

COUNCIL CHAMBER - CITY HALL - GADSDEN, ALABAMA
MARCH 1, 2016 - 11:00 A.M.

The City Council met on March 1, 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, and Reed. Councilmen Billingsley and Cannon were absent. The clerk stated a quorum was present and the meeting was open for business. Mayor Guyton, Heath Williamson, Lee Roberts and Captain Jackson were also present.

The invocation was given by Brian Harbison.

The minutes of the last work session and council meeting held on February 23, 2016, were approved by unanimous vote.

Payment of the HTE System accounts for the week of February 19-25, 2016 were ratified by unanimous vote.

#163338-163469	General	\$1,266,950.34
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Mayor Guyton read a proclamation proclaiming March 3, 2016, as “Hometown Teams and Humanities Day” and presented it to Craig Scott (Gadsden Public Library), Tom Bryant (Alabama Humanities Foundation) and Jon Kvach (expert scholar for the exhibit). A ribbon cutting for the Smithsonian traveling exhibit, which will remain for seven weeks, will be held at the library at 10 a.m. on Thursday. President Williams expressed appreciation to the Smithsonian Institute and commended the library for its excellent programs.

UNFINISHED BUSINESS

- (1) President Williams announced that no action is necessary regarding 226 Davis Street in District 1, as the nuisance has been abated by the owner.
- (2) President Williams announced that no action is necessary regarding 507 Kyle Street in District 3, as the nuisance has been abated by the owner.
- (3) President Williams announced that no action is necessary regarding 922 North 33rd Street in District 7, as the nuisance has been abated by the owner.

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 611 N. 8th Street, Beverly T. Hines 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-79-16

ORDERING ABATEMENT OF NUISANCE

(Ordering Abatement of Nuisance - 611 N. 8th Street - District 3 - Beverly T. Hines)

Councilman Worthy moved to adopt the resolution as introduced, which motion was seconded by Councilwoman Toles 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 503 S. 13th Street in District 5, Arssie L. Taylor being the last known owner. Mr. Taylor spoke, stating the roof is sound and requested additional time to make repairs. Brian Harbison, Building Inspector, stated although a permit was obtained, no improvements have been made since procedures began in January 2015. He expressed a willingness to give the owner an opportunity to complete exterior repairs. He noted an abandoned vehicle in the yard also needs to be addressed. Councilwoman Toles moved to table the resolution for 30 days, which motion was seconded by Councilman Worthy and unanimously carried. President Williams advised Mr. Taylor to get with Mr. Harbison after the meeting.

(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 1500 Adams Street, the Estate of Frankie Ruth Thomason, Michael K. Stargel, Phillip Irvin Stargel, Stephen F. Stargel, and Patrick D. Stargel being the last known owners. Brian Harbison, Building Inspector, stated no improvements have been made since procedures began in January 2015, and recommended abatement. The following resolution was introduced in writing for consideration:

RESOLUTION NO. R-80-16

ORDERING ABATEMENT OF NUISANCE

(Ordering Abatement of Nuisance - 1500 Adams Street - District 5 - Estate of Frankie Ruth Thomason; Michael K. Stargel; Phillip Irvin Stargel; Stephen F. Stargel; Patrick D. Stargel)

Councilwoman Toles 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 2331 Chestnut Street, Ronnie E. Pollard and Superior Bank being the last known owners. Brian Harbison, Building Inspector, stated although a permit was obtained in August 2012, no improvements have been made since procedures began in July 2012, and recommended abatement. The following resolution was introduced in writing for consideration:

RESOLUTION NO. R-81-16

ORDERING ABATEMENT OF NUISANCE

(Ordering Abatement of Nuisance - 2331 Chestnut Street - District 6 - Ronnie E. Pollard; Superior Bank)

Councilman Worthy moved to adopt the resolution as introduced, which motion was seconded by Councilman Echols 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 2900 Western Avenue, Timothy Frank Ramsey being the last known owner. Brian Harbison, Building Inspector, stated although a permit was obtained in January 2016, no improvements have been made since procedures began in December 2014, and recommended abatement. The following resolution was introduced in writing for consideration:

RESOLUTION NO. R-82-16

ORDERING ABATEMENT OF NUISANCE

(Ordering Abatement of Nuisance - 2900 Western Avenue - District 6 - Timothy Frank Ramsey)

Councilwoman Toles moved to adopt the resolution as introduced, which motion was seconded by Councilman Worthy 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 508 Wilson Street in District 6, Leah Michelle Myrick and Allen Myrick being the last known owners. Leah Myrick said a potential sale of the property had fallen through, and equipment and materials brought in to begin repairs had been stolen. She expressed a desire to make the needed repairs. Brian Harbison, Building Inspector, stated although permits were obtained in January 2015, and January 2016, no improvements have been made since procedures began in January 2015. He recommended abatement. Councilwoman Toles moved to table the resolution for 14 days, which motion was seconded by Councilman Echols and unanimously carried. Ms. Myrick was advised to make significant progress during the next two weeks.

(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 2215 E. Tuscaloosa Avenue, Wade and Glenda Taylor being the last known owners. Brian Harbison, Building Inspector, stated although a permit was obtained, no improvements have been made since procedures began in January 2015, and recommended abatement. The following resolution was introduced in writing for consideration:

RESOLUTION NO. R-83-16

ORDERING ABATEMENT OF NUISANCE

(Ordering Abatement of Nuisance - 2215 E. Tuscaloosa Avenue - District 7 - Wade Taylor; Glenda Taylor)

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

(8) The floor was opened to allow anyone to speak for or in opposition to a resolution assessing a nuisance abatement lien on property at 110 N. 21st Street, the State of Alabama, Marvin and Alan Cohn, and the Estate of Mille Veasy Dolman being the last known owners. No one spoke. The following resolution was introduced in writing for consideration:

RESOLUTION NO. R-84-16

ASSESSING NUISANCE ABATEMENT LIEN AGAINST PROPERTY

(Assessing Nuisance Abatement Lien for Demolition - \$3,256.40 - 110 N. 21st Street - District 1 - State of Alabama; Marvin Cohn; Alan Cohn; Estate of Mille Veasy Dolman)

Councilman Worthy moved to adopt the resolution as introduced, which motion was seconded by Councilman Reed 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 1431 E. Broad Street, the State of Alabama and Community HomeBanc being the last known owners. No one spoke. The following resolution was introduced in writing for consideration:

RESOLUTION NO. R-85-16

ASSESSING NUISANCE ABATEMENT LIEN AGAINST PROPERTY

(Assessing Nuisance Abatement Lien for Demolition - \$3,106.40 - 1431 E. Broad Street - District 1 - State of Alabama; Community HomeBanc)

Councilman Worthy moved to adopt the resolution as introduced, which motion was seconded by Councilman Reed 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 515 Abercrombie Street, the State of Alabama and the Estate of Ruth Quarles being the last known owners. No one spoke. The following resolution was introduced in writing for consideration:

RESOLUTION NO. R-86-16

ASSESSING NUISANCE ABATEMENT LIEN AGAINST PROPERTY

(Assessing Nuisance Abatement Lien for Demolition - \$2,106.40 - 515 Abercrombie Street - District 3 - State of Alabama; Estate of Ruth Quarles)

Councilman Worthy moved to adopt the resolution as introduced, which motion was seconded by Councilman Reed 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 2407 Alder Street, Ramona L. Dunn being the last known owner. No one spoke. The following resolution was introduced in writing for consideration:

RESOLUTION NO. R-87-16

ASSESSING NUISANCE ABATEMENT LIEN AGAINST PROPERTY

(Assessing Nuisance Abatement Lien for Demolition - \$3,481.40 - 2407 Alder Street - District 7 - Ramona L. Dunn)

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

RESOLUTIONS PRESENTED FOR CONSIDERATION:

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

RESOLUTION NO. R-88-16

AUTHORIZING REPRESENTATIVES OF THE HUMANE SOCIETY
PET RESCUE AND ADOPTION CENTER
TO CONDUCT ROADBLOCK

(Authorizing roadblock to benefit Humane Society Pet Rescue and Adoption Center - April 9, 2016 - At intersection of Nocalula Road and Tabor Road, Nocalula Falls campground entrance - Note: In conjunction with Smoke on the Falls event)

Councilman Reed 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-89-16

AUTHORIZING AGREEMENT WITH
L & L MARINE

(Authorizing Agreement - L & L Marine - \$2,000.00 - City sponsorship of couples fishing tournament to be held September 10-11, 2016)

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

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

RESOLUTION NO. R-90-16

AUTHORIZING AGREEMENT WITH
CRAPPIE USA

(Authorizing Agreement - Crappie USA - \$13,000.00 - City sponsorship of fishing tournament to be held March 3-4, 2017)

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

ORDINANCES - FIRST READING

The following ordinance was introduced in writing and read by President Williams:

(1) ORDINANCE - AMENDING FISCAL YEAR 2016 BUDGET (Transferring funds from Demolition Trust Fund for various expenses related to demolition)

Since no action was taken in this meeting, the ordinance will be placed on the agenda of the next regular meeting for consideration.

NEW BUSINESS

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

RESOLUTION NO. R-91-16

AUTHORIZING AGREEMENT WITH
COOSA RIVER TEAM TRAIL

(Authorizing Agreement - Coosa River Team Trail in Memory of Barbara Wetzel - \$10,000.00 - City sponsorship of four fishing tournaments to be held between March and November, 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.

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

RESOLUTION NO. R-92-16

AUTHORIZING AGREEMENT WITH
CRESCENT MOON ENTERTAINMENT

(Authorizing Agreement - Crescent Moon Entertainment - \$4,500.00 - For 7 Bridges Band to perform at Amphitheatre on Friday, July 1, 2016 - Summer Concert Series)

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

RESOLUTION NO. R-93-16

REJECTING ALL BIDS FOR BID NO. 3305

(Rejecting Bid No. 3305 - Recycling Center Roofing Project - City Engineer recommended amending bid specifications to clarify certain issues and rebidding the project)

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.

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

ORDINANCE NO. O-15-16

AUTHORIZING CONVEYANCE OF PROPERTY
AT 105 HARTS AVENUE

(Authorizing Conveyance of Property - 105 Harts Avenue - Lot 70 and western NW ½ of Lot 71, Block 47, Second Addition of Bellevue Highlands - Accepting offer of \$8,000.00 from Mickey Don Stevens, pursuant to receipt of sealed bids)

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

AYES: Toles, Williams, Worthy, Echols, Reed

NAYS: None

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

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

RESOLUTION NO. R-94-16

AUTHORIZING AGREEMENT WITH WVTM 13

(Authorizing Agreement - WVTM 13 - \$4,040.00 - 2016 Digital Marketing Campaign promoting Smoke on the Falls)

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.

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

RESOLUTION NO. R-95-16

AUTHORIZING AGREEMENT WITH
CRESCENT MOON ENTERTAINMENT

(Authorizing Agreement - Crescent Moon Entertainment - \$4,000.00 - For The WannaBeatles to perform at Amphitheatre on Friday, June 3, 2016 - Summer Concert Series)

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 Councilwoman Toles and unanimously adopted.

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

RESOLUTION NO. R-96-16

AUTHORIZING AGREEMENT WITH
ALABAMA BASS FEDERATION, INC.

(Authorizing Agreement - Alabama Bass Federation, Inc. - \$5,000.00 - City sponsorship of fishing tournament to be held October 15-16, 2016)

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 Councilwoman Toles and unanimously adopted.

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

RESOLUTION NO. R-97-16

AWARDING BID NO. 3306

(Awarding Bid No. 3306 - Security Patrol Services - Twin City Security, LLC - Term of 1 year, with option to renew 2 additional years - Hourly rates for security officer with and without a vehicle)

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 Councilwoman Toles and unanimously adopted.

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

RESOLUTION NO. R-98-16

AUTHORIZING AGREEMENT WITH
SHANE GIVENS BAND

(Authorizing Agreement - Shane Givens Band - \$700.00 - To perform at Smoke on the Falls at Noccoalula Falls Park from 2:00 to 4:00 p.m. on Saturday, April 9, 2016)

President Williams 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 Councilwoman Toles and unanimously adopted.

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

RESOLUTION NO. R-99-16

AUTHORIZING AGREEMENT WITH
GLEN WILLIAMS (FOGGY HOLLOW REVIEW)

(Authorizing Agreement - Glen Williams (Foggy Hollow Review) - \$500.00 - To perform at Smoke on the Falls at Noccoalula Falls Park from 6:00 to 8:00 p.m. on Saturday, April 9, 2016)

President Williams 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 Councilwoman Toles and unanimously adopted.

(11) Councilman Reed introduced the following ordinance in writing for consideration:

ORDINANCE NO. O-16-16

AMENDING CITY CODE SECTION 74-91
TO ADD LICENSE CLASSIFICATION

(Amending City Code Section 74-91 - Adding License Classification Number 4549 - Special Event License/Smoke on the Falls)

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

AYES: Toles, Williams, Worthy, Echols, Reed

NAYS: None

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

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

RESOLUTION NO. R-100-16

AUTHORIZING AGREEMENT WITH
DESIREE FITTS "PEANUT"

(Authorizing Agreement - Desiree Fitts "Peanut" - \$800.00 - To perform at Smoke on the Falls at Noccoalula Falls Park from 11:30 a.m. to 1:30 p.m. on Saturday, April 9, 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 Echols and unanimously adopted.

DEPARTMENT REPORTS

Christina Richardson (Parks & Recreation Department) announced a tree giveaway event, in conjunction with Arbor Day, from 12 to 2 p.m. on Friday at the Kiwanis Pavilion.

MAYOR AND COUNCIL REMARKS

The Council joined in stressing the importance of exercising our right to vote and participating in today's primary election.

Mayor Guyton expressed appreciation to Rev. Preston Nix for a plaque recognizing the City's work on the Etowah Community Food Bank building.

Councilwoman Toles, Councilman Worthy and President Williams reported on their participation in Black History Month programs and joined in thanking the library, local organizations and schools for their events. The importance of year-round attention and education efforts, as well as past sacrifices, was stressed.

Councilwoman Toles contrasted the City's attention to nuisances versus abandoned properties in unincorporated areas that are left to further deteriorate. Councilman Worthy said the City does not wish to acquire the properties and advised owners they can make payments for abatement costs. He noted the land bank will be in place soon to work with tax delinquent properties.

President Williams commended the Parks and Recreation Department for coordinating many good events. He recognized Theresa Streeter, who was present, as a prominent businesswoman. President Williams noted Lisa Savage is leaving The Gadsden Times and complimented her reporting. He encouraged lobbying for the Marketplace Fairness Act and announced the Council will not meet next week due to the National League of Cities conference.

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

Iva Nelson, City Clerk (3-1-2016)
