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Anniston, Alabama
July 13, 2010

The City Council of the City of Anniston, Alabama, met in Regular Session in the Council Chamber in the City Hall of the City of Anniston, Alabama, on Tuesday, July 13, 2010, at approximately 4:22 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.

Council Member Dawson made a motion to dispense with the reading of and approve the minutes of June 22, 2010. 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: Council Member Little. The motion carried.

Council Member Dawson made a motion to adopt the agenda. 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: Council Member Little. The motion carried.

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

(10-O-10, repealing Ordinance 10-O-9 which established a Residential Health and Safety Property Inspection Policy)

Council Member Palmore made a motion for the passage and adoption of Ordinance Number 10-O-10 as introduced and read. The motion was seconded by Council Member Little.

Council Member Dawson asked if this proposed ordinance should require unanimous consent for immediate consideration.

Cleo Thomas, City Attorney, stated that a motion to rescind or repeal a previous vote required a majority vote as long as notice had been given of the motion.

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Council Member Dawson stated that since this was an ordinance he felt a vote for immediate consideration would be in order but he would yield to legal counsel's opinion in this matter.

Council Member Little stated that Ordinance Number 10-O-9 was added to the agenda incorrectly at the last Council meeting since it was not of an emergency nature. He stated they did not hold a public hearing concerning Ordinance Number 10-O-9 so the public would have a chance to speak. He asked what Council Member had asked for this ordinance and how many black citizens were consulted in the drafting of this ordinance.

Council Member Spain stated that Ordinance Number 10-O-9 was passed by four Council Members who have attested to its legitimacy by voting for it. He stated that Council Member Little is attesting to the legitimacy of the passage of Ordinance Number 10-O-9 since he was asking to repeal that ordinance.

Council Member Dawson stated an emergency nature is a matter that comes up after the agenda items deadline. He stated if an item is on the work session agenda then that item is not of an emergency nature since it has been noticed and Council by a simple majority can move an item from the work session to the formal agenda. He stated that Ordinance Number 10-O-9 had received unanimous consent by the Council Members present for immediate consideration. He stated that he felt Ordinance Number 10-O-10 should be held to the same standard. He stated he had not known that Council Member Little had any issue with Ordinance Number 10-O-9 at the time of their last meeting. He stated that there would probably be amendments to Ordinance Number 10-O-9.

Council Member Palmore stated that he had asked if all the owners had agreed to the enactment of Ordinance Number 10-O-9 and had been told yes. He stated he was looking for fairness with this ordinance.

Council Member Little stated he was following the procedure to have Ordinance Number 10-O-9 repealed and he did not believe it had been passed legitimately. He stated an ordinance of this magnitude should not have been moved to the formal agenda. He stated the City should be able to do inspections without costing money for the landlords.

Council Member Spain stated it would be good if the City could depend on the downtrodden to call and complain about conditions but they could not depend on that.

Council Member Palmore stated that this ordinance would need penalties to make landlords comply.

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

Council Member Little introduced and read Resolution Number 10-R-74 as follows:

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(10-R-74, reimbursements to City officials for travel expense)

Council Member Little made a motion for the passage and adoption of Resolution Number 10-R-74 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-74 was passed and adopted.

Council Member Spain introduced and read Resolution Number 10-R-75 as follows:

(10-R-75, board appointments AWWSB)

Council Member Spain made a motion for the passage and adoption of Resolution Number 10-R-75 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-75 was passed and adopted.

Mayor Robinson introduced and read Resolution Number 10-R-76 as follows:

(10-R-76, board appointments museum board)

Mayor Robinson made a motion for the passage and adoption of Resolution Number 10-R-76 as introduced and read. The motion was seconded by Council Member Dawson; and on call of the roll the following vote was recorded: ayes: Council Members Spain, Palmore, Little, Dawson and Robinson; nays: none. The motion carried and Resolution Number 10-R-76 was passed and adopted.

Mayor Robinson introduced and read Resolution Number 10-R-77 as follows:

RESOLUTION NUMBER 10-R-77

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 contract with Babbs Engineering Consultants to provide professional engineering services for the updating and modernization of the City of Anniston National Flood Insurance Program (NFIP).

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 13th day of July, 2010.

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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

Mayor Robinson made a motion for the passage and adoption of Resolution Number 10-R-77 as introduced and read. The motion was seconded by Council Member Little.

Mayor Robinson stated that the City of Anniston had not been in compliance with FEMA concerning the NFIP since 1983. He asked Don Hoyt, City manager how much this would cost the City.

Don Hoyt, City Manager, stated they were not sure how much it would cost but it would probably be several hundred thousand dollars before it was finished. He stated this would be a long process and there were several steps the City would have to take. He stated this contract with BABBS was just the first step in this process. He stated they had received a letter from the State which said the City had to do certain things by September or risk being dropped from the NFIP.

Mayor Robinson commended the City Manager for bringing this situation to the Council. He stated they had not been in compliance for decades and it was now going to cost the City close to half a million dollars to come into compliance. He stated other administrations had swept this situation under the table.

Council Member Little stated that the prior administration had tasked this job to an individual who had not done what needed to be done. He stated the prior administration did not sweep this under the rug. He stated he wanted to commend Mr. Dean and Mr. Hoyt for selecting this firm.

Council Member Palmore stated that the elected body of the past administration was not aware of this problem. He stated the past administration had attempted to correct the problems they were aware of.

Council Member Spain stated he would like to have for the next informal session a break down of the \$400,000 to \$500,000. He stated he would like to see how much the City is going to have to pay, how much is in fines, how much in loss benefits, how much is money they will not be receiving from the government, and how much is in the form of insurance coverage.

Mr. Hoyt stated they have Mr. Babbs come and explain the cost.

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On call of the roll on Mayor Robinson's motion for the passage and adoption of Resolution Number 10-R-77 as introduced and read and Council Member Little's second to said motion 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-77 was passed and adopted.

Council Member Palmore introduced and read Resolution Number 10-R-78 as follows:

(10-R-78, Memo of Understanding between the City and the West Anniston Foundation)

Council Member Palmore made a motion for the passage and adoption of Resolution Number 10-R-78 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-78 was passed and adopted.

Council Member Little introduced and read Resolution Number 10-R-79 as follows:

RESOLUTION NUMBER 10-R-79

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 \$250,000 in aggregate unless approved by the City Council.

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

CITY COUNCIL OF THE CITY OF
ANNISTON, ALABAMA

By: /s/ Gene Robinson, Mayor

By: /s/ John Spain, Council Member

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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-79 as introduced and read. The motion was seconded by Mayor Robinson.

Council Member Dawson asked how many homes had been discovered, what the cost had been to this point and where they were in the process.

Don Hoyt, City Manager, stated they had gone back two years and found approximately 16 homes that would require some work. He stated they had completed the two most serious projects. He stated they had accepted bids on two more homes and advertised for bids on four more homes. He stated at this point they had probably obligated all of the \$150,000 allocated for this corrective work. He stated with this resolution they were asking for an additional \$100,000.

Council Member Dawson stated that they needed to pursue subrogation against those persons or companies responsible for prior work.

Mr. Hoyt stated they had not taken any concrete steps yet in that direction but that they intended to pursue every avenue they could to recover those funds.

Council Member Spain stated they should be documenting this information so they could recover funds in the future.

Mr. Hoyt stated they were documenting each file.

On call of the roll on Council Member Little's motion for the passage and adoption of Resolution Number 10-R-79 as introduced and read and Mayor Robinson's second to said motion 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-79 was passed and adopted.

Council Member Spain made a motion to approve a retail beer (off premises only) and retail table wine (off premises only) ABC application for Yousef Yaqoub Inc. d/b/a Express Mart #7 located at 5130 McClellan Boulevard. 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 Dawson; nays: none; abstentions: Council Members Little and Robinson. The motion carried.

Council Member Dawson made a motion to approve a Special Events Permit for blocking of areas of downtown Anniston for Rumble on Noble on August 28, 2010. The motion was seconded by Mayor Robinson; and on call of the roll the following vote was

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

Council Member Dawson made a motion to approve a Special Events Retail ABC License permit for Fat Dog Enterprises, LLC (beer only) for Rumble on Noble on August 28, 2010, from 3:00 p.m. until midnight located on Noble Street between 10th and 14th Streets. 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; abstentions: Council Member Little. The motion carried.

Council Member Little made a motion to properly equip the Multi-Modal Center so that the City can contract with a vendor to serve concessions to patrons there. The motion was seconded by Council Member Dawson.

Council Member Little stated he felt this could be profitable for the City. He stated it would give people traveling a chance to buy snacks and food at a reasonable price.

Mayor Robinson stated that he did not think any business could be profitable in this train station.

Council Member Spain asked if they could table this motion until they got the answers about the lease and the equipment.

Council Member Little stated they could table this motion until they got the answers about the lease and the equipment. He stated this would not be a big project and could help the community and travelers. He stated there was someone now interested in leasing this property and he hoped the Council would act on this motion at their next meeting.

Mayor Robinson made a motion to table Council Member Little's motion to properly equip the Multi-Modal Center so that the City can contract with a vendor to serve concessions to patrons there. 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.

Council Member Spain made a motion to approve the policy to conduct a Council Inquiry into a hostile workplace and other illegal or illicit activities by Council Members, City staff or the Police Department. The motion was seconded by Council Member Little; and on call of the roll the following vote was recorded: ayes: Council Members Spain, Palmore, Little, Dawson and Robinson; nays: none. The motion carried.

Council Member Little made a motion directing the staff to put forth a Landlord/Tenant Ordinance to be discussed by Council and others. The motion was seconded by Council Member Palmore.

Council Member Little stated that the staff could put together an ordinance that would allow the landlords and Council along with others to have a discussion. He stated he felt

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this would be the right procedure and give the landlords a chance to address their concerns.

Council Member Spain stated this seems like something that should have been initiated in an informal session. He stated he could not vote for this motion in its present form.

Council Member Little made a motion to table his motion directing the staff to put forth a Landlord/Tenant Ordinance to be discussed by Council and others. The motion was seconded by Council Member Spain; and on call of the roll the following vote was recorded: ayes: Council Members Spain, Palmore, Little, and Dawson; nays: Mayor Robinson. The motion carried.

Council Member Little made a motion jointly on behalf of the City Manager and the Council pertaining to the City Prosecutor. The motion was seconded by Council Member Palmore.

Council Member Little stated that at the next Council meeting he would ask that the Council abolish the position of Deputy City Attorney and then the Council can set forth what they will do moving forward with the City Prosecutor.

Mayor Robinson stated this was witch hunting. He stated they were playing with peoples' lives. He stated the City Prosecutor did a good job and he stands up for the judicial process and does not do Council Members' bidding. He stated he supports the City Prosecutor. He stated it was wrong for the Council to try and influence the judicial process.

Council Member Dawson stated that it was his understanding after speaking to other attorneys that Mr. Copland was doing an excellent job. He stated it was his understanding that what has brought this matter to this point was a situation that may or may not have ever happened between Mr. Copland and another City staff member.

Council Member Spain stated he believed that situation would be covered in the Council inquiry.

Council Member Little stated that the prosecutor was not there for a life time appointment. He stated there should be a rotating cycle. He stated that the prosecutor had made statements to the elected body that were less than respectful. He stated he felt this position should be appointed by the Council.

Council Member Spain stated if anything had been done illegally or unethically in the City then it should be disclosed and made public.

On call of the roll on Council Member Little's motion jointly on behalf of the City Manager and the Council pertaining to the City Prosecutor and Council Member Palmore's second to said motion the following vote was recorded: ayes: Council

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Member Little; nays: Council Members Spain, Dawson and Robinson; abstentions: Council Member Palmore. The motion failed.

Cleo Thomas, City Attorney, advised that copies of the following Bid Fact Sheet had been given to the Council:

(cleaning nuisance lots)

Council Member Little made a motion that the bids in the total amounts of \$305.00 by T & J Demo and Clean Up, \$225.00 by Kenny and James Lawn Care, \$200.00 by Butler's Odd Job, \$550.00 by Bee Green Solutions, \$530.00 by Mr. Lawn and \$390.00 by Parker's Lawn Service for cleaning nuisance lots be accepted. The motion was seconded by Mayor Robinson; and on call of the roll the following vote was recorded: ayes: Council Members Spain, Palmore, Little, Dawson and Robinson; nays: none. The motion carried.

Curtis Ray, 1004 Constantine Avenue, addressed the Council concerning money that had been allotted to the water department. He stated there were some pipes on the west end that were perhaps leaking into the water supply.

Donna Klabnik, 815 Montgomery Avenue, addressed the Council and commended the Council for keeping the rental inspection ordinance in place. She stated they had worked on this ordinance for two years. She stated it may need to be amended in the future

Keith Kelly, 123 Quintard Avenue, addressed the Council and stated the Council should become familiar with the landlord/tenant act before they take any other actions concerning the rental inspection ordinance.

Ethelene Jones, 1403 Quintard Avenue, addressed the Council and thanked them for the tow away signs that had been put up. She stated her lighting problem was not any better.

J. D. Reaves, Alexandria, addressed the Council and stated there was a problem crossing north Noble Street. He stated they needed to address texting while driving.

Roy Dupree, 33 Barkley Road, addressed the Council and stated the rental inspection ordinance needed some changes. He stated that Piggly Wiggly would be a good asset for the city.

Bruce Canoles, Pell City, addressed the Council and stated he had rental property in Anniston and stated the profit margin for rental property in Anniston was very small and the vacancy rate was very high.

Wallace Gunnells, 271 Bel Air Road, addressed the Council and stated he served on a citizen's advisory committee that was considering traffic problems in the city and asked for favorable consideration when the committee brought their recommendations to the Council.

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Council Member Spain stated he was concerned about the economic development at McClellan. He asked the Council Members involved in lawsuits concerning McClellan to consider dropping this issue.

Council Member Dawson stated that in the rental inspection ordinance there may be some things that need to be changed and that the ordinance will offer some protection to the landlords and the tenants in different areas. He stated they did need to expect to have some minimum standards for people to live in and there needed to be a way to accomplish that and this ordinance was a way to accomplish that.

Council Member Little stated he was in agreement with the ones in opposition to this rental inspection ordinance and he was not sure this ordinance was legal. He stated much of this ordinance was already in law. He stated he did not feel the rulings concerning McClellan had been correct.

Council Member Palmore stated that Dollar General was doing good business on the north end of Noble and they needed to look at creating another entrance there. He stated they needed to treat people right concerning the rental inspection ordinance. He stated there was a lot of corruption in this city.

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 6:32 o'clock p.m.