

COUNCIL CHAMBER - CITY HALL - GADSDEN, ALABAMA
APRIL 5, 2016 - 11:00 A.M.

The City Council met on April 5, 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: Toles, Williams, Worthy, Billingsley, Cannon and Reed. Councilman Echols was absent. The clerk stated a quorum was present and the meeting was open for business. Mayor Guyton, Heath Williamson, Lee Roberts and Chief Crane were also present.

The invocation was given by Councilwoman Toles.

The minutes of the work sessions and council meeting held on March 29, 2016, were approved by unanimous vote.

Payment of the HTE System accounts for the week of March 24-31, 2016 were ratified by unanimous vote.

#164205-164339	General	\$317,271.55
----------------	---------	--------------

Mayor Guyton read a proclamation proclaiming April 2016, as “Donate Life Month” and presented it to Becky Davis.

UNFINISHED BUSINESS

(1) President Williams announced that no action was necessary regarding 503 S. 13th Street in District 5, as the nuisance has been abated by the owner.

(2) The following resolution, which was tabled for seven days on March 29, was presented in writing for consideration:

RESOLUTION NO. R-159-15

ORDERING ABATEMENT OF NUISANCE

(Ordering Abatement of Nuisance - 1503 Roosevelt Avenue - District 5 - Henry J. Fletcher; Lillie Mae Fletcher, c/o Henry Fletcher Jr.)

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

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 606 Frederick Street in District 1, Valarie Player being the last known owner. Valarie Player (336 N. 10th Street) stated she is making repairs and her son is staying there. Brian Harbison, Building Official, said he is willing to work with Ms. Player and recommended a 30-day extension. Councilwoman Toles moved to table the resolution for 30 days, which motion was seconded by Councilman Cannon and unanimously carried.

(2) President Williams announced that no action was necessary regarding 608 Frederick Street in District 1, as the nuisance has been abated by the owner.

(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 1133 Litchfield Avenue in District 2, Blaylock Rental Properties, LLC and HSBC Mortgage Corporation being the last known owners. Jahan Berns (Attorney with Sirote Permut) stated she is trying to coordinate with mortgage holders to remove trash and debris and requested an additional 30 days. Brian Harbison, Building Official, stated this case began in May 2015, and expressed willingness to work with the mortgage company in addressing the nuisances. President Williams said he does not wish to be aggressive in this matter. Councilman Billingsley moved to table the resolution for 30 days, which motion was seconded by Councilman Cannon 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 437 Evans Street, Ted Kirby, Jr. being the last known owner. 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-160-16

ORDERING ABATEMENT OF NUISANCE

(Ordering Abatement of Nuisance - 437 Evans Street - District 3 - Ted Kirby, Jr.)

Councilman Worthy moved to adopt the resolution as introduced, which motion was seconded by Councilwoman Toles 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 931 S. 11th Street, the State of Alabama and Delores Ann Vaughn 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-161-16

ORDERING ABATEMENT OF NUISANCE

(Ordering Abatement of Nuisance - 931 S. 11th Street - District 5 - State of Alabama; Delores Ann Vaughn)

Councilman Billingsley moved to adopt the resolution as introduced, which motion was seconded by Councilman Worthy 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 919 Holly Street in District 5, Billy Terrence Warren and Virginia D. Warren, and Regions Mortgage, Inc. s/b/m First Commercial Mortgage Company being the last known owners. Billy Warren said he is trying to make repairs on his own and noted he has demolished the garage. He acknowledged the need to remove remaining debris and address roof problems. Councilman Billingsley noted he lives nearby and this property has become a community dump. He advised Mr. Warren to get with Mr. Harbison after the meeting and to remove the debris. Brian Harbison, Building Inspector, stated procedures began in May 2015, and a permit was obtained in October. He expressed willingness to work with the owner. Councilman Billingsley moved to table the resolution for 30 days, which motion was seconded by Councilman Worthy 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 905 Spruce Street, the State of Alabama, Joe R. Hope, and Ernest D. Cordell being the last known owners. Brian Harbison, Building Inspector, stated no improvements have been made since procedures began in June 2015, and recommended abatement. The following resolution was introduced in writing for consideration:

RESOLUTION NO. R-162-16

ORDERING ABATEMENT OF NUISANCE

(Ordering Abatement of Nuisance - 905 Spruce Street - District 5 - State of Alabama; Joe R. Hope; Ernest D. Cordell)

Councilman Billingsley 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 ordering the abatement of nuisances on property at 3506 Sudie Avenue in District 6, Sue Bragg being the last known owner. Sue Bragg stated she purchased the tax interest in the property and obtained a permit in June 2015. She said a tenant in the house next door had questioned her right to be on the property and an unknown person recently put new chains and locks on the fence that surrounds both parcels, barring her access. Brian Harbison, Building Inspector, stated no improvements have been made since procedures began in June 2015, and recommended abatement. He said options are limited for the structure, which is a non-conforming commercial building in a residential district. Ms. Bragg said her intent is to convert the building to apartments. A discussion followed regarding ownership and Mr. Harbison advised Ms. Bragg was the sole owner named in the title opinion. Councilman Cannon moved to table the resolution for 14 days, which motion was seconded by Councilman Worthy and unanimously carried.

(9) 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 Clayton Avenue in District 7, Don Berkey, Juanita Berkey, and Ricky Leath being the last known owners. Based on improvements, Brian Harbison, Building Official, recommended a 30-day extension. Councilman Reed moved to table the resolution for 30 days, which motion was seconded by Councilman Worthy and unanimously carried.

(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 24 Winona Avenue, Scott and Pamela McDaniel being the last known owners. Scott and Pamela McDaniel objected to assessing a lien, stating the house was demolished without their knowledge and items were stored there, including clothing and furniture, ceramic tile and a transmission. They said neighbors reported people kicking in the door. Councilman Cannon explained the process used by Public Works when performing demolitions and noted any contents are photographed and any items of value are stored. He advised the owners they can make payments. President Williams advised them regarding filing a claim. The following resolution was introduced in writing for consideration:

RESOLUTION NO. R-163-16

ASSESSING NUISANCE ABATEMENT LIEN AGAINST PROPERTY

(Assessing Nuisance Abatement Lien for Demolition - \$3,206.40 - 24 Winona Avenue - District 6 - Scott McDaniel; Pamela McDaniel)

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

(11) The floor was opened to allow anyone to speak in opposition to or in favor of an ordinance amending the zoning ordinance to establish minimum square-footage requirements for residential dwellings. The Planning Commission recommended approval. No one spoke. Since no action was taken in this meeting, the ordinance will be placed on the agenda of the next regular meeting for consideration.

RESOLUTION PRESENTED FOR CONSIDERATION:

The following resolution was introduced in writing for consideration:

RESOLUTION NO. R-164-16

AUTHORIZING PURCHASE THROUGH
HOUSTON-GALVESTON AREA COUNCIL (H-GAC) CONTRACT

(Authorizing purchase of 486 garbage containers and 200 wheels through H-GAC contract for \$25,401.10 - Rehrig Pacific Company, vendor)

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

NEW BUSINESS

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

ORDINANCE NO. O-19-16

ADOPTING COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM FY2016 ANNUAL ACTION PLAN AND FY2016 BUDGET

(Adopting FY2016 Annual Action Plan; To complete the goal of meeting the needs set forth in the FY2015-FY2019 Consolidated Plan - Adopting FY2016 CDBG Budget totaling \$950,000.00; For period from June 1, 2016, through May 31, 2017)

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

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

NAYS: None

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

(2) Councilman Worthy introduced a resolution authorizing an agreement with Etowah County Community Action Agency in the amount of \$12,000.00. Councilman Worthy did not ask for unanimous consent for immediate consideration of the resolution; therefore, it will be placed on the agenda of the next regular meeting for consideration.

(3) Councilman Worthy introduced an ordinance amending the Fiscal Year 2016 General Fund Budget to appropriate \$12,000.00 from unassigned funds to fund the agreement with Etowah County Community Action Agency. Councilman Worthy did not ask for unanimous consent for immediate consideration of the ordinance; therefore, it will be placed on the agenda of the next regular meeting for consideration.

MAYOR AND COUNCIL REMARKS

Councilwoman Toles announced dates and times for Black Creek Trail tours, as well as Smoke on the Falls this weekend. She commended organ donors, noting her brother was a recipient.

Councilman Worthy provided the following dates in response to remarks made last week by a property owner that his house was demolished within six months: Case began June 14, 2012; building permit was obtained June 29, 2012; demolition permit was obtained June 9, 2014; abatement was ordered by resolution adopted October 27, 2015. He suggested a projection system to display photos of nuisance houses for public view during the hearing. Councilwoman Toles referred to the possibility of legal issues but agreed the public needs to see what Council members see.

Councilman Billingsley announced a District 5 meeting at the Gadsden Public Library at 5 p.m. on April 11.

Councilman Reed thanked members of the “Jack’s Club” for their presentations of a plaque and “dimeon pin” in honor of his recent hole in one at Twin Bridges Golf Course.

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

Iva Nelson, City Clerk (4-5-2016)
