obligations under the Agreement, including, without limitation, the granting of the Incentive, will cause Wilson to approve and proceed with construction of the Improvements and to enter into a lease agreement with the Restaurant;

WHEREAS, Wilson and the City propose to enter into the attached Project Development Agreement (the “Agreement”) which generally provides that upon permitting and construction of the Improvements, commencement of operations of the Restaurant at Lake Place, and satisfaction of other contingencies set forth in the Agreement, the City will commence payment of the Incentive as sales tax revenues from the Restaurant are collected;

WHEREAS, City’s granting of the Incentive will constitute a grant of public funds and things of value to Wilson, 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 Wilson; and

WHEREAS, the City desires to authorize and approve the granting of the Incentive; and

WHEREAS, the City desires to enter into the 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 in fact held before the City Council on Monday, May 1, 2023, at 5:15 PM and all persons present were given the opportunity to make 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 to Wilson or its affiliated designee in accordance with the terms hereof as set forth in the foregoing preambles and in the 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 Wilson), as the Restaurant and Lake Place are expected to ultimately create new jobs and to have a significant impact on the tax base, tax revenues, and job opportunities in the City.

4. The performance by the City of its obligations pursuant to this Resolution and the Agreement, including, without limitation, the delivery of the Incentive, is hereby ratified, approved, and authorized, and the Mayor of the City is hereby authorized to execute and deliver the Agreement on behalf of the City.

5. The Mayor, City Clerk, and President of the City Council 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 _____ day of May, 2023.

Wes Register, CMO
Council President

Joy White
City Clerk/Treasurer

UNFINISHED BUSINESS

COUNCIL ACTION/DISCUSSION

President Register introduced the Rescue Squad Board of Directors board appointment and opened the floor for nominations. Councilman Robinson nominated Chris Wertz. There were no other nominations and President Register closed the floor. A roll call vote was taken for the appointment of Chris Wertz to the Rescue Squad Board of Directors and recorded as follows: Yeas: Councilman Robinson, Councilman Garrison, Councilman Brown, President Pro Tem Hill, and President Register. Nays: None. President Register then announced that Chris Wertz was appointed to serve a three-year term on the Rescue Squad Board of Directors set to expire on January 6, 2026.

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 summer reading program/activities will begin tomorrow at the Carnegie Library. The County Extension Service will host its final "bring your own" brown bag luncheon on May 3, 2023 at noon. Katie Vickers will host Photography Editing, at 12:30 p.m. on Saturday, May 6, 2023 at the Carnegie Library auditorium. The 2022-2023 school year will end Thursday, May 25, 2023. This week is recognized as Teacher Appreciation Week.

Councilman Robinson reported that the disc golf course is getting its final touches towards completion. Various businesses are currently progressing well and/or expanding. Mineral Manufacturing is expanding to add approximately 50 new jobs. The small business of the year has been awarded to Magnolia & Lace. The Sports Park ribbon-cutting ceremony will be held Friday, May 12, 2023 at 10:00 a.m. WTVM News Leader 9 will be interviewing residents of the city next week for an upcoming news segment about the City of Eufaula. Councilman Robinson congratulated the Chamber of Commerce for receiving full accreditation by the Chamber Association of Alabama last week.

Councilman Brown reported the following for the public works department for April 24-28, 2023: 18 bales of cardboard recycled, Code Enforcement issued 43 non-compliance letters, the shop crew completed 38 work orders entered for vehicle and/or equipment repairs, the litter crew collected 138 bags of litter, the trash crew collected and hauled 125 tons of debris to the Barbour County landfill, and the garbage crew collected and hauled 128 tons of garbage.

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 1st day of May, 2023.

CITY OF EUFAULA, ALABAMA
A MUNICIPAL CORPORATION

Wes Register, CMO
City Council President

ATTEST:

Joy White, City Clerk/Treasurer