

COUNCIL CHAMBER - CITY HALL - GADSDEN, ALABAMA  
MAY 28, 2019 - 11:00 A.M.

The City Council met on May 28, 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, Cannon and Reed. Councilman Williams was absent. Councilman Wilson joined the meeting shortly after it began. The clerk stated a quorum was present and the meeting was open for business. Mayor Guyton, Heath Williamson and Captain Entekin were also present.

The invocation was given by Heath Williamson.

The minutes of the Finance Committee meeting on May 20, 2019, and the Work Session and Council meetings held on May 21, 2019, were approved by unanimous vote.

Payment of the HTE System accounts for the week of May 17-23, 2019, were ratified by unanimous vote.

#191599-191720	General	\$926,063.36
----------------	---------	--------------

UNFINISHED BUSINESS

(1) The following resolution, which was tabled for 7 days on May 21, was presented in writing for consideration:

RESOLUTION NO. R-191-19

ASSESSING NUISANCE ABATEMENT LIEN AGAINST PROPERTY

(Assessing Nuisance Abatement Lien for Grass Cutting - \$251.00 - 802 Avenue A - District 3 - Sheretha Whitaker Dowell)

In response to Councilman Worthy's inquiry, Domingo Dowell said the City had cut the vacant lot behind his property, which he had attempted to purchase. He said the house on his property was recently condemned and they are seeking assistance with repairs. Councilman Worthy noted the Public Works and Building Department had met on the property and verified the City had mowed the property. Councilman Cannon cited an example where properties had been confused and asked when the property was cut and if pictures were taken. Brian Harbison, Building Official, stated the City had cut the grass on this property in 2018 and there is a separate case regarding condemnation of the structure. He added the City had also cut the vacant lot behind this property and confirmed that pictures are being taken for the current 2019 cutting season.

Councilman Worthy made a motion to not assess the lien, which was seconded by Councilman Cannon, but failed to pass by the following vote:

AYES: Worthy, Cannon

NAYS: Toles, Back, Wilson, Reed

Councilman Wilson explained his “no” vote, stating he is supporting the City employees who affirmed the work was done.

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

AYES: Toles, Worthy, Back, Wilson, Reed

NAYS: Cannon

(2) The following resolution, which was tabled for 30 days on April 23, was presented in writing for consideration:

RESOLUTION NO. R-192-19

ORDERING ABATEMENT OF NUISANCE

(Ordering Abatement of Nuisance - 927 S. 6<sup>th</sup> Street - District 5 - Sandra Beck; The Exchange Bank; First Alabama Bank of Gadsden)

As recommended by the Building Official, Councilman Wilson moved to adopt the resolution. The motion was seconded by Councilman Reed 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 221 Murray Drive, J. N. Green being the last known owner. Brian Harbison, Building Inspector, stated some progress has been made in the case involving trash and debris. Due to the amount that remains, he recommended abatement but said he will continue to work with the owner and will delay issuing an order to proceed to Public Works. President Toles said she had advised the owner, as well as the neighbor, that she would follow Mr. Harbison’s recommendation. The following resolution was introduced in writing for consideration:

RESOLUTION NO. R-193-19

ORDERING ABATEMENT OF NUISANCE

(Ordering Abatement of Nuisance - 221 Murray Drive - District 1 - J. N. Green)

Councilwoman Toles 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 1405 Kyle Avenue, Alexis and wife Veleecia Huntley, and Antonia Huntley being the last known owners. Antonia Huntley stated the same car is not always there. In response to Councilman Cannon's inquiry, Mr. Huntley said he performs mechanic work on the cars and people come to get them. Brian Harbison, Building Inspector, stated this case, which began in August 2018, involves two specific vehicles. He explained there have been eight cases involving this property since 2014, and recommended abatement. The following resolution was introduced in writing for consideration:

RESOLUTION NO. R-194-19

ORDERING ABATEMENT OF NUISANCE

(Ordering Abatement of Nuisance - 1405 Kyle Avenue - District 3 - Alexis Huntley; Veleecia Huntley; Antonia Huntley)

Councilman Worthy 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 ordering the abatement of nuisances on property at 517 Washington Street, John Clyde Bowen, a/k/a Johnny Clyde Bowen, and Patricia G. Bowen 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-195-19

ORDERING ABATEMENT OF NUISANCE

(Ordering Abatement of Nuisance - 517 Washington Street - District 3 - John Clyde Bowen, a/k/a Johnny Clyde Bowen; Patricia G. Bowen)

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 3 North 28<sup>th</sup> Street, Jessie Marie Barron being the last known owner. Jessie Barron stated she has a permit and has worked on the house, but had to stop to care for her ill sister. She added she demolished the garage and is trying to clean up the yard. In response to Councilman Cannon's inquiry, Ms. Barron said she would probably have to borrow money to make repairs. Councilman Cannon pointed out he has received many complaints but expressed willingness to allow 30 days for improvement. Brian Harbison, Building Inspector, noted permits were issued in 2007, 2012 and November 2018. He said no improvements have been made since procedures began in August 2018. He pointed out the bad conditions at the back of the house and recommended abatement. The following resolution was introduced in writing for consideration:

RESOLUTION NO. R-196-19

ORDERING ABATEMENT OF NUISANCE

(Ordering Abatement of Nuisance - 3 North 28<sup>th</sup> Street - District 6 - Jessie Marie Barron)

Councilman Cannon moved to adopt the resolution as introduced, with a 30-day delay, 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 ordering the abatement of nuisances on property at 21 W. Tuscaloosa Avenue, Steven Craig Mayo being the last known owner. Brian Harbison, Building Inspector, stated this case, which began in October 2018, involves trash, debris, and abandoned vehicles. He said this is the twelfth case since 2011 and recommended abatement. The following resolution was introduced in writing for consideration:

RESOLUTION NO. R-197-19

ORDERING ABATEMENT OF NUISANCE

(Ordering Abatement of Nuisance - 21 W. Tuscaloosa Avenue - District 7 - Steven Craig Mayo)

Councilman Reed moved to adopt the resolution as introduced, which motion was seconded by Councilman Cannon 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 1509 Van Buren Avenue, the State of Alabama being the last known owner. No one spoke. The following resolution was introduced in writing for consideration:

RESOLUTION NO. R-198-19

ASSESSING NUISANCE ABATEMENT LIEN AGAINST PROPERTY

(Assessing Nuisance Abatement Lien for cleanup of Trash and Debris - \$1,316.40 - 1509 Van Buren Avenue - District 5 - State of Alabama)

Councilman Wilson moved to adopt the resolution as introduced, which motion was seconded by Councilman Back 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 2805 Norris Avenue, the State of Alabama being the last known owner. No one spoke. The following resolution was introduced in writing for consideration:

RESOLUTION NO. R-199-19

ASSESSING NUISANCE ABATEMENT LIEN AGAINST PROPERTY

(Assessing Nuisance Abatement Lien for cleanup of Trash and Debris - \$1,366.40 - 2805 Norris Avenue - District 6 - State of Alabama)

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 annulling a portion of Hagan Drive. Justin Wain, the property owner who requested the annulment, spoke in favor of the resolution. The following resolution was introduced in writing for consideration:

RESOLUTION NO. R-200-19

AUTHORIZING ANNULMENT OF PORTION OF HAGAN DRIVE

(Annulling street right-of-way - Portion of Hagan Drive - Requested by Justin and Crystal Wain)

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

(9) The floor was opened to allow anyone to speak in opposition to or in favor of an ordinance amending City Code Section 130-312, Article XIII, to establish guidelines for allowing mobile food vehicles on City property. No one spoke. Councilman Wilson noted this will allow specific areas to be designated, such as a proposed location in Moragne Park. President Williams stated the ordinance had been presented today for the first reading, and the Council will vote on it next week.

ORDINANCE - FIRST READING

The following ordinance was introduced in writing and read by President Toles:

(1) ORDINANCE - AUTHORIZING CONVEYANCE OF PROPERTY LOCATED AT 111 PINEHURST STREET

Since no action was taken in this meeting, the ordinance will be placed on the agenda of the next regular meeting for consideration.

NEW BUSINESS

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

RESOLUTION NO. R-201-19

REJECTING ALL BIDS FOR BID NO. 3407

(Rejecting Bid No. 3407 - 2019 City of Gadsden Street Resurfacing Project - Engineering Department recommended rejection due to one proposal being deemed non-responsive and the other excessive in cost)

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

### PUBLIC

Buster Porch announced “Musical Mondays” at the water wall adjacent to the Downtown Civic Center, from the first Monday in June through the last Monday in September. He thanked Curlie DeRamus, who prepares food for the event, as well as the sponsors.

Larry Avery stated he is the new President of the Carver Community Revitalization Committee and Jalaria Harris is President Emeritus. He expressed condolences to Mrs. Harris at the loss of her husband. Mr. Avery highlighted the committee’s work in the community and announced First Saturday activities on June 1.

### MAYOR AND COUNCIL REMARKS

Mayor Guyton objected to Senator Andrew Jones’ bills regarding home rule and lodging tax increase. He noted several former county commissioners who were not re-elected now serve on the Etowah Economic Alliance. Councilman Back pointed out four of six county commissioners oppose the legislation and recalled Senator Jones’ promise to work together. Councilman Wilson said he has expressed his strong disagreement to the Senator and instructed citizens on contacting their legislators. Councilman Cannon pointed out Senator Jones did not propose the bills for his home county. Councilman Reed expressed his disappointment and said he has not found anyone who supports the bills.

Councilman Worthy thanked everyone who attended the 6<sup>th</sup> Street Pool party and thanked the Mayor and Council for their support. He said the pool was not able to be opened but water “inflatables” were enjoyed by the children.

Councilman Back complimented the Patriot Association’s Memorial Day program, noting names from recent conflicts had been added to the monument. Councilman Reed thanked Shane Ellison, as well as the Public Works and Parks and Recreation departments, and commended the Patriots Association.

Councilman Wilson commended the Parks and Recreation Department’s excellent management of Nocalula Falls campground and the amenities provided. He expressed appreciation for the soccer nets at Striplin.

President Toles announced changes in the garbage collection schedule due to yesterday’s Memorial Day holiday and noted the operating hours of 6 a.m. to 2 p.m. will begin tomorrow.

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

---

Iva Nelson, City Clerk (5-28-2019)

\*\*\*\*\*

COUNCIL CHAMBER - CITY HALL - GADSDEN, ALABAMA  
MAY 28, 2019 - 11:00 A.M.

The City Council met on May 28, 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, Cannon and Reed. Councilman Williams was absent. Councilman Wilson joined the meeting shortly after it began. The clerk stated a quorum was present and the meeting was open for business. Mayor Guyton, Heath Williamson and Captain Entrekin were also present.

The invocation was given by Heath Williamson.

The minutes of the Finance Committee meeting on May 20, 2019, and the Work Session and Council meetings held on May 21, 2019, were approved by unanimous vote.

Payment of the HTE System accounts for the week of May 17-23, 2019, were ratified by unanimous vote.

#191599-191720	General	\$926,063.36
----------------	---------	--------------

UNFINISHED BUSINESS

(1) The following resolution, which was tabled for 7 days on May 21, was presented in writing for consideration:

RESOLUTION NO. R-191-19

ASSESSING NUISANCE ABATEMENT LIEN AGAINST PROPERTY

(Assessing Nuisance Abatement Lien for Grass Cutting - \$251.00 - 802 Avenue A - District 3 - Sheretha Whitaker Dowell)

In response to Councilman Worthy's inquiry, Domingo Dowell said the City had cut the vacant lot behind his property, which he had attempted to purchase. He said the house on his property was recently condemned and they are seeking assistance with repairs. Councilman Worthy noted the Public Works and Building Department had met on the property and verified the City had mowed the property. Councilman Cannon cited an example where properties had been confused and asked when the property was cut and if pictures were taken. Brian Harbison, Building Official, stated the City had cut the grass on this property in 2018 and there is a separate case regarding condemnation of the structure. He added the City had also cut the vacant lot behind this property and confirmed that pictures are being taken for the current 2019 cutting season.

Councilman Worthy made a motion to not assess the lien, which was seconded by Councilman Cannon, but failed to pass by the following vote:

AYES: Worthy, Cannon

NAYS: Toles, Back, Wilson, Reed

Councilman Wilson explained his "no" vote, stating he is supporting the City employees who affirmed the work was done.

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

AYES: Toles, Worthy, Back, Wilson, Reed

NAYS: Cannon

(2) The following resolution, which was tabled for 30 days on April 23, was presented in writing for consideration:

#### RESOLUTION NO. R-192-19

#### ORDERING ABATEMENT OF NUISANCE

(Ordering Abatement of Nuisance - 927 S. 6<sup>th</sup> Street - District 5 - Sandra Beck; The Exchange Bank; First Alabama Bank of Gadsden)

As recommended by the Building Official, Councilman Wilson moved to adopt the resolution. The motion was seconded by Councilman Reed 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 221 Murray Drive, J. N. Green being the last known owner. Brian Harbison, Building Inspector, stated some progress has been made in the case involving trash and debris. Due to the amount that remains, he recommended abatement but said he will continue to work with the owner and will delay issuing an order to proceed to Public Works. President Toles said she had advised the owner, as well as the neighbor, that she would follow Mr. Harbison's recommendation. The following resolution was introduced in writing for consideration:

RESOLUTION NO. R-193-19

ORDERING ABATEMENT OF NUISANCE

(Ordering Abatement of Nuisance - 221 Murray Drive - District 1 - J. N. Green)

Councilwoman Toles 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 1405 Kyle Avenue, Alexis and wife Veleecia Huntley, and Antonia Huntley being the last known owners. Antonia Huntley stated the same car is not always there. In response to Councilman Cannon's inquiry, Mr. Huntley said he performs mechanic work on the cars and people come to get them. Brian Harbison, Building Inspector, stated this case, which began in August 2018, involves two specific vehicles. He explained there have been eight cases involving this property since 2014, and recommended abatement. The following resolution was introduced in writing for consideration:

RESOLUTION NO. R-194-19

ORDERING ABATEMENT OF NUISANCE

(Ordering Abatement of Nuisance - 1405 Kyle Avenue - District 3 - Alexis Huntley; Veleecia Huntley; Antonia Huntley)

Councilman Worthy 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 ordering the abatement of nuisances on property at 517 Washington Street, John Clyde Bowen, a/k/a Johnny Clyde Bowen, and Patricia G. Bowen 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-195-19

ORDERING ABATEMENT OF NUISANCE

(Ordering Abatement of Nuisance - 517 Washington Street - District 3 - John Clyde Bowen, a/k/a Johnny Clyde Bowen; Patricia G. Bowen)

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 3 North 28<sup>th</sup> Street, Jessie Marie Barron being the last known owner. Jessie Barron stated she has a permit and has worked on the house, but had to stop to care for her ill sister. She added she demolished the garage and is trying to clean up the yard. In response to Councilman Cannon's inquiry, Ms. Barron said she would probably have to borrow money to make repairs. Councilman Cannon pointed out he has received many complaints but expressed willingness to allow 30 days for improvement. Brian Harbison, Building Inspector, noted permits were issued in 2007, 2012 and November 2018. He said no improvements have been made since procedures began in August 2018. He pointed out the bad conditions at the back of the house and recommended abatement. The following resolution was introduced in writing for consideration:

RESOLUTION NO. R-196-19

ORDERING ABATEMENT OF NUISANCE

(Ordering Abatement of Nuisance - 3 North 28<sup>th</sup> Street - District 6 - Jessie Marie Barron)

Councilman Cannon moved to adopt the resolution as introduced, with a 30-day delay, 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 ordering the abatement of nuisances on property at 21 W. Tuscaloosa Avenue, Steven Craig Mayo being the last known owner. Brian Harbison, Building Inspector, stated this case, which began in October 2018, involves trash, debris, and abandoned vehicles. He said this is the twelfth case since 2011 and recommended abatement. The following resolution was introduced in writing for consideration:

RESOLUTION NO. R-197-19

ORDERING ABATEMENT OF NUISANCE

(Ordering Abatement of Nuisance - 21 W. Tuscaloosa Avenue - District 7 - Steven Craig Mayo)

Councilman Reed moved to adopt the resolution as introduced, which motion was seconded by Councilman Cannon 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 1509 Van Buren Avenue, the State of Alabama being the last known owner. No one spoke. The following resolution was introduced in writing for consideration:

RESOLUTION NO. R-198-19

ASSESSING NUISANCE ABATEMENT LIEN AGAINST PROPERTY

(Assessing Nuisance Abatement Lien for cleanup of Trash and Debris - \$1,316.40 - 1509 Van Buren Avenue - District 5 - State of Alabama)

Councilman Wilson moved to adopt the resolution as introduced, which motion was seconded by Councilman Back 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 2805 Norris Avenue, the State of Alabama being the last known owner. No one spoke. The following resolution was introduced in writing for consideration:

RESOLUTION NO. R-199-19

ASSESSING NUISANCE ABATEMENT LIEN AGAINST PROPERTY

(Assessing Nuisance Abatement Lien for cleanup of Trash and Debris - \$1,366.40 - 2805 Norris Avenue - District 6 - State of Alabama)

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 annulling a portion of Hagan Drive. Justin Wain, the property owner who requested the annulment, spoke in favor of the resolution. The following resolution was introduced in writing for consideration:

RESOLUTION NO. R-200-19

AUTHORIZING ANNULMENT OF PORTION OF HAGAN DRIVE

(Annulling street right-of-way - Portion of Hagan Drive - Requested by Justin and Crystal Wain)

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

(9) The floor was opened to allow anyone to speak in opposition to or in favor of an ordinance amending City Code Section 130-312, Article XIII, to establish guidelines for allowing mobile food vehicles on City property. No one spoke. Councilman Wilson noted this will allow specific areas to be designated, such as a proposed location in Moragne Park. President Williams stated the ordinance had been presented today for the first reading, and the Council will vote on it next week.

#### ORDINANCE - FIRST READING

The following ordinance was introduced in writing and read by President Toles:

#### (1) ORDINANCE - AUTHORIZING CONVEYANCE OF PROPERTY LOCATED AT 111 PINEHURST STREET

Since no action was taken in this meeting, the ordinance will be placed on the agenda of the next regular meeting for consideration.

#### NEW BUSINESS

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

#### RESOLUTION NO. R-201-19

#### REJECTING ALL BIDS FOR BID NO. 3407

(Rejecting Bid No. 3407 - 2019 City of Gadsden Street Resurfacing Project - Engineering Department recommended rejection due to one proposal being deemed non-responsive and the other excessive in cost)

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

#### PUBLIC

Buster Porch announced “Musical Mondays” at the water wall adjacent to the Downtown Civic Center, from the first Monday in June through the last Monday in September. He thanked Curlie DeRamus, who prepares food for the event, as well as the sponsors.

Larry Avery stated he is the new President of the Carver Community Revitalization Committee and Jalaria Harris is President Emeritus. He expressed condolences to Mrs. Harris at the loss of her husband. Mr. Avery highlighted the committee’s work in the community and announced First Saturday activities on June 1.

MAYOR AND COUNCIL REMARKS

Mayor Guyton objected to Senator Andrew Jones' bills regarding home rule and lodging tax increase. He noted several former county commissioners who were not re-elected now serve on the Etowah Economic Alliance. Councilman Back pointed out four of six county commissioners oppose the legislation and recalled Senator Jones' promise to work together. Councilman Wilson said he has expressed his strong disagreement to the Senator and instructed citizens on contacting their legislators. Councilman Cannon pointed out Senator Jones did not propose the bills for his home county. Councilman Reed expressed his disappointment and said he has not found anyone who supports the bills.

Councilman Worthy thanked everyone who attended the 6<sup>th</sup> Street Pool party and thanked the Mayor and Council for their support. He said the pool was not able to be opened but water "inflatables" were enjoyed by the children.

Councilman Back complimented the Patriot Association's Memorial Day program, noting names from recent conflicts had been added to the monument. Councilman Reed thanked Shane Ellison, as well as the Public Works and Parks and Recreation departments, and commended the Patriots Association.

Councilman Wilson commended the Parks and Recreation Department's excellent management of Noccalula Falls campground and the amenities provided. He expressed appreciation for the soccer nets at Striplin.

President Toles announced changes in the garbage collection schedule due to yesterday's Memorial Day holiday and noted the operating hours of 6 a.m. to 2 p.m. will begin tomorrow.

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

---

Iva Nelson, City Clerk (5-28-2019)

\*\*\*\*\*