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Anniston, Alabama
December 27, 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 27, 2011, at approximately 6:18 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 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 December 13, 2011. 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. The motion carried.

Mayor Robinson made a motion to delete from the agenda a proposed ordinance amending Ordinance Number 08-O-29. 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. 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 Palmore, Little, Dawson and Robinson; nays: none. The motion carried.

Council Member Dawson made a motion to remove from the table Resolution Number 11-R-106. 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. The motion carried.

RESOLUTION NUMBER 11-R-106

WHEREAS, the City of Anniston has initiated a project for the construction of new municipal buildings; and

WHEREAS, the Local Lodge No 291 of the International Association of Machinists owns a building situated on a portion of the land needed by the City for its construction project; and

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WHEREAS, the City owns a parcel of surplus real property that it believes could be conveyed to the union in exchange for the union's said building; and

WHEREAS, the City has offered its said real property to the union in exchange for the union's said building, and the union has accepted the offer; and

WHEREAS, the City now wishes to formalize the offer and consummate the exchange;

NOW THEREFORE, BE IT RESOLVED by the City Council of the City of Anniston, Alabama that the City convey unto Local Lodge No. 291 of the International Association of Machinists the following described real estate:

Lots Three (3), Four (4), One (1), Two (2), Five (5), Six (6), Seven (7), Eight (8), and Nine (9), in Block Five Hundred Nineteen (519) as shown by the map or plat of G.H. Coleman's Subdivision of Block Five Hundred and Nineteen (519) Five Hundred and Twenty (520) and Five Hundred and Twenty One (521) and Five Hundred and Twenty Two (522), of record in the Office of the Probate Judge of Calhoun County, Alabama, with the exception of Twenty (20) feet off the back end of lots Two (2), Three (3), Four (4), Five (5), Six (6), Seven (7), Eight (8) and Nine (9)

Said property being the same as that conveyed to the City September 29, 1926 by A.H. Little, et al by deed at Book 1492 Page 304.

in exchange for a conveyance by the said union to the City of the following described real estate:

Lot 31 in Block 147, fronting 25 feet on the south side of 13th Street, and running back of even width 120 feet to an alley, as shown on the map of The Anniston City Land Company, recorded in Plat Book A Page 415-A, in the Probate Office of Calhoun, Alabama, more particularly described as follows, to-wit:

Commencing at a point on the south property line of 13th Street, 135 feet west of the southwest intersection of 13 Street and Gurnee Street, now known as Gurnee Avenue; thence south and parallel with Gurnee Street, now known as Gurnee Avenue, 120 feet to a 30 foot alley; thence west and parallel with 13th Street 25 feet, thence north and parallel with Gurnee Street now known as Gurnee Avenue, 120 feet to the south property line of 13th Street; thence east along the south property line of 13th Street; 25 feet to the point of beginning situate lying and being in the City of Anniston, Calhoun County, Alabama. Being the same property conveyed to the grantor on December 30, 1981 by deed from Anniston Real Estate Holding Company at Book 1575 Page 100.

Be it further resolved that as further consideration for the exchange the City reimburse the union for the cost of an appraisal in the amount of \$2,000.00.

Be it further resolved that the Mayor of the City of Anniston should be and hereby is authorized and directed to execute on behalf of the City a deed of conveyance to the union and any other and different documents and instruments reasonably required to consummate the said exchange agreement and that the City accept in exchange that certain parcel of land described above.

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PASSED AND ADOPTED this the 27th day of December, 2011.

CITY COUNCIL OF THE CITY OF
ANNISTON, ALABAMA
By: /s/ Gene Robinson, Mayor
By: /s/ Herbert N. Palmore, Council Member
By: /s/ David Dawson, Council Member

ATTEST:
/s/ Alan B. Atkinson, City Clerk

On call of the roll on Mayor Robinson's motion for the passage and adoption of Resolution Number 11-R-106 as introduced and read and Council Member Dawson's second to said motion the following vote was recorded: ayes: Council Members Palmore, Dawson and Robinson; nays: Council Member Little. The motion carried and Resolution Number 11-R-106 was passed and adopted.

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

ORDINANCE NO. 11-O-34

AN ORDINANCE AMENDING SECTIONS 13.5, 13.7 AND 13.10 OF THE RESIDENTIAL
HEALTH AND SAFETY PROPERTY INSPECTION POLICY

WHEREAS, the City Council of the City of Anniston, Alabama considers its residential and commercial property to be an asset that is vital to Anniston's economy and quality of life; and

WHEREAS, the City of Anniston has previously adopt an ordinance to provide for the safety and to preserve the health of persons residing in rental housing and to enhance the sustainability of our neighborhoods and the associated benefits to surrounding property owners;

NOW, THEREFORE, be it ordained by the City Council of the City of Anniston, Alabama that Chapter 11, Article III, Section 13.5 be and is hereby amended to read as follows:

Sec. 13.5 Purpose.

The purpose of this Article is to implement the policy of the City Council to encourage landlords and tenants to maintain and improve the quality and appearance of rental housing in the city and to protect the health and safety of persons. Tenants and Landlords shall at all times adhere to the terms of Act 2006-316, as amended, known as the Landlord Tenant Act. Failure to adhere to the provisions of said law is considered a violation of this Article subject to penalties in Sec. 13.10.

Be it further ordained by the City Council of the City of Anniston, Alabama that Section 13.7 be and is hereby amended to read as follows:

Sec. 13.7 Certificate of Occupancy Required

All rental-housing units which are or which become vacant after July 1, 2010 must be inspected for compliance with the city's adopted property maintenance codes and a *Certificate of Occupancy* issued, if such unit is found to be so by the housing official, prior to occupancy by a new tenant.

- (1) The *Certificate of Occupancy* is valid for twelve (12) months from the date of issue, or is valid until the dwelling becomes vacant following the expiration date. A change of tenancy may occur in a rental unit more than once during the twelve (12) month period without the need for another inspection.
- (2) If, upon inspection of a residential rental-housing unit, the housing official determines that the unit is in violation of any property maintenance code and informs the owner of the violations, no *Certificate of Occupancy* may be issued until the unit is brought into compliance with the code provisions cited.

Be it Further ordained by the City Council of the City of Anniston, Alabama that Section 13.10 be and is hereby amended to read as follows:

Sec. 13.10 Enforcement and Penalties

- (1) Any person violating any provision of this article shall, upon conviction, be punished by a fine of not less than \$100 nor more than \$500. Further, *Certificates of Occupancy* shall be withdrawn or withheld for noncompliance of the unit with the International Property Maintenance Code (2003 Edition) and the landlord cited for violation according to provisions of Section 11-45-9 of the Code of Alabama.
- (2) Both the Housing Official and the landlord shall report apparent incidents of Criminal Damage to Property as defined in Section 13A-7-20 of the Code of Alabama to the proper authority.
- (3) A tenant's non-compliance with a rental agreement, failure to pay the amount of rent due, failure to maintain the premises, or abandonment of the unit as defined by Sections 35-9A-421 through 423 of the Code of Alabama is a serious violation of this Article. The Housing Official shall report the whereabouts of violators, when known, to the proper authority for adjudication.

Be it further ordained by the City Council of the City of Anniston, Alabama that the provisions of this ordinance are severable so that if any provision is declared unconstitutional or invalid by a court of competent jurisdiction, such judgment shall not affect the validity of any other provision. The Council declares it is its intent that it would have adopted this ordinance without such invalid or unconstitutional provision.

Be it further ordained by the City Council of the City of Anniston, Alabama that the provisions of this ordinance shall be effective upon publication according to law.

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PASSED AND ADOPTED this the 27th day of December, 2011.

CITY COUNCIL OF THE CITY OF
ANNISTON, ALABAMA

By: /s/ Gene Robinson, Mayor

By: /s/ Herbert N. Palmore, 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 Ordinance Number 11-O-34 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, Dawson and Robinson; nays: Council Member Little. The motion carried and Ordinance Number 11-O-34 was passed and adopted.

Council Member Little introduced and read Resolution Number 11-R-113 as follows:

(11-R-113, reimbursements for travel expense)

Council Member Little made a motion for the passage and adoption of Resolution Number 11-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 Little, Dawson and Robinson; nays: none; abstentions: Council Member Palmore. The motion carried and Resolution Number 11-R-113 was passed and adopted.

Mayor Robinson made a motion to table Resolution Number 11-R-114, a resolution authorizing the permanent closing of a portion of Littlebrant Drive. 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. The motion carried.

Council Member Dawson introduced and read Resolution Number 11-R-115 as follows:

(11-R-115, declaring equipment surplus and authorizing their sale)

Council Member Dawson made a motion for the passage and adoption of Resolution Number 11-R-115 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. The motion carried and Resolution Number 11-R-115 was passed and adopted.

Council Member Little introduced and read Resolution Number 11-R-116 as follows:

(11-R-116, lease agreement for concessions at the Multi-Modal facility)

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Council Member Little made a motion for the passage and adoption of Resolution Number 11-R-116 as introduced and read. The motion was seconded by Council Member Dawson.

The Council discussed Resolution Number 11-R-116.

On call of the roll on Council Member Little's motion for the passage and adoption of Resolution Number 11-R-116 as introduced and read and Council Member Dawson's second to said motion the following vote was recorded: ayes: Council Members Palmore, Little, and Dawson; nays: Mayor Robinson. The motion carried and Resolution Number 11-R-116 was passed and adopted.

Mayor Robinson announced that was the time for the public hearing on an application for a Lounge Retail Liquor – Class II (Package) ABC license for Benchmark Services LLC d/b/a The Liquor Loft located at 410 South Quintard Avenue, declared the public hearing open and asked if anyone wished to address the Council either in favor of or in opposition to said an application for a Lounge Retail Liquor – Class II (Package) ABC license for Benchmark Services LLC d/b/a The Liquor Loft located at 410 South Quintard Avenue.

Jackie Whatley and Jacqueline Whatley Love addressed the Council in favor of said application for a Lounge Retail Liquor – Class II (Package) ABC license for Benchmark Services LLC d/b/a The Liquor Loft located at 410 South Quintard Avenue. He stated he had notified everyone within five hundred feet of the business.

Council Member Little stated he would like to have an opportunity to meet with the people in this community before this license was approved.

Mayor Robinson asked if anyone else wished to address the Council either in favor of or in opposition to said an application for a Lounge Retail Liquor – Class II (Package) ABC license for Benchmark Services LLC d/b/a The Liquor Loft located at 410 South Quintard Avenue.

No one else addressed the Council either in favor of or in opposition to said an application for a Lounge Retail Liquor – Class II (Package) ABC license for Benchmark Services LLC d/b/a The Liquor Loft located at 410 South Quintard Avenue.

Mayor Robinson declared the public hearing on an application for a Lounge Retail Liquor – Class II (Package) ABC license for Benchmark Services LLC d/b/a The Liquor Loft located at 410 South Quintard Avenue closed.

Mayor Robinson made a motion to approve an application for a Lounge Retail Liquor – Class II (Package) ABC license for Benchmark Services LLC d/b/a The Liquor Loft located at 410 South Quintard Avenue. 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.

Council Member Little made a motion to approve for the City to defend against the declaratory judgment filed in Calhoun County Circuit Court on December 21, 2011, by the Alabama Municipal Insurance Corporation. The motion was seconded by Mayor Robinson; and on call of

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the roll the following vote was recorded: ayes: Council Member Little; nays: Council Members Dawson and Robinson; abstentions: Council Member Palmore. The motion failed.

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

(three pick-up trucks for PW)

Council Member Dawson made a motion that the bid in the total amount of \$44,550.00 by Sunny King Ford for three pick-up trucks for the Public Works Department 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. The motion carried.

Wanda Anderson and Lucinda Anderson addressed the Council concerning a claim against the City pertaining to the damage done to her home by the Police Department.

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 Palmore, Little, Dawson and Robinson; nays: none. The motion carried and the meeting was adjourned at approximately 6:59 o'clock p.m.