

**STATE OF ALABAMA
COUNTY OF COVINGTON**

**ANDALUSIA, ALABAMA
ANDALUSIA CITY HALL
NOVEMBER 21, 2017**

REGULAR WORK SESSION MEETING

PRESENT:

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

ABSENT:

Kenneth C. Mount, Councilmember
Ralph Wells, Councilmember

The City Council of the City of Andalusia, Alabama, met in room 340 at city hall for a work session at 4:00 p.m. for the purpose of planning and finalizing the agenda.

REGULAR COUNCIL MEETING

PRESENT:

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

ABSENT:

Kenneth C. Mount, Councilmember
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 on November 7, 2017. Councilmember Griffin moved to approve the minutes. Councilmember Sconiers seconded the motion which passed unanimously.

COUNCIL APPROVED ORDINANCE NO. 2017 – 05, RENEWING A FRANCHISE AGREEMENT WITH SOUTHEAST GAS:

Mayor Johnson introduced Ordinance 2017 – 05 and asked the clerk to call the roll to see if the council desired to suspend the rules in order to immediately consider the ordinance:

YES:

Mayor Johnson
Councilmember Sconiers
Councilmember Griffin
Councilmember Powell

NO:

ABSTAINED:

**CITY OF ANDALUSIA
ANDALUSIA, ALABAMA**

ORDINANCE NO. 2017-05

AN ORDINANCE GRANTING A FRANCHISE FOR THE OPERATION OF A GAS DISTRIBUTION SYSTEM TO THE SOUTHEAST ALABAMA GAS DISTRICT BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ANDALUSIA, ALABAMA
as follows:

Section 1. That the City of Andalusia, Alabama (hereinafter referred to as the “Municipality” hereby grants to The Southeast Alabama Gas District, its successors and assigns, (hereinafter referred to as the “District”) the right, privilege, authority and franchise to acquire, construct, own, maintain, enlarge, extend, improve and operate a gas distribution system in the Municipality for the purpose of supplying natural gas to the Municipality and the surrounding territory and the inhabitants thereof and to use the streets, avenues, alleys and public ways and places in said Municipality for such purposes.

Section 2. That the Municipality hereby grants to the District the right, privilege, authority and franchise at any time and from time to time, during the period covered by this franchise, without any requirement as to permit or fee therefore, to construct and extend its

mains, pipes and conduits over or under or along any street, avenue, alley or public way or place in said Municipality for the purpose of constructing, repairing, improving, enlarging, or extending said gas distribution system.

Section 3. That the Municipality hereby consents and agrees that the franchise hereby granted may be covered by any one or more mortgages or deeds or indentures of trust executed by the District for any one or more of the following purposes, to-wit, for the purpose of securing funds with which to enlarge, extend, improve or operate the gas distribution system in the Municipality, or for the purpose of securing funds with which to enlarge, extend, improve, or operate the whole or any part of the gas transmission system of the District, or for the purpose of securing funds with which to acquire, construct, enlarge, extend, improve or operate any other gas distribution system or systems which the District may acquire, construct, enlarge, extend, improve or operate in any other municipality or municipalities any such mortgage shall constitute a lien on the franchise granted in this Ordinance and the franchise may be transferred or assigned subject to the conditions set forth in any such mortgages or deeds or indentures of trust, but such franchise shall not otherwise be transferred or assigned.

Section 4. That the District shall, and by accepting this franchise agrees that it will, upon making any excavation in the streets, avenues, alleys, public ways and places of said Municipality in the exercise of this franchise, restore the surface and paving at the point of such excavation in substantially the same condition as before the work was done within a reasonable time thereafter and will save the Municipality harmless from any liability arising out of any change in the condition of any street, avenue, alley, public way or place by the said District.

Section 5. That the rights, privileges, authorities and franchise hereby granted shall continue in force and effect for a period of thirty years from the effective date of this Ordinance.

Section 6. That the provisions of this Ordinance are intended to be severable and, if any one or more thereof should be held invalid for any reason, the rest shall nevertheless stand and be fully effective.

Section 7. This Ordinance shall be published at the expense of the District in the Andalusia Star-News which, upon evidence duly submitted to and considered by it, the said governing body does hereby find to be a newspaper published and of general circulation in the Municipality, in one issue thereof. Following publication, this ordinance shall be effective December 18, 2017.

Section 8. All ordinances, resolutions or orders or parts thereof in conflict with this Ordinance are hereby repealed to the extent of such conflict.

ADOPTED AND APPROVED this _____ day of _____, 2017.

THE CITY OF ANDALUSIA, ALABAMA

ATTEST:

John Thompson, City Clerk

By: _____
Earl Johnson
Mayor

CERTIFICATE OF PUBLICATION

I, the undersigned Clerk, do hereby certify that the foregoing Ordinance was published in the Andalusia Star News, Andalusia, Alabama in the issue of _____, 2017.

WITNESS MY HAND and the official seal of the Municipality.

CLERK

SEAL

STATE OF ALABAMA §
 §
COVINGTON COUNTY §

CERTIFICATE OF CLERK

I, the undersigned, the duly elected, qualified and acting Clerk of the City of Andalusia, Alabama, do hereby certify that the above and foregoing _____ pages constitute a complete, verbatim and compared copy of the recorded, signed and filed minutes of a meeting of the Council of said Municipality held on _____2017, insofar as said minutes relate to the franchise for the operation of a natural gas distribution system, and that the copy of the Ordinance entitled “AN ORDINANCE GRANTING A FRANCHISE FOR THE OPERATION OF A GAS DISTRIBUTION SYSTEM TO THE SOUTHEAST ALABAMA GAS DISTRICT”, set forth therein, is a complete, verbatim and compared copy of said Ordinance as introduced, read and adopted at said meeting and on file and of record and authenticated by my signature in the Ordinance Book of the said Municipality, and that said Ordinance was published as provided therein.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the official corporate seal of said Municipality, on this _____ day of _____, 2017.

CLERK

SEAL

Councilmember Powell moved to approve Ordinance 2017 – 05. Councilmember Griffin 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