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Anniston, Alabama  
July 27, 2010

The City Council of the City of Anniston, Alabama, met in Regular Session in the Council Chamber in the City Hall of the City of Anniston, Alabama, on Tuesday, July 27, 2010, at approximately 3:00 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 Little made a motion to dispense with the reading of and approve the minutes of July 13, 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 delete a proposed motion seeking Council approval for a modified business license ordinance updating any Anniston license classification and schedule falling below the average of similar license classifications and schedules implemented in the cities of Jacksonville and Oxford up to the average of those two cities over a five year time span and instructing staff to prepare such ordinance for passage and adoption by the Council in time for implementation effective January 1, 2011. 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 to adopt the agenda as amended. 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 read the following proclamation:

(Habitat for Humanity)

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Council Member Palmore made a motion for the unanimous consent of the Council to introduce and read by title Ordinance Number 10-O-11. The motion was seconded by Mayor Robinson.

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-11.

No one addressed the Council either in favor of or in opposition to the introduction and reading by title of Ordinance Number 10-O-11.

On call of the roll on Council Member Palmore's motion for the unanimous consent of the Council to introduce and read by title Ordinance Number 10-O-11 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.

Unanimous consent of the Council having been granted to introduce and read by title Ordinance Number 10-O-11, Council Member Palmore introduced and read Ordinance Number 10-O-11 by title as follows:

(10-O-11, to promote the health, safety and welfare of the citizens by the control and elimination of junk, trash and debris and dilapidated and unsafe structures, litter, noxious and unhealthful growth, vermin and other nuisances)

Council Member Palmore made a motion for the unanimous consent of the Council Members present for the immediate consideration of Ordinance Number 10-O-11 as introduced and read by title. The motion was seconded by Mayor Robinson.

(Council Member Dawson left the meeting at approximately 3:12 p.m.)

Council Member Little stated he had a problem with cutting multiple times without receiving any payment. He stated they needed to do a better job of getting money back for these cuttings and not just putting liens on the properties. He stated the liens could amount to more than the property is worth. He stated they needed to look at City owned properties, also.

Don Hoyt, City Manager, stated that the weed liens would be collected in the same manner as ordinary municipal ad valorem taxes are collected. He stated they should collect a portion of these taxes. He stated they needed to get some of these properties transferred into the hands of responsible private property owners.

Council Member Spain asked if they had any other method besides the lien to recover the expense of maintaining the property.

Mr. Hoyt stated violators could be taken to City court and there was injunctive relief that could be taken. He stated all of these options are addressed in this ordinance.

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(Council Member Dawson re-entered the meeting at approximately 3:17 p.m.)

Council Member Palmore stated they could develop a separate court for this process if it became necessary. He stated some entities may be willing to donate their property. He stated there were homes with grass on either side of them that was as high as their home. He stated they needed some relief for the citizens.

Council Member Little stated he felt a separate court should be set up and he would object to them using the current municipal court for this process. He stated there should be other options rather than the liens. He stated they should spell out the steps the City is going to take in this process.

Council Member Palmore stated they should go forward with this ordinance and they could start working on a separate court. He stated they have discussed this issue before and they had delayed long enough in passing this ordinance.

Council Member Spain stated this was a much needed ordinance and might not be perfect yet and they could amend it at a later date if they found the need.

On call of the roll on Council Member Palmore's motion for the unanimous consent of the Council Members present for the immediate consideration of Ordinance Number 10-O-11 as introduced and read by title and Mayor Robinson's second to said motion the following vote was recorded: ayes: Council Members Spain, Palmore, Dawson and Robinson; nays: Council Member Little. The motion failed.

Mayor Robinson introduced and read Resolution Number 10-R-81 as follows:

(10-R-81, reimbursements to City officials for travel expense)

Mayor Robinson made a motion for the passage and adoption of Resolution Number 10-R-81 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-81 was passed and adopted.

Mayor Robinson introduced and read Resolution Number 10-R-82 as follows:

(10-R-82, funding the Calhoun Cleburne County Drug and Violent Crime Task Force)

Mayor Robinson made a motion for the passage and adoption of Resolution Number 10-R-82 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-82 was passed and adopted.

Mayor Robinson commended the Drug Task Force for the job that they perform.

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Council Member Little introduced and read Resolution Number 10-R-83 as follows:

(10-R-83, appointing member to ZBA)

Council Member Little made a motion for the passage and adoption of Resolution Number 10-R-83 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-83 was passed and adopted.

Mayor Robinson introduced and read Resolution Number 10-R-84 as follows:

(10-R-84, appointing member to the museum board)

Mayor Robinson made a motion for the passage and adoption of Resolution Number 10-R-84 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-84 was passed and adopted.

Council Member Palmore introduced and read Resolution Number 10-R-85 as follows:

(10-R-85, appointing member to water board)

Council Member Palmore made a motion for the passage and adoption of Resolution Number 10-R-85 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-85 was passed and adopted.

Mayor Robinson introduced and read Resolution Number 10-R-86 as follows:

(10-R-86, appointing members to the Downtown Redevelopment Board)

Mayor Robinson made a motion for the passage and adoption of Resolution Number 10-R-86 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: Council Member Little. The motion carried and Resolution Number 10-R-86 was passed and adopted.

Council Member Little stated he did not like the reason they were making these appointments.

Council Member Palmore stated he had concerns about this resolution but had been told by the City Attorney that this board already exists.

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Council Member Little stated he was not sure if they were legally resurrecting this board.

Council Member Palmore introduced and read Resolution Number 10-R-87 as follows:

(10-R-87, supporting the development of Piggly Wiggly through an incentive package)

Council Member Spain made a motion for the passage and adoption of Resolution Number 10-R-87 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-87 was passed and adopted.

Mayor Robinson introduced and read Resolution Number 10-R-88 as follows:

RESOLUTION NUMBER 10-R-88

WHEREAS, on the 22<sup>nd</sup> day of February, 2008, the City of Anniston entered into that certain contract with BFI Waste Services, LLC, DBA Allied Waste Services of Anniston to provide solid waste collection services to the City; and

WHEREAS, according to the terms of that contract it may be renewed for an additional three (3) year period beyond the September 30, 2010, expiration date; and

WHEREAS, the City has determined that the public interest would be served by an extension of the contract for an additional three (3) year term commencing October 1, 2010.

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

Section 1. That Gene D. Robinson, Mayor of the City of Anniston, be and is hereby authorized, directed and empowered for and in the name of the City of Anniston to execute a renewal of the solid waste collection services agreement with BFI Waste Services, LLC, DBA Allied Waste Services of Anniston.

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

PASSED AND ADOPTED this the 27th day of July, 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:

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/s/ Alan B. Atkinson, City Clerk

Mayor Robinson made a motion for the passage and adoption of Resolution Number 10-R-88 as introduced and read. The motion was seconded by Council Member Dawson.

Council Member Little asked what the increase was in this amendment.

Don Hoyt, City Manager, stated the increase was from \$8.35 per household to \$8.67 per household.

Council Member Little asked if that increase was okay as far as the bid law was concerned and having to rebid the contract.

Mr. Hoyt stated that this was an allowable increase as far as the bid law was concerned.

Cleo Thomas, City Attorney, stated that the change should not be material and the City can make that assessment. He stated he had not been asked to review the contract.

Council Member Little stated that the City Attorney should review contracts before they come to the Council. He asked who was going to pay the extra \$ .32 per household.

Mr. Hoyt stated the Council had not voted to increase the amount paid by citizens.

Council Member Spain asked the City Attorney if they should table this resolution for two weeks since he had not reviewed the contract.

Mr. Thomas stated that if Mr. Hoyt and Mr. Dean, Public Works Director, had looked at the numbers he did not see the need to table the resolution.

Council Member Palmore stated that the citizens of Anniston were getting a good deal because some citizens in other municipalities were paying as much as \$21.00 per month. Mayor Robinson thanked Allied Waste Services for a very fair contract.

On call of the roll on Mayor Robinson's motion for the passage and adoption of Resolution Number 10-R-88 as introduced and read 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 and Resolution Number 10-R-88 was passed and adopted.

Mayor Robinson announced that was the time for the public hearing on a lounge retail liquor – Class I ABC application for Hall Garza LLC d/b/a Blus Place located within the police jurisdiction at 1013 B Hwy 431 N., declared the hearing open and asked if anyone wished to address the Council either in favor of or in opposition to said lounge retail liquor – Class I ABC application for Hall Garza LLC d/b/a Blus Place located within the police jurisdiction at 1013 B Hwy 431 North.

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Tony Hall, 200 E. Medders Drive, addressed the Council in favor of said lounge retail liquor – Class I ABC application for Hall Garza LLC d/b/a Blus Place located within the police jurisdiction at 1013 B Hwy 431 North. He stated there had been no noise complaints.

Mayor Robinson asked if anyone else wished to address the Council either in favor of or in opposition to said lounge retail liquor – Class I ABC application for Hall Garza LLC d/b/a Blus Place located within the police jurisdiction at 1013 B Hwy 431 North.

No one else addressed the Council either in favor of or in opposition to said lounge retail liquor – Class I ABC application for Hall Garza LLC d/b/a Blus Place located within the police jurisdiction at 1013 B Hwy 431 North.

Mayor Robinson declared the public hearing on a lounge retail liquor – Class I ABC application for Hall Garza LLC d/b/a Blus Place located within the police jurisdiction at 1013 B Hwy 431 North, closed.

Council Member Spain made a motion to approve a lounge retail liquor – Class I ABC application for Hall Garza LLC d/b/a Blus Place located within the police jurisdiction at 1013 B 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: Council Member Little and Robinson. The motion carried.

Mayor Robinson announced that was the time for the public hearing on a lounge retail liquor – Class I ABC application for James Lamar Mason d/b/a Bama Lounge located with the police jurisdiction at 4006 Old Birmingham Highway, declared the hearing open and asked if anyone wished to address the Council either in favor of or in opposition to said lounge retail liquor – Class I ABC application for James Lamar Mason d/b/a Bama Lounge located with the police jurisdiction at 4006 Old Birmingham Highway.

James Lamar Mason addressed the Council in favor said lounge retail liquor – Class I ABC application for James Lamar Mason d/b/a Bama Lounge located with the police jurisdiction at 4006 Old Birmingham Highway. He stated there had been no complaints and he would personally control the noise level.

Mayor Robinson asked if anyone else wished to address the Council either in favor of or in opposition to said lounge retail liquor – Class I ABC application for James Lamar Mason d/b/a Bama Lounge located with the police jurisdiction at 4006 Old Birmingham Highway.

No one else addressed the Council either in favor of or in opposition to said lounge retail liquor – Class I ABC application for James Lamar Mason d/b/a Bama Lounge located with the police jurisdiction at 4006 Old Birmingham Highway.

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Mayor Robinson declared the public hearing on a lounge retail liquor – Class I ABC application for James Lamar Mason d/b/a Bama Lounge located with the police jurisdiction at 4006 Old Birmingham Highway, closed.

Council Member Dawson made a motion to approve a lounge retail liquor – Class I ABC application for James Lamar Mason d/b/a Bama Lounge located with the police jurisdiction at 4006 Old Birmingham Highway. 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: Council Member Little and Robinson. The motion carried.

Mayor Robinson made a motion to approve a retail beer (on and off premises) license application for Brandin Casey Keel d/b/a Blue Bayou located within the police jurisdiction at 4520 AL Highway 202. The motion was seconded by Council Member Dawson.

Brandin Casey Keel addressed the Council and stated they had a retail auction at this location. He stated the nearest resident was about one-half mile away. He stated they were not a bar. He stated they were just starting the business.

Cleo Thomas, City Attorney, stated that when an entity applies for a business license the type and scope of business is defined then.

On call of the roll on Mayor Robinson's motion to approve a retail beer (on and off premises) license application for Brandin Casey Keel d/b/a Blue Bayou located within the police jurisdiction at 4520 AL Highway 202 and Council Member Dawson's second to said motion the following vote was recorded: ayes: Council Members Spain, Palmore and Dawson; nays: none; abstentions: Council Member Little and Robinson. The motion carried.

Mayor Robinson made a motion to approve a conceptual master plan for redevelopment/reuse of the former Foodmax property located at 1615 Quintard Avenue. 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.

Mayor Robinson made a motion seeking Council approval for a modified business license ordinance updating each license schedule to the amounts once adopted by Ordinance Number 09-O-11 over a three year time span and instructing the staff to prepare such an ordinance for passage and adoption by the Council in time for implementation effective January 1, 2011. The motion was seconded by Council Member Dawson.

Mayor Robinson stated that it was important to go ahead and start work on this ordinance so they could budget properly He stated they could finance a CDA and help with

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upcoming bond debt. He stated this would change the license schedules over a three year time period.

Council Member Spain stated he had removed a similar proposal to accomplish the same goal in a five year time span using the cities of Jacksonville and Oxford to reach an average amount. He stated he was not sure the citizens of Anniston were ready to move forward with such a proposal.

Mayor Robinson stated it was very important to increase revenue in the city. He stated this proposal would not hurt existing businesses and would not prevent any business from coming into the city.

Council Member Dawson stated this motion was just asking the staff to prepare an ordinance for Council consideration.

On call of the roll on Mayor Robinson's motion seeking Council approval for a modified business license ordinance updating each license schedule to the amounts once adopted by Ordinance Number 09-O-11 over a three year time span and instructing the staff to prepare such an ordinance for passage and adoption by the Council in time for implementation effective January 1, 2011 and Council Member Dawson's second to said motion the following vote was recorded: ayes: Council Members Dawson and Robinson; nays: Council Members Spain, Palmore and Little. The motion failed.

Shirley Millwood, attorney, addressed the Council on behalf of Stanley Mayo, owner of Calhoun County Recycling, and stated that they would like to work with the City in regards to the theft of manhole covers in the city.

Mayor Robinson stated this was an active case and the Council could not comment about this issue at that time.

Ms. Millwood stated the pending criminal charges would be handled in a court of law. She stated there were no written guidelines for her client to be in compliance with in order to work with the City.

Council Member Spain stated that he found that anyone who would come before the Council asking for a policy dealing with stolen material such as a manhole cover that is clearly identified and clearly marked which should not be accepted or bought and one should know where it came from and the potential harm that is caused to citizens and one should know that the policy is inherent and that this should not be done.

Council Member Little stated the Council should look at a replacement procedure for some of the old trees along Quintard Avenue. He stated there were safety issues with visibility when driving east or west across Quintard.

Council Member Palmore stated that Norwood Park would be opening on July 31 and invited the public to attend.

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Council Member Dawson thanked the staff for their hard work.

Mayor Robinson stated Council Member Palmore was to be commended for his work with Norwood Park. He stated the Council was responsible for the economic welfare of the city. He stated many of their business license schedules were outdated.

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 4:40 o'clock p.m.