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**STATE OF ALABAMA
COUNTY OF COVINGTON**

**ANDALUSIA CITY HALL
ANDALUSIA, ALABAMA
NOVEMBER 4, 2008**

REGULAR COUNCIL MEETING

PRESENT:

Earl V. Johnson, Mayor
Will Sconiers, Councilmember
Kenneth C. Mount, Councilmember
Hazel Griffin, Councilmember
Jason Jewell, Councilmember
Terry Powell, Councilmember
Mark Christensen, City Attorney

ABSENT:

None

Mayor Johnson called the meeting to order and welcomed all. Mayor Johnson led prayer and pledge.

APPROVAL OF MINUTES:

Mayor Johnson presented the minutes from the November 3 2008, Organizational Meeting. Councilmember Powell moved to approve the minutes. Councilmember Mount seconded the motion which passed unanimously.

COUNCIL ADOPTS RESOLUTION NO. 2008 – 32, APPROVING THE 2009 BUDGET:

Mayor Johnson presented Resolution No. 2008 – 32, approving the 2009 Budget.

CITY OF ANDALUSIA
ANDALUSIA, ALABAMA

RESOLUTION NO. 2008 – 32

BE IT RESOLVED by the City Council of the City of Andalusia, Alabama, that the following budget be adopted:

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FY 2009 BUDGET

CITY OF ANDALUSIA FUNDS

TOTAL REVENUES AND CASH FROM ALL SOURCES	\$12,656,450
TOTAL OPERATING EXPENSES	\$11,335,625
TOTAL CAPITAL EXPENDITURES	\$ 24,000
CONTINGENCIES	\$ 1,265,645
TOTAL EXPENDITURES AND CONTINGENCIES	\$12,625,270
DIFFERENCE IN REVENUES AND EXPENDITURES	\$ 31,180

SPECIAL FUNDS

TOTAL REVENUES AND CASH FROM ALL SOURCES	\$ 587,600
TOTAL EXPENDITURES	\$ 587,600
EXCESS OF REVENUES OVER EXPENDITURES	\$ -0-

BE IT FURTHER RESOLVED that the following guidelines be adopted and implemented in accordance with budget expenditures made under the authority of this budget for FY 2009:

- 1) No vacant positions, including temporary, will be filled without approval of the Mayor.
- 2) Department Heads will approve overtime only when necessary.
- 3) The Treasurer is authorized and directed to pay all expenditures during the 2009 fiscal year.
- 4) Departmental expenditures must not exceed those authorized by this budget.

ADOPTED AND APPROVED this 4th day of November, 2008.

THE CITY OF ANDALUSIA, ALABAMA

By: _____
Earl V. Johnson, Mayor

ATTEST:

John M. Thompson, City Clerk – Treasurer

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Councilmember Powell moved to approve Resolution No. 2008- 32.
Councilmember Mount seconded the motion which passed unanimously.

**COUNCIL ADOPTS RESOLUTION NO. 2008 – 33, AUTHORIZING THE MAYOR
AND CITY CLERK TO SIGN LOAN DOCUMENTS NECESSARY TO
REFINANCE THE SNEAD – KENNEDY LOAN:**

Mayor Johnson presented Resolution No. 2008 - 33, approving the refinancing of the Snead – Kennedy Property.

**CITY OF ANDALUSIA
ANDALUSIA, ALABAMA**

RESOLUTION NO. 2008 – 33

**A RESOLUTION AUTHORIZING THE MAYOR AND CITY CLERK TO SIGN
LOAN DOCUMENTS NECESSARY TO REFINANCE THE SNEAD – KENNEDY
LOAN**

WHEREAS, the City Council of the City of Andalusia, Alabama has previously secured a loan to finance the purchase of the Snead – Kennedy Property; and

WHEREAS, the loan has a current balance of approximately \$353,000 and has reached maturity and must be refinanced; and

WHEREAS, the treasurer has contacted all local financial institutions and determined that Regions Bank has offered the best terms available,

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Andalusia, Alabama, that the Mayor and City Clerk be authorized to execute necessary loan documents in order to refinance the Snead – Kennedy Property with Regions Bank for five years at 5.49%.

ADOPTED AND APPROVED this 4th day of November, 2008.

THE CITY OF ANDALUSIA, ALABAMA

BY: _____
Earl V. Johnson, Mayor

ATTEST:

John M. Thompson, City Clerk – Treasurer

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Councilmember Jewell moved to approve Resolution No. 2008 – 33.
Councilmember Griffin seconded the motion which passed unanimously.

COUNCIL ADOPTS RESOLUTION NO. 2008 –34, AUTHORIZING MAYOR AND CITY CLERK TO SIGN LOAN DOCUMENTS NECESSARY TO REFINANCE THE BARROW’S LOAN:

Mayor Johnson presented Resolution No. 2008 – 34, approving the refinancing of the Barrow’s Fine Furniture Building.

**CITY OF ANDALUSIA
ANDALUSIA, ALABAMA**

RESOLUTION NO. 2008 – 34

A RESOLUTION AUTHORIZING THE MAYOR AND CITY CLERK TO SIGN LOAN DOCUMENTS NECESSARY TO REFINANCE THE BARROW’S LOAN

WHEREAS, the City Council of the City of Andalusia, Alabama has previously secured a loan to finance the purchase of the Barrow Fine Furniture Building, formally known as the Tracey – Lucky Building; and

WHEREAS, the loan has a current balance of approximately \$1,244,000 and has reached maturity and must be refinanced; and

WHEREAS, the treasurer has contacted all local financial institutions and determined that Wachovia Bank has offered the best terms available,

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Andalusia, Alabama, that the Mayor and City Clerk be authorized to execute necessary loan documents in order to refinance the Barrow Building with Wachovia Bank for one year at 5.31%.

ADOPTED AND APPROVED this 4th day of November, 2008.

THE CITY OF ANDALUSIA, ALABAMA

BY: _____
Earl V. Johnson, Mayor

ATTEST:

John M. Thompson, City Clerk – Treasurer

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Councilmember Sconiers moved to approve Resolution No. 2008 – 34.
Councilmember Powell seconded the motion which passed unanimously.

**COUNCIL ADOPTS RESOLUTION NO. 2008 - 35, AUTHORIZING CITY
OFFICIALS TO SIGN CHECKS:**

Mayor Johnson presented Resolution No. 2008 – 35, authorizing certain city officials to sign checks.

**CITY OF ANDALUSIA
ANDALUSIA, ALABAMA**

RESOLUTION NO. 2008 – 35

WHEREAS, the City of Andalusia has changed administrations effective November 3, 2008; and

WHEREAS, the newly elected officials must have constituted authority to sign checks, vouchers, and all other related documents and correspondence in the general course of their elected duties and responsibilities.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Andalusia, Alabama, that Earl V. Johnson, Mayor; Terry Powell, Mayor Pro Tem; John M. Thompson, City Clerk/Treasurer; and Jackie Williams, Assistant City Clerk, be hereby authorized to sign checks and other necessary documents and correspondence allowed by law as required for the general administration of the City of Andalusia.

ADOPTED AND APPROVED this 4th day of November, 2008.

THE CITY OF ANDALUSIA, ALABAMA

BY: _____
Earl V. Johnson, Mayor

ATTEST:

John M. Thompson, City Clerk – Treasurer

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Councilmember Griffin moved to approve Resolution No. 2008 – 35.
Councilmember Mount seconded the motion which passed unanimously.

**COUNCIL ADOPTS RESOLUTION NO. 2008 - 36, APPROVING A BID FOR A
GENERATOR FOR THE O'NEAL SEWAGE LIFT STATION:**

Mayor Johnson presented Resolution No. 2008 – 36, approving a bid for a generator for the O'Neal Sanitary Sewage Lift Station.

THE CITY OF ANDALUSIA
ANDALUSIA, ALABAMA

RESOLUTION NO. 2008 – 36

A RESOLUTION APROVING BIDS FOR AN EMERGENCY GENERATOR
FOR THE O'NEAL SANITARY SEWER LIFT STATION

**WHEREAS, the City of Andalusia plans to purchase an Emergency Standby
Generator for the O'Neal Sanitary Sewer Lift Station and**

**WHEREAS, the City of Andalusia, Andalusia, Alabama did legally advertise
the bid opening date of Thursday, October, 2008, 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.**

**NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of
Andalusia, that the contract for the Emergency Standby Generator for the O'Neal
Sanitary Sewage Lift Station be awarded to the low bidder for the**

Bid as follows:

ENERGY SYSTEMS SOUTHEAST, LLC
\$30,619.00

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Adopted and approved this 4TH day of November, 2008.

THE CITY OF ANDALUSIA, ALABAMA

John Thompson
City Clerk – Treasurer
City of Andalusia, Alabama

Earl. V. Johnson
Mayor
City of Andalusia, Alabama

Councilmember Mount moved to approve Resolution No. 2008 – 36.
Councilmember Sconiers seconded the motion which passed unanimously.

**COUNCIL ADOPTS RESOLUTION NO. 2008 – 37, DESIGNATING AN
ENGINEER FOR THE KIRKPATRICK PARK PROJECT:**

Mayor Johnson presented Resolution No. 2008 – 37, designating an engineer for the Kirkpartick Park Project.

**CITY OF ANDALUSIA
ANDALUSIA, ALABAMA**

RESOLUTION NO. 2008 – 37

WHEREAS, the City of Andalusia has been awarded a \$50,000 Land and Water Conservation Grant through the Alabama Department of Economic and Community Affairs to develop the Kirkpatrick Park; and

WHEREAS, it is necessary to designate an engineer to assist with the further development of the project; and

WHEREAS, Requests for Proposals for Engineering Services have been duly advertised, received and evaluated,

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Andalusia, Alabama, that Goodwyn, Mills and Cawood, be designated as Engineer for the Kirkpatrick Park Project.

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ADOPTED AND APPROVED this 4th day of November, 2008.

THE CITY OF ANDALUSIA, ALABAMA

BY: _____
Earl V. Johnson, Mayor

ATTEST:

John M. Thompson, City Clerk – Treasurer

Councilmember Sconiers moved to approve Resolution No. 2008 – 37.
Councilmember Mount seconded the motion which passed unanimously.

**COUNCIL ADOPTS ORDINANCE NO. 2008 – 06, ORGANIZING THE
ANDALUSIA MUNICIPAL COURT:**

Mayor Johnson presented Ordinance No. 2008 – 06, organizing the Andalusia
Municipal Court.

**THE CITY OF ANDALUSIA
ANDALUSIA, ALABAMA**

ORDINANCE NO. 2008 - 06

**AN ORDINANCE AMENDING COURT AND CRIMINAL PROCEDURE IN
THE CITY OF ANDALUSIA**

WHEREAS, the City of Andalusia has determined that the salary of the Presiding
Judge shall be set by the council and that additional personnel be appointed to insure the
efficient operation of the court;

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

1. That the salary of the presiding municipal judge be set at \$24,000 annually
and increased proportionally when all, or substantially all, municipal
employee's salaries are increased.

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2. That the mayor shall have the authority to appoint such other prosecutors and public defenders as may be necessary to insure the efficient operation of the municipal court and to set salaries of the same which will be increased when all, or substantially all, municipal employee's salaries are increased.
3. That the presiding judge be responsible for organizing the general operation of the court, including, but not limited to, setting the times and dates of court and to direct the court clerk and magistrate(s) in conjunction with the city clerk.

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 4th day of November, 2008.

THE CITY OF ANDALUSIA, ALABAMA

Earl V. Johnson, Mayor

ATTEST:

John M. Thompson, City Clerk – Treasurer

Councilmember Mount moved to suspend the rules in order to immediately consider Ordinance 2008 – 06. Councilmember Powell seconded the motion. City Clerk Thompson called the roll which produced the following results:

Yes:	No:	Abstained:
Councilmember Sconiers		
Councilmember Mount		
Councilmember Griffin		
Councilmember Jewell		
Councilmember Powell		
Mayor Johnson		

Mayor Johnson announced that there was unanimous consent to suspend the rules in order to immediately consider Ordinance 2008 – 06. Councilmember Jewell moved to

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approve Ordinance No. 2008 – 06. Councilmember Griffin seconded the motion which passed unanimously.

COUNCIL ADOPTS ORDINANCE NO. 2008 – 07, ESTABLISHING GARBAGE AND TRASH FEES:

Mayor Johnson presented Ordinance No. 2008 - 07, establishing garbage and trash fees.

**THE CITY OF ANDALUSIA
ANDALUSIA, ALABAMA**

ORDINANCE NO. 2008 - 07

**AN ORDINANCE AMENDING GARBAGE AND TRASH COLLECTION
AND LANDFILL FEES**

BE IT ORDAINED by the City Council of the City of Andalusia, Alabama, that Section 14 – 111, (e) (f) and (g), be amended immediately as follows:

(e) In order to provide for the health and welfare of the citizens of the city, there is hereby levied a service fee to defray the expense of collection, hauling, and disposal of garbage, trash, rubbish and other refuse within the residential areas, together with the costs and expenses incurred in the collection of fees provided for and the enforcement of this article in such areas as follows: Upon every person who is the occupant of a dwelling unit containing usual and ordinary kitchen facilities, other than apartments and multifamily dwellings classified as business establishments by section 14-110, defining "business establishment," and upon every person operating a business establishment as designated by the director of sanitation pursuant to subsection (c) of this section, fee as outlined per wheeled container per month per dwelling unit and business establishment:
Those customers residing on a city garbage pickup route, per month, per wheeled container . . . \$13.00

(f) In order to provide for the health and welfare of the citizens of the city, there is hereby levied a service fee to defray the expense of collection, hauling and disposal of garbage, trash, rubbish and other refuse within the areas of business establishments of the city, together with the costs and expenses incurred in the collection of fees provided for, and the enforcement of those provisions in such areas as follows: Upon every person operating a business establishment as defined in section 14-110 (except those designated for residential service pursuant to subsection (c) of this section or those utilizing another licensed commercial garbage pickup service), a service fee per month per business establishment to be determined per the following schedule:

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TABLE INSET:

Service	Monthly Fee
(1) For all establishments which require five (5) pickups per week	\$ 215.00
(2) For all establishments which require four (4) pickups per week	172.00
(3) For all establishments which require three (3) pickups per week	129.00
(4) For all establishments which require two (2) pickups per week	86.00
(5) For all establishments which require one (1) pickup per week	43.00

(6) Exceptions to this section shall be granted upon request and in accordance with Code of Ala. 1975, Section 22-27-3.

(g) Anyone desiring to use the construction/demolition (C/D) landfill for the purpose of dumping or disposing of refuse in accordance with the landfill permit shall:

(1) Make application for a permit to do so, which application shall be prepared by the director of sanitation and which shall require information regarding the nature, quantity and address of generation of the refuse; upon receipt of such application if the director of sanitation, or the director's designated agent, determines that such refuse may be dumped without detriment to the C/D Landfill or the city, dumping will be permitted. The following fees will apply to all refuse dumped:

a. One dollar and thirty cents (\$1.30) per hundred weight with a minimum charge of thirteen dollars (\$13.00). All weights will be rounded up to the next hundred-pound measure.

b. The dumping of automotive, truck or equipment tires is prohibited inside the city limits, either on private or public property. See section 14-126 herein.

c. There will be no charge required for refuse brought to the C/D Landfill furnished by the city for disposal by the person generating such refuse, provided such refuse in its entirety was generated from within the corporate limits, and such was generated by a subscriber to the city sanitation department collection services at the address for which garbage pickup fees are paid by the subscriber. Further, such free dumping will be allowed only for (pickup truck loads or smaller and will apply only to residential-type refuse and not to commercial or construction-type refuse or debris.

In order for subscribers to the city garbage service to dump free at the landfill as outlined above, they must present to the landfill personnel a current utility bill showing payment for city garbage services before dumping. Also, a current driver's license must be presented to identify that person as the citizen paying for the garbage service outlined on the utility bill presented to the landfill personnel.

(2) All persons desiring garbage, rubbish, and refuse collection, hauling, and disposal service from the sanitation department of the city shall make application therefor to the city clerk specifying the service required and agreeing to pay when due the proper charge for such service until the sanitation department has been notified to discontinue service. The application for service shall be in such form as may be prescribed by the city clerk. All existing subscribers are considered applicants.

(3) All persons desiring rubbish and refuse collection, hauling, and disposal service from the sanitation department for items such as tree limbs, trees, old appliances,

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or similar materials which are permitted to be hauled and disposed of under this section, shall pay the following fees for such services:

- a. On any special call for pickup service, per load . . . \$59.00
- b. For trash pickup in excess of one (1) load, when picked up on the normal trash pickup route, per load (with a minimum charge of \$29.50 for less than a full load) . . . 59.00
- c. It shall not be the city's responsibility to remove debris resulting from any type of contractor work on buildings nor from removal of trees.

BE IT FURTHER ORDAINED THAT effective October 1, 2010, that Section 14 – 111, (e) (f) and (g), be amended as follows:

(e) In order to provide for the health and welfare of the citizens of the city, there is hereby levied a service fee to defray the expense of collection, hauling, and disposal of garbage, trash, rubbish and other refuse within the residential areas, together with the costs and expenses incurred in the collection of fees provided for and the enforcement of this article in such areas as follows: Upon every person who is the occupant of a dwelling unit containing usual and ordinary kitchen facilities, other than apartments and multifamily dwellings classified as business establishments by section 14-110, defining "business establishment," and upon every person operating a business establishment as designated by the director of sanitation pursuant to subsection (c) of this section, fee as outlined per wheeled container per month per dwelling unit and business establishment:
Those customers residing on a city garbage pickup route, per month, per wheeled container . . . \$15.00

(f) In order to provide for the health and welfare of the citizens of the city, there is hereby levied a service fee to defray the expense of collection, hauling and disposal of garbage, trash, rubbish and other refuse within the areas of business establishments of the city, together with the costs and expenses incurred in the collection of fees provided for, and the enforcement of those provisions in such areas as follows: Upon every person operating a business establishment as defined in section 14-110 (except those designated for residential service pursuant to subsection (c) of this section or those utilizing another licensed commercial garbage pickup service), a service fee per month per business establishment to be determined per the following schedule:

TABLE INSET:

Service	Monthly Fee
(1) For all establishments which require five (5) pickups per week	\$ 247.00
(2) For all establishments which require four (4) pickups per week	198.00
(3) For all establishments which require three (3) pickups per week	149.00
(4) For all establishments which require two (2) pickups per week	99.00
(5) For all establishments which require one (1) pickup per week	50.00

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(6) Exceptions to this section shall be granted upon request and in accordance with Code of Ala. 1975, Section 22-27-3.

(g) Anyone desiring to use the construction/demolition (C/D) landfill for the purpose of dumping or disposing of refuse in accordance with the landfill permit shall:

(1) Make application for a permit to do so, which application shall be prepared by the director of sanitation and which shall require information regarding the nature, quantity and address of generation of the refuse; upon receipt of such application if the director of sanitation, or the director's designated agent, determines that such refuse may be dumped without detriment to the C/D Landfill or the city, dumping will be permitted. The following fees will apply to all refuse dumped:

a. One dollar and fifty cents (\$1.50) per hundred weight with a minimum charge of fifteen dollars (\$15.00). All weights will be rounded up to the next hundred-pound measure.

b. The dumping of automotive, truck or equipment tires is prohibited inside the city limits, either on private or public property. See section 14-126 herein.

c. There will be no charge required for refuse brought to the C/D Landfill furnished by the city for disposal by the person generating such refuse, provided such refuse in its entirety was generated from within the corporate limits, and such was generated by a subscriber to the city sanitation department collection services at the address for which garbage pickup fees are paid by the subscriber. Further, such free dumping will be allowed only for pickup truck loads or smaller and will apply only to residential-type refuse and not to commercial or construction-type refuse or debris.

In order for subscribers to the city garbage service to dump free at the landfill as outlined above, they must present to the landfill personnel a current utility bill showing payment for city garbage services before dumping. Also, a current driver's license must be presented to identify that person as the citizen paying for the garbage service outlined on the utility bill presented to the landfill personnel.

(2) All persons desiring garbage, rubbish, and refuse collection, hauling, and disposal service from the sanitation department of the city shall make application therefor to the city clerk specifying the service required and agreeing to pay when due the proper charge for such service until the sanitation department has been notified to discontinue service. The application for service shall be in such form as may be prescribed by the city clerk. All existing subscribers are considered applicants.

(3) All persons desiring rubbish and refuse collection, hauling, and disposal service from the sanitation department for items such as tree limbs, trees, old appliances, or similar materials which are permitted to be hauled and disposed of under this section, shall pay the following fees for such services:

a. On any special call for pickup service, per load . . . \$68.00

b. For trash pickup in excess of one (1) load, when picked up on the normal trash pickup route, per load (with a minimum charge of \$34.00 for less than a full load) . . . 68.00

c. It shall not be the city's responsibility to remove debris resulting from any type of contractor work on buildings nor from removal of trees.

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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 4th day of November, 2008.

THE CITY OF ANDALUSIA, ALABAMA

ATTEST:

Earl V. Johnson, Mayor

John M. Thompson, City Clerk – Treasurer

Councilmember Powell moved to suspend the rules in order to immediately consider Ordinance 2008 – 07. Councilmember Griffin seconded the motion. City Clerk Thompson called the roll which produced the following results:

Yes:	No:	Abstained:
Councilmember Sconiers		
Councilmember Mount		
Councilmember Griffin		
Councilmember Jewell		
Councilmember Powell		
Mayor Johnson		

Mayor Johnson announced that there was unanimous consent to suspend the rules in order to immediately consider Ordinance 2008 – 07. Councilmember Powell moved to approve Ordinance No. 2008 – 07. Councilmember Mount seconded the motion which passed unanimously.

COUNCIL APPROVES HR2008-015, APPROVING A SUPPLEMENTAL BENEFIT TO EMPLOYEES:

Mayor Johnson presented HR2008-015, approving a supplemental benefit to employees. Councilmember Jewel moved to approve HR2008-015. Councilmember Powell seconded the motion which passed unanimously.

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MAYOR INTRODUCES ORDINANCE NO. 2008-08, ABOLISHING THE POLICE JURISDICTION AROUND THE CITY OF ANDALUSIA, FOR THE FIRST READING:

Mayor Johnson introduced Ordinance No. 2008 – 08, abolishing the Police Jurisdiction around the City of Andalusia, for the first reading.

**CITY OF ANDALUSIA
ANDALUSIA, ALABAMA**

ORDINANCE NO. 2008 – 08

AN ORDINANCE ABOLISHING THE POLICE JURISDICTION OF THE CITY OF ANDALUSIA

WHEREAS, the City of Andalusia has previously determined that it is in the best interests of its citizens to discontinue fire protection in the police jurisdiction, and;

WHEREAS, currently the Andalusia Police Department provides police protection in the police jurisdiction, and;

WHEREAS, the Alabama Attorney General has offered an opinion that provides that a municipality is not required to provide police or fire protection services in its police jurisdiction, even if the municipality has historically provided such services; but further provides that if services are to be terminated, advance public notice should be given;

NOW, THEREFORE, BE IT ORDAINED, that the Police Jurisdiction of the City of Andalusia be abolished and that the Police Department of the City of Andalusia, will only provide primary protection within the corporate limits of the City of Andalusia beginning January 1, 2009.

BE IT FURTHER ORDAINED, that the Andalusia Police Department will continue to provide assistance to areas outside of the city limits of the City of Andalusia when called upon.

Passed, adopted and approved this ____ day of _____, 2008.

THE CITY OF ANDALUSIA, ALABAMA

BY: _____
Earl V. Johnson, Mayor

ATTEST:

John M. Thompson City Clerk-Treasurer

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ADJOURNMENT:

With no further business Mayor Johnson called the meeting adjourned.

THE CITY OF ANDALUSIA, ALABAMA

BY: _____
Earl V. Johnson, Mayor

ATTEST:

John M. Thompson, City Clerk/Treasurer