

COUNCIL CHAMBER - CITY HALL - GADSDEN, ALABAMA
SEPTEMBER 8, 2020 - 11:00 A.M.

The City Council met on September 8, 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, Williams, Back, Wilson, and Reed. Councilman Cannon was absent and Councilman Worthy joined the meeting after it was in progress. The clerk stated a quorum was present and the meeting was open for business. Mayor Guyton, Heath Williamson, and Captain Keener were also present.

The invocation was given by Brian Harbison.

The minutes of the last work session and council meeting held on September 1, 2020, were approved by unanimous vote.

Payment of the HTE System accounts for the week of August 28-September 4, 2020, were ratified by unanimous vote.

#202521-202682	General	\$1,098.040.74
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At the request of President Toles, Councilman Williams reported on the latest COVID-19 statistics.

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 approving the issuance of an alcoholic beverage license for Secundia Johnson Byers, d/b/a Turkey Leg at 710 East Broad Street. No one spoke. The following resolution was presented for consideration:

RESOLUTION NO. R-236-20

APPROVING ISSUANCE OF
ALCOHOLIC BEVERAGE LICENSE

(Secundia Johnson Byers - Turkey Leg- 710 East Broad Street - District 1- Restaurant Retail Liquor License)

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

AYES: Williams, Back, Wilson, Reed

NAYS: Toles

(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 131 New York Avenue, Vasti Gutierrez and Victor Gutierrez, and certain mortgage in favor of Southeastern Financial, Inc. being the last known owners. Brian Harbison, Building Inspector, stated although a permit was obtained, no improvements have been made since procedures began in July 2019, and recommended abatement. The following resolution was introduced in writing for consideration:

RESOLUTION NO. R-237-20

ORDERING ABATEMENT OF NUISANCE

(Ordering Abatement of Nuisance - 131 New York Avenue - District 1 - Vasti Gutierrez; Victor Gutierrez; Certain mortgage in favor of Southeastern Financial, Inc.)

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

(3) The floor was opened to allow anyone to speak for or in opposition to a resolution ordering the abatement of nuisances on property at 1410 Stroud Avenue, Jose Chitic Aguilar, Walter & Otice Crumpler, Walter Curtis Crumpler being the last known owners. Walter Curtis Crumpler spoke, stating he sold the property in late November to Jose Aguilar. Councilman Williams advised him to ensure the property records have been updated. Brian Harbison, Building Inspector, stated although a permit was obtained, no improvements have been made since procedures began in December 2019, and recommended abatement. The following resolution was introduced in writing for consideration:

RESOLUTION NO. R-238-20

ORDERING ABATEMENT OF NUISANCE

(Ordering Abatement of Nuisance - 1410 Stroud Avenue - District 2 -Jose Chitic Aguilar; Walter & Otice Crumpler; Walter Curtis Crumpler)

Councilman Williams moved to adopt the resolution as introduced, which motion was seconded by Councilwoman Toles and unanimously adopted.

(4) The floor was opened to allow anyone to speak for or in opposition to a resolution ordering the abatement of nuisances on property at 920 Avenue F, the State of Alabama being the last known owner. Brian Harbison, Building Inspector, stated no improvements have been made since procedures for this trash and debris case began in May 2020, and recommended abatement. The following resolution was introduced in writing for consideration:

RESOLUTION NO. R-239-20

ORDERING ABATEMENT OF NUISANCE

(Ordering Abatement of Nuisance - 920 Avenue F - District 3 - State of Alabama)

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

(5) The floor was opened to allow anyone to speak for or in opposition to a resolution ordering the abatement of nuisances on property at 312 Padenreich Avenue, Kimberly Long and husband Jonathan R. Long, and certain mortgage in favor of Metro Bank being the last known owners. Brian Harbison, Building Inspector, stated no improvements have been made on this burned house since procedures began in September 2019, and recommended abatement. The following resolution was introduced in writing for consideration:

RESOLUTION NO. R-240-20

ORDERING ABATEMENT OF NUISANCE

(Ordering Abatement of Nuisance - 312 Padenreich Avenue - District 4 - Kimberly Long and husband Jonanathan R. Long; Certain mortgage in favor of Metro Bank)

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

(6) The floor was opened to allow anyone to speak for or in opposition to a resolution ordering the abatement of nuisances on property at 1515 Garfield Avenue, Joseph E. Baker and possible rights of redemption of the Estate of Bertie Shockly and Charlene Litwin being the last known owners. Brian Harbison, Building Inspector, stated no improvements have been made since procedures began in June 2019, and recommended abatement. The following resolution was introduced in writing for consideration:

RESOLUTION NO. R-241-20

ORDERING ABATEMENT OF NUISANCE

(Ordering Abatement of Nuisance - 1515 Garfield Avenue - District 5 - Joseph E. Baker; possible rights of redemption of the Estate of Bertie Shockly and Charlene Litwin)

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

(7) The floor was opened to allow anyone to speak for or in opposition to a resolution ordering the abatement of nuisances on property at 4 Dwight Avenue in District 6, Jeff Edmondson, Mary Gargus, and Jeff Robertson being the last known owners. Based on recent improvements, Brian Harbison, Building Inspector, recommended a 30-day extension. Councilman Reed moved to table the resolution for 30 days, which motion was seconded by Councilman Wilson and unanimously carried.

(8) The floor was opened to allow anyone to speak for or in opposition to a resolution ordering the abatement of nuisances on property at 103 Gould Street, William Verbon Watson and Peggy Watson, Jacob Millican as Guardian and Conservator of Mrs. Watson, subject to a mortgage in favor of Neil Mackey being the last known owners. Brian Harbison, Building Inspector, stated no improvements have been made since procedures began in July 2019, and recommended abatement. The following resolution was introduced in writing for consideration:

RESOLUTION NO. R-242-20

ORDERING ABATEMENT OF NUISANCE

(Ordering Abatement of Nuisance - 103 Gould Street - District 7 - William Verbon Watson and Peggy Watson; Jacob Millican as Guardian and Conservator of Mrs. Watson; Subject to a mortgage in favor of Neil Mackey)

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

RESOLUTIONS PRESENTED FOR CONSIDERATION

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

RESOLUTION NO. R-243-20

AWARDING BID NO. 3441

(Awarding Bid No. 3441 - ADA Compliant Sidewalk Improvements - Grout, Inc. - \$380,049.27)

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

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

RESOLUTION NO. R-244-20

AWARDING BID NO. 3434

(Awarding Bid No. 3434 - Park Boulevard from Gadsden Riverfront Commercial Development to Coosa Landing - Bedwell & Whorton Excavating, Inc. - \$1,163,266.95)

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

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

RESOLUTION NO. R-245-20

AUTHORIZING ACCEPTANCE OF
TEMPORARY CONSTRUCTION EASEMENT

(Authorizing Acceptance of Temporary Construction Easement - Granted by B&L Holdings, LLC - For construction of Park Boulevard from The Venue to Coosa Landing)

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

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

RESOLUTION NO. R-246-20

AUTHORIZING AGREEMENT WITH
CDG ENGINEERS & ASSOCIATES, INC.

(Authorizing Agreement - CDG Engineers & Associates, Inc. - \$159,000.00 - For construction, engineering and inspection Services - Relating to construction of Park Boulevard from The Venue to Coosa Landing)

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

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

RESOLUTION NO. R-247-20

AUTHORIZING AMENDMENT #2 TO
AGREEMENT FOR ENGINEERING SERVICES
WITH CDG ENGINEERS & ASSOCIATES, INC.

(Authorizing Amendment #2 - Agreement with CDG Engineers & Associates, Inc. - \$6,530.00 - To complete additional design services for Gadsden Riverfront Commercial Development Project - Relating to Ford dealership driveway and Chestnut Street resurfacing)

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

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

RESOLUTION NO. R-248-20

AUTHORIZING CHANGE ORDER #1
WITH WIREGRASS CONSTRUCTION COMPANY

(Authorizing Change Order #1 - Bid No. 3424 - Highland Avenue, Thomas Drive and Spurline Drive Patching Project - Additional \$66,627.82 to reconcile additions and deletions from changes initiated through construction - Adjusting contract price with Wiregrass Construction to \$315,053.07)

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

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

RESOLUTION NO. R-249-20

AUTHORIZING APPLICATION AND ACCEPTANCE FOR BUILDING
RESILIENT INFRASTRUCTURES AND COMMUNITIES (BRIC) GRANT

(Authorizing grant application - Federal Emergency Management Agency - Building Resilient Infrastructures and Communities (BRIC) Grant Program - \$25,000.00, with City cost share of \$6,250.00 - To hire contractor to assist Gadsden/Etowah EMA with integrating “all hazard mitigation” and “response” plans)

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

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

RESOLUTION NO. R-250-20

AUTHORIZING AMENDMENT TO SERVICE AGREEMENT
WITH TYLER TECHNOLOGIES, INC.

(Amending Agreement - Tyler Technologies, Inc. - Adjusting billing cycle terms, with no change in cost - Relating to software products for Planning & Engineering, Building, Community Development, and Public Works Departments)

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

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

RESOLUTION NO. R-251-20

AUTHORIZING APPROVAL OF CONTRACT WITH
THE HUMANE SOCIETY PET RESCUE AND ADOPTION CENTER

(Authorizing Contract - Humane Society Pet Rescue and Adoption Center - \$9,583.34 per month - October 1, 2020, through September 30, 2021 - To shelter, feed, and house animals impounded by animal control officers or delivered by Gadsden residents)

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

(Councilman Worthy joined the meeting at this time.)

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

RESOLUTION NO. R-252-20

AUTHORIZING TRAFFIC ENFORCEMENT AGREEMENT

(Authorizing Agreement - Gadsden Police Department, East Central Alabama Highway Safety Office, and City of Opelika - Regarding grants related to traffic safety enforcement - For period of October 1, 2020, through September 30, 2021)

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

ORDINANCE PRESENTED FOR CONSIDERATION:

The following ordinance was introduced in writing for consideration:

ORDINANCE NO. O-22-20

AUTHORIZING TIF FUNDS FOR EXPENDITURES

(Authorizing expenditure of Tax Increment Financing Funds - \$1,323,166.95 - Relating to construction of Park Boulevard from the Gadsden Riverfront Commercial Development to Coosa Landing - Bid No. 3434 for \$1,163,266.95; Agreement with CDG Engineers & Associates for \$159,900.00)

Councilman Worthy moved to suspend the rules to immediately consider the ordinance at its first reading. The motion was seconded by Councilman Wilson and approved by the following vote:
AYES: Toles, Williams, Worthy, Back, Wilson, Reed
NAYS: None

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

ORDINANCE PRESENTED FOR FIRST READING

An ordinance amending City Code Section 102-3 (b) Pertaining to “Non-Full Time” employees 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.

MAYOR AND COUNCIL REMARKS

Mayor Guyton noted people were not wearing face masks at First Friday on September 4 and said future events will be suspended.

Councilman Worthy advised the Goodyear union hall on Hoke Street will replace the voting locations at East Gadsden Community Center and Wallace Hall in the upcoming general election. Councilmen Back and Williams noted absentee voting is available for people who are concerned about exposure to COVID. President Toles referred to seeing posters citing “early voting,” which is not done in Alabama and clarified that absentee voting is done for specific reasons.

Councilmen Wilson and Williams joined in expressing well wishes for Councilman Cannon, who is ill.

Councilman Reed complimented Gadsden Museum of Art displays, which were available for viewing during First Friday. He commended the completed road work on Nocalula Road and thanked the city for removal of a building at Irby and Mitchell Boulevard.

Councilman Back announced tomorrow’s food distribution at First Baptist Church.

Councilman Williams announced a press conference at the conclusion of today’s meeting, in regard to the Human Relations Advisory Committee.

Councilman Worthy announced The Chamber’s “cook and count” census event on September 16.

President Toles announced changes in the garbage collection schedule due to yesterday’s Labor Day holiday.

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

Iva Nelson, City Clerk (9-8-20)
