

COUNCIL CHAMBER - CITY HALL - GADSDEN, ALABAMA
APRIL 19, 2022 - 11:00 A.M.

The City Council met on April 19, 2022, in regular session.

The meeting was called to order at 11:00 a.m. by Council President Toles. On roll call by the Assistant City Clerk, Jennifer Smith, the following council members answered present: Toles, Williams, Back, Wilson, and Cannon. The clerk stated a quorum was present and the meeting was open for business. Councilmen Worthy and Reed were absent. Heath Williamson, Lee Roberts and Captain Jackson were also present.

The invocation was given by Councilman Back.

The minutes of the Human Relations Advisory Committee, Work Sessions and Council meeting held on April 12, 2022, were approved by unanimous vote.

Payment of the HTE System accounts for the week of April 8-14 were ratified by unanimous vote.

#215279-215426	General	\$624,957.84
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On behalf of Mayor Guyton, President Toles read a proclamation proclaiming April 2022, as “Child Abuse Prevention Month” and presented it to Emma Clapp (Family Success Center Director) and Patricia Falcon (James M. Barrie Center for Children Director).

UNFINISHED BUSINESS

(1) A resolution approving a Lounge Retail Liquor License, Class I, at 1045 Tuscaloosa Avenue for William Avery, Jr., d/b/a Avery Blues Hall of Famer, which was tabled for 30 days on March 15, was presented for consideration. Councilwoman Toles moved to table the resolution an additional 60 days, which motion was seconded by Councilman Cannon and unanimously carried.

(2) President Toles announced that no action was necessary regarding a resolution ordering abatement of nuisances on property at 1625 Kyle Avenue in District 3, which was tabled for 30 days on March 15, as the nuisance has been abated by the owner.

PUBLIC HEARINGS

President Toles stated this was the time and place as advertised to conduct a public hearing allowing anyone to speak in opposition to or in favor of a resolution authorizing an economic agreement with K-V-A-T Food Stores, Inc.

Janice Brown, a resident of District 7, spoke in opposition, stating that there are already many grocery stores in the area. She suggested other types of businesses that she felt were more desirable for the location and expressed concerns that traffic conditions would be exacerbated with the addition of a grocery store at the mall.

Blake Sitz, General Supervisor of Johnson Giant Foods, also spoke in opposition. He shared information regarding their two grocery stores located in the city, including the number of persons employed, tax dollars paid, and support of local schools and charities. He stated that local grocery stores are not afraid of competition, but a full-service grocery store would pull business from local florists and pharmacies. Mr. Sitz questioned why tax abatements are given to new developments and not offered to existing businesses. Councilman Wilson shared that as a local business owner, he is sensitive to the impact on local businesses. He explained the Gadsden Mall is a private entity and the city was not involved in recruiting businesses to the location.

Stephen Spangler, Vice-President of Real Estate & Site Development at K-V-A-T Food Stores, stated that the company projects cannibalization of business from competitors located outside the city. He said the project involves a \$14 million dollar investment and the tax abatement is necessary to make the project financially feasible. He also shared examples of how K-V-A-T supports the local communities of their stores.

James Dolan, Manager of the Gadsden Mall, spoke about how the retail environment has changed and that mall developers are working hard to get space filled. He said he feels the addition of a grocery store would benefit the mall and could bring more tenants. In response to Councilman Back, Mr. Dolan said he doesn't feel the fuel depot included in the project would be a detriment.

Jamey Flegal, Noon Real Estate, said his company was responsible for bringing Food City to Albertville. He stated that cannibalization of business from existing local stores was also a concern there, but sales in other local stores have actually increased. In regard to the potential of driving customer traffic to the mall, Mr. Flegal shared that tracking data showed the Albertville location had 1.27 million visits in nine months.

The following resolution was introduced in writing for consideration:

RESOLUTION NO. R-122-22

AUTHORIZING ECONOMIC DEVELOPMENT
AGREEMENT WITH K-V-A-T FOOD STORES, INC.

(Authorizing Agreement - K-V-A-T Food Stores, Inc.- To construct Food City grocery store at the Gadsden Mall, 951 Rainbow Drive - Providing for rebate of 2% of the City's 5% sales tax revenue - Period of 15 years from store's opening date or until \$6,738,160.00 has been paid to developer, whichever occurs first - Note: Location is former Sears store)

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

AYES: Toles, Williams, Back, Cannon

NAYS: Wilson

RESOLUTIONS PRESENTED FOR CONSIDERATION

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

RESOLUTION NO. R-123-22

ONE-YEAR MORATORIUM ON
CERTAIN NEW BUSINESS LICENSES

(Establishing moratorium on issuing business licenses for certain businesses, including payday loan, car title loan and check cashing - For one year, from effective date of resolution - City will research, study and develop an appropriate zoning and commercial development plan, with assistance from Planning Commission and Commercial Development Authority - Note: Prior moratoriums were established but had expired)

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

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

RESOLUTION NO. R-124-22

AUTHORIZING AGREEMENT WITH
GADSDEN RUNNERS CLUB

(Authorizing Agreement - Gadsden Runners Club - \$2,500.00 - For 2022 Season Club Title Sponsorship)

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

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

RESOLUTION NO. R-125-22

AUTHORIZING MEMORANDUM OF UNDERSTANDING
REGARDING MOTOROLA SYSTEM

(Authorizing Memorandum of Understanding - Gadsden Etowah Emergency Management Agency and Etowah County Emergency Communications District - Regarding cooperation in Motorola system update - \$327,822.00, with City's portion of \$92,366.25 to be budgeted in FY2023)

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

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

RESOLUTION NO. R-126-22

AUTHORIZING MEMORANDUM OF UNDERSTANDING
REGARDING CONSTRUCTION OF WAREHOUSE

(Authorizing Memorandum of Understanding - Gadsden Etowah Emergency Management Agency and Etowah County Emergency Communications District - Regarding construction of EMA warehouse at 4610 Airport Road - \$98,562.00 to be paid to Ashley Cement Finishers and Trent Thrasher, contractors)

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

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

RESOLUTION NO. R-127-22

AUTHORIZING AGREEMENT WITH
ALABAMA LINE LOCATION CENTER, INC.

(Authorizing Agreement - Alabama Line Location Center, Inc. d/b/a Alabama 811 - To receive notifications of all utility line location requests within city limits - City will pay monthly associate membership fee per rate schedule)

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

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

RESOLUTION NO. R-128-22

AUTHORIZING AGREEMENT WITH S&ME, INC.

(Authorizing Agreement - S&ME, Inc. - \$8,800.00 - To complete Environmental Assessment for Nocalula Falls Gorge Trail Pedestrian Access Improvements - Funded by Alabama Department of Economic and Community Affairs Recreational Trails Grant)

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

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

RESOLUTION NO. R-129-22

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

(Amending Agreement - S&ME, Inc. - Regarding complete drainage study along Greenwood Avenue/Arrowhead Drive/Paden Road area - To include additional State and Federal contract clauses - Note: No additional funds are required)

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

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

RESOLUTION NO. R-130-22

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

(Amending Agreement - S&ME, Inc. - Regarding complete drainage study along the North Gadsden Park/Goldenrod Avenue/Presley Avenue area - To include additional State and Federal contract clauses - Note: No additional funds are required)

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

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

RESOLUTION NO. R-131-22

AUTHORIZING AMENDMENT NUMBER 1
TO AGREEMENT WITH JBW&T, INC.

(Amending Agreement - JBW&T, Inc.. - Regarding complete drainage study along 9th Street North/Lay Street area - To include additional State and Federal contract clauses - Note: No additional funds are required)

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

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

RESOLUTION NO. R-132-22

AUTHORIZING AMENDMENT NUMBER 1
TO AGREEMENT WITH JBW&T, INC.

(Amending Agreement - JBW&T, Inc.. - Regarding complete drainage study along East Broad Street area from 22nd Street to 15th Street North - To include additional State and Federal contract clauses - Note: No additional funds are required)

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

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

RESOLUTION NO. R-133-22

AUTHORIZING AMENDMENT NUMBER 1
TO AGREEMENT WITH JBW&T, INC.

(Amending Agreement - JBW&T, Inc. - Regarding complete drainage study through the Oak Park area - To include additional State and Federal contract clauses - Note: No additional funds are required)

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

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

RESOLUTION NO. R-134-22

AUTHORIZING AMENDMENT NUMBER 1 TO AGREEMENT
WITH CDG ENGINEERS AND ASSOCIATES, INC.

(Amending Agreement - CDG Engineers and Associates, Inc.. - Regarding complete drainage study through South Gadsden area/South 11th Street to Hickory Street - To include additional State and Federal contract clauses - Note: No additional funds are required)

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

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

RESOLUTION NO. R-135-22

AUTHORIZING AMENDMENT NUMBER 1 TO AGREEMENT
WITH CDG ENGINEERS AND ASSOCIATES, INC.

(Amending Agreement - CDG Engineers and Associates, Inc.. - Regarding complete drainage study along West Meighan Boulevard/North 11th Street/Tuscaloosa Avenue area - To include additional State and Federal contract clauses - Note: No additional funds are required)

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

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

RESOLUTION NO. R-136-22

AUTHORIZING AMENDMENT NUMBER 1 TO
AGREEMENT WITH SAIN ASSOCIATES

(Amending Agreement - Sain Associates - Regarding complete drainage study along portions of South 5th Street and South 6th Street area - To include additional State and Federal contract clauses - Note: No additional funds are required)

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

MAYOR AND COUNCIL REMARKS

Councilman Back expressed appreciation to Emma Clapp (Family Success Center) and Patricia Falcon (Barrie Center) for their work, as well as Leroy Falcon’s work as director of the YMCA. He also thanked clinic director Lew Mitchell and all volunteers working at the upcoming Remote Area Medical (RAM) Clinic. Councilman Back noted that a search is ongoing for a drowning victim in the Coosa River and offered prayers and thanks to first responders and the victim’s family.

Councilmen Back and Wilson expressed excitement regarding the new Food City project. Councilman Back noted the project is in his district and expressed hope that existing businesses will not experience negative impacts. Councilman Wilson said he voted against the agreement because he felt the amount of the tax abatement was too large. He added he had previously voted in favor of an agreement for a grocery store in Alabama City to eliminate a “food desert.” Councilman Wilson emphasized the Gadsden Commercial Development Authority does not use tax abatements as incentives but many entities know to ask for them when proposing a project.

Councilman Williams recognized James Memorial Baptist Church and New Destiny Christian Church for recent “gas giveaway” events at local gas stations to help needy persons. He complimented the recent Old School Weekend on the Gadsden City High School campus.

President Toles announced details of the upcoming RAM Clinic in Gadsden on April 23-24 at Gadsden City High School. She shared Dr. Kathy Murphy’s (Gadsden State Community College President) announcement that the baseball and softball programs are being reinstated and will use City ballfields on Meighan Boulevard until the Gadsden Sports Complex project adjacent to the college is completed. President Toles praised the good discussion during last week’s Human Relations Advisory Committee meeting regarding policing and stressed the importance of parents and the public getting involved. She encouraged focus on the positive things going on in the city. President Toles extended best wishes to City Clerk Iva Nelson, who is not feeling well.

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

Iva Nelson, City Clerk (4-19-22)
