

COUNCIL CHAMBER - CITY HALL - GADSDEN, ALABAMA  
MARCH 20, 2018 - 11:00 A.M.

The City Council met on March 20, 2018, 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, Echols, Billingsley, and Reed. Councilman Cannon was absent. The clerk stated a quorum was present and the meeting was open for business. Mayor Guyton, Heath Williamson, Lee Roberts and Captain Keener were also present.

The invocation was given by Councilwoman Toles.

The minutes of the last work session and council meeting held on March 6, 2018, were approved by unanimous vote.

Payment of the HTE System accounts for the weeks of March 2-8 and March 9-15, 2018, were ratified by unanimous vote.

#180601 - #180792	General	\$2,422,521.29
-------------------	---------	----------------

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 in opposition to or in favor of an ordinance rezoning property at 750 First Avenue from B-4, Design Review District, to I-1, Light Industry District. (The Planning Commission recommended approval.) No one spoke. The following ordinance was presented in writing for consideration:

ORDINANCE NO. O-06-18

REZONING 750 FIRST AVENUE

(Approving Rezoning - 750 First Avenue - From B-4, Design Review District, to I-1, Light Industry District - Requested by: Jeff Gilchrist for operation of an ambulance service)

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

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

NAYS: None

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

(2) The floor was opened to allow anyone to speak in opposition to or in favor of a resolution authorizing economic development agreement regarding construction of LongHorn Steakhouse at 941 Rainbow Drive. No one spoke. The following resolution was introduced in writing for consideration:

RESOLUTION NO. R-102-18

AUTHORIZING ECONOMIC DEVELOPMENT AGREEMENT  
WITH GADSDEN MALL ASSOCIATES, LLC

(Authorizing Agreement - Gadsden Mall Associates, LLC - For development of LongHorn Steakhouse at 941 Rainbow Drive, location of former Sears Automotive Center - Providing for refund of 2% of sales tax proceeds for 3 years from the opening date, or \$210,000, whichever occurs first - Note: Real property improvements are anticipated to be \$3.5 million, with projected annual sales of \$3,500,00 and aggregate annual salary of \$497,600 for 30 employees)

President Williams commended Lesa Osborn and the Commercial Development Authority team for their work on this project. Councilman Echols moved to adopt the resolution as introduced, which motion was seconded by Councilman Billingsley and unanimously adopted.

(3) The floor was opened to allow anyone to speak in opposition to or in favor of a resolution approving issuance of an alcoholic beverage license for Snack N. Fuel at 1230 W. Meighan Boulevard. No one spoke. The following resolution was introduced in writing for consideration:

RESOLUTION NO. R-103-18

APPROVING ISSUANCE OF  
ALCOHOLIC BEVERAGE LICENSE

(Koffitse Nyawoli Parkoo - Snack N Fuel Located - 1230 W. Meighan Boulevard - Retail Beer & Table Wine, off premises only)

Councilman Worthy moved to adopt the resolution as introduced, which motion was seconded by Councilman Billingsley 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 617 Turrentine Street, FNA NP, LLC, with redemption rights of Camelback RX, LLC, being the last known owners. Brian Harbison, Building Inspector, stated no improvements have been made since procedures began in August 2017, and recommended abatement. In response to Councilman Billingsley's inquiry, Mr. Harbison said the potential for rehabilitation will be reviewed. The following resolution was introduced in writing for consideration:

RESOLUTION NO. R-104-18

ORDERING ABATEMENT OF NUISANCE

(Ordering Abatement of Nuisance - 617 Turrentine Street - District 5 - FNA NP, LLC; Redemption rights of Camelback RX, LLC)

Councilman Billingsley moved to adopt the resolution as introduced, which motion was seconded by Councilman Reed 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 38 Lakefront Avenue, Mary Lou Helms (Life Estate Holder), Jacqueline Lowe (Remainderman), and the Estate of David Wayne Helms being the last known owners. Brian Harbison, Building Inspector, stated no improvements have been made to this accessory building since procedures began in September 2017, and recommended abatement. The following resolution was introduced in writing for consideration:

RESOLUTION NO. R-105-18

ORDERING ABATEMENT OF NUISANCE

(Ordering Abatement of Nuisance - 38 Lakefront Avenue - District 6 - Mary Lou Helms, Life Estate Holder; Jacqueline Lowe, Remainderman; Estate of David Wayne Helms)

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

(6) The floor was opened to allow anyone to speak for or in opposition to a resolution assessing a nuisance abatement lien on property at 1341 Alabama Street, Yvonne Smith Hale, Kizzie Smith, Annette L. Smith and the State of Alabama being the last known owners. No one spoke. The following resolution was introduced in writing for consideration:

RESOLUTION NO. R-106-18

ASSESSING NUISANCE ABATEMENT  
LIEN AGAINST PROPERTY

(Assessing Nuisance Abatement Lien for Demolition - \$3,366.40 - 1341 Alabama Street - District 3 - Yvonne Smith Hale; Kizzie Smith; Annette L. Smith; State of Alabama)

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

(7) The floor was opened to allow anyone to speak for or in opposition to a resolution assessing a nuisance abatement lien on property at 555 Line Street, Jack Lowe Jr. and Donna Isom being the last known owners. Larry Adams spoke on behalf of Donna Isom, stating they had inquired about the amount due for demolition but received no information. President Williams advised him to speak with Mr. Harbison after the meeting. The following resolution was introduced in writing for consideration:

RESOLUTION NO. R-107-18

ASSESSING NUISANCE ABATEMENT  
LIEN AGAINST PROPERTY

(Assessing Nuisance Abatement Lien for Demolition - \$2,666.40 - 555 Line Street - District 3 - Jack Lowe Jr.; Donna Isom)

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

(8) The floor was opened to allow anyone to speak for or in opposition to a resolution assessing a nuisance abatement lien on property at 915 South 15<sup>th</sup> Street, the State of Alabama and Lawrence J. Auls being the last known owners. No one spoke. The following resolution was introduced in writing for consideration:

RESOLUTION NO. R-108-18

ASSESSING NUISANCE ABATEMENT LIEN AGAINST PROPERTY

(Assessing Nuisance Abatement Lien for Demolition - \$2,491.40 - 915 South 15<sup>th</sup> Street - District 5 - State of Alabama; Lawrence J. Auls)

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

RESOLUTION PRESENTED FOR CONSIDERATION

The following resolution was introduced in writing for consideration:

RESOLUTION NO. R-109-18

AUTHORIZING AGREEMENT FOR  
SUMMER CONCERT SERIES

(Authorizing Agreement - Crescent Moon Entertainment - For High Voltage, AC/DC Tribute Band to perform on July 6, 2018 - Summer Concert Series at the Mort Glosser Amphitheater)

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

NEW BUSINESS

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

RESOLUTION NO. R-110-18

RECLASSIFYING JOB CLASSIFICATION AND  
AMENDING RESOLUTION NO. R-403-04

(Reclassifying Job Classification - Therapeutic Specialist, Job Classification Number 337 - From Pay Range 6 to Pay Range 7)

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

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

ORDINANCE NO. O-07-18

AMENDING CITY CODE SECTION 102-6 (a)  
PERTAINING TO CLASSIFIED SERVICE VACANCY

(Amending City Code Section 102-6(a) - Providing for Personnel Director to communicate vacancy of position in Classified Service to various departments and general public and solicit applicants)

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

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

NAYS: None

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

(3) Councilman Billingsley introduced the following resolution in writing for consideration:

RESOLUTION NO. R-111-18

ACCEPTING CONVEYANCE OF CERTAIN PROPERTY FROM  
THE ETOWAH GADSDEN HEALTH CARE AUTHORITY

(Accepting Conveyance of Property from Etowah County Health Care Authority - Portion of Lot 7 and Lots 8 & 12, Block 7, South Addition to East Gadsden Rearrangement - Note: Relates to proposed conveyance of old East Gadsden Fire Station to Steve Lambert, who plans to restore it)

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

(4) Councilman Reed introduced the following resolution in writing for consideration:

RESOLUTION NO. R-112-18

AWARDING BID NO. 3369

(Awarding Bid No. 3369 - Hastings Park Area Drainage Outfall Improvements Project - James E. Watts & Sons, Inc. - \$132,086.00)

President Williams received unanimous consent to immediately consider the resolution as an item of new business. Councilman Reed said he is glad to see this long-time drainage problem being addressed. He then moved to adopt the resolution, which motion was seconded by Councilman Worthy and unanimously adopted.

PUBLIC

Jhedreion Rigby introduced Gadsden Burners track team members, who displayed medals they won at an indoor National championship competition in New York. He stated his desire for local public recognition of the team's accomplishments and noted obstacles include lack of funding and a place to practice. President Williams commended the team and referred to today's work session discussion regarding limitations on expenditure of public funds. He said the Council desires to give support but sometimes can't due to legal issues. He and Mayor Guyton referenced their personal support of the team. Councilman Worthy explained the process for discretionary funds and said he will work to find a training location.

MAYOR AND COUNCIL REMARKS

Councilwoman Toles announced a District 1 meeting on April 30 at the Antioch Family Life Center.

President Williams reported on the recent National League of Cities conference in Washington, D.C. He summarized the Council's advocacy efforts regarding a number of issues, including restoring the ability of municipalities to refinance bonds, infrastructure needs, Community Development Block Grant funds, and airport improvements. President Williams noted his participation on a panel discussing the 2020 Census and efforts to ensure that everyone is counted.

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

---

Iva Nelson, City Clerk (3-20-2018)

\*\*\*\*\*