CITY OF ANNISTON January 18, 2022 5:30 P.M.

- > INVOCATION
- > PLEDGE OF ALLEGIANCE
- > CALL TO ORDER
- > ROLL CALL
- > READING/APPROVAL OF MINUTES OF PREVIOUS MEETING
 - January 4, 2022 Regular meeting
- > ADDITIONS/DELETIONS TO THE AGENDA
- > ADOPTION OF AGENDA

I. 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 hear public comments over-ruling the abatement of identified public nuisances. Group 2021-07 Grass/Debris/Vehicle
- (b) To hear public comments regarding vacating a portion of Walnut Avenue
- **(c)** To hear public comments regarding an alcohol license application for Cheaha Mountain Brew Pub

II. UNFINISHED BUSINESS – None

III. CONSENT AGENDA

- (a) Resolution over-ruling objections to the abatement of identified nuisances Group 2021-07
- **(b)** Resolution declaring a reported condition to be a public nuisance Group 2022-01
- (c) Resolution amending Resolution 21-R-47 designating Juneteenth as a City holiday
- (d) Motion to approve the bid for the purchase of one (1) 2022 Super Duty F-250 or comparable model for the Police Department to Sunny King Ford in the amount of \$66,165.00
- (e) Motion to approve the bid for fabrication of the Anniston Museum of Natural History handson exhibit Force Factory to Southern Customs Exhibits in the amount of \$439,924.00
- **(f)** Motion to approve a Restaurant Retail Liquor license application for Coldwater Mountain Brew Pub LLC d/b/a Coldwater Mountain Brew Pub located at 1208 Walnut Avenue within the corporate city limits
- (g) Motion to amend Policy and Procedure Manual Section (D) Reimbursement of Accumulated Leave to state: Upon retirement or separation from employment in good standing from City service, employees who have completed at least six (6) months of service shall be paid all accrued but unused PTO hours and shall be entitled to be paid for one-half of their accumulated Paid Critical Leave (PCL) up to a maximum of 600 hours). Employees who are discharged for cause or who quit without the required minimum of two (2) weeksnotice shall forfeit their accrued PTO hours and accumulated PCL.
- **(h)** Motion to amend Policy and Procedure Manual Section F (2) to state: Employees who are discharged for cause or who quit without the required minimum of two (2) weeks-notice shall forfeit their PCL hours

IV. RESOLUTIONS

(a) Vacating a portion of Walnut Avenue from W 12th Street to W 13th Street

V. ADDITIONAL OR OTHER MATTERS THAT MAY COME BEFORE COUNCIL

VI. 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 21-0-22 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.

VII. MOTION

(a) Motion to convene an Executive Session for the Council to discuss with the City Attorney the legal ramifications of and legal options for pending litigation, controversies not yet being litigated but imminently likely to be litigated, and/or controversies imminently likely to be litigated if the governmental body pursues a proposed course of action.

VIII. COUNCIL COMMENTS

ADJOURNMENT

MINUTES

Anniston, Alabama

January 4, 2022

The City Council of the City of Anniston, Alabama, met in Regular Session in Room B at the Anniston City Meeting Center in the City of Anniston, Alabama, on Tuesday, January 4, 2022, at approximately 5:30 o'clock p.m.

Demetric Roberts, Council Member, prayed the Invocation.

Demetric Roberts, Council Member, led the Pledge of Allegiance to the Flag.

Mayor Draper called the meeting to order. On call of the roll, the following Council Members were found to be present: Council Members Jenkins, Roberts, Smith, Harris, and Draper; absent: none. A quorum was present and the meeting opened for the transaction of business.

Steven Folks, City Manager, was present.

Bruce Downey, City Attorney, was present.

Council Member Jenkins made a motion to waive the reading of and approve the minutes of the December 14, 2021 regular meeting. 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, Draper; nays: none. The motion carried and the December 14, 2021 regular meeting minutes were approved.

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

Mayor Draper made a motion to approve the consent agenda:

(a) Resolution declaring a reported condition to be a public nuisances Group 2021-07 Grass/Debris/Vehicles (22-R-1)

(b) Resolution authorizing reimbursements to city officials for expenses incurred while traveling away from the City (22-R-2)

(c) Motion to approve a Retail Beer (Off Premises Only) Retail Table Wine (Off Premises Only) alcohol license application for Yousef Yaqoub, Inc., d/b/a Express Mart 25 located at 1229 Wilmer Avenue inside the corporate city limits.

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

Mayor Draper introduced the Ordinance Adopting by Reference the 2021 Edition of the International Building Code, International Residential Code, International Fire Code, International Fuel Gas Code, International Plumbing Code, International Mechanical Code, International Existing, Building code, International Property Maintenance Code, and 2020 Edition of the NFP 70 National Electric Code (2nd Reading)

Council Member Jenkins made a motion to read the ordinance by title only. The motion was seconded by Council Member Harris.

Mayor Draper opened a public hearing to receive public comment on reading the ordinance by title only. No one spoke. Mayor Draper closed the public hearing to receive public comment on reading the ordinance by title only.

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 ordinance will be read by title only.

Mayor Draper read the Ordinance Adopting by Reference the 2021 Edition of the International Building Code, International Residential Code, International Fire Code, International Fuel Gas Code, International Plumbing Code, International Mechanical Code, International Existing, Building code, International Property Maintenance Code, and 2020 Edition of the NFP 70 National Electric Code (2nd Reading) by title only.

Council Member Jenkins made a motion to amend the ordinance to change the effective date of the ordinance to March 1, 2022. 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 ordinance was amended.

Mayor Draper made a motion for passage and adoption of the ordinance. 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 ordinance was passed and adopted. (22-O-1)

Council Member Harris wished everyone a Happy New Year and that she is excited to work with this council.

Council Member Smith stated that she is excited to see what 2022 will bring.

Council Member Roberts stated that his love for the City is the reason he ran for council. He encouraged everyone to invite someone to the city council meeting, because the more people become aware the more they will see the growth.

Council Member Jenkins asked everyone to mask up and stay safe. He stated that there was over 39 million dollars' worth of investment in Anniston in 2021; with 829 permits issued for work in Anniston both residential and commercial. He congratulated staff for what they have done to make it possible for all this investment to occur.

Mayor Draper wished everyone a Happy New Year and he looks forward to the great things coming in 2022.

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 5:42 p.m. o'clock p.m.

CONSENT AGENDA

RESOLUTION NUMBER 22-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 18th day of January, 2022.

BY:	
	Jack Draper, Mayor
BY:	
	Jay Jenkins, Council Member
BY:	
	Demetric Roberts, Council M
BY:	
	Ciara Smith, Council Member
BY:	
	Millie Harris, Council Membe

CITY COUNCIL OF THE CITY OF

ATTEST:

Skyler Bass, City Clerk

Exhibit "A"

Group 2021-07 Grass, Debris & Vehicles

Item #	Address	PPIN#	Owner	Violation
1.	2830 Moore Ave.	25994	Maryln C. Bullock	Inoperable Vehicle – black Chevrolet pickup truck, plate unknown
2.	21 West 19 th St.	20448	James Stewart Moore	Grass/Weeds/Debris/Inoperable Vehicle – Orange Pontiac SUV
3.	32 Avenue B	57782	Larry McCormick	Junk/Debris
4.	1818 McKleroy Ave.	19882	Maureen M. Smith	Inoperable Vehicle – Black Chevy Custom Deluxe Pickup
5.	812 West 19 th St.	19908	Bessie Brooks (C/O Carolyn Cox)	Grass/Weeds/Debris
6.	1105 Emory Pl.	14845	Louise Sawchak	Grass/Weeds/Debris (Possible Foreclosure or Deceased)
7.	2128 Thomas Ave.	22674	Bobby Woodrow	Inoperable Vehicle/Debris – white Cadillac, plate unknown
8.	1716 Johnston Dr.	61928	Tiffany Goggins	Trash/Debris
9.	2016 Noble St.	13473	David C. Brown	Trash/Debris

RESOLUTION NUMBER 22-R-___

A RESOLUTION DECLARING A REPORTED CONDITION TO BE A PUBLIC NUISANCE

WHEREAS, <u>Tana Bryant</u>, an Appropriate City Official, pursuant to Section 34.7 and 34.15 of said Ordinance, has reported to the City Council that conditions exist at <u>see attached</u> <u>(Group 2022-01 Grass/Debris/Vehicles)</u> in Anniston, Alabama that are believed to be a public nuisance; and

WHEREAS, the said City official submitted proof of said condition that was deemed by the City Council to be satisfactory to show that a public nuisance existed at the place specified; and

WHEREAS, Section 34.3 (b) (1), (2), (4) of the City of Anniston Ordinance No. 11-0-9 declares the following conditions to be a public nuisance: overgrown lots, maintenance or storage of motor vehicles that are not in usable condition as defined in Section 34.2 of the Code of Ordinances and debris, motor vehicles and trash; and

RESOLVED THEREFORE, that a public nuisance exists at the above said locations within the City of Anniston, said property being more particularly described on **Exhibit "A"** to this resolution; and

RESOLVED FURTHER, that the public nuisance must be abated by the City and the cost of abatement charged as a lien against the property if not remedied by the owner(s); and

RESOLVED FURTHER, that a hearing be set before the City Council at its next regular scheduled meeting to hear objections to the City's actions; and

RESOLVED FURTHER, that at least two NOTICES TO REMOVE PUBLIC NUISANCE be promptly posted by the Appropriate City Official in front of the said property at not more than 100 feet in distance apart as specified in Section 34.16 of the Code of Ordinances; and

RESOLVED FURTHER, that the Appropriate City Official shall post said NOTICE TO REMOVE PUBLIC NUISANCE, as aforesaid, at least 5 days prior to the time for hearing objections by the City Council; and

RESOLVED FURTHER, that the Appropriate City Official shall determine the name and address of the person or entity last assessing said property for tax purposes, and shall further cause a search to be made of the public records, and shall further make a diligent investigation to discover the name(s) and contact information of the owners of every beneficial interest in the said property; and

RESOLVED FURTHER, that the Appropriate City Official shall, at least 5 days prior to the time for a hearing of objections by the City Council, mail a copy of said Notice by certified or registered mail, with postage prepaid and return receipt requested, to the last person/entity assessing the property for taxes and to each owner of a beneficial interest in said property including, without limitation, mortgagees of record.

PASSED AND ADOPTED this the 18th day of January 2022.

CITY COUNCIL OF THE CITY OF ANNISTON, ALABAMA

Demetric Roberts, Council Member

BY: _____Ciara Smith, Council Member

BY:

Millie Harris, Council Member

ATTEST:

Skylar Bass, City Clerk

Exhibit "A" Group 2022-01 Grass/Debris/Vehicles

Item #	Address	PPIN#	Owner	Violation
1.	429 Glenaddie Ave.	18101	Paul Vincent	2 Inoperable Vehicles – Green BMW convertible, no plate; Gold Saturn sedan, no plate
2.	1814 Cobb Ave.	62247	INA Group, LLC.	Grass/Weeds/Debris
3.	105 Central Ave.	26962	Cheryl Stover	Grass/Weeds/Debris
4.	1205 Kilby Terr.	22356	Melissa Presley, C/O Mary Fink	Grass/Weeds/Debris; Inoperable Vehicle – Navy Blue Nissan small SUV
5.	2028 Thomas Ave.	21623	Dicaromar Inc.	Grass/Weeds/Debris Damaged Swimming Pool
6.	2329 Walnut Ave.	25456	Karl E. Williams	Grass/Weeds/Debris Inoperable Vehicle – Chevrolet Pickup

RESOLUTION NO. 22-R-__

AMENDING RESOLUTION NO. 21-R-47 DESIGNATING JUNETEENTH AS CITY HOLIDAY

WHEREAS, by Resolution No. 21-R-47, the Council for the City of Anniston designated Juneteenth as a City Holiday in recognition of the historical significance of June 19, 1865, which is considered the date when the last slaves in America were freed by Union General Gordon Granger's issuance of General Order No. 3, and in commemoration of the ending of slavery in the United States;

WHEREAS, the Council desires to amend Resolution No. 21-R-47, Section 2, to specify that the Juneteenth City Holiday will be observed in accordance with the federal legal public holiday, Juneteenth National Independence Day, rather than the Friday preceding June 19 of each year;

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

<u>Section 1</u>. Section 2 of Resolution No. 21-R-47 is hereby amended and restated in its entirety as follows:

<u>Section 2</u>. The Juneteenth City Holiday shall be observed in accordance with the federal legal public holiday, Juneteenth National Independence Day, as prescribed by 5 U.S.C. 6103(b)(1).

Section 2. The Council affirms, adopts, and incorporates by reference all other recitals, sections, and parts of Resolution No. 21-R-47 not expressly amended by this Resolution as though set forth and restated herein.

<u>Section 3</u>. This resolution shall take effect immediately upon its passage and adoption.

PASSED AND ADOPTED on this the 18th day of January, 2022.

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

FACT SHEET

SUBJECT: Evaluation of bids for purchase of a 2022 Super Duty F-250 or comparable model for the Police Department

VENDORS SUBMITTING BIDS

Sunny King Ford

\$66,165.00

RECOMMENDATION:

The bid should be awarded to Sunny King Ford in the amount of \$66,165.00

FACT SHEET

SUBJECT: Evaluation of bids for the fabrication of the Anniston Museum of Natural History hands-on exhibit, Force Factory

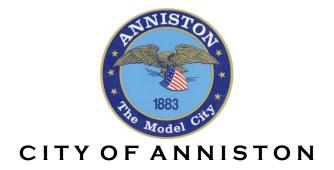
VENDORS SUBMITTING BIDS

Southern Customs Exhibits

\$439,924.00

RECOMMENDATION:

The bid should be awarded to Southern Customs Exhibits in the amount of \$439,924.00



FINANCE DEPARTMENT FACT SHEET

TO: CITY COUNCIL AND CITY MANAGER
FROM: JULIE BORRELLI, FINANCE DIRECTOR
SUBJECT: COLDWATER MOUNTAIN BREWPUB LLC
DATE: 1/12/2022
CC:

- Formal action is required for 020 Restaurant Retail Liquor Alcohol License Application
- Decated inside the City Limits at 1208 Walnut Avenue, Anniston, AL 36201.
- The Police Department provided a background check which showed no criminal activity.

RESOLUTIONS

RESOLUTION NUMBER 22-R-___

A RESOLUTION VACATING A PORTION OF WALNUT AVENUE FROM W $12^{\rm TH}$ TO W $13^{\rm TH}$ STREET

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:

Begin at the intersection of the South right-of-way of West 13th Street and the East right-ofway of Walnut Avenue; From said point of beginning run Southerly along said East right-ofway a distance 420 feet to the point of intersection with the North right-of-way of West 12th Street; thence deflect right and run Southwesterly a distance of 85 feet more or less the point of intersection of the West right-of-way of said Walnut Avenue and the South right-of-way of said West 12th Street; thence run Northerly along the West right-of-way of said Walnut Avenue a distance of 480 feet to the point of intersection of a Westerly projection of the South right-ofway of the aforementioned West 13th Street and the West right-of-way of said Walnut Avenue; thence run Easterly along said projection a distance of 60 feet to the 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 18th day of January, 2022.

CITY COUNCIL OF THE CITY OF ANNISTON, ALABAMA

BY:	
	Jack Draper, Mayor
BY:	
	Jay W. Jenkins, Council Member
BY:	
	Ciara Smith, Council Member
BY:	
	Demetric D. Roberts, Council Member
BY:	
	Millie Harris, Council Member

ATTEST:

Skylar Bass, City Clerk