

COUNCIL CHAMBER - CITY HALL - GADSDEN, ALABAMA
OCTOBER 16, 2018 - 12:00 P.M.

The City Council met on October 16, 2018, in regular session.

The meeting was called to order at 12:00 p.m. by Council President Williams. On roll call by the City Clerk, Iva Nelson, the following council members answered present: Toles, Williams, Echols, Billingsley, Cannon and Reed. Councilman Worthy was absent. The clerk stated a quorum was present and the meeting was open for business. Heath Williamson, Lee Roberts and Chief Jaggars were also present.

The invocation was given by Heath Williamson.

The minutes of the last work session and council meeting held on October 10, 2018, were approved by unanimous vote.

Payment of the HTE System accounts for the week of October 12 - October 18, 2018 were ratified by unanimous vote.

#186246 - #186411	General	\$1,167,471.09
-------------------	---------	----------------

On behalf of Mayor Guyton, President Williams read a proclamation proclaiming October 16, 2018, as "Pilot Club of Gadsden and Pilot Club of Gadsden & Pilot International Founders' Day" and presented it to Sherre McGinnis (President). Pilot Club and Anchor Club members present were introduced.

UNFINISHED BUSINESS

(1) Pursuant to the motion in last week's meeting, the floor was again opened to allow anyone to speak in opposition to or in favor of the issuance of an alcoholic beverage license to Short Cut Food Mart. No one spoke. The following resolution was presented for consideration:

RESOLUTION NO. R-457-18

DISAPPROVING ISSUANCE OF
ALCOHOLIC BEVERAGE LICENSE

(Disapproving Alcoholic Beverage License - David Shabani - Short Cut Food Mart - 809 South 11th Street, District 5 - Retail Beer, off premises only - Note: Business is a legal non-conforming use located in R-2, Multiple Family Residential District and use cannot be expanded)

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

(2) President Williams stated no Council action is necessary on a resolution assessing a grass cutting lien on property at 1905 Broadway in District 5, as the cost was paid by the owner.

PUBLIC HEARINGS

President Williams 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 assessing a nuisance abatement lien on property at 1420 Meadowbrook Avenue, Margaret Lee, c/o Luedella Covington, being the last known owners. No one spoke. The following resolution was introduced in writing for consideration:

RESOLUTION NO. R-458-18

ASSESSING NUISANCE ABATEMENT LIEN AGAINST PROPERTY

(Assessing Nuisance Abatement Lien for Grass Cutting - \$316.00 - 1420 Meadowbrook Avenue - District 1 - Margaret Lee, c/o Luedella Covington)

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

(2) The floor was opened to allow anyone to speak for or in opposition to a resolution assessing a nuisance abatement lien on property at 1133 Litchfield Avenue, Federal National Mortgage Association and Mark Lincoln Barber being the last known owners. No one spoke. The following resolution was introduced in writing for consideration:

RESOLUTION NO. R-459-18

ASSESSING NUISANCE ABATEMENT LIEN AGAINST PROPERTY

(Assessing Nuisance Abatement Lien for Grass Cutting - \$136.00 - 1133 Litchfield Avenue - District 2 - Federal National Mortgage Association; Mark Lincoln Barber)

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

(3) The floor was opened to allow anyone to speak for or in opposition to a resolution assessing a nuisance abatement lien on property at 1207 Mayflower Street, Gary Maxwell Henry being the last known owner. No one spoke. The following resolution was introduced in writing for consideration:

RESOLUTION NO. R-460-18

ASSESSING NUISANCE ABATEMENT LIEN AGAINST PROPERTY

(Assessing Nuisance Abatement Lien for Grass Cutting - \$256.00 - 1207 Mayflower Street - District 2 - Gary Maxwell Henry)

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

(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 202 Morningview Drive, Elder Roy & Brother Roy Coats being the last known owners. No one spoke. The following resolution was introduced in writing for consideration:

RESOLUTION NO. R-461-18

ASSESSING NUISANCE ABATEMENT LIEN AGAINST PROPERTY

(Assessing Nuisance Abatement Lien for Grass Cutting - \$136.00 - 202 Morningview Drive - District 2 - Elder Roy & Brother Roy Coats)

Councilwoman Toles moved to adopt the resolution as introduced, which motion was seconded by Councilman Billingsley 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 452 Keeling Alley, the State of Alabama, Arlando Jennings, and Joseph Butler being the last known owners. No one spoke. The following resolution was introduced in writing for consideration:

RESOLUTION NO. R-462-18

ASSESSING NUISANCE ABATEMENT LIEN AGAINST PROPERTY

(Assessing Nuisance Abatement Lien for Grass Cutting - \$256.00 - 452 Keeling Alley - District 3 - State of Alabama; Arlando Jennings; Joseph Butler)

Councilwoman Toles moved to adopt the resolution as introduced, which motion was seconded by Councilman Billingsley 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 1625 Kyle Avenue, Robert Gamble being the last known owner. No one spoke. The following resolution was introduced in writing for consideration:

RESOLUTION NO. R-463-18

ASSESSING NUISANCE ABATEMENT LIEN AGAINST PROPERTY

(Assessing Nuisance Abatement Lien for Grass Cutting - \$256.00 - 1625 Kyle Avenue - District 3 - Robert Gamble)

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

(7) The floor was opened to allow anyone to speak for or in opposition to a resolution assessing a nuisance abatement lien on property at 525 Line Street, the State of Alabama and Kenneth Fox being the last known owner. No one spoke. The following resolution was introduced in writing for consideration:

RESOLUTION NO. R-464-18

ASSESSING NUISANCE ABATEMENT LIEN AGAINST PROPERTY

(Assessing Nuisance Abatement Lien for Grass Cutting - \$256.00 - 525 Line Street - District 3 - State of Alabama; Kenneth Fox)

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

(8) The floor was opened to allow anyone to speak for or in opposition to a resolution assessing a nuisance abatement lien on property at 540 Line Street, Clarence & Ella Bradford and Kenneth & Kimberly Woods being the last known owners. City Clerk Iva Nelson noted that Kimberly Woods appeared in the clerk's office but was not able to stay for the hearing, and was referred to the Building Department. The following resolution was introduced in writing for consideration:

RESOLUTION NO. R-465-18

ASSESSING NUISANCE ABATEMENT LIEN AGAINST PROPERTY

(Assessing Nuisance Abatement Lien for Grass Cutting - \$136.00 - 540 Line Street - District 3 - Clarence & Ella Bradford; Kenneth & Kimberly Woods)

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

(9) The floor was opened to allow anyone to speak for or in opposition to a resolution assessing a nuisance abatement lien on property at 323 Haralson Avenue, the State of Alabama, Lloyd Wagon (life estate), and Novad Management Consulting being the last known owners. No one spoke. The following resolution was introduced in writing for consideration:

RESOLUTION NO. R-466-18

ASSESSING NUISANCE ABATEMENT LIEN AGAINST PROPERTY

(Assessing Nuisance Abatement Lien for Grass Cutting - \$196.00 - 323 Haralson Avenue - District 5 - State of Alabama; Lloyd Wagon, life estate; Novad Management Consulting)

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

(10) The floor was opened to allow anyone to speak for or in opposition to a resolution assessing a nuisance abatement lien on property at 404 Miller Street, Tracy Gattis being the last known owner. No one spoke. The following resolution was introduced in writing for consideration:

RESOLUTION NO. R-467-18

ASSESSING NUISANCE ABATEMENT LIEN AGAINST PROPERTY

(Assessing Nuisance Abatement Lien for Grass Cutting - \$136.00 - 404 Miller Street - District 6 - Tracy Gattis)

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

CANVASSING ELECTION RESULTS

City Clerk Iva Nelson reported on provisional votes to be counted, pursuant to review by the Etowah County Board of Registrars. She proceeded to open the ballots and announce the votes for each candidate, adding them to the totals recorded on October 9. The following resolution was introduced in writing for consideration:

RESOLUTION NO. R-468-18

DECLARING MUNICIPAL ELECTION RESULTS

(Certifying results of municipal runoff election held on October 9, 2018 - Declaring election of: Sherman Guyton, Mayor; Jason Wilson, District 5)

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

RESOLUTIONS PRESENTED FOR CONSIDERATION

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

RESOLUTION NO. R-469-18

APPOINTING CAROL BRACKETT TO GADSDEN CITY BOARD OF EDUCATION

(Appointing Carol Brackett to replace Kelly Cochran, who resigned - For term expiring in June 2019)

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

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

RESOLUTION NO. R-470-18

AUTHORIZING CHANGE ORDER #2 WITH BOB SMITH CONSTRUCTION, INC.

(Authorizing Change Order #2 - Bid No. 3359 - Construction of pedestrian bridge over Black Creek in Noccalula Falls Park gorge - Additional \$15,900.00 to reconcile final quantities for replacement of unsuitable foundation material - Adjusting contract with Bob Smith Construction, Inc. to \$476,413.00)

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

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

RESOLUTION NO. R-471-18

AUTHORIZING SECOND ADDENDUM TO THE NONTRANSFERABLE LAKESHORE
PERMIT AGREEMENT WITH ALABAMA POWER

(Authorizing 2nd Addendum - Nontransferable Permit Agreement with Alabama Power Company - Coosa Riverfront Park Project, located on property adjacent to Coosa Landing - Amending permit to reflect actual work performed, including approximately 3,500 feet of combined boardwalk and pedestrian paths, lighting, and rip-rap)

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

ORDINANCE - FIRST READING

An ordinance amending City Code Section 118-92 to make a portion of Bradford Circle a one-way street, from the southern entrance of Hillside Trail to the intersection of Nola Trail was presented for the first reading. Since no action was taken, the ordinance will be placed on next week's agenda for consideration.

ORDINANCE PRESENTED FOR CONSIDERATION:

The following ordinance was introduced in writing for consideration:

ORDINANCE NO. O-29-18

AMENDING FISCAL YEAR 2019 GENERAL FUND BUDGET

(Amending FY2019 Budget - Transferring \$63,345.00 from MIS Trust Fund - Appropriating \$58,445.00 to Account Number 001-0000-254.10-07 for printer and Genisys I-Series server - Appropriating \$4,900.00 to Account Number 001-5401-425.70-25 for server)

Councilwoman Toles moved to suspend the rules to immediately consider the ordinance at its first reading. The motion was seconded by Councilman Reed and approved by the following vote:

AYES: Toles, Williams, Echols, Billingsley, Cannon, Reed

NAYS: None

Councilwoman Toles moved to adopt the ordinance, which motion was seconded by Councilman Echols and unanimously adopted.

NEW BUSINESS

(1) Councilwoman Toles introduced the following resolution in writing for consideration:

RESOLUTION NO. R-472-18

AUTHORIZING ACCEPTANCE OF LSTA GRANT
FROM ALABAMA PUBLIC LIBRARY SERVICE

(Accepting LSTA Grant from Alabama Public Library Service - \$2,500.00 - For Gadsden Public Library scholarship for Nicole Tudor - For reimbursement of cost for Master's in Library & Information studies at University of Alabama)

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

(2) Councilwoman Toles introduced the following resolution in writing for consideration:

RESOLUTION NO. R-473-18

AUTHORIZING ACCEPTANCE OF LSTA GRANT
FROM ALABAMA PUBLIC LIBRARY SERVICE

(Accepting LSTA Grant from Alabama Public Library Service - \$20,000.00 - For purchase of technology based STEM kits for city, county and homeschool educators to borrow from Gadsden Public Library - Note: \$5,000.00 local match will be provided by county funds)

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

(3) Councilwoman Toles introduced the following ordinance in writing for consideration:

ORDINANCE NO. O-30-18

AMENDING FISCAL YEAR 2019 BUDGET

(Amending FY2019 Budget - Reflecting receipt of \$2,500.00 LSTA grant from Alabama Public Library Service - Appropriating to Account Number 111-6010-455.60-25 - For reimbursement scholarship of candidate for Master's in Library & Information studies at University of Alabama)

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

AYES: Toles, Williams, Echols, Billingsley, Cannon, Reed

NAYS: None

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

(4) Councilman Cannon introduced the following ordinance in writing for consideration:

ORDINANCE NO. O-31-18

AMENDING FISCAL YEAR 2019 BUDGET

(Amending FY2019 Budget - Reflecting receipt of Edward Byrne Memorial Justice Assistance Grant - \$32,476.00 - Appropriating to Account Number 192-8555-427.43-30 - For dive equipment for Police Department dive team participants - Note: Grant was accepted by Resolution No. R-358-18)

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

AYES: Toles, Williams, Echols, Billingsley, Cannon, Reed

NAYS: None

Councilman Cannon moved to adopt the ordinance, which motion was seconded by Councilwoman Toles and unanimously adopted.

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

RESOLUTION NO. R-474-18

ESTABLISHING DATE FOR REFERENDUM ON
APPOINTED OR ELECTED SCHOOL BOARD

(Changing date for referendum regarding elected school board from November 13, 2018, to January 22, 2019 - Due to issues with newspaper publication date and obtaining necessary equipment, technical assistance and support services)

President Williams 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 Cannon and unanimously adopted.

DEPARTMENT REPORTS

Josh Tanner (Emergency Management Agency) announced upcoming events, including “Great American Shake-Out” earthquake drill on October 18 and NWS Skywarn Spotter Class at 6 p.m. on October 18 at The Venue, with an opportunity for weather radios to be programmed beforehand. Mr. Tanner reported on his recent trip to deliver supplies to Mexico Beach, FL, part of relief efforts after Hurricane Michael.

MAYOR AND COUNCIL REMARKS

Councilwoman Toles encouraged participation in the ongoing hurricane relief “Caring for the Carolinas.” She commended the Gadsden Public Library for its excellence in providing services for every age group.

Councilman Cannon reminded everyone of the “Treats on Wall Street” event planned for October 24, from 5 to 7 p.m.

Councilman Reed commended Eric Wright for his successful efforts for Channel 99 to appear in AT&T programming. He commented on complimentary feedback regarding City employees at the Nocalula Falls campground.

President Williams announced Downtown Gadsden, Inc.'s "Sunset Sips" event this evening and called attention to awareness efforts during October for breast cancer and domestic violence.

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

Iva Nelson, City Clerk (10-16-2018)

FOURTH FLOOR CONFERENCE ROOM - BID OPENING
OCTOBER 16, 2018 - 3:00 P.M.

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

Bid No. 3391 - Old Alabama City Fire Station Reroofing Project

Construction Specialty Assoc., Inc.	\$39,879.00
Willoughby Roofing and Sheet Metal	\$46,050.00
GKL Companies, Inc.	\$46,500.00
Mid America Roofing	\$49,276.00
Alabama Roofing and Sheet Metal Co. Inc.	\$56,225.00

Bid No. 3392 - Tow & Recovery Service (NEAPA)

Hare Wrecker Service Inc.	\$882.85
JAM ER Towing & Recovery	\$995.71

Bid No. 3393 - Traffic Striping & Pavement Markers (NEAPA)

Highway Management Systems	Unit Prices
Ozark Striping Company, Inc.	Unit Prices

Bid No. 3394 - Riverfront Development Site Work, Phase I

Bedwell and Whorton	\$689,575.00
TAKCO, Inc.	\$1,195,494.32

Copies of the bids will be forwarded to the City Engineer and the Northeast Alabama Purchasing Association Coordinator, and a recommendation will be made to the Council.
