

CITY OF ANNISTON
November 16, 2021
5:30 P.M.

- **INVOCATION**
- **PLEDGE OF ALLEGIANCE**
- **CALL TO ORDER**
- **ROLL CALL**
- **READING/APPROVAL OF MINUTES OF PREVIOUS MEETING**
 - November 02, 2021 Regular meeting
- **ADDITIONS/DELETIONS TO THE AGENDA**
- **ADOPTION OF AGENDA**

I. RECOGNITIONS

- (a)** Donoho Lady Falcons Volleyball State Champions

II. BOARD CONFIRMATION HEARING

- (a)** Ann Angell – Parks and Recreation Board

III. PUBLIC HEARING - None

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 adopting the Anniston Historic Resources Report
- (b)** Resolution appointing member(s) to the Parks, Recreation and Beautification Board
- (c)** Resolution allocating Coronavirus State and Local Fiscal Recovery Funds towards purchase of Personal Protective Equipment
- (d)** Motion to award bid to Bradshaw and Pitts LLC for the remodeling of Fire Station #6 located at the Anniston Regional Airport in the amount of \$116,858.00

VI. ORDINANCES

- (a)** Ordinance amending Section 15.57(d) of the Code of Ordinances of the City of Anniston, Alabama adding Four-way Stop Intersections **1st Reading**
- (b)** Ordinance amending Article II, Chapter 31 of the Code of Ordinances to Adopt Regulations for Nonconsensual Towing Service **1st Reading**

VII. ADDITIONAL OR OTHER MATTERS THAT MAY COME BEFORE COUNCIL

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.

**IX. COUNCIL COMMENTS
ADJOURNMENT**

MINUTES

Anniston, Alabama

November 2, 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, November 2, 2021, at approximately 5:30 o'clock p.m.

David Hodnett, Assistant to the Priest at The Church of St. Michael and All Angels, prayed the Invocation.

David Hodnett, Assistant to the Priest at The Church of St. Michael and All Angels, 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.

Council Member Smith made a motion to waive the reading of and approve the minutes of the October 19, 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, Draper; nays: none. The motion carried and the October 19, 2021 regular meeting minutes were approved.

Mayor Draper made a motion to adopt the agenda with the addition of item (e), a motion to suspend the rules requiring the City Council to meet the 1st and 3rd Tuesday of each month to reschedule the December sole meeting to December 14th 2021, to the consent 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 amended agenda was adopted.

Mayor Draper opened a public hearing to receive public comments regarding an application for a 010-Lounge Retail Liquor-Class I license for Fink Inc., d/b/a Partners Lounge located at 831 South Quintard Avenue in the corporate city limits. No one spoke. Mayor Draper closed the public hearing to receive public comments regarding an application for a 010-Lounge Retail Liquor-Class I license for Fink Inc., d/b/a Partners Lounge located at 831 South Quintard Avenue in the corporate city limits.

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

- (a) Resolution declaring a reported conditions to be a public nuisance Group 2021-06 Grass/Debris/ Vehicles (21-R-85)
- (b) Resolution authorizing and directing the City Manager to execute a Professional Services Agreement with Studio A Design LLC (21-R-86)
- (c) Resolution authorizing the City Manager to execute the Airport Rescue Grant Agreement offer through the Federal Aviation Administration for Airport Rescue Grant No. 3-01-0008-038-2022 (21-R-87)
- (d) Motion to approve an application for a 010-Lounge Retail Liquor-Class I license for Fink Inc., d/b/a Partners Lounge located at 831 South Quintard Avenue in the corporate city limits

(e) Motion to suspend the rules requiring the City Council to meet the 1st and 3rd Tuesday of each month to reschedule the December sole meeting to December 14th 2021

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

Craig Waldron, 611 Ox Ave, addressed the city council regarding the equestrian progression in the City of Anniston over the last couple of years.

Council Member Jenkins congratulated and thanked Main Street for their hard work with Neewollah. He congratulated Donohue volleyball girls on their State Championship. He stated that Council Member Smith pointed out that this is the one year anniversary of the council. He stated that their community spirit is really changing the way people see Anniston.

Council Member Roberts congratulated the Donohue Lady Falcons. He stated that he asked the City to have banners made to show support for the kids. He asked everyone to pray for America. He stated that being a part of running the City shows there is a lot of learn but this is one of the greatest teams he has worked on.

Council Member Smith congratulated Karla Eden on coordinating amazing events for the City of Anniston in just a short time. She stated that she alone cannot do everything, it takes a quality team. She stated that she is excited to see what happens after this term in 2025. She congratulated the Youth sports team in Anniston.

Council Member Harris stated on their first anniversary working as a council, she believes they are turning a corner. She stated that is due to cohesiveness of the city council now. She stated that she looks forward to year 2025. She stated that she could not believe Anniston had thousands of people downtown for Neewollah.

Mayor Draper stated that there are a lot of good things going on in Anniston. He stated that he appreciates the collegiality of the council. He stated that is fantastic that the Donohue Lady Falcons won and that the Anniston Bulldogs will be competing against his alma mater in Montgomery.

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 5:52 o'clock p.m.

CONSENT AGENDA

RESOLUTION NO. 21-R-____

RESOLUTION ADOPTING THE ANNISTON HISTORIC RESOURCES REPORT

WHEREAS, the City of Anniston is designated as a certified local government (CLG) by the Alabama Historical Commission and has created a local historic preservation commission to develop guidelines for historic preservation within locally designated historic districts and for properties designated as historically significant;

WHEREAS, the city has updated a cultural resources report that identifies local, state and federal designated historic district and properties. The report further provides information on eligible districts and properties and those properties that are contributing or non-contributing for historic districts or other historic designations. The report provides information that supports CDBG programs, building and demolition actions and a reference for future planning and preservation of neighborhoods.

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

Section 1. The City Council does hereby adopt as recommended by the Anniston Historic Preservation Commission and reviewed by the Alabama Historical Commission, the Anniston Historic Resources Report as a planning resource document in support and recognition of historic preservation, economic development and revitalization.

PASSED and ADOPTED this 16th day of **November, 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

RESOLUTION NUMBER 21-R-___

**A RESOLUTION APPOINTING/REAPPOINTING MEMBER(S) TO THE PARKS,
RECREATION AND BEAUTIFICATION 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 Parks, Recreation and Beautification 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 Parks, Recreation and Beautification 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 **16th** day of **November, 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"

PARKS, RECREATION AND BEAUTIFICATION BOARD

Board Positions	Nominations	Board Member Name	Expiration Date	Explanation
4	Ward 4	Barry Twigg	11/30/2022	Reappointment
9	Ward 4	Ann Angell	11/30/2022	Unexpired term of Jim Miller

RESOLUTION NO. 21-R-__

**ALLOCATING CORONAVIRUS STATE AND LOCAL FISCAL RECOVERY FUNDS
TOWARDS PURCHASE OF PERSONAL PROTECTIVE EQUIPMENT**

WHEREAS, the City's firefighters have served on the front-line of the City's response to the COVID-19 pandemic, and they have faced heightened risks to their own health and wellbeing in their service to public health and safety;

WHEREAS, the Council desires to fully equip the City's firefighters to allow the Fire Department to implement the best practices to mitigate the risk to their health and safety;

WHEREAS, the City is authorized to utilize the funds received from the United States Department of the Treasury pursuant to the Coronavirus State and Local Fiscal Recovery Fund, as established by the American Rescue Plan Act of 2021 ("ARPA"), to support and protect its public safety responders through, among other ways, the purchase of personal protective equipment;

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

The Council hereby allocates a sum total of \$197,813.90 from the ARPA funds granted to the City for the purchase of the type and quantity of personal protection equipment identified in the quotes attached hereto. The Finance Director and Fire Chief are authorized to take such actions as are necessary to purchase and supply said equipment to the City's firefighters and to utilize the City's ARPA funds for the same.

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

ATTEST:

Millie Harris, Council Member

Skyler Bass, City Clerk

EMERGENCY EQUIPMENT PROFESSIONALS, INC

1st Responder Products

31 Monroe Dr. Pelham, AL 35124

P.O.B 1739 SOUTHAVEN MS 38671

QUOTE:

X

PURCHASE:

SALES OFFICE- MS.

Phone: 662-280-4729

Fax: 662-342-7251

Toll Free: 855-337-7647

SALES OFFICE- AL.

Phone: 205-685-8200

Fax: 205-685-8282

Toll Free: 866-685-8201

<u>BILL TO:</u> Anniston FD		<u>SHIP TO:</u>	
Telephone:		ATTN:	Asst Chief Katherine Mehrg
Fax:			
Email:			

Salesperson:

Date:

Cust. P.O. No.

Ship Date:

D. Eckl

11/1/2021

Ship Complete: Y / N

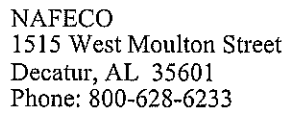
Ship Via:

S.O. No.:

Payment

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QTY.	PART NUMBER / DESCRIPTION	UNIT \$	TOTAL \$
83	Innotex Energy Jacket, Pioneer gold/black, Defender M NP Brass thermal liner, Stedair 3000 moisture barrier, Air-Flo back and shoulders, nomex wristlet w/ no hole, American flag on left sleeve,	\$ 1,339.85	\$ 111,207.55
	radio pocket w/dual notch, flashlight clip and holder strap, extra tab above flashlight clip for thermal imager, combo pockets with hand-warmer pocket, New York reflective segmented trim,	\$ -	\$ -
	ANNISTON sew on jacket back, and removeable name plate on hem of jacket with firefighter's last name	\$ -	\$ -
		\$ -	\$ -
83	Innotex Energy Pant, same components as above with dual pull belt, padded H-back suspenders, full bellows pocket with a tool divider in the right side pocket (40/60 split) with kevlar twill re-inforcement, and double padded knee.	\$ 872.30	\$ 72,400.90
		\$ -	\$ -
	Gear may be picked up at the Ohatchee plant to save on freight	\$ -	\$ -
		\$ -	\$ -
	If needed, gear may be sent to Ohatchee for repairs	\$ -	\$ -
		\$ -	\$ -
		\$ -	\$ -
		\$ -	\$ -
		\$ -	\$ -
		\$ -	\$ -
NOTE; PLEASE QUOTE FREIGHT SEPARATELY		FUEL SURCHARGE:	\$ -
		FREIGHT:	TBD
		TAX:	\$ -
SIGNATURE: <i>David Eckel</i>		TOTAL:	\$ 183,608.45



ORDINANCES

ORDINANCE NO. 21-0-___

AN ORDINANCE AMENDING SECTION 15.57(D) OF THE CODE OF ORDINANCES OF THE CITY OF ANNISTON, ALABAMA ADDING FOUR-WAY STOP INTERSECTIONS

WHEREAS, the City Council of the City of Anniston (the “Council”) finds that a four-way stop sign is due to be installed at the intersection of Leighton Avenue and 19th Street and that said intersection is to be designated as a four-way stop intersection;

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

Section 1. The City Council of the City of Anniston, Alabama hereby amends and restates Section 15.57(D) of “The Code of the City of Anniston, Alabama, 1981” in its entirety to read as follows:

Section D. All roadways beginning with the letter “L” through “R”:

- (1) Lapsley Avenue, at its intersection with 5th Street.
- (2) Leighton Avenue, at its intersection with F Street.
- (3) Leighton Avenue, at its intersection with 12th Street.
- (4) Leighton Avenue, at its intersection with 16th Street.
- (5) Leighton Avenue, at its intersection with 18th Street.
- (6) Leighton Avenue, at its intersection with 19th Street.
- (7) Leighton Avenue, at its intersection with 21st Street.
- (8) McArthur Drive, at its intersection with Walnut Avenue.
- (9) McCoy Avenue, at its intersection with 24th Street.
- (10) McKelroy Avenue, at its intersection with Blue Mountain Road.
- (11) Patton Road, at its intersection with 29th Street.
- (12) Pine Avenue, at its intersection with 14th Street.

Section 2. That 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, and 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 this 16th day of **November, 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

ORDINANCE NO. 21-R-__

**AMENDING ARTICLE II, CHAPTER 31 OF THE CODE OF ORDINANCES TO
ADOPT REGULATIONS FOR NONCONSENSUAL TOWING SERVICES**

WHEREAS, the City of Anniston is a market participant in the provision of towing and wrecker services within its police jurisdiction;

WHEREAS, the City requests and directs the towing, recovery, and removal of motor vehicles in the performance of its police power in order to control traffic and promote safe travel on the City's roadways;

WHEREAS, the Council desires to amend Article II, Chapter 31 of the Code of Ordinance to adopt regulations to promote the public's interest in fair, prompt, reliable, efficient, and accessible nonconsensual towing and wrecker services within the City;

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

Section 1. Chapter 31, Article II of "The Code of The City of Anniston, Alabama, 1981," is hereby repealed, replaced, and restated in its entirety as follows:

ARTICLE II. Wrecker Services.

Sec. 31.30. Definitions.

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

City: The City of Anniston, Alabama, including its corporate limits and police jurisdiction.

Consensual Wrecker Services: The recovery, towing, lifting, righting, winching, removal, storage, garage, and bailment of a wrecked, damaged, disabled, abandoned, or impounded vehicle from the streets and roadways of the city at the express request of an owner or person in charge of a vehicle pursuant to a private, voluntary agreement with the wrecker service.

Nonconsensual Wrecker Services: The recovery, towing, lifting, righting, winching, removal, storage, garage, and bailment of a wrecked, damaged, disabled, abandoned, or impounded vehicle from the streets and roadways of the city at the request or direction of a police officer under any circumstances or in any events where a police officer deems it necessary for the protection of public safety, the control of traffic, or the protection of property.

Person: Any individual, company, partnership, association, corporation, organization, business, or legal entity of any kind.

Street: Any public passageway, street, avenue, road, or alley.

Vehicle: Any device in, upon, or by which any person or property is or may be transported upon a street.

Wrecker: Any vehicle designed or used for the recovery, towing, lifting, righting, winching, or removal of a wrecked, damaged, disabled, abandoned, or impounded vehicle.

Wrecker Service: Any person engaged in the recovery, towing, lifting, righting, winching, removal, storage, garage, and bailment of a wrecked, damaged, disabled, abandoned, or impounded vehicle from the streets and roadways of the city in exchange for monetary consideration or other remuneration. Any driver or operator of a wrecker shall be considered an agent of the wrecker service and shall be governed by this Article.

Sec. 31.31. Consent of Council to use streets.

(1) It shall be unlawful for any person to use any street of the City for the operation of a wrecker service and to provide consensual or nonconsensual wrecker services without first obtaining and having the consent of the Council to use the streets of the City in accordance with this Article.

(2) Application for consent of Council to use streets of the City for the operation of a wrecker service shall be made to the Chief of Police, or his or her designee, on a form prepared and made available by the City, which application, signed and sworn to by the applicant, shall set forth and contain the following:

- (a) The applicant's name and type of legal entity, trade name (if any), federal Tax Identification Number, home address, business address and business phone number.
- (b) The number of wreckers or other vehicles to be used by the applicant, and the Vehicle Identification Number, description (make, model, and year), location, condition, and the hourly availability of each such vehicle.
- (c) The description and location of a fenced-in area, under lock and key, to be used by the applicant for the storage, garage, bailment, and protection of vehicles and contents thereof recovered, towed, or removed by in by the applicant.
- (d) Proof of the applicant's satisfaction of the minimum requirements to operate a wrecker service as established by Section 31.32 of this Article.
- (e) The applicant's agreement to keep, obey, and follow the terms and provisions of this Article and all laws relating to the recovery, towing, removal, storage, garage, and bailment of vehicles for the public.

(3) Within seven (7) days after receipt of an application as provided in this Article, the Chief of Police, or his or her designee, shall cause an investigation to made of the applicant and

the applicant's proposed wrecker service, and shall submit such application and the results of the investigation to the City Manager who shall, in turn, submit same to the Council for its consideration and action thereon.

(4) After an application is received and processed, in accordance with this Article, the Council shall consider same and, if the application is approved, give its consent to the applicant to engage in the business of a wrecker service by issuing or authorizing the issuance of a permit to the applicant. No permit shall be issued to any applicant absent the Council's determination that (a) the applicant meets the requirements of this Article and all other ordinances, laws, and regulations of the City applicable to the applicant's business, and (b) issuing a permit to the applicant will serve the safety, welfare, and interests of the public.

(5) Unless sooner revoked, each permit issued by the City for the operation of a wrecker service, and any renewal thereof, shall expire one year after the date such permit was issued. It shall be unlawful for any person to operate a wrecker service within the City after the expiration of the permit. Any person desiring to renew a permit to operate a wrecker service shall submit an application, in accordance with Subsection (2), herein, no less than thirty (30) days prior to the permit's expiration date.

Sec. 31.32. Minimum requirements for wrecker service.

(1) No applicant shall be granted a permit to operate a wrecker service within the City unless the applicant meets the following minimum requirements:

- (a) The applicant shall be fit, proper and fully licensed to operate a wrecker service within the City. Any driver or operator of the applicant's wreckers, including any employees, agents, contractors, or subcontractors, shall be fit, proper, and fully licensed to drive a wrecker on the City's streets and to engage in the recovery, towing, and removal of disabled, wrecked, stolen, abandoned, or impounded vehicles from the City's streets.
- (b) The applicant shall have fully functioning wrecker(s), which shall be in good condition, well maintained, and properly equipped for the recovery, towing and removal of vehicles in a safe manner and without causing damage to such vehicles. The applicant's name, address, and telephone number shall be affixed to both sides of the wrecker using letters and numerals clearly visible from a distance of at least 100 feet.
- (c) Every wrecker to be used by the applicant or the applicant's employees, agents, contractors, or subcontractors shall be equipped with a properly installed and fully functioning amber caution light.
- (d) The applicant shall keep and maintain sufficient space to accommodate the storage of all vehicles for which the applicant provides wrecker services. The storage area shall be (i) located at the applicant's primary place of business or adjacent thereto; (ii) well lighted; (iii) enclosed by a secure fence no less than six feet high; and (iv) secured by a locked gate.

- (e) The applicant's place of business and storage area, if separate, shall contain clearly visible exterior signage displaying the name of the wrecker service, its telephone number, and its business hours. The applicant's place of business shall be open to the public from 8:30 a.m. to 5:00 p.m, Monday through Friday, and any additional hours designated by the applicant, and the applicant shall be capable of providing access to the storage area during said hours of business.
- (f) The applicant shall have and maintain one or more insurance policies issued by an insurer with a current authorization to issue policies from the Alabama Department of Insurance, as evidenced by a Certificate of Insurance and Casualty Coverage deposited with the City Clerk, providing (i) liability insurance on its wreckers and its premises in an amount not less than Three Hundred Thousand Dollars (\$300,000.00) per occurrence; (ii) "On-Hook" insurance covering vehicles, cargo, and other property in or on the applicant's vehicles in an amount not less than Seventy Five Thousand Dollars (\$75,000.00) per occurrence; and (iii) Garage keepers liability insurance covering customer's vehicles in an amount not less than Fifty Thousand Dollars (\$50,000.00) per occurrence.

(2) Any person granted a permit to operate a wrecker service within the City, including any renewal thereof, shall keep, maintain, and comply with the minimum requirements set forth in Subsection (1), herein, at all times the permit is in effect.

(3) The Council may revoke its consent and the permit issued to any wrecker service when the Council finds from the facts adduced that the wrecker service procured the consent of the Council by fraudulent conduct or a false statement of a material fact, including any representations as to the wrecker service's compliance with the requirements of this Article, or upon the recommendation of the Chief of Police for the wrecker service's violation of one or more of the provisions of this Article.

Sec. 31.33. Nonconsensual wrecker services.

(1) *Wrecker Rotation.* The police department shall maintain and utilize a rotation log system for the provision of nonconsensual wrecker services within the City. No wrecker service shall provide nonconsensual wrecker services within the City unless actively enrolled and participating in the police department's wrecker rotation system, provided, in exigent circumstances, police officers shall have discretion to utilize other wrecker services as required for public safety. The Chief of Police shall establish the periods when each wrecker service in the rotation is on-duty, the order of their respective duty, and any standards, rules, and regulations needed for the safe, effective, reliable, and efficient administration of the police department's wrecker rotation system.

(2) *Eligibility for Wrecker Rotation.* No wrecker service shall be eligible for enrollment or participation in the police department's wrecker unless the wrecker service meets the following requirements:

- (a) Each wrecker service shall be permitted to use the City's streets in accordance with Section 31.31 of this Article and licensed by the City to operate a wrecker service.
- (b) Each wrecker service shall always meet the minimum requirements established by Section 31.32 of this Article.
- (c) Each wrecker service shall have at least two (2) fully operational wreckers and all personnel and equipment needed to service a two (2) vehicle wreck, which shall be ready for an immediate response twenty-four hours (24) a day, seven (7) days a week, including holidays, from a location within the City.
- (d) Each wrecker service shall have its principal place of business and storage area located within the City.
- (e) Each wrecker service shall have a full-time body repair shop within the City with gross revenues of no less than Two Hundred and Fifty Thousand Dollars (\$250,000.00), exclusive of any revenues generated from the provision of wrecker services and the storage of vehicles, as verified by the city's finance department.

(3) *Participation in Wrecker Rotation.* Each wrecker service participating in the police department's wrecker rotation system shall meet the following requirements:

- (a) Each wrecker service shall have a dedicated line of communication to receive dispatches at the request of the police department. The wrecker service shall promptly respond to a dispatch and arrive on the scene within thirty (30) minutes under normal driving conditions. If unable to respond within this timeframe, the wrecker service shall notify the police department at the time the dispatch is requested. No wrecker shall operate a caution light while travelling to the scene of a wreck, collision, or in response to a police dispatch.
- (b) Each wrecker shall operate a fully functioning and properly installed amber caution light while on scene of any wreck or collision and while in the process of recovering, towing, or removing a disabled, wrecked, stolen, abandoned, or impounded vehicle. All wrecker drivers shall wear reflective vests, coats or shirts while on the scene of any dispatch
- (c) Each wrecker shall tow or remove the vehicle to the wrecker service's principal place of business and safely store the vehicle within its storage area, unless the owner or legal interest holder of the vehicle directs that the vehicle be delivered to an alternate location. In such event, the wrecker service shall deliver the vehicle to the alternative location no later than eight (8) hours after the end of the wrecker service's on-duty period per the wrecker rotation schedule.
- (d) Each wrecker service shall not make any charges or collect any fees, payments, or expenses for non-consensual wrecker services other than rates and charges established by the police department's wrecker services fee schedule.

- (e) Each wrecker service shall respond to a dispatch with its own wreckers and shall not send another wrecker service in response to a rotation log dispatch.
- (f) Each wrecker service shall clean up the scene, including removal of glass and debris and application of oil-dry when necessary, before leaving the scene of any accident or collision.

(4) *Suspension or Removal from Wrecker Rotation.* The Chief of Police, or his or her designee, shall have the authority to suspend or remove from a wrecker service from the wrecker rotation for violation of the requirements of this Article or the rules and regulations established by the police department, for failure to perform the duties and provide the wrecker services in a safe, reliable, punctual, and ethical manner, or when otherwise necessary to serve the public's best interests. A wrecker service may only participate in the wrecker rotation at the license of the police department. Participation in the wrecker rotation is personal to the enrolled wrecker service and shall not be subject to transfer, sublet, or assignment to another. Participation in the wrecker rotation shall not constitute a property interest.

Sec. 31.34. Violations.

It shall be unlawful for any person:

- (a) As a wrecker service, or as an employee, agent, contractor, or subcontractor of a wrecker service, to appear at the scene of a wreck or collision occurring upon a street within the City for the purpose of rendering services or soliciting patronage unless called by the police department of the City to make such appearance.
- (b) As a wrecker service, or as an employee, agent, contractor, or subcontractor of a wrecker service, to violate any of the provisions of this Article.

Section 2. Chapter 31, Article II of "The Code of The City of Anniston, Alabama, 1981," as restated above in Section 1 of this Ordinance, shall govern any person operating a wrecker service within the City of Anniston and its police jurisdiction.

Section 3. 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 4. 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:

Skylar Bass, City Clerk