

COUNCIL CHAMBER - CITY HALL - GADSDEN, ALABAMA
MARCH 15, 2016 - 11:00 A.M.

The City Council met on March 15, 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, Echols, Billingsley, Cannon and Reed. Councilman Worthy was absent. The clerk stated a quorum was present and the meeting was open for business. Heath Williamson, Lee Roberts and Chief Crane were also present.

The invocation was given by President Williams.

The minutes of the last work session and council meeting held on March 1, 2016, were approved by unanimous vote.

Payment of the HTE System accounts for the weeks of February 26-March 3 and March 4-10, 2016 were ratified by unanimous vote.

#163470-163635	General	\$2,832,297.32
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UNFINISHED BUSINESS

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

ORDINANCE NO. O-17-16

AMENDING FISCAL YEAR 2016 BUDGET

(Amending FY2016 Budget - Transferring \$40,000 from Demolition Trust Fund for demolition related expenses - Increasing expenditure accounts for Professional Fees, Legal Service Fees, Housing Assistance, Contractual Service, and Rental of Equipment)

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

(2) A resolution ordering the abatement of nuisances on property at 203 E. Chestnut Street in District 4, which was tabled for 30 days on February 2, was presented in writing for consideration. Upon recommendation of the Building Official, Councilman Echols moved to table the resolution an additional 30 days. The motion was seconded by Councilman Cannon and unanimously carried.

(3) President Williams announced that no action was necessary regarding 1804 Broadway in District 5, as the nuisance has been abated by the owner.

(4) President Williams announced that no action was necessary regarding 1901 Jefferson Street in District 5, as the nuisance has been abated by the owner.

(5) A resolution ordering the abatement of nuisances on property at 307 Pearl Street in District 6, which was tabled for 15 days on February 23, 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 Councilman Echols and unanimously carried.

(5) The following resolution, which was tabled for 14 days on March 1, was presented in writing for consideration:

RESOLUTION NO. R-101-16

ORDERING ABATEMENT OF NUISANCE

(Ordering Abatement of Nuisance - 508 Wilson Street - District 6 - Leah Michelle Myrick and husband, Allen Myrick)

As recommended by the Building Official, Councilman Cannon moved to adopt the resolution. The motion was seconded by Councilwoman Toles 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 302 Davis Street, The Estate of Gertie Lou Taylor Walker, c/o Jimmy Spidell, being the last known owner. Brian Harbison, Building Inspector, stated no improvements have been made since procedures began in February 2015, and recommended abatement. The following resolution was introduced in writing for consideration:

RESOLUTION NO. R-102-16

ORDERING ABATEMENT OF NUISANCE

(Ordering Abatement of Nuisance - 302 Davis Street - District 1 - The Estate of Gertie Lou Taylor Walker, c/o Jimmy Spidell)

Councilwoman Toles moved to adopt the resolution as introduced, which motion was seconded by Councilman Billingsley 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 404 Elmwood Avenue, Alberta Hilliard and Phyllis Aaron, c/o Phyllis Aaron, and AmSouth 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-103-16

ORDERING ABATEMENT OF NUISANCE

(Ordering Abatement of Nuisance - 404 Elmwood Avenue - District 2 - Alberta Hilliard; Phyllis Aaron; AmSouth)

Councilman Billingsley 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 1015 Maryland Avenue, Harvard and Barbara Stephens being the last known owners. Brian Harbison, Building Inspector, stated no improvements have been made since procedures began in October 2015, and recommended abatement. The following resolution was introduced in writing for consideration:

RESOLUTION NO. R-104-16

ORDERING ABATEMENT OF NUISANCE

(Ordering Abatement of Nuisance - 1015 Maryland Avenue - District 2 - Harvard Stephens; Barbara Stephens)

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 908 N. 8th Street, Jack Lowe, Jr. and Estate of L. M. Lindsey 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-105-16

ORDERING ABATEMENT OF NUISANCE

(Ordering Abatement of Nuisance - 908 N. 8th Street - District 3 - Jack Lowe, Jr.; Estate of L. M. Lindsey)

Councilwoman Toles moved to adopt the resolution as introduced, which motion was seconded by Councilman Cannon 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 505 N. 9th Street, Linda Howard and Gail Howard 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-106-16

ORDERING ABATEMENT OF NUISANCE

(Ordering Abatement of Nuisance - 505 N. 9th Street - District 3 - Linda Howard; Gail Howard)

Councilwoman Toles 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 450 Tuscaloosa Court, the State of Alabama and Catherine Dukes being the last known owner. Brian Harbison, Building Inspector, stated no improvements have been made since procedures began in July 2013, and recommended abatement. The following resolution was introduced in writing for consideration:

RESOLUTION NO. R-107-16

ORDERING ABATEMENT OF NUISANCE

(Ordering Abatement of Nuisance - 450 Tuscaloosa Court - District 3 - State of Alabama; Catherine Dukes)

Councilwoman Toles moved to adopt the resolution as introduced, which motion was seconded by Councilman Echols 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 2407 S. 11th Street, Dean Sherrell Pack being the last known owner. Brian Harbison, Building Inspector, stated no improvements have been made since procedures began in December 2015, and recommended abatement. The following resolution was introduced in writing for consideration:

RESOLUTION NO. R-108-16

ORDERING ABATEMENT OF NUISANCE

(Ordering Abatement of Nuisance - 2407 S. 11th Street - District 5 - Dean Sherrell Pack)

Councilman Billingsley 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 2223 Hill Avenue, D-Andrea L. Kirkpatrick being the last known owner. Brian Harbison, Building Inspector, stated no improvements have been made since procedures began in August 2012, and recommended abatement. The following resolution was introduced in writing for consideration:

RESOLUTION NO. R-109-16

ORDERING ABATEMENT OF NUISANCE

(Ordering Abatement of Nuisance - 2223 Hill Avenue - District 6 - D-Andrea L. Kirkpatrick)

Councilman Cannon moved to adopt the resolution as introduced, which motion was seconded by Councilman Billingsley 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 1015 Glendale Avenue, the State of Alabama and Samuel Fears being the last known owners. No one spoke. The following resolution was introduced in writing for consideration:

RESOLUTION NO. R-110-16

ASSESSING NUISANCE ABATEMENT LIEN AGAINST PROPERTY

(Assessing Nuisance Abatement Lien for Demolition - \$2,531.40 - 1015 Glendale Avenue - District 1 - State of Alabama; Samuel Fears)

Councilman Echols moved to adopt the resolution as introduced, which motion was seconded by Councilman Billingsley 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 509 Hoke Street, James M. Downey being the last known owner. No one spoke. The following resolution was introduced in writing for consideration:

RESOLUTION NO. R-111-16

ASSESSING NUISANCE ABATEMENT LIEN AGAINST PROPERTY

(Assessing Nuisance Abatement Lien for Demolition - \$2,781.40 - 509 Hoke Street - District 1 - James M. Downey)

Councilman Echols moved to adopt the resolution as introduced, which motion was seconded by Councilman Billingsley 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 15 Marston Avenue, FNA NP, LLC, and Mary A. Nance being the last known owners. No one spoke. The following resolution was introduced in writing for consideration:

RESOLUTION NO. R-112-16

ASSESSING NUISANCE ABATEMENT LIEN AGAINST PROPERTY

(Assessing Nuisance Abatement Lien for Demolition - \$5,156.40 - 15 Marston Avenue - District 6 - FNA NP, LLC; Mary A. Nance)

Councilman Echols moved to adopt the resolution as introduced, which motion was seconded by Councilman Billingsley 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 2308 Dozier Street, Justin Womack, c/o Robert Johnson, and Robert Lively being the last known owners. No one spoke. The following resolution was introduced in writing for consideration:

RESOLUTION NO. R-113-16

ASSESSING NUISANCE ABATEMENT LIEN AGAINST PROPERTY

(Assessing Nuisance Abatement Lien for Demolition - \$3,706.40 - 2308 Dozier Street - District 7 - Justin Womack c/o Robert Johnson; Robert Lively)

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

(13) 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 Tri Tech Oil, Inc. operating as V2 Liquor Store 2 at 929 West Meighan Boulevard. Jim Hicks, adjacent property owner, expressed opposition and said there are already a number of undesirable businesses in the area. He referred to property values and safety concerns, citing burglaries, shootings, etc. that have occurred nearby. Lisa Rosser verified that the proposed business is a package store, rather than a lounge. Vithana Karunaratne (applicant) requested approval, stating he's never had any problems with his other business in Attalla. He noted a gentleman's club is across the street there, which is not his personal choice. The following resolution was presented for consideration:

RESOLUTION NO. R-114-16

APPROVING THE ISSUANCE OF
ALCOHOLIC BEVERAGE LICENSE

(Tri Tech Oil, Inc. - V2 Liquor Store 2 - 929 West Meighan Boulevard - Lounge Retail Liquor License, Alcoholic Beverage Control Board classification for Package Store)

Councilman Cannon moved to adopt the resolution as introduced, which motion was seconded by Councilman Billingsley and adopted by the following vote:

AYES: Williams, Billingsley, Cannon

NAYS: Toles, Reed

ABSTENTIONS: Echols

(14) 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 MDK Enterprises, LLC doing business as Lola and Runts at 1729 Rainbow Drive. No one spoke. The following resolution was presented for consideration:

RESOLUTION NO. R-115-16

APPROVING THE ISSUANCE OF
ALCOHOLIC BEVERAGE LICENSE

(MDK Enterprises, LLC - Lola and Runts - 1729 Rainbow Drive - Retail Beer and Table Wine License, on or off premises)

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

RESOLUTIONS PRESENTED FOR CONSIDERATION:

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

RESOLUTION NO. R-116-16

AUTHORIZING SPECIAL USE PERMIT TO VERIZON

(Authorizing Special Use Permit - Verizon - For co-location of cell tower equipment on existing building - To construct a distributed antenna system at Gadsden Regional Medical Center at 1007 Goodyear Avenue - Approval recommended by City's consultant, The Center for Municipal Solutions)

Councilman Reed affirmed that service needs to be improved in this building and moved to adopt the resolution as introduced. The motion was seconded by Councilman Cannon and unanimously adopted.

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

RESOLUTION NO. R-117-16

AUTHORIZING EASEMENT TO
ALABAMA POWER COMPANY

(Authorizing Easement - Alabama Power Company - To install and maintain utility pole and two floodlights at Adams Park - \$52.35 base monthly cost)

Councilwoman Toles noted this lighting is greatly needed and thanked the City Engineer for his assistance.

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-118-16

APPROVING ISSUANCE OF SPECIAL EVENT
ALCOHOLIC BEVERAGE LICENSE

(City of Gadsden, a/k/a Gadsden Museum of Art - Special Event Alcoholic Beverage License - Alabama State Library Association Convention event at Gadsden Museum of Art, 515 Broad Street - April 14, 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 Cannon and unanimously adopted.

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

RESOLUTION NO. R-119-16

APPROVING ISSUANCE OF SPECIAL EVENT
ALCOHOLIC BEVERAGE LICENSE

(City of Gadsden, a/k/a 210 At the Tracks - Special Event Alcoholic Beverage License - Alabama State Library Association Convention event at 210 At the Tracks, 210 Locust Street - April 13, 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 Cannon and unanimously adopted.

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

RESOLUTION NO. R-120-16

AUTHORIZING AGREEMENT WITH
CRESCENT MOON ENTERTAINMENT

(Authorizing Agreement - Crescent Moon Entertainment - \$4,250.00 - For The Tams to perform at Amphitheater on Friday, May 6, 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 Echols and unanimously adopted.

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

RESOLUTION NO. R-121-16

CREATING JOB CLASSIFICATION FOR
DIRECTOR OF INDUSTRIAL DEVELOPMENT

(Amending Pay Plan adopted by R-403-04 and amended by R-463-04 - Creating Job Classification of Director of Industrial Development, job classification 253, pay range 24)

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 Reed and unanimously adopted.

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

RESOLUTION NO. R-122-16

AUTHORIZING AGREEMENT WITH TRINITY BROADCASTING NETWORK AND GADSDEN INFORMATION TELEVISION NETWORK

(Authorizing Agreement - Regarding recordings of City officials for broadcast on TBN TV 60 - Granting permission for re-broadcast on GITN, Channel 99 - Acknowledgment of copyright and grant of limited license)

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

Lisa Rosser, Finance Director, reported on delinquent business licenses and said pre-litigation letters had been mailed on March 1. Summons will be issued for businesses that remain unpaid after March 21 for a special municipal court session on April 26. Those cases will result in court costs of \$332 and potential fines up to \$500.

MAYOR AND COUNCIL REMARKS

Councilwoman Toles congratulated Charlie Gardner, Hokes Bluff Elementary School, who was chosen as Alabama's representative for "National Distinguished Principal." She noted Col. Carl Harrison was selected as "Volunteer of the Year" in the school system. She announced a fund-raising event for Gertie Lowe's Summer Enrichment Program this Saturday at the Center for Cultural Arts. Councilwoman Toles acknowledged Debra Tolliver and ladies in the Green Pastures community who are faithful viewers of Council meetings. She thanked Chief Crane for enforcement of speeding on Paden and large trucks on Riverside Drive. Councilwoman Toles complimented the Parks and Recreation Department's job in hosting a State basketball tournament this past weekend.

Councilman Billingsley displayed the championship ring received by the winners of the basketball tournament and encouraged attention to a new stop sign near Gadsden City High School.

Councilman Cannon reported on today's Public Works Committee meeting, noting all seven districts will have grass cutting crews this year.

Councilman Reed commended Gertie Lowe and Rev. Simmons for their diligent work in the community. He noted that he is accepting gifts for his birthday tomorrow.

On behalf of Councilman Worthy, City Clerk Iva Nelson announced a Severe Weather Preparedness event at Mount Pilgrim Baptist Church from 10 a.m. to noon on Saturday, immediately followed by a District 3 meeting.

President Williams reported on last week's National League of Cities conference and items discussed in meetings with our Federal legislators.

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

Iva Nelson, City Clerk (3-15-2016)
