

COUNCIL CHAMBER - CITY HALL - GADSDEN, ALABAMA  
MARCH 22, 2016 - 5:00 P.M.

The City Council met on March 22, 2016, in regular session.

The meeting was called to order at 5:00 p.m. by Councilwoman Cynthia Toles, who served as Chairwoman of the session. On roll call by the City Clerk, Iva Nelson, the following council members answered present: Toles, Worthy, Echols, Billingsley and Reed. President Williams and Councilman Cannon were absent. The clerk stated a quorum was present and the meeting was open for business. Mayor Guyton, Jeramy Ward, Lee Roberts and Chief Crane were also present.

The invocation was given by Brian Harbison.

The minutes of the Poverty Subcommittee, Public Works Committee, Finance Committee, Work Session and Council meeting held on March 15, 2016, were approved by unanimous vote.

Payment of the HTE System accounts for the week of March 11-17, 2016 were ratified by unanimous vote.

#163859-164063

General

\$464,929.69

PUBLIC HEARINGS

Chairwoman Toles 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 129 Washington Avenue, the Estate of Carrie Bankston Alexander being the last known owner. Brian Harbison, Building Inspector, stated 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-123-16

ORDERING ABATEMENT OF NUISANCE

(Ordering Abatement of Nuisance - 129 Washington Avenue - District 1 - Estate of Carrie Bankston Alexander)

Councilman Worthy moved to adopt the resolution as introduced, which motion was seconded by Councilman Echols 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 1109 Hurst Street, FNA NP, LLC, with possible rights of redemption of the Estate of Henrietta Maull 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-124-16

ORDERING ABATEMENT OF NUISANCE

(Ordering Abatement of Nuisance - 1109 Hurst Street - District 3 - FNA NP, LLC; Possible rights of redemption by Estate of Henrietta Maull)

Councilman Worthy moved to adopt the resolution as introduced, which motion was seconded by Councilman Billingsley 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 1506 Tuscaloosa Avenue in District 3, Gary Henry and wife Joan Henry being the last known owners. Based on recent improvements, Building Inspector Brian Harbison recommended a 30-day extension. Councilman Worthy moved to table the resolution for 30 days, which motion was seconded by Councilman Billingsley and unanimously carried.

(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 1508 Tuscaloosa Avenue, Carol Francis Jordan and Carol Jordan Daughterty being the last known owners. Brian Harbison, Building Inspector, stated no improvements have been made since procedures began in May 2015, and recommended abatement. The following resolution was introduced in writing for consideration:

RESOLUTION NO. R-125-16

ORDERING ABATEMENT OF NUISANCE

(Ordering Abatement of Nuisance - 1508 Tuscaloosa Avenue - District 3 - Carol Francis Jordan; Carol Jordan Daughterty)

Councilman Worthy moved to adopt the resolution as introduced, which motion was seconded by Councilman Billingsley 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 537 Valley Street, Deborah C. Beverly being the last known owner. Brian Harbison, Building Inspector, stated although a demolition permit was obtained in March 2015, no improvements have been made to this burned house since procedures began in November 2014. He recommended abatement. The following resolution was introduced in writing for consideration:

RESOLUTION NO. R-126-16

ORDERING ABATEMENT OF NUISANCE

(Ordering Abatement of Nuisance - 537 Valley Street - District 3 - Deborah C. Beverly)

Councilman Worthy moved to adopt the resolution as introduced, which motion was seconded by Councilman Billingsley 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 539 Valley Street, Deborah C. Beverly 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-127-16

ORDERING ABATEMENT OF NUISANCE

(Ordering Abatement of Nuisance - 539 Valley Street - District 3 - Deborah C. Beverly)

Councilman Worthy reminded the public that the City is not seeking ownership of these properties and owners can arrange a three-year payment plan. He 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 2310 Hill Avenue, Billy R. Gray, Marguerite D. Gray, and First Choice Funding being the last known owners. Brian Harbison, Building Inspector, stated no improvements have been made since procedures began in March 2015, and recommended abatement. The following resolution was introduced in writing for consideration:

RESOLUTION NO. R-128-16

ORDERING ABATEMENT OF NUISANCE

(Ordering Abatement of Nuisance - 2310 Hill Avenue - District 6 - Billy R. Gray; Marguerite D. Gray; First Choice Funding)

Councilman Billingsley 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 511 Hoke Street, the State of Alabama and Estate of Velma Downey, a/k/a Velma Espy, being the last known owners. No one spoke. The following resolution was introduced in writing for consideration:

RESOLUTION NO. R-129-16

ASSESSING NUISANCE ABATEMENT LIEN AGAINST PROPERTY

(Assessing Nuisance Abatement Lien for Demolition - \$3,031.40 - 511 Hoke Street - District 1 - State of Alabama; Estate of Velma Downey, a/k/a Velma Espy)

Councilman Worthy 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 1503 Paradise Avenue, the State of Alabama, Sandra Diane Houser-Montgomery, and Aetna Finance Company being the last known owners. No one spoke. The following resolution was introduced in writing for consideration:

RESOLUTION NO. R-130-16

ASSESSING NUISANCE ABATEMENT LIEN AGAINST PROPERTY

(Assessing Nuisance Abatement Lien for Demolition - \$3,556.40 - 1503 Paradise Avenue - District 1 - State of Alabama; Sandra Diane Houser-Montgomery; Aetna Finance Company)

Councilman Worthy 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 119 Park Street in District 1, Vickie Daresa Tuck, c/o Lorinza Thomas, being the last known owner. Vicki Daresa Tuck Thomas said she had offered to convey her property to the City. Her father advised her when the house was demolished and she submitted a letter when she received a statement of costs. City Clerk Iva Nelson acknowledged she recently received the letter and the offer was currently being reviewed by various officials. Lee Roberts, City Attorney explained today's proceedings involve assessing a lien against the property. Councilman Worthy moved to table the resolution for 7 days, which motion was seconded by Councilman Echols and unanimously carried.

(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 712 Nuckolls Street in District 2, Kristi Butler Reed and Alabama Housing Finance Authority being the last known owners. David Blount, attorney for Kristi Butler Reed, spoke. He said she was never notified of the nuisance and learned of the demolition after it occurred. Mr. Blount said Ms. Reed had moved but changed her address on tax records and other bills. He added one of the two structures was structurally sound and contained valuable antique toys and furniture. Councilman Worthy moved to table the resolution for 7 days, which motion was seconded by Councilman Echols and unanimously carried.

(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 #19 Sandusky Lane, Robert S. Jones being the last known owner. No one spoke. The following resolution was introduced in writing for consideration:

RESOLUTION NO. R-131-16

ASSESSING NUISANCE ABATEMENT LIEN AGAINST PROPERTY

(Assessing Nuisance Abatement Lien for Demolition - \$2,756.40 - #19 Sandusky Lane - District 6 - Robert S. Jones)

Councilman Worthy 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 assessing a nuisance abatement lien on property at #20 Sandusky Lane, the State of Alabama and Connie Tucker being the last known owners. No one spoke. The following resolution was introduced in writing for consideration:

RESOLUTION NO. R-132-16

ASSESSING NUISANCE ABATEMENT LIEN AGAINST PROPERTY

(Assessing Nuisance Abatement Lien for Demolition - \$3,656.40 - #20 Sandusky Lane - District 6 - State of Alabama; Connie Tucker)

Councilman Worthy 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-133-16

AUTHORIZING AGREEMENT WITH  
ALABAMA DEPARTMENT OF TRANSPORTATION

(Authorizing Preliminary Engineering Agreement - Alabama Department of Transportation - For bridge replacement on George Wallace Drive over Nowlin Branch - \$156,090.60, with City's estimated 20% match being \$31,218.12 - FY2021 Project)

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

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

RESOLUTION NO. R-134-16

AUTHORIZING AGREEMENT WITH  
ALABAMA POWER COMPANY

(Authorizing Agreement - Alabama Power Company - Culvert replacement on Delilah Road)

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

NEW BUSINESS

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

ORDINANCE NO. O-18-16

ASSENTING TO ANNEXATION OF PROPERTY  
TO CITY OF GADSDEN

(Authorizing Annexation - 143 Sunset Circle - Lot 3, Block 2, Keeling Subdivision, Plat Book F, Page 371 - Requested by Dakaesha Harris)

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

AYES: Toles, Worthy, Echols, Billingsley, Reed

NAYS: None

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

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

RESOLUTION NO. R-135-16

APPOINTING AND REAPPOINTING MEMBERS TO  
GADSDEN COMMERCIAL DEVELOPMENT AUTHORITY

(Appointing Tony Smith for term ending December 31, 2016 - Appointing Keith Lyles for term ending December 31, 2017 - Appointing Carver Boynton and Reappointing Juarus Rawls, Harry McLendon, and Carolyn Parker for terms ending December 31, 2018)

Chairwoman Toles 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.

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

RESOLUTION NO. R-136-16

AUTHORIZING PURCHASE THROUGH  
NATIONAL JOINT POWERS ALLIANCE

(Authorizing Purchase of Side Eject Baler with Hand Feed Hopper through National Joint Powers Alliance for \$77,503.00 - Marathon Recycling Solutions, vendor)

Mayor Guyton advised the City received a grant for this equipment for the recycling center.

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

MAYOR AND COUNCIL REMARKS

Councilman Billingsley referred to a discussion in today's work session regarding unruly young people at a certain location and urged parents to properly supervise their children.

Councilwoman Toles announced changes in the garbage collection schedule, due to the upcoming Good Friday holiday.

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

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Iva Nelson, City Clerk (3-22-2016)

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