

8/10/2010

Anniston, Alabama
August 10, 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, August 10, 2010, at approximately 3:50 o'clock p.m.

Council Member Dawson prayed the Invocation.

Council Member Dawson 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, Dawson and Robinson; absent: Council Member Little. 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 made a motion to add to the agenda a resolution adopting the HUD B-2010 CDBG second year action plan and budget, a motion authorizing the Mayor to sign an application with the State of Alabama for unspent recovery zone funds, a motion to change the Super Saturday venue and to delete from the agenda a motion to endorse the PARD Plan to consolidate Senior Citizen Services to the Youth Services Building at McClellan. 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; absent: Council Member Little. 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 recorded: ayes: Council Members Spain, Palmore, Dawson and Robinson; nays: none; absent: Council Member Little. The motion carried.

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

Mayor Robinson asked if anyone wished to address the Council either in favor of or in opposition to the reintroduction and reading by title of Ordinance Number 10-O-11.

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

On call of the roll on Mayor Robinson's motion for the unanimous consent of the Council Members present to reintroduce and read by title Ordinance Number 10-O-11 and

8/10/2010

Council Member Dawson'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.

Unanimous consent of the Council Members present having been granted to reintroduce and read by title Ordinance Number 10-O-11, Mayor Robinson reintroduced and read by title Ordinance Number 10-O-11 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)

Mayor Robinson made a motion for the passage and adoption of Ordinance Number 10-O-11 as reintroduced and read by title. The motion was seconded by Council Member Palmore.

Don Hoyt, City Manager, stated that Council Member Little had asked him to convey to the Council that he wants to delay the passage of this ordinance so they can have further discussion and perhaps make some changes to it.

Council Member Palmore stated there had been concerns and that was why he had brought up the environmental court issue. He stated he had wanted it to be clear if someone had a fine and tax due on their property then all that would be combined into one. He stated he wanted this to be fair and not put an undue hardship on anyone. He stated the absentee owners will not comply. He stated the environmental court will be able to take care of most of these issues.

Council Member Spain stated they could amend this ordinance if necessary in the future.

Council Member Dawson stated he was in support of this ordinance but he would be willing to delay the passage for two weeks until Council Member Little is back.

Council Member Dawson made a motion to table Ordinance Number 10-O-11 for two weeks. The motion was seconded by Mayor Robinson; and on call of the roll the following vote was recorded: ayes: Council Members Dawson and Robinson; nays: Council Members Spain and Palmore; absent: Council Member Little. The motion failed.

Council Member Spain stated he believes this ordinance will pass. He stated the last time they passed an ordinance when Council Member Little was absent they heard about it for a long time after that. He stated if they can avoid that sort of thing then he did not see anything wrong with putting it off for two weeks.

Council Member Spain made a motion to table Ordinance Number 10-O-11 for two weeks. The motion was seconded by Council Member Dawson; and on call of the roll the

8/10/2010

following vote was recorded: ayes: Council Members Spain, Dawson and Robinson; nays: Council Member Palmore; absent: Council Member Little. The motion carried.

Council Member Dawson introduced and read Resolution Number 10-R-89 as follows:

(10-R-89, ZBA appointment)

Council Member Dawson made a motion for the passage and adoption of Resolution Number 10-R-89 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, Dawson and Robinson; nays: none; absent: Council Member Little. The motion carried and Resolution Number 10-R-89 was passed and adopted.

Mayor Robinson introduced and read Resolution Number 10-R-90 as follows:

RESOLUTION NUMBER 10-R-90

This resolution is made this the 10TH day of August, 2010 by the CITY OF ANNISTON, (the Granting Authority), to grant a tax abatement for Multimetco, Inc.. (the Company).

WHEREAS, the Company's prior application for abatement of taxes for a major addition (the Project) located within the jurisdiction of the Grnating Authority received Council approval at the August 11, 2009 City Council Meeting; and

WHEREAS, the Company has submitted an amended application for abatement of taxes as a result of the expansion the originally planned and approve project; 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 all mortgage and recording taxes, 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 an amended capital investment of \$7,586,435 and the creation of thirteen new jobs over the next three years; and

8/10/2010

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 10th day of August, 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/ 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-90 as introduced and read. The motion was seconded by Council Member Dawson.

Joe Westerhausen, Multimetco, Inc., addressed the Council concerning their expansion plans.

On call of the roll on Mayor Robinson's motion for the passage and adoption of Resolution Number 10-R-90 as introduced and read and Council Member Dawson's

8/10/2010

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-90 was passed and adopted.

Council Member Palmore introduced and read Resolution Number 10-R-91 as follows:

(10-R-91, asking for an Attorney General's opinion concerning Civil Service appointments, salaries and conduct of employees)

Council Member Palmore made a motion for the passage and adoption of Resolution Number 10-R-91 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-91 was passed and adopted.

Council Member Spain introduced and read Resolution Number 10-R-92 as follows:

(10-R-92, CDBG action plan and budget)

Council Member Spain made a motion for the passage and adoption of Resolution Number 10-R-92 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-92 was passed and adopted.

Mayor Robinson made a motion to authorize the Mayor to sign an application to the State of Alabama for unspent recovery zone funds. 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.

Council Member Dawson made a motion to change the Super Saturday venue to Zinn Park for August 21, 2010. 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.

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

(self-contained breathing apparatus for the Fire Dept.)

Mayor Robinson made a motion that the bid in the total amount of \$3,624.00 each by Sun Belt Fire, Inc. for self-contained breathing apparatus be accepted. The motion was seconded by Council Member Dawson; and on call of the roll the following vote was

8/10/2010

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

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 4:25 o'clock p.m.