

COUNCIL CHAMBER - CITY HALL - GADSDEN, ALABAMA
FEBRUARY 1, 2022 - 11:00 A.M.

The City Council met on February 1, 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, 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 Jaggars were also present.

The invocation was given by Brian Harbison.

Josh Tanner (Emergency Management Agency) reported on current Covid-19 local statistics and reminded the public to reserve emergency room visits for life threatening situations. He also alerted residents of potential heavy rain and flooding later this week.

Fire Chief Reed reported one staff member currently out due to Covid and noted emergency room overload affects availability of ambulances.

The minutes of the last work session and council meeting held on January 25, 2022, were approved by unanimous vote.

Payment of the HTE System accounts for the week of January 21-27 were ratified by unanimous vote.

#213447-213579	General	\$491,916.97
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PUBLIC HEARINGS

President Toles announced 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 928 Hooks Lake Road, Lyn D. Drew and Lyn D. Drew, c/o Sha-Lee Regling, being the last known owners. Brian Harbison, Building Inspector, stated no improvements have been made to this mobile home since procedures began in January 2021, and recommended abatement. The following resolution was introduced in writing for consideration:

RESOLUTION NO. R-19-22

ORDERING ABATEMENT OF NUISANCE

(Ordering Abatement of Nuisance - Mobile home at 928 Hooks Lake Road - District 2 - Lyn D. Drew; Lyn D. Drew, c/o Sha-Lee Regling)

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

(2) President Toles announced that no action was necessary regarding a resolution ordering abatement of nuisances on property at 915 Litchfield Avenue in District 2, as the nuisance has been abated by the owner.

(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 1320 Stroud Avenue, Amanda Barber and Dreams of It, LLC being the last known owners. Amanda Barber spoke, stating she is the sole owner, as of November 2021. She wishes to make repairs and live in the house but has been delayed due to Covid financial issues and being disabled. In response to inquiries, Ms. Barber said the power has been cut off and there is no water meter. Although everything initially failed inspection, she has completed plumbing work and electrical work is underway. Brian Harbison, Building Inspector, stated the initial call regarding the structure came from DHR. He said no improvements have been made since procedures began in August 2021, and recommended abatement. Councilman Williams advised her to stay in touch with the Building Official, noting it will take some time for the City to act. The following resolution was introduced in writing for consideration:

RESOLUTION NO. R-20-22

ORDERING ABATEMENT OF NUISANCE

(Ordering Abatement of Nuisance - 1320 Stroud Avenue - District 2 - Amanda Barber; Dreams of It, LLC)

Councilman Williams moved to adopt the resolution as introduced, which motion was seconded by Councilman Wilson 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 806 Tidmore Bend Road, J. Dewayne Gardner being the last known owner. Brian Harbison, Building Inspector, stated no improvements have been made since procedures began in June 2021, and recommended abatement. In response to President Toles' inquiry, he explained when trash and debris cases go to municipal court, a fine is assessed but the city doesn't have authority to enter the property if the owner doesn't eliminate the nuisance. The following resolution was introduced in writing for consideration:

RESOLUTION NO. R-21-22

ORDERING ABATEMENT OF NUISANCE

(Ordering Abatement of Nuisance - Trash and debris at 806 Tidmore Bend Road - District 2 - J. Dewayne Gardner)

Councilman Williams moved to adopt the resolution as introduced, which motion was seconded by Councilman Worthy 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 1217 Gray Street, Emanuel Eugenias being the last known owner. Emanuel Eugenias spoke and explained the former tenant was protected by Covid but eventually was evicted. He said he is remodeling the house and offered to provide pictures. He acknowledged the windows remain boarded up and Covid has affected his crews. Brian Harbison, Building Inspector, stated the case began in September 2020, and noted City regulations don't allow boarded up properties. In response to Councilman Reed's inquiry, he recommended abatement but said the case will be closed if repairs are timely completed by Mr. Eugenias. The following resolution was introduced in writing for consideration:

RESOLUTION NO. R-22-22

ORDERING ABATEMENT OF NUISANCE

(Ordering Abatement of Nuisance - 1217 Gray Street - District 7 - Emanuel Eugenias)

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

(6) 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 Family Dollar Stores of Alabama, LLC, d/b/a Family Dollar Store 20870 at 1225 W. Meighan Boulevard. No one spoke. The following resolution was presented for consideration:

RESOLUTION NO. R-23-22

APPROVING ISSUANCE OF
ALCOHOLIC BEVERAGE LICENSE

(Family Dollar Stores of Alabama, LLC - Family Dollar Store 20870 - 1225 W. Meighan Boulevard - District 3 - Retail Beer and Table Wine, off premises only)

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

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

NAYS: Cannon

RESOLUTIONS PRESENTED FOR CONSIDERATION

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

RESOLUTION NO. R-24-22

APPROVING ISSUANCE OF SPECIAL EVENT
ALCOHOLIC BEVERAGE LICENSE

(Struts Event Services, Inc. - Special Events License - For Jacksonville State University Meet the Coach Event at 318 Broad Street on February 9, 2022)

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

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

NAYS: Cannon

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

RESOLUTION NO. R-25-22

AUTHORIZING SECOND AMENDMENT TO THE
ECONOMIC DEVELOPMENT AGREEMENT
WITH LOS ARCOS PROPERTIES

(Authorizing Second Amendment to Economic Development Agreement - Los Arcos Properties - Extending opening date for Los Arcos Mexican Restaurant at 401 W. Meighan Boulevard to April 1, 2022)

Councilman Worthy 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-26-22

AUTHORIZING AGREEMENT WITH JBW&T, INC.

(Authorizing Agreement - JBW&T, Inc. - \$115,000.00 - For complete drainage study through Oak Park area)

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

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

RESOLUTION NO. R-27-22

AUTHORIZING AGREEMENT WITH JBW&T, INC.

(Authorizing Agreement - JBW&T, Inc. - \$24,700.00 - For complete drainage study along 9th Street North/Lay Street area.)

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

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

RESOLUTION NO. R-28-22

AUTHORIZING AGREEMENT WITH JBW&T, INC.

(Authorizing Agreement - JBW&T, Inc. - \$47,300.00 - For complete drainage study along East Broad Street area, from 22nd Street to 15th Street North)

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

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

RESOLUTION NO. R-29-22

AUTHORIZING AGREEMENT WITH
THE STATE OF ALABAMA

(Authorizing Agreement - State of Alabama, Department of Transportation - Relating to Federal Highway Administration and Federal Transit Administration funds - For designated agency for transportation planning in Gadsden urbanized area)

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

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

RESOLUTION NO. R-30-22

AUTHORIZING MEMORANDUM OF UNDERSTANDING BETWEEN
GADSDEN/ETOWAH COUNTY EMERGENCY MANAGEMENT AGENCY
AND VARIOUS FACILITIES FOR SAFER PLACES PROGRAM

(Authorizing Memorandum of Understanding - For use between EMA and owners of various facilities - Regarding use of facilities by public prior to and during severe weather events - Safer Places Program)

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

NEW BUSINESS

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

RESOLUTION NO. R-31-22

AWARDING BID NO. 3469

(Awarding Bid No. 3469 - Ford Transit 350 Passenger Wagon XLT - \$47,761.50 - Buster Miles Chevrolet and Ford - Note: To be used for transport of inmates from holding facilities to municipal court)

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 Cannon and unanimously adopted.

PUBLIC

Robert Hunter referred to requests relating to American Rescue Plan funds submitted by the community and asked if there will be an opportunity for reconsideration, based on additional money from the Federal infrastructure bill. He requested an update and asked if Way of the Cross was included in the original appropriation. President Toles responded and advised the infrastructure bill is 465 pages and will require study regarding allowed expenditures. She suggested that Mr. Hunter contact Lisa Rosser, Kerry Payne, or Nick Hall, who worked with the ARP budget.

MAYOR AND COUNCIL REMARKS

Councilman Worthy said he is glad to be back after contracting Covid, noting his symptoms were not severe due to having vaccinations and booster.

Councilman Wilson explained today's new business item and advised Mr. Hunter that Way of the Cross was in the original ARP budget. He noted United Way was utilized for funding small organizations due to its existing auditing process and expressed willingness to consider revisiting appropriations in the future.

Councilman Reed commended Lt. Heard for his persistence regarding the needed transport vehicle.

President Toles highlighted the beautiful work on the Gadsden Sports Park and commended the City Planner and City Engineer, as well as Gadsden State Community College for the great partnership.

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

Iva Nelson, City Clerk (2-1-22)
