

COUNCIL CHAMBER - CITY HALL - GADSDEN, ALABAMA  
JUNE 4, 2019 - 11:00 A.M.

The City Council met on June 4, 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, Williams, Worthy, Back, Wilson, Cannon and Reed. 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 Councilman Back.

The minutes of the last work session and council meeting held on May 28, 2019, were approved by unanimous vote.

Payment of the HTE System accounts for the week of May 24-30, 2019 were ratified by unanimous vote.

#191721-191842	General	\$563,652.38
----------------	---------	--------------

UNFINISHED BUSINESS

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

ORDINANCE NO. O-19-19

AMENDING THE ZONING ORDINANCE  
REGARDING MOBILE FOOD VEHICLES

(Amending Article XIII, Section 130-493 - Adding provision to allow operation of mobile food vehicles on City parks and properties approved by Planning Department and designated by appropriate signage - Note: Provision regarding City special events was already in place)

Councilman Wilson noted this amendment solely relates to City of Gadsden properties. He then moved to adopt the ordinance, which motion was seconded by Councilman Williams 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-20-19

AUTHORIZING CONVEYANCE OF PROPERTY

(Approving conveyance of property - 111 Pinehurst Street in District 1 - Lot 14, Block E, Subdivision of Lots D and E in the Pinehurst Addition - Accepting offer of \$1,000.00 from Janice A. Brisker and Marcel D. Thomas)

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

### 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 314 Roslyn Drive, Jackie McCormick and wife, Deborah McCormick being the last known owners. Brian Harbison, Building Inspector, stated the owner completed demolition but left the concrete slab and porch. He recommended abatement, noting the case began in November 2018. The following resolution was introduced in writing for consideration:

#### RESOLUTION NO. R-202-19

#### ORDERING ABATEMENT OF NUISANCE

(Ordering Abatement of Nuisance - 314 Roslyn Drive - District 2 - Jackie McCormick; Deborah McCormick)

Councilman Williams moved to adopt the resolution as introduced, which motion was seconded by Councilman Worthy 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 1320 Alabama Avenue, Brittiany Owens, aka Brittiany Owens and Zach Smith, Christopher Williams, and Lynn Thomas being the last known owners. Brian Harbison, Building Inspector, stated no improvements have been made since procedures began in August 2018, and recommended abatement. In response to Councilman Worthy's inquiry, Mr. Harbison said the feasibility of rehabilitation will be considered. The following resolution was introduced in writing for consideration:

#### RESOLUTION NO. R-203-19

#### ORDERING ABATEMENT OF NUISANCE

(Ordering Abatement of Nuisance - 1320 Alabama Avenue - District 3 - Brittiany Owens; Zach Smith; Christopher Williams; Lynn Thomas)

Councilman Worthy moved to adopt the resolution as introduced, which motion was seconded by Councilman Back 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 1349 Forrest Avenue, the State of Alabama with possible redemption rights of Anne Harris being the last known owners. Brian Harbison, Building Inspector, stated although permits were obtained in July 2015 and February 2019, no improvements have been made since procedures began in January 2019, and recommended abatement. The following resolution was introduced in writing for consideration:

RESOLUTION NO. R-204-19

ORDERING ABATEMENT OF NUISANCE

(Ordering Abatement of Nuisance - 1349 Forrest Avenue - District 3 - State of Alabama; Possible redemption rights of Anne Harris)

Councilman Worthy moved to adopt the resolution as introduced, which motion was seconded by Councilman Back 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 421 North 9<sup>th</sup> Street in District 3, Floyd L. Donald being the last known owner. Brian Harbison, Building Inspector, stated a satisfactory plan for improvements has been submitted and recommended a 30-day extension. Councilman Worthy moved to table the resolution for 30 days, which motion was seconded by Councilman Back and unanimously carried.

(5) President Toles announced that no action was necessary regarding an accessory building at 500 South 10<sup>th</sup> Street in District 5, as the nuisance has been abated by the owner.

(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 212 Oakleigh Drive, David K. Green and Community Credit Union being the last known owners. No one spoke. The following resolution was introduced in writing for consideration:

RESOLUTION NO. R-205-19

ASSESSING NUISANCE ABATEMENT LIEN AGAINST PROPERTY

(Assessing Nuisance Abatement Lien for Demolition - \$2,841.40 - 212 Oakleigh Drive - District 2 - David K. Green; Community Credit Union)

Councilman Williams moved to adopt the resolution as introduced, which motion was seconded by Councilman Worthy 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 1116 South 11<sup>th</sup> Street, Randy Higgins and wife Bobby Higgins, aka Bobbie Higgins, being the last known owners. No one spoke. The following resolution was introduced in writing for consideration:

RESOLUTION NO. R-206-19

ASSESSING NUISANCE ABATEMENT LIEN AGAINST PROPERTY

(Assessing Nuisance Abatement Lien for Demolition - \$6,234.40 - 1116 South 11<sup>th</sup> Street - District 5 - Randy Higgins; Bobby Higgins, aka Bobbie Higgins)

Councilman Wilson moved to adopt the resolution as introduced, which motion was seconded by Councilman Worthy 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 30 Comnock Avenue, Bessie May Pearson and Zelbra Lynn Pearson being the last known owners. No one spoke. The following resolution was introduced in writing for consideration:

RESOLUTION NO. R-207-19

ASSESSING NUISANCE ABATEMENT LIEN AGAINST PROPERTY

(Assessing Nuisance Abatement Lien for Demolition - \$2,691.40 - 30 Comnock Avenue - District 6 - Bessie May Pearson; Zelbra Lynn Pearson)

Councilman Cannon moved to adopt the resolution as introduced, which motion was seconded by Councilman Reed 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 405 North 33<sup>rd</sup> Street, Jodie Michelle Chesser 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-208-19

ASSESSING NUISANCE ABATEMENT LIEN AGAINST PROPERTY

(Assessing Nuisance Abatement Lien for Demolition - \$4,616.40 - 405 North 33<sup>rd</sup> Street - District 6 - Jodie Michelle Chesser; State of Alabama)

Councilman Cannon 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-209-19

AUTHORIZING AGREEMENT WITH  
BASS CAT FISHING

(Authorizing Agreement - Bass Cat Fishing - \$500.00 - City sponsorship of fishing tournament to be held June 15, 2019)

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

### NEW BUSINESS

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

#### RESOLUTION NO. R-210-19

#### APPROVING ISSUANCE OF SPECIAL EVENT ALCOHOLIC BEVERAGE LICENSE

(City of Gadsden - Special Events Alcoholic Beverage License - 1500 Noccalula Road - For Barbarian Challenge event at Noccalula Falls Park on June 15, 2019)

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

AYES: Toles, Williams, Worthy, Back, Wilson, Reed

NAYS: Cannon

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

#### RESOLUTION NO. R-211-19

#### AWARDING BID NO. 3405

(Awarding Bid No. 3405 - Gymnasium Floor Replacement at Mitchell Community Center - Boatner Construction Company - \$171,000.00)

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 Williams and unanimously adopted.

### PUBLIC

Ashley Baccus (Etowah Baptist Mission Center on Wall Street) described services provided to the community and announced an Artisan Festival-Fundraiser at The Venue on Saturday, June 8. She presented flyers, noting there will be vendors, concessions, and entertaining and educational activities for children.

Joseph Cole referred to his prior requests that a bi-racial committee be established and said he had spoken with people who would be willing to serve. He stated he feels racial tensions are escalating and described an incident that occurred at a local restaurant and four others involving police officers. Mr. Cole said officers need diversity training and the committee is needed. Councilman Reed objected to Mr. Cole addressing the Police Chief directly by name, which violates Council rules of procedure.

MAYOR AND COUNCIL REMARKS

Several Council members thanked Mr. Cole for coming and said an opportunity must be given for investigations involving police matters to be completed and legal issues to be addressed. President Toles encouraged local citizens to come and fight for their causes and pointed out they can contact the Police Chief.

Several Council members commended the work of the Etowah Baptist Mission Center and encouraged everyone to attend the fund-raising event.

Councilmen Williams and Reed noted University of Dayton Professor Dr. Titlebaum will visit the Boys and Girls Club on Wednesday to provide a lesson in tolerance and civil rights history.

Councilman Worthy announced the 6<sup>th</sup> Street pool will open today at 1 p.m. and thanked City and YMCA employees for their work.

Councilman Wilson extended condolences to Brian Nagashima upon his wife's death.

Councilman Cannon said he felt the Barbarian Challenge event could be enjoyed without alcohol.

President Toles thanked the Council and others who contacted their Legislators, noting several local bills that were opposed by city officials were defeated.

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

---

Iva Nelson, City Clerk (6-4-2019)

\*\*\*\*\*