

COUNCIL CHAMBER - CITY HALL - GADSDEN, ALABAMA  
APRIL 3, 2018 - 11:00 A.M.

The City Council met on April 3, 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, Cannon and Reed. Councilman Billingsley 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 Brian Harbison.

The minutes of the last work session and council meeting held on March 27, 2018, were approved by unanimous vote.

Payment of the HTE System accounts for the week of March 23-29, 2018 were ratified by unanimous vote.

#180926 - #181038	General	\$836,264.19
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Mayor Guyton read a proclamation proclaiming April 2018, as “Child Abuse Prevention Month” and presented it to Tammy Jackson, Family Success Center Director. Councilman Echols commended Ms. Jackson for her work as the new director.

Mayor Guyton read a proclamation proclaiming April 16-20, 2018, as “James M. Barrie Center for Children Week” and presented it to Patricia Falcon, Barrie Center Director. Mrs. Falcon recognized forensic interviewers who were present and announced upcoming events.

UNFINISHED BUSINESS

(1) A resolution ordering the abatement of nuisances on property at 2812 Scenic Highway in District 7, which was tabled for 30 days on February 27, was presented in writing for consideration. Upon recommendation of the Building Official, Councilman Reed moved to table the resolution an additional 30 days. The motion was seconded by Councilwoman Toles and unanimously carried.

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 630 Turrentine Street, Larry Amm and Carol Lasseter being the last known owners. Brian Harbison, Building Inspector, stated no improvements have been made since procedures began in June 2016, and recommended abatement. The following resolution was introduced in writing for consideration:

RESOLUTION NO. R-118-18

ORDERING ABATEMENT OF NUISANCE

(Ordering Abatement of Nuisance - 630 Turrentine Street - District 5 - Larry Amm and Carol Lasseter)

Councilwoman Toles moved to adopt the resolution as introduced, which motion was seconded by Councilman Echols 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 3328 Madison Avenue, Jerry Lee Phillips, Vicki Dale Phillips, and American General Financial Services of Alabama, Inc. being the last known owners. Brian Harbison, Building Inspector, stated no improvements have been made since procedures began in September 2017, and recommended abatement. The following resolution was introduced in writing for consideration:

RESOLUTION NO. R-119-18

ORDERING ABATEMENT OF NUISANCE

(Ordering Abatement of Nuisance - 3328 Madison Avenue - District 6 - Jerry Lee Phillips, Vicki Dale Phillips, and American General Financial Services of Alabama, Inc.)

Councilman Cannon moved to adopt the resolution as introduced, which motion was seconded by Councilman Echols 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 3330 Madison Avenue in District 6, Robert Stephen Jones being the last known owner. Mr. Jones presented pictures of work he has performed and said he has a list of other needed items. He requested a 30-day extension to complete the improvements. Brian Harbison, Building Inspector, noted today is his first contact from the owner and exterior improvements are the greatest concern. He expressed no opposition to granting additional time. Councilman Cannon moved to table the resolution for 30 days, which motion was seconded by Councilman Worthy and unanimously carried.

(4) The floor was opened to allow anyone to speak for or in opposition to a resolution assessing a nuisance abatement lien on property at 2413 McCoy Street, Thomas Patterson, Jr., c/o Donna Patterson, 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-120-18

ASSESSING NUISANCE ABATEMENT LIEN AGAINST PROPERTY

(Assessing Nuisance Abatement Lien for Demolition - \$3,066.40 - 2413 McCoy Street - District 2 - Thomas Patterson, Jr., c/o Donna Patterson; State of Alabama)

Councilman Worthy 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 assessing a nuisance abatement lien on property at 603 Kyle Street, the State of Alabama and Bessie Scott being the last known owners. No one spoke. The following resolution was introduced in writing for consideration:

RESOLUTION NO. R-121-18

ASSESSING NUISANCE ABATEMENT LIEN AGAINST PROPERTY

(Assessing Nuisance Abatement Lien for Demolition - \$1,966.40 - 603 Kyle Street - District 3 - State of Alabama; Bessie Scott)

Councilman Worthy 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 assessing a nuisance abatement lien on property at 1001 Penny Street, the State of Alabama and the Heirs of Jimmie & Agnes Terrell being the last known owners. No one spoke. The following resolution was introduced in writing for consideration:

RESOLUTION NO. R-122-18

ASSESSING NUISANCE ABATEMENT LIEN AGAINST PROPERTY

(Assessing Nuisance Abatement Lien for Demolition - \$3,041.40 - 1001 Penny Street - District 3 - State of Alabama; Heirs of Jimmie & Agnes Terrell)

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

(7) President Williams announced no Council action was necessary regarding 1010 Penny Street in District 3, as the demolition cost has been paid by the owners.

(8) President Williams announced no Council action was necessary regarding 104 4<sup>th</sup> Street North (East Gadsden) in District 2, as the grass cutting cost has been paid by the owner.

(9) The floor was opened to allow anyone to speak for or in opposition to a resolution assessing a nuisance abatement lien on property at 1115 3<sup>rd</sup> Avenue, State of Alabama being the last known owner. No one spoke. The following resolution was introduced in writing for consideration:

RESOLUTION NO. R-123-18

ASSESSING NUISANCE ABATEMENT LIEN AGAINST PROPERTY

(Assessing Nuisance Abatement Lien for Grass Cutting - \$191.00 - 1115 3<sup>rd</sup> Avenue - District 5 - State of Alabama)

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

(10) The floor was opened to allow anyone to speak for or in opposition to a resolution assessing a nuisance abatement lien on property at 1001 4<sup>th</sup> Avenue, JSE Properties, LLC being the last known owner. No one spoke. The following resolution was introduced in writing for consideration:

RESOLUTION NO. R-124-18

ASSESSING NUISANCE ABATEMENT LIEN AGAINST PROPERTY

(Assessing Nuisance Abatement Lien for Grass Cutting - \$131.00 - 1001 4<sup>th</sup> Avenue - District 5 - JSE Properties, LLC)

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

(11) The floor was opened to allow anyone to speak for or in opposition to a resolution assessing a nuisance abatement lien on property at 1026 4<sup>th</sup> Avenue, the State of Alabama being the last known owner. No one spoke. The following resolution was introduced in writing for consideration:

RESOLUTION NO. R-125-18

ASSESSING NUISANCE ABATEMENT LIEN AGAINST PROPERTY

(Assessing Nuisance Abatement Lien for Grass Cutting - \$131.00 - 1026 4<sup>th</sup> Avenue - District 5 - State of Alabama)

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

(12) The floor was opened to allow anyone to speak for or in opposition to a resolution assessing a nuisance abatement lien on property at 1203 4<sup>th</sup> Avenue, the State of Alabama being the last known owner. No one spoke. The following resolution was introduced in writing for consideration:

RESOLUTION NO. R-126-18

ASSESSING NUISANCE ABATEMENT LIEN AGAINST PROPERTY

(Assessing Nuisance Abatement Lien for Grass Cutting - \$251.00 - 1203 4<sup>th</sup> Avenue - District 5 - State of Alabama)

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

(13) The floor was opened to allow anyone to speak for or in opposition to a resolution assessing a nuisance abatement lien on property at 1317 4<sup>th</sup> Avenue, the State of Alabama and Margaret Smith being the last known owners. No one spoke. The following resolution was introduced in writing for consideration:

RESOLUTION NO. R-127-18

ASSESSING NUISANCE ABATEMENT LIEN AGAINST PROPERTY

(Assessing Nuisance Abatement Lien for Grass Cutting - \$131.00 - 1317 4<sup>th</sup> Avenue - District 5 - State of Alabama; Margaret Smith)

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

(14) The floor was opened to allow anyone to speak for or in opposition to a resolution assessing a nuisance abatement lien on property at 1411 4<sup>th</sup> Avenue, State of Alabama being the last known owner. No one spoke. The following resolution was introduced in writing for consideration:

RESOLUTION NO. R-128-18

ASSESSING NUISANCE ABATEMENT LIEN AGAINST PROPERTY

(Assessing Nuisance Abatement Lien for Grass Cutting - \$251.00 - 1411 4<sup>th</sup> Avenue - District 5 - State of Alabama)

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

(15) The floor was opened to allow anyone to speak for or in opposition to a resolution assessing a nuisance abatement lien on property at 927 South 6<sup>th</sup> Street, Sandra Beck being the last known owner. No one spoke. The following resolution was introduced in writing for consideration:

RESOLUTION NO. R-129-18

ASSESSING NUISANCE ABATEMENT LIEN AGAINST PROPERTY

(Assessing Nuisance Abatement Lien for Grass Cutting - \$191.00 - 927 South 6<sup>th</sup> Street - District 5 - Sandra Beck)

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

RESOLUTIONS PRESENTED FOR CONSIDERATION

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

RESOLUTION NO. R-130-18

AWARDING BID NO. 3370  
FOR T-SHIRTS

(Awarding Bid No. 3370 - T-Shirts for various departments - Model Tees - Unit prices)

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

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

RESOLUTION NO. R-131-18

APPOINTING MEMBERS TO THE LIBRARY BOARD

(Appointing Barbara Woods to replace Vale Shaw Bills for term expiring 2-16-21 - Appointing Wanda Smith to replace Barbara H. Mote for term expiring 2-16-21 - Appointing Fred Zackery to replace Gesna H. Littlefield for term expiring 2-16-22)

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

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

RESOLUTION NO. R-132-18

AMENDING RENTAL RATES FOR PARKS AND RECREATION FACILITIES TO  
INCLUDE PRICING FOR THE VENUE AT COOSA LANDING

(Amending Resolution No. R-485-16, as amended by R-231-17 - Adding pricing structure for The Venue at Coosa Landing - 201 George Wallace Drive)

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

NEW BUSINESS

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

RESOLUTION NO. R-133-18

AWARDING BID NO. 3377 FOR  
MORAGNE PARK RENOVATION PROJECT

(Awarding Bid No. 3377 - Moragne Park Renovation Project - Boatner Construction Company, Inc. - \$2,237,510.70 for Base Bid and Alternates 1 through 4)

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 Reed and adopted by the following vote:

AYES: Toles, Williams, Echols, Cannon, Reed

NAYS: Worthy

Councilman Worthy said he initially was opposed to considering this today but the City Engineer answered his questions. He added he still feels the project cost is too high.

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

ORDINANCE NO. O-08-18

AMENDING FISCAL YEAR 2018  
GENERAL FUND BUDGET

(Amending FY 2018 Budget - Transferring \$2,200,000.00 from Unassigned Fund Balance - Appropriating \$1,668,734.00 for Moragne Park bid award and \$531,266.00 for cleanup of 4 acres between The Venue and the Coosa River)

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

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

NAYS: None

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

AYES: Toles, Williams, Echols, Cannon, Reed

NAYS: Worthy

Councilwoman Toles pointed out these two projects involve facilities that are used by the entire population and need to be finished, although construction costs are high.

DEPARTMENT REPORTS

Jen Weathington, Parks & Recreation Director, thanked the Council for today's action on the Moragne Park project and announced upcoming events, including Special Olympics, fishing tournaments, First Friday, Smoke on the Falls on April 14, archery tournament, Kids Bolt run, and baseball and softball tournaments.

Shane Ellison, Mayor's Administrative Assistant, noted planning on the Moragne Park project has been underway for a year and a local contractor will perform the work. He said drainage issues will be addressed and cited improvements to be made. A discussion followed regarding the method of estimating project costs. President Williams noted the estimate for this particular project had been very close and added compliance with environmental standards can greatly impact project costs. Councilman Echols stressed the importance of quality work and joined with President Williams in expressing confidence in the City's professional employees. In response to Councilman Worthy's inquiry, Mr. Ellison explained capital improvement funds and today's budget amendment. Mayor Guyton pointed out a list of all projects from the additional sales tax was made public and surplus funds have increased during his tenure. Councilman Reed expressed appreciation for the questions and answers provided and stressed the importance of good drainage for enhanced use of the park.

MAYOR AND COUNCIL REMARKS

Councilman Reed commended Councilman Echols' vision and efforts to establish the Family Success Center and complimented Marie Johnson, as well as Tammy Jackson. Councilman Echols credited the City's partnership with United Way and Gadsden State Community College.

Councilman Cannon explained committee meetings and work sessions are conducted for the Council's information and encouraged anyone seeking office to observe and educate themselves.

Councilwoman Toles announced a District 1 meeting at 6 p.m. on April 30, at the Antioch Family Life Center. She noted she had challenged the administration to refurbish all parks that are being used and to eliminate detrimental activities that discourage use of others.

Councilman Worthy announced a District 3 meeting at 5 p.m. on Thursday at the Carver Community Center, noting Love Your Neighbor (LYN) representatives will be present. He defended his actions in studying projects and asking questions. Mayor Guyton noted he is always available to provide information.

President Williams reported on this morning's audit review and expressed pride in the City's fiscal condition. He announced tonight's Board of Education meeting, noting the five top candidates for the superintendent position will be revealed. President Williams extended birthday wishes to Councilman Cannon and referred to Councilman Billingsley's minor surgical procedure.

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

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Iva Nelson, City Clerk (4-03-2018)

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FOURTH FLOOR CONFERENCE ROOM - BID OPENING  
APRIL 3, 2018 - 2:00 P.M.

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

Bid No. 3378 - Lighting for various Soccer Fields at Gadsden State Community College

Temple Electric	\$677,226.00
P.G. Wells Enterprises, Inc.	\$343,777.00
Clements Dean Building Company, LLC	\$489,000.00
Littleton Electric Services, Inc.	\$318,500.00
Harris Electric	\$354,900.00

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

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