

COUNCIL CHAMBER - CITY HALL - GADSDEN, ALABAMA
OCTOBER 18, 2022 - 11:00 A.M.

The City Council met on October 18, 2022, 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, 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 Jaggears were also present.

The invocation was given by Heath Williamson.

The minutes of the last work session and council meeting held on October 11, 2022, were approved by unanimous vote.

Payment of the HTE System accounts for the week of October 7-13 were ratified by unanimous vote.

#219547-219768	General	\$1,737,305.37
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On behalf of Mayor Guyton, President Toles read a proclamation proclaiming October 17-23, 2022, as "Pilot International Founders Week" and presented it to Sammye Hill, Vice-President of the local Pilot Club. Ms. Hill highlighted the club's work in the community and in response to Councilman Back's inquiry, said people can help by giving donations and participating in fund-raising activities. Councilman Reed recalled his past appearance in the club's "womanless beauty pageant."

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 108 Oakleigh Drive, Mary Jo Brown, subject to a mortgage in favor of CitiFinancial, assigned to Bayview Loan Servicing, LLC, subject to a mortgage in favor of Maude Buchanan, being the last known owner. Brian Harbison, Building Inspector, stated no improvements have been made since procedures began in November 2020, and recommended abatement. The following resolution was introduced in writing for consideration:

RESOLUTION NO. R-280-22

ORDERING ABATEMENT OF NUISANCE

(Ordering Abatement of Nuisance - 108 Oakleigh Drive - District 2 - Mary Jo Brown, subject to mortgage in favor of CitiFinancial, assigned to Bayview Loan Servicing, LLC, subject to mortgage in favor of Maude Buchanan)

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

(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 305 Richardson Street, Brian Alan Smith and Mary C. Smith being the last known owners. Brian Harbison, Building Inspector, stated no improvements have been made to this burned structure since procedures began in April 2021, and recommended abatement. The following resolution was introduced in writing for consideration:

RESOLUTION NO. R-281-22

ORDERING ABATEMENT OF NUISANCE

(Ordering Abatement of Nuisance - 305 Richardson Street - District 2 - Brian Alan Smith; Mary C. Smith)

Councilman Williams moved to adopt the resolution as introduced, which motion was seconded by Councilman Back 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 1604 Malone Street, Annie Montgomery, Annie Montgomery, c/o Rosie Montgomery, subject to a mortgage in favor of Amos Cash, subject to a mortgage in favor of First Capital Mortgage Corporation, assigned to Goldome Credit Corporation, assigned to Associate Financial Services, being the last known owner. Brian Harbison, Building Inspector, stated no improvements have been made to this burned house since procedures began in May 2021, and recommended abatement. The following resolution was introduced in writing for consideration:

RESOLUTION NO. R-282-22

ORDERING ABATEMENT OF NUISANCE

(Ordering Abatement of Nuisance - 1604 Malone Street - District 3 - Annie Montgomery; Annie Montgomery, c/o Rosie Montgomery, subject to mortgage in favor of Amos Cash, subject to mortgage in favor of First Capital Mortgage Corporation, assigned to Goldome Credit Corporation, assigned to Associate Financial Services)

Councilman Back moved to adopt the resolution as introduced, which motion was seconded by Councilman Williams 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 1513 Garfield Avenue, Leonard C. Bellew Sr., Leonard Bellew Jr., David Messer, and Martin Marroquin being the last known owners. Mr. Marroquin stated he didn't understand the proceeding and asked if he could repair the mobile home. Brian Harbison, Building Inspector, stated no improvements have been made to this abandoned mobile home since procedures began in November 2020, and recommended abatement. In response to President Toles' inquiry, City Attorney Lee Roberts stated there is no clear property owner. Mr. Marroquin said he has a bill of sale. Councilman Wilson explained the mobile home may not be worth repairing due to its condition. President Toles advised Mr. Marroquin to speak with Mr. Harbison and to have someone explain the difference between a bill of sale and a deed to him. The following resolution was introduced in writing for consideration:

RESOLUTION NO. R-283-22

ORDERING ABATEMENT OF NUISANCE

(Ordering Abatement of Nuisance - 1513 Garfield Avenue - District 5 - Leonard C. Bellew Sr.; Leonard Bellew Jr.; David Messer; Martin Marroquin)

Councilman Wilson moved to adopt the resolution as introduced, which motion was seconded by Councilman Cannon 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 3326 Madison Avenue, Cindy Driscoll, subject to rights of redemption of Roger S. Archer, Charles Wayne Archer, and Ronald O. Archer, the estate of Russell L. Archer, Roger Archer life estate, c/o Kimberly Archer being the last known owners. Brian Harbison, Building Inspector, stated no improvements have been made since procedures began in July 2020, and recommended abatement. The following resolution was introduced in writing for consideration:

RESOLUTION NO. R-284-22

ORDERING ABATEMENT OF NUISANCE

(Ordering Abatement of Nuisance - 3326 Madison Avenue - District 6 - Cindy Driscoll, subject to rights of redemption of Roger S. Archer, Charles Wayne Archer, and Ronald O. Archer, their heirs or assigns if deceased; Estate of Russell L. Archer; Roger Archer life estate, c/o Kimberly Archer)

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 in opposition to or in favor of the issuance of an alcoholic beverage license to Jamard and Melonie Vinson, d/b/a M and J Quik Mart. Melonie and Jamard Vinson were present and Ms. Vinson requested approval. A discussion followed regarding the zoning, which would allow a convenience store as a non-conforming use, but would not allow expansion to alcoholic beverage sales. The possibility of applying for rezoning of the property was mentioned. The following resolution was presented for consideration:

RESOLUTION NO. R-285-22

DISAPPROVING ISSUANCE OF
ALCOHOLIC BEVERAGE LICENSE

(Disapproving Alcoholic Beverage License - Jamard and Melonie Vinson - M and J Quik Mart- 809 South 11th Street in District 5 - Retail Beer, off premises only - Reason: Current business is legal non-conforming use located in R-2, Multiple Family Residential District and expansion is not allowed)

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

(7) President Toles announced the resolution approving issuance of alcoholic Beverage License to Jamard and Melonie Vinson d/b/a M and J Quik Mart was moot with the adoption of the resolution disapproving it.

RESOLUTIONS PRESENTED FOR CONSIDERATION

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

RESOLUTION NO. R-286-22

AUTHORIZING A SPECIAL USE PERMIT
FOR AT&T WIRELESS

(Authorizing Special Use Permit - AT&T Wireless - To install their equipment and modify existing wireless telecommunication facility located at 4290 Old Pump Station Road)

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

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

RESOLUTION NO. R-287-22

AUTHORIZING COMMUNITY POLICING AGREEMENT

(Authorizing Agreement - Greater Gadsden Housing Authority - To continue Community Policing Program within Gadsden's seven public housing facilities - Authority will reimburse City for salary of four officers - Term of one year, from 10-1-22 through 9-30-23)

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

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

RESOLUTION NO. R-288-22

AUTHORIZING ACCEPTANCE OF GRANT

(Authorizing Acceptance of Grant - From Alabama Tourism Department - \$2,600.00 - For Christmas at the Falls at Noccalula Falls Park on November 24-December 31, 2022)

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

ORDINANCE PRESENTED FOR CONSIDERATION

The following ordinance was introduced in writing for consideration:

ORDINANCE NO. O-38-22

AMENDING FISCAL YEAR 2023 BUDGET

(Amending FY2023 Budget - Reflecting receipt of \$2,600.00 grant from Alabama Tourism Department - Appropriating for expenses involved with Christmas at the Falls on November 24 through December 31 at Noccalula Falls Park)

Councilman Williams 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, Back, Wilson, Cannon, Reed

NAYS: None

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

NEW BUSINESS

(1) Councilman Williams introduced the following ordinance in writing for consideration:

ORDINANCE NO. O-39-22

AMENDING BUDGET FOR FUND 002 - AMERICAN RESCUE PLAN

(Amending American Rescue Plan Budget - Fund 002 totaling \$19,905,709.00 - Adjusting amounts for revenue loss, infrastructure, crime prevention, and non-profit agencies, including new fire station)

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

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

NAYS: None

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

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

RESOLUTION NO. R-289-22

AUTHORIZING LEASE AGREEMENT
WITH PLAZA COTTON STORAGE, LLC

Authorizing Lease - Plaza Cotton Storage, LLC. - For Building T-4, Sections A & B, at Air Depot - \$9,000.00 per month - Term of 6 months, beginning 11-1-22)

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

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

RESOLUTION NO. R-290-22

AUTHORIZING AGREEMENT WITH EE GROUP, INC.

(Authorizing Agreement - EE Group, Inc. - \$4,200.00 - To complete electrical engineering design - For auxiliary upgrades at Gadsden Sports Park, located on campus of Gadsden State Community College)

City Engineer Heath Williamson explained this will allow infrastructure for Wi-Fi and additional security cameras.

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 Cannon and unanimously adopted.

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

RESOLUTION NO. R-291-22

AWARDING BID NO. 3484

(Awarding Bid No. 3484 - Gadsden Sports Park, Phase 3 Project - Bob Smith Construction, Inc. - \$5,783,427.00)

City Engineer Heath Williamson explained this phase includes Champions Field, with a synthetic surface for baseball, softball, and soccer, as well as shade features, four pickle ball courts, lighting, and parking improvements.

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 Cannon and unanimously adopted.

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

ORDINANCE NO. O-40-22

AMENDING FISCAL YEAR 2023 BUDGET

(Amending FY2023 Budget - Transferring \$1,783,427.00 from Fund 340 unassigned fund balance - Additional funds needed for Gadsden Sports Park, Phase 3 Project)

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

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

NAYS: None

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

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

RESOLUTION NO. R-292-22

AUTHORIZING ACCEPTANCE OF REQUEST FOR
PURCHASE FROM TIDAL INTERNATIONAL

(Accepting Request from Tidal International - \$48,000.00 - To conduct county-wide commodity flow study, update current plans to support the study, and conduct training exercises for local first responders - Pursuant to Hazardous Materials Emergency Preparedness Grant from Alabama Emergency Management Agency)

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.

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

RESOLUTION NO. R-293-22

AWARDING BID NO. 3485

(Awarding Bid No. 3485 - New Senior Wellness Center Project - Boatner Construction Co., Inc. - \$4,741,000.00)

President Toles received unanimous consent to immediately consider the resolution as an item of new business. Councilman Cannon expressed excitement this project has come to fruition, noting it will be a boost to Alabama City. He moved to adopt the resolution, which motion was seconded by Councilman Reed and unanimously adopted.

DEPARTMENT REPORT

Heath Williamson, City Engineer, reported on the low head dam removal project, which is now underway, and announced an upcoming media event. He noted the project is being funded by U.S. Fish and Wildlife Service and Cawaco RC&D, at an estimated cost of \$475,000. The city had obtained the permit and will provide in-kind services, including hauling, disposal, etc.

COUNCIL REMARKS

Councilman Cannon expressed pride in the council for accomplishments during this administration, noting it takes everyone.

Councilman Back recognized Councilwoman-Elect Dixie Minatra and Mayor-Elect Craig Ford, who were present. He thanked "Friends of the Falls" and city employees for their work at Nocalula Falls Park and joined with Councilman Reed in expressing appreciation to Heath Williamson and Frankie Davis for their work on the sports park project.

Councilmen Williams and Wilson presented recommendations of the Human Relations Advisory Committee, a subcommittee commissioned by the city council. Councilman Williams explained the difference between "equity" and "equality" and thanked Mayor-Elect Ford for his hiring commitments. He said the recommendations, which include five areas (Hiring, Housing, Education, Police and Community Interaction, Culture), will be provided to the current, as well as incoming, mayor and council. Councilman Wilson expressed appreciation to be involved in the committee and said he hopes a residential development authority will be established and that additional city support can be given to the Southern Hills Cemetery.

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

Iva Nelson, City Clerk (10-18-22)
