

COUNCIL CHAMBER - CITY HALL - GADSDEN, ALABAMA  
AUGUST 15, 2023 - 11:00 A.M.

The City Council met on August 15, 2023, in regular session.

The meeting was called to order at 11:00 a.m. by Council President Back. On roll call by the City Clerk, Iva Nelson, the following council members answered present: Latham, Smith, Avery, Back, Wilson, Minatra and Robinson. The clerk stated a quorum was present and the meeting was open for business. Mayor Ford, Heath Williamson, Lee Roberts and Chief Jaggears were also present.

The invocation was given by Councilwoman Latham.

The minutes of the Public Safety Committee, Work Session, and Council meetings held on August 8, 2023, and the Community Development Committee meeting on August 10, 2023, were approved by unanimous vote.

Payment of the HTE System accounts for the week of August 4-10 were ratified by unanimous vote.

#226366-226546	General	\$1,627,456.06
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Mayor Ford presented commendations to:

(1) Members of the Gadsden City High School Junior Varsity Scholar's Bowl team and Coach Colonel Davenport - Won third place in National competition

(2) Members of the Gadsden Middle School Scholar's Bowl team and Coach Dr. Sue Bliss - Won second place in National competition

Mayor Ford recognized Interim Tourism Director Tynette Lynch, who introduced Tina Morrison, new Director of Greater Gadsden Area Tourism. Ms. Morrison shared her background and expressed excitement to begin the job.

Mayor Ford wished a Happy Birthday to John Moore, Director of Economic and Governmental Affairs.

UNFINISHED BUSINESS

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

ORDINANCE NO. O-53-23

AMENDING BUDGET FOR FUND 002  
- AMERICAN RESCUE PLAN

(Amending American Rescue Plan Budget - Transferring \$21,900.00 from Love Center to Equipment Fund - To purchased equipment for Police Department - Note: Love Center, also known as Charlsie House, no longer exists)

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

RESOLUTIONS PRESENTED FOR CONSIDERATION

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

RESOLUTION NO. R-471-23

REAPPOINTING MEMBERS TO  
ARGYLE CIRCLE ARCHITECTURAL REVIEW BOARD

(Reappointing Edwina K. Cooper, Philip E. Miles, and Ernest D. Cordell, Jr. - For terms expiring on 7-20-26)

Councilman Smith 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-472-23

AUTHORIZING AGREEMENT WITH  
RIVERTREE SYSTEMS, INC.

(Authorizing Agreement - Rivertree Systems, Inc. - \$75.00 per hour - For specialized auditing for business license and various taxes, including sales and seller's use, consumer use, rental, occupational, tobacco, gasoline, etc.)

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

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

RESOLUTION NO. R-473-23

AUTHORIZING MASTER AGREEMENT WITH TTL, INC.

(Authorizing Master Agreement - TTL, Inc. - For Environmental Engineering and Consulting Services on as needed/on-call basis within budgeted funds)

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

(4) At the request of President Back, Brett Johnson (Mayor's Chief of Staff) read the following resolution:

RESOLUTION NO. R-474-23

DENOUNCING ACT 2014-453  
MEDICAL EQUIPMENT SALES TAX EXEMPTION

(Denouncing Act 2014-453, which further exempted various categories of medical equipment from state and local sales, use, rental, and lease taxes [Pursuant to Alabama Department of Revenue Administrative Code Rule, medical supply companies and hospitals are seeking reimbursements of taxes for a 36-month lookback] - Requesting Etowah County Legislative Delegation, Alabama League of Municipalities, Alabama Association of School Boards, and Association of County Commissions of Alabama to join forces to revise, repeal, and/or clarify language)

City Attorney Lee Roberts explained that cities do not collect taxes from entities that have presented a certificate of exemption. The 2014 legislation and ensuing ambiguity have led some entities to request a refund of taxes already paid. Mr. Roberts noted Etowah County recently paid a refund and the City of Gadsden achieved a better settlement than others. Councilman Wilson said this issue is extremely upsetting, noting attorneys have influenced some highly profitable companies to seek refunds, taking funds from the coffers of governmental units that provide services to the community. Mayor Ford affirmed that \$750,000 less will be available in the upcoming budget. Appreciation was expressed to the Mayor and Brett Johnson for their work on the settlement and the resolution.

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

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

RESOLUTION NO. R-475-23

AUTHORIZING AGREEMENT WITH  
GADSDEN REGIONAL MEDICAL CENTER

(Authorizing Agreement - Gadsden Regional Medical Center - \$1,507,348.16, to be paid in two equal installments of \$753,674.08 - For reimbursement of sales and use tax paid - For various tax periods ranging from November 2016 through December 2020 - Note: First payment will be made by August 15, 2023, with second payment due December 15, 2023)

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

ORDINANCE PRESENTED FOR CONSIDERATION:

The following ordinance was introduced in writing for consideration:

ORDINANCE NO. O-54-23

AMENDING FISCAL YEAR 2023 BUDGET

(Amending FY2023 Budget - Transferring \$753,647.08 from general fund unassigned fund balance - For first of two installments of sales and use tax refund to Gadsden Regional Medical Center approved by Resolution No. R-475-23)

Councilman Wilson moved to suspend the rules to immediately consider the ordinance at its first reading. The motion was seconded by Councilwoman Latham and approved by the following vote:

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

NAYS: None

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

### NEW BUSINESS

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

#### RESOLUTION NO. R-476-23

##### AUTHORIZING AGREEMENT WITH KEVIN'S TREE SERVICE

(Authorizing Agreement - Kevin's Tree Service - \$600.00 per load, not to exceed \$30,000.00 - To provide emergency services for removal of debris from severe thunderstorm on August 3, 2023 - Pursuant to Mayor's Declaration of Emergency on August 5, 2023)

President Back 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 Councilwoman Minatra and unanimously adopted.

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

#### ORDINANCE NO. O-55-23

##### AUTHORIZING TIF FUNDS FOR EXPENDITURES RELATED TO WHATABURGER

(Appropriating Tax Increment Financing Funds - \$125,000.00 - Additional funding pursuant to agreement with MWB Restaurants, LLC - For work to resolve soil issues on property at 563 East Meighan Boulevard - Relating to construction of Whataburger Restaurant)

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

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

NAYS: None

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

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

## RESOLUTION NO. R-477-23

### AUTHORIZING AGREEMENT TO PURCHASE PROPERTY LOCATED AT 255 ALBERT RAINS BOULEVARD

(Authorizing Agreement - To purchase property at 255 Albert Rains Boulevard from Steven J. Denson and Regina Gray - \$235,000.00)

President Back 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 Councilwoman Minatra and unanimously adopted.

#### MAYOR AND COUNCIL REMARKS

Mayor Ford reported on continuing work to clear storm debris, as well as the FY2024 budget and consolidated handbook, which he hopes to present to the Finance Committee on September 5. He thanked Brett Johnson, Brandon Phillips, Laura Copeland, and Councilwoman Minatra for help on these items.

The Mayor and Council joined in thanking Public Works for the continuing storm cleanup. It was noted Kevin's Tree Service will be able to pick up larger tree debris. Councilman Robinson asked for patience of residents on the mountain, as the process will take some time.

Councilman Smith and President Back joined in congratulating the scholar's bowl teams and welcoming Tourism Director Tina Morrison. President Back and Councilwoman Minatra congratulated newly appointed Board of Education member, Rita Smith.

Councilman Smith expressed excitement to see the Whataburger development in District 2.

Councilman Avery announced upcoming events, including Saturday's Back to School fling and Public Safety Awareness at Shiloh Baptist Church, CERT training at Carver Community Center, District 3 meeting on August 22 at Carver, District 3 clean-up on August 27, Meet the Titans on Friday, and Community Development Project 2000 golf tournament on Saturday. He asked for the public's patience for trees that are still down in District 3 and encouraged the public to access programs and resources available through Gadsden State Community College.

Councilwoman Minatra reported on this morning's Public Works Committee meeting and thanked Ty Jackson for his dedication and leadership.

#### PUBLIC

By unanimous vote of the council, Neonta Williams was permitted to speak. She thanked the city for support of the recent Parent Symposium at The Venue, as well as all stakeholders, volunteers, and participants. The council joined in thanking Ms. Williams for bringing the event to her hometown and complimenting the great lineup of speakers. Councilwoman Latham reiterated the theme, "The Year of Evidence."

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

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Iva Nelson, City Clerk (8-15-23)

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