

# CITY OF ANNISTON

March 7, 2023

5:30 P.M.

- INVOCATION
- PLEDGE OF ALLEGIANCE
- CALL TO ORDER
- ROLL CALL
- READING/APPROVAL OF MINUTES OF PREVIOUS MEETING
  - February 21, 2023 Regular meeting
- ADDITIONS/DELETIONS TO THE AGENDA
- ADOPTION OF AGENDA

## I. PRESENTATIONS

- (a) Solutia presentation to Anniston Fire Department

## II. BOARD CONFIRMATIONS

- (a) Julie Borrelli – McClellan Development Authority

## III. 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 regarding vacating a portion of 1300 S Quintard Avenue

- (b)** To hear public comments regarding a Lounge Retail Liquor – Class II (Package) License application for Happy Hour Package Store LLC d/b/a Happy Hour Package Store located at 723 Noble Street inside the corporate city limits

#### **IV. UNFINISHED BUSINESS**

#### **V. CONSENT AGENDA**

- (a)** Resolution authorizing reimbursements to city officials for expenses incurred while traveling away from the city
- (b)** Resolution to appoint member to the McClellan Development Authority
- (c)** Resolution vacating a portion of 1300 S Quintard Avenue
- (d)** Resolution adopting a Title VI Plan
- (e)** Motion to approve a Lounge Retail Liquor – Class II (Package) License application for Happy Hour Package Store LLC d/b/a Happy Hour Package Store located at 723 Noble Street inside the corporate city limits
- (f)** Motion to a Restaurant Retail Liquor I License application for Iron Tower Services, LLC d/b/a The Doghouse located at 270 Glade Road inside the corporate city limits

#### **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) Ashley Hodge – 1639 AL Hwy 77, Lincoln

## VIII. COUNCIL COMMENTS

### ADJOURNMENT

# MINUTES

Anniston, Alabama

February 21, 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 21, 2023, at approximately 5:30 o'clock p.m.

Vickie Folks, Pastor of Mission Church of God by Faith, prayed the Invocation.

Vickie Folks, Pastor of Mission Church of God by Faith, 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 Harris made a motion to waive the reading of and approve the minutes of the February 7, 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 February 7, 2023 regular meeting minutes were approved.

Mayor Draper made a motion to adopt the agenda with the additions of item (h) A Resolution authorizing the City of Anniston to join the State of Alabama and other local governments as participants in current opioid settlements to the consent agenda; and a standalone Resolution endorsing RMC's letter of intention to form an Affiliation Agreement with UAB Health System. 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 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-7)
- (b) Resolution to appoint a member to the Zoning Board of Adjustments (23-R-8)
- (c) Resolution appointing members to the Technical Codes Board of Adjustment and Appeals (23-R-9)
- (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 \$543,4000.00
- (g) Motion to approve \$33,000.00 to the Community Foundation of Northeast Alabama to replace destroyed Korean War Memorial in Centennial Park with funds from general funds as follows:

\$25,000.00 reimbursable from insurance settlement and \$8,000.00 from Reserve (contingency) line item

- (h) Resolution authorizing the City of Anniston to join the State of Alabama and other local governments as participants in current opioid settlements (23-R-10)

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 consent agenda was adopted.

Mayor Draper read the ordinance amending Sec. 12.52(a) of The Code of Ordinances Governing Household Refuse Collection Service Fee (1<sup>st</sup> Reading):

ORDINANCE NO. 23-O-1

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 21st day of February, 2023.

Council Member Smith made a motion for unanimous consent for immediate consideration. 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.

Mayor Draper made a motion for passage and adoption. 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 Ordinance 23-O-1 was passed and adopted.

Mayor Draper read the ordinance amending Sec. 6.2.3 of the Code of Ordinances Governing Members of the Technical Code Board of Adjustment and Appeals (1<sup>st</sup> Reading):

ORDINANCE NO. 23-O-2

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 21<sup>st</sup> day of February, 2023.

Council Member Smith made a motion for unanimous consent for immediate consideration. 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.

Mayor Draper made a motion for passage and adoption. The motion was seconded by Council Member Jenkins and on call of the roll the following vote was recorded: ayes: Council Member Jenkins, Roberts, Smith, Harris and Draper; nays: none. The motion carried and Ordinance 23-O-2 was passed and adopted.

Mayor Draper introduced the Resolution endorsing RMC's letter of intention to form an Affiliation Agreement with UAB Health System.

Mayor Draper made a motion for passage and adoption of the Resolution endorsing RMC's letter of intention to form an Affiliation Agreement with UAB Health System. 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.

Mayor Draper left the council chambers at approximately 5:43 p.m.

Bud Turner, 4708 Amber wood Lane, addressed the council on parking issue concerns downtown near the county courthouse.

Glen Ray, 3514 Dale Hollow Road, addressed the council and thanked Chief Bowles for all he does but he stated that they have need to have officers do what is right because it effects people in the long run.

Richard Jackson, 2317 Noble Street, addressed the council that the city has the Downtown Development Authority Reimbursement Program but the boundaries need to be expanded for a couple of blocks north and south. He stated this would allow people to get some help. He stated NAACP is sponsoring a Black History Program Talent Show on February 25, 2023 at Carver Community Center from 6-9 p.m.

Council Member Jenkins had no comment.

Council Member Roberts asked everyone to pray for the City of Anniston. He stated that there are a lot of rumblings about different things that the council cannot control. He stated that it seems like violence is picking up in certain areas.

Council Member Harris stated that it can easily get lost in the shuffle, everything they are doing within the City. She stated that in the work session, they heard about tons of park projects, street projects, help for the homeless, arts & entertainment district, board of adjustments for appeals as a form of checks and balances for code enforcement, Coldwater trailhead, hiring an airport manager, RMC and UAB connection, and the opioid lawsuit. She stated that there a lot of positive things going on in Anniston.

Council Member Smith stated that she will go over everything Judge Turner had given them regarding parking concerns downtown. She stated that she connected Ms. Hill with the Water Works and Sewer Board to address the flooding issue and she will follow up with them.

There being no further business to come before the council at that time Council Member Smith made a motion that the meeting be adjourned. The motion was seconded by Council Member Harris; and on call of the roll, the following vote was recorded: ayes: Council Members Jenkins, Roberts, Smith, and Harris; nays: none. The motion carried and the meeting was adjourned at approximately 6:00 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. \$901.38 to Nick Bowles, Police, for reimbursement (Chief Bowles and Captain Sanford) while attending the Winter Police Chiefs Conference in Montgomery, AL from February 13 – 15, 2023

**PASSED AND ADOPTED** this   7<sup>th</sup>  day of **March, 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 MEMBERS TO THE MCCLELLAN DEVELOPMENT  
AUTHORITY**

**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 McClellan Development Authority;

**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 reappoint those persons identified in the Schedule of Nominations for the McClellan Development Authority 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 7<sup>th</sup> day of **March, 2023**.

CITY COUNCIL OF THE CITY OF  
ANNISTON, ALABAMA

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Jack Draper, Mayor

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Jay Jenkins, Council Member

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Demetric Roberts, Council Member

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Ciara Smith, Council Member

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Millie Harris, Council Member

ATTEST:

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Skyler Bass, City Clerk

**EXHIBIT "A"**

**MCCLELLAN DEVELOPMENT AUTHORITY**

<b>Board Positions</b>	<b>Nominations</b>	<b>Board Member Name</b>	<b>Expiration Date</b>	<b>Explanation</b>
3	Ward 3	Julie Borrelli	03/31/2026	Appointment

## **RESOLUTION NUMBER 23-R-\_\_**

### **A RESOLUTION VACATING A PORTION OF 1300 S QUINTARD AVENUE**

**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:

Commencing at an iron pin found (p/k nail) marking the NE corner of Lot 16 in Block 16 of the South Anniston Land Company Division 2 being recorded in plat book: A, pg: 368; said point is also marking the intersection of the Westerly ROW of South Quintard Avenue aka Alabama State Highway #21 (120' ROW monumented) and the Southerly ROW of East N Street (50' ROW monumented); thence along the Southerly ROW of East N Street N 84°53'35" W a distance of 178.60' to an iron pin found (p/k nail); thence N 84°53'35" W a distance of 3.87' to a point at the intersection of said Southerly ROW and the Westerly ROW of an alleyway (15' monumented); thence along the Westerly ROW of said alleyway N 05°44'52" E a distance of 49.93' to an iron pin found (railroad spike) marking the SE corner of Lot #8 in Block 17 said point being the Point of beginning of the hereafter described property; thence continuing along said Westerly ROW N 05°44'52" E a distance of 414.91' to a found scribe in concrete marking the NE corner of Lot #1 in Block 17 and the intersection of said Westerly ROW of the alley and the Southerly ROW of East M Street (50' monumented); thence along said Southerly ROW and crossing said alleyway S 84°59'53" E a distance of 14.92' to an iron pin found (3/8" rebar) on the Easterly ROW of said alleyway; thence along said Easterly ROW of the alley S 05°44'32" W a distance of 414.96' to an iron pin found (railroad spike) marking the SW corner of LOT #9 in Block 17 and the intersection of said Easterly ROW and the Northerly ROW of East N Street (50' monumented); thence along said Northerly ROW and crossing the alleyway N 84°48'57" W a distance of 14.96' to an iron pin found (railroad spike) and the Point of Beginning, containing 0.14 ACRES, more or less.

**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 **7<sup>th</sup>** day of **March, 2023.**

CITY COUNCIL OF THE CITY  
OF ANNISTON, ALABAMA

BY: \_\_\_\_\_  
Jack Draper, Mayor

BY: \_\_\_\_\_  
Jay Jenkins, Council Member

BY: \_\_\_\_\_  
Ciara Smith, Council Member

BY: \_\_\_\_\_  
Demetric Roberts, Council Member

BY: \_\_\_\_\_  
Millie Harris, Council Member

ATTEST:

\_\_\_\_\_  
Skyler Bass, City Clerk

**RESOLUTION NO. 23-R-\_\_\_\_\_**

**A RESOLUTION ADOPTING A TITLE VI PLAN**

**WHEREAS**, the City of Anniston is a recipient of Federal financial assistance from the Alabama Department of Transportation in support of transit services which imposes certain obligations upon the recipient, including complying with the Title VI Federal requirements: and

**WHEREAS**, Title VI of the Civil Rights Act of 1964 prohibits discrimination on the basis of race, color, and national origin in programs and activities receiving Federal financial assistance; and

**WHEREAS**, the City of Anniston commits to assure that no person shall, on the grounds of race, color national origin, or sex, as provided by Title VI of the Civil Rights Act of 1964 and the Civil Rights Restoration Act of 1987 (PL 100.259), be excluded from participation in, denied the benefits of, or be otherwise subjected to discrimination under any program or activity regardless of the funding source;

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

1. That the Anniston City Council approves the proposed Title VI Program in order to comply with the Title VI Federal requirements.
2. That the Mayor, in his/her capacity, will serve as the Title VI Officer and is authorized to revise and update the plan as necessary.

PASSED AND ADOPTED this the **7<sup>th</sup>** day of **March, 2023**.

CITY COUNCIL OF THE CITY OF  
ANNISTON, ALABAMA

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Jack Draper, Mayor

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Jay Jenkins, Council Member

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Demetric Roberts, Council Member

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Ciara Smith, Council member

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Millie Harris, Council Member

ATTEST:

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Skyler Bass, City Clerk