

COUNCIL CHAMBER - CITY HALL - GADSDEN, ALABAMA
APRIL 26, 2022 - 11:00 A.M.

The City Council met on April 26, 2022 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, Williams, Worthy, Back, and Wilson. Councilmen Cannon and Reed were absent. The clerk stated a quorum was present and the meeting was open for business. Heath Williamson, Lee Roberts and Chief Jaggars were also present.

The invocation was given by Eymiah Pace.

The minutes of the last work session and council meeting held on April 19, 2022 were approved by unanimous vote.

Payment of the HTE System accounts for the week of April 15 - 21, 2022 were ratified by unanimous vote.

#215427-215572	General	\$1,179,808.07
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Captain Bobby Jackson presented letters of commendation to police officers Alec Burgess and Noah Boyd for their heroic efforts in trying to save a person who drowned in the Coosa River on April 16. He described their actions and thanked them for their bravery and dedication. President Toles commended all fire and law enforcement units that worked to recover the body, which brought closure to the young woman's family, as well as the city.

UNFINISHED BUSINESS

President Toles announced that no action was necessary regarding a resolution ordering abatement of nuisances on property at 1111 Stillman Avenue in District 2 (tabled for 30 days on March 22), as the nuisance has been abated by the owner.

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 303 Davis Street, the State of Alabama, with possible rights of redemption of Gertie Walker, being the last known owner. Brian Harbison, Building Inspector, stated no improvements have been made to this accessory building since procedures began in March 2021, and recommended abatement. He noted the house had been removed by the owner several years ago. The following resolution was introduced in writing for consideration:

RESOLUTION NO. R-137-22

ORDERING ABATEMENT OF NUISANCE

(Ordering Abatement of Nuisance - 303 Davis Street - District 1 - State of Alabama; Possible rights of redemption of Gertie Walker)

Councilwoman Toles moved to adopt the resolution as introduced, which motion was seconded by Councilman Back 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 1901 Nocalula Road, Dennis Wayne Bailey, subject to a mortgage in favor of Mortgage Information Services, being the last known owner. Brian Harbison, Building Inspector, stated no improvements have been made since procedures began in March 2021, and recommended abatement. The following resolution was introduced in writing for consideration:

RESOLUTION NO. R-138-22

ORDERING ABATEMENT OF NUISANCE

(Ordering Abatement of Nuisance - 1901 Nocalula Road - District 7 - Dennis Wayne Bailey, subject to mortgage in favor of Mortgage Information Services)

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

RESOLUTIONS PRESENTED FOR CONSIDERATION

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

RESOLUTION NO. R-139-22

AUTHORIZING AMENDMENT TO OUTSIDE AGENCY
AGREEMENT WITH GADSDEN AIRPORT AUTHORITY

(Amending Agreement - Gadsden Airport Authority - Appropriating additional \$400,000.00 as one-time payment for legal services due to ongoing litigation - Note: Lawsuit is Dynamic Collision et al. V. City of Gadsden et al. regarding proposed rendering plant)

Lee Roberts, City Attorney, explained the lawsuit was not brought by the City nor the Airport Authority. He referred to separation of powers and said the court should not intervene before legislative action was taken. He reiterated that the council was never presented with a proposal on which to vote. Mr. Roberts pointed out the authority voted to not allow sale or lease of airport property for a proposed rendering plant. He stressed that binding the hands of future councils must be accomplished by a consent decree, although plaintiffs contend they asked for a settlement. Mr. Roberts displayed excerpts of a Gadsden Times article quoting a plaintiff attorney using the term "consent decree." Council members asked questions and participated in the discussion that followed. Consensus was expressed for the following: no water or FAA permit was ever issued; permit(s) issued by ADEM were withdrawn by Pilgrim's Pride; City is ultimately responsible for financial obligations of the authority, due to being co-sponsor for the airport; City has no jurisdiction in other areas of the county. It was noted the judge granted a continuance requested by the plaintiffs and objected to by the defendants.

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

ORDINANCE - FIRST READING

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

ORDINANCE - AMENDING FISCAL YEAR 2022 BUDGET TRANSFERRING \$400,000.00 FROM UNASSIGNED FUND BALANCE TO OUTSIDE AGENCY (AIRPORT AUTHORITY)

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

PUBLIC

Larry Suttles apologized to Captain Jackson for an earlier confrontation with a police officer. He presented pictures of debris left from a tree cut by the city, which washes onto his property. Mr. Suttles pointed out citizens are not always aware of the status of issues they ask him to present, and responded to comments made about him by city workers

COUNCIL REMARKS

The Council joined in welcoming Youth in Government students and encouraged them to continue participating in city government. Councilman Williams commended Mrs. Hardrick for her role as sponsor. Councilman Back thanked local businesses that contributed food and the Parks and Recreation Department for assistance in set-up.

Councilman Wilson said he looks forward to getting past the issue of the proposed rendering plant and litigation. He expressed concerns about reported actions of some Airport Authority members.

Councilman Back extended condolences to the family of Betty Echols, wife of former Councilman Bob Echols. He advised the City is ready to beautify the medians on Rainbow Drive, now that State work has been completed.

Councilmen Worthy, Williams, and Back thanked police and fire personnel from Gadsden and other departments for their role in the recent tragedy, including the two officers honored today, as well as their work on a daily basis.

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

Iva Nelson, City Clerk (4-26-22)
