

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

The City Council met on July 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, Wilson, Cannon, and Reed. The clerk stated a quorum was present and the meeting was open for business. Heath Williamson, Lee Roberts and Chief Jaggears were also present.

The invocation was given by Heath Williamson.

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

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

#217502-217661	General	\$195,336.59
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UNFINISHED BUSINESS

(1) President Toles announced that no action was necessary regarding a resolution (tabled for 30 days on 6-21-22) ordering abatement of nuisances on property at 612 Blythe Street in District 2, as the nuisance has been abated by the owner.

(2) President Toles announced that no action was necessary regarding a resolution (tabled for 30 days on 6-21-22) ordering abatement of nuisances on property at 1201 Johnson Street in District 2, 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 in favor of or in opposition to an ordinance rezoning the front portion of 104 Eastside Drive, from R-1, One-Family Residence District, to B-1, Neighborhood Business District. No one spoke. President Toles stated the ordinance had been presented today for the first reading and the Council will vote on it next week.

(2) The floor was opened to allow anyone to speak in favor of or in opposition to an ordinance rezoning property at 2113 Ewing Avenue from B-2, General Business District, to R-1, One-Family Residence District. No one spoke. President Toles stated the ordinance had been presented today for the first reading and the Council will vote on it next week.

(3) The floor was opened to allow anyone to speak for or in opposition to a resolution approving the issuance of an alcoholic beverage license for Hortons Backyard Bar and Grill, LLC, d/b/a The Shack at 3639 South 11th Street. No one spoke. The following resolution was presented for consideration:

RESOLUTION NO. R-218-22

APPROVING THE ISSUANCE OF
ALCOHOLIC BEVERAGE LICENSE

(Hortons Backyard Bar and Grill, LLC - The Shack - 3639 South 11th Street - District 6 - Restaurant Retail Liquor License)

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

AYES: Toles, Williams, Worthy, Back, Wilson, Reed

NAYS: Cannon

RESOLUTIONS PRESENTED FOR CONSIDERATION

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

RESOLUTION NO. R-219-22

AUTHORIZING USE OF TRADEMARK

(Authorizing Use of Gadsden Riverfest Trademark - For concert to be held at River Rocks Landing on October 1, 2022 - Note: City accepted assignment of trademark from The Chamber, Gadsden & Etowah County by R-231-14)

Councilman Wilson noted he is part of the group that is putting on this event.

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

AYES: Toles, Williams, Worthy, Back, Cannon, Reed

NAYS: None

ABSTENTIONS: Wilson

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

RESOLUTION NO. R-220-22

AWARDING BID NO. 3479

(Awarding Bid No. 3479 - City of Gadsden Street Resurfacing Project - Wiregrass Construction Company, Inc. - \$2,572,145.00)

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

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

RESOLUTION NO. R-221-22

ACCEPTING PERMANENT DRAINAGE EASEMENT
FROM M. L. & CAROLYN MURPHREE BRACKETT

(Accepting 15-foot Permanent Drainage Easement - From M. L. & Carolyn Murphree Brackett-
Located at 1216 Monte Vista Drive - To construct drainage improvements)

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

NEW BUSINESS

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

RESOLUTION NO. R-222-22

AUTHORIZING CHANGE ORDER #2 WITH CHASE BUILDING GROUP

(Authorizing Change Order # 2 - Bid No. 3442 - Gadsden Sports Park, Phase 1 - Additional
\$100,000.00 to reconcile additions and deletions from changes initiated through construction -
Adjusting contract price with Chase Building Group to \$7,167,642.52)

At the request of Councilman Worthy, City Engineer Heath Williamson explained the change
order is a negotiated amount and he will work to expedite completion so use of the soccer fields
can begin.

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

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

RESOLUTION NO. R-223-22

AUTHORIZING THE CITY OF GADSDEN TO JOIN
THE STATE OF ALABAMA AND OTHER LOCAL GOVERNMENTS
AS PARTICIPANTS IN THE MCKESSON SETTLEMENT

(Authorizing City of Gadsden to join the State of Alabama and other local governments -
McKesson Corporation - Regarding settlement of litigation against opioid manufacturers,
distributors, and retailers)

At the request of President Toles, City Attorney Lee Roberts explained this the third round of
settlements in opioid litigation. He said the exact amount is being tabulated and thanked
Councilman Williams for his persistence in stressing the need for the City to participate in the
litigation. Councilman Cannon asked Fire Chief Wil Reed to provide numbers concerning
Narcan use by the department. Chief Reed said he will investigate and report next week.

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

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

RESOLUTION NO. R-224-22

AUTHORIZING THE CITY OF GADSDEN TO JOIN
THE STATE OF ALABAMA AND OTHER LOCAL GOVERNMENTS
AS PARTICIPANTS IN THE JANSSEN SETTLEMENT

(Authorizing City of Gadsden to join the State of Alabama and other local governments - Johnson & Johnson, Janssen Pharmaceuticals, Inc., Ortho-McNeil-Janssen Pharmaceuticals, Inc. and Janssen Pharmaceutical, Inc. - Regarding settlement of litigation against opioid manufacturers, distributors, and retailers)

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

DEPARTMENT REPORTS

City Clerk Iva Nelson made reminder announcements concerning absentee voting and polling places for the August 23 city election.

COUNCIL REMARKS

Councilman Worthy referred to many city accounts, noting the occupational license fee is approximately 28% of the general fund budget, and stated the need to research before making statements involving finances.

Councilman Wilson explained the history of the Riverfest trademark and announced performers for the upcoming event in October.

Councilman Cannon discussed problems in his district, including drug issues and dogs on Lincoln Street. He referred to past efforts to increase pay for all city employees by a total of \$3 per hour and stressed the need to raise salary levels.

President Toles thanked the Animal Control division for its response to a citizen in her district. She encouraged people to apply for police and fire department jobs, and actively participate in taking care of their neighborhoods and the city.

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

Iva Nelson, City Clerk (7-26-22)

FOURTH FLOOR CONFERENCE ROOM - BID OPENING
JULY 26, 2022 - 2:00 P.M.

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

Bid No. 3480 - Oakview Avenue Drainage Improvements

James E. Watts and Sons	\$86,322.80
Tomcat Construction	\$62,794.35

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