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Anniston, Alabama
August 24, 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 24, 2010, at approximately 3:03 o'clock p.m.

Mayor Robinson prayed the Invocation.

Mayor Robinson 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.

Council Member Dawson made a motion to dispense with the reading of and approve the minutes of July 27, 2010, and August 10, 2010, Council meetings. 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 Palmore made a motion to delete a proposed motion on behalf of Council Member Palmore to pay an invoice fro Rutledge and Yaghmai in the amount of \$62,277.29 for services rendered. 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.

Council Member Spain 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:

(Myra Bushard Day)

Mayor Robinson made a motion to remove from the table Ordinance Number 10-O-11, an ordinance to promote the health, safety and welfare of the citizens of Anniston by the control and elimination of junk, trash and debris, dilapidated and unsafe structures, litter, noxious and unhealthful growth, vermin and other nuisances contributing to neighborhood blight and deterioration and depressing property values. The motion was

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

Cleo Thomas, City Attorney, stated there were proposed amendments to this ordinance before the Council.

Council Member Spain made a motion to amend Ordinance Number 10-O-11 to include in Section 34.3 - Enforcement the following:

“Illustrative Enumeration of Enforcement Procedures

- (1) When the owner or other responsible party has been identified and located the following steps are followed:
- a. Complaint received or violation observed by the Code Enforcement staff.
 - b. Code enforcement staff identifies and locates property owner/responsible party/agent.
 - c. Responsible party notified by mail or hand delivery.
 - d. Upon failure to comply, the responsible party may be given a municipal citation and be summoned into municipal court.
 - e. Failure to appear may result in a warrant being issued for the responsible party's arrest.
 - f. Municipal Court may specify remedial actions, abatement, or penalties for non-compliance.
 - g. Failure to pay restitution may result in a tax lien on the property in favor of the city.

(2) When the responsible party is an absentee owner, is unknown, resides outside of Alabama, or is the state.

- a. Council action is required to order abatement and/or multiple cuts.
 - b. Council meets once per year to hear cost recovery reports.
- Cost recovery may include the application of tax liens per Council order.”

and to include in Section 34.19 – Accounting of Costs for Abatement of Nuisance; Report the following:

“(4) The City shall take action assessing any costs as taxes only after a motion or resolution is adopted by the City Council authorizing the assessment.”

The motion was seconded by Council Member Palmore.

Council Member Dawson stated they had not discussed any amendments to Ordinance Number 10-O-11.

Mayor Robinson stated that the amended wording was just to elaborate on the methods and make them simpler to digest.

Don Hoyt, City Manager, stated that the wording in the amendment was to clarify some issues that some of the Council Members were concerned with. He stated it clarified items for administrative purposes.

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Council Member Spain stated that they should table this ordinance until everyone had a chance to read and understand the proposed amendments to this ordinance.

Council Member Spain made a motion to table Ordinance Number 10-O-11. 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 and Dawson; nays: Mayor Robinson. The motion carried.

Council Member Little made a motion to remove from the table a motion to properly equip the Multi-Modal Center so that the City can contract with a vendor to serve concessions to patron there. 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.

Council Member Dawson made a motion to amend the motion to properly equip the Multi-Modal Center so that the City can contract with a vendor to serve concessions to patron there to state that no money will be spent until the Council has a contract with a vendor approved by legal counsel and by the City Council.

Council Member Little stated he accepted this amendment to his original motion.

Mayor Robinson stated the City was not in the restaurant business and was not in the business of putting people in business. He stated they were setting up somebody for failure.

On call of the roll on 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 patron there to state that no money will be spent until the Council has a contract with a vendor approved by legal counsel and by the City Council as amended and Council Member Palmore's second to said motion the following vote was recorded: ayes: Council Members Spain, Palmore, Little, Dawson and Robinson; nays: none. The motion carried.

Council Member Palmore introduced and read Resolution Number 10-R-93 as follows:

(10-R-93, reimbursements to City officials for travel expense)

Council Member Palmore made a motion for the passage and adoption of Resolution Number 10-R-93 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-93 was passed and adopted.

Council Member Spain introduced and read Resolution Number 10-R-94 as follows:

(10-R-94, appointing Museum Board members)

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Council Member Spain made a motion for the passage and adoption of Resolution Number 10-R-94 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-94 was passed and adopted.

Council Member Little introduced and read Resolution Number 10-R-95 as follows:

(10-R-95, agreement with East Alabama Planning Commission for Anniston Fixed Route System and the ADA Para-Transit Services)

Council Member Little made a motion for the passage and adoption of Resolution Number 10-R-95 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-95 was passed and adopted.

Council Member Little asked where East Alabama Planning Commission purchased their buses from.

Shane Christian, East Alabama Planning Commission, stated they bought the buses through the Alabama Department of Transportation who bids the buses for all the state's transit systems.

Council Member Little stated he would like for NABI to have a chance to sell their buses for use in the city.

Council Member Spain made a motion to endorse the PARD Plan to consolidate the Senior Citizens Services to the Youth Services Building at McClellan. The motion was seconded by Mayor Robinson.

Council Member Little asked if there would be defibrillators at this location.

Steven Folks, director, Parks and Recreation Department, stated there were defibrillators at this location.

Council Member Little stated the seniors at South Highland did not want to move to McClellan.

On call of the roll on Council Member Spain's motion to endorse the PARD Plan to consolidate the Senior Citizens Services to the Youth Services Building at McClellan 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 carried.

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Mayor Robinson made a motion to approve moving Super Saturday from Noble Street to Zinn Park from September through November, 2010. The motion was seconded by Council Member Spain.

Council Member Little stated that the purpose of Super Saturday was to enhance things downtown. He stated they should not tie up Zinn Park every third Saturday. He stated they could move it to different parks every third Saturday.

Council Member Palmore stated he would like to know how the business people feel about moving Super Saturday to Zinn Park.

Council Member Dawson stated he thought Zinn Park was a great place for Super Saturday. He stated he thought they were moving to Zinn Park so as not to hurt the businesses on Noble Street.

Council Member Spain stated they should approve this for the remainder of this year and then have the organizers look at what locations would be best for Super Saturday in the coming year.

On call of the roll on Mayor Robinson's motion to approve moving Super Saturday from Noble Street to Zinn Park from September through November, 2010 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.

Council Member Palmore made a motion to authorize the preparation and advertisement for bids for a Splash Park at Norwood Park. 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.

Council Member Little made a motion to move forward with the bond issue. The motion was seconded by Council Member Palmore.

Danny McCullars, Finance Director, stated that interest rates were very low and he had been advised that this would be a good time for the City to invest in itself.

On call of the roll on Council Member Little's motion to move forward with the bond issue and Council Member Palmore's second to said motion the following vote was recorded: ayes: Council Members Spain, Palmore, Little, Dawson and Robinson; nays: none. The motion carried.

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

(Cutting of nuisance lots)

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Mayor Robinson made a motion that the bids in the total amounts of \$3,305.00 by T & J Demo & Clean Up, \$300.00 by Butler's Odd Job, \$1,850.00 by Mr. Lawn, and \$350.00 by AJ's Lawn Care for the cutting and cleaning of nuisance lots be accepted. 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.

Alan Atkinson, City Clerk, stated that the Council had received the proposed budget for Fiscal Year 2011 and stated the Council would have a public hearing on the proposed budget for Fiscal Year 2011 on September 14, 2010, at 3:00 p.m. in the Council Chambers of City Hall.

Council Member Little stated the Mayor was being hostile again after the informal meeting on that day. He stated the Council should consider putting cameras in the Council Chamber so people can see what is going on.

Council Member Spain stated that it may be time to consider televising the Council Meetings again.

Council Member Dawson stated that the Council Members needed to be statesman and disagree in an agreeable manner. He stated they needed to keep these meetings on a business level and not make them personal.

Council Member Palmore thanked the Council for their vote on putting out a bid for the Norwood Park splash park. He stated that the public should be encouraged to attend Council meetings. He stated he had no problem with televising the Council meetings.

Mayor Robinson stated he was elected to protect the rights of the citizens. He stated he thought the Council Inquiry was wrong and he had stated that since the beginning. He stated that there was no hostility coming from him in the work place. He stated that this Council is not doing what they had been elected to do. He stated they were wasting the resources of this city. He stated they needed to start developing this city. He appealed to the Council to go to work. He stated he would not continue to turn his cheek.

There being no further business to come before the meeting at that time Council Member Little 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 3:55 o'clock p.m.