

STATE OF ALABAMA
COUNTY OF COVINGTON

ANDALUSIA, ALABAMA
MARCH 2, 2004

REGULAR COUNCIL MEETING

The City Council of the City of Andalusia, Alabama, convened in a Regular Meeting on March 2, 2004, at 6:00 P.M., in the auditorium in City Hall at 505 East Three Notch Street. The roll was checked by City Clerk Pam Steele and those present and those absent were as follows:

PRESENT:

Earl V. Johnson, Mayor
Bridges, D. Anderson, Councilman
Michael L. Jones, Jr., Councilman
Andy Alexander, Councilman
Jerry B. Andrews, Councilman
Harry R. Hinson, Councilman
Tom Albritton, City Attorney

ABSENT:

None

Mayor Johnson presided at the meeting and called the meeting to order after which Councilman Anderson voiced the invocation and led in the Pledge of Allegiance to the Flag.

APPROVAL OF MINUTES:

A motion was made by Councilman Hinson, seconded by Councilman Jones, and unanimously voted to approve the minutes of the Regular Council Meeting of February 17, 2004 as amended.

COUNCIL DISCUSSES PROPOSED DATE FOR CITY HALL DEDICATION CEREMONY:

Mayor Johnson stated that the City Council has discussed several possible dates for a formal dedication ceremony for City Hall during recent City Council Meetings, but there have been conflicts with the dates previously proposed. He said the date of June 6, 2004 has now been proposed as a possible date and time for the dedication and asked everyone to consider whether this date would conflict with anything else previously scheduled. The Mayor said a final date would be announced soon.

COUNCIL TABLES ACTION ON REQUEST FOR LICENSE WAIVER FOR COVINGTON COUNTY SHERIFF'S POSSE:

Mayor Johnson stated that the Covington County Sheriff's Posse

requested a waiver of license fees for a carnival to be held at the Westgate Plaza from March 30 thru April 5, 2004. The Mayor stated that the proposed event conflicts with an existing carnival sponsored by the City's Athletic Programs.

A motion was made by Councilman Jones, seconded by Councilman Alexander, and unanimously voted to table action on this item until the next meeting.

COUNCIL AWARDS BIDS FOR SURPLUS PROPERTY:

Mayor Johnson reviewed the bids opened on February 25, 2004 for the purchase of vehicles and equipment as follows:

Unit W-22 - 1979 Chevrolet Model CC7D042 - VIN C17DB9V153185
Jeff Palmer \$ 683.00

Unit C-5 - 1986 Fiat Allis Front-End Loader - VIN 590398
David Little \$1,150.00

Unit C-43 - 1981 Chevrolet ½ Ton Pick-Up - VIN 1GCCC14D6BF320947
Carlis Farley \$ 153.00
Fonzie D. Welch \$ 200.00

Unit C-57 - 1989 Dodge ½ Ton Pick-Up - VIN 1B7FE06Y8KS003034
Carlis Farley \$ 553.00
Fonzie D. Welch \$ 250.00
Jeff Palmer \$ 268.00

Unit S-15 - 1992 Transport Trailer - VIN 1L9BB37B3NM110143
David Little \$2,050.00
Ben Williamson \$2,015.50

Mayor Johnson stated that Public Works Director Jim Hogg recommends the City Council accept the high bid for Units W-22, C-5, W-43, C-57, and S-15. The Mayor also stated that no bids were received for Units U-38 and C-28 and recommended the City Council authorize Mr. Hogg to negotiate a price for the sale of these two vehicles.

A motion was made by Councilman Andrews, seconded by Councilman Anderson, and unanimously voted to accept the high bids for the surplus vehicles and equipment listed above, and to authorize Public Works Director Jim Hogg to negotiate a price for the sale of the two remaining vehicles.

COUNCIL HEARS UPDATE ON VETERAN'S MEMORIAL PROJECT:

Mayor Johnson updated the City Council on the current status of the Covington Veteran's Memorial Project. The Mayor said the plans and specifications for the project are being completed and the Veteran's Committee has received many pledges for donations. The Mayor also said that the Memorial is scheduled to be completed by Veteran's Day in November.

COUNCIL TABLES ACTION ON AWARD OF BID FOR WILL COLEMAN CENTER POOL RENOVATION:

Mayor Johnson stated that sealed bids were opened on March 1, 2004 for the renovation of the Will Coleman Center Pool (Land and Water Conservation Grant No. 01-LW-01-762). The Mayor said that only one bid was received from JABCO, Inc. for a total of \$119,527, and this price is approximately \$40,000 more than the estimate for this portion of the project.

After a brief discussion, a motion was made by Councilman Anderson, seconded by Councilman Jones, and unanimously voted to table action on the award of the bid until the next meeting to give Leisure Services Director Dwight Mikel the opportunity to negotiate with the bidder.

COUNCIL WAIVES LICENSE FEES FOR OPP JAYCEES RATTLESNAKE RODEO:

Mayor Johnson stated that the City Council received a request from the Opp Jaycees to waive license fees for food and arts and crafts vendors at the 2004 Rattlesnake Rodeo to be held March 6 and 7 at the Kiwanis Community Center and Covington Arena. The Mayor stated that the vendors will collect and remit required taxes on their sales.

After a brief discussion regarding the need to remain consistent in the waiving of license and/or permit fees, a motion was made by Councilman Alexander, seconded by Councilman Hinson, and unanimously voted to waive the license fees for food and arts and crafts vendors at the 2004 Opp Jaycees Rattlesnake Rodeo.

COUNCIL AUTHORIZES MAYOR TO SIGN MUTUAL AID AGREEMENT WITH FT. RUCKER FIRE SERVICE:

Mayor Johnson stated that the City's Fire Department and the Fort Rucker Fire Service have a mutual aid agreement in place that allows each department to aid the other if assistance is ever needed. The Mayor said the agreement has expired and requested the City Council authorize him to sign a new agreement.

A motion was made by Councilman Hinson, seconded by Councilman Jones, and unanimously voted to authorize Mayor Johnson to execute a mutual aid agreement between the City of Andalusia and the Fort Rucker Fire Service.

COUNCIL HEARS REPORT FROM COVINGTON COUNTY ECONOMIC DEVELOPMENT COMMISSION:

Mr. Tucson Roberts, President of the Covington County Economic Development Commission, presented a report of the activities of the Commission.

COUNCIL TAKES NO ACTION ON RESCHEDULING MARCH 16, 2004 REGULAR COUNCIL MEETING:

Mayor Johnson stated that he will be out of town on an industry-seeking trip at the time of the next Regular City Council Meeting to be held on March 16, 2004. The Mayor stated that the City Council decided in the workshop not to reschedule the March 16, 2004 meeting. No action was taken.

COUNCIL TRANSFERS PROPERTY TO ANDALUSIA-OPP AIRPORT AUTHORITY:

Mayor Johnson stated that the Andalusia-Opp Airport Authority and the Covington County Economic Development Commission are working on financing for a new industry, Evans Machine and Gear, to be located on property belonging to the City of Andalusia at the Andalusia-Opp Airport Authority. The Mayor said it is necessary that the City deed the property to the Airport Authority in order to complete the financing arrangements for the new industry. The Mayor said an Ordinance has been prepared to transfer the title of the property to the Airport Authority.

A motion was made by Councilman Jones and seconded by Councilman Alexander to suspend all rules which would otherwise prevent the immediate consideration of Ordinance No. 2004-1. Upon being put to a vote, the following was recorded:

YEAS:

Mayor Johnson
Councilman Anderson
Councilman Jones
Councilman Alexander
Councilman Andrews
Councilman Hinson

NAYS:

None

Mayor Johnson declared the motion unanimously passed and the rules suspended.

Mayor Johnson then introduced Ordinance No. 2004-1 for consideration as follows:

**CITY OF ANDALUSIA
ANDALUSIA, ALABAMA**

ORDINANCE NO. 2004-1

AN ORDINANCE TO DECLARE PARCEL OF REAL PROPERTY AS SURPLUS AND AUTHORIZE TRASFER OF OWNERSHIP TO THE CITY OF ANDALUSIA-OPP AIRPORT AUTHORITY

WHEREAS, the City of Andalusia, Alabama, is the rightful owner of a parcel of real property fully described below; and

WHEREAS, this parcel of property is no longer needed for municipal purposes;

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of Andalusia, Alabama, as follows:

Section 1. It is hereby established and declared that the following described parcel of real property of the City of Andalusia, Alabama, is no longer needed for public or municipal purposes, to-wit:

Parcel #1

Commencing at the intersection of the West Right of Way line of County Road #67 and the South Right of Way line of County Road #42; thence along the South Right of Way line of County Road #42 the following (3) courses to wit: North 89 degrees 55 minutes 20 seconds a distance of 1070.50 feet to a concrete Right of Way marker; North 89 degrees 58 minutes 37 seconds a distance of 961.53 feet to a concrete Right of Way marker; North 88 degrees 07 minutes 40 seconds a chord distance of 84.91 feet; thence departing said South Right of Way line, South 16 degrees 19 minutes 14 seconds a distance of 479.65 feet to the Point of Beginning; thence South 73 degrees 40 minutes 46 seconds a distance of 360.00 feet; thence South 16 degrees 19 minutes 14 seconds a distance of 300.00 feet; thence North 73 degrees 40 minutes 46 seconds a distance of 360.00 feet; thence North 16 degrees 19 minutes 14 seconds a distance of 300.00 feet to the Point of Beginning; said parcel lying in and being a part of the Southwest Quarter of Section 18, Township 4 North, Range 17 East, and containing 2.5 acres, more or less;

Parcel #2

Beginning at the Northeast corner of Section 24, Township 4 North, Range 16 East, and being the Northwest corner of Section 19, Township 4 North, Range 17 East, and run thence North 87 degrees 15 minutes 40 seconds East a distance of 34.05 feet; thence South 00 degrees 19 minutes 30 seconds West a distance of 847.76 feet to a point on a right of way widening of U.S. Highway #84; thence along said right of way widening North 56 degrees 56 minutes 20 seconds West a distance of 7.55 feet; thence continue along said right of way widening South 56 degrees 33 minutes 35 seconds West a distance of 33.26 feet to a point on the West line of aforementioned Section 19; thence North 00 degrees 19 minutes 30 seconds East along said West Section line a distance of 860.34 feet to the point of beginning; said parcel lying in and being a part of the Northwest Quarter of the Northwest Quarter of Section 19, Township 4 North, Range 17 East, and containing 0.66 acre, more or less.

Section 2. That the Mayor and City Clerk are hereby authorized and directed to execute all necessary documents, including the deed, to facilitate and complete the transfer of ownership of the real property described above to the Andalusia-Opp Airport Authority, subject to negotiation of an agreement between the parties regarding the reimbursement of any investment by the City of Andalusia in the above described property should it be sold, as well as any other such terms and conditions the Mayor deems advisable.

Section 3. This Ordinance shall be effective upon publication as required by law.

ADOPTED AND APPROVED this 2nd day of March, 2004.

THE CITY OF ANDALUSIA, ALABAMA

BY: _____
Earl V. Johnson, Mayor

ATTEST:

Pam Steele, City Clerk

A motion was then made by Councilman Jones and seconded by Councilman Alexander to adopt Ordinance No. 2004-1 as presented. Upon being put to a vote, the following was recorded:

<u>YEAS:</u>	<u>NAYS:</u>
Mayor Johnson	None
Councilman Anderson	
Councilman Jones	
Councilman Alexander	
Councilman Andrews	
Councilman Hinson	

Mayor Johnson declared the motion unanimously passed and Ordinance No. 2004-1 adopted.

COUNCIL APPROVES RESOLUTION TO EXECUTE AGREEMENT WITH ALABAMA DEPARTMENT OF TRANSPORTATION FOR EAST THREE NOTCH STREET WIDENING PROJECT:

Mayor Johnson stated that the Alabama Department of Transportation (ALDOT) recently requested the City execute an agreement for the East Three Notch Street Widening Project [#STPPA-0015(503) and STPTE-0015(502)]. The Mayor presented Resolution No. 2004-4 for consideration as follows:

**THE CITY OF ANDALUSIA
ANDALUSIA, ALABAMA**

RESOLUTION NO. 2004-4

WHEREAS, the City of Andalusia, (hereinafter at times referred to as Governmental Body) is desirous of having certain improvements made on SR-15, in accordance with plans prepared by the Alabama Department of Transportation and designated as Project No. STPAA-0015(503) AND stpTE-0015(502), Covington County, and described as WIDENING AND RESURFACING East Three Notch Street (SR-15) from Stanley Street to US-84, including new sidewalk.

WHEREAS, the Alabama Department of Transportation is now or may later be desirous of receiving Federal Aid for improvement of said

highway, and

WHEREAS, the Federal Highway Administration, an agency of the United States of America will not participate in any funding for the construction of said project until and unless the Governmental Body will agree to certain requirements of the Federal Highway Administration. The Governmental Body for the purpose of complying with requirements of the Federal Highway Administration in regard to its funding of improvements of the type and kind in this agreement provided for, does hereby pass and adopt the following:

BE IT RESOLVED by the Andalusia City Council that the plans of said project including alignment, profile, grades, typical sections and paving layouts as submitted to this Council and which are now on file in the office of the City Clerk are hereby approved and that the location of said project as staked out by the Alabama Department of Transportation and as shown by said plans referred to are hereby approved and the Alabama Department of Transportation, in cooperation with the Federal Highway Administration, is hereby authorized to proceed with the grading, draining, paving, and otherwise improving and construction of said project in accordance with said plans.

The City by and through its Council hereby grants to the Alabama Department of Transportation the full use and access to the dedicated widths of any existing roads for the construction of said project and hereby agrees to permit and allow the Alabama Department of Transportation to close and barricade the said project and intersecting roads for as long as necessary while the said project is being graded, drained, paved, and otherwise improved, and hereby agrees that the use of any road or highway for parking within an interchange area will not at any time be permitted.

BE IT FURTHER RESOLVED by the Council, that for and in consideration of the Alabama Department of Transportation in cooperation with the Federal Highway Administration, constructing said highway and routing traffic along the same through the City over said project, such City hereby agrees with the Alabama Department of Transportation and for the benefit of the Federal Highway Administration, that on the above mentioned project the City will not in the future permit encroachments upon the right-of-way; nor will it pass any ordinances or laws fixing a speed limit contrary to those limits provided for in Title 32, Chapter 5, Code of Alabama 1975, as amended, and other laws of Alabama. The traffic control devices and signs installed during construction, and those installed after completion of this project, shall be in accordance with the latest edition of the National Manual on Uniform Traffic Control Devices (MUTCD) and accepted standards adopted by the Alabama Department of Transportation and by the Federal Highway Administration.

The City further agrees that subsequent traffic control devices deemed necessary by it in keeping with applicable statutes, rules and regulations to promote the safe and efficient utilization of the highway under the authority of Title 32, Chapter 5, Code of Alabama 1975, and all

other applicable laws of Alabama, shall be in accordance with the MUTCD and the City further agrees that it will enforce traffic and control the same under the provision of Title 32, Chapter 5, Code of Alabama 1975, and other applicable laws of Alabama.

It is understood and agreed that no changes in this Resolution of Agreement shall in the future be made without having obtained the prior approval of the Federal Highway Administration.

THIS RESOLUTION PASSED AND ADOPTED this 2nd day of March, 2004.

THE CITY OF ANDALUSIA, ALABAMA

BY: _____
Earl V. Johnson, Mayor

ATTEST:

Pam Steele, City Clerk

A motion was made by Councilman Hinson, seconded by Councilman Anderson, and unanimously voted to approve Resolution No. 2004-4 as introduced.

DEPARTMENTAL REPORTS:

Mayor Johnson stated that Municipal Judge Patrick McCalman reported on recent activities of the Municipal Court System. The Mayor said the Judge reported that the software program purchased by the City Council in March of 2002, has made it possible to initiate new programs to collect overdue fines and costs.

The Mayor and City Council commended Judge McCalman, the Court Clerk, and Court Magistrates for their hard work.

COUNCIL ANNOUNCES SHAW INDUSTRIES MODERNIZATION:

Mayor Johnson stated that Shaw Industries recently announced that the second phase of their modernization project will begin soon. The Mayor said this represents a capital investment of \$35 million in our community; after an investment of \$19 million was made in the past year. The Mayor said this investment represents the security of Shaw Industries in our community for many years to come and the saving of approximately 350 jobs. The Mayor said the City, along with Alabama Electric Cooperative, worked very hard over the past year to help secure Shaw's investment in Andalusia. The Mayor also thanked Mr. Cary Baker, General Manager of the Shaw Plant, and all the Shaw Industries staff who have made such a tremendous commitment to Andalusia.

MRS. ELAINE WILEY ADDRESSES CITY COUNCIL IN WORKSHOP:

Mayor Johnson stated that Ms. Elaine Wiley addressed the City Council in the workshop regarding some problems in District 1 relating to traffic and pedestrian safety. The Mayor said the City Council will do their best to address these issues.

DISCUSSION REGARDING NUISANCE ABATEMENT PROJECTS:

Mayor Johnson stated that the City Council was given a report of current nuisance abatement projects and asked them to review the list and respond to him or the Planning Department if there were other problem areas in their district.

COUNCILMAN HINSON REPORTS ON WORKER'S COMPENSATION:

Councilman Hinson reported that the City's worker's compensation premiums have been reduced by approximately \$55,000 since this administration took office. Councilman Hinson thanked City employees for their hard work and commitment to safety on the job every day.

COUNCILMAN HINSON REPORTS ON ALABAMA ADVANTAGE MARKETING PROGRAM:

Councilman Hinson reminded the City Council that the Alabama Advantage Marketing Program was discussed in the last Regular Council Meeting. Mr. Hinson said this program teaches Cities and others how to market their community to newcomers for relocation and retirement. Mr. Hinson said that attracting 10 couples is the economic equivalent of attracting a \$1,000,000 industry; and attracting 25 couples is the equivalent of an industry employing 50 or more people.

Mr. Hinson stated that the City needs to establish an advertising program to inform retirees of the benefits of living in our community and recommended that the City Council form a committee to study and recommend advertising programs to promote Andalusia as a retiree community. He stated that a seven to nine member committee could be established with representatives from the City, the realty association, etc.

Mayor Johnson asked the City Council to be thinking about prospective members of this committee and report back prior to the next Council Meeting.

ADJOURNMENT:

There being no further business to come before the City Council, the meeting was adjourned.

THE CITY OF ANDALUSIA, ALABAMA

**BY: _____
Earl V. Johnson, Mayor**

ATTEST:

Pam Steele, City Clerk