

**CITY OF ANNISTON
DECEMBER 15, 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. RECOGNITIONS

- (a) Pot of Manna Masonic Lodge #478

II. 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.

III. 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 Confirmation:

- i. Anniston Museum of Natural History – Gina Byars Nolen
- ii. Longleaf Botanical Gardens Board – Juliette Doster
- iii. Historic Preservation Commission – Foch Salem
- iv. Regional Medical Center Board – Dr. George Crawford
- v. Commercial Development Authority:
 - i. Debra Foster
 - ii. Rod Lemon

IV. CONDUCT PUBLIC HEARING

Speaking to a Public Hearing Item

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

- (a) To hear public comments regarding over-ruling objections to the abatement of identified nuisances. Group 2014-02 Vehicles
- (b) To hear public comments regarding the street vacations at McClellan:
 - 1. Portion of Fremont Avenue from Pappy Dunn Boulevard to Care Drive.
 - 2. Portion of Care Drive from the south side of Wall Street to the north side of American Red Cross Drive.
 - 3. Portion of Global Drive running northeast/southwest between American Red Cross Drive and Care Drive.
- (c) To hear public comments regarding a Restaurant Retail Liquor application for Two Fish Feasts LLC d/b/a Prime Dining and Bar located at 320 S. Quintard Avenue.
- (d) To hear public comments regarding a Lounge Retail Liquor – Class I application for Stratos Ventures LLC d/b/a Caldwell Tavern located at 1001 Noble Street.

V. UNFINISHED BUSINESS – None

VI. CONSENT AGENDA

- (a) Resolution authorizing reimbursements to city officials for expenses incurred while traveling away from the city.
- (b) Resolution accepting the resignation of a member of the Public Building Authority.
- (c) Resolution accepting the resignation of a member of the McClellan Development Authority.
- (d) Resolution appointing a member to the Anniston Museum of Natural History Board.
- (e) Resolution appointing member to the Longleaf Botanical Garden Board.
- (f) Resolution appointing a member to the Regional Medical Center Board.
- (g) Resolution appointing a member to the Commercial Development Authority.
- (h) Resolution appointing a member to the Historic Preservation Commission.
- (i) Resolution over-ruling objections to the abatement of identified nuisances. (Vehicles - Group 2014-02)
- (j) Resolution approving the City of Anniston’s participation in the State of Alabama Sales Tax Holiday for Severe Weather Preparedness Items as authorized by Act 2012-256.
- (k) Resolution authorizing acceptance of Recreational Trails Program Grant Award.

- (l) Resolution authorizing the Mayor to execute a Preliminary Engineering Agreement with the State of Alabama acting by and through the Alabama Department of Transportation for Intersection Improvements at Noble Street and 4th Street for Project STPOA-0815(), Project Reference No. 100063207.
- (m) Resolution authorizing the Mayor to execute a Construction Agreement with the State of Alabama acting by and through the Alabama Department of Transportation for Intersection Improvements at Noble Street and 4th Street for Project STPOA-0815() Project Reference No. 100063208.
- (n) Resolution authorizing the Mayor to execute a Preliminary Engineering and Construction Agreement with the State of Alabama acting by and through the Alabama Department of Transportation to construct bicycle and pedestrian improvements in the City of Anniston Project STPOA-0815(), Project No. 100063209 and 100063210.
- (o) Resolution authorizing the Mayor to execute a Preliminary Engineering and Construction Agreement with the State of Alabama acting by and through the Alabama Department of Transportation for bicycle and pedestrian improvements in the City of Anniston, Project STPOA-0815(), Project No. 100063211 and 100063212.
- (p) Resolution authorizing the Mayor to execute a Preliminary Engineering Agreement with the State of Alabama acting by and through the Alabama Department of Transportation for Chief Ladiga Trail – Anniston Segment Project STPOA-NR13(938), Project Reference No. 100063226.
- (q) Resolution authorizing the Mayor to execute an agreement with the State of Alabama acting by and through the Alabama Department of Transportation for improvements to various eligible city maintained streets.
- (r) Resolution declaring support and confidence in Regional Medical Center Board.
- (s) Resolution rescinding Resolution 14-R-342
- (t) Resolution requesting an Advisory Opinion from the Attorney General for the State of Alabama relating to the Regional Medical Center Board’s present obligation to comply with the Alabama Open Meetings Act.
- (u) Resolution authorizing assignment of mortgage.
- (v) Resolution declaring various vehicles and pieces of equipment as surplus and authorizing their sale.
- (w) Motion to approve the expenditure of \$350,000 from the Innovation Fund to the Anniston City Schools for the Pre-K Program.
- (x) Motion to approve a Special Events Retail license application for the City of Anniston d/b/a Cane Creek Grill located at 64 Galloway Road.
- (y) Motion to approve a Retail Beer (Off Premises Only) and Retail Table Wine (Off Premises Only) license application for LIMBOJ LLC d/b/a Victory Food Mart located at 1513 Greenbrier Road.
- (z) Motion to approve a Retail Beer (Off Premises Only) and Retail Table Wine (Off Premises Only) license application for ALWADI LLC d/b/a ALWADI Food Mart located in the police jurisdiction at 1020 Highway 431 N.
- (aa) Motion to approve a Restaurant Retail Liquor application for Two Fish Feasts LLC d/b/a Prime Dining and Bar located at 320 S. Quintard Avenue.

(bb) Motion to approve a Lounge Retail Liquor – Class I application for Stratos Ventures LLC d/b/a Caldwell Tavern located at 1001 Noble Street.

(cc) Motion to approve the following amendments to the City of Anniston Classification and Pay Plan; Day Camp Aide, Day Camp Counselor, Day Camp Director, Lifeguard, Food Service Worker, Co, Restaurant Assistant Manager; Risk Manager and Museum Development Officer.

VII. ORDINANCES

(a) Amending Section 2.2(2) of The Code of Ordinances of The City of Anniston, Alabama setting the regular meetings of the Council.

(b) Providing Consent for the transfer of the operations of Regional Medical Center by Regional Medical Center Board.

(c) Declaring certain real property surplus, authorizing a request for proposals for the sale thereof and authorizing the City Manager to execute all documents necessary for such sale.

VIII. RESOLUTIONS

(a) Vacating a portion of Freemont Avenue from Pappy Dunn Boulevard to Care Drive.

(b) Vacating a portion of Care Drive from the south side of Wall Street to the north side of American Red Cross Drive.

(c) Vacating a portion of Global Drive running northeast/southwest between American Red Cross Drive and Care Drive.

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

COUNCIL COMMENTS

ADJOURNMENT

11/10/2014

Anniston, Alabama
November 10, 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, November 10, 2014, at approximately 5:35 o'clock p.m.

Laura Hutchinson, First Christian Church, prayed the Invocation.

Laura Hutchinson, First Christian Church, led the Pledge of Allegiance to the Flag.

Mayor Stewart called the meeting to order. On call of the roll the following Council Members were found to be present: Council Members Jenkins, Reddick, Selase, Harris and Stewart; absent: none. A quorum was present and the meeting opened for the transaction of business.

Brian Johnson, City Manager, was present.

Bruce Downey, City Attorney, was present.

Mayor Stewart announced that the Council Meetings scheduled for November 24, 2014, December 8, 2014 and December 22, 2014 are cancelled and the next Council Meeting would be on December 15, 2014 at 5:30 p.m.

Council Member Jenkins made a motion to waive the reading of the minutes of October 27, 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 approve the minutes of October 27, 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 Selase made a motion to remove from the agenda (until December 15, 2014) three resolutions vacating portions of Freemont Avenue, Care Drive and Global Drive and to add to the agenda a resolution approving disclosure controls and procedures and certain related matters and to adopt the agenda as amended. 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.

The Council recognized the Cobb Alumni who made a \$500.00 monetary contribution to the City's "Good Choices Program."

The Council recognized Eddy Reese for his work as a local broadcast personality and in the communication industry.

11/10/2014

Mayor Stewart announced that was the time for the Board Confirmation Hearing for Robert Downing, Sarah Sloan and Arthur Toole and their nomination to the Longleaf Botanical Garden Board.

Robert Downing, Sarah Sloan and Arthur Toole verified that the information provided by them through their application and this confirmation hearing is true and accurate to the best of their knowledge and they pledged that if appointed they would faithfully, dutifully, and honestly serve the best interests of the City and the Longleaf Botanical Garden Board.

Mayor Stewart announced that was the time for the Board Confirmation Hearing for Dawn Wilczek and her nomination to the Commercial Development Authority.

Dawn Wilczek verified that the information provided by her through her application and this confirmation hearing is true and accurate to the best of her knowledge and she pledged that if appointed she would faithfully, dutifully, and honestly serve the best interests of the City and the Commercial Development Authority.

Glen Ray addressed the Council concerning the arrest of his son by the Anniston Police Department on May 1, 2014. He stated there were discrepancies in Officer Murphy's statement and the video of the arrest. He stated that Chief Denham had called him a liar and stated his son was going to jail. He stated the case had been thrown out. He stated the City had not provided him with the arrest report after multiple requests. He stated that the court transcript was inaccurate.

Mayor Stewart announced that was the time for the public hearing regarding a Lounge Retail Liquor – Class I application for Rack and Roll Billiards, Inc., d/b/a Rack and Roll Billiards located at 917 Noble Street, declared the hearing open and asked if anyone wished to address the Council either in favor of or in opposition to said a Lounge Retail Liquor – Class I application for Rack and Roll Billiards, Inc., d/b/a Rack and Roll Billiards located at 917 Noble Street.

No one addressed the Council either in favor of or in opposition to said a Lounge Retail Liquor – Class I application for Rack and Roll Billiards, Inc., d/b/a Rack and Roll Billiards located at 917 Noble Street.

Mayor Stewart declared the public hearing regarding a Lounge Retail Liquor – Class I application for Rack and Roll Billiards, Inc., d/b/a Rack and Roll Billiards located at 917 Noble Street closed.

Mayor Stewart announced that was the time for the public hearing regarding a Lounge Retail Liquor – Class I application for Oxford Entertainment Inc., d/b/a Club 100 located at 1503 Hillyer Robinson Parkway, declared the hearing open and asked if anyone wished to address the Council either in favor of or in opposition to said Lounge Retail Liquor – Class I application for Oxford Entertainment Inc., d/b/a Club 100 located at 1503 Hillyer Robinson Parkway.

11/10/2014

No one addressed the Council either in favor of or in opposition to said Lounge Retail Liquor – Class I application for Oxford Entertainment Inc., d/b/a Club 100 located at 1503 Hillyer Robinson Parkway.

Mayor Stewart declared the public hearing regarding a Lounge Retail Liquor – Class I application for Oxford Entertainment Inc., d/b/a Club 100 located at 1503 Hillyer Robinson Parkway closed.

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) Appointing members to the Longleaf Botanical Garden Board.
- (c) Appointing member(s) to the Commercial Development Authority.
- (d) Resolution declaring a reported condition to be a public nuisance. (Vehicles - Group 2014-02)
- (e) Motion to approve a Lounge Retail Liquor – Class I application for Rack and Roll Billiards Inc., d/b/a Rack and Roll Billiards located at 917 Noble Street.
- (f) Motion to approve a Lounge Retail Liquor – Class I application for Oxford Entertainment Inc., d/b/a Club 100 located at 1503 Hillyer Robinson Parkway.

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 reintroduced Ordinance Number 14-O-30 as follows:

(14-O-30, amending Chapter 14, Article I of the Code of Ordinances of the City of Anniston providing license and privilege taxes; Second Reading)

Council Member Selase made a motion to amend Ordinance Number 14-O-30, Section 14.3. Definitions. (1) Business, to include “With regard to the lease or rental of residential real estate, including residential rental-housing units, business shall apply only to those persons or entities who own, market, manage, lease or rent two (2) or more distinct residential real estate properties or units.” The motion was seconded by Council Member Jenkins; and on call of the roll the following vote was recorded: ayes: Council Members Jenkins, Selase, Harris and Stewart; nays: none; abstentions: Council Member Reddick. The motion carried.

Council Member Jenkins made a motion for the passage and adoption of Ordinance Number 14-O-30 as amended. The motion was seconded by Council Member Harris.

Council Member Reddick stated that in a city where there was 10% unemployment they should not be raising taxes. He stated if they reduced their unemployment by 5% it would raise more revenue. He stated they should look at taking care of the people before they raised taxes. He stated the city had more jobs than people. He stated they needed to meet with the businesses in the city and encourage them to hire more people in Anniston instead of raising their taxes.

11/10/2014

Council Member Jenkins stated that this change in the business license structure had been well vetted through retailers, auto dealerships and manufacturing and industrial businesses. He stated he had not received one negative comment concerning this ordinance and it was long overdue. He stated none of them wanted to raise taxes but this was creating a fair and equitable arrangement with their business license structure. He stated this was right for the community.

Brian Johnson, City Manager, stated there were approximately 3,000 business license accounts and about one third of those would not see an increase.

Mayor Stewart stated that even with the increases proposed in this ordinance, Anniston still would be below the stated average. He stated that businesses had input in this process. He stated that this Council is committed to economic development.

Council Member Harris stated that a lot of work had gone into this business license ordinance. She stated the ordinance needed to be fair and updated. She stated the license schedules would be much more equitable than in the past.

On call of the roll on Council Member Jenkins' motion for the passage and adoption of Ordinance Number 14-O-30 as amended and Council Member Harris' second to said motion the following vote was recorded: ayes: Council Members Jenkins, Selase, Harris and Stewart; nays: Council Member Reddick. The motion carried and Ordinance Number 14-O-30 was passed and adopted.

Council Member Reddick introduced and read by title Resolution Number 14-R-362 as follows:

(14-R-362, authorizing the City manager to execute the annual application for Federal/State assistance for FY 2015 with the State of Alabama Dept. of Transportation)

Council Member Reddick made a motion for the passage and adoption of Resolution Number 14-R-362 as introduced and read. The motion was seconded by Council Member Harris; and on call of the roll the following vote was recorded: ayes: Council Members Jenkins, Reddick, Selase, Harris and Stewart; nays: none. The motion carried and Resolution Number 14-R-362 was passed and adopted.

Council Member Selase introduced and read by title Resolution Number 14-R-363 as follows:

(14-R-363, authorizing the Mayor to execute supplemental agreement number 1 with ALDOT for safety improvements on Greenbrier Dear Road)

Council Member Selase made a motion for the passage and adoption of Resolution Number 14-R-363 as introduced and read. The motion was seconded by Council Member Reddick; and on call of the roll the following vote was recorded: ayes: Council Members Jenkins, Reddick, Selase, Harris and Stewart; nays: none. The motion carried and Resolution Number 14-R-363 was passed and adopted.

11/10/2014

Council Member Harris introduced and read by title Resolution Number 14-R-364 as follows:

(14-R-364, approving disclosure controls and procedures and certain related matters)

Council Member Harris made a motion for the passage and adoption of Resolution Number 14-R-364 as introduced and read. The motion was seconded by Council Member Jenkins.

Council Member Reddick stated he was uncomfortable with this resolution. He stated three people could change whatever they wanted to. He stated that they lost their ability as a Council to control changes with this resolution. He stated he had just seen this resolution for the first time today.

On call of the roll on Council Member Harris' motion for the passage and adoption of Resolution Number 14-R-364 as introduced and read and Council Member Jenkins' second to said motion the following vote was recorded: ayes: Council Members Jenkins, Selase, Harris and Stewart; nays: Council Member Reddick. The motion carried and Resolution Number 14-R-364 was passed and adopted.

Council Member Harris thanked the veterans for all they had done.

Council Member Selase stated that there would be a Veteran's Program at Cobb Elementary on November 14. He congratulated Tana Bryant for her appointment to the 2015 ICC Code Development Committee. He thanked everyone who had participated in the Wellness Park groundbreaking ceremony.

Council Member Reddick stated they had been in office for two years and for the most part were doing a good job. He stated they should be appointing their third Vice-Mayor today and they had all taken a vow to step down at the end of each year.

Council Member Jenkins thanked the Veterans for all they had done and stated he hoped they had good turnout for the parade tomorrow. He congratulated the Botanical Gardens for having almost a full board membership. He stated that the dough boy statue in the Quintard median had been refurbished.

Mayor Stewart stated Harbor Freight Tools would be opening a retail store in the Anniston Plaza. He stated they were a major discount tool retailer. He thanked Eric Basinger for his work bringing this retailer to the city.

There being no further business to come before the meeting at that time Council Member Jenkins made a motion the meeting be adjourned. The motion was seconded by Council Member Selase; and on call of the roll the following vote was recorded: ayes: Council Members Jenkins, Reddick, Selase, Harris and Stewart; nays: none. The motion carried and the meeting was adjourned at approximately 6:50 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:

- a.** \$132.08 to Larry Talley, Planning & Development Services, while attending Asbestos Inspector Update training from November 5 – 6, 2014 in Tuscaloosa, Alabama.
- b.** \$84.00 to Mary Motley, Finance, while attending CRE Certification from November 5 – 7, 2014 in Hoover, AL.

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 NUMBER 14-R-

A RESOLUTION ACCEPTING THE RESIGNATION OF A MEMBER OF THE PUBLIC BUILDING AUTHORITY

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

Section 1. That the resignation of Debra Foster as a member of the Public Building Authority is hereby accepted.

Section 2. That a new member shall be appointed to the Public Building Authority to fill the unexpired term in not less than one month from the passage and adoption of this resolution.

Section 3. That the City Clerk cause a copy of this resolution to be mailed to the above named board.

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

RESOLUTION NUMBER 14-R-

**A RESOLUTION ACCEPTING THE RESIGNATION OF A MEMBER OF THE
MCCLELLAN DEVELOPMENT AUTHORITY**

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

Section 1. That the resignation of Rod Lemon as a member of the McClellan Development Authority is hereby accepted.

Section 2. That a new member shall be appointed to the McClellan Development Authority to fill the unexpired term in not less than one month from the passage and adoption of this resolution.

Section 3. That the City Clerk cause a copy of this resolution to be mailed to the above named board.

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

RESOLUTION NO. 14-R-___

A RESOLUTION APPOINTING A MEMBER TO THE ANNISTON MUSEUM OF NATURAL HISTORY BOARD

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

Section 1. That Gina Nolen is hereby appointed as a member to the Anniston Museum of Natural History Board with a term expiring October 31, 2017.

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

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

RESOLUTION NO. 14-R-___

A RESOLUTION APPOINTING MEMBER(S) TO THE LONGLEAF BOTANICAL GARDEN BOARD

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

Section 1. That Juliette Doster is hereby appointed to the Longleaf Botanical Garden board with a term expiring October 31, 2017.

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

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

RESOLUTION NO. 14-R-___

A RESOLUTION APPOINTING A MEMBER TO THE REGIONAL MEDICAL CENTER BOARD

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

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

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

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

CITY COUNCIL OF THE CITY OF ANNISTON, ALABAMA

BY: _____
Vaughn M. Stewart II, Mayor

BY: _____
Jay W. Jenkins, Council Member

BY: _____
David E. Reddick, Council Member

BY: _____
Seyram Selase, Council Member

BY: _____
Millie Harris, Council Member

ATTEST:

Alan B. Atkinson, City Clerk

RESOLUTION NUMBER 14-R-_____

**A RESOLUTION APPOINTING MEMBER(S) TO THE COMMERCIAL
DEVELOPMENT AUTHORITY**

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

Section 1. That the following are hereby appointed as a member of the Commercial Development Authority:

Rod Lemon Term ending March 15, 2017

Debra Foster Term ending March 15, 2017

Section 2. That the City Clerk cause copies of this Resolution to be mailed to the above named appointees and to said board.

PASSED AND ADOPTED this the _____ day of December 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 REAPPOINTING MEMBER(S) TO THE HISTORIC
PRESERVATION COMMISSION**

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

Section 1. That the following be and he is hereby reappointed to the Historic Preservation Commission:

Members
Foch Salem

Term Expiration Date
December 31, 2015

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

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

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

BY: _____
Vaughn M. Stewart II, Mayor

BY: _____
Jay W. Jenkins, Council Member

BY: _____
David E. Reddick, Council Member

BY: _____
Seyram Selase, Council Member

BY: _____
Millie Harris, Council Member

ATTEST:

Alan B. Atkinson, City Clerk

RESOLUTION NUMBER 14-R-__

A RESOLUTION OVER-RULING OBJECTIONS TO THE ABATEMENT OF IDENTIFIED NUISANCES

WHEREAS, Act 1995-375, Section 2, Amended by Act 2004-256 and codified as Sections 45-8-172, et seq. of the Code of Alabama, 1975, defines public nuisances and authorizes the City to order or otherwise accomplish the removal of such nuisances; and

WHEREAS, the City of Anniston has identified herein a specific list of such nuisances and the appropriate remedies to abate each nuisance; and

WHEREAS, the City of Anniston has notified the property owners or other parties that may be held responsible and has held a public hearing to consider objections to the proposed remedy as required by law.

NOW THEREFORE BE IT RESOLVED, by the City Council of the City of Anniston, Alabama that all objections and protests to the nuisance remedies identified in Exhibit "A" attached are hereby over-ruled and the recommended remedies are ordered to be applied to abate the nuisances according to the procedures and processes in Section 34.3 of the Code of Ordinances of the City of Anniston, Alabama.

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

EXHIBIT "A"**Vehicles Abatement Group 2014-02**

ADDRESS	PPIN	VEHICLE DESCRIPTION
14 Adams St.	73960	White Chevrolet Silverado Tag HAV145; green Cadillac El Dorado tag unknown
20 Adams St.	73956	Blue Chevrolet Lumina No Tag
104 Shepard St.	73630	Blue Mazda Protégé Tag: 11D948V
805 Brookhaven Rd.	67377	White with Wood Panels Chrysler LeBaron Tag 11AW200
900 Highland Ave.	63040	Silver Honda Accord No Tag
1013 Conger Rd.	64311	Gray Oldsmobile Ninety Eight Tag 11G280L
1209 Glendale Rd.	20409	Red with White top Lincoln Continental Tag AZ09321
1728 Rocky Hollow Rd.	21354	Black GMC Yukon Tag Unknown
1736 Rocky Hollow Rd.	21512	White Buick Regal Tag 11DN890
1935 Canterbury Sq.	13943	Red & White Dodge Ram Van Tag 11F390B
3616 Dale Hollow Rd.	67467	Blue Ford F150 Tag 6691AB1
1416 Kilby Terrace	22510	Gray Lincoln Town car Tag BA16675
1517 Dooley Ave	19827	Charcoal Mercury Tracer-AL# 11C17G9(Expired)
1631 Dooley Ave	20012	Blue Chevrolet Camaro-AL#D87Z4(Expired)
1707 McDaniel Ave	20192	Green Range Rover(No Tag)
2113 Cobb Ave	20113	Black Chevrolet 3500 Pickup Truck/Blue Oldsmobile Cutlass Supreme(Both No Tags)
921 W 22 nd St	60874	Black Chevrolet Pickup-No Tags
2207 McDaniel Ave	19708	White Ford Pickup/Red Chevrolet Van(Both No Tags)
1914 Brown Ave	19703	Black Pontiac 2DR-Tag Unknown
1700 Mulberry Ave	19800	White International Commercial Truck/Champagne Honda Accord-Tag Unknown
1022 W 16 th St	19749	Blue Pontiac Grand AM/Silver Dodge Caravan/Lt Green Pontiac Grand Prix/ Black Mazda Truck-All Tags(Unknown)
1029 W 16 th St	19540	Gray Ford Mustang(Tag Unknown)
1212 Boynton Ave	30546	Blue Oldsmobile Cutlass Supreme/Brown Buick LeSabre-AL#11D675B

RESOLUTION NO. 14-R-_____

**A RESOLUTION APPROVING THE CITY OF
ANNISTON'S PARTICIPATION IN THE STATE OF
ALABAMA SALES TAX HOLIDAY FOR SEVERE
WEATHER PREPAREDNESS ITEMS AS AUTHORIZED
BY ACT 2012-256.**

WHEREAS, the State Legislature of Alabama passed Act 2012-256 granting municipal governments authority to provide for the exemption of certain covered severe weather preparedness items from the payment of municipal sales tax during a period commencing at 12:01 a.m. Friday February 20, 2015 and ending at twelve midnight the following Sunday February 22, 2015 under the same terms, conditions and definitions as provided for the state sales tax holiday for such covered items.

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

Section 1. That approval is granted for the exemption of certain covered severe weather preparedness items from the payment of municipal sales tax for the period commencing at 12:01 a.m. Friday, February 20, 2015 and ending at twelve midnight Sunday, February 22, 2015 under the same terms, conditions and definitions as provided for by Act 2012-256 and Alabama Department of Revenue Rule 810-6-3-.66.

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

RESOLUTION NO. 14-R-___

ACCEPTANCE OF RECREATIONAL TRAILS PROGRAM GRANT AWARD

WHEREAS, the Alabama Department of Economic and Community Development has awarded the City of Anniston a grant through Recreational Trails Program 14-RT-54-04 in the amount of \$ 100,000; and

WHEREAS, the City of Anniston recognizes the importance of these grant funds for the development of the Chief Ladiga McClellan Extension non-motorized diversified use trail project.

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

1. That the City of Anniston accepts the grant in the amount of \$ 100,000 for the Chief Ladiga McClellan Extension which will construct at least .68 mile or 3,586 linear feet of 10' wide bicycle and pedestrian trail within the rail easement owned by the City of Anniston and located between Alabama Highway 21 on the east and Glade Road on the west;
2. That the City commits the local share of \$ 25,000 and the cost of engineering services required for the implementation of this project; and
3. That the Mayor and City Manager are authorized to sign any and all documents to obtain and implement said grant.

PASSED AND ADOPTED this the 15th day of December, 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 AUTHORIZING THE MAYOR TO EXECUTE A PRELIMINARY ENGINEERING AGREEMENT WITH THE STATE OF ALABAMA ACTING BY AND THROUGH THE ALABAMA DEPARTMENT OF TRANSPORTATION FOR INTERSECTION IMPROVEMENTS AT NOBLE STREET AND 4TH STREET IN THE CITY OF ANNISTON PROJECT STPOA-0815(), REFERENCE NO. 100063207

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

- Section 1.** That the City enter into an agreement with the State of Alabama, acting by and through the Alabama Department of Transportation for Project STPOA-0815(), Project Reference Number 100063207 for intersection improvements at Noble Street and 4th Street in the City of Anniston; which Agreement is before this council.
- Section 2.** That the Agreement be executed in the name of the City, by its Mayor, for and on its behalf;
- Section 3.** That the Agreement be attested by the City Clerk and the seal of the City affixed thereto.

BE IT FURTHER RESOLVED, that upon the completion of the execution of the Agreement by all parties, that a copy of such Agreement be kept on file by the City Clerk.

PASSED AND ADOPTED 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 AUTHORIZING THE MAYOR TO EXECUTE A CONSTRUCTION AGREEMENT WITH THE STATE OF ALABAMA ACTING BY AND THROUGH THE ALABAMA DEPARTMENT OF TRANSPORTATION FOR INTERSECTION IMPROVEMENTS AT NOBLE STREET AND 4TH STREET IN THE CITY OF ANNISTON PROJECT STPOA-0815(), PROJECT NO. 100063208

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

- Section 1.** That the City enter into a Construction Agreement with the State of Alabama, acting by and through the Alabama Department of Transportation for Project STPOA-0815(), Project Reference Number 100063208 for intersection improvements at Noble Street and 4th Street in the City of Anniston; which Agreement is before this council.
- Section 2.** That the Agreement be executed in the name of the City, by its Mayor, for and on its behalf;
- Section 3.** That the Agreement be attested by the City Clerk and the seal of the City affixed thereto.

BE IT FURTHER RESOLVED, that upon the completion of the execution of the Agreement by all parties, that a copy of such Agreement be kept on file by the City Clerk.

PASSED AND ADOPTED 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 AUTHORIZING THE MAYOR TO EXECUTE A PRELIMINARY ENGINEERING AND CONSTRUCTION AGREEMENT WITH THE STATE OF ALABAMA ACTING BY AND THROUGH THE ALABAMA DEPARTMENT OF TRANSPORTATION TO CONSTRUCT BICYCLE AND PEDESTRIAN IMPROVEMENTS IN THE CITY OF ANNISTON PROJECT STPOA-0815(), PROJECT NO. 100063209 AND 100063210

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

Section 1. That the City enter into an Agreement with the State of Alabama, acting by and through the Alabama Department of Transportation for:

Project STPOA-0815(), Bicycle and Pedestrian Improvements, for preliminary engineering and construction to construct bicycle and pedestrian improvements at Clydesdale Avenue, 11th Street and 14th Street in the City of Anniston.

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

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

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 AUTHORIZING THE MAYOR TO EXECUTE A PRELIMINARY ENGINEERING AND CONSTRUCTION AGREEMENT WITH THE STATE OF ALABAMA ACTING BY AND THROUGH THE ALABAMA DEPARTMENT OF TRANSPORTATION FOR BICYCLE AND PEDESTRIAN IMPROVEMENTS IN THE CITY OF ANNISTON, PROJECT STPOA-0815(), PROJECT NO. 100063211 AND 100063212

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

- Section 1.** That the City enter into an Agreement with the State of Alabama, acting by and through the Alabama Department of Transportation for Project STPOA-0815(), Bicycle and Pedestrian Improvements, for preliminary engineering and construction on a project to construct bicycle and pedestrian improvements at 4th Street, Noble Street, 14th Street, 11th Street, 18th Street and Cobb Avenue, which agreement in before council.
- Section 2.** That the Agreement be executed in the name of the City, by its Mayor, for and on its behalf;
- Section 3.** That the Agreement be attested by the City Clerk and the seal of the City affixed thereto.

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 AUTHORIZING THE MAYOR TO EXECUTE A PRELIMINARY ENGINEERING AGREEMENT WITH THE STATE OF ALABAMA ACTING BY AND THROUGH THE ALABAMA DEPARTMENT OF TRANSPORTATION FOR CHIEF LADIGA TRAIL – ANNISTON SEGMENT PROJECT STPOA-NR13(938), PROJECT REFERENCE NO. 100063226

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

- Section 1.** That the City enter into an Agreement with the State of Alabama, acting by and through the Alabama Department of Transportation for Project STPOA-NR13(938), a preliminary engineering project for the Chief Ladiga Trail – Anniston Segment Project, to design an extension of the multi-use Chief Ladiga Trail along the abandoned rail right of way between Cane Creek and 4th Avenue in the City of Anniston, which agreement is before council.
- Section 2.** That the Agreement be executed in the name of the City, by its Mayor, for and on its behalf;
- Section 3.** That the Agreement be attested by the City Clerk and the seal of the City affixed thereto.

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 AUTHORIZING THE MAYOR TO EXECUTE AN AGREEMENT WITH THE STATE OF ALABAMA ACTING BY AND THROUGH THE ALABAMA DEPARTMENT OF TRANSPORTATION FOR IMPROVEMENTS TO VARIOUS ELIGIBLE CITY MAINTAINED STREETS

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

Section 1. That the City enters into an Agreement with the State of Alabama, acting by and through the Alabama Department of Transportation for improvements to various eligible city maintained streets;

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

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

BE IT FURTHER RESOLVED, that upon the completion of the execution of the Agreement by all parties, that a copy of such Agreement be kept on file by the City Clerk.

PASSED AND ADOPTED 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-_____

**RESOLUTION DECLARING THE COUNCIL'S SUPPORT AND FULL
CONFIDENCE IN THE REGIONAL MEDICAL CENTER BOARD**

WHEREAS, the Council for the City of Anniston has resolved the recent litigation initiated by the Regional Medical Center Board, *et al.*, against the City of Anniston and its representatives;

WHEREAS, the Council has determined that the agreement between the parties to resolve said litigation was in the best interests of the City of Anniston and its citizens;

WHEREAS, the Council has further determined that declaring its support and full confidence in the Regional Medical Center Board is in the best interests of the City of Anniston and its citizens;

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Anniston, Alabama, hereby declares its support and full confidence in the Regional Medical Center Board.

PASSED AND ADOPTED this the 15th day of December, 2014.

CITY COUNCIL OF THE CITY OF
ANNISTON, ALABAMA

Vaughn M. Stewart II, Mayor

Jay W. Jenkins, Council Member

David E. Reddick, Council Member

Seyram Selase, Council Member

Millie Harris, Council Member

ATTEST:

Alan B. Atkinson, City Clerk

RESOLUTION NO. 14-R-__

RESOLUTION RESCINDING RESOLUTION 14-R-342

WHEREAS, by Resolution No. 14-R-342, the Council for the City of Anniston resolved to terminate the appointment of Greg Kernion to the Regional Medical Center Board;

WHEREAS, the Council resolved the recent litigation initiated by the Regional Medical Center Board, *et al.*, against the City of Anniston and its representatives, which stemmed from Resolution No. 14-R-342 and its termination of said appointment;

WHEREAS, the Council has determined that the agreement between the parties to resolve said litigation was in the best interests of the City of Anniston and its citizens;

WHEREAS, pursuant to the agreement, and other actions, the termination of Greg Kernion's appointment pursuant to Resolution No. 14-R-342 is now moot and due to be rescinded;

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Anniston, Alabama, that Resolution No. 14-R-342 is hereby rescinded.

PASSED AND ADOPTED this the 15th day of December, 2014.

CITY COUNCIL OF THE CITY OF
ANNISTON, ALABAMA

Vaughn M. Stewart II, Mayor

Jay W. Jenkins, Council Member

David E. Reddick, Council Member

Seyram Selase, Council Member

Millie Harris, Council Member

ATTEST:

Alan B. Atkinson, City Clerk

RESOLUTION NO. 14-_____

**RESOLUTION REQUESTING AN ADVISORY
OPINION FROM THE ATTORNEY GENERAL FOR
THE STATE OF ALABAMA RELATING TO THE
REGIONAL MEDICAL CENTER BOARD'S
PRESENT OBLIGATION TO COMPLY WITH THE
ALABAMA OPEN MEETINGS ACT**

WHEREAS, the Council for the City of Anniston finds and determines that there are certain questions of state law relating to the Regional Medical Center Board's present obligation to comply with the Alabama Open Meetings Act, codified in Alabama Code Section 36-25A-1, *et seq.*, which involve official acts that the Board must immediately perform;

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Anniston, Alabama, that the City Attorney is hereby authorized and directed to submit the Request for Attorney General's Advisory Opinion, attached hereto as Exhibit A, to the Opinions Division for the Office of the Attorney General, as a formal request on behalf of the Council.

PASSED AND ADOPTED this the 15th day of December, 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



REQUEST FOR ATTORNEY GENERAL'S OPINION

Opinions Division
Attorney General's Office
Post Office Box 300152
Montgomery, Alabama 36130-0152

Telephone: (334) 242-7403
Fax: (334) 353-9173
www.ago.alabama.gov

(Please print or type)

THIS OFFICE DOES NOT ADDRESS ISSUES ON MATTERS CURRENTLY IN LITIGATION

Is this issue in litigation? Yes No (YOU MUST CHECK ONE)

If yes, please supply the following information:

Case Number: _____

Case Name: _____

Court or governmental body (board, commission, etc.):

If no, do you anticipate that litigation will be filed?
Yes No (YOU MUST CHECK ONE)

Requestor's Name: Bruce J. Downey IV, City Attorney Date: December 15, 2014

City/County/Agency Name: City of Anniston, Alabama

Mailing Address: P.O. Box 2168

City: Anniston County: Calhoun State: AL Zip Code: 36202

Email address: bjd@downey-lawfirm.com

Telephone numbers: (Office) 256-294-4129 (Fax) 256-241-1048

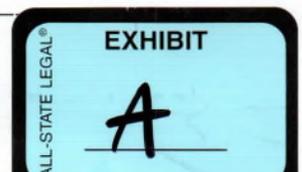
Specify public title or official public position that qualifies you to request an opinion: Requested pursuant to Resolution of the City Council for the City of Anniston, Alabama

Signature and title of individual requesting opinion:

SIGNATURE

City Attorney, City of Anniston, Alabama

TITLE



Set forth facts below showing nature and character of question that make the "advice sought necessary to the present performance of some official act that such officer must immediately perform." ALA. CODE § 36-15-1(1)d.

[Use additional sheets if necessary. MAXIMUM CHARACTERS 1800.]

Please see the Request for Advisory Opinion on Behalf of the City Council for the City of Anniston, Alabama attached hereto as Exhibit "A."

SPECIFIC QUESTION:

[Use additional sheets if necessary. MAXIMUM CHARACTERS 2400.]

Please see the Request for Advisory Opinion on Behalf of the City Council for the City of Anniston, Alabama attached hereto as Exhibit "A."

NOTE: A resolution requesting an opinion must accompany opinion requests from county commissions, city councils, boards of education, and like governing bodies. Public officials shall not submit moot, private, or personal questions in which the state, county, or public is not materially or primarily interested. ALA. CODE § 36-15-1(1)c.

December 15, 2014

BY US MAIL

Brenda F. Smith, Chief
Opinions Division
Attorney General's Office
Post Office Box 300152
Montgomery, Alabama 36130-0152

Re: *Request for Attorney General's Advisory Opinion*

Dear Chief Smith:

Pursuant to the attached Resolution of the City Council for the City of Anniston, Alabama, the Council is hereby requesting an advisory opinion from the Attorney General on the following questions of state law that relate to the Regional Medical Center Board's present obligation to perform official acts that the Board must immediately perform:

QUESTIONS

(1) Whether the Regional Medical Center Board exists in a legal capacity as a health care authority, pursuant to the "Health Care Authorities Act of 1982," codified in Alabama Code Section 22-21-310, *et seq.*, or as a public hospital corporation pursuant to Alabama Code Section 22-21-310, *et seq.*

(2) Whether the Regional Medical Center Board is a "governmental body" that must comply with the provisions of the Alabama Open Meetings Act, codified in Alabama Code Section 36-25A-1, *et seq.*

FACTS AND ANALYSIS

A. The Organization and Powers of the Regional Medical Center Board

The Regional Medical Center Board (the "Board") was created by the enactment of Ordinance 74-O-13, adopted by the City Council of the City of Anniston, Alabama on May 7, 1974. *See* Exhibit 1, Ordinance 74-O-13. As noted in the Board's By-Laws, a certified copy of said Ordinance was filed in the Office of the Secretary of State of Alabama on May 14, 1974 at 9:30 a.m., pursuant to Section 190(1), Title 22, Code of Alabama (Recompiled 1958), codified, as amended, in Ala. Code § 22-21-5 (1975). Upon the filing of Ordinance 74-O-13, the Board

became a body corporate and politic under the name of the Regional Medical Center Board. *See* Ala. Code § 22-21-5. The City of Anniston transferred the operation of the hospital formerly known as the Anniston Memorial Hospital to the Board to be operated as the Regional Medical Center.

The Board consists of fifteen (15) board members. *See* Exh. 1, Ordinance 74-O-13, § 3. The Anniston City Council appoints seven (7) members to the Board for staggered terms of five (5) years. *Id.* The governing bodies of Calhoun County, Alabama, and the cities of Oxford and Jacksonville, Alabama, also appoint two (2) members to the Board, each for staggered terms of five (5) years. *Id.* The Chief of the Medical Staff of Regional Medical Center and one (1) other physician are elected annually by the medical staff of Regional Medical Center and serve also as members of the Board of Directors. *Id.*

B. The Powers and Authorities of the Regional Medical Center Board

At the time of its creation, the Board possessed the “power and authority of county hospital boards” as provided for by Sections 204(18) - 204(30), Title 22, Code of Alabama (Recompiled 1958), now codified as Alabama Code §§ 22-21-70 through 22-21-83 (1975), except those powers that were inconsistent with or repugnant to the provisions of the ordinance under which it came into existence. After the Board’s creation, the Legislature amended Section 22-21-5 to provide corporations organized pursuant to this Section “the power and authority of health care authorities,” as provided for by Ala. Code §§ 22-21-310 through 22-21-344, except those powers that are inconsistent with or repugnant to the provisions of the ordinance under which it came into existence. *See* Act 91, No. 552 (H.B. 99), Regular Session (1991).

C. The Health Care Authorities Act of 1982

The Health Care Authorities Act of 1982 (the “HCAA”) provides the following pertinent defined terms:

(2) **AUTHORITY.** A public corporation organized, and any public hospital corporation reincorporated, pursuant to the provisions hereof.

....

(5) **BOARD.** The board of directors of an authority.

....

(9) **DIRECTOR.** A member of a board.

....

(21) **PUBLIC HOSPITAL CORPORATION.** Any public authority, public corporation or public association or entity organized on a local or regional basis by or with the consent of any county or municipality (or any two or more thereof) and having the power to own or operate any health care facilities, including

(without limitation) any public corporation or authority heretofore or hereafter organized under the provisions of . . . Section 22-21-5 .

...

Ala. Code § 22-21-311(a).

Any public hospital corporation may be reincorporated under the HCAA and, thereby, “avail itself of *all rights, powers and privileges and become subject to all duties, obligations and responsibilities* conferred or imposed by th[e HCAA.]” Ala. Code § 22-21-341 (emphasis added). As a condition of reincorporation, however, the public hospital corporation must first apply for permission to each governing body that authorized its creation. *Id.*

The HCAA further states that “[e]ach authority shall have a board of directors composed of the number of directors provided in the certificate of incorporation, as most recently amended.” Ala. Code § 22-21-316(a). With regard to the meetings of the board of directors, the HCAA states in relevant part that the “board shall hold regular meetings at such times as may be provided in the bylaws of the authority, may hold other meetings at any time and from time to time upon such notice as may be required by the bylaws of the authority, . . . none of which meetings shall be subject to the provisions of Chapter 25A, Title 36 or other similar law.” Ala. Code § 22-21-316(c).

D. Alabama Open Meetings Act

The Legislature enacted the Alabama Open Meetings Act in furtherance of the public policy of the state that the deliberative process and meetings of governmental bodies shall be open to the public. *See* Ala. Code § 36-25A-1. The Act defines a “governmental body” to include:

All boards, bodies, and commissions of the executive and legislative departments of the state or its political subdivisions or municipalities which expend or appropriate public funds; *all multimember governing bodies of departments, agencies, institutions, and instrumentalities of the executive and legislative departments of the state or its political subdivisions or municipalities, including, without limitation, all corporations and other instrumentalities whose governing boards are comprised of a majority of members who are appointed or elected by the state or its political subdivisions, counties, or municipalities;* and all quasi-judicial bodies of the executive and legislative departments of the state and all standing, special, or advisory committees or subcommittees of, or appointed by, the body. . . .

Ala. Code § 36-25A-2(4) (emphasis added). The Board fits squarely within this definition. *See* Ala. Att. Gen. Op. 2006-122 (2006) (advising that a county hospital board, the members of which are appointed by the county commission, is subject to the Open Meetings Act).

The Board's Amended and Restated By-Laws include the following provision:

Section 3.14. Open Meetings. As the Board enjoys all powers of a Healthcare Authority including, but not limited to, those granted in § 22-21-316 of the Code of Alabama (1975), it is exempt from compliance with open meeting laws. Nonetheless, the Board may from time-to-time open its meetings for the attendance and/or participation of the public.

The City of Anniston submits, however, that the Board's "powers and authorities" do not include the exemption from the Alabama Open Meetings Act because the Board was neither organized nor reincorporated as a health care authority.¹

The HCAA affords the "board" of a health care authority an exemption from the Alabama Open Meetings Act, however, *the exemption is plainly and unambiguously limited to the board of directors of a "public corporation organized, and any public hospital corporation reincorporated, pursuant to the [HCAA]."* § 22-21-311(a)(2) (emphasis added). *See Ex parte Holladay*, 466 So. 2d 956, 960 (Ala. 1985) ("Where a statutory pronouncement is distinct and unequivocal, there remains no room for judicial construction and the clearly expressed intent of the legislature must be given effect."). *See also* Ala. Att. Gen. Op. 91-00344 (1991) (advising that a county hospital board, which had not been reincorporated as a health care authority, was not exempted from the state's competitive bid laws pursuant to the exemption provided to health care authorities under the HCAA).

In enacting the HCAA, the Legislature expressly limited the application of this exemption to the Open Meetings Act to those public hospital corporations that have formally reincorporated as health care authorities. Under the established rules of statutory construction, the Legislature's express application of this exemption to only those "public hospital corporations" that have reincorporated as health care authorities is also an expression of its intent to exclude those "public hospital corporations," such as the Board, that have not reincorporated as health care authorities. *See Geohagan v. Gen. Motors Corp.*, 291 Ala. 167, 171, 279 So. 2d 436, 439 (1973) ("Where a statute enumerates certain things on which it is to operate, the statute is to be construed as excluding from its effect all things not expressly mentioned."). Furthermore, in allowing for reincorporation, the Legislature expressed its intent that certain "rights, powers and *privileges* . . ." would only be available to those public hospital corporations that formally reincorporate. § 22-21-341. In doing so, the Legislature ensured that public hospital corporations must first obtain the approval of their authorizing subdivisions

¹ As noted, the Board's powers do not include, and it may not exercise, any powers that are inconsistent with or repugnant to the ordinance by which it came into existence. Ala. Code § 22-21-5(b). At the time of its creation, the Anniston City Council expressly consented to the formation of a public body with the powers of a county hospital board, Exh. 1, Ordinance 74-O-13, § 5. To the degree that the Legislature's amendment of Section 22-21-5 afforded such public bodies powers and authorities beyond those held by county hospital boards, the amendment could not materially alter the City of Anniston's rights without impairing the obligations of a contract in violation of Ala. Const. Art. I, § 22. *See also Opinion of the Justices*, 373 So. 2d 293, 297 (Ala. 1979) ("[T]he legislature cannot alter, amend or revoke charters which it granted without reservation of the specific right to do so.").

before being permitted to shed this very important public obligation to hold their meetings and conduct their deliberations in open meetings available to the public.

The HCAA, the Open Meetings Act and Section 22-21-5 must also be construed, where possible, so as to harmonize the statutes. *Ex parte Jones Mfg. Co., Inc.*, 589 So. 2d 208, 211 (Ala. 1991). Construing the “powers and authorities” afforded to public hospital corporations under Section 22-21-5 so as not to include the exemption to the Open Meetings Act provided under the HCAA avoids a conflict between the specific definition of “governmental bodies” under the Open Meetings Act, which would plainly include the Board, and the general provision in Section 22-21-5 affording the Board the some of the “powers and authorities” available under the HCAA. This construction also avoids a conflict between the specific provisions of the HCAA—the definitions of (a) “board,” (b) “authority” and (c) “public hospital corporation,” and the provision exempting health care authorities from the Open Meetings Act. If the statutes cannot be harmonized, then the conflict between the specific statutory provision in the Open Meetings Act defining “governmental bodies,” and the specific statutory provisions in the HCAA exempting only health care authorities from the Open Meetings Act, must be construed as exceptions to the general provision in 22-21-5 providing certain public hospital corporations some of the powers and authorities of health care authorities. *Id.* (“In the event of a conflict between two statutes, a specific statute relating to a specific subject is regarded as an exception to, and will prevail over, a general statute relating to a broad subject.”).

CONCLUSION

The City Council for the City of Anniston has not approved the Board’s reincorporation as a health care authority, and the Board has not reincorporated as a health care authority. As discussed above, the Board exists in its legal capacity as a public hospital corporation, organized pursuant to Section 190(1), Title 22, Code of Alabama (Recompiled 1958), now codified, as amended, as Ala. Code § 22-21-5, not as a health care authority organized or reincorporated pursuant to the HCAA. The City of Anniston, therefore, respectfully submits that the Board is not exempt from the requirements of the Alabama Open Meetings Act by virtue of the language in Section 22-21-5 providing the Board some of the “powers and authorities” of a health care authority.

Thank you for your attention to this matter. Please let me know if I may be of any assistance.

Sincerely,



Bruce J. Downey IV

Enclosure

ORDINANCE NUMBER 74-0-13

WHEREAS, Anniston Memorial Hospital has been operated under the provisions of Section 189, Title 22, Code of Alabama (1940), and under the provisions of Chapter 15 of the Code of the City of Anniston of 1961; and

WHEREAS, it would promote continuity of planning and stability in management for the hospital to be a public corporation, with authority to do its own financing instead of having to get the city to pledge its credit for loans to the hospital; and

WHEREAS, it is considered to be in the best interest of the city, the hospital and the people who will be served by it, for the hospital to be a body corporate and politic as provided by law;

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

1. That the considerations and statements set forth in the foregoing preamble are hereby ascertained to be true, and are hereby adopted as a part of this ordinance.

2. That pursuant to Chapter 6 of Title 22, Code of Alabama (1940), as amended, a public body is hereby created and established under the name of Regional Medical Center Board.

3. That Regional Medical Center Board shall be composed as follows:

(a) Seven members shall be appointed by the governing body of the City of Anniston, two of them for a term of five years, two of them for a term of four years, one of them for a term of three years, one of them for a term of two years, and one of them for a term of one year. After the expiration of such initial terms, future appointments will be for five year terms.

Appointments are hereby made as follows:

For a term of five years: George W. Morris and T. J. Laney.

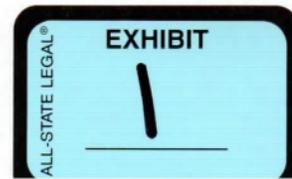
For a term of four years: Nathaniel Davis and C. Lee

Buchanan.

For a term of three years: Eugene L. Evans.

For a term of two years: Samuel L. Stewart.

For a term of one year: Dr. John L. Fulmer.



(b) The governing bodies of the Calhoun County, the City of Oxford, and the City of Jacksonville shall be invited to appoint two members each, one for a term of three years, and one for a term of two years, with subsequent appointments to be for five year terms. Should any of said governing bodies refuse or fail to make any initial or subsequent appointment within ninety days after such appointment can be made under the terms hereof, the governing body of the City of Anniston can make such appointment.

(c) The Chief of Staff of the Center, and one other doctor elected annually by the medical staff of the center shall serve as members of the board.

4. That all members of Regional Medical Center Board shall be eligible to serve until their replacements are duly appointed. When vacancies on Regional Medical Center Board occur for any reason other than the expiration of a term of a member, appointments will be made for the unexpired terms only. Such appointments will be made in each case by the authority who appointed the member being replaced. Each appointing authority shall have the right to terminate an appointment made by it on the grounds of gross dereliction of duty or conduct involving moral turpitude.

5. That express consent is hereby given for Regional Medical Center Board to become a body corporate and politic as provided for in Act No. 63 of the 1957 Legislature of Alabama, approved June 21, 1957 (Section 190 (1) of Title 22, Code of Alabama, Recompiled 1958).

6. That Chapter 15 of the Code of the City of Anniston of 1961, and all other ordinances and resolutions heretofore adopted by the governing body of the City of Anniston pertaining to the operation of Anniston Memorial Hospital be, and the same are, hereby rescinded, revoked and repealed.

7. That no part of the real estate used in connection with the operation of Regional Medical Center may be sold or disposed of, and the operation and management of Regional Medical Center cannot be abandoned or transferred, without the consent of the governing body of the City of Anniston evidenced by an ordinance to that effect.

8. That Regional Medical Center Board is charged with the duty and responsibility of establishing as soon as practicable adequate grievance procedures for its employees.

9. That this ordinance is hereby declared to be severable, and in the event any section, sentence or provision of this ordinance shall be held invalid by any Court of competent jurisdiction, such adjudication shall in no way affect the remainder of this ordinance.

10. That this ordinance shall become effective immediately upon its adoption and publication as required by law.

11. That this ordinance shall be published in the Anniston Star, a newspaper of general circulation in and published in the City of Anniston, Alabama.

PASSED AND ADOPTED this the 7th day of May, 1974.

THE COUNCIL OF THE CITY OF
ANNISTON, ALABAMA.

Norwood Hodges
NORWOOD HODGES, MAYOR

Robert C. Simmons, Jr.
ROBERT C. SIMMONS, JR., COUNCILMAN

Gordon A. Rodgers, Jr.
GORDON A. RODGERS, JR., COUNCILMAN

Gene Stedham
GENE STEDHAM, COUNCILMAN

ATTEST:

Mary Owen Brisky
MARY OWEN BRISKY, CITY CLERK

RESOLUTION NUMBER 14-R-___

A RESOLUTION AUTHORIZING ASSIGNMENT OF MORTGAGE

WHEREAS, on or about August 4, 2011, the City of Anniston, Alabama granted a mortgage to Camelia Caroline Henry for certain real property located within the City; and

WHEREAS, said mortgage is recorded in the Probate Court for Calhoun County, Alabama in Book 4627, Page 77; and

WHEREAS, attached to the mortgage is a legal description of the subject real property and a copy of the note secured by the mortgage; and

WHEREAS, Habitat for Humanity of Calhoun County, Inc. has satisfied the indebtedness secured by the mortgage and has requested that the City assign its rights and interests in said mortgage, property and note; and

WHEREAS, the City has determined it is in the public interest to grant, assign and transfer said rights and interests to Habitat for Humanity of Calhoun County, Inc.;

NOW THEREFORE BE IT RESOLVED by the City Council of the City of Anniston, Alabama that, for good and valuable consideration, hereby grants, assigns and transfers to Habitat for Humanity of Calhoun County, Inc. all rights and interests held by the City in: (a) the mortgage it granted to Camelia Caroline Henry on or about August 4, 2011; (b) all rights, title and interests in the property described in said mortgage; (c) the note secured by the mortgage; and (d) all other loan documents executed in connection with the mortgage.

PASSED and **ADOPTED** this ____ day of November, 2014.

CITY COUNCIL OF THE CITY OF
ANNISTON, ALABAMA

Vaughn M. Stewart II, Mayor

Jay W. Jenkins, Council Member

David E. Reddick, Council Member

Seyram Selase, Council Member

Millie Harris, Council Member

ATTEST:

Alan B. Atkinson, City Clerk

RESOLUTION NO. 14-R-_____

A RESOLUTION DECLARING VARIOUS VEHICLES AND PIECES OF EQUIPMENT AS SURPLUS AND AUTHORIZING THEIR SALE

WHEREAS, the City Council of the City of Anniston, Alabama, hereby finds that those certain motor vehicles/equipment and personal property more particularly described on Exhibit “A” attached hereto and incorporated herein are not now presently being used for municipal purposes, nor are they needed for use by the City of Anniston in the future, and

WHEREAS, the City Council is desirous of selling said motor vehicles/equipment at auction.

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

Section 1. That those certain motor vehicles/equipment and personal property more particularly described in Exhibit “A” attached hereto and incorporated herein for all purposes, be and the same are hereby declared surplus to the needs of the City of Anniston.

Section 2. That Alan B. Atkinson, City Clerk of the City of Anniston, be and he is hereby authorized, directed, and empowered to cause said motor vehicles/equipment and personal property to be sold at public auction for the highest and best bid, and the Alan B. Atkinson, City Clerk of the City of Anniston, is hereby authorized, directed, and empowered for and in the name of the City of Anniston to execute title certificates, bills of sale or other documents of conveyance to the purchasers at such auction for cash received for such purposes, provided, however, that all sales of motor vehicles/equipment made by the City as said auction shall be “as is – where is” with no warranties expressed or implied.

Section 3. This resolution shall become effective immediately upon its passage and adoption by the City Council.

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

EXHIBIT A
SURPLUS EQUIPMENT
PUBLIC WORKS DEPARTMENT

Vehicle/Equipment

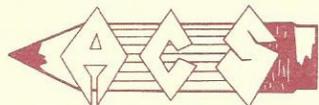
VIN/Serial #

2010 CAT Model 420E Backhoe

CATO420E JPHC00887

Anniston City Schools

OFFICE OF THE SUPERINTENDENT



...Building a Foundation for Excellence



November 4, 2014

Dear Members of the Anniston City Council:

Thanks for providing the Innovation Fund budget this year in the amount of \$350,000.00. This money is very necessary this year considering the various needs we have within the district.

This year I am requesting your approval to use the money for costs associated with our PK program. As you know we have eight PK classes that cost about \$800,000.00 to operate. It is my hope that you all will approve this request and provide the money as soon as possible.

Please let me know if other information is needed regarding this proposal. I look forward to receiving a decision from the council.

Sincerely,

Darren Douthitt
Superintendent
Anniston City Schools



CITY OF ANNISTON

FINANCE DEPARTMENT FACT SHEET

TO: CITY COUNCIL AND CITY MANAGER
FROM: MARY MOTLEY, REVENUE COMPLIANCE SPECIALIST
SUBJECT: CITY OF ANNISTON D/B/A CANE CREEK GRILL
DATE: 12/2/2014
CC:

- ④ Formal action is required for Special Events Retail license application.
- ④ The business is located within the city limits at 64 Galloway Road.
- 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.



CITY OF ANNISTON

FINANCE DEPARTMENT FACT SHEET

TO: CITY COUNCIL AND CITY MANAGER
FROM: MARY MOTLEY, REVENUE COMPLIANCE SPECIALIST
SUBJECT: LIMBOJ LLC D/B/A VICTORY FOOD MART
DATE: 11/14/2014
CC:

- ☺ Formal action is required for Retail Beer (Off Premises Only) and Retail Table Wine (Off Premises Only) license application.
- ☺ The business is located in the city limits at 1513 Greenbrier Rd.
- ☺ 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.



CITY OF ANNISTON

FINANCE DEPARTMENT FACT SHEET

TO: CITY COUNCIL AND CITY MANAGER
FROM: MARY MOTLEY, REVENUE COMPLIANCE SPECIALIST
SUBJECT: ALWADI LLC D/B/A ALWADI FOOD MART
DATE: 12/9/2014
CC:

- ④ Formal action is required for Retail Beer (Off Premises Only) and Retail Table Wine (Off Premises Only) license application.
- ④ The business is located in the police jurisdiction at 1020 Hwy 431 N.
- 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.



CITY OF ANNISTON

FINANCE DEPARTMENT FACT SHEET

TO: CITY COUNCIL AND CITY MANAGER
FROM: MARY MOTLEY, REVENUE COMPLIANCE SPECIALIST
SUBJECT: TWO FISH FEASTS D/B/A PRIME DINING AND BAR
DATE: 12/9/2014
CC:

- ④ A public hearing is required before formal action is taken on the Restaurant Retail Liquor application for Two Fish Feasts LLC d/b/a Prime Dining and Bar.
- ④ The business is located in the city limits at 320 S. Quintard Ave.
- ④ The Police Department reports no local criminal history that would prevent the approval of such license.

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

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

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

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

(b) The city council shall refuse to approve a liquor license for a club when it appears that the operation would enure to the benefit of individual members, officers, agents, or employees of the club rather than to the benefit of the entire membership of the club.

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



CITY OF ANNISTON

FINANCE DEPARTMENT FACT SHEET

TO: CITY COUNCIL AND CITY MANAGER
FROM: MARY MOTLEY, REVENUE COMPLIANCE SPECIALIST
SUBJECT: STRATOS VENTURES LLC D/B/A CALDWELL TAVERN
DATE: 12/9/2014
CC:

- ④ A public hearing is required before formal action is taken on the Lounge Retail Liquor – Class I application for Stratos Ventures LLC d/b/a Caldwell Tavern.
- ④ The business is located in the city limits at 1001 Noble St.
- ④ The Police Department reports no local criminal history that would prevent the approval of such license.

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

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

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

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

(b) The city council shall refuse to approve a liquor license for a club when it appears that the operation would enure to the benefit of individual members, officers, agents, or employees of the club rather than to the benefit of the entire membership of the club.

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

ORDINANCES

ORDINANCE NO. 14-O-___

**AN ORDINANCE AMENDING SECTION 2.2(2) OF THE
CODE OF ORDINANCES OF THE CITY OF ANNISTON, ALABAMA
SETTING THE REGULAR MEETINGS OF THE COUNCIL**

WHEREAS, the City Council of the City of Anniston (the “Council”) finds that the rules of order procedure are due to be amended so that the regular meetings of the Council will be held on the first (1st) and third (3rd) Monday’s of each month.;

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

Section 1. The City Council of the City of Anniston, Alabama hereby amends and restates Section 2.2(2) of “The Code of the City of Anniston, Alabama, 1981” in its entirety to read as follows:

Section 2.2 – Meetings of Council.

(2) Regular monthly meetings of the council shall be held on the first and third Monday’s of each month. The council may by appropriate motion cancel such regular monthly meetings or adopt alternative meeting dates when necessary to accommodate a holiday, or the absence of the city council, or for other compelling reasons determined by the council.

Section 2. That this Ordinance shall become effective immediately upon its adoption and publication one (1) time in The Anniston Star, a newspaper of general circulation published in the City of Anniston, Alabama, and the City Clerk is hereby ordered and directed to cause a copy of this Ordinance to be published one time in said newspaper.

PASSED and **ADOPTED** this 15th of December, 2014.

CITY COUNCIL OF THE CITY OF
ANNISTON, ALABAMA

Vaughn M. Stewart II, Mayor

Jay W. Jenkins, Council Member

David E. Reddick, Council Member

Seyram Selase, Council Member

Millie Harris, Council Member

ATTEST:

Alan B. Atkinson, City Clerk

ORDINANCE NO. 14-O-__

**ORDINANCE PROVIDING CONSENT FOR THE
TRANSFER OF THE OPERATIONS OF REGIONAL
MEDICAL CENTER BY REGIONAL MEDICAL
CENTER BOARD**

WHEREAS, by Ordinance No. 74-O-13 (the "Ordinance"), the City Council provided for the establishment of a public body under the name of the Regional Medical Center Board (the "Board"), and by the same ordinance, as amended, the Council reserved the authority to appoint seven members to the Board.

WHEREAS, paragraph 7 of the Ordinance provides "that no part of the real estate used in connection with the operation of Regional Medical Center may be sold or disposed of, and the operation and management of Regional Medical Center cannot be abandoned or transferred, without the consent of the governing body of the City of Anniston evidenced by an ordinance to that effect."

WHEREAS, the license issued by the State of Alabama, and its agencies, to operate hospital beds is an essential component of the operations of Regional Medical Center within the meaning of paragraph 7 of the Ordinance;

WHEREAS, absent the express consent from the City Council evidenced by ordinance, the Board does not have the power or authority to transfer the license to operate hospital beds or to relocate hospital beds from their present hospital facilities;¹

WHEREAS, the Board has proposed to transfer and relocate 15 inpatient psychiatric beds (the "Beds") from RMC Anniston to RMC Jacksonville, a public hospital owned and operated by the Board;

WHEREAS, the City Council hereby consents to the transfer and relocation of the Beds to RMC Jacksonville and declares its support for the same.

NOW THEREFORE, BE IT ORDAINED by the City Council for the City of Anniston, Alabama that the Council expressly consents to the transfer of operations, as set forth in the above stated recitals, so as to permit the Board's transfer and relocation of the Beds from RMC Anniston to RMC Jacksonville in accordance with paragraph 7 of the

¹ WHEREAS, the Circuit Court for Calhoun County, Alabama entered a Consent Order in Civil Action No. 11-CV-2014-900593.00 whereby the Board, and its subsidiary and affiliate boards and entities, were authorized to "sell, transfer, convey, abandon or dispose of assets valued at not greater than \$5,000,000 without the consent of the Anniston City Council."

WHEREAS, the Consent Order did not encompass the transfer of "operations" within the meaning of Paragraph 7 of the Ordinance, as the Consent Order only applies to "assets" of Regional Medical Center.

WHEREAS, the requirement that the Board obtain the consent of the City Council before transferring Regional Medical Center's license to operate hospital beds is not dependent upon any valuation of the operations associated with said hospital beds.

Ordinance.

BE IT ORDAINED FURTHER, that the Mayor and/or City Manager are hereby authorized to issue letters of support for the proposed transfer and relocation of the Beds to RMC Jacksonville.

PASSED AND ADOPTED this the 15th day of December, 2014.

CITY COUNCIL OF THE CITY OF
ANNISTON, ALABAMA

Vaughn M. Stewart II, Mayor

Jay W. Jenkins, Council Member

David E. Reddick, Council Member

Seyram Selase, Council Member

Millie Harris, Council Member

ATTEST:

Alan B. Atkinson, City Clerk

ORDINANCE NO. 14-O-____

**ORDINANCE DECLARING CERTAIN REAL PROPERTY SURPLUS,
AUTHORIZING A REQUEST FOR PROPOSALS FOR THE SALE
THEREOF AND AUTHORIZING THE CITY MANAGER TO EXECUTE
ALL DOCUMENTS NECESSARY FOR SUCH SALE**

WHEREAS, the City of Anniston owns certain surplus real property not needed or used for public or municipal purposes;

WHEREAS, said certain surplus real property is suitable for acquisition and redevelopment by non-public entities;

WHEREAS, the City of Anniston owns the Victoria Inn and Restaurant (the "Victoria"), which is located in the downtown central business district of the City; and

WHEREAS, the Victoria is not needed nor used for public or municipal purposes;

WHEREAS, the City desires to identify a purchaser capable of making a significant financial investment into the Victoria in a way that contributes to a vibrant downtown/central business district area, maintains and improves the historic character of the Victoria and increases the City's revenue base;

WHEREAS, the City intends to issue a Request for Proposals ("RFP") to identify a developer or development team with the resources and vision for redeveloping/renovating the Victoria in a way that enhances the property, the surrounding area and the City as a whole;

WHEREAS, the Council for the City of Anniston, Alabama finds that revitalization, redevelopment and preservation of the downtown/central business district area of the City promotes the public good and general welfare, trade, commerce, industry and employment opportunities and creates a favorable climate for the location of new industry, trade and commerce and the development of existing industry, trade and commerce;

WHEREAS, the Council finds that issuance of a RFP for acquisition, redevelopment/renovation of the Victoria will further the City's general welfare, trade, commerce, industry and employment opportunities;

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

1. Declaration of Surplus Real Property. It is hereby established and declared that the real property commonly known as the Victoria Inn & Restaurant, located at 1604 Quintard Avenue, Anniston 36201 and more particularly described in Exhibit A, attached hereto, is surplus real property of the City of Anniston, Alabama that is not used or needed for public or municipal purposes.

2. Request for Proposals. The City declares that issuance of a Request for Proposals is the preferred method for selling the Victoria and is the method most likely to ensure the City's goals with respect to the sell said property; to wit, the City shall issue as soon as practical a Request for Proposals for the acquisition and redevelopment/renovation of the Victoria Inn and Restaurant. The City Manager or his designees is authorized to prepare and execute all documents necessary for issuing the Request for Proposals, evaluating the submitted proposals, and awarding the proposal, if a suitable and qualified proposal is submitted.

3. Conveyance. The City Manager is authorized to execute any and all documents necessary to convey the Victoria to the developer or development team who is awarded the contract to acquire and redevelop/renovate said property in accordance with the terms and procedures set forth in the Request for Proposals.

4. Effective Date. This Ordinance shall become effective immediately upon adoption and publication as required by law.

PASSED and ADOPTED this ____ day of _____, 2014.

CITY COUNCIL OF THE CITY OF
ANNISTON, ALABAMA

Vaughn M. Stewart II, Mayor

Jay W. Jenkins, Council Member

David E. Reddick, Council Member

Seyram Selase, Council Member

Millie Harris, Council Member

ATTEST:

Alan B. Atkinson, City Clerk

RESOLUTION NUMBER 14-R-__

A RESOLUTION VACATING A PORTION OF FREEMONT AVENUE FROM PAPPY DUNN BOULEVARD TO CARE DRIVE

WHEREAS, the owners of all lands abutting on a street or alley hereinafter described have joined in a written instrument to declare said street or alley to be vacated; and

WHEREAS, convenient means of ingress and egress to and from said lands is afforded to all other property owners owning property to the tract of land embraced in the map, plat or survey hereinafter referred to, either by the remaining streets or alleys dedicated by such map, plat or other streets and alleys; and

WHEREAS, the vacation of said part of said street or alley shall not deprive any other property owners of such right as they have to convenient and reasonable means of ingress and egress to and from their property; and

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

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

Section 1. That the said Council does hereby assent and consent to the vacation of said part of said street or alley, the same being described as follows:

A part of Section 15, Township 15 S, Range 08 E, in Calhoun County, Alabama, being more particularly described as beginning at a point that is the southeast corner of the R.O.W.s of Care Dr. and Pappy Dunn Blvd. run northeasterly along the south R.O.W. of Pappy Dunn Blvd. for 389 feet to a point that is the southwest corner of the R.O.W.s of Pappy Dunn Blvd. and Freemont Ave. to the Point of Beginning, thence continue along said line for 50 feet to a point, thence southeasterly 120 feet to a point, thence along a curve to the right 334 feet to a point, thence southerly 379 feet to a point that is on the north R.O.W. line of Pine Tree Dr., thence westerly 50 feet to a point that is on the north R.O.W. line of Care Dr., thence northerly 379 feet to a point, thence along a curve to the left 334 feet, thence, northwesterly 120 feet to the Point of Beginning.

Section 2. Provided, however, that this Resolution shall not prejudice the rights of any public utilities or railroads now operating easements, lines, pipes, railways lines, and rights – of – way in the area encompassed by said part of said street whether above ground, at ground level or below ground, it being specifically understood that this vacation is without prejudice as to the rights of such utilities.

PASSED AND ADOPTED this the ____ day of November, 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-___

A RESOLUTION VACATING A PORTION OF CARE DRIVE FROM THE SOUTH SIDE OF WALL STREET TO THE NORTH SIDE OF AMERICAN RED CROSS DRIVE

WHEREAS, the owners of all lands abutting on a street or alley hereinafter described have joined in a written instrument to declare said street or alley to be vacated; and

WHEREAS, convenient means of ingress and egress to and from said lands is afforded to all other property owners owning property to the tract of land embraced in the map, plat or survey hereinafter referred to, either by the remaining streets or alleys dedicated by such map, plat or other streets and alleys; and

WHEREAS, the vacation of said part of said street or alley shall not deprive any other property owners of such right as they have to convenient and reasonable means of ingress and egress to and from their property; and

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

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

Section 1. That the said Council does hereby assent and consent to the vacation of said part of said street or alley, the same being described as follows:

A part of Section 15, Township 15 S, Range 08E, in Calhoun County, Alabama, being more particularly described as Beginning at a point that is the northwest corner of the R.O.W.s of Care Dr. and American Red Cross Dr. run along the south R.O.W. of Care Dr. N37°W for 963 feet to a point that is the southwest corner of the R.O.W.s of Care Dr. and Wall St., thence N53°E for 50 feet to a point that is the northeast corner of said R.O.W's, thence S37°E along the north line of Care Dr. 963 feet to a point, thence S53°W for 50 feet to the Point of Beginning.

Section 2. Provided, however, that this Resolution shall not prejudice the rights of any public utilities or railroads now operating easements, lines, pipes, railways lines, and rights – of – way in the area encompassed by said part of said street whether above ground, at ground level or below ground, it being specifically understood that this vacation is without prejudice as to the rights of such utilities.

PASSED AND ADOPTED this the ____ day of November, 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-__

**A RESOLUTION VACATING A PORTION OF GLOBAL DRIVE RUNNING
NORTHEAST/SOUTHWEST BETWEEN AMERICAN RED CROSS DRIVE AND
CARE DRIVE**

WHEREAS, the owners of all lands abutting on a street or alley hereinafter described have joined in a written instrument to declare said street or alley to be vacated; and

WHEREAS, convenient means of ingress and egress to and from said lands is afforded to all other property owners owning property to the tract of land embraced in the map, plat or survey hereinafter referred to, either by the remaining streets or alleys dedicated by such map, plat or other streets and alleys; and

WHEREAS, the vacation of said part of said street or alley shall not deprive any other property owners of such right as they have to convenient and reasonable means of ingress and egress to and from their property; and

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

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

Section 1. That the said Council does hereby assent and consent to the vacation of said part of said street or alley, the same being described as follows:

A part of Section 15, Township 15 S, Range 8 E, in Calhoun County, Alabama, being more particularly described as beginning at a point that is the southeast corner of the R.O.W.'s of Wall St. and Care Dr. run southeasterly along the south line of Care Dr. for 425' to the point of beginning, thence continue along said line 55' to a point, thence run southwesterly for 261' to a point thence along a curve to the left 60' to a point, thence along a curve to the right 91' to a point that is on the north line of American Red Cross Dr., thence southwesterly along a line that is an extension of said north line for 53' to a point, thence northeasterly along a curve to the left 91' to a point, thence along a curve to the right 95' to a point, thence northeasterly 293' to the point of beginning.

Section 2. Provided, however, that this Resolution shall not prejudice the rights of any public utilities or railroads now operating easements, lines, pipes, railways lines, and rights – of – way in the area encompassed by said part of said street whether above ground, at ground level or below ground, it being specifically understood that this vacation is without prejudice as to the rights of such utilities.

PASSED AND ADOPTED this the ____ day of November, 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