

CITY OF ANNISTON
April 19, 2022
5:30 P.M.

- **INVOCATION**
- **PLEDGE OF ALLEGIANCE**
- **CALL TO ORDER**
- **ROLL CALL**
- **READING/APPROVAL OF MINUTES OF PREVIOUS MEETING**
 - April 5, 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 regarding a Lounge Retail Liquor – Class I application for Blues Karaoke Bar LLC d/b/a Blues Karaoke Bar LLC located at 1013-B US Hwy 431 within the corporate city limits

II. UNFINISHED BUSINESS – None

III. CONSENT AGENDA

- (a)** Resolution declaring a reported condition to be a public nuisance. Group 2022-01 Substandard Structures
- (b)** Resolution closing out the Revolving Loan Fund and Commercial Development Incentive Fund
- (c)** Resolution to enter into Alabama Association of Fire Chiefs Mutual Aid Consortium Agreement
- (d)** Resolution authorizing grant of Utility Easement to Anniston Water Works and Sewer Board for the City of Anniston

- (e) Motion to approve a Retail Beer (Off Premises Only) Retail Table Wine (Off Premises Only) application for Aldi Inc 101 d/b/a Aldi Inc located at 5303 McClellan Blvd within the corporate city limits
- (f) Motion to approve a Lounge Retail Liquor – Class I application for Blues Karaoke Bar LLC d/b/a Blues Karaoke Bar LLC located at 1013-B US Hwy 431 within the corporate city limits
- (g) Motion to approve an allocation of \$5,000.00 for the Law Enforcement Week

IV. ADDITIONAL OR OTHER MATTERS THAT MAY COME BEFORE COUNCIL

V. 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) Scott Brightwell – 330 E 6th Street
- (b) Megan Brightwell – 330 E 6th Street
- (c) Sara Oehrig – 1001 Cynthia Crescent

VI. COUNCIL COMMENTS

ADJOURNMENT

MINUTES

Anniston, Alabama

April 5, 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, April 5, 2022, 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.

Steven Folks, City Manager, was present.

Bruce Downey, City Attorney, was present.

Council Member Smith made a motion to waive the reading of and approve the minutes of the March 15, 2022 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, and Draper; nays: none. The motion carried and the March 15, 2022 regular meeting minutes were approved.

Mayor Draper made a motion to adopt the agenda. 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 agenda was adopted.

Mayor Draper made a motion to approve the consent agenda:

(a) Motion to approve bid for the purchase of battery upgrades for multiple solar-powered trailers for the Police Department to Vetted Security Solutions in the amount of \$31,250.00

(b) Motion to designate Mayor Draper as the official Voting Delegate and Councilwoman Millie Harris as the 1st Alternate Voting Delegate during the Annual Business Meeting of the Alabama League of Municipalities held May 11-14, 2022

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 approved.

Mayor Draper introduced the resolution authorizing the submission of a grant application to the Economic Development Administration under the Public Works and Economic Adjustment Assistance Program

Mayor Draper made a motion for passage and adoption of the resolution authorizing the submission of a grant application to the Economic Development Administration under the Public Works and Economic Adjustment Assistance Program. The motion was seconded by Council Member Harris and the resolution was passed and adopted. (22-R-18)

Mayor Draper made a motion to reject the bids for new restrooms at the Anniston Museum of Natural History due to the bid excessively exceeding FY22 budgetary constraints. 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.

Richard Jackson, 2317 Noble Street, addressed the city council on the issue of city hall closing at 4:00 p.m. He stated that this is entirely too early and that it is a travesty to have to apply to speak at a council meeting.

Glen Ray, 3514 Dale Hollow Road, addressed the city council on the drug crisis that is facing the city of Anniston. He stated that on behalf of the NAACP, they want to work with law enforcement and the City of Anniston to do whatever it takes to help the community.

Council Member Jenkins thanked Council Member Smith for her prayer and stated that if she gets tired of politics she should consider the pulpit.

Council Member Roberts stated that the drugs that are on the streets are very lethal but the City of Anniston is working on a solution. He stated that this is not the time to blame law enforcement, or officials and accuse them of not doing things.

Council Member Smith stated that she prays that the council can find some solution to assist law enforcement to get these drugs out of their neighborhoods. She stated that this is truly a disease that is hard to overcome.

Council Member Harris stated that this drug issue does not just effect one socio-economic group but all groups and they have to do something about it. She stated that she wants everyone to uplift those in the Ukraine in thoughts and prayers. She stated that we take our freedom in this country for granted.

Mayor Draper stated that the city of Anniston has some of the best trained police and fire departments in this state. He stated that he is confident in their ability to work with city staff and officials to devise strategies to handle this drug issue. He encouraged everyone to come out to the Noble Street Festival and Sunny King Criterium this weekend, which is a big deal for the city.

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 Harris; 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 5:46 p.m. o'clock p.m.

CONSENT AGENDA

RESOLUTION NUMBER 22-R-__

A RESOLUTION DECLARING A REPORTED CONDITION TO BE A PUBLIC NUISANCE

WHEREAS, Tana Bryant, 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 **see attached (Group 2022-01 Unsafe Structures)** 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 **19th** day of **April 2022**.

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

BY: _____
Jack Draper, Mayor

BY: _____
Jay Jenkins, Council Member

BY: _____
Demetric Roberts, Council Member

BY: _____
Ciara Smith, Council Member

BY: _____
Millie Harris, Council Member

ATTEST:

Skylar Bass, City Clerk

Exhibit "A"

Group 2022-01 Unsafe Structures

Address	PPIN	Owner
907 Glenwood Terrace	18172	Richard Thompson & Kathy Dreyer
1216 Crescent Avenue	20880	Kathy Dreyer & Audrey H Dreyer

RESOLUTION NO. 22-R-__

**CLOSING OUT THE REVOLVING LOAN FUND AND
COMMERCIAL DEVELOPMENT INCENTIVE FUND**

WHEREAS, the City of Anniston has administered funds originating from an Urban Development Action Grant through various loan funds, including the Revolving Loan Fund and Commercial Development Incentive Fund (referred to collectively as the “Loan Funds”);

WHEREAS, over the years, the Loan Funds were used to provide grants, upon consideration and recommendation of the Revolving Loan Fund Board and Commercial Development Incentive Fund Board, to assist and support the establishment, improvement, and expansion of commercial enterprises within the City of Anniston;

WHEREAS, the grants made through the Loan Funds were structured as forgivable loans so that the borrower was not required to remit the annual principle and interest amounts so long as the borrower used the funds for eligible purposes and maintained compliance with the program;

WHEREAS, the Loan Funds are aged, inactive programs, and the City of Anniston no longer receives, and has no expectation of receiving, program income from any loans, grants, or disbursements made through the Loan Funds;

WHEREAS, the Council desires to authorize the administrative service of the City to close the Loan Funds and discharge any continuing obligations to or from the City with respect to the Loan Funds;

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

The Council hereby authorizes the Finance Director to take such actions as are necessary and appropriate to close-out the Loan Funds. The Finance Director is further authorized to release, forgive, cancel, and discharge any unexpired, outstanding, or continuing loans made through the Loan Funds and any commitments, covenants, promises, and obligations made by borrowers and the City through any loan agreements, promissory notes, mortgages, or security agreements, including, but not limited to, the following revolving and forgivable loans:

Revolving Loans 6000-11800

Marva Billingsley
James and Mary Montgomery
Roy Goodson
General Jackson
Ava Lee
Vicki Kirby
Steve Williams
Keith and Tammy Katz
Buckner Event Center

Commercial Development 6000-11850

Bill’s Barbeque
Thai One On
Cheaha Brewing Company
Remodelers Outlet / Advanced Fenestration

Classic Too
Piper's Playhouse
Twyman Grave Service
Premier Catering
CD Cellar and Wish Boutique

PASSED AND ADOPTED on this the **19th** day of **April, 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

RESOLUTION NO. 22-R-___

**RESOLUTION TO ENTER INTO ALABAMA ASSOCIATION OF FIRE CHIEFS MUTUAL AID
CONSORTIUM AGREEMENT**

WHEREAS, under the provisions of *Ala. Code §11-43-140 et seq.* a governing body of a city or town may enter into agreements to provide aid beyond their corporate limits or police jurisdictions, and

WHEREAS, the City of Anniston recognizes that Alabama faces a wide range of both natural and man-made emergencies requiring fire and emergency response to provide for the safety of our citizens, and

WHEREAS, in times of significant events and incidents, individual fire and emergency response capabilities may become overwhelmed and may not be adequate to effectively minimize the loss of life, severity of injury, and property damage, and

WHEREAS, the City of Anniston recognizes that in times of significant emergency, resources, equipment, and trained personnel from across Alabama may be required to best mitigate the emergency, and

WHEREAS, the Alabama Association of Fire Chiefs has developed a Mutual Aid Consortium to provide for the coordination of sharing available resources across jurisdictions in times of need, and

WHEREAS, the City Council of the City of Anniston recognizes and agrees that it is in the best interest of the citizens served by the Anniston Fire Department, and the mutual interest of the citizens of Alabama to enter into agreements whereby fire departments will provide fire and emergency support and assistance in the event of significant events or incidents;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ANNISTON, that the ANNISTON FIRE DEPARTMENT enter into an agreement with the Alabama Association of Fire Chiefs Mutual Aid Consortium as set forth in the attached agreement.

PASSED AND APPROVED this 19th day of April, 2022.

**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

ALABAMA ASSOCIATION OF FIRE CHIEFS MUTUAL AID CONSORTIUM AGREEMENT

I. PURPOSE

This Agreement is intended to provide an understanding between and among public fire protection agencies of Alabama in the provision and reception of resources, equipment, and personnel for response to natural or man-made disasters, acts of war or unrest, or other emergencies requiring outside assistance.

II. AUTHORITIES

Pursuant to §11-43-140 et seq. of the Code of Alabama, 1975, the governing body of a city or town may enter into agreements to provide aid beyond their corporate limits.

Pursuant to §11-89-1 et seq. of the Code of Alabama, 1975, the board of a recognized fire district may enter into agreements as may be necessary to accomplish the purpose of the fire district, including providing and receiving aid.

III. DEFINITIONS

For the purposes of this Agreement, the following terms shall have the following meanings, except as otherwise expressly provided or unless the context otherwise requires:

- a. "Board" means board of directors of a fire protection district, or corporate or tribal organization providing public fire protection, as defined and applicable according to the Code of Alabama, 1975, or applicable Federal law.
- b. "Emergency requiring outside assistance" means an event or incident that in the subjective opinion of the local fire chief or other Authority Having Jurisdiction [AHJ] exceeds the capabilities or resources locally available.
- c. "Fire Chief" means the appointed and recognized Chief of the fire department based upon the subjective procedures of the local governing body or board, or his or her expressed designee.
- d. "Fire Department" means any fire department, fire district, or emergency response provider recognized by the Alabama Fire College

and Personnel Standards Commission, or recognized by the Alabama Forestry Commission. This includes any emergency public safety response organization associated with federally recognized Indian tribes located within the State.

- e. "Governing Body" means a county, city, or town council, mayor, or commission as defined and applicable according to the Code of Alabama, 1975.
- f. "Mutual Aid Member" means any fire department whose governing body or board has ratified this agreement.

IV. SCOPE

This Alabama Association of Fire Chiefs [AAFC] Mutual Aid Consortium [MAC] Agreement includes all Alabama fire departments who have ratified this agreement pursuant to Section VII of this document.

V. LIMITATIONS

Ratification of this Agreement in no way creates, expresses, or implies a duty or responsibility that a fire department must provide aid upon request.

VI. AGREEMENT

The AAFC President will appoint a MAC Chairperson from the AAFC membership. Each regional division of the AAFC will appoint 1 member meeting the qualifications set forth by the AAFC President, to serve as a MAC Director.

The MAC Directors will develop and maintain the AAFC Mutual Aid Rules and Procedures [Rules and Procedures] for presentation to the AAFC Board of Directors as needed. The Rules and Procedures will set forth the process of requesting aid, reporting and documenting available assets and personnel, and other processes as may be necessary for effective mutual aid preparation and deployment. The Rules and Procedures will be approved by the AAFC Board of Directors and promulgated to all Mutual Aid Members.

Mutual Aid Member departments agree to provide reports on available assets and resources on an annual basis as provided by the Rules and Procedures.

Mutual Aid Member departments agree that the Fire Chief of the jurisdiction requesting assistance shall be the sole judge of determining when an event or incident meets the parameters of an emergency requiring outside assistance, the level and amount of assistance needed, if any, and from whom the assistance is requested.

Mutual Aid Member departments agree that the Fire Chief of the jurisdiction receiving a request for assistance has the responsibility of determining, pursuant to the policy and circumstances of his/her jurisdiction at that time, the level and amount of assistance that can be provided to the requesting jurisdiction.

Mutual Aid Member departments agree that the Fire Chief receiving a request for assistance shall promptly notify the Fire Chief requesting assistance what, if any, resources are available for assistance.

Mutual Aid Member departments agree that a recognized Incident Command System shall be used on any event or incident where mutual aid is being provided.

Mutual Aid Member departments agree that during mutual aid operations, any resources or personnel providing aid from an outside jurisdiction will be under the direction and command of the Fire Chief requesting aid.

Mutual Aid Member departments agree that resources, including equipment and personnel, in transit to or from a mutual aid operation but not under the direction and control of the Fire Chief receiving aid, are under the direction and control of the Fire Chief providing aid.

Mutual Aid Member departments agree to indemnify and hold harmless any other party to this Agreement from any liability, losses, and damages except to the extent that the indemnified party is determined, absent this agreement, to have legal liability and responsibility for such liability, losses, or damages. For purposes of this paragraph, the term "losses or damages" includes, but is not limited to, any and all costs associated with a legal defense including investigation, attorney fees, and other reasonable expenses in connection with any claim or lawsuit.

Mutual Aid Member departments agree to provide for the payment of compensation, medical, or death benefits of its employees who sustain injury or death while providing aid to a jurisdiction other than that of his/her employer in the same manner and on the same terms as if the injury or death occurred in his/her regular course of employment.

Mutual Aid Member departments agree that any costs incurred, including, but not limited to, compensation, insurance, or otherwise associated with the providing of mutual aid resources, equipment, or personnel, are the responsibility of the fire department providing the resources, equipment, or personnel and are not subject to reimbursement under this Agreement, unless otherwise provided by the lawful authority of the federal, state, or local government.

Participation in this Agreement and providing aid to or requesting aid from a Mutual Aid Member shall be done for a public and governmental purpose and no term or provision of this Agreement is intended or shall be construed to waive immunity granted the parties by the Code of Alabama, 1975, or any other rule of law or provision, statute, ordinance, or regulation having the force and effect of law.

If any provision or term of this Agreement, or the application of the Agreement to any party or entity, is found to be invalid or otherwise unenforceable, the remainder of this Agreement, or the application of the Agreement to remaining parties or entities, shall not be affected thereby.

VII. RATIFICATION

This Agreement shall become binding and effective when it shall have been approved by resolution or ordinance of the Governing Body or Board overseeing a Fire Department and a signed copy of such resolution or ordinance has been transmitted to the AAFC. An example resolution is provided in Appendix I.

This Agreement may be terminated at any time by providing 30-day written notice to the AAFC from the Governing Body or Board.

RESOLUTION NO. 22-R-__

**AUTHORIZING GRANT OF UTILITY EASEMENT TO ANNISTON
WATER WORKS AND SEWER BOARD FOR THE CITY OF ANNISTON**

WHEREAS, the City owns certain real property, more particularly described in the attached Easement, whereon the Anniston Water Works and Sewer Board for the City of Anniston (the "Board") requires an access and utility easement for a proposed water main;

WHEREAS, the Council deems that granting an easement in gross to the Board will serve a valid public purpose and promote the development of water and sewer service within the City;

WHEREAS, the Council further finds that the easement will not unduly burden the City's land or its use thereof;

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

The Mayor is authorized to execute, grant and deliver an easement to the Board, in substantially the same form and content as the indenture attached hereto, in the name of and on behalf of the City.

Passed and Adopted this 19th day of April, 2022.

CITY COUNCIL OF THE CITY OF
ANNISTON, ALABAMA

Jack Draper, Mayor

Jay W. Jenkins, Council Member

David E. Reddick, Council Member

Benjamin L. Little, Council Member

Millie Harris, Council Member

ATTEST:

Skylar Bass, City Clerk

EASEMENT

STATE OF ALABAMA)
CALHOUN COUNTY)

THIS INDENTURE, made and entered into on this, the ____ day of _____, 2022 by and between THE CITY OF ANNISTON, Grantor; and THE WATER WORKS AND SEWER BOARD OF THE CITY OF ANNISTON, A PUBLIC CORPORATION, 931 NOBLE STREET, SUITE 200, ANNISTON, ALABAMA, Grantee.

WITNESSETH THAT FOR AND IN CONSIDERATION OF the sum of One and No/100 Dollars (\$1.00), in hand paid to the Grantor by the Grantee, and other good and valuable considerations, the receipt whereof is hereby acknowledged, the Grantor has granted, bargained and sold and do by these presents grant, bargain, sell and convey unto the Grantee a permanent easement and the right of ingress and egress to and from, also over, under and across a strip of land thirty feet by seven hundred and twelve feet (30' x 712') for the purpose of constructing, operating, maintaining and repairing a proposed water main, with appurtenances; said strip of land being more particularly described as follows:

Commencing at the Southwest corner of that certain parcel recorded in McClellan Development Authority MDA Transfer To Anniston, according to the map or plat thereof recorded in Plat Book JJ, Page 4, Office of Probate, Calhoun County, Alabama, run along the westerly line thereof, which is the easterly right-of-way of Anniston-Jacksonville Highway No. 21, North 16°19'59" East a distance of 391.11 feet to the point of curvature; thence with a curve turning to the left with an arc length of 221.98 feet, with a radius of 7872.21 feet, with a chord bearing of North 15°32'22" East and a chord length of 221.97 feet to the point of beginning of an easement being described as leaving said right-of-way South 75°25'48" East a distance of 30.03 feet to a point; thence parallel and thirty feet (30') from said right-of-way at all times run with a curve turning to the left with an arc length of 590.56 feet, with a radius of 8122.49 feet, with a chord bearing of North 12°40'40" East and a chord length of 590.43 feet to the point of tangency; thence North 10°27'07" East a distance of 121.21 feet to a point; thence North 75°25'48" West a distance of 30.11 feet to a point on said easterly right-of-way; thence along said easterly right-of-way South 10°26'12" West a distance of 123.33 feet to a point of curvature; thence continue along said easterly right-of-way with a curve turning to the right with an arc length of 588.44 feet, with a radius of 8057.03 feet, with a chord bearing of South 12°40'53" West and a chord length of 588.31 feet to the point of beginning. Said easement being situated in the Northeast 1/4 of Section 20, Township 15 South, Range 8 East, Calhoun County, Alabama.

A plat showing the location of the easement hereby conveyed is attached.

TO HAVE AND TO HOLD the same unto the Grantee and unto its successors and assigns.

The Grantee shall have free access, ingress, and egress to and from said land over and across adjacent lands of the Grantor for the purposes herein mentioned. The Grantor shall erect no structures on the portion of the land above described within the width of said easement or do any act or thing which

would in anywise interfere with the right of the Grantee to enter upon said land at any time for the purposes heretofore expressed. The Grantee shall also have the right to temporarily place dirt, materials on the adjacent lands of the Grantor for the purposes heretofore expressed.

IN WITNESS WHEREOF, the Grantor has hereto set his seal on this the day and year hereinabove first written.

THE CITY OF ANNISTON

PRINT

TITLE

STATE OF ALABAMA)
CALHOUN COUNTY)

Before me, the undersigned, a Notary Public in and for said County and State, personally appeared THE CITY OF ANNISTON, whose name is signed to the foregoing easement and who is known to me, acknowledge before me on this day that being informed of the contents of the conveyance, they executed the same voluntarily on the day the same bears date. Given under my hand and official seal this ____ day of _____, 2022.

NOTARY PUBLIC

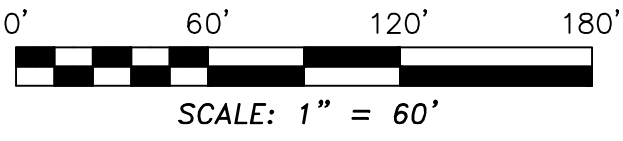
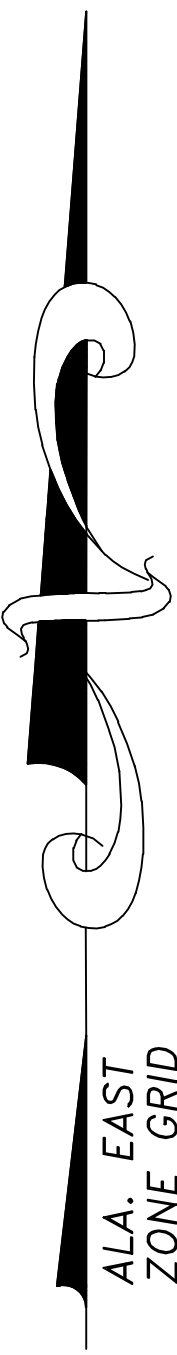
My commission expires: _____

NOTARY SEAL

THIS INSTRUMENT PREPARED BY:

Cameron Fortenberry
Engineering Technician
The Water Works and Sewer Board
Of the City of Anniston
931 Noble Street, Suite 200
(PO Box 2268)
Anniston, AL 36201 (36202-2268)
(256) 241-5007

SPECIAL PURPOSE SURVEY
EASEMENT FOR WATER LINE
LOCATED IN THE NORTHEAST QUARTER
OF SECTION 20, TOWNSHIP 15 SOUTH,
RANGE 8 EAST, CITY OF ANNISTON,
CALHOUN COUNTY, ALABAMA



LOT 1,
ANNISTON ALD ADDITION
PLAT BOOK JJ, PAGE 99
OFFICE OF PROBATE
CALHOUN COUNTY, ALABAMA

FUTURE
DEVELOPMENT

FUTURE
DEVELOPMENT

L=588.44'
R=8057.03'
Δ=04°11'04"
C LEN=588.31'
BRG=S 12°40'53" W

L=590.56'
R=8122.49'
Δ=04°09'57"
C LEN=590.43'
BRG=N 12°40'40" E

CENTERLINE OF ANNISTON JACKSONVILLE HIGHWAY NO. 21

P.O.B.
EASEMENT

L=221.98'
R=7872.21'
Δ=01°36'56"
C LEN=221.97'
BRG=N 15°32'22" E

S 75°25'48" E
30.03'

P.O.C.
EASEMENT
SOUTHWEST CORNER
MCCELLELLAN DEVELOPMENT
AUTHORITY MDA TRANSFER
TO ANNISTON
PLAT BOOK JJ, PAGE 4

LEGAL DESCRIPTION – EASEMENT FOR WATER LINE

Commencing at the Southwest corner of that certain parcel recorded in McClellan Development Authority MDA Transfer To Anniston, according to the map or plat thereof recorded in Plat Book JJ, Page 4, Office of Probate, Calhoun County, Alabama, run along the westerly line thereof, which is the easterly right-of-way of Anniston-Jacksonville Highway No. 21, North 16°19'59" East a distance of 391.11 feet to the point of curvature; thence with a curve turning to the left with an arc length of 221.98 feet, with a radius of 7872.21 feet, with a chord bearing of North 15°32'22" East and a chord length of 221.97 feet to the point of beginning of an easement being described as follows:
thence leaving said right-of-way South 75°25'48" East a distance of 30.03 feet to a point;
thence parallel and thirty feet (30') from said right-of-way at all times run with a curve turning to the left with an arc length of 590.56 feet, with a radius of 8122.49 feet, with a chord bearing of North 12°40'40" East and a chord length of 590.43 feet to the point of tangency;
thence North 10°27'07" East a distance of 121.21 feet to a point;
thence North 75°25'48" West a distance of 30.11 feet to a point on said easterly right-of-way;
thence along said easterly right-of-way South 10°26'12" West a distance of 123.33 feet to a point of curvature;
thence continue along said easterly right-of-way with a curve turning to the right with an arc length of 588.44 feet, with a radius of 8057.03 feet, with a chord bearing of South 12°40'53" West and a chord length of 588.31 feet to the point of beginning.
Said easement being situated in the Northeast 1/4 of Section 20, Township 15 South, Range 8 East, Calhoun County, Alabama.

SURVEYOR'S NOTES:

- Surveyor has made no independent search for easements of record, encumbrances, restrictive covenants, evidence of ownership through title, nor any other facts which an accurate and current title search may disclose.
- All buildings, surface and subsurface improvements on and adjacent to the property are not necessarily shown.
- Only acts of possession, if any, that are visible from casual inspection of the property are shown hereon. No warranty or guarantee is implied as to the existence of acts of possession by adjoiners to the lands shown and described hereon.
- The property lines shown on the survey plat are based upon old established corners and agreed upon corners between adjoining land owners and may or may not be the lines of the aliquot parts of the section and carry no warranty that they are such lines of the aliquot parts of the section.
- Since the date of this survey, conditions beyond the knowledge or control of Brent Means Land Surveying may have altered the validity and circumstances shown or noted on this plat.
- Declaration is made to the original purchaser of this survey. It is not transferable to additional institutions or subsequent owners.
- This survey is valid only if print has the original seal and signature (red ink) of the surveyor present.
- DATE FIELD SURVEY COMPLETED: (3/30/2022)
- DATE DRAWING COMPLETED: (4/6/2022)
- () RECORDED BEARINGS, ANGLES, OR DISTANCES
- POB POINT OF BEGINNING
- POC POINT OF COMMENCEMENT

I, Brenton S. Means, a Licensed Land Surveyor in the State of Alabama, hereby certify that all parts of this survey and drawing have been completed in accordance with the requirements of the Standards of Practice for Surveying in the State of Alabama to the best of my knowledge, information and belief.

LEGEND

○	IRON FOUND	—X—	CHAIN LINK FENCE
●	CAPPED 1/2" REBAR SET STAMPED "B MEANS LS 27727"	—□—	WOOD PRIVACY FENCE
⊗	MAGNETIC NAIL FOUND OR SET	—X—	AWNING
□	CONCRETE MONUMENT OR ROCK CORNER FOUND	—X—	ASPHALT PAVEMENT
△	CALCULATED POINT	—X—	CONCRETE PAVEMENT
⬢	SEE SPECIAL NOTE CORRESPONDING TO LETTER IN CIRCLE	—X—	CHERT AND/OR GRAVEL

BRENT MEANS LAND SURVEYING, LLC

BOUNDARY SURVEYS / MORTGAGE SURVEYS / PERCOLATION TESTS
TOPOGRAPHIC SURVEYS / SUBDIVISION AND CONSTRUCTION LAYOUT

P.O. BOX 1964

GADSDEN, AL 35902

PHONE: 256-312-2292

EMAIL: bmls@bellsouth.net

brentmeanslandsurveying.com

SURVEY INFO

SURVEY #: S21-246

SURVEY CREW: BM,RC

DRAWN BY: BSM

CHECKED BY: BSM

FIELD BOOK: N/A

PAGE(S): N/A

CONTROL FILE:

REVISIONS:

SEAL




BRENTON S. MEANS, PLS
AL. LICENSE NO. 27727



CITY OF ANNISTON

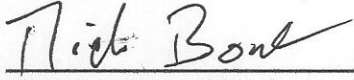
FINANCE DEPARTMENT FACT SHEET

TO: CITY COUNCIL AND CITY MANAGER
FROM: JESSICA LEONARD, ASSISTANT FINANCE DIRECTOR
SUBJECT: ALDI'S INC.
DATE: 3/31/2022
CC:

-  Formal action is required for Retail Beer (Off Premises Only) and Retail Table Wine (Off Premises Only)
-  Located inside the City Limits at 5303 McClellan Blvd, Anniston, AL 36206
-  Police background check showed no criminal activity.

**REPORT ON INVESTIGATION
APPLICATION FOR
RETAIL BEER (OFF PREMISES ONLY)
RETAIL WINE (OFF PREMISES ONLY)**

DATE: March 29, 2022

TO: Ms. Jessica Leonard, Assistant Finance Director


FROM: Nick Bowles, Chief of Police

APPLICANT: ALDI INC 101

A criminal history check was performed on the name listed below. No criminal history was found that would prevent the issuance of a license.

Eric Riegger IL DL / R260-2007-5110
David Karl Behm IL DL / B500-1717-0045

If further information is needed, please advise.

NB/jrt



To: Myra Bushard;
Jessica Leonard

From: Jason Brown, Captain
Fire Marshal

cc:

Date: April 1, 2022

Re: ALDI Alcohol License

As it pertains to ALDI and the application for alcohol license, the required inspection cannot be completed at this time due to construction which is ongoing. It is the position of this office that there will be no issue at the completion of construction and the license can proceed forward at this time. If there are any questions, please feel free to contact me.

Thank you,

Jason Brown
Fire Marshal
City of Anniston
jkbrown@annistonai.gov
(256)231-7650 Office
(256)282-2767 Cell



CITY OF ANNISTON

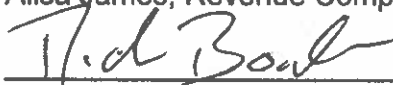
FINANCE DEPARTMENT FACT SHEET

TO: CITY COUNCIL AND CITY MANAGER
FROM: ALISA JAMES, REVENUE COMPLIANCE SPECIALIST
SUBJECT: BLUES KARAOKE BAR LLC
DATE: 4/8/2022
CC:

- A public hearing is required before formal action is taken on the 010 – LOUNGE RETAIL LIQUOR – CLASS I for BLUES KARAOKE BAR LLC
- The business is located in the city limits at 1013B US HWY 431, ANNISTON, AL 36206.
- The Police Department background check showed no criminal history.

**REPORT ON INVESTIGATION
APPLICATION FOR
LOUNGE RETAIL LIQUOR – CLASS I**

DATE: April 7, 2022

TO: Alisa James, Revenue Compliance Specialist


FROM: Nick Bowles, Chief of Police

APPLICANT: BLUES KARAOKE BAR LLC

A criminal history check was performed on the name listed below. No criminal history was found that would prevent the issuance of a license.

Arthur Neil Chandler AL DL / 4690653

If further information is needed, please advise.

NB/jrt



CITY OF ANNISTON
FIRE-RESCUE DEPARTMENT
5304 McClellan Blvd Anniston, AL 36206
256-231-7650

Jack Draper
Mayor

Jeff Waldrep
Fire Chief

FIRE MARSHAL' OFFICE

Subject: Blue's Karaoke Bar

Date: 04/13/2022

To: Alisa Faison

Cc: Myra Bushard, Executive Assistant

After reviewing the paperwork and inspecting the proposed business location, located at 1300 US Hwy 431, no issues were noted and ABC Alcohol License can be sent for approval. If you have any other questions feel free to contact me.

Thanks,

Jason Brown

Fire Marshal

Anniston Fire Department

Office: 256-231-7650

Cell: 256-282-2767

Email: jkbrown@annistonl.gov

**ANNISTON CODE
CHAPTER THREE
ALCOHOLIC BEVERAGES
(Liquor)**

Sec. 3.5. Factors to be considered in council's decisions.

(a) In rendering a decision on each application, the city council shall consider, among others, the following factors:

- (1) The wishes and desires of the residents, real property owners, and businesses within five hundred (500) feet of the property for which a license is sought.
- (2) Character and reputation of the applicant, each partner, member, officer, member of the board of directors, landlord and club manager.
- (3) The criminal court records or evidence of violation of ABC regulations of the applicant, each partner, member, officer, member of the board of directors, landlord and club manager.
- (4) Location of premises for which a liquor license is sought and the number of establishments presently holding liquor licenses for lounges, clubs, hotels, restaurants, civic centers, or dinner theaters whose place or places of business are within five hundred (500) feet of the property for which a liquor license is sought.
- (5) The compliance by applicant, each partner, member, officer, member of the board of directors, landlord, and club manager with the laws of the State of Alabama and ordinances of the city.
- (6) The proximity of the premises to any churches, schools, day care centers, eleemosynary institutions or places of public gathering.
- (7) The suitability of the premises to contain noise reasonably anticipated to be generated from the premises.

- (b) The city council shall refuse to approve a liquor license for a club when it appears that the operation would ensure to the benefit of individual members, officers, agents, or employees of the club rather than to the benefit of the entire membership of the club.

(Ord. No. 80-O-34, 1; Ord. No. 92-O-2, 2, 2-11-92)