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Anniston, Alabama

September 18, 2018

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, September 18, 2018, at approximately 5:35 o'clock p.m.

Ben Little, Council Member, prayed the Invocation.

Ben Little, Council Member, 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, Harris and Draper; absent: Council Member Little. A quorum was present and the meeting opened for the transaction of business.

Council Member Jenkins made a motion to waive the reading of the minutes of September 4, 2018. 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 Jenkins made a motion to approve the minutes of September 4, 2018. 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.

Council Member Little made a motion to waive the reading of the minutes of September 11, 2018 (special called meeting). 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 Jenkins made a motion to approve the minutes of September 11, 2018 (special called meeting). 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.

Mayor Draper made a motion to approve 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.

Glen Ray, 3514 Dale Hollow Rd, addressed the council regarding homelessness in Anniston.

Mayor Draper opened a public hearing to receive comments regarding the FY19 Amended Recommended City Manager's Budget.

No one spoke.

Mayor Draper closed the public hearing to receive comments regarding the FY19 Amended Recommended City Manager's Budget.

Mayor Draper made a motion to approve the consent agenda:

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- (a) Resolution authorizing reimbursements to city officials for expenses incurred while traveling away from the city (18-R-160)
- (b) Resolution declaring a reported condition to be a public nuisance. Group 2018-03 Vehicles and Debris (18-R-161)
- (c) Resolution declaring a reported condition to be a public nuisance. Group 2018-05 Grass and Debris (18-R-162)
- (d) Resolution authorizing the Mayor to execute an Agreement with East Alabama Planning and Development Commission for the Anniston Express Fixed Route System and the ADA Para-Transit Services (18-R-163)
- (e) Resolution amending the Community Development Block Grant allocations for Program Year 2014. (18-R-164)
- (f) Resolution authorizing a Grant Application to the National Park Service (18-R-165)

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.

Jay Johnson read and introduced ordinance 18-O-11, AMENDING CHAPTER 14, ARTICLE I, SECTIONS 14.4(f), 14.17(c) AND 14.19.3(d) OF THE CODE OF ORDINANCES TO CEASE THE ASSESSMENT OF INTEREST ON BUSINESS LICENSE TAX DELINQUENCIES (2nd Reading)

ORDINANCE NO. 18-O-11

AMENDING CHAPTER 14, ARTICLE I, SECTIONS 14.4(f), 14.17(c) AND 14.19.3(d) OF THE CODE OF ORDINANCES TO CEASE THE ASSESSMENT OF INTEREST ON BUSINESS LICENSE TAX DELINQUENCIES

WHEREAS, Alabama law authorizes the governing body of a municipality to elect to assess interest on any business license tax delinquency;

WHEREAS, due to the constraints imposed by Alabama law on the rate of interest for business license tax delinquencies, the Council finds that the costs of administering and collecting interest on such delinquencies outweigh the benefits to the City's treasury;

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

Section 1. Chapter 14, Article I, Section 14.4, Subsection (f) of "The Code of the City of Anniston, Alabama, 1981" is hereby amended and restated in its entirety as follows:

Section 14.4. License term; minimums.

The license term and the minimum amount for a business license are as follows:

* * *

(f) Interest. Interest shall not be assessed on any business license tax delinquency.

Section 2. Chapter 14, Article I, Section 14.17, Subsection (c) of "The Code of the City of Anniston, Alabama, 1981" is hereby amended and restated in its entirety as follows:

Section 14.17. Penalties and interest.

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* * *

(c) Interest shall not be charged on any delinquent accounts (both license taxes and penalties).

Section 3. Chapter 14, Article I, Section 14.19.3, Subsection (d) of "The Code of the City of Anniston, Alabama, 1981" is hereby amended and restated in its entirety as follows:

Section 14.19.3. Refunds on overpayments.

* * *

(d) If the petition is granted or the municipality or a court otherwise determines that a refund is due, the overpayment shall be promptly refunded to the taxpayer by the municipality. If the municipality determines that a refund is due, the amount of overpayment may be first credited by the municipality against any outstanding tax liabilities due and owing by the taxpayer to the municipality, and the balance of any overpayment shall be promptly refunded to the taxpayer. If any refund or part thereof is credited to any other tax by the municipality, the taxpayer shall be provided with a written detailed statement showing the amount of overpayment, the amount credited for payment to other taxes, and the resulting amount of the refund.

Section 4. 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 18th day of September, 2018

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

Mayor Draper made a motion for passage and adoption of Ordinance 18-O-11 , AMENDING CHAPTER 14, ARTICLE I, SECTIONS 14.4(f), 14.17(c) AND 14.19.3(d) OF THE CODE OF ORDINANCES TO CEASE THE ASSESSMENT OF INTEREST ON BUSINESS LICENSE TAX DELINQUENCIES. 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 and Ordinance 18-O-11, was passed and adopted.

Cory Salley, Finance Director, briefly presented and explained Ordinance 18-O-12, AMENDING CHAPTER 14, ARTICLE I, SECTION 14.20.1 OF THE CODE OF ORDINANCES REGULATING DELIVERY BUSINESS LICENSES.

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Council Member Reddick made a motion to read-by-title only Ordinance 18-O-12, AMENDING CHAPTER 14, ARTICLE I, SECTION 14.20.1 OF THE CODE OF ORDINANCES REGULATING DELIVERY BUSINESS LICENSES. The motion was seconded by Mayor Draper.

Mayor Draper opened a public hearing to receive comments regarding reading Ordinance 18-O-12, by title only. No One Spoke. Mayor Draper closed the public hearing to receive comments regarding reading Ordinance 18-O-12 by title only.

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 Ordinance 18-O-12 will be read by title only.

Jay Johnson, City Manager, introduced and read Ordinance 18-O-12 by title only (2nd Reading)

ORDINANCE NO. 18-O-12

AMENDING CHAPTER 14, ARTICLE I, SECTION 14.20.1 OF THE CODE OF ORDINANCES REGULATING DELIVERY BUSINESS LICENSES

WHEREAS, by Act 2017-415, the Alabama Legislature amended the state statute relating to the issuance of delivery licenses and the applicable rate, exemptions and fees for said licenses;

WHEREAS, the Council finds that Section 14.20.1 should be amended to reflect the changes to the governing state law;

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

Section 1. Chapter 14, Article I, Section 20.1 of "The Code of the City of Anniston, Alabama, 1981" is hereby amended and restated in its entirety as follows:

Section 14.20.1. License tax.

(a) Alabama Code, State of. Restricted licenses shall be taxed at the maximum authorized by the Code of Alabama. This includes all insurance companies, railroads, telephone companies, public utilities, etc. as defined under Code of Ala., § 11-51-120 through 131.

(b) Alcoholic beverages, sales, distribution, and manufacturing of. In addition to any other primary business activity, any activity regulated by the state beverage control board will be classified as assigned by the state alcoholic beverage control board and taxed under the provisions of chapter 3 of this Code and/or the maximum tax amount permitted by state law. Furthermore, the provisions of chapter 3 of this Code and as from time to time amended shall remain in full force and effect and supplement the provisions of this article. For businesses whose main business activity is selling alcoholic beverages, gross receipts that are derived from activities other than the sale of alcoholic beverages must be licensed based on the applicable NAICS code sector. A separate category for the sale, distribution, or manufacturing of alcoholic beverages must also be paid as defined in chapter 3 of this Code.

(c) Bingo game operators. See section 5½.36.

(d) Carnivals, circuses and similar entertainment venues. Those businesses contained within NAICS code 711190 may conduct business within the license jurisdiction of the City of Anniston if otherwise obtaining all required approvals from the city. Prior to engaging in business, the for-profit business shall be required to remit to the city a one hundred-dollar flat rate privilege license tax plus a ten-dollar per

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day privilege license tax on each sideshow, concession, exhibit or amusement not a part of the main carnival, circus or similar entertainment venue. The one hundred-dollar flat rate license tax shall be waived for any such business sponsored by a nonprofit organization and acting as a fund-raising agent for the nonprofit organization. In either case, the license shall cover only said business activity for a period not to exceed ten (10) consecutive days within a one hundred twenty-day period of time unless additional days are approved by the city council.

(e) Delivery. In lieu of any other type of license, a taxpayer may at its option purchase a delivery license in accordance with Ala. Code § 11-51-194.

(f) Sweepstakes machines. Machines which may be operated or set in motion upon the insertion of any currency or which may be operated or set in motion without requiring any currency or consideration from the public of any kind whatsoever and which may be operated by the public for use as a game, entertainment, amusement, chance or sweepstakes, of any kind or description, for which any reward of value is conveyed to the operator of the machine, regardless of whether the operator of the machine purchases or is required to purchase any other products or services to obtain the entries or chances to win the sweepstakes and regardless of whether entries or chances are available to the public through mail or pick up without operating the machine and without requiring any currency or consideration. Specifically excluded from the purview of this article are video games, pinball machines, or game machines in which the operator of the machine receives additional game time on the machine as the only reward or value conveyed to the operator or in which the only reward or value conveyed to the operator or in which the only reward or value conveyed to the operator of the machine is the operator's name or initials on the machine for obtaining the highest point total of that game. If ninety (90) percent of the gross receipts from a machine are derived by the operation of the machine by an individual under the age of sixteen (16), the machine shall be exempt from the sweepstakes machine license tax. Such machines shall require an "annual only" tax of five thousand dollars (\$5,000.00) per machine with no prorating for a license purchased between June 30 and December 31 of each year. No refund for any unused portion of the license will be authorized if the machine is removed from service before the end of the year. However, if a licensed machine malfunctions and is replaced by another sweepstakes machine, the original license will automatically transfer to the replacement machine.

(g) Taxicabs. See Chapter 31.

Section 2. 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 newspaper.

PASSED and ADOPTED this 18th day of September 2018.

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

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By:/s/ Millie Harris, Council Member

Council Member Harris made a motion for passage and adoption of Ordinance 18-O-12, AMENDING CHAPTER 14, ARTICLE I, SECTION 14.20.1 OF THE CODE OF ORDINANCES REGULATING DELIVERY BUSINESS LICENSES. 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 Ordinance 18-O-12, was passed and adopted.

Mayor Draper made a motion to read Ordinance 18-O-13, AMENDING CHAPTER 14, ARTICLE I, SECTION 14.20(b) OF THE CODE OF ORDINANCES TO EXCLUDE NON-PROFIT AMBULANCE SERVICES FROM THE EXEMPTION FROM THE PAYMENT OF BUSINESS LICENSE TAX by title only. The motion was seconded by Council Member Reddick.

Mayor Draper opened a Public Hearing to receive public comments regarding reading Ordinance 18-O-13 AMENDING CHAPTER 14, ARTICLE I, SECTION 14.20(b) OF THE CODE OF ORDINANCES TO EXCLUDE NON-PROFIT AMBULANCE SERVICES FROM THE EXEMPTION FROM THE PAYMENT OF BUSINESS LICENSE TAX by title only.

No One Spoke.

Mayor Draper closed the Public Hearing to receive public comments regarding reading Ordinance 18-O-13 AMENDING CHAPTER 14, ARTICLE I, SECTION 14.20(b) OF THE CODE OF ORDINANCES TO EXCLUDE NON-PROFIT AMBULANCE SERVICES FROM THE EXEMPTION FROM THE PAYMENT OF BUSINESS LICENSE TAX by title only.

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 Ordinance 18-O-13 will be read by title only.

Jay Johnson, City Manager, read and introduced Ordinance 18-O-13, AMENDING CHAPTER 14, ARTICLE I, SECTION 14.20(b) OF THE CODE OF ORDINANCES TO EXCLUDE NON-PROFIT AMBULANCE SERVICES FROM THE EXEMPTION FROM THE PAYMENT OF BUSINESS LICENSE TAX by title only (2nd Reading):

ORDINANCE NO. 18-O-13

AMENDING CHAPTER 14, ARTICLE I, SECTION 14.20(b) OF THE CODE OF ORDINANCES TO EXCLUDE NON-PROFIT AMBULANCE SERVICES FROM THE EXEMPTION FROM THE PAYMENT OF BUSINESS LICENSE TAX

WHEREAS, the Council has amended Chapter 31, Article III of "The Code of The City of Anniston, Alabama, 1981" governing ambulances and ambulance service operators and certain provisions regulating non-emergency ambulance services and transports;

WHEREAS, the Council has directed that all ambulance service operators providing non-emergency transports shall be licensed by the City and assessed a license fee as set forth in the City's license schedule;

WHEREAS, both for-profit and non-profit ambulance service operators provide, or are expected to provide, non-emergency transports within the City, and the Council desires to assess and collect business license taxes from all such operators, subject to the provisions of Chapter 31, Article III;

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

Section 1. Chapter 14, Article I, Section 14.20.2(b) of "The Code of Ordinances for The City of Anniston, Alabama, 1981" is hereby amended and restated in its entirety as follows:

Sec. 14.20.2. License exemptions.

Exemptions from the payment of privilege license tax shall include:

* * *

(b) Nonprofit corporations authorized as such by the Internal Revenue Service and possessing documentation to prove such authorization. Notwithstanding such exemption, ambulance service operators organized, existing or operating as a nonprofit corporation or entity shall not be exempt from the payment of privilege license tax.

Section 2. 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 18th day of September 2018.

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

Mayor Draper made a motion for passage and adoption of Ordinance 18-O-13, AMENDING CHAPTER 14, ARTICLE I, SECTION 14.20(b) OF THE CODE OF ORDINANCES TO EXCLUDE NON-PROFIT AMBULANCE SERVICES FROM THE EXEMPTION FROM THE PAYMENT OF BUSINESS LICENSE TAX. 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 and Ordinance 18-O-13, was passed and adopted.

Mayor Draper made a motion to read Ordinance 18-O-14, AMENDING LICENSE CLASSIFICATIONS AND LICENSE SCHEDULE by title only. The motion was seconded by Council Member Jenkins.

Mayor Draper opened a Public Hearing to receive public comments regarding reading Ordinance 18-O-14, AMENDING LICENSE CLASSIFICATIONS AND LICENSE SCHEDULE by title only.

No One Spoke.

Mayor Draper closed the Public Hearing to receive public comments regarding reading Ordinance 18-O-14, AMENDING LICENSE CLASSIFICATIONS AND LICENSE SCHEDULE by title only.

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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 Ordinance 18-O-14 will be read by title only.

Jay Johnson, City Manager, read and introduced Ordinance 18-O-14, AMENDING LICENSE CLASSIFICATIONS AND LICENSE SCHEDULE by title only (2nd Reading):

ORDINANCE NO. 18-O-14

AMENDING LICENSE CLASSIFICATIONS AND LICENSE SCHEDULE

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

Section 1. The license classifications of the City of Anniston, adopted pursuant to Chapter 14, Article I, Section 14.20, are hereby amended to include the following:

<u>NAICS SECTOR</u>	<u>NAICS TITLE</u>	<u>RATE SCHEDULE</u>
621910	Ambulance Services	H (a)

Except as stated herein, the license classifications of the City of Anniston shall remain in full force and effect and are adopted and incorporated by reference as though set forth herein. The City Clerk is directed to maintain and post for public inspection a copy of the license classification schedule, as amended by this ordinance, which shall be in effect and applicable to the 2019 license year and any subsequent license year unless amended by an ordinance of the Council.

Section 2. The license schedules of the City of Anniston, adopted pursuant to Chapter 14, Article I, Section 14.20.3, are hereby amended to include the following:

SCHEDULE H (a) – AMBULANCE SERVICES

Flat Fee to provide non-emergency ambulance services (Section 31.47)	\$5,000.00
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Except as stated herein, the license schedules of the City of Anniston shall remain in full force and effect and are adopted and incorporated by reference as though set forth herein. The City Clerk is directed to maintain and post for public inspection a copy of the license classification schedule, as amended by this ordinance, which shall be in effect and applicable to the 2019 license year and any subsequent license year unless amended by an ordinance of the Council.

Section 3. 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 18th day of September, 2018.

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

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By:/s/ Ben Little, Council Member

By:/s/ Millie Harris, Council Member

Mayor Draper made a motion for passage and adoption of Ordinance 18-O-14, AMENDING LICENSE CLASSIFICATIONS AND LICENSE SCHEDULE. 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 and Ordinance 18-O-14, was passed and adopted.

Council Member Little made a motion for an amendment to the Proposed Budget:

- Street Lights-\$10,000.00
- Sidewalk Improvements - \$20,000.00
- Civil Rights Trail Enhancements-\$20,000.00
- Engineering Services, Widening of Maple Street from Constantine to Johnson-\$10,000.00
- Youth Travel to Washington, D.C. to NLC Meeting in March -\$10,000.00

Requesting \$50,000.00 from Trust Fund Revenue, \$10,000.00 Public Works Professional Services, \$10,000.00 Business License Revenues (FY 2018 Reserves)

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.

Resolution NO. 2018-R-166

A RESOLUTION AUTHORIZING AND DIRECTING THE CITY MANAGER TO EXECUTE A PROFESSIONAL SERVICES AGREEMENT WITH BILL WHITTAKER ARCHITECTURE

WHEREAS the City Council believes that the City should engage a professional consultant to aid in the planning process for the relocation of City Hall; and

WHEREAS the City Council believes that Bill Whittaker Architecture possesses a high degree of skill on such matters;

WHEREAS the City Council desires to engage Bill Whittaker Architecture to provide professional planning services to the City on such matters;

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Anniston, Alabama that the City Manager is hereby authorized and directed to execute a professional services agreement with Bill Whittaker Architecture in the substance and form of the agreement attached hereto as Exhibit A.

PASSED and ADOPTED this 18th day of September 2018.

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

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By:/s/ Ben Little, Council Member

By:/s/ Millie Harris, Council Member

Mayor Draper made a motion for passage and adoption of Resolution 18-R-166, A RESOLUTION AUTHORIZING AND DIRECTING THE CITY MANAGER TO EXECUTE A PROFESSIONAL SERVICES AGREEMENT WITH BILL WHITTAKER ARCHITECTURE. 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 Resolution 18-R-165 was passed and adopted.

Council Member Jenkins no comment.

Council Member Reddick stated that is nice to see the council working together.

Council Member Little wanted to thank Crane Creek Grill and Matthew Wright and staff for putting together the breakfast for the bankers and luncheon the other day. Thank the Council for their support. The business community, the bankers, and everyone for resurrecting the CDC and West Anniston Foundation.

Council Member Harris wanted to say how proud she was of the Anniston Fire Department at the 9/11 ceremony. The fire department played a major role in the ceremony.

Mayor Draper endorsed the comments made by Ms. Harris and Mr. Little.

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 Jenkins; and on call of the roll, the following vote was recorded: ayes: Council Members Jenkins, Reddick, Little, Harris, nays: none. The motion carried and the meeting was adjourned at approximately 6:08 o'clock p.m.