

**CITY OF ANNISTON
FEBRUARY 1, 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. RECOGNITIONS

- (a) Mr. William Golden – Parks, Recreation and Beautification Board Member
- (b) Anniston High School Boys Basketball Team

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.

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.

- (a) Receive comments over-ruling objections to the abatement of identified nuisances. Group 2016-01 Grass/Debris
- (b) Receive comments regarding a Special Retail – More Than 30 Days application for Garfrerick Farms Inc d/b/a Café Hall at Buckner located in the city limits at 388 Buckner Drive.

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 over-ruling objections to the abatement of identified nuisances. Group 2016-01 Grass/Debris
- (c) Resolution declaring a reported condition to be a public nuisance. Group 2016-02 Grass & Debris
- (d) Motion approving the addition of Registrar – Department of the Museum to the Classification and Compensation Plan.
- (e) Motion to approve a Special Retail – More Than 30 Days application for Garfrerick Farms Inc d/b/a Café Hall at Buckner located in the city limits at 388 Buckner Drive.

VII. ORDINANCES

- (a) Amending Chapter 4 – Animal Control, of the Code of Ordinances of the City of Anniston. **Second Reading**
- (b) Amending Chapter 28½, Article I, of the Code of Ordinances of the City of Anniston, Alabama to remove the prohibition against the smoking of E-cigarettes within the City. **1st Reading**
- (c) Amending Section 28½, Article I, of the Code of Ordinances of the City of Anniston, Alabama to allow for and regulate the operations of Hookah Bars within the City. **1st Reading**

VIII. RESOLUTIONS

- (a) Authorizing a Municipal Sales Tax Rebate Agreement by the City of Anniston, Alabama and Rosie’s To Go, Inc.

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

COUNCIL COMMENTS

ADJOURNMENT

MINUTES

1/19/2016

Anniston, Alabama
January 19, 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 Tuesday, January 19, 2016, at approximately 5:35 o'clock p.m.

Council Member Jenkins prayed the Invocation.

Council Member Jenkins 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 December 7, 2015. 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 Jenkins made a motion to approve the minutes of December 7, 2015. 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 Selase made a motion to adopt the agenda. The motion was seconded by Council Member Harris; and on call of the roll the following vote was recorded: ayes: Council Members Jenkins, Reddick, Selase, Harris and Stewart; nays: none. The motion carried.

Mayor Stewart presented the following proclamation to Marlo Thomas who was joined by Quavasiya and Jamarcio McKenzie:

(National Mentoring Month)

David Baker, 1116 West 17th Street, addressed the Council and thanked the Council and the Police Department for working with the community.

Lisa Whipler, 4002 Pecanwood Drive, Oxford, addressed the Council in support of the proposed Animal Control ordinance.

Ronnie Connors addressed the Council and asked what was going to be done about the murder of Mr. Barclay.

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Samuel Orson, 2317 McKleroy Avenue, addressed the Council and stated there was division in their community.

Shameka Pittman addressed the Council and stated the confederate flag was degrading to her. She stated there needed to be major changes in this city. She stated there were no jobs in the city of Anniston.

Pam Sanders addressed the Council and stated that Council Member Reddick should have an opportunity to serve as Vice-Mayor.

Nishonda Corey, 1906 Moore Avenue, addressed the Council and stated there was division in this town. She stated the Public Works Department was not picking up trash on the west side of town. She asked why trash stayed in the alleyways for months.

Bob Robinson, 3005 Pebblecreek, addressed the Council in support of the proposed Animal Control ordinance.

John Whipler addressed the Council in support of the proposed Animal Control ordinance. He stated they needed to respect everyone's rights and freedoms.

Willie Cottingham addressed the Council and stated that there was a problem with the Vice-Mayor position. He stated there were problems in the Police Department. He stated the rebel flag being flown in the city was a problem. He stated the many people in the city felt hopeless.

Ontario Collins addressed the Council and stated they needed to take care of the homeless people in the community.

Margaret Hatley, 1604 Lakeshore Drive, addressed the Council in support of the proposed Animal Control ordinance.

Reverend McClellan, 1518 McDaniel Avenue, addressed the Council about the division in the community. He asked what they were going to do to change Anniston because there needed to be change in the city.

Teresa addressed the Council about the needed for change in the city and how were they going to affect that change.

Savera, 3 Alice Ridge Road, addressed the Council and stated they needed to take action in the city. She stated kids and adults needed something positive to do in the city. She stated there were no businesses in their community.

Candace David addressed the Council and stated everyone needed to be of one accord and it needed to start with the Council.

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Elijah Reddick addressed the Council and stated that along 14th Street needed to be cut back to make it safer.

Glen Ray, 3514 Dale Hollow Road, addressed the Council and stated they needed to do something about the confederate flags.

Jason Hinton addressed the Council and stated the citizens are the problem in the city. He stated they should stop crying about everything wrong in the city and try to help fix things in the city.

Mayor Stewart announced that was the time for the Board Confirmation Hearing for Trudy Munford, Jay Hinesley, Matthew Clonts, Eula Tatman and Eydie Kennedy and their nomination to the Anniston Museum of Natural History Board.

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 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.

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

Council Member Selase introduced and read Ordinance Number 16-O-1 as follows:

(16-O-1, amending Chapter 31 of the City Code – Vehicles for Hire; Section 31.37(a) Rotation of Wrecker Service; Delivery of Vehicles to repair shops)

Council Member Selase made a motion for the unanimous consent of the Council for the immediate consideration of Ordinance Number 16-O-1 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 16-O-1 as introduced and read, Council Member Jenkins made a motion

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for the passage and adoption of Ordinance Number 16-O-1 as introduced and read. The motion was seconded by Council Member Selase; and on call of the roll the following vote was recorded: ayes: Council Members Jenkins, Reddick, Selase, Harris and Stewart; nays: none. The motion carried and Ordinance Number 16-O-1 was passed and adopted.

Council Member Reddick made a motion for the unanimous consent of the Council to introduce and read by title Ordinance Number 16-O-2. 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 Ordinance Number 16-O-2.

No one addressed the Council either in favor of or in opposition to the introduction and reading by title of Ordinance Number 16-O-2.

On call of the roll on Council Member Reddick's motion for the unanimous consent of the Council to introduce and read by title Ordinance Number 16-O-2 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 Ordinance Number 16-O-2, Council Member Reddick introduced and read by title Ordinance Number 16-O-2 as follows:

(16-O-2, amending Chapter 4 of the City Code – Animal Control)

Council Member Selase made a motion for the unanimous consent of the Council for the immediate consideration of Ordinance Number 16-O-2 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, Selase, Harris and Stewart; nays: Council Member Reddick. The motion failed.

Council Member Selase made a motion for the unanimous consent of the Council to introduce and read by title Resolution Number 16-R-9. The motion was seconded by Council Member Reddick.

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 16-R-9.

No one addressed the Council either in favor of or in opposition to the introduction and reading by title of Resolution Number 16-R-9.

On call of the roll on Council Member Selase's motion for the unanimous consent of the Council to introduce and read by title Resolution Number 16-R-9 and Council Member Reddick's second to said motion the following vote was recorded: ayes: Council Members Jenkins, Reddick, Selase, Harris and Stewart; nays: none. The motion carried.

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Unanimous consent of the Council having been granted to introduce and read by title Resolution Number 16-R-9, Council Member Selase introduced and read by title Resolution Number 16-R-9 as follows:

(16-R-9, vacating Fremont Road, Parliament Drive and Responder Drive)

Council Member Jenkins made a motion for the unanimous consent of the Council for the immediate consideration of Resolution Number 16-R-9 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, Selase, Harris and Stewart; nays: Council Member Reddick. The motion carried. Unanimous consent of the Council having been given for the immediate consideration of Resolution Number 16-R-9 as introduced and read by title, Council Member Selase made a motion for the passage and adoption of Resolution Number 16-R-9 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, Selase, Harris and Stewart; nays: none. The motion carried and Resolution Number 16-R-9 was passed and adopted.

Council Member Harris made a motion for the unanimous consent of the Council to introduce and read by title Resolution Number 16-R-10. The motion was seconded by Council Member Reddick.

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 16-R-10.

No one addressed the Council either in favor of or in opposition to the introduction and reading by title of Resolution Number 16-R-10.

On call of the roll on Council Member Harris' motion for the unanimous consent of the Council to introduce and read by title Resolution Number 16-R-10 and Council Member Reddick'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 Resolution Number 16-R-10, Council Member Harris introduced and read by title Resolution Number 16-R-10 as follows:

(16-R-10, vacating Militia Road)

Council Member Jenkins made a motion for the unanimous consent of the Council for the immediate consideration of Resolution Number 16-R-10 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, Selase, Harris and Stewart; nays: Council Member Reddick. The motion carried. Unanimous consent of the Council having been given for the immediate consideration of Resolution Number 16-R-10 as introduced and read by title, Council

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Member Jenkins made a motion for the passage and adoption of Resolution Number 16-R-10 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, Selase, Harris and Stewart; nays: none. The motion carried and Resolution Number 16-R-10 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 16-R-11. 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 16-R-11.

No one addressed the Council either in favor of or in opposition to the introduction and reading by title of Resolution Number 16-R-11.

On call of the roll on Council Member Selase's motion for the unanimous consent of the Council to introduce and read by title Resolution Number 16-R-11 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 16-R-11, Council Member Selase introduced and read by title Resolution Number 16-R-11 as follows:

(16-R-11, vacating Regiment Avenue and Federal Way)

Council Member Jenkins made a motion for the unanimous consent of the Council for the immediate consideration of Resolution Number 16-R-11 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, Selase, Harris and Stewart; nays: Council Member Reddick. The motion carried. Unanimous consent of the Council having been given for the immediate consideration of Resolution Number 16-R-11 as introduced and read by title, Council Member Harris made a motion for the passage and adoption of Resolution Number 16-R-11 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, Selase, Harris and Stewart; nays: none. The motion carried and Resolution Number 16-R-11 was passed and adopted.

Council Member Jenkins thanked the Anniston Fire Department and Anniston EMS for the excellent care he received after a car accident last week.

Council Member Reddick stated the city had a great Christmas Parade. He stated he was grateful arrests had been made in the murder case of Mr. Barclay and thanked the Police Department for turning the case over the Alabama Bureau of Investigation. He thanked the citizens for speaking out at this night's meeting. He stated they needed to be respectful of the audience.

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Council Member Selase thanked the Parks and Recreation Department for a wonderful Martin Luther King Day breakfast on Monday. He thanked the Police Department for their work in the murder case of Mr. Barclay. He stated his sympathies went out to the Barclay family. He stated that last year the Council had voted to remove flags from the Quintard Median.

Council Member Harris thanked everyone for attending the meeting and their participation. She thanked everyone who spoke concerning the amendment to the Animal Control Ordinance for their support and professionalism.

Mayor Stewart thanked everyone for attending the meeting and invited the audience to stay after the meeting to speak further with the Council Members. He stated the whole community needed to work together. He thanked the Police Department for their work in the murder case of Mr. Barclay. He thanked the Parks and Recreation Department for a wonderful Martin Luther King Day breakfast on Monday.

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 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 the meeting was adjourned at approximately 7:12 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.** \$8.22 to Gail Cobb, Police, while attending Spillman UCR Training in Pelham, AL on January 11, 2016.
- b.** \$108.22 to Angie Dothard, Museum while traveling to America’s Mart in Atlanta, GA on January 16, 2016.

PASSED AND ADOPTED this ___ day of February 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 OVER-RULING OBJECTIONS TO THE ABATEMENT OF IDENTIFIED NUISANCES

WHEREAS, Act 1995-375, Section 2, Amended by Act 2004-256 and codified as Sections 45-8-172, et seq. of the Code of Alabama, 1975, defines public nuisances and authorizes the City to order or otherwise accomplish the removal of such nuisances; and

WHEREAS, the City of Anniston has identified herein a specific list of such nuisances and the appropriate remedies to abate each nuisance; and

WHEREAS, the City of Anniston has notified the property owners or other parties that may be held responsible and has held a public hearing to consider objections to the proposed remedy as required by law.

NOW THEREFORE BE IT RESOLVED, by the City Council of the City of Anniston, Alabama that all objections and protests to the nuisance remedies identified in Exhibit "A" attached is hereby over-ruled and the recommended remedies are ordered to be applied to abate the nuisances according to the procedures and processes in Section 34.3 of the Code of Ordinances of the City of Anniston, Alabama.

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
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
8 McArthur Drive	25709
1608 Moore Avenue	19093
2306 Wilmer Ave Front (27)	61492
2306 Wilmer Ave Rear (25)	61491
2302 Wilmer Ave	61686
All grass/debris unless otherwise noted	

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 2016-02 Grass and 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"

Group 2016 - 02 Grass and Debris

Address	PPIN
1412 McCall Avenue	62017
2129 McKleroy Avenue	20238
310 B Street	63471
216 East 21 st Street	21344
220 East 21 st Street	21343
105 Church Street	67083
31 Carolina Street (collapsed wall)	68684
64 Carolina Street	68519
28 Carolina Street	67080
26 Carolina Street	67081
0 Front Street	1777
1002 Front Street	1776
1004 Front Street	67131
119 Boundary Street	18334
2525 Gurnee Avenue	25892
3912 Cross Street	60515

CITY OF ANNISTON

JOB DESCRIPTION

Hourly minimum/maximum rate \$12.62 - \$19.22 per hour

JOB TITLE: Registrar	PAY CLASSIFICATION: AM14
DEPARTMENT: Museum Complex	JOB CLASSIFICATION: 10
JOB ANALYSIS CONDUCTED: 1/2016	FLSA STATUS: Hourly
REPORTS TO: Assistant Director	SUBORDINATES: None
OTHER INTERNAL CONTACTS: Museum Complex Executive Director; Museum Staff; Other City Employees;	
EXTERNAL CONTACTS: General Public	

PURPOSE: This is a full-time professional position responsible for museum collections records management, including accession and catalog duties and database management. Other duties include assisting the Curator of Collections with collections care, coordinating Traveling Exhibits, and managing the Museum staff library and media collection. Duties are carried out under the general direction of the Assistant Museum Director (Berman).

ESSENTIAL DUTIES AND RESPONSIBILITIES:

- Maintains orderly records to provide documentation of registration information relating to legal ownership, catalog information, location and deposition of collections objects.
- Maintain catalog and location record for the Media Collection.
- Conducts and maintains inventories of Museum collections holdings in storage, on exhibit, and on loan.
- Manages the Collections Department database by entering catalog data into the database, updating records, and reconciling and standardizing existing data.
- Maintains records of Museum object loans requests, Museum property, and gifts to the collections.
- Conducts conservation surveys of collections objects and storage areas.
- Catalogs newly accessioned objects and specimens, and accessioned objects not previously cataloged.
- Aids the Collections Manager in preventative conservation measures.
- Serves on the Changing Exhibit Committee, participating to select traveling exhibit for the Museum.
- Supervises handling, packing and shipping incoming and outgoing exhibits.
- Arranges logistics of transportation, payment of fees, and acts as a primary contact for exhibit lenders.
- Completes incoming and outgoing Condition Reports on borrowed exhibits.
- Future potential to coordinate traveling exhibit program at the Museum.
- Manages the library budget by processing book ordering requests and ordering books for the Museum's library.
- Maintains a contemporary library collection by culling outdated books.
- Manages the periodicals and journals held by the library.
- Performs other duties as assigned.

STANDARD OFFICE PROCEDURES AND INFORMATION

- Museum Complex hours of operation are 8:00 a.m. – 5:00 p.m. Monday – Saturday and Sundays 12:00 p.m. noon until 5:00 p.m.

Job Classification approved by Council: ____/____/____

- Anniston Museum Complex offices are generally closed on holidays observed by the City of Anniston; however the Museum Executive Director may open Museum on designated holidays.
- Training and travel must be approved by the Museum Executive Director in advance.
- Use of the City vehicle is restricted for City related business only.
- Take home use of the City vehicle is prohibited.
- When traveling out of town for Museum Complex related meetings, training, etc., employees must depart from the City of Anniston or Museum Complex parking lot to drive to the designated location of approved meeting.
- When taking personal time off, an Employee Request for Time Off must be completed and approved by the Assistant Museum Director or Museum Executive Director.

REQUIRED KNOWLEDGE, SKILLS, AND ABILITIES

- Knowledge of museum object handling and general museum practices.
- Macintosh computer experience required.
- Knowledge in one or more areas of the Museum's collections.
- Knowledge of museum registration methods.
- Knowledge of records management and data processing systems.
- Knowledge of collecting ethics and legal regulations relating to the Museum's areas of acquisition.
- Knowledge of conversation and storage practices.
- Knowledge of insurance requirements for museum collections, packing techniques and transportation methods.
- Ability to maintain accurate records and organize large volumes of scientific data.
- Ability and willingness to work with volunteers.

MINIMUM QUALIFICATIONS

Graduation from a four-year college or university. Course work in American or World History or American archaeology strongly preferred. At least two years' experience in museum registration, records management, and data processing. Museum Studies degree strongly preferred.

NOTE:

The Registrar serves as an at-will employee of the City of Anniston and may be removed from the position for any lawful reason, subject to any due process afforded to exempt employees by the personnel policies adopted by the governing body of the City.

The statements contained herein reflect the general details as necessary to describe the principal functions of the position, the level of knowledge and skill typically required, but should not be considered an all-inclusive listing of work requirements. Individuals may perform other duties, including work in other functional areas and locations, to equalize peak work periods or otherwise balance the work load.



CITY OF ANNISTON

FINANCE DEPARTMENT FACT SHEET

TO: CITY COUNCIL AND CITY MANAGER
FROM: MARY MOTLEY, REVENUE COMPLIANCE SPECIALIST
SUBJECT: GARFRERICK FARMS INC D/B/A CAFÉ HALL AT BUCKNER
DATE: 1/28/2016
CC:

- A public hearing is required before formal action is taken on the Special Retail – More Than 30 Days application for Garfrerick Farms Inc d/b/a Café Hall at Buckner
- The business is located in the city limits at 388 Buckner Drive.
- The Police Department reports no local criminal history that would prevent the approval of such license.

**ANNISTON CODE
CHAPTER THREE
ALCOHOLIC BEVERAGES
(Liquor)**

Sec. 3.5. Factors to be considered in council's decisions.

(a) In rendering a decision on each application, the city council shall consider, among others, the following factors:

- (1) The wishes and desires of the residents, real property owners, and businesses within five hundred (500) feet of the property for which a license is sought.
 - (2) Character and reputation of the applicant, each partner, member, officer, member of the board of directors, landlord and club manager.
 - (3) The criminal court records or evidence of violation of ABC regulations of the applicant, each partner, member, officer, member of the board of directors, landlord and club manager.
 - (4) Location of premises for which a liquor license is sought and the number of establishments presently holding liquor licenses for lounges, clubs, hotels, restaurants, civic centers, or dinner theaters whose place or places of business are within five hundred (500) feet of the property for which a liquor license is sought.
 - (5) The compliance by applicant, each partner, member, officer, member of the board of directors, landlord, and club manager with the laws of the State of Alabama and ordinances of the city.
 - (6) The proximity of the premises to any churches, schools, day care centers, eleemosynary institutions or places of public gathering.
 - (7) The suitability of the premises to contain noise reasonably anticipated to be generated from the premises.
- (b) The city council shall refuse to approve a liquor license for a club when it appears that the operation would enure to the benefit of individual members, officers, agents, or employees of the club rather than to the benefit of the entire membership of the club.

(Ord. No. 80-O-34, 1; Ord. No. 92-O-2, 2, 2-11-92)

ORDINANCES

ORDINANCE NUMBER 16-O - ___

**AN ORDINANCE AMENDING CHAPTER 4
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 and Scope.

(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 dangerous.* 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 dangerous, 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.
- (16) *Vicious animal.* An animal, not including dogs, that has a known propensity or disposition to unprovoked attacks or to cause injury or to threaten the safety of people or other animals and that has the capability of inflicting serious harm to people or other animals.

(b) *Exceptions.* A dangerous dog and a dog presumed to be dangerous 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.

(c) *Scope.* Unless otherwise expressly stated, the provisions of this chapter shall apply and be enforced within the jurisdiction of the city.

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”, a formerly 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 within the city’s corporate limits, 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 section shall be punishable by a fine for the first offense in the amount of twenty-five dollars (\$25.00) and in the amount of fifty dollars (\$50.00) for any additional offense.

(b) The owner or person in charge of the animal shall keep the premises or where such animal is located within the city's corporate limits 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 4.9 of “The Code of the City of Anniston, Alabama, 1981” in its entirety to read as follows:

Section 4.9 – Sanitation of Premises

It shall be unlawful for any person to keep or maintain a pen, stable, corral or enclosure wherein animals or fowl are harbored or kept in an unsanitary condition that endangers the life, health or welfare of the animal or the public. The presence within such an area of live larva or flies under conditions that permit or favor their growth shall be prima facie evidence of a violation of this section. All such areas must further comply with all regulations of the county board of health pertaining to the same and shall be cleaned each day and the residue regularly disposed of in a sanitary manner.

Section 5. 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;
- (8) To abandon any animal on any public street, road, alley, or public property or untenanted residence for more than twenty-four (24) hours;§§
- (9) 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;
- (10) 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 6. 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, and Section 4.24, Maintenance and inspection of premises where animal(s) are kept, of “The Code of the City of Anniston, Alabama, 1981”, which shall be identified as “reserved” sections in the Code.

Section 7. 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 so, 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 in 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 8. 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 9. 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 10. 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 11. 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 12. 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, 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 13. The City Council of the City of Anniston, Alabama hereby amends and restates Chapter 4, Article II, Section 4.54 of “The Code of the City of Anniston, Alabama, 1981” in its entirety to read as follows:

Sec. 4.54. – Computer registration of dangerous dogs.

(a) All dogs found to be dangerous after a municipal court hearing shall be registered with the city and displayed in the city’s website. The registry shall include the address at which the dog is located and a description of the dog so as to allow its identification, along with two identifying color photographs of the dog. ☐☐☐☐☐☐☐

Section 14. The City Council of the City of Anniston, Alabama hereby amends and restates Chapter 4, Article III, Section 4.61 of “The Code of the City of Anniston, Alabama, 1981” in its entirety to read as follows:

Sec. 4.61. – Vaccination required, generally.

It shall be unlawful for any person to keep, harbor or maintain any animal capable of having or transmitting rabies, including dogs or cats over three months of age, that has not been vaccinated against rabies within the preceding twelve months.

Section 15. 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

ORDINANCE NO. 16-O-__

AN ORDINANCE AMENDING CHAPTER 28½, ARTICLE I, OF THE CODE OF ORDINANCES OF THE CITY OF ANNISTON, ALABAMA TO REMOVE THE PROHIBITION AGAINST THE SMOKING OF E-CIGARETTES WITHIN THE CITY

WHEREAS, the City Council of the City of Anniston (the "Council") desires amend the City of Anniston Smoke Free Air Ordinance of 2013, codified at Chapter 28½, Article I, § 28½.1 *et seq.* of the Code of the City of Anniston, Alabama, 1981, so as to remove the prohibitions against the smoking of E-cigarettes contained therein;

WHEREAS, the Council finds that removing the prohibitions against the smoking of E-cigarettes will not undermine the intent and effect of the ordinance;

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 Section 28½.3 of "The Code of the City of Anniston, Alabama, 1981" to be restated in its entirety as follows:

Sec. 28½.3 - Definitions. The following words and phrases, whenever used in this chapter, shall be construed as defined in this section:

- (1) *Bar* means an establishment that is devoted to the serving of alcoholic beverages for consumption by guests on the premises and in which the serving of food is only incidental to the consumption of those beverages, including but not limited to, taverns, nightclubs, cocktail lounges, and cabarets.
- (2) *Business* means a sole proprietorship, partnership, association, joint venture, corporation, or other business entity, either for-profit or not-for-profit, including retail establishments where goods or services are sold; professional corporations and other entities where legal, medical, dental, engineering, architectural, or other professional services are delivered; and private clubs.
- (3) *E-cigarette* means any electronic oral device, such as one composed of a heating element, battery, and/or electronic circuit, which create a vapor of nicotine or any other substances, and the use or inhalation of which simulates smoking. The term shall include any such device, whether manufactured, distributed, marketed, or sold as an e-cigarette, e-cigar, e-pipe, or under any other product name or descriptor.
- (4) *Employee* means a person who is employed by an employer in consideration for direct or indirect monetary wages or profit, and a person who volunteers his or her services for a non-profit entity.
- (5) *Employer* means a person, business, partnership, association, corporation, municipal corporation, trust, or non-profit entity that employs the services of one (1) or more individual persons.

- (6) *Enclosed area* means all space between a floor and a ceiling that is bounded on at least two (2) sides by walls, doorways, or windows, whether open or closed. A wall includes any retractable divider, garage door, or other physical barrier, whether temporary or permanent and whether or not containing openings of any kind.
- (7) *Health care facility* means an office or institution providing care or treatment of diseases, whether physical, mental, or emotional, or other medical, physiological, or psychological conditions, including but not limited to, hospitals, rehabilitation hospitals or other clinics, including weight control clinics, nursing homes, long-term care facilities, homes for the aging or chronically ill, laboratories, and offices of surgeons, chiropractors, physical therapists, physicians, psychiatrists, dentists, and all specialists within these professions. This definition shall include all waiting rooms, hallways, private rooms, semiprivate rooms, and wards within health care facilities.
- (8) *Place of employment* means an area under the control of a public or private employer, including, but not limited to, work areas, private offices, employee lounges, restrooms, conference rooms, meeting rooms, classrooms, employee cafeterias, hallways, construction sites, temporary offices, and vehicles. A private residence is not a "place of employment" unless it is used as a commercial childcare facility, a commercial adult day care, or a health care facility.
- (9) *Playground* means any park or recreational area designed in part to be used by children that has play or sports equipment installed or that has been designated or landscaped for play or sports activities, or any similar facility located on public or private school grounds or on municipal grounds.
- (10) *Private club* means an organization, whether incorporated or not, which is the owner, lessee, or occupant of a building or portion thereof used exclusively for club purposes at all times, which is operated solely for a recreational, fraternal, social, patriotic, political, benevolent, or athletic purpose, but not for pecuniary gain, and which only sells alcoholic beverages incidental to its operation.
- (11) *Public place* means an area to which the public is invited or in which the public is permitted, including but not limited to, banks, bars, educational facilities, gaming facilities, health care facilities, hotels and motels, laundromats, public transportation vehicles and facilities, reception areas, restaurants, retail food production and marketing establishments, retail service establishments, retail stores, shopping malls, sports arenas, theaters, and waiting rooms. A private residence is not a "public place" unless it is used as a commercial childcare facility, a commercial adult day care facility, or health care facility.
- (12) *Restaurant* means an eating establishment, including but not limited to, coffee shops, cafeterias, sandwich stands, and private and public school cafeterias, which gives or offers food for sale to the public, guests, or employees, as well as kitchens and catering facilities in which food is prepared on the premises for serving elsewhere. The term "restaurant" shall include a bar area within the restaurant.

- (13) *Service line* means an indoor or outdoor line in which one (1) or more persons are waiting for or receiving service of any kind, whether or not the service involves the exchange of money, including but not limited to, ATM lines, concert lines, food vendor lines, movie ticket lines, and sporting event lines.
- (14) *Shopping mall* means an enclosed public walkway or hall area that serves to connect retail or professional establishments.
- (15) *Smoking* means inhaling, exhaling, burning, or carrying any lighted or heated cigar, cigarette, or pipe, or any other lighted or heated tobacco or plant product intended for inhalation, in any manner or in any form. "Smoking" shall not include the use of an e-cigarette.
- (16) *Sports arena* means a place where people assemble to engage in physical exercise, participate in athletic competition, or witness sports or other events, including sports pavilions, stadiums, gymnasiums, health spas, boxing arenas, swimming pools, roller and ice rinks, and bowling alleys.

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

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

ORDINANCE NO. 16-O-__

AN ORDINANCE AMENDING SECTION 28½, ARTICLE I, OF THE CODE OF ORDINANCES OF THE CITY OF ANNISTON, ALABAMA TO ALLOW FOR AND REGULATE THE OPERATIONS OF HOOKAH BARS WITHIN THE CITY

WHEREAS, the City Council of the City of Anniston (the "Council") desires amend the City's public smoking ordinance, codified at Chapter 28½, Article I, § 28½.1 *et seq.*, to allow for the operation of hookah bars within the City; and

WHEREAS, the Council finds that allowing hookah bars to operate under certain proscribed conditions will not undermine the intent and effect of the City's public smoking ordinance; and

WHEREAS, the regulation of hookah bars, where allowed, is necessary to protect the public health and welfare;

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

1. Additional Provisions. The City Council of the City of Anniston, Alabama hereby enacts Section 28½.5.2 of "The Code of the City of Anniston, Alabama, 1981" to be stated in its entirety as follows:

Sec. 28½.5.2 – Hookah Bars.

- (a) *Definitions.* For purposes of this section, the terms set forth below shall have the following meanings:
- (1) *Hookah* means a pipe containing one or more long flexible tubes through which shisha smoke is inhaled after it passes through a jar of water that cools the smoke and emits a vapor.
 - (2) *Hookah bar* means a licensed establishment in which the primary business activity is the sale and consumption of shisha through hookah pipes.
 - (3) *Shisha* means a form of tobacco, or a tobacco-free alternative substance, that is very moist, naturally flavored, usually sweetened with either molasses or fruit and which doesn't remain lit independently and that is consumed through a hookah pipe.
- (b) *Smoking shisha by way of a hookah not prohibited within a hookah bar.* Notwithstanding any other provision of this Chapter, smoking shisha by means of a hookah shall be allowed within a hookah bar, but only when the hookah bar meets the following requirements:

- (1) The hookah bar generates ten percent (10%) or more of its quarterly gross revenue from the sale of alcoholic beverages for on-premises consumption.
- (2) The hookah bar generates fifty percent (50%) or more of its quarterly gross revenue from the rental or sale of hookah pipes and accessories and/or from the sale of shisha for on-premises consumption.
- (3) The hookah bar has a functioning commercial grade high-efficiency particulate arrestance (HEPA) filter that utilizes UV-light to kill microorganisms, such as bacteria, viruses and fungi.
- (4) The hookah bar has a functioning air quality monitor that constantly measures the particulates in the air and adjusts the airflow according to need. The monitor must operate at all hours of operation.
- (5) The hookah bar maintains no less than twenty-five thousand dollars (\$25,000.00) of hookah pipe and shisha inventory.
- (6) The hookah bar posts warning signs in prominent locations stating to the following effect: "Warning: shisha smoking causes lung cancer, heart disease and other forms of cancer." The warning signs must contain lettering that is at least forty-eight (48) font or greater.
- (7) The hookah bar does not allow individuals under the age of twenty-one (21) to enter the premises.
- (8) The hookah bar located in a freestanding structure occupied solely by the business.

2. Effective Date. This Ordinance shall become effective immediately upon adoption and publication as required by law.

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

RESOLUTIONS

RESOLUTION NO. 16-R-__

**A RESOLUTION AUTHORIZING A MUNICIPAL SALES TAX REBATE AGREEMENT BY
THE CITY OF ANNISTON, ALABAMA AND ROSIE'S TO GO, INC.**

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ANNISTON, ALABAMA (THE "COUNCIL"), AS GOVERNING BODY OF THE CITY OF ANNISTON, ALABAMA (the "Municipality"), as follows:

Section 1. The Council, upon evidence duly presented to and considered by it, has found and determined, and does hereby find, determine and declare as follows:

(a) Pursuant to the applicable laws of the State of Alabama, the Municipality and Rosie's To Go, Inc. (the "Owner") now desire to execute and deliver that certain Tax Rebate Agreement dated as the date of delivery (the "Agreement"), for the purposes referenced therein, including without limitation, to grant Owner a rebate of fifty percent (50%) of all municipal sales taxes paid to the City as a result of business conducted by Owner at its new business located at 3337 Henry Road, Anniston, Alabama 36207 for a term not to exceed five (5) years and for a sum total of rebated municipal sales taxes not to exceed One hundred and twenty five thousand dollars (\$125,000.00).

(b) The Municipality is without absolute authority or power under any local constitutional amendment to do any of the actions or undertakings referenced in Amendment No. 772 to the Constitution of Alabama of 1901, as amended ("Amendment No. 772").

(c) The Project Area, as defined in the Agreement, is a business location within the Municipality consisting primarily of commercial facilities, within the meaning of Amendment No. 772.

(d) Pursuant to, and for the purposes of, Section (a)(3) of Amendment No. 772, it is necessary, desirable and in the public interest for the Municipality to grant public funds for the economic development of the Project Area.

(e) The expenditure of public funds for the purposes specified in the Agreement will serve a valid and sufficient public purpose, notwithstanding any incidental benefit accruing to any private entity or entities.

(f) The Municipality caused to be published in The Anniston Star, which newspaper has the largest circulation in the Municipality, the notice required by Section (c)(2) to Amendment No. 772, a true and correct copy of which notice is attached hereto as Exhibit A. The information set forth in said notice is true and correct, and its publication is hereby ratified and confirmed.

Section 2. The Council does hereby approve, adopt, authorize, direct, ratify and confirm:

(a) The agreements, covenants, and undertakings of the Municipality set forth in the Agreement, and

(b) The terms and provisions of the Agreement, in substantially the form and of substantially the content as set forth in the copy that is attached hereto as Exhibit B, with such changes thereto (by addition or deletion) as the City Manager shall approve, which approval shall be conclusively evidenced by execution and delivery of the Agreement.

Section 3. The City Manager is hereby authorized and directed to execute and deliver the Agreement for and on behalf of and in the name of the Municipality. The City Clerk is hereby authorized and directed to affix the official seal of the Municipality to the Agreement and to attest the same.

Section 4. The City Manager and the officers of the Municipality are each hereby authorized and directed to take all such actions, and execute, deliver and perform all such agreements, documents, instruments, notices, and petitions and proceedings, with respect to the Agreement, as they determine to be necessary or desirable to carry out the provisions of this resolution or the Agreement or duly and punctually observe and perform all agreements and obligations of the Municipality under the Agreement.

Section 5. This resolution shall take effect immediately.

PASSED AND ADOPTED this the ___ 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

TAX REBATE AGREEMENT

The City of Anniston, Alabama (the “City”) and Rosie’s Gourmet To Go, Inc. (“Owner”) hereby enter into this Tax Rebate Agreement (the “Agreement”) to be effective upon execution and delivery and subject to the following recitals, terms and conditions:

Recitals

WHEREAS, Owner has acquired certain real property rights to property located at 3337 Henry Road, Anniston, Alabama 36207 and intends to locate a new business at the Project Site;

WHEREAS, Owner intends to invest in the new business through the construction and acquisition of capital improvements of commercial and related facilities, equipment and property;

WHEREAS, the City desires to provide financial assistance to Owner so as to promote the economic development of the City by providing capital improvements in and for the benefit of Owner’s new business within the City, and to increase employment in the City, and to increase the tax and revenue base of the City, in addition to other public benefits accruing to the City and its citizens;

WHEREAS, pursuant to Amendment No. 772 to the Constitution of Alabama of 1901, as amended, the City is authorized and empowered to lend its credit to or grant public funds and things of value in aid of or to any individual, firm, corporation or business entity for the purpose of promoting the economic and industrial development of the City, among other powers and authorities;

WHEREAS, the City desires and intends to utilize its powers and authorities pursuant to Amendment No. 772 to promote economic and industrial development of the City by granting Owner a rebate of fifty percent (50%) of all municipal sales taxes paid to the City as a result of business conducted by Owner for a term not to exceed five (5) years and for a sum total of rebated sales taxes not to exceed one hundred and twenty five thousand dollars (\$125,000.00);

WHEREAS, the City Council for the City of Anniston (the “Council”), Alabama published legal notice of the public meeting at least seven days prior to the meeting in the Anniston Star, the newspaper having the largest circulation in the City, describing in reasonable detail the action proposed to be taken pursuant to its power and authority under Amendment No. 772, a description of the public benefits

sought to be achieved by the action, and identifying those to whom or for whose benefit the City proposed to lend its credit or grant public funds or thing of value;

WHEREAS, the Council held a public meeting, as advertised in the published legal notice, during which the Council approved by resolution the action proposed to be taken pursuant to Amendment No. 772, and determining that the expenditure of public funds for this purpose will serve a valid and sufficient public purpose, notwithstanding any incidental benefit accruing to any private entities;

NOW THEREFORE, in consideration of the mutual covenants between the City and Owner, and Owner's acquisition and construction of capital improvements of commercial and related facilities, equipment and property for its new business within the City of Anniston, Owner and the City agree as follows:

Agreement

1. **Definitions.** When used herein, the following terms shall have the meaning ascribed below.
 - 1.1. *Project Area* shall mean the real property located at 3337 Henry Road, Anniston, Alabama 36207, designated in more detail in the attached Exhibit A, whereon Owner will invest in capital improvements for its new business operation.
 - 1.2. *Capital Improvements* shall mean the construction, renovation or modification of buildings and facilities located within the *Project Area* and the purchase or acquisition of personal property, equipment, supplies and materials in furtherance of said construction, renovation or modifications or for the exclusive use by Owner in furtherance of Owner's new business activities and operations within the *Project Area*.
 - 1.3. *Qualified Transaction* shall mean any retail sales transaction from or in connection with Owner's new business operation in the *Project Area* that results in the payment of sales taxes to the City.
 - 1.4. *Tax Rebate Term* shall mean the five (5) year period beginning on the date upon which the Agreement is executed and delivered by and between Owner and the City.
 - 1.5. *Maximum Tax Rebate* shall mean a sum total of one hundred and twenty five thousand dollars and no cents (\$125,000.00) of municipal sales taxes rebated to Owner in accordance with the Agreement and during the *Tax Rebate Term*.

2. **Owner's Commitments, Representations and Warranties.** In consideration of the City providing the sales tax rebate described herein, Owner makes the following commitments, representations and warranties to the City:
 - 2.1. Owner has invested, or will invest, no less than one hundred and fifty thousand dollars and no cents (\$150,000.00) from its own resources in *Capital Improvements* within twelve (12) months from the effective date of this agreement.
 - 2.2. Owner has available adequate funding to complete the *Capital Improvements*.
 - 2.3. Owner is in good standing, licensed, and qualified to do business in the State of Alabama and the City of Anniston, Alabama, and shall remain so qualified and in compliance with all laws of the State of Alabama applicable to its operations throughout the duration of this agreement.
 - 2.4. Owner has the legal power and authority to enter into this agreement and to make the respective commitments required herein. Owner has obtained all authorizations, approvals, resolutions or consents of Owner's board of directors, officers, managers, trustees or any other persons or entities required under Owner's organizational or governing documents, lending or other third-party agreements, or as otherwise required by law.
3. **City's Commitments, Representations and Warranties.** In consideration of Owner locating its new business within the City of Anniston and Owner's construction and completion of the capital improvements required herein, and of the economic benefit to the local community to be realized by the same, the City makes the following commitments, representations and warranties:
 - 3.1. Provided that Owner has satisfied its commitments, representations and warranties, including the completion of the *Capital Improvements*, together with any conditions precedent to payment set forth herein, the City shall rebate fifty percent (50%) of all municipal sales taxes actually paid to the City as a result of *Qualified Transactions* during the *Tax Rebate Term*, but not to exceed the *Maximum Tax Rebate*.
 - 3.2. The City will pay tax rebates to Owner in accordance with the terms and conditions of Section 4 of this agreement.
4. **Payment of Tax Rebate.** The City will pay tax rebates to Owner in accordance with the following terms and conditions:
 - 4.1. Owner shall present to the Finance Department of the City accurate and reliable documentation sufficient to verify to the City's reasonable satisfaction that Owner engaged in one or more *Qualified Transaction* that

has in fact resulted in the payment of sales taxes to the City. Owner's duty to verify any tax rebate from the City shall be a condition precedent to any obligation by the City to pay a tax rebate to Owner pursuant to this agreement.

- 4.2. Owner's verification of any tax rebate and Owner's acceptance of payment from the City of any tax rebate shall constitute an attestation by Owner as to the truth and accuracy of any documentation submitted by Owner to the City and an attestation that the tax rebate is being paid for a *Qualified Transaction*. Any false, deceptive, or fraudulent attestation by Owner to the City shall constitute an irrevocable and incurable breach of this agreement and shall release the City from any obligation to make any additional tax rebate to Owner and shall entitle the City to recover with statutory interest any tax rebate paid to Owner subsequent to the breach, without regard to when the breach was discovered by the City. In the event that Owner knowingly or intentionally makes any false, deceptive or fraudulent attestation to the City, Owner shall be obligated to refund with statutory interest all tax rebates obtained from the City. Owner further agrees to pay any and all attorney's fees and expenses incurred by the City in any legal action taken to collect any tax rebate or interest owed by Owner to the City as a result of a false, deceptive, or fraudulent attestation.
- 4.3. Owner shall schedule with the Finance Department of the City a quarterly reporting for each year of the *Tax Rebate Term* at which time Owner shall verify any tax rebate claimed by Owner for *Qualified Transactions* that occurred no less than forty-five (45) days prior to the reporting. Any *Qualified Transaction* that occurs within forty-five (45) days of a quarterly reporting shall be eligible for rebate at the next scheduled quarterly reporting. The City shall pay all tax rebates owed to Owner no later than the 25th day of the month following the quarterly reporting.
5. **Tax Rebate Not Assignable or Transferrable.** Owner shall not transfer, assign or convey the right to a tax rebate or any other rights under this Agreement to any other person or entity. No tax rebate will be paid pursuant to this Agreement to any person or entity other than Owner.
6. **Topic Headings.** Headings and captions in this Agreement are inserted for convenience and reference only and in no way define, limit or describe the scope or intent of this Agreement.
7. **Survival of Representations and Warranties.** The representations, warranties, and covenants made by each of the Parties hereto and contained herein shall survive the performance of any obligations to which such representations, warranties, and covenants relate.

- 8. **Waivers.** Waiver of any of the obligations of any party under this agreement will be effective only when stated in writing and signed by the waiving party. No delay or omission to exercise any right or power by any party shall be construed to be a waiver. In the event any provision is waived by a party, such waiver shall not be deemed to waive any other provision.

- 9. **Entire Agreement.** This Agreement constitutes the entire understanding and agreement between the City and Owner. No representations, promises, covenants or understandings between the City and Owner, except those fully expressed herein, shall be binding upon the parties. No changes, alterations, modifications, additions or qualifications to the terms of this Agreement may be made or be binding unless in writing and signed by both parties.

WHEREFORE, the City and Owner, intending to be legally bound by the provisions herein set out, hereby execute and deliver this agreement by their duly authorized representatives on this the __ day of _____, 2016 by and between:

CITY OF ANNISTON, ALABAMA

ROSIE'S GOURMET TO GO, INC.

By: Brian Johnson _____

By: _____

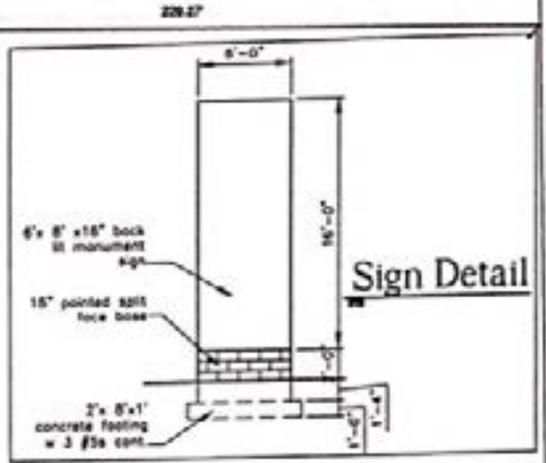
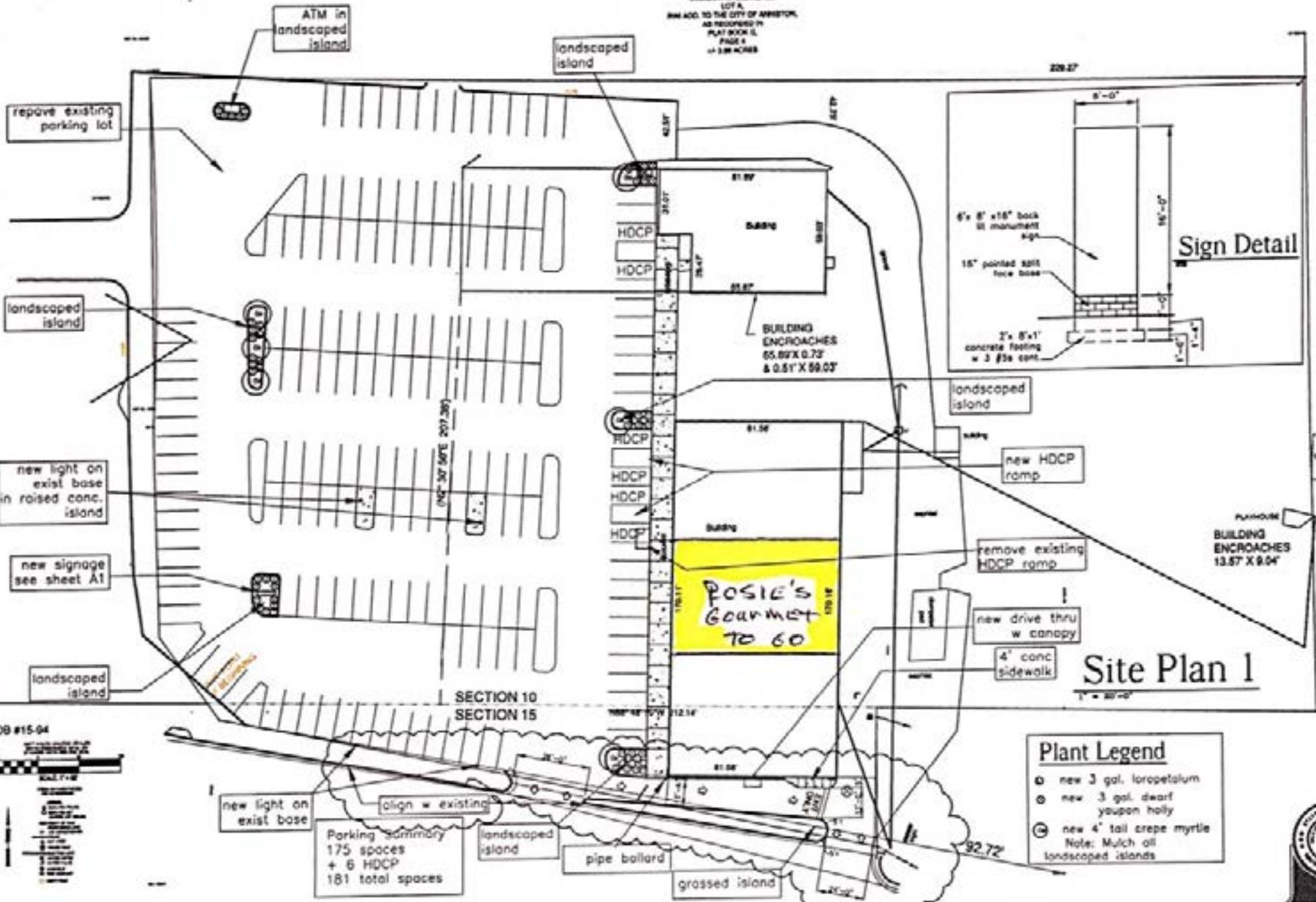
Its: City Manager _____

Its: _____

ATTESTED:

City Clerk

SUBJECT: 3.86 ACRES
 LOTA,
 3944 ADD. TO THE CITY OF ARISTON,
 AS RECORDED IN
 PLAT BOOK 5,
 PAGE 6,
 3.86 ACRES



Site Plan 1
 1" = 30'-0"

- Plant Legend**
- new 3 gal. loropetalum
 - new 3 gal. dwarf yaupon holly
 - ⊙ new 4' tall crepe myrtle
- Note: Mulch all landscaped islands

Parking Summary
 175 spaces
 + 6 HDCP
 181 total spaces



LOTS & ACREAGE

3.6 & 12.98 Acre on Chicksaw Trail Onatchee, AL bottom land on Onatchee Creek. 3.6 is \$16,000 & 12.98 is \$44,000 Call after 6 pm 251-331-3450

40 ac. just north of J'ville level mostly wooded lg. hardwood timber & scattered pines, water, \$69,900 poss. owner financing.

3 ac. north of J'ville, \$16,900 owner will finance Kessler Land Agency 256-647-9883

80 acres in Talladega National Forest 205-790-0328.

ALASCAN

SWITCH TO DIRECTV and get a free whole-home Genie HD/ DVR upgrade. Starting at \$19.99/mo. Free 3 months of HBO SHOWTIME & STARZ. New customers only. Don't settle for cable. Call now 1-800-988-5676.

WANT YOUR ad to be seen in 123 newspapers statewide? Place your ad in our Classified Network for just \$210 per week! Make one call to this newspaper (a participating ALASCAN member) or call 1-800-264-7043 to find out how easy it is to advertise statewide!

INSTRUCTION

MEDICAL BILLING skills in demand! Become a Medical Office Assistant! No experience needed! Online training can get you job ready! HS diploma/GED & PC internet needed! 1-888-926-6075.

HELP WANTED-DRIVERS

25 DRIVER trainees needed now! Become a driver for Werner Enterprises! Earn up to \$42k first year! Local CDL training gets you ready ASAP! 1-888-743-5045.

A NEW CAREER for the New Year! Driver trainees needed now! Earn \$800-\$1,000 a week + great benefits. 15 day CDL training available. Everyone approved if qualified! Call 1-800-TRUCKIN (878-2546).

ATTN: DRIVERS - \$2K Sign-On Bonus. Recent pay increase. Make \$55,000 your first year! Newer KW 2012 and 1980's. CDL-A required. 1-877-258-8782. www.drive4melton.com.

NEW CAREERS - CDL & welding training. Jobs available if qualified. Call today - start tomorrow! WIA, VA, Post-9/11 G.I. Bill & Rehab, ESD School, LLC. 1-866-432-0430.

TRUCK DRIVERS obtain Class A CDL in 3 weeks, company sponsored training. Also hiring recent truck school graduates, experienced drivers. Must be 21 or older. Call 1-866-757-8315.

HELP WANTED-SALES

EARN \$500 a day. Insurance agents needed. Leads, no cold calls. Commissioners paid daily. Lifetime renewals. Complete training. Health & dental insurance. Life license required. Call 1-888-713-6020.

HELP WANTED-TRADES

CAN YOU dig it? Heavy equipment operator career! We offer training and certifications running bulldozers, backhoes, and excavators. Lifetime job placement. VA benefits eligible! 1-866-362-6497.

FOR SALE

CHURCH FURNITURE: Does your church need pews, pulpit set, baptistry, steeple, windows? Big sale on new cushioned pews and pew chairs. 1-800-291-8360. www.pews1.com.

DISH NETWORK - Get more for less! Starting \$19.99/month (for 12 months). Plus bundle & save (fast internet for \$15 more/month). Call now! 1-800-311-7159.

SAWMILLS FROM only \$4397. Make & save money with your own bandmill - cut lumber any dimension. In stock ready to ship! Free info/DVD: www.NorwoodSAW.com. 1-800-578-1363 ext. 300N.

MEDICAL

GOT KNEE pain? Back pain? Shoulder pain? Get a pain-relieving brace for little or no cost to you. Medicare patients call health hotline now! 1-888-788-0166.

CPAP/BIPAP supplies at little or no cost from Allied Medical Supply Network! Fresh supplies delivered right to your door. Insurance may cover all costs. 1-800-239-5809.

LEGALS

LEGAL NOTICE MIDSOUTH PAVING, INC. Hereby gives notice of completion of a contract with the Alabama Department of Transportation for construction of Project No. NH-001 (569) & STPA-NR13(932) in CALHOUN COUNTY. This notice will appear for four consecutive weeks beginning on January 17, 2016 and ending on February 7, 2016. All claims should be filed at P. O.

LEGALS

Box 7850, Oxford, Alabama 36203 during this period. MIDSOUTH PAVING, INC.

The Anniston Star Calhoun Co., AL January 17, 24, 31, February 7, 2016

LEGAL NOTICE OF PUBLIC MEETING OF CITY COUNCIL OF ANNISTON, ALABAMA

Notice is hereby given that the City Council (the "Council") of the City of Anniston, Alabama (the "City") will meet in public session at 5:30 p.m. on February 1, 2016 at the Council Chamber - Anniston City Hall in the City of Anniston, Alabama for the purpose of considering the transaction of business which may properly come before the Council such business to include, but not be limited to, the following:

1. The authorization by the Council, pursuant to Amendment No. 772 to the Constitution of Alabama of 1901, as amended, of a resolution (the "Resolution") approving the execution and delivery of that certain Tax Rebate Agreement (the "Agreement") by the City of Anniston and Rosie's To Go, Inc. (the "Company"), dated the date of delivery, pursuant to which the City would rebate fifty percent (50%) of all municipal sales taxes paid to the City as a result of business conducted by Company at its new business located at 3337 Henry Road, Anniston, Alabama 36207 (referred to as the "Tax Rebate"). The Tax Rebate will be effective for a term not to exceed five years and the proceeds rebated to the Company shall not exceed one hundred and twenty five thousand dollars (\$125,000.00).

2. The proceeds of the Tax Rebate shall be granted to and in aid of Rosie's Gourmet To Go, Inc. for the purpose of promoting the economic development of the City, in consideration of the investment by the Company in capital improvements of commercial and related facilities, equipment and property for its new business location in the City.

3. The City will not own any property aided by the Tax Rebate unless dedicated to the City under generally applicable public laws, and Company is not constructing the same on behalf of the City.

4. The City seeks to achieve, by undertaking its obligations pursuant to the Agreement and the Resolution, to promote the local economic and industrial development of the City by providing capital improvements in and for the benefit of the Company's new business location and operators within the City, and to increase employment in the City, and to increase the tax and revenue base of the City.

5. The business entity to whom the Tax Rebate is to be granted for whom the City proposes to lend its credit or grant public funds or thing of value is Rosie's To Go, Inc.

6. All interested persons may examine and review the Agreement, Resolution, and all relevant documents pursuant to which the Tax Rebate is to be issued, and make copies thereof at personal expense, at the offices of the Council during normal business hours, before and after the meeting referred herein.

The Anniston Star Calhoun Co., AL January 17, 2016

NOTICE OF MORTGAGE FORECLOSURE SALE STATE OF ALABAMA COUNTY OF CALHOUN

Default having been made in the indebtedness secured by that certain Mortgage executed by Natasha L. Jones A Single Woman to Mortgage Electronic Registration Systems, Inc., as nominee for Branch Banking and Trust Company dated July 9, 2012, said mortgage being recorded in Book 4660, Page 296 in the Office of the Judge of Probate of Calhoun County, Alabama. Said Mortgage was last sold, assigned and transferred to Branch Banking and Trust Company to be recorded in the Office of the Judge of Probate of Calhoun County, Alabama. The undersigned, please open an "Action in the Name of" issue in LPS Desktop Process Management, under and by virtue of the power of sale contained in said mortgage, will sell at public auction to the highest bidder for cash before the main entrance of the Court House in Calhoun County, Alabama during the legal hours of sale (between 11am and 4pm), on the 28th day of January, 2016, the following property, situated in Calhoun County, Alabama, to-wit: LOT 8, BLOCK B, AS SHOWN ON THE MAP OF CRESTLINE SUBDIVISION

LEGALS

RECORDED IN THE OFFICE OF THE PROBATE JUDGE OF CALHOUN COUNTY, ALABAMA IN PLAT BOOK "M", PAGES 19-19e, SITUATED LYING AND BEING IN CALHOUN COUNTY, ALABAMA Said property is commonly known as 911 Bonnie Dr. Weaver, AL 36277. The indebtedness secured by said Mortgage has been and is hereby declared due and payable because of default under the terms of the Note secured by said Mortgage, including but not limited to, nonpayment of the indebtedness as and when due. The indebtedness remains in default, and this sale will be made for the sole purpose of paying the same, including all expenses of the sale, attorney's fees, and all other payments provided for under the terms of said Mortgage. Said property will be sold subject to the following items, which may affect the title to said real property: all zoning ordinances; matters which would be disclosed by an accurate survey or inspection of the property; any outstanding taxes, including but not limited to, ad valorem taxes, which constitute liens upon said property; special assessments; all outstanding bills for public utilities, which constitute liens upon said property; all restrictive covenants, easements, rights-of-way, the statutory right of redemption pursuant to Alabama law; and any other matters of record superior to said Mortgage. To the best of the knowledge and belief of the undersigned, the party in possession of the real property is Natasha L. Jones or tenant(s). PLEASE OPEN AN "ACTION IN THE NAME OF" ISSUE IN LPS DESKTOP PROCESS MANAGEMENT as holder of said mortgage. McCallie Frymer, LLC Two North Twentieth 20th Street North, Suite 1310 Birmingham, AL 35203 (800) 275-7171 FT21@mca21.larymer.com File No. 968915 www.foreclosurehotline.net

The Anniston Star Calhoun Co., AL January 3, 10, 17, 2016

NOTICE

The U.S. Army Materiel Command (AMC) announces the availability of the Final Supplemental Programmatic Environmental Assessment (SPEA) and Draft Finding of No Significant Impact (FNSI) for Explosive-Contaminated Facilities in Support of the AMC Building Demolition Program, as required by the National Environmental Policy Act. In 2014, Headquarters AMC released the Final Programmatic Environmental Assessment (PEA) for the AMC Building Demolition Program and Draft FNSI which assessed the impacts of removing unused or unused facilities at AMC installations across the United States. The PEA assessed the environmental impacts of non-explosive-contaminated facilities and laid the framework for installations to apply the analysis of the PEA to facility removal actions. The 2014 Building Demolition PEA did not address the environmental impacts of removal of unused or unused facilities that contained explosive residue. This SPEA assesses the environmental impacts of removing facilities containing explosives and supplements the 2014 Final PEA and signed FNSI. When used in concert with the 2014 Final PEA for the AMC Building Demolition Program, the SPEA provides programmatic environmental impact analysis of the suite of conventional industrial base facilities across AMC. The proposed action is not expected to have any significant environmental effects. Therefore, preparation of an environmental impact statement is not required. The final SPEA and draft FNSI are available for your review electronically at http://www.amc.army.mil/amc/environmental.html. A copy of the Final SPEA and Draft FNSI are also available for review at the Public Library of Anniston-Calhoun County, 108 E 10th St, Anniston, Alabama 36201. Comments on the SPEA and Draft FNSI can be submitted to: HQAMC - Environmental Division, 4400 Martin Road, Huntsville, AL 35893, or via the email link at http://www.amc.army.mil/amc/environmental.html. An additional 15 days of comment time may be granted on a case-by-case basis. For additional information, please contact Headquarters AMC at the previously mentioned addresses. A final determination as to the anticipated environmental impacts of the proposed action will be made after the consideration of any comments submitted during the 30-day public comment period. To receive full consideration in the Final FNSI, all comments must be post marked or emailed by Tuesday, February 16, 2016 or by the extension date granted.

The Anniston Star Calhoun Co., AL January 17, 2016

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