

CITY OF ANNISTON
JUNE 9, 2014
5:30 P.M.

- **INVOCATION**
- **PLEDGE OF ALLEGIANCE**
- **CALL TO ORDER**
- **ROLL CALL**
- **READING/APPROVAL OF MINUTES OF PREVIOUS MEETING**
- **STAFF ADDITIONS/DELETIONS TO THE AGENDA**
- **ADOPTION OF AGENDA**

I. RECEIVE INFORMAL PUBLIC COMMENTS

Informal Public Comment – Speaker Protocol

The City of Anniston believes that any member of the general public should be afforded the opportunity to address the City Council provided that designated rules are followed by the speaker. Any member of the public who wishes to address the City Council and offer public comment on items within the City Council's jurisdiction, may do so during the Informal Public Comment period of the meeting. However, no formal action will be taken on matters that are not part of the posted agenda. In order to ensure the opportunity for all those desiring to speak before the Council, there is no yielding of time to another speaker. This opportunity to address City Council may not be used to continue discussion on an agenda item that has already been held as a public hearing. Matters under negotiation, litigation, or related to personnel will not be discussed. If a member of the general public would like to address the City Council during the Informal Public Comment portion of the meeting, please respectfully indicate your desire to address the City Council when the Mayor solicits members of the general public to come forward and speak. You will be recognized by the Mayor and asked to come forward to the podium so that you can address the City Council in accordance with the rules outlined herein. Once the speaker has been recognized to speak, he/she will be given three (3) minutes to address the City Council. The speaker should not attempt to engage the City Council and/or Staff in a discussion/dialogue and the speaker should not ask specific questions with the expectation that an immediate answer will be provided as part of the three (3) minute time frame since that is not the intent of the Informal Public Comment period. If the speaker poses a question or makes a request of the City, the Mayor may refer the issue or request to the City Manager for follow up. At the conclusion of the three (3) minute time period, the speaker will be notified that his/her time has elapsed and the next speaker will be recognized to come forward to the podium and address the City Council. The Mayor may rule out of order any Speaker who uses abusive or indecorous language, if the subject matter does not pertain to the City of Anniston, or if the Speaker(s) attempts to engage the City Council Members in a discussion or dialogue on issues. City Council shall not discuss non-agenda matters because it does not give the public adequate notice. Accordingly, City Council shall be limited to asking factual and clarifying questions of staff, and when appropriate, the Council may consider placing a matter on a future agenda. In addition, it is not reasonable to expect staff to respond to any of a variety of issues on which they may or may not be prepared to respond to on a moment's notice, so the City Manager may respond, or direct staff to respond at a later time.

II. RECEIVE FORMAL PUBLIC COMMENT

Formal Public Comment – City Council Agenda Protocol

The City of Anniston has identified this portion of the meeting to allow individuals an opportunity to formally address the City Council on issues of importance. Anniston requires that individuals who desire to formally address City Council to submit a written request form outlining the subject matter that they intend to discuss so that they can be placed on an upcoming meeting agenda. Members of the public desiring to be placed on the agenda to present or address matters to the City Council must submit a formal **“REQUEST TO BE PLACED ON THE CITY COUNCIL AGENDA”** form to the Office of the City Manager at least 10 days prior to the requested City Council meeting date that you wish to speak. City Council meetings are held on the second and fourth Monday of each month so the request must be submitted no later than 5:00 pm on the Friday which constitutes 10 days prior. The request can be done in person, regular mail, fax or email and the speaker should obtain acknowledgement of the request from the City to demonstrate that the 10 day requirement has been met. The request form may be obtained from the Office of the City Manager or from the City’s website www.anniston.al.gov. The request should state the name of the individual(s) desiring to be heard and the subject matter to be presented to City Council. Requests may be referred, at the discretion of the City Manager, to appropriate staff for mediation prior to being placed on the public agenda. Please be advised that the mere completion of a request form does not entitle the speaker to be added to the agenda.

(a) City of Anniston Board Applicant Confirmation

III. CONDUCT PUBLIC HEARING

Speaking to a Public Hearing Item

In the interest of time and to ensure the fairness of all persons who appear before the City Council to speak for or against a public hearing item, speakers will be limited to three (3) minutes each to address City Council except as described herein. One speaker for the Petitioner may address the City Council for no more than 10 minutes, unless extended by the Mayor. In an effort help the City Council and the general public to better understand the issues, the Mayor may request that a City staff member address the City Council from the podium. Speakers from the general public may only speak when recognized by the Mayor during the public hearing. Speakers will be asked to come to the podium to address the City Council for three (3) minutes and they shall state their name and resident address for the record. Speakers addressing City Council on a public hearing item should coordinate comments in order to respect City Council’s time constraints. Groups should select a spokesperson to present the major points that summarize their position and opinions. Speakers are urged to be brief and non-repetitive with their comments. Comments shall specifically address the public hearing item before the City Council, and the speaker shall maintain appropriate tone and decorum when addressing the City Council. City Council may ask questions of the applicant, speakers, or staff during these proceedings only for the purpose of clarifying information. The speaker shall not direct derogatory comments to any individual, organization, or business. At the conclusion of the three (3) minute time period, the speaker will be notified that his/her time has elapsed and the next speaker will be recognized to come forward to the podium and address the City Council. Once the public hearing is closed on an item, there will be no further opportunity for formal or informal public input at a City Council meeting.

(a) To receive comments regarding the 2014 JAG Grant

(b) To receive comments regarding a Restaurant Retail Liquor application for Cali Dreaming Inc, d/b/a Cali’s Fresh Mexican located at 1801 Quintard Avenue.

IV. UNFINISHED BUSINESS – None

V. CONSENT AGENDA

- (a)** Resolution authorizing reimbursements to city officials for expenses incurred while traveling away from the City.
- (b)** Resolution appointing a member to the RMC Board.
- (c)** Resolution funding the Calhoun Cleburne County Drug and Violent Crime Task Force for fiscal year 2015 and authorizing the Mayor to sign said documents.
- (d)** Resolution authorizing the submission of a grant application under the Farmers Market Promotion Program.
- (e)** Resolution authorizing the City Manager to execute a Rebate Agreement with Creedmoor Sports, Inc.
- (f)** Resolution authorizing economic development incentive to Cali Dreaming Inc., d/b/a Cali's Fresh Mexican.
- (g)** Resolution approving the City of Anniston's participation in the State of Alabama Sales Tax Holiday as authorized by Act No. 2006-574 for the Year 2014.
- (h)** Resolution authorizing the City Manager to enter into an Agreement on behalf of the Anniston-Calhoun County HOME Consortium with Habitat for Humanity of Calhoun County, Alabama.
- (i)** Resolution authorizing the City Manager to execute an Agreement with the Calhoun County 9-1-1 District to provide law enforcement telecommunication and radio dispatch services.
- (j)** Motion to approve a Restaurant Retail Liquor application for Cali Dreaming Inc d/b/a Cali's Fresh Mexican located at 1801 Quintard Avenue.
- (k)** Motion to approve a Retail Beer (Off Premises Only) and Retail Table Wine (Off Premises Only) application for Chadwick Ervin Romine d/b/a 23rd Street Grocery located at 321 W 23rd Street.

VI. ORDINANCES

- (a)** Ordinance amending Section 34.20 of The Code of Ordinances of the City of Anniston, Alabama providing an alternative procedure for the repeated maintenance of noxious and overgrown grass and weeds by the City.
- (b)** Ordinance amending Section 15.50 of The Code of Ordinances of The City of Anniston, Alabama changing speed limits.

VII. RESOLUTIONS

- (a)** Resolution to honor and recognize Benny Ray by the renaming of High Street to Benny Ray Street.
- (b)** Resolution to vacate a portion of Central Parkway lying between Patriot Way and Central Plaza.

(c) Resolution declaring a public nuisance

**VIII. OTHER ADDITIONAL OR FURTHER MATTERS THAT MAY COME BEFORE
COUNCIL**

COUNCIL COMMENTS

ADJOURNMENT

MINUTES

5/12/2014

Anniston, Alabama
May 12, 2014

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 Monday, May 12, 2014, at approximately 5:38 o'clock p.m.

Lee Shaffer, Grace Episcopal Church, prayed the Invocation.

Lee Shaffer, Grace Episcopal Church, 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.

Brian Johnson, City Manager, was present.

Bruce Downey, City Attorney, was present.

Council Member Selase made a motion to waive the reading of the minutes of April 28, 2014. The motion was seconded by Council Member Harris; and on call of the roll the following vote was recorded: ayes: Council Members Jenkins, Reddick, Selase, Harris and Stewart; nays: none. The motion carried.

Council Member Jenkins made a motion to approve the minutes of April 28, 2014. 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.

Council Member Selase made a motion to add to the agenda a resolution authorizing the submission of a grant application under the recreation trails program and to adopt the agenda as amended. The motion was seconded by Council Member Harris; and on call of the roll the following vote was recorded: ayes: Council Members Jenkins, Reddick, Selase, Harris and Stewart; nays: none. The motion carried.

Glen Ray addressed the Council concerning upcoming hospital board appointments and stated some people were being treated unfairly at the hospital. He stated that from January 1st to May 1st, \$500,000 worth of tickets had been written in the city.

Ann Welch and Ellen Bass addressed the Council on behalf of the Strategic Plan Steering Committee concerning the Implementation Plan Matrix.

Council Member Jenkins made a motion to approve the Consent Agenda items:

(a) Resolution authorizing reimbursements to city officials for expenses incurred while traveling away from the City.

(b) Resolution adopting the provisions of Section 36-26-36.1 of the Code of Alabama 1975, authorizing the conversion of unused sick leave to retirement service credits for city employees.

(c) Resolution authorizing the Mayor to execute a Supplemental Agreement with the State of Alabama acting by and through the Alabama Department of Transportation and the Alabama Industrial Access Road and Bridge Corporation for Preliminary Engineering, Right-of-Way Acquisition and construction Project for Industrial Access Improvements to the McClellan Industrial Park

(d) Evaluation of bids for the design and fabrication of snake enclosures for the Museum of Natural History.

The motion was seconded by Council Member Selase; and on call of the roll the following vote was recorded: ayes: Council Members Jenkins, Reddick, Selase, Harris and Stewart; nays: none. The motion carried.

Council Member Selase made a motion for the unanimous consent of the Council to introduce and read by title Ordinance Number 14-O-12. The motion was seconded by Council Member Reddick.

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 14-O-12.

No one addressed the Council either in favor of or in opposition to the introduction and reading by title of Ordinance Number 14-O-12.

On call of the roll on Council Member Selase's motion for the unanimous consent of the Council to introduce and read by title Ordinance Number 14-O-12 and Council Member Reddick'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 14-O-12, Council Member Selase introduced and read by title Ordinance Number 14-O-12 as follows:

(14-O-12, creating and designating the West Fifteenth Street Historic District)

Council Member Harris made a motion for the unanimous consent of the Council for the immediate consideration of Ordinance Number 14-O-12 as introduced and read by title. 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. Unanimous consent of the Council having been granted for the immediate consideration of Ordinance Number 14-O-12 as introduced and read by title, Council Member Jenkins made a motion for the passage and adoption of Ordinance Number 14-O-12 as introduced and read by title. The motion was seconded by Council Member Reddick.

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Council Member Reddick stated he had spoken with West 15th business owners and they were aware and comfortable with this designation. He stated he appreciated the dialogue between the Historic Preservation Commission and the West 15th business owners.

Council Member Selase stated he would be excited to see how this designation could be used in the West Anniston conceptual plan.

Council Member Jenkins stated he would like to applaud the business owners and residents of West 15th and the Historic Preservation Commission for coming together. He stated it would be of value to the business owners and the residents and the community as a whole.

Mayor Stewart stated it was fitting that this designation be done because West Anniston is where the city was founded. He stated this will make West Anniston more vibrant.

On call of the roll on Council Member Jenkins' motion for the passage and adoption of Ordinance Number 14-O-12 as introduced and read by title and Council Member Reddick's second to said motion the following vote was recorded: ayes: Council Members Jenkins, Reddick, Selase, Harris and Stewart; nays: none. The motion carried and Ordinance Number 14-O-12 was passed and adopted.

Council Member Harris made a motion for the unanimous consent of the Council to introduce and read by title Ordinance Number 14-O-13. 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 14-O-13.

No one addressed the Council either in favor of or in opposition to the introduction and reading by title of Ordinance Number 14-O-13.

On call of the roll on Council Member Harris' motion for the unanimous consent of the Council to introduce and read by title Ordinance Number 14-O-13 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 14-O-13, Council Member Harris introduced and read by title Ordinance Number 14-O-13 as follows:

(14-O-13, to amend Division 1, Article XI, Chapter 2 of the City Code regulating Boards, Commissions and Authorities)

Council Member Selase made a motion for the unanimous consent of the Council for the immediate consideration of Ordinance Number 14-O-13 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.

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The motion carried. Unanimous consent of the Council having been granted for the immediate consideration of Ordinance Number 14-O-13 as introduced and read by title, Council Member Jenkins made a motion for the passage and adoption of Ordinance Number 14-O-13 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 and Ordinance Number 14-O-13 was passed and adopted.

Council Member Selase made a motion for the unanimous consent of the Council to introduce and read by title Ordinance Number 14-O-14. The motion was seconded by Council Member Harris.

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 14-O-14.

No one addressed the Council either in favor of or in opposition to the introduction and reading by title of Ordinance Number 14-O-14.

On call of the roll on Council Member Selase's motion for the unanimous consent of the Council to introduce and read by title Ordinance Number 14-O-14 and Council Member Harris' 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 14-O-14, Council Member Selase introduced and read by title Ordinance Number 14-O-14 as follows:

(14-O-14, annexation of certain real property: Allred)

Council Member Reddick made a motion for the unanimous consent of the Council for the immediate consideration of Ordinance Number 14-O-14 as introduced and read by title. 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. Unanimous consent of the Council having been granted for the immediate consideration of Ordinance Number 14-O-14 as introduced and read by title, Council Member Jenkins made a motion for the passage and adoption of Ordinance Number 14-O-14 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 and Ordinance Number 14-O-14 was passed and adopted.

Council Member Harris introduced and read Resolution Number 14-R-153 as follows:

(14-R-153, adopting the schedule of nominations assigning and designating the positions on each municipal Board, Commission and Authority to specific Ward Council Members and to the Office of the Mayor)

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Council Member Harris made a motion for the passage and adoption of Resolution Number 14-R-153 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 14-R-153 was passed and adopted.

Council Member Reddick introduced and read Resolution Number 14-R-154 as follows:

(14-R-154, authorizing the submission of a grant application under the Recreation Trails program)

Council Member Reddick made a motion for the passage and adoption of Resolution Number 14-R-154 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 14-R-154 was passed and adopted.

Council Member Harris made a motion the meeting be recessed into Executive Session to discuss with the City Attorney controversies not yet being litigated but imminently likely to be litigated or imminently likely to be litigated if the governmental body pursues a proposed course of action. 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 Council recessed into Executive Session at approximately 6:19 o'clock p.m.

Council Member Reddick made a motion the meeting be reconvened. 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 the meeting was reconvened at approximately 7:00 o'clock p.m.

Mayor Stewart made a motion to authorize the City Attorney to initiate civil abatement actions against those properties identified in consultation with the police chief that present persistent criminal activity to the point of becoming a public nuisance. 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.

There being no further business to come before the meeting at that time Council Member Selase made a motion the meeting be adjourned. The motion was seconded by Council Member 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 the meeting was adjourned at approximately 7:04 o'clock p.m.

CONSENT AGENDA

RESOLUTION NO. 14-R-___

A RESOLUTION AUTHORIZING REIMBURSEMENTS TO CITY OFFICIALS FOR EXPENSES INCURRED WHILE TRAVELING AWAY FROM THE CITY

BE IT RESOLVED, by the City Council of the City of Anniston, Alabama, that reimbursement is made by the City of Anniston, Alabama, as follows:

GENERAL FUND

- a.** \$77.06 to Tiffany Taylor, Police, while attending the Cross Country Mental Health Status Exam in Birmingham, AL on April 23, 2014 in the amount of \$77.06.
- b.** \$127.80 to Kelli Bentley, Finance, while attending the Payroll Processes Course I in Auburn, AL on May 16, 2014.
- c.** \$160.83 to Brandon Phillips, Finance, while attending CRE II – Exam Program for Revenue Examiner in Hoover, AL from May 9 – 7, 2014.
- d.** \$92.40 to Mary Motley, Finance, while attending Certified Revenue Examiner Class in Hoover, AL from May 9 – 7, 2014.
- e.** \$132.00 to Shelby B. Wade, Police, while attending the NCIC Certification Class in Boaz, AL on May 14, 2014.

PASSED AND ADOPTED this ____ day of _____, 2014

**CITY COUNCIL OF THE CITY
OF ANNISTON, ALABAMA**

BY: _____
Vaughn M. Stewart II, Mayor

BY: _____
Jay W. Jenkins, Council Member

BY: _____
David E. Reddick, Council Member

BY: _____
Seyram Selase, Council Member

BY: _____
Mille Harris, Council Member

ATTEST:

Alan B. Atkinson, City

RESOLUTION NO. 14-R-___

A RESOLUTION APPOINTING A MEMBER TO THE REGIONAL MEDICAL CENTER BOARD

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

Section 1. That Dr. George Crawford, Jr, be and he is hereby appointed to the Regional Medical Center Board for a term ending May 31, 2019.

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

PASSED AND ADOPTED on this the ____ day of _____ 2014.

CITY COUNCIL OF THE CITY OF ANNISTON, ALABAMA

BY: _____
Vaughn M. Stewart II, Mayor

BY: _____
Jay W. Jenkins, Council Member

BY: _____
David E. Reddick, Council Member

BY: _____
Seyram Selase, Council Member

BY: _____
Millie Harris, Council Member

ATTEST:

Alan B. Atkinson, City Clerk

RESOLUTION NO. 14-R-___

A RESOLUTION FUNDING THE CALHOUN CLEBURNE COUNTY DRUG AND VIOLENT CRIME TASK FORCE FOR FISCAL YEAR 2015 AND AUTHORIZING THE MAYOR TO SIGN SAID DOCUMENTS

WHEREAS, the City of Anniston, a municipal corporation, fully supports the efforts of the Calhoun Cleburne County Drug and Violent Crime Task Force; and

WHEREAS, the Calhoun Cleburne County Drug and Violent Crime Task Force is requesting grant funds through the Alabama Department of Economic and Community Affairs - Law Enforcement Planning Division, for personnel costs; and

WHEREAS, the City of Anniston agrees to participate in a joint application with the Calhoun County Commission, the City of Jacksonville, the City of Piedmont, the City of Weaver, the City of Heflin, the Jacksonville State University Police Department, the City of Ohatchee and the 7th Judicial Circuit District Attorney's Office - Anniston being the lead applicant for the application;

NOW THEREFORE, BE IT RESOLVED by the City Council of the City of Anniston, Alabama, as follows: Vaughn Stewart, Mayor, is authorized to act as the City of Anniston's representative in connection with this application, to sign all necessary correspondence, documents and assurances, and that the City of Anniston will provide a local cash match of \$124,000.00, along with \$50,000.00 from the Calhoun County Commission, \$36,500.00 from the City of Jacksonville, \$5,000.00 from the City of Weaver, \$ 50,000.00 from the 7th Judicial Circuit District Attorney's Office, \$95,478.11 from the Calhoun Cleburne County Drug and Violent Crime Task Force. The total combined match is \$360,978.11, with a total grant request of \$134,517.00, for a total proposed project cost of \$495,495.11.

PASSED AND ADOPTED this the ____ day of _____, 2014.

CITY COUNCIL OF THE CITY OF ANNISTON, ALABAMA

By: _____
Vaughn Stewart, Mayor

By: _____
Jay W. Jenkins, Council Member

By: _____
David Reddick, Council Member

By: _____
Seyram Selase, Council Member

By: _____
Millie Harris, Council Member

ATTEST:

Alan B. Atkinson, City Clerk

RESOLUTION NO. 14-R-___

AUTHORIZING THE SUBMISSION OF A GRANT APPLICATION UNDER THE FARMERS MARKET PROMOTION PROGRAM

WHEREAS, the United States Department of Agriculture has the authority to award grants through the Recreational Trails Program; and

WHEREAS, the City of Anniston recognizes the need for grant assistance to develop the Anniston Farmers Market Program.

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

1. that submission of a Grant Application not to exceed \$100,000 under said program is, hereby, authorized;
2. that the Mayor is authorized to sign any and all documents to obtain said grant; and
3. that Louise Campbell of L.P. Campbell Company is authorized to prepare and submit the Grant Application through the on-line grant system on behalf of the City of Anniston.

PASSED AND ADOPTED this the 9th day of June, 2014.

CITY COUNCIL OF THE CITY OF
ANNISTON, ALABAMA

By: _____
Vaughn M. Stewart II, Mayor

By: _____
Jay W. Jenkins, Council Member

By: _____
David E. Reddick, Council Member

By: _____
Seyram Selase, Council member

By: _____
Millie Harris, Council Member

ATTEST:

Alan B. Atkinson, City Clerk

RESOLUTION EXPLANATION

PURPOSE: Authorization to submit a Grant Application

PROGRAM: Farmers Market Promotion Program

AGENCY: United States Department of Agriculture (USDA)

DEADLINE: June 20, 2014

PROJECT DESCRIPTION:

Development and promotion of the Anniston Farmers Market Program to strengthen the local agriculture economy and increase consumption of locally and regionally produced agricultural products. Grant funds will be used to support infrastructure, market development, and advertising/promotion activities.

GRANT REQUEST: Not to exceed - \$100,000

LOCAL: In-Kind Support Only

COMMENT:

This project must be filed through the on-line grant submission process at www.grants.gov. Therefore, the Resolution authorizes Louise Campbell of L.P. Campbell Company to prepare and submit through this process on behalf of the City of Anniston. Note that project budget and narrative will be reviewed and approved prior to submission by the City Manager.

PREPARED BY: Louise Campbell, L.P. Campbell Company 5/27/2014

RESOLUTION NUMBER 14-R-

**AUTHORIZING THE CITY MANAGER TO EXECUTE A REBATE AGREEMENT
WITH CREEDMOOR SPORTS, INC.**

WHEREAS, the City Council passed Resolution Number 2014-R-123 on February 24, 2014, authorizing an economic development incentive to Creedmoor Sports, Inc.

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

Section 1. That Brian Johnson, City Manager of the City of Anniston, Alabama, be and he is hereby authorized, directed and empowered for and in the name of the City of Anniston to execute the rebate agreement attached hereto with Creedmoor Sports, Inc.

Section 2. That this resolution shall become effective immediately upon its passage and adoption.

PASSED AND ADOPTED this the _____ day of _____, 2014.

CITY COUNCIL OF THE CITY OF
ANNISTON, ALABAMA

BY: _____
Vaughn M. Stewart, II, Mayor

BY: _____
Jay Jenkins, Council Member

BY: _____
David E. Reddick, Council Member

BY: _____
Seyram Selase, Council Member

BY: _____
Millie Harris, Council Member

ATTEST:

Alan B. Atkinson, City Clerk

REBATE AGREEMENT dated _____, between CREEDMOOR SPORTS, INC. (“Creedmoor”), and CITY OF ANNISTON, ALABAMA, (the “City”).

All terms hereafter are restricted real property owned by Creedmoor and located at 5400 McClellan Boulevard, Anniston, AL 36206 and any of Creedmoor’s retail business activity at that location. The terms are not transferrable or assignable to any other person or entity and confer rights that are personal to Creedmoor and do not run with the land.

The City agrees to rebate municipal sales taxes to Creedmoor as follows:

- Beginning with the first sales tax return filed for Creedmoor with the City, the City will rebate 100% of proceeds actually received by the City from the levy of city sales tax upon retail sales at Creedmoor, less any applicable penalties and interest, by the 25th day of the month following the actual receipt of the sales tax by the City for a period not to exceed five (5) years.

The City agrees to rebate municipal non-educational ad valorem taxes to Creedmoor as follows:

- Beginning with the first ad valorem tax assessment following the opening of Creedmoor and each year subsequent for a period not to exceed five (5) years, the City will rebate 100% of municipal non-educational ad valorem taxes paid by Creedmoor, less any applicable penalties and interest, by the 25th day of the month following the month the City receives sufficient proof that Creedmoor has paid its ad valorem taxes to Calhoun County in full.

The City agrees to waive permitting and inspection fees to Creedmoor as follows:

- 100% of permitting and inspection fees related to the initial renovation and occupation of Creedmoor’s new retail facility will be waived.

The City agrees to rebate municipal business license fees to Creedmoor as follows:

- Beginning with the first business license purchased from the City, 100% of annual business license fees related to Creedmoor’s new retail facility will be rebated, less any applicable penalties and interest, by the 25th day of the month following receipt of payment in full of said fees for a period not to exceed five (5) years.

CREEDMOOR SPORTS, INC.

CITY OF ANNISTON, ALABAMA

Name _____

Name _____

Title _____

Title _____

RESOLUTION NO. 2014-R-

A RESOLUTION AUTHORIZING ECONOMIC DEVELOPMENT INCENTIVE TO CALI DREAMING INC. D/B/A CALI'S FRESH MEXICAN.

WHEREAS, Cali Dreaming Inc. d/b/a Cali's Fresh Mexican ("Cali's) desires to expand by opening a new restaurant within the City; and

WHEREAS, the City Council for the City of Anniston desires to provide Cali's an economic incentive in order to facilitate and promote the development of its operations and to foster the company's long term growth, activity and investment in the City; and

WHEREAS, the Council desires to provide Cali's a one hundred percent (100%) rebate of municipal sales taxes, for a period of five (5) years, to the extent that the taxes are generated and owing from sales activity at Cali's new facility within the City, and a one hundred percent (100%) rebate of municipal, non-educational ad valorem real property taxes, for a period of five (5) years, to the extent that the taxes are due from real property owned by Cali's and upon which its new facility is located within the City; and

WHEREAS, the Council desires to waive 100% of permitting and inspection fees related to the initial renovation and occupation of Cali's new facility; and

WHEREAS, the Council desires to provide Cali's a one hundred percent (100%) rebate of annual business license fees, for a period of five (5) years, related to Cali's new facility; and

WHEREAS, the Council believes that the economic incentive provided to Cali's will promote economic development within the City and that it will serve a valid and sufficient purpose, notwithstanding any incidental benefit accruing to Cali's; and

WHEREAS, the City has published in the Anniston Star, which is the newspaper with the largest circulation in the City, at least seven (7) days prior to this resolution, a notice of the economic incentive the City intends to convey, the public benefits to be achieved by the economic incentive, and the private entity to whom the City proposed to grant public funds.

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

Section 1. The Council hereby approves and authorizes a one hundred percent (100%) rebate of municipal sales taxes, for a period of five (5) years, to the extent that the taxes are generated and owing from sales activity at Cali's new facility located within the City of Anniston, and a one hundred percent (100%) rebate of municipal, non-educational ad valorem real property taxes, for a period of five (5) years, to the extent that the taxes are due from real property owned by Cali's and upon which its new facility is located;

Section 2. The Council hereby approves and authorizes a one hundred percent (100%) waiver of permitting and inspection fees related to the initial renovation and occupation of Cali's new facility.

Section 3. The Council hereby approves and authorizes a one hundred percent (100%) rebate of annual business license fees related to Cali's new facility.

Section 4. That Brian Johnson, City Manager of the City of Anniston, Alabama, be and he is hereby authorized, directed and empowered for and in the name of the City of Anniston to execute a rebate agreement, attached hereto, with Cali's.

Section 5. The Council hereby deems that the economic incentive to Cali's, as described herein, will serve valid and sufficient public purposes, including, but not limited to, the development of the City's economic interests, the recruitment and creation of positions of employment within the City, and increases to the City's tax base, notwithstanding any incidental benefit to Cali's or any other private person or entity.

PASSED AND ADOPTED this the _____ day of June, 2014.

CITY COUNCIL OF THE CITY OF
ANNISTON, ALABAMA

Vaughn M. Stewart II, Mayor

Jay W. Jenkins, Council Member

David E. Reddick, Council Member

Seyram Selase, Council Member

Millie Harris, Council Member

ATTEST:

Alan B. Atkinson, City Clerk

REBATE AGREEMENT dated _____, between CALI DREAMING INC. DOING BUSINESS AS CALI'S FRESH MEXICAN ("Cali's"), and CITY OF ANNISTON, ALABAMA, (the "City").

All terms hereafter are restricted real property owned by Cali's and located at 1801 Quintard Avenue, Anniston, Alabama 36201 and any of Cali's business activity at that location. The terms are not transferrable or assignable to any other person or entity and confer rights that are personal to Cali's and do not run with the land.

The City agrees to rebate municipal sales taxes to Cali's as follows:

- Beginning with the first sales tax return filed for Cali's with the City, the City will rebate 100% of proceeds actually received by the City from the levy of city sales tax upon sales at Cali's, less any applicable penalties and interest, by the 25th day of the month following the actual receipt of the sales tax by the City for a period not to exceed five (5) years.

The City agrees to rebate municipal non-educational ad valorem taxes to Cali's as follows:

- Beginning with the first ad valorem tax assessment following the opening of Cali's and each year subsequent for a period not to exceed five (5) years, the City will rebate 100% of municipal non-educational ad valorem taxes paid by Cali's, less any applicable penalties and interest, by the 25th day of the month following the month the City receives sufficient proof that Cali's has paid its ad valorem taxes to Calhoun County in full.

The City agrees to waive permitting and inspection fees to Cali's as follows:

- 100% of permitting and inspection fees related to the initial renovation and occupation of Cali's new facility will be waived.

The City agrees to rebate municipal business license fees to Cali's as follows:

- Beginning with the first business license purchased from the City, 100% of annual business license fees related to Cali's new facility will be rebated, less any applicable penalties and interest, by the 25th day of the month following receipt of payment in full of said fees for a period not to exceed five (5) years.

CALI'S FRESH MEXICAN

Name _____

Title _____

CITY OF ANNISTON, ALABAMA

Name _____

Title _____

RESOLUTION NO. 14-R-____

**A RESOLUTION APPROVING THE CITY OF
ANNISTON'S PARTICIPATION IN THE STATE OF
ALABAMA SALES TAX HOLIDAY AS AUTHORIZED BY
ACT NO. 2006-574 FOR THE YEAR 2014.**

WHEREAS, Section 4 of Alabama Act No. 2006-574 grants municipal governments authority to provide for the exemption of certain covered items from the payment of municipal sales tax during a period commencing at 12:01 a.m. on the first Friday in August of each year and ending at twelve midnight the following Sunday under the same terms, conditions and definitions as provided for the state sales tax holiday.

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

Section 1. That approval is granted for the exemption of certain covered items from the payment of municipal sales tax for the period commencing at 12:01 a.m. Friday, August 1, 2014 and ending at twelve midnight Sunday, August 3, 2014 under the same terms, conditions and definitions as provided for by Act No. 2006-574 and Alabama Department of Revenue Rule 810-6-3.65.

PASSED AND ADOPTED this the ____ day of _____, 2014.

CITY COUNCIL OF THE CITY OF
ANNISTON, ALABAMA

BY _____
Vaughn M. Stewart II, Mayor

BY _____
Jay W. Jenkins, Council Member

BY _____
David E. Reddick, Council Member

ATTEST:

BY _____
Seyram Selase, Council Member

Alan B. Atkinson, City Clerk

BY _____
Millie Harris, Council Member

RESOLUTION NO. 14-R- _____

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

WHEREAS, the Anniston – Calhoun County HOME Consortium Board has approved the allocation of \$250,000 of 2012 funds to Habitat for Humanity of Calhoun County, Alabama for the acquisition of property, construction of three (3) new single-family units and costs associated with sale of these units to qualified first-time homebuyers; and

WHEREAS, the City of Anniston, has been authorized to act in an administrative capacity representing all members of the Anniston – Calhoun County HOME Consortium; and

NOW THEREFORE, BE IT RESOLVED by the Council of the City of Anniston, Alabama, that the City Manager is, hereby authorized to sign the agreement and all documentation related to the HOME Activities included under this Project with Habitat for Humanity of Calhoun County, Alabama.

PASSED AND ADOPTED this _____ day of _____, 2014.

CITY COUNCIL OF THE CITY OF
ANNISTON, ALABAMA

Vaughn M. Stewart II, Mayor

Jay W. Jenkins, Council Member

David E. Reddick, Council Member

Seyram Selase, Council Member

Millie Harris, Council Member

ATTEST:

Alan B. Atkinson, City Clerk

RESOLUTION NO. 14-R-___

RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE AN AGREEMENT WITH THE CALHOUN COUNTY 9-1-1 DISTRICT TO PROVIDE LAW ENFORCEMENT TELECOMMUNICATIONS AND RADIO DISPATCH SERVICES

WHEREAS, the City of Anniston seeks to provide the most efficient, cost-effective competent law enforcement telecommunications and radio dispatch services for the benefit of the citizens located within its jurisdiction; and

WHEREAS, the City wishes to minimize the costs of independently providing and maintaining law enforcement telecommunications and radio dispatch services 24 hours per day, seven days per week, 365 days per year, every year;

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Anniston, Alabama that the City Manager is authorized and directed to execute an Agreement with the Calhoun County 9-1-1 District to provide law enforcement telecommunications and radio dispatch services for the benefit of the citizens located within its jurisdiction.

PASSED AND ADOPTED this the ____ day of _____, 2014.

CITY COUNCIL OF THE CITY OF
ANNISTON, ALABAMA

By: _____
Vaughn M. Stewart II, Mayor

By: _____
Jay W. Jenkins, Council Member

By: _____
David E. Reddick, Council Member

By: _____
Seyram Selase, Council Member

By: _____
Millie Harris, Council Member

ATTEST:

Alan B. Atkinson, City Clerk



CITY OF ANNISTON

FINANCE DEPARTMENT FACT SHEET

TO: CITY COUNCIL AND CITY MANAGER
FROM: MARY MOTLEY, REVENUE COMPLIANCE SPECIALIST
SUBJECT: CALI DREAMING INC D/B/A CALIS FRESH MIXICAN
DATE: 6/3/2014
CC:

-
- ④ A public hearing is required before formal action is taken on the Restaurant Retail Liquor application for Cali Dreaming Inc d/b/a Calis Fresh Mexican.
 - ④ The business is located in the city limits at 1801 Quintard Ave.
 - ④ The Police Department reports no local criminal history that would prevent the approval of such license.

**ANNISTON CODE
CHAPTER THREE
ALCOHOLIC BEVERAGES
(Liquor)**

Sec. 3.5. Factors to be considered in council's decisions.

(a) In rendering a decision on each application, the city council shall consider, among others, the following factors:

- (1) The wishes and desires of the residents, real property owners, and businesses within five hundred (500) feet of the property for which a license is sought.
 - (2) Character and reputation of the applicant, each partner, member, officer, member of the board of directors, landlord and club manager.
 - (3) The criminal court records or evidence of violation of ABC regulations of the applicant, each partner, member, officer, member of the board of directors, landlord and club manager.
 - (4) Location of premises for which a liquor license is sought and the number of establishments presently holding liquor licenses for lounges, clubs, hotels, restaurants, civic centers, or dinner theaters whose place or places of business are within five hundred (500) feet of the property for which a liquor license is sought.
 - (5) The compliance by applicant, each partner, member, officer, member of the board of directors, landlord, and club manager with the laws of the State of Alabama and ordinances of the city.
 - (6) The proximity of the premises to any churches, schools, day care centers, eleemosynary institutions or places of public gathering.
 - (7) The suitability of the premises to contain noise reasonably anticipated to be generated from the premises.
- (b) The city council shall refuse to approve a liquor license for a club when it appears that the operation would enure to the benefit of individual members, officers, agents, or employees of the club rather than to the benefit of the entire membership of the club.

(Ord. No. 80-O-34, 1; Ord. No. 92-O-2, 2, 2-11-92)



CITY OF ANNISTON

FINANCE DEPARTMENT FACT SHEET

TO: CITY COUNCIL AND CITY MANAGER
FROM: MARY MOTLEY, REVENUE COMPLIANCE SPECIALIST
SUBJECT: CHADWICK ERVIN ROMINE D/B/A 23RD STREET GROCERY
DATE: 6/3/2014
CC:

- ☑ Formal action is required for Retail Beer (Off Premises Only) and Retail Table Wine (Off Premises Only) license application.
- ☑ The business is located in the city limits at 321 W 23rd Street.
- ☑ The Police Department reports no local criminal history that would prevent the approval of such license.

**ANNISTON CODE
CHAPTER THREE
ALCOHOLIC BEVERAGES
(Beer and Wine)**

Sec. 3.14. Factors to be considered in council's decisions.

In rendering a decision on each application, the city council shall consider, among others, the following factors:

- a) Character and reputation of the applicant, each partner, member, officer, member of board of directors and landlord.
- b) The criminal court records of the applicant, each partner, member, officer, member of board of directors and landlord.
- c) Location of premises for which the license is sought.
- d) The compliance by applicant, each partner, member, officer, member of the board of directors and landlord with the laws of the State of Alabama and ordinances of the city.

Sec. 3.15. Approval or disapproval of application.

No application for a beer or wine license shall be approved unless the city council is satisfied that the statements in the application are true, that the applicant is a person of good repute, and that the applicant has complied with all terms and provisions of this article.

ORDINANCES

ORDINANCE NO. 14-0-___

AN ORDINANCE AMENDING SECTION 34.20 OF THE CODE OF ORDINANCES OF THE CITY OF ANNISTON, ALABAMA PROVIDING AN ALTERNATIVE PROCEDURE FOR THE REPEATED MAINTENANCE OF NOXIOUS AND OVERGROWN GRASS AND WEEDS BY THE CITY

WHEREAS, the City Council of the City of Anniston (the “Council”) finds that there are numerous properties within the City that present public nuisances because of noxious and overgrown grass and weeds;

WHEREAS, the Council finds that many of these nuisance properties require repeated maintenance by the City because of the owner’s repeated failure to correct the nuisance at the owner’s expense and effort;

WHEREAS, the Alabama Legislature, by Act 2014-303, has authorized the City to utilize an alternative and less cumbersome process for the abatement of noxious and overgrown grass and weeds on any property that has been previously abated or that the City has attempted to abate through the process of posting notice on the property;

WHEREAS, the Council finds that it is in the best interests of the City of Anniston and its citizens for the City to adopt and implement an alternative process, as authorized by Act 2014-303;

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

Section 1. The City Council of the City of Anniston, Alabama hereby amends and restates Chapter 34, Article III, Section 34.20 of “The Code of the City of Anniston, Alabama, 1981” in its entirety to read as follows:

Section 34.20. Repeated Maintenance of Noxious and Overgrown Grass and Weeds by the City.

(a) Whenever the appropriate City Official determines that a condition exists on any property so as to create or maintain a nuisance, as defined in Section 34.3(b)(1) of this Chapter, and the appropriate City Official further determines that the City has previously abated such a nuisance thereon, or that the City has attempted to abate such a nuisance by posting notice thereon in accordance with this Chapter, then the appropriate City Official may declare the condition to be a nuisance, for purposes of abatement, and the City Official’s declaration shall be final.

(b) When the appropriate City Official does so declare a condition to be a nuisance, the City may take such actions as are necessary to abate the nuisance without first adhering to the procedures set forth in this Chapter, including, without a resolution by the Council declaring the condition to be a public nuisance, as required by Section 34.15 of this Chapter, without posting notice, as required by Section 34.16 of this Chapter, without the Council hearing of objections, as required by Section 34.17 of this Chapter, and without an order from the Council for abatement, as required by Section 34.18 of this Chapter. All necessary employees of the City and its contractors and designees are expressly authorized to enter upon such properties as are necessary to abate the nuisance.

(c) Before the City may abate the nuisance, however, the appropriate City Official must send the owners of the property written notice by Regular United States Mail no less than ten (10) calendar days before the City acts to abate the nuisance. The notice shall (1) inform the owners that the appropriate City Official has declared the property to present a nuisance; (2) inform the owners that the City has previously abated such a nuisance, or it has attempted to abate such a nuisance, on the property; (3) inform the owners that the reasonable costs of the abatement shall be assessed and collected as a special assessment and lien against the property; (4) inform the owners that they may have any nuisance removed at their own expense prior to the arrival of the employees, contractors or designees assigned by the City to abate the nuisance; and (5) inform the owners that no further notices will be sent by the City for the remainder of the growing season.

(d) When properties that have required repeated maintenance of noxious and overgrown grass and weeds are abated by the City, as set forth in this Section, the reasonable costs of the abatement shall be assessed and collected as a weed lien in the same manner as set forth in this Chapter, and consistent with the procedure set forth in Section 11-67-66 of the Alabama Code of 1975.

Section 2. 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, and 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 ____ day of June, 2014.

CITY COUNCIL OF THE CITY OF
ANNISTON, ALABAMA

Vaughn M. Stewart II, Mayor

Jay W. Jenkins, Council Member

David E. Reddick, Council Member

Seyram Selase, Council Member

Millie Harris, Council Member

ATTEST:

Alan B. Atkinson, City Clerk

ORDINANCE NO. 13-0-___

AN ORDINANCE AMENDING SECTION 15.50 OF THE CODE OF ORDINANCES OF THE CITY OF ANNISTON, ALABAMA CHANGING SPEED LIMITS

WHEREAS, the City Council of the City of Anniston (the “Council”) finds that the speed limit on Chestnut Street from the intersection with Patch Place easterly to its intersection with Hanna Street, Cricket Lane, Hunter Place, Patch Place, Quail Court and Quail Drive is due to be changed from thirty (30) miles per hour to twenty (20) miles per hour;

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

Section 1. The City Council of the City of Anniston, Alabama hereby amends and restates Section 15.50(b) of “The Code of the City of Anniston, Alabama, 1981” in its entirety to read as follows:

Sec. 15.50. – Speed limits generally. The following speed limits shall apply within the city:

(b) *Twenty (20) miles per hour:*

- (1) Chestnut Street, from intersection with Patch Place easterly to its intersection with Hanna Street.
- (2) Cricket Lane.
- (3) Hunter Place.
- (4) Littlebrant Drive, from intersection with Shipley Road northeasterly to a point 975 feet north of said intersection.
- (5) Noble Street, from its intersection with 8th Street to its intersection with 15th Street.
- (6) Oak Street.
- (7) Patch Place.
- (8) Quail Court.
- (9) Quail Drive.

Section 2. That 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, and 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 ___ day of June, 2014.

CITY COUNCIL OF THE CITY OF
ANNISTON, ALABAMA

Vaughn M. Stewart II, Mayor

Jay W. Jenkins, Council Member

David E. Reddick, Council Member

Seyram Selase, Council Member

Millie Harris, Council Member

ATTEST:

Alan B. Atkinson, City Clerk

RESOLUTIONS

RESOLUTION NUMBER 14-R-___

**A RESOLUTION TO HONOR AND RECOGNIZE BENNY RAY
BY THE RENAMING OF HIGH STREET TO BENNY RAY STREET**

WHEREAS, Benny Ray was a proud and honorable resident of the City of Anniston, Alabama who tirelessly dedicated himself to the mentoring of the City's youth through sporting activities and otherwise;

WHEREAS, the Council wishes to recognize Benny Ray and to him honor him for his positive and enduring role as a leader in the community; and

WHEREAS, the Council believes that renaming High Street, the location of Benny Ray's childhood home, as Benny Ray Street will serve to recognize and promote Benny Ray's distinguished legacy of service and dedication to the City and its youth.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Anniston, Alabama, that High Street shall be, and is, hereby renamed in its entirety as "Benny Ray Street." Any and all past, present or future references to "High Street" in any municipal ordinance, resolution or other legal proceeding or context shall be considered and construed to be a reference to the same street which has been renamed "Benny Ray Street," as set forth herein.

PASSED and **ADOPTED** this ___ day of June, 2014.

CITY COUNCIL OF THE CITY OF
ANNISTON, ALABAMA

Vaughn M. Stewart II, Mayor

Jay W. Jenkins, Council Member

David E. Reddick, Council Member

Seyram Selase, Council Member

Millie Harris, Council Member

ATTEST:

Alan B. Atkinson, City Clerk

RESOLUTION NUMBER 14-R-__

**A RESOLUTION TO VACATE A PORTION OF CENTRAL PARKWAY
LYING BETWEEN PATRIOT WAY AND CENTRAL PLAZA**

WHEREAS, the owners of all real property abutting on or adjacent to that portion of the street or alley herein described and more commonly known as Central Parkway have joined in a petition seeking to declare said street or alley to be vacated; and

WHEREAS, the owners of said real property joining in the execution of said petition are Robert Shawn Snider, Cindy C. Snider, Dennis W. Wood, Judy Ann Wood, and Hope and Health, LLC; and

WHEREAS, said owners have warranted and represented that any property owned by them in whole or part that becomes commercially marketable as a result of the vacation that portion of the described street or alley will be used for a sales tax generating purpose; and

WHEREAS, in reliance upon said warranties and representations of said owners, the City has agreed to forgo its right to charge a fee for vacating that portion of the described street or alley; and

WHEREAS, that portion of the described street or alley to be vacated remains subject to any and all existing rights of way or easements for public utilities and to any and all public utilities presently situated thereupon; and

WHEREAS, that portion of the described street or alley to be vacated has not been improved as a public road, has never been used as a public road, and is not now used as a public road; and

WHEREAS, vacating that portion of the described street or alley will not deprive any person or entity of a convenient means of ingress and egress; and

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

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

Section 1. The City Council of the City of Anniston, Alabama hereby assents to the vacation of that portion of Central Parkway being more specifically described as follows:

*See Attached Exhibit I, Entitled Petition for Vacation of Street or Alleyway,
Attached Exhibit A Entitled Description of Street or Alley to be Vacated.*

Section 2. The City Council of the City of Anniston assents to this vacation of that

portion of Central Parkway as described above subject to and without prejudicing the rights of any public utilities or railroads now operating easements, lines, pipes, railways lines, or rights-of-way in the area encompassed by said streets or alleys, or parts thereof.

PASSED and **ADOPTED** this _____ day of _____, 2014.

CITY COUNCIL OF THE CITY OF
ANNISTON, ALABAMA

Vaughn M. Stewart II, Mayor

Jay W. Jenkins, Council Member

David E. Reddick, Council Member

Seyram Selase, Council Member

Millie Harris, Council Member

ATTEST:

Alan B. Atkinson, City Clerk

RESOLUTION NUMBER 14-R-__

A RESOLUTION TO VACATE A PORTION OF CENTRAL PARKWAY
LYING BETWEEN PATRIOT WAY AND CENTRAL PLAZA

EXHIBIT I

PETITION FOR VACATION OF STREET OR ALLEYWAY

PETITION FOR VACATION OF STREET OR ALLEYWAY

TO THE HONORABLE MAYOR AND CITY COUNCIL OF THE CITY OF ANNISTON, ALABAMA, a municipal corporation.

Now come the undersigned, being hereinafter referred to as "Petitioners", who represent to your Honors the following, to sit:

1. That the undersigned Petitioners are all of the owners of real property abutting upon the following described tract of land, being an alley or street in the City of Anniston, Alabama; that your Petitioners desire to vacate said alley or street; that convenient means of ingress and egress to and from the property of all other property owners entitled to such is otherwise provide; and that your Petitioners, by this Petition, to hereby vacate the same, said alley or street being described as follows, to wit:

**SEE ATTACHED EXHIBIT "A" ENTITLED
DESCRIPTION OF STREET OR ALLEY TO BE VACATED**

2. Your Petitioners have further attached hereto as Exhibit "B", a map or plat depicting the alley or street entitled "map of street to be vacated depicting said street and alleyway, and all abutting properties."

3. Your Petitioners desire to vacate the above described alley or street, and to close the same so as to nullify the effect of the dedication of said alley or street by map, plat, or otherwise, for the use of the public. Your Petitioners further represent that the vacation of said alley or street shall not deny other property owners of reasonable means of access to and from their property by virtue thereof.

NOW, THEREFORE, in consideration of the premises, your Petitioners hereby request that your Honors assent to, approve, ratify and confirm the vacation of the above-described alley or street, thereby divesting the public of any interest therein.

IN WITNESS WHEREOF, the Petitioners have caused their names to be signed hereto on this the 10 day of October, 2013.

ROBERT SHAWN SNIDER
Printed Name

R. Shawn Snider 100-A Bill Robinson Hwy
Signature/Address

DENNIS W. WOOD
Printed Name

Dennis W Wood 100-D-E
Signature/Address

KENT STEWART
Printed Name

HOPE & HEATH, LLC Bill Robinson Parkway
Signature/Address

CYNTHIA C. SNIDER
Printed Name

Cynthia C. Snider 100-A Bill Robinson
Signature/Address

Printed Name

Signature/Address

COUNTY OF CALHOUN

I, the undersigned, a Notary Public in and for said State and County, hereby certify that Robert Shawn Sudds, whose name is signed to the foregoing Instrument, and who is known to me, acknowledged before me on this day that, being informed of the contents of the document, executed the same voluntarily on the day the same bears date.

Given under my hand and seal this the 10 day of Oct, 2013.

Kelly Terrell
KELLY TERRELL
NOTARY PUBLIC
ALABAMA STATE AT LARGE
MY COMM. EXPIRES AUG. 18, 2014

STATE OF ALABAMA
COUNTY OF CALHOUN

I, the undersigned, a Notary Public in and for said State and County, hereby certify that Dennis Wood, whose name is signed to the foregoing Instrument, and who is known to me, acknowledged before me on this day that, being informed of the contents of the document, executed the same voluntarily on the day the same bears date.

Given under my hand and seal this the 10 day of Oct, 2013.

Kelly Terrell
KELLY TERRELL
NOTARY PUBLIC
ALABAMA STATE AT LARGE
MY COMM. EXPIRES AUG. 18, 2014

STATE OF ALABAMA
COUNTY OF CALHOUN

I, the undersigned, a Notary Public in and for said State and County, hereby certify that Judy Wood, whose name is signed to the foregoing Instrument, and who is known to me, acknowledged before me on this day that, being informed of the contents of the document, executed the same voluntarily on the day the same bears date.

Given under my hand and seal this the 10 day of Oct, 2013.

Kelly Terrell
KELLY TERRELL
NOTARY PUBLIC
ALABAMA STATE AT LARGE
MY COMM. EXPIRES AUG. 18, 2014

Kelly Terrell
NOTARY PUBLIC

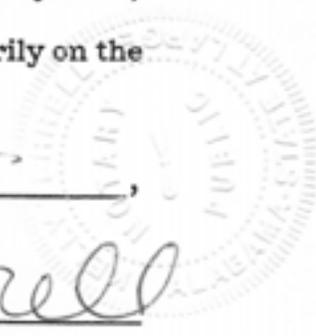
STATE OF ALABAMA
COUNTY OF CALHOUN

I, the undersigned, a Notary Public in and for said State and County, hereby certify that Kent Stewart, whose name is signed to the foregoing Instrument, and who is known to me, acknowledged before me on this day that, being informed of the contents of the document, executed the same voluntarily on the day the same bears date.

Given under my hand and seal this the 10 day of Oct,
2003.

KELLY TERRELL
NOTARY PUBLIC
ALABAMA STATE AT LARGE
MY COMM. EXPIRES AUG. 18, 2014

Kelly Terrell
NOTARY PUBLIC



STATE OF ALABAMA
COUNTY OF CALHOUN

I, the undersigned, a Notary Public in and for said State and County, hereby certify that _____, whose name is signed to the foregoing Instrument, and who is known to me, acknowledged before me on this day that, being informed of the contents of the document, executed the same voluntarily on the day the same bears date.

Given under my hand and seal this the ___ day of _____,
200___.

NOTARY PUBLIC

STATE OF ALABAMA
COUNTY OF CALHOUN

I, the undersigned, a Notary Public in and for said State and County, hereby certify that _____, whose name is signed to the foregoing Instrument, and who is known to me, acknowledged before me on this day that, being informed of the contents of the document, executed the same voluntarily on the day the same bears date.

Given under my hand and seal this the ___ day of _____,
200___.

NOTARY PUBLIC

EXHIBIT A - Description of Street or Alley to be Untraced

PART OF THE EAST $\frac{1}{2}$ OF SECTION 17, TOWNSHIP 15 SOUTH, RANGE 8 EAST, CALHOUN COUNTY, ALABAMA, BEING MORE PARTICULARLY DESCRIBED AS BEGINNING AT A POINT ON THE EAST LINE OF TRACT 4, AS SHOWN ON THE MAP OF THE COMMONS AT CENTRAL PARK SUBDIVISION, AS RECORDED IN THE OFFICE OF THE PROBATE JUDGE OF CALHOUN COUNTY, ALABAMA, IN PLAT BOOK "AA" AT PAGE 72, AND ALSO BEING SHOWN ON THE MAP OF THE WAL-MART EXPANSION #329-02 SUBDIVISION, AS RECORDED IN THE OFFICE OF THE PROBATE JUDGE OF CALHOUN COUNTY, ALABAMA, IN PLAT BOOK "FF" AT PAGE 60, SAID POINT BEING 11.00 FEET SOUTH OF THE NORTHEAST CORNER OF SAID TRACT 4 AS SHOWN ON THE MAP OF THE COMMONS AT CENTRAL PARK SUBDIVISION; THENCE SOUTH 06°09'13" EAST ALONG THE EAST LINE OF SAID COMMONS AT CENTRAL PARK SUBDIVISION, A DISTANCE OF 111.70 FEET TO THE NORTHERLY RIGHT OF WAY OF PATRIOT WAY; THENCE NORTH 78°03'16" EAST (N78°18'34"W) ALONG SAID RIGHT OF WAY, A DISTANCE OF 20.04 FEET TO AN EXISTING CONCRETE MONUMENT; THENCE ALONG SAID RIGHT OF WAY A CURVE TO THE LEFT A CHORD BEARING NORTH 55°19'39" EAST, A CHORD DISTANCE OF 85.19 FEET (86.29') TO AN EXISTING CONCRETE MONUMENT; THENCE NORTH 35°59'34" EAST (N34°18'41"W) ALONG SAID RIGHT OF WAY, A DISTANCE OF 8.04 FEET TO THE WEST LINE OF THE SHAWN R. SNIDER PROPERTY AS RECORDED IN THE OFFICE OF THE PROBATE JUDGE OF CALHOUN COUNTY, ALABAMA, IN DEED BOOK 3172 AT PAGE 365; THENCE NORTH 06°09'13" WEST ALONG THE SAID WEST LINE OF THE SHAWN R. SNIDER PROPERTY, A DISTANCE OF 139.92 FEET; THENCE SOUTH 50°33'35" WEST, A DISTANCE OF 21.92 FEET; THENCE ALONG A CURVE TO THE LEFT A CHORD BEARING SOUTH 25°12'28" WEST, A CHORD DISTANCE OF 21.41 FEET; THENCE ALONG A CURVE TO THE RIGHT A CHORD BEARING SOUTH 42°37'25" WEST, A CHORD DISTANCE OF 70.66 FEET; THENCE SOUTH 83°50'45" WEST, A DISTANCE OF 17.57 FEET BACK TO THE BEGINNING POINT, CONTAINING 0.29 ACRES, MORE OR LESS.

RESOLUTION NUMBER 14-R-___

A RESOLUTION DECLARING A PUBLIC NUISANCE

WHEREAS, the Code of Alabama (1975) § 6-5-120 defines a "nuisance" as anything that works hurt, inconvenience or damage to another; and

WHEREAS, the Code of Alabama (1975) § 6-5-121 distinguishes a "public nuisance" as being one which damages all persons who come within the sphere of its operation, though it may vary in its effects on individuals; and

WHEREAS, the Code of Alabama (1975) § 6-5-122 confers upon all municipalities in the State of Alabama the right to commence an action in the name of the city to abate or enjoin any public nuisance injurious to the health, morals, comfort, or welfare of the community or any portion thereof; and

WHEREAS, the Code of Alabama (1975) § 11-47-117 also provides that all cities and towns within the State of Alabama shall have the power to prevent injury or annoyances from anything dangerous or offensive or unwholesome and to cause all nuisances to be abated and assess the cost of abating the same against the person creating or maintaining the same; and

WHEREAS, the real property located at 1927 Lorraine Avenue, Anniston, Alabama, also known as 1925 Rocky Hollow Road, a multi-family residential apartment building, assigned Parcel ID No. 21-03-05-1-001-054.000 and PPIN No. 21456 (referred to as the "Property"), has been the source of persistent criminal activity in violation of the Code of the City of Anniston, and the repeated reports and complaints thereof; and

WHEREAS, the Anniston Police Department Incident Reports, submitted herewith as Exhibit A, demonstrate the persistent criminal activity at the Property, and reports and complaints thereof, including calls for police service to said address for burglary, drug dealing, drug use, loitering, intoxication, fighting, possession of firearms, and public disturbance, among other things; and

WHEREAS, the Rocky Hollow Neighborhood Association, a group of involved residents working to preserve and protect the neighborhood, has made repeated requests to the City for it to remove the invasive criminal element presented by the Property and to stop the persistent criminal activity occurring on or about the Property;

WHEREAS, the Rocky Hollow Neighborhood Association has repeatedly complained to the City that the invasive criminal element presented by the Property and persistent criminal activity occurring on or about the Property has, and continues to, hurt, inconvenience and damage all those who come within the sphere of such activities on the Property, including, but not limited to, all law-abiding residents in and near the Rocky Hollow Neighborhood;

WHEREAS, the Council finds, upon the report of the City's code enforcement officer and the Anniston Police Department, that the City's efforts to remedy the nuisance created by the persistent criminal activity, and reports and complaints thereof, on the Property through increased police patrol and code enforcement have not remedied the hurt, inconvenience and damage caused by the nuisance, and that the continued dedication of the City's limited resources towards the effort to abate the nuisance condition on the Property does, itself, injure the health, morals, comfort, or welfare of the community;

WHEREAS, the Council finds that the persistent criminal activity on the Property, and the reports and complaints thereof, is injurious to the health, morals, comfort, or welfare of the City of Anniston, including, but not limited to, the Rocky Hollow neighborhood and the surrounding community; and

WHEREAS, the Council finds that the persistent criminal activity on the Property, and the reports and complaints thereof, is dangerous, offensive or unwholesome and constitutes an annoyance or risk of injury to others; and

WHEREAS, the owner of the Property has been made aware of the nuisance condition existing on and presented by the Property, and the owner has failed to eliminate or otherwise remedy the same.

NOW THEREFORE BE IT RESOLVED by the City Council of the City of Anniston, Alabama that the real property located 1927 Lorraine Avenue, an address more commonly known 1925 Rocky Hollow Road and recorded as Parcel ID No. 21-03-05-1-001-054.000, is hereby declared to be a public nuisance as a result of the persistent criminal activity, and the reports and complaints thereof, stemming from or occurring thereon; and

BE IT FURTHER RESOLVED, that the City Council of City of Anniston, Alabama hereby authorizes the City Attorney to commence legal action in the name of the City to abate or enjoin the public nuisance herein declared and, to the extent allowed by law, to seek an assessment of the costs for abating or enjoining the same.

PASSED and **ADOPTED** this _____ day of June, 2014.

CITY COUNCIL OF THE CITY OF
ANNISTON, ALABAMA

Vaughn M. Stewart II, Mayor

Jay W. Jenkins, Council Member

David E. Reddick, Council Member

Seyram Selase, Council Member

Millie Harris, Council Member

ATTEST:

Alan B. Atkinson, City Clerk