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Anniston, Alabama
February 23, 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, February 23, 2010, at approximately 4:10 o'clock p.m.

Council Member Little prayed the Invocation.

Council Member Little 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 Spain made a motion to dispense with the reading of and approve the minutes of January 12 and 26, 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 from the agenda a proposed resolution approving three year contracts for the administration of the Home Investment Partnership Act Program on behalf of the Anniston/Calhoun County Home Consortium, to delete a proposed motion to authorize the City Manager to sign a letter committing the City of Anniston to work with Rick Blumenfeld, Family Circle Communities, on certain projects through the CDBG HOME funds, to delete a proposed motion to approve a request from R. H. Beaver of Albertville, Alabama, to provide him with a letter from the City of Anniston stating that it will provide Mr. Baxter with a match of up to \$450,000.00 from the HOME Consortium Program of the Alabama Housing Finance Authority to develop a project tentatively named Ridge Crest Estates LP to be located on Highway 21 behind the old Wendy's building near Marvins, to add to the agenda a motion to rename the airport, to add a motion concerning the March Super Saturday, to add a motion concerning Arbor Day Activities and to add a motion concerning the vacation of an alley between Keith and Highland Avenues. 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 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

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recorded: ayes: Council Members Spain, Palmore, Little, Dawson and Robinson; nays: none. The motion carried.

Council Member Spain made a motion to remove from the table his motion to approve a retail beer (on and off premises only) and retail table wine (on and off premises only) ABC application for Bobby Lee Colbert, Jr., d/b/a Xaviers Event Center located at 309 South Quintard Avenue. 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 stated the Council should look into requiring security guards for these types of locations.

Bobby Colbert addressed the Council and stated he uses security guards for certain events.

On call of the roll on Council Member Spain's motion to approve a retail beer (on and off premises only) and retail table wine (on and off premises only) ABC application for Bobby Lee Colbert, Jr., d/b/a Xaviers Event Center located at 309 South Quintard Avenue and Council Member Dawson's second to said motion the following vote was recorded: ayes: Council Members Spain, Palmore and Dawson; nays: none; abstentions: Council Members Little and Robinson. The motion carried.

Mayor Robinson announced that was time for the public hearing to receive comments as to why abandoned vehicles declared nuisances should not be ordered abated at the following locations: 720 Montrose Avenue, purple Hyundai Accent, Red Honda Prelude, Chevy Custom 10 pick-up, 0 Crawford Avenue, White Infinity, 212 South Leighton Avenue, blue Ford Maverick, Green Oldsmobile, Grey Chevy 4-door, dark colored Pontiac, 414 Blue Mountain Road #A, yellow Cadillac, 114 West 20th Street, blue Chevy Caprice, 1919-1921 Rocky Hollow Road, white Plymouth Voyager van, and 1917 Rocky Hollow Road, black Oldsmobile Cutlass Supreme; declared the hearing open and asked if anyone wished to address the Council concerning the proposed abatement of said abandoned vehicles declared nuisances.

Helen Willis addressed the Council concerning the vehicles at 212 South Leighton Avenue and stated she had removed all the cars except for the gray Chevrolet and it was in running order.

Mr. Sayud addressed the Council concerning the vehicles located at 1917 and 1919-1921 Rocky Hollow Road and stated he needed some time to repair the vehicles.

Mayor Robinson asked if anyone else wished to address the Council concerning the proposed abatement of said abandoned vehicles declared nuisances.

No one else addressed the Council concerning the proposed abatement of said abandoned vehicles declared nuisances.

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Mayor Robinson declared the public hearing to receive comments as to why abandoned vehicles declared nuisances should not be ordered abated at the following locations: 720 Montrose Avenue, purple Hyundai Accent, Red Honda Prelude, Chevy Custom 10 pick-up, 0 Crawford Avenue, White Infinity, 212 South Leighton Avenue, blue Ford Maverick, Green Oldsmobile, Grey Chevy 4-door, dark colored Pontiac, 414 Blue Mountain Road #A, yellow Cadillac, 114 West 20th Street, blue Chevy Caprice, 1919-1921 Rocky Hollow Road, white Plymouth Voyager van, and 1917 Rocky Hollow Road, black Oldsmobile Cutlass Supreme closed.

Mayor Robinson announced that was time for the public hearing to receive comments as to why debris declared a public nuisance should not be abated at 919 West 21st Street and 1917 Rocky Hollow Road, declared the hearing open and asked if anyone wished to address the Council concerning said proposed abatement of debris declared a public nuisance.

Mr. Sayud addressed the Council concerning the debris located at 1917 Rocky Hollow Road.

Mayor Robinson asked if anyone else wished to address the Council concerning said proposed abatement of debris declared a public nuisance.

No one else addressed the Council concerning said proposed abatement of debris declared a public nuisance.

Mayor Robinson declared the public hearing to receive comments as to why debris declared a public nuisance should not be abated at 919 West 21st Street and 1917 Rocky Hollow Road, closed.

Council Member Dawson introduced and read Resolution Number 10-R-20 as follows:

(10-R-20, reimbursements to City officials for travel expense)

Council Member Dawson made a motion for the passage and adoption of Resolution Number 10-R-20 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-20 was passed and adopted.

Council Member Spain introduced and read Resolution Number 10-R-21 as follows:

(10-R-21, ordering certain vehicle public nuisances to be abated)

Council Member Spain made a motion for the passage and adoption of Resolution Number 10-R-21 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,

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Palmore, Little, Dawson and Robinson; nays: none. The motion carried and Resolution Number 10-R-21 was passed and adopted.

Council Member Palmore introduced and read Resolution Number 10-R-22 as follows:

(10-R-22, ordering debris located on certain property declared a public nuisance to be abated)

Council Member Palmore made a motion for the passage and adoption of Resolution Number 10-R-22 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, Palmore, Little, Dawson and Robinson; nays: none. The motion carried and Resolution Number 10-R-22 was passed and adopted.

Council Member Little introduced and read Resolution Number 10-R-23 as follows:

(10-R-23, declaring certain properties a public nuisance)

Council Member Little made a motion for the passage and adoption of Resolution Number 10-R-23 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-23 was passed and adopted.

Mayor Robinson introduced and read Resolution Number 10-R-24 as follows:

(10-R-24, an Option to purchase real property with Vantage Development, LLC)

Mayor Robinson made a motion for the passage and adoption of Resolution Number 10-R-24 as introduced and read. The motion was seconded by Council Member Dawson.

Council Member Little stated they had not given other people an opportunity to purchase this property. He stated other people should be allowed to bid on this property. He stated they needed to make sure there was no revisionary clause concerning this property.

Bradley Carroll, Vantage Development LLC, addressed the Council and stated the option was to allow them to put together a low income housing tax credit application on this property. He stated the initial option runs through March 15 and he stated there are renewals at their option for approximately a year.

Council Member Little stated he was aware of who was involved with this group and he felt that other groups should have an opportunity to purchase this property.

Council Member Dawson stated it had been his understanding that they would know after the end of this first option period as to whether or not their funding would be available.

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Cleo Thomas, City Attorney, stated this option was essentially approved the last time it was before the Council and the only reason it was back before them today was because there had been discussion of the value of the building and the need for an appraisal. He stated they had brought this back so the Council could approve the purchase price.

Council Member Dawson stated that the documentation states the next option is for the same \$1,000 through July 31.

On call of the roll on Mayor Robinson's motion for the passage and adoption of Resolution Number 10-R-24 as introduced and read and Council Member Dawson'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-24 was passed and adopted.

Council Member Spain introduced and read Resolution Number 10-R-25 as follows:

(10-R-25, authorizing the Mayor to execute a Construction Agreement for a signal upgrade at Ala. Hwy. 21 and Baltzell Gate Road)

Council Member Spain made a motion for the passage and adoption of Resolution Number 10-R-25 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-25 was passed and adopted.

Mayor Robinson introduced and read Resolution Number 10-R-26 as follows:

(10-R-26, grant application to ADEM under the Alabama Recycling Fund)

Mayor Robinson made a motion for the passage and adoption of Resolution Number 10-R-26 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, Palmore, Little, Dawson and Robinson; nays: none. The motion carried and Resolution Number 10-R-26 was passed and adopted.

Council Member Little introduced and read Resolution Number 10-R-27 as follows:

RESOLUTION NUMBER 10-R-27

NOW THEREFORE BE IT RESOLVED, by the City Council of the City of Anniston,

SECTION 1. Administration and Collection by the Alabama

Department of Revenue. Pursuant to the provisions of Code of Alabama 1975,

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Section 11-51-207, the City Council hereby directs that the Department of Revenue of the State of Alabama shall administer and collect all sales, consumer's use, seller's use, rental, and lodgings taxes under the provisions of this Resolution to the fullest extent allowed by Alabama law.

SECTION 2. Certified Copy. The City shall provide a certified copy of this Resolution to the Alabama Department of Revenue and shall also provide such other information and take such other steps as may be required by said Department of Revenue to enable it to administer and collect taxes levied and assessed under the provisions of this Resolution.

SECTION 3. Effective Date. The effective date of for the commencement of these services shall coincide with the termination of the City's current contract for tax administration services which shall be June 1, 2010 with collection of May taxes to be remitted on or before June 20, 2010.
PASSED AND ADOPTED this the 23rd day of February, 2010.

CITY COUNCIL OF THE CITY OF
ANNISTON, ALABAMA
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 Little made a motion for the passage and adoption of Resolution Number 10-R-27 as introduced and read. The motion was seconded by Council Member Spain.

Mayor Robinson asked the Council to vote for PRIMA Corporation. He stated that PRIMA was a local company. He stated they would offer more incentives for the City and taxpayers.

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Council Member Dawson stated he had returned calls to PRIMA but did not get to meet with them the final time.

Council Member Little stated he had also spoken to PRIMA.

On call of the roll on Council Member Little's motion for the passage and adoption of Resolution Number 10-R-27 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 Dawson; nays: Mayor Robinson. The motion carried and Resolution Number 10-R-27 was passed and adopted.

Council Member Little made a motion to refund the fee charged to Refuge II, Hope for Haiti, Stephanie Nchege for the event at the City Meeting Center on February 5, 2010. The motion was seconded by Council Member Dawson.

Mayor Robinson stated he attended this event and made contributions personally and he wanted to help the Haitian people but he felt they were setting a bad precedent by refunding this money when they had already been given a discount for the event. He stated other organizations would want refunds.

Stephen Folks, director, Parks and Recreation Department, stated this group was given the second tier charge amount for the use of the City Meeting Center. He stated other organizations called concerning using the building for charitable fund raising.

Council Member Spain stated he did not see this as setting a precedent because of the unique situation.

Council Member Little stated they had to pay for the renting of the equipment. He stated this was not setting a precedent and they had allowed others to use the City Meeting Center for free in the past. He stated they could do this on a case by case basis.

On call of the roll on Council Member Little's motion to refund the fee charged to Refuge II, Hope for Haiti, Stephanie Nchege for the event at the City Meeting Center on February 5, 2010, and Council Member Dawson's second to said motion the following vote was recorded: ayes: Council Members Spain, Palmore, and Little; nays: none; abstentions: Council Members Dawson and Robinson. The motion carried

Council Member Spain made a motion that the Anniston Metropolitan Airport be renamed the Anniston Regional Airport. The motion was seconded by Mayor Robinson.

Council Member Dawson made a motion to amend Council Member Spain's motion that the Anniston Metropolitan Airport be renamed the Anniston Regional Airport to be renamed the Anniston Calhoun County Regional Airport. The motion was seconded by Council Member Spain; and on call of the roll the following vote was recorded: ayes: Council Member Dawson; nays: Council Members Spain, Palmore, Little and Robinson. The motion failed.

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On call of the roll on Council Member Spain's motion that the Anniston Metropolitan Airport be renamed the Anniston Regional Airport and Mayor Robinson's second to said motion 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 block Noble Street from 9th Street to 10th Street and block 10th Street from Wilmer Avenue to Gurnee Avenue from 4:00 p.m. to 9:00 p.m. on Saturday, March 20, 2010, to accommodate the March Super Saturday. 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 Dawson made a motion to plant 12 trees in the median along Noble Street (2 per block) from the 900 block to the 1500 block as part of the Arbor Day activities. The motion was seconded by Mayor Robinson; 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 Dawson made a motion to table his proposed motion that the alley between Keith and Highland Avenues be vacated. 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 asked that a time line be set for staff to make sure that they have all pertinent documents and information regarding this vacation and be supplied to all Council Members within five days. He stated this needed to appear as old business until it has been totally adjudicated.

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

(Cleaning of nuisance lots)

Council Member Little made a motion that the bids in the total amounts of \$2,814.00 by T & J Demo and Clean-up, \$4,655.00 by James and Kenny, and \$150.00 by Preacher's Lawn Care for the cleaning of nuisance lots 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 Sheets had been given to the Council:

(Demolition of substandard structures)

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Council Member Dawson made a motion that the bids in the total amounts of \$20,000.00 by Teague Hauling and \$17,025.00 by Emtex Mechanical for the demolition of substandard structures 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, Dawson and Robinson; nays: none. The motion carried.

Tony Baxter addressed the Council about a deleted item from the agenda, a proposed motion concerning a match of HOME Consortium funds.

Mayor Robinson apologized to Mr. Baxter that he was not informed that this item was to be removed from the agenda.

Council Member Little made a motion pursuant to Section 7 of the Alabama open meeting law for an Executive Session for the purpose of discussing with the City Attorney the legal ramifications of and legal options for pending litigation, controversies not yet being litigated but imminently likely to be litigated if the governmental body pursues a proposed course of action. 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 went into Executive Session at approximately 5:30 p.m.

Council Member Little made a motion to reconvene. 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 reconvened at approximately 7:04 p.m.

Council Member Little made a motion to table a proposed motion to appoint an outside individual to conduct an inquiry for the Council of alleged threats from an individual staff member toward an elected official. 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.

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 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 the meeting was adjourned at approximately 7:05 o'clock p.m.