

COUNCIL CHAMBER - CITY HALL - GADSDEN, ALABAMA
APRIL 4, 2023 - 11:00 A.M.

The City Council met on April 4, 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. Heath Williamson, Lee Roberts and Captain Keener were also present.

The invocation was given by Councilman Smith.

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

Payment of the HTE System accounts for the weeks of March 17-23 and March 24-30 were ratified by unanimous vote.

#222969-223058	General	\$604,510.66
#223059-223260	General	\$1,125,505.87

UNFINISHED BUSINESS

(1) The following ordinance, which was introduced for first reading on March 21, was presented for consideration:

ORDINANCE NO. O-23-23

AMENDING FISCAL YEAR 2023 BUDGET

(Amending FY2023 Budget - Transferring \$1,713,000.00 from unassigned fund balance - For acquisition of property from Gadsden Airport Authority - Note: Acquisition was approved by Resolution No. R-62-23)

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

(2) The following ordinance, which was introduced for first reading on March 21, was presented for consideration:

ORDINANCE NO. O-24-23

AMENDING COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM
2020-2024 CONSOLIDATED PLAN AND
AMENDING 2020 CDBG-CV BUDGET TO REALLOCATE FUNDS

(Amending 2020-2024 CDBG Consolidated Plan - Incorporating goals and language to expand economic development opportunities and neighborhood revitalization - For use of 2023 CDBG funds for microenterprise program and accessible playground - Amending 2020 CDBG-CV Budget - Reallocating \$30,000.00 from St. Martin de Porres Catholic Center of Concern and \$51,249.00 from United Way - For purchase of box truck for Etowah County Community Food Bank)

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

(3) The following ordinance, which was introduced for first reading on March 21, was presented for consideration:

ORDINANCE NO. O-25-23

ADOPTING THE 2023 FISCAL YEAR COMMUNITY DEVELOPMENT
BLOCK GRANT PROGRAM ANNUAL ACTION PLAN AND BUDGET

(Adopting FY2023 CDBG Budget and Annual Action Plan - \$999,724.00 - For program year beginning June 1, 2023, and ending May 31, 2024)

Councilman Wilson moved to adopt the ordinance, which motion was seconded by Councilwoman Latham and adopted by the following vote:

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

NAYS: None

ABSTENTIONS: Avery

(4) The following resolution, which was tabled for 30 days on February 21, was presented for consideration:

RESOLUTION NO. R-98-23

ORDERING ABATEMENT OF NUISANCE

(Ordering Abatement of Nuisance - 1300 E. Broad Street - District 2 - Kenneth L. Robinson, c/o Fannie Robinson)

In response to Councilman Smith's inquiry, Brian Harbison (Building Official) confirmed the case does not involve the house structure. Pursuant to the Building Official's recommendation, Councilman Smith moved to adopt the resolution. The motion was seconded by Councilman Wilson and unanimously adopted.

(5) A resolution ordering the abatement of nuisances on property at 235 N. 6th Street in District 3, which was tabled for 30 days on February 21, was presented for consideration. Councilman Avery said he had spoken with Mr. Harbison, who had recommended abatement, regarding efforts to secure the structure and preserve it as a historic location. He moved to table the resolution an additional 7 days, which motion was seconded by Councilman Wilson and unanimously carried.

PUBLIC HEARINGS

President Back stated this was the time and place as advertised to conduct a public hearing allowing anyone to speak for or in opposition to a resolution approving the issuance of an alcoholic beverage license for The Rail at 538 Broad Street. No one spoke. The following resolution was presented for consideration:

RESOLUTION NO. R-99-23

APPROVING THE ISSUANCE OF ALCOHOLIC BEVERAGE LICENSE

(RCR Rail House, LLC - The Rail - 538 Broad Street - Restaurant Retail Liquor License)

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

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

NAYS: None

ABSTENTIONS: Robinson

ORDINANCE - FIRST READING

The following ordinance was introduced in writing and read by President Back:

ORDINANCE - AUTHORIZING CONVEYANCE OF PROPERTY TO ETOWAH COUNTY COMMUNICATIONS 911 DISTRICT

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

NEW BUSINESS

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

RESOLUTION NO. R-100-23

AUTHORIZING ABATEMENT FOR PROJECT SCOUT

(Authorizing Mayor to execute any and all documents necessary for abatement of noneducational ad valorem taxes - For period of 20 years - Relating to Project Scout)

President Back 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 Councilwoman Minatra and unanimously adopted.

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

RESOLUTION NO. R-101-23

AWARDING BID NO. 3502

(Awarding Bid No. 3502 - 2023 Cemetery Lawn Maintenance - L Powell Services, LLC - \$189,899.84)

President Back 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 Smith and unanimously adopted.

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

RESOLUTION NO. R-102-23

AUTHORIZING SETTLEMENT PARTICIPATION FORMS

(Authorizing Settlement Participation - Teva, Allergan, CVS, Wal-Mart, and Walgreens - Relating to opioid lawsuits)

President Back 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 Councilwoman Minatra and unanimously adopted.

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

RESOLUTION NO. R-103-23

AUTHORIZING AGREEMENT WITH NIXON POWER SERVICES
AND A&S ELECTRICAL CONTRACTORS, INC.

(Declaring Emergency Purchase - Authorizing Agreements - Nixon Power Services for purchase of generator for \$73,987.00 - A&S Electrical Contractors, Inc. for installation of generator - For Communications Tower located at 911 Bellevue Drive)

President Back 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 Councilwoman Minatra and unanimously adopted.

(5) Councilwoman Minatra introduced the following resolution in writing for consideration:

RESOLUTION NO. R-104-23

AUTHORIZING APPROVAL OF PROPOSAL
FROM VOLKERT, INC.

(Accepting Proposal - Volkert, Inc. - \$241,579.00 - To provide feasibility study for realignment of US-411, from I-759 to US-431)

President Back 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 Smith and unanimously adopted.

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

RESOLUTION NO. R-105-23

AUTHORIZING AMENDMENT NUMBER 1 TO THE
AGREEMENT WITH BARNETT JONES WILSON, LLC

(Amending Agreement - Barnett Jones Wilson, LLC - To include additional Federal contract clauses - Regarding Noccalula Falls Gorge Trail Pedestrian Access Improvements - Note: No additional funds required)

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

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

RESOLUTION NO. R-106-23

AUTHORIZING AMENDMENT #1 TO
THE AGREEMENT WITH S&ME, INC.

(Amending Agreement - S&ME, Inc. - To include additional Federal contract clauses - Regarding Noccalula Falls Gorge Trail Pedestrian Access Improvements - Note: No additional funds required)

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

(8) Councilman Robinson introduced the following resolution in writing for consideration:

RESOLUTION NO. R-107-23

AUTHORIZING AGREEMENT WITH
GOODWYN MILLS CAWOOD, LLC

(Authorizing Agreement - Goodwyn Mills Cawood, LLC - \$432,000.00 - To complete design and permitting services - For pedestrian and streetscape improvements along Highway 211 (Noccalula Road), from Wells Street to Tabor Road)

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

(9) Councilman Avery introduced the following resolution in writing for consideration:

RESOLUTION NO. R-108-23

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

(Amending Rental Rates - Parks and Recreation Department facilities - Amending language relating to use of Carver Community Center for class reunions and biennial reunions - Note: Replaces document adopted by R-485-16 and last amended by R-69-23)

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

(10) Councilman Avery introduced the following resolution in writing for consideration:

RESOLUTION NO. R-109-23

AUTHORIZING CONVEYANCE OF SURPLUS EQUIPMENT TO
SUSAN MOORE FIRE DEPARTMENT, ALTOONA ALABAMA

(Authorizing sale of Surplus Equipment - 2008 Chevy C5500/R1 Rescue Truck, VIN 1GBE5E1948F09262 - \$12,000.00 - To Susan Moore Fire Department)

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

(11) Councilwoman Latham introduced the following resolution in writing for consideration:

RESOLUTION NO. R-110-23

AWARDING BID NO. 3498

Awarding Bid No. 3498 - Convention Hall Demolition Project - Britt Demolition & Recycling, Inc. - \$239,000.00)

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

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

NAYS: None

ABSTENTIONS: Avery

(12) Councilwoman Latham introduced the following ordinance in writing for consideration:

ORDINANCE NO. O-26-23

AMENDING FISCAL YEAR 2023 BUDGET

(Amending FY2023 Budget - Transferring \$985,079.00 from general fund unassigned balance - \$432,000.00 for Noccalula Road pedestrian and streetscape improvements design - \$72,500.00 for Fire Station #6 (Goldenroad Avenue) design - \$239,000.00 for Convention Hall demolition - \$241,579.00 for US 411 Re-Alignment feasibility study)

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

AYES: Back, Williams, Worthy, Echols, Billingsley, Cannon, Reed

NAYS: None

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

DEPARTMENT REPORTS

PUBLIC

Robert Avery

COUNCIL REMARKS

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

Iva Nelson, City Clerk (4-4-23)

FOURTH FLOOR CONFERENCE ROOM - BID OPENING
APRIL 4, 2023 - 2:00 P.M.

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

Bid No. 3503 - Nuisance Abatement Demolition Project

Bedwell & Whorton Excavating, LLC \$9,151.92

Bid No. 3504 - Golf Cart Lease
Yamaha Golf Car

\$75.00 per month

Copies of the bids will be forwarded to the City Engineer and the NEAPA Coordinator, and a recommendation will be made to the Council.
