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Anniston, Alabama
March 8, 2011

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, March 8, 2011, at approximately 3:20 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, and Robinson; absent: Council Member Dawson. 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 Dawson entered the meeting at 3:22 o'clock p.m.)

Council Member Little stated they needed to consider an emergency temporary closing of Coyote Mike's Bar and Grill. He asked the City Attorney if that would be legal to do.

Cleo Thomas, City Attorney, stated that he thought a closing without a hearing and notice would be ill advised.

Mayor Robinson made a motion for no additions or deletions to the agenda. 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.

Council Member Dawson made a motion to adopt the agenda. 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 read and presented the following proclamation to Ruby Cotton Butler Riffle:

(proclamation)

Council Member Little made a motion to remove from the table a motion to authorize the City Attorney to proceed with legal action to collect on the unpaid invoice to the Anniston Star in the amount of \$1,855.40 for records request of Council Member's

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emails of January 14, 2010. The motion was seconded by Council Member Palmore; and on call of the roll the following vote was recorded: ayes: Council Members Spain, Palmore, and Little; nays: Council Members Dawson and Robinson. The motion carried.

Council Member Spain stated he believes this issue needs to be dealt with and he was opposed to this motion. He stated the Anniston Star did not receive the material in the manner requested.

Council Member Little stated that this issue could be decided in small claims court and a judge could decide if the Anniston Star had utilized the material they received.

Council Member Dawson asked the City Manager if in his discussions with the management of the Anniston Star did he feel progress was being made toward the settlement of this issue.

Don Hoyt, City Manager, stated he did not feel progress was being made toward the settlement of this issue. He stated he had spoken with Bob Davis at the Anniston Star.

Council Member Palmore stated that Mr. Hoyt needed to speak with Mr. Ayers and Mr. Sanguinetti at the Anniston Star.

Council Member Palmore made a motion to table a motion to remove from the table a motion to authorize the City Attorney to proceed with legal action to collect on the unpaid invoice to the Anniston Star in the amount of \$1,855.40 for records request of Council Member's emails of January 14, 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, and Dawson; nays: Council Members Little and Robinson. The motion carried.

Mayor Robinson introduced and read Resolution Number 11-R-21 as follows:

(11-R-21, reimbursements for travel expense)

Mayor Robinson made a motion for the passage and adoption of Resolution Number 11-R-21 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 11-R-21 was passed and adopted.

Mayor Robinson introduced and read Resolution Number 11-R-22 as follows:

(11-R-22, conveying property to the PBA for the Judicial Center Project)

Mayor Robinson made a motion for the unanimous consent of the Council for the immediate consideration of Resolution Number 11-R-22 as introduced and read. The motion was seconded by Council Member Dawson.

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Council Member Little asked how this compared with the conveyance of property to the PBA for the DHR project.

Danny McCullars, Finance Director, stated that the same process happened with the DHR project in that the City conveyed the property to the PBA. He stated this conveyance was one of the first steps and if the City did not convey the property then it would be a dead project as far as the PBA is concerned.

Council Member Little stated that the funding of the DHR project is backed by the State of Alabama. He stated the City is funding this project. He stated they were giving this property to the PBA so they could do the Council's job for them. He stated they wanted to spend \$15 million to build this jail. He stated some of this property did not belong to the City. He stated he was concerned about the process and the procedure and he thought they would be sued for taking this action.

Council Member Spain stated this was something that the Council has supported by majority vote. He stated if there was something wrong with the way they were proceeding then the responsibility is on the City Attorney and the City Manager. He stated there were issues that had not been properly dealt with then it was certainly incumbent upon someone other than he as a Council Member to figure that out.

Council Member Dawson stated that if the Council voted to convey the property to the PBA then the PBA would have to vote to accept the property.

Jim Miller, Chairman, PBA, stated that they were prepared to meet and vote on accepting this property.

Council Member Palmore stated there were still many questions concerning this conveyance and they should table this resolution.

Alan Atkinson, City Clerk, stated the motion was for unanimous consent for immediate consideration and one no vote would effectively table this resolution for two weeks.

Council Member Little asked if this \$15 million bond would be counted against the City.

Mr. McCullars stated that there was a provision in the State Constitution that does not let City's go 20% above their assessed value. He stated that on these critical public building they do not make you include that in the calculation. He stated they would owe the money.

Council Member Little stated that when they cannot pay their debts then they will be trying to increase taxes for the citizens. He stated they should not embark on this \$15 million jail.

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On call of the roll on Mayor Robinson's motion for the unanimous consent of the Council for the immediate consideration of Resolution Number 11-R-22 as introduced and read and Council Member Dawson'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 failed.

Council Member Little introduced and read Resolution Number 11-R-23 as follows:

(11-R-23, agreement with C. E. Isom for professional services)

Council Member Little made a motion for the passage and adoption of Resolution Number 11-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, and Robinson; nays: Council Member Dawson. The motion carried and Resolution Number 11-R-23 was passed and adopted.

Council Member Dawson introduced and read Resolution Number 11-R-24 as follows:

RESOLUTION NUMBER 11-R-24

WHEREAS, the City Council (the "Governing Body") of the City of Anniston, AL (the "Buyer"), acting for and on behalf of the Buyer hereby finds, determines and adjudicates as follows:

1. The Buyer desires to enter into a Contract with the Exhibits attached thereto in substantially the same form as attached hereto as Exhibit "A" (the "Contract") with BancorpSouth Equipment Finance, a division of BancorpSouth Bank (the "Seller") for the purpose of presently purchasing the equipment as described therein for the total cost specified therein (collectively the "Equipment").
2. It is in the best interest of the residents served by Buyer that the Buyer acquire the Equipment pursuant to and in accordance with the terms of the Contract; and
3. It is necessary for the Buyer to approve and authorize the contract.
4. The Buyer desires to designate the Contract as a qualified tax-exempt obligation of Buyer for purposes of Section 265(b)(3) of the Internal Revenue Code of 1986 (the"Code").

NOW, THEREFORE, BE IT RESOLVED by this Governing Body for and on behalf of the Buyer as follows:

Section 1. The Contract and Exhibits attached thereto in substantially the same form as attached hereto as Exhibit "A" by and between the Seller and the Buyer is hereby approved and Gene D. Robinson, as Mayor of the City of Anniston (the" Authorized

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Officer") is hereby authorized and directed to execute said contract on behalf of the Buyer.

Section 2. The Delivery Order is being issued in calendar year 2011.

Section 3. Neither any portion of the gross proceeds of the Contract nor the Equipment identified to the Contract shall be used (directly or indirectly) in a trade or business carried on by any person other than a governmental unit, except for such use as a member of the general public.

Section 4. No portion of the rental payments identified in the Contract (a) is secured, directly or indirectly, by property used or to be used in a trade or business on by a person other than a governmental unit, except for such use as a member of the general public, or by payments in respect of such property; or (b) is to be derived from payments (whether or not to Buyer) in respect of property or borrowed money used or to be used for a trade or business carried on by any person other than a governmental unit.

Section 5. No portion of the gross proceeds of the Contract are used (directly or indirectly) to make or finance loans to persons other than governmental units.

Section 6. The Authorized Officer is further authorized for and on behalf of the Governing Body and the buyer to do all things necessary in furtherance of the obligations of the Buyer pursuant to the Contract, including execution and delivery of all other documents necessary or appropriate to carry out the transactions contemplated thereby in accordance with the terms and provisions thereof.

PASSED AND ADOPTED this the 8th day of March, 2011.

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 11-R-24 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 11-R-24 was passed and adopted.

Mayor Robinson announced that was the time for the public hearing on a lounge retail liquor – Class I ABC application for Jackie Helms d/b/a The Scooter Stop located within the police jurisdiction at 295 Lenlock Lane, declared the hearing open and asked if

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anyone wished to address the Council either in favor of or in opposition to said lounge retail liquor – Class I ABC application for Jackie Helms d/b/a The Scooter Stop located within the police jurisdiction at 295 Lenlock Lane.

Jackie Helms addressed the Council in favor of said lounge retail liquor – Class I ABC application for Jackie Helms d/b/a The Scooter Stop located within the police jurisdiction at 295 Lenlock Lane.

Mayor Robinson asked if anyone else wished to address the Council either in favor of or in opposition to said lounge retail liquor – Class I ABC application for Jackie Helms d/b/a The Scooter Stop located within the police jurisdiction at 295 Lenlock Lane.

No one else addressed the Council either in favor of or in opposition to said lounge retail liquor – Class I ABC application for Jackie Helms d/b/a The Scooter Stop located within the police jurisdiction at 295 Lenlock Lane.

Mayor Robinson declared the public hearing on a lounge retail liquor – Class I ABC application for Jackie Helms d/b/a The Scooter Stop located within the police jurisdiction at 295 Lenlock Lane closed.

Council Member Spain made a motion to approve a lounge retail liquor – Class I ABC application for Jackie Helms d/b/a The Scooter Stop located within the police jurisdiction at 295 Lenlock Lane. The motion was seconded by Council Member Dawson; and on call of the roll the following vote was recorded: ayes: Council Members Spain, Palmore and Dawson; nays: none; abstentions: Council Members Little and Robinson. The motion carried.

Council Member Dawson made a motion to suspend the Revolving Loan Fund program until further notice. The motion was seconded by Council Member Spain.

Council Member Little stated they should place a time limit on this motion and who would be addressing the problems with the program.

Council Member Spain made a motion to amend Council Member Dawson's motion to suspend the Revolving Loan Fund program until further notice so that by the next Council Meeting there would be a policy and process to present to the Council with additional controls to prevent any abuse. The motion was seconded by Council Member Dawson.

Council Member Palmore stated he was opposed to suspending this program for any time. He stated there were people waiting to put applications in. He stated they needed to put a plan in place.

Council Member Little stated the Revolving Loan Board had done a commendable job. He stated they needed to look at the administrative processes.

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On call of the roll on Council Member Spain's motion to amend Council Member Dawson's motion to suspend the Revolving Loan Fund program until further notice so that by the next Council Meeting there would be a policy and process to present to the Council with additional controls to prevent any abuse and Council Member Dawson's second to said motion the following vote was recorded: ayes: Council Members Spain, Little, and Dawson; nays: Council Members Palmore and Robinson. The motion carried.

On call of the roll on Council Member Dawson's motion to suspend the Revolving Loan Fund program until further notice as amended so that by the next Council Meeting there would be a policy and process to present to the Council with additional controls to prevent any abuse and Council Member Spain's second to said motion the following vote was recorded: ayes: Council Members Spain, Little, and Dawson; nays: Council Members Palmore and Robinson. The motion carried.

Council Member Little made a motion to authorize the City Manager to execute a contract with Debra Foster for use of the Project Pay Building while working on the Civil Rights Museum. The motion was seconded by Council Member Spain.

Council Member Dawson stated they did not have a copy of the contract.

Don Hoyt, City Manager, stated he and Ms. Foster had not completed the agreement and suggested they table this motion for two weeks.

Council Member Little made a motion to table his motion to authorize the City Manager to execute a contract with Debra Foster for use of the Project Pay Building while working on the Civil Rights Museum. 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 City Manager to negotiate the purchase of the property as shown on Exhibit "B" attached. The motion was seconded by Council Member Spain.

Council Member Palmore asked if there were any plans to develop this property.

Council Member Little stated they did have a plan to develop it and they had talked with some people about putting buildings there to hopefully provide some business opportunities for some people. He stated it could add jobs in that area.

Council Member Palmore stated the City had a large volume of property now. He stated they should discuss this more and recruit people that have a business plan and the means for putting it together before they add more property to the City books.

Mayor Robinson stated they did not any more property to land bank in the City. He stated there were at least ten legal complications with these properties.

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Council Member Spain made a motion to table Council Member Little's motion to authorize the City Manager to negotiate the purchase of the property as shown on Exhibit "B" attached until they could get more information. The motion was seconded by Council Member Palmore; and on call of the roll the following vote was recorded: ayes: Council Members Spain and Palmore; nays: Council Members Little and Robinson; abstentions: Council Member Dawson. The motion failed.

Council Member Little stated that any questions could be worked out before they purchase the property. He stated this motion was to begin the negotiation of the property purchase. He stated they had spent thousands of dollars on buildings on West 15th and he was for the development of West 15th. He stated this was some development for south Anniston along Leighton. He stated he had been talking with people about putting businesses in Ward 3. He stated he had supported projects in other areas.

Cleo Thomas, City Attorney, stated this motion authorized the City manager to negotiate the purchase of the property and there was no guarantee that any real estate transaction would close.

Council Member Spain asked if the Council would have the opportunity to approve the purchase of property after the negotiation.

Mr. Thomas stated that in his opinion the Council would have the opportunity to approve the purchase of property after the negotiation.

Council Member Palmore stated he turned down the botanical gardens because he did not think it was a good deal. He stated there were still title problems at McClellan. He stated they needed a plan before they purchase this property.

On call of the roll on Council Member Little's motion to authorize the City Manager to negotiate the purchase of the property as shown on Exhibit "B" attached and Council Member Spain's second to said motion the following vote was recorded: ayes: Council Members Spain, Little and Dawson; nays: Council Members Palmore and Robinson. The motion carried.

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

(Cleaning of nuisance lots)

Mayor Robinson made a motion that the bids in the total amounts of \$2,020.00 by T & J Demo and Clean-up and \$1,055.00 by Mr. Lawn for the cleaning of nuisance lots be accepted. 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.

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Bob Dean, Public Works Director, addressed the Council concerning the reduction of brush routes and increasing the care of nuisance lots and ditches.

Ralph Bradford addressed the Council concerning being arrested for not paying his garbage bill. He stated he was fined \$600 after he had paid his garbage bill.

Dave Mogil, Damn Yankees, addressed the Council concerning his opposition to changing the direction of an alley behind his business or putting in a drive through for Water Works and Sewer Board at their proposed new location.

Glen Ray, 3514 Dale Hollow Road, addressed the Council and stated they could not arrest people for garbage bills or fine them for more than the City's policy stated.

Wanda Montgomery, 2825 Gurnee Avenue, addressed the Council concerning her garbage bill payments and stated her driveway was disintegrating.

Curtis Ray, 2004 Constantine Avenue, addressed the Council government being for the people.

Jean Burton, 900 Highland Avenue, addressed the Council and stated she had a complaint against the police department and stated they would not pick up her schizophrenic son when she called them.

Mary Foster, 2328 Moore Avenue, addressed the Council and stated the trash is dumped in the road and the trash cans were not any good.

Council Member Little, Refuge Full Gospel Methodist Church, addressed the Council concerning Judge Stan Allen and stated his actions toward the people in court had been disrespectful.

Council Member Palmore stated he had not ever known anyone to be put on probation for a traffic citation but someone had come to him about being on probation for a tag violation. He stated he was going to ask for an investigation. He stated he wanted to find out why people were being put on probation for simple traffic violations. He stated they may have to look at redesigning their court procedures.

Council Member Dawson stated he was very disturbed about Mr. Bradford getting a \$600.00 fine when their ordinance says they cannot do that. He stated he would like to find out what happened in this case.

Council Member Spain stated he would continue to bring up the ethical issues. He stated that anyone that tries to separate ethics from the business of the City has a motive that he cannot understand.

Council Member Little stated he agreed with Council Member Spain about the ethics and he had spoken to the Attorney General's office. He stated he would not vote to close the

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alley behind Damn Yankees. He stated that if people investigated enough they could find out why the Home Consortium funds went back to the State.

Mayor Robinson stated that in October, November and January the City's revenues had fallen flat.

There being no further business to come before the meeting at that time Council Member Spain made a motion the meeting be adjourned. The motion was seconded by Council Member Palmore; 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 and the meeting was adjourned at approximately 5:10 o'clock p.m.