

Anniston, Alabama

March 5, 2019

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, March 5, 2019, at approximately 5:35 o'clock p.m.

Bersheba Austin, Human Resources Director, prayed the Invocation.

Bersheba Austin, Human Resources Director, 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.

Jay Johnson, City Manager, was present.

Bruce Downey, City Attorney, was present.

Council Member Harris made a motion to waive and approve the minutes of the February 19, 2019 regular meeting. The motion was seconded by Council Member Jenkins and on call of the roll, the following vote was recorded: ayes: Council Member Jenkins, Little, Harris, and Draper, nays: Council Member Reddick. The motion carried.

Council Members Jenkins made a motion to waive and approve the minutes of the February 26, 2019 special called meeting. The motion was seconded by Council Member Harris 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.

Mayor Draper made a motion to approve the agenda with the removal of the recognition to introduce the Youth Council until the March 19, 2019 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 agenda was approved.

James Montgomery, PO Box 1870 Anniston AL, addressed the council that they should speak out on the issue of the Anniston Star making a front-page headline of Council Member Little not standing for the pledge; also that the Council Manager form of government is the reason why Anniston is not getting ahead.

David Reddick, 1309 Crane Ave, addressed the council that it is wrong to have segregated council meetings.

Ralph Bradford addressed the council on Section 5 of the Voting Rights Act.

Glen Ray, 3514 Dale Hollow Rd, addressed the council on Corruption within the City.

Mayor Draper opened a public hearing to hear comments on vacating Tahoe Street.

No one spoke.

Mayor Draper closed the public hearing to hear comments on vacating Tahoe Street.

Mayor Draper opened a public hearing to hear comments on vacating Native Street.

No one spoke.

Mayor Draper closed the public hearing to hear comments on vacating Native Street.

Mayor Draper made a motion to amend the consent agenda: with the removal of item (b) Resolution declaring a reported condition to be a public nuisance Group 2019-01 Grass, Debris & Vehicles and taking that as a standalone resolution. 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 amended.

Mayor Draper made a motion to approve the consent agenda:

(a)Resolution authorizing reimbursements to City Officials for expenses incurred while traveling away from the city (19-R-12).

(b)Resolution declaring various vehicles and pieces of equipment as surplus and authorizing their sale (19-R-13).

(c)Resolution declaring certain personal property surplus and authorizing the donation of said property (19-R-14).

The motion was seconded by Council Member Jenkins 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 made a motion to read by title only Ordinance 19-O-2, An Ordinance Amending the City Code of Ordinances by Establishing a New Chapter 35 Aviation; Providing an Effective Date (2nd Reading). The motion was seconded by Council Member Harris.

Mayor Draper opened a public hearing to receive comments on the issue of reading Ordinance 19-O-2 by title only.

No one spoke.

Mayor Draper closed the public hearing to receive comments on the issue of reading Ordinance 19-O-2 by title only.

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 19-O-2 will be read by title only.

Jay Johnson, City Manager, read and introduced Ordinance 19-O-2 by title only.

Council Member Jenkins made a motion for passage and adoption of Ordinance 19-O-2, An Ordinance Amending the City Code of Ordinances by Establishing a New Chapter 35 Aviation, Providing an Effective Date. 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 and Ordinance 19-O-2 was passed and adopted.

Mayor Draper made a motion to read by title only Ordinance 19-O-3, An Ordinance Amending the City Code of the City of Anniston to Establish a Provision for a Fuel Flowage Fee at the Anniston Regional Airport (2nd Reading). The motion was seconded by Council Member Harris.

Mayor Draper opened a public hearing to receive comments on the issue of reading Ordinance 19-O-3 by title only.

No one spoke.

Mayor Draper closed the public hearing to receive comments on the issue of reading Ordinance 19-O-3 by title only.

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 19-O-3 will be read by title only.

Jay Johnson, City Manager, read and introduced Ordinance 19-O-3 by title only:

ORDINANCE NO. 19-O-3

AN ORDINANCE AMENDING THE CITY CODE OF THE CITY OF ANNISTON TO ESTABLISH A PROVISION FOR A FUEL FLOWAGE FEE AT THE ANNISTON REGIONAL AIRPORT

WHEREAS, the City of Anniston, Alabama owns the Anniston Regional Airport; and

WHEREAS, the City of Anniston has contracted with Anniston Aviation for certain aviation related services including the right to dispense aviation fuel; and

WHEREAS, a fuel flowage fee is widely recognized as an acceptable service charge to defray the costs of the operation and maintenance of the airport;

WHEREAS, it is now deemed in the public interest to establish a fuel flowage fee at the Anniston Regional Airport; and

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 enacts and codifies Chapter 35, Section 35.45 of "The Code of The City of Anniston, Alabama, 1981" to read in its entirety as follows:

Sec. 35.44 – Fuel Flowage Fee. (a) Designation of funds. The fees derived from and imposed by this section shall be utilized solely for the maintenance, operation and improvement of the Anniston Regional Airport.

(b) Fuel flowage fee.

(1) Each fixed base operator (FBO) or other person or entity who possess the right to dispense aviation gasoline, motor vehicle gasoline, diesel fuel, kerosene, aviation jet fuel or like substance at the airport (hereafter referred to as fuel) on or before the tenth day of each calendar month shall pay to the City a fuel flowage fee equal to four cents (\$0.04) multiplied by the number of gallons of fuel dispensed during the preceding calendar month and shall remit said fee to the City subject to and less the exempted fee in subsection (a)(4). (2) Any corporate or private lessee owning an approved fuel farm as permitted shall likewise remit to the City the fuel flowage fee as set forth herein for each gallon of fuel delivered to such

lessees for their own use if any such delivery was made by an off premises fuel operator not located at the airport.

(3) Each such person or entity shall keep a complete record of fuel dispensed, including FBO's, or delivered, including corporate and private fuel farms, during each month and shall permit the City to inspect and audit the same, together with the fuel storage tanks, pumps and tenders operated or controlled by such person, at all reasonable times. (4) The fuel flowage fee shall apply to all aircraft except where exempt by state or federal law.

Section 2. This ordinance shall become effective April 1, 2019 upon adoption and publication as provided by law.

Passed and Adopted this 5th day of March, 2019

CITY COUNCIL OF THE CITY OF ANNISTON, ALABAMA

By:/s/ Jack Draper, Mayor

By:/s/ Jay Jenkins, Council Member

By:/s/ David Reddick, Council Member

By:/s/ Benjamin Little, Council Member

By:/s/ Millie Harris, Council Member

Council Member Jenkins made a motion for passage and adoption of Ordinance 19-O-3, An Ordinance Amending the City Code of the City of Anniston to Establish a Provision for a Fuel Flowage Fee at the Anniston Regional Airport. 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 Ordinance 19-O-3 was passed and adopted.

Mayor Draper stated that the following resolution was self-explanatory:

RESOLUTION NUMBER 19-R-15

A RESOLUTION VACATING NATIVE LANE

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

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

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

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

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

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

Section 15, Township 15 South, Range 8 East; Commencing at a point at the northwest intersection of Castle Avenue and Freemont Road / Bains Gap Road right-of-ways, thence westerly along the northern right-of-way of Castle Avenue 531 feet to the Point of Beginning at the southeast corner of Castle Avenue and Native Lane, thence northeasterly 556 feet, thence 71 feet northwesterly along the southern right-of-way of Care Drive, thence 581 feet southwesterly, thence 65 feet southeasterly along the northern right-of-way of Castle Avenue to the Point of Beginning. Said property being all of a 50 foot right-of-way of Native Lane that extends from Castle Avenue to Care Drive.

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

PASSED AND ADOPTED this the 5th day of March, 2019.

CITY COUNCIL OF THE CITY OF ANNISTON, ALABAMA

By:/s/ Jack Draper, Mayor

By:/s/ Jay Jenkins, Council Member

By:/s/ David Reddick, Council Member

By:/s/ Benjamin Little, Council Member

By:/s/ Millie Harris, Council Member

Council Member Jenkins made a motion for passage and adoption of Resolution 19-R-15. 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 Resolution 19-R-15 was passed and adopted.

RESOLUTION NUMBER 19-R-16

A RESOLUTION VACATING TAHOE STREET

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

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

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

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

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

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

Section 15, Township 15 South, Range 8 East; Commencing at a point at the northwest intersection of Castle Avenue and Freemont Road / Bains Gap Road right-of-ways, thence westerly along the northern right-of-way of Castle Avenue 905 feet to the Point of Beginning at the southeast corner of Castle Avenue and Tahoe Street, thence northeasterly 731 feet, thence 72 feet northwesterly along the southern right-of-way of Care Drive, thence 754 feet southwesterly, thence 95 feet southeasterly along the northern right-of-way of Castle Avenue to the Point of Beginning. Said property being all of a 50-foot right-of-way of Tahoe Street that extends from Castle Avenue to Care Drive.

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

PASSED AND ADOPTED this the 5th day of March, 2019.

CITY COUNCIL OF THE CITY OF ANNISTON, ALABAMA

By:/s/ Jack Draper, Mayor

By:/s/ Jay Jenkins, Council Member

By:/s/ David Reddick, Council Member

By:/s/ Benjamin Little, Council Member

By:/s/ Millie Harris, Council Member

Council Member Jenkins made a motion for passage and adoption of Resolution 19-R-16. 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 Resolution 19-R-16 was passed and adopted.

RESOLUTION NO. 19-R-17

RESOLUTION IMPOSING MORATORIUM ON NEW BARS AND TAVERNS WITHIN THE URBAN CORE DISTRICT

WHEREAS, the Anniston Zoning Ordinance, as established by Ordinance No. 16O-10, prohibits bars and taverns in the Urban Core district on any property located between 9th and 13th Streets with frontage on Noble Street;

WHEREAS, the Council for the City of Anniston, Alabama (the "Council") has published notice of a proposed amendment to the zoning regulations, which would make bars and taverns a permissible use within the entire Urban Core district;

WHEREAS, the Council desires to deliberate and adopt a comprehensive plan to govern the use of buildings, structures and land within the Urban Core district for bars and taverns through zoning, licensure and/or other laws and regulations;

WHEREAS, the Council intends to prescribe certain regulations, terms, conditions and limitations on or related to bars and taverns and their operations within the Urban Core district to protect and preserve the public order, health, safety and welfare;

WHEREAS, in order to provide an opportunity for the Council to formulate its comprehensive plan and regulations governing the use and operation of bars and taverns within the Urban Core district, the Council desires to impose a moratorium on the issuance or approval of business and alcohol licenses for new bars and taverns within the Urban Core district;

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

Section 1. The Council finds that a moratorium on the issuance or approval of alcohol or business licenses for bars or taverns within the Urban Core district is necessary to allow the Council an opportunity to review, deliberate and adopt plans, regulations and ordinances governing the use of buildings, structures and land within the Urban Core district for bars and taverns and the operations of bars and taverns therein.

Section 2. In order to protect and preserve the public order, health, safety and welfare, the Council hereby imposes a moratorium on the issuance or approval of alcohol or business licenses for bars and taverns within the Urban Core district. The moratorium imposed shall expire on the close of business on September 5, 2019.

Section 3. The moratorium imposed herein shall not apply to: (a) bars and taverns that are operating within the Urban Core district as of the effective date of this Resolution, or (b) bars and taverns that are not yet operating within the Urban Core district

but for which an application for an alcohol or business license has been made to the City of Anniston before the effective date of this Resolution.

Section 4. This resolution shall take immediate effect upon its passage and adoption by the Council.

PASSED and ADOPTED on this the 5th day of March, 2019.

CITY COUNCIL OF THE CITY OF ANNISTON, ALABAMA

By:/s/ Jack Draper, Mayor

By:/s/ Jay Jenkins, Council Member

By:/s/ David Reddick, Council Member

By:/s/ Benjamin Little, Council Member

By:/s/ Millie Harris, Council Member

Council Member Reddick made a motion for passage and adoption of Resolution 19-R-17. The motion was seconded by Mayor Draper 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 Resolution 19-R-17 was passed and adopted.

Resolution No. 19-R-18

A Resolution to Create a Civil Rights Trail Enhancement Committee

WHEREAS, the City Council of the City of Anniston is committed to recognizing and honoring the history of the Civil Rights movement in Anniston; and

WHEREAS, the City in 2010 established the Anniston Civil Rights Trail; and

WHEREAS, it is now deemed in the public interest to review and possibly enhance the Anniston Civil Rights Trail;

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

Section 1. That a new standing committee, the Civil Rights Trail Enhancement Committee be established

Section 2. That the committee shall have five (5) members, with one appointed for each Councilmember by Ward and the Mayor having (1) appointment.

Section 3. That the committee shall adopt its own guidelines and undertake study to enhance the Civil Rights movement listing within the City of Anniston, reporting its finding to the City Council.

PASSED and ADOPTED on this the 5th day of March, 2019.

CITY COUNCIL OF THE CITY OF ANNISTON, ALABAMA

By:/s/ Jack Draper, Mayor

By:/s/ Jay Jenkins, Council Member

By:/s/ David Reddick, Council Member

By:/s/ Benjamin Little, Council Member

By:/s/ Millie Harris, Council Member

Council Member Little made a motion for passage and adoption of Resolution 19-R-18. 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 Resolution 19-R-18 was passed and adopted.

RESOLUTION NO. 19-R -19

A RESOLUTION AUTHORIZING AND DIRECTING THE CITY MANAGER TO EXECUTE A PROFESSIONAL SERVICES AGREEMENT WITH BILL WHITTAKER, SOLE PROPRIETOR

WHEREAS the City Council desires to engage Bill Whittaker, Sole Proprietor for architectural services for renovation at the Fire Training Center;

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

That the City Manager is authorized and directed to negotiate and execute a professional services agreement with Bill Whittaker, Sole Proprietor for renovations to the existing shell building at Anniston Fire Station #3, 5304 McClellan Boulevard as set forth in the proposal attached hereto as Exhibit A.

PASSED AND ADOPTED this the 5th day of March, 2019.

CITY COUNCIL OF THE CITY OF ANNISTON, ALABAMA

By:/s/ Jack Draper, Mayor

By:/s/ Jay Jenkins, Council Member

By:/s/ David Reddick, Council Member

By:/s/ Benjamin Little, Council Member

By:/s/ Millie Harris, Council Member

Mayor Draper made a motion for passage and adoption of Resolution 19-R-19. 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 Resolution 19-R-19 was passed and adopted.

Mayor Draper read Exhibit A Group 2019-01 Grass, Debris and Vehicles of Resolution 19-R-20, A Resolution Declaring A Reported Condition to be a Public Nuisance:

1200 Brown Ave 19168 Weeds and debris 1210 Brown Ave 19167 Weeds and debris 0 Dooley 19828 Weeds and debris 29 South Walnut Avenue 62928 Weeds and debris 200 Boundary Street 18015 Weeds and debris 1701 Charlotte Ave 21425 Weeds and debris 215 West 30th Street 26038 Weeds, debris and inoperable vehicle: Silver Isuzu rodeo Tag unknown 1600 Rocky Hollow Road 20667 Inoperable vehicle: White Ford mustang Tag: 11FR360 2100 McKleroy 20233 Inoperable vehicles: Blue Town car tag unknown, Black infinity Q45 tag 11BS490, silver Buick LeSabre tag 11BS489 709 Smith 66196 Weeds and debris, inoperable vehicles: White truck tag unknown, green trailer tag unknown, 2nd white vehicle tag unknown 0 Dooley 19433 Weeds and debris 3107 Oakland Ave 26063 Green Ford SUV tag unknown 1207 Crawford Ave Inoperable vehicles: white Ford custom tag unknown, white Kia tag unknown 1203 Crawford Ave 30542 Abandoned blue boat AL 4218xs 827 West 4th St 18411 Weeds and debris 1813 Noble St Inoperable vehicles: Tan Subaru outback no tag, Blue Chevrolet Malibu no tag, Champagne Nissan Maxima no tag, Gray Ford Focus no tag, Green/gray Kia Sedona no tag, white Dodge Dakota no tag, White Mercury sable no tag, silver Honda accord no tag, black Acura 4-door no tag, Champagne Honda accord no tag 1815 Noble St Inoperable vehicles: White Oldsmobile silhouette van no tag, White GMC 3500 box van no tag, Green Honda odyssey no tag, Blue/black Ford expedition no tag 112 Central

Ave 26954 Weeds, debris and inoperable vehicle: white van tag unknown 118 Central Ave 26953 Weeds and debris 1831 Moore Ave 62490 Debris and Inoperable vehicle: silver Nissan no tag 2916 Gurnee Ave 26133 Weeds, debris, and Inoperable vehicle: black Ford Explorer tag unknown 1519 Kelly Ave 19740 Weeds and debris 826 W 16th Street 19823 Weeds and debris 1030 Berkshire Dr. 14643 Inoperable tan Chevy Pickup 1625 West 8th St 37172 Weeds, debris and inoperable vehicles: Champagne hearse and black hearse tags unknown

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

Council Member Reddick made a motion to table Resolution 19-R-20 until the March 19, 2019 . 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 and Resolution 19-R-20 was tabled until the March 19, 2019 regular meeting.

Council Member Jenkins had no comment.

Council Member Reddick wanted to state that he was a veteran and that he put his life on the line every day to protect the country. He stated that he supports Council Member Little for his decision to protest and sit during the pledge.

Council Member Little wanted to thank Council Member Reddick for his effort also. He also wanted to thank Mr. Ray, Bradford, and Montgomery. He stated that he would not be railroaded. So glad that the students of the Youth Council are coming at the next meeting.

Council Member Harris had no comment.

Mayor Draper stated that he had a positive meeting today with the President of the Federal Reserve Bank, Atlanta branch, in Jacksonville and it shows how cities are willing to work with each other. And if there is anything we can do to help Lee County and reach out to them.

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 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 was adjourned at approximately 6:52 o'clock p.m.