

COUNCIL CHAMBER - CITY HALL - GADSDEN, ALABAMA  
JULY 19, 2016 - 11:00 A.M.

The City Council met on July 19, 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, Billingsley, Cannon and Reed. Councilwoman Toles was absent. The clerk stated a quorum was present and the meeting was open for business. Mayor Guyton, Jeramy Ward, Lee Roberts and Chief Jaggars were also present.

The invocation was given by Jeramy Ward.

The minutes of the last work session and council meeting held on July 12, 2016, were approved by unanimous vote.

Payment of the HTE System accounts for the week of July 8-14, 2016 were ratified by unanimous vote.

#166804-166999	General	\$3,325,668.76
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UNFINISHED BUSINESS

(1) A resolution ordering the abatement of nuisances on property at 616 Frederick Street in District 1, which was tabled for 30 days on June 14, was presented in writing for consideration. Due to the absence of Councilwoman Toles, Councilman Worthy moved to table the resolution an additional 7 days. The motion was seconded by Councilman Cannon 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 1310-A Florence Avenue, Janice Bostick being the last known owner. Brian Harbison, Building Inspector, stated although demolition permits were obtained in December 2015, and February 2016, the work has not been completed. He added the owner has agreed to make payments if the City completes demolition. The following resolution was introduced in writing for consideration:

RESOLUTION NO. R-283-16

ORDERING ABATEMENT OF NUISANCE

(Ordering Abatement of Nuisance - 1310-A Florence Avenue - District 1 - Janice Bostick)

Councilman Billingsley 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 1501 Springfield Avenue in District 1, Margaret Lee, James Lee, Estate and Heirs of Margaret Lee, and Luedella Covington being the last known owners. Brian Harbison, Building Inspector, stated no improvements have been made since procedures began in August 2015, and recommended abatement. Due to Councilwoman Toles' absence, Councilman Billingsley moved to table the resolution for 7 days. The motion was seconded by Councilman Cannon 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 1505 Springfield Avenue in District 1, Margaret Lee, James Lee, Estate and Heirs of Margaret Lee, and Luedella Covington being the last known owners. Brian Harbison, Building Inspector, stated although a permit was obtained in November 2015, no improvements have been made since procedures began in August 2015, and recommended abatement. Due to Councilwoman Toles' absence, Councilman Billingsley moved to table the resolution for 7 days. The 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 1403 Stillman Avenue in District 1, the State of Alabama, FNA NP, LLC, and Clifford and Virginia Barfield being the last known owners. Brian Harbison, Building Inspector, stated no improvements have been made since procedures began in September 2015, and recommended abatement. Due to Councilwoman Toles' absence, Councilman Billingsley moved to table the resolution for 7 days. The motion was seconded by Councilman Cannon 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 1201 Robinson Avenue, Courtney Ragland, Superior Bank, and Ronnie and Karen Pollard being the last known owners. Brian Harbison, Building Inspector, stated the structure is partially demolished and although a couple of permits were obtained, has not been completed. He said the owner, who lives next door, is willing to make payments if the City completes demolition, and recommended abatement. The following resolution was introduced in writing for consideration:

RESOLUTION NO. R-284-16

ORDERING ABATEMENT OF NUISANCE

(Ordering Abatement of Nuisance - 1201 Robinson Avenue - District 2 - Courtney Ragland; Superior Bank; Ronnie Pollard; Karen Pollard)

Councilman Worthy 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 ordering the abatement of nuisances on property at 1502 Robinson Avenue, the State of Alabama and Heirs of Senoria Taylor, c/o Sidney Taylor, being the last known owners. Sidney Taylor and Jeff Wyatt appeared. Mr. Wyatt said he removed the portion of the structure that collapsed and is making repairs to the remainder. In response to President Williams' inquiry, he said he has not talked with Mr. Harbison. Brian Harbison, Building Inspector, stated although a permit was obtained in February 2016, no improvements have been made since procedures began in October 2015. He acknowledged the structure was partially demolished, and recommended abatement. The following resolution was introduced in writing for consideration:

RESOLUTION NO. R-285-16

ORDERING ABATEMENT OF NUISANCE

(Ordering Abatement of Nuisance - 1502 Robinson Avenue - District 2 - State of Alabama; Heirs of Senoria Taylor, c/o Sidney Taylor)

In response to President Williams' question, Mr. Wyatt advised he could complete repairs in five to six months. President Williams said the condition of the house warrants abatement; however, the owners will have some time before demolition occurs. He advised Mr. Wyatt to work with Mr. Harbison and to make continuous progress.

Councilman Worthy 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 ordering the abatement of nuisances on property at 625 Spring Street in District 3, the State of Alabama and Heirs of Lillie Mae Hollis, heirs being Beverly Hollis Parker, Alfred T. Hollis, Marfleata Hollis Ecxford, and Juanaleta Hollis Benson being the last known owners. Juanaleta Benson said financial setbacks and her long working hours have delayed repairs being made. Brian Harbison, Building Inspector, stated no improvements have been made to this burned structure since procedures began in November 2014, although a permit was obtained in August 2015. He recommended abatement. Councilman Worthy moved to table the resolution for 60 days, which motion was seconded by Councilman Echols 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 1322 Cansler Avenue, the State of Alabama, Tyrone Fears, and Estate of Leon Thomas, heirs including Alyce Thomas, Loretta Wright, and Steven Thomas, being the last known owners. Brian Harbison, Building Inspector, stated no improvements have been made to this four-plex apartment since procedures began in July 2015. He recommended abatement, noting the house was moved onto the property in 2000 but never completed. The following resolution was introduced in writing for consideration:

RESOLUTION NO. R-286-16

ORDERING ABATEMENT OF NUISANCE

(Ordering Abatement of Nuisance - 1322 Cansler Avenue - District 5 - State of Alabama; Tyrone Fears; Estate of Leon Thomas; Alyce Thomas; Loretta Wright; Steven Thomas)

Councilman Billingsley moved to adopt the resolution as introduced, which motion was seconded by Councilman Cannon and adopted by the following vote:

AYES: Williams, Echols, Billingsley, Cannon, Reed

ABSTENTIONS: Worthy

(Councilman Billingsley left the meeting at this time.)

(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 922 N. 36<sup>th</sup> Street, Janie Goodwin and Joshua Adam Whitfield being the last known owners. Based on recent 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 Cannon and unanimously carried.

(10) The floor was opened to allow anyone to speak in opposition to or in favor of an ordinance approving the rezoning of property located at the intersection of the new Highway 411 and Hooks Lake Road from R-1, One-Family Residence District, to B-2, General Business District. The Planning Commission recommended approval. Sandra Gulley (1213 Hooks Lake Road) presented a petition containing approximately 271 signatures expressing opposition to the rezoning. She said she would not be opposed to a convenience store in a different location, stating increased traffic, noise and lighting would be disruptive to the neighborhood. Nola Drew (805 Honeysuckle Drive) objected to another store in such close proximity to Jet Pep on Tidmore Bend Road. Margaret Allsup (1220 Hooks Lake Road) objected to commercial zoning so close to existing houses. Deborah Parker (1215 Hooks Lake Road) said the property is adjacent to her back yard and objected to bright lighting and 24-hour operations. Wayne Hollar, applicant, referred to his development plan and said it includes a 100-foot buffer. He explained he mistakenly applied for B-2 zoning because he did not think a restaurant with drive-up capability would qualify for B-1 and offered to amend his request. Mr. Hollar said he never intended to place a liquor store here and pointed out there are no other convenience stores on Highway 411 from Rainbow Drive to Patterson's. President Williams stated the concerns of the residential neighborhood will be considered. He referred to other concerns relating to the need for commercial growth, stating the concerns must be balanced and the job is difficult. President Williams thanked everyone who spoke and advised a substitute ordinance for a B-1 zoning may be presented. He stated the proposed ordinance has been presented today for the first reading, and the Council will vote on it next week.

**RESOLUTIONS PRESENTED FOR CONSIDERATION:**

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

RESOLUTION NO. R- 287-16

AWARDING BID NO. 3314

(Awarding Bid No. 3314 - Community Development Paint and Paint Supplies - Colours, Inc. - \$267.20 for core items)

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

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

RESOLUTION NO. R-288-16  
  
APPROVING ISSUANCE OF  
ALCOHOLIC BEVERAGE LICENSE

(Franco's 538, Inc. - The Cellar - 538 Broad Street - Retail Beer and Table Wine License, on or off premises - Note: This replaces the package store license granted by Resolution No. R-551-15)

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

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

RESOLUTION NO. R-289-16  
  
APPOINTING AND REAPPOINTING MEMBERS TO  
GADSDEN CULTURAL ARTS FOUNDATION, INC.

(Reappointing Holly Ostendorf and appointing Kay Moore and Michael Causey for terms ending January 1, 2019)

Councilman Echols 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-290-16  
  
APPROVING FORMAL BUDGET AMENDMENT FOR  
EMERGENCY SOLUTIONS GRANT

(Approving Salvation Army's request for formal budget amendment - Relating to Emergency Solutions Grant from Alabama Department of Economic and Community Affairs - Moving \$20,000.00 from Prevention to Emergency Shelter)

Councilman Worthy 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-291-16  
  
ACCEPTING CONVEYANCE OF PROPERTY  
LOCATED AT 2301 CHESTNUT STREET

(Accepting conveyance of property from Tanessa Tillis - 2301 Chestnut Street - Lot 16, Block 16, Oak Park Addition - In lieu of nuisance proceedings and lien)

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-292-16

AUTHORIZING AGREEMENT WITH  
ALABAMA BASS TRAIL

(Authorizing Agreement - Alabama Bass Trail - \$5,000.00 - For City sponsorship of fishing tournament to be held May 13, 2017)

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

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

RESOLUTION NO. R-293-16

AUTHORIZING AGREEMENT WITH  
RAPISCAN SYSTEMS

(Authorizing Agreement - Rapiscan Systems - \$5,400.00 - For repair and maintenance services of Rapiscan equipment - Municipal Court and Police Precinct at 1515 Campbell Avenue - For period of June 1, 2016 through May 31, 2017)

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

ORDINANCES - FIRST READING

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

(1) ORDINANCE - AUTHORIZING AMENDMENT TO ECONOMIC DEVELOPMENT AGREEMENT WITH DEVELOPMENT COMPANY, LLC FOR RIVERTRACE PROJECT

President Williams explained this ordinance addresses an oversight item relating to businesses that relocated to Rivertrace. He said although the 2015 sales tax revenue of approximately \$26 million was less than projected amount of \$30 million, no sales revenue was generated prior to the development.

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 noted Daystar Church volunteers painted five houses under the Community Development Department's paint program. At his request, Renee' Baker, Community Development Planner, explained qualifications for this, as well as the Emergency Repair program. President Williams thanked the Mayor for this information, stating these programs are under-utilized.

Councilman Worthy announced a job fair at Convention Hall from 9 a.m. to 1 p.m. and a soft skills seminar in the Arthur Green room from 8 a.m. to 9 a.m. on August 11. He announced another skills seminar from noon to 4 p.m. in the George Baker room on August 2. Councilman Worthy also announced a HOPE Celebration on July 30 at the Etowah County Courthouse parking lot, which is sponsored by Quality of Life and other local entities. He thanked Eddie Nichols for coordinating youth volunteers from Tuscaloosa to pressure wash and paint at Convention Hall.

Councilman Reed reminded citizens that they may bring worn U.S. flags to the Patriot's Association office at the Amphitheater for proper disposal.

President Williams commended Councilman Worthy for his work on the job fair. He cited several areas in the state that have a critical shortage of skilled laborers for available jobs and encouraged local residents to seek opportunities for training. President Williams announced a joint effort of Comcast and HUD to provide high-speed internet to low income housing.

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

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Iva Nelson, City Clerk (7-19-2016)

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