

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

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

I. PROCLAMATION

- (a) “Ruby and Paul Blackwell Sr. Day”**

II. PUBLIC HEARING

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 regarding over-ruling objections to the abatement of identified nuisances Group 2021-05 Grass/Debris/Vehicles**
- (b) To receive public comments regarding a proposed vacation of a portion of Walnut Avenue & East/West alley between Walnut/Moore/13th St/14th St**
- (c) To receive public comments regarding a proposed vacation of a portion of Symphony Way**

III. UNFINISHED BUSINESS – None

IV. CONSENT AGENDA

- (a)** Resolution over-ruling objections to the abatement of identified nuisances caused by unsafe buildings, structures, or construction
Group 2021-05 Grass/Debris/Vehicles
- (b)** Resolution providing for the elimination of a Grade Crossing; repealing all prior actions in conflict herewith; and for other purposes
- (c)** Resolution adopting the 2021 Annual Action Plan and Budget for the City of Anniston's Community Development Block Grant Program and the Anniston/Calhoun County Home Consortium's HOME Program
- (d)** Motion to amend the Classification and Pay Plan to abolish the current Civil Engineer position and reclassify the pay grade for Sr. Engineering Aide

V. RESOLUTIONS

- (a)** Resolution authorizing certain actions with respect to General Obligation Warrants, Series 2021, of the City of Anniston
- (b)** Resolution vacating a portion of Walnut Avenue & East/West Alley between Walnut/Moore/13th St/14th St
- (c)** Resolution vacating a portion of Symphony Way
- (d)** Resolution authorizing collaboration with Anniston Housing Authority to pursue funding for environmental remediation of Cooper Homes site

VI. ORDINANCES

- (a)** An ordinance amending Chapter 3 Governing the License, Purchase and Sale of Alcoholic Beverages
1st Reading
- (b)** An ordinance adopting Chapter 34, Article VI Governing Mobile Food Units
1st Reading

VII. ADDITIONAL OR OTHER MATTERS THAT MAY COME BEFORE COUNCIL

- (a)** Motion to convene executive session to discuss the legal ramifications of and legal options for pending litigation, controversies not yet being litigated but imminently likely to be litigated or imminently likely to be litigated if the governmental body pursues a proposed course of action.

VIII. PUBLIC COMMENTS

Public Comment – Speaker Protocol

The City of Anniston believes that any member of the general public should be afforded the opportunity to address the City Council provided that designated rules are followed by the speaker. Any member of the public who wishes to address the City Council and offer public comment on items within the City Council's jurisdiction, may do so during the Public Comment period of the meeting. However, no formal action will be taken on matters that are not part of the posted agenda. In order to ensure the opportunity for all those desiring to speak before the Council, there is no yielding of time to another speaker. This opportunity to address City Council may not be used to continue discussion on an agenda item that has already been held as a public hearing. Matters under negotiation, litigation, or related to personnel will not be discussed. Members of the general public who would like to address the City Council during the Public Comment portion of the meeting, may do so in accordance with the rules outlined in Ordinance 21-O-22 adopted by the City Council on November 2, 2020 as stated:

Section 12. Members of the public may address the Council or speak on matters of public concern during the period of the meeting agenda reserved for public comments, subject to the following procedures:

(a) No person shall be allowed to speak during public comments unless he or she submits a Request to Speak During Public Comments form to the Office of the City Manager no later than 3:00 P.M. on the Friday before the Council meeting. The request shall identify the speaker by name and residential address and shall specify the date of the meeting in which the speaker desires to offer public comments.

(b) The period for public comments shall be open to the **first ten (10) persons** who submit a timely request to speak during the meeting at hand.

(c) In advance of each meeting, the City Manager shall provide the Council a list of the persons authorized to speak during the period for public comments, not to exceed ten (10) persons, which shall identify the speakers in the order in which their requests were made. The presiding officer shall call on each person from the list. Once recognized, each person shall be provided no more than **three (3) minutes** to complete his or her public comments.

(d) Those persons who make a timely request, after the first ten (10) requests, shall be first on the list of persons authorized to speak during the period for public comments in the next meeting, unless he or she asks to be removed from the list.

Section 13. All comments made by members of the Council shall be restricted to the matter under consideration and shall be addressed to the presiding officer, except during the period of the meeting reserved for Council Comments. All comments made by members of the Council shall be restricted to three (3) minutes, unless the presiding officer grants exception for good cause.

Section 14. No comments shall be permitted by a member of the Council or by a member of the public that is of a disparaging nature or which would constitute a personal attack on the integrity of any member of the Council or the staff of the City.

Once the speaker has been recognized to speak, he/she should not attempt to engage the City Council and/or Staff in a discussion/dialogue and the speaker should not ask specific questions with the expectation that an immediate answer will be provided as part of the three (3) minute time frame since that is not the intent of the Public Comment period. If the speaker poses a question or makes a request of the City, the Mayor may refer the issue or request to the City Manager for follow up. 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. The Mayor may rule out of order any Speaker who uses abusive or indecorous language, if the subject matter does not pertain to the City of Anniston, or if the Speaker(s) attempts to engage the City Council Members in a discussion or dialogue on issues. City Council shall not discuss non-agenda matters because it does not give the public adequate notice. Accordingly, City Council shall be limited to asking factual and clarifying questions of staff, and when appropriate, the Council may consider placing a matter on a future agenda. In addition, it is not reasonable to expect staff to respond to any of a variety of issues on which they may or may not be prepared to respond to on a moment's notice, so the City Manager may respond, or direct staff to respond at a later time.

(a) Ralph Bradford

IX. COUNCIL COMMENTS

ADJOURNMENT

MINUTES

Anniston, Alabama

July 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, July 6, 2021, 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 Roberts, Smith, Harris, and Draper; absent: Council Member Jenkins. A quorum was present and the meeting opened for the transaction of business.

Steven Folks, City Manager, was present.

Council Member Smith made a motion to waive the reading of and approve the minutes of the June 15, 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 Roberts, Smith, Harris, and Draper; nays: none. The motion carried and the June 15, 2021 regular meeting minutes were approved.

Council Member Roberts made a motion to waive the reading of and approve the minutes of the June 19, 2021 called meeting. The motion was seconded by Council Member Smith and on call of the roll the following vote was recorded: ayes: Council Member Roberts, Smith, Harris, and Draper; nays: none. The motion carried and the June 19, 2021 called meeting minutes were approved.

Mayor Draper made a motion to adopt the agenda the additions of a motion for the Greyhound Bus Mural and a motion for the Anniston Fire Department Radios. The motion was seconded by Council Member Smith and on call of the roll the following vote was recorded: ayes: Council Member Roberts, Smith, Harris, and Draper; nays: none. The motion carried and the amended agenda was adopted.

Mayor Draper introduced a board confirmation of Manuell Smith to the Anniston Museum of Natural History.

Mayor Draper read the following addresses for the record: 0 Moore Ave, 200 West 13th St., 202 West 13th St., 204 West 13th St., 206 West 13th St., 208 West St., 214 West 13th St., 218 West 13th St., 1224 Moore Ave

Mayor Draper opened a public hearing to receive public comments regarding over-ruling objections to the abatement of identified nuisances. Group 2021-02 Unsafe Structures.

Tana Bryant, Senior Code Enforcement Officer, stated that she received an email from Vernon and Felicia Cobb (0 Moore Ave, 200 West 13th St., 202 West 13th St., 1224 Moore Ave), stating that per their conversation regarding Moore Ave and 13th St., they will be in contact with the Spirit of Anniston to discuss donation of the property or pursue the avenue of demolition of the property at a later date. She stated that they have not signed a formal contract, this is just his intent.

Mayor Draper closed the public hearing to receive public comments regarding over-ruling objections to the abatement of identified nuisances. Group 2021-02 Unsafe Structures.

Mayor Draper made a motion to approve the consent agenda:

- (a) Resolution declaring a reported condition to be a public nuisance Group 2021-05 Grass/Debris/Vehicles (21-R-48)
- (b) Resolution over-ruling objections to the abatement of identified nuisances caused by unsafe buildings, structures, or construction (Group 2021-02 Unsafe Structures) (21-R-49)
- (c) Resolution amending the 2019 Action Plan to include the CDBG-CV3 allocation (21-R-50)
- (d) Resolution appointing member(s) to the Anniston Museum of Natural History (21-R-51)
- (e) Resolution appointing member(s) to the Downtown Development Authority (21-R-52)
- (f) Resolution authorizing the submission of a grant under the Rebuilding American Infrastructure with Sustainability and Equity (RAISE) Grant (21-R-53)
- (g) Motion to award the bid for a 2021 Crew Cab ¾ ton pickup or a compatible model for the Fire Department in the amount of \$33,987.50 to Sunny King Ford

The motion was seconded by Council Member Harris and on call of the roll the following vote was recorded: ayes: Council Member Roberts, Smith, Harris, and Draper; nays: none. The motion carried and the Consent Agenda was approved.

Council Member Harris made a motion to reject the bids for Repair and Resurfacing the existing 6-lane red running track at the Anniston Sports Complex. The motion was seconded by Council Member Smith and on call of the roll the following vote was recorded: ayes: Council Member Roberts, Smith, Harris, and Draper; nays: none. The motion carried.

Council Member Harris made a motion to reject the bids for the prep and exterior painting of the Old Fire Station at McClellan located at 34 Traffic Circle, Anniston Al. The motion was seconded by Council Member Smith and on call of the roll the following vote was recorded: ayes: Council Member Roberts, Smith, Harris, and Draper; nays: none. The motion carried.

Council Member Roberts made a motion to reject the bids for removing and re-roofing of 1029 Gurnee Avenue (formerly Moore Printing). The motion was seconded by Council Member Smith and on call of the roll the following vote was recorded: ayes: Council Member Roberts, Smith, Harris, and Draper; nays: none. The motion carried.

Council Member Harris made a motion to approve a Bingo Application for Anniston Elks Lodge #189. The motion was seconded by Council Member Roberts and on call of the roll the following vote was recorded: ayes: Council Member Roberts, Smith, Harris, and Draper; nays: none. The motion carried.

Council Member Smith made a motion to authorize the City Manager to execute an agreement between the City of Anniston and Joseph Giri to restore the Greyhound Bus Mural to certain terms. The motion was seconded by Council Member Harris and on call of the roll the following vote was recorded: ayes: Council Member Roberts, Smith, Harris, and Draper; nays: none. The motion carried.

Council Member Roberts made a motion to appropriate \$50,000.00 from the General Fund to purchase radios for Anniston Fire Department to remedy an immediate safety issue. The motion was seconded by

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

Mayor Draper introduced an Ordinance adopting Chapter 13, Article IV of The Code of Ordinances to Regulate Short-Term Rentals (1st Reading)

Council Member Harris made a motion to read the ordinance adopting Chapter 13, Article IV of The Code of Ordinances to Regulate Short-Term Rentals by title only.

Mayor Draper opened a public hearing to receive public comments regarding reading the ordinance adopting Chapter 13, Article IV of The Code of Ordinances to Regulate Short-Term Rentals by title only. No one Spoke. Mayor Draper closed the public hearing to receive public comments regarding reading the ordinance adopting Chapter 13, Article IV of The Code of Ordinances to Regulate Short-Term Rentals by title only.

The motion was seconded by Council Member Roberts and on call of the roll the following vote was recorded: ayes: Council Member Roberts, Smith, Harris, and Draper; nays: none. The motion carried and the ordinance will be read by title only.

Mayor Draper read Ordinance adopting Chapter 13, Article IV of The Code of Ordinances to Regulate Short-Term Rentals by title only.

Council Member Harris made a motion for unanimous consent for immediate consideration. The motion was seconded by Mayor Draper and on call of the roll the following vote was recorded: ayes: Council Member Roberts, Smith, Harris, and Draper; nays: none. The motion carried.

Mayor Draper made a motion for passage and adoption of ordinance adopting Chapter 13, Article IV of The Code of Ordinances to Regulate Short-Term Rentals. The motion was seconded by Council Member Harris and on call of the roll the following vote was recorded: ayes: Council Member Roberts, Smith, Harris, and Draper; nays: none. The motion carried and the ordinance (21-O-11) was passed and adopted.

Dino Nanna, 5829 Holly Trace, urged the council to move forward with the Satcher Institute. Also, when it comes time for the council to move city hall they should consider downtown to help with revitalizing Noble Street.

Council Member Roberts stated that they lost three young black men over the course of the 4th of July Holiday weekend. He stated to the base of his knowledge two were murdered. He stated we have to stop condoning wrong.

Council Member Smith stated that there should be a level of accountability and conversation regarding gun violence; and an actual plan of action to make the community safe for the City's young Black men and women.

Council Member Harris stated the violence in Anniston is totally unacceptable for our young people to be losing their lives. She stated that she is willing to do everything she can to support whatever the council can do to stop the violence. She thanked staff for their efforts with the Noble Street Festival.

Mayor Draper stated that as a community, we have to recognize, we all have a role in public safety. He thanked city staff and everyone who came out to the Noble Street Festival.

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 Roberts; 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 5:54 o'clock p.m.

PUBLIC HEARING

Nuisance Properties, Group 2021-05

Address	PPIN	Owner	Violation
14 Adams Street	73960	Kirby Cecil Sr. C/O State of Alabama	Weeds and debris
127 South Spruce	63041	INA Group LLC	Weeds and debris
201 East 28 th	25087	ALBC Properties LLC	Inoperable vehicle: silver Jeep tag unknown
1000 Sugarloaf	537	Collum William C	Weeds and debris
1134 Pine Ave	18764	Johnson Quo-Vadis C/O Johnson William Joseph	Weeds, debris and inoperable vehicle: gold Chevrolet Impala tag unknown
1326 Bancroft Ave	30606	Roper Leola Waters C/O State of Alabama	Weeds and debris
2730 Old Quintard	25033	Meiss Gabriel L Benitez & Meia Benitez	Weeds, debris and inoperable vehicle: Blue Jeep SUV tag unknown
2807 Wilmer Ave	25085	De La Rosa Roberto Escareno & Lopez	Inoperable vehicle: Red Ford SUV tag unknown, Black Chevrolet pick up tag unknown



CITY OF ANNISTON

P.O. Box 2168
Anniston, AL 36202

TELEPHONE (256) 231-7750
FAX (256) 231-7748

**NOTICE OF PROPOSED VACATION OF
a portion of Walnut Ave & East/West alley between Walnut/Moore/13th St/14th St**

A petition has been received by the City of Anniston for the vacation of a street, alley or highway described as follows:

Proposed Street Vacation – Walnut Avenue

SEC 6, TSP 16S, RNG 8E. BEGINNING AT THE SOUTHWEST CORNER OF THE RIGHT-OF-WAY OF MOORE AVENUE AND WEST 14TH STREET, THENCE COMMENCE WEST 150 FEET TO THE TRUE POINT OF BEGINNING, THENCE SOUTH 400 FEET ALONG THE EAST RIGHT-OF-WAY OF WALNUT AVENUE TO THE NORTHEAST CORNER OF THE RIGHT-OF-WAY OF WALNUT AVENUE AND WEST 13TH STREET, THENCE WEST 60 FEET, THENCE NORTH 400 FEET ALONG THE WEST RIGHT-OF-WAY OF WALNUT AVENUE, THENCE EAST 60 FEET ALONG THE RIGHT-OF-WAY OF WEST 14TH STREET TO THE TRUE POINT OF BEGINNING.

**Proposed Street Vacation – East/West Alley between Walnut/Moore/13th/14th
SEC 6, TSP 16S, RNG 8E. BEGINNING AT THE SOUTHWEST CORNER OF THE RIGHT-OF-WAY OF MOORE AVENUE AND WEST 14TH STREET, THENCE COMMENCE SOUTH 110 FEET TO THE TRUE POINT OF BEGINNING, THENCE WEST 150 FEET ALONG THE NORTH RIGHT-OF-WAY OF SAID ALLEY, THENCE SOUTH 15 FEET ALONG THE EASTERN RIGHT-OF-WAY OF WALNUT AVENUE, THENCE EAST 150 FEET ALONG THE SOUTH RIGHT-OF-WAY OF SAID ALLEY, THENCE NORTH 15 FEET ALONG THE WESTERN RIGHT-OF-WAY OF MOORE AVENUE TO THE TRUE POINT OF BEGINNING.**

A resolution granting the City's assent to this vacation will be considered by the City Council at its regular meeting on **Tuesday, July 20, 2021, at 5:30 p.m.** in the Council Chamber at the Anniston City Meeting Center, 1615 Noble St.

Any citizen alleged to be affected by the proposed vacation may submit a written objection to the City Council or may request an opportunity to be heard at the public hearing. A map of the proposed vacation will be available for public inspection during regular business hours in the Department of Public Works, City Hall.



CITY OF ANNISTON

**P.O. Box 2168
Anniston, AL 36202**

**TELEPHONE (256) 231-7750
FAX (256) 231-7748**

NOTICE OF PROPOSED VACATION OF a portion of Symphony Way

A petition has been received by the City of Anniston for the vacation of a street, alley or highway described as follows:

A PORTION OF SYMPHONY WAY LYING WITHIN SECTIONS 15 AND 22, TOWNSHIP 15 SOUTH, RANGE 8 EAST, CALHOUN COUNTY, ALABAMA TO BE VACATED, BEING MORE PARTICULARLY DESCRIBED AS BEGINNING AT THE INTERSECTION OF SYMPHONY WAY AND THE WEST RIGHT-OF-WAY OF NEILSON STREET (AKA 8TH AVENUE). THEN FROM THE POINT OF BEGINNING IN A WESTERLY DIRECTION FOR A DISTANCE OF 1501.30 FEET TO THE INTERSECTION OF A PROJECTION LINE OF THE REAR PROPERTY LINE OF AT PROPERTY OWNED BY A W GROUP LLC HAVING TAX PARCEL #18-05-15-3-006-001.000 AND SYMPHONY WAY. SYMPHONY WAY HAS AN UNKNOWN RIGHT-OF-WAY WIDTH BUT IT IS THE INTENT OF THIS DESCRIPTION TO VACATE THE ENTIRE RIGHT-OF-WAY WITHIN THE ABOVE AREA.

A resolution granting the City's assent to this vacation will be considered by the City Council at its regular meeting on **Tuesday, July 20, 2021, at 5:30 p.m.** in the Council Chamber at the Anniston City Meeting Center, 1615 Noble St.

Any citizen alleged to be affected by the proposed vacation may submit a written objection to the City Council or may request an opportunity to be heard at the public hearing. A map of the proposed vacation will be available for public inspection during regular business hours in the Department of Public Works, City Hall.

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 20th day of **July 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 2021-05 Grass, Debris & Vehicles

Address	PPIN	Owner	Violation
14 Adams Street	73960	Kirby Cecil Sr. C/O State of Alabama	Weeds and debris
127 South Spruce	63041	INA Group LLC	Weeds and debris
201 East 28 th	25087	ALBC Properties LLC	Inoperable vehicle: silver Jeep tag unknown
1000 Sugarloaf	537	Collum William C	Weeds and debris
1134 Pine Ave	18764	Johnson Quo-Vadis C/O Johnson William Joseph	Weeds, debris and inoperable vehicle: gold Chevrolet Impala tag unknown
1326 Bancroft Ave	30606	Roper Leola Waters C/O State of Alabama	Weeds and debris
2730 Old Quintard	25033	Meiss Gabriel L Benitez & Meia Benitez	Weeds, debris and inoperable vehicle: Blue Jeep SUV tag unknown
2807 Wilmer Ave	25085	De La Rosa Roberto Escareno & Lopez	Inoperable vehicle: Red Ford SUV tag unknown, Black Chevrolet pick up tag unknown

RESOLUTION NO. 21-R-__

**A RESOLUTION PROVIDING FOR THE ELIMINATION OF A GRADE CROSSING;
REPEALING ALL PRIOR ACTIONS IN CONFLICT HEREWITH; AND FOR OTHER
PURPOSES**

WHEREAS, it is within the authority of the City of Anniston, AL to voluntarily eliminate grade crossings within the municipal street system; and

WHEREAS, it has been determined reasonably necessary in the interest of public safety to eliminate highway grade crossing, McDaniel St. - DOT# 727 092B, RR MP 736.3; and

WHEREAS, it has been determined that the enhancement of public safety resulting from such elimination of the grade crossing will outweigh any inconvenience to the reasonable passage of public traffic, specifically including without limitation emergency vehicle traffic, caused by rerouting such traffic; and

WHEREAS, the closing of the crossing McDaniel St. - DOT# 727 092B, RR MP 736.3,

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Anniston, and it is hereby established by authority of the same, as follows:

Section 1. The City hereby directs the elimination of the highway grade Crossing, McDaniel St. - DOT# 727 092B, RR MP 736.3.

Section 2. A copy of this resolution shall be served on Norfolk Southern Corporation.

Section 3. Norfolk Southern Corporation shall at its expense physically remove the crossing from the tracks and beyond the ends of the crossties on each side and erect an approved barricade on each side, at or near the edge of RR ROW to be maintained, as needed, by the City thereafter.

Section 4. Upon receipt of a signed resolution, Norfolk Southern Corporation will provide an incentive payment to the City of Anniston in the amount of \$100,000.

Section 5. All ordinances or parts of ordinances in conflict herewith are repealed.

PASSED and **ADOPTED** 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

RESOLUTION NO. 21-R- _____

**A RESOLUTION ADOPTING THE 2021 ANNUAL ACTION PLAN AND BUDGET FOR
THE CITY OF ANNISTON’S COMMUNITY DEVELOPMENT BLOCK GRANT
PROGRAM AND THE ANNISTON/CALHOUN COUNTY HOME CONSORTIUM’S
HOME PROGRAM**

WHEREAS, the City of Anniston has been designated as “Entitlement Community” and therefore receives direct annual funding from the U.S. Department of Housing and Urban Development (HUD) for the Community Development Block Grant Program; and a “Participating Jurisdiction” under the Home Investment Partnerships Act Program;

WHEREAS, HUD requires Entitlement Communities to prepare and approve an Annual Action Plan for each of the five years under the Consolidated Plan in order to establish activities associated with priorities designated under the Consolidated Plan; and

WHEREAS, the Draft Fiscal Year 2021 Action Plan has been published for the HUD-required 30-day citizen participation, review and comment period;

WHEREAS, the City Council wishes to approve the Annual Action Plan for submission to HUD including the allocation of the sum of the PY 2021 CDBG grant award of \$563,039.00 and the sum of the PY 2021 HOME grant award of \$401,706.00.

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

Section 1. That the Program Year 2021 Annual Action Plan and Budget are approved and hereby adopted in the following amounts for the period beginning October 1, 2021 and ending September 30, 2022.

PY 2021 CDBG Budget

Administration		\$112,607.80
Public Services		\$ 83,229.45
The Right Place	\$ 22,500.00	
City of Anniston YES Program	\$ 15,729.45	
Community Enabler	\$ 22,500.00	
St. Michael’s Community Services	\$ 22,500.00	
Public Facility		\$367,201.75
City of Anniston Infrastructure	\$106,261.05	
City of Anniston Public Works	\$250,000.00	
Senior Center	\$ 10,940.70	
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Total CDBG Budget		\$563,039.00

PY 2020 HOME Budget

Administration & Planning/Program Delivery		\$40,170.60
Housing Activities		\$361,535.40
Habitat for Humanity	\$220,000.00	
Habitat for Humanity(City of Jacksonville)	\$ 44,744.10	
The Right Place	\$ 36,535.40	
Northeast AL CDC (CHDO)	\$ 60,255.90	
<hr/>		
Total HOME Budget		\$401,706.00

Section 2. The City Manager, as Chief Administrative Officer of the City of Anniston, Alabama, is authorized to apply for these CDBG and HOME funds by submission of said documents to HUD, and to execute all other documents, forms, agreements, certifications, assurances or reports that may be requested by HUD in relation to said Plan and to undertake all actions and steps that may be necessary to complete the Plan.

PASSED and ADOPTED this 20th day of **July, 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 NO. 21-R-__

**A RESOLUTION AUTHORIZING CERTAIN ACTIONS WITH RESPECT TO
GENERAL OBLIGATION WARRANTS, SERIES 2021,
OF THE CITY OF ANNISTON**

BE IT RESOLVED BY THE CITY COUNCIL (the "Council") OF THE CITY OF ANNISTON, ALABAMA (the "City"), as follows:

Section 1. The Council has found and determined, and does hereby find, determine and declare, as follows:

(a) It is in the best interests of the City to acquire certain equipment and construct and install various capital improvements within the corporate limits of the City, including, without limitation, a new city hall and related infrastructure, equipment and furnishings (collectively the "Capital Improvements");

(b) It is in the best interests of the City to refund all, or some portion, of the City's outstanding General Obligation Warrants, Series 2016 (the "Series 2016 Warrants"); and

(c) It is necessary and desirable for the City to authorize the structure and offering to the public market of its General Obligation Warrants, Series 2021 (the "Series 2021 Warrants"), on a tax-exempt and taxable basis for the foregoing purposes. The tax-exempt series of warrants (i) shall be designated the "Series 2021-A Warrants", and (ii) shall be issued to finance the Capital Improvements. The taxable series of warrants (i) shall be designated the "Series 2021-B Warrants", and (ii) shall be issued to advance refund the Series 2016 Warrants. The City shall reserve the right to apply any present value interest savings generated by the refunding of the Series 2016 Warrants to the financing of the Capital Improvements.

Section 2. Subject to Section 4 hereof, the Council does hereby approve, adopt, authorize, direct, ratify and confirm:

(a) the engagement of The Frazer Lanier Company, Incorporated (the "Underwriter") to provide all investment banking and underwriting services with respect to the offering, sale and issuance of the Series 2021 Warrants;

(b) the engagement of Maynard, Cooper & Gale, P.C., as bond counsel, for the preparation of the financing and disclosure documents for the Series 2021 Warrants;

(c) the terms, and distribution by the Underwriter of a preliminary official statement with respect to the Series 2021 Warrants, on behalf of the City, and as approved by the City Manager and Finance Director; and

(d) the preparation of the terms and provisions of a warrant purchase agreement with respect to the Series 2021 Warrants (or one for each series thereof) (the "Warrant Purchase Agreement"), by the City and the Underwriter.

Section 3. Subject to **Section 4 hereof**, the City Manager and the Finance Director are each hereby authorized and directed to execute and deliver the Warrant Purchase Agreement with respect to the Series 2021 Warrants.

Section 4. The issuance and sale of the Series 2021 Warrants by the City shall be subject to:

(a) the final approval and authorization thereof by the Council, including without limitation the purposes, use of proceeds, principal amounts, terms of maturity and payment dates, interest rates, offering prices and redemption prices and terms, and costs of issuance and credit enhancement; and

(b) the approving legal opinion of Maynard, Cooper & Gale, P.C., as bond counsel.

Section 5. If it becomes necessary for the City to expend any funds for the Capital Improvements prior to the issuance of the Series 2021 Warrants, as described above, the Council hereby declares its official intent that (i) proceeds of the Series 2021 Warrants be used to reimburse the City for capital expenditures made by the City from the funds thereof in the General Fund of the City in amounts not exceeding \$5,000,000 which are eligible for reimbursement under Treas. Reg. 1.150-2, and (ii) any such reimbursement be made in accordance with Treas. Reg. 1.150-2.

Section 6. All actions heretofore taken, and all agreements, documents, instruments and notices heretofore executed, delivered or made, by any of the officers of the City with respect to any matters referenced herein are hereby ratified and confirmed.

Section 7. All resolutions, or parts thereof, of the Council in conflict or inconsistent with any provision of this resolution hereby are, to the extent of such conflict or inconsistency, repealed.

Section 8. This resolution shall take effect immediately.

PASSED and ADOPTED this 20th day of **July, 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

STATE OF ALABAMA)
CALHOUN COUNTY)

CERTIFICATE OF CITY CLERK

The undersigned duly elected, qualified and acting City Clerk of the City of Anniston, Alabama, does hereby certify that the above and foregoing pages constitute a complete, verbatim and compared copy of a resolution duly introduced and adopted by the City at a regular meeting thereof on June 14, 2021 and said resolution has not been repealed, amended, or changed and is in full force and effect.

IN WITNESS WHEREOF, I have hereunto set my hand as Secretary of the City and have affixed the official seal of the City, this ____ day of July, 2021.

Skyler Bass
City Clerk of the City of Anniston, Alabama

SEAL

RESOLUTION NUMBER 21-R-___

A RESOLUTION VACATING A PORTION OF WALNUT AVE & EAST/WEST ALLEY BETWEEN WALNUT/MOORE/13TH/14TH

WHEREAS, the owners of all lands abutting on a street or alley hereinafter described have joined in a written instrument to declare said street or alley to be vacated; and

WHEREAS, convenient means of ingress and egress to and from said lands is afforded to all other property owners owning property to the tract of land embraced in the map, plat or survey hereinafter referred to, either by the remaining streets or alleys dedicated by such map, plat or other streets and alleys; and

WHEREAS, the vacation of said part of said street or alley shall not deprive any other property owners of such right as they have to convenient and reasonable means of ingress and egress to and from their property; and

WHEREAS, it is in the public interest of the Council of the City of Anniston, Alabama, to assent to the vacation of said part of said street or alley.

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

Section 1. That the said Council does hereby assent and consent to the vacation of said part of said street or alley, the same being described as follows:

SEC 6, TSP 16S, RNG 8E. Beginning at the southwest corner of the right-of-way of Moore Avenue and West 14th Street, thence commence west 150 feet to the true point of beginning, thence south 400 feet along the east right-of-way of Walnut Avenue to the northeast corner of the right-of-way of Walnut Avenue and West 13th Street, thence west 60 feet, thence north 400 feet along the west right-of-way of Walnut Avenue, thence east 60 feet along the right-of-way of West 14th Street to the true point of beginning 2 & 11, TSP 15S, RNG 8E; Beginning at the eastern right of way of Iron Mountain Road and continuing northeasterly along Falcon Road to its termination at the City Limits.

SEC 6, TSP 16S, RNG 8E. Beginning at the southwest corner of the right-of-way of Moore Avenue and West 14th Street, thence commence south 110 feet to the true point of beginning, thence west 150 feet along the north right-of-way of said alley, thence south 15 feet along the eastern right-of-way of Walnut Avenue, thence east 150 feet along the south right-of-way of said alley, thence north 15 feet along the western right-of-way of Moore Avenue to the true point of beginning.

Section 2. Provided, however, that this Resolution shall not prejudice the rights of any public utilities or railroads now operating easements, lines, pipes, railways lines, and rights – of – way in the area encompassed by said part of said street whether above ground, at ground level or below ground, it being specifically understood that this vacation is without prejudice as to the rights of such utilities.

PASSED AND ADOPTED this the **20th** day of **July, 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:

Skylar Bass, City Clerk

RESOLUTION NUMBER 21-R-___

A RESOLUTION VACATING A PORTION OF SYMPHONY WAY

WHEREAS, the owners of all lands abutting on a street or alley hereinafter described have joined in a written instrument to declare said street or alley to be vacated; and

WHEREAS, convenient means of ingress and egress to and from said lands is afforded to all other property owners owning property to the tract of land embraced in the map, plat or survey hereinafter referred to, either by the remaining streets or alleys dedicated by such map, plat or other streets and alleys; and

WHEREAS, the vacation of said part of said street or alley shall not deprive any other property owners of such right as they have to convenient and reasonable means of ingress and egress to and from their property; and

WHEREAS, it is in the public interest of the Council of the City of Anniston, Alabama, to assent to the vacation of said part of said street or alley.

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

Section 1. That the said Council does hereby assent and consent to the vacation of said part of said street or alley, the same being described as follows:

SECTIONS 15 AND 22, TOWNSHIP 15 SOUTH, RANGE 8 EAST, CALHOUN COUNTY, ALABAMA TO BE VACATED, BEING MORE PARTICULARLY DESCRIBED AS BEGINNING AT THE INTERSECTION OF SYMPHONY WAY AND THE WEST RIGHT-OF-WAY OF NEILSON STREET (AKA 8TH AVENUE). THEN FROM THE POINT OF BEGINNING IN A WESTERLY DIRECTION FOR A DISTANCE OF 1501.30 FEET TO THE INTERSECTION OF A PROJECTION LINE OF THE REAR PROPERTY LINE OF AT PROPERTY OWNED BY A W GROUP LLC HAVING TAX PARCEL #18-05-15-3-006-001.000 AND SYMPHONY WAY. SYMPHONY WAY HAS AN UNKNOWN RIGHT-OF-WAY WIDTH BUT IT IS THE INTENT OF THIS DESCRIPTION TO VACATE THE ENTIRE RIGHT-OF-WAY WITHIN THE ABOVE AREA.

Section 2. Provided, however, that this Resolution shall not prejudice the rights of any public utilities or railroads now operating easements, lines, pipes, railways lines, and rights – of – way in the area encompassed by said part of said street whether above ground, at ground level or below ground, it being specifically understood that this vacation is without prejudice as to the rights of such utilities.

PASSED AND ADOPTED this the **20th** day of **July, 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

RESOLUTION NO. 21-R-

**AUTHORIZING COLLABORATION WITH ANNISTON
HOUSING AUTHORITY TO PURSUE FUNDING FOR
ENVIRONMENTAL REMEDIATION OF COOPER HOMES SITE**

WHEREAS, the Housing Authority of the City of Anniston (“AHA”) desires to provide affordable housing at the location of the former Cooper Homes Housing Project;

WHEREAS, AHA will be required to perform environmental remediation of the Cooper Homes site before the area may be redeveloped for safe and affordable housing;

WHEREAS, AHA has studied the environmental issues at the site, and its environmentalist has recommended that AHA seek approval for an engineered solution through a Voluntary Clean-up Plan;

WHEREAS, the Council desires that AHA’s environmental remediation of the Cooper Homes site meet the Alabama Housing Finance Agency’s standards for unrestricted residential use, rather than an engineered solution through a Voluntary Clean-up Plan;

WHEREAS, the Council further desires that the City collaborate with AHA to identify funding so that AHA can clean-up the Cooper Homes site for unrestricted residential use;

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

The Council hereby authorizes and directs the City Manager to collaborate with AHA and take such other administrative actions as are necessary to assist and support the AHA’s effort to procure funding for an environmental remediation of the Cooper Homes site that will meet the Alabama Housing Finance Agency’s standards for unrestricted residential use and to promote the redevelopment of safe and affordable housing at the Cooper Homes site.

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

ORDINANCES

ORDINANCE NO. 21-O-__

**AMENDING CHAPTER 3 GOVERNING THE LICENSE, PURCHASE
AND SALE OF ALCOHOLIC BEVERAGES,**

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

Section 1. Chapter 3, Article I, Section 3.2, Subsection (j) of “The Code of The City of Anniston, Alabama, 1981,” is hereby amended and restated in its entirety as follows:

Sec. 3.2. – Same—Contents.

* * *

(j) Each applicant for a Club Liquor Retailer license, Class I or Class II, shall also include with the application the following:

(1) A certified copy of the club’s certificate of incorporation, organization, or formation by authority of law, together with a copy of the club’s constitution and by-laws.

(2) A verified list of the paid-up members of the club as of the time of the application, along with the residential address of each paid-up member.

(3) The name and residential address of the manager of the club. If the person shown as manager of the club ceases to be the club’s manager, then the club shall notify the city manager within five days of such change and provide the name and residential address of any new manager.

(4) A copy of any certificate from the Internal Revenue Service or Treasury Department demonstrating the club’s tax-exempt status or such other good and sufficient evidence to demonstrate that the applicant is a bona fide non-profit organization and exists solely for the objects set forth in Section 28-3-1(7)(a)(b), Code of Ala. 1975.

Section 2. Chapter 3, Article I, Section 3.10 of “The Code of The City of Anniston, Alabama, 1981” is hereby amended and restated in its entirety as follows:

Sec. 3.10. – Definitions.

As used in this Chapter, the following terms shall have the meanings ascribed as follows:

(1) *Alcoholic beverages.* Any alcoholic, spirituous, vinous, fermented, or other alcoholic beverage, or combination of liquors and mixed liquor, a part of which is spirituous, vinous, fermented, or otherwise alcoholic, and all drinks or drinkable liquids, preparations or

mixtures intended for beverage purposes, which contain one-half of one percent or more of alcohol by volume, and shall include liquor, beer, and wine.

(2) *Beer, or malt or brewed beverages.* Any beer, lager beer, ale, porter, malt or brewed beverage, or similar fermented beverage containing one-half of one percent or more of alcohol by volume and not in excess of thirteen and nine-tenths percent alcohol by volume, brewed or produced from malt, wholly or in part, or from rice, grain of any kind, bran, glucose, sugar, or molasses. A beer or malt or brewed beverage may incorporate honey, fruit, fruit juice, fruit concentrate, herbs, spices, or other flavorings during the fermentation process. The term does not include any product defined as liquor, table wine, or wine.

(3) *Board.* The Alcoholic Beverage Control Board.

(4) *Brewery.* Any premises licensed by the city to engage in the distillation, production, fermenting, brewing, rectifying, or otherwise in the manufacture of only beer, or malt, or brewed alcoholic beverages, as well as engaging in the receiving, storage, or warehousing only of beer, or malt, or brewed alcoholic beverages within the city for transshipment inside and outside the state.

(5) *Brewpub.* Any establishment licensed as and meeting the qualifications of a brewpub under the state alcoholic beverage control laws, including Ala. Code § 28-4A- 1, *et seq.*, as such laws may be amended and superseded from time to time.

(6) *Church.* A tax-exempt place of worship set apart primarily for religious purposes and in which religious services are routinely and customarily held and with which a clergyman is associated.

(7) *Class I Club Liquor Retailer.* An establishment meeting the qualifications of a Class I Club and licensed as a Class I Club Liquor Retailer under the state alcoholic beverage control laws, including Ala. Code §§ 28-3-1 and 28-3A-12 and Section 20-X-5-.03 of the Alabama Administrative Code, as may be amended or superseded from time to time, which qualifications include, but are not limited to, the requirement that the club have at least 150 paid-up members and maintain an establishment provided with special space and accommodations where, in consideration of payment, food with or without lodging is habitually served.

(8) *Class II Club Liquor Retailer.* An establishment meeting the qualifications of a Class II Club and licensed as a Class II Club Liquor Retailer under the state alcoholic beverage control laws, including Ala. Code §§ 28-3-1 and 28-3A-12 and Section 20-X-5-.03 of the Alabama Administrative Code, as may be amended or superseded from time to time, which qualifications include, but are not limited to, the requirement that the club have at least 100 paid-up members.

(9) *Class I Lounge Liquor Retailer.* An establishment meeting the qualifications of a Class I Lounge and licensed as a Class I Lounge Liquor Retailer under the state alcoholic beverage control laws, including Ala. Code §§ 28-3-1 and 28-3A-11 and Section 20-X-5-.04 of the Alabama Administrative Code, as may be amended or superseded from time to time.

(10) *Class II Lounge Liquor Retailer.* An establishment meeting the qualifications of a Class II Lounge and licensed as a Class II Lounge Liquor Retailer under the state alcoholic beverage control laws, including Ala. Code §§ 28-3-1 and 28-3A-11 and Section 20-X-5-.04 of the Alabama Administrative Code, as may be amended or superseded from time to time.

(11) *Child Care Center.* A facility licensed by the Alabama Department of Human Resources that provides for the care of 13 or more children.

(12) *City.* The City of Anniston, Alabama, a municipal corporation under the laws of the State of Alabama, to include its corporate limits and its police jurisdiction.

(13) *Convenience Store.* A small-scale retail store that offers for sale a limited line of groceries and household items and may also sell gasoline.

(14) *Entertainment.* Live entertainment or dancing including cabarets, concerts, live bands, ballrooms, dance halls, comedy clubs, karaoke, disc jockeys, or other similar live performances.

(15) *Hotel.* A building or buildings held out to the public for housing accommodations of travelers or transients, and shall include motel, but shall not include a rooming house or boarding house.

(16) *Importer.* Any person engaged in importing alcoholic beverages, liquor, wine, or beer, manufactured outside of the United States of America into this state or for sale or distribution in this state, or to the board or to a licensee of the board.

(17) *Liquor.* Any alcoholic, spirituous, vinous, fermented, or other alcoholic beverage, or combination of liquors and mixed liquor, a part of which is spirituous, fermented, vinous or otherwise alcoholic, and all drinks or drinkable liquids, preparations or mixtures intended for beverage purposes, which contain one-half of one percent or more of alcohol by volume, except beer and table wine.

(18) *Manufacturer.* Any person engaged in the producing, bottling, manufacturing, distilling, rectifying, or compounding of alcoholic beverages, liquor, beer, or wine in this state or for sale or distribution in this state or to the board or to a licensee of the board.

(19) *Maximum Occupancy.* An establishment's occupancy rating set in accordance with the applicable provisions of the city's fire and building safety codes.

(20) *Non-Profit Special Events Retailer.* An organization meeting the qualifications and licensed as a non-profit special events retail licensee under the state alcoholic beverage control laws, including Ala. Code §§ 28-3-1 and 28-3A-1.5, as may be amended or superseded from time to time.

(21) *Nursery School.* A school designed to provide daytime care or instruction for two or more children from two to five years of age.

(22) *On/Off-Premises Beer Retailer.* An establishment licensed and meeting the qualifications of a retail beer licensee for the sale of beer for on-premises and off-premises consumption under the state alcoholic beverage control laws, including Ala. Code §§ 28-3-1 and 28-3A-16, as may be amended or superseded from time to time, provided, however, when the off-premises sale of beer is more than twenty-five percent (25%) of the total combined on-premises and off-premises sales of beer, the establishment shall be regulated for purposes of this Chapter as an off-premises beer retailer.

(23) *On/Off-Premises Table Wine Retailer.* An establishment licensed and meeting the qualifications of a retail table wine licensee for the sale of table wine for on-premises and off-premises consumption under the state alcoholic beverage control laws, including Ala. Code §§ 28-3-1 and 28-3A-14, as may be amended or superseded from time to time, provided, however, when the off-premises sale of table wine is more than twenty-five percent (25%) of the total combined on-premises and off-premises sales of table wine, the establishment shall be regulated for purposes of this Chapter as an off-premises table wine retailer.

(24) *Off-Premises Beer Retailer.* An establishment licensed and meeting the qualifications of a retail beer licensee for the sale of beer for off-premises consumption under the state alcoholic beverage control laws, including Ala. Code §§ 28-3-1 and 28-3A-17, as said laws and regulations may be amended or superseded from time to time. Entertainment shall not be allowed or included on the premises licensed as an off-premises beer retailer.

(25) *Off-Premises Beer/Table Wine Retailer.* An establishment licensed and meeting the qualifications of an off-premises beer retailer or an off-premises table wine retailer, or both, but not to include any establishment licensed to sell liquor for on-premises or off-premises consumption. Entertainment shall not be allowed or included on the premises of such retailers.

(26) *Person.* Any natural person, corporation, company, association, partnership, or incorporated or unincorporated entity.

(27) *Protected Uses.* Churches, schools, nursery schools, and child care centers, provided such uses were established prior to the establishment of a retailer licensed under the state beverage control laws and have not been abandoned or discontinued for a period of six months or longer and further provided that such uses are not separated from the licensed retailer by an expressway or an interstate highway.

(28) *Restaurant.* A reputable place licensed as a restaurant, operated by a responsible person of good reputation and habitually and principally used for the purpose of preparing and serving meals for the public to consume on the premises, and also referred to as food service.

(29) *Restaurant Liquor Retailer.* An establishment meeting the qualifications and licensed as a Restaurant Liquor Retailer under the state alcoholic beverage control laws, including Ala. Code §§ 28-3-1 and 28-3A-13 and Section 20-X-5-.05 of the Alabama Administrative Code, as may be amended or superseded from time to time.

(30) *Retailer.* Any person licensed by the board to engage in the retail sale of any alcoholic beverages to the consumer.

(31) *Retailer's Premises.* The licensed premises and any adjoining parking areas used or available for parking whether such areas are owned, leased, or otherwise assigned to the licensed retailer.

(32) *Special Events Retailer.* An event meeting the qualifications and licensed as a special events retail licensee under the state alcoholic beverage control laws, including Ala. Code §§ 28-3-1 and 28-3A-20 and Section 20-X-5-.12 of the Alabama Administrative Code, as may be amended or superseded from time to time.

(33) *Special Retailer.* An organization meeting the qualifications and licensed as a special retailer under the state alcoholic beverage control laws, including Ala. Code §§ 28-3-1 and 28-3A-19 and Section 20-X-5-.12 of the Alabama Administrative Code, as may be amended or superseded from time to time.

(34) *State Alcoholic Beverage Control Laws.* The alcoholic beverage control laws of this state, as codified in Title 28 of the Code of Alabama, 1975, and the regulations promulgated thereunder by the board, as such laws and regulations may be amended or superseded from time to time.

(35) *Table wine.* Except as otherwise provided in this Chapter, any wine containing not more than 24 percent alcohol by volume. Table wine does not include any wine containing more than sixteen and one-half percent alcohol by volume that is made with herbs or flavors, except vermouth, or is an imitation or other than standard wine. Table wine is not liquor, spirituous, or vinous.

(36) *Wholesaler.* Any person licensed by the board to engage in the sale and distribution of table wine and beer, or either of them, within this state, at wholesale only, to be sold by export or to retail licensees or other wholesale licensees or others within this state lawfully authorized to sell table wine and beer, or either of them, for the purpose of resale only.

(37) *Wine.* All beverages made from the fermentation of fruits, berries, or grapes, with or without added spirits, and produced in accordance with the laws and regulations of the United States, containing not more than 24 percent alcohol by volume, and shall include all sparkling wines, carbonated wines, special natural wines, rectified wines, vermouths, vinous beverages, vinous liquors, and like products, including restored or unrestored pure condensed juice.

Section 3. Chapter 3, Article II, Section 3.11 of "The Code of The City of Anniston, Alabama, 1981" is hereby amended and restated in its entirety as follows:

Sec. 3.11. – Application.

Each applicant seeking the approval of the city council for any beer retailer license or table wine retailer license shall make application to the city council as herein required. Said application

shall be the same as that used by the Alabama Alcoholic Beverage License Control Board and shall be signed and verified as required by said board. The applicant must also submit a nonrefundable processing fee of fifty dollars (\$50.00) with the application.

Section 4. Chapter 3, Article II, Section 3.17 of “The Code of The City of Anniston, Alabama, 1981,” and the ordinance adopting the same, is hereby repealed. Section 3.17 shall be reserved for future use.

Section 5. Chapter 3, Article IV, Section 3.26 of “The Code of The City of Anniston, Alabama, 1981,” and the ordinance adopting the same, is hereby repealed. Section 3.26 shall be reserved for future use.

Section 6. Chapter 3, Article IV, Section 3.27 of “The Code of The City of Anniston, Alabama, 1981” is hereby amended and restated in its entirety as follows:

Sec. 3.27. – Levied; amounts.

(a) In addition to all other taxes and licenses now imposed by law, there is hereby levied and shall be collected as herein provided an annual privilege or license tax on each person engaged in business in the corporate limits of the city hereinafter set forth and in the amount hereinafter indicated as follows:

(1) *Manufacturer license.* Each person licensed by the board as a manufacturer shall pay an annual privilege or license tax of five hundred dollars (\$500.00); and in addition thereto, on or before the twentieth day of each calendar month, such person shall pay to the city for the privilege of so engaging in such business in the next preceding calendar month an additional privilege or license tax of one-tenth of one per centum of the gross receipts of such business received during such next preceding calendar month.

(2) *Importer license.* Each person licensed by the board as an importer shall pay an annual privilege or license tax of five hundred dollars (\$500.00); and in addition thereto, on or before the twentieth day of each calendar month, such person shall pay to the city for the privilege of so engaging in such business in the next preceding calendar month an additional privilege or license tax of one-tenth of one per centum of the gross receipts of such business received during such next preceding calendar month, which said gross receipts were derived only from the sale of alcoholic beverages other than table wine. The privilege or license tax hereby levied on an importer of table wine is two hundred fifty dollars (\$250.00) only.

(3) *Liquor wholesale license.* Each person licensed by the board as a liquor wholesaler shall pay an annual privilege or license tax of five hundred dollars (\$500.00); and in addition thereto, on or before the twentieth day of each calendar month, such person shall pay to the city for the privilege of so engaging in such business in the next preceding calendar month an additional privilege or license tax of one-tenth of one per centum of the gross receipts of such business received during such next preceding calendar month.

(4) *Wine wholesale license.* Each person licensed by the board as a wine wholesaler shall pay an annual privilege or license tax of two hundred seventy-five dollars (\$275.00).

(5) *Beer and wine wholesale license.* Each person licensed by the board as a beer and wine wholesaler shall pay an annual privilege or license tax of three hundred seventy-five dollars (\$375.00), and one hundred dollars (\$100.00) for each warehouse in addition to the principal warehouse.

(6) *Warehouse license.* Each person licensed by the board to operate an alcoholic beverage warehouse shall pay an annual privilege or license tax of two hundred dollars (\$200.00); and in addition thereto, on or before the twentieth day of each calendar month, such person shall pay to the city for the privilege of so engaging in such business in the next preceding calendar month an additional privilege or license tax of one-tenth of one per centum of the gross receipts of such business received during such next preceding calendar month.

(7) *Lounge retail liquor license.* Each person issued a lounge retail liquor license by the board shall pay an annual privilege or license tax of five hundred dollars (\$500.00); and in addition thereto, on or before the twentieth day of each calendar month, such person shall pay to the city for the privilege of so engaging in such business in the next preceding calendar month an additional privilege or license tax of ten (10) per centum of the gross purchases made by the licensee from the alcohol beverage control board of the state during such next preceding calendar month, other than purchases of table wine.

(8) *Restaurant retail liquor license.* Each person issued a restaurant retail liquor license by the board shall pay an annual privilege or license tax of two hundred fifty dollars (\$250.00); and in addition thereto, on or before the twentieth day of each calendar month, such person shall pay to the city for the privilege of so engaging in such business in the next preceding calendar month an additional privilege or license tax of ten (10) per centum of the gross purchases made by the licensee from the alcohol beverage control board of the state during such next preceding calendar month, other than purchases of table wine.

(9) *Club retail liquor license.* Each person issued a club retail liquor license by the board shall pay an annual privilege or license tax of five hundred dollars (\$500.00); and in addition thereto on or before the 20th day of each calendar month, such person shall pay to the city for the privilege of so engaging in such business in the next preceding calendar month an additional privilege or license tax of ten (10) per centum of the gross purchases made by the licensee from the alcohol beverage control board of the state during such next preceding calendar month, other than purchases of table wine.

(10) *Retail table wine license for off-premises consumption.* Each person issued a off-premises retail table wine license by the board shall pay an annual privilege or license tax of seventy-five dollars (\$75.00).

(11) *Retail table wine license for on- and off-premises consumption.* Each person issued a on-premises and off-premises retail table wine license shall pay an annual privilege or license tax of seventy-five dollars (\$75.00).

(12) *Special retail license – short term.* Each person issued a special retail license by the board that is valid for thirty (30) days or less shall pay a privilege or license tax of fifty dollars (\$50.00).

(13) *Special retail license – long term.* Each person issued a special retail license by the board that is valid for more than thirty (30) days, but not to exceed one year, shall pay a privilege or license tax of two hundred fifty dollars (\$250.00) and, in addition, on or before the twentieth day of each calendar month each such person shall pay to the city for the privilege of so engaging in such business in the next preceding month an additional privilege or license tax of ten (10) per centum of the gross purchases made by the licensee from the alcohol beverage control board of the state during such next preceding calendar month, other than purchases of table wine.

(14) *Special events retail license.* Each person issued a special events retail license by the board, which may be for a period not to exceed seven (7) days, shall pay a privilege or license tax of fifty dollars (\$50.00).

(15) *Non-Profit special events retail license.* Each person issued a non-profit special events retail license by the board, which may be for a period not to exceed seven (7) days, shall pay a privilege or license tax of .

(b) A person shall be deemed engaged in business within the corporate limits of the city if that person has a place where any alcoholic beverage is kept or stored for sale or delivery within the corporate limits, or if, pursuant to agreement of sale, express or implied, that person delivers any alcoholic beverage within the corporate limits, or if that person performs within the corporate limits any act authorized to be done only by the holder of any license issued by the board.

Section 7. Chapter 3, Article IV, Section 3.33 of “The Code of The City of Anniston, Alabama, 1981” is hereby amended and restated in its entirety as follows:

Sec. 3.33. – Business outside of city, but within police jurisdiction.

Each person engaged in or carrying on any business licensed by the board, as specified in Section 3.27 of this Article, which has a fixed place of business outside the corporate limits of the city but within the police jurisdiction thereof, shall obtain a license and pay therefor an amount equal to one-half the amount levied and imposed for doing a like business within the corporate limits of the city. Each such person shall be subject to all the other terms and provisions of this Article applicable to businesses within the corporate limits of the city. The privilege or license taxes levied by this section are levied in order to reasonably reimburse the city for regulation of such businesses and the provision of police and fire protection relating thereto.

Section 8. This ordinance shall have force and effect in the police jurisdiction of the City of Anniston and shall take effect immediately upon the expiration of the thirtieth day following its passage and adoption and publication as required by law.

Section 9. The City Clerk shall publish this ordinance in The Anniston Star, a newspaper of general circulation published within the City of Anniston, Alabama, and shall submit a copy of this ordinance and proof of publication and 30-day notice of its applicability within the police jurisdiction to the Alabama Department of Revenue for posting on the Atlas Alabama state website in accordance with Ala. Code § 11-40-10.

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-__

**ADOPTING CHAPTER 34, ARTICLE VI
GOVERNING MOBILE FOOD UNITS**

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

Section 1. The Council hereby adopts, enacts, and codifies Chapter 34, Article VI, Sections 34.43 through 34.46, as set forth below, to govern and regulate Mobile Food Units and the operations thereof, which shall state and apply in its entirety as follows:

ARTICLE VI – MOBILE FOOD UNITS

Sec. 34.43. – Definitions.

The following words, terms, and phrases, when used in this article, shall have the meanings ascribed to them in this section:

Food(s) shall mean any type of edible substance meant to be eaten by any creature, including, but not limited to, natural persons, dogs, cats, ect.

Mobile food unit(s) shall mean a motorized or non-motorized self-contained vehicle, trailer, or pushcart that is designed to be mobile and to be used for the service of prepared foods, the preparation of foods, or the service of foods in one or more location within the city.

Mobile food unit permit shall mean a permit to operate a mobile food unit within the city as issued under the authority of this article by the city’s Fire/Building code official and/or his/her designee.

Sec. 34.44. – License and Permit Required.

(a) **Business License Required.** Any person operating a mobile food unit shall annually obtain and maintain a business license issued by the City Finance Department prior to commencing any sales in the city.

(b) **Mobile Food Unit Permit.** After obtaining a business license, any person operating a mobile food unit shall obtain an annual mobile food unit permit to be issued by the City’s Fire/Building code official and/or his/her designee. A separate permit shall be required for each mobile food unit. It shall be unlawful for any person to operate a mobile food unit within the city without a valid and unexpired mobile food unit permit issued by the city pursuant to this article.

(c) **Application Permit Process.**

(1) Any person desiring to obtain a Permit to operate a mobile food unit within the City shall make application thereof, in person, to the city's Fire/Building code official or his/her designee;

(2) The application shall be submitted on a form furnished by the city, which will include, at a minimum, the following information:

- (i) Applicant's name and physical address (to be verified through the presentation of the applicant's U.S. state issued driver's license, U.S. state issued identification card, U.S. passport, or foreign passport with U.S. Visa certification), telephone number, email address;
- (ii) Name, physical address, telephone number of the applicant's employer or principal, if any;
- (iii) Type of mobile food unit applicant is seeking to operate within the city, including a description of such mobile food unit; and
- (iv) The applicant's signature.

The applicant shall provide any such further information or documentation the city's Fire/Building code official deems necessary to review and consider the application in the interests of public health and safety.

(3) The applicant shall fully complete the mobile food unit permit application and, together with the application, submit to the city's official (i) such applicant's U.S. state issued driver's license, U.S. state issue identification card, U.S. passport, or foreign passport with Visa certification, (ii) a copy of all required and current health department approvals for such mobile food unit, and a copy of a current City business license.

(4) At the time of filing the application with the permit official, the applicant shall pay to the department a non-refundable fee in the amount of One Hundred and 00/100 (\$100) to defray the costs of administering this article.

(5) Upon receipt of the fully completed application and all required documents, the city's Fire/Building code official or his/her designee shall review and, if appropriate, approve the application.

(6) Upon approval of the application, the city's Fire/Building code official shall complete an inspection of the mobile food unit identified in the permit application. A mobile food unit shall be subject to and comply with any and all relevant codes adopted by the city.

(7) Upon passing of the inspection process, the city's Fire/Building code official shall issue a mobile food unit permit to the applicant. The permit shall show the name and address of the permittee and the date of permit's expiration. Any denial of a permit application shall be in accordance with subsection (d) hereof.

(d) **Denial of Permit.** The city's Fire/Building code official may deny a mobile food permit application or any renewal thereof for any of the following reason:

(1) An investigation reveals that the applicant falsified and/or provided inaccurate information on the application;

(2) The applicant fails to provide proof of possession of any license or permit which, under federal, state, or local law or regulations, the applicant is required to have in order to conduct the proposed business;

(3) There is no proof as to the authority of the applicant to serve as an employee/agent to the employer/principle;

(4) Failure by the applicant to provide all information required by permit application;

(5) Failure of any portion of the inspection of the mobile food unit; and

(6) Any grounds that would warrant a revocation of the permit in accordance with subsection (g) hereof.

The city's Fire/Building code official shall note the denial and the reasons therefore on the application form and mail the applicant written notification of the denial to the address identified on the application.

(e) **Posting of Permit and Business License.** The mobile food unit permit and city business license shall be always posted in a visible location on the mobile food unit while in operation.

(f) **Permit Non-transferable.** Each mobile food unit permit issued for a single unit and applicant. The permit is non-transferable to another owner and/or operator of the same or different mobile food unit. A person operating more than one mobile food unit shall obtain and keep a separate permit for each unit.

(g) **Revocation of Permit.** The Fire Chief, Chief of Police, Fire Marshal, and/or his/her designee may immediately suspend or revoke any mobile food unit permit for just cause or in the interest of public safety, for any of the following reasons:

(1) Any violation by the permittee or an employee or agent of the permittee of this article or any other local, state, or federal law, regulation or code of the city;

(2) Conviction by permittee of any crime involving moral turpitude; or

(3) Operating a mobile food unit in such a manner as to create a public nuisance, constitute a breach of the peace, or endanger the health, safety, or general welfare of the public.

All mobile food units are subject to inspection and enforcement by the city's Fire Department, Police Department, and Fire/Building code official or his/her designee, at any time to determine compliance with any applicable laws, regulations, and codes pertaining to the sale of foods or the business of mobile food unit operators.

(h) **Appeal of Denial, Suspension, or Revocation.** The decision to deny an application or to suspend, other than temporary, or revoke a mobile food unit permit may be appealed to the City Council. Any person aggrieved by the official's action who desires to make appeal shall file a written notice of appeal to the City Clerk within seven (7) days following the date on which the action occurred. After receiving notice of the appeal, the City Clerk shall set a date and time within a reasonable amount of time thereafter for a hearing on the matter. The City Clerk shall provide the appellant written notice of such hearing at least one (1) day prior to the hearing. No person shall acquire any vested right to a mobile food unit permit. Any rights granted hereunder, in whole or in part, are subject to refusal or amendment, at any time or from time to time.

Sec. 34.45. – Requirements; operations.

(a) Location of Mobile Food Units.

(1) All mobile food units shall be located off the public right or ways unless approved in advance by the city. While in operation, a mobile food unit shall be only in areas of the city zoned non-residential.

(2) Any person operating a mobile food unit shall have permission of the property owner where the unit is in operation, which shall be evidenced by a writing expressing said permission and signed by the property owner. The operator of the mobile shall keep said written permission in the mobile food unit while located or in operation on the property.

(3) No mobile food unit may be located within two hundred (200) feet of the main entrance of the nearest restaurant during restaurant's posted hours of operation.

(4) All mobile food units shall be located a minimum of ten (10) feet away from any fire hydrants, sidewalks, utility boxes, handicap ramps, and/or building entrances.

(5) No mobile food unit shall be allowed to remain stationary for more than three (3) consecutive days unless approval is granted by the city in advance.

(b) **Times of Operation.** No mobile food unit may sell food in excess of eight (8) hours in any day unless otherwise approved in advance by the city.

(c) **Disposal of Waste and Trash.** Any person operating a mobile food unit shall ensure the proper containment and disposal of all waste and trash associated with the operation before leaving the site of the unit's operation. No person shall use the city's trash receptacles for any purpose associated with the mobile food unit or its operations.

(d) **Utilities.** A mobile food unit shall not use any on-site utilities without written permission obtained from the property owner or authorized user of the utilities thereon.

(e) **Distracting Sounds and Lights.** No person shall use amplified microphones, bull horns, flashing lights or any other distraction sound or light in connection with the mobile food unit's operation unless approved in advance by the city. This subsection does not prevent the use of traditional music for an Ice Cream truck.

(f) **Signage.** Any signage for the mobile food unit shall be affixed to the unit, only. No person shall use any portable signage in connection with the mobile food unit's operation unless approved in advance by the city.

(g) **Public Nuisance Prohibited.** No person shall use, operate, deploy, or locate a mobile food unit in a manner that (i) creates or maintains a public nuisance, (ii) damages or alters public property or infrastructure, and/or (iii) erects or utilizes any permanent or fixed structure in any public place.

Sec. 34.46. – Violations.

Any person who violates any section, subsection, or provision of this article shall commit an offense against the city punishable by a fine not to exceed Five Hundred Dollars (\$500). Each day that a person operates in violation of this article shall be a separate offense punishable by a separate fine.

Section 2. This ordinance shall take effect upon its adoption and publication as required by law, and upon taking effect, all prior ordinances in conflict herewith shall be repealed.

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

COUNCIL OF THE CITY OF
ANNISTON, ALABAMA

Jack Draper, Mayor

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ATTEST:

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