

CITY OF ANNISTON

March 19, 2024

5:30 P.M.

- **INVOCATION**
- **PLEDGE OF ALLEGIANCE**
- **CALL TO ORDER**
- **ROLL CALL**
- **READING/APPROVAL OF MINUTES OF PREVIOUS MEETING**
 - February 20, 2024
 - February 27, 2024 Called Meeting
 - March 4, 2024 Called Meeting
- **ADDITIONS/DELETIONS TO THE AGENDA**
- **ADOPTION OF AGENDA**

I. BOARD CONFIRMATION

- (a) Emily Robison – Anniston Water Works and Sewer Board

II. 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) Receive public comments over-ruling objections to the abatement of identified nuisances

III. UNFINISHED BUSINESS

IV. CONSENT AGENDA

- (a) Resolution authorizing reimbursements to city officials for expenses incurred while traveling away from the City
- (b) Resolution over-ruling objections to the abatement of identified nuisances Group 2024-01
- (c) Resolution appointing member(s) to the Anniston Water Works and Sewer Board
- (d) Resolution declaring personal property as surplus and authorizing the disposal of said property
- (e) Motion to award bid for FY2024 CDBG Demolition of seven (7) substandard structures to Emtek for a total \$36,100.00 and one (1) substandard structure to T and D for \$10,500.00
- (f) Motion to award bid for purchase of 40 – 50 Sig Sauer M400 Pro Rifles for the Police Department to Gulf Shores Distributors in the amount of \$959.00 per rifle
- (g) Motion to reject bid for HVAC/Humidification replacement for Anniston Museums & Garden
- (h) Motion to appointment _____ as the Voting Delegate and _____ as the 1st Alternate Voting Delegate at the Alabama League of Municipalities Annual Business Meeting on May 17, 2024

V. ORDINANCES

- (a) Ordinance declaring surplus real property and authorizing conveyance of the same **1ST Reading**

VI. RESOLUTIONS

- (a) Resolution authorizing Second Amendment to Development Agreement between the City of Anniston, Alabama and Blackwater Development Company, LLC
- (b) Resolution authorizing the City of Anniston to join the State of Alabama and Other Local Governments as participants in current Opioid Settlements
- (c) Resolution authorizing disbursement from New Business Sales Tax Revenue Education Fund
- (d) Resolution authorizing acquisition of certain real property

VII. ADDITIONAL OR OTHER MATTERS THAT MAY COME BEFORE COUNCIL

VIII. 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.

COUNCIL COMMENTS

ADJOURNMENT

MINUTES

Anniston, Alabama

February 20, 2024

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, February 20, 2024, at approximately 5:42 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, Smith, and Draper; absent: Council Member Harris. 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 February 6, 2024 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, Smith, and Draper; nays: none. The motion carried and the February 20, 2024 regular meeting minutes were approved.

Mayor Draper made a motion to adopt the agenda with the removal of a public hearing to receive public comments regarding a Special Retail more than 30 days Liquor License for South Beach Volleyball at McClellan LLC d/b/a South Beach Volleyball located at 100 Symphony Way inside the corporate city limits, removal of item (f) Motion to approve a Special Retail More than 30 days Liquor License for South Beach Volleyball at McClellan LLC d/b/a South Beach Volleyball located at 100 Symphony Way inside the corporate city limits, and the addition of a motion to authorize the Mayor to execute a commercial lease agreement extension with Consolidated Publishing Inc. for property located at 4305 McClellan Blvd. 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 and Draper; nays: none. The motion carried and the amended agenda was adopted.

Mayor Draper introduced a board confirmation hearing for Frazier Burroughs to the McClellan Development Authority.

Mayor Draper made a motion to approve the consent agenda:

- (a) Resolution appointing member(s) to the McClellan Development Authority (24-R-9)
- (b) Resolution declaring a reported condition to be a public nuisance (24-R-10)
- (c) Resolution authorizing the Mayor to execute an agreement with the State of Alabama acting by and through the Alabama Department of Transportation for Signal Timing Update and Implementation (24-R-11)
- (d) Resolution authorizing purchase of one (1) Sutphen Corporation Demo Pumper and Lease-Purchase Agreement with Leasing 2, Inc. (24-R-12)

- (e) Motion to award bid to include alternates for resurfacing of a portion of Lera Dr. & Multiple Patching locations for the City of Anniston to Alabama Grading and Excavation in the amount of \$203,572.50
- (f) Motion to suspend the rule requiring the City Council to meet the first Tuesday of March 2024 due to the Primary Election and November 2024 due to the General Election
- (g) Motion to suspend the rule requiring the City Council to meet on the third Tuesday of April 2024 due to Primary Runoff Election

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, and Draper; nays: none. The motion carried and the consent agenda was approved.

Mayor Draper introduced the resolution authorizing expenditure of Opioid Settlement Funds.

Mayor Draper made a motion for passage and adoption of the resolution authorizing expenditure of Opioid Settlement Funds. 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, and Draper; nays: none. The motion carried and the resolution was passed and adopted. (24-R-13)

Mayor Draper made a motion to award the bid for the Chief Ladiga Trail Project to B&B Developers in the amount of \$7,267,263.39. The motion was seconded by Council Member Jenkins.

Council Member Jenkins made a motion to table the motion to award the bid for the Chief Ladiga Trail Project to B&B Developers in the amount of \$7,267,263.39. The motion was seconded by Mayor Draper and on call of the roll the following vote was recorded: ayes: Council Member Jenkins, Roberts, Smith, and Draper; nays: none. The motion was tabled.

Mayor Draper made a motion to authorize the Mayor to execute a commercial lease agreement extension with Consolidated Publishing Inc. for property located at 4305 McClellan Blvd. 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, and Draper; nays: none. The motion carried.

Council Member Jenkins stated that they continue to miss Council Member Harris and they excited for her improvements. He thanked staff for their hard work and everything they do. He gave the Anniston High School Girls Basketball Team a shout out for advancing to Elite 8.

Council Member Roberts stated that there is still senseless violence happening in this city. He stated that we are at a disadvantage. He stated that it is almost every other weekend where someone is getting shot or shot at in his ward. He stated that he has not be will be conducting a press conference soon. He stated that they have to figure out something and they are headed to a point of no return.

Council Member Smith had no comments.

Mayor Draper had no comments.

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, and Draper; nays: none. The motion carried and the meeting was adjourned at approximately 5:54 o'clock p.m.

Anniston, Alabama

February 27, 2024

The City Council of the City of Anniston, Alabama, met in Special Called Session in Room B at the Anniston City Meeting Center in the City of Anniston, Alabama, on Tuesday, February 27, 2024, at approximately 5:01 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.

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 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 made a motion to award the bid for the Chief Ladiga Trail Project to B&B Developers in the amount of \$7,267,263.39. The motion was seconded by Council Member Harris.

Council Member Jenkins stated that he and Council Member Smith met with the engineering team to see if there were any potential savings; and from that the engineering team developed a list of seven items. He stated that he makes the following recommendations:

1. Reducing the base down from 3 inches to 2 inches
2. Cut the Construction Evaluation and Inspection budget down to 75% inspections
3. Council Members would take a portion of their paving dollars, which would amount to no more than \$25,000.00 per council member and they could finish the section from 11th street to 4th street with those paving dollars. (He recommends option 3c)
4. Cut the contingency monies
5. Reduce the binder layer (lower binder) from 250lb to 220lbs per square yard- 2inch binder 1 ½ wearing surface
6. Eliminate the sod grass and replace with seed

He stated that he does not recommend the engineer's recommendation of item 5, because it takes the wear and tear off of the length of the trail from Michael Tucker Park to the finish. He does not believe that would be a good decision. He stated that if the council agrees with his proposals it would yield a \$669,000.00 reduction to the contract amount. He stated that they have a parking lot they are getting ready to bid at 12th and Noble, and he recognizes the parking lot is important but he recommends putting a pause on that until they know where they stand on receiving additional funding from the state and federal government. He stated that would yield a savings of about 1.2 million which would allow the council to leave that in reserves.

Council Member Jenkins made a motion to amend the motion to award the bid for the Chief Ladiga Trail Project to B&B Developers in the amount of \$7,267,263.39 to include his cost saving recommendations with the understanding that they are still dealing with unit prices and those numbers may not be exact

numbers. 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 motion was amended.

Council Member Smith stated that this decision is being forced upon them very quickly because of the endangered species but they need adequate time to make a decision, which they don't have.

Council Member Harris thanked Council Member Jenkins and Council Member Smith for coming together and finding some solutions on how they can save money with this project. She stated that the cost of this project is disconcerting and she understands Council Member Smith's reservations.

Council Member Roberts asked that if there are other projects on the table that they could kick down the road? He stated that they are giving 1.2 million dollars to the Homeless Task Force for the homeless center. He stated that he understands this is an issue but there are other funding sources out there. He stated that the homeless issue is not an Anniston issue, but an issue that Anniston is being forced to deal with. He stated that Anniston is the only entity funding the project.

Council Member Smith stated that she hates that the homeless shelter is being brought into the conversation. She stated that the parking lot and Chief Ladiga Trail mostly benefit tourists. She stated that there are people in Anniston that would greatly benefit from the services of this transitioning center. She urges the council to leave this project alone. She stated that they are basing decisions regarding the trail, on what we think will happen. She stated that they will be in violation of their ordinance and they will not have the 17% in reserves. She stated that her reservations are purely based off fiscal responsibilities and this project is not fiscally responsible. She stated that in good faith she cannot support this project because it will potentially put this city in a financial risk.

Mayor Draper stated that he understands everyone's concerns but he believes that the city's future economic development is contingent upon the completion of this trail. He stated that this will not only be an economic boom for regional businesses but a boom to the general fund via sales tax revenue. He stated that he is confident that the sales tax revenue will increase and that the city will receive outside funding for this project from both state and federal sources.

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

Mayor Draper reiterated for the record that in regards to the motion to award the bid for the Chief Ladiga Trail Project to B&B Developers subject to the approved Jenkins amendment.

And on call of the roll the following vote was recorded: ayes: Council Member Jenkins, Roberts, Harris, and Draper; nays: Council Member Smith. The amended motion was approved.

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 Jenkins, Roberts, Smith, Harris and Draper; nays: none. The motion carried and the meeting was adjourned at approximately 5:26 o'clock p.m.

Anniston, Alabama

March 4, 2024

The City Council of the City of Anniston, Alabama, met in Special Called Session in Room B at the Anniston City Meeting Center in the City of Anniston, Alabama, on Tuesday, March 4, 2024, at approximately 5:31 o'clock p.m.

Laura Hutchinson, Senior Pastor of First Christian Church, prayed the Invocation.

Laura Hutchinson, Senior Pastor of First Christian Church, 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.

Steven Folks, City Manager, was present.

Bruce Downey, City Attorney, was present.

Council Member Harris made a motion to adopt the agenda. 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; nays: none. The motion carried and the agenda was adopted.

Mayor Draper opened a public hearing to receive public comments regarding a 020-Restaurant Retail Liquor License for South Beach Volleyball at McClellan d/b/a South Beach Volleyball located at 100 Symphony Way inside the corporate city limits. No one spoke. Mayor Draper closed the public hearing to receive public comments regarding a 020-Restaurant Retail Liquor License for South Beach Volleyball at McClellan d/b/a South Beach Volleyball located at 100 Symphony Way inside the corporate city limits.

Mayor Draper opened a public hearing to receive public comments regarding a 160-Special Retail More Than 30 Days Liquor License for Sinclair Social LLC d/b/a Sinclair Social located at 33 W 10th Street located in the corporate city limits. No one spoke. Mayor Draper closed the public hearing to receive public comments regarding a 160-Special Retail More Than 30 Days Liquor License for Sinclair Social LLC d/b/a Sinclair Social located at 33 W 10th Street located in the corporate city limits.

Mayor Draper made a motion to approve a 020-Restaurant Retail Liquor License for South Beach Volleyball at McClellan d/b/a South Beach Volleyball located at 100 Symphony Way inside the corporate city limits. 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 to approve a 160-Special Retail More Than 30 Days Liquor License for Sinclair Social LLC d/b/a Sinclair Social located at 33 W 10th Street located in the corporate city limits. The motion was seconded by Council Member Jenkins and on call of the roll the following vote was recorded: ayes: Council Member Jenkins, Roberts, Harris, and Draper; nays: none. The motion carried.

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 5:35 o'clock p.m.

CONSENT AGENDA

RESOLUTION NO. 24-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. \$81.50 to Aimee Grey, Museum Education Department, while attending EEAA/ANTS Conference at Camp McDowell in Nauvoo, Alabama on February 16 – 18, 2024.

PASSED AND ADOPTED this **19th** day of **March, 2024**.

**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 24-R-__

**A RESOLUTION OVER-RULING OBJECTIONS TO THE ABATEMENT OF IDENTIFIED
NUISANCES**

WHEREAS, Act 1995-375, Section 2, Amended by Act 2004-256 and codified as Sections 45-8-172, et seq. of the Code of Alabama, 1975, defines public nuisances and authorizes the City to order or otherwise accomplish the removal of such nuisances; and

WHEREAS, the City of Anniston has identified herein a specific list of such nuisances and the appropriate remedies to abate each nuisance; and

WHEREAS, the City of Anniston has notified the property owners or other parties that may be held responsible and has held a public hearing to consider objections to the proposed remedy as required by law.

NOW THEREFORE BE IT RESOLVED, by the City Council of the City of Anniston, Alabama that all objections and protests to the nuisance remedies identified in Exhibit "A" attached is hereby over-ruled and the recommended remedies are ordered to be applied to abate the nuisances according to the procedures and processes in Section 34.3 of the Code of Ordinances of the City of Anniston, Alabama.

PASSED AND ADOPTED this the **19th** day of **March, 2024**.

**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

Exhibit "A"**Group 2024-01 Grass, Debris & Vehicles**

Address	PPIN	Owner	Nuisance
1711 Moore Ave	20240	Phillips, Tyler& Martha C/O Walker, Victoria	Grass/Debris
3825 George St	26968	Thomas Woodrow	Grass/Debris
619 Knox Ave	17690	Edward grant Lovvorn	Grass/Debris
1108 S Leighton Ave	66747	Caviness, Johnnie C/O Mary Ellen Johnston	Grass/Debris
428 E. 22 nd St	93300/93299	South, Tessa Danielle	Grass
215 W 30 th St	26038	Chapple, Gabriel Devon	Grass/Yellow Mercedes Sedan, unk tag, Brownish Mercedes Sedan, unk tag
2020 Christine Ave	21226	Cox, T O and Edna	Grass/Debris
302 Lucius Drive	67395	Sunny JV LLC	Grass/Debris
2013 Christine Ave	61737	Nunn, Leonard & Glenda Sue	Grass/Debris
400 W Oak St	18380	Ervin, Harold Frank Jr.	Grass/Debris
1220 Constantine Ave	67224	Felton, Tonya	Grass/Debris
427 Chestnut Ave	63454	Jashena Brown	Trvl Trailer-Unkn plate/Debris
431 Chestnut Ave	18312	William E. Mitchell	Grass/Debris
1614 Walnut Ave	18912	Peggy Smedley	Grass/Debris
2818 McKleroy Ave	25737	Willie & Iola Mack	Grass/Debris
222 Blue Mtn Rd W	26266	Richard Boroff	Grass/Debris
304 Blue Mtn Rd W	26084	William & Lennie Smith	Grass/Debris
412 Blue Mtn Rd W	25904	GM Global Holdings LLC	Debris
320 Blue Mtn Rd W	60882	Lisa A Panthel & William Lewis	Grass/Debris
1030 Johnston Drive	62144	Susan Koch	Debris
1301 E 11 th St	20421	Charles Edward Turner	Debris

RESOLUTION NUMBER 24-R-___

**A RESOLUTION APPOINTING MEMBER(S) TO THE ANNISTON WATER WORKS
AND SEWER 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 Water Works and Sewer 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 person(s) identified in the Schedule of Nominations for the Anniston Water Works and Sewer 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 **19th** day of **March, 2024**.

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

EXHIBIT "A"

ANNISTON WATER WORKS AND SEWER BOARD

Board Positions	Nominations	Board Member Name	Expiration Date	Explanation
4	Ward 4	Emily Robison	07/31/2028	Appoint

FACT SHEET

SUBJECT: Evaluation of bids for demolition of 8 substandard structures.

FACTS: Funding from CDBG.

VENDORS SUBMITTING BIDS

	Emtek	Complete Demolition Services	T and D
2208 McCoy Avenue	\$3,200.00	\$20,000.00	\$6,200.00
1603 Cobb Avenue	\$11,500.00	\$20,000.00	\$11,950.00
317 A Street	\$4,800.00	\$20,000.00	\$7,800.00
2128 McKleroy Avenue	\$4,800.00	\$20,000.00	\$8,500.00
204 Chestnut Avenue	\$4,800.00	\$20,000.00	\$8,950.00
18 East 21st Street	\$3,800.00	\$20,000.00	\$4,800.00
1111 Crawford	\$3,200.00	\$20,000.00	\$4,900.00
3009 Moore Avenue	\$25,000.00	\$20,000.00	\$10,500.00
TOTAL:	\$36,100.00	\$160,000.00	\$10,500.00

RECOMMENDATION:

Emtek should be awarded the bid for seven of the properties for a total amount of \$36,100.00. T and D should be awarded the bid for one of the properties for a total amount of \$10,500.00

3/12/2024

FACT SHEET

SUBJECT: Evaluation of bids for the purchase of fifty (50) Sig Sauer M400 Pro Rifles for the Police Department

VENDORS SUBMITTING BIDS

	Qty.	Unit Price	Total Price
IWI US Inc.	40-50	\$860.00	\$34,400.00 – 43,000.00
Gulf Shores Distributors	40-50	\$959.00	\$38,360.00 – 47,950.00

RECOMMENDATION: The bid should be awarded to Gulf Shores Distributors in the amount of \$959.00 per rifle.

ORDINANCES

ORDINANCE NO. 24-O-__

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

WHEREAS, the City of Anniston does own and possess the parcel of land located on 4th Street in Anniston, Alabama, Parcel No. 21-03-07-4-001-078.000, being described in the deed recorded in the Office of the Judge of Probate for Calhoun County in Deed Book 3295, Page 615 (referred to herein as the “Property”);

WHEREAS, Calhoun County Commission desires to acquire an access easement over the Property, as described and depicted in the Easement for Ingress and Egress attached hereto as Exhibit A (the “Easement”) for governmental use and purposes;

WHEREAS, the Council finds that the City does not need the Easement for municipal purposes;

WHEREAS, the Council finds that the Easement will not prohibit or unduly interfere with the City’s intended uses of its subservient real property;

WHEREAS, the Council desires to sell, grant and convey the easement to Calhoun County Commission for a sum total of Ten Dollars (\$10.00) so that the property may be used for the purposes set forth in the Easement;

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

1. Declaration of Surplus Real Property. It is hereby established and declared that the real property of the City, as described and shown in Exhibit A, attached hereto, is surplus real property that is no longer used or needed by the City of Anniston for public or municipal purposes. It is further established and declared that the grant of an easement to the real property will not prohibit or unduly interfere with the City’s intended uses or rights to the subservient estate.
2. Conveyance of the Easement. The Mayor and the City Clerk are hereby authorized and directed to execute, attest and deliver to Calhoun County Commission, for and on behalf of the City of Anniston, Alabama, an easement in the form attached hereto as Exhibit A, so as to sell, grant and convey the easement to Calhoun County Commission.
3. Public Purpose will be Served by the Conveyance. The Council finds and declares that the conveyance of the easement to Calhoun County Commission shall serve a valid and sufficient public purpose.
4. Effective Date. This Ordinance shall become effective immediately upon adoption and publication as required by law.

PASSED and ADOPTED this **19th** day of **March, 2024.**

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:

City Clerk

ORDINANCE NO. 24-O-__

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

EXHIBIT A

EASEMENT FOR INGRESS AND EGRESS

STATE OF ALABAMA)

CALHOUN COUNTY)

EASEMENT FOR INGRESS AND EGRESS

KNOW ALL MEN BY THESE PRESENTS:

This indenture made and entered into on this the _____, day of March, 2024, by and between **CITY OF ANNISTON, ALABAMA**, an Alabama municipal corporation, whose address P.O. Box 2168, Anniston, Alabama 36202 ("Grantor"), and **COUNTY OF CALHOUN, ALABAMA**, an Alabama county, whose address is 1702 Noble Street, Ste. 103, Anniston, Alabama 36201 ("Grantee"),

WITNESSETH:

ACCESS EASEMENT:

An Access Easement being situated in the Northeast Quarter of the Southeast Quarter of Section 7, Township 16-S, Range 8-E, Calhoun County Alabama, said Access Easement being more particularly described as follows;

COMMENCE at a 3/4 Inch Rebar found at the Southwest Corner of the Daniel R. Calhoun property recorded in the Office of the Judge of Probate for Calhoun County in Deed Book 3314 Page 449, said point being on the North Right-of-Way of West 4th Street;

thence N 89° 31' 06" E along the North Right-of-Way of West 4th Street for a distance of 149.90 feet to a point on the Westerly Acquired Right-of-Way of Ladiga Trail;

thence leaving the Westerly Acquired Right-of-Way of Ladiga Trail continue N 89° 31'06" E along the North Right-of-Way of West 4th Street for a distance of 18.11 feet to the **POINT OF BEGINNING** of the following described Access Easement;

thence leaving the North Right-of-Way of West 4th Street run N 11° 05' 27" W for a distance of 283.33 feet to a point;

thence N 04° 24' 36" E for a distance of 50.55 feet to a point;

thence N 11° 09' 47" W for a distance of 79.45 feet to a point;

thence N 26° 09' 04" W for a distance of 46.18 feet to a point;

thence N 64° 08' 44" W for a distance of 27.74 feet to a point on the Westerly Acquired Right-of-Way of Ladiga Trail;

thence N 11° 27' 08" W along the Westerly Acquired Right-of-Way of Ladiga Trail the for a distance of 12.57 feet to a point;

thence leaving the Westerly Acquired Right-of-Way of Ladiga Trail run S 64° 08' 44" E for a distance of 38.75 feet to a point;

thence S 21° 36' 13" E for a distance of 50.84 feet to a point;

thence S 11° 09' 47" E for a distance of 80.00 feet to a point;

thence S 00° 18' 24" E for a distance of 50.82 feet to a point;

thence S 11° 05' 16" E for a distance of 284.00 feet to a point on the North Right-of-Way of West 4th Street;

thence S 89° 31' 06" W along the North Right-of-Way of West 4th Street for a distance of 10.16 feet to the **POINT OF BEGINNING**;

said Access Easement containing 4,430 Square Feet (0.10 acres) more or less;

said parcel as shown on the Exhibit A attached hereto and made a part hereof.

IN WITNESS WHEREOF, Grantor has executed this Easement for Ingress and Egress as of the date set forth below to be effective as of the _____ day of March 2024.

**GRANTOR:,
CITY OF ANNISTON, ALABAMA**

By: _____
Jack Draper,
Its: Mayor

ATTEST:

Signature

Printed Name & Title

**STATE OF ALABAMA)
COUNTY OF CALHOUN)**

Before me, 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 is signed to the foregoing instrument and who is known to me, acknowledged before me on this day that, being informed of the contents of such instrument, he, as such officer and with full authority, executed the same voluntarily for and as the act of said City of Anniston, Alabama.

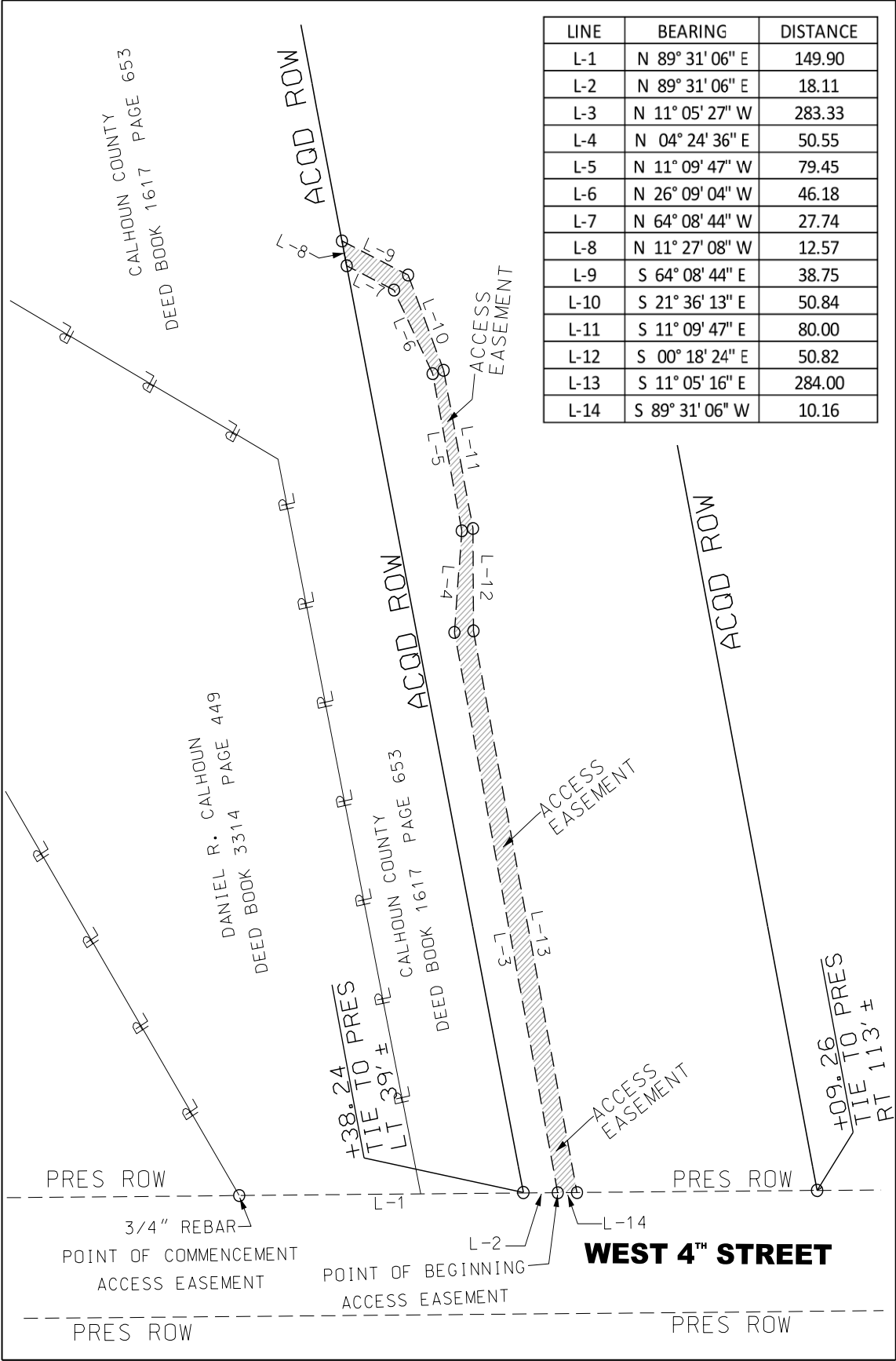
Given under my hand and official seal this _____ day of March, 2024.

[NOTARY SEAL]

Notary Public
Printed Name: _____
My Commission Expires: _____

This conveyance was prepared by:
Gloria Floyd
Calhoun County Attorney
1702 Noble Street, Ste. 103
Anniston, Alabama 36201
Telephone 256-241-2935

Grantee’s Address:
City of Anniston, Alabama
P.O. Box 2168
Anniston, Alabama 36202



ACCESS EASEMENT - LADIGA TRAIL

PROJECT.NO.: 21-0340
COUNTY: CALHOUN
SCALE: 1:60
DATE: 12-05-23
REV:

PREPARED BY:
SAIN ASSOCIATES INC
2 PERIMETER PARK S
SUITE 500E
BIRMINGHAM, AL 35243

THIS EXHIBIT IS NOT TO BE CONSTRUED AS A SURVEY.

RESOLUTIONS

RESOLUTION NO. 24-R-___

**AUTHORIZING SECOND AMENDMENT TO DEVELOPMENT AGREEMENT BETWEEN
THE CITY OF ANNISTON, ALABAMA AND BLACKWATER DEVELOPMENT COMPANY,
LLC**

BE IT RESOLVED by the Council for the City of Anniston (the "Council"), as governing body for the City of Anniston, Alabama (the "Municipality"), as follows:

Section 1. The Council, upon evidence duly presented to and considered by it, has found and determined, and does hereby find, determine and declare as follows:

(a) Pursuant to the applicable laws of the State of Alabama, the Municipality and Blackwater Development Company, LLC (the "Developer"), have prepared that certain Second Amendment to Development Agreement to be dated the date of delivery (the "Agreement"), as set forth hereinafter as Exhibit A, for the purposes referenced therein.

(b) It is necessary, desirable and in the best interests of the taxpayers and citizens of the Municipality for the Council to authorize, execute, deliver, and perform the Agreement.

(c) The Municipality possesses all powers necessary to undertake the transactions and obligations described in the Agreement, and the Municipality so acts in accordance with and pursuant to the authority and powers conferred by Amendment 772 to the Constitution of Alabama of 1901 (re-codified as Section 94.01 to the Constitution of Alabama of 1901).

(d) As required under Amendment 772, the Municipality caused notice to be published in The Anniston Star, at least seven days prior to the adoption and execution of this resolution, that a public meeting would be held on _____ at 5:30 p.m. in the Anniston City Meeting Center for the purpose of approving an economic development incentive as it is set forth in the Agreement.

(e) The Municipality's expenditure of public funds and lending of its credit for the purposes specified in the Agreement will serve a valid and sufficient public purpose, notwithstanding any incidental benefit accruing to any private persons or entities, including the Developer.

Section 2. The Council does hereby approve, adopt, authorize, direct, ratify and confirm:

(a) The agreements, covenants, and undertakings of the Municipality set forth in the Agreement; and

(b) The terms and provisions of the Agreement, in substantially the form and of substantially the content as set forth hereinafter, with such changes thereto (by addition or deletion) as the City Manager shall deem necessary and appropriate, which approval shall be conclusively evidenced by execution and delivery of the Agreement as provided by this resolution.

Section 3. The Mayor is hereby authorized and directed to execute and deliver the Agreement for and on behalf of and in the name of the Municipality. The City Clerk is hereby authorized and directed to affix the official seal of the Municipality to the Agreement and to attest the same.

Section 4. The City Manager and the officers of the Municipality are each hereby authorized and directed to take all such actions, and execute, deliver and perform all such agreements, documents, instruments, notices, and petitions and proceedings, with respect to the Agreement, as the City Manager and such officers shall determine to be necessary or desirable to carry out the provisions of this resolution or the Agreement or in order to duly and punctually observe and perform all agreements and obligations of the Municipality under the Agreement.

Section 5. All prior actions taken, and agreements, documents or notices executed and delivered, by the Mayor, City Manager, or any officer or other representative of the Municipality, in connection with the agreements, covenants, and undertakings of the Municipality hereby approved, or in connection with the preparation of the Agreement and the terms and provisions thereof, are hereby approved, ratified and confirmed.

Section 6. This resolution shall take effect immediately upon its passage and adoption.

PASSED and ADOPTED on this the **19th** day of **March, 2024.**

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

ATTESTED

Skyler Bass, City Clerk

RESOLUTION NO. 24-R-__

**A RESOLUTION AUTHORIZING THE CITY OF ANNISTON TO JOIN
THE STATE OF ALABAMA AND OTHER LOCAL GOVERNMENTS AS
PARTICIPANTS IN CURRENT OPIOID SETTLEMENTS**

WHEREAS, the opioid epidemic continues to impact communities in the United States, the State of Alabama, and the City of Anniston, Alabama;

WHEREAS, the City of Anniston has suffered harm and will continue to suffer harm as a result of the opioid epidemic;

WHEREAS, the State of Alabama, the City of Anniston, and other Alabama local governments have filed lawsuits against opioid manufacturers, distributors, and retailers (“Opioid Litigation”);

WHEREAS, the State of Alabama has reached settlement terms with Cencora, Inc. and Cardinal Health, Inc. which includes settlement of the local government claims;

WHEREAS the City of Anniston finds the terms of the current Settlement Agreement with Cencora and Cardinal Health acceptable and in the best interest of the community;

WHEREAS, the State of Alabama has prepared and presented Settlement Sign-On Agreement to the local governments, and the City of Anniston finds the terms of the Sign-On Agreement acceptable and in the best interest of the community;

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

Section 1. The City of Anniston finds that participation in the State’s settlement with Cencora and Cardinal Health is in the best interest of the City and its citizens because such a plan would ensure an effective structure for the commitment of Settlement Funds to abate and seek to resolve the opioid epidemic.

Section 2. The City of Anniston hereby expresses its support for the Settlement with Cencora and Cardinal Health and allocation and use of Settlement Funds as generally described in the Settlement Agreement and Sign-On Agreements.

Section 3. The City Manager is hereby expressly authorized to execute the Settlement Sign-On Agreement, attached hereto, and the City Manager is further authorized to execute any formal agreements and related documents needed to evidence the City’s agreement to the settlement of the claims in the Opioid Litigation or necessary to implement the Settlements and plan for the allocation and use of Settlement Funds.

Section 4. This resolution shall be effective upon its passage and adoption.

PASSED AND ADOPTED on this the **19th** day of **March, 2024.**

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

RESOLUTION NO. 24-R-__

**AUTHORIZING DISBURSEMENT FROM
NEW BUSINESS SALES TAX REVENUE EDUCATION FUND**

WHEREAS, by Resolution No. 18-R-113, the Council allocated 20% of municipal sales tax revenues generated from newly opened businesses within the City's corporate limits to be held in the New Business Sales Tax Revenue Education Fund (the "Fund") and used for educational purposes and, specifically, workforce development and career technical training;

WHEREAS, the Anniston City School System has submitted a request to receive a disbursement from the Fund to be used to provide continued funding for support of its Modern Manufacturing Program;

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

The Finance Director is authorized and directed to disburse \$70,878.72 from the Fund to the Office of the Superintendent for the Anniston City Schools to be used as funding for a Career Technical Education Teacher, student classroom supplies, and instructional resources to support the Modern Manufacturing Program.

PASSED AND ADOPTED on this the **19th** day of **March, 2024**.

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

RESOLUTION NO. 24-R - ____

A RESOLUTION AUTHORIZING ACQUISTION OF CERTAIN REAL PROPERTY

WHEREAS, the Council for the City of Anniston finds that the City needs to acquire certain real property currently owned by Calhoun County, Alabama, as more particularly described in the Statutory Warranty Deed attached hereto Exhibit A (the "Deed"), to provide for a parking facility for the benefit of the Chief Ladiga Bike Trial, and other beneficial uses, and the Council further finds that the City's acquisition of said real property will serve the public's best interests and will promote the health, wealth, and development of the City;

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

The City Manager is hereby authorized and directed on behalf of the City of Anniston to take and record a deed granting fee simple ownership and title to that certain real property particularly described in the Deed, attached hereto. The City Manager is further authorized to execute instruments and other documents in the name of the City of Anniston and take such further actions as are necessary or convenient to the City of Anniston taking ownership and title of and to said real property.

PASSED AND ADOPTED this the 19th day of **March, 2024**.

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:

Skylar Bass, City Clerk

RESOLUTION NO. 24-R - ____

**A RESOLUTION AUTHORIZING ACQUISITION OF
CERTAIN REAL PROPERTY**

EXHIBIT A

STATUTORY WARRANTY DEED

This instrument was prepared by:

Bruce J. Downey IV
THE DOWNEY LAW FIRM, LLC
P.O. Box 626
Anniston, AL 36202

STATUTORY WARRANTY DEED

STATE OF ALABAMA)

COUNTY OF CALHOUN)

KNOW ALL MEN BY THESE PRESENTS: That for and in consideration of Ten Dollars (\$10.00) and other good and valuable consideration to the undersigned grantor, COUNTY OF CALHOUN, ALABAMA, an Alabama county, whose address is 1702 Noble Street, Anniston, Alabama 36201 ("Grantor"), in hand paid by CITY OF ANNISTON, ALABAMA, an Alabama municipal corporation, whose address P.O. Box 2168, Anniston, Alabama 36202 ("Grantee"), the receipt and sufficiency whereof are hereby acknowledged, Grantor does on this _____ day of _____, 2024, hereby grant, bargain, sell, and convey to Grantee that certain real estate situated, lying, and being in Calhoun County, Alabama, described as follows:

Commence at a 1" rebar (disturbed) monumenting the point of intersection of the Easterly right-of-way line of Northfolk Southern Railroad right-of-way and the Northerly right-of-way line of West Fourth Street, said point being 377.5 feet more or less West, measured along said Northerly right-of-way line, from the Southwest corner of Lot Number 28, Block 203 of the Re-subdivision of Block 203 and Part of Blocks 204 & 363 as recorded on Plat Book "B", Page 137 in the Judge of Probate Office, Calhoun County, Alabama. From said point of commencement run N 86° 59'03" E (N 87° 13'00" E record) along the Northerly right-of-way line of said Fourth Street a distance of 103.14 feet (102.4 feet record) to a 2" capped pipe found being referenced as Corner #8 in the conveyance deed from Alabama Property Company to Calhoun County Commission as recorded in Deed Book 1617, Pages 653-682, Probate Office, Calhoun County, Alabama, said point being the point of beginning of the lands herein shown. From said point of beginning deflect left, depart from said Northerly right-of-way, and run N 13° 46'00" W (act./deed) a distance of 361.80 feet (act./deed) (passing through a capped reference pin set (PLS #20141) at 331.80 feet) to a point (being referenced as Corner #9 in the aforementioned conveyance deed) on the South edge of a concrete drainage channel; thence deflect right and run along said channel and along a curve to the left having curve data of arc= 43.67 feet, delta= 36° 36'23, radius= 68.36 feet, tangent= 22.61 feet with a chord bearing and distance of S 82° 15'04" E, 42.93 feet, respectively; thence deflect right, depart from said concrete channel, and run S 13° 46'00" E (act./deed) a distance of 361.80 feet (passing through a capped reference pin (PLS #20141) at 30.00 feet) to a 2" capped pipe found stamped "APCO" with

a punched center mark (being referenced as Corner #7 in the aforementioned conveyance deed) monumenting the point of intersection with the Northerly right-of-way of the aforementioned West Fourth Street; thence deflect right and run S 87° 13'00" W (act./deed) along said Northerly right-of-way a distance of 40.69 feet (40.75 feet deed) to the point of beginning.

Said parcel being a portion of Block 188 of the City of Anniston's Re-Subdivison of Anniston City Land Company as recorded in Book "A", Page 416B, Calhoun County, Alabama and lying and being in the NE 1/4 of the SE 1/4, Section 7, T-16-S, R-8-E, of the Huntsville Meridian, Calhoun County, Alabama and containing 0.326 acres more or less.

TO HAVE AND TO HOLD said real estate, together with all and singular the rights, tenements, hereditaments, and appurtenances thereunto belonging, or in anywise appertaining, unto Grantee, its successors and assigns forever, together with every contingent remainder and right of reversion.

NO WORD, WORDS, or PROVISIONS of this Statutory Warranty Deed are intended to operate as or imply covenants of warranty of title except the following: Grantor does hereby specially warrant, subject to the matters hereinabove set forth, that subsequent to its acquisition of said real estate it has taken no action to encumber or alienate the title to said real estate in any manner and warrants the title to said real estate against the claims of all persons claiming by, through or under Grantor, but not otherwise.

IN WITNESS WHEREOF, Grantor has executed this Statutory Warranty Deed as of the date set forth below to be effective as of the ____ day of _____, 2024.

GRANTOR:

COUNTY OF CALHOUN, ALABAMA

By: _____

Its: _____

ATTEST:

STATE OF ALABAMA)

COUNTY OF CALHOUN)

Before me, the undersigned, a Notary Public in and for said County in said State, hereby certify that _____, whose name as _____ of the County of Calhoun, Alabama is signed to the foregoing instrument and who is known to me, acknowledged before me on this day that, being informed of the contents of such instrument, he/she, as such officer and with full authority, executed the same voluntarily for and as the act of said County of Calhoun, Alabama.

Given under my hand and official seal this _____ day of _____, 2024.

[NOTARY SEAL]

Notary Public
My Commission Expires: _____