

COUNCIL CHAMBER - CITY HALL - GADSDEN, ALABAMA
APRIL 10, 2019 - 11:00 A.M.

The City Council met on April 10, 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 Councilman Williams.

The minutes of the Administrative Committee, Work Session, and Council meeting held on April 2, 2019, were approved by unanimous vote.

Payment of the HTE System accounts for the week of March 29 - April 4, 2019 were ratified by unanimous vote.

#190114-190267	General	\$961,601.84
#190268-190363	Election	\$ 17,270.00
#190364-190545	OLF	\$189,667.76

UNFINISHED BUSINESS

A resolution ordering the abatement of nuisances on property at 526 Plainview Street in District 3, which was tabled for 30 days on March 5, 2019, was presented in writing for consideration. Upon recommendation of the Building Official, Councilman Worthy moved to table the resolution an additional 30 days. The motion was seconded by Councilman Williams and unanimously carried.

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 448 Keeling Alley, the State of Alabama and redemption rights of Home Opportunity, LLC being the last known owners. Brian Harbison, Building Inspector, stated no improvements have been made since procedures began in September 2018, and recommended abatement. The following resolution was introduced in writing for consideration:

RESOLUTION NO. R-123-19

ORDERING ABATEMENT OF NUISANCE

(Ordering Abatement of Nuisance - 448 Keeling Alley - District 3 - State of Alabama; Redemption rights of Home Opportunity, LLC)

Councilman Worthy moved to adopt the resolution as introduced, which motion was seconded by Councilman Back 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 452 Keeling Alley in District 3, Joseph Butler and Arlando Jennings being the last known owners. Quintecia Jennings stated she and her brother regained ownership of the duplex in December 2018, after Joseph Butler purchased it for taxes. She said one side is completed and stated her desire to finish repairs. In response to Councilman Wilson's question regarding her time line, Ms. Jennings asked for 60 days. Councilman Worthy said his intent is to allow 30 days. Brian Harbison, Building Inspector, recommended abatement, stating the case began in September 2018, improvements have stopped, and there are no active permits. Councilman Back asked Ms. Jennings if she has the funds to complete repairs and asked that she keep in touch with Councilman Worthy or Mr. Harbison. Councilman Wilson observed that a lot of work is needed and cautioned against investing money, only to lose it if the final result is demolition. In response to Ms. Jennings' inquiry, Mr. Harbison explained each case begins with a detailed inspection report, which is mailed to the last known owner and any others identified in the title opinion, and 120 days are allotted for improvements to be made. He said tabled cases are monitored and owners are expected to communicate with the department. Councilman Worthy moved to table the resolution for 30 days, which motion was seconded by Councilman Williams and unanimously carried.

(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 709 Kyle Street in District 3, Daveing Meadows, with possible rights of redemption of the Estate of Ida Shack and Alonzo Shack, or Brenda Giles being the last known owners. Based on recent improvements, Brian Harbison, Building Inspector, recommended a 30-day extension. Councilman Worthy moved to table the resolution for 30 days, which motion was seconded by Councilman Williams and unanimously carried.

(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 1501 Harrison Avenue, the State of Alabama and possible rights of redemption of the Estate of Roy D. Wood, Glenda Wood Dabbs, Royce Robert Wood and Ray Keith Wood being the last known owners. Brian Harbison, Building Inspector, stated this case involves multiple structures and numerous cases dating back to June 2016. He said there have been no improvements and recommended abatement. The following resolution was introduced in writing for consideration:

RESOLUTION NO. R-124-19

ORDERING ABATEMENT OF NUISANCE

(Ordering Abatement of Nuisance - 1501 Harrison Avenue - District 5 - State of Alabama; possible rights of redemption of the Estate of Roy D. Wood, Glenda Wood Dabbs, Royce Robert Wood and Ray Keith Wood)

Councilman Wilson moved to adopt the resolution as introduced, which motion was seconded by Councilman Back 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 1227 S. 10th Street, Joseph C. Whorton and Tiffany Whorton being the last known owners. Mark Akins said the title company mistakenly put the property in his daughter's name (Tiffany Whorton) rather than his. He said he lives in Mississippi and was unaware of the problems until recently. Mr. Akins acknowledged the nuisances and stated his desire to clean, make repairs, and sell it to a potential buyer or secure a renter. Councilman Wilson displayed a lengthy summary of the existing problems and pointed out they have existed for almost a year. In response to his inquiry, Mr. Akins acknowledged that health conditions and funds are an issue. Councilman Wilson expressed empathy but also his responsibility to the citizens and noted the property may be eligible for rehabilitation by the City. Councilman Reed suggested that Mr. Akins seek legal advice. Brian Harbison, Building Inspector, stated no improvements have been made since procedures began in September 2019, and recommended abatement. The following resolution was introduced in writing for consideration:

RESOLUTION NO. R-125-19

ORDERING ABATEMENT OF NUISANCE

(Ordering Abatement of Nuisance - 1227 S. 10th Street - District 5 - Joseph C. Whorton; Tiffany Whorton)

Councilman Wilson moved to adopt the resolution as introduced, which motion was seconded by Councilman Back 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 3214 Sudie Avenue, Lisa M. Cantrell and Richard Roosevelt Leath being the last known owners. Richard Leath said he has worked on the house but it has suffered vandalism. He related incidents of unknown persons occupying the house, sitting on the porch, etc. Mr. Leath said he would like to sell the house but would not consider placing a tenant there due to neighborhood conditions. Councilman Cannon advised Mr. Leath he still has time to intervene if abatement is ordered, but recommended not trying to save the house. Brian Harbison, Building Inspector, presented a list of police calls from the past several years, most of which involve drug activity of the residents and their guests. He recommended abatement, stating no improvements have been made since procedures began in April 2016, although a permit was obtained in August 2016. (From the audience, Mr. Leath attempted to dispute the information regarding permits and point out he didn't own the property when the police calls occurred.) At the request of President Toles, City Attorney Lee Roberts explained the Building Department forwards orders to abate to the Public Works Department, which schedules the demolition; however, intervention through judicial process could cause a significant delay. Councilman Worthy said the house doesn't appear to be in very bad condition and drug activity occurs throughout the city. The following resolution was introduced in writing for consideration:

RESOLUTION NO. R-126-19

ORDERING ABATEMENT OF NUISANCE

(Ordering Abatement of Nuisance - 3214 Sudie Avenue - District 6 - Lisa M. Cantrell; Richard Roosevelt Leath)

Councilman Cannon moved to adopt the resolution as introduced, which motion was seconded by Councilman Reed and adopted by the following vote:

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

NAYS: Worthy

(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 3422 Williams Avenue, Donny W. Wilkes being the last known owner. Brian Harbison, Building Inspector, stated although a permit was obtained in May 2018, no improvements have been made since procedures began in March 2018, and recommended abatement. The following resolution was introduced in writing for consideration:

RESOLUTION NO. R-127-19

ORDERING ABATEMENT OF NUISANCE

(Ordering Abatement of Nuisance - 3422 Williams Avenue - District 7 - Donny W. Wilkes)

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

RESOLUTIONS PRESENTED FOR CONSIDERATION:

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

RESOLUTION NO. R-128-19

AWARDING BID NO. 3399

(Awarding Bid No. 3399 - Mitchell Community Center Reroofing Project - Construction Specialty Associates - \$82,050.00)

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

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

RESOLUTION NO. R-129-19

AUTHORIZING AGREEMENT WITH
ACADEMY SPORTS & OUTDOORS

(Authorizing Agreement - Academy Sports & Outdoors - For tent, grill, gift cards and coaches packets for certain Parks & Recreation events - In exchange for advertising)

Councilman Wilson 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-130-19

AUTHORIZING LEASE AGREEMENT
WITH DESTIN MINCE OF FRIOS GOURMET POPS

(Authorizing Lease - Destin Mince of Frios Gourmet Pops - For concession stand at Noccalula Falls Park - \$285.00 per month - Term of March 1, 2019 through February 28, 2020)

Councilman Reed 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-131-19

AUTHORIZING ACCEPTANCE OF DONATION
FROM GADSDEN RUNNERS CLUB

(Accepting Donation - 20x38 American flag valued at \$760.00 - From Gadsden Runners Club - To be used by Fire Department)

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

NEW BUSINESS

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

RESOLUTION NO. R-132-19

AUTHORIZING SECOND AMENDMENT TO GROUND LEASE

(Authorizing Second Amendment to Ground Lease - TWS Gadsden, LLC - Relating to property at western end of E. Chestnut Street for Buffalo Wild Wings restaurant - Relating to due diligence period, conditions of effectiveness, requisite power and authorization, etc.)

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.

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

RESOLUTION NO. R-133-19

REAPPOINTING MEMBERS TO
GADSDEN COMMERCIAL DEVELOPMENT AUTHORITY

(Approving Mayor's reappointment of Juarus Rawls, Harry McLendon, and Eric Wright for terms expiring December 31, 2021 - Approving Mayor's appointment of Stephen Wood to replace Carolyn Parker for term expiring December 31, 2021)

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.

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

RESOLUTION NO. R-134-19

AUTHORIZING FIRST AMENDMENT TO LEASE AGREEMENT

(Authorizing First Amendment to Lease Agreement - Board of Trustees of the University of Alabama - For buildings at 121 N. First Street and 91 Broad Street and non-exclusive use of adjacent parking lot - Extending term to May 31, 2024 at \$10.00 annual rental - Providing for subsequent renewals every 5 years at \$10.00 annual rental, with notice from Lessee)

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 Wilson introduced the following resolution in writing for consideration:

RESOLUTION NO. R-135-19

AUTHORIZING LICENSE AND SERVICES AGREEMENT

(Authorizing License and Services Agreement - Tyler Technologies Inc. - For software and maintenance for the Planning & Engineering, Building, Community Development, and Public Works Departments - \$317,489.00, with \$79,739.00 yearly maintenance cost, and \$20,400.00 estimated travel expenses for installation)

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 Williams and unanimously adopted.

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

RESOLUTION NO. R-136-19

REAPPOINTING MEMBER TO
CED MENTAL HEALTH BOARD

(Reappointing Rebecca Crane for term expiring April 1, 2025)

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 Back and unanimously adopted.

DEPARTMENT REPORTS

Mike Hilton, Assistant Public Works Director, provided an update on the transition from leaf collection to grass cutting activities and estimated the number of nuisance lots (800-1500) and State-owned lots (2,000). He explained State lots are being identified by a star and will be cut whenever crews are in the area. "Before and after" photos with time and date stamp will be taken of properties that are cut and stored for evidence. Mr. Hilton said the volume of trash and debris increases in the Spring, which causes delays in collecting.

MAYOR AND COUNCIL REMARKS

Mayor Guyton suggested advertising State lots that would be available for purchase by citizens.

Several Council members commended the clerk's office for excellence in conducting yesterday's school board election.

Councilman Williams noted trash and overgrown grass problems exist because individuals have failed to care for their properties and encouraged treating City employees with respect. He congratulated the newly elected school board members, especially Nathan Carter.

Councilman Worthy announced the City's Easter egg hunt at the softball complex on April 18, a joint District 3 and County Commission District 5 meeting at 6 p.m. next Tuesday at the Carver Community Center, and a job fair at The Venue on May 2. He shared February unemployment statistics and cited large numbers of jobs that are available.

Councilman Back noted the children's play area at Moragne Park is closed a few days for repairs and commended the former administration for investing in its renovation. He acknowledged homelessness as a huge problem and cited groups that are working for solutions for this, as well as hunger.

Councilman Wilson congratulated Mark Dayton upon his election. He commented that nuisance decisions are not easy and he tries to support the recommendations of City staff. Councilman Cannon noted he follows recommendations 99% of the time.

Councilman Reed announced a ribbon cutting for Phase 4 of the Black Creek Trail at 5 p.m. on Friday and Smoke on the Falls activities this weekend.

President Toles announced a District 1 meeting at 6 p.m. on April 29, at the Antioch Family Life Center. She pointed out that citizens pay for garbage collection, but not for trash placed on the street for collection. She advocated for demolishing houses that are abandoned and in poor condition, or sources of drug activity, as well as citizens taking responsibility for cleaning up trash and maintaining their properties. President Toles announced that next week's work session will be held at 11 a.m. and the council meeting at noon, in order to certify the results of yesterday's election.

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

Iva Nelson, City Clerk (4-10-2019)
