

COUNCIL CHAMBER - CITY HALL - GADSDEN, ALABAMA
JANUARY 2, 2019 - 11:00 A.M.

The City Council met on January 2, 2019, in regular session.

The meeting was called to order at 11:00 a.m. by Council President Toles. On roll call by the City Clerk, Iva Nelson, the following council members answered present: Toles, Williams, Worthy, Back, Wilson, Cannon and Reed. The clerk stated a quorum was present and the meeting was open for business. Mayor Guyton, Heath Williamson, Lee Roberts, and Captain Entrekin were also present.

The invocation was given by Brian Harbison.

The minutes of the last work session and council meeting held on December 18, 2018, were approved by unanimous vote.

Payment of the HTE System accounts for the weeks of December 14-20 and December 21-27, 2018, were ratified by unanimous vote.

#187682-187818	General	\$1,298,952.02
#187819-187914	General	\$ 942,346.27

UNFINISHED BUSINESS

(1) The following ordinance, which was introduced for first reading at last week's meeting, was presented for consideration:

ORDINANCE NO. O-01-19

AMENDING CITY CODE §86-93

(Amending City Code Section 86-93 - Allowing enforcing official (Building Official) to have discretion on whether to assess grass cutting costs on property sold to the State for non-payment of taxes - Exempting Gadsden Land Bank Authority property from assessment)

At the request of President Toles, City Attorney Lee Roberts explained the cost of proceedings to assess liens on State property far exceeds the amount the City anticipates collecting.

Councilman Worthy moved to adopt the ordinance, which motion was seconded by Councilman Reed and unanimously adopted.

(2) The following resolution, which was tabled for 30 days on November 20, 2018, was presented in writing for consideration:

RESOLUTION NO. R-01-19

ORDERING ABATEMENT OF NUISANCE

(Ordering Abatement of Nuisance - 921 Avenue F - District 3 - Estate of Lorene Harrell; Coosa Federal Savings & Loan; Lori Jean Burton; Dexter Dewayne Harrell; Vincent O'Neal Harrell; USP Atlanta; Stanley Jermone Harrell; Dexter Dewayne Harrell & Etals, c/o Dexter Harrell)

Councilman Worthy noted no work had begun on the property and moved to adopt the resolution. The motion was seconded by Councilman Cannon and unanimously adopted.

PUBLIC HEARINGS

(1) The floor was opened to allow anyone to speak for or in opposition to a resolution ordering the abatement of nuisances on property at 113 Pineallice Street, State of Alabama, possible rights of redemption of Lamar Graves being the last known owners. Brian Harbison, Building Inspector, stated no improvements have been made since procedures began in August 2018, and recommended abatement. He explained the City performed rehabilitation work on the structure approximately ten years ago and sold its interest. Mr. Harbison added the property was subsequently abandoned and court proceedings ensued between the purchaser and the original owner. The following resolution was introduced in writing for consideration:

RESOLUTION NO. R-02-19

ORDERING ABATEMENT OF NUISANCE

(Ordering Abatement of Nuisance - 113 Pineallice Street - District 1 - State of Alabama; possible rights of redemption of Lamar Graves)

Councilman Worthy moved to adopt the resolution as introduced, which motion was seconded by Councilwoman Toles and unanimously adopted.

(2) The floor was opened to allow anyone to speak for or in opposition to a resolution ordering the abatement of nuisances on property at 1706 Hooks Lake Road, Troy L. and Barbara Tosh Bright being the last known owners. Brian Harbison, Building Inspector, stated no improvements have been made since procedures began in April 2018, and recommended abatement. The following resolution was introduced in writing for consideration:

RESOLUTION NO. R-03-19

ORDERING ABATEMENT OF NUISANCE

(Ordering Abatement of Nuisance - 1706 Hooks Lake Road - District 3 - Troy L. and wife, Barbara Tosh Bright)

Councilman Worthy moved to adopt the resolution as introduced, which motion was seconded by Councilman Cannon and unanimously adopted.

(3) The floor was opened to allow anyone to speak for or in opposition to a resolution ordering the abatement of nuisances on property at 1515 Malone Street, the State of Alabama and possible rights of redemption of Judge Peggins and Mabel Hardwick, subject to that certain mortgage in favor of A-1 Trane HTG & A/C Col, Inc., and Bryan Perez being the last known owners. Brian Harbison, Building Inspector, stated no improvements have been made since procedures began in August 2018, and recommended abatement. In response to Councilman Back's inquiry, he said the vehicle will also be removed from the property. The following resolution was introduced in writing for consideration:

RESOLUTION NO. R-04-19

ORDERING ABATEMENT OF NUISANCE

(Ordering Abatement of Nuisance - 1515 Malone Street - District 3 - State of Alabama; possible rights of redemption of Judge Peggins and Mabel Hardwick, subject to that certain mortgage in favor of A-1 Trane HTG & A/C Col, Inc.; Bryan Perez)

Councilman Worthy moved to adopt the resolution as introduced, which motion was seconded by Councilman Cannon and unanimously adopted.

(4) The floor was opened to allow anyone to speak for or in opposition to a resolution ordering the abatement of nuisances on property at 425 N. 9th Street, the State of Alabama and possible rights of redemption of Tonya F. Porter being the last known owners. Brian Harbison, Building Inspector, stated no improvements have been made since procedures began in June 2015, and recommended abatement. He said he had worked with the previous and current owners, noting plans to renovate the two large structures for rental units had been abandoned. The following resolution was introduced in writing for consideration:

RESOLUTION NO. R-05-19

ORDERING ABATEMENT OF NUISANCE

(Ordering Abatement of Nuisance - 425 N. 9th Street - District 3 - State of Alabama; possible rights of redemption of Tonya F. Porter)

Councilman Worthy moved to adopt the resolution as introduced, which motion was seconded by Councilman Cannon and unanimously adopted.

(5) The floor was opened to allow anyone to speak for or in opposition to resolutions ordering the abatement of nuisances on property at 404 and 406 Southside Avenue, Ellie Jane Keeling Smith, Joseph A. Smith and Frances S. Little being the last known owners. Brian Harbison, Building Inspector, stated no improvements have been made since procedures began in July 2018, and recommended abatement. He noted the owners had asked the City to abate both structures and allow them to make payments for the demolition costs. The following resolution was introduced in writing for consideration:

RESOLUTION NO. R-06-19

ORDERING ABATEMENT OF NUISANCE

(Ordering Abatement of Nuisance - 404 Southside Avenue - District 4 - Ellie Jane Keeling Smith; Joseph A. Smith; Frances S. Little)

Councilman Back moved to adopt the resolution as introduced, which motion was seconded by Councilman Worthy and unanimously adopted.

(6) The following resolution was introduced in writing for consideration:

RESOLUTION NO. R-07-19

ORDERING ABATEMENT OF NUISANCE

(Ordering Abatement of Nuisance - 406 Southside Avenue - District 4 - Ellie Jane Keeling Smith; Joseph A. Smith; Frances S. Little)

Councilman Back moved to adopt the resolution as introduced, which motion was seconded by Councilman Worthy and unanimously adopted.

(7) The floor was opened to allow anyone to speak for or in opposition to a resolution ordering the abatement of nuisances on property at 1807 Adams Street, the State of Alabama and possible rights of redemption of Melanie Cook and Michael Cook being the last known owners. Brian Harbison, Building Inspector, stated no improvements have been made since procedures began in July 2018, and recommended abatement. The following resolution was introduced in writing for consideration:

RESOLUTION NO. R-08-19

ORDERING ABATEMENT OF NUISANCE

(Ordering Abatement of Nuisance - 1807 Adams Street - District 5 - State of Alabama; possible rights of redemption of Melanie Cook and Michael Cook)

Councilman Wilson moved to adopt the resolution as introduced, which motion was seconded by Councilman Cannon and unanimously adopted.

(8) The floor was opened to allow anyone to speak for or in opposition to a resolution ordering the abatement of nuisances on property at 1023 Pine Street, the State of Alabama, rights of redemption of Anissa R. Hicks, c/o Jack Floyd, and/or her heirs, subject to a mortgage in favor of Jane V. Floyd, being the last known owners. Brian Harbison, Building Inspector, stated no improvements have been made since procedures began in May 2018, and recommended abatement. He added the structure had burned in August 2018. The following resolution was introduced in writing for consideration:

RESOLUTION NO. R-09-19

ORDERING ABATEMENT OF NUISANCE

(Ordering Abatement of Nuisance - 1023 Pine Street - District 5 - State of Alabama; rights of redemption of Anissa R. Hicks, c/o Jack Floyd, and/or her heirs, subject to a mortgage in favor of Jane V. Floyd)

Councilman Wilson moved to adopt the resolution as introduced, which motion was seconded by Councilman Back and unanimously adopted.

(9) The floor was opened to allow anyone to speak for or in opposition to a resolution ordering the abatement of nuisances on property at 21 Sommersworth Avenue in District 6, Susan E. Guthrie being the last known owner. Councilman Cannon suggested allowing 30 days for a potential property sale to be finalized. Brian Harbison, Building Inspector, noted the case began in April 2018, and said he is not opposed to a new owner making improvements; however, the back yard needs to be cleaned immediately. Councilman Cannon stated he will relay this and moved to table the resolution for 30 days. The motion was seconded by Councilman Reed and unanimously carried.

(10) The floor was opened to allow anyone to speak for or in opposition to a resolution ordering the abatement of nuisances on property at 3501 Williams Avenue in District 7, FNA NP, LLC being the last known owner. Brian Harbison, Building Inspector, noted this case began in January 2018, and involves trash, debris and vehicles. He added several court cases over the past five years have not succeeded in getting the property cleaned. Councilman Cannon said he is familiar with family circumstances involved in the property and would like to give additional time. Councilman Reed moved to table the resolution for 30 days to allow time for clean-up and legal clarification. The motion was seconded by Councilman Cannon and unanimously carried.

RESOLUTIONS PRESENTED FOR CONSIDERATION

(1) The following resolution was introduced in writing for consideration:

RESOLUTION NO. R-10-19

APPOINTING ELECTION OFFICERS

(Appointing Election Officers for Special Referendum Municipal Election on January 22, 2019)

Councilman Worthy moved to adopt the resolution as introduced, which motion was seconded by Councilman Cannon and unanimously adopted.

(2) The following resolution was introduced in writing for consideration:

RESOLUTION NO. R-11-19

AUTHORIZING EXTENSION OF WARRANTY WITH TAW POWER SYSTEMS, INC.

(Authorizing Contract for Extended Warranty and Preventive Maintenance - TAW Power Systems, Inc. - \$6,850.00 - For generator at The Venue)

Councilman Cannon moved to adopt the resolution as introduced, which motion was seconded by Councilman Reed and unanimously adopted.

ORDINANCE - FIRST READING

The following ordinance was introduced in writing and read by President Toles:

ORDINANCE - AUTHORIZING CONVEYANCE OF PROPERTY AT 911 VINSON AVENUE

Since no action was taken in this meeting, the ordinance will be placed on the agenda of the next regular meeting for consideration.

NEW BUSINESS

(1) Councilman Worthy introduced the following resolution in writing for consideration:

RESOLUTION NO. R-12-19

AUTHORIZING AGREEMENT TO PURCHASE PROPERTY
FROM THE ALABAMA GREAT SOUTHERN RAILROAD COMPANY

(Authorizing Agreement - The Alabama Great Southern Railroad Company - For City of Gadsden to purchase approximately 3.1 Miles of railroad line, located between Milepost 2.40-AG and Milepost 5.50-AG for \$214,000.00)

President Toles received unanimous consent to immediately consider the resolution as an item of new business. At her request, Shane Ellison (Mayor's Administrative Assistant) explained the project, which begins near Cabot Avenue and ends near N. 3rd Street, can serve as a trail connector. He said a bridge near the rescue squad property can be converted to a pedestrian bridge and expressed hope for ADECA funding. Councilman Wilson referred to the Beltway Project in Atlanta and requested that zoning of property adjacent to the trail be evaluated to encourage future economic development.

Councilman Worthy moved to adopt the resolution, which motion was seconded by Councilman Cannon and unanimously adopted.

(2) Councilman Williams introduced the following resolution in writing for consideration:

RESOLUTION NO. R-13-19

ONE-YEAR MORATORIUM ON
CERTAIN NEW BUSINESS LICENSES

(Renewing moratorium on issuing business licenses for certain businesses, including payday loan, car title loan and check cashing - For one year, from effective date of resolution)

President Toles received unanimous consent to immediately consider the resolution as an item of new business. Councilman Williams moved to adopt the resolution, which motion was seconded by Councilman Worthy and unanimously adopted.

(3) Councilman Back introduced the following resolution in writing for consideration:

RESOLUTION NO. R-14-19

AUTHORIZING ACCEPTANCE OF DONATION
FROM GADSDEN/RAINBOW CITY COIN CLUB

(Authorizing Acceptance of \$1,000.00 donation - From Gadsden/Rainbow City Coin Club - To be placed in Gadsden Public Library's general fund)

President Toles received unanimous consent to immediately consider the resolution as an item of new business. Councilman Back moved to adopt the resolution, which motion was seconded by Councilman Reed and unanimously adopted.

(4) Councilman Back introduced the following ordinance in writing for consideration:

ORDINANCE NO. O-02-19

AMENDING FISCAL YEAR 2019 BUDGET

(Amending FY2019 Budget - Reflecting \$1,000 donation from Gadsden/Rainbow City Coin Club - Appropriating to Library office supplies account)

Councilman Back moved to suspend the rules to immediately consider the ordinance as an item of new business. The motion was seconded by Councilman Worthy and approved by the following vote:

AYES: Toles, Williams, Worthy, Back, Wilson, Cannon, Reed

NAYS: None

Councilman Back moved to adopt the ordinance, which motion was seconded by Councilman Reed and unanimously adopted.

(5) Councilman Cannon introduced the following resolution in writing for consideration:

RESOLUTION NO. R-15-19

AUTHORIZING ACCEPTANCE OF STATE AID
FROM ALABAMA PUBLIC LIBRARY SERVICE

(Authorizing Acceptance of Supplemental State Aid - \$2,500.00 - From Alabama Public Library Service)

President Toles received unanimous consent to immediately consider the resolution as an item of new business. Councilman Cannon moved to adopt the resolution, which motion was seconded by Councilman Reed and unanimously adopted.

(6) Councilman Cannon introduced the following ordinance in writing for consideration:

ORDINANCE NO. O-03-19

AMENDING FISCAL YEAR 2019 BUDGET

(Amending Budget for Supplemental State Aid Check from the Alabama Public Library Service in the Amount of \$2,500.00)

Councilman Cannon moved to suspend the rules to immediately consider the ordinance as an item of new business. The motion was seconded by Councilman Worthy and approved by the following vote:

AYES: Toles, Williams, Worthy, Back, Wilson, Cannon, Reed

NAYS: None

Councilman Cannon moved to adopt the ordinance, which motion was seconded by Councilman Reed and unanimously adopted.

(7) Councilman Reed introduced the following resolution in writing for consideration:

RESOLUTION NO. R-16-19

AUTHORIZING AGREEMENT WITH WHEN I WORK

(Authorizing Agreement - When I Work - \$9,024.00 - For Enterprise Scheduling and Attendance website services for Parks & Recreation Department - Period of one year)

President Toles received unanimous consent to immediately consider the resolution as an item of new business. Councilman Reed moved to adopt the resolution, which motion was seconded by Councilman Cannon and unanimously adopted.

MAYOR AND COUNCIL REMARKS

The Mayor and Council joined in expressing hope that everyone enjoyed the holiday season and best wishes for the coming year. Projects underway were highlighted, including improvements to S. 11th Street, Moragne Park, property adjacent to The Venue, the new East Gadsden Community Center, and the police precinct, trolley station and library in Alabama City. Planning and review work are in progress for the upcoming street resurfacing program. Several members commented on working together in unity and cooperation.

Councilman Wilson thanked everyone who participated in the “Feed the Need” program, which provided holiday meals.

Councilman Back recognized his wife, Kim, who was present.

Councilman Cannon commended Eddie Nichols and Breakaway Ministries for improvements made to the former Boys and Girls Club facility on Black Creek Road, as well as gifts and a meal provided to a number of families. At his request, Councilman Wilson spoke regarding his research for potential use of artificial turf in areas maintained by the City.

Councilman Reed encouraged the public to utilize services of the Gadsden Etowah Patriots Association in disposing of discarded American flags.

President Toles announced a joint meeting of Districts 1 and 4 at 5:30 p.m. on January 29, to be held at The Venue.

There being no further business to come before the Council, the meeting was duly adjourned.

Iva Nelson, City Clerk (1-2-2019)
