

COUNCIL CHAMBER - CITY HALL - GADSDEN, ALABAMA
MARCH 26, 2019 - 11:00 A.M.

The City Council met on March 26, 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. Heath Williamson and Captain Keener were also present.

The invocation was given by Patricia McGhee (Chaplain, Delta Sigma Theta Sorority).

The minutes of the Public Safety Committee, Finance Committee, Work Sessions and Council meetings held on March 20, 2019, were approved by unanimous vote.

Payment of the HTE System accounts for the week of March 15 - 21, 2019 were ratified by unanimous vote.

#189822-189956	General	\$816,278.12
----------------	---------	--------------

UNFINISHED BUSINESS

(1) The following resolution, which was tabled for 30 days on January 15, 2019, was presented in writing for consideration:

RESOLUTION NO. R-100-19

ORDERING ABATEMENT OF NUISANCE

(Ordering Abatement of Nuisance - 3501 Forrest Avenue - District 6 - Gregory Keith Peters; State of Alabama; Redemption rights to Regina Lynn Price and Wesley O. Price or their heirs if deceased)

Councilman Cannon advised the owners will have a 3-month window to complete demolition and removal before City crews arrive on site. He moved to adopt the resolution, which motion was seconded by Councilman Reed and unanimously adopted.

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 ordering the abatement of nuisances on property at 1535 Litchfield Avenue in District 1, Rosemary Watters and Teria Jeanae Sims (Minor), First Security Mortgage, Johnson & Associates Mortgage Company, Inc., and Guaranty Savings and Loan Association being the last known owners. Teria J. Sims said her mother died three years ago and she moved to South Carolina. She advised that Gilbert Hardy agreed to purchase the property and bring it up to code. Brian Harbison, Building Inspector, stated although a permit was obtained in October 2018, no improvements have been made since procedures began in July 2018. He added the case also includes some abandoned vehicles and expressed willingness to work with a new owner. Councilwoman Toles moved to table the resolution for 30 days, which motion was seconded by Councilman Reed 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 1343 Forrest Avenue, Robert and Judy Spurling, c/o Robert Higgins, Robert and Judy Spurling, c/o Robin Higgins, being the last known owners. Brian Harbison, Building Inspector, stated no improvements have been made since procedures began in August 2017, and recommended abatement. The following resolution was introduced in writing for consideration:

RESOLUTION NO. R-101-19

ORDERING ABATEMENT OF NUISANCE

(Ordering Abatement of Nuisance - 1343 Forrest Avenue - District 3 - Robert and Judy Spurling, c/o Robert Higgins; Robert and Judy Spurling, c/o Robin Higgins)

Councilman Worthy moved to adopt the resolution as introduced, which motion was seconded by Councilman Wilson 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 809 Wawonah Street, the State of Alabama, redemption rights of Florence Hardy, Chapman Hardy and/or their heirs if deceased, being the last known owners. Brian Harbison, Building Inspector, stated no improvements have been made since procedures began in June 2018, and recommended abatement. The following resolution was introduced in writing for consideration:

RESOLUTION NO. R-102-19

ORDERING ABATEMENT OF NUISANCE

(Ordering Abatement of Nuisance - 809 Wawonah Street - District 3 - State of Alabama; redemption rights of Florence Hardy, Chapman Hardy and/or their heirs if deceased)

Councilman Worthy moved to adopt the resolution as introduced, which motion was seconded by Councilman Wilson 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 110 Ashland Avenue, Terreshia Ann Nixon, a/k/a Terrishia Ann Penteconst, being the last known owner. Brian Harbison, Building Inspector, stated this case began in June 2018, through a Department of Human Resources call to the Police Department. He added that rehabilitation would likely be performed to save the structure and recommended abatement. The following resolution was introduced in writing for consideration:

RESOLUTION NO. R-103-19

ORDERING ABATEMENT OF NUISANCE

(Ordering Abatement of Nuisance - 110 Ashland Avenue - District 4 - Terreshia Ann Nixon, a/k/a Terrishia Ann Penteconst)

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

(5) The floor was opened to allow anyone to speak for or in opposition to a resolution ordering the abatement of nuisances on property at 1109 Central Avenue, Amanda Carrell, Homecoming Financial Network, Inc., Nationstar Mortgage, LLC, and US Bank Trust N.A. being the last known owners. Brian Harbison, Building Inspector, stated this case only involves an accessory building, not the main structure. He said no improvements have been made since procedures began in June 2018, and recommended abatement. The following resolution was introduced in writing for consideration:

RESOLUTION NO. R-104-19

ORDERING ABATEMENT OF NUISANCE

(Ordering Abatement of Nuisance - 1109 Central Avenue - District 6 - Amanda Carrell; Homecoming Financial Network, Inc.; Nationstar Mortgage, LLC; US Bank Trust N.A.)

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

(6) The floor was opened to allow anyone to speak for or in opposition to a resolution ordering the abatement of nuisances on property at 322 Grady Street, the Estate of Louie Works, c/o Nancy McLeod, being the last known owners. Nancy McLeod spoke, stating she has experienced several health challenges and is currently out of work. She requested additional time for family members to help her make repairs. Brian Harbison, Building Inspector, stated no improvements have been made to this former corner grocery store since procedures began in May 2018, and recommended abatement. Councilman Cannon advised Ms. McLeod to seek advice and consult with Mr. Harbison regarding the building's condition. The following resolution was introduced in writing for consideration:

RESOLUTION NO. R-105-19

ORDERING ABATEMENT OF NUISANCE

(Ordering Abatement of Nuisance - 322 Grady Street - District 6 - Estate of Louie Works, c/o Nancy McLeod)

Councilman Cannon moved to adopt the resolution as introduced, which motion was seconded by Councilman Reed 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 3506 Ivy Place, Francisco Juan Pascual and Sheila K. Holland being the last known owners. Brian Harbison, Building Inspector, stated some work had been done early in the process; however, there have been no other visible improvements since procedures began in September 2017, and recommended abatement. The following resolution was introduced in writing for consideration:

RESOLUTION NO. R-106-19

ORDERING ABATEMENT OF NUISANCE

(Ordering Abatement of Nuisance - 3506 Ivy Place - District 6 - Francisco Juan Pascual; Sheila K. Holland)

Councilman Cannon moved to adopt the resolution as introduced, which motion was seconded by Councilman Back 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 401 S. 11th Street, Sandra Beck being the last known owner. No one spoke. The following resolution was introduced in writing for consideration:

RESOLUTION NO. R-107-19

ASSESSING NUISANCE ABATEMENT LIEN AGAINST PROPERTY

(Assessing Nuisance Abatement Lien for Demolition - \$2,366.40 - 401 S. 11th Street - District 5 - Sandra Beck)

Councilman Wilson moved to adopt the resolution as introduced, which motion was seconded by Councilman Williams 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 on property at 106 South 23rd Street, Kim F. Parker, d/b/a The Parker Company, The Parker Company LLC, and Thomas Hawley being the last known owners. No one spoke. The following resolution was introduced in writing for consideration:

RESOLUTION NO. R-108-19

ASSESSING NUISANCE ABATEMENT LIEN AGAINST PROPERTY

(Assessing Nuisance Abatement Lien for Demolition - \$2,266.40 - 106 South 23rd Street - District 6 - Kim F. Parker, d/b/a The Parker Company; The Parker Company LLC; Thomas Hawley)

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

(10) The floor was opened to allow anyone to speak for or in opposition to a resolution revoking the business license for Clay Glass Company, Inc., due to delinquent sales tax debt. Lisa Rosser, Finance Director, said there has been no contact from the company and recommended adoption. The following resolution was introduced in writing for consideration:

RESOLUTION NO. R-109-19

REVOCATION OF BUSINESS LICENSE
FOR CLAY GLASS COMPANY, INC.

(Revoking Business License - Clay Glass Company, Inc. - Due to outstanding sales tax debt - Note: Avenue Insights & Analytics, f/k/a Revenue Discovery Systems has made every effort to resolve the issue - Final assessment has been issued and direct appeals have been exhausted)

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

(11) The floor was opened to allow anyone to speak for or in opposition to a resolution revoking the business license for L B Chemical Company, Inc. due to delinquent sales tax debt. Lisa Rosser, Finance Director, said the company has made arrangements for payment and recommended an indefinite table. She noted she will bring the matter back before the Council if all payments are not made. Councilman Worthy moved to table the resolution indefinitely, which motion was seconded by Councilman Reed and unanimously carried.

(12) The floor was opened to allow anyone to speak for or in opposition to a resolution revoking the business license for Maria Mateo, d/b/a La Tienda Esperanza due to delinquent sales tax debt. Lisa Rosser, Finance Director, said there has been no contact from the company and recommended adoption. The following resolution was introduced in writing for consideration:

RESOLUTION NO. R-110-19

REVOCATION OF BUSINESS LICENSE
FOR MARIA MATEO D/B/A LATIENDA EXPERANZA

(Revoking Business License - Maria Mateo, doing business as LaTienda Experanza - Due to outstanding sales tax debt - Note: Avenue Insights & Analytics, f/k/a Revenue Discovery Systems has made every effort to resolve the issue - Final assessment has been issued and direct appeals have been exhausted)

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

(13) The floor was opened to allow anyone to speak for or in opposition to a resolution revoking the business license for Phillip Howard, d/b/a Howard Auto Sales, LLC due to delinquent sales tax debt. Lisa Rosser, Finance Director, said there has been no contact from the company and recommended adoption. The following resolution was introduced in writing for consideration:

RESOLUTION NO. R-111-19

REVOCATION OF BUSINESS LICENSE
FOR PHILLIP HOWARD D/B/A HOWARD AUTO SALES, LLC

(Revoking Business License - Phillip Howard, doing business as Howard Auto Sales, LLC - Due to outstanding sales tax debt - Note: Avenue Insights & Analytics, f/k/a Revenue Discovery Systems has made every effort to resolve the issue - Final assessment has been issued and direct appeals have been exhausted)

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

(14) The floor was opened to allow anyone to speak for or in opposition to a resolution revoking the business license for Plumber's Pub due to delinquent sales tax debt. James Elliott said he is communicating with Avenu Insights & Analytics to resolve the past due amounts and is paying current sales tax. He requested 30 days to get with his accountant. Lisa Rosser, Finance Director, acknowledged the business license and tax payments are current. She stated this issue goes back for some time and recommended adoption, adding she will come back to the Council if the issue is resolved. Jonathan Gerth (Attorney for Avenu Insights & Analytics) said the resolution will give his company the ability to impose a tighter deadline and be in a position to enforce. Ms. Rosser noted the City Attorney would file an injunction if it's necessary to proceed with closing the business. The following resolution was introduced in writing for consideration:

RESOLUTION NO. R-112-19

REVOCATION OF BUSINESS LICENSE FOR PLUMBERS PUB

(Revoking Business License - Plumbers Pub - Due to outstanding sales tax debt - Note: Avenue Insights & Analytics, f/k/a Revenue Discovery Systems has made every effort to resolve the issue - Final assessment has been issued and direct appeals have been exhausted)

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

(15) The floor was opened to allow anyone to speak for or in opposition to a resolution revoking the business license for Rib Bones due to delinquent sales tax debt. Lisa Rosser, Finance Director, said the company has made arrangements for payment and recommended an indefinite table. She noted this is contingent upon the company's compliance with a two-day deadline given to pay all other taxes and purchase a current license. Councilman Worthy moved to table the resolution indefinitely, which motion was seconded by Councilman Reed and unanimously carried.

(16) The floor was opened to allow anyone to speak for or in opposition to a resolution revoking the business license for Salvador Ramirez, d/b/a Tienda Latina due to delinquent sales tax debt. Lisa Rosser, Finance Director, said the company has made arrangements for payment and recommended an indefinite table. Councilman Williams moved to table the resolution indefinitely, which motion was seconded by Councilman Worthy and unanimously carried.

(17) The floor was opened to allow anyone to speak for or in opposition to a resolution revoking the business license for The Still Bar and Grill, LLC due to delinquent sales tax debt. Lisa Rosser, Finance Director, said there has been no contact from the company and recommended adoption. The following resolution was introduced in writing for consideration:

RESOLUTION NO. R-113-19

REVOCATION OF BUSINESS LICENSE
FOR THE STILL BAR AND GRILL, LLC

(Revoking Business License - The Still Bar and Grill, LLC - Due to outstanding sales tax debt - Note: Avenue Insights & Analytics, f/k/a Revenue Discovery Systems has made every effort to resolve the issue - Final assessment has been issued and direct appeals have been exhausted)

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

(18) The floor was opened to allow anyone to speak for or in opposition to a resolution revoking the business license for Westcott's Forklift Sales and Services, LLC due to delinquent sales tax debt. Lisa Rosser, Finance Director, said the company has made arrangements for payment and recommended an indefinite table. Councilman Williams moved to table the resolution indefinitely, which motion was seconded by Councilman Back and unanimously carried.

(19) The floor was opened to allow anyone to speak for or in opposition to a resolution revoking the business license for Connie and Stephen Byers, d/b/a Artistic Design due to delinquent sales tax debt. Lisa Rosser, Finance Director, said the company made arrangements for payment this morning and recommended an indefinite table. Councilman Williams moved to table the resolution indefinitely, which motion was seconded by Councilman Worthy and unanimously carried.

RESOLUTIONS PRESENTED FOR CONSIDERATION

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

RESOLUTION NO. R-114-19

AWARDING BID NO. 3386

(Awarding Bid No. 3386 - Landscaping of Nocalula Falls Botanical Garden - CopelandScapes, Inc. - \$269,875.00 - Note: No bids were received and City Engineer negotiated through informal bid process)

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

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

RESOLUTION NO. R-115-19

AWARDING BID NO. 3396

(Awarding Bid No. 3396 - Broad Street Roof Top Lighting Project - Fred Dempsey Construction, LLC - \$126,941.00)

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

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

RESOLUTION NO. R-116-19

AWARDING BID NO. 3397

(Awarding Bid No. 3397 - Finished traffic signs - Traffic Signs Inc. - Unit prices)

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

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

RESOLUTION NO. R-117-19

AWARDING BID NO. 3398

(Awarding Bid No. 3398 - Unfinished traffic signs and posts - Traffic Signs, Inc. - Unit prices)

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

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

RESOLUTION NO. R-118-19

AUTHORIZING ACCEPTANCE OF DONATION
FROM ELKS LODGE

(Accepting Donation of Thermal Imaging Camera valued at \$1,395.00 from Elks Lodge - Model 73701 Flir K2, Serial Number 73715691 - To be used by Fire Department)

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

MAYOR AND COUNCIL REMARKS

President Toles explained the companies involved in today's license revocation proceedings have had many opportunities to pay their taxes and shouldn't continue operating without doing so. Councilman Wilson pointed out the businesses had collected the taxes but did not remit them.

President Toles recognized her fellow Delta Sigma Theta sorority sisters present in today's meeting, who are participating in "Delta Day at Local Government." Councilman Williams commended their work in the community and Councilman Reed extended a welcome.

Councilman Worthy reported on this morning's Community Development Committee meeting, stating drainage was discussed with the City Engineer. He asked for the public's patience in waiting for the complicated, expensive issues to be resolved.

Councilman Back highlighted good local unemployment rates, the opening of the newly renovated Moragne Park and upcoming projects for lighting on Broad Street and gardens at Noccoalula Falls.

Councilman Reed recognized Master Victor Chester, a young attendee. President Toles recognized two interns with Kendra Lee, who are earning their Master's degree.

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

Iva Nelson, City Clerk (3-26-2019)
