

**MINUTES OF A SCHEDULED MEETING OF THE EUFAULA CITY COUNCIL HELD ON
MONDAY, MAY 18, 2020 AT 5:15 P.M.**

The Eufaula City Council met in a scheduled session on Monday, May 18, 2020, at 5:15 p.m. in the Police Department Courtroom at 545 East Barbour Street. Upon call of the roll the following members were present: Council President Johnny A. Knight, Lucious Cobbs, Linda Grice, and Tony L. Robertson. Absent: President Pro Tem Barbara Flurry.

Also present: Joy White, City Clerk/Treasurer, and Joel Smith, Esq.

Council President Knight called the meeting to order, and Bro. Don Dillard offered the invocation. Council President Knight led the Council and audience in the Pledge of Allegiance.

HONORS AND RECOGNITION

APPROVAL OF AGENDA

Mr. Cobbs offered a motion to approve the order of the May 18, 2020 agenda. Mr. Robertson seconded the motion. After a voice vote, Council President Knight announced the motion had carried.

CONSENT AGENDA

Council President Knight reviewed the items on the Consent Agenda for council approval.

- (a) Motion and second to dispense with and approve the City Council minutes of May 4, 2020.
- (b) Motion and second to approve the Prepaid Claims Docket dated April 30, 2020, in the amount of \$2,745,609.04.
- (c) Motion and second to approve the Claims Docket dated May 13, 2020, in the amount of \$285,667.50.

Mr. Robertson moved to approve the Consent Agenda. Mrs. Grice seconded the motion. After a voice vote, Council President Knight announced the motion had carried.

MAYOR'S REPORT

VISITORS

ORDINANCES AND RESOLUTIONS

Council President Knight introduced Resolution 29-2020 (Accepting Grant for Lakepoint Industrial Park Road – ADECA). Mrs. Grice offered a motion to adopt Resolution 29-2020. Mr. Robertson seconded the motion. After a voice vote, Council President Knight announced the motion had carried.

**RESOLUTION
29-2020**

WHEREAS, the City of Eufaula has been awarded CDBG LR-ED-PF-19-019 for street improvements to serve Elm Machining and Keystone Foods, including resurfacing Lake Point Industrial Park Road; and

WHEREAS, the City of Eufaula wishes to accept the grant funds in the amount of \$279,984 and to fund the match previously committed, in the amount of \$69,996 and enter into an agreement with the Alabama Department of Economic and Community Affairs;

NOW, THEREFORE, BE IT RESOLVED that the Mayor and City Clerk/Treasurer are hereby authorized to commence with any actions deemed necessary to carry out the intent of this project to completion under Title 1 of the Housing and Community Development Act of 1974.

ADOPTED THIS THE 18th DAY OF MAY, 2020.

CITY OF EUFAULA, ALABAMA
A MUNICIPAL CORPORATION

Johnny A. Knight, President

ATTEST:

Joy White, CMC
City Clerk/Treasurer

Council President Knight introduced Resolution 30-2020 (Authorize Mayor to execute documents with FAA for CARES Act). Mr. Robertson offered a motion to adopt Resolution 30-2020. Mr. Cobbs seconded the motion. After a voice vote, Council President Knight announced the motion had carried.

RESOLUTION

30-2020

WHEREAS, the United States Department of Transportation Federal Aviation Administration has funds available authorized by the CARES Act for Weedon Field Airport; and

WHEREAS, the amount available to the City of Eufaula is \$ 30,000.00; and

WHEREAS, the City Council of the City of Eufaula affirms its desire to move forward with accepting the grant funds per the agreement.

NOW, THEREFORE BE IT RESOLVED that the City Council of the City of Eufaula authorizes the Mayor to execute the Care Act Airport Grant Agreement with the Federal Aviation Administration.

ADOPTED AND APPROVED this 18th day of May, 2020.

CITY OF EUFAULA, ALABAMA
A MUNICIPAL CORPORATION

Johnny A. Knight
City Council President

ATTEST:

Joy White, CMC
City Clerk/Treasurer

Council President Knight introduced Resolution 31-2020 (Resolution to Accept Grant for Recycling – May 2020). Mr. Cobbs offered a motion to adopt Resolution 31-2020. Mr. Robertson seconded the motion. After a voice vote, Council President Knight announced the motion had carried.

RESOLUTION
31-2020

WHEREAS, the City of Eufaula has been awarded the Alabama Recycling Fund Grant from the Alabama Department of Environmental Management; and

WHEREAS, local recycling programs have a positive impact on our communities and the State of Alabama; and

WHEREAS, the City of Eufaula wishes to accept the grant funds in the amount of \$30,907.26 to purchase a Skid Steer for the Recycling Department;

NOW, THEREFORE, BE IT RESOLVED that the Mayor and City Clerk/Treasurer are hereby authorized to execute the grant agreement and proceed with administering the approved purchase of equipment.

ADOPTED THIS the 18th day of May, 2020.

CITY OF EUFAULA, ALABAMA
A MUNICIPAL CORPORATION

Johnny A. Knight, President

ATTEST:

Joy White, CMC
City Clerk/Treasurer

Mrs. Grice requested clarification of Resolution 32-2020 (Vacating a portion of Lakeview Drive). Joel Smith, Esq. explained that two property owners of lands adjoined and abutting a portion of Lakeview Drive, containing 0.44 acres or less, are petitioning to vacate a portion of Lakeview Drive as a public right-of-way.

Council President Knight introduced Resolution 32-2020 (Vacating a portion of Lakeview Drive). Mrs. Grice offered a motion to adopt Resolution 32-2020. Mr. Robertson seconded the motion. After a voice vote, Council President Knight announced the motion had carried.

**RESOLUTION
32-2020**

**A RESOLUTION TO VACATE AN UNDEVELOPED PORTION OF LAKEVIEW DRIVE
IN THE FIRST PHASE OF SAINT FRANCIS ESTATES**

WHEREAS, James A. Bledsoe, Doris Ann Bledsoe, Robert M. Dixon, Jr., and Catherine Pounds Dixon, the sole owners of lands adjoined and abutting a portion of Lakeview

Drive, have petitioned the City Council to vacate a portion of Lakeview Drive as a public right-of-way; and

WHEREAS, said portion of Lakeview Drive petitioners desire to be vacated is a 60.3 foot wide unopened and undeveloped street and cul-de-sac that is 139.44 feet in length and totals 0.44 acres +- located between Lots 2 and 4 of Block B of the First Phase of Saint Francis Estates, as depicted on the survey attached as Exhibit A, and more particularly described as follows:

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 the Northeast corner of Lot 4, Block C of the First Phase of Saint Francis Estates, according to the plat as recorded in Plat Book 1 at Page 58 in the office of the Judge of Probate of Barbour County, Alabama, at Eufaula, also being the POINT OF BEGINNING;

Thence, North 84 degrees 16 minutes 03 seconds East a distance of 60.03 feet to the Northwest corner of Lot 2, Block B of the First Phase of Saint Francis Estates;

Thence, along the West line of Lot 2, South 04 degrees 11 minutes 03 seconds East a distance of 139.44 feet to a cul-de-sac;

Thence, along said cul-de-sac, a curve, having a radius of 60.00 feet, an arc length of 314.08 feet,

Thence, leaving said cul-de-sac, along the East line of Lot 4, Block C of the First Phase of Saint Francis Estates North 04 degrees 11 minutes 03 seconds West a distance of 137.34 feet and the POINT OF BEGINNING.

Together with and subject to covenants, easements and restrictions of record. Said property contains 0.44 Acres more or less.

WHEREAS, said portion of Lakeview Drive to be vacated is within the limits of the City of Eufaula, Alabama; and

WHEREAS, pursuant to the procedures for the vacation of a public street or alley as set forth in Section 23-4-20 of the Code of Alabama 1975, as amended, the City Council of the City of Eufaula, Alabama, has conducted a public hearing on the proposed vacation of a portion of the right-of-way of Lakeview Drive; and

WHEREAS, from the evidence and representations presented in the public hearing conducted at its regular meeting October 7, 2015, the City of Eufaula, Alabama, desires to take such action as will vacate a portion of Lakeview Drive described herein; and

WHEREAS, in accordance with the authority granted to it by the pertinent sections of the Code of Alabama 1975, the City of Eufaula, Alabama makes the following finds of fact:

1. It has received the petition of James A. Bledsoe, Doris Ann Bledsoe, Robert M. Dixon, Jr. and Catherine Pounds Dixon, the owners of lands abutting a portion of Lakeview Drive, to vacate said portion as a public right-of-way; and
2. Notice of the proposed public hearing on the vacation of the undeveloped public alley and cul-de-sac was published in *The Eufaula Tribune* once a week for four consecutive weeks prior to deciding the issue at a regularly scheduled meeting as required by law; and
3. Convenient and adequate 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
4. The owners of the real property located on all sides consented to the same and have no objections to said vacation; and
5. The owners along Lakeview Drive that do not adjoin the section to be vacated were notified as required by law and there was no objection; and
6. Alabama Code Section 11-499-6 (1975), as amended, provides that the City Council may require abutting property owners who will benefit from a right-of-way vacation to pay a vacation of right-of-way fee equal to the fair market value of the land which will be added to the holdings of the abutting landowners; and
7. Based upon the appraisal performed by Tom Jones, a copy of which has been provided to the City Council, the fair market value of this portion of Lakeview Drive is \$3,300.00.
8. The fair market value of \$3,300.00 is a fair and reasonable vacation of right-of-way fee to be paid by the Petitioners and they have consented to the payment of said fee as fair market value and to the reimbursement of all publication costs and postage fees.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Eufaula, Alabama, that the City does hereby declare the above described portion of Pine Alley to be vacated, divesting the entire right, title and interest of the City of Eufaula, Alabama, in and to said right-of-way.

ADOPTED AND APPROVED this _____ day of May, 2020.

CITY OF EUFAULA, ALABAMA
A MUNICIPAL CORPORATION

Johnny A. Knight, President

ATTEST:

Joy White, City Clerk/Treasurer

Council President Knight introduced Resolution 33-2020 (Match Resolution Eufaula EDA). Mrs. Grice offered a motion to adopt Resolution 33-2020. Mr. Cobbs seconded the motion. After a voice vote, Council President Knight announced the motion had carried.

**RESOLUTION
33-2020**

WHEREAS, the City of Eufaula and Eufaula Water Works & Sewer Board are co-applying for a FY 2020 Public Works grant under the Economic Development Administration's CARES Act Recovery Assistance program to provide infrastructure improvements in the Eufaula Industrial Park; and,

WHEREAS, the Eufaula City Council recognizes Jack B. Tibbs, Jr., Mayor, as the appropriate official authorized to act on behalf of the City in such dealings and acknowledges the Mayor's signature shall be binding upon the City in such matters.

FURTHER, the Eufaula City Council understands that the total estimated cost associated with the proposed infrastructure improvements in the Eufaula Industrial Park is **\$4,742,000**, and the Eufaula City Council approves the submission of the Economic Development Administration grant application requesting **\$3,793,600** in federal grant assistance; and,

BE IT FURTHER HEREBY RESOLVED that the Eufaula City Council understands that the Eufaula Water Works & Sewer Board will be providing the sum of **\$948,400** in matching funds to be used in conjunction with this request for EDA funds for the purpose of bringing the proposed project to fruition.

APPROVED AND ADOPTED by the Eufaula City Council on this the 18th day of May, 2020.

THE CITY OF EUFAULA, ALABAMA
A MUNICIPAL CORPORATION

Johnny A. Knight, Council President

(SEAL)

ATTEST:

Joy White, City Clerk/Treasurer

Council President Knight introduced Resolution 34-2020 (Authorizing Mayor to enter into contract with CivicEngage). Mr. Cobbs offered a motion to adopt Resolution 34-2020. Mr. Robertson seconded the motion. After a voice vote, Council President Knight announced the motion had carried.

RESOLUTION
34-2020

WHEREAS, local government is closest to its citizens, with the most direct daily impact upon its residents;

WHEREAS, local government provides services and programs that enhance the quality of life for its residents and is committed to and understands its many responsibilities; and

WHEREAS, local government officials and employees share the responsibility to pass along the understanding of public services and their benefits to its citizens; and

WHEREAS, the City of Eufaula could offer a more informative website for current residents, while serving as a website tool to potential residents for future relocations to the City of Eufaula, and the continued shaping and influencing of the city's comprehensive growth and upkeep via the website service;

WHEREAS, this website service would significantly enhance the capability of informing and keeping its citizens informed in the event of emergencies that could possibly bring damage and/or harm to the community;

NOW THEREFORE, BE IT RESOLVED BY THE City of Eufaula, Alabama, that the City Council authorizes Mayor Jack B. Tibbs, Jr., to enter into a contractual agreement with CivicEngage to provide internet website/communication services to the City of Eufaula.

ADOPTED AND APPROVED this 18th day of May, 2020.

CITY OF EUFAULA, ALABAMA
A MUNICIPAL CORPORATION

Johnny A. Knight
City Council President

ATTEST:

Joy White
City Clerk/Treasurer

Governor Kay Ivey has again extended Alabama’s State of Emergency. The local State of Emergency extension gives the Mayor the power and ability to act quickly in an emergency situation relative to COVID-19. The extension would expire on Monday, June 15, 2020 at midnight. Mr. Cobbs asked if the curfew was still active and Joel Smith, Esq. responded that the Mayor has terminated the curfew.

Council President Knight introduced Resolution 35-2020 (Extending State of Emergency – Final). Mr. Cobbs offered a motion to adopt Resolution 35-2020. Mr. Robertson seconded the motion. After a voice vote, Council President Knight announced the motion had carried.

**RESOLUTION
35-2020
DECLARING A STATE OF LOCAL EMERGENCY**

WHEREAS, the Alabama Emergency Management Act of 1955, as amended, codified in Section 31-9-1, *et seq.*, of the Code of Alabama (hereinafter, the “Act”), confers emergency powers upon the various governing bodies in the State of Alabama, including political subdivisions of the state, to include municipalities such as the City of Eufaula, Alabama; and

WHEREAS, Kay Ivey, Governor of the State of Alabama, on March 13, 2020, did declare the existence of a state public health emergency in the State of Alabama, in that the State Health Officer has reported the appearance of the novel coronavirus known as COVID-19 (hereinafter, “COVID-19), thereby indicating the potential of widespread exposure to an infectious agent posing significant risk of substantial harm to a large number of people within the State of Alabama, which declaration was authorized by the Act; and

WHEREAS, on March 18, 20, 23, and 26 and on April 2, 3, and 13 of 2020, Governor Ivey issued supplemental proclamations to further address the occurrence of COVID-19 in the State of Alabama;

WHEREAS, on May 8, 2020, Governor Ivey issued an additional supplemental proclamation which, among other things, extended the State of Emergency issued and declared on March 13, 2020, for another 60 days unless sooner terminated;

WHEREAS, the Act, at Section 31-9-10 thereof, does provide the power and authority for a political subdivision of the State of Alabama, such as the City of Eufaula, Alabama, to declare a state of local emergency in the event the governing body of said political subdivision, to wit: the City Council of the City of Eufaula, Alabama, determines that any of the conditions described in Section 31-9-2(a) of the Act, has occurred or is imminently likely to occur; and

WHEREAS, on March 23, 2020, the City Council of the City of Eufaula, Alabama determined an occurrence or imminent threat of an illness or health condition, caused by the appearance of COVID-19 across the State of Alabama, and in many other states and countries of the world, constitutes the potential of widespread exposure to that infectious agent, thereby posing a significant risk of substantial harm to a large number of people in the City of Eufaula, Alabama, which threat the City Council of the City of Eufaula, Alabama, hereby determines continues to this day; and

WHEREAS, on March 23, 2020, the City of Eufaula adopted Resolution 16-2020, declaring a State of Local Emergency, which State of Local Emergency was extended by Council President Johnny A. Knight on April 6, 2020, and April 27, 2020, and is set to expire on May 18, 2020;

WHEREAS, the City Council of the City of Eufaula, Alabama, desires to protect the public peace, health, and safety, and to preserve the lives and welfare of its citizens and employees; and

WHEREAS, COVID-19 continues to pose an imminent threat to the health and safety of the public, and City officials and administrators need the authority to react promptly and without delay in order to address the impact of COVID-19; and

WHEREAS, Section 31-9-10 of the Act does empower the governing body of a political subdivision of the State of Alabama, to-wit: The City Council of the City of Eufaula, Alabama, upon determining the existence of any of the conditions described in Section 31-9-2(a), which determination has heretofore been made, to waive procedures and formalities otherwise required by law related to:

- a. performance of public work;
- b. entering into contracts;
- c. incurring obligations;
- d. employment of temporary workers;
- e. utilization of volunteer workers;
- f. rental of equipment;
- g. acquisition and distribution, with or without compensation, of
supplies, materials and facilities;
- h. to impose a public safety curfew for its inhabitants;

- i. appropriation or expenditure of public funds;
- j. to close; notwithstanding Section 11-1-8 of the Act, any and all public buildings owned or leased by and under the control of the City of Eufaula where emergency conditions warrant;

all of the above powers to be exercised as necessary to ensure the health, safety and welfare of the inhabitants of the City of Eufaula, Alabama;

WHEREAS, the City Council of the City of Eufaula, Alabama, desires to re-open city buildings and facilities to the public, but only with appropriate COVID-19 precautionary measures and safety practices in place.

NOW, THEREFORE, BE IT RESOLVED, based upon the findings and determinations hereinabove stated, and the authorities hereinabove recited, the City Council of the City of Eufaula does hereby declare that the State of Local Emergency for the City of Eufaula, Alabama, is hereby extended effective immediately as set forth below; and

BE IT FURTHER RESOLVED, that City Hall's administrative offices will re-open to the public effective May 26, 2020, subject to COVID-19 safety practices and guidelines established by the Mayor, and that other city facilities including the Carnegie Library and Community Center may re-open effective immediately subject to COVID-19 safety practices and guidelines established by their respective governing boards and administrators;

BE IT FURTHER RESOLVED that the City Council of the City of Eufaula, Alabama does hereby authorize the Mayor of the City of Eufaula to execute the authorities and powers hereinabove stated, as a consequence of the Declaration of a State of Local Emergency, for the duration of the State of Local Emergency, and

BE IT FURTHER RESOLVED that the Mayor of the City of Eufaula, Alabama, is further authorized to execute the powers and authorities otherwise granted to the City Council of the City of Eufaula, Alabama, as governing body of said City, by Section 31-9-10 of the Alabama Emergency Management Act of 1955, but not conditioned upon the determination of a State of Local Emergency, for the duration of the State of Local Emergency as hereinafter provided, including, but not limited to, the power and authority:

- A. to appropriate and expend funds, make contracts, obtain and distribute equipment, materials and supplies for emergency management purposes;
- B. provide for the health and safety of persons and property including emergency assistance to the victims of any disaster;
- C. direct and coordinate the development of emergency management plans and programs in accordance with the policies and plans set by federal and state of emergency management agencies;

- D. appoint, employ, remove, or provide, with or without compensation, rescue teams, auxiliary fire and police personnel, and other emergency management workers; provided, that compensated employees shall be subject to any existing civil service or merit system laws;
- E. assign and make available for duty the employees, property, or equipment of the City of Eufaula for firefighting, engineering, rescue, health, medical and related service, police, transportation, construction, and similar items or services for emergency management purposes;
- F. exercise any and all other powers and authorities, for emergency management purposes, as may otherwise be provided by the Alabama Emergency Management Act of 1955, above referenced, or other relevant or applicable federal or state law or regulation; and

BE IT FURTHER RESOLVED that the Mayor of the City of Eufaula, in exercising the emergency powers and authorities delegated to the Mayor herein by the City Council of the City of Eufaula, is authorized and directed to further delegate execution of such powers and authorities to the City Clerk or other City department heads and personnel as he deems appropriate, it being the purpose of this Resolution to provide maximum flexibility for the Mayor and City Clerk to respond expeditiously to the circumstances which may arise in the course of the local state of emergency herein declared; and

BE IT FURTHER RESOLVED that the duration of this Declaration of a State of Local Emergency shall extend to Monday, June 15, 2020, at midnight unless sooner terminated by City Council; provided, further, that should circumstances at the time dictate, the President of the City Council is hereby empowered, in his judgment, to extend the duration of this Declaration of a State of Local Emergency for an additional period of twenty-one (21) days, by written notification to the City Clerk of same, delivered by any means reasonably calculated to accomplish such notification; and

BE IT FURTHER RESOLVED that, in the event of incapacity of the recipient of any power or authority herein provided, such powers or authorities will transfer to the successor of such recipient as provided by applicable state and/or municipal laws and/or ordinances; and

BE IT FURTHER RESOLVED, that the City Council hereby encourages that all City business be conducted via telephone, email or online if feasible; and

BE IT FURTHER RESOLVED that the Mayor, City Clerk, and all Departments are requested and authorized to record the additional expenses incurred in the past and future as a result of the COVID-19 impacts, and seek reimbursement to the extent provided, available, and authorized by Federal and State Laws.

ADOPTED AND APPROVED THIS 18th day of May, 2020.

THE CITY OF EUFAULA, ALABAMA
A MUNICIPAL CORPORATION

Johnny A. Knight, President

ATTEST:

Joy White, City Clerk

PUBLIC HEARING

UNFINISHED BUSINESS

COUNCIL ACTION/DISCUSSION

Joel Smith, Esq. explained the rezoning request submitted by Gerald Phillips to rezone a portion of personal property on 431 south, Old Abbeville Road, from R-2 to C-2. The request has been approved by the Planning Commission, and requires council approval for rezoning the property from R-2 to C-2. Mrs. Grice offered a motion to present the request on the City Council agenda for the next scheduled meeting, Monday, June 1, 2020. Mr. Robertson seconded the motion. After a voice vote, Council President Knight announced the motion had carried.

REGULAR AGENDA (NEW BUSINESS)

COUNCIL COMMITTEE REPORTS

Mr. Cobbs reported that the community center re-opened today with approximately 40 participants. The senior center continues to be closed until further notice.

ADJOURNMENT

There being no further business to come before the Council, the same was on motion by Mr. Robertson duly made and seconded by Mr. Cobbs, adjourned this 18th day of May, 2020.

CITY OF EUFAULA, ALABAMA
A MUNICIPAL CORPORATION

Johnny A. Knight, City Council President

ATTEST:

Joy White, City Clerk/Treasurer