

COUNCIL CHAMBER - CITY HALL - GADSDEN, ALABAMA  
APRIL 6, 2021 - 11:00 A.M.

The City Council met on April 6, 2021 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, Worthy, Back, Wilson, Cannon, and Reed. Councilman Williams was absent. The clerk stated a quorum was present and the meeting was open for business. Mayor Guyton, Heath Williamson, Lee Roberts and Captain Jackson were also present.

The invocation was given by Councilman Cannon.

Josh Tanner (Emergency Management Agency) provided an update on Covid statistics and noted Johnson & Johnson vaccines are here. He announced plans for on-site vaccination clinics at Holy Comforter and Daugette apartments and drive-through clinics at Carver and Elliott Community Centers. Mr. Tanner encouraged everyone to following CDC guidelines, even after the mask mandate ends.

The minutes of the last work session and council meeting held on March 30, 2021 were approved by unanimous vote.

Payment of the HTE System accounts for the week of March 26 - April 1, 2021 were ratified by unanimous vote.

#206816-206899	General	\$394,951.15
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Mayor Guyton read a proclamation proclaiming April 4-10, 2021, as “National Library Week” and presented it to Rachel Cole and Jillian Reeves, who encouraged citizens to take advantage of in-person and on-line services. Councilman Worthy congratulated East Gadsden Branch manager LaShunda Williams, who has been selected as a “Library Outfielder” by the Association of Small and Rural Libraries in partnership with the American Library Association.

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 1519 Eastview Avenue, Alice Cockerham, potential rights of redemption to the Estate of Davis Birnirt and Mattie Ruth Davis and heirs listed for Birnirt Davis are: Jimmie Lee Davis, Bonnie Bonita Mitchell, Carmen C. Edwards Salleh, Letters of Testamentary to Walden Davis, and State of Alabama being the last known owners. Brian Harbison, Building Inspector, stated no improvements have been made since procedures began in March 2020, and recommended abatement. The following resolution was introduced in writing for consideration:

RESOLUTION NO. R-59-21

ORDERING ABATEMENT OF NUISANCE

(Ordering Abatement of Nuisance - 1519 Eastview Avenue - District 1 - Alice Cockerham; Potential rights of redemption to the Estate of Davis Birnirt and Mattie Ruth Davis; Heirs listed for Birnirt Davis are: Jimmie Lee Davis, Bonnie Bonita Mitchell, Carmen C. Edwards Salleh, Letters of Testamentary to Walden Davis; State of Alabama)

Councilwoman Toles moved to adopt the resolution as introduced, which motion was seconded by Councilman Cannon 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 2214 Sansom Avenue in District 6, Floyd Morris being the last known owner. Brian Harbison, Building Inspector, recommended a 30-day extension due to recent improvements. Councilman Cannon moved to table the resolution for 30 days, which motion was seconded by Councilman Reed and unanimously carried.

(3) The floor was opened to allow anyone to speak for or in opposition to a resolution assessing a nuisance abatement lien on property at 318 Nunnally Avenue, AmSouth, State of Alabama, and rights of redemption of Shirley T. Jennings being the last known owners. No one spoke. The following resolution was introduced in writing for consideration:

RESOLUTION NO. R-60-21

ASSESSING NUISANCE ABATEMENT LIEN AGAINST PROPERTY

(Assessing Nuisance Abatement Lien for Demolition - \$3,616.40 - 318 Nunnally Avenue - District 1 - AmSouth; State of Alabama; Rights of redemption of Shirley T. Jennings)

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

(4) The floor was opened to allow anyone to speak for or in opposition to a resolution assessing a nuisance abatement lien on property at 1208 Robinson Avenue, Carmen L. Crook & Jessie L. Bentley, c/o Nicole Bentley, and the State of Alabama being the last known owners. No one spoke. The following resolution was introduced in writing for consideration:

RESOLUTION NO. R-61-21

ASSESSING NUISANCE ABATEMENT LIEN AGAINST PROPERTY

(Assessing Nuisance Abatement Lien for Demolition - \$4,841.40 - 1208 Robinson Avenue - District 2 - Carmen L. Crook & Jessie L. Bentley, c/o Nicole Bentley; State of Alabama)

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

(5) The floor was opened to allow anyone to speak for or in opposition to a resolution assessing a nuisance abatement lien on property at 448 Keeling Alley, State of Alabama and redemption rights of Home Opportunity, LLC being the last known owners. No one spoke. The following resolution was introduced in writing for consideration:

RESOLUTION NO. R-62-21

ASSESSING NUISANCE ABATEMENT LIEN AGAINST PROPERTY

(Assessing Nuisance Abatement Lien for Demolition - \$2,991.40 - 448 Keeling Alley - District 3 - State of Alabama; Redemption rights of Home Opportunity, LLC)

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

(6) The floor was opened to allow anyone to speak for or in opposition to a resolution assessing a nuisance abatement lien on property at 425 North 9<sup>th</sup> Street, State of Alabama, possible rights of redemption of Tonya F. Porter, and Susie King Thornton Adams being the last known owners. No one spoke. The following resolution was introduced in writing for consideration:

RESOLUTION NO. R-63-21

ASSESSING NUISANCE ABATEMENT LIEN AGAINST PROPERTY

(Assessing Nuisance Abatement Lien for Demolition - \$4,516.40 - 425 North 9<sup>th</sup> Street - District 3 - State of Alabama; Possible rights of redemption of Tonya F. Porter; Susie King Thornton Adams)

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

(7) The floor was opened to allow anyone to speak for or in opposition to a resolution assessing a nuisance abatement lien on property at 110 Victory Street, Mabel McFarlin & Geidra McFarlin, subject to mortgage in favor of City of Gadsden, being the last known owners. No one spoke. The following resolution was introduced in writing for consideration:

RESOLUTION NO. R-64-21

ASSESSING NUISANCE ABATEMENT LIEN AGAINST PROPERTY

(Assessing Nuisance Abatement Lien for Demolition - \$3,441.40 - 110 Victory Street - District 3 - Mabel McFarlin & Geidra McFarlin, subject to mortgage in favor of City of Gadsden)

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

RESOLUTIONS PRESENTED FOR CONSIDERATION

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

RESOLUTION NO. R-65-21

AWARDING BID NO. 3446

(Awarding Bid No. 3446 - Janitorial Supplies - Etowah Chemical Sales & Service, pursuant to 5% local option - Unit Prices)

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

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

RESOLUTION NO. R-66-21

AWARDING BID NO. 3449

(Awarding Bid No. 3449 - Finished Traffic Signs - Newman Signs - \$1,401.36 for Engineering Grade - \$1,510.98 for High Intensity)

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

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

RESOLUTION NO. R-67-21

AWARDING BID NO. 3450

(Awarding Bid No. 3450 - Unfinished Traffic Signs and Sign Posts - Newman Signs - \$530.42 for Unfinished Signs; \$445.68 for Posts)

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

### NEW BUSINESS

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

RESOLUTION NO. R-68-21

AWARDING BID NO. 3452

(Awarding Bid No. 3452 - Sanitary Sewer Bypass Abandonment at NARMCO/Prince Metal Stamping - Alabama Grading & Excavation, LLC - \$131,300.00)

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.

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

RESOLUTION NO. R-69-21

AUTHORIZING ACQUISITION OF PROPERTY

(Authorizing Acquisition of Property - 15 Parcels located on South 11<sup>th</sup> Street - For street improvements - Note: Mayor is currently under contract with CDG Engineers & Associates, which has sub-contracted with Wisener, LLC to perform appraisal work and assist with negotiations with property owners - If no agreement is reached, City shall acquire title through condemnation, with assistance from Turnbach, Warren, Rice, Lloyd, Frederick & Smith, P.C.)

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 Worthy and unanimously adopted.

### PUBLIC

Kendra Lee, Field Instructor for Masters Programs at Jacksonville State University and the University of Alabama, stated the importance of social workers to the community. She introduced Cindy Humphrey, Kara Byron, and Tiffany Works, three interns who were in attendance. The council joined in commending social workers for their needed skills and dedication.

### MAYOR AND COUNCIL REMARKS

Councilman Cannon questioned various statements and beliefs of the rendering opposition group, pointing out there has been no agreement for water improvements, land sale, or anything for the council to consider a plant. He affirmed the integrity of his fellow elected officials and welcomed an investigation regarding all aspects of the issue. Councilman Reed agreed and noted the FBI is investigating, but the process is slow. President Toles spoke against “following up lies” and said her one vote would be cast as she desires.

Councilman Worthy announced Quality of Life vaccination clinics at Ashville City Hall on Wednesday, April 7 (Johnson & Johnson) and in Gadsden on Monday, April 26 (Moderna).

Councilman Back congratulated Gadsden City High School student Claire Tumlin, who is a National Merit Scholarship finalist. He said many locations with clogged storm drains have been reported to the public works department and reminded the public to not place leaves and brush near inlets. He explained make-up garbage collections have occurred in East Gadsden and wished Councilman Cannon a belated happy birthday.

Councilman Wilson explained the 5% option that allowed preference for a local company to receive the bid award for janitorial supplies. He commented on the necessity for immediate consideration of new business items relating to the Prince Metal expansion and S. 11<sup>th</sup> Street improvements project. Councilman Wilson commended the city’s libraries and the city engineer for the Cherry Street project. He thanked Peter Gregerson for the gift of his book, The Golden Rule.

Mayor Guyton reiterated his disappointment that a senator didn’t ask the governing body before introducing a bill eliminating the Occupational License Fee, which would have disastrous effects. Councilman Back also commented on the city’s expenditures that benefit the entire county, with OLF comprising 29% of revenues. The Mayor announced that masks will still be required through April 30 in city facilities after the state mandate expires.

Councilmen Back, Worthy, and Cannon referred to nuisance liens adopted today and Brian Harbison was asked to explain the process. Mr. Harbison said after abatement is ordered by resolution of the council, utilities are retired and the public works department proceeds with demolition. A billing is sent to all owners and they are given the opportunity to make payments. If costs are not paid, a public hearing is scheduled to consider assessing liens against the property; however, ownership remains with the individuals. All liens are recorded in the Probate Judge's office and grass liens are added to property tax bills. If taxes are not paid, properties are subject to reverting to the state through tax sales. Mr. Harbison noted grass cutting has begun for over 1,000 state-owned lots and will soon begin for privately owned nuisance lots.

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

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Iva Nelson, City Clerk (4-6-21)

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