

8/14/2012

Anniston, Alabama  
August 14, 2012

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, August 14, 2012, at approximately 6:20 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 Jenkins, Palmore, Little, Dunn 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 Little made a motion to dispense with the reading of and approve the minutes of July 24, 2012. The motion was seconded by Council Member Palmore; and on call of the roll the following vote was recorded: ayes: Council Members Jenkins, Palmore, Little, Dunn and Robinson; nays: none. The motion carried.

Mayor Robinson made a motion to add to the agenda a resolution expressing condolences to the family of Calhoun County Commissioner James "Pappy" Dunn. The motion was seconded by Council Member Palmore; and on call of the roll the following vote was recorded: ayes: Council Members Jenkins, Palmore, Little, Dunn and Robinson; nays: none. The motion carried.

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

Council Member Palmore made a motion to remove from the table Resolution Number 12-R-192, a resolution asking the Civil Service Board to revise Section 2 (b) 5 of Chapter VIII of its Rules and Regulations in order to allow the City to recruit its highest ranking officer from outside of the department's current ranks. The motion was seconded by Council Member Little; and on call of the roll the following vote was recorded: ayes: Council Members Palmore, Little, and Dunn; nays: Council Members Jenkins and Robinson. The motion carried.

Council Member Jenkins stated that he did not have any real problem with the opportunity to hire from the outside but he did feel the language in the resolution was incomplete as he stated at the last meeting and nothing had been done to change that language.

8/14/2012

Mayor Robinson stated this resolution would take away incentive for young firemen to work their way up to the position of Fire Chief. He stated they did not need to fix something that was not broken. He stated this could change their insurance fire rating.

Council Member Palmore stated that someone coming in from the outside would not mean that major changes would take place and they could actually improve things. He stated the resolution stated they could also hire from within.

Council Member Dunn stated he was not against hiring from within but they should also be able to open this process up to the outside.

On call of the roll on Council Member Palmore's motion for the passage and adoption of Resolution Number 12-R-192 as introduced and read and Council Member Little's second to said motion the following vote was recorded: ayes: Council Members Palmore, Little, and Dunn; nays: Council Members Jenkins and Robinson. The motion carried and Resolution Number 12-R-192 was passed and adopted.

(Council Member Little left the meeting at approximately 6:36 o'clock p.m.)

The Council recognized local youth for their work in the Good Choices Program.

Mayor Robinson announced that was the time for the public hearing to consider the cost of abating certain public nuisances at the following locations: 1612 Pine Avenue, 612 & 624 West 14<sup>th</sup> Street, 1424, 1406, 1401, 1530, 1619, 1621, & 1625 Mulberry Avenue, 0 West 16<sup>th</sup> Street, 1617 & 1619 Pine Avenue, 1818, 1810, & 1909 Cooper Avenue, 2100, 2102, 2114, 2115, 2215 & 2119 Cobb Avenue, 2012, 1536, & 1522 Moore Avenue, 211 & 213 South Allen Avenue, 2522 & 2625 Walnut Avenue, 2730, 2701, 2207 McCoy Avenue, 1526 Moore Avenue, 2300, 2012, 2216, 2304, & 2415 Gurnee Avenue, 19 West 24<sup>th</sup> Street, 923 & 927 West 14<sup>th</sup> Street, 19 West 25<sup>th</sup> Street, 1121, 1006, 1004 (rear), and 1004 Clydesdale Avenue, 1224 Lumber Street, 1710, 1704, 1706, and 0 West 13<sup>th</sup> Street, 0 West 11<sup>th</sup> Street, 116, 1108 & 1109 West 19<sup>th</sup> Street, 1729 West 11<sup>th</sup> Street, 1427 Bancroft Avenue, 0 West 19<sup>th</sup> & Stephens Avenue, 1112 & 1115 West 19<sup>th</sup> Street, 906 & 908 West 19<sup>th</sup> Street, 1808 Brown Avenue, 0 South Smith Street, 630 South Smith Street, 926 Glenaddie Avenue, 0 South Christine Avenue, 1411 Pine Avenue, 1407, 1411, 1518, 1526, 900, & 0 Glenaddie Avenue, 0 West 16<sup>th</sup> Street, 515 West 11 ½ Street, 0 H Street, 518, 520, & 0 Letchers Quarters, 1208 Pine Avenue, 0 West 19<sup>th</sup> Street, 514 & 512 West 10<sup>th</sup> Street, 1300 Walnut Avenue, 615 South Smith Street, 0 Smith Avenue, 600 G Street, 523 & 521 South Smith Street, 0 Bancroft Avenue, 1711 West 13<sup>th</sup> Street, 1826 Cobb Avenue, 2201 & 2227 Moore Avenue, 1438 & 1432 Bancroft Avenue, 1501, 1502, 1504, & 1507 Bancroft Avenue, 1841 West 15<sup>th</sup> Street, 1840 West 16<sup>th</sup> Street, 1830 Bancroft Avenue, 1809 & 1815 Cobb Avenue, 0 Cobb Avenue, and 1817-1821 Cobb Avenue; declared the hearing open and asked if anyone wished to address the Council concerning the cost of abating said public nuisances.

No one addressed the Council concerning the cost of abating said public nuisances.

8/14/2012

Mayor Robinson declared the public hearing to consider the cost of abating certain public nuisances at the following locations: 1612 Pine Avenue, 612 & 624 West 14<sup>th</sup> Street, 1424, 1406, 1401, 1530, 1619, 1621, & 1625 Mulberry Avenue, 0 West 16<sup>th</sup> Street, 1617 & 1619 Pine Avenue, 1818, 1810, & 1909 Cooper Avenue, 2100, 2102, 2114, 2115, 2215 & 2119 Cobb Avenue, 2012, 1536, & 1522 Moore Avenue, 211 & 213 South Allen Avenue, 2522 & 2625 Walnut Avenue, 2730, 2701, 2207 McCoy Avenue, 1526 Moore Avenue, 2300, 2012, 2216, 2304, & 2415 Gurnee Avenue, 19 West 24<sup>th</sup> Street, 923 & 927 West 14<sup>th</sup> Street, 19 West 25<sup>th</sup> Street, 1121, 1006, 1004 (rear), and 1004 Clydesdale Avenue, 1224 Lumber Street, 1710, 1704, 1706, and 0 West 13<sup>th</sup> Street, 0 West 11<sup>th</sup> Street, 116, 1108 & 1109 West 19<sup>th</sup> Street, 1729 West 11<sup>th</sup> Street, 1427 Bancroft Avenue, 0 West 19<sup>th</sup> & Stephens Avenue, 1112 & 1115 West 19<sup>th</sup> Street, 906 & 908 West 19<sup>th</sup> Street, 1808 Brown Avenue, 0 South Smith Street, 630 South Smith Street, 926 Glenaddie Avenue, 0 South Christine Avenue, 1411 Pine Avenue, 1407, 1411, 1518, 1526, 900, & 0 Glenaddie Avenue, 0 West 16<sup>th</sup> Street, 515 West 11 ½ Street, 0 H Street, 518, 520, & 0 Letchers Quarters, 1208 Pine Avenue, 0 West 19<sup>th</sup> Street, 514 & 512 West 10<sup>th</sup> Street, 1300 Walnut Avenue, 615 South Smith Street, 0 Smith Avenue, 600 G Street, 523 & 521 South Smith Street, 0 Bancroft Avenue, 1711 West 13<sup>th</sup> Street, 1826 Cobb Avenue, 2201 & 2227 Moore Avenue, 1438 & 1432 Bancroft Avenue, 1501, 1502, 1504, & 1507 Bancroft Avenue, 1841 West 15<sup>th</sup> Street, 1840 West 16<sup>th</sup> Street, 1830 Bancroft Avenue, 1809 & 1815 Cobb Avenue, 0 Cobb Avenue, and 1817-1821 Cobb Avenue; closed.

Council Member Jenkins introduced and read Ordinance Number 12-O-14 as follows:

(12-O-14, establishing the offense of driving while distracted, setting the punishment for the same and other matters with respect thereto)

Council Member Palmore introduced and read Resolution Number 12-R-319 as follows:

(12-R-319, expressing condolences upon the death of Calhoun County Commissioner James A. "Pappy" Dunn)

Council Member Palmore made a motion for the passage and adoption of Resolution Number 12-R-319 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 Jenkins, Palmore, Dunn and Robinson; nays: none; absent: Council Member Little. The motion carried and Resolution Number 12-R-319 was passed and adopted.

Council Member Dunn introduced and read Resolution Number 12-R-320 as follows:

(12-R-320, approving the application for a tax abatement for Changer and Dresser Corp.)

Council Member Dunn made a motion for the passage and adoption of Resolution Number 12-R-320 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 Jenkins, Palmore, Dunn and Robinson; nays: none; absent: Council Member Little. The motion carried and Resolution Number 12-R-320 was passed and adopted.

8/14/2012

Mayor Robinson made a motion for the unanimous consent of the Council to introduce and read by title Resolutions Numbered 12-R-193 to 12-R-318, all inclusive. The motion was seconded by Council Member Jenkins.

Mayor Robinson asked if anyone wished to address the Council either in favor of or in opposition to the introduction and reading by title of Resolutions Numbered 12-R-193 to 12-R-318, all inclusive.

No one addressed the Council either in favor of or in opposition to the introduction and reading by title of Resolutions Numbered 12-R-193 to 12-R-318, all inclusive.

On call of the roll on Mayor Robinson's motion for the unanimous consent of the Council to introduce and read by title Resolutions Numbered 12-R-193 to 12-R-318, all inclusive and Council Member Jenkins' second to said motion the following vote was recorded: ayes: Council Members Jenkins, Palmore, Dunn and Robinson; nays: none; absent: Council Member Little. The motion carried.

Unanimous consent of the Council having been granted to introduce and read by title Resolutions Numbered 12-R-193 to 12-R-318, all inclusive, Mayor Robinson introduced and read by title Resolutions Numbered 12-R-193 to 12-R-318, all inclusive, as follows:

(12-R-193 to 12-R-318, resolutions receiving and confirming costs reports on the abatement of public nuisances)

Mayor Robinson made a motion for the passage and adoption of Resolutions Numbered 12-R-193 to 12-R-318, all inclusive, as introduced and read by title. The motion was seconded by Council Member Jenkins; and on call of the roll the following vote was recorded: ayes: Council Members Jenkins, Palmore, Dawson and Robinson; nays: none; absent: Council Member Little. The motion carried and Resolutions Numbered 12-R-193 to 12-R-318, all inclusive, were passed and adopted.

Council Member Jenkins introduced and read Resolution Number 12-R-321 as follows:

(12-R-321, travel reimbursements)

Council Member Jenkins made a motion for the passage and adoption of Resolution Number 12-R-321 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 Jenkins, Palmore, Dunn and Robinson; nays: none; absent: Council Member Little. The motion carried and Resolution Number 12-R-321 was passed and adopted.

Mayor Robinson introduced and read Resolution Number 12-R-322 as follows:

(12-R-322, declaring a reported condition to be a public nuisance)

8/14/2012

Mayor Robinson made a motion for the passage and adoption of Resolution Number 12-R-322 as introduced and read. The motion was seconded by Council Member Jenkins; and on call of the roll the following vote was recorded: ayes: Council Members Jenkins, Palmore, Dunn and Robinson; nays: none; absent: Council Member Little. The motion carried and Resolution Number 12-R-322 was passed and adopted.

Council Member Palmore introduced and read Resolution Number 12-R-323 as follows:

(12-R-323, implementing that component of the Anniston Calhoun County HOME Consortium First Year Action Plan)

Council Member Palmore made a motion for the passage and adoption of Resolution Number 12-R-323 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 Jenkins, Palmore, Dunn and Robinson; nays: none; absent: Council Member Little. The motion carried and Resolution Number 12-R-323 was passed and adopted.

Council Member Jenkins introduced and read Resolution Number 12-R-324 as follows:

(12-R-324, agreement on behalf of the Anniston Calhoun County HOME Consortium with Habitat of Humanity of Calhoun County)

Council Member Jenkins made a motion for the passage and adoption of Resolution Number 12-R-324 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 Jenkins, Palmore, Dunn and Robinson; nays: none; absent: Council Member Little. The motion carried and Resolution Number 12-R-324 was passed and adopted.

Council Member Dunn introduced and read Resolution Number 12-R-325 as follows:

(12-R-325, agreement on behalf of the Anniston Calhoun County HOME Consortium with Northeast Alabama Community Development Corporation)

Council Member Dunn made a motion for the passage and adoption of Resolution Number 12-R-325 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 Jenkins, Palmore, Dunn and Robinson; nays: none; absent: Council Member Little. The motion carried and Resolution Number 12-R-325 was passed and adopted.

Council Member Jenkins introduced and read Resolution Number 12-R-326 as follows:

(12-R-326, submission of a grant application for financial assistance under the Alabama Industrial Access Road and Bridge program)

Council Member Jenkins made a motion for the passage and adoption of Resolution Number 12-R-326 as introduced and read. The motion was seconded by Mayor Robinson; and on call of the

8/14/2012

roll the following vote was recorded: ayes: Council Members Jenkins, Palmore, Dunn and Robinson; nays: none; absent: Council Member Little. The motion carried and Resolution Number 12-R-326 was passed and adopted.

Council Member Jenkins introduced and read Resolution Number 12-R-327 as follows:

(12-R-327, establishing regulations governing conduct on Forever Wild Lands Coldwater Mountain Bike Trail)

Council Member Jenkins made a motion for the passage and adoption of Resolution Number 12-R-327 as introduced and read. The motion was seconded by Mayor Robinson.

Council Member Palmore made a motion to table Resolution Number 12-R-327 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 Palmore and Dunn; nays: Council Members Jenkins and Robinson; absent: Council Member Little. The motion failed.

Council Member Jenkins made a motion to amend Resolution Number 12-R-327 so that the first offense would be punishable by a fine of \$250.00 and the second offense would be punishable by a fine of \$500.00. The motion was seconded by Mayor Robinson; and on call of the roll the following vote was recorded: ayes: Council Members Jenkins, Dunn and Robinson; nays: Council Member Palmore; absent: Council Member Little. The motion carried.

Council Member Palmore stated he would like to support this resolution but he could not at this time and he felt they needed further discussion on this resolution.

Council Member Jenkins stated he was in favor of moving this resolution forward. He stated that every day there were four wheelers on the mountain.

On call of the roll on Council Member Jenkins' motion for the passage and adoption of Resolution Number 12-R-327 as amended and Mayor Robinson's second to said motion the following vote was recorded: ayes: Council Members Jenkins, Dunn and Robinson; nays: Council Member Palmore; absent: Council Member Little. The motion carried and Resolution Number 12-R-327 was passed and adopted.

Mayor Robinson introduced and read Resolution Number 12-R-328 as follows:

(12-R-328, conveying property owned by the City to the Anniston Water Works and Sewer Board)

Mayor Robinson made a motion for the passage and adoption of Resolution Number 12-R-328 as introduced and read. The motion was seconded by Council Member Jenkins.

Council Member Palmore stated he would be in favor of leasing this property or selling this property to the Anniston Water Works and Sewer Board but he could not support giving it away.

8/14/2012

Council Member Dunn made a motion to table Resolution Number 12-R-328 as introduced and read. The motion was seconded by Council Member Jenkins; and on call of the roll the following vote was recorded: ayes: Council Members Jenkins, Palmore, Dunn and Robinson; nays: none; absent: Council Member Little. The motion carried.

Mayor Robinson made a motion authorizing the City Manager to execute a Memorandum of Agreement between the Anniston Munitions Center and the Anniston Regional Airport for use of Anniston Regional Airport for shipping and receiving ammunition. The motion was seconded by Council Member Jenkins; and on call of the roll the following vote was recorded: ayes: Council Members Jenkins, Palmore, Dunn and Robinson; nays: none; absent: Council Member Little. The motion carried.

Council Member Dunn made a motion approving the expenditure of funds allocated to the Northeast Alabama Crisis Center (NACC), formerly Daybreak through the City's Outside Agencies to 2<sup>nd</sup> Chance, Inc. in the amount of \$5,625.00. The motion was seconded by Mayor Robinson; and on call of the roll the following vote was recorded: ayes: Council Members Jenkins, Palmore, Dunn and Robinson; nays: none; absent: Council Member Little. The motion carried.

Council Member Palmore made a motion to authorize payment in the amount of \$510.79 for a claim from Ronald Clark to replace the windshield of his vehicle he claims was broken from a rock thrown from a weed eater by City workers. The motion was seconded by Mayor Robinson; and on call of the roll the following vote was recorded: ayes: Council Members Jenkins, Palmore, Dunn and Robinson; nays: none; absent: Council Member Little. The motion carried.

Mayor Robinson made a motion to authorize the City Manager and the City Grant writer to take the appropriate steps to bring the Community Action Agency to Anniston if the opportunity arises. The motion was seconded by Council Member Palmore; and on call of the roll the following vote was recorded: ayes: Council Members Jenkins, Palmore, Dunn and Robinson; nays: none; absent: Council Member Little. The motion carried.

Cleo Thomas, City Attorney, stated he had received a letter from the U. S. Department of Justice concerning the redistricting submission by the City and they did not interpose any objections.

There being no further business to come before the meeting at that time Council Member Palmore made a motion the meeting be adjourned. The motion was seconded by Council Member Dunn; and on call of the roll the following vote was recorded: ayes: Council Members Jenkins, Palmore, Dunn and Robinson; nays: none; absent: Council Member Little. The motion carried and the meeting was adjourned at approximately 7:30 o'clock p.m.