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**STATE OF ALABAMA
COUNTY OF COVINGTON**

**ANDALUSIA, ALABAMA
ANDALUSIA CITY HALL
SEPTEMBER 1, 2015**

REGULAR WORK SESSION MEETING

PRESENT:

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

ABSENT:

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

ABSENT:

Ralph Wells, Councilmember

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

APPROVAL OF MINUTES:

Mayor Johnson presented the minutes from the regular meeting, August 18, 2015. Councilmember Powell moved to approve the minutes. Councilmember Mount seconded the motion which passed unanimously.

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COUNCIL APPROVES ORDINANCE 2015-02, AMENDING ORDINANCE NO. 1996-008, CAPITAL IMPROVEMENT ACCOUNT:

Mayor Johnson presented Ordinance No. 2015-02, Amending Ordinance No. 1996-008, Capital Improvement Account to the council for the second 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

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:

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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 1st day of September, 2015.

EARL V. JOHNSON, MAYOR

ATTEST:

JOHN THOMPSON, CITY CLERK AND TREASURER

Councilmember Sconiers moved to approve Ordinance No. 2015-02.
Councilmember Powell seconded the motion which passed unanimously.

COUNCIL APPROVES RESOLUTION NO. 2015 – 47, EASTSIDE SIDEWALK PROJECT CONTRACT WITH THE STATE OF ALABAMA:

Mayor Johnson presented Resolution 2015 – 47, Eastside Sidewalk Project Contract with the State of Alabama to the council.

**CITY OF ANDALUSIA
ANDALUSIA, ALABAMA
RESOLUTION 2015 – 47**

A RESOLUTION

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

1. That the City enter into an agreement with the State of Alabama, acting by and through the Alabama Department of Transportation relating to a Transportation Alternatives project with partial funding by the Federal Highway Administration, which agreement is before this Council;

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2. That the agreement be executed in the name of the City, for and on behalf of the City, by its Mayor.
3. That it be attested by the 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 agreement be kept on file by the City Council.

ADOPTED AND APPROVED THIS 1st DAY OF September, 2015.

THE CITY OF ANDALUSIA, ALABAMA

BY: _____
Earl V. Johnson, Mayor

ATTEST:

John M. Thompson, City Clerk/Treasurer

Councilmember Powell moved to approve Resolution 2015-47. Councilmember Griffin seconded the motion which passed unanimously.

COUNCIL APPROVES RESOLUTION 2015-48, :

Mayor Johnson presented Resolution No. 2015-48, Designating Members of the Public Education Building Authority of the City of Andalusia.

**THE CITY OF ANDALUSIA
ANDALUSIA, ALABAMA
RESOLUTION NO. 2015-48**

**A RESOLUTION TO APPOINT THE INITIAL DIRECTORS OF
THE PUBLIC EDUCATIONAL BUILDING AUTHORITY OF
THE CITY OF ANDALUSIA**

WHEREAS, on August 18, 2015, the City Council adopted a Resolution finding that it was wise, expedient, necessary, or advisable that a public educational authority be formed, and said Resolution also approve the proposed form of the certificate of incorporation of the Public Educational Building Authority of the City of Andalusia; and

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WHEREAS, the City Council has now been informed that the Public Educational Building Authority of the City of Andalusia was officially incorporated within 40 days of the adoption of said resolution in accordance

with Code of Alabama § 16-18-3(b) by the filing of its certificate of incorporation with the Judge of Probate of Covington County Alabama on August 25, 2015; and

WHEREAS, Code of Alabama § 16-18-5 provides that public educational building authorities shall have a board of three directors who are qualified electors and the owners of real property in the determining municipality and that the directors shall be appointed by the governing body of the determining municipality; and

WHEREAS, the City Council is the governing body of the determining municipality for the Public Educational Building Authority of the City of Andalusia; and

WHEREAS, Code of Alabama § 16-18-5 also provides that the initial Board of Directors shall serve staggered terms and that subsequent terms shall be for a term of six years;

NOW THEREFORE, BE IT RESOLVED by the City Council of the City of Andalusia, Alabama, that the following qualified persons are hereby elected to serve as the initial directors of the public educational building authority of the city of Andalusia:

Steve Posey, to serve a term beginning immediately and expiring at noon on the second Monday in November 2017;

Paula Sue Duebelt, to serve a term beginning immediately and expiring at noon on the second Monday in November 2019;

Dr. Charles Eldridge, to serve a term beginning immediately and expiring at noon on the second Monday in November 2021; and

That the City Council shall elect subsequent directors (although directors shall be eligible for reelection) not earlier than 30 days prior to the date on which such director is to take office.

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ADOPTED AND APPROVED this 1st day of September, 2015.

THE CITY OF ANDALUSIA

Earl V. Johnson, Mayor

ATTEST:

John M. Thompson, City Clerk-Treasurer

Councilmember Mount moved to approve Resolution 2015-48. Councilmember Griffin seconded the motion which passed unanimously.

COUNCIL APPROVES RESOLUTION NO. 2015 – 49, ECONOMIC DEVELOPMENT PROJECT FOR HOOKS ANDALUSIA:

Mayor Johnson presented Resolution 2015 – 49, Economic Development Project for Hooks Andalusia, authorizing a sales tax rebate for Hooks Andalusia. Mayor Johnson asked for the clerk to call the roll of the council on the question of suspending the rules in order to open a public hearing.

YES:

Mayor Johnson
Councilmember Sconiers
Councilmember Griffin
Councilmember Powell
Councilmember Mount

NO:

Mayor Johnson declared the rules suspended and opened a public hearing concerning a sales tax rebate for Hook's Andalusia and asked if anyone present wished to speak on the matter. Hearing none, Mayor Johnson declared the hearing closed.

**THE CITY OF ANDALUSIA
ANDALUSIA, ALABAMA**

RESOLUTION NO. 2015 - 49

**A RESOLUTION TO AUTHORIZE A REBATE ON
SALES TAX FOR THE OPERATION OF HOOK'S
ANDALUSIA RESTAURANT IN THE CITY OF
ANDALUSIA, ALABAMA**

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WHEREAS, the City Council finds that it serves a public purpose to encourage economic development in the City of Andalusia; and

WHEREAS, the City Council finds that Whitney Jones d/b/a Hook's Andalusia has reopened a closed restaurant at 605 MLK Expressway in Andalusia, and that the opening of said establishment in the City of Andalusia serves valid and sufficient public purposes including, but not limited to, expansion and enhancement of the City's economic and tax base, thereby providing additional revenues for schools, municipal services, and other public needs, and increased employment opportunities with the City, promotion of the City as a center for retail and commercial activity; and provision of additional goods and services to the residents of Andalusia and the surrounding areas; and

WHEREAS, Amendment 725 to the Constitution of Alabama of 1901 provides that in promoting local economic development, the city council may grant public moneys and things of value in aid of any individual, form, association, corporation, or entity whatsoever; and

WHEREAS, the City Council finds that the contract attached as an Exhibit hereto will carry out the intent of this resolution;

WHEREAS, the City Council finds that the opening and continued operation of a Hook's Barbeque restaurant in Andalusia and a temporary sales tax rebate to encourage its opening and continued operation would provide a significant benefit to a broad segment of the public and that any private benefit that might accrue would only be incidental and insubstantial in the context of the public benefit;

NOW THEREFORE, BE IT RESOLVED by the City Council of the City of Andalusia, Alabama, that the Mayor and Clerk are hereby authorized to execute said contract for the purposes expressed therein.

ADOPTED AND APPROVED this 1st day of September, 2015.

THE CITY OF ANDALUSIA

BY: _____
Earl V. Johnson, Mayor

ATTEST:

John M. Thompson, City Clerk-Treasurer

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Councilmember Sconiers moved to approve Resolution 2015-49. Councilmember Griffin seconded the motion which passed unanimously.

COUNCIL APPROVES RESOLUTION NO. 2015 – 50, ABATEMENT OF PROPERTIES:

Mayor Johnson presented Resolution 2015 – 50, Abatement of Properties to the council.

**CITY OF ANDALUSIA
ANDALUSIA, ALABAMA**

RESOLUTION NO. 2015 - 50

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) | 508 Dunson St.
1304192002011000 | parcel # |
| 2) | North Cotton St. Empty Lot #1
1304184401053000 | parcel # |
| 3) | North Cotton St. Empty Lot #2
1304184401051000 | parcel # |
| 4) | North Cotton St. Empty Lot #3
1304184401050000 | parcel # |
| 5) | Empty Lot Hwy 29 North next to Outlaw Realty
1302093002024021 | parcel # |

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.

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ADOPTED AND APPROVED this 1st day of September, 2015

THE CITY OF ANDALUSIA, ALABAMA

BY: _____
Earl V. Johnson, Mayor

ATTEST:

John M. Thompson, City Clerk

Councilmember Griffin moved to approve Resolution 2015-50. Councilmember Powell 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:

John Thompson City Clerk – Treasurer