

COUNCIL CHAMBER - CITY HALL - GADSDEN, ALABAMA
APRIL 4, 2017 - 11:00 A.M.

The City Council met on April 4, 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. Mayor Guyton, Heath Williamson, Lee Roberts and Captain Jackson were also present.

The invocation was given by Councilwoman Toles.

The minutes of the last work session and council meeting held on March 28, 2017, were approved by unanimous vote.

Payment of the HTE System accounts for the week of March 24-30, 2017 were ratified by unanimous vote.

#172529-172740	General	\$1,100,673.01
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Mayor Guyton read a proclamation proclaiming April 9-15, 2017, as “National Volunteer Appreciation Week” and presented it to David Elliott and Denise Cooley, Emergency Management Agency. A number of volunteers who were present were recognized.

Mayor Guyton read a proclamation proclaiming April 2017, as “Child Abuse Prevention Month” and presented it to Misty Ledbetter, legal services attorney for the Family Success Center.

UNFINISHED BUSINESS

(1) President Williams stated no Council action is necessary regarding 3200 Sansom Avenue in District 6, as the nuisance has been abated by the owner.

(2) President Williams stated no Council action is necessary regarding 807 Van Del Boulevard 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 1419 Cansler Avenue, Robert Buchanan, possible rights of redemption of Lonnie Moore, and/or the heirs of Lonnie Moore being the last known owners. Robert Buchanan read a lengthy statement and requested time to set up a corporation to address the issues with the property. Brian Harbison, Building Inspector, stated no improvements have been made since procedures began in September 2016, and recommended abatement. He added the last permit was issued seventeen years ago.

The following resolution was introduced in writing for consideration:

RESOLUTION NO. R-109-17

ORDERING ABATEMENT OF NUISANCE

(Ordering Abatement of Nuisance - 1419 Cansler Avenue - District 3 - Robert Buchanan; Lonnie Moore; Heirs of Lonnie Moore)

Councilman Worthy noted a lot of work had been done to the back of the structure and moved to table the resolution 60 days. The motion was seconded by President Williams but failed to carry by the following vote:

AYES: Worthy

NAYS: Toles, Williams, Echols, Billingsley, Cannon, Reed

Councilwoman Toles moved to adopt the resolution, which motion was seconded by Councilman Reed and adopted by the following vote:

AYES: Toles, Williams, Echols, Billingsley, Cannon, Reed

NAYS: Worthy

(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 555 Line Street, Jack Lowe, Jr. being the last known owner. Jack Lowe, Jr. said this home belonged to his father, who is deceased, and his mother, who is in the nursing home. He expressed reluctance to spend money on repairs since his future ownership rights are unclear. Lee Roberts, City Attorney, explained the City notifies owners identified by a title search and suggested Mr. Lowe obtain private legal advice. 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-110-17

ORDERING ABATEMENT OF NUISANCE

(Ordering Abatement of Nuisance - 555 Line Street - District 3 - Jack Lowe, Jr.)

Councilman Worthy moved to adopt the resolution as introduced, which motion was seconded by Councilman Reed 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 2722 Hickory Street, the Estate of Willie Bell Kirkland, c/o James L. Kirkland, being the last known owner. Brian Harbison, Building Inspector, stated although a permit was initially obtained, no improvements have been made since procedures began in May 2016, and recommended abatement. The following resolution was introduced in writing for consideration:

RESOLUTION NO. R-111-17

ORDERING ABATEMENT OF NUISANCE

(Ordering Abatement of Nuisance - 2722 Hickory Street - District 6 - The Estate of Willie Bell Kirkland, c/o James L. Kirkland)

Councilman Cannon moved to adopt the resolution as introduced, which motion was seconded by Councilman Worthy 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 3604 Williams Avenue, Donald Kenneth Ellison and Donald Kenneth Ellison, Jr. being the last known owners. Don Ellison requested additional time, stating he is the only person available to work on the property. Brian Harbison, Building Inspector, stated although a permit was obtained in August 2016, no improvements have been made since procedures began in April 2016, and recommended abatement. The following resolution was introduced in writing for consideration:

RESOLUTION NO. R-112-17

ORDERING ABATEMENT OF NUISANCE

(Ordering Abatement of Nuisance - 3604 Williams Avenue - District 7 - Donald Kenneth Ellison; Donald Kenneth Ellison, Jr.)

Councilman Reed advised Mr. Ellison to discuss the extent of necessary repairs with Mr. Harbison if he wishes to prevent demolition. He then moved to adopt the resolution, 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 assessing a nuisance abatement lien on property at 905 McKissack Street, Estate of Grady Evans and Jewel Woodward being the last known owners. No one spoke. The following resolution was introduced in writing for consideration:

RESOLUTION NO. R-113-17

ASSESSING NUISANCE ABATEMENT LIEN AGAINST PROPERTY

(Assessing Nuisance Abatement Lien for Demolition - \$3,041.40 - 905 McKissack Street - District 2 - Estate of Grady Evans; Jewel Woodward)

Councilman Echols 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 assessing a nuisance abatement lien on property at 1108 Hurst Street, Jeff Bynum being the last known owner. No one spoke. The following resolution was introduced in writing for consideration:

RESOLUTION NO. R-114-17

ASSESSING NUISANCE ABATEMENT LIEN AGAINST PROPERTY

(Assessing Nuisance Abatement Lien for Demolition - \$1,941.40 - 1108 Hurst Street - District 3 - Jeff Bynum)

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

(7) The floor was opened to allow anyone to speak for or in opposition to a resolution assessing a nuisance abatement lien on property at 2104 Norris Avenue, the State of Alabama and Limmie Lee Filmore being the last known owners. No one spoke. The following resolution was introduced in writing for consideration:

RESOLUTION NO. R-115-17

ASSESSING NUISANCE ABATEMENT LIEN AGAINST PROPERTY

(Assessing Nuisance Abatement Lien for Demolition - \$3,591.40 - 2104 Norris Avenue - District 6 - State of Alabama; Limmie Lee Filmore)

Councilman Echols 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 assessing a nuisance abatement lien on property at 3201 Shahan Avenue, the Estate of Doris Craft, Scott Craft, and Debra Morton being the last known owners. No one spoke. The following resolution was introduced in writing for consideration:

RESOLUTION NO. R-116-17

ASSESSING NUISANCE ABATEMENT LIEN AGAINST PROPERTY

(Assessing Nuisance Abatement Lien for Demolition - \$2,416.40 - 3201 Shahan Avenue - District 6 - Estate of Doris Craft; Scott Craft; Debra Morton)

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

(9) 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 Barbara Sue Fentress, d/b/a Kwik Stop at 1808 East Meighan Boulevard. No one spoke. The following resolution was presented for consideration:

RESOLUTION NO. R-117-17

APPROVING THE ISSUANCE OF
ALCOHOLIC BEVERAGE LICENSE

(Barbara Sue Fentress - Kwik Stop - 1808 East Meighan Boulevard - Retail Beer and Table Wine License, off premises)

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 approving the issuance of an alcoholic beverage license for Xalisco, LLC, d/b/a Old Mexico Cantina at 93 Walker Street. No one spoke. The following resolution was presented for consideration:

RESOLUTION NO. R-118-17

APPROVING THE ISSUANCE OF
ALCOHOLIC BEVERAGE LICENSE

(Xalisco, LLC - Old Mexico Cantina - 93 Walker Street - Restaurant Retail Liquor License)

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-119-17

APPOINTING AND REAPPOINTING MEMBERS TO
COMMUNITY DEVELOPMENT COMMISSION

(Appointing Pam Tarrance to replace G.W. Lowery for term ending March 30, 2020 - Reappointing Inez Bonner and Jimmey Burnett for terms ending March 30, 2021)

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-120-17

AUTHORIZING AN AMENDMENT TO THE
CERTIFICATE OF INCORPORATION OF
ETOWAH-DEKALB-CHEROKEE MENTAL HEALTH BOARD, INC.

(Authorizing Certificate of Incorporation amendment - CED Mental Health Board, Inc. - Adding appointment of members by the cities of Attalla, Centre and Fort Payne - Note: Actual practice included these appointments, but documents only specified the counties of Etowah, Dekalb and Cherokee and the City of Gadsden)

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

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

RESOLUTION NO. R-121-17

AUTHORIZING AGREEMENT WITH
GADSDEN JUNIOR GOLF ASSOCIATION

(Authorizing Agreement - Gadsden Junior Golf Association - \$3,500.00 - City sponsorship of youth golf activities - April through July, 2017)

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

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

RESOLUTION NO. R-122-17

AUTHORIZING ADDENDUM TO CONTRACT WITH
GADSDEN STATE COMMUNITY COLLEGE

(Amending Agreement - Gadsden State Community College - Regarding pass-through grant from U.S. Department of Transportation, Federal Transit Administration for Bus Facility Allocations Program - Note: This agreement was formerly approved by R-26-17, but additional terms and conditions were added, as required by Alabama Community College System)

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

NEW BUSINESS

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

RESOLUTION NO. R-123-17

RECOMMENDING RESIGNATION OF JAMES TURNBACH
FROM WATER WORKS AND SEWER BOARD

(Requesting James Turnbach to immediately resign from Water Works and Sewer Board, due to no longer residing within the City - Note: Term expires on 11-1-18)

President Williams 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 adopted by the following vote:

AYES: Williams, Worthy, Billingsley, Cannon

NAYS: Echols, Reed

ABSTENTIONS: Toles

Councilman Billingsley commented that the vote reflects a vested interest.

DEPARTMENT REPORTS

Deborah Gaither, Emergency Management Agency Director, stressed the need to be weather aware due to thunderstorm activity predicted for Wednesday.

Jen Weathington, Interim Parks and Recreation Director, announced Smoke on the Falls activities this weekend and expressed appreciation to event sponsors. She encouraged participation in First Friday activities.

PUBLIC

Joseph Cole again requested to raise entry level pay for police officers and presented a pay increase analysis projecting \$597,168 as the cost for an additional \$2.61 for 100 police officers for the remaining 26 weeks of this fiscal year. He also referred to 25 department heads and said none are African-American, contending that the Municipal Judge is head of the court, not the Chief Magistrate. Mr. Cole requested that a qualified black candidate be selected for the Parks and Recreation Director position. Mayor Guyton responded, pointing out officers get an automatic raise after a certain number of weeks and many benefits, such as 80% of health insurance premiums, take home car and overtime. He added the average annual salary is \$70,000 to \$80,000. The Mayor stated he can't force existing department heads to leave and expressed willingness to hire and frustration at the lack of minority applicants. He also affirmed his commitment through improvement projects benefitting black communities.

MAYOR AND COUNCIL REMARKS

The Mayor and Council members, including former Councilman Walt Higgins, joined Frankie Davis (Director of Economic Development and Governmental Affairs) at a map depicting the proposed route for the I-759 extension project, which received "fast track" status by Governor Bentley and ALDOT Director Cooper. Mr. Davis thanked Representative Craig Ford for his hard work at the State level. Gratitude was exchanged among the Mayor and Council members to individuals who worked for years to bring this large capacity project to fruition. The importance of lobbying efforts with Federal officials was also highlighted. Councilwoman Toles said the extension will help to alleviate the problem of 18-wheeler trucks entering neighborhoods.

Councilmen Cannon and Billingsley advised Mr. Cole they will consider his proposal. Councilman Toles noted she has requested salary information of police and fire departments throughout the state from the Alabama League of Municipalities. Mayor Guyton acknowledged police officers have a dangerous job and the City provides good equipment and training.

Councilman Worthy announced a District 3 meeting at 6 p.m. next Thursday at Abundant Life Church. He also announced a life insurance forum from 12 to 4 p.m. on April 13 in the George Baker Room at Carver Community Center.

President Williams said he raised the department head issue with the Mayor when he took office in 2010, noting much of the present situation was inherited. He said the Mayor responded by hiring a minority candidate for Parks and Recreation Director. President Williams pointed out the City adopted an inclusion program in 2014, to consider minority candidates in personnel and purchasing scenarios and is committed to diversity going forward. He announced an “Optimize Your Borrowing Power” seminar at 3 p.m. on April 14 at the Chamber. He said Mayor Guyton is fiscally conservative and stressed the importance of the City’s strategic and creative marketing efforts to diversify the local economy.

Mayor Guyton encouraged people to apply for available jobs (500-600), noting salaries range from \$9.50 to \$18 per hour.

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

Iva Nelson, City Clerk (4-4-2017)
