

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. Mayor Guyton, 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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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, Domingo Dowell, with life estate to Heather Wittaker, Shester Whittaker, and Tyla Broughton, Sheretha Witaker Dowell 'LF EST' being the last known owners. Brian Harbison, Building Inspector, stated no improvements have been made since procedures began in May 2019, but would not oppose to an extension. Councilman Worthy moved to table the resolution for 30 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 ordering the abatement of nuisances on property at 302 Henderson Street, Angela M. Bradberry, Wanda F. Wallace being the last known owners. Brian Harbison, Building Inspector, stated no improvements have been made since procedures began in May 2019, and 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 the property has new owners.

(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 aka Channel Martin, First Family Financial Services, Inc., 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 aka 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 Reed then 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, 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 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, and State of Alabama)

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

(7) 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 to Dixie Green, Inc., Centre, Alabama)

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

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

RESOLUTION NO. R-28-20

APPOINTING MEMBER TO THE BEAUTIFICATION BOARD

(Appointing Saratha Goggins for a 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.

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

RESOLUTION NO. R-29-20

APPOINTING AND RE-APPOINTING MEMBERS TO THE LIBRARY BOARD

(Appointing: Bibb Holland, replacing Gil Isbell for a term expiring on February 16, 2024, and Kevin Rigby, replacing Carolyn Hays for a term expiring on February 16, 2023  
Reappointing: Glenda Hicks for a term expiring on February 16, 2023)

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

(10) 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 - Original Agreement Resolution R-416-18 - with Alabama Department of Transportation for the ADA Complaint Sidewalk Improvement Project to increase Federal Funding by \$88,922.14. The new total project funding is \$458,452.68 with a 20% city match required)

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

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

RESOLUTION NO. R-31-20

AUTHORIZING AGREEMENT WITH COOSA RIVER TRAIL TEAM

(To sponsor a series of four (4) fishing tournaments in 2020, in addition to directing the City of Gadsden Super Tournament, for a total amount of \$12,500.00 to be held at Gadsden Coosa Landing between the months of April and October, 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 Certain Property at 15 30 Alabama Street in District 3 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

(Authorized to execute a revised tender and release agreement between the City of Gadsden, Bob Smith Construction, Inc., and NGM Insurance Company to complete the remaining work under the Original Contract for the East Gadsden Community Center Project)

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 to CB&A Construction, LLC)

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.

(For a portion of Building T-4 A, B, C, for a term of twelve months for \$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

(Regarding the payment of \$124,367.42 in past due sales tax as well as future sales and occupational taxes to the 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.

(To provide the civil engineering plans and specifications required to construct the improvements to the Sports Park at Gadsden State Community College in the amount of \$345,300.00)

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

(Animal Ordinance regarding Dangerous Dogs.....)

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, Worthy, Back, Wilson, Cannon, Reed

NAYS: None

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 purchase price for 1403 and 1405 Noccalula Road from \$40,000.00 to \$45,847.63 to include the amount of taxes and 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

MAYOR AND COUNCIL REMARKS

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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