

12/14/2010

Anniston, Alabama  
December 14, 2010

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, December 14, 2010, at approximately 4:19 o'clock p.m.

Council Member Spain prayed the Invocation.

Council Member Spain 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 Little made a motion to dispense with the reading of and approve the minutes of November 23, 2010. 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 to delete a resolution authorizing the Mayor to execute the Preliminary Supplemental Agreement Number 1 for a signal upgrade on SR-21 (AL Hwy 21) at CR-389 (Lenlock Lane) and a resolution authorizing the Mayor to execute the Construction Agreement for a signal upgrade on SR-21 (AL Hwy 21) at CR-389 (Lenlock Lane). 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 Dawson 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.

Steven Folks, Parks and Recreation Department Director, made presentations to the Cowboys Youth Football Team.

Council Member Little made a motion to remove from the table a motion to hire Jacksonville State University to do a survey of the region for the possibility of opening a shuttle service at the airport. 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.

12/14/2010

Council Member Spain stated he had contacted the Dean of Business at Jacksonville State University and he had stated that if the City could give them some specifications for this study then they could provide a price for the study.

Mayor Robinson stated that this service was not needed at the airport presently and there was no demand for this type of service currently.

Council Member Spain made a motion to amend Council Member Little's motion to hire Jacksonville State University to do a survey of the region for the possibility of opening a shuttle service at the airport to broaden the study to include the feasibility of any associated businesses with the airport that might be offered that the City might be the benefactor of. 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: Mayor Robinson. The motion carried.

Council Member Dawson stated they were not committing at this time to the expenditure of any funds but only getting a price for the study and providing the parameters of the study.

On call of the roll on Council Member Little's motion to hire Jacksonville State University to do a survey of the region for the possibility of opening a shuttle service at the airport to broaden the study to include the feasibility of any associated businesses with the airport that might be offered that the City might be the benefactor of and with final approval by the Council of any contract and Council Member Spain's second to said motion the following vote was recorded: ayes: Council Members Spain, Palmore, Little and Dawson; nays: Mayor Robinson. The motion carried.

Council Member Little made a motion to remove from the table a motion to approve the placement of "Customer Parking Only" signs to be placed in Parking Lot #4 on the east side next to the alley on 11<sup>th</sup> Street. 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 asked how they would enforce this motion.

On call of the roll on Council Member Little's motion to approve the placement of "Customer Parking Only" signs to be placed in Parking Lot #4 on the east side next to the alley on 11<sup>th</sup> Street and Council Member Dawson's second to said motion the following vote was recorded: ayes: Council Members Little and Dawson; nays: none; abstentions: Council Members Spain, Palmore and Robinson. The motion carried.

Mayor Robinson announced that was the time for the public hearing on an application for a Lounge Retail Liquor – Class I ABC license for Jokes and Notes, declared the hearing

12/14/2010

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 Jokes and Notes.

Thomas Zimmerman, 3710 Valleyview Drive, addressed the Council in favor of said application for a Lounge Retail Liquor – Class I ABC license for Jokes and Notes and stated the address of the business would be 1316 Walnut Avenue. He stated he had no definite plans yet about parking.

Council Member Little stated he hoped they could support Mr. Zimmerman with his business.

Council Member Dawson stated that Mr. Zimmerman should contact Toby Bennington and Chief Fincher.

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 Jokes and Notes.

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 Jokes and Notes.

Mayor Robinson declared the public hearing on an application for a Lounge Retail Liquor – Class I ABC license for Jokes and Notes closed.

Mayor Robinson announced that was the time for the public hearing on an application for a restaurant retail liquor ABC license for Acapulco Tex Mex Restaurant, 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 restaurant retail liquor ABC license for Acapulco Tex Mex Restaurant.

Marta Cortez addressed the Council in favor of said application for a restaurant retail liquor ABC license for Acapulco Tex Mex Restaurant.

Mayor Robinson asked if anyone else wished to address the Council either in favor of or in opposition to said application for a restaurant retail liquor ABC license for Acapulco Tex Mex Restaurant.

No one else addressed the Council either in favor of or in opposition to said application for a restaurant retail liquor ABC license for Acapulco Tex Mex Restaurant.

Mayor Robinson declared the public hearing on an application for a restaurant retail liquor ABC license for Acapulco Tex Mex Restaurant closed.

Mayor Robinson announced that was the time for the public hearing on an application for a permit to conduct bingo games for the Elk's Lodge BPOE #189 located at 1019 South Noble Street, declared the hearing open and asked if anyone wished to address the

12/14/2010

Council either in favor of or in opposition to said application for a permit to conduct bingo games for the Elk's Lodge BPOE #189 located at 1019 South Noble Street.

No one addressed the Council either in favor of or in opposition to said application for a permit to conduct bingo games for the Elk's Lodge BPOE #189 located at 1019 South Noble Street.

Mayor Robinson declared the public hearing on an application for a permit to conduct bingo games for the Elk's Lodge BPOE #189 located at 1019 South Noble Street closed.

Council Member Spain introduced and read Resolution Number 10-R-128 as follows:

(10-R-128, reimbursements to City officials for travel expense)

Council Member Spain made a motion for the passage and adoption of Resolution Number 10-R-128 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, Dawson and Robinson; nays: none. The motion carried and Resolution Number 10-R-128 was passed and adopted.

Council Member Dawson introduced and read Resolution Number 10-R-129 as follows:

(10-R-129, construction agreement for the safety improvements on Greenbrier Dear Road from Allen Avenue to Hillyer Robinson Industrial Parkway)

Council Member Dawson made a motion for the passage and adoption of Resolution Number 10-R-129 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 10-R-129 was passed and adopted.

Council Member Spain made a motion to approve a restaurant retail liquor ABC license application for Acapulco Tex Mex Restaurant located within the City limits at 5818 McClellan Boulevard, Suite 16. The motion was seconded by Mayor Robinson; and on call of the roll the following vote was recorded: ayes: Council Members Spain, Palmore, Dawson and Robinson; nays: none; abstentions: Council Member Little. The motion carried.

Mayor Robinson made a motion to approve a permit application for bingo for Elk's Lodge BPOE #189 located inside the corporate limits of Anniston at 1019 South Noble Street. The motion was seconded by Council Member Palmore.

Ed Benton, 4612 Amberwood Drive, addressed the Council on behalf of the Elk's Lodge BPOE #189 and stated that last April they had given \$25,000 in college scholarships.

12/14/2010

Council Member Little asked if any Anniston High School students had received scholarships.

Mr. Benton stated he did not know if any Anniston High School students had received scholarships.

Council Member Little asked Mr. Benton to get him information about whether any Anniston High School students had received scholarships.

On call of the roll on Mayor Robinson's motion to approve a permit application for bingo for Elk's Lodge BPOE #189 located inside the corporate limits of Anniston at 1019 South Noble Street and Council Member Palmore's second to said motion the following vote was recorded: ayes: Council Members Spain, Palmore, Dawson and Robinson; nays: none; abstentions: Council Member Little. The motion carried.

Mayor Robinson made a motion to appropriate \$15,000 to the Spirit of Anniston for the Civil Rights Mural to be located on West 15<sup>th</sup> Street. The motion was seconded by Council Member Palmore.

Council Member Dawson stated before he could vote for this motion he would want to know the scope of the cost and what the specific expenses would be.

Council Member Dawson made a motion to table Mayor Robinson's motion to appropriate \$15,000 to the Spirit of Anniston for the Civil Rights Mural to be located on West 15<sup>th</sup> Street until they could get the scope of the cost and what the specific expenses would be. The motion was seconded by Council Member Little.

Council Member Spain asked if he could amend Council Member Dawson's motion to table.

Council Member Dawson withdrew his motion to table Mayor Robinson's motion to appropriate \$15,000 to the Spirit of Anniston for the Civil Rights Mural to be located on West 15<sup>th</sup> Street until they could get the scope of the cost and what the specific expenses would be.

Council Member Spain made a motion to table Mayor Robinson's motion to appropriate \$15,000 to the Spirit of Anniston for the Civil Rights Mural to be located on West 15<sup>th</sup> Street until they could get the scope of the cost and what the specific expenses would be to include a feasibility study that looks at the specific plans for that particular area and the feasibility of putting the mural on the wall with consideration of those specific plans. The motion was seconded by Council Member Dawson; 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.

12/14/2010

Council Member Dawson stated that before items like this come before the Council they should know the parameters like what the money will be spent for and how that will be accomplished.

Council Member Spain made a motion to approve Change Order #1 in the amount of \$13,023.00 for soil removal at the footing within the existing gymnasium and Change Order #2 in the amount of \$19,550.00 changing the track surfacing from black binder with red finish to all red granules for the Anniston Sports Complex. The motion was seconded by Council Member Little.

Jay Jenkins, architect, addressed the Council and stated they were having to replace the soil underneath the existing gymnasium in Change Order #1 and the amount was a worst case scenario. He stated Change Order #2 would allow the City to avoid future maintenance cost. He stated these change orders were neutral budget funding. He stated that the total cost of the bid construction amount was \$4,510,153.00 before they add in these change orders. He stated this is under the original projected cost.

On call of the roll on Council Member Spain's motion to approve Change Order #1 in the amount of \$13,023.00 for soil removal at the footing within the existing gymnasium and Change Order #2 in the amount of \$19,550.00 changing the track surfacing from black binder with red finish to all red granules for the Anniston Sports Complex and Council Member Little's second to said motion 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 authorize the payment of \$93,724.37 of Bond Project monies for improvements to Bains Gap Road and the intersection of Town Center and Exchange Road to help facilitate the opening of the bypass with said improvements more particularly described in the Council fact sheet. 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 authorize the appropriation of \$887,000.00 of Bond Project monies for improvements to Glade Road - \$100,000, East 10<sup>th</sup> Street from Christine Avenue to Henry Road - \$150,000, Nobel Street from 15<sup>th</sup> Street to 23<sup>rd</sup> Street - \$167,000, Norwood Avenue - \$71,000, McArthur Drive - \$65,000, Clydesdale Avenue - \$68,000, Crawford Avenue - \$16,000, "G" Street - \$48,000, Mulberry Avenue - \$50,000, Atlanta Avenue - \$20,000, Randall Drive - \$32,000, Raemon Avenue - \$71,000, and Birchwood Drive - \$29,000 with said costs being estimates only. 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 Dawson made a motion to approve an addendum to the original contract with Radar Properties Company, LLC approved by the Council at the April 13, 2010

12/14/2010

meeting to include a hold harmless for the City employees when they are on their property. 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.

Cleo Thomas, City Attorney, stated the next item on the agenda was a proposed motion to approve the naming of the Eastern by-pass and the industrial access road. He stated the Council had been supplied with a list of possible names for the eastern by-pass.

Council Member Spain stated he had submitted some names such as McClellan Parkway. He stated his recommendation would be something having to do with the soldiers who had served or McClellan when naming the eastern by-pass.

Council Member Palmore stated he thought Golden Springs parkway had been suggested. He stated they needed to get public opinion on naming the eastern by-pass.

Council Member Dawson stated that the name of the road should honor the veterans in some way such as Veterans Memorial Parkway. He asked what the time constraints were on naming the eastern by-pass.

Lee Willis, Inspections Department, stated that ALDOT had stated that the road could be open as soon as the end of the year or the first of the year depending on the weather.

The Council discussed possible names for the eastern by-pass.

Council Member Spain made a motion to name the eastern by-pass Freedom Parkway. There was no second to the motion.

Council Member Dawson made a motion to name the eastern by-pass Veterans Memorial Parkway. 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.

The Council agreed that the industrial access road should remain named Iron Mountain Road.

Mayor Robinson made a motion to suspend the rule requiring the City Council to meet on the fourth Tuesday of December, 2010. 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.

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

(lease/purchase of one brush loader)

12/14/2010

Mayor Robinson made a motion that the bid in the total amount of \$2,203.82 per month for 60 months with a \$1.00 buy out by Ingram Equipment Company for one brush loader for the Public Works Department be accepted. 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.

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

(Lease/purchase of 15 golf carts)

Council Member Little made a motion that the bid in the total amount of \$995.10 per month for 60 months with a \$1.00 buy out by E-Z-Go Textron for the lease/purchase of 15 golf carts for the Parks and Recreation Department be accepted. 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: Mayor Robinson. The motion carried.

Mayor Robinson stated he had concerns about the repairs for the golf carts and he felt that Yamaha would have a quicker turn around on repairing the golf carts.

Council Member Dawson stated he had received some questions concerning the day the City would be closed for New Years Day.

Don Hoyt, City Manager, stated they were following the Civil Service rules and taking the Monday following New Years Day instead of the Friday before because they could not take a 2011 holiday in 2010.

Council Member Little stated he would be requesting an executive session to discuss the possible purchase of real property.

Mayor Robinson stated he would not participate in the executive session to discuss the downtowner motel because he had been accused of feeding bid information to Mr. Stewart and Mr. Coxwell.

J. D. Reaves, 40 Elaine Street, Alexandria, addressed the Council and stated they needed to come together as a city. He stated they needed to look at what the city needs to move forward. He stated they needed to stop bickering among themselves.

Rick Shea, 1219 Christine Avenue, and Anniston Historical Commission member stated they were missing out on an excellent tourism opportunity with the Kilby mansion.

Council Member Little stated they should be looking at where their CDBG money is going. He stated that Anniston is moving forward and all cities had their problems.

12/14/2010

Council Member Spain wished everyone a Merry Christmas and Happy New Year. He stated he looked forward to the City moving forward in 2011.

Council Member Palmore wished everyone a Merry Christmas and asked everyone to remember what Christmas was all about.

Council Member Dawson wished everyone a Merry Christmas and stated he was thankful to live in Anniston.

Mayor Robinson stated the citizens wanted the Council to start making some real progress in moving the city forward. He stated he was looking forward to the Christmas parade on Thursday night.

Council Member Little made motion to adjourn into Executive Session to discuss the purchase of and market value of real property. 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 and the Council adjourned into Executive Session at approximately 5:50 o'clock p.m.