

COUNCIL CHAMBER - CITY HALL - GADSDEN, ALABAMA  
MARCH 21, 2017 - 11:00 A.M.

The City Council met on March 21, 2017, 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. Heath Williamson, Lee Roberts and Chief Jaggears were also present.

The invocation was given by Heath Williamson.

The minutes of the Community Development Committee, Work Session and Council meeting held on March 7, 2017, were approved by unanimous vote.

Payment of the HTE System accounts for the weeks of March 3-9 and March 10-16, 2017, were ratified by unanimous vote.

#172040-172408	General	\$1,126,015.81
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UNFINISHED BUSINESS

(1) An ordinance amending City Code Section 110-262 regarding petition requirements for traffic calming devices, which was introduced for first reading on March 7, was presented for consideration. Councilman Worthy moved to adopt the ordinance, which motion was seconded by Councilwoman Toles, but failed to be adopted by the following vote:

AYES: Toles, Worthy, Reed

NAYS: Williams, Echols, Billingsley, Cannon

Councilman Cannon suggested removing the provision allowing tenants of rental property to sign the petition. President Williams asked if a percentage could be formulated corresponding with the percentage of rental homes.

(2) President Williams announced that no action was necessary regarding 2214 Norris Avenue in District 6, 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 105 North 15<sup>th</sup> Street, Willie Louis Ray, Willie Mae Crosby and Willie Mae Crosley being the last known owners. Brian Harbison, Building Inspector, stated no improvements have been made since procedures began in August 2016, and recommended abatement. The following resolution was introduced in writing for consideration:

RESOLUTION NO. R-74-17

ORDERING ABATEMENT OF NUISANCE

(Ordering Abatement of Nuisance - 105 North 15<sup>th</sup> Street - District 2 - Willie Louis Ray; Willie Mae Crosby; Willie Mae Crosley)

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 1007 Vinson Avenue, the State of Alabama, certain rights of redemption of Abraham Silva and Umbelina Fransisco, and Bankers Insurance Company being the last known owners. Umbelina Fransisco said her son died in a car accident two years ago, and the house has been vandalized. She displayed a picture of her recent repairs and requested additional time. Brian Harbison, Building Official, recommended a 30-day extension. Councilman Billingsley moved to table the resolution for 30 days, which motion was seconded by Councilman Reed and unanimously carried.

(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 1004 Penny Street, Richard Horn, Jr., Margie Lee Frazier & etals, Cecil Horn, and Norman L. Horn being the last known owners. Brian Harbison, Building Inspector, stated no improvements have been made since procedures began in August 2016, and recommended abatement. In response to Councilman Worthy's inquiry, he said the owners can remove their belongings any time prior to demolition. The following resolution was introduced in writing for consideration:

RESOLUTION NO. R-75-17

ORDERING ABATEMENT OF NUISANCE

(Ordering Abatement of Nuisance - 1004 Penny Street - District 3 - Richard Horn, Jr.; Margie Lee Frazier & etals; Cecil Horn; Norman L. Horn)

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

(4) President Williams announced that no action was necessary regarding 2308 Forrest Avenue in District 6, as the nuisance has been abated by the owner.

(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 2805 Norris Avenue, the State of Alabama being the last known owner. Brian Harbison, Building Inspector, stated this case involves trash, debris, semi-trailers, etc. He said pursuing a court case is not feasible due to the owner and recommended abatement. The following resolution was introduced in writing for consideration:

RESOLUTION NO. R-76-17

ORDERING ABATEMENT OF NUISANCE

(Ordering Abatement of Nuisance - 2805 Norris Avenue - District 6 - State of Alabama)

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

RESOLUTIONS PRESENTED FOR CONSIDERATION:

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

RESOLUTION NO. R-77-17

RENAMING GADSDEN'S SENIOR ACTIVITY CENTER  
TO DOWNTOWN CIVIC CENTER

(Renaming Senior Activity Center to Downtown Civic Center - Located at 623 Broad Street - Note: Property and buildings were purchased in 1998 and were formerly J.C. Penney Building, Hill's Deli Property and Alaco Pharmacy Building)

Councilman Cannon 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-78-17

AUTHORIZING AGREEMENT WITH  
RACE KREWE TIMING SERVICES

(Authorizing Agreement - Race Krewe Timing Services - \$400.00 plus \$3.00 per participant - For timing services for Barbarian Challenge event at Noccalula Falls Park on June 17, 2017)

Councilman Cannon 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-79-17

AUTHORIZING FOURTH AMENDMENT TO  
TOWER ATTACHMENT LEASE AGREEMENT

(Authorizing Fourth Amendment to Tower Attachment Lease dated 10-1-96 - T-Mobile South, LLC, successor of Powertel, formerly known as InterCel of Birmingham, MTA - Regarding upgrade of equipment on City communications tower at 909 Bellevue Drive)

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

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

RESOLUTION NO. R-80-17

AUTHORIZING SPECIAL USE PERMIT TO SPRINT

(Authorizing Special Use Permit - Sprint - For equipment modifications at existing wireless telecommunications facility - Located at 278 Hillview Road)

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

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

RESOLUTION NO. R-81-17

AUTHORIZING EXTENSION OF SPECIAL USE PERMIT TO VERIZON

(Authorizing Extension of Special Use Permit - Verizon - Allowing additional time to complete co-location of cell tower equipment on existing building - Located at Gadsden Regional Medical Center at 1007 Goodyear Avenue)

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

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

RESOLUTION NO. R-82-17

ACCEPTING DRAINAGE EASEMENT

(Accepting Easement from JBA Properties, LLC - 5 foot permanent drainage easement across property located at 825 South 4<sup>th</sup> Street)

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

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

RESOLUTION NO. R-83-17

ACCEPTING DRAINAGE EASEMENT

(Accepting Easement from David L. Hayes - 5 foot permanent drainage easement across property located at 829 South 4<sup>th</sup> Street)

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

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

RESOLUTION NO. R-84-17

ACCEPTING DRAINAGE EASEMENT

(Accepting Easement from William E. Campbell, Jr., and Cathy C. Turner Campbell - 10 foot permanent drainage easement across property located at 916 South 5<sup>th</sup> Street)

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

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

RESOLUTION NO. R-85-17

AUTHORIZING AGREEMENT WITH  
ALABAMA DEPARTMENT OF TRANSPORTATION

(Authorizing Construction Agreement - Alabama Department of Transportation - For resurfacing and traffic stripe on Randall Street, from 6<sup>th</sup> Street to 11<sup>th</sup> Street - \$174,467.66, with City's estimated 20% match being \$34,893.53 - FY2020-2024 MPO Cycle - Supercedes Resolution No. R-152-16)

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

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

RESOLUTION NO. R-86-17

AUTHORIZING AGREEMENT WITH  
ALABAMA DEPARTMENT OF TRANSPORTATION

(Authorizing Construction Agreement - Alabama Department of Transportation - For bridge replacement on George Wallace Drive over Nowlin Branch - \$893,358.54, with City's estimated 20% match being \$178,671.71 - FY2020-2024 MPO Cycle - Supercedes Resolution No. R-150-16)

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

NEW BUSINESS

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

RESOLUTION NO. R-87-17

AWARDING BID NO. 3334

(Awarding Bid No. 3334 - 6<sup>th</sup> Street Pool House - Hudak Construction Company - \$431,000.00)

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.

MAYOR AND COUNCIL REMARKS

Councilman Reed responded to those who complain about nothing to do, stating there are many local events.

Councilman Billingsley and Councilwoman Toles joined in congratulating Mr. and Mrs. Sturdivant, who were recently honored with a dinner celebrating their 60<sup>th</sup> wedding anniversary.

President Williams reported on last week's National League of Cities conference in Washington, D.C. and highlighted programs that have been targeted with cuts, such as CDBG, HUD, EPA and HOME. He stressed the need for legislation for eFairness.

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

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Iva Nelson, City Clerk (3-21-2017)

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FOURTH FLOOR CONFERENCE ROOM - BID OPENING  
MARCH 21, 2017 - 2:00 P.M.

The City Clerk received bid proposals as advertised for the following bid:

Bid No. 3335 - 5<sup>th</sup> Street Market Renovations

	<u>Base Bid</u>
Chase Building Group	\$325,800.00
Hudak Construction Co.	\$335,000.00
BD Welch Construction	\$338,000.00
Greer Building Contractors	\$389,000.00

Copies of the bids will be forwarded to the City Engineer and a recommendation will be made to the Council.

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