

2/9/2016

Anniston, Alabama
June 8, 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, June 8, 2010, at approximately 4:00 o'clock p.m.

Mayor Robinson prayed the Invocation.

Mayor Robinson 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 stated that with respect to his military obligations that Council Member Spain had assumed in his absence, that he, Mayor Robinson was in charge. He stated that the mayor had military obligations only in extreme emergencies. He stated that the Vice-Mayor had no military obligations. He stated it would be an extreme emergency for the mayor to be invoked as military commander of this district.

Council Member Spain stated he realized Mayor Robinson was the CEO of the City and he thought now he was putting himself one notch closer to God if he was able to predict when there would be a crisis in the city of any type. He stated he would assume that responsibility in the absence of the mayor and would hope that he would let the Council know when he was going to be out of town on an extended stay.

Council Member Little made a motion to dispense with the reading of and approve the minutes of May 25, 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 Little made a motion to remove from the agenda a proposed motion to approve the Coldwater Mountain Project study by Volkert and authorize it to move forward and a proposed motion to appoint a City Prosecutor from the applications received by May 20, 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 Dawson made a motion to adopt the agenda as amended. The motion was seconded by Council Member Palmore; and on call of the roll the following vote was

2/9/2016

recorded: ayes: Council Members Spain, Palmore, Little, Dawson and Robinson; nays: none. The motion carried.

Council Member Little made a motion to remove from the table a motion to 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: ayes: Council Members Spain, Palmore, Little, Dawson and Robinson; nays: none. The motion carried.

Council Member Little asked if they could vote on this matter now since he would have to leave the meeting soon.

Council Member Dawson stated that this matter should be put under motions on the agenda but he would yield to Council Member Little's request to deal with it immediately.

Council Member Little stated they should pay Mr. Rutledge in light of the facts that have come forth. He stated that the Judge has agreed with Mr. Rutledge and he has pointed out other matters correctly to the Council. He stated he had done what needed to be done on behalf of the citizens. He stated this was for the good of the citizens who have bought property at McClellan and once this is cleared up it will help them and will help more development at McClellan.

Council Member Dawson stated he had questions that he had tried to get answered but could not get answered. He stated that Council Members Palmore and Little and former Council Member Bennett had the right to pursue what they pursued. He stated he really wished he could have pursued his questions today and had them answered but he was unable to do that.

Mayor Robinson stated this was the people's money and they could not treat their money in this fashion. He stated this bill belonged to Council Members Palmore and Little and former Council Member Bennett. He stated they ended the City's contract with Rutledge and Yaghmai in 2008.

Council Member Little stated the \$200,000 that had been paid was the people's money also and it had been paid. He stated other law firms had been paid and had represented this case incorrectly. He stated they know the MDA is improperly formed. He stated they did not get unanimous consent for immediate consideration of the resolution at its first reading. He stated they needed to go back and do this right. He stated there were problems with titles at McClellan and would be until this was done correctly.

Council Member Spain stated he believed this issue was important to McClellan and he would like to see things go forward at McClellan. He stated he believed all citizens in Anniston would benefit from them going forward at McClellan. He stated if they continue to follow the same path they are on then he felt they would embroil themselves in bad publicity and would have real difficulty in achieving any economic development

2/9/2016

in this area. He stated that the Council is never going to agree on what is right or wrong in this case.

On call of the roll on Council Member Little's motion to pay an invoice from Rutledge and Yaghmai in the amount of \$62,277.29 for services rendered and Council Member Palmore's second to said motion the following vote was recorded: ayes: Council Members Palmore and Little; nays: Council Members Spain, Dawson and Robinson. The motion failed.

Mayor Robinson announced that was the time for the public hearing on the proposed abatement of abandoned vehicles declared nuisances at the following locations: 1408 Mccall Drive, white Monte Carlo, red Oldsmobile Cutlass Supreme, red Nissan Maxima; 1101 West 16th Street, blue Ford Mustang; 314 Pine Avenue, black Pontiac Firebird; 316 Pine Avenue, blue Buick Riviera; 1017 West 16th Street, grey Oldsmobile Cutlass; 1609 Mulberry Avenue, white Ford Van, dark Chrysler New Yorker; 1905 Davis Avenue, white Oldsmobile, black Oldsmobile Cutlass Supreme; 1616 Rocky Hollow Road, white Datsun pick-up; 925 Highland Avenue, black Ford pick-up: declared the hearing open and asked if anyone wished to address the Council concerning the proposed abatement of said vehicles declared public nuisances.

No one addressed the Council concerning the proposed abatement of said vehicles declared public nuisances.

Mayor Robinson declared the public hearing on the proposed abatement of abandoned vehicles declared nuisances at the following locations: 1408 Mccall Drive, white Monte Carlo, red Oldsmobile Cutlass Supreme, red Nissan Maxima; 1101 West 16th Street, blue Ford Mustang; 314 Pine Avenue, black Pontiac Firebird; 316 Pine Avenue, blue Buick Riviera; 1017 West 16th Street, grey Oldsmobile Cutlass; 1609 Mulberry Avenue, white Ford Van, dark Chrysler New Yorker; 1905 Davis Avenue, white Oldsmobile, black Oldsmobile Cutlass Supreme; 1616 Rocky Hollow Road, white Datsun pick-up; 925 Highland Avenue, black Ford pick-up; closed.

Mayor Robinson announced that was the time for the public hearing on the 2010 JAG Grant application, declared the hearing open and asked if anyone wished to address the Council concerning the 2010 JAG Grant application.

No one addressed the Council concerning the 2010 JAG Grant application.

Mayor Robinson declared the public hearing on the 2010 JAG Grant application closed.

Council Member Little introduced and read Ordinance Number 10-O-8 as follows:

ORDINANCE NUMBER 10-O-8

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

2/9/2016

Section 1. That Section 26 be added to read in its entirety as follows:

“Section 26. A ordinance or resolution that fails to obtain a majority vote for passage may not be re-introduced for a period of at least six months unless at least three council members request such re-introduction. Passage of a re-introduced ordinance or resolution before the end of the mandatory six month period requires a vote of four out of five council members.

Section 2. That in all other respects the terms and provisions of Ordinance Number 08-O-29 will remain the same.

Section 3. This ordinance shall go into effect upon its passage and adoption and publication as required by law.

PASSED AND ADOPTED this the 8th day of June, 2010.

CITY COUNCIL OF THE CITY OF
ANNISTON, ALABAMA

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 Ordinance Number 10-O-8 as introduced and read. The motion was seconded by Council Member Spain.

Mayor Robinson stated this ordinance was being passed to prevent him from bringing up the 1% sales tax ordinance again. He stated the 1% sales tax increase would have funded needed improvements and would have helped to modernize the city.

Council Member Spain thanked Council Member Little for bringing this ordinance to them. He stated not one citizen had come to him and asked him to raise the sales tax in the city.

Council Member Dawson stated there probably will come a time when they have to look at a 1 cent sales tax increase and when it comes time to have the bond issues before them he would vote to put the 1 cent sales tax back on the table. He stated he agreed with Council Member Little that once an issue is voted down it should not come back before them so quickly but he did believe the time would come for the 1 cent sales tax issue to come before them again.

2/9/2016

Council Member Little stated they have the revenue stream available for the bond issue. He stated the City could reduce expenditures. He stated increasing taxes is not a good idea in the current environment.

Council Member Spain stated he was hopeful they would see a revenue stream from McClellan in the near future.

On call of the roll on Council Member Little's motion for the passage and adoption of Ordinance Number 10-O-8 as introduced and read 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 and Ordinance Number 10-O-8 was passed and adopted.

(Council Member Little left the meeting at approximately 4:31 p.m.)

Council Member Palmore introduced and read Resolution Number 10-R-64 as follows:

(10-R-64, ordering certain public nuisance to be abated)

Council Member Palmore made a motion for the passage and adoption of Resolution Number 10-R-64 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, Dawson and Robinson; nays: none; absent: Council Member Little. The motion carried and Resolution Number 10-R-64 was passed and adopted.

Council Member Spain introduced and read Resolution Number 10-R-65 as follows:

(10-R-65, board appointment)

Council Member Spain made a motion for the passage and adoption of Resolution Number 10-R-65 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, Dawson and Robinson; nays: none; absent: Council Member Little. The motion carried and Resolution Number 10-R-65 was passed and adopted.

Council Member Dawson introduced and read Resolution Number 10-R-66 as follows:

(10-R-66, preliminary engineering for safety improvements on Greenbrier from Allen Avenue to Hillyer Robinson Industrial)

Council Member Dawson made a motion for the passage and adoption of Resolution Number 10-R-66 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, Dawson and Robinson; nays: none; absent: Council Member Little. The motion carried and Resolution Number 10-R-66 was passed and adopted.

2/9/2016

Council Member Spain introduced and read Resolution Number 10-R-67 as follows:

(10-R-67, preliminary engineering agreement for resurfacing Summerall Gate Road)

Council Member Spain made a motion for the passage and adoption of Resolution Number 10-R-67 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, Dawson and Robinson; nays: none; absent: Council Member Little. The motion carried and Resolution Number 10-R-67 was passed and adopted.

Council Member Spain introduced and read Resolution Number 10-R-68 as follows:

(10-R-68, construction agreement for resurfacing Summerall Gate Road)

Council Member Spain made a motion for the passage and adoption of Resolution Number 10-R-68 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, Dawson and Robinson; nays: none; absent: Council Member Little. The motion carried and Resolution Number 10-R-68 was passed and adopted.

Council Member Dawson introduced and read Resolution Number 10-R-69 as follows:

(10-R-69, contract with Sain Associates for engineering for Roberts Drive)

Council Member Dawson made a motion for the passage and adoption of Resolution Number 10-R-69 as introduced and read. The motion was seconded by Mayor Robinson.

Council Member Palmore stated that they did not have to always rely on the knowledge of Sain Associates with these projects. He stated they needed to look at other engineering firms for these projects.

Robert Dean, Public Works Director, stated they would be looking at other engineering firms for projects in the future.

On call of the roll on Council Member Dawson's motion for the passage and adoption of Resolution Number 10-R-69 as introduced and read and Mayor Robinson's second to said motion the following vote was recorded: ayes: Council Members Spain, Palmore, Dawson and Robinson; nays: none; absent: Council Member Little. The motion carried and Resolution Number 10-R-69 was passed and adopted.

Council Member Dawson introduced and read Resolution Number 10-R-70 as follows:

(10-R-70, contract with Richard and Sons Construction for improvements on Roberts Drive)

2/9/2016

Council Member Dawson made a motion for the passage and adoption of Resolution Number 10-R-70 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, Dawson and Robinson; nays: none; absent: Council Member Little. The motion carried and Resolution Number 10-R-70 was passed and adopted.

Mayor Robinson introduced and read Resolution Number 10-R-71 as follows:

(10-R-71, tax abatement for Industry Products Company and authorizing agreement)

Mayor Robinson made a motion for the passage and adoption of Resolution Number 10-R-71 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, Dawson and Robinson; nays: none; absent: Council Member Little. The motion carried and Resolution Number 10-R-71 was passed and adopted.

Council Member Dawson stated he wanted to make sure they understood the agreement was for 10 years. He thanked Industry Products Company for expanding their business in Anniston.

Council Member Palmore introduced and read Resolution Number 10-R-72 as follows:

RESOLUTION NUMBER 10-R-72

Whereas, Jim Miller, Jacquelyn Brown, Ralph Bradford, Thomas W. Harmon and Seyram Selase acting pursuant to the provisions of Ala. Code 11-56-1 et seq. (1975) as amended have filed their written application with the City Council of the City of Anniston which is the governing body of the City of Anniston, Alabama, (the City) requesting authority to incorporate a public building authority in the City of Anniston, Alabama;

WHEREAS, it appears to the City Council that each said person signing said application is a duly qualified elector and property owner in the City of Anniston, Alabama; and

WHEREAS, the City desires to appoint the initial members of the Board of Directors of such corporation.

Now therefor be it resolved by the City Council of the City of Anniston, Alabama, which is the governing body of the City of Anniston, Alabama, as follows:

Section 1. That Resolution Number 10-R-63 is rescinded in its entirety.

Section 2. That it is wise, expedient and necessary that a public building authority be formed in the City of Anniston, Alabama, and that the above named parties filing their applications are hereby authorized to proceed to form such corporation. That the form of certificate of incorporation for the public building authority attached to such application is hereby approved.

2/9/2016

Section 3. That the City Council does hereby elect the following persons who are all residents of the City of Anniston and none of whom is an officer of the State of Alabama or the City of Anniston, to serve as directors of the public building authority effective immediately;

For a two year term expiring May 31, 2012: Ward 1 – Jim Miller, Ward 2 – Jacquelyn Brown

For a four year term expiring on May 31, 2014; Ward 3 – Ralph Bradford, Ward 4 – Thomas Harmon

For a six year term expiring May 31, 2016: At large – Seyram Selase.

All subsequent appointments shall be six year terms.

PASSED AND ADOPTED this the 8th day of June, 2010.

CITY COUNCIL OF THE CITY OF
ANNISTON, ALABAMA

By: /s/ Gene D. Robinson, Mayor

By: /s/ John Spain, Council Member

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

By: /s/ David Dawson, Council Member

ATTEST:

/s/ Alan B. Atkinson, City Clerk

Council Member Palmore made a motion for the passage and adoption of Resolution Number 10-R-72 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, Dawson and Robinson; nays: none; absent: Council Member Little. The motion carried and Resolution Number 10-R-72 was passed and adopted.

Danny McCullars, Finance Director, stated that a Public Building Authority could provide help to municipal governments with buildings that are of a necessary nature to a municipal government such as a police station but not necessarily a parks and recreation facility. He stated that a building under the Public Building Authority would not be subject to the municipal debt limit. He stated the Commercial Development Authority would have nothing to do with the PBA.

Council Member Spain made a motion to approve a retail beer (off premises only) ABC application for Willie G's Pitt Stop LLC d/b/a Willie G's Pitt Stop located at 1415 Hwy 431 North. 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 Dawson; nays: none; abstentions: Mayor Robinson; absent: Council Member Little. The motion carried.

2/9/2016

Council Member Dawson made a motion approve a retail beer (off premises only) and retail table wine (off premises only) ABC application for Nasser LLC d/b/a Quick Mart located at 1020 Highway 431. The motion was seconded by Council Member Spain; and on call of the roll the following vote was recorded: ayes: Council Members Spain, Palmore and Dawson; nays: none; abstentions: Mayor Robinson; absent: Council Member Little. The motion carried.

Mayor Robinson made a motion to approve a request from the City staff to waive the ceiling in the Optional Relocation Assistance Policy in the case of Loretta Cuthbert and Laticia Clark. The motion was seconded by Council Member Spain.

Council Member Dawson stated he wanted to do everything they could to assist these people but he stated they have to know as a Council how much exposure they have as a City and there was not an infinite amount they could do as the City. He stated he wanted to know what the removal of the ceiling would be and where that would stop.

Council Member Spain stated they were making an exception to the ceiling in these two cases.

Council Member Dawson stated he did not disagree with that and he wanted to take care of these people and they should not have an unlimited budget.

Don Hoyt, City Manager, stated he could only approve authorized expenditures under the HUD rules. He stated that no matter what the ceiling is they can only pay authorized amounts.

Council Member Dawson stated he wanted to take care of these people but he wanted to know what he was obligating the City to do.

Mr. Hoyt stated he would not know how much the total would be until they moved back into their homes.

On call of the roll on Mayor Robinson's motion to approve a request from the City staff to waive the ceiling in the Optional Relocation Assistance Policy in the case of Loretta Cuthbert and Laticia Clark and Council Member Spain's second to said motion the following vote was recorded: ayes: Council Members Spain, Palmore, and Robinson; nays: none; abstentions: Council Member Dawson; absent: Council Member Little. The motion carried.

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

(brush truck)

Mayor Robinson made a motion that the bid in the total amount of \$58,810.00 by Liberty Truck Sales for one brush truck (cab and chassis) for the Public Works Department be

2/9/2016

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, Dawson and Robinson; nays: none; absent: Council Member Little. The motion carried.

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

(paving parking lot at Norwood Park)

Mayor Robinson made a motion that the bid in the total amount of \$26,673.00 by Cason Drilling LLC for the paving of the parking lot at Norwood Park 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, Dawson and Robinson; nays: none; absent: Council Member Little. The motion carried.

Ethelene Jones, 1403 South Quintard Avenue, addressed the Council concerning the lights shining in her home from the business across the street from her home. She stated she also had a problem with vehicles blocking her drive.

Ms. Lynch, 330 McArthur Drive, addressed the Council concerning the repairs and work done to her home.

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: none; absent: Council Member Little. The motion carried and the meeting was adjourned at approximately 5:40 o'clock p.m.