

COUNCIL CHAMBER - CITY HALL - GADSDEN, ALABAMA
FEBRUARY 7, 2023 - 11:00 A.M.

President Back recognized Heather Graham and Lattisha Royal from East Alabama Regional Planning and Development Commission, who conducted a public hearing to discuss the City of Gadsden's application to apply for various Federal and/or State grant funding programs regarding the Board Street Bridge rebuild and/or rehabilitation project. In response to Curtis Fail's inquiry, Ms. Graham advised the proposed project is for repairs and the current bridge structure would remain. In response to Buster Porch's inquiry, City Engineer Heath Williamson advised the minimum time for the bridge's closure is estimated at three months.

COUNCIL CHAMBER - CITY HALL - GADSDEN, ALABAMA
FEBRUARY 7, 2023- 11:15 A.M.

The City Council met on February 7, 2023, in regular session.

The meeting was called to order at 11:15 a.m. by Council President Back. On roll call by the City Clerk, Iva Nelson, the following council members answered present: Latham, Avery, Back, Wilson, Minatra and Robinson. Councilman Smith was absent. 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 January 31, 2023, were approved by unanimous vote.

Payment of the HTE System accounts for the week of January 27-February 2 were ratified by unanimous vote.

#221817-221988	General	\$1,359,341.10
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On behalf of Mayor Ford, Tena King (Director of City Services) presented commendations to Jeff Martin and Lt. Josh Russell, who took action to prevent harm to a child who was riding a toy in the roadway on Rainbow Drive.

On behalf of Mayor Ford, Ruth Moffatt (Director of Diversity, Equity & Inclusion) presented a commendation to LaShunda Williams (Manager of East Gadsden Library Branch), who was selected "Library Outfielder" by the Association of Rural and Small Libraries, in partnership with the American Library Association. Her graduation project will be placed in Underwood Park, located across the street from the main library.

UNFINISHED BUSINESS

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

ORDINANCE NO. O-05-23

AUTHORIZING CONVEYANCE OF PROPERTY
LOCATED AT 1704 MCKINLEY AVENUE

(Authorizing Conveyance of Property - 1704 McKinley Avenue - Lot 7 and South 25 feet of Lot 8, Block 49, Crescent Heights - Accepting \$1,650.00 offer from James and Charlotte Spurling)

Councilman Wilson moved to adopt the ordinance, which motion was seconded by Councilwoman Minatra 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-06-23

AUTHORIZING CONVEYANCE OF PROPERTY
LOCATED ON STROUD AVENUE

(Authorizing Conveyance of Property - Stroud Avenue - Lot 1, Block G, Strouds 1st Subdivision - Accepting \$349.00 offer from Judaism for Humans Home Trust)

Councilwoman Latham moved to adopt the ordinance, which motion was seconded by Councilwoman Minatra and unanimously adopted.

(3) The following resolution, which was tabled for 1 year on February 1, 2022, was presented in writing for consideration:

RESOLUTION NO. R-24-23

ASSESSING NUISANCE ABATEMENT LIEN AGAINST PROPERTY

(Assessing Nuisance Abatement Lien for Grass Cutting - \$251.00 - 310 Keeling Road - District 1 - True Deliverance Divine Apostolic Truth)

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

(4) The following resolution, which was tabled for 1 year on February 1, 2022, was presented in writing for consideration:

RESOLUTION NO. R-25-23

ASSESSING NUISANCE ABATEMENT LIEN AGAINST PROPERTY

(Assessing Nuisance Abatement Lien for Grass Cutting - \$251.00 - 202 E. Cherry Street - District 4 - Shannon Humphrey & Tasha Stone; Shannon Humphrey & Tasha Stone, c/o N. Gregory Bledsoe)

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

(5) The following resolution, which was tabled for 1 year on February 1, 2022, was presented in writing for consideration:

RESOLUTION NO. R-26-23

ASSESSING NUISANCE ABATEMENT LIEN AGAINST PROPERTY

(Assessing Nuisance Abatement Lien for Grass Cutting - \$251.00 - 227 Parkway Place - District 7 - Lori Carver and Kevin Goodnight)

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

PUBLIC HEARINGS

President Back 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 704 Claire Street in District 2, Margie Hembree being the last known owner. Margie Hembree stated she had to vacate the home after it was damaged by a storm. She said her efforts to repair it were delayed by the death of her husband and people she trusted took \$15,000 without performing the work. Ms. Hembree stated she would need assistance. Brian Harbison, Building Inspector, stated no improvements have been made since procedures began in April 2022, and recommended abatement. In response to inquiries, Mr. Harbison advised Community Development may provide assistance for owner-occupied homes. His assessment was that the structure should be removed. Councilman Wilson advised Ms. Hembree the cost of repairs could exceed the value. In the absence of Councilman Smith, Councilman Robinson moved to table the resolution for 7 days. The motion was seconded by Councilman Wilson 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 609 Washington Street, Free Range Properties, LLC, being the last known owner. Brian Harbison, Building Inspector, stated no improvements have been made since procedures began in December 2021, and recommended abatement. The following resolution was introduced in writing for consideration:

RESOLUTION NO. R-27-23

ORDERING ABATEMENT OF NUISANCE

(Ordering Abatement of Nuisance - 609 Washington Street - District 3 - Free Range Properties, LLC; Free Range Properties, LLC, c/o Donnie Willis)

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

(3) The floor was opened to allow anyone to speak for or in opposition to a resolution assessing a nuisance abatement lien on property at 408 Bryan Street, Christa Brown and the State of Alabama being the last known owners. No one spoke. The following resolution was introduced in writing for consideration:

RESOLUTION NO. R-28-23

ASSESSING NUISANCE ABATEMENT
LIEN AGAINST PROPERTY

(Assessing Nuisance Abatement Lien for Demolition - \$2,590.00 - 408 Bryan Street - District 6 - Christa Brown; State of Alabama)

Councilwoman Minatra 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 assessing a nuisance abatement lien on property at 253 Tabor Road, William F. and Mary E. Rollins being the last known owners. No one spoke. The following resolution was introduced in writing for consideration:

RESOLUTION NO. R-29-23

ASSESSING NUISANCE ABATEMENT
LIEN AGAINST PROPERTY

(Assessing Nuisance Abatement Lien for Demolition - \$4,840.00 - 253 Tabor Road - District 7 - William F. and Mary E. Rollins; Williams F. and Mary E. Rollins, c/o Marti Rollins)

Councilman Robinson moved to adopt the resolution as introduced, which motion was seconded by Councilwoman Minatra and unanimously adopted.

RESOLUTIONS PRESENTED FOR CONSIDERATION:

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

RESOLUTION NO. R-30-23

AUTHORIZING ECONOMIC DEVELOPMENT AGREEMENT
WITH MWB RESTAURANTS, LLC

(Authorizing Economic Development Agreement - MWB Restaurants, LLC - For construction of Whataburger restaurant at 563 E. Meighan Boulevard - Providing for rebate of 2% of City's 5% sales tax - For period of 6 years from the opening date or until \$515,000.00 has been paid to the Developer, whichever comes first - Authorizes expenditure of City funds for construction of turn lane and de-acceleration lane to facilitate traffic flow along E. Meighan Boulevard)

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

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

RESOLUTION NO. R-31-23

AWARDING BID NO. 3490

(Awarding Bid No. 3490 - Noccalula Falls Gorge Trail Pedestrian Improvement Project - Bob Smith Construction, Inc. - \$253,100.00)

Councilman Robinson moved to adopt the resolution as introduced, which motion was seconded by Councilwoman Minatra and unanimously adopted.

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

RESOLUTION NO. R-32-23

AWARDING BID NO. 3493

(Awarding Bid No. 3493 - Crushed Stone - Vulcan Construction Materials, LLC, and Whitaker Contracting Corp. d/b/a Madison Materials - Unit prices - Note: Vendor with closest plant location will be used by NEAPA entities)

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

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

RESOLUTION NO. R-33-23

AWARDING BID NO. 3494

(Awarding Bid No. 3494 - Cold Plant Mix Paving Material - Vulcan Materials Company - \$125 per ton)

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

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

RESOLUTION NO. R-34-23

REJECTING BID NO. 3495

(Rejecting Bid No. 3495 - Cemetery Lawn Maintenance - Reason: Mathematical error discovered in only bid received - Will be rebid)

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

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

RESOLUTION NO. R-35-23

AUTHORIZING AGREEMENT WITH
GADSDEN RUNNERS CLUB

(Authorizing Agreement - Gadsden Runners Club - \$2,500.00 - For 2023 Season Club Title Sponsorship)

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

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

RESOLUTION NO. R-36-23

AUTHORIZING AGREEMENT WITH
KORTERRA, INC.

(Authorizing Agreement - KorTerra, Inc. - \$2,500.00 per year with one-time fee of \$500.00 - Term of 36 months, with automatic renewals - To provide data management solutions compatible with Alabama 811 (One Call) System currently in use by City)

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

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

RESOLUTION NO. R-37-23

AUTHORIZING AMENDMENT TO AGREEMENT WITH CDG, INC.

(Authorizing Second Amendment to Agreement - CDG, Inc. - \$359,600.00 - For engineering design and construction documents for drainage improvements along West Meighan Boulevard/North 11th Street/Tuscaloosa Avenue area - Note: Original agreement authorized by R-241-21)

At the request of Councilman Avery, City Engineer Heath Williamson explained the study included a larger area and these improvements are included in the first of several projects.

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

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

RESOLUTION NO. R-38-23

AUTHORIZING AGREEMENT WITH
EE GROUP, INC.

(Authorizing Agreement - EE Group, Inc. - \$45,000.00 - For electrical engineering design and construction documents - Relating to Phase 4 of Gadsden Sports Park on Gadsden State Community College campus)

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

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

RESOLUTION NO. R-39-23

AUTHORIZING AGREEMENT WITH CDG, INC.

(Authorizing Agreement - CDG, Inc. - \$88,500.00 - For civil engineering design and construction documents - Relating to Phase 4 of Gadsden Sports Park on Gadsden State Community College campus)

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

NEW BUSINESS

(1) Councilman Wilson introduced the following ordinance in writing for consideration:

ORDINANCE NO. O-07-23

AMENDING CITY CODE SECTION 106-2
REGARDING PENALTIES FOR LITTERING

(Amending City Code Section 106-2 - Increasing fines for littering offenses - Up to \$500.00 fine and minimum of 8 hours of community service collecting litter for 1st offense - Up to \$1,000.00 fine and minimum of 16 hours of community service for 2nd offense within 12 months - Up to \$1,000.00 fine and minimum of 3 days in jail for 3rd offense within 12 months of previous violation)

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

AYES: Latham, Avery, Back, Wilson, Minatra, Robinson

NAYS: None

Councilman Wilson expressed hope that the increased fines will help to eliminate the recent increase of dumping. He moved to adopt the ordinance, which motion was seconded by Councilwoman Latham and unanimously adopted.

DEPARTMENT REPORTS

Josh Tanner (Interim Emergency Management Agency Director) reported on: mitigation of yesterday’s diesel spill in Attalla; this week’s observance of “Severe Weather Awareness;” tax holiday for preparedness at the end of February; EMA is operational in the basement of city hall; beginning of CERT training tonight; National Weather Service spotter training on February 23.

(Councilman Wilson left the meeting at this time.)

Howell Mathews (Interim Public Works Director) announced: February 28 deadline for garbage exemption renewal applications; continued leaf collection for another month; additional operating hours for the recycling center and return of cardboard collection trailers to multiple locations.

MAYOR AND COUNCIL REMARKS

Councilman Robinson and Councilwoman Minatra expressed excitement about the increased opportunity for recycling. Councilman Avery reported on his recent visit to the center.

Councilman Avery announced tonight’s District 3 meeting, as well as a clean-up event on February 18. He extended condolences to Fred Carter in the loss of his son.

Councilwoman Latham and President Back joined in commending the actions of Jeff Martin and Lt. Russell in removing a young child from harm’s way.

Councilwoman Latham congratulated LaShunda Williams and youth athletes who participated in the recent signing day.

President Back urged the public to refrain from littering as enforcement and fines increase. He commented on Mayor Ford and the group meeting with Federal officials in Washington, D.C. this week. President Back recognized Superintendent Tony Reddick, who was present, and complimented new softball, baseball and tennis facilities at Gadsden City High School.

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

Iva Nelson, City Clerk (2-7-2023)

**FOURTH FLOOR CONFERENCE ROOM - BID OPENING
FEBRUARY 7, 2023 - 2:00 P.M.**

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

Bid No. 3499 - 2022 or Newer F450 4X2 Regular Cab and Chassis

Ronnie Watkins Ford

\$46,022.50

Copies of the bid will be forwarded to the Fleet Manager and the Assistant Purchasing Agent, and a recommendation will be made to the Council.
