

PAGE ONE

**STATE OF ALABAMA
COUNTY OF COVINGTON**

**ANDALUSIA, ALABAMA
ANDALUSIA CITY HALL
JANUARY 4, 2022, 6:00 PM**

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 third-floor 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

PAGE TWO

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 on December 21, 2021. Councilmember Mount moved to approve the minutes. Councilmember Nix seconded the motion which passed unanimously.

COUNCIL APPROVES ORDINANCE NO. 2022-01, DECLARING REAL PROPERTY SURPLUS:

Mayor Johnson presented Ordinance No. 2022-01 and asked the clerk to call the roll on the question of suspending the rules in order for the council to consider the ordinance immediately.

YES

Mayor Johnson
Councilmember Nix
Councilmember Mount
Councilmember Griffin
Councilmember Wells
Councilmember Powell

NO

None

**THE CITY OF ANDALUSIA
ANDALUSIA, ALABAMA**

ORDINANCE NO. 2022-01

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ANDALUSIA, ALABAMA:

WHEREAS, the City Council of the City of Andalusia, Alabama, desires to improve the quality of life for all of its citizens and the residents of surrounding areas; and

WHEREAS, the City Council of the City of Andalusia, Alabama, desires to encourage economic development in the City of Andalusia and to encourage responsible development that

PAGE THREE

will lead to benefits that will serve valid and sufficient public purposes including, but not limited to, expansion and enhancement of the City's economic and tax base, thereby providing additional revenues for schools, municipal services, and other public needs, and increased employment opportunities with the City, promotion of the City as a center for retail and commercial activity, and provision of additional goods and services to the residents of Andalusia and the surrounding areas; and

WHEREAS, the City Council has approved a Development Agreement which calls for the establishment of a hotel in certain properties currently titled in the City of Andalusia;

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

1. It is hereby established and declared that the following described real property of the City of Andalusia, Alabama, is no longer needed for public or municipal purposes, to wit: the real property known as the First National Bank Building or the Timmerman Building, the address of which is 101 South Cotton Street, Andalusia, AL 36420, the legal description of which is:

Beginning at the Southeast corner of the public square in the City of Andalusia, Alabama, and running thence South with the East line of the sidewalk on the East side of Cotton Street, a distance of 25 feet, and running thence East a distance of 100 feet, thence North a distance of 25 feet, and running thence West along the South line of the sidewalk on the Southside of Coffee Street a distance of 100 feet to starting point

and also the upper two floors of the adjacent real property east of the property in the previous paragraph on Coffee Street, the legal description of which is:

A lot or parcel of land located in the Southeast one-quarter (SE ¼) of the Southeast one-quarter (SE ¼) of Section 18, Township 4 North, Range 16 East and situated in the Town of Andalusia, Alabama described as follows: Beginning at a point on Coffee Street twelve (12) feet East of the Northeast corner of that certain lot or parcel of land conveyed by deed by D.E. Fletcher, T.M. Campbell and Etta Campbell to J.D. Henderson and T.E. Henderson on March 18, 1909, said deed being recorded in the Office of the Judge of Probate of Covington County, Alabama, in Record of Deeds Book 32, page 512, to which deed and the record thereof reference is hereby made, [the point of beginning being on the east line of an alley dividing the Andala Building from the First

PAGE FOUR

National Bank building], and running South parallel with Cotton Street to Pear Street; thence East along the North side of Pear street fifty (50) feet; thence running North parallel with Cotton Street to Coffee Street; thence running West along the South side of Coffee Street fifty (50) feet to starting point. Subject to the prior conveyance of all oil, gas, and minerals lying on or under said land to Georgian Terrace, Inc., an Alabama corporation, by mineral deed recorded in the Office of the Judge of Probate of Covington County, Alabama in Real Property Book 2006, Page 13090;

And which is known as the “Andala Building” on Coffee Street in Andalusia, in which Big Mike’s currently operates a steakhouse under a lease from the City.

2. In order to enhance Andalusia as a destination for entertainment for the residents of Andalusia and the surrounding area, the properties described above shall remain a part of the downtown entertainment district subject to the special fees and assessments of The Capital Improvement Cooperative District of the City of Andalusia, Alabama, a domestic, non-profit corporation organized pursuant to Code of Alabama § 11-99B-1 *et seq.* the address of which is 505 East Three Notch Street, Andalusia, AL 36420; the special fees and assessments shall be up to 5% of the gross sales each month on the premises as agreed between the business and the Capital Improvement District and shall be in addition to all other taxes assessed.
3. Pursuant to the authority granted by Section 11-47-20 of the Code of Alabama, the mayor of the City of Andalusia, Alabama, is hereby directed to execute a conveyance for said property in the name of the City of Andalusia, Alabama upon the terms of a Development Agreement approved by Resolution of the City Council of the City of Andalusia, Alabama, said Development Agreement being by and between the City of Andalusia, Covington County, The Capital Improvement District of the City of Andalusia, Big Mike’s Restaurant Andalusia, LLC, and Wood Properties, L.L.C. for the development and operation of a hotel in downtown Andalusia.
4. This ordinance shall become effective immediately upon its adoption and publication as required by law.

ADOPTED AND APPROVED this 4th day of January, 2022.

EARL V. JOHNSON, MAYOR

PAGE FIVE

ATTEST:

JOHN M. THOMPSON,
CITY CLERK AND TREASURER

With the rules suspended, Mayor Johnson asked if anyone present wished to speak on the matter. Hearing none, Mayor Johnson asked the council how it desired to proceed with Ordinance 2022-01. Councilmember Mount moved to approve Ordinance 2022-01. Councilmember Wells seconded the motion which passed unanimously.

**COUNCIL APPROVES RESOLUTION NO. 2022-01, AUTHORIZING A
DEVELOPMENT AGREEMENT FOR A HOTEL PROJECT IN DOWNTOWN
ANDALUSIA:**

Mayor Johnson presented Resolution No. 2022-01, Authorizing a Development Agreement for a Hotel Project in Downtown Andalusia.

**THE CITY OF ANDALUSIA
ANDALUSIA, ALABAMA**

RESOLUTION NO. 2022- 01

**A RESOLUTION TO AUTHORIZE A DEVELOPMENT
AGREEMENT WITH COVINGTON COUNTY, THE CAPITAL
IMPROVEMENT DISTRICT OF THE CITY OF ANDALUSIA,
BIG MIKE’S RESTAURANT ANDALUSIA, LLC, AND
WOOD PROPERTIES, L.L.C. FOR THE DEVELOPMENT AND
OPERATION OF A HOTEL IN DOWNTOWN ANDALUSIA**

WHEREAS, the City Council finds that it serves a public purpose to encourage economic development in the city of Andalusia; and

WHEREAS, the City Council finds that Wood Properties, L.L.C. is willing to develop and operate a high quality hotel in downtown Andalusia pursuant to the terms of the proposed Development Agreement attached to this Resolution; and

PAGE SIX

WHEREAS, certain properties currently owned by the City of Andalusia would be suited to the plans of Wood Properties, L.L.C.; and

WHEREAS, the City Council finds that, notwithstanding any incidental benefit accruing to private entities, the proposed Development Agreement with Covington County, the Capital Improvement District of the City of Andalusia, Big Mike's Restaurant Andalusia, LLC, and Wood Properties, L.L.C. attached hereto will serve valid and sufficient public purposes including, but not limited to, the preservation of local jobs, the expansion, and enhancement the City's economic and tax base, thereby providing additional revenues for schools, municipal services, and other public needs, and increased employment opportunities within the City, promotion of the City as a center for retail and commercial activity, and provision of additional goods and services to the residents of Andalusia and surrounding areas; and

WHEREAS, Amendment 725 to the Constitution of Alabama 1901 provides that in promoting local economic development, the City Council may grant public moneys and things of value in aid to any individual, firm, association, corporation, or entity whatsoever; and

WHEREAS, the City Council finds that notice has been properly given in accordance with the requirements of Amendment 725 and that this Resolution is being adopted at a public meeting; and

WHEREAS, the City Council finds that the proposed Development Agreement attached as an exhibit hereto will carry out the intent of this Resolution;

NOW THEREFORE, BE IT RESOLVED by the City Council of the City of Andalusia, Alabama, that:

1. The recitals to this Resolution are incorporated herein and made a part hereof;
2. The City Council finds that the attached proposed Development Agreement will serve a valid and sufficient public purpose, notwithstanding any incidental benefit accruing to any private entity or entities;
3. The proposed Development Agreement is approved in substantially the form and contents attached hereto;
4. The Mayor and Clerk are each hereby authorized to execute, acknowledge, attest, and deliver said Development Agreement and such other documents as are necessary for the purposes expressed therein.

ADOPTED AND APPROVED this 4th day of January, 2022.

PAGE SEVEN

THE CITY OF ANDALUSIA, ALABAMA

Earl V. Johnson, Mayor

ATTEST:

John M. Thompson, City Clerk-Treasurer

Councilmember Nix moved to approve Resolution 2022-01. Councilmember Wells seconded the motion which passed unanimously.

COUNCIL APPROVES REBUILD ALABAMA GRANT APPLICATION:

Mayor Johnson announced that the council had an opportunity to apply for a Rebuild Alabama Grant that would enhance an active project on Coleman Avenue adjacent to Andalusia High School. Councilmember Powell moved to approve the application. Councilmember Nix seconded the motion which passed unanimously.

COUNCIL APPROVES RESOLUTION NO. 2022-02, EXTENDING PANDEMIC LEAVE POLICY:

Mayor Johnson presented Resolution No. 2022-02, Extending Pandemic Leave Policy.

**THE CITY OF ANDALUSIA
ANDALUSIA, ALABAMA**

RESOLUTION NO. 2022 – 02

**A RESOLUTION TO AUTHORIZE THE TEMPORARY EXTENSION OF
EMERGENCY SICK LEAVE BENEFITS DUE TO THE COVID-19 PANDEMIC**

WHEREAS, The Families first Corona Virus Response Act (FFCRA) provided certain leave benefits to employees that expired on December 31, 2020; and

WHEREAS, the City Council of the City of Andalusia, Alabama extended the benefits afforded under the FFCRA to its qualified employees through March 31, 2021; and

PAGE EIGHT

WHEREAS, the City Council of the City of Andalusia, Alabama approved an extension of benefits under the FFCRA to its qualified employees again effective July 1, 2021, through December 31, 2021; and

WHEREAS, there has been a nationwide resurgence of the new COVID DELTA and OMNICROM Variants and an alarming increase in cases for City/Utilities Board employees since the middle of December 2021 and are having to be absent from work. Employees are being exposed and/or becoming ill with the COVID variants, and currently, the emergency sick leave will expire on December 31, 2021.

NOW THEREFORE, BE IT RESOLVED by the City Council of the City of Andalusia, Alabama that leave benefits will be provided temporarily to the employees of the City as set forth below.

Between the dates of January 1, 2022 and December 31, 2022, active employees will be eligible for the following emergency paid sick leave which will not be charged against the employee's regular sick leave:

1. Active employees who are currently fully vaccinated or in the process of being fully vaccinated or in the process of being fully vaccinated (proof may be required) will be eligible for the following emergency paid leave which will not be charged against the employee's regular sick leave. Employees that cannot take the vaccine due to medical or religious reasons must provide acceptable documentation to be eligible.
(Employees who have failed or refused to be vaccinated shall not be eligible for the emergency paid sick leave provided under this resolution, and any work time missed by any such employee shall be charged against the employee's regular sick leave).
Up to two (2) weeks (*i.e.*, up to 80 hours) of paid sick leave at the employee's regular rate of pay where the employee is unable to work because the employee is quarantined (pursuant to CDC guidelines or advice of a healthcare provider), due to exposure and/or where the employee is experiencing COVID-19 symptoms and is seeking a medical diagnosis or has been diagnosed positive with COVID.
2. Up to two (2) weeks (*i.e.*, up to 80 hours) of paid sick leave at two-thirds of the employee's regular rate of pay because the employee is unable to work because of a bona fide need to care for an individual subject to quarantine (pursuant to CDC guidelines or advice of a healthcare provider) or to care for a child (under 18 years of

PAGE NINE

- age) whose school or child care provider is closed or unavailable for reasons related to COVID-19.
3. Part-time employees are eligible for emergency sick leave for the number of hours of leave that the employee works on average over a two (2) week period.
 4. The emergency leave provided by this resolution will not accrue to the employee's regular sick leave. Employees are not entitled to reimbursement for unused emergency leave upon termination, resignation, retirement, or other separation from employment.
 5. Notwithstanding the time periods set forth above, these emergency leave benefits will cease on December 31, 2022

ADOPTED AND APPROVED this 4th day of January, 2022.

THE CITY OF ANDALUSIA, ALABAMA

By: _____
Earl V. Johnson, Mayor

ATTEST:

John M. Thompson, City Administrator

Councilmember Griffin moved to approve Resolution No. 2022-02. Councilmember Nix seconded the motion which passed unanimously.

PAGE TEN

COUNCIL APPROVES RESOLUTION NO. 2022-03, ABATEMENT, ACCUMULATED JUNK, LITTER, AND GARBAGE:

Mayor Johnson presented Resolution No. 2022-03, Abatement, accumulated junk, litter, and garbage.

**CITY OF ANDALUSIA
ANDALUSIA, ALABAMA**

RESOLUTION NO. 2022-03

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) 607 Riley St. parcel # 1304191005024000
- 2) 629 West Watson St. parcel # 1304192001003000

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 4th day of January 2022.

THE CITY OF ANDALUSIA, ALABAMA

BY: _____
Earl V. Johnson, Mayor

PAGE ELEVEN

ATTEST:

John M. Thompson, City Clerk

Councilmember Griffin moved to approve Resolution 2022-03. Councilmember Powell 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 M. Thompson, City Clerk-Treasurer