

COUNCIL CHAMBER - CITY HALL - GADSDEN, ALABAMA
JUNE 30, 2020 - 11:00 A.M.

The City Council met on June 30, 2020, in regular session.

The meeting was called to order at 11:00 a.m. by Council President Toles. On roll call by the Assistant City Clerk, Jennifer Smith, the following council members answered present: Toles, Williams, Worthy, Back, Wilson, Cannon and Reed. The clerk stated a quorum was present and the meeting was open for business. Mayor Guyton, Heath Williamson, Lee Roberts and Chief Jaggears were also present.

The invocation was given by Councilman Williams.

President Toles shared that another death due to coronavirus had been added to the totals for Etowah County and expressed sympathy to the friends and family of the victim. She announced an EMA social media campaign to encourage people to wear masks entitled Mask Up Etowah begins on Wednesday. Plans for a distribution day at Antioch Baptist Church are still in process, along with increased education efforts to Etowah County's Hispanic community. President Toles also announced the extension of Governor Ivey's Safer at Home order until July 31.

Councilman Worthy asked that an ordinance requiring wearing a mask in public be brought before the Public Safety Committee. President Toles said there are questions whether or not a mask ordinance could be enforced. City Attorney Lee Roberts noted municipalities in Alabama are limited to powers granted by the state legislature and cited potential legal issues relating to enforcement.

The minutes of the last work session and council meeting held on June 23, 2020, were approved by unanimous vote.

Payment of the HTE System accounts for the week of June 19-25, 2020, were ratified by unanimous vote.

#201064-201164	General	\$612,262.86
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UNFINISHED BUSINESS

The following ordinance, which was introduced for first reading at last week's meeting, was presented for consideration:

ORDINANCE NO. O-19-20

REZONING 246 SOUTH 5TH STREET

(Approving Rezoning - 246 South 5th Street - From B-2, General Business District, to B-1, Neighborhood Business District - Requested by Bailey Mack, representing Big G and the Little B's - Reason: will allow property to be marketed for residential or small business use)

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

RESOLUTIONS PRESENTED FOR CONSIDERATION

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

RESOLUTION NO. R-134-20

APPOINTING AND REAPPOINTING MEMBERS TO GADSDEN COMMERCIAL DEVELOPMENT AUTHORITY

(Appointing Carrie Machen to replace Keith Lyles for term expiring December 31, 2020 - Reappointing Wilbur Masters, Tony Smith, Sylvia Ferguson, Bob Guyton, and Jason Wilson for terms expiring December 31, 2022)

Councilman Cannon moved to adopt the resolution as introduced, which motion was seconded by Councilman Reed adopted by the following vote:

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

ABSTENTION: Wilson

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

RESOLUTION NO. R-135-20

AUTHORIZING TRANSIT AGENCY SAFETY PLAN

(Authorizing adoption of performance-based Transit Agency Safety Plan to meet Federal Transit Administration requirements - Developed by the Alabama Department of Transportation in collaboration with the city)

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

NEW BUSINESS

(1) Councilman Cannon introduced a resolution to stay action regarding the Emma Sansom Monument. City Attorney Lee Roberts explained this resolution would stay action on the monument until pending court action involving the City of Birmingham and the Alabama Memorial Preservation Act is resolved or the law is changed. When asked if the resolution violates federal law, Mr. Roberts noted a recent presidential executive order indicated the possibility of losing federal funding, but its legality has been questioned. In response to a question from Councilman Wilson, Lee Roberts stated that passing the resolution itself would not be in violation of the law and the city would not face a fine unless a physical change was made to the monument. Councilman Cannon moved for unanimous consent for immediate consideration, which motion was seconded by Councilman Reed but failed to carry by the following vote:

AYES: Toles, Back, Cannon, Reed

NAYS: William, Worthy, Wilson

Since unanimous consent was not granted, the resolution will be placed on the agenda of the next meeting for consideration.

(2) Councilman Williams introduced a resolution renaming Forrest Cemetery to Freedom Memorial Cemetery. He moved for unanimous consent for immediate consideration, which motion was seconded by Councilman Worthy but failed to carry by the following vote:

AYES: Williams, Worthy, Wilson

NAYS: Toles, Back, Cannon, Reed

Since unanimous consent was not granted, the resolution will be placed on the agenda of the next meeting for consideration.

(3) Councilman Back introduced the following ordinance in writing for consideration:

ORDINANCE NO. O-20-20

AUTHORIZING CONVEYANCE OF CERTAIN PROPERTY

(Authorizing conveyance of property - 410 Clark Street in District 6 - Lot 18, Block 8 in Walnut Park or West Point 2nd Addition - Accepting \$2,000.00 offer from Bonnie Atchley)

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

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

NAYS: None

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

MAYOR AND COUNCIL REMARKS

Several council members spoke about the rise in cases of coronavirus and urged wearing masks to stop the spread of the disease.

Councilman Wilson stated that he has received messages both for and against moving the Emma Sansom monument from members of the community and that he respects the opinions of all of the council members.

Councilman Back announced First Baptist Church will continue food distribution each Wednesday at 2 p.m. until possibly the end of August. Regarding the monument and renaming of Forrest Cemetery, Councilman Back suggested citizens contact members of the local legislative delegation if they desired changes to state law that would allow legal removal or alterations to memorials. He apologized for cancelling a district meeting that had already been announced for the previous week and advised that he and a member of the police department could meet at the homes of Edenwood residents who wanted to discuss neighborhood break-ins.

Councilman Williams extended his thoughts and prayers to Lucas Hutchins, a local six year old boy recovering from a near-drowning incident, and commended his older brother, J.C. Hutchins, for actions taken which helped save his brother's life. He noted that the council members had civil discourse regarding the monument and cemetery even though they do not all agree. Councilman Williams asked that everyone try to understand what some symbols mean to people of color, noting it was illegal for many years for black people to be buried at the cemetery. He spoke of the effect that symbols have on recruiting new industry to the area and his desire for the city to take a stand as a positive counter to the negativity of the past.

Councilman Worthy questioned the status of a nuisance case in his district and the timeline for public hearings to be scheduled again for council consideration of nuisance cases. He encouraged the public to call him to report nuisance conditions in his district. Councilman Worthy reported census response for his district is still below the 2010 census and radio advertising will begin soon to encourage citizens to submit their information. He spoke of rumors lodged against him anonymously and encouraged face-to-face discourse regarding issues.

Councilman Cannon read aloud an email from a relative of Emma Sansom regarding the monument. He stated that council members always work through their disagreements and thanked President Toles for her leadership. He affirmed his belief that God is in control and that everyone needs to work together to make the community better.

Councilman Reed stated that he does not believe in censorship. He thanked the Public Works department for placing the flags on the highway in anticipation of the July 4th holiday. He also thanked Tommy Colvin of the Patriot's Association for his work in preparing the 4th of July fireworks event scheduled for 9 p.m. on Saturday.

Councilwoman Toles announced changes in the garbage collection schedule, due to observance of the Independence Day holiday on Friday. She stated that small businesses would be notified when applications are available for financial assistance obtained through a grant to the city. She announced that plans are in progress to set a date for public hearings to address grass cutting liens. Councilwoman Toles acknowledged that racism still exists and stated her belief that it is a sin problem. She referred to letters she had received regarding the monument, including one that seemed threatening, and that she will not be bullied or tolerate scare tactics. She spoke of problems facing the black community, including mass incarceration, and the importance of education in remedying some of the problems. Councilwoman Toles encouraged people to vote to put people who will be fair to all races in positions of authority. She also encouraged citizens to demonstrate and protest peacefully. She expressed willingness to consider a committee to study the issues regarding the monument and cemetery.

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

Jennifer Smith, Assistant City Clerk (6-30-20)

FOURTH FLOOR CONFERENCE ROOM - BID OPENING
JUNE 30, 2020 - 2:00 P.M.

The Assistant City Clerk received bid proposals as advertised for the following bid:

Bid No. 3420 - ADA Compliant Sidewalk Improvements

	<u>Base Bid</u>
Grout Inc.	\$256,872.51
James E. Watts & Sons Contractors, Inc.	\$311,777.75
CB&A Construction	\$318,963.35

Copies of the bids will be forwarded to the City Engineer, and a recommendation will be made to the Council.
