

**MINUTES OF A SCHEDULED MEETING OF THE EUFAULA CITY COUNCIL HELD ON
TUESDAY, SEPTEMBER 8, 2020 AT 5:15 P.M.**

The Eufaula City Council met in a scheduled session on Tuesday, September 8, 2020, at 5:15 p.m. in the Police Department Courtroom at 545 East Barbour Street. Council President Knight called the meeting to order, and Pastor Ken Jackson offered the invocation. Council President Knight led the Council and audience in the Pledge of Allegiance.

Upon call of the roll the following members were present: Council President Johnny A. Knight, President Pro Tem Barbara C. Flurry, Lucious Cobbs, and Tony L. Robertson. Absent: Linda S. Grice.

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

HONORS AND RECOGNITION

Jaxon Life Senior Center director and staff recently received excellent marks on the center and its member activities. Mayor Tibbs commended Ms. Jackie Hunt, Director of the Jaxon Life Senior Center for an excellent evaluation by Southeast Alabama Regional Council on Aging (SARCOA). Eufaula seniors recently received weather radios from Channel 3 and each senior will be featured daily on the weather/news segment. Mayor Tibbs thanked Ms. Hunt and her staff for all that they do to make the center what it is to the seniors and this city.

Ms. Hunt stated that delivery meals have increased, and the center will continue to provide meals to seniors as usual. Ms. Hunt added that she appreciates the compliments and all that the Mayor and the City has done for the center. She thanked the Mayor for allowing her to serve the people of Eufaula, and Council President Knight thanked Ms. Hunt for her expressions.

APPROVAL OF AGENDA

Mrs. Flurry offered a motion to approve the order of the September 8, 2020 agenda. Mr. Cobbs 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 special called session minutes of September 1, 2020.
- (b) Motion and second to dispense with and approve the City Council minutes of August 17, 2020.
- (c) Motion and second to approve the Claims Docket dated September 3, 2020 in the amount of \$14,929.52.

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

MAYOR'S REPORT

Mayor Tibbs announced that the Eufaula Planning Commission has recommended approval of a rezoning request for Ben Reeves Management LLC. The request is to rezone property from FAR (Forestry/Agricultural/Residential) to R-4 (High Density Residential) and C-1 (Neighborhood Commercial) for the purpose of construction of a housing development containing single-family dwellings, townhouses and duplex units. Mayor Tibbs requested that the council also consider moving this project forward.

VISITORS

ORDINANCES AND RESOLUTIONS

Council President Knight introduced Resolution 90-2020 (Resolution – Extending State of Emergency – 11 08 2020). Mr. Cobbs offered a motion to adopt Resolution 90-2020. Mr. Robertson seconded the motion. After a voice vote, Council President Knight announced the motion had carried.

RESOLUTION

90-2020

EXTENDING STATE OF LOCAL EMERGENCY AND ENCOURAGING COMPLIANCE WITH SAFER AT HOME ORDER

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; April 2, 3, and 13; May 8 and 21; June 9 and 30; July 2, 15, 29; and August 21 and 27 of 2020, Governor Ivey issued supplemental proclamations to extend the state of emergency and further address the occurrence of COVID-19 in the State of Alabama;

WHEREAS, Governor Ivey’s 17th supplemental emergency Proclamation of August 27, 2020, extended the state-wide state of emergency until November 8, 2020;

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;

WHEREAS, on March 23, 2020, the City Council of the City of Eufaula, Alabama (hereinafter, "City Council") 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 hereby determines continues to this day;

WHEREAS, on March 23, 2020, the City Council adopted Resolution 16-2020, declaring a State of Local Emergency, which State of Local Emergency was extended pursuant to its terms by Council President Johnny A. Knight on April 6, 2020, and April 27, 2020;

WHEREAS, on May 18, 2020, the City Council adopted Resolution 35-2020, which extended the State of Local Emergency, which was again extended by Council President Johnny A. Knight pursuant to its terms;

WHEREAS, on July 6, 2020, the City Council adopted Resolution 63-2020, which extended the State of Local Emergency until midnight on September 9, 2020;

WHEREAS, the City Council desires to continue 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;

said powers to be exercised as necessary to protect against COVID-19 and ensure the health, safety and welfare of the inhabitants of the City of Eufaula, Alabama.

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

BE IT FURTHER RESOLVED, that the City Council hereby determines that one or more of the conditions described in Section 31-9-2(a) of the Act continues to exist, and therefore the City Council is empowered to act set as provided in the entirety of Section 31-9-10 of the Act for the duration of the State of Local Emergency;

BE IT FURTHER RESOLVED that the City Council does hereby authorize the Mayor of the City of Eufaula to impose a public safety curfew in the event the risk of COVID-19 in the City of Eufaula increases or conditions otherwise warrant, for the duration of the State of Local Emergency, and

BE IT FURTHER RESOLVED that the duration of this Declaration of a State of Local Emergency shall extend to **November 8, 2020**, at midnight unless sooner terminated by City Council; and

BE IT FURTHER RESOLVED, that the City Council hereby encourages that 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; and

BE IT FURTHER RESOLVED, that the City Council hereby strongly encourages all citizens to wear a face mask when in public, to practice recommended social distancing, to engage in good hygiene such as frequent hand washing as recommended by health experts, and, along with all businesses operating in the City, to comply with and abide by the State Health Officer's current Safer at Home Order, a copy of which is available at <https://www.alabamapublichealth.gov/legal/assets/order-adph-cov-gatherings-082720.pdf>.

ADOPTED AND APPROVED THIS 8th day of September, 2020.

THE CITY OF EUFAULA, ALABAMA
A MUNICIPAL CORPORATION

Johnny A. Knight, President

ATTEST:

Joy White, City Clerk

PUBLIC HEARING

Council President Knight introduced Resolution 86-2020 (Weed abatement – Vernice Moreland Jones, 318 Nancy Ross Drive). Mr. Robertson offered a motion to adopt Resolution 86-2020. Mrs. Flurry seconded the motion. After a voice vote, Council President Knight announced the motion had carried.

**RESOLUTION
86-2020**

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>
Vernice Moreland Jones 318 Nancy Ross Drive Eufaula, AL 36027	Lee Street	062403052008003000

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 September, 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 87-2020 (Weed abatement – Hattie McElroy – c/o Mary Oliver, Lee Street). Mr. Robertson offered a motion to adopt Resolution 87-2020. Mrs. Flurry seconded the motion. After a voice vote, Council President Knight announced the motion had carried.

**RESOLUTION
87-2020**

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>
Hattie Mae McElroy c/o Mary Oliver 211 Rose Circle Middletown, CT 06457	Lee Street	062403052008002000

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 September, 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 88-2020 (Weed abatement – Willie Steele & Angeline Shingles, Lee Street). Mr. Cobbs offered a motion to adopt Resolution 88-2020. Mr. Robertson seconded the motion. After a voice vote, Council President Knight announced the motion had carried.

RESOLUTION
88-2020

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>
Willie Steele and Angeline Shingles 107 Foy Drive Eufaula, AL 36027	Lee Street	062403052008001000

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 September, 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 89-2020 (Weed abatement – Eufaula Towne Center, LLP, Dale Road, 4 parcels). Mrs. Flurry offered a motion to adopt Resolution 89-2020. Mr. Cobbs seconded the motion. After a voice vote, Council President Knight announced the motion had carried.

RESOLUTION
89-2020

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
Eufaula Towne Center LP c/o Hatfield Development Co. 1827 Powers Ferry Road, Suite 300 Atlanta, GA 30339	Dale Road	062403053001015002
		062403053001015003
		062403053001015001
		062403053001015000

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 September, 2020.

CITY OF EUFAULA, ALABAMA
A MUNICIPAL CORPORATION

Johnny A. Knight
City Council President

ATTEST:

Joy White, CMC
City Clerk/Treasurer

UNFINISHED BUSINESS

COUNCIL ACTION/DISCUSSION

Council President Knight stated the Eufaula Planning Commission has recommended approval of a rezoning request by Ben Reeves Management, LLC for property located on Lake Drive and Community Drive from FAR (Forestry/Agricultural/Residential to R-4 (High Density Residential) and C-1 (Neighborhood Commercial). He then called for a motion and second to schedule a public hearing on the matter. Mr. Cobbs moved to schedule a public hearing on the rezoning request. Mr. Robertson seconded the matter. After a voice vote, Council President Knight announced that the motion had carried. Joel Smith, City Attorney, stated that this request will be placed on the Council agenda for first reading during the regularly scheduled city council meeting to be held on Monday, September 21, 2020.

Council President Knight called for a representative to speak referencing consideration of retail off-premise beer and wine license for TTT Mart Inc. dba Express Mart #2, located at 102 State Docks Road, and Express Mart #3 located at 1116 North Eufaula Avenue, Eufaula, AL 36027. Mr. Musead came forward and stated that he is the new owner of the Express Mart #2 and #3. He continued that being a part of the community, he wants to do his part as a business owner.

Mrs. Flurry offered a motion to adopt the retail off-premise beer and wine license for TTT Mart Inc. dba Express Mart #2, located at 102 State Docks Road, Eufaula, Alabama. Mr. Cobbs seconded the motion. After a voice vote, Council President Knight announced that the motion had carried.

Mr. Cobbs offered a motion to adopt the retail off-premise beer and wine license for TTT Mart Inc. dba Express Mart #3, located at 1116 North Eufaula Avenue, Eufaula, Alabama. Mr. Robertson seconded the motion. After a voice vote, Council President Knight announced that the motion had carried.

REGULAR AGENDA (NEW BUSINESS)

COUNCIL COMMITTEE REPORTS

Council President Knight acknowledged the new council members that were present. The new members present were: Ben Garrison of District I, Wes Register of District V, and John Robinson, run-off candidate of District IV.

ADJOURNMENT

There being no further business to come before the Council, the same was on motion by Mrs. Flurry duly made and seconded by Mr. Cobbs, adjourned this 8th day of September, 2020.

CITY OF EUFAULA, ALABAMA
A MUNICIPAL CORPORATION

Johnny A. Knight, City Council President

ATTEST:

Joy White, City Clerk/Treasurer