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Anniston, Alabama  
August 23, 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, August 23, 2011, at approximately 5:30 o'clock p.m.

Council Member Spain prayed the Invocation.

Council Member Spain 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 August 9, 2011. 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; abstentions: Council Member Little. The motion carried.

Mayor Robinson made a motion to add to the agenda a resolution accepting real property at the corner of 13<sup>th</sup> Street and Moore Avenue from the Spirit of Anniston and a motion to authorize the City to proceed with applying for a liquor license for the City Meeting Center and to delete a resolution to authorize the City Manager to execute a Memorandum of Agreement with the Anniston Museum Complex Board with regard to the development of the Anniston Civil Rights Museum. 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 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 announced that was the time for the public hearing on the proposed abatement of grass lots declared public nuisances at the following locations: 912 West 12<sup>th</sup> Street, 531 D Street, 906 Pyle Avenue, 325 Pyle Avenue, 0 Pyle Avenue, 0 Pyle Avenue, 317 Pyle Avenue, 0 Parkwin Avenue, 0 Walnut Avenue & 17<sup>th</sup> Street, 0 Walnut Avenue, 0 Walnut Avenue, 23 West 10<sup>th</sup> Street, 830 West 10<sup>th</sup> Street, 815 West 10<sup>th</sup> Street, 1314 Duncan Avenue, 1302 Bancroft Avenue, 1306 Bancroft Avenue, 0 West 13<sup>th</sup> Street, 0 rear 1420 Cobb Avenue, 1014 and 1018 West 15<sup>th</sup> Street, 1423 McDaniel Avenue, 0 14<sup>th</sup> Street (57), 1206 and 1208 West 15<sup>th</sup> Street, 1422 Brown Avenue, 1214, 1216, 1218, and 1220 West 15<sup>th</sup> Street, 1708 McKleroy Avenue,

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2107 Windsor Terrace, 5604 Woodgate Circle, 824 West 14<sup>th</sup> Street, 1018 Claxton Avenue, 1025 and 1033 West 12<sup>th</sup> Street, 424 River Street, 1701 West 22<sup>nd</sup> Street, 612 West 14<sup>th</sup> Street, 624 West 14<sup>th</sup> Street, 1426, 1424, 1406, 1401, and 1529 Mulberry Avenue, 0 West 16<sup>th</sup> Street, 1530, 1613, 1619, 1621, and 1625 Mulberry Avenue, 1612, 1622, 1626, 1617, and 1619 Pine Avenue, 0 Pine Avenue, 1818 and 1810 Cooper Avenue, 808 West 19<sup>th</sup> Street, 2100 & 2102 Cobb Avenue, 2114 and 2115 Cobb Avenue, 0 Cobb Avenue, 1909 and 1827 Cooper Avenue, 2215, 2221, 2203, and 2119 Cobb Avenue, 930 West 22<sup>nd</sup> Street, 1005 and 1009 West 12<sup>th</sup> Street; declared the hearing open and asked if anyone wished to address the Council concerning the proposed abatement of said grass lots declared public nuisances.

Dorothy McKinney addressed the Council concerning the property located at 906 Pyle and stated the grass had been cut.

Mayor Robinson asked if anyone else wished to address the Council concerning the proposed abatement of said grass lots declared public nuisances.

No one else addressed the Council concerning the proposed abatement of said grass lots declared public nuisances.

Mayor Robinson declared the public hearing on the proposed abatement of grass lots declared public nuisances at the following locations: 912 West 12<sup>th</sup> Street, 531 D Street, 906 Pyle Avenue, 325 Pyle Avenue, 0 Pyle Avenue, 0 Pyle Avenue, 317 Pyle Avenue, 0 Parkwin Avenue, 0 Walnut Avenue & 17<sup>th</sup> Street, 0 Walnut Avenue, 0 Walnut Avenue, 23 West 10<sup>th</sup> Street, 830 West 10<sup>th</sup> Street, 815 West 10<sup>th</sup> Street, 1314 Duncan Avenue, 1302 Bancroft Avenue, 1306 Bancroft Avenue, 0 West 13<sup>th</sup> Street, 0 rear 1420 Cobb Avenue, 1014 and 1018 West 15<sup>th</sup> Street, 1423 McDaniel Avenue, 0 14<sup>th</sup> Street (57), 1206 and 1208 West 15<sup>th</sup> Street, 1422 Brown Avenue, 1214, 1216, 1218, and 1220 West 15<sup>th</sup> Street, 1708 McKleroy Avenue, 2107 Windsor Terrace, 5604 Woodgate Circle, 824 West 14<sup>th</sup> Street, 1018 Claxton Avenue, 1025 and 1033 West 12<sup>th</sup> Street, 424 River Street, 1701 West 22<sup>nd</sup> Street, 612 West 14<sup>th</sup> Street, 624 West 14<sup>th</sup> Street, 1426, 1424, 1406, 1401, and 1529 Mulberry Avenue, 0 West 16<sup>th</sup> Street, 1530, 1613, 1619, 1621, and 1625 Mulberry Avenue, 1612, 1622, 1626, 1617, and 1619 Pine Avenue, 0 Pine Avenue, 1818 and 1810 Cooper Avenue, 808 West 19<sup>th</sup> Street, 2100 & 2102 Cobb Avenue, 2114 and 2115 Cobb Avenue, 0 Cobb Avenue, 1909 and 1827 Cooper Avenue, 2215, 2221, 2203, and 2119 Cobb Avenue, 930 West 22<sup>nd</sup> Street, 1005 and 1009 West 12<sup>th</sup> Street closed.

Council Member Dawson introduced and read Ordinance Number 11-O-24 as follows:

(11-O-24, designating an alley as one way in the direction indicated)

Council Member Dawson made a motion for the unanimous consent of the Council for the immediate consideration of Ordinance Number 11-O-24 as introduced and read. The motion was seconded by Council Member Spain.

Council Member Little asked if the Public Works Department and Police Department had looked at the change in direction of this alley and done any type of study on the direction change. He stated he would like to have this addressed before voting on changing the direction of the alley.

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He asked who had brought this request. He stated he may not have a problem with the change in direction but he would like to have these questions answered.

Don Hoyt, City Manager, stated the Water Works and Sewer Board had brought this request forward.

Mayor Robinson stated this was just a stall tactic.

Council Member Palmore stated he would like to have the Public Works Department, Police Department and Fire Department look at this alley before they vote on this ordinance. He stated they should be talking to all the utility companies about using the property at 11<sup>th</sup> Street and Moore Avenue for a one stop utility payment center.

On call of the roll on Council Member Dawson's motion for the unanimous consent for the immediate consideration of Ordinance Number 11-O-24 as introduced and read and Council Member Spain's second to said motion the following vote was recorded: ayes: Council Members Spain, Dawson, and Robinson; nays: Council Members Palmore and Little. The motion failed.

Council Member Spain introduced and read Resolution Number 11-R-71 as follows:

(11-R-71, reimbursements for travel expense)

Council Member Spain made a motion for the passage and adoption of Resolution Number 11-R-71 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-71 was passed and adopted.

Council Member Palmore introduced and read Resolution Number 11-R-72 as follows:

(11-R-72, over-ruling objections to the abatement of identified nuisances)

Council Member Palmore made a motion for the passage and adoption of Resolution Number 11-R-72 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 11-R-72 was passed and adopted.

Council Member Little introduced and read Resolution Number 11-R-73 as follows:

(11-R-73, over-ruling objections to the abatement of identified nuisances)

Council Member Little made a motion for the passage and adoption of Resolution Number 11-R-73 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

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Robinson; nays: none. The motion carried and Resolution Number 11-R-73 was passed and adopted.

Mayor Robinson introduced and read Resolution Number 11-R-74 as follows:

(11-R-74, approving funding for the Drug Task Force)

Mayor Robinson made a motion for the passage and adoption of Resolution Number 11-R-74 as introduced and read. The motion was seconded by Council Member Spain.

Council Member Dawson asked if Oxford paid any money to the Drug Task Force.

Mr. Hoyt stated that Oxford did not pay any money to the Drug Task Force.

Council Member Little stated that Anniston was paying more than their fair share. He stated the Sheriff also has a task force and they were allegedly doing some things that were not right. He stated they needed to differentiate between the Drug Task Force and the sheriff's task force.

On call of the roll on Mayor Robinson's motion for the passage and adoption of Resolution Number 11-R-74 as introduced and read and Council Member Spain'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-74 was passed and adopted.

Council Member Palmore introduced and read Resolution Number 11-R-75 as follows:

(11-R-75, agreement with East Alabama Planning Commission for the Anniston Express Fixed Route System and the ADA Para-Transit Services)

Council Member Palmore made a motion for the passage and adoption of Resolution Number 11-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 11-R-75 was passed and adopted.

Council Member Little introduced and read Resolution Number 11-R-76 as follows:

(11-R-76, amendments to the 2009 and 2010 HOME budgets and the 2010 CDBG budget)

Council Member Little made a motion for the passage and adoption of Resolution Number 11-R-76 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-76 was passed and adopted.

Council Member Dawson introduced and read Resolution Number 11-R-77 as follows:

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(11-R-77, 2011 Citizen Participation Plan for the Anniston/Calhoun County HOME Consortium)

Council Member Dawson made a motion for the passage and adoption of Resolution Number 11-R-77 as introduced and read. The motion was seconded by Mayor Robinson.

Council Member Dawson made a motion to amend Resolution Number 11-R-77 to read year "2010" in the title and in the fifth paragraph of the resolution. 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.

On call of the roll on Council Member Dawson's motion for the passage and adoption of Resolution Number 11-R-77 as amended 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-77 was passed and adopted.

Council Member Palmore introduced and read Resolution Number 11-R-78 as follows:

(11-R-78, granting a right of access to the public on a specific parcel of property owned by the City)

Council Member Palmore made a motion for the passage and adoption of Resolution Number 11-R-78 as introduced and read. The motion was seconded by Mayor Robinson.

The Council discussed the property they were granting access to.

Council Member Dawson made a motion to table Resolution Number 11-R-78 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.

Council Member Dawson introduced and read Resolution Number 11-R-79 as follows:

RESOLUTION NUMBER 11-R-79

A RESOLUTION ACCEPTING REAL PROPERTY AT THE CORNER OF 13<sup>TH</sup> STREET  
AND MOORE AVENUE FROM THE SPIRIT OF ANNISTON

WHEREAS, the City of Anniston loaned \$180,000.00 to the Spirit of Anniston to develop and revitalize the Anniston Land Company Building located at the corner of 13<sup>th</sup> Street and Moore Avenue; and

WHEREAS, the Spirit of Anniston wishes to convey the Anniston Land Company Building located at the corner of 13<sup>th</sup> Street and Moore Avenue in lieu of repayment of said loan;

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NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Anniston, Alabama, that the City accept warranty deed conveying free of all encumbrances all right, title and interest in the Anniston Land Company Building located at the corner of 13<sup>th</sup> Street and Moore Avenue.

BE IT FURTHER RESOLVED that upon vesting of title of said real property to the City of Anniston that the \$180,000.00 loan note executed by the Spirit of Anniston on the 21<sup>st</sup> day of January, 2000, is declared satisfied.

PASSED AND ADOPTED this the 23rd day of August, 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 Dawson made a motion for the passage and adoption of Resolution Number 11-R-79 as introduced and read. The motion was seconded by Council Member Little.

Council Member Little stated that when the lease was passed this building was included in the write up of the property for the PBA. He stated that needed to be cleared up. He stated that was not the City's property at that time. He stated he was going to vote for unanimous consent.

On call of the roll on Council Member Dawson's motion for the passage and adoption of Resolution Number 11-R-79 as introduced and read 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 and Resolution Number 11-R-79 was passed and adopted.

Mayor Robinson made a motion to approve the Economic Development Incentives Policy. 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 Spain stated he was recusing himself from any discussion or participation concerning the next motion.

Council Member Dawson made a motion to authorize the City Manager to negotiate a lease agreement with Rocco and Debra Gomez for the Cane Creek Restaurant located in the Cane Creek Golf Course. The motion was seconded by Council Member Palmore.

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Council Member Little stated the Council had not seen the responses from the bidders.

Don Hoyt, City Manager, stated they had set up a review committee for this RFP and they had reviewed all the responses and made this recommendation.

Council Member Little stated the Council had not had the benefit of seeing the information of the responders like the review committee had.

Council Member Dawson stated that Council Member Little would like to see the qualifications and the bid scores of each bidder. He suggested they might table this motion until they could review this information.

Mayor Robinson stated this was an example of the Council micro-managing the City.

Council Member Dawson stated that he agreed and he only suggested tabling this motion so they could get a consensus of the Council on this motion.

Council Member Little made a motion to table Council Member Dawson's motion to authorize the City Manager to negotiate a lease agreement with Rocco and Debra Gomez for the Cane Creek Restaurant located in the Cane Creek Golf Course. There was no second to the motion.

Mayor Robinson made a motion to call the question. The motion was seconded by Council Member Dawson; and on call of the roll the following vote was recorded: ayes: Council Members Palmore, Dawson and Robinson; nays: Council Member Little; abstentions: Council Member Spain. The motion carried.

On call of the roll on Council Member Dawson's motion to authorize the City Manager to negotiate a lease agreement with Rocco and Debra Gomez for the Cane Creek Restaurant located in the Cane Creek Golf Course and Council Member Palmore's second to said motion the following vote was recorded: ayes: Council Members Palmore, Dawson and Robinson; nays: Council Member Little; abstentions: Council Member Spain. The motion carried.

Council Member Dawson made a motion to authorize the City to apply for a liquor license for the City Meeting Center. 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.

The Council discussed from unfinished business a proposed motion to authorize the City Manager to have the Anniston Land Company building located at 13<sup>th</sup> and Moore removed immediately.

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

(liquid mosquito control insecticide)

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Council Member Dawson made a motion that the bid in the total amount of \$1,315.05 per 55 gallon drum by Clarke Mosquito Control Products for liquid mosquito control insecticide be accepted. 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.

Alan Atkinson, City Clerk, presented to the Council on behalf of the City Manager the Fiscal Year 2012 proposed budget and asked for a consensus of the Council to set a formal budget hearing on September 13, 2011, at 5:00 o'clock p.m.

The Council agreed to set a formal budget hearing for the Fiscal Year 2012 proposed budget on September 13, 2011, at 5:00 o'clock p.m.

Council Member Little stated he would like to see the paper work for all the responders to the RFP for Cane Creek Restaurant.

Council Member Palmore stated Eva Ross had passed away and they would miss her.

There being no further business to come before the meeting at that time Council Member Palmore made a motion the meeting be adjourned. 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 the meeting was adjourned at approximately 7:05 o'clock p.m.