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Anniston, Alabama
November 21, 2016

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, November 21, 2016, at approximately 5:30 o'clock p.m.

Joe Harrington prayed the Invocation.

Joe Harrington 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 Jenkins made a motion to waive the reading of and approve the minutes of November 3, 2016. The motion was seconded by Council Member Harris; and on call of the roll the following vote was recorded: ayes: Council Members Jenkins, Reddick, and Harris; nays: none; abstentions: Council Members Little and Draper. The motion carried.

Council Member Jenkins made a motion to waive the reading of and approve the minutes of November 7, 2016. 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 add to the Consent Agenda a resolution appointing a member to the Historic Preservation Commission and to approve the agenda as amended. 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.

Glen Ray, 3514 Dale Hollow Road, addressed the Council and stated he objected to Council Member Harris being appointed the Vice-Mayor.

Ralph Bradford addressed the Council and asked if the Council was aware of the terms of the City Manager's contract and if Mayor Draper was authorized by the Council to sign the contract.

Erica Tolson, 409 South Allen Avenue, addressed the Council and stated that she felt Council Member Reddick should have a chance to serve as Vice-Mayor.

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Carlton Phillips, Friendship Missionary Baptist Church, addressed the Council and stated he believed in leadership and stated he would like to offer himself for service on behalf of all citizens in Anniston. He stated he had no ill feeling towards anyone on the Council.

Jim Sterling, 1012 Noble Street, addressed the Council and stated he had been drawn to this city by St. Michael and All Angels Church and stated the church has served the city well. He stated he hoped they could come together as a community.

Pamela Sanders addressed the Council and stated that she felt Council Member Reddick should have a chance to serve as Vice-Mayor.

Felipe Hutchinson, 1924 Dooley Avenue, addressed the Council and stated that he felt Council Member Reddick should have a chance to serve as Vice-Mayor.

Mayor Draper announced that was the time for the Board Confirmation Hearing for Bill Robison and his nomination to the Anniston Water Works and Sewer Board.

Mayor Draper announced that was the time for the Board Confirmation Hearing for Bill Wakefield and his nomination to the Downtown Development Authority.

Henry Pritchett, Alabama Towing and Recovery, addressed the Council concerning the wrecker rotation and the need for changes in the proposed draft of wrecker services and the wrecker bid process. He stated he would like to be put on the wrecker rotation while the bid process is finalized.

Council Member Reddick made a motion to approve the Consent Agenda items:

- (a) Resolution declaring a reported condition to be a public nuisance. Group 2016-05 Debris & Vehicles
- (b) Resolution declaring a reported condition to be a public nuisance. Group 2016-09 Grass & Debris
- (c) Resolution appointing a member to the Downtown Development Authority.
- (d) Resolution reappointing members to the Anniston Water Works and Sewer Board.
- (e) Resolution approving bonds pursuant to Section 11-62-1 of the Code of Alabama (1975).
- (f) Motion for the Finance Director to issue to AAA City Taxi a Certificate of Public Convenience and Necessity to operate a taxi service in the City of Anniston said certificate containing the applicant's name and address, the number of vehicles authorized under the certificate and the date of issuance.
- (g) Motion to suspend the rule requiring the City Council to meet on the first Monday of December, 2016, and to schedule a City Council meeting for Monday, December 12, 2016, at 5:30 p.m. in the City Council Chambers.
- (h) Resolution appointing a member to the Historic Preservation Commission.

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.

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Council Member Jenkins made a motion for the unanimous consent of the Council to introduce and read by title Ordinance Number 16-O-25. The motion was seconded by Council Member Reddick.

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 16-O-25.

No one addressed the Council either in favor of or in opposition to the introduction and reading by title of Ordinance Number 16-O-25.

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 16-O-25 and Council Member Reddick's 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 16-O-25, Council Member Jenkins introduced and read by title Ordinance Number 16-O-25 as follows:

(16-O-25, repealing and replacing Chapter 11 of the City Code relating to fire prevention)

Council Member Harris made a motion for the unanimous consent of the Council for the immediate consideration of Ordinance Number 16-O-25 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, Little, Harris and Draper; nays: none. The motion carried. Unanimous consent of the Council having been given for the immediate consideration of Ordinance Number 16-O-25 as introduced and read by title, Council Member Jenkins made a motion for the passage and adoption of Ordinance Number 16-O-25 as introduced and read by title. 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 Number 16-O-25 was passed and adopted.

Mayor Draper made a motion for the unanimous consent of the Council to introduce and read by title Ordinance Number 16-O-26. The motion was seconded by Council Member Reddick.

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 16-O-26.

No one addressed the Council either in favor of or in opposition to the introduction and reading by title of Ordinance Number 16-O-26.

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 16-O-26 and Council Member Reddick's second to said motion the following vote was recorded: ayes: Council Members Jenkins, Reddick, Little, Harris and Draper; nays: none. The motion carried.

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Unanimous consent of the Council having been granted to introduce and read by title Ordinance Number 16-O-26, Mayor introduced and read by title Ordinance Number 16-O-26 as follows:

(16-O-26, amending the traffic schedule to add and remove traffic lights and stop signs; First Reading)

Council Member Jenkins reintroduced and read Ordinance Number 16-O-24 as follows:

(16-O-24, establishing the order of procedure for the meetings of the Anniston City Council and to provide for the election of the Vice-Mayor; Second reading)

Council Member Jenkins made a motion for the passage and adoption of Ordinance Number 16-O-24 as reintroduced and read. The motion was seconded by Council Member Harris.

Council Member Reddick made a motion to amend Ordinance Number 16-O-24, Section 17 to read “the City Clerk who shall act as Parliamentarian for the procedure of the Council meeting.” The motion was seconded by Council Member Little; and on call of the roll the following vote was recorded: ayes: Council Members Reddick and Little; nays: Council Members Jenkins, Harris and Draper. The motion failed.

Council Member Reddick made a motion to amend Ordinance Number 16-O-24, to delete Section 14 of the ordinance. The motion was seconded by Council Member Little.

Council Member Little stated they could not censor free speech. He asked what the punishment was if someone violated Section 14 of this ordinance. He stated they could pass this but he was going to say what he was going to say.

Council Member Reddick stated that term “disparaging” was too vague and who would determine what was “disparaging”. He stated people should be able to exercise free speech.

Bruce Downey, City Attorney, stated that Council meeting were considered a limited designated public forum for purposes of the First Amendment. He stated the Council could set reasonable regulations concerning the time, place and manner of speech that occurs before the Council. He stated they could regulate speech that would disrupt the meeting. He stated the implementation of Section 14 would have to be done also in a constitutional manner.

Council Member Little stated there was a conflict between the City Attorney and the Mayor.

Mayor Draper stated that Section 14 would allow the Chair to hold a Council Member out of order for violating said section. He stated the language for this section was almost identical to the language from the 2008 Council procedures ordinance.

On call of the roll on Council Member Reddick’s motion to amend Ordinance Number 16-O-24, to delete Section 14 of the ordinance and Council Member Little’s second to said motion the

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following vote was recorded: ayes: Council Members Reddick and Little; nays: Council Members Jenkins, Harris and Draper. The motion failed.

Council Member Little stated that the Consent Agenda section should be removed from this ordinance. He stated the Vice-Mayor position should be rotated. He stated that Council Member Harris should not vote on herself holding the position of Vice-Mayor. He stated Council Member Reddick should start out as the Vice-Mayor.

Bruce Downey, City Attorney, stated he had asked this question of whether a Council Member could vote for his or herself for the position of Vice Mayor to Hugh Evans, General Counsel, Alabama Ethics Commission, and stated Mr. Evans had referred him to Alabama Code Section 11-43-45 which states that, "All elections of officers shall be made viva voce, and a concurrence of a majority of the members to the council shall be required, and all members of the council may vote any provision of law to the contrary notwithstanding . . ." He stated that Attorney General Opinion 2001-048 also concluded that State law "permits members of a municipal council to vote for themselves for elected offices or appointments." He stated it was his opinion as the City Attorney that Council Member Harris could vote on the position of Vice Mayor.

Council Member Reddick stated that a Council Member could not vote on something that would benefit them directly.

Council Member Reddick made a motion to amend Ordinance Number 16-O-24, Section 21 to contain the name of Benjamin Little for the position of Vice Mayor. (The motion received no second.)

Council Member Reddick made a motion to amend Ordinance Number 16-O-24, Section 21 to remove the name of Millie Harris. The motion was seconded by Council Member Little; and on call of the roll the following vote was recorded: ayes: Council Members Reddick and Little; nays: Council Members Jenkins, Harris and Draper. The motion failed.

Council Member Little made a motion to table Ordinance Number 16-O-24. The motion was seconded by Council Member Reddick; and on call of the roll the following vote was recorded: ayes: Council Members Reddick and Little; nays: Council Members Jenkins, Harris and Draper. The motion failed.

Council Member Reddick made a motion to table Ordinance Number 16-O-24 until they could get another legal opinion on whether a Council Member could vote for his or herself for the position of Vice Mayor. The motion was seconded by Council Member Little; and on call of the roll the following vote was recorded: ayes: Council Members Reddick and Little; nays: Council Members Jenkins, Harris and Draper. The motion failed.

On call of the roll on Council Member Jenkins' motion for the passage and adoption of Ordinance Number 16-O-24 as reintroduced and read and Council Member Harris' second to said motion the following vote was recorded: ayes: Council Members Jenkins, Harris and Draper; nays: Council Members Reddick and Little. The motion carried and Ordinance Number 16-O-24 was passed and adopted.

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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 Harris; and on call of the roll the following vote was recorded: ayes: Council Members Jenkins, Harris and Draper; nays: Council Member Reddick. (Council Member Little did not cast a vote concerning the motion to adjourn.) The motion carried and the meeting was adjourned at approximately 6:54 o'clock p.m.