

March 13, 2023

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 March 13, 2023 at 4:30 p.m. The meeting was called to order by Councilman Harold Wales, President of the City Council. Upon roll call, the following were found to be present: Councilmembers Chris Seibert, Harold Wales, James E. Lucas, Dana Henry and Wayne Harper. Annette Barnes-Threet, City Clerk, was present and recorded the minutes of the meeting. James Lucas offered the invocation. Mayor Marks was joined by Cub Scouts Parker Barnes and Will Turner in leading the Pledge of Allegiance. 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 27, 2023 City Council Meeting had been submitted for approval. Councilman Seibert moved that the reading of the Minutes be suspended and that the Minutes be approved as recorded. The motion was seconded by Councilman Harper and was unanimously carried. The Chairperson stated that the Minutes of the February 27, 2023 City Council Work Session Meeting had been submitted for approval. Councilman Seibert moved that the reading of the Minutes be suspended and that the Minutes be approved as recorded. The motion was seconded by Councilman Harper and was unanimously approved.

Mayor Marks and Limestone County Commission Chairman, Collin Daly presented a proclamation declaring March as Colorectal Cancer Awareness Month in the City of Athens and Limestone County, Alabama.

Councilman Lucas read a statement concerning the Vine Street Project and asked the City Council to start and finish the project as soon as possible.

Council President Wales stated that he had received an email regarding recycling in the city and that the City of Athens should look into processing their own recycling in the future. Council President Wales remarked that he agreed with the suggestion.

PUBLIC HEARING CONCERNING THE ZONING APPROVAL FOR THE SALE OF ALCOHOL IN THE CITY OF ATHENS BY FRESH VALUE ATHENS, LLC, 625 US HIGHWAY 72, WEST, ATHENS, ALABAMA

No one spoke in favor of or against.

The public hearing was closed.

PUBLIC HEARING CONCERNING THE MODIFICATION OF AN EXISTING SOLID WASTE MANAGEMENT SITE

Kelly Range, 303 Brookwood Drive, Athens, AL, addressed the City Council and stated that he wasn't against the modification of the solid waste site. Mr. Range noted that if the City of Athens owns the location, that others should be charged to use the site.

The public hearing was closed.

Councilman Harper introduced the following resolution:

RESOLUTION NUMBER 2023 - 1872

A RESOLUTION APPROVING THE MODIFICATION OF AN EXISTING SOLID WASTE MANAGEMENT SITE

WHEREAS, on May 6, 2022, there was a fire at the existing solid waste transfer station located at 16100 BFI Lane, Athens, Alabama 35611, which damaged the site;

WHEREAS, the Solid Waste Disposal Authority of Athens and Limestone County (“Authority”) plans to repair and improve the transfer station;

WHEREAS, the project consists of a new 10,000 square foot metal prefabricated building, a new 5,000 square foot metal prefabricated building, reinforced concrete stem walls, reinforced concrete tipping floor, heavy duty concrete paving, leachate management system, utilities, and site improvements;

WHEREAS, the new additions will be located at the existing transfer station site, and will be funded by the Authority;

WHEREAS, the Authority owns the transfer station and the real property upon which it sits, and the transfer station will continue to be operated by BFI Waste Services, LLC (d/b/a Republic Services of Huntsville);

WHEREAS, this work is entirely consistent with the current Limestone County Solid Waste Management Plan, which provided for a solid waste transfer station located at this site, used by the City of Athens with respect to the solid waste generated within its jurisdiction;

WHEREAS, this project does not affect the current waste type or waste stream related to this location;

WHEREAS, the Authority has requested that the City Council approve this modification of an existing solid waste management site;

WHEREAS, the City Council has held a public hearing concerning this matter, at which time there was an opportunity for public comment, and that hearing was advertised by a public notice (describing the project) in the *Athens News Courier* on February 8, 2023, between 30 and 45 days prior to the hearing;

WHEREAS, the City Council wishes to grant the Authority’s request for approval; and

WHEREAS, in making this decision, the City Council has considered the following criteria:

- (1) The consistency of the proposal with this jurisdiction's solid waste management need as identified in the Limestone County Solid Waste Management Plan;
- (2) The relationship of the proposal to local planned or existing development or the absence thereof, to major transportation arteries, and to existing state primary and secondary roads;
- (3) The location of a proposed facility in relationship to existing industries in the state that generate large volumes of solid waste, or the relationship to the areas projected for development of industries that will generate solid waste;
- (4) Costs and availability of public services, facilities and improvements required to support the proposed project and protect public health, safety, and the environment;

(5) The impact of the proposed project on public safety and provisions made to minimize the impact on public health and safety; and

(6) The social and economic impacts of the proposed project on the affected community, including changes in property values, and social or community perception.

THEREFORE BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ATHENS, ALABAMA on March 13, 2023 at 4:30 PM, that pursuant to § 22-27-48(b) of the *Code of Alabama*, the City Council grants the Authority's request for approval of the project described in this Resolution, a modification of an existing solid waste management site located at 16100 BFI Lane, Athens, Alabama 35611. This Resolution shall supersede and replace the "Resolution Approving a New Solid Waste Transfer Facility" that was approved by this Council at its November 28, 2022 meeting.

ADOPTED this the 13th day of March, 2023.

/s/ Harold Wales
PRESIDENT, CITY COUNCIL,
CITY OF ATHENS, ALABAMA

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

Mayor Marks noted that the Solid Waste Authority is made up of five members, which includes Councilman Seibert, Councilman Harper, Chairman Collin Daly, Marc Massey and Larry Elkins. The Mayor stated that the transfer station is a city/county project.

Councilman Lucas introduced the following resolution:

RESOLUTION

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ATHENS, ALABAMA, to reappoint Lisa Payne to the Mental Health Center of North Central Alabama, Inc. for a six year term, expiring on April 1, 2029.

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

Councilman Lucas introduced the following resolution:

RESOLUTION 2023 – 1873

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ATHENS, ALABAMA, to approve and adopt the Limestone County Emergency Operations Plan, prepared by the Limestone County Emergency Management Agency, to develop, implement, and maintain a viable all-hazards response capability and to establish a comprehensive approach to providing consistent, effective, and efficient coordination across a broad spectrum of emergency response activities.

All departments and organizations within the City of Athens shall abide by and cooperate fully with the provisions described and referenced herein when called upon to execute the plan. Any or all parts of the plan may be activated based on the specific emergency. This plan may be activated by those with the assigned authority within this plan as necessary to respond to any emergency or as required in the presence of a local, regional or national event.

This EOP and its supporting contents and referenced materials are hereby approved and supersede all previous plans and supporting materials. This EOP shall be effective immediately upon execution of the signature below. The undersigned does hereby adopt the Limestone County Emergency Operations Plan.

IN WITNESS WHEREOF, I have subscribed my signature;

APPROVED AND ADOPTED BY:

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

ADOPTED and APPROVED this, the 13th day of March, 2023.

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

Councilman Lucas introduced the following resolution:

RESOLUTION

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ATHENS, ALABAMA, to authorize the purchase of a HP Smart Buy laptop computer with docking station for the Clerk’s office in an amount not to exceed \$1,650 to be funded from the existing General and Administrative capital account.

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

Councilman Lucas introduced the following resolution:

RESOLUTION

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ATHENS, ALABAMA, to authorize the purchase of lateral filing cabinets for the Clerk’s office in an amount not to exceed \$2,700 to be funded from the existing General and Administrative capital account.

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

Councilman Lucas introduced the following resolution:

RESOLUTION

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ATHENS, ALABAMA, to approve the following applicant for a “Retail Beer & Wine Off Premises” alcohol license:

Business Name: Jay Pavanputra Inc
Db: Westend Outdoors Chevron
Address: 17171 US Hwy 72
Athens, AL 35611

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

Councilman Lucas introduced the following resolution:

RESOLUTION

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ATHENS, ALABAMA, to approve the following applicant for a “Retail Beer & Wine Off Premises” alcohol license:

Business Name: Sai Shani Inc
Dbas: Chevron
Address: 1514 East Elm St
Athens, AL 35611

Councilman Lucas 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 purchase order to Ingram Equipment for a PAC/MAC Automated Leaf machine with a Freightliner chassis in the amount not to exceed \$270,000. This purchase is procured from the Sourcewell purchasing agreement contract number 060920-NAF. The equipment shall be funded from the existing Sanitation Department Capital Account.

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

Councilman Lucas 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 purchase order to Ingram Equipment for a Heil/ Mac Sideloader Residential Garbage truck in amount not to exceed \$420,000. This purchase is procured from the Sourcewell purchasing agreement contract number Heil Environmental - 091219-THC and Mack Trucks - 060920-MAK. The equipment shall be funded from the existing Sanitation Department Capital Account.

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

Councilman Lucas introduced the following resolution:

RESOLUTION

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ATHENS, ALABAMA to declare the following items as surplus and direct the Public Works Department to dispose by public auction. The proceeds of sale shall be directed to the Sanitation Capital Account.

- 2007 Mack MR39198 Vin # 1M2K189C97M039198 mileage 180,000
- 2009 Massey Ferguson 2680 2 wheel drive cab tractor wing and rear flail mowers with extra flail cutters
- Rhino 15ft pull behind cutter
- P87 2007 Ford F150 pickup Vin# 1FTRF12W57NA39600 mileage 201,425
- 2001 New Holland TS110 tractor with boom mower

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

Councilman Lucas introduced the following resolution:

RESOLUTION

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ATHENS, ALABAMA, to approve the payment of budgeted travel/education expenses for the following Water Services personnel:

March Courville (Water Services)	Wastewater Collection Seminar Montgomery, AL February 27-28, 2023	\$364.19
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The motion was seconded by Councilman Seibert and was unanimously carried.

Councilman Lucas introduced the following resolution:

RESOLUTION

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ATHENS, ALABAMA, that the travel expenses in the following amount be approved for Electric Department personnel:

Rhett Murphy Alabama Vegetation Management Society Annual Conference – Tuscaloosa, AL	\$332.62
Donnie McBay Alabama Vegetation Management Society Annual Conference – Tuscaloosa, AL	\$36.98

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

Councilman Lucas introduced the following resolution:

RESOLUTION

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ATHENS, ALABAMA, to authorize the Electric Department Manager to award the contract for Chemical Vegetation Control to Edko, LLC for an annual cost of \$91,346.24 for Athens Utilities Substations and Unit Costs to be used on an as needed basis consisting of:

Pathway Unit	\$00.28
Pole Unit	\$18.00
Bare Ground Treatment (per Square Ft)	\$00.0072
Landscape Areas (per Square Ft)	\$ 3.85

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

Councilman Lucas introduced the following resolution:

RESOLUTION

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ATHENS, ALABAMA, to approve the purchase of two 2023 Dodge Ram 1500 4x4 Trucks from Stivers Automotive at a cost of \$78,765.20 for the Gas Department and spread the same on the minutes.

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

Councilman Seibert introduced the following resolution:

RESOLUTION

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ATHENS, ALABAMA, at its meeting on March 13, 2023, that the Council authorizes an amount of \$242,817.00 for the purchase of seven pickup trucks based on state bid costs, and the Water Services Director, for and on behalf of the City of Athens, is authorized to purchase these trucks for replacement and new truck needs for the Water Services Department.

Councilmember Harper moved that unanimous consent be given for immediate consideration of and action on said resolution, which motion was seconded by Councilmember Lucas, and upon the said motion being put to vote the following vote was recorded: YEAS: Councilmembers Seibert, Wales, Lucas, 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 Seibert thereupon moved that the resolution be finally adopted, 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, Lucas, 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, at its meeting on March 13, 2023, that the Council authorizes a budgeted capital amount of \$220,600.00 for a contract with Martin & Cobey Construction, Inc., to replace the Water Treatment Plant roof system and make repairs to infrastructure damaged by rain in recent years, and the Water Services Director, for and on behalf of the City of Athens, is authorized to enter into this contract to complete this work.

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

Councilman Seibert introduced the following resolution:

RESOLUTION 2023 – 1874

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ATHENS, ALABAMA, to issue a task order from the City of Athens Bituminous Plant Mix Paving Contract to Grayson Carter & Sons. Inc. to pave in multiple districts, as listed below:

District 1

Oakdale Rd
Frazier St

District 2

Piney Creek Dr
Founders Circle

District 3

Allyn St
Plato Jones (Hine St to Lucas St)
Levert (HWY 72 to 3rd St)

District 4

W Hobbs St
Lucas Ferry Rd (US-72 to Elm)

District 5

Green St West
South St
Lee St

at an approximate cost of \$1,013,867.80. This project shall be funded from the Capital Infrastructure Fund.

ADOPTED and APPROVED this, the 13th day of March, 2023.

/s/ Harold Wales
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

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

Councilman Harper introduced the following resolution:

RESOLUTION NUMBER 2023 - 1875

A RESOLUTION REGARDING THE PURCHASE OF REAL PROPERTY ON SOUTH JEFFERSON STREET

WHEREAS, state law authorizes municipalities to acquire real property for municipal and public purposes;

WHEREAS, the City Council of the City of Athens, Alabama wishes to acquire approximately 8 acres of real property along Jefferson Street, described more particularly in *Attachment A* hereto, (the "Property") for the price of \$800,000;

WHEREAS, at this time, the City Council intends to construct a new facility for Athens Utilities customer service operations at this Property; and

WHEREAS, the City Council determines that the purchase price is fair and reasonable.

THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ATHENS, ALABAMA, at its regular meeting on March 13, 2023, at 4:30 p.m., as follows:

1. The Mayor of the City of Athens (and/or his designee), on behalf of the City of Athens, Alabama, is authorized to purchase the Property from the owner(s) thereof, for a purchase price of Eight Hundred Thousand and 00/100 Dollars (\$800,000), plus any incidental/closing costs related thereto in connection with the purchase and closing.

2. To that end, the Mayor, on behalf of the City, is authorized to enter into and carry out a contract for the City's purchase of the Property at such cost, upon such terms as he deems reasonable and appropriate, and to accept a deed to the Property on behalf of the City.

3. The costs/expenses related to this Resolution shall be equally divided and apportioned between the City of Athens Gas Department, Water/Sewer Department, and Electric Department.

4. The Mayor is authorized to take actions and execute such other and further documents as may be reasonably necessary to effect and carry out the transactions contemplated by this Resolution.

ADOPTED this the 13th day of March, 2023.

/s/ Harold Wales
PRESIDENT, CITY COUNCIL,
CITY OF ATHENS, ALABAMA

ATTACHMENT A

A tract or parcel of land located in the East one-half of Section 17, Township 3 South, Range 4 West, Limestone County, Alabama, and being more particularly described as follows,

Commencing at an existing concrete monument at the center of Section 17, Township 3 South, Range 4 West, said concrete monument located South 01 degrees 11 minutes 21 seconds West a distance of 2641.45 feet from an existing railroad spike at the center of the North boundary of said Section 17, Township 3 South, Range 4 West, (having a record bearing of South 01 degrees 13 minutes 50 seconds West for a record distance of 2642.43 feet from the center of the North boundary of said Section 17), thence South 01 degrees 14 minutes 05 seconds West a distance of 19.44 feet to an existing 5/8 inch rebar (damaged), thence South 88 degrees 54 minutes 15 seconds East a distance of 102.12 feet to a 5/8 inch rebar set with plastic cap stamped "RLS 15455 Ronnie G. Coffman", on the Easterly right-of-way of South Jefferson Street, the Point of True Beginning of the herein described tract,

THENCE from the Point of True Beginning run along the Easterly right-of-way of South Jefferson Street being 50.00 feet East of at right angles with its centerline in a curve to the right having a radius of 2033.49 feet, a delta angle of 12 degrees 32 minutes 43 seconds, an arc distance of 445.25 feet, and a chord bearing of North 13 degrees 02 minutes 00 seconds East for a chord distance of 444.36 feet to a 5/8 inch rebar set with plastic cap stamped "RLS 15455 Ronnie G. Coffman",

THENCE South 85 degrees 56 minutes 01 seconds East a distance of 794.31 feet to an existing 5/8 inch rebar on the Westerly right-of-way of Monroe Street, (having a record bearing of South 86 degrees 04 minutes 49 seconds East), said 5/8 inch rebar located North 86 degrees 04 minutes 49 seconds West a distance of 30.00 feet from a railroad spike in the centerline of Monroe Street, and said 5/8 inch rebar also located North 86 degrees 04 minutes 49 seconds West a distance of 51.44 feet from an existing 5/8 inch rebar on the Westerly right-of-way of the CSX Railroad (formerly L & N Railroad),

THENCE South 03 degrees 36 minutes 28 seconds West along the Westerly right-of-way of Monroe Street a distance of 390.49 feet to an existing 5/8 inch rebar, (having a record bearing of South 03 degrees 40 minutes 25 seconds West for a record distance of 393.06 feet), said 5/8 inch rebar located North 88 degrees 54 minutes 15 seconds West a distance of 30.03 feet from an existing railroad spike in the centerline of Monroe Street, and said 5/8 inch rebar also located North 88 degrees 54 minutes 15 seconds West a distance of 51.49 feet from an existing 5/8 inch rebar on the Westerly right-of-way of the CSX Railroad, (formerly L & N Railroad),

THENCE North 88 degrees 54 minutes 15 seconds West a distance of 883.16 feet to the Point of True Beginning; and containing 8.015 acres, more or less, with a relative error of closure no greater than one foot in 10,000 feet.

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

David Malone, 1300 Somerest Drive, Athens, addressed the City Council concerning Jimmy Gill Park. Mr. Malone stated that the park was not complete and wants the same consideration as other areas of the community. He noted that a fence needs to be installed around the pond, barriers around the basketball court and that Lincoln-Bridgeforth Park needs a splash pad. Mr. Malone also stated that the old Miller School still needs to come down.

Council President Wales addressed Scott Marshall regarding the alcohol process that was discussed at the previous meeting. Mr. Wales remarked that he doesn't see anything wrong with the process. Mr. Marshall stated that he doesn't see any need to send paperwork back to the State of Alabama regarding a transfer of a license with a change of ownership, which causes a two week delay.

Scott Marshall, 212 East Street, Athens, addressed the City Council and stated that he agrees with Mr. Malone. Mr. Marshall appealed to the City Council to change the order in which citizens can comment before a vote, regarding an item on the agenda.

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There being no further business to come before the meeting, Council President Wales duly and properly adjourned the meeting.

/s/ Harold Wales
PRESIDENT, CITY COUNCIL

ATTEST:

/s/ Annette Barnes
CITY CLERK