

CITY COUNCIL AGENDA ITEM COVER MEMO

Agenda Item Number _____

Meeting Type: Regular

Meeting Date: 7/10/2014

Action Requested By:
Community
Development

Agenda Item Type
Ordinance

Subject Matter:

Public Nuisance Lien Authorization

Exact Wording for the Agenda:

Public Hearing on a Resolution to authorize placement of a Weed Lien with the Office of the Tax Collector of Madison County, Alabama, on certain properties that have been declared a public nuisance and that have had the nuisance removed by the City.

Note: If amendment, please state title and number of the original

Item to be considered for: Action

Unanimous Consent Required: No

Briefly state why the action is required; why it is recommended; what Council action will provide, allow and accomplish and; any other information that might be helpful.

The attached Resolution authorizes a weed lien to be placed on listed properties, which have been previously declared as public nuisances in accordance with State Law.

Associated Cost:

Budgeted Item: Select...

MAYOR RECOMMENDS OR CONCURS: Select...

Department Head: _____



Date: 6/27/2014

RESOLUTION NO: 14- _____

WHEREAS, in accordance with Section § 11-67-63 of the Code of Alabama of 1975, as last amended, ("Ala. Code") the City Council of the City of Huntsville, Alabama, ("City Council") on July 12, 2012, adopted Resolution No. 12-578, declaring the grass/weeds upon and/or in front of property or properties at the following location(s):

1320 Pratt Avenue N.E., Huntsville, Alabama 35801, more particularly described as Lot (s) 7 & 8, Block 95, East Huntsville Addition, as recorded in Plat Book 1, Page 35 of the Probate Records of Madison County, Alabama

a public nuisance and ordering its abatement or removal; and

WHEREAS, employees, authorized private contractors, companies, enterprises, and/or individuals in accordance with said resolution, entered upon said property or properties and abated the nuisance; and

WHEREAS, in accordance with Section § 11-67-65 the Code Enforcement Manager of the City's Community Development Division ("Code Enforcement Manager") has, on this date, submitted an Itemized Report of Costs, a copy of which is attached hereto as Exhibit A and incorporated herein by reference; and

WHEREAS, prior to said report being submitted to the City Council of Huntsville, it was duly posted and notice given of the time of its submittal to the City Council for confirmation; and

WHEREAS, this being the time and date fixed for receiving and considering the report, the City Council having heard the report, together with any objections which might have been raised by any of the property owners liable to be assessed for the work of abating the nuisance, and thereupon having made modifications in the report as deemed necessary, if any.

NOW, THEREFORE, BE IT RESOLVED, by the City Council of the City of Huntsville, Alabama, as follows:

1. That, in accordance with Ala. Code § 11-67-66, the Itemized Report of Costs, as such report may have been amended, is hereby confirmed.

2. The amounts of the cost for abating the nuisance in front of or upon the various parcels of land mentioned in the report shall hereinafter be referred to as "weed liens", and shall constitute a weed lien on the property for the amount of the weed liens, respectively.

3. The City Clerk-Treasurer of the City of Huntsville, Alabama, is hereby directed and authorized to give a copy of said report, along with this resolution, to the tax collector or revenue commissioner of the county who, under the "Optional Method of Taxation", is charged with the collection of the municipal taxes pursuant to Article 1, Division 2, Chapter 51, of Title 11.

ADOPTED this the _____ day of _____, 2014

President of the City Council
of the City of Huntsville, Alabama

APPROVED this the _____ day of _____, 2014

Mayor of the City of Huntsville, Alabama

EXHIBIT A

ITEMIZED REPORT OF COSTS

COMMUNITY DEVELOPMENT DIVISION
CITY OF HUNTSVILLE, ALABAMA

TO: THE CITY COUNCIL OF THE CITY OF HUNTSVILLE, ALABAMA

DATE: July 10, 2014

RE: *Grass Nuisance under Title 11, Chapter 67, Article 4 of the Code of Alabama of 1975, as last amended (Ala. Code §§ 11-67-60 to 67)*

Please be advised that, in accordance with Resolution No. 12-578, which was adopted by the City Council on July 12, 2012, duly authorized personnel and/or agents of the City of Huntsville, Alabama, in accordance with said resolution entered upon the following property or properties and abated the nuisance:

1320 Pratt Avenue N.E., Huntsville, Alabama 35801, more particularly described as Lot (s) 7 & 8, Block 95, East Huntsville Addition, as recorded in Plat Book 1, Page 35 of the Probate Records of Madison County, Alabama

In accordance with Ala. Code § 11-67-65, an account has been kept of the cost of abating or removing the nuisance in front of or on each separate lot or parcel of land where the work was done by employees of the city, or by a duly authorized private contractor, company, enterprise, or individual, and I hereby, on this date, render the attached itemized written report to the City Council showing the cost of removing the nuisance on each separate lot, or in front of the lot referenced hereinabove.

In accordance with Ala. Code § 11-67-65, a copy of the report has been posted for at least five days prior to this date on or near the chamber door of the City Council, together with a notice of the time when the report shall be submitted to the City Council for confirmation.

/s/ Keith Atchley

Keith Atchley
Code Enforcement Manager of
Community
Development Division

COMMUNITY DEVELOPMENT DIVISION CITY OF HUNTSVILLE, ALABAMA

**ITEMIZED REPORT OF COSTS
(CONSISTING OF 3 PAGES)**

FOR NUISANCE ABATEMENT AT 1320 PRATT AVENUE, N.E., HUNTSVILLE, AL 35801

(more particularly described as Lot(s) 7 & 8, Block 95, East Huntsville Addition, as recorded in Plat Book 1, Page 35 of the Probate Records of Madison County, Alabama)

PLEASE BE ADVISED:

ON JULY 10, 2014, THIS REPORT SHALL BE SUBMITTED FOR CONFIRMATION TO THE CITY COUNCIL OF THE CITY OF HUNTSVILLE, ALABAMA, AT ITS REGULAR MEETING, WHICH STARTS AT 6:00 P.M. IF YOU ARE A PROPERTY OWNER LIABLE TO BE ASSESSED FOR THE WORK OF ABATING THE NUISANCE YOU MAY RAISE YOUR OBJECTIONS TO THE REPORT TO THE CITY COUNCIL AT THAT TIME.

PART 1. SUMMARY OF COSTS

Labor (see detail below)	\$ 1,372.94
Tree Contractor (see detail below)	\$ 447.86
Tipping Fees (see detail below)	\$ 48.95
Equipment (see detail below)	\$ 923.28
Huntsville Times Ad	\$ 415.80
TOTAL	\$ 3,208.83

PART 2. DETAIL OF COSTS

5-28-14 Morning:

Authorized Personnel current rate

K Atchley						
D. Alford						
J. McKee	\$51.96					
B. Walker	\$34.20	8:40:00	11:00:00	2:20:00	2.33	\$79.80
M. Byers	\$32.65	8:40:00	11:00:00	2:20:00	2.33	\$76.18
T. Harbin	\$19.11	8:40:00	11:00:00	2:20:00	2.33	\$44.59
D. Hill	\$29.08	8:40:00	11:00:00	2:20:00	2.33	\$67.85
G. Jones	\$23.11	8:40:00	11:00:00	2:20:00	2.33	\$53.92
C. Mullins	\$14.43	8:40:00	11:00:00	2:20:00	2.33	\$33.67
J. Williams	\$12.51				0.00	\$0.00
K. Winkles	\$16.65	8:40:00	11:00:00	2:20:00	2.33	\$38.85
D. Worley	\$16.65	8:40:00	11:00:00	2:20:00	2.33	\$38.85
Off Site Personnel						
C. Campbell	\$23.11			2:00:00	2.00	\$46.22
Brandon Pruitt	\$15.92	8:40:00	11:00:00	2:20:00	2.33	\$37.15
						\$517.08
Tree Crew						
2 man crew. Lift truck, chipper	\$73.02	8:40:00	11:00:00	2:20:00	2.33	\$170.38
21677 3/4 ton crew cab	\$20.00	8:40:00	11:00:00	2:20:00	2.33	\$46.67

21492 1/2 ton extended cab	\$14.00	8:40:00	11:00:00	2:20:00	2.33	\$32.67
21522 3/4 ton extended cab	\$20.00	8:40:00	11:00:00	2:20:00	2.33	\$46.67
21704 1 ton dump bed	\$20.00	8:40:00	11:00:00	2:20:00	2.33	\$46.67
21340 3/4 ton extended cab	\$20.00	8:40:00	11:00:00	2:20:00	2.33	\$46.67
21700 1 ton dump bed	\$20.00	8:40:00	11:00:00	2:20:00	2.33	\$46.67
2 Chainsaws (\$1.75/hr each)	\$3.50	8:40:00	11:00:00	2:20:00	2.33	\$8.17
1 Extended Pole saw	\$1.60	8:40:00	11:00:00	2:20:00	2.33	\$3.73
1 Extended Hedge Trimmer	\$1.60	8:40:00	11:00:00	2:20:00	2.33	\$3.73
1 Hedge Trimmer	\$1.00	8:40:00	11:00:00	2:20:00	2.33	\$2.33
1 Weedeater	\$1.00	8:40:00	11:00:00	2:20:00	2.33	\$2.33
1 Walkbehind Brush Cutter	\$3.20	8:40:00	11:00:00	2:20:00	2.33	\$7.47
						\$293.78
5-28-14 Afternoon:						
Authorized Personnel	rate					
K Atchley						
D. Alford						
J. McKee	\$51.96					
B. Walker	\$34.20	12:30:00	14:30:00	2:00:00	2.00	\$68.40
M. Byers	\$32.65	12:30:00	14:30:00	2:00:00	2.00	\$65.30
T. Harbin	\$19.11	12:30:00	14:30:00	2:00:00	2.00	\$38.22
D. Hill	\$29.08	12:30:00	14:30:00	2:00:00	2.00	\$58.16
G. Jones	\$23.11	12:30:00	14:30:00	2:00:00	2.00	\$46.22
C. Mullins	\$14.43	12:30:00	14:30:00	2:00:00	2.00	\$28.86
J. Williams	\$12.51				0.00	\$0.00
K. Winkles	\$16.65	12:30:00	14:30:00	2:00:00	2.00	\$33.30
D. Worley	\$16.65	12:30:00	14:30:00	2:00:00	2.00	\$33.30
Off Site Personnel						
Brandon Pruitt	\$15.92	12:00:00	14:30:00	2:30:00	2.50	\$39.80
						\$411.56
Tree Crew						
2 man crew. Lift truck, chipper	\$73.02	12:00:00	14:30:00	2:30:00	2.50	\$182.55
21677 3/4 ton crew cab	\$20.00	12:30:00	14:30:00	2:00:00	2.00	\$40.00
21492 1/2 ton extended cab	\$14.00	12:30:00	14:30:00	2:00:00	2.00	\$28.00
21522 3/4 ton extended cab	\$20.00	12:30:00	14:30:00	2:00:00	2.00	\$40.00
21704 1 ton dump bed	\$20.00	12:30:00	14:30:00	2:00:00	2.00	\$40.00
21340 3/4 ton extended cab	\$20.00	12:30:00	14:30:00	2:00:00	2.00	\$40.00
21700 1 ton dump bed	\$20.00	12:30:00	14:30:00	2:00:00	2.00	\$40.00
2 Chainsaws (\$1.75/hr each)	\$3.50	12:30:00	14:30:00	2:00:00	2.00	\$7.00
1 Extended Pole saw	\$1.60	12:30:00	14:30:00	2:00:00	2.00	\$3.20
1 Extended Hedge Trimmer	\$1.60	12:30:00	14:30:00	2:00:00	2.00	\$3.20
1 Hedge Trimmer	\$1.00	12:30:00	14:30:00	2:00:00	2.00	\$2.00

1 Weedeater	\$1.00	12:30:00	14:30:00	2:00:00	2.00	\$2.00
1 Walkbehind Brush Cutter	\$3.20	12:30:00	14:30:00	2:00:00	2.00	\$6.40
						\$251.80
5-29-14 Morning:						
Authorized Personnel	rate					
K Atchley						
D. Alford						
J. McKee	\$51.96					
B. Walker	\$34.20	8:00:00	11:00:00	3:00:00	3.00	\$102.60
M. Byers	\$32.65	8:00:00	11:00:00	3:00:00	3.00	\$97.95
T. Harbin	\$19.11	8:00:00	10:15:00	2:15:00	2.25	\$43.00
D. Hill	\$29.08	9:25:00	10:15:00	0:50:00	0.83	\$24.23
G. Jones	\$23.11	8:00:00	9:46:00	1:46:00	1.77	\$40.83
C. Mullins	\$14.43	8:00:00	9:45:00	1:45:00	1.75	\$25.25
J. Williams	\$12.51	8:00:00	8:36:00	0:36:00	0.60	\$7.51
J. Williams (part 2)	\$12.51	9:13:00	9:46:00	0:33:00	0.55	\$6.88
K. Winkles	\$16.65	8:00:00	9:46:00	1:46:00	1.77	\$29.42
D. Worley	\$16.65	8:00:00	8:36:00	0:36:00	0.60	\$9.99
D. Worley	\$16.65	9:13:00	9:45:00	0:32:00	0.53	\$8.88
Off Site Personnel						
Brandon Pruitt	\$15.92	8:00:00	11:00:00	3:00:00	3.00	\$47.76
						\$444.30
Tree Crew						
2 man crew. Lift truck, chipper	\$73.02	8:00:00	9:18:00	1:18:00	1.30	\$94.93
21677 3/4 ton crew cab	\$20.00	8:00:00	11:00:00	3:00:00	3.00	\$60.00
21492 1/2 ton extended cab	\$14.00	8:00:00	11:00:00	3:00:00	3.00	\$42.00
21522 3/4 ton extended cab	\$20.00	8:00:00	11:00:00	3:00:00	3.00	\$60.00
21704 1 ton dump bed	\$20.00	8:00:00	11:00:00	3:00:00	3.00	\$60.00
21340 3/4 ton extended cab	\$20.00	8:00:00	11:00:00	3:00:00	3.00	\$60.00
21700 1 ton dump bed	\$20.00	8:00:00	11:00:00	3:00:00	3.00	\$60.00
2 Chainsaws (\$1.75/hr each)	\$3.50	8:00:00	11:00:00	3:00:00	3.00	\$10.50
1 Extended Pole saw	\$1.60	8:00:00	11:00:00	3:00:00	3.00	\$4.80
1 Extended Hedge Trimmer	\$1.60	8:00:00	11:00:00	3:00:00	3.00	\$4.80
1 Hedge Trimmer	\$1.00	8:00:00	11:00:00	3:00:00	3.00	\$3.00
1 Weedeater	\$1.00	8:00:00	11:00:00	3:00:00	3.00	\$3.00
1 Walkbehind Brush Cutter	\$3.20	8:00:00	11:00:00	3:00:00	3.00	\$9.60
						\$377.70
Tipping Fees - knuckleboom load 1						\$18.15
Tipping Fees - knuckleboom load 2						\$30.80
						\$48.95
						\$2,793.03