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Anniston, Alabama
October 25, 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 25, 2011, at approximately 6:00 o'clock p.m.

Mayor Robinson prayed the Invocation.

Mayor Robinson led the Pledge of Allegiance to the Flag.

Mayor Robinson called the meeting to order. On call of the roll the following Council Members were found to be present: Council Members Spain, Palmore, 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 Little made a motion to dispense with the reading of and approve the minutes of October 11, 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 delete from the agenda the second reading of Ordinance Number 11-O-28 (amending the City Code and further providing for the levy and assessment of Privilege License Taxes and Fees) and the second reading of Ordinance Number 11-O-29 (amending the City Code setting the levy and amount of Sales and Use Tax). 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 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 remove from the table Resolution Number 11-R-91. 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 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.

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Vernon Pressley, 1315 West 17th Street, addressed the Council in favor of Resolution Number 11-R-91 and stated people have difficulty finding their church and he would be in favor of having the street completed all the way through.

Council Member Little stated they should acquire this property and work toward having this street completed. He stated that they did not have to complete this project all at one time and they could do this gradually.

Mayor Robinson asked Mr. Hoyt, City Manager, if this project would be a candidate for the five year capital improvement plan.

Don Hoyt, City Manager, stated this project would be a candidate for the five year capital improvement plan.

On call of the roll on Council Member Little's motion for the passage and adoption of Resolution Number 11-R-91 as introduced and read and Council Member Spain's second to said motion the following vote was recorded: ayes: Council Members Spain, Palmore, Little, Dawson and Robinson; nays: none. The motion carried and Resolution Number 11-R-91 was passed and adopted.

Mayor Robinson read the following proclamation:

(Red Ribbon Week)

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: 216, 220 South Leighton Avenue, 1527, 1526, 1518, 0 Glenaddie Avenue, 1411 Pine Avenue, 1407, 1411 Glenaddie Avenue, 0 West 19th Street, 514, 512, 0 West 10th Street, 926 rear Glenaddie Avenue, 900, 926 Glenaddie Avenue, 1216, 1208, 0 Pine Avenue, 503, 0 West 16th Street, 520, 518, 514, 0 Letchers Quarters, 515 11 ½ Street, 1300 Walnut Avenue, 630 South Smith Avenue, 0 H Street, 0 Smith Street, next to 621 South Smith Road, 615, 0 Smith Street, 600 G Street, 0, 523, 521 South Smith Street, 0, 1130 South Christine Avenue, 1817-1821, 0, 1815, 1809, 1803, 1801, 1826, 1822 Cobb Avenue, 0, 1830, 1504, 1502, 1432, 1438, 1501, 1507, 0 Bancroft Avenue, 1841, 0 West 15th Street, 1840 West 16th Street, 1711, 1713, 1827, 1831 West 13th Street, 2207, 2214 McCoy Avenue, and 2201, 2215, 2227 Moore 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.

Scott Andrews addressed the Council concerning property located at West 10th Street and stated that this was an undeveloped piece of property.

Robert Braxton addressed the Council concerning 1831 West 13th Street and stated it was the property next door that was causing the problem.

Catherine White addressed the Council concerning the property located at 2215 McCoy Avenue.

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Mayor Robinson asked if anyone else wished to address the Council concerning the proposed abatement of said grass lots declared public nuisances.

No one else 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: 216, 220 South Leighton Avenue, 1527, 1526, 1518, 0 Glenaddie Avenue, 1411 Pine Avenue, 1407, 1411 Glenaddie Avenue, 0 West 19th Street, 514, 512, 0 West 10th Street, 926 rear Glenaddie Avenue, 900, 926 Glenaddie Avenue, 1216, 1208, 0 Pine Avenue, 503, 0 West 16th Street, 520, 518, 514, 0 Letchers Quarters, 515 11 ½ Street, 1300 Walnut Avenue, 630 South Smith Avenue, 0 H Street, 0 Smith Street, next to 621 South Smith Road, 615, 0 Smith Street, 600 G Street, 0, 523, 521 South Smith Street, 0, 1130 South Christine Avenue, 1817-1821, 0, 1815, 1809, 1803, 1801, 1826, 1822 Cobb Avenue, 0, 1830, 1504, 1502, 1432, 1438, 1501, 1507, 0 Bancroft Avenue, 1841, 0 West 15th Street, 1840 West 16th Street, 1711, 1713, 1827, 1831 West 13th Street, 2207, 2214 McCoy Avenue, and 2201, 2215, 2227 Moore Avenue closed.

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

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

Council Member Spain made a motion for the passage and adoption of Ordinance Number 11-O-31 as introduced and read. The motion was seconded by Council Member Little; and on call of the roll the following vote was recorded: ayes: none; nays: Council Members Spain, Palmore, Little, Dawson and Robinson. The motion failed.

Council Member Spain introduced and read Ordinance Number 11-O-32 as follows:

(11-O-32, 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-98 as follows:

(11-R-98, reimbursements for travel expense)

Council Member Palmore made a motion for the passage and adoption of Resolution Number 11-R-98 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-98 was passed and adopted.

Council Member Dawson introduced and read Resolution Number 11-R-99 as follows:

(11-R-99, over-ruling objections to the abatement of identified nuisances)

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Council Member Dawson made a motion for the passage and adoption of Resolution Number 11-R-99 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-99 was passed and adopted.

Council Member Spain introduced and read Resolution Number 11-R-100 as follows:

(11-R-100, over-ruling objections to the abatement of identified nuisances)

Council Member Spain made a motion for the passage and adoption of Resolution Number 11-R-100 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-100 was passed and adopted.

Council Member Little introduced and read Resolution Number 11-R-101 as follows:

RESOLUTION NUMBER 11-R-101

WHEREAS, the Council of the City of Anniston adopted Resolution Number 11-R-77 on the 23rd day of August, 2011 adopting the 2010 Citizen Participation Plan in accordance with the Federal HUD regulation cited at 24 CFR § 91.105, on behalf of the Anniston/Calhoun County HOME Consortium; and

WHEREAS, at that time both the public notice and the public hearing required prior to adoption of said Citizen Participation Plan stated that it would serve as the Citizen Participation Plan for both the Anniston/Calhoun County HOME Consortium and the City of Anniston's CDBG Program/Consolidated Plan process; and

WHEREAS, the language contained in Resolution Number 11-R-77 inadvertently did not adequately clarify the intent of the City Council to adopt the 2010 Citizen Participation Plan to apply to the City of Anniston, as well as the Anniston/Calhoun County HOME Consortium; and

WHEREAS, the City Council now wishes to clarify that it was its intent to adopt on August 23, 2011 the 2010 Citizen Participation Plan to apply to both the Consortium and the City of Anniston;

NOW THEREFORE, BE IT RESOLVED by the Council of the City of Anniston, Alabama, that the 2010 Citizen Participation Plan has served since August 23, 2011, and will continue to serve until further amended or replaced, as the Citizen

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Participation Plan (in accordance with 24 CFR § 91.105) for the Anniston/Calhoun County HOME Consortium and the City of Anniston CDBG and Consolidated Plan; PASSED AND ADOPTED this the 25th 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

Council Member Little made a motion for the passage and adoption of Resolution Number 11-R-101 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-101 was passed and adopted.

Mayor Robinson introduced and read Resolution Number 11-R-102 as follows:

RESOLUTION NUMBER 11-R-102

BE IT RESOLVED BY THE COUNCIL OF THE CITY OF ANNISTON, acting by and on behalf of the City of Anniston in its capacity as the lead agency for the Anniston/Calhoun County HOME Consortium, does hereby adopt the following amendment to the HOME Consolidated Plan of the Anniston/Calhoun County HOME Consortium:

"A homeownership development organization and/or contractor that contracts for HOME funds assistance with the Anniston/Calhoun County HOME Consortium, may, as a condition of extending such HOME assistance to an eligible homebuyer, require said homebuyer to provide sweat equity as a condition of participating in its homeownership program; and

A homeownership development organization and/or contractor that contracts for HOME funds assistance with the Anniston/Calhoun County HOME Consortium, may, as a condition of extending such HOME assistance to an eligible homebuyer, require said homebuyer to participate in, and complete, a designated homeownership counseling class designed to prepare individuals and households for the responsibilities of homeownership".

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BE IT FURTHER RESOLVED, that the City Manager be, and hereby is, authorized to implement the provisions of this amendment as necessary, and to communicate the adoption of said amendment to the authorized representative of the member governments participating in of the Anniston/Calhoun County HOME Consortium and to the U.S. Department of Housing and Urban Development.

PASSED AND ADOPTED this the 25th 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 passage and adoption of Resolution Number 11-R-102 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-102 was passed and adopted.

Council Member Palmore introduced and read Resolution Number 11-R-103 as follows:

(11-R-103, grant application for financial assistance under Section 5309 of the Federal Transit Act Amendments of 1991)

Council Member Palmore made a motion for the passage and adoption of Resolution Number 11-R-103 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-103 was passed and adopted.

Council Member Little introduced and read Resolution Number 11-R-104 as follows:

(11-R-104, authorizing an official opinion of the Alabama Attorney General relating to whether the case of Potts v. Perkins renders unconstitutional the law restricting ABC store placement in Anniston)

Council Member Little made a motion for the passage and adoption of Resolution Number 11-R-104 as introduced and read. The motion was seconded by Council Member Spain.

Council Member Spain asked Mr. Thomas, City Attorney, to read the letter from Parker Memorial Baptist Church opposing the ABC Store at 12th and Gurnee.

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Cleo Thomas, City Attorney, read the letter from Parker Memorial Baptist Church opposing the ABC Store at 12th and Gurnee.

Council Member Spain stated he respected the position of Parker Memorial Baptist Church but there had been citizens requesting a liquor store in Anniston, also.

Council Member Palmore stated they did not have the specific measurements from Parker Memorial Baptist Church to the ABC Store. He stated the ordinance was unclear. He stated he had spoken to many people who wanted a liquor store in the city.

Council Member Dawson stated if the business was illegal it needed to be closed but if it was not they should not overstep their authority. He stated this store was approved outside the realm of a City Council vote. He stated the store was approved by the ABC board.

Cleo Thomas, City Attorney, stated that was the ABC board's position that no law restricts their placement of the store. He stated the issue was whether the law passed by the State legislature places limits on where the store can be. He stated they were trying to determine with this request whether the Council has any authority in this situation.

Council Member Little stated that this resolution does not state whether the Council is for or against the liquor store but to clear up the ambiguities in this situation. He stated they needed to get an answer back from the Attorney General's office for the citizens. He stated they need these questions answered.

Mayor Robinson stated he was going to vote no because he thought they were wasting the Attorney General's office time.

On call of the roll on Council Member Little's motion for the passage and adoption of Resolution Number 11-R-104 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: Mayor Robinson. The motion carried and Resolution Number 11-R-104 was passed and adopted.

Council Member Dawson made a motion to approve a retail beer (off premises only) license for Yousef Yaqoub Inc., d/b/a Express Mart 26 located within the city limits at 3040 Highway 78 East. The motion was seconded by Council Member Palmore; and on call of the roll the following vote was recorded: ayes: Council Members Spain, Palmore, and Dawson; nays: none; abstentions: Council Members Little and Robinson. The motion carried.

Mayor Robinson made a motion approving the request to block Noble Street from 9th to 17th Street on Friday, November 11, 2011, from 11:00 a.m. – 3:30 p.m. for the Veteran's Day Parade. 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.

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Council Member Dawson made a motion to approve the day after Thanksgiving, Friday, November 25, 2011, as an additional holiday for City employees. The motion was seconded by Mayor Robinson; and on call of the roll the following vote was recorded: ayes: Council Members Spain, Palmore, Little, Dawson and Robinson; nays: none. The motion carried.

Council Member Little made a motion to suspend the rule requiring the City Council to meet on the second Tuesday of November 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.

Council Member Little made a motion to appoint Council Member Palmore as the voting delegate and Council Member Spain as the alternate for the National League of Cities Conference in Phoenix, Arizona from November 8-12, 2011. The motion was seconded by Council Member Dawson; and on call of the roll the following vote was recorded: ayes: Council Members Spain, Palmore, Little, Dawson and Robinson; nays: none. The motion carried.

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

(Custom Class A Fire Pumper)

Mayor Robinson made a motion that the bid in the total amount of \$649,997.84 by Sunbelt Fire, Inc. for two (2) Custom Class A Fire Pumpers be accepted. The motion was seconded by Council Member Spain.

Chief Fincher addressed the Council concerning the bid for the Custom Class A Fire Pumper. He stated he was satisfied with the results of this bid. He stated they would surplus two trucks when they receive these trucks. He stated these pumpers would not require additional personnel.

On call of the roll on Mayor Robinson's motion that the bid in the total amount of \$649,997.84 by Sunbelt Fire, Inc. for two (2) Custom Class A Fire Pumpers be accepted and Council Member Spain's second to said motion the following vote was recorded: ayes: Council Members Spain, Palmore, Little, Dawson and Robinson; nays: none. The motion carried.

Council Member Palmore stated he would be having a ward meeting on Saturday, November 29, at the City Meeting Center to discuss expenditures, economic development and the school system. He stated he had a proposal concerning relocating and building a new Middle School and using that land the current Middle School was occupying for economic development.

Council Member Little stated he would like for the Council to move forward to acquire Reilly Lake and Yahoo Lake.

Mayor Robinson stated that the Army Title Document prohibits swimming, wading and fishing in that particular lake. He stated that ADEM's letter clearly confirms this prohibition.

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Council Member Spain stated that the findings from Matrix stated that the lakes were safe for swimming, fishing and consumption of fish caught there. He stated he was primarily speaking about Reilly Lake. He stated ADEM had accepted the study by Matrix.

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 7:11 o'clock p.m.