

CITY OF ANNISTON

MAY 4, 2015

5:30 P.M.

- **INVOCATION**
- **PLEDGE OF ALLEGIANCE**
- **CALL TO ORDER**
- **ROLL CALL**
- **READING/APPROVAL OF MINUTES OF PREVIOUS MEETING**
- **STAFF ADDITIONS/DELETIONS TO THE AGENDA**
- **ADOPTION OF AGENDA**

I. PROCLAMATIONS

- (a) Public Service Recognition Week**
- (b) Nurses Day**
- (c) National Bicycle Month**

II. RECEIVE INFORMAL PUBLIC COMMENTS

Informal Public Comment – Speaker Protocol

The City of Anniston believes that any member of the general public should be afforded the opportunity to address the City Council provided that designated rules are followed by the speaker. Any member of the public who wishes to address the City Council and offer public comment on items within the City Council's jurisdiction, may do so during the Informal Public Comment period of the meeting. However, no formal action will be taken on matters that are not part of the posted agenda. In order to ensure the opportunity for all those desiring to speak before the Council, there is no yielding of time to another speaker. This opportunity to address City Council may not be used to continue discussion on an agenda item that has already been held as a public hearing. Matters under negotiation, litigation, or related to personnel will not be discussed. If a member of the general public would like to address the City Council during the Informal Public Comment portion of the meeting, please respectfully indicate your desire to address the City Council when the Mayor solicits members of the general public to come forward and speak. You will be recognized by the Mayor and asked to come forward to the podium so that you can address the City Council in accordance with the rules outlined herein. Once the speaker has been recognized to speak, he/she will be given three (3) minutes to address the City Council. The speaker should not attempt to engage the City Council and/or Staff in a discussion/dialogue and the speaker should not ask specific questions with the expectation that an immediate answer will be provided as part of the three (3) minute time frame since that is not the intent of the Informal Public Comment period. If the speaker poses a question or makes a request of the City, the Mayor may refer the issue or request to the City Manager for follow up. At the conclusion of the three (3) minute time period, the speaker will be notified that his/her time has elapsed and the next speaker will be recognized to come forward to the podium and address the City Council. The Mayor may rule out of order any Speaker who uses abusive or indecorous language, if the subject matter does not pertain to the City of Anniston, or if the Speaker(s) attempts to engage the City Council Members in a discussion or dialogue on issues. City Council shall not discuss non-agenda matters because it does not give the public adequate notice. Accordingly, City Council shall be limited to asking factual and clarifying questions of staff, and when appropriate, the Council may consider placing a matter on a future agenda. In addition, it is not reasonable to expect staff to respond to any of a variety of issues on which they may or may not be prepared to respond to on a moment's notice, so the City Manager may respond, or direct staff to respond at a later time.

III. RECEIVE FORMAL PUBLIC COMMENT

Formal Public Comment – City Council Agenda Protocol

The City of Anniston has identified this portion of the meeting to allow individuals an opportunity to formally address the City Council on issues of importance. Anniston requires that individuals who desire to formally address City Council to submit a written request form outlining the subject matter that they intend to discuss so that they can be placed on an upcoming meeting agenda. Members of the public desiring to be placed on the agenda to present or address matters to the City Council must submit a formal **“REQUEST TO BE PLACED ON THE CITY COUNCIL AGENDA”** form to the Office of the City Manager at least 10 days prior to the requested City Council meeting date that you wish to speak. City Council meetings are held on the second and fourth Monday of each month so the request must be submitted no later than 5:00 pm on the Friday which constitutes 10 days prior. The request can be done in person, regular mail, fax or email and the speaker should obtain acknowledgement of the request from the City to demonstrate that the 10 day requirement has been met. The request form may be obtained from the Office of the City Manager or from the City’s website www.anniston.al.gov. The request should state the name of the individual(s) desiring to be heard and the subject matter to be presented to City Council. Requests may be referred, at the discretion of the City Manager, to appropriate staff for mediation prior to being placed on the public agenda. Please be advised that the mere completion of a request form does not entitle the speaker to be added to the agenda.

(a) Board Confirmations:

- I. Industrial Development Authority:
 - i. David Alexander
 - ii. Eddyer Brown
- II. Commercial Development Authority:
 - i. Darrell Sanders

IV. CONDUCT PUBLIC HEARING - None

Speaking to a Public Hearing Item

In the interest of time and to ensure the fairness of all persons who appear before the City Council to speak for or against a public hearing item, speakers will be limited to three (3) minutes each to address City Council except as described herein. One speaker for the Petitioner may address the City Council for no more than 10 minutes, unless extended by the Mayor. In an effort help the City Council and the general public to better understand the issues, the Mayor may request that a City staff member address the City Council from the podium. Speakers from the general public may only speak when recognized by the Mayor during the public hearing. Speakers will be asked to come to the podium to address the City Council for three (3) minutes and they shall state their name and resident address for the record. Speakers addressing City Council on a public hearing item should coordinate comments in order to respect City Council’s time constraints. Groups should select a spokesperson to present the major points that summarize their position and opinions. Speakers are urged to be brief and non-repetitive with their comments. Comments shall specifically address the public hearing item before the City Council, and the speaker shall maintain appropriate tone and decorum when addressing the City Council. City Council may ask questions of the applicant, speakers, or staff during these proceedings only for the purpose of clarifying information. The speaker shall not direct derogatory comments to any individual, organization, or business. At the conclusion of the three (3) minute time period, the speaker will be notified that his/her time has elapsed and the next speaker will be recognized to come forward to the podium and address the City Council. Once the public hearing is closed on an item, there will be no further opportunity for formal or informal public input at a City Council meeting.

V. UNFINISHED BUSINESS – None

VI. CONSENT AGENDA

- (a)** Resolution authorizing reimbursements to city officials for expenses incurred while traveling away from the city.
- (b)** Resolution reappointing a member to the Board of Trustees, Policemen's and Firemen's Retirement Board.
- (c)** Resolution amending the schedule of nominations assigning and designating the positions on each Municipal Board, Commission and Authority to specific Ward Councilmembers and to the Office of the Mayor and appointing members to the Industrial Development Authority of the City of Anniston. (IDA)
- (d)** Resolution amending the schedule of nominations assigning and designating the positions on each Municipal Board, Commission and Authority to specific Ward Councilmembers and to the Office of the Mayor and appointing members to the Industrial Development Authority of the City of Anniston. (CDA)
- (e)** Resolution approving the City of Anniston's participation in the State of Alabama Sales Tax Holiday as authorized by Act No. 2006-574 for the Year 2015.

VII. ORDINANCES

- a) Authorizing a Fiber Optic Network Facilities Franchise Agreement by the City of Anniston, Alabama and M2 Connections, A Division of JKM Consulting, Inc.

VIII. OTHER ADDITIONAL OR FURTHER MATTERS THAT MAY COME BEFORE COUNCIL

COUNCIL COMMENTS

ADJOURNMENT

MINUTES

4/20/2015

Anniston, Alabama
April 20, 2015

The City Council of the City of Anniston, Alabama, met in Regular Session in the Council Chamber in the City Hall of the City of Anniston, Alabama, on Monday, April 20, 2015, at approximately 5:32 o'clock p.m.

Steven Folks prayed the Invocation.

Steven Folks led the Pledge of Allegiance to the Flag.

Mayor Stewart called the meeting to order. On call of the roll the following Council Members were found to be present: Council Members Jenkins, Reddick, Selase, Harris and Stewart; absent: none. A quorum was present and the meeting opened for the transaction of business.

Brian Johnson, City Manager, was present.

Bruce Downey, City Attorney, was present.

Council Member Selase made a motion to waive the reading of the minutes of April 6, 2015. The motion was seconded by Council Member Harris; and on call of the roll the following vote was recorded: ayes: Council Members Jenkins, Reddick, Selase, Harris and Stewart; nays: none. The motion carried.

Council Member Jenkins made a motion to approve the minutes of April 6, 2015. The motion was seconded by Council Member Reddick; and on call of the roll the following vote was recorded: ayes: Council Members Jenkins, Reddick, Selase, Harris and Stewart; nays: none. The motion carried.

Council Member Selase made a motion to adopt the agenda. The motion was seconded by Council Member Jenkins; and on call of the roll the following vote was recorded: ayes: Council Members Jenkins, Reddick, Selase, Harris and Stewart; nays: none. The motion carried.

Harold Ray addressed the Council concerning a comment made by the City Manager while on the radio about dragging a dollar through a trailer court.

The Council recognized exchange students attending Donoho High School.

Mayor Stewart announced that was the time for the Board Confirmation Hearing for Clyde Ward, Takisha Monique Hall, Dawn Wilczek, Anna Allen, and Tracie Kerper and their nomination to the Industrial Development Authority.

Clyde Ward, Takisha Monique Hall, Dawn Wilczek, Anna Allen, and Tracie Kerper addressed the Council concerning their nomination to the Industrial Development Authority.

4/20/2015

Mayor Stewart announced that was the time for the public hearing to hear objections to the proposed abatement of identified nuisances (Burned Structures) at the following locations; 1403 Stephens Avenue and 32 Pike Circle; declared the hearing open and asked if anyone wished to address the Council concerning objections to the proposed abatement of identified nuisances at said locations.

No one addressed the Council concerning objections to the proposed abatement of identified nuisances at said locations.

Mayor Stewart declared the public hearing to hear objections to the proposed abatement of identified nuisances (Burned Structures) at the following locations; 1403 Stephens Avenue and 32 Pike Circle closed.

Mayor Stewart announced that was the time for the public hearing to hear objections to the proposed abatement of identified nuisances (Debris and Grass) at the following locations; 2205 McCoy Avenue, 2105 Moore Avenue, 3034 Moore Avenue, 16 East 23rd Street, 2231 Noble Street, 3510 Dale Hollow Road and 1320 East 10th Street; declared the hearing open and asked if anyone wished to address the Council concerning objections to the proposed abatement of identified nuisances at said locations.

No one addressed the Council concerning objections to the proposed abatement of identified nuisances at said locations.

Mayor Stewart declared the public hearing to hear objections to the proposed abatement of identified nuisances (Debris and Grass) at the following locations; 2205 McCoy Avenue, 2105 Moore Avenue, 3034 Moore Avenue, 16 East 23rd Street, 2231 Noble Street, 3510 Dale Hollow Road and 1320 East 10th Street closed.

Mayor Stewart announced that was the time for the public hearing to hear objections to the proposed abatement of identified nuisances (Vehicles) at the following locations; 15 S. Allen Avenue, 27 S. Christine Avenue, 33 Grant Avenue, 225 S. Christine Avenue, 230 Rockwood Drive, 430 "D" Street, 506 Hillyer High Road, 525 East 19th Street, 1208 Kilby Terrace, 1306 Christine Avenue, 1404 Kilby Terrace, 1430 Johnston Drive, 1601 and 1625 Marguerite Avenue, 1823 and 1825 Davis Avenue, 1931 Davis Avenue, 2116 Christine Avenue, 4108 Greenbrier Dear Road, 117 Drennan Drive, 1709 and 1805 Bancroft Avenue, 1716 and 1922 Duncan Avenue, 2300 and 2320 Simpson Street, 0 Constantine Avenue, 308 E. 30th Street, 304 E. 30th Street, 2200 Ferron Avenue, 3100, 3026, and 2832 Walnut Avenue, 2808 Norwood Avenue, 828 Hunter Place, 1716 and 1712 Patch Place, 2105 Moore Avenue, 429 Palmetto Avenue and 715 West 3rd Street; declared the hearing open and asked if anyone wished to address the Council concerning objections to the proposed abatement of identified nuisances at said locations.

Roslind Lawson addressed the Council concerning the vehicles located at 1625 Marguerite Avenue.

Angela Teague addressed the Council concerning the vehicles located at 1430 Johnston Drive.

4/20/2015

Mayor Stewart asked if anyone else wished to address the Council concerning objections to the proposed abatement of identified nuisances at said locations.

No one else addressed the Council concerning objections to the proposed abatement of identified nuisances at said locations.

Mayor Stewart declared the public hearing to hear objections to the proposed abatement of identified nuisances (Vehicles) at the following locations; 15 S. Allen Avenue, 27 S. Christine Avenue, 33 Grant Avenue, 225 S. Christine Avenue, 230 Rockwood Drive, 430 "D" Street, 506 Hillyer High Road, 525 East 19th Street, 1208 Kilby Terrace, 1306 Christine Avenue, 1404 Kilby Terrace, 1430 Johnston Drive, 1601 and 1625 Marguerite Avenue, 1823 and 1825 Davis Avenue, 1931 Davis Avenue, 2116 Christine Avenue, 4108 Greenbrier Dear Road, 117 Drennan Drive, 1709 and 1805 Bancroft Avenue, 1716 and 1922 Duncan Avenue, 2300 and 2320 Simpson Street, 0 Constantine Avenue, 308 E. 30th Street, 304 E. 30th Street, 2200 Ferron Avenue, 3100, 3026, and 2832 Walnut Avenue, 2808 Norwood Avenue, 828 Hunter Place, 1716 and 1712 Patch Place, 2105 Moore Avenue, 429 Palmetto Avenue and 715 West 3rd Street; closed.

Council Member Jenkins made a motion to approve the Consent Agenda items:

- (a) Resolution authorizing reimbursements to city officials for expenses incurred while traveling away from the city.
- (b) Resolution declaring a reported condition to be a public nuisance. (Grp 2015 – 02 Burned Buildings)
- (c) Resolution declaring a reported condition to be a public nuisance. (Grp 2015 – 04 Debris)
- (d) Resolution over-ruling objections to the abatement of identified nuisances. (Group 2015-01 Burned Structures)
- (e) Resolution over-ruling objections to the abatement of identified nuisances. (Group 2015-03 Debris and Grass)
- (f) Resolution over-ruling objections to the abatement of identified nuisances. (Group 2015-03 Vehicles)
- (g) Resolution declaring certain personal property surplus and authorizing the sale of said property.
- (h) Resolution amending the schedule of nominations assigning and designating the positions on each Municipal Board, Commission and Authority to specific Ward Councilmembers and to the Office of the Mayor and appointing members to the Industrial Development Authority of the City of Anniston.
- (i) Resolution authorizing the submission of a grant application under Transportation Alternatives Program.
- (j) Motion to approve a Retail Beer (Off Premises Only) and Retail Table Wine (Off Premises Only) license application for Parkwin Convenience Store LLC d/b/a Parkwin Convenience Store located in the city limits at 1625 Parkwin Avenue.
- (k) Motion to approve the Development Plan for Mata's Greek Pizza and Grinders.
- (l) Motion to appoint Council Member Reddick as the Voting Delegate at the business session of the Annual Convention of the Alabama League of Municipalities on May 18, 2015.

4/20/2015

(m) Motion to accept the bid in the total amount of \$66,515.21 by Midsouth Paving, Inc. for the 17th Street Reconstruction Project from Glenaddie Avenue to Stephens Avenue.

The motion was seconded by Council Member Harris; and on call of the roll the following vote was recorded: ayes: Council Members Jenkins, Reddick, Selase, Harris and Stewart; nays: none. The motion carried.

Council Member Jenkins expressed his condolences for the Beam family.

Council Member Reddick stated he would be graduating on May 1st from Jacksonville State University and invited everyone to attend the ceremony and the celebration afterward at the Annistonian.

Council Member Selase congratulated Council Member Reddick on his graduation. He thanked the owners of Mata's Pizza for their development plan and all their work in the community.

Council Member Harris congratulated Council Member Reddick on his graduation. She stated they were applying for grant funds for sidewalks in Golden Springs and on West 14th Street.

Mayor Stewart congratulated Council Member Reddick on his graduation. He thanked the board nominees who are willing to give their time for the City.

There being no further business to come before the meeting at that time Council Member Selase made a motion the meeting be adjourned. The motion was seconded by Council Member Reddick; and on call of the roll the following vote was recorded: ayes: Council Members Jenkins, Reddick, Selase, Harris and Stewart; nays: none. The motion carried and the meeting was adjourned at approximately 6:02 o'clock p.m.

CONSENT AGENDA

RESOLUTION NO. 15-R-__

A RESOLUTION AUTHORIZING REIMBURSEMENTS TO CITY OFFICIALS FOR EXPENSES INCURRED WHILE TRAVELING AWAY FROM THE CITY

BE IT RESOLVED, by the City Council of the City of Anniston, Alabama, that reimbursement is made by the City of Anniston, Alabama, as follows:

- a.** \$100.43 to Jean Ann Oglesby, Farmer's Market, for the purchase of supplies and mileage while performing various duties for the Farmer's Market from March 1 – April 19, 2015.
- b.** \$58.72 to Council Member David Reddick, while attending the NLC Conference in Washington, D.C. from March 8 – 13, 2015.
- c.** \$165.60 to Brooke Courtney, Police, while attending Fundamentals of Leadership Training on April 9, 2015 in Prattville, AL.
- d.** \$30.00 to Matthew Wright, Finance, for the purchase of gasoline for a city vehicle whiling performing various job duties on April 9, 2015.
- e.** \$161.00 to Joy Feazell, Municipal Court, while attending Maintenance Seminar in Birmingham, AL from April 9 – 10, 2015.
- f.** \$979.30 to Eric Basinger, Economic Development, meeting with potential business prospects from April 17 – 24, 2015.
- g.** \$115.58 to Lee Willis, Planning, while attending 2015 Auburn Accessibility Conference in Auburn, Alabama from April 27 – 28, 2015.

PASSED AND ADOPTED this ___ day of April, 2015

**CITY COUNCIL OF THE CITY
OF ANNISTON, ALABAMA**

BY: _____
Vaughn M. Stewart II, Mayor

BY: _____
Jay W. Jenkins, Council Member

BY: _____
David E. Reddick, Council Member

BY: _____
Seyram Selase, Council Member

BY: _____
Mille Harris, Council Member

ATTEST:

Alan B. Atkinson, City

RESOLUTION NUMBER 15-R-__

**A RESOLUTION REAPPOINTING A MEMBER TO THE BOARD OF TRUSTEES,
POLICEMEN'S AND FIREMEN'S RETIREMENT BOARD**

BE IT RESOLVED by the City Council of the City of Anniston, Alabama, as follow:

Section 1. That Alice Easley be and she hereby is reappointed to the Board of Trustees, Policemen's and Firemen's Retirement Board for a term ending April 30, 2017.

Section 2. That the City Clerk cause a copy of this resolution to be mailed to the above named appointee and to said board.

PASSED AND ADOPTED this the _____ day of _____, 2015.

**CITY COUNCIL OF THE CITY OF
ANNISTON, ALABAMA**

BY: _____
Vaughn M. Stewart, II, Mayor

BY: _____
Jay Jenkins, Council Member

BY: _____
David E. Reddick, Council Member

BY: _____
Seyram Selase, Council Member

BY: _____
Millie Harris, Council Member

ATTEST:

Alan B. Atkinson, City Clerk

RESOLUTION NO. 15-R-___

A RESOLUTION AMENDING THE SCHEDULE OF NOMINATIONS ASSIGNING AND DESIGNATING THE POSITIONS ON EACH MUNICIPAL BOARD, COMMISSION AND AUTHORITY TO SPECIFIC WARD COUNCILMEMBERS AND TO THE OFFICE OF THE MAYOR AND APPOINTING MEMBERS TO THE INDUSTRIAL DEVELOPMENT AUTHORITY OF THE CITY OF ANNISTON

WHEREAS, the Council has adopted Ordinance No. 14-O-13, an ordinance amending Division 1, Article XI, Chapter 2 of the Code of Ordinances for the City of Anniston, Alabama Regulating Boards, Commissions and Authorities, in order to, among other things, assign the positions on the City's boards, commissions and authorities to nominations by specific Council Ward Representatives or to the Office of the Mayor so that those who are appointed to serve more fairly and equitably represent the citizenry of the City and to simplify and clarify to Council's nomination and appointment process;

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Anniston, Alabama as follows:

Section 1. The City Council of the City of Anniston finds that circumstances warrant the waiver of the requirement set by ordinance that notice of any vacancies or scheduled appointments shall be provided to the public during an open meeting no less than one month prior to the date when any nominations can be made, including, but not limited to, the recent incorporation of the Industrial Development Authority of the City of Anniston, the pressing need to populate said board. The Council does hereby exercise its discretion to waive this requirement with regard to the appointments to the said board, as set forth in this resolution.

Section 2. The City Council of the City of Anniston hereby adopts the Schedule of Nominations for the Industrial Development Authority of the City of Anniston attached hereto as Exhibit A so as to assign the positions on said board to the City's Council Ward Representatives and the Office of the Mayor and to designate any future nominations to those assigned positions to the respective office holders.

Section 3. The City Council of the City of Anniston does hereby appoint those persons identified in the Schedule of Nominations for the Industrial Development Authority attached hereto as Exhibit A to the board and for the terms set forth therein.

Section 4. That the City Clerk shall cause a copy of this Resolution to be mailed to the above named appointees and to said board.

PASSED and **ADOPTED** this ____ day of _____, 2015.

CITY COUNCIL OF THE CITY OF
ANNISTON, ALABAMA

Vaughn M. Stewart II, Mayor

Jay W. Jenkins, Council Member

David E. Reddick, Council Member

Seyram Selase, Council Member

Millie Harris, Council Member

ATTEST:

Alan B. Atkinson, City Clerk

EXHIBIT "A"

**INDUSTRIAL DEVELOPMENT AUTHORITY
OF THE CITY OF ANNISTON**

Board Positions	Nominations	Board Member Name	Expiration Date
1	Ward 1	David Alexander	04/30/2021
7	Mayor	Eddyer Brown	04/30/2021

RESOLUTION NO. 15-R-___

A RESOLUTION AMENDING THE SCHEDULE OF NOMINATIONS ASSIGNING AND DESIGNATING THE POSITIONS ON EACH MUNICIPAL BOARD, COMMISSION AND AUTHORITY TO SPECIFIC WARD COUNCILMEMBERS AND TO THE OFFICE OF THE MAYOR AND APPOINTING MEMBERS TO THE COMMERCIAL DEVELOPMENT AUTHORITY OF THE CITY OF ANNISTON

WHEREAS, the Council has adopted Ordinance No. 14-O-13, an ordinance amending Division 1, Article XI, Chapter 2 of the Code of Ordinances for the City of Anniston, Alabama Regulating Boards, Commissions and Authorities, in order to, among other things, assign the positions on the City's boards, commissions and authorities to nominations by specific Council Ward Representatives or to the Office of the Mayor so that those who are appointed to serve more fairly and equitably represent the citizenry of the City and to simplify and clarify to Council's nomination and appointment process;

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Anniston, Alabama as follows:

Section 1. The City Council of the City of Anniston finds that circumstances warrant the waiver of the requirement set by ordinance that notice of any vacancies or scheduled appointments shall be provided to the public during an open meeting no less than one month prior to the date when any nominations can be made, including, but not limited to, the recent incorporation of the Commercial Development Authority of the City of Anniston, the pressing need to populate said board. The Council does hereby exercise its discretion to waive this requirement with regard to the appointments to the said board, as set forth in this resolution.

Section 2. The City Council of the City of Anniston hereby adopts the Schedule of Nominations for the Commercial Development Authority of the City of Anniston attached hereto as Exhibit A so as to assign the positions on said board to the City's Council Ward Representatives and the Office of the Mayor and to designate any future nominations to those assigned positions to the respective office holders.

Section 3. The City Council of the City of Anniston does hereby appoint those persons identified in the Schedule of Nominations for the Commercial Development Authority attached hereto as Exhibit A to the board and for the terms set forth therein.

Section 4. That the City Clerk shall cause a copy of this Resolution to be mailed to the above named appointees and to said board.

PASSED and **ADOPTED** this ____ day of _____, 2015.

CITY COUNCIL OF THE CITY OF
ANNISTON, ALABAMA

Vaughn M. Stewart II, Mayor

Jay W. Jenkins, Council Member

David E. Reddick, Council Member

Seyram Selase, Council Member

Millie Harris, Council Member

ATTEST:

Alan B. Atkinson, City Clerk

EXHIBIT "A"

**COMMERCIAL DEVELOPMENT AUTHORITY
OF THE CITY OF ANNISTON**

Board Positions	Nominations	Board Member Name	Expiration Date
1	Ward 1	Darrell Sanders	03/15/2019

RESOLUTION NO. 15-R-__

A RESOLUTION APPROVING THE CITY OF ANNISTON'S PARTICIPATION IN THE STATE OF ALABAMA SALES TAX HOLIDAY AS AUTHORIZED BY ACT NO. 2006-574 FOR THE YEAR 2015

WHEREAS, Section 4 of Alabama Act No. 2006-574 grants municipal governments authority to provide for the exemption of certain covered items from the payment of municipal sales tax during a period commencing at 12:01 a.m. on the first Friday in August of each year and ending at twelve midnight the following Sunday under the same terms, conditions and definitions as provided for the state sales tax holiday.

NOW THEREFORE BE IT RESOLVED, by the City Council of the City of Anniston, Alabama as follows:

Section 1. That approval is granted for the exemption of certain covered items from the payment of municipal sales tax for the period commencing at 12:01 a.m. Friday, August 7, 2015 and ending at twelve midnight Sunday, August 9 2015 under the same terms, conditions and definitions as provided for by Act No. 2006-574 and Alabama Department of Revenue Rule 810-6-3.65.

PASSED AND ADOPTED this ___ day of May, 2015

**CITY COUNCIL OF THE CITY
OF ANNISTON, ALABAMA**

BY: _____
Vaughn M. Stewart II, Mayor

BY: _____
Jay W. Jenkins, Council Member

BY: _____
David E. Reddick, Council Member

BY: _____
Seyram Selase, Council Member

BY: _____
Mille Harris, Council Member

ATTEST:

Alan B. Atkinson, City

ORDINANCES

ORDINANCE NO. 15-O-___

**AN ORDINANCE AUTHORIZING A FIBER OPTIC NETWORK FACILITIES
FRANCHISE AGREEMENT
BY THE CITY OF ANNISTON, ALABAMA
AND
M² CONNECTIONS, A DIVISION OF JKM CONSULTING, INC.**

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ANNISTON, ALABAMA (THE "COUNCIL"), AS GOVERNING BODY OF THE CITY OF ANNISTON, ALABAMA (the "Municipality"), as follows:

Section 1. The Council, upon evidence duly presented to and considered by it, has found and determined, and does hereby find, determine and declare as follows:

(a) M2 Connections, a division of JKM Consulting, Inc., an Alabama corporation (the "Company"), owns and operates a fiber optic, telecommunications infrastructure company that offers broadband service in central Alabama.

(b) The Company has made application to the Municipality for a franchise to install and operate telecommunications facilities within the corporate limits of the Municipality.

(c) Pursuant to Sections 220 and 228 of the Constitution of Alabama of 1901, as amended, and subject to the limitations of Section 22 of the Official Recompilation of the Constitution of Alabama of 1901, as amended, the Municipality and the Company have prepared that certain Franchise Agreement dated the date of delivery (the "Franchise Agreement"), as set forth hereinafter, for the purposes referenced therein.

Section 2. The Council does hereby approve, adopt, authorize, direct, ratify and confirm:

(a) the agreements, covenants, and undertakings of the Municipality set forth in the Franchise Agreement, and

(b) the terms and provisions of the Franchise Agreement, in substantially the form and of substantially the content as set forth as follows, with such changes thereto (by addition or deletion) as the City Manager shall approve, which approval shall be conclusively evidenced by execution and delivery of the Franchise Agreement as hereinafter provided:

Section 3. (a) The City Manager is hereby authorized and directed to execute and deliver the Franchise Agreement for and on behalf of and in the name of the Municipality. The City Clerk is hereby authorized and directed to affix the official seal of the Municipality to the Franchise Agreement and to attest the same.

(b) The City Manager and the officers of the Municipality are each hereby authorized and directed to take all such actions, and execute, deliver and perform all such agreements, documents, instruments, notices, and petitions and proceedings, with respect to the Franchise Agreement, as the City Manager and such officers shall determine to be necessary or desirable to carry out the provisions of this resolution or the Franchise Agreement or duly and punctually observe and perform all agreements and obligations of the Municipality under the Franchise Agreement.

Section 4. All prior actions taken, and agreements, documents or notices executed and delivered, by the Councilmember at Large (Mayor), City Manager or any officer or member of the Council or other representative of the Municipality, in connection with the agreements, covenants, and undertakings of the Municipality hereby approved, or in connection with the preparation of the Franchise Agreement and the terms and provisions thereof, are hereby approved, ratified and confirmed.

Section 5. All ordinances, resolutions, orders, or parts of any thereof, of the Council in conflict, or inconsistent, with any provision of this resolution hereby are, to the extent of such conflict or inconsistency, repealed.

Section 6. This resolution shall take effect immediately.

PASSED AND ADOPTED this ____ day of May, 2015

**CITY COUNCIL OF THE CITY
OF ANNISTON, ALABAMA**

BY: _____
Vaughn M. Stewart II, Mayor

BY: _____
Jay W. Jenkins, Council Member

BY: _____
David E. Reddick, Council Member

BY: _____
Seyram Selase, Council Member

BY: _____
Mille Harris, Council Member

ATTEST:

Alan B. Atkinson, City Clerk