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Anniston, Alabama
December 13, 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, December 13, 2011, at approximately 6:10 o'clock p.m.

Council Member Little prayed the Invocation.

Council Member Little led the Pledge of Allegiance to the Flag.

Mayor Robinson called the meeting to order. On call of the roll the following Council Members were found to be present: Council Members 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 November 22, 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 Dawson made a motion to add to the agenda a motion accepting the resignation of Council Member Spain. 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.

Council Member Little made a motion to add to the agenda a motion concerning paying legal fees. 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 made a motion to adopt the agenda as amended. 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.

The Council recognized the South Highland Cowboys Youth Football "B" Team.

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Catherine Walton, National Center of Sports Safety, addressed the Council and recognized the Anniston Parks and Recreation Department and presented a Sports Safety Course Certificate of Appreciation.

Council Member Little made a motion to remove from the table a 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 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 they should ask the Legislative Delegation to put someone else on the Civil Service Board since Mr. Monk had a history with many of the City employees.

Council Member Little made a 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 and Little; nays: Council Members Dawson and Robinson; absent: Council Member Spain. The motion failed.

Council Member Dawson made a motion to remove from the table 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; 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.

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

Mayor Robinson introduced and read Ordinance Number 11-O-34 as follows:

(11-O-34, amending Ordinance Number 10-O-9, the residential health and safety property inspection policy; first reading)

Council Member Dawson made a motion for the unanimous consent of the Council to introduce and read by title Ordinance Number 11-O-35. The motion was seconded by Mayor Robinson.

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-35.

No one addressed the Council either in favor or in opposition to the introduction and reading by title of Ordinance Number 11-O-35.

On call of the roll on Council Member Dawson's motion for the unanimous consent of the Council to introduce and read by title Ordinance Number 11-O-35 and Mayor Robinson's second

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to said motion the following vote was recorded: ayes: Council Members Palmore, Little, Dawson and Robinson; nays: none; absent: Council Member Spain. The motion carried.

Unanimous consent of the Council having been granted to introduce and read by title Ordinance Number 11-O-35, Council Member Dawson introduced and read by title Ordinance Number 11-O-35 as follows:

(11-O-35, granting a franchise for use of City right-of-way to Watermark Tower, LLC; first reading)

Council Member Dawson introduced and read Resolution Number 11-R-109 as follows:

(11-R-109, reimbursements for travel expense)

Council Member Dawson made a motion for the passage and adoption of Resolution Number 11-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 Palmore, Little, Dawson and Robinson; nays: none; absent: Council Member Spain. The motion carried and Resolution Number 11-R-109 was passed and adopted.

Council Member Little introduced and read Resolution Number 11-R-110 as follows:

(11-R-110, reimbursements for travel expense)

Council Member Little made a motion for the passage and adoption of Resolution Number 11-R-110 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 Palmore, Little, Dawson and Robinson; nays: none; absent: Council Member Spain. The motion carried and Resolution Number 11-R-110 was passed and adopted.

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

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

Mayor Robinson made a motion for the passage and adoption of Resolution Number 11-R-106 as introduced and read. The motion was seconded by Council Member Dawson.

Council Member Dawson made a motion to table Resolution Number 11-R-106 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.

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Council Member Little introduced and read Resolution Number 11-R-111 as follows:

RESOLUTION NUMBER 11-R-111

A RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE AN EXTENSION TO THE CONTRACT WITH DEVELOPMENT SOLUTION, LLC FOR CONSULTING SERVICES RELATING TO THE COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM

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

1. That Don Hoyt, City Manager of the City of Anniston be and he is hereby authorized, directed and empowered for and in the name of the City of Anniston to execute an extension for professional Consulting and related services contract with Development Solutions, LLC for consulting services related to the City's Community Development Block Grant Program at \$7,000.00 per month for a term of twelve months which may be cancelled on thirty (30) days notice.
2. 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 contract extension and affix the seal of the City thereto.

PASSED and ADOPTED this the 13th day of December, 2011.

CITY COUNCIL OF THE CITY OF
ANNISTON, ALABAMA

By: /s/ Gene D. Robinson, Mayor

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-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 Palmore, Little, Dawson and Robinson; nays: none; absent: Council Member Spain. The motion carried and Resolution Number 11-R-111 was passed and adopted.

Council Member Dawson made a motion for the unanimous consent of the Council to introduce and read by title Resolution Number 11-R-112. The motion was seconded by Mayor Robinson.

Mayor Robinson asked if anyone wished to address the Council either in favor or in opposition to the introduction and reading by title of Resolution Number 11-R-112.

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No one addressed the Council either in favor or in opposition to the introduction and reading by title of Resolution Number 11-R-112.

On call of the roll on Council Member Dawson's motion for the unanimous consent of the Council to introduce and read by title Resolution Number 11-R-112 and Mayor Robinson's second to said motion the following vote was recorded: ayes: Council Members Palmore, Little, Dawson and Robinson; nays: none; absent: Council Member Spain. The motion carried.

Unanimous consent of the Council having been granted to introduce and read by title Resolution Number 11-R-112, Council Member Dawson introduced and read by title Resolution Number 11-R-112 as follows:

(11-R-112, notifying the public of a proposed grant of a right-of-way and franchise and a proposed determination of a finding of a public purpose for the grant; first reading)

Mayor Robinson made a motion to accept the resignation of Council Member John Spain. The motion was seconded by Council Member Palmore; 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.

Mayor Robinson made a motion to approve a retail beer (off premises only) and retail table wine (off premises only) ABC application for Nasser LLC d/b/a Quick Mart 4 located within the City limits at 101 Highway 431 North. 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. The motion carried.

Mayor Robinson announced that was the time for the public hearing on a Restaurant Retail Liquor ABC application for La Iguana LLC d/b/a El Patron located within the City limits at 2930 McClellan Boulevard, 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 application for La Iguana LLC d/b/a El Patron located within the City limits at 2930 McClellan Boulevard.

No one addressed the Council either in favor of or in opposition to said Restaurant Retail Liquor ABC application for La Iguana LLC d/b/a El Patron located within the City limits at 2930 McClellan Boulevard.

Mayor Robinson declared the public hearing on a Restaurant Retail Liquor ABC application for La Iguana LLC d/b/a El Patron located within the City limits at 2930 McClellan Boulevard closed.

Council Member Dawson made a motion to approve a Restaurant Retail Liquor ABC application for La Iguana LLC d/b/a El Patron located within the City limits at 2930 McClellan Boulevard. 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. The motion carried.

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Council Member Little made a motion to suspend the rule requiring the City Council to meet on the fourth Tuesday of December 2011. The motion was seconded by Council Member Palmore; and on call of the roll the following vote was recorded: ayes: Council Members Palmore and Little; nays: Council Members Dawson and Robinson. The motion failed.

Mayor Robinson made a motion to approve a donation of \$500.00 for the Jacksonville State Marching Southerners to participate in the New Year's Day Parade in London, England. (There was no second to the motion.)

Cleo Thomas, City Attorney, stated the next item on the agenda was a proposed motion for attorney's fees in the matter against Council Member Little and former Council Member Spain. He stated that as he understood the situation Council Member Little could neither make or vote on this motion. He asked if there was a motion forthcoming.

No Council Member made a motion concerning the attorney's fees in the matter against Council Member Little and former Council Member Spain.

Council Member Little made a motion that the concession proposal for the Multi-Modal facility by Ralph Bradford be approved. 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. The motion carried.

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

(HVAC equipment for Public Works building)

Council Member Dawson made a motion that the bid in the total amount of \$39,250.00 by Wildes Air Conditioning Company for the purchase and installation of HVAC equipment for the Public Works building (old National Guard Armory) 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, Dawson and Robinson; nays: Council Member Little. The motion carried.

Johnny Byrd, 804 Champagne Avenue, addressed the Council concerning the steps and protocol for placing items on the agenda.

Council Member Little stated he would employ legal defense and he felt the City would have to reimburse him for that defense of performing his duties as a Council Member.

Council Member Robinson made a motion to authorize the City Clerk to advertise for the position of Council Member from Ward 1. 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. The motion carried.

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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 Mayor Robinson; and on call of the roll the following vote was recorded: ayes: Council Members Palmore, Little, Dawson and Robinson; nays: none. The motion carried and the meeting was adjourned at approximately 7:21 o'clock p.m.