

COUNCIL CHAMBER - CITY HALL - GADSDEN, ALABAMA  
MAY 29, 2018 - 11:00 A.M.

The City Council met on May 29, 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 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 Captain Keener were also present.

The invocation was given by Heath Williamson.

The minutes of the Community Development Committee, Work Session and Council meetings held on May 15, 2018, were approved by unanimous vote.

Payment of the HTE System accounts for the weeks of May 11 - 17 & May 18 - 24, 2018 were ratified by unanimous vote.

#182319 - #182469	General	\$995,081.52
#182470 - #182624	General	\$1,528,275.68

Mayor Guyton read a proclamation proclaiming June 20 as "Elder Abuse Day." He encouraged family, friends and support groups to diligently protect seniors from unscrupulous contractors.

UNFINISHED BUSINESS

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

ORDINANCE NO. O-17-18

AMENDING CITY CODE § 18-22 REGARDING  
ELECTRICAL AFFAIRS COMMITTEE MEETINGS

(Amending City Code Section 18-22 - Changing meetings of the Electrical Affairs Committee from as needed basis to quarterly)

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

(2) The following resolution, which was tabled for 30 days on April 17, was presented for consideration:

RESOLUTION NO. R-200-18

ORDERING ABATEMENT OF NUISANCE

(Ordering Abatement of Nuisance - 307 Hardin Circle - District 1 - Dexter Harrell)

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

AYES: Toles, Worthy, Echols, Billingsley, Cannon

NAYS: None

ABSTENTIONS: Williams

(3) A resolution ordering the abatement of nuisances on property at 701 Blythe Street in District 2, which was tabled for 30 days on April 17, was presented for consideration. Upon recommendation of the Building Official, Councilwoman Toles moved to table the resolution an additional 30 days. The motion was seconded by Councilman Worthy and unanimously carried.

(4) The following resolution, which was tabled for 14 days on May 15, was presented for consideration:

RESOLUTION NO. R-201-18

ASSESSING NUISANCE ABATEMENT LIEN

(Assessing Nuisance Abatement Lien for grass cutting - \$131.00 - 100 Waterford Place - District 5 - Don F. Bradford, Inc.)

Councilman Billingsley expressed reservations about assessing the liens. Mike Hilton (Assistant Public Works Director) said he personally was present and verified that a tractor and three weed eaters were on site in October and the grass was cut. He added Supervisor Ty Jackson and four employees were also present.

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

AYES: Toles, Williams, Echols, Billingsley, Cannon

NAYS: Worthy

(5) The following resolution, which was tabled for 14 days on May 15, was presented for consideration:

RESOLUTION NO. R-202-18

ASSESSING NUISANCE ABATEMENT LIEN

(Assessing Nuisance Abatement Lien for grass cutting - \$131.00 - 104 Waterford Place - District 5 - Don F. Bradford, Inc.)

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

AYES: Toles, Williams, Echols, Billingsley, Cannon

NAYS: Worthy

(6) The following resolution, which was tabled for 14 days on May 15, was presented for consideration:

RESOLUTION NO. R-203-18

ASSESSING NUISANCE ABATEMENT LIEN

(Assessing Nuisance Abatement Lien for grass cutting - \$131.00 - 106 Waterford Place - District 5 - Don F. Bradford, Inc.)

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

AYES: Toles, Williams, Echols, Billingsley, Cannon

NAYS: Worthy

(7) The following resolution, which was tabled for 14 days on May 15, was presented for consideration:

RESOLUTION NO. R-204-18

ASSESSING NUISANCE ABATEMENT LIEN

(Assessing Nuisance Abatement Lien for grass cutting - \$131.00 - 102 Waterford Lane - District 5 - Don F. Bradford, Inc.)

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

AYES: Toles, Williams, Echols, Billingsley, Cannon

NAYS: Worthy

(8) The following resolution, which was tabled for 14 days on May 15, was presented for consideration:

RESOLUTION NO. R-205-18

ASSESSING NUISANCE ABATEMENT LIEN

(Assessing Nuisance Abatement Lien for grass cutting - \$131.00 - 104 Waterford Lane - District 5 - Don F. Bradford, Inc.)

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

AYES: Toles, Williams, Echols, Billingsley, Cannon

NAYS: Worthy

(9) The following resolution, which was tabled for 14 days on May 15, was presented for consideration:

RESOLUTION NO. R-206-18

ASSESSING NUISANCE ABATEMENT LIEN

(Assessing Nuisance Abatement Lien for grass cutting - \$131.00 - 106 Waterford Lane - District 5 - Don F. Bradford, Inc.)

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

AYES: Toles, Williams, Echols, Billingsley, Cannon

NAYS: Worthy

(10) The following resolution, which was tabled for 14 days on May 15, was presented for consideration:

RESOLUTION NO. R-207-18

ASSESSING NUISANCE ABATEMENT LIEN

(Assessing Nuisance Abatement Lien for grass cutting - \$131.00 - 108 Waterford Lane - District 5 - Don F. Bradford, Inc.)

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

AYES: Toles, Williams, Echols, Billingsley, Cannon

NAYS: Worthy

(11) The following resolution, which was tabled for 14 days on May 15, was presented for consideration:

RESOLUTION NO. R-208-18

ASSESSING NUISANCE ABATEMENT LIEN

(Assessing Nuisance Abatement Lien for grass cutting - \$131.00 - 110 Waterford Lane - District 5 - Don F. Bradford, Inc.)

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

AYES: Toles, Williams, Echols, Billingsley, Cannon

NAYS: Worthy

(12) The following resolution, which was tabled for 14 days on May 15, was presented for consideration:

RESOLUTION NO. R-209-18

ASSESSING NUISANCE ABATEMENT LIEN

(Assessing Nuisance Abatement Lien for grass cutting - \$131.00 - 112 Waterford Lane - District 5 - Don F. Bradford, Inc.)

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

AYES: Toles, Williams, Echols, Billingsley, Cannon

NAYS: Worthy

(13) The following resolution, which was tabled for 14 days on May 15, was presented for consideration:

RESOLUTION NO. R-210-18

ASSESSING NUISANCE ABATEMENT LIEN

(Assessing Nuisance Abatement Lien for grass cutting - \$131.00 - 114 Waterford Lane - District 5 - Don F. Bradford, Inc.)

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

AYES: Toles, Williams, Echols, Billingsley, Cannon

NAYS: Worthy

(14) The following resolution, which was tabled for 14 days on May 15, was presented for consideration:

RESOLUTION NO. R-211-18

ASSESSING NUISANCE ABATEMENT LIEN

(Assessing Nuisance Abatement Lien for grass cutting - \$131.00 - 120 Waterford Lane - District 5 - Don F. Bradford, Inc.)

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

AYES: Toles, Williams, Echols, Billingsley, Cannon

NAYS: Worthy

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 2409 James Street in District 1, Kevin Joel Garrett and Wall Mark Siding Outlet, Inc. being the last known owners. Michele Bradford, representative of Louise Bradley, noted the property belonged to her son. She added that work on the roof is underway and the rightful heir should receive the deed within six months. Brian Harbison, Building Inspector, stated the case began in October 2017, and acknowledged the recorded property owner is deceased. He said he does not object to someone obtaining ownership and making repairs; however, he wishes that the work would be completed quicker than six months. Mr. Harbison recommended abatement. Alejandro Jeffrey (brother of the deceased) spoke, stating he wishes to obtain an electrical permit. In response to Councilwoman Toles' inquiry, Mr. Jeffrey said he could improve the appearance within 60 days. President Williams advised him to speak with Mr. Harbison after the meeting. Councilwoman Toles moved to table the resolution for 60 days, which motion was seconded by Councilman Worthy and unanimously carried.

(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 1316 Chandler Street, FNA NP, LLC, possible rights of redemption of the Estate of Leroy McCary and potential heirs listed as Nettie McCary Elmore, Malcom McCary, Christine McCary, Tickella McCary, Adrianna McCary, Corbin McCary, Malcom McCary, Antwan McCary, Ayla McCary and Alie McCary being the last known owners. Brian Harbison, Building Inspector, stated no improvements have been made since procedures began in October 2017, and recommended abatement. The following resolution was introduced in writing for consideration:

RESOLUTION NO. R-212-18

ORDERING ABATEMENT OF NUISANCE

(Ordering Abatement of Nuisance - 1316 Chandler Street - District 2 -FNA NP, LLC; Possible rights of redemption of Estate of Leroy McCary, potential heirs being Nettie McCary Elmore, Malcom McCary, Christine McCary, Tickella McCary, Adrianna McCary, Corbin McCary, Malcom McCary, Antwan McCary, Ayla McCary and Alie McCary)

Councilman Billingsley moved to adopt the resolution as introduced, which motion was seconded by Councilman Worthy 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 1423 Alabama Avenue, the State of Alabama, with possible rights of redemption of Brenda Giles being the last known owners. Brian Harbison, Building Inspector, stated no improvements have been made to this partially burned structure since procedures began in April 2017, although a permit was obtained in June 2017. He recommended abatement. The following resolution was introduced in writing for consideration:

RESOLUTION NO. R-213-18

ORDERING ABATEMENT OF NUISANCE

(Ordering Abatement of Nuisance - 1423 Alabama Avenue - District 3 - State of Alabama, with possible rights of redemption of Brenda Giles)

Councilman Worthy moved to adopt the resolution as introduced, which motion was seconded by Councilman Echols 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 606 Hillyer Street, Marvis Carter and Nicola Kirby being the last known owners. Brian Harbison, Building Inspector, stated the original case began in November 2014, and the current case began in May 2016. He said no improvements have been made and recommended abatement. The following resolution was introduced in writing for consideration:

RESOLUTION NO. R-214-18

ORDERING ABATEMENT OF NUISANCE

(Ordering Abatement of Nuisance - 606 Hillyer Street - District 3 - Marvis Carter; Nicola Kirby)

Councilman Worthy noted there have been many complaints and moved to adopt the resolution as introduced. The motion was seconded by Councilwoman Toles 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 203 South 11<sup>th</sup> Street, Dewey R. Stephens and wife, Deanna A. Stephens, and Wells Fargo Bank, assigned to HSBC Bank USA being the last known owners. Brian Harbison, Building Inspector, stated no improvements have been made since procedures began in October 2017, and recommended abatement. The following resolution was introduced in writing for consideration:

RESOLUTION NO. R-215-18

ORDERING ABATEMENT OF NUISANCE

(Ordering Abatement of Nuisance - 203 South 11<sup>th</sup> Street - District 5 - Dewey R. Stephens; Deanna A. Stephens; Wells Fargo Bank, assigned to HSBC Bank USA)

Councilman Billingsley noted this house was damaged by renters and stated the need to have an ordinance prohibiting parking in front yards as well. He moved to adopt the resolution as introduced, which motion was seconded by Councilman Worthy and unanimously adopted.

NEW BUSINESS

(1) Councilman Echols introduced the following ordinance in writing for consideration:

ORDINANCE NO. O-18-18

AMENDING CITY CODE SECTION 74-91  
TO ADD LICENSE CLASSIFICATION NUMBER 4551

(Adding License Classification Number 4551, Arts and Crafts Vendor)

Councilman Echols 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, Billingsley, Cannon

NAYS: None

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

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

RESOLUTION NO. R-216-18

APPROVING ISSUANCE OF  
SPECIAL EVENT ALCOHOLIC BEVERAGE LICENSE

(City of Gadsden - Special Events License - For Barbarian Challenge Pre-Party Pick Up at 439 Locust Street on June 15, 2018)

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

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

RESOLUTION NO. R-217-18

APPROVING ISSUANCE OF  
SPECIAL EVENT ALCOHOLIC BEVERAGE LICENSE

(City of Gadsden - Special Events License - For Barbarian Challenge at 1500 Nocalula Road on June 16, 2018)

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

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

RESOLUTION NO. R-218-18

AUTHORIZING TAX ABATEMENT AGREEMENT  
WITH CALCEAN MINERALS AND MATERIALS, LLC  
FOR NEW PROJECT

(Authorizing Agreement - Granting Tax Abatement to Calcean Minerals and Materials, LLC - For Aragonite Mineral Processing plant in Commerce Center - For noneducational property taxes and construction related transaction taxes - For period of 5 years - Note: Company is making capital investment of \$2,628,200.00 and creating approximately 70 jobs)



Mayor Guyton presented information concerning the company and its plans. Anthony Myers, company representative, noted the operation is being relocated from Florida and explained the product that is created. Councilman Worthy noted a job fair is being planned for August 14. Bill Greene, Industrial Development Authority, and Frankie Davis, Director of Economic and Governmental Affairs, were commended for their work on the project.

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

PUBLIC

Buster Porch announced Musical Mondays at the water wall, which will be held from 11:30 to 1:30 each Monday, from June through September. He recognized Curlie DeRamus, who prepares hot dogs, chicken wings, etc.

MAYOR AND COUNCIL REMARKS

Councilman Worthy announced a District 3 meeting at 5:30 p.m. on June 7 at the Carver Community Center.

President Williams noted Councilman Reed was absent due to family medical issue. He stressed the importance of Memorial Day and remembrance of those who gave the ultimate sacrifice for our freedoms. He announced changes in this week's garbage schedule to the holiday and encouraged everyone to vote in the June 5 primary.

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

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Iva Nelson, City Clerk (5-29-2018)

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FOURTH FLOOR CONFERENCE ROOM - BID OPENING  
MAY 29, 2018 - 2:00 P.M.

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

Bid No. 3382 - East Gadsden Library, Even Start and Big Brothers Big Sisters Buildings Re-Roofing Project

GKL Companies, Inc.	\$89,900.00
Alabama Roofing & Sheet Metal Co. Inc.	\$82,443.00
Mid-Western Commercial Roofers, Inc.	\$81,270.00
Construction Specialty Assoc., Inc.	\$104,000.00

Bid No. 3383 - Small Tools and Equipment (Northeast Alabama Purchasing Association)  
AG Pro Companies, LLC Unit Prices

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

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