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Anniston, Alabama  
January 8, 2013

The City Council of the City of Anniston, Alabama, met in Regular Session in the Council Chamber in the City Hall of the City of Anniston, Alabama, on Tuesday, January 8, 2013, at approximately 6:00 o'clock p.m.

Simone Thompson, Anniston High School, prayed the Invocation.

Simone Thompson, Anniston High School, led the Pledge of Allegiance to the Flag.

Mayor Stewart called the meeting to order. On call of the roll the following Council Members were found to be present: Council Members Jenkins, Reddick, Selase, Harris and Stewart; absent: none. A quorum was present and the meeting opened for the transaction of business.

Don A. Hoyt, City Manager, was present.

Cleo Thomas, City Attorney, was present.

Council Member Reddick made a motion to dispense with the reading of and approve the minutes of December 18, 2012. The motion was seconded by Council Member Selase; and on call of the roll the following vote was recorded: ayes: Council Members Jenkins, Reddick, Selase, Harris and Stewart; nays: none. The motion carried.

Council Member Selase 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 Members Jenkins, Reddick, Selase, Harris and Stewart; nays: none. The motion carried.

Mayor Stewart made a motion for the unanimous consent of the Council to introduce and read by title Ordinance Number 13-O-1. The motion was seconded by Council Member Selase.

Mayor Stewart asked if anyone wished to address the Council either in favor of or in opposition to the introduction and reading by title of Ordinance Number 13-O-1.

No one addressed the Council either in favor of or in opposition to the introduction and reading by title of Ordinance Number 13-O-1.

On call of the roll on Mayor Stewart's motion for the unanimous consent of the Council to introduce and read by title Ordinance Number 13-O-1 and Council Member Selase's second to said motion the following vote was recorded: ayes: Council Members Jenkins, Reddick, Selase, Harris and Stewart; nays: none. The motion carried.

Unanimous consent of the Council having been granted to introduce and read by title Ordinance Number 13-O-1, Mayor Stewart introduced and read by title Ordinance Number 13-O-1 as follows:

ORDINANCE NO. 13-O-1

AN ORDINANCE AMENDING CHAPTER 15 MOTOR VEHICLES AND TRAFFIC,  
ARTICLE VI TRAFFIC SCHEDULES, SECTION 15.57 FOUR-WAY STOP  
INTERSECTIONS OF THE CODE OF ORDINANCES OF THE CITY OF ANNISTON,  
ALABAMA

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 the following sections of “The Code of the City of Anniston, Alabama, 1981” as follows:

Section 2. That Section 15.57 of the Code of Ordinances of the City of Anniston, Alabama is hereby amended to read as follows:

Sec. 15.57. – Four-way stop intersections.

When stop signs or signals are erected giving notice thereof, it shall be unlawful for any person driving or operating a vehicle to enter any four-way stop intersection from any direction facing any such stop sign or signal without coming to a complete stop before entering such intersection. The following are hereby designated as four-way stop intersections.

- 1) A Street and Christine Avenue, intersection of.
- 2) C Street, at its intersection with Allen Avenue.
- 3) G Street, at its intersection with Christine Avenue.
- 4) H Street and Allen Avenue, at the intersection of.
- 5) Boynton Avenue, at its intersection with 17th Street.
- 6) Castle Avenue, at its intersection with Jimmy Parks Boulevard and Global Drive.
- 7) Christine Avenue, at its intersection with 22nd Street.
- 8) Constantine Avenue, at is intersection with Chestnut Street.
- 9) Constantine Avenue, at its intersection with Poplar Street.
- 10) Constantine Avenue, at its intersection with Pyle.
- 11) Cooper Avenue, at its intersection with 18th Street.
- 12) Diana Hills Road, at its intersection with Sunset Pass.

- 13) Dooley Avenue, at its intersection with 19th Street.
- 14) Druid Hills Road, at its intersection with Afton Brae.
- 15) Edgefield Way, at its intersection with County Squire Road.
- 16) Elm Street, at its intersection with Hanna Avenue.
- 17) Fairway Drive, at its intersection with Glenwood Terrace.
- 18) Fairway Drive, at the southernmost intersection with Sunset Drive.
- 19) Front Street, at its intersection with J Street.
- 20) Glenwood Terrace, at its intersection with Jefferson Avenue.
- 21) Glenwood Terrace, at its intersection with Kirkwood Avenue.
- 22) Glenwood Terrace, at its intersection with Lockwood Avenue.
- 23) Goodwin Avenue, at its intersection with 5th Street.
- 24) Greenbrier Drive, at its intersection with Cloverdale and Robertson Roads.
- 25) Highland Avenue, at its intersection with 11th Street.
- 26) Johnson Avenue, at its intersection with Maple Street.
- 27) Johnston Drive, at its intersection with Altamont Avenue.
- 28) Johnston Drive, at its intersection with Bacon Avenue.
- 29) Lapsley Avenue, at its intersection with 5th Street.
- 30) Leighton Avenue, at its intersection with F Street.
- 31) Leighton Avenue, at its intersection with 16th Street.
- 32) Leighton Avenue, at its intersection with 21st Street.
- 33) McArthur Drive, at its intersection with Walnut Avenue.
- 34) McCoy Avenue, at its intersection with 24th Street.
- 35) McKelroy Avenue, at its intersection with Blue Mountain Road.

- 36) Patton Road, at its intersection with 29th Street.
- 37) Sunset Drive and Fairway Drive, intersection of.
- 38) Thomas Avenue, at its intersection with 19th Street.
- 39) Walnut Avenue, at its intersection with 21st Street.
- 40) Wilmer Avenue, at its intersection with 16th Street.
- 41) Wilmer Avenue and 26th Street with Wilmer Avenue and Eastbound traffic on 26th Street.
- 42) 5<sup>th</sup> Street, at its intersection with Keith Avenue.
- 43) 6<sup>th</sup> Street, at its intersection with Wilmer Avenue.
- 44) 7<sup>th</sup> Street, at its intersection with Goodwin Avenue.
- 45) 7<sup>th</sup> Street, at its intersection with Highland Avenue.
- 46) 14<sup>th</sup> Street, at its intersection with Bancroft Avenue.
- 47) 14<sup>th</sup> Street and Christine Avenue, intersection of.
- 48) 14<sup>th</sup> Street, at its intersection with Cooper Avenue.
- 49) 14<sup>th</sup> Street, at its intersection with McDaniel Avenue.
- 50) 15<sup>th</sup> Street, at its intersection with Christine Avenue.
- 51) 15<sup>th</sup> Street, at its intersection with Crawford Avenue.
- 52) 15<sup>th</sup> Street, at its intersection with Leighton Avenue.
- 53) 15<sup>th</sup> Street, at its intersection with McCall Drive.
- 54) 16<sup>th</sup> Street and Christine Avenue intersection of.
- 55) 17<sup>th</sup> Street, at its intersection with Bancroft Avenue.
- 56) 18<sup>th</sup> Street, at its intersection with Brown Avenue.
- 57) 24<sup>th</sup> Street and Moore Avenue, intersection of.

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**58)** 31<sup>st</sup> Street and Oakland Avenue, at its intersection facing opposite all four directions of travel.

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Section 3. That 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, and 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 the 8th day of January, 2013.

CITY COUNCIL OF THE CITY OF  
ANNISTON, ALABAMA

By: /s/ Vaughn Stewart, Mayor

By: /s/ Jay W. Jenkins, Council Member

By: /s/ David E. Reddick, Council Member

By: /s/ Seyram Selase, Council Member

By: /s/ Millie Harris, Council Member

ATTEST:

/s/ Alan B. Atkinson, City Clerk

Council Member Harris made a motion for the unanimous consent of the Council for the immediate consideration of Ordinance Number 13-O-1 as introduced and read by title. The motion was seconded by Council Member Selase; and on call of the roll the following vote was recorded: ayes: Council Members Jenkins, Reddick, Selase, Harris and Stewart; nays: none. The motion carried. Unanimous consent of the Council having been granted for the immediate consideration of Ordinance Number 13-O-1 as introduced and read by title, Council Member Harris made a motion for the passage and adoption of Ordinance Number 13-O-1 as introduced and read by title. The motion was seconded by Council Member Jenkins; and on call of the roll the following vote was recorded: ayes: Council Members Jenkins, Reddick, Selase, Harris and Stewart; nays: none. The motion carried and Ordinance Number 13-O-1 was passed and adopted.

Council Member Harris introduced and read Ordinance 13-O-2 as follows:

ORDINANCE NO. 13-O-2

AN ORDINANCE AMENDING CHAPTER 15 MOTOR VEHICLES AND TRAFFIC,  
ARTICLE VI TRAFFIC SCHEDULES, SECTION 15.58 OF THE CODE OF  
ORDINANCES OF THE CITY OF ANNISTON, ALABAMA REMOVING A STOP  
SIGN AT 7<sup>TH</sup> STREET AND HIGHLAND AVENUE

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 the following sections of "The Code of the City of Anniston, Alabama, 1981" as follows:

Section 2. That Section 15.58, Section V. (14) of the Code of Ordinances of the City of Anniston, Alabama is hereby amended to read as follows:

Sec. 15.58. - Stop intersections generally.

When stop signs or signals are erected giving notice thereof, it shall be unlawful for any person driving or operating a vehicle to enter any of the first named streets in such list without first coming to a complete stop before entering such first named street:

Section V. All streets beginning with a numeral as follows:

14) RESERVED

Section 3. That 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, and 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 the 8th day of January, 2013.

CITY COUNCIL OF THE CITY OF  
ANNISTON, ALABAMA

By: /s/ Vaughn Stewart, Mayor

By: /s/ Jay W. Jenkins, Council Member

By: /s/ David E. Reddick, Council Member

By: /s/ Seyram Selase, Council Member

By: /s/ Millie Harris, Council Member

ATTEST:

/s/ Alan B. Atkinson, City Clerk

Council Member Harris made a motion for the passage and adoption of Ordinance Number 13-O-2 as introduced and read. The motion was seconded by Council Member Jenkins; and on call of the roll the following vote was recorded: ayes: Council Members Jenkins, Reddick, Selase, Harris and Stewart; nays: none. The motion carried and Ordinance Number 13-O-2 was passed and adopted.

Council Member Jenkins introduced and read Ordinance Number 13-O-3 as follows:

ORDINANCE NO. 13-O-3

AN ORDINANCE TO ESTABLISH THE EXTENT AND LIMITS OF EXTRAORDINARY ACTION AUTHORIZED UPON A DECLARATION OF EMERGENCY BY THE CITY COUNCIL

WHEREAS, in Title 11, Chapter 19, Sections 1 through 24; Chapter 45, Sections 1 through 11, Chapter 52, Sections 1 through 84, and Title 41, Chapter 9, Section 166 of the Code of

Alabama, 1975, the Legislature of the State of Alabama has authorized local government units to adopt regulations designed to promote the public health, safety, and general welfare of its citizenry; and

WHEREAS, Section 31-9-10 (b) (1) authorizes the city to “appropriate and expend funds, make contracts, obtain, and distribute equipment, materials, and supplies *for emergency management purposes*; to provide for the health and safety of persons and property, including emergency assistance to the victims of any disaster; and to direct and coordinate the development of emergency management plans and programs;” and

WHEREAS, Section 31-9-10 (b) (2) authorizes the city to “appoint, employ, remove, or provide, with or without compensation, air raid wardens, rescue teams, auxiliary fire and police personnel, and other emergency management workers; provided, that compensated employees shall be subject to any existing civil service or Merit System laws;” and

WHEREAS, Section 31-9-10 (b) (4) authorizes the city to “assign and make available for duty the employees, property, or equipment of the subdivision relating to firefighting, engineering, rescue, health, medical and related service, police, transportation, construction, and similar items or services for emergency management purposes, within or outside of the physical limits of the [city];” and

WHEREAS, Section 31-9-10 (b) (5) authorizes the city, when emergency conditions warrant, to “to waive procedure and formalities otherwise required by law pertaining to the performance of public work... and the appropriation and expenditure of public funds.”

NOW THEREFORE BE IT ORDAINED by the City Council of the City of Anniston, Alabama that Chapter 34 of the Code of Ordinances of the City be and it is hereby amended to add the following Article V as follows.

#### Article V Emergency Recovery Activities

##### Section 34.40 Disaster Response and Recovery

During a declared period of emergency, city personnel and equipment may be utilized, as needed on public as well as private property and as directed by the City Manager, to take extraordinary measures to protect person and property in the city from fire, flood, wind, or other conditions of threat and hazard and to initiate or assist in disaster recovery efforts to the extent needed because of damage to person and property in the city.

##### Section 34.41 Declaration of Emergency

A state of emergency is in force when the City Council duly proclaims the existence of conditions of disaster or of extreme peril to the safety of persons and property within the city caused by fire, flood, storm, epidemic, technological failure or accident, riot, drought, sudden and severe energy shortage, plant or animal infestation or disease, earthquake, explosion, terrorism, or man-made disaster, or other conditions (other than conditions resulting from a labor controversy or conditions causing a state of war emergency), which by reason of their magnitude

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are, or may become, beyond the control of the normal services, personnel, equipment, and facilities of the city.

Section 34.42 Limits of Municipal Authority

- (a) The Council may compel evacuation of an area only by direction and under the supervision of the Governor or the Alabama Emergency Management Agency, or both, and any action taken by the Council shall remain in full force and effect unless revoked by proclamation of the Governor, issued as provided in Section 31-9-8 of Alabama Code.
- (b) Nothing in this section shall authorize the seizure or confiscation of any firearm or ammunition from any individual who is lawfully carrying or possessing the firearm or ammunition except as provided in subsection (c) of this section.
- (c) A law enforcement officer who is acting in the lawful discharge of the officer's official duties may disarm an individual if the officer reasonably believes that it is immediately necessary for the protection of the officer or another individual. The officer shall return the firearm to the individual before discharging that individual unless the officer arrests that individual for engaging in criminal activity or seizes the firearm as evidence pursuant to an investigation for the commission of a crime or, at the discretion of the officer, the individual poses a threat to himself or herself or to others.

PASSED AND ADOPTED this the 8th day of January, 2013.

CITY COUNCIL OF THE CITY OF  
ANNISTON, ALABAMA

By: /s/ Vaughn Stewart, Mayor

By: /s/ Jay W. Jenkins, Council Member

By: /s/ David E. Reddick, Council Member

By: /s/ Seyram Selase, Council Member

By: /s/ Millie Harris, Council Member

ATTEST:

/s/ Alan B. Atkinson, City Clerk

Council Member Jenkins made a motion for the unanimous consent of the Council for the immediate consideration of Ordinance Number 13-O-3 as introduced and read. The motion was seconded by Council Member Reddick; and on call of the roll the following vote was recorded: ayes: Council Members Jenkins, Reddick, Selase, Harris and Stewart; nays: none. The motion carried. Unanimous consent of the Council having been granted for the immediate consideration of Ordinance Number 13-O-3 as introduced and read by title, Council Member Jenkins made a motion for the passage and adoption of Ordinance Number 13-O-3 as introduced and read by title. The motion was seconded by Council Member Selase; and on call of the roll the following vote was recorded: ayes: Council Members Jenkins, Reddick, Selase, Harris and Stewart; nays: none. The motion carried and Ordinance Number 13-O-3 was passed and adopted.

Council Member Reddick introduced and read Resolution Number 13-R-1 as follows:

(13-R-1, re-establishing the Revolving Loan Fund Board)

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Council Member Reddick made a motion for the passage and adoption of Resolution Number 13-R-1 as introduced and read. The motion was seconded by Council Member Selase; and on call of the roll the following vote was recorded: ayes: Council Members Jenkins, Reddick, Selase, Harris and Stewart; nays: none. The motion carried and Resolution Number 13-R-1 was passed and adopted.

Council Member Selase introduced and read Resolution Number 13-R-2 as follows:

(13-R-2, City's participation in the State's Sales Tax Holiday for Severe Weather Preparedness Items)

Council Member Selase made a motion for the passage and adoption of Resolution Number 13-R-2 as introduced and read. The motion was seconded by Council Member Harris; and on call of the roll the following vote was recorded: ayes: Council Members Jenkins, Reddick, Selase, Harris and Stewart; nays: none. The motion carried and Resolution Number 13-R-2 was passed and adopted.

Mayor Stewart introduced and read Resolution Number 13-R-3 as follows:

(13-R-3, establishing a Citizens' Advisory Consultant Screening Committee)

Mayor Stewart made a motion for the passage and adoption of Resolution Number 13-R-3 as introduced and read. The motion was seconded by Council Member Jenkins; and on call of the roll the following vote was recorded: ayes: Council Members Jenkins, Reddick, Selase, Harris and Stewart; nays: none. The motion carried and Resolution Number 13-R-3 was passed and adopted.

Council Member Jenkins introduced and read Resolution Number 13-R-4 as follows:

(13-R-4, authorizing the City Manager to execute the Uniform Environmental Cleanup Act Covenants)

Council Member Jenkins made a motion for the passage and adoption of Resolution Number 13-R-4 as introduced and read. The motion was seconded by Council Member Harris; and on call of the roll the following vote was recorded: ayes: Council Members Jenkins, Reddick, Selase, Harris and Stewart; nays: none. The motion carried and Resolution Number 13-R-4 was passed and adopted.

Mayor Stewart introduced and read Resolution Number 13-R-5 as follows:

(13-R-5, accepting Monsanto Road property)

Mayor Stewart made a motion for the passage and adoption of Resolution Number 13-R-5 as introduced and read. The motion was seconded by Council Member Selase; and on call of the roll the following vote was recorded: ayes: Council Members Jenkins, Reddick, Selase, Harris

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and Stewart; nays: none. The motion carried and Resolution Number 13-R-5 was passed and adopted.

Mayor Stewart announced that was the time for the public hearing concerning the bingo renewal application for Elks Lodge BPOE #189 located at 1019 South Noble Street, declared the hearing open and asked if anyone wished to address the Council either in favor of or in opposition to said bingo renewal application for Elks Lodge BPOE #189 located at 1019 South Noble Street.

No one addressed the Council either in favor of or in opposition to said bingo renewal application for Elks Lodge BPOE #189 located at 1019 South Noble Street.

Mayor Stewart declared the public hearing concerning the bingo renewal application for Elks Lodge BPOE #189 located at 1019 South Noble Street, closed.

Council Member Selase made a motion to approve the bingo renewal application for Elks Lodge BPOE #189 located at 1019 South Noble Street. The motion was seconded by Council Member Jenkins; and on call of the roll the following vote was recorded: ayes: Council Members Jenkins, Reddick, Selase, Harris and Stewart; nays: none. The motion carried.

Council Member Harris made a motion authorizing the placement of a street light at the end of Franklin Drive. The motion was seconded by Council Member Reddick.

Council Member Harris asked Don Hoyt, City Manager, to explain the criteria for the City to erect street lights.

Don Hoyt, City Manager, Stated that for the City to erect and pay for street lights then they should be no closer than 500 feet and they should be at intersections and in areas for safety reasons such as traffic flow. He stated they should not be for individual convenience. He stated individuals could have a light erected and pay for it through Alabama Power. He stated individuals can appeal to the Council.

The Council discussed authorizing the placement of a street light at the end of Franklin Drive.

Council Member Reddick made a motion to table the motion authorizing the placement of a street light at the end of Franklin Drive. (There was no second to the motion.)

On call of the roll on Council Member Harris' motion authorizing the placement of a street light at the end of Franklin Drive and Council Member Reddick's second to said motion the following vote was recorded: ayes: none; nays: Council Members Jenkins, Reddick, Selase, Harris and Stewart. The motion failed.

Alan Atkinson, City Clerk, advised that copies of the following Bid Fact Sheet had been given to the Council:

(One super cab 4x2 pick-up truck)

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Council Member Jenkins made a motion that the bid in the total amount of \$21,250.00 by Sunny King Ford for one super cab 4x2 pick-up truck be accepted. The motion was seconded by Council Member Reddick; and on call of the roll the following vote was recorded: ayes: Council Members Jenkins, Reddick, Selase, Harris and Stewart; nays: none. The motion carried.

Alan Atkinson, City Clerk, advised that copies of the following Bid Fact Sheet had been given to the Council:

(One crew cab 4x2 pick-up truck)

Mayor Stewart made a motion that the bid in the total amount of \$23,600.00 by Sunny King Ford for one crew cab 4x2 pick-up truck be accepted. The motion was seconded by Council Member Selase; and on call of the roll the following vote was recorded: ayes: Council Members Jenkins, Reddick, Selase, Harris and Stewart; nays: none. The motion carried.

James Carmichael addressed the Council and stated there were no new businesses coming into the city of Anniston. He stated the city was dying. He stated they needed more repaving of streets.

Calvin Jones, 2604 McCoy Avenue, addressed the Council and stated that change and improvements to the city would not come overnight. He stated he appreciated the new Council's efforts.

Council Member Harris commended the Anniston Police Department for their recent response to an animal cruelty complaint.

Rosalind Lawson addressed the Council concerning the City's web site.

There being no further business to come before the meeting at that time Council Member Reddick made a motion 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, Reddick, Selase, Harris and Stewart; nays: none. The motion carried and the meeting was adjourned at approximately 7:00 o'clock p.m.