

PAGE ONE

**STATE OF ALABAMA
COUNTY OF COVINGTON**

**ANDALUSIA CITY HALL
ANDALUSIA, ALABAMA
APRIL 21, 2009**

REGULAR WORK SESSION MEETING

PRESENT:

Terry Powell, Mayor Pro Tempore
Will Sconiers, Councilmember
Kennith C. Mount, Councilmember
Hazel Griffin, Councilmember
Jason Jewell, Councilmember
Mark Christensen, City Attorney

ABSENT:

Earl V. Johnson, Mayor

The City Council of the City of Andalusia, Alabama met in room 340 at city hall for a work session at 5:30 p.m. for the purpose of planning and finalizing the agenda.

REGULAR COUNCIL MEETING

PRESENT:

Terry Powell, Mayor Pro Tempore
Will Sconiers, Councilmember
Kennith C. Mount, Councilmember
Hazel Griffin, Councilmember
Jason Jewell, Councilmember
Mark Christensen, City Attorney

ABSENT:

Earl V. Johnson, Mayor

Mayor Pro Tempore Powell called the meeting to order and welcomed all. Councilmember Sconiers led the prayer and Pledge of Allegiance to the flag.

PAGE TWO

APPROVAL OF MINUTES:

Mayor Pro Tempore Powell presented the minutes from the April 7, 2009, regular meeting. Councilmember Mount moved to approve the minutes. Councilmember Jewell seconded the motion which passed unanimously.

COUNCIL APPROVES ORDINANCE NO. 2009 -03, REGULATING THE MOVING OF STRUCTURES IN ANDALUSIA:

Mayor Pro Tempore Powell presented Ordinance No. 2009 – 03, regulating the moving of structures in 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 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.

PAGE THREE

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 the building shall furnish a security deposit in the form of a certified check, or a

PAGE FOUR

bond, payable to the City, with a corporate surety to be approved by the City Attorney, in the amount of a minimum of \$10,000 or such amount that the city deems necessary. 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, reconnect 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.

PAGE FIVE

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

Councilmember Sconiers moved to approve Ordinance No. 2009 – 03.
Councilmember Jewell seconded the motion which passed unanimously.

ANDALUSIA MASONIC LODGE NO. 434 PRESENTS A CHECK TO THE CITY OF ANDALUSIA:

Mayor Pro Tempore Powell called the Andalusia Masonic Lodge No. 434 to make a presentation. Steve McGowan, Master of Masonic Lodge 434, and members of the lodge presented a check for \$4,374 to Mayor Johnson and Andalusia Police Chief, Wilbur Williams, to purchase firearms for Andalusia police officers.

COUNCIL AWARDS BID FOR BANKING SERVICES TO SUPERIOR BANK:

Mayor Pro Tempore Powell presented the results from a recent bid opening for banking services for the City of Andalusia. Councilmember Griffin moved to approve the bid from Superior Bank. Councilmember Mount seconded the motion which passed unanimously.

COUNCIL IS PRESENTED A LETTER TO THE ANDALUSIA BALLET ASSOCIATION:

Mayor Pro Tempore Powell presented a letter from Mayor Johnson to Meryane Murphy of the Andalusia Ballet Association committing to move forward to raise funds to develop a cultural arts center at the old Church Street School. Councilmember Jewell moved to authorize the mayor to sign and deliver the letter. Councilmember Griffin seconded the motion which passed unanimously

PAGE SIX

COUNCIL APPOINTS HELEN HINSON AND MICHAEL L. JONES, JR. TO THE SOUTHEAST ALABAMA MENTAL HEALTH BOARD:

Mayor Pro Tempore Powell announced that there were two openings on the Southeast Alabama Mental Health Board. Councilmember Jewell nominated Helen Hinson and Michael L. Jones, Jr. to fill the vacant positions. Councilmember Mount seconded the nominations which passed unanimously.

COUNCIL APPOINTS GWEN KELLEY, MARTHA DUGGAN AND PEGGY JAMES TO THE TOURISM AND RELOCATION COMMITTEE:

Mayor Pro Tempore Powell announced that there were three openings on the Tourism and Relocation Committee. Councilmember Sconiers nominated Gwen Kelley, Martha Duggan and Peggy James to fill the vacant positions. Councilmember Jewell seconded the nominations which passed unanimously.

COUNCIL HEARS DEPARTMENT REPORTS:

Mayor Pro Tempore Powell called on the police, fire, planning and development, public works, administration and leisure services department directors to give updates to the council.

ANNOUNCEMENTS:

With no further business Mayor Pro Tempore Powell called the meeting adjourned.

THE CITY OF ANDALUSIA, ALABAMA

**BY: _____
Terry Powell, Mayor Pro Tempore**

ATTEST:

John M. Thompson, City Clerk - Treasurer