

STATE OF ALABAMA
COUNTY OF COVINGTON

ANDALUSIA, ALABAMA
JULY 6, 2004

REGULAR COUNCIL MEETING

The City Council of the City of Andalusia, Alabama, convened in a Regular Meeting on July 6, 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 Councilman Andrews voiced the invocation and led in the Pledge of Allegiance to the Flag.

Mayor Johnson welcomed Mr. Jetto Bell, a visiting member of the Greenville City Council.

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 June 15, 2004 and the Special Council Meeting of June 21, 2004 as written.

COUNCIL AMENDS MINUTES OF JUNE 1, 2004 REGULAR COUNCIL MEETING:

Mayor Johnson stated that the accuracy of the Minutes of the June 1, 2004 Regular Council Meeting were discussed in the June 21st Meeting. He stated that there was a question as to whether or not unanimous consent was given for the consideration of an Ordinance granting a franchise to the Utilities Board. He said the Minutes reflect that he and two Councilmembers abstained from the vote to allow the consideration of the Ordinance. He said that Asst. City Clerk Pearl Givens has since reviewed her notes and the tape of the meeting and found that unanimous consent was given; there were no abstentions to the vote to suspend the rules

which would have prevented the immediate consideration of the ordinance.

A motion was made by Councilman Hinson, seconded by Councilman Jones, and unanimously voted to amend the minutes of the June 1, 2004 Regular Council Meeting to reflect the proper vote.

MAYOR GIVES NOTICE OF ELECTION:

Mayor Johnson read the following Notice into the record:

Notice of Election of Municipal Officers

Notice is hereby given that on Tuesday, August 24, 2004, an election for the purpose of electing a Mayor, City Council Members, and two members of the Board of Education for the City of Andalusia, Alabama, will be held, and that all registered and qualified electors of the state, who reside within the corporate limits of Andalusia, Alabama, and have resided therein for 30 days or more immediately preceding the date of the election, and who are qualified to vote in the county precinct which embraces and covers that part of the corporate limits of the City in which the elector resides, will be authorized to participate in said election.

The polls will be opened at 7:00 a.m. and remain open continuously until 7:00 p.m. at the Kiwanis Community Building located on the Southern By-Pass. If necessary, a run-off election will be held on Tuesday, September 14, 2004.

Any qualified elector who will have resided within the City of Andalusia, and within the district from which he or she seeks election, for a period of at least 90 days on August 24, 2004 may qualify to run for office by filing the appropriate forms and paying any appropriate fees, as otherwise provided by law.

Earl V. Johnson, Mayor
Date: July 6, 2004

Attest:

Pam Steele, City Clerk

COUNCIL APPOINTS CITY CLERK TO PERFORM ELECTION DUTIES:

Mayor Johnson stated that the Code of Alabama, 1975, requires the Mayor to perform certain election duties. He said it also requires the City Council appoint a disinterested party to handle these duties if the Mayor is a candidate for office.

Mayor Johnson introduced Resolution No. 2004-17 appointing City

Clerk Pam Steele to perform election duties otherwise required of the Mayor during the upcoming municipal elections:

**CITY OF ANDALUSIA
ANDALUSIA, ALABAMA**

RESOLUTION NO. 2004-17

WHEREAS, a General Municipal Election will be held in the City of Andalusia on August 24, 2004, and a Run-Off Election, if required, will be held on September 14, 2004; and

WHEREAS, the Mayor of the City of Andalusia is a candidate in said election and will not be able to perform certain duties required by the Code of Alabama, 1975, as amended.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Andalusia, Alabama, that City Clerk Pam Steele, is hereby appointed to perform the election duties otherwise required of the Mayor for the election to be held on August 24, 2004, and the Run-Off Election, if required, to be held on September 14, 2004.

ADOPTED AND APPROVED this the 6th day of July, 2004.

THE CITY OF ANDALUSIA, ALABAMA

BY:

Earl V. Johnson, Mayor

ATTEST:

Pam Steele, City Clerk

A motion was made by Councilman Anderson, seconded by Councilman Alexander, and unanimously voted to approve Resolution No. 2004-17 as presented.

COUNCIL REZONES PROPERTY LOCATED ON WEST BY-PASS:

Mayor Johnson stated that this was the time and place, as previously advertised, for a public hearing to hear comments on the proposed rezoning of property located on the West By-Pass. The Mayor asked if there was anyone present who wished to speak in favor of or against the proposed rezoning. There being no one present who wished to speak, the Mayor declared the public hearing closed.

Mayor Johnson asked the Councilmembers if they would consent to the suspension of all rules which would otherwise prevent the immediate consideration of an ordinance to rezone the property located on the West By-Pass. 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 rules suspended.

Mayor Johnson then introduced Ordinance No. 2004-4 for consideration as follows:

**CITY OF ANDALUSIA
ANDALUSIA, ALABAMA**

ORDINANCE NO. 2004-4

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

Section I. That the Zoning Ordinance of the City of Andalusia, Alabama, as adopted on February 18, 1988 and the Zoning Map adopted as a part of such Ordinance, be and the same hereby is amended as follows:

(a) The following described lot or parcel of land presently zoned **B-3 and AG-1** is hereby reclassified and rezoned as **B-3** property as that classification is described and fixed in the existing Zoning Ordinance of the City of Andalusia, Alabama, on file in the office of the City Clerk of Andalusia:

Commence at an 4"x4" concrete marker, said point being the Northwest corner of the Southeast Quarter of the Northeast Quarter of Section 24, Township 4 North, Range 15 East, Covington County, Alabama; thence proceed East for a distance of 795.02 feet to an existing 4"x4" concrete marker, said point being on the West Right of Way of the Andalusia By-Pass; thence proceed along said West Right of Way through a curve concave to the right a chord of which bears S 00 04'31" E for a distance of 344.64 feet to a existing 5/8" rebar with cap number CA 0026; thence continue along said West Right of Way through a curve concave to the right a chord which bears S 02 20'04" West for a distance of 175.08 feet to a existing 5/8" rebar, said point being the Point of Beginning of the parcel herein described; thence continue along said West Right of Way through a curve concave to the right a chord which bears S 04 42'34" W for a distance of 300.00 feet to a set ½" iron rebar with cap number JWM CA 0431-LS; thence leaving said West Right of Way proceed N 89 43'39" W for a distance of 717.04 feet to a set ½" iron rebar with cap number JWM CA 0431-LS; thence proceed N 03

16'39" W for a distance of 1.87 feet to an existing ¾" open iron; thence proceed N 05 27'25" W for a distance of 296.84 feet to a set ½" iron rebar with cap number JWM CA 0431-LS; thence proceed S 89 52'03" E for a distance of 770.00 feet back to the point of beginning of the parcel herein described.

Said parcel lying in the Southeast Quarter of the Northeast Quarter, Section 24, Township 4 North, Range 15 East, Covington County, Alabama and contains 5.10 acres, more or less.

Section II. This Amending Ordinance is adopted upon recommendation of the Planning Commission of the City of Andalusia, Alabama.

Section III. In all other respects said Zoning Ordinance of the City of Andalusia, Alabama, shall remain in full force and effect, and shall remain unchanged except as set forth in this Amending Ordinance.

ADOPTED AND APPROVED this 6th day of July, 2004.

THE CITY OF ANDALUSIA, ALABAMA

BY: _____
Earl V. Johnson, Mayor

ATTEST:

Pam Steele, City Clerk

A motion was made by Councilman Jones and seconded by Councilman Alexander to approve Ordinance No. 2004-4 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. 2004-4 adopted.

COUNCIL HOLDS PUBLIC HEARING FOR PROPOSED LANDSCAPE ORDINANCE:

Mayor Johnson stated that this was the time and place, as advertised, for a public hearing to hear comments on a proposed landscape ordinance. The Mayor asked if there was anyone present who wished to

Speak in favor of or against the proposed ordinance. There being no one present who wished to speak, the Mayor declared the public hearing closed.

There followed a brief discussion regarding the requirements for review of landscape plans submitted to the Planning Department, after which the Mayor stated that he will review the ordinance again and will make a recommendation at the next meeting. The Mayor said this will serve as the first reading of the proposed ordinance.

COUNCIL AUTHORIZES MAYOR TO EXECUTE AGREEMENT FOR FEDERAL TRANSIT ACT GRANT FOR ADULT ACTIVITY CENTER VAN:

Mayor Johnson stated that the City of Andalusia recently received approval for a grant made available under the Federal Transit Act to fund the purchase of a commuter van to meet the special needs of elderly citizens. The Mayor stated that the grant is administered by the Alabama Department of Transportation and presented the following Resolution to authorize him to satisfy their grant requirements:

**CITY OF ANDALUSIA
ANDALUSIA, ALABAMA**

RESOLUTION NO. 2004-18

WHEREAS, the City of Andalusia is eligible to receive federal financial assistance as authorized under Section 5309 of the Federal Transit Act, available through the Alabama Department of Transportation, to provide transportation services to meet the special needs of elderly persons; and

WHEREAS, any contract for capital financial assistance with the State of Alabama, acting by and through its Department of Transportation, will impose certain obligations upon the City of Andalusia, including the provision by it of the local share of project costs; and

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

1. That the Mayor and City Clerk are authorized to execute an Agreement with the Alabama Department of Transportation for aid in the financing of a Section 5309 transportation assistance project.
2. That the City Council commits \$7,507.00 as local match for the aforementioned project.

ADOPTED AND APPROVED this 6th day of July, 2004.

THE CITY OF ANDALUSIA, ALABAMA

BY: _____
Earl V. Johnson, Mayor

ATTEST:

Pam Steele, City Clerk

A motion was made by Councilman Jones, seconded by Councilman Andrews, and unanimously voted to approve Resolution No. 2004-18 as presented.

COUNCIL APPROVES LIQUOR LICENSE TRANSFER FOR SAMBOLA'S PLACE, 1102 WEST BY-PASS:

Mayor Johnson stated that Mr. Jerry Sambola has completed an application for the transfer of an existing lounge retail liquor license previously held by Mr. Joe Clements, owner of Smokin' Joe's, located at 1102 West By-Pass.

A motion was made by Councilman Jones, seconded by Councilman Anderson, and unanimously voted to approve the liquor license transfer for Sambola's Place, located at 1102 West By-Pass.

COUNCIL APPROPRIATES FUNDS FOR PURCHASE OF NEW FIRE HOSE:

Mayor Johnson stated that the Fire Department is currently engaged in the required testing of fire hydrants, fire hose, and other departmental equipment. The Mayor stated that Interim Fire Chief Ethan Dorsey recently reported that ten sections of fire hose did not meet minimum standards and need to be replaced at a cost of \$2,250.

A motion was made by Councilman Andrews, seconded by Councilman Jones, and unanimously voted to appropriate \$2,250 from the contingency fund for the purchase of replacement fire hose.

COUNCIL APPOINTS MRS. JEAN BISHOP TO LIBRARY BOARD:

Mayor Johnson stated that Mrs. Lucy Taylor recently resigned from her position on the Library Board due to health reasons. The Mayor and City Council publicly thanked Mrs. Taylor for her many years of dedicated service to the Andalusia Public Library and the citizens of Andalusia. The Mayor stated that the Library Board recommends that Mrs. Jean Bishop be appointed to fill the unexpired term of Mrs. Taylor.

A motion was made by Councilman Jones, seconded by Councilman Hinson, and unanimously voted to appoint Mrs. Jean Bishop to the Library Board to fill the unexpired term of Mrs. Lucy Taylor to expire on November 1, 2004.

COUNCIL APPROPRIATES FUNDS FOR 2004 REGIONAL BASEBALL TOURNAMENT:

Leisure Services Director Dwight Mikel addressed the City Council to request funding for the 2004 Regional United States Babe Ruth Baseball Tournament to be held in Andalusia on August 6 - 11, 2004. Mr. Mikel stated that this is the culmination of a three year effort by the local league and the Department of Leisure Services. He said the tournament will provide our community with the opportunity to host ten teams from seven southeastern states. Mr. Mikel stated that the tournament has an estimated budget of \$41,500, most of which will be covered by tournament revenue or other governmental contributions. He said that approximately \$15,000 will be needed to provide the necessary support facilities for the tournament and requested that the City Council consider an appropriation to cover these expenses.

A motion was made by Councilman Anderson, seconded by Councilman Alexander, and unanimously voted to appropriate \$15,000 from the contingency fund to provide support facilities for the upcoming 2004 Regional Babe Ruth Baseball Tournament.

COUNCIL AUTHORIZES BIDS FOR POLICE CARS:

Mayor Johnson stated that he received a report from Police Chief Wilbur Williams outlining the status of the "take-home car program." He said the Chief has recommended that the program be called "Community Oriented Patrol Program" using the acronym COPP. The Mayor said the Chief stated that additional patrol units are needed to complete the program.

There was a brief discussion, after which a motion was made by Councilman Jones, seconded by Councilman Hinson, and unanimously voted to authorize bids for four new patrol units to include related equipment.

MAYOR REPORTS ON FY 2005 BUDGET:

Mayor Johnson stated that FY 2005 Budget Worksheets have been distributed to Department Heads and a proposed budget is scheduled to be completed and distributed to the City Council on or before August 17, 2004.

MAYOR ANNOUNCES PUBLIC HEARING FOR PROPOSED REZONING:

Mayor Johnson announced that a public hearing will be held on August 3, 2004 to hear comments on the proposed rezoning of property located at the corner of Sixth Avenue and Martin Luther King Expressway.

COUNCIL DISCUSSES FIRE DEPARTMENT ISO RATING:

Mayor Johnson reported that he is working with Interim Fire Chief Ethan Dorsey to prepare a plan to improve the Fire Department's ISO rating. He said the plan should be ready for consideration at the next City Council Meeting.

COUNCILMAN HINSON AND COUNCILMAN ANDERSON EARN DESIGNATION AS CERTIFIED MUNICIPAL OFFICIALS:

Mayor Johnson presented an award to Councilman Hinson for completing eighty hours of training to achieve the Advanced Certified Municipal Official designation.

Mayor Johnson presented a plaque to Councilman Anderson for completing forty hours of training to achieve the Certified Municipal Official designation.

Mayor Johnson and the City Council commended Councilman Hinson and Councilman Anderson for achieving this designation.

ADJOURNMENT:

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

THE CITY OF ANDALUSIA, ALABAMA

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

ATTEST:

**_____
Pam Steele, City Clerk**