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Anniston, Alabama  
October 11, 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, October 11, 2011, at approximately 6:06 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, 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 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, Palmore, Little, Dawson and Robinson; nays: none. The motion carried.

Council Member Little made a motion to adopt the agenda. 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 remove from the table his motion to take legal action if necessary to the opening of an ABC Store at 12<sup>th</sup> Street and Wilmer Avenue for failure to follow the law. 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, and Dawson; nays: Mayor Robinson. The motion carried.

Council Member Little stated that he had a letter from Parker Memorial Baptist Church in opposition to the location of the ABC Store at 12<sup>th</sup> Street and Wilmer Avenue. He stated he did not think the ABC Board had followed the bid law. He stated they went to certain persons and gave them the contract for the ABC Store. He stated the law does not allow the ABC Store to be at this location.

Cleo Thomas, City Attorney, stated he had written the general counsel of the ABC Board and had asked some questions and he had received responses back from him as follows: "1. You are correct that the lot is on the corner of 12<sup>th</sup> and Wilmer. The property has had the address 1200 Wilmer Avenue for an unknown length of time before our lease. I understand that several weeks ago (after the lease was completely executed) a city inspector on the property said that since the

newly constructed building faces 12<sup>th</sup> Street, the City and E911 had changed the address to a 12<sup>th</sup> Street address.

2. The ABC Board historically has assigned numbers to its stores to aid in identification for operations and record keeping. Sometimes old numbers from stores which have been closed have been reassigned and sometimes new numbers have been used. The numbers mean absolutely nothing to anyone except the ABC Board for administrative purposes. Leases are executed in triplicate originals. The pen change to which you refer is only on the ABC Board's copy of the lease. After receiving its executed copy, ABC considered changing its number for its store and the pen change was made on its copy for ease of reference. As a matter of fact, ABC wound up staying with the number originally printed on the lease.
3. Several of your questions concern the bid law. The bid law does not apply to real estate. ALA. CODE §41-16-20 requires (with stated exceptions) bidding for personal property – not real property.
4. If the ABC Board is considering opening a store in an area, ABC personnel review and analyze the area for sites which may be suitable for such a location and make contact with people in the community as appropriate and necessary.
5. The 1200 Wilmer site was selected approximately five years ago. The building to ABC specifications was partially constructed when the lease process stopped. This year a letter from the Mayor stating the City was in favor of that store location was received, and a new lease was executed.
6. ALA. CODE §28-3-17 was held “unconstitutional and void” by a circuit court in 1976 (see Editor's Notes following this section in the published edition of the Code). The ABC Board is satisfied that the provisions of §28-3-43 are not violated.”

Mr. Thomas explained the 1976 case and ruling to the Council. He stated they might want to get an attorney general's opinion about the applicability of this case to their situation.

Council Member Spain stated he considered the Mayor's letter concerning the ABC Store inappropriate.

Mr. Thomas stated that to his understanding the City's involvement in this situation is limited to issuing a Certificate of Occupancy for the building. He stated the Certificate of Occupancy was not issued to the ABC Board but to the owners of the building.

Council Member Little stated they should get an attorney general's opinion on whether the law was violated and whether the ABC Board is exempt from the bid law.

Mr. Thomas stated he would recommend getting the attorney general's opinion before moving forward with litigation.

Council Member Little made a motion to table his motion to take legal action if necessary to the opening of an ABC Store at 12<sup>th</sup> Street and Wilmer Avenue for failure to follow the law until they could get an attorney general's opinion concerning this situation. 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, and Dawson; nays: Mayor Robinson. The motion carried.

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Mayor Robinson read the following proclamation:

(Pro Bono Week)

Council Member Spain reintroduced and read Ordinance Number 11-O-27 as follows:

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

Council Member Spain made a motion for the passage and adoption of Ordinance Number 11-O-27 as introduced and read. The motion was seconded by Council Member Little.

The Council discussed amending Ordinance Number 11-O-27.

Council Member Little made a motion to table the passage and adoption of Ordinance Number 11-O-27 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, Little, and Robinson; nays: Council Members Palmore and Dawson. The motion carried.

Council Member Little made a motion to approve a Master Plan for Development for the Social Security Administrative Office at 801 Quintard Avenue upon the recommendation of the Anniston City Planning Commission. 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 made a motion for the unanimous consent of the Council to introduce and read by title Ordinance Number 11-O-28. The motion was seconded by Council Member Dawson.

Mayor Robinson asked if anyone wished to address the Council either in favor or in opposition to the introduction and reading by title of Ordinance Number 11-O-28.

No one addressed the Council either in favor or in opposition to the introduction and reading by title of Ordinance Number 11-O-28.

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-28 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.

Unanimous consent of the Council having been granted to introduce and read by title Ordinance Number 11-O-28, Mayor Robinson introduced and read by title Ordinance Number 11-O-28 as follows:

(11-O-28, amending the City Code and further providing for the levy and assessment of Privilege License Taxes and Fees; first reading)

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Mayor Robinson made a motion for the unanimous consent of the Council to introduce and read by title Ordinance Number 11-O-29. The motion was seconded by Council Member Little.

Mayor Robinson asked if anyone wished to address the Council either in favor or in opposition to the introduction and reading by title of Ordinance Number 11-O-29.

No one addressed the Council either in favor or in opposition to the introduction and reading by title of Ordinance Number 11-O-29.

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-29 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.

Unanimous consent of the Council having been granted to introduce and read by title Ordinance Number 11-O-29, Mayor Robinson introduced and read by title Ordinance Number 11-O-29 as follows:

(11-O-29, amending the City Code setting the levy and amount of Sales and Use Tax; first reading)

Council Member Spain made a motion for the unanimous consent of the Council to introduce and read by title Ordinance Number 11-O-30. The motion was seconded by Council Member Little.

Mayor Robinson asked if anyone wished to address the Council either in favor or in opposition to the introduction and reading by title of Ordinance Number 11-O-30.

No one addressed the Council either in favor or in opposition to the introduction and reading by title of Ordinance Number 11-O-30.

On call of the roll on Council Member Spain's motion for the unanimous consent of the Council to introduce and read by title Ordinance Number 11-O-30 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.

Unanimous consent of the Council having been granted to introduce and read by title Ordinance Number 11-O-30, Council Member Spain introduced and read by title Ordinance Number 11-O-30 as follows:

ORDINANCE NO. 11-O-30

AN ORDINANCE OF THE CITY OF ANNISTON, ALABAMA PROHIBITING THE USE,  
SALE OR DELIVERY OF CERTAIN DANGEROUS SUBSTANCES, SOLD AND  
MARKETED AS

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INCENSE, POTPOURRI OR NOVELTY AROMATICS AFFECTING THE PUBLIC HEALTH, SAFETY AND WELFARE OF CITIZENS AND PROVIDING FOR A PENALTY FOR VIOLATION

WHEREAS, The City of ANNISTON, Alabama has been informed about the growing presence of a potentially dangerous substance affecting the public health, safety and welfare of the citizens, particularly the youth of ANNISTON; and

WHEREAS, in response to these warnings, the Mayor and City Council has been provided information indicating that this threat is presented in the form of products sold or distributed as a mixture of dried vegetation when covered, sprayed or mixed with certain specific chemicals, produces the physiological and psychological effects of a controlled substance such as marihuana; and

WHEREAS, such substances are reported to cause hallucinations, vomiting, agitation, panic attacks, tachycardia, elevated blood pressure, pallor, numbness and tingling, disorientation, loss of time awareness and, in some cases, tremors and seizures; and

WHEREAS, the substances identified above are considered to be generally described as synthetic cannabinoids or salvia divinorum distributed, sold and marketed under such names as "K-2", "K-2 SUMMIT", "GENIE", "DASCENTS", "ZOHAI", "SAGE", "SPICE", "KO KNOCKOUT 2", "SPICE GOLD", "SPICE DIAMOND", "YUCATAN FIRE", "SOLAR FLARE", "PEP SPICE", "FIREN' ICE", "BLACK MAGIC SMOKE", "SALVIA DIVINORUM", "EXTREME POTPOURRI", "PHAT CAT" and

WHEREAS, some of the substances identified above have not yet been designated as controlled substances under the laws of the State of Alabama or under the Law of the United States; and

WHEREAS, the substances described above may be marketed as incense but are commonly being used as an alternative to marihuana which is an identified and documented controlled substance, the sale and use of which is prohibited under the laws of the State of Alabama and the United States; and

WHEREAS, the synthetic cannabinoid substances identified above may be presented under a variety of street names but share common ingredients including JWH018 and JWH073; and

WHEREAS, salvia divinorum contains the ingredient known as salvinorum A; and

WHEREAS, these unregulated synthetic cannabinoids and salvia divinorum produce a very potent, intoxicating effect which is estimated by the medical community to produce effects ranging from three to one hundred times greater and more potent than THC, the active ingredient in marihuana; and

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WHEREAS, the substances identified above manifest all of the demonstrated attributes of substances that deprive persons of judgment, coordination and the ability to conduct themselves in a safe and appropriate manner in modern society; and

WHEREAS, the available medical and law enforcement information on these products indicate that person(s) under the effects of these substances may be a clear and present danger to themselves and others; and

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ANNISTON, ALABAMA THAT

#### SECTION 1. Definitions

"Person" shall mean an individual, corporation, partnership, wholesaler, retailer or any licensed or unlicensed business.

"Banned Smoking Product" shall mean any substance whether described as tobacco herbs, incense spice, aromatherapy incense, aromatic substance that may cause sense of euphoria, novelty aromatic, or any blend there of regardless of whether the substance is marketed for the purpose of being smoked which includes, but not limited to, any one or more of the following chemicals:

- 1) Salvia divinorum or salvinatorum A all parts of the plant presently classified botanically as salvia divinorum whether growing or not, the seeds thereof, any extract from any part of such plant, and every compound, manufacture, salts, derivative, mixture, or preparation of such plant, its seeds or extracts.
- (2) 2-[1R,3S]-3-hydroxycyclohexyl]-5-(2-methyloctan-2-yl)phenol (also known as CP47,497) and homologues;
- (3)(6aR, 10aR)-9-(hydroxymethyl)-6, 6-dimethyl-3-(2-methyloctan-2-yl)-6a,7,10,10a-tetrahydrobenzo [c]chromen-1-ol, some other trade or other names: HU-210.
- (4) 1-Pentyl-3-(1-naphthoyl) indole, some trade or other names: JWH-018.
- (5) 1-Butyl-3-(1-naphthoyl) indole, some trade or other names: JWH-073.
- (6) (4-methoxynaphthalen-1-yl)-(1-pentylindol-3-yl) methanone, some trade or other names: JWH-081.

Products containing some or all of the above substances are currently being marketed under the following commercial names: "K-2", "K-2 SUMMIT", "GENIE", "DASCENTS", "ZOHAI", "SAGE", "SPICE", "KO KNOCKOUT 2", "SPICE GOLD", "SPICE DIAMOND", "YUCATAN FIRE", "SOLAR FLARE", "PEP SPICE", "FIRE N' ICE", "BLACK MAGIC SMOKE" AND "SALVIA DIVINORUM".

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Any product containing any of the chemical compounds set forth above shall be subject to the provisions of this Ordinance, regardless of whether they are marketed under alternative names.

"Banned Smoking Product" shall also include all tobacco herbs, incense spice, aromatherapy incense, aromatic substance, or any blend thereof that may not contain any chemical listed above but may cause sense of euphoria or in any way mimics the side effects of marihuana usage and any side effect that may alter mental state of person(s).

Nothing in this ordinance bans prescription medicine or medicines dispensed by a hospital or health care facility.

"Ingestion Device" shall mean equipment, product or material that is used, intended for use, or designed for use in ingesting, inhaling, or otherwise introducing an illegal or banned smoking product into the human body such as, but not limited to:

- 1) Metal, wooden, acrylic, glass, stone, plastic or ceramic pipe with or without screens, permanent screens, hashish heads or punctured metal bowls;
- 2) Water pipes;
- 3) Carburetion tubes or devices;
- 4) Smoking and carburetion masks;
- 5) Roach clips: meaning objects used to hold burning material, such as marihuana cigarette, that has become too small or too short to be held in the hand;
- 6) Chamber pipes;
- 7) Carburetor pipes;
- 8) Electric pipes;
- 9) Air driven pipe;
- 10) Chillum;
- 11) Bongs;
- 12) Ice pipes or chillers;
- 13) Glass tubes which are hollow, cylindrical items made of glass which is smaller than three quarters of an inch in diameter, shorter than 12 inches in length, and which are not sealed with glass at both ends.

#### SECTION 2. Sell, Offer, Gift, Display or Possession

It shall be unlawful for any person(s) to use, possess, purchase, barter, give, publicly display, sell, or offer for sale within the city limits of ANNISTON, Alabama, any banned smoking product or ingestion device.

#### SECTION 3. Use or Possession of Ingestion Devices

It shall be unlawful for any person(s) to use or possess with intent to use an ingestion device to inject, ingest, inhale or otherwise introduce into the human body an illegal smoking product.

#### SECTION 4. Penalty

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Any person, firm, corporation or entity violating this Ordinance, as it exists or may be amended, upon conviction thereof, shall be fined a sum not exceeding \$500.00 (Five Hundred Dollars) and may be sentenced up to 60 (Sixty) days in jail. Conviction of this Ordinance may also result in the City of ANNISTON revoking any person, firm, corporation or entity's privilege of operating a business within the city limits of ANNISTON, Alabama. Each continuing day's violation under this Ordinance shall constitute a separate offense.

#### SECTION 5. Savings/Repealing Clause

All provisions of any ordinance in conflict with this Ordinance are hereby repealed to the extent they are in conflict; but such repeal shall not abate any pending prosecution for violation of the repealed ordinance, nor shall the repeal prevent a prosecution from being commenced for any violation if occurring prior to the repeal of the ordinance. Any remaining portions of said ordinance shall remain in full force and effect.

#### SECTION 6. Severability

Should any section, subsection, sentence, clause or phrase of this Ordinance be declared unconstitutional or invalid by a court of competent jurisdiction, it is expressly provided that any and all remaining portions of this Ordinance shall remain in full force and effect.

#### SECTION 7. Effective Date

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 11th day of October, 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 unanimous consent of the Council for the immediate consideration of Ordinance Number 11-O-30 as introduced and read by title. 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. Unanimous consent of the Council having been given for immediate consideration of Ordinance Number 11-O-30 as introduced and read by title, Mayor Robinson made a motion for

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the passage and adoption of Ordinance Number 11-O-30 as introduced and read by title. 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 Ordinance Number 11-O-30 was passed and adopted.

Steve Murphree addressed the Council in favor of Ordinance Number 11-O-30.

Council Member Spain introduced and Ordinance Number 11-O-31 as follows:

(11-O-31 accepting the conveyance of certain real property known as the Reilly Lake Area; first reading)

Council Member Palmore introduced and read Resolution Number 11-R-90 as follows:

(11-R-90, reimbursements for travel expense)

Council Member Palmore made a motion for the passage and adoption of Resolution Number 11-R-90 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-90 was passed and adopted.

Council Member Little introduced and read Resolution Number 11-R-91 as follows:

#### RESOLUTION NUMBER 11-R-91

#### AUTHORIZING THE NEGOTIATION AND PURCHASE OF REAL PROPERTY

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

Section 1. That Ed Isom, attorney, be and he is hereby authorized, directed and empowered for and in the name of the City of Anniston to negotiate with the State of Alabama for the purchase of real property as shown in Exhibit A attached hereto with the purchase price of said real property not to exceed \$1,000.00.

Section 2. That Don A. Hoyt, City Manager of the City of Anniston, Alabama, be and he is hereby authorized, directed and empowered for and in the name of the City of Anniston to execute a purchase agreement with the State of Alabama for the purchase of real property as shown in Exhibit A attached hereto with the purchase price of said real property not to exceed \$1,000.00.

Section 3. That Alan B. Atkinson, City Clerk of the City of Anniston be and he is hereby directed to attest to the City Manager's execution of said agreement and to affix the seal of the City thereto.

PASSED AND ADOPTED this the 11th day of October, 2011.

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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 Little made a motion for the passage and adoption of Resolution Number 11-R-91 as introduced and read. The motion was seconded by Council Member Spain.

Council Member Little stated this was the property at 17<sup>th</sup> and Walnut and he had been approached by several people about having the road continue to go through this property. He stated the property was in Ward 3.

The Council discussed Resolution Number 11-R-91.

Council Member Palmore asked that they table this resolution.

Mayor Robinson stated this was a contaminated industrial site and would need environmental testing.

Council Member Little made a motion to table Resolution Number 11-R-91 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.

Council Member Palmore introduced and read Resolution Number 11-R-92 as follows:

(11-R-92, declaring a reported condition to be a public nuisance)

Council Member Palmore made a motion for the passage and adoption of Resolution Number 11-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, Little, Dawson and Robinson; nays: none. The motion carried and Resolution Number 11-R-92 was passed and adopted.

Council Member Little introduced and read Resolution Number 11-R-93 as follows:

(11-R-93, declaring a reported condition to be a public nuisance)

Council Member Little made a motion for the passage and adoption of Resolution Number 11-R-93 as introduced and read. The motion was seconded by Mayor Robinson; and on call of the roll

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the following vote was recorded: ayes: Council Members Spain, Palmore, Little, Dawson and Robinson; nays: none. The motion carried and Resolution Number 11-R-93 was passed and adopted.

Council Member Dawson introduced and read Resolution Number 11-R-94 as follows:

(11-R-94, Hazard Mitigation Grant application to the Alabama EMA)

Council Member Dawson made a motion for the passage and adoption of Resolution Number 11-R-94 as introduced and read. The motion was seconded by Mayor Robinson.

Council Member Dawson made a motion to amend Resolution Number 11-R-94 to include the Public Works building on McClellan Boulevard (formerly the National Guard Armory). 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.

On call of the roll on Council Member Dawson's motion for the passage and adoption of Resolution Number 11-R-94 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-94 was passed and adopted.

Council Member Spain introduced and read Resolution Number 11-R-95 as follows:

(11-R-95, authorizing submission of a National Infrastructure Investment Program (TIGER III) grant application)

Council Member Spain made a motion for the passage and adoption of Resolution Number 11-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, Dawson and Robinson; nays: Council Member Little. The motion carried and Resolution Number 11-R-95 was passed and adopted.

Council Member Little introduced and read Resolution Number 11-R-96 as follows:

(11-R-96, Appalachian Regional Commission grant application to ADECA)

Council Member Little made a motion for the passage and adoption of Resolution Number 11-R-96 as introduced and read. The motion was seconded by Council Member Spain.

Mayor Robinson stated there was a problem with this project because the railroad was refusing to negotiate the right-of-way.

Louise Campbell stated this project did not have to be tied to the railroad.

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On call of the roll on Council Member Little's motion for the passage and adoption of Resolution Number 11-R-96 as introduced and read and Council Member Spain'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 and Resolution Number 11-R-96 was passed and adopted.

Council Member Dawson introduced and read Resolution Number 11-R-97 as follows:

(11-R-97, authorizing submission of a National Infrastructure Investment Program (TIGER III) grant application)

Council Member Dawson made a motion for the passage and adoption of Resolution Number 11-R-97 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, and Dawson; nays: none; abstentions: Mayor Robinson. The motion carried and Resolution Number 11-R-97 was passed and adopted.

Mayor Robinson announced that was the time for the public hearing on a Special Retail – more than 30 days ABC application for Sand Bagin at Cane Creek LLC d/b/a Sand Bagin at Cane Creek located at 66 Galloway Road, declared the hearing open and asked if anyone wished to address the Council either in favor of or in opposition to said Special Retail – more than 30 days ABC application for Sand Bagin at Cane Creek LLC d/b/a Sand Bagin at Cane Creek located at 66 Galloway Road.

Rocco Gomez addressed the Council in favor of said Special Retail – more than 30 days ABC application for Sand Bagin at Cane Creek LLC d/b/a Sand Bagin at Cane Creek located at 66 Galloway Road.

Mayor Robinson asked if anyone else wished to address the Council either in favor of or in opposition to said Special Retail – more than 30 days ABC application for Sand Bagin at Cane Creek LLC d/b/a Sand Bagin at Cane Creek located at 66 Galloway Road.

No one else addressed the Council either in favor of or in opposition to said Special Retail – more than 30 days ABC application for Sand Bagin at Cane Creek LLC d/b/a Sand Bagin at Cane Creek located at 66 Galloway Road.

Mayor Robinson declared the public hearing on a Special Retail – more than 30 days ABC application for Sand Bagin at Cane Creek LLC d/b/a Sand Bagin at Cane Creek located at 66 Galloway Road closed.

Mayor Robinson made a motion to approve a Special Retail – more than 30 days ABC application for Sand Bagin at Cane Creek LLC d/b/a Sand Bagin at Cane Creek located at 66 Galloway Road. The motion was seconded by Council Member Dawson.

Council Member Little stated he was still waiting for the information about the criteria and grading of the applicants for the restaurant at Cane Creek.

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On call of the roll on Mayor Robinson's motion to approve a Special Retail – more than 30 days ABC application for Sand Bagin at Cane Creek LLC d/b/a Sand Bagin at Cane Creek located at 66 Galloway Road and Council Member Dawson's second to said motion the following vote was recorded: ayes: Council Members Palmore, Dawson and Robinson; nays: none; abstentions: Council Members Spain and Little. The motion carried.

Mayor Robinson announced that was the time for the public hearing on a Lounge Retail Liquor – Class I ABC application for Dav and Debs LLC d/b/a Just 1 More located at 295 Lenlock Lane, declared the hearing open and asked if anyone wished to address the Council either in favor of or in opposition to said Lounge Retail Liquor – Class I ABC application for Dav and Debs LLC d/b/a Just 1 More located at 295 Lenlock Lane.

Dave and Deb Shifner, 5915 Glade Road, addressed the Council in favor of said Lounge Retail Liquor – Class I ABC application for Dav and Debs LLC d/b/a Just 1 More located at 295 Lenlock Lane.

Mayor Robinson asked if anyone else wished to address the Council either in favor of or in opposition to said Lounge Retail Liquor – Class I ABC application for Dav and Debs LLC d/b/a Just 1 More located at 295 Lenlock Lane.

No one else addressed the Council either in favor of or in opposition to said Lounge Retail Liquor – Class I ABC application for Dav and Debs LLC d/b/a Just 1 More located at 295 Lenlock Lane.

Mayor Robinson declared the public hearing on a Lounge Retail Liquor – Class I ABC application for Dav and Debs LLC d/b/a Just 1 More located at 295 Lenlock Lane closed.

Council Member Spain made a motion to approve a Lounge Retail Liquor – Class I ABC application for Dav and Debs LLC d/b/a Just 1 More located at 295 Lenlock Lane. 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; abstentions: Council Member Little. The motion carried.

Council Member Dawson made a motion to approve a Retail Beer (on or off premises) and Retail Table Wine (on and off premises) application for Corvallis Pizza LLC d/b/a Corvallis Italian Kitchen located at 1101 South Quintard Avenue. 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 announced that was the time for the public hearing on a Restaurant Retail Liquor ABC application for Across the Border LLC d/b/a Milestone Sports Bar located at 270 East Glade Road Units A and B, declared the hearing open and asked if anyone wished to address the Council either in favor of or in opposition to said Restaurant Retail Liquor ABC

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application for Across the Border LLC d/b/a Milestone Sports Bar located at 270 East Glade Road Units A and B.

Jose Alexander Jandres addressed the Council in favor of said Restaurant Retail Liquor ABC application for Across the Border LLC d/b/a Milestone Sports Bar located at 270 East Glade Road Units A and B.

Mayor Robinson asked if anyone else wished to address the Council either in favor of or in opposition to said Restaurant Retail Liquor ABC application for Across the Border LLC d/b/a Milestone Sports Bar located at 270 East Glade Road Units A and B.

No one else addressed the Council either in favor of or in opposition to said Restaurant Retail Liquor ABC application for Across the Border LLC d/b/a Milestone Sports Bar located at 270 East Glade Road Units A and B.

Mayor Robinson declared the public hearing on a Restaurant Retail Liquor ABC application for Across the Border LLC d/b/a Milestone Sports Bar located at 270 East Glade Road Units A and B closed.

Council Member Spain made a motion to approve a Restaurant Retail Liquor ABC application for Across the Border LLC d/b/a Milestone Sports Bar located at 270 East Glade Road Units A and B. 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; abstentions: Council Member Little. The motion carried.

Mayor Robinson made a motion instructing the City Manager to contact Earlon McWhorter and to report back to the Council whether or not he is willing to re-negotiate the FBO lease. The motion was seconded by Council Member Spain.

Council Member Little stated that Mr. McWhorter has done a good job at the airport and put a lot of money into the airport. He stated he did not feel they should go back to Mr. McWhorter unless the FAA or an attorney states there are problems legal or otherwise with the lease.

Council Member Spain stated he had asked for this to be looked at to determine if anything inappropriate was done by anyone from the City or anyone else with respect to signing of this lease. He stated he would like a report back on that. He stated he was interested if anything illegal or unethical was done.

Cleo Thomas, City Attorney, stated that the indemnification clause was something he had a problem with on behalf of the City as a client because they were giving up sovereign immunity. He stated the City should never sign a contract where it states they will indemnify somebody.

Council Member Spain stated that they need a list of points that want to be renegotiated before they approach Mr. McWhorter.

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Council Member Palmore stated he had a problem with this motion. He stated they should have had Mr. Hoyt contact Mr. McWhorter privately with any concerns about the lease. He stated they should have handled this situation better.

Council Member Little stated he thought it was highly inappropriate for them to approach Mr. McWhorter about this lease. He asked if they were going to go back through all the contracts prior Councils had approved. He stated the previous Council had approved the lease by a vote of five to zero.

Mr. Thomas stated that there was a resolution approving this current lease.

Mayor Robinson stated this was the biggest sweetheart deal against the citizens to his knowledge. He stated this gave the City's airport to one man. He stated there had been no development at the airport except for himself and his company and yet the City was liable for any problems at the airport. He stated the City was not making any money at the airport. He stated this deal should never have been done and it needed to be corrected.

Council Member Dawson stated he felt they should ask for renegotiation with their hat in their hand and not with a stick trying to force a renegotiation. He stated from he understood the lease was legal and binding.

Mayor Robinson made a motion to table his motion instructing the City Manager to contact Earlon McWhorter and to report back to the Council whether or not he is willing to re-negotiate the FBO lease. The motion was seconded by Council Member Little; and on call of the roll the following vote was recorded: ayes: Council Members Spain, Palmore, Dawson and Robinson; nays: Council Member Little. The motion carried.

Council Member Palmore made a motion to authorize the City Manager to execute the Agreement with the Museum for the Civil Rights Museum. The motion was seconded by Council Member Little.

Mayor Robinson stated that it had not been 6 months since this resolution failed and they were using a roundabout method to pass this Museum agreement. He asked where the revenue stream was for this project. He asked where the artifacts were.

Council Member Little stated as to where the artifacts were that was the reason they were starting this process. He stated they were not committing the City to any large expenditure of funds.

On call of the roll on Council Member Palmore's motion to authorize the City Manager to execute the Agreement with the Museum for the Civil Rights Museum and Council Member Little's second to said motion the following vote was recorded: ayes: Council Members Spain, Palmore, Little, and Dawson; nays: Mayor Robinson. The motion carried.

Council Member Palmore made a motion to approve the implementation of the Guidelines and Standards for the Commercial Development Incentive Fund. The motion was seconded by

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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 Sheet had been given to the Council:

(Baling hay at the airport)

Council Member Dawson made a motion that the bid in the total amount of \$1.00 per bale of hay by Jim Hill for baling hay at the airport be accepted. 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:

(Lease-purchase of one vacuum street sweeper)

Council Member Little made a motion that the bid in the total amount of \$3,925.73 per month for 48 months with a residual price of \$42,963.00 by Sansom Equipment Company for one vacuum street sweeper 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, and Dawson; nays: none; abstentions: Mayor Robinson. The motion carried.

Council Member Little made a motion to request from Gene Rutledge, attorney, a proposal for review concerning the conveyance of the Reilly Lake Area. The motion was seconded by Council Member Spain; 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.

Clara Hogan, 320 Crestview, addressed the Council and stated the Council should not do away with the public comments part of Council meetings. She stated they did not need to change their policy concerning the use of municipal vehicles.

Glen Ray, 3514 Dale Hollow Road, addressed the Council and stated they should not single out one Council Member for criticism. He stated they needed to all work together and be professional.

Amber Sprayberry addressed the Council and stated all she heard at these meeting was the money going out and no money coming in to the City.

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 8:34 o'clock p.m.

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