

**STATE OF ALABAMA
COUNTY OF COVINGTON**

**ANDALUSIA, ALABAMA
ANDALUSIA CITY HALL
FEBRUARY 16, 2016**

REGULAR WORK SESSION MEETING

PRESENT:

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

ABSENT:

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

APPROVAL OF MINUTES:

Mayor Johnson presented the minutes from the regular meeting, February 2, 2016. Councilmember Griffin moved to approve the minutes. Councilmember Powell seconded the motion which passed unanimously.

COUNCIL REJECTS CITY VEHICLE BIDS:

Mayor Johnson presented the results from a bid opening for vehicles to the council for consideration.

**BID RECAP
BID # 012016
Bid Opening**

**2016 City Vehicle Bid Package
February 11, 2016, 2:00 P.M.**

	Name	Bid Amount
1.	Allan Vigil Ford	2016 F150 - \$23,794.00 2016 Ford Police Utility - \$27,444.00
2.	Andalusia Ford	2016 F150 - \$24,772.36 2016 Ford Police Utility - \$29,444.18
3.		
4.		
5.		
6.		

Successful Bidder: _____

Bid Amount: _____

Date: _____

Witness

John M. Thompson, City Clerk/Treasurer

Councilmember Powell moved to reject all bids and to direct the city clerk to advertise for bids for vehicles again. Councilmember Wells seconded the motion which passed unanimously.

MAYOR JOHNSON OPENED AN UNSAFE STRUCTURES AND DANGEROUS BUILDINGS HEARING:

Mayor Johnson announced the opening of a public hearing for the purpose of receiving a report from the appropriate municipal official, Andy Wiggins, pursuant to Ordinance 2015 – 03, Unsafe Structures and Dangerous Buildings. Mayor Johnson also introduced Ben Goldman, the city’s consultant in the implementation of Ordinance 2015 – 03. Mr. Wiggins and Mr. Goldman presented a finding of public nuisance, notice and order to remedy, notice of lis pendens, post publication affidavit of legal notice in the Andalusia Star News, proof of publication and a detailed written report including pictures, and any written objections provided by the parties with an interest in the property, all of which are on file in the office of the City Clerk, as applicable, relating to 220 Crescent Street. **Written Report:** It is the recommendation of the Building Department that the building is to be demolished, with an administrative deferral of 120 days to allow the owner to make the recommended improvements that he proposes. Mr. Patterson has presented a plan in accordance with the ordinance to remedy the violations of his property and house.

He purchased the necessary permits for the demotion, repairs, and new electrical service with temporary pole. He has already remedied all but one of the violations by removing the collapsing porch, cleaning out the interior, and patching the brick walls on the exterior (Exhibit A). He has started remodeling the interior by removing all wall coverings to re-wire, re-plumb and insulate. He plans on re-building a gable roof over the front porch and re-roof the house. The house was purchased to live in, as needed, to be close to his work.

The Building Department has a signed agreement from Mr. Patterson saying that he will make the necessary improvements to the property and we’re comfortable that he is taking the steps to remediate the violations in a reasonable time frame.

It is our recommendation that the council allow a one hundred twenty (120) day deferral to accomplish the necessary repairs and improvements.

The following are specific violations that must be remedied and any code and/or ordinance reference pertaining to that violation for the abatement of the property located at 220 Crescent Street.

1. Windows are to be repaired or replaced to ensure openings are weather tight, doors are to be repaired or replaced to ensure a weather tight seal of the opening, or all openings covered with other method to cause openings to be weather tight. IPMC 302.1, 304.1, 304.13, 304.15, Ordinance # 2015-03 Sec 5-102 (4), (5), (12), (13), (14), (15), (16).

The following references in the codes and ordinances show the scope, intent, and authority given to enforce the remediation of the violations that are listed; IPMC 101.2, 101.3, 101.4, 102.1, 102.2, 102.3, 102.6, 102.7, 102.8, 103.1, 103.3, 104.1, 104.2, 108.1, 110.1, 301.1, 301.2, 304.1, 304.2, 305.1, 307.1, 308.1, 401.1, 401.2, 501.1, 501.2, 601.1, 601.2, 701.1, 701.2, IBC 101.2, 101.3, 101.4, 102.1, 102.6, 103.1, 104.1, 105.1, 106.1, 115.1, 115.5, Ordinance # 2015-03 Sec 5-101, 5-104, 5-111, 5-112, 5-113, 5-114, 5-115, 5-116, 5-117, 5-118, AL Section 11-40-30, 11-40-31, 11-53B-1, 11-53B-2, 11-53B-3, 11-53B-4, 11-53B-15, 11-53B-16, 6-5-122, 11-14-117, 11-47-118, 11-53-1, 11-53-2, 11-53-3, 45-20-172.50, 45-20-172.51, 45-20-172.52, through 45-20-172.57.

Mr. Wiggins reaffirmed the findings made in the lis pendens, including but not limited to, the ultimate finding that the property is unsafe to the extent that it is a public nuisance and in need of abatement as described in the written recommendation for abatement, with a one hundred twenty (120) day deferral in order for the owner to complete the remedies and repairs that he agreed to accomplish. Mr. Wiggins also explained the blighting effect that the subject property has on the surrounding area. Mayor Johnson asked if there was anyone present related to the property in question. George Leonard Patterson identified himself as the owner of the property. Mayor Johnson asked Mr. Patterson if he had any questions or comments regarding the city's findings. Mr. Patterson indicated that he had none. Mayor Johnson asked if anyone else in the public audience had any comment on the matter. Hearing no one desiring to comment, Mayor Johnson declared the public hearing closed. Councilmember Mount moved to accept the findings outlined in the lis pendens, the recommendations of the appropriate municipal official, and to proceed with the abatement of 220 Crescent Street with a one hundred twenty (120) day deferral to allow the property owner to complete proposed and accepted remedies. Councilmember Sconiers seconded the motion which passed unanimously.

MAYOR JOHNSON OPENED AN UNSAFE STRUCTURES AND DANGEROUS BUILDINGS HEARING:

Mayor Johnson announced the opening of a public hearing for the purpose of receiving a report from the appropriate municipal official, Andy Wiggins, pursuant to Ordinance 2015 – 03, Unsafe Structures and Dangerous Buildings, and Ben Goldman, the city's consultant in the implementation of Ordinance 2015 – 03. Mr. Wiggins and Mr. Goldman presented a finding of public nuisance, notice and order to remedy, notice of lis pendens, post publication affidavit of legal notice in the Andalusia Star News, proof of publication and a detailed written report including pictures, and any written objections provided by the parties with an interest in the property, all of which are on file in the office of the City Clerk, as applicable, relating to 222 Crescent Street. **Written Report:** It is the recommendation of the Building Department that the

building is to be demolished. The Building Department has not been contacted to discuss any type of remediation agreement for this property.

The building has a collapsed floor and the adjoining walls on the interior. The expense involved in the repairs would exceed more than fifty percent of the current value of the building (Exhibit A).

Within 30 days from today it is recommended that the building is to be demolished and the building site made safe.

If no work has begun within 20 days, we recommend that the council authorize the contract of an outside contractor or the use of city forces, for the demolition of the building.

The following are specific violations that must be remedied and any code and/or ordinance reference pertaining to that violation for the abatement of the property located at 222 Crescent Street.

1. Demolish the building is the only reasonable solution with the collapse of the interior floor and corresponding interior wall, and would require a complete re-wire for the electrical because of vandalism, would require a re-plumbing of the interior because of the collapse and vandalism, and another HVAC system because it is non-existent. With the previous mentioned and the following violations, the demolition of the building is the recommendation. If the building is to remain, the following are the repairs that are needed.
2. Re-build the collapsed floors and walls – IPMC 102.1, 102.2, 108.1, 108.1.1, 108.1.3, 108.2, 110.1, 301.3, 302.1, 304.1, 304.2, 304.4, 304.5, 304.13, 304.15, 304.16, 305.2, 305.3, 307.1, 308.1, IBC 115.1, 115.5, 3401.1, 3401.2, Ordinance # 2015-03 Sec 5-102 (3), (4), (5), (6), (7), (8), (10), (11), (12), (13), (14), (15), (16).
3. Install windows or other method to cause openings to be weather tight, ensure exterior door(s) are installed, tightly secured, and locked. IPMC 302.1, 304.1, 304.2, 304.13, 304.15, Ordinance # 2015-03 Sec 5-102 (4), (5), (13), (16).
4. Do general repairs to cause the exterior wood of cornice, and windows to be protected from decay, ensure masonry joints are weather resistant and water tight, any metal surfaces protected from corrosion. IPMC 304.2, 304.4, 304.13, 304.16, 305.3. Ordinance # 2015-03 Sec 5-102 (4).
5. Clean property around structure – IPMC 304.1, 307.1, Ordinance # 2015-03 Sec 5-102 (16), Sec 13-33.

The following references in the codes and ordinances show the scope, intent, and authority given to enforce the remediation of the violations that are listed; IPMC 101.2, 101.3, 101.4, 102.1, 102.2, 102.3, 102.6, 102.7, 102.8, 103.1, 103.3, 104.1, 104.2, 108.1, 110.1, 301.1, 301.2, 304.1, 304.2, 305.1, 307.1, 308.1, 401.1, 401.2, 501.1, 501.2, 601.1, 601.2, 701.1, 701.2, IBC 101.2, 101.3, 101.4, 102.1, 102.6, 103.1, 104.1, 105.1, 106.1, 115.1, 115.5, Ordinance # 2015-03 Sec 5-101, 5-104, 5-111, 5-112, 5-113, 5-114, 5-115, 5-116, 5-117, 5-118, AL Section 11-40-30, 11-40-31, 11-53B-1, 11-53B-2, 11-53B-3, 11-53B-4, 11-53B-15, 11-53B-16, 6-5-122, 11-14-117, 11-47-118, 11-53-1, 11-53-2, 11-53-3, 45-20-172.50, 45-20-172.51, 45-20-172.52, through 45-20-172.57.

Mr. Wiggins reaffirmed the findings made in the lis pendens, including but not limited to, the ultimate finding that the property is unsafe to the extent that it is a public nuisance and in need of abatement as described in the written recommendation for abatement and that the council order the abatement of the property. Mr. Wiggins also explained the blighting effect that the subject property has on the surrounding area. Mayor Johnson asked if there was anyone present related to the property in question or if anyone in the public audience had any comment on the matter. Hearing no one present with interest in neither the property nor anyone desiring to comment, Mayor Johnson declared the public hearing closed. Councilmember Griffin moved to accept the findings outlined in the lis pendens, the recommendations of the appropriate municipal official, and to proceed with the abatement of 222 Crescent Street. Councilmember Powell seconded the motion which passed unanimously.

MAYOR JOHNSON OPENED AN UNSAFE STRUCTURES AND DANGEROUS BUILDINGS HEARING:

Mayor Johnson announced the opening of a public hearing for the purpose of receiving a report from the appropriate municipal official, Andy Wiggins, pursuant to Ordinance 2015 – 03, Unsafe Structures and Dangerous Buildings, and Ben Goldman, the city’s consultant in the implementation of Ordinance 2015 – 03. Mr. Wiggins and Mr. Goldman presented a finding of public nuisance notice and order to remedy, notice of lis pendens, post publication affidavit of legal notice in the Andalusia Star News, proof of publication and a detailed written report including pictures, and any written objections provided by the parties with an interest in the property, all of which are on file in the office of the City Clerk, as applicable, relating to 101 South Cotton Street. **Written Report:** It is the recommendation of the Building Department that the building is to be repaired. Mr. Forbath has been in contact with us to ask if we would walk a contractor through the building to show the violations. There has been no remediation agreement submitted for this property.

Within 30 days from today all of the windows and window frames are repaired to ensure they all are sound, and securely attached to a solid frame or framing, any broken windows replaced, decaying frames or sashes replaced, and any missing windows replaced (Exhibit A).

Within 60 days from today repairs to all exterior walls, cornice work and decorative features that are cracked or showing signs of stress or buckling (Exhibit B).

Within 75 days from today remove the fire escape or repair it ensuring it to be sound, and that it is securely fastened to the building (Exhibit C).

Within 120 days from today the roof, chimney, mortar and masonry joints are to be repaired so as to not admit rain into the building, all exterior wood and metal surfaces are to be coated for protection from the elements, and ensure all entry points of the building are secured (Exhibit D).

If no work has begun within 20 days, we recommend that the council authorize the contract of an outside contractor or the use of city forces, for the completion of the council’s orders.

The following are specific violations that must be remedied and any code and/or ordinance reference pertaining to that violation for the abatement of the property located at 101 South Cotton Street

1. Replace missing windows, decaying sashes, broken window panes or cover with other means on the outside and sealed exterior to ensure openings are secured and weather tight. Refasten exterior trim that is loose or pulling away from the building. Repair/refasten storm windows to the trim of the window openings. Repair or replace any hardware on the windows,

or storm windows that is missing or not attached properly. IPMC 304.1, 304.2, 304.13, IBC 115.5, 3401.2, Ordinance # 2015-03 Sec 5-102 (4), (5), (11), (12), (16).

2. Repair all cracked, broken, stressed, or missing decorative features on all cornice and overhangs and parapet wall caps including the terra cotta, stone work, mortar, and masonry joints associated with the cornice or caps ensuring weather resistant and water tight joints around the entire building and verify proper attachment and anchorage of the same to ensure a safe condition. Repair all cracked, broken, stressed, or missing decorative features of the wall facings, including the terra cotta, stone work, mortar, and masonry joints associated with any wall facings, and verify proper attachment and anchorage of the same to ensure a safe condition around the entire building. Repair all cracked, broken, stressed, or missing brick and mortar, and masonry joints, associated with the brick or brick walls, around the elevator shaft, chimney, crow's nest, any parapet walls and around the entire building. IPMC 304.8, 304.9, 340.11, IBC 115.1, 115.5, Ordinance # 2015-03 Sec 5-102 (4), (11), (15), (16).

3. Repair all roof leaks. Specific areas that are noticed are around the small tower that is attached close to the west end in the middle, and around the elevator shaft roof cap, and any attachment to the parapet walls. Repair or replace any roof drains that are leaking, repair or replace any down spouts that are leaking or not discharging into a proper drain or location, and ensure all are securely attached to the building. IPMC 101.3, 304.7, 304.8, IBC 115.1, 115.5, Ordinance # 2015-03 Sec 5-102 (4), (11), (15), (16).

4. Exterior fire escapes that are being used as platforms for the HVAC systems are to be removed or repaired to be free of rust, coated to inhibit future rust and properly secured to the building to ensure a safe condition. Ensure all portions of the HVAC systems are also properly secured to the building and/or platforms as necessary. IPMC 301.3, 304.1, 304.2, 304.6, 304.13, 304.8, 304.9, 304.11, IBC 115.5, 3401.1, 3401.2, Ordinance # 2015-03 Sec 5-102 (4), (5), (7), (9), (11), (12), (14), (15), (16).

5. Remove all interior garbage, building debris (collapsed ceiling material, broken windows and sashes), exterminate any infestations, and repair interior water damage from roof leaks and areas that are exposed to the elements at window openings. IPMC 108.1, 108.1.1, 108.1.3, 108.2, 305.3, 307.1, 308.1, Ordinance # 2015-03 Sec 5-102 (4), (5), (6), (7), (8), (11), (12), (13), (14), (15), (16).

6. The vacant building has been an attractive nuisance to children, vagrants, criminals, or immoral persons. Secure all doors and openings as to not allow entry to any such persons. Ordinance # 2015-03 Sec 5-102 (13), (15), (16).

The following references in the codes and ordinances show the scope, intent, and authority given to enforce the remediation of the violations that are listed; IPMC 101.2, 101.3, 101.4, 102.1, 102.2, 102.3, 102.6, 102.7, 102.8, 103.1, 103.3, 104.1, 104.2, 108.1, 110.1, 301.1, 301.2, 304.1, 304.2, 305.1, 307.1, 308.1, 401.1, 401.2, 501.1, 501.2, 601.1, 601.2, 701.1, 701.2, IBC 101.2, 101.3, 101.4, 102.1, 102.6, 103.1, 104.1, 105.1, 106.1, 115.1, 115.5, Ordinance # 2015-03 Sec 5-101, 5-104, 5-111, 5-112, 5-113, 5-114, 5-115, 5-116, 5-117, 5-118, AL Section 11-40-30, 11-40-31, 11-53B-1, 11-53B-2, 11-53B-3, 11-53B-4, 11-53B-15, 11-53B-16, 6-5-122, 11-14-117, 11-47-118, 11-53-1, 11-53-2, 11-53-3, 45-20-172.50, 45-20-172.51, 45-20-172.52, through 45-20-172.57.

Mr. Wiggins reaffirmed the findings made in the lis pendens, including but not limited to, the ultimate finding that the property is unsafe to the extent that it is a public nuisance and in need of

abatement as described in the written recommendation for abatement, and that the council order the erection of a construction fence around the property to protect the public and to continue the public hearing on the matter to the next city council meeting on March 1, 2016, in order for the property owner to present a written plan for remediation. Mr. Wiggins also explained the blighting effect that the subject property has on the surrounding area. Mayor Johnson asked if there was anyone present related to the property in question. John Plummer identified himself as the representative of the owner of the property. Mayor Johnson asked Mr. Plummer if he had any questions or comments regarding the city's findings. Mr. Plummer indicated that he agreed with the city's recommendation. Mayor Johnson asked if anyone else in the public audience had any comment on the matter. Blaine Wilson made comments and asked questions relating to the property. Mayor Johnson declared the public hearing closed. Councilmember Wells moved to order a construction fence installed around the property to protect the public and to continue the public meeting relating to 101 South Cotton Street until the next city council meeting on March 1, 2016. Councilmember Mount seconded the motion which passed unanimously.

MAYOR JOHNSON OPENED AN UNSAFE STRUCTURES AND DANGEROUS BUILDINGS HEARING:

Mayor Johnson announced the opening of a public hearing for the purpose of receiving a report from the appropriate municipal official, Andy Wiggins, pursuant to Ordinance 2015 – 03, Unsafe Structures and Dangerous Buildings, and Ben Goldman, the city's consultant in the implementation of Ordinance 2015 – 03. Mr. Wiggins and Mr. Goldman presented a finding of public nuisance notice and order to remedy, notice of lis pendens, post publication affidavit of legal notice in the Andalusia Star News, proof of publication and a detailed written report including pictures, and any written objections provided by the parties with an interest in the property, all of which are on file in the office of the City Clerk, as applicable, relating to 201 South Three Notch Street. **Written Report:** It is the recommendation of the Building Department that the building is to be repaired. The Building Department has not been contacted to discuss any type of remediation agreement for this property.

Mr. Tisdale had some kind of interior sheathing (luan, or paneling) installed over the inside of the window openings which is not adequate to seal the openings (Exhibit A). Part the vegetation growth on the building has been removed.

Within 30 days from today all of the window openings are to be covered and sealed on the exterior of the building, with a decay resistant material or other material that has a protective coating to ensure a weather resistant seal (Exhibit A).

Within 45 days from today the cornice work is to be repaired. Replace any rusted or corroded metal, rotten or decaying wood on the cornice, replace down spouts and repair roof drains so all water runoff from the roof is discharged correctly (Exhibit B).

Repair all mortar and masonry joints damaged around the down spouts and on the parapet wall (Exhibit C).

Replace all rotten or decaying wood on the exterior doors, door jambs, window trim, decoration, and the transom above the newly installed door, on the first level. Protect all exterior wood that is not decay resistant with proper coatings to ensure no continued decay (Exhibit D).

If no work has begun within 20 days, we recommend that the council authorize the contract of an outside contractor or the use of city forces, for the completion of the council's orders.

The following are specific violations that must be remedied and any code and/or ordinance reference pertaining to that violation for the abatement of the property located at 201 South Three Notch Street.

1. Replace missing windows or cover with other means on the outside and seal exterior to ensure openings are secured and weather tight. Any exterior wood other than decay-resistant woods, shall be protected from the elements and decay by painting or other protective covering or treatment. IPMC 304.1, 304.2, 304.13, IBC 115.5, 3401.2, Ordinance # 2015-03 Sec 5-102 (4), (5), (11), (12), (16).
2. Replace down spouts and connect to an appropriate drain discharge source. Repair the roof drains to a condition so as to not allow rain admittance into cornice work and to ensure proper discharge of all water runoff of the roof. Securely fasten all down spouts to the building. IPMC 101.3, 304.7, 304.8, IBC 115.1, 115.5, Ordinance # 2015-03 Sec 5-102 (4), (11), (15), (16).
3. Repair all cornice work and overhangs of the building to no water admittance will continue to cause deterioration or decay of all cornice materials. Replace any deteriorated or rotten wood in or on the cornice work. Exterior wood is to be coated by painting or other treatment if it is not a decay-resistance wood. Metal surfaces of the cornice work, with rust or corrosion shall be stabilized and coated to inhibit future rust and corrosion. Any open joints and/or decay of the cornice work show water infiltration of the cornice cap. The cap is to be repaired to ensure no rain admittance and replace any deteriorated or decayed wood and protect from future decay. IPMC 304.8, 304.9, IBC 115.1, 115.5, Ordinance # 2015-03 Sec 5-102 (4), (11), (16).
4. Remove any vegetation growing on or from under the building. IPMC 301.3, 302.1, 302.4, Ordinance # 2015-03 Sec 13-33.
5. Repair all mortar or masonry joints on the parapet wall and the mortar or masonry joints of the walls from the roof water discharge at the defective down spouts. The repaired masonry joints are to be weather resistant and water tight. IPMC 304.2, IBC 115.1, 115.5, Ordinance # 2015-03 Sec 5-102 (4), (15), (16).
6. All wood exposed to the elements is to be coated by painting or other treatment if it is not a decay-resistance wood. Protect all doors and other wood surfaces by painting or other protective covering or treatment. The vacant building is an attractive nuisance to children, vagrants, criminals, or immoral persons. Secure all doors and openings as to not allow entry to any such persons. IPMC 304.8, 304.9, IBC 115.1, 115.5, Ordinance # 2015-03 Sec 5-102 (13), (15), (16).

The following references in the codes and ordinances show the scope, intent, and authority given to enforce the remediation of the violations that are listed; IPMC 101.2, 101.3, 101.4, 102.1, 102.2, 102.3, 102.6, 102.7, 102.8, 103.1, 103.3, 104.1, 104.2, 108.1, 110.1, 301.1, 301.2, 304.1, 304.2, 305.1, 307.1, 308.1, 401.1, 401.2, 501.1, 501.2, 601.1, 601.2, 701.1, 701.2, IBC 101.2, 101.3, 101.4, 102.1, 102.6, 103.1, 104.1, 105.1, 106.1, 115.1, 115.5, Ordinance # 2015-03 Sec 5-101, 5-104, 5-111, 5-112, 5-113, 5-114, 5-115, 5-116, 5-117, 5-118, AL Section 11-40-30, 11-40-31, 11-53B-1, 11-53B-2, 11-53B-3, 11-53B-4, 11-53B-15, 11-53B-16, 6-5-122, 11-14-117, 11-47-118, 11-53-1, 11-53-2, 11-53-3, 45-20-172.50, 45-20-172.51, 45-20-172.52, through 45-20-172.57.

Mr. Wiggins reaffirmed the findings made in the lis pendens, including but not limited to, the ultimate finding that the property is unsafe to the extent that it is a public nuisance and in need of

abatement as described in the written recommendation for abatement, and that the council order abatement of the property. Mr. Wiggins noted that the property was now occupied which could increase potentially dangerous conditions for public safety personnel and that the property had a blighting effect on the surrounding community. Mayor Johnson asked if there was anyone present related to the property in question. John Tisdale identified himself as the owner of the property. Mayor Johnson asked Mr. Tisdale if he had any questions or comments regarding the city's findings. Mr. Tisdale questioned the city's motives, authority and findings with regard to abatement of his property, offered alternative remedies, etc. Mayor Johnson asked if anyone else in the public audience had any comment on the matter. Walter Boyd asked a question about blight. Mr. Goldman answered Mr. Boyd's question. Mayor Johnson declared the public hearing closed. Councilmember Mount moved to accept the findings outlined in the lis pendens, to declare the property a public nuisance, accept the findings and recommendations of the appropriate municipal official and to proceed with the abatement of 201 South Three Notch Street. Councilmember Griffin seconded the motion which passed unanimously.

MAYOR JOHNSON OPENED AN UNSAFE STRUCTURES AND DANGEROUS BUILDINGS HEARING:

Mayor Johnson announced the opening of a public hearing for the purpose of receiving a report from the appropriate municipal official, Andy Wiggins, pursuant to Ordinance 2015 – 03, Unsafe Structures and Dangerous Buildings, and Ben Goldman, the city's consultant in the implementation of Ordinance 2015 – 03. Mr. Wiggins and Mr. Goldman presented a finding of public nuisance notice and order to remedy, notice of lis pendens, post publication affidavit of legal notice in the Andalusia Star News, proof of publication and a detailed written report including pictures, and any written objections provided by the parties with an interest in the property, all of which are on file in the office of the City Clerk, as applicable, relating to 254 Historic Central Street. **Written Report:** It is the recommendation of the Building Department that the following structures are to be demolished from Historic Central Street. The Building Department has not been contacted to discuss any type of remediation agreement for this property.

On the aerial map view of the property location, a number system will identify with each structure. Structures 1, 2, 3, 4, are recommended to be demolished (Aerial Map).

Within 30 days from today structures 1, 2, 3, 4, are to be demolished and the structure sites made safe (Exhibit A).

The property has become a dump site with building debris from other properties. Within 45 days from today the building materials, building debris are to be removed (Exhibit B).

Within 60 days from today the weeds, junk, and similar items that are to be removed (Exhibit C).

Within 90 days from today all of the rail road cars and rail road equipment are to be removed (Exhibit D). If any rail road cars, are to remain on the property they are to be repaired to a safe and secured condition so as to not be an attractive nuisance.

If no work has begun within 20 days we recommend the council to authorize the contract of an outside force, for the demolition of the structures and removal of other items described.

The following are specific violations that must be remedied and any code and/or ordinance reference pertaining to that violation for the abatement of the property located at 254 Historic Central Street.

1. Remove all building debris from dumping materials from another site, all building materials being stored on the property, all dilapidated rail cars that are stored on the property, all wood, iron parts and equipment left on the property from the train depot and its functions. All rail cars are an attractive nuisance to children, vagrants, criminals, or immoral persons and will have to be removed. If any rail cars are to remain on the property they are to be secured from entry and repaired to a safe condition and to ensure the interior of the car is protected from weather exposure to cause or continue to cause deterioration. Remove or cut all vegetation overgrowth, grass and weeds from the property. IPMC 102.2, 102.6, 102.8, 106.1, 108.1, 108.1.1, 108.1.3, 108.2, 110.1, 301.3, 302.1, 304.1, 304.2, 304.4, 304.5, 304.6, 304.7, 304.8, 304.13, 304.15, 305.2, 305.3, 307.1, IBC 115.1, 115.5, 3401.2, 3401.3, Ordinance # 2015-03 Sec 5-102 (2), (3), (4), (5), (6), (7), (8), (10), (11), (12), (13), (14), (15), (16), Sec 13-33 and 133. All items on the property are identified as structures in Ordinance # 2015-03 Sec 5-103. This is to include weeds, scrap, junk, rubbish, trash, non-functioning equipment, building materials, building debris, and such like items.
2. Remove all deteriorated structures that are on the property. Any structure that have roofs that are collapsed or partial collapsed, walls that have mortar and/or brick that have eroded, cracked, collapsed or partially collapsed, are to be demolished and removed from the property, which include the structures that face Historic Central Street and restore structure site and property to a safe condition after removal IPMC 102.2, 102.6, 102.8, 106.1, 108.1, 108.1.1, 108.1.3, 108.2, 110.1, 301.3, 302.1, 304.1, 304.2, 304.4, 304.5, 304.6, 304.7, 304.8, 304.13, 304.15, 305.2, 305.3, 307.1, IBC 115.1, 115.5, 3401.2, 3401.3, Ordinance # 2015-03 Sec 5-102 (2), (3), (4), (5), (6), (7), (8), (10), (11), (12), (13), (14), (15), (16).

The following references in the codes and ordinances show the scope, intent, and authority given to enforce the remediation of the violations that are listed; IPMC 101.2, 101.3, 101.4, 102.1, 102.2, 102.3, 102.6, 102.7, 102.8, 103.1, 103.3, 104.1, 104.2, 108.1, 110.1, 301.1, 301.2, 304.1, 304.2, 305.1, 307.1, 308.1, 401.1, 401.2, 501.1, 501.2, 601.1, 601.2, 701.1, 701.2, IBC 101.2, 101.3, 101.4, 102.1, 102.6, 103.1, 104.1, 105.1, 106.1, 115.1, 115.5, Ordinance # 2015-03 Sec 5-101, 5-104, 5-111, 5-112, 5-113, 5-114, 5-115, 5-116, 5-117, 5-118, AL Section 11-40-30, 11-40-31, 11-53B-1, 11-53B-2, 11-53B-3, 11-53B-4, 11-53B-15, 11-53B-16, 6-5-122, 11-14-117, 11-47-118, 11-53-1, 11-53-2, 11-53-3, 45-20-172.50, 45-20-172.51, 45-20-172.52, through 45-20-172.57.

Mr. Wiggins reaffirmed the findings made in the lis pendens, including but not limited to, the ultimate finding that the property is unsafe to the extent that it is a public nuisance and in need of abatement as described in the written recommendation for abatement. Mr. Wiggins also explained the blighting effect that the subject property has on the surrounding area. Mayor Johnson asked if there was anyone present related to the property in question. John Tisdale identified himself as the owner of the property. Mayor Johnson asked Mr. Tisdale if he had any questions or comments regarding the city's findings. Mr. Tisdale questioned the city's motives, authority and findings with regard to abatement of his property, offered alternative remedies, etc. Mayor Johnson asked if anyone else in the public audience had any comment on the matter.

Hearing no one desiring to comment, Mayor Johnson declared the public hearing closed. Councilmember Powell encouraged Mr. Tisdale to contact the Alabama Historical Commission, and moved to accept the findings outlined in the lis pendens, declare the property a public nuisance, accept the findings and recommendations of the appropriate municipal official, and to proceed with the abatement of 254 Historic Central Street. Councilmember Wells seconded the motion which passed unanimously.

MAYOR JOHNSON OPENED AN UNSAFE STRUCTURES AND DANGEROUS BUILDINGS HEARING:

Mayor Johnson announced the opening of a public hearing for the purpose of receiving a report from the appropriate municipal official, Andy Wiggins, pursuant to Ordinance 2015 – 03, Unsafe Structures and Dangerous Buildings, and Ben Goldman, the city’s consultant in the implementation of Ordinance 2015 – 03. Mr. Wiggins and Mr. Goldman presented a finding of public nuisance notice and order to remedy, notice of lis pendens, post publication affidavit of legal notice in the Andalusia Star News, proof of publication and a detailed written report including pictures, and any written objections provided by the parties with an interest in the property, all of which are on file in the office of the City Clerk, as applicable, relating to Lot Adjacent to 233 South Cotton Street. **Written Report:** It is the recommendation of the Building Department that all of the structures are to be removed. The Building Department has not been contacted to discuss any type of remediation agreement for this property.

The property has an accumulation of rail road cars, rail road equipment, and various other kinds of equipment, building materials, building debris, weeds, and similar items (Exhibit A).

Within 45 days from today it is recommended that all of these items are to be removed. If any rail road cars are to remain on the property they are to be repaired to a safe and secured condition so as to not be an attractive nuisance.

If no work has begun within 20 days, we recommend that the council authorize the contract of an outside contractor or the use of city forces, for the completion of the council’s orders.

The following are specific violations that must be remedied and any code and/or ordinance reference pertaining to that violation for the abatement of the property located on the Lot adjacent to 233 South Cotton Street.

1. Remove all building debris from dumping materials from another site, all building materials being stored on the property, all dilapidated rail cars that are stored on the property, all wood, iron parts and equipment left on the property from the train depot and its functions. All rail cars are an attractive nuisance to children, vagrants, criminals, or immoral persons and will have to be removed. If any rail cars are to remain on the property they are to be secured from entry and repaired to a safe condition and to ensure the interior of the car is protected from weather exposure to cause or continue to cause deterioration. Remove or cut all vegetation overgrowth, grass and weeds from the property. Remove all deteriorated structures that are on the property, remove any scrap, junk, rubbish, building materials and building debris, restore structure site and property to a safe condition after removal. IPMC 102.2, 102.6, 102.8, 106.1,

108.1, 108.1.1, 108.1.3, 108.2, 110.1, 301.3, 302.1, 304.1, 304.2, 304.4, 304.5, 304.6, 304.7, 304.8, 304.13, 304.15, 305.2, 305.3, 307.1, IBC 115.1, 115.5, 3401.2, 3401.3, Ordinance # 2015-03 Sec 5-102 (2), (3), (4), (5), (6), (7), (8), (10), (11), (12), (13), (14), (15), (16), Sec 13-33 and 133. All items on the property are identified as structures in Ordinance # 2015-03 Sec 5-103. This is to include weeds, scrap, junk, rubbish, trash, non-functioning equipment, building materials, building debris, and such like items.

The following references in the codes and ordinances show the scope, intent, and authority given to enforce the remediation of the violations that are listed; IPCM 101.2, 101.3, 101.4, 102.1, 102.2, 102.3, 102.6, 102.7, 102.8, 103.1, 103.3, 104.1, 104.2, 108.1, 110.1, 301.1, 301.2, 304.1, 304.2, 305.1, 307.1, 308.1, 401.1, 401.2, 501.1, 501.2, 601.1, 601.2, 701.1, 701.2, IBC 101.2, 101.3, 101.4, 102.1, 102.6, 103.1, 104.1, 105.1, 106.1, 115.1, 115.5, Ordinance # 2015-03 Sec 5-101, 5-104, 5-111, 5-112, 5-113, 5-114, 5-115, 5-116, 5-117, 5-118, AL Section 11-40-30, 11-40-31, 11-53B-1, 11-53B-2, 11-53B-3, 11-53B-4, 11-53B-15, 11-53B-16, 6-5-122, 11-14-117, 11-47-118, 11-53-1, 11-53-2, 11-53-3, 45-20-172.50, 45-20-172.51, 45-20-172.52, through 45-20-172.57.

Mr. Wiggins reaffirmed the findings made in the lis pendens, including but not limited to, the ultimate finding that the property is unsafe to the extent that it is a public nuisance and in need of abatement as described in the written recommendation for abatement. Mr. Wiggins also explained the blighting effect that the subject property has on the surrounding area. Mayor Johnson asked if there was anyone present related to the property in question. John Tisdale identified himself as the owner of the property. Mayor Johnson asked Mr. Tisdale if he had any questions or comments regarding the city's findings. Mr. Tisdale questioned the city's motives, authority and findings with regard to abatement of his property, offered alternative remedies, etc. Mayor Johnson asked if anyone else in the public audience had any comment on the matter. Walter Boyd asked for clarification of the term attractive nuisance. Mayor Johnson and Mr. Goldman explained attractive nuisance. Mayor Johnson declared the public hearing closed. Councilmember Wells moved to accept the findings outlined in the lis pendens, declare the property a public nuisance, accept the findings of the appropriate municipal official and to proceed with the abatement of the Lot Adjacent to 233 South Cotton Street. Councilmember Powell seconded the motion which passed unanimously.

MAYOR JOHNSON OPENED AN UNSAFE STRUCTURES AND DANGEROUS BUILDINGS HEARING:

Mayor Johnson announced the opening of a public hearing for the purpose of receiving a report from the appropriate municipal official, Andy Wiggins, pursuant to Ordinance 2015 – 03, Unsafe Structures and Dangerous Buildings, Ben Goldman, the city's consultant in the implementation of Ordinance 2015 – 03. Mr. Wiggins and Mr. Goldman presented a finding of public nuisance notice and order to remedy, notice of lis pendens, post publication affidavit of legal notice in the Andalusia Star News, proof of publication and a detailed written report including pictures, and any written objections provided by the parties with an interest in the property, all of which are on file in the office of the City Clerk, as applicable, relating to 233

South Cotton Street (Train Depot.) **Written Report:** It is the recommendation of the Building Department that all of the structures are to be removed except the main brick portion of the Train Depot. The Building Department has not been contacted to discuss any type of remediation agreement for this property.

The long wood structure adjoining the brick building is recommend to be demolished (Exhibit A). The expense involved in the repairs would exceed more than fifty percent of the current value of the structure.

Within 30 days from today the long wood structure off the back of the brick building is to be demolished and the structure site made safe.

Within 45 days from today the building materials, building debris, weeds, and similar items are to be removed (Exhibit B).

Within 50 days from today the graffiti on the brick building is to be removed (Exhibit C).

Within 75 days from today the roof of the brick building is to be repaired to be weather tight so as to not admit rain to cause or continue to cause decay (Exhibit D).

If no work has begun within 20 days we recommend the council to authorize the contract of an outside or City forces, for the completion of the council's orders.

The following are specific violations that must be remedied and any code and/or ordinance reference pertaining to that violation for the abatement of the property located at 233 South Cotton Street.

1. Remove all deteriorated structures. The long wooden structure adjoining the back of the brick building of the train depot is to be demolished and all materials removed, and building site restored to a safe condition, or it is to be restored to a condition that meets all the applicable codes that are being referred to pertaining to this property. Remove all building materials being stored on the property, all wood, iron parts and equipment left on the property from the train depot and its functions. Remove all scrap, junk, and non-functioning equipment being stored on the property. All items on the property are identified as structures in Ordinance # 2015-03 Sec 5-103. This is to include weeds, scrap, junk, rubbish, trash, non-functioning equipment, building materials, building debris, and such like items. IPMC 102.2, 102.6, 102.8, 106.1, 108.1, 108.1.1, 108.1.3, 108.2, 110.1, 301.3, 302.1, 304.1, 304.2, 304.4, 304.5, 304.6, 304.7, 304.8, 304.13, 304.15, 305.2, 305.3, 307.1, IBC 115.1, 115.5, 3401.2, 3401.3, Ordinance # 2015-03 Sec 5-102 (2), (4), (5), (6), (7), (8), (11), (12), (13), (14), (15), (16), Sec 13-33 and 133.
2. Remove all graffiti from any structure. Repair roof, decorative features, and overhangs ensuring all to be sound, tight, with no defects to admit rain, properly anchored and in a safe condition. IPMC 302.9, 304.1, 304.2, 304.7, IBC 115.5, 3401.2, Ordinance # 2015-03 Sec 5-102 (4), (5), (13), (14), (15), (16).
3. All windows and doors are to be in sound condition and weather tight or the openings there of protected to ensure a weather tight seal, with proper surface coatings to prevent deterioration. IPMC 304.1, 304.2, 304.13, 304.15, 702.3, IBC 115.5, 3401.2, Ordinance # 2015-03 Sec 5-102 (4), (5), (7), (8), (12), (13), (15), (16).

The following references in the codes and ordinances show the scope, intent, and authority given to enforce the remediation of the violations that are listed; IPMC 101.2, 101.3, 101.4, 102.1, 102.2, 102.3, 102.6, 102.7, 102.8, 103.1, 103.3, 104.1, 104.2, 108.1, 110.1, 301.1, 301.2, 304.1, 304.2, 305.1, 307.1, 308.1, 401.1, 401.2, 501.1, 501.2, 601.1, 601.2, 701.1, 701.2, IBC 101.2,

101.3, 101.4, 102.1, 102.6, 103.1, 104.1, 105.1, 106.1, 115.1, 115.5, Ordinance # 2015-03 Sec 5-101, 5-104, 5-111, 5-112, 5-113, 5-114, 5-115, 5-116, 5-117, 5-118, AL Section 11-40-30, 11-40-31, 11-53B-1, 11-53B-2, 11-53B-3, 11-53B-4, 11-53B-15, 11-53B-16, 6-5-122, 11-14-117, 11-47-118, 11-53-1, 11-53-2, 11-53-3, 45-20-172.50, 45-20-172.51, 45-20-172.52, through 45-20-172.57.

Mr. Wiggins reaffirmed the findings made in the lis pendens, including but not limited to, the ultimate finding that the property is unsafe to the extent that it is a public nuisance and in need of abatement as described in the written recommendation for abatement. Mr. Wiggins also explained the blighting effect that the subject property has on the surrounding area. Mayor Johnson asked if there was anyone present related to the property in question. John Tisdale identified himself as the owner of the property. Mayor Johnson asked Mr. Tisdale if he had any questions or comments regarding the city's findings. Mr. Tisdale offered photos of repairs and details of work that he had accomplished on the train depot freight building. Mayor Johnson asked Mr. Tisdale why he had not completed the repairs to the freight building. Mr. Tisdale replied that, "we just haven't done it." Mayor Johnson asked Mr. Tisdale how long he had owned the freight building. Mr. Tisdale answered that he had owned the building "a while" and that "you can't set my agenda." Mayor Johnson asked if anyone else in the public audience had any comment on the matter. Walter Boyd made a comment on attractive nuisance. Mayor Johnson declared the public hearing closed. Councilmember Powell moved to continue the public meeting, relating to 233 South Cotton Street, until the next city council meeting on March 1, 2016, to give Mr. Tisdale an opportunity to present the City Council with a written plan for remediation. Mayor Johnson asked Mr. Tisdale if he agreed to Mr. Powell's motion. Mr. Tisdale indicated that he did. 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:

John Thompson City Clerk – Treasurer