

CITY OF ANNISTON

August 2, 2022

5:30 P.M.

- INVOCATION
- PLEDGE OF ALLEGIANCE
- CALL TO ORDER
- ROLL CALL
- READING/APPROVAL OF MINUTES OF PREVIOUS MEETING
 - July 19, 2022 Regular meeting
- ADDITIONS/DELETIONS TO THE AGENDA
- ADOPTION OF AGENDA

I. RECOGNITIONS

- (a) Youth Conservation Corps Summer Work Program

II. BOARD CONFIRMATION HEARING

- (a) Alfreda Heard – Zoning Board of Adjustments

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 comments regarding a Restaurant Retail Liquor license for Fat Boys Pizza and Wings LLC d/b/a Three Dogs Pizza & Pub located at 270 Glade Road within the Anniston Police Jurisdiction

IV. 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

V. CONSENT AGENDA

- (a)** Resolution appointing a member(s) to the Zoning Board of Adjustments
- (b)** Motion to approve a Restaurant Retail Liquor license for Fat Boys Pizza and Wings LLC d/b/a Three Dogs Pizza & Pub located at 270 Glade Road within the Anniston Police Jurisdiction
- (c)** Motion to approve a Retail Beer (Off Premises Only) Retail Table Wine (Off Premises Only) alcohol license for Jamarco Young d/b/a Jays Mart located at 406 Morrisville Road located with the Anniston Police Jurisdiction
- (d)** Motion to award bid for McDaniel Avenue surface friction treatment to Jacked Up in the amount of \$49,708.81
- (e)** Motion to adopt the Pay and Classification Plan as recommended by Auburn Government and Economic Development Institute to be effective October 7, 2022

VI. RESOLUTIONS

- (a)** Resolution adopting the 2022 Annual Action Plan and Budget for the City of Anniston's Community Development Block Grant Program and The Anniston/Calhoun County Home Consortium's HOME Program
- (b)** Resolution of the City Council in support of the adoption of The Anniston Comprehensive Plan by the Anniston Planning Commission

VII. MOTIONS

- (a)** Motion to participate in and sign on to the McKesson Alabama Settlement Agreement to resolve opioid-related claims against the McKesson Corporation and to further authorize the Mayor to execute and deliver the Subdivision Settlement Participation Form and McKesson Settlement Sign-on Agreement.
- (b)** Motion to participate in and sign on to the Janssen Alabama State-Wide Opioid Settlement Agreement and further to authorize the Mayor to execute and deliver the Subdivision Settlement Participation Form and McKesson Settlement Sign-on Agreement.

VIII. ADDITIONAL OR OTHER MATTERS THAT MAY COME BEFORE COUNCIL

IX. 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.

X. COUNCIL COMMENTS

ADJOURNMENT

MINUTES

Anniston, Alabama

July 20, 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, July 19th, 2022, at approximately 5:30 o'clock p.m.

Jack Draper, Mayor, prayed the Invocation.

Jack Draper, Mayor, 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, Harris, and Draper; absent: Council Member Roberts and Smith. A quorum was present and the meeting opened for the transaction of business.

Steven Folks, City Manager, was present.

Bruce Downey, City Attorney, was present.

Council Member Jenkins made a motion to waive the reading of and approve the minutes of the June 28, 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, Harris, and Draper; nays: none. The motion carried and the July 5, 2022 regular meeting minutes were approved.

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

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

- (a) Resolution authorizing reimbursements to city officials for expenses incurred while traveling away from the *City* (22-R-35)
- (b) Resolution appointing member(s) to the Anniston Water Works and Sewer Board (22-R-36)
- (c) Resolution declaring various vehicles and pieces of equipment as surplus and authorizing their sale (22-R-37)
- (d) Motion to award bid for the resurfacing of West 15th ½ Street Alley to Vulcan Materials in the amount of \$60,404.00

The motion was seconded by Council Member Harris and on call of the roll the following vote was recorded: ayes: Council Member Jenkins, Harris, and Draper; nays: none. The motion carried and the consent agenda was approved.

Mayor Draper introduced and read an Ordinance Amending Chapter 4 of the Code of Ordinances to allow and regulate the keeping of domesticated chickens (22-O-5):

ORDINANCE NO. 22-O-5

AMENDING CHAPTER 4 OF THE CODE OF ORDINANCES TO ALLOW AND REGULATE THE KEEPING OF DOMESTICATED CHICKENS

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

Section 1. The Council hereby amends Chapter 4, Article I, Section 4.7 of The Code of the City of Anniston, Alabama, 1981 and restates the same in its entirety as follows:

Sec. 4.7. – Keeping swine or fowl prohibited.

It shall be unlawful for any person to keep within the city any animal of the swine type or fowl type except (1) exotic birds which are maintained in cage as pets or novelties, or (2) domesticated chickens, excluding roosters, kept for the primary purpose of producing eggs where authorized by Section 4.8.1 of this article.

Section 2. The Council hereby amends Chapter 4, Article I, Section 4.8, Subsection (2) of The Code of the City of Anniston, Alabama, 1981 and restates the same in its entirety as follows:

Sec. 4.8. – Exceptions to sections 4.4 and 4.7.

* * * *

(2) Baby fowl such as baby chicks transported into the city for selling purposes or kept within the city for selling purposes, and domesticated chickens, excluding roosters, kept in accordance with the provisions of Section 4.8.1 of this article.

* * * *

Section 3. The Council hereby adopts, enacts, and codifies Chapter 4, Article I, Section 4.8.1 The Code of the City of Anniston, Alabama, 1981 to state in its entirety as follows:

Sec. 4.8.1. – Keeping domesticated chickens.

(1) Applicability. The provisions of this section shall govern the keeping of domesticated chickens within the corporate limits of the city.

(2) Permit.

(a) No person shall keep domesticated chickens within the city without a currently valid permit granted by the city.

(b) Any person desiring a permit to keep domesticated chickens within the city shall submit an application to the building and safety division in the form provided by the city together with such plans, drawings, photographs, or other documentation as may be required by the city to verify compliance with the provisions of this section.

(c) Each permit granted by the city shall be valid for a period of one year unless revoked prior to its expiration. The city shall charge and collect a fee in the amount to be determined by the Council as part of the adopted Fee Schedule before granting a permit to any person.

(d) The city shall not grant more than one permit to allow the keeping of domesticated chickens at any property during any year.

(e) All permits to keep domesticated chickens shall be revocable by the city for violation of the provisions of this section or when necessary to protect the public health, safety, or welfare.

(f) A permit granted to keep domesticated chickens is a mere license and shall not be considered, construed, or represented to be a grant of any property right or irrevocable privilege.

(3) Regulations. The keeping of domesticated chickens within the city is permitted subject to the following requirements:

(a) The lot or parcel on which the domesticated chickens are kept must contain a single-family dwelling as its principal structure. The person granted a permit must reside in the single-family dwelling located thereon.

(b) A person may keep up to six domesticated chickens at any permitted location. A person may keep one (1) additional chicken for each 2,000 square feet that the permitted location exceeds 10,000 square feet. There shall not be more than twenty (20) domesticated chickens at any permitted location.

(c) The chickens shall be always kept in a covered enclosure or fenced area. The enclosure or fenced area must provide a minimum of six (6) square feet per chicken. The enclosure or fenced area must be kept in a clean, dry, odor-free, neat, and sanitary condition at all times.

(d) The enclosure or fenced area where the chickens are kept must be (i) located in the rear of the principal structure and (ii) a minimum of twenty (20) feet from any neighboring dwellings, churches, schools, or places of business.

(e) A person granted a permit to keep domesticated chickens within the city shall take such actions and make those improvements as are necessary to reduce the attraction of predators and rodents and to prevent the infestation of insects and parasites.

(f) A person granted a permit to keep domesticated chickens within the city shall not allow the animals to be a nuisance to any neighbors, neighboring properties, or to the public at large. A nuisance shall exist when domesticated chickens present noxious odors, noise of a loud and persistent nature, infestation of insects and parasites, habitation of snakes and rodents, or any unsanitary environment or conditions.

(4) Prohibited Conduct.

(a) It shall be unlawful to keep domesticated chickens within the city in violation of any provision or regulation of this section.

(b) It shall be unlawful to keep roosters within the city.

(c) It shall be unlawful to slaughter chickens within the city.

(d) It shall be unlawful to engage in the breeding of chickens or the production of fertilizer for commercial purposes

(e) It shall be unlawful to allow domesticated chickens to run at large.

(f) It shall be unlawful for any person to allow domesticated chickens to be a nuisance or to cause a nuisance condition to exist.

Section 4. This Ordinance shall become effective October 1, 2022 following 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 19th day of July, 2022.

COUNCIL OF THE CITY OF ANNISTON, ALABAMA

By:/s/ Jack Draper, Mayor

By:/s/ Jay Jenkins, Council Member

By:/s/ Millie Harris, Council Member

Council Member Harris made a motion for unanimous consent for immediate consideration of Ordinance 22-O-5. The motion was seconded by Council Member Jenkins and on call of the roll, the following vote was recorded: ayes: Council Members Jenkins, Harris, and Draper; nays: none. The motion carried.

Mayor Draper made a motion to amend the ordinance to include item 2(c) under Section 4.8.1 "Each permit granted by the city shall be valid for a period of one year unless revoked prior to its expiration. The city shall charge and collect a fee in the amount to be determined by the Council as part of the adopted Fee Schedule before granting a permit to any person and adding an effective date as of October 1, 2022 under Section 4. The motion was seconded by Council Member Harris and on call of the roll, the following vote was recorded: ayes: Council Members Jenkins, Harris, and Draper; nays: none. The motion carried.

Council Member Jenkins made a motion for passage and adoption of amended Ordinance 22-O-5. The motion was seconded by Council Member Harris and on call of the roll, the following vote was recorded: ayes: Council Members Jenkins, Harris, and Draper; nays: none. The motion carried and the ordinance was passed and adopted.

Council Member Harris stated that the ordinance that just passed will help families become more sustainable. She stated that this a real positive thing and she appreciates the support of the council.

Council Member Jenkins stated that on August 6, 2022 there will be a Stop the Violence Community Fun Day at the Anniston Aquatic Center. He stated that he appreciates Mr. Folks and Council Member Smith for bringing this event back forward.

Mayor Draper encouraged everyone to come out this Friday, for Fourth Friday. He stated that there are good things in Anniston and they need good crowds' downtown; and it should be a real fun time.

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 Jenkins; and on call of the roll, the following vote was recorded: ayes: Council Members Jenkins, Harris, and Draper; nays: none. The motion carried and the meeting was adjourned at approximately 5:41 o'clock p.m.

CONSENT AGENDA

RESOLUTION NUMBER 22-R-___

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

WHEREAS, the Council has adopted Ordinance No. 14-O-13, an ordinance amending Division 1, Article XI, Chapter 2 of the Code of Ordinances for the City of Anniston, Alabama Regulating Boards, Commissions and Authorities, in order to, among other things, assign the positions on the City's boards, commissions and authorities to nominations by specific Council Ward Representatives or to the Office of the Mayor so that those who are appointed to serve more fairly and equitably represent the citizenry of the City and to simplify and clarify to Council's nomination and appointment process;

WHEREAS, the Council has adopted a schedule of nominations to govern appointments to the Zoning Board of Adjustments;

WHEREAS, the Council desires to make certain appointments to said Board in accordance with the previously adopted Schedule of Nominations;

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

Section 1. The City Council of the City of Anniston does hereby appoint those person(s) identified in the Schedule of Nominations for the Zoning Board of Adjustments attached hereto as Exhibit A to the board and for the terms set forth therein.

Section 2. That the City Clerk shall cause a copy of this Resolution to be mailed to the above named appointees and to said board.

PASSED and ADOPTED this **2nd** day of **July, 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

EXHIBIT "A"

ZONING BOARD OF ADJUSTMENTS

Board Positions	Nominations	Board Member Name	Expiration Date	Explanation
2	Ward 2	Alfreda Heard	5/31/2023	Appointment

RESOLUTIONS

RESOLUTION NO. 22-R- _____

**A RESOLUTION ADOPTING THE 2022 ANNUAL ACTION PLAN AND BUDGET FOR
THE CITY OF ANNISTON'S COMMUNITY DEVELOPMENT BLOCK GRANT
PROGRAM AND THE ANNISTON/CALHOUN COUNTY HOME CONSORTIUM'S
HOME PROGRAM**

WHEREAS, the City of Anniston has been designated as "Entitlement Community" and therefore receives direct annual funding from the U.S. Department of Housing and Urban Development (HUD) for the Community Development Block Grant Program; and a "Participating Jurisdiction" under the Home Investment Partnerships Act Program;

WHEREAS, HUD requires Entitlement Communities to prepare and approve an Annual Action Plan for each of the five years under the Consolidated Plan in order to establish activities associated with priorities designated under the Consolidated Plan; and

WHEREAS, the Draft Fiscal Year 2022 Action Plan has been published for the HUD-required 30-day citizen participation, review and comment period;

WHEREAS, the City Council wishes to approve the Annual Action Plan for submission to HUD including the allocation of the sum of the PY 2022 CDBG grant award of \$544,919.00 and the sum of the PY 2022 HOME grant award of \$403,576.00.

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

Section 1. That the Program Year 2022 Annual Action Plan and Budget are approved and hereby adopted in the following amounts for the period beginning October 1, 2022 and ending September 30, 2023.

PY 2022 CDBG Budget

Administration		\$108,983.80
Public Services		\$ 81,737.85
The Right Place	\$ 10,000.00	
City of Anniston YES Program	\$ 24,237.85	
Community Enabler	\$ 10,000.00	
St. Michael's Community Services	\$ 20,000.00	
All Saints Center for Concern	\$ 10,000.00	
Interfaith Ministries	\$ 7,500.00	
Public Facility		\$354,197.35
City of Anniston Infrastructure	\$ 254,197.35	
City of Anniston Public Works	\$ 100,000.00	

Total CDBG Budget		\$544,919.00
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PY 2022 HOME Budget

Administration & Planning/Program Delivery		\$40,357.60
Housing Activities		\$363,218.40
Habitat for Humanity	\$240,000.00	
Fresh Start Home, LLC	\$ 62,682.00	
Northeast AL CDC (CHDO)	\$ 60,536.40	
<hr/> Total HOME Budget		\$403,576.00

Section 2. The City Manager, as Chief Administrative Officer of the City of Anniston, Alabama, is authorized to apply for these CDBG and HOME funds by submission of said documents to HUD, and to execute all other documents, forms, agreements, certifications, assurances or reports that may be requested by HUD in relation to said Plan and to undertake all actions and steps that may be necessary to complete the Plan.

PASSED AND ADOPTED this 2nd day of August, 2022

CITY COUNCIL OF THE CITY OF
ANNISTON, ALABAMA

BY: _____
Jack Draper, Mayor

BY: _____
Jay W. Jenkins, Council Member

BY: _____
Demetric Roberts, Council Member

BY: _____
Ciara Smith, Council Member

BY: _____
Millie Harris, Council Member

ATTEST

Skyler Bass, City Clerk

RESOLUTION NO. 22-R-_____

**A RESOLUTION OF THE CITY COUNCIL IN SUPPORT OF THE ADOPTION OF THE
ANNISTON COMPREHENSIVE PLAN BY THE ANNISTON PLANNING COMMISSION**

WHEREAS; the City of Anniston set forth in 2020 to develop a community-based and input driven comprehensive planning process. Citizens, city leaders, stakeholders and staff worked with city planning, urban design, transportation and economic development professionals, alongside the Anniston Planning Commission, to guide the effort in creating social, cultural and economic policy recommendations. The process included community participation in defining place types, mobility needs, services and implementation in which a team effort was truly represented in this plan; and

WHEREAS; throughout the process the team engaged the community's private sector leaders, academic leaders, service industry leaders and the valued input of our city's future; youth groups and students. The input gained was built in to the plan's specific topics of; mobility, infrastructure and facilities, natural and cultural resources, public space and recreation, community design, housing, downtown and economic development leading to the plan's defined purpose and conclusion; and

WHEREAS; on July, 14, 2022, the Anniston City Planning Commission, at its regular scheduled meeting, held discussion on the plan, following a motion and a second to adopt, and thus approved the Anniston Comprehensive Plan in its entirety;

NOW THEREFORE, be it resolved by the City Council of the City of Anniston, Alabama, in its initiation of and leadership with the planning process, hereby supports and joins with the Anniston Planning Commission in its recognition of the Anniston Comprehensive Plan, as the city's guide for physical growth and preservation as well as policy development for the citizens of Anniston.

PASSED and ADOPTED this the **2nd** day of **August, 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