

**SPECIAL SESSION
OF THE
ANNISTON CITY COUNCIL
September 23, 2020
11:00 a.m.**

- INVOCATION
- PLEDGE OF ALLEGIANCE
- CALL TO ORDER
- ROLL CALL
- ADOPTION OF AGENDA

I PUBLIC HEARING

- (a) To receive comments on the Proposed FY 2021 City Manager's Recommended Budget with amendments

II MOTIONS

- (a) Motion to approve a Retail Beer (Off Premises Only) and Retail Table Wine (Off Premises Only) for Mansour LLC d/b/a Mini Market Plus 4 located at 3130 McClellan Blvd within the corporate city limits
- (b) Motion to approve a Retail Beer (Off Premises Only) and Retail Table Wine (Off Premises Only) for Houchens Food Group, Inc., d/b/a Save-A-Lot 203 located at 3208 McClellan Blvd within the corporate city limits

III RESOLUTIONS

- (a) Resolution authorizing the Mayor to Execute an Agreement with East Alabama Regional Planning and Development Commission for the Anniston Express Fixed Route System and the ADA Para-Transit Services
- (b) Resolution declaring a reported condition to be a public nuisance Group 2020-07
- (c) Resolution appointing member(s) to the Industrial Development Authority
- (d) Resolution adopting the budget for Fiscal Year 2021

ADJOURNMENT

MINUTES

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.

MOTIONS



CITY OF ANNISTON

FINANCE DEPARTMENT FACT SHEET

TO: CITY COUNCIL AND CITY MANAGER
FROM: ALISA FAISON, REVENUE COMPLIANCE OFFICER
SUBJECT: MANSOUR LLC DBA MINI MARKET PLUS 4
DATE: 9/1/2020
CC:

- ④ Formal action is required for Retail Beer (Off Premises Only) and Retail Table Wine (Off Premises Only)
- ④ Located inside the City Limits at 3130 MCCLELLAN BLVD, Anniston, AL 36201.
- ④ The Police Department provided a background check which showed no criminal activity.

**ANNISTON CODE
CHAPTER THREE
ALCOHOLIC BEVERAGES
(Beer and Wine/ Non-Profit Tax Exempt/ Special Events)**

Sec. 3.14. Factors to be considered in council's decisions.

In rendering a decision on each application, the city council shall consider, among others, the following factors:

- a) Character and reputation of the applicant, each partner, member, officer, member of board of directors and landlord.
- b) The criminal court records of the applicant, each partner, member, officer, member of board of directors and landlord.
- c) Location of premises for which the license is sought.
- d) The compliance by applicant, each partner, member, officer, member of the board of directors and landlord with the laws of the State of Alabama and ordinances of the city.

Sec. 3.15. Approval or disapproval of application.

No application for a beer or wine license shall be approved unless the city council is satisfied that the statements in the application are true, that the applicant is a person of good repute, and that the applicant has complied with all terms and provisions of this article.



CITY OF ANNISTON

FINANCE DEPARTMENT FACT SHEET

TO: CITY COUNCIL AND CITY MANAGER
FROM: ALISA FAISON, REVENUE COMPLIANCE OFFICER
SUBJECT: HOUCHENS FOOD GROUP INC
DATE: 9/1/2020
CC:

-
- ④ Formal action is required for Retail Beer (Off Premises Only) and Retail Table Wine (Off Premises Only)
 - ④ Located inside the City Limits at 3208 MCCLELLAN BLVD, Anniston, AL 36201.
 - ④ The Police Department provided a background check which showed no criminal activity.

**ANNISTON CODE
CHAPTER THREE
ALCOHOLIC BEVERAGES
(Beer and Wine/ Non-Profit Tax Exempt/ Special Events)**

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- a) Character and reputation of the applicant, each partner, member, officer, member of board of directors and landlord.
- b) The criminal court records of the applicant, each partner, member, officer, member of board of directors and landlord.
- c) Location of premises for which the license is sought.
- d) The compliance by applicant, each partner, member, officer, member of the board of directors and landlord with the laws of the State of Alabama and ordinances of the city.

Sec. 3.15. Approval or disapproval of application.

No application for a beer or wine license shall be approved unless the city council is satisfied that the statements in the application are true, that the applicant is a person of good repute, and that the applicant has complied with all terms and provisions of this article.

RESOLUTIONS

RESOLUTION NO. 20-R-___

A RESOLUTION AUTHORIZING THE MAYOR TO EXECUTE AN AGREEMENT WITH EAST ALABAMA REGIONAL PLANNING AND DEVELOPMENT COMMISSION FOR THE ANNISTON EXPRESS FIXED ROUTE SYSTEM AND THE ADA PARA-TRANSIT SERVICES

WHEREAS, the City Council of the City of Anniston recognizes the need for a public transportation program within the City to respond to the needs of the disabled and handicapped; and

WHEREAS, the Calhoun Area Metropolitan Planning Organization has designated East Alabama Regional Planning and Development Commission as the implementing agency for the Federal Transit Administration Section 5307 urbanized transportation program; and

WHEREAS, the American with Disabilities Act (ADA) Para-Transit Services are provided with wheelchair equipped vans under a demand response system operated by contract with the East Alabama Regional and Development Commission funded under Section 5307; and

WHEREAS, the City Council of the City of Anniston recognizes that the requirement to obtain Section 5307 funds from the Alabama Department of Transportation includes local match of 50% for operating expenses, 20% for preventative maintenance and capital purchases.

NOW, THEREFORE, BE IT RESOLVED, that the City Council of the City of Anniston, Alabama, hereby commits the amount of \$325,000 as local, non-federal match for operational, preventative maintenance, and capital expenditures for the Fixed Route and ADA Para-Transit Services for Fiscal Year 2021.

BE IT FURTHER RESOLVED, that the Mayor of Anniston, is hereby authorized to execute an agreement with the East Alabama Regional Planning and Development Commission for the provision of the Fixed Route and ADA Para-Transit Services in the City of Anniston and is authorized to execute any certifications or assurance required in conjunction with the program.

PASSED AND ADOPTED on this the ____ day of _____, 2020.

CITY COUNCIL OF THE CITY OF ANNISTON, ALABAMA

BY: _____
Jack Draper, Mayor

BY: _____
Jay W. Jenkins, Council Member

BY: _____
David E. Reddick, Council Member

BY: _____
Benjamin L. Little, Council Member

BY: _____
Millie Harris, Council Member

ATTEST:

Skyler Bass, City Clerk

**AN AGREEMENT BETWEEN
EAST ALABAMA REGIONAL PLANNING AND DEVELOPMENT COMMISSION
AND
THE CITY OF ANNISTON, ALABAMA**

THIS AGREEMENT made and entered into effective the 1st day of October, 2020, by and between the East Alabama Regional Planning and Development Commission ("the Commission") and the City of Anniston, Alabama, ("the City").

WHEREAS, many of the residents of the City of Anniston have problems reaching public services, medical facilities, and employment because of a lack of personal transportation resources and desire fixed route transit services; and

WHEREAS, disabled residents of the City of Anniston have a critical need for a curb-to-curb Americans with Disabilities Act (ADA) para-transit service; and

WHEREAS, both fixed route and (ADA) Paratransit Services are available through contracts administered by the Commission under the Federal Transit Administration (FTA) Section 5307 Urban Public Transportation Program; and

WHEREAS, the East Alabama Regional Planning and Development Commission is responsible for the operation of various transportation services for Calhoun County utilizing Section 5307 Federal Transit Administration funds, local funding and funding from other sources;

WHEREAS, the City of Anniston agrees to fund the necessary maintenance support for these vehicles on a reimbursable basis.

E-Verify

The Commission and the City of Anniston shall utilize the U.S. Department of Homeland Security's E-Verify system to confirm the employment eligibility of all persons employed by the Commission and the City of Anniston during the term of the Agreement to perform employment duties within Alabama and all persons, including subcontractors, assigned by the City of Anniston to perform work pursuant to the Agreement with the Commission and/or STATE.

By signing this contract, the contracting parties affirm, for the duration of the Agreement, that they will not violate federal immigration law or knowingly employ, hire for employment or continue to employ an unauthorized alien within the State of Alabama. Furthermore, a contracting party found to be in violation of this provision shall be deemed in breach of the Agreement and shall be responsible for all damages resulting therefrom.

NOW, THEREFORE, for and in consideration of the mutual covenants contained herein, the parties do hereby agree as follows:

1. The Commission shall continue to provide transit services through a fixed-route system for residents of the City of Anniston needing transportation.

2. The Commission also shall continue to provide Americans with Disabilities Act (ADA) para-transit services.
3. Upon submission of the proper invoices the City of Anniston shall pay to the Commission 50% of total costs for regular fixed-route and ADA para-transit maintenance service and administration of the Section 5307 program, up to the authorized funding level provided in City of Anniston.
4. Upon the submission of the proper invoices the City of Anniston shall pay to the Commission 20% of total costs for regular preventive maintenance services, up to the authorized funding level provided in City of Anniston.
5. The City shall provide 20% of the total costs of annual new replacement vehicles for both the fixed route system and the ADA para-transit system, up to the authorized funding level provided in City of Anniston.
6. The City of Anniston will appoint citizen representatives to the Transit Advisory Board (TAB) to fill vacant and expired memberships.
7. The Commission agrees to indemnify the City and hold it harmless from, against and in respect of any loss, cost, payment, damage or expenses (including attorney's fees) arising out of any other aspect of the operation of the transportation services or the ownership or use of property in connection therewith.
8. The City agrees to indemnify the Commission and hold it harmless from, against and in respect of any loss, cost, payment, damage or expenses (including attorney's fees) arising out of any other aspect of the operation of the transportation services or the ownership or use of property in connection therewith.
9. All complaints concerning the system will be tabulated and sent to the Transit Advisory Board for their review. The Commission staff response to the complaints will also be recorded for review by the Board.
10. Any written complaint will be submitted to the Transit Advisory Board for review, and the Board, at its discretion, may assist the Commission staff in preparing a written response.
11. The Commission is not an agent of the City.
12. This contract shall commence October 1, 2020, and shall continue to and expire at midnight on September 30, 2021.

IN WITNESS WHEREOF the parties have caused this instrument to be executed by their duly authorized representatives effective as of the date first written above.

City of Anniston

East Alabama Regional Planning
& Development Commission

Jack Draper
Mayor, City of Anniston

Lori Corley
Executive Director

ATTEST:

ATTEST:

Skyler Bass
City Clerk

Shane Christian
Project Director

Date: _____

RESOLUTION NUMBER 20-R-__

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 2020-07 Dangerous Structures)** 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. 11-0-9 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 **23rd** day of **September 2020**.

**CITY COUNCIL OF THE CITY OF
ANNISTON, ALABAMA**

BY: _____
Jack Draper, Mayor

BY: _____
Jay W. Jenkins, Council Member

BY: _____
David E. Reddick, Council Member

BY: _____
Benjamin L. Little, Council Member

BY: _____
Millie Harris, Council Member

ATTEST:

Skylar Bass, City Clerk

Exhibit "A"

Group 2020-07 Dangerous Structures

ADDRESS	PPIN	OWNER
21 East 11 th Street	20674	Charles Alan Acker/Stephan Roberts(Lien Purchase)
24 West 10th Street	18756	Michael Burdett
120 and 0 West 11th Street	18651/18652	Anniston Auto Parts Inc
1011 Moore Avenue	18653	Carroll K Davie
1107 Noble Street	20678	Clyde Ward/Closing Deals LLC(Lien Purchase)
1331 Noble Street	20743	John P Smith

RESOLUTION NO. 20-R-___

A RESOLUTION AMENDING THE SCHEDULE OF NOMINATIONS ASSIGNING AND DESIGNATING THE POSITIONS ON EACH MUNICIPAL BOARD, COMMISSION AND AUTHORITY TO SPECIFIC WARD COUNCILMEMBERS AND TO THE OFFICE OF THE MAYOR AND APPOINTING MEMBERS TO THE INDUSTRIAL DEVELOPMENT AUTHORITY OF THE CITY OF ANNISTON

WHEREAS, the Council has adopted Ordinance No. 14-O-13, an ordinance amending Division 1, Article XI, Chapter 2 of the Code of Ordinances for the City of Anniston, Alabama Regulating Boards, Commissions and Authorities, in order to, among other things, assign the positions on the City's boards, commissions and authorities to nominations by specific Council Ward Representatives or to the Office of the Mayor so that those who are appointed to serve more fairly and equitably represent the citizenry of the City and to simplify and clarify to Council's nomination and appointment process;

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

Section 1. The City Council of the City of Anniston finds that circumstances warrant the waiver of the requirement set by ordinance that notice of any vacancies or scheduled appointments shall be provided to the public during an open meeting no less than one month prior to the date when any nominations can be made, including, but not limited to, the recent incorporation of the Industrial Development Authority of the City of Anniston, the pressing need to populate said board. The Council does hereby exercise its discretion to waive this requirement with regard to the appointments to the said board, as set forth in this resolution.

Section 2. The City Council of the City of Anniston hereby adopts the Schedule of Nominations for the Industrial Development Authority of the City of Anniston attached hereto as Exhibit A so as to assign the positions on said board to the City's Council Ward Representatives and the Office of the Mayor and to designate any future nominations to those assigned positions to the respective office holders.

Section 3. The City Council of the City of Anniston does hereby appoint those persons identified in the Schedule of Nominations for the Industrial Development Authority attached hereto as Exhibit A to the board and for the terms set forth therein.

Section 4. That the City Clerk shall cause a copy of this Resolution to be mailed to the above named appointees and to said board.

PASSED and ADOPTED this 23rd 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

ATTEST:

Skyler Bass, City Clerk

EXHIBIT "A"

**INDUSTRIAL DEVELOPMENT AUTHORITY
OF THE CITY OF ANNISTON**

Board Positions	Nominations	Board Member Name	Expiration Date	Explanation
7	Mayor	Jason Alderman	04/30/2021	Unexpired term of Eddyer Brown

RESOLUTION NO. 20-R-___

A RESOLUTION ADOPTING THE BUDGET FOR FISCAL YEAR 2021

WHEREAS, the Code of Alabama 1975 title 45, Chapter 8A-Article 2 provides for the process, review, and adoption of an annual budget; and

WHEREAS, a public hearing on the proposed FY 2020 Annual Budget with Council amendments was held on September 23, 2020;

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

Section 1. That the budget attached hereto which each Council Member acknowledges having read and reviewed is hereby adopted as the Budget for the City of Anniston, Alabama for the Fiscal Year 2021.

Section 2. That the City Manager and the City Clerk shall certify the same as being the Budget for the City of Anniston and file the same in the office of the Director of Finance.

Section 3. That said Budget so certified shall be reproduced and sufficient copies be made available for use by all offices, departments, boards, and agencies of the City of Anniston and for use of interested persons.

PASSED AND ADOPTED this 23rd day of **September 2020**.

CITY COUNCIL OF THE CITY OF
ANNISTON, ALABAMA

BY: _____
Jack Draper, Mayor

BY: _____
Jay W. Jenkins, Council Member

BY: _____
David E. Reddick, Council Member

BY: _____
Benjamin L. Little, Council Member

BY: _____
Millie Harris, Council Member

ATTEST:

Skyler Bass, City Clerk



CITY OF ANNISTON
P.O. Box 2168
ANNISTON, AL 36202

September 23, 2020

In accordance with the Council-Manager Act, we do hereby certify that the attached document is the legal budget of the City of Anniston for the Fiscal Year ending September 30, 2020.

City Manager

City Clerk