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STATE OF ALABAMA  
 COUNTY OF COVINGTON

ANDALUSIA, ALABAMA

JUNE 1, 2004

REGULAR COUNCIL MEETING

The City Council of the City of Andalusia, Alabama, convened in a Regular Meeting on June 1, 2004, at 6:00 P.M., in the auditorium in City Hall at 505 East Three Notch Street. The roll was checked by Assistant City Clerk Pearl Givens 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  
 Rick Clifton, 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 Anderson, and unanimously voted to approve the minutes of the Regular Council Meeting of May 18, 2004.

MAYOR REPORTS ON SCHOOL BOARD FUNDING:

Mayor Johnson stated that the School Board has received some funding from local charitable organizations and the City has agreed to pay the balance for new textbooks to be purchased for FY 2004-2005. Mayor Johnson added that within the next two years, the City will recapture this cost due to the savings realized from refinancing the Bond Issue for the School Building. Mayor Johnson said that after the City has been repaid the School Board will receive the rest of the savings. Mayor Johnson stated funding from the Special Education Trust Fund has been restored for textbooks in FY 2005-2006.

COUNCIL APPOINTS JIMMY WILSON TO BOARD OF ZONING ADJUSTMENTS:

A motion was made by Councilman Hinson, seconded by Councilman Jones, and unanimously voted to appoint Jimmy Wilson to the Board of Zoning Adjustments.

COUNCIL CONSIDERS BIDS FOR SURPLUS VEHICLE:

Mayor Johnson stated that the City recently requested Bids for a Surplus Vehicle. Mayor Johnson stated that the sealed bids were opened on May 26, 2004, at 2:00 P.M. and recapped the only bid received as follows:

R. J. Construction	\$1,125.00
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A motion was made by Councilman Andrews, seconded by Councilman Alexander and unanimously voted to accept the \$1,125.00 bid from R. J. Construction for the surplus vehicle.

COUNCIL APPROVES RETAIL BEER LICENSE FOR STOP N GO #5:

Mayor Johnson stated that the City recently received a request for a transfer of a Retail Beer (Off-Premises Only) License for the Stop N Go #5, located at 630 North 29 ByPass. The Mayor said there has been a change in ownership that necessitates the application for transfer.

A motion was made by Councilman Anderson, seconded by Councilman Alexander, and unanimously voted to approve the transfer of the Retail Beer License for the Stop N Go #5, located at 630 North 29 ByPass, owned by Umesh S. Patel.

PAGE TWOCOUNCIL ADOPTS ORDINANCE GRANTING A FRANCHISE TO THE UTILITIES BOARD OF THE CITY OF ANDALUSIA:

Mayor Johnson stated that due to the Utility Board operating the Electric, Water, and Sewer Systems, a new Franchise Ordinance needed to be adopted. Mayor Johnson explained that the former Franchise only included operation of the Water System. Mayor Johnson also stated that an Ordinance has been prepared but the rules must be suspended in order to consider it at this meeting.

A motion was made by Councilman Hinson and seconded by Councilman Jones to suspend all rules which would otherwise prevent the immediate consideration of Ordinance No. 2004-3. 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 presented Ordinance No. 2004-3 for consideration as follows:

## ORDINANCE NO. 2004-3

## AN ORDINANCE GRANTING A FRANCHISE TO THE UTILITIES BOARD OF THE CITY OF ANDALUSIA, ITS SUCCESSORS AND ASSIGNS

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ANDALUSIA, ALABAMA (the "Council") as follows:

Section 1. The word "City" as used herein means the City of Andalusia, Alabama, as it is now constituted and as it may hereafter be extended or enlarged. The word "Board" as used herein means The Utilities Board of the City of Andalusia, an Alabama public corporation, its successors and assigns.

Section 2. The Council does hereby find and determine that it is wise, expedient and necessary to grant Board a franchise to construct, acquire, own and operate a waterworks distribution system, sanitary sewer system and an electric distribution system in accordance with the terms hereof.

Section 3. The City hereby grants to Board the right, privilege, authority and franchise to acquire, own, operate, construct, maintain, enlarge, extend, improve and operate a waterworks distribution system, sanitary sewer system and an electric distribution system within the municipal limits of the City of Andalusia, for the purpose of providing water service, sanitary sewer service and electricity service to users located within the City of Andalusia and the inhabitants thereof, and to use the streets, avenues, alleys and public ways and places within the municipal limits for such purpose.

Section 4. The City hereby grants to Board the right, privilege, authority and franchise at any time and from time to time during the period covered by this franchise and without any requirement as to permit or fee therefor (except as to amounts which the Board agrees to pay the City pursuant to that certain Agreement Between the City of Andalusia, Alabama and The Utilities Board of the City of Andalusia, Alabama, dated January 8, 2003, as may be amended), to lay, construct, extend and maintain its pipes, poles, mains and other conductors, fixtures and related appurtenances of its sanitary sewer system, and/or electric system, in, over, along, across and under any street, avenue, alley or other public way or place in the municipal limits, and to repair, renew, relay and extend such pipes, poles, sewers, mains, conductors, fixtures and related appurtenances and to make all excavations necessary therefor.

Section 5. Board shall, and by accepting this franchise agrees that it will, upon making any excavation in the streets, avenues, alleys and public ways and places of the City in the exercise of this franchise, restore the surface and paving at the point of such excavation in substantially the same condition as before the work was done within a reasonable time thereafter, and will save the City harmless from any liability arising out of any change in the condition of any street, avenue, alley or public way or place caused by Board.

Section 6. The rights, privileges, authorities and franchise hereby granted shall become effective upon the adoption and passage of this Ordinance by the Council and shall continue in force and effect for a period of 30 years from the date of such incorporation or such longer period as may be permitted by law or until Board shall be dissolved.

# MINUTES, CITY OF ANDALUSIA COUNCIL

BY PETTIBONE & CO. 890002706

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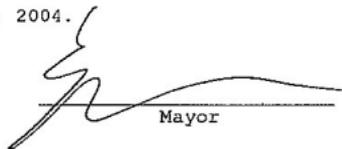
Section 7. The provisions of this ordinance are intended to be severable and, if any one or more of such provisions should be held invalid for any reason, the rest shall nevertheless stand and be fully effective.

Section 8. This Ordinance repeals and replaces Ordinance No. 1986-10 adopted by the Council on September 2, 1986, whereby the Council, as the governing body of the City, granted the Board a franchise to operate a waterworks distribution system for a period of thirty (30) years.

Section 9. This ordinance shall be published at the expense of Board by publication in one issue of Andalusia Star News, which the Council hereby finds and determines to be a newspaper published in Covington County and of general circulation in the City.

Section 10. All ordinances, resolutions, orders or parts thereof in conflict with this ordinance are hereby repealed, to the extent of such conflict.

Adopted and approved this 1st day of June, 2004.



Mayor

CITY SEAL

Attest:   
Assistant City Clerk

A motion was made by Councilman Hinson and seconded by Councilman Jones to adopt Ordinance No. 2004-3 granting the Franchise to the Utilities Board of the City of Andalusia. Upon being put to a vote the following were recorded:

YEAS:

Councilman Jones  
Councilman Andrews  
Councilman Hinson

NAYS:

None

ABSTAINED:

Mayor Johnson  
Councilman Anderson  
Councilman Alexander

Mayor Johnson declared the motion unanimously passed and Ordinance No. 2004-3 approved.

COUNCIL TABLES RESOLUTION APPROVING AGREEMENT BETWEEN THE CITY OF ANDALUSIA AND THE UTILITIES BOARD OF THE CITY OF ANDALUSIA:

A motion was made by Councilman Andrews, seconded by Councilman Jones, and unanimously voted to table consideration of a Resolution between the City of Andalusia and the Utilities Board of the City of Andalusia until financial data could be provided to the Mayor and Council.

COUNCIL TAKES NO ACTION ON REQUEST FROM AART WORKSS, INC.:

Mayor Johnson stated a request was received from Aart Workss to be added to the Outside Agency List. The Mayor further added that this list consists of non-profit agencies providing public service. Mayor Johnson stated since no representative from Aart Workss was present and no action was needed at this time, this request would be considered at a later time.

MAYOR ANNOUNCES CITY HALL DEDICATION CEREMONY:

Mayor Johnson announced the City Hall Dedication Ceremony on June 6, 2004, at 2:00 P.M.

MAYOR ANNOUNCES PUBLIC HEARING FOR PROPOSED REZONING ON WEST BY-PASS:

Mayor Johnson announced a Public Hearing for Proposed Rezoning on the West By-Pass to be held on July 6, 2004, at 6:00 P.M.

MAYOR ANNOUNCES PUBLIC HEARING ON PROPOSED LANDSCAPE ORDINANCE:

Mayor Johnson announced a Public Hearing for a Proposed Landscape Ordinance on July 6, 2004, at 6:00 P.M.

MINUTES, CITY OF ANDALUSIA COUNCIL

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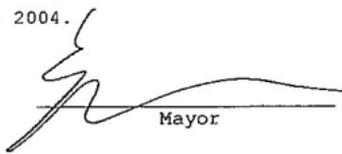
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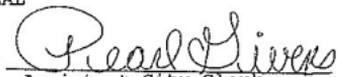
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<u>YEAS:</u>	<u>NAYS:</u>	<u>ABSTAINED:</u>
Councilman Jones	None	Mayor Johnson
Councilman Andrews		Councilman Anderson
Councilman Hinson		Councilman Alexander

Mayor Johnson declared the motion unanimously passed and Ordinance No. 2004-3 approved.

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