

10/12/2010

Anniston, Alabama
October 12, 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, October 12, 2010, at approximately 4:30 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 September 28, 2010. 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.

Mayor Robinson made a motion to add to the agenda a motion declaring October 30, 2010, as the day of celebration for Halloween in the city of Anniston. The motion was seconded by Council Member Dawson; and on call of the roll the following vote was recorded: ayes: Council Members Spain, Palmore, Little, Dawson and Robinson; nays: none. The motion carried.

Council Member Dawson made a motion to adopt the agenda as amended. The motion was seconded by Council Member 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 remove from the table a motion directing and empowering the Public Building Authority to take all necessary steps in facilitating construction and financing of a new public safety and judicial complex for the City of Anniston. 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: Council Member Little. The motion carried.

Council Member Spain made a motion to amend the motion directing and empowering the Public Building Authority to take all necessary steps in facilitating construction and financing of a new public safety and judicial complex for the City of Anniston to include

10/12/2010

the language up to fifteen million dollars, to communicate regularly with and receive input from the Council regarding major decisions and transactions of the Board. The motion was seconded by Council Member Dawson.

Council Member Palmore stated that they did not have a floor plan and they should not set a \$15 million amount. He stated they needed to upgrade the jail but he would like to have more information. He stated he did not think they needed a \$15 million jail. He stated he would like to see a complete plan.

Council Member Little stated the PBA spearheaded the DHR project because they knew the State was going to pay the lease. He stated he did not want to give anyone the authority to spend \$15 million of City money. He stated the Council should direct this project from start to finish. He stated they should see some plans and have more discussions about this project. He stated he did not want to give \$15 million to the PBA for this project. He stated that \$15 million was too much for a jail. He stated the Council should be the one to build the jail. He stated they needed to have a work session before going forward with this project. He asked if they were still under the misconception that if they used the PBA for this project it would not count against the City's debt.

Don Hoyt, City Manager, stated the City would be responsible for the debt and if the project went through the PBA then the debt would not count against the City's constitutional debt limit.

Council Member Little stated that the City would be responsible for this debt and they should not use the PBA to try and disguise that fact. He stated the City would have to pay the debt and not the PBA.

Mayor Robinson stated the PBA was exactly who the City wants to do this project. He stated that would take it out of the politicians' hands. He stated this is the time to act because interest rates are down and construction costs were lower than in recent years. He stated with \$15 million they could get a state of the art police, jail and court complex. He stated they did not want to put a concentration camp type jail in downtown. He stated this complex would have to last 50 years. He stated they needed a modern police facility. He stated the other alternative would be to close the police department and jail and contract the jail to the County which would cost over \$1 million per year.

Council Member Spain stated he appreciated the way this motion has been amended. He stated the wording seems to harmonize the interest of the Council and of the City and the PBA. He stated the motion empowers the PBA to go forward with this project and requires regular reporting by the PBA to the Council on decisions and transactions. He stated he did not believe it would take \$15 million to do this project but they have to realize this building will have to last for many years and be flexible so it can be repaired over time. He stated he felt they have appointed people with the necessary expertise to the PBA to go forward with this project.

10/12/2010

Council Member Palmore stated he did not want to give carte blanche authority to the PBA for this project until they had a plan. He stated no building plan for the jail has been presented to the Council. He stated they can borrow what they want but they would have to pay that money back.

Council Member Dawson asked Danny McCullars, Finance Director, what was his opinion of looking at the City's debt limits and what they were expecting to do and the City's ability to pay back their debt.

Danny McCullars, Finance Director, stated they were at an unprecedented low on bond rates at this time. He stated the Constitution of Alabama imposes a debt limit on Cities for obvious reasons but they give an allowance for necessary public buildings such as a city hall, firehouse, or police station. He stated that the construction dividend is currently out there. He stated he is hoping with the construction dividend the new police complex will not cost as much \$15 million. He stated they will not know for certain until it is bid out. He stated they will be able to apply a pro rata share of the corrections fund increase to both the detention and court portion of this project.

Council Member Dawson asked how much was currently in the corrections fund.

Mr. McCullars stated there was approximately \$2.2 million currently in the corrections fund and they anticipated that increasing by about \$600,000 to \$700,000 per year. He stated they have projected debt service to be about \$1 million per year with more than half of it being pulled from the corrections fund.

Council Member Dawson asked Mr. McCullars to explain the pros and cons of using the PBA for this project rather than the Council.

Mr. McCullars stated that the PBA is a conduit. He stated they have to adhere to the constitutional debt limit but the State gives this allowance for the necessary public buildings. He stated if they were to land some large industrial plant in the city then there would probably significant infrastructure improvements. He stated being able to shield the police complex from the debt limit would free money for new construction if needed. He stated he felt using the PBA for this project was the most practical solution.

Council Member Dawson asked what would be included in this judicial complex

Layton McGrady, Police Chief, stated it would include a police department, courtroom, court magistrate's office and a jail. He stated the jail was a small part of this project. He stated they would expand the size of the jail from about 80 capacity to 100 capacity.

Council Member Dawson asked if they would be able to use that increased jail capacity to be able to rent jail space to other municipalities.

Chief McGrady stated they would be able to use that increased jail capacity to be able to rent jail space to other municipalities.

10/12/2010

Council Member Little stated it was baffling to him how they could talk about \$15 million like it was nothing and taking it out of the Council's responsibility. He stated they were putting more money into a jail than they were in keeping people out of jail. He stated this was the first time this \$15 million figure had come up. He stated using the corrections fund is signaling that the police need to go out and write a lot of tickets so the City can pay for this jail. He stated they should not give this project to the PBA. He stated they needed to be creating jobs and working on the infrastructure.

On call of the roll on Council Member Spain's motion to amend the motion directing and empowering the Public Building Authority to take all necessary steps in facilitating construction and financing of a new public safety and judicial complex for the City of Anniston to include the language up to fifteen million dollars, to communicate regularly with and receive input from the Council regarding major decisions and transactions of the Board and Council Member Dawson's second to said motion the following vote was recorded: ayes: Council Members Spain, Dawson and Robinson; nays: Council Members Little and Palmore. The motion carried.

On call of the roll on Council Member Spain's motion directing and empowering the Public Building Authority to take all necessary steps in facilitating construction and financing of a new public safety and judicial complex for the City of Anniston to include the language up to fifteen million dollars, to communicate regularly with and receive input from the Council regarding major decisions and transactions of the Board as amended and Council Member Dawson's second to said motion the following vote was recorded: ayes: Council Members Spain, Dawson and Robinson; nays: Council Members Little and Palmore. The motion carried.

Mayor Robinson announced that was the time for the public hearing to receive comments on why vehicles declared a public nuisance should not be ordered abated, declared the hearing open and asked if anyone wished to address the Council concerning why vehicles declared a public nuisance should not be ordered abated.

Jason Adams, 1715 Dooley Avenue, addressed the Council and stated he had bought a new cover for these vehicles.

Adam Vincent, 1031 West 19th Street, addressed the Council and stated he was going to buy tags for these vehicles.

Mr. McGrath addressed the Council on behalf of his mother, Susie McGrath, 432 Moore Avenue, and stated they would fix the car.

Mayor Robinson asked if anyone else wished to address the Council concerning why vehicles declared a public nuisance should not be ordered abated.

No one else addressed the Council concerning why vehicles declared a public nuisance should not be ordered abated.

10/12/2010

Mayor Declared the public hearing to receive comments on why vehicles declared a public nuisance should not be ordered abated closed.

Mayor Robinson announced that was the time for the public hearing on the proposed revocation of the business license of The Office LLC d/b/a Coyote Mike's Bar and Grill, declared the hearing open and asked if anyone wished to address the Council either in favor of or in opposition to said proposed revocation of the business license of The Office LLC d/b/a Coyote Mike's Bar and Grill.

Wendell Estes, 2922 Birmingham Highway, addressed the Council in favor of said proposed revocation of the business license of The Office LLC d/b/a Coyote Mike's Bar and Grill and stated that the excessive noise was the problem.

Opal Scruggs addressed the Council in favor of said proposed revocation of the business license of The Office LLC d/b/a Coyote Mike's Bar and Grill and stated that the excessive noise was the problem. She stated they were allowing teenagers to go inside, also.

Elizabeth Hammett, 2824 Old Birmingham Highway, addressed the Council in favor of said proposed revocation of the business license of The Office LLC d/b/a Coyote Mike's Bar and Grill and stated that the excessive noise was the problem. She stated there was partying going on in the church parking lot, also.

Reva McClendon, 156 Pinecrest, Weaver, addressed the Council in favor of said proposed revocation of the business license of The Office LLC d/b/a Coyote Mike's Bar and Grill and stated she owned rental property near the bar.

Tom Harmon, attorney, representing Mike Crossley, owner of Coyote Mike's Bar and Grill, addressed the Council in opposition to said proposed revocation of the business license of The Office LLC d/b/a Coyote Mike's Bar and Grill. He stated that there were 9 incident reports for noise from the police department for Coyote Mike's Bar and Grill in the past year. He stated on 7 of the incidents no action was taken by the police and 2 of the incidents had citations written. He stated the manager has bought a decibel meter to monitor the noise level. He stated they were trying to find a place to move to. He stated that it was disclosed on the liquor license that was a church within a half mile of the bar. He stated that was a computer generated form filled out by the ABC officials. He stated no one from the church has complained.

Mike Crossley, owner of Coyote Mike's Bar and Grill, addressed the Council in opposition to said proposed revocation of the business license of The Office LLC d/b/a Coyote Mike's Bar and Grill.

Mr. Best, manager of Coyote Mike's Bar and Grill, addressed the Council in opposition to said proposed revocation of the business license of The Office LLC d/b/a Coyote Mike's Bar and Grill. He stated they could not control what happens on Highway 202. He

10/12/2010

stated he has bought a decibel meter to monitor the noise level. He stated the air conditioning units make more noise than the music. He stated this was a racial issue.

Reba Estes, 209 South Marshall Street, addressed the Council in favor of said proposed revocation of the business license of The Office LLC d/b/a Coyote Mike's Bar and Grill. She stated this was not a racial issue but a noise issue.

Council Member Little asked who the owner of the club was.

Mike Crossley stated he was the owner. He stated Mr. Best was the manager.

Council Member Little asked what the name of the club was.

Mr. Crossley stated the name of the club was Coyote Mike's Bar and Grill.

Council Member Little stated the application was not correct because the church was closer than a half mile and the residents were closer. He asked if they had a lease.

Mr. Crossley stated he had a lease and had signed a renewal for three years.

Council Member Little stated the resolution for the LLC did not give the authority to hire a manager.

Mr. Harmon stated that Mr. Crossley was the managing member of the LLC and therefore had authority to act on behalf of the LLC and to sign documents on behalf of the LLC.

Council Member Little stated the application was not necessarily correct.

Mayor Robinson asked if anyone else wished to address the Council either in favor of or in opposition to said proposed revocation of the business license of The Office LLC d/b/a Coyote Mike's Bar and Grill.

No one else addressed the Council either in favor of or in opposition to said proposed revocation of the business license of The Office LLC d/b/a Coyote Mike's Bar and Grill.

Mayor Robinson declared the public hearing on the proposed revocation of the business license of The Office LLC d/b/a Coyote Mike's Bar and Grill closed.

Mayor Robinson introduced and read Resolution Number 10-R-108 as follows:

(10-R-108, reimbursements to City officials for travel expense)

Mayor Robinson made a motion for the passage and adoption of Resolution Number 10-R-108 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,

10/12/2010

Palmore, Little, Dawson and Robinson; nays: none. The motion carried and Resolution Number 10-R-108 was passed and adopted.

Council Member Palmore introduced and read Resolution Number 10-R-109 as follows:

(10-R-109, ordering certain public nuisances to be abated; vehicles)

Council Member Palmore made a motion for the passage and adoption of Resolution Number 10-R-109 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-109 was passed and adopted.

Mayor Robinson introduced and read Resolution Number 10-R-110 as follows:

(10-R-110, vacating a portion of the north/south alley running between West 15th and West 14th)

Mayor Robinson made a motion for the unanimous consent of the Council for the immediate consideration of Resolution Number 10-R-110 as introduced and read. 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. Unanimous consent of the Council having been given for the immediate consideration of Resolution Number 10-R-110 as introduced and read, Mayor Robinson made a motion for the passage and adoption of Resolution Number 10-R-110 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 Palmore and Robinson; nays: Council Members Spain, Little and Dawson. The motion failed.

Council Member Little introduced and read Resolution Number 10-R-111 as follows:

(10-R-111, appropriating CDBG funds to agencies in Anniston for the benefit of low and moderate income residents)

Council Member Little made a motion for the passage and adoption of Resolution Number 10-R-111 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-111 was passed and adopted.

Mayor Robinson introduced and read Resolution Number 10-R-112 as follows:

RESOLUTION NUMBER 10-R-112

WHEREAS, the City of Anniston, Alabama has agreed to participate in the

10/12/2010

Home Investment Partnership Program Consortium (sometimes herein referred to as the Anniston/Calhoun County HOME Consortium), with the cities of Jacksonville, Piedmont, and Weaver, the Calhoun County Commission and town of Hobson City; and

WHEREAS, each participating unit of local government must appoint a Manager/Administrator or his/her designee and (1) elected official to serve as a board member of the Anniston/Calhoun County HOME Consortium Review Committee, (sometimes herein referred to as "CCHC Review Committee"); and

WHEREAS, the CCHC Program Review Committee is authorized to provide policy oversight for planning, operations, and evaluation of the Calhoun County Home Consortium.

NOW THEREFORE, BE IT RESOLVED, that the City Council of the City of Anniston do hereby appoint Don Hoyt as manager and Mayor Gene Robinson, as the elected official to serve as board members of the Anniston/Calhoun County HOME Consortium Review Committee on behalf of the City of Anniston.

PASSED AND ADOPTED this the 26th day of October, 2010.

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 10-R-112 as introduced and read. The motion was seconded by Council Member Dawson.

Council Member Little asked who the elected official was that would be on the board.

Mr. Hoyt stated that would be up to the Council.

Council Member Spain stated he could not vote on this resolution until the Council had time to consider which elected official would be on the board.

Council Member Spain made a motion to table Resolution Number 10-R-112 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.

Council Member Dawson introduced and read Resolution Number 10-R-113 as follows:

10/12/2010

(10-R-113, declaring property surplus and authorizing its sale)

Council Member Dawson made a motion for the passage and adoption of Resolution Number 10-R-113 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-113 was passed and adopted.

Council Member Spain made a motion to not move forward with the Request for Proposal on the management of the Cane Creek Golf Course. 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.

Mayor Robinson commended Council Member Spain for making this motion.

Council Member Little made a motion to authorize the revocation of the business license issued to The Office LLC d/b/a Coyote Mike's Bar and Grill. The motion was seconded by Council Member Spain.

Council Member Dawson stated he would have to abstain from this vote because of a conflict of interest concerning the owner of the property and the attorney, Mr. Harmon.

Council Member Little made a motion to amend his motion to authorize the revocation of the business license issued to The Office LLC d/b/a Coyote Mike's Bar and Grill to be effective within 60 days. The motion was seconded by Council Member Spain.

Council Member Palmore stated he had a conflict and would have to abstain from this vote.

Mayor Robinson made a motion to table Council Member Little's motion to authorize the revocation of the business license issued to The Office LLC d/b/a Coyote Mike's Bar and Grill.

There was no second to Mayor Robinson's motion to table Council Member Little's motion to authorize the revocation of the business license issued to The Office LLC d/b/a Coyote Mike's Bar and Grill.

On call of the roll on Council Member Little's motion to amend his motion to authorize the revocation of the business license issued to The Office LLC d/b/a Coyote Mike's Bar and Grill to be effective within 60 days and Council Member Spain's second to said motion the following vote was recorded: ayes: Council Members Spain and Little; nays: Mayor Robinson; abstentions: Council Members Palmore and Dawson. The motion carried.

10/12/2010

Cleo Thomas, City Attorney, stated it would be appropriate at this time for the Council Members to identify the legal basis for revoking this business license for the benefit of the business owner and his attorney.

Council Member Little stated the information on the application is not filled out properly and the repeated calls about noise and the disturbance of the residents were the basis for the revocation.

Mr. Thomas asked the other Council Members if Council Member Little had properly summarized and stipulated what the basis is for the action the Council may take.

Council Member Palmore stated he did not agree with all the charges that were being brought.

Council Member Spain stated he would be voting to revoke the business license because he had been to the homes of the residents and heard their complaints.

Council Member Palmore stated he was not going to vote to revoke this business license. He stated he had abstained earlier because he knows the defendant but he did not think there was sufficient basis to revoke this business license. He stated there had been no substantial evidence that there had been a violation.

Council Member Little stated he stood by his prior statement. He stated that he thought there was a requirement for the manager to have a background check. He stated they did not have the correct lease and the lease they had there today had expired unless another one has been renewed.

Council Member Dawson stated he was abstaining from the vote.

On call of the roll on Council Member Little's motion to authorize the revocation of the business license issued to The Office LLC d/b/a Coyote Mike's Bar and Grill to be effective within 60 days as amended and Council Member Spain's second to said motion the following vote was recorded: ayes: Council Member Little; nays: Council Members Spain, Palmore and Robinson; abstentions: Council Member Dawson. The motion failed.

Council Member Spain stated he voted against this motion so he could be on the prevailing side and then he could bring this issue before the Council again.

Council Member Little made a motion to appoint Debra Foster as the individual to prepare information regarding the Civil Rights Museum. 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.

10/12/2010

Mayor Robinson made a motion to approve the day after Thanksgiving, Friday, November 26, 2010, as an additional holiday for City employees. The motion was seconded by Council Member Dawson; and on call of the roll the following vote was recorded: ayes: Council Members Spain, Palmore, Little, Dawson and Robinson; nays: none. The motion carried.

Council Member Dawson made a motion to declare Saturday, October 30, 2010, as the official Halloween celebration day in the city of Anniston. The motion was seconded by Council Member Dawson; and on call of the roll the following vote was recorded: ayes: Council Members Spain, Dawson and Robinson; nays: none; abstentions: Council Members Palmore and Little. The motion carried.

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

(HVAC modifications for the Youth Activity Center)

Council Member Dawson made a motion that the bid in the total amount of \$260,000.00 by Eugene Turner, General Contractor, Inc. for HVAC modifications for the Youth Activity Center 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, 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:

(HVAC improvements for the City Meeting Center)

Council Member Dawson made a motion that the bid in the total amount of \$359,000.00 by Coosa Heating and Cooling, Inc. for HVAC improvements for the City Meeting Center 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:

(stun guns for the Police Department)

Council Member Dawson made a motion that the bid in the total amount of \$13,852.50 by Gulf State Distributors for 13 stun guns and 50 cartridges for the Police Department be accepted. 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.

10/12/2010

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

(cleaning nuisance lots)

Council Member Dawson made a motion that the bids in the total amounts of \$640.00 by T & J Demo and Clean Up and \$905.00 by Mr. Lawn for cleaning 18 nuisance lots be accepted. The motion was seconded by Mayor Robinson; and on call of the roll the following vote was recorded: ayes: Council Members Spain, Palmore, Dawson and Robinson; nays: none; absent: Council Member Little. The motion carried.

Ms. Ponder, 1924 Dooley Avenue, addressed the Council and stated she had applied for a position as a correctional officer with the City and she took the test and went through the interview process and she would like to know a specific reason why she had not been chosen for the position.

George Levert, 2108 Henry Road addressed the Council concerning the traffic on 10th Street and Henry Road.

Mayor Robinson apologized to Council Member Dawson over the words in a previous email.

Council Member Little stated that The Office LLC d/b/a Coyote Mike's Bar and Grill was operating outside the law. He stated the application was incorrect and not filled out properly and the lease agreement is incorrect.

Council Member Dawson thanked Mayor Robinson for his apology.

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 6:30 o'clock p.m.