

**CITY OF ANNISTON
JANUARY 19, 2016
5:30 P.M.**

- **INVOCATION**
- **PLEDGE OF ALLEGIANCE**
- **CALL TO ORDER**
- **ROLL CALL**
- **READING/APPROVAL OF MINUTES OF PREVIOUS MEETING**
- **STAFF ADDITIONS/DELETIONS TO THE AGENDA**
- **ADOPTION OF AGENDA**

I. PROCLAMATION

- (a) National Mentoring Month

II. RECEIVE INFORMAL PUBLIC COMMENTS

Informal Public Comment – Speaker Protocol

The City of Anniston believes that any member of the general public should be afforded the opportunity to address the City Council provided that designated rules are followed by the speaker. Any member of the public who wishes to address the City Council and offer public comment on items within the City Council's jurisdiction, may do so during the Informal Public Comment period of the meeting. However, no formal action will be taken on matters that are not part of the posted agenda. In order to ensure the opportunity for all those desiring to speak before the Council, there is no yielding of time to another speaker. This opportunity to address City Council may not be used to continue discussion on an agenda item that has already been held as a public hearing. Matters under negotiation, litigation, or related to personnel will not be discussed. If a member of the general public would like to address the City Council during the Informal Public Comment portion of the meeting, please respectfully indicate your desire to address the City Council when the Mayor solicits members of the general public to come forward and speak. You will be recognized by the Mayor and asked to come forward to the podium so that you can address the City Council in accordance with the rules outlined herein. Once the speaker has been recognized to speak, he/she will be given three (3) minutes to address the City Council. The speaker should not attempt to engage the City Council and/or Staff in a discussion/dialogue and the speaker should not ask specific questions with the expectation that an immediate answer will be provided as part of the three (3) minute time frame since that is not the intent of the Informal Public Comment period. If the speaker poses a question or makes a request of the City, the Mayor may refer the issue or request to the City Manager for follow up. At the conclusion of the three (3) minute time period, the speaker will be notified that his/her time has elapsed and the next speaker will be recognized to come forward to the podium and address the City Council. The Mayor may rule out of order any Speaker who uses abusive or indecorous language, if the subject matter does not pertain to the City of Anniston, or if the Speaker(s) attempts to engage the City Council Members in a discussion or dialogue on issues. City Council shall not discuss non-agenda matters because it does not give the public adequate notice. Accordingly, City Council shall be limited to asking factual and clarifying questions of staff, and when appropriate, the Council may consider placing a matter on a future agenda. In addition, it is not reasonable to expect staff to respond to any of a variety of issues on which they may or may not be prepared to respond to on a moment's notice, so the City Manager may respond, or direct staff to respond at a later time.

III. RECEIVE FORMAL PUBLIC COMMENT

Formal Public Comment – City Council Agenda Protocol

The City of Anniston has identified this portion of the meeting to allow individuals an opportunity to formally address the City Council on issues of importance. Anniston requires that individuals who desire to formally address City Council to submit a written request form outlining the subject matter that they intend to discuss so that they can be placed on an upcoming meeting agenda. Members of the public desiring to be placed on the agenda to present or address matters to the City Council must submit a formal “**REQUEST TO BE PLACED ON THE CITY COUNCIL AGENDA**” form to the Office of the City Manager at least 10 days prior to the requested City Council meeting date that you wish to speak. City Council meetings are held on the second and fourth Monday of each month so the request must be submitted no later than 5:00 pm on the Friday which constitutes 10 days prior. The request can be done in person, regular mail, fax or email and the speaker should obtain acknowledgement of the request from the City to demonstrate that the 10 day requirement has been met. The request form may be obtained from the Office of the City Manager or from the City’s website www.anniston.al.gov. The request should state the name of the individual(s) desiring to be heard and the subject matter to be presented to City Council. Requests may be referred, at the discretion of the City Manager, to appropriate staff for mediation prior to being placed on the public agenda. Please be advised that the mere completion of a request form does not entitle the speaker to be added to the agenda.

a. Board Confirmations:

- i.** Trudy Munford – Anniston Museum of Natural History
- ii.** Jay Hinesley – Anniston Museum of Natural History
- iii.** Matthew Clonts – Anniston Museum of Natural History
- iv.** Eula Tatman – Anniston Museum of Natural History
- v.** Eydie Kennedy – Anniston Museum of Natural History

IV. CONDUCT PUBLIC HEARING

Speaking to a Public Hearing Item

In the interest of time and to ensure the fairness of all persons who appear before the City Council to speak for or against a public hearing item, speakers will be limited to three (3) minutes each to address City Council except as described herein. One speaker for the Petitioner may address the City Council for no more than 10 minutes, unless extended by the Mayor. In an effort help the City Council and the general public to better understand the issues, the Mayor may request that a City staff member address the City Council from the podium. Speakers from the general public may only speak when recognized by the Mayor during the public hearing. Speakers will be asked to come to the podium to address the City Council for three (3) minutes and they shall state their name and resident address for the record. Speakers addressing City Council on a public hearing item should coordinate comments in order to respect City Council’s time constraints. Groups should select a spokesperson to present the major points that summarize their position and opinions. Speakers are urged to be brief and non-repetitive with their comments. Comments shall specifically address the public hearing item before the City Council, and the speaker shall maintain appropriate tone and decorum when addressing the City Council. City Council may ask questions of the applicant, speakers, or staff during these proceedings only for the purpose of clarifying information. The speaker shall not direct derogatory comments to any individual, organization, or business. At the conclusion of the three (3) minute time period, the speaker will be notified that his/her time has elapsed and the next speaker will be recognized to come forward to the podium and address the City Council. Once the public hearing is closed on an item, there will be no further opportunity for formal or informal public input at a City Council meeting.

V. UNFINISHED BUSINESS – None

VI. CONSENT AGENDA

- (a) Resolution authorizing the reimbursements to city officials for expenses incurred while traveling away from the city.
- (b) Resolution declaring a reported condition to be a public nuisance. Group 2016-01 Grass & Debris
- (c) Resolution appointing members to the Anniston Museum of Natural History Board.
- (d) Resolution approving the City of Anniston’s participation in the State of Alabama Sales Tax Holiday for Severe Weather Preparedness Items as authorized by Act 2012-256.
- (e) Resolution declaring various vehicles and pieces of equipment as surplus and authorizing their sale.
- (f) Resolution declaring certain personal property surplus and authorizing the disposal of said property.
- (g) Resolution approving financing terms with Branch Banking and Trust Company.
- (h) Resolution authorizing the submission of a grant application for the Museum Department.
- (i) A motion to award the bid in the amount of \$48.51 per unit for 48 months for 16 units for a total monthly cost of \$776.16 to Yamaha Golf Cars.

VII. ORDINANCES

- (a) Amending Chapter 31 – Vehicles For Hire; Section 31.37(a) Rotation of Wrecker Service; Delivery of Vehicles to Repair Shops, of the Code of Ordinances of the City of Anniston **First Reading**
- (b) Amending Chapter 4 – Animal Control, of the Code of Ordinances of the City of Anniston. **First Reading**

VIII. RESOLUTIONS

- (a) Resolution vacating Freemont Road, Parliament Drive and Responder Drive. **First Reading**
- (b) Resolution vacating Militia Road. **First Reading**
- (c) Resolution vacating Regiment Avenue and Federal Way. **First Reading**

IX. OTHER ADDITIONAL OR FURTHER MATTERS THAT MAY COME BEFORE COUNCIL

COUNCIL COMMENTS

ADJOURNMENT

MINUTES

12/7/2015

Anniston, Alabama
December 7, 2015

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, December 7, 2015, at approximately 5:39 o'clock p.m.

David Hodnett, First Presbyterian Church, prayed the Invocation.

David Hodnett, First Presbyterian Church, 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 waive the reading of the minutes of November 16, 2015. 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.

Council Member Harris made a motion to approve the minutes of November 16, 2015. 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 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.

Mayor Stewart made a presentation to the One City/One Vision Strategic Planning Steering Committee: (Outstanding Planning Award)

Mayor Stewart announced that was the time for the public hearing to hear objections to the proposed abatement of identified nuisances (debris and grass) at the following locations; 1204 Altamont, 422 E. 22nd Street, 625 W. 13th Street, 915 and 0 Terry Road, 704 Knox Avenue, 0 Highland Avenue (78046), 0 Highland Avenue (78071), 0 E. 11th Street, 1417 E. 11th Street, 1122 Altamont, 2832 Brighton Avenue, 1808 Cobb Avenue, 2101 Christine Avenue, 2403 Wilmer Avenue, 1416 Draper, 228 Palmetto, 1919 and 1911 Beulah Avenue and 305 Lucius Drive; declared the hearing open and asked if anyone wished to address the Council concerning the proposed abatement of identified nuisances (debris and grass) at said locations.

12/7/2015

No one addressed the Council concerning the proposed abatement of identified nuisances (debris and grass) at said locations.

Mayor Stewart declared the public hearing to hear objections to the proposed abatement of identified nuisances (debris and grass) at the following locations; 1204 Altamont, 422 E. 22nd Street, 625 W. 13th Street, 915 and 0 Terry Road, 704 Knox Avenue, 0 Highland Avenue (78046), 0 Highland Avenue (78071), 0 E. 11th Street, 1417 E. 11th Street, 1122 Altamont, 2832 Brighton Avenue, 1808 Cobb Avenue, 2101 Christine Avenue, 2403 Wilmer Avenue, 1416 Draper, 228 Palmetto, 1919 and 1911 Beulah Avenue and 305 Lucius Drive; closed.

Mayor Stewart announced that was the time for the public hearing regarding a Special Retail – more than 30 days application for Finial LLC d/b/a Hotel Finial, declared the hearing open and asked if anyone wished to address the Council either in favor of or in opposition to said Special Retail – more than 30 days application for Finial LLC d/b/a Hotel Finial.

No one addressed the Council either in favor of or in opposition to said Special Retail – more than 30 days application for Finial LLC d/b/a Hotel Finial.

Mayor Stewart declared the public hearing regarding a Special Retail – more than 30 days application for Finial LLC d/b/a Hotel Finial closed.

Donna Wolciak, Industrial Development Authority, addressed the Council concerning the recent Economic Development Conference attended by IDA members and Council Members Selase and Harris.

Council Member Selase made a motion to approve the Consent Agenda items as listed below:

- (a) Resolution authorizing the reimbursements to city officials for expenses incurred while traveling away from the city.
- (b) Resolution accepting the resignation of a member of the Anniston Museum of Natural History Board.
- (c) Resolution over-ruling objections to the abatement of identified nuisances. (Grp 2015-08 Grass & Debris)
- (d) Resolution declaring various vehicles and pieces of equipment as surplus and authorizing their sale.
- (e) Resolution authorizing the Mayor to execute an Equipment Lease Agreement and supporting documents with Hancock Bank for one new street sweeper.
- (f) Resolution adopting a Title VI Plan.
- (g) Resolution adopting annual fee schedule.
- (h) Resolution designating locations for the installation and maintenance of fire hydrants by the Anniston Water Works and Sewer Board.
- (i) Resolution authorizing the submission of a grant application under the Land and Water Conservation Fund Program.
- (j) Motion approving the addition of Assistant Director – Museum Complex, Museum Education Director and Educational Interpreter to the Pay and Classification Plan.

12/7/2015

(k) Approve a Retail Beer (Off Premises Only) and Retail Table Wine (Off Premises Only) application for Circle K Stores Inc d/b/a Circle K Store 2723665 located at 800 S. Quintard Avenue.

(l) Approve a Retail Beer (Off Premises Only) and Retail Table Wine (Off Premises Only) application for Circle K Stores Inc d/b/a Circle K Store 2723688 located at 851 Lagarde Avenue.

(m) Approve a Special Retail – More Than 30 Days application for Finial LLC d/b/a Hotel Finial located at 1600 Quintard Avenue.

(n) Motion to suspend the rule requiring the City Council to meet on the third Monday of December, 2015, and the first and third Mondays of January, 2016, and to schedule a City Council meeting for Tuesday, January 19, 2016, at 5:30 p.m. in the City Council Chambers.

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 reintroduced and read Ordinance Number 15-O-16 as follows:

(15-O-16, amending Section 28 ½ Article I of the City Code to allow for and regulate the operation of Cigar Bars within the City)

Council Member Selase made a motion to table Ordinance Number 15-O-16. The motion did not receive a second.

Council Member Reddick made a motion for the passage and adoption of Ordinance Number 15-O-16 as reintroduced and read. The motion was seconded by Council Member Harris.

Council Member Reddick stated he would like to see this Section of the City Code amended further to delete any reference to “vapor”. He stated he would like to see an ordinance to this affect at the next work session.

Council Member Selase stated that this amendment to the City’s smoking ordinance negatively impacts the integrity of the City’s smoking ordinance that this Council originally passed. He stated they had received an email from a young lady who was interested in bringing hookah lounges to the city. He stated he was afraid there would not be an end to this process of negatively amending the City’s smoking ordinance.

Council Member Jenkins stated this ordinance was very carefully crafted to only address cigar bars and the language in the ordinance is specific to cigar bars. He stated they had done their due diligence concerning this specific ordinance.

Council Member Harris stated the restrictions in this ordinance were very stringent and she felt it was important that this was a stand alone structure. She stated she did not want to see more smoking downtown and she was proud of the City’s overall smoking ordinance.

12/7/2015

Council Member Selase stated that if this ordinance did pass he hoped they would not continue to chip away at the smoking ordinance with other exceptions. He stated he was not anti-business and would support any new businesses in the city.

On call of the roll on Council Member Reddick's motion for the passage and adoption of Ordinance Number 15-O-16 as reintroduced and read and Council Member Harris' second to said motion the following vote was recorded: ayes: Council Members Jenkins, Reddick and Harris; nays: Council Members Selase and Stewart. The motion carried and Ordinance Number 15-O-16 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 15-O-22. 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 15-O-22.

No one addressed the Council either in favor of or in opposition to the introduction and reading by title of Ordinance Number 15-O-22.

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 15-O-22 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 15-O-22, Council Member Jenkins introduced and read by title Ordinance Number 15-O-22 as follows:

(15-O-22, establishing a Pretrial Diversion Program for the Municipal Court of the City)

Jason Odom, City Prosecutor, addressed the Council concerning the proposed Ordinance Number 15-O-22.

Council Member Harris made a motion for the unanimous consent of the Council for the immediate consideration of Ordinance Number 15-O-22 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 15-O-22 as introduced and read by title, Council Member Selase made a motion for the passage and adoption of Ordinance Number 15-O-22 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 15-O-22 was passed and adopted.

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Council Member Selase introduced and read by title Ordinance Number 15-O-23 as follows:

(15-O-23, amending Chapter 2, Article XI, Section 2.60.3, Subsection 1, of the City Code, establishing membership of the Anniston Museum of Natural History Board)

Council Member Selase made a motion for the unanimous consent of the Council for the immediate consideration of Ordinance Number 15-O-23 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. Unanimous consent of the Council having been granted for the immediate consideration of Ordinance Number 15-O-23 as introduced and read by title, Council Member Selase made a motion for the passage and adoption of Ordinance Number 15-O-23 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 15-O-23 was passed and adopted.

Council Member Jenkins introduced and read Resolution Number 15-R-182 as follows:

(15-R-182, authorizing settlement of legal proceedings)

Council Member Jenkins made a motion for the passage and adoption of Resolution Number 15-R-182 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, Selase, Harris and Stewart; nays: none; abstentions: Council Member Reddick. The motion carried and Resolution Number 15-R-182 was passed and adopted.

Council Member Selase introduced and read Resolution Number 15-R-183 as follows:

(15-R-183, adopting an ADA Transition plan)

Council Member Selase made a motion for the passage and adoption of Resolution Number 15-R-183 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-183 was passed and adopted.

Council Member Selase made a motion for the unanimous consent of the Council to introduce and read by title Resolution Number 15-R-184. 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 Resolution Number 15-R-184.

No one addressed the Council either in favor of or in opposition to the introduction and reading by title of Resolution Number 15-R-184.

12/7/2015

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 15-R-184 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 Resolution Number 15-R-184, Council Member Selase introduced and read by title Resolution Number 15-R-184 as follows:

(15-R-184, authorizing a Redevelopment Reimbursement Agreement with Second Street Plaza, LLC)

Council Member Harris made a motion for the passage and adoption of Resolution Number 15-R-184 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 Resolution Number 15-R-184 was passed and adopted.

Council Member Jenkins congratulated the Anniston 4th and 5th Grade Football Team on their recently against Oxford.

Council Member Reddick congratulated the Anniston Housing Authority Honor Students.

Council Member Selase thanked everyone from the IDA who had attended the Economic Forum.

Council Member Harris stated there would be a dedication of Michael Tucker Park on December 8th.

Mayor Stewart stated the Christmas Parade would be this Saturday and the Christmas Village would be open at 10:00 a.m.

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 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 the meeting was adjourned at approximately 6:36 o'clock p.m.

CONSENT AGENDA

RESOLUTION NO. 16-R-__

A RESOLUTION AUTHORIZING REIMBURSEMENTS TO CITY OFFICIALS FOR EXPENSES INCURRED WHILE TRAVELING AWAY FROM THE CITY

BE IT RESOLVED, by the City Council of the City of Anniston, Alabama, that reimbursement is made by the City of Anniston, Alabama, as follows:

- a. \$272.96 to Jean Ann Oglesby, Farmers Market, for the purchase of supplies and mileage while performing various duties for the Anniston Farmers Market during November 2015.
- b. \$72.22 to Bersheba Austin, HR, while attending Mediation for EEOC Claim in Birmingham, AL

PASSED AND ADOPTED this ____ day of January 2016.

**CITY COUNCIL OF THE CITY
OF ANNISTON, ALABAMA**

BY: _____
Vaughn M. Stewart II, Mayor

BY: _____
Jay W. Jenkins, Council Member

BY: _____
David E. Reddick, Council Member

BY: _____
Seyram Selase, Council Member

BY: _____
Mille Harris, Council Member

ATTEST:

Alan B. Atkinson, City

RESOLUTION NUMBER 16-R-__

A RESOLUTION DECLARING A REPORTED CONDITION TO BE A PUBLIC NUISANCE

WHEREAS, Tana Bryant, an Appropriate City Official, pursuant to Section 34.15 of said Ordinance, has reported to the City Council that conditions exist at **attached (Group 2016-01 Grass & Debris)** in Anniston, Alabama that are believed to be a public nuisance; and

WHEREAS, the said City official submitted proof of said condition that was deemed by the City Council to be satisfactory to show that a public nuisance existed at the place specified; and

WHEREAS, Section 34.3 (b) (1), (2) of the City of Anniston Ordinance No. 11-O-9 declares the following conditions to be a public nuisance: **overgrown lots as defined in Section 34.2 of the Code of Ordinances and trash and debris**; and

RESOLVED THEREFORE, that a public nuisance exists at the above said locations within the City of Anniston, said property being more particularly described on **Exhibit "A"** to this resolution; and

RESOLVED FURTHER, that the public nuisance must be abated by the City and the cost of abatement charged as a lien against the property if not remedied by the owner(s); and

RESOLVED FURTHER, that a hearing be set before the City Council at its next regular scheduled meeting to hear objections to the City's actions; and

RESOLVED FURTHER, that at least two NOTICES TO REMOVE PUBLIC NUISANCE be promptly posted by the Appropriate City Official in front of the said property at not more than 100 feet in distance apart as specified in Section 34.16 of the Code of Ordinances; and

RESOLVED FURTHER, that the Appropriate City Official shall post said NOTICE TO REMOVE PUBLIC NUISANCE, as aforesaid, at least 5 days prior to the time for hearing objections by the City Council; and

RESOLVED FURTHER, that the Appropriate City Official shall determine the name and address of the person or entity last assessing said property for tax purposes, and shall further cause a search to be made of the public records, and shall further make a diligent investigation to discover the name(s) and contact information of the owners of every beneficial interest in the said property; and

RESOLVED FURTHER, that the Appropriate City Official shall, at least 5 days prior to the time for a hearing of objections by the City Council, mail a copy of said Notice by certified or registered mail, with postage prepaid and return receipt requested, to the last person/entity assessing the property for taxes and to each owner of a beneficial interest in said property including, without limitation, mortgagees of record.

PASSED AND ADOPTED this the ___ day of _____, 2016.

**CITY COUNCIL OF THE CITY OF
ANNISTON, ALABAMA**

BY: _____
Vaughn M. Stewart II, Mayor

BY: _____
Jay W. Jenkins, Council Member

BY: _____
David E. Reddick, Council Member

BY: _____
Seyram Selase, Council Member

BY: _____
Millie Harris, Council Member

ATTEST:

Alan B. Atkinson, City Clerk

EXHIBIT "A"

2016-01 GRASS AND DEBRIS

Address	PPIN
621 Henry Street	25699
1812 Front Street	66970
1631 Mulberry Avenue	19959
1629 Mulberry Avenue	62480
514 West 27 th Street	25212
2425 Walnut Avenue	562
1902 Dooley Avenue	20097
101 West 19 th Street	20426
23 East 24 th Street	24780
21 East 24 th Street	24779
2429 Wilmer Avenue	61186
2402 Wilmer Avenue	24778
8 McArthur Drive	25709
1608 Moore Avenue	19093
2306 Wilmer Ave Front (27)	61492
2306 Wilmer Ave Rear (25)	61491
2302 Wilmer Ave	61686

RESOLUTION NUMBER 16-R-___

A RESOLUTION APPOINTING MEMBERS TO THE ANNISTON MUSEUM OF NATURAL HISTORY BOARD

WHEREAS, the Council has adopted Ordinance No. 14-O-13, an ordinance amending Division 1, Article XI, Chapter 2 of the Code of Ordinances for the City of Anniston, Alabama Regulating Boards, Commissions and Authorities, in order to, among other things, assign the positions on the City's boards, commissions and authorities to nominations by specific Council Ward Representatives or to the Office of the Mayor so that those who are appointed to serve more fairly and equitably represent the citizenry of the City and to simplify and clarify to Council's nomination and appointment process;

WHEREAS, the Council has adopted a schedule of nominations to govern appointments to the Anniston Museum of Natural History Board;

WHEREAS, the Council desires to make certain appointments to said Board in accordance with the previously adopted Schedule of Nominations;

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

Section 1. The City Council of the City of Anniston does hereby appoint those persons identified in the Schedule of Nominations for the Anniston Museum of Natural History Board attached hereto as Exhibit A to the board and for the terms set forth therein.

Section 2. That the City Clerk shall cause a copy of this Resolution to be mailed to the above named appointees and to said board.

PASSED and ADOPTED this ___ day of _____, 2016.

CITY COUNCIL OF THE CITY OF
ANNISTON, ALABAMA

Vaughn M. Stewart II, Mayor

Jay W. Jenkins, Council Member

David E. Reddick, Council Member

Seyram Selase, Council Member

Millie Harris, Council Member

ATTEST:

Alan B. Atkinson, City Clerk

EXHIBIT "A"

ANNISTON MUSEUM OF NATURAL HISTORY BOARD

Board Positions	Nominations	Board Member Name	Expiration Date	Explanation
2	Ward 2	Trudy Munford	10/31/2019	Unexpired term of Bill Meehan
4	Ward 4	Jay Hinesley	10/31/2019	Unexpired term of Frank Segars
5	Mayor	Matthew Clonts	10/31/2017	Unexpired term of Carolyn Orchid
8	Ward 3	Eula Tatman	10/31/2018	Unexpired term of Evan Jackson
10	Mayor	Eydie Kennedy	10/31/2021	

RESOLUTION NO. 16-R-_____

**A RESOLUTION APPROVING THE CITY OF
ANNISTON'S PARTICIPATION IN THE STATE OF
ALABAMA SALES TAX HOLIDAY FOR SEVERE
WEATHER PREPAREDNESS ITEMS AS AUTHORIZED
BY ACT 2012-256.**

WHEREAS, the State Legislature of Alabama passed Act 2012-256 granting municipal governments authority to provide for the exemption of certain covered severe weather preparedness items from the payment of municipal sales tax during a period commencing at 12:01 a.m. Friday February 26, 2016 and ending at twelve midnight the following Sunday February 28, 2016 under the same terms, conditions and definitions as provided for the state sales tax holiday for such covered items.

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 severe weather preparedness items from the payment of municipal sales tax for the period commencing at 12:01 a.m. Friday, February 26, 2016 and ending at twelve midnight Sunday, February 28, 2016 under the same terms, conditions and definitions as provided for by Act 2012-256 and Alabama Department of Revenue Rule 810-6-3-.66.

PASSED AND ADOPTED this the _____ day of _____, 2016.

CITY COUNCIL OF THE CITY OF
ANNISTON, ALABAMA

BY _____
Vaughn M. Stewart II, Mayor

BY _____
Jay W. Jenkins, Council Member

BY _____
David E. Reddick, Council Member

BY _____
Seyram Selase, Council Member

BY _____
Millie Harris, Council Member

ATTEST:

Alan B. Atkinson, City Clerk

RESOLUTION NO. 16-R-_____

A RESOLUTION DECLARING VARIOUS VEHICLES AND PIECES OF EQUIPMENT AS SURPLUS AND AUTHORIZING THEIR SALE

WHEREAS, the City Council of the City of Anniston, Alabama, hereby finds that those certain motor vehicles/equipment and personal property more particularly described on Exhibit "A" attached hereto and incorporated herein are not now presently being used for municipal purposes, nor are they needed for use by the City of Anniston in the future.

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

Section 1. That those certain motor vehicles/equipment and personal property more particularly described in Exhibit "A" attached hereto and incorporated herein for all purposes, be and the same are hereby declared surplus to the needs of the City of Anniston.

Section 2. That Alan B. Atkinson, City Clerk of the City of Anniston, be and he is hereby authorized, directed, and empowered to cause said motor vehicles/equipment and personal property to be sold and/or traded and the Alan B. Atkinson, City Clerk of the City of Anniston, is hereby authorized, directed, and empowered for and in the name of the City of Anniston to execute title certificates, bills of sale or other documents of conveyance to the purchasers provided, however, that all sales of motor vehicles/equipment made by the City shall be "as is – where is" with no warranties expressed or implied.

Section 3. This resolution shall become effective immediately upon its passage and adoption by the City Council.

PASSED AND ADOPTED this the _____ day of _____, 2016.

CITY COUNCIL OF THE CITY OF
ANNISTON, ALABAMA

BY: _____
Vaughn M. Stewart, II, Mayor

BY: _____
Jay Jenkins, Council Member

BY: _____
David E. Reddick, Council Member

BY: _____
Seyram Selase, Council Member

BY:

Millie Harris, Council Member

ATTEST:

Alan B. Atkinson, City Clerk

1/19/2016

EXHIBIT A
SURPLUS EQUIPMENT

Vehicle/Equipment

VIN/Serial #

2C672 Stump Cutter

1VRK15119R1000337

RESOLUTION NUMBER 16-R-

**DECLARING CERTAIN PERSONAL PROPERTY SURPLUS AND
AUTHORIZING THE DISPOSAL OF SAID PROPERTY**

WHEREAS, the City Council of the City of Anniston, Alabama, hereby finds that the personal property more particularly described on Exhibit "A" attached hereto and incorporated herein are not now presently being used for municipal purposes, nor are they needed for use by the City of Anniston in the future, and

WHEREAS, the City Council is desirous of disposing of said personal property.

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

Section 1. That the personal property more particularly described in Exhibit "A" attached hereto and incorporated herein for all purposes, be and the same are hereby declared surplus to the needs of the City of Anniston.

Section 2. That Alan B. Atkinson, City Clerk of the City of Anniston, be and he is hereby authorized, directed and empowered to destroy/dispose and/or sell said personal property referenced on Exhibit "A" attached hereto and incorporated herein; and that the said Alan B. Atkinson be and he is hereby authorized, directed and empowered for and on behalf of the City of Anniston to execute certificates, bills of sale or other documents of conveyance to the purchasers at such auction for cash received for such purposes, provided, however, that all sales of said personal property made by the City at said auction shall be "as is – where is" with no warranties expressed or implied.

Section 3. This resolution shall become effective immediately upon its passage and adoption by the City Council.

PASSED AND ADOPTED this the _____ day of _____, 2016.

CITY COUNCIL OF THE CITY OF
ANNISTON, ALABAMA

BY: _____
Vaughn M. Stewart, II, Mayor

BY: _____
Jay Jenkins, Council Member

BY: _____
David E. Reddick, Council Member

BY: _____
Seyram Selase, Council Member

BY: _____
Millie Harris, Council Member

ATTEST:

Alan B. Atkinson, City Clerk

1/19/2016

EXHIBIT A

SURPLUS PROPERTY

8 Stinger flashlights, unrepairable.
17 cannisters of Freeze plus P tear gas, outdated. Recommend we destroy these items.
3 Motorola radio chargers
65 Scorpion body cameras, dead batteries.
4 sets of handcuffs. The locking mechanism is not functioning and attempts to repair them have not been successful.
7 Motorola shoulder mics. Do not work.
2 X26 Taser holsters, broken.
4 X26 Tasers, broken. Recommend we destroy these items.
3 M26 canvass holsters
29 VIDMICS, "Personal body video/microphone recorders.

The following items have been determined to have no known owner, abandoned or of no value. I request these items be allowed to be disposed of in accordance with state law.

1 Alcatel cellular telephone, found property, no owner determined, case#150408022. Request this property be sold at city auction.
1 LG G3 Vigor cellular telephone, found property, no owner determined, case# 150326022. Request this property be sold at city auction.
1 Sylvania flat screen television, SN J19815827, Mdl LC195SL9, found property, no owner determined. Case #141221002. Request this property be sold at city auction.
1 camouflage video camera, found property, no owner determined. Case #150401042. Request this property be sold at city auction.
Miscellaneous jewelry and one jewelry box. Owner, Sherman Houston. A letter was sent to Mr. Houston on 4/16/15. There has been no response from the owner. Case #070427034. Request this property be sold at city auction.
2 Alabama Driver's License, 1 Alabama ID card, 4 Alabama EBT cards, 1 Alabama pistol permit. Found property. The owners were sent letters on 4/21/2015 advising them we were holding their property. There has been no response. Case # 150420047. Request this property be destroyed property.
1 wallet containing miscellaneous cards, Owner, Adrian Miller. Found property. A letter was sent on 4/14/2015. There has been no response. Request this property be destroyed. Case #150414025.
1 Toy imitation Walther PPK CP99 compact 4.5mm air soft handgun. Found property. No owner determined. Request this property be destroyed. Case #150607035.
1 Verizon LG cellular telephone, found property, no owner determined. Request this property be sold at city auction. Case #131230034.

1/19/2016

1 Colorado Technical University debit card bearing the name "James Devoe." This property was found on Electronics Drive. I was unable to locate an address or phone number for the owner. Request this property be destroyed.

1 check book belonging to Terry Fortenberry. I sent a letter to Fortenberry on 5/12/15. The owner has not responded. Request this property be destroyed. Case #150511063.

1 Taurus 9mm handgun SN#tnf90185 with one magazine and cartridges. This handgun was seized during a narcotics arrest. No one in the vehicle claimed this handgun. This weapon does not meet the State criteria to begin condemnation procedures. Request this property be destroyed. Case #090617066.

1 CDM .22 caliber revolver, SN#265271. This handgun was surrendered to the Anniston Police Department as the result of the owner having passed away. The surviving family did not want the weapon. Recommend destroy.

1 Lorcin .25 caliber handgun, SN#179556. This handgun was surrendered by a resident of Anniston. The owner has not been identified. Recommend destroy.

1 ROHM GMRH revolver. SN#tb105800 with 1 brown leather holster, 5 .22 cartridges and 1 .22 shell casing. This handgun was found in a room at the Royal Inn by personnel. The listed owner, Jerry Roger was sent a letter to claim his property on 3/6/14. The owner has not responded to the letter. Request this property be declared abandoned and destroyed. Case#140305028.

1 Glock Model 17, 9mm handgun SN#SVH799. This weapon was found outside of a resident's home. It is believed the weapon was the property of an unknown B/M who may have attempted to rob the resident the previous evening. The suspect has never been identified and has not come forward to claim ownership. The crime of robbery never occurred. This handgun does not meet the State criteria to begin condemnation procedures. Request the property be destroyed. Case #150227022.

1 Frontier Arms .410 Shotgun with two .410 shells. This weapon was recovered during a narcotics arrest. The shotgun's barrel had been shorten more than the state law allows. The weapon does not meet State criteria to begin condemnation procedures. Request this property be destroyed. Case #130430005.

RESOLUTION NUMBER 16-R-__

A RESOLUTION APPROVING FINANCING TERMS WITH BRANCH BANKING AND TRUST COMPANY

WHEREAS, the City of Anniston (“Governmental Entity”) has previously determined to undertake a project for the purchase of several police vehicles, equipment and an excavator (the “Project”), and the officer of the Governmental Entity responsible for the financial affairs of the Governmental Entity (the “Finance Officer”) has now presented a proposal for the financing of such Project.

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

1. The Governmental Entity hereby determines to finance the Project through Branch Banking and Trust Company (“BB&T”), in accordance with the proposal dated _____. The amount financed shall not exceed \$400,000.00, the annual interest rate (in the absence of default or change in tax status) shall not exceed 1.90%, and the financing term shall not exceed three (3) years from closing.

2. All financing contracts and all related documents for the closing of the financing (the “Financing Documents”) shall be consistent with the foregoing terms. All officers and employees of the Governmental Entity are hereby authorized and directed to execute and deliver any Financing Documents, and to take all such further action as they may consider necessary or desirable, to carry out the financing of the Project as contemplated by the proposal and this resolution. The Financing Documents shall include a Financing Agreement and a Project Fund Agreement as BB&T may request.

3. The Finance Officer is hereby authorized and directed to hold executed copies of the Financing Documents until the conditions for the delivery of the Financing Documents have been completed to such officer’s satisfaction. The Finance Officer is authorized to approve changes to any Financing Documents previously signed by Governmental Entity officers or employees, provided that such changes shall not substantially alter the intent of such documents or certificates from the intent expressed in the forms executed by such officers. The Financing Documents shall be in such final forms as the Finance Officer shall approve, with the Finance Officer’s release of any Financing Document for delivery constituting conclusive evidence of such officer’s final approval of the document’s final form.

4. The Governmental Entity shall not take or omit to take any action the taking or omission of which shall cause its interest payments on this financing to be includable in the gross income for federal income tax purposes of the registered owners of the interest payment obligations under the Financing Documents. The Governmental Entity hereby designates its obligations to make principal and interest payments under the Financing Documents as “qualified tax-exempt obligations” for the purpose of Internal Revenue Code Section 265(b)(3).

5. The Governmental Entity intends that the adoption of this resolution will be a declaration of the Governmental Entity’s official intent to reimburse expenditures for the Project that is to be financed from the proceeds of the BB&T financing described above. The Governmental Entity intends that funds that have been advanced, or that may be advanced, from the Governmental Entity’s general fund, or any other Governmental Entity fund related to the Project, for Project costs may be reimbursed from the financing proceeds.

6. The officers of the Governmental Entity and any person or persons designated and authorized by any officer of the Governmental Entity to act in the name and on behalf of the Governmental Entity, or any one or more of them, are authorized to do and perform or cause to be done and performed in the name and on behalf of the Governmental Entity such other acts, to pay or cause to be paid on

behalf of the Governmental Entity such related costs and expenses, and to execute and deliver or cause to be executed and delivered in the name and on behalf of the Governmental Entity such other notices, requests, demands, directions, consents, approvals, orders, applications, certificates, agreements, further assurances, or other instruments or communications, under the corporate seal of the Governmental Entity, or otherwise, as they or any of them may deem necessary, advisable, or appropriate in order to (a) complete the plan of financing contemplated by the Financing Documents, (b) carry into effect the intent of the provisions of this resolution and the Financing Documents, and (c) demonstrate the validity of the Financing Documents, the absence of any pending or threatened litigation with respect to the Financing Documents and the plan of financing contemplated by the Financing Documents, and the exemption of interest on the interest payment obligations under the Financing Documents from federal and State of Alabama income taxation.

7. All prior actions of Governmental Entity officers in furtherance of the purposes of this resolution are hereby ratified, approved and confirmed. All other resolutions (or parts thereof) in conflict with this resolution are hereby repealed, to the extent of the conflict. This resolution shall take effect immediately.

PASSED AND ADOPTED this the _____ day of _____, 2016.

CITY COUNCIL OF THE CITY OF
ANNISTON, ALABAMA

BY: _____
Vaughn M. Stewart, II, Mayor

BY: _____
Jay Jenkins, Council Member

BY: _____
David E. Reddick, Council Member

BY: _____
Seyram Selase, Council Member

BY: _____
Millie Harris, Council Member

ATTEST:

Alan B. Atkinson, City Clerk

RESOLUTION NUMBER 16-R-_____

AUTHORIZING THE SUBMISSION OF A GRANT APPLICATION FOR THE MUSEUM DEPARTMENT

WHEREAS, the Anniston Museum Department has a need for grant assistance for projects and programs to preserve museum collections, strengthen education efforts, and promote visitation.

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

1. That submission of grant applications are authorized that do not require cash match beyond funds available in the Museum Department annual budget; and
2. That all grant applications will be authorized for submission by the City Manager prior to submission.

PASSED AND ADOPTED this the 19th day of January, 2016.

CITY COUNCIL OF THE CITY OF
ANNISTON, ALABAMA

By: _____
Vaughn M. Stewart II, Mayor

BY: _____
Jay Jenkins, Council Member

BY: _____
David E. Reddick, Council Member

BY: _____
Seyram Selase, Council member

BY: _____
Millie Harris, Council Member

ATTEST:

Alan B. Atkinson, City Clerk

RESOLUTION EXPLANATION

PURPOSE: Authorization to submit submission of grant applications to support the work of the Museum Department

PROGRAM: Various Programs

AGENCY: Various Agencies

DEADLINE: Various Deadlines

PROJECT DESCRIPTION:

The Museum Department has need for grant assistance to help preserve the museum collections, strengthen education efforts, and promote visitation. The procurement of grants assistance may will include submission applications to federal, state, foundation, and corporate resources. Only grant programs that do not require local matching or grant programs that can be matched in-kind contribution or funds budgeted to the Museum Department are being authorized by the this Resolution. All programs grant applications that require a separate commitment of funds will be brought to the City Council for considered.

COMMENT:

No grant application will be submitted without the authorization of the City Manager.

PREPARED BY: Louise Campbell, L.P. Campbell Company 1/14/2016

1/19/2016

FACT SHEET

SUBJECT: Evaluation of bids for the lease of Golf Cars.

VENDORS SUBMITTING BIDS

Yamaha Golf Cars	48 month lease	\$48.51/unit
Gadsden Golf Carts, Inc.	48 month lease	\$100.00/unit
Diamond Golf Cars LLC		No response

RECOMMENDATION: The bid should be awarded Yamaha Golf Cars in the amount of \$48.51 per unit for 48 months for 16 units for a total monthly cost of \$776.16.

ORDINANCES

ORDINANCE NUMBER 16-O-___

**AMENDING CHAPTER 31 – VEHICLES FOR HIRE, SECTION 31.37(a)
ROTATION OF WRECKER SERVICE; DELIVERY OF VEHICLES TO
REPAIR SHOPS, OF THE CODE OF ORDINANCES OF THE CITY OF
ANNISTON**

WHEREAS, the Council of the City of Anniston (“Council”) finds that Section 31.37(a) of the Code of Ordinances of the City of Anniston, Alabama is due to be amended in order to better effectuate the intent of said ordinance and clarify the requirements for operating a wrecker or towing service within the city and its police jurisdiction;

WHEREAS, the Council finds that amending Section 31.37(a), as set forth below, will better meet the needs of the City and its citizens and will further the availability of reliable, cost efficient wrecker or towing services requested from or through the Anniston Police Department;

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 31, Article II, Section 31.37(a) of “The Code of the City of Anniston, Alabama, 1981” in its entirety to read as follows:

- (a) Wrecker or towing service operators that meet the following requirements are eligible to be listed on the city’s roster of on-call wrecker and towing service operators: (1) the operator has obtained the consent of the council to operate within the city; (2) the operator has, or is a part of, an auto repair or auto body shop business that is licensed by the city; and (3) the licensed auto repair or auto body shop derived no less than \$350,000 in annual gross receipts in the previous license year from its auto repair or auto body shop line of business. On-call wrecker and towing service operators placed on said roster shall operate on a twenty-four hour rotation basis according to a schedule to be set by the chief of police or the director of public safety. The police officer investigating a wreck or collision shall call for the operator that is on-call pursuant to the roster schedule. It shall be the duty of on-call operator to provide all wrecker or towing services requested by the city’s police officers during the operator’s respective twenty-four hour rotation period. The on-call operator may, however, utilize the services of another wrecker or towing service operator that has been permitted by the city when heavy-duty wreckers for large trucks and tractors are required and the on-call operator lacks the means and equipment to provide these services. In the event the on-call operator cannot provide the services requested by the city’s police officers within thirty (30) minutes of the request, the city’s police officers shall call the operator next on-call pursuant to the roster schedule.

Section 2. These amended ordinances shall become effective immediately upon their adoption and their 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 authorized and directed to cause a copy of these amended ordinance to be published one time in said newspaper.

PASSED and **ADOPTED** this ___ day of January, 2016.

CITY COUNCIL OF THE CITY OF
ANNISTON, ALABAMA

Vaughn M. Stewart II, Mayor

Jay W. Jenkins, Council Member

David E. Reddick, Council Member

Seyram Selase, Council Member

Millie Harris, Council Member

ATTEST:

Alan B. Atkinson, City Clerk

ORDINANCE NUMBER 16-0 - ____

**AN ORDINANCE AMENDING CHAPTER 4 – ANIMAL CONTROL,
OF THE CODE OF ORDINANCES OF THE CITY OF ANNISTON**

WHEREAS, the Council of the City of Anniston (“Council”) finds that the sections identified below of Chapter 4 the Code of Ordinances of the City of Anniston, Alabama, governing animal control, are due to be amended in order to better serve the goals of the Chapter and meet the needs of the citizens of 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 Chapter 4, Article I, Section 4.1 of “The Code of the City of Anniston, Alabama, 1981” in its entirety to read as follows:

Section 4.1 – Definitions.

(a) *Definitions.* For the purpose of this article, words used in the present tense include the future, the singular number includes the plural, and the plural the singular. Words and terms are defined as follows:

- (1) *Adequate food.* The provision of foodstuff that is uncontaminated, and of sufficient quantity and nutritive value to maintain the normal condition and weight of the animal, served in a sanitary container.
- (2) *Adequate shade.* For dogs (1) or more separate outside areas of shade, large enough to contain all dogs at one time and to protect them from the direct rays of the sun. A doghouse shall not constitute adequate shade. For all other animals that, as determined by species, require shade, “adequate shade” means one (1) or more outside areas of shade large enough to protect all the animals present from the direct rays of the sun.
- (3) *Adequate shelter.* An appropriate, durable, enclosed permanent structure, or a structure manufactured to serve primarily as an outdoor shelter for a dog, with dimensions that allow the dog sufficient room to enter, occupy and exit, and raised two inches above the ground. The shelter shall provide the dog adequate protection and shelter from heat and cold so that body heat is retained in cold weather and not overheated in hot weather and constructed in a manner to protect a dog’s feet and legs from injury. For all other animals adequate shelter means an appropriate structure that provides the animal adequate protection and shelter, as determined by the animal’s species, from heat and cold and from the direct effect of wind, rain and snow.
- (4) *Adequate water.* Constant access to a supply of clean, fresh, drinkable water, unless restricted by a veterinarian, provided in a sanitary manner.
- (5) *Animal.* The term shall mean any non-human, animate being which is endowed with the power of voluntary motion to include, but not limited to: mammals, *i.e.* dogs, cats, horses, hogs, cows, sheep, goats, rabbits, *etc.*; reptiles; birds; salamanders; toads; frogs; sharks; snakes; rays; bony fishes; and amphibians.

- (6) *Animal shelter.* The place designated or used as such by the city for the maintenance and operation of a pound.
 - (7) *At large.* Any animal which is off the property of its owner or person in charge and not carried by said person, kept in an effective closure or under control or restraint by such person by means of a leash in such a way as to prevent its free movement, and so as to prevent said animal from freely charging or attacking persons or animals.
 - (8) *Bitten.* Seized with teeth or jaws such that the skin of the person or thing seized has been nipped or gripped or has been wounded or pierced and there has been probable contact of saliva with the break or abrasion of the skin.
 - (9) *Caged.* Confinement in a container, which may include a vehicle but not its trunk, in such a way that the free movement of such animal is restrained and so as to prevent the animal caged from biting or attacking a person or animal.
 - (10) *Cat.* All members of the domestic feline family.
 - (11) *Dangerous Dog.* Any dog that, without justification, attacks a person or domestic animal causing physical injury or death or that behaves in a manner that a reasonable person would believe poses an unjustified imminent threat of serious injury or death to one or more persons or domestic animals.
 - (12) *Dog.* All members of the domestic canine family.
 - (13) *Dogs presumed to be vicious.* Any dog which is known by the owner or person in charge to habitually chase moving vehicles or charge persons on the public streets and other public ways shall be presumed to be vicious, whether or not such dog has actually bitten or attacked a person or other animal.
 - (14) *Owner.* Any person, firm, corporation, organization, or department having a right of property in the animal, or who keeps or harbors the animal, or who has it in his care, or acts as its custodian, or who permits the animal to remain on or about any premises occupied by him or her.
 - (15) *Person in charge.* Any person who feeds a dog or cat not owned by him or her or who otherwise cares for the animal.
- (b) *Exceptions.* A dog presumed to be vicious and a dangerous dog does not include:
- (1) A dog assisting a peace officer or other law enforcement officials engaged in law enforcement duty;
 - (2) A dog that attacks or inflicts bites upon a trespasser of a fully enclosed building or private property;
 - (3) A dog that is properly confined;
 - (4) A dog used as a certified guide dog for the blind, or hearing dogs for the deaf, or aid dogs for the handicapped or disabled;

- (5) A dog within the care or custody of a licensed kennel, humane society shelter, animal control facility, or veterinarian.

Section 2. The City Council of the City of Anniston, Alabama hereby enacts Chapter 4, Article I, Section 4.5 of “The Code of the City of Anniston, Alabama, 1981”, which was formerly a reserved section of the Code, which shall state in its entirety as follows:

Section 4.5 - Owner or persons in charge of animal to clean up droppings.

(a) It shall be unlawful for any owner or person in charge of any animal to fail to clean up and/or remove immediately any excrement droppings deposited by the animal on any property, whether privately or publicly owned, other than on the premises of the owner or person in charge, unless prior consent or permission has been given by the owner of the property or the owner’s agent. The owner or person in charge shall clean up and/or remove the excrement droppings by placing them in a bag and depositing the bag in a location where it will be collected by the public works department or by burying the excrement droppings in a sanitary manner. The failure to clean up and/or remove excrement in accordance with this sections shall be punishable by a fine in the amount of One Hundred Dollars (\$100.00).

(b) The owner or person in charge of the animal shall keep the premises or where such animal is located in a sanitary condition. It shall be unlawful for the owner or person in charge of the animal to permit excrement or droppings from any of the animals to collect on the premises of the owner or other person in charge, causing odor or unsanitary conditions.

Section 3. The City Council of the City of Anniston, Alabama hereby amends and restates Chapter 4, Article I, Section 4.8 of “The Code of the City of Anniston, Alabama, 1981” in its entirety to read as follows:

Section 4.8 - Exceptions to Sections 4.4 and 4.7

Section 4.4 - Keeping Animals, Generally, and Section 4.7 - Keeping Swine or Fowl Prohibited, shall not apply to the following:

- (1) Animals in veterinary hospitals operated by duly licensed veterinarians;
- (2) Baby fowl such as baby chicks transported into the city for selling purposes or kept within the city for selling purposes;
- (3) Animals at sale barns kept for a period of no longer than twenty-four (24) hours;
- (4) Animals with circuses and carnivals that have been issued a permit by the county health officer and a license by the revenue department of the city to operate within the city;
- (5) Animals used for promotional or advertising purposes on a temporary basis by merchants, civic groups, clubs, organizations and individuals; provided, that the sponsor has obtained a permit for use of such animal from the health officer and abides by all rules, specifications or conditions on the permit. Sponsor must also obtain a permit at a cost in accordance with the amount set in the city’s permit fee schedule. Failure of a sponsor to comply with such rules on one (1) occasion may be sufficient reason to deny issuing a permit on any future occasion. The Anniston Museum of Natural History shall be

exempt from these provisions for the expressed purpose of the promotion of educational pursuits.

Section 4. The City Council of the City of Anniston, Alabama hereby amends and restates Chapter 4, Article I, Section 4.10 of “The Code of the City of Anniston, Alabama, 1981” in its entirety to read as follows:

Section 4.10 – Cruelty to Animals

It shall be unlawful for any person:

- (1) To override, overdrive, overload, beat, torture, torment, deprive of necessary sustenance, cruelly beat, mutilate or cruelly kill any animal; to cause any animal unnecessary fright or pain; to cause or allow any animal to endure pain, suffering or injury; or to maliciously administer poison to an animal or expose it to a poisonous substance with intent that the same shall be taken and swallowed by such animal;
- (2) For an owner or person in charge to fail to provide an animal with adequate food, water, shelter or shade from the weather, or cruelly drive or ride when unfit for labor;
- (3) For an owner or person in charge to fail to provide an animal medical treatment or care that is needed to prevent unjustifiable physical pain, suffering or death, or to fail to provide proper treatment and care, or to fail to cause the humane and sanitary disposal of a deceased animal;
- (4) To keep a dog in a housing area or enclosure (a) that is extremely muddy or that contains standing water as a result of a lack of groundcover; (b) that contains excessive excrement; (c) that is otherwise unsanitary; or (d) that contains objects or contaminants which are likely to cause injury or be detrimental to the health of the dog, including, but not limited to, rusty or jagged metal objects, broken glass, or harmful chemical solvents or agents.
- (5) To unlawfully or maliciously kill, disable, disfigure or injure any animal without good excuse; provided, that dehorning of cattle shall not be a violation.
- (6) To restrain an animal with a leash or other restraining device (a) that is less than ten feet long, unless walking or training such animal; (b) that is not fixed in such a manner to allow the animal free use of the restraint without it becoming tangled; (c) that is not an appropriate weight for the animal and affixed to a proper tethering collar with a swivel attachment—an allowable tethering collar shall be a collar which is properly fitted to the dog, made of a suitable material other than metal that does not cause damage to the dog’s skin, and affixes the dog to a fixed point tether or runner;
- (7) To tether puppies six months or younger; or to abandon any animal on any public street, road, alley, or public property or untenanted residence for more than twenty-four (24) hours;
- (8) To leave an animal in a parked vehicle when temperatures inside the vehicle may adversely affect the animal’s health and welfare—when the conditions

inside the parked vehicle constitute an imminent threat to the animal's health or safety, a law enforcement officer may remove the animal from the vehicle, without any liability for damages to the vehicle necessitated by the removal of the animal, and may take the any animal to a veterinarian clinic for any necessary care and treatment, the costs of which shall be the responsibility of the owner or person in charge of the animal;

- (9) To transport or carry any animal in a motor vehicle unless the animal is safely enclosed within the vehicle or protected by a cab or container, cage, cross-tether, or other device to prevent the animal from falling out of or being thrown from the vehicle.

Section 5. The City Council of the City of Anniston, Alabama hereby repeals Chapter 4, Article I, Section 4.16 – Regulations of dealers in, shipper and carriers of poultry, and Section 4.17 – Grazing animals, and Section 4.18 – Animals at large, of “The Code of the City of Anniston, Alabama, 1981”, which shall be identified as “reserved” sections in the Code.

Section 6. The City Council of the City of Anniston, Alabama hereby amends and restates Chapter 4, Article II, Section 4.31 of “The Code of the City of Anniston, Alabama, 1981” in its entirety to read as follows:

Section 4.31 – Registration; Fee.

(a) The owner or person in charge of any dog and/or cat that is more than four months of age and resides in the city shall annually register the dog and/or cat and, in doing do, identify its name, sex, breed, description, and the name and address of the owner or person in charge. At the time of registration, the owner or person in charge shall, upon providing proof of a valid rabies vaccination, obtain a license for the registered dog and/or cat and shall pay a license fee for altered (spayed or neutered) and unaltered pets in accordance with the city's license fee schedule. When a registration is issued for a dog or cat too young to be subjected to alteration because it is less than six months old at the time of registration, and the dog or cat is altered prior to the next registration year, the dog or cat may be registered at no charge in the following registration period only upon proof of the alteration.

(b) An owner or person in charge of a dog and/or cat, upon providing proof of a valid rabies vaccination and the animal's sterilization may choose to purchase a lifetime registration rather than the annual registration required under subsection (a). The lifetime registration fee shall be determined by reference to the city's license fee schedule.

(c) Upon the written recommendation of a licensed veterinarian, a waiver may be granted to the alteration requirement because of age or health justifications. When a waiver is granted, the owner or person in charge shall be charged the license fee applicable to altered animals.

(d) Owners and persons and charge may prove an animal's alteration by providing a sterilization letter or certificate signed by a state licensed veterinarian which describes the pet by name, description, breed, color, age, gender and owner name.

Section 7. The City Council of the City of Anniston, Alabama hereby repeals Chapter 4, Article II, Section 4.34 of “The Code of the City of Anniston, Alabama, 1981”, which shall be identified as a “reserved” section in the Code.

Section 8. The City Council of the City of Anniston, Alabama hereby amends and restates Chapter 4, Article II, Section 4.35 of “The Code of the City of Anniston, Alabama, 1981” in its entirety to read as follows:

Section 4.35 - Service animals accompanying disabled person.

No owner, lessee, proprietor, manager, superintendent, agent or employee of any place of public accommodation, amusement or recreation, including, but not limited to, any inn, hotel, restaurant, eating establishment, barbershop, billiard parlor, store, public conveyance, theater, motion picture house, public educational institution or elevator, shall refuse to permit a service dog that is wearing a harness from accompanying a disabled person who is entering such place or making use of the available accommodations.

Section 9. The City Council of the City of Anniston, Alabama hereby amends and restates Chapter 4, Article II, Section 4.36(c) of “The Code of the City of Anniston, Alabama, 1981” in its entirety to read as follows:

Section 4.36 – Dogs and cats at large; duty to restrain.

(c) *Dogs or cats in immediate presence of owners in public.* A dog or cat which is not dangerous or presumed to be dangerous, and which is obedient either by training or temperament, shall not be considered at large while upon a public street or other public place if it is within fifteen (15) feet from the actual location of its owner or person in charge and under the voice control of its owner or person in charge. In order to be under control or restraint, any dog or cat that is not obedient to direct voice command must be carried by the owner or person in charge, caged or controlled by means of a leash in such a way as to prevent its free movement. In all instances, however, dogs must be restrained by leash when in public spaces if walkers are present.

Section 10. The City Council of the City of Anniston, Alabama hereby amends and restates Chapter 4, Article II, Section 4.43 of “The Code of the City of Anniston, Alabama, 1981” in its entirety to read as follows:

Sec. 4.43. - Maintaining a kennel or breeding facility within the city limits; duty to license.

(a) It shall be unlawful for any owner or person in charge of three (3) or more dogs, cats, or other animals of similar breed that are located within the corporate limits to propagate said dogs, cats, or other animals for the purpose of selling the offspring without first obtaining a license from the city and designating said location as a kennel. The presence of puppies, kittens, or other offspring along with the parent dogs, cats, or other animals shall be prima facie evidence that the location is a kennel. Failure to obtain said license shall be a violation of this section.

(b) The annual license fee for each kennel location shall be set in the city’s license fee schedule.

Section 11. The City Council of the City of Anniston, Alabama hereby amends and restates Chapter 4, Article II, Section 4.44 of “The Code of the City of Anniston, Alabama, 1981” in its entirety to read as follows:

Sec. 4.44. - Investigation of dangerous dogs.

(a) When any person claims that an animal is dangerous, he or she shall make a sworn statement setting forth the name of the animal's owner, the location where the animal is being kept in the city, and the reason he or she believes the animal to be dangerous. The sworn statement will be delivered to the animal control officer who will complete a dangerous animal investigation. Animal control officers are authorized to initiate a dangerous animal investigation in cases where a bite or serious injury to any person has been reported or when the officer has other reason to believe a dog may be dangerous. Police officers and/or animal control officers shall be permitted to enter the exterior property where a dangerous animal or animal presumed to be dangerous is located for the purpose of investigating the allegation that an animal is dangerous. If the police officer and/or animal control officer has reason to believe an animal poses an immediate threat to the health, safety or welfare of the general public, the officer may seize the animal and impound the animal at the animal shelter pending completion of the investigation and hearing. If an animal control officer or a law enforcement officer has investigated and determined that there exists probable cause to believe that an animal is dangerous or potentially dangerous, the animal control officer, the chief officer of the public pound or animal control department, or his or her immediate supervisor, or the head of the local law enforcement agency, or his or her designee, shall petition the city municipal court for a hearing for the purpose of determining whether or not the animal in question should be declared dangerous or potentially dangerous. Whenever possible, any complaint received from a member of the public which serves as the evidentiary basis for the animal control officer or law enforcement officer to find probable cause shall be sworn to and verified by the complainant and shall be attached to the petition. In the event the dangerous animal investigation leads the animal control officer to believe the allegation is unfounded, the animal control officer shall advise the complainant of his findings and submit the results of the investigation to the city municipal court and his animal control supervisor.

(b) An animal may not be declared dangerous in any of the following circumstances, if sufficient evidence is presented and proven during the court hearing:

- (1) When an injury or damage was sustained by a person who at the time of the injury or damage was committing a willful trespass or other tort upon the premises occupied by the owner of the animal with the intent to commit a crime or was committing a crime, or was teasing, tormenting, abusing, or assaulting the animal, or who can be shown to have repeatedly, in the past, provoked, tormented, abused, or assaulted the animal;
- (2) When the animal was protecting or defending a person within the immediate vicinity of the animal from an attack or assault;
- (3) When the animal was responding to pain or injury or protecting itself, its kennel, or its offspring while it and the offspring were confined to the property of the owner;
- (4) When a person or domestic animal was disturbing the natural functions of the animal such as sleeping or eating.

Growling, hissing, or barking alone shall not constitute grounds upon which to find an animal to be dangerous.

Section 12. These amended ordinances, as set forth above, shall become effective immediately upon their adoption and their 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 authorized and directed to cause a copy of these amended ordinance to be published one time in said newspaper.

PASSED and **ADOPTED** this ___ day of January, 2016.

CITY COUNCIL OF THE CITY OF
ANNISTON, ALABAMA

Vaughn M. Stewart II, Mayor

Jay W. Jenkins, Council Member

David E. Reddick, Council Member

Seyram Selase, Council Member

Millie Harris, Council Member

ATTEST:

Alan B. Atkinson, City Clerk

RESOLUTIONS

RESOLUTION NUMBER 16-R-__

A RESOLUTION VACATING FREEMONT ROAD, PARLIAMENT DRIVE AND RESPONDER DRIVE

WHEREAS, the owners of all lands abutting on a street or alley hereinafter described have joined in a written instrument to declare said street or alley to be vacated; and

WHEREAS, convenient means of ingress and egress to and from said lands is afforded to all other property owners owning property to the tract of land embraced in the map, plat or survey hereinafter referred to, either by the remaining streets or alleys dedicated by such map, plat or other streets and alleys; and

WHEREAS, the vacation of said part of said street or alley shall not deprive any other property owners of such right as they have to convenient and reasonable means of ingress and egress to and from their property; and

WHEREAS, it is in the public interest of the Council of the City of Anniston, Alabama, to assent to the vacation of said part of said street or alley.

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

Section 1. That the said Council does hereby assent and consent to the vacation of said part of said street or alley, the same being described as follows:

A parcel of land lying in the Northwest Quarter of Section 15, and in the Southwest Quarter of Section 10, Township 15 South, Range 8 East, Huntsville Meridian, Calhoun County, Alabama; said parcel being more particularly described as follows; BEGIN at a point where the Westerly Right-of-Way of Freemont Road (60' Right-of-Way) intersects the Southerly Right-of- Way of Militia Road/8th Street (50' Right-of-Way); thence run Southerly along the Westerly Right-of-Way of Freemont Road to a point where the Westerly Right-of-Way of Freemont Road intersects the Northeasterly Right-of-Way of Parliament Drive; thence leaving the Westerly Right-of-Way of Freemont Road run Northwesterly along the Northeasterly Right-of-Way of Parliament Drive to a point where the Northeasterly Right-of-Way of Parliament Drive intersects the Northwesterly Right-of-Way of Responder Drive; thence leaving the Northeasterly Right-of- Way of Parliament Drive run Southwesterly along the Northwesterly Right-of-Way of Responder Drive to a point where the Northwesterly Right-of-Way of Responder Drive intersects the Northeasterly Right-of-Way of Federal Way/5th Avenue (80' Right-of-Way); thence leaving the Northwesterly Right-of-Way of Responder Drive run Southeasterly along the Northeasterly Right-of-Way of Federal Way to a point where the Northeasterly Right-of-Way of Federal Way intersects the Southeasterly Right-of-Way of Responder Drive; thence leaving the Northeasterly Right-of-Way of Federal Way run Northeasterly along the Southeasterly Right-of-Way of Responder Drive to a point where the Southeasterly Right-of-Way of Responder Drive intersects the Southwesterly Right-of-Way of

Parliament Drive; thence leaving the Southeasterly Right-of- Way of Responder Drive run Southeasterly along the Southwesterly Right-of-Way of Parliament Drive to a point where the Southwesterly Right-of-Way of Parliament Drive intersects the Southwesterly Right-of-Way of Freemont Road (60' Right-of-Way); thence run Southeasterly along the Southwesterly Right-of-Way of Freemont Road to a point where the Southwesterly Right-of-Way of Freemont Road intersects the Southerly Boundary line of Truman Gym, as described in a Deed recorded in the Office of the Judge of Probate for Calhoun County in Deed Book 3092, Page 676; thence leaving the Southwesterly Right-of-Way of Freemont Road run Northeasterly to a point on the Northeasterly Right-of-Way of Freemont Road; thence run Northerly/Northwesterly along the Northeasterly Right-of-Way of Freemont Road to a point where the Northeasterly Right-of-Way of Freemont Road intersects the Southerly Right-of-Way of Militia Road/8th Street (50' Right-of-Way); thence leaving the Northeasterly Right-of-Way of Freemont Road run Westerly to a point where the Westerly Right-of-Way of Freemont Road intersects the Southerly Right-of-Way of Militia Road/8th Street, said point being the POINT OF BEGINNING.

Section 2. Provided, however, that this Resolution shall not prejudice the rights of any public utilities or railroads now operating easements, lines, pipes, railways lines, and rights – of – way in the area encompassed by said part of said street whether above ground, at ground level or below ground, it being specifically understood that this vacation is without prejudice as to the rights of such utilities.

PASSED AND ADOPTED this the _____ day of January, 2016.

CITY COUNCIL OF THE CITY
OF ANNISTON, ALABAMA

BY: _____
Vaughn M. Stewart II, Mayor

BY: _____
Jay W. Jenkins, Council Member

BY: _____
David E. Reddick, Council Member

BY: _____
Seyram Selase, Council Member

BY: _____
Millie Harris, Council Member

ATTEST:

Alan B. Atkinson, City Clerk

RESOLUTION NUMBER 16-R-__

A RESOLUTION VACATING MILITIA ROAD

WHEREAS, the owners of all lands abutting on a street or alley hereinafter described have joined in a written instrument to declare said street or alley to be vacated; and

WHEREAS, convenient means of ingress and egress to and from said lands is afforded to all other property owners owning property to the tract of land embraced in the map, plat or survey hereinafter referred to, either by the remaining streets or alleys dedicated by such map, plat or other streets and alleys; and

WHEREAS, the vacation of said part of said street or alley shall not deprive any other property owners of such right as they have to convenient and reasonable means of ingress and egress to and from their property; and

WHEREAS, it is in the public interest of the Council of the City of Anniston, Alabama, to assent to the vacation of said part of said street or alley.

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

Section 1. That the said Council does hereby assent and consent to the vacation of said part of said street or alley, the same being described as follows:

A parcel of land lying in the Northwest Quarter of Section 15, and in Southwest Quarter of Section 10, Township 15 South, Range 8 East, Huntsville Meridian, Calhoun County, Alabama; said parcel being more particularly described as follows; BEGIN at a point where the Easterly Right-of-Way of Regiment Way (50' Right-of-Way) intersects the Northerly Right-of- Way of Militia Road/8th Street (50' Right-of-Way); thence run easterly along the Northerly Right-of-Way of Militia Road to a point where the Northerly Right-of-Way of Militia Road intersects the Easterly right-of-Way of Freemont Road/4th Avenue (60' Right-of-Way); thence leaving the Northerly Right-of-Way of Militia Road run Southerly to a point where the Southerly Right-of-Way of Militia Road intersects the Easterly right-of-Way of Freemont Road; thence run Westerly along the Southerly Right-of-Way of Militia Road to a point where the Southerly Right-of-Way of Militia Road intersects the Easterly Right-of-Way of Regiment Way; thence run Northerly to a point at the intersection of the Northerly Right-of-Way of Militia Road and the Easterly Right-of-Way of Regiment Way, said point being the POINT OF BEGINNING.

Section 2. Provided, however, that this Resolution shall not prejudice the rights of any public utilities or railroads now operating easements, lines, pipes, railways lines, and rights – of – way in the area encompassed by said part of said street whether above ground, at ground level or below ground, it being specifically

understood that this vacation is without prejudice as to the rights of such utilities.

PASSED AND ADOPTED this the _____ day of January, 2016.

CITY COUNCIL OF THE CITY
OF ANNISTON, ALABAMA

BY: _____
Vaughn M. Stewart II, Mayor

BY: _____
Jay W. Jenkins, Council Member

BY: _____
David E. Reddick, Council Member

BY: _____
Seyram Selase, Council Member

BY: _____
Millie Harris, Council Member

ATTEST:

Alan B. Atkinson, City Clerk

RESOLUTION NUMBER 16-R-__

A RESOLUTION VACATING REGIMENT AVENUE AND FEDERAL WAY

WHEREAS, the owners of all lands abutting on a street or alley hereinafter described have joined in a written instrument to declare said street or alley to be vacated; and

WHEREAS, convenient means of ingress and egress to and from said lands is afforded to all other property owners owning property to the tract of land embraced in the map, plat or survey hereinafter referred to, either by the remaining streets or alleys dedicated by such map, plat or other streets and alleys; and

WHEREAS, the vacation of said part of said street or alley shall not deprive any other property owners of such right as they have to convenient and reasonable means of ingress and egress to and from their property; and

WHEREAS, it is in the public interest of the Council of the City of Anniston, Alabama, to assent to the vacation of said part of said street or alley.

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

Section 1. That the said Council does hereby assent and consent to the vacation of said part of said street or alley, the same being described as follows:

A parcel of land lying in the Northwest Quarter of Section 15, Township 15 South, Range 8 East, Huntsville Meridian, Calhoun County, Alabama; said parcel being more particularly described as follows; BEGIN at a point where the Easterly Right-of-Way of Regiment Way (50' Right-of-Way) intersects the Northerly Right-of-Way of Militia Road/8th Street (50' Right-of-Way); thence Run Southerly to a point where the Easterly Right-of-Way of Regiment Way intersects the Southerly Right-of-Way of Militia Road/8th Street; thence continue Southerly/Southeasterly along the East/Northeasterly Right-of-Way of Regiment Way to a point where the East/Northeasterly Right-of-Way of Regiment Way intersects the Northeasterly right-of-Way of Federal Way/5th Avenue (80' Right-of-Way); thence leaving the East/Northeasterly Right-of-Way of Regiment Way, run Southeasterly along the Northeasterly Right-of-Way of Federal Way to a point where the Northeasterly Right-of-Way of Federal Way intersects the Southerly Boundary line of Truman Gym, as described in a Deed recorded in the Office of the Judge of Probate for Calhoun County in Deed Book 3092, Page 676; thence leaving the Northeasterly Right-of-Way of Federal Way run Southwesterly to a point on the Southwesterly Right-of-Way of Federal Way/5th Avenue (80' Right-of-Way); thence run Northwesterly along the Southwesterly Right-of-Way of Federal Way to a point where the Southwesterly Right-of-Way of Federal Way intersects the Westerly/Southwesterly Right-of-Way of Regiment Way (50' Right-of-Way); thence leaving the Southwesterly Right-of-Way of Federal Way run Northerly/Northwesterly along the Westerly/Southwesterly Right-of-Way of Regiment Way to a point where the Westerly Right-of-Way of Regiment

Way intersects the Southerly Right-of-Way of Militia Road/8th Street (50' Right-of-Way); thence run Northerly to a point where the Westerly Right-of-Way of Regiment Way intersects the Northerly Right-of-Way of Militia Road/8th Street; thence run Easterly to a point at the intersection of the Easterly Right-of-Way of Regiment Way (50' Right-of-Way) and the Northerly Right-of-Way of Militia Road/8th Street, said point being the POINT OF BEGINNING.

Section 2. Provided, however, that this Resolution shall not prejudice the rights of any public utilities or railroads now operating easements, lines, pipes, railways lines, and rights – of – way in the area encompassed by said part of said street whether above ground, at ground level or below ground, it being specifically understood that this vacation is without prejudice as to the rights of such utilities.

PASSED AND ADOPTED this the _____ day of January, 2016.

CITY COUNCIL OF THE CITY
OF ANNISTON, ALABAMA

BY: _____
Vaughn M. Stewart II, Mayor

BY: _____
Jay W. Jenkins, Council Member

BY: _____
David E. Reddick, Council Member

BY: _____
Seyram Selase, Council Member

BY: _____
Millie Harris, Council Member

ATTEST:

Alan B. Atkinson, City Clerk