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Anniston, Alabama
March 27, 2010

The City Council of the City of Anniston, Alabama, met in Special Session in the Council Chamber in the City Hall of the City of Anniston, Alabama, on Saturday, March 27, 2010, at approximately 5:02 o'clock p.m.

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.

Cleo Thomas, City Attorney, stated that the purpose of the meeting was the consideration of a resolution appointing members to the Anniston-Calhoun County Fort McClellan Development Joint Powers Authority.

Council Member Spain introduced and read Resolution Number 10-R-40 as follows:

RESOLUTION NUMBER 10-R-40

Be it resolved by the City Council of the City of Anniston, Alabama, as follows:

Section 1. That John D. R. Spain, Herbert N. Palmore and M. David Dawson be and hereby are appointed as members of the Board of Directors of the Anniston-Calhoun County Fort McClellan Development Joint Powers Authority for a term to expire on the date of the next City election or on the date that the Joint Powers Authority ceases to exist, whichever may come first.

Section 2. That Alan B. Atkinson, City Clerk, shall cause a copy of this resolution to be mailed to the above named appointee and to said board.

PASSED AND ADOPTED this the 27th 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

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Council Member Spain made a motion for the passage and adoption of Resolution Number 10-R-40 as introduced and read. The motion was seconded by Mayor Robinson.

Cleo Thomas, City Attorney, stated the Council needed to set term limits for the appointees.

Council Member Dawson made a motion to amend Resolution Number 10-R-40 to set term limits to expire on the date of the next City election or on the date that the Joint Powers Authority ceases to exist, whichever may come first. The motion was seconded by Council Member Spain; and on call of the roll the following vote was recorded: ayes: Council Members Spain, Dawson and Robinson; nays: Council Member Little; abstentions: Council Member Palmore. The motion carried.

Council Member Little stated he felt this was an illegal meeting because it was not appropriately called. He stated they were to be informed what a special called meeting was to be about. He stated he felt this resolution needed unanimous consent. He asked who met when to decide what names would be in this resolution.

Council Member Palmore asked what the emergency was of this meeting.

Mr. Thomas stated that it was his understanding that the basis for the meeting was a subjective standard and it is whether the meeting callers believe it is a matter of public interest and not necessarily of emergency nature.

Council Member Spain stated there would be a meeting of the JPA on Monday morning and if the City wishes to participate in that meeting then these vacancies have to be filled. He stated this meeting was just to fill those board vacancies.

Council Member Dawson stated this was not a new matter before the Council because the Council had appointed members to the JPA in the past and so this resolution did not need unanimous consent.

Council Member Little stated that before the Council had three members on the board one of which was the Mayor and if the Mayor was not on the board they would not be in compliance with the law. He stated they were not properly notified about this meeting.

Council Member Palmore stated the information that the assets were to be transferred from the JPA to the MDA was disclosed in the meetings purpose. He stated the MDA was an illegal body. He stated what they were doing was a fraud. He stated Mr. Scott did not have the authority unless that authority was given to him by the JPA.

Mr. Thomas stated that the Council was implementing the steps that the Council said it would implement in Resolution Number 09-R-80. He stated that resolution states that the City and County will take steps to dissolve the JPA to include filling vacancies on the JPA.

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Council Member Palmore asked how you could lose a case and be awarded for it.

Mayor Robinson stated Council Member Palmore was out of order.

On call of the roll on Council Member Spain's motion for the passage and adoption of Resolution Number 10-R-40 as introduced and read and amended and Mayor Robinson's second to said motion the following vote was recorded: ayes: Council Member Spain, Dawson and Robinson; nays: Council Members Palmore and Little. The motion carried and Resolution Number 10-R-40 was passed and adopted.

Council Member Little stated Resolution Number 09-R-80 did not pass and is being challenged in the court. He stated this was an amendment to the articles for the JPA and the Mayor was supposed to be on the board. He stated they had filed a motion for Judge Laird to recuse himself from any proceedings with the JPA.

Council Member Spain stated they were looking at three quarters of a billion dollars in investments at McClellan and he hoped this would go forward and the entire city could benefit from these actions.

Council Member Dawson stated he hoped this would be a new start for McClellan and beneficial for the city and the surrounding communities.

Council Member Palmore stated they would progress and work together. He stated he objects to this resolution but he would not hold up progress at McClellan.

Mayor Robinson stated he felt Judge Laird had no choice but to dissolve the JPA. He commended Judge Laird. He stated that McClellan was the crown jewel of Anniston and important to the City and the County. He stated he personally resented the metal detectors at the meeting.

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, Dawson and Robinson; nays: Council Member Little. The motion carried and the meeting was adjourned at approximately 5:41 o'clock p.m.