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Anniston, Alabama
February 8, 2011

The City Council of the City of Anniston, Alabama, met in Regular Session in the Council Chamber in the City Hall of the City of Anniston, Alabama, on Tuesday, February 8, 2011, at approximately 3:45 o'clock p.m.

Council Member Little prayed the Invocation.

Council Member Little led the Pledge of Allegiance to the Flag.

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

Don A. Hoyt, City Manager, was present.

Cleo Thomas, City Attorney, was present.

Council Member Dawson made a motion to dispense with the reading of and approve the minutes of January 25, 2011. The motion was seconded by Council Member Palmore; and on call of the roll the following vote was recorded: ayes: Council Members Spain, Palmore, Little, Dawson and Robinson; nays: none. The motion carried.

Mayor Robinson made a motion to delete from the agenda a proposed ordinance establishing the creation of a City department to be known as the Department of Planning and Economic Development, a proposed resolution authorizing an official opinion of the Alabama Attorney General and a proposed motion to adopt a "Policy on the Use of Social Networking Sites by Anniston City Employees". The motion was seconded by Council Member Spain; and on call of the roll the following vote was recorded: ayes: Council Members Spain, Palmore, Little, Dawson and Robinson; nays: none. The motion carried.

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

Council Member Spain introduced and read Ordinance Number 11-O-3 as follows:

ORDINANCE NO. 11-O-3

AN ORDINANCE ESTABLISHING THE SPEED LIMIT ON THE ROADWAY
KNOWN AS IRON MOUNTAIN ROAD, A ROAD HERETOFORE DEDICATED

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AND ACCEPTED BY THE CITY AS A PUBLIC ROAD WITHIN THE FORMER
FORT MCCLELLAN

WHEREAS, Iron Mountain Road, a roadway on or near the former Fort McClellan military installation, has heretofore been dedicated and accepted by the City of Anniston.

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

Section 1. That Chapter 15, Article VI, Section 15.50 (b) of “The Code of the City of Anniston, Alabama 1981” be hereby amended as follows to add Iron Mountain Road thereto as a street having a speed limit of Thirty-five (35) miles per hour, posted with speed limit signs indicating a speed limit of Thirty-five (35) miles per hour Iron Mountain Road.

(b) *Thirty-five (35) miles per hour:*

Baltzell Gate Road, from the fence line approximately 0.1 mile east of the eastern right-of-way of McClellan Boulevard (AL 21) to intersection with Galloway Road/Ossington Avenue.

Castle Avenue, from the intersection with Federal Way to the intersection with Jimmy Parks Boulevard.

Chocolocco Road, between Henry Road and eastern city limits.

Coleman Road, from the southern corporate limits of the city (Southern Railway Systems right-of-way) north to Henry Road.

Coxwell Avenue.

Federal Way, from a point approximately 0.1 mile north of Baltzell Gate Road to the intersection with Galloway Road, except for the periods from 7:30 a.m. to 8:15 a.m. and from 2:30 p.m. to 3:15 p.m. from a point 100 feet southwest of the intersection with Castle Avenue to a point 1400 feet northeast of said intersection while school is in session at the JSU Child Development Center when and where on Federal Way the speed limit shall be fifteen (15) miles per hour.

Goode Road, from intersection with Federal Way to intersection with Seaton Drive.

Goode Road, from intersection with Ranger Avenue approximately 0.08 miles north of the intersection of Seaton Drive to the intersection of Spencer Circle.

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Greenbrier Drive between a point 1,400 feet southeast of Allen Avenue and the point of intersection of Greenbrier Drive with Quintard Avenue.

Henry Road, between its point of intersection with Crestview Road and its point of intersection with Cynthia Crescent.

Hillyer Robinson Parkway.

Iron Mountain Road.

Littlebrant Drive, from intersection with Shipley Road south to the entrance to building 980 (youth services complex), except for the periods from 7:30 a.m. to 8:15 a.m. and from 2:30 p.m. to 3:15 p.m. from a point 500 feet southwest of the intersection with Morton Road to a point 500 feet northeast of said intersection while school is in session at the Sacred Heart Catholic School when and where on Littlebrant Drive the speed limit shall be fifteen (15) miles per hour.

Noble Street, between 4th Street and Cooper's Crossing.

Old Gadsden Highway from its intersection with the west right-of-way line of Noble Street westerly to its intersection with the east right-of-way line of Old Alexandria Road.

Quintard Avenue, from "M" Street north to a point 265 feet north of the north right-of-way line of 28th Street.

Shipley Road, from the intersection with Coxwell Avenue to a point approximately 0.05 miles west of the intersection with Littlebrant Road.

Weaver Road, between its point of joinder with Alabama Highway #21 and its point of intersection with the south corporate limits line of the Town of Weaver, Alabama.

8th Street (State Highway 202) from 1,470 feet west of Noble Street east to Leighton Avenue.

10th Street, from Glenaddie Avenue westerly to the intersection of 10th Street with Clydesdale Avenue.

Section 2. It shall be unlawful for any person to operate a motor vehicle on or upon the aforementioned road at a speed rate in excess of the speed limit declared in the preceding Sections.

Section 3. Any person found to be in violation of this ordinance shall, upon conviction, be guilty of a violation and shall, upon conviction by a court of competent jurisdiction be fined not greater than \$500.00.

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Section 4. That this ordinance shall become effective upon publication in The Anniston Star, a newspaper of general circulation published in the City of Anniston and the clerk is directed to cause a copy of this ordinance to be published one time in said newspaper.

PASSED AND ADOPTED this the 8th day of February, 2011.

CITY COUNCIL OF THE CITY OF
ANNISTON, ALABAMA

By: /s/ Gene Robinson, Mayor

By: /s/ John Spain, Council Member

By: /s/ Herbert N. Palmore, Council Member

By: /s/ Benjamin L. Little, Council Member

By: /s/ David Dawson, Council Member

ATTEST:

/s/ Alan B. Atkinson, City Clerk

Council Member Spain made a motion for the unanimous consent of the Council for the immediate consideration of Ordinance Number 11-O-3 as introduced and read. The motion was seconded by Mayor Robinson; and on call of the roll the following vote was recorded: ayes: Council Members Spain, Palmore, Little, Dawson and Robinson; nays: none. The motion carried. Unanimous consent of the Council having been granted for the immediate consideration of Ordinance Number 11-O-3 as introduced and read, Council Member Spain made a motion for the passage and adoption of Ordinance Number 11-O-3 as introduced and read. The motion was seconded by Mayor Robinson; and on call of the roll the following vote was recorded: ayes: Council Members Spain, Palmore, Little, Dawson and Robinson; nays: none. The motion carried and Ordinance Number 11-O-3 was passed and adopted.

Council Member Spain introduced and read Resolution Number 11-R-13 as follows:

(11-R-13, appointment to Calhoun-Cleburne Mental Health Board)

Council Member Spain made a motion for the passage and adoption of Resolution Number 11-R-13 as introduced and read. The motion was seconded by Mayor Robinson; and on call of the roll the following vote was recorded: ayes: Council Members Spain, Palmore, Little, Dawson and Robinson; nays: none. The motion carried and Resolution Number 11-R-13 was passed and adopted.

Council Member Little introduced and read Resolution Number 11-R-14 as follows:

(11-R-14, declaring certain properties public nuisances)

Council Member Little made a motion for the passage and adoption of Resolution Number 11-R-14 as introduced and read. The motion was seconded by Council Member Spain; and on call of the roll the following vote was recorded: ayes: Council Members

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Spain, Palmore, Little, Dawson and Robinson; nays: none. The motion carried and Resolution Number 11-R-14 was passed and adopted.

Mayor Robinson introduced and read Resolution Number 11-R-15 as follows:

(11-R-15, declaring vehicles or equipment surplus and authorizing the sale thereof)

Mayor Robinson made a motion for the passage and adoption of Resolution Number 11-R-15 as introduced and read. The motion was seconded by Council Member Spain; and on call of the roll the following vote was recorded: ayes: Council Members Spain, Palmore, Little, Dawson and Robinson; nays: none. The motion carried and Resolution Number 11-R-15 was passed and adopted.

Mayor Robinson introduced and read Resolution Number 11-R-16 as follows:

RESOLUTION NUMBER 11-R-16

WHEREAS, the City Council finds a community mural depicting and memorializing the cultural and commercial history of the West 15th Street area to be a desirable element in the local component of the state Civil Rights Heritage Trail; and

WHEREAS, the City Council desires to provide partial funding only when matching funds are committed from some other source(s); and

WHEREAS, completion of the proposed mural is time-sensitive and urgent as related to events scheduled during May, 2011 related to local Civil Rights history; and

WHEREAS, the City Council wishes to participate in the mission of revitalizing the western portion of the area with which the Spirit of Anniston, Inc., a component unit of the City of Anniston and an appropriated organization of the City, is charged with revitalizing. .

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

Section 1. The City of Anniston will within ten days provide \$7,500.00 for partial funding of a mural to be located on West 15th Street & Glen Addie, and as described in the proposed contract attached hereto when documentation of one of the following conditions is submitted to the Finance Director:

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That said ten day period will not begin until the Mural Commission Agreement has a start and end date for the artwork.

The Calhoun County Commission by formal action of the Commission commits \$7,500 in matching funds for the mural or total donations of \$7,500 are received from combined sources for the mural project. No portion of any project funding provided by the City of Anniston shall accrue to the Spirit of Anniston, Inc.

Qualifying funding shall be made payable to the 501(c)(3) organization incorporated as THE SPIRIT OF ANNISTON FOUNDATION and be used solely to pay for the expenses related to the proposed mural contract.

This expenditure shall come from the Economic Development portion of the City's budget.

PASSED AND ADOPTED this the 8th day of February, 2011.

CITY COUNCIL OF THE CITY OF
ANNISTON, ALABAMA

By: /s/ Gene Robinson, Mayor

By: /s/ John Spain, Council Member

By: /s/ Herbert N. Palmore, Council Member

By: /s/ Benjamin L. Little, Council Member

By: /s/ David Dawson, Council Member

ATTEST:

/s/ Alan B. Atkinson, City Clerk

Mayor Robinson made a motion for the passage and adoption of Resolution Number 11-R-16 as introduced and read. The motion was seconded by Council Member Spain.

Council Member Spain asked what ward this mural would be in.

Council Member Little stated the mural would be in Ward 2.

Council Member Spain asked Council Member Palmore if he was in favor of this resolution.

Council Member Palmore stated he was in favor of this resolution. He stated the mural will bring the public to this area where they may shop.

Council Member Little stated he was going to vote for this resolution but he was not sure how much commerce this would bring to the area. He stated he was unclear from the resolution when the City would provide their funding and when the mural would be completed.

Cleo Thomas, City Attorney, stated it was the staff's understanding that the funds would be paid within ten days of one of the contingencies accruing.

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Mayor Robinson stated he thought this mural would bring some economic resource to the City. He stated the mural was symbolic and the freedom riders meant so much to the country whether you were white or black.

Council Member Dawson stated the contract was incomplete because there was not start date or completion date for the artist concerning this project.

Mr. Thomas stated that the start and completion dates were contingent upon this resolution passing because if it did not pass there would be no funding and no start and completion dates.

Council Member Dawson made a motion to amend the resolution to state “that the ten day period will not begin until the Mural Commission Agreement has a start and end date for the artwork.” The motion was seconded by Council Member Little; and on call of the roll the following vote was recorded: ayes: Council Members Spain, Palmore, Little, Dawson and Robinson; nays: none. The motion carried.

Council Member Little thanked Mayor Robinson for his comments concerning the symbolism of the mural. He stated they needed to put some real money into this area to really make a difference.

On call of the roll on Mayor Robinson’s motion for the passage and adoption of Resolution Number 11-R-16 as amended and Council Member Spain’s second to said motion the following vote was recorded: ayes: Council Members Spain, Palmore, Little, Dawson and Robinson; nays: none. The motion carried and Resolution Number 11-R-16 was passed and adopted.

Council Member Spain made a motion to approve a retail beer (off premises only) and retail table wine (off premises only) ABC application for A and D LLC d/b/a A and D Mart located at 5130 McClellan Boulevard. The motion was seconded by Council Member Dawson; and on call of the roll the following vote was recorded: ayes: Council Members Spain, Palmore, and Dawson; nays: none; abstentions: Council Members Little and Robinson The motion carried.

Council Member Dawson made a motion to approve a lounge retail liquor – Class I ABC application for Jokes Notes LLC d/b/a Jokes and Notes located at 1316 Walnut Avenue. The motion was seconded by Council Member Spain; and on call of the roll the following vote was recorded: ayes: Council Members Spain, Palmore, and Dawson; nays: none; abstentions: Council Members Little and Robinson The motion carried.

Council Member Spain made a motion to approve an amendment to an existing Planned Unit Development (PUD) for Auburn University CDRI Kennel Expansion. The motion was seconded by Council Member Dawson.

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Kathy Shell, Goodgame Company, addressed the Council concerning the amendment to an existing Planned Unit Development (PUD) for Auburn University CDRI Kennel Expansion.

Council Member Dawson stated this was essentially just an expansion of the acreage in the original plan.

On call of the roll on Council Member Spain's motion to approve an amendment to an existing Planned Unit Development (PUD) for Auburn University CDRI Kennel Expansion and Council Member Dawson's second to said motion the following vote was recorded: ayes: Council Members Spain, Palmore, Little, Dawson and Robinson; nays: none. The motion carried.

Mayor Robinson made a motion to remove from the table Resolution Number 11-R-5. The motion was seconded by Council Member Dawson; and on call of the roll the following vote was recorded: ayes: Council Members Spain, Palmore, Little, Dawson and Robinson; nays: none. The motion carried.

Mayor Robinson made a motion for the passage and adoption of Resolution Number 11-R-5 as previously introduced and read. The motion was seconded by Council Member Dawson.

Council Member Spain stated he did not have an issue with the appointment but he did have an issue with the number of appointees from Ward 4. He stated he thought there was a previous resolution concerning ward diversity when dealing with board appointments. He asked the City Attorney to bring them up to date on this matter. He asked when this term would expire.

Cleo Thomas, City Attorney, stated this term would expire on May 31, 2011. Council Member Little stated this was an unexpired term for Ward 4. He stated that once the term expires in May the appointment could change again.

Council Member Spain stated he would vote for Ms. King to the unexpired term.

Mayor Robinson stated he was not willing to go with just the unexpired term.

Council Member Dawson made motion to table Resolution Number 11-R-5 as introduced and read. The motion was seconded by Council Member Little; and on call of the roll the following vote was recorded: ayes: Council Members Spain, Palmore, Little, and Robinson; nays: Council Member Dawson. The motion carried.

George Levert, 2108 Henry Road, addressed the Council and thanked Council Member Palmore for his comments concerning policy at the previous meeting. He stated employees should follow the chain of command. He stated other items that he had brought up before the Council had not been taken care of.

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Phillip Royal, 1101 Desoto, addressed the Council and stated he would like to be shown how the mural was going to bring money into the city. He stated the inquiry and the facebook policy were putting Anniston in a very bad light.

Vicky Whitewolf Marsh, 319 Russell Avenue, addressed the Council and stated that no one should have to put up with death threats but if you were in public office you had to expect those types of incidents to occur. She stated she did not think it was fair to penalize the majority of the people for something that the minority was doing.

Janet Odom addressed the Council and stated they should lead by example. She stated they should work toward making the city better and not act childishly.

Council Member Little asked Don Hoyt, City Manager, to contact the Anniston Star concerning the unpaid information invoice. He stated the facebook policy was not about stopping anyone from the public from disagreeing with the Council. He stated they were talking about decorum and keeping things under control in the city. He stated employees should not be able to say whatever they please about employers. He stated they needed to address their sidewalk issues and the laws concerning sidewalks in the city.

Council Member Palmore stated that if people come to see the mural then they might shop in the businesses that already exist on 15th Street.

There being no further business to come before the meeting at that time Council Member Little made a motion the meeting be adjourned. The motion was seconded by Council Member Palmore; and on call of the roll the following vote was recorded: ayes: Council Members Spain, Palmore, Little, Dawson and Robinson; nays: none. The motion carried and the meeting was adjourned at approximately 4:44 o'clock p.m.