

COUNCIL CHAMBER - CITY HALL - GADSDEN, ALABAMA
JULY 17, 2018 - 11:00 A.M.

The City Council met on July 17, 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: Williams, Worthy, Echols, Billingsley, Cannon and Reed. Councilwoman Toles was absent. The clerk stated a quorum was present and the meeting was open for business. Mayor Guyton, Lee Roberts and Chief Jaggars were also present.

The invocation was given by Shane Ellison.

The minutes of the last work session and council meeting held on July 10, 2018, were approved by unanimous vote.

Payment of the HTE System accounts for the week of July 6-12, 2018 were ratified by unanimous vote.

#183627 - #183832	General	\$3,869,825.54
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Judge David Kimberley referred to State legislation that provided for a Judicial Administration Fund. He cited some improvements made to the court system through this fund, and stated his desire for the assistance to include municipal courts. He presented an appropriation in the amount of \$1,000, which will be used to purchase a shredder for the Gadsden Municipal Court.

UNFINISHED BUSINESS

(1) A resolution ordering the abatement of nuisances on property at 408 South 4th Street in District 4, which was tabled for 30 days on June 12, was presented for consideration. As recommended by the Building Official, Councilman Cannon moved to table the resolution an additional 30 days. The motion was seconded by Councilman Echols and unanimously carried.

(2) The following resolution, which was tabled for 30 days on June 12, was presented for consideration:

RESOLUTION NO. R-282-18

ASSESSING NUISANCE ABATEMENT LIEN AGAINST PROPERTY

(Assessing Nuisance Abatement Lien for Grass Cutting - \$196.00 - 429 N. 9th Street - District 3 - Milton V. Lucas, Jr.)

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

AYES: Williams; Echols; Billingsley; Cannon; Reed

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 assessing a nuisance abatement lien on property at 108 Boyd Drive, the State of Alabama, certain rights of redemption of William David Hudson, Geneva Hudson, and Nathan Carter being the last known owners. No one spoke. The following resolution was introduced in writing for consideration:

RESOLUTION NO. R-283-18

ASSESSING NUISANCE ABATEMENT LIEN AGAINST PROPERTY

(Assessing Nuisance Abatement Lien for Demolition - \$3,616.40 - 108 Boyd Drive - District 2 - State of Alabama; Certain rights of redemption of William David Hudson and wife, Geneva Hudson, and Nathan Carter)

Councilman Billingsley 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 assessing a nuisance abatement lien on property at 116 Boyd Drive, the State of Alabama, William David Hudson and Geneva Hudson, Krystal Wood, Nathan Carter and Michael Adams being the last known owners. No one spoke. The following resolution was introduced in writing for consideration:

RESOLUTION NO. R-284-18

ASSESSING NUISANCE ABATEMENT LIEN AGAINST PROPERTY

(Assessing Nuisance Abatement Lien for Demolition - \$2,091.40 - 116 Boyd Drive - District 2 - State of Alabama; William David Hudson and wife Geneva Hudson; Krystal Wood; Nathan Carter; Michael Adams)

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

(3) The floor was opened to allow anyone to speak for or in opposition to a resolution assessing a nuisance abatement lien on property at 315 Brandon Street, Floyd Wayne Holderfield, c/o D.R. Maroney, subject to color of title claims of Wayne Layton, Delores Layton, April Oberle, Jeanne McKinney and D.R. Maroney, 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-285-18

ASSESSING NUISANCE ABATEMENT LIEN AGAINST PROPERTY

(Assessing Nuisance Abatement Lien for Demolition - \$2,166.40 - 315 Brandon Street - District 2 - Floyd Wayne Holderfield, c/o D.R. Maroney, subject to color of title claims of Wayne Layton, Delores Layton, April Oberle, Jeanne McKinney, and D.R. Maroney, and State of Alabama)

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

(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 716 N. 10th Street, the State of Alabama being the last known owner. No one spoke. The following resolution was introduced in writing for consideration:

RESOLUTION NO. R-286-18

ASSESSING NUISANCE ABATEMENT LIEN AGAINST PROPERTY

(Assessing Nuisance Abatement Lien for Grass Cutting - \$316.00 - 716 N. 10th Street - District 3 - State of Alabama)

Councilman Worthy moved to adopt the resolution as introduced, which motion was seconded by Councilman Billingsley 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 1325 Alabama Street, the State of Alabama being the last known owner. No one spoke. The following resolution was introduced in writing for consideration:

RESOLUTION NO. R-287-18

ASSESSING NUISANCE ABATEMENT LIEN AGAINST PROPERTY

(Assessing Nuisance Abatement Lien for Grass Cutting - \$256.00 - 1325 Alabama Street - District 3 - State of Alabama)

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

RESOLUTIONS PRESENTED FOR CONSIDERATION

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

RESOLUTION NO. R-288-18

APPOINTING MEMBERS TO
INDUSTRIAL DEVELOPMENT BOARD

(Appointing Andrew Roberts and Tim McCartney for terms expiring on July 25, 2023 - Appointing Hugh Miller for term expiring on July 25, 2021 - Reappointing David Cochran for term expiring July 25, 2021)

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

NEW BUSINESS

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

RESOLUTION NO. R-289-18

ESTABLISHING DATE FOR REFERENDUM ON APPOINTED OR ELECTED SCHOOL BOARD

(Establishing November 13, 2018, as date for referendum election on whether the Gadsden City Board of Education should be changed from an appointed to an elected board - If a majority of qualified electors vote for an elected board, special elections, including runoff elections if necessary, for initial members of the elected board will be held, with subsequent elections in 2022 at the same time as members of the Gadsden City Council are elected, and every four years thereafter)

President Williams received unanimous consent to immediately consider the resolution as an item of new business. Councilman Cannon pointed out State law limits special elections to second or fourth Tuesdays, and the upcoming general election is on the first Tuesday of November. In response to Councilman Worthy's inquiry, City Attorney Lee Roberts said he did not think it would be proper to conduct a special election for the referendum. Councilman Worthy also questioned why the Council would vote in light of the attorney's opinion and why the referendum could not be held in conjunction with the City's regular election. President Williams advised there is a legal opinion that eight weeks notice would be required, which is not possible before August 28. He described the bill as ill-conceived and poorly written, and its ambiguity contributed to the delay in Council action. Mayor Guyton agreed, noting the representative's district doesn't include Gadsden, nor did he consult with the City. Councilman Echols spoke in favor of allowing the people to vote. Councilman Reed agreed and said the legalities could be reviewed as we move forward. President Williams stated the Council is taking action to set a date.

Councilman Cannon moved to adopt the resolution, which motion was seconded by Councilman Reed and adopted by the following vote:

AYES: Williams; Echols; Billingsley; Cannon; Reed

NAYS: Worthy

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

RESOLUTION NO. R-290-18

AUTHORIZING ACCEPTANCE OF APPROPRIATION

(Accepting \$1,000.00 appropriation from Judicial Administration of Etowah County - For purchase of shredder for Gadsden Municipal Court)

President Williams received unanimous consent to immediately consider the resolution as an item of new business. Councilman Reed expressed appreciation to Judge David Kimberley for the appropriation. He then moved to adopt the resolution, which motion was seconded by Councilman Cannon and unanimously adopted.

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

ORDINANCE NO. O-23-18

AMENDING FISCAL YEAR 2018 BUDGET

(Amending FY2018 Budget - Reflecting receipt of \$1,000.00 appropriation from Etowah County Judicial Administration and appropriating to capital outlay/office equipment - For purchase of shredder for Gadsden Municipal Court)

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

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

NAYS: None

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

PUBLIC

Mary C. Kelley explained the purpose and mission of the Etowah County Voters League and spoke in support of an elected school board. She questioned why the referendum was delayed and said they will seek a public response to the action taken today. Ms. Kelley displayed copies of the State Act and Amendment 659 and stated the referendum could be held prior to November 13.

MAYOR AND COUNCIL REMARKS

Mayor Guyton announced the closing ceremony for the Gadsden Summer Enrichment Program at 10 a.m. on Saturday at the Antioch Baptist Life Center and commended Dr. Gertie Lowe and Marcia Kendrick for their work with this excellent program.

Councilmen Echols and Worthy commented on their earlier debate concerning the school board issue. Councilman Cannon said today's action affirmed the people's right to vote and Councilman Reed encouraged accentuating school system fundamentals and eliminating negativity. President Williams agreed on the importance of building up our kids and noted adjustments can be made if legal review requires backing up on today's action. He reiterated his support of an elected board in the former referendum election.

Councilman Worthy thanked Church of the Highlands volunteers who cleaned off tennis and basketball courts at the former Martin Luther King center. He commended the Gadsden Empowerment Initiative for its work in rehabilitating three houses.

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

Iva Nelson, City Clerk (07-17-2018)
