

Anniston, Alabama

December 18, 2018

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, December 18, 2018, at approximately 5:31 o'clock p.m.

Benjamin Little, Council Member, prayed the Invocation.

Benjamin Little, Council Member, 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 Harris made a motion to waive the reading and approve the minutes of the November 5, 2018 meeting. The motion was seconded by Council Member Jenkins; and on call of the roll the following vote was recorded: ayes: Council Member Jenkins, Harris, Draper; nays: Council Member Reddick and Little. The motion carried.

Council Member Harris made a motion to waive the reading and approve the minutes of the November 13, 2018 meeting. The motion was seconded by Council Member Jenkins; and on call of the roll the following vote was recorded: ayes: Council Member Jenkins, Harris, Draper; nays: Council Member Reddick and Little. The motion carried.

Mayor Draper made a motion to waive the reading and approve the minutes of the November 27, 2018 meeting. The motion was seconded by Council Member Jenkins; and on call of the roll the following vote was recorded: ayes: Council Member Jenkins, Harris, Draper; nays: Council Member Reddick and Little. The motion carried.

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

William Couch, 58 Sunset Drive, addressed the Council on Council member Little's statements and actions at the previous meeting

Jason Oliver, 1111 Glenwood Terrace, urges the council to move forward the Federal Courthouse Development and put aside their petty differences.

Roger Trammell, discussed a nuisance house on his street that has drug dealing and prostitution and nothing has been done since he last brought this to the council on September 4, 2018.

Dave Hargrove, ATT&T governmental affairs, discussed that the council not place a moratorium on the issuance of new telecommunication towers within the corporate limits.

Jim Sterling, Ward 3, has a heart for West Anniston and very much wants to see the Federal Courthouse come to the city.

Bill Robertson, 1031 Mont View, thanks the council for times they have come together and unanimously voted on issues. He wants the vote on the cell towers to go down with a 5-0 vote, no.

Mike Huckabee, 1125 Forrest Lane, stated that he is not moving his Cadillac dealership out of Anniston because he believes in Anniston and wants the council to move forward.

Glen Ray, 3514 Dale Hollow Road, council needs to put their differences aside and do what is right for the City.

Walker Mason, 126 W. 10th St, stated that the biggest issue is pride.

Jerry King, 820 Jefferson Ave, encourages the council to move forward with the Federal Courthouse and have the city grow and prosper.

Tony Walker stated the council is good at setting policy and that they all want to go in the same direction, and he urges and encourages the Council to be the person God wants you to be

Robert Downing, 1330 Woodstock Ave, addressed the issue of the federal courthouse and encourages the council to be supportive of the project.

Mayor Draper made a motion to approve the consent agenda:

- (a) Resolution authorizing reimbursements to city officials for expenses incurred while traveling away from the City. (18-R-192)
- (b) Resolution committing to the 2020 Census Partnership. (18-R-193)
- (c) Resolution appointing a member to the Policemen & Firemen Pension-Susan Ponder. (18-R-194)
- (d) Motion to suspend the rule requiring the City Council to meet on the first Tuesday of January 2019, and to schedule a City Council meeting for Tuesday January 8, 2019 at 5:30 p.m. in the City Council Chambers.

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 consent agenda was approved.

Jay Johnson, City Manager, read and introduced Ordinance 18-O-17, An Ordinance declaring surplus real property and authorizing conveyance of the same.

ORDINANCE NO. 18-O-17

AN ORDINANCE DECLARING SURPLUS REAL PROPERTY AND AUTHORIZING CONVEYANCE OF THE SAME

WHEREAS, the City of Anniston does own and possess certain real property located 0 Grant Avenue, Anniston, Alabama 36207, and more specifically described as follows:

Lot 6 in Block 1 in Division A as shown by Stonestreet's Map of the South Anniston Land Company's Property, as recorded in Plat Book A Page 368 in the Office of the Probate Judge of Calhoun County, Alabama.

Parcel Number: 21-03-08-4-001-050.000

Pin Number: 66141

(referred to herein as the "Property").¹

WHEREAS, the Property is vacant and located in a residential area without any connection to other municipal properties, and the City does not need or utilize the Property for any municipal or public purpose;

WHEREAS, Houston Griggs owns the adjacent parcel located at 11 Grant Avenue, Anniston, Alabama 36207 and resides thereon;

WHEREAS, Houston Griggs desires to acquire the Property from the City;

WHEREAS, Houston Griggs has for many years provided services to the City through the maintenance and upkeep of the Property, which has benefited the City and the public;

WHEREAS, in consideration of those services provided by Houston Griggs to the City, which the Council finds to be good, valuable and sufficient under the circumstances, the Council finds that it is in the best interests of the City and its citizens to convey the City's title and interest in the Property, if any, to Houston Griggs, subject to the terms and conditions set forth below;

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

1. Declaration of Surplus Real Property. It is hereby established and declared that the City of Anniston's interest in the Property is surplus real property that is no longer used or needed by the City for public or municipal purposes.

1 The City has not made any independent search or investigation of its title or the legal description, and the City makes no warranties or representations as to the same.

2. Conveyance of the Property to the Houston Griggs. The Mayor and the City Clerk are hereby authorized and directed to execute and attest, respectively, for and on behalf of the City of Anniston, Alabama, a quitclaim deed in the form and substance of

Exhibit A, hereto, granting the City's right and title to the Property, if any, to Houston Griggs.

3. Effective Date. This ordinance shall become effective immediately upon its adoption and publication one (1) time in The Anniston Star, a newspaper of general circulation published in the City of Anniston, Alabama. The City Clerk is hereby ordered and directed to cause a copy of this ordinance to be published one time in said newspaper.

PASSED and ADOPTED this 19th day of December 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/Ben Little, Council Member

By:/s/Millie Harris, Council Member

Council Member Reddick made a motion for unanimous consideration of Ordinance 18-O-17, An Ordinance declaring surplus real property and authorizing conveyance of the same. 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 for unanimous consideration of Ordinance 18-O-, was carried.

Council Member Little made a motion for passage and adoption of Ordinance 18-O-17, An Ordinance declaring surplus real property and authorizing conveyance of the same. 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 Ordinance 18-O-, was passed and adopted.

Jay Johnson, City Manager, introduced and read Resolution 18-R-195, A resolution authorizing the Mayor to Execute an Equipment Lease Agreement and Supporting Documents with BancorpsSouth Equipment Finance for one new street sweeper:

RESOLUTION NUMBER 18-R-195

AUTHORIZING THE MAYOR TO EXECUTE AN EQUIPMENT LEASE AGREEMENT AND SUPPORTING DOCUMENTS WITH BANCORPSOUTH EQUIPMENT FINANCE FOR ONE NEW STREET SWEEPER

WHEREAS, the City Council (the "Governing Body") of the City of Anniston, AL (the "Buyer"), acting for and on behalf of the Buyer hereby finds it necessary to acquire certain item(s) of equipment (the Equipment) for governmental or proprietary purposes authorized by law; and

WHEREAS, The Buyer desires to enter into a Contract with the Exhibits attached thereto in substantially the same form as attached hereto as Exhibit "A" (the "Contract") with BancorpSouth Equipment Finance, a division of Bancorp Bank (the "Seller") for the purpose of a lease/purchase of the equipment as described therein; and

WHEREAS, The Buyer desires to designate the Contract as a qualified tax-exempt obligation of Buyer for purposes of Section 265(b)(3) of the Internal Revenue Code of 1986 (the "Code").

NOW, THEREFORE, BE IT RESOLVED by this Governing Body for and on behalf of the Buyer as follows:

Section 1. The Contract and Exhibits attached thereto is hereby approved and the Mayor and City Clerk (hereinafter the Authorized Officers) are hereby authorized and directed to execute said Contract on behalf of the Buyer. Such Agreement shall be in substantially the form attached hereto in substantially the same form as attached hereto as Exhibit "A" with such appropriate variations, omissions and insertions as are permitted or required by this Resolution and as are consented to by the Buyer's representatives (the Authorized Officers) executing the Agreement, such consent being evidenced by their signatures.

Section 2. The Delivery Order is being issued in calendar year 2018.

Section 3. Neither any portion of the gross proceeds of the Contract nor the Equipment identified to the Contract shall be used (directly or indirectly) in a trade or business carried on by any person other than a governmental unit, except for such use as a member of the general public.

Section 4. No portion of the rental payments identified in the Contract (a) is secured, directly or indirectly, by property used or to be used in a trade or business carried on by a person other than a governmental unit, except for such use as a member of the general public, or by payments in respect of such property; or (b) is to be derived from payments (whether or not to Buyer) in respect of property or borrowed money used or to be used for a trade or business carried on by any person than a governmental unit.

Section 5. No portion of the gross proceeds of the Contract are used (directly or indirectly) to make or finance loans to persons other than governmental units.

Section 6. Buyer hereby designates the Contract as a qualified tax-exempt obligation for purposes of Section 265(b) of the Code.

Section 7. In calendar year 2018, Buyer has designated \$3,000,000 of tax exempt obligations (including the Contract) as qualified tax-exempt obligations. Including the Contract herein so designated. Buyer will not designate more than \$10,000,000 of obligations issued during calendar year 2018 as qualified tax-exempt obligations.

Section 8 Buyer reasonably anticipates that the total amount of tax-exempt obligations (other than private activity bonds) to be issued by Buyer during calendar year 2018 will not exceed \$10,000,000.

Section 9. For purposes of this resolution, the amount of tax-exempt obligations stated as either issued or designated as qualified tax-exempt obligations including tax-exempt obligations issued by all entities deriving their issuing authority from Buyer or by an entity subject to substantial control by Buyer as provided in Section 265(b)(3) of the Code.

Section 10. The Authorized Officers are further authorized for and on behalf of the Governing Body and the Buyer to do all things necessary in furtherance of the obligations of the Buyer pursuant to the Contract, including execution and delivery of all other documents necessary or appropriate to carry out the transactions contemplated thereby in accordance with the terms and provisions thereof.

PASSED AND ADOPTED this the 18th day of December 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

Council Member Jenkins made a motion for passage and adoption of Resolution 18-R-195. 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 18-R-195 was passed and adopted.

Jay Johnson, City Manager, introduces and explains Resolution 18-R-196, A Resolution Adopting Annual Fee Schedule:

RESOLUTION NUMBER 18-R-196

A RESOLUTION ADOPTING ANNUAL FEE SCHEDULE

WHEREAS, Chapter 2, Section 2.3.2 of “The Code of the City of Anniston, 1981” authorized the Council to adopt by Resolution an annual fee schedule setting forth the administrative fees to be charged by the City for the services and permits identified therein;

WHEREAS, in consideration of the needs and best interests of the City and its citizens, the Council has duly considered, stated and adopted the appropriate administrative fees to be charged by the City, which are set forth in the Calendar Year 2019 Administrative Fee Schedule;

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

Section 1. The Council does hereby adopt the Calendar Year 2019 Administrative Fee Schedule, which shall set and govern the administrative fees to be charged by the City for the services and permits identified therein.

Section 2. The Calendar Year 2019 Administrative Fee Schedule shall take effect on the 1st day of January, 2019 and shall continue in force and application until amended by resolution of the Council.

PASSED AND ADOPTED this the 18th day of December, 2018.

CITY COUNCIL OF THE CITY OF ANNISTON, ALABAMA

By:/s/ Jack Draper, Mayor

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

By:/s/ Millie Harris, Council Member

Council Member Harris made a motion for passage and adoption of Resolution 18-R-196. The motion was seconded by Council Member Jenkins and on call of the roll the following vote was recorded: ayes: Council Member Jenkins, Harris, and Mayor Draper; abstentions: Council Member Reddick; nays: Council Member Little. The motion carried and Resolution 18-R-196 was passed and adopted.

Jay Johnson introduced and read Resolution 18-R-197:

RESOLUTION NO. 18-R-197

RESOLUTION EXTENDING THE MORATORIUM ON THE ISSUANCE OF NEW MACRO-TELECOMMUNICATION TOWER PERMITS WITHIN THE CORPORATE LIMITS OF THE CITY OF ANNISTON

WHEREAS, by Resolution No. 18-R-18, the Council for the City of Anniston (the “Council”) imposed a six-month moratorium on new macro-telecommunication towers and facilities within the corporate limits;

WHEREAS, the Council imposed the moratorium so as to provide an opportunity for the Council and the Planning Commission to review and deliberate the zoning regulations governing the placement and installation of telecommunications towers and facilities within the City;

WHEREAS, the Council finds that additional time is needed in order to accomplish the public purposes for the moratorium;

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

Section 1. The Council finds that an extension of the moratorium on the issuance or approval of new permits for telecommunications towers and facilities is necessary to allow the Council and Planning Commission an opportunity to review, deliberate and adopt plans, regulations and ordinances governing their placement, installation or construction within the corporate limits of the City.

Section 2. In order to protect and preserve the public order, health, safety and welfare, the Council hereby extends the moratorium on the issuance or approval of new permits for telecommunications towers and facilities within the corporate limits of the City. The moratorium shall expire on the close of business on June 16, 2019.

Section 3. This resolution shall take immediate effect upon its passage and adoption by the Council.

PASSED and ADOPTED on this the 18th day of December, 2018.

COUNCIL FOR THE CITY OF ANNISTON, ALABAMA

Jack Draper, Mayor
Jay W. Jenkins, Councilmember
David Reddick, Councilmember
Ben Little, Councilmember
Millie Harris, Councilmember

Council Member Jenkins made a motion to change the language in Resolution 18-R-197, in the first paragraph, second line and the title, from new telecommunications towers to macro-telecommunications towers. The motion was seconded by Mayor Draper and on call of the roll the following the vote was recorded: ayes: Council Member Jenkins, Reddick, Little, Harris, and Draper; nays: none. The motion carried.

Council Member Jenkins made a motion to shorten the moratorium on the issuance of macro-telecommunications towers from six months to three months. The motion was seconded by Mayor Draper and on call of the roll the following vote was recorded: ayes: Council Member Jenkins, Harris, and Draper; nays: Council Member Reddick and Little. The motion carried.

Mayor Draper made a motion for passage and adoption of Resolution 18-R-197, A Resolution extending the moratorium on the issuance of new macro-telecommunication tower permits within the corporate limits of the City of Anniston. 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 Resolution 18-R-197 was passed and adopted.

Jay Johnson, City Manager, introduced and read Resolution 18-R-198, A Resolution committing to convey real property to the Anniston Housing Authority:

RESOLUTION NO. 18-R-197

RESOLUTION COMMITTING TO CONVEY REAL PROPERTY TO THE ANNISTON HOUSING AUTHORITY

WHEREAS, the Anniston Housing Authority (“AHA”) is pursuing the construction of new, modern affordable housing in connection with its the redevelopment of the Barber Terrace Public Housing property (the “Barber Terrace Project”);

WHEREAS, AHA desires to acquire the City owned real property located at 0 D Street comprising +/- 3.81 acres (the “Property”) to be used for the Barber Terrace Project;

WHEREAS, AHA intends to submit a January 2019 Low Income Housing Tax Credit application and request a 2019 HOME funding allocation to facilitate the Barber Terrace Project;

WHEREAS, the Council desires to convey the Property to AHA for use in the Barber Terrace Project and to express its commitment to do the same;

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

Section 1. The City supports AHA’s Barber Terrace Project and recognizes the positive impact it will make towards addressing the need for new affordable housing within the City. The City commits to supporting the Barber Terrace Project by conveying the Property to AHA for use in connection therewith.

Section 2. AHA is authorized to include the Property in its January 2019 Low Income Housing Tax Credit application and request for a 2019 HOME funding allocation.

Section 3. The City Manager is authorized to prepare and execute an agreement for the City’s conveyance Property located at 0 D Street to AHA, which conveyance shall be made upon the approval of AHA’s application, AHA’s decision to proceed with the Barber Terrace Project, and the Council’s adoption of an ordinance declaring the Property surplus.

PASSED and ADOPTED on this the 18th day of December, 2018.

CITY COUNCIL OF THE CITY OF ANNISTON, ALABAMA

By:/s/ Jack Draper, Mayor

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

By:/s/ Millie Harris, Council Member

Mayor Draper made a motion for passage and adoption of Resolution 18-R-198. The motion was seconded by Council Member Jenkins.

Council Member Reddick made a motion to table Resolution 18-R-198 until further vetting of the Housing Authority Board. The motion was seconded by Council Member Little, and on call of the roll the following vote was recorded: Council Member Reddick and Little; nays: Council Member Jenkins, Harris, and Draper. The motion to table failed.

And on call of the roll the following vote was recorded: ayes: Council Member Jenkins, Harris, and Draper; nays: Council Member Reddick and Little. The motion carried and Resolution 18-R-198 was passed and adopted.

Jay Johnson, City Manager, read and introduced Resolution 18-R-199, A Resolution naming a new street within the City:

RESOLUTION NUMBER 18-R-199

A RESOLUTION NAMING A NEW STREET WITHIN THE CITY

WHEREAS, the City Council acknowledges that a proposed development located south of East 8th Street and west of the westernmost portion of Orchard Street, intends to dedicate a portion of the development as City of Anniston right-of-way; and

WHEREAS, the proposed right-of-way is estimated to be approximately 455 feet long along the eastern portion of the development and will be subject to the Subdivision Regulations of the City of Anniston prior to acceptance; and

WHEREAS, this street will be adjacent to the former Tyler Park and to the surrounding 1880's Tyler Subdivision; and

WHEREAS, the acceptance of this new street is deemed to be in the public interest.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Anniston Contingent upon the adherence of the Subdivision Regulations and completion of the development, the City of Anniston designates the aforementioned potential right-of-way as Tyler Avenue; subject to review and approval of the Calhoun County E911 Center.

PASSED AND ADOPTED this the 18th day of December, 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

Council Member Harris made a motion for passage and adoption of Resolution 18-R-199. 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 18-R-199 was passed and adopted.

RESOLUTION NO. 18-R-200

Resolution Ratifying, Approving, and Consenting to GSA's selection of the City Hall Site for the New Anniston, Alabama U.S. Courthouse; Authorizing the Mayor and City Manager to represent the City in the Acquisition Process, including negotiations with GSA for its acquisition of the City Hall Site and the City's potential acquisition of the Existing Anniston, Alabama U.S. Courthouse

WHEREAS, in 2016, the United States Congress appropriated funding for the construction of a new federal courthouse in Anniston, Alabama, for the U.S. District Court for Northern District of Alabama;

WHEREAS, the New Anniston, Alabama U.S. Courthouse is slated to be constructed as a 63,000-gross-square-foot federal courthouse with two courtrooms and three judges' chambers, along with the U.S. Marshals Service, the U.S. Attorney's Office and other related tenants;

WHEREAS, numerous City officials and community leaders over several administrations have worked diligently over many years in cooperation with the City's federal Senators and Representatives to bring the New Anniston, Alabama U.S. Courthouse to fruition;

WHEREAS, the Council for the City of Anniston fully supports and greatly appreciates the federal government's critical and substantial investment in Anniston, Alabama, which will bring many lasting benefits to the City and its citizens, and the Council is entirely committed to taking any available and appropriate measures to facilitate and accommodate the project;

WHEREAS, upon the announcement of the 2016 Congressional appropriation, the City's Mayor, City Manager and City staff began working with the General Services Administration ("GSA"), the U.S. District Court for the Northern District of Alabama, and other federal agencies, officials and representatives to assist and expedite the project, and the Council commends them for their efforts;

WHEREAS, in anticipation of GSA's site selection process, the City Manager submitted a proposal to GSA for the location of the New Anniston, Alabama U.S. Courthouse on the site on which the Anniston City Hall is currently located;

WHEREAS, the City Hall site is an ideal property within Anniston's downtown venue for the location of the New Anniston, Alabama U.S. Courthouse, and its construction will anchor and spur future growth and development within the City;

WHEREAS, the Council has previously supported the City Manager's proposal and has continued the prior Council's and administration's efforts to secure the New Anniston, Alabama U.S. Courthouse on the City Hall site;

WHEREAS, as a sign of the Council's continued commitment to make the City Hall site available to GSA for the New Anniston, Alabama U.S. Courthouse, the Council undertook an exhaustive search for a new City Hall, and the Council has selected the Anniston Star's building as the location with the intention to vacate the current City Hall property no later than September 1, 2019 so that GSA can commence construction of the courthouse project;

WHEREAS, in accordance with the City of Anniston's form of government, as established by the City's election to be governed under the City Manager Act of 1953, the Mayor and City Manager have appropriately interfaced with GSA on the City's behalf with respect to its selection of the City Hall site for the New Anniston, Alabama U.S. Courthouse, and the Council desires to ratify and endorse their actions and conduct in this regard, specifically;

WHEREAS, under the City's form of government, the members of the Council only act and speak on behalf of the City through the business conducted by the governing body, as a whole, during official meetings of the Council;

WHEREAS, no individual member of the Council possesses the right or authority to speak or act on behalf of the City or in the City's name, unless such power is specifically conferred upon the member by the governing body for an express purpose, and no unauthorized statement or act by an individual

member of the Council shall be considered or construed as an official statement, act or position of the City or its governing body;

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

Section 1. The Council fully and unequivocally endorses, ratifies, approves and consents to GSA's selection of the City Hall site for the location of the New Anniston, Alabama U.S. Courthouse. The City Manager is directed to diligently proceed with and implement the Council's plan to relocate City Hall to the Anniston Star building and to vacate the current City Hall site by September 1, 2019 in accordance with the timeline previously communicated by GSA for the commencement of construction on the City Hall site.

Section 2. The Mayor and City Manager are hereby expressly and specifically vested with the right to authority to speak on behalf of the City in its dealings and communications with GSA and any other federal entity, agency or representative, including the negotiations with respect to the acquisition of the City Hall site and the City's potential acquisition of the existing Anniston, Alabama U.S. Courthouse. In doing so, the Mayor and City Manager shall be guided and directed by the Council's desire to expedite and promote the project and the Council's intention to secure the New Anniston, Alabama U.S. Courthouse on the City Hall site.

Section 3. The Mayor and City Manager are directed to regularly report to the Council and keep the body informed on the status of the acquisition process and related negotiations. The Mayor and City Manager shall present the negotiated terms and conditions to the Council and make a recommendation with respect thereto.

PASSED and ADOPTED on this the 18th day of December, 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/Millie Harris, Council Member

Mayor Draper made a motion for passage and adoption of Resolution 18-R-200, A Resolution Ratifying, Approving, and Consenting to GSA's selection of the City Hall Site for the New Anniston, Alabama U.S. Courthouse; Authorizing the Mayor and City Manager to represent the City in the Acquisition Process, including negotiations with GSA for its acquisition of the City Hall site and the City's potential acquisition of the Existing Anniston, Alabama U.S. Courthouse. The motion was seconded by Council Member Reddick; and 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 Resolution 18-R-200 was passed and adopted.

Jay Johnson, City Manager, introduced and read Resolution 18-R-201, A Resolution Requiring Repayment of Council Line-Item Budget Overage:

Resolution 18-R-201

Resolution Requiring Repayment of Council Line-Item Budget Overage

WHEREAS, “no officer, department or agency shall, during any budget year, expend or contract to expend any money or incur any liability, or enter into any contract which by its terms involves the expenditure of money, for any purpose, in excess of the amounts appropriated for that general classification of expenditure pursuant to this part.” (Ala. Code & 45-8A-23.178.)

WHEREAS, The City of Anniston Fiscal Year 2018 Budget, approved on September 5, 2017, appropriated a line item travel expenditure of \$5,000 per council member per fiscal year.

WHEREAS, Council member Benjamin L. Little’s travel expenditure in fiscal year 2018 exceeded the total \$5,000 appropriation per council member by \$1,200.

WHEREAS, “any officer or employee of the city who shall violate this section shall be guilty of a misdemeanor and, upon conviction thereof, shall cease to hold his or her office or employment.” (Ala. Code & 45-8A-23.178)

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

1. Council Member, Benjamin L. Little is hereby censured for mismanagement of public funds entrusted to him by the taxpayers and citizens of the City of Anniston.

PASSED and ADOPTED on this the 18th day of December, 2018.

CITY COUNCIL OF THE CITY OF ANNISTON, ALABAMA

By:/s/ Jack Draper, Mayor

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

By:/s/ Millie Harris, Council Member

Council Member Harris made a motion for passage and adoption of Resolution 18-R-201. The motion was seconded by Council Member Jenkins and on call of the roll the following vote was recorded: ayes: Council Member Jenkins, Harris, and Draper; nays: Council Member Reddick and Little. The motion carried and Resolution 18-R-201 was passed and adopted.

Bruce Downey, City Attorney, read and introduced Resolution 18-R-202, Resolution Regarding Equal Employment and Non-discrimination:

Resolution 18-R-202

Resolution Regarding Equal Employment and Non-Discrimination

WHEREAS, the City of Anniston provides equal opportunity to all individuals and does not permit or condone unlawful discrimination or harassment against any individual based on any characteristic protected by applicable federal, state or local law;

WHEREAS, The City of Anniston Policies and Procedures Manual calls on the City’s employees to report acts of discrimination and harassment, or any good faith belief that the same has occurred, so that the City can take the appropriate corrective action, and the City’s employees shall be protected from retaliation or harassment for making such reports;

WHEREAS, on November 24, 2018, Council Member David E. Reddick sent an email to City Manager, Jay Johnson calling for his resignation, stating among other things, "There are younger, more inergetic [sic] people out there that would love the opportunity to come to a city like ours to make things happen." ;

WHEREAS, no individual Council Member has the power or authority to terminate the City Manager's employment or to effectuate the City Manager's resignation;

WHEREAS, pursuant to the City Manager Act of 1953 (Ala. Code § 45-8A-23, et seq.), under which the City of Anniston is governed and organized, the Council can only appoint or remove the City Manager by a majority vote of the whole qualified membership of the Council (§§45-8A-23.057-058);

WHEREAS, Council Member Reddick's statements were made as an individual member of the Council, not on behalf of the Council as a whole, and were made without consultation, consent, approval or knowledge of the governing body.

WHEREAS, the Council, as the governing body for the City of Anniston and authority charged with the appointment and removal of the City Manager, desires to repudiate and renounce Council Member Reddick's statement invoking or referencing the City Manager's age as a consideration with respect to any aspect of his employment, including hiring, firing, pay, job assignments, promotions, layoff, training, benefits, and any other term or condition of employment;

WHEREAS, to the contrary, the City Manager's age or any other protected characteristic he may possess is not, and shall not be, a factor in any way with respect to the City Manager's employment or any aspect thereof;

WHEREAS, the Council further desires to express its appreciation for the City Manager's leadership and service to the City of Anniston, its governing body, and its citizens;

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

Section 1. The council unequivocally affirms and ratifies the City's policies of equal employment and prohibitions against unlawful discrimination, harassment and retaliation, which shall apply to all officers and employees of the City.

Section 2. The Council further affirms that no individual member is the City Manager's supervisor, as such authority and responsibility lies with the governing body as a whole. No individual member of the Council has the power or authority to take or effect any tangible employment actions with respect to the City Manager's employment or any aspect thereof. Likewise, the City Manager is the chief administrative officer of the City's government and is responsible to the governing body, not its individual members, for the proper administration of the affairs of the City. No individual member of the Council has the power or authority to direct the City Manager's daily work activities.

Section 3. The Council repudiates and renounces Council Member Reddick's statements calling for the City Manager's resignation and, specifically, any reference Council Member Reddick gas made to the City Manager's age or other protected characteristic with respect to the City Manager's job performance, employment, or any aspect thereof.

Section 4. The council has not considered, and shall not consider, the City Manager's age or other protected characteristics as a factor, in any way, with respect to the City Manager's job performance,

employment or any aspect thereof, including hiring, firing, pay, job assignments, promotions, layoff, training, benefits, and any other term or condition of employment. The Council admonishes its individual members accordingly.

Section 5. The Council commends the City Manager for reporting the statements made by Council Member Reddick to his supervisory authority, as the City expects from all its employees. The City Manager is directed to notify the Mayor and City Attorney of any discriminatory or harassing statements or conduct directed towards him, or any belief that the same has occurred, so that the Council can implement the appropriate corrective action.

Passed and adopted on this the 18th day of December, 2018.

By:/s/ Jay Jenkins, Council Member

By:/s/ Millie Harris, Council Member

By:/s/ Jack Draper, Mayor

Council Member Jenkins left the Council Chambers at 7:41.

Council Member Jenkins returned to the Council Chambers at 7:43.

Mayor Draper made a motion for passage and adoption of Resolution 18-R-202. The motion was seconded by Council Member Harris and on call of the roll the following vote was recorded: ayes: Council Member Jenkins, Harris, and Draper; nays: Council Member Reddick and Little. The motion carried and Resolution 18-R-202 was passed and adopted.

Mayor Draper made a motion to approve a Non-Profit Special Events Retail License application for FOP Auxiliary #4 d/b/a 6th Annual Policeman's Ball on January 5, 2019 at Longleaf Botanical Gardens, 920 Museum Drive, Anniston, Alabama. The motion was seconded by Council Member Harris and on call of the roll the following vote was recorded: ayes: Council Member Jenkins, Reddick, Harris; abstentions: Council Member Little; nays: none. The motion carried.

Mayor Draper made a motion to award bid to Littleton Company Inc., in the amount of \$63, 870 for installation and to Musco Sports Lighting, LLC in the amount of \$109,800 for material and authorize the City Manager to enter a Lease Purchase Agreement Option 2 (as stated in attached Lease Proposal) with Musco Finance for financing the total amount of \$173,670. 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.

Mayor Draper made a motion to authorize the Mayor to execute Second Amendment to Option Agreement with Horne Development, L.P. The motion was seconded by Council Member Jenkins and 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.

Council Member Little made a motion rejecting the idea of bringing a statue of the late Confederate General Robert E. Lee to Calhoun County. The motion was seconded by Council Member Reddick and on

call of the roll the following vote was recorded: ayes: Council Member 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 Harris; and on call of the roll, the following vote was recorded: ayes: Council Members Jenkins, Harris, and Draper nays: Council Member Reddick and Little. The motion carried and the meeting was adjourned at approximately 8:25 o'clock p.m.