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Anniston, Alabama
October 3, 2017

The City Council of the City of Anniston, Alabama, met in Regular Session in the Council Chamber in the City Hall of the City of Anniston, Alabama, on Tuesday, October 3, 2017, at approximately 5:30 o'clock p.m.

Chief Chris Collins, Fire Department, prayed the Invocation.

Chief Chris Collins, Fire Department, 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.

Cory Salley, Interim City Manager, was present.

Bruce Downey, City Attorney, was present.

Council Member Reddick made a motion to waive the reading of the minutes of September 18, 2017. 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 to approve the minutes of September 18, 2017. 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 Reddick made a motion to add to the agenda a resolution authorizing a grant application to the National Park Service and a motion waiving the fee for use of the City Meeting Center by the Anniston High Alumni Committee and to adopt the agenda as amended. The motion was seconded by Council Member Little; 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.

Mayor Draper read and presented the following proclamation to Susan Shipman, Second Chance:

(Domestic Violence Awareness Month)

Mayor Draper read and presented the following proclamation to Chief Chris Collins, Fire Department:

(Fire Prevention Week)

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Ralph Bradford addressed the Council and stated he was still waiting for information about the expenditures of funds received in the stormwater funds. He stated he supported the Council inquiry.

Glen Ray, 3514 Dale Hollow Road, addressed the Council and stated he was having a press conference the next day in front of City Hall concerning the arrest of his son. He stated his son was arrested without probable cause.

Harold Ray, 905 Bennie Ray Street, addressed the Council and stated he was concerned about the Council inquiry and they needed money for the school kids.

Jim Montgomery addressed the Council and stated he felt it would be fair to have a Council inquiry and there were things that should be looked in to.

Angie Ciccimarro, 2030 Leighton Avenue, addressed the Council concerning a nuisance property adjacent to her property. She stated they should make an effort to clean up this property.

Mayor Draper announced that was the time for the public hearing to hear objections to the proposed abatement of identified nuisances (grass, debris and abandoned or unsafe structure) at 2002 Leighton Avenue, declared the hearing open and asked if anyone wished to address the Council concerning objections to the proposed abatement of identified nuisances (grass, debris and abandoned or unsafe structure) at 2002 Leighton Avenue.

Tana Bryant, Code Enforcement, addressed the Council and stated she had received an email from Mr. Porter who was asking for more time to resolve the issues at this property.

Mayor Draper asked if anyone else wished to address the Council concerning objections to the proposed abatement of identified nuisances (grass, debris and abandoned or unsafe structure) at 2002 Leighton Avenue.

No one else addressed the Council concerning objections to the proposed abatement of identified nuisances (grass, debris and abandoned or unsafe structure) at 2002 Leighton Avenue.

Mayor Draper declared the public hearing to hear objections to the proposed abatement of identified nuisances (grass, debris and abandoned or unsafe structure) at 2002 Leighton Avenue closed.

Mayor Draper announced that was the time for the public hearing to hear objections to the proposed abatement of identified nuisances (vehicles) at the following locations; 0 Pyle Avenue, 1330 Noble Street, 1104 Parkwood Drive, 2017 Dooley Avenue, 625 Pine Avenue, 316 Mulberry Avenue, 200 Sawyer Street, and 201 Spruce Avenue; declared the hearing open and asked if anyone wished to address the Council concerning objections to the proposed abatement of identified nuisances (vehicles) at said locations.

No one addressed the Council concerning objections to the proposed abatement of identified nuisances (vehicles) at said locations.

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Mayor Draper declared the public hearing to hear objections to the proposed abatement of identified nuisances (vehicles) at the following locations; 0 Pyle Avenue, 1330 Noble Street, 1104 Parkwood Drive, 2017 Dooley Avenue, 625 Pine Avenue, 316 Mulberry Avenue, 200 Sawyer Street, and 201 Spruce Avenue; closed.

Mayor Draper announced that was the time for the public hearing to hear objections to the proposed abatement of identified nuisances (grass and debris) at the following locations; 2005 Leighton Avenue, 31 and 0 North Street, 2510 Paul Street, 334 Front Street, 1705 Mulberry Avenue, 1109 Johnston, 1220 W. 16th Street, 110 S. Walnut Avenue, 235, 233 and 0 Pyle Avenue; declared the hearing open and asked if anyone wished to address the Council concerning objections to the proposed abatement of identified nuisances (grass and debris) at said locations.

Frank Thomas addressed the Council concerning 233 and 235 Pyle Avenue and stated he had cleaned up the debris.

Mayor Draper asked if anyone else wished to address the Council concerning objections to the proposed abatement of identified nuisances (grass and debris) at said locations.

No one else addressed the Council concerning objections to the proposed abatement of identified nuisances (grass and debris) at said locations.

Mayor Draper declared the public hearing to hear objections to the proposed abatement of identified nuisances (grass and debris) at the following locations; 2005 Leighton Avenue, 31 and 0 North Street, 2510 Paul Street, 334 Front Street, 1705 Mulberry Avenue, 1109 Johnston, 1220 W. 16th Street, 110 S. Walnut Avenue, 235, 233 and 0 Pyle Avenue; closed.

Mayor Draper announced that was the time for the public hearing regarding a Lounge Retail Liquor – Class I application for Whizzo LLC d/b/a Blus Karaoke Bar, 1013 B Highway 431 located in the city limits, declared the hearing open and asked if anyone wished to address the Council either in favor of or in opposition to said Lounge Retail Liquor – Class I application for Whizzo LLC d/b/a Blus Karaoke Bar, 1013 B Highway 431 located in the city limits.

Cynthia Mosely addressed the Council in favor of said Lounge Retail Liquor – Class I application for Whizzo LLC d/b/a Blus Karaoke Bar, 1013 B Highway 431 located in the city limits.

Mayor Draper asked if anyone else wished to address the Council either in favor of or in opposition to said Lounge Retail Liquor – Class I application for Whizzo LLC d/b/a Blus Karaoke Bar, 1013 B Highway 431 located in the city limits.

No one else addressed the Council either in favor of or in opposition to said Lounge Retail Liquor – Class I application for Whizzo LLC d/b/a Blus Karaoke Bar, 1013 B Highway 431 located in the city limits.

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Mayor Draper declared the public hearing regarding a Lounge Retail Liquor – Class I application for Whizzo LLC d/b/a Blus Karaoke Bar, 1013 B Highway 431 located in the city limits closed.

Council Member Little made a motion to remove from the table his motion to authorize an inquiry by the Council pursuant to Acts 1953-404 §9.03 (Code of Alabama §45-8A-23.262) into the funds given away in 2013 to include money for buildings on Noble Street made at the August 21, 2017 Council Meeting and seconded by Council Member Reddick. The motion was seconded by Council Member Reddick.

Council Member Little stated he did not think it would be appropriate for Council Members Jenkins or Harris to vote on this motion since it involved them.

On call of the roll on Council Member Little's motion to remove from the table his motion to authorize an inquiry by the Council pursuant to Acts 1953-404 §9.03 (Code of Alabama §45-8A-23.262) into the funds given away in 2013 to include money for buildings on Noble Street made at the August 21, 2017 Council Meeting and seconded by Council Member Reddick and Council Member Reddick's second to said motion the following vote was recorded: ayes: Council Members Jenkins, Reddick, Little, Harris and Draper; nays: none. The motion carried.

Council Member Little stated there were some things that needed to be investigated involving Council Member Jenkins and Harris and Alabama Code Section 11-43-12.

Bruce Downey, City Attorney, at the request of Council Member Little read a portion of Alabama Code Section 11-43-12.

Council Member Little stated Council Member Jenkins had been involved in some work concerning City Hall, the Botanical Gardens and the Fire Station. He stated they will not fund the schools or spend money in Wards 2 or 3. He stated they were being deprived of funds they should be getting. He read a portion of a letter from Brian McVeigh, Calhoun County District Attorney, dated August 6, 2012. He stated Council Member Jenkins had done work on some buildings without an architect's license. He stated Council Member Harris' husband had received some funding through the City.

Council Member Reddick stated they should conduct the Council Inquiry to get some closure. He stated the previous Council would not work with him.

Mayor Draper stated that the Attorney General's Office or the Calhoun County District attorney would be better parties to investigate these allegations and claims. He stated he thought a Council Inquiry was an awful idea.

Council Member Harris stated she would not dignify these accusations with a response and she would abstain from the vote.

On call of the roll on Council Member Little's motion to authorize an inquiry by the Council pursuant to Acts 1953-404 §9.03 (Code of Alabama §45-8A-23.262) into the funds given away in 2013 to include money for buildings on Noble Street and Council Member Reddick's second

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to said motion the following vote was recorded: ayes: Council Members Reddick and Little; nays: Mayor Draper; abstentions: Council Members Jenkins and Harris. The motion failed.

Council Member Harris made a motion to approve the Consent Agenda:

- (a) Resolution authorizing reimbursements to city officials for expenses incurred while traveling away from the city. Resolution 17-R-116
- (b) Resolution over-ruling the objections to the abatement of public nuisances. Group 2017-01 Grass, Debris & Abandon or Unsafe Structures Resolution 17-R-117
- (c) Resolution over-ruling the objections to the abatement of public nuisances. Group 2017-04 Vehicles Resolution 17-R-118
- (d) Resolution over-ruling the objections to the abatement of public nuisances. Group 2017-07 Grass & Debris Resolution 17-R-119
- (e) Resolution accepting the resignation of Arthur F. Toole, III as a member of the Longleaf Botanical Gardens Board. Resolution 17-R-120
- (f) Resolution authorizing scope and budget revisions to the National Park Service Grant. Resolution 17-R-121
- (g) Resolution authorizing the City to come under the Retiree Act 2017-367 granting a one-time payment to City of Anniston Retirees and Beneficiaries participating in the RSA Program. Resolution 17-R-122
- (h) Resolution authorizing a grant application to the National Park Service. Resolution 17-R-123
- (i) Motion to waive the fee for the City Meeting Center for the Anniston High Alumni Committee

The motion was seconded by Council Member Reddick; 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.

Cory Salley, Interim City Manager, introduced and read Resolution Number 17-R-124 as follows:

RESOLUTION NO. 17-R-124

RESOLUTION AUTHORIZING AND DIRECTING THE CITY MANAGER TO REQUEST AN ADVISORY OPINION FROM THE OFFICE OF THE ATTORNEY GENERAL REGARDING THE SUNNY KING CRITERIUM

WHEREAS, the Council for the City of Anniston finds and determines that there are certain questions of state law relating to the Council's present authority to sell a title sponsorship with the naming rights of a publicly sponsored event to private persons or entities;

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Anniston, Alabama, that the City Manager is hereby authorized and directed to submit the Request for Attorney General's Advisory Opinion, attached hereto, to the Opinions Section for the Office of the Attorney General, as a formal request on behalf of the Council.

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PASSED and ADOPTED this 3rd day of October, 2017.

CITY COUNCIL OF THE CITY OF
ANNISTON, ALABAMA

By: /s/ Jack Draper, Mayor

By: /s/ David E. Reddick, Council Member

By: /s/ Ben Little, Council Member

By: /s/ Millie Harris, Council Member

Council Member Little made a motion for the passage and adoption of Resolution Number 17-R-124 as introduced and read. The motion was seconded by Council Member Reddick.

Council Member Reddick stated that the resolution should state what class the City of Anniston was.

Council Member Little stated that the Sunny King part of this event was not the City's part. He stated it was a public event but the bike race does not say Sunny King/City of Anniston.

On call of the roll on Council Member Little's motion for the passage and adoption of Resolution Number 17-R-124 as introduced and read and Council Member Reddick's second to said motion the following vote was recorded: ayes: Council Members Reddick, Little, Harris and Draper; nays: Council Member Jenkins. The motion carried and Resolution Number 17-R-124 was passed and adopted.

Mayor Draper made a motion to approve a Lounge Retail Liquor – Class I application for Whizzo LLC d/b/a Blus Karaoke Bar, 1013 B Highway 431 located in the city limits. The motion was seconded by Council Member Reddick; and on call of the roll the following vote was recorded: ayes: Council Members Reddick, Harris and Draper; nays: none; abstentions: Council Members Jenkins and Little. The motion carried.

Mayor Draper made a motion to approve a Retail Table Wine (off premises only) for Simply Shabby LLC d/b/a Simply Shabby located at 1026 Noble Street in the city limits. 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 Members Little. The motion carried.

Mayor Draper made a motion that the bid in the total amount of \$105.00/cu.yd. by Webb Concrete for 3000 psi concrete for FY2018 be approved. The motion was seconded by Council Member Reddick; 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 Little asked how many concrete vendors had been sent the Invitation for Bid.

Alan Atkinson, City Clerk, stated that the Invitation for Bid had been sent to four concrete vendors and only Webb Concrete had responded.

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Council Member Little thanked everyone for the vote on the Attorney General's Opinion. He stated that the Council Inquiry would not bring him any pleasure but it had to be done. He stated the grass cut along the sidewalks should be cleaned off. He stated he was looking forward to capital improvements to alleviate flooding in his Ward. He stated he had enjoyed working with Alan Atkinson, City Clerk.

Council Member Reddick thanked Alan Atkinson, City Clerk, for his work over the years. He stated it was disappointing when City workers interfered in Council business. He stated he appreciated working with the Council. He stated he appreciated the City employees.

Council Member Jenkins thanked Alan Atkinson, City Clerk, for his work and stated he would miss seeing him around City Hall.

Mayor Draper stated that they would miss Alan Atkinson, City Clerk, and he had done a great job for this City.

Council Member Little made a motion to adjourn into Executive Session to discuss good name and character of a person who was not an employee of the City of Anniston. The motion was seconded by Council Member Reddick; 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 into Executive Session at approximately 6:47 o'clock p.m.