

Anniston, Alabama

May 21, 2019

The City Council of the City of Anniston, Alabama, met in Regular Session in the Council Chambers in the City Hall of the City of Anniston, Alabama, on Tuesday, May 21, 2019, at approximately 5:44 o'clock p.m.

Eugene Leonard, Pastor of the Life Center Church, prayed the Invocation.

Eugene Leonard, Pastor of the Life Center Church, 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.

Jay Johnson, City Manager, was present.

Bruce Downey, City Attorney, was present.

Council Member Reddick made a motion to waive and approve the minutes from the April 16, 2019 regular meeting. The motion was seconded by Council Member Jenkins and on call of the roll, the following vote was recorded: Council Member Jenkins, Reddick, Little, Harris and Draper; nays: none. The motion carried and the April 16, 2019 minutes were approved.

Mayor Draper made a motion to approve the agenda with the removal of the Anniston Main Street Board Confirmations for Whitney Roberson and Amy Simon; remove item (b) a Resolution appointing member(s) to the Main Street Board from the consent agenda as a standalone resolution; and remove item (e) a Resolution authorizing a Municipal Sales and Use Tax Rebate Agreement by the City of Anniston, Alabama and H&P Custom Builders, LLC. 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. The motion carried and the amended agenda was adopted.

Mayor Draper read a Proclamation for The Right Place Temporary Street Renaming Celebration.

Mayor Draper read a Proclamation for National Preservation Month.

Mayor Draper read a Proclamation for Municipal Clerk's Week.

Jim Montgomery, 1700 Greenbrier Deer Rd, stated that is was a good resolution to the Health care board appointments; he stated that the AG's opinion is just that and not a set law; also, that spending money, on outside council, for the discrimination complaint from the city manager against two council members is out of line.

Glen Ray, 3514 Dale Hollow Road, stated that the Attorney General gave two opinions at two different times with two different councils; one of the opinions has to be wrong. He stated that he received tickets for driving while black in a black neighborhood.

Richard Jackson, 2317 Noble Street, stated that to him when you have something concerning civil rights a person of color should head it; blacks should handle the civil rights trail predominantly because the people involved should have a say so, to explain what happened.

Harold Kimble, power of atty. for 1805 West 21st St., stated that he was told the issue of loan forgiveness for his mother's property would be on the agenda for consideration and it was not. Asked the council for its forbearance regarding the issue as soon as possible.

Council Member Little introduced Richard Bell during formal public comments, for his board confirmation to the Main Street Board.

Council Member Little introduced Ralph Bradford during formal public comments, for his board confirmation to the Public Building Authority.

Ralph Bradford addressed the council on race and on behalf of the African American Community invited the council to a town hall meeting to discuss race.

Mayor Draper opened a public hearing to receive public comments regarding certain economic development incentives for the construction and development of a new nursing home facility within the City of Anniston for Nolan Health Services, Inc.

Council Member Jenkins stated for the record that the ordinance also allows for waiving of building permit fee in an effort to handle the cost.

Mayor Draper closed the public hearing to receive public comments regarding certain economic development incentives for the construction and development of a new nursing home facility within the City of Anniston for Nolan Health Services, Inc.

Mayor Draper opened a public hearing to receive public comments regarding an economic development incentive for H&P Custom Builders, LLC.

No one Spoke.

Mayor Draper closed the public hearing to receive public comments regarding an economic development incentive for H&P Custom Builders, LLC.

Mayor Draper opened a public hearing to receive public comments regarding a proposed vacation of Alley "A" & "B" on block West 12th St/ West 11th St. and Gurnee Ave & Moore.

No One Spoke.

Mayor Draper closed the public hearing to receive public comments regarding a proposed vacation of Alley "A" & "B" on block West 12th St/ West 11th St. and Gurnee Ave & Moore.

Mayor Draper opened a public hearing to receive public comments regarding a proposed vacation of Alley running North/South between Constantine Avenue and Front Street.

Ralph Bradford, asked for information to where the vacation would be exactly.

Mayor Draper closed the public hearing to receive public comments regarding a proposed vacation of Alley running North/South between Constantine Avenue and Front Street.

Mayor Draper opened a public hearing to receive public comments regarding abatement of identified nuisances. (Group 2019-01 Grass/Debris/Vehicles.)

Mayor Draper read into the minutes the following addresses for the Group 2019-01 Grass/Debris/Vehicles: 0 Dooley, 112 Central Ave, 118 Central Ave, 149 Pike Drive, 215 West 30th Street, 709 Smith, 827 West 4th St, 1031 West 19th St, 1200 Brown Ave, 1207 Crawford Ave, 1210 Brown Ave, 1600 Rocky Hollow Road, 1603 Cobb Ave, 1625 West 8th St, 1701 Charlotte Ave, 1701 Cobb Ave, 1813 Noble St, 1815 Noble St, 1816 Stephens Ave, 2100 Mckleroy, 2530 Ridgeview, 2916 Gurnee Ave, 4126 Eastover.

No one Spoke.

Mayor Draper closed the public hearing to receive public comments regarding abatement of identified nuisances. (Group 2019-01 Grass/Debris/Vehicles.)

Mayor Draper made a motion to approve the consent agenda:

- (a) Resolution authorizing reimbursements to City Officials for expenses (19-R-150)
- (b) Resolution appointing member(s) to the Public Building Authority (19-R-151)
- (c) Resolution approving the City of Anniston's participation in the State of Alabama Sales Tax Holiday as authorized by Act No 2017-120 for the Year 2019. (19-R-152)
- (d) Motion to reduce the amount of fee to \$250.00 for use of the City Meeting Center for a Horticulture Convention in 2021.
- (e) Motion to approve the Preliminary Project Design as revised for the parallel widening of Crawford Avenue between 15th Street and 16th Street in an amount not to exceed \$39,078.00

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 passed and the consent agenda was adopted.

Mayor Draper made a motion to approve the Fire Training Center bid to Bradshaw & Pitts, LLC in the amount of \$594,540.00.

Council Member Little stated that the City is doing a lot of buildings and that Ward 2 and Ward 3 are coming for some money. These places need to survive and that he does not want to hear anything else until something is done in West Anniston and South Anniston; those people's lives are just as important.

Council Member Reddick stated that the city is growing but be aware that we are trying to bring in companies that also need incentives. And he wants the same treatment when he is trying to bring something to West Anniston.

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 passed.

Mayor Draper made a motion to authorize Change Order #1 to the Fire Training Bid in the Deduct amount of \$39,078.00.

Jay Johnson, City Manager, stated that the deduct amount would be \$30,838.00 dollars.

Mayor Draper made a motion to authorize Change Order #1 to the Fire Training Bid in the Deduct amount of \$30,838.00.

Council Member Little stated that those savings can pick up the \$100/month for the Youth Council, and that can be discussed later on.

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 passed.

Jay Johnson, City Manager, introduced and read Resolution 19-R-153, Resolution Authorizing A Lease Agreement:

RESOLUTION NO. 19-R-153

RESOLUTION AUTHORIZING A LEASE AGREEMENT

WHEREAS, The Conservation Fund owns that certain real property, buildings and improvements located at 1025 Gurnee Avenue, Anniston, Alabama 36201 (referred to herein as the "Premises"), which is located adjacent to the Freedom Rider's National Monument;

WHEREAS, in cooperation with the National Parks Service, the City of Anniston intends to create a Visitor's Center to enhance the Freedom Rider's National Monument and to promote tourism to the monument;

WHEREAS, the City of Anniston is able to seek and procure grant funds for the study, preservation, and renovation of the Premises for this public purpose;

WHEREAS, the Council for the City of Anniston deems the lease of the Premises to be in the public interest and in furtherance of a worthy public purpose;

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

Section 1: The Mayor is hereby authorized to execute the Commercial Lease Agreement and Addendum No. 1, attached hereto as Exhibit 1, with The Conservation Fund for the lease of the Premises on the terms and conditions set forth therein. The City Manager is authorized and directed to take such administrative actions as are necessary or convenient to fulfill the promises, commitments, obligations and opportunities of the City pursuant to said lease agreement.

Section 2. This resolution shall take effect immediately upon its passage and adoption.

PASSED and ADOPTED on this the 21st day of May, 2019.

CITY COUNCIL OF THE CITY OF ANNISTON, ALABAMA

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

Council Member Jenkins made a motion for passage and adoption of Resolution 19-R-153, Resolution Authorizing a Lease Agreement. The motion was seconded by Council Member Harris.

Council Member Little asked if the Council voted to turn that building into a monument. He stated that they are making decisions that the council has not voted on. They gave the building to the City and then want to dictate what is done with it. The city is backdooring into something.

Mayor Draper stated that this is just a way for grant funds to be applied for in the best manner.

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 19-R-153 was passed and adopted.

Mayor Draper introduced Resolution 19-R-154, A Resolution Authorizing the Submission of a grant under the Strategies for Policing Innovation:

RESOLUTION NO. 19-R-154

AUTHORIZING THE SUBMISSION OF A GRANT UNDER THE STRATEGIES FOR POLICING INNOVATION

WHEREAS, the U.S. Department of Justice through the Bureau of Justice Assistance has the authority to award grant assistance under the FY 2019 Strategies for Policing Innovation; and

WHEREAS, the City of Anniston recognizes the need for grant assistance to reduce the crime rate in the community.

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

1. That the submission of a grant application under said program in an amount not to \$ 700,000;
2. That the Mayor, City Manager, and Chief of Police are authorized to sign any and all documents to obtain said grant; and
3. That the Finance Director and/or his authorized representative is authorized to submit the grant application through the required on-line process.

PASSED AND ADOPTED this the 4th day of June, 2019.

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 Reddick stated that it is important because it is a technology grant to buy cameras, equipment, everything that the City needs to be able to police our communities and things like that. It is not put more cops in this neighborhood kind of deal.

Mayor Draper made a motion for passage and adoption of Resolution 19-R-154, A Resolution Authorizing the Submission of a grant under the Strategies for policing Innovation. 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 Resolution 19-R-154 was passed and adopted.

Mayor Draper introduced Resolution 19-R-155, A Resolution Over-Ruling Objections to the Abatement of Identified Nuisances (Group 2019-01 Grass/Debris/Vehicles):

RESOLUTION NUMBER 19-R-155
A RESOLUTION OVER-RULING OBJECTIONS TO THE ABATEMENT OF IDENTIFIED NUISANCES

WHEREAS, Act 1995-375, Section 2, Amended by Act 2004-256 and codified as Sections 45-8-172, et seq. of the Code of Alabama, 1975, defines public nuisances and authorizes the City to order or otherwise accomplish the removal of such nuisances; and

WHEREAS, the City of Anniston has identified herein a specific list of such nuisances and the appropriate remedies to abate each nuisance; and

WHEREAS, the City of Anniston has notified the property owners or other parties that may be held responsible and has held a public hearing to consider objections to the proposed remedy as required by law.

NOW THEREFORE BE IT RESOLVED, by the City Council of the City of Anniston, Alabama that all objections and protests to the nuisance remedies identified in Exhibit "A" attached is hereby over-ruled and the recommended remedies are ordered to be applied to abate the nuisances according to the procedures and processes in Section 34.3 of the Code of Ordinances of the City of Anniston, Alabama.

PASSED AND ADOPTED this the 21st day of May, 2019.

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 Little asked what happened to houses on Kelly Alley?

Tana Bryant, Code Enforcement Officer, stated that those addresses would be coming before the council for demolition at the next council meeting.

Council Member Jenkins made a motion for passage and adoption of Resolution 19-R-155: A Resolution Over-Ruling Objections to the Abatement of Identified Nuisances (Group 2019-01 Grass/Debris/Vehicles). The motion was seconded by Mayor Draper 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 Resolution 19-R-155 was passed and adopted.

Mayor Draper introduced Resolution 19-R-156, A resolution approving certain Economic Development Incentives for Nolan Health Services, Inc.:

RESOLUTION NO. 19-R-156

APPROVING CERTAIN ECONOMIC DEVELOPMENT INCENTIVES FOR NOLAN HEALTH SERVICES, 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 Council desires to provide an economic development incentive to Nolan Health Services, Inc. (the "Owner") in aid and support of its construction and development of a new nursing home facility within the City of public funds or thing of value, as follows:

(1) The Municipality shall waive its building permit fees that the Municipality would otherwise charge the Owner in connection with the construction and development of the Project; provided, however, the Municipality's waiver of the building permit fees shall not relieve the Owner (or its contractors and subcontractors) from the obligation to obtain all permits and adhere to all reviews and approvals required under the laws, ordinances, codes, rules and regulations of the Municipality with respect to the Project and any work performed in connection therewith; and

(2) Upon the Owner's completion of the Project, the Owner's installation of a street through the real property on which the Project is to be constructed, as specified by the Municipality, the Municipality's approval of an instrument, plat or map dedicating said street as a public way, and the Owner's recording of said instrument, plat or map in the Office of the Probate Court for Calhoun County, Alabama, the Municipality shall pay the Owner a sum total of Fifty Thousand Dollars and Zero Cents (\$50,000.00), without any interest or charges thereon or otherwise due to the Owner.

(b) It is necessary, desirable and in the best interests of the taxpayers and citizens of the Municipality for the Council to authorize, deliver, and perform the above stated economic development incentives.

(c) The Municipality possesses all powers necessary to undertake the transactions and obligations described herein, 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 (recodified 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 21, 2019 at 5:30 p.m. in the Council Chamber – Anniston City Hall in the City of Anniston, Alabama for the purpose of approving the above stated economic development incentive.

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

Section 2. 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 above stated economic development incentives, as the City Manager and such officers shall determine to be necessary or desirable to carry out the provisions of this resolution.

Section 3. This resolution shall take effect immediately.

PASSED AND ADOPTED on this the 21st day of May, 2019.

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

Council Member Little made a motion for passage and adoption of Resolution 19-R-156, A resolution approving certain Economic Development Incentives for Nolan Health Services, Inc. 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 Resolution 19-R-156 was passed and adopted.

Mayor Draper introduced Resolution 19-R-157, A Resolution Vacating Alley "A" & "B" on Block of West 12th Street/West 11th Street and Gurnee Avenue and Moore Avenue:

RESOLUTION NUMBER 19-R-157

A RESOLUTION VACATING ALLEY 'A' & 'B' ON BLOCK OF WEST 12TH STREET/WEST 11TH STREET AND GURNEE AVENUE AND MOORE AVENUE

WHEREAS, the owners of all lands abutting on a street or alley hereinafter described have joined in a written instrument to declare said street or alley to be vacated; and

WHEREAS, convenient means of ingress and egress to and from said lands is afforded to all other property owners owning property to the tract of land embraced in the map, plat or survey hereinafter referred to, either by the remaining streets or alleys dedicated by such map, plat or other streets and alleys; and

WHEREAS, the vacation of said part of said street or alley shall not deprive any other property owners of such right as they have to convenient and reasonable means of ingress and egress to and from their property; and

WHEREAS, it is in the public interest of the Council of the City of Anniston, Alabama, to assent to the vacation of said part of said street or alley.

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

Section 1. That the said Council does hereby assent and consent to the vacation of said part of said street or alley, the same being described as follows:

Alley 'A' – An alley located in the Southeast quarter of Section 6, Township 16S, Range 8E, Calhoun County Alabama and being a portion of Block 148 in the City of Anniston as recorded in Map Book A Page 415B. Begin at a found 1 inch opentop pipe marking the Southeast corner of the above mentioned Block 148, said point also marking the intersection of the North right of way of West 11th Street and the West right of way of Gurnee Avenue; thence run South 89 Degrees 43 Minutes 57 Seconds West along the South line of Block 148 and the North right of way of West 11th Street for a distance of 209.96 feet to a found nail, said point lying on the East side of a 10 foot Alley; thence leaving said South line and said right of way run North 00 Degrees 12 Minutes 20 Seconds West along said Alley for a distance of 120.00 feet to a set nail; thence run South 89 Degrees 43 Minutes 57 Seconds West along said Alley for a distance of 10.00 feet to a set nail; thence run South 00 Degrees 12 Minutes 20 Seconds East along said Alley for a distance of 120.00 feet to a set nail, said point lying on the aforementioned South line of Block 148 and the North right of way of West 11th Street; thence run North 89 Degrees 43 Minutes 57 Seconds East along said right of way and along said South line for 10.00 feet to the POINT OF BEGINNING. Said parcel contains 1,200 square feet or 0.03 acres more or less.

Alley 'B' – An alley located in the Southeast quarter of Section 6, Township 16S, Range 8E, Calhoun County Alabama and being a portion of Block 148 in the City of Anniston as recorded in Map Book A Page 415B. Commence at a found 1 inch opentop pipe marking the Southeast corner of the above mentioned Block 148, said point also marking the intersection of the North right of way of West 11th Street and the West right of way of Gurnee Avenue; thence run North 00 Degrees 12 Minutes 20 Seconds West along said West right of way and the East line of Block 148 for a distance of 210.00 feet to a point, said point marking the POINT OF BEGINNING of the parcel herein described, said point also lying on the South line of a 10 foot alley; thence leaving said right of way and said East line run South 89 Degrees 43 Minutes 57 Seconds West along said Alley for a distance of 120.00 feet to a point; thence run North 00 Degrees 12 Minutes 20 Seconds West along said Alley for 10.00 feet to a point; thence run North 89 Degrees 43 Minutes 57 Seconds east along said Alley for 120.00 feet to a point, said point lying on the aforementioned West right of way and the East line of Block 148; thence run South 00 Degrees 12 Minutes 20 Seconds East along said right of way and along said East line for 10.00 feet to the POINT OF BEGINNING. Said parcel contains 1,200 square feet or 0.03 acres more or less.

Section 2. Provided, however, that this Resolution shall not prejudice the rights of any public utilities or railroads now operating easements, lines, pipes, railways lines, and rights – of – way in them area encompassed by said part of said street whether above ground, at ground level or below ground, it being specifically understood that this vacation is without prejudice as to the rights of such utilities.

PASSED AND ADOPTED this the 21st day of May, 2019.

CITY COUNCIL OF THE CITY OF ANNISTON, ALABAMA

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

Council Member Jenkins made a motion for passage and adoption of Resolution 19-R-157, A Resolution Vacating Alley "A" & "B" on Block of West 12th Street/West 11th Street and Gurnee Avenue and Moore Avenue. The motion was seconded by Council Member Reddick.

Council Member Little stated that he is going vote for the vacation but that does not mean that he is voting for the Court House.

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 19-R-157 was passed and adopted.

Mayor Draper introduced Resolution 19-R-158, A resolution vacating alley running North to South between Constantine Avenue and Front Street:

RESOLUTION NUMBER 19-R-158

A RESOLUTION VACATING ALLEY RUNNING NORTH TO SOUTH BETWEEN CONSTANTINE AVENUE AND FRONT STREET

WHEREAS, the owners of all lands abutting on a street or alley hereinafter described have joined in a written instrument to declare said street or alley to be vacated; and

WHEREAS, convenient means of ingress and egress to and from said lands is afforded to all other property owners owning property to the tract of land embraced in the map, plat or survey hereinafter referred to, either by the remaining streets or alleys dedicated by such map, plat or other streets and alleys; and

WHEREAS, the vacation of said part of said street or alley shall not deprive any other property owners of such right as they have to convenient and reasonable means of ingress and egress to and from their property; and

WHEREAS, it is in the public interest of the Council of the City of Anniston, Alabama, to assent to the vacation of said part of said street or alley.

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

Section 1. That the said Council does hereby assent and consent to the vacation of said part of said street or alley, the same being described as follows:

Alley located in Block A8, L.M. Burns Subdivision, as recorded in Plat Book B, Page 19, and in Part of Lot 27, Herren's Subdivision of J.M. Whiteside's Lot as recorded in Plat Book B, Page 35, in the Office of Probate of Calhoun County, Alabama; being more particularly described as follows: Beginning at the Southwest corner of the intersection of Chestnut Street and Front Street in the City of Anniston, Alabama; thence Due West along the observed South Right of Way line of Chestnut Street 160.00 ft. to a nail in pavement and the true point of beginning of the hereafter described alley; thence South 13 degrees 35 min. 16 sec. West and leaving said South ROW line of Chestnut Street 314.00 ft. to a nail in pavement; thence South 76 degrees 59 min. 52 sec. East 29.53 ft. to a capped rebar; thence South 13 degrees 35 min. 16 sec. West 245.00 ft. to a capped rebar; thence North 76 degrees 59 min. 52 sec. West 20.00 ft. to a railroad spike in pavement; thence North 13 degrees 35 min. 16 sec. East 230.00 ft.

to a nail in pavement; thence North 76 degrees 59 min. 52 sec. West 27.03 ft. to a corner not set due to obstructing building; thence North 13 degrees 35 min. 16 sec. East 324.95 ft. to a mark in concrete on the South Right of Way line of Chestnut Street; thence Due East along said ROW line 18.00 ft. to the true point of beginning.

Section 2. Provided, however, that this Resolution shall not prejudice the rights of any public utilities or railroads now operating easements, lines, pipes, railways lines, and rights – of – way in the area encompassed by said part of said street whether above ground, at ground level or below ground, it being specifically understood that this vacation is without prejudice as to the rights of such utilities.

PASSED AND ADOPTED this the 21st day of May, 2019.

CITY COUNCIL OF THE CITY OF ANNISTON, ALABAMA

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

Council member Little made a motion for passage and adoption of Resolution 19-R-158, a resolution-vacating alley running North to South between Constantine Avenue and Front Street. 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 and Resolution 19-R-158 was passed and adopted.

Jay Johnson, City Manager, introduced Resolution 19-R-159, A Resolution Authorizing the City Manager to Execute the Pre-application for Federal/State Assistance for Fiscal Year 2019 with the State of Alabama Department of Transportation Aeronautics Bureau:

RESOLUTION NUMBER 19-R-159

A RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE THE PRE-APPLICATION FOR FEDERAL/STATE ASSISTANCE FOR FISCAL YEAR 2019 WITH THE STATE OF ALABAMA DEPARTMENT OF TRANSPORTATION AERONAUTICS BUREAU

WHEREAS, the City of Anniston intends to apply for state matching funds for an Airport Improvement Project for the Anniston Regional Airport during Fiscal Year 2019;

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

1. That the City of Anniston is authorized to make an application for airport improvement funding assistance from the State of Alabama Department of Transportation Aeronautics Bureau, for the purpose of undertaking a project in fiscal year 2019 to make improvements at the Anniston Regional Airport.

2. That the application be submitted for and on behalf of the City of Anniston by its City Manager who is authorized by this resolution to sign the application and any related forms or documents on behalf of the City of Anniston.

3. That the City of Anniston is authorized to enter into an airport improvement funding agreement with the State of Alabama, acting by and through the Alabama Department of Transportation, for the purpose of undertaking a project to make improvements at the Anniston Regional Airport, with partial funding provided by the State of Alabama.

4. That the agreement be executed in the name of the City of Anniston for and on behalf of the City of Anniston by its City Manager.

5. That the authority of the City of Anniston to enter into contracts with the State of Alabama has been reviewed by the City's attorney, and in his/her opinion, the City of Anniston is duly authorized to commit the City of Anniston to an agreement with the Alabama Department of Transportation.

BE IT FURTHER RESOLVED, that the City of Anniston hereby affirms that the local matching share of the funds in the amount required for this Airport Improvement Project has been officially approved, placed into the budget of the airport and is available for expenditure upon execution of the State of Alabama's Funding Agreement and the start of the project.

PASSED AND ADOPTED this 21st day of May, 2019 .

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 Jenkins made a motion for passage and adoption of Resolution 19-R-159, A Resolution Authorizing the City Manager to Execute the Pre-application for Federal/State Assistance for Fiscal Year 2019 with the State of Alabama Department of Transportation Aeronautics Bureau. 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 Resolution 19-R-159 was passed and adopted.

Mayor Draper introduced Resolution 19-R-160, A Resolution Authorizing the City Manager to Execute a Personal Services Agreement with Garver, LLC for Project No. 19A01010 at the Anniston Regional Airport:

RESOLUTION NO. 19-R-160

A RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE A PERSONAL SERVICES AGREEMENT WITH GARVER, LLC FOR PROJECT NO. 19A01010 AT THE ANNISTON REGIONAL AIRPORT

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

1. That the City Manager of the City of Anniston be and he is hereby authorized, directed and empowered for and in the name of the City of Anniston to execute a Professional Services Agreement with Garver, LLC to conduct a Runway Pavement Analysis Study at the Anniston Regional Airport as reviewed and recommended by ALDOT and the FAA according to the attached Agreement.

PASSED AND ADOPTED this 21st day of May, 2019.
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

Mayor Draper made a motion for passage and adoption of Resolution 19-R-160, A Resolution Authorizing the City Manager to Execute a Personal Services Agreement with Garver, LLC for Project No. 19A01010 at the Anniston Regional Airport. The motion was seconded by Council Member Harris.

Council Member Reddick asked if this money is coming out of grant money or the General Fund? Is it 100% Grant money?

Jay Johnson, City Manager, stated that 5% is coming from the city and it is out of the airport budget.

Council Member Little stated that what he said in the work session still holds true for right here.

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 19-R-160 was passed and adopted.

Council Member Little made a motion for passage and adoption of Resolution 19-R-161, A Resolution Appointing Members to Main Street Anniston Board (Richard Bell):

RESOLUTION NUMBER 19-R-161
A RESOLUTION APPOINTING MEMBERS TO MAIN STREET ANNISTON BOARD

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;

WHEREAS, the Council has adopted a schedule of nominations to govern appointments to the Main Street Anniston Board;

WHEREAS, the Council desires to make certain appointments to said Board in accordance with the previously adopted Schedule of Nominations;

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 does hereby appoint those persons identified in the Schedule of Nominations for the Main Street Anniston Board attached hereto as Exhibit A to the board and for the terms set forth therein.

Section 2. 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 21st day of May, 2019
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

The motion was seconded by Mayor Draper 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 Resolution 19-R-161 was passed and adopted.

Mayor Draper made a motion to read Ordinance 19-O-4, An Ordinance Amending Number 16-O-24 (2nd Reading), and The Council Procedural Ordinance by title only. The motion was seconded by Council Member Harris.

Mayor Draper opened a public hearing to receive public comments on reading Ordinance 19-O-4, by title only.

No One Spoke.

Mayor Draper closed the public hearing to receive public comments on reading Ordinance 19-O-4, by title only.

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 Ordinance 19-O-4 will be read by title only.

Jay Johnson, City Manager, introduced and read Ordinance 19-O-4, An Ordinance Amending Number 16-O-24, and The Council Procedural Ordinance (2nd Reading) by title only.

ORDINANCE NO. 19-O-4

AN ORDINANCE AMENDING ORDINANCE NUMBER 16-O-24, THE COUNCIL PROCEDURAL ORDINANCE

BE IT ORDAINED by the City Council of the City of Anniston, Alabama as follows:

Section 1. The City Council of the City of Anniston, Alabama hereby amends and restates Ordinance Number 16-O-24, Section 11 in its entirety to read as follows:

“Section 11. The order of business for the Council, as set by the meeting agenda, shall be as follows:

1. Invocation
2. Pledge of Allegiance
3. Call to Order
4. Roll Call
5. Reading and Approval of the Minutes of the Previous Meeting
6. Additions to and Deletions from the Agenda
7. Adoption of the Agenda
8. Public Hearings
9. Unfinished Business
10. Consent Agenda
11. Motions
12. Resolutions
13. Ordinances
14. Additional or Other Matters
15. Informal Comments
16. Formal Comments
17. Council Comments
18. Adjournment

Section 2. The City Council of the City of Anniston, Alabama hereby amends and restates Ordinance Number 16-O-24, Section 12 in its entirety to read as follows:

“Section 12. No person not a member of the Council shall be allowed to address the same while in session without permission of the presiding officer, except for matters for which a public hearing is required or during that portion of the session designated for public comments. All persons addressing the Council shall clearly state their name and physical address for the official minutes of the meeting. All such persons shall be limited in his/her comments to three (3) minutes, unless the presiding officer grants exception for good cause.”

Section 3. This Ordinance upon its adoption and publication as required by law shall become effective on 21st day of May , 2019.

PASSED and ADOPTED this 21st day of May , 2019.

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/ Millie Harris, Council Member

Mayor Draper made a motion for passage and adoption of Ordinance 19-O-4, An Ordinance Amending Number 16-O-24, and The Council Procedural Ordinance. The motion was seconded by Council Member Reddick.

Council Member Little stated that he thinks they need more time for the formal agenda, they didn't put that in there, longer than 3 minutes to respond to them. It's not long enough and on the last vote tonight he cannot support it because they are not given the time necessary to dialogue with the public.

Council Member Reddick stated that agrees with the formal agenda, but what this does it moves the comment section to the end of the Council Meeting and it will start next week because it has to be published in the paper before.

On Call of the roll, the following vote was recorded ayes: Council Member Jenkins, Reddick, Harris, and Draper; nays: Council Member Little. The motion carried and Ordinance 19-O-4 was passed and adopted.

Council Member Jenkins wanted to highlight Armed Forces day out at McClellan put on by the National Guard, in addition 1500 contestants at the US Canine Biathlon (man & dog 5k challenge) Paul Hammond and his staff put on a superb event; he wanted to commend Mr. Folks, Darren Spruill and his staff for the soccer tournament with 5 teams over 2 day period.

Council Member Jenkins left the council chambers at 6:46 p.m.

Council Member Reddick stated that there were a lot of incentives given out and grant funding on the agenda. A lot of special attention for certain sections. He stated that "The challenge is when it comes to bringing in what we need, businesses etc., we don't get this type of participation." Today is the day of salvation and to choose who we follow. Wouldn't it be better to grow the city and offer incentives to those who are sincere. It takes the city staff buying in and believing in the city they work in and doing everything they can to bring in a business.

Council Member Little stated he wanted to get Mr. Stewart appointed to a board. He stated that he echoes Council Member Reddick, and he asked for some information on some lots in South Anniston so they can push an economic development project. The deputy city attorney is a position appointed by the council and not a state law. The AG's opinion is wrong. The Health Care Authority cannot dictate who should be on the board. He stated his appointment Edgar Brown should have been included. He stated he asked for the vote to send to the justice department on whether the City of Anniston's form of government is legal, because it was not precleared. The youth council is performing and coming along very well. Asked the council for \$100/month for the Youth Council. He stated that they should work with staff to bring businesses to the city.

Council Member Harris stated that last weekend was a stellar weekend for their entire region. She wanted to give her hats off to Brooke Nelson and the North East Bicycle Association for the Cheaha Challenge. She stated that she worked up there all day Saturday and there were over 1000 people there from all over the world to compete. Stated that she was not aware of them not cooperating on anything for West and South Anniston. That they hired an economic developer for just that purpose.

Mayor Draper wanted to thank anyone for coming.

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 Reddick; and on call of the roll, the following vote was recorded: ayes: Council Members Reddick, Little, Harris and Draper nays: none. The motion carried and the meeting was adjourned at approximately 6:56 p.m.