

COUNCIL CHAMBER - CITY HALL - GADSDEN, ALABAMA
APRIL 12, 2016 - 5:00 P.M.

The City Council met on April 12, 2016, 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, 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 Brian Harbison.

The minutes of the work sessions and council meeting held on April 5, 2016, were approved by unanimous vote.

Payment of the HTE System accounts for the week of April 1-7, 2016 were ratified by unanimous vote.

#164340-164550	General	\$1,118,641.29
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Mayor Guyton read a proclamation proclaiming April 13, 2016, as “Alabama Library Association Day” and presented it to Craig Scott (Adult Librarian, Gadsden Public Library) and Paula Laurita (Alabama Library Association President).

UNFINISHED BUSINESS

(1) The following ordinance, which was introduced for first reading at last week's meeting, was presented for consideration:

ORDINANCE NO. O-20-16

AMENDING ZONING ORDINANCE

(Amending Zoning Ordinance - Amending district regulations regarding square-footage requirements for residential dwellings - Establishing minimum floor areas of 900 square feet for One Family Dwelling and 500 square feet for Multiple Family Dwelling)

President Williams and Mayor Guyton explained that exceptions to this requirement may be granted by variance on a case by case basis.

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

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

NAYS: Billingsley

(2) The following ordinance, which was introduced under new business for first reading at last week's meeting, was presented for consideration:

ORDINANCE NO. O-21-16

AMENDING FISCAL YEAR 2016 GENERAL FUND BUDGET

(Amend FY2016 Budget - Transferring \$12,000.00 from unassigned fund balance to Outside Agency/Etowah County Community Services account - To fund agreement with Community Action of Etowah County, Inc.)

Councilman Worthy moved to adopt the ordinance, which motion was seconded by Councilman Billingsley and adopted by the following vote:

AYES: Toles, Williams, Worthy, Billingsley

NAYS: Echols, Cannon, Reed

(3) The following resolution, which was introduced under new business at last week's meeting (unanimous consent for immediate consideration was not requested), was presented for consideration:

RESOLUTION NO. R-165-16

AUTHORIZING AGREEMENT WITH
COMMUNITY ACTION OF ETOWAH COUNTY, INC.

(Authorizing Agreement - Community Action of Etowah County, Inc. - \$12,000.00 to be paid at \$2,000.00 per month for the remaining six months of FY2016 - To provide services to Gadsden residents only)

It was noted the contract is pending and will be drawn up by the Legal Department. President Williams said this appropriation is consistent with past emergency requests.

Councilman Worthy moved to adopt the resolution, which motion was seconded by Councilman Billingsley and carried by the following vote:

AYES: Toles, Williams, Worthy, Billingsley

NAYS: Echols, Cannon, Reed

(4) A resolution assessing a nuisance abatement lien on property at 119 Park Street in District 1, which was tabled for 14 days on March 29, was presented for consideration. Councilwoman Toles moved to table the resolution an additional 7 days, which motion was seconded by Councilman Worthy and unanimously carried.

(5) A resolution assessing a nuisance abatement lien on property at 712 Nuckolls Street in District 2, which was tabled for 14 days on March 29, was presented for consideration. Councilwoman Toles moved to table the resolution an additional 7 days, which motion was seconded by Councilman Billingsley 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 1411 Kentucky Avenue, the State of Alabama, Estate of Jabari Player, c/o George Day, Estate of Jabari Player, c/o Sam Bone, and Jabre'La J. Calloway, daughter and heir of Jabari Player, being the last known owners. Brian Harbison, Building Inspector, stated although a permit was obtained on September 2013, no improvements have been made since procedures began in June 2013, and recommended abatement. The following resolution was introduced in writing for consideration:

RESOLUTION NO. R-166-16

ORDERING ABATEMENT OF NUISANCE

(Ordering Abatement of Nuisance - 1411 Kentucky Avenue - District 1 - State of Alabama; Estate of Jabari Player, c/o George Day; Estate of Jabari Player, c/o Sam Bone; Jabre'La J. Calloway, daughter and heir of Jabari Player)

Councilwoman Toles moved to adopt the resolution as introduced, which motion was seconded by Councilman Worthy 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 711 Blythe Street in District 2, Vernon Gibson being the last known owner. Mr. Gibson's son (2314 Lookout Street) requested additional time to make repairs, stating former renters had caused much damage. Brian Harbison stated procedures began in March 2014 but he is willing to work with Mr. Gibson if the Council grants a 30-day extension. He said an addition remains uncompleted and the house is not secure. Several council members said the owner is trustworthy and President Williams advised Mr. Gibson to stay in constant contact with Mr. Harbison. Councilman Billingsley moved to table the resolution for 30 days, which motion was seconded by Councilman Reed and unanimously carried.

(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 1215 Stillman Avenue, the State of Alabama, Edith W. Hardie, and Randy L. Shaw being the last known owners. Randy Shaw (7612 Leeth Gap Road, Boaz) offered to convey the property to the City, stating the house is too dilapidated to repair and people are dumping trash behind it. Brian Harbison, Building Inspector, stated no improvements have been made since procedures began in July 2015, and recommended abatement. The following resolution was introduced in writing for consideration:

RESOLUTION NO. R-167-16

ORDERING ABATEMENT OF NUISANCE

(Ordering Abatement of Nuisance - 1215 Stillman Avenue - District 2 - State of Alabama; Edith W. Hardie; Randy L. Shaw)

Councilman Billingsley 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 705 Harvey Street, the State of Alabama and David E. Thompson being the last known owners. Brian Harbison, Building Inspector, stated no improvements have been made since procedures began in July 2015, and recommended abatement. The following resolution was introduced in writing for consideration:

RESOLUTION NO. R-168-16

ORDERING ABATEMENT OF NUISANCE

(Ordering Abatement of Nuisance - 705 Harvey Street - District 3 - State of Alabama; David E. Thompson)

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 109 S. 7th Street in East Gadsden, the State of Alabama, heirs of Harold S. Robertson, Sr., and wife Grace I. Robertson being the last known owners. Brian Harbison, Building Inspector, stated no improvements have been made since procedures began in September 2015, and recommended abatement. In response to Councilman Worthy's inquiry, he said the structure would be reviewed for potential rehabilitation. The following resolution was introduced in writing for consideration:

RESOLUTION NO. R-169-16

ORDERING ABATEMENT OF NUISANCE

(Ordering Abatement of Nuisance - 109 S. 7th Street in East Gadsden - District 4 - State of Alabama; Heirs of Harold S. Robertson Sr.; Grace I. Robertson)

Councilman Echols moved to adopt the resolution as introduced, which motion was seconded by Councilman Reed 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 317 Haralson Avenue, Myron Harvey being the last known owner. 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-170-16

ORDERING ABATEMENT OF NUISANCE

(Ordering Abatement of Nuisance - 317 Haralson Avenue - District 5 - Myron Harvey)

Councilman Billingsley noted the property has been abandoned for a long time and approval of the Architectural Review Board will be requested, since it lies within the Haralson Historic District. 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 1501 Roosevelt Avenue, 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 to this abandoned mobile home since procedures began in April 2015, and recommended abatement. The following resolution was introduced in writing for consideration:

RESOLUTION NO. R-171-16

ORDERING ABATEMENT OF NUISANCE

(Ordering Abatement of Nuisance - 1501 Roosevelt Avenue - District 5 - Henry J. Fletcher and Lillie Mae Fletcher, c/o Henry Fletcher Jr.)

Councilman Billingsley 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-172-16

AWARDING BID NO. 3308

(Awarding Bid No. 3308 - Recycling Center Roofing Project Re-bid - Alabama Roofing and Sheet Metal Company, Inc. - \$68,845.00)

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

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

RESOLUTION NO. R-173-16

RESCINDING RESOLUTIONS ADOPTING
COMMUNITY DEVELOPMENT PROGRAMS

(Rescinding Resolutions Nos. R-247-03, R-369-05, R-78-06, R-118-07, and R-206-11 - Regarding adoption of Reconstruction Program, Emergency Housing Repairs Loan Program, Elderly Housing Initiative Program and Elderly Housing Initiative Paint Program)

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

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

RESOLUTION NO. R-174-16

AUTHORIZING COMMUNITY DEVELOPMENT
HOUSING REHABILITATION AND REPAIR PROGRAM

(Authorizing deferred loan program under the Community Development Program - For emergency housing repairs up to \$5,000.00 - Eligible homeowners will receive either a deferred loan which is forgiven if they remain in the home for 5 years or a repayable 5 year, 0% interest loan)

Councilman Reed 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-175-16

AUTHORIZING COMMUNITY DEVELOPMENT
PAINT PROGRAM

(Authorizing paint program under the Community Development Program - Up to \$1,000.00 in paint and supplies for eligible homeowners and qualifying structures - For painting of structure exterior by volunteer crew)

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-176-16

AUTHORIZING AGREEMENT WITH
JACK R. MORGAN ENGINEERING, INC.

(Authorizing Agreement - Jack R. Morgan Engineering, Inc. - \$9,400.00 - For electrical upgrades within Noccalula Falls Park)

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

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

RESOLUTION NO. R-177-16

AUTHORIZING AMENDMENT TO AGREEMENT WITH
MOTOROLA SOLUTIONS, INC.

(Authorizing First Amendment to Agreement - Motorola Solutions, Inc. - Amending terms of the payment schedule - Note: Service will be billed separately from Equipment and Install)

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

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

RESOLUTION NO. R-178-16

AUTHORIZING RIGHT-OF-WAY EASEMENT
TO ALABAMA POWER COMPANY

(Authorizing Easement - Alabama Power Company - To install underground utility service at 503 Black Creek Road)

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

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

RESOLUTION NO. R-179-16

AUTHORIZING RIGHT-OF-WAY EASEMENT TO
GADSDEN MOTOR INN, INC.

(Authorizing Easement - Gadsden Motor Inn, Inc. - Gadsden Motor Inn wishes to construct sidewalk and steps from its building along 2nd Street, which will encroach into right-of-way)

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

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

RESOLUTION NO. R-180-16

AUTHORIZING ACCEPTANCE OF GRANT FROM
ETOWAH COUNTY COMMUNITY DEVELOPMENT COMMITTEE

(Authorizing Grant Acceptance - \$5,000.00 from Etowah County Community Development Committee - For revitalization of Boys Baseball and Girls Softball Fields at 503 Black Creek Road and 1420 W. Meighan Boulevard)

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

ORDINANCE - FIRST READING

The following ordinance was introduced in writing and read by President Williams:

ORDINANCE - AMENDING FISCAL YEAR 2016 GENERAL FUND BUDGET (To reflect receipt of Etowah County Community Development Committee grant)

Since no action was taken in this meeting, the ordinance will be placed on the agenda of the next regular meeting for consideration.

MAYOR AND COUNCIL REMARKS

Mayor Guyton announced the schedule for this week's Alabama Library Association Conference, which is being hosted by Gadsden. President Williams and Councilman Reed welcomed the visiting librarians.

Several Council members joined in commending the Parks and Recreation Department's excellent coordination of events, including a state-wide basketball tournament and Smoke on the Falls.

Councilwoman Toles announced a District 1 meeting at 6 p.m. on April 25, at Antioch Family Life Center. She encouraged the public to participate in Gadsden City High School's ten-year anniversary celebration, which begins May 4.

Councilman Worthy announced a District 3 meeting at 5:30 p.m. on April 14, at Thompson Community Center.

Councilman Billingsley reported on last night's District 5 meeting, noting concerns were expressed about vicious dogs and barking dogs. He reminded citizens that insurance must be obtained for dangerous animals. Councilman Billingsley referred to the upcoming "Old School Weekend" as a big boost to the City.

President Williams said the Council had reviewed a "Ted Talk" video featuring a program whereby IT professionals devote a year to developing technology for government. He said there are a number of ways to use technology for problem solving and expressed interest in seeing if Gadsden can qualify for the program. He encouraged citizens to be active participants in addressing the city's issues.

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

Iva Nelson, City Clerk (4-12-2016)
