

Anniston, Alabama

June 18, 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, June 18, 2019, at approximately 5:30 o'clock p.m.

Dee Dee Roberts prayed the Invocation.

Dee Dee Roberts 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, Harris, and Draper, absent: Council Member Little. A quorum was present and the meeting opened for the transaction of business.

Steven Folks, Interim City Manager, was present.

Bruce Downey, City Attorney, was present.

Council Member Reddick made a motion to waive the reading of and approve the minutes of the June 4, 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.

Council Member Harris made a motion to waive the reading of and approve the minutes of the June 11, 2019 special called 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, Harris, and Draper; nays: none; abstentions: Council Member Little. The motion carried.

Mayor Draper made a motion to approve the agenda with the addition of the Proposed Storm water Ordinance Amendment. The motion was seconded by Council Member Harris 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 carried and the amended agenda was approved.

Mayor Draper opened a public hearing to receive comments regarding a Lounge Retail Liquor-Class I Alcohol License Application for Robert Edward Curtis d/b/a The Parlormint.

No one spoke.

Mayor Draper closed the public hearing to receive comments regarding a Lounge Retail Liquor-Class I Alcohol License Application for Robert Edward Curtis d/b/a The Parlormint.

Mayor Draper made a motion to approve the consent agenda:

- (a) A motion to suspend the rule requiring the City Council to meet on the first Thursday of July, 2019, and to schedule a City Council meeting for Tuesday, July 9, 2019, at 5:30 p.m. at the City Meeting Center
- (b) A motion to suspend the rule requiring all regular meetings of the Council to be in Council Chambers at City Hall and move all regular meetings of the Council to the City Meeting Center until such time that a motion to relocate is adopted.

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 consent agenda was approved.

Mayor Draper made a motion to approve a Retail Beer (ON OR OFF PREMISES) for GPS Hospitality Huts LLC d/b/a Pizza Hut located at 322 Blue Mountain Road within the city limits. 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: none; abstentions: Council Member Little. The motion carried.

Mayor Draper made a motion to approve a Lounge Retail Liquor- Class I Alcohol License Application for Robert Edward Curtis d/b/a The Parlormint located at 1016 Noble Street. The motion was seconded by Council Member Jenkins and on call of the roll the following vote was recorded: ayes: Council Member Jenkins, Reddick, Harris and Draper; nays: none; abstentions: Council Member Little. The motion carried.

Mayor Draper made a motion to approve a Special Retail- More than 30 days Alcohol License application for South Beach Volleyball at McClellan, LLC d/b/a South Beach Volleyball at McClellan located at 100 Symphony Way. The motion was seconded by Council Member Harris and on call of the roll the following vote was recorded: ayes: Council Member Jenkins, Reddick, Harris, and Draper; nays: none; abstentions: Council Member Little. The motion carried.

Mayor Draper made a motion to award bids for demolition of eight (8) substandard structures to EMTEK for four (4) structures in the amount of \$48,500.00 and to Teague Hauling and Demolition for four (4) structures in the amount of \$50,000.00. 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.

Bruce Downy, City Attorney, introduced and read Resolution 19-R-167, A Resolution Declaring a Reported Condition to be a Public Nuisance:

RESOLUTION NUMBER 19-R-167

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 2019-02 – 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 18th day of June 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/ Millie Harris, Council Member

Exhibit A: [16 South Leighton Ave; 205 McArthur Dr. ;208 South Leighton Ave ; 401 West 22nd Street ; 509 G Street ; 606 South Allen Ave ; 604 West 4th St ; 1210 Johnston Dr.; 1426 Glenwood Terrace ; 1505 Moore Ave ; 1629 Johnston Dr. ; 1721 West 11th St ; 2010 Moore Ave ; 2121 Walnut Ave ; 2201 McCoy Ave ; 2206 Cobb Ave ; 2208 McCoy Ave ; 2631 McCoy Ave ; 2723 McCoy Ave ; 2731 McCoy Ave]

Mayor Draper made a motion for passage and adoption of Resolution 19-R-167. The motion was seconded by Council Member Harris 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 carried and Resolution 19-R-167 was passed and adopted.

Bruce Downey, City Attorney, introduced and read Resolution 19-R-168, A Resolution authorizing execution of Real Estate Exchange Agreement with United States Administrator of General Services:

RESOLUTION NO. 19-R-168

**AUTHORIZING EXECUTION OF REAL ESTATE EXCHANGE AGREEMENT WITH UNITED STATES
ADMINISTRATOR OF GENERAL SERVICES**

WHEREAS, the Council has previously approved by resolution the selection by the United States Administrator of General Service (“GSA”) of the current City Hall site for the location of the New Anniston, Alabama U.S. Courthouse;

WHEREAS, in doing so, the Council authorized the Mayor and City Manager to negotiate terms and conditions for GSA’s acquisition of the current City Hall site and the City’s acquisition of the Existing Anniston, Alabama U.S. Courthouse for use in the future as City Hall or some other public purpose;

WHEREAS, pursuant to said authority, the Mayor and City Manager have negotiated a Real Estate Exchange Agreement whereby the City and GSA would exchange ownership in their respective properties;

WHEREAS, the Council desires to approve, ratify, and endorse the terms and conditions of the proposed Real Estate Exchange Agreement, attached hereto, between the City and GSA and to further authorize the Mayor to execute the same in the name of the City of Anniston, Alabama;

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

Section 1. The Mayor is authorized and directed to execute a Real Estate Exchange Agreement by and between the City of Anniston and the Administrator of General Services in substantially the same form and content as the agreement attached hereto. Section 2. The City Manager is authorized and directed to take such actions as are necessary or appropriate to administer and perform the City’s obligations under the executed Real Estate Exchange Agreement or incident thereto.

Section 3. This resolution shall take immediate effect upon its passage and adoption.

PASSED and ADOPTED on this the 18th day of June, 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

Mayor Draper made a motion for passage and adoption of Resolution 19-R-168. The motion was seconded by Council Member Harris.

Council Member Little stated that he thinks the Mayor should be the one signing the agreement; He asked what it meant by public building [authority] on page 1 of the agreement starting at : “WHEREAS, GSA may acquire, by purchase, condemnation, donation, exchange, or otherwise, land or an interest in land the Administrator considers necessary for use as sites, or additions to sites, for public buildings authorized to be constructed or altered in accordance with 40 U.S.C. § 3304(b);”

Bruce Downey, City Attorney, stated that it is not referencing the “public building authority” but GSA’s authority to acquire property.

Council Member Little stated that he asked in the work session that the exhibits to the agreement were not attached and also where the agreement references the court house parking lot, he asked if the City did some construction, wheel chair parking, handicap parking spaces?

Council Member Little asked what is Exhibit B-1?

Bruce Downey, City attorney, stated that Exhibit B-1 is the survey of the federal government's property; He stated that all these exhibits will be completed before execution. He stated that this is essentially the title work.

Mayor Draper stated that is subject to approval by the General Services Administrator.

Council Member Little stated that he does not want to court house to kill Anniston. He stated that this city is moving forward at warped speed without evaluating and that the council has not voted to use that space as city hall. He stated that there are environmental issues with the building that they are unaware of and the public deserves the right to know how much it is going to cost to remediate that building if they are going to utilize it for city hall. He stated that the public should if they are going to build a new city hall. Council Member Little stated that there is a monstrosity of a debt that the public does not know about. He asked what is the date? On page 4 of the agreement: 2.03," City Approval. The City must approve the Exchange Agreement by no later than June 17, 2019, as evidenced by Resolution to be attached as Exhibit C."

Mayor Draper stated that changes they were handed at work session were for the date to reflect June 26, 2019 and to have Steven Folks, Interim City Manager, as City Manager and not Jay Johnson.

Council Member Little stated that on page 4 of the agreement under Miscellaneous Conditions: Each Party must have performed all obligations and complied with all conditions required by this Agreement to be performed or complied with by each Party on or prior to the GSA Closing and the City Closing, as applicable. He asked what are the obligations?

Bruce Downey, City Attorney, stated that the obligations are the city obligations and on page 8 it states the city and federal government's obligations.

Council member Little asked Bruce Downey, City Attorney, to read section 14.03.

Bruce Downey, City Attorney, read section 14.03 Casualty Damage or Destruction: Before Closing. Each Party will notify the other promptly after discovery of any Casualty damage to the Property it owns and, if the Casualty damage to either Property occurs prior to the Government Closing, the owner will have no obligation to repair or replace its Property. The acquiring Party may terminate this Agreement if the Casualty damage that occurs before the Government Closing would materially affect its intended use of the Property, by giving notice to the other Party within 15 days after receipt of the transferring Party's notice of the Casualty (or before the Government Closing if the notice of Casualty is received less than 15 days before closing). If the acquiring Party does not terminate this Agreement, the Property will be conveyed in its damaged condition.

Council Member Little stated that in the agreement the City of Anniston has to give a General Warranty Deed to GSA and GSA will give the City of Anniston a Quitclaim Deed. He asked for the public, what is a quitclaim deed?

Bruce Downey, City Attorney, stated that a Quitclaim deed conveys whatever interest the buyer has in the property; He stated that the City of Anniston will have a title opinion and that it has been a federal property for the last 150 years. He stated that there is a federal statute that only allows them to do that.

Council Member Little stated that on page 5, 4.02: "Environmental Law" means any law, statute, regulation, rule, ordinance, order, criteria, guidance, or guideline at the federal, state or local level, whose purpose is, in whole or in part, the protection of human health and the environment. He stated that as an elected body they accepting a building that they have not voted for; it could be millions of dollars to remediate that building. He stated that on page 8, (a): Each Party will comply with all Environmental Laws and other legal requirements applicable to its respective Property. He asked does that mean they are going to clean up over there for the City?

Council Member Reddick asked when the City had their phase 1 done?

Council Member Jenkins stated that part of this document is two closings, 1. GSA closing on this property, and 2. The City closing on that property, so there is an option out of that too, with GSA giving the City \$800,000.00.

Bruce Downey, City Attorney, stated that Council Member Jenkins' statement is not entirely accurate. Once the agreement is signed, the city does not get to opt out unless GSA breaches or defaults on the agreement or is there is a casualty. He stated that other than that the city is committed to acquiring the property.

Council Member Jenkins stated that on page 10, to the best of GSA's Knowledge GSA has no liability under, and is presently in material compliance with, all Environmental Laws applicable to the Government Land and any operations thereon, and there exist no RECs with respect to the Government Land or any operations thereon.

Council Member Reddick asked if the City is doing a phase 1 and phase 2?

Toby Bennington, Planning Director, stated that GSA did their due diligence on this property and the City will do any testing that is required for the existing courthouse.

Council Member Reddick stated that under City Code, we are changing the functions of the building and we have to follow the same code we make the residents follow.

Council Member Little asked if the buildings were involved in the bond issuance? He stated that we are dealing with Millions of dollars and that the public needs to hear the discussion. He stated that on page 8 (b): There is no litigation pending or threatened against the Party that might affect the Property or its ability to perform its obligations under this Agreement. He stated that he needs the test and the finances to move into this agreement.

Council Member Reddick stated that his concern is the building, and that they City did not test it like GSA. He stated they might end up spending more than the building is worth trying to renovate it, based off the City code.

And on call of the roll the following vote was recorded: ayes: Council Member Jenkins, Harris, Draper; nays: Council Member Little; abstentions: Council Member Reddick. The motion carried and Resolution 19-R-168 was passed and adopted.

Bruce Downey, City Attorney, introduced and read Ordinance 19-O-5, An Ordinance Amending the City Code of Ordinances, Chapter 15, Motor Vehicles and Traffic, Section 15.17 Truck Routes; Providing an Effective Date (1st Reading)

ORDINANCE NUMBER 19-O-5

AN ORDINANCE AMENDING THE CITY CODE OF ORDINANCES, CHAPTER 15, MOTOR VEHICLES AND TRAFFIC, SECTION 15.17 TRUCK ROUTES; PROVIDING AN EFFECTIVE DATE

WHEREAS, the City Council of the City of Anniston, Alabama previously adopted an Ordinance establishing regulations for the operation of trucks on city roadways; and

WHEREAS, it is now deemed in the public interest to amend the City Code, Section 15.17;

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

Section 1. That the City Code, Section 15.17(a) be and the same is hereby amended to add the following sentence:

“Vehicles owned by the City of Anniston, or operated under contract for the City, are exempt from the provisions of this Ordinance, including emergency public service vehicles, public works, or public utility vehicles. Also exempt are State, County and Federal vehicles, including military vehicles.”

Section 2. That Section 15.17(b) be amended by adding the following:

“Veteran’s Parkway (Eastern By-Pass).

Section 3. That Section 15.17(c) be amended by adding a new provision:

“It shall be unlawful for any vehicle transporting hazardous materials or substances, as defined in the Fire Code and under State Law, to occupy or travel any streets of the City of Anniston, except for those streets designated as truck routes in Section 15.17(b), and except where reasonably necessary to enable the driver to make expeditious delivery of such materials or substances and only while engaged in such delivery.”

Section 4. That this ordinance shall become effective on June 18, 2019 following its passage and adoption and its publication one (1) time in the newspaper of general circulation.

PASSED AND ADOPTED this the 18th day of June, 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 unanimous consent for immediate consideration of Ordinance 19-O-5. 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 for unanimous consent for immediate consideration of Ordinance 19-O-5.

Mayor Draper made a motion that Ordinance 19-O-5 shall become effective on June 18th, 2019. The motion was seconded by Council Member Reddick and on call of the roll the following vote was recorded: ayes: Council Member Jenkins, Reddick, Little, Harris, and Draper; nays: none. The motion carried.

Mayor Draper made a motion for passage and adoption of amended Ordinance, 19-O-5. 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-5 was passed and adopted.

Mayor Draper made a motion to read Ordinance 19-O-6 by title only. The motion was seconded by Council Member Jenkins.

Mayor Draper opened a public hearing to receive public comments regarding reading Ordinance 19-O-6 by title only.

No One Spoke.

Mayor Draper closed the public hearing to receive public comments regarding reading Ordinance 19-O-6 by title only.

On call of the roll the following vote was recorded: ayes: Council Member Jenkins, Reddick, Little, Harris, and Draper. The motion carried and Ordinance 19-O-6 will be read by title only.

Bruce Downey, City Attorney, introduced and read Ordinance 19-O-6, An Ordinance amending Chapter 31, Article III of the Code of the City of Anniston Alabama, 1981 Governing Ambulance Services (1st Reading) by title-only:

**ORDINANCE NO. 19-O-6
AMENDING CHAPTER 31, ARTICLE III OF THE CODE OF THE CITY OF ANNISTON, ALABAMA, 1981
GOVERNING AMBULANCE SERVICES**

WHEREAS, the Council deems that it is in the public interest to revise the laws governing ambulance services within the City of Anniston to specify that an “emergency call,” as defined by Section 31.40 of The Code of the City of Anniston, Alabama, 1981 (the “Code”), includes those ambulance calls for the transportation of a patient to an urgent care clinic, hospital emergency room, or any other area of the hospital that will provide immediate care to the patient;

WHEREAS, the Council further desires to revise the regulations for EMS ambulance service operators governing the required emergency response times, as established by Section 31.45(e)(2) of the Code, to distinguish between the standard required for Advanced Life Support emergency responses and Basic Life Support emergency responses;

WHEREAS, the Council also desires to reiterate that ambulance service operators licensed to provide only nonemergency transports, in accordance with Section 31.47 of the Code, are prohibited from providing emergency transports and to establish that the violation of this prohibition shall provide grounds for a one year suspension of an ambulance service operator’s license to provide nonemergency transports within the City;

NOW THEREFORE, BE IT ORDAINED by the Council for the City of Anniston, Alabama as follows:
Section 1. Chapter 31, Article III, Section 31.40 of “The Code of the City of Anniston, Alabama, 1981” is hereby amended and restated in its entirety as follows:

Sec. 31.40 – Definitions.

(a) The following words when used in this article shall have the meanings ascribed to them in this section, except where the context clearly indicates to them in this section a different meaning. When not inconsistent with the context, words in the singular number include the plural number, and the masculine shall include the feminine and neuter.

(1) Advanced EMT. Any person eighteen (18) years of age or older who has successfully completed the advanced emergency medical technician course of instruction and has been granted a current, valid license by the state board of health. Such persons are generally authorized by the state to provide invasive prehospital care such as starting intravenous fluids, placement of an advanced airway or other such similar procedures.

(2) Advanced life support (ALS). The treatment of potentially life-threatening medical emergencies through the use of invasive medical techniques which ordinarily would be performed or provided by physicians, but which may be performed by advanced level emergency medical technicians (EMTs).

(3) Ambulance. A motor vehicle licensed by the Alabama State Board of Health and meeting all requirements of section 22-18-1, et seq., Code of Alabama, 1975, as amended, and specifically designed for, equipped or used as an emergency vehicle for the purpose of transporting persons who are wounded, injured, ill or sick, and shall include, but is not limited to, emergency vehicles used for such purposes.

(4) Ambulance call. The act of calling for an ambulance through mechanical or other means for the purpose of transporting any patient to or from a medical care facility.

a. Emergency call. An ambulance call for service in which it is believed that the illness, injury or disability requires immediate medical services wherein delay of the receipt of such services may endanger personal health or safety. Emergency call also includes an ambulance call for transportation of a patient to an urgent care clinic, hospital emergency room or any other area of the hospital that will provide immediate care to the patient.

b. Nonemergency call. An ambulance call for transportation to or from a medical facility or medical provider that does not involve the need for immediate medical services.

(5) Ambulance driver. Any person who successfully completes an emergency vehicle operations course or its equivalent and has been granted any and all applicable current, valid licenses by the state board of health, the state department of motor vehicles or any other state or federal regulatory agencies. An ambulance driver shall also be minimally licensed by the state board of health as an emergency medical responder.

(6) Ambulance service operator. Any individual, partnership, corporation or other legal or business entity operating ambulances for hire within the city. Each service must be an independent entity from any and all other existing services operating within the city and must have distinct and separate employees, bank accounts, and vehicles from any and all existing services.

(7) Basic life support (BLS). A level of pre-hospital care involving noninvasive life support measures.

(8) City. All areas within the corporate limits and police jurisdiction in Anniston, Alabama.

(9) City council. The elected governing body of the city.

(10) East Alabama EMS. The regional EMS agency designated by the state board of health to serve as a resource agency for EMS providers and any other EMS related organizations in the eastern portion of the state.

(11) Emergency medical responder (EMR). Any person eighteen (18) years or older who has successfully completed the emergency medical responder course of instruction, or its equivalent, as approved by the board or its designee, who has passed the state approved EMSP certification exam, and who has been granted a current, valid EMSP license by the state board of health.

(12) EMS ambulance service operator. An ambulance service operator that has been granted all licenses and permits required by this article to provide emergency medical services and emergency transports within the corporate limits of the city.

(13) Emergency medical services (EMS). A system of coordinated prehospital emergency aid and medical assistance from primary response to definitive care, involving personnel trained in the rescue, stabilization, transportation, and treatment of sick or injured persons.

(14) Emergency medical technician (EMT). Any person eighteen (18) years of age or older who has successfully completed the applicable emergency medical technician course of instruction and has been granted a current, valid license by the state board of health.

(15) Emergency transport. The transportation of a patient by an ambulance service operator in response to an ambulance call in which it is believed that the illness, injury or disability requires immediate medical services wherein delay of the receipt of such services may endanger personal health or safety. Responses to such calls shall be made with the use of all warning devices and lights as deemed necessary by the senior EMT/Paramedic for optional patient care.

(16) Hospital. A facility licensed as a hospital by the state board of health and located within the corporate limits of the City of Anniston.

(17) Intermediate EMT. Any person eighteen (18) years of age or older who has successfully completed the intermediate emergency medical technician course of instruction and been granted a current, valid license by the state board of health. Such persons are generally authorized by the state to provide invasive prehospital care such as starting intravenous fluids, monitoring cardiac rhythms, performing defibrillation and intubation or other such similar procedures.

(18) Nonemergency transport. The transportation of a patient by an ambulance service operator to or from a medical facility or provider that does not involve the need for immediate medical services. Such transports shall not use or require the use of emergency warning devices. Such calls include, but are not

limited to interhospital transfers, discharges to home, visits to physician offices and the transport of deceased patients.

(19) Paramedic. Any person eighteen (18) years of age or older who has successfully completed the paramedic course of instruction and been granted a current valid license by the state board of health. Such persons are generally authorized by the state to provide invasive prehospital care such as starting intravenous fluids, monitoring cardiac rhythms, performing defibrillation and intubation, administering pharmacological interventions or other such similar procedures.

(20) Patient. An individual who is wounded, injured, ill or sick, otherwise incapacitated, helpless or unable to transport themselves to receive medical treatment or individuals who call or request the services of an ambulance service.

(21) State board of health. That body created by Section 22-2-1, et seq., Code of Alabama, 1975, as amended, otherwise known as the Alabama State Board of Health or the Alabama Department of Public Health.

Section 2. Chapter 31, Article III, Section 31.45, Subsection (e)(2) of "The Code of the City of Anniston, Alabama, 1981" is hereby amended and restated in its entirety as follows:

Sec. 31.45 – Regulations for EMS ambulance service operators.

* * *

(e) Emergency response.

* * *

(2) Response times.

a. Advanced Life Support. Each EMS ambulance service operator must arrive within eight (8) minutes of an emergency call located within the corporate limits and within ten (10) minutes of an emergency call located within the police jurisdiction on at least ninety percent (90%) percent of all Advanced Life Support (ALS) emergency responses.

b. Basic Life Support. Each EMS ambulance service operator must arrive within ten (10) minutes of an emergency call located within the corporate limits and within twelve (12) minutes of an emergency call located within the police jurisdiction on at least ninety percent (90%) percent of all Basic Life Support (BLS) emergency responses.

c. Determination of response times. The response time measurement shall utilize the "fractile" performance measure in which all applicable response times are "stacked" in ascending length, and the total number of calls generating a response within the city is calculated as a percentage of the total number of calls. Thus, where the ninetieth percentile response time is standard only ten (10) percent of the total calls received may have a longer response time. The response times mandated by this article shall not apply to mutual aid certificate holders; provided however, upon receiving a call for providing service under mutual aid agreement, a mutual aid certificate holder must assess its availability and provide the entity requesting emergency service an anticipated arrival time. The anticipated arrival times provided by mutual aid certificate holders must correspond with actual arrival times in ninety (90) percent of all emergency responses it provides under a mutual aid agreement.

Section 3. Chapter 31, Article III, Section 31.47, Subsections (b) and (d) of “The Code of the City of Anniston, Alabama, 1981” are hereby amended and restated in their entirety as follows:

Sec. 31.47 – Nonemergency ambulance services.

* * *

(b) Licensed required. Unless otherwise provided in this article, all ambulance service operators providing nonemergency transports shall be assessed a license fee as set forth in the license schedules authorized by city's business licenses and privilege taxes ordinance and is subject to adjustment as allowed by said ordinance or other law. Ambulance service operators licensed by the city to provide nonemergency transports shall maintain a log of all transports within the city and make all transport records available to the CQI and/or the city upon request. Ambulance service operators licensed by the city to provide nonemergency transports, only, shall not provide emergency transports, except pursuant to a mutual aid agreement authorized by Section 31.45(a)(6) or the emergency exception permitted by Section 31.41(f).

* * *

(d) Violations; penalties for noncompliance. Any complaint that an ambulance service operator is operating on the streets of the city in violation of any provision of this article shall be made in writing to the city manager, who shall refer the matter to the city prosecutor for investigation and prosecution where warranted. Any ambulance service operator found guilty of violating any provision of this article shall be subject to a five hundred-dollar (\$500.00) fine per violation. Additionally, any ambulance service operator that commits three violations of the prohibition against providing emergency transports within any six-month period shall be subject to up a one-year suspension of the ambulance service operator’s license to provide nonemergency transports. The city manager may also direct the city attorney to pursue equitable remedies to enforce compliance with the provisions of this article.

Section 4. This Ordinance shall become effective immediately upon its adoption and publication one (1) time in The Anniston Star, a newspaper of general circulation published in the City of Anniston, Alabama, and the City Clerk is hereby ordered and directed to cause a copy of this Ordinance to be published one time in said newspaper.

PASSED and ADOPTED this 18th day of June 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/Ben Little, Council Member
- By:/s/ Millie Harris, Council Member

Mayor Draper made a motion for unanimous consent for immediate consideration of Ordinance 19-O-6. 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 for unanimous consent for immediate consideration of Ordinance 19-O-6.

Mayor Draper made a motion for passage and adoption of Ordinance, 19-O-6. 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 Ordinance 19-O-6 was passed and adopted.

Bruce Downey, City Attorney, introduced and read Ordinance 19-O-7, An Ordinance Amending Chapter 29 1/2, Article I of the Code of the City of Anniston, Alabama, 1981 Governing Storm water Management Regulation (1st Reading):

ORDINANCE NO. 19-O-7

AMENDING CHAPTER 29½, ARTICLE I OF THE CODE OF THE CITY OF ANNISTON, ALABAMA, 1981 GOVERNING STORMWATER MANAGEMENT REGULATION

WHEREAS, the Council deems it to be in the public interest and in furtherance of the City of Anniston’s interests in facilitating economic development, regulating discharges into the City’s stormwater system, and complying with the City’s National Pollution Discharge Elimination System permit and the applicable regulations to revise the City’s laws governing stormwater management regulation;

WHEREAS, the Council finds that the City’s stormwater system design and management standards should be applied to and regulate development and land disturbing activities that result in an area of impervious surfaces of one-half acre or more, but not to development or land disturbing activities resulting in an area of impervious surfaces of less than one-half acre;

WHEREAS, the Council further finds that stormwater system and management site designs should meet the performance criteria associated with design storms up to a fifty-year peak flow intensity;

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

Section 1. Chapter 29½, Article I, Section 29½.5, Subsection (2) of “The Code of the City of Anniston, Alabama, 1981” is hereby amended and restated in its entirety as follows:

Sec. 29½.5 - Stormwater system design and management standards.

* * *

(2) General performance criteria for stormwater management. Unless granted a waiver or judged by the city to be exempt, the following performance criteria shall be addressed for stormwater management for all sites where construction, development or alterations will result in an area of impervious surfaces greater than or equal to one-half (1/2) acre or, if less than one-half (1/2) acre, where the construction, development or alterations are part of a larger common plan with parts that collectively result in an area of impervious surfaces greater than or equal to one-half acre. Separate instances of construction, development or alterations within a parcel or lot or within adjoining or connected parcels or lots that occur within five (5) years of each other shall be presumptively considered part of a larger common plan of development or sale.

(a) All site designs shall control the peak flow rates of stormwater discharge associated with design storms of two-year, five-year, ten-year, twenty-five-year, and fifty-year intensity and reduce the generation of post construction stormwater runoff to preconstruction levels. These practices should seek to utilize pervious areas for stormwater treatment and to infiltrate stormwater runoff from

driveways, sidewalks, rooftops, parking lots, and landscaped areas to the maximum extent practical to provide treatment for both water quality and quantity.

(b) To protect stream channels from degradation, specific channel protection criteria shall be provided as prescribed in the BMP manual.

(c) Stormwater discharges to critical areas with sensitive resources (i.e., cold water fisheries, shellfish beds, swimming beaches, recharge areas, water supply reservoirs) may be subject to additional performance criteria or may need to utilize or restrict certain stormwater management practices.

(d) Stormwater discharges from hot spots may require the application of specific structural BMPs and pollution prevention practices.

(e) Prior to or during the site design process, applicants for land disturbance permits shall consult with the city to determine if they are subject to additional stormwater design requirements.

(f) The calculations for determining peak flows as found in the BMP manual shall be used for sizing all stormwater facilities.

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

PASSED and ADOPTED this 18th day of June, 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/ Ben Little, Council Member

By:/s/Millie Harris, Council Member

Mayor Draper made a motion for unanimous consent for immediate consideration of Ordinance 19-O-7. 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 for unanimous consent for immediate consideration of Ordinance 19-O-7.

Council Member Jenkins made a motion for passage and adoption Ordinance, 19-O-7. The motion was seconded by Mayor Draper.

Council Member Little stated that he will come back to remove some funding, Anniston is the only city in this area charging stormwater fees and some relief should be given. He asked to see if there is a business in Alabama that could do the work opposed to a business in Georgia.

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-7 was passed and adopted.

Anthony Bates, Park Ranger, stated that he looks forward to working with the city and county.

Council Member Harris wanted to welcome Mr. Steven Folks to this position as City Manager; She stated that he is a wise man and that he will bring peace and harmony to the City government. She thanked him for his willingness to step up to the plate and serve.

Council Member Little stated that he was somewhat disappointed; they received a document in the work session about the agreement that was passed about the court house and that the city did not do their due diligence. He stated that when your limited to three minutes to talk about a document that will mean so much to this community and it cannot be vetted publicly the right way. He stated that the city needs to do phase 1 and phase 2 testing of that building and everyone needs to know what is going on. Council Member Little stated he shouldn't have to file legal action but the only recourse that him and Council Member Reddick have is the court system. He stated that he feels they need an Ethics and Attorney General's opinion on whether the city can even move into the Anniston Star Building. He stated that they did not follow the law in the last contract or the board appointment; the paper stated that Jay Johnson left because of a liquor license but it was not about.

Council Member Reddick congratulated Park Ranger Bates for being present and that Anniston has many unique things from the freedom riders park, some of the best museums, bicycle trails, mountain bike trail, and the Ladiga trail. He stated that he hopes they can come up with a plan to let the world know how great the City of Anniston is. The Heritage festival was an amazing venue. Mr. Folks did a great job with that as Parks and Recreation Director. He stated if the city staff realized how great Anniston is and the part they play in the growth of this city then they would do their due diligence to bring businesses in.

Council Member Jenkins wanted to congratulate Mr. Folks and his large staff that put together the Heritage festival, it was a great event; you don't have to look any further to see evidence of the pride that the city staff puts in the City. He stated that he believes the city staff does recognize that this is a great city. He thanked city staff for all they do for the City and it is not always easy and the Council sometimes makes it harder than they should.

Mayor Draper stated that the City does have great department heads, great staff and thanked them for all they do. He thanked Mr. Folks for serving as a City employee as PARD Director and that the PARD Department has been selected multiple times as the one of the best in the State of Alabama. He stated that he knows to depth of his being that Mr. Folks is the right person for the job as Interim City Manager. He stated that the federal Courthouse is a 40 million dollar investment into downtown Anniston and this is the biggest economic development project to hit Anniston in years; this is a regional federal courthouse and there will be 6 in Alabama: Mobile, Montgomery, Birmingham, Tuscaloosa, Huntsville, and now Anniston Alabama; and that is something to be proud of.

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, Harris and Draper nays: Council Member Little. The motion carried and the meeting was adjourned at approximately 6:43 o'clock p.m.