

CITY OF ANNISTON
June 28, 2022
5:30 P.M.

- **INVOCATION**
- **PLEDGE OF ALLEGIANCE**
- **CALL TO ORDER**
- **ROLL CALL**
- **READING/APPROVAL OF MINUTES OF PREVIOUS MEETING**
 - June 7, 2022 Regular meeting
- **ADDITIONS/DELETIONS TO THE AGENDA**
- **ADOPTION OF AGENDA**

I. RECOGNITIONS

- a. 10U Anniston All Star Baseball Team
- b. Special Olympics 2022 National Games Anniston Athletes

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.

II. UNFINISHED BUSINESS

- (a)** Motion to approve a 160 – Special Retail – More Than 30 Days application for The Oaks on Cherokee LLC d/b/a The Oaks on Cherokee located at 201 Cherokee Trail within the police jurisdiction
- (b)** Motion to approve a Bingo Permit to 7 Springs Ministries located at 33 Old Gadsden Hwy, Anniston, Alabama 36201

III. RESOLUTIONS

- (a) Resolution to allocate certain sales tax proceeds for educational purposes

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) Nellie Hughley – 1520 Bacon Avenue

- (b) James Pritchett – 2609 Old Gadsden Highway

VI. COUNCIL COMMENTS

VII. MOTIONS

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

ADJOURNMENT

MINUTES

Anniston, Alabama

June 7, 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, June 7, 2022, at approximately 5:30 o'clock p.m.

RaShaud Drake, Anniston High School graduate, prayed the Invocation.

RaShaud Drake, Anniston High School graduate, led the Pledge of Allegiance to the Flag.

Vice-Mayor Smith called the meeting to order. On call of the roll, the following Council Members were found to be present: Council Members Jenkins, Roberts, Smith, and Harris; absent: Mayor Draper. 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 Roberts made a motion to waive the reading of and approve the minutes of the May 17, 2022 regular meeting. The motion was seconded by Council Member Harris and on call of the roll the following vote was recorded: ayes: Council Member Jenkins, Roberts, Smith, and Harris; nays: none. The motion carried and the May 17, 2022 regular meeting minutes were approved.

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

Vice-Mayor Smith introduced a board confirmation hearing of Undrea Gladden to the Zoning Board of Adjustments.

Vice-Mayor Smith opened a public hearing to receive public comments on an application for permit to conduct bingo games in Calhoun County, Alabama at 33 Old Gadsden Hwy, Anniston AL 36201 for 7 Springs Ministries. No one spoke. Vice-Mayor Smith closed the public hearing to receive public comments on an application for permit to conduct bingo games in Calhoun County, Alabama at 33 Old Gadsden Hwy, Anniston AL 36201 for 7 Springs Ministries.

Vice-Mayor Smith opened a public hearing to receive public comments regarding the City of Anniston applying to the Alabama Department of Transportation for a federal capital funding award Section 5310 of the Federal Transit Act for the purpose of helping meet the transportation needs of seniors and individuals with disabilities in the City of Anniston. No One Spoke. Vice-Mayor Smith closed the public hearing to receive public comments regarding the City of Anniston applying to the Alabama Department of Transportation for a federal capital funding award Section 5310 of the Federal Transit Act for the purpose of helping meet the transportation needs of seniors and individuals with disabilities in the City of Anniston.

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

(a)Resolution appointing member(s) to the Zoning Board of Adjustments (22-R-28)

(b) Resolution endorsing East Alabama Regional Planning and Development Commission Comprehensive Economic Development Strategy 2022 (CEDS) (22-R-29)

(c) Resolution authorizing the submission of a grant application for financial assistance under Section 5310 of the Federal Transit Act Amendment if 1991 (22-R-30)

(d) Motion to approve a Retail Beer (Off Premises Only) Retail Table Wine (Off Premises Only) application for 18 Quintard Shell LLC d/b/a 18 Quintard Shell located at 1731 Quintard Avenue within the corporate city limits

(e) Motion to approve a Retail Beer (Off Premises Only) Retail Table Wine (Off Premises Only) application for 202 Shell LLC d/b/a 202 Shell located at 720 Quintard Avenue within the corporate city limits

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

Council Member Roberts made a motion to approve a Bingo Permit to 7 Springs Ministries located at 33 Old Gadsden Hwy, Anniston, Alabama 36201. The motion was seconded by Council Member Jenkins.

Council Member Roberts stated that he understands the skating rink is doing really good and it is a big hit. He asked would they still be able to service the kids as a skating rink if a license is approved or will this be a situation like the coffee house, where it was opened for a little while and then it is no longer operating.

Bruce Downey, City Attorney, stated that the rules of order state that during council comments only the council can speak however they can make a motion to suspend the rules to allow comments to be made.

Council Member Jenkins made a motion to suspend the rules to allow dialogue with Daniel Hughes at that time in regards to the motion. 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, and Harris; nays: none. The motion carried.

Daniel Hughes stated that the vision was to be able to do an outreach to young folks in the community. He stated that they will still designate their Saturdays and Sundays to skating and have bingo no more than two nights a week.

Council Member Jenkins stated that he appreciates what Mr. Hughes is trying to do in the community but his concerns are in regards to life safety. He stated that anytime someone opens a business in this town and there is a change of occupancy, there is a requirement to submit a life safety plan to the city. He stated anything over 2500 square feet and that has any kind of assembly occupancy. He stated that the life safety plan should be presented to city, reviewed and approved by the Division of Building & Safety, before a business license or permit is issued.

Daniel Hughes stated that he did not meet with the Fire Chief, he met with Steven Folks, City Manager, and Mayor Draper.

Council Member Jenkins stated that neither one of those gentlemen are not qualified to review the material.

Mr. Hughes stated that the state fire marshal reviewed it.

Council Member Jenkins stated that state fire marshal reviewed the plans for skating not bingo. He stated that Mr. Hughes is changing the occupancy by bringing in bingo; and that he is not against the idea of this. He stated that he is making sure from the council standpoint, that if anything happens in that building it happens in a safe environment. He stated that they should demand that out of all of their businesses.

Daniel Hughes stated that the last thing he wants to do is put anyone in danger. He asked that if there is anything they need to do to be in compliance, they are willing to have the discussion.

Council Member Jenkins made a motion to table the motion to approve a Bingo Permit to 7 Springs Ministries located at 33 Old Gadsden Hwy, Anniston, Alabama 36201 until the process is followed. The motion was seconded by Council Member Roberts and on call of the roll the following vote was recorded: ayes: Council Member Jenkins, Roberts, and Harris; nays: none; abstentions: Council Member Smith. The motion carried and the aforementioned motion was tabled.

Council Member Jenkins stated that he wanted to acknowledge an achievement, Raymond Ervin won the gold medal today in the Special Olympics Nationals for bocce. He stated that this is not Raymond's first gold medal.

Council Member Roberts stated that he appreciates Mr. Drake for coming out and delivering the invocation. He asked everyone to pray for this world because it seems like it is always something happening.

Council Member Harris wanted to commend Vice-Mayor Smith for her diligence in trying to get this ordinance amended to do something about the senseless killings and crimes in Anniston. She wanted to commend the Anniston Fire Department for arriving in 7 minutes to respond to a fire on her street.

Vice-Mayor Smith stated that she is super proud of Mr. Drake. She wanted to remind everyone about the Juneteenth celebration that will be held on June 18th. She stated that the city will be commemorating the holiday on Monday June 20th, so city hall and offices will be closed.

There being no further business to come before the council at that time Vice-Mayor 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 5:57 o'clock p.m.

RESOLUTIONS

RESOLUTION 22-R-___

RESOLUTION TO ALLOCATE CERTAIN SALES TAX PROCEEDS FOR EDUCATIONAL PURPOSES

WHEREAS, by Resolution 18-R-113, the Council for the City of Anniston resolved to segregate twenty percent (20%) of the municipal sales tax proceeds actually remitted to the City by businesses that were newly established and first began business operations of any kind within the City's corporate limits during the time period beginning on June 1, 2018 and ending on June 1, 2021;

WHEREAS, the Council further resolved to establish the "New Business Sales Tax Revenue Education Fund" to allocate the sales tax revenue segregated pursuant to Resolution 18-R-113 to a special fund to be utilized and expended as directed by the Council for educational purposes, only;

WHEREAS, the Council desires to renew and extend the New Business Sales Tax Revenue Education Fund for the time period beginning on June 1, 2021 and ending on June 1, 2025;

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

Section 1. Segregation of New Business Sales Tax Revenue.

The Finance Director is hereby directed to segregate twenty percent (20%) of the municipal sales tax proceeds actually remitted to the City by businesses that are newly established and first begin business operations of any kind within the City's corporate limits during the time period beginning on June 1, 2021 and ending on June 1, 2025 (said proceeds are referred to herein as "New Business Sales Tax Revenue"). The Finance Director shall exclude, however, any portion or percentage of the New Business Sales Tax Revenue that is due to be refunded or paid over to any person, business or entity in accordance with any applicable agreement, incentive, or other legal obligation. The Finance Director shall further exclude any portion or percentage of the New Business Sales Tax Revenue that has been pledged or legally committed to any person, business or entity, or for another purpose, whether as a bond, credit obligation, or otherwise.

Section 2. New Business Sales Tax Revenue Education Fund.

The Finance Director shall allocate the New Business Sales Tax Revenue segregated from the City's general municipal sales tax revenue, as directed by Section 1 of this Resolution, to be held in the New Business Sales Tax Revenue Education Fund. The revenue allocated to this special fund shall be utilized and expended for educational purposes, only, as budgeted or directed by the Council.

Section 3. Effective Date.

This Resolution shall become effective immediately upon its passage and adoption by the Council.

PASSED AND ADOPTED on this the ___ day of _____, 2022.

CITY COUNCIL OF THE CITY OF
ANNISTON, ALABAMA

Jack Draper, Mayor

Jay W. Jenkins, Council Member

Demetric Roberts, Council Member

Ciara Smith, Council Member

Millie Harris, Council Member

ATTESTED:

City Clerk