

5/11/2010

Anniston, Alabama
May 11, 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, May 11, 2010, at approximately 3:50 o'clock p.m.

Council Member Little prayed the Invocation.

Council Member Little 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 April 27, 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.

Mayor Robinson made a motion to add to the agenda a motion for street closures for the upcoming street festival and bar-b-cue cook-off in July and a motion to execute a contract with Munroe-Jenkins, architects, for professional services. 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 Dawson made a motion to adopt the agenda as amended. The motion was seconded by Council Member Spain.

Council Member Little stated the proposed ordinance amending Section 30.22 and 30.72 of the City Code which sets the levy and amount of sales and use tax and the proposed resolution allocating additional revenues from said proposed ordinance should not be on the agenda. He stated Ordinance 08-O-29 should prohibit these items from being brought back before the Council.

Mayor Robinson stated he was not making a motion to reconsider this ordinance.

On call of the roll on Council Member Dawson's motion to adopt the agenda as amended and Council Member Spain's second to said motion the following vote was recorded:

5/11/2010

eyes: 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 on behalf of Council Member Little to pay an invoice from Rutledge and Yaghmai in the amount of \$62,277.29 for services rendered. The motion was seconded by Council Member Palmore; and on call of the roll the following vote was recorded: eyes: Council Members Spain, Palmore, Little, Dawson and Robinson; nays: none. The motion carried.

Council Member Spain stated there were still some ambiguities concerning this invoice and asked if the invoice was being billed to the City or to the individual council members.

Cleo Thomas, City Attorney, stated the invoice was billed to the City. He stated the Council would have to decide the basis of the engagement in accordance with the parameters that the Attorney General has set forth.

Council Member Spain stated it would be helpful for Mr. Rutledge to come to the Council in an informal meeting and explain the details of the invoice. He stated they could invite Mr. Rutledge to their next meeting.

Council Member Spain made a motion to table the motion on behalf of Council Member Little to pay an invoice from Rutledge and Yaghmai in the amount of \$62,277.29 for services rendered. The motion was seconded by Mayor Robinson; and on call of the roll the following vote was recorded: eyes: Council Members Spain, Palmore, Little, and Dawson; nays: Mayor Robinson. The motion carried.

Mayor Robinson recognized and welcomed Council Member Spain's parents to the meeting.

Mayor Robinson read the following proclamation:

(Military Heritage Week-end)

Mayor Robinson made a motion for the unanimous consent of the Council to introduce and read by title Ordinance Number 10-O-7. 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-7.

No one addressed the Council either in favor of or in opposition to the introduction and reading by title of Ordinance Number 10-O-7.

5/11/2010

Council Member Little stated this was what had been done with the MDA resolution. He stated there had never been a motion to reconsider the failed MDA resolution but it had been reintroduced as a new resolution. He stated that the second MDA resolution did not receive unanimous consent for immediate consideration. He stated that it had been done illegally.

Mayor Robinson stated they should be concerned with the health and welfare of the City and not parliamentary procedure. He stated they needed this one cent additional sales tax for the City's revenues. He stated this ordinance is the most important ordinance they have considered as a Council.

Cleo Thomas, City Attorney, stated that the validity of voting on this ordinance was not in that it had a new number but the new number is evidence that it has come at a new meeting. He stated a motion for reconsideration is a motion that is appropriate for an item that has failed or passed at that meeting. He stated when a motion is defeated at one meeting and returns at another meeting then that is a renewal of a motion.

Council Member Spain stated this is a dangerous course of action because each Council Member has the ability to resurrect defeated motions. He stated the Council has voted against this tax increase and he would hate to see the Council become bogged down with recurring motions of this type.

Council Member Little stated that there is a difference between a motion and a resolution and an ordinance. He stated he would continue to research this situation.

Council Member Spain stated that the spirit of this Council had been to move the MDA forward. He stated that he felt they did it in a legal, authorized manner. He stated likewise the spirit of this Council was to defeat this tax increase.

Mayor Robinson stated that it was critical for the City to create a CDA, to pay for the upcoming bonds, help the schools and bolster the City's revenues and it was critical for this Council to pass this one cent sales tax increase.

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-7 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 10-O-7, Mayor Robinson introduced and read by title Ordinance Number 10-O-7 as follows:

(10-O-7, amending Section 30.22 and 30.72 of the City Code setting the levy and amount of sales and use tax)

5/11/2010

Mayor Robinson made a motion for the unanimous consent of the Council for the immediate consideration of Ordinance Number 10-O-7 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 Spain introduced and read Resolution Number 10-R-55 as follows:

RESOLUTION NUMBER 10-R-55

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

Section 1. That Dr. Mike Kimberly be and he hereby is reappointed to the Regional Medical Center Board for a term to expire May 31, 2015.

Section 2. 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 11th day of May, 2010.

CITY COUNCIL OF THE CITY OF
ANNISTON, ALABAMA

By: /s/ Gene Robinson, Mayor

By: /s/ John Spain, Council Member

By: /s/ Herbert N. Palmore, Council Member

By: /s/ Benjamin L. Little, Council Member

By: /s/ David Dawson, Council Member

ATTEST:

/s/ Alan B. Atkinson, City Clerk

Council Member Spain made a motion for the passage and adoption of Resolution Number 10-R-55 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-55 was passed and adopted.

Council Member Little introduced and read Resolution Number 10-R-56 as follows:

(10-R-56, removal of nuisances from certain properties within a specified time period)

Council Member Little made a motion for the passage and adoption of Resolution Number 10-R-56 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-56 was passed and adopted.

5/11/2010

Council Member Dawson introduced and read Resolution Number 10-R-57 as follows:

(10-R-57, contract with Sain Associates for signal system timing on Leighton Ave.)

Council Member Dawson made a motion for the passage and adoption of Resolution Number 10-R-57 as introduced and read. The motion was seconded by Mayor Robinson.

Council Member Little stated they needed to give other companies a chance for professional services. He stated any professional services awarded in Ward 3 he wanted to be involved in.

Council Member Palmore asked what the cost would be.

Mr. Thomas stated the cost would be \$12,000.

On call of the roll on Council Member Dawson's motion for the passage and adoption of Resolution Number 10-R-57 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-55 was passed and adopted.

Council Member Little made a motion to authorize the City Manager to execute an agreement with Development Solutions, LLC for consulting services relating to the community development block grant program in the amount of \$28,000. The motion was seconded by Mayor Robinson.

Council Member Dawson asked if this was the same company they had used in the past.

Council Member Little stated this was not the same company. He stated this was significantly different and the City could lose federal funding. He stated hopefully the City of Anniston could remain an entitlement city. He stated they do not use these people year in and year out.

Council Member Dawson stated he agreed with Council Member Little but the point was that if people do a good job for you then one is inclined to use them again. He stated that was true with this company, with Jay Jenkins' company and with Sain and Associates. He stated those people who have proven they can do a good job should get consideration for the next job.

Council Member Palmore stated they did have to obey the bid laws.

Mayor Robinson stated the citizens should vote for those Council Members who do a good job.

On call of the roll on Council Member Little's motion to authorize the City Manager to execute an agreement with Development Solutions, LLC for consulting services relating to the community development block grant program in the amount of \$28,000 and Mayor

5/11/2010

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.

Council Member Little made a motion to approve plans for the Coldwater Mountain Access Road according to the proposal prepared and recommended by Volkert and Associates, Inc. and to authorize necessary expenditures for engineering services and construction. The motion was seconded by Council Member Dawson.

Council Member Little stated he would like to table this motion until the first meeting in June.

Council Member Spain stated there were still many unanswered questions.

Council Member Palmore stated he would like the records concerning this land and its use.

Mayor Robinson stated they needed to include the Planning Department in this process. He stated they needed to attend work sessions.

Council Member Palmore stated they needed alternate dates for work sessions.

Council Member Little made a motion to table his motion to approve plans for the Coldwater Mountain Access Road according to the proposal prepared and recommended by Volkert and Associates, Inc. and to authorize necessary expenditures for engineering services and construction. 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 Dawson made a motion to approve the street closure changes for the July Super Saturday Bar-B-Cue event as they have been presented. 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 authorize the Mayor to negotiate and sign a contract for professional services with Munroe-Jenkins Architects, LLC for architectural services related to the McClellan aquatic and fitness complex. The motion was seconded by Mayor Robinson.

Council Member Little asked if there was a cost for this yet.

Danny McCullars, Finance Director, stated the contract carries approximately an 8 ½ % fee based upon the amount of the bid. He stated it was his understanding the bid should be approximately \$3.5 million.

5/11/2010

On call of the roll on Council Member Spain's motion to authorize the Mayor to negotiate and sign a contract for professional services with Munroe-Jenkins Architects, LLC for architectural services related to the McClellan aquatic and fitness complex 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.

James Tracy addressed the Council concerning the property located at 2211 McCoy Avenue and asked if he could have six months to repair this structure.

Council Member Palmore stated they would speak with Mr. Talley after the meeting.

Mike Klein, 434 Sandy Lane, addressed the Council concerning the number of accidents on Quintard Avenue and other streets in Anniston and Calhoun County. He stated the timing of the lights concerning the yellow part of signals should be lengthened. He stated increasing the yellow light by one second could decrease the number of accidents.

Council Member Little stated they should consider Dr. Klein's comments. He stated they should research view obstructions along Quintard Avenue, also.

Council Member Palmore expressed his condolences to Ms. Bean.

Council Member Spain thanked everyone for welcoming his parents. He stated he had been in a meeting yesterday at JSU and could not attend the work session. He stated the Mayor could set the meetings but it would be helpful to check with the Council concerning their schedules.

Mayor Robinson stated that yesterday's meeting was set because of the two out of town experts who were in town for that day only and that was why the meeting was set for that time. He commended the police department for the apprehension of a murder suspect.

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 5:00 o'clock p.m.