

COUNCIL CHAMBER - CITY HALL - GADSDEN, ALABAMA
APRIL 20, 2021 - 11:00 A.M.

The City Council met on April 20, 2021 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 and Heath Williamson were also present.

The invocation was given by Councilman Back.

Josh Tanner (Emergency Management Agency) presented an update on Covid-19 local statistics. He announced vaccination clinics at Way of the Cross on April 22 and Carver Community Center on April 27.

The minutes of the last work session and council meeting held on April 13, 2021, were approved by unanimous vote.

Payment of the HTE System accounts for the week of April 9-15, 2021, were ratified by unanimous vote.

#207296-207450	General	\$519,665.59
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UNFINISHED BUSINESS

(1) The following resolution, which was tabled for 30 days on March 16, 2021, was presented in writing for consideration:

RESOLUTION NO. R-71-21

ORDERING ABATEMENT OF NUISANCE

(Ordering Abatement of Nuisance - 710 S. 6th Street (4-plex apartments) - District 4 - Noah E. Smith; Sandra Beck)

Councilman Back moved to adopt the resolution as introduced, which motion was seconded by Councilman Wilson 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 405 South 12th Street, The Exchange Bank of Alabama, subject to rights of foreclosure of Thirteenth Place, Inc. being the last known owners. Brian Harbison, Building Inspector, stated no improvements have been made to this burned house since procedures began in October 2020, and recommended abatement. Councilman Wilson related the history of the property, which was formerly a shelter for youth. The following resolution was introduced in writing for consideration:

RESOLUTION NO. R-72-21

ORDERING ABATEMENT OF NUISANCE

(Ordering Abatement of Nuisance - 405 South 12th Street - District 5 - The Exchange Bank of Alabama, subject to rights of foreclosure of Thirteenth Place, Inc.)

Councilman Wilson moved to adopt the resolution as introduced, which motion was seconded by Councilman Worthy 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 12 Sandusky Lane, Charmaine Coffman, subject to a mortgage in favor of Lori B. Stone, being the last known owners. Charmaine Coffman spoke, stating she sold the property to Patty Farms, LLC in November 2020, and the new owner wishes to make repairs. Councilman Cannon noted this property is the source of many complaints and nuisances have been ongoing for over four years. Ms. Coffman said she had tried to work on the house during the two years she owned it. Brian Harbison, Building Inspector, stated although a permit was obtained shortly after procedures began in July 2020, little or no improvements have been made. He recommended abatement. In response to Councilman Worthy's inquiry concerning a new owner, Mr. Harbison explained the initial order is recorded, which would be revealed in a title search. He added it is illegal to sell condemned property without notifying the building department. The following resolution was introduced in writing for consideration:

RESOLUTION NO. R-73-21

ORDERING ABATEMENT OF NUISANCE

(Ordering Abatement of Nuisance - 12 Sandusky Lane (house & accessory building) - District 6 - Charmaine Coffman, subject to mortgage in favor of Lori B. Stone)

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

(3) The floor was opened to allow anyone to speak for or in opposition to a resolution assessing a nuisance abatement lien on property at 1309 Vinson Avenue, Clovia R. Johnson and Frances W. Lowery being the last known owners. No one spoke. The following resolution was introduced in writing for consideration:

RESOLUTION NO. R-74-21

ASSESSING NUISANCE ABATEMENT LIEN AGAINST PROPERTY

(Assessing Nuisance Abatement Lien for Demolition - \$2,966.40 - 1309 Vinson Avenue - District 1 - Clovia R. Johnson; Frances W. Lowery)

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

(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 1316 Chandler Street, FNA NP, LLC, possible rights of redemption of the Estate of Leroy McCary and potential heirs listed as Nettie McCary Elmore, Malcom McCary, Christine McCary, Tickella McCary, Adrianna McCary, Corbin McCary, Malcom McCary, Antwan McCary, Ayla McCary, Alie McCary, State of Alabama and Wesley Sims being the last known owners. No one spoke. The following resolution was introduced in writing for consideration:

RESOLUTION NO. R-75-21

ASSESSING NUISANCE ABATEMENT LIEN AGAINST PROPERTY

(Assessing Nuisance Abatement Lien for Demolition - \$3,366.40 - 1316 Chandler Street - District 2 - FNA NP, LLC; Possible rights of redemption of the Estate of Leroy McCary and potential heirs listed as Nettie McCary Elmore, Malcom McCary, Christine McCary, Tickella McCary, Adrianna McCary, Corbin McCary, Malcom McCary, Antwan McCary, Ayla McCary, Alie McCary; State of Alabama; Wesley Sims)

Councilman Wilson moved to adopt the resolution as introduced, which motion was seconded by Councilman Reed 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 1423 Alabama Avenue in District 3, the State of Alabama, with possible rights of redemption by Brenda Giles, Roberto Barajas-Diaz being the last known owners. Robert Rojas stated he purchased a tax certificate but lost his interest when the house was demolished. A discussion followed regarding 3-year rights of redemption in regard to tax sales. Brian Harbison, Building Official, noted the city will recognize a certificate holder as owner during that period. Mr. Diaz was advised to speak with Mr. Harbison after the meeting. Councilman Worthy moved to table the resolution for 30 days, which motion was seconded by Councilman Williams and unanimously carried.

(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 1107 Hurst Street in District 3, FNA NP, LLC, possible rights of redemption to the Estate of Henrietta Maull and Pentecostal Temple COGIC being the last known owners. David Alexander spoke on behalf of Pentecostal Temple, stating the church purchased the house at a tax sale in May 2019 and it was demolished in September 2019. He said the church was unable to renovate the property due to redemption rights and did not wish to be assessed for the lien. Brian Harbison explained the lien is assessed against the property, rather than persons listed for notification purposes. Councilman Worthy moved to table the resolution for 30 days, which motion was seconded by Councilman Williams and unanimously carried.

(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 1414 Walnut Street, the State of Alabama, redemption rights of James Lee Moody and wife Mary Lee Moody and/or heirs if deceased, being the last known owners. No one spoke. The following resolution was introduced in writing for consideration:

RESOLUTION NO. R-76-21

ASSESSING NUISANCE ABATEMENT LIEN AGAINST PROPERTY

(Assessing Nuisance Abatement Lien for Demolition - \$3,716.40 - 1414 Walnut Street - District 5 - State of Alabama; Redemption rights of James Lee Moody and wife Mary Lee Moody and/or heirs if deceased)

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

(8) The floor was opened to allow anyone to speak for or in opposition to an ordinance rezoning property at 1117 Hooks Lake Road in District 2 from R-1, One-Family Residence District, to B-1, Neighborhood Business District. No one spoke. The ordinance was presented for first reading and will be placed on the agenda of the next regular meeting for consideration.

(9) The floor was opened to allow anyone to speak for or in opposition to an ordinance rezoning the rear portion of property at 1045 and 1047 Tuscaloosa Avenue in District 3 from B-2, General Business District, to B-3, Central Business District. No one spoke. The ordinance was presented for first reading and will be placed on the agenda of the next regular meeting for consideration.

MAYOR AND COUNCIL REMARKS

Councilman Worthy encouraged citizens to be vaccinated at the upcoming clinics on April 22 at Way of the Cross and April 27 at Carver Community Center.

Councilman Reed announced the upcoming Gadsden Etowah Patriots Association golf tournament on April 26.

Councilman Wilson thanked George White for his service to the community, various city boards, and his neighborhood through crime watch efforts. He referred to his new hat worn for the 8 and under coach pitch baseball team, the "Back 40 Brewers."

Councilman Back asked the public to refrain from speeding and thanked Rick Vaughan for his assistance in obtaining flags for a neighbor and Striplin Elementary School. He thanked Finance Director Lisa Rosser for her work and congratulated the city's receipt of a clean audit. Councilman Back noted guidelines are hopefully coming for the American Rescue Plan in mid-May and said plans are underway. He congratulated his daughter, Kirkland, who recently passed the bar exam and is expecting her first child.

President Toles noted the city attorney was not present, and read a statement he prepared in response to social media comments made by Attorney Christie Knowles after Mayor Guyton's comments in last week's council meeting. Points included: 1) the mayor did not accuse Ms. Knowles but questioned how she came into possession of documents stolen from the Industrial Development Authority; 2) the identity of a "whistleblower" must be known to determine they had appropriate access to information concerning the proposed rendering plant; 3) the police report filed by the IDA initiated a criminal investigation, not the mayor; 4) detectives report findings to the prosecutor, not the mayor; 5) economic development project is subject to protections of nondisclosure by state law; 6) the proposed Pilgrims facility is subject to FDA regulations under Public Health Security and Bioterrorism Preparedness and Response Act of 2002 regarding layout and site design; 7) city remains committed to give this and all industries a fair opportunity for consideration.

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

Iva Nelson, City Clerk (4-20-21)
