

PAGE ONE

**STATE OF ALABAMA
COUNTY OF COVINGTON**

**ANDALUSIA, ALABAMA
ANDALUSIA CITY HALL
AUGUST 18, 2015**

REGULAR WORK SESSION MEETING

PRESENT:

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

ABSENT:

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
Terry Powell, Councilmember
Will Sconiers, Councilmember
Kenneth C. Mount, Councilmember
Ralph Wells, Councilmember
Hazel Griffin, Councilmember
Mark Christensen, City Attorney

ABSENT:

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

APPROVAL OF MINUTES:

Mayor Johnson presented the minutes from the regular meeting, August 4, 2015. Councilmember Wells moved to approve the minutes. Councilmember Griffin seconded the motion which passed unanimously.

PAGE TWO

COUNCIL NOMINATES A CANDIDATE FOR THE COVINGTON COUNTY BOARD OF EQUALIZATION:

Mayor Johnson announced that the City of Andalusia could nominate up to three candidates to serve on the Covington County Board of Equalization. Councilmember Powell nominated Virginia Brawner. Councilmember Sconiers seconded the motion which passed unanimously.

COUNCIL APPROVES RESOLUTION NO. 2015 – 44, PUBLIC EDUCATION BUILDING AUTHORITY:

Mayor Johnson presented Resolution 2015 – 44, Public Educational Building Authority to the council.

THE CITY OF ANDALUSIA
ANDALUSIA, ALABAMA
RESOLUTION NO. 2015 - 44

A RESOLUTION TO APPROVE THE
FORMATION OF THE PUBLIC EDUCATIONAL
BUILDING AUTHORITY OF THE
CITY OF ANDALUSIA

WHEREAS, an application has been presented to the City Council by Robert B. Burkhardt, John F. Jones, Jr., and Steve Posey seeking permission to apply for the incorporation of a public educational building authority for the City of Andalusia; and

WHEREAS, the City Council has reviewed the application and the supporting documentation showing the need for such an authority and that it will serve valid and sufficient public purposes including, but not limited to, enhancement of the physical facilities for schools in the City thereby creating greater opportunities for students and others in the community; and

WHEREAS, a proposed Certificate of Incorporation for said authority has also been presented to the City Council; and

WHEREAS, the City Council has reviewed and considered all of the information presented to it;

NOW THEREFORE, BE IT RESOLVED that the City Council of the City of Andalusia, Alabama, hereby declares that it has reviewed the application for the incorporation of “The Public Educational Building Authority of the City of Andalusia” and has found and determined as a matter of fact that it is wise, expedient, necessary, and advisable that the authority be formed, and it is also hereby declared that the City Council has approved the proposed form of certificate of incorporation of the authority.

PAGE THREE

ADOPTED AND APPROVED this 18th day of August, 2015.

THE CITY OF ANDALUSIA, ALABAMA

BY: _____
Earl V. Johnson, Mayor

ATTEST:

John M. Thompson, City Clerk/Treasurer

Councilmember Wells moved to approve Resolution 2015-44. Councilmember Mount seconded the motion which passed unanimously.

COUNCIL APPROVES THE ELECTRONIC SIGN PROJECT:

Mayor Johnson announced that the city, with potential partners, had developed a project to erect two electronic signs to promote Andalusia and business and commerce in Andalusia. He added that if the council desired to move forward with the project, certain notices must be given and other procedures followed. Councilmember Powell moved to authorize the publication of notices and other procedures necessary for the council to formally consider the project. Councilmember Wells seconded the motion which passed unanimously.

**COUNCIL APPROVES RESOLUTION NO. 2015 – 46, ALABAMA
DEPARTMENT OF TRANSPORTATION PROJECT:**

Mayor Johnson presented Resolution 2015 – 46, Alabama Department of Transportation Project to the council.

**CITY OF ANDALUSIA
ANDALUSIA, ALABAMA**

RESOLUTION NO. 2015-46

WHEREAS, the City of Andalusia, Alabama (hereinafter at times referred to as City)

is desirous of having certain improvements made on "Curb Ramp Installations and Modifications on State Routes at Various Locations in Covington and Coffee Counties" within the City. Limits of City, in accordance with plans prepared by the

PAGE FOUR

Alabama Department of Transportation and designated as Project Number STPAA-NR13 (959).

WHEREAS, The Alabama Department of Transportation is now or may later be desirous of receiving Federal Aid for improvement of said highway; and

WHEREAS, The Federal Highway Administration, an agency of the United States of America, will not participate in any funding for the construction of said project until and unless the City will agree to certain requirements of the Federal Highway Administration. The City for the purpose of complying with requirements of the Federal Highway Administration in regard to its funding of improvements of the type and kind in this agreement provided for, does hereby pass and adopt the following resolution:

BE IT RESOLVED by the City Council of Andalusia that the plans of said project including alignment, profile, grades, typical sections and paving layouts as submitted to this City and which are now on file in the office of the City Clerk are hereby approved and that the location of said project as staked out by the Alabama Department of Transportation and as shown by said plans referred to are hereby approved and the Alabama Department of Transportation, in cooperation with the Federal Highway Administration, is hereby authorized to proceed with the grading, draining, paving, and otherwise improving and construction of said project in accordance with said plans.

The City by and through its Council hereby grants to the Alabama Department of

Transportation the full use of and access to the dedicated widths of any existing streets for the construction of said project and hereby agrees to permit and allow the

PAGE FIVE

Alabama Department of Transportation to close and barricade the said project and intersecting streets for as long as necessary while the said project is being graded, drained, paved, and otherwise improved, and hereby agrees that the use of any street or highway for parking within an interchange area will not at any time be permitted.

The City hereby further agrees to adopt or pass such legally effective ordinances and/or laws as will permanently barricade and/or relocate certain intersecting streets as required by the State and to permanently deny or limit access at certain locations as required by the State along said improvements, all of which are more specifically stated as follows:

_____NA_____

BE IT FURTHER RESOLVED by the City Council that for and in consideration of the Alabama Department of Transportation in cooperation with the Federal Highway Administration, constructing said highway and routing traffic along the same through the City over said project, such City hereby agrees with the Alabama Department of Transportation and for the benefit of the Federal Highway Administration, that on the above mentioned project the City will not in the future permit encroachments upon the right of way; nor will it pass any ordinances or laws fixing a speed limit contrary to those limits provided for in Title 32, Chapter 5, Code of Alabama 1975, as amended, and other laws of Alabama; nor will it permit other than parallel parking in areas where parking is permitted; nor will it allow the placing of any informational, regulatory, or warning signs, signals, median crossover, curb and pavement or other markings, and traffic signals without written approval of the Alabama Department of Transportation and the Federal Highway Administration, of the location, form and character of such installations. The traffic control devices and signs installed during

PAGE SIX

construction, and those installed after completion of this project shall be in accordance with the latest edition of the national Manual on Uniform Traffic Control Devices and accepted standards adopted by the Alabama Department of Transportation of the State of Alabama and by the Federal Highway Administration. The City further agrees that subsequent traffic control devices deemed necessary by it in keeping with applicable statutes, rules and regulations to promote the safe and efficient utilization of the highway under the authority of Title 32, Chapter 5, Code of Alabama 1975, and all other applicable laws of Alabama, shall be subject to and must have the approval of the Alabama Department of Transportation of the State of Alabama and of the Federal Highway Administration, prior to installation and the City further agrees that it will enforce traffic and control the same under the provisions of Title 32, Chapter 5, Code of Alabama 1975, and other applicable laws of Alabama.

Additional requirements may be added such as the following, if applicable.

BE IT FURTHER RESOLVED by this City Council

1. That the City agrees to perform all maintenance on crossroads, service drives, or relocated roads that are not designated Federal or State highways that are in the jurisdiction of the City.
2. That the City agrees to perform all maintenance on any existing road which has been replaced by a new road; or, if the existing road is not used, the City has the option of vacating same.
3. That the City agrees to perform all maintenance on interchanges to the theoretical crossing of the denied access line.
4. That the City agrees to perform all maintenance on grade separations along the roadway to the end of the bridge, or the denied access fence, whichever the case.

PAGE SEVEN

It is understood and agreed that no changes in this Resolution or Agreement shall in the future be made without having obtained the prior approval of the Federal Highway Administration.

THIS RESOLUTION PASSED, ADOPTED, AND APPROVED this ___ day of ____, 20__.

THE CITY OF ANDALUSIA, ALABAMA

BY: _____

Earl V. Johnson, Mayor

ATTEST:

John M. Thompson, City Clerk/Treasurer

Councilmember Powell moved to approve Resolution 2015-46. Councilmember Mount seconded the motion which passed unanimously.

MAYOR JOHNSON PRESENTS ORDINANCE NO. 2015-02:

Mayor Johnson presented Ordinance 2015 – 02 to the council for a first reading.

**THE CITY OF ANDALUSIA
ANDALUSIA, ALABAMA**

ORDINANCE NO. 2015 - 02

THE FOLLOWING ORDINANCE PROVIDING FOR THE DEFINITION OF CAPITAL IMPROVEMENTS AS DESIGNATED AND OR RESTRICTED FROM TIME TO TIME IN ORDINANCES AND RESOLUTIONS IS HEREBY ADOPTED

WHEREAS, the City Council of the City of Andalusia, Alabama, desires to improve the quality of life for all of its citizens and designated from time to time that the expenditure of certain funds shall be restricted to Capital Improvements and that such funds shall be held in a special interest bearing account known as the Capital Improvements Account; and

PAGE EIGHT

WHEREAS, restrictions on the use of certain funds only for the expenditures necessary for Capital Improvement is a prudent means to ensure an adequate capital structure for the future of the City of Andalusia thereby improving the quality of life for the citizens of Andalusia, both present and future; and

WHEREAS, the City Council of the City of Andalusia desires to define exactly the items that may be paid for out of the Capital Improvements Account;

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of Andalusia, Alabama, that the Code of Ordinances, City of Andalusia, Alabama, be amended as follows:

The special interest bearing account known as the Capital Improvements Account, shall only be used to pay for items that are approved by a majority vote of a quorum of the City Council and which qualify as Capital Improvements, and such Capital Improvements shall be defined as follows:

The repair, restoration, renovation, purchase and/or construction of municipal buildings, roads, streets, alleys, sidewalks, water systems, sewer systems, waste water systems, recreation facilities, landfills, vehicles, machinery, and other depreciable items deemed, determined, or defined as capital expenses by the City's auditor, or such items that are typically reflected as capital assets in the City's annual audit report, or which are considered to be capital assets under the generally accepted accounting practices.

This Ordinance shall be cumulative in its nature, and in addition to any and all power and authority which the city may have under any other law.

ADOPTED this 18th day of August, 2015.

THE CITY OF ANDALUSIA, ALABAMA

BY: _____
Earl V. Johnson, Mayor

ATTEST:

John M. Thompson, City Clerk/Treasurer

PAGE NINE

COUNCIL APPROVES RESOLUTION NO. 2015 – 45, GOLF COURSE AND TURF MANAGEMENT EQUIPMENT BID RESULTS:

Mayor Johnson presented Resolution 2015 – 45, Golf Course and Turf Management Equipment Bid Results to the council.

THE CITY OF ANDALUSIA
ANDALUSIA, ALABAMA
RESOLUTION NO. 2015 – 45

A RESOLUTION APPROVING A BID FOR GOLF COURSE AND TURF
MAINTENANCE EQUIPMENT

WHEREAS, the City of Andalusia desires to replace golf course and turf maintenance equipment; and

WHEREAS, the City of Andalusia, Alabama did legally advertise a bid opening time and date of 2:00 PM, August 13, 2015, for golf course and turf management equipment, 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 Beard Equipment Company with a low bid of \$141,000 and a lease option of \$3,194.74 per month for thirty – six months.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ANDALUSIA, that the bid from Beard Equipment 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 18th day of August, 2015.

THE CITY OF ANDALUSIA, ALABAMA

By: _____
Earl V. Johnson, Mayor

ATTEST:

John M. Thompson, City Clerk – Treasurer

Councilmember Sconiers moved to approve Resolution 2015-45. Councilmember Wells seconded the motion which passed unanimously.

PAGE TEN

**COUNCIL APPROVES RESOLUTION NO. 2015 – 40, ASSESSING
ABATEMENT COSTS:**

Mayor Johnson presented Resolution 2015 – 40, Assessing Abatement Costs to the council.

**THE CITY OF ANDALUSIA
ANDALUSIA, ALABAMA
RESOLUTION NO. 2015-40**

A RESOLUTION DETERMINING COSTS OF ABATEMENT OF PROPERTIES

WHEREAS, the City of Andalusia, Alabama, adopted the provisions of State of Alabama Act 94-540 by Ordinance No. 1994-7 which provides for the abatement of nuisances; and

WHEREAS, the City Council is required to confirm the costs the City of Andalusia has incurred in the abatement of nuisance properties; and

WHEREAS, the City of Andalusia has incurred costs in the abatement of nuisances located at 236 Smith Street described as Parcel # 1304184004016000, 101 Williams St., described as Parcel #1304202201018000 and 304 Madison Ave., described as parcel # 1304183004016000; now

BE IT RESOLVED by the City Council of the City of Andalusia that the actual costs of abatement of the aforementioned properties is as follows:

Owner: Nancy Estelle Wiggins C/O Penny King
Parcel: 1304184004016000
Description: 236 Smith Street
Total Cost of Abatement: \$4,775.00

Owner: Betty Sue Hurst c/o Betty blocker
Parcel: 1304202201018000
Description: 101 Williams St.
Total Cost of Abatement: \$128.28

Owner: L.V. & Elsie J. Comans c/o Cathy Griffin
Parcel: 1304183004016000
Description: 304 Madison Ave.
Total Cost of Abatement: \$338.86

PAGE ELEVEN

ADOPTED AND APPROVED this 18th day of August, 2015.

THE CITY OF ANDALUSIA, ALABAMA

BY: _____
Earl V. Johnson, Mayor

ATTEST:

John M. Thompson, City Clerk/Treasurer

Councilmember Griffin moved to approve Resolution 2015-40. Councilmember Powell seconded the motion which passed unanimously.

COUNCIL APPROVES RESOLUTION NO. 2015 – 41, ABATEMENTS:

Mayor Johnson presented Resolution 2015 – 41, Abatements to the council.

**CITY OF ANDALUSIA
ANDALUSIA, ALABAMA
RESOLUTION NO. 2015 - 41**

BE IT RESOLVED by the City Council of the City of Andalusia, Alabama that we, after having examined the report of the City Building Inspector, do hereby find that the property in question specifically described below and denominated as parcel numbers by the Revenue Commission of Covington County is hazardous to the health, safety, welfare, and morals of the citizens of Andalusia and thereby constitute a public nuisance pursuant to the Alabama Act No. 94-540 as adopted by the City Council of the City of Andalusia:

- | | |
|--------------------|---------------------------|
| 1.) 322 Pugh St. | parcel # 1304181003018000 |
| 2.) 521 Barton St. | parcel # 1304182002008000 |
| 3.) 404 Third St. | parcel # 1304173301006000 |

BE IT FURTHER RESOLVED that the City Council hereby authorizes the Building Inspector to proceed with the abatement of these nuisances as authorized under State of Alabama Act. No. 94-540 as adopted by the City of Andalusia.

PAGE TWELVE

ADOPTED AND APPROVED this 14th day of August, 2015

THE CITY OF ANDALUSIA, ALABAMA

BY: _____
Earl V. Johnson, Mayor

ATTEST:

John M. Thompson, City Clerk

Councilmember Mount moved to approve Resolution 2015-41. Councilmember Sconiers seconded the motion which passed unanimously.

COUNCIL APPROVES RESOLUTION NO. 2015 – 42, DANGEROUS BUILDINGS AND UNSAFE STRUCTURES PROGRAM:

Mayor Johnson presented Resolution 2015 – 42, Dangerous Buildings and Unsafe Structures Program to the council.

**CITY OF ANDALUSIA
ANDALUSIA, ALABAMA
RESOLUTION NO. 2015-42**

**A RESOLUTION AUTHORIZING THE
RETENTION OF SPECIAL COUNSEL TO
DESIGN, MANAGE, AND PROSECUTE, ON AN
AS-NEEDED BASIS, THE CITY OF ANDALUSIA'S
DANGEROUS BUILDINGS AND UNSAFE
STRUCTURES PROGRAM.**

WHEREAS, the City Council of Andalusia, Alabama, desires that the City of Andalusia, Alabama (the "City") enter into a professional services agreement with Hand Arendall LLC to assist the City with the remediation of dangerous buildings, unsafe structures, and other nuisances that are located within the City; and

WHEREAS, the City Council desires that Hand Arendall LLC work together with all of the City's officials, including the City Attorney, to help resolve property maintenance issues;

NOW, THEREFORE, BE IT RESOLVED by the City Council of Andalusia, Alabama, while in regular session on the 18th day of August, 2015, as follows:

A. That the Mayor is hereby authorized to retain Hand Arendall LLC to represent the interests of the City in the design, management, and prosecution, as

PAGE THIRTEEN

needed, of a dangerous buildings and unsafe structures program, as well as to assist the City with the remediation of other nuisances, by executing an engagement agreement and/or waiver of conflict, if applicable, to secure such representation through all potential stages, including before and after the institution of proceedings before the City Council, through trial, and all stages of appeal, if applicable; and

B. That the Mayor and such other necessary City officials are hereby authorized to execute any pleadings or other documents that may be necessary to assert and/or preserve the City's interests in connection with such representation authorized by this Resolution.

C. That the mayor is authorized to sign the engagement letter with Hand Arendall, dated August 6, 2015, attached to this resolution, for the services listed therein and the treasurer is authorized to pay for those services, not to exceed \$2250.

ADOPTED AND APPROVED THIS 18th DAY OF AUGUST, 2015.

THE CITY OF ANDALUSIA, ALABAMA

BY: _____
Earl V. Johnson, Mayor

ATTEST:

John M. Thompson, City Clerk/Treasurer

CERTIFICATE OF CITY CLERK

STATE OF ALABAMA

COVINGTON COUNTY

I, John M. Thompson, City Clerk of Andalusia, Alabama, do hereby certify that the above and foregoing is a true and correct copy of a Resolution duly adopted by the City Council of Andalusia, Alabama, on the 18th day of August, 2015.

Witness my hand and seal of office this 18th day of August, 2015.

John M. Thompson, City Clerk

Councilmember Powell moved to approve Resolution 2015-42. Councilmember Mount seconded the motion which passed unanimously.

PAGE FOURTEEN

COUNCIL APPROVES RESOLUTION NO. 2015 – 43, SURPLUS VEHICLES:

Mayor Johnson presented Resolution 2015 – 43, Surplus Vehicles to the council.

**CITY OF ANDALUSIA
ANDALUSIA, ALABAMA
RESOLUTION 2015 – 43**

A RESOLUTION DECLARING CITY PROPERTY SURPLUS

WHEREAS, the City of Andalusia, Alabama has inventoried its equipment/vehicles and found the following vehicles to be unneeded for public municipal purposes:

- 1) 2005 Ford Crown Victoria
Mileage: 127,628
VIN: 2FAFP71W95X105667

- 2) 2006 Ford Crown Victoria
Mileage: 105,503
VIN: 2FAFP71W66X138174

NOW, THEREFORE, BE IT RESOLVED, by the City Council of the City of Andalusia, Alabama, that said equipment listed above is no longer needed for public municipal purposes, and that the Mayor and City Clerk are hereby authorized to sell or otherwise dispose of said surplus property.

ADOPTED AND APPROVED this 18th day of August, 2015.

THE CITY OF ANDALUSIA, ALABAMA

By: _____
Earl V. Johnson, Mayor

ATTEST:

John Thompson, City Clerk – Treasurer

Councilmember Griffin moved to approve Resolution 2015-43. Councilmember Sconiers seconded the motion which passed unanimously.

PAGE FIFTEEN

ADJOURNMENT:

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

THE CITY OF ANDALUSIA, ALABAMA

BY: _____
Earl V. Johnson, Mayor

ATTEST:

John Thompson City Clerk – Treasurer