

**STATE OF ALABAMA
COUNTY OF COVINGTON**

**ANDALUSIA, ALABAMA
ANDALUSIA CITY HALL
MARCH 1, 2016**

REGULAR WORK SESSION MEETING

PRESENT:

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

ABSENT:

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, February 16, 2016. Councilmember Wells moved to approve the minutes. Councilmember Mount seconded the motion which passed unanimously.

MAYOR JOHNSON ANNOUNCED THE CONTINUANCE OF THE 101 SOUTH COTTON STREET PUBLIC HEARING:

Mayor Johnson announced the continuance of a public hearing from the last meeting of the city council on February 16, 2016, relating to 101 South Cotton Street. The continuance was granted by the city council in order for an agreement for remediation of the property to be developed. Mayor Johnson asked the city attorney if progress had been made toward a remediation agreement between the city and property owner of 101 South Cotton Street. Mr. Christensen indicated that he, the city's inspection department and appropriate municipal official were very close to completing an agreement and asked the council to consider another continuance of the hearing until the next city council meeting on March 15, 2016. Mayor Johnson noted that the owner of the property, Tom Forbath, had come from California to attend the city council meeting and that his lawyer, John Plummer, was in attendance as well. Mayor Johnson asked Mr. Plummer and Mr. Forbath if they agreed with Mr. Christensen's assessment of the status of an agreement and both agreed that an agreement was expected very soon and thanked the mayor and council for considering another continuance. Councilmember Powell moved to continue the public hearing, relating to 101 South Cotton Street to the March 15, 2016 meeting, in order for a remediation agreement to be completed. Councilmember Wells seconded the motion which passed unanimously.

MAYOR JOHNSON ANNOUNCED THE CONTINUANCE OF THE 233 SOUTH COTTON STREET PUBLIC HEARING:

Mayor Johnson announced the continuance of a public hearing from the last meeting of the city council on February 16, 2016, relating to 233 South Cotton Street. The continuance was granted by the city council in order for an agreement for remediation of the property to be developed. Mayor Johnson asked the city attorney if progress had been made toward a remediation agreement between the city and property owner of 233 South Cotton Street. Mr. Christensen said that he had received emails from John Tisdale, the property owner, and from Mr. Tisdale's lawyer, but that no progress had been made toward an agreement to present to the council. Mayor Johnson asked Alan Mitchell, Mr. Tisdale's representative, to respond to Mr. Christensen's assessment of the status of a remediation agreement between the parties. Mr. Mitchell acknowledged that he was new to the situation and asked the council for more time to negotiate an agreement. Mayor Johnson asked Andy Wiggins, the appropriate official, relating to Ordinance 2015 – 03, to report to the council on progress toward a remediation agreement with regard to 233 South Cotton Street. Mr. Wiggins confirmed that no remediation agreement was ready but that he had amended the written report relating to 233 South Cotton Street to allow ninety days for some of the repairs that Mr. Tisdale proposed for the property in the emails received from Mr. Mitchell. **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, with an administrative deferral of 90 days to allow the owner to make the requested improvements that he proposed in writing today March 1, 2016.

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. The long wood structure off the back of the brick building is to be

demolished and the structure site made safe. The building materials, building debris, weeds, and similar items are to be removed (Exhibit B). The graffiti on the brick building is to be removed (Exhibit C). 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 the remediation of the property and the repairs the owner requested to make, are not completed within 90 days, then the Appropriate Municipal Official will decide if the remediation and/or the requested repairs are to be completed or if the structure is to be demolished, by using contract or city forces; for the completion of the council's orders.

It is the recommendation of the Building Department that the long, wooden structure adjoining the main brick portion of the Train Depot, is to be demolished, with an administrative deferral of 90 days to allow the owner to make the requested improvements that he proposed in writing today March 1, 2016. If the repairs are not completed within the 90 days then the Appropriate Municipal Official will decide if these repairs are to be completed by contract or city forces; or if the structure is to be demolished, 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. Mayor Johnson declared the public hearing closed. Councilmember Powell 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 233 South Cotton Street as outlined in the written report. Councilmember Wells seconded the motion which passed unanimously.

COUNCIL APPROVES RESOLUTION NO. 2016 – 02, CITY SURPLUS:

Mayor Johnson presented Resolution No. 2016 -02, City Surplus.

**CITY OF ANDALUSIA
ANDALUSIA, ALABAMA
RESOLUTION 2016-02**

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) 2001 Chevrolet Malibu
VIN: 1G1ND52JX16141839
Mileage: 157,000

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 1st day of March, 2016.

THE CITY OF ANDALUSIA, ALABAMA

By: _____
Earl V. Johnson, Mayor

ATTEST:

John Thompson, City Clerk – Treasurer

Councilmember Powell moved to approved Resolution No. 2016 – 02. Councilmember Griffin seconded the motion which passed unanimously.

COUNCIL APPROVES APPROPRIATION FROM CONTINGENCY FOR REPLACEMENT HVAC SYSTEM:

Mayor Johnson presented two estimates for the replacement of an HVAC system at the police department. Councilmember Powell moved to accept the lowest bid from Rogers Refrigeration and to appropriate \$10,370 from contingency to effectuate the HVAC replacement. Councilmember Mount seconded the motion with passed unanimously.

COUNCIL APPROVES GRANT APPLICATION:

Mayor Johnson presented a memorandum of understanding between the City of Andalusia and Youth Advocate Programs, Inc., for the purpose of applying for a grant to assist the Andalusia Police and other area law enforcement agencies in victim response. Councilmember Griffin moved to authorize the mayor to sign the memorandum of understanding. Councilmember Sconiers seconded the motion which passed unanimously.

COUNCIL APPROVES ABC LICENSE FOR CINDY MARTINEZ:

Mayor Johnson presented a request from Cindy Martinez for a 020 – Restaurant Retail Liquor License from the Alabama Alcoholic Beverage Control Board. Councilmember Wells moved to approve the application and Councilmember Mount seconded the motion. Mayor Johnson called for a vote which produced the following results:

<u>YES</u>	<u>NO</u>	<u>ABSTAINED</u>
Mayor Johnson	None	Councilmember Sconiers
Councilmember Mount		Councilmember Griffin
Councilmember Wells		Councilmember Powell

COUNCIL APPROVES ABC LICENSE FOR THE NATIONAL WILDLIFE TURKEY FEDERATION:

Mayor Johnson presented a request from the National Wildlife Turkey Federation for a 240 – Non-Profit Tax Exempt License from the Alabama Alcoholic Beverage Control Board. Councilmember Wells moved to approve the application and Councilmember Mount seconded the motion. Mayor Johnson called for a vote which produced the following results:

<u>YES</u>	<u>NO</u>	<u>ABSTAINED</u>
Mayor Johnson	None	Councilmember Sconiers
Councilmember Mount		Councilmember Griffin
Councilmember Wells		Councilmember Powell

COUNCIL APPROVES APPROPRIATION FROM CONTIGENCY FOR PUMP REPLACEMENT AT EVANS BARNES GOLF COURSE:

Mayor Johnson presented an estimate to replace a pump to the Evans Barnes Golf Course irrigation system. Councilmember Wells moved to appropriate \$1,633 from contingency necessary to replace the pump. Councilmember Powell seconded the motion which passed unanimously.

COUNCIL AUTHORIZES MAYOR JOHNSON TO SIGN ARBOR PINES, LP PURCHASE OPTIONS:

Mayor Johnson presented two purchase options to Arbor Pines, LP, authorizing the potential sale of twenty acres of city property, known as the Snead Kennedy Property on U. S. 29 North near PowerSouth Energy Cooperative. Councilmember Griffin moved to authorize the mayor to sign the purchase options. Councilmember Sconiers seconded the motion which passed unanimously.

COUNCIL REAPPOINTS A MEMBER TO THE ANDALUSIA HOUSING AUTHORITY:

Mayor Johnson announced an opening on the Andalusia Housing Authority. Councilmember Sconiers moved to reappoint Sammy Glover to the Andalusia Housing authority. 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