

CITY OF ANNISTON

February 21, 2023

5:30 P.M.

- INVOCATION
- PLEDGE OF ALLEGIANCE
- CALL TO ORDER
- ROLL CALL
- READING/APPROVAL OF MINUTES OF PREVIOUS MEETING
 - February 7, 2023 Regular meeting
- ADDITIONS/DELETIONS TO THE AGENDA
- ADOPTION OF AGENDA

I. RECOGNITIONS

(a) RRCA Friendly Community Plaque Award

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.

III. UNFINISHED BUSINESS

IV. CONSENT AGENDA

- (a)** Resolution authorizing reimbursements to city officials for expenses incurred while traveling away from the city
- (b)** Resolution to appoint a member to the Zoning Board of Adjustments
- (c)** Resolution appointing members to the Technical Codes Board of Adjustment and Appeals
- (d)** Motion to amend the Pay and Classification Plan to include a job description for Airport Facilities and Maintenance Manager
- (e)** Motion to approve bid for re-roofing of Berman Museum to Garner & Associates in the amount of \$238,600.00
- (f)** Motion to approve bid for re-roofing and repairs for Cane Creek Clubhouse to Alabama Roofing & Sheet Metal in the amount of \$543,400.00
- (g)** Motion to approve \$33,000 to the Community Foundation of Northeast Alabama to replace destroyed Korean War Memorial in Centennial Park with funds from general funds as follows: \$25,000 reimbursable from insurance settlement and \$8,000 from Reserve (contingency) line item

V. ORDINANCES

- (a)** Ordinance amending Sec. 12.52(a) of The Code of Ordinances Governing Household Refuse Collection Service Fee **1st Reading**
- (b)** Ordinance amending Sec. 6.2.3 of The Code of Ordinances Governing Members of the Technical Code Board of Adjustment and Appeals **1st Reading**

VI. ADDITIONAL OR OTHER MATTERS THAT MAY COME BEFORE COUNCIL

VII. 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) Bud Turner – 4708 Amberwood Lane

(b) Glen Ray – 3514 Dale Hollow Road

(c) Shawana Hill – 2630 Wilmer Avenue

(d) Richard Jackson – 2317 Noble Street

VIII. COUNCIL COMMENTS

ADJOURNMENT

MINUTES

Anniston, Alabama

February 7, 2023

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, February 7, 2023, at approximately 5:30 o'clock p.m.

Ciara Smith, Council Member, prayed the Invocation.

Ciara Smith, Council Member, led the Pledge of Allegiance to the Flag.

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

Bruce Downey, City Attorney, was present.

Steven Folks, City Manager, was present.

Council Member Jenkins made a motion to waive the reading of and approve the minutes of the January 17, 2023 regular meeting. The motion was seconded by Council Member Smith and on call of the roll the following vote was recorded: ayes: Council Member Jenkins, Roberts, Smith, Harris and Draper; nays: none. The motion carried and the January 17, 2023 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 adopt the consent agenda:

- (a) Resolution authorizing reimbursements to city officials for expenses incurred while traveling away from the city (23-R-2)
- (b) Resolution authorizing the submission of a grant under the Rebuilding American Infrastructure with Sustainability and Equity (RAISE) Grant (23-R-3)
- (c) Resolution authorizing an amendment to Program Year 2021 Annual Action Plan under the HOME Investment Partnerships American Rescue Plan Program (HOME-ADP) for submission of the HOME-ARP Allocation Plan (23-R-4)
- (d) Resolution directing installation of fire hydrant (23-R-5)
- (e) Motion to approve bid for a Self-Contained Breathing Apparatus (SCBA) refilling station to Emergency Equipment Professionals in the amount of \$60,985.65
- (f) Motion to approve bid for General Maintenance of Traffic Signal Safety Devices for the City of Anniston to Temple J Electric, LLC., in the amount of \$53,761.00

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 consent agenda was adopted.

Mayor Draper introduced the Resolution to Amend the FY 2023 Budgets for the General Operating Fund, Museum of National History Fund, Fire Training Fund, and the Capital Projects fund to adjust

for the differences between the previously adopted budgets and presently projected revenues and expenditures in the budgets of the various funds.

Council Member Jenkins made a motion for passage of adoption of the Resolution to Amend the FY 2023 Budgets for the General Operating Fund, Museum of National History Fund, Fire Training Fund, and the Capital Projects fund to adjust for the differences between the previously adopted budgets and presently projected revenues and expenditures in the budgets of the various funds. 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 resolution was passed and adopted. (23-R-6)

Council Member Harris made a motion to authorize the Mayor to execute a Commercial Lease Agreement Extension with Consolidated Publishing Company, Inc. for property located at 4305 McClellan Boulevard, Anniston, Alabama per terms of Agreement dated April 1, 2019. The motion was seconded by Council Member Smith and on call of the roll the following vote was recorded: ayes: Council Member Jenkins, Roberts, Smith, Harris and Draper; nays: none. The motion carried.

Mayor Draper made a motion to convene an executive session to discuss (a) the general reputation and character, physical condition, professional competence, or mental health of individuals, not including the job performance of public employees, (b) 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 action, and (c) the consideration the governmental body is willing to offer or accept when considering the purchase, sale, exchange, lease, or market value of real property. 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 council was adjourned into executive session at approximately 5:35 o'clock p.m.

CONSENT AGENDA

RESOLUTION NO. 23-R-__

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

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

- a.** \$91.70 to Jessica Leonard, Finance, for reimbursement while attending GFOAA Annual Conference in Birmingham, AL from February 8 – 10, 2023

PASSED AND ADOPTED this 21st day of **February, 2023.**

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

BY: _____
Jack Draper, Mayor

BY: _____
Jay Jenkins, Council Member

BY: _____
Demetric Roberts, Council Member

BY: _____
Ciara Smith, Council Member

BY: _____
Mille Harris, Council Member

ATTEST:

Skyler Bass, City Clerk

RESOLUTION NUMBER 23-R-___

**A RESOLUTION APPOINTING A MEMBER TO THE ZONING BOARD OF
ADJUSTMENTS**

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 Zoning Board of Adjustments;

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 person(s) identified in the Schedule of Nominations for the Zoning Board of Adjustments 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 **21st** day of **February, 2023**.

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"

ZONING BOARD OF ADJUSTMENTS

Board Positions	Nominations	Board Member Name	Expiration Date	Explanation
3	Ward 3	Debra Foster	5/31/2023	Appointment to unexpired term of Undrea Gladden

RESOLUTION NO. 23-R-__

**APPOINTMENT OF MEMBERS TO THE
TECHNICAL CODES BOARD OF ADJUSTMENT AND APPEALS**

WHEREAS, by Ordinance 12-O-17, codified in Chapter 6, Article II of the Code of the City of Anniston, 1981, the Council established the Technical Codes Board of Adjustment and Appeals to hear and decide appeals of orders, decisions or determinations made by the City's code official relative to the application, enforcement and interpretation of the various technical codes adopted by the City;

WHEREAS, the Council delegated the appointment of the seven regular members and two supernumerary members of the Board to the City Manager, subject to the membership qualifications specified in Sections 6.2.2 and 6.2.3;

WHEREAS, the Council desires to recognize and confirm the City Manager's appointment of members to serve the initial terms as set forth herein;

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

The persons appointed by the City Manager shall serve the terms assigned as follows:

Regular Members	Professional Trade	Initial Term Expires
Bill Whittaker	Architect	12/31/2027
Randy Whorton	Professional Engineer	12/31/2026
Phillip Pitts	General Contractor	12/31/2025
Steve Hullett	Home Builder	12/31/2024
David Curlee	Electrical Contractor	12/31/2023
Jimmy Wells	Master Plumber and Gas Fitter	12/31/2027
Dustin Wilson	HVAC Contractor	12/31/2026
Supernumerary Members	Professional Trade	Initial Term
Jeff Mitchell	General Contractor	12/31/2025
Craig Bentley	Home Builder	12/31/2024

PASSED AND ADOPTED on this the **21st** day of **February, 2023.**

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

2/16/2023

FACT SHEET

SUBJECT: Evaluation of bids for the Re-roofing of the Cane Creek Clubhouse.

VENDORS SUBMITTING BIDS

	<i>Base Bid</i>	<i>Alternate 1</i>	<i>Unit Price (Wood Nalers)</i>
Alabama Roofing & Sheet Metal	\$543,400.00	\$21,000.00	\$10/bf
Bradshaw & Pitts, LLC	\$593,000.00	\$16,142.00	\$12/bf
Johns and Kirksey, Inc.	\$789,000.00	\$8,000.00	\$15/bf
Kilgore Construction	\$598,829.00	\$17,500.00	\$15/bf
Hurst Construction, LLC	\$574,403.00	\$9,448.00	

RECOMMENDATION: The lowest base bid was \$543,400.00 and should be awarded to Alabama Roofing & Sheet Metal.

2/16/2023

FACT SHEET

SUBJECT: Evaluation of bids for the Re-roofing of the Berman Museum.

VENDORS SUBMITTING BIDS

Alabama Roofing & Sheet Metal	\$380,000.00
Bond Construction, LLC	\$254,000.00
E. Cornell Malone Corporation	\$259,000.00
Garner & Associates, LLC	\$238,600.00
Hurst Construction, LLC	\$524,927.00

RECOMMENDATION: The lowest bid was \$238,600.00 and should be awarded to Garner & Associates.

ORDINANCES

ORDINANCE NO. 23-O-__

**AMENDING SEC. 12.52(a) OF THE CODE OF ORDINANCES GOVERNING
HOUSEHOLD REFUSE COLLECTION SERVICE FEE**

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

Section 1. Chapter 12, Article III, Section 12.52, Subsection (a) of “The Code of the
City of Anniston, Alabama, 1981” is hereby amended, restated, and enacted in its entirety as
follows:

Sec. 12.52. - Collection fee and due dates.

- (a) The fee charged for curbside collection service for each residential unit shall be the
amount set forth in the annual fee schedule adopted by resolution of the Council.

* * *

Section 2. This Ordinance shall become effective immediately upon its adoption and
publication one (1) time in The Anniston Star, a newspaper of general circulation published in the
City of Anniston, Alabama. The City Clerk is hereby ordered and directed to cause a copy of this
Ordinance to be published one time in said newspaper.

PASSED AND ADOPTED on this the ____ day of _____, 2023.

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. 23-O-__

**AMENDING SEC. 6.2.3 OF THE CODE OF ORDINANCES
GOVERNING MEMBERS OF THE TECHNICAL CODE
BOARD OF ADJUSTMENT AND APPEALS**

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

Section 1. Chapter 6, Article II, Section 6.2.3 of “The Code of the City of Anniston, Alabama, 1981” is hereby amended, restated, and enacted in its entirety as follows:

Sec. 6.2.3. – Members and term limits.

Members of the board shall have the following term limits:

(1) Board members shall serve initially for the following terms: two (2) for a five-year term; two (2) for a four-year term; one (1) for a three-year term; one (1) for a two-year term; and, one (1) for a one-year term. Thereafter, each member of the board shall serve a five (5) year term running from the expiration of the initial term. A board member shall continue to serve after the expiration of the member’s term until either the member is re-appointed or a successor is appointed for the remainder of the five (5) year term.

(2) The chief building official of the city shall serve as an ex-officio member of the board and shall provide technical assistance to the board but shall not have a vote in matters presented before the board.

(3) In addition to the seven (7) regular members, the city manager shall appoint two (2) supernumerary members who shall serve on the board at the call of the chairman only in the absence or recusal of regular members. The supernumerary members shall possess a business license and actively practice within the city one or more of the trades specified in Sec. 6.2.2. Each supernumerary member shall serve a two-year term or until a successor is appointed.

Section 2. This Ordinance shall become effective immediately upon its adoption and publication one (1) time in The Anniston Star, a newspaper of general circulation published in the City of Anniston, Alabama. The City Clerk is hereby ordered and directed to cause a copy of this Ordinance to be published one time in said newspaper.

PASSED AND ADOPTED on this the ____ day of _____, 2023.

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