

COUNCIL CHAMBER - CITY HALL - GADSDEN, ALABAMA  
MARCH 7, 2023 - 11:00 A.M.

The City Council met on March 7, 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, Wilson, Minatra and Robinson. The clerk stated a quorum was present and the meeting was open for business. Mayor Ford, Heath Williamson, Lee Roberts and Chief Jaggears were also present.

The invocation was given by Heath Williamson.

The minutes of the Community Development Committee, Work Session, and Council meetings held on February 28, 2023, were approved by unanimous vote.

Payment of the HTE System accounts for the week of February 24 - March 2 were ratified by unanimous vote.

#222490-222654	General	\$896,075.40
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UNFINISHED BUSINESS

(1) Councilman Wilson, who was absent last week, moved to reconsider Resolution No. R-69-23 (adopted on February 28 with an amendment removing Carver Community Center from community center rental rates), in order to adopt the resolution as it was originally presented.

Mayor Ford referred to Resolution No. R-169-10, which provides for City sponsorship of biannual Carver reunion events. He pledged \$1,000 from discretionary funds to be applied to future Carver Community Revitalization Committee events at Carver, noting \$1,500 was last year's total rental revenue for the facility. President Back pledged discretionary funds for this purpose as well. Councilman Avery expressed his desire to offer an additional amendment to the facility rates document. Councilman Wilson referred to parliamentary procedure and advised him he has the opportunity to present a written resolution at a future meeting.

Councilman Wilson reiterated his motion, which was seconded by Councilman Smith and Resolution No. R-69-23 was adopted, as originally presented, by the following vote:

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

NAYS: None

ABSTENTIONS: Avery

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

ORDINANCE NO. O-15-23

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

(Amending City Code Section 106-86 (a) - Increasing residential garbage collection fee from \$13.00 to \$20.00 per month)

Councilman Wilson and City Services Director Tena King explained the increased fee will help to offset the city's increased disposal and fuel costs, and is not an attempt to address uncollected fees. It was noted that curbside trash collection services will continue to be provided with no fee. President Back noted Gadsden's fee will still be the second lowest in the area.

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

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

ORDINANCE NO. O-16-23

AUTHORIZING CONVEYANCE OF PROPERTY

(Authorizing Conveyance of Property - 1516 Fourth Avenue - Lot 11, Block 13, Hill and Cansler Addition - District 5 - Accepting \$150.00 offer from Charles E. Coleman)

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

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

ORDINANCE NO. O-17-23

AUTHORIZING CONVEYANCE OF PROPERTY

(Authorizing Conveyance of Property to Gadsden Empowerment Initiative - 803 Crest Avenue - Lot 3 of Colwell Addition - District 3)

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

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

ORDINANCE NO. O-18-23

AUTHORIZING CONVEYANCE OF PROPERTY

(Authorizing Conveyance of Property - Former Alabama City Fire Station located at 809 Vandell Boulevard - Accepting \$85,000.00 offer from Ricky Joe Wells and Ricky Joe Wells, Jr.)

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

## PUBLIC HEARINGS

President Back stated this was the time and place as advertised to conduct the following public hearings:

(1) President Back announced the public hearing is not necessary regarding property at 108 Beech Lane in District 1, as the nuisance has been abated by the owner.

(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 318 Riverside Drive, Tammy Body being the last known owner. Brian Greer, Building Inspector, stated no improvements have been made in this trash and debris case (started on 9/26/22), even after municipal court proceedings. He recommended abatement. The following resolution was introduced in writing for consideration:

### RESOLUTION NO. R-80-23

#### ORDERING ABATEMENT OF NUISANCE

(Ordering Abatement of Nuisance - Trash and Debris - 318 Riverside Drive - District 1 - Tammy Body)

Councilwoman Latham moved to adopt the resolution as introduced, which motion was seconded by Councilman Wilson 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 1204 Hoke Street, Williams Scott Loring, Lisa Susan Loring, Debra W. Ferguson, Larry Duane Wells, Roger Stephen Wells, and Johnny Rays Wells, c/o Debra Ferguson, being the last known owners. Brian Harbison, Building Inspector, stated although a demolition permit was obtained in August 2022, no improvements have been made since procedures began in October 2021. He recommended abatement. The following resolution was introduced in writing for consideration:

### RESOLUTION NO. R-81-23

#### ORDERING ABATEMENT OF NUISANCE

(Ordering Abatement of Nuisance - 1204 Hoke Street - District 2 - Williams Scott Loring; Lisa Susan Loring; Debra W. Ferguson; Larry Duane Wells; Roger Stephen Wells; Johnny Rays Wells, c/o Debra Ferguson)

Councilman Smith moved to adopt the resolution as introduced, which motion was seconded by Councilwoman Minatra 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 908 Penny Street, John T. Griffin, Mattie Griffin ET AL, c/o Patricia M. Williams, being the last known owners. Brian Harbison, Building Inspector, stated no improvements have been made since procedures began in October 2021, and recommended abatement. The following resolution was introduced in writing for consideration:

RESOLUTION NO. R-82-23

ORDERING ABATEMENT OF NUISANCE

(Ordering Abatement of Nuisance - 908 Penny Street - District 3 - John T. Griffin; Mattie Griffin, ET AL, c/o Patricia M. Williams)

Councilman Avery moved to adopt the resolution as introduced, which motion was seconded by Councilman Wilson 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 1307 Jackson Avenue, Robert W. Bonness and Jerry Bonness, c/o Misty Simmons, Robert W. Bonness and Jerry Bonness being the last known owners. Brian Harbison, Building Inspector, stated no improvements have been made since procedures began in October 2021, and recommended abatement. The following resolution was introduced in writing for consideration:

RESOLUTION NO. R-83-23

ORDERING ABATEMENT OF NUISANCE

(Ordering Abatement of Nuisance - 1307 Jackson Avenue - District 5 - Robert W. Bonness and Jerry Bonness, c/o Misty Simmons; Robert W. Bonness; Jerry Bonness)

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

RESOLUTIONS PRESENTED FOR CONSIDERATION

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

RESOLUTION NO. R-84-23

AMENDING RESOLUTION NO. R-23-23 REGARDING  
ONE-YEAR MORATORIUM ON CERTAIN NEW BUSINESS LICENSES

(Amending R-23-23, which established one-year moratorium for payday loan, car title loan, check cashing, mattress, car wash, and automotive oil change and lubrication businesses in Coosa Riverfront District - Adding storage units, tobacco stores, and vape shop businesses - Note: Comprehensive master plan by Goodwyn Mills Cawood, LLC and riverfront development plan by Orchestra Partners Development, LLC are pending)

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

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

RESOLUTION NO. R-85-23

APPOINTING MEMBERS TO DESIGN REVIEW BOARD

(Appointing Kevin Ferguson to replace Dr. Farrah Hayes for term expiring 6-30-24 - Appointing Denecia Getaw to replace Elaine Spearman for term expiring 6-30-25)

Councilwoman Latham moved to adopt the resolution as introduced, which motion was seconded by Councilman Robinson and adopted by the following vote:

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

NAYS: Avery

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

RESOLUTION NO. R-86-23

AUTHORIZING CONTRACT WITH THE  
HUMANE SOCIETY PET RESCUE AND ADOPTION CENTER

(Authorizing Contract - Humane Society Pet Rescue and Adoption Center - To shelter animals impounded by Animal Control - \$10,691.67 per month - Term of 3-1-23 through 9-30-24)

Councilman Wilson 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 - AUTHORIZING CONVEYANCE OF PROPERTY AT 3113 SUDIE AVENUE

(2) ORDINANCE - AUTHORIZING CONVEYANCE OF PROPERTY LOCATED ON SUDIE AVENUE

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

DEPARTMENT REPORTS

Josh Tanner (EMA Interim Director) announced tonight's CERT exercise and reported on last Friday's local storm damage. He stated the need to provide EMA training to Mayor Ford and staff and the council, and announced upcoming county-wide training for elected officials to be provided by Texas A&M.

PUBLIC

Jay Deas thanked the city for its support of the Alabama Boxing Hall of Fame program on February 11 at The Venue. He presented a trophy containing a boxing glove signed by the Class of 2023 inductees to Mayor Ford, and copies of the program to the mayor and council.

Fred Zackery referred to a meeting over the weekend and accused a member of the mayor's staff of disrespecting him and said city hiring doesn't reflect the 40% Black population. He cited accomplishments of Carver High School graduates and said the community center should be maintained at the same level of excellence. Mr. Zackery pledged \$1,000 for Carver Community Revitalization Committee's events and pointed out discretionary funds come from the citizens. He suggested using a formula based on poverty levels to determine what rental rates should be charged for facilities.

Joseph Cole referred to the Water Works and Sewer Board's 2016 lawsuit against certain companies that pollute the river and last year's settlement. He mentioned news reports concerning current chemical levels in our water supply and said analysts recommended bottled water and filters. Mr. Cole stressed the need to warn the public of these conditions.

Katie Bohannon (Resource Development Director) and Emma Clapp (Executive Director) of the Family Success Center presented information on over 30 programs now offered at the family resource center. Ms. Clapp thanked the city for past support and future collaboration. Ms. Bohannon announced an upcoming fund-raising event, "Talk Derby to Me." Founding director Marie Johnson, who was present, was recognized.

#### MAYOR AND COUNCIL REMARKS

Councilman Robinson noted clean-up efforts are underway on Hinds Road and encouraged the public to not litter. Councilwoman Minatra noted the possibility of cameras to assist investigation of illegal dumping and asked citizens to report suspicious activity.

Councilman Wilson commented on a number of issues, including: expressing support for low income rates at community centers; noting over half of ARP funds appropriated for infrastructure projects are in the Tuscaloosa Avenue area; expressing hope that atrocities to Black people, our darkest past, will become the brightest future; explaining the YMCA is not a city facility but efforts are being made to overcome its financial challenges; pointing out the pollutants in water supply did not increase but standards regarding acceptable amounts were changed; stating the Water Works and Sewer Board operates independently and is using the lawsuit settlement to install a reverse osmosis system to address the issue; agreeing on the importance of public knowledge; commenting on proposed State legislation on land banks and "street showboating."

Councilman Avery addressed various topics, including: thanking police officers and medics for response to recent shootings in his district; encouraging the community to step up regarding trash; expressing no opposition to rate increases at Carver but wishing to commit the gentleman's agreement to writing; stating he has no personal issues with Mayor Ford but is passionate about representing his constituents; thanking the cultural arts center for hosting this morning's breakfast and encouraging the community to visit and learn about the wide array of programs offered.

Councilman Smith thanked everyone for a great day and encouraged citizens to come to city hall to get answers, rather than listening to pessimism and false reports. He affirmed the city is working to address issues in Oakleigh Estates.

Councilwoman Latham thanked everyone for being here and bringing their concerns. She announced a District 1 meeting at 6 p.m. tonight at East Gadsden Community Center.

Mayor Ford: thanked Church of the Highlands for their work at city hall last Saturday; announced an upcoming meeting with ALDOT concerning the Eastern connector project; announced next Tuesday’s GROW Gadsden public meeting at The Venue and asked everyone to complete the online survey; said the audio recording of the meeting did not support Mr. Zackery’s accusation and asked for forgiveness if there was something he had done in the past; affirmed his past and future support for Carver Community Center; pointed out four of his seven staff members are minorities, with a new position created for Diversity, Equity and Inclusion; introduced newest staff member Rod Scott. Mr. Scott thanked Mayor Ford for the opportunity to work and made encouraging remarks, urging people to take responsibility for moving their life forward and not remaining in a state of unforgiveness.

President Back: announced this weekend’s Alabama Fishing Show and Expo at The Venue; pointed out the YMCA has about one-third of paying members needed to sustain itself; thanked public works and power company employees for response to power outages after last Friday’s storm; thanked everyone who attended last night’s district meeting and noted a plan of action will be pursued in regard to the traffic study on Wildhaven Circle; addressed rules of procedure, which give citizens the right to be present and the privilege to apply to address the council, but not to speak from the floor.

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

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Iva Nelson, City Clerk (3-7-23)

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FOURTH FLOOR CONFERENCE ROOM - BID OPENING  
MARCH 7, 2023 - 2:00 P.M.

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

Bid No. 3501 - 2023 4WD Crew Cab Chevrolet Silverado 3500 HD Truck

Donohoo Chevrolet, LLC	\$66,384.50
Ronnie Watkins Ford	NO BID

Copies of the bids will be forwarded to the Fleet Manager, and a recommendation will be made to the Council.

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