

## CITY OF ANNISTON

September 6, 2022

5:30 P.M.

- INVOCATION
- PLEDGE OF ALLEGIANCE
- CALL TO ORDER
- ROLL CALL
- READING/APPROVAL OF MINUTES OF PREVIOUS MEETING
  - August 9, 2022 Called meeting
  - August 16, 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 a proposed vacation of an East to West Alley between Quintard Avenue & Leighton Avenue just North of 'O' Street

### 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. CONSENT AGENDA**

- (a)** Resolution authorizing reimbursements to city officials for expenses incurred while traveling away from the City.
- (b)** Resolution amending the Schedule of Nominations assigning and designating the positions on each Municipal Board, Commission and Authority to specific Ward Councilmembers and to the Office of the Mayor and appointing members to the Anniston Museum & Gardens Advisory Board
- (c)** Resolution authorizing the submission of a grant application through the Recreational Trails Grant Program for trailhead restroom improvements at Michael Tucker Park
- (d)** Motion to approve the bid for the Anniston City Market to Bradshaw and Pitts, LLC for the base bid of \$860,000.00
- (e)** Motion to approve the bid for Noble Street Park Installation to Oak Leaf Lawn & Landscape, Inc., for the base bid of \$488,915.00

### **IV. RESOLUTIONS**

- (a)** Resolution vacating the East to West Alley between Quintard Avenue and Leighton Avenue just North of 'O' Street
- (b)** Resolution authorizing Professional Services Agreement with Goodwin, Mills & Cawood, LLC for Stormwater Regulatory Compliance
- (c)** Resolution adopting the budget for Fiscal Year 2023

### **V. ORDINANCES**

- (a)** An ordinance amending Chapter 6 governing Building Permits and Fees

### **VI. MOTIONS**

- (a)** Motion to proceed with the repaving of Leighton Avenue
- (b)** Motion to approve request from Anniston City Schools for remaining balance of FY22 appropriated funds of \$45,000.00 to utilized for technology resources and support across District facilities and FY21 appropriated funds of \$200,000.00 to be utilized for Support of Cobb Preparatory Academy, Maintenance
- (c)** Motion to approve the bid for Residential Solid Waste Collection and Disposal to Republic Services as set forth in the contract

### **VII. ADDITIONAL OR OTHER MATTERS THAT MAY COME BEFORE COUNCIL**

## VIII. 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) Jim Pritchett – 2609 Old Gadsden Highway

## IX. COUNCIL COMMENTS

## X. MOTION

(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

August 9, 2022

The City Council of the City of Anniston, Alabama, met in Special Session in Room B at the Anniston City Meeting Center in the City of Anniston, Alabama, on Saturday, June 19, 2021, at approximately 4:00 o'clock p.m.

Demetric Roberts, Council Member, prayed the Invocation.

Demetric Roberts, Council Member, led the Pledge of Allegiance to the Flag.

Mayor Draper called the meeting to order. On call of the roll, the following Council Members were found to be present: Council Members Jenkins, Roberts, Smith, Harris, and Draper; absent: none. A quorum was present and the meeting opened for the transaction of business.

Steven Folks, City Manager, was present.

Bruce Downey, City Attorney, was present.

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

Mayor Draper made a motion to adjourn into executive session for the purpose of discussing the consideration the government body is willing to offer or accept when considering the purchase, sale, exchange, lease, or market value of real property.

Mayor Draper stated that the council will not reconvene after the executive session.

The motion was seconded by Council Member Roberts and on call of the roll the following vote was recorded: ayes: Council Member Jenkins, Roberts, Smith, Harris, and Draper; nays: none. The motion carried and the council adjourned into executive session at approximately 4:03 o'clock p.m.

Anniston, Alabama

August 16, 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 16, 2022, at approximately 5:30 o'clock p.m.

Ciara Smith, Council Member, prayed the Invocation.

Ciara Smith, Council Member, led the Pledge of Allegiance to the Flag.

Mayor Draper called the meeting to order. On call of the roll, the following Council Members were found to be present: Council Members Jenkins, Roberts, Smith, Harris and Draper; absent: none. A quorum was present and the meeting opened for the transaction of business.

Steven Folks, City Manager, was present.

Bruce Downey, City Attorney, was present.

Council Member Smith made a motion to waive the reading of and approve the minutes of the August 2, 2022 regular meeting. The motion was seconded by Council Member Roberts and on call of the roll the following vote was recorded: ayes: Council Member Jenkins, Roberts, Smith, Harris and Draper; nays: none. The motion carried and the August 2, 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, Roberts, Smith, Harris and Draper; nays: none. The motion carried and the agenda was adopted.

Steven Folks, City Manager, recognized Sgt. Nathan Jackson, Sgt. Thomas Freckman, and Officer Johnson for going above and beyond the call of duty.

Mayor Draper opened a public hearing to hear comments regarding the Proposed Fiscal Year 2023 City Manager's Recommended Budget.

Julie Borrelli, Finance Director, presented the FY2023 City Manager's Recommended Budget, which would begin October 1, 2022-September 30, 2023.

Mayor Draper closed the public hearing to hear comments regarding the Proposed Fiscal Year 2023 City Manager's Recommended Budget.

Council Member Smith made a motion to remove from the 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 for consideration. The motion was seconded by Council Member Jenkins and on call of the roll the following vote was recorded: ayes: Council Member Jenkins, Roberts, Smith, Harris and Draper; nays: none. The motion carried.

Council Member Smith made a motion for passage and adoption of 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 Council Member Roberts and on call of the roll

the following vote was recorded: ayes: Council Member Jenkins, Roberts, Smith, Harris and Draper; nays: none. The motion carried.

Council Member Jenkins made a motion to approve the bid for demolition of seven (7) structures through Community Development Block Grant funds to Teague Hauling for the property 1700 Charlotte in the amount of \$13,000.00 and Emtex for the remaining six (6) properties in the amount of \$30,600.00. The motion was seconded by Council Member Smith and on call of the roll the following vote was recorded: ayes: Council Member Jenkins, Roberts, Smith, Harris and Draper; nays: none. The motion carried.

Mayor Draper introduced the resolution authorizing grant of Utility Easement to Anniston Water Works and Sewer Board for the City of Anniston.

Council Member Smith made a motion for passage and adoption of the resolution authorizing grant of Utility Easement to Anniston Water Works and Sewer Board for the City of Anniston. The motion was seconded by Council Member Roberts and on call of the roll the following vote was recorded: ayes: Council Member Jenkins, Roberts, Smith, Harris and Draper; nays: none. The motion carried and the resolution was passed and adopted (22-R-41).

Mayor Draper introduced an Ordinance declaring surplus real property and authorizing conveyance of the same. (1<sup>st</sup> Reading)

Council Member Harris made a motion to read the ordinance by title only. The motion was seconded by Council Member Jenkins.

Mayor Draper opened a public hearing to receive public comment on reading the ordinance by title only. No one spoke. Mayor Draper closed the public hearing to receive public comment on reading the ordinance by title only.

And on call of the roll the following vote was recorded: ayes: Council Member Jenkins, Roberts, Smith, Harris and Draper; nays: none. The motion carried and the ordinance will be read by title only.

Mayor Draper read the Ordinance declaring surplus real property and authorizing conveyance of the same by title only.

Council Member Smith made a motion for unanimous consent for immediate consideration of the ordinance declaring surplus real property and authorizing conveyance of the same. The motion was seconded by Council Member Roberts and on call of the roll the following vote was recorded: ayes: Council Member Jenkins, Roberts, Smith, Harris and Draper; nays: none. The motion carried.

Mayor Draper made a motion for passage and adoption of Ordinance declaring surplus real property and authorizing conveyance of the same. The motion was seconded by Council Member Harris and on call of the roll the following vote was recorded: ayes: Council Member Jenkins, Roberts, Smith, Harris and Draper; nays: none. The motion carried and the ordinance is passed and adopted (22-O-6).

Mayor Draper introduced an Ordinance adopting Regulations to Govern Revocation of Business Licenses. (1<sup>st</sup> Reading)

Council Member Smith made a motion to read the ordinance by title only. The motion was seconded by Council Member Roberts.

Mayor Draper opened a public hearing to receive public comment on reading the ordinance by title only. No one spoke. Mayor Draper closed the public hearing to receive public comment on reading the ordinance by title only.

And on call of the roll the following vote was recorded: ayes: Council Member Jenkins, Roberts, Smith, Harris and Draper; nays: none. The motion carried and the ordinance will be read by title only.

Mayor Draper read the Ordinance adopting Regulations to Govern Revocation of Business Licenses by title only.

Council Member Jenkins made a motion for unanimous consent for immediate consideration of the ordinance adopting Regulations to Govern Revocation of Business Licenses. The motion was seconded by Council Member Smith and on call of the roll the following vote was recorded: ayes: Council Member Jenkins, Roberts, Smith, Harris and Draper; nays: none. The motion carried.

Council Member Smith made a motion for passage and adoption of Ordinance adopting Regulations to Govern Revocation of Business Licenses. The motion was seconded by Council Member Harris and on call of the roll the following vote was recorded: ayes: Council Member Jenkins, Roberts, Smith, Harris and Draper; nays: none. The motion carried and the ordinance is passed and adopted (22-O-7).

Mayor Draper introduced an Ordinance repealing and replacing Chapter 2, Article XI, Division 3 Governing Anniston Museum Boards to Establish the Anniston Museum and Gardens Advisory Board. (1<sup>st</sup> Reading)

Council Member Jenkins made a motion to read the ordinance by title only. The motion was seconded by Council Member Harris.

Mayor Draper opened a public hearing to receive public comment on reading the ordinance by title only. No one spoke. Mayor Draper closed the public hearing to receive public comment on reading the ordinance by title only.

And on call of the roll the following vote was recorded: ayes: Council Member Jenkins, Roberts, Smith, Harris and Draper; nays: none. The motion carried and the ordinance will be read by title only.

Mayor Draper read the Ordinance repealing and replacing Chapter 2, Article XI, Division 3 Governing Anniston Museum Boards to Establish the Anniston Museum and Gardens Advisory Board by title only.

Council Member Harris made a motion for unanimous consent for immediate consideration of the ordinance repealing and replacing Chapter 2, Article XI, Division 3 Governing Anniston Museum Boards to Establish the Anniston Museum and Gardens Advisory Board. The motion was seconded by Council Member Roberts and on call of the roll the following vote was recorded: ayes: Council Member Jenkins, Roberts, Smith, Harris and Draper; nays: none. The motion carried.

Council Member Smith made a motion for passage and adoption of Ordinance repealing and replacing Chapter 2, Article XI, Division 3 Governing Anniston Museum Boards to Establish the Anniston Museum and Gardens Advisory Board. The motion was seconded by Council Member Harris and on call of the roll the following vote was recorded: ayes: Council Member Jenkins, Roberts, Smith, Harris and Draper; nays: none. The motion carried and the ordinance is passed and adopted (22-O-8).

Council Member Harris thanked the Anniston Police Department and the three recognized officers for their actions. She stated that they are heroes in her book and make the city so proud. She stated that the Anniston Fire Department are heroes as well.

Council Member Smith had no comment.

Council Member Roberts stated that Anniston has a great staff and that is exemplified by the three officers that were there. He asked everyone to be careful and take care of themselves.

Council Member Jenkins stated that he appreciates the council and the hard work they do behind the scenes. He stated that the council is trying to move the City of Anniston forward.

Mayor Draper stated that one of the most important things that the council does is, budget. He stated that it will set priorities for them and he appreciates everyone's level of engagement.

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 Smith; and on call of the roll, the following vote was recorded: ayes: Council Members Jenkins, Roberts, Smith, Harris and Draper; nays: none. The motion carried and the meeting was adjourned at approximately 5:57 o'clock p.m.

# CONSENT AGENDA

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

**A RESOLUTION AUTHORIZING REIMBURSEMENTS TO CITY OFFICIALS FOR EXPENSES  
INCURRED WHILE TRAVELING AWAY FROM THE CITY**

**BE IT RESOLVED**, by the City Council of the City of Anniston, Alabama, that reimbursement is made by the City of Anniston, Alabama, as follows:

- a.** \$269.68 to Nick Bowles, Police, for reimbursement while attending AACOP Summer Conference in Gulf Shores, AL from August 1 – 4, 2022.
- b.** \$390.62 to Jessica Leonard, Finance, for reimbursement while attending GFOAA Conference in Orange Beach, AL from August 8 – 12, 2022.

**PASSED AND ADOPTED** this 6<sup>th</sup> day of **September, 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:** \_\_\_\_\_  
Mille Harris, Council Member

**ATTEST:**

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

## **RESOLUTION NUMBER 22-R-\_\_\_**

### **A RESOLUTION AMENDING THE SCHEDULE OF NOMINATIONS ASSIGNING AND DESIGNATING THE POSITIONS ON EACH MUNICIPAL BOARD, COMMISSION AND AUTHORITY TO SPECIFIC WARD COUNCILMEMBERS AND TO THE OFFICE OF THE MAYOR AND APPOINTING MEMBERS TO THE ANNISTON MUSEUM AND GARDENS ADVISORY BOARD**

**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 Ordinance No. 22-O-8 establishing the Anniston Museum and Gardens Advisory Board, and the positions on said boards are due to be assigned among and designated to specific Council Ward Representatives and the Office of the Mayor, as agreed upon and memorialized in the Schedule of Nominations adopted by a Resolution of the Council;

**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 finds that circumstances warrant the waiver of the requirement set by ordinance that notice of any vacancies or scheduled appointments shall be provided to the public during an open meeting no less than one month prior to the date when any nominations can be made, including, but not limited to, the recent reorganization of the Anniston Museum of Natural History Board and the Longleaf Botanical Gardens Board structure, the recent formation of the Anniston Museum and Gardens Advisory Board, the pressing need to populate said board, and the need to maintain continuity in the membership of said board. The Council does hereby exercise its discretion to waive this requirement with regard to the appointments to the said boards, as set forth in this resolution.

Section 2. The City Council of the City of Anniston hereby adopts the Schedule of Nominations for the Anniston Museum and Gardens Advisory Board attached hereto as Exhibit A so as to assign the positions on said board to the City's Council Ward Representatives and the Office of the Mayor and to designate any future nominations to those assigned positions to the respective office holders.

Section 3. The City Council of the City of Anniston does hereby appoint those persons identified in the Schedule of Nominations for the Anniston Museum and Gardens Board attached hereto as Exhibit A to the boards and for the terms set forth therein.

Section 4. This resolution shall become effective immediately upon the publication date of Ordinance Number 22-O-8.

**PASSED and ADOPTED** this 6<sup>th</sup> day of **September, 2022.**

CITY COUNCIL OF THE CITY OF  
ANNISTON, ALABAMA

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Jack Draper, Mayor

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Jay Jenkins, Council Member

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Demetric Roberts, Council Member

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Ciara Smith, Council Member

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Millie Harris, Council Member

ATTEST:

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Skyler Bass, City Clerk

## EXHIBIT A

### ANNISTON MUSEUM AND GARDENS ADVISORY BOARD

Board Positions	Nominations	Board Member Name	Expiration Date	Explanation
1	Ward 1	David Curl	10/31/2025	Appointment
2	Ward 2	Manuell Smith	10/31/2025	Appointment
3	Ward 3	Hugh Buchanan	10/31/2027	Appointment
4	Ward 4	James "Tripp" Johnson	10/31/2025	Appointment
5	Mayor	Sarah Pritchett	10/31/2026	Appointment
6	Ward 1	Bess Valieant	10/31/2025	Appointment
7	Ward 2	Terry Smiley	10/31/2025	Appointment
8	Ward 3	Megan Brightwell	10/31/2026	Appointment
9	Ward 4	Josephine Ayers	10/31/2026	Appointment
10	Mayor	Craig Miller	10/31/2026	Appointment

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

**A RESOLUTION AUTHORIZING THE SUBMISSION OF A GRANT APPLICATION THROUGH THE RECREATIONAL TRAILS GRANT PROGRAM FOR TRAILHEAD RESTROOM IMPROVEMENTS AT MICHAEL TUCKER PARK**

WHEREAS, grant assistance up to \$400,000, with 20% match required is available from the Alabama Department of Economic and Community Affairs to support recreational trails and trailhead facilities through the Recreational Trails Grant Program; and

WHEREAS, the City of Anniston is in need of a new, higher capacity restroom and shower building at Michael Tucker Memorial Park to provide for the health and well-being of the public in support of the Chief Ladiga Trail Extension; and

WHEREAS, the City of Anniston intends to make application to the Alabama Department of Economic and Community Affairs for grant assistance from the Recreational Trail Program to construct the building; and

WHEREAS, proposed project costs total \$500,000, and the City of Anniston intends to apply for Recreational Trails Program assistance in the amount of \$400,000.00, or 80% of the total proposed project costs, which will be used to construct the restroom at Michael Tucker Memorial Park.

NOW THEREFORE BE IT RESOLVED, that the City of Anniston will make application to the Recreational Trails Program for a \$400,000 grant,

NOW THEREFORE BE IT RESOLVED, that the City of Anniston will hold in reserve \$100,000, or 20% of the proposed project costs for the purpose of matching the Recreational Trails Program assistance, and

NOW THEREFORE BE IT RESOLVED, that the City of Anniston will be responsible for any additional project costs including cost overruns above the \$500,000 budget, and

NOW THEREFORE BE IT RESOLVED, that Mayor Jack Draper is authorized and directed to take any actions as may be necessary to secure said Recreational Trails Program assistance, including signing assurances to comply with all applicable Federal and State laws, rules, and regulations of the Recreational Trails Program.

**PASSED AND ADOPTED** on this the **20<sup>th</sup>** day of **September, 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

8/25/2022

## **FACT SHEET**

**SUBJECT:** Evaluation of bids for the Anniston City Market  
**FACTS:** General Fund Expenditure

### **VENDORS SUBMITTING BIDS**

<b>Bradshaw and Pitts, LLC</b> Base Bid	\$860,000.00
<b>Greer Building Contactors, LLC</b> Base Bid	\$1,446,000.00
<b>Hale Building Co., Inc.</b> Base Bid	\$1,142,477.00
<b>Kilgore Construction</b> Base Bid	\$1,080,000.00
<b>Hutto Construction, LLC</b> Base Bid	NO BID
<b>Kyser Construction</b> Base Bid	NO BID

**RECOMMENDATION:** The bid should be awarded to Bradshaw and Pitts, LLC.

# CERTIFIED TABULATION OF BIDS

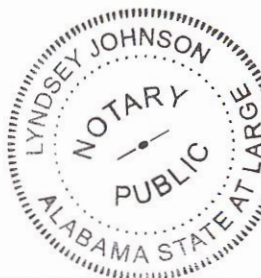
## PROJECT:

ANNISTON CITY MARKET  
120 W 11TH STREET  
ANNISTON, ALABAMA 36201

ARCH# 22026  
AS TABULATED BELOW, BIDS WERE RECEIVED  
DATE: 08/18/2022 TIME: 2:00 PM CST  
PLACE: ANNISTON CITY HALL  
MAIN CONFERENCE ROOM  
4309 MCCLELLAN BLVD  
ANNISTON, ALABAMA

CONTRACTOR	SURETY	BASE BID	ALTERNATE # 1 CANOPIES	ALTERNATE # 2 CONCRETE CURB	ALTERNATE # 3 PAVERS	UNIT PRICE # 1 MASTIC	UNIT PRICE # 2 PIPE FITTINGS	UNIT PRICE # 3 TRANSITE	UNIT PRICE # 4 TEXT. CEILING	REMARKS
BRADSHAW AND PITTS, LLC P.O. Box 3154 Anniston, AL 36203	Markel Insurance Company	\$860,000	\$117,135	\$20,071	\$47,991	\$2.50/SF	\$37.50/EA	\$62.50/EA	\$5.00/SF	
GREER BUILDING CONTRACTORS, LLC 110 THOMAS DRIVE GADSDEN, AL 35904	Atlantic Specialty Insurance Company	\$1,446,000	\$163,724	\$57,347	\$55,344	\$3.49/SF	\$44.45/EA	\$63.50/EA	\$6.35/SF	
HALE BUILDING CO., INC. P.O. Box 2709 Anniston, AL 36202	Western Surety	\$1,142,477	\$138,418	\$28,944	\$70,993	\$2.25/SF	\$50/EA	\$55/EA	6.25/SF	
HUTTO CONSTRUCTION, LLC 664 Patton Chapel Rd Lincoln, AL 35096	NO BID									
KILGORE CONSTRUCTION, INC 3555 US Hwy 78 E Anniston, AL 36207	Granite RE	\$1,080,000	\$132,250	\$38,500	\$46,250	NOT NOTED	NOT NOTED	NOT NOTED	NOT NOTED	
KYSER CONSTRUCTION 1715 Holt Rd NE Tuscaloosa, AL 35404	NO BID									

I certify that the above bids were received sealed and were publicly opened and read aloud at the time and place indicated and that this is a true and correct tabulation of all bids received for this project.



Sworn and subscribed before me this 19 day of August

My Commission Expires:

04/27/2025

L.S.

By: WILLIAM WHITTAKER, ARCHITECT

Typed or printed Name and Title of Architect or Engineer

*William Whittaker*

Signature

Notary Public

8/22/2022

**FACT SHEET**

**SUBJECT:** Evaluation of bids for Noble Street Park Installation  
**FACTS:** General Fund Expenditure

**VENDORS SUBMITTING BIDS**

**Oak Leaf Lawn & Landscape, Inc.**

Base Bid..... \$499,915.00

**RECOMMENDATION:** The bid should be awarded to Oak leaf Lawn & Landscape,  
Inc.

## RESOLUTIONS

**RESOLUTION NUMBER 21-R-\_\_**

**A RESOLUTION VACATING THE EAST TO WEST ALLEY BETWEEN QUINTARD AVE &  
LEIGHTON AVE JUST NORTH OF O STREET**

**WHEREAS**, the owners of all lands abutting on a street or alley hereinafter described have joined in a written instrument to declare said street or alley to be vacated; and

**WHEREAS**, convenient means of ingress and egress to and from said lands is afforded to all other property owners owning property to the tract of land embraced in the map, plat or survey hereinafter referred to, either by the remaining streets or alleys dedicated by such map, plat or other streets and alleys; and

**WHEREAS**, the vacation of said part of said street or alley shall not deprive any other property owners of such right as they have to convenient and reasonable means of ingress and egress to and from their property; and

**WHEREAS**, it is in the public interest of the Council of the City of Anniston, Alabama, to assent to the vacation of said part of said street or alley.

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

**Section 1.** That the said Council does hereby assent and consent to the vacation of said part of said street or alley, the same being described as follows:

**A proposed alley vacation located in the S1/2 of the SW1/4 of Section 17, Township 16 South, Range 8 East; said alley being more particularly described as follows: Beginning at a capped rebar at the Southwest corner of the intersection of East O Street and Leighton Avenue; being the Northeast corner of Lot 16, Block 26, South Anniston Land Company, Division 2, as recorded in Plat Book A, Page 368A in the Probate Office of Calhoun County, Alabama; thence South 05 degrees 39 min.05 sec. West along the West Right of Way line of Leighton Avenue and the East line of said Block 26 a distance of 200,000 ft. to the true point of beginning of the hereafter described alley; thence North 84 degrees 20 min. 55 sec. West along the North line of said alley and leaving the ROW line of Leighton Avenue 422.84 ft. to the observed East Right of Way line of Quintard Avenue; thence South 07 degrees 53 min. 51 sec. West along said ROW line 15.01 ft. to the South line of said alley; thence South 84 degrees 20 min. 55 sec East along said South line of alley and leaving said ROW line of Quintard Avenue 423.43 ft. to the observed West Right of Way line of Leighton Avenue; thence North 05 degrees 39 min.05 sec East along said West ROW line 15.00 ft. to the true point of beginning Containing 0.15 acres, more or less.**

**Section 2.** Provided, however, that this Resolution shall not prejudice the rights of any public utilities or railroads now operating easements, lines, pipes, railways lines, and rights - of - way in the area encompassed by said part of said street whether above ground, at ground level or below ground, it being specifically understood that this vacation is without prejudice as to the rights of such utilities.

**PASSED AND ADOPTED** this the **6<sup>th</sup>** day of **September, 2022.**

CITY COUNCIL OF THE CITY  
OF ANNISTON, ALABAMA

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

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

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

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

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

ATTEST:

\_\_\_\_\_  
Skylar Bass, City Clerk

**RESOLUTION NO. 22-R-**

**AUTHORIZING PROFESSIONAL SERVICES AGREEMENT  
WITH GOODWIN, MILLS & CAWOOD, LLC  
FOR STORMWATER REGULATORY COMPLIANCE**

WHEREAS, the City has previously contracted with Goodwin, Mills & Cawood, LLC (“GMC”) to provide certain professional services in connection with the City’s Stormwater Management Program Plan, its NPDES Phase II MS4 Permit, and its Stormwater Utility;

WHEREAS, the City desires to renew its agreement with GMC to provide Stormwater Utility consulting and auditing, including the development of an annual billing database, at the rate schedule included as Attachment A to the Professional Services Agreement (the “Agreement”) attached hereto;

WHEREAS, the City further desires to engage GMC to provide services for Project Management, Fieldwork for the 2022-2023 Reporting period, Preparation of the 2022-2023 Annual Report, and Outfall Inventory at the lump sum rates specified in Section C of the Agreement;

WHEREAS, the Council finds that GMC is uniquely capable of meeting the professional services needs of the City with respect to the scope of work identified in the Agreement, and GMC is highly skilled and equipped to provide these professional services;

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

The City Manager is hereby authorized to execute the Agreement with GMC, attached hereto, to provide the professional services identified in the scope of work, including the Stormwater Utility consulting and auditing, Project Management, Fieldwork for the 2022-2023 Reporting period, Preparation of the 2022-2023 Annual Report, and Outfall Inventory. The City Manager is authorized and directed to take such actions as are necessary and appropriate to obtain and utilize these professional services, including the payment of compensation to GMC in the at the hourly and lump sum rates specified in Attachment A and Section C of the Agreement.

PASSED AND ADOPTED on this the \_\_\_\_ day of \_\_\_\_\_, 2022.

COUNCIL OF THE CITY OF  
ANNISTON, ALABAMA

\_\_\_\_\_  
Jack Draper, Mayor

\_\_\_\_\_  
Jay Jenkins, Council Member

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Demetric Roberts, Council Member

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Ciara Smith, Council Member

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Millie Harris, Council Member

ATTEST:

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Skyler Bass, City Clerk

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

**A RESOLUTION ADOPTING THE BUDGET FOR FISCAL YEAR 2023**

**WHEREAS**, the Code of Alabama 1975 title 45, Chapter 8A-Article 2 provides for the process, review, and adoption of an annual budget; and

**WHEREAS**, a public hearing on the proposed FY 2022 Annual Budget was held on August 16, 2022;

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

Section 1. That the budget attached hereto which each Council Member acknowledges having read and reviewed is hereby adopted as the Budget for the City of Anniston, Alabama for the Fiscal Year 2023.

Section 2. That the City Manager and the City Clerk shall certify the same as being the Budget for the City of Anniston and file the same in the office of the Director of Finance.

Section 3. That said Budget so certified shall be reproduced and sufficient copies be made available for use by all offices, departments, boards, and agencies of the City of Anniston and for use of interested persons.

**PASSED AND ADOPTED** this \_\_\_\_ day of **September, 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



CITY OF ANNISTON  
P.O. Box 2168  
ANNISTON, AL 36202

September 6, 2022

In accordance with the Council-Manager Act, we do hereby certify that the attached document is the legal budget of the City of Anniston for the Fiscal Year ending September 30, 2023.

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City Manager

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City Clerk

## **ORDINANCES**

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

### AMENDING CHAPTER 6 GOVERNING BUILDING PERMITS AND FEES

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 6, Article III, Section 6.3 of “The Code of the City of Anniston, Alabama, 1981” to read in its entirety as follows:

#### **Sec. 6.3. - Building permit required; schedule of fees; exceptions.**

(a) *Building permit required.* Building permits are required for all non-federal and non-public school construction, remodeling, additions and/or repair projects, including, but not limited to, building, plumbing, electrical and mechanical work, earthwork and grading, swimming pools, fences, accessory structures, building relocation, full and partial demolition of a building or other building component, installation and/or alterations to fire protection systems, and fire and water damage remediation and restoration projects, where the total project value exceeds one thousand dollars (\$1,000.00). Permits are required to be obtained prior to any work commencing on a project, to include partial demolition, with the exception of emergency electrical work and/or emergency fire alarm and fire sprinkler work required to be performed after city hall business hours. Work that is deemed emergency shall be permitted prior to noon the next business day without penalty. Permits for emergency electrical work and/or emergency fire alarm and fire sprinkler work that are obtained after noon the next business day shall be subject to penalties as set forth in Sec. 6.3.5(a).

(b) *Total project value.* The total project value for purposes of the assessment of a permit fee shall be the amount charged by the contractor for the scope of work, including all labor, materials, subcontract, equipment, profit, overhead, and all other costs attributed to the project or charged by the contractor to perform the complete scope of work being permitted. Where contractors are providing labor-only quotes, the cost of all materials purchased for the project, regardless of the purchaser, shall be included in the total project value. In the case where a property owner obtains a permit for work on his or her own property, the total project value is the total cost of the work to be performed, including all contracted labor and services, materials, equipment and all other costs attributed to the project or incurred in order to perform the complete scope of the work to be performed. The value of previously purchased or otherwise obtained and/or donated materials shall be valued at current market value and included to determine total project value.

(c) *Schedule of fees.* All fees shall be paid, at the time of filing an application for such permit, in accordance with the following schedule:

(1) A minimum permit fee of twenty-four dollars (\$24.00) plus a one dollar (\$1.00) issuance fee shall be paid where the total project value is greater than one thousand dollars (\$1,000.00) but less than two thousand dollars (\$2,000.00). The permit fee shall increase

by seven dollars (\$7.00) for each additional one thousand dollar (\$1,000.00) increment, or portion thereof, of total project value.

(2) A single comprehensive building permit covering all aspects of work to be undertaken may be issued to a licensed general contractor, homebuilder, or property owner acting as their own contractor at the rate set forth above.

(3) The permit fee to move a building through or across any street or alley (to be approved by the building official, Police Chief or his designee, and the Public Works Director), shall be calculated based on the estimated cost to the city arising from such move, as determined by the building official, except that no fee shall be less than ninety-nine dollars (\$99.00) plus a one dollar (\$1.00) issuance fee.

(4) The permit fee to fully demolish or wreck a residential building, or portion thereof, shall be forty-nine dollars (\$49.00) plus a one dollar (\$1.00) issuance fee. The permit fee to fully demolish or wreck a commercial building, or portion thereof, shall be assessed in accordance with 6.3(c)(1).

(d) *Exceptions.* The following permit fees shall apply without regard to whether the total project value exceeds one thousand dollars (\$1,000.00):

(1) Electric service inspection. A minimum permit fee of twenty-four dollars (\$24.00) plus a one dollar (\$1.00) issuance fee shall be paid for all inspections performed in order to get electrical service reconnected to a structure regardless of whether or not the total project value is less than the one thousand dollar (\$1,000.00) minimum building permit threshold as outlined above. The minimum permit fee shall cover the total project value up to two-thousand dollars (\$2,000.00) and permit fee valuations shall be calculated per 6.3(c)(1) thereafter. Temporary electrical service and permanent electrical service inspections that are covered under a comprehensive building permit are exempt from the electrical service inspection fee.

(2) Fire protection systems. A minimum permit fee of twenty-four dollars (\$24.00) plus a one dollar (\$1.00) issuance fee shall be paid to install, replace, modify, extend or repair a fire sprinkler system, fire alarm system and/or commercial kitchen hood system regardless of whether or not the total project value is less than the one thousand dollar (\$1,000.00) minimum building permit threshold as outlined above. The minimum permit fee shall cover the total project value up to two-thousand dollars (\$2,000.00) and permit fee valuations shall be calculated per 6.3(c)(1) thereafter. No permit shall be required for annual certification inspections for the mentioned systems when no work other than testing is being performed.

(e) *Supplemental permit fees.* Any revisions, additions, or additive change orders that increase the final total project to an amount that is in excess of the original permitted total project value shall be subject to additional permit fees once the project is complete.

Section 2. The Council hereby amends and restates Chapter 6, Article III, Section 6.3.2 of “The Code of the City of Anniston, Alabama, 1981” to read in its entirety as follows:

**Sec. 6.3.2. - Permit application; time limits.**

(a) Permit applications shall be made on forms provided by the city. All sections of the application must be fully completed, including any required subcontractor schedules. Permit fees shall be assessed based on the total project value entered onto the permit application. The city reserves the right to require contracts, subcontracts, bid documents, receipts and/or other relevant data for the purpose of verifying project costs and the total project value both prior to and after the issuance of permits.

(b) Permit applications shall be deemed abandoned six (6) months after the date of initial submission if a permit has not been issued and, in such cases, the city shall discard all information originally submitted. A new permit application and project plans shall be resubmitted for review if another permit is sought for the project in the future.

Section 3. The Council hereby amends and restates Chapter 6, Article III, Section 6.3.5, Subsections (a) and (b) of “The Code of the City of Anniston, Alabama, 1981” to read in their entirety as follows:

**Sec. 6.3.5. - Failure to secure required permits; violation, penalty, hearing, notice.**

(a) Notwithstanding the terms of any technical code currently enacted by or enforced in the city, or hereinafter enacted, any person failing to obtain any or all necessary permits required by such technical code or codes prior to commencement of work or construction shall, as a penalty, pay in accordance with the following schedule:

(1) First violation—Double permit fee.

(2) Second violation within a 24-month period from the date of first violation—Double permit fee plus \$50.00

(3) Third violation within a 24-month period from the date of second violation—Double permit fee plus \$100.00

(4) Fourth violation within a 24-month period from the date of third violation—Double permit fee plus \$200.00

(5) Fifth violation within a 24-month period from the date of fourth violation—Double permit fee plus \$500.00

(b) For any violations over five (5) within any twenty-four (24) month period, the proper official with the city charged with the duty of issuing such permit may recommend suspension or revocation of the alleged violator's license to conduct the business activity regulated by such technical code, such recommendation to be made to the proper regulatory board of the city having

jurisdiction over the activity of the person alleged to be in violation of the permit requirements of such technical code. Such official shall notify the alleged violator in writing of the charges made against him and the board shall, within ten (10) days of receiving the charges against the alleged violator conduct a hearing upon such charges, provided however, that the person against whom such action is sought shall be given not less than five (5) days written notice by the board of the date, place and time of the hearing of such regulatory board. After having conducted the hearing prescribed herein the regulatory board may refuse action against the individual's license, or may suspend or revoke the same.

Section 4. The Council hereby adopts, enacts, and codifies Chapter 6, Article III, Section 6.3.9, Subsections (g) and (h) of “The Code of the City of Anniston, Alabama, 1981” to read in their entirety as follows:

**Sec. 6.3.9. - Certificate of occupancy.**

\* \* \*

(g) Any contractor, property owner, or property owner acting as a contractor that has allowed a temporary certificate of occupancy to expire on one project shall not be granted a certificate of occupancy or a temporary certificate of occupancy on another unrelated project until the expired document has been either renewed for another time period or all items of work have been resolved and a certificate of occupancy has been issued.

(h) City staff shall not perform closeout inspections to verify contractual requirements of a contractor have been met.

Section 5. 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

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Ciara Smith, Council Member

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Millie Harris, Council Member

ATTEST:

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Skyler Bass, City Clerk

## MOTIONS

8/16/2022

## FACT SHEET

**SUBJECT:** Evaluation of bids for Residential Solid Waste Collection and Disposal  
**FACTS:** General Fund Expenditure

### VENDORS SUBMITTING BIDS

#### **Republic Services**

Base Bid.....	\$15.40 cost per customer, per month
Extra Cost.....	\$9.93 cost per customer, per month
*Recycling.....	\$500.00 per haul/\$125.00 per ton for processing fee

#### **Arrow Disposal Service, Inc.**

Base Bid.....	\$17.80 cost per customer, per month
Extra Cost.....	\$10.00 cost per customer, per month
*Recycling.....	No Bid

**RECOMMENDATION:** The bid should be awarded to Republic Services.