

Anniston, Alabama

September 15, 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, September 15, 2020, at approximately 5:30 o'clock p.m.

Jack Draper, Mayor, prayed the Invocation.

Jack Draper, Mayor, 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 via phone.

Council Member Harris made a motion to waive the reading of and approve the minutes of the September 1, 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 September 1, 2020 Regular Meeting minutes were approved.

Council Member Jenkins made a motion to waive the reading of and approve the minutes of the September 1, 2020 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, Reddick, Little, Harris, and Draper; nays: none. The motion carried and the September 1, 2020 Special Called Meeting minutes were approved.

Mayor Draper made a motion to adopt the agenda with the deletion of item (c) Resolution authorizing a Grant application under the Innovative Readiness Training Program under Resolutions and the addition of a motion to amend the FY20 Budget to appropriate \$40,000.00 to assist Anniston High School's Band and Music Department. 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 amended agenda was adopted.

Mayor Draper read the following addresses for the overruling objections to the abatement of identified nuisances. Group 2020-04 Grass, Debris. And Vehicles: 29 South Walnut Ave, 226 South Walnut Ave, 805 West 16th St, 2815 Gurnee Ave, 3017 McKleroy Ave, and 5604 Woodgate Circle.

Mayor Draper opened a public hearing to receive public comments on over-ruling objections to the abatement of identified nuisances. Group 2020-04, Grass, Debris, and Vehicles.

Tana Bryant, Senior Code Enforcement Officer, stated that 5604 Woodgate Circle was pulled off and taken care of; 29 South Walnut Ave demolition was completed for that property.

Mayor Draper closed the public hearing to receive public comments on over-ruling objections to the abatement of identified nuisances. Group 2020-04 Grass, Debris. And Vehicles.

Julie Borrelli, Finance Director, read for the record Council Member Jenkins' amendments to the budget that were presented at the September 1, 2020 Regular Meeting:

- Provide all city employees with the exception of police and fire with a covid bonus totaling \$1,000.00. This lump sum bonus payment will be made as soon as the budget goes into effect.
- Funding for bonuses will come from two sources- delay capital outlay purchase of D4 dozer for public works for a savings of \$165,000.00 and reduce council travel from \$7500.00 per council member to \$6,000 per council member for a savings of \$7500.00.
- The second adjustment takes advantage of savings realized through bond refinancing which are restricted to capital improvements only. Estimated savings at this time are \$1.3 million. He proposed these funds be allocated as part of the budget in the following manner:
 - \$200,000.00- to enhance the amenities at Randolph Park in association with plans submitted by Council Member Reddick to remediate drainage /flooding issues.
 - \$200,000.00-resurface West 15th Street from Noble Street to city limits- work to be done in conjunction with county commission in an even split of costs.(agreement is already in place)
 - \$30,000.00-preparation of building pad and provide utilities for South Leighton development to further incentivize development on this location
 - \$40,000.00-purchase of additional speed calming devices for placement in key areas across the city
 - \$325,000.00 address drainage and flooding in Golden Springs
 - \$75,000.00 construct new sidewalk on 10th street from end of existing sidewalk at Lockwood Avenue to existing sidewalk at Elizabeth Street (Tenth Street School).
 - \$75,000.00- resurface track at McClellan-facility gets a tremendous amount of use from dawn to dusk and is starting to erode.
 - \$25,000.00- various improvements to Hill Golf Course

Mayor Draper opened a public hearing to receive comments on the Proposed FY2021 City Manager's Recommended Budget with amendment.

No One Spoke.

Mayor Draper closed a public hearing to receive comments on the Proposed FY2021 City Manager's Recommended Budget with amendment.

Council Member Jenkins made a motion to approve a Special Retail-More than 30 days alcohol license application for Indian Oaks Community Golf Course, d/b/a Indian Oaks Golf Club located at 201 Cherokee Trail in the Police Jurisdiction. 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.

Council Member Reddick made a motion to suspend the rule requiring the City Council to meet on the first Tuesday of October, 2020, and to schedule a City Council Meeting for Tuesday, October 13, 2020, at 11:00a.m. In the Main Hall at the City Meeting Center. 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 Reddick made a motion to amend the FY20 Budget to appropriate \$40,000.00 to assist Anniston High School's Band and Music Department. The motion was seconded by Council Member Little.

Council Member Reddick stated that Mr. Mitchell has a band that is nationally recognized. He stated that the band is small but powerful and it's a good opportunity to get the band new uniforms.

Ruben Mitchell, Anniston High School Band Director, thanked the council for even considering buying uniforms for the band. He stated that the current uniforms are older than the students wearing them. He stated that it is time for new uniforms and they would provide the students with a sense of pride.

Council Member Jenkins thanked Mr. Mitchell for his leadership with the students and he appreciates that he has made a difference in their lives.

Mayor Draper thanked Mr. Mitchell for what he continues to do with the Youth Council. He stated that Mr. Mitchell really does impact a lot of people within the community.

Council Member Little thanked Mr. Mitchell for chaperoning the Youth Council on their trips to conferences.

Council Member Harris thanked Mr. Mitchell for the years working with her on the Knox Concert Series, ensuring the students gain exposure to world class orchestras and symphonies.

Steven Folks, City Manager, stated that Mr. Mitchell was instrumental in the MLK breakfast for pulling Donohue Jazz Band and Anniston Jazz Band together. He stated that if anyone has ever heard them perform, it is an awesome event.

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 read the following addresses for the overruling objections to the abatement of identified nuisances. Group 2020-04 Grass, Debris. And Vehicles: 29 South Walnut Ave, 805 West 16th St, 2815 Gurnee Ave, and 3017 McKleroy Ave.

Council Member Little made a motion for passage and adoption of a Resolution overruling objections to the abatement of identified nuisances. Group 2020-04 Grass, Debris. And Vehicles (20-R-68). 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 20-R-68 was passed and adopted.

Mayor Draper read the following addresses for declaring a reported condition to be a public nuisance: 229 Pyle Ave, 602 East 22nd Street, and 2826 Noble Street. Group 2020-06 Grass, Debris & Vehicles.

Council Member Jenkins made a motion for passage and adoption a Resolution declaring a reported condition to be a public nuisance. (20-R-69). 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 20-R-69 was passed and adopted.

Mayor Draper introduced a Resolution regarding a Financing Agreement for the purpose of procuring a Fire Truck (20-R-70):

RESOLUTION 20-R-70

A RESOLUTION REGARDING A FINANCING AGREEMENT FOR THE PURPOSE OF PROCURING A FIRE TRUCK

WHEREAS, City of Anniston desires to enter into that certain Financing Agreement dated August 18, 2020, by and between Government Capital Corporation and City of Anniston, for the purpose of procuring "a fire truck". The City desires to designate this Agreement as a "qualified tax exempt obligation" of the City of Anniston for the purposes of Section 265 (b) (3) of the Internal Revenue Code of 1986, as amended. The City of Anniston desires to designate Steven D. Folks, City Manager, as an authorized signer of the Agreement.

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

Section 1. That the City enters into a Financing Agreement with Government Capital Corporation for the purpose of procuring "a fire truck".

Section 2. That the Financing Agreement dated August 18, 2020, by and between the City and Government Capital Corporation is designated by the City as a "qualified tax exempt obligation" for the purposes of Section 265 (b) (3) of the Internal Revenue Code of 1986, as amended.

Section 3. That the City of Anniston designates Steven D. Folks, City Manager, as an authorized signer of the Financing Agreement dated August 18, 2020, by and between the City of Anniston and Government Capital Corporation.

PASSED AND ADOPTED this 15th day of September, 2020

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 Harris made a motion for passage and adoption of Resolution 20-R-70. The motion was seconded by Council Member Jenkins. 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 20-R-70 was passed and adopted.

Mayor Draper introduced a Resolution authorizing the City Manager to enter into an agreement to renew the Anniston/Calhoun County HOME Consortium Agreement (20-R-71):

RESOLUTION 20-R-71

A RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO AN AGREEMENT TO RENEW THE ANNISTON/CALHOUN COUNTY HOME CONSORTIUM AGREEMENT

WHEREAS, the City of Anniston, Alabama has previously agreed to participate as the lead agency and form a Consortium with the Calhoun County Commission, the cities of Jacksonville, Piedmont, Weaver, and the Town of Hobson City under the Federal HOME Program operated by the U.S. Department of Housing and Urban Development as authorized under the HOME Investment Partnership Act, title II of the Cranston-Gonzalez National Affordable Act of 1990, as amended; and

WHEREAS, the current Agreement will expire on September 30, 2020;

NOW, THEREFORE, BE IT RESOLVED, by the City Council of the City of Anniston, that Steven Folks, as its City Manager, be authorized to execute said agreement for the renewal of the Anniston/Calhoun County HOME Consortium.

PASSED AND ADOPTED this 15th day of September, 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

Council Member Harris made a motion for passage and adoption of Resolution 20-R-71. The motion was seconded by Council Member Jenkins. 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 20-R-71 was passed and adopted.

Mayor Draper introduced and read a Resolution Authorizing the relocation of the Pelham Monument (2nd Reading) 20-R-72:

RESOLUTION NO. 20-R-72

AUTHORIZING THE RELOCATION OF THE PELHAM MONUMENT

WHEREAS, a monument presently exists within the median on Quintard Avenue, at its intersection with 12th Street, in honor of Major John Pelham, a Confederate artillery officer in the American Civil War, who was born and raised in Calhoun County and who died from injuries sustained in the Battle of Kelly's Ford;

WHEREAS, the Council recognizes that a monument to a leader of the Confederacy is inextricably intertwined with the South's historical support of institutional slavery and racial segregation;

WHEREAS, the Council desires to create an inclusive environment in its public places, for all its citizens, free of painful reminders of racial oppression;

WHEREAS, Calhoun County maintains the Janney Furnace Park, which includes The Confederate Memorial in memoriam of the Confederate soldiers who died in the Civil War, including Major John Pelham;

WHEREAS, the Council finds that relocating the Pelham Monument to the Janney Furnace Park would promote the monument's historical purposes;

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

The City Manager is authorized and directed to obtain the consent of the Calhoun County Commission, or its designee, and any other necessary parties, and to take such actions as are necessary to relocate the Pelham Monument to the Janney Furnace Park.

The City Manager is authorized to pay from the City's general funds the one-time civil penalty of \$25,000 that may be levied against the City under the Alabama Memorial Preservation Act of 2017.

PASSED and ADOPTED on this the 15th day of September, 2020.

COUNCIL FOR THE CITY OF ANNISTON, ALABAMA

Jack Draper, Mayor

Jay W. Jenkins, Councilmember

David E. Reddick, Councilmember

Millie Harris, Councilmember

Council Member Reddick made a motion for passage and adoption of Resolution 20-R-72. The motion was seconded by Mayor Draper.

Council Member Little asked City Attorney, Bruce Downey, if it is legal to knowingly, willfully, and intentionally, violate a state law.

Bruce Downey, City Attorney, stated that if you violate the law then you are doing something illegal, so you cannot legally violate a law. He stated that it is not legal to violate this law or any other law.

Council Member Little asked City Attorney, Bruce Downey, if it is legal to knowingly, willfully, and intentionally, violate a state law and use public funds to cover that violation?

Bruce Downey, City Attorney, stated that the violation is one being committed by the City of Anniston and the state law provides for a one-time civil penalty if a city, including Anniston, commits a violation. He stated that he does not know how they could pay the penalty without using public funds. He stated that he thinks it is legal to use municipal funds to pay a civil penalty opposed against the city.

Council Member Little stated that it has to be legal to violate the law if you knowingly and intentionally violate the law.

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 20-R-72 was passed and adopted.

Mayor Draper made a motion for passage and adoption of a Resolution adopting the budget for Fiscal Year 2021. The motion was seconded by Council Member Little.

Council Member Jenkins stated that the last council meeting he put forth an amendment that utilized \$1.3 million dollars in bond refinancing monies for capital improvement. He stated they learned, with the help of the finance director and the Frazer Lanier Company, that the actual savings realized is \$1.7 million, for an additional \$400,000.00.

Council Member Jenkins made a motion to amend the motion for passage and adoption of the Resolution adopting the budget for Fiscal Year 2021 by taking the additional \$400,000.00 savings realized and utilizing it as follows:

- \$100,000.00- grass cutting and lot clearing
- \$50,000.00-alley repair
- \$50,000.00- for small business development, which will be administered through the North East Alabama Community Foundation
- \$25,000.00- Emergency Home repairs
- \$175,000.00-for extending the sidewalk in Golden Springs

The motion was seconded by Council Member Reddick.

Council Member Harris stated that she is happy that the issues with the sidewalks in Golden Springs is being addressed. She stated that it was first brought up prior to 2012 and it has been going on forever. She stated that they tried getting a grant but were not able to get it. She thanks everyone for helping getting this done.

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 amendment was approved.

Mayor Draper introduced Ordinance amending Chapter 34, Article III Section 34.15 "Abatement concerning violations governed by Section 34.3" (1st Reading)

Council Member Harris made a motion to read the Ordinance amending Chapter 34, Article III Section 34.15 "Abatement concerning violations governed by Section 34.3" by title only. The motion was seconded by Council Member Jenkins.

Mayor Draper opened a public hearing to receive public comments on reading the Ordinance amending Chapter 34, Article III Section 34.15 "Abatement concerning violations governed by Section 34.3" by title only. No One Spoke. Mayor Draper closed the public hearing to receive public comments on reading the Ordinance amending Chapter 34, Article III Section 34.15 "Abatement concerning violations governed by Section 34.3" by title only.

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 ordinance will be read by title only.

Mayor Draper read the Ordinance amending Chapter 34, Article III Section 34.15 "Abatement concerning violations governed by Section 34.3" by title only.

Council Member Jenkins stated that the general public should know that currently the setup is 30 days from the day that the council votes to abate the nuisance before they can act. He stated that this ordinance will shorten it by one council meeting effectively.

Mayor Draper introduced Ordinance amending Chapter 11 1/2, Article I, Section 11 ½ .5 in its entirety (1st Reading) - (flood damage prevention)

Council Member Jenkins made a motion to read the Ordinance amending Chapter 11 1/2, Article I, Section 11 ½ .5 in its entirety by title only. The motion was seconded by Council Member Harris.

Mayor Draper opened a public hearing to receive public comments on reading the Ordinance amending Chapter 11 1/2, Article I, Section 11 ½ .5 in its entirety by title only. No One Spoke. Mayor Draper closed the public hearing to receive public comments on reading the Ordinance amending Chapter 11 1/2, Article I, Section 11 ½ .5 in its entirety by title only.

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 ordinance will be read by title only.

Mayor Draper read the Ordinance amending Chapter 11 1/2, Article I, Section 11 ½ .5 in its entirety by title only.

Mayor Draper introduced the Ordinance authorizing the issuance, and making provision for the payment of \$ 9,715,000.00 General Obligation Warrant, Series 2020-A (1st Reading)

Council Member Little made a motion to read Ordinance authorizing the issuance, and making provision for the payment of \$ 9,715,000.00 General Obligation Warrant, Series 2020-A by title only. The motion was seconded by Council Member Harris.

Mayor Draper opened a public hearing to receive public comments on reading Ordinance authorizing the issuance, and making provision for the payment of \$ 9,715,000.00 General Obligation Warrant, Series 2020-A by title only. No one spoke. Mayor Draper closed the public hearing to receive public comments on reading Ordinance authorizing the issuance, and making provision for the payment of \$ 9,715,000.00 General Obligation Warrant, Series 2020-A by title only.

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 ordinance will be read by title only.

Mayor Draper read Ordinance authorizing the issuance, and making provision for the payment of \$ 9,715,000.00 General Obligation Warrant, Series 2020-A by title only.

Council Member Jenkins made a motion for unanimous consent for immediate consideration of the Ordinance authorizing the issuance, and making provision for the payment of \$ 9,715,000.00 General Obligation Warrant, Series 2020-A. 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.

Council Member Harris made a motion for passage and adoption of Ordinance authorizing the issuance, and making provision for the payment of \$ 9,715,000.00 General Obligation Warrant, Series 2020-A (20-R-15). The motion was seconded by Council Member Reddick. And on call of the roll, the following vote was recorded: ayes: Council Members Jenkins, Reddick, Harris and Draper; nays: none; abstentions: Council Member Little. The motion carried and Ordinance 20-R-15 was passed and adopted.

Mayor Draper introduced the Ordinance authorizing the issuance, and making provision for the payment of \$ 6,010,000.00 General Obligation Warrant (Federally Taxable), Series 2020-B (1st Reading)

Council Member Reddick made a motion to read Ordinance authorizing the issuance, and making provision for the payment of \$ 6,010,000.00 General Obligation Warrant (Federally Taxable), Series 2020-B by title only. The motion was seconded by Council Member Harris.

Mayor Draper opened a public hearing to receive public comments on reading Ordinance authorizing the issuance, and making provision for the payment provision for the payment of \$ 6,010,000.00 General Obligation Warrant (Federally Taxable), Series 2020-B by title only. No one spoke. Mayor Draper closed the public hearing to receive public comments on reading Ordinance authorizing the issuance, and making provision for the for the payment of \$ 6,010,000.00 General Obligation Warrant (Federally Taxable), Series 2020-B by title only.

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 ordinance will be read by title only.

Mayor Draper read Ordinance authorizing the issuance, and making for the payment of \$ 6,010,000.00 General Obligation Warrant (Federally Taxable), Series 2020-B by title only.

Council Member Harris made a motion for unanimous consent for immediate consideration of the Ordinance authorizing the issuance, and making provision for the payment of 6,010,000.00 General Obligation Warrant (Federally Taxable), Series 2020-B. 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.

Council Member Jenkins made a motion for passage and adoption of Ordinance authorizing the issuance, and making provision for the payment 6,010,000.00 General Obligation Warrant (Federally Taxable), Series 2020-B (20-R-16). The motion was seconded by Council Member Harris. And on call of the roll, the following vote was recorded: ayes: Council Members Jenkins, Harris and Draper; nays: none; abstentions: Council Member Reddick and Little. The motion carried and Ordinance 20-R-16 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, Little, Harris and Draper; nays: none. The motion carried and the meeting was adjourned at approximately 6:13 o'clock p.m.