

8/27/2013

Anniston, Alabama
August 27, 2013

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 Tuesday, August 27, 2013, at approximately 6:05 o'clock p.m.

Bob Dean, Public Works Director, prayed the Invocation.

Bob Dean, Public Works Director, 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.

Don A. Hoyt, City Manager, was present.

Bruce Downey, City Attorney, was present.

Council Member Jenkins made a motion to waive the reading of the minutes of August 13, 2013. The motion was seconded by Council Member Selase; 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 approve the minutes of August 13, 2013. 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 add to the agenda a resolution appointing members to the Anniston Downtown Redevelopment Authority, a resolution designating certain on-street parking spaces for handicapped parking only, and a motion appointing an Interim City Manager and to adopt the agenda as amended. 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.

Mayor Stewart announced that was the time for the public hearing to hear objections to the abatement of identified public nuisances at the following locations: 921 Noble Street, 2012 Christine Avenue, 2013 Christine Avenue, 2009 Christine Avenue, 709 Smith Avenue, 1717 West 13th Street and 1719 West 13th Street; declared the hearing open and asked if anyone wished to address the Council concerning the abatement of identified public nuisances at the above stated locations.

No one addressed the Council concerning the abatement of identified public nuisances at the above stated locations.

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Mayor Stewart declared the public hearing to hear objections to the abatement of identified public nuisances at the following locations: 921 Noble Street, 2012 Christine Avenue, 2013 Christine Avenue, 2009 Christine Avenue, 709 Smith Avenue, 1717 West 13th Street and 1719 West 13th Street closed.

Council Member Jenkins introduced and read Resolution Number 13-R-198 as follows:

RESOLUTION NUMBER 13-R-198

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 are 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 27th day of August, 2013.

CITY COUNCIL OF THE CITY OF
ANNISTON, ALABAMA

By: /s/ Vaughn M. Stewart II, Mayor

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

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

By: /s/ Seyram Selase, Council Member

By: /s/ Millie Harris, Council Member

ATTEST:

/s/ Alan B. Atkinson, City Clerk

Council Member Jenkins made a motion for the passage and adoption of Resolution Number 13-R-198 as introduced and read. The motion was seconded by Council Member Reddick; and on call of the roll the following vote was recorded: ayes: Council Members Jenkins, Reddick,

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Selase, Harris and Stewart; nays: none. The motion carried and Resolution Number 13-R-198 was passed and adopted.

Council Member Reddick introduced and read Resolution Number 13-R-199 as follows:

RESOLUTION NO. 13-R-199

A RESOLUTION DECLARING VARIOUS VEHICLES AND PIECES OF EQUIPMENT AS SURPLUS AND AUTHORIZING THEIR SALE

WHEREAS, the City Council of the City of Anniston, Alabama, hereby finds that those certain motor vehicles/equipment and personal property more particularly described on Exhibit "A" attached hereto and incorporated herein are not now presently being used for municipal purposes, nor are they needed for use by the City of Anniston in the future, and

WHEREAS, the City Council is desirous of selling said motor vehicles/equipment at auction.

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

Section 1. That those certain motor vehicles/equipment more particularly described in Exhibit "A" attached hereto and incorporated herein for all purposes, be and the same are hereby declared surplus to the needs of the City of Anniston.

Section 2. That Alan B. Atkinson, City Clerk of the City of Anniston, be and he is hereby authorized, directed, and empowered to cause said motor vehicles/equipment to be sold at public auction for the highest and best bid, and the Alan B. Atkinson, City Clerk of the City of Anniston, is hereby authorized, directed, and empowered for and in the name of the City of Anniston to execute title certificates, bills of sale or other documents of conveyance to the purchasers at such auction for cash received for such purposes, provided, however, that all sales of motor vehicles/equipment made by the City as said auction shall be "as is – where is" with no warranties expressed or implied.

Section 3. This resolution shall become effective immediately upon its passage and adoption by the City Council.

PASSED AND ADOPTED this the 27th day of August, 2013.

CITY COUNCIL OF THE CITY OF
ANNISTON, ALABAMA

By: /s/ Vaughn M. Stewart II, Mayor

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

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

By: /s/ Seyram Selase, Council Member

By: /s/ Millie Harris, Council Member

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ATTEST:

/s/ Alan B. Atkinson, City Clerk

Council Member Reddick made a motion for the passage and adoption of Resolution Number 13-R-199 as introduced and read. The motion was seconded by Council Member Selase; 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 Resolution Number 13-R-199 was passed and adopted.

Council Member Selase introduced and read Resolution Number 13-R-200 as follows:

RESOLUTION NUMBER 13-R-200

A RESOLUTION AUTHORIZING THE CITY MANAGER OF ANNISTON, ALABAMA TO ENTER INTO AN AGREEMENT WITH YOUNG, WOLLSTEIN, JACKSON & WHITTINGTON, LLC

WHEREAS, the City of Anniston on August 1, 2013 published in the Anniston Star a Request for Statements of Qualifications (SOQs) from law firms with background in real estate to assist the City in the preparation of legal documents required for the administration of the Federal HOME and CDBG programs; and

WHEREAS, in response to the ad, only one firm responded to the SOQ and submitted the requested information; and

WHEREAS, staff has reviewed the Submittal from Young, Wollstein , Jackson and Whittington and determined that the firm has the requisite experience and its proposal is reasonable.

NOW THEREFORE BE IT RESOLVED, by the City Council of the City of Anniston, Alabama, that the City Manager is hereby authorized to enter into an agreement with Young, Wollstein , Jackson and Whittington for the purpose of providing legal services in conjunction with the CDBG and HOME programs and in accordance with their August 9, 2013 proposal.

PASSED AND ADOPTED this the 27th day of August, 2013.

CITY COUNCIL OF THE CITY OF
ANNISTON, ALABAMA

By: /s/ Vaughn M. Stewart II, Mayor

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

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

By: /s/ Seyram Selase, Council Member

By: /s/ Millie Harris, Council Member

ATTEST:

/s/ Alan B. Atkinson, City Clerk

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Council Member Selase made a motion for the passage and adoption of Resolution Number 13-R-200 as introduced and read. 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 and Resolution Number 13-R-200 was passed and adopted.

Council Member Harris introduced and read Resolution Number 13-R-201 as follows:

RESOLUTION NO.13-R-201

A RESOLUTION AUTHORIZING THE CITY MANAGER OF ANNISTON, ALABAMA TO ENTER INTO AN AGREEMENT ON BEHALF OF THE ANNISTON CALHOUN COUNTY HOME CONSORTIUM WITH NORTHEAST ALABAMA COMMUNITY DEVELOPMENT CORPORATION

WHEREAS, the Anniston Calhoun County HOME Consortium Board has approved the allocation of \$73,850 of 2011 HOME funds to Northeast Alabama Community Development Corporation a CHDO, under the HOME Program for the purchase and rehabilitation of units to be used for affordable housing in accordance with HOME regulation; and

WHEREAS, the city of Anniston, has been authorized to act in a representative capacity for all members of the Anniston Calhoun County HOME Consortium; and

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 agreement between the Anniston Calhoun County HOME Consortium and Northeast Alabama Community Development Corporation.

PASSED AND ADOPTED this the 27th day of August, 2013.

CITY COUNCIL OF THE CITY OF
ANNISTON, ALABAMA

By: /s/ Vaughn M. Stewart II, Mayor

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

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

By: /s/ Seyram Selase, Council Member

By: /s/ Millie Harris, Council Member

ATTEST:

/s/ Alan B. Atkinson, City Clerk

Council Member Harris made a motion for the passage and adoption of Resolution Number 13-R-201 as introduced and read. The motion was seconded by Council Member Jenkins; and on call of the roll the following vote was recorded: ayes: Council Members Jenkins, Reddick,

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Selase, Harris and Stewart; nays: none. The motion carried and Resolution Number 13-R-201 was passed and adopted.

Council Member Jenkins introduced and read Resolution Number 13-R-202 as follows:

RESOLUTION NO. 13-R-202

A RESOLUTION AUTHORIZING THE CITY MANAGER OF ANNISTON, ALABAMA TO ENTER INTO AN AGREEMENT ON BEHALF OF THE ANNISTON CALHOUN COUNTY HOME CONSORTIUM WITH THE RIGHT PLACE FOR HOUSING AND SUPPORT, AN ANNISTON – BASED NON-PROFIT SERVING HOMELESS AND LOW-INCOME FAMILIES IN CALHOUN COUNTY

WHEREAS, the Anniston Calhoun County HOME Consortium Board has approved the allocation of \$201,780 of 2011 HOME funds to The Right Place for Housing and Support for the construction of two (2) units of rental housing for low income renters; and

WHEREAS, the City of Anniston, has been authorized to act in a representative capacity for all members of the Anniston Calhoun County HOME Consortium; and

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 this transaction.

PASSED AND ADOPTED this the 27th day of August, 2013.

CITY COUNCIL OF THE CITY OF
ANNISTON, ALABAMA

By: /s/ Vaughn M. Stewart II, Mayor

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

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

By: /s/ Seyram Selase, Council Member

By: /s/ Millie Harris, Council Member

ATTEST:

/s/ Alan B. Atkinson, City Clerk

Council Member Jenkins made a motion for the passage and adoption of Resolution Number 13-R-202 as introduced and read. 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 Resolution Number 13-R-202 was passed and adopted.

Council Member Reddick introduced and read Resolution Number 13-R-203 as follows:

RESOLUTION NO. 13-R-203

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A RESOLUTION AUTHORIZING THE CITY MANAGER OF ANNISTON, ALABAMA TO ENTER INTO AN AGREEMENT ON BEHALF OF THE ANNISTON CALHOUN COUNTY HOME CONSORTIUM WITH THE HABITAT FOR HUMANITY OF CALHOUN COUNTY, ALABAMA

WHEREAS, the Anniston Calhoun County HOME Consortium Board has approved the allocation of \$250,000 of 2011 funds to Habitat for Humanity of Calhoun County, Alabama for the construction of three (3) new single family units and/ or the purchase of said units, by first time home buyers; and

WHEREAS, the City of Anniston, has been authorized to act in a representative capacity for all members of the Anniston Calhoun County HOME Consortium; and

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 HOME project with Habitat for Humanity of Calhoun County, Alabama.

PASSED AND ADOPTED this the 27th day of August, 2013.

CITY COUNCIL OF THE CITY OF
ANNISTON, ALABAMA

By: /s/ Vaughn M. Stewart II, Mayor

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

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

By: /s/ Seyram Selase, Council Member

By: /s/ Millie Harris, Council Member

ATTEST:

/s/ Alan B. Atkinson, City Clerk

Council Member Reddick made a motion for the passage and adoption of Resolution Number 13-R-203 as introduced and read. The motion was seconded by Council Member Selase; 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 Resolution Number 13-R-203 was passed and adopted.

Council Member Selase introduced and read Resolution Number 13-R-204 as follows:

RESOLUTION NUMBER 13-R-204

A RESOLUTION APPOINTING MEMBER(S) TO THE ANNISTON DOWNTOWN
REDEVELOPMENT AUTHORITY

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

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- Section 1. That the following be and they are hereby appointed to the Anniston Downtown Redevelopment Authority: Kendra Gordon, September 30, 2019; James D. Montgomery, September 30, 2018.
- Section 2. That the City Clerk cause copies of this Resolution to be mailed to the above named appointees and to said board.

PASSED AND ADOPTED this the 27th day of August, 2013.

CITY COUNCIL OF THE CITY OF
ANNISTON, ALABAMA
By: /s/ Vaughn Stewart, Mayor
By: /s/ Jay W. Jenkins, Council Member
By: /s/ David E. Reddick, Council Member
By: /s/ Seyram Selase, Council Member

ATTEST:

/s/ Alan B. Atkinson, City Clerk

Council Member Selase made a motion for the passage and adoption of Resolution Number 13-R-204 as introduced and read. The motion was seconded by Council Member Reddick.

Council Member Reddick made a motion to amend Resolution Number 13-R-204 to add James D. Montgomery, Sr. as an appointee to the Anniston Downtown Redevelopment Authority. The motion was seconded by Council Member Selase; 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 Harris stated they were given some guidelines for appointments to this board and she did not feel like she had enough information to vote for both people because she did not know enough about their qualifications. She stated if she was given advance notice she would be fine with it but this was a very crucial board for downtown redevelopment and it was absolutely imperative that they get the right people. She stated she did not have enough information about the qualifications of one of these appointees.

On call of the roll on Council Member Selase's motion for the passage and adoption of Resolution Number 13-R-204 as amended and Council Member Reddick's second to said motion following vote was recorded: ayes: Council Members Jenkins, Reddick, Selase, and Stewart; nays: none; abstentions: Council Member Harris. The motion carried and Resolution Number 13-R-204 was passed and adopted.

Council Member Harris introduced and read Resolution Number 13-R-205 as follows:

RESOLUTION NO. 13-R-205

8/27/2013

A RESOLUTION DESIGNATING CERTAIN ON-STREET
PARKING SPACES FOR HANDICAPPED PARKING ONLY

WHEREAS the City Council of the City of Anniston, Alabama (the “Council”) finds that there is a need to designate certain on-street “handicapped parking only” parking spaces on 13th Street and Gurnee Avenue;

WHEREAS the Council is authorized, pursuant to Section 15.30.1 of the Code of Ordinances for the City of Anniston, to designate certain on-street parking spaces for “handicapped parking only” and to direct the public works director to appropriately mark such spaces for such purpose;

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

Section 1. The following on-street parking spaces shall be designated as “handicapped parking only”:

1. Two (2) on-street parking spaces on the south-side of West 13th Street, one on each side of the handicap ramp accessing the Justin Sollohub Justice Center;
2. One (1) on-street parking space on the west-side of Gurnee Avenue in close proximity to the handicap ramp accessing the Justin Sollohub Justice Center.

Section 2. The director of public works is hereby directed to conspicuously designate said parking spaces by signs or pavement markings for the purpose of “handicapped parking only.”

PASSED AND ADOPTED this the 27th day of August, 2013.

CITY COUNCIL OF THE CITY OF
ANNISTON, ALABAMA

By: /s/ Vaughn M. Stewart II, Mayor

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

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

By: /s/ Seyram Selase, Council Member

By: /s/ Millie Harris, Council Member

ATTEST:

/s/ Alan B. Atkinson, City Clerk

Council Member Harris made a motion for the passage and adoption of Resolution Number 13-R-205 as introduced and read. 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 Resolution Number 13-R-205 was passed and adopted.

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Mayor Stewart made a motion to approve an unbudgeted expenditure of \$29,644.00 to the Spirit of Anniston to supplement operations. The motion was seconded by Council Member Harris.

Mayor Stewart stated that the last Council had funded the Spirit of Anniston for nine months. He stated this would bring them up to date through the 2013 fiscal year.

Council Member Reddick stated there was just two months left to fund them and some of this expense could be paid for from the Spirit's operating budget. He stated he felt some of these expenses were a little excessive.

Council Member Jenkins stated that the Spirit had been funded for only nine months by the last Council. He stated some of these expenses were annual cost that they had deferred until they could secure additional funding.

Council Member Selase stated he supports the Spirit of Anniston and he was looking forward to things to come.

Council Member Reddick stated he supports the Spirit of Anniston but he would like to see more fiscal responsibility.

On call of the roll on Mayor Stewart's motion to approve an unbudgeted expenditure of \$29,644.00 to the Spirit of Anniston to supplement operations and Council Member Harris' second to said motion the following vote was recorded: ayes: Council Members Jenkins, Selase, Harris and Stewart; nays: Council Member Reddick. The motion carried.

Council Member Jenkins made a motion to authorize the City Manager to negotiate standard "mow-to-Own" Lease Agreements consistent with State law and Council policies adopted on August 23, 2011 and October 9, 2012 with the following applicants (see Exhibit A) and, upon completion of said negotiations, to submit said agreements for approval by the Council. The motion was seconded by Council Member Selase; 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.

Mayor Stewart made a motion to appoint Danny McCullars, Finance Director, as Interim City Manager effective September 1, 2013. 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.

Alan Atkinson, City Clerk, stated that with a consensus of the Council there would be a public hearing on the proposed budget for Fiscal Year 2014 on September 10, 2013, at 6:00 o'clock p.m. in the Council Chambers.

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

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Jenkins, Reddick, Selase, Harris and Stewart; nays: none. The motion carried and the meeting was adjourned at approximately 6:55 o'clock p.m.