

## CITY OF ANNISTON

August 16, 2022

5:30 P.M.

- INVOCATION
- PLEDGE OF ALLEGIANCE
- CALL TO ORDER
- ROLL CALL
- READING/APPROVAL OF MINUTES OF PREVIOUS MEETING
  - August 2, 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 comments regarding the Proposed Fiscal Year 2023 City Manager's Recommended Budget

### 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
- (c) Motion to adopt the Pay and Classification Plan as recommended by Auburn Government and Economic Development Institute to be effective October 7, 2022

### III. MOTIONS

- (a) Motion to approve the bid for demolition of seven (7) structures through Community Development Block Grant funds to Teague Hauling for property 1700 Charlotte in amount of \$13,000.00 and Emtex for remaining six (6) properties in the amount of \$30,600.00

### IV. RESOLUTIONS

- (a) Resolution authorizing grant of Utility Easement to Anniston Water Works and Sewer Board for the City of Anniston

### V. ORDINANCES

- (a) An ordinance declaring surplus real property and authorizing conveyance of the same
- (b) An ordinance adopting Regulations to Govern Revocation of Business Licenses
- (c) An ordinance repealing and replacing Chapter 2, Article XI, Division 3 Governing Anniston Museum Boards to Establish the Anniston Museum and Gardens Advisory Board

### 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.

### VIII. COUNCIL COMMENTS

### ADJOURNMENT

## MINUTES

Anniston, Alabama

August 2, 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, August 2, 2022, at approximately 5:31 o'clock p.m.

Jay Jenkins, Council Member, prayed the Invocation.

Jay Jenkins, 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 and Draper; absent: Council Member Harris. 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 July 19, 2022 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 and Draper; nays: none. The motion carried and the July 19, 2022 regular meeting minutes were approved.

Mayor Draper made a motion to adopt the agenda with the addition of a motion to fund the Helping Families Initiative (HFI) Case officer position for Anniston City Schools to the consent 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 Draper; nays: none. The motion carried and the amended agenda was adopted.

Steven Folks, City Manager, recognized the Youth Conservation Corps Summer Work Program.

Mayor Draper introduced a board confirmation hearing for Alfreda Heard to the Zoning Board of Adjustments.

Mayor Draper opened a public hearing to hear public 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. No one spoke. Mayor Draper closed the public hearing to hear public 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.

Mayor Draper made a motion to approve the consent agenda with the removal of a motion adopt the Pay and Classification Plan as recommended by Auburn Government and Economic Development Institute to be effective October 7, 2022 as a standalone motion:

(a) Resolution appointing a member(s) to the Zoning Board of Adjustments (22-R-38)

(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 fund the Helping Families Initiative (HFI) Case officer position for Anniston City Schools

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 and Draper; nays: none. The motion carried and the amended consent agenda was approved.

Mayor Draper introduced 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.

Council Member Jenkins made a motion for passage and adoption of 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. 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 and Draper; nays: none. The motion carried and the Resolution was passed and adopted. (22-R-39)

Mayor Draper introduced a Resolution of the City Council in support of the adoption of The Anniston Comprehensive Plan by the Anniston Planning Commission. The motion was seconded by Council Member Roberts.

Council Member Jenkins stated that this is an extensive document that the Planning Commission put together and it is a necessary tool for the City.

Council Member Roberts stated that is not just up to the leaders, but the citizens as well to run this document.

Council Member Smith stated that this comprehensive plan is not just necessary but mandatory.

And on call of the roll the following vote was recorded: ayes: Council Member Jenkins, Roberts, Smith and Draper; nays: none. The motion carried and the resolution was passed and adopted. (22-R-40)

Mayor Draper made 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. 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 and Draper; nays: none. The motion carried.

Council Member Smith made a 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. The motion was seconded by Council Member Roberts.

Council Member Jenkins made a motion to amend the motion to read 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 Janssen Settlement Sign-on Agreement. The motion was seconded by Mayor Draper and on call of the roll the following vote was recorded: ayes: Council Member Jenkins, Roberts, Smith and Draper; nays: none. The motion carried.

And on call of the roll the following vote was recorded: ayes: Council Member Jenkins, Roberts, Smith and Draper; nays: none. The motion carried and the amended motion was approved.

Mayor Draper made a motion to adopt the Pay and Classification Plan as recommended by Auburn Government and Economic Development Institute to be effective October 7, 2022. The motion was seconded by Council Member Jenkins.

Council Member Smith made a motion to table the motion to adopt the Pay and Classification Plan as recommended by Auburn Government and Economic Development Institute to be effective October 7, 2022. The motion was seconded by Mayor Draper and on call of the roll the following vote was recorded: ayes: Council Member Jenkins, Roberts, Smith and Draper; nays: none. The motion carried.

Council Member Smith stated that the YCC has done an excellent job. She stated that they have some bright futures. She recognized Jessica and Karla for the work they have done with the kids.

Council Member Roberts thanked the youth for their job with the plant planters. He stated that this upcoming Saturday, they will have their Stop the Violence rally at the aquatic center from 10 a.m.-3 p.m.

Council Member Jenkins stated that it is such an exciting time in the city, right now. He stated that they are making a difference, continuing to grow, and continuing to build within the city.

Mayor Draper stated that the Stop the Violence event will be Saturday August 6, 2022 from 10 a.m.- 3p.m. at the aquatic center. He thanked the Youth Conservation Corps. He stated that the comprehensive plan will continue to help with the momentum of 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 Roberts; and on call of the roll, the following vote was recorded: ayes: Council Members Jenkins, Roberts, Smith and Draper; nays: none. The motion carried and the meeting was adjourned at approximately 6:01 o'clock p.m.

# CONSENT AGENDA

## FACT SHEET

**SUBJECT:** Evaluation of bids for demolition of 7 substandard structures.

**FACTS:** Funding from CDBG.

### VENDORS SUBMITTING BIDS

|                   | Emtek      | Teague      | American Excavating |
|-------------------|------------|-------------|---------------------|
| 1700 Charlotte    | No Bid     | \$13,000.00 | \$13,500.00         |
| 225 Scott St      | \$4,000.00 | \$5,950.00  | \$9,200.00          |
| 427 Chestnut Ave  | \$4,400.00 | \$6,750.00  | \$9,500.00          |
| 1203 Crawford Ave | \$4,200.00 | \$6,900.00  | \$9,800.00          |
| 1122 Pine Ave     | \$4,800.00 | \$7,100.00  | \$12,500.00         |
| 1506 Dooley Ave   | \$3,800.00 | \$6,300.00  | \$9,300.00          |
| 2330 McKleroy     | \$9,400.00 | \$19,000.00 | \$32,500.00         |

**RECOMMENDATION:** Teague should be awarded the bid for the property 1700 Charlotte for \$13,000.00 and Emtek should be awarded the bid for the rest of the properties for \$30,600.00



## RESOLUTIONS

**RESOLUTION NO. 22-R-\_\_**

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

WHEREAS, the City owns certain real property, more particularly described in the attached Easement and depicted in the plat attached to said Easement as Exhibit A, whereon the Water Works and Sewer Board for the City of Anniston (the "Board") requires an access and utility easement for the purposes of constructing, operating, maintaining, repairing, and replacing a proposed sewer main with appurtenances;

WHEREAS, the Council deems that granting an easement in gross to the Board for the purposes specified therein 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 of Anniston.

Passed and Adopted this **16<sup>th</sup>** day of **August, 2022**.

CITY COUNCIL OF THE CITY OF  
ANNISTON, ALABAMA

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Jack Draper, Mayor

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Jay W. 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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Skylar Bass, City Clerk

## **TEMPORARY RIGHT-OF-ACCESS AGREEMENT**

August \_\_, 2022

CITY OF ANNISTON

CALHOUN COUNTY, ALABAMA

The undersigned is the title owner, or the authorized agent of said owner, of the property described herein, and the undersigned hereby grants to the Anniston Water Works and Sewer Board (the "Board") and its contractors and subcontractors, the nonexclusive authority and permission to enter in and onto the premises depicted in the drawing attached hereto as Exhibit A (identified therein as "Proposed Temporary Construction Easement"), being the land extending easternly 90 feet from and along the easternly boundary of that strip of land (20' x 122') described in the easement granted by the City of Anniston to the Board and recorded in Deed Book \_\_\_\_, Page \_\_\_\_, for the purpose of constructing and installing a proposed sewer main with appurtenances.

The authority and permission granted herein is to provide the Board temporary work or construction space for construction and installation of said sewer main as may be needed along the boundary of the previously granted easement referenced above. The City of Anniston, Alabama shall have no liability for any costs, expenses, or losses incurred in connection with, or arising out of, the activities of the Board, its successors, assigns, designees, contractors, and subcontractors, on the premises.

Upon completion of the installation of the sewer main or the expiration of this temporary right-of-access agreement, whichever occurs first, the Board shall restore any area of the premises disturbed by its construction and installation of the sewer main or its activities on the premises as best as practicable to the condition of the premises before the disturbance.

**This agreement shall expire on \_\_\_\_\_, 202\_.**

For the consideration and purpose set forth herein, I hereby set my hand and seal this \_\_\_\_ day of \_\_\_\_\_, 2022.

/S/ \_\_\_\_\_  
Jack Draper, Mayor  
City of Anniston

STATE OF ALABAMA     )

CALHOUN COUNTY     )

I, the undersigned, a Notary Public in and for said State and County hereby certify that Jack Draper, whose name is signed to the foregoing Temporary Right of Entry Agreement, and who is known to me, acknowledged before me on this day that, being informed of the contents of the Temporary Right of Entry Agreement, executed the same voluntarily on the day the same bears date.

Given under my hand this \_\_\_\_ day of \_\_\_\_\_, 2022.

\_\_\_\_\_  
NOTARY PUBLIC  
My commission expires: \_\_\_\_\_

**EASEMENT**

STATE OF ALABAMA        )  
CALHOUN COUNTY        )

THIS INDENTURE, made and entered into on this, the \_\_\_\_ day of \_\_\_\_\_, 2022, by and between 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 valuable consideration, 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 right of ingress and egress to and from, also under, over and across a strip of land for the purpose of constructing, operating, maintaining, repairing and replacing a proposed sewer main, with appurtenances, said strip of land being more particularly described as follows:

A parcel of land to be used for an access and utility easement lying in the Southeast ¼ of the Northwest ¼ of Section 16, Township 15 South, Range 8 East, Calhoun County, Alabama. Said parcel being twenty feet (20’) in width, ten feet (10’) on each side of the following described centerline:

**Commence at a ½” rebar at the accepted northwest corner of the said Southeast ¼ of the Northwest 1/4.; thence South 00 degrees 36 minutes 59 seconds West along the west boundary thereof, 345.18 feet to southerly boundary of the City of Anniston’s property as described in Deed Book 3037 Page 851 as recorded in the Office of the Judge of Probate, Calhoun County, Alabama, thence South 76 degrees 21 minutes 52 seconds East along said property, 264.93 feet to the point of beginning of said centerline; thence North 28 degrees 58 minutes 22 seconds East, 122.00 feet to the northerly boundary of said property and the end of centerline. Shorten and extend sidelines to terminate at said property lines. Said parcel contains 0.06 Acres more or less.**

A plat showing the location of the easement hereby conveyed is attached as Exhibit “A”.

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 Grantor for the purposes herein mentioned, and the Grantor shall erect no permanent 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 here before expressed. The Grantee shall have the right to remove trees and brush both from which the real estate on which the easement lies and from the real estate on both sides of the easement, which said trees and brush would otherwise interfere with the Grantee’s use of the easement. The Grantee shall also have the right to temporarily place dirt, materials, on the adjacent lands of the Grantor for the purposes here before expressed. The Grantee shall remove bushes and small trees which are removed for the purposes herein mentioned on the Grantor’s property within a 6-month period.

The Grantor covenants that he/she has good and merchantable title to said property and good right to convey this easement.

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

\_\_\_\_\_  
CITY OF ANNISTON

STATE OF ALABAMA  
CALHOUN COUNTY

Before me, the undersigned, a Notary Public in and for said County and State, personally appeared \_\_\_\_\_ 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, he executed the same voluntarily on the day the same bears date.

Given under my hand and official seal this \_\_\_\_\_ day of \_\_\_\_\_, 2022.

\_\_\_\_\_  
(Please sign name above)

\_\_\_\_\_  
(Please print name above)

**THIS INSTRUMENT PREPARED BY:**

Cameron Fortenberry, Engineering Technician  
The Water Works and Sewer Board  
of the City of Anniston  
931 Noble Street, Suite 200, Anniston AL 36201  
(PO Box 2268, Anniston, AL 36202-2268))  
(256) 241-5033



## **ORDINANCES**



**ORDINANCE NO. 22-O-\_\_**

**AN ORDINANCE DECLARING SURPLUS REAL PROPERTY  
AND AUTHORIZING CONVEYANCE OF THE SAME**

WHEREAS, the Land Commissioner for the State of Alabama granted, bargained, sold, and conveyed to the City of Anniston all right and title of the State of Alabama acquired by the tax sale of certain real property located 1329 Appleton Avenue, Anniston, Alabama, which was bid in for the State for the sum of the unpaid taxes, fees, costs, and expenses, enrolled upon the books of the State Land Commissioner, held without redemption for the time allowed by law for the redemption of such lands, and sold to the City pursuant to Ala. Code § 40-10-132(a)(2), said real estate being more specifically described as follows:

SEC 01 TSP 16S RNG 07E RANDOLPH PARK SUB BLK 41 LOTS 14  
& 15 ANNISTON AL

Parcel Number: 22-01-01-3-003-016.000

Pin Number: 30594

(referred to herein as the “Property”).<sup>1</sup>

WHEREAS, the Property is vacant and is not connected to any other municipal properties, and the City does not need or utilize the Property for any municipal or public purpose;

WHEREAS, Tara C. Burnett desires to purchase the City’s right, title and interest to the Property, if any, for a sum total of Two Thousand Dollars (\$2,000.00), and the Council desires to sell the same to Tara C. Burnett for said amount;

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

1. Declaration of Surplus Real Property. It is hereby established and declared that the Property is surplus real property that is no longer used or needed by the City for public or municipal purposes.

2. Conveyance of the Property to Burnett. The Mayor and the City Clerk are hereby authorized and directed to execute and attest, respectively, for and on behalf of the City of Anniston, Alabama, a quitclaim deed conveying the City’s right, title, and interest to the Property, if any, to Tara C. Burnett for a sum total of Two Thousand Dollars

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<sup>1</sup> The City’s interest in the Property, if any, is derived from a tax deed granted by the State of Alabama, and the City makes no representation or warranty as to its title, rights, or interests in the Property. The legal description thereof are derived from the records of the Calhoun County, Alabama Tax Assessor, exclusively. The City has not made any independent search or investigation of its title or the legal description, and the City makes no warranties or representations as to the same.

(\$2,000.00). The City's grant, bargain, sale, and conveyance of the Property to Tara Burnett shall be without warranty or covenant of any kind on behalf of the City, its officials, officers, employees, agents, representatives, and attorneys, whether express or implied.

The Council finds and declares that the consideration to be paid by Tara Burnett, as set forth above, is fair, reasonable and sufficient, taking into consideration the terms and conditions of the conveyance, the condition and marketability of the Property, the price paid by the City for the land, and the nature of the City's right, title, and interest in the Property, if any. Accordingly, the Council finds that the sale of the Property to Tara Burnett by quitclaim deed, as authorized herein, is in the best interests of the City and its citizens.

3. Effective Date. 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** this **2<sup>nd</sup>** day of **August, 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:

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

THIS QUITCLAIM DEED WAS PREPARED WITHOUT  
THE BENEFIT OF A TITLE SEARCH. NO REPRESENTATIONS ARE MADE  
CONCERNING TITLE BY THE PREPARER OF THIS QUITCLAIM DEED.

STATE OF ALABAMA     )

COUNTY OF CALHOUN    )

**QUITCLAIM DEED**

KNOW ALL MEN BY THESE PRESENTS, that, effective as of the \_\_\_\_ day of \_\_\_\_\_, 2022, and pursuant to the duly adopted ordinance of the City of Anniston, Ordinance No. 22-O-\_\_\_\_, a copy of which is attached hereto, and for Ten Dollars (\$10.00) and other good and valuable consideration, the undersigned,

CITY OF ANNISTON, ALABAMA,

(herein referred to as “Grantor”) does by these presents REMISE, RELEASE, QUITCLAIM and CONVEY unto:

TARA C. BURNETT, a \_\_married woman,

(herein referred to as “Grantee”) any and all right, title, interest and claim of Grantor in and to the following described real property located at 1329 Appleton Avenue, Anniston, Alabama and situated in Calhoun County, Alabama; to wit:

SEC 01 TSP 16S RNG 07E RANDOLPH PARK SUB BLK 41 LOTS 14  
& 15 ANNISTON AL

Parcel Number: 22-01-01-3-003-016.000  
Pin Number: 30594

(referred to herein as the “Property”).

TO HAVE AND TO HOLD to the said Grantee, Grantee’s successors, and assigns, subject to: Grantee shall accept the Property, as is, where is, and shall further accept and acknowledge this quitclaim deed and conveyance of the Property without warranty of any kind, express or implied, on the part of the Grantor, including its officers, employees, representatives, agents, and attorneys. Grantee shall indemnify and hold Grantor harmless from any and all claims, suits, expenses, losses, and liabilities arising from Grantee’s possession, use, and control of the Property.

Further subject to taxes for the current year, easements of record, easements as located, and restrictions of record, if any.

IN WITNESS WHEREOF, the said Grantor has hereto set Grantor's hand and seal as effective of the date first set forth above.

GRANTOR:

CITY OF ANNISTON, ALABAMA

BY: \_\_\_\_\_

NAME: Jack Draper

TITLE: Mayor, City of Anniston, Alabama

STATE OF ALABAMA     )  
COUNTY OF CALHOUN    )

I, the undersigned, a Notary Public in and for said County in said State, hereby certify that Jack Draper, whose name as Mayor of the City of Anniston, Alabama, a municipal corporation, is known to me and signed to the foregoing instrument, acknowledged before me on this day that, being informed of its contents, he, with full authority, executed the same voluntarily for and as the act of said corporation.

Given under my hand and official seal this the \_\_\_\_ day of \_\_\_\_\_, 2022.

(SEAL)

\_\_\_\_\_  
Notary Public

My Commission Expires: \_\_\_\_\_

ATTESTED BY:

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

## Real Estate Sales Validation Form

*This Document must be filed in accordance with Code of Alabama 1975, Section 40-22-1*

Grantor's Name \_\_\_\_\_  
Mailing Address \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Grantee's Name \_\_\_\_\_  
Mailing Address \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Property Address \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Date of Sale \_\_\_\_\_  
Total Purchase Price \$ \_\_\_\_\_  
or  
Actual Value \$ \_\_\_\_\_  
or  
Assessor's Market Value \$ \_\_\_\_\_

The purchase price or actual value claimed on this form can be verified in the following documentary evidence: (check one) (Recordation of documentary evidence is not required)

- ☐ Bill of Sale ☐ Appraisal  
☐ Sales Contract ☐ Other \_\_\_\_\_  
☐ Closing Statement

If the conveyance document presented for recordation contains all of the required information referenced above, the filing of this form is not required.

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### Instructions

Grantor's name and mailing address - provide the name of the person or persons conveying interest to property and their current mailing address.

Grantee's name and mailing address - provide the name of the person or persons to whom interest to property is being conveyed.

Property address - the physical address of the property being conveyed, if available.

Date of Sale - the date on which interest to the property was conveyed.

Total purchase price - the total amount paid for the purchase of the property, both real and personal, being conveyed by the instrument offered for record.

Actual value - if the property is not being sold, the true value of the property, both real and personal, being conveyed by the instrument offered for record. This may be evidenced by an appraisal conducted by a licensed appraiser or the assessor's current market value.

If no proof is provided and the value must be determined, the current estimate of fair market value, excluding current use valuation, of the property as determined by the local official charged with the responsibility of valuing property for property tax purposes will be used and the taxpayer will be penalized pursuant to Code of Alabama 1975 § 40-22-1 (h).

I attest, to the best of my knowledge and belief that the information contained in this document is true and accurate. I further understand that any false statements claimed on this form may result in the imposition of the penalty indicated in Code of Alabama 1975 § 40-22-1 (h).

Date \_\_\_\_\_

Print \_\_\_\_\_

\_\_\_\_ Unattested \_\_\_\_\_

Sign \_\_\_\_\_

(verified by)

(Grantor/Grantee/Owner/Agent) circle one

Print Form

**Form RT-1**

**ORDINANCE NO. 22-O-\_\_**

**ADOPTING REGULATIONS TO GOVERN  
REVOCATION OF BUSINESS LICENSES**

WHEREAS, the City of Anniston is empowered to regulate any exhibition, trade, business, vocation, occupation, or profession which may be engaged in or carried on in its jurisdiction, subject to the laws of the state, through the use of business licenses;

WHEREAS, the City grants business licenses to afford persons the privilege, but not a vested right, to conduct business within its jurisdiction;

WHEREAS, the City retains the authority to refuse a business license to any person when necessary to promote and protect the safety, health, prosperity, order, comfort and convenience of its inhabitants;

WHEREAS, the City further maintains the right to revoke or suspend a business license issued to any person for, among other things, violations of the laws and regulations of the city and state relating to the licensed business activity, violations any penal laws of the city or the state, and for aiding, abetting, or permitting violations penal laws of the city or the state;

WHEREAS, the Council previously adopted an ordinance to provide an expedited procedure for revocation or suspension of a business license when a business presents a public safety threat;

WHEREAS, the Council has also adopted an ordinance to declare persistent criminal activity occurring on, or resulting from, a property to be a nuisance condition and to provide an administrative process to address and, when necessary, take civil action to abate the nuisance;

WHEREAS, the Council desires to adopt additional administrative procedures for the revocation or suspension of a business license so as to provide the owners and managers of businesses an opportunity to take corrective actions and remedy the injurious effect of the business on the health, safety, and wellbeing of the community;

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

Section 1. The Council hereby amends and restates Chapter 14, Article I, Sec. 14.19.2 of The Code of the City of Anniston, Alabama, 1981 to state in its entirety as follows:

**Sec. 14.19.2. – Procedure for revocation or suspension of license.**

(a) *Grounds, generally.* The council may revoke or suspend any business license issued pursuant to this chapter, the privilege to obtain a business license, and/or the privilege to renew a

business license after notice and a public hearing, as prescribed by this section, for any of the following reasons:

- (1) The taxpayer or license applicant, or an owner, manager, principal, agent or employee of the taxpayer or license applicant, violates or has violated any provision of federal or state law or rule, or any municipal ordinance, relating to the license, business, business or licensed premises, or business activity to which the license or application pertains.
- (2) The taxpayer or license applicant, or an owner, manager, principal, agent or employee of the taxpayer or license applicant, violates, aids in violating, abets in violating, or knowingly allows to be violated any criminal ordinance of the city or any criminal law of the state on the licensed premises.
- (3) The occurrence of any activity on or originating from the taxpayer's or license applicant's business or licensed premises or resulting from the taxpayer's or license applicant's business activity that is dangerous, offensive, disturbing, or injurious to the public health, safety, and welfare.
- (4) The existence, maintenance, or allowance of any condition that is a public nuisance.
- (5) The taxpayer or license applicant, or an owner, manager, principal, agent or employee of the taxpayer or license applicant, files or causes to be filed any application, affidavit, return, certificate, or other document containing false, deceptive, or misleading information or an omission of a material fact.
- (6) The taxpayer or license applicant fails to pay within the time allowed by law any business license or tax liability for which a final assessment has been entered and for which further review is not available, or for which the taxpayer or license applicant is required to pay as the result of a conviction for which no further direct appeal is available.
- (7) The taxpayer or license applicant fails to meet any qualification, criteria, or credentialing standard under federal, state, or municipal law required to engage in the kind of business to which the license relates.
- (8) The taxpayer or license applicant fails to comply with the terms of a consent agreement or corrective action plan established under the administrative procedures set out in this section.
- (9) Any other reason provided or allowed by law, regulation, or rule.

(b) *Procedure for Revocation or Suspension.*

- (1) When the city manager determines that grounds exist and it is in the public's best interests to revoke or suspend a taxpayer's business license or a license applicant's

privilege to obtain or renew a business license, the city manager shall petition the council to set a public hearing and consider a resolution for revocation or suspension for any of the reasons set out in subsection (a).

- (2) Upon receipt of the petition, the council shall hold a public hearing to determine if there is substantial evidence justifying the revocation or suspension of the license or privilege to obtain or renew a license. Notice of the public hearing and grounds for the revocation or suspension shall be in writing and served on the taxpayer or license applicant at least ten (10) calendar days prior to the hearing. Service of the notice may be made by first class or certified mail to the address listed on the license or application, by personal delivery on the owner, manager, or registered agent of the taxpayer or license applicant, or by personal delivery to an employee or agent of the taxpayer or license applicant at the licensed or business premises.

(c) *Hearing Procedure.*

- (1) The city council will set the hearing date by resolution and may choose a regularly scheduled council meeting or a specially set council meeting for the hearing.
- (2) The city attorney or his or her designee shall present witnesses and evidence to support the petition for revocation or suspension.
- (3) Upon the conclusion of the city attorney's presentation of grounds for revocation or suspension, the taxpayer or license applicant may present witnesses and evidence in opposition to the petition for revocation or suspension.
- (4) The council members may question any witnesses following the presentation of their testimony and may ask questions during the presentation of the witness for clarification.
- (5) The public may be permitted to speak in favor of or against the petition for revocation or suspension.
- (6) There shall be no cross examination of witnesses or the calling of an adverse witness for direct examination.
- (7) At the conclusion of the public hearing, the council may close the public hearing and discuss the revocation in the public forum prior to voting.
- (8) If, after the hearing, the council votes to revoke or suspend the business license or the privilege to obtain or renew a business license, then all business activity shall cease.
- (9) The taxpayer or license applicant may seek judicial review in accordance with state law.

(d) *Administrative Procedures.*



- (1) Whenever the city manager receives notice or complaint of any of the conditions, events, circumstances, and activities set out in subsection (a), the city manager shall direct the appropriate city officers and administrative staff to investigate to determine if there are grounds to revoke or suspend a taxpayer's business license or license applicant's privilege to obtain or renew a business license.
- (2) If the city manager determines that grounds exist to revoke or suspend a taxpayer's business license or license applicant's privilege to obtain or renew a business license, the city manager may, when appropriate, seek to resolve and remedy the grounds by consent agreement and voluntary corrective action in lieu of petitioning the council for a public hearing on revocation or suspension. In such cases, the city manager shall direct that the taxpayer or license applicant be provided written notice that the city has initiated proceedings to revoke or suspend the business license or privilege to obtain or renew a business license for one or more of the reasons set out in subsection (a).
- (3) The notice that the city has initiated proceedings for revocation or suspension shall provide the taxpayer or license applicant no more than ten (10) calendar days to submit a corrective action plan to the city manager that specifies the actions taken, or that will be taken, to resolve, remedy, and prevent the conditions, events, circumstances, and activities giving rise to the proceedings. The notice shall further inform the taxpayer or license applicant that the failure to submit a suitable and effective corrective action plan shall result in the city manager petitioning the council for revocation or suspension.
- (4) If the city manager finds that the taxpayer or license applicant has submitted a suitable and effective corrective action plan, which determination shall be made in the city manager's discretion and in consideration of the totality of the circumstances, the corrective action plan and any deadlines for its implementation and completion shall be memorialized in a consent agreement subscribed to by the taxpayer or license applicant.
- (5) Whenever the taxpayer or license applicant fails to respond to the city manager's notice that the city has initiated proceedings, fails to provide a suitable and effective corrective action plan, fails to implement and complete the corrective action plan approved by the city manager, or fails to enter into a consent agreement on terms acceptable to the city manager, the city manager shall petition the council to set a public hearing to revoke or suspend the taxpayer's or license applicant's business license or privilege to obtain or renew a business license.

(e) *Enforcement.* It shall be unlawful for any person to engage in business activities within the city's jurisdiction after the council's revocation of the license to conduct the business or during the term of the council's suspension of the license to conduct the business. Each day that a person violates these prohibitions shall be considered a separate offense against the city, and each offense shall be punishable by a fine not exceeding five hundred dollars (\$500.00).

Section 2. This ordinance shall have force and effect in the police jurisdiction of the City of Anniston and shall take effect immediately upon the expiration of the thirtieth day following its passage and adoption and publication as required by law. The City Clerk shall publish this ordinance in The Anniston Star, a newspaper of general circulation published within the City of Anniston, Alabama, and shall submit a copy of this ordinance and proof of publication and 30-day notice of its applicability within the police jurisdiction to the Alabama Department of Revenue for posting on the Atlas Alabama state website in accordance with Ala. Code § 11-40-10.

PASSED AND ADOPTED on this the \_\_\_\_ day of \_\_\_\_\_, 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

**ORDINANCE NO. 22-O-\_\_**

**REPEALING AND REPLACING CHAPTER 2, ARTICLE XI, DIVISION 3  
GOVERNING ANNISTON MUSEUM BOARDS TO ESTABLISH  
THE ANNISTON MUSEUM AND GARDENS ADVISORY BOARD**

WHEREAS, the City of Anniston owns, administers, and operates the Anniston Museum of Natural History, the Longleaf Botanical Gardens, and the Farley L. and Germain K. Berman Museum of World History as public cultural facilities that provide educational, recreational, and economic opportunities and benefits to diverse audiences within the community and beyond;

WHEREAS, the Anniston Museum of Natural History is a nationally accredited museum with the purpose of enhancing public knowledge, understanding, and appreciation of living things and their environments through the preservation, study, interpretation, and presentation of collections through interdisciplinary exhibits and programs;

WHEREAS, the Longleaf Botanical Gardens cultivates the connection between people and nature through experience of its gardens, native and exotic landscapes, trails, and horticultural educational workshops, lectures, and programs in partnership with Jacksonville State University, Alabama Cooperative Extension System, and American Horticultural Society, among others;

WHEREAS, the Farley L. and Germain K. Berman Museum of World History manages and displays The Farley L. Berman Foundation, Inc.'s historically valuable and unique collection of artifacts, arms, armaments, art objects and antiquities amassed by Farley and Germain Berman in accordance with the October 14, 2014 management agreement between the city and the foundation;

WHEREAS, by Ordinance No. 14-O-22, the Council established the Anniston Museum of Natural History Board and the Longleaf Botanical Gardens Board to serve as instrumentalities to aid and advise the city in the management, administration, and operation of its public cultural facilities;

WHEREAS, the Department of Museum Operations, through its director and staff and subject to the supervision of the city manager, is charged with the administration, operation, and maintenance of all three facilities as a collective known as the Anniston Museums and Gardens;

WHEREAS, the Council finds that the Anniston Museum of Natural History, the Longleaf Botanical Gardens, and the Farley L. and Germain K. Berman Museum of World History will be best served by consolidating the existing advisory boards and their functions into a single body so as to provide more efficient and cohesive mechanism for appointed volunteers to guide, support, and promote the Anniston Museums and Gardens;

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

Section 1. The Council hereby repeals Chapter 2, Article XI, Division 3 of “The Code of the City of Anniston, Alabama, 1981,” and the sections thereof. The Anniston Museum of Natural History Board and the Longleaf Botanical Gardens Board shall be dissolved as of the effective date of this ordinance. The Director of the Department of Museum Operations shall take possession of any records, items, or materials of the boards for preservation and future use of the department and the Anniston Museum and Gardens Advisory Board established by Section 2 of this ordinance.

Section 2. The Council hereby adopts, enacts, and codifies Chapter 2, Article XI, Division 3, Anniston Museum and Gardens, Sections 2.60, 2.61, and 2.62 of “The Code of the City of Anniston, Alabama, 1981” to replace and restate said division in its entirety as follows:

## **Chapter 2 – ADMINISTRATION**

### **ARTICLE XI. – BOARDS, COMMISSIONS AND AUTHORITIES**

#### **DIVISION 3. – ANNISTON MUSEUM AND GARDENS**

##### **Sec. 2.60. – Creation of Anniston Museum and Gardens Advisory Board**

(a) *Establishment.* The Council for the City of Anniston hereby establishes an unincorporated advisory board to serve as an instrumentality of the city for the purpose of aiding and advising the city’s operation, maintenance, promotion, and improvement of the Anniston Museums and Gardens to include the Anniston Museum of Natural History, Longleaf Botanical Gardens, and Farley L. and Germain K. Berman Museum of World History. The advisory board created herein shall be named “Anniston Museum and Gardens Advisory Board.” The advisory board shall have and perform the powers, authorities, functions, and duties designated by this division and as otherwise granted or afforded by the city’s ordinances and the laws of the state.

(b) *Reservation of power and authority.* The authority for management, administration, and operation of the Anniston Museums and Gardens and all municipal property, assets, and cultural facilities shall be vested in the city and exercised through its director of museum operations, subject to the supervision and control of the city manager. Nothing contained herein shall be construed to limit the powers and authority of the city, including its director of museum operations, who shall be responsible for the department of museum operations and its employees, unless expressly limited herein. The city shall administer, manage, and operate the Farley L. and Germain K. Berman Museum of World History in accordance with the terms and conditions of the management agreement with The Farley L. Berman Foundation, Inc. dated October 14, 2014, as it exists now and may be amended from time to time.

##### **Sec. 2.61. – Membership; vacancies; emeritus membership; officers and meetings; attendance.**

(a) *Membership.* The Anniston Museum and Gardens Advisory Board shall be comprised of eleven (11) members. The council shall appoint ten (10) members of the board. In making its initial appointments, the council shall designate five (5) members to serve an initial term of three (3) years, four (4) members to serve an initial term of four (4) years, and one (1) member to serve an initial term of five (5) years. Thereafter, each member appointed by the

council shall serve a term of five (5) years. The Calhoun County Commission shall appoint one (1) member of the board who shall serve a term of five (5) years. The Farley L. Berman Foundation, Inc. shall also appoint two (2) ex officio, non-voting members to the board who shall serve terms of five (5) years. All board members shall continue to serve after the expiration of their terms until a successor is appointed. All successor appointments shall be made by the appointing authority entitled to make the initial appointment. A board member may be reappointed at the end of his or her term.

(b) *Vacancies.* The Anniston Museum and Gardens Advisory Board shall present to the appointing authorities a slate of candidates recommended for appointment before the expiration of any board member's term or upon the resignation or removal of any board member. The board's recommendations shall include persons with the skills, education, training, or experience that the board determines will promote the successful operations of the board and the Anniston Museums and Gardens. The appointing authorities shall consider the board's recommendations but shall retain full authority and discretion with respect to any appointments to membership in the board.

(c) *Emeritus Membership.* The council may appoint emeritus members to the board to recognize and honor persons for distinguished service to the city's public cultural facilities. Emeritus board members shall be non-voting, honorary members who may attend and speak at meetings of the board.

(d) *Officers and meetings.* The board shall nominate and elect a Chairman, Vice-Chairman, and Secretary. The board shall adopt its own by-laws to govern the election, terms, and duties of its officers, its schedule for regular meetings, the order of its business, and any other matter not in conflict with the ordinances of the city or the laws of the state.

(e) *Attendance.* Each board member is required to attend seventy-five percent (75%) of the scheduled board meetings in any consecutive 12-month period. A board member shall cease to be a member on the last day of the month following the month in which he or she missed more than 25 percent (25%) of the scheduled board meetings in any consecutive 12-month period. The board member shall cease to be a member, except for illness as described above.

#### **Sec. 2.62. – Powers, duties, and functions.**

The Anniston Museum and Gardens Advisory Board shall serve in an advisory capacity to the city, through the director of museum operations, on the operational and budgetary concerns of the Anniston Museums and Gardens and the collections and property thereof. The board shall work in conjunction with the director, department staff, volunteers, and supporting organizations to support and fund the Anniston Museums and Gardens and the membership, operations, and projects thereof. The board shall direct any financial donations to the city's finance director who shall be responsible for all accounts, receipts and expenditures of the Anniston Museums and Gardens in accordance with the city's financial policies and procedures and the governing laws and regulations. The board shall direct all donations of materials to the director of museum operations for consideration and acceptance, if appropriate, by the department's acquisitions committee.

Section 3. This Ordinance shall become effective immediately upon its adoption and publication one (1) time in The Anniston Star, a newspaper of general circulation published in the City of Anniston, Alabama. The City Clerk is hereby ordered and directed to cause a copy of this Ordinance to be published one time in said newspaper.

PASSED AND ADOPTED on this the \_\_\_\_ day of \_\_\_\_\_, 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