

Anniston, Alabama
May 15, 2017

The City Council of the City of Anniston, Alabama, met in Regular Session in the Council Chamber in the City Hall of the City of Anniston, Alabama, on Monday, May 15, 2017, at approximately 5:30 o'clock p.m.

Council Member Little prayed the Invocation.

Council Member Little led the Pledge of Allegiance to the Flag.

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

Kent Davis, City Manager, was present.

Bruce Downey, City Attorney, was present.

Council Member Little made a motion to waive the reading of the minutes of May 1, 2017. The motion was seconded by Council Member Harris; and on call of the roll the following vote was recorded: ayes: Council Members Jenkins, Reddick, Little, Harris and Draper; nays: none. The motion carried.

Council Member Harris made a motion to approve the minutes of May 1, 2017. The motion was seconded by Council Member Jenkins; and on call of the roll the following vote was recorded: ayes: Council Members Jenkins, Reddick, Little, Harris and Draper; nays: none. The motion carried.

Mayor Draper made a motion to adopt the agenda. The motion was seconded by Council Member Harris; and on call of the roll the following vote was recorded: ayes: Council Members Jenkins, Reddick, Little, Harris and Draper; nays: none. The motion carried.

Anginette English, 2030 Cobb Avenue, addressed the Council and asked why public funds could be used to improve residences in the downtown area but not in other areas of the city.

Mayor Draper stated that fund for improvements in the downtown area came from the Downtown Development Authority.

Council Member Little stated that the money that came from the Downtown Development Authority had to come from the City originally.

Council Member Reddick stated he would like to know how much money was loaned by the Revolving Loan Board and who the funds went to.

Council Member Little stated he had a problem with some areas receiving funding and other areas not receiving funding.

Tonya Fantroy addressed the Council and stated she had not received all the information she had requested. She stated she need to know who had received funds in 2013 and how much and if Council Member Jenkins or his family have any interest in properties that received funds, the names and amounts of funds disbursed on Noble Street.

Heather Frost addressed the Council and stated she had problems with 2:00 a.m. bar closing time. She stated the bars and the City would lose revenue.

Tau Wigley addressed the Council and asked that they pass the ordinance requiring the bars to stop selling alcohol at 2:00 a.m. and to choose citizen safety over any possible lost revenues.

Kim Wigley, 89 Kelly Lynn Drive, addressed the Council and asked that they pass the ordinance requiring the bars to stop selling alcohol at 2:00 a.m. She stated that safety issues should come first.

Mayor Draper made a motion to approve the Consent Agenda as follows with the addition to item (c) of the following “The foregoing improvements constitute sufficient consideration to the City for the lease agreement.”

- (a) Resolution authorizing reimbursements to city officials for expenses incurred while traveling away from the City. (17-R-44)
- (b) Resolution amending the Community Development Block Grant allocations for Program Year 2014. (17-R-45)
- (c) Resolution authorizing the City Manager to negotiate and execute a lease agreement with Chris O’Leary. (17-R-46)
- (d) Motion that the bid in the total amount of \$27,251.00 by Stivers Ford for one Police Interceptor AWD Utility Vehicle be accepted.
- (e) Motion that the bid amounts of \$23.00 to \$25.00 each for work jeans, \$11.00 to \$12.00 each for tee shirts, \$56.00 each for jackets, and \$72.00 or \$78.00 each for coveralls by Tangibles for the Public Works Department and the Parks and Recreation Department be accepted.
- (f) Motion approving the expenditure of up to \$10,000.00 for the purchase and installation of Garage Maintenance Software from FleetSoft.
- (g) Motion approving the expenditure of up to \$47,000.00 for the repair of a Public Works Department Brush Loader by Ramer Manufacturing.
- (h) Motion to appropriate \$2,500.00 to the Calhoun County Law Enforcement Appreciation Committee for the Law Enforcement Appreciation Week Celebration from May 15 – 19, 2017.

The motion was seconded by Council Member Harris; and on call of the roll the following vote was recorded: ayes: Council Members Jenkins, Reddick, Little, Harris and Draper; nays: none. The motion carried.

Council Member Reddick made a motion for the unanimous consent of the Council to reintroduce and read by title Ordinance Number 17-O-6. The motion was seconded by Council Member Harris.

Mayor Draper asked if anyone wished to address the Council either in favor of or in opposition to the reintroduction and reading by title of Ordinance Number 17-O-6.

No one addressed the Council either in favor of or in opposition to the reintroduction and reading by title of Ordinance Number 17-O-6.

On call of the roll on Council Member Reddick's motion for the unanimous consent of the Council to reintroduce and read by title Ordinance Number 17-O-6 and Council Member Harris' second to said motion the following vote was recorded: ayes: Council Members Jenkins, Reddick, Little, Harris and Draper; nays: none. The motion carried.

Unanimous consent of the Council having been granted to reintroduce and read by title Ordinance Number 17-O-6, Kent Davis, City Manager, reintroduced and read by title Ordinance Number 17-O-6 as follows:

ORDINANCE NO. 17-O-6

AMENDING SECTION 28½.5.1, SUBSECTION (b)(8) OF THE CODE OF ORDINANCE GOVERNING CIGAR BARS

WHEREAS, by Ordinance 15-O-16, the City Council amended the City of Anniston Smoke Free Air Ordinance of 2013, codified at Chapter 28½, Article I, § 28½.1 *et seq.* of "The Code of the City of Anniston, Alabama, 1981," so as to allow for smoking within a "cigar bar," as defined by and subject to the terms, conditions and regulations set forth in Ordinance No. 15-O-16;

WHEREAS, the applicable terms, conditions and regulations permit smoking within a "cigar bar" when, among other things, the establishment is located in a freestanding structure occupied solely by the business;

WHEREAS, the City Council has determined that the public policies and justifications for the "freestanding structure" requirement can be protected and furthered through less restrictive means while also providing greater opportunities for appropriate "cigar bar" establishment(s) within the City;

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 28½.5.1, Subsection (b)(8) of "The Code of the City of Anniston, Alabama, 1981," as established by Ordinance No. 15-O-16, to state in its entirety as follows:

Sec. 28½.5.1 – Cigar Bars.

* * * *

(b) Notwithstanding any other provision of this Chapter, smoking shall be allowed in those establishments that fall within the definition of a *cigar bar* as defined in this Section and, further, that meet the following requirements:

* * * *

8. The establishment must be located in either (1) a freestanding structure occupied solely by the cigar bar business or (2) the top floor of a *qualified multi-story building*, provided that (i) the establishment is the only occupant of the top-floor of the *qualified multi-story building* and (ii) the establishment's air purification system, which must be designed by an Alabama-licensed professional engineer, effectively captures, filters and disposes of the smoke generated within the establishment so as to preclude any other floors or occupants of the *qualified multi-story building* from exposure to the smoke from within the establishment or from the ill effects associated with the smoke, including odor. The operation of a *cigar bar* within the City that does not comply with the requirements set forth herein shall constitute a public nuisance. For purposes of this Section, a *qualified multi-story building* is a building that is comprised of two or more habitable, code compliant floors in which the walls, structures and systems of the top-floor of the building are entirely separated from, and unconnected to, any adjacent buildings or structures.

Section 2. This ordinance shall become effective immediately upon its publication and adoption as required by law.

PASSED and ADOPTED this 15th day of May, 2017.

CITY COUNCIL OF THE CITY OF
ANNISTON, ALABAMA

By: /s/ Jack Draper, Mayor

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

By: /s/ Millie Harris, Council Member

ATTEST:

/s/ Alan B. Atkinson, City Clerk

Mayor Draper made motion for the passage and adoption of Ordinance Number 17-O-6 as reintroduced 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 Reddick, Harris and Draper; nays: none; abstentions: Council Members Jenkins and Little. The motion carried and Ordinance Number 17-O-6 was passed and adopted.

Kent Davis, City Manager, introduced and read Ordinance Number 17-O-8 as follows:

(17-O-8, amending the City Code to regulate the hours of sale, service and consumption of alcoholic beverages; First reading)

Council Member Harris made a motion for the unanimous consent of the Council for the immediate consideration of Ordinance Number 17-O-8 as introduced and read. The motion was seconded by Mayor Draper; and on call of the roll the following vote was recorded: ayes: Council Members Jenkins, Little, Harris and Draper; nays: Council Member Reddick. The motion failed.

Mayor Draper made a motion for the unanimous consent of the Council to introduce and read by title Ordinance Number 17-O-7. The motion was seconded by Council Member Jenkins.

Mayor Draper 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 17-O-7.

No one addressed the Council either in favor of or in opposition to the introduction and reading by title of Ordinance Number 17-O-7.

On call of the roll on Mayor Draper's motion for the unanimous consent of the Council to introduce and read by title Ordinance Number 17-O-7 and Council Member Jenkins' second to said motion the following vote was recorded: ayes: Council Members Jenkins, Reddick, Little, Harris and Draper; nays: none. The motion carried.

Unanimous consent of the Council having been granted to introduce and read by title Ordinance Number 17-O-7, Kent Davis, City Manager, introduced and read by title Ordinance Number 17-O-7 as follows:

ORDINANCE NO. 17-O-7

AN ORDINANCE AMENDING CHAPTER 2, ARTICLE XI,
SECTION 2.60.3, SUBSECTION (a) AND SECTION 2.60.4, SUBSECTION (a), OF THE
CODE OF THE CITY OF ANNISTON, 1981, ESTABLISHING THE MEMBERSHIP OF
THE ANNISTON MUSEUM OF NATURAL HISTORY BOARD AND THE LONGLEAF
BOTANICAL GARDENS BOARD RESPECTIVELY

WHEREAS, Ordinance No. 14-O-22 as amended, codified in Chapter 2, Article XI, Section 2.60.3, Subsection (a) of "The Code of the City of Anniston, Alabama, 1981", establishes the membership of the Anniston Museum of Natural History Board; and

WHEREAS, Ordinance No. 14-O-22 as amended, codified in Chapter 2, Article XI, Section 2.60.4, Subsection (a) of "The Code of the City of Anniston, Alabama, 1981", establishes the membership of the Longleaf Botanical Gardens Board; and

WHEREAS, the Council finds and determines that Section 2.60.3, Subsection (a), is due to be amended so as to remove the Director of Museum Operations as the Board's Secretary and Treasurer; and

WHEREAS, the Council finds and determines that Section 2.60.4, Subsection (a), is due to be amended so as to remove the Director of Museum Operations as the Board's Secretary and Treasurer.

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 2, Article XI, Section 2.60.3, Subsection (a) of "The Code of the City of Anniston, Alabama, 1981" in its entirety to read as follows:

Section 2.60.3. Anniston Museum of Natural History Board

(a) Membership. The Anniston Museum of Natural History Board shall exist as an independent board of the City of Anniston with its members appointed by the City Council in accordance with Division 1, Article XI, Chapter 2 of the Code of Ordinances for the City of Anniston. The Board shall be comprised of eleven (11) members who shall serve for terms of five (5) years; except that, of those initial appointments to the Board, three (3) members shall be appointed to terms of three (3) years, and three (3) members shall be appointed to terms of four (4) years. The Director of Museum Operations shall serve as an *ex officio* member of the Board. No member of the Board may serve as a member of another board of the City of Anniston and no member may serve as a member of the Board of Directors for the Anniston Museum Endowment Corporation or the Anniston Museum League, or of any other board for any organization whose primary purpose is to provide funding and support for the public cultural facilities of the City of Anniston.

Section 2. The City Council of the City of Anniston, Alabama hereby amends and restates Chapter 2, Article XI, Section 2.60.4, Subsection (a) of "The Code of the City of Anniston, Alabama, 1981" in its entirety to read as follows:

Section 2.60.4. Longleaf Botanical Gardens Board

(a) Membership. The Longleaf Botanical Gardens Board shall exist as an independent board of the City of Anniston and its Board shall be comprised of eleven (11) members. The City Council shall appoint ten (10) members of the Board in accordance with Division 1, Article XI, Chapter 2 of the Code of Ordinances for the City of Anniston. The Calhoun County Commission shall be provided the right and opportunity to appoint one (1) member to the Board. The members of the Board shall serve for terms of five (5) years; except that, of those initial appointments to the Board by the City Council, three (3) members shall be appointed to terms of three (3) years, and three (3) members shall be appointed to terms of four (4) years. The Director of Museum Operations shall serve as an *ex officio* member of the Board. No member of the Board may serve as a member of another board of the City of Anniston and no member may serve as a member of the Board of Directors for the Anniston Museum Endowment Corporation or the Anniston Museum League, or of any other board for any organization whose primary purpose is to provide funding and support for the public cultural facilities of the City of Anniston.

Section 3. This Ordinance shall become immediately effective after its adoption and its publication one (1) time in The Anniston Star, a newspaper of general circulation published in the City of Anniston, Alabama. 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 15th day of May, 2017.

CITY COUNCIL OF THE CITY OF
ANNISTON, ALABAMA
By: /s/ Jack Draper, Mayor
By: /s/ Jay W. Jenkins, Council Member
By: /s/ David E. Reddick, Council Member
By: /s/ Ben Little, Council Member
By: /s/ Millie Harris, Council Member

ATTEST:

/s/ Alan B. Atkinson, City Clerk

Council Member Reddick made a motion to suspend the rules for the immediate consideration and adoption of Ordinance Number 17-O-7 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, Little, Harris and Draper; nays: none. The motion carried. Unanimous consent of the Council having been given to suspend the rules for the immediate consideration and adoption of Ordinance Number 17-O-7 as introduced and read by title, Council Member Reddick made a motion for the passage and adoption of Ordinance Number 17-O-7 as introduced and read by title. The motion was seconded by Council Member Harris.

Council Member Little stated he wanted to make sure they were not changing the length of time anyone was serving on these boards. He stated he had asked for addresses of the people serving on boards representing Ward 3.

On call of the roll on Council Member Reddick's motion for the passage and adoption of Ordinance Number 17-O-7 as introduced and read by title and Council Member Harris' second to said motion the following vote was recorded: ayes: Council Members Jenkins, Reddick, Little, Harris and Draper; nays: none. The motion carried and Ordinance Number 17-O-7 was passed and adopted.

Council Member Harris thanked law enforcement officers for all they do. She stated there was confusion about the entertainment district and drinking on the downtown sidewalks.

Council Member Little greeted Jim Campbell, Anniston School Board Attorney. He stated there grass along a fence by the DHR property that needed cutting. He stated they needed a better idea of how to keep the grass cut around the city. He stated they needed to put on the work session agenda the MOU for the fiber optics for the school system.

Council Member Reddick thanked the police for all they do. He stated they had a great turn out at the Freedom Riders event last weekend. He stated he did not agree with the ordinance to regulate the hours of sale, service and consumption of alcoholic beverages because of what had sparked it. He stated they needed to defend the rights of women in the city. He stated people should not be able to physically or verbally abuse women.

Council Member Jenkins stated it was great job by all City staff involved with the Freedom Riders event last weekend. He stated he was proud of what the Anniston High School band had accomplished this last year.

Mayor Draper thanked the Boy Scout in attendance at that night's meeting for his participation. He stated this was Law Enforcement week and asked everyone to support their law enforcement personnel. He stated the Freedom Riders event was an important day for Anniston.

There being no further business to come before the meeting at that time Mayor Draper 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, Little, Harris and Draper; nays: none. The motion carried and the meeting was adjourned at approximately 6:14 o'clock p.m.