

Anniston, Alabama

December 17, 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, December 17, 2019, at approximately 5:30 o'clock p.m.

David Reddick, Council Member, prayed the Invocation.

David Reddick, 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.

Council Member Reddick made a motion to waive the reading of and approve the minutes of the December 3, 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 December 3, 2019 council minutes were approved.

Council Member Reddick made a motion to adopt the agenda with the removal of item (a) under Adjournment: A motion to convene an executive session for the purpose of discussing with the City's attorney the legal ramifications of and legal options for controversies not yet being litigated but imminently likely to be litigated depending on the City's course of action and the removal of item (c) Resolution authorizing and directing the Mayor to execute a Professional Services Agreement from the consent agenda as a standalone item. 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 agenda was adopted.

Council Member Reddick introduced and presented to the AAU Track Team a donation from the Jamakin' Me Run 5K.

Council Member Jenkins made a motion to remove from the table and place on the floor Resolution (19-R-212), a Resolution declaring a reported condition to be a public nuisance. Group 2019-06 Grass/Debris/Vehicles. 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; nays: Council Member Reddick and Little. The motion carried and Resolution 19-R-212 was removed from the table and placed on the floor for passage and adoption.

Mayor Draper noted the presence of Tana Bryant, Senior Code Enforcement Officer, and stated the council held a public hearing for this exhibit at the December 3, 2019 Regular meeting. He read the following addresses for the record: 0 George St, 119 Boundary, 181 Avery Drive, 201 North St., 220 East 3rd St., 429 Williamson Ave, 405 West 31st St, 415 West 31st, 501 Williamson Ave, 506 Front St., 730 Bird, 717 West 18th St., 1118 Ferron Ave, 11254 Ferron Ave, 1125 Ferron Ave, 1325 West 12th St., 1823 Thomas Ave, 2514 Walnut Ave.

Council Member Jenkins made a motion for passage and adoption of Resolution 19-R-212. 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 19-R-212 was passed and adopted.

Council Member Jenkins made a motion to approve the consent agenda:

(a) Resolution authorizing reimbursements to City Officials for expenses incurred while traveling away from the City (19-R-213)

(b) Resolution appointing/reappointing member(s) to the Parks, Recreation and Beautification Board (19-R-214)

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.

Council Member Jenkins made a motion to approve a Retail Beer (Off Premises Only) and Retail Table Wine (Off Premises Only) for 786 Saks Marathon Inc., d/b/a Mountain Express Store 707 located at 1415 U.S. Hwy 431 N within the City limits. 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 Harris made a motion for passage and adoption of a Resolution authorizing and directing the Mayor to execute a Professional Services Agreement. The motion was seconded by Council Member Jenkins.

RESOLUTION NO. 19-R -215
A RESOLUTION AUTHORIZING AND DIRECTING THE MAYOR TO EXECUTE A PROFESSIONAL SERVICES AGREEMENT

WHEREAS the Council desires to engage an architectural firm to provide a Historic Structures Report for the "Mural Building" located at 1029 Gurnee Avenue for use in connection with the Freedom Riders National Monument;

WHEREAS, the Council finds that a Historic Structures Report is critical to the Mural Building's design and planning process, and it is necessary to meet the National Parks Service's standards and guidelines;

WHEREAS, the Council finds that Lord Aeck Sargent, a Katerra Company, PLLC ("LAS") is highly qualified and skilled in the relevant subject matter, and LAS is the best suited architectural firm to provide the necessary services;

NOW THEREFORE, BE IT RESOLVED by the Council of the City of Anniston, Alabama as follows: The Mayor is hereby authorized and directed to execute a professional services agreement with LAS in substantially the same form as the attached, Exhibit A, for the preparation and production of the Mural Building's Historic Structures Report.

The Mayor is further authorized to take such administrative actions as are necessary and convenient to facilitate LAS's completion of the Historic Structures Report and to perform all obligations of the City under the agreement.

PASSED AND ADOPTED this 17th day of December, 2019.

CITY COUNCIL OF THE CITY OF ANNISTON, ALABAMA

Jack Draper, Mayor

Jay W. Jenkins, Council Member

Millie Harris, Council Member

Council Member Little stated that this is a \$17,000.00 request to get the architect to check and see if this building can be utilized and they are talking about using some of the grant funding for this. He stated that last week they voted down a building for \$17,000.00 for economic development in West Anniston because they needed something in writing and now there is nothing in writing about this. He stated that they should not be voting on this without some type of paperwork or structure; and that they are held to a different standard when they are doing things in West Anniston and South Anniston. He stated that they just pour out money in other areas but when it comes to the basic and fundamental things they are needing in their community, it is like getting a needle out of a hay stack; and that should not be. He stated that when they are vetting and talking about civil rights, the community should be involved every step of the way.

Council Member Reddick stated that he is doing this out of principal; and that they were forced to take this bond, this 3 million dollar debt, for the city. He stated that Council Member Little was forced to take some funds to do economic development in his district and they were told you have to have a well thought out written plan. He stated that this is the same amount of money to just look at a study for what they may be able to use a building for; and that they are spending more to look at a possibility of a building than to use it on a building to use for development. He stated that he is not voting for this and that they should be given the opportunity to develop their district because they have never blocked anything in their districts. He stated let them take some action in their districts and develop their wards.

Council Member Harris stated that this contract is a requirement through the National Park Service; and it is a federal grant with federal money. She stated that this is not coming out of the General Fund. She stated the \$17,000.00 that was mentioned, the property that was sold two years ago for \$350.00 and now they are being asked to pay \$17,000.00 for it. She asked where this money is going.

Council Member Reddick stated that the property was not sold it was redeemed for taxes; and someone should look into that. He stated that if someone sold this man property that he already owned for the amount of money he owed in taxes, someone committed a crime. He stated that there is a term for that, the loan-con, where you sell a person property that they already own.

Council Member Little stated that the City stole the man's property for \$350.00 in storm water fees. He stated that the man came and paid the \$350.00 in storm water fees and that the city did not buy that property. He stated the property appraised for about \$20,000.00 and the building for about \$44,000.00; and that the man was going to sell the property to the City. He stated that they lied on that man and that the money is going to his kids. He asked Council Member Harris what happened to the \$23,000.00

that the Downtown Development Authority voted to give to her husband and his business partner, and where did the money for the English Village go to. He stated that West Anniston and South Anniston have been oppressed by this council and the prior council, certain people on this council are corrupt, and West Anniston and South Anniston have been redlined by this Council. He stated that they will see to West Anniston getting their share of money.

And on call of the roll the following vote is recorded: ayes: Council Member Jenkins, Harris and Draper; nays: Council Member Reddick and Little. The motion carried and Resolution 19-R-215 was passed and adopted.

Council Member Harris 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 (2nd Reading) by title only. The motion was seconded by Council Member Jenkins.

Mayor Draper opened a public hearing to receive public comments on reading Ordinance 19-O-17 by title only. No one spoke. Mayor Draper closed the public hearing to receive public comment 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.

Steven Folks, City Manager, introduced and read Ordinance 19-O-17 by title only.

ORDINANCE NO. 19-O-17

AMENDING CHAPTER 26½ GOVERNING SMALL CELL TECHNOLOGY FACILITIES TO ADOPT PERMIT AND LICENSE FEES

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

Section 1. The Council hereby amends and restates Chapter 26½, Section 26½.2, Subsection (e) to state in its entirety as follows:

Sec. 26½.2 - Permit required to place Small Cell Technology Facilities in right-of-way.

* * * *

(e) Permit and license fees. The applicant for a permit to place facilities and associated Support Structures on the right-of-way shall pay the following fees:

(1) A permit application and review fee in the amount of \$200.00 to be paid when an application is submitted;

(2) A permit issuance fee in the amount of \$100.00 for each Support Structure on the right-of-way contemplated for attachment, which shall be paid prior to the issuance of the permit; and,

(3) An annual license fee in the amount of \$270.00 for each Support Structure on the right-of-way, which shall be paid prior to commencement of operation of each Support Structure and shall be renewed on or before January 31 of each subsequent year.

Section 2. The Council adopts and incorporates the remaining subsections and provisions of Section 26½.2, without amendment, as though fully set forth herein, which shall remain in full force and effect.

Section 3. The Council hereby amends and restates Chapter 26½, Section 26½.3, Subsection (c) to state in its entirety as follows:

Sec. 26½.3 - Placement of Small Cell Technology Facilities on private property.

* * * *

(c) Permit and license fees. The provider or applicant for a permit to place facilities and associated Support Structures on private property shall pay the following types of fees that are enumerated in Chapter 6, among others, as amended:

(1) A permit application and review fee in the amount of \$200.00 to be paid when an application is submitted; and,

(2) A permit issuance fee in the amount of \$100.00 for each Support Structure on private property contemplated for attachment, which shall be paid prior to the issuance of the permit.

Section 4. The Council adopts and incorporates the remaining subsections and provisions of Section 26½.3, without amendment, as though fully set forth herein, which shall remain in full force and effect.

PASSED and ADOPTED on this the 17th day of December, 2019.

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 Jenkins made a motion for passage and adoption. 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-17 was passed and adopted.

Glen Ray, 3514 Dale Hollow Road, addressed the council on issue dealing with Mr. Romine and his property. He stated that tomorrow they are going to court before Judge Simms with the lady with the DUI. He stated that they need to elect a Mayor.

Kim Nixon, addressed the council on the harassment she has received from the Anniston Police Department in their search for her son and asked what can be done about this.

Council Member Little left the council chambers at 6:10 p.m.

Council Member Reddick left the council chambers at 6:10 p.m.

Steven Folks, City Manager, left the council chambers at 6:10 p.m.

Charles Smith, 6214 Cane creek circle, addressed the council that they should do what is best for the city. He stated that he pledges \$1,000.00 to help assist the lady who needed her roof fixed who came before the council.

Council Member Little left the council chambers at 6:10 p.m.

Council Member Reddick left the council chambers at 6:10 p.m.

Steven Folks, City Manager, left the council chambers at 6:10 p.m.

Council Member Little returned to the council chambers at 6:11 p.m.

Council Member Reddick returned to the council chambers at 6:11 p.m.

Steven Folks, City Manager, returned to the council chambers at 6:15 p.m.

Richard Jackson, addressed the council that the whole body should be taken care of. He stated that there should be a citizen review board to make sure things are done right and they should make sure the whole city is taken care of.

Wanda Champion, Talladega County, addressed the council on the homeless situation in Anniston and stated that the Council should not offer a band aid fix but a permanent fix.

Council Member Jenkins congratulated the City's U9 youth football team finishing third in the nation and he offered his condolences to the family in Lawrence County that lost their 7 year old son and the 19 year old daughter left to pick up the pieces.

Council Member Reddick stated that they have less than one year left, and November 2020 there will be a new council in place. He stated that they should try to impact and do something good with this last year. He stated that they should leave on a high note, and not resort to dragging a dead mentor, to the City, through the mud for a \$17,000.00 piece of property. He stated that the man had done good things in the City, and dedicated his life to helping kids. He stated, let them use what they already have to impact their districts and their communities. He stated that is corruption, selling a man his own property; and that was part of the "rico-plan" for organized crime.

Council Member Little thanked everyone who called and prayed for him through this court ordeal. He stated that he will unfold some things to them in what took place and how shaft-y that was. He stated that the people involved, Kent Davis, both code enforcement officers, Mayor, and City attorney will have their day in court. He stated that this City is going to have to do something for the citizens in Ward 3 to improve the quality of life and what took place. He stated that they had to deal with the "Jim Crow-ism" for the longest; and oppression, corruption and redlining are taking place with this council.

Council Member Harris wished everyone a Merry Christmas.

Mayor Draper wished everyone a happy holiday season and to remember the reason for the season.

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 6:28 o'clock p.m.

