

COUNCIL CHAMBER - CITY HALL - GADSDEN, ALABAMA  
JANUARY 28, 2020 - 11:00 A.M.

The City Council met on January 28, 2020, 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, Wilson, Cannon and Reed. Councilman Williams was absent. The clerk stated a quorum was present and the meeting was open for business. Heath Williamson, Lee Roberts and Captain Entrekin were also present.

The invocation was given by Heath Williamson.

The minutes of the last work session and council meeting held on January 21, 2020, were approved by unanimous vote.

Payment of the HTE System accounts for the week of January 17-23, 2020, were ratified by unanimous vote.

#197355-197445	General	\$430,233.66
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On behalf of Mayor Guyton, President Toles read a proclamation proclaiming January 2020, as “Human Trafficking Awareness Month.”

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 802 Avenue A in District 3, Domingo Dowell, with life estate to Heather Wittaker, Shester Whittaker, and Tyla Broughton, Sheretha Witaker Dowell ‘LF EST’ being the last known owners. Domingo Dowell and Tyla Broughton were present. Mr. Dowell cited work that has been done, noting travel for his job and bad weather have caused delays, and requested an extension. Brian Harbison, Building Inspector, stated the case began in May 2019 and a permit was obtained in July 2019. He said he would not object to allowing additional time, as long as the owners clean up the outside within a couple of weeks. Councilman Worthy moved to table the resolution for 30 days, which motion was seconded by Councilman Wilson and unanimously carried. President Toles advised Mr. Dowell to stay in contact with the Building Official.

(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 302 Henderson Street in District 6, Angela M. Bradberry and Wanda F. Wallace being the last known owners. Brian Harbison, Building Inspector, stated although a permit was obtained, no improvements have been made since procedures began in May 2019. He recommended abatement. The following resolution was introduced in writing for consideration:

RESOLUTION NO. R-23-20

ORDERING ABATEMENT OF NUISANCE

(Ordering Abatement of Nuisance - 302 Henderson Street - District 6 - Angela M. Bradberry; Wanda F. Wallace)

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

(3) President Toles announced that no action was necessary regarding 308 Henderson Street in District 6, as ownership of the property has changed.

(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 1325 Barksdale Street, Chantel Martin a/k/a Channel Martin, First Family Financial Services, Inc., and Nancy Christine Williams being the last known owners. No one spoke. The following resolution was introduced in writing for consideration:

RESOLUTION NO. R-24-20

ASSESSING NUISANCE ABATEMENT LIEN AGAINST PROPERTY

(Assessing Nuisance Abatement Lien for Demolition - \$2,741.40 - 1325 Barksdale Street - District 2 - Chantel Martin, a/k/a Channel Martin; First Family Financial Services, Inc.; Nancy Christine Williams)

Councilman Cannon 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 311 Morningview Drive, the State of Alabama, possible rights of redemption of the Estate of Jimmie R. Beitel, a/k/a J. R. being the last known owners. No one spoke. The following resolution was introduced in writing for consideration:

RESOLUTION NO. R-25-20

ASSESSING NUISANCE ABATEMENT LIEN AGAINST PROPERTY

(Assessing Nuisance Abatement Lien for Demolition - \$3,441.40 - 311 Morningview Drive - District 2 - State of Alabama; Possible rights of redemption of the Estate of Jimmie R. Beitel, a/k/a J. R.)

Councilman Cannon moved to adopt the resolution as introduced, which motion was seconded by Councilman Back 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 306 Roslyn Drive, FNA NP, LLC, redemption rights of Herbert Kenbrew Downey and or his heirs if deceased, 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-26-20

ASSESSING NUISANCE ABATEMENT LIEN AGAINST PROPERTY

(Assessing Nuisance Abatement Lien for Demolition - \$3,291.40 - 306 Roslyn Drive - District 2 -FNA NP, LLC; Redemption rights of Herbert Kenbrew Downey and or his heirs if deceased; State of Alabama)

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-27-20

AWARDING BID NO. 3425

(Awarding Bid No. 3425 - Annual and Perennial Flowers 2020 - Dixie Green, Inc. - \$31,755.00)

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

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

RESOLUTION NO. R-28-20

APPOINTING MEMBER TO THE BEAUTIFICATION BOARD

(Appointing Saratha Goggins for term ending on July 31, 2022)

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

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

RESOLUTION NO. R-29-20

APPOINTING AND REAPPOINTING MEMBERS  
TO THE LIBRARY BOARD

(Appointing Bibb Holland for term expiring February 16, 2024 - Appointing Kevin Rigby for term expiring February 16, 2023 - Reappointing Glenda Hicks for term expiring February 16, 2023)

Councilman Reed 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-30-20

AUTHORIZING SUPPLEMENTAL AGREEMENT  
WITH ALABAMA DEPARTMENT OF TRANSPORTATION

(Authorizing Supplemental Agreement - Alabama Department of Transportation - Regarding ADA Compliant Sidewalk Improvement Project - Reflecting Federal funding increase of \$88,922.14 - Adjusting total project funding to \$458,452.68 - City's match is 20% - Note: Agreement was originally authorized by R-416-18)

Councilman Cannon 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-31-20

AUTHORIZING AGREEMENT WITH  
COOSA RIVER TRAIL TEAM

(Authorizing Agreement - Coosa River Team Trail - \$12,500.00 - To sponsor series of four fishing tournaments between March and October 2020, in addition to City of Gadsden Super Tournament on April 4, 2020)

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

ORDINANCE PRESENTED FOR FIRST READING

An ordinance authorizing conveyance of property at 1530 Alabama Street in District 3 to Zyon Semaj Williams-Lewis was presented in writing for the first reading. Since no action was taken, the ordinance will be placed on next week's agenda for consideration.

NEW BUSINESS

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

RESOLUTION NO. R-32-20

AUTHORIZING REVISED TENDER AND RELEASE AGREEMENT  
WITH BOB SMITH CONSTRUCTION, INC.,  
AND NGM INSURANCE COMPANY

(Authorizing Revised Agreement - Bob Smith Construction, Inc., and NGM Insurance Company - To complete remaining work for construction of new East Gadsden Community Center - Note: Original Tender and Release Agreement was authorized by R-462-19, adopted on 12-10-19, after Steven Vaughn Construction was not able to complete the work under Bid No. 3356

Heath Williamson, City Engineer, noted the revision is for non-material changes requested by the contractor's attorney.

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

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

RESOLUTION NO. R-33-20

AWARDING BID NO. 3426

(Awarding Bid No. 3426 - Amphitheater Drainage Repair Project - CB&A Construction, LLC - \$52,387.47)

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

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

RESOLUTION NO. R-34-20

AUTHORIZING LEASE AGREEMENT WITH  
GADSDEN WAREHOUSING, INC.

(Authorizing Agreement - Gadsden Warehousing, Inc. - To lease portion of Building T-4, Sections A, B, and C - For term of twelve months, beginning 2-1-20 - \$12,420.00 per month)

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 Cannon and unanimously adopted.

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

RESOLUTION NO. R-35-20

AUTHORIZING AGREEMENT WITH RIB BONES, LLC

(Authorizing Agreement - Rib Bones, LLC - Regarding payment of \$124,367.42 in past due sales tax, as well as future sales and occupational taxes, to City of Gadsden)

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.

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

RESOLUTION NO. R-36-20

AUTHORIZING AMENDMENT TO AGREEMENT  
WITH CDG ENGINEERS & ASSOCIATES, INC.

(Amending Agreement - CDG Engineers & Associates - \$345,300.00 - To provide civil engineering plans and specifications for construction of improvements to Sports Park at Gadsden State Community College)

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 Wilson and unanimously adopted.

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

ORDINANCE NO. O-03-20

AMENDING CERTAIN SECTIONS OF CHAPTER 10 OF THE CODE OF ORDINANCES  
OF THE CITY OF GADSDEN, ALABAMA

(Amending City Code Sections 10-221, 10-222 and 10-225 regarding dangerous animal and control of dangerous dogs - Note: Keeping of dangerous dog will be subject to State Act 2018-182, Code of Alabama Section 3-6A-1 - Amending City Code Section 10-72 to prohibit tethering of animals - Providing for effective date to be 60 days after publication of the ordinance - Note: Restraining dogs on tether, rope, chain or similar line is being added as Cruelty to animals)

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

AYES: Toles, Williams, Worthy, Back, Wilson, Cannon, Reed

NAYS: None

Councilman Reed stated the Public Safety Committee met on January 14 and recommended no tethering in response to a community effort and to have an ordinance that is enforceable. At the request of Councilman Cannon, approximately 15 attendees stood to indicate their support of a zero tethering ordinance.

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

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

RESOLUTION NO. R-37-20

AMENDING RESOLUTION NUMBER R-391-19  
REGARDING ACQUISITION OF PROPERTY

(Amending R-37-20 - Regarding acquisition of property at 1403-1405 Noccalula Road from Norma Kay Lockridge Rozelle, Donald Alan Lockridge and Margrette Marona Little - Adjusting purchase price from \$40,000.00 to \$45,847.63 to include amount of taxes owed and realtor's commission)

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

DEPARTMENT REPORTS

Craig Scott, Library Director, advised the genealogy division is moving from the fourth floor of the Gadsden Public Library to the Alabama City Library. In the near future, the teen area will move from the second floor to the fourth floor.

PUBLIC

Kathye Vance referred to the efforts of herself and others for adoption of a smoke free ordinance, which was accomplished five years ago. She said she was assured that no exceptions would be allowed in addition to a cigar bar, which was already in existence. Ms. Vance questioned why a hookah bar will now be allowed and also questioned who monitors to ensure the requirements of the exception are met.

MAYOR AND COUNCIL REMARKS

Councilman Wilson responded to Ms. Vance, stating he introduced the ordinance to allow a hookah bar at the request of someone who wished to open a business. He did not dispute the dangers of smoking but pointed out people have the freedom to make choices for this and other activities that endanger health. Councilman Wilson said he felt the smoke free ordinance still protects citizens, especially since the exceptions relate only to these two business types. President Toles advised Ms. Vance she could address the matter further at a future Public Safety Committee meeting and requested the City Clerk to notify her. Councilman Cannon stated he voted against the hookah bar exception. Councilman Reed acknowledged the former council had agreed to not grant further exceptions.

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

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Iva Nelson, City Clerk (1-28-2020)

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