

9/13/2011

Anniston, Alabama
September 13, 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, September 13, 2011, at approximately 5:23 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 August 23, 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, Little, Dawson and Robinson; nays: none. The motion carried.

Mayor Robinson made a motion to add to the agenda a motion for the Fireball Adventurally, the AHS Homecoming Parade and the Law Enforcement and Firefighter Walls and to delete from the agenda a motion instructing the City Manager to begin re-negotiation of the current airport lease. 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 a proclamation honoring Officer Justin Sollohub:

(proclamation)

Mayor Robinson announced that was the time for the public hearing to receive comments on the proposed FY 2012 General Fund Budget, declared the hearing open and asked if anyone wished to address the Council concerning the proposed FY 2012 General Fund Budget.

Walt Frazier addressed the Council concerning the proposed FY 2012 General Fund Budget.

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Mayor Robinson asked if anyone else wished to address the Council concerning the proposed FY 2012 General Fund Budget.

No one else addressed the Council concerning the proposed FY 2012 General Fund Budget.

Mayor Robinson declared the public hearing to receive comments on the proposed FY 2012 General Fund Budget closed.

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

ORDINANCE NO. 11-O-24

AN ORDINANCE AMENDING SECTION 15.49 OF THE CODE OF ORDINANCES OF THE CITY OF ANNISTON, ALABAMA DESIGNATING AN ALLEY AS ONE WAY IN THE DIRECTION INDICATED.

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

Section 1. The City Council of the City of Anniston, Alabama hereby amends the following section of "The Code of the City of Anniston, Alabama, 1981" as follows:

Section 2. That Section 15.49 of the Code of Ordinances of the City of Anniston, Alabama is hereby amended to read as follows:

Sec. 15.49. - One-way streets and alleys.

Upon those streets and alleys, or parts thereof, for one-way traffic, vehicular traffic shall move only in the indicated direction when signs indicating the location of traffic are erected and maintained at every intersection where movement in the opposite direction is prohibited.

The following streets and alleys, or parts thereof, are designated as one-way in the direction indicated:

(u) First alley east of Noble Street, from 13th Street south to 10th Street north, southbound traffic only and from 10th Street south and 9th Street north, northbound traffic only.

Section 3. That this Ordinance shall become effective immediately upon its adoption and publication one (1) time in The Anniston Star, a newspaper of general circulation published in the City of Anniston, Alabama, and the City Clerk is hereby ordered and directed to cause a copy of this Ordinance to be published one time in said newspaper.

PASSED AND ADOPTED this the 13th day of September, 2011.

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/ David Dawson, Council Member

ATTEST:

/s/ Alan B. Atkinson, City Clerk

Council Member Dawson made a motion for the passage and adoption of Ordinance Number 11-O-24 as reintroduced and read. The motion was seconded by Mayor Robinson.

Council Member Little asked who wanted the direction of the alley changed.

Don Hoyt, City Manager, stated the request had come from the Water Board.

Council Member Palmore stated that there were a lot of elderly citizens that travelled these alleys. He stated he did not want anyone to get hurt coming out of that alley. He stated he thought there was another way to do this.

Council Member Spain stated that people who were handicapped or elderly should be able to appreciate being able to pull up to a drive through window and pay a bill instead of having to park and go inside to pay that bill. He stated he hoped they would not impede the progress being made downtown because of the change in direction of an alley.

Council Member Palmore stated they should utilize the building the City has purchased as payment stop for utilities.

Council Member Little stated they were not voting today to put a drive through window in this alley. He stated they cannot allow people to conduct business on public rights-of-way. He stated that was the law. He stated there also would be a problem at this location. He stated they cannot pick and choose what businesses they allow to have drive through windows in this alley. He this vote to change the direction of the alley would not change the law.

On call of the roll on Council Member Dawson's motion for the passage and adoption of Ordinance Number 11-O-24 as reintroduced and read and Mayor Robinson'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 carried and Ordinance Number 11-O-24 was passed and adopted.

Mayor Robinson made a motion for the unanimous consent of the Council to introduce and read by title Ordinance Number 11-O-25. The motion was seconded by Council Member Little.

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 11-O-25.

No one addressed the Council either in favor of or in opposition to the introduction and reading by title of Ordinance Number 11-O-25.

On call of the roll on Mayor Robinson's motion for the unanimous consent of the Council to introduce and read by title Ordinance Number 11-O-25 and Council Member Little's second to

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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 for the introduction and reading by title of Ordinance Number 11-O-25, Mayor Robinson introduced and read by title Ordinance Number 11-O-25 as follows:

(11-O-25, revenue warrant to Eagle Foods to support its commercial development which includes a Piggly Wiggly at 1615 Quintard)

Council Member Spain made a motion for the unanimous consent of the Council for the immediate consideration of Ordinance Number 11-O-25 as introduced and read by title. 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. Unanimous consent of the Council having been given for immediate consideration of Ordinance Number 11-O-25 as introduced and read by title, Council Member Spain made a motion for the passage and adoption of Ordinance Number 11-O-25 as introduced and read by title. 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 and Ordinance Number 11-O-25 was passed and adopted.

Council Member Spain introduced and read Ordinance Number 11-O-26 as follows:

ORDINANCE NUMBER 11-0-26

AN ORDINANCE AMENDING ORDINANCE 08-O-29

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

Section 1. That Section 4 of Ordinance 08-O-29 is hereby amended to read as follows:

Section 4. All regular meetings of the Council shall convene at 6:00 p.m. in the Council Chambers at City Hall and all meetings, regular, special, or of an emergency nature, shall be open to the public after due notice is given in accordance with the Open Meetings Act of the State of Alabama.

Section 2. That Section 5 of Ordinance 08-O-29 is hereby amended to read as follows:

Section 5. The Council shall, as it deems necessary and appropriate, conduct a pre-meeting or informal session of the Council preceding the convening of its regular scheduled meeting to review the agenda and/or to interact with members of the staff on such matters as may be appropriate for consideration of the Council or the regular conduct of its business. When a pre-meeting or informal session of the Council is held preceding a regular meeting, then it shall commence two hours before the time announced for the convening of the regularly scheduled meeting with due notice of the pre-meeting or informal session being given to the public in accordance with applicable

law. The Council shall as its first order of business of the pre-meeting adopt an agenda which shall have been formatted as follows:

- 1. All matters related to proposed actions or reports which appear on the formal meeting agenda are considered first.*
- 2. Individuals wishing to be heard or to make presentations and have sought a place on the agenda will be heard secondly.*
- 3. Thirdly, the agenda will consist of non-time sensitive presentations, matters, or speakers.*

Section 3. That this Ordinance shall become effective immediately upon its adoption and publication one (1) time in The Anniston Star, a newspaper of general circulation published in the City of Anniston, Alabama, and the City Clerk is hereby ordered and directed to cause a copy of this Ordinance to be published one time in said newspaper.

PASSED and ADOPTED this the 13th day of September, 2011.

CITY COUNCIL OF THE CITY OF
ANNISTON, ALABAMA

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 Spain made a motion for the unanimous consent of the Council for the immediate consideration of Ordinance Number 11-O-26 as introduced and read. 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. Unanimous consent of the Council having been given for immediate consideration of Ordinance Number 11-O-26 as introduced and read, Council Member Spain made a motion for the passage and adoption of Ordinance Number 11-O-26 as introduced and read. The motion was seconded by Council Member Dawson.

Council Member Palmore made a motion to amend Ordinance Number 11-O-26 to delete the wording "Should any item on the informal agenda not be reached before the regular scheduled meeting of the council convenes, then the informal session shall be recessed until after the regular scheduled meeting and shall reconvene after the formal meeting." 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.

On call of the roll on Council Member Spain's motion for the passage and adoption of Ordinance Number 11-O-26 as amended and Council Member Dawson's second to said motion the following vote was recorded: ayes: Council Members Spain, Palmore, Little, and Dawson; nays: Mayor Robinson. The motion carried and Ordinance Number 11-O-26 was passed and adopted.

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Council Member Dawson introduced and read Resolution Number 11-R-80 as follows:

(11-R-80, reimbursements for travel expense)

Council Member Dawson made a motion for the passage and adoption of Resolution Number 11-R-80 as introduced and read. The motion was seconded by Council Member Little; and on call of the roll the following vote was recorded: ayes: Council Members Spain, Little, and Dawson; nays: Mayor Robinson; abstentions: Council Member Palmore. The motion carried and Resolution Number 11-R-80 was passed and adopted.

Council Member Little introduced and read Resolution Number 11-R-81 as follows:

(11-R-81, declaring a reported condition to be a public nuisance; Group 6)

Council Member Little made a motion for the passage and adoption of Resolution Number 11-R-81 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-81 was passed and adopted.

Council Member Palmore introduced and read Resolution Number 11-R-82 as follows:

(11-R-82, declaring a reported condition to be a public nuisance; Group 7)

Council Member Palmore made a motion for the passage and adoption of Resolution Number 11-R-82 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-82 was passed and adopted.

Mayor Robinson introduced and read Resolution Number 11-R-83 as follows:

RESOLUTION NUMBER 11-R-83

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 Grant Agreement with the FAA to Rehabilitate Runway 5/23 (marking) and improve Runway 5/23 safety area as more particularly described in the Project Application dated August 16, 2011 being Project 3-01-0008-027-2011 with a maximum federal obligation not to exceed \$562,400.00.

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

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PASSED AND ADOPTED this the 13th day of September, 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

Mayor Robinson made a motion for the passage and adoption of Resolution Number 11-R-83 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-83 was passed and adopted.

Council Member Spain made a motion to initiate legal action against the MDA if the lots are not transferred before the next Council meeting on September 27, 2011. The motion was seconded by Council Member Dawson.

The Council discussed going into Executive Session to discuss the legal ramifications of initiating legal action against the MDA if the lots are not transferred before the next Council meeting on September 27, 2011.

Council Member Spain made a motion for an Executive Session to discuss the legal ramifications of initiating legal action against the MDA if the lots are not transferred before the next Council meeting on September 27, 2011. The motion was seconded by Council Member Little; and on call of the roll the following vote was recorded: ayes: Council Members Spain and Little; nays: Council Members Palmore, Dawson and Little. The motion failed.

General Robin Scott, Executive Director of the MDA, addressed the Council concerning the environmental assessments that had to be completed before the property could be transferred and the legal procedures that had to be followed. He stated he had no control on the response time for ADEM.

Council Member Spain withdrew his motion to initiate legal action against the MDA if the lots are not transferred before the next Council meeting on September 27, 2011. He asked General Scott if there had been any activity at either of the lakes.

General Scott stated they had security patrols. He stated that Reilly Lake is about to become an open area. He stated he was not aware of any activity at the lakes. He addressed the Council concerning the gray bat habitat.

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(Council Member Little left the meeting at approximately 6:23 p.m.)

Mayor Robinson made a motion nominating Vernon Pressley, Kumira Mason and Wallace Gunnels for consideration to the County Board of Equalization. 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.

(Council Member Little reentered the meeting at approximately 6:26 p.m.)

Council Member Dawson made a motion to authorize the Police Department to purchase three vehicles from the current budget year. The motion was seconded by Mayor Robinson.

Council Member Spain stated he would like to see the Police Department's status on vehicles and their need for vehicles before he voted on this motion. He stated he would also like to see a policy that only employees who lived in the city be allowed to drive their vehicles home when on call.

Council Member Spain made a motion to table Council Member Dawson's motion to authorize the Police Department to purchase three vehicles from the current budget year. The motion was seconded by Council Member Little; and on call of the roll the following vote was recorded: ayes: Council Members Spain, Palmore, and Little; nays: Council Members Dawson and Robinson. The motion carried.

Mayor Robinson made a motion to name the proposed new Judicial Center "The Justin Sollohub Justice Center". The motion was seconded by Council Member Palmore.

Council Member Little stated they had not discussed this matter and it should be tabled. He stated this was not following their customary procedures for naming things.

Mayor Robinson stated that the motion to name the proposed new Judicial Center "The Justin Sollohub Justice Center" was tabled and it should be placed on the next informal and formal agendas.

Council Member Little made a motion to allow Ms. Marva Billingsley to complete her amended project under the Revolving Loan Fund. The motion was seconded by Council Member Dawson.

Mayor Robinson stated they had not discussed this motion in the informal session.

Council Member Little made a motion to table his motion to allow Ms. Marva Billingsley to complete her amended project under the Revolving Loan Fund. 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 Little made a motion to authorize the City Manager to take all necessary steps to repair the roof leaks at the jail. The motion was seconded by Mayor Robinson.

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Don Hoyt, City Manager, stated that they had an estimate of \$30,500.00 by Alabama Roofing Company to repair the roof leaks at the jail.

On call of the roll on Council Member Little's motion to authorize the City Manager to take all necessary steps to repair the roof leaks at the jail 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.

Council Member Spain made a motion to authorize the purchase of six IPADs for the Council and the City Attorney. The motion was seconded by Council Member Little.

Mayor Robinson stated the Council did not need IPADs.

Council Member Spain stated he felt the IPADs would pay for themselves in a few months with less printing charges.

Council Member Palmore stated he thought having the IPADs would lessen the workload on the staff and save money. He stated they should be cautious of the cost of the IPADs.

On call of the roll on Council Member Spain's motion to authorize the purchase of six IPADs for the Council and the City Attorney and Council Member Little's second to said motion the following vote was recorded: ayes: Council Members Spain, Palmore, and Little; nays: Council Members Dawson and Robinson. The motion carried.

Mayor Robinson made a motion to approve the proposal of the Fireball Adventurally as presented by the Calhoun County Chamber of Commerce for Friday, September 30, 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 Palmore made a motion for the approval of the Anniston High School Homecoming Parade on Noble Street on September 29 from 3:00 p.m. till 6 p.m. 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 Palmore made a motion to approve Law Enforcement and Firefighter walls at Centennial Park as presented by Ken Rollins. 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.

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

(uniforms for PARD and Jail employees)

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Council Member Little made a motion the bid in the total amount of \$4,883.71 by At-Work-Uniforms for work jeans, t-shirts and jackets for PARD and jail employees be accepted. The motion was seconded by Council Member Dawson; and on call of the roll the following vote was recorded: ayes: Council Members Palmore, Little, Dawson and Robinson; nays: none; abstentions: Council Member Spain. The motion carried.

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

(three leaf machines)

Council Member Little made a motion that the bid in the total amount of \$55,967.25 by Sansom Equipment Company for three leaf machines for the Public Works Department 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.

Stacy Jackson, 609 Douglas, addressed the Council in support of the Anniston Police Department.

Clara Hogan, 320 Crestview Road, addressed the Council in support of the Anniston Police Department.

Rose Munford, 206 Rockwood Drive, addressed the Council concerning having compassion.

Kumira Mason, 1420 Woodstock Avenue, addressed the Council about support instead of criticism.

Council Member Little stated he wanted a resolution on the next agenda concerning the participation of police and fire personnel in RSA.

Council Member Spain asked Mr. Hoyt to find what means they could use to control outbursts from the audience at Council meetings.

Council Member Palmore stated he had a problem with the dissension in the Council meeting.

(Mayor Robinson and Council Member Spain left the meeting at approximately 6:54 p.m.)

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 Little; and on call of the roll the following vote was recorded: ayes: Council Members Palmore, Little, and Dawson; nays: none; absent: Council Members Spain and Robinson. The motion carried and the meeting was adjourned at approximately 6:55 o'clock p.m.