

Anniston, Alabama

December 3, 2019

The City Council of the City of Anniston, Alabama, met in Regular Session in Room B of the Anniston City Meeting Center in the City of Anniston, Alabama, on Tuesday, November 19, 2019, at approximately 5:30 o'clock p.m.

Jay Jenkins, Council Member, prayed the Invocation.

Jay Jenkins, Council Member, led the Pledge of Allegiance to the Flag.

Mayor Draper called the meeting to order. On call of the roll, the following Council Members were found to be present: Council Members Jenkins, Reddick, Little, Harris, and Draper, absent: none. A quorum was present and the meeting opened for the transaction of business.

Steven Folks, City Manager, was present.

Bruce Downey, City Attorney, was present.

Council Member Jenkins made a motion to waive the reading of and approve the minutes of the October 25, 2019 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, Harris, and Draper; abstentions: Council Member Reddick and Little; nays: none. The motion carried and the October 25, 2019 council minutes were approved.

Council Member Jenkins made a motion to waive the reading of and approve the minutes of the November 5, 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 and the November 5, 2019 council minutes were approved.

Council Member Harris made a motion to waive the reading of and approve the minutes of the November 19, 2019 regular meeting. The motion was seconded by Council Member Jenkins and on call of the roll the following vote was recorded ayes: Council Member Jenkins, Reddick, Little, Harris, and Draper; nays: none. The motion carried and the November 5, 2019 council minutes were approved.

Mayor Draper made a motion to adopt the agenda with the removal of item (a) Recognition of the Donoho Girls Varsity Volleyball 1A State Champions and moving item (c) A Resolution declaring a reported condition to be a public nuisance from the consent agenda as a standalone resolution. 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.

Recognition of the Honorary Street Re-naming for Betty Carr.

Council Member Reddick made a motion to remove from the table and place on the floor Resolution 19-R-205, A Resolution authorizing acquisition of real property( 1413 Glen Addie).

The motion was seconded by Council Member Little and on call of the roll the following vote was recorded: ayes: Council Member Reddick, Little, and Draper; nays: Council Member Jenkins and Harris. The motion carried and Resolution 19-R-205 was removed from the table and placed on the floor.

Council Member Reddick made a motion for passage and adoption of Resolution 19-R-205, A Resolution authorizing acquisition of Real property (1413 Glen Addie). The motion was seconded by Council Member Little.

Council Member Jenkins stated that he did not want this removed from the table because they do not have a developer in place and cost issues that need to be addressed and he is not comfortable moving this forward without pieces and parts in place. He stated that the City sold this property to its current owner in 2017 for \$350.00 and they are asked to purchase it back for \$17,000.00 and nothing has been done to this property in the last two years. He stated that this is not a good deal and it does not where that money is going. He stated that the project is worthy. He stated that the idea of a convenience center and a flea market concept in that location is an excellent thought and that he is supportive of that. He stated that the City is not a developer.

Mayor Draper stated that it is important that they foster economic development in all parts of the City but they cannot sell a piece of property for \$350.00 and two years later buy it back at a 5,000% increased price. He stated that that is insane. He stated that if they could purchase the property back at \$350.00 and use that \$17,000.00 to develop that property that is something he would look at doing.

Council Member Reddick stated that ye shall know the truth, and the truth shall set you free. He stated that the truth is, back when Vaughn Stewart was mayor, that was Romine's property and the city used whatever fund to take his property. He stated that the City went under him and stole the property from him and tried to give it away to one of Vaughn's buddies. He stated that Mr. Romine found out, reclaimed his property, and that is how the property got back to him. He stated that unfortunately Mr. Romine passed away before he was able to finish the property and he went through code and zoning issues. He stated that in Mr. Romine's memory let the city purchase the building this time, not to give to one of their buddies, but to take it and put it into some use so the man's memory can be realized. He stated that they only paid \$350.00 for that building but they stole it for less than that.

Council Member Little stated that Council Member Jenkins said in his prayer let the truth and he just lied like a rug. He stated that the fact is that building was taken somewhat underhanded from Mr. Romine and then he petitioned and wanted his building back. He stated that he paid the \$350.00 back to get his building back and now they want to pretend that \$17,000.00 is so much. He stated that what they want to do is take the building down, they have people ready to invest in putting a minimart there, and next to, it will be a farmer's market and operated by the booster club or another entity. He stated that the building that Jay Jenkins owns, the Cheaha Brewery, the City gave them \$100,000.00 free money without a plan.

Council Member Harris asked where the \$17,000.00 is going.

Council Member Little stated that the money is going to the property owner, Mr. Romine's sons. He stated that they are going to end up tearing the building down regardless, so why not utilize that particular space, and utilize the funds that are there. He stated that they talked about giving \$17,000.00 allowing some architect firm to do something to the mural building and they don't have a plan so they can determine this and that. He stated that they are ready for people to put the minimart there. He stated that this is redlining and the council is participating in redlining in their community and they have no choice but to go to court to sue the city for oppression in West Anniston and South Anniston and corruption. He stated that he is baffled by the Mayor wanting to do another term when he is never supporting the ideas and try to nickel and dime to death.

Mayor Draper stated that his issue with this is that two years ago, Mr. Little asked them to sell this property for \$350.00 and he is now asking them to buy the same property back for \$17,000.00. He stated that they simply could not do that. He stated that they each have a fiduciary duty to the City, and that is what they are supposed to do. He stated that they could not spend \$17,000.00 to buy something back that they just sold for \$350.00.

Council Member Reddick stated that this is an attempt at gentrification. He stated that they just allocated \$17,000.00 to figure out what to do with a building and now they are saying spending \$17,000.00 without a plan is irresponsible. He stated that the kicker is this is Council Member Little's money. He stated that this is called divine providence. He stated that this is God showing the people what really is going on.

Council Member Harris stated that the \$17,000.00 that Council Member Reddick is discussing is National Park Service. She stated that is a grant and not city general fund money. She stated that as far as it being our money, it is not their money but the taxpayer's money.

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

Mayor Draper made a motion to approve the consent agenda:

- (a) Resolution authorizing reimbursements to the City officials for expenses incurred while traveling away from the City (19-R-208)
- (b) Resolution directing installation of Fire Hydrant (19-R-209)
- (c) Resolution appointing member(s) to the Anniston Museum of Natural History Board (19-R-210)
- (d) Resolution appointing a member(s) to the Zoning Board of Adjustments (19-R-211)
- (e) Motion to adopt the City of Anniston Purchasing Policy

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 consent agenda was approved.

Mayor Draper introduced and read the following addresses for the record: 0 George St, 119 Boundary, 181 Avery Drive, 201 North St, 220 East 3<sup>rd</sup> St, 429 Williamson Ave, 405 West 31<sup>st</sup>

St, 415 West 31<sup>st</sup> St., 501 Williamson, 506 Front St., 730 Bird, 717 West 18<sup>th</sup> St., 1118 Ferron Ave, 1325 West 12<sup>th</sup> St., 1823 Thomas Ave, 2514 Walnut Ave

Council Member Jenkins made a motion for passage and adoption of Resolution 19-R-212, A Resolution declaring a reported condition to be a public nuisance. The motion was seconded by Mayor Draper.

Council Member Reddick made a motion to table Resolution 19-R-212 until December 17, 2019. The motion was seconded by Council Member Little and on call of the roll the following vote was recorded: ayes: Council Member Reddick, Little, and Mayor Draper; nays: Council Member Jenkins, and Harris. The motion carried and Resolution 19-R-212 was tabled.

Mayor Draper made a motion to approve a Retail Beer (Off Premises Only) and Retail Table Wine (Off Premises Only) application for Anniston Quick Mart LLC d/b/a Anniston Quick Mart located at 5130 McClellan Boulevard 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.

Council Member Little made a motion to open to applications for the position of Municipal Judge. The motion was seconded by Council Member Reddick and on call of the roll the following vote was recorded: ayes: Council Member Jenkins, Reddick, Little, Harris, and Draper; nays: none. The motion carried.

Council Member Reddick made a motion to terminate the Consultant for the City of Anniston CDBG/HOME Programs. The motion was seconded by Council Member Little.

Council Member Reddick stated that this motion because every desire that the council has brought to this consulting firm has ignored. He stated that he requested that information be provided and he never received anything back and when the firm was confronted about it they said he was lying. He stated that is amazing that his lying when everything he says is in public, in front of people. He stated that the CDBG/Home funds impacts Ward 2 and 3. He stated that they want a consultant firm that will work with Council Member Little and himself to be able to give them information. He stated that Ralph Bradford ran for Mayor and did not knock on one door or put up one sign and came in third place. He stated that this time they are going to get someone who is actually going to campaign for Mayor that will help everyone in this city. He stated that the Mayor is suppose to be on the fence really and working what is right for their constituents. He stated that by them being oppressed and not being able to use the funds that the federal government is giving them to impact their wards is wrong.

Council Member Harris stated that their consultant, Kimberly Roberts, has been nothing but professional. She stated that she is a very educated African American woman and she has been very good and kept them out of trouble. She stated that CDBG fund has been in trouble in the past and all she is doing is interpreting the law. She stated that she is very impressed with her and she will not vote to fire this firm.

Council Member Little stated that when your caring out the mission that someone wants you to carry out, regardless of race, that is what matters. He stated that the Housing Authority is moving people out of West Anniston and Anniston and they do not care. He stated that Council Member Reddick is exactly right, they have asked for things to be voted on and discussed openly things to be done that have not been. He stated that the only reason they found out about them having over about a million dollars in housing CDBG/Home funds is that he and Council Member Reddick kept asking about it. He stated that they have people whose houses are falling in and they could utilize that money. He stated that the problem is that they only do a few houses a year. He stated that in 2017 when it closed they gave \$75,000.00 in CDBG funds to the Mayor's daddy-in-law. He stated that Doug G asked for the money and said he was chief and they had to change that lie and two other individuals had to create a non-profit organization and got the \$75,000.00 when their supposed to be in existence for a year before they get it. He stated that they shifted money out to an attorney firm when he came on the council and the deal was closed October 2017 while the Mayor was on the council. He stated that the law says no city council member or family member can get any CDBG money so they shifted it out so it would not have to come before the council.

Mayor Draper stated that in fairness and Council Member Little should be honest about this, he was not Mayor when that transaction occurred, and he had not thought about running when the transaction occurred and that Council Member Little is being duplicitous when he says things like that. He stated that he is very satisfied with the consultant, staff and Mr. Folks thinks this firm does a good job. He stated that he is not for firing this consultant who does a great job.

Council Member Reddick stated that 100% of people deciding what should be done in his ward does not live in his Ward.

Council Member Jenkins stated that the consultant provides them with recommendations, this council approves those recommendations, rejects those recommendations, amends those recommendations and this council votes on how these Home/ CDBG funds are spent. The previous council had a mission to create impact zones, where those monies were spent in a specific area, which would change the culture of that area. He stated that this council decided that they would rather spend that money on owner occupied rehab. He stated that they currently have \$400,000.00 of their CDBG money committed to owner occupied rehab and they are all small projects; and the paperwork is arduous in getting it done; and they struggle with finding contractors willing to do this. He stated that he is working on that and the idea that they do not care what happens in other parts of the City is an inaccurate statement. He stated that he does care and he is working to try to come up with a better mousetrap so they can get this money spent the way it needs to be with people who need it. He stated that he would continue to work in that vein regardless of what is said up there.

Council Member Little stated that Council Member Jenkins is lying. He stated that that he is right, that when that deal was closed on the Mayor's daddy-in-law's house it was October 2017 and he was on the council at that time. He stated to check the record; and CDBG funds are not paid in advance and they are paid when the deal is closed, then the City fronts the money, and you send the request in to CDBG to get the money. He stated that the last council 1.5 million

dollars went through there and not a penny went to helping people with their houses. He stated that Council Member Reddick could not even get a second on the council for the CDBG money to do that. He stated that now they have a plan to make something happen and they have contractors ready to go. He stated oppression, corruption, and fraud; and this council is redlining West Anniston and South Anniston.

Mayor Draper stated that he had nothing to do with that transaction and Council Member Little knows that because he filed a bar complaint against him and the bar appropriately dismissed that complaint.

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

Bruce Downey, City Attorney, read and introduced Ordinance 19-O-15, Amending Section 11.6 of the Code of Ordinances Governing the Fire Prevention Division (2<sup>nd</sup> Reading)

### **ORDINANCE NO. 19-O-15**

#### **AN ORDINANCE AMENDING SECTION 11.6 OF THE CODE OF ORDINANCES GOVERNING THE FIRE PREVENTION DIVISION**

WHEREAS, the City Council is charged with the power and responsibility of establishing departments and distributing the work of divisions within the City's administrative service;

WHEREAS, the Council finds that the Fire Marshal, as the person in charge of the Fire Prevention Division of the Fire Department, subject to the supervision of the Fire Chief and City Manager, should also be charged with the inspection and enforcement of the City's Code requirements, as set forth herein;

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

Section 1. The City Council of the City of Anniston, Alabama hereby amends and restates Section 11.6 of "The Code of the City of Anniston, Alabama, 1981" in its entirety to read as follows:

Sec. 11.6. - Fire prevention division; code enforcement.

(a) There shall be a fire prevention division within the fire department. The Fire Chief shall appoint a person employed within the fire department to serve as Fire Marshal, who shall take charge of the fire prevention division. The Fire Chief may detail members of the Fire Department as assistant fire marshals, inspectors, and fire prevention specialists from time to time as the Fire Chief shall deem necessary or appropriate for this division to fulfill its mission. The Fire Marshal shall supervise those persons detailed to the division by the Fire Chief and those employed outside the Fire Department with job duties within the scope of the division, including the City's building inspectors and code enforcement officers. (b) The fire prevention division shall be responsible for the inspection, regulation, and enforcement of those certain

technical codes adopted by the City, or such editions, versions or amendments of said codes as may be adopted in the future, and the rules and regulations set forth therein.

(c) The fire prevention division shall inspect, regulate and enforce those laws, standards, rules and regulations set forth in the following: (1) Chapter 6, Buildings, (2) Chapter 11, Fire Prevention and Protection, (3) Chapter 12, Garbage, Litter, and Weeds, (4) Chapter 12½, Historic Preservation, (5) Chapter 13, Housing, (6) Chapter 14, Licensing and Privilege Taxes, (7) Chapter 15, Article I, Motor Vehicles and Traffic, (8) Chapter 29½, Stormwater Management, (9) Chapter 34, Health, Safety and Sanitation, and (10) the City's Zoning Ordinance.

(d) The Fire Marshall and any assistant fire marshals with APOSTC certification are empowered to issue citations for observed offenses and violations of the codes, laws, rules and regulations identified in Subsections (b) and (c), above.

(e) The fire prevention division shall make a report to the Fire Chief on a monthly basis, which shall be transmitted to the City Manager and City Council. The fire prevention division shall also compile the monthly reports as an annual report to be submitted at the end of each calendar year. The reports shall contain all proceedings under this article and the fire prevention code along with such statistics as the Fire Chief deems appropriate.

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 3<sup>rd</sup> day of December 2019.

City Council of the City of Anniston, Alabama

By:/s/ Jack Draper, Mayor

By:/s/ Jay Jenkins, Council Member

By:/s/ Millie Harris, Council Member

Council Member Harris made a motion for passage and adoption of Ordinance 19-O-15. The motion was seconded by Council Member Jenkins.

Council Member Reddick stated that the public should really pay attention; and this is the precursor to gentrification. He stated that it starts at this level and the council is participating in what will become a gentrified Anniston and it is not helping them. He stated that if they would stop having this closed-door policy to new business then they could have the funding they need through taxes to fund the city. He stated that the development company everyone is satisfied with almost cost the city millions in CDBG money because they were letting them sit on the money.

Council Member Little stated that Council Member Reddick is right again; and the next ordinance is doing the same thing. He stated they have enough people issuing tickets and doing things and this is leading to more ways for them to put fees on the public. He stated that they are

coming for their money and already have their money for storm water; and another way to create a division. He stated that they are putting more restricted laws that make people not even want to come to Anniston. He stated that the rest of the council wants to see West Anniston and South Anniston dead.

And on call of the roll the following vote was recorded: ayes: Council Member Jenkins, Harris, and Draper; nays: Council Member Reddick and Little. The motion carried and Ordinance 19-O-15 was passed and adopted.

Bruce Downey, City Attorney, read and introduced Ordinance 19-O-16, An Ordinance Adopting Section 11.26(e) of the Code of Ordinances Governing Fire Precautions to provide for Enforcement within the Police Jurisdiction (2<sup>nd</sup> Reading):

**ORDINANCE NO. 19-O-16**

**AN ORDINANCE ADOPTING SECTION 11.26(e) OF THE CODE OF ORDINANCES GOVERNING FIRE PRECAUTIONS TO PROVIDE FOR ENFORCEMENT WITHIN THE POLICE JURISDICTION**

WHEREAS, the Fire Marshal, as the person in charge of the Fire Prevention Division of the Fire Department, is charged with the enforcement of those laws, standards, rules and regulations set forth in Chapter 11, Fire Prevention and Protection, among other things;

WHEREAS, the Council finds that the interests of public safety, order, health, comfort and convenience will be furthered by specifically empowering the Fire Marshal to enforce within the police jurisdiction the fire precautions governing bonfires and outdoor rubbish fires set forth in Section 11.26, as violations thereof present a threat to persons and property within both the corporate limits and police jurisdiction;

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

Section 1. The City Council of the City of Anniston, Alabama hereby adopts, enacts, and incorporates Subsection (e) into Section 11.261 of “The Code of the City of Anniston, Alabama, 1981” to state in its entirety as follows:

Sec. 11.26. – Bonfires and outdoor rubbish fires.

\* \* \* \*

(e) The Fire Marshal and his designees within the fire prevention division, shall enforce this Section within the city’s corporate limits and police jurisdiction by inspection, regulation and, where appropriate, the issuance of citations for observed violations thereof, and those fines and penalties prescribed for violations of this Section shall have force and effect in the police jurisdiction.

Section 2. Subsections (a), (b), (c) and (d) of Section 11.26 are adopted and incorporated by reference, herein, as though set forth and restated in their entirety.

Section 3. This ordinance shall have force and effect in the police jurisdiction of the City of Anniston, and it shall take effect immediately upon the expiration of the thirtieth day following its passage, adoption and publication as required by law.

1 Subsections (a), (b), (c) and (d) of Section 11.26 are adopted and incorporated by reference as though set forth and restated in their entirety herein.

Section 4. Upon its passage and adoption, the City Clerk is ordered and directed to publish this ordinance in The Anniston Star, a newspaper of general circulation published within the City of Anniston, Alabama. The City Clerk is further directed to submit a copy of this ordinance and proof of publication and 30-day notice of its applicability within the police jurisdiction to the Atlas Alabama state website, or any successor state-operated website existing at the time of the adoption of this ordinance, in accordance with Ala. Code § 11-40-10.

PASSED and ADOPTED this 3<sup>rd</sup> day of December 2019.

CITY COUNCIL OF THE CITY OF ANNISTON, ALABAMA

By:/s/ Jack Draper, Mayor

By:/s/ Jay Jenkins, Council Member

By:/s/ Millie Harris, Council Member

Council Member Jenkins made a motion for passage and adoption of Ordinance 19-O-16. The motion was seconded by Council Member Harris.

Council Member Little stated that now they are talking about the Police Jurisdiction and this is the fire department writing tickets; and that not one individual in the county has been in there to this council and said they had a problem. He stated that this is coming from the fire department and this is making the government bigger and costing the citizens more money. He asked is this a third world country within the United States in the City of Anniston.

Council Member Harris stated that this is a safety issue and they only have to look to California to see how quickly these fires spread; and this is not about imposing unjustified restrictions on people. She stated that if you live close to the PJ, a fire could affect you. She stated that even though they are not complaining right now, that this is a proactive measure to stop it from happening in the future.

Council Member Reddick stated that this is not the first time that the council has written laws that have impeded into the police jurisdiction. He stated that they have not bought anything to the city that is significant this whole term. He stated that they need to sweep around their own front door before wanting to tell the PJ what to do.

Council Member Little stated that they are proactive about selling dogs and cats and everything until they are trying to be proactive with starting some businesses in West Anniston and South Anniston. He stated that they do not want to see the positive coming into Anniston because it is coming from two black individuals. He stated that you can bet someone is yanking the chain of the other councilmembers in doing some things.

And on call of the roll, the following vote was recorded: ayes: Council Member Jenkins, Harris, and Draper; nays: Council Member Reddick and Little. The motion carried and Ordinance 19-O-16 was passed and adopted.

Council Member Reddick made a motion to read Ordinance 19-O-17 An Ordinance Amending Chapter 26 ½ governing Small Cell Technology Facilities to Adopt Permit and License Fees (1<sup>st</sup> Reading) by title only. The motion was seconded by Council Member Little.

Mayor Draper opened a public hearing to receive comments regarding reading Ordinance 19-O-17 by title only. No One Spoke. Mayor Draper closed the public hearing to receive public comments on reading Ordinance 19-O-17 by title only.

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-17 will be read by title only.

Bruce Downey, City Attorney, read and introduced Ordinance 19-O-17 by title only.

Seyram Selase, 1436 Nocoseka Trl, addressed the council on his running for Ward 3 councilmember in 2020.

Glen Ray, 3514 Dale Hollow Road, addressed the council on the division and corruption in the city and his son's incarceration.

Charles Smith, 6214 Cane Creek Circle, addressed the council on his dislike of Council Member Little's actions.

Lavetta Davis, 4123 South berry Lane, addressed the council and thanked Council Member Little for letting her know what is going on in the City of Anniston. She stated that they are racially divided whether they want to admit it.

Emma Fantroy, 2530 Paul St, addressed the council on how a house divided cannot stand and that is all she sees.

Ben Little, 1003 S. Leighton, addressed the council on how this is not the platform to get political where people come and say they are going to run for office; and that it does not want Mr. Smith approaching him at the bench ever again.

Council Member Jenkins congratulated the Anniston High School Football team for their effort and the band was outstanding and he is proud of them.

Council Member Reddick stated what does it profit a man to gain the whole world and lose his soul. He stated that they should be careful and he is pointing out some major things that are happening in the City and the people getting on board with this should pay attention. He stated that everyone will have to face judgement. He stated that he cannot get any votes to get anything passed that will be progressive in his district.

Council Member Little stated that when he is saying whites, white people know who he is talking about; and it is not discriminating against anyone, it is calling it like it is.

\*\*\* Recording stopped at 1:39:14 and did not record the rest of Council Member Little's comments nor Council Member Harris' and Mayor Draper's comments.\*\*\*

There being no further business to come before the council at that time Mayor Draper made a motion the meeting be adjourned. The motion was seconded by Council Member Harris; and on call of the roll, the following vote was recorded: ayes: Council Members Jenkins, Reddick, Little, Harris and Draper nays: none. The motion carried and the meeting was adjourned at approximately 7:10 o'clock p.m.