

COUNCIL CHAMBER - CITY HALL - GADSDEN, ALABAMA
MARCH 28, 2017 - 5:00 P.M.

The City Council met on March 28, 2017, 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, Cannon, and Reed. Councilman Billingsley was absent. The clerk stated a quorum was present and the meeting was open for business. Mayor Guyton, Heath Williamson, and Chief Jaggears were also present.

The invocation was given by Brian Harbison.

The minutes of the last work session and council meeting held on March 21, 2017, were approved by unanimous vote.

Payment of the HTE System accounts for the week of March 17-23, 2017 were ratified by unanimous vote.

#172409-172528	General	\$1,146,155.65
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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 1604 E. Broad Street, a/k/a 101 N. 16th Street, with the State of Alabama, certain rights of redemption of the heirs of Elma Green, and the heirs of Namon Green listed as James Green, Jeff Green, and Billy Green being the last known owners. Jeffrey Green said the house was damaged by a driver who did not have insurance and he wishes to make repairs. Brian Harbison, Building Inspector, stated although a permit was obtained in February 2017, no improvements have been made since procedures began in October 2016. He recommended abatement. The following resolution was introduced in writing for consideration:

RESOLUTION NO. R-88-17

ORDERING ABATEMENT OF NUISANCE

(Ordering Abatement of Nuisance - 1604 E. Broad Street, a/k/a 101 N. 16th Street - District 1 - State of Alabama; Heirs of Elma Green; Heirs of Namon Green; James Green; Jeff Green; Billy Green)

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 712 N. 8th Street, the State of Alabama, certain rights of redemption of the heirs of Hazel Kirkland, and the heirs of L. C. Kirkland being the last known owners. Brian Harbison, Building Inspector, stated no improvements have been made since procedures began in September 2016, and recommended abatement. The following resolution was introduced in writing for consideration:

RESOLUTION NO. R-89-17

ORDERING ABATEMENT OF NUISANCE

(Ordering Abatement of Nuisance - 712 N. 8th Street - District 3 - State of Alabama; Heirs of Hazel Kirkland; Heirs of L.C. Kirkland)

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 803 Rogers Street, Morris Foster III, and the Estate of Cora Lee Brown, c/o Morris Foster III being the last known owners. Brian Harbison, Building Inspector, stated no improvements have been made since procedures began in October 2016, and recommended abatement. The following resolution was introduced in writing for consideration:

RESOLUTION NO. R-90-17

ORDERING ABATEMENT OF NUISANCE

(Ordering Abatement of Nuisance - 803 Rogers Street - District 3 - Morris Foster III; Estate of Cora Lee Brown, c/o Morris Foster, III)

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 1117 Peachtree Street, the State of Alabama, certain rights of redemption of the heirs of the Estate of Linda Malcolm, listed as Rebecca Wycoff and Joyce Byrd, being the last known owners. Brian Harbison, Building Inspector, stated no improvements have been made since procedures began in October 2016, and recommended abatement. The following resolution was introduced in writing for consideration:

RESOLUTION NO. R-91-17

ORDERING ABATEMENT OF NUISANCE

(Ordering Abatement of Nuisance - 1117 Peachtree Street - District 5 - State of Alabama; Heirs of the Estate of Linda Malcolm; Rebecca Wycoff; Joyce Byrd)

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 103 N. Burns Street, Joseph Chad Bailey being the last known owner. Brian Harbison, Building Inspector, stated no improvements have been made since procedures began in September 2016, and recommended abatement. The following resolution was introduced in writing for consideration:

RESOLUTION NO. R-92-17

ORDERING ABATEMENT OF NUISANCE

(Ordering Abatement of Nuisance - 103 N. Burns Street - District 6 - Joseph Chad Bailey)

Councilman Cannon said he might have considered granting additional time if someone had appeared. He moved to adopt the resolution as introduced, which motion was seconded by Councilman Worthy and unanimously adopted.

(6) President Williams announced that no action was necessary regarding 1312 Central Avenue in District 6, as the nuisance has been abated by the owner.

RESOLUTIONS PRESENTED FOR CONSIDERATION:

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

RESOLUTION NO. R-93-17

AWARDING BID NO. 3336

(Awarding Bid No. 3336 - Uniform Rental - Cintas - Unit prices totaling \$67.89)

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-94-17

AWARDING BID NO. 3337

(Awarding Bid No. 3337 - Forrest Cemetery Chapel Roof Repair Project, Phase II - The Durable Slate Company - \$83,000.00)

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

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

RESOLUTION NO. R-95-17

AUTHORIZING AGREEMENT WITH
FORREST CEMETERY FOUNDATION, INC.

(Authorizing Agreement - Forrest Cemetery Foundation, Inc. - Regarding \$83,000.00 cost for Forrest Cemetery Chapel Roof Repair Project, Phase II - \$29,684.20 to be paid from Foundation roof repair account; \$15,500.00 paid through Community Development Grants; \$37,815.80 divided equally between City and Foundation)

Councilman Echols 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-96-17

APPROVING THE ISSUANCE OF SPECIAL EVENT
ALCOHOLIC BEVERAGE LICENSE

(Bryan T. Bennett d/b/a Alumni Celebration 210 at The Tracks - Special Event Alcoholic Beverage License - For event at 210 Locust Street on April 15, 2017)

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

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

RESOLUTION NO. R-97-17

AUTHORIZING SATISFACTION OF NUISANCE ABATEMENT LIEN
AGAINST PROPERTY AT 1138 CHESTNUT STREET

(Authorizing Satisfaction of Nuisance Abatement Lien - 1138 Chestnut Street - District 5 - Accepting \$450.00 offer from Richard Wright)

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

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

RESOLUTION NO. R-98-17

AUTHORIZING SATISFACTION OF NUISANCE ABATEMENT LIEN
AGAINST PROPERTY AT 534 S. 6TH STREET

(Authorizing Satisfaction of Nuisance Abatement Lien - 534 S. 6th Street - District 5 - Accepting \$600.00 offer from Rico Suave, LLC)

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

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

RESOLUTION NO. R-99-17

RESCINDING RESOLUTION NO. R-73-17
REGARDING EASEMENT AT 414 BROAD STREET

(Rescinding Resolution No. R-73-17 granting easement at 414 Broad Street to J. Craig King - Actual owner is 414 Broad Street, LLC)

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

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

RESOLUTION NO. R-100-17

AUTHORIZING PERMANENT EASEMENT
FOR USE OF RIGHT-OF-WAY
TO 414 BROAD STREET, LLC

(Authorizing Permanent Easement - 414 Broad Street, LLC - To allow encroachment into public sidewalk behind building at 414 Broad Street - For construction of rear exterior stairway serving two loft apartments)

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

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

RESOLUTION NO. R-101-17

AUTHORIZING AGREEMENT WITH
CHEVALIER PRODUCTIONS

(Authorizing Agreement - Chevalier Productions - \$250.00 - For new Delusion/Phillip Miles (Artist) to perform at Smoke on the Falls at Nocalula Falls Park on April 8, 2017)

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

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

RESOLUTION NO. R-102-17

AUTHORIZING AGREEMENT WITH
WVTM HEARST TELEVISION, INC.

(Authorizing Webcam License Agreement - WVTM Hearst Television, Inc. - For placement of Dome Network Camera and associated equipment on roof of City Hall - Term of 3 years)

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

NEW BUSINESS

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

RESOLUTION NO. R-103-17

AUTHORIZING CHANGE ORDER #1 FOR BID NO. 3326

(Authorizing Change Order #1 for Bid No. 3326 - Black Creek Multiuse Trail System Expansion - Additional \$25,000.00 for approximately two additional miles of trail expansion - Adjusting contract price with William Preston York to \$118,000.00 - Note: Gadsden Runners Club to pay \$12,500.00)

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 Cannon and unanimously adopted.

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

RESOLUTION NO. R-104-17

AUTHORIZING AGREEMENT WITH
GADSDEN RUNNERS CLUB

(Authorizing Agreement - Gadsden Runners Club - For \$12,500.00 to be paid by Gadsden Runners Club toward expansion of Black Creek Multiuse Trail System)

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 ordinance in writing for consideration:

ORDINANCE NO. O-07-17

AMENDING FISCAL YEAR 2017 BUDGET

(Amending FY2017 Budget - Reflecting receipt and appropriation of \$20,000.00 grant from Etowah County Community Development Committee - For installation of water splash pad, basketball court and goals, lighting, fencing and playground equipment at Adams Park)

Councilwoman Toles 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, Williams, Worthy, Echols, Cannon, Reed

NAYS: None

Councilwoman Toles said the City Engineer and Parks and Recreation Interim Director are working for development to benefit elementary aged children. President Williams mentioned lighting.

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

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

RESOLUTION NO. R-105-17

AWARDING BID NO. 3333

(Awarding Bid No. 3333 - Office Supplies, Copy Paper and Print Cartridges - Observer Supply, Inc. - Office Supplies, \$160.27 (30% discount) - Copy Paper, \$162.25 (20% discount) - Print Cartridges, \$1,563.41 (10% discount))

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 Worthy introduced the following resolution in writing for consideration:

RESOLUTION NO. R-106-17

AUTHORIZING AGREEMENT WITH
MOTOROLA SOLUTIONS, INC.

(Authorizing Agreement - Motorola Solutions, Inc. - \$357,816.00 - For ASTRO 25 System Upgrade Agreement II - Term of 8 years - Note: Annual payments ranging from \$44,577.00 to \$44,877.00 per year will be budgeted, beginning with FY 2018)

Chief Carroll explained this upgrade, which was activated this morning, will eliminate a large investment at the end of the program. He added maintenance costs are considerably less than with the previous contract.

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 Cannon introduced the following resolution in writing for consideration:

RESOLUTION NO. R-107-17

AWARDING BID NO. 3335

(Awarding Bid No. 3335 - Improvements to 5th Street Market (439 Locust Street, at the corner of 5th and Locust Streets) - Greer Building Contractors - \$325,800.00 - Note: Facility will be used seasonally for farmer's market, as well as other events)

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 Reed and unanimously adopted.

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

RESOLUTION NO. R-108-17

OPPOSING SB31 AND HB58

(Expressing opposition to SB31 and HB58 exempting prescription drug sales from the calculation of gross receipts business licenses - Gadsden's loss of revenue estimated at \$56,000.00 per year, based on calendar year 2016 sales of \$79 million)

Mayor Guyton and Councilmen Echols and Worthy expressed concern that State legislators are limiting the resources and powers of cities and continuing to impose unfunded mandates. President Williams cited various other issues and warned of preemption of home rule.

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 Councilman Cannon and unanimously adopted.

DEPARTMENT REPORTS

Jen Weathington (Parks & Recreation Interim Director) announced the 10th annual Coosa Landing Super Bass fishing tournament, which will be held this weekend.

MAYOR AND COUNCIL REMARKS

Councilwoman Toles shared contact information for the Alabama Department of Transportation for those whose cars have been damaged at the railroad crossing near the new Honda dealership on Highway 431 (E. Meighan Boulevard).

Councilman Cannon expressed hope that air conditioning will be on in City Hall next week.

Councilman Reed welcomed Commissioner Johnny Grant, who was present.

President Williams said the National League of Cities is studying the impact of preemption upon cities across the country and reiterated his concerns about the city's reduced ability to drive local economy and govern itself.

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

Iva Nelson, City Clerk (3-28-2017)
