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**STATE OF ALABAMA  
COUNTY OF COVINGTON**

**ANDALUSIA CITY HALL  
ANDALUSIA, ALABAMA  
NOVEMBER 16, 2010**

**REGULAR WORK SESSION MEETING**

**PRESENT:**

Earl V. Johnson, Mayor  
Will Sconiers, Councilmember  
Kenneth C. Mount, Councilmember  
Hazel Griffin, Councilmember  
Jason Jewell, Councilmember

**ABSENT:**

Terry Powell, Councilmember

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  
Kenneth C. Mount, Councilmember  
Hazel Griffin, Councilmember  
Jason Jewell, Councilmember

**ABSENT:**

Terry Powell, Councilmember

Mayor Johnson called the meeting to order and welcomed all. Councilmember Jewell then led the prayer and Pledge of Allegiance to the flag.

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**APPROVAL OF MINUTES:**

Mayor Johnson presented the minutes from the November 2, 2010, regular meeting. Councilmember Griffin moved to approve the minutes. Councilmember Mount seconded the motion which passed unanimously.

**COUNCIL APPROVES RESOLUTION NO. 2010 - 48, AUTHORIZING THE WESTGATE DEVELOPMENT AGREEMENT:**

Mayor Johnson presented Resolution No. 2010 - 48, authorizing the Westgate Development Agreement.

**EXHIBIT "A"  
TO THE RESOLUTION**

**PROJECT AGREEMENT**

(On file in City Clerk's Office)

**THE CITY OF ANDALUSIA  
ANDALUSIA, ALABAMA  
RESOLUTION NO. 2010 – 48**

**RESOLUTION AUTHORIZING THE APPROVAL AND EXECUTION  
OF THE PROJECT AGREEMENT BETWEEN THE CITY OF ANDALUSIA  
AND WESTGATE DEVELOPMENT, INC.**

**WHEREAS**, the City of Andalusia (the "City") wishes to encourage commercial development and increase its sales tax; and

**WHEREAS**, Westgate Development, Inc., ("Westgate") intends to open and operate stores ("Stores") in a shopping center at Westgate Plaza within the corporate limits of the City; and

**WHEREAS**, the City and Westgate have negotiated a Project Agreement whereby Westgate will cause certain renovations (the "Renovations") to be made to the shopping center in which it will be located and the City will rebate to Westgate up to 50% of the City's sales taxes collected on retail sales at the Stores; and

**WHEREAS**, under the Project Agreement, the rebate of up to 50% of the city's sales taxes collected by the City on retail sales at the Stores to Westgate is contingent upon the Renovations being completed and the retail stores opening within a reasonable time from the adoption of this resolution; and

**WHEREAS**, the Stores will provide employment opportunities for the citizens of the City, increase the expenditure of funds in the City, and stimulate commercial development within the City; and

**WHEREAS**, the City believes that it is in the best interests of the City's residents and the public to rebate up to 50% of the sales taxes collected by the City on retail sales at

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the Stores to Westgate as an incentive to open and operate the Stores within the corporate limits of the City as it is believed that significant public benefits will accrue to the City and its citizens and constituents therefrom.

**NOW THEREFORE BE IT RESOLVED BY THE CITY COUNCIL OF ANDALUSIA, ALABAMA**, as follows:

1. The recitals set forth in the foregoing preambles are hereby found and declared to be true and correct.
2. The City caused public notice of the meeting to be published in accordance with Amendment 772 to the Constitution of Alabama of 1904, as amended.
3. It is hereby found and declared that the expenditure of public funds provided for in the Project Agreement in the forms of a rebate of up to 50% of the sales taxes collected on retail sales at the Stores as an incentive to Westgate to open and operate the Stores within the corporate limits of the City will serve a valid and sufficient public purpose under Amendment 772 to the Constitution of Alabama of 1901, as amended, by increasing the City's sales tax base and stimulating commercial development within the corporate limits of the City, notwithstanding any incidental benefit accruing to any private entity or entities.
4. This Project Agreement shall last for a period of five (5) years.
5. The Project Agreement is hereby approved in substantially the same form as attached hereto as Exhibit "A". The Mayor is authorized and directed to execute and deliver the Project Agreement and to make such revisions as he considers necessary or appropriate. All necessary and appropriate representatives of the City are directed to the action contemplated to be taken by the City in the Project Agreement and such other actions as are appropriate to carry out the intent of the resolution for and on behalf of the City of Andalusia.

**ADOPTED AND APPROVED** this 16<sup>th</sup> day of November, 2010.

**THE CITY OF ANDALUSIA, ALABAMA**

\_\_\_\_\_  
**Earl V. Johnson, Mayor**

ATTEST:

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

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Councilmember Griffin moved to approve Resolution 2010 – 48. Councilmember Sconiers seconded the motion which passed unanimously.

**COUNCIL APPROVES RESOLUTION NO. 2010 – 49, AUTHORIZING A REAL ESTATE SALES AGREEMENT:**

Mayor Johnson presented Resolution No. 2010 – 49, authorizing a real estate sales agreement.

**EXHIBIT “A”**  
**TO THE RESOLUTION**

**PROJECT AGREEMENT**

(On file in City Clerk’s Office)

**THE CITY OF ANDALUSIA**  
**ANDALUSIA, ALABAMA**  
**RESOLUTION NO. 2010 – 49**

**RESOLUTION AUTHORIZING THE APPROVAL AND EXECUTION  
OF A REAL ESTATE SALES AGREEMENT**

**WHEREAS**, the City of Andalusia desires to create an environment conducive to improving the health and welfare of all of its citizens; and

**WHEREAS**, the purchase of the real estate described in detail in the attached agreement is adjacent to the Andalusia City Hall; and

**NOW THEREFORE BE IT RESOLVED BY THE CITY COUNCIL OF ANDALUSIA, ALABAMA**, that the mayor be hereby authorized to execute the real estate sales agreement attached to this resolution and that the mayor and city clerk are authorized to sign any and all documents necessary to effectuate the intent of this resolution, including but not limited to, securing financing for the transaction up to \$400,000.

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**ADOPTED AND APPROVED** this 16<sup>th</sup> day of November, 2010.

**THE CITY OF ANDALUSIA, ALABAMA**

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**Earl V. Johnson, Mayor**

**ATTEST:**

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

A motion was made by Councilmember Sconiers and seconded by Councilmember Griffin to approve Resolution No. 2010 – 49. Mayor Johnson called for a vote which produced the following results:

**YES:**

Mayor Johnson  
Councilmember Sconiers  
Councilmember Griffin

**NO:**

Councilman Mount  
Councilmember Jewell

**ABSTAINED:**

None

**COUNCIL APPROVES LOUNGE RETAIL LIQUOR LICENSE FOR S R ENTERTAINMENT, INC.:**

Mayor Johnson presented a request from S R Entertainment, Inc., for an Alabama Alcoholic Beverage Control Board Lounge Retail Liquor – Class I license, 1100 West ByPass, Andalusia, Alabama, 36420. A motion was made by Councilmember Mount to approve the license. Councilmember Jewell seconded the motion which passed unanimously.

**COUNCIL APPROVES RESCHEDULING COUNCIL MEETINGS:**

Councilmember Mount moved to reschedule the December 21, 2010, regular council meeting to December 20, 2010, and the January 18, 2011, regular council meeting to January 17, 2011. Councilmember Jewell seconded the motion which passed unanimously.

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**COUNCIL APPROVES HR2010-007, LONGVITY PAY:**

Mayor Johnson presented HR2010-007, Longevity Pay. Councilmember Griffin moved to approve HR2010-007. Councilmember Sconiers seconded the motion which passed unanimously.

**COUNCIL APPROVES HR2010-008, PERSONNEL POLICIES AND PROCEDURES AMENDMENTS:**

Mayor Johnson presented HR2010-008, personnel policies and procedures amendments. Councilmember Jewell moved to approve HR2010-008. Councilmember Mount seconded the motion which passed unanimously.

**COUNCIL APPROVES RESOLUTION NO. 2010 – 50, ESTABLISHING AN INVESTMENT POLICY FOR THE CITY OF ANDALUSIA:**

Mayor Johnson presented Resolution No. 2010 – 50, establishing an investment policy for the City of Andalusia.

**THE CITY OF ANDALUSIA  
ANDALUSIA, ALABAMA  
RESOLUTION NO. 2010 – 50**

**RESOLUTION ESTABLISHING AN INVESTMENT POLICY FOR THE CITY OF  
ANDALUSIA**

**WHEREAS**, the City of Andalusia desires to improve its financial ratings in order to conserve and maximize the city's resources; and

**WHEREAS**, the establishment of a formal investment policy has been advised by financial experts; and

**WHEREAS**, the City of Andalusia is committed to fiscal responsibility and to maintaining cash reserves sufficient to withstand unexpected occurrences.

**NOW THEREFORE BE IT RESOLVED BY THE CITY COUNCIL OF ANDALUSIA, ALABAMA**, approves and adopts the attached Financial Management Policy for the City of Andalusia.

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**ADOPTED AND APPROVED** this 16<sup>th</sup> day of November, 2010.

**THE CITY OF ANDALUSIA, ALABAMA**

\_\_\_\_\_  
**Earl V. Johnson, Mayor**

ATTEST:

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

Councilmember Mount moved to approve Resolution 2010 – 50. Councilmember Sconiers seconded the motion which passed unanimously.

**ADJOURNMENT:**

With no further business, Mayor Johnson called the meeting adjourned.

**THE CITY OF ANDALUSIA, ALABAMA**

BY: \_\_\_\_\_  
**Earl V. Johnson, Mayor**

ATTEST:

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**John Thompson, City Clerk – Treasurer**