

**PAGE ONE**

**STATE OF ALABAMA  
COUNTY OF COVINGTON**

**ANDALUSIA, ALABAMA  
AUGUST 21, 2007**

**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 in room 340 at city hall for a work session for the purpose of planning and finalizing the agenda. Gail Trant of the Covington County Economic Development Commission addressed the council about the Wiregrass Incubator Alliance Project.

**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 Anderson led the invocation and the Pledge of Allegiance to the flag.

**APPROVAL OF MINUTES:**

Mayor Andrews presented the minutes from the August 7, 2007, regular meeting to the council for its consideration. Councilman Powell moved to approve the minutes. Councilman Anderson seconded the motion which passed unanimously.

**PAGE TWO**

**MAYOR PRESENTS A CERTIFICATE OF COMMENDATION TO THE ANDALUSIA STINGRAYS SWIM TEAM:**

Mayor Andrews presented a Certificate of Commendation to the members of the Andalusia Stingrays Swim Team for their accomplishments during the last season. Coach Barbara Peek accepted on behalf of the team and praised the swimmers for their hard work and determination and thanked Mayor Andrews and the council for recognizing them.

**COUNCIL APPORVES REQUEST FROM COVINGTON COUNTY ECONOMIC DEVELOPMENT COMMISSION TO SUPPORT THE WIREGRASS INCUBATOR ALLIANCE PROJECT:**

Mayor Andrews presented a request from the Covington County Economic Development Commission to support the Wiregrass Incubator Alliance Project. Councilman Jones moved to appropriate \$766 from contingency for the project. Councilman Powell seconded the motion which passed unanimously.

**COUNCIL APPROVES AN ENGAGEMENT LETTER FROM RABREN & ODOM, P.C., FOR ANNUAL AUDIT:**

Mayor Andrews presented an engagement letter from Rabren & Odom, P.C., including terms and procedures for an annual audit. Councilman Cotton moved to approve the letter. Councilman Alexander seconded the motion which passed unanimously.

**COUNCIL APPROVES A BILLBOARD LEASE AGREEMENT BETWEEN THE CITY OF ANDALUSIA AND BBS GROUP:**

Mayor Andrews presented a billboard lease agreement between the City of Andalusia and BBS Group. Councilman Powell moved to approve the agreement. Councilman Alexander seconded the motion which passed unanimously.

**COUNCIL APPROVES PAYMENT OF DMD ENGINEERS INVOICE NO. 6 FOR THE INDUSTRIAL ACCESS ROAD PROJECT:**

Mayor Andrews presented DMD Engineers Invoice No. 6 for the Industrial Access Road Project. Councilman Alexander moved to appropriate \$7,860 from contingency to cover the invoice. Councilman Anderson seconded the motion. Mayor Andrews called for a vote which produced the following results:

Yes:	No:	Abstained:
Mayor Andrews		Councilman Cotton
Councilman Anderson		
Councilman Jones		
Councilman Alexander		
Councilman Powell		

**PAGE THREE**

**COUNCIL APPROVES PAYMENT OF CDG ENGINEERS INVOICE NO. 10 FOR THE DOWNTOWN SIDEWALK IMPROVEMENT PROJECT:**

Mayor Andrews presented CDG Engineers Invoice No. 10 for the Downtown Sidewalk Improvement Project. Councilman Anderson moved to appropriate \$8000.01 from contingency to cover the invoice. Councilman Jones seconded the motion which passed unanimously.

**COUNCIL APPROVES ANDALUSIA CITY SCHOOL BOARD'S REQUEST TO PROVIDE AN ENVIRONMENTAL EDUCATIONAL PROGRAM TO ANDALUSIA ELEMENTARY SCHOOL FIFTH GRADERS:**

Mayor Andrews presented a request from the Andalusia City School Board to provide an environmental educational program to Andalusia Elementary School fifth graders. Councilman Cotton moved to appropriate \$450 from contingency to fund the program. Councilman Jones seconded the motion which passed unanimously.

**COUNCIL TAKES NO ACTION CONCERNING A COST OF LIVING ADJUSTMENT FOR EMPLOYEES:**

Mayor Andrews announced that the council discussed HR2007-001, concerning a cost of living adjustment for employees during the work session, and that no action would be taken at the present time.

**COUNCIL ADOPTS RESOLUTION NO. 2007 – 26, AMENDING THE CITY OF ANDALUSIA'S ADMINISTRATIVE POLICY NO. 14, INTERNET – COMPUTER USAGE POLICY AND GUIDELINES:**

Mayor Andrews presented Human Resources Request No. HR2007-012 and Resolution 2007 – 26, amending the City of Andalusia's Administrative Policy No. 14, Internet – Computer Usage Policy and Guidelines, and to assimilate it into the Policies and Procedures.

**PAGE FOUR**

**CITY OF ANDALUSIA  
ANDALUSIA, ALABAMA**

**RESOLUTION NO. 2007- 26**

**A RESOLUTION TO AMEND THE PERSONNEL POLICIES AND PROCEDURES  
AND ADMINISTRATIVE POLICIES**

**WHEREAS**, the City Council of the City of Andalusia, Alabama, established personnel policies and procedures and administrative policies through the development of the PERSONNEL POLICIES AND PROCEDURES AND ADMINISTRATIVE POLICIES; and

**WHEREAS**, it is necessary to update the City's policies and procedures from time to time;

**NOW, THEREFORE, BE IT RESOLVED** by the City Council of the City of Andalusia that **Administrative Policy #14 - Internet - Computer Usage Policy** of the Personnel Policies and Procedures and Administrative Policies that were previously adopted on the 15<sup>th</sup> day of August, 2006, be amended and revised from an Administrative Policy to Personnel Policy and Procedure Section 13 as follows:

**CITY OF ANDALUSIA, ALABAMA**

**PERSONNEL POLICIES AND PROCEDURES**

**SECTION 13**

**INTERNET - COMPUTER USAGE POLICY AND GUIDELINES**

**SECTION 1. GENERAL POLICY**

The communications systems of the City of Andalusia are intended to be used for business purposes. The use of the City's information system - Internet and computers - can provide significant benefit to the City and its citizens.

However, there are also legal, security and productivity matters related to how the Internet and computers are used,

**PAGE FIVE**

therefore a need exists for a usage policy to address these issues.

When using the City of Andalusia's information system, it is the responsibility of each user to portray a positive image of the City.

The only exception to this policy will be for a criminal investigation by law enforcement officials authorized by the Chief of Police.

**SECTION 2. OWNERSHIP**

All Communications over online systems are the property of the City of Andalusia. All messages, information, files, etc. that are created, sent or retrieved on the City's information systems, including the City of Andalusia's link to the Internet, is the property of the City of Andalusia. All electronic resources, including computer applications, programs, software, hardware devices, the Internet, network systems, and work-related information created or stored by employees on the City of Andalusia's information systems, are the property of the City of Andalusia.

All software acquired for, or on behalf of the City of Andalusia or developed by City of Andalusia employees or contract personnel on behalf of the City of Andalusia, are, and shall be deemed City of Andalusia property.

**SECTION 3. COMMUNICATIONS OF CORE VALUES**

Because much of the information on the Internet is public, the City of Andalusia may be held accountable for abusive, inappropriate, unethical behavior of employees accessing the Internet from the City of Andalusia's facilities. It is imperative that employees maintain the clarity, consistency and integrity of the City of Andalusia's image and posture.

**SECTION 4. MAINTAINING A HOSPITABLE ENVIRONMENT**

To insure that the City of Andalusia's information systems are productive, the transmittal, receipt, access, retrieval or storage of information that is discriminatory, profane, harassing, obscene, pornographic or X-rated, is not permitted.

The use of the City of Andalusia's systems for personal gain or any other purpose which is illegal or against the City of

**PAGE SIX**

Andalusia's policy, or contrary to the City of Andalusia's best interest is strictly prohibited.

**SECTION 5. SECURITY**

The Information Technology Department has installed a variety of systems to assure the safety and security of the City of Andalusia's information system. Any employee who attempts to disable, defeat or circumvent any City security facility, or otherwise cause damage will be subject to disciplinary action.

**SECTION 6. RIGHT OF CITY OF ANDALUSIA TO MONITOR**

The City of Andalusia reserves the right to monitor Internet use, all e-mail and other computer transmissions, as well as any stored information, created or received by City employees as part of the City of Andalusia's information system. There is no expectation of privacy in the use of the Internet and e-mail.

All City of Andalusia employees are hereby notified that the City of Andalusia monitors the Web sites visited by employees for the purpose of ascertaining compliance with this policy, The Information Technology Director will periodically furnish each Department Head with a list of Web sites visited by each employee within the specific department.

All e-mails are monitored to determine if they may contain computer viruses or other malicious attachments. E-mails may also be monitored to assure that they do not contain improper content, such as sexual references, chain letters, or other prohibited matter. This monitoring may occur electronically, without specific notice, to the employee who sends or receives the e-mail.

**SECTION 7. ACKNOWLEDGING AND UNDERSTANDING OF POLICIES AND GUIDELINES**

All departments and employees of the City of Andalusia are required to follow these general policies and guidelines set by the City of Andalusia.

Certain departments may have unique requirements for usage and must develop policies within the department to cover these issues. A copy of these departmental policies must be

**PAGE SEVEN**

filed with the Information Technology Department and in the Mayor's office.

New employees who will have Internet and/or e-mail privileges as a part of their jobs will be given a copy of the policies and guidelines and any changes or updates concerning the use of the City of Andalusia's information systems at their new employee orientation.

All existing employees with these privileges will be given a copy of the policies and guidelines and any changes and updates concerning the use of the City of Andalusia's information system.

It is the responsibility of the Department Head, to make sure that personnel in the specific department have orientation concerning these policies and guidelines.

Each employee with access to the City of Andalusia's information systems must sign an affidavit of understanding of these policies and guidelines. A copy of this signed affidavit will be kept in the employee's permanent personnel file. By using the City of Andalusia's hardware, software, Internet access and network systems, employees assume personal responsibility for their appropriate use and agree to comply with this policy and other applicable City of Andalusia policies, as well as city, state and federal laws and regulations.

**SECTION 8. AUTHORIZATION TO USE INFORMATION SYSTEMS**

Authorization for use of the City of Andalusia's information systems by an employee must be granted by the employee's Department Head.

Individuals who are not employees of the City of Andalusia are not allowed use of the City's information system, unless specific authorization is given by the Department Head on a case by case basis.

**SECTION 9. PASSWORDS AND ACCOUNTS**

Sharing passwords with unauthorized users is strictly prohibited.

## **PAGE EIGHT**

The Information Technology Department will reset passwords in case of an emergency.

Employees are prohibited from using an account assigned to another user.

### **SECTION 10. E-MAIL, INTERNET AND NETWORK USAGE**

E-mail communications are not secure and should never be used to transmit private, confidential, or privileged information. E-mail messages can be accidentally or intentionally diverted, intercepted, lost or deleted without being read by the intended recipient, and consequently, important communications should be made through more conventional means.

E-mail may not be used to convey messages that contain any of the following comments that improperly belittles any person or any race, religion, gender, sexual orientation, national origin, or other similar characters, sexual references of content, harassing communications, chain letters, threats, slander, or a communication that is prohibited by any separate City of Andalusia policy, or by any local, state or federal law.

E-mail is to be used primarily for communications that are related to City of Andalusia business. Use of the World Wide Web or any other Internet resources during work hours may be used only for creating, researching and processing City of Andalusia work-related materials unless brief personal use is permitted by employee's Department Head.

Brief personal e-mail messages will be allowed, subject to the same standards of telephone usage. Any excessive number or lengthy personal communications are prohibited.

City of Andalusia employees must never send, post or provide access to any confidential City materials or information.

City of Andalusia employees are prohibited from representing themselves as someone else.

**PAGE NINE**

Anonymous messages are prohibited. No e-mail message must be transmitted without the employee's identity. The e-mail must include the sender's full name, address and telephone numbers for identification and contact.

City employees must use accepted e-mail etiquette and style appropriate for business. No scripture, quotes, fancy signatures with movement, or the like, should be used in the message.

Chain letters may not be transmitted through City e-mail.

Web-based e-mail, instant messaging, downloads or live broadcasts of entertainment, music, movies, images and the like, are not allowed. (Examples include "@yahoo.com" and "@aol.com")

The use of Internet Peer-to-Peer file-sharing programs is strictly prohibited for all departments except Leisure Services, who subscribes due to the need for music at various recreational events.

This includes such programs as "Kazaa" and "Napster".

Visiting chat rooms, participating in any bulletin board or auction postings, or the like, is not allowed on City of Andalusia equipment.

The playing of games on City of Andalusia computers is prohibited unless approved by the employee's Department Head and Information Technology Director. Once approval has been granted, a written list must be submitted to the Information Technology Department stating the names of employees who have been given this permission.

Employees are not permitted to download or copy software programs via the City Internet or by any other means. If there is an explicit business-related use for the material and this material is approved by the Department Head and/or Information Technology Department, the download will be done by the Information Technology Department.

No City of Andalusia employee may use the Internet or any City-owned computer network to access other computers,

**PAGE TEN**

programs, computer files, computer folders, or other electronic resources unless the employee has proper authorization for such access.

Neither the City of Andalusia web site nor any of its other information systems may be used for political campaigns.

Non-employees of the City of Andalusia are prohibited from using the City's information system without express approval of the Department Head.

**SECTION 11. SOFTWARE**

All software which is under the ownership of the City of Andalusia must be used in compliance with applicable licenses, notices, contracts and agreements.

All software installations and upgrades must be done by the Information Technology Department.

**SECTION 12. SOFTWARE PURCHASES**

All purchasing of City of Andalusia software shall be centralized with the Information Technology Director to ensure that all applications conform to City software standards and are purchased at the best possible price. Each Department Head will discuss with the Information Technology Director anticipated software needs in order to meet this requirement.

Certain departments may require specific software to perform duties with the City of Andalusia. A written or oral request containing the Department Head's approval and general information for such software must be made to the Information Technology Director whose responsibility is to handle this request expeditiously.

Requests for other software purchases must be given to the Information Technology Director by the Department Head. The purchase of such software will be approved mutually by the Information Technology Director and Department Head in order to best accommodate the desired request.

The Information Technology Department will purchase any and all software that will be used on any equipment owned by the City of Andalusia.

## **PAGE ELEVEN**

### **SECTION 13. SOFTWARE LICENSING**

All software will be installed on City of Andalusia computers by the Information Technology Department or in their presence. The Information Technology Department will be responsible for keeping all software licenses and installation hardware on file.

### **SECTION 14. SOFTWARE DOWNLOADS**

Although the Internet offers many opportunities to download "free" software, such downloads and subsequent installation of this software will be considered a violation of this policy unless the software in question is approved by the Information Technology Director.

### **SECTION 15. HARDWARE**

All hardware devices deemed to be the property of the City of Andalusia must be used in compliance with applicable licenses, notices, contracts and agreements. All modifications, alterations or upgrades to any hardware must be done by the Information Technology Department.

### **SECTION 16. HARDWARE PURCHASES**

Each Department Head or appointed designee will discuss with the Information Technology Director anticipated hardware needs for the coming fiscal year and whenever a need for new hardware arises.

All purchasing of City of Andalusia computer hardware devices shall be centralized with the Information Technology Department to ensure that all equipment conforms to City hardware standards and is purchased at the best possible price.

Certain departments may require specific hardware to perform their duties for the City of Andalusia. A request for such hardware must be made to the Information Technology Director. It is then the responsibility of the Information Technology Department to handle this request expeditiously.

### **SECTION 17. OUTSIDE EQUIPMENT**

No outside equipment or networks may be connected, or accessed in any way, into the City of Andalusia's network without written permission of the Information Technology Director.

## PAGE TWELVE

### **SECTION 18. CITY WEB SITE**

It is the responsibility of each department to periodically review the City of Andalusia's web site for accuracy and timeliness of information.

Only authorized persons within a department are allowed to make changes to the content of the City's web site. A list of such authorized persons must be presented to the Information Technology Director, who will provide training for such. This list must be kept updated and on file in the Information Technology Department.

### **SECTION 19. VERIFICATION OF COMPLIANCE**

The Information Technology Director, without notice, will investigate to determine if employees are in compliance with the City of Andalusia Internet and Computer Usage Policies at any given time during a calendar year. Those found to be non-compliant, shall be written up with all infractions listed. This information shall be turned over to the Department Head, Mayor and Human Resources Department.

### **SECTION 20. VIOLATIONS AND PENALTIES**

Penalties for violating the City of Andalusia's Internet and Computer Usage Policy will vary, depending on the nature and severity of the specific violation.

Any employee who violates the policy may be subject to:

1. Disciplinary action including, but not limited to counseling, reprimand, suspension, and/or termination of employment.
2. Possible civil or criminal prosecution under state and/or federal law. All suspected violations of state and/or federal law shall be referred to the appropriate authorities for investigation and prosecution.
3. Denial of access to City of Andalusia computers and/or the City's computer network.

### **SECTION 21. ACKNOWLEDGMENT OF POLICY BY EMPLOYEE**

No employee shall be allowed to utilize City of Andalusia computer and Internet resources unless the employee executes

**PAGE THIRTEEN**

an acknowledgement form to be supplied by the Department of Human Resources that states that the employee understands, and will abide by this policy.

The acknowledgement form will include as attachments a copy of the ordinance, as well as any policies that the City of Andalusia and/or its employees are required to know in order to maintain Internet access.

**BE IT FURTHER RESOLVED** that this resolution shall be effective for all changes beginning August 21, 2007, and in all other respects, the Personnel Policies and Procedures and Administrative Policies, as previously adopted, shall remain in full force and effect.

**ADOPTED AND APPROVED** this \_\_\_\_ day of \_\_\_\_\_, 2007.

**THE CITY OF ANDALUSIA, ALABAMA**

**BY:** \_\_\_\_\_

**Jerry B. Andrews, Mayor**

**ATTEST:**

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

Councilman Powell moved to approve Resolution No. 2007 – 26. Councilman Alexander seconded the motion which passed unanimously.

**COUNCIL APPROVES A MEMORANDUM OF UNDERSTANDING BETWEEN THE CITY OF ANDALUSIA AND PINNACLE PLACE, LLC.:**

Mayor Andrews presented a Memorandum of Understanding between the City of Andalusia and Pinnacle Place, LLC.

**PAGE FOURTEEN**

**Memorandum of Understanding**

**Between: City of Andalusia and Pinnacle Place, LLC**

**Whereas**, Pinnacle Place, LLC, intends to petition the City for an Improvement District comprised of the land located on Debro Hill which will include Phases I, II, & III of the project (apartments, retail & residential); and

**Whereas**, the proposed District will ask for the City to rebate the City's portion of ad valorem taxes as permitted by law on improvements within the District property; and

**Whereas**, the proposed District will also ask for a rebate of 1% of the 2% sales taxes generated within the District; and

**Whereas**, the proposed District intends to apply for a bank qualified tax exempt loan in the approximate amount of \$2,000,000.00 to be used for infrastructure improvements within the District; and

**Whereas**, the proposed District intends to ask for the waiver of all City fees and licenses; and

**Whereas**, the parties intend the District to remain in existence for a maximum of 20 years unless extended as allowed by law;

**Therefore**, based on the above and foregoing, the City and Pinnacle Place, LLC, agree to proceed as outlined upon receipt and approval of a mutually agreed upon petition.

City of Andalusia

Pinnacle Place, LLC

\_\_\_\_\_  
Its Mayor

\_\_\_\_\_  
Its

Councilman Cotton moved to approve the memorandum of understanding.  
Councilman Jones seconded the motion which passed unanimously.

**PAGE FIFTEEN**

**COUNCIL APPROVES APPLICATION FOR EASEMENT ON RAILROAD PROPERTY WITH OMEGA RAIL MANAGEMENT:**

Mayor Andrews presented an application for an easement on railroad property with Omega Rail Management. Councilman Alexander moved to approve the application and to appropriate \$500 from contingency for fees. Councilman Anderson seconded the motion which passed unanimously.

**COUNCIL APPROVES PAYMENT OF CDG ENGINEERS INVOICES NO. 11 AND NO. 12 FOR THE CHURCH STREET SIDEWALK IMPROVEMENT PROJECT:**

Mayor Andrews presented CDG Engineers Invoice No's. 11 and 12 for \$8,200 each for the Church Street Sidewalk Improvement Project. Councilman Powell moved to appropriate \$16,400 from contingency to cover the invoices. Councilman Alexander seconded the motion which passed unanimously.

**COUNCIL APPROVES PAYMENT OF CDG ENGINEERS INVOICE NO. 1 FOR THE RIVER FALLS STREET PROJECT:**

Mayor Andrews presented CDG Engineers Invoice No. 1 for \$5,852.50 for the River Falls Street Project. Councilman Alexander moved to appropriate \$5,852.50 from contingency to cover the invoice. Councilman Powell seconded the motion which passed unanimously.

**ANNOUNCEMENTS:**

1. Mayor Andrews announced that a recent city sponsored field trip for Andalusia High School students to Ozark and the Andalusia – Opp Airport for the purpose of educating the students about the aviation dual enrollment program has yielded results. He explained that 50% of the students currently enrolled in the program were from Andalusia High School.
2. Mayor Andrews announced that the Babe Ruth World Series was a great success and he recognized the tremendous contribution of the volunteers that have given so much of their time. He added that he and the council would present a Certificate of Commendation to the volunteers during the game after the council meeting.
3. Councilman Jones announced a District Two Meeting in the auditorium at City Hall at 6:00 p.m. on September 25, 2007.

**PAGE SIXTEEN**

**ADJOURNMENT:**

There being no further business Mayor Andrews called the meeting adjourned.

**THE CITY OF ANDALUSIA, ALABAMA**

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

**ATTEST:**

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