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**STATE OF ALABAMA  
COUNTY OF COVINGTON**

**ANDALUSIA, ALABAMA  
FEBRAURY 5, 2008**

**REGULAR WORK SESSION MEETING**

**PRESENT:**

Jerry B. Andrews, Mayor  
Bridges D. Anderson, Councilman  
Michael L. Jones, Jr., Councilman  
Andy Alexander, Councilman  
Don Cotton, Councilman  
Tom Albritton, City Attorney

**ABSENT:**

Terry Powell, Councilman

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. Mark Murphy, Chairman of the Downtown Redevelopment Authority, reported to the council about current projects of the authority, and Darrell Myer and Tim Ramsden outlined a proposal to the council concerning River Falls Street.

**REGULAR COUNCIL MEETING**

**PRESENT:**

Jerry B. Andrews, Mayor  
Bridges D. Anderson, Councilman  
Michael L. Jones, Jr., Councilman  
Andy Alexander, Councilman  
Don Cotton, Councilman  
Tom Albritton, City Attorney

**ABSENT:**

Terry Powell, Councilman

Mayor Andrews called the meeting to order and welcomed all. Mayor Andrews led the prayer and Pledge of Allegiance to the flag.

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**APPROVAL OF MINUTES:**

Mayor Andrews presented the minutes from the January 15, 2008, regular meeting, and the January 17, 2008, special meeting to the council for its consideration. Councilman Jones moved to approve the minutes. Councilman Cotton seconded the motion which passed unanimously.

**COUNCIL APPROVES MURAL CONTRACTS:**

Mayor Andrews presented contracts for property owners for the Downtown Mural Project. Councilman Jones moved to approve two versions of the property owner's contract. Councilman Cotton seconded the motion which passed unanimously. Mayor Andrews presented a contract for the artist and a concept for the first mural to be placed on the Williams Building. Councilman Cotton moved to approve the contract, concept and to appropriate \$9740 from contingency to complete the project. Councilman Alexander seconded the motion, which passed unanimously.

**COUNCIL APPROVES RESOLUTION NO. 2008-01:**

Mayor Andrews presented Resolution No. 2008 – 01 to the council for its consideration.

**RESOLUTION NO. 2008 - 01**

**A RESOLUTION AUTHORIZING THE MAYOR TO SIGN A CONTRACT WITH  
THE STATE OF ALABAMA FOR THE ANDALUSIA INDUSTRIAL PARK  
ACCESS ROAD PROJECT**

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

1. That the City enters into a Supplemental Agreement Number 1 with the State of Alabama, acting by and through the Alabama Department of Transportation for amending an Agreement dated March 29, 2007, for:

Preliminary Engineering, Right-of-Way Acquisition, and Construction Agreement Project

IAR-020-000-004 And Project Reference Number 100050006 to construct an access road beginning at the intersection of Alabama Highway 29 and Goat Hill Road and ending at the intersection of the existing Andalusia

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Industrial Park entrance of Sutton Road; Phase 2 will extend Progress Drive and to resurface the existing paved road to benefit PSI Sales, Inc., SaeHaeSung Corporation, and Ameridoor Corporation, City of Andalusia C/D Landfill and Recycling and King Buildings in the City of Andalusia; which Supplemental Agreement is before the council.

2. That the Agreement be executed in the name of the City, by its Mayor for and on its behalf;
3. That the Agreement be attested by the City Clerk and the seal of the City affixed thereto.

**BE IT FURTHER RESOLVED**, that upon the completion of the execution of the Agreement by all parties, that a copy of such Supplemental Agreement be kept on file by the City Clerk.

**ADOPTED AND APPROVED** this 5<sup>th</sup> day of February, 2008.

**ALABAMA**

**THE CITY OF ANDALUSIA,**

**BY:**

**Jerry B. Andrews, Mayor**

**ATTEST:**

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

I, the undersigned qualified and acting clerk of the City of Andalusia, Alabama, do hereby certify that the above and foregoing is a true copy of a resolution passed and adopted by the City Council of the City named therein, at a regular meeting of such Council held on the 5<sup>th</sup> day of February, 2008, and that such resolution is on file in the City Clerk's office.

**IN WITNESS WHEREOF**, I have hereunto set my hand and affixed the official seal of the City on this 5<sup>th</sup> day of February, 2008.

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**City Clerk**

Councilman Anderson moved to approve Resolution No. 2008 – 01. Councilman Alexander seconded the motion which passed unanimously.

**MAYOR PRESENTS ORDINANCE NOS. 2008-01 AND 2008-02:**

Mayor Andrews presented Ordinance Nos. 2008 – 01 and 2008 – 02 to the council for a first reading.

**ORDINANCE NO. 2008 - 01**

**AN ORDINANCE AMENDING THE VICIOUS DOG ORDINANCE**

**BE IT ORDAINED** by the City Council of the City of Andalusia, Alabama, as follows:

That Section 4 - 9 of the Code of Andalusia be Amended as follows:

- (a) Any domestic animal known to have bitten or otherwise attacked a person shall be known as a vicious or dangerous animal and upon notice in writing from the animal control officer to the owner, keeper or person normally having custody of such animal, that such animal has bitten or otherwise attacked a person, the animal shall thenceforth be continuously confined in a safe place, or destroyed or removed from the city. If such animal should thereafter be found running at large, the owner, keeper or other person responsible for such animal who has received such notice shall, upon conviction, be fined as provided in section 1-8.
- (b) Upon receiving an allegation that a domestic animal has bitten or otherwise attacked a person, the animal control officer or other responsible official shall contact the complaining party to obtain the details of the incident. After collecting the relevant information, the officer shall complete and serve written notice upon the owner, keeper, or person normally having custody of the animal that the animal has been determined to be a vicious animal pursuant to this section.
- (c) The recipient of the above notice shall have ten (10) days from the date of receipt of written notice of a vicious animal to file an appeal of the vicious-animal determination. The appeal must be in writing and delivered to the magistrate for the Municipal Court of the City of Andalusia, Alabama. The magistrate shall immediately docket the case on the next readily available court session and notify the recipient/appealing party and the officer who issued the written notice.

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(d) The Municipal Court Judge shall hold a hearing to determine if the animal should be designated as a vicious or dangerous animal. The rules applicable to criminal pre-trial hearings shall govern the proceedings. The burden shall be on the City to prove the animal is vicious or dangerous as alleged. The standard of proof shall be “a preponderance of the evidence.” The City shall not be limited to the evidence of the incident or incidents contained in the written notice in proving its case. The Municipal Judge’s ruling on this matter shall be final. If the animal is found to be a vicious or dangerous animal, the Court may assess court costs of up to \$100.00 to the person bringing the appeal.

**BE IT FURTHER ORDAINED THAT** in all other respects that the Code of Andalusia, as previously adopted, shall remain in full force and effect and that this amendment shall become effective upon publication as required by law.

**ADOPTED AND APPROVED** this 5<sup>th</sup> day of February, 2008.

**THE CITY OF ANDALUSIA, ALABAMA**

ATTEST:

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

\_\_\_\_\_  
John M. Thompson, City Clerk – Treasurer

**ORDINANCE NO. 2008 - 02**

**AN ORDINANCE AMENDING THE DOGS RUNNING AT LARGE  
ORDINANCE**

**BE IT ORDAINED** by the City Council of the City of Andalusia, Alabama, as follows:

That Section 4 - 26 of the Code of Andalusia be Amended as follows:

Running at large of dogs in the city is prohibited. A dog is “at large” when it is not under restraint as defined in Sec. 4-1. of this chapter, except that a dog that remains exclusively on the private property of its owner, keeper, or person normally having custody of the dog shall not be considered “at large” within the meaning of this section. Police or official tracking dogs are exempt from the prohibition of this section.

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**BE IT FURTHER ORDAINED THAT** in all other respects that the Code of Andalusia, as previously adopted, shall remain in full force and effect and that this amendment shall become effective upon publication as required by law.

**ADOPTED AND APPROVED** this 5<sup>th</sup> day of February, 2008.

**THE CITY OF ANDALUSIA, ALABAMA**

ATTEST:

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

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John M. Thompson, City Clerk – Treasurer

**COUNCIL DECIDES TO DELAY ACTION ON RESOLUTION NO. 2008-02:**

Mayor Andrews presented Resolution No. 2008 – 02 and a contract with the Utilities Board of the City of Andalusia authorizing the 2008 Speculative Building Project. He added that during the work session the council decided to delay action on this item.

**MAYOR PRESENTS RESULTS FROM BID OPENING:**

Mayor Andrews presented the results from a bid opening for Police Department computers.

	Name	Comment	# of Units	Unit Price	Total Price
1	Multiwave	Did not comply with bid specs	10	1,104.00	11,040.00
2	Affiliated Computer Services	Dell OptiPlex 330	8	1,354.00	10,832.00
3	Affiliated Computer Services	Dell OptiPlex 330	2	1,583.00	3,166.00
4	Dell Marketing, L.P.	Dell OptiPlex 755	8	1,356.92	10,855.36
5	Dell Marketing, L.P.	Dell OptiPlex 755	2	1,629.51	3,259.02
6	Jackson Thornton Technologies, LLC	Did not comply with bid specs	8	1,441.34	11,530.72
7	Jackson Thornton Technologies, LLC	Did not comply with bid specs	2	1,564.63	3,129.26

Councilman Anderson moved to accept the bid from Dell Marketing, L.P. for \$14,114.38. Councilman Jones seconded the motion which passed unanimously.

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**ANNOUNCEMENTS:**

1. Mayor Andrews announced that there were two vacancies on the Tourism and Relocation Committee.
2. Mayor Andrews appointed City Clerk – Treasurer, John Thompson, to serve Ronnie Pate’s unexpired term as the City Official on the Planning Commission.
3. Mayor Andrews announced that during the work session the council received a report from the Downtown Redevelopment Authority Chairman, Mark Murphy, and from consultants concerning River Falls Street.

**ADJOURNMENT:**

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

**THE CITY OF ANDALUSIA, ALABAMA**

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

**ATTEST:**

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