

8/28/18

Anniston, Alabama

August 28, 2018

The City Council of the City of Anniston, Alabama, met in Special Session in the Council Chamber in the City Hall of the City of Anniston, Alabama, on Tuesday, August 28, 2018, at approximately 4:15 o'clock p.m.

Jack Draper, Mayor, prayed the Invocation.

Jack Draper, Mayor, 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, Harris and Draper; absent: Council Member Little. A quorum was present and the meeting opened for the transaction of business.

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

Council Member Little enters the Council chambers at 4:18 o'clock p.m.

Jay Johnson, City Manager, introduced and read Resolution 18-R-154, A Resolution to authorizing the City Attorney to seek Declaratory Judgement Against J2 Investments, LLC.

Resolution 18-R-154

A RESOLUTION TO AUTHORIZING THE CITY ATTORNEY TO SEEK DECLARATORY JUDGEMENT AGAINST J2 INVESTMENTS, LLC

WHEREAS, the downtown area of Anniston is centrally located in the community, and has played a vital role in the history of development of the City; and

WHEREAS, Anniston is the government, legal, financial and medical center of Calhoun County; and
WHEREAS, it is believed additional hotel and meeting space within the downtown district is essential and necessary for the long-term benefit of the community; and

WHEREAS, by Resolution No. 17-R-59, the Council authorized the execution of Project Development Agreement (the "Agreement") with J2 Investments, LLC ("J2") to incentivize and facilitate the development of a nationally franchised hotel within Anniston's Urban Core;

WHEREAS, in accordance with the Agreement, the City conveyed certain real property to J2 for use in the development, subject to the City's right of reversion in the event of J2's failure to commence construction of the development;

WHEREAS, the Council finds that J2's actions and conduct since the execution of the Agreement evinces an intention to no longer be bound by the Agreement and perform its obligations thereunder;

WHEREAS, the Council further finds that, at this juncture, J2 cannot perform its obligations under the Agreement;

WHEREAS, the Council has determined that the City should pursue and exercise its legal rights and remedies so as to rescind the Agreement and recover marketable title to the real property so that the City can pursue its goals with another developer;

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

8/28/18

The City Attorney is hereby authorized and directed to file an action on behalf of the City against J2 Investments, LLC to pursue, protect, and enforce the City's rights and remedies, in law or equity, for the company's default, anticipatory breach, and its inability to perform the Agreement, including the City's right to reversion of the real property conveyed to the company, and such other relief as is just and appropriate under the circumstances.

PASSED AND ADOPTED THIS THE 28th DAY OF August, 2018.

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

Jay Johnson, City Manager, introduced and read Resolution 18-R-155, A Resolution Adopting the Budget for Fiscal Year 2019:

RESOLUTION NO. 18-R-155

A RESOLUTION ADOPTING THE BUDGET FOR FISCAL YEAR 2019

WHEREAS, the Code of Alabama 1975 title 45, Chapter 8A-Article 2 provides for the process, review, and adoption of an annual budget; and

WHEREAS, a public hearing on the proposed FY 2019 Annual Budget was held on August 21, 2018;

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

Section 1. That the budget attached hereto which each Council Member acknowledges having read and reviewed is hereby adopted as the Budget for the City of Anniston, Alabama for the Fiscal Year 2019.

Section 2. That the City Manager and the City Clerk shall certify the same as being the Budget for the City of Anniston and file the same in the office of the Director of Finance.

Section 3. That said Budget so certified shall be reproduced and sufficient copies be made available for use by all offices, departments, boards, and agencies of the City of Anniston and for use of interested persons.

Council Member Jenkins made a motion for an amendment to the Budget:

- Garbage Fees: Increase monthly cost from \$10.00 to \$12.00. This proposed increase will bring our revenue stream up approximately \$180,000.00
- Golf Fees: Increase price per round of 18 holes from \$29.00 to \$32.00, this will increase revenue by \$42,000.00
 - Shift membership to a two-tier membership, one that allows for unlimited play Monday—Thursday, and a second tier that allows for play for any day that would cost an additional \$30.00 per month. Total additional revenue, assuming 30% opt for a higher dollar membership, would be \$3,000.00
- Cane Creek Grill: Increase food items by \$.25-\$.50 per entrée will generate \$7,000.00 in additional revenue
- Meeting Center: Propose a flat rate \$200.00 base fee for anyone using the facility. Estimated increase in revenue would be \$10,000.00.

8/28/18

- Propose a fee increase for anyone providing food outside of the city to pay \$100.00 extra for the large room and \$50.00 extra for smaller rooms, generating another \$7,000.00.
- Business License: Increase in administrative fee for processing license application from \$10.00 to \$12.00, will generate an additional \$10,000.
- PARD: Noticed a line item for outside instructors at \$68,000; I do believe we have staff in place that can take on at least some of the roles for an increase in pay on at least some of these roles for an increase in pay that would be less than paying for outside instructor. Total estimated savings \$14,000.00.
- Fire Insurance Misprint: \$45,000.00
- Total Revenue Generated if all above are approved: \$317,000.00

With increased revenue, I propose we provide the following additions to the budget:

- \$40,000.00-YMCA after school program (inadvertently left out of the city manager budget)
- \$5,000.00- Fire Science Supplement (would cover cost for Anniston students)
- \$30,000.00- Public Works (two part-time employees to keep downtown clean)
- \$15,000.00- West 14th Street Sidewalk (design costs to allow for monies in bond to construction)
- \$15,000.00- Sidewalk along Greenbrier (design costs to extend sidewalk from grocery to neighborhoods)
- \$25,000.00- Economic Development (land acquisition and earthen building pad on South Leighton)
- \$10,000.00- Sidewalk on Tenth Street (extend existing walk from Lockwood to Tenth Street School)
- \$140,000.00- Repaving Projects (to complement paving work in bond and be completed in Spring)
- \$37,000.00- Reserves

The motion was seconded by Mayor Draper; and on call of the roll the following vote was recorded: ayes: Council Members Jenkins, Reddick, Harris and Draper; nays: Council Member Little. The motion carried.

Council Member Harris made a motion to amend the Jenkins amendment to take the \$15,000 for Sidewalk construction on Greenbrier and the \$25,000 on Economic Development on South Leighton to be used for security cameras. There was no second, the motion failed.

Council Member Reddick made a motion for an amendment to the Budget:

- Take \$25,000.00 from the monies proposed for the reserves, and place \$5,000.00 for each District in the form of a discretionary fund to help impact the districts in a positive way, such as supporting nonprofits or projects.

The motion was seconded by Council Member Little. and on call of the roll the following vote was recorded: ayes: Council Members Reddick and Little; nays: Council Member Jenkins, Harris, and Draper. The motion failed.

There being no further business to come before the meeting at that time Mayor Draper made a motion the meeting be adjourned. The motion was seconded by Council Member Jenkins; and on call of the roll the following vote was recorded: ayes: Council Members Jenkins, Reddick, Little, Harris and Draper; nays: none. The motion carried and the meeting was adjourned at approximately 5:19 o'clock p.m.