

Anniston, Alabama
December 11, 2012

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 11, 2012, at approximately 6:05 o'clock p.m.

David Rice prayed the Invocation.

David Rice 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.

Cleo Thomas, City Attorney, was present.

Council Member Jenkins made a motion to dispense with the reading of and approve the minutes of November 13, 2012. 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 Reddick Made a motion to adopt the agenda. 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 Jenkins made a motion for the unanimous consent of the Council to introduce and read by title Ordinance Number 12-O-16. The motion was seconded by Council Member Selase.

Mayor Stewart asked if anyone wished to address the Council either in favor of or in opposition to the introduction and reading by title of Ordinance Number 12-O-16.

No one addressed the Council either in favor of or in opposition to the introduction and reading by title of Ordinance Number 12-O-16.

On call of the roll on Council Member Jenkins' motion for the unanimous consent of the Council to introduce and read by title Ordinance Number 12-O-16 and Council Member Selase's second to said motion the following vote was recorded: ayes: Council Members Jenkins, Reddick, Selase, Harris and Stewart; nays: none. The motion carried.

Unanimous consent of the Council having been granted to introduce and read by title Ordinance Number 12-O-16, Council Member Jenkins introduced and read by title Ordinance Number 12-O-16 as follows:

ORDINANCE NO. 12-O-16

AN ORDINANCE TO AMEND ARTICLE I OF CHAPTER 6 OF THE CODE OF ORDINANCES OF THE CITY OF ANNISTON, ALABAMA TO INCLUDE PROPER

REFERENCE IN THE CITY CODE TO APPROPRIATE SECTIONS IN PREVIOUSLY
ADOPTED BUILDING CODES

WHEREAS the City Council considers the safety and health of its citizens to be of paramount importance, and has previously adopted standards and requirements for the safe and sanitary use and occupancy of buildings and structures in the city as the primary way to promote that condition, and

WHEREAS the City's adopted professional construction, maintenance, and fire protection codes devised by the International Building Code Council require a dispute and variation mechanism in order to accommodate extraordinary circumstances in the application of said codes, and

WHEREAS the City's previously adopted regulations creating said appeal board are outdated and in need of modernization, and

WHEREAS the City's adopted building and property maintenance codes must properly reference the Board in order to provide proper guidance in the various Codes for contractors doing work in the city;

NOW THEREFORE be it ordained by the City Council of the City of Anniston, Alabama that Section 6.1 of the Code of Ordinances is hereby amended to read in its entirety as follows:

Sec. 6.1. - Certain technical codes adopted.

The following codes, and the rules and regulations set forth therein, are hereby adopted by reference thereto, namely:

(1) a. *International Building Code, 2009 edition.* A certain document, three (3) copies of which are on file in the office of the city clerk of the City of Anniston, Alabama, being marked and designated as the International Building Code, 2009 edition, including appendix chapters B, E, G, I, J, and K as published by the International Code Council, be and is hereby adopted as the building code of the city, for regulating and governing the conditions and maintenance of all property, buildings, and structures; by providing the standards for supplied utilities and facilities and other physical things and conditions essential to ensure that structures are safe, sanitary, and fit for occupation and use; and the condemnation of buildings and structures unfit for human occupancy and use and the demolition of such structures as herein provided; providing for the issuance of permits and collection of fees therefore; and each and all of the regulations, provisions, penalties, conditions and terms of said building code on file in the office of the city clerk of the city are hereby referred to, adopted, and made a part hereof, as if fully set out in this subsection, with the additions, insertions, deletions and changes, if any, prescribed in subsection (1) b. of this section.

b. The following sections are hereby revised:

- i. Section 101.1 Insert: the City of Anniston, Alabama
- ii. Section 105.1.1 Delete in its entirety
- iii. Section 105.1.2 Delete in its entirety
- iv. Section 105.2 Delete in its entirety Sections 1, 2, 4, 6 & 7 under the category "Building"
- v. Section 105.5 Replace the text in its entirety with: "Expiration of permits shall be governed by Sec. 31.4 of the Anniston Alabama Zoning Ordinance."

- vi. Section 109.4 Replace the text in its entirety with: "Any person who commences work of any kind that requires one or more permits prior to obtaining the required permit or permits shall be fined in accordance with Section 6.1.1 of the Anniston Code of Ordinances. Exceptions shall be made for "Emergency Repairs" as outlined in Section 105.2.1 of this Code."
 - vii. Section 113 Replace the text in its entirety with the following: "Any person who wishes to appeal a determination of a code official shall have the right to do so in accordance with Section 6.2 of the Anniston City Code."
 - viii. Section 1612.3 Insert: Calhoun County, Alabama and Incorporated Areas
 - ix. Section 1612.3 Insert: August 1, 2006
 - x. Section 3412.2 Insert: September 8, 1942
- (2) a. *International Residential Code, 2009 edition.* A certain document, three (3) copies of which are on file in the office of the city clerk of the City of Anniston, Alabama, being marked and designated as the International Residential Code, 2009 edition, including appendix G, H, J, and Q as published by the International Code Council, be and is hereby adopted as the residential code of the city, for regulating and governing the construction, alteration, movement, enlargement, replacement, repair, equipment, location, removal, and demolition of detached, one- and two-family dwellings and multiple single-family dwellings (townhouses) not more than three stories in height with separate means of ingress and egress as herein provided; providing for the issuance of permits and collection of fees therefore; and each and all of the regulations, provisions, penalties, conditions and terms of said residential code on file in the office of the city clerk of the city are hereby referred to, adopted, and made a part hereof, as if fully set out in this section, with the additions, insertions, deletions and changes, if any, prescribed in subsection (2) b. of this section.
- b. The following sections are hereby revised:
- i. Section R101.1 Insert: the City of Anniston, Alabama
 - ii. Section R105.2 Delete in its entirety Sections 1, 2, 3, 5 & 10 under the category "Building"
 - iii. Section R105.2 In Section 6 under the category "Building" replace the text in its entirety with: "Painting, papering, tiling, carpeting, cabinets, countertops and similar finish work, unless performed by a contractor."
 - iv. Section R105.5 Replace the text in its entirety with: "Expiration of permits shall be governed by Section 31.4 of the Anniston Alabama Zoning Ordinance."
 - v. Section 108.6 Replace the text in its entirety with: "Any person who commences work of any kind that requires a permit(s) prior to obtaining the required permit(s) shall be fined in accordance with Section 6.1.1 of the Anniston Code of Ordinances. Exception shall be made for 'Emergency Repairs' as outlined in Section 105.2.1 of this Code."
 - vi. Section R112 Replace the text in its entirety with the following: "Any person who wishes to appeal a determination of a code official shall have the right to do so in accordance with Section 6.2 of the Anniston City Code."
 - vii. Section R301.2 Delete the following text: "Additional criteria shall be established by the local jurisdiction and set forth in Table R301.2 (1)."
 - viii. Table R301.2 (1) Delete in its entirety
 - ix. Section R313 Delete in its entirety
 - x. Section P2603.6.1 Insert: 12 inches & 12 inches
- (3) a. *International Fire Code, 2009 edition.* A certain document, three (3) copies of which are on file in the office of the city clerk of the City of Anniston, Alabama, being marked and designated as the International Fire Code, 2009 edition, including appendix chapters in Code section 10 1.2.1, as published by the International Code Council, be and is hereby adopted as the fire code of the city, regulating and

governing the safeguarding of life and property from fire and explosion hazards arising from the storage, handling, and use of hazardous substances, materials, and devices, and from conditions hazardous to life or property in the occupancy of buildings, and premises as herein provided; providing for the issuance of permits and collection of fees therefore; and each and all of the regulations, provisions, penalties, conditions and terms of said fire code on file in the office of the city clerk of the city are hereby referred to, adopted, and made a part hereof, as if fully set out in this section, with the additions, insertions, deletions and changes, if any, prescribed in subsection (3) b. of this section.

- b. The following sections are hereby revised:
- i. Section 101.1 Insert: City of Anniston
 - ii. Section 108 Replace the text in its entirety with the following: "Any person who wishes to appeal a determination of a code official shall have the right to do so in accordance with Section 6.2 of the Anniston City Code."
 - iii. Section 109.3 Replace the text in its entirety with: "Fines and penalties shall be governed by Section 6.1.1 of the Anniston Code of Ordinances."
 - iv. Section 3. The geographic limits referred to in certain sections of the 2009 International Fire Code are hereby established as follows:
 - Section 3204.3.1.1 Storage of flammable cryogenic fluids in stationary containers is prohibited unless permitted by the Chief Fire Official of the City or his designee.
 - Section 3404.2.9.5.1 Storage of Class I and Class II liquids in above-ground tanks outside of buildings is prohibited unless permitted by the Chief Fire Official of the City or his designee.
 - Section 3406.2.4.4 Storage of Class I and Class II liquids in above-ground tanks is prohibited unless permitted by the Chief Fire Official of the City or his designee.
 - Section 3804.2 Storage of liquefied petroleum gas is restricted for the protection of heavily populated or congested areas unless permitted by the Chief Fire Official of the City or his designee.

(4) a. *International Fuel Gas Code, 2009 edition.* A certain document, three (3) copies of which are on file in the office of the city clerk of the City of Anniston, Alabama, being marked and designated as the International Fuel Gas Code, 2009 edition, including appendix D as published by the International Code Council, be and is hereby adopted as the fuel gas code of the city, for regulating and governing fuel gas systems and gas fired appliances as herein provided, providing for the issuance of permits and collection of fees therefore; and each and all of the regulations, provisions, penalties, conditions and terms of said fuel gas code on file in the office of the city clerk of the city are hereby referred to, adopted, and made a part hereof, as if fully set out in this section, with the additions, insertions, deletions and changes, if any, prescribed in subsection (4)b of this section.

- b. The following sections are hereby revised:
- i. Section 101.1 Insert: the City of Anniston, Alabama
 - ii. Section 106.5.3 Replace the text in its entirety with: "Expiration of permits shall be governed by Section 31.4 of the Anniston Alabama Zoning Ordinance."
 - iii. Section 106.6.1 Replace the text in its entirety with: "Any person who commences work of any kind that requires a permit(s) prior to obtaining the required permit(s) shall be fined in accordance with Section 6.1.1 of the Anniston Code of Ordinances. Exception shall be made where equipment replacements and repairs must be performed in an emergency situation. In cases

as such, the permit application shall be submitted within the next business day to the building official."

- iv. Section 106.6.2 Replace the text in its entirety with: "A fee for each required fuel gas permit shall be paid as required, in accordance with the schedule as established by the applicable governing authority."
 - v. Section 106.6.3 Replace the text in its entirety with: "The building official is authorized to establish a refund policy."
 - vi. Section 106.6.4 Insert a new Sub-section with the following heading and text: "Fuel gas permit valuations." Fuel gas permit valuations shall include total value of the work for which a permit is being issued, including materials and labor."
 - vii. Section 108.4 Replace the text in its entirety with: "Any person who violates a provision of this code or fails to comply with any of the requirements thereof or who erects, installs, alters or repairs fuel gas items or work in violation of the approved construction documents or directive of the building official, or of a permit or certificate issued under the provisions of this code, shall be subject to penalties as prescribed by law."
 - viii. Section 108.5 Amend the last sentence to read: "Any person who shall continue any work after having been served a stop work order, except such work as that person is directed to perform to remove a violation or unsafe condition, shall be subject to penalties as prescribed by law."
 - ix. Section 109 (IFGC) Replace the text in its entirety with the following: "Any person who wishes to appeal a determination of a code official shall have the right to do so in accordance with Section 6.2 of the Anniston City Code."
- (5) a. *International Plumbing Code, 2009 edition.* A certain document, three (3) copies of which are on file in the office of the city clerk of the City of Anniston, Alabama, being marked and designated as the International Plumbing Code, 2009 edition, including appendix C as published by the International Code Council, be and is hereby adopted as the plumbing code of the city, for regulating and governing the design, construction, quality of materials, erection, installation, alteration, repair, location, re-location, replacement, addition to, use, or maintenance of plumbing systems as herein provided; providing for the issuance of permits and collection of fees therefore; and each and all of the regulations, provisions, penalties, conditions and terms of said plumbing code on file in the office of the city clerk of the city are hereby referred to, adopted, and made a part hereof, as if fully set out in this section, with the additions, insertions, deletions and changes, if any, prescribed in subsection (5)b. of this section.
- b. The following sections are hereby revised:
- i. Section 101.1 Insert: the City of Anniston, Alabama
 - ii. Section 106.5.3 Replace text in entirety with: "Expiration of permits shall be governed by Section 31.4 of the Anniston Alabama Zoning Ordinance."
 - iii. Section 106.6.1 Replace text in entirety with: "Any person who commences work of any kind that requires a permit(s) prior to obtaining the required permit(s) shall be fined in accordance with Section 6.1.1 of the Anniston Code of Ordinances. Exception shall be made where equipment replacements and repairs must be performed in an emergency situation. In cases as such, the permit application shall be submitted within the next business day to the building official."
 - iv. Section 106.6.2 Replace the text in its entirety with: "A fee for each required plumbing permit shall be paid as required, in accordance with the schedule as established by the applicable governing authority."

- v. Section 106.6.3 Replace the text in its entirety with: "The building official is authorized to establish a refund policy."
 - vi. Section 106.6.4 Section created with the following heading and text: "Plumbing permit valuations. Plumbing permit valuations shall include total value of the work for which a permit is being issued, including materials and labor."
 - vii. Section 106.6.5 Section created with the following heading and text: "Related fees. The payment of the fee for the construction, alteration, removal or demolition for work done in connection with the work authorized by a plumbing permit shall not relieve the applicant or holder of the permit from the payment of other fees that are prescribed by law."
 - viii. Section 108.4 Replace the text in its entirety with: "Any person who violates a provision of this code or fails to comply with any of the requirements thereof or who erects, installs, alters or repairs plumbing items of work in violation of the approved construction documents or directive of the building official, or of a permit or certificate issued under the provisions of this code, shall be subject to penalties as prescribed by law."
 - ix. Section 108.5 Amend the last sentence to read: "Any person who shall continue any work after having been served a stop work order, except such work as that person is directed to perform to remove a violation or unsafe condition, shall be subject to penalties as prescribed by law."
 - x. Section 109 Replace the text in its entirety with the following: "Any person who wishes to appeal a determination of a code official shall have the right to do so in accordance with Section 6.2 of the Anniston City Code."
 - xi. Section 305.6.1 Insert: 12 inches & 12 inches Section 904.1 Insert: 8 inches
- (6) a. *International Mechanical Code, 2009 edition.* A certain document, three (3) copies of which are on file in the office of the city clerk of the City of Anniston, Alabama, being marked and designated as the International Mechanical Code, 2009 edition, including appendix A as published by the International Code Council, be and is hereby adopted as the mechanical code of the city, regulating and governing the design, construction, quality of materials, erection, installation, alteration, repair, location, re-location, replacement, addition to, use, or maintenance of mechanical systems as herein provided, providing for the issuance of permits and collection of fees therefore; and each and all of the regulations, provisions, penalties, conditions and terms of said mechanical code on file in the office of the city clerk of the city are hereby referred to, adopted, and made a part hereof, as if fully set out in this section, with the additions, insertions, deletions and changes, if any, prescribed in subsection (6)b of this section.
- b. The following sections are hereby revised:
- i. Section 101.1 Insert: the City of Anniston, Alabama
 - ii. Section 106.4.3 Replace the text in its entirety with: "Expiration of permits shall be governed by Section 31.4 of the Anniston Alabama Zoning Ordinance."
 - iii. Section 106.5.1 Replace the text in its entirety with: "Any person who commences work of any kind that requires a permit(s) prior to obtaining the required permit(s) shall be fined in accordance with Section 6.1.1 of the Anniston Code of Ordinances. Exception shall be made where equipment replacements and repairs must be performed in an emergency situation. In cases as such, the permit application shall be submitted within the next business day to the building official."
 - iv. Section 106.5.2 Replace the text in its entirety with: "A fee for each required mechanical permit shall be paid as required, in accordance with the schedule as established by the applicable governing authority."

- v. Section 106.5.3 Replace the text in its entirety with: "The building official is authorized to establish a refund policy."
 - vi. Section 106.5.4 Insert a new sub-section with the following heading and text: "Mechanical permit valuations." Mechanical permit valuations shall include total value of the work for which a permit is being issued, including materials and labor."
 - vii. Section 108.4 Replace the text in its entirety with: "Any person who violates a provision of this code or fails to comply with any of the requirements thereof or who erects, installs, alters or repairs mechanical items of work in violation of the approved construction documents or directive of the building official, or of a permit or certificate issued under the provisions of this code, shall be subject to penalties as prescribed by law."
 - viii. Section 108.5 Amend the last sentence to read: "Any person who shall continue any work after having been served a stop work order, except such work as that person is directed to perform to remove a violation or unsafe condition, shall be subject to penalties as prescribed by law."
 - ix. Section 109 Replace the text in its entirety with the following: "Any person who wishes to appeal a determination of a code official shall have the right to do so in accordance with Section 6.2 of the Anniston City Code."
- (7) a. *International Existing Building Code, 2009 edition.* A certain document, three (3) copies of which are on file in the office of the city clerk of the City of Anniston, Alabama, being marked and designated as the International Existing Building Code, 2009 edition, including appendix chapters in Code section 10 1.2.1, as published by the International Code Council, be and is hereby adopted as the existing building code of the city, for regulating and governing the repair, alteration, change of occupancy, addition, and relocation of existing buildings, including historic buildings, as herein provided; providing for the issuance of permits and collection of fees therefore; and each and all of the regulations, provisions, penalties, conditions and terms of said existing building code on file in the office of the city clerk of the city are hereby referred to, adopted, and made a part hereof, as if fully set out in this section, with the additions, insertions, deletions and changes, if any, prescribed in subsection (7)b of this section.
- b. The following sections are hereby revised:
- i. Section 101.1 Insert: the City of Anniston, Alabama
 - ii. Section 105.1.1 Delete in its entirety
 - iii. Section 105.1.2 Delete in its entirety
 - iv. Section R105.2 Delete in its entirety Section 1 under the category "Building"
 - v. Section R105.2 In Section 2 under the category "Building," replace the text in its entirety with: "Painting, papering, tiling, carpeting, cabinets, countertops and similar finish work, only when performed by an owner on his or her residential property."
 - vi. Section 105.5 Replace the text in its entirety with: "Expiration of permits shall be governed by Section 31.4 of the Anniston Alabama Zoning Ordinance."
 - vii. Section 108.4 Replace the text in its entirety with: "Any person who commences work of any kind that requires one or more permits prior to obtaining the required permit or permits shall be fined in accordance with Section 6.1.1 of the Anniston Code of Ordinances. Exception shall be made for "Emergency Repairs" as outlined in Section 105.2.1 of this Code."
 - viii. Section 112 Replace the text in its entirety with the following: "Any person who wishes to appeal a determination of a code official shall have the right to do so in accordance with Section 6.2 of the Anniston City Code."
 - ix. Section 1301.2 Insert: September 8, 1942

- (8) a. *International Property Maintenance Code, 2009 edition*. A certain document, three (3) copies of which are on file in the office of the city clerk of the City of Anniston, Alabama, being marked and designated as the International Property Maintenance Code, 2009 edition, including appendix A as published by the International Code Council, be and is hereby adopted as the property maintenance code of the city, for regulating and governing the conditions and maintenance of all property, buildings, and structures; by providing the standards for supplied utilities and facilities and other physical things and conditions essential to ensure that structures are safe, sanitary, and fit for occupation and use; and the condemnation of buildings and structures unfit for human occupancy and use and the demolition of such structures as herein provided; providing for the issuance of permits and collection of fees therefore; and each and all of the regulations, provisions, penalties, conditions and terms of said property maintenance code on file in the office of the city clerk of the city are hereby referred to, adopted, and made a part hereof, as if fully set out in this section, with the additions, insertions, deletions and changes, if any, prescribed in subsection (9)b of this section.
- b. The following sections are hereby revised:
- i. Section 101.1 Insert: the City of Anniston, Alabama
 - ii. Section 103.5 Replace the text in its entirety with: "Rental inspection fees are charged as follows: \$50.00 for initial and the first follow-up inspection and \$15.00 per required subsequent inspection thereafter."
 - iii. Section 111 Replace the text in its entirety with the following: "Any person who wishes to appeal a determination of a code official shall have the right to do so in accordance with Section 6.2 of the Anniston City Code."
 - iv. Section 112.4 Replace the text in its entirety with: "Any person who shall continue any work after having been served a stop work order, except such work as that person is directed to perform to remove a violation or unsafe condition, shall be subject to penalties as prescribed by law."
 - v. Section 302.4 Insert: 12 inches
 - vi. Section 304.14 Insert: March 1 & October 31
 - vii. Section 602.3 Insert: October 1 & April 31
 - viii. Section 602.4 Insert: October 1 & April 31

(9) a. *National Electrical Code, 2008 edition*, published by the National Fire Prevention Association (NFPA), except Section 1102 and Section 1103.

b. The following section is hereby created to read:

Section 90.10 titled "Board of Appeals. Any person who wishes to appeal a determination of a code official shall have the right to do so in accordance with Section 6.2 of the Code of Ordinances of the City of Anniston.

BE IT FURTHER ORDAINED by the City Council of the City of Anniston, Alabama that the provisions of this amendment shall be effective upon publication according to law.

BE IT FURTHER ORDAINED by the City Council of the City of Anniston, Alabama that the provisions of this amendment are severable so that if any provision is declared unconstitutional or invalid by a court of competent jurisdiction, such judgment shall not affect the validity of any other provision. The Council declares it is its intent that it would have adopted this ordinance without such invalid or unconstitutional provision.

PASSED AND ADOPTED this the 11th day of December, 2012.

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

By: /s/ Millie Harris, Council Member

ATTEST:

/s/ Alan B. Atkinson, City Clerk

Council Member Jenkins made a motion for the unanimous consent of the Council for the immediate consideration of Ordinance Number 12-O-16 as introduced and read by title. 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. Unanimous consent of the Council having been granted for the immediate consideration of Ordinance Number 12-O-16 as introduced and read by title, Council Member Jenkins made a motion for the passage and adoption of Ordinance Number 12-O-16 as introduced and read by title. 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 Ordinance Number 12-O-16 was passed and adopted.

Council Member Reddick made a motion for the unanimous consent of the Council to introduce and read by title Ordinance Number 12-O-17. The motion was seconded by Council Member Jenkins.

Mayor Stewart asked if anyone wished to address the Council either in favor of or in opposition to the introduction and reading by title of Ordinance Number 12-O-17.

No one addressed the Council either in favor of or in opposition to the introduction and reading by title of Ordinance Number 12-O-17.

On call of the roll on Council Member Reddick's motion for the unanimous consent of the Council to introduce and read by title Ordinance Number 12-O-17 and Council Member Jenkins' second to said motion the following vote was recorded: ayes: Council Members Jenkins, Reddick, Selase, Harris and Stewart; nays: none. The motion carried.

Unanimous consent of the Council having been granted to introduce and read by title Ordinance Number 12-O-17, Council Member Reddick introduced and read by title Ordinance Number 12-O-17 as follows:

ORDINANCE NO. 12-O-17

AN ORDINANCE TO AMEND ARTICLE II OF CHAPTER 6 OF THE CODE OF ORDINANCES OF THE CITY OF ANNISTON, ALABAMA TO PROVIDE FOR AN APPEAL BOARD TO SOLVE INTERPRETIVE DIFFERENCES IN THE ADMINISTRATION OF THE CITY'S ADOPTED DEVELOPMENT CODES

WHEREAS the City Council considers the safety and health of its citizens to be of paramount importance, and has previously adopted standards and requirements for the safe and sanitary use and occupancy of buildings and structures in the city as the primary way to promote that condition, and

WHEREAS the City's adopted professional construction, maintenance, and fire protection codes devised by the International Building Code Council require a dispute and variation mechanism in order to accommodate extraordinary circumstances in the application of said codes, and

WHEREAS the City's previously adopted regulations creating said Board are outdated and in need of modernization, and

NOW THEREFORE be it ordained by the City Council of Anniston, Alabama:

Section 1. That *Article II: Board of Adjustment and Appeals* of Chapter 6 of the Code of Ordinances of the City of Anniston, Alabama is hereby amended in its entirety to read:

Article II: Technical Codes Board of Adjustment and Appeals

Sec. 6.2.0 - Technical Code Board of Adjustment and Appeals Created

There is hereby created the Technical Codes Board of Adjustment and Appeals in order to Hear and decide appeals of orders, decisions or determinations made by a code official relative to the application, enforcement and interpretation of the various technical codes as adopted by the City. Said Board shall have the powers, duties and authorities set forth in the Administration and Enforcement sections of the adopted codes, revisions thereof and amendments thereto mentioned in Section 6.1 of this Chapter, and which may be made in the future, except to the extent that the same is modified or altered by the provisions of this Chapter.

Sec. 6.2.1 - Board Authority and Decisions

- 1) The Board shall be empowered to review any order, determination or interpretation of issues pursuant to or under the authority of any technical code then in force in the City and may, within its discretion, modify or reverse such determination or interpretation by a concurring vote of not less than four (4) members of the Board. Such determination shall be by resolution duly adopted by such Board, a copy of which shall be furnished to the petitioner and to the Chief Building Official of the City.
- 2) The Board shall have no authority relative to the interpretation of the "means of administration" of the code nor shall the Board be empowered to waive any code requirement duly adopted.

Sec. 6.2.2 - Membership & Qualifications of Board Members

The Board shall consist of seven (7) persons, appointed by the City Manager. Board members may or may not be citizens of the City, but shall possess a business license and actively practice their respective trades within the boundaries of the City. The Board shall consist of professionals with current registration or licensure in the following capacities:

- 1) Alabama Registered Architect
- 2) Alabama Registered Professional Engineer
- 3) Alabama Licensed Home Builder
- 4) Alabama Licensed General Contractor
- 5) Alabama Licensed Electrical Contractor
- 6) Alabama Licensed Master Plumber & Gas Fitter
- 7) Alabama Licensed HVAC Contractor

Sec. 6.2.3 – Members and Term Limits

Members of the Board shall have the following term limits:

- 1) The Alabama Registered Architect and Alabama Licensed Home Builder members shall be the current annual president of the American Institute of Architects, Northeast Alabama Chapter and the Home Builders Association of Greater Calhoun County, respectively or their respective designated representatives. Their terms on the Board shall be concurrent with the terms they serve as presidents of their professional organizations.
- 2) The remaining Board members shall serve initially for the following terms: one (1) for a five-year term; one (1) for a four-year term; one (1) for a three-year term; one (1) for a two-year term; and, one (1) for a one year term. Thereafter, each new member shall serve for five (5) years or until a successor has been appointed. In the case of a successor, the newly-appointed member shall serve the remainder of the original term.
- 3) The Chief Building Official of the City shall serve as an ex-officio member of the Board and shall provide technical assistance to the Board, but shall not have a vote in matters presented before the Board.
- 4) The City Manager shall appoint two alternate members who shall replace regular members during temporary absences or during the recusal of sitting members. Alternate members shall have the same professional qualifications that they would need to be regular members. Alternate members shall serve for two (2) years or until a successor is chosen.

Sec. 6.2.4 - Compensation of and Disqualification of Members

- 1) Board members shall serve without compensation.
- 2) A member shall not hear an appeal in which that member has a personal, professional or financial conflict of interest. An alternate member shall replace the sitting member during matters of conflict.

Sec. 6.2.5 – Officers of the Board

The Board shall annually select one (1) of its members to serve as chairperson.

The City Manager shall designate a qualified clerk to serve as Secretary to the Board. The Secretary shall file and maintain detailed records of all proceedings.

Sec. 6.2.6 - Rules and Procedures

- 1) The Board shall meet upon notice from the Chairperson, within ten (10) days of the filing of a notice to appeal.
- 2) The Board is authorized to establish policies and procedures necessary to conduct its meetings.
- 3) All hearings before the Board shall be open to the public.
- 4) The petitioner, the petitioner's representative, and the code official and any other person whose interests are affected shall be given an opportunity to be heard.
- 5) The Board shall adopt and make available to the public through the Secretary procedures under which a hearing will be conducted.
- 6) The procedures shall not require compliance with strict rules of evidence, but shall mandate that only relevant information be received.
- 7) The code official shall take immediate action in accordance with the decision of the Board.

Sec. 6.2.7 - Postponed Hearing

When a quorum of members are not present to hear an appeal, either the petitioner or the petitioner's representative shall have the right to request a postponement of the hearing.

Sec. 6.2.8 - Right of Appeal

A person shall have the right to appeal a decision of a code official to the Board. An application for appeal shall be based on a claim that the true intent of the code or the rules legally adopted thereunder have been incorrectly interpreted, the provisions of the code do not

fully apply, or an equally good or better form of construction is proposed. A petition to be heard before the Board shall be made on applications provided by the Chief Building Official. The application shall be filed within twenty (20) days after the notice was served to the petitioner, or the right to appeal is waived. Service of a decision by the building official may be affected by personally serving any such party or by mailing a copy thereof at such person's last known address by certified mail.

Section 2. BE IT FURTHER ORDAINED by the City Council of the City of Anniston, Alabama that the provisions of this amendment shall be effective upon publication according to law.

Section 3. BE IT FURTHER ORDAINED by the City Council of the City of Anniston, Alabama that the provisions of this amendment are severable so that if any provision is declared unconstitutional or invalid by a court of competent jurisdiction, such judgment shall not affect the validity of any other provision. The Council declares it is its intent that it would have adopted this ordinance without such invalid or unconstitutional provision.

PASSED AND ADOPTED this the 11th day of December, 2012.

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
By: /s/ Millie Harris, Council Member

ATTEST:
/s/ Alan B. Atkinson, City Clerk

Council Member Reddick made a motion for the unanimous consent of the Council for the immediate consideration of Ordinance Number 12-O-17 as introduced and read by title. 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. Unanimous consent of the Council having been granted for the immediate consideration of Ordinance Number 12-O-17 as introduced and read by title, Council Member Reddick made a motion for the passage and adoption of Ordinance Number 12-O-17 as introduced and read by title. 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 Ordinance Number 12-O-17 was passed and adopted.

Mayor Stewart introduced and read Resolution Number 12-R-361 as follows:

(12-R-361, travel reimbursements)

Mayor Stewart made a motion for the passage and adoption of Resolution Number 12-R-361 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 12-R-361 was passed and adopted.

Mayor Stewart introduced and read Resolution Number 12-R-362 as follows:

RESOLUTION NUMBER 12-R-362

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:

SEC 12, TSP 16S, RNG 07E, McMillian Addition to Anniston, BLK 327, PB A/ PG 414. Beginning at a point that is the northeast corner of the R.O.W.s of Ferron Avenue and 8th Street run along the north R.O.W. of Ferron Ave. in an eastward direction for 300 feet to the Point of Beginning that is the northwest corner of the R.O.W.s of Crawford Avenue and 8th Street, thence continue easterly, along said R.O.W., for 60 feet, thence northerly 350 feet to a point that is along the south R.O.W. of what is today W. 10th Street, thence southwesterly, along said R.O.W., a distance of 63.97 feet, thence southerly to the 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.

12/11/2012

PASSED AND ADOPTED this the 11th day of December, 2012.

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

By: /s/ Millie Harris, Council Member

ATTEST:

/s/ Alan B. Atkinson, City Clerk

Mayor Stewart made a motion for the unanimous consent of the Council for the immediate consideration of Resolution Number 12-R-362 as introduced and read. 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. Unanimous consent of the Council having been granted for the immediate consideration of Resolution Number 12-R-362 as introduced and read, Mayor Stewart made a motion for the passage and adoption of Resolution Number 12-R-362 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 12-R-362 was passed and adopted.

Mayor Stewart announced that was the time for the public hearing concerning the proposed abatement of identified nuisances at the following locations:

516 West 12th-1/2 Street	PPIN 18875	519 Glenaddie Avenue	PPIN 18439
523 Glenaddie Avenue	PPIN 18721	529 Glenaddie Avenue	PPIN 18720
827 Hunter Place	PPIN 67165	509 G Street	PPIN 63121
1131 Edgewood Drive	PPIN 14849	615 Knox Avenue	PPIN 17691
801 East 22nd Street	PPIN 1821	19 West 25th Street	PPIN 25869
29 West 25th Street	PPIN 25703	2511 Gurnee Avenue	PPIN 25895
2525 Gurnee Avenue	PPIN 25892	0 Gurnee Avenue #19	PPIN 25891
2522 Walnut Avenue	PPIN 25602	2818 Walnut Avenue	PPIN 75649
2819 Walnut Avenue	PPIN 26193	2823 Walnut Avenue	PPIN 26192
2822 Walnut Avenue	PPIN 25818	2825 Walnut Avenue	PPIN 26191
2827 Walnut Avenue	PPIN 26189	1900 Dooley Avenue	PPIN 20098
1830 Dooley Avenue	PPIN 20099	906 West 19th Street	PPIN 20101
908 West 19th Street	PPIN 20102	917 West 19th Street	PPIN 19925
0 West 19th Street #21	PPIN 19616	19th & Stephens #22	PPIN 19617
1108 West 19th Street	PPIN 19618	1112 West 19th Street	PPIN 19619
1120 West 19th Street	PPIN 19805	1105 West 19th Street	PPIN 19685
1109 West 19th Street	PPIN 19683	1115 West 19th Street	PPIN 19696
1116 West 19th Street	PPIN 19804	1826 Cobb Avenue	PPIN 62986
1817-1821 Cobb Avenue	PPIN 20103	0 Cobb Avenue #31	PPIN 20104
1815 Cobb Avenue	PPIN 2502	1809 Cobb Avenue	PPIN 20105

1803 Cobb Avenue	PPIN 20106	1812 Cobb Avenue	PPIN 19613
1816 Cobb Avenue	PPIN 19981	1003 Clydesdale Ave	PPIN 32076
0 Clydesdale Ave #20	PPIN 32109	1004 Clydesdale Ave	PPIN 32108
1004 rear Clydesdale Ave	PPIN 32104	1006 Clydesdale Avenue	PPIN 32103
1014 Clydesdale Avenue	PPIN 32102	0 West 11th Street #10	PPIN 32306
0 West 11th Street #11	PPIN 32307	1017 Parkwin Avenue	PPIN 32107
0 Dooley Ave #31.001	PPIN 19433	1808 McKleroy Avenue	PPIN 19879
1824 McKleroy Avenue	PPIN 19885	2028 Gurnee Avenue	PPIN 20439
109 West 19th Street	PPIN 20425	111 West 19th Street	PPIN 20424
201 West 19th Street	PPIN 20296	207 West 19th Street	PPIN 20295
209 West 19th Street	PPIN 20294	219 West 19th Street	PPIN 20293
1810-1/2 Dooley Ave	PPIN 20090	1812 Dooley Avenue	PPIN 20089
1814 Dooley Avenue	PPIN 20088	1828 Dooley Avenue	PPIN 20087
0 Dooley Avenue #53.001	PPIN 19911	1821 Dooley Avenue	PPIN 19910
1819 Dooley Avenue	PPIN 19912	1813 Dooley Avenue	PPIN 19914
519 East 7th St	PPIN 63011	2524 Wilmer Avenue	PPIN 24993
201 East 29th Street	PPIN 25131	123 East 29th Street	PPIN 25095
1309 Kilby Terrace	PPIN 22554	1015 Parkwin Avenue	PPIN 32308
1825 Walnut Avenue	PPIN 19862	1827 Walnut Avenue	PPIN 62481
1830 Walnut Avenue	PPIN 20527	1912 Walnut Avenue	PPIN 20521
1916 Walnut Avenue	PPIN 20522;		

Declared the hearing open and asked if anyone wished to address the Council concerning the proposed abatement of identified nuisances at said locations.

No one addressed the Council concerning the proposed abatement of identified nuisances at said locations.

Mayor Stewart declared the public hearing concerning the proposed abatement of identified nuisances at said locations closed.

Council Member Selase introduced and read Resolution Number 12-R-363 as follows:

RESOLUTION NUMBER 12-R-363

A RESOLUTION DECLARING A REPORTED CONDITION TO BE A PUBLIC NUISANCE

WHEREAS, David Hill, an Appropriate City Official, pursuant to Section 34.15 of said Ordinance, has reported to the City Council that conditions exist at see attached (Group 21) in Anniston, Alabama that are believed to be a public nuisance; and

WHEREAS, the said City official submitted proof of said condition that was deemed by the City Council to be satisfactory to show that a public nuisance existed at the place specified; and

WHEREAS, Section 34.3 (b) (1) of the City of Anniston Ordinance No. 11-O-9 declares the following conditions to be a public nuisance: overgrown lots as defined in Section 34.2 of the Code of Ordinances; and

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RESOLVED THEREFORE, that a public nuisance exists at the above said locations within the City of Anniston, said property being more particularly described on Exhibit "A" to this resolution; and

RESOLVED FURTHER, that the public nuisance must be abated by the City and the cost of abatement charged as a lien against the property if not remedied by the owner(s); and

RESOLVED FURTHER, that a hearing be set before the City Council at its next regular scheduled meeting to hear objections to the City's actions; and

RESOLVED FURTHER, that at least two NOTICES TO REMOVE PUBLIC NUISANCE be promptly posted by the Appropriate City Official in front of the said property at not more than 100 feet in distance apart as specified in Section 34.16 of the Code of Ordinances; and

RESOLVED FURTHER, that the Appropriate City Official shall post said NOTICE TO REMOVE PUBLIC NUISANCE, as aforesaid, at least 5 days prior to the time for hearing objections by the City Council; and

RESOLVED FURTHER, that the Appropriate City Official shall determine the name and address of the person or entity last assessing said property for tax purposes, and shall further cause a search to be made of the public records, and shall further make a diligent investigation to discover the name(s) and contact information of the owners of every beneficial interest in the said property; and

RESOLVED FURTHER, that the Appropriate City Official shall, at least 5 days prior to the time for a hearing of objections by the City Council, mail a copy of said Notice by certified or registered mail, with postage prepaid and return receipt requested, to the last person/entity assessing the property for taxes and to each owner of a beneficial interest in said property including, without limitation, mortgagees of record.

PASSED AND ADOPTED this the 11th day of December, 2012.

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

By: /s/ Millie Harris, Council Member

ATTEST:

/s/ Alan B. Atkinson, City Clerk

Council Member Selase made a motion for the passage and adoption of Resolution Number 12-R-363 as introduced and read. The motion was seconded by Council Member Reddick; and on

12/11/2012

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 12-R-363 was passed and adopted.

Mayor Stewart announced that was the time for the public hearing concerning objections to the abatement of identified nuisances at 3901 Bramble Road and 1419 East 11th Street, declared the hearing open and asked if anyone wished to address the Council concerning objections to the abatement of identified nuisances at said location.

No one addressed the Council concerning objections to the abatement of identified nuisances at said location.

Mayor Stewart declared the public hearing concerning objections to the abatement of identified nuisances at 3901 Bramble Road and 1419 East 11th Street closed.

Council Member Harris introduced and read Resolution Number 12-R-364 as follows:

(12-R-364, overruling objections to the abatement of identified nuisances; Group 2012-04)

Council Member Harris made a motion for the passage and adoption of Resolution Number 12-R-364 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 12-R-364 was passed and adopted.

Mayor Stewart introduced and read Resolution Number 12-R-365 as follows:

RESOLUTION NUMBER 12-R-365

A RESOLUTION APPOINTING/REAPPOINTING MEMBER(S) TO THE PUBLIC BUILDING AUTHORITY

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

- Section 1. That Jim Miller, be and he is hereby reappointed as a member of the City of Anniston Public Building Authority with a term to expire May 31, 2018.
- Section 2. That Kumira Lemon, be and she is hereby appointed as a member of the City of Anniston Public Building Authority to the unexpired term of Seyram Selase ending May 31, 2016.
- Section 3. That a copy of this resolution be mailed to the above named appointees and to the Chairman of the Public Building Authority.

PASSED AND ADOPTED this the 11th day of December, 2012.

CITY COUNCIL OF THE CITY OF

12/11/2012

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

By: /s/ Millie Harris, Council Member

ATTEST:

/s/ Alan B. Atkinson, City Clerk

Mayor Stewart made a motion for the passage and adoption of Resolution Number 12-R-365 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 Reddick, Selase, Harris and Stewart; nays: none; abstentions: Council Member Jenkins. The motion carried and Resolution Number 12-R-365 was passed and adopted.

Council Member Selase introduced and read Resolution Number 12-R-366 as follows:

RESOLUTION NUMBER 12-R-366

A RESOLUTION APPOINTING A MEMBER TO THE REVOLVING LOAN BOARD

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

Section 1. That Tolisa Watkins be and she hereby is appointed to the Revolving Loan Board to the unexpired term of Seyram Selase ending October 4, 2013.

Section 2. That Alan B. Atkinson, City Clerk, shall cause a copy of this Resolution to be mailed to the above named appointee and to said board.

PASSED AND ADOPTED this the 11th day of December, 2012.

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

By: /s/ Millie Harris, Council Member

ATTEST:

/s/ Alan B. Atkinson, City Clerk

Council Member Selase made a motion for the passage and adoption of Resolution Number 12-R-366 as introduced and read. 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,

12/11/2012

Harris and Stewart; nays: none. The motion carried and Resolution Number 12-R-366 was passed and adopted.

Council Member Reddick introduced and read Resolution Number 12-R-367 as follows:

(12-R-367, grant application for financial assistance under Section 5309 of the Federal Transit Act Amendments of 1991)

Council Member Reddick made a motion for the passage and adoption of Resolution Number 12-R-367 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 12-R-367 was passed and adopted.

Council Member Harris introduced and read Resolution Number 12-R-368 as follows:

(12-R-368, declaring vehicle surplus and authorizing their sale)

Council Member Harris made a motion for the passage and adoption of Resolution Number 12-R-368 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 12-R-368 was passed and adopted.

Council Member Jenkins introduced and read Resolution Number 12-R-369 as follows:

RESOLUTION NUMBER 12-R-369

A RESOLUTION CHANGING THE NAME OF "GILBERT AVENUE" TO "CREEDMOOR WAY"

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

Section 1. That the street presently known or named Gilbert Avenue which is more particularly as:

Commence at an existing 2" pipe in concrete with brass cap stamped (GL01919) marking the Southwest comer of Section 21, T-15-S, R-8-E, and run South 89°12'06" East along the South line of said Section a distance of 5316.45 feet to an existing 2" pipe in concrete with brass cap stamped (GLO1919) marking the Southeast comer of said section; thence continue South 89°12'06" East a distance of 2211.84 feet; thence run North 00°47'54" East a distance of 3812.51 feet; thence run South 89°12'06" East a distance of 88.52 feet to a nail and shiner set on the Northeasterly right-of-way line of Town Center Drive; thence run North 18°00'03" West along said right-of-way line a distance of 816.31

feet to an iron pin (1/2" rebar with cap stamped JBW&T, Inc. CA0046LS) to the point of beginning. From said point of beginning run North 71°58'30" East a distance of 875 feet to an iron pin on the Southwesterly right-of-way line on Halifax Avenue, thence run North 17°58'49" West a distance of 60 feet; thence run South 71°58'30" West a distance of 875 feet, thence South 18°00'03" East a distance of 60 feet to the point of beginning. Said parcel of land being more commonly known as the right-of-way of Gilbert Avenue (also known as Broadcast Blvd) be and the same hereby is renamed "Creedmoor Way".

Section 2. That the Public Works Director of the City of Anniston is hereby directed to cause a copy of this Resolution to be mailed to the Postmaster for the City of Anniston, as well as the Director of the E-911 System.

PASSED AND ADOPTED this the 11th day of December, 2012.

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

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 12-R-369 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 12-R-369 was passed and adopted.

Mayor Stewart introduced and read Resolution Number 12-R-370 as follows:

RESOLUTION NUMBER 12-R-370

A RESOLUTION AUTHORIZING THE MAYOR TO ENTER INTO AN AGREEMENT WITH ALABAMA DEPARTMENT OF TRANSPORTATION FOR PRELIMINARY ENGINEERING, RIGHT-OF-WAY ACQUISITION & CONSTRUCTION IMPROVEMENTS TO THE MCCLELLAN INDUSTRIAL PARK ACCESS ROAD TO BENEFIT ALABAMA GAS CORPORATION, MEDI-KLEAN, AND INTERNATIONAL AUTOMOTIVE COMPONENTS GROUPS IN THE CITY OF ANNISTON, ALABAMA.

12/11/2012

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

- Section 1. That the City enter into an Agreement with the State of Alabama, acting by and through the Alabama Department of Transportation for: Project IAR-008-000-013, for the Preliminary Engineering, Right-of-Way, and Construction Agreement for the improvements to the McClellan Industrial Park access road to benefit Alabama Gas Corporation, Medi-Klean, and International Automotive Components Groups in the City of Anniston, Alabama; which Agreement is before this Council.
- Section 2. That the Agreement be executed in the name of the City, by its Mayor, for and on its behalf.
- Section 3. That the agreement be alle.5ted by the City Clerk and the seal of the City affixed thereto.

BE IT FURTHER RESOLVED, that upon the completion of the execution of the agreement by all parties.that a copy of such agreement be kept on file by the City Clerk.
PASSED AND ADOPTED this the 11th day of December, 2012.

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
By: /s/ Millie Harris, Council Member

ATTEST:
/s/ Alan B. Atkinson, City Clerk

Mayor Stewart made a motion for the passage and adoption of Resolution Number 12-R-370 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 12-R-370 was passed and adopted.

Council Member Jenkins introduced and read Resolution Number 12-R-371 as follows:

RESOLUTION NUMBER 12-R-371
A RESOLUTION AUTHORIZING THE MAYOR TO ENTER INTO AN
AGREEMENT WITH ALABAMA DEPARTMENT OF TRANSPORTATION
FOR THE INSTALLATION OF A TRAFFIC SIGNAL AT U.S. 431 CONNECTOR

12/11/2012

ANDPELHAM ROAD RELOCATED IN THE CITY OF ANNISTON,
ALABAMA.

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

Section 1. That the City enter into an Agreement with the State of Alabama, acting by and through the Alabama Department of Transportation for: Project STMOAF-0192(901), for the installation of traffic signal at U.S. 431 connector and Pelham Road relocated in the City of Anniston, Alabama; which Agreement is before this Council.

Section 2. That the Agreement be executed in the name of the City, by its Mayor, for and on its behalf.

Section 3. That the agreement be attested by the City Clerk and the seal of the City affixed thereto.

BE IT FURTHER RESOLVED, that upon the completion of the execution of the agreement by all parties, that a copy of such agreement be kept on file by the City Clerk.
PASSED AND ADOPTED this the 11th day of December, 2012.

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

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 12-R-371 as introduced and read. 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 and Resolution Number 12-R-371 was passed and adopted.

Council Member Reddick introduced and read Resolution Number 12-R-372 as follows:

RESOLUTION NUMBER 12-R-372

A RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE AN AGREEMENT WITH DEVELOPMENT SOLUTION, LLC TO PROVIDE ADMINISTRATION OF THE COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM AND THE ANNISTON/CALHOUN COUNTY HOME PROGRAM

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

- I . That Don Hoyt, 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 Consulting and Related Services Agreement with Development Solutions, LLC for the administration of the City's Community Development Block Grant Program at \$7,500.00 per month for a term of twenty-four months and administration of the Anniston/Calhoun County HOME Program at \$2,500.00 per month for a term of twenty-four months which may be cancelled by mutual consent upon 60 days written notice.
2. That Alan B. Atkinson, City Clerk of the City of Anniston be and he is hereby directed to attest to the City Manager's execution of said contract extension and affix the Seal of the City thereto.

PASSED AND ADOPTED this the 11th day of December, 2012.

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

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 12-R-372 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 12-R-372 was passed and adopted.

Council Member Harris made a motion to approve an expenditure of \$2,500.00 for the Calhoun County Chamber of Commerce Economic Development Convocation to be held on February 1, 2013 with the funds to be budgeted in non-departmental-economic development. 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; abstentions: Council Member Selase. The motion carried.

Council Member Selase made a motion to suspend the rule requiring the City Council to meet on the fourth Tuesday of December 2012. 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.

12/11/2012

Alan Atkinson, City Clerk, advised that copies of the following Bid Fact Sheet had been given to the Council:

(All terrain utility vehicle for the Fire Department)

Council Member Jenkins made a motion that the bid in the total amount of \$10,600.00 by Motorcycle Sports, Inc. for an all terrain utility vehicle for the Fire Department be accepted. 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.

Alan Atkinson, City Clerk, advised that copies of the following Bid Fact Sheet had been given to the Council:

(Two full size 15 passenger vans for PARD)

Council Member Harris made a motion that the bid in the total amount of \$55,500.00 by Buster Miles Chevrolet for two (2) full size 15 passenger vans for the Parks and Recreation Department be accepted. 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.

Alan Atkinson, City Clerk, advised that copies of the following Bid Fact Sheet had been given to the Council:

(All terrain utility vehicle for the Fire Department)

Mayor Stewart made a motion that the bid in the total amount of \$11,900.00 by Motorcycle Sports, Inc. for an all terrain utility vehicle for the Fire Department be accepted. 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.

There being no further business to come before the meeting at that time Council Member Jenkins 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 Jenkins, Reddick, Selase, Harris and Stewart; nays: none. The motion carried and the meeting was adjourned at approximately 7:04 o'clock p.m.