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Anniston, Alabama

January 23, 2018

The City Council of the City of Anniston, Alabama, met in Regular Session in the Council Chamber in the City Hall of the City of Anniston, Alabama, on Tuesday, January 23, 2018, at approximately 5:32 o'clock p.m.

Jay Jenkins, City Councilman, prayed the Invocation.

Jay Jenkins, City Councilman, led the Pledge of Allegiance to the Flag.

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

Cory Salley, Interim City Manager, was present.

Bruce Downey, City Attorney, was present.

Cory Salley, Interim City Manager, recognized Frazier Burroughs and Diane Smith for their hard work with the Carver Community Center warming station, that provides a shelter, food, and protection for those in need during cold weather.

Mayor Draper made a motion to adjourn into executive session to discuss city manager applicants. The motion was seconded by Council Member Jenkins; and on call of the roll the following vote was recorded: ayes: Council Members Jenkins, Reddick, Little, Harris and Draper; nays: none. The motion carried and the meeting adjourned into executive session at approximately 5:37 o'clock p.m.

Mayor Draper made a motion to reconvene into Regular Session. The motion was seconded by Council Member Reddick; and on call of the roll the following vote was recorded: ayes: Council Members Jenkins, Reddick, Little, Harris and Draper; nays: none. The motion carried and the meeting reconvene at approximately 5:54 o'clock p.m.

Council Member Reddick made a motion to waive the reading of the minutes of December 19, 2017. The motion was seconded by Council Member Jenkins; and on call of the roll the following vote was recorded: ayes: Council Members Jenkins, Reddick, Little, Harris and Draper; nays: none. The motion carried.

Council Member Harris made a motion to approve the minutes of December 19, 2017. The motion was seconded by Council Member Jenkins; and on call of the roll the following vote was recorded: ayes: Council Members Jenkins, Reddick, Little, Harris and Draper; nays: none. The motion carried.

Council Member Reddick made a motion to approve the Agenda with the additions of motion (f) interview a second candidate for city manager and (g): to interview an additional city

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manager candidate; and to direct the city attorney to draft a letter to Norfolk Southern regarding the train blocking F and Noble. The motion was seconded by Council Member Little; and on call of the roll the following vote was recorded: ayes: Council Members Jenkins, Reddick, Little, Harris and Draper; nays: none. The motion carried.

Glen Ray, 3514 Dale Hollow Road, stated that due to the train blocking the noble street crossing a citizen's house burned down because the fire department could not cross the track but had to go all away around.

Ari Lovett, 2724 Walnut, concerned about the owner Occupation rehab program and when the money would be issued out to the citizens.

Charles Chapman, 3129 & 3127 Gurnee, concerned about the wrecked vehicles that have been dumped his area. He wanted to find out who his city council member was in order to handle the situation.

Ralph Bradford, Anniston AL, put in a request regarding storm water over a year ago and he wanted to see where the money is going.

Diane Black, 42 Laurel Spring Rd, stated that during every ice storm, she and other citizens are trapped on the mountain. It was told to her that 10<sup>th</sup> street Henry Road cannot be sand or salted because of the surface. If they cannot get down how can a fire truck or ambulance get up to them.

Cory Salley, Interim City Manager, introduced and read Ordinance 18-O-1 as follows:

ORDINANCE NUMBER 18-O -1

AN ORDINANCE TO AMEND CHAPTER 4

OF THE CODE OF ORDINANCES OF THE CITY OF ANNISTON

TO ESTABLISH A TRAP-NEUTER-RETURN PROGRAM

WHEREAS, the Council of the City of Anniston finds that a Trap-Neuter-Return program is needed to control the populations of free roaming or at-large cats within the City;

WHEREAS, in a Trap-Neuter-Return program, free roaming or at-large cats are humanely trapped and sterilized, vaccinated and ear-tipped by a veterinarian and then returned to their outdoor locations;

WHEREAS, a Trap-Neuter-Return program is the most humane, effective and inexpensive method to stabilize and control the populations of free roaming cats;

WHEREAS, the Council desires to amend Chapter 4 of the Code of Ordinances of the City of Anniston so as to enable those persons who provide care for free roaming or at-large cats to

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participate in a Trap-Neuter-Return program without incurring the duties and liabilities of an owner or person in charge of a cat within the City;

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 adopts and codifies Section 4.55 of Chapter 4, Article II of "The Code of the City of Anniston, Alabama, 1981" to state in its entirety as follows:

Section 4.55 – Trap-Neuter-Return of Community Cats.

(a) Definitions. For the purpose of this section, the following words and phrases shall have the meanings set forth below.

(1) "Community Cat" shall mean a free roaming or at-large cat that lives outdoors and who is cared for by a Community Caregiver. Community Cats do not include domestic pet cats.

(2) "Community Caregiver" shall mean a person who provides care for Community Cats by supplying (i) food maintained in a feeding container, (ii) clean, potable water that is free of debris or algae, (iii) unobtrusive, safe and properly sized shelter, or (iv) medical care.

(3) "Ear-Tipping" shall mean the removal of a small portion measuring approximately one-quarter of an inch from the tip of a Community Cat's left ear by or under the supervision of a licensed veterinarian so as to denote that the Community Cat has been sterilized and vaccinated for rabies.

(4) "Trap-Neuter-Return" shall mean the non-lethal process whereby Community Cats are humanely trapped by a Community Caregiver and sterilized, vaccinated for rabies and ear-tipped by or under the supervision of a veterinarian, and then returned by the Community Caregiver to the location in which they were trapped.

(b) Trap-Neuter-Return Program.

(1) The Trap-Neuter-Return of Community Cats shall be the preferred method for controlling the free roaming or at-large cat population within the City.

(2) Community Caregivers are authorized and permitted to Trap-Neuter-Return Community Cats within their care.

(3) Notwithstanding any other provisions of this Chapter, a Community Caregiver who undertakes a good faith effort to Trap-Neuter-Return Community Cats within his or her care shall not be considered the owner or person in charge of said Community Cats and, with regard to said Community Cats, he or she shall be exempt from the provisions of this Chapter regarding registration, restraint, management and confinement and the duties and liabilities of

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an owner or person in charge. However, in no event shall a Community Cat be exempted from the nuisance provisions of this Chapter.

(4) Community Caregivers shall only trap Community Cats for the purpose of Trap-Neuter-Return or to provide necessary veterinary care.

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

**PASSED and ADOPTED** on this 23rd day of January, 2018.

CITY COUNCIL OF THE CITY OF  
ANNISTON, ALABAMA  
By:/s/ Jack Draper, Mayor  
By:/s/ Jay W. Jenkins, Council Member  
By:/s/ David E. Reddick, Council Member  
By:/s/ Ben Little, Council Member  
By:/s/ Millie Harris, Council Member

Mayor Draper made a motion for the unanimous consent of the Council for the immediate consideration of Ordinance Number \_\_\_\_ as introduced and read on its first reading. The motion was seconded by Council Member Harris; and on call of the roll the following vote was recorded: ayes: Council Member Jenkins, Reddick, Little and Harris; nays: none. The motion carried. Council Member Jenkins made a motion for the passage and adoption of Ordinance Number as introduced and read on its first reading. The motion was seconded by Council Member Reddick; and on call of the roll the following vote was recorded; ayes: Council Members Jenkins, Reddick, Little and Harris; nays: none. The motion carried and Ordinance Number \_\_\_\_ was passed and adopted.

Cory Salley, Interim City Manager, introduced and read Resolution Number 18-R-1 as follows:

#### RESOLUTION 18-R-1

#### RESOLUTION TO ALLOCATE CERTAIN SALES TAX

#### PROCEEDS FOR EDUCATIONAL PURPOSES

WHEREAS, the City of Anniston levies and collects a municipal sales tax within the City at the rate of five percent (5%) of the sales price, which is to be added by the seller to the sales price and collected from the purchaser as a direct tax on retail consumers;

WHEREAS, the Council for the City of Anniston has utilized its municipal sales tax revenue, when feasible, to provide additional financial support to the public school system for the City;

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WHEREAS, the Council desires to solidify its commitment to provide additional financial support to the City's public school system by proactively allocating a portion of the City's future municipal sales tax proceeds for educational purposes;

WHEREAS, the Council also recognizes the need to ensure that there is sufficient revenue for the general fund, operations, needs and obligations of the City, which is largely dependent upon the City's collection of municipal sales tax proceeds;

WHEREAS, to ensure that the City maintains sufficient revenue for its general fund, operations, needs and obligations, the Council desires to proactively allocate only a portion of those future municipal sales tax proceeds generated from the sales and operations of newly opened businesses within the City's corporate limits, taking into account any refunds, abatements, pledges or prior commitments of those proceeds;

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

Section 1. Segregation of New Business Sales Tax Revenue.

The Finance Director is hereby directed to segregate twenty percent (20%) of the municipal sales tax proceeds actually remitted to the City by businesses that are newly established and that first begin business operations of any kind within the City's corporate limits after the effective date of this Resolution (said proceeds are referred to herein as "New Business Sales Tax Revenue").

The Finance Director shall exclude, however, any portion or percentage of the New Business Sales Tax Revenue that is due to be refunded or paid over to any person, business or entity in accordance with any applicable agreement, incentive or other legal obligation.

The Finance Director shall further exclude any portion or percentage of the New Business Sales Tax Revenue that has been pledged or otherwise legally committed to any person, business or entity, or for another purpose, whether as a bond or credit obligation or otherwise.

Section 2. New Business Sales Tax Revenue Education Fund.

The Finance Director shall allocate the New Business Sales Tax Revenue segregated from the City's general municipal sales tax revenue, as directed by Section 1 of this Resolution, to a special fund designated to be utilized and expended by the Council for educational purposes, only (the special fund is referred to as the "New Business Sales Tax Revenue Education Fund").

The revenue in the New Business Sales Tax Revenue Education Fund shall not be specifically pledged, committed or expended for any purpose unless budgeted or directed by resolution of the Council.

Section 3. Effective Date of this Resolution.

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This Resolution shall become effective immediately upon its passage and adoption by the Council.

**PASSED AND ADOPTED** on this the 23 day of January, 2018.

CITY COUNCIL OF THE CITY OF

ANNISTON, ALABAMA

By:/s/ Jack Draper, Mayor

By:/s/ Jay W. Jenkins, Council Member

By:/s/ David E. Reddick, Council Member

By:/s/ Benjamin Little, Council Member

By:/s/ Millie Harris, Council Member

Mayor Draper made a motion to table Resolution Number 18-R-1 as introduced and read and Council Member Little's second to said motion the following vote was recorded: ayes: Council Members Jenkins, Reddick, Little, Harris and Draper; nays: none. The motion carried and Resolution Number 18-R-1 was tabled.

Cory Salley, Interim City Manager, introduced and read Resolution Number 18-R-2 as follows:

**RESOLUTION 18-R-2**

**AUTHORIZING THE SUBMISSION OF A GRANT UNDER THE ASSISTANCE TO  
FIREFIGHTERS GRANT**

WHEREAS, the U.S. Department of Homeland Security has the authority to award grant assistance under the Assistance to Firefighters Grant Program; and

WHEREAS, the City of Anniston recognizes the need for grant assistance to purchase new Equipment.

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

1. That the submission of a grant application under said program;
2. That the City of Anniston commits the 10% matching requirement;
3. That the Mayor and/or City Manager are authorized to sign any and all documents to obtain said grant; and

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4. That the Fire Chief and/or his authorized representative are authorized to prepare and submit the grant application through the required on-line process.

**PASSED AND ADOPTED** on this the 23rd day of January 2018.

CITY COUNCIL OF THE CITY OF

ANNISTON, ALABAMA

By:/s/ Jack Draper, Mayor

By:/s/ Jay W. Jenkins, Council Member

By:/s/ David E. Reddick, Council Member

By:/s/ Benjamin L. Little, Council Member

By:/s/ Millie Harris, Council Member

Council Member Harris made a motion for the passage and adoption of Resolution Number 18-R-2 as introduced and read and Council Member Reddick's second to said motion the following vote was recorded: ayes: Council Members Jenkins, Reddick, Little, Harris and Draper; nays: none. The motion carried and Resolution Number 18-R-2 was passed and adopted.

Mayor Draper made a motion to reduce the fee to \$300.00 for the use of the City Meeting Center for Anniston on February 24, 2018. The motion was seconded by Council Member Reddick; and on call of the roll the following vote was recorded: ayes: Council Member Jenkins, Reddick, Little, Harris and Draper; nays: none. The motion carried.

Mayor Draper made a motion to approve the response to the RFP for professional management and administrative services of the Community Development Block Grant Program to Dunn and Max Consulting not to exceed \$52,500.00. The motion was seconded by Council Member Jenkins; and on call of the roll the following vote was recorded: ayes: Council Member Jenkins, Reddick, Harris and Draper; nays: none. The motion carried.

Council Member Little made a motion to ask Council Member Harris to resign as Vice Mayor. The motion was seconded by Council Member Reddick; and on call of the roll the following vote was recorded: ayes: Council Member Little; nays: Council Member Jenkins, Reddick, Harris, Draper. The motion failed.

Council Member Little made a motion to hire engineer/ architect firm to review the buildings Jay Jenkins did when he did not have a license. The motion was seconded by Council Member Reddick. Council Member Jenkins left the Council Chambers at 7:03 pm; and on call of the roll the following vote was recorded: ayes: Council Member Reddick, Little; nays: Council Member Harris, Draper. The motion failed.

Council Member Jenkins returned to the council chambers at 7:08 pm.

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Mayor Draper made a motion to interview a second candidate for city manager, Troy Bell on Tuesday, January 30, 2018. The motion was seconded by Council Member Little; and on call of the roll the following vote was recorded: ayes: Council Member Jenkins, Reddick, Little, and Draper; nays: Council Member Harris. The motion carried.

Mayor Draper made a motion to direct the city attorney to research and draft a letter to Norfolk Southern regarding the issue of the train at F and Noble; then to be reviewed by council and signed by the Mayor. The motion was seconded by Council Member Little; and on call of the roll the following vote was recorded: ayes: Council Member Jenkins, Reddick, Little, Harris and Draper; nays: none. The motion carried.

Council Member Harris had no comments.

Council Member Little Mentioned Girls Who Code at Anniston Middle School, great kids doing great things; and also what are the monies being used for from the storm water and general fund for salaries and wages. Member Little also stated that city positions should be put on the city website to ensure fairness in applying for positions.

Council Member Reddick thanked everyone for coming out and supporting the MLK breakfast, and also thanked the individuals and Shirley Carter for putting on the town hall meeting for education.

Council Member Jenkins wanted to congratulate the Sacred Heart Boys and Girls for winning the tournament last night. Proud that City of Anniston was represented well in the Tournament.

Mayor Draper thanked everyone for attending and that they are working on the Henry Road issue and also to thank Cory Salley, Interim City Manager, for the work he has done wearing two hats, both interim city manager and finance director.

There being no further business to come before the meeting at that time Mayor Draper made a motion the meeting be adjourned. The motion was seconded by Council Member Reddick; and on call of the roll the following vote was recorded: ayes: Council Members Jenkins, Reddick, Little, Harris and Draper; nays: none. The motion carried and the meeting was adjourned at approximately 7:28 o'clock p.m.