

## CITY OF ANNISTON

August 1, 2023

5:30 P.M.

- INVOCATION
- PLEDGE OF ALLEGIANCE
- CALL TO ORDER
- ROLL CALL
- READING/APPROVAL OF MINUTES OF PREVIOUS MEETING
  - July 18, 2023 Called meeting
  - July 24, 2023 Called 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

### III. CONSENT AGENDA

- (a) Resolution adopting 2023 – 2027 Consolidated Plan and the 2023 Annual Action Plan budget for the City of Anniston's Community Development Block Grant Program and the Anniston/Calhoun County HOME Consortium's HOME Program
- (b) Motion to approve the bid for resurfacing of a portion of E 18<sup>th</sup> Street, E 19<sup>th</sup> Street and Legrande Avenue to Alabama Grading and Excavation in the amount of \$117,590.00
- (c) Motion to approve the bid for abatement & selective demolition for the Anniston Historic Courthouse (new City Hall) at 1129 Noble Street to \_\_\_\_\_ in the amount of \$ \_\_\_\_\_
- (d) Motion to approve a Retail Beer (Off Premises Only) and Retail Table Wine (Off Premises Only) alcohol license application for Hyo Cha Andrews d/b/a Sevens Food Mart located at 831 W 15<sup>th</sup> Street inside the corporate city limits

### IV. ORDINANCES

- (a) Ordinance amending Chapter 3, Article VIII of The Code of Ordinances Establishing The Downtown Anniston Arts and Entertainment District **1<sup>st</sup> Reading**
- (b) Ordinance declaring surplus real property and authorizing Lease of the same **1<sup>st</sup> 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) Melissa Davis – 6015 Weaver Road Apt C-4

**VII. COUNCIL COMMENTS**  
**ADJOURNMENT**

# MINUTES

Anniston, Alabama

July 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, July 18, 2023, at approximately 5:30 o'clock p.m.

Craig Miller, Citizen of Anniston, prayed the Invocation.

Craig Miller, Citizen of Anniston, 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. 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 June 20, 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, and Harris; abstentions: Mayor Draper; nays: none. The motion carried and the June 20, 2023 regular meeting minutes were approved.

Council Member Roberts made a motion to waive the reading of and approve the minutes of the July 10, 2023 special called meeting. 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 July 10, 2023 special called meeting minutes were approved.

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

Mayor Draper introduced Curtis McCants for his appointment to the Highland Health Systems Board.

Mayor Draper opened a public hearing to receive public comments on appointing Curtis McCants to the Highland Health Systems Board. No one spoke. Mayor Draper closed the public hearing to receive public comments on appointing Curtis McCants to the Highland Health Systems Board.

Mayor Draper made a motion to approve the consent agenda:

- (a) Resolution appointing members to the Highland Health Systems Board (23-R-33)
- (b) Resolution declaring a reported condition to be a public nuisance-Group 2023-03 G/D/V (23-R-34)
- (c) Motion to approve the bid for grass cutting and lot clean-up of 18 lots to Wendy Thornton in the amount of \$4,850.00
- (d) Motion to approve the bid for the demolition of substandard structures using CDBG funding to Emtek for four (4) properties totaling \$42,800.00 and to T&D Stump Grinding for ten (10) properties in the amount of \$62,500.00
- (e) Motion to approve the bid for the purchase of one (1) 2023 ¾ ton Crew Cab Pickup for the Fire Department in the amount of \$50,550.00
- (f) Motion to approve an amendment to the City of Anniston's Personnel Policies and Procedures manual addition Essential Information Policies section to include, "Pregnant Workers Fairness Act: PWFA after Family and Medical Leave

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 Rd, addressed the council that mental health is an issue in the city. He stated that it seems like we are putting people in jail instead of trying to help them. He suggested the council have someone from Montgomery, that has some authority, to come in and talk with the community.

Richard Jackson, 2317 Noble Street, addressed the council that there needs to be some attention brought to the issues that are happening to the citizens when they go to the hospital. He stated that we need to make sure citizens have adequate rooms available for citizens.

Council Member Smith stated that she agrees with Mr. Ray and Mr. Jackson that all levels of government should pay more attention to mental health issues. She stated that she cannot speak to the operational side of the hospital but sometimes it is not as easy as having a bed available. She stated that this is not an Anniston issue but a United States issue.

Council Member Roberts makes a plea to the parents in Anniston. He stated that it is becoming sickening the amount of shootings that are taking place. He stated that at some point we all have to take accountability. He stated that the City has a new semi-pro league basketball team.

Council Member Jenkins stated that the issue is not a lack of beds but a shortage of staff. He stated that it is a national problem and covid-19 did real damage across the nation. He stated that there are efforts made at the hospital to handle this issue. He stated that everyone at the hospital, including the board, is driven to the same goal, to deliver the best possible care for the community.

Mayor Draper made a motion to convene an executive session to discuss the consideration the Council is willing to offer or accept when considering the purchase, sale, exchange, lease, or market value of real property; and the council will not be reconvening to take action on anything discussed in the executive session. The motion was seconded 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 meeting was adjourned into executive session at approximately 5:52 p.m.

Anniston, Alabama

July 24, 2023

The City Council of the City of Anniston, Alabama, met in Special Session in Room B at the Anniston City Meeting Center in the City of Anniston, Alabama, on Monday, July 24, 2023, at approximately 5:00 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.

Steven Folks, City Manager, was present.

Bruce Downey, City Attorney, was present.

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

Mayor Draper addressed the ground rules in accordance with the City's ordinance 22-O-7, the city manager through the city attorney has the opportunity to present evidence as to the city manager's position that the business license ought to be revoked.

Mayor Draper stated that the city manager acting through the city attorney and whomever wishes to address the council on behalf of the city manager will have 10 minutes to present as well as Rooftop 801 to present evidence in opposition to the petition to revoke. He stated that there may be individuals wishing to speak after the presentations from both the City and Rooftop 801, and each speaker will have 3 minutes to speak. He stated that there will be no cross examination of witnesses but the council will ask questions following the presentations.

Mayor Draper opened the public hearing:

Bruce Downey, City Attorney, called on Fire Marshall, Jason Brown, to the podium and asked him a series of questions to present evidence to the council.

Bruce Downey: Mr. Brown, was a business license issued to JMS LLC, this past year?

Jason Brown: Yes, sir.

Bruce Downey: What was the line of business that was licensed by the city?

Jason Brown: The license that was applied for and received was a 7221-full restaurant service license.

Downey: Did the licensee JMS, LLC apply for a liquor license?

Brown: They did apply through the ABC board but the City of Anniston never received that application.

Downey: Was a liquor license ever granted?



Brown: No sir.

Downey: So, at no time did JMS, LLC hold a liquor license?

Brown: No sir.

Downey: Did the taxpayer JMS, LLC operate as a restaurant?

Brown: Essentially yes sir, in the beginning. There was an attempt to operate as a restaurant during breakfast and brunch and then transitioned into what appeared to be a club and a bar during the afternoons.

Downey: Has the taxpayer been operating as a restaurant?

Brown: No sir, due to the fact that there have been cover charges at the door, the activities that have been going on, and the timeframe at which those activities have taken place.

Downey: Has the taxpayer allowed the use of alcoholic beverages within the business premises without a license? And has that been an ongoing activity?

Brown: Yes.

Downey: The City adopted the ordinance 23-O-4, Sec 3.53 prohibiting the brown bagging of beverages. This ordinance prohibits bringing alcoholic beverages for consumption onto the premises. And since the ordinance went into effect on May 8, 2023, has the business been allowing the brown bagging and promoting it?

Brown: Yes

Downey: Has your office attempted to address these concerns in respect to the license and the use and consumption of alcoholic beverages?

Brown: Yes, three notices were sent from the Fire Marshall's office and the City of Anniston to the licensee on February 15, 2023, March 21, 2023, and June 6, 2023 all via certified mail.

Downey: Did the taxpayer respond to these notices? And has there been any attempt by the taxpayer to comply with the requirements of the fire marshal's office and the city law?

Brown: No

Downey: Are you aware of any dangerous activities that have occurred in the premises, with respect to fireworks or other fire hazards?

Brown: Yes, there was the discharge of fireworks within the premises on July 4.

Downey: Was there any license or code violations, that your office is aware of?

Brown: They have received complaints through occupants that there was overcrowding on elevators from the business, smoking, and the consumption of alcohol and other substances.

Downey: Are you of the opinion that there are activities occurring within the premises that are dangerous, offensive, disturbing and harm to the public health, safety, and welfare? And do you believe the revocation of this business license is necessary to protect the interest of the public?

Brown: Yes

Council Member Smith: Did the City of Anniston deny an alcohol license for Rooftop 801?

Brown: The City of Anniston never formally denied the license, because it never received the application. Although the ABC board for the state of Alabama did deny a license at which the opportunity to repeal occurred. The licensee chose to appeal, pending a hearing. Then repealed his appeal to not have that hearing, relinquishing any efforts to receive a license from the state.

Mayor Draper: When did the ABC board initially deny the license?

Brown: Sometime around March

Bruce Downey, City Attorney, called on Police Chief, Nick Bowles, to the podium and asked him a series of questions.

Bruce Downey: Chief Bowles, has your department had the opportunity to investigate the activities of this taxpayer?

Chief Bowles: We have.

Bruce Downey: Have you been able to determine whether or not there have been violations of the city's ordinance prohibiting brown-bagging?

Chief Bowles: Yes, sir. We have firsthand accounts, citizen complaints, pictures and video of brown-nag violations after the city passed the ordinance.

Downey: Do you have any knowledge or evidence of violations of the city's ordinance prohibiting smoking within public places?

Bowles: Yes, sir. We have firsthand accounts, citizen complaints, pictures and video of people smoking hookahs and other tobacco items in full view of staff and other patrons in violation of the city's smoking ordinance. As well as firsthand accounts and citizen complaints of people smoking marijuana in full view of staff and patrons in violation with Alabama State marijuana possession laws and the city's smoking ordinance.

Downey: Has this been on-going activity?

Bowles: The smoking of marijuana, I can't testify to.

Downey: Chief has your department been responding to incidents of violent conduct at the premises?

Bowles: We have. I re-ran the numbers today, since February 11 disturbance/ fight calls, 2 disturbances involving firearms, 7 assaults reported, 9 misc. calls for service, and there is no way of knowing what was not reported.

Downey: Is there a high incidence of criminal activity of that nature at this location?

Bowles: There is.

Downey: Do you have any knowledge of whether there has been the display of dancers engaged in sexual conduct in violation of Sec. 3.56 of the city code of ordinances?

Bowles: Yes. We received pictures and videos of dancers engaged in sexual conduct in violation of the city ordinance.

Downey: Has there been incidents of unreasonably loud disturbing, unnecessary and excessive noise from this business premises?

Bowles: We have received several noise complaints, as well of officers videoing the excessive noise from the police department parking lot, which is blocks away. We witnessed the noise from Woodstock Ave, where the noise complaints came from.

Downey: Do you have an opinion if the activity happening at this business is dangerous, offensive, disturbing in the interest to the public health, safety, and welfare.

Bowles: Yes. I believe it is within the public's best interest if this business was not in operation. Their security is supposed to be responsible for the safety inside the building and the parking lot. It is fortunate that there has not been any loss of live at this time.

Downey: Are you concerned that if actions are not taken by the council that there will be serious injury or loss of life?

Bowles: I have been doing this for 23 years and there will be serious injury or loss of life.

Mayor Draper called Manuel Santana to the podium to present.

Manuel Santana, Owner of Rooftop 801 called on Miana Jacobs and began their presentation.

Manuel Santana: What is our policy on handling liquor in or around the establishment?

Miana Jacobs: We do not serve liquor. They bring their own liquor and we supply the juice or whatever such as cups and ice.

Mr. Santana: We don't serve alcohol. We don't mix alcohol. We don't condone alcohol-use. At the said time of alcohol use there was no ordinance in place. After the council passed the ordinance that said there is no more B.Y.O.B, we no longer advertised B.Y.O.B. There are no flyers advertising it. We are simply a restaurant that offers nightlife feel. This city has put in an entertainment district, so we came in to offer food to that new addition. I asked the council and the police to chief to change the ordinance and allow me to hire off duty police officers to patrol the parking lot. We understand that this city has an outrageously high crime rate that cannot be contained within the city much less the restaurant at the top. We understand that law enforcement can no longer protect and serve the Waffle House because of incidents that happen there at 2:00 am. Why are we held to a higher standard than everyone else?

I do not work at the restaurant so I was given the evidence by Chief Bowles regarding the dancers. Neither woman was fully exposed and we are not an establishment that serves alcohol, which is a violation of the law. This restaurant was not opened up to public access during that time. This was a bachelor party which was a private event. To my understanding fireworks have explosives in them. So if you set off explosives in an establishment that is called an act of terrorism? Correct. So, if I am a victim of active terrorism, instead of this city officials coming to our aid, there was no one there.

We advertise food sales and entertainment. Moving forward, we still operate as a restaurant. I don't serve liquor. The brown bagging is a citation and I have never received any citation for the noise

ordinance or any of that. As far as overcapacity, our establishment has 1100 square feet inside a glass container, the outside capacity has 2300 square feet. Which gives a full capacity of 135 patrons. Every time we have had a complaint about noise or odor, I have hired, fired and changed operations. So there is not a pattern of neglecting the problems.

So the first 90 days I gave a run of the higher end and it did not sustain. The second 90 days I still give the run of the higher end and added some of the night time, it sustained but the liability and the danger is not worth it. So give me the citations that are here and allow me to readjust into something that is compatible to the demographic that we have. Ultimately we want to be a part of this entertainment district. It is no different than a Waffle House with a dj.

Yes, we do need help with security. I went to the Anniston department and asked can I hire your people off duty and I am not trained to do it. I don't want it to seem like it is us against the city. We have a petition of over 1200 people that want us to stay open as a restaurant. They love our food. The issue here is a matter of security. Noble street has been empty, so we bring 200/300 patrons. The door fee is to separate the riff raff from the higher end.

There is violent crime here. By FBI statistics out 100, Anniston scored 96. So to put that on me, that this community has a problem and its laws are misguided. To turn it on patrons that are here is not fair. I believe this is a learning curve and we can work together as a team. I received one of this regarding the B.Y.O.B to my billing address. If nothing was sent to the address on my business license, I did not receive it. I am doing my best. I am asking you all to allow me redirect.

Council Member Smith: Are you the only legal owner that is responsible for Rooftop 801 that is in this room?

Mr. Santana: Yes, ma'am.

Council Member Smith: You stated that you have not advertised B.Y.O.B but have you allowed people to continue to bring in alcohol after the brown bagging ordinance went into effect on May 8, 2023?

Mr. Santana: Yes.

Council Member Smith: Were you checking IDs when you allowed people to enter into Rooftop 801 with alcohol?

Mr. Santana: Yes. The 1099 subcontractor security checks IDs.

Council Member Smith: You stated that you deemed the fireworks an act of domestic terrorism, did you report the fireworks that occurred on July 4<sup>th</sup> in Rooftop 801?

Mr. Santana: Unfortunately, I am not employed by the Anniston police department nor am I an investigator.

Council Member Smith: But it happened in your establishment, so did you file a report on the act of terrorism, that you deemed in your establishment?

Mr. Santana: No I did not.

Council Member Smith: Did you file a report when you were physically assaulted in the establishment that you own, Rooftop 801?

Mr. Santana: No I did not.

Mayor Draper: Whose name appeared on the application for the ABC license?

Mr. Santana: Mine did.

Damien Flucker addressed the council on being in support of Rooftop 801. He stated, we want to try and keep our license open with you guys. As Manuel stated, we did a 90-day run with higher end customers, and it didn't work out too good. We did a 90-day run with another type of clientele. Essentially at the beginning it was fine. You can't control everything.

Gina Cortenez addressed the council that they started off as a restaurant and were doing verily good. We continued to be a restaurant just changing the menu and therefore changing our clients. We never stopped being a restaurant.

Xavier Santana addressed the council that he has never experienced any issues are the Rooftop. He stated that B.Y.O.B was okay at first then it was not. It almost seemed liked the ordinance was done out of spite. With the right security and preparation, it can be a pretty peaceful place. I think it's fair to give the Rooftop another chance and work out their kinks.

Yasmine Pilea addressed the council that as far as the 4<sup>th</sup> of July, she was serving that night. There was security, and they did check thoroughly. It was a small firecracker and no one knew it was coming. Manny could not prevent that. He has tried to enforce more security.

Council Member Smith asked if Yasmine knew how many security officers were in attendance on the night of July 4<sup>th</sup>?

Yasmine Pilea stated that she believes 2 or 3.

Alexis Ford addressed the council that she noticed a lot of changes from the time she has started. She stated that for the most part everyone gets along good. She stated that they can only do so much. She said that they depend on Rooftop 801 to support their families.

Council Member Smith asked Alexis, if on any night she has worked, has she seen any physical altercations or assaults within the building?

Alexis Ford stated she has witnessed it in the parking lot but not inside the building.

Council Member Smith asked if to her knowledge, were they always reported?

Alexis Ford stated that she has seen officers drive by but no altercations inside.

Council Member Smith asked if since May 8<sup>th</sup>, has she seen the use of alcohol in Rooftop 801?

Alexis Ford stated that yes she had seen the use of alcohol in Rooftop 801.

Council Member Smith asked if Alexis had witnessed the sell or use of hookahs in Rooftop 801?

Alexis Ford stated that they do not sell hookahs.

Council Member Smith asked if she witnessed the use of hookahs?

Alexis Ford stated that she has seen 1 since she started working there.

Council Member Smith asked if she witnessed the use of marijuana?

Alexis Ford stated that she had not.

Mayor Draper asked if security checks for marijuana or drugs?

Alexis Ford stated they do. They check purses, they pat down, and make sure no one has anything.

Mayor Draper made a motion to accept the city manager's petition and revoke the business license of JMS, LLC doing business as Rooftop 801. 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 business license for Rooftop 801 was revoked.

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 Smith, Harris, and Draper; nays: none. The motion carried and the meeting was adjourned at approximately 5:39 o'clock p.m.

# CONSENT AGENDA

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

### 2023-2027 CONSOLIDATED PLAN & ANNUAL ACTION PLAN

#### A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF ANNISTON, ALABAMA, ADOPTING 2023-2027 CONSOLIDATED PLAN AND THE 2023 ANNUAL ACTION PLAN BUDGET FOR THE CITY OF ANNISTON'S COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM AND THE ANNISTON/CALHOUN COUNTY HOME CONSORTIUM'S HOME PROGRAM

**WHEREAS**, the City of Anniston is the grantee and administrative entity for the City of Anniston's Community Development Block Grant (CDBG) Program and the Anniston/Calhoun County HOME Consortium's HOME Investment Partnerships (HOME) Program; and

**WHEREAS**, the City has followed all procedures prescribed by HUD regulations and met all of its legal obligations under the CDBG and HOME programs including the requirements of its approved Citizen Participating Plan; and

**WHEREAS**, the City Council wishes to approve the 2023-2027 Consolidated Plan and 2023 Annual Action Plan for submission to HUD including the allocation of the sum of the Program Year 2023 CDBG Grant allocation of \$524,860.00 and the sum of the Program Year 2023 HOME allocation of \$343,033.00.

**NOW, THEREFORE**, be it resolved by the City of Anniston that:

1. The 2023-2027 Consolidated Plan and Program Year 2023 Annual Action Plan and budget are approved and hereby adopted in the following amounts for the period beginning October 1, 2023 and ending September 30, 2024.

#### Program Year 2023 Budget

2023 CDBG Budget Allocations			
Organization	Project Title	Funding Category	Recommended Funding
City of Anniston - Building & Safety Division	Demolition/Blight Removal of Substandard Structures	Clearance & Demolition	\$ 150,000.00
Community Enabler Developer, Inc.	Food/Utility Assistance	Public Services	\$ 10,000.00
St. Michael's Medical Clinic	Healthcare for the Underserved Expanded	Public Services	\$ 20,000.00
Interfaith Ministries	Interfaith Ministries Emergency	Public Services	\$ 8,500.00
All Saints Interfaith Center of Concern	Emergency Utility Assistance	Public Services	\$ 10,000.00
The Right Place for Housing and Support	Supportive Services	Public Services	\$ 10,000.00
City of Anniston - Parks and Recreation Dept	Youth Empowered for Success (YES) Program	Public Services	\$ 10,000.00
City of Anniston CDBG Administration			\$ 104,972.00
City of Anniston Public Works	Infrastructure Improvements in LMI's	Public Facility	\$ 201,388.00
<b>TOTAL ALLOCATIONS</b>			<b>\$ 524,860.00</b>
2023 HOME Budget Allocations			
Organization	Project Description	Funding Category	Recommended Funding
The Right Place Inc	TBRA Rental Assistance	TBRA	\$ 25,000.00
Calhoun Cleburne Habitat for Humanity	New Home Construction	New Construction	\$ 132,274.75
Fresh Start Homes LLC	Chestnut Village New Construction Home 3	New Construction	\$ 100,000.00
City of Anniston Administration			\$ 34,303.30
CHDO 15%			\$ 51,454.95
<b>TOTAL ALLOCATIONS</b>			<b>\$ 343,033.00</b>



2. The City Manager, as Chief Administrative Officer of the City of Anniston, Alabama, is authorized to apply for CDBG and HOME funds by submission of said documents to HUD, and to execute all other documents, forms, agreements, certifications, assurances, or reports that may be requested by HUD in relation to said Plan and to undertake all action and steps that may be necessary to complete the Plan.

**PASSED AND ADOPTED** this **1<sup>st</sup>** day of **August, 2023**.

CITY COUNCIL OF THE CITY OF  
ANNISTON, ALABAMA

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Jack Draper, Mayor

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Jay Jenkins, Council Member

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Demetric Roberts, Council Member

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Ciara Smith, Council Member

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Millie Harris, Council Member

ATTEST:

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Skyler Bass, City Clerk

7/27/2023

## FACT SHEET

**SUBJECT:** Evaluation of bids for the Resurfacing of a Portion of E. 18<sup>th</sup> Street, E. 19<sup>th</sup> Street, & Legrande Avenue (Project No: 2023-008P)

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

### VENDORS SUBMITTING BIDS

Alabama Grading and Excavation	\$117,590.00
Massey Asphalt Paving	\$168,808.60
Mid South Paving	\$182,685.00
Vulcan Materials	\$136,296.50
Wiregrass Construction	\$174,438.50

**RECOMMENDATION:** The bid should be awarded to Alabama Grading and Excavation, in the total amount for \$ 117,590.00.

7/27/2023

## FACT SHEET

**SUBJECT:** Evaluation of bids for the Abatement & Selective Demolition for the Anniston Historic Courthouse (Project No: 2023-011)

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

### VENDORS SUBMITTING BIDS

Atrium Industries	\$397,223.00
Bradshaw & Pitts	\$627,200.00
Hale Building Company	\$640,503.00

**RECOMMENDATION:** The bid should be awarded to \_\_\_\_\_ in the amount of \$ \_\_\_\_\_. \_\_

## **ORDINANCES**

**ORDINANCE NUMBER 23-O-\_\_**

**AN ORDINANCE AMENDING CHAPTER 3, ARTICLE VIII OF THE  
CODE OF ORDINANCES ESTABLISHING THE DOWNTOWN  
ANNISTON ARTS AND ENTERTAINMENT DISTRICT**

WHEREAS, effective May 16, 2012, the legislature of the State of Alabama enacted into law Act No. 2012-438, now appearing as Section 28-3A-17.1, Code of Alabama, 1975, as amended, authorizing certain categories of municipalities to create special entertainment districts within which alcoholic beverages may be consumed outside the licensed premises;

WHEREAS, pursuant to Section 28-3A-17.1, the City of Anniston is authorized to establish two (2) entertainment districts within the corporate city limits;

WHEREAS, by Ordinance No. 16-O-21, codified in Chapter 3, Article VIII of the Code of the City of Anniston, 1981, the Council established the Downtown Anniston Arts and Entertainment District (the "District");

WHEREAS, by Ordinance No. 23-O-3, the Council amended Chapter 3, Article VIII of the Code of the City of Anniston, 1981, governing the District in order to reduce the boundaries of the District, to expand access to all licensed premises within the boundaries of the District, and to allow the patrons of any district licensee to exit the licensed premises with open containers of alcoholic beverages and to consume alcoholic beverages within the confines of the District during specified time periods and subject to certain restrictions and regulations;

WHEREAS, the Council desires to amend Chapter 3, Article VIII, Sec. 3.91(a) to alter the boundaries of the District;

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

Section 1. The City Council of the City of Anniston, Alabama hereby amends and restates Section 3.91(a) of the "The Code of the City of Anniston, Alabama, 1981," to state in its entirety as follows:

**Sec. 3.91 – Designation of District; Entertainment District Permit.**

- (a) There is hereby established the Downtown Anniston Arts and Entertainment District, which shall encompass the areas within the following boundary:

Noble Street from its intersection with East 9<sup>th</sup> Street to its intersection with East 13<sup>th</sup> Street; East 13<sup>th</sup> Street from its intersection with Noble Avenue to its intersection with Walnut Avenue; Walnut Avenue from its intersection with West 13<sup>th</sup> Street to its intersection with Moore Avenue; Moore Avenue from its intersection with West 12<sup>th</sup> Street to its intersection with West 10<sup>th</sup> Street; West 10<sup>th</sup> Street from its intersection with Moore Avenue to its

intersection with Noble Street; and Noble Street from its intersection with West 10<sup>th</sup> Street to its intersection with West 9<sup>th</sup> Street.

\* \* \* \*

Section 2. This Ordinance shall become effective upon passage, adoption, and publication one time in the Anniston Star, a newspaper of general circulation within the City of Anniston.

PASSED and ADOPTED on this the \_\_\_\_ day of \_\_\_\_\_, 2023.

CITY COUNCIL OF THE CITY OF  
ANNISTON, ALABAMA

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

\_\_\_\_\_  
Jay W. Jenkins, Council Member

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

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

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

ATTEST:

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

**ORDINANCE NO. 23-O-\_\_**

**AN ORDINANCE DECLARING SURPLUS REAL PROPERTY  
AND AUTHORIZING CONVEYANCE OF THE SAME**

WHEREAS, the City of Anniston does own and possess certain real property located on South Allen Avenue, identified as Parcel Number: 21-04-17-1-001-012, Pin Number: 66431, said property being more particularly described as follows:

SEC 17 TSP 16S RNG 08E SOUTH ANNISTON LAND CO  
DIV A BLK 6 LOT 7 ANNISTON ALA

(referred to herein as the “Property”);

WHEREAS, the Property is vacant and is not connected to any other municipal properties, and the City does not need or utilize the Property for any municipal or public purpose;

WHEREAS, Ella Ridgnal (“Ridgnal”) resides at 421 South Allen Avenue and owns the parcel adjacent to the Property;

WHEREAS, Ridgnal desires to purchase the Property, and in consideration of the purchase price in the amount of \$500.00, which the Council finds to be good, valuable and sufficient under the circumstances, the Council finds that it is in the best interests of the City and its citizens to convey the City’s title and interest in the Property, if any, to Ridgnal;

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

1. Declaration of Surplus Real Property. It is hereby established and declared that the City of Anniston’s interest in the Property is surplus real property that is no longer used or needed by the City for public or municipal purposes.
2. Conveyance of the Property to Ridgnal. The Mayor and the City Clerk are hereby authorized and directed to execute and attest, respectively, for and on behalf of the City of Anniston, Alabama, a quitclaim deed in the form and substance of Exhibit A, hereto, granting the City’s right and title to the Property, if any, to Ridgnal in exchange for delivery in hand to the City payment in the amount of \$500.00.
3. Effective Date. 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** this \_\_ day of \_\_\_\_\_, 2023.

CITY COUNCIL OF THE CITY OF  
ANNISTON, ALABAMA

By: \_\_\_\_\_  
Jack Draper, Mayor

By: \_\_\_\_\_  
Jay W. Jenkins, Council Member

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

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

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

ATTEST:

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



THIS QUITCLAIM DEED WAS PREPARED WITHOUT  
THE BENEFIT OF A TITLE SEARCH. NO REPRESENTATIONS ARE MADE  
CONCERNING TITLE BY THE PREPARER OF THIS QUITCLAIM DEED.

STATE OF ALABAMA     )

COUNTY OF CALHOUN   )

**QUITCLAIM DEED**

KNOW ALL MEN BY THESE PRESENTS, that, effective as of the \_\_\_\_ day of \_\_\_\_\_, 2023, and pursuant to the duly adopted ordinance of the City of Anniston, Ordinance No. 23-O-      , a copy of which is attached hereto, and for Five Hundred Dollars (\$500.00) and other good and valuable consideration, the undersigned,

CITY OF ANNISTON, ALABAMA,

(herein referred to as “Grantor”) does by these presents REMISE, RELEASE, QUITCLAIM and CONVEY unto:

ELLA RIDGNAL, a [married/unmarried/widowed] woman,

(herein referred to as “Grantee”) any and all right, title, interest and claim of Grantor in and to the following described real property situated in Calhoun County, Alabama; to wit:

SEC 17 TSP 16S RNG 08E SOUTH ANNISTON LAND CO  
DIV A BLK 6 LOT 7 ANNISTON ALA  
Parcel Number: 21-04-17-1-001-012  
Pin Number: 66431

(referred to herein as the “Property”).

TO HAVE AND TO HOLD to the said Grantee, Grantee’s successors and assigns, subject to:

Grantee shall accept the Property, as is, where is, and shall further accept and acknowledge this quitclaim deed and conveyance of the Property without warranty of any kind, express or implied, on the part of the Grantor, including its officers, employees, representatives, agents, and attorneys.

Further subject to taxes for the current year, easements of record, easements as located, and restrictions of record, if any.

IN WITNESS WHEREOF, the said Grantor has hereto set Grantor’s hand and seal as effective of the date first set forth above.

GRANTOR:

CITY OF ANNISTON, ALABAMA

BY: \_\_\_\_\_

NAME: Jack Draper

TITLE: Mayor, City of Anniston, Alabama

STATE OF ALABAMA     )

COUNTY OF CALHOUN    )

I, the undersigned, a Notary Public in and for said County in said State, hereby certify that Jack Draper, whose name as Mayor of the City of Anniston, Alabama, a municipal corporation, is known to me and signed to the foregoing instrument, acknowledged before me on this day that, being informed of its contents, he, with full authority, executed the same voluntarily for and as the act of said corporation.

Given under my hand and official seal this the \_\_\_\_ day of \_\_\_\_\_, 2023.

(SEAL)

\_\_\_\_\_  
Notary Public

My Commission Expires: \_\_\_\_\_

ATTESTED BY:

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

Prepared by:

Bruce J. Downey IV, Esq.  
The Downey Law Firm, LLC  
P.O. Box 626, Anniston, AL 36202