

COUNCIL CHAMBER - CITY HALL - GADSDEN, ALABAMA  
SEPTEMBER 22, 2020 - 11:00 A.M.

The City Council met on September 22, 2020 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. Mayor Guyton, Heath Williamson, Lee Roberts and Captain Keener were also present.

The invocation was given by Heath Williamson.

Josh Tanner (Emergency Management Agency) presented an update on local Covid statistics, which have decreased. He said EMA is still assisting with testing, making preparations for storing vaccine in the future, and awaiting supplies for ambulances. Mr. Tanner announced a Department of Public Health seasonal flu clinic on October 2 at North Glencoe Baptist Church. He noted Director Gaither and two other EMA employees are traveling to Baldwin County to assist with Hurricane Sally recovery.

The minutes of the last work session and council meeting held on September 15, 2020, were approved by unanimous vote.

Payment of the HTE System accounts for the week of September 11 - 17, 2020, were ratified by unanimous vote.

#202856-202999	General	\$290,451.10
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UNFINISHED BUSINESS

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

ORDINANCE NO. O-24-20

ADOPTING FISCAL YEAR 2021 BUDGETS

(Adopting FY 2021 Budgets - General Fund \$51,405,295.00 - Special Revenue Funds \$9,142,961.00 - Debt Service Fund \$7,319,818.00 - Enterprise and Internal Service Funds \$12,057,854.00 - Capital Projects Fund \$7,600,000.00 - Capital Projects Fund II \$6,661,400.00)

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

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

NAYS: None

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 opposition to or in favor of an ordinance approving the rezoning of property at 1036, 1038, and 1042 Springfield Avenue from R-1, One-Family Residence District, to R-2, Multiple Family District. The Planning Commission recommended approval. Several residents spoke in opposition, including Vi-Nita Macon, Celeste Macon, Victor May, Kenneth Turner, Carmen Guinn, Daniel Macon, Curtis Mosely, and Calvin Hutchinson. They related the history of their historic community, noted many residents are elderly, and said they did not want its make-up to change. Concern was expressed that the rezoning would lead to development of an apartment complex, increasing traffic and creating problems. Vi-Nita Macon also presented a petition containing approximately 157 signatures opposing the rezoning. Kevin Ferguson spoke on behalf of his son, the applicant, noting they have been in the rental business for over 30 years and have a good reputation of improving the value of houses. He said they do not intend to build any new structures. Tina Cody (Zoning Administrator) explained the size of this property (.76 acre) would not accommodate an apartment complex. The maximum would be one building containing three units. Lee Roberts (City Attorney) said he had communicated with the bank in an attempt to avoid the rezoning. He added re-platting of the property was not feasible because the current structures would not comply with zoning standards. 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 for or in opposition to a resolution ordering the abatement of nuisances on property at 1535 Litchfield Avenue in District 1, Gilbert Hardy, First Security Mortgage, Johnson & Associates Mortgage Co., Inc., Guaranty Savings and Loan Association, Rosemary Watters and Teria Jeanae Sims being the last known owners. Patrice Calhoun said Rev. Gilbert Hardy (who was also present) desires to make repairs and rent the house. Other family members are supportive, if it's feasible to bring the property up to code. Brian Harbison, Building Inspector, said very little improvements have been made since procedures began in August 2019, although a permit was obtained in October 2018. He expressed willingness to give the owners an opportunity to do the work. President Toles advised Ms. Calhoun to get with Mr. Harbison after the meeting to determine what is needed and stressed the importance of making improvements. Councilman Cannon encouraged them to make exterior repairs first. Councilwoman Toles 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 ordering the abatement of nuisances on property at 1301 Alabama Street, the State of Alabama and rights of redemption of Benjamin Montitus Porter being the last known owners. Brian Harbison, Building Inspector, stated no improvements have been made since procedures began in July 2019, and recommended abatement. The following resolution was introduced in writing for consideration:

RESOLUTION NO. R-258-20

ORDERING ABATEMENT OF NUISANCE

(Ordering Abatement of Nuisance - 1301 Alabama Street - District 3 - State of Alabama; Rights of redemption of Benjamin Montitus)

Councilman Worthy moved to adopt the resolution as introduced, which motion was seconded by Councilman Wilson 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 305 Mistletoe Hollow Road, Michael James and Michelle L. Head being the last known owners. Brian Harbison, Building Inspector, stated this case began in April 2020, and involves trash, debris, and an abandoned vehicle. He said some improvements have been made, but recommended abatement due to serious issues that remain. In response to Councilman Cannon's inquiry, Mr. Harbison advised the City's only option is to fill in the pool, if abatement proceeds. The following resolution was introduced in writing for consideration:

RESOLUTION NO. R-259-20

ORDERING ABATEMENT OF NUISANCE

(Ordering Abatement of Nuisance - 305 Mistletoe Hollow Road - District 4 - Michael James and Michelle L. Head)

Councilman Back moved to adopt the resolution as introduced, which motion was seconded by Councilman Cannon 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 1909 Jefferson Street, Dean Shaw and Teresa Shaw being the last known owners. Brian Harbison, Building Inspector, stated this case involves remains from a demolished mobile home. He said no improvements have been made since procedures began in November 2019, and recommended abatement. The following resolution was introduced in writing for consideration:

RESOLUTION NO. R-260-20

ORDERING ABATEMENT OF NUISANCE

(Ordering Abatement of Nuisance - 1909 Jefferson Street - District 5 - Dean Shaw and Teresa Shaw)

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

(6) The floor was opened to allow anyone to speak for or in opposition to a resolution ordering the abatement of nuisances on property at 408 Bryan Street, Christa Brown being the last known owner. Brian Harbison, Building Inspector, stated no improvements have been made since procedures began in June 2019, and recommended abatement. The following resolution was introduced in writing for consideration:

RESOLUTION NO. R-261-20

ORDERING ABATEMENT OF NUISANCE

(Ordering Abatement of Nuisance - 408 Bryan Street - District 6 - Christa Brown)

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 ordering the abatement of nuisances on property at 1318 Acton Street, The Estates of Thomas Clements and Lois Clements, potential heirs are Connie Atchley, Debra Horne, Kermit L. Atchely, and Connie E. Atchley being the last known owners. Brian Harbison, Building Inspector, stated no improvements have been made since procedures began in August 2019, and recommended abatement. Councilmen Cannon and Reed described the house's condition, which creates a safety hazard. The following resolution was introduced in writing for consideration:

RESOLUTION NO. R-262-20

ORDERING ABATEMENT OF NUISANCE

(Ordering Abatement of Nuisance - 1318 Acton Street - District 7 - The Estates of Thomas Clements and Lois Clements, potential heirs are Connie Atchley, Debra Horne, Kermit L. Atchely and Connie E. Atchley)

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

(8) The floor was opened to allow anyone to speak for or in opposition to a resolution authorizing a special use permit for AT&T. David Andrews (Center for Municipal Solutions) explained the tower will remedy capacity issues and recommended approval. He said the original application was for a 150-foot tower, but the height was reduced to 100 feet. Andy Rotenstreich (Attorney for AT&T), noted increasing capacity will ensure that emergency and high priority calls are completed. The following resolution was introduced in writing for consideration:

RESOLUTION NO. R-263-20

AUTHORIZING SPECIAL USE PERMIT FOR AT&T

(Authorizing Special Use Permit - To construct 100-foot monopole tower for new wireless telecommunication facility at 922 East Meighan Boulevard)

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

(Councilman Williams left the meeting at this time.)

RESOLUTIONS PRESENTED FOR CONSIDERATION

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

RESOLUTION NO. R-264-20

AUTHORIZING COMMUNITY POLICING AGREEMENT

(Authorizing Agreement - Greater Gadsden Housing Authority - To continue Community Policing Program within Gadsden's seven public housing facilities - Authority will reimburse City for salary of 4 officers - Term of one year, from 10-1-20 through 9-30-21)

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

(Councilman Williams rejoined the meeting at this time.)

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

RESOLUTION NO. R-265-20

AUTHORIZING CONSENT LETTER WITH CABLE ONE, INC.

(Authorizing Consent Letter - Consenting to assignment of Agreement dated May 1, 2018, to Hargray of Alabama, Inc.)

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

NEW BUSINESS

Councilman Wilson introduced the following resolution in writing for consideration:

RESOLUTION NO. R-266-20

AUTHORIZING AMENDMENT TO  
MEMORANDUM OF AGREEMENT

(Authorizing Amendment o Agreement - J.R. Wilburn & Associates, Inc. - Relating to Long Range Transportation Plan - Extending term to February 28, 2021, due to unavoidable Covid-19 related delays)

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 Back and unanimously adopted.

DEPARTMENT REPORTS

At the request of President Toles, City Engineer Heath Williamson provided a status report on Penny Street improvements. He noted the project is awaiting sewer rehabilitation work by a contractor before paving can begin.

MAYOR AND COUNCIL REMARKS

Councilmen Wilson and Williams joined in thanking Human Relations Advisory Committee members for a productive first meeting and said they look forward to its work.

Mayor Guyton thanked Finance Director Lisa Rosser and Director of Economic and Governmental Affairs Frankie Davis for their work on the budget. Councilman Wilson noted it includes funding to complete S. 11<sup>th</sup> Street funding, make sidewalk improvements, and construct a new fire station in Banks Park. Councilman Cannon said the new station's location will improve response times and replace the 50-year old station in Walnut Park. President Toles pointed out the budget was adopted by unanimous vote of the council.

Councilman Wilson recognized former Police Chief John Crane, who was present.

Councilmen Back and Williams thanked Green Pastures residents for coming to express their concerns. They reiterated the property's size limits the development they fear and expressed hope the community will be pleased with the applicant's investment.

Councilman Back announced tomorrow's food pantry distribution at First Baptist Church, which is probably the last one for a while. He added the backpack program for Striplin Elementary students will resume when in-person school begins. Councilman Back complimented the outstanding greens at Twin Bridges golf course.

Councilman Williams welcomed Councilman Cannon back after his recent illness, and Councilman Cannon thanked everyone for their cards and prayers.

Councilman Williams congratulated the Gadsden City High School Titans football team for their win and President Toles' nephew for his many rushing yards. He reiterated encouragement to fight injustice and racist behavior.

Councilman Worthy commended A. J. Tinker, a young man who started the 100 black boys club to work in the community, noting they are painting the wall at Head Start this Saturday. He pleaded with residents to complete the census to prevent the loss of a representative, as well as Federal money.

Councilman Cannon shared Facebook anecdotes of Gina Fleming Morris, noting she still desires to be the Mayor's assistant.

Councilman Reed requested the gas company to adjust its street cut repair on the newly paved Nocalula Road at Maitre Street, noting it is two inches higher than the other asphalt. President Toles pointed out the State, not the City, performed the street paving.

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

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Iva Nelson, City Clerk (9-22-20)

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