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**STATE OF ALABAMA
COUNTY OF COVINGTON**

**ANDALUSIA, ALABAMA
ANDALUSIA CITY HALL
March 02, 2021**

REGULAR WORK SESSION MEETING

PRESENT:

Earl V. Johnson, Mayor
Joe Nix, Councilmember
Kenneth 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 the utility board conference room at the city hall for a work session at 5:30 p.m. for the purpose of planning and finalizing the agenda.

REGULAR COUNCIL MEETING

PRESENT:

Earl V. Johnson, Mayor
Joe Nix, Councilmember
Kenneth C. Mount, Councilmember
Hazel Griffin, Councilmember
Ralph Wells, Councilmember
Terry Powell, Councilmember
Mark Christensen, City Attorney

ABSENT:

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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 on February 16, 2021. Councilmember Griffin moved to approve the minutes. Councilmember Nix seconded the motion which passed unanimously.

COUNCIL APPROVES HR2021-001, AMENDING EMPLOYEE STRENGTH PLAN, POSITION DESCRIPTIONS, AND ADDING CODE COMPLIANCE OFFICER FOR ABATEMENT PROGRAM:

Mayor Johnson presented HR2021-001, Amending Employee Strength Plan, Position Descriptions, and Adding Code Compliance Officer for the Abatement Program. Councilmember Powell moved to approve HR2021-001. Councilmember Wells seconded the motion which passed unanimously.

COUNCIL APPROVES ORDINANCE NO. 2021-01, AMENDING ABATEMENT ORDINANCE:

Mayor Johnson presented Ordinance No. 2021-01, Amending Abatement Ordinance.

**THE CITY OF ANDALUSIA
ANDALUSIA, ALABAMA**

ORDINANCE NO. 2021 – 01

AN ORDINANCE PROVIDING FOR ADDITIONAL PROCEDURES FOR ENFORCEMENT OF THE ANDALUSIA JUNK, LITTER, AND INOPERABLE VEHICLES ORDINANCE

WHEREAS, the City Council of the City of Andalusia, Alabama, desires to improve the health, safety, environment, and esthetics of the City, thereby making the City a better place for its residents; and

WHEREAS, the Code of Andalusia includes Sections 13-131 et seq., which are collectively known as “The Andalusia, Alabama, Junk, Litter, and Inoperable Vehicle Ordinance”; and

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WHEREAS, the current ordinance provides only for enforcement through criminal actions to be initiated through the Municipal Court; and

WHEREAS, City officials have encountered difficulties in enforcement of the current ordinance, especially with regard to property having absentee owners who live outside the jurisdiction of the Municipal Court, making it difficult or even impossible to serve them with a summons; and

WHEREAS, the City Council finds that it is desirable to have an alternative noncriminal means to enforce abatement of nuisances caused by junk, litter, and inoperable vehicles so that City officials shall have the option of whether to proceed through a summons to the Municipal Court or to use the procedures set forth below;

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of Andalusia, Alabama, that the Code of Ordinances, City of Andalusia, Alabama, be amended to add the following sections (the numbering of which has been previously reserved) while preserving those sections that are currently in the Code of Andalusia:

Sec. 13-137. - Appropriate city official; report of appropriate city official; resolution declaring a public nuisance.

(a) The appropriate city official shall be the Director of Planning and Development, the City Building Inspector, the City Code Enforcement Officer, or another designee of the Director of Planning and Development.

(b) The appropriate city official shall report to the city governing body whenever junk, litter, or inoperable vehicles are present upon any street, sidewalk, or private property, which constitute a nuisance within the municipal boundaries of the City of Andalusia.

Upon receiving a report, the city governing body may declare the same to be a public nuisance and order its abatement.

(c) Nothing herein shall prevent the appropriate city official from resolving the nuisance informally by speaking with the property owner or sending a courtesy letter to the owner prior to reporting to the city governing body, but such informal attempts to resolve the nuisance shall not be a prerequisite to presentation to the city governing body.

Sec. 13-138. - Notice to owner; contents; posting of signs.

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After the passage of a resolution, the appropriate city official shall send notice of the action to the last person or persons, company, firm, association, corporation, or other entity last assessing the property for state taxes, by certified or registered mail to the address on file in the revenue commissioner's office, to remedy the presence of junk, litter, or inoperable vehicles within a reasonable time set out in the notice, not to exceed fourteen (14) days or suffer the junk, litter, or inoperable vehicles to be abated by the city and the cost thereof assessed against the property. The mailing of the certified or registered notice, properly addressed and postage prepaid, shall constitute notice as required herein. The city shall also place a sign conspicuously on the property indicating that the city governing body has found the property to be a public nuisance because of the unlawful presence of junk, litter, or inoperable vehicles.

Sec. 13-139. - Hearing.

(a) Within the time specified in the notice, but not more than fourteen (14) days from the date the notice is given, an owner may file a written request for a hearing before the governing body of the city, together with objections to the finding by the city governing body that the junk, litter, or inoperable vehicles constitute a public nuisance. The filing of the request shall hold in abeyance any action on the finding of the city governing body until a determination thereon is made by the city governing body. The hearing shall be held not less than five (5) nor more than thirty (30) days after the request.

(b) At the hearing, the owner may present evidence in support of the owner objections to the finding that the junk, litter, or inoperable vehicles constitute a public nuisance, and the city may present evidence in support of the finding that the junk, litter, or inoperable vehicles constitute a public nuisance. After all, evidence has been presented, the city governing body shall determine whether a public nuisance exists. Written notice shall be given to the owner of the determination of the city governing body no more than five (5) days after the hearing. If the city governing body determines that there is a public nuisance, then the mayor shall order its immediate abatement upon the giving of notice to the owner.

Sec. 13-140. - Entry of municipal employees and agents on property to abate nuisance; abatement by private contractor.

In the event that no hearing is timely requested and if the nuisance on the property has not been abated within fourteen (14) days after the city governing body's resolution, the mayor of the city shall order the nuisance to be abated. The abatement may be accomplished, at the option of the city, by its own forces or by contract. For purposes of this division, compliance with the competitive bid laws shall not be required. All city employees and duly authorized agents contracted to abate the nuisance are expressly authorized to enter private property for the purpose of abating the nuisance thereon.

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Sec. 13-141. - Accounting of cost of abatement.

The appropriate city official shall give an itemized written report to the city governing body regarding the cost of abating the nuisance. The cost of abatement shall be the actual cost the city incurs in the abatement or the actual costs the contractor charges the city for the abatement, but in either case, the actual costs incurred by the city shall also include administrative costs of \$150.00 and the ten percent (10%) fee charged by the Revenue Commissioner shall also be added to the cost of abatement. Upon report of the cost by the appropriate city official, the governing body shall adopt a resolution confirming the costs of the reports, provided that any person, firm, or corporation having an interest in the property may be heard at the meeting concerning the fixing of the costs or the amounts thereof. The city clerk shall give at least ten (10) days' notice of the meeting at which the fixing of the costs is to be considered by first-class mail to all entities having an interest in the property whose address and interest are determined from the revenue commissioner's records on the property or is otherwise known to the clerk.

Sec. 13-142. - Cost to constitute litter, junk, or inoperable vehicle liens; report to revenue commissioner; amounts to be included in tax bills; collection.

The confirmed cost of abatement shall hereinafter be referred to as a litter, junk, or inoperable vehicle lien and thus made and confirmed shall constitute a litter, junk, or inoperable vehicle lien on the property for the amount of such lien. After confirmation of the reports, a copy shall be turned over to the Revenue Commissioner of Covington County, who, under the optional method of taxation, is charged with the collection of the city's municipal taxes pursuant to Code of Ala. 1975, §§ 11-51-40 through 11-51-74. Whereupon it shall be the duty of the County Revenue Commissioner to add the amounts of any litter, junk, or inoperable vehicle lien to the next regular bills for taxes levied against the respective lots and parcels of land, and thereafter any litter, junk, or inoperable vehicle liens shall be collected at the same time and in the same manner as ordinary municipal ad valorem taxes are collected, and shall be subject to the same penalties and the same procedure under foreclosure and sale in case of delinquency. The County Revenue Commissioner shall retain ten percent (10%) of the amount of each litter, junk, or inoperable vehicle lien collected and remit the remainder to the municipality. The amount retained by the Revenue Commissioner shall be used for operational purposes.

Sec. 13-143. - Procedure for subsequent abatement.

(a) Whenever property has been declared to be a public nuisance and has been abated, and the appropriate city official finds that the property again has a public nuisance present upon it within twelve (12) months of the date on which the governing body initially declared said property to be a public nuisance, then the appropriate city official shall be authorized to institute

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a subsequent abatement by giving notice to the last person or entity last assessing the property for state taxes that the appropriate city official has found that there is a public nuisance on said property and that said public nuisance must be remedied within seven (7) days, or it will be abated by the city and the cost thereof assessed against the property.

(b) The city shall also place a sign conspicuously on the property indicating that the city governing body has previously found the property to be a public nuisance because of the unlawful presence of junk, litter, or inoperable vehicles and that the property is now in a subsequent abatement process and must be cleaned within seven (7) days.

(c) Within seven (7) days of the notice, any owner may file a written request for a hearing before the governing body of the city, together with objections to the finding by the appropriate city official that junk, litter, or inoperable vehicles on the property constitute a public nuisance. The filing of the request shall hold in abeyance any further action on the subsequent abatement until a determination thereon is made by the city governing body. The hearing shall be held not less than five (5) nor more than thirty (30) days after the request.

(d) In the event that no hearing is timely requested, the appropriate city official shall proceed to abate the nuisance either by using the city's own forces or by contract. Compliance with competitive bid laws shall not be required. All city employees and duly authorized agents contracted to abate the nuisance are expressly authorized to enter private property for the purpose of abating the nuisance thereon. The procedures and requirements of Section 13-141 and Section 13-142 shall also apply to subsequent abatements.

Sec. 13-144. - Division cumulative in nature.

This division shall be cumulative in its nature and in addition to any and all power and authority which the city may have under any other law.

The foregoing ordinance adding sections to the Code of Andalusia shall become effective as of the date of its publication following its adoption by the City Council.

ADOPTED this 2nd day of March, 2021.

EARL V. JOHNSON, MAYOR

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ATTEST:

JOHN M. THOMPSON,
CITY CLERK AND TREASURER

Councilmember Griffin moved to approve Ordinance No. 2021-01. Councilmember Mount seconded the motion which passed unanimously.

COUNCIL APPROVES THE PURCHASE OF A NEW COMPUTER SERVER SYSTEM:

Mayor Johnson presented a request from the police department for a new computer server system. Councilmember Powell moved to approve the purchase and to appropriate \$43,784 from the capital improvement account to complete the project. Councilmember Nix seconded the motion which passed unanimously.

COUNCIL APPROVES RESOLUTION NO. 2021-10, POLICE AND FIRE DEPARTMENT EQUIPMENT BID RESULTS:

Mayor Johnson presented Resolution No. 2021-10, Police and Fire Department Equipment Bid Results.

**THE CITY OF ANDALUSIA
ANDALUSIA, ALABAMA**

RESOLUTION NO. 2021 – 10

A RESOLUTION ACCEPTING POLICE AND FIRE EQUIPMENT BID

WHEREAS, the City of Andalusia desires to purchase equipment for police and fire department vehicles; and

WHEREAS, the City of Andalusia did legally advertise a bid opening time and date of 11:00 AM, February 24, 2021, for equipment for police and fire department vehicles, in accordance with Alabama State Law, and on that date opened all bids in public and read them aloud; and

WHEREAS, the Police Chief and Fire Chief have reviewed the bids and determined the bid be awarded to S& P Communication, LLC, per the attached bid results.

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NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ANDALUSIA, that the proposal from S & P Communications, LLC., in the amount of \$28,246.61 be accepted and approved.

ADOPTED AND APPROVED this 2nd day of March, 2021.

THE CITY OF ANDALUSIA, ALABAMA

By: _____
Earl V. Johnson, Mayor

ATTEST:

John M. Thompson, City Clerk-Treasurer

Councilmember Mount moved to approve Resolution No. 2021-10. Councilmember Wells seconded the motion which passed unanimously.

COUNCIL APPOINTS VOTING DELEGATE FOR ALABAMA LEAGUE OF MUNICIPALITIES:

Mayor Johnson announced that the annual Alabama League of Municipalities meeting was scheduled for May 12-15, 2021, in Huntsville, and that it would be necessary to elect a voting delegate and alternate voting delegate for the business meeting. Councilmember Wells nominated Mayor Johnson as voting delegate and Joe Nix as an alternate voting delegate. Councilmember Griffin seconded the motion which passed unanimously.

ADJOURNMENT:

With no further business, Mayor Johnson called the meeting adjourned.

THE CITY OF ANDALUSIA, ALABAMA

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By: _____
Earl V. Johnson, Mayor

ATTEST:

John M. Thompson, City Clerk/Treasurer