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STATE OF ALABAMA  
COUNTY OF COVINGTON

ANDALUSIA CITY HALL  
ANDALUSIA, ALABAMA  
NOVEMBER 20, 2012

**REGULAR WORK SESSION MEETING**

**PRESENT:**

Earl V. Johnson, Mayor  
Will Sconiers, Councilmember  
Kenneth C. Mount, Councilmember  
Ralph Wells, Councilmember  
Terry Powell, Councilmember  
Mark Christensen, City Attorney

**ABSENT:**

Hazel Griffin, 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. Mayor Johnson suggested that the council enter executive session to discuss the good name and character and job performance of an employee. Councilmember Mount moved to enter executive session to discuss the good name and character and job performance of an employee. Councilmember Powell seconded the motion which passed unanimously. Mayor Johnson noted that the time was 5:20 p.m. and the executive session should take no more than half an hour.

The executive session ended at 5:46 p.m. and Mayor Johnson noted that no action was taken by the council. Police Chief Wilbur Williams, Asst. Chief Mike Bowlan, Lt. Paul Dean, and City Attorney Mark Christensen attended the executive session.

**REGULAR COUNCIL MEETING**

**PRESENT:**

Earl V. Johnson, Mayor  
Will Sconiers, Councilmember  
Kenneth C. Mount, Councilmember  
Ralph Wells, Councilmember  
Mark Christensen, City Attorney

**ABSENT:**

Hazel Griffin, Councilmember  
Terry Powell, Councilmember

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

**APPROVAL OF MINUTES:**

Mayor Earl Johnson presented the minutes from the regular meeting, October 16, 2012; Quadrennial Planning Session, October 22, 2012; and Organizational Meeting, November 5, 2012. Councilmember Sconiers moved to approve the minutes. Councilmember Mount seconded the motion which passed unanimously.

**MAYOR MAKES PRESENTATIONS:**

Mayor Johnson presented a Certificate of Appreciation to Major Byron Nichols, U. S. Army (ret.), a Resolution of Appreciation to LaFerne Griggs, and a Proclamation to Blanche Alverson.

**COUNCIL APPROVES RESOLUTION NO. 2012 – 35, AUTHORIZING A CONTRACT WITH THE STATE OF ALABAMA FOR THE INDUSTRIAL PARK ACCESS ROAD PROJECT:**

Mayor Johnson presented Resolution No. 2012 – 35.

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**THE CITY OF ANDALUSIA  
ANDALUSIA, ALABAMA**

**RESOLUTION NO. 2012 – 35**

**A RESOLUTION AUTHORIZING A CONTRACT BETWEEN THE CITY OF ANDALUSIA AND THE  
STATE OF ALABAMA**

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

1. That the City enters into a Supplemental Agreement Number 2 with the State of Alabama, acting by and through the Alabama Department of Transportation for amending an Agreement dated March 29, 2007, and the Supplemental Agreement Number 1, dated March 25, 2008, for:

Preliminary Engineering, Right-Of-Way Acquisition, and Construction Agreement  
Project IAR-020-000-004 and Project Reference Number 100050006 to construct an access road beginning at the intersection of Alabama Highway 29 and Goat Hill Road and ending at the intersection of the existing Andalusia Industrial Park entrance on Sutton Road; Phase 2 will extend Progress Drive and resurface the existing paved road to benefit PSI Sales, Inc., SaeHaeSung Corporation, Ameridoor Corporation, City of Andalusia C/D Landfill and Recycling and King Buildings in the City of Andalusia; which Supplemental Agreement is before this Council.

2. That the Agreement be executed in the name of the City, by its Mayor for and on its behalf;
3. That the Agreement be attested by the City Clerk and the Seal of the City affixed thereto.

**BE IT FURTHER RESOLVED**, that upon the completion of the execution of the Agreement by all parties, that a copy of such Supplemental Agreement be kept on file by the City Clerk.

Passed, adopted and approved this 20<sup>th</sup> day of November, 2012.

**ATTESTED:**

\_\_\_\_\_  
**City Clerk**

\_\_\_\_\_  
**Mayor**

I, the undersigned qualified and acting clerk of the City of Andalusia, Alabama, do hereby certify that the above and foregoing is a true copy of a resolution passed and adopted by the City Council of the City named therein, at a regular meeting of such Council held on the 20<sup>th</sup> day of November, 2012, and such resolution is on file in the City Clerk's office.

**IN WITNESS WHEREOF**, I have hereunto set my hand and affixed the official seal of the City on this 20<sup>th</sup> day of November, 2012.

\_\_\_\_\_  
**City Clerk**

Councilmember Mount moved to approve Resolution No. 2012 -35. Councilmember Wells seconded the motion which passed unanimously.

**COUNCIL APPROVES RESOLUTION NO. 2012 – 36, AMENDING A LEASE WITH THE INDUSTRIAL  
DEVELOPMENT BOARD OF THE CITY OF ANDALUSIA:**

Mayor Johnson presented Resolution No. 2012 – 36.

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**RESOLUTION NO. 2012 - 36**

**Approving First Supplemental Lease Agreement  
by The Industrial Development Board of the City of Andalusia**

**BE IT RESOLVED AND ORDERED** by the City Council (the "Council") of the City of Andalusia (herein called the "City") as follows:

**Section 1. Findings.** The Council hereby makes the following findings and determinations:

(a) The City believes that the completion of the development of certain capital projects located within the corporate limits of the City (the "2012 Project") will promote local economic and industrial development, promote trade and commerce in the City, increase tax revenues for the City, and will also provide for the renewal and development of portions of the City within the vicinity of the Project;

(b) The Industrial Development Board of the City of Andalusia (the "Board") has heretofore issued its \$1,070,000 aggregate principal amount of Recovery Zone Facility Bonds, Series 2010-B (the "Series 2010-B Bonds"). The Series 2010-B Bonds were issued pursuant to a Trust Indenture (the "Indenture") dated as of June 1, 2010 between the Board and Regions Bank, Mobile, Alabama (the "Trustee") and the proceeds of the Series 2010-B Bonds were used to finance "Bond Financed Facilities" as defined in the Indenture. The Bond Financed Facilities were leased to the City pursuant to a Lease Agreement dated as of June 1, 2010 between the Board and the City. The Indenture provides that the description of the Bond Financed Facilities may be amended by the City at any time upon the approval of a Supplemental Lease Agreement.

(c) In order to provide financing for the 2012 Project in a manner that will not cause any indebtedness to be chargeable against the City's constitutional debt limit, the Council has requested that the Board approve the First Supplemental Lease Agreement, dated as of November 1, 2012, adding the 2012 Project to the description of the Bond Financed Facilities, and that the City be allowed to pay for the acquisition, construction and equipping of the 2012 Project from the proceeds of the 2010-B Bonds, including the reimbursement to the City for expenditures heretofore made by the city for the 2012 Project.

(d) A copy of the proposed First Supplemental Lease Agreement has been presented to, considered and approved by the Council, which constitutes the governing body of the City.

**Section 2. Authorization of First Supplemental Lease Agreement.** The Mayor of the City is hereby authorized and directed to execute and deliver the First Supplemental Lease Agreement in substantially the form presented to the Council at this meeting with such changes or additions thereto or deletions therefrom as the officer executing the same shall approve, which approval shall be conclusively evidenced by his execution of such instruments. The City Clerk is hereby authorized and directed to affix the official seal of the City to such instrument and to attest the same.

**Section 3. General Authorization.** The members of the Council and all other officers of the Council and of the City are hereby authorized and directed to deliver or cause to be executed and delivered in the name and on behalf of the City such other notices, requests, demands, directions, consents, approvals, orders, applications, certificates, deeds, agreements, further assurances, or other instruments or communications, under the official seal of the City, or otherwise, as they or any of them may deem necessary, advisable, or appropriate in order to consummate the transactions contemplated herein.

**Section 4. Ratification.** Each act of any officer or officers of the City or any person or persons designated and authorized to act by any officer of the City, which act would have been authorized by the foregoing provisions of this resolution except that such action was taken prior to the adoption of this resolution, is hereby ratified, confirmed, approved and adopted.

**ADOPTED AND APPROVED** this 20<sup>th</sup> day of November, 2012

**THE CITY OF ANDALUSIA, ALABAMA**

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

[S E A L]

ATTEST:

\_\_\_\_\_  
**John M. Thompson, City Clerk - Treasurer**

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Councilmember Wells moved to approve Resolution No. 2012 - 36. Councilmember Mount seconded the motion which passed unanimously.

**COUNCIL APPROVES RESOLUTION NO. 2012 – 37, AMENDING A LEASE WITH THE INDUSTRIAL DEVELOPMENT BOARD OF THE CITY OF ANDALUSIA:**

Mayor Johnson presented Resolution No. 2012 – 37.

**RESOLUTION NO. 2012 - 37**

**Approving First Supplemental Lease Agreement  
by The Industrial Development Board of the City of Andalusia**

**BE IT RESOLVED AND ORDERED** by the City Council (the “Council”) of the City of Andalusia (herein called the “City”) as follows:

**Section 1. Findings.** The Council hereby makes the following findings and determinations:

(b) The City believes that the completion of the development of certain capital projects located within the corporate limits of the City (the “2012 Project”) will promote local economic and industrial development, promote trade and commerce in the City, increase tax revenues for the City, and will also provide for the renewal and development of portions of the City within the vicinity of the Project;

(b) The Industrial Development Board of the City of Andalusia (the “Board”) has heretofore issued its \$1,145,000 aggregate principal amount of Taxable Lease Revenue Bonds, Series 2010-C (the “Series 2010-C Bonds”). The Series 2010-C Bonds were issued pursuant to a Trust Indenture (the “Indenture”) dated as of June 1, 2010 between the Board and Regions Bank, Mobile, Alabama (the “Trustee”) and the proceeds of the Series 2010-C Bonds were used to finance “Bond Financed Facilities” as defined in the Indenture. The Bond Financed Facilities were leased to the City pursuant to a Lease Agreement dated as of June 1, 2010 between the Board and the City. The Indenture provides that the description of the Bond Financed Facilities may be amended by the City at any time upon the approval of a Supplemental Lease Agreement.

(c) In order to provide financing for the 2012 Project in a manner that will not cause any indebtedness to be chargeable against the City’s constitutional debt limit, the Council has requested that the Board approve the First Supplemental Lease Agreement, dated as of November 1, 2012, adding the 2012 Project to the description of the Bond Financed Facilities, and that the City be allowed to pay for the acquisition, construction and equipping of the 2012 Project from the proceeds of the 2010-C Bonds, including the reimbursement to the City for expenditures heretofore made by the city for the 2012 Project.

(d) A copy of the proposed First Supplemental Lease Agreement has been presented to, considered and approved by the Council, which constitutes the governing body of the City.

**Section 2. Authorization of First Supplemental Lease Agreement.** The Mayor of the City is hereby authorized and directed to execute and deliver the First Supplemental Lease Agreement in substantially the form presented to the Council at this meeting with such changes or additions thereto or deletions therefrom as the officer executing the same shall approve, which approval shall be conclusively evidenced by his execution of such instruments. The City Clerk is hereby authorized and directed to affix the official seal of the City to such instrument and to attest the same.

**Section 3. General Authorization.** The members of the Council and all other officers of the Council and of the City are hereby authorized and directed to deliver or cause to be executed and delivered in the name and on behalf of the City such other notices, requests, demands, directions, consents, approvals, orders, applications, certificates, deeds, agreements, further assurances, or other instruments or communications, under the official seal of the City, or otherwise, as they or any of them may deem necessary, advisable, or appropriate in order to consummate the transactions contemplated herein.

**Section 4. Ratification.** Each act of any officer or officers of the City or any person or persons designated and authorized to act by any officer of the City, which act would have been authorized by the foregoing provisions of this resolution except that such action was taken prior to the adoption of this resolution, is hereby ratified, confirmed, approved and adopted

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**ADOPTED AND APPROVED** this 20<sup>th</sup> day of November, 2012

**THE CITY OF ANDALUSIA, ALABAMA**

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

[S E A L]

**ATTEST:**

\_\_\_\_\_  
**John M. Thompson, City Clerk - Treasurer**

Councilmember Wells moved to approve Resolution No. 2012 - 37. Councilmember Sconiers seconded the motion which passed unanimously.

**COUNCIL APPROVES ALABAMA BEVERAGE CONTROL BOARD SPECIAL EVENT LICENSE FOR THE ALABAMA WILDLIFE FEDERATION:**

Mayor Johnson presented an Alabama Alcoholic Beverage Control Board 240 – Non-Profit Tax Exempt, Special Event License for the Alabama Wildlife Federation, 24000 Alabama Hwy 55, Andalusia, Alabama, to the council for consideration. Councilmember Mount moved to approve the ABC Special Event License for the Alabama Wildlife Federation. Councilmember Wells seconded the motion which passed unanimously.

**COUNCIL APPROVES HR2012-007, PERSONNEL CHANGES FOR POLICE DEPARTMENT:**

Mayor Johnson presented HR2012-007. Councilmember Sconiers moved to approve HR2012-007. Councilmember Mount seconded the motion which passed unanimously.

**COUNCIL APPROVES BOARD APPOINTMENT:**

Councilmember Wells moved to appoint Alan Cotton to the Downtown Redevelopment Authority. Councilmember Mount seconded the motion which passed unanimously.

**COUNCILMEMBER MOUNT MAKES PRESENTATION TO MAYOR JOHNSON:**

Councilmember Mount presented the mayor with the city's Southeast Alabama Gas District 2012 Dividend.

**ADJOURNMENT:**

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

**THE CITY OF ANDALUSIA, ALABAMA**

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

\_\_\_\_\_  
**John Thompson City Clerk - Treasurer**