

COUNCIL CHAMBER - CITY HALL - GADSDEN, ALABAMA
FEBRUARY 12, 2019 - 11:00 A.M.

The City Council met on February 12, 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 Captain Keener were also present.

The invocation was given by Brian Harbison.

The minutes of the Public Safety Committee, Work Session and Council meetings held on February 5, 2019, were approved by unanimous vote.

Payment of the HTE System accounts for the week of February 1-7, 2019 were ratified by unanimous vote.

#188728-188943	General	\$1,403,782.09
----------------	---------	----------------

UNFINISHED BUSINESS

President Toles announced no Council action would be necessary on a resolution ordering abatement of nuisance on property at 307 Howell Circle in District 1, which was tabled for 30 days on January 8, 2019, because the nuisance was 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 assessing a nuisance abatement lien on property at 1122 Springfield Avenue in District 1, Rita McCants, c/o Charles Moore, and Charles Moore being the last known owners. Charles Moore spoke, stating he purchased the property from Rita McCants and abated the nuisance after demolition was averted. He disputed the charges because he cuts the grass on this and other properties and never received a notice regarding overgrown conditions. Councilman Williams advised Mr. Moore to discuss the matter with the Building Department and compare the cutting date with his purchase date. Councilman Williams moved to table the resolution for 7 days, which motion was seconded by Councilman Wilson and unanimously carried.

(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 1421 Springfield Avenue, Sheila R. Garrison, 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-46-19

ASSESSING NUISANCE ABATEMENT LIEN AGAINST PROPERTY

(Assessing Nuisance Abatement Lien for Grass Cutting - \$256.00 - 1421 Springfield Avenue - District 1 - Sheila R. Garrison; State of Alabama)

Councilman Cannon 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 130 Washington Avenue, the State of Alabama and Frank Sampson being the last known owners. No one spoke. The following resolution was introduced in writing for consideration:

RESOLUTION NO. R-47-19

ASSESSING NUISANCE ABATEMENT LIEN AGAINST PROPERTY

(Assessing Nuisance Abatement Lien for Grass Cutting - \$196.00 - 130 Washington Avenue - District 1 - State of Alabama; Frank Sampson)

Councilman Cannon moved to adopt the resolution as introduced, which motion was seconded by Councilman Reed 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 1110 Stillman Avenue, Brian Stansell 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-48-19

ASSESSING NUISANCE ABATEMENT LIEN AGAINST PROPERTY

(Assessing Nuisance Abatement Lien for Grass Cutting - \$196.00 - 1110 Stillman Avenue - District 2 - Brian Stansell; State of Alabama)

Councilman Cannon 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 303 West Lake Drive, Retha Frierson, c/o Rhea, Boyd, & Rhea & Coggin being the last known owners. No one spoke. The following resolution was introduced in writing for consideration:

RESOLUTION NO. R-49-19

ASSESSING NUISANCE ABATEMENT LIEN AGAINST PROPERTY

(Assessing Nuisance Abatement Lien for Grass Cutting - \$316.00 - 303 West Lake Drive - District 2 - Retha Frierson, c/o Rhea, Boyd, & Rhea & Coggin)

Councilman Cannon 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 437 Evans Street, Ted Kirby, Jr. being the last known owner. No one spoke. The following resolution was introduced in writing for consideration:

RESOLUTION NO. R-50-19

ASSESSING NUISANCE ABATEMENT LIEN AGAINST PROPERTY

(Assessing Nuisance Abatement Lien for Grass Cutting - \$316.00 - 437 Evans Street - District 3 - Ted Kirby, Jr.)

Councilman Cannon moved to adopt the resolution as introduced, which motion was seconded by Councilman Reed 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 1318 Ellis Avenue, Helen Clay, c/o J.C. Clay, being the last known owner. No one spoke. The following resolution was introduced in writing for consideration:

RESOLUTION NO. R-51-19

ASSESSING NUISANCE ABATEMENT LIEN AGAINST PROPERTY

(Assessing Nuisance Abatement Lien for Grass Cutting - \$136.00 - 1318 Ellis Avenue - District 6 - Helen Clay, c/o J. C. Clay)

Councilman Cannon moved to adopt the resolution as introduced, which motion was seconded by Councilman Reed 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 3411 Walnut Street in District 6, Denise & Gerald Lancaster being the last known owners. No one spoke. Councilman Cannon said he believes an error occurred and the property that was cut lies next door, because the City had also ordered the abatement of a nuisance at 3409 Walnut Street and the house was demolished. He then moved to disapprove the resolution, which motion was seconded by Councilman Reed and unanimously carried.

(9) The floor was opened to allow anyone to speak for or in opposition to a resolution assessing a nuisance abatement lien for grass cutting in the amount of \$196.00 on property at 403 Wilson Street in District 6, Jerry Humphrey being the last known owner. Mr. Humphrey spoke, stating his property was cut at the same time the other lots were, although he had cut it several days before. He had contacted the City to point out the error but never received a return call. Councilman Cannon moved to disapprove the resolution, which motion was seconded by Councilman Reed and unanimously carried.

Councilman Cannon expressed hope that future cases will include documentation with “before and after” photographs of the property being cut. Councilman Back noted Tyler software, which was recently demonstrated, has this capability. President Toles referred to a previous Public Works Committee meeting and Building Official Brian Harbison confirmed an in-house program can pinpoint where crews are working and a digital photograph can be added to the file.

(10) The floor was opened to allow anyone to speak for or in opposition to a resolution assessing a nuisance abatement lien for grass cutting in the amount of \$256.00 on property at 405 Wilson Street, State of Alabama, and John Kernochan being the last known owners. No one spoke. The following resolution was presented for consideration:

RESOLUTION NO. R-52-19

ASSESSING NUISANCE ABATEMENT LIEN AGAINST PROPERTY

(Assessing Nuisance Abatement Lien for Grass Cutting - \$136.00 - 405 Wilson Street - District 6 - State of Alabama; John Kernochan)

Councilman Cannon 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 407 Wilson Street, the State of Alabama and John Kernochan being the last known owners. No one spoke. The following resolution was introduced in writing for consideration:

RESOLUTION NO. R-53-19

ASSESSING NUISANCE ABATEMENT LIEN AGAINST PROPERTY

(Assessing Nuisance Abatement Lien for Grass Cutting - \$256.00 - 407 Wilson Street - District 6 - State of Alabama; John Kernochan)

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-54-19

ACCEPTING CONVEYANCE OF PROPERTY
AT 314 ALBANY AVENUE

(Authorizing acceptance of property - 314 Albany Avenue - District 1 - Lots 7-9, Block 2, Rearrangement of Lot 3, Block 5 in Hadley Farm - Conveyed by David A. Richardson and Kenneth R. Richardson, executors of the estate of William Carl Richardson)

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

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

RESOLUTION NO. R-55-19

ACCEPTING CONVEYANCE OF PROPERTY
ON MATHIS STREET

(Authorizing acceptance of property on Mathis Street - District 1 - Lots 8-11 in Mathis Addition - Conveyed by Mary and Larry Keener)

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

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

RESOLUTION NO. R-56-19

ACCEPTING CONVEYANCE OF PROPERTY
AT 523 EVANS STREET

(Authorizing acceptance of property - 523 Evans Street, known as 521 Evans Street on tax roll - District 3 - Lot 10 of Cummins Addition - Conveyed by Harold E. And Janice C. Wood)

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

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

RESOLUTION NO. R-57-19

AUTHORIZING ADDENDUM TO ACKNOWLEDGMENT,
WAIVER AND RELEASE FROM ALABAMA POWER COMPANY

(Authorizing Addendum to Acknowledgment, Waiver and Release - Alabama Power Company - Reimbursing additional \$6,700.00 to the City - For additional work required on Delilah Street)

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

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

RESOLUTION NO. R-58-19

AUTHORIZING AGREEMENT WITH THOMAS M. MCELRATH

(Authorizing Agreement - Thomas M. McElrath - \$18,000.00 - Architectural design services - For gymnasium floor replacement in community centers at Eura Brown and Mitchell Elementary Schools)

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

(6) A resolution authorizing an agreement with S&ME, Inc. to provide cultural resource services in the amount of \$20,000.00 regarding mitigation and removal of the low head dam on Big Wills Creek was introduced in writing for consideration. President Toles moved to table the resolution indefinitely, stating the matter has been assigned to committee for further study. The motion was seconded by Councilman Cannon and unanimously carried.

NEW BUSINESS

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

RESOLUTION NO. R-59-19

AUTHORIZING AGREEMENT FINE, GEDDIE AND ASSOCIATES, LLC

(Authorizing Agreement - Fine, Geddie and Associates, LLC - \$5,000.00 per month - Term of 3-1-19 through 3-1-20, with an option to extend for two additional years, unless cancelled by either party with 30 day notice - To monitor all State legislative and administrative activities relating to legislation or proposed legislation of direct interest to City of Gadsden)

President Toles 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 unanimously adopted.

MAYOR AND COUNCIL REMARKS

Councilman Reed said he is glad to finally see a lobbyist retained to represent the City's interests in Montgomery. Mayor Guyton noted the City wishes to garner its share of big projects that are coming.

Councilman Wilson thanked the Parks & Recreation Department for replacing the nets on soccer goals near Striplin Elementary School.

Councilman Back reported on last night's District 4 meeting in the lunchroom at Eura Brown Elementary School and thanked Principal Katie Holland for her hospitality. He said an outdoor classroom will be constructed at the school, which will be named in honor of Robert W. Echols, Jr., and thanked the Mayor and Council for their contributions to the project. Councilman Back announced another District 4 meeting at 6 p.m. on February 25, at the First Baptist Church Family Life Center.

Councilman Williams encouraged the public to support various Black History Month programs scheduled in February.

President Toles thanked attendees for their faithfulness and interest, and encouraged the public to participate in committee meetings.

Councilman Worthy noted qualifying is underway and City Clerk Iva Nelson advised it will continue until 5 p.m. on February 26. President Toles noted election information will be disseminated through the media and mailings from the City.

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

Iva Nelson, City Clerk (2-12-2019)
