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Anniston, Alabama
March 26, 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, March 26, 2013, at approximately 6:00 o'clock p.m.

Joshua Wilson, student, Anniston High School, prayed the Invocation.

Joshua Wilson, student, 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.

Bruce Downey, City Attorney, was present.

Council Member Reddick made a motion to dispense with the reading of and approve the minutes of March 7, 2012. 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 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 announced that was the time for the public hearing on an application for a Lounge Retail Liquor-Class I Liquor license for Lil Dixie Properties LLC d/b/a Lil Dixies Cue and Grill, declared the hearing open and asked if anyone wished to address the Council either in favor of or in opposition to said application for a Lounge Retail Liquor-Class I Liquor license for Lil Dixie Properties LLC d/b/a Lil Dixies Cue and Grill.

Mike Laplant, attorney for David Mogil, addressed the Council in opposition to said application for a Lounge Retail Liquor-Class I Liquor license for Lil Dixie Properties LLC d/b/a Lil Dixies Cue and Grill.

Troy Shantyfelt, Western Auto, addressed the Council in favor of said application for a Lounge Retail Liquor-Class I Liquor license for Lil Dixie Properties LLC d/b/a Lil Dixies Cue and Grill.

Mayor Stewart asked if anyone else wished to address the Council either in favor of or in opposition to said application for a Lounge Retail Liquor-Class I Liquor license for Lil Dixie Properties LLC d/b/a Lil Dixies Cue and Grill.

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No one else addressed the Council either in favor of or in opposition to said application for a Lounge Retail Liquor-Class I Liquor license for Lil Dixie Properties LLC d/b/a Lil Dixies Cue and Grill.

Mayor Stewart declared the public hearing on an application for a Lounge Retail Liquor-Class I Liquor license for Lil Dixie Properties LLC d/b/a Lil Dixies Cue and Grill closed.

Council Member Jenkins introduced and read Ordinance Number 13-O-5 as follows:

ORDINANCE NO. 13-O-5

AN ORDINANCE AMENDING SECTION 4.6 OF THE CODE OF ORDINANCES OF THE CITY OF ANNISTON PROVIDING FOR THE REGISTRATION, INSPECTION, AND CONTROL OF HONEYBEES AND APIARIES WITHIN THE CITY

WHEREAS, honey bees are of benefit to mankind and to Alabama in particular, by providing agriculture, fruit, and garden pollination services and by generating honey, wax, and other useful products; and

WHEREAS, the city's Code of Ordinances has heretofore prohibited the keeping of honey bee hives in certain areas; and

WHEREAS, domestic strains of honey bees have been selectively bred for desirable traits, including honey production, tendency not to swarm, and non-aggression; and

WHEREAS, honey bees can be maintained within populated areas in reasonable densities without causing a nuisance if the honey bees are properly located, carefully managed, and maintained:

NOW, THEREFORE, be it ordained by the City Council of the City of Anniston, Alabama that Section 4.6 of Article I of Chapter 4 of the Code of Ordinances of Anniston Alabama is hereby amended in its entirety to read:

Section 1. That Section 4.6, Honeybees and Apiaries of the Code of Ordinances of the City of Anniston, Alabama is hereby amended to read as follows:

- (a) The purpose of this Section is to establish certain requirements, consistent with Title 2 of Alabama law, of sound beekeeping practices, which are intended to avoid problems that may otherwise be associated with the keeping of honey bees in populated areas.
- (b) The keeping by any person of honeybee colonies or apiaries in the municipality not in compliance with this section and Chapter 14 of Title 2 of Alabama state law and the associated rules and regulations established by the Alabama Board of Agriculture and Industries is prohibited.
- (c) The following words, terms, and phrases, when used in this section, shall have the following meanings ascribed to them in this section:

- (1) “*Apiary*” shall mean a place where one or more honey bee colonies are kept.
 - (2) “*Honey Bee*” shall mean any life stage of the common domestic honey bee, *Apis Mellifera* species.
 - (3) “*Colony*” shall mean a hive and its equipment and appurtenances, including, honey bees, combs, honey, pollen, and brood.
 - (4) “*Hive*” shall mean a structure intended for the housing of a honey bee colony.
 - (5) “*Tract*” shall mean a parcel of land and any contiguous parcel of land under common ownership.
- (d) All honey bee colonies shall be kept in inspectable-type hives with removable combs, which shall be kept in sound and usable condition.
- (e) In each instance in which any colony is situated within twenty-five (25) feet of a developed public or private property line of the tract upon which the apiary is situated, as measured from the nearest point on the closest hive to the property line, the beekeeper shall establish and maintain a flyway barrier at least ten (10) feet in height consisting of a solid wall, dense vegetation, or combination thereof that is parallel to the property line and extending ten (10) feet beyond the colony in each direction so that all honey bees are forced to fly at an elevation of at least ten (10) feet above ground level over the property lines in the vicinity of the apiary.
- (f) Each beekeeper shall ensure that a convenient source of water is available at all times to the honey bees housed in the apiary so that the honey bees are discouraged from congregating at swimming pools, pet water bowls, birdbaths or other water sources where they may cause human, or domestic pet contact.
- (g) Any honey bee colony not utilizing a hive structure intended for beekeeping, or any swarm of honey bees or colony residing in a standard or homemade hive which, by virtue of its condition, presents a public nuisance or has been abandoned by the beekeeper, is unlawful and may be summarily destroyed or removed by the municipality or its designee, such as a recognized Beekeepers Association.

Section 2. 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 26th day of March, 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

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Council Member Jenkins made a motion for the unanimous consent of the Council for the immediate consideration of Ordinance Number 13-O-5 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-5 as introduced and read by title, Council Member Harris made a motion for the passage and adoption of Ordinance Number 13-O-5 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 and Ordinance Number 13-O-5 was passed and adopted.

Council Member Jenkins introduced and read Resolution Number 13-R-29 as follows:

(13-R-29, appointing a member to the Parks, Recreation and Beautification Bd.)

Council Member Jenkins made a motion for the passage and adoption of Resolution Number 13-R-29 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 and Resolution Number 13-R-29 was passed and adopted.

Council Member Harris introduced and read Resolution Number 13-R-30 as follows:

(13-R-30, appointing a member to the MDA)

Council Member Harris made a motion for the passage and adoption of Resolution Number 13-R-30 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 and Resolution Number 13-R-30 was passed and adopted.

Council Member Harris introduced and read Resolution Number 13-R-31 as follows:

(13-R-31, declaring a condition to be a public nuisance)

Council Member Harris made a motion for the passage and adoption of Resolution Number 13-R-31 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-31 was passed and adopted.

Council Member Jenkins introduced and read Resolution Number 13-R-32 as follows:

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(13-R-32, supporting the City of Anniston Education and Economic Development Partnership Strategic Planning Initiative)

Council Member Jenkins made a motion for the passage and adoption of Resolution Number 13-R-32 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 and Resolution Number 13-R-32 was passed and adopted.

Mayor Stewart introduced and read Resolution Number 13-R-33 as follows:

(13-R-33, opposing the passage by the Alabama Legislature of companion Bills HB257 and SB217 and any other similar legislation)

Mayor Stewart made a motion for the passage and adoption of Resolution Number 13-R-33 as introduced and read. The motion was seconded by Council Member Selase.

Council Member Reddick stated he did not have enough information about these bills or enough information about the current practices of cities concerning these bills.

Council Member Jenkins stated these bills would further limit home rule of cities. He stated there was no reason for the State Legislature to dictate home rule.

Council Member Harris stated that she could personally be adversely affected or could benefit from the passage of these bills so she would have to abstain from this vote.

On call of the roll on Mayor Stewart's motion for the passage and adoption of Resolution Number 13-R-33 as introduced and read and Council Member Selase's second to said motion the following vote was recorded: : ayes: Council Members Jenkins, Selase, and Stewart; nays: none; abstentions: Council Members Reddick and Harris. The motion carried and Resolution Number 13-R-33 was passed and adopted.

Kimberly Richardson, Kimberly Richardson Consulting, LLC, addressed the Council and stated they were looking forward to working with the City of Anniston.

Council Member Selase introduced and read Resolution Number 13-R-34 as follows:

(13-R-34, agreement with Kimberly Richardson Consulting, LLC to provide administration of the CDBG program and the HOME program)

Council Member Selase made a motion for the passage and adoption of Resolution Number 13-R-34 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-34 was passed and adopted.

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Council Member Reddick introduced and read Resolution Number 13-R-35 as follows:

(13-R-35, declaring real property surplus at 2006 McCoy and authorizing sale of said property)

Council Member Reddick made a motion for the passage and adoption of Resolution Number 13-R-35 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-35 was passed and adopted.

Council Member Selase made a motion to approve an application for a Lounge Retail Liquor-Class I Liquor license for Lil Dixie Properties LLC d/b/a Lil Dixies Cue and Grill. 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 Reddick made a motion to approve the closing of the streets around the perimeter of Zinn Park on April 27, 2013 from 8:00 a.m. – 12:00 midnight. 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.

Mayor Stewart made a motion to approve the addition to the Policy and Procedures Manual “Standards of Conduct Regarding Federal and State Grants” policy. 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.

Council Member Selase thanked the Public Works Department for the new speed monitoring devices in use by the City.

Council Member Jenkins thanked the Board of Education for working with the Council.

Council Member Reddick thanked Bob Dean, Public Works Director, for his work concerning the traffic lights.

Council Member Harris thanked Steven Folks, Parks and Recreation Director, for giving the Council a tour of all the parks.

Mayor Stewart thanked the City staff for all their work during the recent storms.

There being no further business to come before the meeting at that time Council Member Selase 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 6:55 o'clock p.m.