

**STATE OF ALABAMA
COUNTY OF COVINGTON**

**ANDALUSIA, ALABAMA
ANDALUSIA CITY HALL
SEPTEMBER 6, 2016**

REGULAR WORK SESSION MEETING

PRESENT:

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

ABSENT:

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

APPROVAL OF MINUTES:

Mayor Johnson presented the minutes from the regular meeting, August 16, 2016 and the minutes from the special meeting, August 30, 2016. Councilmember Mount moved to approve both sets of minutes. Councilmember Sconiers seconded the motion which passed unanimously.

COUNCIL APPROVES EMERGENCY ABATEMENT 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 Section 5-111 (Emergency Action) of Ordinance 2015 – 03, Unsafe Structures and Dangerous Buildings, regarding 101 Pear Street. Mr. Wiggins presented a Finding of Public Nuisance, Notice of Declaration of Emergency and Notice of Lis Pendens which had been recorded in the Office of the Judge of Probate of Covington County, Alabama, published in the *Andalusia Star News*, and served on the property owner. Mr. Wiggins also provided a detailed written report including photographs and a letter from Bradley B. Johnson, P.E., the structural engineer retained by the property owner, all of which are on file in the office of the City Clerk. Mr. Wiggins also answered questions posed by the City Attorney and Members of the City Council.

It is the recommendation of the Building Department that the building is to be demolished. The building has approximately half of its length where the roof and floors are demolished, also an opening in the east wall from the removal of a bay window in which its (the bay window) roof collapsed into the building. The removal of the roof, floor and bay window has left the exterior walls structurally unstable against wind loads. This makes the building dangerous to the life, health, property, morals, safety, and general welfare to the public or any occupants that would gain access to the building. This building is unsafe to the extent that it is a public nuisance. Removal of the roof and floors has allowed the elements to intrude which causes decay of any exposed material that is not weather resistant. The expense involved in the repairs of the building would exceed more than fifty percent of the current value of the building.

1. Demolishing the building is the only reasonable solution with about half of all floors and roof removed causing the exterior walls to be structurally unstable, with the continued deterioration of the building because interior woods being exposed to water intrusion, with the massive opening in the east wall, with the potential repairs not able to be done within a reasonable time or within reasonable cost relative to the value of the building, with the potential repairs exceeding fifty percent of the building, all repairs (building, mechanical, electrical, plumbing) would have to comply with the City's adopted technical codes upon completion.

International Property Maintenance Code; Sec. 109 Emergency Measures, Sec 110 Demolition. International Building Code; Sec. 115 Unsafe Structure and Equipment. Ordinance # 2015-03 Sec. 5-111 Emergency action.

Mr. Wiggins reaffirmed the findings made in the lis pendens and the written report, 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. There was a discussion about safety concerns for both pedestrians and motorists passing by the property on the streets adjoining it.

Mayor Johnson asked if there was anyone present related to the property in question. John W. Tisdale, Jr., President of Tisdale Family Properties, Inc., then spoke to the City Council and complained about a number of the actions taken by the City, and stated that he did not believe there was anything unsafe about the building at 101 Pear Street. Bradley B. Johnson, P.E., a

structural engineer retained by Mr. Tisdale, then spoke to the City Council. Mr. Johnson confirmed that the exterior walls of the building at 101 Pear Street are structurally unstable against lateral loads (wind loads), and he believed that these walls had been structurally unstable since the removal of the roof and floors from the building. The walls could fall anytime that wind puts a load on the walls. Mr. Johnson believed that the walls could be braced with steel supports that would make the building structurally stable again. Mayor Johnson asked Mr. Johnson how long it would take to make the building structurally stable. Mr. Johnson stated that he was somewhat hesitant to estimate because he was an engineer and not a contractor, but he stated that he could have the plans completed in a couple of days and that the erection of the steel supports should be able to be done in a couple of days; the main question was how long it would take to obtain delivery of the steel, but Mr. Johnson thought that it could be available fairly quickly because his plans use standard sizes. Mayor Johnson asked if he thought everything could be done within two (2) weeks, and Mr. Johnson thought that was probably a reasonable amount of time, again stating that he was an engineer and not a contractor. Mayor Johnson then asked Mr. Tisdale if he was willing to make the repairs suggested by Mr. Johnson, and Mr. Tisdale answered that he was willing to do so. Mayor Johnson asked Mr. Tisdale if he would agree to complete the repairs suggested by Mr. Bradley Johnson within two (2) weeks. Mr. Tisdale replied yes that he agreed to do that.

Mayor Johnson then declared the public hearing closed. Councilmember Sconiers moved to abate the property at 101 Pear Street but to delay the demolition of the building for two (2) weeks to permit the property owner to bring the property in to compliance with building safety regulations, and that if the building could not pass a safety inspection in two (2) weeks, the City would proceed to demolish the building in accordance with the recommendations of the Building Department, with those portions of South Cotton Street and Pear Street adjoining the property to be closed until it is safe for the public to travel on them again. Councilmember Wells seconded the motion which passed unanimously.

COUNCIL APPROVES A CONTRACT TO DEVELOP A MITIGATION PLAN TO ADDRESS LANDFILL LEAKAGE:

Mayor Johnson presented a proposal from CDG Engineers to develop a plan to mitigate the leakage of contaminants from the old landfill off highways US 84 and Alabama 55. Councilmember Powell moved to authorize the mayor to enter into a contract to develop a mitigation plan for the project. Councilmember Sconiers seconded the motion which passed unanimously.

COUNCIL APPROVES RESOLUTION NO. 2016 – 36, ABATEMENTS:

Mayor Johnson presented Resolution No. 2016 – 36, Abatements to the council.

**CITY OF ANDALUSIA
ANDALUSIA, ALABAMA**

RESOLUTION NO. 2016 - 36

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) | Empty Lot Eighth Ave. | parcel # 1304184001001000 |
| 2) | 317 Church St. | parcel # 1304184007012000 |
| 3) | 304 Madison Ave. | parcel # 1304183004016000 |
| 4) | 101 Doyle St. | parcel # 1304174001016000 |

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.

ADOPTED AND APPROVED this 6th day of September, 2016

THE CITY OF ANDALUSIA, ALABAMA

BY: _____
Earl V. Johnson, Mayor

ATTEST:

John M. Thompson, City Clerk

Councilmember Griffin moved to approve Resolution No. 2016 – 36. Councilmember Powell seconded the motion which passed unanimously.

COUNCIL APPROVES RESOLUTION NO. 2016 – 37, COST OF ABATEMENT OF PROPERTIES:

Mayor Johnson presented Resolution No. 2016 – 37, Cost of Abatement of Properties to the council.

**THE CITY OF ANDALUSIA
ANDALUSIA, ALABAMA**

RESOLUTION NO. 2016 - 37

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 605 East Three Notch St. described as Parcel # 1304173304016002; 101 Williams St. described as Parcel # 1304202201018000; 612 Brooks St. described as Parcel # 1304191003006000; 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:

Parcel: 1304173304016002
Owner: Lawrence I. Preston & Deborah Tisdale Preston
Description: 605 East Three Notch St.
Actual Cost of Abatement: \$51.60
1- Certified Letter: \$6.47
Total: \$58.07

Parcel: 1304202201018000
Owner: Betty Sue Hurst c/o Betty Blocker
Description: 101 Williams St.
Actual Cost of Abatement: \$38.80
1 – Certified Letter: \$6.69
Total: \$45.49

Parcel: 1304191003006000
Owner: Deborah R. Tisdale
Description: 612 Brooks St.
Actual Cost of Abatement: \$48.00
1 – Certified Letter: \$6.69
1 abatement sign: \$20.00
Total: \$74.69

ADOPTED AND APPROVED this 6th day of September, 2016.

THE CITY OF ANDALUSIA, ALABAMA

BY: _____
Earl V. Johnson, Mayor

ATTEST:

John M. Thompson, City Clerk/Treasurer

Councilmember Wells moved to approve Resolution No. 2016 – 37. Councilmember Mount seconded the motion.

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