

3-9-2010

Anniston, Alabama
March 9, 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, March 9, 2010, at approximately 3:14 o'clock p.m.

Council Member Dawson prayed the Invocation.

Council Member Dawson 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 Dawson made a motion to dispense with the reading of and approve the minutes of February 9, 2010. 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 Little 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 announced that was the time for the public hearing to hear comments on the proposed abatement of properties declared public nuisances at the following locations: 1220 Brown Avenue, 226 Mulberry Avenue, 1724 Henry Road, 3026 Gurnee Avenue, 2304 Gurnee Avenue, 2209 Gurnee Avenue, 1808 Mulberry Avenue, 400 Pyle Avenue, 417 Elm Street, 2508 Gurnee Avenue, 2300 Gurnee Avenue and 1231 Gurnee Avenue; declared the hearing open and asked if anyone wished to address the Council concerning the proposed abatement of said properties declared public nuisances.

Robert Williams addressed the Council concerning the property located at 1808 Mulberry Avenue and stated he was planning to repair the property.

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

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

3-9-2010

Mayor Robinson declared the public hearing to hear comments on the proposed abatement of properties declared public nuisances at the following locations: 1220 Brown Avenue, 226 Mulberry Avenue, 1724 Henry Road, 3026 Gurnee Avenue, 2304 Gurnee Avenue, 2209 Gurnee Avenue, 1808 Mulberry Avenue, 400 Pyle Avenue, 417 Elm Street, 2508 Gurnee Avenue, 2300 Gurnee Avenue and 1231 Gurnee Avenue closed.

Council Member Dawson introduced and read Resolution Number 10-R-28 as follows:

(10-R-28, travel reimbursement)

Council Member Dawson made a motion for the passage and adoption of Resolution Number 10-R-28 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-28 was passed and adopted.

Council Member Palmore introduced and read Resolution Number 10-R-29 as follows:

(10-R-29, ordering certain public nuisances to be abated)

Council Member Palmore made a motion for the passage and adoption of Resolution Number 10-R-29 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-29 was passed and adopted.

Council Member Spain introduced and read Resolution Number 10-R-30 as follows:

(10-R-30, declaring property surplus and authorizing sale)

Council Member Spain made a motion for the passage and adoption of Resolution Number 10-R-30 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-30 was passed and adopted.

Council Member Spain introduced and read Resolution Number 10-R-31 as follows:

(10-R-31, authorizing the purchase of the Water Works and Sewer Board property located at 131 West 11th)

Council Member Spain made a motion for the passage and adoption of Resolution Number 10-R-31 as introduced and read. The motion was seconded by Council Member Dawson.

Council Member Little stated they should not purchase a building that they have no need for. He stated the Council had not discussed the price for this property.

3-9-2010

Council Member Dawson stated he was ready to move forward with this purchase but not until they had some dollar amounts and a lease agreement for the building.

Jim Miller, General Manager, AWWSB, stated that the AWWSB would accept \$360,000.00 for the building.

Council Member Spain made a motion to table his motion for the passage and adoption of Resolution Number 10-R-31 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.

Mayor Robinson introduced and read Resolution Number 10-R-32 as follows:

RESOLUTION NUMBER 10-R-32

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

Section 1. That the Jim Farrell, Gerald Wilkerson, Mark Hearn, Willie Duncan and Lynetta Owens be and the same are hereby appointed as representatives of the City of Anniston to the McClellan Development Authority, an Advisory body composed of five appointees of the Calhoun County Commission, five appointees of the City Council and one appointee by the Governor of the State of Alabama to serve as the Local Reuse Authority in respect to the development and/or environmental cleanup of the former Fort McClellan Military Base. All such appointees shall serve at the pleasure of the City Council.

Section 2. That a copy of this resolution be mailed to each above named appointee and to Rudy Abbott, Chairman of the Calhoun County Commission.

Terms of appointment effective this date: Jim Farrell – 1year, Gerald Wilkerson – 3 years, Mark Hearn – 2 years, Willie Duncan – 2 years and Lynetta Owens – 3 years

PASSED AND ADOPTED this the 9th day of March, 2010.

CITY COUNCIL OF THE CITY OF
ANNISTON, ALABAMA

By: /s/ Gene Robinson, Mayor

By: /s/ John Spain, Council Member

By: /s/ David Dawson, Council Member

ATTEST:

/s/ Alan B. Atkinson, City Clerk

Mayor Robinson made a motion for the passage and adoption of Resolution Number 10-R-32 as introduced and read. The motion was seconded by Council Member Spain.

The Council discussed Resolution Number 10-R-32.

3-9-2010

Mayor Robinson made a motion to table his motion for the passage and adoption of Resolution Number 10-R-32 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 and Robinson; nays: Council Members Palmore, Little and Dawson. The motion failed.

Mayor Robinson stated the names and terms of appointment effective this date for this resolution were Jim Farrell – 1 year, Mark Hearn – 2 years, Willie Duncan – 2 years, Gerald Wilkerson – 3 years and Lynetta Owens – 3 years.

On call of the roll on Mayor Robinson's motion for the passage and adoption of Resolution Number 10-R-32 as introduced and read and Council Member Spain'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 and Resolution Number 10-R-32 was passed and adopted.

Council Member Spain introduced and read Resolution Number 10-R-33 as follows:

RESOLUTION NUMBER 10-R-33

WHEREAS, the City Council of the City of Anniston, Alabama has a claim for attorney's fees from William Eugene Rutledge and the firm of Rutledge & Yaghmai; and

WHEREAS, a motion has been made to pay the claim; and

WHEREAS, the Council deems it prudent to determine the permissibility of the claim and the scope of its authority and discretion in this matters generally and this instance in particular.

THEREFORE, BE IT RESOLVED, by the City Council of the City of Anniston as follows:

Section 1. That Cleophus Thomas, Jr., City Attorney of the City of Anniston be and he is hereby authorized to request an official opinion of the Hon. Troy King, Attorney General of the State of Alabama, in substantially the form and substance attached hereto relating to the authority of the City to pay attorney's fees.

Section 2. That the nature and character of the question include:

1. Is it permissible for the Anniston City Council to pay legal counsel who had been retained to represent the City after he has been terminated by the City as counsel?

3-9-2010

2. Is it permissible for the Anniston City Council to pay for legal counsel who had been authorized to file litigation for the City and thereafter terminated in an instance where the attorney continued, with the knowledge of the City, to represent the City's derivative interests and thereafter the City determines there was value in that representation and legitimate identifiable municipal interests were furthered or protected?

PASSED AND ADOPTED this the 9th day of March, 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 Spain made a motion for the passage and adoption of Resolution Number 10-R-33 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-33 was passed and adopted.

Council Member Dawson introduced and read Resolution Number 10-R-34 as follows:

(10-R-34, approving three year contracts for the administration of the HOME Investment Partnership Act Program)

Council Member Dawson made a motion for the passage and adoption of Resolution Number 10-R-34 as introduced and read. The motion was seconded by Mayor Robinson.

Council Member Spain stated they needed a summary of the numbers.

Mr. Hoyt stated they were asking for an additional \$18,000 and \$9,000 for two employees.

Council Member Little stated he was opposed to this resolution. He stated there were some serious problems in this department.

Mayor Robinson stated this was a separate program from CDBG. He stated the money was coming from the HOME funds and would not cost the City any additional funds.

Council Member Palmore stated he had always supported Mr. Williams but he had also heard some complaints about this department.

3-9-2010

Council Member Little made a motion to table Council Member Dawson's motion for the passage and adoption of Resolution Number 10-R-34 as introduced and read. 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.

Mayor Robinson announced that was the time for the public hearing on an application for a retail beer (on or off premises only) and retail table wine (on or off premises only) ABC license for Hall Garza LLC d/b/a Blus Place located at 1013B Highway 431 North, 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 retail beer (on or off premises only) and retail table wine (on or off premises only) ABC license for Hall Garza LLC d/b/a Blus Place located at 1013B Highway 431 North.

Tony Hall addressed the Council in favor of said application for a retail beer (on or off premises only) and retail table wine (on or off premises only) ABC license for Hall Garza LLC d/b/a Blus Place located at 1013B Highway 431 North.

Mayor Robinson asked if anyone else wished to address the Council either in favor of or in opposition to said application for a retail beer (on or off premises only) and retail table wine (on or off premises only) ABC license for Hall Garza LLC d/b/a Blus Place located at 1013B Highway 431 North.

No one else addressed the Council either in favor of or in opposition to said application for a retail beer (on or off premises only) and retail table wine (on or off premises only) ABC license for Hall Garza LLC d/b/a Blus Place located at 1013B Highway 431 North.

Mayor Robinson declared the public hearing on an application for a retail beer (on or off premises only) and retail table wine (on or off premises only) ABC license for Hall Garza LLC d/b/a Blus Place located at 1013B Highway 431 North closed.

Council Member Spain made a motion to approve an application for a retail beer (on or off premises only) and retail table wine (on or off premises only) ABC license for Hall Garza LLC d/b/a Blus Place located at 1013B Highway 431 North. The motion was seconded by Council Member Spain; 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 approve a retail beer (off premises only) and a retail table wine (off premises only) ABC application for Walgreens Co. d/b/a Walgreens Store 07951 located at 800 Quintard Avenue and Walgreens Store 11819 located at 1401 Golden Springs Road. The motion was seconded by Council Member Spain; 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 Little made a motion to accept the quote from RFI Contractors to correct paint problems at the Multi-Modal facility. The motion was seconded by Council Member Palmore;

3-9-2010

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 approve the Request for Proposal for leasing of the concession area located in the Multi-Modal Train Station. 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 Spain made a motion to authorize the City Manager to negotiate a lease agreement with Mr. Ervin Romine for the operation of the Cane Creek Restaurant located in the Cane Creek Golf Course Club House at McClellan. The motion was seconded by Council Member Palmore.

Council Member Spain made a motion to table his motion to authorize the City Manager to negotiate a lease agreement with Mr. Ervin Romine for the operation of the Cane Creek Restaurant located in the Cane Creek Golf Course Club House at McClellan. 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 approve a Special Events Permit to the Northeast Alabama Bicycle Club for the Noble Street Festival for Saturday, April 17, 2010. 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 approve a request from Historic Downtown Anniston Business Association to block the following streets for Super Saturday events: (1) April 17, 2010 – 4:00 p.m. to 9:00 p.m. Noble Street from 12th Street to 15th Street (2) May – November, 2010 – 4:00 p.m. to 9:00 p.m. 10th Street between Wilmer and Gurnee Avenue and Noble Street between 9th and 10th 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.

Council Member Spain made a motion to approve a Special Events Permit to Historic Downtown Anniston Business Association for the July Super Saturday Blues Festival and BBQ Cook-Off on July 15 – 17, 2010. . 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: Council Member Little. The motion carried.

Council Member Little made a motion to approve funding for a Verbal History Video Archive related to Civil rights Heritage in Anniston. 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.

3-9-2010

Council Member Spain made a motion to approve a request from McClellan Development Authority to transfer two accounts at Alabama Power from the MDA to the City of Anniston for street lights along various roads in the Buckner Circle and Research/Technology districts at McClellan. The motion was seconded by Council Member Little.

Mayor Robinson stated he had a problem with this motion because the bill had parts on it where the public was not even served. He stated they needed to refine the area in question so the bill can be correct.

Council Member Spain withdrew his motion to approve a request from McClellan Development Authority to transfer two accounts at Alabama Power from the MDA to the City of Anniston for street lights along various roads in the Buckner Circle and Research/Technology districts at McClellan. Council Member Little withdrew his second to said motion.

Doug Bullock addressed the Council concerning the evaluation of the bids for the Chalkline Mill Brownfield Clean-Up plan. He stated they recommended Action Environmental as the remediation contractor in the amount of \$138,200.00. He stated one of the contractors who bid on the project had come today to express their disagreement with the bid evaluation process.

Council Member Little asked Mr. Bullock if he was satisfied the bid packet they put out was appropriate and the bid evaluation process was proper.

Council Member Spain stated that he would suggest that any objections the contractor had with the bid evaluation process be submitted in writing to the City's legal counsel.

Mayor Robinson stated he agreed with Council Member Spain but the contractor could address the Council during public comments.

Council Member Little made a motion that the bid in the total amount of \$138,200.00 by Action Environmental for the remediation of the Chalkline Mill Brownfield Clean-Up plan be accepted. 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.

John Mount, Kemron Environmental, addressed the Council and stated he had a problem with requisition of the contract and the evaluation of the bids for the remediation of the Chalkline Mill Brownfield Clean-Up plan. He stated he did not feel the evaluation process was identified in the bid proposal.

Deborah Love, Brownfield Job Training Program, addressed the Council and stated it was important for the graduates of the Brownfield Job Training Program be able to perform work associated with the Chalkline Mill Brownfield Clean-Up plan.

Council Member Little made a motion for Council Member Dawson to be the voting delegate for the NLC Congressional Conference and for Council Member Little to be the alternate voting delegate. The motion was seconded by Council Member Spain; and on call of the roll the

3-9-2010

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

Council Member Little stated that the summer jobs program information should be announced over the PA systems at the schools when they are opened. He stated they needed to look at having a 4th of July festival downtown and fireworks on Coldwater Mountain. He asked if sales tax has been collected by a business and not been remitted to the City can the City take action to collect that money.

There being no further business to come before the meeting at that time Council Member Little made a motion the meeting be adjourned. 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 meeting was adjourned at approximately 5:40 o'clock p.m.