

COUNCIL CHAMBER - CITY HALL - GADSDEN, ALABAMA  
APRIL 16, 2019 - 12:00 P.M.

The City Council met on April 16, 2019, in regular session.

The meeting was called to order at 12:00 p.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, and Chief Jaggears were also present.

The invocation was given by Brian Harbison.

The minutes of the Intergovernmental Committee, Work Session and Council meetings held on April 10, 2019, were approved by unanimous vote.

Payment of the HTE system accounts for the week of April 5-11, 2019 were ratified by unanimous vote.

#190546-190763	General	\$495,625.33
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Mayor Guyton read a proclamation proclaiming April 21-27, 2019, as “Parental Alienation Prevention Week” and April 25, 2019, as “Parental Alienation Awareness ‘Bubbles for Love’ Day and presented it to Misty Sosebee, representing the Alabama Family Rights Association.

President Toles recognized Madison Brown, a 5<sup>th</sup> grade student at Adams Elementary School, who received a \$1,000 scholarship for 2019 from the Carson Fund. Madison’s mother and her principal, Tomasina Smitherman, were also present.

CANVASSING SPECIAL ELECTION RESULTS

City Clerk Iva Nelson reported the Board of Registrars had determined that two provisional votes cast on April 9 are to be counted. She proceeded to open the ballots and announce the votes for each candidate, adding them to the totals recorded on April 9<sup>th</sup>. The following resolution was introduced in writing for consideration:

RESOLUTION NO. R-137-19

DECLARING SPECIAL ELECTION RESULTS

(Certifying results of Special Election held on April 9, 2019 - Electing members to Gadsden City Board of Education - Declaring election of: Adrienne Reed, District 1; Nathan Carter, District 2; Mike Haney, District 4; Mark Dayton, District 5; Nancy K. Stewart, District 6; Wm. Allen Millican, District 7 - Note: Pursuant to R-82-19 adopted on March 5, Z. Andre’ Huff, District 3, was declared elected without opposition)

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

City Clerk Iva Nelson administered the Oath of Office to Adrienne Reed, Nathan Carter, Z. Andre' Huff, Mike Haney, and Wm. Allen Millican. Superintendent Tony Reddick administered the Affirmation to Adrienne Reed, Nathan Carter, Z. Andre' Huff, and Wm. Allen Millican.

### 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 310 Grant Street in District 3, Shawn Kuechle and certain mortgage in favor of Julie W. Smith being the last known owners. Based on a recent demolition permit and progress made, Brian Harbison, Building Inspector, recommended a 30-day extension. Councilman Worthy moved to table the resolution for 30 days, which 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 312 Washington Street, FNA NP, LLC, with possible rights to the estates of William Bolton and Ruby Bolton, being the last known owners. Brian Harbison, Building Inspector, stated no improvements have been made to this burned structure since procedures began in August 2018, and recommended abatement. The following resolution was introduced in writing for consideration:

#### RESOLUTION NO. R-138-19

#### ORDERING ABATEMENT OF NUISANCE

(Ordering Abatement of Nuisance - 312 Washington Street - District 3 - FNA NP, LLC; Possible redemption rights of Estates of William Bolton and Ruby Bolton)

Councilman Worthy moved to adopt the resolution as introduced, which motion was seconded by Councilman Wilson 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 1110 Foster Avenue in District 5, Ivan Brent Peoples, Sr., and Zeola W. Peoples being the last known owners. Zeola Peoples said she has almost completed repairs and needs a few more days. Brian Harbison, Building Inspector, said he is glad to see the owner taking action and does not oppose a 30-day extension. Councilman Wilson advised Ms. People to stay in contact with the Building Official. He then moved to table the resolution for 30 days, which motion was seconded by Councilman Worthy and unanimously carried.

(4) The hearing scheduled for 105 Carlton Place in District 7 was not conducted and the resolution was removed from the agenda, as the nuisance has been abated by the owner.

(5) 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 Moutalabi Boukari, doing business as Shop and Save Food Mart at 2300 Forrest Avenue. No one spoke. The following resolution was presented for consideration:

RESOLUTION NO. R-139-19

APPROVING THE ISSUANCE OF  
ALCOHOLIC BEVERAGE LICENSE

(Moutalabi Boukari - Shop and Save Food Mart - 2300 Forrest Avenue - Retail Beer and Table Wine License, off premises)

Councilman Williams moved to adopt the resolution as introduced, which motion was seconded by Councilman Worthy 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-140-19

AUTHORIZING PUBLIC HEARING  
ON BUILDING CODE

(Authorizing public hearing to be held May 14, 2019 - Regarding adoption of International Building Code, 2018 Edition)

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

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

RESOLUTION NO. R-141-19

AUTHORIZING PUBLIC HEARING ON  
EXISTING BUILDING CODE

(Authorizing public hearing to be held May 14, 2019 - Regarding adoption of International Existing Building Code, 2018 Edition)

Councilman Reed 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-142-19

AUTHORIZING PUBLIC HEARING ON FUEL GAS CODE

(Authorizing public hearing to be held May 14, 2019 - Regarding adoption of International Fuel Gas Code, 2018 Edition)

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

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

RESOLUTION NO. R-143-19

AUTHORIZING PUBLIC HEARING  
ON MECHANICAL CODE

(Authorizing public hearing to be held May 14, 2019 - Regarding adoption of International Mechanical Code, 2018 Edition)

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

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

RESOLUTION NO. R-144-19

AUTHORIZING PUBLIC HEARING  
ON PLUMBING CODE

(Authorizing public hearing to be held May 14, 2019 - Regarding adoption of International Plumbing Code, 2018 Edition)

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

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

RESOLUTION NO. R-145-19

AUTHORIZING PUBLIC HEARING ON PROPERTY MAINTENANCE CODE

(Authorizing public hearing to be held May 14, 2019 - Regarding adoption of the International Property Maintenance Code, 2018 Edition)

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

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

RESOLUTION NO. R-146-19

AUTHORIZING PUBLIC HEARING  
ON RESIDENTIAL CODE

(Authorizing public hearing to be held May 14, 2019 - Regarding adoption of International Residential Code, 2018 Edition)

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

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

RESOLUTION NO. R-147-19

AUTHORIZING PUBLIC HEARING ON  
SWIMMING POOL AND SPA CODE

(Authorizing public hearing to be held May 14, 2019 - Regarding adoption of International Swimming Pool and Spa Code, 2018 Edition)

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

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

RESOLUTION NO. R-148-19

AUTHORIZING SPECIAL USE PERMIT TO AT&T

(Authorizing Special Use Permit - AT&T - For equipment modifications at existing wireless telecommunication facility - Located at 748 Forrest Avenue)

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

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

RESOLUTION NO. R-149-19

AUTHORIZING AGREEMENT WITH EE GROUP, INC.

(Authorizing Agreement - EE Group, Inc. - \$3,200.00 - To provide plans and specifications for installation of parking lot lighting - Rear parking lot of Alabama City Center, located at 2000 W. Meighan Boulevard)

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

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

RESOLUTION NO. R-150-19

AUTHORIZING AGREEMENT WITH EE GROUP, INC.

(Authorizing Agreement - EE Group, Inc. - \$7,300.00 - To provide plans and specifications for installation of parking lot and feature lighting at Patriot's Park, located at Noccalula Falls Park)

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

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

RESOLUTION NO. R-151-19

AUTHORIZING AGREEMENT FOR THE REMOVAL  
OF BIG WILLS CREEK LOW HEAD DAM

(Authorizing Memorandum of Agreement - U.S. Army Corps of Engineers and State Historic Preservation Officer - Regarding proposed removal of low head dam on Big Wills Creek - To resolve adverse effects to historic properties - Required for the issuance of permits)

Councilman Wilson noted this will authorize additional work to obtain a permit but does not authorize removal of the dam. He then moved to adopt the resolution as introduced, which motion was seconded by Councilman Williams and unanimously adopted.

NEW BUSINESS

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

RESOLUTION NO. R-152-19

AUTHORIZING SATISFACTION OF  
NUISANCE ABATEMENT LIEN

(Authorizing Satisfaction of Nuisance Abatement Lien - 106 6<sup>th</sup> Avenue in East Gadsden - District 2 - Accepting \$200.00 offer from Laura Fay Stevens)

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

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

RESOLUTION NO. R-153-19

AUTHORIZING APPLICATION AND ACCEPTANCE OF  
FIREFIGHTER BEHAVIORAL HEALTH ALLIANCE GRANT

(Authorizing grant application and acceptance - Firefighter Behavioral Health Alliance Grant - \$2,500.00 - To be used for firefighter behavioral health workshop)

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 Wilson and unanimously adopted.

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

RESOLUTION NO. R-154-19

AUTHORIZING ACCESS, PARKING AND CONSTRUCTION  
EASEMENT TO TWS GADSDEN, LLC

(Authorizing access, parking, and construction easement - TWS Gadsden, LLC - Relating to construction of Buffalo Wild Wings Restaurant on riverfront property adjacent to The Venue)

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 Williams and unanimously adopted.

(4) Councilman Wilson introduced the following resolution in writing for consideration:

RESOLUTION NO. R-155-19

AUTHORIZING AGREEMENT REGARDING CONSTRUCTION  
OF BUFFALO WILD WINGS RESTAURANT

(Authorizing SBA Environmental Indemnification Agreement - TWS Gadsden, LLC, Wingin' It, LLC, Regions Bank, Birmingham City Wide Local Development Company, and U.S. Small Business Administration - To allow TWS Gadsden, LLC, to obtain loan for construction of Buffalo Wild Wings Restaurant on City property adjacent to The Venue)

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 Williams and unanimously adopted.

MAYOR AND COUNCIL REMARKS

Several Council members joined in congratulating the Board of Education members.

Councilman Worthy announced tonight's joint City District 3/County District 5 meeting at 5 p.m., at the Carver Community Center. He also announced Flashback Weekend this Friday and Saturday and noted he had attended Rev. Kirkpatrick's new church last Sunday.

Councilman Reed commended police officer Ron Leek, who was selected as Second Vice President of the State FOP, as well as Member of the Year and noted that Gadsden will host the State FOP convention in 2020.

President Toles announced changes in the garbage collection schedule, due to the upcoming Good Friday holiday.

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

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Iva Nelson, City Clerk (4-16-19)

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FOURTH FLOOR CONFERENCE ROOM - BID OPENING  
April 16, 2019 - 2:00 P.M.

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

Bid No. 3400 - Security Patrol Services

	<u>Year 1</u>	<u>Year 2</u>	<u>Year 3</u>
Security Associates of Alabama, LLC	\$10.19	\$10.19	\$10.19
Complete Security Concept	\$11.60	\$11.75	\$11.90
Twin City Security, LLC	\$11.69	\$11.69	\$11.94
Dynamic Security, Inc.	\$11.89	\$11.89	\$11.89
Eagle Security, Inc.	\$18.63	\$19.37	\$20.15

Bid No. 3402 - Riverfront Development Site Work, Phase II

Takco Construction	\$840,801.55
J & D Enterprises	\$868,215.80

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

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