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Anniston, Alabama
February 1, 2016

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 Monday, February 1, 2016, at approximately 5:32 o'clock p.m.

Council Member Reddick prayed the Invocation.

Council Member Reddick 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.

Brian Johnson, City Manager, was present.

Bruce Downey, City Attorney, was present.

Council Member Selase made a motion to waive the reading of the minutes of January 19, 2016. 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.

Council Member Jenkins made a motion to approve the minutes of January 19, 2016. 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.

Council Member Selase made a motion to add to the agenda a motion for the City Manager to direct the City Attorney to draft an ordinance to rescind the Cigar Bar Ordinance. The motion was seconded by Mayor Stewart.

Council Member Selase stated they needed to be consistent concerning the Cigar Bars and Hookah Bars. He stated he would like for the Smoking Ordinance to back to its form before the passage of the Cigar Bar Ordinance. He stated if that was unsuccessful then he did not feel they should have Cigar bars but not Hookah Bars.

Council Member Reddick stated that if there is a business that adults want to patronize and they know the health risks then the Council should not pass ordinances restricting businesses such as Cigar Bars and Hookah Lounges from operating.

Council Member Jenkins stated that as a measure of full disclosure he has in his private profession been hired to work with an individual designing a Cigar Bar and he would abstain from any further discussion concerning this item.

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On call of the roll on Council Member Selase's motion to add to the agenda a motion for the City Manager to direct the City Attorney to draft an ordinance to rescind the Cigar Bar Ordinance and Mayor Stewart's second to said motion the following vote was recorded: ayes: Council Members Selase, Harris and Stewart; nays: Council Member Reddick; abstentions: Council Member Jenkins. The motion carried.

Council Member Selase made a motion to adopt the agenda as amended. The motion was seconded by Council Member Harris; and on call of the roll the following vote was recorded: ayes: Council Members Selase, Harris and Stewart; nays: Council Member Reddick; abstentions: Council Member Jenkins. The motion carried.

The Council recognized William Golden, Parks, Recreation and Beautification Board Member.

The Council recognized the Anniston High School Boys Basketball Team, the Calhoun County Boys Basketball Tournament Champions.

Courtney Munford, 1013 Parkwood Drive, addressed the Council concerning a forensic audit for the City and she stated she would like a copy of the City's 50 Year Plan for West Anniston.

Jack Staggs, Blue Mountain, addressed the Council concerning the problem of stray dogs and cats in the city.

Jerry Leake, 100 Hathaway Heights, addressed the Council and stated he did not think the proposed ordinances concerning E-cigarettes and Hookah Bars would be beneficial in moving the city forward.

Dr. Lafreida Taylor, 1621 Leighton Avenue, addressed the Council in opposition to the proposed ordinance to remove the prohibition against the smoking of E-cigarettes within the City.

Matthew Tyson, 1110 Edgewood Drive, addressed the Council in opposition to the proposed ordinance to allow for and regulate the operations of Hookah Bars within the City.

Bob Robinson, 3005 Pebble Creek Circle, addressed the Council in favor of the proposed ordinance concerning Animal Control.

Mayor Stewart announced that was the time for the public hearing to hear objections to the proposed abatement of identified nuisances (debris and grass) at the following locations; 621 Henry Street, 1812 Front Street, 1629 Mulberry Avenue, 514 W. 27th Street, 2425 Walnut Avenue, 1902 Dooley Avenue, 101 W. 19th Street, 23 and 21 E. 24th Street, 8 McArthur Drive, 1608 Moore Avenue, 2306 Wilmer Avenue (front, 27), 2306 Wilmer Avenue (rear, 25), and 2302 Wilmer Avenue; declared the hearing open and asked if anyone wished to address the Council concerning the proposed abatement of identified nuisances (debris and grass) at said locations.

No one addressed the Council concerning the proposed abatement of identified nuisances (debris and grass) at said locations.

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Mayor Stewart declared the public hearing to hear objections to the proposed abatement of identified nuisances (debris and grass) at the following locations; 621 Henry Street, 1812 Front Street, 1629 Mulberry Avenue, 514 W. 27th Street, 2425 Walnut Avenue, 1902 Dooley Avenue, 101 W. 19th Street, 23 and 21 E. 24th Street, 8 McArthur Drive, 1608 Moore Avenue, 2306 Wilmer Avenue (front, 27), 2306 Wilmer Avenue (rear, 25), and 2302 Wilmer Avenue; closed.

Mayor Stewart announced that was the time for the public hearing regarding a Special Retail – More Than 30 Days application for Garfrerick Farms Inc. d/b/a Café Hall at Buckner located at 388 Buckner Drive, declared the hearing open and asked if anyone would like to address the Council either in favor of or in opposition to said Special Retail – More Than 30 Days application for Garfrerick Farms Inc. d/b/a Café Hall at Buckner located at 388 Buckner Drive.

No one addressed the Council either in favor of or in opposition to said Special Retail – More Than 30 Days application for Garfrerick Farms Inc. d/b/a Café Hall at Buckner located at 388 Buckner Drive.

Mayor Stewart declared the public hearing regarding a Special Retail – More Than 30 Days application for Garfrerick Farms Inc. d/b/a Café Hall at Buckner located at 388 Buckner Drive closed.

Council Member Selase made a motion to approve the Consent Agenda items:

- (a) Resolution authorizing the 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 2016-01 Grass/Debris
- (c) Resolution declaring a reported condition to be a public nuisance. Group 2016-02 Grass & Debris
- (d) Motion approving the addition of Registrar – Department of the Museum to the Classification and Compensation Plan.
- (e) Motion to approve a Special Retail – More Than 30 Days application for Garfrerick Farms Inc d/b/a Café Hall at Buckner located in the city limits at 388 Buckner Drive

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.

Council Member Jenkins made a motion for the unanimous consent of the Council to reintroduce and read by title Ordinance Number 16-O-2. The motion was seconded by Council Member Harris.

Mayor Stewart asked if anyone wished to address the Council either in favor of or in opposition to the reintroduction and reading by title of Ordinance Number 16-O-2.

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No one addressed the Council either in favor of or in opposition to the reintroduction and reading by title of Ordinance Number 16-O-2.

On call of the roll on Council Member Jenkins' motion for the unanimous consent of the Council to reintroduce and read by title Ordinance Number 16-O-2 and Council Member Harris' second to said motion the following vote was recorded: ayes: Council Members Jenkins, Selase, Harris and Stewart; nays: Council Member Reddick. The motion failed.

Council Member Jenkins reintroduced and read Ordinance Number 16-O-2 as follows:

(16-O-2, amending Chapter 4 – Animal Control, of the City Code; second reading)

Council Member Harris made a motion for the passage and adoption of Ordinance Number 16-O-2 as reintroduced and read. The motion was seconded by Council Member Jenkins.

Council Member Reddick stated there were no set fees in this ordinance. He asked how many shelters the City was using now.

Brian Johnson, City Manager, stated the City was currently using one shelter.

Council Member Reddick stated that when they took office there were over five shelters that the City used. He stated the agreement with the shelter stated it could take which ever dogs it wants to take and police can pick up whatever dogs they want to pick up. He stated they can pick up the pure bred dogs and sell them and leave the mutts walking around the neighborhoods and charge whatever they want to do it. He stated they fine you if you do not spay or neuter your dog. He stated he could not support this ordinance.

Council Member Harris stated they had been working on this ordinance for almost a year. She stated they had consulted with Huntsville Animal Services and the Anniston Police Department. She stated there were only about two pages of changes in this ordinance from the existing animal control ordinance. She stated this ordinance had been vetted and they had worked extremely hard on it to get to this point. She stated they had used only two shelters in the past and was not sure why that was pertinent to this ordinance. She stated many municipalities in the State had similar ordinances.

Council Member Selase stated that this ordinance still allowed the tethering of dangerous dogs. He stated the "poop fee" of \$25 for a first offence was reasonable.

On call of the roll on Council Member Harris' motion for the passage and adoption of Ordinance Number 16-O-2 as reintroduced and read and Council Member Jenkins' second to said motion the following vote was recorded: ayes: Council Members Jenkins, Selase, Harris and Stewart; nays: Council Member Reddick. The motion carried and Ordinance Number 16-O-2 was passed and adopted.

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Council Member Selase made a motion for the unanimous consent of the Council to introduce and read by title Ordinance Number 16-O-3. The motion was seconded by Council Member Reddick.

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 16-O-3.

No one addressed the Council either in favor of or in opposition to the introduction and reading by title of Ordinance Number 16-O-3.

On call of the roll on Council Member Selase's motion for the unanimous consent of the Council to introduce and read by title Ordinance Number 16-O-3 and Council Member Reddick'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 16-O-3, Council Member Selase introduced and read by title Ordinance Number 16-O-3 as follows:

(16-O-3, to remove the prohibition against the smoking of E-cigarettes within the City)

Council Member Selase made a motion for the unanimous consent of the Council for the immediate consideration of Ordinance Number 16-O-3 as introduced and read by title. 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 16-O-3 as introduced and read by title, Council Member Reddick made a motion for the passage and adoption of Ordinance Number 16-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 Member Reddick; nays: Council Members Jenkins, Selase, Harris and Stewart. The motion failed.

Council Member Selase made a motion for the unanimous consent of the Council to introduce and read by title Ordinance Number 16-O-4. The motion was seconded by Council Member Reddick.

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 16-O-4.

No one addressed the Council either in favor of or in opposition to the introduction and reading by title of Ordinance Number 16-O-4.

On call of the roll on Council Member Selase's motion for the unanimous consent of the Council to introduce and read by title Ordinance Number 16-O-4 and Council Member Reddick's second to said motion the following vote was recorded: ayes: Council Members Jenkins, Reddick, Selase, Harris and Stewart; nays: none. The motion carried.

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Unanimous consent of the Council having been granted to introduce and read by title Ordinance Number 16-O-4, Council Member Selase introduced and read by title Ordinance Number 16-O-4 as follows:

(16-O-4, to allow for and regulate the operations of Hookah bars within the City)

Council Member Selase made a motion for the unanimous consent of the Council for the immediate consideration of Ordinance Number 16-O-4 as introduced and read by title. 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 16-O-4 as introduced and read by title, Council Member Selase made a motion for the passage and adoption of Ordinance Number 16-O-4 as introduced and read by title. The motion was seconded by Council Member Reddick; and on call of the roll the following vote was recorded: ayes: Council Member Reddick; nays: Council Members Jenkins, Selase, Harris and Stewart. The motion failed.

Council Member Selase made a motion for the unanimous consent of the Council to introduce and read by title Resolution Number 16-R-15. The motion was seconded by Council Member Jenkins.

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 Resolution Number 16-R-15.

No one addressed the Council either in favor of or in opposition to the introduction and reading by title of Resolution Number 16-R-15.

On call of the roll on Council Member Selase's motion for the unanimous consent of the Council to introduce and read by title Resolution Number 16-R-15 and Council Member Jenkins' 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 Resolution Number 16-R-15, Council Member Selase introduced and read by title Resolution Number 16-R-15 as follows:

(16-R-15, authorizing a Municipal Sales Tax Rebate agreement between the City and Rosie's To Go Inc.)

Council Member Jenkins made a motion for the passage and adoption of Resolution Number 16-R-15 as introduced and read by title. 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 16-R-15 was passed and adopted.

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Council Member Selase made a motion for the City Manager to direct the City Attorney to draft an ordinance to rescind the Cigar Bar Ordinance. The motion was seconded by Mayor Stewart.

Council Member Selase stated he felt the City needed to be consistent with their Smoking Ordinance and if the proposed motion and ordinance were to pass they could go back to being a smoke-free city meaning no smoke in public places or private businesses.

Council Member Harris stated that passage of this motion did not mean she had made a decision and this would give them time to explore all the options.

Council Member Reddick stated the city had the strongest smoking ordinance in the State and the loosest drinking ordinance in the State.

Mayor Stewart stated he did not think there were any facts to back up Council Member Reddick's previous statement.

On call of the roll on Council Member Selase's motion for the City Manager to direct the City Attorney to draft an ordinance to rescind the Cigar Bar Ordinance and Mayor Stewart's second to said motion the following vote was recorded: ayes: Council Members Selase, Harris and Stewart; nays: Council Member Reddick; abstentions: Council Member Jenkins. The motion carried.

Council Member Harris stated the passage of the ordinance amending the Animal Control in the City Code had been the culmination of a lot of work and thanked everyone who taken part in the process.

Council Member Selase stated he been able to assist Thankful Baptist Church in the collection of water for Flint, Michigan. He reminded everyone that February was Black History Month.

Council Member Reddick stated that in his neighborhood there were stray dog problems. He stated he was glad it was not a problem in other parts of the city. He stated he was disappointed the Hookah Bars were not as important the Cigar Bars.

Mayor Stewart stated he would gladly meet with anyone after the meeting concerning stray dog problems. He stated there were stray dogs in his neighborhood near Tenth Street Elementary School. He stated the City did have limited resources.

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 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 the meeting was adjourned at approximately 7:02 o'clock p.m.