

WAIVER OF NOTICE OF MEETING OF
CITY COUNCIL OF GADSDEN, ALABAMA

The undersigned, being all the members of the City Council of Gadsden, Alabama, hereby waive notice of and consent to the holding of a special meeting of the Council to be held at City Hall, 90 Broad Street, Gadsden, Alabama on June 4, 2019, at 1:30 p.m. for the purpose of:

1. To conduct public hearings and consider resolutions assessing nuisance abatement liens for grass cutting work that has already been performed.
2. Transacting such other business as may come before this meeting.

The undersigned further request that this waiver and consent be made part of the minutes of such meeting for the purpose of showing that any business transacted at the meeting is as valid as though transacted at a meeting duly held after regular call and notice.

DATED: June 4, 2019

Cynthia Toles

Deverick Williams

Thomas Worthy

Kent Back

Jason Wilson

Johnny Cannon

Ben Reed

COUNCIL CHAMBER - CITY HALL - GADSDEN, ALABAMA
JUNE 4, 2019 - 1:30 P.M.

The City Council met on June 4, 2019, in special session.

The meeting was called to order at 1:30 p.m. by Council President Toles. On roll call by the City Clerk, Iva Nelson, the following council members answered present: Toles, Worthy, Back, Wilson, Cannon and Reed. Councilman Williams was absent. The clerk stated a quorum was present and the meeting was open for business.

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 204 4th Street North, Phyllis Luhrs being the last known owner. No one spoke. The following resolution was introduced in writing for consideration:

RESOLUTION NO. R-212-19

ASSESSING NUISANCE ABATEMENT LIEN AGAINST PROPERTY

(Assessing Nuisance Abatement Lien for Grass Cutting - \$426.00 - 204 4th Street North - District 2 - Phyllis Luhrs)

Councilman Reed moved to adopt the resolution as introduced, which motion was seconded by Councilman Wilson 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 111 7th Street North in District 2, Ferch Property Management, Inc. being the last known owner. Shelly Ferch presented an Installment Land Sale Contract with Sandra M. Beck, Buyer. She said Ferch Property Management holds the deed until all payments are made and all notices, invoices, etc. have been forwarded to Ms. Beck. Councilman Worthy moved to table the resolution for 30 days, which motion was seconded by Councilman Wilson and unanimously carried.

(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 1008 N. 8th Street, Walter & Edna Ford, Est., c/o Frances Ford Dickson, being the last known owners. No one spoke. The following resolution was introduced in writing for consideration:

RESOLUTION NO. R-213-19

ASSESSING NUISANCE ABATEMENT LIEN AGAINST PROPERTY

(Assessing Nuisance Abatement Lien for Grass Cutting - \$426.00 - 1008 N. 8th Street - District 3 - Walter & Edna Ford, Est., c/o Frances Ford Dickson)

Councilman Reed moved to adopt the resolution as introduced, which motion was seconded by Councilman Wilson 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 809 S. 14th Street, Diana Pilar Salinas being the last known owner. No one spoke. The following resolution was introduced in writing for consideration:

RESOLUTION NO. R-214-19

ASSESSING NUISANCE ABATEMENT LIEN AGAINST PROPERTY

(Assessing Nuisance Abatement Lien for Grass Cutting - \$256.00 - 809 S. 14th Street - District 5 - Diana Pilar Salinas)

Councilman Reed moved to adopt the resolution as introduced, which motion was seconded by Councilman Wilson 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 111 21st Street North, Jesse Gates, c/o Marvin McNeal, being the last known owner. No one spoke. The following resolution was introduced in writing for consideration:

RESOLUTION NO. R-215-19

ASSESSING NUISANCE ABATEMENT LIEN AGAINST PROPERTY

(Assessing Nuisance Abatement Lien for Grass Cutting - \$136.00 - 111 21st Street North - District 1 - Jesse Gates, c/o Marvin McNeal)

Councilman Reed moved to adopt the resolution as introduced, which motion was seconded by Councilman Wilson 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 1222 Alabama Avenue, Lionel Pair being the last known owner. No one spoke. The following resolution was introduced in writing for consideration:

RESOLUTION NO. R-216-19

ASSESSING NUISANCE ABATEMENT LIEN AGAINST PROPERTY

(Assessing Nuisance Abatement Lien for Grass Cutting - \$426.00 - 1222 Alabama Avenue - District 3 - Lionel Pair)

Councilman Reed moved to adopt the resolution as introduced, which motion was seconded by Councilman Wilson 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 1506 Alabama Avenue, Linda Ann Atkins being the last known owner. No one spoke. The following resolution was introduced in writing for consideration:

RESOLUTION NO. R-217-19

ASSESSING NUISANCE ABATEMENT LIEN AGAINST PROPERTY

(Assessing Nuisance Abatement Lien for Grass Cutting - \$601.00 - 1506 Alabama Avenue - District 3 - Linda Ann Atkins)

Councilman Reed moved to adopt the resolution as introduced, which motion was seconded by Councilman Wilson 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 936 Avenue F, Spencer and Lela A. Thomas being the last known owners. No one spoke. The following resolution was introduced in writing for consideration:

RESOLUTION NO. R-218-19

ASSESSING NUISANCE ABATEMENT LIEN AGAINST PROPERTY

(Assessing Nuisance Abatement Lien for Grass Cutting - \$136.00 - 936 Avenue F - District 3 - Spencer Thomas; Lela A. Thomas)

Councilman Reed 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 for or in opposition to a resolution assessing a nuisance abatement lien on property at 922 Avenue G, United Helping Hand Spiritual AL Conference, Inc., c/o Lou Ella Garrison, being the last known owner. No one spoke. The following resolution was introduced in writing for consideration:

RESOLUTION NO. R-219-19

ASSESSING NUISANCE ABATEMENT LIEN AGAINST PROPERTY

(Assessing Nuisance Abatement Lien for Grass Cutting - \$316.00 - 922 Avenue G - District 3 - United Helping Hand Spiritual AL Conference, Inc., c/o Lou Ella Garrison)

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

(10) The floor was opened to allow anyone to speak for or in opposition to a resolution assessing a nuisance abatement lien on property at 402 Brandon Street, Brian William Floyd being the last known owner. No one spoke. The following resolution was introduced in writing for consideration:

RESOLUTION NO. R-220-19

ASSESSING NUISANCE ABATEMENT LIEN AGAINST PROPERTY

(Assessing Nuisance Abatement Lien for Grass Cutting - \$256.00 - 402 Brandon Street - District 2 - Brian William Floyd)

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

(11) President Toles announced that no action was necessary regarding 2613 E. Broad Street in District 1, as the grass cutting charges have been paid by the owner.

(12) The floor was opened to allow anyone to speak for or in opposition to a resolution assessing a nuisance abatement lien on property at 1106 Brookside Drive, FNA NP, LLC being the last known owner. No one spoke. The following resolution was introduced in writing for consideration:

RESOLUTION NO. R-221-19

ASSESSING NUISANCE ABATEMENT LIEN AGAINST PROPERTY

(Assessing Nuisance Abatement Lien for Grass Cutting - \$316.00 - 1106 Brookside Drive - District 3 - FNA NP, LLC)

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

(13) The floor was opened to allow anyone to speak for or in opposition to a resolution assessing a nuisance abatement lien on property at 209 Brown Street in District 1, Antioch Baptist Church, Inc., being the last known owner. Jimmy Conwell and Edward Turner, Jr. said this property was donated to the church in 2005. Mr. Turner stated the church typically cleans the property in May or June. They presented a map of the church and surrounding property and questioned if there could be some confusion about which lot was cut. Jan Henson, Building Department, stated a letter was mailed in April 2017, and the lots were cut on May 12, June 14, and July 14. Councilman Reed moved to table the resolution for 30 days in order to gain clarity regarding the lots. The motion was seconded by Councilman Back and unanimously carried.

(14) The floor was opened to allow anyone to speak for or in opposition to a resolution assessing a nuisance abatement lien on property at 1109 Central Avenue, Amanda S. Carrell being the last known owner. No one spoke. The following resolution was introduced in writing for consideration:

RESOLUTION NO. R-222-19

ASSESSING NUISANCE ABATEMENT LIEN AGAINST PROPERTY

(Assessing Nuisance Abatement Lien for Grass Cutting - \$426.00 - 1109 Central Avenue - District 6 - Amanda S. Carrell)

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

(15) The floor was opened to allow anyone to speak for or in opposition to a resolution assessing a nuisance abatement lien on property at 1408 Chandler Street, FNA NP, LLC being the last known owner. No one spoke. The following resolution was introduced in writing for consideration:

RESOLUTION NO. R-223-19

ASSESSING NUISANCE ABATEMENT LIEN AGAINST PROPERTY

(Assessing Nuisance Abatement Lien for Grass Cutting - \$136.00 - 1408 Chandler Street - District 1 - FNA NP, LLC)

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

(16) The floor was opened to allow anyone to speak for or in opposition to a resolution assessing a nuisance abatement lien on property at 814 Crest Avenue, Rose Harris being the last known owner. No one spoke. The following resolution was introduced in writing for consideration:

RESOLUTION NO. R-224-19

ASSESSING NUISANCE ABATEMENT LIEN AGAINST PROPERTY

(Assessing Nuisance Abatement Lien for Grass Cutting - \$136.00 - 814 Crest Avenue - District 3 - Rose Harris)

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

(17) The floor was opened to allow anyone to speak for or in opposition to a resolution assessing a nuisance abatement lien on property at 203 Davis Street, Elfido Ovalle being the last known owner. No one spoke. The following resolution was introduced in writing for consideration:

RESOLUTION NO. R-225-19

ASSESSING NUISANCE ABATEMENT LIEN AGAINST PROPERTY

(Assessing Nuisance Abatement Lien for Grass Cutting - \$136.00 - 203 Davis Street - District 1 - Elfido Ovalle)

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

(18) The floor was opened to allow anyone to speak for or in opposition to a resolution assessing a nuisance abatement lien on property at 1411 Eastview Avenue, Kelvin and Mary Bothwell being the last known owners. No one spoke. The following resolution was introduced in writing for consideration:

RESOLUTION NO. R-226-19

ASSESSING NUISANCE ABATEMENT LIEN AGAINST PROPERTY

(Assessing Nuisance Abatement Lien for Grass Cutting - \$196.00 - 1411 Eastview Avenue - District 1 - Kelvin Bothwell; Mary Bothwell)

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

(19) President Toles announced that no action was necessary regarding 311 Elmwood Avenue in District 2, as the grass cutting charges have been paid by the owner.

(20) The floor was opened to allow anyone to speak for or in opposition to a resolution assessing a nuisance abatement lien on property at 1220 Etowah Avenue, Jeanette Chandler being the last known owner. No one spoke. The following resolution was introduced in writing for consideration:

RESOLUTION NO. R-227-19

ASSESSING NUISANCE ABATEMENT LIEN AGAINST PROPERTY

(Assessing Nuisance Abatement Lien for Grass Cutting - \$251.00 - 1220 Etowah Avenue - District 3 - Jeanette Chandler)

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

(21) The floor was opened to allow anyone to speak for or in opposition to a resolution assessing a nuisance abatement lien on property at 402 Evans Street, Britton Childs III and Emma Jean Childs being the last known owners. No one spoke. The following resolution was introduced in writing for consideration:

RESOLUTION NO. R-228-19

ASSESSING NUISANCE ABATEMENT LIEN AGAINST PROPERTY

(Assessing Nuisance Abatement Lien for Grass Cutting - \$251.00 - 402 Evans Street - District 3 - Britton Childs III; Emma Jean Childs)

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

(22) President Toles announced that no action was necessary regarding 525 Evans Street in District 3, as the grass cutting charges have been paid by the owner.

(23) The floor was opened to allow anyone to speak for or in opposition to a resolution assessing a nuisance abatement lien on property at 1114 Fuller Street, Tuscal, LLC being the last known owner. No one spoke. The following resolution was introduced in writing for consideration:

RESOLUTION NO. R-229-19

ASSESSING NUISANCE ABATEMENT LIEN AGAINST PROPERTY

(Assessing Nuisance Abatement Lien for Grass Cutting - \$426.00 - 1114 Fuller Street - District 2 - Tuscaloosa, LLC)

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

(24) The floor was opened to allow anyone to speak for or in opposition to a resolution assessing a nuisance abatement lien on property at 3509 Georgia Avenue, FNA NP, LLC being the last known owner. No one spoke. The following resolution was introduced in writing for consideration:

RESOLUTION NO. R-230-19

ASSESSING NUISANCE ABATEMENT LIEN AGAINST PROPERTY

(Assessing Nuisance Abatement Lien for Grass Cutting - \$426.00 - 3509 Georgia Avenue - District 6 - FNA NP, LLC)

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

(25) President Toles announced that no action was necessary regarding 227 Hinds Road in District 7, as the grass cutting charges have been paid by the owner.

(26) The floor was opened to allow anyone to speak for or in opposition to a resolution assessing a nuisance abatement lien on property at 3100 W. Meighan Boulevard, Sheila Barton Erwin being the last known owner. No one spoke. The following resolution was introduced in writing for consideration:

RESOLUTION NO. R-231-19

ASSESSING NUISANCE ABATEMENT LIEN AGAINST PROPERTY

(Assessing Nuisance Abatement Lien for Grass Cutting - \$251.00 - 3100 W. Meighan Boulevard - District 6 - Sheila Barton Erwin)

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

(27) The floor was opened to allow anyone to speak for or in opposition to a resolution assessing a nuisance abatement lien on property at 106 Pinehurst Street, Marcia E. Hardney being the last known owner. No one spoke. The following resolution was introduced in writing for consideration:

RESOLUTION NO. R-232-19

ASSESSING NUISANCE ABATEMENT LIEN AGAINST PROPERTY

(Assessing Nuisance Abatement Lien for Grass Cutting - \$256.00 - 106 Pinehurst Street - District 1 - Marcia E. Hardney)

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

(28) The floor was opened to allow anyone to speak for or in opposition to a resolution assessing a nuisance abatement lien on property at 804 Rogers Street, Emma Lou and Sidney L. Richardson, c/o Sidney L. Richardson, being the last known owners. No one spoke. The following resolution was introduced in writing for consideration:

RESOLUTION NO. R-233-19

ASSESSING NUISANCE ABATEMENT LIEN AGAINST PROPERTY

(Assessing Nuisance Abatement Lien for Grass Cutting - \$251.00 - 804 Rogers Street - District 3 - Emma Lou and Sidney L. Richardson, c/o Sidney L. Richardson)

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

(29) President Toles announced that no action would be taken regarding a resolution assessing a nuisance abatement lien for grass cutting against property at 711 Slack Street in District 5, as the property has a different owner.

(30) President Toles announced that no action would be taken regarding a resolution assessing a nuisance abatement lien for grass cutting against property at 1016 Slusser Avenue in District 2, as the property has a different owner.

(31) The floor was opened to allow anyone to speak for or in opposition to a resolution assessing a nuisance abatement lien on property at 1105 Springfield Avenue in District 1, Gladysia N. Scott being the last known owner. Gladysia N. Scott stated she obtained the deed in November 2015, cleared the property and began maintaining it, along with two other adjacent properties owned by her family. She said the grass is cut every two weeks, from March to November, and she immediately disputed the bill when she received it. Jan Henson, Building Department, stated the letter was mailed on May 10, 2017, and the grass was cut on July 10, 2017.

Councilman Back moved to adopt the resolution as introduced, which motion was seconded by Councilman Worthy, but failed to carry by the following vote:

AYES: None

NAYS: Worthy, Back, Wilson, Cannon, Reed

ABSTENTION: Toles

(32) The floor was opened to allow anyone to speak for or in opposition to a resolution assessing a nuisance abatement lien on property at 1221 Stillman Avenue, Larry C Martin, as Plan Administrator, being the last known owner. No one spoke. The following resolution was introduced in writing for consideration:

RESOLUTION NO. R-234-19

ASSESSING NUISANCE ABATEMENT LIEN AGAINST PROPERTY

(Assessing Nuisance Abatement Lien for Grass Cutting - \$256.00 - 1221 Stillman Avenue - District 2 - Larry C. Martin, as Plan Administrator)

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

(33) The floor was opened to allow anyone to speak for or in opposition to a resolution assessing a nuisance abatement lien on property at 929 Tuscaloosa Avenue, Jerry Ray Oden being the last known owner. Ray Oden said he had received a letter in April but thought they had adequately maintained the grass. He questioned why he wasn't notified prior to the City cutting the lot in September and why the cost is so much. Jan Henson, Building Department, stated a letter was mailed on September 1, 2017, and the grass was cut on September 27. Councilman Wilson explained the city can cut the property for up to one year after the first notification is given. City Clerk Iva Nelson said advertising and other administrative costs are added. The following resolution was introduced in writing for consideration:

RESOLUTION NO. R-235-19

ASSESSING NUISANCE ABATEMENT LIEN AGAINST PROPERTY

(Assessing Nuisance Abatement Lien for Grass Cutting - \$136.00 - 929 Tuscaloosa Avenue - District 3 - Jerry Ray Oden)

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

(34) The floor was opened to allow anyone to speak for or in opposition to a resolution assessing a nuisance abatement lien on property at 11 W. Wilkinson Avenue, Larry Colvin being the last known owner. No one spoke. The following resolution was introduced in writing for consideration:

RESOLUTION NO. R-236-19

ASSESSING NUISANCE ABATEMENT LIEN AGAINST PROPERTY

(Assessing Nuisance Abatement Lien for Grass Cutting - \$196.00 - 11 W. Wilkinson Avenue - District 7 - Larry Colvin)

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

(35) The floor was opened to allow anyone to speak for or in opposition to a resolution assessing a nuisance abatement lien on property at 920 Wilson Avenue, Nathaniel Pollard being the last known owner. No one spoke. The following resolution was introduced in writing for consideration:

RESOLUTION NO. R-237-19

ASSESSING NUISANCE ABATEMENT LIEN AGAINST PROPERTY

(Assessing Nuisance Abatement Lien for Grass Cutting - \$136.00 - 920 Wilson Avenue - District 2 - Nathaniel Pollard)

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

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

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