

**CITY OF ANNISTON
AUGUST 11, 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) Board Confirmations:

- a. Sam Phillips – Anniston Water Works and Sewer Board
- b. Derrick McLaughlin – Zoning Board of Adjustments

III. CONDUCT PUBLIC HEARING - None

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.

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 reappointing a member Water Works and Sewer Board.
- (c) Resolution appointing a member to the Zoning Board of Adjustments.
- (d) Resolution adopting the 2014 Annual Action Plan and Budget for the City of Anniston's Community Development Block Grant Program and the Anniston/Calhoun County HOME Consortium's HOME Program.
- (e) Resolution authorizing the City Manager to enter into an agreement to renew the Anniston/Calhoun County HOME Consortium Agreement.
- (f) Resolution authorizing the City Manager to execute a loan agreement.
- (g) Motion to approve a Special Events Retail License application for Fat Dog Enterprises LLC d/b/a Rumble on Noble within the city limits on Noble Street between 10th and 14th Street on August 23, 2014.

VI. RESOLUTIONS

- (a) Authorizing the City of Anniston to come under the Retiree Act 2014-429 granting a one-time payment to City of Anniston retirees participating in the RSA Program.

VII. ORDINANCES

- (a) Amending Section 14.28 of The Code of Ordinances of The City of Anniston, Alabama providing a license tax on distribution and sale of gasoline.

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

COUNCIL COMMENTS

ADJOURNMENT

MINUTES

7/28/2014

Anniston, Alabama
July 28, 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, July 28, 2014, at approximately 5:38 o'clock p.m.

Pollie Goodman prayed the Invocation.

Pollie Goodman 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 July 14, 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 July 14, 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 Reddick made a motion to amend the agenda; amending the Consent Agenda, Item (m) to include the position of Finance Director as an unclassified position and to add Item (o) creating the unclassified position of Economic Development Director; 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, 3514 Dale Hollow Road, addressed the Council and thanked Brian Johnson, City Manager, for looking into the arrest of his son.

Janice Lee addressed the Council and requested a meeting with the CDBG staff concerning a letter she had received.

Ronald Clark addressed the Council concerning plumbing repairs that had been done to his mother's home improperly.

7/28/2014

Mayor Stewart announced that was the time for the Board Confirmation Hearing for Derrick Foster and his re-nomination to the Parks, Recreation and Beautification Board.

Council Member Selase asked Mr. Foster why he wanted to continue to serve on this board.

Mr. Foster stated he enjoyed serving on this board and it was a major quality of life issue.

Mayor Stewart announced that was the time for the Board Confirmation Hearing for Martinez Hall and his nomination to the Transit Advisory Board and Takisha Hall and her nomination to the Zoning Board of Adjustments.

Council Member Selase asked Mr. Hall why he wanted to serve on the Transit Advisory Board.

Mr. Hall stated he wanted to serve the people in any way he could and especially the elderly and the youth of the community.

Council Member Selase asked Ms. Hall why she wanted to serve on the Zoning Board of Adjustments.

Ms. Hall stated she was interested in working with the people and in the community concerning zoning issues.

Mayor Stewart announced that was the time for the public hearing to consider the cost of abating certain public nuisances at the following locations: 2630 Walnut Avenue, 410 W. 27th Street, 2701 and 2730 McCoy Avenue, 2811 and 2812 Gurnee Avenue, #5 McArthur Drive, 2716 Noble Street, 2416 and 2413 Walnut Avenue, 305 and 309 North Avenue, 2415 Moore Avenue, 512 and 514 W. 10th Street, 926 and 900 Glenaddie Avenue, 418 and 422 Chestnut Avenue, 2217 McKleroy Avenue, 2014 and 2012 Moore Avenue, 3001 Old Wilmer Avenue, 417 Elm Street, 2804 McKleroy Avenue, 814 W. 17th Street, 2700 and 2724 McCoy Avenue, 2500 and 2430 McKleroy Avenue, 2305 and 2330 Gurnee Avenue, 0 W. 13th Street #47, 18 E. 27th Street, 3029 Walnut Avenue, 121 W. 24th Street, 2804 McKleroy Avenue, 802 and 802 ½ Bellwood Drive, 1230 W. 18th Street, 801 South Smith Street, 704 Blue Ridge Drive, 910 Cain Street, 1829, 1820, 1818, 1810, and 1808 Cooper Avenue, 1808 and 1812 Brown Avenue, 1607 and 1704 McDaniel Avenue, 1232 W. 18th Street, 1619, 1612, and 1610 Brown Avenue, 1022 and 1018 W. 17th Street, 1629 and 1625 Cobb Avenue, 0 Pine Avenue #28.001, 1622, 520, and 518 W. 17th Street, 503 W. 16th Street, 0 W. 16th Street #10.001, 0 Letchers Quarters #2, 513 W. 17th Street, 509 W. 13th Street, 600 Pine Avenue, 0 Pine Avenue #18757, 1607 and 1619 Constantine Avenue, 0 Constantine Avenue #66980, 0 Pyle Avenue #68718, 531, 533 and 535 D Street, 213, 211 and 209 S. Allen Avenue, 2100, 2114, 2115 and 2119 Cobb Avenue, 930 W. 22nd Street, 0 Dooley Avenue, 2108 Dooley Avenue, 1908 Mulberry Avenue, 916 W. 16th Street, 720 Cooper Short, 1506 Dooley Avenue, 0 Kelly Avenue #51, 907, 909, and 911 W. 15th Street, 1202 Crawford Avenue, 1216, 1220 and 1228 White Avenue, 1536, 3021, 1609, 1605, 1616, and 1624 Moore Avenue, 818 W. 17th Street, 0 W. 27th Street #24.001, 2929, 2625, 2931, and 3017 Walnut Avenue, 0 Walnut Avenue #66.001, 0 White Avenue #46, 403 W. 31st Street, 2908 Wilmer Avenue, 121 and 131 South Allen Avenue, 827 S. Christine Avenue, 0 S. Christine Avenue 1.001, 317 Pyle Avenue, 0 Grant Avenue #68.001, 906 and 913 Claxton Street, 0 Claxton

7/28/2014

Street #20 and 1300 Haven Street; declared the hearing open and asked if anyone wished to address the Council concerning the cost of abating said public nuisances.

No one addressed the Council concerning the cost of abating said public nuisances.

Mayor Stewart declared the public hearing to consider the cost of abating certain public nuisances at the above listed addresses closed.

Mayor Stewart announced that was the time for the public hearing regarding objections to the abatement of identified nuisances at the following locations: 207 Wilmer Avenue, 1206 W. 10th Street and 1212 W. 10th Street (burned structures); declared the hearing open and asked if anyone wished to address the Council regarding objections to the abatement of said identified nuisances.

No one addressed the Council regarding objections to the abatement of said identified nuisances.

Mayor Stewart declared the public hearing regarding objections to the abatement of identified nuisances at the following locations: 207 Wilmer Avenue, 1206 W. 10th Street and 1212 W. 10th Street (burned structures) closed.

Mayor Stewart announced that was the time for the public hearing regarding objections to the abatement of identified nuisances at the following locations: 701 E. 6th Street and 424 Lapsley Avenue (pools); declared the hearing open and asked if anyone wished to address the Council regarding objections to the abatement of said identified nuisances.

No one addressed the Council regarding objections to the abatement of said identified nuisances.

Mayor Stewart declared the public hearing regarding objections to the abatement of identified nuisances at the following locations: 701 E. 6th Street and 424 Lapsley Avenue (pools) closed.

Mayor Stewart announced that was the time for the public hearing regarding a Club Liquor – Class II Liquor application for The Kelly One, Inc. d/b/a AJ's, declared the hearing open and asked if anyone wished to address the Council either in favor of or in opposition to said Club Liquor – Class II Liquor application for The Kelly One, Inc. d/b/a AJ's.

No one addressed the Council either in favor of or in opposition to said Club Liquor – Class II Liquor application for The Kelly One, Inc. d/b/a AJ's.

Mayor Stewart declared the public hearing regarding a Club Liquor – Class II Liquor application for The Kelly One, Inc. d/b/a AJ's closed.

Mayor Stewart announced that was the time for the public hearing regarding proposed traffic ordinances that would lower the speed limit on Parkwin Avenue between 16th Street and 21st Street, add a four way stop intersection at Diana Hills Road intersection with Mark Woods Road and Dawvon Terrace, and add a prohibited parking zone along a portion of Charlotte Avenue between McCall Drive and Bacon Avenue, declared the hearing open and asked if anyone wished to address the Council concerning said proposed traffic ordinances.

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James Munford, 206 Rockwood Avenue, addressed the Council in favor the proposed traffic ordinance that would lower the speed limit on Parkwin Avenue between 16th Street and 21st Street.

Mayor Stewart asked if anyone else wished to address the Council concerning said proposed traffic ordinances.

No one else addressed the Council concerning said proposed traffic ordinances.

Mayor Stewart declared the public hearing regarding proposed traffic ordinances that would lower the speed limit on Parkwin Avenue between 16th Street and 21st Street, add a four way stop intersection at Diana Hills Road intersection with Mark Woods Road and Dawvon Terrace, and add a prohibited parking zone along a portion of Charlotte Avenue between McCall Drive and Bacon Avenue closed.

Council Member Harris 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 reappointing a member to the Parks, Recreation and Beautification Board.
- (c) Resolution appointing a member to the Transit Advisory Board.
- (d) Resolution appointing a member to the Zoning Board of Adjustments.
- (e) Resolution declaring a reported condition to be a public nuisance. (Group 30)
- (f) Resolution authorizing the submission of a grant proposal under the 5309 Bus and Bus Facilities Program.
- (g) Receiving and confirming a cost report on the abatement of a public nuisance. (Groups 24, 24, 26, and 27)
- (h) Over-ruling objections to the abatement of identified nuisances. (Group 2014-01 structures)
- (i) Over-ruling objections to the abatement of identified nuisances. (Group 2014-01 pools)
- (j) Resolution authorizing the City Manager to execute the annual application for federal/state assistance for Fiscal Year 2014 with the Federal Aviation Administration and the Alabama Department of Transportation.
- (k) Resolution amending the Policies and Procedures Manual.
- (l) Evaluation of bids for a CNC Router for the Museums.
- (m) Motion confirming the City Manager's appointment of Cory Salley as Director of Finance and authorizing the City Manager to negotiate and execute on behalf of the City an employment contract with said and making the position of Finance Director an unclassified position.
- (n) Motion to approve a Club Liquor – Class II Liquor application for The Kelly One Inc., d/b/a AJ's located in the city limits at 1500 Hillyer Robinson.
- (o) A motion to approve the creation of the unclassified position of Economic Development Director.

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 introduced and read Resolution Number 14-R-185 as follows:

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(14-R-185, declaring an extension to a moratorium on the approval of business licenses for pay day lending businesses, money brokers, cash advance and other similar business operations)

Council Member Reddick made a motion for the passage and adoption of Resolution Number 14-R-185 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-185 was passed and adopted.

Council Member Reddick asked Brian Johnson, City Manager, to look into a job placement program for people who might lose part or full time positions with the City during the current budget process.

Council Member Harris welcomed her family to the meeting. She asked everyone to support the Woodstock race this week-end.

Council Member Jenkins encouraged everyone to support the Woodstock race this week-end. He stated the Farmers Market seems to get bigger and better every Saturday.

Council Member Selase thanked everyone for attending the back to school rally last week with Carl Payne. He asked everyone in the community to encourage their students and stated education was everyone's responsibility.

Mayor Stewart stated that education had to be a community effort. He stated the Woodstock Race, the Farmers Market and the Cerebral Palsy Telethon would all be ongoing this week-end.

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 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 the meeting was adjourned at approximately 6:15 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. \$124.25 to Kelli Bentley, Finance, while attending the Accounting Foundation of Payroll seminar in Auburn, AL on July 18, 2014.

MUSEUM FUND

- b. \$81.76 to Adam Cleveland while judging Gun Show in Birmingham, AL on July 12, 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 REAPPOINTING A MEMBER TO THE ANNISTON WATER WORKS AND SEWER BOARD

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

Section 1. That Sam Phillips be and he is hereby reappointed to the Anniston Water Works and Sewer Board for a term ending July 31, 2020.

Section 2. That the City Clerk 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 APPOINTING A MEMBER TO THE ZONING BOARD OF
ADJUSTMENTS**

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

Section 1. That Derrick McLaughlin be and he is hereby appointed to the Zoning Board of Adjustments for a term to expire May 31, 2017.

Section 2. That the City Clerk shall cause a copy of this Resolution to be mailed to the above named appointees 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 ADOPTING THE 2014 ANNUAL ACTION PLAN AND BUDGET FOR THE CITY OF ANNISTON'S COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM AND THE ANNISTON/CALHOUN COUNTY HOME CONSORTIUM'S HOME PROGRAM

WHEREAS, the City of Anniston is the grantee and administrative entity for the City of Anniston's Community Development Block Grant (CDBG) program and the Anniston/Calhoun County HOME Consortium's HOME program; and

WHEREAS, the City has followed all procedures prescribed by HUD regulations and met all of its legal obligations under the CDBG and HOME Programs and HUD regulations, including the requirements of its approved Citizen Participation Plan; and

WHEREAS, the City Council wishes to approve the Annual Action Plan for submission to HUD including the allocation of the sum of the PY 2014 CDBG grant award of \$528,169 and estimated program income for a total estimated CDBG allocation of \$538,169 and the sum of the PY 2014 HOME grant award of \$333,179 and estimated program income for a total estimated HOME allocation of \$346,179.

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

Section 1. That the Program Year 2014 Annual Action Plan and Budget are approved and hereby adopted in the following amounts for the period beginning October 1, 2014, and ending September 30, 2015.

PY 2014 CDBG Budget

Administration	\$101,120
Planning & Management- HMIS Maintenance	\$ 6,510
Estimated Program Income	\$ 10,000
Public Services	\$ 80,725
Boys & Girls Clubs of East Central Alabama	\$ 6,500
2 nd Chance, Inc.	\$ 6,500
St. Michael's Community Service Center	\$15,500
PreSchool Friends	\$ 3,500
Children's Services	\$ 4,000
Anniston Soup Bowl	\$ 8,000
The Right Place for Housing & Support	\$ 7,000
Summer Youth Employment	\$ 23,225
Community Enabler Developer	\$ 6,500
Public Facilities	
The Salvation Army Women's Shelter- Roof	\$ 25,000
Clearance/Remediation (Slum/Blight)	\$110,000
Housing Rehabilitation – Code Violation	\$ 25,000
Public Improvements	
Carver Park-Phase 2	\$ 48,500
Nettles Park Improvements	\$ 65,000
Street Improvements	<u>\$ 76,314</u>
Total CDBG Budget	\$538,169

PY 2014 HOME Budget

Administration & Planning/Program Delivery	\$ 34,617
CHDO Set-Aside	\$ 51,929
Acquisition of Property	\$ 40,000
Rehabilitation and Construction of Affordable Housing	<u>\$219,633</u>
Total HOME Budget	\$346,179

Section 2. The City Manager, as Chief Administrative Officer of the City of Anniston, Alabama, is authorized to apply for these CDBG and HOME funds by submission of said documents to HUD, and to execute all other documents, forms, agreements, certifications, assurances or reports that may be requested by HUD in relation to said Plan and to undertake all actions and steps that may be necessary to complete the Plan.

Section 4. That this resolution shall become effective immediately upon its passage and adoption.

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: _____
Millie Harris, Council Member

ATTEST:

Alan B. Atkinson, City Clerk

RESOLUTION 14-R-___

A RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO AN AGREEMENT TO RENEW THE ANNISTON/CALHOUN COUNTY HOME CONSORTIUM AGREEMENT

WHEREAS, the City of Anniston, Alabama has previously agreed to participate as the lead agency and form a Consortium with the Calhoun County Commission, the cities of Jacksonville, Piedmont, Weaver, and the Town of Hobson City under the Federal HOME Program operated by the U.S. Department of Housing and Urban Development as authorized under the HOME Investment Partnership Act, title II of the Cranston-Gonzalez National Affordable Act of 1990, as amended; and

WHEREAS, the current Agreement will expire on September 30, 2014;

NOW, THEREFORE, BE IT RESOLVED, by the City Council of the City of Anniston, that Brian Johnson, as its City Manager, be authorized to execute said agreement for the renewal of the Anniston/Calhoun County HOME Consortium.

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: _____
Millie Harris, Council Member

ATTEST:

Alan B. Atkinson, City Clerk

RESOLUTION NUMBER 14-R-

AUTHORIZING THE CITY MANAGER TO EXECUTE A LOAN AGREEMENT

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 a loan agreement in the amount of \$2,650,000.00 with BBVA Compass Bank for infrastructure improvements at McClellan.

Section 2. That the agreement be attested by the City Clerk and the seal of the City affixed thereto.

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

Summary of Terms and Conditions of Proposed Credit Facility

RE: Up to \$2,650,000 BQ Term Facility

This summary of indicative terms and conditions is not a commitment to lend or to provide any other service related to a financing. Any such commitment or undertaking will be issued only in writing subject to appropriate documentation, the terms of which are not limited to those set forth herein. This summary of indicative terms and conditions is intended as an outline of certain of the material terms of a proposed financing and is not intended to summarize all of the conditions, covenants, representations, warranties and other provisions that would be contained in definitive loan documents, and is subject to, among other things, completion of due diligence and credit approval by BBVA Compass.

Borrower:	City of Anniston, AL
Lender:	Compass Bank (“BBVA Compass” or “Lender” or “Bank”)
Facility:	Up to \$2,650,000 Bank Qualified Term Loan Facility (“Term Loan” or “Facility”).
Purpose:	Proceeds to be used to make certain infrastructure improvements to McClellan
Maturity:	15 years
Repayment:	Interest due semi-annually, every January 31 and June 30, commencing January 31 st , 2015. Principal shall be payable annually in accordance with the amortization schedule attached in Exhibit A.
Interest Rate:	As of July 30, 2014 if the facility were to close and fully fund, the indicative fixed rate would be 3.48%. The actual rate will be determined upon formal selection of this proposal. At that point in time, the rate can be locked in for a period of up to 60 days. Should Facility not close subsequent to rate lock, a make whole breakage fee will be assessed to the Borrower in accordance with the make whole provision provided in Exhibit A.
After-Tax Yield Maintenance Language:	The tax exempt interest rate will be subject to gross-up upon an event of taxability based on any action or inaction on the part of the borrower. Lender will require satisfactory review of a legal opinion regarding the tax-exempt status of interest due and payable on the Facility from bond counsel acceptable to the Bank.
Prepayment:	Facility may be prepaid prior to the 10 th anniversary of closing subject to a “make whole” provision provided in Exhibit B, this may or may not include a prepayment premium based on then existing market conditions. After 10 years, loan is prepayable at par plus accrued interest.
Security:	The Facility will be a General Obligation of Borrower.
Financial Reporting:	<ul style="list-style-type: none">• Annual audited consolidated financial statements of Borrower prepared in accordance with auditing standards generally accepted in the United States of America and the standards applicable to financial audits contained in <i>Governmental Auditing Standards</i>, issued by the Comptroller General of the United States, due within 5 days of receipt, however in no event later than 270 days of fiscal year end.• Annual Borrower Prepared Budget shall be due within 60 days of the beginning of each fiscal year. Budget shall include at a minimum: income statement, balance sheet, with details on capital expenditures and financing plans.• Borrower shall furnish at Lender’s request such additional information that Lender may from time to time reasonably request.

CONFIDENTIAL

This term sheet does not represent a commitment to lend and may not be relied upon as such.

- Financial Covenants:**
- Events of Default: include but are not limited to (i) non-payment of principal and interest due on any Bond or any Payment Obligation, (ii) incapable of fulfilling its obligations under the original Bond Resolution or under any supplemental resolution, (iii) bankruptcy or judgments, and (iv) default on any covenants.
- Representations, Warranties and Additional Covenants:**
- Maintenance of existence.
 - Notices of (i) default, (ii) material litigation.
 - Additional representations and warranties, and other affirmative and negative covenants that Lender considers customary and reasonably appropriate for the Facility. Such representations may include, but are not limited to: (i) a written opinion from Borrower's Counsel, in form and substance acceptable to Lender and Lender's Counsel, that all documents are valid, binding and enforceable in accordance with their terms, that execution and delivery of documents has been duly authorized, and addressing such other matters as the Lender and the Lender's Counsel deem appropriate (ii) Receipt of written opinion from Bond Counsel in form and substance satisfactory to Lender, which shall include, without limitation, opinion that the interest on the Bond is excludable from gross income of the owners thereof for federal income tax.
- Closing Costs:** Borrower will pay all reasonable, out-of-pocket costs and expenses incurred by Lender in connection with due diligence and the preparation of loan documentation, regardless of whether or not the Facility is closed. These out-of-pocket costs may include, but are not limited to, legal costs.
- Deposit Accounts:** The structure and terms contained herein are conditioned upon Borrower opening a secondary depository account with Lender and agreeing to allow Lender to automatically debit its accounts with Lender for amounts due under the Facility.
- Conditions Precedent:**
- Such parties are to be hired to complete the necessary certifications to allow the credit facility to be advanced refunded
 - Legal opinions of Borrower's counsel
 - Properly executed documents in form and substance satisfactory to Lender and/or Lender's counsel evidencing or supporting the Facility, which may include, but are not limited to, a promissory note and/or credit agreement, pledge or security agreements, financing statements and general/unlimited/unconditional guarantees.
 - Additional conditions precedent that Lender considers customary and reasonably appropriate for the Facility.
- *Note, all of the foregoing are subject to Lender's receipt and satisfactory review.*
- Acceptance:** This proposal will expire August 15, 2014. If for any reason the Borrower wishes to extend the selection period, Lender reserves the right to review the proposal.

We sincerely appreciate the opportunity to present you with this Summary of Terms and Conditions. Should you have any questions about any aspect of this document, please do not hesitate to contact me at 256-835-5242.

Thank you in advance for your consideration.

Sincerely,

Sonde Coleman
City President/Calhoun County

This term sheet is issued in reliance on the accuracy of all information, representations, schedules, and other data and materials submitted by Borrower, all of which are deemed material. This term sheet does not contain all of the terms and conditions or other provisions that may be included in the final documents evidencing the Facility, and is issued at a time before Lender has undertaken a full business, credit, and legal analysis of Borrower and the Facility.

The terms and provisions of this correspondence are confidential and may not be disclosed by Borrower to any other person or entity. However, the foregoing restrictions on disclosure shall not apply to disclosure(s): (i) to Borrower's legal counsel for purposes of advising Borrower with respect hereto and provided, however, that such counsel agrees to preserve the confidentiality of this correspondence; or (ii) in response to any properly issued subpoena from any court or other governmental authority with

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This term sheet does not represent a commitment to lend and may not be relied upon as such.

jurisdiction over Borrower, provided that Lender has been furnished reasonable advance notice of the intended disclosure and the opportunity to prevent or limit the scope of any such disclosure.

This term sheet is intended for the sole and exclusive benefit of Borrower and Lender and may not be relied upon by third parties.

EXHIBIT A: Amortization Schedule

1/31/2015	\$ 124,000
1/31/2016	\$ 124,000
1/31/2017	\$ 124,000
1/31/2018	\$ 124,000
1/31/2019	\$ 124,000
1/31/2020	\$ 124,000
1/31/2021	\$ 124,000
1/31/2022	\$ 124,000
1/31/2023	\$ 237,000
1/31/2024	\$ 237,000
1/31/2025	\$ 237,000
1/31/2026	\$ 237,000
1/31/2027	\$ 237,000
1/31/2028	\$ 237,000
1/31/2029	\$ 236,000
TOTAL	\$2,650,000

EXHIBIT B: Make Whole Provision

Prepayment. Borrower agrees that all loan fees and other prepaid charges are earned fully as of the date of the loan and will not be subject to refund, except as required by law. Subject to the prepayment fee and other conditions provided herein, Borrower may pay all or a portion of the amount owed before it is due. Prepayment in full shall consist of payment of the remaining unpaid principal balance together

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with all accrued and unpaid interest and all other amounts, costs and expenses for which Borrower is responsible under this Note or any other agreement with Lender pertaining to this loan before such amounts are due. Prepayment in part shall consist of payment of any portion of the unpaid principal balance before it is due. Unless otherwise agreed by Lender in writing and provided that Borrower is current on all amounts due, payments applied to the loan before Lender's creation of a billing statement for the next payment due will be applied entirely to principal, and payments applied to the loan after the creation of such billing statement will be applied according to that billing statement. Unless otherwise agreed by Lender in writing and provided that Borrower is current on all amounts due, payments applied to the loan before Lender's creation of a billing statement for the next payment due shall not relieve Borrower of Borrower's obligation to continue making, uninterrupted, payments under this Note.

Borrower agrees not to send Lender payments marked "paid in full", "without recourse", or similar language. If Borrower sends such a payment, Lender may accept it without losing any of Lender's rights under this Note, and Borrower will remain obligated to pay any further amounts owed or that may become owed to Lender. All written communications concerning disputed amounts, including any check or other payment instrument that indicates that the payment constitutes "payment in full" of the amount owed or that is tendered with other conditions or limitations or as full satisfaction of a disputed amount, must be mailed or delivered to: Compass Bank, PO Box 3096, Birmingham AL 35202.

Prepayment Fee. If Borrower makes any prepayment of the outstanding principal balance on the Note, Borrower shall pay to Lender a prepayment fee equal to the quotient of (i) the product of (a) AYD, times (b) Average Principal, times (c) Percent Prepaid, times (d) Days Remaining, divided by (ii) 360.

The Note is prepayable without penalty after two (2) years.

Definitions:

"AYD" means the difference (but not less than zero) between: (i) the U.S. Treasury constant maturity yield, as reported in the H.15 Report for the date on which the loan was originated, for a maturity that is the same as the term of the loan at origination (rounded to the nearest whole number of months) or, if no such maturity is reported, an interpolated yield based on the reported maturity that is next shorter than, and the maturity reported that is next longer than, the term of the loan at origination, and (ii) the U.S. Treasury constant maturity yield, as reported in the H.15 Report for the Prepayment Date for a maturity that is the same as the remaining term of the loan at the Prepayment Date (rounded to the nearest whole number of months) or, if no such maturity is reported, then the interpolated yield using the method described in (i) above, but based on the remaining term of the loan on the Prepayment Date. If the H.15 Report is not available for any day, then the H.15 Report for the immediately preceding day on which yields were last reported will be used.

"H.15 Report" means the Federal Reserve Board's Statistical Release H.15, "Selected Interest Rates". Weekly releases of, and daily updates to, H.15 Reports generally are available at the Federal Reserve Board's website, www.federalreserve.gov. If the H.15 Report is replaced or otherwise unavailable, Lender may designate the replacement report or another report reasonably comparable to the H.15 Report, which shall be used in place of the H.15 Report.

"Average Principal" means the simple average of (i) the principal loan balance on the Prepayment Date, and (ii) the principal loan balance scheduled, as of the Prepayment Date (taking into account any prior prepayments), but for the prepayment, to be due at the maturity date of the loan (plus any accrued and unpaid fees or other sums owed under the loan documents).

"Percent Prepaid" means the percentage determined by dividing the principal amount of the loan being prepaid by the principal loan balance outstanding on the Prepayment Date.

"Days Remaining" means the number of days from the Prepayment Date through the maturity date of the loan.

"Prepayment Date" means the date on which Lender received the prepayment.

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CITY OF ANNISTON

FINANCE DEPARTMENT FACT SHEET

TO: CITY COUNCIL AND CITY MANAGER
FROM: MARY MOTLEY, REVENUE COMPLIANCE SPECIALIST
SUBJECT: FAT DOG ENTERPRISES LLC D/B/A RUMBLE ON NOBLE
DATE: 8/6/2014
CC:

- ④ Formal action is required for Special Events Retail license application.
- ④ The event will take place within the city limits on Noble St between 10th and 14th St.
- ④ 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.

RESOLUTIONS

RESOLUTION NO. 14-R-_____

**A RESOLUTION AUTHORIZING THE CITY TO COME UNDER THE RETIREE ACT
2014-429 GRANTING A ONE TIME PAYMENT TO CITY OF ANNISTON
RETIREES PARTICIPATING IN THE RSA PROGRAM**

SECTION 1. BE IT RESOLVED by the City Council of the City of Anniston that the City of Anniston elects to come under the provisions of Section 2 of Act 429 of the Regular Session of the 2014 Alabama Legislature.

SECTION 2. That the City of Anniston agrees to provide all funds necessary to the Employees' Retirement System to cover the cost of the one-time lump sum payment as provided for by said Act for those eligible employees retired from the City of Anniston with the aforementioned increase being paid in October 2014.

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

ORDINANCES

ORDINANCE NO. 14-0-__

AN ORDINANCE AMENDING SECTION 14.28 OF THE CODE OF ORDINANCES OF THE CITY OF ANNISTON, ALABAMA PROVIDING A LICENSE TAX ON DISTRIBUTION AND SALE OF GASOLINE

WHEREAS, the City Council of the City of Anniston (the "Council") finds that it is in the best interests of the City of Anniston and its citizens for the City to impose a license tax on both the distribution and sale of gasoline within the City and its police jurisdiction;

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 14, Article II, Section 14.28 of "The Code of the City of Anniston, Alabama, 1981" in its entirety to read as follows:

Section 14.28. Business License Tax on Retail Gasoline Stations

In addition to the gasoline license tax levied and imposed on distributors and sellers of gasoline pursuant to Section 14.24 of this Chapter, each retail gasoline station with a fixed location within the license jurisdiction of the City shall pay a business license tax as prescribed in Article I of this Chapter.

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 _____, 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