

COUNCIL CHAMBER - CITY HALL - GADSDEN, ALABAMA
MAY 21, 2019 - 11:00 A.M.

The City Council met on May 21, 2019, in regular session.

The meeting was called to order at 11:00 a.m. by Council President Toles. On roll call by the City Clerk, Iva Nelson, the following council members answered present: Toles, Worthy, Back, Wilson, Cannon and Reed. Councilman Williams was absent. The clerk stated a quorum was present and the meeting was open for business. Mayor Guyton, Heath Williamson, Lee Roberts and Chief Jaggears were also present.

The invocation was given by Brian Harbison.

The minutes of the Community Development Committee meeting on May 13, and the Public Works Committee, Public Safety Committee, Work Session and Council meetings held on May 14, 2019, were approved by unanimous vote.

Payment of the HTE System accounts for the week of May 10-16, 2019 were ratified by unanimous vote.

#191405-191598	General	\$955,820.70
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Mayor Guyton read a proclamation proclaiming May 2019, as “Mental Health Month” and presented it to Betty Willoughby. Ms. Willoughby recognized Tammy Hicks, Sheila Hurley and Kamala Aaron, who were also present.

UNFINISHED BUSINESS

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

ORDINANCE NO. O-11-19

ORDINANCE ADOPTING 2018 INTERNATIONAL BUILDING CODE

(Adopting International Building Code, 2018 Edition - Regulating and governing conditions and maintenance of all property, buildings and structures - Providing standards for supplied utilities and facilities and other physical things and conditions essential to ensure that structures are safe, sanitary and fit for human occupancy and use and demolition of such structures - Providing for issuance of permits and collection of fees therefor - Amending City Code Sections 18-31 and 18-32)

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

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

ORDINANCE NO. O-12-19

ADOPTING 2018 INTERNATIONAL EXISTING BUILDING CODE

(Adopting International Existing Building Code, 2018 Edition - Regulating and governing repair, alteration, change of occupancy addition and relocation of existing buildings, including historic buildings - Providing for issuance of permits and collection of fees therefor - Amending City Code Section 18-41)

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

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

ORDINANCE NO. O-13-19

ADOPTING 2018 INTERNATIONAL FUEL GAS CODE

(Adopting International Fuel Gas Code, 2018 Edition - Regulating and governing fuel gas systems and gas-fired appliances - Providing for issuance of permits and collection of fees therefor - Amending City Code Sections 18-231 and 18-232)

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

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

ORDINANCE NO. O-14-19

ADOPTING 2018 INTERNATIONAL MECHANICAL CODE

(Adopting International Mechanical Code, 2018 Edition - Regulating and governing design, construction, quality of materials, erection, installation, alteration, repair, location, relocation, replacement, addition to use or maintenance of mechanical systems - Providing for issuance of permits and collection of fees therefor - Amending City Code Sections 18-281 and 18-282)

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

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

ORDINANCE NO. O-15-19

ADOPTING 2018 INTERNATIONAL PLUMBING CODE

(Adopting International Plumbing Code, 2018 Edition - Regulating and governing design, construction, quality of materials, erection, installation, alteration, repair, location, relocation, replacement, addition to, use or maintenance of plumbing systems - Amending and repealing certain City Code sections)

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

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

ORDINANCE NO. O-16-19

ADOPTING 2018 INTERNATIONAL PROPERTY MAINTENANCE CODE

(Adopting International Property Maintenance Code, 2018 Edition - Regulating and governing conditions and maintenance of all property, buildings and structures - Providing standards for supplied utilities and facilities and other physical things and conditions essential to ensure that structures are safe, sanitary and fit for occupation and use; and the condemnation of buildings and structures unfit for human occupancy and use, and the demolition of such existing structures - Providing for issuance of permits and collection of fees therefor - Amending City Code Sections 18-261 and 18-262)

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

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

ORDINANCE NO. O-17-19

ADOPTING 2018 INTERNATIONAL RESIDENTIAL CODE

(Adopting International Residential Code, 2018 Edition - Regulating and governing construction, alteration, movement, enlargement, replacement, repair, equipment, location, removal and demolition of detached one and two family dwellings and multiple single family dwellings (townhouses) not more than three stories in height with separate means of egress - Providing for issuance of permits and collection of fees therefor - Amending City Code Sections 18-461 and 18-462)

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

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

ORDINANCE NO. O-18-19

ADOPTING 2018 INTERNATIONAL SWIMMING POOL AND SPA CODE

(Adopting International Swimming Pool and Spa Code, 2018 Edition)

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

(9) President Toles announced that no action was necessary regarding 310 Grant Street in District 3, as the nuisance has been abated by the owner.

(10) President Toles announced that no action was necessary regarding 1110 Foster Avenue in District 5, as the nuisance has been abated by the owner.

PUBLIC HEARINGS

President Toles 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 1507 Kentucky Avenue, Randy S. Goble, Thelma A. Chamblee life estate, subject to mortgage in favor of City of Gadsden, being the last known owners. Brian Harbison, Building Inspector, stated no improvements have been made since procedures began in August 2018, and recommended abatement. The following resolution was introduced in writing for consideration:

RESOLUTION NO. R-173-19

ORDERING ABATEMENT OF NUISANCE

(Ordering Abatement of Nuisance - 1507 Kentucky Avenue - District 1 -Randy S. Goble; Thelma A. Chamblee, life estate; Subject to certain mortgage in favor of City of Gadsden)

Councilwoman Toles moved to adopt the resolution as introduced, which motion was seconded by Councilman Wilson 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 107 6th Avenue E, the State of Alabama, possible rights of redemption to the estate of Eddie Denson, Regions Bank Mortgage, Samuel J. Chastain and Marjorie F. Chastain being the last known owners. Brian Harbison, Building Inspector, stated no improvements have been made to this burned structure since procedures began in January 2019, and recommended abatement. The following resolution was introduced in writing for consideration:

RESOLUTION NO. R-174-19

ORDERING ABATEMENT OF NUISANCE

(Ordering Abatement of Nuisance - 107 6th Avenue East - District 2 - State of Alabama; possible rights of redemption to Estate of Eddie Denson, whose Executrix is Brenda Denson; Regions Bank Mortgage; Samuel J. Chastain and wife, Marjorie F. Chastain)

Councilwoman Toles moved to adopt the resolution as introduced, which motion was seconded by Councilman Wilson 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 1208 Robinson Avenue, Carmen L. Crook and Jessie L. Bentley being the last known owners. Brian Harbison, Building Inspector, stated no improvements have been made since procedures began in August 2018, and recommended abatement. The following resolution was introduced in writing for consideration:

RESOLUTION NO. R-175-19

ORDERING ABATEMENT OF NUISANCE

(Ordering Abatement of Nuisance - 1208 Robinson Avenue - District 2 - Carmen L. Crook; Jessie L. Bentley)

Councilman Wilson moved to adopt the resolution as introduced, which motion was seconded by Councilwoman Toles 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 901 Spring Street, John S. and Frankie Wood, c/o Perry Woods, being the last known owners. Brian Harbison, Building Inspector, stated this case involves a dead tree that the property owner is unable to remove. He recommended abatement, noting the location is just outside the right-of-way. The following resolution was introduced in writing for consideration:

RESOLUTION NO. R-176-19

ORDERING ABATEMENT OF NUISANCE

(Ordering Abatement of Nuisance - 901 Spring Street - District 3 - John S. and wife, Frankie Wood, c/o Perry Woods)

Councilman Worthy moved to adopt the resolution as introduced, which motion was seconded by Councilman Back 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 917 North 37th Street, Quentin Bozarth, with possible redemption rights of Tammie Mancil being the last known owners. Brian Harbison, Building Inspector, stated no improvements, other than some roof repair in July 2018, have been made since procedures began in May 2018, and recommended abatement. The following resolution was introduced in writing for consideration:

RESOLUTION NO. R-177-19

ORDERING ABATEMENT OF NUISANCE

(Ordering Abatement of Nuisance - 917 North 37th Street - District 7 - Quentin Bozarth; Possible rights of redemption of Tammie Mancil)

Councilman Reed moved to adopt the resolution as introduced, which motion was seconded by Councilman Back 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 2412 James Street, Geraldine and Reginald Johnson, c/o Larry Johnson being the last known owners. No one spoke. The following resolution was introduced in writing for consideration:

RESOLUTION NO. R-178-19

ASSESSING NUISANCE ABATEMENT LIEN AGAINST PROPERTY

(Assessing Nuisance Abatement Lien for Grass Cutting - \$426.00 - 2412 James Street - District 1 - Geraldine and Reginald Johnson, c/o Larry Johnson)

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

(7) President Toles announced that no action was necessary regarding 807 Sizemore Street (or possibly 715 Raley Street) in District 1, as the grass cutting fees were paid by the owner.

(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 702 Abercrombie Street, Raymond and Edna Whorton being the last known owners. No one spoke. The following resolution was introduced in writing for consideration:

RESOLUTION NO. R-179-19

ASSESSING NUISANCE ABATEMENT LIEN AGAINST PROPERTY

(Assessing Nuisance Abatement Lien for Grass Cutting - \$601.00 - 702 Abercrombie Street - District 3 - Raymond and Edna Whorton)

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

(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 802 Avenue A in District 3, Sheretha Whitaker Dowell being the last known owner. Domingo Dowell and Sheretha Whitaker were present. Mr. Dowell said the City has cut the grass on the lot behind their house and his uncle cuts their yard. He added they are renovating the property, which is in their deceased mother's name, and are trying to get the record changed. Jan Henson, Building Department, stated the inspection was done on April 10 and the grass was cut on June 2, 2018. Councilman Worthy said he will investigate and moved to table the resolution for 7 days. The motion was seconded by Councilman Reed and unanimously carried.

(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 910 N. 10th Street, Triumph Church/Kingdom of God, c/o Michael Pollard, being the last known owner. No one spoke. The following resolution was introduced in writing for consideration:

RESOLUTION NO. R-180-19

ASSESSING NUISANCE ABATEMENT LIEN AGAINST PROPERTY

(Assessing Nuisance Abatement Lien for Grass Cutting - \$426.00 - 910 N. 10th Street - District 3 - Triumph Church/Kingdom of God, c/o Michael Pollard)

Councilman Reed moved to adopt the resolution as introduced, which motion was seconded by Councilman Cannon 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 423 N. 11th Street, Robert Turman being the last known owner. No one spoke. The following resolution was introduced in writing for consideration:

RESOLUTION NO. R-181-19

ASSESSING NUISANCE ABATEMENT LIEN AGAINST PROPERTY

(Assessing Nuisance Abatement Lien for Grass Cutting - \$426.00 - 423 N. 11th Street - District 3 - Robert Turman)

Councilman Reed moved to adopt the resolution as introduced, which motion was seconded by Councilman Cannon 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 422 Herzberg Circle, Tuscaloosa, LLC, being the last known owner. No one spoke. The following resolution was introduced in writing for consideration:

RESOLUTION NO. R-182-19

ASSESSING NUISANCE ABATEMENT LIEN AGAINST PROPERTY

(Assessing Nuisance Abatement Lien for Grass Cutting - \$601.00 - 422 Herzberg Circle - District 4 - Tuscaloosa, LLC)

Councilman Reed moved to adopt the resolution as introduced, which motion was seconded by Councilman Cannon 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 14 E. Wilkinson Avenue, Scott Jenkins being the last known owner. No one spoke. The following resolution was introduced in writing for consideration:

RESOLUTION NO. R-183-19

ASSESSING NUISANCE ABATEMENT LIEN AGAINST PROPERTY

(Assessing Nuisance Abatement Lien for Grass Cutting - \$251.00 - 14 E. Wilkinson Avenue - District 7 - Scott Jenkins)

Councilman Reed moved to adopt the resolution as introduced, which motion was seconded by Councilman Cannon 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 2321 Fairview Road, Billie B. Templeton being the last known owner. No one spoke. The following resolution was introduced in writing for consideration:

RESOLUTION NO. R-184-19

ASSESSING NUISANCE ABATEMENT LIEN AGAINST PROPERTY

(Assessing Nuisance Abatement Lien for Grass Cutting - \$251.00 - 2321 Fairview Road - District 7 - Billie B. Templeton)

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

RESOLUTIONS PRESENTED FOR CONSIDERATION

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

RESOLUTION NO. R-185-19

AUTHORIZING DONATION OF SURPLUS MOWER

(Declaring John Deere Mower, VIN #TC32351040082, as surplus property and transferring ownership to Gadsden City High School)

Councilman Wilson 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-186-19

ACCEPTING CONVEYANCE OF PROPERTY

(Accepting Conveyance of Property at 3107 Dodd Street in District 1 from Ralph M. Hardy and Mary Helen Hardy - Lots 41 through 46, Block A, Thompson Addition)

Councilman Back 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-187-19

ACCEPTING CONVEYANCE OF PROPERTY

(Accepting Conveyance of Property at 3113 Sudie Avenue in District 6 from Patsy McCreless, Personal Representative of the Estate of James Rayburn McCreless)

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

NEW BUSINESS

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

RESOLUTION NO. R-188-19

ACCEPTING UTILITY EASEMENT FROM ALABAMA POWER COMPANY

(Granting Easement to Alabama Power Company - Location is 91 E. Chestnut Street - To serve Riverfront Development)

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

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

RESOLUTION NO. R-189-19

ACCEPTING UTILITY EASEMENT FROM ALABAMA POWER COMPANY

(Granting Easement to Alabama Power Company - Location is 100 Albert Rains Boulevard - To continue serving existing lights at the Boardwalk located north of splash pad area)

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

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

RESOLUTION NO. R-190-19

AUTHORIZING LEASE AGREEMENT WITH
ETOWAH COUNTY COMMUNICATIONS 911 DISTRICT

(Authorizing Lease Agreement - Etowah County Communications 911 District - For Emergency Management Agency to relocate to E-911 building located at 4610 Airport Road - Term of 20 years, with 12 month notice required to terminate - \$55,500.00 per year in equal monthly installments)

President Toles received unanimous consent to immediately consider the resolution as an item of new business. Councilman Reed moved to adopt the resolution, which motion was seconded by Councilman Worthy and adopted by the following vote:

AYES: Toles, Worthy, Back, Cannon, Reed

ABSTENTION: Wilson

PUBLIC

Robert Smith reported on the recent Downtown Music Festival, which was held at The Venue. He thanked City officials and employees, as well as Kay Moore (Downtown Gadsden, Inc.) and Steve Gilbert, who raised the necessary funding. Councilman Wilson suggested extending the City's public transportation hours next year to provide citizens without vehicles an opportunity to attend the free event. Councilmen Back and Wilson joined in commending Mr. Smith, Ms. Moore and Mr. Gilbert.

MAYOR AND COUNCIL REMARKS

Mayor Guyton and several Council members commented on this morning's visit to the Career Center. Young people were encouraged to take advantage of the programs offered to gain training and skills to qualify for the many jobs that are available in our area. Appreciation was expressed to Katrina Herring for the invitation and the services provided, especially for outreach to veterans.

Councilman Worthy announced activities and sponsors for First Saturday on June 1, as well as a Memorial Day event at the 6th Street Pool.

Councilman Back complimented Mayor Guyton and the prior City Council for their vision in renovating Moragne Park, which is being heavily used. He encouraged safety while school is out for the summer.

Councilman Wilson explained two local State bills (SB383 & SB384), which would have given Etowah County commissioners the right to impose taxes and increased Etowah County's lodging tax, were defeated. He noted that he and others had expressed opposition to Senator Jones and our House representatives. Councilmen Cannon and Reed observed that bills were not proposed for Cherokee County, where Senator Jones resides.

Councilman Cannon congratulated high school seniors who are graduating.

Councilman Reed announced the annual Memorial Day ceremony at the Ola Lee Mize Patriots Park.

President Toles announced changes in the garbage schedule, due to next Monday's Memorial Day holiday. She expressed concern about a policeman who was killed in Auburn and encouraged community support for first responders.

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

Iva Nelson, City Clerk (5-21-2019)

FOURTH FLOOR CONFERENCE ROOM - BID OPENING
MAY 21, 2019 - 2:00 P.M.

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

Bid No. 3405 - Gymnasium Floor Replacement at Mitchell Community Center

Boatner Construction Company Inc.	\$171,000.00
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Bid No. 3407 - 2019 Street Resurfacing Project

J & D Enterprises, LLC	\$1,244,110.00
McCartney Construction Company Inc.	\$2,716,288.00

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