

STATE OF ALABAMA  
COUNTY OF COVINGTON

ANDALUSIA, ALABAMA  
DECEMBER 7, 2004

REGULAR COUNCIL MEETING

The City Council of the City of Andalusia, Alabama, convened in a Regular Meeting on Tuesday, December 7, 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:

Jerry B. Andrews, Mayor  
Bridges, D. Anderson, Councilman  
Michael L. Jones, Jr., Councilman  
Andy Alexander, Councilman  
Don Cotton, Councilman  
Terry Powell, Councilman  
Tom Albritton, City Attorney

ABSENT:

None

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

APPROVAL OF MINUTES:

A motion was made by Councilman Jones, seconded by Councilman Powell, and unanimously voted to approve the minutes of the November 16, 2004 Regular Meeting as written.

COUNCIL HEARS FIRST READING OF ORDINANCE TO REQUIRE INSTALLATION OF SEWER DRAIN CHECK VALVES:

Mayor Andrews stated that the Utility Board and the City Council have discussed a proposed Ordinance to amend the City's Building Codes to require the installation of sewer drain check valves (backflow preventers). He explained that the check valves do not allow sewage from the City's line to back up into a private business or residence. Mayor Andrews read the following Ordinance into the record:

**CITY OF ANDALUSIA  
ANDALUSIA, ALABAMA**

**PROPOSED ORDINANCE**

*An Ordinance to amend the Andalusia City Code  
to require the installation of sewer drain check valves*

**SECTION I.**

**BE IT ORDAINED** by the Mayor and City Council of the City of Andalusia, Alabama that **Section 14-24 (f)** of the Code of Ordinances be amended to read as follows:

**Sec. 14-24. Building sewers and connections**

(f) The size, slope, alignment, material of construction of a building sewer and the methods to be used in excavating, placing of the pipe, jointing, testing, and backfilling the trench, shall all conform to the requirements of the building and plumbing codes and other applicable rules and regulations of the City. In the absence of code provisions or in amplification thereof, the materials and procedures set forth in appropriate specifications of the most current version of the A.S.T.M. and W.P.C.F. Manual of Practices shall apply. Sewer drain check valves (backflow preventers) shall be installed in all residential, commercial and industrial connections. The valve must be placed in the branch of the building drain that receives the discharge from fixtures located within such branch and shall be located below ground. All bearing parts of check valves (backflow preventers) shall be of corrosion-resistant material and be so constructed as to provide a mechanical seal against backflow. These valves, when fully opened, shall have a capacity not less than that of the pipes in which they are installed. Valves shall be installed so that access is provided to the working parts for service and repair.

**SECTION II.**

If any part of this Ordinance is declared invalid or unconstitutional, for any reason, such declaration shall not affect the part(s) remaining.

**SECTION III.**

This Ordinance shall become effective immediately upon its adoption and publication as required by law.

**ADOPTED AND APPROVED** this \_\_\_\_\_ day of \_\_\_\_\_, 2004.

**THE CITY OF ANDALUSIA, ALABAMA**

**BY:** \_\_\_\_\_  
**Jerry B. Andrews, Mayor**

**(S E A L)**

**ATTEST:**

**Pam Steele, City Clerk**

Mayor Andrews stated that this will serve as the first reading of the proposed ordinance and it will be ready for final consideration at the next meeting.

**PRESENTATION OF ANNUAL DISTRIBUTION FROM SOUTHEAST ALABAMA GAS DISTRICT:**

Councilman Michael L. Jones, Jr., who serves as President of the Southeast Alabama Gas District Board of Directors, presented Mayor Andrews with the City's annual share of dividends from the Southeast Alabama Gas District in the amount of \$244,935. Councilman Jones stated that the distribution of dividends is based on gas usage in each of the Gas District's fourteen member cities. He said that the City of Andalusia was ranked fourth in gas usage over the past year.

**COUNCIL AUTHORIZES MAYOR TO SIGN DOCUMENTS FOR ANDALUSIA-OPP AIRPORT AUTHORITY GRANT:**

Mayor Andrews stated that the Andalusia-Opp Airport Authority recently received notification of a grant award from the Federal Aviation Administration. The Mayor explained that the grant was made available to repair damage from Hurricane Ivan in the amount of \$10,000. He said this is a 100% grant, with no in-kind or matching funds required.

A motion was made by Councilman Alexander, seconded by Councilman Powell, and unanimously voted to authorize Mayor Andrews to execute documents for the Andalusia-Opp Airport Authority grant.

**COUNCIL VACATES PORTION OF UNNAMED STREET BETWEEN DEAN'S CAKE HOUSE AND HINSON CHAINSAW (OFF AZALEA STREET, NEAR SNOWDEN DRIVE):**

Mayor Andrews stated that the City Council received a Petition from the owners of property abutting a portion of an unnamed street located between Dean's Cake House and Hinson Chainsaw (off Azalea Street, near Snowden Drive). The Mayor said he has discussed this with the Planning Director, Public Works Director, Electric Operations Manager and Water/Sewer Operations Manager, and they do not have a problem with the vacation of this portion of the street. Mayor Andrews introduced the Petition for Vacation, Resolution No. 2004-43, and Declaration of Vacation for consideration as follows:

STATE OF ALABAMA        }  
  
COVINGTON COUNTY        }

PETITION FOR THE VACATION OF AN UNNAMED STREET  
IN THE HIGHLAND PARK ADDITION  
TO THE CITY OF ANDALUSIA, ALABAMA

**WHEREAS**, the owners of the lands abutting that certain portion of an unnamed street, 40 feet in width which lies between Block E and Block A in the Highland Park Addition in Andalusia, Alabama described below, desire to vacate said unnamed street, pursuant to Section 23-4-20 of Code of Alabama, (1975, as amended); and

**WHEREAS**, said unnamed street to be vacated is within the limits of the City of Andalusia, Alabama.

**NOW THEREFORE**, the property owners listed below do hereby respectfully petition the City Council of Andalusia, Alabama to assent to the vacation of said unnamed street and request that the said owners of the property abutting said unnamed street be authorized to file and record with their Declaration of Vacation a certified copy of a resolution to this effect.

Description of Property: A portion of an unnamed street 40 feet in width and approximately 140 feet in length which lies between Block E and Block A in the Highland Park Addition to the City of Andalusia as recorded in the Office of the Judge of Probate of Covington County, Alabama, in Plat Book 2, Page 40.

PROPERTY OWNER  
Dean's Cake House, Inc.

PROPERTY OWNER  
Hinson Chainsaw

\_\_\_\_\_  
Wilma Dean Jacobs,  
President & Owner

\_\_\_\_\_  
John A. Hinson, Owner

\_\_\_\_\_  
Gene Jacobs

\_\_\_\_\_  
Nelda T. Hinson

**STATE OF ALABAMA        }**

**COVINGTON COUNTY        }**

I, \_\_\_\_\_, a Notary Public in and for said County in said State, hereby certify that Gene Jacobs and Wilma Dean Jacobs signed the foregoing document and acknowledged before me on this day, that being informed of the contents of the document he/she, as such with full authority executed the same voluntarily for and as the act of said property owner.

Given under my hand this \_\_\_\_ day of \_\_\_\_\_, 2004.

\_\_\_\_\_  
Notary Public

STATE OF ALABAMA     }  
  
COVINGTON COUNTY     }

I, \_\_\_\_\_, a Notary Public in and for said County in said State, hereby certify that John A. Hinson and Nelda T. Hinson signed the foregoing document and acknowledged before me on this day, that being informed of the contents of the document he/she, as such with full authority executed the same voluntarily for and as the act of said property owner.

Given under my hand this \_\_\_\_ day of \_\_\_\_\_, 2004.

\_\_\_\_\_  
Notary Public

**CITY OF ANDALUSIA  
ANDALUSIA, ALABAMA**

**A RESOLUTION TO VACATE AN UNNAMED STREET IN THE  
HIGHLAND PARK ADDITION TO THE CITY OF ANDALUSIA, ALABAMA**

**RESOLUTION NO. 2004-43**

**WHEREAS**, the sole owners of lands adjoined and abutting a portion of an unnamed street (approximately 140 feet) lying between Block E and Block A of the Highland Park Addition to the City of Andalusia, Alabama, according to the map and plat of said addition recorded in the Office of the Probate Judge of Covington County, Alabama, in Plat Book 2, page 40, have filed a petition before this Council for the vacation of a portion of said unnamed street, pursuant to Section 23-4-20 of The Code of Alabama, (1975, as amended); and

**WHEREAS**, said portion of said unnamed street to be vacated is within the limits of the City of Andalusia, Alabama, and

**WHEREAS**, said portion of said unnamed street has never been opened or used by any other property owners for access, and

**WHEREAS**, the vacation of said portion of said unnamed street shall not deprive any other property owner of any rights of ingress and regress.

**THEREFORE, BE IT RESOLVED** by the City Council of the City of Andalusia, Alabama, that the vacation of a portion of said unnamed street referred to should be and the same is hereby vacated and this governing body is now assenting to the vacation of said portion of said unnamed street as described above and the owner of the property abutting said unnamed street is hereby authorized to file and record with their declaration of vacation, a certified copy of this resolution.

**BE IT FURTHER RESOLVED** that the Mayor execute this resolution for and on behalf of the City of Andalusia, Alabama.

**ADOPTED AND APPROVED** this 7<sup>th</sup> day of December, 2004.

**THE CITY OF ANDALUSIA, ALABAMA**

By: \_\_\_\_\_  
**Jerry B. Andrews, Mayor**

**ATTEST:**

\_\_\_\_\_  
**Pam Steele, City Clerk**

**STATE OF ALABAMA)**

**COVINGTON COUNTY)**

**DECLARATION OF VACATION OF AN UNNAMED STREET  
IN THE HIGHLAND PARK ADDITION  
TO THE CITY OF ANDALUSIA, ALABAMA**

**WHEREAS**, Gene and Wilma Dean Jacobs and John A. and Nelda T. Hinson, are the sole owners of lands abutting a portion of an unnamed street described below wish to vacate said street, pursuant to Section 23-4-20 of The Code of Alabama, (1975, as amended):

A portion of an unnamed street 40 feet in width and approximately

140 feet in length which lies between Block E and Block A in the Highland Park Addition to the City of Andalusia, Alabama, according to the map and plat thereof being recorded in the Office of the Judge of Probate of Covington County, Alabama, in Plat Book 2, Page 40.

**WHEREAS**, said portion of said unnamed street to be vacated is within the limits of the City of Andalusia, Alabama; and

**NOW THEREFORE**, the undersigned hereby join in this written instrument declaring that said portion of said unnamed street described above is hereby vacated with the purpose of destroying the force and effect of the rights of the unnamed street and for the further purpose of divesting all public rights therein, including any right which may have been acquired by prescription.

**IN WITNESS WHEREOF**, the Undersigned have hereunto set their hands and seal this the 7<sup>th</sup> day of December, 2004.

**AUTHENTICATED BY:**

**CITY OF ANDALUSIA, ALABAMA**

\_\_\_\_\_  
**Pam Steele, City Clerk**

**BY:** \_\_\_\_\_  
**Jerry B. Andrews, Mayor**

A motion was made by Councilman Jones, seconded by Councilman Cotton, and unanimously voted to approve Resolution No. 2004-43 as presented and to authorize Mayor Andrews to execute the Declaration of Vacation.

**COUNCIL AUTHORIZES MAYOR TO NEGOTIATE LEASE/PURCHASE AGREEMENT FOR EAST BY-PASS INDUSTRIAL BUILDING (OLD TRACY-LUCKY BUILDING):**

A motion was made by Councilman Anderson, seconded by Councilman Alexander, and unanimously voted to authorize Mayor Andrews to negotiate a lease/purchase agreement for the East By-Pass Industrial Building (old Tracy-Lucky Building).

**COUNCIL TABLES ACTION ON SMALL CITY ID PROGRAM:**

Mayor Andrews stated that he has been working with Covington County Economic Development Commission Director Tucson Roberts to attract industry and commercial employers to the Andalusia area. He said that one of the key components to attracting these industrial and commercial employers is the recruitment of additional restaurants and other retail businesses. Mr. Andrews stated that Mr. Roberts has been working with The Buxton Company to prepare a Small City ID Proposal for the City of Andalusia designed to identify those retailers that have existing locations in communities comparable to Andalusia. He said this will enable us to identify those retailers who represent the greatest

opportunity for recruitment. The Mayor stated that the total cost of the program is \$18,500, half of which could be funded through Alabama Electric Cooperative Economic Development Matching Funds. The Mayor also said the Utilities Board has agreed to pay one-half the remaining cost of \$9,250 if the City Council will authorize one-half the cost; \$4,625 each.

A motion was made by Councilman Jones, seconded by Councilman Alexander, and unanimously voted to table action on this proposal until the next Council Meeting to allow the Councilmembers time to review the information submitted with the proposal.

**COUNCIL AUTHORIZES MAYOR TO EXECUTE DOCUMENTS FOR SHORT-TERM LOAN TO FUND STORM REPAIRS:**

Mayor Andrews stated that the City contracted the clean-up of debris as a result of Hurricane Ivan. He said that 85% of the contract expense will be reimbursed by FEMA; however, it is unclear when payment will be received. He said the contractor is finished with their work and needs to be paid. Mayor Andrews introduced Resolution No. 2004-44 to authorize him to execute documents necessary for a short-term loan to pay for storm repairs, to be paid in full when FEMA funds are received.

**CITY OF ANDALUSIA  
ANDALUSIA, ALABAMA**

**RESOLUTION NO. 2004-44**

**WHEREAS**, the City of Andalusia entered into a contract with Storm Reconstruction Services, Inc. for the clean-up of debris from Hurricane Ivan; and

**WHEREAS**, the Federal Emergency Management Agency and the Alabama Emergency Management Agency will reimburse the City of Andalusia for approximately 85% of the costs incurred for the clean-up from Hurricane Ivan; and

**WHEREAS**, payment is not expected to be received from FEMA and AEMA for approximately 90 days; and

**WHEREAS**, the City Council desires to finance the cost of the Storm Reconstruction Service Contract with a short-term loan; and

**WHEREAS**, the City Council recognizes Mayor Jerry B. Andrews as the appropriate official authorized to act on behalf of the Council in such dealings; and

**WHEREAS**, this Council acknowledges that the Mayor's signature shall be binding upon the Council in such matters;

**NOW, THEREFORE, BE IT RESOLVED** that the Andalusia City Council hereby authorizes Mayor Jerry B. Andrews to negotiate a short-term loan

for approximately \$250,000 and to act as the appropriate City official to execute any and all necessary documents to complete this loan on behalf of the Council.

**ADOPTED AND APPROVED** this 7<sup>th</sup> day of December, 2004.

**THE CITY OF ANDALUSIA, ALABAMA**

**BY:** \_\_\_\_\_

**Jerry B. Andrews, Mayor**

**ATTEST:**

\_\_\_\_\_  
**Pam Steele, City Clerk**

A motion was made by Councilman Alexander, seconded by Councilman Powell, and unanimously voted to approve Resolution No. 2004-44 as presented.

**COUNCIL COMMENDS POLICE CHIEF FOR RECENT ACHIEVEMENT:**

Mayor Andrews and the City Councilmembers commended Police Chief Wilbur W. Williams for his completion of the Alabama Association of Chiefs of Police Advanced Certification in Law Enforcement. The Mayor sated that in order to earn this certification, the Chief was involved in 240 hours of professional training at the executive level and passed examinations at the end of each segment.

Councilman Jones stated that his work takes him to many other cities and law enforcement officials in other communities have commented on the Chief's achievements. He said it certainly speaks well of the Chief that his accomplishments are recognized by the law enforcement community.

**MAYOR DISCUSSES SIGNS AND BILLBOARDS:**

Mayor Andrews stated that there are many signs and billboards in our community currently in a state of disrepair. The Mayor said he is currently working with the Planning Department to notify sign and billboard owners that they need attention.

**COUNCIL HEARS REPORT ON KIDS AND KIN RELATIVE CHILD CARE PROGRAM:**

Ms. Jessica Zimmerman, Director of the Kids and Kin Relative Child Care Program, reported on the activities of this new program. Ms. Zimmerman stated that the Kids and Kin Program is designed to enhance the quality of care children receive in relatives' homes by addressing the needs and concerns of relative child care providers. She discussed some of the activities and benefits of the program such as Education Workshops and Monthly Newsletters.

Mayor Andrews thanked Ms. Zimmerman for her report and for providing such a worth-while program to the citizens of Andalusia and Covington County.

**ADJOURNMENT:**

There being no further business to come before the City Council, and upon the motion being made by Councilman Jones, seconded by Councilman Alexander, and unanimously voted, the meeting was adjourned.

**THE CITY OF ANDALUSIA, ALABAMA**

**BY: \_\_\_\_\_  
Jerry B. Andrews, Mayor**

**ATTEST:**

**\_\_\_\_\_  
Pam Steele, City Clerk**