

Anniston, Alabama

April 21, 2020

The City Council of the City of Anniston, Alabama, met in Regular Session in the Main Hall at the Anniston City Meeting Center in the City of Anniston, Alabama, on Tuesday, April 21, 2020, at approximately 5:32 o'clock p.m.

David Reddick, Councilman, prayed the Invocation.

David Reddick, 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.

Steven Folks, City Manager, was present.

Bruce Downey, City Attorney, was present virtually via FaceTime.

Council Member Harris made a motion to waive the reading of and approve the minutes of the April 7, 2020 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 7, 2020 Regular Meeting Minutes were approved.

Mayor Draper made a motion to adopt the agenda. 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 adopted.

Mayor Draper made a motion to remove from the table and place on the floor a motion to make an appointment to the Health Care Authority Place #3. 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; abstentions: Council Member Reddick; nays: Council Member Little. The motion carried.

Mayor Draper made a motion to appoint George Crawford to the Health Care Authority Place #3 with a term to expire May 31, 2025. The motion was seconded by Council Member Harris.

Council Member Reddick stated that this was originally his appointment, and he wants Crawford to stay there but the way this is being done is incorrect as a matter of principal. He stated that they are violating state law, the way they are doing it.

Council Member Little stated that not only are they violating state law but the ordinance that was put forth. He stated that he has submitted the ordinance and the minutes to the district attorney; and the way they have appointed people to the Hospital Authority is illegal. He stated that in 2017, this ordinance came up where he and Council Member Reddick asked to remove people having to submit an application and come before the council and they denied that. He stated that in the ordinance council members have an opportunity to make an appointment. He stated that his appointment was Edgar Brown and that is still his appointment. He stated that the Mayor has denied Ward 3 and that's not right.

Council Member Harris stated that in her opinion at this particularly time that it is very critical that they have some continuity on the Regional Board of Directors. She stated that Dr. Crawford has been a good member because he is highly intelligent and he challenges the status quo. She stated that even though she understands Council Member Little's concerns she is looking at the bigger picture considering the health crisis that they are in.

Council Member Jenkins stated that Dr. Crawford has been an outstanding board member; and he is involved, engaged, challenges the status quo, and thoughtful. He stated that he can also say that about Edgar Brown. He stated that he talked to Council Member Little a while ago about board appointments to this and he agrees with Council Member Little that representation of this body needs to be across the city. He stated that he committed to Council Member Little to support Mr. Brown and this was prior to the names being placed.

Council Member Little stated that Council Member Reddick should have an appointment and he should. He stated that if the Mayor is concerned with fairness, he should put this off until the district attorney looks into it. He stated that the pandemic going on does not allow them to do something that is unlawful. He stated that there is a process and procedure that they must go through and the Mayor has violated that process.

Mayor Draper stated that he does not believe the law is being violated, Council Member Little has filed complaints against him before and he anticipates that he will continue to do so and he will respond to those complaints, and they are in the middle of a health care crisis and his paramount concern is protecting the public's health and safety. He stated that it is incumbent upon them to keep stability on the Health Care Authority.

Council Member Reddick stated that in the Alabama Supreme Court case, City of Montgomery vs. Mayor Bobby Wright, the dissenting council members filed a case. He stated that the Alabama Supreme Court ruled that the Mayor cannot take board appointments from council members. He stated that their entire board appointment process is in violation of Alabama Supreme law. He stated that sometimes they can be gentlemen about some things.

Mayor Draper stated that the mayor is not taking any board appointments because the council as a whole makes the appointment. He stated that an ordinance was passed in 2016 and the Health Care Authority created itself following the passage of that ordinance.

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

Mayor Draper made a motion to remove from the table and place on the floor a motion to make an appointment to the Health Care Authority Place #4. The motion was seconded by Council Member Harris 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.

Mayor Draper made a motion to appoint Jay Jenkins to the Health Care Authority Place #4 with a term to expire May 31, 2025. The motion was seconded by Council Member Harris.

Council Member Reddick stated that the ordinance they changed was in 2014 that was in violation of the Alabama Supreme Court ruling and they did have dissenting votes. He stated that every board

appointment that this council is making wrong because you have the Mayor taking board appointments from Council Members and still has his personal privilege to appoint exclusively to several boards.

Council Member Little asked the city attorney, Bruce Downey if the ordinance for board appointments to the Health Care Authority said anything about Ward appointees?

Bruce Downey, City Attorney, stated that in his opinion the Health Care Authority is different than other boards that the city appoints to because there is a specific state statute that allows for the reincorporation of public hospitals, and RMC was a public hospital. He stated that they reincorporated it as a Health Care Authority and when they did that it, it becomes an independent corporation bound by its articles of incorporation and not a city controlled entity.

Council Member Little asked if in 2017 the council upheld the ordinance that to be appointed to the board you must fill out an application and appear before the board, which is the same ordinance they are talking about now?

Bruce Downey, City Attorney, stated that it was amended after the reincorporation but the amendment could not have changed the articles of reincorporation without mutual consent from the Health Care Authority and the City.

Council Member Little stated that the city council has an ordinance they passed after the Health Care Authority.

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 asked if they confirmed on the legality of giving that money to a private school, which was the reason it was tabled.

Bruce Downey, City Attorney, stated that the council cannot just allocate funds to local private schools but can only provide funds to the private schools if they are going to perform a public purpose in response.

Council Member Jenkins made a motion to approve allocation of \$50,000.00 from the Franchise Fee increase with Spire Alabama, Inc. and portion \$25,000.00 to Anniston City Schools and the remaining \$25,000.00 to be set aside for a travel budget for the Youth Council. The motion was seconded by Council Member Reddick.

Council Member Harris stated that they are in a critical situation with their budget and they do not know if they are going to be able to make payroll without going into their reserves. She stated that she does not believe this is necessary at this point and they should be very judicious with every penny that they have. She stated that it would be irresponsible to pass this not knowing their financial situation.

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 amend the City of Anniston Personnel Policies and Procedures manual to add section on "Essential Information Policies" following the Family and Medical Leave policy. 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.

Mayor Draper made a motion to authorize City Staff to move forward with the application process to construct a Senior Citizens Center using CDBG 108 loan in the amount of \$1,830,816.00. The motion was seconded by Council Member Little.

Council Member Jenkins stated that he struggles to support the cost of a senior center. He stated that they have a senior center that supports their senior population very well and they seem to like it. He stated that this is a lot of money to be spending. He stated that he supports the Health Institute and civil rights component associated with it but that is where his support stops.

Mayor Draper stated that his concern is that they are in the middle of a health crisis and this is a significant amount of money to be leveraged and those funds might be better spent with respect to covid recovery.

Council Member Harris stated that they need to be careful and her constituents would like to be able to use the community center during the day hours and it is difficult to afford the staff to keep it open all the time. She stated that she does support the civil rights museum and the health center.

Council Member Little stated that Council Member Jenkins was the one that recommended that move it to this particular location by the health institute. He stated that the council has not done anything for the seniors. He stated that it has nothing to do with staff, and the staff now would move over to the new location and this has nothing to do with the covid. He stated they have been losing CDBG money.

Council Member Reddick stated there was a drive to make a partnership where the YMCA has the Hodges Community center in the day and the city at night. He stated that if it is not open during the day then it should. He stated that it sounds like that partnership is failing. He stated that he supports the senior center.

And on call of the roll of the following vote was recorded: ayes: Council Member Reddick and Little; nays: Jenkins, Harris, and Draper; nays: none. The motion failed.

Mayor Draper made a motion to amend the minutes of the 12/17/19 meeting to reflect Code Enforcement's comments regarding a vehicle at 181 Avery Drive from Resolution 19-R-212 Group 2019-06 Grass/Debris/Vehicles.

Mayor Draper read the addition proposed for the record,

“Council Member Little asked how did they know the vehicle at 181 Avery was inoperable.

Tana Bryant, Senior Code Enforcement Officer, stated that the owner told them the vehicle was inoperable and they had gotten it fixed. She stated that they went and talked with her and noted the current tag's insurance and they proved that the vehicle was operable.

Council Member Little asked if it is not on the list now?

Tana Bryant, Senior Code Enforcement Officer, stated that their case is closed on it but it was too late to give anything to council because they have to turn things in a week prior.”

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 the 12/17/2019 meeting minutes were amended.

Mayor Draper presented and introduced Resolution 20-R-17, A Resolution amending the 2015, 2016, 2017, 2018 and 2018 Action Plan for HOME Program Funds.

RESOLUTION NO. 20-R-17

**A RESOLUTION AMENDING THE 2015, 2016, 2017 AND 2018 ACTION PLAN FOR HOME
PROGRAM FUNDS**

WHEREAS, the City of Anniston wishes to substantially amend its HOME Program 2015, 2016, 2017 and 2018 funding allocations; and

WHEREAS, the City of Anniston will be transfer \$600,000.00 of recaptured and unprogrammed 2015, 2016, 2017 and 2018 funds to Fresh Start Homes, LLC for new construction of single family houses.

WHEREAS, the City of Anniston advertised the proposed amendment on Friday, March 13, 2020 in the Anniston Star and held a public hearing to discuss the proposed amendment on Tuesday, April 14, 2020.

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 Years 2015, 2016, 2017 and 2018.

PASSED AND ADOPTED this 21st day of April, 2020.

CITY COUNCIL OF THE CITY OF ANNISTON, ALABAMA

Jack Draper, Mayor
Jay W. Jenkins, Council Member
David E. Reddick, Council Member
Benjamin Little, Council Member
Millie Harris, Council Member

Mayor Draper made a motion for passage and adoption of Resolution 20-R-17. The motion was seconded by Council 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 the resolution was passed and adopted.

Mayor Draper introduced Resolution 20-R-18, A Resolution appointing members to the Anniston Historic Preservation Commission.

RESOLUTION NUMBER 20-R-18

A RESOLUTION APPOINTING A MEMBER TO THE ANNISTON HISTORIC PRESERVATION COMMISSION

WHEREAS, the Council has adopted Ordinance No. 14-O-13, an ordinance amending Division 1, Article XI, Chapter 2 of the Code of Ordinances for the City of Anniston, Alabama Regulating Boards, Commissions and Authorities, in order to, among other things, assign the positions on the City's boards, commissions and authorities to nominations by specific Council Ward Representatives or to the Office of the Mayor so that those who are appointed to serve more fairly and equitably represent the citizenry of the City and to simplify and clarify to Council's nomination and appointment process;

WHEREAS, the Council has adopted a schedule of nominations to govern appointments to the Anniston Historic Preservation Commission;

WHEREAS, the Council desires to make certain appointments to said Board in accordance with the previously adopted Schedule of Nominations;

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

Section 1. The City Council of the City of Anniston does hereby appoint those persons identified in the Schedule of Nominations for the Anniston Historic Preservation Commission attached hereto as Exhibit A to the board and for the terms set forth therein.

Section 2. That the City Clerk shall cause a copy of this Resolution to be mailed to the above named appointees and to said board.

PASSED and ADOPTED this 21st day of April, 2020.

CITY COUNCIL OF THE CITY OF ANNISTON, ALABAMA

Jack Draper, Mayor
Jay W. Jenkins, Council Member
David E. Reddick, Council Member
Benjamin L. Little, Council Member
Millie Harris, Council Member

Mayor Draper made a motion for passage and adoption of Resolution 20-R-18.

Council Member Harris stated that she appreciates all the work Mrs. Mumford has done to try to preserve the Kilby house, so this appointment is very appropriate. She stated that Mrs. Mumford was citizen of the year for everything she has done for the arts in this community.

Council Member Reddick stated that it amazing that one person can do so much and he is excited to see what she does with this Historic Preservation Committee.

Council Member Jenkins stated that she has a true servant's heart and he thanks her for everything she does.

The motion was seconded by Council Member Harris and on call of the following vote was recorded: ayes: Council Member Jenkins, Reddick, Little, Harris, and Draper; nays: none. The motion carried and Resolution 20-R-18 was passed and adopted.

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, Harris and Draper; nays: Council Member Little. The motion carried and the meeting was adjourned at approximately 6:23 o'clock p.m.