

CITY OF ANNISTON
January 19, 2021
5:30 P.M.

- **INVOCATION**
- **PLEDGE OF ALLEGIANCE**
- **CALL TO ORDER**
- **ROLL CALL**
- **READING/APPROVAL OF MINUTES OF PREVIOUS MEETING**
 - January 05, 2021 Regular meeting
- **ADDITIONS/DELETIONS TO THE AGENDA**
- **ADOPTION OF AGENDA**

I. CONDUCT PUBLIC HEARING - Suspended during COVID-19

Speaking to a Public Hearing Item

In the interest of time and to ensure the fairness of all persons who appear before the City Council to speak for or against a public hearing item, speakers will be limited to three (3) minutes each to address City Council except as described herein. One speaker for the Petitioner may address the City Council for no more than 10 minutes, unless extended by the Mayor. In an effort help the City Council and the general public to better understand the issues, the Mayor may request that a City staff member address the City Council from the podium. Speakers from the general public may only speak when recognized by the Mayor during the public hearing. Speakers will be asked to come to the podium to address the City Council for three (3) minutes and they shall state their name and resident address for the record. Speakers addressing City Council on a public hearing item should coordinate comments in order to respect City Council's time constraints. Groups should select a spokesperson to present the major points that summarize their position and opinions. Speakers are urged to be brief and non-repetitive with their comments. Comments shall specifically address the public hearing item before the City Council, and the speaker shall maintain appropriate tone and decorum when addressing the City Council. City Council may ask questions of the applicant, speakers, or staff during these proceedings only for the purpose of clarifying information. The speaker shall not direct derogatory comments to any individual, organization, or business. At the conclusion of the three (3) minute time period, the speaker will be notified that his/her time has elapsed and the next speaker will be recognized to come forward to the podium and address the City Council. Once the public hearing is closed on an item, there will be no further opportunity for formal or informal public input at a City Council meeting.

- (a) To receive public comments over-ruling objections to the abatement of identified nuisances caused by unsafe buildings, structures, or construction Group 2020-07 Unsafe Structures
- (b) To receive public comments over-ruling objections to the abatement of identified nuisances Group 2020-07 Grass/Debris/Vehicles

II. UNFINISHED BUSINESS – None

RESOLUTIONS

- (a)** Resolution over-ruling objections to the abatement of identified nuisances
Group 2020-07 Grass/Debris/Vehicles
- (b)** Resolution over-ruling objections to the abatement of identified nuisances
caused by unsafe building, structures, or construction Group 2020-07
- (c)** Resolution authorizing the Mayor to execute the Construction Agreement with
Alabama Department of Transportation and Preliminary Engineering Contract
with Sain Associates for Sidewalk and Streetscape Improvements along W 15th
Street and Project Drive

III. ADDITIONAL OR OTHER MATTERS THAT MAY COME BEFORE COUNCIL

IV. RECEIVE INFORMAL PUBLIC COMMENTS – Suspended during COVID-19

V. RECEIVE FORMAL PUBLIC COMMENT – Suspended during COVID-19

COUNCIL COMMENTS – Suspended during COVID-19

ADJOURNMENT

MINUTES

Anniston, Alabama

January 5, 2021

The City Council of the City of Anniston, Alabama, met in Regular Session in Room B at the Anniston City Meeting Center in the City of Anniston, Alabama, on Tuesday, January 5, 2021, at approximately 5:31 o'clock p.m.

Jay Jenkins, Council Member, prayed the Invocation.

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

Vice-Mayor Ciara Smith called the meeting to order. On call of the roll, the following Council Members were found to be present: Council Members Jenkins, Roberts, Smith, and Harris; absent: Mayor Draper. 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 Harris made a motion to waive the reading of and approve the minutes of the December 15, 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, Roberts, Smith, and Harris; nays: none. The motion carried and the December 15, 2020 Regular Meeting minutes were approved.

Council Member Jenkins made a motion to adopt the agenda. The motion was seconded by Council Member Harris and on call of the roll the following vote was recorded: ayes: Council Member Jenkins, Roberts, Smith, and Harris; nays: none. The motion carried and the agenda was adopted.

Vice Mayor Smith opened a public hearing to receive public comments for vacating a portion of an alley that runs between Quintard Avenue and Wilmer Avenue and East "B" Street and East "C" Street. No one spoke. Vice-Mayor Smith closed the public hearing to receive public comments for vacating a portion of an alley that runs between Quintard Avenue and Wilmer Avenue and East "B" Street and East "C" Street.

Vice Mayor Smith opened a public hearing to receive public comments for vacating a portion of Mountain Drive, a portion of Cains Circle Drive, and a portion of Francis Avenue. No one spoke. Vice Mayor Smith closed the public hearing to receive public comments for vacating a portion of Mountain Drive, a portion of Cains Circle Drive, and a portion of Francis Avenue.

Vice- Mayor Smith introduced a Resolution vacating a portion of an alley that runs between Quintard Avenue and Wilmer Avenue and East "B" Street and East "C" Street. (21-R-1).

Council Member Harris made a motion for passage and adoption of a Resolution vacating a portion of an alley that runs between Quintard Avenue and Wilmer Avenue and East "B" Street and East "C" Street. The motion was seconded by Council Member Jenkins and on call of the roll the following vote was recorded: ayes: Council Member Jenkins, Roberts, Smith, and Harris; nays: none. The motion carried and Resolution 21-R-1 was passed and adopted.

Vice- Mayor Smith introduced a Resolution vacating a portion of Mountain Drive, a portion of Cains Circle Drive, and a portion of Francis Avenue.

Council Member Jenkins made a motion for passage and adoption of a Resolution vacating a portion of Mountain Drive, a portion of Cains Circle Drive, and a portion of Francis Avenue. The motion was seconded by Council Member Roberts and on call of the roll the following vote was recorded: ayes: Council Member Jenkins, Roberts, Smith, and Harris; nays: none. The motion carried and Resolution 21-R-2 was passed and adopted.

There being no further business to come before the council at that time Council Member Jenkins made a motion that 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, Roberts, Smith, and Harris; nays: none. The motion carried and the meeting was adjourned at approximately 5:35 o'clock p.m.

PUBLIC HEARING

EXHIBIT "A"

Group 2020-07 Dangerous Structures

ADDRESS	PPIN	OWNER
1107 Noble Street	20678	Clyde Ward/Closing Deals LLC (Lien Purchase)
21 East 11 th Street	20674	Charles Alan Acker/Stephan Roberts (Lien Purchase)
1011 Moore Avenue	18653	Carroll K Davie
24 West 10 th Street	18756	Michael Burdett
1331 Noble Street	20743	Roden Family Holdings LLC/John P Smith

Exhibit "A"
Group 2020-07 Grass, Debris & Vehicles

Address	PPIN	Owner	Violation
417 West 4 th Street	18095	Irby Curtis	Weeds and debris
610 East 22 nd Street	21610	JKS Ventures LLC	Weeds and debris
701 Mulberry Avenue	18772	Oliver Geraldine	Weeds and debris
820 Old Gadsden Hwy	73374	Buchanan Leslie F	Weeds and debris, inoperable vehicles: Champagne Chevrolet suburban tag 11HK718, Airstream camper tag unknown, red Ford mustang tag unknown
801 East 22 nd Street	1821	Cleveland Coker B	Weeds and debris
1930 Davis Avenue	21494	Carter Shanoa Nicole C/O Cofield Ronald	Inoperable vehicles: Red Ford contour tag 11GH164, Montana camper trailer tag unknown, Red Nissan pick-up tag 58ZP469
2921 Moore Ave	26139	Arnold Sheila F	Weeds and debris
2929 Moore Ave	26137	Brown Franklin J	Weeds and debris
3025 Moore Ave	26033	Fernandez Melvin	Weeds and debris

CONSENT AGENDA

RESOLUTION NUMBER 21-R-__

**A RESOLUTION OVER-RULING OBJECTIONS TO THE ABATEMENT OF IDENTIFIED
NUISANCES**

WHEREAS, Act 1995-375, Section 2, Amended by Act 2004-256 and codified as Sections 45-8-172, et seq. of the Code of Alabama, 1975, defines public nuisances and authorizes the City to order or otherwise accomplish the removal of such nuisances; and

WHEREAS, the City of Anniston has identified herein a specific list of such nuisances and the appropriate remedies to abate each nuisance; and

WHEREAS, the City of Anniston has notified the property owners or other parties that may be held responsible and has held a public hearing to consider objections to the proposed remedy as required by law.

NOW THEREFORE BE IT RESOLVED, by the City Council of the City of Anniston, Alabama that all objections and protests to the nuisance remedies identified in Exhibit "A" attached is hereby over-ruled and the recommended remedies are ordered to be applied to abate the nuisances according to the procedures and processes in Section 34.3 of the Code of Ordinances of the City of Anniston, Alabama.

PASSED AND ADOPTED this the 19th day of **January 2021**.

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

BY: _____
Jack Draper, Mayor

BY: _____
Jay Jenkins, Council Member

BY: _____
Demetric Roberts, Council Member

BY: _____
Ciara Smith, Council Member

BY: _____
Millie Harris, Council Member

ATTEST:

Skyler Bass, City Clerk

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Group 2020-07 Grass, Debris & Vehicles

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RESOLUTION NUMBER 21-R-__

**A RESOLUTION OVER-RULING OBJECTIONS TO THE ABATEMENT OF IDENTIFIED
NUISANCES CAUSED BY UNSAFE BUILDINGS, STRUCTURES, OR CONSTRUCTION**

WHEREAS, Act 1995-375, as amended by Act 2004-256 and codified as Ala. Code § 45-8-172, *et seq.*, and Act 2002-522, codified as Ala. Code § 11-53B-1, *et seq.*, establish unsightly or dangerous walls, abandoned or unsafe construction of any kind or nature, and unsafe buildings and structures, or parts thereof, to be public nuisances and further authorize the City to order or otherwise accomplish the removal of such nuisances;

WHEREAS, the City of Anniston declared the properties identified herein as being such public nuisances, notified the appropriate persons and entities, as required by law, directed said persons and entities to accomplish the necessary repairs or demolition to abate the nuisance conditions, and further notified said persons that the City may accomplish the repairs or demolition, as the case may be, and assess the costs thereof against the property if not made within the time specified in the respective notices;

WHEREAS, the public nuisances identified herein remain and the time prescribed for their voluntary abatement has expired;

WHEREAS, the Council has held a public hearing to consider objections to the identified public nuisances and the remedies deemed necessary to abate the same;

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

Section 1. Upon due consideration, the Council hereby over-rules those objections and protests made with respect to the nuisances and remedies identified in Exhibit “A”, attached hereto. The Council directs the appropriate city officials to enforce the abatement of said nuisances and apply the recommended remedies in accordance with Chapter 34, Article III of “The Code of the City of Anniston, Alabama, 1981” and as otherwise specified or authorized by the laws of the State of Alabama, and to take such actions in the time, order, and manner deemed necessary or appropriate in light of the City’s budgetary, resource, and administrative constraints.

Section 2. The Fire Marshal, of his designee, is further directed to file notice in the Office of the Judge of Probate for Calhoun County, Alabama with respect to each property identified herein, which notice shall identify the necessary parties, provide a description of the real estate, and state the City of Anniston’s intention, by this Resolution of the Council, to abate the identified nuisance, accomplish the recommended remedy, as the case may be, and to assess the costs thereof against the land. Said notice shall be filed in the property records of the Office of the Judge of Probate so as to provide record notice of the pending proceedings to those interested persons, including any subsequent purchasers of the land, and to promote due process with respect to the actions taken as a result of this Resolution.

PASSED AND ADOPTED this the ____ day of _____, 2021

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

BY: _____
Jack Draper, Mayor

BY: _____
Jay Jenkins, Council Member

BY: _____
Demetric Roberts, Council Member

BY: _____
Ciara Smith, Council Member

BY: _____
Millie Harris, Council Member

ATTEST:

Skyler Bass, City Clerk

EXHIBIT "A"

Group 2020-07 Dangerous Structures

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FACT SHEET

SUBJECT: Evaluation of a Construction Agreement and preliminary engineering contract for the design of the West 15th Street Streetscape project.

FACTS: The City of Anniston was awarded a grant through the Transportation Alternatives Program for improvements to portions of West 15th Street and Kelly Avenue. The ADA compliant sidewalk will begin at Cobb Elementary School and continue to Mural Park via Kelly Avenue and West 15th Street (see attached map). New decorative pedestrian light poles are proposed on West 15th Street between Kelly Avenue and Cooper Avenue, which is a continuation of the existing pedestrian lighting.

The construction is estimated to be \$799,999.00, 80% of which is covered by the grant. The City of Anniston is responsible for 20% of construction costs and 100% of preliminary engineering. A detailed estimate is attached for reference.

	Preliminary Engineering	Construction	Total Contribution
Grant Eligible Items	\$0.00	\$640,000	\$640,000
City of Anniston Costs	\$133,535.00	\$160,000	\$293,535

ALDOT has submitted the attached Construction Agreement for the grant, which outlines both ALDOT's and the City's obligations.

Sain Associates assisted with the grant application and has proposed to provide the required preliminary engineering for \$133,535.00. A separate contract for construction engineering and inspection services will be submitted at a later date, since that contract is calculated on a percentage of the final estimate.

RECOMMENDATIONS:

Execute the Construction Agreement with ALDOT and award the preliminary engineering contract to Sain Associates for \$133,535.00.

RESOLUTION NUMBER 21-R-____

A RESOLUTION AUTHORIZING THE MAYOR TO EXECUTE THE CONSTRUCTION AGREEMENT WITH ALABAMA DEPARTMENT OF TRANSPORTATION AND PRELIMINARY ENGINEERING CONTRACT WITH SAIN ASSOCIATES FOR SIDEWALK AND STREETScape IMPROVEMENTS ALONG W. 15TH STREET AND PROJECT DRIVE

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

- Section 1.** That the City enter into an agreement with the State of Alabama, acting by and through the Alabama Department of Transportation for: Sidewalk and streetscape improvements along W. 15th Street from Project Drive to the Wellness Trail and along Project Drive from W 14th Street to W. 15th Street; Project TAPAA-TA21(901); CPMS Ref #100072660; which Agreement is before this Council;
- Section 2.** That the City award the Preliminary Engineering contract to Sain Associates;
- Section 2.** That the agreement be executed in the name of the City, by its Mayor, for and on its behalf;
- Section 3.** That the agreement be attested by the City Clerk and the seal of the City affixed thereto.

PASSED AND ADOPTED this the 19th day of **January 2021**.

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

BY: _____
Jack Draper, Mayor

BY: _____
Jay Jenkins, Council Member

BY: _____
Demetric Roberts, Council Member

BY: _____
Ciara Smith, Council Member

BY: _____
Millie Harris, Council Member

ATTEST:

Skyler Bass, City Clerk