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Anniston, Alabama  
January 12, 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, January 12, 2010, at approximately 3:39 o'clock p.m.

Mayor Robinson prayed the Invocation.

Mayor Robinson 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.

Mayor Robinson made a motion to amend the agenda concerning the proposed resolution prohibiting City staff from relaying messages between Council Members to ask for an Attorney General's Opinion concerning the propriety of sending said proposed resolution forward said resolution and to add a motion concerning an option to purchase real property at Noble Street and 22<sup>nd</sup> Street. 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 Dawson 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 Spain, Palmore, Little, Dawson and Robinson; nays: none. The motion carried.

Mayor Robinson made a motion to remove from the table Resolution Number 09-R-129. The motion was seconded by Council Member Dawson; and on call of the roll the following vote was recorded: ayes: Council Members Spain, Palmore, Dawson and Robinson; nays: Council Member Little. The motion carried.

On call of the roll on Council Member Little's motion for the passage and adoption of Resolution Number 09-R-129 as introduced and read and Council Member Palmore's second to said motion the following vote was recorded: ayes: Council Member Little; nays: Council Members Spain, Palmore, Dawson and Robinson. The motion failed.

Mayor Robinson made a motion to remove from the table Resolution Number 09-R-131. The motion was seconded by Council Member Spain; and on call of the roll the following

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vote was recorded: ayes: Council Members Spain, Palmore, Dawson and Robinson;  
nays: Council Member Little. The motion carried.

On call of the roll on Mayor Robinson's motion for the passage and adoption of Resolution Number 09-R-131 as introduced and read and Council Member Palmore's second to said motion the following vote was recorded: ayes: Council Members Palmore and Little; nays: Council Members Spain, Dawson and Robinson. The motion failed.

Mayor Robinson introduced and read Resolution Number 10-R-1 as follows:

(10-R-1, reimbursements to City officials for travel expense)

Mayor Robinson made a motion for the passage and adoption of Resolution Number 10-R-1 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 10-R-1 was passed and adopted.

Council Member Little introduced and read Resolution Number 10-R-2 as follows:

(10-R-2, declaring certain properties public nuisances)

Council Member Little made a motion for the passage and adoption of Resolution Number 10-R-2 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-2 was passed and adopted.

Council Member Palmore introduced and read Resolution Number 10-R-3 as follows:

(10-R-3, ordering the removal of certain nuisances)

Council Member Palmore made a motion for the passage and adoption of Resolution Number 10-R-3 as introduced and read. The motion was seconded by Council Member Little.

Don Hoyt, City Manager, stated that Mr. Dupree, the owner of these properties, did have a building permit from the City to work on these properties.

Council Member Dawson asked what legal ramifications there would be if the City abated the nuisances while the owner still had a valid building permit.

Mr. Hoyt stated that if the City abated the nuisances while the owner still had a valid building permit then the owner would have the option of suing the City but whether he would win the suit would be a question he could not answer.

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Council Member Dawson stated he felt that until the permit issued by the City expires then the City has given their word that the owner has that amount of time to rehab this property.

Council Member Little stated that when this property initially came up the owner was present at the Council meeting and he had 10 days to meet with Larry Talley, Inspections, to reach an agreement on how he was going to repair these houses. He stated if people do not meet the criteria set forth then the demolition process continues to go forward.

Larry Talley, Inspections, showed the Council photos of the work being done on these properties.

Council Member Spain asked Mr. Talley what his opinion of the work being done on these properties was.

Mr. Talley stated that the owner of these properties does very good work but he was slow.

Mr. Hoyt stated that a building permit currently was good for two years and he felt that was too long. He stated they were currently trying to clean up the current nuisance abatement process.

Council Member Little stated he plans to continue to try to have these properties abated.

On call of the roll on Council Member Palmore's motion for the passage and adoption of Resolution Number 10-R-3 as introduced and read and Council Member Little's second to said motion the following vote was recorded: ayes: Council Member Little; nays: Council Members Spain, Dawson and Robinson; abstentions: Council Member Palmore. The motion failed.

Council Member Dawson introduced and read Resolution Number 10-R-4 as follows:

(10-R-4, ordering the removal of certain nuisances)

Council Member Dawson made a motion for the passage and adoption of Resolution Number 10-R-4 as introduced and read. The motion was seconded by Council Member Spain.

The Council looked at current pictures and discussed the properties proposed to be abated.

On call of the roll on Council Member Dawson's motion for the passage and adoption of Resolution Number 10-R-4 as introduced and read and Council Member Spain's second to said motion the following vote was recorded: ayes: Council Members Spain, Palmore, Little and Robinson; nays: none; abstentions: Council Member Dawson. The motion carried and Resolution Number 10-R-4 was passed and adopted.

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Council Member Spain introduced and read Resolution Number 10-R-5 as follows:

(10-R-5, ordering removal of nuisances from certain properties within a specified time frame)

Council Member Spain made a motion for the passage and adoption of Resolution Number 10-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, Dawson and Robinson; nays: none. The motion carried and Resolution Number 10-R-5 was passed and adopted.

Council Member Dawson introduced and read Resolution Number 10-R-6 as follows:

RESOLUTION NUMBER 10-R-6

BE IT RESOLVED by the City Council of the City of Anniston, Alabama, as follow:

Section 1. That Gene D. Robinson, Mayor of the City of Anniston be and he is hereby authorized, directed and empowered for and in the name of the City of Anniston to execute an agreement with Sain Associates for Project No. IAR-008-000-007 Widening and Improvements on Roberts Drive from Coleman Road to Plant Site at Supervalu Distribution Center, Anniston, Alabama SA#09-0290.

Section 2. That Alan B. Atkinson, City Clerk of the City of Anniston be and he is hereby directed to attest the Mayor's execution of said contract and affix the seal of the City thereto.

PASSED AND ADOPTED this the 12th day of January, 2010.

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 Dawson made a motion for the passage and adoption of Resolution Number 10-R-6 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-6 was passed and adopted.

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Council Member Spain introduced and read Resolution Number 10-R-7 as follows:

RESOLUTION NUMBER 10-R-7

**WHEREAS** the City Council passed and adopted Resolution 09-R-85 on August 25<sup>th</sup>, 2009 establishing fees for services and licenses; and

**WHEREAS** among the adopted fees are fees for the use of the city's Cane Creek Golf Course and equipment, etc.; and

**WHEREAS** further discussions and meetings with residents and patrons of the golf course revealed advantages to be had by patrons and residents from certain modifications of the established fees and policies;

**NOW THEREFORE BE IT RESOLVED** by the City Council of the City of Anniston, Alabama, that user fees for Cane Creek Golf Course delineated in Exhibit "A" be and the same are hereby required.

**BE IT FURTHER RESOLVED** by the City Council of the City of Anniston, Alabama, that exemptions or waivers of any and all adopted fees are prohibited unless addressed and approved by the City Council;

**BE IT FURTHER RESOLVED** by the City Council of the City of Anniston, Alabama, that in all other respects the terms and provisions of Resolution 09-R-85 will remain the same and that this resolution shall go into effect beginning January 1,2010.

PASSED AND ADOPTED this the 12th day of January, 2010.

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/ David Dawson, Council Member

ATTEST:

/s/ Alan B. Atkinson, City Clerk

Council Member Spain made a motion for the passage and adoption of Resolution Number 10-R-7 as introduced and read. The motion was seconded by Council Member Dawson.

Council Member Little stated that the initial fee structure for the golf course was incorporated into the City's budget and changing these fees now would be the same as changing the budget.

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Don Hoyt, City Manager, stated that the revenue figures were always speculative in the budget and he did not think this resolution would constitute an amendment to the budget.

Council Member Little stated that much of the budget was speculative and changing these fees now was in effect amending the budget.

On call of the roll on Council Member Spain's motion for the passage and adoption of Resolution Number 10-R-7 as introduced and read and Mayor Robinson's second to said motion the following vote was recorded: ayes: Council Members Spain, Palmore, Dawson and Robinson; nays: Council Member Little. The motion carried and Resolution Number 10-R-7 was passed and adopted.

Council Member Spain introduced and read Resolution Number 10-R-8 as follows:

(10-R-8, prohibiting City staff from relaying messages between Council Members)

Council Member Spain made a motion for the passage and adoption of Resolution Number 10-R-8 as introduced and read. The motion was seconded by Mayor Robinson.

Mayor Robinson made a motion to table Resolution Number 10-R-8 as introduced and read. The motion was seconded by Council Member Dawson; and on call of the roll the following vote was recorded: ayes: Council Members Spain, Dawson and Robinson; nays: Council Members Palmore and Little. The motion carried.

Council Member Spain made a motion to authorize the City Attorney and/or the City staff to seek an Attorney General's opinion concerning the propriety of Resolution Number 10-R-8 as introduced and read with the minutes of this meeting deemed as structured to constitute a resolution to this effect. The motion was seconded by Mayor Robinson.

Council Member Little stated he felt this was unconstitutional and violates the City Manager Act.

On call of the roll on Council Member Spain's motion to authorize the City Attorney and/or the City staff to seek an Attorney General's opinion concerning the propriety of Resolution Number 10-R-8 as introduced and read with the minutes of this meeting deemed as structured to constitute a resolution to this effect and Mayor Robinson's second to said motion the following vote was recorded: ayes: Council Members Spain, Dawson and Robinson; nays: Council Members Palmore and Little. The motion carried.

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 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.

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

Mayor Robinson asked if anyone else wished to address 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.

No one else 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 Dawson made a motion to approve an application for a permit to conduct bingo games for the Elk's Lodge BPOE #189 located at 1019 South Noble Street. The motion was seconded by Council Member Spain; and on call of the roll the following vote was recorded: ayes: Council Members Spain and Dawson; nays: none; abstentions: Council Members Palmore, Little and Robinson. The motion carried.

Council Member Spain made a motion to accept and approve the final draft of the Analysis of Impediments to Fair Housing Choice. 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.

Mayor Robinson made a motion to allow the option to purchase the real property located at Noble Street and 22<sup>nd</sup> Street as outlined and documented during the informal meeting by Bradley Carroll of Vantage Development. The motion was seconded by Council Member Spain.

Council Member Little stated that he still would like to see this property used as a one stop shop for the various social agencies in the city. He stated he did not think they had given this proposal a fair chance previously.

On call of the roll on Mayor Robinson's motion to allow the option to purchase the real property located at Noble Street and 22<sup>nd</sup> Street as outlined and documented during the informal meeting by Bradley Carroll of Vantage Development and Council Member Spain's second to said motion the following vote was recorded: ayes: Council Members Spain, Palmore, Dawson and Robinson; nays: Council Member Little. The motion carried.

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

(Replacement of roof at Norwood Park Concession Stand)

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Mayor Robinson made a motion that the bid in the total amount of \$16,185.00 by Alabama Roofing and Sheet Metal to replace the roof at the Norwood Park concession stand be accepted. The motion was seconded by Council Member Spain.

Council Member Dawson stated there was no information about the contract for the roof or the scope of the work for the roof.

On call of the roll on Mayor Robinson's motion that the bid in the total amount of \$16,185.00 by Alabama Roofing and Sheet Metal to replace the roof at the Norwood Park concession stand be accepted and Council Member Spain's second to said motion the following vote was recorded: ayes: Council Members Spain, Palmore, Little, and Robinson; nays: none; abstentions: Council Member Dawson. The motion carried.

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

(Tractor for Parks and Recreation Dept.)

Mayor Robinson made a motion that the bid in the total amount of \$392.86/month for 48 months by Heavy Machinery and Equipment Company for a tractor for the Parks and Recreation Department be accepted. 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, and Robinson; nays: none; abstentions: Council Member Dawson. The motion carried.

Curtis Ray, 1004 Constantine Avenue, addressed the Council and commended Don Hoyt, City Manager, for the job he was doing. He stated that Council Member Little should just vote no and not explain himself.

Council Member Little stated there was a house on McDaniel Avenue next to a store that had been through the process and needed to come down. He stated that the Justice Department may take action to retrieve funds that were used for the starship buildings at McClellan back in 2006. He stated they needed to reconsider the fees in the license ordinance.

Council Member Spain stated he hoped they could look into retrieving equipment that was taken away from McClellan in 2006.

There being no further business to come before the meeting at that time Mayor Robinson made a motion the meeting be adjourned. 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 the meeting was adjourned at approximately 5:03 o'clock p.m.