

COUNCIL CHAMBER - CITY HALL - GADSDEN, ALABAMA  
SEPTEMBER 29, 2020 - 11:00 A.M.

The City Council met on September 29, 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, Back, Wilson, Cannon and Reed. Councilman Worthy was absent. 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 Brian Harbsion.

The minutes of the last work session and council meeting held on September 22, 2020 were approved by unanimous vote.

Payment of the HTE System accounts for the week of September 18 - 24, 2020 were ratified by unanimous vote.

#203000-203204	General	\$953,899.93
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Josh Tanner (Emergency Management Agency) introduced Jerry Ramsey, who provided an update on local Covid statistics and announced the upcoming seasonal flu clinic on October 2. The 15% increase in positive cases was discussed and it was noted that contact tracing indicates masks are working in preventing spread.

UNFINISHED BUSINESS

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

ORDINANCE NO. O-25-20

REZONING 1036, 1038, & 1042 SPRINGFIELD AVENUE

(Approving Rezoning - 1036, 1038 & 1042 Springfield Avenue - From R-1, One-Family Residence District, to R-2, Multiple Family District - Requested by KDF & Company, LLC (Kevin D. Ferguson II - To meet bank requirement for financing - Note: Parcel contains 3 single-family dwellings and is considered legal, nonconforming use)

Councilman Cannon moved to adopt the ordinance, which motion was seconded by Councilman Reed 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 106 Pinehurst Street, Marcia Edwards Hardney, subject to two mortgages under Jerry Salvador, that are not satisfied, both with The Exchange Bank of Alabama being the last known owners. Brian Harbison, Building Inspector, stated although a permit was obtained in November 2019, 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-267-20

ORDERING ABATEMENT OF NUISANCE

(Ordering Abatement of Nuisance - 106 Pinehurst Street - District 1 - Marcia Edwards Hardney, subject to two mortgages under Jerry Salvador, that are not satisfied, both with The Exchange Bank of Alabama)

Councilwoman Toles moved to adopt the resolution as introduced, which motion was seconded by Councilman Cannon 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 2418 Hollis Street, Barbara Cash being the last known owner. Brian Harbison, Building Inspector, stated no improvements have been made since procedures began in March 2020, and recommended abatement. The following resolution was introduced in writing for consideration:

RESOLUTION NO. R-268-20

ORDERING ABATEMENT OF NUISANCE

(Ordering Abatement of Nuisance - 2418 Hollis Street - District 2 - Barbara Cash)

In response to Mayor Guyton's inquiry, Brian Harbison explained all properties are reviewed for potential rehabilitation following the adoption of resolutions ordering abatement.

Councilman Williams moved to adopt the resolution as introduced, which motion was seconded by Councilman Cannon 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 1137 Bretwood Drive in District 3, Lula Rutledge, c/o Larry Thornner, being the last known owner. Larry Thornner requested additional time to bring the property up to code, noting he only recently became aware of the condemnation. Brian Harbison, Building Inspector, expressed no opposition to giving Mr. Thornner an opportunity to make repairs, and recommended a 30-day extension. Councilman Cannon moved to table the resolution for 30 days, which motion was seconded by Councilman Reed and unanimously carried.

(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 326 South 12<sup>th</sup> Street, Brandon K. Andrade, subject to a mortgage in favor of Fairway Independent Mortgage Corporation, and Dorothy Sue Moffett being the last known owners. Brian Harbison, Building Inspector, stated no improvements have been made to this burned house since procedures began in June 2020, and recommended abatement. The following resolution was introduced in writing for consideration:

RESOLUTION NO. R-269-20

ORDERING ABATEMENT OF NUISANCE

(Ordering Abatement of Nuisance - 326 South 12<sup>th</sup> Street - District 5 - Brandon K. Andrade, subject to a mortgage in favor of Fairway Independent Mortgage Corporation; Dorothy Sue Moffett)

Councilman Wilson moved to adopt the resolution as introduced, which motion was seconded by Councilman Reed 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 2305 Sansom Avenue, Dimple Ball, c/o Myra Yates, being the last known owner. Brian Harbison, Building Inspector, stated no improvements have been made to this burned structure since procedures began in November 2019, and recommended abatement. The following resolution was introduced in writing for consideration:

RESOLUTION NO. R-270-20

ORDERING ABATEMENT OF NUISANCE

(Ordering Abatement of Nuisance - 2305 Sansom Avenue - District 6 - Dimple Ball, c/o Myra Yates)

Councilman Cannon moved to adopt the resolution as introduced, which motion was seconded by Councilman Reed 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 2420 Helton Avenue, Beverly K. Beavers and Michael R. Beavers being the last known owners. Brian Harbison, Building Inspector, stated no improvements have been made to this burned structure since procedures began in December 2019, and recommended abatement. The following resolution was introduced in writing for consideration:

RESOLUTION NO. R-271-20

ORDERING ABATEMENT OF NUISANCE

(Ordering Abatement of Nuisance - 2420 Helton Avenue - District 7 - Beverly K. Beavers; Michael R. Beavers)

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

RESOLUTIONS PRESENTED FOR CONSIDERATION

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

RESOLUTION NO. R-272-20

AUTHORIZING ACCEPTANCE OF TEMPORARY CONSTRUCTION  
EASEMENT FOR DRAINAGE FROM MARY PATRICIA BRAMBLETT,  
BRIAN BRAMBLETT, MICHAEL BRAMBLETT, AND BOBBY BRAMBLETT

(Accepting Temporary Construction Easement - From Mary Patricia Bramblett, Brian Bramblett, Michael Bramblett, and Bobby Bramblett - To allow City to make drainage improvements on property located north of Peachtree Street)

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

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

RESOLUTION NO. R-273-20

ACCEPTING PERMANENT DRAINAGE EASEMENT

(Accepting Easement from Mary Patricia Bramblett, Brian Bramblett, Michael Bramblett, and Bobby Bramblett - For 20-foot permanent drainage easement across property at 808 South 15<sup>th</sup> Street - To complete drainage improvements north of Peachtree Street)

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

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

RESOLUTION NO. R-274-20

ACCEPTING PERMANENT DRAINAGE EASEMENT

(Accepting Easement from James Dudley - For 20-foot permanent drainage easement across property at 808 South 15<sup>th</sup> Street - To complete drainage improvements north of Peachtree Street)

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

NEW BUSINESS

Councilman Wilson introduced the following resolution in writing for consideration:

RESOLUTION NO. R-275-20

APPROVING CHANGE TO  
ALCOHOLIC BEVERAGE LICENSE

(Four Fifteen, LLC - 538 Broad Street - Restaurant Retail Liquor License - Approving change in trade name from Blu to The Rail Public House - Note: The Rail Public House was formerly located at 210 Locust Street)

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

AYES: Toles, Williams, Back, Wilson, Reed

NAYS: Cannon

#### MAYOR AND COUNCIL REMARKS

Mayor Guyton commended City Engineer Heath Williamson for his work on negotiating drainage easements.

Councilman Williams thanked The Gadsden Times for highlighting the community service work of A. J. Tinker and the 100 Black Boys club. He pledged \$500 to the 501-c-3 organization and challenged other elected officials to contribute. Councilman Wilson complimented their successful project of painting the wall at Head Start. President Toles and Councilman Back joined in expressing appreciation for assistance from adults in the community and city employees.

Councilman Williams announced an event Saturday evening at Carver Square, which will include census drive, voter registration, voter identification, voting rights recovery, and fitness/health. President Toles clarified this is not an entertainment event and shouldn't be confused with First Friday. Mayor Guyton encouraged attendees to wear masks.

Councilman Cannon commented on Gina Fleming Morris' blog, which included a complaint about someone clicking their pen, and noted his pen has been replaced with one that does not click. Councilman Back demonstrated that his pen doesn't have the capability to click.

Councilman Reed commended city workers and complimented the Public Works Department for improvements in trash pickup. He pointed out Public Works and Fire Department employees are working in coastal areas in the aftermath of Hurricane Sally. Councilman Back noted they are helping to repair homes of first responders.

Councilman Wilson commended everyone who is working to preserve the Southern Hills Cemetery, noting eight additional grave sites were recently discovered.

Councilman Back noted that First Baptist Church has no food to distribute in the foreseeable future. He asked for the public's continued patience as the city works with reduced workforce, due to the layoff of part-time employees during the pandemic.

President Toles encouraged donation of bottled water and other support as schools being in-person instruction. She announced a special called meeting at 1:30 p.m. today to conduct public hearings in regard to grass cutting liens.

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

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Iva Nelson, City Clerk (9-29-20)

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FOURTH FLOOR LOBBY - BID OPENING  
SEPTEMBER 29, 2020 - 2:00 P.M.

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

Bid No. 3442 - Gadsden Sports Park, Phase I

	<u>Base Bid</u>	<u>Altern. #1</u>	<u>Altern. #2</u>	<u>Total</u>
Boatner Construction	\$6,773,041.05	\$388,101.50	\$92,000.00	\$7,253,142.55
Bob Smith Construction	\$6,547,752.25	\$236,950.00	\$54,750.00	\$6,839,452.25
Chase Building Group	\$6,075,878.51	\$295,281.01	\$76,483.00	\$6,447,642.52
Kyser Construction	\$6,456,007.54	\$340,461.67	\$95,350.50	\$6,891,819.72

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

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