

COUNCIL CHAMBER - CITY HALL - GADSDEN, ALABAMA
JANUARY 5, 2016 - 11:00 A.M.

The City Council met on January 5, 2016, in regular session.

The meeting was called to order at 11:00 a.m. by Council President Williams. On roll call by the City Clerk, Iva Nelson, the following council members answered present: Toles, Williams, Worthy, Echols, Billingsley, 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 Crane were also present.

The invocation was given by Brian Harbison.

The minutes of the last work session and council meeting held on December 29, 2015, were approved by unanimous vote.

Payment of the HTE System accounts for the week of December 25-31, 2015 were ratified by unanimous vote.

#162206-162326	General	\$1,363,167.50
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Mayor Guyton read a proclamation proclaiming January 2016, as “National Mentoring Month” and presented it to Valerie Shannon of Big Brothers and Big Sisters.

UNFINISHED BUSINESS

(1) The following ordinance, which was introduced for first reading at last week's meeting, was presented for consideration:

ORDINANCE NO. O-01-16

ADOPTING 2015 INTERNATIONAL RESIDENTIAL CODE

(Adopting International Residential Code, 2015 Edition - Regulating construction, alteration, movement, enlargement, replacement, repair, equipment, location, removal and demolition of detached one and two family dwellings and multiple single family dwellings (townhouses) not more than three stories in height with separate means of egress in the city - Providing for issuance of permits and collection of fees - Amending Sections 18-461 and 18-462 of City Code)

Councilman Cannon moved to adopt the ordinance, which motion was seconded by Councilman Echols and carried by the following vote:

AYES: Toles, Williams, Worthy, Echols, Cannon, Reed

NAYS: Billingsley

(2) The following ordinance, which was introduced for first reading at last week's meeting, was presented for consideration:

ORDINANCE NO. O-02-16

ADOPTING 2014 NATIONAL ELECTRICAL CODE

(Adopting National Electrical Code, 2014 Edition - Regulating installation, workmanship, construction, maintenance and repair of all electrical work in the city - Amending Sections 18-62 and 18-63 of City Code)

Councilman Cannon moved to adopt the ordinance, which motion was seconded by Councilman Echols and carried by the following vote:

AYES: Toles, Williams, Worthy, Echols, Cannon, Reed

NAYS: Billingsley

(3) The following ordinance, which was introduced for first reading at last week's meeting, was presented for consideration:

ORDINANCE NO. O-03-16

ADOPTING 2015 INTERNATIONAL EXISTING BUILDING CODE

(Adopting International Existing Building Code, 2015 Edition - Regulating repair, alteration, change of occupancy, addition and relocation of existing buildings, including historic buildings - Providing for issuance of permits and collection of fees - Amending Sections 18-41 and 18-42 of City Code)

Councilman Cannon moved to adopt the ordinance, which motion was seconded by Councilman Echols and carried by the following vote:

AYES: Toles, Williams, Worthy, Echols, Cannon, Reed

NAYS: Billingsley

(4) The following ordinance, which was introduced for first reading at last week's meeting, was presented for consideration:

ORDINANCE NO. O-04-16

ADOPTING 2015 INTERNATIONAL PLUMBING CODE

(Adopting International Plumbing Code, 2015 Edition - Regulating design, construction, quality of materials, erection, installation, alteration, repair, location, relocation, replacement, addition to, use or maintenance of plumbing systems - Providing for issuance of permits and collection of fees - Amending and repealing certain sections of City Code)

Councilman Cannon moved to adopt the ordinance, which motion was seconded by Councilman Echols and carried by the following vote:

AYES: Toles, Williams, Worthy, Echols, Cannon, Reed

NAYS: Billingsley

(5) The following ordinance, which was introduced for first reading at last week's meeting, was presented for consideration:

ORDINANCE NO. O-05-16

ADOPTING 2015 INTERNATIONAL MECHANICAL CODE

(Adopting International Mechanical Code, 2015 Edition - Regulating design, construction, quality of materials, erection, installation, alteration, repair, location, relocation, replacement, addition to, use or maintenance of mechanical systems - Providing for issuance of permits and collection of fees - Amending Sections 18-281 and 18-282 of City Code)

Councilman Cannon moved to adopt the ordinance, which motion was seconded by Councilman Echols and carried by the following vote:

AYES: Toles, Williams, Worthy, Echols, Cannon, Reed

NAYS: Billingsley

(6) The following ordinance, which was introduced for first reading at last week's meeting, was presented for consideration:

ORDINANCE NO. O-06-16

ADOPTING 2015 INTERNATIONAL BUILDING CODE

(Adopting International Building Code, 2015 Edition - Regulating conditions and maintenance of all property, buildings and structures - Providing standards for supplied utilities, facilities and other physical things and conditions essential to ensure that structures are safe, sanitary and fit for occupation and use - Providing for condemnation of buildings and structures unfit for human occupancy and use, and demolition of same - Providing for issuance of permits and collection of fees - Amending Sections 18-31 and 18-32 of City Code)

Councilman Cannon moved to adopt the ordinance, which motion was seconded by Councilman Echols and carried by the following vote:

AYES: Toles, Williams, Worthy, Echols, Cannon, Reed

NAYS: Billingsley

(7) The following ordinance, which was introduced for first reading at last week's meeting, was presented for consideration:

ORDINANCE NO. O-07-16

ADOPTING 2015 INTERNATIONAL FUEL GAS CODE

(Adopting International Fuel Gas Code, 2015 Edition - Regulating fuel gas systems and gas-fired appliances - Providing for issuance of permits and collection of fees - Amending Sections 18-231 and 18-232 of City Code)

Councilman Cannon moved to adopt the ordinance, which motion was seconded by Councilman Echols and carried by the following vote:

AYES: Toles, Williams, Worthy, Echols, Cannon, Reed

NAYS: Billingsley

(8) The following ordinance, which was introduced for first reading at last week's meeting, was presented for consideration:

ORDINANCE NO. O-08-16

ADOPTING 2015 INTERNATIONAL FIRE CODE

(Adopting International Fire Code, 2015 Edition - Regulating safeguarding of life and property from fire and explosion hazards arising from storage, handling and use of hazardous substances, and from conditions hazardous to life or property in occupancy of buildings and premises - Providing for issuance of permits and collection of fees - Amending Sections 50-61 through 50-64 of City Code)

Councilman Cannon moved to adopt the ordinance, which motion was seconded by Councilman Echols and carried by the following vote:

AYES: Toles, Williams, Worthy, Echols, Cannon, Reed

NAYS: Billingsley

(9) The following ordinance, which was introduced for first reading at last week's meeting, was presented for consideration:

ORDINANCE NO. O-09-16

ADOPTING 2015 INTERNATIONAL PROPERTY MAINTENANCE CODE

(Adopting International Property Maintenance Code, 2015 Edition - Regulating conditions and maintenance of all property, buildings and structures - Providing standards for supplied utilities, facilities and other physical things and conditions essential to ensure that structures are safe, sanitary and fit for occupation and use - Providing for condemnation of buildings and structures unfit for human occupancy and use, and demolition of same - Providing for issuance of permits and collection of fees - Amending Sections 18-261 and 18-262 of City Code)

Councilman Cannon moved to adopt the ordinance, which motion was seconded by Councilman Echols and carried by the following vote:

AYES: Toles, Williams, Worthy, Echols, Cannon, Reed

NAYS: Billingsley

PUBLIC HEARINGS

President Williams 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 1921 Ewing Avenue, the State of Alabama and Sheila Walker being the last known owners. Brian Harbison, Building Inspector, stated no improvements have been made since procedures began in January 2014, and recommended abatement. The following resolution was introduced in writing for consideration:

RESOLUTION NO. R-01-16

ORDERING ABATEMENT OF NUISANCE

(Ordering Abatement of Nuisance - 1921 Ewing Avenue - District 2 - State of Alabama; Sheila Walker)

Councilman Billingsley moved to adopt the resolution as introduced, which motion was seconded by Councilman Cannon 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 1107 Bretwood Drive, Robert Haley, Jr. c/o Joe S. Duncan being the last known owner. Brian Harbison, Building Inspector, stated no improvements have been made since procedures began in November 2014, and recommended abatement. The following resolution was introduced in writing for consideration:

RESOLUTION NO. R-02-16

ORDERING ABATEMENT OF NUISANCE

(Ordering Abatement of Nuisance - 1107 Bretwood Drive - District 3 - Robert Haley Jr., c/o Joe S. Duncan)

Councilman Worthy moved to adopt the resolution as introduced, which motion was seconded by Councilman Cannon 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 1631 Airport Boulevard, Maria D. Arellano being the last known owner. Brian Harbison, Building Inspector, stated although permits were obtained when procedures began in March 2014, and January 2015, no visible improvements have been made. He recommended abatement. The following resolution was introduced in writing for consideration:

RESOLUTION NO. R-03-16

ORDERING ABATEMENT OF NUISANCE

(Ordering Abatement of Nuisance - 1631 Airport Boulevard - District 5 - Maria D. Arellano)

Councilman Billingsley moved to adopt the resolution as introduced, which motion was seconded by Councilman Cannon 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 1804 Broadway in District 5, Richard N. Carden and AmSouth/Regions Bank being the last known owners. Mr. Carden (3575 Mountainview Road, Odenville, AL) stated he uses this building, constructed of concrete blocks with vinyl siding, for storage. He cited items that are needed but said he feels the main structure and roof are sound and plans to open a store there in the future. Mr. Carden added he needs to know what the City wants him to do. A discussion followed regarding the property's rezoning, which is believed to be B-1, and the City's notices. Brian Harbison, Building Inspector, stated a notice was filed in the Probate Judge's office when procedures began in June 2014. He said the building is not secure and is very visible from S. 11th Street and recommended abatement. Councilman Billingsley expressed a desire to save structures whenever possible and moved to table the resolution for 60 days. The 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 2201 Cansler Avenue, FNA NP, LLC, and the Heirs of Virginia Barfield being the last known owners. Clifford Barfield (widower of Virginia Barfield) said an arrangement for rent-to-own resulted in poor condition and debris. He said he removed some debris and asked for 60 days to perform work. Brian Harbison, Building Inspector, stated new windows were installed after a permit in July 2014; however no further improvements have been made since procedures began in April 2014. He recommended abatement. The following resolution was introduced in writing for consideration:

RESOLUTION NO. R-04-16

ORDERING ABATEMENT OF NUISANCE

(Ordering Abatement of Nuisance - 2201 Cansler Avenue - District 6 - FNA NP, LLC; Heirs of Virginia Barfield)

Councilman Cannon moved to adopt the resolution as introduced, which motion was seconded by Councilman Councilwoman Toles 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 302 Keiser Street, the State of Alabama and Cecil Davis being the last known owners. Brian Harbison, Building Inspector, stated no improvements have been made since procedures began in June 2014, and recommended abatement. The following resolution was introduced in writing for consideration:

RESOLUTION NO. R-05-16

ORDERING ABATEMENT OF NUISANCE

(Ordering Abatement of Nuisance - 302 Keiser Street - District 6 - State of Alabama; Cecil Davis)

Councilman Cannon moved to adopt the resolution as introduced, which motion was seconded by Councilman Worthy 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 906 North 33rd Street, Anne McCoy being the last known owner. Brian Harbison, Building Inspector, stated no improvements have been made since procedures began in April 2014, and recommended abatement. The following resolution was introduced in writing for consideration:

RESOLUTION NO. R-06-16

ORDERING ABATEMENT OF NUISANCE

(Ordering Abatement of Nuisance - 906 North 33rd Street - District 7 - Anne McCoy)

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

(8) The floor was opened to allow anyone to speak for or in opposition to a resolution ordering the abatement of nuisances on property at 1315 Tuscaloosa Avenue in District 7, Geneva Crook being the last known owner. Upon recommendation of the Building Official, Councilman Reed moved to table the resolution for 30 days. The motion was seconded by Councilman Cannon and unanimously carried.

(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 2531 Dublin Street, Lillie M. Smallwood being the last known owner. No one spoke. The following resolution was introduced in writing for consideration:

RESOLUTION NO. R-07-16

ASSESSING NUISANCE ABATEMENT LIEN AGAINST PROPERTY

(Assessing Nuisance Abatement Lien for Demolition - \$3,490.40 - 2531 Dublin Street - District 2 - Lillie M. Smallwood)

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

(10) The floor was opened to allow anyone to speak for or in opposition to a resolution assessing a nuisance abatement lien on property at 511 Abercrombie Street, the State of Alabama and Greta Mostella being the last known owners. No one spoke. The following resolution was introduced in writing for consideration:

RESOLUTION NO. R-08-16

ASSESSING NUISANCE ABATEMENT LIEN AGAINST PROPERTY

(Assessing Nuisance Abatement Lien for Demolition - \$2,541.92 - 511 Abercrombie Street - District 3 - State of Alabama; Greta Mostella)

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

(11) The floor was opened to allow anyone to speak for or in opposition to a resolution assessing a nuisance abatement lien on property at 639 Abercrombie Street, the State of Alabama and Samuel Wyatt being the last known owners. No one spoke. The following resolution was introduced in writing for consideration:

RESOLUTION NO. R-09-16

ASSESSING NUISANCE ABATEMENT LIEN AGAINST PROPERTY

(Assessing Nuisance Abatement Lien for Demolition - \$2,239.92 - 639 Abercrombie Street - District 3 - State of Alabama; Samuel Wyatt)

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

(12) The floor was opened to allow anyone to speak for or in opposition to a resolution assessing a nuisance abatement lien on property at 421 Evans Street, the State of Alabama and the Estate of Myrtle Lovejoy being the last known owners. No one spoke. The following resolution was introduced in writing for consideration:

RESOLUTION NO. R-10-16

ASSESSING NUISANCE ABATEMENT LIEN AGAINST PROPERTY

(Assessing Nuisance Abatement Lien for Demolition - \$3,964.92 - 421 Evans Street - District 3 - State of Alabama; Estate of Myrtle Lovejoy)

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

(13) The floor was opened to allow anyone to speak for or in opposition to a resolution assessing a nuisance abatement lien on property at 516 Evans Street, Elfido Ovalle and Eulalia Tomas being the last known owners. No one spoke. The following resolution was introduced in writing for consideration:

RESOLUTION NO. R-11-16

ASSESSING NUISANCE ABATEMENT LIEN AGAINST PROPERTY

(Assessing Nuisance Abatement Lien for Demolition - \$3,039.92 - 516 Evans Street - District 3 - Elfido Ovalle; Eulalia Tomas)

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

Councilman Worthy reminded property owners that a payment plan can be set up to pay liens assessed.

RESOLUTIONS PRESENTED FOR CONSIDERATION:

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

RESOLUTION NO. R-12-16

AUTHORIZING AGREEMENT WITH
ALABAMA BASS FEDERATION NATION

(Authorizing Agreement - Alabama Bass Federation Nation - \$6,000.00 - For City sponsorship of fishing tournament to be held October 28-29, 2016)

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

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

RESOLUTION NO. R-13-16

AUTHORIZING AGREEMENT WITH
HIGHLAND TECHNICAL SERVICES, INC.

(Authorizing Agreement - Highland Technical Services, Inc. - To perform evaluation of prior surveys and conduct limited surveys - Regarding asbestos abatement and management for 5 buildings at Air Depot, which are scheduled for demolition)

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

NEW BUSINESS

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

RESOLUTION NO. R-14-16

AWARDING BID NO. 3302

(Awarding Bid No. 3302 - Culvert Repair on Riverview Drive - McCartney Construction Company - \$86,398.00)

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

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

RESOLUTION NO. R-15-16

AUTHORIZING AGREEMENT WITH
TRANSPORTATION SOUTH INC.

(Authorizing Agreement - Transportation South Inc. - \$250,410.80 - For purchase of four replacement DART vehicles - 80% Federal funds, with 20% local match - Note: Vehicles were selected from ALDOT bid list)

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

DEPARTMENT REPORTS

Chief Carroll reported on the Fire Department’s successful Toys From Santa campaign, recognized sponsors for their contributions and thanked the Mayor and Council for their support.

MAYOR AND COUNCIL REMARKS

Mayor Guyton highlighted the EDGE Program and the Parks and Recreation Department’s after-school efforts. He urged parents to be involved in their children’s education and to take advantage of career training opportunities. The Mayor thanked the Fire Department and other local organizations who provide for those in need.

Councilman Worthy announced a District 3 meeting at 1 p.m. on Saturday at the Carver Community Center, as well as the “Unity in the Community” parade at 1 p.m. on Friday, January 15. He stressed the importance of education.

Councilman Reed complimented the Kiwanis Club’s gifts to local children during Christmas and recognized three young attendees with Curlie DeRamus.

President Williams encouraged exposing children to current events and politics, as well as technical training. He extended condolences at the death of Eugene Harrell, Mark Henderson’s mother and Hazel Oliver and commended Mrs. Oliver’s extensive community service.

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

Iva Nelson, City Clerk (1-5-2016)
