

COUNCIL CHAMBER - CITY HALL - GADSDEN, ALABAMA
FEBRUARY 23, 2016 - 5:00 P.M.

The City Council met on February 23, 2016, in regular session.

The meeting was called to order at 5:00 p.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, Jeramy Ward, and Chief Crane were also present.

The invocation was given by Jeramy Ward.

The minutes of the last work session and council meeting held on February 9, 2016, were approved by unanimous vote.

Payment of the HTE System accounts for the weeks of February 5-11 and February 12-18, 2016 were ratified by unanimous vote.

#163027-163337	General	\$1,171,559.84
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UNFINISHED BUSINESS

(1) A resolution ordering the abatement of nuisances on property at 926 Avenue A in District 3, which was tabled for 30 days on January 12, was presented in writing for consideration. Councilman Worthy moved to table the resolution an additional 30 days, which motion was seconded by Councilman Cannon and unanimously carried.

(2) A resolution ordering the abatement of nuisances on property at 812 Reynolds Circle in District 5, which was tabled for 30 days on January 19, was presented in writing for consideration. Upon recommendation of the Building Official, Councilman Billingsley moved to table the resolution an additional 30 days. The motion was seconded by Councilman Worthy and unanimously carried.

(3) A resolution ordering the abatement of nuisances on property at #2 Laurel Road in District 6, which was tabled for 30 days on January 12, was presented in writing for consideration. Upon recommendation of the Building Official, Councilman Cannon moved to table the resolution an additional 30 days. The motion was seconded by Councilwoman Toles and unanimously carried.

(4) President Williams announced that no action was necessary regarding 2301 Sansom Avenue in District 6, as the nuisance has been abated by the owner.

(5) President Williams announced that no action was necessary regarding 2303 Sansom Avenue in District 6, as the nuisance has been abated by the owner.

(6) The following resolution, which was tabled for 30 days on January 19, was presented in writing for consideration:

RESOLUTION NO. R-62-16

ORDERING ABATEMENT OF NUISANCE

(Ordering Abatement of Nuisance - 103 Body Street - District 7 - Gwendolyn Anne Mink)

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

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 215 Morningview Drive, Tommy Simmons Williams and Annie Pearl Williams being the last known owners. Brian Harbison, Building Inspector, stated although permits were obtained in November 2011 and February 2014, no improvements have been made since procedures began in November 2011. He recommended abatement. The following resolution was introduced in writing for consideration:

RESOLUTION NO. R-63-16

ORDERING ABATEMENT OF NUISANCE

(Ordering Abatement of Nuisance - 215 Morningview Drive - District 2 - Tommy Simmons Williams; Annie Pearl Williams)

Councilwoman Toles 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 435 N. 11th Street, LaMuriel Everett, LaVorn Pierce, and Stephania P. Darby being the last known owners. 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-64-16

ORDERING ABATEMENT OF NUISANCE

(Ordering Abatement of Nuisance - 435 N. 11th Street - District 3 - LaMuriel Everett; LaVorn Pierce; Stephania P. Darby)

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 439 N. 11th Street, Mary Williams being the last known owner. Brian Harbison, Building Inspector, stated although a permit was obtain a year ago, no improvements have been made to this house and garage apartment since procedures began in November 2014. He recommended abatement. The following resolution was introduced in writing for consideration:

RESOLUTION NO. R-65-16

ORDERING ABATEMENT OF NUISANCE

(Ordering Abatement of Nuisance - 439 N. 11th Street - District 3 - Mary Williams)

Councilman Worthy 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 1138 3rd Avenue, A & D Investments, LLC, being the last known owner. Brian Harbison, Building Inspector, stated no improvements have been made since procedures began in September 2011, and recommended abatement. The following resolution was introduced in writing for consideration:

RESOLUTION NO. R-66-16

ORDERING ABATEMENT OF NUISANCE

(Ordering Abatement of Nuisance - 1138 3rd Avenue - District 5 - A & D Investments, LLC)

Councilman Billingsley moved to adopt the resolution as introduced, which motion was seconded by Councilman Worthy 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 507 S. 13th Street, Juarus Rawls being the last known owner. Brian Harbison, Building Inspector, stated no improvements have been made since procedures began in July 2014, and recommended abatement. The following resolution was introduced in writing for consideration:

RESOLUTION NO. R-67-16

ORDERING ABATEMENT OF NUISANCE

(Ordering Abatement of Nuisance - 507 S. 13th Street - District 5 - Juarus Rawls)

Councilman Billingsley moved to adopt the resolution as introduced, which motion was seconded by Councilman Cannon 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 307 Pearl Street in District 6, Teddy and Kathy Vinyard and The Southern Credit Union being the last known owners. Brian Harbison, Building Inspector, stated he and Councilman Cannon had spoken with the owner in the past hour, who has committed to complete work on the rear of the house. He noted that procedures began in April 2015. Councilman Cannon moved to table the resolution for 15 days, which motion was seconded by Councilman Worthy and unanimously carried.

(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 130 Elsmore Boulevard, John Larry and Sheila Ann Willis being the last known owners. Brian Harbison, Building Inspector, stated no improvements have been made since procedures began in January 2015, and recommended abatement. He added the original condemnation occurred in 2003 and involved Circuit Court proceedings. The following resolution was introduced in writing for consideration:

RESOLUTION NO. R-68-16

ORDERING ABATEMENT OF NUISANCE

(Ordering Abatement of Nuisance - 130 Elsmore Boulevard - District 7 - John Larry Willis; Sheila Ann Willis)

Councilman Reed noted he has tried to get this demolition done since he first took office and moved to adopt the resolution as introduced. The 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 2206 Noccalula Road, William T. Morrow and wife Evelyn F. Morrow being the last known owners. David Lawson spoke on behalf of the owner and requested additional time to determine the lowest cost of demolition and to collect items inside. Brian Harbison, Building Inspector, stated no improvements have been made since procedures began in October 2014, and recommended abatement. He advised the owner would still have time to remove personal items and demolish the structure. Councilman Cannon said the structure is in danger of collapsing and is a concern to adjoining property owners. Councilman Reed confirmed the nuisance has existed a number of years and it will take 30-60 days for the City to begin demolition. Councilman Worthy said the owner can make payments on City demolition for up to three years. The following resolution was introduced in writing for consideration:

RESOLUTION NO. R-69-16

ORDERING ABATEMENT OF NUISANCE

(Ordering Abatement of Nuisance - 2206 Noccalula Road - District 7 - William T. Morrow; Evelyn F. Morrow)

Councilman Reed moved to adopt the resolution as introduced, which motion was seconded by Councilman Cannon 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 1107 Stillman Avenue, Arthur Leon Jolley and Brenda Ann Jolley Chambliss being the last known owners. No one spoke. The following resolution was introduced in writing for consideration:

RESOLUTION NO. R-70-16

ASSESSING NUISANCE ABATEMENT LIEN AGAINST PROPERTY

(Assessing Nuisance Abatement Lien for Rehabilitation - \$7,714.71 - 1107 Stillman Avenue - District 2 - Arthur Leon Jolley; Brenda Ann Jolley Chambliss)

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

(10) The floor was opened to allow anyone to speak for or in opposition to a resolution approving the issuance of an alcoholic beverage license for DHDH, LLC, d/b/a Wall Street Pump N Go at 2631 Forrest Avenue. Christopher Honeycutt, applicant, spoke in favor. The following resolution was presented for consideration:

RESOLUTION NO. R-71-16

APPROVING THE ISSUANCE OF
ALCOHOLIC BEVERAGE LICENSE

(DHDH, LLC - Wall Street Pump N Go - 2631 Forrest Avenue - Retail Beer License, off premises only)

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

NEW BUSINESS

(1) Councilwoman Toles introduced the following resolution in writing for consideration:

RESOLUTION NO. R-72-16

AUTHORIZING PARTICIPATION IN
SENIOR NUTRITION PROGRAM AND GRANT

(Continuing sponsorship of Senior Nutrition Program for FY2016 at Carver and Elliott Community Centers - Authorizing Grant Acceptance through East Alabama Regional Planning & Development Commission, Area Agency on Aging - \$104,891.00)

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

(2) Councilwoman Toles introduced the following resolution in writing for consideration:

RESOLUTION NO. R-73-16

APPROVING ISSUANCE OF SPECIAL EVENT
ALCOHOLIC BEVERAGE LICENSE

(National Wild Turkey Federation, Inc. - Special Event Alcoholic Beverage License - For event at Convention Hall, 334 South 1st Street, on March 5, 2016)

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

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

RESOLUTION NO. R-74-16

AUTHORIZING AGREEMENT WITH
MOTOROLA SOLUTIONS, INC.

(Authorizing Agreement - Motorola Solutions, Inc. - \$886,792.00 - For ASTRO P25 upgrade, Communications System Agreement, and Software License Agreement)

Fire Chief Carroll said Motorola had advised the system would no longer be serviceable without an upgrade. The City's best option is to join the statewide system, which will provide interoperability. Mayor Guyton noted the City's communications system was totally reworked about five years ago.

President Williams 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 Billingsley and unanimously adopted.

(4) Councilman Worthy introduced the following ordinance in writing for consideration:

ORDINANCE NO. O-14-16

AMENDING FISCAL YEAR 2016
GENERAL FUND BUDGET

(Amending FY2016 budget - Appropriating \$1,073,034.00 from Unassigned Fund Balance - \$829,007.00 to Other Equipment for upgrade of the City's communication system - \$31,527.00 to Contractual Services for past due Motorola service contract - \$212,500.00 to complete funding for Community Center Renovation at former General Forrest building)

Councilman Worthy moved to suspend the rules to immediately consider the ordinance as an item of new business. The motion was seconded by Councilman Cannon and approved by the following vote:

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

NAYS: None

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

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

RESOLUTION NO. R-75-16

AUTHORIZING AGREEMENT WITH
MCCANN ASSOCIATES

(Authorizing Agreement - McCann Associates - For administration of entrance exams for Police and Fire Departments - Note: The company has provided exams for a number of years but now requires an agreement)

President Williams 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 Cannon and unanimously adopted.

(6) Councilman Echols introduced the following resolution in writing for consideration:

RESOLUTION NO. R-76-16

AUTHORIZING AGREEMENT WITH
BOYS & GIRLS CLUB

(Authorizing Lease Agreement - Boys & Girls Club - For use of Jack Gaston Coliseum - From January 4, 2016 to December 31, 2016 - \$1.00 per year)

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

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

RESOLUTION NO. R-77-16

APPROVING ISSUANCE OF SPECIAL EVENT
ALCOHOLIC BEVERAGE LICENSE

(Northeast Alabama Kidney Association, Inc. a/k/a 20 K Giveaway - Special Event Alcoholic Beverage License - For event at Convention Hall, 344 South 1st Street, on March 4, 2016)

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 Councilwoman Toles and unanimously adopted.

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

RESOLUTION NO. R-78-16

AUTHORIZING SATISFACTION OF NUISANCE ABATEMENT LIENS AGAINST PROPERTY AT 805 MILLER AVENUE

(Approving Satisfaction of Nuisance Abatement Liens - 805 Miller Avenue - District 1 - Accepting offer of \$1,500.00 from Gloria S. Little to satisfy the lien on her property)

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

Fire Chief Carroll displayed a golden axe presented by the Muscular Dystrophy Association, stating the Gadsden Fire Department raised the most money among cities with population of 25,000 to 50,000.

PUBLIC

Tom Hudson referred to cuts made to the Alabama Department of Environmental Management by the Governor and questioned if nursery operations near the Coosa River in Leesburg affect Gadsden's water supply. He noted he observed portable coolers with bottled water in City Hall. Mr. Hudson referred to a Birmingham News article and asked Governor Bentley to investigate why Gadsden's life expectancy is the lowest in the country. He thanked the City for repairing potholes on Scenic Drive. Councilmen Reed and Echols explained the water fountains in City Hall had become expensive to maintain and have not functioned for a number of years. They expressed confidence in the quality and purity of our water. Councilman Worthy thanked Mr. Hudson for his involvement in local issues. Mayor Guyton noted life expectancy statistics related to obesity and smoking and pointed out Gadsden adopted a smoke free ordinance.

MAYOR AND COUNCIL REMARKS

Mayor Guyton disputed a recent article regarding police pay and cited Gadsden's benefit package and take home vehicle program. He said Gadsden had received high rankings in a magazine article concerning economic development, recession recovery, etc.

Councilman Worthy commended the Gadsden City High School basketball team for their playoff game efforts. He announced a severe weather awareness program at Mt. Pilgrim Baptist Church on March 19, noting a District 3 meeting will immediately follow it.

Councilman Cannon announced District 6 meetings will be held each first Tuesday of the month at Banks Park.

President Williams encouraged the public to follow bills moving in the State Legislature that directly affect our area. He commented on minimum wage hikes, pointing out piecemeal increases can affect recruitment of businesses. Mayor Guyton stated Federal and State legislators pass unfunded mandates. Councilman Worthy encouraged citizens to register to vote and to participate in the election process.

President Williams announced a Boys and Girls Club event tomorrow at the Coliseum.

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

Iva Nelson, City Clerk (2-23-2016)
