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Anniston, Alabama
April 13, 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, April 13, 2010, at approximately 3:22 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 Spain made a motion to dispense with the reading of and approve the minutes of March 23, 2010. The motion was seconded by Council Member Dawson; and on call of the roll the following vote was recorded: ayes: Council Members Spain, Palmore, Little, Dawson and Robinson; nays: none. The motion carried.

Council Member Spain made a motion to add to the agenda a motion
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 Little; nays: Council Members Dawson and Robinson. The motion carried.

Council Member Little made a motion to adopt the agenda as amended. 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 remove from the table Resolution Number 10-R-34, a resolution approving three year contracts for the administration of the HOME Investment Partnership Act Program on behalf of the Anniston/Calhoun County HOME Consortium. 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.

On call of the roll on Council Member Dawson's motion for the passage and adoption of Resolution Number 10-R-34 (March 9, 2010) and Mayor Robinson's second to said motion the following vote was recorded: ayes: none; nays: Council Members Spain, Palmore, Little, Dawson and Robinson. The motion failed.

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Steven Folks, Director, Parks and Recreation Department, made presentations and recognized the Anniston 10 and Under Basketball Team for winning the ARPA State Championship.

Steven Folks, Director, Parks and Recreation Department, made presentations and recognized the Anniston Special Olympics Basketball Team (Therapeutic Recreation – The Anniston Starz) for winning the State Special Olympics Basketball Championship.

Steven Folks, Director, Parks and Recreation Department, recognized the Anniston Special Olympians selected to compete in the 2010 Special Olympics USA National Games in Lincoln, Nebraska.

Mayor Robinson read the following proclamation:

(Fair Housing Month)

Mayor Robinson announced that was the time for the public hearing concerning the proposed of abatement of abandoned vehicles declared nuisances at the following locations: 1309 Crawford Ave. – Brown Pontiac Bonneville plate #59237 handicapped; White Ford Pinto unknown plate #; White Buick Regal unknown plate #; 3922 Stratford Rd. – White Toyota Camry plate #11J770A; 2832 Old Wilmer Ave. – Red Kia Sportage plate #11F810Z; 0 Bancroft Ave. – White Chevy S-10 unknown plate #; 1308 W. 16th St. – Reddish Brown Toyota Camry LE plate #11G238K; 1625 Mulberry Ave. – White Ford Pinto no plate #; 0 Bancroft Ave. – Black GMC Suburban plate # 11C837A; 1816 Stephens Ave. – Black Chrysler plate #11DY788; Blue GMC Stepside pick-up unknown plate #; Burgundy Pontiac 6000 no plate #; Green Oldsmobile plate #11C132Z: declared the hearing open and asked if anyone wished to address the Council concerning the proposed abatement of said vehicles.

Willie Johnson, 1309 Crawford Avenue, addressed the Council concerning the vehicles located at 1309 Crawford Avenue and stated he needed some time to get these vehicles fixed.

Ronald Jackson addressed the Council concerning the vehicle located at 1608 West 16th Street and stated he had moved the car to his back yard.

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

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

Mayor Robinson declared the public hearing concerning the proposed of abatement of abandoned vehicles declared nuisances at the following locations: 1309 Crawford Ave. – Brown Pontiac Bonneville plate #59237 handicapped; White Ford Pinto unknown plate #; White Buick Regal unknown plate #; 3922 Stratford Rd. – White Toyota Camry plate

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#11J770A; 2832 Old Wilmer Ave. – Red Kia Sportage plate #11F810Z; 0 Bancroft Ave. – White Chevy S-10 unknown plate #; 1308 W. 16th St. – Reddish Brown Toyota Camry LE plate #11G238K; 1625 Mulberry Ave. – White Ford Pinto no plate #; 0 Bancroft Ave. – Black GMC Suburban plate # 11C837A; 1816 Stephens Ave. – Black Chrysler plate #11DY788; Blue GMC Stepside pick-up unknown plate #; Burgundy Pontiac 6000 no plate #; Green Oldsmobile plate #11C132Z closed.

Mayor Robinson made a motion for the unanimous consent of the Council to introduce and read by title Ordinance Number 10-O-5. The motion was seconded by Council Member Spain.

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 10-O-5.

No one addressed the Council either in favor of or in opposition to the introduction and reading by title of Ordinance Number 10-O-5.

On call of the roll on Mayor Robinson's motion for the unanimous consent of the Council to introduce and read by title Ordinance Number 10-O-5 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.

Unanimous consent of the Council having been granted for the introduction and reading by title of Ordinance Number 10-O-5, Mayor Robinson introduced and read by title Ordinance Number 10-O-5 as follows:

(10-O-5, amending Section 30.22 and 30.72 of the City Code setting the levy and amount of sales and use tax)

Mayor Robinson made a motion for the unanimous consent of the Council for the immediate consideration of Ordinance Number 10-O-5 as introduced and read by title. 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. Unanimous consent of the Council having been given for immediate consideration of Ordinance Number 10-O-5 as introduced and read by title, Mayor Robinson made a motion for the passage and adoption of Ordinance Number 10-O-5 as introduced and read by title. The motion was seconded by Council Member Dawson.

Mayor Robinson stated he had tried to protect the Council concerning this proposed tax increase because of the negative public opinion about any tax increases. He stated he had wanted the criticism to fall on his shoulders.

Council Member Dawson suggested that the Council may want to wait to consider this ordinance after they had finished working on their upcoming bond issues.

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Council Member Dawson made a motion to table Ordinance Number 10-O-5 as introduced and read by title. The motion was seconded by Mayor Robinson; and on call of the roll the following vote was recorded: ayes: Council Members Dawson and Robinson; nays: Council Members Spain, Palmore and Little. The motion failed.

Council Member Little stated he did not need protection and he would listen to his constituents and vote accordingly.

Council Member Dawson asked if this ordinance failed would it preclude the Council from bringing this issue forward again in the future.

Cleo Thomas, City Attorney, stated they could revisit this issue and only parliamentary procedure would preclude such action.

Mayor Robinson stated if the Council did not pass this ordinance then there would be severe cuts in the next budget. He stated that sales tax revenues have fallen of in the past two years. He stated it was critical that they pass this sales tax increase.

Council Member Spain stated that the next time they approach this sales tax issue that they do it as a team and work together for the benefit of the city.

Council Member Little stated if they needed to increase taxes to support a bond then they did not need the bond. He stated he felt that the citizens were paying enough taxes and they needed to do a good job utilizing the taxes they receive.

On call of the roll on Mayor Robinson's motion for the passage and adoption of Ordinance Number 10-O-5 as introduced and read by title and Council Member Dawson's second to said motion the following vote was recorded: ayes: Mayor Robinson; nays: Council Members Spain, Palmore, Little and Dawson. The motion failed.

Council Member Spain reintroduced and read Resolution Number 10-R-39 as follows:

RESOLUTION NUMBER 10-R-39

WHEREAS, the City of Anniston, Alabama has entered into negotiations with the Water Works and Sewer Board of the City of Anniston to purchase certain real property; and

WHEREAS, said real property is located at 131 West nth Street, Anniston, Alabama, and its legal description is set out in Exhibit A and Exhibit "AAA", attached hereto, and incorporated herein by reference; and

WHEREAS, the City is desirous of purchasing said property having concluded that it is prudent and in the public interest to do so and proposes to acquire the property for public or municipal purposes; and

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WHEREAS, the transaction would result in the preservation, restoration or the use of commercial structures in the City; and

WHEREAS, the transaction is calculated to have the effect of promoting redevelopment of the City of Anniston thereby resulting in economic development and a general public benefit; and

WHEREAS, the City has obtained an appraisal of the property and concluded that a reasonable amount to offer to purchase the property is \$360,000.00.

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

Section 1: That Gene D. Robinson, as Mayor the City of Anniston, is hereby authorized, directed and empowered for and in the name of the City of Anniston, Alabama, to negotiate a Purchase Agreement or Purchase Contract in the sum of \$360,000.00 with the Water Works and Sewer Board of the City of Anniston for the acquisition of real property located at 131 West nth Street, Anniston, Alabama, more particularly described in Exhibit A and Exhibit "AAA", attached hereto, and incorporated herein by reference, payment due upon closing.

Section 2: That Gene D. Robinson, as Mayor of the City of Anniston is hereby authorized, directed and empowered for and in the name of the City of Anniston to negotiate a Lease Agreement containing among other things the following terms: a) lease term not to exceed three years; b) rental rate not to exceed market rate for comparable structures; c) stipulation that the Water Works and Sewer Board shall maintain liability and damages insurance; d) A WWSB will maintain the building and grounds in good condition through the term of the lease; e) provides suitable utilities; f) and other items which may arise or be discovered during the period of negotiation, These items shall not be limited to the above listed items.

Be it further resolved that Alan B. Atkinson, City Clerk, is hereby authorized directed and empowered for and in the name of the City to attest to the execution of said purchase contract and to affix the seal of the City thereto.

PASSED AND ADOPTED this the 13th day of April, 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-39 as reintroduced and read. The motion was seconded by Mayor Robinson.

Mayor Robinson asked if collection of the City's garbage fees had been discussed during the negotiations for the purchase of this property.

Council Member Spain stated they had discussed the collection of the City's garbage fees but there had been so many complications with the issue that they had decided it was not feasible to do at this time.

Mayor Robinson asked if they new how they were going to pay for the building.

Don Hoyt, City Manager, stated he thought the money would come from reserves.

Jarrod Simmons, Assistant Finance Director, stated the money would come from the non-departmental part of the budget and if at the end of the year they had to make an adjustment they could do it at that time. He stated there was some money in Economic development.

Council Member Dawson made a motion to amend Resolution Number 10-R-39 to add to Section 2, "(f) and other items which may arise or be discovered during the period of negotiation and these items shall not be limited to the above listed items." The motion was seconded by Council Member Spain; and on call of the roll the following vote was recorded: ayes: Council Members Spain, Little, Dawson and Robinson; nays: Council Member Palmore. The motion carried.

On call of the roll on Council Member Spain's motion for the passage and adoption of Resolution Number 10-R-39 as introduced and read and amended and Mayor Robinson'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-39 was passed and adopted.

Council Member Palmore introduced and read Resolution Number 10-R-41 as follows:

(10-R-41, ordering certain public nuisances to be abated)

Council Member Palmore made a motion for the passage and adoption of Resolution Number 10-R-41 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-41 was passed and adopted.

Council Member Little introduced and read Resolution Number 10-R-42 as follows:

(10-R-42, removal of nuisances from certain properties within a specified time period)

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Council Member Little made a motion for the passage and adoption of Resolution Number 10-R-42 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-42 was passed and adopted.

Council Member Dawson introduced and read Resolution Number 10-R-43 as follows:

(10-R-43, declaring equipment surplus and authorizing sale)

Council Member Dawson made a motion for the passage and adoption of Resolution Number 10-R-43 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-43 was passed and adopted.

Council Member Spain introduced and read Resolution Number 10-R-44 as follows:

(10-R-44, declaring vehicles surplus and authorizing their sale)

Council Member Spain made a motion for the passage and adoption of Resolution Number 10-R-44 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-44 was passed and adopted.

Mayor Robinson introduced and read Resolution Number 10-R-45 as follows:

RESOLUTION NUMBER 10-R-45

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

Section 1. That Don A. Hoyt, City Manager of the City of Anniston be and he is hereby authorized, directed and empowered for and in the name of the City of Anniston to execute an agreement with with Radar Properties Co., LLC for removal of dirt from 0 South Christine to be used on the City of Anniston's projects as clean fill dirt when needed at no charge to the City of Anniston as stated in the contract.

Section 2. That Alan B. Atkinson, City Clerk of the City of Anniston be and he is hereby directed to attest the City Manager's execution of said contract and affix the seal of the City thereto.

PASSED AND ADOPTED this the 13th day of April, 2010.

CITY COUNCIL OF THE CITY OF

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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

Mayor Robinson made a motion for the passage and adoption of Resolution Number 10-R-45 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 10-R-45 was passed and adopted.

Council Member Little stated that they should test some of this dirt. He stated they should keep the road clean as they move this dirt.

Mayor Robinson introduced and read Resolution Number 10-R-46 as follows:

RESOLUTION NUMBER 10-R-46

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

Section 1. That Seyram Selase be and he hereby is appointed to the Revolving Loan Board for a term to expire October 4, 2013.

Section 2. That R. Gordon Harman be and he hereby is appointed to the Revolving Loan Board for a term to expire October 4, 2013.

Section 3. That the City Clerk cause a copy of this resolution to be mailed to the above named appointees and to said board.

PASSED AND ADOPTED this the 13th day of April, 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

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Mayor Robinson made a motion for the passage and adoption of Resolution Number 10-R-46 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-46 was passed and adopted.

Council Member Dawson made a motion to approve a retail beer (off premises only) and retail table wine (off premises only) ABC application for MSMM LLC d/b/a Anniston Chevron, 1500 Quintard Avenue. The motion was seconded by Council Member Dawson; and on call of the roll the following vote was recorded: ayes: Council Members Spain, Dawson and Robinson; nays: Council Member Palmore; abstentions: Council Member Little. The motion carried.

Mayor Robinson made a motion authorizing the Mayor to request a Recovery Zone Bond allocation from Calhoun County in the amount of \$6,550,000.00 for recreation centers and/or infrastructure projects. 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 request HUD (or a designee by HUD) to do an investigation into the City of Anniston's CDBG Home Loan Program. The motion was seconded by Council Member Spain.

Council Member Spain stated considering all the issues that have come up about the City of Anniston's CDBG Home Loan Program he felt this was a prudent move.

Council Member Dawson stated this program is audited annually. He asked Mr. Hoyt if wanted this investigation.

Don Hoyt, City Manager, stated he thought they could straighten out the situation without an investigation but he did not have a problem with a HUD investigation.

Council Member Dawson stated if the City is admitting there is a problem then we should want an outside investigation.

Council member Little stated that there is a problem and it would be best to have HUD come in and look at the situation.

Mr. Hoyt stated he was not arguing against an investigation.

On call of the roll on Council Member Little's motion to request HUD (or a designee by HUD) to do an investigation into the City of Anniston's CDBG Home Loan Program and Council Member Spain's second to said motion the following vote was recorded: ayes: Council Members Spain, Palmore, Little, and Dawson; nays: Mayor Robinson. The motion carried.

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Council Member Spain made a motion to endorse the proposal of the Anniston Museum Complex Board to convert the Lenlock Community Center and grounds into a Botanical Gardens to be operated by the Museum. 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 Spain made a motion to add Acceptable Use of Information resources policy to the Policy and Procedures Manual. The motion was seconded by Council Member Little.

Council Member Dawson asked if this motion could be explained.

Don Hoyt, City Manager, stated the staff uses email and the internet everyday and he stated they needed a clear policy that the staff could understand on proper use of the information resources.

Mayor Robinson stated this was a personal witch hunt against him. He stated he was at City Hall every day working. He stated he could switch to a lap top. He stated the City staff is being penalized by this policy.

Council Member Spain stated they should limit the use of City resources to official City business but he stated he did not think most private companies restrict it totally. He stated he did not think they wanted to be so restrictive that they eliminate some reasonable use. He asked if they could clarify this policy and allow some use that is reasonable.

Mr. Hoyt stated the policy read “the City provides computer equipment and network access including internet connections intended only for authorized users to conduct legitimate City related business and for professional development activities that further the operations and programs of the City.” He stated this is a standard usage phrase.

Council Member Dawson stated that there needs to be a policy. He stated they needed to be a little more flexible than to say “only for City business.”

Cleo Thomas, City Attorney, stated he would caution the Council on enacting something that suggest that the resources of the City are not to be deployed more or less strictly in furtherance of City business. He stated the path for leniency in the policy should be in the administration of the policy. He stated he had read the policy and he found it to be a very conventional policy.

Council Member Palmore stated that the policy should have been discussed with the employees before bringing it to the Council. He stated he did not believe in policing everything that everyone does.

Council Member Spain stated the reason to have the policy is to signal to the staff what the expectations are.

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Council Member Little asked Mr. Hoyt if he wanted this policy.

Mr. Hoyt stated he wanted a policy adopted by the Council and he thought this was an adequate policy.

Council Member Little stated he did not anyone telling him when he was at City Hall working.

On call of the roll on Council Member Spain's motion to add Acceptable Use of Information resources policy to the Policy and Procedures Manual and Council Member Little's second to said motion the following vote was recorded: ayes: Council Members Spain, Palmore, Little, and Dawson; nays: Mayor Robinson. The motion carried.

Council Member Palmore made a motion to add an Equal Employment Opportunity policy to the Policy and Procedures Manual. 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 solicit applications for the position of City Prosecutor. The motion was seconded by Council Member Palmore.

Council Member Spain made a motion to table Council Member Little's motion to solicit applications for the position of City Prosecutor. (There was no second to the motion.)

Council Member Little made a motion to amend his motion to solicit applications for the position of City Prosecutor to have an opening and closing date of April 20 and May 20, respectively. The motion was seconded by Council Member Spain; and on call of the roll the following vote was recorded: ayes: Council Members Spain, Little, and Dawson; nays: Mayor Robinson; abstentions: Council Member Palmore. The motion carried.

Council Member Dawson asked legal counsel to state what the legal responsibility of the Council was in regards to taking and receiving applications for the City Prosecutor and recommending and selecting a City Prosecutor.

Cleo Thomas, City Attorney, stated the Council's power was to select these individuals. He stated the City Prosecutor was the Deputy City Attorney and the position was codified in the City Code.

Mayor Robinson stated the current City Prosecutor was dedicated and was doing a brilliant job. He stated there was no reason for this motion. He asked what the real reason for this motion was. He stated it was against the law for an elected official to interfere with the judicial process.

Council Member Spain stated there had been allegation that the City Prosecutor had been involved in an incident within the City's own tax department. He stated he did not know

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if the allegations were true or not. He stated they needed to disclose exactly what happened and investigate it.

Council Member Dawson stated he had no problem with opening this up and might be in the current City Prosecutor's best interest if they did so.

Mayor Robinson stated they had a good City Prosecutor. He stated this was a witch hunt going on.

On call of the roll on Council Member Little's motion to solicit applications for the position of City Prosecutor with an opening date of April 20 and closing date of May 20 and Council Member Palmore's second to said motion the following vote was recorded: ayes: Council Members Spain and Little; nays: Mayor Robinson; abstentions: Council Members Palmore and Dawson. The motion carried.

Council Member Spain made a motion to authorize the City Manager hire/engage an outside professional to investigate and determine if there were any irregularities in the collection of sales tax for the City of Anniston during the previous four years. The motion was seconded by Council Member Palmore.

Council Member Little made a motion to amend Council Member Spain's motion to authorize the City Manager hire/engage an outside professional to investigate and determine if there were any irregularities in the collection of sales tax for the City of Anniston during the previous four years to change said motion from four years to seven years. 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, and Dawson; nays: Mayor Robinson. The motion carried.

Council Member Spain made a motion to amend his motion to authorize the City Manager hire/engage an outside professional to investigate and determine if there were any irregularities in the collection of sales tax for the City of Anniston during the previous four years as amended to seven years and that this be done and reported to the Council within sixty days. 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: Council Members Dawson and Robinson. The motion carried.

Council Member Dawson asked what investigation means in this motion.

Cleo Thomas, City Attorney, stated he could not determine the moving party's intent but an investigation is to assess, look at, audit the books to determine whether or not there were irregularities and whether similarly situated people were treated differently.

Council Member Spain stated it was purely a disclosure of facts. He stated that Mr. Thomas's explanation was his intent with a disclosure of facts.

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On call of the roll on Council Member Spain's motion to authorize the City Manager hire/engage an outside professional to investigate and determine if there were any irregularities in the collection of sales tax for the City of Anniston during the previous four years as amended to seven years and amended that this be done and reported to the Council within sixty days and Council Member Palmore's second to said motion 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:

(cleaning nuisance lots)

Council Member Little made a motion that the bids in the total amounts of \$1,055.00 by T & J Demo and Clean Up, \$1,680.00 by James and Kenny, and \$190.00 by AJ's Lawn Care for the cleaning of nuisance lots be accepted. The motion was seconded by Council Member Palmore; and on call of the roll the following vote was recorded: ayes: Council Members Spain, Palmore, Little, Dawson and Robinson; nays: none. The motion carried.

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

(Lease/purchase of three zero turn mowers)

Mayor Robinson made a motion that the bid in the total amount of \$812.74 per month for 48 months with a \$1.00 buyout by Jerry Pate Turf and Irrigation, Inc. for three zero turn mowers with baggers be accepted. The motion was seconded by Council Member Dawson; and on call of the roll the following vote was recorded: ayes: Council Members Spain, Palmore, Little, Dawson and Robinson; nays: none. The motion carried.

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

(Utility vehicle)

Council Member Little made a motion that the bid in the total amount of \$469.21 per month for 48 months with a \$1.00 buyout by Jerry Pate Turf and Irrigation, Inc. for one utility vehicle be accepted. The motion was seconded by Mayor Robinson; and on call of the roll the following vote was recorded: ayes: Council Members Spain, Palmore, Little, Dawson and Robinson; nays: none. The motion carried.

Council Member Dawson made a motion for reconsideration of Ordinance Number 10-O-5. The motion was seconded by Council Member Spain; and on call of the roll the

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following vote was recorded: ayes: Council Members Dawson and Robinson; nays: Council Members Spain, Palmore and Little. The motion failed.

Ted Copeland, City Prosecutor, addressed the Council concerning the appointment by the Council of attorneys and an Attorney General's Opinion in 1996 to the City of Anniston stating that the City Manager has that authority and not the Council. He also addressed the City Code's sections concerning the deputy city attorney. He stated they should get clarification from the Attorney General concerning this issue. He stated he would welcome any investigation of anything he might have done.

Mayor Robinson stated they needed to get an Attorney General's Opinion on this issue.

Cleo Thomas City Attorney, stated that the employment of the City Attorney and the Deputy City Attorney is an administrative appointment in his opinion.
Roger Burton, 933 West 19th Street, addressed the Council about cutting some ditches near his property.

Jackie Sutton, 605 East 18th Street, addressed the Council and stated the way the street was paved at her home one could not get in the driveway without dragging the vehicle on the curb.

Willie Johnson, 1309 Crawford Avenue, addressed the Council and stated the motorcycles from the Easy Rider Club were making too much noise in his neighborhood. He stated he could not sleep for the noise.

William Varner, Easy Rider, addressed the Council and stated they had not any complaints except from Mr. Johnson. He stated Mr. Johnson had a personal problem with him.

Ronald Jackson, 1520 McDaniel Avenue, addressed the Council concerning nuisance lots near his home.

(Council Member Spain left the meeting at approximately 5:51 o'clock p.m.)

Cleo Thomas, City Attorney, stated that in light of the fact that the City Manager is the appointing authority they may want to revisit the issue of the motion to solicit applications for the position of City Prosecutor.

Council Member Dawson stated if this was a legal issue then they needed to discuss it. He stated he would be happy to revisit the issue.

Council Member Little stated they were not directing the City Manager to hire or fire someone. He stated they could discuss it at another meeting.

Council Member Dawson thanked Tana Bryant and the City staff for the cleanup on the previous Saturday. He stated that Sam Stewart had celebrated a birthday.

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Council Member Palmore stated they should present themselves better than they do as a Council. He stated they needed to pray.

Mayor Robinson stated he meant every word he said that day.

There being no further business to come before the meeting at that time Council Member Palmore made a motion the meeting be adjourned. The motion was seconded by Council Member Little; and on call of the roll the following vote was recorded: ayes: Council Members Palmore, Little, Dawson, and Robinson; nays: none; absent; Council Member Spain. The motion carried and the meeting was adjourned at approximately 6:00 o'clock p.m.