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**STATE OF ALABAMA
COUNTY OF COVINGTON**

**ANDALUSIA CITY HALL
ANDALUSIA, ALABAMA
APRIL 7, 2009**

REGULAR WORK SESSION MEETING

PRESENT:

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

ABSENT:

None

The City Council of the City of Andalusia, Alabama met in room 340 at city hall for a work session at 5:00 p.m. for the purpose of planning and finalizing the agenda.

REGULAR COUNCIL MEETING

PRESENT:

Earl V. Johnson, Mayor
Will Sconiers, Councilmember
Kennith 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. Councilmember Powell led the prayer and Pledge of Allegiance to the flag.

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APPROVAL OF MINUTES:

Mayor Johnson presented the minutes from the March 24, 2009, regular meeting. Councilmember Powell moved to approve the minutes. Councilmember Griffin seconded the motion which passed unanimously.

MAYOR PRESENTS PROCLAMATIONS:

Mayor Johnson presented proclamations to the 2009 boys' and girls' basketball teams and coaches of Andalusia High School, Nico Johnson, Richard Robertson and Blaine Wilson.

MAYOR PRESENTS ORDINANCE NO. 2009 - 003

Mayor Johnson presented Ordinance No. 2009 – 03, regulating the moving of structures in the City of Andalusia.

**THE CITY OF ANDALUSIA
ANDALUSIA, ALABAMA**

ORDINANCE NO. 2009 - 03

**AN ORDINANCE REGULATING STRUCTURE MOVING
WITHIN THE CITY OF ANDALUSIA**

WHEREAS, It is the intent of the City Council of the City of Andalusia that the relocation of buildings does not adversely affect the quality and character of the neighborhood into which such buildings may be moved; and,

WHEREAS, no building may be moved, either intact or in a dismantled state, except in accordance with all provisions of this ordinance;

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

No person, firm or corporation shall relocate any building into or within the city, or move any building or structure along or across any street or alley or other public place within the city, without a permit therefor. In addition, the following shall apply:

The intended use of the building must be a permitted use in the zoning district into which it is to be relocated. The owner/agent of the building to be relocated shall be responsible for coordinating the move with the police chief, the fire chief and the utility companies (phone, cable and electric) to ensure the move will occur without incident. Prior

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to issuance of a permit to move the structure, the building inspector shall receive a notice from each such entity that the appropriate permits have been issued and arrangements have been made, and that a day certain has been specified for the actual move.

The house mover shall submit an application for a permit to relocate or move a building to the Building Inspector. The application shall state the existing and intended locations of the building to be moved, its length, width and height in feet, and the principal material of its walls and of its roof, the proposed route to be followed and the mode of transportation to be used. The permit to relocate or move a building may direct what streets shall be used. The owner/agent of the building and/or the contractor shall, concurrently with submittal of the application for a permit to relocate or move a building, submit a building permit application, including evidence and plans sufficient to demonstrate the intent of the owner/agent to comply with all provisions of this ordinance. When the Building Inspector is satisfied that the permit application is complete, he shall accept and forward both applications to the Andalusia City Council for review and approval or disapproval.

The Andalusia City Council shall hold a public hearing to assure that all plans for relocation and renovation comply with the requirements of this ordinance prior to issuance of a permit for moving the building and a building permit for the renovation required to comply with provisions of this ordinance. The Andalusia City Council must also approve the plan for relocation. Owners of property within 1,000 feet of the proposed new location shall, at the cost of the owner/agent for the building, be individually notified not less than ten days (10) prior to the public hearing, by certified mail, of the hearing. A sign shall be placed at the proposed new location where the structure is to be moved, indicating the date, time and location of the public hearing.

Prior to issuance of a permit to relocate or move a building, the house mover shall furnish a security deposit in the form of a certified check, or a bond, payable to the City, with a corporate surety to be approved by the City Attorney, in the penal sum of Ten Thousand Dollars (\$10,000), conditioned, among other things, that said house mover will pay any and all damage caused by him; that he will move the building without delay; that he will cut no trees except as specified in the permit; that he will follow the route designated by the permit; that he will save, indemnify, and hold the City harmless against any and all liabilities, judgments, costs and expenses which may accrue against the City in consequence of the granting of such permit; and that he will in all things strictly comply with the conditions of the permit and with all ordinances of the City. Any balance of this security deposit remaining shall be refunded at the time the certificate of occupancy is issued. If the costs and expenses to the city exceed the amount of the security deposit, the owner/agent for the structure shall be liable for payment of this additional amount. The permittee shall also provide the City with evidence of insurance showing the City as a named co-insured on a policy of general liability with limits not less than \$1,000,000 per occurrence, and \$1,500,000 aggregate, for bodily injury and property damage combined.

Prior to issuance of a permit to relocate or move a building, the owner/agent for

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the building shall furnish a security deposit in the form of a certified check, or a bond, payable to the City, with a corporate surety to be approved by the City Attorney, in the amount of \$10,000. This security deposit shall cover any costs to the city in the event the owner/agent for the structure fails to comply with the provisions of this ordinance and the City shall therefore have cause to remove the relocated structure. Any balance of this security deposit remaining shall be refunded at the time the certificate of occupancy is issued. Certificate of occupancy must be obtained within twelve months of permit date. If the costs and expenses to the city exceed the amount of the security deposit, the owner/agent for the structure shall be liable for payment of this additional amount. Whenever in the moving of any building along the route specified, it shall become necessary to cut, disconnect, remove or disturb any wires, guys, or cables over or across any of the streets or alleys along the line of such route, seventy-two hours notice in writing shall be given by the permittee to all persons, companies, or corporations, including the City, owning, using or controlling any such wires, guys or cables, of the time when such building or structure will arrive at any given point on any such street or alley overhung by wires, guys or cables, and that such wires, guys or cables must be cut, removed or disconnected by the time designated in such notice for the building or structure to arrive at that point, and in case of failure of the owner, user or controller of such wires, guys or cables thus notified to cut, remove, disconnect any such wires, guys or cables at the time appointed, then the City may remove or disconnect any or all such wires, guys or cables, or cause the same to be done, and shall mend, re-connect and replace the same after the building has passed. The permittee shall pay all costs and expense incident to and occasioned by the cutting, disconnecting, removing or disturbing of any such wires, guys, and cables, and the reconnecting or replacing of same, and in default of payment within a reasonable time after demand, then recourse may be had for the collection of same to the sureties on the permittee's bond.

All other City Ordinances or parts thereof in conflict with the provision of this Ordinance, in so far as they conflict, are hereby repealed.

The provisions of this Ordinance are severable. If any provision, section, paragraph, sentence or part thereof shall be held unconstitutional or invalid, such decision shall not affect or impair the remainder of the Ordinance, it being the legislative intent to ordain and enact each provision, section, paragraph, sentence and part thereof separately and independently of each other.

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This Ordinance shall become effective and be in force from and after the date of its approval and adoption by the City Council of Andalusia and publication as required by law.

THE CITY OF ANDALUSIA, ALABAMA

Earl V. Johnson, Mayor

ATTEST:

John M. Thompson, City Clerk – Treasurer

COUNCIL APPROVES RESOLUTION NO. 2009 – 05, DEVELOPMENT AGREEMENT WITH MARVIN’S, INC.:

Mayor Johnson presented Resolution No. 2009 – 05, approving a development agreement with Marvin’s Inc. Councilmember Powell moved to approve Resolution No. 2004 – 05. Councilmember Sconiers seconded the motion which passed unanimously.

COUNCIL APPROVES RESOLUTION NO. 2009 – 06, AUTHORIZING APPLICATION FOR STATE REVOLVING FUND FOR SOUTH COTTON STREET SEWER REHABILITATION:

Mayor Johnson presented Resolution No. 2009 – 06, applying for the State Revolving Fund for the South Cotton Street Sewer Rehabilitation Project.

RESOLUTION NO. 2009 – 06

A RESOLUTION AUTHORIZING APPLICATION FOR THE STATE REVOLVING FUND FOR THE REHABILITATION OF THE SOUTH COTTON STREET AREA SEWER

BE IT RESOLVED by the City Council of the City of Andalusia, Alabama that the City of Andalusia authorizes the application for the State Revolving Fund for the rehabilitation of the South Cotton Street Area Sewer.

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ADOPTED AND APPROVED this 7th day of April, 2009.

THE CITY OF ANDALUSIA, ALABAMA

By: _____
Earl V. Johnson, Mayor

ATTEST:

John M. Thompson, City Clerk – Treasurer

Councilmember Sconiers moved to approve Resolution No. 2009 – 06.
Councilmember Jewell seconded the motion which passed unanimously.

**COUNCIL APPROVES A STATE OF ALABAMA ALCOHOLIC BEVERAGE
CONTROL BOARD APPLICATION FOR A NON PROFIT, TAX EXEMPT,
SPECIAL EVENT LICENSE FOR THE NATIONAL WILD TURKEY
FEDERATION:**

Mayor Johnson presented a State of Alabama Alcoholic Beverage Control Board application for a non profit, tax exempt, special event license for the National Wild Turkey Federation. Councilmember Mount moved to approve the application. Councilmember Jewell seconded the motion which passed unanimously.

**COUNCIL APPROVES A STATE OF ALABAMA ALCOHOLIC BEVERAGE
CONTROL BOARD APPLICATION FOR A NON PROFIT, TAX EXEMPT,
SPECIAL EVENT LICENSE FOR DUCKS UNLIMITED:**

Mayor Johnson presented a State of Alabama Alcoholic Beverage Control Board application for a non profit, tax exempt, special event license for Ducks Unlimited. Councilmember Mount moved to approve the application. Councilmember Jewell seconded the motion which passed unanimously. .

**COUNCIL APPOINTS WAYNE HOLMES TO BOARD OF ZONING
ADJUSTMENTS:**

Mayor Johnson announced that there was an opening on the Board of Zoning Adjustments. Councilmember Jewell nominated Wayne Holmes to fill the vacant position. Councilmember Powell seconded the nomination which passed unanimously.

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COUNCIL REAPPOINTS ETHEL ROBERTSON TO THE HOUSING AUTHORITY:

Mayor Johnson announced that there was an opening on the Housing Authority. Councilmember Sconiers nominated Ethel Robertson to fill the vacant position. Councilmember Griffin seconded the nomination which passed unanimously.

MAYOR PRESENTS A VIDEO ABOUT THE HONOR FLIGHT TO WASHINGTON, D.C.:

Mayor Johnson presented a video about the Honor Flight to Washington D.C. to the World War II Memorial for World War Two Veterans.

ANNOUNCEMENTS:

1. Mayor Johnson announced that the Annual Spring City Employee Safety Picnic was scheduled for Thursday, April 9, 2009, at noon at Lake Armstrong.
2. Mayor Johnson announced that there were two openings on the Southeast Alabama Mental Health Board and three openings on the Tourism and Relocation Committee.

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