

COUNCIL CHAMBER - CITY HALL - GADSDEN, ALABAMA
MARCH 5, 2019 - 11:00 A.M.

The City Council met on March 5, 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 Chief Jaggars were also present.

The invocation was given by Kevin Young.

The minutes of the Community Development Committee, Work Session and Council meetings held on February 26, 2019, were approved by unanimous vote.

Payment of the HTE System accounts for the week of February 22-28, 2019 were ratified by unanimous vote.

#189246-189383	General	\$1,909,418.87
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Members of the Gadsden City High School Titan Chorale sang the National Anthem and the State Song.

UNFINISHED BUSINESS

President Toles announced that no action was necessary regarding 21 Sommersworth Avenue in District 6, as the nuisance has been abated by the owner.

PUBLIC HEARINGS

President Toles stated this was the time and place as advertised to conduct the following public hearings:

(1) The floor was opened to allow anyone to speak for or in opposition to a resolution assessing a nuisance abatement lien on property at 526 Plainview Street in District 3, Zelma Lee Hicks and Larry Resor being the last known owners. Vanessa Pace spoke on behalf of Zelma Hicks, requesting additional time to secure a contractor and remodel the house. Brian Harbison, Building Inspector, stated no improvements have been made since procedures began in May 2018, and recommended abatement. Councilman Worthy noted he receives complaints about this location but would like to help. He advised Ms. Pace to determine the cost of bringing the house up to code before investing any money. President Toles also advised that 30 days will allow time for her assessment. Councilman Worthy moved to table the resolution for 30 days, which motion was seconded by Councilman Cannon and unanimously carried.

(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 120 Emerson Street, Christie Todd a/k/a Christy Todd and America's Wholesale Lender being the last known owners. Brian Harbison, Building Inspector, stated no improvements have been made to this burned house since procedures began in July 2018, and recommended abatement. He noted the owners had stated they may demolish the structure. The following resolution was introduced in writing for consideration:

RESOLUTION NO. R-73-19

ORDERING ABATEMENT OF NUISANCE

(Ordering Abatement of Nuisance - 120 Emerson Street - District 4 - Christie Todd, a/k/a Christy Todd; America's Wholesale Lender)

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

(3) President Toles stated no Council action is necessary on a resolution ordering abatement of nuisance on property at 504 Wester Street in District 6 as the nuisance has been abated by the owner.

(4) The floor was opened to allow anyone to speak for or in opposition to a resolution assessing a nuisance abatement lien on property at 236 Russell Street, Lisa York, Greg Griffith, "Personal Rep" being the last known owners. No one spoke. The following resolution was introduced in writing for consideration:

RESOLUTION NO. R-74-19

ASSESSING NUISANCE ABATEMENT LIEN AGAINST PROPERTY

(Assessing Nuisance Abatement Lien for Trash & Debris Removal - \$666.40 - 236 Russell Street - District 1 - Lisa York; Greg Griffith, "Personal Rep")

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

(5) The floor was opened to allow anyone to speak for or in opposition to a resolution assessing a nuisance abatement lien on property at 321 Wilson Street, the State of Alabama, Kristie L. Link, and Billy and Laverne Brooks being the last known owners. No one spoke. The following resolution was introduced in writing for consideration:

RESOLUTION NO. R-75-19

ASSESSING NUISANCE ABATEMENT LIEN AGAINST PROPERTY

(Assessing Nuisance Abatement Lien for Demolition - \$2,291.40 - 321 Wilson Street - District 6 - State of Alabama; Kristie L. Link; Billy and Laverne Brooks)

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

(6) The floor was opened to allow anyone to speak for or in opposition to a resolution assessing a nuisance abatement lien on property at 1409 Eastview Avenue, Larry B. & Della Johnson being the last known owners. No one spoke. The following resolution was introduced in writing for consideration:

RESOLUTION NO. R-76-19

ASSESSING NUISANCE ABATEMENT LIEN AGAINST PROPERTY

(Assessing Nuisance Abatement Lien for Grass Cutting - \$136.00 - 1409 Eastview Avenue - District 1 - Larry B. & Della Johnson)

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

(7) The floor was opened to allow anyone to speak for or in opposition to a resolution assessing a nuisance abatement lien on property at 1401 Tennessee Avenue, Wayne Williamson being the last known owner. No one spoke. The following resolution was introduced in writing for consideration:

RESOLUTION NO. R-77-19

ASSESSING NUISANCE ABATEMENT LIEN AGAINST PROPERTY

(Assessing Nuisance Abatement Lien for Grass Cutting - \$136.00 - 1401 Tennessee Avenue - District 1 - Wayne Williamson)

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

(8) The floor was opened to allow anyone to speak for or in opposition to a resolution assessing a nuisance abatement lien on property at 1419 Robinson Avenue, the State of Alabama and Angela Russell being the last known owners. No one spoke. The following resolution was introduced in writing for consideration:

RESOLUTION NO. R-78-19

ASSESSING NUISANCE ABATEMENT LIEN AGAINST PROPERTY

(Assessing Nuisance Abatement Lien for Grass Cutting - \$196.00 - 1419 Robinson Avenue - District 2 - State of Alabama; Angela Russell)

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

(9) The floor was opened to allow anyone to speak for or in opposition to a resolution assessing a nuisance abatement lien in the amount of \$136.00 for grass cutting on property at 2710 Shahan Avenue in District 6, Charles Pollard being the last known owner. Charles Pollard said he didn't understand why the City would have cut the grass, because he had paid someone to mow this and other properties he owns on a weekly basis in 2017. He added he could verify the dates and compare to the City's records, expressing hope that a lien would not be assessed. Councilman Cannon said he was present in Mr. Pollard's place of business when he discussed these matters. After verifying that no pictures were taken as evidence, he cited other nearby properties that needed cutting and said he felt those could have been mistaken with Mr. Pollard's property. He also related a mistake he personally experienced with a grass cutting work order. Jan Henson, (Building Department) stated the records indicate the owner was notified on 4-19-17 and the property was cut on 6-2-17. President Toles pointed out the City is incurring the expense of performing the work. Councilman Cannon moved to disapprove the resolution, which motion was seconded by Councilman Reed and carried by the following vote:

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

NAYS: Toles

ORDINANCE - FIRST READING

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

ORDINANCE - AUTHORIZING CONVEYANCE OF PROPERTY (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 Back introduced the following resolution in writing for consideration:

RESOLUTION NO. R-79-19

AUTHORIZING CANCELLATION OF LEASE WITH LINDEEN & ASSOCIATES, LLC

(Authorizing Cancellation of Lease Agreement with Lindeen & Associates, LLC for the Restaurant Space at 210 at the Tracks, Sugar Moon)

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 Worthy and unanimously adopted.

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

RESOLUTION NO. R-80-19

AUTHORIZING LEASE AGREEMENT WITH FOUR FIFTEEN, LLC

(Authorizing Lease Agreement with Four Fifteen, LLC for the Restaurant Space at 210 at the Tracks - For term of 2 years, beginning on 5-1-19 - \$2,500.00 per month for first 12 months, including partial reimbursement of plumbing work to relocate bar and modify vent hood system - \$2,000 per month for second 12 months)

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

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

RESOLUTION NO. R-81-19

AUTHORIZING FIRST AMENDMENT TO GROUND LEASE

(Authorizing First Amendment to the Ground Lease with TWS Gadsden, LLC for the Priority Use of the Property located at the Western End of East Chestnut Street, on October 23, 2018- R-480-18 - Adding dates relating to preliminary survey, rent commencement, delivery of possession, due diligence period, etc. - Providing for exhibits to be made part of the lease - Adding provisions concerning environmental issues - Note: Buffalo Wild Wings development)

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.

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

RESOLUTION NO. R-82-19

DECLARING SCHOOL BOARD MEMBER
ELECTED WITHOUT OPPOSITION

(Declaring Z. Andre' Huff duly elected to office of District 3 of the Gadsden City Board of Education - For term of office commencing on 4-16-19 - Authorizing Mayor to issue certificate of election - Note: Mr. Huff was the only candidate who qualified to run for this office)

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

MAYOR AND COUNCIL REMARKS

The Council joined in congratulating Z. Andre' Huff for his election to the school board without opposition. They also expressed concern for the people of Lee County, who suffered death and destruction in recent tornadoes, as well as flooding victims. Support and assistance from our citizens and local groups were encouraged.

Councilman Williams expressed discomfort with today's proceeding with grass cutting liens, stating the issues need to be resolved. Councilman Cannon reported on today's Public Works Committee meeting, stating before and after pictures of properties will be taken in this year's mowing season.

Councilman Williams wished a happy birthday to his wife, Jennifer. Councilman Worthy recognized his wife, Charlotte, who was present.

Councilman Back noted although people were enjoying Moragne Park on Saturday, it is not open yet, and a grand opening is slated for March 16. He complimented the Titan Choral group's performance and announced tonight's Black History program at Eura Brown Elementary School.

Councilman Reed clarified remarks he made last week regarding the local delegation and acknowledged much assistance provided by former State Senator Larry Means.

President Toles announced there will be no Council meeting next Tuesday, March 12, due to the National League of Cities conference in Washington, DC. She also announced the Council meeting and work session scheduled for Tuesday, March 19, will be held on Wednesday, March 20, due to the Alabama League of Municipalities Legislative Day in Montgomery. President Toles commended National Merit Scholarship finalists Linton Roberts (son of City Attorney Lee Roberts), Anne Roberts, Mustafa Enver and Joshua Kelley, as well as Daniel Jaggears (son of Police Chief Lamar Jaggears) who placed third in a State wrestling tournament.

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

Iva Nelson, City Clerk (3-5-2019)
