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Anniston, Alabama
August 10, 2015

The City Council of the City of Anniston, Alabama, met in Special Session in the Council Chamber in the City Hall of the City of Anniston, Alabama, on Monday, August 10, 2015, at approximately 5:37 o'clock p.m.

Elder Gaines prayed the Invocation.

Elder Gaines led the Pledge of Allegiance to the Flag.

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

Brian Johnson, City Manager, was present.

Bruce Downey, City Attorney, was present.

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

Council Member Harris reintroduced and read Ordinance Number 15-O-11 as follows:

(15-O-11, amending Article II of Chapter 34 of the City Code regulating Health, Safety and Sanitation; second reading)

Council Member Harris made a motion for the passage and adoption of Ordinance Number 15-O-11 as reintroduced and read. The motion was seconded by Council Member Jenkins;

Council Member Reddick stated he would like to read the Void for Vagueness Doctrine into the minutes: "A doctrine derived from the due process clause of the Fifth and Fourteenth Amendments to the U.S. Constitution that requires criminal laws to be drafted in language that is clear enough for the average person to comprehend. If a person of ordinary intelligence cannot determine what persons are regulated, what conduct is prohibited, or what punishment may be imposed under a particular law, then the law will be deemed unconstitutionally vague. The U.S. Supreme Court has said that no one may be required at peril of life, liberty, or property to speculate as to the meaning of a penal law. Everyone is entitled to know what the government commands or forbids. The void for vagueness doctrine advances four underlying policies. First, the doctrine encourages the government to clearly distinguish conduct that is lawful from that which is unlawful. Under the Due Process Clauses, individuals must be given adequate notice of their legal obligations so they can govern their behavior accordingly. When individuals are left uncertain by the wording of an imprecise statute, the law becomes a standardless trap for the unwary. Second, the void for vagueness doctrine curbs the arbitrary and discriminatory enforcement of criminal statutes. Third, the void for vagueness doctrine discourages judges from

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attempting to apply sloppily worded laws. Like the rest of society, judges often labor without success when interpreting poorly worded legislation. A fourth reason for the void for vagueness doctrine is to avoid encroachment on First Amendment freedoms, such as freedom of speech and religion. Because vague laws cause uncertainty in the minds of average citizens, some citizens will inevitably decline to take risky behavior that might land them in jail. When the vague provisions of a state or federal statute deter citizens from engaging in certain political or religious discourse, courts will apply heightened scrutiny to ensure that protected expression is not suppressed.” He stated he did not think this ordinance was clearly defined enough to pass the void for vagueness doctrine critique. He stated he did not think this ordinance would survive a court challenge.

On call of the roll on Council Member Harris’ motion for the passage and adoption of Ordinance Number 15-O-11 as reintroduced and read and Council Member Jenkins’ second to said motion the following vote was recorded: ayes: Council Members Jenkins, Selase, Harris and Stewart; nays: Council Member Reddick. The motion carried and Ordinance Number 15-O-11 was passed and adopted.

Council Member Jenkins introduced and read Ordinance Number 15-O-12 as follows:

(15-O-12, declaring as surplus certain City property and authorizing disposal of the same; Anniston Inn Kitchen; first reading)

Council Member Jenkins made a motion for the unanimous consent of the Council for the immediate consideration of Ordinance Number 15-O-12 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, Selase, Harris and Stewart; nays: none; abstentions: Council Member Reddick. The motion failed.

Council Member Reddick introduced and read Resolution Number 15-R-123 as follows:

(15-R-123, adopting the 2015 Annual Action Plan and budget for the City’s CDBG program and the Anniston/Calhoun County HOME Consortium’s HOME program)

Council Member Reddick made a motion for the passage and adoption of Resolution Number 15-R-123 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 15-R-123 was passed and adopted.

Council Member Selase made a motion to approve an addition to the Wrecker Rotation to include Taylor Automotive LLC for large vehicles. 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.

There being no further business to come before the meeting at that time Council Member Selase made a motion the meeting be adjourned. The motion was seconded by Council Member

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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 5:54 o'clock p.m.