

COUNCIL CHAMBER - CITY HALL - GADSDEN, ALABAMA  
FEBRUARY 28, 2023 - 11:00 A.M.

The City Council met on February 28, 2023, in regular session.

The meeting was called to order at 11:00 a.m. by Council President Back. On roll call by the City Clerk, Iva Nelson, the following council members answered present: Latham, Smith, Avery, Back, Minatra and Robinson. Councilman Wilson 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 Brian Harbison.

The minutes of the last work session and council meeting held on February 21, 2023, were approved by unanimous vote.

Payment of the HTE System accounts for the week of February 17-23 were ratified by unanimous vote.

#222315-#222489	General	\$576,188.49
-----------------	---------	--------------

UNFINISHED BUSINESS

(1) The following resolution, which was tabled for 30 days on January 24, was presented for consideration:

RESOLUTION NO. R-64-23

ORDERING ABATEMENT OF NUISANCE

(Ordering Abatement of Nuisance - 611 Polk Street - District 2 - Michael Head)

Councilman Smith moved to adopt the resolution, which motion was seconded by Councilman Robinson and unanimously adopted.

(2) The following resolution, which was tabled for 30 days on January 24, was presented for consideration:

RESOLUTION NO. R-65-23

ORDERING ABATEMENT OF NUISANCE

(Ordering Abatement of Nuisance - 1019 Gardner Street - District 3 - Janice Butler)

Councilman Avery moved to adopt the resolution, which motion was seconded by Councilman Robinson and unanimously adopted.

(3) The following resolution, which was tabled for seven days on February 21, was presented for consideration:

RESOLUTION NO. R-66-23

ORDERING ABATEMENT OF NUISANCE

(Ordering Abatement of Nuisance - 124 Washington Street - District 3 - Alisha Nappier)

Councilman Avery referred to creating unique situations for affordable housing instead of demolition. He moved to adopt the resolution, which motion was seconded by Councilwoman Latham and unanimously adopted.

(4) The following resolution, which was tabled for 30 days on January 24, was presented in writing for consideration:

RESOLUTION NO. R-67-23

ORDERING ABATEMENT OF NUISANCE

(Ordering Abatement of Nuisance - 2323 Forrest Avenue - District 6 - Michael J. Head)

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

(5) The following resolution, which was tabled for 30 days on January 24, was presented in writing for consideration:

RESOLUTION NO. R-68-23

ORDERING ABATEMENT OF NUISANCE

(Ordering Abatement of Nuisance - 2325 Forrest Avenue - District 6 - Michael J. Head)

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

(6) The following resolution, which was tabled for seven days on February 21, was presented for consideration:

RESOLUTION NO. R-69-23

AMENDING RENTAL RATES FOR VARIOUS FACILITIES  
OF THE PARKS AND RECREATION DEPARTMENT

(Adopting amended pricing structure for various Parks & Recreation facilities - Note: Rates were initially adopted by R-485-16, and amended by R-231-17, R-132-18, R-490-18, R-464-19, R-92-22 and R-07-23)

Councilman Avery moved to table the resolution an additional seven days, which motion was seconded by Councilman Smith. After dissenting votes were voiced, Councilman Robinson asked if the particular issue could be removed and the remaining rates adopted. Following a discussion, Councilman Avery withdrew his motion to table.

Councilman Avery initially moved to exclude facilities in district 3 from the document, but changed his motion to exclude Carver Community Center and the language regarding reunions. The motion was seconded by Councilwoman Minatra and unanimously carried.

Councilwoman Avery moved to adopt the resolution as amended, which motion was seconded by Councilwoman Minatra and unanimously adopted.

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

ORDINANCE NO. O-12-23

AMENDING BUDGET FOR FUND 002  
AMERICAN RESCUE PLAN

(Amending American Rescue Plan Budget - Transferring \$1,019,956.00 from Broad Street Bridge account to Motor Vehicles Account - To purchase E-One ladder firetruck)

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

PUBLIC HEARINGS

President Back 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 in opposition to or in favor of an ordinance approving the rezoning of property at 2804 Fields Avenue from I-2, Heavy Industry District, to B-2, General Business District. (The Planning Commission recommended approval.) No one spoke. The following ordinance was introduced in writing for consideration:

ORDINANCE NO. O-13-23

REZONING 2804 FIELDS AVENUE

(Approving Rezoning - 2804 Fields Avenue - District 1 - From I-2, Heavy Industry District, to B-2, General Business District - Requested by Matthew Snyder - For the purpose of developing a mini-storage facility)

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

AYES: Latham, Smith, Avery, Back, Minatra, Robinson

NAYS: None

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

(2) The floor was opened to allow anyone to speak in opposition to or in favor of an ordinance approving the rezoning of property adjacent to 1130 Goodyear Avenue from R-1, One-Family Residence District, to O-1, Office District. (The Planning Commission recommended approval.) Jason Lowery, applicant, spoke in favor. The following ordinance was introduced in writing for consideration:

ORDINANCE NO. O-14-23

REZONING PARCEL ADJACENT  
TO 1130 GOODYEAR AVENUE

(Approving Rezoning - Property adjacent to 1130 Goodyear Avenue - District 2 - From R-1, One-Family District, to O-1, Office District - Requested by Jason and Karen Lowery - Possible development of medical or professional office)

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

AYES: Latham, Smith, Avery, Back, Minatra, Robinson

NAYS: None

Councilman Smith moved to adopt the ordinance, which motion was seconded by Councilman Robinson 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 1015 Hoke Street, Kenneth Malone and Leprecious Malone, subject to the rights of redemption of Crusader Servicing Corporation, as custodian for Strategic Municipal Investments, LLC, and Tonya D. Lock, her heirs, successors, and/or assigns being the last known owners. Brian Harbison, Building Inspector, stated no improvements have been made since procedures began in November 2021, and recommended abatement. The following resolution was introduced in writing for consideration:

RESOLUTION NO. R-70-23

ORDERING ABATEMENT OF NUISANCE

(Ordering Abatement of Nuisance - 1015 Hoke Street - District 1 - Kenneth Malone and Leprecious Malone, subject to the rights of redemption of Crusader Servicing Corporation, as custodian for Strategic Municipal Investments, LLC, and Tonya D. Lock, her heirs, successors, and/or assigns)

Councilwoman Latham moved to adopt the resolution as introduced, which motion was seconded by Councilman Smith 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 207 Pioneer Street, Carl Grant being the last known owner. Brian Greer, Building Inspector, stated the case began in June 2022, and there has been no resolution in municipal court proceedings. He recommended abatement. The following resolution was introduced in writing for consideration:

RESOLUTION NO. R-71-23

ORDERING ABATEMENT OF NUISANCE

(Ordering Abatement of Nuisance - 207 Pioneer Street - District 1 - Carl Grant)

Councilwoman Latham moved to adopt the resolution as introduced, which motion was seconded by Councilman Robinson 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 1113 Auburn Avenue (accessory building), Susan Renee Canizales being the last known owner. Brian Harbison, Building Inspector, stated this case involves an accessory building, vehicles, and debris. He said no improvements have been made since procedures began in November 2021, and recommended abatement. The following resolution was introduced in writing for consideration:

RESOLUTION NO. R-72-23

ORDERING ABATEMENT OF NUISANCE

(Ordering Abatement of Nuisance - 1113 Auburn Avenue (accessory building) - District 2 - Susan Renee Canizales)

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

(6) President Back announced the public hearing is not necessary regarding property at 807 Avenue E in District 3, as the nuisance has been abated by the owner.

(7) President Back announced the public hearing is not necessary regarding property at 16 Sommersworth Avenue in District 6, as the nuisance has been abated by the owner.

RESOLUTIONS PRESENTED FOR CONSIDERATION:

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

RESOLUTION NO. R-73-23

AUTHORIZING AGREEMENT WITH  
FISHER BROWN BOTTRELL INSURANCE, INC.

(Authoring Agreement - Fisher Brown Bottrell Insurance, Inc. - \$25,500.00 - To provide Human Resources Consulting Services - Relating to pay and position structure, staffing levels, and benefits benchmarking)

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

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

RESOLUTION NO. R-74-23

AUTHORIZING TAX ABATEMENT AGREEMENT  
WITH MAGNECO/METREL, INC.

(Authorizing Tax Abatement Agreement - Magneco/Metrel, Inc. - For non-educational state and local property taxes and construction related transaction taxes - For period of 10 years - Relating to construction project with capital investment of \$3,860,000.00)

President Back recognized David Hooks, Gadsden-Etowah Industrial Development Authority Director, who thanked everyone who worked to make this project a reality and noted there will be approximately 30 new jobs. He introduced Eric Boring and Joey Moore, company representatives.

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

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

RESOLUTION NO. R-75-23

AUTHORIZING AGREEMENT TO PURCHASE PROPERTY

(Authorizing Agreement - To purchase property from Centre Alabama 9 At Business 411, LLC - Lot 1, Block A, First Rearrangement of Etowah Park - \$375,000.00 - For construction of new Fire Station #8)

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

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

RESOLUTION NO. R-76-23

AUTHORIZING AGREEMENT WITH CDG, INC.

(Authorizing Agreement - CDG, Inc. - \$10,950.00 - To provide subsurface exploration and materials report - For construction of new Fire Station #5 at Noccoalula Falls Park)

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

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

RESOLUTION NO. R-77-23

AUTHORIZING AGREEMENT WITH CDG, INC.

(Authorizing Agreement - CDG, Inc. - \$11,375.00 - To provide subsurface exploration and materials report - For construction of new Fire Station #8 at the corner of Highway 411 and Riley Street)

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

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

RESOLUTION NO. R-78-23

AUTHORIZING SUPPLEMENTAL  
AGREEMENT WITH TTL, INC.

(Authorizing Supplemental Agreement - TTL, Inc. - \$1,500.00 - To provide ground penetration radar inspection, in addition to Phase I Environmental Site Assessment - For property located at intersection of Highway 411 and Riley Street)

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

ORDINANCES - FIRST READING

The following ordinances were introduced in writing and read by President Back:

(1) ORDINANCE - AMENDING CITY CODE SECTION 106-86(a) REGARDING FEE FOR RESIDENTIAL GARBAGE COLLECTION

(2) ORDINANCE - AUTHORIZING CONVEYANCE OF PROPERTY AT 1516 FOURTH AVENUE

(3) ORDINANCE - AUTHORIZING CONVEYANCE OF PROPERTY AT 803 CREST AVENUE

(4) ORDINANCE - AUTHORIZING CONVEYANCE OF PROPERTY AT 809 VANDELL BOULEVARD

Since no action was taken in this meeting, the ordinances will be placed on the agenda of the next regular meeting for consideration.

NEW BUSINESS

(1) Councilman Back read the following resolution:

RESOLUTION NO. R-79-23

OPPOSING STATE LEGISLATION TO ELIMINATE, REDUCE OR  
PHASE OUT LOCAL OCCUPATIONAL LICENSE FEES (“OLF”)

(Opposing legislation publicly announced by Senator Andrew Jones - Regarding City of Gadsden’s 2% Occupational License Fee - Expressing concern regarding potential loss of \$15 million of revenue, constituting approximately 30% of General Fund Budget - Note: Legislation would also affect four other Etowah County municipalities)

Brett Johnson, Mayor's Chief of Staff, noted the other cities that would be affected are also considering resolutions to express opposition. He referred to a potential 20-year phase-out, pointing out the cuts would be "front loaded" if the legislation is adopted.

President Back received unanimous consent to immediately consider the resolution as an item of new business. He then moved to adopt the resolution, which motion was seconded by Councilwoman Minatra and unanimously adopted.

DEPARTMENT REPORTS

Josh Tanner announced an upcoming two-day training event to be hosted by EMA. He gave an update on this week's severe weather forecast. President Back commended Mr. Tanner and EMA staff.

MAYOR AND COUNCIL REMARKS

On behalf of Mayor Ford, Brett Johnson (Chief of Staff) reported on: last week's visit by a staff member from Congressman Aderholt's office; RAISE grant application submission; Church of the Highlands service day this Saturday at city hall; meetings in Montgomery next week; meeting between five mayors and three House representatives regarding OLF legislation; kick-off meeting for master plan at 6 p.m. on March 14 at The Venue.

Councilwoman Latham announced a District 1 meeting at 6 p.m. on March 7, at the East Gadsden Community Center. She complimented the Carver Community Revitalization Committee's Black History Program and the "Kingdom Expo" at New Destiny Church.

Councilman Smith thanked everyone who assisted with and participated in New Destiny's event. He and Councilman Avery extended condolences to the family of Rev. John Woods.

Councilman Avery referred to Gadsden's unique Black history and highlighted individuals and businesses that left legacies to those who have come behind and stressed the importance of remembering them.

Councilwoman Minatra noted the committee formed to review employee handbooks is working diligently on a comprehensive manual, noting it is the first update in a number of years.

President Back announced an upcoming Job Fair on March 8 and a Hiring Fair on March 23. He noted his postponed district meeting will be rescheduled in early March.

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

---

Iva Nelson, City Clerk (2-28-23)

\*\*\*\*\*



FOURTH FLOOR LOBBY - BID OPENING  
FEBRUARY 28, 2023 - 2:00 P.M.

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

Bid No. 3500 - Janitorial Services for Cabin Rentals at Noccalula Falls Park Campground

Contractors Enterprises Inc.	\$110.00
Alabama Rent-A-Maid & Janitorial Service	\$160.00
Kat's Cleaning LLC	\$160.00
Baza Services LLC	\$300.00

Copies of the bids will be forwarded to the Department and the Assistant Purchasing Agent, and a recommendation will be made to the Council.

\*\*\*\*\*