

FOURTH FLOOR CONFERENCE ROOM - BID OPENING  
SEPTEMBER 27, 2016 - 2:00 P.M.

The City Clerk received bid proposals as advertised for the following bid:

Bid No. 3324 - South 3 <sup>rd</sup> Street and Bay Street Storm Sewer Repairs	
James E. Watts & Sons Contractors, Inc.	\$59,348.00
Bedwell & Whorton Excavating, LLC	\$66,487.00
McCartney Construction Co., Inc.	\$85,096.00

Copies of the bids will be forwarded to the City Engineer, and a recommendation will be made to the Council.

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COUNCIL CHAMBER - CITY HALL - GADSDEN, ALABAMA  
SEPTEMBER 27, 2016 - 5:00 P.M.

The City Council met on September 27, 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, and Cannon. Councilman Reed was absent. The clerk stated a quorum was present and the meeting was open for business. Mayor Guyton, Heath Williamson, Lee Roberts and Chief Jagears were also present.

The invocation was given by Heath Williamson.

The minutes of the last work session and council meeting held on September 20, 2016, were approved by unanimous vote.

Payment of the HTE System accounts for the week of September 16-22, 2016 were ratified by unanimous vote.

#168426-168562	General	\$457,234.97
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UNFINISHED BUSINESS

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

ORDINANCE NO. O-33-16

REZONING PROPERTY LOCATED  
IN THE 1300 BLOCK OF PIERCE AVENUE

(Approving Rezoning - Lots 1 through 6 in Block 5, Crescent Heights Subdivision - 1300 block of Pierce Avenue - From I-1, Light Industry District, to R-1, One-Family Residence District - Requested by Dave Cummans - To construct single-family homes)

Councilman Billingsley moved to adopt the ordinance, which motion was seconded by Councilwoman Toles 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 913 Maryland Avenue, Kivie Rice, c/o Jennifer Rice, and Citicorp Trust Bank being the last known owners. Jennifer Rice stated she wishes to demolish the structure. Brian Harbison, Building Inspector, stated no improvements have been made to this burned house since procedures began in July 2016. He recommended abatement, noting a demolition permit can still be issued to Ms. Rice. The following resolution was introduced in writing for consideration:

#### RESOLUTION NO. R-378-16

#### ORDERING ABATEMENT OF NUISANCE

(Ordering Abatement of Nuisance - 913 Maryland Avenue - District 2 - Kivie Rice, c/o Jennifer Rice; Citicorp Trust Bank)

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 1003 Holly Street, the State of Alabama, heirs of Virginia Barfield, and First Family Financial Services, Inc. being the last known owners. Clifford Barfield said he has been working on the interior, but will switch to exterior repairs, such as a new roof, removing trash, etc. Brian Harbison, Building Inspector, stated few improvements have been made since procedures began in April 2016, although a permit was issued in January 2016. He recommended abatement. The following resolution was introduced in writing for consideration:

#### RESOLUTION NO. R-379-16

#### ORDERING ABATEMENT OF NUISANCE

(Ordering Abatement of Nuisance - 1003 Holly Street - District 5 - State of Alabama; Heirs of Virginia Barfield; First Family Financial Services, Inc.)

Councilman Billingsley moved to adopt the resolution as introduced, which motion was seconded by Councilman Cannon 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 1007 Holly Street, the State of Alabama and certain rights of redemption of Kim F. Parker, d/b/a The Parker Company, being the last known owners. Brian Harbison, Building Inspector, stated 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-380-16

ORDERING ABATEMENT OF NUISANCE

(Ordering Abatement of Nuisance - 1007 Holly Street - District 5 - State of Alabama; Certain rights of redemption of Kim F. Parker, d/b/a The Parker Company)

Councilman Billingsley moved to adopt the resolution as introduced, which motion was seconded by Councilman Cannon 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 3434 W. Meighan Boulevard, Lori Alford Miller, as administrator for the Estate of Thomas and Judy Alford, Van William Hill, and Thomas B. and Judy G. Alford being the last known owners. Bettina Hill (wife of Van William Hill) affirmed her interest in the property, noting Attorney Rodney Ward is handling the estate. Brian Harbison, Building Inspector, stated no improvements have been made since procedures began in December 2015. He recommended abatement, noting the structure is sound and can be saved. The following resolution was introduced in writing for consideration:

RESOLUTION NO. R-381-16

ORDERING ABATEMENT OF NUISANCE

(Ordering Abatement of Nuisance - 3434 W. Meighan Boulevard - District 6 - Lori Alford Miller, administrator of estate of Thomas and Judy Alford; Van William Hill; Thomas B. Alford; Judy G. Alford)

Councilman Cannon said Ms. Hill is willing to make payments if the City rehabilitates the structure. He moved to adopt the resolution as introduced, which motion was seconded by Councilman Worthy and unanimously adopted.

(5) The floor was opened to allow anyone to speak in opposition to or in favor of a resolution approving an ambulance operator permit for Lifeguard Ambulance Service, LLC. No one spoke. The following resolution was introduced in writing for consideration:

RESOLUTION NO. R-382-16

APPROVING AMBULANCE OPERATOR PERMIT FOR  
LIFEGUARD AMBULANCE SERVICE, LLC

(Approving Ambulance Operator Permit - Lifeguard Ambulance Service, LLC - Accepting report and recommendation of Police Chief and Fire Chief - Authorizing Police Chief to issue certificate of public necessity and convenience)

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

RESOLUTIONS PRESENTED FOR CONSIDERATION:

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

RESOLUTION NO. R-383-16

AWARDING BID NO. 3321

(Awarding Bid No. 3321 - New Tires - B&C Tire - 53% off police pursuit; 52.5% off passenger vehicle and light truck; 52% off medium truck and bus; 28% off off-road equipment - Based on Government list prices)

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-384-16

AWARDING BID NO. 3322

(Awarding Bid No. 3322 - Zero Turn Commercial Riding Mower - Service Star Outdoor Solutions - \$9,782.00 each)

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

AYES: Toles, Williams, Worthy, Echols

NAYS: Billingsley, Cannon

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

RESOLUTION NO. R-385-16

AUTHORIZING AGREEMENT WITH  
ALABAMA POWER COMPANY

(Authorizing Agreement - Alabama Power Company - Permission for installation of additional roadway lighting on new Highway 411 - Intersections located at Hooks Lake Road, Auburn Avenue, Halsey Street, and Garrison Street)

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

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

RESOLUTION NO. R-386-16

AUTHORIZING AGREEMENT WITH  
ALABAMA DEPARTMENT OF TRANSPORTATION

(Authorizing Construction Engineering and Inspection Agreement - Alabama Department of Transportation - For resurfacing portions of 3<sup>rd</sup> Street and Goodyear Avenue - \$118,501.00 - MPO Project)

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

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

RESOLUTION NO. R-387-16

AUTHORIZING AGREEMENT WITH  
ALABAMA DEPARTMENT OF TRANSPORTATION

(Authorizing Funding Agreement - Alabama Department of Transportation - For cost of resurfacing portions of 3<sup>rd</sup> Street and Goodyear Avenue - MPO project with estimated construction cost of \$765,230.00 - \$612,184.00 from Federal ATRIP funds and \$153,046.00 from City's 20% match)

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

ORDINANCE - FIRST READING

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

(1) ORDINANCE - AUTHORIZING CONVEYANCE OF PROPERTY LOCATED AT  
1309 PERRY STREET

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

NEW BUSINESS

(1) Councilwoman Toles introduced the following ordinance in writing for consideration:

ORDINANCE NO. O-34-16

AMENDING CITY CODE SECTION 18-33  
REGARDING BUILDING PERMIT FEES

(Amending City Code Section 18-33 - Increasing building permit fees for non-residential construction building permits, including New Commercial, Existing Commercial & Foundation Commercial - To comply with State Act 2015-308, which increased non-residential fees by \$1.00 for every \$1,000.00 of construction - Note: Provisions for calculation of total valuation were eliminated)

Brian Harbison, Building Official, explained the increases fund the Construction Industry Craft Training program and were mandated by the State. Mayor Guyton and Councilman Echols commented on unfunded mandates.

Councilwoman Toles 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, Echols, Billingsley, Cannon

NAYS: None

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

(2) Councilman Cannon introduced the following resolution in writing for consideration:

**RESOLUTION NO. R-388-16**

**AWARDING BID NO. 3324**

(Awarding Bid No. 3324 - Storm Sewer Repair Project on South 3<sup>rd</sup> Street and Bay Street - James E. Watts and Sons - \$59,348.00)

President Williams received unanimous consent to immediately consider the resolution as an item of new business. Councilman Cannon moved to adopt the resolution, which motion was seconded by Councilman Echols and unanimously adopted.

**PUBLIC**

Albert Frazier, pastor of churches in Gadsden in Anniston, stated his desire for the church to assist in evangelizing the community, reducing the effects of crime and illegal drugs, and addressing health issues. He announced an outreach meeting to be held at the Antioch Family Life Center. President Williams referred to the nation-wide opioid epidemic and thanked Pastor Frazier for his encouragement.

**MAYOR AND COUNCIL REMARKS**

Councilwoman Toles thanked everyone who attended the District 1 event last Saturday.

On behalf of the Public Works Department, Councilman Worthy announced events that will require closing portions of Broad Street this Thursday, Friday and Saturday.

Councilman Billingsley announced a Gadsden Reads event with Author Tim Wise at Gadsden City High School next Monday, noting the time has changed from 10 a.m. to 9:15 a.m.

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

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Iva Nelson, City Clerk (9-27-2016)

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