

CITY OF ANNISTON
December 20, 2022
5:30 P.M.

- **INVOCATION**
- **PLEDGE OF ALLEGIANCE**
- **CALL TO ORDER**
- **ROLL CALL**
- **READING/APPROVAL OF MINUTES OF PREVIOUS MEETING**
 - December 6, 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.

II. UNFINISHED BUSINESS

- (a)** 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 authorizing the submission of a grant application for financial assistance under Section 5310 of the Federal Transit Act Amendments of 1991
- (c)** Motion to approve the bid for the Leighton Avenue Resurfacing Project to Vulcan, in the total amount of \$989,359.95
- (d)** Motion to suspend the rule requiring the City Council to meet on the first Tuesday of January, 2023

IV. ORDINANCES

- (a)** Ordinance establishing Police Reserve Force **1st Reading**

V. ADDITIONAL OR OTHER MATTERS THAT MAY COME BEFORE COUNCIL

VI. 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) Shawana Hill – 2630 Wilmer Avenue

(b) Glen Ray – 3514 Dale Hollow Road

(c) Richard Jackson – 2317 Noble Street

(d) John Squires – 201 Druid Hills Road

VII. MOTION

(a) Motion to convene an executive session to discuss (a) the general reputation and character, physical condition, professional competence, or mental health of individuals, not including the job performance of public employees, (b) the legal ramifications of and legal options for pending litigation, controversies not yet being litigated but imminently likely to be litigated or imminently likely to be litigated if the governmental body pursues a proposed course of action, and (c) the consideration the governmental body is willing to offer or accept when considering the purchase, sale, exchange, lease, or market value of real property

VIII. COUNCIL COMMENTS

ADJOURNMENT

MINUTES

Anniston, Alabama

December 6, 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, December 6, 2022, at approximately 5:30 o'clock p.m.

Jack Draper, Mayor, prayed the Invocation.

Jack Draper, Mayor, led the Pledge of Allegiance to the Flag.

Mayor Draper called the meeting to order. On call of the roll, the following Council Members were found to be present: Council Members Smith, Harris and Draper; absent: Council Member Jenkins and Roberts. A quorum was present and the meeting opened for the transaction of business.

Bruce Downey, City Attorney, was present.

Steven Folks, City Manager, was present.

Council Member Smith made a motion to waive the reading of and approve the minutes of the November 15, 2022 regular meeting. The motion was seconded by Council Member Harris and on call of the roll the following vote was recorded: ayes: Council Member Smith, Harris and Draper; nays: none. The motion carried and the November 15, 2022 regular meeting minutes were approved.

Mayor Draper made a motion to adopt the agenda with the addition of a standalone motion to approve the MOU and agreement for the Master Plan Recreational Trails Development. The motion was seconded by Council Member Smith and on call of the roll the following vote was recorded: ayes: Council Member Smith, Harris and Draper; nays: none. The motion carried and the amended agenda was adopted.

Steven Folks, City Manager, recognized the Anniston Changers and what they have done in the city.

Mayor Draper opened a public hearing to receive public comments on the over-ruling objections to the abatement of identified nuisances (Group 2022-02 Grass/Debris/Vehicles). No one spoke. Mayor Draper closed the public hearing to receive public comments on the over-ruling objections to the abatement of identified nuisances (Group 2022-02 Grass/Debris/Vehicles).

Mayor Draper opened a public hearing to receive public comments on the resolution approving a certain Development Agreement between Coldwater Mountain Brewpub, LLC and the City of Anniston. No one Spoke. Mayor Draper closed the public hearing to receive public comments on the resolution approving a certain Development Agreement between Coldwater Mountain Brewpub, LLC and the City of Anniston.

Council Member Roberts entered the council chambers at approximately 5:40 p.m.

Mayor Draper made a motion to approve the consent agenda:

- (a) Resolution over-ruling objections to the abatement of identified nuisances (Group 2022-02) (22-R-60)

- (b) Resolution declaring personal property as surplus and authorizing the disposal of said property (22-R-61)
- (c) Motion to approve bids for the purchase of one (1) 2023 Police Responder Crew Cab Pickup Truck for the Anniston Police Department.
- (d) Motion to approve bids for the purchase of one (1) 2023 Super Cab Pickup Truck for the Anniston Police Department.
- (e) Motion to approve bids for the purchase of up to three (3) Sport 4x4 4-Door SUVs for the Anniston Police Department.
- (f) Motion to approve a Retail Beer (Off Premises Only) Retail Table Wine (Off Premises Only) Alcohol License Application to Omar Mart LLC d/b/a Omar Mart located at 1229 Wilmer Avenue within the corporate city limits

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

Mayor Draper made a motion to approve the MOU and agreement for the Master Plan Recreational Trails Development. The motion was seconded by Council Member Harris and on call of the roll the following vote was recorded: ayes: Council Member Roberts, Smith, Harris and Draper; nays: none. The motion carried.

Mayor Draper introduced a Resolution authorizing an Economic Development Agreement between the City of Anniston, Alabama and Coldwater Mountain Brewpub, LLC

Mayor Draper made a motion to approve the Resolution authorizing an Economic Development Agreement between the City of Anniston, Alabama and Coldwater Mountain Brewpub, LLC. The motion was seconded by Council Member Smith and on call of the roll the following vote was recorded: ayes: Council Member Roberts, Smith, Harris and Draper; nays: none. The motion carried and the resolution was approved. (22-R-62)

Mayor Draper introduced a Resolution authorizing the purchase of Sutphen Corporation Custom Pumps and Lease-Purchase Agreement with Leasing 2, Inc.

Mayor Draper made a motion to approve the Resolution authorizing the purchase of Sutphen Corporation Custom Pumps and Lease-Purchase Agreement with Leasing 2, Inc. The motion was seconded by Council Member Roberts and on call of the roll the following vote was recorded: ayes: Council Member Roberts, Smith, Harris and Draper; nays: none. The motion carried and the resolution was approved. (22-R-63)

Richard Jackson, 2317 Noble St., commended Council Member Roberts and Council Member Smith for going live on Facebook and interacting with citizens. He stated that the city should disconnect themselves from John Knox, who constructed the Alabama Constitution in 1901.

Jim Pritchett, 211 6th West C Street, addressed the council on the issues with the current wrecker rotation ordinance. He asked that if the council to amend the current ordinance.

Council Member Harris asked everyone to come out to the Christmas parade and that this parade will be the biggest one the City of Anniston has ever had. She stated that this is a sign on things to come.

Council Member Smith echoed the sentiments of Council Member Harris.

Council Member Roberts apologized for his tardiness. He stated that they are doing all they can to make sure they are doing what is best for the city and he is sick of the spread of misinformation.

Mayor Draper wished everyone a Happy Christmas Season and Holiday. He encouraged everyone to come out to the Christmas Parade.

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 Roberts, Smith, Harris and Draper; nays: none. The motion carried and the meeting was adjourned at approximately 5:53 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.** \$142.50 to Shaquilla Garlington, Municipal Court, for reimbursement while attending AOC Municipal Seminar in Montgomery, AL on November 4, 2022
- b.** \$142.50 to Kelley Rhoades, Municipal Court, for reimbursement while attending AOC Municipal Seminar in Montgomery, AL on November 4, 2022
- c.** \$750.00 to Bruce Dunnagan, Police, for a cargo trailer purchased for the Anniston Police Department (for storage) from Super-Valu with the authorization of Police Chief Nick Bowles

PASSED AND ADOPTED this 20th day of **December, 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 NO. 22-R-___

**A RESOLUTION AUTHORIZING THE SUBMISSION OF A GRANT APPLICATION FOR
FINANCIAL ASSISTANCE UNDER SECTION 5310 OF THE FEDERAL TRANSIT ACT
AMENDMENTS OF 1991**

WHEREAS, Federal financial assistance as authorized under Section 5310 of the Federal Transit Act Amendments of 1991, is available through the Alabama Department of Transportation to provide transportation services to meet the special needs of seniors and individuals with disabilities; and

WHEREAS, the submission of an application for said **financial assistance for a High Roof Transit Van** is deemed necessary to aid in addressing the transportation needs of seniors and individuals with disabilities residents of the City of Anniston; and

WHEREAS, any agreement for capital financial assistance with the State of Alabama, acting by and through its Alabama Department of Transportation, will impose certain obligations upon the applicant, including the **provision by it of the local share of project costs, required to be 20%, or \$16,834.00 of the total project cost of \$84,173.00**; and

WHEREAS, it is the goal of the applicant to provide the best transit project that can be provided with the funds available.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Anniston that the Mayor is authorized to execute, file an Award application, and enter into an agreement with the Alabama Department of Transportation for aid in the financing of a Section 5310 transportation assistance project and provide the required 20% match.

PASSED and ADOPTED this the **20th** day of **December, 2022**.

CITY COUNCIL OF THE CITY OF
ANNISTON, ALABAMA

Jack Draper, Mayor

Jay Jenkins, Council Member

Demetric Roberts, Council Member

Ciara Smith, Council Member

Millie Harris, Council Member

ATTEST:

Skyler Bass, City Clerk

12/14/2022

FACT SHEET

SUBJECT: Evaluation of bids for the Leighton Avenue Resurfacing Project

FACTS: This is a General Fund expenditure

VENDORS SUBMITTING BIDS

Vulcan Materials	\$989,359.95
MidSouth Paving	\$1,168,999.25
Wiregrass Construction	\$1,103,489.91
Norris Paving Inc.	\$1,232,216.00
James Paving Company	\$1,399,739.30

RECOMMENDATION: The bid should be awarded to Vulcan, in the total amount for \$ 989,359.95.

ORDINANCES

ORDINANCE NO. 22-O-__

ESTABLISHING POLICE RESERVE FORCE

WHEREAS, the Council recognizes that certain sworn officers of the Anniston Police Department desire to continue their service to the community after their retirement from the department;

WHEREAS, Alabama law allows a city's appointing authority to appoint, with or without compensation, one or more reserve law enforcement officers to assist or aid full-time or part-time certified law enforcement officers;

WHEREAS, the Council desires to establish a reserve police force comprised of persons appointed by the City Manager, upon recommendation of the Chief of Police, who have retired in good standing with the Anniston Police Department after at least 20 years of service and who remain in good standing with the Alabama Peace Officers Standards and Training Commission;

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

Section 1. The Council hereby enacts and codifies Chapter 24, Police Department, Article IV, Reserve Police Force, Sections 24.24 through 24.29 of "The Code of the City of Anniston, Alabama, 1981", to state in its entirety as follows:

ARTICLE IV. - RESERVE POLICE FORCE

Sec. 23.24. - Establishment.

There shall be a reserve police force of the Anniston Police Department comprised of reserve law enforcement officers appointed by the City Manager, without compensation, to assist or aid the Anniston Police Department's certified law enforcement officers, as authorized by Ala. Code § 11-43-210.

Sec. 23.25. – Qualifications; appointment; and removal.

(a) *Qualifications.* No person shall be appointed as a reserve law enforcement officer or permitted to serve on the reserve police force unless (i) he or she retired from the Anniston Police Department in good standing after no less than 20 years of service as a certified law enforcement officer, and (ii) he or she is in good standing with the Alabama Peace Officers Standards and Training Commission ("APOSTC") at the time of appointment and so long as he or she serves as a reserve law enforcement officer.

(b) *Appointment.* Any person desiring appointment as a reserve law enforcement officer must submit a written application to the Chief of Police prior to the effective date of his or her retirement from the Anniston Police Department. The City Manager may appoint any person as a reserve law enforcement officer who (i) submits a timely application, (ii) meets the qualifications set forth in Subsection (b), above, and (iii) is recommended for appointment by the Chief of Police.

(c) *Removal.* Any person appointed as a reserve law enforcement officer shall serve at the pleasure of the City Manager and may be terminated or discharged from the position and removed from the reserve police force by the City Manager at any time, for any reason, or for no reason at all. The City Manager's removal of a reserve law enforcement officer shall not be subject to review. The City Manager may terminate, discharge, or remove a reserve law enforcement officer without providing prior notice, a hearing, or an opportunity to be heard to the reserve law enforcement officer. Whenever the Chief of Police determines, in his or her discretion, it is in the best interests of the Anniston Police Department, the Chief of Police may suspend a reserve law enforcement officer from service in the reserve police force, for a period of time or indefinitely, or revoke any rights, authorities, and privileges granted to a reserve law enforcement officer.

Sec. 23.26. – Supervision; equipment.

(a) *Supervision.* The reserve police force and the persons appointed as reserve law enforcement officers shall serve under the control and supervision of the Chief of Police or a certified law enforcement officer designated by the Chief of Police. The Chief of Police shall provide for the organization and training of any reserve law enforcement officers. The Chief of Police shall establish such rules and regulations as may be necessary and appropriate for the efficient, effective, and lawful operation of the reserve police force.

(b) *Equipment.* Each reserve law enforcement officer appointed to serve in the reserve police force shall be issued a reserve officer's identification card, a radio, and a reserve officer's badge. He or she must abide by the uniform rules of the Anniston Police Department. The reserve officer shall be responsible for providing at his or her own expense any required equipment including uniforms, duty gear, and boots. The reserve officer shall return any items or equipment provided by the Anniston Police Department upon his or her withdrawal, discharge, or removal from the reserve police force.

Sec. 23.27. – Duties; compensation.

(a) *Duties.* Reserve law enforcement officers shall perform the duties assigned by the certified law enforcement officer designated by the Chief of Police to supervise the reserve police force upon the reserve officer's report to his or her post. The duties of reserve law enforcement officers shall be limited to crowd control assistance, special events, traffic direction and control, and other non-emergency situations where the reserve police force can supplement the active police force and the reserve officers can act under the supervisory control of a certified law enforcement officer whose total span of control would be considered within reasonable limits. Reserve law enforcement officers shall not engage in patrol operations performed for the purpose of detection, prevention, and suppression of crime or the enforcement of the traffic or highway laws of the city.

or state unless specifically assigned those duties by the Chief of Police or his or her designee and only when the reserve officer is accompanied by a certified law enforcement officer employed within the Anniston Police Department.

(b) *Compensation.* Reserve law enforcement officers appointed to the reserve police force shall serve without compensation from the City of Anniston and its police department. A reserve law enforcement officer may receive compensation for outside work when the rules, regulations, standard operating procedures, and protocols of the Anniston Police Department would allow a certified law enforcement officer employed in the department's active police force to perform and receive compensation for the same work.

Sec. 23.28. - Weapons and training; arrest powers; and call to active duty.

(a) *Weapons and training.* Reserve law enforcement officers may carry and use firearms only to the extent permitted by the Anniston Police Department's rules, regulations, procedures, and protocols. Each reserve law enforcement officer shall be required to qualify with their firearms within the guidelines of the Anniston Police Department and APOSTC rules and regulations. The Anniston Police Department will keep and report to APOSTC each reserve law enforcement officer's firearms qualifications in the same manner as certified law enforcement officers employed by the department. The Anniston Police Department will provide the training needed for reserve law enforcement officers to retain APOSTC certification, and the department will report the training hours to APOSTC so that the reserve officers remain in good standing with APOSTC. The reserve law enforcement officers shall be responsible for payment of any fees associated with training provided by the Anniston Police Department.

(b) *Arrest Powers.* A reserve law enforcement officers may exercise powers of arrest while performing duties assigned by the Chief of Police or his or her designee provided (i) he or she has completed all training requirements of the APOSTC, (ii) he or she is up to date on all APOSTC training requirements, and (iii) he or she is in good standing with all APOSTC rules and regulations.

(c) *Call to Active Duty.* The Chief of Police may call a reserve law enforcement officer to active duty when necessary to supplement the Anniston Police Department's active duty police force.

Sec. 23.29. – Violations; penalties.

(a) *Violations.*

(1) It shall be a misdemeanor for any person not appointed as a reserve law enforcement officer to wear, carry, or display a reserve identification card, badge, or cap, or in any way represent himself or herself to be a member of or connected with the City's reserve police force.

(2) It shall be a misdemeanor for any person appointed as a reserve law enforcement officer to give, transfer, lend, sell, or lease to any other person a reserve officer's identification card

or badge or to permit or allow another person who has not been appointed as a reserve law enforcement officer to wear, carry, or display a reserve officer's identification card or badge.

(3) It shall be a misdemeanor for any person appointed as a reserve law enforcement officer to assist any person who is not an appointed reserve law enforcement officer in representing himself or herself to be a member of or connected with the City's reserve police force.

(b) *Penalties.* Any person found guilty of violating the provisions of this Section, as set forth in Subsection (a), shall, upon conviction, be fined in an amount not exceeding five hundred dollars (\$500) or sentenced to imprisonment for not exceeding six (6) months, either or both, at the discretion of the court trying the cause.

Section 2. 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