

STATE OF ALABAMA  
COUNTY OF COVINGTON

ANDALUSIA, ALABAMA  
APRIL 19, 2005

REGULAR COUNCIL MEETING

The City Council of the City of Andalusia, Alabama, convened in a Regular Meeting on April 19, 2005, at 6:00 P.M., in Council Chambers in City Hall. The roll was checked by Interim City Clerk Deborah Spivey and those present and those absent were as follows:

PRESENT:

Bridges, D. Anderson, Councilman  
Michael L. Jones, Jr., Councilman  
Andy Alexander, Councilman  
Jerry B. Andrews, Mayor  
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 Cotton 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 Alexander, and unanimously voted to approve the minutes of the Regular Council Meeting of April 5, 2005 with corrections outlined in the workshop.

COUNCIL APPOINTS JOHN THOMPSON AS NEW CITY CLERK:

Mayor Andrews stated that the Council had met to interview the candidates for this position and had unanimously agreed on the appointment of Mr. John Thompson as the new City Clerk. Mayor Andrews discussed Mr. Thompson's biography and qualifications and then opened the floor for nominations.

A motion was made by Councilman Jones, seconded by Councilman Powell and unanimously voted to appoint Mr. John Thompson as City Clerk/Treasurer effective April 19, 2005.

Councilman Jones stated he would like the entire City to know this Council looks at Mr. Thompson as a tremendous asset to the City, and commended Mr. Thompson on his presentation to the Council during his interview.

COUNCIL APPROVES RESOLUTION TO AUTHORIZE BANK SIGNATURES:

Mayor Andrews presented Resolution 2005-10 authorizing the Mayor, Mayor Pro Tem, City Clerk/Treasurer and Assistant City Clerk/Treasurer to sign checks and other necessary documents and correspondence to continue the operations of the City.

**CITY OF ANDALUSIA  
ANDALUSIA, ALABAMA**

**RESOLUTION 2005-10**

**WHEREAS**, the City of Andalusia has appointed a new City Clerk/Treasurer effective April 19, 2005; and

**WHEREAS**, the City of Andalusia has also appointed a new Asst. City Clerk/Treasurer effective March 21, 2005; and

**WHEREAS**, the newly appointed City Clerk/Treasurer and Asst. City Clerk/Treasurer must have constituted authority to sign checks, vouchers and all other related documents and correspondence in the general course of their duties and responsibilities.

**NOW, THEREFORE, BE IT RESOLVED**, by the City Council of the City of Andalusia,

Alabama, that Jerry B. Andrews, Mayor; Michael L. Jones, Jr., Mayor Pro Tem; John M.

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Thompson, City Clerk/Treasurer and Jackie Williams, Asst. City Clerk/Treasurer be hereby authorized to sign checks and other necessary documents and correspondence allowed by law as required for the general administration of the City of Andalusia.

**THE CITY OF ANDALUSIA, ALABAMA**

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

**ATTEST:**

\_\_\_\_\_  
**Deborah Spivey, Interim City Clerk**

A motion was made by Councilman Alexander, seconded by Councilman Powell, and unanimously voted to approve Resolution 2005-10 as presented.

**COUNCIL DISCUSSES RENEWAL OF DREAM PARK LEASE:**

Mayor Andrews stated the lease for the Dream Park was due for renewal. He stated this park is located on the LBW Community College campus and presented a nice clean playground for the children of Andalusia. Mayor Andrews stated there would be no proposed changes to the lease agreement and he entertained the motion for the lease to be renewed for the next five years.

A motion was made by Councilman Cotton, seconded by Councilman Anderson, and unanimously voted to renew the Dream Park Lease that would become effective immediately and would expire on January 1, 2010.

**COUNCIL APPROVES RESOLUTION TO DEMOLISH PROPERTY LOCATED ON CADIZ STREET:**

Mayor Andrews stated the City heard a report from Mr. Ronnie Pate, the City's Building Inspector, concerning this property during the workshop. Mayor Andrews stated that the abatement phase had been completed as required and the City had received no response from the owners and the next phase would be to demolish the structure on this property. Mayor Andrews stated that the costs for this demolition would be assessed against the property. Mayor Andrews stated that the City Attorney should do a title search before the actual demolition began.

**CITY OF ANDALUSIA  
ANDALUSIA, ALABAMA**

**RESOLUTION 2005-11**

***BE IT HEREBY RESOLVED***, that we, the City Council of Andalusia, having heard the report and recommendations of the City Building Inspector concerning the progress of a property which was declared a public nuisance at the February 1, 2005 meeting of the City Council, do hereby give permission to the City Building Inspector to act on his recommendations and to institute procedures to demolish this structure if, in his opinion, the nuisance will not be abated otherwise. This permission includes authorizing the use of City manpower and equipment to accomplish the demolition of the structure. This Resolution extends to the following property denominated as follows:

**200 Cadiz Street**

**Parcel #23-13-4-20-2-003-001-000**

***ADOPTED AND APPROVED*** this \_\_\_\_\_ day of \_\_\_\_\_, 2005.

THE CITY OF ANDALUSIA, ALABAMA

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

AUTHENTICATED:

\_\_\_\_\_  
John Thompson, City Clerk

A motion was made by Councilman Anderson, seconded by Councilman Alexander, and unanimously voted to approve Resolution 2005-11 as presented.

COUNCIL APPROVES APPROPRIATION TO ANDALUSIA/OPP AIRPORT AUTHORITY:

Mayor Andrews stated the Andalusia/Opp Airport Authority had requested a contribution for the EJM Aerospace, Inc. project. Mayor Andrews stated this will be a \$27 million dollar project that is locating on the Andalusia/Opp Airport property. Mayor Andrews said the Andalusia/Opp Airport Authority conducted preliminary work in order to bring this new business to our area. Mayor Andrews stated the costs for this preliminary work totaled \$46,508.50 with Covington County Commission having 50% participation, the City of Andalusia 30% and the City of Opp 20%. Mayor Andrews stated the Covington County Commission approved their 50% share and it was before the Council to approve their 30% share which amounted to \$13,952.55.

A motion was made by Councilman Powell, seconded by Councilman Cotton, and unanimously voted to appropriate \$13,952.55 from contingency payable to the Andalusia/Opp Airport Authority for the City's 30% share of the EJM Aerospace, Inc. project.

COUNCIL HEARS REPORT ON CENTURYTEL FRANCHISE TAX:

Mayor Andrews discussed the one percent franchise tax contribution made by Centurytel. He said this was just for informational purposes.

COUNCIL SUSPENDS THE RULES AND ADOPTS REZONING ORDINANCE:

Mayor Andrews presented Ordinance 2005-03 for approval. He stated this was in reference to rezoning property located on the North By-Pass. He said this ordinance was in conjunction with a retail establishment that was locating on Martin Luther King Expressway between the junior college and WAAO Radio station. He stated the Planning Commission had completed its phase of this procedure and the ordinance was now being presented for the first reading.

A motion was made by Councilman Powell, seconded by Councilman Anderson, and unanimously voted to suspend the rules and Ordinance 2005-3 was presented for approval.

CITY OF ANDALUSIA  
ANDALUSIA, ALABAMA

ORDINANCE NO. 2005-03

**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:

(1) The following described lot or parcel of land presently zoned **B-3 and R-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:

Parcel 1) That portion of the East ½ of the NE ¼ of the NE ¼ lying south of the Andalusia North By-Pass in Section 16, Township 4 North, Range 16 East, Parcel #23-13-05-16-1-001-001.

(a)Restrictions to be noted on property deed as follows: Requires a 40 foot un-disturbed vegetation buffer zone be left with no egress or ingress across the buffer zone.

(2) The following described lot or parcel of land presently zoned **B-3 and R-2** is hereby reclassified and rezoned as **B-3** property as that classification is described as fixed in the existing Zoning Ordinance of the City of Andalusia, Alabama, on file in the office of the City Clerk of Andalusia:

Parcel 2) That portion of the East ½ of the NE ¼ of the NE ¼ lying north of the Andalusia North By-Pass in Section 16, Township 4 North, Range 16 East, Parcel #23-13-05-16-1-001-000.

Parcel 3) The N ½ of the NW ¼ of the NW ¼ of Section 15, Township 4 North, Range 16 East, Parcel #23-13-05-15-2-003-001-000.

**LESS AND EXCEPT:** Beginning at the Northeast corner of the N ½ of the NW ¼ of the NW ¼ of Section 15, Township 4 North, Range 16 East; also being the Northwest corner of the Winton Heights Subdivision in the City of Andalusia, Alabama; thence run South 01 degrees and 20 minutes East along the West right of way line of Sunset Street a distance of 660.00 feet to a point; thence run South 62 degrees and 34 minutes East a distance of 221.00 feet to a point; thence run South 00 degrees and 32 minutes West a distance of 73.30 feet to a point in the North right of way line of Alabama Highway No. 84; thence run South 89 degrees and 19.8 minutes West along the North line of said highway a distance of 446.52 feet; thence run North a distance of 833.20 feet to a point in an existing fence marking the North line of the aforementioned twenty acres; thence North 88 degrees and 18 minutes East along said fence a distance of 234.36 feet to the point of beginning.

**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 19<sup>th</sup> day of April, 2005.

**THE CITY OF ANDALUSIA, ALABAMA**

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

**ATTEST:**

\_\_\_\_\_  
**John Thompson, City Clerk**

A motion was then made by Councilman Powell, seconded by Councilman Anderson, and unanimously voted to approve Ordinance 2005-3 as presented.

Councilman Terry Powell stated that Dr. Tomberlin has been in contact with the college and they are comfortable with the plans for this property. Councilman Powell stated that Dr. Tomberlin had assured the college he would leave the appropriate buffer zones when this property is developed.

**COUNCIL DECLARES ANDALUSIA/OPP AIRPORT PROPERTY SURPLUS:**

Mayor Andrews stated an agreement was entered into approximately five years ago between the Covington County Economic Development Commission and the Filtration Manufacturing, Inc. (FMI) concerning the locating of FMI into the Andalusia/Opp Airport Industrial Park. Mayor Andrews stated this agreement offered FMI the option to purchase this property which is approximately three acres. He said in order for FMI to purchase this property the City must declare it surplus. He presented Resolution 2005-12 to declare this parcel of real property as surplus for approval.

**RESOLUTION NO. 2005-12**

***A RESOLUTION TO DECLARE A PARCEL OF REAL PROPERTY  
AS SURPLUS AND AUTHORIZE ITS DISPOSAL***

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

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

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

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:

Lot 1 as shown on the William Benton Aviation and Industrial Center as recorded at Plat Book 6, Page 44, in the Office of the Judge of Probate of Covington County, Alabama, and more particularly described as follows:

Beginning at the Northwest corner of the S1/2 of Section 18, Township 4 North, Range 17 East; thence South 00° 55' 55" West along the West boundary of the S1/2 of Section 18, Township 4 North, Range 17 East, a distance of 439 feet; thence North 89° 45' 41" East a distance of 393.14 feet; thence along an arc of a curve to the right on cord bearing North 37° 48' 9" East, a cord distance of 92.43 feet having a radius of 75 feet; thence North 14° 9' 22" West, a distance of 271.17 feet; thence South 75° 50' 38" West, a distance of 45.05 feet; thence North 14° 9' 22" West, a distance of 85.22 feet; thence North 86° 12' 02" West, a distance of 312.64 feet to the point of beginning. Said parcel containing approximately 3.78 acres lying and being in the S1/2 of Section 18, Township 4 North, Range 17 East, Covington County, Alabama.

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 sale of the property described above.

ADOPTED AND APPROVED this \_\_\_\_\_ day of \_\_\_\_\_, 2005.

THE CITY OF ANDALUSIA, ALABAMA

BY:

Jerry B. Andrews, Mayor

ATTEST:

John Thompson, City Clerk

A motion was made by Councilman Cotton, seconded by Councilman Alexander, and unanimously voted to approve Resolution 2005-12 declaring described property as surplus and to authorize the Mayor and City Clerk to execute necessary documents to facilitate the sale of the property.

**COUNCIL APPROVES RESOLUTION TO ACCEPT COVINGTON COUNTY NATURAL HAZARD MITIGATION PLAN:**

Mayor Andrews presented Resolution 2005-13 for approval. He stated Micah Blair, was the City's representative for this particular project. He stated Mr. Blair had been working with FEMA on this plan for approximately two years. Mayor Andrews stated FEMA had made a ruling that municipalities who did not develop a natural hazard mitigation plan would not be eligible to receive future FEMA funds. He stated the City has been fortunate to be able to join together with the County with assistance from the Alabama Southeast Planning Commission in creating this plan.

Mayor Andrews stated Mr. Blair had reviewed this plan with all the department heads and it was well received with no undue hardships for the City. He stated the plan had been forwarded to FEMA and been approved for a five year period.

**RESOLUTION  
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**WHEREAS**, areas of the City of Andalusia are vulnerable to the human and economic costs of natural disasters; and

**WHEREAS**, the Council realizes the importance of reducing or eliminating the vulnerability to the welfare of the community; and

**WHEREAS**, the City of Andalusia has participated in the hazard mitigation planning process; and

**WHEREAS**, the Covington County Hazard Mitigation Planning Committee has prepared a recommended Covington County Natural Hazard Mitigation Plan; and

**WHEREAS**, the City of Andalusia has supported and participated in the preparation of the Covington County Natural Hazard Mitigation Plan; and

**WHEREAS**, the City of Andalusia supports the enhancement and refinement of the Plan in accordance with guidance from the Southeast Alabama Regional Planning and Development Commission, the Alabama Emergency Management Agency, and the Federal Emergency Management Agency.

**NOW THEREFORE** be it resolved that the Covington County Natural Hazard Mitigation Plan is hereby adopted as an official plan of the City of Andalusia.

ADOPTED AND APPROVED this \_\_\_\_\_ day of \_\_\_\_\_, 2005.

THE CITY OF ANDALUSIA, ALABAMA

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

ATTEST:

John Thompson, City Clerk

A motion was made by Councilman Jones, seconded by Councilman Powell, and unanimously voted to approve Resolution 2005-13 adopting the Covington County Natural Hazard Mitigation Plan.

**COUNCIL REMOVES COMPTROLLER FROM EMPLOYEE STRENGTH PLAN:**

Mayor Andrews stated the City had previously added the position of Comptroller to the City Employee Strength Plan, but then decided not to fill this position.

A motion was made by Councilman Alexander, seconded by Councilman Anderson, and unanimously voted to remove the Comptroller position from the Employee Strength Plan.

**ANNOUNCEMENT:**

- 1) Councilman Jones announced the City Council had recently heard from the School Board and citizens concerning the school funding issue and several of the Council had been investigating ways to meet this need. He stated the Council was ready to meet with the School Board again and asked Mayor Andrews to set up these meetings for next week.

**ADJOURNMENT:**

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

THE CITY OF ANDALUSIA, ALABAMA

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

ATTEST:

\_\_\_\_\_  
Deborah Spivey, Interim City Clerk