

COUNCIL CHAMBER - CITY HALL - GADSDEN, ALABAMA  
AUGUST 2, 2022 - 11:00 A.M.

The City Council met on August 2, 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 Captain Entrekin were also present.

The invocation was given by Councilman Back.

The minutes of the last work session and council meeting held on July 26, 2022, were approved by unanimous vote.

Payment of the HTE System accounts for the week of July 22-28 were ratified by unanimous vote.

#217662-217767	General	\$960,425.77
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Chief Reed presented statistics on emergency responses for and compared 41 Narcan doses administered in 2021 by the Fire Department to 49 doses so far in 2022. He pointed out this is not a complete number, because some doses may be administered by ambulance operators or hospitals. In response to inquiries, he explained Gadsden police officers do not carry the drug since special training is needed to administer it. He advised the number of medics on units has been adjusted due to personnel shortages.

UNFINISHED BUSINESS

(1) The following ordinance, which was introduced for first reading at last week's meeting, was presented for consideration:

ORDINANCE NO. O-28-22

REZONING THE FRONT PORTION  
OF 1804 EASTSIDE DRIVE

(Approving Rezoning - Front portion of 1804 Eastside Drive - District 5 - From R-1, One-Family Residence District to B-1, Neighborhood Business District - Requested by Clark Hall, to rent the property for commercial use - Planning Commission unanimously recommended approval)

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

(2) The following ordinance, which was introduced for first reading at last week's meeting, was presented for consideration:

ORDINANCE NO. O-29-22

REZONING 2113 EWING AVENUE

(Approving Rezoning - 2113 Ewing Avenue - District 2 - From B-2, General Business District to B-1, Neighborhood Business District - Requested by Sue Holland, to sell the property for single-family residential use - Planning Commission unanimously recommended approval)

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

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 1120 Litchfield Avenue in District 1, Terry B. Smith, Floyd B. Erwin, and Sheila Barton Erwin, c/o Terry B. Smith, being the last known owners. Terry Smith requested additional time to make repairs, stating the house was set on fire right after he completed payments. He related life challenges, including the deaths of his brother and mother. Brian Harbison, Building Inspector, stated although a permit was obtained in December 2021, no improvements have been made since procedures began in August 2021. He recommended abatement. A discussion followed, with council members advising Mr. Smith to make sure he knows everything that will be required and to make improvements on the exterior. Councilman Worthy moved to table the resolution for 30 days, which motion was seconded by Councilman Cannon and unanimously carried.

(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 1333 Stillman Avenue, Tuscaloosa, LLC, subject to a mortgage in favor of Mutual Savings Credit Union, subject to a mortgage in favor of First Bank Alabama being the last known owners. Brian Harbison, Building Inspector, stated no improvements have been made since procedures began in August 2021, and recommended abatement. The following resolution was introduced in writing for consideration:

RESOLUTION NO. R-225-22

ORDERING ABATEMENT OF NUISANCE

(Ordering Abatement of Nuisance - 1333 Stillman Avenue - District 2 - Tuscaloosa, LLC, subject to mortgage in favor of Mutual Savings Credit Union, subject to mortgage in favor of First Bank Alabama)

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

(3) The floor was opened to allow anyone to speak for or in opposition to a resolution ordering the abatement of nuisances on property at 1010 Avenue G, M & M Rentals, LLC being the last known owner. Brian Harbison, Building Inspector, stated no improvements have been made since procedures began in August 2021, and recommended abatement. The following resolution was introduced in writing for consideration:

RESOLUTION NO. R-226-22

ORDERING ABATEMENT OF NUISANCE

(Ordering Abatement of Nuisance - 1010 Avenue G - District 3 - M & M Rentals, LLC)

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

(4) The floor was opened to allow anyone to speak for or in opposition to a resolution ordering the abatement of nuisances on property at 921 Avenue H, Marilyn E. Jackson, a/k/a Marilyn E. Jackson, being the last known owner. Brian Harbison, Building Inspector, stated although a permit was obtained in October 2021, no improvements have been made since procedures began in August 2021. He recommended abatement. The following resolution was introduced in writing for consideration:

RESOLUTION NO. R-227-22

ORDERING ABATEMENT OF NUISANCE

(Ordering Abatement of Nuisance - 921 Avenue H - District 3 - Marilyn E. Jackson, a/k/a Marilyn E. Jackson)

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

(5) The floor was opened to allow anyone to speak for or in opposition to a resolution ordering the abatement of nuisances on property at 3516 Forrest Avenue in District 6, Donald and Juanita Berkey, subject to rights of redemption of Charles D. Davis and Sandra A. Davis being the last known owners. Don Berkey said they purchased the property at a tax sale and made substantial improvements. After the former owners expressed intent to redeem the property, they were advised to not perform any further work. Mr. Berkey stated his desire to keep the house and complete the work. A discussion followed, and it was noted the redemption period will end in March 2023. Brian Harbison, Building Inspector, explained the case began in August 2021, after Mr. Berkey contacted the police department regarding “squatters” and noted the presence of furniture, limbs, and debris outside. Mr. Berkey explained a daughter of the person attempting to redeem the property moved in and made a terrible mess. Lee Roberts, City Attorney, advised Mr. Berkey to seek legal advice and pointed out the redemption would include the money he spent. Councilman Cannon moved to table the resolution for 30 days, which motion was seconded by Councilman Reed and unanimously carried.

## RESOLUTIONS PRESENTED FOR CONSIDERATION

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

### RESOLUTION NO. R-228-22

#### APPOINTING ELECTION OFFICERS

(Appointing persons to serve as poll workers - For City election on August 23 and runoff election, if necessary, on September 20 - To elect mayor, 7 city council members, and 2 school board members - Note: 5 school board members were unopposed)

Councilman Worthy 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-229-22

#### GRANTING EASEMENT TO ALABAMA POWER

(Granting Easement - Alabama Power Company - To provide service for new Industrial Development Authority offices at The Venue)

Councilman Back 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-230-22

#### AUTHORIZING ACCEPTANCE OF GRANT FROM ADEM

(Authorizing acceptance of Grant for Public Works Department - From Alabama Department of Environmental Management/Alabama Recycling Fund - \$22,518.00- For new pickup truck for the Recycling Center)

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

## ORDINANCE - FIRST READING

An ordinance amending the Fiscal Year 2022 Budget to reflect receipt and appropriation of \$22,518.00 grant from ADEM/Alabama Recycling Fund was introduced in writing and read by President Toles. 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 Back introduced the following resolution in writing for consideration:

RESOLUTION NO. R-231-22

AWARDING BID NO. 3480

(Awarding Bid No. 3480 - Oakview Avenue Drainage Improvements - Tomcat Construction, LLC - \$62,594.29)

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

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

RESOLUTION NO. R-232-22

AUTHORIZING ONE-TIME LUMP SUM PAYMENT

(Authorizing One-Time Lump Sum Payment - Pursuant to Act No. 2022-229 - \$2.00 for each month of service - For eligible City retirees, pensioners, and beneficiaries of deceased retirees and pensioners - Note: Separate payment will be processed by Retirement Systems of Alabama in October 2022)

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

AYES: Toles, Williams, Back, Wilson, Reed

NAYS: None

ABSTENTION: Worthy, Cannon

(3) Councilman Reed introduced the following ordinance in writing for consideration:

ORDINANCE NO. O-30-22

AMENDING FISCAL YEAR 2022 BUDGET

(Amending FY2022 Budget - Appropriating \$251,624.00 from unassigned fund balance - For payment to Retirement Systems of Alabama - Funding one-time lump sum payment for eligible City retirees, pensioners, and beneficiaries of deceased retirees and pensioners)

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

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

NAYS: None

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

AYES: Toles, Williams, Back, Wilson, Reed

NAYS: None

ABSTENTIONS: Worthy, Cannon

#### DEPARTMENT REPORT

Heath Williamson, City Engineer, provided a status report of twenty-seven projects currently underway, which doesn't include drainage improvement projects. He responded to inquiries from council members.

#### PUBLIC

Joseph Cole noted there are approximately 20 vacancies in the police department, with others eligible to retire, and approximately 10 in the fire department. He referred to long working hours and the risk of injury and death and suggested granting raises for these departments in the FY2023 budget.

#### COUNCIL REMARKS

Councilman Cannon responded to Mr. Cole, stating he doesn't favor raises for one or two groups, but all employees. He pointed out public works employees are paid lower hourly rates.

Councilman Wilson referred to election season, noting he has been frustrated and angry over the behavior of citizens and candidates.

Councilman Back thanked Mr. Williamson, noting management of so many projects is demanding work. He noted the budget process is underway and the council desires the good of Gadsden.

Councilman Worthy announced a Job Fair on August 10 at The Venue. He encouraged citizens to take advantage of Career Center programs and to apply for available jobs.

Councilman Williams said people are working diligently on the budget and noted needs are easily stated but realistic decisions can be hard to make. He stated the need to retain employees and noted the council will ultimately vote on it. Councilman Williams complimented the city clerk's office for their diligent work on the election process. He encouraged those who can to help people in need.

Councilman Back referred to Gadsden State Community College's announcement last Thursday for the new advanced manufacturing center and congratulated Dr. Murphy, President, and Dean Alan Smith.

President Toles advised council members they should leave the dais if they wish to converse with citizens, rather than having them come up, in order to better facilitate the meetings. She noted the Sergeant at Arms will be asked to enforce this, if necessary. President Toles announced a ribbon cutting ceremony next Tuesday at 4:30 p.m. for the Sports Park on the GSCC campus, located near the river.

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

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Iva Nelson, City Clerk (8-2-22)

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