

COUNCIL CHAMBER - CITY HALL - GADSDEN, ALABAMA
MARCH 29, 2016 - 11:00 A.M.

The City Council met on March 29, 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: Williams, Worthy, Echols, Cannon and Reed. Councilwoman Toles and Councilman Billingsley were absent. The clerk stated a quorum was present and the meeting was open for business. Heath Williamson and Chief Crane were also present. Mayor Guyton and Lee Roberts were absent.

The invocation was given by Heath Williamson.

The minutes of the Community Development Committee, Work Session and Council meeting held on March 22, 2016, were approved by unanimous vote.

Payment of the HTE System accounts for the week of March 18-23, 2016 were ratified by unanimous vote.

#164064-164204	General	\$1,441,362.96
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On behalf of Mayor Guyton, President Williams read the following proclamations proclaiming:
(1) April 11-15, 2016, as "James M. Barrie Center for Children Week" - Presented to Patricia Falcon - Ms. Falcon summarized services provided by the center and statistics for the past year and recognized staff members present.

(2) April 2016, as "Child Abuse Prevention Month" - Presented to Deana Thacker - Ms. Thacker described her work in the school system and presented blue ribbons, an annual fundraiser for the program.

UNFINISHED BUSINESS

(1) The following resolution, which was tabled for 30 days on February 23, was presented in writing for consideration:

RESOLUTION NO. R-137-16

ORDERING ABATEMENT OF NUISANCE

(Ordering Abatement of Nuisance - 926 Avenue A - District 3 - Spencer Thomas Estate; James Thomas Staples, c/o Lela Thomas)

Upon recommendation of the Building Inspector, Councilman Worthy moved to adopt the resolution. The motion was seconded by Councilman Echols and unanimously adopted.

(2) The following resolution, which was tabled for 60 days on January 26, was presented in writing for consideration:

RESOLUTION NO. R-138-16

ORDERING ABATEMENT OF NUISANCE

(Ordering Abatement of Nuisance - 606 Spring Street - District 3 - Jack Lowe, Jr.)

Upon recommendation of the Building Inspector, Councilman Worthy moved to adopt the resolution. The motion was seconded by Councilman Cannon and unanimously adopted.

(3) A resolution ordering the abatement of nuisances on property at 812 Reynolds Circle in District 5, which was tabled for 30 days on February 23, 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.

(4) A resolution ordering the abatement of nuisances on property at #2 Laurel Road in District 6, which was tabled for 30 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) A resolution assessing a nuisance abatement lien on property at 119 Park Street in District 1, which was tabled for 7 days on March 22, was presented in writing for consideration. Councilman Worthy moved to table the resolution an additional 14 days, which motion was seconded by Councilman Cannon and unanimously carried.

(6) A resolution assessing a nuisance abatement lien on property at 712 Nuckolls Street in District 2, which was tabled for 14 days on March 22, was presented in writing for consideration. Councilman Worthy moved to table the resolution an additional 14 days, which motion was seconded by Councilman Echols and unanimously carried.

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 3317 Erwin Avenue, Charles Hubbard, 1st Community Credit Corporation, and Superior Financial Services, LLC being the last known owners. Brian Harbison, Building Inspector, stated no improvements have been made since procedures began in April 2015, and recommended abatement. The following resolution was introduced in writing for consideration:

RESOLUTION NO. R-139-16

ORDERING ABATEMENT OF NUISANCE

(Ordering Abatement of Nuisance - 3317 Erwin Avenue - District 1 - Charles Hubbard; 1st Community Credit Corporation; Superior Financial Services, LLC)

Councilman Worthy 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 1127 Mathis Street, the State of Alabama, Venutra Rosales Rentieria, and Obdulia Paredes 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-140-16

ORDERING ABATEMENT OF NUISANCE

(Ordering Abatement of Nuisance - 1127 Mathis Street - District 1 - State of Alabama; Venutra Rosales Rentieria; Obdulia Paredes)

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 301 East Lake Drive, Investment Properties, c/o Donna Kelley, being the last known owner. Brian Harbison, Building Inspector, stated this case, which began in February 2016, involves unsafe trees on a 13-acre tract. He recommended abatement because the trees are in danger of falling on nearby houses. The following resolution was introduced in writing for consideration:

RESOLUTION NO. R-141-16

ORDERING ABATEMENT OF NUISANCE

(Ordering Abatement of Nuisance - 301 East Lake Drive, to West Lake Drive - District 2 - Investment Properties, c/o Donna Kelley)

President Williams said the property owner has not been responsive to appeals made by residents over the past several years. 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 202 Morningview Drive in District 2, Elder Roy Coats, Bro. Roy Alphonso Coates, and Conseco Finance being the last known owners. Elder Roy Coats said he wishes to restore the property and presented a plan to Ditech for approval, but must receive written approval before he can proceed. Brian Harbison, Building Inspector, stated no improvements have been made since procedures began in May 2015, and recommended abatement. Councilman Worthy advised Elder Coats to begin cleaning up around the property and make sure progress is made. He moved to table the resolution for 30 days, which motion was seconded by Councilman Echols and unanimously carried.

(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 1008 Valley Jo Avenue, the State of Alabama, Gerald Sims and wife Denise Sims being the last known owners. Brian Harbison, Building Inspector, stated no improvements have been made since procedures began in April 2015, and recommended abatement. The following resolution was introduced in writing for consideration:

RESOLUTION NO. R-142-16

ORDERING ABATEMENT OF NUISANCE

(Ordering Abatement of Nuisance - 1008 Valley Jo Avenue - District 3 - State of Alabama; Gerald Sims; Denise Sims)

Councilman Worthy moved to adopt the resolution as introduced, which motion was seconded by Councilman Echols 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 1014 Valley Jo Avenue in District 3, Sammie Lee Rutledge and Willie Howard Rutledge being the last known owners. Brian Harbison, Building Inspector, stated no improvements have been made since procedures began in April 2015, and recommended abatement. Sammie Rutledge related past incidents of complaints motivated by personal dislikes and wishes to acquire property that he felt triggered abatement. He cited other properties that have remained in worse condition than his for a number of years but said he is willing to work if 30 days can be given. Councilman Worthy said he is familiar with the condition of properties in his district and encouraged owners to sufficiently maintain. He added there is no desire for the City to obtain additional properties. Councilman Worthy moved to table the resolution for 60 days, which motion was seconded by Councilman Reed and unanimously carried.

(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 1503 Roosevelt Avenue in District 5, Henry J. Fletcher and wife Lillie Mae Fletcher, c/o Henry Fletcher, Jr. being the last known owners. Brian Harbison, Building Inspector, stated no improvements have been made since procedures began in April 2015, and recommended abatement. Councilman Worthy moved to table the resolution for seven days, which motion was seconded by Councilman Cannon and unanimously carried.

(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 1206 Fairview Avenue, the State of Alabama, Paul Johnson and Anita Johnson, and Associates Home Equity Services, Inc. being the last known owners. Brian Harbison, Building Inspector, stated no improvements have been made since procedures began in April 2015, and recommended abatement. The following resolution was introduced in writing for consideration:

RESOLUTION NO. R-143-16

ORDERING ABATEMENT OF NUISANCE

(Ordering Abatement of Nuisance - 1206 Fairview Avenue - District 6 - State of Alabama; Paul Johnson; Anita Johnson; Associates Home Equity Services, Inc.)

Councilman Cannon 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 601 Windsor Street, Louis K. And Pamela Bakane being the last known owners. No one spoke. The following resolution was introduced in writing for consideration:

RESOLUTION NO. R-144-16

ASSESSING NUISANCE ABATEMENT LIEN AGAINST PROPERTY

(Assessing Nuisance Abatement Lien for Demolition - \$3,731.40 - 601 Windsor Street - District 1 - Louis K. Bakane; Pamela Bakane)

Councilman Cannon moved to adopt the resolution as introduced, which motion was seconded by Councilman Worthy 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 1175 Tuscaloosa Avenue, the State of Alabama, Heirs of Margaret Miliner, Ingrid Chacha, Delvonte Collins, Derrick Miliner, Orlando Miliner, and Destani Miliner, c/o Ingrid Chacha, being the last known owners. Orlando Miliner said he had been the victim of complaints and vandalism. He added demolition occurred when he went out of state for six months due to his health and expressed a desire to make payments. President Williams directed Mr. Miliner to the Building Department. The following resolution was introduced in writing for consideration:

RESOLUTION NO. R-145-16

ASSESSING NUISANCE ABATEMENT LIEN AGAINST PROPERTY

(Assessing Nuisance Abatement Lien for Demolition - \$2,256.40 - 1175 Tuscaloosa Avenue - District 3 - State of Alabama; Heirs of Margaret Miliner; Ingrid Chacha; Delvonte Collins; Derrick Miliner; Orlando Miliner; Destani Miliner, c/o Ingrid Chacha)

Councilman Cannon moved to adopt the resolution as introduced, which motion was seconded by Councilman Worthy 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 #13 Sommersworth Avenue, Avery B. Tucker and AmSouth Bank being the last known owners. No one spoke. The following resolution was introduced in writing for consideration:

RESOLUTION NO. R-146-16

ASSESSING NUISANCE ABATEMENT LIEN AGAINST PROPERTY

(Assessing Nuisance Abatement Lien for Demolition - \$3,231.40 - #13 Sommersworth Avenue - District 6 - Avery B. Tucker; AmSouth Bank)

Councilman Cannon moved to adopt the resolution as introduced, which motion was seconded by Councilman Worthy 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 1222 Gray Street, Brian C. Nelson, Wachovia Bank National Association Retail Credit Servicing, and Fiserv Lending Solutions being the last known owners. No one spoke. The following resolution was introduced in writing for consideration:

RESOLUTION NO. R-147-16

ASSESSING NUISANCE ABATEMENT LIEN AGAINST PROPERTY

(Assessing Nuisance Abatement Lien for Demolition - \$7,824.40 - 1222 Gray Street - District 7 - Brian C. Nelson; Wachovia Bank National Association Retail Credit Servicing; Fiserv Lending Solutions)

Councilman Cannon moved to adopt the resolution as introduced, which motion was seconded by Councilman Worthy 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 1313 Tuscaloosa Avenue, Ronnie Pollard being the last known owner. No one spoke. The following resolution was introduced in writing for consideration:

RESOLUTION NO. R-148-16

ASSESSING NUISANCE ABATEMENT LIEN AGAINST PROPERTY

(Assessing Nuisance Abatement Lien for Demolition - \$3,206.40 - 1313 Tuscaloosa Avenue - District 7 - Ronnie Pollard)

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

(14) The floor was opened to allow anyone to speak for or in opposition to a resolution assessing a nuisance abatement lien on property at 2221 E. Tuscaloosa Avenue, Chris Brown and the State of Alabama being the last known owners. No one spoke. The following resolution was introduced in writing for consideration:

RESOLUTION NO. R-149-16

ASSESSING NUISANCE ABATEMENT LIEN AGAINST PROPERTY

(Assessing Nuisance Abatement Lien for Demolition - \$5,956.40 - 2221 E. Tuscaloosa Avenue - District 7 - Chris Brown; State of Alabama)

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

RESOLUTIONS PRESENTED FOR CONSIDERATION:

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

RESOLUTION NO. R-150-16

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 - FY2022 Project)

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-151-16

AUTHORIZING AGREEMENT WITH
ALABAMA DEPARTMENT OF TRANSPORTATION

(Authorizing Preliminary Engineering Agreement - Alabama Department of Transportation - For resurfacing and traffic stripe on Randall Street, from 6th Street to 11th Street - \$30,593.76, with City's estimated 20% match being \$6,118.75 - FY2021 Project)

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

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

RESOLUTION NO. R-152-16

AUTHORIZING AGREEMENT WITH
ALABAMA DEPARTMENT OF TRANSPORTATION

(Authorizing Construction Agreement - Alabama Department of Transportation - For resurfacing and traffic stripe on Randall Street, from 6th Street to 11th Street - \$174,467.66, with City's estimated 20% match being \$34,893.53 - FY2021 Project)

Councilman Echols 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-153-16

ADOPTING TITLE VI PLAN UPDATE

(Updating City's Title VI Plan - To comply with Civil Rights Act due to receiving financial assistance from Federal Transit Administration - Note: Purpose is to prohibit discrimination in programs and activities)

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.

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

RESOLUTION NO. R-154-16

AUTHORIZING AGREEMENT WITH
CREWSER ENTERTAINMENT

(Authorizing Agreement - Crewser Entertainment - \$3,000.00 - For Jim Quick & Coastline to perform at Amphitheatre on Friday, August 5, 2016 - Summer Concert Series)

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 Worthy and unanimously adopted.

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

RESOLUTION NO. R-155-16

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 Nocalula Falls Park on June 18, 2016)

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 Worthy and unanimously adopted.

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

RESOLUTION NO. R-156-16

AUTHORIZING AGREEMENT WITH YMCA

(Authorizing Agreement - YMCA - Management services for swimming pool at 400 North 6th Street - \$450.00 per week, plus reimbursement for salaries paid to pool employees - Providing for annual renewals, unless either party gives 90 days prior notice)

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 Worthy and unanimously adopted.

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

RESOLUTION NO. R-157-16

AUTHORIZING AGREEMENT WITH
APPLIED TRAILS RESEARCH, LLC

(Authorizing Agreement - Applied Trails Research, LLC - \$8,615.00 - Field based design for Black Creek Trail System expansion - Note: City received \$100,000.00 grant from ADECA through Recreational Trails Program)

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 Worthy and unanimously adopted.

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

RESOLUTION NO. R-158-16

AUTHORIZING CHANGE ORDER #1 FOR BID NO. 3300

(Authorizing Change Order #1 - Bid No. 3300 - Princeton Avenue Culvert Replacement Project - Additional \$9,651.50 - Adjusting contract price with Carcel & G Construction, LLC to \$139,515.00)

Heath Williams, City Engineer, provided timelines for this and other projects.

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.

MAYOR AND COUNCIL REMARKS

Councilman Worthy questioned the length of time for abatement of 1175 Tuscaloosa Avenue, noting the process takes more than six months. He reiterated the need to keep houses up to prevent devaluing surrounding properties. Councilman Echols expressed concern that so many houses are demolished but the City has few options. Councilman Cannon agreed and stated owners are given 120 days once a condemned notice is posted on the property. Councilman Worthy noted the Council will receive an update on the land bank next week. President Williams pointed out that liens do not equate ownership and abatement comes at a cost to the City. He said property owners should discuss their situation with Mr. Harbison and their councilman and reminded the public the City intervenes because properties are not up to code.

Councilman Cannon congratulated Officer Renza Avery upon his retirement.

Councilman Reed and President Williams joined in commending the work of the Family Success Center and the Barrie Center.

Councilman Reed encouraged reviewing and following Council procedures concerning public speaking, which prohibit singling out Council members. Councilman Cannon agreed and President Williams affirmed the need for orderly and civil discourse. He added that public hearings are not subject to the five-minute rule.

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

Iva Nelson, City Clerk (3-29-2016)

FOURTH FLOOR CONFERENCE ROOM - BID OPENING
MARCH 29, 2016 - 2:00 P.M.

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

Bid No. 3308 - City of Gadsden Recycling Center Roofing Project Rebid

GKL Companies, Inc.	\$67,000.00
Mid-Western Commercial Roofers	\$77,270.00
Alabama Roofing and Sheet Metal	\$65,070.00
Standard Roofing	\$89,160.00

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