

Anniston, Alabama
November 21, 2013

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 Thursday, November 21, 2013, at approximately 6:02 o'clock p.m.

Council Member Jenkins prayed the Invocation.

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

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

Brian Johnson, City Manager, was present.

Council Member Selase made a motion to waive the reading of the minutes of November 7, 2013. The motion was seconded by Council Member Harris; and on call of the roll the following vote was recorded: ayes: Council Members Jenkins, Reddick, Selase, Harris and Stewart; nays: none. The motion carried.

Council Member Jenkins made a motion to approve the minutes of November 7, 2013. The motion was seconded by Council Member Reddick; and on call of the roll the following vote was recorded: ayes: Council Members Jenkins, Reddick, Selase, Harris and Stewart; nays: none. The motion carried.

Council Member Jenkins made a motion to add to the agenda a motion approving and authorizing the Mayor to execute Change Order No. 1 for the 2013 Street Resurfacing Contract (COA-13-P-001) with APAC Mid-South Inc. for an increase in the total contract price of \$14,017.00 and a motion to approve two street closures in the downtown area for two upcoming festival events and to approve the agenda as amended. The motion was seconded by Council Member Selase; and on call of the roll the following vote was recorded: ayes: Council Members Jenkins, Reddick, Selase, Harris and Stewart; nays: none. The motion carried.

Mayor Stewart announced that was the time for the public hearing regarding the proposed ordinance creating and designating the West Fifteenth Street Historic District, declared the hearing open and asked if anyone wished to address the Council either in favor of or in opposition to said proposed ordinance creating and designating the West Fifteenth Street Historic District.

General Jackson addressed the Council and stated the proposed ordinance creating and designating the West Fifteenth Street Historic District should be tabled until they could get more information about the proposed ordinance.

David Schneider, advisor to the Historic Preservation Commission, addressed the Council and stated the Historic Preservation Commission had conducted a public hearing in October concerning creating and designating the West Fifteenth Street Historic District.

Mayor Stewart asked if anyone else wished to address the Council either in favor of or in opposition to said proposed ordinance creating and designating the West Fifteenth Street Historic District.

No one else addressed the Council either in favor of or in opposition to said proposed ordinance creating and designating the West Fifteenth Street Historic District.

Mayor Stewart declared the public hearing regarding the proposed ordinance creating and designating the West Fifteenth Street Historic District closed.

Mayor Stewart announced that was the time for the public hearing regarding the proposed ordinance creating and designating the Downtown Anniston Historic District, declared the hearing open and asked if anyone wished to address the Council either in favor of or in opposition to said proposed ordinance creating and designating the Downtown Anniston Historic District.

Troy Shantylfelt, Western Auto, 1000 Noble Street, addressed the Council and stated the proposed ordinance creating and designating the Downtown Anniston Historic District should be tabled until they could get more information about the proposed ordinance.

Bill Couch, Sunset Drive, addressed the Council and stated the proposed ordinance creating and designating the Downtown Anniston Historic District should be considered strongly.

Taylor Stewart, 1021 Noble Street, addressed the Council and stated the proposed ordinance creating and designating the Downtown Anniston Historic District was vague and ambiguous in certain parts. He stated they should get more downtown business owners involved in this process.

David Schneider, advisor to the Historic Preservation Commission, addressed the Council and stated the ordinance creating the Historic Preservation Commission and the process for designating historic districts was an ordinance used state wide.

Mayor Stewart asked if anyone else wished to address the Council either in favor of or in opposition to said proposed ordinance creating and designating the Downtown Anniston Historic District.

No one else addressed the Council either in favor of or in opposition to said proposed ordinance creating and designating the Downtown Anniston Historic District.

Mayor Stewart declared the public hearing regarding the proposed ordinance creating and designating the Downtown Anniston Historic District closed.

Council Member Selase made a motion to approve the Consent Agenda Items (a) authorizing reimbursements to City officials for expenses incurred while traveling away from the city, (b) declaring a reported condition to be a public nuisance and (c) to suspend the rule requiring the City Council to meet on the fourth Tuesday of December 2013. The motion was seconded by Council Member Harris; and on call of the roll the following vote was recorded: ayes: Council Members Jenkins, Reddick, Selase, Harris and Stewart; nays: none. The motion carried.

Mayor Stewart introduced and read Ordinance Number 13-O-23 as follows:

(13-O-23, creating and designating the Downtown Anniston Historic District; first reading)

Council Member Reddick stated he had received positive and negative feedback concerning this proposed ordinance. He stated some of the downtown businesses felt they needed more information. He stated he would like to see an effort made to have a conversation with each downtown business affected by this ordinance.

Mayor Stewart introduced and read Ordinance Number 13-O-24 as follows:

(13-O-24, creating and designating the West Fifteenth Street Historic District; first reading)

Mayor Stewart stated the Council would have a work session concerning both ordinances proposing creating and designating historic districts.

Council Member Selase introduced and read Resolution Number 13-R-240 as follows:

(13-R-240, authorizing funds for the purpose of recording and production of a music cd for the Cobb Elementary Choir)

Council Member Selase made a motion for the passage and adoption of Resolution Number 13-R-240 as introduced and read. The motion was seconded by Council Member Reddick; and on call of the roll the following vote was recorded: ayes: Council Members Jenkins, Reddick, Selase, Harris and Stewart; nays: none. The motion carried and Resolution Number 13-R-240 was passed and adopted.

Council Member Jenkins introduced and read Resolution Number 13-R-241 as follows:

(13-R-241, submission of a grant application under the Assistance to Firefighters Program)

Council Member Jenkins made a motion for the passage and adoption of Resolution Number 13-R-241 as introduced and read. The motion was seconded by Council Member Harris; and on call of the roll the following vote was recorded: ayes: Council Members Jenkins, Reddick, Selase, Harris and Stewart; nays: none. The motion carried and Resolution Number 13-R-241 was passed and adopted.

Council Member Jenkins introduced and read Resolution Number 13-R-242 as follows:

(13-R-242, submission of a grant application under the Assistance to Firefighters Program)

Council Member Jenkins made a motion for the passage and adoption of Resolution Number 13-R-242 as introduced and read. The motion was seconded by Council Member Harris; and on call of the roll the following vote was recorded: ayes: Council Members Jenkins, Reddick, Selase, Harris and Stewart; nays: none. The motion carried and Resolution Number 13-R-242 was passed and adopted.

Council Member Jenkins introduced and read Resolution Number 13-R-243 as follows:

(13-R-243, establishing fees to be charged by the Anniston Police Dept. for certain services to the public)

Council Member Reddick made a motion for the passage and adoption of Resolution Number 13-R-243 as introduced and read. The motion was seconded by Council Member Harris.

Council Member Reddick stated he had a hard time supporting this resolution because these might be items a person needed to fight a case and they might not be able to afford an attorney. He stated this would impact the poor people and the blacks in the city. He stated these fees were excessive.

On call of the roll on Council Member Reddick's motion for the passage and adoption of Resolution Number 13-R-243 as introduced and read and Council Member Harris' second to said motion the following vote was recorded: ayes: Council Members Jenkins, Selase, Harris and Stewart; nays: Council Member Reddick. The motion carried and Resolution Number 13-R-243 was passed and adopted.

Council Member Harris made a motion authorizing Brian Johnson, City manager, to execute an Assignment, Assumption and Modification Agreement between the City of Anniston and Rocco D'Gomez, Assignor, and Chandler Scott Wilborn and Wesley Hunter LeCroy, Assignees, for the lease of the restaurant at Cane Creek. The motion was seconded by Council Member Jenkins.

Council Member Selase asked if it would be wise for the Council to move forward with this motion since there was litigation concerning the restaurant at Cane Creek.

Brian Johnson, City Manager, stated that the individuals involved in the litigation are no longer operating the restaurant. He stated without this agreement no one would be operating the restaurant.

Council Member Jenkins stated that the parties involved in this agreement are not a party to the litigation.

Council Member Reddick stated that he thought the litigation had something to do with the lease. He stated they did not know enough details about the litigation.

Council Member Reddick made a motion to table the a motion authorizing Brian Johnson, City manager, to execute an Assignment, Assumption and Modification Agreement between the City of Anniston and Rocco D’Gomez, Assignor, and Chandler Scott Wilborn and Wesley Hunter LeCroy, Assignees, for the lease of the restaurant at Cane Creek. (The motion failed for lack of a second to the motion.)

Council Member Selase stated he would have to abstain from this vote because he did not have enough information at this time.

On call of the roll on Council Member Harris’ motion authorizing Brian Johnson, City manager, to execute an Assignment, Assumption and Modification Agreement between the City of Anniston and Rocco D’Gomez, Assignor, and Chandler Scott Wilborn and Wesley Hunter LeCroy, Assignees, for the lease of the restaurant at Cane Creek and Council Member Jenkins’ second to said motion the following vote was recorded: ayes: Council Members Jenkins, Harris and Stewart; nays: Council Member Reddick; abstentions: Council Member Selase. The motion carried.

Council Member Jenkins made a motion authorizing Brian Johnson, City Manager, to execute an agreement between Calhoun County 9-1-1 District and the City of Anniston for Fire Dispatch Services. The motion was seconded by Council Member Harris; and on call of the roll the following vote was recorded: ayes: Council Members Jenkins, Reddick, Selase, Harris and Stewart; nays: none. The motion carried.

Council Member Selase made a motion authorizing Brian Johnson, City Manager, to execute an agreement between Calhoun County 9-1-1 District and the City of Anniston Police Department for “Backup” Dispatch Co-Location. The motion was seconded by Council Member Harris; and on call of the roll the following vote was recorded: ayes: Council Members Jenkins, Reddick, Selase, Harris and Stewart; nays: none. The motion carried.

Council Member Jenkins made a motion approving and authorizing the Mayor to execute Change Order No. 1 for the 2013 Street Resurfacing Contract (COA-13-P-001) with APAC Mid-South Inc. for an increase in the total contract price of \$14,017.00. The motion was seconded by Council Member Harris; and on call of the roll the following vote was recorded: ayes: Council Members Jenkins, Reddick, Selase, Harris and Stewart; nays: none. The motion carried.

Council Member Selase made a motion to close a number of streets for upcoming events, on November 30 between 11:00 a.m. and 2:00 p.m. the 1100 block of Noble Street and on December 14 from 11:00 a.m. and 4:00 p.m. the 900 and 1000 block of Noble Street and 10th Street. The motion was seconded by Council Member Harris; and on call of the roll the following vote was recorded: ayes: Council Members Jenkins, Reddick, Selase, Harris and Stewart; nays: none. The motion carried.

Glen Ray, 3514 Dale Hollow Road, addressed the Council and stated he disagreed with the resolution establishing fees to be charged by the Anniston Police Dept. for certain services to the public.

Rick Shea, 1219 Christine Avenue, addressed the Council concerning the Downtown Anniston Historic District and stated they wanted to preserve the downtown area and not to put harsh restrictions on property owners.

Diana Michaels and Charity Duncan, Spirit of Anniston, addressed the Council and thanked the Council for their support.

There being no further business to come before the meeting at that time Council Member Selase made a motion the meeting be adjourned. The motion was seconded by Council Member Harris; and on call of the roll the following vote was recorded: ayes: Council Members Jenkins, Reddick, Selase, Harris and Stewart; nays: none. The motion carried and the meeting was adjourned at approximately 7:05 o'clock p.m.