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Anniston, Alabama
March 22, 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 22, 2011, at approximately 3:10 o'clock p.m.

Council Member Spain prayed the Invocation.

Council Member Spain 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 22, 2011, and March 8, 2011. 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.

Council Member Dawson made a motion to add to the agenda a motion concerning Dr. Hager's zoning violation and procedures to remedy and to delete from the agenda the proposed ordinance to re-designate "Chapter 23. Plumbing and Gas Codes" to become "Article 5. Plumbing and Gas Codes" of "Chapter 6. Buildings" in the City Code. 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.

Council Member Dawson made a motion to adopt the agenda as amended. 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.

Council Member Little made a motion to remove from the table 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; 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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On call of the roll on Council Member Little's 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 and Council Member Spain'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 announced that was the time for the public hearing on the proposed revocation of the business license for Coyote Mike's Bar and Grill, declared the hearing open and asked if anyone wished to address the Council either in favor of or in opposition to said proposed revocation of the business license for Coyote Mike's Bar and Grill.

Opal Scruggs addressed the Council in favor of said proposed revocation of the business license for Coyote Mike's Bar and Grill.

Elizabeth Hammett, 2824 Old Birmingham Highway, addressed the Council in favor of said proposed revocation of the business license for Coyote Mike's Bar and Grill.

Tom Harmon, attorney, and Elbert Best, manager of Coyote Mike's Bar and Grill, addressed the Council in opposition to said proposed revocation of the business license for Coyote Mike's Bar and Grill.

Mr. Harmon asked Chief McGrady, Police Department, if a report of shots fired was an unusual occurrence in Anniston.

Chief McGrady stated that a report of shots fired was not an unusual occurrence in Anniston.

Council Member Dawson asked Chief McGrady if residences were closer to AJs or Coyote Mike's Bar and Grill.

Chief McGrady stated that residences were closer to Coyote Mike's Bar and Grill than AJs.

Council Member Little stated he constantly receives calls about noise at Coyote Mike's Bar and Grill. He asked who was the owner of Coyote Mike's Bar and Grill.

Mr. Harmon stated the chairman of the corporation that owned Coyote Mike's Bar and Grill was Mike Crossley.

Mike Crossley addressed the Council in opposition to said proposed revocation of the business license for Coyote Mike's Bar and Grill.

Council Member Little stated he was in favor of closing Coyote Mike's Bar and Grill.

Mr. Best stated he was in compliance with the noise ordinance. He stated he had one complaint concerning noise from an officer in the past 4 months.

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Council Member Palmore asked if they were going to vote on this issue that day.

Cleo Thomas, City Attorney, stated that this was a public hearing on the said proposed revocation of the business license for Coyote Mike's Bar and Grill and at the conclusion of the public hearing the Council could or not entertain a motion on the said proposed revocation of the business license for Coyote Mike's Bar and Grill.

Mayor Robinson asked if anyone else wished to address the Council either in favor of or in opposition to said proposed revocation of the business license for Coyote Mike's Bar and Grill.

No one else addressed the Council either in favor of or in opposition to said proposed revocation of the business license for Coyote Mike's Bar and Grill.

Mayor Robinson declared the public hearing on the proposed revocation of the business license for Coyote Mike's Bar and Grill closed.

Council Member Little made a motion to revoke the business license of The Office LLC d/b/a Coyote Mike's Bar and Grill. The motion was seconded by Council Member Spain.

Council Member Dawson asked the City Attorney if that knowing what he did about Council Member Dawson's relationship with the attorney for Coyote Mike's Bar and Grill and his real estate holdings in the community surrounding the bar would it be a conflict of interest for him to vote in this matter.

Cleo Thomas, City Attorney, stated that based on the facts that Council Member Dawson had stipulated it raises some questions and it probably would be prudent for Council Member Dawson to abstain in this matter.

Council Member Spain asked Mayor Robinson to have the Council polled as to any conflict of interest in this matter.

Mayor Robinson stated they would not poll the Council as to any conflict of interest in this matter. He stated anyone with a conflict should be aware of it.

Council Member Palmore made a motion to table the motion to revoke the business license of The Office LLC d/b/a Coyote Mike's Bar and Grill until they could clear up the ethical questions concerning voting on this issue. (The motion did not receive a second.)

Council Member Little stated he thought this was such an important issue that everybody should vote and they could go to court and let the judge decide the issue. He stated they could not continue to let the citizens in this area suffer with the shots being fired in that area.

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Council Member Dawson stated the worst thing he could do would be to vote and cloud this issue. He stated he wanted the noise and shootings in this area to stop.

On call of the roll on Council Member Little's motion to revoke the business license of The Office LLC d/b/a Coyote Mike's Bar and Grill and Council Member Spain's second to said motion the following vote was recorded: ayes: Council Members Spain and Little; nays: Council Members Palmore and Robinson; abstentions: Council Member Dawson. The motion failed.

Council Member Spain introduced and read Ordinance Number 11-O-4 as follows:

(11-O-4, amending Ordinance 08-O-29)

Council Member Spain made a motion for the unanimous consent of the Council for the immediate consideration of Ordinance Number 11-O-4 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, Little and Dawson; nays: Council Members Palmore and Robinson. The motion failed.

Council Member Little introduced and read Ordinance Number 11-O-5 as follows:

ORDINANCE NO. 11-O-5

AN ORDINANCE AMENDING CHAPTER 12, ARTICLE III, SECTION 12.53 OF THE CODE OF ORDINANCES OF THE CITY OF ANNISTON, ALABAMA, 1981 PROVIDING FOR EXEMPTIONS TO HOUSEHOLD REFUSE COLLECTION SERVICE

BE IT ORDAINED by the City Council of the City of Anniston, Alabama as follows:

Section 1. That Section 12.53 of Chapter 12, Article III be and the same is hereby amended to read in its entirety as follows:

Section 12.53. Exemptions

- (a) Eligibility. Participation in and subscription to the city's household, mandatory refuse collection system shall not be mandatory if:
 - (1) A person or household acquires and maintains a Certificate of Exemption pursuant to Section 22-27-3(g) of the Code of Alabama, 1975, as amended.
 - (2) The sole household income is derived from Social Security Benefits pursuant to Section 22-27-3 (a) (3) of the Code of Alabama, 1975, as amended.
 - (3) The total household income is equal to or less than the current official Federal Poverty Level, adjusted for family size.
- (b) Administration of exemptions. The city shall accept applications for exemption under the terms of the preceding section, and pursuant to administrative procedures deemed appropriate by the Finance Director of the city, or his

designee. All exemptions shall be granted by the Finance Director or his designee, and shall be valid for one year from the date thereof.

- (4) Households seeking to claim the exemption shall forward the exemption request and proof of income to the County Health Officer no later than the first billing date of any year in which the exemption is desired. The County Health Officer shall forward the exemption request and proof of income to his or her designee on the City's staff upon receipt [Code of Ala Sec 22-27-3 (a) (3)].
- (5) The exemption shall apply only so long as the household's total income does not exceed the financial limitations described in this Section and verification shall be required no less than once every third year in which the exemption is sought.
- (c) Expiration of exemption. Any exemption granted under this section shall automatically expire effective the last day of the month when the circumstances justifying issuance of the exemption terminate. In the event circumstances of a holder of an exemption change to the extent that such holder would not be eligible for the exemption in the first instance, the holder shall immediately report such fact to the director of the public works department of the city.
- (d) Proof of eligibility. The holder of any exemption granted under this section shall be required, if called upon to do so by the Director of the Department of Public Works, to submit proof upon demand of his or her continuing eligibility to hold such exemption under the terms hereof and the Director of Public Works is hereby authorized to periodically demand pertinent information sufficient to determine the continuing eligibility of any holder of a certification of exemption granted hereunder.

Section 2. That this Ordinance shall become effective immediately upon its adoption and publication one (1) time in The Anniston Star, a newspaper of general circulation published in the City of Anniston, Alabama, and the City Clerk is hereby ordered and directed to cause a copy of this Ordinance to be published one time in said newspaper.

PASSED AND ADOPTED this the 22nd 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 Little made a motion for the unanimous consent of the Council for the immediate consideration of Ordinance Number 11-O-5 as introduced and read. 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, Little, Dawson and Robinson; nays: none. The motion carried. Unanimous consent of the Council having been granted for the immediate consideration of Ordinance Number 11-O-5 as introduced and read, Council Member Little made a motion for the passage and adoption of Ordinance Number 11-O-5 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 Ordinance Number 11-O-5 was passed and adopted.

Council Member Little stated they should not be issuing warrants for the garbage fees. He stated they should collect these fees through civil court.

Council Member Palmore made a motion for the unanimous consent of the Council to introduce and read by title Ordinance Number 11-O-6. 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 to the introduction and reading by title of Ordinance Number 11-O-6.

No one addressed the Council either in favor of or in opposition to the introduction and reading by title of Ordinance Number 11-O-6.

On call of the roll on Council Member Palmore's motion for the unanimous consent of the Council to introduce and read by title Ordinance Number 11-O-6 and Council Member Dawson's second to said motion the following vote was recorded: ayes: Council Members Spain, Palmore, Little, Dawson and Robinson; nays: none. The motion carried.

Unanimous consent of the Council having been granted for the introduction and reading by title of Ordinance Number 11-O-6, Council Member Palmore introduced and read by title Ordinance Number 11-O-6 as follows:

ORDINANCE NO. 11-O- 6

AN ORDINANCE AMENDING THE CODE OF ORDINANCES OF THE CITY
OF ANNISTON, ALABAMA TO AMEND CHAPTER 23 TO READ
"CHAPTER 23. URBAN REVITALIZATION."

WHEREAS Act 1949-491 of the State of Alabama, now codified as Title 24, Chapter 2, Sections 24-2-1 through 24-2-10 of the Code of Alabama of 1975, have as its purpose the prevention and elimination of blight and deterioration and the revitalization of the urban environment; and

WHEREAS both the State of Alabama and the City of Anniston find and declare there exist in the community blighted areas or areas that are in the process of

becoming blighted and that such areas are detrimental to the economic and social health of the entire city, contribute to population decline, and threaten the health and safety of residents; and

WHEREAS the clearance, re-planning, and redevelopment of these areas will contribute to the City's economic and social well being, encouraging population stability and growth and stabilizing the City's tax base; and

WHEREAS said Act authorizes Cities to take specific actions to accomplish redevelopment plans and projects including acquisition, maintenance, improvement, and disposition in order to accomplish these goals;

NOW THEREFORE BE IT ORDAINED by the City Council of Anniston, Alabama that the "*Anniston Urban Improvement Strategy*" be and is hereby adopted to guide the city's urban revitalization in areas identified as blighted or in the process of becoming blighted; and

BE IT FURTHER ORDAINED by the City Council of Anniston, Alabama that *Chapter 23 Plumbing and Gas Codes* of the Code of Ordinances of the City of Anniston, Alabama be and is hereby re-codified as Article 5 of Chapter 6 of the Code of Ordinances of Anniston Alabama; and

BE IT FURTHER ORDAINED by the City Council of Anniston, Alabama that Chapter 23 of the Code of Ordinances of Anniston, Alabama be and is hereby amended to read as follows.

Section 1. Chapter 23 Urban Revitalization

Section 23-1-1 Findings and declaration of necessity.

(a) The City Council of Anniston has found and declared:

- (1) That there exist in the city blighted areas, as defined herein, or areas in the process of becoming blighted;
- (2) That such areas impair economic values and tax revenues, cause an increase in and spread of disease and crime and constitute a menace to the health, safety, morals, and welfare of the residents of the city, and that these conditions necessitate excessive and disproportionate expenditures of public funds for crime prevention and punishment, public health and safety, fire and accident protection, and other public services and facilities;
- (3) That restoration, clearance, re-planning, and/or rebuilding of these areas and the prevention or the reduction of blight and its causes are public uses and purposes for which public money may be spent and private property acquired and are considered governmental functions of state and city concern;
- (4) That redevelopment activities will stimulate residential construction which is closely correlated with general economic activity and that the undertakings authorized by this chapter will aid the production of better housing and more desirable neighborhood and community development at lower costs and will

make possible a more stable and larger volume of residential construction, which will assist materially in achieving and maintaining full employment; and

- (5) That it is in the public interest that advance preparation for such projects and activities be made now.
- (b) The necessity in the public interest for this chapter is hereby declared as a matter of legislative determination.

(Acts 1949, No. 491, p. 713, §1.)

Section 2.

Section 23-1-2 Powers; Acquisition and redevelopment of blighted property; Limitations on eminent domain; Definition of "blighted property."

- (a) The city may carry out any work or undertaking, hereafter called a "redevelopment project":
 - (1) To acquire blighted property as defined in subsection (c).
 - (2) To acquire other real property for the purpose of removing, preventing, or reducing blight, blighting factors, or the causes of blight.
 - (3) To clear any areas acquired and install, construct, or reconstruct streets, utilities, and site improvements essential to the preparation of sites for uses that are in accordance with an approved redevelopment project.
 - (4) To sell or lease land so acquired for uses in accordance with approved redevelopment projects.
 - (5) To accomplish a combination of the foregoing to carry out a redevelopment project.
 - (6) To undertake redevelopment and urban renewal projects to clean up and prevent blighted areas or slums; and, when a public purpose will be served by the conveying of property for nominal consideration, the City [Council] may make such grants (A.G.'s Opinion 2004-191).
- (b) Notwithstanding any other provisions of this chapter, a redevelopment project may include property that is not blighted, but the power of eminent domain shall not be exercised to acquire property that is not blighted without the consent of the owner.
- (c) For the purposes of this section, the term "blighted property" means property that contains any of the following factors:
 - (1) The presence of structures, buildings, or improvements, which, because of dilapidation, deterioration, or unsanitary or unsafe conditions, vacancy or abandonment, neglect or lack of maintenance, inadequate provision for ventilation, light, air, sanitation, vermin infestation, or lack of necessary facilities and equipment, are unfit for human habitation or occupancy.
 - (2) The existence of high density of population and overcrowding or the existence of structures which are fire hazards or are otherwise dangerous to the safety of persons or property or any combination of the factors.

- (3) The presence of a substantial number of properties having defective or unusual conditions of title which make the free transfer or alienation of the properties unlikely or impossible.
- (4) The presence of structures from which the utilities, plumbing, heating, sewerage, or other facilities have been disconnected, destroyed, removed, or rendered ineffective so that the property is unfit for its intended use.
- (5) The presence of excessive vacant land on which structures were previously located which, by reason of neglect or lack of maintenance, has become overgrown with noxious weeds, is a place for accumulation of trash and debris, or a haven for mosquitoes, rodents, or other vermin where the owner refuses to remedy the problem after notice by the appropriate governing body.
- (6) The presence of property which, because of physical condition, use, or occupancy, constitutes a public nuisance or attractive nuisance where the owner refuses to remedy the problem after notice by the appropriate governing body.
- (7) The presence of property with code violations affecting health or safety that has not been substantially rehabilitated within the time periods required by the applicable codes.
- (8) The presence of property that has tax delinquencies exceeding the value of the property.
- (9) The presence of property which, by reason of environmental contamination, poses a threat to public health or safety in its present condition.

(Acts 1949, No. 491, p. 713, §2; Acts 1967, No. 416, p. 1070, §2; Act 2006-584, p. 1544, §1.)

Section 3.

Section 23-1-3 Powers under other housing laws; contracts; issuance of bonds and other obligations; eminent domain.

In undertaking such redevelopment projects the City may exercise all the rights, powers, privileges, and immunities that it has under Chapter 1 of Title 24 of the Code of Alabama and any other provision of law relating to slum clearance and housing projects for persons of low income, including, without limiting the generality of the foregoing, the power to make and execute contracts, to issue bonds and other obligations and give security therefor, to acquire real property by donation, purchase, or eminent domain and to do any and all things necessary to carry out projects in the same manner as though all the provisions of law applicable to slum clearance and housing projects were applicable to redevelopment projects undertaken under this chapter; provided, that nothing contained in Section 24-1-6 of the Code of Alabama shall be construed as limiting the power of the City to, in the event of a default by a purchaser or lessee of land in a redevelopment project, acquire property and operate it free from the restrictions contained in said section.

(Acts 1949, No. 491, p. 713, §3; Acts 1967, No. 416, p. 1070, §3.)

Section 4.

Section 23-1-4 Approval of redevelopment plan in which project situated; assistance for redevelopment projects.

The City shall not initiate any redevelopment project under this chapter until the City Council has approved a plan, herein called a "redevelopment plan," which provides an outline for the development or redevelopment of said area and is sufficiently complete:

- (a) To indicate its relationship to definite local objectives as to appropriate land uses and improved traffic, public transportation, public utilities, recreational and community facilities, and other public improvements;
- (b) To indicate proposed land uses and building requirements in the area; and
- (c) To indicate the method for the temporary relocation of persons living in such areas and also the method for providing, unless already available, decent, safe, and sanitary dwellings substantially equal in number to the number of substandard dwellings to be cleared from said area, at rents within the financial reach of the income groups displaced from such substandard dwellings.

The City may also cooperate with and assist the Anniston Housing Authority with respect to projects that the Anniston Housing Authority proposes pursuant to Article 2 of Chapter 1 of Title 24 of the Code of Alabama or any other provision of law for the purpose of addressing slum clearance and housing projects in the same manner as though the provisions of such laws were applicable to redevelopment projects undertaken under this chapter.

(Acts 1949, No. 491, p. 713, §4; Acts 1967, No. 416, p. 1070, §4.)

Section 5.

Section 23-1-5 Advisory board.

For the purpose of coordinating its activities and undertakings under this chapter with the needs and undertakings of other local organizations and groups, the City may establish an advisory board made up of sufficient members to represent so far as practicable: the general public and consumers of housing; general business interests; real estate, building and home financing interests; labor; any official planning body in the locality; and church and welfare groups. The members of the advisory board shall be appointed by the Mayor who shall serve as the chairman of the advisory board.

(Acts 1949, No. 491, p. 713, §9; Acts 1967, No. 416, p. 1070, §9.)

Section 6.

Section 23-1-6 Land in project may be made available for use by private enterprise or public agencies in accordance with redevelopment plan.

- (a) The City may make land in a redevelopment project available for use by private enterprise or public agencies in accordance with its approved redevelopment plan. Such land may be made available at its use value, which represents the value, whether expressed in terms of rental or capital price, at which the city determines such land should be made available in order that it may be developed or redeveloped for the purposes specified in such plan.

- (b) To assure that land acquired in a redevelopment project is used in accordance with the redevelopment plan, an authority or the governing body of any incorporated city or town, upon the sale or lease of such land, shall obligate purchasers or lessees:
 - (1) To use the land for the purpose designated in the redevelopment plan;
 - (2) To begin the building of their improvements within a period of time which the authority fixes as reasonable; and
 - (3) To comply with such other conditions as are necessary to carry out the purposes of this chapter.
- (c) Any such obligations by the purchaser shall be covenants and conditions running with the land where the City so stipulates.
(Acts 1949, No. 491, p. 713, §5; Acts 1967, No. 416, p. 1070, §5.)

Section 7.

Section 23-1-7 Acquisition through donation, foreclosure, or purchase and disposition for “nominal consideration.”

The City may acquire and redevelop properties for residential, service, commercial, professional, and/or industrial uses through voluntary donation, purchase, mortgage foreclosure, and/or eminent domain; however, use of eminent domain authority is limited according to section 23-1-2 (b) of this Chapter.

- (a) The city may accept the donation of properties or may purchase properties and the improvements thereon from private owners or from institutional owners, including the State of Alabama, for reuse or redevelopment after Council approval.
- (b) Acquisition by mortgage foreclosure results from the attachment to blighted properties of legal tax liens after unsuccessful attempts to recover the costs associated with nuisance abatement orders according to Chapter 34 of this Code.
- (c) Disposition for “nominal consideration” results from the City’s having mitigated all blighting conditions on individual properties, rendering them suitable for redevelopment or re-use, including, if necessary, mitigation of environmental contamination. The amount of the nominal consideration to be received in the disposition of the property and improvements thereon must be approved by the City Council in advance of execution.

Section 8.

Section 23-1-8 Tax status of land sold or leased to private individuals or corporations for redevelopment.

Any property which the city leases to private individuals or corporations for development under a redevelopment plan shall have the same tax status as if such leased property were owned by such private individuals or corporations.

(Acts 1949, No. 491, p. 713, §6; Acts 1967, No. 416, p. 1070, §6.)

Section 9.

Section 23-1-9 Federal financial aid.

The City may borrow money or accept contributions from the federal government to assist in its undertaking of redevelopment projects and may do any and all things necessary or desirable to secure such financial aid, including obligating itself in any contract with the federal government for annual contributions to convey to the federal government the project to which said contract relates, upon the occurrence of a substantial default thereunder, in the same manner as it may do to secure such aid in connection with slum clearance and housing projects under the provisions of this title.

(Acts 1949, No. 491, p. 713, §7; Acts 1967, No. 416, p. 1070, §7.)

Section 10.

Section 23-1-10 Investment by the City in bonds issued by housing authorities.

Bonds or other obligations issued by the City in connection with a redevelopment project pursuant to this chapter, shall be security for public deposits and legal investments to the same extent and for the same persons, institutions, associations, corporations, and other bodies and officers as bonds or other obligations issued pursuant to this title in connection with the development of slum clearance and housing projects.

(Acts 1949, No. 491, p. 713, §8; Acts 1967, No. 416, p. 1070, §8.)

Section 11.

Section 23-1-11 Urban Renewal / Redevelopment Area

For the purposes of this Chapter and as identified on the official 2000 Census Maps, the following Tracts and Block Groups are hereby determined to constitute the established redevelopment area:

<i>Tract</i>	<i>Block Group</i>	<i>Location Description</i>
1	2 (part)	Blue Mountain Rd. / Bill Robison Parkway
3	1	West 15 th Street / East 30 th Street
3	2	West 22 nd Street / West 31 st Street
4	2	Cooper Avenue / West 31 st Street
4	3	Parkwin / 17 th Street / 21 st Street
5	1	West 12 th Street / Gurnee Avenue
5	2	West 11 th Street / West 17 th Street
6	1	Constantine / West 10 th Street
6	2	Patch Place / Quail Drive
8	1	Front Street / West 14 th Street
8	3	South Christine / East 4 th Street
9	2 (part)	(West of Grant Street)
10	4 (part)	(north of "M" Street)

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Section 12. That this Ordinance shall become effective immediately upon its adoption and publication one (1) time in The Anniston Star, a newspaper of general circulation published in the City of Anniston, Alabama, and the City Clerk is hereby ordered and directed to cause a copy of this Ordinance to be published one time in said newspaper.

PASSED AND ADOPTED this the 22nd 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 Palmore made a motion for the unanimous consent of the Council for the immediate consideration of Ordinance Number 11-O-6 as introduced and read by title. 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. Unanimous consent of the Council having been given for immediate consideration of Ordinance Number 11-O-6 as introduced and read by title, Council Member Palmore made a motion for the passage and adoption of Ordinance Number 11-O-6 as introduced and read by title. 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 Ordinance Number 11-O-6 was passed and adopted.

Mayor Robinson introduced and read Resolution Number 11-R-25 as follows:

(11-R-25, travel reimbursement)

Mayor Robinson made a motion for the passage and adoption of Resolution Number 11-R-25 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 11-R-25 was passed and adopted.

Council Member Spain reintroduced and read Resolution Number 11-R-22 as follows:

RESOLUTION NUMBER 11-R-22

BE IT RESOLVED by the City Council (the "Council") of Anniston, Alabama (the "City"), as follows:

Section 1. Findings of Council. Having made due and proper investigation

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of the matters hereinafter referred to, the Council hereby finds and determines:

(a) The Public Building Authority of the City of Anniston (the "Authority"), a public corporation formed pursuant to Chapter 56 of Title 11 of the Code of Alabama 1975 (the "Authorizing Statute"), proposes to construct and equip a building and related facilities for lease to and use by the City, to be located at 1200 Gurnee Avenue and comprising approximately 106,930 square feet on approximately 2.45 acres of property (the "Project").

(b) Pursuant to the Authorizing Statute the City is authorized to convey to the Authority any property owned by the City upon resolution duly adopted by the Council.

(c) The Council has been presented with and considered a financing plan whereby (i) the Authority would issue its Building Revenue Bonds (Judicial Center Project), Series 2011 (the "Series 2011 Bonds") in the aggregate principal amount of up to \$15,000,000; (ii) under a Statutory Warranty Deed from the City to the Authority (the "Statutory Warranty Deed"), the City will convey the site of the Project, as more particularly described in the form of Statutory Warranty Deed attached hereto as Exhibit A (the "Project Site"), to the Authority; and (iii) the Authority will lease the Project to the City pursuant to a Lease Agreement (the "Lease Agreement"),

(d) It is necessary, advisable and in the public interest that the City convey the Project site to the Authority in anticipation of the issuance of the Series 2011 Bonds.

Section 2. Authorization of Statutory Warranty Deed. The conveyance of the Project Site to the Authority and the execution and delivery of the Statutory Warranty Deed be, and the same are, hereby authorized and approved. The Mayor of the City is hereby authorized to execute and deliver the Statutory Warranty Deed, and the Statutory Warranty Deed shall be in substantially the form attached hereto as Exhibit "A" and by this reference incorporated herein and made a part hereof,.

Section 3. Authorization. The Mayor of the City and the City Clerk of the City are each hereby authorized, directed and empowered to cause the preparation of the Lease Agreement for presentation to the Council and to take such other actions as shall be necessary or convenient in connection with the consummation of the transactions contemplated by issuance of the Bonds by the Authority.

PASSED AND ADOPTED this the 22nd 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/ David Dawson, Council Member

ATTEST:
/s/ Alan B. Atkinson, City Clerk

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Council Member Spain made a motion for the passage and adoption of Resolution Number 11-R-22 as reintroduced and read. The motion was seconded by Mayor Robinson.

Council Member Spain stated he was concerned with the development of this entire block and asked if this resolution could be passed conditionally and ask for a look at the entire block.

Jim Miller, Chairman, Public Building Authority, stated that would require the process to start over concerning the conveyance of the property. He stated that as chairman of the PBA he would commit that the authority would look at planning for the entire block and would take into consideration the Council's input in the development of the block as they go forward.

Council Member Palmore stated he would like to also see the entire block redeveloped and to include a City Hall building.

Mr. Miller stated they were pretty far along into this project but they could always go back to the market and get more money if the project is expanded and he believed the PBA would be delighted to participate in expanding the project for the entire block.

Council Member Little asked if the resolution they were reading today was the same as the one introduced at the prior meeting.

Alan Atkinson, City Clerk, stated the resolution they were reading today was the same as the one introduced at the prior meeting.

Council Member Little asked if the surveyors had found any property that did not belong to the City of Anniston.

Mr. Miller stated that there were three parcels of property in the block that did not belong to the City of Anniston. He stated this resolution conveys only the property the City owns. He stated they would have to negotiate with the other property owners.

Council Member Little stated he was still asking that the Council decide how much bond money the City would be trying to get. He stated they did not know how much it was going to cost to equip this \$15 million building. He stated they should be getting this bond money at one time and use some for paving and infrastructure. He asked if they had this survey at the last reading of this resolution. He stated he did not think it was legal for them to convey the money over to the PBA for them to do this project. He stated they needed to be putting money into the communities.

Cleo Thomas, City Attorney, stated the date on the survey was March 16 and was not part of the packet at the prior meeting.

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Council Member Little stated he did not think this was legal since they did not have all the documentation at the first reading.

Jay Jenkins, architect, Munroe and Jenkins, stated there was a boundary survey in the prior packets. He stated there has been additional survey work done since the first reading of the resolution.

On call of the roll on Council Member Spain's motion for the passage and adoption of Resolution Number 11-R-22 as reintroduced and read and Mayor Robinson's second to said motion the following vote was recorded: ayes: Council Members Spain, Dawson and Robinson; nays: none; abstentions: Council Members Palmore and Little. The motion carried and Resolution Number 11-R-22 was passed and adopted.

Council Member Palmore introduced and read Resolution Number 11-R-26 as follows:

(11-R-26, declaring debris located on certain properties public nuisances)

Council Member Palmore made a motion for the passage and adoption of Resolution Number 11-R-26 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-26 was passed and adopted.

Council Member Dawson introduced and read Resolution Number 11-R-27 as follows:

RESOLUTION NUMBER 11-R-27

WHEREAS, the following described parcel of real property lies adjacent to the runway on the City's airport property;

A parcel of land situated in the Northwest Quarter of the Northeast Quarter, the Southwest Quarter of the Northeast Quarter, and the Northeast Quarter of the Northeast Quarter of Section 2 Township 17 South, Range 7 East, Huntsville Meridian, Talladega County, Alabama, being more particularly described as follows:

Commence at the Northwest corner of the NW $\frac{1}{4}$ of the NE $\frac{1}{4}$ of Section 2, Township 17 South, Range 7 East and run South 00 deg. 45' 23" West along the west line of said NW $\frac{1}{4}$ of NE 114 for a distance of 1319.08 feet to a point on the southeasterly line of a 100 foot Norfolk Southern Railroad right of way and the POINT OF BEGINNING; thence continue South 00 deg. 46 min. 23 sec. West along said West line for a distance of 658.77 feet to a point on the northwesterly line of the Anniston Calhoun County Airport property; thence angle left and run North 56 deg. 54 min. 16 sec. East along said Northwesterly property line for a distance of 1565.23 feet; thence angle left and run North 49 deg. 32 min. 45 sec. East along said northwesterly line for a distance of 573.95 feet thence angle left

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and run North 48 deg. 35 min. 05 sec. East along said northwesterly line for a distance of 793.64 feet to the southeasterly line of a 200 foot Norfolk Southern Railroad right of way; thence angle left and run South 63 deg. 49 min. 13 sec. West along said southeasterly line for a distance of 2088.33 feet to a point on said southeasterly line where the right of way narrows to 100 feet in width; thence angle right and run North 0 deg. 12 min. 51 sec. West for a distance of 55.61 feet to a point on the southeasterly line of said 100 foot wide right of way; thence angle left and run South 63 deg. 49 min. 13 sec. West along said southeasterly line for a distance of 503.38 feet to the POINT OF BEGINNING. Containing 20 acres more or less; and

WHEREAS, the City of Anniston is in need of the said parcel of real estate in order to facilitate increased use of the airport generally but in particular to facilitate planned increases in use by Anniston Army Depot; and
WHEREAS, the said parcel of real estate is presently owned by the Talladega Economic Development Authority; and

WHEREAS, the Talladega Economic Development Authority has agreed to sell and convey said parcel of real estate to the City of Anniston for the sum of \$1.00.

Resolved therefore that the City of Anniston should and hereby does accept the conveyance of said real estate to the City in return for the payment by the City of \$1.00 to the Talladega Economic Development Authority and hereby further authorizes and directs the City Manager to take whatever action is reasonably necessary to consummate the acquisition.

PASSED AND ADOPTED this the 22nd 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-27 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-27 was passed and adopted.

Council Member Palmore introduced and read Resolution Number 11-R-28 as follows:

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(11-R-28, accepting real property from the Devises or Heirs at Law of the Last Will and Testament of Ruth Boozer, deceased)

Council Member Palmore made a motion for the passage and adoption of Resolution Number 11-R-28 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 11-R-28 was passed and adopted.

Council Member Spain made a motion to approve a Special Events Permit to the Northeast Alabama Bicycle Club for the Noble Street Festival for Saturday, April 9, 2011. 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 Little made a motion to adopt a "Policy on the Use of Social Networking Sites by Anniston City Employees." The motion was seconded by Council Member Spain.

Council Member Little stated that there was more information they were trying to get for this policy.

Council Member Little made a motion to table his motion to adopt a "Policy on the Use of Social Networking Sites by Anniston City Employees." 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, and Dawson; nays: Mayor Robinson. The motion carried.

Council Member Little made a motion to approve the City Manager to purchase equipment and execute a lease agreement for concessions at the Multi-Modal Center. The motion was seconded by Council Member Dawson.

Regina Funchess addressed the Council concerning the lease agreement for concessions at the Multi-Modal Center.

Council Member Dawson asked Ms. Funchess if she had worked out the lease agreement with Don Hoyt, City Manager.

Ms. Funchess stated she thought they had the lease agreement worked out and she was supposed to meet with Mr. Hoyt that week.

Council Member Dawson asked if she had set her hours of operation.

Ms. Funchess stated she had not set any hours of operation yet.

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Council Member Dawson stated he was in favor of this motion but they needed to know Ms. Funchess' business plan.

Mr. Hoyt stated the only blank in the lease agreement was the date of execution. He stated she would not be able to be in the building when it was closed. He stated the building has hours that it is open. He stated the Parks and Recreation Department and the transportation usage would determine when the building will be open.

Council Member Little stated there should be a set time when the vendor will be allowed to open for business. He stated the train runs everyday.

Council Member Dawson asked what happens to the contract after the first year.

Council Member Palmore stated they were not being fair to Ms. Funchess and they should wait and get everything straightened out.

Council Member Spain asked Ms. Funchess if waiting two weeks would be a hardship on Ms. Funchess.

Ms. Funchess stated she had been ready and it would be a hardship to put it of for two weeks.

Council Member Little stated they should move forward with this motion.

Mayor Robinson stated these comments did not have anything to do with Ms. Funchess but you could see that the Council Members were not business people. He stated he felt this operation was premature and the activity at the station did not warrant this action at this time. He stated the City should not be putting people into business.

Council Member Little stated that the contract did have some language concerning 90 days prior to the contract expiration. He stated that this would add something to the Multi-Modal Center.

Council Member Dawson stated he would like to know the hours of operation but he was willing to vote on this motion today.

Council Member Spain stated this was a one time action and would add a service to the train station.

On call of the roll on Council Member Little's motion to approve the City Manager to purchase equipment and execute a lease agreement for concessions at the Multi-Modal Center and Council Member Dawson's second to said motion the following vote was recorded: ayes: Council Members Spain, Palmore, Little, and Dawson; nays: Mayor Robinson. The motion carried.

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Council Member Dawson made a motion to table the next item on the agenda a proposed motion concerning zoning non-conformity. 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, and Dawson; nays: Mayor Robinson. The motion carried.

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

(4 door pickup truck for the Public Works Dept.)

Mayor Robinson made a motion that the bid in the total amount of \$9,517.56 per year for three years with a one dollar buy out by Sunny King Ford for one 4 door pickup truck for the Public Works Department 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.

Mayor Robinson recognized Alberta McCrory, Mayor of Hobson City, and commended her on the fine job she was doing.

James Carmichael, 508 Oakmont Avenue, addressed the Council concerning a parking problem on his street.

Latonya Chames, Thomas Avenue, addressed the Council concerning problems in the neighborhood at Thomas Avenue. She stated they needed help in their neighborhood.

Council Member Spain stated he had contacted Mr. Hoyt about the Thomas Avenue situation and he had hoped something had been done about that. He stated he had worked extensively with Bob Dean on parking problems in Ward 1.

Council Member Little stated he would like to have the pull cart at the train station on the next agenda. He stated that the money Dr. Grisham, Snow Creek Baptist Association, had returned to the City had been money from discretionary funds that Council Member Palmore and he had donated to them to help them out and the Anniston Star wrote about them unrelentlessly and had editorials them about trying to help those people out. He stated they have shown they were good stewards and honest with the money.

Council Member Palmore thanked Mayor McCrory for attending their meeting.

Council Member Dawson asked if the City Attorney could get an opinion from the Ethics Commission as to whether he has an ethics violation if he votes concerning the business license revocation of Coyote Mike's Bar and Grill. He stated that the Council had good meetings in Washington at the NLC conference. He stated this Council needed to learn how to disagree and not make things personal.

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(The following paragraph is a verbatim transcript of Mayor Robinson's comments.)

"The Council next formal and informal meeting will be April 12. I want to remind the Council that tomorrow there is a PBA meeting at 12 o'clock and to please let Toby know so we may have to move the meeting place so tomorrow at 12 o'clock PBA meeting tell Toby after the meeting. The only thing I want to comment on is the criticism of the Star. They never criticized Snow Creek Baptist Association and I just want to make this crystal clear to everybody that the criticism was on political discretionary funds where there won't be any next year. Because these 04 and 08 Councils used discretionary funds to get re-elected. They took \$20,000 in the second year and spread it around their wards to get re-elected and that was wrong. So again I just want the record clear that the Star never attacked the Baptist Association they were attacking discretionary funds. Please sir let me speak. I did not interrupt you. Oh I'm not you are. Well, whatever. Okay do I hear a motion to adjourn."

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 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 5:36 o'clock p.m.