

**CITY OF ANNISTON  
NOVEMBER 21, 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. 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.

## II. 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](http://www.anniston.al.gov). The request should state the name of the individual(s) desiring to be heard and the subject matter to be presented to City Council. Requests may be referred, at the discretion of the City Manager, to appropriate staff for mediation prior to being placed on the public agenda. Please be advised that the mere completion of a request form does not entitle the speaker to be added to the agenda.

#### **(a) Board Confirmations:**

- i. Anniston Water Works and Sewer Board – Bill Robison
- ii. Downtown Development Authority – Bill Wakefield

#### **(b) Henry Pritchett regarding City of Anniston Wrecker Rotation**

## III. 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.

## IV. UNFINISHED BUSINESS – None

## **V. CONSENT AGENDA**

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

## **VI. ORDINANCES**

- (a) Repealing and replacing Chapter 11 of the Code of Ordinances relating to fire prevention. **1<sup>st</sup> Reading**
- (b) Amending the traffic schedule to add and remove traffic lights and stop signs. **1<sup>st</sup> Reading**
- (c) Establishing the order of procedure for the meetings of the Anniston City Council and to provide for the election of the Vice-Mayor. **2<sup>nd</sup> Reading**

## **VII. OTHER ADDITIONAL OR FURTHER MATTERS THAT MAY COME BEFORE COUNCIL**

**COUNCIL COMMENTS**

**ADJOURNMENT**

# MINUTES

11/3/2016

Anniston, Alabama  
November 3, 2016

The City Council of the City of Anniston, Alabama, met in Special Session in the Council Chamber in the City Hall of the City of Anniston, Alabama, on Thursday, November 3, 2016, at approximately 5:49 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, Selase, Harris and Stewart; absent: Council Member Reddick. 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 amend the agenda to remove from the Consent Agenda a motion approving and authorizing the City Manager to execute Change Order #1 for the Anniston Fire Training Center Additions and Renovations (Training Center Improvements – Alternate #2) in the total amount of \$458,173.00 by Hale Building Company, to add a resolution appointing a City Manager and to adopt the agenda as amended. The motion was seconded by Council Member Harris; and on call of the roll the following vote was recorded: ayes: Council Members Jenkins, Selase, Harris and Stewart; nays: none; absent: Council Member Reddick. The motion carried.

Council Member Selase introduced and read Resolution Number 16-R-112 as follows:

(16-R-112, accepting the resignations of a member of the Anniston Museum of Natural History Board, the Downtown Development Authority and the Health Care Authority, respectively)

Council Member Selase made a motion for the passage and adoption of Resolution Number 16-R-112 as introduced and read. The motion was seconded by Council Member Harris; and on call of the roll the following vote was recorded: ayes: Council Members Jenkins, Selase, Harris and Stewart; nays: none; absent: Council Member Reddick. The motion carried and Resolution Number 16-R-112 was passed and adopted.

Mayor Stewart announced that was the time for the Board Confirmation Hearing for Emily Duncan and her appointment to the Anniston Museum of Natural History Board.

Mayor Stewart announced that was the time for the Board Confirmation Hearing for Gayle Macolly Harris and her appointment to the Longleaf Botanical Garden Board.

11/3/2016

Council Member Harris made a motion to nominate Jay Jenkins to be appointed to the Health Care Authority. The motion was seconded by Council Member Selase; and on call of the roll the following vote was recorded: ayes: Council Members Selase, Harris and Stewart; nays: none; absent: Council Member Reddick; abstentions: Council Member Jenkins. The motion carried.

The Council agreed to remove from the Consent Agenda the resolution appointing a member to the Board of Directors for the Health Care Authority for the City of Anniston.

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

1. Resolution authorizing reimbursements to city officials for expenses incurred while traveling away from the city.
2. Resolution providing for a Fund Balance Policy of the City of Anniston to conform to the requirements of the Government Accounting Standards Board Statement No. 54 and to set reserve levels within certain funds of the city.
3. Resolution appointing a member to the Longleaf Botanical Gardens Board.
4. Resolution appointing member to the Anniston Museum of Natural History Board.
5. Reappointing a member to the Transit Authority Board.
6. Resolution authorizing the City Manager to take all necessary actions to acquire certain real property for the planned extension of the Chief Ladiga Trail.

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

Council Member Selase made a motion approving and authorizing the City Manager to execute Change Order #1 for the Anniston Fire Training Center Additions and Renovations (Training Center Improvements – Alternate #2) in the total amount of \$458,173.00 by Hale Building Company. The motion was seconded by Council Member Harris.

Council Member Jenkins stated he would abstain from this vote because the architect doing this project was his partner and even though he has a firm that he operates separately from their firm he would abstain so there would be no appearance of impropriety.

On call of the roll on Council Member Selase's motion approving and authorizing the City Manager to execute Change Order #1 for the Anniston Fire Training Center Additions and Renovations (Training Center Improvements – Alternate #2) in the total amount of \$458,173.00 by Hale Building Company and Council Member Harris' second to said motion the following vote was recorded: ayes: Council Members Selase, Harris and Stewart; nays: none; absent: Council Member Reddick; abstentions: Council Member Jenkins. The motion carried.

Council Member Harris introduced and read Resolution Number 16-R-119 as follows:

(16-R-119, resolution appointing a member to the Board of Directors for the Health Care Authority for the City of Anniston)

11/3/2016

Council Member Harris made a motion for the passage and adoption of Resolution Number 16-R-119 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 Selase, Harris and Stewart; nays: none; absent: Council Member Reddick; abstentions: Council Member Jenkins. The motion carried and Resolution Number 16-R-119 was passed and adopted.

Council Member Jenkins introduced and read Resolution Number 16-R-120 as follows:

(16-R-120, renaming a section of Veterans Memorial Parkway to McClellan Veterans Parkway)

Council Member Jenkins made a motion for the passage and adoption of Resolution Number 16-R-120 as introduced and read. The motion was seconded by Council Member Harris; and on call of the roll the following vote was recorded: ayes: Council Members Jenkins, Selase, Harris and Stewart; nays: none; absent: Council Member Reddick. The motion carried and Resolution Number 16-R-120 was passed and adopted.

Council Member Jenkins introduced and read Resolution Number 16-R-121 as follows:

(16-R-121, naming a roadway connecting Summerall Gate Road and McClellan Veterans Parkway)

Council Member Jenkins made a motion for the passage and adoption of Resolution Number 16-R-121 as introduced and read. The motion was seconded by Council Member Harris; and on call of the roll the following vote was recorded: ayes: Council Members Jenkins, Selase, Harris and Stewart; nays: none; absent: Council Member Reddick. The motion carried and Resolution Number 16-R-121 was passed and adopted.

Council Member Selase introduced and read Resolution Number 16-R-122 as follows:

(16-R-122, confirming the establishment of an Arts and Entertainment District at McClellan)

Council Member Selase made a motion for the passage and adoption of Resolution Number 16-R-122 as introduced and read. The motion was seconded by Council Member Harris; and on call of the roll the following vote was recorded: ayes: Council Members Jenkins, Selase, Harris and Stewart; nays: none; absent: Council Member Reddick. The motion carried and Resolution Number 16-R-122 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-123. 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-123.

No one addressed the Council either in favor of or in opposition to the introduction and reading by title of Resolution Number 16-R-123.

11/3/2016

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-123 and Council Member Harris' second to said motion the following vote was recorded: ayes: Council Members Jenkins, Selase, Harris and Stewart; nays: none; absent: Council Member Reddick. The motion carried.

Unanimous consent of the Council having been granted to introduce and read by title Resolution Number 16-R-123, Council Member Selase introduced and read Resolution Number 16-R-123 by title as follows:

(16-R-123, authorizing a Special Project Development Agreement by the City and McClellan Independent Living Facility, LP)

Council Member Selase made a motion for the passage and adoption of Resolution Number 16-R-123 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: none; absent: Council Member Reddick. The motion carried and Resolution Number 16-R-123 was passed and adopted.

Council Member Harris introduced and read Resolution Number 16-R-124 as follows:

(16-R-124, authorizing and directing the City Attorney to request and Advisory Opinion regarding the City's agreement to license and engage the YMCA of Calhoun County to offer, conduct and operate programs and activities through the Norwood Hodges Community Center)

Council Member Harris made a motion for the passage and adoption of Resolution Number 16-R-124 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 Selase, Harris and Stewart; nays: none; absent: Council Member Reddick; abstentions: Council Member Jenkins. The motion carried and Resolution Number 16-R-124 was passed and adopted.

Council Member Harris introduced and read Resolution Number 16-R-125 as follows:

(16-R-125, authorizing and directing the City manager to negotiate and execute an agreement to license and engage the YMCA of Calhoun County to offer, conduct and operate programs and activities through the Norwood Hodges Community Center)

Council Member Harris made a motion for the passage and adoption of Resolution Number 16-R-125 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 Selase, Harris and Stewart; nays: none; absent: Council Member Reddick; abstentions: Council Member Jenkins. The motion carried and Resolution Number 16-R-125 was passed and adopted.

Council Member Jenkins introduced and read Resolution Number 16-R-126 as follows:

(16-R-126, appointing Kent Davis as City Manager)

11/3/2016

Council Member Jenkins made a motion for the passage and adoption of Resolution Number 16-R-126 as introduced and read. The motion was seconded by Council Member Harris; and on call of the roll the following vote was recorded: ayes: Council Members Jenkins, Selase, Harris and Stewart; nays: none; absent: Council Member Reddick. The motion carried and Resolution Number 16-R-126 was passed and adopted.

Mayor Stewart read and presented a proclamation to Brian Johnson, City Manager.

Brian Johnson, City Manager, made a presentation to Council Member Selase.

Brian Johnson, City Manager, made a presentation to Mayor Stewart.

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, Selase, Harris and Stewart; nays: none; absent: Council Member Reddick. The motion carried and the meeting was adjourned at approximately 7:17 o'clock p.m.

11/7/2016

Anniston, Alabama  
November 7, 2016

The City Council of the City of Anniston, Alabama, met in Regular Session in the Council Chamber in the City Hall of the City of Anniston, Alabama, on Monday, November 7, 2016, at approximately 5:47 o'clock p.m.

Council Member Jenkins prayed the Invocation.

Kent Davis, City Manager, led the Pledge of Allegiance to the Flag.

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

Kent Davis, City Manager, was present.

Bruce Downey, City Attorney, was present.

Council Member Jenkins made a motion to amend the agenda to add a resolution affirming the appointment of W. Kent Davis as City Manager. The motion was seconded by Council Member Harris; and on call of the roll the following vote was recorded: ayes: Council Members Jenkins, Reddick, Little, Harris and Draper; nays: none. The motion carried.

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

Cory Salley, Finance Director, introduced the City's auditors, HHM.

Jason Martin, HHM, addressed the Council concerning the City's audit for Fiscal Year 2016.

Glen Ray, 3514 Dale Hollow Road, addressed the Council and asked that Council Member Reddick be considered for Vice-Mayor.

James Montgomery addressed the Council and asked that Council Member Reddick be considered for Vice-Mayor.

Erica Tolson, 409 South Allen Avenue, and thanked them for their attendance at the Cobb Pre-K event.

Tyrone Wilcox addressed the Council and stated he thought Kent Davis would do a great job.

11/7/2016

Council Member Harris made a motion for the unanimous consent of the Council to introduce and read by title Ordinance Number 16-O-24. The motion was seconded by Council Member Little.

Mayor Draper asked if anyone wished to address the Council either in favor of or in opposition to the introduction and reading by title of Ordinance Number 16-O-24.

James Montgomery addressed the Council in opposition to the introduction and reading by title of Ordinance Number 16-O-24.

Mayor Draper asked if anyone else wished to address the Council either in favor of or in opposition to the introduction and reading by title of Ordinance Number 16-O-24.

No one else addressed the Council either in favor of or in opposition to the introduction and reading by title of Ordinance Number 16-O-24.

On call of the roll on Council Member Harris' motion for the unanimous consent of the Council to introduce and read by title Ordinance Number 16-O-24 and Council Member Little's second to said motion the following vote was recorded: ayes: Council Members Jenkins, Reddick, Little, Harris and Draper; nays: none. The motion carried.

Unanimous consent of the Council having been granted to introduce and read by title Ordinance Number 16-O-24, Council Member Harris introduced and read by title Ordinance Number 16-O-24 as follows:

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

Council Member Jenkins introduced and read Resolution Number 16-R-127 as follows:

(16-R-127, affirming the appointment of W. Kent Davis as City Manager)

Council Member Jenkins made a motion for the passage and adoption of Resolution Number 16-R-127 as introduced and read. The motion was seconded by Council Member Harris.

Council Member Little stated he could not vote in the affirmative on this resolution tonight. He stated Mr. Davis needed to be vetted in public and then the Council should vote. He stated he had nothing against Mr. Davis but he felt they should follow the process.

Council Member Harris thanked Mr. Davis for his willingness to serve the City and for asking for this resolution to affirm his appointment.

Council Member Reddick stated he had gotten to know Mr. Davis and thanked him for giving this Council a chance to affirm his appointment.

11/7/2016

Mayor Draper stated he did not think the City could find a more qualified candidate for the City Manager position than Mr. Davis.

On call of the roll on Council Member Jenkins' motion for the passage and adoption of Resolution Number 16-R-127 as introduced and read and Council Member Harris' second to said motion the following vote was recorded: ayes: Council Members Jenkins, Reddick, Harris and Draper; nays: Council Member Little. The motion carried and Resolution Number 16-R-127 was passed and adopted.

Council Member Little stated he felt that Section 14 of Ordinance Number 16-O-24 should be removed from the ordinance. He stated he felt they should rotate the position of Vice-Mayor.

Council Member Harris stated she would treat all Council Members with dignity and respect.

Mayor Draper stated they had to work on bringing jobs and business to the city. He stated he felt Section 14 of Ordinance Number 16-O-24 addresses how they speak to each other and does not go to content.

There being no further business to come before the meeting at that time Council Member Jenkins made a motion the meeting be adjourned. The motion was seconded by Council Member Reddick; and on call of the roll the following vote was recorded: ayes: Council Members Jenkins, Reddick, Little, Harris and Draper; nays: none. The motion carried and the meeting was adjourned at approximately 6:15 o'clock p.m.

# CONSENT AGENDA

**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 34.7 of said Ordinance, has reported to the City Council that conditions exist at **see attached (Group 2016-05 Debris & Vehicles)** 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) (4) of the City of Anniston Ordinance No. 11-0-9 declares the following conditions to be a public nuisance: **Maintenance or storage of motor vehicles that are not in usable condition as defined in Section 34.2 of the Code of Ordinances**; 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: \_\_\_\_\_  
Jack Draper, Mayor

BY: \_\_\_\_\_  
Jay W. Jenkins, Council Member

BY: \_\_\_\_\_  
David E. Reddick, Council Member

BY: \_\_\_\_\_  
Benjamin L. Little, Council Member

BY: \_\_\_\_\_  
Millie Harris, Council Member

ATTEST:

\_\_\_\_\_  
Alan B. Atkinson, City Clerk

**Exhibit "A"**  
**Nuisance Vehicles 2016-05**

<b>PROPERTY ADDRESS</b>	<b>PPIN</b>	<b>DESCRIPTION</b>
823 Willow Pointe Drive	71531	White Cadillac no tag
915 Willow Pointe Drive	71495	Silver Saturn no tag
5617 Woodgate Circle	59448	Blue Buick Electra tag:11F53N3
5719 Woodgate Circle	59657	Champagne Chevrolet Impala tag: 11FG919
5807 Woodgate Circle	59650	Gold Honda Prelude no tag
5811 Woodgate Circle	28966	Honda tag: HAV171
1720 Moore Avenue	20356	Beige Buick LeSabre Tag: 11H98H0
1919 Rocky Hollow	21330	White Chevrolet Vandura tag unknown; White Chevrolet Astro tag: 11FF897
222 South Quintard	66499	Green & Tan Ford Explorer Georgia tag: BQA7781; White Volkswagen Golf no tag
215 East 22 <sup>nd</sup> Street	24768	Silver Honda tag unknown; White Cadillac Sedan Deville tag unknown; Gray 4 door Sedan tag unknown; Red 2 Door Chevrolet Cavalier tag unknown; Blue Chevrolet Corsica tag:11D1154
1100 Pine Avenue	18735	Green Pontiac Sunfire tag unknown
2726 Old Quintard	25196	Red Pontiac Firebird tag: 11D115H
901 Woodland Ct. (Debris)	21660	4 Door Buick partial tag: 11G6
2727 Old Quintard	25206	Silver Dodge Intrepid tag:AW87261
205 East 28 <sup>th</sup> Street	25088	Red Chevrolet Lumina tag: V70745
1523 Walnut Avenue	19262	Brown with White Top Sedan tag unknown
921 West 22 <sup>nd</sup> Street	60874	Black Chevrolet Pickup tag unknown
1719 West 10 <sup>th</sup> Street	32101	Blue Cadillac Sedan Deville tag unknown; Teal Cadillac Sedan Seville tag unknown; White Ford Ranger no tag
1111 Crawford Avenue	30909	White Oldsmobile Cutlass Ciera Tag: 11D1704
1919 Moore Avenue	20132	Red Dodge Avenger No tag

**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 2016-09 Grass & Debris)** in Anniston, Alabama that are believed to be a public nuisance; and

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

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

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

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

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

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

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

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

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

**PASSED AND ADOPTED** this the \_\_\_\_ day of \_\_\_\_\_, 2016.

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

BY: \_\_\_\_\_  
Jack Draper, Mayor

BY: \_\_\_\_\_  
Jay W. Jenkins, Council Member

BY: \_\_\_\_\_  
David E. Reddick, Council Member

BY: \_\_\_\_\_  
Benjamin L. Little, Council Member

BY: \_\_\_\_\_  
Millie Harris, Council Member

ATTEST:

\_\_\_\_\_  
Alan B. Atkinson, City Clerk

**Exhibit "A"**  
**Group 2016-09 Grass & Debris**

<b>ADDRESS</b>	<b>PPIN</b>	<b>DESCRIPTION</b>
3705 Pelham Road	26927	
0 Pike Drive	26932	
3706 Noble Street	26933	
1418 Pine Avenue	18929	
3007 Gurnee Avenue	25897	
2808 Gurnee Avenue	2314	
3025 Moore Ave	26033	
2220 Noble Street	25228	
234 Rockwood Dr	228	
1322 Mulberry Avenue	18965	
630 West 14 <sup>th</sup> Street	18979	
2220 Noble Street	25228	
416 West 21 <sup>st</sup> Street	20034	
215 Afton Brae	21528	
1309 Kilby Terrace	22554	
1412 McCall Drive	62017	
422 East 23 <sup>rd</sup> Street	24892	
1307 East 11 <sup>th</sup> Street	20601	
1303 East 11 <sup>th</sup> Street	20422	
2016 Christine Avenue	21227	
213 East 30 <sup>th</sup> Street	25329	
1928 Canterbury Square	64802	
501 East 23 <sup>rd</sup> Street	24886	
2820 Gurnee Avenue	25729	
112 West 20 <sup>th</sup> Street (debris)	20429	

**RESOLUTION NO. 16-R-\_\_**

**RESOLUTION APPOINTING MEMBERS TO THE  
ANNISTON DOWNTOWN DEVELOPMENT AUTHORITY**

WHEREAS, Jack Draper has resigned his position as a member of the Anniston Downtown Development Authority (“DDA”);

WHEREAS, the position on the DDA held by Jack Draper has been assigned to Council Member Harris pursuant to the previously adopted Schedule of Nominations;

WHEREAS, Bill Wakefield has submitted an application to the City to be appointed as a member of the DDA;

WHEREAS, Council Member Harris desires to nominate Bill Wakefield to fill the vacancy created by Jack Draper’s resignation and to serve as a member of the DDA for the remainder of the unexpired term;

WHEREAS, the City Council for the City of Anniston, Alabama desires to confirm the nomination of Bill Wakefield and appoint him as a member of the DDA;

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

Section 1. For purposes of the nominations and appointments made herein, the City Council does hereby exercise its discretion to waive the requirement that notice of any vacancies or scheduled appointments shall be provided to the public during an open meeting no less than one month prior to the date when any nominations can be made to appoint a member to the boards set forth in this resolution.

Section 2. The City Council of the City of Anniston hereby confirms the nomination of Bill Wakefield to serve as a member of the Anniston Downtown Development Authority and does appoint Bill Wakefield to said board to fill the position created by Jack Draper’s resignation and to serve for the remainder of the term expiring on March 31, 2021.

**PASSED** and **ADOPTED** this \_\_\_\_ day of November, 2016.

CITY COUNCIL OF THE CITY OF  
ANNISTON, ALABAMA

\_\_\_\_\_  
Jack Draper, Mayor

\_\_\_\_\_  
Jay W. Jenkins, Council Member

---

David E. Reddick, Council Member

---

Benjamin L. Little, Council Member

---

Millie Harris, Council Member

ATTEST:

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Alan B. Atkinson, City Clerk

**RESOLUTION NUMBER 16-R-\_\_\_**

**A RESOLUTION RE-APPOINTING MEMBERS TO THE ANNISTON WATER WORKS  
AND SEWER BOARD**

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

**WHEREAS**, the Council has adopted a schedule of nominations to govern appointments to the Anniston Water Works and Sewer Board;

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

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

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

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

**PASSED and ADOPTED** this \_\_\_ day of \_\_\_\_\_, 2016.

CITY COUNCIL OF THE CITY OF  
ANNISTON, ALABAMA

\_\_\_\_\_  
Jack Draper, Mayor

\_\_\_\_\_  
Jay W. Jenkins, Council Member

\_\_\_\_\_  
David E. Reddick, Council Member

\_\_\_\_\_  
Benjamin L. Little, Council Member

\_\_\_\_\_  
Millie Harris, Council Member

ATTEST:

\_\_\_\_\_  
Alan B. Atkinson, City Clerk

**EXHIBIT "A"**

**ANNISTON WATER WORKS AND SEWER BOARD**

<b>Board Positions</b>	<b>Nominations</b>	<b>Board Member Name</b>	<b>Expiration Date</b>	<b>Explanation</b>
2	Ward 2	Jerome Freeman	07/31/2022	
4	Ward 4	Bill Robison	07/31/2022	

**RESOLUTION NO. 16-R-\_\_\_**

**RESOLUTION APPROVING BONDS PURSUANT TO  
SECTION 11-62-1 OF THE CODE OF ALABAMA (1975)**

**WHEREAS**, The Special Care Facilities Financing Authority of the City of Pell City, Alabama, a public corporation organized under the laws of the State of Alabama (the “Issuer”), pursuant to the authority and provisions of Chapter 62 of Title 11 of the Code of Alabama 1975 (the “Enabling Act”), proposes to issue its revenue bonds in an amount not to exceed \$60,000,000 (the “Bonds”) to provide financing for the benefit of Noland Health Services, Inc., a nonprofit corporation organized under the laws of the State of Delaware (the “User”).

**WHEREAS**, the Issuer proposes to use the proceeds of the Bonds to (i) refinance certain outstanding indebtedness on certain health care facilities of the Issuer, including long-term acute care facilities (“LTAC”), skilled nursing facilities (“SNF”), assisted living facilities (“AL”), specialty care assisted living facilities (“SCALF”), independent living apartments (“IL”), extended care centers, community centers, nursing homes and related support facilities, offices, medical services and equipment (collectively, the “Existing Facilities”), and (ii) to finance the costs of acquiring and the costs of reimbursement for certain new facilities and additions, renovations and improvements to, and equipment for, certain health care facilities of the Issuer, including long-term acute care facilities, skilled nursing facilities, assisted living facilities, specialty care assisted living facilities, independent living apartments, extended care centers, community centers, nursing homes and related support facilities, offices, medical services and equipment (collectively, the “New Facilities” and together with the Existing Facilities, the “Bond-Financed Facilities”).

**WHEREAS**, the Bond-Financed Facilities are or will be located throughout the State of Alabama, and a portion of the Bond-Financed Facilities are or will be located in the City of Anniston, Alabama.

**WHEREAS**, the Bond-Financed Facilities located in the City of Anniston, Alabama, are or will be located at the following location(s) (principal use and estimated proceeds of the Bonds to be spent at such location(s) noted in parentheses): (1) Noland Hospital Anniston (LTAC) (\$667,800), 400 East 10<sup>th</sup> Street, 4<sup>th</sup> Floor, Anniston, AL 36207; and (2) Anniston Health and Rehab Services (SNF) (\$17,280,000), 500 Leighton Ave., Anniston, AL 36207.

**WHEREAS**, by agreement with the Issuer, all of the Bond-Financed Facilities will be leased to the User, as the initial manager or operator thereof. The User is expected to sublease portions of the Bond-Financed Facilities to one or more of its wholly owned affiliates.

**WHEREAS**, the Bonds will be limited obligations of the Issuer and will be payable solely from the rentals payable by the User and any other revenues or receipts derived by the Issuer from the Bond-Financed Facilities. The lease agreement between the Issuer and the User will provide for the payment of rentals by the User sufficient to pay debt service on the Bonds when due. The Bonds will be secured under an agreement whereby the Issuer will pledge the rentals and other receipts from the Bond-Financed Facilities for the benefit of the holders of the Bonds. The Bonds will not be general obligations of the Issuer and will not in any way constitute a debt, liability or obligation of the State of Alabama or any political subdivision of the State of Alabama. The Bonds will not be payable from any tax revenues.

**NOW, THEREFORE, BE IT RESOLVED AND ORDERED BY** the City Council of the City of Anniston, Alabama, as follows:

1. That the City Council hereby consents to and approves the issuance of the Bonds for the purposes set forth herein, and that such consent and approval is being given pursuant to, and solely for the purposes of, the provisions of Section 11-62-1 of the Enabling Act.
2. That such consent and approval should not be construed as expressing any view whatsoever as to the financial feasibility of the Bond-Financed Facilities or the adequacy of any security provided for the Bonds.
3. That this Resolution or the consents and approvals set forth herein shall never be taken to impose any liability or obligation of any kind whatsoever upon the City of Anniston, Alabama.

**PASSED AND ADOPTED** this \_\_\_\_\_ day of November, 2016.

CITY COUNCIL OF THE CITY OF  
ANNISTON, ALABAMA

\_\_\_\_\_  
Jack Draper, Mayor

\_\_\_\_\_  
Jay W. Jenkins, Council Member

\_\_\_\_\_  
David E. Reddick, Council Member

\_\_\_\_\_  
Benjamin L. Little, Council Member

\_\_\_\_\_  
Millie Harris, Council Member

ATTEST:

\_\_\_\_\_  
Alan B. Atkinson, City Clerk

# ORDINANCES

**ORDINANCE NO. 16-O-\_\_**

**AN ORDINANCE REPEALING AND REPLACING  
CHAPTER 11 OF THE CODE OF ORDINANCES  
RELATING TO FIRE PREVENTION**

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

Section 1. The City Council hereby repeals Chapter 11 of “The Code of the City of Anniston, Alabama, 1981” and does amend, adopt and restate Chapter 11 of “The Code of the City of Anniston, Alabama, 1981” in its entirety to read as follows:

**Chapter 11 - FIRE PREVENTION AND PROTECTION**

**ARTICLE I. - IN GENERAL**

**Sec. 11.1 - Definitions.**

The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

- (1) *False alarm* means the willful and knowing initiation or transmission of a signal, message or other notification of an event of fire when no such danger exists.
- (2) *Fire alarm* means the giving, signaling or transmission to any public fire station, or company or any officer or employee thereof, whether by telephone, spoken word or otherwise, of information to the effect that there is a fire at or near the place indicated by the person giving, signaling, or transmitting such information.
- (3) *Fire chief* means the chief officer of the fire department serving the jurisdiction or a duly authorized representative.
- (4) *Fire code official* means the fire chief or other designated authority charged with administration and enforcement of the fire prevention code, or a duly authorized representative.
- (5) *Fire department* means a department of the City of Anniston providing rescue, fire suppression, emergency medical care, special operations, and related activities.
- (6) *Fire department connection* means a connection through which the fire department can pump supplemental water into the sprinkler system,

standpipe, or other system furnishing water for fire extinguishment to supplement existing water supplies.

- (7) *Fire hydrant* means a valve connection on a water main for the purpose of supplying water to fire hose or other fire protection apparatus.
- (8) *Fire lane* means a road or other passageway developed to allow the passage of fire apparatus. A fire lane is not necessarily intended for vehicular traffic other than fire apparatus.
- (9) *Fire Marshal* is a designated Fire Code Official as referenced in section 103 of the International Fire Code, 2015 edition.
- (10) *Fire Prevention Code* is currently the International Fire Code, 2015 edition, as referenced in the Chapter 6, Article I, Section 6.1 of the Code of Ordinances. This code is subject to revision every 3-6 years to stay consistent with the State of Alabama. Regardless of the current edition, it will always be listed in the above listed chapter and article.
- (11) The *Fire Prevention Division* is a reference to as the “Fire Prevention Department” in Section 103 of the International Fire Prevention Code, 2015 edition; this is the division within the Fire Department responsible for inspection, code enforcement, investigation and public education; this division’s personnel may include, in addition to the Fire Chief, members that are assigned to Operations.
- (12) *Fire suppression* means the activities involved in controlling and extinguishing fires.
- (13) *Fire watch* means a temporary measure intended to ensure continuous and systematic surveillance of a building or portion thereof by one or more qualified individuals for the purposes of identifying and controlling fire hazards, detecting early signs of unwanted fire, raising an alarm of fire and notifying the fire department.
- (14) *Standard* means a document, the main text of which contains only mandatory provisions using the term "shall" to indicate requirements and which is in a form generally suitable for mandatory reference by another standard or code or adoption into law.

### **Sec. 11.2 - References to Standards.**

Unless stated otherwise, all references in this chapter to technical standards are to such standards as now or hereafter adopted by the city.

### **Sec. 11.3 - Fire Department; Fire Chief.**

- (1) The Fire Department shall exist as a department of the City of Anniston.
- (2) The position of the Fire Chief shall exist within the Fire Department. The Fire Chief shall be the head of the Fire Department.

### **Sec. 11.4 - Responsibilities; Powers; Duties.**

- (a) The Fire Chief shall further be responsible for the following functions and duties:
  - (1) The Fire Chief shall initiate all disciplinary matters, promotions, transfers and other personnel action necessary for the effective operation of the Fire Department subject to the rules and regulations of the Civil Service Board and the City of Anniston's Policies and Procedures Manual.
  - (2) The Fire Chief shall have the authority to draft policy, rules and regulations and other directives for the good of the operation of the Fire Department.
  - (3) The Fire Chief shall make such reports as he deems necessary or as requested by the city manager.
  - (4) The Fire Chief shall discharge such other duties as required of him by ordinance or assigned to him by the city manager.
  - (5) The Fire Chief shall administer the affairs of the Fire Department, which shall include the immediate direction and control of the fire and rescue forces. The Fire Chief is charged with responsibilities for the prevention, control, and suppression of fires, mitigation of hazardous incidents, and the provision of emergency medical and rescue services.
- (b) The responsibilities of the Fire Department shall include, but not be limited to, the activities of fire administration, fire training, fire prevention, firefighting, hydrant installation and maintenance, fire equipment maintenance and operation, emergency medical training and operation, building inspections, building plan review, code enforcement and fire investigation.

### **Sec. 11.5 - Fire Department; Composition, Rules, Appointment, Powers.**

- (a) *Composition.* There shall be such number of positions of firemen within the Fire Department as shall be determined by the city council. There shall be, in addition to the Fire Chief, three (3) assistant chiefs in the Suppression Division, one assistant chief in the Training Division, one assistant chief in the EMS Division, and one assistant chief in the Fire Prevention Division of the Fire Department. The Fire

Department shall be further composed of such other officers, firefighters, firemedics, EMTs and employees as the city manager may determine.

- (b) *Rules.* The Fire Chief shall have immediate direction and control of the Fire Department pursuant to such rules, regulations, and orders as may be prescribed by the city council. The Fire Chief shall promulgate all orders, rules and regulations for the government of the Fire Department.
- (c) *Powers.* The Fire Chief and the Chief's assistants are authorized to exercise the power of police officers while responding to, attending or returning from an emergency call or any incident which could cause harm to the city or its citizens.
- (d) *Certificate of appointment.* The Fire Chief and the Chief's assistants shall have issued to each of them a certificate of appointment signed by the mayor in which the date of appointment shall be stated, and such certificate shall be each such person's commission.

#### **Sec. 11.6 - Fire Prevention Division**

- (a) There shall be a Fire Prevention Division within the Fire Department, which shall enforce the International Fire Prevention Code (IFC), the International Building Code (IBC), and the International Property Maintenance Code, as adopted by the city, subject to the supervision of the Fire Chief.
- (b) The Fire Chief shall appoint a person from the Fire Department to serve as the Fire Marshal, who shall be in charge of the Fire Prevention Division. The position of Fire Marshal shall be a noncompetitive position in the city.
- (c) The Fire Chief may detail members of the Fire Department as assistant fire marshals, inspectors, and fire prevention specialists from time to time as shall be necessary or appropriate for the Fire Prevention Division to fulfill its mission.
- (d) The Fire Prevention Division shall make a report to the Fire Chief on a monthly basis, which shall be transmitted to the city manager and the city council. The Fire Prevention Division shall also compile the monthly reports as an annual report to be submitted at the end of each calendar year. The reports shall contain all proceedings under this article and the fire prevention code along with such statistics as the Fire Chief deems appropriate.

#### **Sec. 11.7 - Arson Investigative Branch.**

- (a) The Fire Chief shall assign one or more members of the Fire Department to the Arson Investigative Branch and said Arson Investigators shall be designated as law enforcement officers as defined by Ala. Code § 11-43-181 (1975), and Rule 1.4, Alabama Rules of Criminal Procedure.

- (b) Arson Investigators shall maintain public order and investigate the commission or suspected commission of offenses related to arson or fire prevention and are hereby authorized to be armed and empowered with the full authority of law enforcement officers to make arrests and to take other such actions as may be legal, proper and necessary for the enforcement of the laws of the city and state.
- (c) Arson Investigators shall meet the minimum standards required of law enforcement officers, including those set forth Ala. Code § 36-21-46 (1975). Arson Investigators shall complete the Alabama Peace Officers Standards and Training Commission (A-POSTC) Law Enforcement Academy and maintain certification as law enforcement officers as required by A-POSTC.

**Sec. 11.8 - Temporary Assignment to the Arson Investigative Branch.**

- (a) The Fire Chief shall assign temporary members to the Arson Investigative Branch from the employees of the Fire Department employees, when necessary or appropriate, to assist with investigations and other related duties of the Fire Prevention Division.
- (b) Temporary members of the Arson Investigative Branch shall carry out all duties in accordance with the Standard Operating Procedures and guidelines of the Arson Investigative Branch and in accordance with Ala. Code § 11-43-210 (1975).

**ARTICLE II. - FIRE PREVENTION CODE**

**DIVISION I. GENERALLY**

**Sec. 11.9 - Purposes.**

The purposes of this chapter are to extinguish and prevent fires and to compel citizens to render assistance to the Fire Department through training and public relations in case of need and to establish, regulate the size, materials and construction of buildings, fences and other structures hereafter erected, and to require the same to be done in such manner as public safety and convenience may require, to remove or require to be removed, any building or structure or addition thereto which by reason of dilapidation, defect of structure or other cause, may have become dangerous to life or property or which may be erected contrary to law, to establish and designate from time to time fire limits within which limits, and to direct that any future buildings within such limits shall be constructed as required in the codes and regulations adopted by the city.

**Sec. 11.10 - Premises to be inspected by Fire Chief.**

The Fire Chief shall inspect or cause to be inspected by Fire Department officers or members, as often as may be necessary, all buildings, premises and public thoroughfares, except the interiors of private dwellings not subject to a landlord/tenant rental agreement

or intended for such occupancy, for the purpose of ascertaining and causing to be corrected any conditions liable to cause fire or any violations of the provisions or intent of any law or ordinance relating to fire hazards. If the Fire Chief or his designee shall find any accumulations of trash, leaves or other combustible matter in alleys or other places that constitute fire hazards, he shall notify the director of public works.

#### **Sec. 11.11 - Modifications of Fire Prevention Code.**

The Fire Chief shall have power to modify any of the provisions of the fire prevention code adopted by the city upon application in writing by the owner or lessee, or duly authorized agent of the owner or lessee, when there are practical difficulties in the way of carrying out the strict letter of the code; provided that the spirit of the code shall be observed, public safety secured, and substantial justice done. The particulars of such modification, when granted or allowed, and the decision of the Fire Chief thereon shall be entered upon the records of the Fire Department and a signed copy shall be furnished to the applicant.

#### **Sec. 11.12 - Investigation of Fires.**

The Fire Marshal's office of the fire department or his assigned investigator shall investigate the cause, origin, and circumstance of every fire occurring in the city which is of suspicious nature or which involves loss of life or injury to persons or by which property has been destroyed or substantially damaged. Such investigations shall begin immediately upon the occurrence of such fire and the Fire Chief shall be immediately notified of the facts identified in the investigation. The Fire Chief shall immediately take charge of the physical evidence and shall notify the proper law enforcement officials and the state fire marshal, if needed.

#### **Sec. 11.13 - Building Permits and Plan Checking.**

Prior to the issuance of any building permit for building construction, building modification, building alteration, etc., a member of the Fire Department and/or the Fire Marshal, as delegated by the Fire Chief, shall review all plans submitted to evaluate the same for fire safety features, such as vertical separation, exits, exit corridors and stairs, combustibility of materials to be used, fire extinguishing apparatus and exit lights, and exit ways and entranceways to and from such property. Single-family residences shall be exempt from this requirement, unless the owner or builder requests a fire department evaluation. Final inspections and a Certificate of Occupancy will be required for all structures, commercial and residential.

#### **Sec. 11.14 - Violation Penalties.**

Persons who violate a provision of this chapter or who fail to comply with any of the requirements thereof, or who shall erect, install, alter, repair, fail to repair, or do work in violation of the approved construction documents or directive of the fire code official, or of a permit or certificate used under provisions of this code, shall be guilty of a misdemeanor, punishable by a fine of not more than five hundred dollars (\$500.00) or by imprisonment of

six (6) months, or both such fine and imprisonment. Each day that any violation of this chapter continues, after due notice has been served, shall constitute a separate offense.

**Sec. 11.15 - Failure to Comply.**

Any person who shall continue any work after having been served with a stop work order, except such work as that person is directed to perform to remove a violation or unsafe condition, shall be liable for fines of not less than fifty dollars (\$50.00) or more than five hundred dollars (\$500.00). Each day that a violation continues, after due notice has been served, shall constitute a separate offense.

**DIVISION II. FIRE SCENE**

**Sec. 11.16 - Threatening to Burn, Damage or Destroy Property.**

It shall be unlawful for any person, knowing the contents thereof, to send, deliver or cause to be received by another, or post on the premises of another, any letter or writing or any verbal message threatening to burn, damage or destroy, conditionally or unconditionally, any house, store, shop, barn, or other building, or any vehicle.

**Sec. 11.17 - Delay by citizens in reporting fires.**

It shall be unlawful for any person to delay immediately reporting any fire or emergency discovered to the Fire Department (911) or the police department so that emergency vehicles may be dispatched.

**Sec. 11.18 - Report of Fire Injury or Death.**

It shall be unlawful for any person to fail to notify or delay the notification to the Fire Chief of a fire injury or death.

**Sec. 11.19 - Certain acts prohibited at or near fires or emergencies.**

It shall be unlawful to commit any of the following acts at the burning of a building or at any other incident, time, and place where any employee of the Fire Department is discharging or attempting to discharge an official duty:

- (1) To possess any flammable, explosive or combustible material or substance, or any device in an arrangement or preparation with intent to willfully and maliciously use such material to set fire to or burn any building or property;
- (2) To possess, manufacture, or dispose of a fire bomb containing a flammable liquid with a flashpoint of 150 degrees Fahrenheit or less having a wick or similar device capable of being ignited, excluding commercial manufactured devices primarily for the purpose of illumination.

## **DIVISION III. FIRE HYDRANTS**

### **11.20 - Installation Requirements.**

All residential subdivisions, commercial developments, shopping centers and apartment developments shall have fire hydrants installed by the developer in accordance with the following requirements:

- (1) Fire hydrant spacing shall be installed according to the fire flow demand as outlined in accordance with the insurance service office grading schedule for municipal fire protection and the requirements of the IFC 2015 edition.
- (2) Fire hydrants shall be of the type recommended by the American Water Works Association (AWWA), National Fire Protection Association (NFPA), Standard 24, and approved by the public water system supplying such hydrants and the city fire department.
- (3) Fire hydrants shall be equipped with not less than one 4½-inch outlet and two 2½-inch outlets with national standard threads. All outlets shall be male, with the direction of the discharge parallel to the street served by the hydrant.
- (4) All fire hydrants shall be connected to and supplied by water mains of not less than six inches in size. The water mains shall meet the specifications established by the American Water Works Association and approved by the public water system supplying the hydrants.
- (5) An approved water supply capable of supplying the required fire flow for fire protection shall be provided to premises upon which facilities, buildings, or portions of building are hereafter constructed or moved into or within the jurisdiction. The approval authority lies with the Fire Department.
- (6) No building permit shall be issued in any area affected by this section for any development that has failed to comply with the terms and conditions of this section. All water mains and fire hydrants shall be installed under pressure, and ready for firefighting use, before any sheathing may be installed on walls and on roofs of any buildings in a development.

### **Sec. 11.21 - Breaking, Defacing, etc.**

It shall be unlawful for any person to break, deface or carry away without lawful authority any part of any fire hydrant.

### **Sec. 11.22 - Unauthorized Tapping.**

It shall be unlawful for any person, except in case of a fire under the direction of the fire department or by direction of some officer or person legally authorized to so direct, to open any fireplug or hydrant and allow the water to escape.

## **DIVISION IV. FIRE LANES**

### **Sec. 11.23 - Creation and Maintenance.**

It shall be the duty of the Fire Department or its authorized representative to create or establish and maintain, at the property owner's expense, such fire lanes as may be required for the protection of commercial properties within the city limits. It shall be unlawful to block or obstruct any designated fire lane when such lane is located on public property or private property dedicated to public use.

## **DIVISION V. FIRE PRECAUTIONS**

### **Sec. 11.24 - Sale, Purchase, Possession, and Explosion of Fireworks and Pyrotechnics.**

(a) *Definitions.* When used in this division, the term "fireworks" or "pyrotechnics" means and includes one or more of the following:

- (1) Sparklers;
- (2) Squibs;
- (3) Rockets;
- (4) Firecrackers;
- (5) Roman candles;
- (6) Fire balloons;
- (7) Signal lights;
- (8) Torpedoes;
- (9) Torpedo caps;
- (10) Railroad and track torpedoes;
- (11) Flashlight compositions;
- (12) Firecrackers of all kinds; or
- (13) Other devices or compositions that are used to obtain visible or audible pyrotechnic displays.

(b) *Possession.* Except as provided in subsection (c) of this section, it shall be unlawful for any person to have in possession, keep, store, use, manufacture, sell, offer for sale, give away, or handle any pyrotechnics within the corporate limits of the city; provided, however, nothing in this section shall be held to apply to articles manufactured for use as signaling devices and used as such in the operation of railroads, boats, or airplanes, or other required emergency purposes; and provided further, nothing in this section shall be held to apply to a normal supply

of flashlight compositions in the hands of photographers or dealers in photographic supplies.

**Sec. 11.25 - Combustible trash to be removed from premises daily; containers for ashes, etc.**

It shall be the duty of the occupant of any building to collect and remove daily to a place convenient for city garbage collection, empty boxes, barrels, rubbish, trash, wastepaper, excelsior or other like combustible materials. No person shall be allowed to place ashes within any building in any box, barrel or other wooden vessel or upon any wooden vessel or floor.

**Sec. 11.26 - Bonfires and Outdoor Rubbish Fires.**

- (a) No person shall kindle or maintain any bonfire or rubbish fire or authorize any such fire to be kindled or maintained without a permit or other proper authorization from the fire department of the city.
- (b) No person shall kindle or maintain any bonfire or rubbish fire or authorize any such fire to be kindled or maintained on any private land or street unless:
  - (1) The location is not less than fifty (50) feet from any structure or lumber or wood yard and adequate provision is made to prevent fire from spreading within fifty (50) feet of any structure or lumber or wood yard; or
  - (2) The fire is contained in an approved waste burner located safely not less than fifteen (15) feet from any structure or lumber or wood yard.
- (c) Bonfires and rubbish fires shall be constantly attended by a competent person until such fire is extinguished. Such person shall have a garden hose connected to the water supply, or other fire extinguishing equipment readily available for use.
- (d) The Fire Department may prohibit any or all bonfires and outdoor rubbish fires when atmospheric conditions or local circumstances make such fires hazardous.

**Sec. 11.27 - Smoke Nuisance.**

No person within the city personally or by agent or employee shall cause or allow smoke or soot to escape or be discharged into the air in such manner or in such quantities as to cause or tend to cause injury, damage or annoyance to other persons or to the public or to endanger the comfort, repose, health or safety of other persons or the public or to cause or tend to cause injury or damage to property or business; provided, that this section shall not apply to the operation of locomotive engines.

### **Sec. 11.28 - Barbeque Grills and Outdoor Cooking.**

Barbeque grills and similar cooking equipment shall not be used or stored on balconies, terraces, or porches of multistory buildings. They shall be used only outside and at a safe distance, not less than ten feet, from the nearest building.

### **Sec. 11.29 - Storage of Explosives and Blasting Agents, Class I Liquids and Liquefied Petroleum Gas Restricted.**

The limits referred to in the fire prevention code in which storage of explosives and blasting agents is prohibited, in which storage of class I liquids in outside aboveground tanks is prohibited, and in which bulk storage of liquefied petroleum gas is restricted, shall be the limits for the same within the city.

### **Sec. 11.30 - False Fire Alarms or Rumors.**

It shall be unlawful for any person to intentionally start any false fire rumor or sound any false alarm at or from any box or other source within the city.

### **Sec. 11.31 - Interfering with Fire Alarm System.**

It shall be unlawful for any person, except for the purpose of turning in a bona fide alarm of fire, to interfere with the fire alarm apparatus in any manner whatsoever or do injury to any box, wire or other property connected therewith.

### **Sec. 11.32 - Routes for Transportation of Explosives and Blasting Agents.**

The routes established for vehicles transporting explosives and blasting agents are hereby established as follows:

- (1) U.S. Highway 431
- (2) AL Highway 202
- (3) AL Highway 21

### **Sec. 11.33 - Routes for Transportation of Hazardous Chemicals, etc.**

The routes established for vehicles transporting hazardous chemicals and other dangerous articles are hereby established as follows:

- (1) U.S. Highway 431
- (2) AL Highway 202
- (3) AL Highway 21

Section 2. If any section, subsection, sentence, clause or phrase of this ordinance, or any code or provision adopted by reference herein, is held or declared to be illegal or unconstitutional, such decision shall not affect the validity of the remaining portions of this ordinance or of the codes adopted by reference herein.

Section 3. Nothing in this ordinance or in the codes adopted herein shall be construed to affect any suit or proceeding pending in any court, or any rights acquired, or liability incurred, or any cause or causes of action acquired, existing, under any act, ordinance, or code repealed herein.

Section 4. This ordinance shall become effective upon its passage and adoption and publication one time in the The Anniston Star, a newspaper of general circulation published in the City of Anniston, Alabama.

PASSED AND ADOPTED this the \_\_\_ day of \_\_\_\_\_, 2016.

CITY COUNCIL OF THE CITY OF  
ANNISTON, ALABAMA

\_\_\_\_\_  
Jack Draper, Mayor

\_\_\_\_\_  
Jay W. Jenkins, Council Member

\_\_\_\_\_  
David E. Reddick, Council Member

\_\_\_\_\_  
Benjamin L. Little, Council Member

\_\_\_\_\_  
Millie Harris, Council Member

ATTEST:

\_\_\_\_\_  
Alan B. Atkinson, City Clerk

**ORDINANCE NO. 16-0-\_\_**

**AN ORDINANCE AMENDING THE TRAFFIC SCHEDULE TO ADD AND REMOVE TRAFFIC LIGHTS AND STOP SIGNS**

WHEREAS, the Council finds that the two-way stop signs on 22<sup>nd</sup> Street at its intersection with Noble Street are due to be removed and replaced with a traffic signal;

WHEREAS, the Council finds that the traffic signal on 21<sup>st</sup> Street at its intersection with Noble Street is due to be removed and replaced with a two-way stop sign;

WHEREAS, the Council finds that a one-way stop sign is due to be added on on 6<sup>th</sup> Street at its intersection with Noble Street;

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

Section 1. The City Council of the City of Anniston, Alabama hereby amends and restates Section 15.54(d), Subsection (14) of "The Code of the City of Anniston, Alabama, 1981" in its entirety to read as follows:

**Sec. 15.54 - Traffic lights, ect., generally.**

No person, while operating a vehicle or as a pedestrian, shall disregard or disobey immediately controlling his movements, given or indicated by a street traffic signal light or sign located at any of the following street intersections within the city:

\* \* \* \*

(d) All roadways beginning with the letter "N" through "P":

\* \* \* \*

(14) Noble Street and 22nd Street.

\* \* \* \*

Section 2. The City Council of the City of Anniston, Alabama hereby amends and restates Section 15.58, Section J of "The Code of the City of Anniston, Alabama, 1981" in its entirety to read as follows:

**Sec. 15.58 - Stop intersections generally.**

When stop signs or signals are erected giving notice thereof, it shall be unlawful for any person driving or operating a vehicle to enter any of the first named streets in such list without first coming to a complete stop before entering such first named street:

\* \* \* \*

Section J. All streets beginning with the letter "N" as follows:

- (1) "N" Street, at its intersection with Quintard Avenue, vehicles approaching from a westerly direction.
- (2) Noble Street, at its west intersection with Pyle Avenue.
- (3) Noble Street, at the west side of its intersection with 3rd Street.
- (4) Noble Street, at its intersection with 5th Street.
- (5) Noble Street, at its intersection with 6th Street.
- (6) Noble Street, at its intersection with 16th Street.
- (7) Noble Street, at its intersection with 19th Street.
- (8) Noble Street, at its intersection with 20th Street.
- (9) Noble Street, at its intersection with 21st Street.
- (10) Noble Street, at its intersection with 24th Street.
- (11) Noble Street, at its intersection with 25th Street.
- (12) Noble Street, at its intersection with 29th Street.
- (13) Noble Street, at its intersection with 30th Street.
- (14) Nocoseka Trail, at its intersection with Eagle Pass Way, vehicles approaching such intersection from the east.
- (15) North Avenue, at its intersection with Moore Avenue, vehicles approaching such intersection from the south.
- (16) North Avenue, at its intersection with 25th Street.

Section 3. This ordinance shall become effective immediately upon its adoption and publication one (1) time in The Anniston Star, a newspaper of general circulation published in the City of Anniston, Alabama, and the City Clerk is hereby ordered and directed to cause a copy of this Ordinance to be published one time in said newspaper.

**PASSED** and **ADOPTED** this \_\_\_ day of November, 2016.

CITY COUNCIL OF THE CITY OF  
ANNISTON, ALABAMA

\_\_\_\_\_  
Jack Draper, Mayor

\_\_\_\_\_  
Jay W. Jenkins, Council Member

\_\_\_\_\_  
David E. Reddick, Council Member

\_\_\_\_\_  
Benjamin L. Little, Council Member

\_\_\_\_\_  
Millie Harris, Council Member

ATTEST:

\_\_\_\_\_  
Alan B. Atkinson, City Clerk

**ORDINANCE NO. 16-O-24**

**AN ORDINANCE ESTABLISHING THE ORDER OF PROCEDURE  
FOR THE MEETINGS OF THE ANNISTON CITY COUNCIL AND  
TO PROVIDE FOR THE ELECTION OF THE VICE MAYOR**

BE IT ORDAINED by the Council of the City of Anniston, Alabama that the order of procedure in all instances for meetings of the Council shall be as follows:

Section 1. The rules of order of procedure set forth herein shall govern deliberations and meetings of the Council of the City of Anniston, Alabama.

Section 2. The Council shall hold regular meetings on the first and third Monday of each month, except that the Council may cancel or reschedule any such regular meeting by appropriate motion when necessary to accommodate a holiday, the absence or unavailability of the Council, or for other compelling reasons as determined by the Council.

Section 3. All regular meetings of the Council shall convene at 5:30 p.m. in the Council Chambers at City Hall, unless an alternative location is set by appropriate motion of the Council.

Section 4. The Council shall convene and conduct work sessions, as it deems necessary and appropriate, to review matters that are expected to come before the Council, to interact with members of the staff on such matters, or for such other reasons the Council finds to be necessary or desirable.

Section 5. All meetings and work sessions of the Council shall be open to the public and advance notice shall be provided in accordance with the requirements set by the Open Meetings Act of the State of Alabama.

Section 6. The Council may meet in Executive Session when authorized by the Open Meetings Act of the State of Alabama.

Section 7. A quorum of the Council for the conduct of its meetings shall exist when three members of the Council are present.

Section 8. The City Manager shall set the agenda for meetings of the Council. Any member of the Council may request that the City Manager include a matter on a meeting agenda. When such a request is made, the City Manager shall present the matter to the Council during a work session and shall include the matter on a meeting agenda when two or more members of the Council request during the work session that it be included on a meeting agenda.

Section 9. The City Manager shall make the completed meeting agenda with all pertinent facts and background information available to the Council in advance of the meeting. When possible, the completed meeting agenda shall be prepared and available to the Council by 3:00 p.m. on the Friday preceding a regular meeting. The City Manager may request that the Council make additions to or deletions from the meeting agenda and such matters shall be added to or deleted from the meeting agenda by a majority vote of a quorum of the Council.

Section 10. Consent Agenda:

- (a) At the work session of the members of the Council held prior to any regular meeting of the Council, any member of the Council may request that a resolution or other matter, other than an ordinance, which is on the agenda for such regular meeting be placed on the consent agenda for the meeting. No resolution or other matter shall be placed on the consent agenda unless it has been discussed by the members of the Council attending the work session.
- (b) Any resolution or other matter which a member of the Council requests be placed on the consent agenda for a meeting shall be placed on the consent agenda unless one or more members of the Council object, which objection may be made either during the work session or during the meeting. If a member of the Council objects, the resolution or other matter shall be withdrawn from the consent agenda and shall be placed on the meeting agenda for discussion. If a member of the audience asks for an explanation of, or information about, a matter on the consent agenda, the Mayor may give a brief explanation of such matter or may direct a member of the city's staff or another member of the Council to give a brief explanation of such matter, but it shall not be withdrawn from the consent agenda.
- (c) The presiding officer shall ask for a motion with respect to the matters on the consent agenda. All matters on the consent agenda shall be considered in the same motion. If a motion to adopt the matters on the consent agenda is made, seconded and approved by a majority of the members of the Council who are present at the meeting, all such matters shall be considered adopted and in full force and effect, just as they would have been had each such matter been considered and voted on separately and approved by a majority of the members of the Council who were present at the meeting.

Section 11. The order of business for meetings of the Council, as set by the meeting agenda, shall be as follows:

1. Invocation
2. Pledge of Allegiance
3. Call to Order

4. Roll Call
5. Reading and Approval of the Minutes of the Previous Meeting
6. Additions to and Deletions from the Agenda
7. Adoption of the Agenda
8. Informal Public Comments
9. Formal Public Comments
10. Public Hearings
11. Unfinished Business
12. Consent Agenda
13. Motions
14. Resolutions
15. Ordinances
16. Additional or Other Matters
17. Council Comments
18. Adjournment

Section 12. No person not a member of the Council shall be allowed to address the same while in session without permission of the presiding officer, except for matters for which a public hearing is required or during that portion of the session designated for public comments. All such persons shall be limited in his/her comments to three minutes. All comments made by the public shall be addressed to the presiding officer.

Section 13. All comments made by members of the Council shall be restricted to the merits of the matter under consideration and shall be addressed to the presiding officer, except during the portion of the meeting agenda assigned to Council Comments. All comments made by members of the Council shall be restricted to three minutes, unless the presiding officer grants exception for good cause.

Section 14. No comments shall be permitted by a member of the Council or by a member of the public that is of a disparaging nature or which would constitute a personal attack on the integrity of any member of the Council or the staff of the City.

Section 15. A motion for adjournment shall always be in order.

Section 16. The rules of the Council may be temporarily suspended by a vote of four of the Council members present.

Section 17. All questions of order shall be decided by the presiding officer of the Council, with the right to appeal to the City Attorney who shall act as Parliamentarian for the procedure of the Council meeting. In the absence of the City Attorney, the City Manager shall act as Parliamentarian.

Section 18. Motions to reconsider must be made by a member of the Council who voted with a majority on the matter to be reconsidered and shall be made at the same or the next succeeding meeting.

Section 19. An ordinance, resolution or other matter that fails to obtain a majority vote for passage may not be re-introduced for a period of at least six months unless at least three members of the Council vote in favor of its re-introduction.

Section 20. No ordinance or resolution of a permanent nature shall be adopted at the meeting at which it is introduced unless unanimous consent of such Council members present to be obtained for the immediate consideration of such ordinance or resolution, such consent shall be by roll call and the vote thereon spread upon the minutes.

Section 21. For any procedure not otherwise specified in this section, Roberts' Rules of Order shall govern.

BE IT FURTHER ORDAINED that the Council hereby elects Millie Harris as the assistant mayor, who shall be referred to as the Vice Mayor, and who shall act as mayor during the absence or disability of the Mayor. In accordance with Ala. Code § 45-8A-23.055, Millie Harris shall hold the office of Vice Mayor until the next Council takes office.

BE IT FURTHER ORDAINED that this ordinance shall take effect upon its adoption and publication as required by law, and upon taking effect, all prior ordinances in conflict herewith shall be repealed.

PASSED AND ADOPTED on this the \_\_\_ day of \_\_\_\_\_, 2016.

COUNCIL OF THE CITY OF  
ANNISTON, ALABAMA

\_\_\_\_\_  
Jack Draper, Mayor

\_\_\_\_\_  
Jay Jenkins, Council Member

\_\_\_\_\_  
David Reddick, Council Member

\_\_\_\_\_  
Ben Little, Council Member

\_\_\_\_\_  
Millie Harris, Council Member

Attest:

\_\_\_\_\_  
Alan B. Atkinson, City Clerk