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Anniston, Alabama
April 23, 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, April 23, 2013, at approximately 5:59 o'clock p.m.

Chief Taylor, Fire Department, prayed the Invocation.

Chief Taylor, Fire Department, 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 Jenkins made a motion to waive the reading of the minutes of April 9, 2013. 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 approve the minutes of April 9, 2013. 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 Reddick made a motion to delete from the agenda appointing a member to the Public Building Authority and to adopt the agenda as amended. 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 Jenkins made a motion to remove from the table a proposed motion approving a Club Liquor – Class II application for Dee Fords Bar and Grill LLC d/b/a Dee Fords located in the police jurisdiction at 3805 Highway 202. 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 Reddick made a motion to approve a Club Liquor – Class II application for Dee Fords Bar and Grill LLC d/b/a Dee Fords located in the police jurisdiction at 3805 Highway 202. The motion was seconded by Council Member Jenkins.

Dee Ford addressed the Council and stated he had changed his mode of operation from when he had clubs in Anniston and asked the Council to approve his application.

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Joel Laird, attorney for Dee Ford, addressed the Council and asked the Council to approve Mr. Ford's application.

Council Member Jenkins stated that this application had given the Council the opportunity to annually review establishments with liquor licenses.

Mayor Stewart agreed that this application would give the Council the opportunity to annually review establishments with liquor licenses. He stated he had met and spoken with Mr. Ford and his attorney.

Council Member Reddick agreed that this application had given the Council the opportunity to annually review establishments with liquor licenses.

On call of the roll on Council Member Reddick's motion to approve a Club Liquor – Class II application for Dee Fords Bar and Grill LLC d/b/a Dee Fords located in the police jurisdiction at 3805 Highway 202 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.

Mayor Stewart announced that was the time for the public hearing to receive comments pertaining to a proposed ordinance to amend the Smoking Ordinance, declared the public hearing open and asked if anyone wished to address the Council concerning said proposed ordinance to amend the Smoking Ordinance.

Jackie Stovall, owner, Office Lounge, addressed the Council and asked the Council to table said proposed ordinance to amend the Smoking Ordinance and to look at some other options before they pass this ordinance. He stated this ordinance would hurt his business.

Mark Hurst, 1528 Warrior Road, addressed the Council and stated his concern was for employees that worked at drinking establishments and asked if this ordinance would pertain to the county, also.

Bob McDowell, 821 West 51st Street, Elks Lodge, addressed the Council and stated this ordinance would hurt his business.

Ann Crossley, Smoking Moose, addressed the Council and stated there would be a lot of lost business and revenue if this ordinance was passed. She stated her establishment has a venting system to remove smoke.

Chris Abernathy, 4317 Cambridge Lane, addressed the Council and stated he felt this ordinance was a step in the right direction.

Ashley Larelee, American Lung Association, addressed the Council in support of said proposed ordinance to amend the Smoking Ordinance.

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Darlene Richey, American Heart Association volunteer, addressed the Council in support of said proposed ordinance to amend the Smoking Ordinance.

Michelle Bain, American Cancer Society volunteer, addressed the Council in support of said proposed ordinance to amend the Smoking Ordinance.

Bob McClain, Say Pac, addressed the Council in support of said proposed ordinance to amend the Smoking Ordinance.

Dee Ford addressed the Council and stated this proposed ordinance would hurt business for some restaurants and bars.

Brenda Roberts, 1027 Montvue Road, addressed the Council in support of said proposed ordinance to amend the Smoking Ordinance.

Marsha Jackson, Smoking Moose employee, addressed the Council in opposition to said proposed ordinance to amend the Smoking Ordinance.

Mayor Stewart asked if anyone else wished to address the Council concerning said proposed ordinance to amend the Smoking Ordinance.

No one else addressed the Council concerning said proposed ordinance to amend the Smoking Ordinance.

Mayor Stewart declared the public hearing to receive comments pertaining to a proposed ordinance to amend the Smoking Ordinance closed.

Mayor Stewart announced that was the time for the public hearing concerning the proposed abatement of identified nuisances at the following locations: #5 McArthur Drive, 2716 Noble Street, 2217 McKleroy Avenue, 219, 305 and 309 North Avenue, 2413, 2416, and 2630 Walnut Avenue, 410 West 27th Street, 2305 and 2330 Gurnee Avenue, 121 West 24th Street, 2430 and 2500 McKleroy Avenue, 3029 Walnut (vacant lot), 814 West 17th Street, 312 Blue Mountain Road, 2922 Old Wilmer Avenue, 0 East 30th #5.001, 18 East 27th Street, 417 Elm Street, 2214 McKleroy Avenue, 2401, 2407, 2409, 2415, 2012, 2014, and 2827 Moore Avenue, 2804 and 2824 McKleroy Avenue, 2726, 2730, 2811 and 2812 Gurnee Avenue, vacant lot next to 2804 McKleroy Avenue, 2730, 2701, 2724, and 2700 McCoy Avenue, 0 West 13th Street #47, 422, 426, 418, and 900 Chestnut Avenue, 926 Glenaddie Avenue, 512 West 10th Street, and 514 West 10th Street; declared the hearing open and asked if anyone wished to address the Council concerning the proposed abatement of identified nuisances at said locations.

No one addressed the Council concerning the proposed abatement of identified nuisances at said locations.

Mayor Stewart declared the public hearing concerning the proposed abatement of identified nuisances at said locations closed.

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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 13-O-6. 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 introduction and reading by title of Ordinance Number 13-O-6.

No one addressed the Council either in favor of or in opposition to the introduction and reading by title of Ordinance Number 13-O-6.

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 13-O-6 and Council Member Harris' 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-6, Council Member Selase introduced and read by title Ordinance Number 13-O-6 as follows:

ORDINANCE NUMBER 13 - O - 6

AN ORDINANCE AMENDING AND RESTATING CHAPTER
28½ OF THE CODE OF ORDINANCES OF THE CITY OF
ANNISTON PROHIBITING SMOKING IN PUBLIC PLACES
AND WORKPLACES

WHEREAS, the Council of the City of Anniston finds that secondhand smoke is a known carcinogen, which causes health complications, disease and premature death in children and adults who do not smoke;

WHEREAS, the Council finds that children exposed to secondhand smoke are at an increased risk for sudden infant death syndrome, acute respiratory problems, ear infections, and asthma attacks;

WHEREAS, the Council finds that even occasional exposure of adults to secondhand smoke has adverse effects on the cardiovascular system and causes coronary heart disease and lung cancer;

WHEREAS, the Council finds that there is no risk-free level of exposure to secondhand smoke;

WHEREAS, the Council finds that establishing smoke-free workplaces is the only effective way to ensure that secondhand smoke does not cause harm to others in the workplace;

WHEREAS, the Council finds that smoke-free policies and laws improve health and do not negatively impact, and may positively impact, the hospitality industry;

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WHEREAS, the Council finds that secondhand smoke is a form of air pollution, a danger to health, and a material public nuisance;

NOW, THEREFORE, be it ordained by the City Council of the City of Anniston, Alabama as follows:

Section 1. The City Council of the City of Anniston, Alabama hereby amends and restates Chapter 28½ of “The Code of the City of Anniston, Alabama, 1981” in its entirety to read as follows:

Article I. Prohibition of Smoking in Public Places and Workplaces

Section 28½.1. Title. This Article shall be known as the “City of Anniston Smoke Free Air Ordinance of 2013.”

Section 28½.2. Intent. The purposes of this Article are (1) to protect the public health and welfare by prohibiting smoking in public places and places of employment; (2) to address and abate a form of air pollution caused by the smoking of tobacco, a positive danger to health and a material public nuisance; and (3) to afford nonsmokers the right to breathe smoke-free air in public places and in places of employment.

Section 28½.3. Definitions. The following words and phrases, whenever used in this ordinance, shall be construed as defined in this Section:

- A. “Bar” means an establishment that is devoted to the serving of alcoholic beverages for consumption by guests on the premises and in which the serving of food is only incidental to the consumption of those beverages, including but not limited to, taverns, nightclubs, cocktail lounges, and cabarets.
- B. “Business” means a sole proprietorship, partnership, association, joint venture, corporation, or other business entity, either for-profit or not-for-profit, including retail establishments where goods or services are sold; professional corporations and other entities where legal, medical, dental, engineering, architectural, or other professional services are delivered; and private clubs.
- C. “E-cigarette” means any electronic oral device, such as one composed of a heating element, battery, and/or electronic circuit, which create a vapor of nicotine or any other substances, and the use or inhalation of which simulates smoking. The term shall include any such device, whether manufactured, distributed, marketed, or sold as an e-cigarette, e-cigar, e-pipe, or under any other product name or descriptor.
- D. “Employee” means a person who is employed by an employer in consideration for direct or indirect monetary wages or profit, and a person who volunteers his or her services for a non-profit entity.

- E. “Employer” means a person, business, partnership, association, corporation, municipal corporation, trust, or non-profit entity that employs the services of one or more individual persons.
- F. “Enclosed Area” means all space between a floor and a ceiling that is bounded on at least two sides by walls, doorways, or windows, whether open or closed. A wall includes any retractable divider, garage door, or other physical barrier, whether temporary or permanent and whether or not containing openings of any kind.
- G. “Health Care Facility” means an office or institution providing care or treatment of diseases, whether physical, mental, or emotional, or other medical, physiological, or psychological conditions, including but not limited to, hospitals, rehabilitation hospitals or other clinics, including weight control clinics, nursing homes, long-term care facilities, homes for the aging or chronically ill, laboratories, and offices of surgeons, chiropractors, physical therapists, physicians, psychiatrists, dentists, and all specialists within these professions. This definition shall include all waiting rooms, hallways, private rooms, semiprivate rooms, and wards within health care facilities.
- H. “Place of Employment” means an area under the control of a public or private employer, including, but not limited to, work areas, private offices, employee lounges, restrooms, conference rooms, meeting rooms, classrooms, employee cafeterias, hallways, construction sites, temporary offices, and vehicles. A private residence is not a “place of employment” unless it is used as a commercial childcare facility, a commercial adult day care, or a health care facility.
- I. “Playground” means any park or recreational area designed in part to be used by children that has play or sports equipment installed or that has been designated or landscaped for play or sports activities, or any similar facility located on public or private school grounds or on municipal grounds.
- J. “Private Club” means an organization, whether incorporated or not, which is the owner, lessee, or occupant of a building or portion thereof used exclusively for club purposes at all times, which is operated solely for a recreational, fraternal, social, patriotic, political, benevolent, or athletic purpose, but not for pecuniary gain, and which only sells alcoholic beverages incidental to its operation.
- K. “Public Place” means an area to which the public is invited or in which the public is permitted, including but not limited to, banks, bars, educational facilities, gaming facilities, health care facilities, hotels and motels, laundromats, public transportation vehicles and facilities, reception areas, restaurants, retail food production and marketing establishments, retail service establishments, retail stores, shopping malls, sports arenas, theaters, and waiting rooms. A private residence is not a “public place” unless it is used as a commercial childcare facility, a commercial adult day care facility, or health care facility.
- L. “Restaurant” means an eating establishment, including but not limited to, coffee shops, cafeterias, sandwich stands, and private and public school cafeterias, which gives or offers

food for sale to the public, guests, or employees, as well as kitchens and catering facilities in which food is prepared on the premises for serving elsewhere. The term “restaurant” shall include a bar area within the restaurant.

- M. “Service Line” means an indoor or outdoor line in which one (1) or more persons are waiting for or receiving service of any kind, whether or not the service involves the exchange of money, including but not limited to, ATM lines, concert lines, food vendor lines, movie ticket lines, and sporting event lines.
- N. “Shopping Mall” means an enclosed public walkway or hall area that serves to connect retail or professional establishments.
- O. “Smoking” means inhaling, exhaling, burning, or carrying any lighted or heated cigar, cigarette, or pipe, or any other lighted or heated tobacco or plant product intended for inhalation, in any manner or in any form. “Smoking” also includes the use of an e-cigarette that creates a vapor, in any manner or in any form, or the use of any oral smoking device for the purpose of circumventing the prohibition of smoking in this Article.
- P. “Sports Arena” means a place where people assemble to engage in physical exercise, participate in athletic competition, or witness sports or other events, including sports pavilions, stadiums, gymnasiums, health spas, boxing arenas, swimming pools, roller and ice rinks, and bowling alleys.

Section 28½.4. Application to City Facilities and Property. All enclosed areas, including buildings and vehicles owned, leased, or operated by the City of Anniston, as well as all outdoor property owned, leased or operated by the City shall be subject to the provisions of this Article.

Section 28½.5. Prohibition of Smoking in Enclosed Public Places. Smoking shall be prohibited in all enclosed areas of public places within the City of Anniston, including but not limited to, the following places:

- A. Aquariums, gardens, galleries, libraries, and museums.
- B. Areas available to the general public in businesses and non-profit entities patronized by the public, including but not limited to, banks, laundromats, professional offices, and retail service establishments.
- C. Bars.
- D. Bingo facilities.
- E. Childcare facilities and adult day care facilities.
- F. Convention facilities.
- G. Educational facilities, both public and private.

- H. Elevators.
- I. Gaming facilities.
- J. Health care facilities.
- K. Hotels and motels.
- L. Lobbies, hallways, and other common areas in apartment buildings, condominiums, trailer parks, retirement facilities, nursing homes, and other multiple-unit residential facilities.
- M. Polling places.
- N. Public transportation vehicles, including buses and taxicabs, under the authority of the City, and ticket, boarding, and waiting areas of public transportation facilities, including bus, train, and airport facilities.
- O. Restaurants.
- P. Restrooms, lobbies, reception areas, hallways, and other common-use areas.
- Q. Retail stores.
- R. Rooms, chambers, places of meeting or public assembly, including school buildings, under the control of an agency, board, commission, committee or council of the City or a political subdivision of the State, to the extent the place is subject to the jurisdiction of the City.
- S. Service lines.
- T. Shopping malls.
- U. Sports arenas, including enclosed places in outdoor arenas.
- V. Theaters and other facilities primarily used for exhibiting motion pictures, stage dramas, lectures, musical recitals, or other similar performances.

Section 28½.6. Prohibition of Smoking in Enclosed Places of Employment. Smoking shall be prohibited in all enclosed areas of places of employment, including, without limitation, common work areas, auditoriums, classrooms, conference and meeting rooms, private offices, elevators, hallways, medical facilities, cafeterias, employee lounges, stairs, restrooms, vehicles, and all other enclosed facilities.

Section 28½.6.1. Communication of Prohibition of Smoking in Enclosed Places of Employment. Employers shall communicate to all existing employees by the effective date of this Article and to all prospective employees upon their application for employment that smoking is prohibited in all enclosed areas of places of employment, as set forth in this Article.

Section 28½.7. Prohibition of Smoking in Private Clubs. Smoking shall be prohibited in all enclosed areas of private clubs.

Section 28½.8. Prohibition of Smoking in Enclosed Residential Facilities. Smoking shall be prohibited in the following enclosed areas of residential facilities:

- A. All private and semi-private rooms in nursing homes.
- B. All hotel and motel rooms that are rented to guests.

Section 28½.9. Prohibition of Smoking in Outdoor Public Places. Smoking shall be prohibited in outdoor public places as follows:

- A. Within a reasonable distance of no less than fifteen (15) feet outside entrances, operable windows, and ventilation systems of enclosed areas where smoking is prohibited, so as to prevent tobacco smoke from entering those areas.
- B. On all outdoor property that is adjacent to buildings owned, leased, or operated by the City of Anniston and that is under the control of the City.
- C. In, and within seven (7) feet of, outdoor seating or serving areas of restaurants, bars, private clubs, hotels and motels, except such outdoor seating or service areas which are openly and obviously designated by the owner or operator with signage as a "Smoking Area" and which are at least seven (7) feet from any entrance, open window, or ventilation system to an enclosed area where smoking is prohibited.
- D. In all outdoor arenas, stadiums, and amphitheaters. Smoking shall also be prohibited in, and within fifteen (15) feet of, bleachers and grandstands for use by spectators at sporting and other public events.
- E. In, and within fifteen (15) feet of, all outdoor playgrounds.
- F. In, and within fifteen (15) feet of, all outdoor public transportation stations, platforms, and shelters under the authority of the City.
- G. In, or within fifteen (15) feet of, all outdoor service lines, including lines in which service is obtained by persons in vehicles, such as service that is provided by bank tellers, parking lot attendants, and toll takers.
- H. In outdoor common areas of hotels and motels, apartment buildings, condominiums, trailer parks, retirement facilities, nursing homes, and other multiple-unit residential

facilities, except in such outdoor common areas which are openly and obviously designated by the owner or operator with signage as a “Smoking Area” by the owner or operator, not to exceed twenty-five percent (25%) of the total outdoor common area, and which are at least fifteen (15) feet from any entrance, open windows, or ventilation systems to an enclosed area where smoking is prohibited.

Section 28½.10. Prohibition of Smoking in Outdoor Places of Employment. Subject to any exception specifically set forth in this Article, smoking shall be prohibited in all outdoor places of employment where two or more employees are required to be in the course of their employment. This includes, without limitation, work areas, construction sites, temporary offices such as trailers, restroom facilities, and vehicles.

Section 28½.10.1. Communication of Prohibition of Smoking in Outdoor Places of Employment. Employers shall communicate to all existing employees by the effective date of this Article and to all prospective employees upon their application for employment that smoking is prohibited in all outdoor places of employment, as set forth in this Article.

Section 28½.11. Where Smoking is Not Regulated. Notwithstanding any other provision of this Article to the contrary, smoking shall not be prohibited in private residences, unless used as a commercial childcare facility, a commercial adult day care, or health care facility.

Section 28½.12. Posting of Signs and Removal of Ashtrays. The owner, operator, manager, or other person in control of a public place or place of employment where smoking is prohibited by this Article shall:

- A. Clearly and conspicuously post “No Smoking” signs or the international “No Smoking” symbol (consisting of a pictorial representation of a burning cigarette enclosed in a red circle with a red bar across it) in that place.
- B. Clearly and conspicuously post at every entrance to that place a sign stating that smoking is prohibited.
- C. Clearly and conspicuously post on every vehicle that constitutes a place of employment under this Article at least one sign, visible from the exterior of the vehicle, stating that smoking is prohibited.
- D. Remove all ashtrays from any area where smoking is prohibited by this Article, except for ashtrays displayed for sale and not for use on the premises.

Section 28½.13. Non-retaliation. No person or employer shall discharge, refuse to hire, or in any manner retaliate against an employee, applicant for employment, customer, or resident of a multiple-unit residential facility because that employee, applicant, customer, or resident exercises any rights afforded by this Article or reports or attempts to prosecute a violation of this Article. Notwithstanding Section 28½.17 of this Article, violation of this Section shall be a misdemeanor, punishable by a fine not to exceed \$500 for each violation.

Section 28½.14. Non-waiver of Rights. An employee who works in a setting where an employer allows smoking does not waive or otherwise surrender any legal rights the employee may have against the employer or any other party.

Section 28½.15. Notice Provided to all Applicants for Business License. The City shall provide notice of the provisions of this Article to all applicants for a business license in the City of Anniston.

Section 28½.16. Enforcement. This Article shall be enforced as follows:

- A. Any duly sworn and on-duty police officer employed by the City of Anniston, or any other authorized designee of the City otherwise allowed by law, is authorized to enforce this Article.
- B. Any citizen and any employee, official or agent of the City may initiate enforcement of this Article by registering a complaint with the Police Department of the City of Anniston or with any other authorized designee of the City otherwise allowed by law.
- C. Any person aggrieved by the failure of the owner, operator, manager, or other person in control of a public place or a place of employment to comply with the provisions of this Article may apply for injunctive relief to enforce those provisions in any court of competent jurisdiction.

Section 28½.17. Violations and Penalties. The violation of the prohibitions set forth in this Article shall result in the following penalties:

- A. A person who knowingly or intentionally smokes in an area where smoking is prohibited by the provisions of this Article commits an offense, punishable by a fine not exceeding fifty dollars (\$50) per offense. A charge of violation shall be treated in the same manner as a traffic violation.
- B. Except as otherwise provided in Section 28½.13, a person who owns, manages, operates, or otherwise controls a public place or place of employment and who fails to comply with the provisions of this Article shall be guilty of an offense, punishable by:
 - 1. A fine not exceeding one hundred dollars (\$100) for a first violation. A charge of violation shall be treated in the same manner as a traffic violation.
 - 2. A fine not exceeding two hundred dollars (\$200) for a second violation within one (1) year. A charge of violation shall be treated in the same manner as a traffic violation.
 - 3. A fine not exceeding five hundred dollars (\$500) for each additional violation within one (1) year. A charge of violation shall be treated in the same manner as a traffic violation.

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- C. In addition to the fines established by this Section, violation of this Article by a person who owns, manages, operates, or otherwise controls a public place or place of employment may result in the suspension or revocation of any permit or license issued to the person for the premises on which the violation occurred.
- D. Violation of this Article is hereby declared to be a public nuisance, which may be abated by the City of Anniston, or its authorized designee, by restraining order, preliminary and permanent injunction, or other means provided for by law, and the City may take action to recover the costs of the nuisance abatement.
- E. Each day on which a violation of this Article occurs shall be considered a separate and distinct violation.

Section 28½.18. Other Applicable Laws. This Article shall not be interpreted or construed to permit smoking where it is otherwise restricted by other applicable laws.

Section 28½.19. Liberal Construction. This Article shall be liberally construed so as to further its purposes.

Section 28½.20. Severability. If any provision, clause, sentence, or paragraph of this Article or the application thereof to any person or circumstances shall be held invalid, that invalidity shall not affect the other provisions of this Article which can be given effect without the invalid provision or application, and to this end the provisions of this Article are declared to be severable.

Section 28½.21. Effective Date. This Article shall be effective July 1, 2013 after its adoption and publication one (1) time in the Anniston Star, a newspaper of general circulation published in the City of Anniston.

Section 28½.22. Express Repeal of all Conflicting Ordinances. All ordinances or parts of ordinances of the City of Anniston in conflict herewith are expressly repealed.

PASSED AND ADOPTED this the 23rd day of April, 2013.

CITY COUNCIL OF THE CITY OF
ANNISTON, ALABAMA

By: /s/ Vaughn Stewart, Mayor

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

By: /s/ Seyram Selase, Council Member

By: /s/ Millie Harris, Council Member

ATTEST:

/s/ Alan B. Atkinson, City Clerk

Council Member Selase made a motion for the unanimous consent of the Council for the immediate consideration of Ordinance Number 13-O-6 as introduced and read by title. The

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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. Unanimous consent of the Council having been granted for the immediate consideration of Ordinance Number 13-O-6 as introduced and read by title, Council Member Selase made a motion for the passage and adoption of Ordinance Number 13-O-6 as introduced and read by title. The motion was seconded by Council Member Harris.

Council Member Jenkins stated there was currently no empirical data to suggest that e-cigarettes are bad for the public at large.

Council Member Jenkins made a motion that the ordinance be amended to strike any references to e-cigarettes. The motion was seconded by Council Member Reddick.

Mayor Stewart stated he felt they should pass the ordinance as introduced without any amendments. He stated he agreed with Council Member Jenkins that there currently was no data to suggest that e-cigarettes are bad for the public at large but he felt this ordinance would be more difficult to enforce if the e-cigarette references were removed from the ordinance.

Council Member Reddick stated he felt e-cigarettes were more like a nicotine patch than a cigarette. He stated there was not second hand smoke from e-cigarettes because they were vapor based.

On call of the roll on Council Member Jenkins' motion that the ordinance be amended to strike any references to e-cigarettes and Council Member Reddick's second to said motion the following vote was recorded: ayes: Council Members Jenkins and Reddick; nays: Council Members Selase, Harris and Stewart. The motion failed.

Council Member Reddick stated this ordinance would negatively impact the bars and nightclubs. He stated he was in favor of a stronger smoking ordinance but he felt a 100% ban was excessive. He stated the city would lose entertainment and nightclub business to other cities with less restrictive smoking bans.

Council Member Selase stated that he felt smoking did not fit with the eco-friendly city image that they were trying to create for Anniston. He stated he had spoken with patrons of local bars, bars in Atlanta and Birmingham and other cities and had been told by the patrons that the smoking ban would not keep them away from the bars and might increase the frequency of their visits. He stated the Council had vetted this issue and they were not trying to hurt any of the local businesses.

Council Member Jenkins stated he would have like to have seen the e-cigarette reference removed from this ordinance but in general he was a supporter of this ordinance. He stated this ordinance did allow for restaurants and bars to have outdoor smoking areas. He stated they were not trying to micromanage the public but were addressing a safety issue.

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Council Member Harris stated they were not trying to tell people what to do or infringe on their rights but she when someone's behavior harms another individual then that is a violation. She stated they were not trying to hurt local businesses.

On call of the roll on Council Member Selase's motion for the passage and adoption of Ordinance Number 13-O-6 as introduced and read by title 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 carried and Ordinance Number 13-O-6 was passed and adopted.

Council Member Jenkins made a motion for the unanimous consent of the Council to introduce and read by title Ordinance Number 13-O-7. 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-7.

No one addressed the Council either in favor of or in opposition to the introduction and reading by title of Ordinance Number 13-O-7.

On call of the roll on Council Member Jenkins' motion for the unanimous consent of the Council to introduce and read by title Ordinance Number 13-O-7 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-7, Council Member Jenkins introduced and read by title Ordinance Number 13-O-7 as follows:

ORDINANCE NO. 13-O-7

AN ORDINANCE AMENDING SECTION 15.50 OF THE CODE OF ORDINANCES OF THE CITY OF ANNISTON, ALABAMA CHANGING SPEED LIMITS

WHEREAS, the City Council of the City of Anniston (the "Council") finds that the speed limit on East 22nd Street from the intersection of Christine Avenue to the intersection of Woodland Avenue is due to be changed from thirty (30) miles per hour to twenty-five (25) miles per hour;

WHEREAS, the Council finds that the speed limit on Rocky Hollow Road from the intersection of 18th Street to the intersection of Woodland Avenue is due to be changed from thirty (30) miles per hour to twenty-five (25) miles per hour;

WHEREAS, the Council finds that the speed limit on Woodland Avenue from the intersection of Rocky Hollow Road to the intersection of 22nd Street is due to be changed from thirty (30) miles per hour to twenty-five (25) miles per hour;

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

Section 1. The City Council of the City of Anniston, Alabama hereby amends and restates Section 15.50 of “The Code of the City of Anniston, Alabama, 1981” in its entirety to read as follows:

Sec. 15.50. – Speed limits generally. The following speed limits shall apply within the city:

(a) *Fifteen (15) miles per hour:*

- (1) 4th Street, from its intersection with Mulberry Avenue West to Oak Street.
- (2) 5th Street, from its intersection with Mulberry Avenue West to Oak Street.
- (3) 11th Street from its intersection with Johnson Drive east to its intersection with Elizabeth Street, Elizabeth Street from its intersection with 10th Street, north to a point 200 feet north of the north boundary line of East 11th Street.
- (4) Baltzell Gate Road, from a point 500 feet northwest of the traffic circle to, and around the traffic circle.
- (5) Belair Road, from Millicent Street to Bray Road.
- (6) Bray Road.
- (7) Buckner Circle.
- (8) Foxley Road.
- (9) Hormada Drive from its intersection with Henry Road northerly to its intersection with Lynn Road.
- (10) Jarvis Street.
- (11) Jimmy Parks Boulevard, from a point 500 feet north of the traffic circle to the traffic circle.
- (12) Lamp Road (Dooley Road).
- (13) Littlebrant Drive, from intersection with Millicent Street to Bray Road.
- (14) Millicent Street.
- (15) Morton Road.
- (16) Wirans Road.

(b) *Twenty (20) miles per hour:*

- (1) Littlebrant Drive, from intersection with Shipley Road northeasterly to a point 975 feet north of said intersection.
- (2) Oak Street.

(c) *Thirty (30) miles per hour, generally:*

- (1) All streets and alleys within the city unless otherwise specified in the Code.
- (2) Jimmy Parks Boulevard, from intersection with Castle Avenue southwesterly to a point 500 feet north of the traffic circle.

(d) *Twenty-five (25) miles per hour:*

- (1) 8th Street, between Leighton Avenue and Keith Avenue during the hours of 6:30 a.m. to 7:30 a.m. and 1:30 p.m. to 2:30 p.m.
- (2) 22nd Street, between the intersection of Christine Avenue to the intersection of Woodland Avenue.
- (3) Avery Drive.

- (4) Baltzell Gate Road, from intersection with Federal Way to a point 500 feet north of the traffic circle.
 - (5) Cedar Court.
 - (6) Cedar Lane.
 - (7) Galloway Road.
 - (8) Hillside Drive.
 - (9) Littlebrant Drive, from intersection with Baltzell Gate Road southwesterly to a point 975 feet north of intersection with Shipley Road.
 - (10) Meadowlark Drive.
 - (11) Ossington Avenue, from intersection with Baltzell Gate Road to intersection with Coxwell Avenue.
 - (12) Ossington Avenue, from intersection with Coxwell Avenue to a point 1500 feet south of said intersection.
 - (13) Rocky Hollow Road, from intersection with 18th Street to the intersection of Woodland Avenue.
 - (14) Spruce Drive.
 - (15) Sunset Drive, at any place along.
 - (16) Woodland Avenue, from intersection of Rocky Hollow Road to the intersection of 22nd Street.
- (e) *Thirty-five (35) miles per hour:*
- (1) Baltzell Gate Road, from the fence line approximately 0.1 mile east of the eastern right-of-way of McClellan Boulevard (AL 21) to intersection with Galloway Road/Ossington Avenue.
 - (2) Castle Avenue, from the intersection with Federal Way to the intersection with Jimmy Parks Boulevard.
 - (3) Choccolocco Road, between Henry Road and eastern city limits.
 - (4) Coleman Road, from the southern corporate limits of the city (Southern Railway Systems right-of-way) north to Henry Road.
 - (5) Coxwell Avenue.
 - (6) Federal Way, from a point approximately 0.1 mile north of Baltzell Gate Road to the intersection with Galloway Road, except for the periods from 7:30 a.m. to 8:15 a.m. and from 2:30 p.m. to 3:15 p.m. from a point 100 feet southwest of the intersection with Castle Avenue to a point 1400 feet northeast of said intersection while school is in session at the JSU Child Development Center when and where on Federal Way the speed limit shall be fifteen (15) miles per hour.
 - (7) Goode Road, from intersection with Federal Way to intersection with Seaton Drive.
 - (8) Goode Road, from intersection with Ranger Avenue approximately 0.08 miles north of the intersection of Seaton Drive to the intersection of Spencer Circle.
 - (9) Greenbrier Drive between a point 1,400 feet southeast of Allen Avenue and the point of intersection of Greenbrier Drive with Quintard Avenue.
 - (10) Henry Road, between its point of intersection with Crestview Road and its point of intersection with Cynthia Crescent.
 - (11) Hillyer Robinson Parkway.
 - (12) Iron Mountain Road.

- (13) Littlebrant Drive, from intersection with Shipley Road south to the entrance to building 980 (youth services complex), except for the periods from 7:30 a.m. to 8:15 a.m. and from 2:30 p.m. to 3:15 p.m. from a point 500 feet southwest of the intersection with Morton Road to a point 500 feet northeast of said intersection while school is in session at the Sacred Heart Catholic School when and where on Littlebrant Drive the speed limit shall be fifteen (15) miles per hour.
 - (14) Noble Street, between 4th Street and Cooper's Crossing.
 - (15) Old Gadsden Highway from its intersection with the west right-of-way line of Noble Street westerly to its intersection with the east right-of-way line of Old Alexandria Road.
 - (16) Quintard Avenue, from "M" Street north to a point 265 feet north of the north right-of-way line of 28th Street.
 - (17) Shipley Road, from the intersection with Coxwell Avenue to a point approximately 0.05 miles west of the intersection with Littlebrant Road.
 - (18) Weaver Road, between its point of joinder with Alabama Highway #21 and its point of intersection with the south corporate limits line of the Town of Weaver, Alabama.
 - (19) 8th Street (State Highway 202) from 1,470 feet west of Noble Street east to Leighton Avenue.
 - (20) 10th Street, from Glenaddie Avenue westerly to the intersection of 10th Street with Clydesdale Avenue.
- (f) *Forty-five (45) miles per hour:*
- (1) Golden Springs Road, from Choccolocco Road southerly to the corporate limits of the city except in cemetery zones (see [Chapter 15](#), Article II, [section 15.13](#)).
 - (2) Goode Road, from intersection with Spencer Circle to an intersection with an unnamed road approximately 0.3 miles south of the intersection with Falcon Road.
 - (3) Greenbrier-Dear Drive, from a point 1,400 feet southeast of Allen Avenue easterly to the intersection of Greenbrier-Dear Drive with Golden Springs Road.
 - (4) Henry Road, between Crestview Road and Choccolocco Road, except for the periods from 7:30 a.m. to 8:15 a.m. and from 2:30 p.m. to 3:15 p.m. from a point 824 feet southeast of the intersection of Henry Road and Lakeshore Drive to a point 879 feet northwest of said intersection while school is in session at Donoho School when and where on Henry Road the speed limit shall be twenty-five (25) miles per hour.
 - (5) Hillyer Robinson Parkway.
 - (6) McClellan Boulevard from a point 265 feet north of the north right-of-way line of 28th Street northerly to a point 2,320 feet north of the north right-of-way line of Cave Road.
 - (7) North DeArmanville Drive.
 - (8) Quintard Avenue, from "M" Street southerly to the corporate limits of the city.
 - (9) 8th Street (State Highway 202) from a point 1,470 feet west of Noble Street west to the city limits line.
 - (10) U.S. Highway #431, from McClellan Boulevard westerly to the corporate limits of the city.
- (g) *Fifty-five (55) miles per hour:*

- (1) McClellan Boulevard from a point 2,320 feet north of the north right-of-way line of Cave Road north to the city limits.
- (h) *School zones, twenty (20) miles per hour*: It shall be unlawful for any person to operate a vehicle in excess of twenty (20) miles per hour, Monday through Friday, for the periods of 7:30 a.m. to 8:30 a.m. and 2:00 p.m. to 3:00 p.m. while school is in session, at the following locations:
- (1) 10th Street Elementary School, from a point 644 feet west of the intersection of 10th Street with Elizabeth Avenue, to a point 895 feet southeast of said intersection.
- (2) Choccolocco Road from the eastern city limits of the city to Robertson Road.

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 23rd day of April, 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-7 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-7 as introduced and read by title, Council Member Jenkins made a motion for the passage and adoption of Ordinance Number 13-O-7 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-7 was passed and adopted.

Council Member Reddick made a motion for the unanimous consent of the Council to introduce and read by title Ordinance Number 13-O-8. The motion was seconded by Council Member Jenkins.

4/23/2013

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-8.

No one addressed the Council either in favor of or in opposition to the introduction and reading by title of Ordinance Number 13-O-8.

On call of the roll on Council Member Reddick's motion for the unanimous consent of the Council to introduce and read by title Ordinance Number 13-O-8 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 Ordinance Number 13-O-8, Council Member Reddick introduced and read by title Ordinance Number 13-O-8 as follows:

ORDINANCE NO. 13-O-8

AN ORDINANCE AMENDING SECTION 15.54 OF THE CODE OF ORDINANCES OF THE
CITY OF ANNISTON, ALABAMA REMOVING TRAFFIC SIGNALS

WHEREAS, the City Council of the City of Anniston (the "Council") finds that the traffic signals at the intersection of West 10th Street and Gurnee Avenue are due to be removed;

WHEREAS, the Council finds that the finds that the traffic signals at the intersection of West 11th Street and Moore Avenue are due to be removed;

WHEREAS, the Council finds that the finds that the traffic signals at the intersection of West 11th Street and Gurnee Avenue are due to be removed;

WHEREAS, the Council finds that the finds that the traffic signals at the intersection of West 12th Street and Gurnee Avenue are due to be removed;

WHEREAS, the Council finds that the finds that the traffic signals at the intersection of West 14th Street and Gurnee Avenue are due to be removed;

WHEREAS, the Council finds that the finds that the traffic signals at the intersection of West 18th Street and Moore Avenue are due to be removed;

WHEREAS, the Council finds that the finds that the traffic signals at the intersection of West 19th Street and Noble Street are due to be removed;

WHEREAS, the Council finds that the finds that the traffic signals at the intersection of West 22nd Street and Noble Street are due to be removed;

WHEREAS, the Council finds that the traffic signals at the intersection of Wilmer Avenue and 12th Street are due to be removed;

4/23/2013

WHEREAS, the Council finds that the traffic signals at the intersection of Wilmer Avenue and 15th Street are due to be removed;

WHEREAS, the Council finds that the traffic signals at the intersection of Wilmer Avenue and 19th Street are due to be removed;

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

Section 1. The City Council of the City of Anniston, Alabama hereby amends and restates Section 15.54 of "The Code of the City of Anniston, Alabama, 1981" in its entirety to read as follows:

Section 15.54. Traffic Lights, ect., generally. No person, while operating a vehicle or as a pedestrian, shall disregard or disobey immediately controlling his movements, given or indicated by a street traffic signal light or sign located at any of the following street intersections within the city:

- (a) *Brown Avenue* and 15th Street.
- (b) *Christine Avenue* and 11th Street.
- (c) *Clydesdale Avenue* and 10th Street (Old 202).
- (d) *Clydesdale Avenue* and 10th Street (Eulaton Road).
- (e) *Clydesdale Avenue* and 11th Street.
- (f) *Clydesdale Avenue* and 12th Street.
- (g) *Cobb Avenue* and 12th Street.
- (h) *Cobb Avenue* and 14th Street.
- (i) *Cobb Avenue* and 15th Street.
- (j) *Cooper Avenue* and 15th Street.
- (k) *Crawford Avenue* and 12th Street.
- (l) *Elizabeth Avenue* and 10th Street.
- (m) *Glenaddie Avenue* and 10th Street.
- (n) *Glenaddie Avenue* and 11th Street.
- (o) *Greenbrier Road* and Coleman Road.
- (p) *Greenbrier Road* and Golden Springs Road.
- (q) *Greenbrier Road* and Berkshire Drive.
- (r) *Greenbrier Road* and Hillyer Robinson Industrial Drive.
- (s) *Gurnee Avenue* and Albert T. Brewer Blvd. (Hwy. 202).
- (t) *Gurnee Avenue* and 13th Street.
- (u) *Henry Road, Coleman Road, Golden Springs Road, and Choccolocco Road.*
- (v) *Highland Avenue* and 10th Street.
- (w) *Highway 431* and 43rd Street.
- (x) *Johnston Drive* and 10th Street.
- (y) *Keith Avenue* and 10th Street.
- (z) *Lakeshore Drive* and Henry Road.
- (aa) *Leighton Avenue* and 8th Street.

- (bb) *Leighton Avenue* and 10th Street.
- (cc) *Leighton Avenue* and 11th Street.
- (dd) *Leighton Avenue* and 12th Street.
- (ee) *Leighton Avenue* at its intersection with 18th Street.
- (ff) *Lenlock Lane* and Bill Robison Parkway.
- (gg) *Lenlock Lane* and Weaver Road.
- (hh) *McClellan Boulevard* (Hwy 21) and Highway 431.
- (ii) *McClellan Boulevard* (Hwy 21) and Summerall Gate.
- (jj) *McClellan Boulevard* (Hwy 21) and New Summerall Gate.
- (kk) *McClellan Boulevard* (Hwy 21) and Baker Gate and Bill Robison Parkway.
- (ll) *McClellan Boulevard* (Hwy 21) and Lenlock Lane.
- (mm) *McClellan Boulevard* (Hwy 21) and Baltzell Gate.
- (nn) *McClellan Boulevard* (Hwy 21) and Galloway Gate.
- (oo) *McKelroy Avenue* and 23rd Street.
- (pp) *Moore Avenue* and 15th Street.
- (qq) *Noble Street* and 4th Street.
- (rr) *Noble Street* and 6th Street.
- (ss) *Noble Street* and 7th Street.
- (tt) *Noble Street* and 8th Street.
- (uu) *Noble Street* and 9th Street.
- (vv) *Noble Street* and 10th Street.
- (ww) *Noble Street* and 11th Street.
- (xx) *Noble Street* and 12th Street.
- (yy) *Noble Street* and 13th Street.
- (zz) *Noble Street* and 14th Street.
- (aaa) *Noble Street* and 15th Street.
- (bbb) *Noble Street* and 17th Street.
- (ccc) *Noble Street* and 18th Street.
- (ddd) *Noble Street* and 21st Street.
- (eee) *Noble Street* [and] 23rd Street.
- (fff) *Noble Street* and McArthur Drive.
- (ggg) *Noble Street* and Blue Mountain Road.
- (hhh) *Pine Avenue* and 14th Street.
- (iii) *Pine Avenue* and 15th Street.
- (jjj) *Quintard Avenue* and P Street.
- (kkk) *Quintard Avenue* and E Street.
- (lll) *Quintard Avenue* and Anniston Plaza.
- (mmm) *Quintard Avenue* and Blue Mountain Road.
- (nnn) *Quintard Avenue* and Greenbrier Road.
- (ooo) *Quintard Avenue* and 8th Street.
- (ppp) *Quintard Avenue* and 10th Street.
- (qqq) *Quintard Avenue* and 11th Street.
- (rrr) *Quintard Avenue* and 12th Street.
- (sss) *Quintard Avenue* and 13th Street.
- (ttt) *Quintard Avenue* and 14th Street.
- (uuu) *Quintard Avenue* and 15th Street.

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(vvv) *Quintard Avenue* and 17th Street.
(www) *Quintard Avenue* and 18th Street.
(xxx) *Quintard Avenue* and 19th Street.
(yyy) *Quintard Avenue* and 22nd Street.
(zzz) *Rocky Hollow Road* and 18th Street.
(aaaa) *Robertson Road* and Choccolocco Road.
(bbbb) *Stephens Avenue* and 15th Street.
(cccc) *Wilmer Avenue* and 5th Street.
(dddd) *Wilmer Avenue* and 8th Street.
(eeee) *Wilmer Avenue* and 9th Street.
(ffff) *Wilmer Avenue* and 10th Street.
(gggg) *Wilmer Avenue* and 11th Street.
(hhhh) *Wilmer Avenue* and 13th Street.
(iiii) *Wilmer Avenue* and 14th Street.
(jjjj) *Wilmer Avenue* and 17th Street.
(kkkk) *Wilmer Avenue* and 18th Street.

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 23rd day of April, 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 Reddick made a motion for the unanimous consent of the Council for the immediate consideration of Ordinance Number 13-O-8 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. Unanimous consent of the Council having been granted for the immediate consideration of Ordinance Number 13-O-8 as introduced and read by title, Council Member Reddick made a motion for the passage and adoption of Ordinance Number 13-O-8 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-8 was passed and adopted.

4/23/2013

Mayor Stewart made a motion for the unanimous consent of the Council to introduce and read by title Ordinance Number 13-O-9. 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 13-O-9.

No one addressed the Council either in favor of or in opposition to the introduction and reading by title of Ordinance Number 13-O-9.

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-9 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 13-O-9, Mayor Stewart introduced and read by title Ordinance Number 13-O-9 as follows:

ORDINANCE NO. 13-O-9

AN ORDINANCE AMENDING SECTION 15.56 OF THE CODE OF ORDINANCES OF THE CITY OF ANNISTON, ALABAMA ADDING THREE-WAY STOP INTERSECTIONS

WHEREAS, the City Council of the City of Anniston (the "Council") finds that the intersection of Woodland Avenue, Davis Avenue and Rocky Hollow Road is due to be designated as a three-way stop intersection;

WHEREAS, the Council finds that a stop sign is due to be installed for the northbound lane of Rocky Hollow Road at its intersection with Woodland Avenue and Davis Avenue;

WHEREAS, the Council finds that a stop sign is due to be installed for the southbound lane of Woodland Avenue at its intersection with Rocky Hollow Road and Davis Avenue;

WHEREAS, the Council finds that the intersection of Woodland Avenue and Woodland Court is due to be designated as a three-way intersection;

WHEREAS, the Council finds that a stop sign is due to be installed for the northbound lane of Woodland Avenue at its intersection with Woodland Court;

WHEREAS, the Council finds that a stop sign is due to be installed for the southbound lane of Woodland Avenue at its intersection with Woodland Court;

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

Section 1. The City Council of the City of Anniston, Alabama hereby amends and restates Section 15.56 of “The Code of the City of Anniston, Alabama, 1981” in its entirety to read as follows:

Sec. 15.56. - Three-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 three-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 three-way stop intersections.

- (1) *Canyon Drive and Fairway Drive*, intersection of.
- (2) *Coleman Drive*, at its intersection with Glenwood Terrace, with signs or signals as follows:
 - (a) At the northeast corner facing east.
 - (b) At the northeast corner facing north.
 - (c) At the southwest corner facing west.
- (3) *Glenaddie Avenue*, at its intersection with 6th Street.
- (4) *Palmetto Avenue*, at its intersection with 6th Street, with signs or signals erected as follows:
 - (a) At the southeast corner facing south.
 - (b) At the northeast corner facing east.
 - (c) At the northwest corner facing north.
- (5) *Railroad Avenue and Net Street*, intersections of.
- (6) *Shepard Street and Blue Mountain Road* intersections of.
- (7) *Spring Valley Road*, at its intersection with Robertson Road.
- (8) *Sunset Drive*, at its intersection with Sunset Pass.
- (9) *Wilmer Avenue*, at its intersection with 20th Street, with signs or signals erected as follows:
 - (a) At the southeast corner facing south.
 - (b) At the southwest corner facing west.
 - (c) At the northwest corner facing north.
- (10) *Woodland Avenue*, at its intersection with Davis Avenue and Rocky Hollow Road, with signs or signals erected as follows:
 - (a) At the southeast corner facing south.
 - (b) At the northwest corner facing north.
- (11) *Woodland Avenue*, at its intersection with Woodland Court, with signs or signals erected as follows:
 - (a) At the southeast corner facing south.
 - (b) At the northwest corner facing north.
- (12) *15th Street (extension)*, at its intersection with Parkwin Avenue, with signs or signals as follows:
 - (a) At the southeast corner facing south.
 - (b) At the northwest corner facing south.
 - (c) At the southwest corner facing west.
- (11) *17th Street* and Rocky Hollow Road, intersection of.

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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 23rd day of April, 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

Mayor Stewart made a motion for the unanimous consent of the Council for the immediate consideration of Ordinance Number 13-O-9 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. Unanimous consent of the Council having been granted for the immediate consideration of Ordinance Number 13-O-9 as introduced and read by title, Mayor Stewart made a motion for the passage and adoption of Ordinance Number 13-O-9 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-9 was passed and adopted.

Council Member Selase made a motion for the unanimous consent of the Council to introduce and read by title Ordinance Number 13-O-10. 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 13-O-10.

No one addressed the Council either in favor of or in opposition to the introduction and reading by title of Ordinance Number 13-O-10.

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 13-O-10 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.

4/23/2013

Unanimous consent of the Council having been granted to introduce and read by title Ordinance Number 13-O-10, Council Member Selase introduced and read by title Ordinance Number 13-O-10 as follows:

ORDINANCE NO. 13-O-10

AN ORDINANCE AMENDING SECTION 15.57 OF THE CODE OF ORDINANCES OF THE CITY OF ANNISTON, ALABAMA ADDING FOUR-WAY STOP INTERSECTIONS

WHEREAS, the City Council of the City of Anniston (the "Council") finds that a four-way stop sign is due to be installed at the intersection of 11th Street and Moore Avenue and that said intersection is to be designated as a four-way stop intersection;

WHEREAS, the Council finds that the finds that a four-way stop sign is due to be installed at the intersection of 12th Street and Gurnee Avenue and that said intersection is to be designated as a four-way stop intersection;

WHEREAS, the Council finds that the finds that a four-way stop sign is due to be installed at the intersection of West 14th Street and Gurnee Avenue and that said intersection is to be designated as a four-way stop intersection;

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

Section 1. The City Council of the City of Anniston, Alabama hereby amends and restates Section 15.57 of "The Code of the City of Anniston, Alabama, 1981" in its entirety 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 without coming to a complete stop before entering such intersection. The following are hereby designated as four-way stop intersections:

- a. A Street and Christine Avenue, intersection of.
- b. C Street, at its intersection with Allen Avenue.
- c. G Street, at its intersection with Christine Avenue.
- d. H Street and Allen Avenue, at the intersection of.
- e. Boynton Avenue, at its intersection with 17th Street.
- f. Castle Avenue, at its intersection with Jimmy Parks Boulevard and Global Drive.
- g. Christine Avenue, at its intersection with 22nd Street.
- h. Constantine Avenue, at its intersection with Chestnut Street.
- i. Constantine Avenue, at its intersection with Poplar Street.
- j. Constantine Avenue, at its intersection with Pyle.
- k. Cooper Avenue, at its intersection with 18th Street.
- l. Diana Hills Road, at its intersection with Sunset Pass.
- m. Dooley Avenue, at its intersection with 19th Street.

- n. Druid Hills Road, at its intersection with Afton Brae.
- o. Edgefield Way, at its intersection with County Squire Road.
- p. Elm Street, at its intersection with Hanna Avenue.
- q. Fairway Drive, at its intersection with Glenwood Terrace.
- r. Fairway Drive, at the southernmost intersection with Sunset Drive.
- s. Front Street, at its intersection with J Street.
- t. Glenwood Terrace, at its intersection with Jefferson Avenue.
- u. Glenwood Terrace, at its intersection with Kirkwood Avenue.
- v. Glenwood Terrace, at its intersection with Lockwood Avenue.
- w. Goodwin Avenue, at its intersection with 5th Street.
- x. Greenbrier Drive, at its intersection with Cloverdale and Robertson Roads.
- y. Highland Avenue, at its intersection with 11th Street.
- z. Johnson Avenue, at its intersection with Maple Street.
- aa. Johnston Drive, at its intersection with Altamont Avenue.
- bb. Johnston Drive, at its intersection with Bacon Avenue.
- cc. Lapsley Avenue, at its intersection with 5th Street.
- dd. Leighton Avenue, at its intersection with F Street.
- ee. Leighton Avenue, at its intersection with 16th Street.
- ff. Leighton Avenue, at its intersection with 21st Street.
- gg. McArthur Drive, at its intersection with Walnut Avenue.
- hh. McCoy Avenue, at its intersection with 24th Street.
- ii. McKelroy Avenue, at its intersection with Blue Mountain Road.
- jj. Patton Road, at its intersection with 29th Street.
- kk. Sunset Drive and Fairway Drive, intersection of.
- ll. Thomas Avenue, at its intersection with 19th Street.
- mm. Walnut Avenue, at its intersection with 21st Street.
- nn. Wilmer Avenue, at its intersection with 16th Street.
- oo. Wilmer Avenue and 26th Street with Wilmer Avenue and Eastbound traffic on 26th Street.
- pp. 5th Street, at its intersection with Keith Avenue.
- qq. 6th Street, at its intersection with Wilmer Avenue.
- rr. 7th Street, at its intersection with Goodwin Avenue.
- ss. 11th Street and Moore Avenue, intersection of.
- tt. 12th Street and Gurnee Avenue, intersection of.
- uu. 14th Street, at its intersection with Bancroft Avenue.
- vv. 14th Street and Christine Avenue, intersection of.
- ww. 14th Street, at its intersection with Cooper Avenue.
- xx. 14th Street and Gurnee Avenue, intersection of.
- yy. 14th Street, at its intersection with McDaniel Avenue.
- zz. 15th Street, at its intersection with Christine Avenue.
- aaa. 15th Street, at its intersection with Crawford Avenue.
- bbb. 15th Street, at its intersection with Leighton Avenue.
- ccc. 15th Street, at its intersection with McCall Drive.
- ddd. 16th Street and Christine Avenue intersection of.
- eee. 17th Street, at its intersection with Bancroft Avenue.
- fff. 18th Street, at its intersection with Brown Avenue.

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ggg. 24th Street and Moore Avenue, intersection of.
hhh. 31st Street and Oakland Avenue, at its intersection facing opposite all four directions of travel.

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 23rd day of April, 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 Selase made a motion for the unanimous consent of the Council for the immediate consideration of Ordinance Number 13-O-10 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. Unanimous consent of the Council having been granted for the immediate consideration of Ordinance Number 13-O-10 as introduced and read by title, Council Member Selase made a motion for the passage and adoption of Ordinance Number 13-O-10 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-10 was passed and adopted.

Council Member Harris made a motion for the unanimous consent of the Council to introduce and read by title Ordinance Number 13-O-11. 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 13-O-11.

No one addressed the Council either in favor of or in opposition to the introduction and reading by title of Ordinance Number 13-O-11.

On call of the roll on Council Member Harris' motion for the unanimous consent of the Council to introduce and read by title Ordinance Number 13-O-11 and Council Member Reddick's

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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-11, Council Member Harris introduced and read by title Ordinance Number 13-O-11 as follows:

(13-O-11, adding two way stop intersections)

Council Member Harris made a motion for the unanimous consent of the Council for the immediate consideration of Ordinance Number 13-O-11 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 13-O-11 as introduced and read by title, Council Member Harris made a motion for the passage and adoption of Ordinance Number 13-O-11 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-11 was passed and adopted.

Mayor Stewart introduced and read Resolution Number 13-R-42 as follows:

(13-R-42, reimbursements for travel expense)

Mayor Stewart made a motion for the passage and adoption of Resolution Number 13-R-42 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-42 was passed and adopted.

Council Member Reddick introduced and read Resolution Number 13-R-43 as follows:

(13-R-43, over-ruling objections to the abatement of identified nuisances)

Council Member Reddick made a motion for the passage and adoption of Resolution Number 13-R-43 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-43 was passed and adopted.

Council Member Selase introduced and read Resolution Number 13-R-44 as follows:

RESOLUTION NUMBER 13-R-44

BE IT RESOLVED BY THE City Council of the City of Anniston, Alabama as follows:

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Section 1. That Greg Kernion is hereby reappointed to the Regional Medical Center Board for a term to expire May 31, 2018.

Section 2. That Jimmie Thompson is hereby reappointed to the Regional Medical Center Board for a term to expire May 31, 2018.

Section 3. That the City Clerk shall cause a copy of this resolution to be mailed to the above named appointee and to said board.

PASSED AND ADOPTED this the 23rd day of April, 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 Selase made a motion for the passage and adoption of Resolution Number 13-R-44 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-44 was passed and adopted.

Council Member Jenkins introduced and read Resolution Number 13-R-45 as follows:

RESOLUTION NUMBER 13-R-45

BE IT RESOLVED BY THE City Council of the City of Anniston, Alabama as follows:

Section 1. That Sheffton Goodson is hereby appointed to the Revolving Loan Board for a term to expire October 4, 2016.

Section 2. That Jason Alderman is hereby reappointed to the Revolving Loan Board for a term to expire October 4, 2015.

Section 3. That the City Clerk shall cause a copy of this resolution to be mailed to the above named appointee and to said board.

PASSED AND ADOPTED this the 23rd day of April, 2013.

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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 passage and adoption of Resolution Number 13-R-45 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-45 was passed and adopted.

Council Member Harris introduced and read Resolution Number 13-R-46 as follows:

RESOLUTION NUMBER 13-R-46

BE IT RESOLVED BY THE City Council of the City of Anniston, Alabama as follows:

Section 1. That Patrick Wigley is hereby appointed to the Transit Advisory Board for a term to expire July 31, 2017.

Section 2. That Joe Jankoski is hereby appointed to the Transit Advisory Board for a term to expire July 31, 2016.

Section 3. That the City Clerk shall cause a copy of this resolution to be mailed to the above named appointee and to said board.

PASSED AND ADOPTED this the 23rd day of April, 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

4/23/2013

Council Member Harris made a motion for the passage and adoption of Resolution Number 13-R-46 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-46 was passed and adopted.

Council Member Harris introduced and read Resolution Number 13-R-47 as follows:

RESOLUTION NUMBER 13-R-47

AUTHORIZING THE SUBMISSION OF A GRANT APPLICATION
UNDER THE TRANSPORTATION ENHANCEMENT GRANT
PROGRAM

WHEREAS, the Alabama Department of Transportation has the authority to award grants through the Transportation Enhancement Grant Program;

WHEREAS, the City of Anniston recognizes the need to construct sidewalks as an alternative means of transportation and for compliance with the Americans Disability Act on Greenbrier Dear Road from Golden Springs Road to Robelison Road.

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

1. that submission of Grant Applications under said program are, hereby, authorized;
2. that the City will provide the local matching share of 20% of the construction cost and the costs of design engineering; and
3. that the City of Anniston will serve as the Applicant and that the Mayor is authorized to sign any and all documents to obtain said grant.

PASSED AND ADOPTED this the 23rd day of April, 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 Harris made a motion for the passage and adoption of Resolution Number 13-R-47 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-47 was passed and adopted.

Council Member Selase introduced and read Resolution Number 13-R-48 as follows:

RESOLUTION NUMBER 13-R-48

AUTHORIZING THE SUBMISSION OF A GRANT APPLICATION
UNDER THE TRANSPORTATION ENHANCEMENT GRANT
PROGRAM

WHEREAS, the Alabama Department of Transportation has the authority to award grants through the Transportation Enhancement Grant Program;

WHEREAS, the City of Anniston recognizes the need to renovate and/or construct sidewalks as an alternative means of transportation and for compliance with the Americans Disability Act connecting existing sidewalks with the Department of Human Resources, City Hall, Zinn Park, and the Justice Center.

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

1. that submission of Grant Applications under said program are, hereby, authorized;
2. that the City will provide the local matching share of 20% of the construction cost and the costs of design engineering; and
3. that the City of Anniston will serve as the Applicant and that the Mayor is authorized to sign any and all documents to obtain said grant.

PASSED AND ADOPTED this the 23rd day of April, 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

4/23/2013

ATTEST:

/s/ Alan B. Atkinson, City Clerk

Council Member Selase made a motion for the passage and adoption of Resolution Number 13-R-48 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-48 was passed and adopted.

Mayor Stewart introduced and read Resolution Number 13-R-49 as follows:

RESOLUTION NUMBER 13-R-49

AUTHORIZING THE RENEWAL OF A PROFESSIONAL SERVICE
AGREEMENT WITH L.P. CAMPBELL COMPANY

WHEREAS, the City of Anniston recognizes the need to retain the services of a consultant to assist the City in a sustained effort to obtain federal and state grant programs;

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

1. that the City of Anniston shall renew the Service Agreement with L.P. Campbell Company for a one year period from May 10, 2013 through May 9, 2014 under terms specified in the Service Agreement ; and
2. that the Mayor is, hereby, authorized to enter into said Service Agreement on behalf of the City of Anniston.

PASSED AND ADOPTED this the 23rd day of April, 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

Mayor Stewart made a motion for the passage and adoption of Resolution Number 13-R-49 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

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and Stewart; nays: none. The motion carried and Resolution Number 13-R-49 was passed and adopted.

Council Member Reddick introduced and read Resolution Number 13-R-50 as follows:

RESOLUTION NUMBER 13-R-50

A RESOLUTION APPROVING THE CITY OF ANNISTON'S
PARTICIPATION IN THE STATE OF ALABAMA SALES TAX
HOLIDAY AS AUTHORIZED BY ACT NO. 2006-574 FOR THE
YEAR 2013

WHEREAS, Section 4 of Alabama Act No. 2006-574 grants municipal governments authority to provide for the exemption of certain covered items from the payment of municipal sales tax during a period commencing at 12:01 a.m. on the first Friday in August of each year and ending at twelve midnight the following Sunday under the same terms, conditions and definitions as provided for the state sales tax holiday.

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

Section 1. That approval is granted for the exemption of certain covered items from the payment of municipal sales tax for the period commencing at 12:01 a.m. Friday, August 2, 2013 and ending at twelve midnight Sunday, August 4, 2013 under the same terms, conditions and definitions as provided for by Act No. 2006-574 and Alabama Department of Revenue Rule 810-6-3.65.

PASSED AND ADOPTED this the 23rd day of April, 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 Reddick made a motion for the passage and adoption of Resolution Number 13-R-50 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-50 was passed and adopted.

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Council Member Jenkins introduced and read Resolution Number 13-R-51 as follows:

RESOLUTION NUMBER 13-R-51

A RESOLUTION AUTHORIZING THE MAYOR TO EXECUTE AN AGREEMENT BETWEEN THE STATE OF ALABAMA DEPARTMENT OF TRANSPORTATION AND THE CITY OF ANNISTON FOR THE TRANSFER OF OWNERSHIP AND MAINTENANCE OF SUMMERALL GATE ROAD

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

- Section 1. That the City enter into an Agreement with the State of Alabama acting by and through the Alabama Department of Transportation for the transfer of ownership and maintenance from ALDOT to the City of a portion or right of way acquired under Project HHP-0192(901)(902)(903) referred to as the Summerall Gate Road also known as the Flying J of Fort McClellan which is more fully described in the Agreement.
- Section 2. That the Agreement be executed in the name of the City, by its Mayor, for and on its behalf.
- Section 3. That the agreement be attested by the City Clerk and the seal of the City affixed thereto.

PASSED AND ADOPTED this the 23rd day of April, 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 passage and adoption of Resolution Number 13-R-51 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-51 was passed and adopted.

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Council Member Jenkins introduced and read Resolution Number 13-R-52 as follows:

RESOLUTION NUMBER 13-R-52

WHEREAS, the City of Anniston adopted Resolution 13-R-20, which encourages and supports all ongoing efforts to ensure that the development of the McClellan Industrial and Research and Technology Parks continues and reaches sustainable success and opportunity through continued infrastructure planning and implementation;

WHEREAS, the City of Anniston will continue to work to foster and encourage a partnership approach to economic development at McClellan and throughout Calhoun County to enhance opportunities for jobs, training for jobs and an overall heightened quality of life for the region as a whole;

WHEREAS, the City of Anniston, renews its commitment in working as a partner by initiating planning, coordination and resources in the success of McClellan and to recognize and support our future partners, businesses and industries in creating a regional employment center, state of the art and meeting the needs of economic development for years to come;

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

The City Council hereby directs the City Manager to develop a financial plan and process for the implementation of the infrastructure improvements currently before the city known as the Pappy Dunn Boulevard and Iron Mountain Road Transportation Network project. As part of this process, the City Council further directs that continued coordination and dialogue with potential partners and the identification of additional resources be maintained .

PASSED AND ADOPTED this the 23rd day of April, 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 passage and adoption of Resolution Number 13-R-52 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,

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Harris and Stewart; nays: none. The motion carried and Resolution Number 13-R-52 was passed and adopted.

Council Member Reddick introduced and read Resolution Number 13-R-53 as follows:

RESOLUTION NUMBER 13-R-53

A RESOLUTION AUTHORIZING THE CITY MANAGER TO NEGOTIATE A CONTRACT WITH EAST ALABAMA REGIONAL PLANNING COMMISSION TO PREPARE AN ANALYSIS OF IMPEDIMENTS TO FAIR HOUSING REPORT FOR SUBMISSION TO THE DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT (HUD)

BE IT RESOLVED by the City Council of the City of Anniston, Alabama that Don A Hoyt, City Manager of the City of Anniston, Alabama, be and he is hereby authorized, directed and empowered for and in the name of the City of Anniston to negotiate an agreement with East Alabama Regional Planning Commission for the purpose of preparing an Analysis of Impediments to Fair Housing report for submission to the Department of Housing and Urban Development (HUD).

PASSED AND ADOPTED this the 23rd day of April, 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 Reddick made a motion for the passage and adoption of Resolution Number 13-R-53 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-53 was passed and adopted.

Council Member Selase introduced and read Resolution Number 13-R-54 as follows:

RESOLUTION NUMBER 13-R-54

A RESOLUTION AUTHORIZING THE CITY OF ANNISTON TO PARTICIPATE IN THE NATIONAL LEAGUE OF CITIES PRESCRIPTION DISCOUNT CARD PROGRAM

4/23/2013

Whereas many citizens of the City of Anniston are among the millions of Americans without health insurance or with limited prescription drug coverage, and;

Whereas the National League of Cities is sponsoring a program in collaboration with CVS Caremark to provide relief to city residents around the country from the high cost of prescription drugs, and

Whereas NLC Prescription Discount Card Program will be available to member cities of NLC at no cost to those cities, and;

Whereas CVS Caremark will provide participating cities with prescription discount cards, marketing materials and customer support, and;

Whereas the discount cards offer an average savings of 20 percent off the retail price of most prescription drugs, has no enrollment form or membership fee, no restrictions based on the resident's age or income level, and may be used by city residents and their families any time their prescriptions are not covered by insurance, and;

Be It Resolved by the City Council of the City of Anniston, Alabama, that the City of Anniston will inform the National League of Cities of its intent to participate in the NLC Prescription Discount Card Program and will work with NLC and CVS Caremark to implement the program to the benefit of the residents of Anniston.

PASSED AND ADOPTED this the 23rd day of April, 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 Selase made a motion for the passage and adoption of Resolution Number 13-R-54 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-54 was passed and adopted.

Mayor Stewart made a motion to approve the closing of Noble Street between 10th and 11th Streets from 5:00 a.m. – 7:00 p.m. for the Downtown Mother's Day Celebration on Sunday, May

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12, 2013. 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 opened a public hearing concerning a retail beer (on or off premises) license application for Bill's Barbeque LLC d/b/a Bill's Barbeque located at 916 West 10th Street, declared the hearing open and asked if anyone wished to address the Council either in favor of or in opposition to said retail beer (on or off premises) license application for Bill's Barbeque LLC d/b/a Bill's Barbeque located at 916 West 10th Street.

No one addressed the Council either in favor of or in opposition to said retail beer (on or off premises) license application for Bill's Barbeque LLC d/b/a Bill's Barbeque located at 916 West 10th Street.

Mayor Stewart declared the public hearing concerning a retail beer (on or off premises) license application for Bill's Barbeque LLC d/b/a Bill's Barbeque located at 916 West 10th Street closed.

Council Member Reddick made a motion to approve a retail beer (on or off premises) license application for Bill's Barbeque LLC d/b/a Bill's Barbeque located at 916 West 10th Street. 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 Harris made a motion to authorize the transfer of \$85,000.00 from the non-departmental portion of the budget into the HOME Consortium fund to correct a finding of deficiencies in disbursements related to the procurement of professional services in FY 2009-10 and said amount was not budgeted and may require a formal budget amendment during the final quarter of the current fiscal year if the non-department division of the budget is depleted by other expenditures. 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 state they needed to have a work session to educate the Council about the CDBG program and to learn about the problems in the past in this program.

Mayor Stewart stated he would like to see this work session before the next Council meeting.

Council Member Selase made a motion to appoint Mayor Stewart as voting delegate, and Council Members Reddick and Harris as alternates for the Alabama League of Municipalities business meeting in Montgomery on May 20, 2013. 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:

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(Class A Police Uniforms and Ike Command Jackets)

Council Member Jenkins made a motion that the bid in the total amounts of \$18,749.00 by McCain Uniforms for 184 Class A Police Uniform sets and \$1,908.00 by McCain Uniforms for 12 Ike Command Jackets for the Police Department 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.

Council Member Jenkins thanked Mike Poe and the Northeast Alabama Bicycle Club for the job they had done the past weekend.

Mayor Stewart they would be able to vote soon on an economic impact study of the bicycle races in Anniston and their financial effect on the city. He stated National Train Day was May 11, 2013.

There being no further business to come before the meeting at that time Council Member Jenkins made a motion the meeting be adjourned. 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 the meeting was adjourned at approximately 7:53 o'clock p.m.