

Anniston, Alabama

May 19, 2020

The City Council of the City of Anniston, Alabama, met in Regular Session in the Main Hall at the Anniston City Meeting Center in the City of Anniston, Alabama, on Tuesday, May 19, 2020, at approximately 5:31 o'clock p.m.

Shane Denham, Police Chief, prayed the Invocation.

Shane Denham, Police Chief, led the Pledge of Allegiance to the Flag.

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

Steven Folks, City Manager, was present.

Bruce Downey, City Attorney, was present virtually via FaceTime.

Council Member Jenkins made a motion to waive the reading of and approve the minutes of the May 5, 2020 Regular Called meeting. The motion was seconded by Council Member Harris and on call of the roll the following vote was recorded: ayes: Council Member Jenkins, Reddick, Little, Harris, and Draper; nays: none. The motion carried and the May 5, 2020 Regular Meeting minutes were approved.

Mayor Draper made a motion to adopt the agenda with the removal of the appointment of Jimmy L. Jackson to the Longleaf Botanical Gardens Board and Section 6, Ordinances in its entirety. The motion was seconded by Council Member Jenkins and on call of the roll the following vote was recorded: ayes: Council Member Jenkins, Reddick, Little, Harris, and Draper; nays: none. The motion carried and the amended agenda was adopted.

Mayor Draper made a motion for unanimous consent to suspend the rules, in order to have a public hearing for TUF Hospitality, Inc. The motion was seconded by Council Member Reddick and on call of the roll the following vote was recorded: ayes: Council Member Jenkins, Reddick, Little, Harris, and Draper; nays: none. The motion carried.

Mayor Draper opened a public hearing to receive public comments regarding a certain Development Agreement between TUF Hospitality, Inc. and the City of Anniston.

Representatives of TUF Hospitality, Inc., thanked the council for the opportunity. He stated that this will give the community hope about the future.

Mayor Draper closed public hearing to receive public comments regarding a certain Development Agreement between TUF Hospitality, Inc. and the City of Anniston.

Council Member Reddick made a motion to approve the consent agenda with the removal of a Resolution to appoint Joe Harrington to the McClellan Development Authority and a resolution appointing Jimmy L. Jackson to the Longleaf Botanical Gardens Board:

- a) Resolution appointing member(s) to the Longleaf Botanical Gardens Board- *Dubose* (20-R-23)
- b) Resolution authorizing Calhoun County to perform public works on municipal real property (20-R-24)
- c) Motion to authorize the installation of two (2) speed humps on Valley Place and two (2) on Raemon

The motion was seconded by Council Member Little and on call of the roll the following vote was recorded: ayes: Council Member Jenkins, Reddick, Little, Harris, and Draper; nays: none. The motion carried and the consent agenda was approved.

Council Member Little made a motion to authorize the City Manager to execute the proposed agreement for Information Technology hardware/software equipment upgrade. The motion was seconded by Council member Harris and on call of the roll the following vote was recorded: ayes: Council Member Jenkins, Reddick, Little, Harris, and Draper; nays: none. The motion carried.

Council Member Reddick made a motion to authorize the City Manager to execute a General Lease Agreement with Alabama Power for use of a portion of 101 E. 10<sup>th</sup> Street to be used by the City of Anniston for the Downtown Farmers Market. The motion was seconded by Council member Harris and on call of the roll the following vote was recorded: ayes: Council Member Jenkins, Reddick, Little, Harris, and Draper; nays: none. The motion carried.

Mayor Draper introduced Resolution 20-R-25, A Resolution authorizing the renewal of a Professional Service Agreement with L.P. Campbell Company:

**RESOLUTION NO. 20-R-25  
AUTHORIZING THE RENEWAL OF A PROFESSIONAL SERVICE AGREEMENT  
WITH L.P. CAMPBELL COMPANY**

WHEREAS, the City of Anniston recognizes the need to retain the services of a consultant to assist the City in a sustained effort to obtain federal and state grant programs;

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

1. That the City of Anniston shall renew the Service Agreement with L.P. Campbell Company for a one-year period from May 10, 2020 through May 9, 2021 under terms specified in the Service Agreement; and
2. That City Manager is hereby authorized to enter into said Service Agreement on behalf of the City of Anniston.

PASSED AND ADOPTED this the 19<sup>th</sup> day of May, 2020.

CITY COUNCIL OF THE CITY OF ANNISTON, ALABAMA

By:/s/ Jack Draper, Mayor

By:/s/ Jay W. Jenkins, Council Member

By:/s/ David E. Reddick, Council Member

By:/s/ Benjamin L. Little, Council Member

By:/s/ Millie Harris, Council Member

Council Member Harris made a motion for passage and adoption of Resolution 20-R-25. The motion was seconded by Council Member Jenkins.

Council Member Little stated that his concern has always been what has been done in West Anniston and South Anniston as far as grant participation in the time frame that Ms. Campbell has been with the City. He stated that he has asked for a meeting and she has not appeared for the meeting. He stated that there has to be some development in his particular area. He stated that the city will capsize if everything goes to North and East Anniston, which is why they are trying to do something now. He stated that if he has to vote he will have a voice for the people out there in Ward 3 that need some assistance.

Steven Folks, City Manager, stated that he emailed the council a memo yesterday regarding the grants.

Council Member Jenkins stated that he is looking at the email regarding grants awarded, all nine provide service to Ward 2 and 3 since 2014.

Council Member Reddick asked was Ms. Campbell aware that he and Council member Little were requesting to have a meeting with her for the past two years. He stated that he feels like there is a lack of communication.

Steven Folks, City Manager, stated that he does not want Ms. Campbell to get caught in this but he will do more to ensure the council gets an update to show where they are in their grant writing process.

Council Member Little stated that he does not want someone to take responsibility but he wants action and results.

Council Member Harris stated that she would like to thank Ms. Campbell for doing a fabulous job. She stated that when you look at the hundreds of thousands of dollars acquired for this city, it is very commendable. She stated that she appreciates all her hard work.

Council Member Jenkins stated that he wanted to point out that the list that they received, it is about 1.7 grants received that are specific to Wards 2 and 3.

Council Member Reddick asked if all the cops grants were only for Ward 2 and 3. He stated that they only want extra policing in Wards 2 and 3.

And on call of the roll the following vote was recorded: on call of the roll the following vote was recorded: ayes: Council Member Jenkins, Reddick, Little, Harris, and Draper; nays: none. The motion carried and Resolution 20-R-25 was passed and adopted.

Mayor Draper introduced Resolution 20-R-26, A Resolution amending the 2018-2022 Consolidated Plan, 2019 Action Plan and Citizen Participation Plan:

**RESOLUTION NUMBER 20-R-26**

**A RESOLUTION AMENDING THE 2018-2022 CONSOLIDATED PLAN, 2019 ACTION PLAN & CITIZEN PARTICIPATION PLAN**

WHEREAS, the City of Anniston desires to substantially amend its 2018-2022 Consolidated Plan, 2019 Action Plan & Citizen Participation Plan,

WHEREAS, the City desires to update its Citizen Participation Plan to include a waiver of the 30-day minimum requirement for public comment for substantial amendments, provided that no less than 5 days are provided for public comments on each substantial amendment. The waiver is available through the end of the 2020 program year.

WHEREAS, the City desires to update its Citizen Participation Plan to include a waiver of 24 CFR 91.105(c)(2) and (k), 24 CFR 91.115(c)(2) and (i) and 24 CFR 91.401 to allow the City to determine what constitutes reasonable notice and opportunity to comment given their circumstances in which the City will implement virtual public hearings. This authority is in effect through the end of the 2020 program year.

WHEREAS, the City desires to amend its 2018-2022 Consolidated Plan to include the priority need of economic development for the purposes of establishing a small business loan program to assist small businesses that have been economically affected by COVID-19.

WHEREAS, the City desires to amend the 2019 Action Plan to include the allocation of \$326,029 in CDBG funding received through the Coronavirus Aid, Relief, and Economic Security Act (CARES Act) to respond to the coronavirus pandemic known as COVID-19. The City will use \$100,000 in CARES Act CDBG funds for the small business loan program, \$140,000 for public service activities for testing and healthcare services related to COVID-19, \$45,823 for public facility renovations related to COVID-19, and \$40,206 for administration costs.

WHEREAS, the City desires to amend its 2019 Action Plan to reallocate \$100,000 in CDBG funding previously awarded to The Right Place for its Housing Rehabilitation project to the Senior Center for the purpose of acquiring vans to transport senior citizens.

NOW THEREFORE, BE IT RESOLVED by the Council of the City of Anniston, Alabama, that the City Manager is hereby authorized to sign the agreement and all documentation relating to the amendment.

PASSED AND ADOPTED this 19<sup>th</sup> day of May, 2020.

CITY COUNCIL OF THE CITY OF ANNISTON, ALABAMA

By:/s/ Jack Draper, Mayor  
By:/s/ Jay W. Jenkins, Council Member  
By:/s/ David E. Reddick, Council Member  
By:/s/ Benjamin Little, Council Member  
By:/s/ Millie Harris, Council Member

Council Member Reddick made a motion for passage and adoption of Resolution 20-R-26. The motion was seconded by Council Member Harris.

Council Member Little stated that they should make it public that \$50,000.00 is going toward the schools.

Steven Folks, City Manager, stated that cannot give the money directly to school but they are in the process with HUD to do things the right way.

And on call of the roll the following vote was recorded: on call of the roll the following vote was recorded: ayes: Council Member Jenkins, Reddick, Little, Harris, and Draper; nays: none. The motion carried and Resolution 20-R-26 was passed and adopted.

Mayor Draper introduced Resolution 20-R-27, A Resolution Authorizing a Project Development Agreement and Warrant between the City of Anniston, Alabama and TUF Hospitality, Inc.:

### **RESOLUTION 20-R-27**

#### **A RESOLUTION AUTHORIZING A PROJECT DEVELOPMENT AGREEMENT AND WARRANT BETWEEN THE CITY OF ANNISTON, ALABAMA AND TUF HOSPITALITY, INC.**

BE IT RESOLVED 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) Pursuant to the applicable laws of the State of Alabama, the Municipality and TUF Hospitality, Inc. (the “Developer”), have prepared that certain Project Development Agreement to be dated the date of delivery (the “Agreement”), attached hereto, for the purposes referenced therein.

(b) It is necessary, desirable and in the best interests of the taxpayers and citizens of the Municipality for the Municipality to authorize, execute, deliver, and perform the Agreement.

(c) The Municipality possesses all powers necessary to undertake the transactions and obligations described in the Agreement, and the Municipality so acts in accordance with and

pursuant to the authority and powers conferred by Amendment 772 to the Constitution of Alabama of 1901 (re-codified as Section 94.01 to the Constitution of Alabama of 1901).

(d) As required under Amendment 772, the Municipality caused notice to be published in The Anniston Star, at least seven days prior to the adoption and execution of this resolution, that a public meeting would be held on May 19, 2020 at 5:30 p.m. in the City Meeting Center in the City of Anniston, Alabama for the purpose of approving an economic development incentive as it is set forth in the Agreement.

(e) The Municipality's expenditure of public funds and lending of its credit for the purposes specified in the Agreement will serve a valid and sufficient public purpose, notwithstanding any incidental benefit accruing to any private persons or entities, including the Developer.

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 Agreement; and

(b) The terms and provisions of the Agreement, in substantially the form and of substantially the content as set forth in the attached, with such changes thereto (by addition or deletion) as the City Manager shall deem necessary and appropriate, which approval shall be conclusively evidenced by execution and delivery of the Agreement as hereinafter provided.

Section 3. The Mayor is hereby authorized and directed to execute and deliver the 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 Agreement and to attest the same.

Section 4. 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 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 Agreement or duly and punctually observe and perform all agreements and obligations of the Municipality under the Agreement.

Section 5. The Municipality is hereby authorized to issue, execute and deliver

the Warrant, the form of which is stated in the Agreement. The Warrant shall be issued as a single warrant, dated the date of its delivery, and shall be payable in such amounts and subject to such terms and conditions as set forth in the Agreement. The Warrant shall not bear interest. The Municipality may, on any date, without premium or penalty, pay in advance the entire unpaid amount of the Warrant or any lesser portion or portions thereof by paying the holder of the Warrant the principal amount to be prepaid. The indebtedness evidenced and ordered paid by the Warrant is and shall be limited obligation of the Municipality. The Warrant shall not be a general obligation of the Municipality and shall not constitute a charge on the general funds or general revenues of the Municipality, and the full faith and credit of the Municipality are not and shall

not be pledged to the payment of the Warrant. The Municipality shall have no obligation, legal or moral or otherwise, to make any payment other than from the limited sources, and in the limited amounts, as provided in the Agreement and in the Warrant.

Section 6. All prior actions taken, and agreements, documents or notices executed and delivered, by the City Manager, Mayor 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 Agreement and the terms and provisions thereof, are hereby approved, ratified and confirmed.

Section 7. 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 8. This resolution shall take effect immediately.

PASSED AND ADOPTED on this the 19th day of May, 2020.

CITY COUNCIL OF THE CITY OF ANNISTON, ALABAMA

By:/s/ Jack Draper, Mayor  
By:/s/ Jay W. Jenkins, Council Member  
By:/s/ David E. Reddick, Council Member  
By:/s/ Ben Little, Council Member  
By:/s/ Millie Harris, Council Member

Mayor Draper made a motion for passage and adoption of Resolution 20-R-27. The motion was seconded by Council Member Little; and on call of the roll the following vote was recorded: on call of the roll the following vote was recorded: ayes: Council Member Jenkins, Reddick, Little, Harris, and Draper; nays: none. The motion carried and Resolution 20-R-27 was passed and adopted.

Steven Folks, City Manager, honored Police Chief Shane Denham for his 25 years of service and upcoming retirement.

Mayor Draper thanked Chief Denham for his leadership and service.

Council Member Jenkins stated that it has been an honor to know Chief Denham and work beside him.

Council Member Harris stated that Chief Denham was always accessible, responsive, and any question she had he would address it.

Council Member Reddick thanked Chief Denham for making them look good and allowing him to work out with them.

There being no further business to come before the council at that time Mayor Draper made a motion the meeting be adjourned. The motion was seconded by Council Member Harris; and on

call of the roll, the following vote was recorded: ayes: Council Members Jenkins, Reddick, Little, Harris and Draper; nays: The motion carried and the meeting was adjourned at approximately 6:05 o'clock p.m.