

4/12/2011

Anniston, Alabama
April 12, 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, April 12, 2011, at approximately 5:04 o'clock p.m.

Council Member Palmore prayed the Invocation.

Council Member Palmore 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 March 22, 2011. 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 add to the agenda a motion to allow the Ugandan Thunder to use the City Meeting Center for a performance with no charge. 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.

Council Member Dawson made a motion to adopt the agenda as amended. 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.

Mayor Robinson read and presented the following proclamation to the Anniston High School Boys Basketball Team:

(proclamation)

Mayor Robinson read the following proclamation:

(Week of the Young Child)

Mayor Robinson read the following proclamation:

4/12/2011

(National Donate Life Month)

Mayor Robinson read the following proclamation:

(Autism Awareness Month)

Mayor Robinson announced that was the time for the public hearing to receive comments as to why debris declared public nuisances should not be ordered abated at the following locations: 1419 East 11th Street, 0 Alexander Road and 6217 Spruce Drive; declared the hearing open and asked if anyone wished to address the Council concerning why said debris declared public nuisances should not be ordered abated.

Brian Deassis addressed the Council concerning the debris located at 0 Alexander Road and stated he needed a little more time to clean up this debris.

Mayor Robinson asked if anyone else wished to address the Council concerning why said debris declared public nuisances should not be ordered abated.

No one else addressed the Council concerning why said debris declared public nuisances should not be ordered abated.

Mayor Robinson declared the public hearing to receive comments as to why debris declared public nuisances should not be ordered abated at the following locations: 1419 East 11th Street, 0 Alexander Road and 6217 Spruce Drive closed.

Mayor Robinson announced that was the time for the public hearing on the proposed revocation of the business license for Coyote Mike's Bar and Grill, declared the hearing open and asked if anyone wished to address the Council either in favor of or in opposition to said proposed revocation of the business license for Coyote Mike's Bar and Grill.

Tom Harmon, attorney, of Coyote Mike's Bar and Grill, addressed the Council in opposition to said proposed revocation of the business license for Coyote Mike's Bar and Grill. He stated they had been before the Council four times and nothing had changed since the last time they were here and there had been no noise complaints.

Elbert Best, manager, of Coyote Mike's Bar and Grill, addressed the Council in opposition to said proposed revocation of the business license for Coyote Mike's Bar and Grill. He stated this was getting to the point of harassment.

Opal Scruggs addressed the Council in favor of said proposed revocation of the business license for Coyote Mike's Bar and Grill.

David Baker, 1116 West 17th Street, addressed the Council in opposition to said proposed revocation of the business license for Coyote Mike's Bar and Grill.

4/12/2011

Mayor Robinson asked if anyone else wished to address the Council either in favor of or in opposition to said proposed revocation of the business license for Coyote Mike's Bar and Grill.

No one else addressed the Council either in favor of or in opposition to said proposed revocation of the business license for Coyote Mike's Bar and Grill.

Mayor Robinson declared the public hearing on the proposed revocation of the business license for Coyote Mike's Bar and Grill closed.

Council Member Little made a motion to revoke the business license of The Office LLC d/b/a Coyote Mike's Bar and Grill. The motion was seconded by Council Member Spain.

Council Member Dawson stated that at the last Council meeting Mr. Thomas advised him that he had a conflict of interest in this matter and Council Member Dawson asked him to get an opinion concerning said conflict.

Cleo Thomas, City Attorney, stated that he was somewhat uncertain of the facts. He stated he formulated a question for the Alabama Ethics Commission and it had been his preference that the person with the possible conflict formulate that question so they could state specifically what the facts were. He stated he wrote the general counsel of the ethics commission and presented the following facts: that there was a Council Member who had a lawyer and business partner who was representing individuals who had a complaint about operating a business that was a nuisance and he also gave the specific fact that the Council Member and/or his family owned property in the area and one of the complaining citizens about the nuisance is a tenant in that property. He stated the advisory opinion he got back from the general counsel of the ethics commission was if the Council Member was a landlord for one of the complaining citizens then in that event not only did he have a conflict which should prohibit him from voting but it was also the counsel's opinion that he should not participate in the deliberations. He stated he presented the best facts as he knew them.

Council Member Dawson stated he would write to the ethics commission concerning this potential conflict.

Council Member Dawson made a motion to table the motion to revoke the business license of The Office LLC d/b/a Coyote Mike's Bar and Grill.

The motion received no second.

Council Member Spain asked Don Hoyt, City Manager, that every item of information on the original application by Coyote Mike's Bar and Grill be verified and especially with respect to the proximity of churches and residences to the said place of business.

Mayor Robinson stated that Council Member Spain's comments should be stricken from the minutes and directed Don Hoyt, City Manager, to ignore those last instructions.

4/12/2011

Council Member Little stated he wanted this license revoked for legal reasons. He stated these people should not suffer through the noise that they do.

Council Member Little made a motion to table his motion to revoke the business license of The Office LLC d/b/a Coyote Mike's Bar and Grill for two weeks until Council Member Dawson could get his answer and so they could answer Council Member Spain's questions. The motion was seconded by Council Member Spain; and on call of the roll the following vote was recorded: ayes: Council Members Spain, Little, and Dawson; nays: Council Members Palmore and Robinson. The motion carried.

Council Member Dawson introduced and read Ordinance Number 11-O-7 as follows:

(11-O-7, creating and designating the Tyler Hill Historic District)

Mayor Robinson introduced and read Resolution Number 11-R-29 as follows:

(11-R-29, travel reimbursement)

Mayor Robinson made a motion for the passage and adoption of Resolution Number 11-R-29 as introduced and read. 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 Resolution Number 11-R-29 was passed and adopted.

Council Member Palmore introduced and read Resolution Number 11-R-30 as follows:

(11-R-30, abating debris located on certain properties declared public nuisances)

Council Member Palmore made a motion for the passage and adoption of Resolution Number 11-R-30 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-30 was passed and adopted.

Council Member Little introduced and read Resolution Number 11-R-31 as follows:

(11-R-31, submission of grant application under the ESG Program)

Council Member Little made a motion for the passage and adoption of Resolution Number 11-R-31 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-31 was passed and adopted.

Council Member Dawson introduced and read Resolution Number 11-R-32 as follows:

4/12/2011

(11-R-32, declaring vehicles surplus and authorizing their sale)

Council Member Dawson made a motion for the passage and adoption of Resolution Number 11-R-32 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-32 was passed and adopted.

Council Member Spain introduced and read Resolution Number 11-R-33 as follows:

(11-R-33, declaring property surplus and authorizing its sale)

Council Member Spain made a motion for the passage and adoption of Resolution Number 11-R-33 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-33 was passed and adopted.

Council Member Palmore introduced and read Resolution Number 11-R-34 as follows:

(11-R-34, contract for professional auctioneering services)

Council Member Palmore made a motion for the passage and adoption of Resolution Number 11-R-34 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-34 was passed and adopted.

Council Member Little introduced and read Resolution Number 11-R-35 as follows:

(11-R-35, approving participation in the State of Alabama Sales Tax Holiday for 2011)

Council Member Little made a motion for the passage and adoption of Resolution Number 11-R-35 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-35 was passed and adopted.

Mayor Robinson announced that was the time for the public hearing on an application for a Lounge Retail Liquor – Class I ABC license for Audrey A. Hamby d/b/a Woo Woo's Tiki Bar located at 3805 Alabama Highway 202 within the police jurisdiction, declared the hearing open and asked if anyone wished to address the Council either in favor of or in opposition to said application for a Lounge Retail Liquor – Class I ABC license for Audrey A. Hamby d/b/a Woo Woo's Tiki Bar located at 3805 Alabama Highway 202 within the police jurisdiction.

4/12/2011

David Baker, 1116 West 17th Street, addressed the Council in favor of said application for a Lounge Retail Liquor – Class I ABC license for Audrey A. Hamby d/b/a Woo Woo's Tiki Bar located at 3805 Alabama Highway 202 within the police jurisdiction.

Jean Burton, 900 Highland Avenue, addressed the Council concerning said application for a Lounge Retail Liquor – Class I ABC license for Audrey A. Hamby d/b/a Woo Woo's Tiki Bar located at 3805 Alabama Highway 202 within the police jurisdiction.

Audrey Hamby the Council in favor of said application for a Lounge Retail Liquor – Class I ABC license for Audrey A. Hamby d/b/a Woo Woo's Tiki Bar located at 3805 Alabama Highway 202 within the police jurisdiction. She the nearest residence was 2/10 of a mile away.

Council Member Spain asked Don Hoyt, City Manager, if all the information on this application had been verified and validated and was he absolutely sure of its accuracy.

Don Hoyt, City Manager, stated he was not personally sure of its accuracy. He stated the application had gone through the normal process.

Council Member Spain stated he wanted someone to certify that the application information was absolutely accurate and that it had been verified and validated. He stated he would withdraw his support until this information could be validated. He stated he would re-support this application once this information had been verified.

Council Member Palmore asked Ms. Hamby if this delay would cause her any problems.

Ms. Hamby stated she was just waiting on the liquor license.

Mayor Robinson asked if anyone else wished to address the Council either in favor of or in opposition to said application for a Lounge Retail Liquor – Class I ABC license for Audrey A. Hamby d/b/a Woo Woo's Tiki Bar located at 3805 Alabama Highway 202 within the police jurisdiction.

No one else addressed the Council either in favor of or in opposition to said application for a Lounge Retail Liquor – Class I ABC license for Audrey A. Hamby d/b/a Woo Woo's Tiki Bar located at 3805 Alabama Highway 202 within the police jurisdiction.

Mayor Robinson declared the public hearing on an application for a Lounge Retail Liquor – Class I ABC license for Audrey A. Hamby d/b/a Woo Woo's Tiki Bar located at 3805 Alabama Highway 202 within the police jurisdiction closed.

Council Member Spain made a motion to table any proposed motion for a Lounge Retail Liquor – Class I ABC license for Audrey A. Hamby d/b/a Woo Woo's Tiki Bar located at 3805 Alabama Highway 202 within the police jurisdiction. The motion was seconded by Council Member Little; and on call of the roll the following vote was recorded: ayes: Council Members Spain, Little, and Dawson; nays: Council Members Palmore and Robinson. The motion carried.

4/12/2011

Mayor Robinson made a motion to approve the street closure for Autism Society of Alabama Fundraising Walk and Family Activities in Zinn Park. 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.

Council Member Spain made a motion to approve an amendment to the Noble Park Planned Unit Development (PUD) as recommended by the Anniston City Planning Commission. 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 made a motion to approve the placement of a luggage cart at the Multi-Modal Facility. 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.

Council Member Little made a motion to approve the transcribed minutes of the March 22, 2011 Council Meeting to be sent to the Calhoun County District Attorney's office. The motion was seconded by Council Member Spain.

Council Member Little made a motion to table his motion to approve the transcribed minutes of the March 22, 2011 Council Meeting to be sent to the Calhoun County District Attorney's office. 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.

Council Member Little made a motion to hire an attorney to file suit against Representative Randy Woods Anti-Inquiry bill. The motion was seconded by Council Member Palmore.

Council Member Little made a motion to amend his motion to hire an attorney to file suit against Representative Randy Woods Anti-Inquiry bill to state to hire an attorney to explore and report to Council their legal options concerning Representative Randy Woods Anti-Inquiry bill. 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, and Dawson; nays: Mayor Robinson. The motion carried.

Cleo Thomas, City Attorney, stated the Council might want to explore their options concerning the constitutionality of Representative Randy Woods Anti-Inquiry bill.

On call of the roll on Council Member Little's motion to hire an attorney to file suit against Representative Randy Woods Anti-Inquiry bill as amended to state to hire an attorney to explore and report to Council their legal options concerning Representative Randy Woods Anti-Inquiry bill and Council Member Palmore's second to said motion the following vote was recorded: ayes: Council Members Spain, Palmore, Little, and Dawson; nays: Mayor Robinson. The motion carried.

4/12/2011

Mayor Robinson made a motion to approve a request for \$3,000.00 from Cheaha Dance Alliance to produce "A Time to Heal" an evening of performance art during Civil Rights Week in Anniston.

The motion received no second.

Council Member Spain made a motion to approve an expenditure for the City Council to host the Student Freedom Riders for dinner and a light breakfast at the Classic Restaurant on May 11th and 12th with costs not to exceed \$2,000.00. 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.

Council Member Spain made a motion to designate Council Member Little as the voting delegate for the Alabama League of Municipalities Conference in Huntsville. 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, and Dawson; nays: none; abstentions: Mayor Robinson. The motion carried.

Council Member Dawson made a motion to order appropriate actions to remedy non-conformance to a required planned development at 1699 Golden Springs Road. The motion was seconded by Council Member Little.

Council Member Palmore asked for this motion to be explained,

Toby Bennington, City Planner, stated that in this particular case this has been a zoning non-conformity that has been going on for over a year now. He stated he did not want to go into detail since this matter could well end up in litigation.

Council Member Palmore made a motion to table Council Member Dawson's motion to order appropriate actions to remedy non-conformance to a required planned development at 1699 Golden Springs Road.

The motion received no second.

On call of the roll on Council Member Dawson's motion to order appropriate actions to remedy non-conformance to a required planned development at 1699 Golden Springs Road and Council Member Little's second to said motion the following vote was recorded: ayes: Council Members Spain, Little, Dawson and Robinson; nays: none; abstentions: Council Member Palmore. The motion carried.

Mayor Robinson made a motion that the use of the City Meeting Center be approved for the Ugandan Thunder Choir for the Good Choices Program sponsored by the Anniston Parks and Recreation Department and as a Parks and Recreation Department activity that there be no charge. 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.

4/12/2011

Alan Atkinson, City Clerk, advised that copies of the following Bid Fact Sheet had been given to the Council:

(Lease/purchase of one backhoe for PARD)

Mayor Robinson made a motion that the bid in the total amount of \$796.03 per month for 60 months with an option at the end of the lease at \$26,500.00 by Thompson Tractor Company for the lease/purchase of one backhoe for the Parks and Recreation Department be accepted. 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 stated that Dr. Gregory, Anniston High School, had sent the Council a letter for a request concerning an event that students from the high school would be attending.

Dr. Gregory stated he had dropped the letters off at City Hall with the receptionist. He stated they were going to be hosting an event entitled Men in Black on the Right Track.

Don Hoyt, City Manager, stated he was not familiar with the letter.

Council Member Spain made a motion to suspend the rules. The motion was seconded by Council Member Little; and on call of the roll the following vote was recorded: ayes: Council Members Spain, Palmore and Little; nays: Council Members Dawson and Robinson. The motion failed.

David Baker addressed the Council on behalf of the Easy Riders and stated they were having a problem with one of the Council Members. He stated they wanted to be treated fairly.

Reverend Randy Kelly addressed the Council on behalf of the Easy Riders and stated they do a lot of charitable work in the community. He stated there seemed to be a break down in communication between the Easy Riders and the Council.

Larry Williams, 1417 Crawford Avenue, addressed the Council on behalf of the Easy Riders and stated they had done everything correctly to get their road block permit.

Angela Gohston addressed the Council on behalf of the Easy Riders and stated they were regular citizens in the community.

Elbert Best addressed the Council on behalf of the Easy Riders and stated they had submitted their application over a month in advance to block an alley and were denied but Noble Street could be blocked for the bike races.

Johnny Bird, 804 Champaign Avenue, addressed the Council concerning the behavior and actions of the Council and the fact that the item for the high school students had not been addressed on that day.

4/12/2011

Betty Gunnells, 271 Bel Air Road, addressed the Council and stated they should have acted on item for the high school students. She stated the Anniston City School system needed to be supported.

Arthur Cunningham, 1121 Wynn Court, addressed the Council and stated he was disappointed that the Council had not provided their support to the high school students.

Tabitha Best addressed the Council concerning their behavior.

(Mayor Robinson left the meeting at approximately 7:03 p.m.)

Council Member Spain made a motion to reconsider the motion to suspend the rules. The motion was seconded by Council Member Little.

Council Member Palmore stated he was very disappointed. He stated he wanted to hear the motion for the school before they had to be shamed into considering it. He stated they needed to be setting an example for the young people.

Council Member Dawson stated that when you realize you are wrong you should be able to fix it and admit your mistake.

Council Member Spain stated he hoped they could make amends for their earlier inaction.

Don Hoyt, City Manager, stated he had the letter now and they were asking for funds to purchase T-shirts for participants in an event to occur on the 21st called Men in Black and On the Right Track. He stated the cost should be \$1,900.00.

On call of the roll on Council Member Spain's motion to reconsider the motion to suspend the rules and Council Member Little's second to said motion the following vote was recorded: ayes: Council Members Spain, Palmore, Little and Dawson; nays: none; absent: Mayor Robinson. The motion carried.

Council Member Little made a motion to add to the agenda a motion to support the Anniston High School annual male mentoring conference by funding \$1,900.00 for the purchase of T-shirts. 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 and Dawson; nays: none; absent: Mayor Robinson. The motion carried.

Council Member Palmore made a motion to support the Anniston High School annual male mentoring conference by funding \$1,900.00 for the purchase of T-shirts. The motion was seconded by Council Member Little.

Council Member Dawson stated he would like to table this motion and raise these funds himself.

Council Member Dawson made a motion to table the motion to support the Anniston High School annual male mentoring conference by funding \$1,900.00 for the purchase of T-shirts.

4/12/2011

There was no second to the motion.

On call of the roll on Council Member Palmore's motion to support the Anniston High School annual male mentoring conference by funding \$1,900.00 for the purchase of T-shirts and Council Member Little's second to said motion the following vote was recorded: ayes: Council Members Spain, Palmore, Little and Dawson; nays: none; absent: Mayor Robinson. The motion carried.

Sandra Walker, 28 Old Coach Road, addressed the Council and stated the City also should give an apology to Dr. Gregory, the students and Anniston High School.

Council Member Spain stated he felt it would be appropriate to write a letter to the school and inform them of this decision that day and also to offer an apology.

The Council Members present consented to Council Member Spain's suggestion.

Council Member Palmore stated they were supposed to be examples for young people. He stated they should not try to fool the young people. He stated they needed to give money to the vocational school.

Council Member Little stated for the most part this Council votes unanimously together. He stated sometimes they have to debate issues and disagree. He stated he knew many of the Easy Riders but there was a citizen at the alley who did not want the alley blocked. He stated he would do what he could to accommodate the East Riders when possible.

Council Member Spain stated he was thankful that the Council could reconsider the issue for the high school students. He stated he supported the people who did not know how to deal with the noise in their neighborhood.

There being no further business to come before the meeting at that time Council Member Dawson made a motion the meeting be adjourned. 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 Dawson; nays: none; absent: Mayor Robinson. The motion carried and the meeting was adjourned at approximately 7:29 o'clock p.m.