

Anniston, Alabama
November 22, 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, November 22, 2011, at approximately 6:00 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 Palmore, Little, Dawson and Robinson; absent: Council Member Spain. 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 October 25, 2011. The motion was seconded by Mayor Robinson; and on call of the roll the following vote was recorded: ayes: Council Members Palmore, Little, Dawson and Robinson; nays: none; absent: Council Member Spain. The motion carried.

Council Member Little made a motion to delete from the agenda a proposed resolution authorizing the permanent closing of a portion of Littlebrant Drive and to delete from the agenda the evaluation of a bid for a cutaway van with body and to adopt the agenda as amended.

The Council recognized the South Highland Cowboys Youth Football Teams "B" and "C".

The Council recognized the East Alabama Storm Soccer Team.

Council Member Little reintroduced and read Ordinance Number 11-O-32 as follows:

(11-O-32, accepting conveyance of the Reilly Lake area from the MDA; second reading)

Council Member Little made a motion for the passage and adoption of Ordinance Number 11-O-32 as introduced and read. The motion was seconded by Council Member Palmore.

Council Member Little made a motion to table Ordinance Number 11-O-32. The motion was seconded by Council Member Palmore; and on call of the roll the following vote was recorded: ayes: Council Members Palmore, Little, and Dawson; nays: Mayor Robinson; absent: Council Member Spain. The motion carried.

Council Member Dawson introduced and read Ordinance Number 11-O-33 as follows:

(11-O-33, accepting conveyance of property known as the Base Theatre at McClellan)

Council Member Dawson made a motion for the passage and adoption of Ordinance Number 11-O-33 as introduced and read. The motion was seconded by Mayor Robinson.

Cleo Thomas, City attorney stated the total closing costs was \$2,400.00.

Council Member Little stated they needed something more than a quit claim deed for properties at McClellan. He submitted for the record the "Collections Summary for Fort McClellan, Alabama", U.S. Army NAGPRA Compliance Project, Technical Report No. 37.

On call of the roll on Council Member Dawson's motion for the passage and adoption of Ordinance Number 11-O-33 as introduced and read and Mayor Robinson's second to said motion the following vote was recorded: ayes: Council Members Palmore, Little, and Dawson; nays: Mayor Robinson; absent: Council Member Spain. The motion carried and Ordinance Number 11-O-33 was passed and adopted.

Council Member Palmore introduced and read Resolution Number 11-R-105 as follows:

(11-R-105, reimbursements for travel expense)

Council Member Palmore made a motion for the passage and adoption of Resolution Number 11-R-105 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, Little, Dawson and Robinson; nays: none; absent: Council Member Spain. The motion carried and Resolution Number 11-R-105 was passed and adopted.

Mayor Robinson introduced and read Resolution Number 11-R-106 as follows:

(11-R-106, approving the exchange of real property with Local Lodge No. 291 of the International Association of Machinists; first reading)

Council Member Dawson introduced and read Resolution Number 11-R-107 as follows:

(11-R-107, annual application for Federal/State Assistance for FY 2012 with ALDOT)

Council Member Dawson made a motion for the passage and adoption of Resolution Number 11-R-107 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 Palmore, Little, Dawson and Robinson; nays: none; absent: Council Member Spain. The motion carried and Resolution Number 11-R-107 was passed and adopted.

Council Member Little made a motion to appoint Mary K. Hooks as Member-At-Large on the Anniston City Board of Education to fill the unexpired term of former Board Member Dr. Richard Hooks. (The motion received no second.)

Council Member Palmore made a motion to appoint Arthur Cottingham as Member-At-Large on the Anniston City Board of Education to fill the unexpired term of former Board Member Dr. Richard Hooks. The motion was seconded by Mayor Robinson.

Council Member Little stated that they had in the past offered the spouse the opportunity to serve the unexpired term of an elected official who dies in office. He stated Mrs. Hooks was prepared to carry out the mission began by her husband. He stated he was saddened that this Council was choosing to go in another direction.

Mayor Robinson stated the majority of the Council attended the meetings and went through the interview process. He stated he thinks important educational issues supersede tradition.

Council Member Dawson stated they needed to make a decision that night or the State would appoint a replacement for this position. He stated he would have been willing to support Mrs. Hooks. He stated this was an extremely tough decision.

Council Member Palmore stated there was no intention to disrespect Mrs. Hooks. He stated they needed to do what was in the best interest of the school system so progress can be made in this city. He stated they could not allow the state to make this decision for them.

On call of the roll on Council Member Palmore's motion to appoint Arthur Cottingham as Member-At-Large on the Anniston City Board of Education to fill the unexpired term of former Board Member Dr. Richard Hooks and Mayor Robinson's second to said motion the following vote was recorded: ayes: Council Members Palmore, Dawson and Robinson; nays: Council Member Little; absent: Council Member Spain. The motion carried.

Council Member Palmore introduced and read Resolution Number 11-R-108 as follows:

RESOLUTION NUMBER 11-R-108

WHEREAS, on to wit, October 29, 2011, Dr. Richard Hooks died while holding the position of Anniston School Board Member, elected city-wide, thereby creating a vacancy on the Anniston City Board of Education; and

WHEREAS, under Section 6 of Act No. 306, S, 629, Regular Session 1998 (Acts of Alabama, 1998, p. 516), it is provided that any vacancy in the board of education shall be filled by the City Council; and

WHEREAS, the City Council of the City of Anniston, Alabama on November 22, 2011 in the discharge of the duties required of it by law, cast votes in an open regular meeting for a qualified person to fill the vacancy on the Anniston City School Board as Board Member representing the City At-Large for the un-expired term of former Board Member Dr. Richard Hooks.

NOW, THEREFORE, the City Council of the City of Anniston, Alabama, does hereby Find, Resolve and Declare as follows:

Section 1. That upon motion duly made and seconded, Arthur Cottingham was nominated and elected by a majority vote of the members of the City Council to the position of Board Member At-Large, for the unexpired term of former Board Member Dr. Richard Hooks.

Section 2. That a Certificate of Election signed in the name of the City Council by its members, and attested by the City Clerk shall be given to the said Arthur Cottingham which entitle him/her to the position of this respective office immediately.

Section 3. That the City Clerk shall file a copy of the Certificate of Election in the Office of the Judge of Probate of Calhoun County.

PASSED AND ADOPTED this the 22nd day of November, 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

11/22/2011

Council Member Palmore made a motion for the passage and adoption of Resolution Number 11-R-108 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 Palmore, Dawson and Robinson; nays: Council Member Little; absent: Council Member Spain. The motion carried and Resolution Number 11-R-108 was passed and adopted.

Council Member Palmore made a motion to approve a retail beer (off premises only) and retail table wine (off premises only) license application for Shonicka L. McKinney d/b/a Lil Macs Beverage and Grocery located within the police jurisdiction at 3257 West 14th Street. The motion was seconded by Council Member Dawson; and on call of the roll the following vote was recorded: ayes: Council Members Palmore, Dawson and Robinson; nays: none; abstentions: Council Member Little; absent: Council Member Spain. The motion carried.

Mayor Robinson announced that was the time for the public hearing on an application for a Restaurant Retail Liquor ABC license for Mor Wings LLC d/b/a Mor Wings located at 221 South Quintard Avenue, declared the hearing and asked if anyone wished to address the Council either in favor of or in opposition to said application for a Restaurant Retail Liquor ABC license for Mor Wings LLC d/b/a Mor Wings located at 221 South Quintard Avenue.

Craig Graham addressed the Council in favor of said application for a Restaurant Retail Liquor ABC license for Mor Wings LLC d/b/a Mor Wings located at 221 South Quintard Avenue.

Mayor Robinson asked if anyone else wished to address the Council either in favor of or in opposition to said application for a Restaurant Retail Liquor ABC license for Mor Wings LLC d/b/a Mor Wings located at 221 South Quintard Avenue.

No one else addressed the Council either in favor of or in opposition to said application for a Restaurant Retail Liquor ABC license for Mor Wings LLC d/b/a Mor Wings located at 221 South Quintard Avenue.

Mayor Robinson declared the public hearing on an application for a Restaurant Retail Liquor ABC license for Mor Wings LLC d/b/a Mor Wings located at 221 South Quintard Avenue closed.

Council Member Dawson made a motion to approve an application for a Restaurant Retail Liquor ABC license for Mor Wings LLC d/b/a Mor Wings located at 221 South Quintard Avenue. The motion was seconded by Mayor Robinson; and on call of the roll the following vote was recorded: ayes: Council Members Palmore, Dawson and Robinson; nays: none; abstentions: Council Member Little; absent: Council Member Spain. The motion carried.

Council Member Dawson made a motion to approve a previously approved PUD amendment for the existing Islamic Center located at 1821 McCall Drive. The motion was seconded by Mayor Robinson; and on call of the roll the following vote was recorded: ayes: Council Members Palmore, Little, Dawson and Robinson; nays: none; absent: Council Member Spain. The motion carried.

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Mayor Robinson made a motion to reimburse the Department of Housing and Urban Development for the premature payment of HOME funds to Habitat for Humanity's Project at Quail Street in Jacksonville with the funds expected to be recovered in 2012. The motion was seconded by Council Member Palmore; and on call of the roll the following vote was recorded: ayes: Council Members Palmore, Little, Dawson and Robinson; nays: none; absent: Council Member Spain. The motion carried.

Mayor Robinson made a motion to approve the request to close Noble Street for the Christmas Parade on Monday, December 12, from 18th Street to 8th Street at 4:30 p.m. until complete. The motion was seconded by Council Member Palmore; and on call of the roll the following vote was recorded: ayes: Council Members Palmore, Little, Dawson and Robinson; nays: none; absent: Council Member Spain. The motion carried.

Council Member Little made a motion to table a proposed motion to approve a letter to be sent to the Legislative Body opposing the appointment of George Monk to the Civil Service Board. The motion was seconded by Council Member Palmore; and on call of the roll the following vote was recorded: ayes: Council Members Palmore, Little, and Dawson; nays: Mayor Robinson; absent: Council Member Spain. The motion carried.

Council Member Little made a motion for the Council to authorize the City Attorney and City Manager to address a zoning compliance violation. The motion was seconded by Mayor Robinson.

Don Hoyt, City Manager, this subject should probably be discussed in an Executive Session.

Mayor Robinson made a motion to table the motion for the Council to authorize the City Attorney and City Manager to address a zoning compliance violation. The motion was seconded by Council Member Dawson; and on call of the roll the following vote was recorded: ayes: Council Members Palmore, Little, Dawson and Robinson; nays: none; absent: Council Member Spain. The motion carried.

Council Member Little stated he would be asking for Mr. Rutledge and Mr. Yaghami to represent him in the suit filed by the FOP and would be asking for the City to pay his legal expenses.

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

(Janitorial supplies)

Council Member Dawson made a motion that the bid in the total amount of \$1,806.88 by Central Paper for janitorial supplies be accepted. The motion was seconded by Mayor Robinson; and on call of the roll the following vote was recorded: ayes: Council Members Palmore, Little, Dawson and Robinson; nays: none; absent: Council Member Spain. The motion carried.

11/22/2011

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

(Purchase of fitness equipment for the Anniston Sports Complex)

Mayor Robinson made a motion that the bid in the total amount of \$25,422.60 by Life Fitness for fitness equipment for the Anniston Sports Complex be accepted. The motion was seconded by Council Member Palmore; and on call of the roll the following vote was recorded: ayes: Council Members Palmore, Little, Dawson and Robinson; nays: none; absent: Council Member Spain. The motion carried.

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

(Lease of fitness equipment for the Anniston Sports Complex)

Council Member Little made a motion that the bids in the total amounts of \$3,214.97 per month for 36 months by Life Fitness for the lease of cardio equipment and \$1,046.46 per month for 60 months by Life Fitness for the lease of strength equipment all for the Anniston Sports Complex be accepted. The motion was seconded by Council Member Palmore; and on call of the roll the following vote was recorded: ayes: Council Members Palmore, Little, Dawson and Robinson; nays: none; absent: Council Member Spain. The motion carried.

Council Member Little stated census information and forms would be coming to the citizens of Anniston. He stated he would be evaluating this current lawsuit and he might be asking the Council to provide him with private protection.

There being no further business to come before the meeting at that time Mayor Robinson made a motion pursuant to the Alabama Open Meeting Law to adjourn this meeting and for the Council to meet in Executive Session for the purpose of discussing legal matters that are currently in litigation and a matter that is anticipated to be in litigation and the consideration of the purchase of real property. The motion was seconded by Council Member Dawson; and on call of the roll the following vote was recorded: ayes: Council Members Palmore, Little, Dawson and Robinson; nays: none; absent: Council Member Spain. The motion carried and the meeting was adjourned at approximately 7:19 o'clock p.m.