

REGULAR WORK SESSION MEETING

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

The City Council of the City of Andalusia, Alabama, met for a work session in room 340 at city hall for the purpose of planning and finalizing the agenda for the regular meeting.

The council conducted a lengthy discussion on a resolution proposed by the Utilities Board of the City of Andalusia. Max Mathews, Chairman of the Utilities Board, presented the board's position and answered questions.

The council heard from a representative from Walter McKee and Associates concerning an addition to the Andalusia Fire Station.

REGULAR COUNCIL MEETING

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 and called the meeting to order after which Councilman Alexander led the invocation and the Pledge of Allegiance to the flag.

APPROVAL OF MINUTES:

Councilman Powell moved that the minutes from the previous council meeting of November 15, 2005, and the special meeting of November 18, 2005, be approved. Councilman Alexander seconded the motion, which was approved unanimously.

COUNCIL MAKES BOARD APPOINTMENTS:

Mayor Andrews nominated Ed Short, Jim Smith, and Ferrell Walton to be reappointed to the Andalusia Industrial Development Board. He further nominated William Bryant to fill an unexpired term on the board. Councilman Alexander moved that the Mayor's nominations be approved. Councilman Powell seconded the motion, which the council approved unanimously. Mayor Andrews nominated Esther Barrow to be reappointed to the Andalusia Public Library Board. Councilman Powell moved to accept the Mayor's nomination. Councilman Alexander seconded the motion. Councilman Anderson moved to nominate Dr. Barbara Linder to the Library Board. Mayor Andrews called for a vote to reappoint Ester Barrow, which produced the following results:

Yeas

Nays

Andrews

None

Alexander

PAGE TWO

Jones
Cotton
Powell

Councilman Anderson did not vote.

Mayor Andrews nominated Sue Bass Wilson to serve on the Andalusia Community Enhancement Committee. Councilman Powell moved to accept the Mayor's nomination. Councilman Cotton seconded the nomination, which passed unanimously. Mayor Andrews nominated Marcia Reichert to serve on the Tourism and Relocation Committee. Councilman Jones moved to accept the Mayor's nomination. Councilman Anderson seconded the motion, which passed unanimously.

COUNCIL ADOPTS RESOLUTION NO. 2005-50 TO AWARD CONTRACT FOR WATER & SEWER IMPROVEMENTS TO THE ANDALUISA/OPP AIRPORT:

Mayor Andrews introduced Resolution No. 2005-50 as follows:

**CITY OF ANDALUSIA
ANDALUSIA, ALABAMA**

**RESOLUTION AWARDING BID FOR WATER AND SEWER IMPROVEMENTS/EXTENSION TO THE
ANDALUSIA - OPP AIRPORT**

RESOLUTION NO. 2005-50

WHEREAS, the City of Andalusia plans to construct a WATER AND SEWER EXTENSION in connection with CDBG Project # LR-ED-PF-05-003, and

WHEREAS, the City of Andalusia did legally advertise the bid opening date of December 5, 2005, in accordance with Alabama State Law, and on that date opened all bids in public and read them aloud, and

WHEREAS, the engineers have subsequently checked all bids received, and have recommended that the contract be awarded to the low bidder.

THEREFORE, BE IT RESOLVED that the contract for the WATER AND SEWER IMPROVEMENTS be awarded to the low bidder for the Bid as follows:

**R & B CONTRACTING CO., INC.
In the amount of \$428,017.45**

ADOPTED AND APPROVED this 6th day of December, 2005

THE CITY OF ANDALUSIA, ALABAMA

By _____
Jerry B. Andrews, Mayor

ATTEST:

John M. Thompson, City Clerk

After a report from project engineer Paul Darnell Councilman Cotton moved to approve Resolution No. 2005-50. Councilman Powell seconded the motion, which passed unanimously.

COUNCIL TABLES CONSIDERATION OF THE AMENDED AND RESTATED ARTICLES OF INCORPORATION OF THE UTILITIES BOARD OF THE CITY OF ANDALUSIA:

Mayor Andrews reported that the Utilities Board of the City of Andalusia had presented to the council Amended and Restated Articles of Incorporation of the Utilities Board of the City of Andalusia.

PAGE THREE

AMENDED AND RESTATED
ARTICLES OF INCORPORATION
OF
THE UTILITIES BOARD OF THE CITY OF ANDALUSIA

ARTICLE I

Incorporators

The names and residences of the original incorporators were as follows:

Max Mathews, 1790 Rosewood Lane, Andalusia, Alabama 36420
Richard E. Jones, 1730 Cedar Road, Andalusia, Alabama 36420
Ivan Bishop, 1415 Sunset Drive, Andalusia, Alabama 36420

Each of the above named individuals was, at the time of the original incorporation of the corporation, an elector and property holder of the City of Andalusia, Alabama. Permission to form this corporation has been heretofore granted by resolution duly adopted by the governing body of the City of Andalusia on to wet: *January 7, 2003*.

ARTICLE II

Corporate Name

The name of the corporation is: THE UTILITIES BOARD OF THE CITY OF ANDALUSIA ALABAMA (Hereinafter referred to as "the corporation.")

ARTICLE III

Principal Office

The principal office of THE UTILITES BOARD OF THE CITY OF ANDALUSA, ALABAMA is at City Hall, 505 E. Three Notch Street, Andalusia, Alabama.

ARTICLE IV

Duration

The Duration of THE UTILITIES BOARD OF THE CITY OF ANDALUSIA, ALABAMA shall be perpetual.

ARTICLE V

Current Directors

The number of directors constituting the initial Board of Directors of the Corporation is three (3). The current Board of Directors is comprised of the following, who are serving for the following terms:

Max Mathews-Citizen-term expiring January 8, 2007

Bridges Anderson-City Councilman-term expiring October 6, 2008

Richard E. Jones-Citizen-term expiring January 8, 2009

Andy Alexander-City Councilman-term expiring October 6, 2008

Ashton Wells-Citizen-term expiring January 8, 2011

Henceforth, the Board shall consist of 5 members. All directors shall be appointed by the City Council of Andalusia. Three of the 5 directors shall be citizens of the City of Andalusia, who are not elected officials, or employees of the city. The remaining two directors shall be members of the City Council of Andalusia, Excluding the Mayor. Terms of the at large directors shall be 6 years. The terms of the City Council members shall serve for the term of the City Council currently in Office. Any vacancies that may occur during a term shall be filled for the remainder of that term by the City Council. The Mayor of the City of Andalusia will be appointed an ex officio member of the Utility Board of the City of Andalusia.

ARTICLE VI

Purposes

The purposes for which the Corporation is formed are:

PAGE FOUR

- (a.) To operate the City of Andalusia's utilities, to include at present the water, sewer, and/or electric systems and to operate in the future any other system, which may hereafter, be defined as a "utility".
- (b.) To have succession by its corporate name for the duration of time specified in this Certificate of Incorporation or until dissolved as provided for herein;
- (c.) To sue and be sued and to defend civil actions against it;
- (d.) To make use of a corporation seal and to alter the same at pleasure;
- (e.) To acquire, purchase, construct, operate, maintain, enlarge, extend and improve any system or systems, the operation of which is provided for in this Certificate of Incorporation, or in any amendment thereto, or as may heretofore be provided by state law (whether or not such system or systems were in existence and whether or not such system or systems were privately owned prior to acquisition by this Corporation and whether such system or systems are located with or without or partly within and partly without the City of Andalusia or within the limits of another municipality) and to receive, acquire, take and hold, whether by purchase, gift, lease, devise or otherwise, real personal and mixed property of any nature whatsoever that its Board of Directors may deem a necessary or convenient part of such system or systems;
- (f.) To borrow money for any corporation function, use or purpose and to issue in evidence of the borrowing interest-bearing bonds payable solely from the revenues derived from the operation of any one or more of its systems (regardless of the system or systems for the benefit of or with respect to which such borrowing may be made);
- (g.) To pledge for payment of its bonds any revenues from which such bonds are made payable and to mortgage, pledge of otherwise convey as security for such bonds the system or systems the revenues from which are so pledged;
- (h.) To transport and/or to sell at wholesale all or any part of its utility supply to any Corporation or municipality, as allowed by law, for distribution to the inhabitants thereof and the surrounding territory;
- (i.) To transfer and/or to distribute and/or to sell to any one or more customers Water, and/or electricity and to furnish services from any system the operation of which is provided for herein or in any amendment thereto, and to establish and collect and alter charges for water, electric and/or sewer services and all services of any kind sold or furnished by it; provided, that charges for services from any sewer system shall be established in such manner that there shall be no charge with respect to any portion of such sewer system that may have been paid for wholly or in part by assessments against the property specially benefited thereby, but any person whose property is served in part by a portion of a sewer system so paid for and in part by a portion of a sewer system not so paid for may be charged as appropriate rate for the service rendered such property by a sewer disposal plant, a sewage treatment plant or any other portion of a sewer system which has not to any extent been paid for by such assessments;
- (j.) To adopt a schedule of rates:
 - 1. Providing that the Corporation may render combined statements or bill for services furnished from its systems and that it may decline to accept payments of charges for services from any one or more of its other systems, and
 - 2. Providing for discontinuance of service from a system or systems to any customer who shall be delinquent in payment of charges for service from any system owned by such Corporations:
- (k.) To lease, exchange, sell, convey and otherwise dispose of its real, personal or mixed property by any form of legal conveyance or transfer; provided, however, that the governing body of the City of Andalusia shall consent to the lease, exchange, sale, conveyance or other disposition and such consent shall be evidenced by a duly adopted ordinance of the said governing body, which ordinance shall be adopted within 30 days of such lease, exchange, sale, conveyance or other disposition.
- (l.) To exercise all powers of eminent domain now or hereafter conferred on municipalities in this state:
- (m.) To appoint and employ such officers and agents, including attorneys, accountants and consultants as its business may require, including one of the two appointments to the Alabama Electric Cooperative Board of Directors, the remaining appointment being hereby assigned to the City Council of the City of Andalusia. All persons currently appointed to the Alabama Electric Cooperative Board shall complete their term.
- (n.) To provide for such insurance as its Board of Directors may deem advisable;
- (o.) To have and exercise all powers necessary or convenient to effect its corporate purposes;
- (p.) To have one or more office(s) and to conduct any or all of its operation and business and to promote its objects, within or without the state of Alabama, without restriction as to place or amount;
- (q.) To do an and all of the things herein set fourth as principal, agent, contractor, trustee or otherwise, alone or in company with others, whether such others be individuals, Corporations, municipalities, associations or in partnership;
- (r.) To exercise all powers now granted, or which in the future may be granted by Alabama law as to Corporation formed there under, subject to any limitation imposed or any provision of any other statute of the State of Alabama, in furtherance of these corporate purposes.
- (s.) To operate the electrical and/or other utility systems for the City of Andalusia, Alabama, not to generate money for the Utilities Board, but for the general fund of the City.

ARTICLE VII

By-Laws

The conduct of the business and the affairs of the Corporation shall be governed and regulated by its By-Laws. The Board of Directors is expressly authorized to alter, amend, or repeal the By-Laws of the Corporation.

PAGE FIVE

ARTICLE VIII

Management

Beginning on _____, the Board shall at its discretion employ a superintendent of its choice and at such salary and benefits as it shall deem appropriate. Should a superintendent be appointed by the Board, that person shall not be an *elected official*, from the City of Andalusia. In addition to the power and authorities granted to the Board by the By-Laws, the Statutes of Alabama, or otherwise expressly conferred upon them, the board is hereby empowered to exercise all such powers and do all such acts and things as may be exercised or done by the Corporation subject to the provisions of the Code of Alabama, these Articles of Incorporation, the By-laws of the Corporation and to any resolution from time to time made by the Corporation in a general meeting, provided that no resolution or By-Laws so made shall make improper any prior act of the Directors which would have been proper if such By-Laws had not been made or if such resolution had not been adopted.

Following further discussion Councilman Cotton moved to table consideration of the amended articles until the next council meeting to allow time for public input. Councilman Powell seconded the motion, which passed unanimously.

COUNCIL APPROVES CHANGES TO THE EMPLOYEE STRENGTH PLAN:

Mayor Andrews presented the council with a request from the Public Works Department to amend the employee strength plan and a job description. Councilman Powell moved to approve the changes. Councilman Jones seconded the motion, which was approved unanimously. Mayor Andrews presented a request from the assistant city clerk amending two job descriptions in the accounting services department. Councilman Cotton moved to accept the request. Councilman Jones seconded the motion, which passed unanimously.

COUNCIL APPROVES TO PAY FROM CONTINGENCY A FIRE INSPECTORS SALARY:

Mayor Andrews reported that the Fire Department needed to fill the position of inspector. Councilman Anderson moved to amend the budget by appropriating necessary funds from contingency to fill the position. Councilman Alexander seconded the motion, which passed unanimously.

COUNCIL TABLES RESOLUTION NO. 2005-48 TO ENTER INTO A CONTRACT WITH THE FIRM BRADLEY, ARANT, ROSE, AND WHITE, LLP:

Mayor Andrews presented Resolution No. 2005-48 to the council for consideration as follows:

**CITY OF ANDALUSIA
ANDALUSIA, ALABAMA**

RESOLUTION NO. 2005-48

**A RESOLUTION AUTHORIZING THE MAYOR TO SIGN A CONTRACT WITH THE FIRM OF BRADLEY,
ARANT, ROSE, AND WHITE, LLP**

WHEREAS, the City of Andalusia wishes to engage the services of the firm Bradley, Arant, Rose, and White, LLP of Montgomery, Alabama, to be its representative for the purpose of lobbying on its behalf to secure federal funding for projects in the City of Andalusia, Alabama; and

WHEREAS, the City Council of the City of Andalusia, has previously appropriated the necessary funds in the city's FY 2006 budget to cover expenses of engaging the firm Bradley, Arant, Rose, and White, LLP; 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 act as the appropriate city official to execute any and all necessary papers with Bradley, Arant, Rose, and White, LLP on behalf of the council for the above-stated purposes.

ADOPTED AND APPROVED this 6th day of December, 2005.

THE CITY OF ANDALUSIA, ALABAMA

BY: XXXXXXXXXXXXXXXXXXXXXXXXXXXX
Jerry B. Andrews, Mayor

ATTEST:

XXXXXXXXXXXXXXXXXXXXXXXXXXXX
John M. Thompson, City Clerk

Councilman Jones moved to table Resolution No. 2005-48. Councilman Anderson seconded the motion, which passed unanimously.

COUNCIL ADOPTS RESOLUTION NO. 2005-49 TO CONTRACT WITH CDG ENGINEERS & ASSOCIATES TO CONDUCT A TRAFFIC STUDY:

Mayor Andrews presented Resolution No. 2005-49 for consideration.

CITY OF ANDALUSIA
ANDALUSIA, ALABAMA

RESOLUTION NO. 2005-49

A RESOLUTION AUTHORIZING THE MAYOR TO SIGN A CONTRACT WITH CDG ENGINEERS FOR THE PURPOSE OF CONDUCTING A TRAFFIC STUDY

WHEREAS, the City of Andalusia wishes to engage the services of CDG Engineers to conduct a detailed traffic study of the City of Andalusia; and

WHEREAS, the City Council of the City of Andalusia, has previously appropriated the necessary funds in the city's FY 2006 budget to cover expenses of conducting a traffic study; 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 act as the appropriate city official to execute any and all necessary papers with CDG Engineers on behalf of the council for the purpose of allowing CDG Engineers to perform the above-referenced traffic study.

ADOPTED AND APPROVED this 6th day of December, 2005.

THE CITY OF ANDALUSIA, ALABAMA

BY: _____
Jerry B. Andrews, Mayor

ATTEST:

John M. Thompson, City Clerk

Councilman Alexander moved to pass resolution No. 2005-49. Councilman Powell seconded the motion, which passed as follows:

<u>Yeas</u>	<u>Abstained</u>
Andrews	Cotton
Anderson	
Alexander	
Jones	
Powell	

COUNCIL RECEIVES THE ANNUAL DISTRIBUTION PAYMENT FROM THE SOUTHEAST ALABAMA GAS DISTRICT:

Mayor Andrews called on Councilman Jones to make a presentation on behalf of the Southeast Alabama Gas District. Councilman Jones presented the District's annual distribution payment to the City of Andalusia in the amount of \$159,347.00. Mayor Andrews thanked Councilman Jones and the Southeast Alabama Gas District.

COUNCIL APPROVES TO FUND FROM THE CONTINGENCY TO REPAIR DRAINAGE PROBLEM ON WHATLEY STREET:

Mayor Andrews updated the council on a drainage problem near the First Baptist Church on Whatley Street. He reported that Public Works Director Jim Hogg had made a cost estimate for the necessary repairs. Councilman Anderson moved to amend the budget and appropriate \$29,506.00 from contingency to complete the repairs. Councilman Jones seconded the motion, which was approved unanimously.

COUNCIL APPROVES TO LET BIDS ON THE ANDALUSIA FIRE STATION:

Mayor Andrews reported that the council had given permission to Walter McKee and Associates to go for bids on an addition to the Andalusia Fire Station.

COUNCIL HEARS FROM TIM RAMSDEN OF CDG ENGINEERS & ASSOCIATES ON STREET RESURFACING:

Mayor Andrews introduced Tim Ramsden of CDG Engineers to report on street resurfacing and local transportation enhancement projects. He noted that the Church Street project was set to begin in early 2006.

ANNOUNCEMENTS:

1. Mayor Andrews announced new hours for the city's animal shelter, 9:00 - 5:00, Monday through Friday.

ADJOURNMENT:

There being no further business, the meeting was adjourned.

THE CITY OF ANDALUSIA, ALABAMA

BY: _____
Jerry B. Andrews, Mayor

ATTEST:

John M. Thompson, City Clerk