

April 11, 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 April 11, 2022 at 5:30 p.m. The meeting was called to order by Councilman Harold Wales, President Pro Tem of the City Council. Upon roll call, the following were found to be present: Councilmembers Dana Henry, Harold Wales and Wayne Harper. Councilmember Chris Seibert was absent. Annette Barnes-Threat, City Clerk, was present and recorded the minutes of the meeting. Dana Henry offered the invocation. Mayor Marks led 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 March 28, 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 Councilwoman Henry and was unanimously carried. The Chairperson stated that the Minutes of the March 28, 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 Councilwoman Henry and was unanimously carried.

Mayor Marks recognized Mason Hill being present for the meeting. Mason is a member of the City of Athens Mayor's Youth Commission.

Mayor Marks announced that Councilman Frank Travis had passed this morning from a long battle with cancer and expressed how much Mr. Travis would be missed by all. The Mayor then read a poem titled "The Measure of a Man."

Councilman Wales echoed Mayor Marks' comments regarding Councilman Travis and stated that he would miss Mr. Travis' leadership and friendship.

Councilman Harper also echoed the comments of Mayor Marks and Councilman Wales. Mr. Harper stated that Mr. Travis was a good man and was always positive and upbeat. He also remarked that the City would miss a good friend and representative.

**PUBLIC HEARING TO HEAR COMMENTS CONCERNING THE ZONING APPROVAL FOR THE SALE OF ALCOHOL IN THE CITY OF ATHENS BY MAA UMIYA, INC., DBA: THE LIQUOR CAVE, 935 B HIGHWAY 72, ATHENS, AL, 35611**

No one spoke in favor of or against.

The public hearing was closed.

Garth Lovvorn, 24712 Dogwood Drive, Elkmont, Alabama, President of Athens Arts League, addressed the City Council and expressed his condolences for the loss of Mr. Travis. Mr. Lovvorn also addressed some concerns about the use of the Scout House and Board of Directors for the Athens Arts League. He asked the Council to make the right decision regarding the funding for the Scout House.

Scott Marshall, 212 East Street, Athens, addressed the City Council regarding the closure of the Recycling Center. Mr. Marshall's concern is for the businesses and how it will impact them.

Councilman Wales stated that several people have contacted him regarding the Recycling Center's closure and is at a loss for a solution.

Mayor Marks remarked that he had met with the Solid Waste Authority several times regarding the matter and the City's curbside recycling will remain the same.

David Malone, 1300 Somerest Drive, Athens, addressed the City Council regarding Miller School. Mr. Malone stated that it was time for the City to do something about the building. He also mentioned that the recent pavement on Brownsferry is coming up. Mr. Malone noted that the intersection of Sanderson Road and Old Decatur Road is terrible and that an orange cone is sitting in front of the church, Sweet Home, that covers a hole approximately four feet wide. He expressed his disappointment of what is being done on the east side of town but not on the west side.

Brad Mallette, 426 Rogers Street, Athens, addressed the City Council regarding his support for Athens Arts League and the Scout House. Mr. Mallette echoed the comments of Scott Marshall regarding recycling. He also asked if there were any future plans for bicycle lanes on the streets.

Scott Marshall, 212 East Street, Athens, asked why there are four lanes on Hobbs Street and Jefferson Street. Mr. Marshall asked if those streets could be converted to two lanes and add bicycle lanes.

Greg Skipworth, 17530 Springview Drive, Athens, addressed the City Council and thanked the Athens Arts League for their progress with the renovations of the Scout House. Mr. Skipworth stated that he was not in support of an appropriation if the funds were taken from the school fund.

**Councilman Harper 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 Dixie Auto Parts in the amount of \$26,600 for the purchase of two Toro 72960 Zero Turn Mowers. The mowers are purchased from the Sourcewell Purchasing Agreement contract number 301121-TTC. The equipment shall be funded from the Sanitation Department Capital Line Item.

The motion was seconded by Councilwoman Henry and was unanimously carried.

**Councilwoman Henry 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.

Hunter Allen	\$187.34
Schwitzer Engineer Conference – Biloxi, MS	

Matt Lannom	\$619.55
Emerald Transformer/Eaton Cooper Regulator School – Destin, FL	

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

**Councilman Harper introduced the following ordinance:**

#### **ORDINANCE NUMBER 2022 - 2213**

AN ORDINANCE OF THE CITY OF ATHENS, ALABAMA, TO EXEMPT CERTAIN “COVERED ITEMS” FROM THE MUNICIPAL SALES AND USE TAX DURING THE THIRD FULL WEEKEND OF JULY, 2022, AS AUTHORIZED BY ACT 2006-574 AND AMENDED BY ACT 2017-120, GENERALLY REFERRED TO AS THE STATE SALES TAX HOLIDAY LEGISLATION.

**BE IT ORDAINED BY THE CITY COUNCIL OF ATHENS, ALABAMA, AS FOLLOWS:**

Section 1. In conformity with the provisions Act 2006-574 enacted by the Alabama Legislature during the 2006 Regular Session, providing for a State Sales Tax Holiday, and amended during the 2017 Regular Session by Act 2017-

120, the City of Athens, Alabama, exempts “covered items” from municipal sales and use tax during the same period, beginning at 12:01 a.m. on the third Friday in July 2022 (July 15, 2022) and ending at twelve midnight the following Sunday (July 17, 2022).

Section 2. This ordinance shall be subject to all terms, conditions, definitions, time periods, and rules as provided by Act 2006-574 and amended by Act 2017-120, except that the time period shall only be as specified in Section 1 above and **not for all years thereafter**.

Section 3. The City Clerk is hereby authorized and directed to certify a copy of this ordinance under the seal of the City of Athens, Alabama, and to forward said certified copy to the Alabama Department of Revenue to be recorded and posted on the Department website.

Section 4. This ordinance shall become effective on April 16, 2022.

ADOPTED AND APPROVED THIS 11<sup>th</sup> DAY OF April 2022.

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

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

/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 ordinance, which motion was seconded by Councilmember Harper, and upon the said motion being put to vote the following vote was recorded: YEAS: Councilmembers 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 ordinance had been unanimously carried. Councilmember Harper thereupon moved that the ordinance 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 Wales, Henry and Harper; NAYS: None. The President thereupon announced that the motion for the adoption of the said ordinance had been unanimously carried.

**Councilwoman Henry introduced the following resolution:**

**Resolution to Allocate FY 2021 Capital Appropriation**

**WHEREAS**, on February 28, 2022, the City Council approved a FY 2021 budget amendment to appropriate \$1,900,000 for capital expenditures,

**THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ATHENS, ALABAMA**, to allocate \$1,415,000 of the FY 2021 appropriation of \$1,900,000 as follows:

Police Department	\$ 370,000
Fire Department	162,000
Street Department	341,000
Sanitation Department	320,000
Information Technology	25,000
General & Administrative	5,000
Human Resources	20,000
Cemetery Parks and Recreation	<u>172,000</u>
Total	\$ 1,415,000

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

**Councilman Harper introduced the following ordinance:**

**ORDINANCE NUMBER 2022 - 2214**

**AN ORDINANCE REGARDING A PURCHASE AND SALE AGREEMENT  
WITH M.M.J. ASSOCIATES, LLC, AFFILIATED WITH GREGORY  
INDUSTRIES, INC.**

**WHEREAS**, the City of Athens is the owner of:

*Lot 1, as shown in the Final Plat of North Elm Industrial Park, Phase 2, recorded at Plat Book K, Page 143 in the Office of the Judge of Probate of Limestone County, Alabama;*  
(the "Property"), consisting of 77.2 acres, and Limestone County, Alabama also owns an interest in the same;

**WHEREAS**, in Ordinance No. 2021-2198, the City Council previously approved the sale of the Property to Gregory Industries, Inc. ("Gregory");

**WHEREAS**, M.M.J. Associates, LLC ("MMJ"), an entity affiliated with Gregory, has requested that the Property be sold to it instead, as MMJ would then lease or otherwise cause Gregory to use Property for the construction and operation of an industrial facility for the manufacture and production of steel products, such as tubing, strut, and highway safety barriers, involving an estimate \$30,000,000 capital investment over the next five years, with over 100 jobs created;

**WHEREAS**, the Property is no longer needed for public or municipal purposes; and

**WHEREAS**, this sale of the Property is authorized by § 94.01 of the *Constitution of Alabama of 1901* and/or § 11-47-20 of the *Code of Alabama*.

**THEREFORE BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ATHENS, ALABAMA**, while in session on April 11<sup>TH</sup>, 2022 at 5:30pm, as follows:

1. It is declared that MMJ's purchase of the Property would be for the purpose of constructing, developing, equipping and/or operating industrial facilities. Alternatively, it is declared that the Property is no longer needed for municipal or public purposes.

2. The Mayor is directed to cause the Property to be sold to MMJ (or one of its affiliated corporate entities) upon the following terms: (i) a sale of the Property for \$25,000.00 per acre; (ii) the deposit of \$25,000.00 in earnest money by MMJ; (iii) no financing required to close; (iv) no real estate broker involvement; (v) a due diligence period for MMJ (including provisions for review of title and survey); (vi) closing to occur within 30 days after the due diligence period; (vii) delivery of a statutory warranty deed at closing, free of any mortgages, liens, or encumbrances; (viii) MMJ to pay for all survey costs; title examination, commitment and premium costs; and (ix) such other terms and conditions that the Mayor may

determine that are not inconsistent therewith. The Mayor is authorized to do so through the execution, ratification, and/or performance of a "Purchase and Sale Agreement", and any amendment thereto, containing these terms.

3. The Mayor is authorized to take actions and execute such other and further documents as may be necessary to effect and carry out the transactions contemplated by this Ordinance, including the terms of the Purchase and Sale Agreement and any amendment thereto. This authority includes, but is not limited to, the expenditure and use of municipal funds as set forth in the Purchase and Sale Agreement and any amendments; and approving and executing agreement(s) with Limestone County concerning operational details, logistics, and allocation of costs/responsibilities as between the City and County, that are consistent with and involved in carrying out the transactions contemplated by this Resolution.

4. The Mayor is further directed, upon all parties' execution of the Purchase and Sale Agreement, on behalf of the City, to terminate and/or modify any existing farm lease relating to the Property.

5. The Mayor is authorized to take the above actions only if the Mayor determines that a resolution or other measure has been adopted by the Limestone County Commission, confirming the sale and/or transfer of such portion of the Property that is owned by Limestone County, upon substantially similar terms.

6. Ordinance No. 2021-2198 is hereby repealed and replaced by this ordinance.

**ADOPTED** this the 11<sup>th</sup> day of April, 2022.

/s/ Harold Wales  
PRESIDENT PRO TEM, 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 ordinance, which motion was seconded by Councilmember Harper, and upon the said motion being put to vote the following vote was recorded: YEAS: Councilmembers 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 ordinance had been unanimously carried. Councilmember Harper thereupon moved that the ordinance 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 Wales, Henry and Harper; NAYS: None. The President thereupon announced that the motion for the adoption of the said ordinance had been unanimously carried.

**Councilwoman Henry introduced the following resolution:**

**RESOLUTION NUMBER 2022 – 1798**

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ATHENS, ALABAMA, to authorize the Mayor to enter into a Memorandum of Understanding with Limestone County in the event Limestone County has activated the regional county contract for debris removal to use an established statewide contract amount for reimbursement.

ADOPTED and APPROVED this, the 11<sup>th</sup> day of April, 2022.

/s/ Harold Wales  
PRESIDENT PRO TEM, 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 Henry made for “Introduction Only,” at the March 14, 2022 regular meeting, the following resolution:**

#### **RESOLUTION**

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ATHENS, ALABAMA, to appropriate \$60,000.00 to Athens Arts League for the renovation of the Scout Music House and shall be funded from the City of Athens Alcohol Fund. This funding will be split 50/50 by the City of Athens and the City of Athens Board of Education.

After Mr. Wales brought the Council’s attention to that previously-introduced resolution, it was seconded by Councilman Harper.

Then, Councilman Harper moved to amend the resolution, so that it would read as follows:

#### **RESOLUTION**

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ATHENS, ALABAMA, to appropriate \$60,000.00 to Athens Arts League for the renovation of the Scout Music House and shall be funded from the City of Athens Alcohol Fund.

The funding shall be used for the Scout Music House program, operated by the Athens Arts League, and the City Council finds that this program relates to a public purpose, namely, the operation of a music facility benefiting the youth and general public of the city. The Mayor is directed to enter into a contract providing for the appropriation in exchange for the operation of the program.

Councilwoman Henry seconded the proposed amendment. Then, a vote was take on the motion to amend the proposed resolution. The motion to amend was unanimously approved with all council members voting in favor of it.

Mr. Wales then called for a roll call vote on the resolution, as amended. Councilman Wales and Councilwoman Henry voted “yes” in favor of it. Councilman Harper voted “nay” against it. The resolution, as amended, was approved by a 2-1 vote.

**Councilman Harper introduced the following ordinance:**

#### **ORDINANCE NUMBER 2022 - 2215**

#### **AN ORDINANCE REGARDING THE SALE OF REAL PROPERTY LOCATED ALONG CLYDE MABRY DRIVE**

**WHEREAS**, the City of Athens and Limestone County, Alabama jointly own real property situated along Clyde Mabry Drive, consisting of approximately 10.4 acres of undeveloped land, and more particularly described as follows: *Lot 5 of the Final Plat of Thirty-One Commercial Park Addition No. 2* (the “Property”);

**WHEREAS**, all or part of this property is located in the “Athens and Limestone County Highway 31 Industrial Park”;

**WHEREAS**, in Ordinance No. 2021-2197, the City approved the sale of the Property for industrial or commercial use by the buyer of the Property, upon certain terms;

**WHEREAS**, the City Council wishes to amend those terms as stated herein; and

**WHEREAS**, this Ordinance is authorized by Section 94.01 of the *Constitution of Alabama*, and other applicable law.

**THEREFORE BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ATHENS, ALABAMA**, while in session on April 11<sup>TH</sup>, 2022 at 5:30 p.m., as follows:

**Section 1.** The Mayor, on behalf of the City of Athens, is authorized to enter into a contract to sell the Property to **Grantland Properties, LLC** upon the following revised terms:

(i) purchase price of \$200,000;

(ii) earnest money of \$5,000;

(iii) the Property will be subject to a restrictive covenant, in favor of City and County, for a term of fifteen (15) years, limiting the use of the Property to a veterinary hospital and related offices. However, the restrictive covenant would terminate early if a bank lender sells the property at a foreclosure sale to a third party (a third party unrelated to Grantland by blood or business affiliation) due to Grantland’s failure to pay a loan that was used solely for the purchase of the property and/or the construction of improvements on the property;

(iv) for fifteen (15) years after the closing, neither the Property, nor any part of it, may be sold or transferred, unless the City and County shall first have an option to repurchase the Property (or part of it) for (a) the same price (plus the appraised cost of any improvements), or (b) if the property has been foreclosed upon by a financing bank due to Grantland’s failure to pay a loan that was used solely for the purchase of the property and/or the construction of improvements on the property, then for the outstanding balance of the loan amount, whichever is greater;

(v) transfer by statutory warranty deed;

(vi) a sixty (60) day due diligence period;

(vii) closing to occur within 30 days after due diligence period;

(viii) the buyer shall pay for all closing expenses; and

(ix) such other and additional terms as the Mayor may prescribe, that are not inconsistent herewith.

**Section 2.** The Mayor is authorized to take actions and execute such other and further documents as may be necessary to effect and carry out the transactions contemplated by this Ordinance.

**Section 3.** The Mayor is authorized to take the above actions only if the Mayor determines that a substantially similar resolution or other measure approving such sale has been adopted by the Limestone County Commission.

**ADOPTED** this the 11<sup>th</sup> day of April, 2022.

/s/ Harold Wales  
PRESIDENT PRO TEM, 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 ordinance, which motion was seconded by Councilmember Harper, and upon the said motion being put to vote the following vote was recorded: YEAS: Councilmembers 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 ordinance had been unanimously carried. Councilmember Harper thereupon moved that the ordinance 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 Wales, Henry and Harper; NAYS: None. The President thereupon announced that the motion for the adoption of the said ordinance had been unanimously carried.

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There being no further business to come before the meeting, Council President Pro Tem Wales asked for a motion to adjourn. The motion was made by Councilwoman Henry and was seconded by Councilwoman Harper. The meeting was duly and properly adjourned.

/s/ Harold Wales  
PRESIDENT PRO TEM, CITY COUNCIL

ATTEST:

/s/ Annette Barnes  
CITY CLERK