

## CITY OF ANNISTON

May 2, 2023

5:30 P.M.

- INVOCATION
- PLEDGE OF ALLEGIANCE
- CALL TO ORDER
- ROLL CALL
- READING/APPROVAL OF MINUTES OF PREVIOUS MEETING
  - April 18, 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 020 – Restaurant Retail Liquor application for Besitos Mexican Kitchen II, LLC d/b/a Besitos Mexican Kitchen II located at 911 Noble Street within the corporate limits

### II. UNFINISHED BUSINESS

### III. CONSENT AGENDA

- (a) Resolution declaring a reported condition to be a public nuisance. Group 2023-01
- (b) Resolution appointing/reappointing members to the Main Street Anniston Board
- (c) Resolution authorizing the submission of a grant application under Transportation Alternatives Program
- (d) Motion to approve a 020 – Restaurant Retail Liquor for Besitos Mexican Kitchen II, LLC d/b/a Besitos Mexican Kitchen II located at 911 Noble Street within the corporate limits
- (e) Motion to approve 240 – Special Events Retail Liquor application for Anniston Calhoun Junior Service League Inc d/b/a Designer Handbag Bingo on Friday, May 5, 2023 from 4:00 – 11:00 p.m. at the Longleaf Event Center located at 920 Museum Drive within the corporate limits

### IV. ADDITIONAL OR OTHER MATTERS THAT MAY COME BEFORE COUNCIL

### V. 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) Betty Jean Chapman – 1229 Pine Grove Road

### VI. COUNCIL COMMENTS

#### ADJOURNMENT

# MINUTES

Anniston, Alabama

April 18, 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 18, 2023, 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.

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 April 4, 2023 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, Harris and Draper; abstain: Council Member Smith; nays: none. The motion carried and the April 4, 2023 regular meeting minutes were approved.

Mayor Draper made a motion to adopt the agenda with the removal of item (c) under the consent agenda, (c) A Resolution appointing members to the Main Street Board to be taken up at the next 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, Smith, Harris and Draper; nays: none. The motion carried and the amended agenda was adopted.

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

Mayor Draper made a motion to adopt the consent agenda:

- (a) Resolution authorizing reimbursements to city officials for expenses incurred while traveling away from the City (23-R-18)
- (b) Resolution appointing members to the Anniston-Calhoun County Library Board (23-R-19)
- (c) Resolution declaring personal property as surplus and authorizing the disposal of said property (23-R-20)
- (d) 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.

- (e) 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
- (f) Motion to approve Change Order No. 002 increase in the amount of \$29,451.60 to the Noble Street Park Project

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 consent agenda was approved.

Council Member Harris made a motion to approve bid for FAA ARFF Training Facility Phase I, Site Preparations and Infrastructure to Hurst Construction, LLC with a base bid total of \$1,376,067.00. 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 Roberts stated that he is tired; and things that have previously been invading other areas of the country are knocking at Anniston's door. He stated that it is almost daily, or weekly that they hear of somebody shooting or some young kid being shot. He stated that there is nothing for the council to do but he pleads with the parents. He asks parents to please take control back over their children's lives. He stated that if they continue at this pace, we will have a generation that won't get old, but they will just get cold.

Mayor Draper made 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 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. 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 and the meeting convened into executive session at approximately 5:37 p.m.

# CONSENT AGENDA

## RESOLUTION NUMBER 23-R-\_\_

### A RESOLUTION DECLARING A REPORTED CONDITION TO BE A PUBLIC NUISANCE

**WHEREAS**, Tana Bryant, an Appropriate City Official, pursuant to Section 34.7 and 34.15 of said Ordinance, has reported to the City Council that conditions exist at **see attached (Group 2023-01 Grass/Debris/Vehicles)** in Anniston, Alabama that are believed to be a public nuisance; and

**WHEREAS**, the said City official submitted proof of said condition that was deemed by the City Council to be satisfactory to show that a public nuisance existed at the place specified; and

**WHEREAS**, Section 34.3 (b) (1), (2), (4) of the City of Anniston Ordinance No. 11-0-9 declares the following conditions to be a public nuisance: **overgrown lots, maintenance or storage of motor vehicles that are not in usable condition as defined in Section 34.2 of the Code of Ordinances and debris, motor vehicles and trash**; and

**RESOLVED THEREFORE**, that a public nuisance exists at the above said locations within the City of Anniston, said property being more particularly described on **Exhibit "A"** to this resolution; and

**RESOLVED FURTHER**, that the public nuisance must be abated by the City and the cost of abatement charged as a lien against the property if not remedied by the owner(s); and

**RESOLVED FURTHER**, that a hearing be set before the City Council at its next regular scheduled meeting to hear objections to the City's actions; and

**RESOLVED FURTHER**, that at least two NOTICES TO REMOVE PUBLIC NUISANCE be promptly posted by the Appropriate City Official in front of the said property at not more than 100 feet in distance apart as specified in Section 34.16 of the Code of Ordinances; and

**RESOLVED FURTHER**, that the Appropriate City Official shall post said NOTICE TO REMOVE PUBLIC NUISANCE, as aforesaid, at least 5 days prior to the time for hearing objections by the City Council; and

**RESOLVED FURTHER**, that the Appropriate City Official shall determine the name and address of the person or entity last assessing said property for tax purposes, and shall further cause a search to be made of the public records, and shall further make a diligent investigation to discover the name(s) and contact information of the owners of every beneficial interest in the said property; and

**RESOLVED FURTHER**, that the Appropriate City Official shall, at least 5 days prior to the time for a hearing of objections by the City Council, mail a copy of said Notice by certified or registered mail, with postage prepaid and return receipt requested, to the last person/entity assessing the property for taxes and to each owner of a beneficial interest in said property including, without limitation, mortgagees of record.

**PASSED AND ADOPTED** this the 2<sup>nd</sup> day of **May, 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: \_\_\_\_\_  
Millie Harris, Council Member

ATTEST:

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



**Exhibit "A"****Group 2023-01 Grass/Debris/Vehicles**

Address	PPIN	Owner	Description
409 W Oak Street	18406	Bush, Leonard & Sheila, Bush, Norman	Grass and Debris
1013 W 13th Street	19211	Kassam, Karim H	Grass
100 Sunset Drive	66103	Gunter, Mike	Grass and Debris
2308 Gurnee Ave	25237	Hardy, Ethel & Garrett, Keith	Grass
905 Hillyer High Rd	66902	McNabb, Charles J C/O McNabb Nuntiya	Grass
6211 McClellan Blvd	27398	Phelps, Richard D	Grass and Debris
131 S Allen Ave	66188	Threat, Eugene C/O State of AL	Grass
1407 Mulberry Ave	18982	Jackson, Elbert Estate C/O Jackson, Michael	Grass
1405 Mulberry Ave	18981	Caver, Norville Gazarra C/O State of AL	Grass
0 W 15th Street	19418	Romine, Ervin	Grass
720 W 15th Street	19417	Hurst, Falon	Grass

**RESOLUTION NUMBER 23-R-\_\_**

**A RESOLUTION APPOINTING MEMBER(S) TO MAIN STREET ANNISTON 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 Main Street Anniston 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 Main Street Anniston 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 **2<sup>nd</sup>** day of **May, 2023**

CITY COUNCIL OF THE CITY OF  
ANNISTON, ALABAMA

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

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

\_\_\_\_\_  
Demetric Roberts, Council Member

\_\_\_\_\_  
Ciara Smith, Council Member

\_\_\_\_\_  
Millie Harris, Council Member

ATTEST:

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

**EXHIBIT “A”**

**MAIN STREET ANNISTON BOARD**

<b>Board Positions</b>	<b>Nominations</b>	<b>Board Member Name</b>	<b>Expiration Date</b>	<b>Explanation</b>
1	Mayor	Mike Ligouri	05/31/2025	Appointment
2	Ward 1	Lauren Hunter	05/31/2025	Appointment
3	Ward 2	Marques Green	05/31/2024	Appointment
4	Ward 3	Steven Katsinas	05/31/2025	Appointment
5	Ward 4	Christa Morphis	05/31/2024	Reappointment
6	Ward 1	Larry May	05/31/2025	Appointment
7	Ward 2	Justin Hall	05/31/2025	Appointment
8	Ward 3	Hunter Cain	05/31/2024	Appointment
9	Ward 4	Falon Hurst	05/31/2024	Appointment

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

**AUTHORIZING THE SUBMISSION OF A GRANT APPLICATION UNDER  
TRANSPORTATION ALTERNATIVES PROGRAM**

**WHEREAS**, the Alabama Department of Transportation has requested applications for the Transportation Alternatives Program (TAP); and

**WHEREAS**, the City of Anniston desires to install sidewalks, lighting, and ADA compliance measures at Michael Tucker Park which is a qualifying project for TAP; and

**WHEREAS**, the project area is adjacent to the Chief Ladiga Trail and would enhance the safety and security of pedestrians and bicyclists accessing the trail from the trailhead at Michael Tucker Park; and

**WHEREAS**, the grant provides up to 80% of total project costs up to \$800,000, and requires a 20% match, and commitment to fund project cost overruns; and

**WHEREAS**, engineering is an eligible project cost and is capped at 10% of total project costs; and

**NOW, THEREFORE, BE IT RESOLVED** that the City Council of the City of Anniston does hereby authorize the submission of the grant application and commits to fund its required portion of the cost and approves Mayor Jack Draper, in his official capacity to execute the application.

**PASSED AND ADOPTED** this 2<sup>ND</sup> day of **May, 2023**.

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:

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

## Resolution Summary

- ▲ Authorizes submission of a Transportation Alternatives Program (TAP) grant application to the Alabama Department of Transportation (ALDOT)
- ▲ Commits local match of 20% of total project costs
- ▲ Grant submission deadline is May 31, 2023
- ▲ Project description: The project will improve sidewalks and assure their appropriate connections to the CLT, restroom and parking at Michael Tucker Park. Lighting improvements will be made, as well as a small increase in the size of the parking lot, curb and gutter around the parking lot, ADA compliance to include parking with pads, and new crushed gravel on the remainder of the parking lot. Updated signs and kiosks will also be included.
- ▲ The grant is capped at \$800,000, which would require a \$200,000 match. Any additional project cost would need to be met by the city, but that is not anticipated.
- ▲ Engineering is included as an eligible grant expense of up to 10% of total project costs.