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Anniston, Alabama  
January 24, 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, January 24, 2012, at approximately 6:23 o'clock p.m.

Council Member Jenkins prayed the Invocation.

Council Member Jenkins 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, 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 Jenkins made a motion to dispense with the reading of and approve the minutes of January 10, 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, Dawson and Robinson; nays: none. The motion carried.

Mayor Robinson made a motion to add to the agenda a motion to approve the proposed usage fees for the Sports Complex/Aquatics and Fitness Center and a motion to approve funding to construct a parking lot adjacent to the Sports Complex. The motion was second by Council Member Jenkins; and on call of the roll the following vote was recorded: ayes: Council Members Jenkins, Palmore, Dawson and Robinson; nays: Council Member Little. The motion carried.

Council Member Dawson made a motion to adopt the agenda as amended. The motion was seconded by Council Member Palmore.

Council Member Little stated he did not think these motions were of an emergency nature and should not be added to the agenda.

Council Member Palmore asked Cleo Thomas, City Attorney, if they could add these items to the agenda.

Cleo Thomas, City Attorney, stated the Council determined their agendas and they defined what was of an emergency nature to them.

Council Member Little stated he saw nothing of an emergency nature in these motions.

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Alan Atkinson, City Clerk, read from the City Code the section concerning additions to the agenda.

On call of the roll on Council Member Dawson's motion to adopt the agenda as amended and Council Member Palmore's second to said motion the following vote was recorded. ayes: Council Members Jenkins, Palmore, Dawson and Robinson; nays: Council Member Little. The motion carried.

Council Member Jenkins made a motion to approve a Planned Unit Development (PUD) application for McClellan Assisted Living Facility as recommended by the Anniston Planning Commission. The motion was seconded by Council Member Palmore.

Council Member Little stated they had two Council members on the Planning Commission who had probably already voted once on this PUID and that created a problem.

On call of the roll on Council Member Jenkins' motion to approve a Planned Unit Development (PUD) application for McClellan Assisted Living Facility as recommended by the Anniston Planning Commission and Council Member Palmore's second to said motion the following vote was recorded. ayes: Council Members Jenkins, Palmore, Dawson and Robinson; nays: Council Member Little. The motion carried.

Council Member Jenkins made a motion to approve a Planned Unit Development (PUD) application for McClellan Independent Living Facility as recommended by the Anniston Planning Commission. The motion was seconded by Mayor Robinson; and on call of the roll the following vote was recorded: ayes: Council Members Jenkins, Palmore, Dawson and Robinson; nays: Council Member Little. The motion carried.

Mayor Robinson announced that was the time for the public hearing on the proposed abatement of grass lots declared public nuisances at the following locations: 521, 513 and 0 Letchers Quarters, 1622 and 1630 Glenaddie Avenue, 0 Pine Avenue, 0, 1301, 1220, and 1216 White Avenue, 0, 1224, 1220, 1220 Brown Avenue (rear), 814 and 818 West 17<sup>th</sup> Street, 0 SW corner Cooper and 16<sup>th</sup>, 720-730 Cooper Short, 1606 and 1611 Cooper Avenue, 0 West 12th Street, 1218 and 0 Stephens Avenue, 0, 600, 609, 712, 736, 902, and 906 Zinn Parkway Drive, 0 and 908 McDaniel Avenue, 1231, 1227, and 0 West 11<sup>th</sup> Street, 1101 Brown Avenue, 826 West 16<sup>th</sup> Street, 0 Dooley Avenue, 126 East 27<sup>th</sup> Street, 123 East 28<sup>th</sup> Street, 0 East 27<sup>th</sup> Street, 2709 Quintard Avenue, 1018 and 1022 West 17<sup>th</sup> Street, 1124 Ferron Avenue, 600 and 0 Pine Avenue, 1629 and 1625 Cobb Avenue, 1813 Dooley Avenue, 219 West 18<sup>th</sup> Street, 816, 812, and 900 South Allen Avenue, 815, 0, 827, 927, and 931 South Christine Avenue, 911 West 22<sup>nd</sup> Street, 0 and 2222 Dooley Avenue, 0 and 910 West 22<sup>nd</sup> Street, 0 Cobb Avenue, 0, 2128, 2116, and 2108 Dooley Avenue; declared the hearing open and asked if anyone wished to address the Council concerning said proposed abatement of grass lots declared public nuisances.

Willie Coleman, Jr. addressed the Council concerning 1124 Ferron Avenue and stated he was interested in buying the property.

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Mayor Robinson asked if anyone else wished to address the Council concerning said proposed abatement of grass lots declared public nuisances.

No one else addressed the Council concerning said proposed abatement of grass lots declared public nuisances.

Mayor Robinson declared the public hearing on the proposed abatement of grass lots declared public nuisances at the following locations: 521, 513 and 0 Letchers Quarters, 1622 and 1630 Glenaddie Avenue, 0 Pine Avenue, 0, 1301, 1220, and 1216 White Avenue, 0, 1224, 1220, 1220 Brown Avenue (rear), 814 and 818 West 17<sup>th</sup> Street, 0 SW corner Cooper and 16<sup>th</sup>, 720-730 Cooper Short, 1606 and 1611 Cooper Avenue, 0 West 12th Street, 1218 and 0 Stephens Avenue, 0, 600, 609, 712, 736, 902, and 906 Zinn Parkway Drive, 0 and 908 McDaniel Avenue, 1231, 1227, and 0 West 11<sup>th</sup> Street, 1101 Brown Avenue, 826 West 16<sup>th</sup> Street, 0 Dooley Avenue, 126 East 27<sup>th</sup> Street, 123 East 28<sup>th</sup> Street, 0 East 27<sup>th</sup> Street, 2709 Quintard Avenue, 1018 and 1022 West 17<sup>th</sup> Street, 1124 Ferron Avenue, 600 and 0 Pine Avenue, 1629 and 1625 Cobb Avenue, 1813 Dooley Avenue, 219 West 18<sup>th</sup> Street, 816, 812, and 900 South Allen Avenue, 815, 0, 827, 927, and 931 South Christine Avenue, 911 West 22<sup>nd</sup> Street, 0 and 2222 Dooley Avenue, 0 and 910 West 22<sup>nd</sup> Street, 0 Cobb Avenue, 0, 2128, 2116, and 2108 Dooley Avenue closed.

Council Member Palmore introduced and read Resolution Number 12-R-5 as follows:

(12-R-5, over-ruling objections to the abatement of identified nuisances)

Council Member Palmore made a motion for the passage and adoption of Resolution Number 12-R-5 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, Little, Dawson and Robinson; nays: none. The motion carried and Resolution Number 12-R-5 was passed and adopted.

Council Member Little introduced and read Resolution Number 12-R-6 as follows:

(12-R-6, over-ruling objections to the abatement of identified nuisances)

Council Member Little made a motion for the passage and adoption of Resolution Number 12-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 Jenkins, Palmore, Little, Dawson and Robinson; nays: none. The motion carried and Resolution Number 12-R-6 was passed and adopted.

Mayor Robinson reintroduced and read Resolution Number 12-R-3 as follows:

(12-R-3, conveying property to the PBA for the Judicial Center Project; second reading)

Mayor Robinson made a motion for the passage and adoption of Resolution Number 12-R-3 as reintroduced and read. The motion was second by Council Member Dawson; and on call of the roll the following vote was recorded: ayes: Council Members Palmore, Dawson and Robinson;

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nays: Council Member Little; abstentions: Council Member Jenkins. The motion carried and Resolution Number 12-R-3 was passed and adopted.

Mayor Robinson made a motion for the unanimous consent of the Council to introduce and read by title Resolution Number 12-R-7. The motion was seconded by Council Member Dawson.

Mayor Robinson asked if anyone wished to address the Council either in favor of or in opposition the introduction and reading by title of Resolution Number 12-R-7.

Mayor Robinson asked if anyone wished to address the Council either in favor of or in opposition the introduction and reading by title of Resolution Number 12-R-7.

No one addressed the Council either in favor of or in opposition the introduction and reading by title of Resolution Number 12-R-7.

On call of the roll on Mayor Robinson's motion for unanimous consent of the Council to introduce and read by title Resolution Number 12-R-7 and Council Member Dawson's second to said motion the following vote was recorded: ayes: Council Members Jenkins, Palmore, Little, Dawson and Robinson; nays: none. The motion carried.

Unanimous consent of the Council having been granted to introduce and read by title Resolution Number 12-R-7, Mayor Robinson introduced and read by title Resolution Number 12-R-7 as follows:

(12-R-7, notifying the public of a proposed grant of a right-of-way and franchise and a proposed determination of a finding of a public purpose for the grant; first reading)

Mayor Robinson reintroduced and read Ordinance Number 12-O-2 as follows:

(12-O-2, readjusting and defining the voting wards of the City of Anniston for the 2012 Municipal elections; second reading)

Mayor Robinson made a motion for the passage and adoption of Ordinance Number 12-O-2 as reintroduced and read. The motion was seconded by Council Member Jenkins; and on call of the roll the following vote was recorded: ayes: Mayor Robinson; nays: Council Members Jenkins, Palmore, Little and Dawson. The motion failed.

Mayor Robinson made a motion for the unanimous consent of the Council to introduce and read by title Ordinance 12-O-3. The motion was seconded by Council Member Dawson.

Mayor Robinson asked if anyone wished to address the Council either in favor of or in opposition the introduction and reading by title of Ordinance Number 12-O-3.

Mayor Robinson asked if anyone wished to address the Council either in favor of or in opposition the introduction and reading by title of Ordinance Number 12-O-3.

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No one addressed the Council either in favor of or in opposition the introduction and reading by title of Ordinance Number 12-O-3.

On call of the roll on Mayor Robinson's motion for unanimous consent of the Council to introduce and read by title Ordinance Number 12-O-3 and Council Member Dawson's second to said motion the following vote was recorded: ayes: Council Members Jenkins, Palmore, Little, Dawson and Robinson; nays: none. The motion carried.

Unanimous consent of the Council having been granted to introduce and read by title Ordinance Number 12-O-3, Mayor Robinson introduced and read by title Ordinance Number 12-O-3 as follows:

(12-O-3, readjusting and defining the voting wards of the City of Anniston for the 2012 Municipal elections; First reading)

Council Member Dawson made a motion for the unanimous consent of the Council to introduce and read by title Ordinance 12-O-4. The motion was seconded by Mayor Robinson.

Mayor Robinson asked if anyone wished to address the Council either in favor of or in opposition the introduction and reading by title of Ordinance Number 12-O-4.

Mayor Robinson asked if anyone wished to address the Council either in favor of or in opposition the introduction and reading by title of Ordinance Number 12-O-4.

No one addressed the Council either in favor of or in opposition the introduction and reading by title of Ordinance Number 12-O-4.

On call of the roll on Council Member Dawson's motion for unanimous consent of the Council to introduce and read by title Ordinance Number 12-O-4 and Mayor Robinson's second to said motion the following vote was recorded: ayes: Council Members Jenkins, Palmore, Little, Dawson and Robinson; nays: none. The motion carried.

Unanimous consent of the Council having been granted to introduce and read by title Ordinance Number 12-O-4, Council Member Dawson introduced and read by title Ordinance Number 12-O-4 as follows:

(12-O-4, amending the City Code setting the levy and amount of sales and use tax; first reading)

Council Member Jenkins made a motion for the unanimous consent of the Council to introduce and read by title Ordinance 12-O-5. The motion was seconded by Mayor Robinson.

Mayor Robinson asked if anyone wished to address the Council either in favor of or in opposition the introduction and reading by title of Ordinance Number 12-O-5.

Mayor Robinson asked if anyone wished to address the Council either in favor of or in opposition the introduction and reading by title of Ordinance Number 12-O-5.

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No one addressed the Council either in favor of or in opposition the introduction and reading by title of Ordinance Number 12-O-5.

On call of the roll on Council Member Jenkins' motion for unanimous consent of the Council to introduce and read by title Ordinance Number 12-O-5 and Mayor Robinson's second to said motion the following vote was recorded: ayes: Council Members Jenkins, Palmore, Little, Dawson and Robinson; nays: none. The motion carried.

Unanimous consent of the Council having been granted to introduce and read by title Ordinance Number 12-O-5, Council Member Jenkins introduced and read by title Ordinance Number 12-O-5 as follows:

(12-O-5, granting a franchise for use of City right-of-way to Watermark Tower LLC; first reading)

Mayor Robinson announced that was the time for the public hearing on an application by the Anniston Elk's Lodge #189 located at 1019 South Noble Street for bingo, declared the hearing open and asked if anyone wished to address the Council either in favor of or in opposition to said application by the Anniston Elk's Lodge #189 located at 1019 South Noble Street for bingo.

Ken Shropshire, Anniston Elk's Lodge #189, addressed the Council in favor of said application by the Anniston Elk's Lodge #189 located at 1019 South Noble Street for bingo.

Mayor Robinson asked if anyone else wished to address the Council either in favor of or in opposition to said application by the Anniston Elk's Lodge #189 located at 1019 South Noble Street for bingo.

No one else addressed the Council either in favor of or in opposition to said application by the Anniston Elk's Lodge #189 located at 1019 South Noble Street for bingo.

Mayor Robinson declared the public hearing on an application by the Anniston Elk's Lodge #189 located at 1019 South Noble Street for bingo closed.

Council Member Dawson made a motion to approve an application by the Anniston Elk's Lodge #189 located at 1019 South Noble Street for bingo. The motion was seconded by Mayor Robinson; and on call of the roll the following vote was recorded: ayes: Council Members Jenkins, Palmore, Dawson and Robinson; nays: none; abstentions: Council Member Little. The motion carried.

Council Member Jenkins made a motion to approve the proposed usage fees for the Sports Complex/Aquatics and Fitness Center as discussed and outlined during the Informal Agenda. The motion was seconded by Mayor Robinson.

Council Member Little stated this motion did not constitute an emergency and this should have carried over till the next Council meeting.

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On call of the roll on Council Member Jenkins' motion to approve the proposed usage fees for the Sports Complex/Aquatics and Fitness Center as discussed and outlined during the Informal Agenda and Mayor Robinson's second to said motion the following vote was recorded: ayes: Council Members Jenkins, Palmore, Dawson and Robinson; nays: Council Member Little. The motion carried.

Mayor Robinson made a motion to fund and construct a parking lot at the Sports Complex/Aquatics Center in accordance with the documentation submitted in the informal agenda. The motion was seconded by Council Member Dawson; and on call of the roll the following vote was recorded: ayes: Council Members Palmore, Dawson and Robinson; nays: Council Member Little; abstentions: Council Member Jenkins. The motion carried.

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

(Fuel for the City fleet)

Mayor Robinson made a motion that the bid in the total amounts of 92 octane gasoline at \$2.979/gal, 89 octane gasoline at \$2.829/gal, 87 octane gasoline \$2.729/gal and #2 diesel at \$3.029/gal by Quality Petroleum of Alabama for fuel for the City fleet be accepted. The motion was seconded by Council Member Jenkins; and on call of the roll the following vote was recorded: ayes: Council Members Jenkins, Palmore, Little, Dawson and Robinson; nays: none. The motion carried.

Council Member Palmore introduced and read Resolution Number 12-R-8 as follows:

(12-R-8, contract with Quality Petroleum)

Council Member Palmore made a motion for the passage and adoption of Resolution Number 12-R-8 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, Little, Dawson and Robinson; nays: none. The motion carried and Resolution Number 12-R-8 was passed and adopted.

Devlin Huguley, 1314 Christine Avenue, addressed the Council and stated there was a ticket trap in the City to try and raise revenue. He stated citizens are not encouraged to come before the Council. He stated the Council had too many personal vendettas.

Mayor Robinson stated he was calling a Special Meeting for January 31, 2012 at 3:00 p.m. concerning the 1% sales tax.

Council Member Little stated they should have a chance to check their calendars before a Special Meeting is called. He asked what kind of deed they have for the Union building that the City received in the land swap.

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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 Jenkins; and on call of the roll the following vote was recorded: ayes: Council Members Jenkins, Palmore, Little, Dawson and Robinson; nays: none. The motion carried and the meeting was adjourned at approximately 7:06 o'clock p.m.