### CITY OF ANNISTON April 18, 2023 5:30 P.M.

- > INVOCATION
- > PLEDGE OF ALLEGIANCE
- > CALL TO ORDER
- > ROLL CALL
- ➤ READING/APPROVAL OF MINUTES OF PREVIOUS MEETING
  - April 4, 2023 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 receive public comments regarding a Special Events Retail Liquor application for St. Michael's Medical Clinic d/b/a That's The Spirit on Friday, April 28, 2023 within the corporate limits at The Longleaf Botanical Gardens Event Center, 920 Museum Drive

### II. UNFINISHED BUSINESS

### III. CONSENT AGENDA

- (a) Resolution authorizing reimbursements to city officials for expenses incurred while traveling away from the City
- **(b)** Resolution appointing members to the Anniston-Calhoun County Library Board
- (c) Resolution appointing members to the Main Street Board
- (d) Resolution declaring personal property as surplus and authorizing the disposal of said property
- **(e)** Motion to approve request of Health Care Authority to waive the requirement of Section 14(a) and allow Marcus Dunn Place 8 to continue to serve the completion of the affiliation process
- (f) Motion to approve a Special Events Retail Liquor application for St. Michael's Medical Clinic d/b/a That's The Spirit on Friday, April 28, 2023 at The Longleaf Botanical Gardens Event Center, 920 Museum Drive within the corporate limits
- **(g)** Motion to approve a Special Events Retail application for City of Anniston d/b/a Noble Street Festival on Saturday, May 6, 2023 within the corporate limits on Noble Street
- **(h)** Motion to approve Change Order No. 002 increase in the amount of \$29,451.60 to the Noble Street Park Project

### IV. MOTIONS

(a) Motion to approve bid for FAA ARFF Training Facility Phase 1, Site Preparations and Infrastructure to Hurst Construction, LLC with a base bid total of \$1,376,067.00

### 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 21-0-22 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.

### VII. COUNCIL COMMENTS

### VIII. MOTION

(a) Motion to convene an executive session to discuss preliminary negotiations involving matters of trade or commerce in which the governmental body is in competition with private individuals or entities or other governmental bodies in Alabama; to discuss the consideration the governmental body is willing to offer or accept when considering the purchase, sale, exchange, lease, or market value of real property; and to discuss with the City's attorneys 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

### **ADJOURNMENT**

## **MINUTES**

### Anniston, Alabama

### April 4, 2023

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, April 4, 2023, at approximately 5:30 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, Harris and Draper; absent: Council Member Smith. 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 Jenkins made a motion to waive the reading of and approve the minutes of the March 21, 2023 regular meeting. The motion was seconded by Council Member Harris and on call of the roll the following vote was recorded: ayes: Council Member Jenkins, Roberts, Harris and Draper; nays: none. The motion carried and the March 21, 2023 regular meeting minutes were approved.

Mayor Draper made a motion to adopt the agenda with the additions of a motion to change the name of the Community Development Block Grant Department to Community Development; and an Ordinance prohibiting brown-bagging of alcoholic beverages. The motion was seconded by Council Member Harris and on call of the roll the following vote was recorded: ayes: Council Member Jenkins, Roberts, Harris and Draper; nays: none. The motion carried and the amended agenda was adopted.

Frazier Burroughs, Parks and Recreation Director, introduced recognitions for the 14 and Under Boys Youth Basketball Team ARPA State Champions and the Therapeutic Recreation Basketball Team Silver Medal Winners at State Special Olympics.

Mayor Draper read a Proclamation regarding Community Development Week.

Mayor Draper made a motion to approve the consent agenda:

- (a) Resolution authorizing reimbursements to city officials for expenses incurred while traveling away from the City (23-R-17)
- (b) Motion to approve bid for the road maintenance project 2023-004; consist of 450 tons of leveling and wearing surface on Dellwood CT to MidSouth Paving the amount of \$65,571.21 with funding from CDBG
- (c) Motion to approve bid for work jeans, tee shirts, jackets, and coveralls for Public Works and Parks and Recreation to Tangibles in the amount of \$35.00/ea. work jeans; \$10.98/ea tee shirts; \$58.99/ea. Jackets and \$25.50/ea. Pullover/hoodies.
- (d) Motion to appoint Jack Draper as the voting delegate and Millie Harris as the Alternate Voting Delegate for the Annual Business Meeting of the Alabama League of Municipality on May 12, 2023.

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

Mayor Draper made a motion to change the name of the Community Development Block Grant Department to Community Development. The motion was seconded by Council Member Harris and on call of the roll the following vote was recorded: ayes: Council Member Jenkins, Roberts, Harris and Draper; nays: none.

Mayor Draper read the ordinance prohibiting brown-bagging of alcoholic beverages for the record. (1st Reading)

#### ORDINANCE NO. 23-O-4

### ORDINANCE PROHIBITING BROWN-BAGGING OF ALCOHOLIC BEVERAGES

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

Section 1. The Council hereby adopts and enacts Chapter 3, Article V, Division 1, Section 3.53 of The Code of the City of Anniston, Alabama, 1981, to prohibit the brown-bagging of alcoholic beverages at licensed, non-residential businesses, as set forth herein, which said Section shall state in its entirety as follows:

Sec. 3.53. - Bringing or allowing alcoholic beverages to be brought unto business premises.

- (a) Brown-bagging prohibited.
- (1) It shall be unlawful for a non-residential business licensed to do business by the City of Anniston and the respective owners, managers, servants, agents, or employees of any licensed non-residential business, irrespective of whether the business is licensed to sell or furnish alcohol, to allow patrons, customers, invitees, or guests to bring alcoholic beverages onto the premises of the licensed business.
- (2) It shall be unlawful for persons to bring alcoholic beverages onto the premises of a non-residential business licensed to do business by the City of Anniston, irrespective of whether the business is licensed to sell or furnish alcohol.
- (b) Exceptions.
- (1) Private Event. The prohibitions in Subsection (a)(1) and (2), above, shall not apply to alcoholic beverages which are brought on the premises of a private event, party, banquet, seminar, reception, wedding, reunion, fundraiser, or other such occasion where persons enter and attend by invitation of the host, but only when (i) the host does not sell alcoholic beverages to the guests of the private event, (ii) the host does not charge, or place a cost or fee, or receive any form of consideration in exchange for guests entering or attending the private event, and (iii) the guests of the private event do not pay money or provide consideration to the host or any other person or entity in exchange for entering or attending the private event.
- (2) Class I Clubs. The prohibitions in Subsection (a)(1) and (2), above, shall not apply to alcoholic beverages, for which the appropriate Alabama tax has been paid, which are brought on the premises of Class I Club licensee which is not operated for pecuniary gain.

(3) Entertainment District. The prohibitions in Subsection (a)(1) and (2), above, shall not apply to alcoholic beverages which are brought on the premises of a District Licensee when otherwise permitted by the laws, rules, and regulations governing the Downtown Anniston Arts and Entertainment District as set forth in Article VIII of this Chapter.

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.

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

Mayor Draper made a motion for passage and adoption of the ordinance to prohibit the brown-bagging of alcoholic beverages. The motion was seconded by Council Member Harris and on call of the roll the following vote was recorded: ayes: Council Member Jenkins, Roberts, Harris and Draper; nays: none. The motion carried and the ordinance was passed and adopted. (23-R-4)

Glen Ray, 3514 Dale Hollow Rd., addressed the council that maybe the city would go further if everyone would work together as a team. He suggested that they stop robbing the poor.

Richard Jackson, 2317 Noble Street, addressed the council that today marks the anniversary of Martin Luther King Jr.'s assassination in Memphis, Tennessee. He stated that Dr. King did a lot for the advancement of people in this country.

Minister Donny Woods wanted to introduce himself to the council and suggests that if he can help in any way, he is willing to help his city.

Council Member Harris stated that she had no idea that today was the day that Dr. King was assassinated years ago. She welcomed Minister Woods for coming back to Anniston.

Council Member Roberts stated that if the council is made aware of issues before a person comes to the council meeting, it gives them the opportunity to change it. He stated that it does not matter what color a person is, he is willing to sit and have a conversation and work together with anyone.

Council Member Jenkins stated that sports are a great opportunity to build character and leadership. He states that violence seems to permeate in all of our communities. He stated that team sports do a great job at allowing kids to work together.

Mayor Draper stated that it is important for us to celebrate the accomplishments of our fellow Annistonians. He stated that accomplishments like a state championships reflect well on 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 Harris; and on call of the

roll, the following vote was recorded: ayes: Council Members Jenkins, Roberts, Harris and Draper; nays: none. The motion carried and the meeting was adjourned at approximately 6:02 o'clock p.m.

## **CONSENT AGENDA**

### RESOLUTION NO. 23-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.** \$31.58 to Karla Eden, Main Street, while attending the Main Street National Conference in Boston, Massachuttes from March 26 – 30, 2023

PASSED AND ADOPTED this 18th day of April, 2023.

# 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 23-R-\_\_\_

# A RESOLUTION APPOINTING MEMBERS TO THE ANNISTON-CALHOUN COUNTY LIBRARY 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 a schedule of nominations to govern appointments to the Anniston-Calhoun County Library Board;

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

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

Section 1. The City Council of the City of Anniston does hereby appoint those persons identified in the Schedule of Nominations for the Anniston-Calhoun County Library Board attached hereto as Exhibit A to the board and for the terms set forth therein.

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

PASSED and ADOPTED this 18th day of April, 2023

ATTEST:

Skyler Bass, City Clerk

0	OUNCIL ( ΓΟΝ, ALA			JF
 Jack Dr	aper, Ma	yor		
Jay Jen	kins, Cou	ncil Me	 ember	
 Demeti	ric Rober	ts, Cou	 ncil Me	ember
Ciara S	mith, Coi	uncil M	 ember	
Millie H		ouncil N	 ⁄Iembe	r

## EXHIBIT "A"

## ANNISTON-CALHOUN COUNTY LIBRARY BOARD

Board	Nominations	<b>Board Member Name</b>	Expiration	Explanation
Positions			Date	
1	Mayor	Jean Ann Oglesby	10/31/2024	Reappoint
2	Ward 3	Anna Washington	10/31/2023	Unexpired term of Wanda Hall
3	Ward 4	Karen Crockett	10/31/2024	Reappoint

### RESOLUTION NO. 23-R-\_\_\_

# A RESOLUTION DECLARING PERSONAL PROPERTY AS SURPLUS AND AUTHORIZING THE DISPOSAL OF SAID PROPERTY

**WHEREAS**, the City Council of the City of Anniston, Alabama, hereby finds that those the pieces of equipment and personal property more particularly described on Exhibit "A" attached hereto and incorporated herein are not now presently being used for municipal purposes, nor are they needed for use by the City of Anniston in the future, and

**WHEREAS,** the City Council is desirous of disposing of said equipment/personal property.

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

- **Section 1.** That those certain pieces of equipment/personal property more particularly described in Exhibit "A" attached hereto and incorporated herein for all purposes, be and the same are hereby declared surplus to the needs of the City of Anniston.
- **Section 2.** That Skyler Bass, City Clerk of the City of Anniston, be and she is hereby authorized, directed, and empowered to destroy/dispose of and/or sell said equipment/personal property referenced on Exhibit "A" attached hereto and incorporated herein and to execute title certificates, bills of sale or other documents of conveyance to the purchasers, provided, however, that all sales of equipment/personal property shall be "as is where is" with no warranties expressed or implied.
- **Section 3.** This resolution shall become effective immediately upon its passage and adoption by the City Council.

PASSED AND ADOPTED this the 18th day of April, 2023.

	CITY COUNCIL OF THE CITY OF ANNISTON, ALABAMA
	Jack Draper, Mayor
	Jay Jenkins, Council Member
	Demetric Roberts, Council Member
	Ciara Smith, Council Member
ATTEST:	Millie Harris, Council Member
Skyler Bass, City Clerk	

## EXHIBIT A

## SURPLUS EQUIPMENT

The Police Department is requesting the following equipment surplused:

<u>Item</u>	<u>Model</u>	Serial Number
Axon Taser	Model – X26	X00-463125
Axon Taser	Model – X26	X00-466089
Axon Taser	Model – X26	X00-466098
Axon Taser	Model – X26	X00-466099
Axon Taser	Model – X26	X00-466106
Axon Taser	Model – X26	X00-466119
Axon Taser	Model - X26	X00-494690
Axon Taser	Model – X26	X00-494691
Axon Taser	Model – X26	X00-494694
Axon Taser	Model – X26	X00-494731
Axon Taser	Model – X26	X00-501485
Axon Taser	Model – X26	X00-501511
Axon Taser	Model – X26	X00-501592
Axon Taser	Model – X26	X00-501600
Axon Taser	Model – X26	X00-501634
Axon Taser	Model – X26	X00-501640
Axon Taser	Model – X26	X00-501643
Axon Taser	Model – X26	X00-501646
Axon Taser	Model – X26	X00-501647
\land Axon Taser	Model – X26	X00-501648
Axon Taser	Model – X26	X00-501658
Axon Taser	Model – X26	X00-501660
Axon Taser	Model – X26	X00-501663
Axon Taser	Model – X26	X00-501669
Axon Taser	Model – X26	X00-501672
Axon Taser	Model – X26	X00-501676
Axon Taser	Model – X26	X00-501683
Axon Taser	Model – X26	X00-501693
Axon Taser	Model – X26	X00-501696
Axon Taser	Model – X26	X00-501701
Axon Taser	Model – X26	X00-501715
Axon Taser	Model – X26	X00-501722
Axon Taser	Model – X26	X00-501742
Axon Taser	Model – X26	X00-501772
Axon Taser	Model – X26	X00-501775
Axon Taser	Model – X26	X00-501783
Axon Taser	Model – X26	X00-506052
Axon Taser	Model – X26	X00-506187
Axon Taser	Model – X26	X00-506188
Axon Taser	Model – X26	X00-506196
Axon Taser	Model – X26	X00-506199

Axon Taser Model - X26 X00-506213 Axon Taser Model – X26 X00-506243 A Axon Taser Model - X26 X00-506267 Axon Taser Model – X26 X00-506270 Axon Taser Model – X26 X00-506271 Axon Taser Model – X26 X00-506273 Axon Taser Model - X26 X00-506278 Axon Taser Model - X26 X00-506279 Axon Taser Model – X26 X00-506296 Axon Taser Model - X26 X00-548057 Axon Taser Model – X26 X00-548522 Axon Taser Model – X26 X00-556027 Axon Taser Model – X26 X00-556056 Axon Taser Model - X26 X00-556076 Axon Taser Model - X26 X00-556102 Axon Taser Model - X26 X00-556146 Axon Taser Model – X26 X00-556160 Axon Taser Model - X26 X00-560686 Axon Taser Model - X26 X00-560988 Axon Taser Model – X26 X00-560995 Axon Taser Model - X26 X00-561731 Axon Taser Model - X26 X00-646652 Axon Taser Model - X26 X00-671700 Axon Taser Model - X26 X00-671737 Axon Taser Model - X26 X00-671744 Axon Taser Model - X26 X00-672084 Axon Taser Model – X26 X00-678975 Axon Taser Model - X26 X00-679331 Axon Taser Model – X26 X00-679340 Axon Taser Model – X26 X00-679356 Axon Taser Model - X26 X00-679358 Model - X26 X00-679366 Axon Taser

### **DAMAGED TASER**

Axon Taser Model – X26 X00-501673

### **EXHIBIT B**

### **SURPLUS EQUIPMENT**

Public Works is requesting the following equipment to be surplused and traded in on new equipment:

A 2020 John Deere Tractor Model − 5055E VIN − 1PY5055ECMM151767 Unit − 6602

A 2020 John Deere Tractor Model − 5055E VIN − 1PY5055EVMM151986 Unit − 6603

# **MOTIONS**

### **FACT SHEET**

SUBJECT: Evaluation of bids for FAA ARFF Training Facility Phase 1, Site

Preparations and Infrastructure

**FACTS:** This is a General Fund expenditure

### **VENDORS SUBMITTING BIDS**

Base Bid

Earth Services \$1,857,981.00

Hurst Construction, LLC \$1,376,067.00

RECOMMENDATION: The bid should be awarded to Hurst Construction, LLC,

with a base bid total of \$1,376,067.00.