

COUNCIL CHAMBER - CITY HALL - GADSDEN, ALABAMA
APRIL 23, 2019 - 11:00 A.M.

The City Council met on April 23, 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 and Reed. Councilman Cannon was absent. The clerk stated a quorum was present and the meeting was open for business. Mayor Guyton, Heath Williamson and Chief Jaggars were also present.

The invocation was given by Heath Williamson.

The minutes of the last work session and council meeting held on April 16, 2019, were approved by unanimous vote.

Payment of the HTE System accounts for the week of April 12-17, 2019 were ratified by unanimous vote.

#190764-190894	General	\$1,087,318.31
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UNFINISHED BUSINESS

(1) President Toles announced that no action was necessary regarding 2208 E. Broad Street in District 1, 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 ordering the abatement of nuisances on property at 125 Washington Avenue, Carrie Alexander c/o Rose Floyd, Jynette Floyd, Shawn Floyd, Willie Murray, O.D. Murray, and Rose Floyd being the last known owners. Jynette Floyd spoke in opposition requested additional time to make repairs, noting the grass was cut and the hedges trimmed. She acknowledged there is a tarp over roof damage. Brian Harbison, Building Inspector, stated no improvements have been made since procedures began in July 2018, and recommended abatement. In response to inquiries, he expressed doubt that rehabilitation by the City would be financially feasible and explained a home must be owner occupied to qualify for CDBG assistance. Councilman Wilson noted there is considerable roof damage and questioned if Ms. Floyd is aware of the total cost required for bringing it up to code. The following resolution was introduced in writing for consideration:

RESOLUTION NO. R-156-19

ORDERING ABATEMENT OF NUISANCE

(Ordering Abatement of Nuisance - 125 Washington Avenue - District 1 - Carrie Alexander, c/o Rose Floyd; Jynette Floyd; Shawn Floyd; Willie Murray; O.D. Murray; Rose Floyd)

Councilwoman Toles moved to adopt the resolution as introduced, which motion was seconded by Councilman Wilson 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 213 8th Street North, Eulas E. Parker and Connie L. Parker being the last known owners. Eulas Parker stated windows were replaced and cited landscaping improvements made within the last week and questioned what the issues are. Brian Harbison, Building Inspector, stated no improvements have been made since procedures began in July 2018. He said there are serious structural issues and recommended abatement. In response to inquiries, Mr. Harbison said the house is not suitable for rehabilitation by the City. Mr. Parker questioned why he was not advised of this before he made roof improvements and Mr. Harbison said the July 2018 inspection report was sent. The following resolution was introduced in writing for consideration:

RESOLUTION NO. R-157-19

ORDERING ABATEMENT OF NUISANCE

(Ordering Abatement of Nuisance - 213 8th Street North - District 2 - Eulas E. Parker; Connie L. Parker)

Councilman Williams moved to adopt the resolution as introduced, which motion was seconded by Councilwoman Toles 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 306 Roslyn Drive, FNA NP, LLC, and redemption rights of Herbert Kenbrew Downey, and/or his 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-158-19

ORDERING ABATEMENT OF NUISANCE

(Ordering Abatement of Nuisance - 306 Roslyn Drive - District 2 - FNA NP, LLC; Redemption rights of Herbert Kenbrew Downey and/or his heirs if deceased)

Councilman Williams moved to adopt the resolution as introduced, which motion was seconded by Councilman Worthy 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 927 S. 6th Street in District 5, Sandra Beck, The Exchange Bank, and First Alabama Bank of Gadsden being the last known owners. Brian Harbison, Building Inspector, stated there are a couple of potential buyers for this duplex and expressed no objection to granting additional time. Misty Sosebee Ledbetter stated a purchase agreement has been entered into with Prime Media and the plan is to rehabilitate the structure and either rent or sell it. Councilman Wilson moved to table the resolution for 30 days, which motion was seconded by Councilman Worthy and unanimously carried.

(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 44 W. Tuscaloosa Avenue, Gunvant Patkar, c/o William Thrasher, being the last known owner. Brian Harbison, Building Inspector, stated this case involves abandoned vehicles, trash and debris, and has been ongoing for approximately seven week. He said action in municipal court has been unsuccessful and recommended abatement. The following resolution was introduced in writing for consideration:

RESOLUTION NO. R-159-19

ORDERING ABATEMENT OF NUISANCE

(Ordering Abatement of Nuisance - 44 W. Tuscaloosa Avenue - District 7 - Gunvant Patkar, c/o William Thrasher)

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

RESOLUTIONS PRESENTED FOR CONSIDERATION:

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

RESOLUTION NO. R-160-19

AUTHORIZING RIGHT-OF-WAY EASEMENT
TO CHRISTIAN ELECTRIC SERVICES

(Authorizing temporary easement - James M. Christian, d/b/a Christian Electric Services - 1039 1st Avenue - To allow construction of fence and gate on City right-of-way along N. 11th Street)

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

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

RESOLUTION NO. R-161-19

AUTHORIZING RIGHT-OF-WAY EASEMENT TO
TEAM ONE CHRYSLER OF GADSDEN

(Authorizing temporary easement - Gadsden Auto Acquisitions, Inc., d/b/a Team One Chrysler of Gadsden - 1101 1st Avenue - To allow construction of fence and gate on City right-of-way along N. 11th Street)

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-162-19

AWARDING BID NO. 3402

(Awarding Bid No. 3402 - Riverfront Development Site Work, Phase II Project - Takco Construction - \$840,801.55)

It was noted this relates to a shared parking and lighting area relating to construction of the new Buffalo Wild Wings Restaurant.

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 Wilson introduced the following resolution in writing for consideration:

RESOLUTION NO. R-163-19

AUTHORIZING AGREEMENT WITH
STATE OF ALABAMA

(Authorizing Right-of-Way Agreement - State of Alabama - For right-of-way acquisition for reconstruction of S. 11th Street, from Black Creek Parkway to the bridge at Black Creek - \$200,000.00, with City's estimated 20% match being \$40,000.00 - MPO Project)

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 Wilson introduced the following ordinance in writing for consideration:

ORDINANCE NO. O-10-19

AMENDING FISCAL YEAR 2019
GENERAL FUND BUDGET

(Amending FY2019 Budget - Transferring \$200,000.00 from unassigned fund balance to Engineering Department MPO Project Match Account - To fund right-of-way agreement with State of Alabama for reconstruction of South 11th Street, from Black Creek Parkway to the bridge over Black Creek)

Councilman Wilson 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, Reed

NAYS: None

Councilman Wilson moved to adopt the ordinance, which motion was seconded by Councilwoman Toles and unanimously adopted.

MAYOR AND COUNCIL REMARKS

Councilman Wilson thanked the Mayor and Engineering Department for their work on S. 11th Street project.

Councilman Worthy apologized for inaccurate comments he previously made concerning Career Tech scholarships.

Mayor Guyton expressed concern that State legislation concerning a lodging tax increase to benefit the Etowah Economic Alliance was introduced without being requested by the governing body. Councilman Williams agreed and pointed out another bill in regard to home rule is concerning. Councilman Wilson advised citizens can make direct contact with State legislators and said he plans to reach out to local delegation members. He added hotels that would generate the tax proceeds are located mostly in Gadsden. Councilman Back stated there has been much rhetoric about cooperation between city, county and state officials, but actions must match the talk. President Toles stressed the importance of understanding the issues when voting for people who represent citizens' interest. Councilman Worthy referred to his encouragement for unity and expressed disappointment with the action.

President Toles announced a District 1 meeting at 6 p.m. on April 29 at the Antioch Family Life Center.

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

Iva Nelson, City Clerk (4-23-2019)
