

**STATE OF ALABAMA
COUNTY OF COVINGTON**

**ANDALUSIA, ALABAMA
ANDALUSIA CITY HALL
SEPTEMBER 20, 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
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
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 Griffin led the prayer and Pledge of Allegiance to the flag.

APPROVAL OF MINUTES:

Mayor Johnson presented the minutes from the regular meeting, September 6, 2016. Councilmember Wells moved to approve the minutes. Councilmember Mount seconded the motion which passed unanimously.

COUNCIL APPROVES EXTENSION ON 101 PEAR STREET PROPERTY ABATEMENT:

Mayor Johnson announced that the period for the property owner of 101 Pear Street to bring the property in to compliance with building safety regulations, as ordered by the city council at the September 6, 2016 meeting, had ended. Councilmember Wells moved to give the property owner an additional seven days to comply with the September 6 order and if the building could not pass a safety inspection at the end of that time, the City would proceed to demolish the building without further notice. Councilmember Sconiers seconded the motion which passed unanimously.

COUNCIL APPROVES RESOLUTION NO. 2016 – 38, FOURTH QUARTER OUTSIDE AGENCY APPROPRIATIONS:

Mayor Johnson presented Resolution No. 2016 – 38, Fourth Quarter Outside Agency Appropriations to the council.

**THE CITY OF ANDALUSIA
ANDALUSIA, ALABAMA**

RESOLUTION NO. 2016-38

A RESOLUTION APPROVING OUTSIDE AGENCY APPROPRIATIONS

WHEREAS, the City Council of the City of Andalusia desires to provide financial assistance to certain outside agencies; and

WHEREAS, the City Council of the City of Andalusia has examined the performance of certain outside agencies and found them to provide a public benefit to the citizens of the City of Andalusia.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ANDALUSIA, that \$41,715.00 be appropriated from contingency and that the treasurer is hereby directed to fund the 2016 Outside Agency Requests for the Fourth Quarter of FY 2016.

ADOPTED AND APPROVED this 20th day of September, 2016.

THE CITY OF ANDALUSIA, ALABAMA

By: _____
Earl V. Johnson, Mayor

ATTEST:

John M. Thompson, City Clerk – Treasurer

Councilmember Sconiers moved to approve Resolution No. 2016 – 38. Councilmember Powell seconded the motion which passed unanimously.

COUNCIL ACCEPTS A DONATION OF MULTIPLE PROPERTIES:

Mayor Johnson announced that Bill and Barbara McClain desired to donate thirteen properties to the City. Councilmember Griffin moved to accept the donation. Councilmember Wells seconded the motion which passed unanimously.

COUNCIL APPROVES RESOLUTION NO. 2016 – 40, BIG MIKE’S RESTAURANT II, LLC:

Mayor Johnson presented Resolution No. 2016 – 40, Big Mike’s Restaurant II, LLC to the council.

**THE CITY OF ANDALUSIA
ANDALUSIA, ALABAMA
RESOLUTION NO. 2016-40**

**A RESOLUTION REGARDING ASSIGNMENT OF THE CONTRACT
WITH BIG MIKE’S RESTAURANT ANDALUSIA, LLC TO
BIG MIKE’S RESTAURANT II, L.L.C.**

WHEREAS, the City entered into a contract with Big Mike’s Restaurant Andalusia, LLC on or about June 7, 2016; and

WHEREAS, Paragraph 26 of said contract requires the City to consent in writing to any assignment of the contract by Big Mike’s Restaurant Andalusia, LLC; and

WHEREAS, due to a reorganization among the members of Big Mike’s Restaurant Andalusia, LLC, Big Mike’s Restaurant Andalusia, LLC wishes to assign its rights under said contract to a new limited liability company named Big Mike’s Restaurant II, L.L.C.; and

WHEREAS, the City Council finds that the purposes of the contract will be served by the assignment of the rights of Big Mike’s Restaurant Andalusia, LLC to Big Mike’s Restaurant II, L.L.C.;

NOW THEREFORE, BE IT RESOLVED by the City Council of the City of Andalusia, Alabama, that the assignment of the rights of Big Mike’s Restaurant Andalusia, LLC under the aforementioned contract to Big Mike’s Restaurant II, L.L.C. is hereby approved.

ADOPTED AND APPROVED this ____ day of _____, 2016.

THE CITY OF ANDALUSIA, ALABAMA

Earl V. Johnson, Mayor

ATTEST:

John M. Thompson, City Clerk-Treasurer

Councilmember Sconiers moved to approve Resolution No. 2016 – 40. Councilmember Mount seconded the motion.

COUNCIL APPROVES RESOLUTION NO. 2016 – 41, ASSIGNING BIG MIKE’S AND CLARK THEATRES CONTRACTS TO THE CAPITAL IMPROVEMENT COOPERATIVE DISTRICT OF THE CITY OF ANDALUSIA, ALABAMA:

Mayor Johnson presented Resolution No. 2016 – 41, Big Mike’s and Clark Theatres Contract to the council.

**THE CITY OF ANDALUSIA
ANDALUSIA, ALABAMA
RESOLUTION NO. 2016-41**

A RESOLUTION REGARDING ASSIGNMENT OF THE CONTRACTS WITH BIG MIKE’S RESTAURANT AND CLARK THEATRES, INC. TO THE CAPITAL IMPROVEMENT COOPERATIVE DISTRICT OF THE CITY OF ANDALUSIA, ALABAMA

WHEREAS, the City of Andalusia entered into a contract with Big Mike’s Restaurant Andalusia, LLC on or about June 7, 2016 and has on this date approved the assignment of the rights of Big Mike’s Restaurant Andalusia, LLC under said contract to Big Mike’s Restaurant II, L.L.C.; and

WHEREAS, Paragraph 5 and Paragraph 26 of said contract contemplate the assignment of said contract by the City to the Capital Improvement Cooperative District of the City of Andalusia, Alabama; and

WHEREAS, the City of Andalusia entered into a contract with Clark Theatres, Inc. on or about March 15, 2016; and

WHEREAS, Paragraph 10 and Paragraph 11 of said contract contemplate the assignment of said contract by the City to the Capital Improvement Cooperative District of the City of Andalusia, Alabama; and

WHEREAS, by the terms of the contracts, the respective Lessees have already consented to the assignments and agreed to attorn to the Capital Improvement Cooperative District of the City of Andalusia, Alabama; and

WHEREAS, the City Council has approved the terms of the assignments of said contracts as

shown by the attached agreement between the City of Andalusia and the Capital Improvement Cooperative District of the City of Andalusia, Alabama;

NOW THEREFORE, BE IT RESOLVED by the City Council of the City of Andalusia, Alabama, that the assignment of the rights of the City of Andalusia under the aforementioned contracts with Big Mike's Restaurant Andalusia, LLC (now assigned to Big Mike's Restaurant II, L.L.C.) and Clark Theatres, Inc to the Capital Improvement Cooperative District of the City of Andalusia, Alabama is hereby approved, and the Mayor and City Clerk-Treasurer are authorized to execute said assignment.

ADOPTED AND APPROVED this ____ day of _____, 2016.

THE CITY OF ANDALUSIA, ALABAMA

Earl V. Johnson, Mayor

ATTEST:

John M. Thompson, City Clerk-Treasurer

Councilmember Powell moved to approve Resolution No. 2016 – 41. Councilmember Wells 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

CITY CLERK'S CERTIFICATE

I, John M. Thompson, as City Clerk/Treasurer of the City of Andalusia, Alabama, hereby certify that the attached pages constitute a true and correct copy of an excerpt from the minutes of the regular meeting of the City Council of the City of Andalusia held on September 6, 2016, which meeting was called and assembled and was open to the public and at which a quorum was present and acting throughout, and that the original of said minutes appears of record in the minute books of the City Council of Andalusia, Alabama, which are in my custody and control.

Witness my signature as said City Clerk, under the seal of the City of Andalusia, Alabama, this the 28th day of September, 2016.

John M. Thompson, As City Clerk/Treasurer of the
CITY OF ANDALUSIA, ALABAMA