

Anniston, Alabama

February 18, 2020

The City Council of the City of Anniston, Alabama, met in Regular Session in Room B of the Anniston City Meeting Center in the City of Anniston, Alabama, on Tuesday, February 18, 2020, at approximately 5:34 o'clock p.m.

Jay Jenkins, Council Member, prayed the Invocation.

Jay Jenkins, Council Member, 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.

Steven Folks, City Manager, was present.

Council Member Jenkins made a motion to waive the reading of and approve the minutes of the February 4, 2020 regular meeting. 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, Harris, and Draper; nays: none. The motion carried and the February 4, 2020 minutes were approved.

Mayor Draper stated that Council member Harris requested a formal Ethics Opinion on whether it was appropriate for her to vote on the issue of accepting the building and as of this afternoon she has not received a response.

Council Member Harris stated that her husband has an apartment down the street on a different block and it was suggested that she abstain from voting.

Mayor Draper made a motion to adopt the agenda with the addition of a motion to authorize amount not to exceed \$35,000.00 for the study of 21<sup>st</sup> and Parkwin to the consent agenda and the removal of items: 4(a) Motion to withdraw funding support from the Drug Task Force and 5(b) Resolution relating to Noland Health Services, Inc., 500 Leighton Avenue facility. 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, Harris, and Draper; nays: none. The motion carried and the amended agenda was adopted.

Mayor Draper opened a Public Hearing to make final assessment of Cheaha Brewing Company sales tax deficiency.

Cory Salley, Finance Director, stated that Cheaha Brewing Company had fallen behind on their taxes and has gone out of business. They owe the City \$130,000.00. He stated that an audit was done and it was found out that they underpaid \$65,000.00 and the remaining \$65,000.00 was on taxes not paid to the City. The city sent them a preliminary assessment in which they had 30 days to respond but they did not. He stated that they sent them notice of the public hearing and since they did not show up or appeal it then it becomes final.

Mayor Draper closed the public hearing to make final assessment of Cheaha Brewing Company sales tax deficiency.

Council Member Jenkins made a motion to remove Resolution 20-R-5, A Resolution declaring a reported condition to be a public nuisance Group 2020-01 Grass & Debris, from the table. The motion was seconded by Council Member Reddick. On call of the roll the following vote was recorded: ayes: Council Member Jenkins, Harris, and Draper; nays: Council Member Reddick and Little. The motion carried and Resolution 20-R-5 was passed and adopted.

Council Member Little made a motion to approve the consent agenda:

(a) Motion to award bid in the amount of \$44,300.00 to Emtex for the demolition of five (5) substandard structures and \$38,300.00 to Teague Hauling for the demolition of five (5) substandard structures.

(b) Motion to award bid in the amount of \$30,778.00 to Sunny King Ford for the purchase of Transit-250 Medium Roof Cargo Van for the Museum.

(c) Motion to award bid in the amount of \$25,925.00/each to Sunny King Ford for the purchase of two (2) F-150 4x4 Super Cab Style Side Pickup for the Division of Building & Safety

(d) A motion to suspend the rule requiring the City Council to meet on the first Tuesday of March, 2020, and to schedule a City Council meeting for Wednesday, March 4, 2020, at 5:30 p.m. in Room B at the City Meeting Center

(e) Motion to authorize amount not to exceed \$35,000.00 for the study of 21<sup>st</sup> and Parkwin.

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 and the consent agenda was approved.

Mayor Draper introduced Resolution 20-R-8, A Resolution establishing the compensation and benefits of the members of the City Council of the City of Anniston next succeeding the term of office of the present City Council.

Mayor Draper stated that there a motion to reduce the Mayor's salary to \$30,000.00/ year and no changes to the council member elected vice mayor and ward positions. Section 2 provides that members of the council would be entitled to participate in the City's major medical health insurance plan, individual or family coverage for the same premium charges, and on the same terms and conditions as offered generally to other employees of the City. And each Council Member shall be provided with office space for the conduct of their business as Council Members and to otherwise meet with constituents or others having business with the City

Council Member Reddick made a motion for passage and adoption. The motion was seconded by Council Member Little.

Council Member Jenkins made a motion to amend the resolution to maintain the same level of compensation for all positions as it currently sits at this time.

Council Member Jenkins stated that for those who have not been involved, they don't know what it takes to be the Mayor of this town. It takes a lot and he would ask that the Mayor's compensation package stays the same.

The motion was seconded by Council Member Harris.

Council Member Reddick stated that if the city is not growing, look at your councilmen. He stated that if they grow their city then the council should get a raise but since they haven't seen any growth maybe the council should experience a loss. He stated that this could be a message to say get your act together.

Council Member Little stated that some people told him it may cut down on the quality of people that apply for Mayor but he thinks some reduction in that area is warranted. When you look at what Anniston is paying its employees they are getting paid good money. He stated that a few years ago they cut the staff and increased the department heads. That is why a lot of work cannot get done in the City because the workers are not there and the department heads got fat.

And on call of the roll the following vote was recorded: ayes: Council Member Jenkins, Harris, and Draper; nays: Council Member Reddick and Little. The motion carried and the Jenkins amendment was approved.

Council Member Reddick stated that is not about the pay being the quality of your Mayor but maybe it will get some higher quality people because the people running want to do something in the City versus getting a big paycheck. He stated that the challenge is if you're paying that kind of money, in a city like this, which will take care of all your expenses why not make it tougher. He stated that he will take the people looking for a paycheck out of the equation.

Council Member Little stated that regardless of what people think, there are things that are happening in the City and things on the drawing board that he hopes this council supports. Things that will catapult this city into great economic development in West and South Anniston, especially with the Dr. David Satcher Leadership Health Institute along with the Civil Rights museum and Senior Citizen Center. He stated that there are great opportunities ahead of them.

#### **RESOLUTION NO. 20-R-8**

#### **A RESOLUTION ESTABLISHING THE COMPENSATION AND BENEFITS OF THE MEMBERS OF THE CITY COUNCIL OF THE CITY OF ANNISTON NEXT SUCCEEDING THE TERM OF OFFICE OF THE PRESENT CITY COUNCIL**

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

Section 1. Pursuant to the authority contained in Act 88-45, H. 67, 1988 Regular Session (Amending Section 3.05 of Article III of Act No. 404, S. 430, 1953 Regular Session), the compensation and benefits of the members of the City Council and thereafter unless further modified shall be as follows:

- a. Council Member at Large (Mayor): \$ 65,000.00 annually
- b. Council Member elected as Vice Mayor: \$ 1,100.00 monthly
- c. Ward Council Member not holding position of Vice Mayor: \$ 1,000.00 monthly

Section 2. As an additional benefit for each Council Member of the City of Anniston, he/she shall be entitled to participate in the City's major medical health insurance plan (individual or family coverage) for the same premium charges, and on the same terms and conditions as offered generally to other employees of the City.

Section 3. Each Council Member shall be provided with office space for the conduct of their business as Council Members and to otherwise meet with constituents or others having business with the City.

Section 4. Each Council Member shall also be entitled to a flat monthly expense allowance of \$300.00 (three hundred dollars).

PASSED AND ADOPTED this the 18<sup>th</sup> day of February, 2020.

CITY COUNCIL OF THE CITY OF ANNISTON, ALABAMA

Jack Draper, Mayor

Jay W. Jenkins, Council Member

Millie Harris, Council Member

And on call of the roll the following vote was recorded: ayes: Council Member Jenkins, Harris, and Draper; abstentions: Council Member Reddick; nays: Council Member Little. The motion carried and the amended Resolution 20-R-8 was passed and adopted.

Mayor Draper presented Ordinance 20-O-2, An Ordinance Adopting Section 14.19.4 of the Code of Ordinances to provide an expedited process for suspension or revocation of a business license when the business presents a public safety threat (2<sup>nd</sup> Reading).

#### **ORDINANCE NO. 20-O-2**

#### **ADOPTING SECTION 14.19.4 OF THE CODE OF ORDINANCES TO PROVIDE AN EXPEDITED PROCESS FOR SUSPENSION OR REVOCATION OF A BUSINESS LICENSE WHEN THE BUSINESS PRESENTS A PUBLIC SAFETY THREAT**

WHEREAS, the Council for the City of Anniston, Alabama, a municipal corporation and political subdivision of the State of Alabama, is empowered to license and regulate businesses within City's jurisdiction;

WHEREAS, the Council may revoke any license granting the privilege of conducting business within the City's jurisdiction when such action is needed for the protection of public safety, peace, good order and welfare;

WHEREAS, the Council finds that a process is needed for the expedient suspension or revocation of a license to conduct business within the City's jurisdiction when the Council finds that the licensed business presents a public safety threat;

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

Section 1. The Council hereby adopts, enacts and codifies Chapter 14, Article I, Section 14.19.4 of "The Code of the City of Anniston, 1981" to state in its entirety as follows: Sec. 14.19.4. – Procedure for expedited suspension or revocation of license.

(a) Applicability. The expedited procedure for suspension or revocation of a license to conduct business issued to any person or entity, as set forth in this section, may be utilized when the business of any present or future licensee presents a public safety threat.

(b) Public Safety Offense. For purposes of this section, a “public safety offense” shall mean (1) an offense involving danger to the person and constituting Class A or Class B felony under the Criminal Code, Title 13A, Chapter 6 of the Code of Alabama, or

(2) an offense against public health and morals under the Criminal Code, Title 13A, Chapter 12 of the Code of Alabama.

(c) Public Safety Threat. The Council may determine that a licensee’s business presents a public safety threat when (1) a public safety offense originates or occurs on the licensee’s premises; (2) the public safety offense involved acts of the licensee, its owner(s), manager(s), employee(s), agent(s), or patron(s), or the public safety offense otherwise involves circumstances having a substantial nexus to the licensee’s business or operations; and (3) the Police Chief and Fire Marshal, or their respective designees, determine based on facts, data, evidence and testimony, which shall be presented to the Council during a public hearing, that continued operation of the licensee’s business presents a danger to the public.

(d) Public Hearing. When the City Manager is satisfied that a licensee’s business presents a public safety threat, he may request that the Council hold a public hearing for the presentation of testimony and evidence on whether the licensee’s business presents a public safety threat. In such event, the City Manager shall direct the Fire Marshal to deliver notice to the licensee of the date, time and place of the public hearing, during which the licensee shall be afforded the opportunity to be heard in the licensee’s own defense.

(e) Order of Revocation. Upon finding that the licensee’s business presents a public safety threat, the Council may order the immediate revocation of the license to conduct business; however, the Council shall not order revocation of the business license unless the licensee was provided at least five days advance notice of the public hearing. The City Manager shall direct that notice of closure be delivered to the licensee and posted in a conspicuous location on the licensee’s premises.

(f) Order of Suspension. In any case where the Council finds that the licensee’s business presents a public safety threat, the Council may order the immediate suspension of the license to conduct business. In doing so, the Council shall set a date, time and place for a hearing to provide the licensee an opportunity to show cause why the business license should not be revoked, which shall be held after no less than 10 days advance notice to the licensee. The Council may establish conditions precedent for the reinstatement of a suspended license, provided the conditions must be related to the mitigation or removal of the public safety threat. The City Manager shall direct that notice of suspension be delivered to the licensee and posted in a conspicuous location on the licensee’s premises.

(g) Penalty. It shall be unlawful for any person to operate a business within the City’s jurisdiction after the Council’s revocation of the license to conduct the business or during the term of the Council’s suspension of the license to conduct the business. Each day that a person violates these prohibitions shall be considered a separate offense against the city, and each offense shall be punishable by a fine not exceeding five hundred dollars (\$500.00).

Section 2. This ordinance shall have force and effect in the police jurisdiction of the City of Anniston, and it shall take effect immediately upon the expiration of the thirtieth day following its passage, adoption and publication as required by law.

Section 3. Upon its passage and adoption, the City Clerk is ordered and directed to publish this ordinance in The Anniston Star, a newspaper of general circulation published within the City of Anniston, Alabama. The City Clerk is further directed to submit a copy of this ordinance and proof of publication and 30-day notice of its applicability within the police jurisdiction to the Atlas Alabama state website, or any successor state-operated website existing at the time of the adoption of this ordinance, in accordance with Ala. Code § 11-40-10.

PASSED and ADOPTED this 18<sup>th</sup> day of February, 2020.

CITY COUNCIL OF THE CITY OF ANNISTON, ALABAMA

Jack Draper, Mayor

Jay Jenkins, Council Member

Millie Harris, Council Member

Jeff Waldrep, Fire Marshall, stated that this ordinance gives an easier and quicker way to act for public safety reasons.

Council Member Reddick made a motion to read Ordinance 20-O-2 by title only. The motion was seconded by Council Member Harris.

Mayor Draper opened a public hearing to receive public comments on reading Ordinance 20-O-2 by title only. No one spoke. Mayor Draper closed the public hearing.

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 and Ordinance 20-O-2 would be read by title only.

Council Member Harris made a motion for passage and adoption of Ordinance 20-O-2. The motion was seconded by Council Member Jenkins.

Council Member Reddick stated that there has not been a council in the history of the City of Anniston that has done more too proactively close businesses, close doors, and make limitations on who can and cannot open a business in the City. He stated that there is not anything significant they did to bring in businesses but they have tried. He stated that no one has done more to control the public then this council. He stated at what point is enough, enough. He stated that they are holding people to standards they never have before. The council has the discretion to decide if someone is a public safety hazard. He stated you have separation of church and state; and you want people to have some say so and protection. Government should not have enough power to tell citizens how to run their life.

Council Member Little stated that some says this stems from something that happened in Jacksonville, Al but he was told some people were fighting at Noble street in front of Council Member Harris' building. He stated that the city has kids fighting in the street and he hopes the police would do a better job with talking with the parents. He stated that they have to get it in control.

And on call of the roll the following vote was recorded: ayes: Council Member Jenkins, Harris, and Draper; nays: Council Member Reddick and Little. The motion carried and Ordinance 20-R-2 was passed and adopted.

Mayor Draper introduced an ordinance establishing the use of electronic vote counting devices (1<sup>st</sup> reading)

Council Member Harris made a motion to read the ordinance by title only. The motion was seconded by Council Member Little.

Mayor Draper opened a public hearing to receive public comments on reading the ordinance by title only. No one spoke. Mayor Draper closed the public hearing.

On call of the roll the following vote was recorded: ayes: Council Member Jenkins, Reddick, Little, Harris, and Draper; nays: none. The motion carried and the ordinance was read by title only.

Mayor Draper introduced the Ordinance Granting a franchise to Spire Alabama, Inc., its successors and assigns, in the City of Anniston, Alabama (1<sup>st</sup> reading).

Council Member Harris made a motion to read the ordinance by title only. The motion was seconded by Council Member Jenkins.

Mayor Draper opened a public hearing to receive public comments on reading the ordinance by title only. No one spoke. Mayor Draper closed the public hearing.

Council Member Jenkins made a motion for unanimous consent for immediate consideration of the ordinance. The motion was seconded by Council Member Harris and on call of the roll the following vote is recorded: ayes: Council Member Jenkins, Reddick, Little, Harris, and Draper; nays: none. The motion carried.

Council Member Reddick made a motion for passage and adoption. The motion was seconded by Council Member Harris.

Council Member Little stated that there should be some leverage.

Jeff Wilcox, Representative of Spire, stated that they feel confident that the double from 1% to 2% in a shorter term will allow them the opportunity to renegotiate at a reasonable time. The 2% across the state keeps them standard as a corporation to allow them an opportunity to make sure everyone is leveled.

Council Member Little stated that he is asking the council to commit 1% to the schools.

Council Member Reddick asked about the upgrades to the right-of-ways.

And on call of the roll the following vote is recorded: ayes: Council Member Jenkins, Reddick, Little, Harris, and Draper; nays: none. The motion carried and Ordinance 20-O-3 was passed and adopted.

Erica Tolson, 834 Martin Road, addressed the council on false police reports and things not being done correctly in the city. She asked how many on the council can write a letter without the others knowing on a city letterhead. She stated that she feels she is owed a public apology from the police chief. She stated she is tired of the council getting away with things but the citizens cannot.

Glen Ray, 3514 Dale Hollow Rd., addressed the council on having a city attorney being paid \$12,000.00 a month but council members have to check on possible ethical issues. He stated that the council can vote

to give themselves a raise but the citizens have the last vote to determine who gets the money; and right now some people need to be voted out. He stated that the city attorney is overpaid.

Wanda Chandler Champion, 2863 Silver Run Rd., addressed the council on the nonprofits not being able to address the public, a decision made by someone at city hall.

Scott Brightwell, 330 E 6<sup>th</sup> St, addressed the council that he is now the president of the Tyler Hill South Anniston neighborhood association; and this is a chance for the residents to come together and have one voice. He stated that they want to better their neighborhood.

Karen Freeman, 2507 Paul St, addressed the council that 99% of the time the vote will be 3/2 and it is appalling that it keeps happening for everything. She stated that it makes the city look bad and it's a mess. She stated that they need to get it together.

Megan Brightwell, 330 E 6<sup>th</sup> St, addressed the council that they just passed an ordinance where 3 people can shut down any business in a city where 3 councilmembers are white and 2 are black and the vote always goes that way. She stated that they are not seeking consensus.

Daniel Hughes, 215 Buckner Circle, addressed the council that he currently houses residentially 220+ people with mostly drug related issues. He stated that they have a drug-related crisis that has also plagued the homeless community. He stated that whenever he has tried to do anything with the City, there is always a blockage. He proposed to the council to get together and develop a column for zoning, where this crisis can be addressed residentially.

Nathan Young, 523 Wilmer Ave, addressed the council that the trend with Anniston is it being run downed, declined, and not much happening. He stated that he has had problems with homeless sitting in front of his apartment and he is nervous that by opening a shelter things will get worse. He stated that one thing people brought up at the de-annexation meetings was leadership, and they have a poor leadership problem in Anniston. He stated that if they don't get it together by August, Anniston is finished.

Tom Hutchinson, 518 Keith Ave, addressed the council that he has done some research into what this will do for the community. He stated that what people perceive as a threat, they see property values diminishing and crime increasing. He stated by researching he has found that property values do not crash, crime does not increase but a lot of desperate people have a place to go.

David Schneider, 411 E 6<sup>th</sup> St, addressed the council that they need to deal with the homeless problem comprehensively. He stated that it is not a "not in my back yard" sort of thing but it is not the right facility and not the right location. He stated the more they find out about this the more they realize that the nonprofit organizations completely mischaracterized what this grant was all about, and until they have the information they are not going to accept it.

Kyle Bryant, 1331 Primrose Place, addressed the council that the homeless shelter does not just affect one portion of the city and one neighborhood. He stated that it affects people in every single ward and it needs to be addressed. He stated that his hope is that once the ethics is cleared, that they will move this forward. He stated that the city is a little dysfunctional but the three agencies that are proposing this shelter are not.

Doug Wallace, addressed the council that not homeless people are on drugs but he is a witness that a good guy can go down. He stated that the individuals that are helping the homeless are great and he backs them 100%. He stated that he prays that the council will get together and find the homeless a place somewhere. He stated that they are not all bad people, just down on their luck.

Ginger Bisser, 501 Quintard, addressed the council that she is concerned about the safety of her business and employees. She stated that they need security 24 hours a day if they plan on using the Noland facility. She stated that she needs to know if they will be safe. She stated that she was there first and wants to stay there.

Emma Kelley, 2001 Colton, addressed the council that if they are donated a building then they should accept it. She stated that she participated in the point and time homeless count and unless other citizens have participated, they don't know who many people are actually homeless in this area. She stated that if they have not had the experience of being in rain for hours or having to sleep in it, they should not stand in the way in providing shelter for the homeless.

Chris Abernathy, 4317 Cambridge Lane, addressed the council that the residents asking questions are not heartless or unchristian, they are people that want to know. He apologized if anyone received those comments. He stated that the homeless do need their help and this is a great opportunity that should not be missed. He stated that when allegations are made about how this is being done, if people would consider who the people are that are working with these organizations.

Kimberly Johnson, 1512 Moore Ave, addressed the council that she asked the director to give the building to the City of Anniston to help the homeless. She stated that her and her husband feed the homeless and let them stay in their house when it rains. She stated that the building is nice and has everything in it.

Margaret Roberts, 127 Timber trace, addressed the council that the Center of Concern supports this project. She stated that it is unfortunate that so much misinformation has been put out there. The Center of Concern is a part of Catholic Charities and they work with the homeless every day. She stated that they see the need for this shelter.

Dianna Michaels Schneider, 411 E 6th St, addressed the council that she along with the Tyler Hill neighborhood association educated themselves and reached out to the organizations to see what was going on. She stated that the reason to reach out was to have an open dialogue and transparency. She stated that they asked for a copy of the grant proposal and it is not what the charming well-spoken agencies are proposing. She stated that the proposal will invite individuals from four different counties with 300,000 people coming to Anniston for this proposed shelter.

Shannon Jenkins, CEO of United Way East Central Alabama, addressed the council that if they apply for funds to ADECA, they require them to work underneath their continuum of care; and that continuum of care is named by HUD. He stated that their designated continuum of care is North East Alabama Homeless Coalition, which covers all the counties in the grant. He stated that city of Anniston residents and Calhoun county residents will have priority to those beds in any shelter that they may implement.

Council Member Jenkins stated that he is in favor of this and he understands the concerns of the neighborhood. He stated that he pledged to work to address those concerns in every possible way as they move forward.

Council Member Reddick stated that this goes back to the zoning ordinance change that came to the council at the end of a workshop before a council meeting; and it has been a nightmare. He stated that the pastor that came up, he has tried to work with him to address the homeless shelter in his ward but he was told it was not zoned for it. He stated that 40% of the council voted for that bogus zoning ordinance and admits that it is messed up. He stated that he is not against the nonprofits; and the city will be responsible for the build, insurance, and any changes to the building.

Council Member Little stated that he will not vote for the shelter and he will do everything in his God-given power to block it. He stated that the building has not been given to the City of Anniston; and there is nothing in writing from Noland saying they are giving that building to the City of Anniston. He stated that we are in this mess because of conniving and he will continue to listen to the citizens of Ward 3. He stated a lot of things are happening in Anniston but the convolutedness of the 3-2 vote is taking away from that. He stated that this project was done wrong and it needs to be put to bed.

Council Member Harris stated that people fear what they do not know; and it was evident at the last meeting that the public was not informed. She stated that they needed to be informed. One point she stated, is that everyone cares and they want to do something to help the homeless. She stated that the grant was explained to them at the work session and there was nothing nefarious about it. She congratulated Councilmember David Reddick on his upcoming nuptials.

Mayor Draper stated that this is an important issue that they are discussing and they will continue to discuss this issue. He stated that they will have public hearings on this issue but it is one that they need to deal with. He stated that they have a problem here and they need to address it and a solution has been offered to address this problem.

There being no further business to come before the council at that time Mayor Draper 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, Little, Harris and Draper nays: none. The motion carried and the meeting was adjourned at approximately 7:10 o'clock p.m.