

COUNCIL CHAMBER - CITY HALL - GADSDEN, ALABAMA
MAY 24, 2016 - 5:00 P.M.

The City Council met on May 24, 2016, in regular session.

The meeting was called to order at 5:00 p.m. by Council President Williams. On roll call by Assistant City Clerk, Ginny Shaver, the following council members answered present: Williams, Worthy, Echols, Billingsley, Cannon and Reed. The clerk stated a quorum was present and the meeting was open for business. Heath Williamson, Lee Roberts and Chief Jaggars were also present. (Councilwoman Toles and Mayor Guyton joined the meeting shortly after it began.)

The invocation was given by Brian Harbison.

Chad Hare, General Manager of the Gadsden Water Works & Sewer Board, addressed recent news releases and media reports concerning two organic compounds (PFOA and PFOS) in the water supply. He explained that Gadsden's water quality has not changed, but the EPA lowered the limit from 600 parts per trillion to 70 parts per trillion. Mr. Hare said October 2014 testing indicated 90 and July 2015 was 80; however, four samples tested last month had readings of 70, non-detect, 40 and 50. He stressed the WWSB would immediately notify the community if readings over the new limit are experienced. Mr. Hare noted the source of the compounds are carpet factories in Dalton, GA. One of the compounds was phased out ten years ago but is still present in runoff. Mayor Guyton questioned why the EPA hasn't more fully addressed the problem at its source-the companies. In response to Councilman Worthy's inquiry, Mr. Hare advised that granular activated carbon filters can offset, but their effect has not been fully studied. Councilman Echols (WWSB Chairman) affirmed the quality of the water system and expressed frustration that people would say things without knowing the truth. President Williams described the actions of some State Representatives as irresponsible and reckless in managing information, and expressed concern about its impact upon our business and industry recruitment.

The minutes of the last work session and council meeting held on May 10, 2016, were approved by unanimous vote.

Payment of the HTE System accounts for the weeks of May 6-12 and 13-19, 2016 were ratified by unanimous vote.

#165362-165696	General	\$1,276,145.07
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Mayor Guyton read a proclamation proclaiming May 2016, as "Motorcycle Awareness Month" and presented it to James Johnson (Noccalula Falls Chapter of Abate).

UNFINISHED BUSINESS

(1) President Williams announced that no action was necessary regarding 119 Park Street in District 1, as the City has accepted conveyance of the property from the owner in lieu of assessing a nuisance abatement lien.

(2) A resolution assessing nuisance abatement lien for demolition on property at 712 Nuckolls Street in District 2, which was tabled for 30 days on April 19, was presented in writing for consideration. Councilwoman Toles moved to table the resolution indefinitely, which motion was seconded by Councilman Worthy and unanimously carried.

(3) A resolution ordering the abatement of nuisances on property at 1301 Florence Avenue in District 1, which was tabled for 30 days on April 19, was presented in writing for consideration. Upon recommendation of the Building Official, Councilwoman Toles moved to table the resolution an additional 30 days. The motion was seconded by Councilman Worthy and unanimously carried.

(4) A resolution ordering the abatement of nuisances on property at 1303 Florence Avenue in District 1, which was tabled for 30 days on April 19, was presented in writing for consideration. Upon recommendation of the Building Official, Councilwoman Toles moved to table the resolution an additional 30 days. The motion was seconded by Councilman Worthy and unanimously carried.

(5) A resolution ordering the abatement of nuisances on property at 711 Blythe Street in District 2, which was tabled for 30 days on April 12, was presented in writing for consideration. Upon recommendation of the Building Official, Councilman Billingsley moved to table the resolution an additional 30 days. The motion was seconded by Councilman Cannon and unanimously carried.

(6) The following resolution, which was tabled for 60 days on March 29, was presented in writing for consideration:

RESOLUTION NO. R-215-16

ORDERING ABATEMENT OF NUISANCE

(Ordering Abatement of Nuisance - 1014 Valley Jo Avenue - District 3 - Sammie Lee Rutledge; Willie Howard Rutledge)

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

(7) President Williams announced that no action was necessary regarding 203 E. Chestnut Street in District 4, as the nuisance has been abated by the owner.

(8) A resolution ordering the abatement of nuisances on property at 3506 Sudie Avenue in District 6, which was tabled for 30 days on April 19, 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.

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 2403 E. Broad Street, Wayne Rowe 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-216-16

ORDERING ABATEMENT OF NUISANCE

(Ordering Abatement of Nuisance - 2403 E. Broad Street - District 1 - Wayne Rowe)

Councilwoman Toles moved to adopt the resolution as introduced, which motion was seconded by Councilman Billingsley 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 1819 Moton Street, the State of Alabama and Frederick Pierce 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-217-16

ORDERING ABATEMENT OF NUISANCE

(Ordering Abatement of Nuisance - 1819 Moton Street - District 1 - State of Alabama; Frederick Pierce)

Councilwoman Toles moved to adopt the resolution as introduced, which motion was seconded by Councilman Worthy 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 1411 Paradise Avenue, Sandra Bostick Pointer being the last known owner. Sandra Pointer stated she has been unable to address the problems, due to medical problems and being out of state a couple of years. She requested an additional 60 days, stating her son had taken it over, but it's now back under her control. Brian Harbison, Building Inspector, stated no improvements have been made since procedures began in August 2015, and recommended abatement. The following resolution was introduced in writing for consideration:

RESOLUTION NO. R-218-16

ORDERING ABATEMENT OF NUISANCE

(Ordering Abatement of Nuisance - 1411 Paradise Avenue - District 1 - Sandra Bostick Pointer)

Councilwoman Toles 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 1426 Springfield Avenue, Estate of Thelma Mathis, c/o Thomas Martin, being the last known owner. Thomas Martin requested additional time (until September), stating he has been making payments on the property and funds have been short. He cited items needed, including a new roof and completion of painting. Brian Harbison, Building Inspector, stated no improvements, other than some painting, have been made since procedures began in August 2015, and recommended abatement. The following resolution was introduced in writing for consideration:

RESOLUTION NO. R-219-16

ORDERING ABATEMENT OF NUISANCE

(Ordering Abatement of Nuisance - 1426 Springfield Avenue - District 1 - Estate of Thelma Mathis, c/o Thomas Martin)

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 1618 Springfield Avenue in District 1, Michael J. Bishop and wife Wilma M. Bishop being the last known owners. Based upon recent improvements, Building Official Brian Harbison 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.

(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 1118 4th Avenue, Thomas H. Utter Jr. and Lula Mae Utter being the last known owners. Brian Harbison, Building Inspector, stated no improvements have been made since procedures began in August 2015, and recommended abatement. The following resolution was introduced in writing for consideration:

RESOLUTION NO. R-220-16

ORDERING ABATEMENT OF NUISANCE

(Ordering Abatement of Nuisance - 1118 4th Avenue - District 5 - Thomas H. Utter Jr.; Lula Mae Utter)

In response to Councilman Billingsley's inquiry, Brian Harbison noted the property will be reviewed for the possibility of rehabilitation. Councilman Billingsley 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 authorizing a special use permit for construction of a new wireless telecommunication facility located at 104 12th Street North. Kevin Ferguson expressed opposition on behalf of himself and other business owners, citing potential health hazards, environmental and aesthetic concerns, and impact on property values. He noted he signed a document expressing concerns on the day of the balloon test. David Andrews (Center for Municipal Solutions) said his firm reviewed the application of Branch Communications and found it to be in compliance with the City's ordinance. The only exception was for the camouflage provision, which CMS does not recommend, since the site is not a wooded area. Attorney Andy Rotenstreich spoke on behalf of Branch Communications, noting T-Mobile is the anchor tenant. He said the goal is to improve cellphone, broadband and E-911 coverage to over 10,000 residents within 1.5 miles of the site. He presented maps and explained the need for coverage, stating all possibilities for co-location, which is more desirable, had been eliminated. Mr. Rotenstreich stated the applicant is willing to provide camouflage, as well as additional fencing and landscaping around the site. He explained the tower is the least obtrusive type, could support co-location of competitors' equipment, and won't produce noise, light, etc. He also reported on each of the seven signatures from the balloon test documents. Mr. Rotenstreich presented information addressing the concerns of health effects, aesthetics and property values. President Williams stated the community does not want the cell tower and asked if the applicant would be willing to withdraw the application. Mr. Rotenstreich said license holders are mandated by the FCC to provide coverage; therefore, the application, which benefits the residents, cannot be withdrawn. In response to Councilman Cannon's inquiries, he said co-location at Gadsden State Community College and Gadsden Regional Medical Center was not available or wouldn't provide the needed coverage. In response to Councilwoman Toles' inquiries, he advised T-Mobile customer complaints created the priority for additional towers and he received no contacts from over 900 notification letters that were mailed. The following resolution was introduced in writing for consideration:

RESOLUTION NO. R-221-16

AUTHORIZING SPECIAL USE PERMIT
FOR NEW WIRELESS TELECOMMUNICATION FACILITY

(Authorizing Special Use Permit - Branch Communications, LLC applied for construction of new wireless telecommunication facility - 100' monopole tower and 100' by 100' lease area located at 104 12th Street North in East Gadsden - Anchor tenant will be T-Mobile South, LLC - Approval recommended by City's consultant, The Center for Municipal Solutions)

Councilwoman Toles moved to adopt the resolution as introduced, which motion was seconded by Councilman Echols and carried by the following vote:

AYES: Toles, Worthy, Echols, Reed

NAYS: Williams, Billingsley, Cannon

(8) A resolution revoking the business license for Off Campus Pawn & Storage, LLC was introduced in writing and read by President Williams. Councilwoman Toles moved to table the resolution indefinitely, which motion was seconded by Councilman Reed and unanimously carried.

RESOLUTIONS PRESENTED FOR CONSIDERATION:

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

RESOLUTION NO. R-222-16

AUTHORIZING CHANGE ORDER #1
FOR BID NO. 3299

(Authorizing Change Order #1 - Bid No. 3299 - Padenreich Avenue Storm Water Drainage Repair Project - Additional \$2,312.00 for extra concrete and asphalt needed - Adjusting contract price with James E. Watts & Sons, Inc. to \$56,312.00)

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

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

RESOLUTION NO. R-223-16

AUTHORIZING AGREEMENT WITH
MCEL RATH & OLIVER, ARCHITECTS, P.C.

(Authorizing Agreement - McElrath & Oliver, Architects, P.C. - \$55,000.00 - For architectural services related to project to renovate and re-roof buildings within Pioneer Village at Noccalula Falls Park)

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

ORDINANCE PRESENTED FOR CONSIDERATION:

The following ordinance was introduced in writing for consideration:

ORDINANCE NO. O-25-16

AWARDING FINANCING PROPOSAL TO
BRANCH BANKING & TRUST COMPANY (BB&T)

(Awarding Financing Proposal - BB&T - Financing not to exceed \$249,998.00 with annual interest rate up to 1.29% for a term of 3 years - For Freightliner Medium Commercial Rescue Vehicle for Fire Department)

Councilman Worthy moved to suspend the rules to immediately consider the ordinance at its first reading. The motion was seconded by Councilman Echols and approved by the following vote:

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

NAYS: None

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

MAYOR AND COUNCIL REMARKS

President Williams announced changes in next week's garbage collection schedule due to the Memorial Day holiday. He congratulated Councilman Echols, who received a 30-year service award from the Alabama League of Municipalities at last week's conference.

Councilman Billingsley complimented last Sunday's "Jazz in the Park" and encouraged the public to participate in the City's events. He congratulated new Police Chief Lamar Jaggears.

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

Ginny Shaver, Acting City Clerk (5-24-2016)
