

Anniston, Alabama

April 16, 2019

The City Council of the City of Anniston, Alabama, met in Regular Session in the Council Chambers in the City Hall of the City of Anniston, Alabama, on Tuesday, April 16, 2019, at approximately 5:41 o'clock p.m.

Ben Little, Council member, prayed the Invocation.

Ben Little, 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.

Jay Johnson, City Manager, was present.

Bruce Downey, City Attorney, was present.

Council Member Jenkins made a motion to waive the reading of and approve the minutes of the April 2, 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, Reddick, Little, Harris, and Draper; nays: none. The motion carried and the April 2, 2019 minutes were approved.

Mayor Draper made a motion to adopt the agenda with the following additions and deletions:

- Adding the amendment to the Procedural Ordinance to the Consent Agenda
- Adding a resolution to oppose certain pending legislation to the Consent Agenda
- Removing item (c) A Resolution declaring a reported condition to be a public nuisance. Group 2019-01 Grass/Debris/Vehicles from the Consent Agenda and taking it as a standalone resolution
- Council did not discuss but to add a motion declaring \$2,500.00 for law enforcement week as a standalone motion

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 called on Steven Folks, Parks and Recreation Director, to lead the Recognition of the Special Olympics Basketball Team and ARPA 12U State Basketball Champions.

Steven Folks Jr. led the Ring Presentation of the ARPA 12U State Basketball Champions.

Bernadette Burroughs, Director of the Senior Citizen & Therapeutic Recreation Center led the Ring Presentation of the Special Olympics Basketball Team.

Mayor Draper presented a Proclamation for National Community College Week and asked Teresa Ray from Gadsden State Community College to say a few words.

Pamela Dewey, 1407 W. 19th street, addressed the council on predators talking children at Zinn Park and how the Police Department is not doing anything about it. Insists that the council develop a committee to help with these matters.

Ralph Bradford, Citizen of Anniston, addressed the council to participate in a conversation on race within the City of Anniston at a town hall meeting.

Glen Ray, 3514 Dale Hollow Rd, addressed the Council on Injustice and Leadership in Police Department.

Mayor Draper made a motion to approve the amended agenda with Adding the amendment to the Procedural Ordinance to the Consent Agenda; Adding a resolution to oppose certain pending legislation to the Consent Agenda; Removing item (c) A Resolution declaring a reported condition to be a public nuisance. Group 2019-01 Grass/Debris/Vehicles from the Consent Agenda and taking it as a standalone resolution, and take the Amendment to the Procedural Ordinance which was added to consent agenda as a standalone,

- (a) Resolution authorizing reimbursements to City Officials for expenses incurred while traveling away from the City **(19-R-143)**
- ~~(b) Resolution appointing member(s) to the Anniston Main Street Board~~
- (c) Motion to approve adding the Street Light Policy to the City of Anniston Policy and Procedure Manual
- (d) Motion to approve the City Manager to execute the Master Agreement for Lighting Services-Illumination (Governmental) with Alabama Power for Street Light Replacement Program.
- (e) Resolution of the Mayor and Council of the City of Anniston in Opposition to Proposed Legislation (19-R-144)**

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 amended Consent Agenda was approved.

Mayor Draper made a motion to approve a Retail Beer (Off Premises Only) and Retail Table Wine (Off Premises Only) application for Kapp Mart LLC d/b/a Kapp Mart LLC located inside the City limits at 1531 Greenbrier Dear Road. The motion was seconded by Council Member Reddick and on call of the roll, the following vote was recorded: ayes: Council Member Jenkins, Reddick, Harris, and Draper; abstentions: Council Member Little; nays: none. The motion carried.

Mayor Draper made a motion to amend the Consent Agenda and to withdraw item B) a Resolution Appointing a member to the Anniston Main Street Board. 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 item b was withdrawn from the amended Consent agenda.

Jay Johnson, City Manager, read and introduced Resolution 19-R-145, A Resolution amending the community Development Block Grant Allocations for Program Year 2014:

RESOLUTION NUMBER 19-R-145

**A RESOLUTION AMENDING THE COMMUNITY DEVELOPMENT BLOCK GRANT ALLOCATIONS FOR
PROGRAM YEAR 2014**

WHEREAS, the City of Anniston wishes to substantially amend its Community Development Block Grant 2014 funding allocation; and

WHEREAS, the City of Anniston will be transfer \$30,000.00 of unallocated 2014 funds to the Housing Development Corporation to help cover the cost of rehabilitation for 1601 Moore Ave.

WHEREAS, the City of Anniston advertised the proposed amendment on March 3, 2019 in the Anniston Star Newspaper and held a public hearing to discuss the proposed amendment on Monday, March 25, 2019.

NOW THEREFORE, BE IT RESOLVED by the Council of the City of Anniston, Alabama, that the City Manager is hereby authorized to sign the agreement and all documentation relating to the substantial amendment for Program Year 2014.

PASSED AND ADOPTED this 16th day of April, 2019.

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 for passage and adoption of Resolution 19-R-145. The motion was seconded by Council Member Jenkins.

Council Member Little stated that this should be the last time we do this with the Housing Authority. The council has the responsibility to distribute money to the community with the block grant; The housing Authority is spending too much money rehabbing houses.

Council Member Reddick stated that the community should be aware that he and Council Member Little met with Mr. McMahan and one of the agreements was that Housing Authority would put together a plan for additional CDBG funds apart from funds already given to the City.

Council Member Jenkins stated that he agrees that is an awful lot of money to spend on some of the family residences. This is the second allocation of this Council for this funding; a majority agree that there is a better way to spend these dollars.

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-145, was passed and adopted.

Jay Johnson, City Manager, read and introduced Resolution 19-R-146, A Resolution amending the Community Development Block Grant Allocations for Program Year 2014,

RESOLUTION NUMBER 19-R-146

A RESOLUTION AMENDING THE COMMUNITY DEVELOPMENT BLOCK GRANT ALLOCATIONS FOR PROGRAM YEAR 2014

WHEREAS, the City of Anniston wishes to substantially amend its Community Development Block Grant 2014 funding allocation; and

WHEREAS, the City of Anniston will be transfer \$50,000.00 of unallocated 2014 funds to West Anniston Foundation for homeowner occupied rehabilitation.

WHEREAS, the City of Anniston advertised the proposed amendment on March 8, 2019 in the Anniston Star Newspaper and held a public hearing to discuss the proposed amendment on Monday, March 25, 2019.

NOW THEREFORE, BE IT RESOLVED by the Council of the City of Anniston, Alabama, that the City Manager is hereby authorized to sign the agreement and all documentation relating to the substantial amendment for Program Year 2014.

PASSED AND ADOPTED this 16th day of April, 2019.

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 Little made a motion for passage and adoption of Resolution 19-R-146, . The motion was seconded by Mayor Draper.

Council Member Little stated that is going a long way to reach out to others in the community, like banks, to help rehab some houses with CDBG; it will be helpful to West Anniston and South Anniston and part of Ward 1.

Mayor Draper stated that is a wise use of CDBG reallocated funds; this is a great example of what can be accomplished when the community comes together and a partnership between the business community, faith base community, the city and nonprofit community come together.

Council Member Reddick stated that he would like to commend the West Anniston Foundation along with Project Pride; within 3 months of having the money they have done repairs on 3 projects.

Jay Johnson, City Manager, stated that the work they have accomplished to date has not utilized CDBG funds.

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-146, was passed and adopted.

Jay Johnson, City Manager, introduced and read Resolution 19-R-147, A Resolution Authorizing the City Manager to execute an Agreement with J.R. Wilburn and Associates, Inc. (JRWA) for an Infrastructure and Transportation Needs Assessment

RESOLUTION NO. 19-R-147

A RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE AN AGREEMENT WITH J.R. WILBURN AND ASSOCIATES, INC. (JRWA) FOR AN INFRASTRUCTURE AND TRANSPORTATION NEEDS ASSESSMENT

WHEREAS; The Department of Interior, through the United States President Antiquities Act authority, established the Freedom Riders National Monument (FRNM) at the location of the former Greyhound Bus Station 1031 Gurnee Avenue;

WHEREAS; The National Park Service, a division of the Department of Interior, provided a grant to the City of Anniston in order conduct planning and coordination of improvements surrounding the monument as identified in the National Park Service’s FRNM Foundation Document;

WHEREAS; One task identified is to conduct an Infrastructure and Transportation Needs Assessment, related to the general vicinity of the FRNM and the planning for future needs of the FRNM and now the added development of the U.S. Courthouse;

WHEREAS; The City following the National Park Services solicited statements of qualifications from transportation planning and engineering services firms.

NOW THEREFORE, BE IT RESOLVED, by the City Council of the City of Anniston, that after review and concurrence from the National Park Service, the City of Anniston wishes to enter into an agreement with the team led by J. R. Wilburn and Associates.

PASSED AND ADOPTED this 16th day of April, 2019.

CITY COUNCIL OF THE CITY OF ANNISTON, ALABAMA

By:/s/ Jack Draper, Mayor

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

By:/s/Millie Harris, Council Member

Council Member Jenkins made a motion for passage and adoption of Resolution 19-R-147,. The motion was seconded by Mayor Draper.

Council Member Little stated he asked how can some of that money be utilized for something else for things they need. Concerned with that all that grant money is being chipped away and that want the money to buy a building to tear it down for that area.

Council Member Reddick stated that we have a limit amount of grant money and we are about to spend fifty-seven thousand to do an infrastructure transportation needs assessment? For a bus stop and a piece of property. In addition, we can justify spending fifty-thousand dollars doing a needs assessment?

Mayor Draper stated that he sees the value in this; that is important as a community to honor the freedom riders and that these is an economic development opportunity for the City and we need to do a better job at promoting what we have.

Council Member Jenkins stated that he gets Council Member Reddick's concern with the cost but the potential of this sight and its final version of what it becomes has a magnitude that the City really has not seen.

And on call of the roll, the following vote was recorded: ayes: Council Member Jenkins, Harris, and Draper; abstentions: Council Member Little; nays: Council Member Reddick. The motion carried and Resolution 19-R-147, was passed and adopted.

Jay Johnson, City Manager, introduced and read Resolution 19-R-148, A Resolution Authorizing the City Manager to Execute a Contract Agreement with Spurrier Consulting for a Hotel Feasibility Study,

RESOLUTION NO. 19-R-148

A RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE A CONTRACT AGREEMENT WITH SPURRIER CONSULTING FOR A HOTEL FEASIBILITY STUDY

WHEREAS; the City of Anniston is the owner of property located at 1200 Noble Street that has been identified and planned for the location for a hotel use.

WHEREAS; the city has been actively marketing and pursuing interested hoteliers in order to develop the property to compliment downtown and other planned developments. An additional hotel located in the county's seat and the city's urban core will provide lodging opportunities to further support ecotourism, visitors and business travelers.

WHEREAS; in order for the city to better determine the potential and to more effectively market the publicly owned site for hotel development, a detailed feasibility study needs to be conducted.

NOW THEREFORE, BE IT RESOLVED, by the City Council of the City of Anniston, that the city wishes to retain the services of Spurrier Consulting to conduct the no specific brand feasibility study in order to provide the city direction and open up to a competing hotel development market.

PASSED AND ADOPTED this 16th day of April, 2019.

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

Mayor Draper made a motion for passage and adoption of Resolution 19-R-148. The motion was seconded by Council Member Jenkins

Council Member Reddick stated that earlier in the work session we talked about an investor considering putting money into the City for this project, and Jay Johnson, City Manager, said that he and Mr. Bennington knew about it but after research that she was not qualified to be considered as an investor downtown?

Mr. Johnson stated that at the time they were not looking for a finance person for the project; from the information that he had available, she did not have hotel development experience portfolio. He stated that it was not legally appropriate to have a discussion with her or any other developers.

Council Member Reddick stated that Mr. Johnson's standards were 1) no hotel experience, 2) at the time we were not through with litigation at the time it was brought to you. Concerned that he did not address her or reach out to her.

Mayor Draper stated that it is important that council members recognize it is important that this site be developed as a hotel; we learned that there is a desperate need for a hotel.

Council Member Little stated that to Council Member Reddick's point it should be common curtesy even if we couldn't do anything. A common curtesy phone call could go a long way for the City.

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-148, was passed and adopted.

Mayor Draper made a motion for passage and adoption of Resolution 19-R-149, a Resolution declaring a Reported Condition to Be a Public Nuisance:

RESOLUTION NUMBER 19-R-149

A RESOLUTION DECLARING A REPORTED CONDITION TO BE A PUBLIC NUISANCE

WHEREAS, Tana Bryant, an Appropriate City Official, pursuant to Section 34.7 and 34.15 of said Ordinance, has reported to the City Council that conditions exist at see attached (Group 2019-01 – Grass/Debris/Vehicles) in Anniston, Alabama that are believed to be a public nuisance; and

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 place specified; and

WHEREAS, Section 34.3 (b) (1), (2), (4) of the City of Anniston Ordinance No. 11-O-9 declares the following conditions to be a public nuisance: overgrown lots, maintenance or storage of motor vehicles that are not in usable condition as defined in Section 34.2 of the Code of Ordinances and debris, motor vehicles and trash; and

RESOLVED THEREFORE, that a public nuisance exists at the above said locations within the City of Anniston, said property being more particularly described on Exhibit "A" to this resolution; and

RESOLVED FURTHER, that the public nuisance must be abated by the City and the cost of abatement charged as a lien against the property if not remedied by the owner(s); and

RESOLVED FURTHER, that a hearing be set before the City Council at its next regular scheduled meeting to hear objections to the City's actions; and

RESOLVED FURTHER, that at least two NOTICES TO REMOVE PUBLIC NUISANCE be promptly posted by the Appropriate City Official in front of the said property at not more than 100 feet in distance apart as specified in Section 34.16 of the Code of Ordinances; and

RESOLVED FURTHER, that the Appropriate City Official shall post said NOTICE TO REMOVE PUBLIC NUISANCE, as aforesaid, at least 5 days prior to the time for hearing objections by the City Council; and

RESOLVED FURTHER, that the Appropriate City Official shall determine the name and address of the person or entity last assessing said property for tax purposes, and shall further cause a search to be made of the public records, and shall further make a diligent investigation to discover the name(s) and contact information of the owners of every beneficial interest in the said property; and

RESOLVED FURTHER, that the Appropriate City Official shall, at least 5 days prior to the time for a hearing of objections by the City Council, mail a copy of said Notice by certified or registered mail, with postage prepaid and return receipt requested, to the last person/entity assessing the property for taxes and to each owner of a beneficial interest in said property including, without limitation, mortgagees of record.

PASSED AND ADOPTED this the 16th day of April, 2019.

CITY COUNCIL OF THE CITY OF ANNISTON, ALABAMA

By:/s/ Jack Draper, Mayor

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

By:/s/ Millie Harris, Council Member

The motion was seconded by Council Member Jenkins 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 Resolution 19-R-149 was passed and adopted.

Council Member Jenkins made a motion for unanimous consideration to amend Ordinance 16-O-24, Procedural Ordinance. The motion was seconded by Council Member Reddick and on call of the roll the following vote was recorded: ayes: Council Member Jenkins, Reddick, Harris, and Draper; nays: Council Member Little. The motion for unanimous consent to amend Ordinance 16-O-24, Council Procedural Ordinance failed.

Mayor Draper made a motion to read by title only, Ordinance 19-O-4, Amending the Council Procedural Ordinance. The motion was seconded by Council Member Reddick.

Mayor Draper opened a public hearing to receive public comments, in regards, to reading by title only Ordinance 19-O-4, amending the procedural ordinance.

No One Spoke.

Mayor Draper closed the public hearing to receive public comments, in regards, to reading by title only Ordinance 19-O-4, amending the procedural ordinance.

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-4, was read by title only.

Jay Johnson, City Manager, read Ordinance 19-O-4, by title only (1st reading)

Mayor Draper stated that the amendment would move both formal and informal comments to the end of the meeting just prior to council comments and would require that speakers during informal or formal public comment provide their street address as well.

Mayor Draper made a motion to allocate \$2,500.00 toward Law Enforcement Appreciation Week. 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.

Council Member Jenkins wanted to commend Museum Staff, for their time and effort with hosting visiting individuals from Childersburg, who are interested in creating a Museum.

Council Member Reddick wanted to give thanks to the Anniston Fire Department for their assistance with making a special memory, with the loss of icon Ervin Romaine. He stated that if you do not know your history, you are doomed to repeat it, and the reason for the development questions is that the City Manager had development issues in his last city that was in the paper. Wants to ensure that there is not a trend with mistreatment in dealing with developers.

Council Member Little stated that he echoed Council Member Reddick's concerns and that it is common courtesy to reach out to potential investors. G and Quintard, those cars on the South East Corner are still blocking and you cannot look at the line of sight to the South. He stated that the meeting with Dr. Satcher made he see a different light with the council and going in a better direction. He stated that he still wants his office at the multi-modal center. There is a brick house on 202, in front of Monsanto where the road is going into the houses needs some attention. And with parks and recreation something needs to be done to keep those bathrooms open especially in Zinn Park. Wants a copy of the AG opinion given to Mr. Monk.

Council Member Harris wanted to thank everyone for bearing with them tonight in the long meeting. Wanted to thank all city employees and volunteers who work so hard this weekend to make the Sunny King Criterium a fabulous event. Stated that she had 8 cyclists staying at her home from various places who have never been to Alabama before. We need to cultivate tourism.

Mayor Draper wanted to thank all City Staff involved with the Noble Street Festival and the Criterium, it is an important event for the city and it underscores the need for more hotel units in the city. That 12th and Noble site needs to be developed into a hotel because the city needs it. Wanted to briefly say that April 22nd 2019 is Earth Day, an opportunity to collaborate with private business and possibly other governments with cleaning our area up.

Jay Johnson, City Manager, stated that the City was approached by Mr. Wakefield and he is attempting to put together a group that would undertake litter clean up through various locations around the city.

Council Member Jenkins stated that cast will be performing Mama Mia mother's day weekend May 11th -12th 2019. He will be performing.

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 7:19 p.m.