

STATE OF ALABAMA
COUNTY OF COVINGTON

ANDALUSIA, ALABAMA
JULY 20, 2004

REGULAR COUNCIL MEETING

The City Council of the City of Andalusia, Alabama, convened in a Regular Meeting on July 20, 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 Hinson 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 July 6, 2004 as amended.

COUNCIL APPROVES LANDSCAPE ORDINANCE:

Mayor Johnson stated that a Public Hearing was held during the July 6, 2004 Council Meeting to hear comments regarding the proposed Landscape Ordinance. The Mayor explained that the Community Enhancement Committee formulated the proposed Ordinance which was later approved by the Planning Commission. The Mayor stated that there was a discussion in the previous meeting regarding the requirements for review of plans submitted to the Planning Department. He said this section of the proposed ordinance was amended to allow city, state, or federal governmental agencies to review the plans.

Mayor Johnson presented Ordinance No. 2004-5 for consideration as follows:

CITY OF ANDALUSIA

ANDALUSIA, ALABAMA

ORDINANCE NO. 2004-5

BE IT ORDAINED by the Mayor and City Council of the City of Andalusia, Alabama that Appendix A, Article VI of the Code of Ordinances be amended as follows:

Section 1. APPENDIX A - ZONING, Art. VI - General Provisions, be revised to include the following:

Sec. 69 Minimum Landscape Requirements

Purpose of this section is to protect and enhance the ecological and aesthetic environments of the City of Andalusia; provide shade and natural cooling; control the erosion of soil and storm water runoff; provide enhanced buffers; protect the adjacent land and uses from noise and glare; encourage the most appropriate use of land and responsible land ethic; and contribute to property values.

69.1 Applicant of Section.

- A. Landscaping requirements as set forth in Article IV. Section 69 of this ordinance shall become applicable to each building site at the time an application for each building permit is made in the B-1, B-2, B-3, M-1, M-2, and PUD zoning districts; and to each of these zoning districts where the owner/developer undertakes a project that increases the square footage of the building by a cumulative total of twenty-five (25) percent or more.
- B. The City of Andalusia Department of Planning and Development and City Horticulturist will be available to review initial and final plans.
- C. All landscape installation must be completed before the development is opened to the public. The Department of Planning and Development must be notified to give compliance or noncompliance to landscaped areas before opening. The Department of Planning and Development shall give a decision of compliance or noncompliance within seven (7) working days.

69.2 Definitions.

- A. Native tree - a tree that has a DBH of at least twelve (12) inches and is an oak, hickory, sycamore, pine, poplar, elm, maple, magnolia, cypress, cedar, pecan, ash, or a newly planted tree on a development site.

- B. Small Shade Tree - Small to medium size tree of fifteen (15) to thirty (30) feet at maturity.
- C. Large Shade Tree - large trees that grow over small shade trees and have a height of forty (40) feet or more at maturity.
- D. DBH - Diameter at Breast Height - this is the measurement of the width of the trunk four and one half (4 ½) feet above existing grade. For multi-trunk trees the DBH shall be the sum of the diameter of the trunks.
- E. Drip Line - the circumference of the tree's natural unaltered canopy extended vertically to the ground.
- F. Barrier - a physical structure limiting access to a protected area.
- G. Public Tree - a tree located on city property or any tree owned by the City of Andalusia, Alabama. This includes city right-of-ways.
- H. Caliper - this is the measurement of the width of the trunk six (6) inches above existing grade.
- I. Tree Credits - means of giving credit for existing trees that would have to be planted, if existing trees could not be saved and protected as stated in this ordinance.
- J. Removing a Tree - to relocate, cut down, poison, or any other manner destroy or cause to be destroyed, a tree as defined in the ordinance.
- K. Prompt Replacement - to replace within a thirty (30) day time period with approval from the Department of Planning and Development.
- L. Landscape Materials - growing vegetation, such as, grass, flowering beds, shrubbery, trees, ground cover, etc.
- M. Construction Area - includes the building site and all areas used by construction vehicles, to store materials, or other items pertaining to construction.

69.3 Landscape Plan Approval. A landscape plan shall be submitted for approval to the Department of Planning and Development at the time that an application for a Building Permit is made on any land where the landscaping requirements of this Section are applicable. The landscape plan shall include:

- A. Date, scale, north arrow, title, and name of owner.

- B. Approximate location of existing boundary lines and dimensions of the building site.
- C. Location, species, and size of existing trees and other vegetation applicant proposes to remain on site and have made part of the landscape development. This does not apply to masses of trees outside of the construction area.
- D. The approximate center line of all existing water-courses; the approximate location of the significant drainage features; and the location and size of existing and proposed streets, alleys, existing and proposed utility easements on or adjacent to the building site, and existing and proposed sidewalks adjacent to streets.
- E. The location and size of proposed landscape areas, in square feet.
- F. The location, number, size, and common and scientific name of proposed landscape material.
- G. Statistics verifying that the minimum percentage of landscape required under this Section will be met.
- H. The locations, species, and DBH of existing native trees indicating those to be retained, and those native trees to be removed, and whether they are to be counted as part of the landscaping requirements. The location and dimensions of the proposed landscaped areas within the parking area(s) including a description and location of new trees and plant materials to be placed within the landscape area.
- I. The proposed irrigation type and design, if required.
- J. Certification that the landscape plan has been prepared or reviewed by one of the following; a registered landscape architect, landscape designer, full time builder designer, a qualified nurseryman, the County Agent, or any Government Agency (City, County, State, or Federal) with horticulture experience, and that it satisfies all purposes, objectives, and requirements of this Section.
- K. Permanent utility facility locations.

69.4 Landscape Requirements.

A. Landscape Percentage Requirements

With the exception of industrial sites, any building site meeting the requirements of this section shall be landscaped. Landscaping materials shall cover twelve (12) percent of the total building site as determined first by calculating the

square footage of the building area, of the unimproved site, then subtracting the total square footage of the building area, which is defined as the total square footage of all structures under roof. At least sixty (60) percent of the landscape requirements shall be located in the front setback defined as the area between the property line and the building wall(s) facing the public right-of-way. If the application of the percentage creates a fraction, the results, as expressed in numbers, shall be rounded off to the next highest whole number.

To determine the number of shade trees required on any building lot, first add the length of all sides of the lot then divide the total by forty (40). If the result ends in a fraction the result as expressed in numbers shall be rounded off to the next highest whole number to arrive at the total number of shade trees required. No less than one half ($\frac{1}{2}$) rounded to the next highest volume number of the required trees shall be large shade trees.

With the exception of building sites where the developer increases the square footage of the building by twenty-five (25) percent or more, the developer/owner must reserve the first twenty (20) feet of the front yard setback requirement of the zoning district for a green space where at least one native tree shall be planted for every thirty (30) feet of road frontage.

Planted trees must have at least a one and one half ($1\frac{1}{2}$) inch caliper warranty for at least one (1) year. All planted trees immediately become native trees. After the application of credits the Department of Planning and Development or its designee may waive the number of trees required if inappropriate for the site.

Industrial sites M-1 and M-2 shall be required to be landscaped along the front perimeter only; if the site fronts along two streets, then along both intersecting streets. All other requirements of this Landscape Ordinance shall apply to industrial sites.

B. Parking Lot Requirements

Parking lot landscaping shall be provided in parking lot use areas having uncovered parking at street level. Parking lot landscaping shall apply to new parking areas or when existing parking areas are enlarged by ten (10) percent or more. Such landscaping shall be provided in such a manner as to break up the expense of paving, facilitate the safe circulation of pedestrian and vehicular traffic, and provide shade valuable for pedestrians and/or vehicles. A ration of one small or large shade tree for every fifteen (15) parking spaces shall

be required. These trees must be planted adjacent to the parking lot or in islands within the parking lot. Parking lot islands must be of adequate size to accommodate the species planted.

C. Site Visibility

At corner lots landscape material shall not obstruct traffic visibility at parking lot interiors and driveway entrances between heights of three (3) and eight (8) feet above grade. Existing trees must be pruned so that they do not obstruct traffic visibility at intersections and driveway entrances.

D. Spacing

Trees shall not be planted closer than four and one half (4½) feet to curbs or barriers protecting trees. Large shade trees shall not be planted closer than thirty (30) feet of each other, and small shade trees a minimum of ten (10) to a maximum of twenty (20) feet of each other where possible.

E. Installation

All plant material shall be installed in a sound manner and in accordance with the landscape plan. This installation process shall be included on the landscape plan to be approved by the Department of Planning and Development or its agent.

F. Maintenance

Landscaped areas including irrigation systems shall be maintained by the owner or lessee of the property at all times. This includes prompt replacement of all dead or damaged landscape material to insure continued compliance with landscaping requirements and keeping landscaped areas free of weeds, refuse and debris. This also applies to right-of-way or medians for developers who elect to take credits for landscaping requirements here.

G. Water Supply

All landscaped areas shall be provided with an adequate and appropriate water supply. This may include one or more of the following: hose bibs, automatic or manual irrigation and/or any other appropriate method of supplying water to the landscaped areas.

H. Protection of Landscaped Areas

Landscaped areas are to be protected by tree-grates, concrete curbs, wheel stops, continuous border plants or hedgerows, railroad ties or other suitable barriers. This specification

should be clearly marked in the landscape plan.

I. Landscape Material

A maximum of 60% of the landscaped area shall be sod (grass), the remaining area shall include other landscape material.

69.5 Credits Towards Trees

Credit can be taken for a tree if the tree meets the native tree specifications and if the tree is in good, vigorous, and healthy condition, as determined by the Department of Planning and Development. These tree credits go toward landscape requirements; however, the front setback must contain one native tree for every thirty (30) feet of frontage. Credit will not be allowed if the proper protection for the credited tree has not been maintained. If the credited trees dies or fails to thrive the owner must replace the amount of credited trees lost. The equivalents shall be as follows:

Size of existing tree Required to Plant	Tree Equivalence or Tree Not
6" caliper	1 tree
12" caliper	2 trees
18" caliper	3 trees
24" caliper	4 trees
30" caliper	5 trees
36" caliper	6 trees
42" caliper	7 trees

69.6 Tree Protection During Construction

Every attempt shall be made to protect and save existing trees on a development site, except for those trees removed to allow for the erection of the building and/or improvements. Whenever possible, a tree or group of trees that are being preserved must have a barrier constructed to the drip line of the tree or group of trees, given to specific considerations.

Section 2. APPENDIX A - ZONING, Art. VI - General Provisions, Section 73.0. B-1 Local Shopping District, be amended to include the following:

[(i)] *Landscaping*: See Section 69.0

Section 3. APPENDIX A - ZONING, Art. VI - General Provisions, Section 74.0. B-2 and B-3 General Commercial District, be revised as follows:

[(e)] *Minimum yard size*: Front twenty (20) feet, Side twenty (20) feet; rear twenty (20) feet.

Section 4. APPENDIX A - ZONING, Art. VI - General Provisions, Section 74.0. B-2 and B-3 General Commercial District, be amended to include the following:

[(i)] *Landscaping:* See Section 69.0

Section 5. APPENDIX A - ZONING, Art. VI - General Provisions, Section 75.0. M-1 Light Industrial district, be amended to include the following:

[(h)] *Landscaping:* See Section 69.0

Section 6. APPENDIX A - ZONING, Art. VI - General Provisions, Section 76.0. M-2 General Industrial district, be amended to include the following:

[(i)] *Landscaping:* See Section 69.0

Section 7. In all other respects Andalusia City Code, as previously adopted, shall remain in full force and effect.

This ordinance shall become effective upon publication as required by law.

ADOPTED AND APPROVED this 20th 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 Alexander, seconded by Councilman Hinson, and unanimously voted to approve Ordinance No. 2004-5 as presented.

COUNCIL APPROVES THREE ADDITIONAL FIREFIGHTER POSITIONS AND DISCUSSES PLANS TO REDUCE FIRE DEPARTMENT ISO RATING:

Mayor Johnson stated that he asked Interim Fire Chief Ethan Dorsey to review the Fire Department's ISO audit report and make recommendations on a plan of action to reduce the current ISO rating. The Mayor said Chief Dorsey prepared a report, which he forwarded to the City Councilmembers, containing the following options:

- Option 1 Hire an additional firefighter for each of the three shifts;
Send all three trucks to all structural fires;
After 90 days, ISO will review our records and reclassify the Fire Department's rating.

- Option 2 Purchase a ladder truck;
Send two trucks along with the ladder truck to all structural fires;
After 90 days, ISO will review our records and reclassify the Fire Department's rating. However, in order to use this option effectively, additional personnel will be needed.

- Option 3 Establish a volunteer firefighter program of at least 15 volunteers;
After 1 year, ISO will review our records and reclassify the Fire Department's rating.

The Mayor said he has reviewed these options and the associated costs and recommends the City Council amend the Employee Strength Plan to include three additional firefighter positions. The Mayor also stated that it will probably take several weeks to find three qualified firefighters, so he would also like to authorize the overtime necessary to ensure six firefighters are on duty at all times, thus beginning the 90 day ISO requirement sooner.

After a brief discussion, a motion was made by Councilman Jones, seconded by Councilman Andrews, and unanimously voted to amend the Employee Strength Plan to include three additional firefighter positions.

MAYOR APPOINTS FIRE CHIEF ETHAN DORSEY:

Mayor Johnson stated that during the past several months, Interim Fire Chief Ethan Dorsey has demonstrated that he is very capable of performing the duties required of the position of Fire Chief. The Mayor informed the City Council that he removed "Interim" from Chief Dorsey's title and appointed him to serve as Fire Chief.

The City Council commended Mayor Johnson for this action and congratulated Chief Dorsey. A motion was then made by Councilman Jones, seconded by Councilman Anderson, and unanimously voted to approve a resolution of support and confidence for Fire Chief Ethan Dorsey.

COUNCIL APPROVES RENEWAL OF RESTAURANT RETAIL LIQUOR LICENSE FOR PEPPERONI JACK'S:

Mayor Johnson stated that Mrs. Marilyn M. West has applied for the renewal of the restaurant retail liquor license for Pepperoni Jack's,

located at 201 East Three Notch Street.

A motion was made by Councilman Anderson, seconded by councilman Alexander, and unanimously voted to approve the renewal of a restaurant retail liquor license for Pepperoni Jack's, located at 201 East Three Notch Street.

COUNCIL APPOINTS ELECTION OFFICIALS:

A motion was made by Councilman Jones, seconded by Councilman Andrews, and unanimously voted to appoint the following Election Managers:

Elections Manager	Pam Steele, City Clerk
Absentee Elections Manager	Lucretica Hawkins
Asst. Absentee Elections Manager	Tiffany Stallworth

Mayor Johnson then introduced Resolution No. 2004-19 to appoint poll workers for the upcoming municipal elections as follows:

**CITY OF ANDALUSIA
ANDALUSIA, ALABAMA**

RESOLUTION 2004-19

BE IT RESOLVED by the City Council of Andalusia, Alabama, that the following people be appointed poll workers in the municipal election of August 24, 2004, and the runoff election, if necessary, on September 14, 2004.

Chief Inspector:	Robert D. Barton	13684 Max Barton Road	222-4929
Inspector:	Robert Neal Wyatt	512 Third Avenue	222-8365
Asst. Inspector:	Ruth Butler	500 Seegers Street	222-4335
Chief Clerk:	Hazel Jordan	1512 Midway Drive	222-3659

District 1

Asst. Clerk:	Lewis Carpenter	210 Lowe Avenue	222-5939
Asst. Clerk:	Carolyn Curry	320 Feagin Avenue	222-5359
Asst. Clerk:	Linda Sconiers	800 Fletcher Road	427-2059
Asst. Clerk:	Annie Glover	118 Jerry Drive	222-1282

District 2

Asst. Clerk:	Virginia Boyd	307 Church Street	222-6609
Asst. Clerk:	Anita Bratton	1406 Sunset Street	222-9642
Asst. Clerk:	Leamon Hudson	1302 W. By-Pass	222-5007
Asst. Clerk:	Gladys Sanders	1306 W. By-Pass	222-5639

District 3

Asst. Clerk:	Marie Armstrong	1707 Cedar Road	222-5963
Asst. Clerk:	Lynda Myrick	108 Johnson Street	222-8224
Asst. Clerk:	Marzette Lawson	104 Avalon Street	222-3099

District 4

Asst. Clerk:	Carolyn Sanders	1713 Easley Drive	222-5741
Asst. Clerk:	Lou Ann Rudd	2457 Easley Drive	222-8261
Asst. Clerk:	Mary Kirkland	1314 Magnolia Street	222-2345

District 5

Asst. Clerk:	Joyce Harrell	1205 1 st Avenue B.W.	222-8150
Asst. Clerk:	Ann Holland	501 Montezuma Street	427-7000
Asst. Clerk:	Margaret P. Bass	410 Montezuma Street	222-1682

BE IT FURTHER RESOLVED that the compensation for this service shall be \$50.00 per day.

ADOPTED AND APPROVED this 20th 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 Hinson, seconded by Councilman Anderson, and unanimously voted to approve Resolution No. 2004-19 as presented.

COUNCIL DISCUSSES REQUEST FROM CAMELLIA PAINT HORSE CLUB:

Mayor Johnson stated that a representative from the Camellia Paint Horse Club made a request in the Council Workshop for financial assistance for an upcoming event to be held at the Covington Arena. The Mayor said the City Council has requested additional information and this item will be discussed at a later meeting.

MAYOR ANNOUNCES RETIREMENT RECEPTION FOR FIRE CHIEF HUBERT HUGHES:

Mayor Johnson announced that a reception will be held at the Andalusia Fire Department on Thursday, July 22, 2004, at 4:00 p.m. to honor retired Fire Chief Hubert Hughes.

HOUSING AUTHORITY PRESENTS ANNUAL PAYMENT IN LIEU OF TAXES:

Mayor Johnson announced that Mrs. Lena Boswell, Director of the Andalusia Housing Authority, presented the City Council with a \$7,850.94 check for the Housing Authority's annual payment in lieu of taxes.

PRESENTATION OF SERVICE PINS:

Mayor Johnson presented service pins to the following City employees in recognition of many years of dedicated service:

5-Year Service Pins

Anntara Lawrence - Administrative Department
Stephen Melvin - Electric Department
Joseph Morrison - Water/Sewer Department
Jeff Puckett - Electric Department
Kenneth Dove - Public Works Department
Michael Ziglar - Public Works Department

10-Year Service Pins

Kathy Ammons - Administrative Department
Randy Edson - Electric Department
William Paul Hudson - Police Department
Joe Griggs - Public Works Department
Gerald Alton Turner - Public Works Department
Thomas Stephens - Public Works Department

15-Year Service Pins

Dianne Jones - Department of Leisure Services
John Dalrymple - Fire Department

Mayor Johnson and the City Council thanked these employees for their dedicated service to the City and its citizens.

MAYOR INFORMS COUNCIL OF UNOPPOSED CANDIDATES FOR 2004 GENERAL ELECTION:

Mayor Johnson read the following into the record:

STATE OF ALABAMA

COVINGTON COUNTY

CITY OF ANDALUSIA

TO: Andalusia City Council

DATE: July 20, 2004

In accordance with Section 11-46-26 of the Alabama Code of 1975, as amended, a statement must be filed with the Governing Body certifying the fact that only one person filed a statement of candidacy for an office subject to the General Municipal Election of August 24, 2004.

<u>DISTRICT</u>	<u>CANDIDATE</u>
Councilmember - District 1	Bridges D. Anderson
Councilmember - District 2	Michael (Mike) L. Jones, Jr.
School Board Member - District 2	Bob Brooks
School Board Member - District 4	William (Bill) G. King Jr.

Only one person filed a statement of candidacy for each office by 5:00 p.m. on July 20, 2004. Please take whatever action necessary in your next regularly scheduled City Council Meeting.

Earl V. Johnson, Mayor

ATTEST:

Pam Steele, City Clerk

Mayor Johnson and the City Councilmembers congratulated the unopposed candidates and stated that a Certificate of Election will be presented to them in the next City Council Meeting.

MAYOR REVIEWS CANDIDATE LIST FOR 2004 MUNICIPAL ELECTION:

Mayor Johnson stated that today was the deadline for individuals to file for candidacy in the 2002 Municipal Election to be held on August 24, 2004. The Mayor reviewed the list of qualified candidates as follows:

Mayor
Jerry B. Andrews
Earl Johnson
Ashton Wells

Councilmember - District 1
Bridges D. Anderson (Unopposed)

Councilmember - District 2
Michael (Mike) L. Jones, Jr. (Unopposed)

Councilmember - District 3
Andy Alexander
Royce Lee Watson

Councilmember - District 4
Marshall Bentley
Don Cotton

Councilmember - District 5
Harry R. Hinson
Terry Powell

School Board Member - District 2
Bob Brooks (Unopposed)

School Board Member - District 4
William (Bill) G. King, Jr. (Unopposed)

MAYOR ANNOUNCES PUBLIC HEARING REGARDING REZONING REQUEST ON MARTIN LUTHER KING EXPRESSWAY:

Mayor Johnson announced that a Public Hearing will be held on August 3, 2004, at 6:00 p.m. to hear comments on the proposed rezoning of property located on the corner of Martin Luther King Expressway and Sixth Avenue.

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