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STATE OF ALABAMA
COUNTY OF COVINGTON

ANDALUSIA, ALABAMA
ANDALUSIA CITY HALL
MARCH 20, 2018

REGULAR WORK SESSION MEETING

PRESENT:

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

ABSENT:

Mayor Johnson called the meeting to order and welcomed all. Council Member Sconiers led the prayer and Pledge of Allegiance to the flag.

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APPROVAL OF MINUTES:

Mayor Johnson presented the minutes from the regular meeting on March 6, 2018. Councilmember Griffin moved to approve the minutes. Councilmember Mount seconded the motion which passed unanimously.

COUNCIL APPROVES ORDINANCE 2018 – 03, PROPOSED AMENDMENT TO THE CITY OF ANDALUSIA’S ZONING ORDINANCE:

Mayor Johnson presented Ordinance No. 2018 – 03, amending the City of Andalusia’s Zoning Ordinance to the Council.

**CITY OF ANDALUSIA
ANDALUSIA, ALABAMA**

ORDINANCE NO. 2018 – 03

BE IT ORDAINED by the City Council of the City of Andalusia, Alabama as follows:

Section I. That the Zoning Ordinance of the City of Andalusia, Alabama, as adopted on November 2, 2007, be and the same hereby is amended as follows:

The following described lot(s) or parcel(s) of land presently zoned **R-3/B-3** is hereby reclassified and rezoned as **B-3** property as that classification is described and fixed in the existing Zoning Ordinance of the City of Andalusia, Alabama, on file in the office of the City Clerk of Andalusia:

A parcel of land located in the NE ¼ of Section 24, Township 4 North, Range 15 East, Covington County, Alabama and being more particularly described as follows: Commencing at a nail in pavement of Snowden Drive being the NE corner Section 24, Township 4 North, Range 15 East; thence S 00°00’00” East a distance of 104.77 feet to a point thence S 89°28’41” West a distance of 15.81 feet to a 5/8” capped iron rebar (#35523) marking the West right-of-way of Snowden Drive, also being the Point Of Beginning; thence S 00°04’19” East along West right-of-way distance of 331.37 feet to a “X” scribed in concrete sidewalk; thence along right-of-way and a curve to the right transitioning to the North right-of-way of Dunson Street, a curve having a

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radius of 49.30 feet, chord bearing of S 58°21'24" West a chord distance of 48.51 feet to an "X" scribe in concrete sidewalk, thence N 83°36'19" West continuing along North right-of-way a distance of 114.63 feet to a 5/8" capped iron rebar (#35523); thence N 78°55'06" West a distance of 99.50 feet to an "X" scribed in concrete sidewalk; thence along a curve to the right having a radius of 1661.32 feet, a chord bearing of N 88°41'02" West and a chord distance of 136.21 feet to an "X" scribed in concrete sidewalk; thence S 89°04'19" West a distance of 1.70 feet to an "X" scribed in concrete sidewalk; thence along a curve to the right having a radius of 42.50 feet, a chord bearing of N 82°43'48" West, and a chord distance of 11.92 feet to a 5/8" capped iron rebar (#35523) set at the intersection of said North right-of-way and East right-of-way of Andalusia Bypass; thence N 37°55'51" East along said East right-of-way a distance of 34.62 feet to a 5/8" capped iron rebar (#35523), thence N 01°24'48" West a distance of 289.56 feet to a 5/8" capped iron rebar (#0026); thence N 89°28'41" East departing said East right-of-way a distance of 388.02 feet back to the Point Of Beginning. Said parcel of contains ±2.96 acres.

Section II. This Amending Ordinance is adopted upon recommendation of the Planning Commission of the City of Andalusia, Alabama.

Section III. In all other respects said Zoning Ordinance of the City of Andalusia, Alabama, shall remain in full force and effect, and shall remain unchanged except as set forth in this Amending Ordinance.

ADOPTED AND APPROVED this 20th day of March, 2018.

THE CITY OF ANDALUSIA, ALABAMA

By: _____
Earl Johnson, Mayor

ATTEST:

John M. Thompson, City Clerk/Treasurer

Councilmember Wells moved to approve Ordinance No. 2018 – 03.
Councilmember Sconiers seconded the motion which passed unanimously.

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COUNCIL APPROVES RESOLUTION NO. 2018 – 14, GIVING THE INDUSTRIAL DEVELOPMENT BOARD OF THE CITY OF ANDALUSIA AUTHORITY TO GRANT ABATEMENT OF TAXES RELATED TO THE SHAW INDUSTRIES REINVESTMENT PROJECT:

Mayor Johnson presented Resolution No. 2018 – 14, giving the Industrial Development Board of the City of Andalusia authority to the grant abatement of taxes related to the Shaw Industries Reinvestment Project to the Council.

**CITY OF ANDALUSIA
ANDALUSIA, ALABAMA**

RESOLUTION 2018 – 14

**GIVING THE INDUSTRIAL DEVELOPMENT BOARD OF THE CITY OF ANDALUSIA
AUTHORITY TO GRANT ABATEMENT OF TAXES RELATED TO THE SHAW
INDUSTRIES REINVESTMENT PROJECT**

BE IT RESOLVED by the City Council of the City of Andalusia (the “Granting Authority”), as follows:

Section 1. The Granting Authority does hereby find, declare and ascertain as follows:

(a) By Resolution adopted on April 4, 2017 (the “Original Resolution”), the Granting Authority consented to authorize the Industrial Development Board of the City of Andalusia (the “IDB”) to grant to Shaw Industries Group, Inc., a Georgia corporation (the “Company”), abatements of the following taxes imposed by the City of Andalusia (the “City”) in connection with the Company’s expansion and modernization of its existing carpet fiber products manufacturing facility located inside the jurisdiction of the City at 200 Waits Drive, Andalusia, Alabama 36421 (the “Project”): (i) certain sales and use, ad valorem and mortgage and recording taxes pursuant to Chapter 9B of Title 40 of

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the Code of Alabama (1975), as amended (herein called the "Tax Abatement Act"), and such tax abatements are described in that certain TIRA Tax Abatement Agreement between the IDB and the Company dated April 14, 2017 (the "TIRA Tax Abatement Agreement") and (ii) certain sales and use and ad valorem taxes pursuant to Chapter 9G of Title 40 of the Code of Alabama (1975) as amended (herein called the "Reinvestments Abatement Act"), and such tax abatements are described in that certain ARRA Tax Abatement Agreement between the IDB and the Company dated April 14, 2017 (the "ARRA Tax Abatement Agreement");

(b) Due to a desire to increase the scope of the Project, the Company (i) increased the estimated amount of investment by the Company in the Project and (ii) extended the Project's estimated construction completion date and "placed in service" date, respectively, beyond that which was set forth in the Company's original "Form CO:CAA Application to Granting Authority for Abatement of Taxes" dated April 14, 2017 (the "Original TIRA Application") and the Company's original "Form CO:CAAG Application to Granting Authority for Abatement of Taxes" dated April 14, 2017 (the "Original ARRA Application," and together with the Original TIRA Application, the "Original Applications"), respectively;

(c) The Company anticipates that it will invest \$250,000,000 in connection with the Project instead of \$184,016,381 (the difference of \$65,983,619 referred to hereinafter as the "Additional Capital Investment");

(d) The Company amended the Original Applications and has submitted to the Granting Authority for its review an "Amended Form CO:CAA Application to Granting Authority for Abatement of Taxes" and an "Amended Form CO:CAAG Application to Granting Authority for Abatement of Taxes," presented to the meeting at which this resolution is adopted (such applications are attached hereto as Exhibit A and made a part of this resolution as if fully and completely set forth herein) (collectively, the "Amended Applications");

(e) The Amended Applications reflect the Additional Capital Investment and the extended construction completion and "placed in service" dates;

(f) The Additional Capital Investment will promote trade and commerce in the State of Alabama and in the City; and

(g) It is desirable and appropriate for the Granting Authority to consent to the granting and implementing of certain tax abatements for the Project by the IDB taking into account the Additional Capital Investment as reported in the Amended Applications.

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Section 2. Pursuant to the provisions of the Tax Abatement Act, and specifically Alabama Code § 40-9B-5, the Granting Authority hereby consents to the IDB granting to the Company, to the fullest extent allowed under the Tax Abatement Act, abatements of the following taxes imposed by the City with respect to the Company's total capital investment in the Project, as reported in the Amended Applications: (i) Construction Related Transaction Taxes; (ii) Noneducational Ad Valorem Taxes for twenty (20) years, the maximum period allowed under the Tax Abatement Act, for each piece of property obtained by the Company for the Project; and (iii) Mortgage and Recording Taxes. The terms "Construction Related Transaction Taxes," "Noneducational Ad Valorem Taxes" and "Mortgage and Recording Taxes" shall have the same meanings herein as in the Tax Abatement Act.

Section 3. Pursuant to the provisions of the Reinvestments Abatement Act, and specifically Alabama Code § 40-9G-2, the Granting Authority hereby consents to the IDB granting to the Company, to the fullest extent allowed under the Reinvestments Abatement Act, abatements of the following taxes imposed by the City with respect to the Company's total capital investment in the Project, as reported in the Amended Applications: (i) Construction Related Transaction Taxes; and (ii) Ad Valorem Taxes for twenty (20) years, the maximum period allowed under the Reinvestments Abatement Act, for each piece of property obtained by the Company for the Project. The term "Ad Valorem Taxes" shall have the same meaning herein as in the Reinvestments Abatement Act.

Section 4. Confirmation of Original Resolution. The Granting Authority confirms and ratifies its intention and agreement with and commitment to the Company in connection with the Original Resolution consenting to the IDB granting and implementing abatements to the Project pursuant to the Tax Abatement Act and Reinvestment Abatements Act, and authorizing the IDB to enter into a TIRA Tax Abatement Agreement and ARAA Abatement Agreement. All such abatements and agreements and associated rights and benefits originally granted to the Company remain in full force and effect in favor of the Company

Section 5. Statutory Interpretation. To the extent that Alabama Code § 40-9B-5(b)(2) and/or Alabama Code § 40-9G-2 is ever interpreted to prohibit the granting of such consent as is found herein as well as in the Original Resolution and to instead require the direct grant of abatements by the Granting Authority, this resolution and the Original Resolution shall be deemed to be the direct grant of such abatements contained herein by the Granting Authority to the Company.

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Section 6. General Authorization. The Mayor and the Clerk are hereby further authorized and directed to execute, deliver, seal, and attest such other ancillary documents and certificates as may be necessary to effect the transaction authorized by this resolution, and their signatures thereon shall be conclusive evidence of the due exercise of this authority.

Section 7. Severability Provisions. The various provisions of this resolution are hereby declared to be severable. In the event any provision hereof shall be held invalid by a court of competent jurisdiction, such invalidity shall not affect any other portion of this resolution.

Section 8. Contract. The terms of this resolution shall be deemed a contract with the Company, and may not be rescinded or amended by the Granting Authority without the express, written consent of the Company.

ADOPTED AND APPROVED this 20th day of March, 2018.

THE CITY OF ANDALUSIA, ALABAMA

By: _____
Earl V. Johnson, Mayor

ATTEST:

John M. Thompson, City Clerk – Treasurer

Councilmember Powell moved to approve Resolution No. 2018 – 14.
Councilmember Mount seconded the motion which passed unanimously.

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COUNCIL APPROVES RESOLUTION NO. 2018 – 09, APPROVING THE ACQUISITION OF THE FORMER S. Q. FABRICATION BUILDING AT THE ANDALUSIA INDUSTRIAL PARK:

Mayor Johnson presented Resolution No. 2018 – 09, approving the acquisition of the former S.Q. Fabrication Building at the Andalusia Industrial Park to the Council.

**CITY OF ANDALUSIA
ANDALUSIA, ALABAMA**

RESOLUTION 2018 – 09

A RESOLUTION AUTHORIZING THE ACQUISITION OF THE FORMER S. Q. FABRICATION BUILDING

WHEREAS, the City Council of the City of Andalusia desires to encourage the growth and expansion of existing, local businesses, and;

WHEREAS, pursuant to Section 2-1 and 2-5 of the Code of Ordinances of the City of Andalusia, Alabama, the City operates under the mayor and council form of government with the mayor serving as the chief executive officer, and;

WHEREAS, the City of Andalusia and the Industrial Development Board of the City of Andalusia desire to purchase the former S. Q. Fabrication Building and approximately eight acres of land located at 391 East Progress Drive in the Andalusia Industrial Park, for \$300,000, for the purpose expanding business and industry and increasing employment in Andalusia, and;

WHEREAS, the Industrial Development Board of the City of Andalusia has approved the purchase and committed \$150,000 of board funds to the acquisition project, and;

WHEREAS, local banks have been offered an opportunity to submit bids to finance the remaining \$150,000 necessary to complete the project, and;

WHEREAS, the apparent low bidder is BB&T, 3.41%.

NOW, THEREFORE, BE IT RESOLVED, by the City Council of the City of Andalusia, Alabama, that the mayor and city clerk are authorized to execute any and all documents necessary to effectuate the intent of this resolution, including loan documents, etc., not to exceed \$150,000 for the acquisition of the former S. Q. Fabrication Building.

BE IT FURTHER RESLOVED, the city council hereby approves and covenants to appropriate and budget sufficient funds in this fiscal year and in future fiscal years, if necessary, sufficient to pay any and all sums due and owing under the loan documents and/or to Branch Banking & Trust.

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ADOPTED AND APPROVED this 20th day of March, 2018.

THE CITY OF ANDALUSIA, ALABAMA

By: _____
Earl Johnson, Mayor

ATTEST:

John M. Thompson, City Clerk/Treasurer

Councilmember Sconiers moved to approve Resolution No. 2018 – 09.
Councilmember Powell seconded the motion which passed unanimously.

COUNCIL APPROVES RESOLUTION NO. 2018 –10, APPROVING A LEASE WITH TRIPLE H SPECIALTY OF ALABAMA, LLC, FOR THE FORMER S. Q. FABRICATION BUILDING:

Mayor Johnson presented Resolution No. 2018 – 10, approving a Lease with Triple H Specialty of Alabama, LLC, for the Former S. Q. Fabrication Building.

**CITY OF ANDALUSIA
ANDALUSIA, ALABAMA**

RESOLUTION 2018 – 10

A RESOLUTION AUTHORIZING A LEASE WITH TRIPLE H SPECIALTY FOR THE FORMER S. Q. FABRICATION BUILDING IN THE ANDALUSIA INDUSTRIAL PARK

WHEREAS, the City Council of the City of Andalusia and the Industrial Development Board of the City of Andalusia desire to aid and assist local businesses, encourage additional employment and stimulate the Andalusia economy, and;

WHEREAS, the City of Andalusia and the Industrial Development Board of the City of Andalusia plan to purchase the former S. Q. Fabrication Building at 391 East Progress Drive in the Andalusia Industrial Park, and;

WHEREAS, Triple H Specialty of Alabama has outgrown its current location due to additional demand for its products and services and needs a larger and more accessible facility to keep pace with market demand, add employees, and prepare for future growth.

NOW, THEREFORE, BE IT RESOLVED, by the City Council of the City of Andalusia, Alabama, that the mayor and city clerk are authorized to execute the attached lease contract with Triple H Specialty of Alabama for the purpose of relocating Triple H Specialty of Alabama to the former S. Q. Fabrication Building in the Andalusia Industrial Park.

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ADOPTED AND APPROVED this 20th day of March, 2018.

THE CITY OF ANDALUSIA, ALABAMA

By: _____
Earl Johnson, Mayor

ATTEST:

John M. Thompson, City Clerk/Treasurer

Councilmember Mount moved to approve Resolution No. 2018 – 10.
Councilmember Griffin seconded the motion which passed unanimously.

**COUNCIL APPROVES RESOLUTION NO. 2018 –11, AUTHORIZING A PERMIT WITH
THE ALABAMA DEPARTMENT OF TRANSPORTATION FOR MODIFICATIONS OF
THE INTERSECTION OF STANLEY AVENUE AND LINDSEY BRIDGE ROAD:**

Mayor Johnson presented Resolution No. 2018 – 11, authorizing a permit with the Alabama Department of Transportation for modifications of the intersection of Stanley Avenue and Lindsey Bridge Road.

**CITY OF ANDALUSIA
ANDALUSIA, ALABAMA**

RESOLUTION NO. 2018-11

WHEREAS, The Alabama Department of Transportation ("ALDOT") has requested the City of Andalusia, Alabama to execute a permit for the modification of a traffic signal at the State Route 55 (Stanley Avenue) at Lindsay Bridge Road/Brewton Street intersection pursuant to Exhibit A attached hereto, and

WHEREAS, The City Council has considered the request of the ALDOT to authorize the Mayor to enter into an agreement to permit the installation of the traffic signal as identified hereinabove.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Andalusia, Alabama, at a regular meeting, duly assembled, a quorum being present, as follows:

1. That the Mayor and Town Clerk are hereby authorized to execute the permit (Exhibit A) with the Alabama Department of Transportation to permit the following:
 - a. Installation of a new traffic signal at the State Route 55 (Stanley Avenue) at Lindsay Bridge Road/Brewton Street intersection;

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- b. Complete removal of the existing traffic signal at the State Route 55 (Stanley Avenue) at Lindsay Bridge Road/Brewton Street intersection; and
 - c. Operation and maintenance of the new traffic signal at the State Route 55 (Stanley Avenue) at Lindsay Bridge Road/Brewton Street intersection.
- 2. That the Mayor and City Clerk are authorized to execute any documents necessary to permit the construction of the modifications to the traffic signal provided herein above as required by the Alabama Department of Transportation.
 - 2. That this resolution shall become effective immediately upon its adoption by the City Council of the City of Andalusia, Alabama.

APPROVED AND ADOPTED this the 20th day of March, 2018.

THE CITY OF ANDALUSIA, ALABAMA

By: _____
Earl Johnson, Mayor

ATTEST:

John M. Thompson, City Clerk/Treasurer

STATE OF ALABAMA)

COVINGTON COUNTY)

I, the undersigned City Clerk of the City of Andalusia, do hereby certify that the foregoing Resolution No. 2018-11 is a true and correct copy of the resolution passed by the City Council of said City at a regular meeting, a quorum being present, on March 20, 2018.

Given under my hand and corporate seal of the City of Andalusia, this the 20th day of March, 2018.

City Clerk

Councilmember Wells moved to approve Resolution No. 2018 – 11.
Councilmember Powell seconded the motion which passed unanimously.

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COUNCIL APPROVES A FUNDING AGREEMENT WITH ANDALUSIA CITY SCHOOLS FOR FINANCING 2018 CAPITAL PROJECTS:

Mayor Johnson presented a funding agreement by and between the City of Andalusia and the Board of Education of the Andalusia City School District related to the issuance of Series 2018 General Obligation Warrants for capital projects at Andalusia City Schools. Councilmember Mount moved to authorize the mayor and city clerk to execute the agreement. Councilmember Powell seconded the motion which passed unanimously.

COUNCIL APPROVES RESOLUTION NO. 2018 – 12, ACCEPTANCE OF DWELLING COURT AND DRAINAGE IMPROVEMENTS OFF ANTIOCH ROAD:

**CITY OF ANDALUSIA
ANDALUSIA, ALABAMA**

RESOLUTION 2018 – 12

**A RESOLUTION ACCEPTING ROADWAY AND DRAINAGE IMPROVEMENTS,
DWELLING COURT, INTO THE CITY OF ANDALUSIA**

WHEREAS, the Planning Commission of the City of Andalusia has approved the Plat and Engineering Plans of the Dwelling Subdivision, and;

WHEREAS, the Utilities Board of the City of Andalusia has accepted the utilities installed at Dwelling Court and;

WHEREAS, the project engineer and public works director of the City of Andalusia have inspected the drainage and roadway improvements, Dwelling Court, and recommend that they be accepted.

NOW, THEREFORE, BE IT RESOLVED, by the City Council of the City of Andalusia, Alabama, that the roadway and drainage improvements, Dwelling Court, be accepted into the City of Andalusia.

ADOPTED AND APPROVED this 20th day of March, 2018.

THE CITY OF ANDALUSIA, ALABAMA

By: _____
Earl Johnson, Mayor

ATTEST:

John M. Thompson, City Clerk/Treasurer

Councilmember Griffin moved to approve Resolution No. 2018 – 12.
Councilmember Sconiers seconded the motion which passed unanimously.

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COUNCIL APPROVES RESOLUTION NO. 2018 – 13, AUTHORIZING EXECUTION OF FEDERAL TRANSPORTATION CERTIFICATIONS AND ASSURANCES THROUGH THE ALABAMA DEPARTMENT OF TRANSPORTATION, RELATED TO CITY OPERATED VEHICLES:

Mayor Johnson presented Resolution No. 2018 – 13, authorizing execution of federal transportation certifications and assurances through the Alabama Department of Transportation, related to city operated vehicles.

**CITY OF ANDALUSIA
ANDALUSIA, ALABAMA**

RESOLUTION NO. 2018 – 13

**A RESOLUTION AUTHORIZING EXECUTION
OF FTA CERTIFICATIONS AND ASSURANCES**

WHEREAS, the Adult Activities Center of the City of Andalusia operates two buses which were obtained through a grant from the Federal Transportation Administration (FTA) through the Alabama Department of Transportation (DOT); and

WHEREAS, in order to maintain eligibility for future grants, the City must give certain certifications and assurances to the FTA and DOT; and

WHEREAS, the City Council has found that such certifications and assurances ought to be made;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ANDALUSIA, that the mayor and city clerk are authorized to execute the FTA Fiscal Year 2018 Certifications and Assurances and such other documents as are necessary to maintain eligibility for future FTA and DOT grants.

ADOPTED AND APPROVED this 20th day of March, 2018.

THE CITY OF ANDALUSIA, ALABAMA

By: _____
Earl V. Johnson, Mayor

ATTEST:

John M. Thompson, City Clerk – Treasurer

Councilmember Griffin moved to approve Resolution No. 2018 – 13.
Councilmember Wells seconded the motion which passed unanimously.

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COUNCIL APPOINTS VOTING DELEGATE AND FIRST ALTERNATE DELEGATE FOR THE ANNUAL ALABAMA MUNICIPALITIES MEETING, MAY 21ST, 2018:

Mayor Johnson announced that the Alabama League o Municipalities annual meeting was scheduled for May 21, 2018. Councilmember Powell nominated Mayor Johnson to serve as voting delegate and Councilmember Will Sconiers first alternate voting delegate at the business session, Councilmember Mount seconded the nominations which passed unanimously.

COUNCIL APPROVES STATE OF ALABAMA ALCHOHOLIC BEVERAGE CONTROL BOARD LICENSE TRANSFER:

Mayor Johnson presented an application for the transfer of a State of Alabama Alcoholic Beverage Control Board license from Rite Aid to Walgreen Company. Councilmember Wells moved to approve the license. Councilmember Mount seconded the motion. Mayor Johnson called for a vote which produced the following results:

YES:

Mayor Johnson
Councilmember Mount
Councilmember Wells

NO:

None

ABSTAINED:

Councilmember Sconiers
Councilmember Griffin
Councilmember Powell

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