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**STATE OF ALABAMA
COUNTY OF COVINGTON**

**ANDALUSIA, ALABAMA
ANDALUSIA CITY HALL
November 21, 2023, 6:00 PM**

REGULAR WORK SESSION MEETING

PRESENT:

Earl V. Johnson, Mayor
Joe Nix, Councilmember
Kennith C. Mount, Councilmember
Hazel Griffin, Councilmember
Presley Boswell, Councilmember
Terry Powell, Councilmember
Mark Christensen, City Attorney

ABSENT:

REGULAR COUNCIL MEETING

PRESENT:

Earl V. Johnson, Mayor
Joe Nix, Councilmember
Kennith C. Mount, Councilmember
Hazel Griffin, Councilmember
Presley Boswell, Councilmember
Terry Powell, Councilmember
Mark Christensen, City Attorney

ABSENT:

Mayor Johnson called the meeting to order and welcomed all. Councilmember Boswell 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 November 7, 2023. Councilmember Mount moved to approve the minutes. Councilmember Powell seconded the motion, which passed unanimously.

COUNCIL SUSPENSION OF BUSINESS LICENSE FOR MELLOW HAZE:

Mayor Johnson announced that the Council would continue its consideration of Mellow Haze's business license from the November 14, 2023, council meeting with the expectation that attorney John Peek, who represented Mellow Haze at the meeting, would provide additional information. Mayor Johnson said Mr. Peek could not attend the meeting but sent some information Tuesday afternoon, which he had shared with the Council.

Mayor Johnson recognized Will Somerville, an attorney who was present to represent Mellow Haze. Mr. Somerville argued that, based on the Alabama Department of Forensic Sciences reports provided by the city attorney, the lab failed to provide an analysis of whether the products had .3% or less of THC, as allowed by Alabama law. He also said that the lab reports said that the tested product was "Marijuana" and that the product was outlawed by the State of Alabama as "marijuana."

Mayor Johnson and Police Chief Paul Hudson both said that the state lab ruled that the products were marijuana, "a controlled substance," which means it could not be legally sold in Alabama. Councilmember Powell said if the lab test provided was not sufficient to determine the substance being sold was an illegal drug, "we have put a lot of innocent people in jail."

Mr. Somerville also said he could not get additional information from the state lab and that the lab reports were only provided to Mr. Peek on the day of the meeting. City attorney Mark Christensen said he received a request for the documents on Monday afternoon, November 20, 2023, and provided them to Mr. Peek on the morning of November 21, 2023.

At the close of the presentation, Mayor Johnson said he would entertain a motion if there were one. Councilmember Powell made a motion to revoke Mellow Haze's business license. Councilmember Mount seconded the motion, which was passed unanimously.

COUNCIL APPROVES RESOLUTION NO. 2023-67, ABATEMENT OF NUISANCE PROPERTIES:

Mayor Johnson presented Resolution No. 2023-67, Abatement of Nuisance Properties.

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**CITY OF ANDALUSIA
ANDALUSIA, ALABAMA**

RESOLUTION NO. 2023-67

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) | 1790 East Three Notch Street | parcel # 1302093002021003 |
| 2) | 306 Baisden Street | parcel # 1304191002011000 |
| 3) | 102 Maple Street | parcel # 1305213007004000 |
| 4) | 619 Riley Street | parcel # 1304191005021000 |
| 5) | 300 Packer Avenue | parcel # 1304183005005000 |

BE IT FURTHER RESOLVED that the City Council hereby authorizes the Building Inspector to proceed with the abatement of these nuisances as authorized under the State of Alabama Act. No. 94-540 as adopted by the City of Andalusia.

ADOPTED AND APPROVED this 21st day of November 2023.

THE CITY OF ANDALUSIA, ALABAMA

BY: _____
Earl V. Johnson, Mayor

ATTEST:

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John M. Thompson, City Clerk

Councilmember Griffin moved to approve Resolution No. 2023-67. Councilmember Nix seconded the motion which passed unanimously.

COUNCIL APPROVES BOARD AND COMMITTEE APPOINTMENTS:

Mayor Johnson announced that there were two vacancies on the Library Board. He recommended that Paul Ugstad be appointed to fill a vacant position that expires on November 1, 2026, and Dr. Laura Carpenter be reappointed to a four-year term, expiring November 1, 2027. Councilmember Powell moved to affirm the mayor's recommendations for appointments to the Library Board. Councilmember Mount seconded the motion which passed unanimously.

COUNCIL ACCEPTS ANNUAL DISTRIBUTION CHECK FROM SOUTHEAST GAS:

Councilmember Mount presented Mayor Johnson with Southeast Gas' annual distribution to the City of Andalusia in the amount of \$162,308.00.

MAYOR JOHNSON PRESENTED ORDINANCE NO. 2023-04, AND RESOLUTION NO. 2023-68, AUTHORIZING REAL ESTATE EXCHANGE FOR THE ANDALUSIA HIGH SCHOOL/COLEMAN AVENUE SIDEWALK PROJECT FOR A FIRST READING:

Mayor Johnson presented Ordinance No. 2023-04 and Resolution No. 2023-68, Authorizing Real Estate Exchange for the Andalusia High School/Coleman Avenue Sidewalk Project for a First Reading.

COUNCIL APPROVES RESOLUTION NO. 2023-69, REIMBURSEMENT REQUEST NO. 6 FOR THE PRESTWOOD BUILDING PROJECT:

Mayor Johnson presented Resolution No. 2023-69, Reimbursement Request No. 6, for the Prestwood Building Project.

**CITY OF ANDALUSIA
ANDALUSIA, ALABAMA**

RESOLUTION 2023 – 69

**A RESOLUTION APPROVING A REIMBURSEMENT REQUEST FOR THE
PRESTWOOD BUILDING PROJECT**

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WHEREAS, the City of Andalusia purchased numerous properties in Downtown Andalusia, the Tisdale Properties Acquisition, in 2020; and

WHEREAS, one of the most prominent of the Tisdale Properties Acquisition is the Prestwood Building on Court Square; and

WHEREAS, the City of Andalusia has entered into a development agreement with CDG Engineers to rehabilitate the Prestwood Building to house CDG's corporate offices and two retail establishments; and

WHEREAS, the City of Andalusia has issued the 2022 Series B General Obligation Warrants (Bonds) to finance the City's portion of the Prestwood Building Project.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ANDALUSIA, that the city administrator is authorized to pay the attached reimbursement request for \$274,340.94, from the 2022 Series B Bond Account at CCB Community Bank.

ADOPTED AND APPROVED this 21st day of November, 2023.

THE CITY OF ANDALUSIA, ALABAMA

By: _____
Earl V. Johnson, Mayor

ATTEST:

John M. Thompson, City Clerk-Treasurer

Councilmember Boswell moved to approve Resolution No. 2023-69. Councilmember Powell seconded the motion which passed unanimously.

COUNCIL APPROVES ANDALUSIA CITY SCHOOLS EDUCATION SALES TAX REQUEST FOR 2023-2024:

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Mayor Johnson announced that Andalusia City Schools Superintendent Dr. Daniel Shakespeare presented the Education Sales Tax Request 2023-2024 to the Council during the work session several months ago. Councilmember Powell moved to approve the request. Councilmember Nix seconded the motion which passed unanimously.

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ANDALUSIA CITY SALES TAX REQUEST

Items for consideration from the City Sales Tax collected in FY 23 to be spent in FY 23 and FY 24.

| | Project or Program | Dollar Allocation | Comment |
|----|---|--------------------------|---|
| 1. | Auditorium/Stadium | \$500,000.00 | <ul style="list-style-type: none">• \$453,200 to apply to principal and interest payment of Bond Payment Schedule.• \$46,800 to apply to repairs and maintenance of the newly remodeled facilities as we ARE ANDALUSIA. |
| 2. | Education Technology Specialist | \$100,000.00 | Over the last several years, with the City's help, ACS has become a 1 to 1 system for both teachers and students. It is vital that we have someone in place to instruct the teachers how to use this technology effectively and efficiently to help improve our academic scores as well as reach children through this innovative method of teaching. |
| 3. | Art and Music Support | \$125,000.00 | Continuation of the art and music program at ACS. |
| 4. | Construction and Maintenance of Buildings and Grounds | \$1,025,000.00 | ACS requests funding for projects as needed to ensure the structural integrity of buildings, maintenance needs, and ongoing or upcoming construction projects. -TAP Grant matching portion of 20% or approximately \$200,000 if ACS TAP grant is approved. -\$250,000 towards implementing sidewalks on and immediately adjacent to AHS. - \$300,000 for purchase and renovation of a maintenance building. -AHS renovation of classrooms \$250,000 -\$25,000 new signage at schools |
| 5. | Technology for Classrooms and System | \$150,000.00 | Refresh technology needs throughout the school system as needs arise. |
| | TOTAL | \$1,900,000.00 | |

Originally presented to Andalusia City Board of Education July 19, 2023. Approved as modified on August 2, 2023.

*Most costs are for FY 2024 however, some are FY 2023 such as computer lease payments, etc. Additionally, the costs above are based on a best estimate at the time of presentation. ACS would appreciate consideration to adjust our request to include additional funding if a project runs over budget.

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ANDALUSIA CITY SALES TAX REQUEST

| | Project or Program | Dollar Allocation | Comment |
|----|---------------------------|----------------------------|--|
| 1) | Enhancing "OUR" Brand | \$75,000.00 - \$100,000.00 | <p>ACS would like to take advantage of the continued success of the school system by making both internal and external buildings and ground enhancements as well as promote ACS within the community and surrounding areas. This would be in the form of self-promotion. Our system hosts many events throughout each year whether it be sports related, band competitions, professional developments, public meetings, new employee orientations, etc. to name a few. We feel our City benefits tremendously from the promotional efforts of the Mayor and Council and we are looking to enhance our system in a similar fashion. In doing so, some of our requests relate to the following:</p> <ul style="list-style-type: none">• Promotional Materials and Supplies• Promotional videos• Where are they now?• Board Chambers/conference room• Signage/logos/billboards• Teacher/staff recognition• Andalusia Branded items• Etc. |

Additional request submitted to ACS Board on 9/14/2023 for consideration

ADJOURNMENT:

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

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THE CITY OF ANDALUSIA, ALABAMA

By: _____
Earl V. Johnson, Mayor

ATTEST:

John M. Thompson, City Clerk-Treasurer