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STATE OF ALABAMA  
COUNTY OF COVINGTON

ANDALUSIA, ALABAMA  
SEPTEMBER 12, 2006

SPECIAL WORK SESSION

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 in room 340 at city hall for a work session for the purpose of planning and finalizing the agenda.

In addition to items on the agenda the council heard from Utilities Board General Manager, Jerry Williams, concerning cost estimates for sewer connections to proposed annexation areas located on Alabama Highway 84 East. Mr. Williams assured the council that the Utilities Board would bear the costs of the connections in the areas affected by a Memorandum of Understanding Between Robert W. Bishop and the City of Andalusia, using grinder pump systems for sewer connections. He further indicated that the cost of the pumps would be borne by individual customers while the board would incur all other costs associated with sewer and water connections.

SPECIAL 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 called meeting to order and welcomed all. Councilman Alexander led prayer and pledge.

COUNCIL ADOPTS MEMORANDUM OF UNDERSTANDING BETWEEN ROBERT W. BISHOP AND THE CITY OF ANDALUSIA:

Mayor Andrews presented a Memorandum of Understanding Between Robert W. Bishop and the City of Andalusia, as amended, to the council.

**MEMORANDUM OF UNDERSTANDING  
BETWEEN ROBERT W. BISHOP AND THE CITY OF ANDALUSIA**

**THIS MEMO OF UNDERSTANDING is entered into between Robert W. Bishop and the Mayor of the City of Andalusia and is subject to ratification and approval by the City Council and by the other parties affiliated with Robert W. Bishop and identified herein and conditioned upon all contiguous landowners petitioning for annexation into the City of Andalusia before it shall become binding upon either side of the agreement.**

THE PARTIES HAVE AGREED that Robert W. Bishop et al. will sign a petition to annex the following properties lying in Township 4 North Range 16 East into the City of Andalusia, Alabama:

1. All that portion of Section 10 lying in the Southern ¼ of said section belonging to Robert W. Bishop.
2. All that portion of the NE ¼ of Section 15 belonging to Robert W. Bishop and/or John H. Bishop.
3. All that portion of the North ½ of Section 14, Range 16 East, Township 4 North belonging to Robert W. Bishop and affiliated parties.
4. All that portion of the South ½ of Section 10, belonging to Covington Properties, LLC.

Further, Robert W. Bishop et al. will execute all documents necessary to provide a 30' construction easement on the southernmost portion of property located in Section 14 and 15; to provide access to dirt necessary to construct driveways at the crossovers located in Sections 14 and 15.

Pending formal approval or disapproval of the annexation by action of the City of Andalusia and construction of the improvements referenced above, all lots or parcels sold or conveyed by the parties to the agreement shall be sold subject to the terms of this agreement as a restrictive covenant on title.

IN CONSIDERATION OF THE ABOVE AGREEMENT, the City of Andalusia will, subject to approval by the City Council of the City of Andalusia, do the following:

1. Provide labor, material, grading, hauling, and permitting necessary to construct turning lanes and driveways in Section 14 and 15 to the South property line of the individual parties to this agreement at the edge of the right-of-way of US Hwy 84. (see attached exhibit "A")
2. Provide at the Utilities Board of the City of Andalusia's or the City of Andalusia's expense, sewer and water taps to all parcels referred to in this agreement.
3. Continue to attempt to secure a commitment from the Alabama Department of Transportation for its construction of a crossover in Section 14 (see attached Exhibit "A" for location) to allow safe access to the properties. In the event that the City is unable to procure such a commitment within one year of this date, the City will either obtain permitting for the crossover and provide hauling, labor, and materials necessary for construction of said crossover, contingent upon Bishop et als. providing access to dirt for said construction and paying for asphalt needed delivered at the asphalt plant, or Robert Bishop et als. may hire the work done and the City shall reimburse Robert Bishop et als. for two-thirds of the reasonable costs of said construction.
4. Upon annexation, the properties referenced herein shall be zoned as shown on the attached map, Exhibit "B".
5. The City will execute the lease prepared for BBS Group, LLC regarding the use of the old landfill.
6. The City and or Utility Board will provide the sewer easements in attached exhibit "C" for BBS Group, LLC and or assigns to be used for road construction, utility right of ways, infrastructure and ingress and egress.
7. The parties hereto agree to take any further action that may be necessary to accomplish the goals and intent as contained in this memorandum of understanding, even if not specifically stated herein.

DONE this the \_\_\_\_ day of \_\_\_\_\_ 2006.

CITY OF ANDALUSIA

\_\_\_\_\_  
Robert W. Bishop

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

Councilman Powell moved to adopt the memorandum of understanding as presented. Councilman Cotton seconded the motion which passed unanimously.

**MAYOR APPROVES ORDINANCE NO. 2006-05 EFFECTUATING ANNEXING OF PROPERTY OWNED BY D.L. FAULKNER, LAURA WARLICK FAULKNER, JANE F. PAYNE, B.E. FAULKNER, JENNY WARLICK BEST, AND WILLIAM BYRD WARLICK:**

Mayor Andrews presented the council with a petition to annex properties owned by D.L. Faulkner, Laura Warlick Faulkner, Jane F. Payne, B.E. Faulkner, Jenny Warlick Best, and William Byrd Warlick, into the City of Andalusia, and Ordinance No. 2006 - 05, effectuating the annexation.

**THE CITY OF ANDALUSIA  
ANDALUSIA, ALABAMA**

**ORDINANCE NO. 2006-05**

**WHEREAS**, on the 10th day of February 2005, D.L. Faulkner, Laura Warlick Faulkner, Jane F. Payne, B.E. Faulkner, Jenny Warlick Best, William Byrd Warlick, being the sole owner of all the real property hereinafter described, did file with the City Clerk a petition asking that the said tracts or parcels of land be annexed to and become a part of the City of Andalusia, Alabama; and

**WHEREAS**, said petition did contain the signatures of all of the owners of the described territory and a map of said property showing its relationship to the corporate limits of the City of Andalusia, Alabama; and

**WHEREAS**, the City Council for the City of Andalusia did determine that it is in the public interest that said property be annexed to the City of Andalusia, and it did further determine that all legal requirements for annexing said real property have been met pursuant to Sections 11-42-20 through 11-42-24, Code of Alabama, 1975;

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**NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ANDALUSIA, ALABAMA, AS FOLLOWS:**

**Section 1.** The City Council of the City of Andalusia, Alabama finds and declares as the legislative body of the City that it is in the best interests of the citizens of the City, and the citizens of the affected area, to bring the territory described in Section 2 of this ordinance into the City of Andalusia.

**Section 2.** The boundary lines of the City of Andalusia, Alabama, be, and the same are hereby altered or rearranged so as to include all of the territory heretofore encompassed by the corporate limits of the City of Andalusia, Alabama, and in addition thereto the following described territory, to-wit:

**PARCEL I**

The East Half of the Southwest quarter of Section 10, Township 4, Range 16 containing 80 acres, more or less.

**Parcel II**

That portion of the Southwest quarter of the Northwest quarter of Section 10, T4N, R16E that lies South of the old Andalusia-Harmony Road, less four acres square in the Northeast corner thereof, described as follows: For starting point go South along East Section line 143 yards South of Northeast corner of said SE  $\frac{1}{4}$  of NW  $\frac{1}{4}$  of Section 10, T4N, R16E. From said starting point thence go North along said section line 143 yards to Northeast corner of said quarter Section; thence in a Westerly or Southwesterly direction along the South boundary line of Public Highway known as Harmony Road 142 yards; thence due South 143 yards; thence in an Easterly direction or slightly Northeasterly direction 142 yards to starting point. Containing 28 acres, more or less and subject only to conveyance of  $\frac{1}{2}$  mineral interest heretofore conveyed to Shade Gafford Jan. 27, 1945 by the then owners of this 28 acres, Z.S. Dunn and wife Allie Dunn.

**Parcel III**

NW  $\frac{1}{4}$  of SW  $\frac{1}{4}$ , Section 10, Township 4N, Range 16E.

**Section 3.** That the Zoning Ordinance of the City of Andalusia, Alabama, as adopted on February 18, 1998 and the Zoning Map adopted as a part of such Ordinance, be and the same hereby is amended to include the above-described territory and shall be zoned as B-3 - General Commercial District.

**Section 4.** This ordinance shall be published as provided by law, and a certified copy of same, together with a certified copy of the petition of the property owners, shall be filed with the Probate Judge of Covington County, Alabama.

**Section 5.** The territory described in this ordinance shall become a part of the corporate limits of Andalusia, Alabama, upon publication of this ordinance as set forth in Section 3, above.

**ADOPTED AND APPROVED** this 12<sup>th</sup> day of September, 2006.

**THE CITY OF ANDALUSIA, ALABAMA**

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

**ATTEST:**

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

Councilman Cotton moved to suspend all rules that would prevent the council from giving its immediate consideration to Ordinance No. 2006 - 05. Councilman Alexander seconded the motion which passed unanimously. Councilman Cotton moved to adopt Ordinance No. 2005 - 05. Councilman Alexander seconded the motion which passed unanimously.

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COUNCIL APPROVES ORDINANCE NO. 2006-06 EFFECTUATING ANNEXING OF PROPERTY OWNED BY ROBERT W. BISHOP, COVINGTON PROPERTIES, RICHARD L. CHARTIER, PATRICIA NESTOR, AND ASSUNTA TOMMASSI:

Mayor Andrews presented to the council a petition to annex properties owned by Robert W. Bishop, Covington Properties, Richard L. Chartier, Patricia Nestor, and Assunta Tomassi, into the City of Andalusia, and Ordinance No. 2006 - 06, effectuating the annexation.

**THE CITY OF ANDALUSIA  
ANDALUSIA, ALABAMA**

**ORDINANCE NO. 2006-06**

**WHEREAS**, on the 12th day of September 2006, Robert W. Bishop, Covington Properties, Richard L. Chartier, Patricia Nestor, and Assunta Tomassi, being the sole owner of all the real property hereinafter described, did file with the City Clerk a petition asking that the said tracts or parcels of land be annexed to and become a part of the City of Andalusia, Alabama; and

**WHEREAS**, said petition did contain the signatures of all of the owners of the described territory and a map of said property showing its relationship to the corporate limits of the City of Andalusia, Alabama; and

**WHEREAS**, the City Council for the City of Andalusia did determine that it is in the public interest that said property be annexed to the City of Andalusia, and it did further determine that all legal requirements for annexing said real property have been met pursuant to Sections 11-42-20 through 11-42-24, Code of Alabama, 1975;

**NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ANDALUSIA, ALABAMA, AS FOLLOWS:**

**Section 1.** The City Council of the City of Andalusia, Alabama finds and declares as the legislative body of the City that it is in the best interests of the citizens of the City, and the citizens of the affected area, to bring the territory described in Section 2 of this ordinance into the City of Andalusia.

**Section 2.** The boundary lines of the City of Andalusia, Alabama, be, and the same are hereby altered or rearranged so as to include all of the territory hereto before encompassed by the corporate limits of the City of Andalusia, Alabama, and in addition thereto the following described territory, to-wit:

Parcel I

*Point of Beginning (P.O.B.) is an iron located at the Southwest corner of the Southeast ¼, section 10, Township 4 North, Range 16 East, Covington County. From the P.O.B. run North 0 degrees 42 minutes West for 798.73 feet to an Iron on the West line of said Southeast ¼, Section 10. Thence North 89 degrees 13 minutes East for 118.18 feet to an iron on the Eastern margin of an Alabama Electric Cooperative 100 foot Right of Way(R/W), thence South 28 degrees 27 minutes East along said R/W for 1254.11 feet to an Iron on the newly expanded R/W of State Road #84. Thence South 82 degrees 08 minutes West along said R/W for 453.81 feet to an Iron, thence North 0 degrees 33 minutes West for 871.97 feet to a round Concrete Monument, thence continue South 89 degrees 32 minutes West a distance of 448.77 feet to the P.O.B. and containing 28.64 acres more or less. Subject to a 100 foot transmission line Right of Way to Alabama Electric Cooperative.*

Parcel II

*Commencing at the Northeast corner of Section 15, Township 4 North, Range 16 East, Covington County, Alabama, and run thence North 89 degrees 53 minutes 58 seconds West along the North line of said Section 15 for a distance of 44.52 feet to a point on the West right of way line of County Highway #98; thence run South 00 degrees 29 minutes 51 seconds East along said West right of way line for a distance of 37.94 feet to an existing capped iron (Shealy) and the point of beginning; thence run South 00 degrees 38 minutes 23 seconds East along said West right of way line of County Highway #98 for a distance of 183.23 feet to an existing concrete right of way marker (Sta. 23+50); thence run South 37 degrees 52 minutes 49 seconds West along a right of way widening for a distance of 32.67*

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feet to an existing concrete right of way marker (Sta. 23+25); thence run South 02 degrees 11 minutes 17 seconds East along the West right of way line of County highway #98 for a distance of 61.20 feet to an existing concrete right of way marker (Sta. 22+63.84); thence run South 41 degrees 36 minutes 30 seconds West along a right of way widening for a distance of 68.88 feet to an existing concrete right of way marker (Sta. 435+43.79) on the North right of way line of U.S. Highway #84; thence run South 86 degrees 39 minutes 11 seconds West along said North right of way line of U.S. Highway #84 for a distance of 356.11 feet to an existing concrete right of way marker (Sta. 432+00.00); thence continue along the North right of way line South 87 degrees 11 minutes 01 second West for distance of 179.22 feet to a set ½" rebar with cap (BLS-CA673LS); thence continue along said North right of way line of U.S. Highway #84 South 87 degrees 11 minutes 01 second West for a distance of 176.15 feet to an existing concrete right of way marker (Sta. 428+50); thence continue along said North right of way line South 82 degrees 15 minutes 20 seconds West for a distance of 52.75 feet to an existing 5/8" rebar on the East line of an Alabama Electric Cooperative Transmission Line easement; thence run North 28 degrees 59 minutes 06 seconds West along the East line of said Transmission Line easement for a distance of 410.53 feet to a set ½" rebar with cap (BLS-CA673LS); thence run North 89 degrees 33 minutes 15 seconds East for a distance of 1023.09 feet to the point of beginning. Said parcel lying in and being a part of the Northeast Quarter of the Northeast Quarter of Section 15, Township 4 North, Range 16 East, Covington County, Alabama and containing 7.16 acres, more or less.

Parcel III

Commence at a nail found in the pavement of Covington County Road #98. Said nail being the Southeast Corner of Section 10, Township 4 North, Range 16 East, run thence North for 710.22 feet to a point, run thence West for 45.57 feet to an iron found on the Western right of way of said County Road #98, thence leaving said right of way, S89°3'15" W for 800.00 feet to an iron set, said iron being the Point of Beginning of the parcel herein described, run thence S00°38'23"E for 150.00 feet to an iron set, run thence N89° 33'15"E for 800.00 feet to an iron set on Western R/W of County Road #98, with said R/W, run thence S00° 38' 23"E for 599.58 feet to an iron set on said right of way, thence leaving said right of way S89°30' 15" West for 1023.9 feet to an iron set on the Eastern R/W of an Alabama Electric Cooperative transmission line easement, run thence with said Eastern line of said easement, N28°06'15"W for 845.26 feet to an iron found, run thence N89°33'15"E for 613.38 feet to the point and place of beginning. Said parcel being in the Southeast Quarter, Section 10, and the NE ¼ of Section 15, Township 4 North, Range 16 East, Covington County, Alabama, and containing 18.21 acres, more or less.

**Section 3.** That the Zoning Ordinance of the City of Andalusia, Alabama, as adopted on February 18, 1998 and the Zoning Map adopted as a part of such Ordinance, be and the same hereby is amended to include the above-described territory and shall be zoned as B-3 - General Commercial District.

**Section 4.** This ordinance shall be published as provided by law, and a certified copy of same, together with a certified copy of the petition of the property owners, shall be filed with the Probate Judge of Covington County, Alabama.

**Section 5.** The territory described in this ordinance shall become a part of the corporate limits of Andalusia, Alabama, upon publication of this ordinance as set forth in Section 3, above.

**ADOPTED AND APPROVED** this 12<sup>th</sup> day of September, 2006.

**THE CITY OF ANDALUSIA, ALABAMA**

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

**ATTEST:**

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

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Councilman Anderson moved to suspend all rules that would prevent the council from giving its immediate consideration to Ordinance No. 2006 - 06. Councilman Powell seconded the motion which passed unanimously. Councilman Anderson moved to adopt Ordinance No. 2006 - 06. Councilman Powell seconded the motion which passed unanimously.

**COUNCIL REJECTS SECURITY SYSTEM BIDS:**

Mayor Andrews announced that there were some discrepancies in bids received for a surveillance system for the square and he recommended that the council reject all bids so that the project could be re-bid. Councilman Cotton moved to reject all bids. Councilman Alexander seconded the motion which passed unanimously.

**MAYOR UPDATES COUNCIL ON SAEHAESUNG:**

Mayor Andrews informed the council that SaeHaeSung is quickly running out of space in their plant facilities and that he is working to find a solution to the problem. He added that he hoped to bring a suggestion to the council soon.

**MAYOR PRESENTS FY 2007 BUDGET FOR CONSIDERATION:**

Mayor Andrews presented the council with the FY 2007 Budget, added that there may be further budget meetings if necessary before the council considered the budget at the next meeting.

**COUNCIL APPROVES PURCHASE OF POLICE CARS:**

Mayor Andrews reported that Andalusia Police Chief Wilbur Williams had found two vehicles to purchase for his department. Councilman Powell moved to purchase the vehicles from the City of Florala for \$7,000 each for the Andalusia Police Department with funds from the Special Operations account and contingency. Councilman Jones seconded the motion which passed unanimously.

**ANNOUNCEMENTS:**

Mayor Andrews remembered long-time Andalusia resident and youth sports activist Chick Earle who passed away recently.

**ADJOURNMENT:**

With no further business Mayor Andrews adjourned the meeting.

**THE CITY OF ANDALUSIA, ALABAMA**

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

**ATTEST:**

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