

9/27/2011

Anniston, Alabama
September 27, 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 27, 2011, at approximately 6:10 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 Dawson made a motion to dispense with the reading of and approve the minutes of September 13, 2011. 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.

Mayor Robinson made a motion to add to the agenda a resolution adopting the FY 2012 Budget and to delete from the agenda a motion to approve a Restaurant Retail Liquor ABC application for Debra Ann Gomez d/b/a Sandbagin at Cane Creek located at 66 Galloway Road, a motion to approve a Lounge Retail Liquor – Class I ABC application for Dav and Debs LLC d/b/a Just 1 More located within the police jurisdiction at 295 Lenlock Lane, and a motion to name the proposed (on agenda twice) new Judicial Center “The Justin Sollohub Justice Center.” 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 Little 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, Little, Dawson and Robinson; nays: none. The motion carried.

Mayor Robinson read the following proclamation:

(Domestic Violence Awareness Month)

Mayor Robinson read the following proclamation:

(Anniston Civil Justice Fund)

9/27/2011

Mayor Robinson made a motion to remove from the table a motion to name the proposed new Judicial Center "The Justin Sollohub Justice Center." 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 asked if the PBA owning the building would have any bearing on this motion.

Cleo Thomas, City Attorney, stated that the City could name the building and should probably make a suggestion to the PBA concerning the naming of the building. He stated the Council appoints the members of the PBA.

Council Member Little stated he thought it was premature to name this building right now.

Council Member Dawson stated that he felt this would be fitting memorial for Officer Sollohub and for the entire police department.

Council Member Palmore stated there had been suggestions of other people who this building could be named for.

On call of the roll on Mayor Robinson's motion to name the proposed new Judicial Center "The Justin Sollohub Justice Center" and Council Member Dawson'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 Little made a motion to remove from the table 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; 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 Little's motion to allow Ms. Marva Billingsley to complete her amended project under the Revolving Loan Fund and Council Member Dawson's second to said motion the following vote was recorded: ayes: Council Members Spain, Palmore, Little, and Dawson; nays: none; abstentions: Mayor Robinson. The motion carried.

Mayor Robinson announced that was the time for the public hearing on the Council's changes to the City Manager's proposed FY 2012 Budget, declared the hearing open and asked if anyone wished to address the Council concerning the Council's changes to the City Manager's proposed FY 2012 Budget.

No one addressed the Council concerning the Council's changes to the City Manager's proposed FY 2012 Budget.

Mayor Robinson declared the public hearing on the Council's changes to the City Manager's proposed FY 2012 Budget closed.

9/27/2011

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: 2012 Moore Avenue, 211, 213, 209 South Allen Avenue, 2522 Walnut Avenue, 2730, 2701, 2624, 2211, 2207 McCoy Avenue, 1526, 1536, 1522 Moore Avenue, 2000, 2012 Gurnee Avenue, 2029 Gurnee Avenue, 2030 Noble Street, 119 & 117 West 22nd Street, 113 & 115 West 22nd Street, 2204 & 2206 Gurnee Avenue, 101 West 22nd Street, 2215, 2216, 2220, 2225, 2300, 2304 Gurnee Avenue, 19 West 25th Street, 2415, 2305, 2330 Gurnee Avenue, 17 West 24th Street, 19 West 24th Street, 2501, 2625 Walnut Avenue, 927, 923 West 14th Street, 1401 Stephens Avenue, 1121 and 0 Clydesdale Avenue, 1222, 1224 Lumber Street, 0, 1710, 1706, 1704 West 13th Street, 0 Clydesdale Avenue, 0 12th Street, 1721 West 12th Street, 1729 West 11th Street, 0 West 11th Street, 1719 West 10th Street, 1014, 1006, 1004, 1003 Clydesdale Avenue, 1423, 1427, 0 Bancroft Avenue, 0, 1820, 1814 Brown Avenue, 1116 West 19th Street, 917 West 19th Street, 0 West 19th Street, 1108, 1112, 1101, 1115, 1109, 1016, 906, 908 West 19th Street, 1812 and 1808 Brown Avenue; declared the hearing open and asked if anyone wished to address the Council concerning the proposed abatement of said grass lots declared public nuisances.

No one 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: 2012 Moore Avenue, 211, 213, 209 South Allen Avenue, 2522 Walnut Avenue, 2730, 2701, 2624, 2211, 2207 McCoy Avenue, 1526, 1536, 1522 Moore Avenue, 2000, 2012 Gurnee Avenue, 2029 Gurnee Avenue, 2030 Noble Street, 119 & 117 West 22nd Street, 113 & 115 West 22nd Street, 2204 & 2206 Gurnee Avenue, 101 West 22nd Street, 2215, 2216, 2220, 2225, 2300, 2304 Gurnee Avenue, 19 West 25th Street, 2415, 2305, 2330 Gurnee Avenue, 17 West 24th Street, 19 West 24th Street, 2501, 2625 Walnut Avenue, 927, 923 West 14th Street, 1401 Stephens Avenue, 1121 and 0 Clydesdale Avenue, 1222, 1224 Lumber Street, 0, 1710, 1706, 1704 West 13th Street, 0 Clydesdale Avenue, 0 12th Street, 1721 West 12th Street, 1729 West 11th Street, 0 West 11th Street, 1719 West 10th Street, 1014, 1006, 1004, 1003 Clydesdale Avenue, 1423, 1427, 0 Bancroft Avenue, 0, 1820, 1814 Brown Avenue, 1116 West 19th Street, 917 West 19th Street, 0 West 19th Street, 1108, 1112, 1101, 1115, 1109, 1016, 906, 908 West 19th Street, 1812 and 1808 Brown Avenue closed.

Council Member Little made a motion for the unanimous consent of the Council to introduce and read by title Ordinance Number 11-O-27. The motion was seconded by Council Member Spain.

Mayor Robinson asked if anyone wished to address the Council either in favor of or in opposition to the reading and introduction of Ordinance Number 11-O-27 by title.

No one addressed the Council either in favor of or in opposition to the reading and introduction of Ordinance Number 11-O-27 by title.

On call of the roll on Council Member Little's motion for the unanimous consent of the Council to introduce and read by title Ordinance Number 11-O-27 and Council Member Spain's second to said motion the following vote was recorded: ayes: Council Members Spain, Palmore, Little, and Dawson; nays: Mayor Robinson. The motion failed.

9/27/2011

Council Member Little introduced and read Ordinance Number 11-O-27 as follows:

(11-O-27, amending Ordinance 08-O-29; first reading)

Council Member Palmore introduced and read Resolution Number 11-R-84 as follows:

(11-R-84, 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-84 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-84 was passed and adopted.

Council Member Little introduced and read Resolution Number 11-R-85 as follows:

(11-R-85, 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-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 11-R-85 was passed and adopted.

Council Member Dawson introduced and read Resolution Number 11-R-86 as follows:

RESOLUTION NUMBER 11-R-86

This resolution is made this the 27th day of September, 2011 by the CITY OF ANNISTON, (the Granting Authority), to grant a tax abatement for Rex Treat Heat – Alabama, Inc. (the Company).

WHEREAS, the Company has announced plans for a major addition of over 30% of the original cost of existing property (the Project), located within the jurisdiction of the Granting Authority; 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

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

9/27/2011

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 a capital investment of \$1,075,000 and the creation of ten new jobs over the next three years; and

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 27th 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

9/27/2011

Council Member Dawson made a motion for the passage and adoption of Resolution Number 11-R-86 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-86 was passed and adopted.

Council Member Palmore introduced and read Resolution Number 11-R-87 as follows:

RESOLUTION NUMBER 11-R-87

WHEREAS The Spirit of Anniston has facilitated the creation of a mural on the South wall of a building at 1507 Glenn Addie owned by Mr. J. L. Casey; and

WHEREAS The City owns the vacant lot immediately to the South of 1507 Glenn Addie (parcel ID # 21-03-06-4-002-017.001); and

WHEREAS Recognizing that the mural can only be observed conveniently from the City' lot and that the Council desires for its citizens to be able to view said mural; and

WHEREAS the City has determined that a legitimate public purpose would be served by permitting public access to the property, and

WHEREAS the City does not intend by this resolution to dedicate the property as a park, either directly or by implication, and

WHEREAS the City resolves that public access to that certain real property shall be without cost, admission or financial benefit to the City, and

WHEREAS the City shall retain the power, authority and discretion to determine, from time to time, the use of the property that is in the best interest of the City and does not by this resolution surrender, waive or abrogate that right,

NOW THEREFORE be it resolved by the City Council of the City of Anniston, Alabama, that public access be granted to said property located immediately to the south of 1507 Glenn Addie Street in accordance with the terms and conditions outlined herein, including the City's reservation of rights to determine hereafter the best interest of the property for the City of Anniston, Alabama.

PASSED AND ADOPTED this the 27th 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

9/27/2011

By: /s/ David Dawson, Council Member

ATTEST:

/s/ Alan B. Atkinson, City Clerk

Council Member Palmore made a motion for the passage and adoption of Resolution Number 11-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 11-R-87 was passed and adopted.

Council Member Little introduced and read Resolution Number 11-R-88 as follows:

(11-R-88, supporting participation of police and fire personnel in RSA)

Council Member Little made a motion for the passage and adoption of Resolution Number 11-R-88 as introduced and read. The motion was seconded by Council Member Dawson.

Wayne Willis, Anniston Police Department and Retirement Board Member, addressed the Council and stated this resolution was the beginning of building a foundation for the retirement of the police and fire personnel. He stated the resolution was vague because the details of funding and the legal transition of the Fund to RSA still had to be worked out.

Council Member Spain stated he was not sure what this resolution obligated the City to do.

Mr. Willis stated this resolution did not obligate the City to do anything but was a show of good faith that they could work toward a solution. He stated that legislation would be required for any changes. He stated that the Board could not make any changes without the Council's support and the Council could not make any changes without the Board's support. He stated if they continue to do nothing then the Fund could be bankrupt by 2024.

Council Member Spain stated he was concerned about voting for this resolution without a complete strategy about the changes that would be made.

Mr. Willis stated that the Council had some time ago been given packets detailing the changes in the Fund if there was a transition to RSA.

Council Member Spain stated this would be a big move for the City and expensive and that was why he had insisted on community involvement. He stated he was in favor of putting a referendum before the people concerning a one cent sales tax to fund this transition.

Mr. Willis stated Council Member Spain was correct that this was a very expensive proposition but they could just stick their heads in the sand and wait for the Fund to completely fail then that would be catastrophic for the City of Anniston. He stated if they do not take action soon the problem will only get worse. He stated that tonight they were only asking for a resolution that the Council supports the move into RSA.

9/27/2011

Council Member Little stated this resolution was just to show support to the police and fire and did not commit to any details.

Council Member Palmore stated he would like to see more flexibility in the choosing of the chiefs for these departments. He stated he did want to see their retirement saved.

On call of the roll on Council Member Little's motion for the passage and adoption of Resolution Number 11-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 11-R-88 was passed and adopted.

Mayor Robinson introduced and read Resolution Number 11-R-89 as follows:

RESOLUTION NUMBER 11-R-89

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

Section 1. That the budget attached hereto which each Council Member acknowledges having read and reviewed is hereby adopted as the budget for the City of Anniston, Alabama for Fiscal Year 2011.

Section 2. That the City Manager and the City Clerk shall certify the same as being the budget for the City of Anniston and file the same in the office of the Director of Finance.

Section 3. That said budget so certified shall be reproduced and sufficient copies be made available for use by all offices, departments, boards, and agencies of the City of Anniston and for use of interested persons.

PASSED AND ADOPTED this the 27th 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-89 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 11-R-89 was passed and adopted.

9/27/2011

Mayor Robinson made a motion approving the following amendments and transfers to the FY 2011 General Fund Budget: Revenue: Sale of Equipment increases \$175,000.00; State BRAC Allocation increases \$100,000.00; Zinn Park Playground Grant increases \$100,000.00; FEMA Reimbursement increases \$90,000.00; Expenditures: Non-Departmental decreases \$97,500.00; Finance increases \$10,000.00; City Manager's office increases \$7,500.00; City Council increases \$45,000.00; Public Works increases \$400,000.00; Parks and Recreation increases \$100,000.00. 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 take legal action if necessary to stop the opening of an ABC Store at 12th Street and Wilmer Avenue for failure to follow the law. The motion was seconded by Council Member Spain.

Council Member Spain made a motion to table Council Member Little's motion to take legal action if necessary to stop the opening of an ABC Store at 12th Street and Wilmer Avenue for failure to follow the law. 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 Spain made a motion to table the next proposed motion to amend "Use of City owned motor vehicles" in the Policy and Procedure Manual to add 1)c. 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.

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

(Concrete for FY2012)

Council Member Little made a motion that the bid in the total amount of \$74.00/cu. yd. by Webb Concrete Company for concrete for the 2012 Fiscal Year be accepted. 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.

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

(Airfield Marking and Safety Grading Project)

Council Member Little made a motion that the bids in the total amount of \$52,876.60 by Peek Pavement Marking, LLC for the Airfield Marking Project and \$408,481.25 by Holmes II Excavation, Inc. for the Safety Area Grading Project be accepted. The motion was seconded by Council Member Palmore; and on call of the roll the following vote was recorded: ayes:

9/27/2011

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

Clara Hogan, 20 Crestview Drive, addressed the Council and stated she was there to support the fire and police departments. She stated they should keep public comments for Council meetings.

Johnny Byrd, 804 Champaign Ave, addressed the Council and stated the Council should stand in unison and apologize to the community and to take responsibility for their actions.

Council Member Little stated the liquor store should not open because it was in violation of the law. He stated the lease was not correct. He stated the letter from the Mayor was not endorsed by the Council. He stated he would file ethics complaints against the members of the board.

Council Member Palmore thanked the Council for their attitude and conduct that night.

Council Member Spain apologized for referring to some members of the audience as groupies.

Mayor Robinson stated he had sent a letter from the Mayor's office advocating for the State ABC store. He stated he did not send the letter on behalf of the Council.

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 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 and the meeting was adjourned at approximately 7:29 o'clock p.m.