

Anniston, Alabama  
July 12, 2011

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, July 12, 2011, at approximately 5:12 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 June 14, 2011. 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.

Mayor Robinson made a motion to remove from the agenda a proposed resolution expressing the Council's non-support for traffic flow direction change in a certain downtown alley and the installation of a drive through service window at a specific location thereon. The motion was seconded by Council Member Spain.

Council Member Little stated he was opposed to removing this resolution from the agenda.

Cleo Thomas, City Attorney, stated that the Water Board had asked for an opportunity to have a public meeting concerning this issue before the Council takes any action.

On call of the roll on Mayor Robinson's motion to remove from the agenda a proposed resolution expressing the Council's non-support for traffic flow direction change in a certain downtown alley and the installation of a drive through service window at a specific location thereon and Council Member Spain'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.

Mayor Robinson announced that was the time for the public hearing on the City's 2011 JAG Grant application, declared the hearing open and asked if anyone wished to address the Council concerning the City's 2011 JAG Grant application.

No one addressed the Council concerning the City's 2011 JAG Grant application. Mayor Robinson declared the public hearing on the City's 2011 JAG Grant application closed.

Mayor Robinson announced that was the time for the public hearing to hear public comments concerning the proposed abatement of certain properties declared nuisances at the following locations: 29 West 25<sup>th</sup> Street, 2409 Moore Avenue, 2830 Walnut Avenue, 2214 McKleroy Avenue (2212 burned), 1224 Ferron Street, 1824 McKleroy Avenue, 2724 McCoy Avenue, 2028 and 2030 Christine Avenue, 328 Easy 22<sup>nd</sup> Street and 906 West 16<sup>th</sup> Street; declared the hearing open and asked if anyone wished to address the Council concerning said properties.

No one addressed the Council concerning said properties.

Mayor Robinson declared the public hearing to hear public comments concerning the proposed abatement of certain properties declared nuisances at the following locations: 29 West 25<sup>th</sup> Street, 2409 Moore Avenue, 2830 Walnut Avenue, 2214 McKleroy Avenue (2212 burned), 1224 Ferron Street, 1824 McKleroy Avenue, 2724 McCoy Avenue, 2028 and 2030 Christine Avenue, 328 Easy 22<sup>nd</sup> Street and 906 West 16<sup>th</sup> Street closed.

Council Member Spain reintroduced and read Ordinance Number 11-O-11 as follows:

ORDINANCE NO. 11-O-11

AN ORDINANCE REVISING SECTION 12.7 OF CHAPTER 12, ARTICLE I,  
GARBAGE, LITTER AND WEEDS

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

Section 1. The City Council of the City of Anniston, Alabama hereby amends the following section of "The Code of the City of Anniston, Alabama, 1981" as follows:

Section 2. That Section 12.7 of the Code of Ordinances of the City of Anniston, Alabama is hereby amended to read in its entirety as follows:

Section 12.7. - Garbage cans and dumpster containers to be accessible to sanitation workers and collection vehicles.

The persons in possession or charge of garbage cans are responsible for placing them where they are easily accessible to the city's sanitation works. No garbage can or dumpster container will be served by the city where it is located in a garage, building or carport. All commercial establishments and institutions which generate litter for collection by the city, or a contractor engaged in the prosecution of a work, shall have sufficient garbage cans or dumpster containers to accommodate their normal volume of litter which accumulates between collections. Such garbage cans and dumpster containers shall be located in such a manner as to ensure accessibility to the city's collection vehicles; however, it shall be unlawful for any resident to leave their collection containers in the city's right-of-way more than forty-eight (48) hours after its regularly scheduled servicing.

Section 3. That this ordinance shall become effective upon its publication one time in The Anniston Star, a newspaper of general circulation published in the City of Anniston and the City Clerk is hereby ordered and directed to cause a copy of this Ordinance to be published one time in said newspaper.

PASSED AND ADOPTED this the 12th day of July, 2011.

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 Ordinance Number 11- o-11 as reintroduced 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 Ordinance Number 11-O-11 was passed and adopted.

Council Member Spain made motion for the unanimous consent of the Council to introduce and read by title Ordinance Number 11-O-12. The motion was seconded by Council Member Little.

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 11-O-12.

No one addressed the Council either in favor of or in opposition to the introduction and reading by title of Ordinance Number 11-O-12.

On call of the roll on Council Member Spain's motion for the unanimous consent of the Council to introduce and read by title Ordinance Number 11-O-12 and Council Member Little'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 11-O-12, Council Member Spain introduced and read by title Ordinance Number 11-O-12 as follows:

(11-O-12, amending Section 15.54 of the City Code to remove a traffic light; first reading)

Council Member Spain made motion for the unanimous consent of the Council to introduce and read by title Ordinance Number 11-O-13. The motion was seconded by Council Member Little.

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 11-O-13.

No one addressed the Council either in favor of or in opposition to the introduction and reading by title of Ordinance Number 11-O-13.

On call of the roll on Council Member Spain's motion for the unanimous consent of the Council to introduce and read by title Ordinance Number 11-O-13 and Council Member Little'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 11-O-13, Council Member Spain introduced and read by title Ordinance Number 11-O-13 as follows:

(11-O-13, amending Section 15.58 of the City Code changing a traffic signal to a flashing light at Christine and 10<sup>th</sup> and the placement of a stop sign at Nocoseka Trail and Eagle Pass Way; first reading)

Council Member Palmore introduced and read Resolution Number 11-R-50 as follows:

(11-R-50, ordering certain public nuisances to be abated)

Council Member Palmore made a motion for the passage and adoption of Resolution Number 11-R-50 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 11-R-50 was passed and adopted.

Council Member Little introduced and read Resolution Number 11-R-51 as follows:

(11-R-51, declaring a reported condition to be a public nuisance)

Council Member Little made a motion for the passage and adoption of Resolution Number 11-R-51 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 11-R-51 was passed and adopted.

Mayor Robinson introduced and read Resolution Number 11-R-52 as follows:

(11-R-52, declaring a reported condition to be a public nuisance)

Mayor Robinson made a motion for the passage and adoption of Resolution Number 11-R-52 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 11-R-52 was passed and adopted.

Council Member Dawson introduced and read Resolution Number 11-R-53 as follows:

RESOLUTION NUMBER 11-R-53

This resolution is made this the 12th day of July 2011 by the CITY OF ANNISTON, (the Granting Authority), to grant a tax abatement for Multimetco, Inc. (the Company).

**WHEREAS**, the Company has announced plans for a major addition of over 30% of the original cost of existing property (the Project), located within the jurisdiction of the Granting Authority; and

**WHEREAS**, pursuant to the Tax Incentive Reform Act of 1992 (Section 40-9B-1 et seq., CODE OF ALABAMA, 1975) (the Act), the Company has requested from the Granting Authority an abatement of all state and local non-educational ad valorem taxes and all construction related transaction taxes, except those construction related transaction taxes levied for educational purposes or for capital improvements for education, and

**WHEREAS**, the Company has requested that the abatement of state and local non-educational ad valorem taxes be extended for a period of 10 years, in accordance with the Act; and

**WHEREAS**, the Granting Authority has considered the request of the Company and the completed application (copy attached) filed with the Granting Authority by the Company, in connection with its request; and

**WHEREAS**, the Granting Authority has found the information contained in the Company's application to be sufficient to permit the Granting Authority to make a reasonable cost/benefit analysis of the proposed project and to determine the economic benefits to the community; and

**WHEREAS**, the construction of the project will involve a capital investment of \$4,328,879 and the creation of four new jobs over the next three years; and

**WHEREAS**, the Company is duly qualified to do business in the State of Alabama, and has powers to enter into, and to perform and observe the agreements and covenants on its part contained in the Tax Abatement Agreement; and

**WHEREAS**, the Granting Authority represents and warrants to the Company that it has power under that constitution and laws of the State of Alabama (including particularly the provisions of the Act) to carry out provisions of the Tax Abatement Agreement;

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

**Section 1.** That approval is hereby given to the application of the Company as follows: The abatement of all state and local construction related transaction taxes (sales and use taxes) and the abatement of all state and local non-educational ad valorem taxes for a period of 10 years as permitted by Section 40-9B-1 et seq., Code of Alabama 1975.

**Section 2.** That the Mayor is authorized to enter into an abatement agreement with the Company to provide for the abatement granted in Section 1.

**Section 3.** That a certified copy of this resolution, with the application and abatement agreement, shall be forwarded to the Company to deliver to the appropriate local taxing authorities and to the Alabama Department of Revenue in accordance with the Act.

**Section 4.** That the Mayor is authorized to take any and all actions necessary or desirable to accomplish the purpose of the foregoing of this resolution.

PASSED AND ADOPTED this the 12th day of July, 2011.

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/ M. David Dawson, Council Member

ATTEST:

/s/ Alan B. Atkinson, City Clerk

Council Member Dawson made a motion for the passage and adoption of Resolution Number 11-R-53 as introduced and read. The motion was seconded by Council Member Spain.

Mayor Robinson stated he was pro-business but he was going to vote no on this resolution. He stated they were only gaining about four jobs and this was their third tax abatement. He stated he felt they were giving too much away for what they were getting in return.

Council Member Palmore stated that was why he had asked that the four jobs be included in the resolution because in the past some of the companies had not provided all the jobs they had promised.

Council Member Little stated he felt they would probably exceed the four jobs stated. He stated he appreciated this company staying and trying to move forward. He stated any improvement in these economic times was good.

Council Member Spain stated he appreciated this company staying in Anniston. He stated they should try to make companies who receive tax abatements live up to their pledges of job creation for the community.

On call of the roll on Council Member Dawson's motion for the passage and adoption of Resolution Number 11-R-53 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 Resolution Number 11-R-53 was passed and adopted.

Council Member Dawson introduced and read Resolution Number 11-R-54 as follows:

(11-R-54, authorizing an agreement with JSU Center for Economic Development)

Council Member Dawson made a motion for the passage and adoption of Resolution Number 11-R-54 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 Palmore, Little, Dawson and Robinson; nays: none; abstentions: Council Member Spain. The motion carried and Resolution Number 11-R-54 was passed and adopted.

Council Member Spain introduced and read Resolution Number 11-R-55 as follows:

RESOLUTION NUMBER 11-R-55

**WHEREAS**, the current share of individual and family healthcare premiums currently in effect are:

|          |                                |
|----------|--------------------------------|
| Employee | Individual- \$129.00 per month |
| :        | Family - \$244.00 per month    |
| Retiree  | Individual- \$324.00 per month |
| :        | Family- \$592.00 per month     |

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**NOW THEREFORE BE IT RESOLVED**, by the City Council of the City of Anniston,

**SECTION 1.** A ceiling for employee and retiree shares of individual and family healthcare premiums is established at the rates listed above.

**SECTION 2.** These ceiling amounts shall only be increased in the event cost of living increases are granted to either group and any such increase shall not exceed the cost of living increase granted.

**SECTION 3.** To the extent resolutions 98-R-77 and 06-R-90 related to "The Retiree Healthcare Plan of the City of Anniston" conflict or are inconsistent with the provisions of this resolution said resolutions are hereby repealed to the extent of such conflict.

**SECTION 4.** Unless altered, amended or repealed this resolution shall remain in effect and any future increase in healthcare costs above the ceilings established shall be the sole responsibility of the City of Anniston.

PASSED AND ADOPTED this the 12th day of July, 2011.

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/ M. 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 11-R-55 as introduced and read. The motion was seconded by Council Member Little.

Council Member Palmore stated he would vote for this resolution but only if they go back in and negotiate these costs because of hardship.

Mayor Robinson stated he was going to vote no on this resolution because it should be in with the bigger picture of the Police and Fire Retirement Fund. He stated the issues of health care and retirement should be worked out together.

Council Member Little stated he felt Council Member Spain's proposal to let the people vote to raise taxes to pay into the Police and Fire Retirement Fund was a good idea.

Council Member Spain stated the purpose of this resolution was to keep the rates for health insurance from being raised unfairly for retirees and employees.

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On call of the roll on Council Member Spain's motion for the passage and adoption of Resolution Number 11-R-55 as introduced and read 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 and Resolution Number 11-R-55 was passed and adopted.

Council Member Little introduced and read Resolution Number 11-R-56 as follows:

(11-R-56, adopting HUD B-2011 third year action plan and budget)

Council Member Little made a motion for the passage and adoption of Resolution Number 11-R-56 as introduced and read. The motion was seconded by Mayor Robinson.

Dick Lindsey, Development Solutions, addressed the Council concerning the HUD B-2011 third year action plan and budget.

On call of the roll on Council Member Little's motion for the passage and adoption of Resolution Number 11-R-56 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 11-R-56 was passed and adopted.

Council Member Spain introduced and read Resolution Number 11-R-57 as follows:

RESOLUTION NUMBER 11-R-57

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

Section 1. That Jeffrey A. Parker be and he is hereby appointed to the Regional Medical Center Board for a term expiring May 31, 2016.

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

PASSED AND ADOPTED this the 12th day of July, 2011.

CITY COUNCIL OF THE CITY OF  
ANNISTON, ALABAMA

By: /s/ John Spain, Council Member

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

By: /s/ M. 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 11-R-57 as introduced and read. The motion was seconded by Council Member Little.

Mayor Robinson stated he was not going to vote on this resolution and it was no reflection on the appointees in the resolution. He stated he was being precluded from having an appointment to the RMC Board and for the right of future mayors he was going to refuse to vote.

Council Member Palmore stated they should discuss this matter in a work session and he could not vote for this resolution.

Council Member Little stated that prior mayors had not had an appointment to this board. He stated he was comfortable with the current rotation for appointments for this board.

On call of the roll on Council Member Spain's motion for the passage and adoption of Resolution Number 11-R-57 as introduced and read and Council Member Little's second to said motion the following vote was recorded: ayes: Council Members Spain, Little and Dawson; nays: none; abstentions: Council Members Palmore and Robinson. The motion carried and Resolution Number 11-R-57 was passed and adopted.

Mayor Robinson introduced and read Resolution Number 11-R-58 as follows:

(11-R-58, appointing Stan Allen as an alternate Municipal Judge for a two year term or until his successor is appointed)

Mayor Robinson made a motion for the passage and adoption of Resolution Number 11-R-58 as introduced and read. The motion was seconded by Council Member Dawson.

Council Member Little stated he thought Mr. Allen was a municipal judge in at least 2 other municipalities. He stated they should give some other attorneys a chance if they need another judge. He stated this should have been discussed first in the pre-meeting agenda.

Mayor Robinson stated that Mr. Allen was the municipal judge in Oxford and been a very good municipal judge for Anniston. He stated they had discussed this issue numerous times.

Council Member Spain made a motion to table Mayor Robinson's motion for the passage and adoption of Resolution Number 11-R-58 as introduced and read. The motion was seconded by Council Member Palmore; 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 Palmore made a motion to approve a retail beer (off premises) and retail table wine (off premises) license application for Dolgencorp LLC d/b/a Dollar General Store #11910 located at 3115 Noble Street. The motion was seconded by Council Member Dawson.

Council Member Spain stated he could not vote for any of these applications until someone from the City could state that all the information in the application had been verified.

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Council Member Spain made a motion to table Council Member Palmore's motion to approve a retail beer (off premises) and retail table wine (off premises) license application for Dolgencorp LLC d/b/a Dollar General Store #11910 located at 3115 Noble Street. The motion was seconded by Council Member Dawson; and on call of the roll the following vote was recorded: ayes: Council Members Spain and Dawson; nays: Council Members Palmore, Little and Robinson. The motion failed.

Council Member Little stated that the information should be verified before it comes to the Council but they should not penalize a company because the information on the application had not been verified by the City staff. He asked who gives them the information.

Don Hoyt, City Manager, stated the information is given to the ABC Board and this is their form. He stated the form comes to the City from the ABC Board. He stated there was a lot of information on the form that he could not verify. He stated the Council is expected to make a judgment based on what appears on the ground. He stated there is no requirement in the law that they be a certain distance from a school and if they were going to deny licenses they needed to base them on empirical concerns.

Council Member Spain stated there had been problems where people lied on their applications. He stated they could measure distances where required. He stated they cannot make proper judgments without accurate information. He stated he would ask for at the next Council meeting an ordinance that requires that they validate the distance information required by law that is given on every application.

On call of the roll on Council Member Palmore's motion to approve a retail beer (off premises) and retail table wine (off premises) license application for Dolgencorp LLC d/b/a Dollar General Store #11910 located at 3115 Noble Street and Council Member Dawson's second to said motion the following vote was recorded: ayes: Council Members Spain, Palmore, Dawson and Robinson; nays: none; abstentions: Council Member Little. The motion carried.

Council Member Dawson made a motion to approve a retail beer (off premises) and retail table wine (off premises) license application for Dolgencorp LLC d/b/a Dollar General Store #1111 located at 1421 Golden Springs Road. The motion was seconded by Council Member Palmore; and on call of the roll the following vote was recorded: ayes: Council Members Spain, Palmore, Dawson and Robinson; nays: none; abstentions: Council Member Little. The motion carried.

Mayor Robinson made a motion to approve a request from the City of Anniston Parks and Recreation Department to block 14<sup>th</sup> Street from Gurnee Avenue to Moore Avenue each Saturday from 8:00 a.m. – 12:00 noon beginning July 9, 2011 – September 3, 2011 for the Farmer's Market. 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.

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Mayor Robinson made a motion to approve "Appropriation Recipient Accountability Policy" be added to the Policy and Procedure Manual. The motion was seconded by Council Member Dawson.

Council Member Spain made a motion to amend Mayor Robinson's motion to approve an "Appropriation Recipient Accountability Policy" be added to the Policy and Procedure Manual to state for the Community Development Block Grant Department. 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, and Dawson; nays: Mayor Robinson. The motion carried.

On call of the roll Mayor Robinson's motion to approve an "Appropriation Recipient Accountability Policy" be added to the Policy and Procedure Manual as amended to state for the Community Development Block Grant Department 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.

Wayne Willis, Police Department, addressed the Council concerning the Police and Fire Retirement Fund. He stated there had been a work session several weeks ago with the retirement board and Council Members Palmore, Dawson and Robinson and he thought that work session had been very productive. He stated since that meeting the retirement board had provided additional information to Council concerning the state of the retirement fund. He stated the retirement board would like to schedule another work session with Council.

Mayor Robinson stated the next work session would be August 2 at 3:00 p.m. and he asked Mr. Hoyt to put the retirement board on the agenda for that work session.

Council Member Little thanked the Council for going forward with the stop sign on Nocoseka Trail. He stated they should look at putting a traffic light at Greenbrier and Nocoseka Trail. He stated the legislature had passed a law raising traffic fines by \$25 in the community which he thought was ridiculous. He stated he wanted to make sure the legal requirements to pass this law were met.

Council Member Palmore stated he agreed with Council Member Little on this law. He stated the City Council was not consulted on this law. He stated he did not appreciate the fact that they were not consulted.

Council Member Spain stated the Council should have been consulted on this law.

Council Member Dawson stated they should have been informed about this law and he only found about it when he read it in the paper.

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 Little; and on call of the roll the following vote was recorded: ayes: Council Members

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Spain, Palmore, Little, Dawson and Robinson; nays: none. The motion carried and the meeting was adjourned at approximately 6:56 o'clock p.m.