

February 28, 2022

STATE OF ALABAMA,
LIMESTONE COUNTY,
CITY OF ATHENS.

The City Council of the City of Athens, Alabama met in regular session at the Athens Municipal Building, 200 Hobbs Street West, Athens, Alabama, on February 28, 2022 at 5:30 p.m. The meeting was called to order by Councilman Chris Seibert, President of the City Council. Upon roll call, the following were found to be present: Councilmembers Chris Seibert, Dana Henry, Harold Wales and Wayne Harper. Councilman Frank Travis was absent. Council President Seibert asked for continued prayers for Councilman Travis. Annette Barnes-Threet, City Clerk, was present and recorded the minutes of the meeting. Dana Henry offered the invocation. Mayor Marks was assisted by Arrows Den Cub Scout Pack 24 in leading the Pledge of Allegiance. Arrows Den Cub Scout Pack 24 members in attendance were Henry Federspiel, Ethan Williams, Gabriel March, Wyatt Camilli and Pack Leader Dana Henry. The Chairperson stated that a quorum was present and that the meeting was open for transaction of business.

The Chairperson stated that the Minutes of the February 14, 2022 City Council Meeting had been submitted for approval. Councilman Harper moved that the reading of the Minutes be suspended and that the Minutes be approved as recorded. The motion was seconded by Councilman Wales and was unanimously carried. The Chairperson stated that the Minutes of the February 14, 2022 City Council Work Session Meeting had been submitted for approval. Councilman Harper moved that the reading of the Minutes be suspended and that the Minutes be approved as recorded. The motion was seconded by Councilman Wales and was unanimously carried.

Mayor Marks remarked, in regards to the County Commission meeting that was held on February 22, 2022, that the City of Athens respects all of their senior citizens and that the City of Athens will do everything possible to provide services for those citizens. The Mayor recognized Will Anderson as the State Wrestling Champion and recognized the Athens High School Cheerleaders and the Athens Middle School Cheerleaders for placing in competition in Orlando, Florida.

Councilman Wales also congratulated Will Anderson and the Athens Cheerleaders on their accomplishments. Mr. Wales stated that the City is in good shape financially and that he was proud to be a council member and a citizen of the City of Athens.

Councilman Harper thanked the employees and staff of the City of Athens for all of their hard work.

Council President Seibert thanked the scouts for attending and also congratulated the cheerleaders and Will Anderson. Mr. Seibert thanked the Mayor and Annette Barnes, City Clerk, for all that they do for the City of Athens.

PUBLIC HEARING REGARDING THE ZONING APPROVAL FOR THE SALE OF ALCOHOL IN THE CITY OF ATHENS BY PUBLIX ALABAMA, LLC, DBA: PUBLIX ALABAMA, LLC #1790

No one spoke in favor of or against.

The public hearing was closed.

George Lockett, East Strain Road, Athens, addressed the City Council regarding the sewer that is being installed in his area and inquired about connecting services. Mayor Marks stated that he would provide him an answer within the next couple of days.

Scott Marshall, 212 East Street, Athens, asked the City Council for an update on traffic calming around the Square. Mr. Marshall also stated that a concrete cut on the sidewalk that crosses Washington Street needs to be repaired.

Michael Griffin, City Engineer, stated that if the concrete cut is inside the right-of-way, the City is responsible for the repair.

Councilman Wales introduced the following resolution:

RESOLUTION NUMBER 2022 - 1794

WHEREAS, Dish Wireless has requested to install their equipment on an existing telecommunications facility located at 1327 Highway 251, Athens, AL to provide wireless services within the corporate limits of the City of Athens;

WHEREAS, Dish Wireless has complied with the City's Ordinance No. 1999-1320 and has demonstrated the need for the modification of this wireless facility to deliver consistently reliable services in the identified area, and;

WHEREAS, both the City and Dish Wireless customers in Athens will benefit from improved service; and;

WHEREAS, the City's consultant, The Center for Municipal Solutions (CMS), recommends the granting of a conditional Special Use Permit for the modification at this facility located at 1327 Highway 251, Athens, AL, which consists of a 276.5-foot guyed tower;

THEREFORE, BE IT RESOLVED by the City Council of the City of Athens, Alabama that Dish Wireless is hereby granted a Special Use Permit to modify their equipment at 1327 Highway 251, Athens, AL. As recommended by CMS, the Special Use Permit is subject to compliance with the following conditions prior to the issuance of said permit and/or a Certificate of Completion:

1. To prevent warehousing of permits or authorizations and to assure the best service to the City's residents as expeditiously as possible, the facility must be built, activated, and be providing service *no later than one hundred eighty (180) days after the issuance of the Special Use Permit or other applicable authorization, subject to commonly accepted force majeure exceptions acceptable to the City*. Dish may petition the City of an extension of this for good cause shown, but the decision whether to grant the extension shall exclusively be the prerogative of the City.
2. Dish must provide contractor information with a construction schedule to the city and to CMS prior to the issuance of the Building Permit. The contractor must notify the City's consultant for all inspections.
3. Prior to the issuance of the Certificate of Completion for this project, Dish or the tower owner shall remediate the following safety issues noted at the pre-application site visit:
 - a. Replace or repair missing compound fence grounds.
 - b. Secure guyed anchor compounds per City Ordinance.
 - c. Repair grounds to grounding bar mounted on tower.
 - d. Replace or repair missing generator ground.
 - e. Replace or repair missing grounds at towers base.
4. At the completion of construction, the Applicant must notify the City's consultant and provide proof that all inspections have been satisfactorily completed and the project is ready for a final on-site inspection. Upon passing the final inspection, a recommendation to issue a Certificate of Occupancy shall be made.
5. The Certificate of Occupancy shall not be issued until all fees and costs associated with this Permit, including inspections, have been paid.
6. The provision of the Certificate of Completion for this work shall be a pre-condition for any future modifications of any kind by this carrier, at this facility.

ADOPTED this 28th day of February, 2022

/s/ Chris Seibert
PRESIDENT, CITY COUNCIL,
CITY OF ATHENS, ALABAMA

/s/ William R. Marks
MAYOR, CITY OF ATHENS, ALABAMA

ATTEST:

/s/ Annette Barnes
CITY CLERK, CITY OF ATHENS, ALABAMA

The motion was seconded by Councilman Harper and was unanimously carried.

Councilwoman Harper introduced the following resolution:

RESOLUTION

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ATHENS, ALABAMA, to enter an agreement with Grayson Carter & Son, Inc. for the construction of the Lindsay Lane extension South of Huntsville-Brownsferry Rd and the installation of a signal at Huntsville-Brownsferry and Lindsay Lane intersection. The project is to be funded through the contingency fund and to accept the lowest responsible bid of \$1,041,308.34.

Councilmember Henry moved that unanimous consent be given for immediate consideration of and action on said resolution, which motion was seconded by Councilmember Wales, and upon the said motion being put to vote the following vote was recorded: YEAS: Councilmembers Seibert, Wales, Henry and Harper; NAYS: None. The President thereupon declared that the motion for unanimous consent for immediate consideration of and action on the said resolution had been unanimously carried. Councilmember Harper thereupon moved that the resolution be finally adopted, which motion was seconded by Councilmember Wales and upon the said motion being put to vote the following vote was recorded: YEAS: Councilmembers Seibert, Wales, Henry and Harper; NAYS: None. The President thereupon announced that the motion for the adoption of the said resolution had been unanimously carried.

Councilwoman Henry introduced the following resolution:

RESOLUTION

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ATHENS, ALABAMA, to authorize the City of Athens Sanitation Department to sell old, worn-out dumpsters as scrap metal. Proceeds from the sale will be returned to the Sanitation Department Capital Funds Account.

The motion was seconded by Councilman Wales and was unanimously carried.

Councilman Wales introduced the following resolution:

Resolution to Approve FY 2021 Budget Amendments

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ATHENS, ALABAMA, to approve the following FY 2021 budget amendments:

- Contribution to Retirement Systems of Alabama
Toward Unfunded Pension Liability \$ 750,000
- Capital Expenditure Fund –
Departmental Capital Requests TBD \$ 1,900,000
- Special Revenue Fund-
OPEB Funding \$ 200,000
- Capital Projects Fund –
Capital Projects/Requests TBD \$ 750,000

The funding for these expenditures will be from the FY 2021 general fund budget surplus through a 9/30/2021 budget amendment to the following line items:

100.510.80203 thru 100.520.80203 – Retirement Expense	\$ 750,000
100.527.90112 – Transfers Out – Capital Expenditure Fund	\$ 1,900,000
100.527.90114 – Transfers Out – Special Revenue Fund	\$ 200,000
100.527.90111 – Transfers Out – Capital Projects Fund	\$ 750,000

Councilmember Harper moved that unanimous consent be given for immediate consideration of and action on said resolution, which motion was seconded by Councilmember Henry, and upon the said motion being put to vote the following vote was recorded: YEAS: Councilmembers Seibert, Wales, Henry and Harper; NAYS: None. The President thereupon declared that the motion for unanimous consent for immediate consideration of and action on the said resolution had been unanimously carried. Councilmember Wales thereupon moved that the resolution be finally adopted, which motion was seconded by Councilmember Harper and upon the said motion being put to vote the following vote was recorded: YEAS:

Councilmembers Seibert, Wales, Henry and Harper; NAYS: None. The President thereupon announced that the motion for the adoption of the said resolution had been unanimously carried.

Councilwoman Henry introduced the following resolution:

RESOLUTION

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ATHENS, ALABAMA, to authorize the Mayor to issue a task order to Morell Engineering for topographic and utility survey plus grading and drainage design plans for Pryor Park in an amount not to exceed \$50,000. This project shall be funded from the Pryor Park project line item.

Councilmember Harper moved that unanimous consent be given for immediate consideration of and action on said resolution, which motion was seconded by Councilmember Wales, and upon the said motion being put to vote the following vote was recorded: YEAS: Councilmembers Seibert, Wales, Henry and Harper; NAYS: None. The President thereupon declared that the motion for unanimous consent for immediate consideration of and action on the said resolution had been unanimously carried. Councilmember Henry thereupon moved that the resolution be finally adopted, which motion was seconded by Councilmember Harper and upon the said motion being put to vote the following vote was recorded: YEAS: Councilmembers Seibert, Wales, Henry and Harper; NAYS: None. The President thereupon announced that the motion for the adoption of the said resolution had been unanimously carried.

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There being no further business to come before the meeting, Council President Seibert asked if there were any objections to adjourning the meeting. There being none, the meeting was duly and properly adjourned.

/s/Chris Seibert
PRESIDENT, CITY COUNCIL

ATTEST:

/s/ Annette Barnes
CITY CLERK