

STATE OF ALABAMA
COUNTY OF COVINGTON

ANDALUSIA, ALABAMA
SEPTEMBER 20, 2005

REGULAR COUNCIL MEETING

The City Council of the City of Andalusia, Alabama, convened in a regular council meeting on September 20, at 6:00 P.M., in the auditorium in city hall at 505 East Three Notch Street. The roll was checked by City Clerk John Thompson and those present and those absent were as follows:

PRESENT:

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

ABSENT:

Bridges D. Anderson

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:

Councilman Powell moved that the minutes from the previous council meeting September 6, 2005, be approved with one correction. Councilman Jones seconded the motion, and it was approved unanimously.

MAYOR SUPPORTS AUXILIARY FIRE FIGHTERS FOR FIRE DEPARTMENT:

Mayor Andrews reported on information given during the work session by Fire Department Chief Ethan Dorsey concerning auxiliary fire fighters. He noted the police department has had great success with a similar program and encouraged the fire department to follow along.

COUNCIL ACCEPTS BID FOR CONSTRUCTION ON THE CHURCH STREET TRANSPORTATION ENHANCEMENT PROJECT:

After hearing an update on the Church Street Transportation Enhancement project by Mayor Andrews, Councilman Alexander moved that the council accept the bid for construction of the project provided that the Andalusia Utilities Board pay for any costs associated with placing their assets underground. Councilman Jones seconded the motion which passed unanimously.

COUNCIL ADOPTS RESOLUTION NO. 2005-30 TO ALLOW COST OF LIVING ADJUSTMENT FOR RETIREES:

Mayor Andrews introduced Resolution No. 2005-30, which would provide for a cost of living adjustment for the city's retirees.

CITY OF ANDALUSIA
ANDALUSIA, ALABAMA

RESOLUTION NO. 2005-30

BE IT RESOLVED by the City Council of the City of Andalusia that the City of Andalusia elects to come under the provisions of Section 6 of Act 316 of the regular session of the 2005 Legislature.

The City of Andalusia agrees to provide all funds necessary to the Employees' Retirement System to cover the cost of the increase as provided for by said Act for those eligible employees retired from the City of Andalusia with the aforementioned increase being effective with the October 2005 benefit payment.

ADOPTED AND APPROVED this 20th day of September, 2005.

THE CITY OF ANDALUSIA, ALABAMA

BY: _____
Jerry B. Andrews, Mayor

ATTEST:

John Thompson, City Clerk

Councilman Powell moved that Resolution No. 2005-30 be adopted, with the recommendation that the increase be paid with a rate increase, rather than a one time payment. Councilman Cotton seconded the motion, which passed unanimously.

COUNCIL APPROVES CONTRACT BETWEEN THE CITY OF ANDALUSIA AND CARLA HAMMONDS:

Mayor Andrews announced that the City of Andalusia, along with Covington County, hired Carla Hammonds to coordinate relief effort for Hurricane Katrina evacuees. He added that during the work session the council heard a report from Mrs. Hammonds and expressed satisfaction with the work she had accomplished thus far. Mayor Andrews presented the following contract between the City of Andalusia and Mrs. Hammonds for the council's consideration:

INDEPENDENT CONTRACTOR AGREEMENT

This agreement is effective September 9, 2005 between the Mayor's Office, City of Andalusia (hereto for known as Mayor's Office) with a principle place of business at City Hall, East Three Notch Street, Andalusia, Alabama and Carla Hammonds, Cornerstone Resources (Contractor), an independent contractor, with a principle place of business at 16167 Red Oak Road, Andalusia, Alabama 36420.

The parties agree as follows:

1. Term of Contract: Unless otherwise terminated as provided in this Agreement, this Agreement shall be effective for a period of two weeks beginning September 9, 2005 and shall terminate September 23, 2005 unless renewed in writing by both parties.
2. Contractor's qualifications: Contractor represents that contractor has the qualifications and skills necessary to perform the services under this Agreement in a competent professional manner. Failure to perform all the services required under this Agreement constitutes a material breach of this Agreement.
3. Services to be performed by Contractor: Contractor agrees to serve as Special Assistant to the Mayor of Andalusia and to perform such duties as assigned to the Special Assistant by Mayor, Jerry Andrews. Such services include the coordination of efforts to assist evacuees of Hurricane Katrina.
4. Performance of services by Contractor: The manner in which the services are to be performed and the specific hours to be worked by Contractor shall be determined by Contractor. The Mayor's Office will rely on Contractor to work as many hours as may be reasonably necessary to fulfill Contractor's obligations under this Agreement. Contractor may perform the services under this Agreement at contractor's principle place of business, or elsewhere, when contractor's services can be effectively rendered elsewhere, as mutually agreed upon by the Mayor's Office and Contractor.
5. Payment: The Mayor's Office will pay a fee to Contractor for the services provided in the amount of \$1,000. The first payment of \$500 shall be due on September 16, 2005. The final payment of \$500 shall be due September 23, 2005.
6. Expenses: Contractor shall be entitled to reimbursement from the Mayor's Office for mileage, miscellaneous printing and supplies.
7. Status of Contractor: Contractor shall provide service solely as an independent contractor. It is understood that contractor is therefore not an employee, agent, partner or principal of the Mayor's Office while this Agreement is in effect. It is agreed that no partnership or joint venture is established between the Mayor's Office and Contractor. Contractor agrees that contractor is not entitled to the rights and benefits afforded to City of Andalusia employees, including disability or unemployment insurance, workers' compensation, medical insurance, sick leave or any other employee benefit. Contractor is responsible for providing, at contractor's own expense, disability, unemployment and other insurance, workers' compensation, training, permits, and licenses for contractor.
8. Non-exclusive relationship: Contractor may represent, perform services for, and contract with as many additional clients, persons or companies as Contractor, in contractor's sole discretion, sees fit, provided that the Contractor maintains the confidentiality of all Mayor's Office proprietary information in accordance with this Agreement. This Agreement does not grant Contractor an exclusive right to perform the services provided hereunder for the Mayor's Office. The Mayor's Office reserves its right to contract with others concerning the performance of services.
9. Confidentiality: Any written, printed, graphic or electronically recorded information furnished by the Mayor's Office for Contractor's use are the sole property of the Mayor's Office. This proprietary information includes, but is not limited to, information concerning the city's employees, services, programs and operations. Contractor will keep this information in confidence, and will not disclose it by any means to any person except with the Mayor's Office approval and only to the extent necessary to perform services under this Agreement.

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10. Return of Records: Upon termination of this Agreement Contractor shall return all records, data, notes, memoranda, and equipment of any nature that are in Contractor's possession or under Contractor's control that are the Mayor's Office property or relate to the Coalition's business.

11. Indemnity: Contractor hereby agrees to indemnify and hold harmless the Coalition from all damages, losses, liability (whether criminal or civil), expenses, or claims of any type (including attorneys' fees and costs incurred in connection with any claim) that the Coalition may incur as a result of a breach by Contractor of any representation or agreement contained within this Agreement, or which may arise out of or result from Contractor's willful misconduct, intentional wrongdoing, or negligence in Contractor's performance or nonperformance of Contractor's obligations under this Agreement, or Contractor's provision of services, and any act or omission of the Contractor's duties, or of any employee or agent of the Contractor. This clause shall continue to apply after the termination of this Agreement without limit of time.

12. Termination: This Agreement will terminate automatically on the occurrence of any of the following events:

- a. Bankruptcy or insolvency of either party.
- b. Sale of the business of either party.
- c. Death of either party.

If either party defaults in the performance of this agreement or materially breaches any of its provision, the non-breaching party may terminate this agreement immediately upon written notice to the breaching party. Material breach of the agreement includes, but is not limited to, the following:

- a. Mayor's Office failure to pay Contractor any compensation properly due within 30 days after written demand for payment.
- b. Contractor's failure to complete the services specified in the description of services to be performed.
- c. Contractor's material breach of any representation or agreement contained within this Agreement.
- d. Mayor's Office material breach of any representation or agreement contained in this Agreement.

13. Governing Law: This Agreement shall be governed by the laws of the State of Alabama.

14. Entire Agreement: The Agreement constitutes the entire understanding and agreement of the parties with respect to the subject matter hereof and supersedes all prior and contemporaneous agreements or understandings, inducements or conditions, express or implied, written or oral, between the parties with respect hereto.

15. Amendment and Waiver: Any term or provision of the Agreement may be amended, and the observance of any term of the Agreement may be waived, only by a writing signed by the parties. No waiver, or failure to exercise any option, right or privilege under the terms of this Agreement on any occasion(s) shall be construed a waiver of the same or any other option, right or privilege on any other occasion.

16. Assignment: Neither party may assign, delegate or otherwise transfer the Agreement or any of its rights or obligations without the other party's prior written approval. Any attempt to assign, delegate or otherwise transfer the Agreement in violation of this section will be void.

17. Notices: All notices required or permitted under this agreement shall be in writing and shall be deemed delivered when delivered in person or deposited in the United States mail, postage prepaid, addressed as follows:

If for the Mayor's Office:
The City of Andalusia
PO Box 429
Andalusia, Alabama 36420

If for Contractor:
Carla Hammonds
Cornerstone Resources
16167 Red Oak Road
Andalusia, Alabama 36420

Either party may change its address for such communications by giving notice thereof to the other party in conformity with this section.

18. Severability: If any provision of the Agreement shall be deemed invalid or unenforceable, the Agreement shall be amended to delete or modify, as necessary, the invalid or unenforceable provision to render the Agreement enforceable, and, insofar as possible, consistent with the original intent of the parties.

In witness whereof, the Mayor's Office and Contractor have caused the Agreement to be executed by their duly authorized representatives effective as of the Effective Date.

Contractor:

By: _____ Date: _____

Name: Carla Hammonds
Title: CEO, Cornerstone Resources

Mayor's Office:

By: _____ Date: _____

Name: Jerry Andrews
Title: Mayor, City of Andalusia

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Councilman Powell moved that the contract between the City of Andalusia and Carla Hammonds be approved. Councilman Alexander seconded the motion which passed unanimously.

COUNCIL ADOPTS ORDINANCE TO AMEND NAME AND PROCEDURES OF THE RETIREE RELOCATION ADVISORY COMMITTEE:

Mayor Andrews reported on the work and requests of the Retiree Relocation Advisory Committee and presented Ordinance No. 2005-09 for consideration.

**CITY OF ANDALUSIA
ANDALUSIA, ALABAMA**

ORDINANCE 2005 - 09

An amendment to Ordinance No. 2004 - 2, changing the name and rules of procedure of the Retiree Relocation Advisory Committee.

BE IT ORDAINED by the City Council of the City of Andalusia, Alabama that Ordinance No. 2004 - 2 be amended as follows:

Section I:

- (a) That the Retiree Relocation Advisory Committee will now be known as the Tourism and Relocation Committee;
- (b) That the City Council will appoint three additional members to the committee who will serve three year terms;
- (c) That a quorum for the transaction of business shall be constituted by a majority of appointed members present at any given meeting.

Section II: All remaining sections of Ordinance No 2004-2 will continue in full force and effect.

Section III: All Ordinances or portions thereof in conflict or inconsistent with this Ordinance are hereby repealed to the extent of such conflict or inconsistency.

Section IV: This Ordinance shall become effective upon publication as required by law.

ADOPTED AND APPROVED this 20th day of September, 2005.

THE CITY OF ANDALUSIA, ALABAMA

By: _____
Jerry B. Andrews, Mayor

Attest:

John M. Thompson, City Clerk

Councilman Cotton moved that Ordinance 2005-09 be adopted. Councilman Alexander seconded the motion, which passed unanimously.

COUNCIL MAKES BOARD APPOINTMENTS TO THE PLANNING COMMISSION, RECREATION BOARD, COMMUNITY ENHANCEMENT COMMITTEE AND TOURISM AND RELOCATION COMMITTEE:

Mayor Andrews noted that council members had received applications for previously announced positions vacant on various city boards and commissions.

Councilman Powell moved that Sammy Hogg be reappointed to the Planning Commission. Councilman Mike Jones seconded the motion, which passed unanimously.

Councilman Alexander moved that Larry Avery be reappointed to the Recreation Board. Councilman Powell seconded the motion, which passed unanimously.

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Councilman Jones moved that Kenneth Mount and Barbara McCommons be reappointed to the Community Enhancement Committee. Councilman Cotton seconded the motion, which passed unanimously.

Councilman Cotton moved that Nancy Robbins and Mary Jane Winkler be reappointed to the Tourism and Relocation Committee. Councilman Powell seconded the motion, which passed unanimously.

COUNCIL ADOPTS ORDINANCE NO. 2005-08 TO CHANGE BUILDING CODE:

Mayor Andrews reintroduced Ordinance No. 2005-08 for a second reading, which would change Andalusia's building code.

**CITY OF ANDALUSIA
ANDALUISA, ALABAMA**

ORDINANCE NO. 2005-08

BE IT ORDAINED by the City Council of the City of Andalusia, Alabama, that **Articles I through IV, Chapter 5 Buildings and Building Regulations**, of the Andalusia Code of Ordinances be amended to read as follows:

**CHAPTER 5
BUILDING AND BUILDING REGULATIONS**

ARTICLE GENERAL

Sec.5-1. Building inspector office established ---Appointment.

The office of building inspector is established. A building inspector shall be appointed by the mayor and shall receive such remuneration for services hereunder and shall serve for such length of time or term as may be provided by the mayor.

Sec. 5-2. Same --- To receive applications, issue permits and certificates, make inspections and reports, issue notices, secure compliance.

The building inspector shall receive applications required by this Code and the city zoning ordinance, issue permits and furnish the prescribed certificates; examine premises for which permits have been issued and make necessary inspections to see that the provisions of law are complied with and that construction is prosecuted safely; enforce all laws relating to the construction, alteration, repair, removal, demolition, equipment, use and occupancy, location and maintenance of buildings and structures, except as maybe otherwise provided for; when the interests of the municipality so require, make investigations in connection with matters referred to in this chapter and the city zoning ordinance and render written reports on the same. For the purpose of enforcing the compliance with law, to remove illegal or unsafe conditions, to secure the necessary safeguards during construction, to require adequate exit facilities in existing buildings and structures, or to secure the proper use or location, the building inspector shall issue such notices or orders as may be necessary, and shall perform such other duties as required under the codes herein adopted.

Sec. 5-3. Punishment for violation of chapter.

Except as otherwise provided in this chapter, any person violating any provision of this chapter shall be punished as provided in section 1-8 of this Code of Ordinances. Any person who shall violate any of the provisions of the codes herein adopted or fail in any way to comply with any of the building inspector's orders, given in pursuance of and under the authority of this chapter and the rules embraced herein, shall be deemed to be guilty of a violation of this chapter.

Sec. 5-4. Fire limits.

The territory of the city within the following boundaries shall be known and designated as the fire limits: Begin a the NW corner of the NE ¼ in Section 11, T4N, R15E; then run East to Pinewoods Road; then North along Pinewoods Road to Prestwood Creek; then along Barton Road to Hwy 29 N; continue East to the NE corner of the SE ¼ of the SW ¼ of Section 4, T4N, R16E; then run North a distance of ½ mile; then run East a distance of ½ mile; then run South along the Section

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line a distance of ¼ mile; then run East a distance of ¾ mile; then run South a distance of ¼ mile; then run West a distance of 3/8 mile; then run North a distance of 1/8 mile; then run West a distance of 1/8 mile; then run South a distance of 3/8 mile; then run West a distance of ¼ mile to the NW corner of Section 10, T4N, R16E; then run South along the West line of Section 10 a distance of 1 mile; then run East a distance of ½ mile; then run South a distance of 1.5 miles; then run West to Midway Drive; then continue Southerly along Midway Drive (County Rd 101) to Lindsey Bridge Road; then run Southeasterly along Lindsey Bridge Road (County Rd 45) to Easley Road (County Rd 56); then run Southwesterly along Easley Road to the South line of Section 27; then run West to Hwy 55 South; continue West along the South By-Pass (County Rd 56) to Hwy 29 South; then run Southwesterly along Hwy 29 South to an unnamed paved road by the Conecuh National Forest Ranger Headquarters; then run along the unnamed paved road to the intersection with Brooklyn Road (County Rd 42); then Southwesterly along Brooklyn Road to Rabren Road (County Rd 19); then run Northerly along Rabren Road to Prestwood Bridge Road; then run Westerly along Prestwood Bridge Road to the Conecuh River; then run Northerly along the Conecuh River to the North line of Section 14, T4N, R15E; then run East to the West line of the SE ¼ ; then run North a distance of 1 mile to the point of beginning.

Sec. 5-5 Building Code --- Adopted.

For the purpose of establishing uniform rules and regulations, the city hereby adopts the code known as the 2003 International Building Code including appendix A-J save and except such portions as are hereinafter deleted, modified or amended, of which not less than two (2) copies have been and now are filed in the office of the city clerk, and the same is hereby adopted and incorporated as fully as it set out at length herein, and the provisions thereof shall be controlling in the construction or alterations or repair of all buildings or structures contained therein within the city.

- (a) **Exception: Deleted one and two family dwellings and multiple single family dwellings (townhouses) not more than three stories high with separate means of egress and their accessory structures shall comply with the 2003 International Residential Code.**
- (b) **Within said codes, when reference is made to the duties of certain officials named therein, that designated official in the city who has duties corresponding to those of the named official in said code shall be deemed to be the responsible official insofar as enforcing the provisions of said code is concerned.**

Sec. 5-6. Same - Amendments.

The following sections are hereby amended or deleted from the building code:

- (1) In lieu of section 103.1 the building inspector act instead thereof, and section 103.1 thereof will is deleted.
- (2) Section 105.2 is hereby deleted.
- (3) Section 112 is hereby deleted.
- (4) Appendix A, B, D, and H are hereby deleted.

Section 115 is hereby amended to read as follows:

Section 115 is hereby amended to read as follows: "Structures or existing equipment that are or hereafter become unsafe, unsanitary or deficient because of inadequate means of egress facilities, inadequate light and ventilation or which constitute a fire hazard, or are otherwise dangerous to human life or the public welfare, or that involve illegal or improper occupancy or inadequate maintenance, shall be deemed and unsafe condition. Unsafe structures shall be taken down and removed or made safe, as the building official deems necessary and as provided for in this section. A vacant structure that is not secured against entry shall be deemed unsafe in accordance with the provisions of Article 3 and 4, Acts of Alabama, 94-540, as adopted by the City of Andalusia in Ordinance No. 1994-7. [5-101 et.seq.herein]

Sec 5-7. Residential Building Code - Adopted

For the purpose of establishing uniform rules and regulations, the city hereby adopts the code known as the 2003 International Residential Code for One and Two Family Dwellings, including Appendix A-L, save and except such portions as are hereinafter deleted, modified or amended, of which not less than two (2) copies have been and now are filed in the office of the city clerk, and the same is hereby adopted and incorporated as fully as if set out at length herein, and the provisions thereof shall be controlling in the construction or alteration or repair of all buildings or structures contained therein within the city.

- (a) Within said codes, when reference is made to the duties of certain officials named therein, that designated official in the city who has duties corresponding to those of the named official in said code shall be deemed to be the responsible official insofar as enforcing the provisions of said code is concerned.

Sec. 5-8. Same - Amendments

In lieu of section 103.1; the Building Inspector will act instead thereof, and

Section 103.1 thereof is deleted.
Section 105.2 is hereby deleted.
Section 112 is hereby deleted.

Sec. 5-9. Property Maintenance - Adopted

For the purpose of establishing uniform rules and regulations, the city hereby adopts the code known as the 2003 International Property Maintenance Code save and except such portions as are hereinafter deleted, modified or amended, of which no less than two (2) copies have been and now are filed in the office of the city clerk, and the same is hereby adopted and incorporated as fully as if set out at length herein, and the provisions thereof shall be controlling in the construction of alteration or repair of all buildings or structures contained therein within the city.

- (a) Within said codes, when reference is made to the duties of certain officials named herein, that designated official in the city who had duties corresponding to those of the named official in said code shall be deemed to be the responsible official insofar as enforcing the provisions of said code is concerned.

Sec. 5-10. Same - Amendments

In lieu of section 103.1; the Building Inspector will act instead thereof, and section 103.1 thereof is deleted.

Sec. 5-11. Fee for Building Permits.

The following fee shall be charged to help defray the expense of the operation and enforcement of this chapter, and shall be paid into the city treasury:

(1) Fee Schedule:

Total Valuation	Fee
\$1000 and less	No fee, unless inspection required. In which case a \$15.00 fee for each.

Inspection shall be charged.

\$1000 to \$50,000	\$15.00 for the first \$1,000 plus \$5.00 for each additional thousand or fraction thereof, to and including \$50,000.
\$50,000 to \$100,000	\$260 for the first \$50,000 plus \$4.00 for each additional thousand or fraction thereof, to and including \$500,000.
\$100,000 to \$500,000	\$460 for the first \$100,000 plus \$3.00 for each additional thousand or fraction thereof, to and including \$500,000.
\$500,000 and up	\$1,660 for the first \$500,000 plus \$2.00 for each additional thousand or fraction thereof.

- (2) Moving of a building or structure: The following fees apply when a building or structure is moved:**

a. For the moving of any building or structure, the fee shall be one hundred dollars \$100.00. In addition, the city shall be reimbursed at cost for services by the utility department when required.

b. When a police escort is required for support in the moving of a building or structure, the permittee will be required to pay one hundred dollars (\$100.00) per hour or fraction thereof per vehicle necessitated by the move.

(3) **Double fees:** Where work for which a permit is required by the International Building Code is started or proceeded with, prior to obtaining such permit, the fee herein specified shall be doubled, but payment of such double fee shall not relieve any person from fully complying with the requirements of the Standard Building Code in the execution of the work, nor from any other penalties prescribed herein.

(4) **Plan-checking fees:** When the valuation of the proposed construction exceeds \$1,000 and a plan is required to be submitted by section 106.1 of the 2003 International Building Code a plan-checking fee shall be paid to the building official at the time of submitting plans and specifications for checking. Such plan-checking fee shall be equal to twenty five (25) percent of the building permit fee.

Sec. 512 Placing properties on the National Historic Register.

No person or organization shall be permitted to place any property or structure within the city on the National Historic Register without first obtaining the properly written permission of the property owner.

ARTICLE II. PLUMBING

Sec. 5-20. Plumbing Code --- Adopted.

For the purpose of establishing uniformed rules and regulations, the city hereby adopts that code known as the, 2003 International Plumbing Code including appendices A through G, save and except such portion as are hereinafter deleted, modified or amended, of which not less than two (2) copies have been and now are filled in the office of the city clerk, and the same is hereby adopted and incorporated as fully as if set out at length herein, and the provisions thereof shall be controlling I the construction, alteration or repair of all buildings, structures and installations contained therein within the city.

Sec. 5-21. Same - Amendments and deletions.

The plumbing code is amended in the following respects:

- (1) In lieu of section 103.1; the Building Inspector will act instead thereof, and section 103.1. thereof is deleted.
- (2) Section 109 is hereby deleted.

Appendix A is hereby amended to read as follows:

- 1. For issuing each permit-----\$15.00
Unit Fee Schedule (in addition to Item 1 or 2 above)
- 2. For each plumbing fixture or trap or set of fixtures on one trap (including water, drainage piping and backflow protection therefore)-----\$3.50
- 3. For each building sewer and each trailer park sewer-----\$15.00
- 4. For each cesspool (where permitted)-----\$15.00
- 5. For each private sewage disposal system-----\$15.00
- 6. For each water heater and/or vent-----\$ 5.00
- 7. For installation, alteration of repair of water-piping and/or water-treating equipment, each-----\$15.00
- 8. For repair or alteration of drainage or vent piping, each fixture-----\$10.00

9. For each lawn sprinkler system on any one meter including backflow protection devices therefore-----\$10.00

Other Inspections and Fees

1. Inspections outside of normal business hours-----\$15.00 per hour (minimum charge two hours)
2. Reinspection fee assessed under provisions of Section P107.3.3-----\$20.00 each
3. Inspections for which no fee is specifically indicated-----\$20.00 per hour (minimum charge - one-half hour)
4. Section 109, Means of Appeals, is hereby deleted.

Sec. 5-22. Construction and repair of artificial barriers.

Any person who desires to construct an artificial barrier (dam) for the purpose of impounding or diverting water or repairing such barrier (dam) shall be required to secure a permit from the city. All permit requests for dam construction and/or repairs within the city shall contain a design prepared by, and bearing the seal of a professional engineer (registered in the state) qualified to provide such service. All designs submitted for permitting to the city shall be designed with a 25-year (Q₂₅) flood riser conduit discharge capability and an emergency spillway capability of a 100-year (Q₁₀₀) flood.

ARTICLE III. MECHANICAL

Sec. 5-30. Mechanical Code --- Adopted.

For the purpose of establishing uniformed rules and regulations, the city hereby adopts that code known as the, 2003 International Mechanical Code, including appendices A and B save and except such portion as are hereinafter deleted, modified or amended, of which not less than two (2) copies have been and now are filed in the office of the city clerk, and the same is hereby adopted and incorporated as fully as if set out at length herein, and the provisions thereof shall be controlling in the construction, alteration or repair of all buildings, structures and installations contained therein within the city.

Sec. 5-31. Same - Amendments and deletions.

The Mechanical code is amended in the following respects:

Section 106.2 Permits not required:

1. Portable heating appliances;
2. Portable ventilation appliances and equipment
3. Portable cooling units
4. Steam, hot water or chilled water piping within any heating or cooling equipment or appliances regulated by this code;
5. The replacement of any minor part that does not alter the approval of equipment or an appliance or make such equipment or appliance unsafe;
6. Portable evaporative coolers; and
7. Self contained refrigeration systems that contain 10 pounds (4.5kg) or less of refrigerant, or that are actuated by motors of 1 horsepower (0.75KW) or less.

- (1) In lieu of section 103.1; the Building Inspector will act instead thereof, and section 103.1 thereof is deleted.
- (2) Appendix B is hereby deleted.
- (3) Section 109 is hereby deleted.
- (4) Section 115 is hereby amended to read as follows: "Structures of existing equipment that are or hereafter become unsafe, unsanitary or deficient because of inadequate means of egress facilities, inadequate light and ventilation or which constitute a fire hazard, or are otherwise dangerous to human life or the public welfare, or that involve illegal or improper occupancy or inadequate maintenance, shall be deemed and unsafe condition. Unsafe structures shall be taken down and removed or made safe, as the building official deems necessary and as provided for in this section. A vacant structure that is not secured against entry shall

be deemed unsafe in accordance with the provisions of Article 3 and 4, Acts of Alabama, 94-540, as adopted by the City of Andalusia in Ordinance No. 1994-7. [5-101 et.seq.herein]

ARTICLE IV.GAS

Sec. 5-40. Gas Code --- Adopted.

For the purpose of establishing uniformed rules and regulations, the city hereby adopts that code known as the, 2003 International Fuel/Gas Code, save and except such portion as are hereinafter deleted, modified or amended, of which not less than two (2) copies have been and now are filed in the office of the city clerk, and the same is hereby adopted and incorporated as fully as if set out at length herein, and the provisions thereof shall be controlling in the construction, alteration or repair of all buildings, structures and installations contained therein within the city.

Sec. 5-41. Same - Amendments and deletions.

The Gas Code is amended in the following respects:

(1) In lieu of section; 103.1 the Building Inspector will act instead thereof, and section 103.1 thereof is deleted.

(2) Section 109 is hereby deleted.

ARTICLE V. HOUSING

Sec. 5-50. Deleted.

Sec. 5-51. Deleted.

ARTICLE VI. ELECTRICAL

DIVISION 1. GENERALLY

Sec. 5-60. Building Inspector's authority and duty.

The Building Inspector shall be vested with full authority over all electrical work installed in the city, and it shall be such inspector's duty to see that all ordinances and regulations relating to inspecting the installation of electric work within the city are duly enforced, particularly the provisions of the electrical code adopted herein.

Sec. 5-61. Permit required; Fees.

No alteration shall be made in the wiring of any building for light, heat or power, or increase in the load carried by such wires, nor shall any building be wired for electric lights, motors, or heating devices without a written permit therefore from the Building Inspector. Before such permit shall be issued by the building inspector in the name of a licensed electrician, the person desiring to make such alteration or installation of wiring shall submit an application accompanied by a drawing to the building inspector showing the type of wiring, number of outlets and electrical appliances proposed to be installed, and further showing the capacity, voltage and amperage of such electrical appliances, and naming the type building and for what purpose it is to used. Such drawing may be waived in the discretion of the building inspector. Such application shall be accompanied by a permit fee as follows:

(1) Single or three phase service as required in any construction requiring a building permit:

- (a) 100 amp or less-----\$25.00
- (b) 200 amp-----\$30.00
- (c) 300 amp-----\$35.00
- (d) 400 amp-----\$55.00
- (e) 600 amp-----\$110.00
- (f) 800 amp-----\$220.00
- (g) 1000 amp and over-----\$275.00

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In addition to the above permit fee schedule, an inspection charge of twenty-five dollars (\$25.00) will be imposed up to and including three (3) inspections. Inspections required beyond three (3) will be subject to a fee of twenty dollars (\$20.00) each.

- (2) Existing structures not involving a building permit: any alteration to an existing electric residential or business wiring system requiring a new or increased electrical service capacity will be subject to an inspection fee of twenty five dollars (\$25.00) plus one dollar and fifty cents (\$1.50) for each electrical outlet provided by such modifications. Improvements or modifications to existing electrical systems not requiring a new or increased service will be subject to a minimum inspection fee of fifteen dollars (\$15.00) plus one dollar and fifty cents (\$1.50) for each electrical outlet provided.

Sec. 5-62. Electrical Code Adopted.

For the purpose of establishing uniformed rules and regulations, the city hereby adopts that code known as the, 202 National Electrical Code for electrical wiring and apparatus, save and except such portion as are hereinafter deleted, modified or amended, of which not less than two (2) copies have been and now are filed in the office of the City Clerk, and the same is hereby adopted and incorporated as fully as if set out at length herein, and the provisions thereof shall be controlling in the construction, alteration or repair of all buildings, structures and installations contained therein within the city.

Sec. 5-63. Wiring in commercial buildings.

2002 National Electric Code.

DIVISION 2. EXAMINATION OF ELECTRICIANS

Sec. 5-70. thru Sec. 5-100. Same.

If any section, sentence, clause, phrase, or part of this ordinance is for any reason declared to be unconstitutional by the valid judgment or decree of a court of competent jurisdiction, such decision shall be affect the remaining sections, sentences, clauses, phrases, or parts of this ordinance.

This Ordinance shall become effective upon publication, as required by law.

ADOPTED AND APPROVED this 20th day of September, 2005.

THE CITY OF ANDALUSIA, ALABAMA

BY: _____
Jerry Andrews, Mayor

ATTEST:

John M. Thompson, City Clerk

Councilman Alexander moved that Ordinance No. 2005-08 be adopted. Councilman Powell seconded the motion, which passed unanimously.

COUNCIL CHANGES JOB DESCRIPTION FOR ADMINISTRATIVE ASSISTANT:

Mayor Andrews noted that a change was needed in the job description of the administrative assistant to the mayor/utility board superintendent and city clerk. Councilman Cotton moved that the job description be changed as recommended. Councilman Powell seconded the motion, which passed unanimously.

MAYOR ANNOUNCES VACANCIES ON THE ANDALUSIA INDUSTRIAL BOARD:

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Mayor Andrews announced that there were three term expirations and one vacancy due to death on the Andalusia Industrial Development Board.

COUNCIL TABLES RESOLUTION AMENDING CERTIFICATE OF INCORPORATION OF THE ANDALUSIA INDUSTRIAL DEVELOPMENT BOARD:

Mayor Andrews presented Resolution No. 2005-31 amending the certificate of incorporation of the Andalusia Industrial Development Board.

**CITY OF ANDALUSIA
ANDALUSIA, ALABAMA**

RESOLUTION NO. 2005-31

RESOLUTION DELEGATING LOCAL ECONOMIC AND INDUSTRIAL DEVELOPMENT POWERS AND AUTHORITY TO THE INDUSTRIAL DEVELOPMENT BOARD OF THE CITY OF ANDALUSIA AND APPROVING AS TO FORM THE CERTIFICATE OF AMENDMENT INCORPORATING THESE POWERS AND AUTHORITY

WHEREAS, Alabama Constitution, Covington County, Section 2, alternatively cited as Alabama Constitutional Amendment No. 725, (the "Constitutional Amendment"), provides for the promotion of local economic and industrial development of Covington County; and

WHEREAS, said Constitutional Amendment grants to the Andalusia City Council (the "City") certain powers and authority for the promotion of local economic and industrial development; and

WHEREAS, paragraph (7) of said Constitutional Amendment authorizes the City to delegate the powers and authority conferred in said Amendment; and

WHEREAS, The Industrial Development Board of the City of Andalusia, a public corporation, (the "Board") has been an entity promoting economic and industrial development for the City; and

WHEREAS, the Board has applied to the City to amend its Certificate of Incorporation to include these powers and authority; and

WHEREAS, the City deems it advisable and in the best interest of the public to delegate the powers and authority conferred in said Constitutional Amendment to the Board.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Andalusia: that all powers and authority conferred in Alabama Constitution, Covington County, Section 2, alternatively cited as Alabama Constitutional Amendment No. 725, be delegated to The Industrial Development Board of the City of Andalusia.

BE IT FURTHER RESOLVED that this delegation of powers and authority is in addition to those powers previously granted to The Industrial Development Board by this body upon its creation and those powers set out under Title 11, Subtitle 2, Chapter 54, Article 4 of the Code of Alabama, 1975, or as same may be amended.

BE IT FURTHER RESOLVED that the City finds and determines that it is wise, expedient, necessary and advisable that the proposed Amendment to the Certificate of Incorporation of the Board be made, authorizes the same to be made, and approves the form of the proposed Amendment.

BE IT FURTHER RESOLVED that the Chairman and Secretary of the Board are authorized and directed to file a certificate to this effect in the Office of the Judge of Probate of Covington County, Alabama.

BE IT FURTHER RESOLVED that the City retains to itself the powers referenced in said Constitutional Amendment.

ADOPTED AND APPROVED this 20th day of September, 2005.

THE CITY OF ANDALUSIA, ALABAMA

By: _____
Jerry B. Andrews, Mayor

ATTEST:

John M. Thompson, City Clerk

Following discussion and clarification by City Attorney Tom Albritton, Councilman Cotton moved that Resolution 2005 - 31 be tabled pending further review. Council Jones seconded the motion, which passed unanimously.

MAYOR ANNOUNCES AWARD OF ADECA GRANT FOR WATER AND SEWER IMPROVEMENTS AT THE ANDALUSIA/OPP MUNICIPAL AIRPORT:

Mayor Andrews announced that the city had been denied a CDBG Disaster Relief Fund program relating to Hurricane Ivan. However, the City of Andalusia has been awarded an \$866,400.00 grant through the Alabama Department of Economic and Community Affairs for water and sewer infrastructure improvements to the airport. He credited Speaker of the House Seth Hammett for helping to secure these funds. This project will assist in the locating of the EJM Aerospace Services and expansion of AcroHelipro Global Services in the Andalusia Area.

COUNCIL DENIES LIQUOR LICENSE FOR ESTABLISHMENT ON HWY 29 SOUTH:

Mayor Andrews announced that the council had before it an application for a liquor license for an establishment outside of the city limits but inside of the police jurisdiction. He noted a survey done by the Alabama Alcoholic Beverage Control Board showing disapproval of the license by property owners nearby. He also mentioned that a large contingent of people living near the area were in attendance to voice opposition to the license. Councilman Cotton moved that due to the extent of the opposition the application be denied. Councilman Alexander seconded the motion, which passed unanimously.

COUNCIL ADOPTS RESOLUTION 2005-32 COMMEMORATING THE 40TH ANNIVERSARY OF THE 1965 VOTING RIGHTS ACT:

Mayor Andrews introduced resolution 2005-32 commemorating the fortieth anniversary of the 1965 Voting Rights Act.

**CITY OF ANDALUSIA
ANDALUSIA, ALABAMA**

RESOLUTION NO. 2005-32

WHEREAS, the public record shows that Alabama citizens played a major role in calling the consciousness of the nation to the need for a voting rights act forty years ago; and

WHEREAS, the Selma to Montgomery march in 1965 brought thousands of supporters of all races and religions to come to Alabama to join the march for justice and equality for voting rights for all Americans; and

WHEREAS, President Lyndon B. Johnson and the Congress worked together in a bipartisan way to enact the landmark 1965 Voting Rights Act; and

WHEREAS, President Lyndon B. Johnson signed the Voting Rights Act on August 6, 1965; and

WHEREAS, thousands of new voters in Alabama have become registered since 1965, and black citizens in every county now have the opportunity to help elect candidates of their choice, irrespective of race; and

WHEREAS, the 1965 Voting Rights Act has made it possible for black and white candidates of goodwill to be elected to governing bodies in virtually every county in the state; and

WHEREAS, the 1965 Voting Rights Act has been largely responsible for Alabama having the highest percentage of back elected officials in the nation, based on the black percentage in the general population; and

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WHEREAS, THE 1965 Voting Rights Act has contributed greatly to a new spirit of race relations and cooperation in political and community affairs throughout the state;

NOW, THEREFORE, BE IT RESOLVED that the City of Andalusia hereby goes on record to celebrate the 40th Anniversary of the historic 1965 Voting Rights Act; and

BE IT FURTHER RESOLVED that this governing body is grateful to the Voting Rights Act for all the goodwill, diversity in leadership, as well as the increase in political participation that it has caused; and

BE IT FINALLY RESOLVED that we support seeing the best provisions of this Act being renewed when some sections of the Voting Rights Act come up for reauthorization in the Congress in 2007.

ADOPTED AND APPROVED this 20th day of September, 2005.

THE CITY OF ANDALUSIA, ALABAMA

BY: _____
Jerry B. Andrews, Mayor

ATTEST:

John M. Thompson, City Clerk

Councilman Jones moved that resolution 2005-32 be adopted. Councilman Alexander seconded the motion, which passed unanimously.

ANNOUNCEMENTS:

1) Mayor Andrews announced that a work session for the purpose of reviewing the 2006 budget, the new open meetings law, and the EJM - AcroHelipro funding would be announced soon.

ADJOURNMENT:

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

THE CITY OF ANDALUSIA, ALABAMA

BY: _____
Jerry B. Andrews, Mayor

ATTEST:

John M. Thompson, City Clerk