

CITY OF ANNISTON
April 20, 2021
5:30 P.M.

- **INVOCATION**
- **PLEDGE OF ALLEGIANCE**
- **CALL TO ORDER**
- **ROLL CALL**
- **READING/APPROVAL OF MINUTES OF PREVIOUS MEETING**
 - April 6, 2021 Regular meeting
- **ADDITIONS/DELETIONS TO THE AGENDA**
- **ADOPTION OF AGENDA**

I. PROCLAMATIONS

- (a)** National Historic Preservation Month
- (b)** Economic Development Week
- (c)** National Children’s Mental Health Week

II. BOARD CONFIRMATION

- (a)** Main Street Board
 - Kristin Fillingim
 - Chris Collins
 - Christopher Carr, Jr.
 - Thomas Zimmerman
 - Jacqueline Judkins
 - Dara Murphy

III. 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.

IV. UNFINISHED BUSINESS – None

V. CONSENT AGENDA

- (a) Resolution authorizing reimbursements to city officials for expenses incurred while traveling away from the City
- (b) Resolution appointing members to the Main Street Board
- (c) Resolution authorizing a Professional Services Agreement with L.P. Campbell
- (d) Resolution directing installation of fire hydrant
- (e) Motion to allocate and authorize the Finance Director to grant \$1,500 to Camp Lee to be expended for the public purpose of providing youth programming for low income families within the City
- (f) Motion to approve a Sidewalk Café application for Thai One On

VI. RESOLUTIONS

- (a) Resolution over-ruling objections to the abatement of identified nuisances caused by unsafe buildings, structures, or construction **Group 2021-01 Unsafe Structures**

VII. ORDINANCES

- (a) Ordinance to repeal and replace Chapter 12, Article IV of the Code of Ordinance and to adopt regulations governing disposal and pickup of debris **2nd Reading**
- (b) Ordinance declaring surplus real property and authorizing conveyance of the same **1st Reading**

VIII. ADDITIONAL OR OTHER MATTERS THAT MAY COME BEFORE COUNCIL

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

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

COUNCIL COMMENTS – Suspended during COVID-19

ADJOURNMENT

MINUTES

Anniston, Alabama

April 6, 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, April 6, 2021, at approximately 5:30 o'clock p.m.

Ciara Smith, Council Member, prayed the Invocation.

Ciara Smith, 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, Roberts, Smith, 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 Smith made a motion to waive the reading of and approve the minutes of the March 16, 2021 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, Roberts, Smith, Harris, and Draper; nays: none. The motion carried and the March 16, 2021 regular meeting minutes were approved.

Mayor Draper made a motion to adopt the agenda. 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, Harris, and Draper; nays: none. The motion carried and the agenda was adopted.

Mayor Draper introduced a board confirmation for Kimberly O'Dell to the Anniston Historic Preservation.

Mayor Draper opened a public hearing to receive public comments regarding a Resolution approving a certain Project Development Agreement (the "Agreement") between Cobblestone Hotel Development, LLC. No one spoke. Mayor Draper closed the public hearing to receive public comments regarding a Resolution approving a certain Project Development Agreement (the "Agreement") between Cobblestone Hotel Development, LLC.

Mayor Draper made a motion to adopt the consent agenda:

(a) Resolution appointing a member to the Anniston Historic Preservation Commission (21-R-22)

(b) Resolution approving the City of Anniston's annual participation in the "Severe Weather Preparedness Sales Tax Holiday" as authorized by Act 2012-256 (21-R-23)

(c) Resolution approving the City of Anniston's annual participation in the "Back-To-School Sales Tax Holiday" as authorized by Act No. 2017-120 (21-R-24)

(d) Resolution authorizing and directing the City Manager to execute a Professional Services Agreement with Retail Strategies (21-R-25)

(e) Motion to approve the bid for Public Works and PARD uniforms to Tangibles for the amounts per item listed on the fact sheet attached.

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, Harris, and Draper; nays: none. The motion carried and the consent agenda was approved.

Mayor Draper introduced a Resolution requiring masks in city buildings, places, and spaces for the protection of health and human life (21-R-26)

Council Member Jenkins made a motion for passage and adoption of Resolution 21-R-26. The motion was seconded by Council Member Smith and on call of the roll the following vote was recorded: ayes: Council Member Jenkins, Roberts, Smith, Harris, and Draper; nays: none. The motion carried and Resolution 21-R-26 was passed and adopted.

Mayor Draper introduced a Resolution to establish the Community Homelessness Task Force (21-R-27)

Council Member Harris made a motion for passage and adoption of Resolution 21-R-27. The motion was seconded by Council Member Smith and on call of the roll the following vote was recorded: ayes: Council Member Jenkins, Roberts, Smith, Harris, and Draper; nays: none. The motion carried and Resolution 21-R-27 was passed and adopted.

Mayor Draper introduced a Resolution authorizing a Project Development Agreement and Warrant between the City of Anniston, Alabama and Cobblestone Hotel Development LLC. (21-R-28)

Council Member Harris made a motion for passage and adoption of Resolution 21-R-28. The motion was seconded by Council Member Smith and on call of the roll the following vote was recorded: ayes: Council Member Jenkins, Roberts, Smith, Harris, and Draper; nays: none. The motion carried and Resolution 21-R-28 was passed and adopted.

Mayor Draper introduced an Ordinance amending the composition and appointment of the Main Street Anniston Board (1st reading) (21-O-3)

Mayor Draper made a motion to read Ordinance amending the composition and appointment of the Main Street Anniston Board by title only. The motion was seconded by Council Member Harris.

Mayor Draper opened a public hearing to receive public comments on reading Ordinance 21-O-3 by title only. No one Spoke. Mayor Draper closed the public hearing to receive public comments on reading Ordinance 21-O-3 by title only.

And on call of the roll the following vote was recorded: ayes: Council Member Jenkins, Roberts, Smith, Harris, and Draper; nays: none. The motion carried and Ordinance 21-O-3 was read by title only.

Council Member Jenkins made a motion for unanimous consent for immediate consideration of Ordinance 21-O-3. 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, Harris, and Draper; nays: none. The motion carried.

Council Member Roberts made a motion for passage and adoption of Ordinance 21-O-3. 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, Harris, and Draper; nays: none. The motion carried and Ordinance 21-O-3 was passed and adopted.

Mayor Draper introduced an Ordinance to repeal and replace Chapter 12, Article IV of the Code of Ordinance and to adopt regulations governing disposal and pickup of debris (1st Reading)

Council Member Harris made a motion to read an Ordinance to repeal and replace Chapter 12, Article IV of the Code of Ordinance and to adopt regulations governing disposal and pickup of debris by title only. The motion was seconded by Council Member Smith.

Mayor Draper opened a public hearing to receive public comment on reading Ordinance to repeal and replace Chapter 12, Article IV of the Code of Ordinance and to adopt regulations governing disposal and pickup of debris by title only. No One Spoke. Mayor Draper closed the public hearing to receive public comment on reading Ordinance to repeal and replace Chapter 12, Article IV of the Code of Ordinance and to adopt regulations governing disposal and pickup of debris by title only.

And on call of the roll the following vote was recorded: ayes: Council Member Jenkins, Roberts, Smith, Harris, and Draper; nays: none. The motion carried.

There being no further business to come before the council at that time Mayor Draper made a motion that the meeting be adjourned. The motion was seconded by Council Member Jenkins; and on call of the roll, the following vote was recorded: ayes: Council Members Jenkins, Roberts, Smith, Harris, and Draper; nays: none. The motion carried and the meeting was adjourned at approximately 5:50 o'clock p.m.

PROCLAMATIONS

**CITY OF ANNISTON
PROCLAMATION**

WHEREAS, National Historic Preservation Month has been observed every May since 1973, and;

WHEREAS, Historic Preservation is an effective tool for economic development, tourism promotion, neighborhood revitalization, fostering local pride, and maintaining overall community character while enhancing livability; and

WHEREAS, it is important to celebrate the role of history in our lives and the contributions made by dedicated individuals in helping to preserve the tangible aspects of the heritage that has shaped us as a people; and

WHEREAS, “**This Place Matters**” has been designated as the theme for National Preservation Month 2021 by the National Trust for Historic Preservation:

NOW THEREFORE, We, the City Council of the City of Anniston, do proclaim May 2021 as **National Preservation Month** and call upon the citizens of Anniston to join their fellow citizens across the United States in recognizing and participating in this special observance.

Dated this 20th day of April, 2021

Jack Draper
Mayor

Jay Jenkins
Council Member

Demetric Roberts
Council Member

Ciara Smith
Council Member

Millie Harris
Council Member

CITY OF ANNISTON PROCLAMATION

WHEREAS, the International Economic Development Council is the largest professional economic development organization dedicated to serving economic developers; and

WHEREAS, the International Economic Development Council provides leadership and excellence in economic development for communities, members, and partners through conferences, training courses, advisory services and research, in-depth publications, public policy advocacy, and initiatives such as the Accredited Economic Development Organization program and the Certified Economic Developer designation; and

WHEREAS, economic developers promote economic well-being and quality of life for their communities by creating, retaining, and expanding jobs that facilitate growth, enhance wealth, and provide a stable tax base; and

WHEREAS, economic developers stimulate and incubate entrepreneurship in order to help establish the next generation of new businesses, which is the hallmark of the American economy; and

WHEREAS, economic developers are engaged in a wide variety of settings including rural and urban, local, state, provincial, and federal governments, public-private partnerships, chambers of commerce, universities, and a variety of other institutions; and

WHEREAS, economic developers work in the City of Anniston, Alabama to attract and retain high-quality jobs, develop vibrant communities, and improve the quality of life in their regions; and

NOW, THEREFORE, the City Council of the City of Anniston, Alabama hereby proclaims ***May 9 – 15, 2021*** as ***“Economic Development Week”*** in the City of Anniston urges all citizens to support the importance of this celebration which supports expanding career opportunities and improving quality of life in our community.

Dated this **20th** day of **April, 2021**

Jack Draper
Mayor

Jay Jenkins
Council Member

Demetric Roberts
Council Member

Ciara Smith
Council Member

Millie Harris
Council Member

CITY OF ANNISTON PROCLAMATION

Whereas, good mental health is a key component in a child’s healthy development and Children’s Mental Health Week provides the opportunity to focus on this important matter, while celebrating the accomplishments of children and families affected by mental health concerns; and

Whereas, according to the United States Department of Health and Human Services, one in five children is diagnosed with a mental health condition: and

Whereas, research has shown early identification and appropriate treatment of mental health disorders among children and adolescents provide them better opportunities to lead full and productive lives; and

Whereas, children and youth with mental health challenges and their families benefit from access to timely services and supports that are family-drive, youth-guided and culturally appropriate; they also benefit from the integration of behavioral health in primary care, education, and child welfare; and

Whereas, it is important that children and adolescents, along with their families and communities, learn about warning signs of mental health disorder and where to obtain necessary assistance and treatment; and

Whereas, obtaining a full and accurate diagnosis of a child requires gathering information from diverse sources, including the family, school and others involved with the child; and

NOW, THEREFORE, the City Council of the City of Anniston, Alabama hereby proclaims ***May 1 – 7, 2021*** as ***“Children’s Mental Health Awareness Week”***

Dated this 20th day of **April, 2021**

Jack Draper
Mayor

Jay W. Jenkins
Council Member

Demetric Roberts
Council Member

Ciara Smith
Council Member

Millie Harris
Council Member

CONSENT AGENDA

RESOLUTION NO. 21-R-__

A RESOLUTION AUTHORIZING REIMBURSEMENTS TO CITY OFFICIALS FOR EXPENSES INCURRED WHILE TRAVELING AWAY FROM THE CITY

BE IT RESOLVED, by the City Council of the City of Anniston, Alabama, that reimbursement is made by the City of Anniston, Alabama, as follows:

- a. \$20.00 to Lee Willis, Building & Safety, for reimbursement during tornado damage assessment with Calhoun County EMA on April 1, 2021.

PASSED AND ADOPTED this **4th** day of **April, 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: _____
Mille Harris, Council Member

ATTEST:

Skyler Bass, City Clerk

RESOLUTION NUMBER 21-R-___

A RESOLUTION APPOINTING MEMBER(S) TO MAIN STREET ANNISTON BOARD

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;

WHEREAS, the Council has adopted a schedule of nominations to govern appointments to the Main Street Anniston Board;

WHEREAS, the Council desires to make certain appointments to said Board in accordance with the previously adopted Schedule of Nominations;

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 does hereby appoint those persons identified in the Schedule of Nominations for the Main Street Anniston Board attached hereto as Exhibit A to the board and for the terms set forth therein.

Section 2. 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 20th day of **April, 2021**

CITY COUNCIL OF THE CITY OF
ANNISTON, ALABAMA

Jack Draper, Mayor

Jay Jenkins, Council Member

Demetric Roberts, Council Member

Ciara Smith, Council Member

Millie Harris, Council Member

ATTEST:

Skyler Bass, City Clerk

EXHIBIT "A"

MAIN STREET ANNISTON BOARD

Board Positions	Nominations	Board Member Name	Expiration Date	Explanation
2	Ward 1	Kristin Fillingim	05/31/2023	Appointment
3	Ward 2	Thomas Zimmerman	05/31/2022	Appointment
5	Ward 4	Christa Morphis	05/31/2022	Reappointment
6	Ward 1	Chris Collins	05/31/2023	Appointment
7	Ward 2	Jacqueline Judkins	05/31/2023	Appointment
8	Ward 3	Christopher Carr, Jr.	05/31/2022	Appointment
9	Ward 4	Dara Murphy	05/31/2022	Appointment

RESOLUTION 21-R-___

AUTHORIZING A PROFESSIONAL SERVICE AGREEMENT

WHEREAS, the City of Anniston recognizes the value of retaining the service of a professional grant writer to assist the City of Anniston in securing grant assistance; and

WHEREAS, L.P. Campbell Company is qualified to provide such service;

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

that the Mayor is authorized to enter into a Service Agreement with L.P. Campbell Company for a period of one year beginning May 10, 2021 and ending May 9, 2022 for an annual fee of \$ 30,000 to be paid in two equal installments.

PASSED and ADOPTED this the **20th** day of **April, 2021**.

CITY COUNCIL OF THE CITY OF
ANNISTON, ALABAMA

Jack Draper, Mayor

Jay Jenkins, Council Member

Demetric Roberts, Council Member

Ciara Smith, Council Member

Millie Harris, Council Member

ATTEST:

Skyler Bass, City Clerk

SERVICE AGREEMENT

BETWEEN

L.P. CAMPBELL COMPANY

AND

CITY OF ANNISTON, ALABAMA

This Service Agreement is between L.P. Campbell Company (hereinafter referred to as “Consultant”) and the City of Anniston, Alabama (hereinafter referred to as “Client”).

It is understood by the Consultant and the Client, and as consideration for the formation of this agreement that the Client desires assistance in its effort to obtain federal, state, and private funding for local projects and programs; and that the Consultant is capable of providing services which will assist the Client in identifying and securing grant funding federal, state, and private funding for the Client’s local projects and programs.

In further consideration of the mutual promises herein contained it is agreed as follows:

The Service Agreement will become effective and shall remain in effect for twelve months from May 10, 2021 through May 9, 2022.

The Consultant will provide the Client with the following services:

1. Information on federal, state, and private grant and/or local programs as requested by the Client or as deemed appropriate by the Consultant.
2. Preparation of all grant applications as authorized by the Mayor, City Council, and/or City Manager for submission to federal/state agencies.
3. Site visits by the Consultant for the purpose of developing and/or preparing grant/loan applications.
4. Reports on the status of work being accomplished by the Consultant on behalf of the Client.

SERVICE AGREEMENT

Page 2

It is understood by both parties that in order to undertake the above services that:

The Client will provide the Consultant with all necessary data and materials requested by the Consultant for preparation of loan and grant applications; and

The Consultant reserves the right to refuse to prepare an application based on an assessment by the Consultant that the project for which the funds are requested is inappropriate or noncompetitive for the program through which the funds are to be requested.

The Client is wholly and completely responsible for the administration of grant programs awarded to the Client unless the Client and the Consultant have entered into a separate contract detailing services to be performed by the Consultant.

In consideration for the services provided by the Consultant, the Client agrees to pay the Consultant an annual non-refundable flat fee of \$ 30,000 due in two equal payments of \$ 15,000 due May 10, 2021 and August 10, 2021. The Consultant reserves the right to renegotiate the Service Agreement and the annual fee with the Client during the service year should workload demands constitute additional reimbursement.

The undersigned acknowledges, confirms, and certifies that he/she is authorized to enter into this Agreement by and on behalf of L.P. Campbell Company and the City of Anniston, Alabama.

In witness, whereof, we have executed this Agreement effective the 20th day of April, 2021.

L.P. CAMPBELL COMPANY

CITY OF ANNISTON, ALABAMA

BY: _____
Louise Pryor Campbell
Owner, L.P. Campbell Company

BY: _____
Jack Draper
Mayor, City of Anniston

DATE: _____

DATE: _____

RESOLUTION NO. 21-R-____

A RESOLUTION DIRECTING INSTALLATION OF FIRE HYDRANT

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

Section 1: That a fire hydrant is, hereby, ordered installed at the following location:

Approximately 360' from the intersection of Chestnut Street, on Inspire Ave.

See attached map for exact location.

Section 2: That the City Clerk, of the City of Anniston, Alabama, mail copies of this resolution to the Chief of the Fire Department of the City and to the Water Works and Sewer Board of the City, which said Board is to install said fire hydrants.

PASSED AND APPROVED this ____ 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



RESOLUTIONS

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 2021-01 Dangerous Structures

ADDRESS	PPIN	OWNER
24 West 10 th Street	18756	Michael Burdett

ORDINANCES

ORDINANCE NO. 21-O-__

**AN ORDINANCE TO REPEAL AND REPLACE CHAPTER 12, ARTICLE IV
OF THE CODE OF ORDINANCE AND TO ADOPT REGULATIONS
GOVERNING DISPOSAL AND PICKUP OF DEBRIS**

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

Section 1. The City of Anniston's ordinances, laws, and regulations governing Brush, Trash and Leaf Pickup, codified in Chapter 12, Article IV of "The Code of The City of Anniston, Alabama, 1981," and stated in Sections 12.81 through 12.88 therein, are hereby repealed in their entirety.

Section 2. The Council of the City of Anniston, Alabama hereby adopts and codifies Chapter 12, Article IV, Sections 12.81 through 12.87, as set forth herein, which shall state as follows:

ARTICLE IV. Debris Disposal and Collection.

Sec. 12.81. Definitions.

For the purposes of this article, the following words shall have the meanings respectively ascribed to them by this section:

(a) *Debris*: Any loose natural material consisting especially of trees, limbs, leaves, and grass.

(b) *Households*: Single and multiple residences, hotels and motels, bunkhouses, ranger stations, crew quarters, campgrounds, picnic grounds, and day-use recreation areas.

(c) *Household waste*: Any solid or liquid material normally generated by the household in the course of ordinary day-to-day living and consumption, including but not limited to garbage, paper products, rags, or trash.

(d) *Person*: Any person, firm, partnership, association, corporation, company or organization of any kind.

(e) *Rubbish*: Any combustible and noncombustible waste materials; rubbish shall include the residue from the burning of wood, coal, and other combustible materials, paper, rags, cartons, boxes, wood, excelsior, rubber, leather, tin cans, metals, mineral matter, glass, crockery, and dust and other similar materials; rubbish shall also include useless or rejected objects, junk and items or things commonly referred to and considered as trash.

(f) *Vacant private property:* Any dwelling, house, building, or other structure that is temporarily or continuously uninhabited or vacant, including any yard, grounds, walk, or driveway thereof.

Sec. 12.82. Debris Collection.

(a) *One Collection per Household.* The City's collection of debris for any household or location shall be limited to one (1) truck load for each regular collection time.

(b) *Schedule for Regular Collection.* The City will collect all types of debris as time, manpower, and equipment allow. The Director of Public Works shall set and adjust the schedule for regular collection of debris subject to the supervision and direction of the City Manager.

(c) *Neat and Orderly Placement.* Any person placing debris for collection shall set and keep the debris in an orderly, neat manner and together at one location meeting the requirements of this Article.

(d) *No Obstructions.* Any person placing debris for collection, the owner of the household disposing of the debris, and/or the person in control of the household disposing of the debris shall ensure that the debris does not obstruct any sidewalks, streets, ways, gutters, or drainage facilities, the flow of vehicle or pedestrian traffic, or the flow of water from, over, across, or through the property, sidewalks, streets, ways, gutters, or drainage facilities.

(e) *Placement of Debris for Collection.* Any person placing debris for collection shall set and keep the debris in a location that is (i) near, but not within, the street or way, (ii) reasonably accessible to the City's employees, vehicles, and equipment, (iii) at least three feet (3') from any obstacles, such as mailboxes, poles, fences, and vehicles, (iv) at least three feet (3') from other types of debris placed for collection, and (v) clear of overhead obstacles that may interfere with the City's vehicles, vacuums, grapplers, and lifting apparatuses, such as wires, tree limbs, and building eaves.

(f) *Collection of Leaves and Grass.* The City will collect loose leaf and grass debris with vacuum trucks as its resources permit. The City will collect bagged leaf and grass debris during its regular curbside collection schedule. Loose or bagged leaf and grass debris shall be separated from all other types of debris, household waste, rubbish, and other materials. Loose leaf and grass debris shall be placed together in a location at least three feet (3') from any other types of debris, such as limbs, logs, brush, and appliances.

(g) *Collection of Limbs, Logs, and Brush.* The City will collect limbs, logs, and brush from the curbside as its resources permit, provided each item of limb, log, or brush debris has a diameter less than ten inches (10"), a length less than ten feet (10'), and weighs less than five hundred pounds (500 lbs.). Limbs, logs, and brush shall be separated from all other types of debris, household waste, rubbish, and other materials. Limbs, logs, and brush shall be placed together at a location that at least three feet (3') from any other types of debris, such as leaves, grass, and appliances. The City shall not collect limbs, logs, and brush from vacant private property.

(h) *Alley Ways.* The City shall not collect debris from alley ways unless the person, household, or property is unable to place debris at a location that allows curbside collection.

(i) *Refusal or Relocation of Debris.* The City may refuse to collect debris or require its relocation before collection when (i) the debris is placed for collection in a manner and location that does not meet the requirements this Article, (ii) collecting the debris from the location may damage any private or public property or equipment, such as fences, utility poles, landscaping, vehicles, and loading equipment, or (iii) collecting the debris from the location may present a hazard or cause injury to any person.

Sec. 12.83. Items and Materials Not Collected.

The City shall not collect the following materials: (a) Tires; (b) Household waste; (c) Rocks and dirt; (d) Concrete; (e) Concrete block, (f) Brick, (g) Roofing materials; (h) Construction materials; (i) Sheetrock; (j) Paint cans (unless lids have been removed and paint drained); (k) Pesticides; (l) Hazardous waste of any kind, including batteries, corrosives; and (m) Mixed materials (brush and leaves must be separated by 3 feet).

Sec. 12.84. Appliance Removal.

(a) Persons requiring removal of appliances, including stoves, refrigerators, freezers, water heaters, and air conditioners, shall purchase an appliance removal tag from the City before placing the appliance for collection. The appliance removal tag shall be placed and kept upon the appliance in such a manner as to be clearly visible.

(b) The City shall charge and collect the fees set by this Section before issuing any appliance removal tags:

(1) *Freon Appliance Tag:* The fee for an appliance removal tag for a refrigerator, freezer, air condition, or any other type of appliance containing freon shall be Twenty-Eight Dollars (\$28.00);

(2) *Freon-Removed Appliance Tag:* The fee for an appliance removal tag for a refrigerator, freezer, air condition or any other type of appliance containing freon shall be Five Dollars (\$5.00) with submission of a certificate showing that the freon has been removed from the appliance; and

(3) *Non-Freon Appliance Tag:* Five Dollars (\$5.00) for an appliance tag for collection and removal of any other appliance, including stoves, water heaters, washing machines, and dryers.

(c) The City shall not collect and remove any appliance unless the proper appliance removal tag is attached thereto.

Sec. 12.85. Depositing Materials in Streets or Gutters.

(a) It shall be unlawful for any person to sweep or deposit any debris, household waste, rubbish, or any other material or article into the public streets, sidewalks, alleys, ways, easements, gutters, or drainage facilities that may impede or obstruct the flow of water from, over, across, or through the property, sidewalks, streets, alleys, ways, gutters, or drainage facilities.

(b) It shall be unlawful for any person to sweep or deposit any debris, household waste, rubbish, or any other material or article into the public streets, sidewalks, alleys, ways, easements, gutters, or drainage facilities that may clog the public's storm drainage system.

(c) It shall be unlawful for any person to sweep or deposit any debris, household waste, rubbish, or any other material or article into the public streets, sidewalks, alleys, ways, easements, gutters, or drainage facilities that may cause an obstruction to traffic or pedestrians.

Sec. 12.86. Contractors.

(b) It shall be the responsibility of all fence companies, roofers, landscape contractors, building contractors, lawn services, tree services or any person acting as a contractor or engaged in the business of performing work on private property to remove from the premises all residue, debris, household waste, rubbish, materials, or articles of any kind used in, resulting from, or relating to the work. When the work is performed by a permit issued by the City, or when a permit is required for the work, the person performing the work or granted the permit shall remove all such materials before final inspection of the work by the City. In the event the contractor, business or person performing the work does not remove all residue, debris, household waste, rubbish, materials, or articles of any kind used in, resulting from, or relating to the work, the owner of the property or the person in control of the property or the work shall remove the materials from the property. The City shall not collect said materials from the property.

(c) Contractors, business, or persons engaged in the care and maintenance of lawns for commercial or residential properties shall remove and clear all debris resulting from their work, including grass, leaf, limbs, logs, and brush debris, from the public streets, alleys, ways, easements, and property. In the event that the City is required to clean, sweep, or remove any such materials from the public streets, alleys, ways, easements, and property, the City shall charge and collect a fee from the contractor, business, or person performing the work to reimburse the City for its costs for cleaning, sweeping or removing the materials.

Sec. 12.87. Prohibited Acts.

(a) It shall be unlawful for any person to place debris near, along, or adjacent to any public streets, alleys, ways, easements, and property within the City unless placed in accordance with this Article.

(b) It shall be unlawful for any person to throw, dump, place, leave or deposit debris, household waste, rubbish, and any other waste, trash, garbage, or refuse materials on any public streets, alleys, ways, easements, and property within the City.

(c) It shall be unlawful for any person to throw, dump, place, leave or deposit household waste, rubbish, and any other waste, trash, garbage, or refuse materials on private property unless placed within an authorized container from the City's solid waste contractor(s) and in a manner that prevents such materials from being carried or deposited by the elements onto any public streets, alleys, ways, easements, and property within the City.

(d) It shall be unlawful for the owner or person in control of any private property within the City to fail to keep and maintain the premises free of loose household waste, rubbish, and any other waste, trash, garbage, or refuse materials.

(d) It shall be unlawful for any person acting as a building contractor, landscaping contractor, tree or brush removal contractor, or engaged in the business of performing work on private property to leave any debris, household waste, rubbish, or any other waste, trash, garbage, or refuse materials for collection and removal by the City.

Section 3. Chapter 12, Article IV, Sections 12.81 through 12.87 of "The Code of The City of Anniston, Alabama, 1981," as stated above in Section 2 of this ordinance, shall be the law of the City of Anniston, Alabama, enacted by its governing body, and shall govern and regulate the matters and activities specified therein within the corporate limits of the City of Anniston.

Section 4. This ordinance shall take effect upon its adoption and publication as required by law.

PASSED AND ADOPTED on this the ___ day of _____, 2021.

COUNCIL OF THE CITY OF
ANNISTON, ALABAMA

Jack Draper, Mayor

Jay Jenkins, Council Member

Demetric Roberts, Council Member

Ciara Smith, Council Member

Millie Harris, Council Member

ATTEST:

Skyler Bass, City Clerk

ORDINANCE NO. 21-O-__

**AN ORDINANCE DECLARING SURPLUS REAL PROPERTY
AND AUTHORIZING CONVEYANCE OF THE SAME**

WHEREAS, the City of Anniston does own and possess certain real property located at 1220 Noble Street, Anniston, Alabama 36201, as granted to the City by Spirit of Anniston, Inc. through a statutory warranty deed dated July 17, 2008 and recorded in the Office of the Judge of Probate for Calhoun County, Alabama in Deed Book 3107, Page 346, and more specifically described as follows (subject to restatement upon survey of the land):

Lots Two (2) and Three (3) in Block One Hundred Thirty Four (134), in the City of Anniston, Alabama, as shown by the map of the Anniston City Land Company recorded in Plat Book 1, Page 84, in the Probate Office of Calhoun County, Alabama; and also all right, title and interest and claim originally acquired by L.H. Carre in and to Lots One (1) and Four (4) in said Block One Hundred Thirty Four (134), together with the walls and party wall rights in and to the buildings situated on said Lots One and Four, as conveyed to the said L.H. Carre by deed from J.D. Garner, as Executor of the Last Will and Testament of R.E. Garner, deceased, dated June 16, 1921, and recorded in the Office of the Probate Judge of Calhoun County, Alabama, in Book 239 Register of Deeds, on Page 260, and as conveyed to the said L.H. Carre by Hilda Eros and Joseph Eros, Administrators of the Estate of Joseph Eros, deceased and Joseph Eros, as Attorney-in-Fact for Miss Hilda Eros and Joseph Eros, individually, dated June 22, 1921 and recorded in the Office of the Judge of Probate of Calhoun County in Register of Deeds, Book 239, Page 326.

Parcel No. 21-03-06-4-006-045.000

(referred to herein as the “Property”).

WHEREAS, Fanaei Investments, LLC, 727 Gene Reed Road, Birmingham, AL 35235 (referred to herein as “Fanaei”) desires to purchase the Property;

WHEREAS, the City no longer needs or uses the Property, and the City lacks the resources to make the necessary investments to redevelop the Property for any future use;

WHEREAS, the Council finds that it is in the best interests of the City and its citizens to sell the City’s rights, title, and interest in the Property to Fanaei in accordance herewith;

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

1. Declaration of Surplus Real Property. It is hereby established and declared that the Property, as described above, is surplus real property that is no longer used or needed by the City for municipal purposes.

2. Conveyance of the Property to Fanaei Investments, LLC. The Mayor and the City Clerk are hereby authorized and directed to execute and attest, respectively, for and on behalf of the City of Anniston, Alabama, a statutory warranty deed and to take such further actions as are necessary to grant, sell and convey the Property to Fanaei for consideration in the amount of Seven Thousand Dollars (\$7,000.00) with Fanaei to pay all costs of closing the sale.

3. Good and Valuable Consideration. The Council finds and declares that the consideration to be paid by Fanaei, as set forth above, is reasonable and sufficient, taking into consideration the condition of the Property, the costs of maintaining ownership of the Property, the market for sale of the Property, and the nature of the City's interest in the Property, and the sale of the Property for said amount is in the best interests of the City and its citizens.

4. Effective Date. 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. 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** on this ___ 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