

CITY OF ANNISTON

June 6, 2023

5:30 P.M.

- INVOCATION
- PLEDGE OF ALLEGIANCE
- CALL TO ORDER
- ROLL CALL
- READING/APPROVAL OF MINUTES OF PREVIOUS MEETING
 - May 16, 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 010 – Lounge Retail Liquor – Class I alcohol license application for Larry's Music Hall LLC d/b/a Larry's Music Hall located at 6000 AL Hwy 202 in the police jurisdiction

II. UNFINISHED BUSINESS

III. CONSENT AGENDA

- (a) Resolution authorizing reimbursements to city officials for expenses incurred while traveling away from the city
- (b) Resolution authorizing the Mayor to enter into an Agreement to renew the Anniston/Calhoun County HOME Consortium
- (c) Motion to approve the bid for the HVAC Maintenance for the City of Anniston to Vulcan Mechanical Services in the amount of \$391,836.00
- (d) Motion to approve the bid for the W. 15th Street Streetscape Improvement to B & B Developers in the amount of \$695,916.85
- (e) Motion to approve Change Order 001 in the amount of \$86,000.00 for the Anniston City Market Project
- (f) Motion to approve a 010 – Lounge Retail Liquor – Class I alcohol license application for Larry’s Music Hall LLC d/b/a Larry’s Music Hall located at 6000 AL Hwy 202 in the police jurisdiction

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) Glen Ray
- (b) Agnes Goode
- (c) Shawana Hill
- (d) Richard Jackson

VI. COUNCIL COMMENTS

VII. MOTION

- (a)** Motion to convene an executive session to discuss 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

May 16, 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, May 16, 2023, at approximately 5:31 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 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 May 2, 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, Smith, Harris and Draper; nays: none. The motion carried and the May 2, 2023 regular meeting minutes were approved.

Mayor Draper made a motion to adopt the agenda with the addition of item d, a resolution over-ruling objections to the abatement of identified nuisances (Group 2023-01 Grass, Debris, & Vehicles) to the consent agenda. The motion was seconded by Council Member Jenkins and on call of the roll the following vote was recorded: ayes: Council Member Jenkins, Roberts, Smith, Harris and Draper; nays: none. The motion carried and the amended agenda was adopted.

Mayor Draper read a proclamation honoring National Historic Preservation Month.

Mayor Draper introduced La Sha' Robinson for a board confirmation to the Zoning Board of Adjustments.

Mayor Draper opened a public hearing to receive comments regarding the abatement of public nuisance Group 2023-01 Grass, Debris, & Vehicles. No one spoke. Mayor Draper closed the public hearing to receive comments regarding the abatement of public nuisance Group 2023-01 Grass, Debris, & Vehicles.

Council Member Smith made a motion to adopt the consent agenda:

- (a) Motion to approve the bid for Resurfacing of Dale Hollow Road and Cobblestone Drive to Alabama Grading & Excavation in the amount of \$89,071.80;
- (b) Resolution appointing members to the Zoning Board of Adjustments (23-R-24)
- (c) Resolution declaring personal property as surplus and authorizing the disposal of said property (23-R-25)
- (d) Resolution over-ruling objections to the abatement of identified nuisances (Group 2023-01 Grass, Debris & Vehicles) (23-R-26)

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 consent agenda was approved.

Glen Ray, 3514 Dale Hollow Road, stated that he hopes the council keeps up the good work.

Richard Jackson, 2317 Noble Street, commended Council members Smith and Roberts for their town hall meetings. He stated that they were informative and the citizens felt it was needed. He stated that he wished other council members and the mayor was present to hear the citizens' concerns.

Council Member Harris congratulated fellow council members who were on t.v. She mentioned that Saturday was the 62nd anniversary of the bus burning ceremony for the freedom riders and she is grateful to everyone who had a role in the ceremony.

Council Member Smith thanked everyone who attended her town hall meeting and she hopes to do more in the future.

Council Member Roberts recognized the Anniston Boys Track Team for their championship win. He stated that since he started on the council he has asked everyone if they are having an issue to bring it to him directly. He stated that people don't have to respect him but they will not disrespect him.

Council Member Jenkins congratulated the Anniston Boys Track Team on their win. He commended city staff for their efforts with the Noble Street Fest.

Mayor Draper stated that while the city is going through significant development opportunities and issues he encourages everyone to stay engaged.

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 Jenkins; 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 5:46 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. \$101.20 to Johnnie Phelps, Fire Department, while attending the Congressional Fire Service Symposium in Washington, D.C. from May 21 – 24, 2023

PASSED AND ADOPTED this 6th day of **June, 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 23-R-_____

**A RESOLUTION AUTHORIZING THE MAYOR TO ENTER INTO AN AGREEMENT TO RENEW THE
ANNISTON/CALHOUN COUTY HOME CONSORTIUM**

WHEREAS, the City of Anniston, Alabama has previously agreed to participate as the lead agency and form a Consortium with the Calhoun County Commission, the cities of Jacksonville, Piedmont, Weaver, and the Town of Hobson City under the Federal HOME Program operated by the U.S. Department of Housing and Urban Development as authorized under the HOME Investment Partnership Act, title II of the Cranston-Gonzalez National Affordable Act of 1990, as amended; and

WHEREAS, the current Agreement will expire on September 30, 2023;

NOW, THEREFORE, BE IT RESOLVED, by the City Council of the City of Anniston, that Jack Draper, as its Mayor, id hereby authorized to execute said agreement for the renewal of the Anniston/Calhoun County HOME Consortium.

PASSED and ADOPTED this **6th** day of **June, 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:

Skyler Bass, City Clerk

5/23/2023

FACT SHEET

SUBJECT: Evaluation of bids for the HVAC Maintenance for the City of Anniston

FACTS: This is a general fund expenditure

VENDORS SUBMITTING BIDS

| | |
|----------------------------|---------------|
| Vulcan Mechanical Services | \$ 391,836.00 |
|----------------------------|---------------|

RECOMMENDATION: The bid should be awarded to Vulcan Mechanical Services, in the total amount of \$391,836.00.

5/25/2023

FACT SHEET

SUBJECT: Evaluation of bids for the W. 15th St. Streetscape Improvement

FACTS: This is a General Fund expenditure.

VENDORS SUBMITTING BIDS

| | |
|--------------------|---------------|
| B&B Developers | \$ 695,916.85 |
| Taylor Corporation | \$ 714,847.00 |

RECOMMENDATION: The bid should be awarded to B&B Developers, in the total amount of \$ 695,916.85.

Contract Change Order

Change Order No. 001

Date 05/10/2023

To: (Contractor)

Bradshaw and Pitts, LLC
P.O. Box 3154
Oxford, Alabama 36203
(256) 831-4990

Project:

Anniston City Market
Architect Project No.: 22026

TERMS: You are hereby authorized, subject to the provisions of your Contract for this project, to make the following changes thereto in accordance with your proposal(s) dated 05/08/2023.

FURNISH the necessary labor, materials, and equipment to *(Description of work to be done or changes to be made. If the description is continued in an attachment, identify the attachment below.):*

See attached Change Order Proposal for additional concrete slab installation found to be needed after demolition. Installation of shade sails per Owner request to allow for use of the facility. Additional costs have been compared to schedule of values and pre-project budgets and appear fair and reasonable. The proposed changes are no more than 10% the original contract sum. Bidding this additional scope under separate contract would delay use of the facility. Sixty (60) days are to be added to the contract time for additional scope items due to delivery times and installation time needed.

ORIGINAL CONTRACT SUM \$ 860,000.00
NET TOTAL OF PREVIOUS CHANGE ORDERS \$ 0.00
PREVIOUS REVISED CONTRACT SUM \$ 860,000.00
This change order will ☒ Increase ☐ Decrease the contract sum by \$ 86,000.00
REVISED CONTRACT SUM, INCLUDING THIS CHANGE ORDER \$ 946,000.00
EXTENSION OF TIME resulting from this change order ☐ None or 60 Calendar days.

APPROVALS

| |
|---|
| Bill Whittaker, P.C. Architecture |
| Architectural/Engineering Firm |
|  |
| Signature |
| William A. Whittaker, President |
| Name and Title |

CONTRACTING PARTIES

| |
|--|
| Bradshaw and Pitts, LLC |
| Contractor/Company |
|  |
| Signature |
| Phillip Pitts, Manager |
| Name and Title |

| |
|--|
| City of Anniston |
| Owner Entity |
|  |
| Signature |
| Steven D. Folks Sr., City Manager |
| Name and Title |

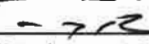
Additional Owner Entity Signature if needed:

Owner Entity

Signature

Name and Title

The Awarding Authority/Owner certifies that funds are available in the amount required for this Change Order

| |
|---|
| CONSENT OF SURETY (for additive \$ change orders only) |
| Market Insurance Company |
| Surety Company |
|  |
| Signature (Attach current Power of Attorney) |
| Thomas J. Cole, Attorney-in-Fact |
| Name and Title |

JOINT LIMITED POWER OF ATTORNEY

KNOW ALL MEN BY THESE PRESENTS: That SureTec Insurance Company, a Corporation duly organized and existing under the laws of the State of Texas and having its principal office in the County of Harris, Texas and Markel Insurance Company (the "Company"), a corporation duly organized and existing under the laws of the state of Illinois, and having its principal administrative office in Glen Allen, Virginia, does by these presents make, constitute and appoint:

Sharon E. Griffith, Thomas J. Bole, Gregg A. Tatum, H. Grantland Rice, III

Their true and lawful agent(s) and attorney(s)-in-fact, each in their separate capacity if more than one is named above, to make, execute, seal and deliver for and on their own behalf, individually as a surety or jointly, as co-sureties, and as their act and deed any and all bonds and other undertaking in suretyship provided, however, that the penal sum of any one such instrument executed hereunder shall not exceed the sum of:


Ten Million and 00/100 Dollars (\$10,000,000.00)

This Power of Attorney is granted and is signed and sealed under and by the authority of the following Resolutions adopted by the Board of Directors of SureTec Insurance Company and Markel Insurance Company:

"RESOLVED, That the President, any Senior Vice President, Vice President, Assistant Vice President, Secretary, Assistant Secretary, Treasurer or Assistant Treasurer and each of them hereby is authorized to execute powers of attorney, and such authority can be executed by use of facsimile signature, which may be attested or acknowledged by any officer or attorney, of the company, qualifying the attorney or attorneys named in the given power of attorney, to execute in behalf of, and acknowledge as the act and deed of the SureTec Insurance Company and Markel Insurance Company, as the case may be, all bond undertakings and contracts of suretyship, and to affix the corporate seal thereto."

IN WITNESS WHEREOF, Markel Insurance Company and SureTec Insurance Company have caused their official seal to be hereunto affixed and these presents to be signed by their duly authorized officers on the 25th day of January, 2023.

SureTec Insurance Company

By: 
Michael C. Keimig, President



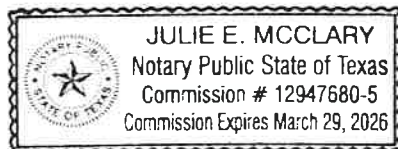
Markel Insurance Company

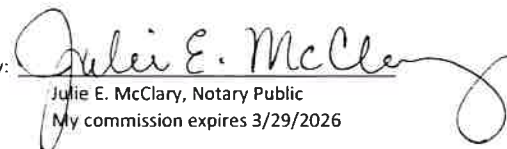
By: 
Lindey Jennings, Vice President

State of Texas
County of Harris:

On this 25th day of January, 2023 A. D., before me, a Notary Public of the State of Texas, in and for the County of Harris, duly commissioned and qualified, came THE ABOVE OFFICERS OF THE COMPANIES, to me personally known to be the individuals and officers described in, who executed the preceding instrument, and they acknowledged the execution of same, and being by me duly sworn, disposed and said that they are the officers of the said companies aforesaid, and that the seals affixed to the preceding instrument are the Corporate Seals of said Companies, and the said Corporate Seals and their signatures as officers were duly affixed and subscribed to the said instrument by the authority and direction of the said companies, and that Resolutions adopted by the Board of Directors of said Companies referred to in the preceding instrument is now in force.

IN TESTIMONY WHEREOF, I have hereunto set my hand, and affixed my Official Seal at the County of Harris, the day and year first above written.



By: 
Julie E. McClary, Notary Public
My commission expires 3/29/2026

We, the undersigned Officers of SureTec Insurance Company and Markel Insurance Company do hereby certify that the original POWER OF ATTORNEY of which the foregoing is a full, true and correct copy is still in full force and effect and has not been revoked.

IN WITNESS WHEREOF, we have hereunto set our hands, and affixed the Seals of said Companies, on the 10th day of May, 2023.

SureTec Insurance Company
By: 
M. Brent Beaty, Assistant Secretary


Markel Insurance Company
By: 
Andrew Marquis, Assistant Secretary



FINANCE DEPARTMENT FACT SHEET

TO: CITY COUNCIL AND CITY MANAGER
FROM: JASMINE SMITH, REVENUE COMPLIANCE SPECIALIST
SUBJECT: LARRYS MUSIC HALL LLC
DATE: 5/31/2023
CC:

 A public hearing is required before formal action is taken on the 010 – LOUNGE RETAIL LIQUOR – CLASS I for LARRYS MUSIC HALL LLC


 The business is located in the police jurisdiction at 6000 AL HIGHWAY 202, ANNISTON, AL 36206.

 The Police Department background check showed no criminal history.

**REPORT ON INVESTIGATION
APPLICATION FOR
LOUNGE RETAIL LIQUOR – CLASS I**

DATE: May 30, 2023

TO: Jasmine Smith, Revenue Compliance Specialist

FROM: 
Nick Bowles, Chief of Police

APPLICANT: LARRYS MUSIC HALL LLC

A criminal history check was performed on the name listed below. The following criminal history was found on subject.

Larry J Keel AL DL / 2569199
Harassing Communications Case # 130403024 – Dismissed

If further information is needed, please advise.

NB/jrt