

4/27/2010

Anniston, Alabama
April 27, 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 27, 2010, at approximately 3:05 o'clock p.m.

Council Member Palmore prayed the Invocation.

Council Member Palmore 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.

Mayor Robinson made a motion to add to the agenda a resolution approving an emergency appropriation pursuant to Section 45-8A-23.186 of the Code of Alabama, 1975, a motion to employ consultants to address issues arising from the CDBG and HUD appropriations and to delete a proposed ordinance amending Ordinance Number 08-O-29 changing the time of regular meetings of the Council. The motion was seconded by Council Member Dawson.

Council Member Little stated that the proposed ordinance to set the levy and amount of use and sales tax and the accompanying resolution should be removed from the agenda.

Council Member Spain stated that Council Member Dawson made a motion for reconsideration of a proposed ordinance to set the levy and amount of use and sales tax at the last meeting and the motion was defeated. He asked the City Attorney to address this situation.

Cleo Thomas, City Attorney, stated that the motion to reconsider was defeated at the last meeting and that meeting had been the correct time for a motion to reconsider. He stated that the proposed ordinance to set the levy and amount of use and sales tax at today's meeting would fall into the category of renewal of motions. He stated the Council had before them the provisions for the renewal of motions from Robert's Rules of Order.

Council Member Little stated that motions are treated differently than resolutions and ordinances.

4/27/2010

Alan Atkinson, City Clerk, stated that he had called the Alabama league of Municipalities about this subject and was told that this proposed ordinance could be reintroduced again today and again after to today if it failed at a subsequent meeting.

Council Member Little stated that it was different when ordinances and resolution fail.

On call of the roll on Mayor Robinson's motion to add to the agenda a resolution approving an emergency appropriation pursuant to Section 45-8A-23.186 of the Code of Alabama, 1975, a motion to employ consultants to address issues arising from the CDBG and HUD appropriations and to delete a proposed ordinance amending Ordinance Number 08-O-29 changing the time of regular meetings of the Council and Council Member Dawson's second to said motion the following vote was recorded: ayes: Council Members Spain, Palmore, Dawson and Robinson; nays: Council Member Little. The motion carried.

Council Member Dawson made a motion to remove from the table a motion authorizing the City Manager to negotiate a lease agreement with Mr. Ervin Romine for the operation of the Cane Creek Restaurant located in the Cane Creek Golf Course Club House at McClellan. The motion was seconded by Council Member Palmore; 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 table a motion authorizing the City Manager to negotiate a lease agreement with Mr. Ervin Romine for the operation of the Cane Creek Restaurant located in the Cane Creek Golf Course Club House at McClellan. The motion was seconded by Council Member Little; and on call of the roll the following vote was recorded: ayes: Council Members Spain, Palmore, Little, Dawson and Robinson; nays: none. The motion carried.

Mayor Robinson read the following letter:

(Letter from MDA)

Mayor Robinson made a motion for the unanimous consent of the Council to introduce and read by title Ordinance Number 10-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 10-O-6.

No one addressed the Council either in favor of or in opposition to the introduction and reading by title of Ordinance Number 10-O-6.

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-6 and Council Member Dawson's

4/27/2010

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-6, Mayor Robinson introduced and read by title Ordinance Number 10-O-6 as follows:

(10-O-6, 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-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 10-O-6 as introduced and read by title, Mayor Robinson made a motion for the passage and adoption of Ordinance Number 10-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: Mayor Robinson; nays: Council Members Spain, Palmore, Little and Dawson. The motion failed.

Council Member Dawson made a motion for reconsideration of Ordinance Number 10-O-6. The motion was seconded by Council Member Spain; and on call of the roll the following vote was recorded: ayes: Mayor Robinson; nays: Council Members Spain, Palmore, Little and Dawson. The motion failed.

Mayor Robinson introduced and read Resolution Number 10-R-47 as follows:

(10-R-47, reimbursements to City officials for travel expense)

Mayor Robinson made a motion for the passage and adoption of Resolution Number 10-R-47 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-47 was passed and adopted.

Council Member Spain introduced and read Resolution Number 10-R-48 as follows:

RESOLUTION NUMBER 10-R-48

WHEREAS, the City's Public Works Director and the Engineering Department of the City have recommended an 80 foot right of way on each of these streets as being necessary to encompass the existing concrete drainage flumes; and

4/27/2010

WHEREAS, the Department has recommended at 15 foot drainage easement along the southwest and southeast lines of said property; and

WHEREAS, the City's Public Works Director and Engineering Department have concluded that it is in the interest of public health and safety and a public benefit to establish said rights of way and easements.

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

Section 1. That the following streets which have been accepted heretofore by the City of Anniston and are due to be accompanied by sufficient rights of way as noted below to ensure that the City of Anniston may provide for future development impacts of former Fort McClellan and serve the public interest and safety.

Section 2. That the following streets have been accepted based on established roadway centerlines and that all references to said streets shall be interpreted to be in relation to existing roadways on former Fort McClellan property:

- a. A segment of a road commonly referred to as Pappy Dunn Boulevard an 80 foot right of way measured from Care Drive to end of asphalt.
- b. A segment of a road commonly referred to as Seaton Drive, an 80 foot right of way measured from Goode Road to Pappy Dunn Boulevard.

Section 3. That the proposed site is approximately 5.0 acres and runs 290.74' along Pappy Dunn Boulevard and 714.02' along Seaton Drive.

Section 4. That the City Manager or his designee is authorized and empowered to take such lawful action as is required to perfect, preserve and record a 15 foot drainage easement along the southwest and southeast lines of said property as has been proposed and surveyed and thereafter reviewed and recommended for approval by the Department of Public Works and Engineering of the City of Anniston.

Section 5. That the above referenced streets and rights of way incidental thereto be further described as illustrated on the attached map of said roadways located on former Fort McClellan property.

PASSED AND ADOPTED this the 27th 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/ Benjamin L. Little, Council Member

4/27/2010

By: /s/ David Dawson, Council Member

ATTEST:

/s/ Alan B. Atkinson, City Clerk

Council Member Spain made a motion for the passage and adoption of Resolution Number 10-R-48 as introduced and read. The motion was seconded by Mayor Robinson.

Council Member Dawson asked if these right-of-ways need any immediate work.

Don Hoyt, City Manager, stated he did not know the answer to that question. He stated that he assumed that they would negotiate any improvements with any company that wanted to develop property along these roads.

Mr. Hoyt asked Phil Brown, Street Superintendent, if these right-of-ways need any immediate work.

Mr. Brown stated he was not aware of any need for immediate work on these right-of-ways.

On call of the roll on Council Member Spain's motion for the passage and adoption of Resolution Number 10-R-48 as introduced and read and Mayor Robinson's second to said motion the following vote was recorded: ayes: Council Members Spain, Little, Dawson and Robinson; nays: none; abstentions: Council Member Palmore. The motion carried and Resolution Number 10-R-48 was passed and adopted.

Council Member Dawson introduced and read Resolution Number 10-R-49 as follows:

(10-R-49, contract with L. P. Campbell Company)

Council Member Dawson made a motion for the passage and adoption of Resolution Number 10-R-49 as introduced and read. The motion was seconded by Council Member Mayor Robinson.

Council Member Spain stated that while he was happy with Ms. Campbell's work he could not support this resolution because he felt they needed a full time grants writer.

On call of the roll on Council Member Dawson's motion for the passage and adoption of Resolution Number 10-R-49 as introduced and read and Mayor Robinson's second to said motion the following vote was recorded: ayes: Council Members Palmore, Little, Dawson and Robinson; nays: Council Member Spain. The motion carried and Resolution Number 10-R-49 was passed and adopted.

Mayor Robinson introduced and read Resolution Number 10-R-50 as follows:

RESOLUTION NUMBER 10-R-50

4/27/2010

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 Lease Agreement with the Anniston Water Works and Sewer Board for leasing the property located at 131 West 11th Street according to the terms set forth in the lease agreement attached as Exhibit "A" and reviewed by the Council.

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

PASSED AND ADOPTED this the 27th 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

Mayor Robinson made a motion for the passage and adoption of Resolution Number 10-R-50 as introduced and read. The motion was seconded by Council Member Dawson.

Council Member Dawson asked if they could fill in the blanks.

Don Hoyt, City Manager, stated that they had agreed to \$7.25 per square foot for 10,118 feet which came to \$6,113.00 per month in rent. He stated the late charge would be \$100.00. He stated they are carrying liability insurance and he thought they would carry it at their current level. He stated the lease deposit would be one month's rent.

Council Member Palmore stated they should table this resolution until they fill in all the blanks and have someone there from the Water Board.

Council Member Palmore made a motion to table Resolution Number 10-R-50 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 Palmore and Little; nays: Council Members Spain, Dawson and Robinson. The motion failed

Council Member Dawson stated he wished someone from the Water Works and Sewer Board was present. He stated he did not see this lease taking effect before their next meeting

Council Member Spain stated that the Water Works and Sewer Board felt they would be a negative presence at this meeting.

4/27/2010

Council Member Palmore stated he appreciated Council Member Spain explaining their absence, He stated the Council had been hoodwinked. He stated they had bought a building that did not apply to the Watermark building. He stated he thought this was inappropriate.

Council Member Little stated he felt they were deceived and misled about who owned what. He stated he did know not if it was legal for the Water Works and Sewer Board to expend money on a building they did not own. He stated this was totally inappropriate and they had not had full knowledge and disclosure. He stated that both parties should have agreed to a completed lease agreement.

Council Member Spain stated that he had not been misled or deceived during this process. He stated he agreed that lease document should come to them in a completed form.

On call of the roll on Mayor Robinson's motion for the passage and adoption of Resolution Number 10-R-50 as introduced and read and Council Member Dawson's second to said motion the following vote was recorded: ayes: Council Members Spain, Dawson and Robinson; nays: Council Members Palmore and Little. The motion carried and Resolution Number 10-R-50 was passed and adopted.

Council Member Spain introduced and read Resolution Number 10-R-51 as follows:

RESOLUTION NUMBER 10-R-51

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 a professional services agreement with JMJ Architecture LLC for professional Architectural, Design and Project oversight for the ARRA grant funded project for a Photovoltaic Power System (Solar Panels) at the Anniston Museum of Natural History.

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

PASSED AND ADOPTED this the 27th 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

4/27/2010

By: /s/ David Dawson, Council Member

ATTEST:

/s/ Alan B. Atkinson, City Clerk

Council Member Spain made a motion for the passage and adoption of Resolution Number 10-R-51 as introduced and read. The motion was seconded by Mayor Robinson.

Council Member Little stated they did not need to see the same consultants and architects on these projects. He asked if they had discussed this project before.

Toby Bennington, City Planner, stated that this project had been discussed before in an informal session.

Council Member Dawson stated he remembered having discussed this project before in an informal session.

Council Member Spain stated he remembered having discussed this project before in an informal session. He stated they could have avoided today's confusion if they had discussed this item again in that day's informal session.

On call of the roll on Council Member Spain's motion for the passage and adoption of Resolution Number 10-R-51 as introduced and read and Mayor Robinson's second to said motion the following vote was recorded: ayes: Council Members Spain, Palmore, Little, Dawson and Robinson; nays: none. The motion carried and Resolution Number 10-R-51 was passed and adopted.

Mayor Robinson made a motion to table the proposed resolution creating the Anniston Public Building Authority (PBA) which will facilitate financing and construction of essential public facilities for public safety, social services and infrastructure in the city. 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 Palmore introduced and read Resolution Number 10-R-52 as follows:

(10-R-52, agreement with East Alabama Planning Commission for the administration of the ESG)

Council Member Spain made a motion for the passage and adoption of Resolution Number 10-R-52 as introduced and read. The motion was seconded by Council Member Dawson.

Don Hoyt, City Manager, stated that ADECA recommended that they do not pass this resolution and the Emergency Shelter Grant be administered by someone on the City staff.

4/27/2010

On call of the roll on Council Member Spain's motion for the passage and adoption of Resolution Number 10-R-52 as introduced and read and Council Member Dawson's second to said motion the following vote was recorded: ayes: none: nays: Council Members Spain, Palmore, Little, Dawson and Robinson. The motion failed.

Mayor Robinson made a motion for the unanimous consent of the Council to introduce and read by title Resolution 10-R-53. 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 Resolution Number 10-R-53.

No one addressed the Council either in favor of or in opposition to the introduction and reading by title of Resolution Number 10-R-53.

On call of the roll on Mayor Robinson's motion for the unanimous consent of the Council to introduce and read by title Resolution 10-R-53 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 to introduce and read by title Resolution Number 10-R-53, Mayor Robinson introduced and read by title Resolution Number 10-R-53 as follows:

RESOLUTION NUMBER 10-R-53

WHEREAS, The City of Anniston, Alabama believes that displacement of low income residents by Code Enforcement action or by CDBG activities that result in displacement of clients through no fault of their own; and

WHEREAS, the Department of Housing and Development provides for such assistance utilizing CDBG funds according to Section 105 (a) (11) of the Housing and Community Development Act of 1974, as amended; and

NOW THEREFORE BE IT RESOLVED by the City Council of the City of Anniston, Alabama, that the following "Optional Relocation Assistance Policy" be and is hereby adopted.

OPTIONAL RELOCATION ASSISTANCE POLICY

AUTHORITY AND PURPOSE:

The City of Anniston, by policy adopted April 27, 2010, has chosen to provide relocation assistance through the CDBG program to low and very low income persons displaced from their homes by code enforcement action or in the event that residential rehabilitation activities under the CDBG Program operated by the City of Anniston result in the forced relocation of otherwise approved recipients of CDBG repair funds through no fault of their own.

This relocation assistance is beyond the scope of assistance required by the federal Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 (84 Stat. 1894; 42 U.S.C. 4601 et seq.; Pub. L 91-646) as amended by the Uniform Relocation Act Amendments of 1987 (Title IV of Public Law 100-17), and will establish a mechanism for provision of assistance to low and very low income persons with no other financial resources, who must relocate from their residences because of code enforcement action or the failure of rehabilitation contractors to complete their rehabilitation projects in a timely manner. This policy is intended to meet the requirements of the Community Development Block Grant (CDBG) regulations, 24 CFR 570.606 (d) (Optional relocation assistance), which state, "The grantee must adopt a written policy available to the public that describes the relocation assistance that the grantee has elected to provide ", in order to use CDBG funds for relocation beyond the requirements of the Uniform Relocation Act.

SCOPE AND APPLICABILITY:

This policy provides for certain types of relocation assistance to low and very low income citizens forced to move from dwellings which have been declared dangerous structures by code enforcement action. This assistance can be provided from Community Development Block Grant funds, and is a voluntary extension of relocation assistance beyond the requirements of the Uniform Relocation Act to serve the needs of the citizens of the City of Anniston.

DEFINITIONS:

Low and very low income persons: Specific categories of persons eligible for assistance with federal funds, as defined by HUD guidelines, which delineates median family income for various sized families in each entitlement community and designates that persons or families with an income less than 80% of median for their family size are considered low income, and persons or families with an income less than 50% of median for their family size are considered very low income.

Code Enforcement Action: Code Enforcement Staff, upon inspection in the course of their duties, may condemn a building under the definition found in Chapter 7, Section 7-114 of the City Ordinances. Such a declaration requires that the building be vacated for either extensive rehabilitation or demolition.

CDBG-Community Development Block Grant: is an entitlement grant provided to the City of Anniston annually by HUD (as authorized and allocated by Congress) for use in programs authorized under Title I of the Housing and Community Development Act of 1974, as amended. The primary objective of this program " ... is the development of viable urban communities, by providing decent housing and a suitable living environment and expanding economic opportunities, principally for persons of low and moderate income."

Community Development Act of 1974, as amended: The primary objective of this program " .. is the development of viable urban communities, by providing decent

4/27/2010

housing and a suitable living environment and expanding economic opportunities, principally for persons of low and moderate income."

Household: means one or more persons occupying a housing unit.

HUD - United States Department of Housing and Urban Development: Within the City, the liaison for HUD grant funding is the CDBG Division.

HUD Income Guidelines: are published at least annually by HUD for use by local jurisdictions in determining income eligibility. Guidelines include area median income adjusted for family size, and figures for 80% and 50% of area median income, adjusted for family size, for use in determining the maximum limits for low and very low income family incomes.

ECD - Economic and Community Development Department: Within this department, relocation issues are handled by the Housing Division,

ACTION SECTION:

Services Provided:

1. It is the intent of the City to provide assistance to households permanently dislocated by code enforcement action or "rehabilitation contractor abandonment" up to a maximum of no more than \$4,000 for all services provided.
2. Hotel/Motel Assistance: Up to ten days lodging, preferably in a room(s) with kitchenette accommodations, with total cost not to exceed current Fair Market Rent levels in force by the Anniston Public Housing Authority.
3. Rent: One month's rent paid to the landlord of a unit chosen by the client.
4. Security Deposit: If a security deposit is required by the landlord of the new unit chosen by the client, the deposit, not to be greater than one month's rent, may be paid to the landlord on behalf of the client along with the first month's rent.
5. Utility Deposits: Paid if required by the City, the Anniston Water Board, etc .. Attempt shall be made as part of the casework process to have the clients' utility deposits transferred to the new account.
6. Moving Expenses: Actual cost of moving personal property to the client's new location may be paid on behalf of the client to the moving company, up to a maximum expense per household unit of \$200 per member of the household.
7. Housing Inspection: The Code Enforcement staff shall conduct an inspection of the unit selected by the client as replacement housing and certify that the unit meets City Housing Code standards, at a minimum. This service will be provided to the client to ensure CDBG funds are used appropriately.

Eligibility Criteria:

4/27/2010

Income: Benefits shall be made available to low and very low income persons as defined above using guidelines published periodically by HUD and incorporated here by reference. These guidelines identify the median family income for the City and define low and very low income in relation to the median family incomes, with adjustments for family size. The income guidelines in force shall be provided by the CDBG Division as they are issued by HUD.

Insurance restrictions: If the household being relocated has insurance coverage which will pay any portion of the benefits available from the City the insurance shall take precedence and City benefits shall not be paid for that portion.

Repetition of benefits: A person who has been a member of any other household receiving permanent relocation assistance within the previous four years shall not be eligible for relocation assistance under this policy.

Method of Payment: All payments shall be made directly to the vendor, on behalf of the client.

Grievance procedures: Any person who disagrees with the determination of their eligibility for assistance under this program may appeal the decision to the City Council. Appeals will be handled according to grievance procedures set up by the City Manager's office to assure a fair hearing for all parties.

Administration: The CDBG division shall be responsible for administration of this policy.

Sunset Review: This policy shall be considered for sunset review five years from the date of latest adoption.

Effective date: This amended policy shall be effective immediately upon City Council approval.

PASSED AND ADOPTED this the 27th 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

Council Member Little made a motion for the passage and adoption of Resolution Number 10-R-53 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 Spain, Palmore, Little, Dawson and Robinson; nays: none. The motion carried and Resolution Number 10-R-53 was passed and adopted.

4/27/2010

Council Member Little introduced and read Resolution Number 10-R-54 as follows:

RESOLUTION NUMBER 10-R-54

WHEREAS, the City Council of the City of Anniston desires to provide assistance to homeowners benefiting from CDBG loan and grant program funds in order to ensure that each rehabilitation project satisfactorily meets adopted City Code requirements as well as the original scope of work to be completed according to upon terms of the agreement;

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

Section 1. The City Council approves an emergency appropriation pursuant to Section 45-8A-23.186 of The Code of Alabama 1975 in order to provide for the public health safety, and welfare of those homeowners affected by the failure of CDBG contractor(s) to adhere to CDBG program guidelines and complete work sufficient to meet minimal adopted City Code requirements.

Section 2. The City Council directs, empowers, and approves the City Manager to take the necessary steps to effectively execute this resolution through the unbudgeted expenditure of general fund monies not to exceed \$150,000 in aggregate unless approved by the City Council.

PASSED AND ADOPTED this the 27th 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

Council Member Little made a motion for the unanimous consent of the Council for the immediate consideration of Resolution Number 10-R-54 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. Unanimous consent of the Council having been given for the immediate consideration of Resolution Number 10-R-54 as introduced

4/27/2010

and read, Council Member Little made a motion for the passage and adoption of Resolution Number 10-R-54 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-54 was passed and adopted.

Council Member Little stated that the Council should be kept informed about all expenditures concerning the CDBG relocation assistance and of this emergency appropriation.

Council Member Dawson made a motion to add right-of-way street closure policy to the Policy and Procedures Manual. 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 Spain made a motion to accept the Anniston City Planning Commission's recommendation concerning the request for de-annexation by Dr. Ken Hager and Mary Hager and to deny said request for de-annexation. The motion was seconded by Mayor Robinson.

Council Member Palmore stated he did not recall the other property owner ever addressing the Council concerning this request. He stated there was another property owner adjacent to this property.

Toby Bennington, City Planner, stated the recommendation of the Planning Commission was to deny the de-annexation. He stated if they denied the de-annexation it would not have any impact on the other property owner.

Council Member Palmore stated he would like to table this motion until they can talk to the other party.

Council Member Palmore made a motion to table Council Member Spain's motion to accept the Anniston City Planning Commission's recommendation concerning the request for de-annexation by Dr. Ken Hager and Mary Hager and to deny said request for de-annexation. The motion was seconded by Council Member Little; and on call of the roll the following vote was recorded: ayes: Council Member Palmore; nays: Council Members Spain, Dawson and Robinson; abstentions: Council Member Little. The motion failed.

Council Member Dawson stated he supported the recommendation brought forth by the Planning Commission.

Council Member Palmore stated he would like to have more information.

Jay Jenkins, Chairman, Planning Commission, stated that Dr. Hager's property was located in both Anniston and Oxford. He stated that Dr. Hager's building was in Oxford

4/27/2010

and the parking area was in Anniston. He stated the Anniston zoning for this property is NSC-1 and there are particular criteria in NSC-1 that any business owner in that zone must meet in order to satisfy conditions of aesthetics, blight, noise, odor, of sound transmission and other things that can affect the residences that back into this zone. He stated that Dr. Hager elected not to pursue the plans that were presented and approved by the Planning Commission. He stated that Dr. Hager knew this item was on the agenda for that day. He stated the other property owner shares an entrance drive which is in Anniston with Dr. Hager.

Cleo Thomas, City Attorney, stated that Dr. Hager had filed an action in Federal court against the Planning Commission which he had dismissed on his own. He stated he had a copy of a letter from Dr. Hager's attorney stating they did not wish to meet with the Planning Commission but did want to pursue de-annexation from Anniston.

Council Member Little stated that Dr. Phillips the adjoining property owner has not approached the City concerning de-annexation of his property.

Mayor Robinson stated that the Planning Commission is a professional group that has performed their due diligence.

On call of the roll on Council Member Spain's motion to accept the Anniston City Planning Commission's recommendation concerning the request for de-annexation by Dr. Ken Hager and Mary Hager and to deny said request for de-annexation and Mayor Robinson's second to said motion the following vote was recorded: ayes: Council Members Spain, Little, Dawson and Robinson; nays: none; abstentions: Council Member Palmore. The motion carried.

Council Member Little made a motion to terminate/rescind the City's approval and/or participation in the public sector recovery zone bonds currently administered by the Calhoun County Commission. The motion was seconded by Council Member Palmore.

Council Member Little stated he did have some concerns about what they did in electing the bond agency. He stated he had discussed this with certain individuals and he now felt better about it. He stated he definitely supported the project.

On call of the roll on Council Member Little's motion to terminate/rescind the City's approval and/or participation in the public sector recovery zone bonds currently administered by the Calhoun County Commission and Council Member Palmore's second to said motion the following vote was recorded: ayes: none; nays: Council Members Spain, Palmore, Little, Dawson and Robinson. The motion failed.

Council Member Little made a motion to appoint Council Member Spain as the voting delegate and Council Member Dawson as an alternate voting delegate for the annual business session of the Alabama League of Municipalities on Tuesday, May 18, 2010. The motion was seconded by Council Member Dawson; and on call of the roll the

4/27/2010

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 pay an invoice in the amount of \$62,277.29 from Rutledge and Yaghmai. The motion was seconded by Council Member Palmore.

Council Member Spain stated he would like to table this motion until they received a reply from the Attorney General concerning this issue.

Cleo Thomas, City Attorney, stated they had received a reply from the Attorney General concerning this issue.

Council Member Spain stated he had not seen the reply from the Attorney General concerning this issue.

Council Member Spain made a motion to table Council Member Little's motion to pay an invoice in the amount of \$62,277.29 from Rutledge and Yaghmai. 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.

Council Member Little made a motion to authorize the City manager to negotiate a contract with knowledgeable consultants to review and recommend improvements in the City's CDBG program procedures and policies and to aid in the City's search for replacement staff. 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.

Curtis Ray, 1004 Constantine Avenue, addressed the Council and stated he thought Mr. Williams was supposed to present today. He asked if the same people were working in the summer programs every year.

Jay Jenkins, 301 Buckner Circle, addressed the Council concerning his firms work on various projects.

Larry Williams, 1417 Crawford Avenue, addressed the Council.

Marian Crumb, 1906 Moore Avenue, addressed the Council concerning the need for repairs to her home and the CDBG program.

Council Member Palmore stated he had told the City Manager about the problems Ms. Crumb was having.

Council Member Little stated he would like for the motion concerning the payment to Rutledge and Yaghmai to come back at the next meeting. He stated that his vote for the right-of-way at McClellan was not a vote of approval for the MDA.

4/27/2010

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 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 and the meeting was adjourned at approximately 4:55 o'clock p.m.