CITY OF ANNISTON
MARCH 2, 2015
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) 2015 AHSSA Class 1-A State Basketball Champions Sacred Heart School

II. PROCLAMATION

(a) World Spay Day

III. 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.

IV. RECEIVE FORMAL PUBLIC COMMENT - None

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.annistonal.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.

V. CONDUCT PUBLIC HEARING - None

Speaking to a Public Hearing Item

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

VI. UNFINISHED BUSINESS – None

VII. CONSENT AGENDA

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

(b) Resolution authorizing the Mayor to execute a Transportation Planning Process Agreement with the Alabama Department of Transportation and the Federal Highway Administration.

(c) Resolution authorizing the submission of a grant application under the Historic Preservation Fund.

(d) Resolution approving the proposed amendments as required by Alabama Code § 22-51-7 for Calhoun Cleburne Mental Health Board, Inc.

(e) Motion to approve a Retail Beer (Off Premises Only) license application for M Saleh LLC d/b/a Express Food Mart 26 located in the city limits at 3040 Highway 78 East.

(f) Motion to approve the base bid in the amount of $96,425.00 and the options in the amount of $37,400.00 (all as denoted in the contract schedule attached hereto) for a total contract amount of $133,825.00 by J.F. Morgan General Contractors for the Michael Tucker Park construction project be accepted and awarded.

VIII. ORDINANCES

(a) Establishing safe distance passing of bicycles and pedestrians.

IX. RESOLUTIONS

(a) Declaring a reported condition to be a public nuisance.

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

COUNCIL COMMENTS

ADJOURNMENT

MINUTES

Anniston, Alabama
February 16, 2015

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, February 16, 2015, at approximately 5:36 o'clock p.m.

Bill Young prayed the Invocation.

Bill Young led the Pledge of Allegiance to the Flag.

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

Brian Johnson, City Manager, was present.

Bruce Downey, City Attorney, was present.

Council Member Selase made a motion to waive the reading of the minutes of February 2, 2015. The motion was seconded by Council Member Harris; and on call of the roll the following vote was recorded: ayes: Council Members Jenkins, Reddick, Selase, Harris and Stewart; nays: none. The motion carried.

Council Member Harris made a motion to approve the minutes of February 2, 2015. The motion was seconded by Council Member Jenkins; and on call of the roll the following vote was recorded: ayes: Council Members Jenkins, Reddick, Selase, Harris and Stewart; nays: none. The motion carried.

Council Member Jenkins made a motion to remove from the agenda Consent Agenda item (d) a resolution over-ruling objections to the abatement of identified nuisances (Group 39 – Dangerous structures) and to move Consent Agenda item (h) a motion to approve the following amendments to the City of Anniston Classification and Pay Plan; Food Services and Events Manager, Administrative Assistant – Food Services and Events, Custodial Supervisor - Food Services and Events, Custodial Laborer - Food Services and Events, to Motions and to adopt the agenda as amended. The motion was seconded by Council Member Reddick; and on call of the roll the following vote was recorded: ayes: Council Members Jenkins, Reddick, Selase, Harris and Stewart; nays: none. The motion carried.

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

Resolution authorizing reimbursements to city officials for expenses incurred while traveling away from the city.
Resolution over-ruling objections to the abatement of identified nuisances. (Group 2015-01 Vehicles)

Resolution over-ruling objections to the abatement of identified nuisances. (Group 2015-01 Debris)
Resolution accepting the resignation of a member of the Longleaf Botanical Gardens Board.
Resolution declaring various vehicles and pieces of equipment as surplus and authorizing their sale.
Resolution approving the application for a tax abatement for Project Glass and further authorizing the Mayor to execute an agreement with same.
Motion to ratify the appointments by the Farley L. Berman Foundation, Inc. of Lisa Davis (term expires 10/31/2018) and Dr. David Cummings (term expires 10/31/2017) to the Anniston Museum Complex Board.
Motion to approve a Retail Beer (Off Premises Only) and Retail Table Wine (Off Premises Only) license application for Roshun Business LLC d/b/a Sparkle Mart located in the police jurisdiction at 4022 Bynum Leatherwood Road.
Evaluation of bids for one (1) pick-up truck for Public Works.
Evaluation of bids for one (1) heavy duty dump truck for the Public Works Department.

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

Glen Ray, 3514 Dale Hollow Road, addressed the Council and stated he had been trying to some information about the internal affairs investigative procedures of the Anniston Police Department. He stated that information had cost him $10.00 and the report was only two pages and should have been available on the internet.

Mayor Stewart announced that was the time for the public hearing to hear objections to the proposed abatement of identified nuisances (Group 2015-01-Vehicles) at the following locations: 729 E. 22nd Street, 731 E. 19th Street, 829 E. 22nd Street, 1131 Altamont Road, 1205 Altamont Road, 1311 Johnston Drive, 1312 Woodhaven Terrace, 1612 McCall Drive, 1919 Rocky Hollow Road, 2112 Thomas Avenue, 2409 Walnut Avenue, 1804 Johnston Street, 1403 Mulberry Avenue, 1630 Crane Avenue, 1406 Pine Avenue, 1004 Constantine Avenue, 1611 Cobb Avenue, 916 W. 17th Street, 2527 Paul Street, 1700 Dooley Avenue, and 2504 Paul Circle; declared the hearing open and asked if anyone wished to address the Council concerning objections to the proposed abatement of identified nuisances at said locations.

Angela Reid addressed the Council concerning the vehicles located at 1700 Dooley Avenue and stated one vehicle was not hers and she needed some time to fix the other one.

Curtis Ray addressed the Council concerning the vehicles located at 1004 Constantine Avenue and stated he drives some of the vehicles and he needed a little time for some of the vehicles.

Ali El-Sayed addressed the Council concerning the vehicles located at 2112 Thomas Avenue and 1919 Rocky Hollow Road and stated he was working to take care of this problem.

Rick Foster addressed the Council concerning his house at 2120 Thomas Avenue and stated he lived in the house and it was not abandoned.

Mr. El-Sayed addressed the Council concerning properties he owned on Rocky Hollow Road and Thomas Avenue and stated they needed more police patrols in the area.

Mayor Stewart asked if anyone else wished to address the Council concerning objections to the proposed abatement of identified nuisances at said locations.

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

Mayor Stewart declared the public hearing to hear objections to the proposed abatement of identified nuisances (Group 2015-01-Vehicles) at the following locations: 729 E. 22nd Street, 731 E. 19th Street, 829 E. 22nd Street, 1131 Altamont Road, 1205 Altamont Road, 1311 Johnston Drive, 1312 Woodhaven Terrace, 1612 McCall Drive, 1919 Rocky Hollow Road, 2112 Thomas Avenue, 2409 Walnut Avenue, 1804 Johnston Street, 1403 Mulberry Avenue, 1630 Crane Avenue, 1406 Pine Avenue, 1004 Constantine Avenue, 1611 Cobb Avenue, 916 W. 17th Street, 2527 Paul Street, 1700 Dooley Avenue, and 2504 Paul Circle closed.

Mayor Stewart announced that was the time for the public hearing to hear objections to the proposed abatement of identified nuisances (Group 2015-01-Debris) at the following locations: 1030 Johnston Drive, 311 South Walnut Avenue, 1921 Rocky Hollow Road and 2409 Walnut Avenue; declared the hearing open and asked if anyone wished to address the Council concerning objections to the proposed abatement of identified nuisances at said locations.

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

Mayor Stewart declared the public hearing to hear objections to the proposed abatement of identified nuisances (Group 2015-01-Debris) at the following locations: 1030 Johnston Drive, 311 South Walnut Avenue, 1921 Rocky Hollow Road and 2409 Walnut Avenue closed.

Mayor Stewart announced that was the time for the public hearing to hear objections to the proposed abatement of identified nuisances (Group 39 – Dangerous Structures) at the following locations: Lenlock Center LLC, 5818 McClellan Boulevard, Parcel Numbers 18-04-17-1-001-003.000 through 018.000; declared the hearing open and asked if anyone wished to address the Council concerning objections to the proposed abatement of identified nuisances at said locations.

Tana Bryant, Code Enforcement, addressed the Council and stated she had received an email for the owner of the Lenlock Center LLC asking for an extension of 60 days to resolve the situation and would be willing to attend a future Council meeting to provide more information.

Council Member Reddick made a motion to continue the public hearing to hear objections to the proposed abatement of identified nuisances (Group 39 – Dangerous Structures) at the following locations: Lenlock Center LLC, 5818 McClellan Boulevard, Parcel Numbers 18-04-17-1-001-003.000 through 018.000. 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 for the unanimous consent of the Council to introduce and read by title Ordinance Number 15-O-1. The motion was seconded by Council Member Jenkins.

Mayor Stewart asked if anyone wished to address the Council either in favor of or in opposition to the introduction and reading by title of Ordinance Number 15-O-1.

No one addressed the Council either in favor of or in opposition to the introduction and reading by title of Ordinance Number 15-O-1.

On call of the roll on Council Member Selase's motion for the unanimous consent of the Council to introduce and read by title Ordinance Number 15-O-1 and Council Member Jenkins' second to said motion the following vote was recorded: ayes: Council Members Jenkins, Reddick, Selase, Harris and Stewart; nays: none. The motion carried.

Unanimous consent of the Council having been granted to introduce and read by title Ordinance Number 15-O-1, Council Member Selase introduced and read by title Ordinance Number 15-O-1 as follows:

(15-O-1, amending Chapter 29 ½, Article I, Stormwater Management Regulation for Compliance with the City's NPDES, Phase II, MS4 Permit and Stormwater Management Plan)

Council Member Harris made a motion for the unanimous consent of the Council for the immediate consideration of Ordinance Number 15-O-1 as introduced and read by title. The motion was seconded by Council Member Jenkins; and on call of the roll the following vote was recorded: ayes: Council Members Jenkins, Selase, Harris and Stewart; nays: none; abstentions: Council Member Reddick. The motion failed.

Harold Ray addressed the Council and stated he did not understand how they could tax the water coming from the sky. He stated he did not know if this was a tax or a fee.

Council Member Harris made a motion for the unanimous consent of the Council to introduce and read by title Ordinance Number 15-O-2. The motion was seconded by Council Member Jenkins.

Mayor Stewart asked if anyone wished to address the Council either in favor of or in opposition to the introduction and reading by title of Ordinance Number 15-O-2.

No one addressed the Council either in favor of or in opposition to the introduction and reading by title of Ordinance Number 15-O-2.

On call of the roll on Council Member Harris' motion for the unanimous consent of the Council to introduce and read by title Ordinance Number 15-O-2 and Council Member Jenkins' second to

said motion the following vote was recorded: ayes: Council Members Jenkins, Reddick, Selase, Harris and Stewart; nays: none. The motion carried.

Unanimous consent of the Council having been granted to introduce and read by title Ordinance Number 15-O-2, Council Member Harris introduced and read by title Ordinance Number 15-O-2 as follows:

(15-O-2, to amend Division 1, Article XI, Chapter 2, Section 2.53.4 and 2.53.5 of the City Code regulating Boards, Commissions and Authorities)

Council Member Jenkins made a motion for the unanimous consent of the Council for the immediate consideration of Ordinance Number 15-O-2 as introduced and read by title. The motion was seconded by Council Member Reddick; and on call of the roll the following vote was recorded: ayes: Council Members Jenkins, Reddick, Selase, Harris and Stewart; nays: none. The motion carried. Unanimous consent of the Council having been granted for the immediate consideration of Ordinance Number 15-O-2 as introduced and read by title, Council Member Jenkins made a motion for the passage and adoption of Ordinance Number 15-O-2 as introduced and read by title. The motion was seconded by Council Member Harris; and on call of the roll the following vote was recorded: ayes: Council Members Jenkins, Reddick, Selase, Harris and Stewart; nays: none. The motion carried and Ordinance Number 15-O-2 was passed and adopted.

Council Member Reddick made a motion to reconsider the vote on the motion for the unanimous consent of the Council for the immediate consideration of Ordinance Number 15-O-1 as introduced and read by title. The motion was seconded by Council Member Harris; and on call of the roll the following vote was recorded: ayes: Council Members Jenkins, Reddick, Selase, Harris and Stewart; nays: none. The motion carried.

Council Member Jenkins made a motion for the unanimous consent of the Council for the immediate consideration of Ordinance Number 15-O-1 as introduced and read by title. The motion was seconded by Council Member Harris; and on call of the roll the following vote was recorded: ayes: Council Members Jenkins, Reddick, Selase, Harris and Stewart; nays: none. The motion carried. Unanimous consent of the Council having been granted for the immediate consideration of Ordinance Number 15-O-1 as introduced and read by title, Council Member Jenkins made a motion for the passage and adoption of Ordinance Number 15-O-1 as introduced and read by title. The motion was seconded by Council Member Harris; and on call of the roll the following vote was recorded: ayes: Council Members Jenkins, Reddick, Selase, Harris and Stewart; nays: none. The motion carried and Ordinance Number 15-O-1 was passed and adopted.

Council Member Selase introduced and read Ordinance Number 15-O-3 as follows:

(15-O-3, amending Stormwater User Fee Charge System to allow fee credits)

Council Member Selase made a motion for the unanimous consent of the Council for the immediate consideration of Ordinance Number 15-O-3 as introduced and read. The motion was

seconded by Council Member Harris; and on call of the roll the following vote was recorded: ayes: Council Members Jenkins, Reddick, Selase, Harris and Stewart; nays: none. The motion carried. Unanimous consent of the Council having been granted for the immediate consideration of Ordinance Number 15-O-3 as introduced and read, Council Member Jenkins made a motion for the passage and adoption of Ordinance Number 15-O-3 as introduced and read. The motion was seconded by Council Member Harris.

Council Member Jenkins made a motion to amend Ordinance Number 15-O-3 to amend Section 29 ½.23(b) to add "and all other preschool, elementary, middle and high schools within the city". 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 for the passage and adoption of Ordinance Number 15-O-3 as amended. The motion was seconded by Council Member Harris; ; and on call of the roll the following vote was recorded: ayes: Council Members Jenkins, Reddick, Selase, Harris and Stewart; nays: none. The motion carried and Ordinance Number 15-O-3 was passed and adopted.

Council Member Selase introduced and read Resolution Number 15-R-17 as follows:

(15-R-17, adopting the Stormwater User Fee Credit Manual)

Council Member Selase made a motion for the passage and adoption of Resolution Number 15-R-17 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 15-R-17 was passed and adopted.

Brian Johnson, City Manager, addressed the Council concerning the Stormwater User Fee Credit Manual.

Council Member Reddick stated that he had pipes disintegrating in his Ward and they did need to fix their infrastructure.

Council Member Jenkins introduced and read Resolution Number 15-R-18 as follows:

(15-R-18, approving application and authorizing incorporation of Downtown Development Authority

Council Member Jenkins made a motion for the passage and adoption of Resolution Number 15-R-18 as introduced and read. The motion was seconded by Council Member Selase; and on call of the roll the following vote was recorded: ayes: Council Members Jenkins, Reddick, Selase, Harris and Stewart; nays: none. The motion carried and Resolution Number 15-R-18 was passed and adopted.

Council Member Selase made a motion to approve the following amendments to the City of Anniston Classification and Pay Plan; Food Services and Events Manager, Administrative Assistant – Food Services and Events, Custodial Supervisor - Food Services and Events, Custodial Laborer - Food Services and Events. The motion was seconded by Council Member Harris.

Council Member Reddick stated that this affects employees who are currently Civil Service Employees and he wanted to read from the Civil Service Act Section 45-8A-22.01 (5) "Grandfathered Employee. Any person who is employed in the service of the city on the date upon which the act adding this language becomes effective in a position that is subject to the civil service system. A person to whom this subdivision applies shall remain a civil service employee for the purpose of this subpart unless the employee accepts a promotion or employment in a different position within the city, without regard to whether the different position was formerly subject to the civil service system, or unless the employee voluntarily opts out of the civil service system through proper notice, as set forth in this subpart." Section 45-8A-22.02 (c) "A grandfathered employee who remains a civil service employee, at his or her discretion, may opt out of the civil service system by submitting a signed and verified written notice to his or her appointing authority and a copy to the board, attesting to all of the following: (1) That the employee is knowingly and voluntarily withdrawing from the civil service system. (2) That the employee understands and acknowledges that his or her withdrawal is permanent and irrevocable. (3) That the employee understands and acknowledges that he or she permanently and irrevocably relinquishes his or her status as a grandfathered employee, together with any and all rights and privileges afforded by the board or its rules. (4) That the employee has relied upon his or her own judgment in an exercise of his or her own free will and has not been coerced, threatened or otherwise forced to withdraw from the civil service system."

Brian Johnson, City Manager, stated that tonight they were adding four positions to the City's Classification and Pay Plan. He stated there were positions in the Plan that were currently not funded or filled. He stated that the one thing the section of the Civil Service Act did not address was the affordability of funding positions. He stated they were in a position where they could not adequately fund position in their current state. He stated during the budget process they had positions they could not afford to fund that were civil service positions.

Council Member Reddick stated he wanted to make sure that the Civil Service employees were aware of their rights.

On call of the roll on Council Member Selase's motion to approve the following amendments to the City of Anniston Classification and Pay Plan; Food Services and Events Manager, Administrative Assistant – Food Services and Events, Custodial Supervisor - Food Services and Events, Custodial Laborer - Food Services and Events 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.

Council Member Jenkins asked everyone to support the local high school basketball teams still participating in the play-offs.

Council Member Reddick stated that Council Member Selase had stated they should hide information from Council Member Reddick and anyone else who did not want to get on board with what this Council wants to do. He stated he had not received any information from Council Member Selase since that statement nor any response to his emails or phone calls. He stated any information being passed down to Council Members should not go through Council Member Selase a as conduit and he wanted this as part of the record.

Council Member Selase stated that this Saturday the Museum would be hosting the Black Heritage Festival. He thanked Myra Bushard for all her work and help to the Council.

Council Member Harris thanked Myra Bushard for all her work and help to the Council. She stated she would be working at the schools preparing the students for the upcoming Russian ballet.

Mayor Stewart stated they were very excited about Carleson Composites coming to the city and they were looking forward to the creation of more new jobs.

There being no further business to come before the meeting at that time Council Member Selase made a motion the meeting be adjourned. The motion was seconded by Council Member Harris; and on call of the roll the following vote was recorded: ayes: Council Members Jenkins, Reddick, Selase, Harris and Stewart; nays: none. The motion carried and the meeting was adjourned at approximately 6:44 o'clock p.m.

CONSENT AGENDA

RESOLUTION NO. 15-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. $469.94 to Jean Anne Oglesby, Farmers Market, while attending Alabama Fruits/Vegetable Conference February 5 – 7, 2015 in Auburn, AL.

PASSED AND ADOPTED this ____ day of February, 2015

CITY COUNCIL OF THE CITY
OF ANNISTON, ALABAMA

BY:_____
Vaughn M. Stewart II, Mayor

BY:_____
Jay W. Jenkins, Council Member

BY:_____
David E. Reddick, Council Member

BY:_____
Seyram Selase, Council Member

BY:_____
Mille Harris, Council Member

ATTEST:

_____
Alan B. Atkinson, City

RESOLUTION NO. 15-R-__

A RESOLUTION AUTHORIZING THE MAYOR TO EXECUTE A TRANSPORTATION PLANNING PROCESS AGREEMENT WITH THE ALABAMA DEPARTMENT OF TRANSPORTATION AND THE FEDERAL HIGHWAY ADMINISTRATION

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

Section 1. That Vaughn M. Stewart, II as Mayor of the City of Anniston, Alabama, is hereby authorized, directed and empowered for and in the name of the City of Anniston, to execute on behalf of said City, a new Transportation Planning Process Agreement with the Alabama Department of Transportation the Federal Highway Department concerning the transportation planning process for the Calhoun Urbanized Area, which said agreement shall be additionally executed by the Calhoun County and Talladega County Commissions, the cities of Oxford, Hobson City, Weaver and Jacksonville, to modify, alter or amend the voting composition of the Calhoun Area Metropolitan Planning Organization;

Section 2. That by the execution of said agreement and the passage of this resolution, the City of Anniston does hereby express its support of the continuing, cooperative and comprehensive "3C Process" of transportation planning for the Calhoun Urbanized Area.

PASSED and ADOPTED this ___ day of _____, 2015.

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. 15-R-___

RESOLUTION AUTHORIZING THE SUBMISSION OF A GRANT APPLICATION UNDER THE HISTORIC PRESERVATION FUND

WHEREAS, the Alabama Historical Commission has the authority to award grants through the Historic Preservation Fund;

WHEREAS, the City of Anniston recognizes the need to secure funding for the development of design guidelines to be followed in rehabilitation and new construction in locally designated historical districts.

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

1. That submission of a Grant Application under said program is, hereby, authorized in the amount of $7,500;

2. That the City of Anniston commits $1,875 in local share through in-kind contribution; and

3. That the City of Anniston will serve as the Applicant and that the Mayor is authorized to sign any and all documents to obtain said grant.

PASSED AND ADOPTED this the ___ day of _____, 2015.

CITY COUNCIL OF THE CITY OF
ANNISTON, ALABAMA

By: _____
Vaughn M. Stewart II, Mayor

BY: _____
Jay W. Jenkins, Council Member

BY: _____
David E. Reddick, Council Member

BY: _____
Seyram Selase, Council member

BY: _____
Millie Harris, Council Member

ATTEST:

_____
Alan B. Atkinson, City Clerk

RESOLUTION EXPLANATION

PURPOSE: Authorization to submit a Grant Application and commitment of the local share

PROGRAM: Historic Preservation Fund

AGENCY: Alabama Historical Commission

DEADLINE: March 16, 2015

PROJECT DESCRIPTION:

The proposed project is the development of Design Guidelines to be followed for redevelopment and new construction in the locally designated historic district. These districts currently include Downtown Anniston, 15th Street West Anniston, and Tyler Hill. The Design Guidelines will facilitate review for issuance of the Certificate of Appropriateness (COA) and provide needed guidance for public and private investment in the City's historic districts. The City will retain the services of a qualified historic preservationist to prepare the Design Guidelines and the City will commit local contribution through staff time, meeting space, and supplies/materials.

GRANT REQUEST: $7,500

LOCAL: $1,875 (In-Kind Contribution)

COMMENT:

The City of Anniston is currently using The Secretary of the Interior Standards for Rehabilitation and Guidelines for Rehabilitating Historic Buildings to review and issue a Certificate of Appropriateness (COA) for renovation and new construction in the locally designated historic districts of the community. These Standards are broadly written. Anniston needs to develop Design Guidelines that more specifically address the historic character and appearance of Anniston's historic districts.

PREPARED BY: Louise Campbell, L.P. Campbell Company 2/19/2015

RESOLUTION NO. 15-R-___

A RESOLUTION APPROVING THE PROPOSED AMENDMENTS AS REQUIRED BY ALABAMA CODE § 22-51-7 FOR CALHOUN CLEBURNE MENTAL HEALTH BOARD, INC.

WHEREAS, the City of Anniston is entitled to appoint one or more members to the Board of Directors of the Calhoun Cleburne Mental Health Board, Inc., a non-profit corporation organized and existing under Act 310, codified at Alabama Code § 22-51-1, et seq. of the laws of the State of Alabama (the "Corporation") as of November 18, 2014; and

WHEREAS, Act 310, codified at Alabama Code § 22-51-1, et seq. of the laws of the State of Alabama ("Act 310") provides that the Certificate of Incorporation of the Corporation may be amended from time to time and provides certain procedures for accomplishing the same; and

WHEREAS, a regular meeting of the Board of Directors of the Corporation was held at the office of the Corporation at 331 East 8th Street, Anniston, Alabama 36207, on November 18, 2014 pursuant to the Bylaws of the Corporation; and

WHEREAS, a regular meeting of the Board of Directors of the Corporation was held at the office of the Corporation at 331 East 8th Street, Anniston, Alabama 36207, on January 20, 2015 pursuant to the Bylaws of the Corporation; and

WHEREAS, the Board of Directors of the Corporation adopted resolutions setting forth and approving amendments to the Certificate of Incorporation of the Corporations on November 18, 2014, and January 20, 2015. Such resolutions setting forth and approving amendments to the Certificate of Incorporation of the Corporation are attached hereto Exhibit 1 and Exhibit 2, (together, the "Proposed Amendments"); and

WHEREAS, the Alabama Department of Mental Health reviewed and approved the Proposed Amendments as of January 29, 2015; and

WHEREAS, the City of Anniston finds that the Proposed Amendments are in the public interest.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Anniston, Alabama, that the City of Anniston hereby approves the Proposed Amendments as required by Alabama Code § 22-51-7.

PASSED and ADOPTED this ___ day of _____, 2015.

CITY COUNCIL OF THE CITY OF
ANNISTON, ALABAMA

By:_____
Vaughn M. Stewart II, Mayor

By:_____
Jay W. Jenkins, Council Member

By:_____
David E. Reddick, Council Member

By:_____
Seyram Selase, Council Member

By:_____
Millie Harris, Council Member

ATTEST:

_____
Alan B. Atkinson, City Clerk

CITY OF ANNISTON

FINANCE DEPARTMENT
FACT SHEET

TO: CITY COUNCIL AND CITY MANAGER

FROM: MARY MOTLEY, REVENUE COMPLIANCE SPECIALIST

SUBJECT: M SALEH LLC D/B/A EXPRESS FOOD MART 26

DATE: 2/20/2015

CC:

- Formal action is required for Retail Beer (Off Premises Only) license application.
- The business is located in the city limits at 3040 Hwy 78 East.
- The Police Department's criminal history is attached.

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.

Michael Tucker Park Contract Schedule

Contractor				
Item Description		**Quantity**	**Unit**	**Total Cost**
Demolition & Grading				
Mobilization		1	Lump Sum	$7,650.00
Chain Link Fence Removal (Includes Galvanized Fence)		1	Lump Sum	$750.00
Vinyl Fence Removal		1	Lump Sum	$250.00
Remove Existing 15" RCP		1	Lump Sum	$250.00
Remove Asphalt Pavement		1	Lump Sum	$800.00
Remove Concrete Side Walk		1	Lump Sum	$400.00
Remove Trash Can		1	Lump Sum	$25.00
Remove Picnic Table		1	Lump Sum	$25.00
Remove Trees	Pecan Trees	1	Lump Sum	$900.00
	Small Trees	1	Lump Sum	$375.00
8" HDPE		1	Lump Sum	$650.00
8" Grate		1	Lump Sum	$375.00
12" HDPE		1	Lump Sum	$450.00
Slope Paved Endwall		1	Lump Sum	$750.00
Slope Paved Headwalls		1	Lump Sum	$550.00
			Sub-Total	**$14,200.00**

Concrete & Pavement				
Paved Parking	6" Base	1	Lump Sum	$9,750.00
	2" Wearing	1	Lump Sum	$16,000.00
4" Chert or Select Fill		1	Lump Sum	$4,000.00
Concrete Sidewalk and Bike Rack Pads		1	Lump Sum	$6,000.00
Concrete Pads		1	Lump Sum	$1,500.00
			Sub-Total	**$37,250.00**

Gravel				
Unclassified Excavation	Asphalt Drive (1.0')	1	Lump Sum	$2,750.00
	Gravel (1.5' Depth)	1	Lump Sum	$11,000.00
Gravel (6" Dense Graded Base)	Camp Site Road	1	Lump Sum	$10,000.00
	Camp Site Parking Pads	1	Lump Sum	$7,000.00
12" Chert or Select Fill (Compacted in place)		1	Lump Sum	$5,750.00
Rock Check Dams		1	Lump Sum	$550.00
Temporary Construction Entrance		1	Lump Sum	$500.00
Temporary Silt Fence		1	Lump Sum	$1,050.00
			Sub-Total	**$38,600.00**

Water			
Frost Proof Faucet	1	Lump Sum	$375.00
Water Line 1"	1	Lump Sum	$3,025.00
		Sub-Total	**$3,400.00**

Michael Tucker Park Contract Schedule

Contractor				
Item Description		**Quantity**	**Unit**	**Total Cost**
Option 1				
New Vinyl Fence		0	Lump Sum	$0.00
			Sub-Total	**$0.00**

Option 2A				
Unclassified Excavation	(6" Depth)	1	Lump Sum	$1,900.00
Gravel Parking (6" Dense Grade Base)		1	Lump Sum	$9,750.00
Conc. Wheel Stops		1	Lump Sum	$850.00
Timber Tie Retaining Wall		1	Lump Sum	$3,500.00
			Sub-Total	**$16,000.00**

Option 2B				
Unclassified Excavation	(8" Depth)	0	Lump Sum	$0.00
Paved Parking	6" Base	0	Lump Sum	$0.00
	2" Wearing	0	Lump Sum	$0.00
Conc. Wheel Stops		0	Lump Sum	$0.00
Timber Tie Retaining Wall		0	Lump Sum	$0.00
			Sub-Total	**$0.00**

Site Furnishing Options				
Option 3: Fire Pit / Grill Combo	8	Each	$675.00	$5,400.00
Option 4: Multi-Level Park Grill	0	Each	$750.00	$0.00
Option 5: Trash Cans	4	Each	$775.00	$3,100.00
Option 6: Park Bench	4	Each	$1,300.00	$5,200.00
Option 7: Picnic Tables	0	Each	$1,300.00	$0.00
Option 8: Bike Racks	2	Each	$925.00	$1,850.00
			Sub-Total	**$15,550.00**

Option 9			
Wood Poles w/ Outlet & Light	1	Lump Sum	$1,800.00
Underground Electric	1	Lump Sum	$4,050.00
		Sub-Total	**$5,850.00**

Option 10			
Landscape Evergreen Buffer	0	Lump Sum	$0.00
		Sub-Total	**$0.00**

Total (Base Bid)	**$96,425.00**
Total (Options)	**$37,400.00**
Contract Amount Total	**$133,825.00**

The above represents the bidder's schedule of contract unit prices for this proposal (Bidder to complete).
Owner may accept any or no options in any order desired.

Contractor's Signature
(Authorized Representitive)

Date

Miscellaneous			
Pavement Striping & Markings	1	Lump Sum	$650.00
Handicap Sign	1	Lump Sum	$125.00
Conc. Wheel Stops	1	Lump Sum	$450.00
		Sub-Total	**$1,225.00**

Landscape Material			
Seed & Mulch Disturbed Areas	1	Lump Sum	$1,750.00
		Sub-Total	**$1,750.00**

Total (Base Bid)	**$96,425.00**

The above represents the bidder's schedule of contract unit prices for this proposal (Bidder to complete).

Contractor's Signature
(Authorized Representitive)

Date

ORDINANCES

ORDINANCE NO. 15-O-__

ORDINANCE ESTABLISHING SAFE DISTANCE PASSING OF BICYLCES AND PEDESTRIANS

WHEREAS, the Council for the City of Anniston is developing and implementing an integrated concept for bicycle and pedestrian facilities within the City and on its streets and highways;

WHEREAS, the Council finds that incorporating bicycle and pedestrian facilities within the City's overall transportation system will further the public welfare, quality of life and best interests of its citizens;

WHEREAS, the Council finds that the integration of bicycle and pedestrian facilities, and the safety of those persons travelling thereon and on the existing streets and highways, necessitates the enactment of laws to ensure a safe environment for use bicycle and pedestrian use;

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

Section 1. The Council of the City of Anniston, Alabama hereby enacts Chapter 15, Article I, Section 15.8.1 of "The Code of the City of Anniston, Alabama, 1981" which shall read in its entirety as follows:

Sec. 15.8.1 – Safe Distance Passing of Bicycles and Pedestrians.

(a) The driver of a motor vehicle overtaking a bicycle or pedestrian proceeding in the same direction shall pass to the left thereof at a safe distance and shall not again drive to the right side of the roadway until safely clear of the overtaken bicycle or pedestrian. A safe distance shall mean not less than three (3) feet.

(b) Any person who violates this ordinance shall be guilty of an offense. A charge of violation of this ordinance shall be treated in the same manner as a traffic violation.

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

PASSED and **ADOPTED** this ___ day of March, 2015.

CITY COUNCIL OF THE CITY OF ANNISTON, ALABAMA

_____
Vaughn M. Stewart II, Mayor

_____
Jay W. Jenkins, Council Member

_____
David E. Reddick, Council Member

_____
Seyram Selase, Council Member

_____
Millie Harris, Council Member

ATTEST:

_____
Alan B. Atkinson, City Clerk

RESOLUTIONS

RESOLUTION NUMBER 15-R-___

A RESOLUTION DECLARING A REPORTED CONDITION TO BE A PUBLIC NUISANCE

WHEREAS, Tana Bryant, an Appropriate City Official, pursuant to Section 34.5 of said Ordinance, has reported to the City Council that conditions exist at the Vann Thomas Motel located at 3002 McClellan Boulevard in Anniston, Alabama, Parcel No: 18-09-32-2-002-006.000 (the "Property") that are believed to be a public nuisance;

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

WHEREAS, Section 34.5 (1) (2), of the City of Anniston Ordinance No. 11-O-9 declares the following conditions to be a public nuisance: **Abandoned or Unsafe Construction and Any building that, due to poor design, obsolescence, or neglect has become unsafe or that may cause blight on the City or neighborhood in which it is located;**

WHEREAS, VTM Properties, LLC, the owner of the Property, has executed a Nuisance Abatement Agreement stipulating that such a public nuisance exists on the Property and that the exclusive remedy to abate the nuisance is to demolish the building and structures;

WHEREAS, through its Nuisance Abatement Agreement, VTM Properties, LLC has knowingly and purposefully, for its own interests, waived, released and forever discharged all notice obligations, hearings and appeals required or available to the owner of the Property before it may be declared a nuisance, the nuisance can be abated, or the costs incurred to the City can be fixed;

WHEREAS, VTM Properties, LLC has stipulated and agreed that the City Council may properly order the immediate abatement of the nuisance condition on the Property by demolition of the buildings and structures at the earliest possible time;

WHEREAS, VTM Properties, LLC and the City have stipulated and agreed that the cost to the City for its work in demolition of the property, as defined by the Nuisance Abatement Agreement executed between the parties, shall be fixed in the amount of $10,000.00 to secured by a personal promise to pay said amount in lieu of an assessment against the Property;

RESOLVED THEREFORE, that a public nuisance exists on the Property;

RESOLVED FURTHER, that the public nuisance must be abated by the City, to the degree not abated by the owner, in accordance with the Nuisance Abatement Agreement between the parties;

RESOLVED FURTHER, all notices and hearings required or available to the owner, in accordance with the Nuisance Abatement Agreement, have been provided and held;

RESOLVED FURTHER, that all objections and protests to the demolition have been overruled and the nuisance shall be abated in accordance with the Nuisance Abatement Agreement;

RESOLVED FURTHER, the costs to the City for its work in the demolition of the Property, as defined by the Nuisance Abatement Agreement, shall be fixed without objection in the amount of $10,000.00 and secured by a promise by the Owner to pay said sum.

PASSED AND ADOPTED this the ____ day of _____, 2015.

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