

CITY OF ANNISTON

March 21, 2023

5:30 P.M.

- INVOCATION
- PLEDGE OF ALLEGIANCE
- CALL TO ORDER
- ROLL CALL
- READING/APPROVAL OF MINUTES OF PREVIOUS MEETING
 - March 7, 2023 Regular meeting
- ADDITIONS/DELETIONS TO THE AGENDA
- ADOPTION OF AGENDA

I. 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) To hear public comments regarding a Lounge Retail Liquor – Class I alcohol license application for Poohs Live Lounge, LLC d/b/a Poohs Live Lounge located at 320 S Quintard inside the corporate city limits
- (b) To hear public comments regarding a Special Retail – More Than 30 Days alcohol license for Anniston Country Club, Inc., d/b/a Anniston Country Club located at 601 Highland Avenue inside the corporate city limits

II. UNFINISHED BUSINESS

III. CONSENT AGENDA

- (a)** Resolution declaring personal property as surplus and authorizing the disposal of said property
- (b)** Motion to approve bid for demolition of eighteen (18) substandard structures to Emtek in the amount of \$157,500.00 with funding from CDBG
- (c)** Motion to approve bid for Citywide Patch Paving Project to Massey Asphalt in the amount of \$166,708.30
- (d)** Motion to approve a Lounge Retail Liquor – Class I License application for Poohs Live Lounge, LLC d/b/a Poohs Live Lounge located at 320 S Quintard Avenue within the city limits
- (e)** Motion to approve Special Retail – More Than 30 Days License application for Anniston Country Club, Inc., d/b/a Anniston Country Club located at 601 Highland Avenue within the city limits

IV. ORDINANCES

- (a)** Amending Chapter 3, Article VIII of the Code of Ordinances Establishing the Downtown Anniston Arts and Entertainment District **1st Reading**

V. ADDITIONAL OR OTHER MATTERS THAT MAY COME BEFORE COUNCIL

VI. PUBLIC COMMENTS

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 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. Members of the general public who would like to address the City Council during the Public Comment portion of the meeting, may do so in accordance with the rules outlined in Ordinance 21-O-22 adopted by the City Council on November 2, 2020 as stated:

Section 12. Members of the public may address the Council or speak on matters of public concern during the period of the meeting agenda reserved for public comments, subject to the following procedures:

(a) No person shall be allowed to speak during public comments unless he or she submits a Request to Speak During Public Comments form to the Office of the City Manager no later than 3:00 P.M. on the Friday before the Council meeting. The request shall identify the speaker by name and residential address and shall specify the date of the meeting in which the speaker desires to offer public comments.

(b) The period for public comments shall be open to the **first ten (10) persons** who submit a timely request to speak during the meeting at hand.

(c) In advance of each meeting, the City Manager shall provide the Council a list of the persons authorized to speak during the period for public comments, not to exceed ten (10) persons, which shall identify the speakers in the order in which their requests were made. The presiding officer shall call on each person from the list. Once recognized, each person shall be provided no more than **three (3) minutes** to complete his or her public comments.

(d) Those persons who make a timely request, after the first ten (10) requests, shall be first on the list of persons authorized to speak during the period for public comments in the next meeting, unless he or she asks to be removed from the list.

Section 13. All comments made by members of the Council shall be restricted to the matter under consideration and shall be addressed to the presiding officer, except during the period of the meeting reserved for Council Comments. All comments made by members of the Council shall be restricted to three (3) 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.

Once the speaker has been recognized to speak, he/she 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 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.

(a) Glen Ray – 3514 Dale Hollow Road

(b) Shawana Hill – 2630 Wilmer Avenue

(c) Richard Jackson – 2317 Noble Street

VII. COUNCIL COMMENTS

ADJOURNMENT

MINUTES

Anniston, Alabama

March 7, 2023

The City Council of the City of Anniston, Alabama, met in Regular Session in Room B at the Anniston City Meeting Center in the City of Anniston, Alabama, on Tuesday, March 7, 2023, at approximately 5:30 o'clock p.m.

Jack Draper, Mayor, prayed the Invocation.

Jack Draper, Mayor, 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 Roberts, Smith, Harris and Draper; absent: Council Member Jenkins. A quorum was present and the meeting opened for the transaction of business.

Bruce Downey, City Attorney, was present.

Steven Folks, City Manager, was present.

Council Member Smith made a motion to waive the reading of and approve the minutes of the February 21, 2023 regular meeting. The motion was seconded by Council Member Roberts and on call of the roll the following vote was recorded: ayes: Council Member Roberts, Smith, Harris and Draper; nays: none. The motion carried and the February 21, 2023 regular meeting minutes were approved.

Mayor Draper 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 Member Roberts, Smith, Harris and Draper; nays: none. The motion carried and the agenda was adopted.

Mayor Draper introduced a presentation from Solutia to the Anniston Fire Department.

Mayor Draper introduced, Julie Borrelli, for an appointment to the McClellan Development Authority Board.

Mayor Draper opened a public hearing to receive public comment on Julie Borrelli being appointed to the McClellan Development Authority. No One Spoke. Mayor Draper closed the public hearing to receive public comment on Julie Borrelli being appointed to the McClellan Development Authority.

Mayor Draper opened a public hearing to receive public comments regarding vacating a portion of 1300 S Quintard Avenue. No One Spoke. Mayor Draper closed the public hearing to receive public comments regarding vacating a portion of 1300 S Quintard Avenue.

Mayor Draper opened a public hearing to receive public comments regarding a Lounge Retail Liquor-Class II (Package) License application for Happy Hour Package Store LLC d/b/a Happy Hour Package Store located at 723 Noble Street inside the corporate city limits. No One Spoke. Mayor Draper closed the public hearing to receive public comments regarding a Lounge Retail Liquor-Class II (Package) License application for Happy Hour Package Store LLC d/b/a Happy Hour Package Store located at 723 Noble Street inside the corporate city limits.

Mayor Draper made a motion to approve the consent agenda:

- (a) Resolution authorizing reimbursements to city officials for expenses incurred while traveling away from the city (23-R-12)
- (b) Resolution to appoint member to the McClellan Development Authority (23-R-13)
- (c) Resolution vacating a portion on 1300 S Quintard Avenue (23-R-14)
- (d) Resolution adopting a Title VI Plan (23-R-15)
- (e) Motion to approve a Lounge Retail Liquor-Class II (Package) License application for Happy Hour Package Store LLC d/b/a Happy Hour Package Store located at 723 Noble Street inside the corporate city limits.
- (f) Motion to a Restaurant Retail Liquor I License application for Iron Tower Services, LLC d/b/a The Doghouse located at 270 Glade Road inside the corporate city limits

The motion was seconded by Council Member Harris and on call of the roll the following vote was recorded: ayes: Council Member Roberts, Smith, Harris and Draper; nays: none. The motion carried and the consent agenda was approved.

Ashley Hodge, 1639 AL Hwy 77, Lincoln, addressed the council on grants for the people at risk of HIV and substance abuse.

Council Member Harris stated that the council got a lot done tonight and everything is positive. She stated that she feels very good in the direction that the city is going.

Council Member Smith gave a shout out to the AAC alumni chapter of Delta Sigma Theta Sorority Inc. for their commitment to social action and for supporting local, state, and federal government.

Council Member Roberts asked everyone to pray for the City of Anniston. He stated that there is a lot going on and a lot of time it is false rumors that put out there. He stated that they will never be where they think they should be but they are headed in the right direction.

Mayor Draper stated that we are all in this together. He thanked Solutia and stated that it is a big deal for the City of Anniston.

There being no further business to come before the council at that time Mayor Draper made a motion that 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 Roberts, Smith, and Harris; nays: none. The motion carried and the meeting was adjourned at approximately 5:43 o'clock p.m.

CONSENT AGENDA

RESOLUTION NO. 23-R-____

A RESOLUTION DECLARING PERSONAL PROPERTY AS SURPLUS AND AUTHORIZING THE DISPOSAL OF SAID PROPERTY

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

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

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

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

Section 2. That Skyler Bass, City Clerk of the City of Anniston, be and she is hereby authorized, directed, and empowered to destroy/dispose of and/or sell said equipment/personal property referenced on Exhibit "A" attached hereto and incorporated herein and to execute title certificates, bills of sale or other documents of conveyance to the purchasers, provided, however, that all sales of equipment/personal property shall be "as is - where is" with no warranties expressed or implied.

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

PASSED AND ADOPTED this the **21st** day of **March, 2023**.

CITY COUNCIL OF THE CITY OF
ANNISTON, ALABAMA

Jack Draper, Mayor

Jay Jenkins, Council Member

Demetric Roberts, Council Member

Ciara Smith, Council Member

Millie Harris, Council Member

ATTEST:

Skyler Bass, City Clerk

EXHIBIT A

SURPLUS EQUIPMENT

The Police Department is requesting the following equipment and vehicles surplus:

- ▲ 2005 Ford F250
VIN #1FTSH20515E007201
Unit #5229
Mileage 118,043
Wrecked and replaced with newer model
- ▲ Dell Optiplex 790 Desktop Computer, Service Tag 288Z5V1 replaced with newer model – (hard drive destroyed per criminal justice information policy)
- ▲ Dell Latitude E6530 laptop computer (S/N: 9KB7JV1) Hard drive destroyed, obsolete equipment
- ▲ Dell Latitude E6520 laptop computer (S/N: CY92CS1) Hard drive destroyed, obsolete equipment
- ▲ Dell Latitude E6440 laptop computer (S/N: 60VRP12) Hard drive destroyed, obsolete equipment
- ▲ Global 5-drawer metal filing cabinet (black) no serial number
- ▲ Global 5-drawer metal filing cabinet (black) no serial number
- ▲ Global 5-drawer metal filing cabinet (off-white) no serial number
- ▲ Unknown make 5-drawer metal filing cabinet (gray) no serial number
- ▲ Unknown make 4-drawer metal filing cabinet (black) no serial number

EXHIBIT B

SURPLUS EQUIPMENT

Public Works is requesting the following equipment to be surplus and traded in on new equipment:

- ▲ John Deere Zero Turn
Model-997ZTR
PIN-1TC997SCVEF090788
- ▲ John Deere Zero Turn
Model-997 DSL 60" SDZ
PIN- 1TC997SBPCT070590
- ▲ Vermeer Tree Spade
VIN-1VRC161PY1005315
- ▲ Danuser Hydraulic Hammer
Model-SM40
Serial-5651

FACT SHEET

SUBJECT: Evaluation of bids for demolition of 18 substandard structures.

FACTS: Funding from CDBG.

VENDORS SUBMITTING BIDS

	Emtek	Bell-It-Out	T and D	Sides Lawn Care
2006 Moore Ave	\$11,500.00	Denied Bid	No Bid Bond Submitted	Not Registered with SAM.GOV
1505 Moore Ave	\$11,000.00			
505 Palmetto Ave	\$4,800.00			
3921 Cross St. N	\$12,000.00			
7 Blue Mountain	\$4,200.00			
119 Boundary	\$10,000.00			
1326 Bancroft	\$13,500.00			
2122 Cobb Ave	\$4,200.00			
712 Smith Ave	\$6,800.00			
207 Lapsley Ave	\$3,800.00			
1025 W. 16 th St.	\$13,500.00			
430 Wilmer Ave	\$18,000.00			
2808 Gurnee Ave	\$7,800.00			
2024 Dooley Ave	\$3,800.00			
2023 Dooley Ave	\$4,400.00			
2220 Noble St.	\$14,000.00			
1801 Bancroft Ave	\$4,200.00			
1812 McKleroy Ave	\$10,000.00			
TOTAL:	\$157,500.00			

RECOMMENDATION:

Emtek should be awarded the bid for each of the properties for a total amount of \$157,500.00.

3/17/2023

FACT SHEET

SUBJECT: Evaluation of bids for City Patch Paving Project

FACTS: This is a General Fund expenditure

VENDORS SUBMITTING BIDS

Massey Asphalt	\$166,708.30
MidSouth Paving	\$280,155.62
Vulcan Materials	\$241,888.00
Wiregrass Construction	\$199,950.00
Woodard Brother's Grading	\$335,140.00

RECOMMENDATION: The bid should be awarded to Massey Asphalt, in the total amount for \$166,708.30.

ORDINANCES

ORDINANCE NUMBER 23-O-__

**AN ORDINANCE AMENDING CHAPTER 3, ARTICLE VIII OF THE
CODE OF ORDINANCES ESTABLISHING THE DOWNTOWN
ANNISTON ARTS AND ENTERTAINMENT DISTRICT**

WHEREAS, effective May 16, 2012, the legislature of the State of Alabama enacted into law Act No. 2012-438, now appearing as Section 28-3A-17.1, Code of Alabama, 1975, as amended, authorizing certain categories of municipalities to create special entertainment districts within which alcoholic beverages may be consumed outside the licensed premises;

WHEREAS, pursuant to Section 28-3A-17.1, the City of Anniston is authorized to establish two (2) entertainment districts within the corporate city limits;

WHEREAS, by Ordinance No. 16-O-21, codified in Chapter 3, Article VIII of the Code of the City of Anniston, 1981, the Council established the Downtown Anniston Arts and Entertainment District (the "District");

WHEREAS, in establishing the District, the Council adopted restrictions beyond those imposed by the authorizing state legislation, to wit: (a) the Council restricted access to only those licensed premises within the District which derived at least 50% of its gross revenues from the sale of food; and (b) the Council prohibited patrons of a district licensee from carrying open containers of alcohol and consuming alcoholic beverages outside the confines of the licensed premises and the licensee's designate franchise area;

WHEREAS, the Council desires to amend the laws of the City governing the District in order to reduce the boundaries of the District, to expand access to all licensed premises within the boundaries of the District, and to allow the patrons of any district licensee to exit the licensed premises with open containers of alcoholic beverages and to consume alcoholic beverages within the confines of the District during the time periods and subject to the restrictions and regulations set forth herein;

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 Section 1 of Ordinance No. 16-O-21, codified in Chapter 3, Article VIII, Sections 3.90 through 3.92 (at the editor's discretion) of the "The Code of the City of Anniston, Alabama, 1981," to state as follows:

ARTICLE VIII. – DOWNTOWN ANNISTON ARTS AND ENTERTAINMENT DISTRICT

Sec. 3.90 – Definitions.

- (a) "District Licensee" shall mean a licensee of the Alabama Alcohol Beverage Control Board which has a valid and current entertainment district permit for a license that

allows the sale of alcoholic beverages for consumption on licensed premises located within the confines of the Downtown Anniston Arts and Entertainment District.

- (b) “District Area” shall mean the public areas within the boundaries of the Downtown Anniston Arts and Entertainment District excluding (i) any streets, avenues, or ways travelled by motor vehicles, except in designated crosswalks, and (ii) any parking lots.
- (c) “District Container” shall mean a recyclable or plastic cup approved by the Main Street Director for use by a District Licensee within the Downtown Anniston Arts and Entertainment District; a District Container cannot hold more than 16 fluid ounces, it must bear the commercially printed name, mark, or logo of the District Licensee and/or the logo of the Downtown Anniston Arts and Entertainment District as designated by the Main Street Director.
- (d) “District Hours” shall mean the hours beginning at 12:00 p.m. and ending at 12:00 a.m. on Thursdays, Fridays, and Saturdays, and the hours beginning at 10:00 a.m. and ending at 4:00 p.m. on Sundays, provided the District Hours may be modified by order of the City Manager, Chief of Police, Fire Chief, or Main Street Director when, in their discretion, the modification is needed for the protection public safety, the promotion of public welfare, or for special events.
- (e) “District License Fee” shall mean the fee paid by a District Licensee in exchange for being granted an entertainment district designation.
- (f) “District Signage” shall mean the distinct signage approved by the Main Street Director and provided by the City to a District Licensee which shall be displayed within the District Licensee’s licensed premises.
- (g) “Franchise Area” shall mean the area of the public sidewalk, right-of-way, parking area or street described in an instrument granting a franchise from the City of Anniston to a District Licensee.
- (h) “Franchise Area Fee” shall mean the fee paid by a District Licensee in exchange for being granted the right to use a Franchise Area in furtherance of a private business or enterprise.

Sec. 3.91 – Designation of District; Entertainment District Permit.

- (a) There is hereby established the Downtown Anniston Arts and Entertainment District, which shall encompass the areas within the following boundary:

Noble Street from its intersection with 9th Street to its intersection with 12th Street; West 10th Street from its intersection with Noble Street to its intersection with Gurnee Avenue; Gurnee Avenue from its intersection with West 10th Street to its intersection with West 11th Street; West 11th Street from its intersection with Gurnee Avenue to its intersection with Moore

Avenue; Moore Avenue from its intersection with West 11th Street to its intersection with West 12th Street and Walnut Avenue; Walnut Avenue from its intersection with Moore Avenue to its intersection with West 13th Street; and West 12th Street from its intersection with Moore Avenue to its intersection with Noble Street.

- (b) A licensee of the Alabama Alcohol Beverage Control Board that holds a valid and current license allowing the licensee to sell alcoholic beverages for on-premises consumption may, upon application to the City and payment of the District License Fee, be granted an entertainment district permit to be afforded the status and privileges of a District Licensee under this Article. The entertainment district permit shall be valid and in effect from the date of issuance through December 31 of the year it was issued. A District Licensee shall renew its entertainment district permit no later than January 1 of each year following the adoption of this ordinance. The District License Fee shall be in the amount set forth in the annual fee schedule adopted by resolution of the Council.
- (c) Subject to the rules, regulations, and restrictions set forth in this Article and any requirements under state law, and notwithstanding any provision of municipal law to the contrary, the patrons, guests, or members of a District Licensee may exit or enter the licensed premises of a District Licensee with alcoholic beverages in a District Container and consume alcoholic beverages from a District Container within the District Area during the District Hours as said days and times are established by this Article or modified by order of an authorized public official.
- (d) A District Licensee shall serve any alcoholic beverages that its patrons, guests, or members carry outside its licensed premises or its designated Franchise Area in a District Container. A District Licensee shall not serve any alcoholic beverages in a District Container except during the District Hours.
- (e) A District Licensee shall affix or securely display the District Signage during its hours of business in a conspicuous location not less than five (5) feet from any entrance used by the District Licensee's patrons, guests, or members to enter or exit the District Licensee's licensed premises.
- (f) A District Licensee shall provide the security measures needed to ensure that the District Licensee and its patrons, guests, and members comply with the requirements of this Article and any rules, regulations, or directives issued under the authority granted by this Article. A District Licensee shall provide adequate lighting in areas within its licensed premises where alcoholic beverages are sold, served, consumed, and carried from its licensed premises. A District Licensee shall ensure that alcoholic beverages are not provided to persons under the legal drinking age. A District Licensee shall provide any security personnel needed to control the sale, service, and consumption of alcoholic beverages, the exit from its licensed premises with open containers of alcoholic beverages, and the entry into its licensed premises with open containers of alcoholic beverages.

- (g) The District Hours shall not be modified for a special event unless scheduled, coordinated, and approved by the City Manager or the Main Street Director at the direction of the City Manager, and all District Licensees shall comply with any rules, regulations, or directives of the City Manager or Main Street Director with respect to any special events within the District Area.

Sec. 3.92 – Prohibited Conduct.

- (a) It shall be unlawful for any person to exit or enter the licensed premises of any licensee of the Alabama Alcoholic Beverage Control Board with an open container of alcoholic beverages unless the premises are licensed to a District Licensee.
- (b) It shall be unlawful for any licensee of the Alabama Alcoholic Beverage Control Board, or its agents or employees, to allow any person to exit or enter the licensed premises with an open container of alcoholic beverages unless the premises are licensed to a District Licensee.
- (c) It shall be unlawful for any person to exit or enter the licensed premises of any District Licensee with an open container of alcoholic beverages at any time other than during the District Hours.
- (d) It shall be unlawful for any District Licensee, or its agents or employees, to allow any person to exit or enter the licensed premises of any District Licensee with an open container of alcoholic beverages at any time other than during the District Hours.
- (e) It shall be unlawful for any person to exit or enter the licensed premises of any District Licensee with alcoholic beverages in any open container other than a District Container provided by the District Licensee to which the premises are licensed.
- (f) It shall be unlawful for any District Licensee, or its agents or employees, to allow any person to exit or enter the licensed premises of any District Licensee with alcoholic beverages in any open container other than a District Container to which the premises are licensed.
- (g) It shall be unlawful for any District Licensee, or its agents or employees, to sell, serve, or dispense alcoholic beverages in an open container provided by any other person or licensee of the Alabama Alcoholic Beverage Control Board.
- (h) It shall be unlawful for any person to consume any alcoholic beverages within the District Area who is in a motor vehicle or who is in any parking lot, parking area, or parking facility.
- (i) It shall be unlawful for any person to exit the District Area with an open container of alcoholic beverages.

- (j) Any person found to have committed an offense made unlawful by this section shall, upon conviction, be punished by a fine not exceeding Five Hundred Dollars (\$500.00) and/or may be imprisoned or sentenced to hard labor for the city for a period not exceeding six (6) months, at the discretion of the court trying the case.
- (k) Any District Licensee found to have committed an offense made unlawful by this section shall, upon conviction, be punished by a fine in the amount of Two Hundred and Fifty Dollars (\$250.00) for the first offense and Five Hundred Dollars (\$500.00) for any subsequent offenses.
- (l) The city manager is authorized to suspend the entertainment district permit granted to a District Licensee for a period of sixty (60) days upon finding that the District Licensee committed a second violation of the requirements and prohibitions of this Article and for a period of six (6) months or the remainder of the license year, whichever is longer, for any additional violations.

Section 2. The City Council of the City of Anniston, Alabama hereby amends and restates Section 3 of Ordinance No. 20-O-11, codified in Chapter 3, Article VIII, Sections 3.94 of the “The Code of the City of Anniston, Alabama, 1981,” to state as follows:

Sec. 3.94 - Sidewalk cafes.

The patrons, guests, or members of a licensee of the Alabama Alcohol Beverage Control Board with a currently valid sidewalk cafe permit, issued in accordance with Chapter 29, Article VII, may exit the main licensed premises with an open container of alcoholic beverages in order to go to and from the sidewalk cafe and may consume alcoholic beverages within the confines of the sidewalk cafe. The licensee may serve, dispense, or sell alcoholic beverages within the sidewalk cafe if permitted by the applicable state laws and the regulations and rules of the Alabama Alcohol Beverage Control Board.

Section 3. This Ordinance shall become effective upon passage, adoption, and publication one time in the Anniston Star, a newspaper of general circulation within the City of Anniston.

PASSED and ADOPTED on this the ____ day of _____, 2023.

CITY COUNCIL OF THE CITY OF
ANNISTON, ALABAMA

Jack Draper, Mayor

Jay W. Jenkins, Council Member

Demetric Roberts, Council Member

Ciara Smith, Council Member

Millie Harris, Council Member

ATTEST:

Skyler Bass, City Clerk