

**CITY OF ANNISTON
SEPTEMBER 19, 2016
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.

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) Receive public comments regarding amendments to the Proposed FY 2017 General Fund Budget.

IV. UNFINISHED BUSINESS – None

V. CONSENT AGENDA

- (a) Resolution authorizing amendment to the City of Anniston Agreement with BFI Waste Services, LLC d/b/a Republic Services of Anniston.
- (b) Resolution to amend the FY16 budgets for the General Fund Operating Fund, Museum Store Fund, Stormwater Enterprise Fund, Three Internal Service Funds, Three Governmental Funds, and Museum Operations Funds to adjust for the differences between the previously amended budgets and presently projected revenues and expenditures in the budgets of the various funds.
- (c) Motion to approve the addition/update of Assistant Program Director, Recreation Center Director-Grandfathered Civil Service Employees and Recreation Center Supervisor to the Classification and Compensation Plan.

VI. ORDINANCES

- (a) Amending Section 31.30, 31.31 and 31.32 of the Code of Ordinances of the City of Anniston, Alabama and repealing Sections 31.33 through 31.39 of the same. **First Reading**

VII. RESOLUTIONS

- (a) Authorizing a Municipal Economic Development Incentive to 402, LLC d/b/a Dad's Bar-B-Que.
- (b) Adopting the Proposed FY 2017 General Fund Budget

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

COUNCIL COMMENTS

ADJOURNMENT

MINUTES

9/6/2016

Anniston, Alabama
September 6, 2016

The City Council of the City of Anniston, Alabama, met in Regular Session in the Council Chamber in the City Hall of the City of Anniston, Alabama, on Tuesday, September 6, 2016, at approximately 5:25 o'clock p.m.

Reverend Tim Kendrick prayed the Invocation.

Reverend Tim Kendrick 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 August 1st, 15th and 30th, 2016. 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 August 1st, 15th, and 30th, 2016. 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 Harris made a motion to adopt the agenda. 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.

Council Member Selase 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 authorizing the Mayor to execute a contract for Professional Auditing Services.
- (c) Motion amending the City of Anniston Policies and Procedures Manual to include "Mandatory Direct Deposit of Employee Wages".
- (d) Resolution authorizing the submission of a grant application to the National Endowment For the Arts.

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.

9/6/2016

Council Member Jenkins made a motion to reintroduce and read by title Ordinance Number 16-O-15. 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 reintroduction and reading by title Ordinance Number 16-O-15.

No one addressed the Council either in favor of or in opposition to the reintroduction and reading by title Ordinance Number 16-O-15.

On call of the roll on Council Member Jenkins' motion to reintroduce and read by title Ordinance Number 16-O-15 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 reintroduce and read by title Ordinance Number 16-O-15, Council Member Jenkins reintroduced and read by title Ordinance Number 16-O-15 as follows:

(16-O-15, authorizing execution of an agreement between the City and the Regional Medical Center Board and further authorizing the reincorporation of the RMC Board as "The Health Care Authority of the City of Anniston"; Second Reading)

Council Member Jenkins made a motion for the passage and adoption of Ordinance Number 16-O-15 as reintroduced 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 16-O-15 was passed and adopted.

Council Member Selase introduced and read Resolution Number 16-R-98 as follows:

(16-R-98, authorizing the City Manager to execute an agreement regarding donation of property)

Council Member Selase made a motion for the passage and adoption of Resolution Number 16-R-98 as introduced and read. The motion was seconded by Council Member Harris.

Council Member Reddick asks who had the title for this property.

Bruce Downey, City Attorney, stated that BB&T Bank had the tile for this property and it was a foreclosed property.

On call of the roll on Council Member Selase's motion for the passage and adoption of Resolution Number 16-R-98 as introduced and read 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 and Resolution Number 16-R-98 was passed and adopted.

9/6/2016

The Council made a presentation to Ken Rollins for an Honorary Street Naming.

Brian Johnson, City Manager, addressed the Council and made a presentation concerning the Fiscal Year 2017 General Fund Budget.

Council Member Jenkins stated that last week he had made some statements that were inappropriate and irrelevant to the discussion. He stated he would like to apologize to the Council, the School Board, Mr. Douthitt, and Ms. Jones who was present at the meeting. He stated it was not uncommon for the budget process to turn into a heated discussion. He stated he allowed himself to speak with frustration and anger. He stated it was critical for the monies the City received to be accounted for and expended in the proper way. He stated he asks for fiscal responsibility from the school system and all others who receive monies from the City. He stated he remains concerned with the fiscal accountability of the school system. He stated he wanted as much of the funding of the school system spent on the students as was possible. He stated the school system had too many facilities, that they were spending too much on bussing and other things that were not reaching the kids. He stated he was happy that they may find the funding for the Pre-K program.

Council Member Selase stated he appreciated Council Member Jenkins' apology. He stated this Council created the Education Innovation Fund on September 24, 2013 by a three- two vote. He stated in in 2014 \$150,000 was cut from the Education Innovation Fund and he had made a motion to add those funds back but his motion received no second and he was the only Council Member to vote against that budget and the cut to the Education Innovation Fund. He stated he was the only Council Member to vote against the budget in 2015 because that budget had a cut to the Education Innovation Fund. He stated he had respect for his fellow Council Members and did not blame them for not voting with him in opposition to the previous budgets mentioned. He stated he appreciated what this Council had accomplished. He stated his amendment proposal for the 2017 budget would be to defer the Employee COLA to January 1, 2017 (\$100,000), reclassify certain positions in the Parks and Recreation Department (\$75,000), reduce professional services (\$150,000), and reduce overtime (\$25,000) and to increase Coosa Valley Detention Services (\$50,000) and the Education Innovation Fund (\$300,000).

Council Member Reddick stated he had tried in the past to allocate $\frac{1}{4}$ of the 2012 one cent tax increase to education and if they had done that then they would not be having this present discussion. He stated if he had funded everything as proposed originally last year then the Wiggins Center would have been closed and he would have never gotten it back. He stated they had to support their schools. He stated he would appreciate support to allocate a flat tax for the schools.

Council Member Harris stated she appreciated Council Member Selase's hard work to come up with a budget amendment proposal that they could support.

Mayor Stewart stated that was the time for the public hearing on the proposed Fiscal Year 2017 Budget, declared the hearing open and asked if anyone wished to address the Council concerning the proposed Fiscal Year 2017 Budget.

9/6/2016

Glen Ray, 3514 Dale Hollow Road, addressed the Council in opposition to the proposed Fiscal Year 2017 Budget and stated they should give additional funding to the school system.

Nathaniel David, 2121 Ferron Avenue, addressed the Council in opposition to the proposed Fiscal Year 2017 Budget and stated they should give additional funding to the school system.

Joe Harrington, 801 Quail Drive, addressed the Council in opposition to the proposed Fiscal Year 2017 Budget and stated they should give additional funding to the school system.

Harold Ray, 905 Bennie Ray Street, addressed the Council in opposition to the proposed Fiscal Year 2017 Budget and stated they should give additional funding to the school system.

Donald Stewart addressed the Council in opposition to the proposed Fiscal Year 2017 Budget and stated they should give additional funding to the school system.

James Montgomery, 1700 Greenbrier, addressed the Council in opposition to the proposed Fiscal Year 2017 Budget and stated Council Member Jenkins may want to consider resigning from the Council.

Sheila Jones, 1719 Rocky Hollow Road, addressed the Council in opposition to the proposed Fiscal Year 2017 Budget and stated the Council should meet with the parents and explain where there tax dollars are going.

Brenda Coleman, 316 Elm Street, addressed the Council in opposition to the proposed Fiscal Year 2017 Budget and stated their children were not hopeless.

Ciera Smith, Anniston High School student, addressed the Council and stated they needed the students at this meeting. She stated that money could not fix this. She asked why they did not the Council and the audience members in their schools.

Mary Harrington, 801 Quail Drive, addressed the Council in opposition to the proposed Fiscal Year 2017 Budget and stated they should not tell the Board of Education how to allocate their funds.

Erica Tolson, 409 South Allen Avenue, addressed the Council in opposition to the proposed Fiscal Year 2017 Budget and stated their kids were their future. She stated they needed to look at having a strong Mayor.

Freddie Rimpsey addressed the Council and stated he remembered in the past when the Council would not listen to them and stated they had come a long way. He stated the Council and community leaders should sit down and meet and try to solve these problems.

Rosalind Lawson, 1625 Marguerite Avenue, addressed the Council in opposition to the proposed Fiscal Year 2017 Budget and stated the City needed to consider an occupational tax for people who worked in the city but did not live in the city.

9/6/2016

Celeste Jackson addressed the Council in opposition to the proposed Fiscal Year 2017 Budget and stated other schools in the area were preparing their students and they were having the same problems in Anniston that they had in years past.

Mayor Stewart asked if anyone else wished to address the Council concerning the proposed Fiscal Year 2017 Budget.

No one else addressed the Council concerning the proposed Fiscal Year 2017 Budget.

Mayor Stewart declared the public hearing on the proposed Fiscal Year 2017 Budget closed.

Council Member Selase made a motion to amend the proposed Fiscal Year 2017 Budget to decrease salaries by \$100,000.00 by deferring the cost of living adjustment until January 1, 2017, to decrease the Parks and Recreation Department by \$75,000.00 by reclassifying certain positions due to the Federal overtime regulations, to decrease Professional Services by \$150,000.00 including fees for web site design, legal fees, PR marketing, grant writing and information technology, and to decrease by \$25,000.00 overtime for Public Works and Fire Department employees and to increase by \$300,000.00 the Education Innovation Fund and to increase by \$50,000.00 Coosa Valley Youth Services. The motion was seconded by Council Member Jenkins.

Council Member Reddick stated that if Council Member Selase's organization received funds from Coosa Valley Youth Services then he could not make this motion.

Council Member Selase stated that his organization received no funds from Coosa Valley Youth Services.

On call of the roll on Council Member Selase's motion to amend the proposed Fiscal Year 2017 Budget to decrease salaries by \$100,000.00 by deferring the cost of living adjustment until January 1, 2017, to decrease the Parks and Recreation Department by \$75,000.00 by reclassifying certain positions due to the Federal overtime regulations, to decrease Professional Services by \$150,000.00 including fees for web site design, legal fees, PR marketing, grant writing and information technology, and to decrease by \$25,000.00 overtime for Public Works and Fire Department employees and to increase by \$300,000.00 the Education Innovation Fund and to increase by \$50,000.00 Coosa Valley Youth Services and Council Member Jenkins second to said motion the following vote was recorded: ayes: Council Members Jenkins, Reddick, Selase, Harris and Stewart; nays: none. The motion carried.

Council Member Reddick made a motion to amend the proposed Fiscal Year 2017 Budget to decrease Health Care by \$100,000.00 and to decrease Special Events by \$40,000.00 and to increase the Education Innovation Fund by \$140,000.00. The motion was seconded by Council Member Selase.

Council Member Harris stated she would like more information about the Health Care costs before voting on this amendment. She stated she would be willing to give up the \$7,000.00 allocated for travel expense to each Council Member to give to the Education Innovation Fund.

9/6/2016

Cory Salley stated he had budgeted more for health care this year because they were starting with about a \$400,000.00 deficit and so he had budgeted \$300,000.00 more to hopefully get out of the hole and possibly build some fund balance. He stated he was trying to help smooth the fluctuations in the year to year actual health care cost.

Mayor Stewart made a motion to amend Council Member Reddick's motion to amend the proposed Fiscal Year 2017 Budget to decrease Health Care by \$100,000.00 and to decrease Special Events by \$40,000.00 and to increase the Education Innovation Fund by \$140,000.00 to decrease Health Care by \$50,000.00 and to decrease Special Events by \$40,000.00 and to increase the Education Innovation Fund by \$90,000. The motion was seconded by Council Member Reddick; and on call of the roll the following vote was recorded: ayes: Council Members Jenkins, Reddick, Selase, Harris and Stewart; nays: none. The motion carried.

There being no further business to come before the meeting at that time Council Member Selase made a motion the meeting be adjourned. The motion was seconded by Council Member Reddick; and on call of the roll the following vote was recorded: ayes: Council Members Jenkins, Reddick, Selase, Harris and Stewart; nays: none. The motion carried and the meeting was adjourned at approximately 7:30 o'clock p.m.

CONSENT AGENDA

RESOLUTION NO. 16-R-_____

**RESOLUTION AUTHORIZING AMENDMENT TO CITY OF ANNISTON AGREEMENT
WITH BFI WASTE SERVICES, LLC D/B/A REPUBLIC SERVICES OF ANNISTON**

WHEREAS, on the 20th day of August, 2013, the City of Anniston entered into contract with BFI Waste Services, LLC, D/B/A Republic Services of Anniston to provide solid waste collection services to the City; and

WHEREAS, according to the terms of that contract it may be renewed for an additional three (3) year period beyond the September 30, 2016 expiration date; and

WHEREAS, the City has determined that the public interest would be served by an extension of the contract for an additional three (3) year term commencing October 1, 2016; and

WHEREAS, the City authorizes the negotiation of an option to extend the contract upon mutual agreement of the parties for such terms as the parties may agree upon (collectively, the "Extended Term"); and

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

Section 1. That the Mayor, be and he is hereby authorized, directed, and empowered for and in the name of the City of Anniston to execute a renewal of the solid waste collection services agreement with BFI Waste Services, LLC, D/B/A Republic Services of Anniston and to negotiate an option to extend the agreement which may be contained therein.

Section 2. That the City Clerk, be and he is hereby directed to attest to the Mayor's execution of said contract and affix the seal of the City thereto.

PASSED AND ADOPTED this the ____ day of September 2016.

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

THIRD AMENDMENT TO AGREEMENT FOR SOLID WASTE COLLECTION SERVICES

This Third Amendment to the Agreement (this “Third Amendment”) is entered into as of September __, 2016, between the City of Anniston, Alabama (the “City”), and BFI Waste Services, LLC, d/b/a Republic Services of Anniston (“Contractor”).

Recitals

A. The City and Contractor entered into an agreement for solid waste collection services dated February 22, 2009, as amended by the Amendment to Agreement for Solid Waste Collection Services dated July 30, 2010, and the Second Amendment to Agreement for Solid Waste Collective Services dated August 20, 2013 (collectively, the “Agreement”), to provide certain waste services for the City.

B. The City and Contractor have agreed to extend the Agreement for three additional years.

Agreement

NOW, THEREFORE, for good and valuable consideration, the receipt and sufficiency of which the parties acknowledge, the parties agree to the following terms and conditions:

1. Term. The term of the Agreement is hereby amended and extended beyond the expiration date of September 30, 2016, for an additional three (3) year term commencing on October 1, 2016 and expiring September 30, 2019. As set forth in Section 3 of the Agreement, the Agreement may be renewed for additional three year terms upon the mutual agreement of the City and the Contractor.

2. Capitalized Terms. Capitalized terms used but not otherwise defined in this Third Amendment shall have the meanings assigned to them in the Agreement.

3. Continuing Effect. Except as expressly modified or amended by this Third Amendment, all terms and provisions of the Agreement shall remain in full force and effect. In the case of a conflict in meaning between the Agreement and this Third Amendment, this Third Amendment shall prevail.

4. Counterparts. This Third Amendment may be executed in one or more counterparts, each of which shall be deemed an original and all of which combined shall constitute one and the same instrument. Facsimile and/or electronic copies of the parties’ signatures shall be valid and treated the same as original signatures.

(Signatures on following page)

IN WITNESS WHEREOF, the parties have entered into this Third Amendment to be effective as of the Effective Date.

CONTRACTOR:

CITY:

BFI WASTE SERVICES, LLC

CITY OF ANNISTON

By: _____

By: _____

Name: _____

Name: _____

Title: _____

Title: _____

RESOLUTION NUMBER 16-R-__

A RESOLUTION TO AMEND THE FY16 BUDGETS FOR THE GENERAL OPERATING FUND, MUSEUM STORE FUND, STORMWATER ENTERPRISE FUND, THREE INTERNAL SERVICE FUNDS, THREE GOVERNMENTAL FUNDS, AND MUSEUM OPERATIONS FUNDS TO ADJUST FOR THE DIFFERENCES BETWEEN THE PREVIOUSLY AMENDED BUDGETS AND PRESENTLY PROJECTED REVENUES AND EXPENDITURES IN THE BUDGETS OF THE VARIOUS FUNDS

WHEREAS, the City Council of the City of Anniston has the power to change and amend the City's annual budget at the request of the City Manager;

NOW, THEREFORE, BE IT RESOLVED, the City Council of Anniston, Alabama in regular session assembled, do approve amendments to the following budgets in order to accurately reflect the differences between the budgeted revenues and expenditures and the presently projected revenues and expenditures for the various budgets based on actual income and expenditures as of July 31, 2016, with respect to each of the City's various departments and funds as set forth on the attached Exhibit "A".

Fund Name	Increase/(Decrease) in Budget
General Fund	\$155,345
Museum of Natural History	\$30,475
Berman Museum	(\$20,660)
Longleaf Botanical Gardens	(\$275)
Stormwater Fund Revenues	(\$200,000)
Stormwater Fund Expenses	(\$210,150)
Museum Store Revenues	\$14,800
Museum Store Expenses	\$1,760
Fire Tax Fund	(\$222,000)
Probation Office Fund	(\$3,000)
Capital Projects Fund	\$693,000

PASSED AND ADOPTED this the ___ day of _____, 2016.

CITY COUNCIL OF THE CITY OF
ANNISTON, ALABAMA

BY _____
Vaughn Stewart, 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

Exhibit A

FY2016 General Fund Budget Amendment

	FY 2016 Amended Budget #1	FY 2016 Proposed Amended #2	Variance	% Change
Revenues				
Taxes	27,720,500	28,358,500	638,000	2.3%
Licenses, Fees, & Fines	5,113,565	5,140,165	26,600	0.5%
Charges for Services	2,414,480	2,388,475	(26,005)	-1.1%
Sale of Assets	105,000	125,000	20,000	19.0%
Intergovernmental Revenues	1,178,700	1,122,700	(56,000)	-4.8%
Other Revenues	729,250	181,000	(548,250)	-75.2%
Transfers In	245,500	346,500	101,000	41.1%
Appropriated Fund Balance	-	-	-	0.0%
Total Revenues	37,506,995	37,662,340	155,345	0.4%
Expenditures				
City Council	\$ 182,815	\$ 182,815	-	0.0%
Office of the City Manager	646,850	652,850	6,000	0.9%
Economic Development	311,465	292,765	(18,700)	-6.0%
Finance	1,023,815	1,022,615	(1,200)	-0.1%
Food Service & Special Events	541,000	543,300	2,300	0.4%
Police	7,615,375	7,423,375	(192,000)	-2.5%
Detention	554,085	540,500	(13,585)	-2.5%
Municipal Court	341,800	341,800	-	0.0%
Fire	5,502,000	5,556,000	54,000	1.0%
Public Works	6,580,820	6,425,565	(155,255)	-2.4%
Planning & Development Services	299,425	305,700	6,275	2.1%
Parks and Recreation	3,676,645	3,731,160	54,515	1.5%
Non-Departmental	7,834,400	8,243,395	408,995	5.2%
Outside Agencies	2,396,500	2,400,500	4,000	0.2%
Total Expenditures	\$ 37,506,995	\$ 37,662,340	\$ 155,345	0.4%
Change in Fund Balance	\$ -	\$ -	\$ -	

FY2016 Museum Operations Budget Amendment

	FY 2016 Amended Budget #1	FY 2016 Proposed Amended #2	Variance
Anniston Museum of Natural History			
Revenues	\$ 300,550	\$ 317,025	\$ 16,475
Transfers In - General Fund	370,450	384,450	14,000
Appropriated Fund Balance	-	-	-
Total Revenues	\$ 671,000	\$ 701,475	\$ 30,475
Expenditures	\$ 671,000	\$ 701,475	\$ 30,475
Appropriation to Endowment	-	-	-
Total Expenditures	\$ 671,000	\$ 701,475	\$ 30,475
<i>Change in Fund Balance</i>	<u><u>\$ -</u></u>	<u><u>\$ -</u></u>	
Berman Museum			
Revenues	\$ 55,700	\$ 54,565	\$ (1,135)
Transfers In - General Fund	164,250	144,725	(19,525)
Appropriated Fund Balance	-	-	-
Total Revenues	\$ 219,950	\$ 199,290	\$ (20,660)
Expenditures	\$ 219,950	\$ 199,290	\$ (20,660)
<i>Change in Fund Balance</i>	<u><u>\$ -</u></u>	<u><u>\$ -</u></u>	
Longleaf Botanical Gardens			
Revenues	\$ 26,000	\$ 20,200	\$ (5,800)
Transfers In - General Fund	79,300	84,825	5,525
Appropriated Fund Balance	-	-	-
Total Revenues	\$ 105,300	\$ 105,025	\$ (275)
Expenditures	\$ 105,300	\$ 105,025	\$ (275)
<i>Change in Fund Balance</i>	<u><u>\$ -</u></u>	<u><u>\$ -</u></u>	

FY2016 Enterprise Fund Budget Amendment

	FY 2016 Amended Budget #1	FY 2016 Proposed Amended #2	Variance
Stormwater Fund			
Stormwater User Fees	\$ 415,000	\$ 415,000	\$ -
Intergovernmental Revenue	200,000	-	(200,000)
Total Revenues	\$ 615,000	\$ 415,000	\$ (200,000)
Expenses	\$ 615,000	\$ 404,850	\$ (210,150)
<i>Change in Fund Balance</i>	<u><u>\$ -</u></u>	<u><u>\$ 10,150</u></u>	
Museum Store Fund			
Sales	\$ 55,000	\$ 70,500	\$ 15,500
Other Revenues	700	700	-
Total Revenues	\$ 55,700	\$ 71,200	\$ 15,500
Expenses	\$ 55,700	\$ 57,460	\$ 1,760
<i>Change in Fund Balance</i>	<u><u>\$ -</u></u>	<u><u>\$ 13,740</u></u>	

FY2016 Internal Service Funds Budget Amendment

	FY 2016 Amended Budget #1	FY 2016 Proposed Amended #2	Variance
Liability Insurance Fund			
Revenues	\$ 15,000	\$ 4,000	\$ (11,000)
Transfers In - General Fund	444,030	455,030	11,000
Appropriated Fund Balance	-	-	-
Total Revenues	\$ 459,030	\$ 459,030	\$ -
 Expenditures	 \$ 459,030	 \$ 459,030	 \$ -
 <i>Change in Fund Balance</i>	 \$ -	 \$ -	 \$ -

FY2016 Other Governmental Funds Budget Amendment

	FY 2016 Amended Budget #1	FY 2016 Proposed Amended #2	Variance
Fire Tax Fund			
Revenues	\$ 866,900	\$ 866,900	\$ -
Transfers In - General Fund	-	-	-
Appropriated Fund Balance	1,301,100	1,079,100	(222,000)
Total Revenues	\$ 2,168,000	\$ 1,946,000	\$ (222,000)
Expenditures	\$ 2,168,000	\$ 1,946,000	\$ (222,000)
Transfers Out	-	-	-
Total Expenditures	\$ 2,168,000	\$ 1,946,000	\$ (222,000)
<i>Change in Fund Balance</i>	<u><u>\$ -</u></u>	<u><u>\$ -</u></u>	
Probation Office			
Revenues	\$ 13,500	\$ 10,500	\$ (3,000)
Transfers In - General Fund	120,000	120,000	-
Total Revenues	\$ 133,500	\$ 130,500	\$ (3,000)
Expenditures	\$ 133,500	\$ 130,500	\$ (3,000)
Transfers Out	-	-	-
Total Expenditures	\$ 133,500	\$ 130,500	\$ (3,000)
<i>Change in Fund Balance</i>	<u><u>\$ -</u></u>	<u><u>\$ -</u></u>	
Capital Projects Fund			
Revenues	\$ -	\$ 539,000	\$ 539,000
Transfers In - General Fund	-	154,000	154,000
Appropriated Fund Balance	-	-	-
Total Revenues	\$ -	\$ 693,000	\$ 693,000
Expenditures	\$ -	\$ 693,000	\$ 693,000
Transfers Out	-	-	-
Total Expenditures	\$ -	\$ 693,000	\$ 693,000
<i>Change in Fund Balance</i>	<u><u>\$ -</u></u>	<u><u>\$ -</u></u>	

ORDINANCES

ORDINANCE NUMBER 16-O-____

AN ORDINANCE AMENDING SECTIONS 31.30, 31.31 AND 31.32 OF THE CODE OF ORDINANCES OF THE CITY OF ANNISTON, ALABAMA AND REPEALING SECTIONS 31.33 THROUGH 31.39 OF THE SAME

WHEREAS, the Council of the City of Anniston (“Council”) finds that Section 31.30, Section 31.31 and Section 31.32 of the Code of Ordinances of the City of Anniston, Alabama are due to be amended in order to allow the City to better regulate towing service within the city and its police jurisdiction; and

WHEREAS, the Council finds that that Section 31.33, Section 31.34, Section 31.35, Section 31.36, Section 31.37, Section 31.38 and 31.39 of the Code of Ordinances of the City of Anniston, Alabama are due to be repealed to effectuate the amendment of Section 31.30, Section 31.31 and Section 31.32; and

WHEREAS, the Council finds that amending and repealing said Sections will improve public safety and better meet the needs of the city and its citizens;

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 31, Article II, Section 31.30 of “The Code of the City of Anniston, Alabama, 1981” in its entirety to read as follows:

Sec. 31.30. – Definitions.

Motor Vehicle. Any device powered by an engine or motor of any type by which any person or property is or may be transported upon an avenue, street, highway, alley or other public roadway.

Wrecker. Any motor vehicle used for the purpose of towing or removing motor vehicles from one location to another location for any purpose.

Wrecker business: The act of towing or removing motor vehicles from one location to another location, for any reason, where either the beginning or ending location is within the city. This definition shall not include situations whereby a business owns or leases wreckers for the sole purpose of towing other vehicles owned or leased by the business.

Section 2. The City Council of the City of Anniston, Alabama hereby amends and restates Chapter 31, Article II, Section 31.31 of “The Code of the City of Anniston, Alabama, 1981” in its entirety to read as follows:

Sec. 31.31. – Operation of a wrecker or wrecker business.

(a) *Privilege required.* No wrecker or wrecker business shall tow motor vehicles upon an avenue, street, highway, alley or other public roadway within the city or its

police jurisdiction without the privilege of doing so first being conferred by the city; provided however, nothing in this article shall be construed in a manner that contradicts or infringes upon federal or state law regulating the same.

(b) *Grant of privilege; business license required.* The privilege of operating a wrecker or wrecker business within the city and its police jurisdiction through the issuance of a business license issued by the city in accordance with this article and all other applicable provisions of The Code of the City of Anniston, Alabama, 1981.

(c) *Grant of privilege; franchise required.* In addition to all other requirements of this article, the privilege of responding to requests for towing service initiated by the city shall be awarded through the grant of no fewer than one (1) and no more than six (6) franchises as determined through a formal bid process established by the city manager and which complies with all applicable provisions of Alabama law.

Section 3. The City Council of the City of Anniston, Alabama hereby amends and restates Chapter 31, Article II, Section 31.32 of “The Code of the City of Anniston, Alabama, 1981” in its entirety to read as follows:

It shall be unlawful for any wrecker, or any agent or employee of a wrecker business, for purposes of rendering or soliciting patronage for towing service, to appear at a location to which the city has initiated a request for towing service within the city or its police jurisdiction unless the wrecker or wrecker business has been awarded the privilege of providing such service in accordance with this article.

Section 4. The City Council of the City of Anniston, Alabama hereby repeals, in its entirety, Chapter 31, Article II, Section 31.33, Section 31.34, Section 31.35, Section 31.36, Section 31.37, Section 31.38 and Section 31.39 of “The Code of the City of Anniston, Alabama, 1981”.

Section 5. These amended ordinances shall become effective immediately upon their adoption and their 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 authorized and directed to cause a copy of these amended ordinance to be published one time in said newspaper.

PASSED and **ADOPTED** this ___ day of September, 2016.

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 NO. 16-R-__

**A RESOLUTION AUTHORIZING A MUNICIPAL ECONOMIC
DEVELOPMENT INCENTIVE TO 401, LLC D/B/A DAD'S BAR-B-QUE**

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ANNISTON, ALABAMA (THE "COUNCIL"), AS GOVERNING BODY OF THE CITY OF ANNISTON, ALABAMA (the "Municipality"), as follows:

Section 1. The Council, upon evidence duly presented to and considered by it, has found and determined, and does hereby find, determine and declare as follows:

(a) Pursuant to the applicable laws of the State of Alabama, the Municipality desires to grant certain economic development incentives in the form of sales tax rebates and the waiver of license and permitting fees, as set forth below, to 401, LLC doing business as "Dad's-Bar-B-Que" and its owners, including Shannon Robertson, (the "Owner"), for the purpose of promoting the economic development of the Municipality, in consideration of the investment by the Owner in capital improvements of commercial and related facilities, equipment and property for its new business location adjacent to Owner's current business location at 3105 McClellan Blvd, Anniston, AL 36201 (referred to as the "Project Area").

(b) The Municipality is without absolute authority or power under any local constitutional amendment to do any of the actions or undertakings referenced in Amendment No. 772 to the Constitution of Alabama of 1901, as amended ("Amendment No. 772").

(c) The Project Area is a business location within the Municipality consisting primarily of commercial facilities, within the meaning of Amendment No. 772.

(d) Pursuant to, and for the purposes of, Section (a)(3) of Amendment No. 772, it is necessary, desirable and in the public interest for the Municipality to grant public funds for the economic development of the Project Area.

(e) The expenditure of public funds for the purposes specified herein will serve a valid and sufficient public purpose, notwithstanding any incidental benefit accruing to any private entity or entities.

(f) The Municipality caused to be published in The Anniston Star, which newspaper has the largest circulation in the Municipality, the notice required by Section (c)(2) to Amendment No. 772, a true and correct copy of which notice is attached hereto as Exhibit A. The information set forth in said notice is true and correct, and its publication is hereby ratified and confirmed.

Section 2. The Council does hereby approve, adopt, authorize, direct, ratify and confirm:

(a) In accordance herewith, the Municipality resolves, agrees, and does hereby grant to the Owner the following economic development incentives:

(1) For a period of three years beginning at the time that Owner commences restaurant sales operations at its new business location within the Project Area (the "New Location"), the Municipality shall rebate fifty percent (50%) of the Surplus Municipal Sales Taxes paid to the Municipality as a result of Owner's business operations at the New Location. The Municipality's obligation to rebate said Surplus Municipal Sales Taxes shall terminate upon the expiration of the three year period following Owner's commencement of restaurant sales operations at its New Location.

For purposes of this resolution and the economic development incentive granted herein, "Surplus Municipal Sales Taxes" shall mean the Municipal Sales Tax Revenues actually collected by the Municipality from business operations at the New Location that exceed five thousand seven hundred dollars (\$5,700) for each month during the three year period that this incentive shall take effect. "Municipal Sales Tax Revenues" shall mean the five percent (5%) tax levied by the City under paragraph (a) of Section 30.22 of the Code of the City of Anniston, Alabama, 1981, as such section was amended pursuant to Ordinance No. 20-O-4, adopted January 31, 2013, by the City Council of the City, excluding such portion as may be levied exclusively for educational purposes.

(2) The Municipality shall rebate one hundred percent (100%) of all Municipal Sales Tax Revenues actually collected by the Municipality as a result of Owner's purchase of construction materials that are used exclusively for purposes of constructing its new facility at the New Location. Owner shall bear the exclusive burden of establishing for the Municipality to its own reasonable satisfaction that any Municipal Sales Tax Revenues that Owner requests to be rebated in accordance herewith were in fact collected by the Municipality for the purpose set forth herein. The Municipality's obligation to rebate Municipal Sales Tax Revenues pursuant to this provision shall terminate upon the Owner's commencement of business operations at the New Location.

(3) The Municipality shall rebate one hundred percent (100%) of all Municipal Sales Tax Revenues actually collected by the Municipality as a result of Owner's purchase of restaurant equipment that is used exclusively for purposes of constructing its new facility at the New Location. Owner shall bear the exclusive burden of establishing for the Municipality to its own reasonable satisfaction that any Municipal Sales Tax Revenues that Owner requests to be rebated in accordance herewith were in fact collected by the Municipality for the purpose set forth herein. The Municipality's obligation to rebate Municipal Sales Tax Revenues pursuant to this provision shall terminate upon the Owner's commencement of business operations at the New Location.

(4) The Municipality shall waive and forego Owner's annual business license fee applicable to its business operations at the New Location for the first year in which business operations commence thereon.

(5) The Municipality shall waive and forego Owner's annual business license fee applicable to its business operations at its existing location at 700 Noble Street, Anniston, Alabama for the year in which business operations commence at the New Location.

(6) The Municipality shall waive and forego all permitting fees applicable to the construction of Owner's new facility at the New Location.

(b) The Municipality's obligation to make the payments authorized herein shall not be a general obligation of the Municipality, but shall be limited to the sales taxes actually received as Municipal Sales Tax Revenues in accordance with the terms and conditions set forth in this resolution.

(c) No sums owed by Municipality to Owner by virtue of the passage and adoption of this resolution shall accrue interest and any interest that accrues from the deposit of the Municipal Sales Tax Revenues and Surplus Municipal Sales Taxes shall belong to and be retained by the Municipality.

(d) The rights, privileges and incentives granted by this resolution to Owner shall not be assigned to any other person or entity and any attempted assignment shall be null and void and of no force or effect.

(e) The Municipality not be deemed or construed by the Owner, or by third persons, to have created any relationship of third party beneficiary, or of principal and agent, or of a limited or a general partnership or of a joint venture or of any association or relationship between Owner and the Municipality. The Municipality has no investment or equity interest in the business of Owner, and shall not be liable for any debts of Owner. Owner shall not at any time or times use the name or credit of the Municipality in purchasing or attempting to purchase any equipment, supplies or other thing whatsoever.

Section 3. The City Manager and the officers of the Municipality are each hereby authorized and directed to take all such actions, and execute, deliver and perform all such agreements, documents, instruments, notices, and petitions and proceedings, with respect to the economic development incentive granted and set forth herein, as they determine to be necessary or desirable to carry out the provisions of this resolution or to duly and punctually observe and perform all agreements and obligations of the Municipality under this resolution.

Section 4. This resolution shall take effect immediately upon its passage and adoption.

PASSED AND ADOPTED this the ___ day of _____, 2016.

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

**LEGAL NOTICE
OF
PUBLIC MEETING
OF
CITY COUNCIL OF ANNISTON, ALABAMA**

Notice is hereby given that the City Council (the "Council") of the City of Anniston, Alabama (the "City") will meet in public session at 5:30 p.m. on September 19, 2016 at the Council Chamber - Anniston City Hall in the City of Anniston, Alabama for the purpose of considering the transaction of business that may properly come before the Council such business to include, but not be limited to, the following:

1. The authorization by the Council, pursuant to Amendment No. 772 to the Constitution of Alabama of 1901, as amended, of a resolution (the "Resolution") approving an economic development incentive for the construction of a new restaurant facility at the redeveloped Anniston Commons shopping center and relocation of the restaurant known as "Dad's Bar-B-Que" to said facility within the City.

2. The persons and business entities to whom or for whose benefit the City proposes to lend its credit or grant public funds or thing of value are: 401, LLC, doing business as "Dads Bar-B-Que" and its owner-operators, Shannon Robertson and Tom Coleman (referred to collectively as the "Recipients").

3. Pursuant to the Resolution, the City would resolve to provide Recipient the following economic development incentives: (a) For a period of three years beginning at the time that Recipient commences restaurant sales operations at its new facility, the City would rebate fifty percent (50%) of those municipal sales taxes paid to the City in excess of five thousand seven hundred dollars (\$5,700) each month, provided the sales taxes resulted from Recipient's business operations at its new facility; (b) The City would rebate one hundred percent (100%) of all municipal taxes paid to the City as a result of Recipient's purchase of construction materials that are used exclusively for purposes of constructing its new facility; (c) The City would rebate one hundred percent (100%) of all municipal taxes paid to the City as a result of Recipient's purchase of restaurant equipment that is to be used exclusively at its new facility; (d) The City would waive and forego Recipient's annual business license fee applicable to its business operations at its new facility for the year in which business operations commence thereon; (e) The City would waive and forego Recipient's annual business license fee applicable to its business operations at its existing location at 700 Noble Street, Anniston, Alabama for the year in which business operations commence at its new location; and (f) The City would waive and forego all permitting fees applicable to the construction of Recipient's new facility.

4. The proceeds of the Tax Rebate shall be granted to and in aid of Recipients for the purpose of promoting the economic development of the City, in consideration of the investment by the Company in capital improvements of commercial and related facilities, equipment and property for its new business location in the City.

5. The City will not own any property aided by the economic development incentives to be granted by the Resolution unless dedicated to the City under generally applicable public laws, and Recipient is not constructing the same on behalf of the City.

6. The City seeks to achieve, by undertaking its obligations pursuant to the Resolution, to promote the local economic and industrial development of the City by providing capital improvements in and for the benefit of Recipient's new business location and operations within the City, and to increase employment in the City, and to increase the tax and revenue base of the City.

6. All interested persons may examine and review the Resolution, and all relevant documents pursuant to which the economic development incentive is to be issued, and make copies thereof at personal expense, at the offices of the Council during normal business hours, before and after the meeting referenced herein.

RESOLUTION NO. 16-R-___

A RESOLUTION ADOPTING THE BUDGET FOR FY2017

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

Section 1. That the budget attached hereto which each Council Member acknowledges having read and reviewed is hereby adopted as the budget for the City of Anniston, Alabama for the Fiscal Year 2017.

Section 2. That the City Manager and the City Clerk shall certify the same as being the budget for the City of Anniston and file the same in the office of the Director of Finance.

Section 3. That said budget so certified shall be reproduced and sufficient copies be made available for use by all offices, departments, boards, and agencies of the City of Anniston and for use of interested persons.

PASSED AND ADOPTED this ___ day of September 2016.

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



CITY OF ANNISTON
P.O. Box 2168
ANNISTON, AL 36202

September 19, 2016

In accordance with the Council-Manager Act, we do hereby certify that the attached document is the legal budget of the City of Anniston for the Fiscal Year ending September 30, 2017.

City Manager

City Clerk