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**STATE OF ALABAMA
COUNTY OF COVINGTON**

**ANDALUSIA CITY HALL
ANDALUSIA, ALABAMA
SEPTEMBER 20, 2011**

REGULAR WORK SESSION 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

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:

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. 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 September 6, 2011, regular meeting. Councilmember Powell moved to approve the minutes. Councilmember Griffin seconded the motion which passed unanimously.

COUNCIL APPROVES ORDINANCE 2011 – 07, AMENDING ZONING ORDINANCE FOR MOORE ROAD PROPERTY:

Mayor Johnson presented Ordinance No. 2011 - 07.

**CITY OF ANDALUSIA
ANDALUSIA, ALABAMA**

ORDINANCE NO. 2011 – 07

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

Section I. That the Zoning Ordinance of the City of Andalusia, Alabama, as adopted on November 2, 2007, be and the same hereby is amended as follows:

(a) The following described lots or parcels of land presently zoned **R-3** is hereby reclassified and rezoned as **MED** property as that classification is described and fixed in the existing Zoning Ordinance of the City of Andalusia, Alabama, on file in the office of the City Clerk of Andalusia:

A lot or parcel of land in the SW 1/4 of Section 19, Township 4, Range 16, containing 39.07 acres and particularly described as follows: Commencing at the SW comer of NE 1/4 of SW 1/4 of Section 19, Township 4, Range 16 and run thence South along the forty line a distance of 671 feet to the point of beginning of the parcel of land herein conveyed; thence run West a distance of 748 feet; thence run North 75 feet; thence run West 283 feet; thence run South 73 feet; thence run North 84 degrees 50 minutes West a distance of 270 feet to the East side of the Moore Road; thence run South 2 degrees 05 minutes West along the East side of the Moore Road for a distance of 641 feet; thence run East 2631 feet; thence run North 660 feet; thence run West 1320 feet to the forty line; thence run South 44 feet along the forty line to the point of beginning.

Also, an access street described as follows: A strip of land 50 feet wide extending 25 feet on each side of a center line more specifically described as follows: Commencing at the Southwest corner of the Andalusia Hospital, Inc. property and run East along the South line of Andalusia Hospital, Inc. property for a distance of 280 feet to the point of beginning; thence run North 34° 10' West for a distance of 454 feet to a point 25 feet East of the West property line of said

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Andalusia Hospital, Inc.; thence run North parallel to said West property line for a distance of 288 feet to the South boundary line of the new hospital drive, said strip of land lying in and being a portion of the NW 1/4 of SW 1/4 and SW 1/4 of SW 1/4 Section 19, Township 4 North, Range 16 East, Covington County, Alabama. Subject to the agreement regarding use and maintenance as shown by Real Property Book 684, pages 570-572.

LESS AND EXCEPT: Commencing at the Southwest corner of NE 1/4 of SW 1/4 Section 19, Township 4 North, Range 16 East and the Northwest corner of SE 1/4 of SW 1/4, Section 19, Township 4 North, Range 16 East and run South along the West line of SE 1/4 of SW 1/4, Section 19, Township 4 North, Range 16 East for a distance of 627 feet to the point of beginning; thence run East for a distance of 329 feet; thence run South for a distance of 400 feet; thence run West for a distance of 572 feet; thence run North for a distance of 356 feet; thence run East for a distance of 243 feet to a point on the West line of SE 1/4 of SW 1/4, Section 19, Township 4 North, Range 16 East; thence run North along the West line of said forty for a distance of 44 feet to the point of beginning. Said parcel of land lying in and being a part of the SE 1/4 of SW 1/4 and a part of the SW 1/4 of SW 1/4, Section 19, Township 4 North, Range 16 East and containing 5 acres.

Also, LESS AND EXCEPT: Beginning where the South line of SW 1/4 of the SW 1/4 of Section 19, Township 4 North, Range 16 East intersects the East right of way line of Moore Road, thence North along the East right of way line of said road a distance of 320.0 feet; thence East a distance of 559.4 feet; thence South 36 degrees 30.6 minutes East a distance of 170.25 feet; thence South 2 degrees 54.6 minutes East a distance of 183.4 feet; thence West a distance of 670.0 feet to a point on the East right of way line of Moore Road and the point of beginning; containing 4.71 acres, more or less, situated, lying and being a part of the SW 1/4 of the SW 1/4 of Section 19, Township 4 North, Range 16 East, Covington County, Alabama.

Subject to sewer line easement as per Deed Book 189, page 339 and Real Property Book 706, page 216.

Subject to water line easement to the City of Andalusia as per Real Property Book 746, Page 27. Subject to right of way as per tax map and as per Real Property Book 709, pages 955-957.

Subject to slight overlap of approximately seven (7) feet on West side of parcel that extends North on said parcel.

RECITAL: *The above described property constitutes no part of the homestead of the Grantor or his spouse.*

Parcel #13041930010380000 is located at Village Square Drive.

Section II. This Amending Ordinance is adopted upon recommendation of the Planning Commission of the City of Andalusia, Alabama.

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Section III. In all other respects said Zoning Ordinance of the City of Andalusia, Alabama, shall remain in full force and effect, and shall remain unchanged except as set forth in this Amending Ordinance.(i)

ADOPTED AND APPROVED this 20th day of September, 2011.

THE CITY OF ANDALUSIA, ALABAMA

BY: _____
Earl V. Johnson, Mayor

ATTEST:

John M. Thompson, City Clerk - Treasurer

Councilmember Jewell moved to approve Ordinance No. 2011 – 07. Councilmember Mount seconded the motion which passed unanimously.

COUNCIL APPROVES ORDINANCE 2011 – 08, AMENDING ZONING ORDINANCE FOR SOUTH THREE NOTCH STREET PROPERTY:

Mayor Johnson presented Ordinance No. 2011 – 08.

**CITY OF ANDALUSIA
ANDALUSIA, ALABAMA**

ORDINANCE NO. 2011 – 08

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

Section I. That the Zoning Ordinance of the City of Andalusia, Alabama, as adopted on November 2, 2007, be and the same hereby is amended as follows:

(a) The following described lots or parcels of land presently zoned **R-1** is hereby reclassified and rezoned as **MED** property as that classification is described and fixed in the existing Zoning Ordinance of the City of Andalusia, Alabama, on file in the office of the City Clerk of Andalusia:

Beginning at a point where the Southeast right of way line of South Three Notch Street intersects with the centerline of Bay Branch and run S 54 degrees 04' W along the Southeast right

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*of way line of South Three Notch Street for a distance of 456 feet; thence run S 24 degrees 56' E for a distance of 165 feet; thence run N 54 degrees 04' E for a distance of 330 feet to the centerline of Bay Branch; thence run in a Northerly direction along the centerline of Bay Branch for a distance of 240 feet, more or less, to the point of beginning. Said parcel of land lying in and being a part of the SE 1/4 of NW 1/4 Section 19, Township 4 North, Range 16 East and also a part of the NE 1/4 of SW 1/4 of Section 19, Township 4 North, Range 16 East.
Subject to rights of redemption from foreclosure.*

Parcel # 13041930010060030 is located on South Three Notch Street.

Section II. This Amending Ordinance is adopted upon recommendation of the Planning Commission of the City of Andalusia, Alabama.

Section III. In all other respects said Zoning Ordinance of the City of Andalusia, Alabama, shall remain in full force and effect, and shall remain unchanged except as set forth in this Amending Ordinance.

ADOPTED AND APPROVED this 20th day of September, 2011.

THE CITY OF ANDALUSIA, ALABAMA

BY: _____
Earl V. Johnson, Mayor

ATTEST:

John M. Thompson, City Clerk - Treasurer

Councilmember Sconiers moved to approve Ordinance No. 2011 – 08. Councilmember Jewell seconded the motion which passed unanimously.

COUNCIL APPROVES ORDINANCE 2011 – 09, AMENDING ZONING ORDINANCE FOR US 29 SOUTH PROPERTY:

Mayor Johnson presented Ordinance No. 2011 - 09.

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**CITY OF ANDALUSIA
ANDALUSIA, ALABAMA**

ORDINANCE NO. 2011 – 09

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

Section I. That the Zoning Ordinance of the City of Andalusia, Alabama, as adopted on November 2, 2007, be and the same hereby is amended as follows:

(a) The following described lots or parcels of land presently zoned **B-3/R-1** is hereby reclassified and rezoned as **B-3** property as that classification is described and fixed in the existing Zoning Ordinance of the City of Andalusia, Alabama, on file in the office of the City Clerk of Andalusia:

Commencing where the South boundary line of the SE 1/4 of Section 24, Township 4 North, Range 15 East intersects the East right of way line of Andalusia-Brewton Highway (U. S. Highway #29); thence Northeasterly along the East right of way the chord being North 32 degrees 25 minutes East a distance of 40.46 feet; thence South 65 degrees 16 minutes East a distance of 82 feet, more or less to a point on the South line of said SE 1/4; thence run West along said South line to the point of beginning. Said parcel lying in and being a part of Section 24, Township 4, Range 15.

Also, a tract of land described as follows: beginning at the Northeast corner of NE 1/4 of NE 1/4 of Section 25, Township 4, Range 15 and running thence West on the section line 220 yards to the point of beginning, and running from said point of beginning West on said section line 239 yards to the East side of South Three Notch Highway, thence in a Southwesterly direction along the East side of said Highway 50 yards, thence East 269 yards; thence North 40 yards to the point of beginning. Said tract of land being in NE 1/4 of NW 1/4 and NW 1/4 of NE 1/4, Section 25, Township 4.

LESS AND EXCEPT 0.032 acre to the State of Alabama as recorded in Real Property Book 980, page 309.

LESS AND EXCEPT 0.010 hectare to the State of Alabama as recorded in Real Property Book 2001, page 198.

LESS AND EXCEPT: *Commencing where the South boundary line of the SE 1/4 of Section 24, Township 4 North, Range 15 East intersects the East right of way line of Andalusia-Brewton Highway (U. S. Highway #29); thence Northeasterly along the East right of way the chord being North 32 degrees 25 minutes East a distance of 40.48 feet; thence run South 65 degrees 16 minutes East to a point on the South line of said SE 1/4 and the point of beginning of the parcel herein conveyed; thence*

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run East along said South line a distance of 75 feet, more or less, to a set iron pin; thence run South 74 degrees 22 minutes East a distance of 50.12 feet to a set iron pin; thence run North 65 degrees 16 minutes West to the point of beginning. Said parcel lying in and being a part of the NE 1/4 of NE 1/4 of Section 25, Township 4, Range 15.

RECITAL: The real estate herein conveyed is no part of the homestead of the married Grantor or his spouse.

Parcel # 14072510010210000 is located at 1207 West Bypass.

Section II. This Amending Ordinance is adopted upon recommendation of the Planning Commission of the City of Andalusia, Alabama.

Section III. In all other respects said Zoning Ordinance of the City of Andalusia, Alabama, shall remain in full force and effect, and shall remain unchanged except as set forth in this Amending Ordinance.

ADOPTED AND APPROVED this 20th day of September, 2011.

THE CITY OF ANDALUSIA, ALABAMA

BY: _____
Earl V. Johnson, Mayor

ATTEST:

John M. Thompson, City Clerk - Treasurer

Councilmember Griffin moved to approve Ordinance No. 2011 – 09. Councilmember Powell seconded the motion which passed unanimously.

COUNCIL APPROVES RESOLUTION NO. 2011 – 27, RENEWING SPRINGDALE LOAN:

Mayor Johnson presented Resolution No. 2011 – 27.

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**THE CITY OF ANDALUSIA
ANDALUSIA, ALABAMA**

RESOLUTION NO. 2011 – 27

A RESOLUTION AUTHORIZING THE REFINANCING OF SPRINGDALE

WHEREAS, the City of Andalusia purchased Springdale in 2010; and

WHEREAS, the City intends to permanently retire the acquisition arrangement with Regions Bank in a long term, refinancing package currently being finalized; and

WHEREAS, the acquisition arrangement with Regions Bank will expire before the long term arrangement can be secured.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Andalusia, Alabama, that the mayor and city clerk are authorized to renew the financial arrangement with Regions Bank for the acquisition of Springdale, not to exceed \$700,000, plus interest and fees, until the permanent financial package is completed.

ADOPTED AND APPROVED this 20th day of September, 2011.

THE CITY OF ANDALUSIA, ALABAMA

ATTEST:

Earl V. Johnson, Mayor

John M. Thompson, City Clerk – Treasurer

Councilmember Powell moved to approve Resolution No. 2011 – 27. Councilmember Griffin seconded the motion which passed unanimously.

COUNCIL APPROVES RESOLUTION NO. 2011 – 29, COVINGTON COUNTY BOARD OF EQUALIZATION NOMINATIONS.

Mayor Johnson presented Resolution No. 2011 – 29.

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**THE CITY OF ANDALUSIA
ANDALUSIA, ALABAMA**

RESOLUTION NO. 2011 – 29

**A RESOLUTION APPROVING NOMINATIONS FOR THE COVINGTON COUNTY
BOARD OF EQUALIZATION**

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ANDALUSIA, that Bill Godwin, Virginia Brawner and Glenn Walters be nominated by the City of Andalusia to serve on the Covington County Board of Equalization for a four year term beginning on October 1, 2011.

ADOPTED AND APPROVED this 20th day of September, 2011.

THE CITY OF ANDALUSIA, ALABAMA

By: _____
Earl V. Johnson, Mayor

ATTEST:

John M. Thompson, City Clerk – Treasurer

Councilmember Powell moved to approve Resolution No. 2011 – 29. Councilmember Sconiers seconded the motion which passed unanimously.

**COUNCIL APPROVES RESOLUTION NO. 2011 – 28, APPROVING BID FOR
CEMETERY CROSSES:**

Mayor Johnson presented Resolution No. 2011 – 28.

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**THE CITY OF ANDALUSIA
ANDALUSIA, ALABAMA**

RESOLUTION NO. 2011 – 28

**A RESOLUTION APPROVING A BID FOR CEMETERY CROSSES FOR THE CITY
OF ANDALUSIA**

WHEREAS, the City of Andalusia is in the process of rehabilitating Memorial and Marshall Cemeteries and desires to erect crosses at each location; and

WHEREAS, the City of Andalusia, Alabama did legally advertise a bid opening time and date of 2:00 PM, Tuesday, September 13, 2011, for the cemetery cross project, in accordance with Alabama State Law, and on that date opened all bids in public and read them aloud; and

WHEREAS, the director of planning and development has reviewed the bids and determined that the lowest responsible bidder is S Q Fabrication, Inc., with a bid of \$37,512.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ANDALUSIA, that the bid of \$37,512 from S Q Fabrication, Inc. be accepted.

BE IT FURTHER RESOLVED that the mayor and city clerk be authorized to execute any and all documents necessary to effectuate the intent of this resolution.

ADOPTED AND APPROVED this 20th day of September, 2011.

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. 2011 - 28. Councilmember Powell seconded the motion which passed unanimously.

COUNCIL APPROVES RESOLUTION NO. 2011 – 30, AMENDING FY 2011 BUDGET:

Mayor Johnson presented Resolution No. 2011 – 30.

**THE CITY OF ANDALUSIA
ANDALUSIA, ALABAMA**

RESOLUTION NO. 2011 – 30

A RESOLUTION AMENDING THE 2011 BUDGET

WHEREAS, the City Council of the City of Andalusia has adopted a budget for Fiscal Year 2011; and

WHEREAS, from time to time it becomes necessary to amend the annual budget to meet both anticipated and unexpected needs; and

WHEREAS, revenues for Fiscal Year 2011 have consistently outpaced expenses.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ANDALUSIA, ALABAMA that the 2011 Budget is amended to include the items on the attached list and that they are appropriated from contingency.

ADOPTED AND APPROVED this 20st day of September, 2011.

THE CITY OF ANDALUSIA, ALABAMA

By: _____
Earl V. Johnson, Mayor

ATTEST:

John M. Thompson, City Clerk – Treasurer

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Councilmember Mount moved to approve Resolution No. 2011 – 30. Councilmember Jewell seconded the motion which passed unanimously.

COUNCIL APPROVES CONTRACT WITH CHAMBER OF COMMERCE FOR NEW OFFICE:

Mayor Johnson presented a contract with the Andalusia Chamber of Commerce for the rehabilitation and use of the Alatex administration building. Councilmember Powell moved to approve the contract. Councilmember Griffin seconded the motion which passes unanimously.

COUNCIL APPROVES RESOLUTION NO. 2011 – 31, APPROVING BID FOR POLICE IN CAR CAMERA SYSTEMS:

Mayor Johnson presented Resolution No. 2011 - 31.

**THE CITY OF ANDALUSIA
ANDALUSIA, ALABAMA**

RESOLUTION NO. 2011 – 31

**A RESOLUTION APPROVING A BID FOR IN CAR CAMERA SYSTEMS FOR
THE ANDALUSIA POLICE DEPARTMENT**

WHEREAS, the City of Andalusia is in the process purchasing twenty-two in car camera systems for the Police Department; and

WHEREAS, the City of Andalusia, Alabama did legally advertise a bid opening time and date of 2:00 PM, Monday, September 19, 2011, for the in car camera systems, in accordance with Alabama State Law, and on that date opened all bids in public and read them aloud; and

WHEREAS, the City Clerk – Treasurer, has reviewed the bids and determined that the lowest responsible bidder is Patrol Witness/24-7, with a bid of \$2600.00 each for twenty – one cameras.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ANDALUSIA, that the bid of \$2600.00 each for twenty – one cameras from Patrol Witness/24-7, be accepted.

BE IT FURTHER RESOLVED that the mayor and city clerk be authorized to execute any and all documents necessary to effectuate the intent of this resolution.

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ADOPTED AND APPROVED this 20th day of September, 2011.

THE CITY OF ANDALUSIA, ALABAMA

By: _____
Earl V. Johnson, Mayor

ATTEST:

John M. Thompson, City Clerk – Treasurer

Councilmember Jewell moved to approve Resolution No. 2011 – 31. Councilmember Mount seconded the motion which passed unanimously.

COUNCIL APPROVES ORDINANCE NO. 2011 - 10, AUTHORIZATION TO SELL PROPERTY:

Mayor Johnson presented Ordinance No. 2011 – 10.

**CITY OF ANDALUSIA
ANDALUSIA, ALABAMA**

ORDINANCE NO. 2011 - 10

**BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ANDALUSIA,
ALABAMA, AS FOLLOWS:**

Section 1. It is hereby established and declared that the following described real property of the City of Andalusia, Alabama, is no longer needed for public or municipal purposes, to wit:

A parcel of land in the East half of the Northwest quarter of the Section 16, Township 4 North, Range 16 East, being that property described in a deed to City of Andalusia, recorded in Deed

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Book No. 746, Page 109 of the real property records of Covington County, Alabama. Said parcel of land being more particularly described as follows:

Commencing at a 5/8" rebar found at the intersection of the southerly right of way of Dr. Martin Luther King Jr. Expressway (aka US Hwy 84, AL Hwy 12 & 100 and Bypass Road) having a 130' right of way and the westerly right of way of Elm Street having a 50' right of way; thence run along said southerly right of way North 89 degrees 56 minutes 10 seconds West a distance of 725.10 feet to a point and the true point of beginning; thence from said true point of beginning thus established and leaving said right of way and run along proposed tract 1 south 00 degrees 08 minutes 25 seconds west a distance of 279.58 feet to a point; thence continue North 89 degrees 40 minutes 18 seconds west a distance of 20.24 feet to a 5/8" rebar found at the corner of the property now or formerly belonging to Sheridan Brian and Gerry Blake Earnest; thence run along said property north 81 degrees 25 minutes 33 seconds west a distance of 216.10 feet to a 5/8" rebar found on the easterly right of way of Antioch Road; thence run along said easterly right of way north 15 degrees 59 minutes 13 seconds east a distance of 154.69 feet to a 5/8" rebar found at the mitered intersection of said easterly right of way with said southerly right of way of Dr. Martin Luther King Jr. Expressway (aka US Hwy 84, AL Hwy 12 & 100 and Bypass Road); thence run along said miter south 89 degrees 55 minutes 34 seconds east a distance of 12.01 feet to a 5/8" rebar found; thence continue along said miter north 49 degrees 32 minutes 18 seconds east a distance of 151.97 feet to a 5/8" rebar found on said southerly right of way; thence run along said southerly right of way south 89 degrees 56 minutes 10 seconds east a distance of 64.36 feet to a point and the true point of beginning.

Said tract or parcel to contain 1.097 Acres.

Section 2. That the mayor and the city clerk be, and they hereby are, authorized and directed to execute and attest, respectively, for and on behalf of the city of Andalusia, Alabama, a warranty deed, a copy of which is on file in the office of the city clerk.

ADOPTED AND APPROVED THIS 20th DAY OF SEPTEMBER, 2011.

Earl V. Johnson, Mayor

ATTEST:

John M. Thompson, City Clerk – Treasurer

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Councilmember Sconiers moved to suspend all rules and regulations which, unless suspended, would prevent the immediate consideration and adoption of Ordinance No. 2011 – 10. The motion was seconded by Councilmember Powell. The city clerk called the roll of the council for a vote which produced the following results:

YES:

Mayor Johnson
Councilmember Sconiers
Councilmember Mount
Councilmember Griffin
Councilmember Jewell
Councilmember Powell

NO:

None

ABSTAINED:

None

The Mayor declared the motion carried.

Councilmember Sconiers moved to approve Ordinance No. 2011 – 10. Councilmember Powell seconded the motion which passed unanimously.

ANNOUNCEMENTS:

Mayor Johnson announced that there were four openings on the Downtown Redevelopment Authority and the Community Enhancement Committee. Councilmember Powell nominated John Taylor, David Darby, Mike Ward and Mark Murphy for the Downtown Redevelopment Authority and Barbara McCommons, Kennith Mount and Sue Wilson for the Community Enhancement Committee. Councilmember Griffin seconded the nominations. Mayor Johnson called for a vote which produced the following results:

YES:

Mayor Johnson
Councilmember Sconiers
Councilmember Griffin
Councilmember Jewell
Councilmember Powell

NO:

None

ABSTAINED:

Councilmember Mount

The Mayor declared the motion carried

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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