

May 11, 2020

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 May 11, 2020 at 5:30 p.m. The meeting was called to order by Councilman Frank Travis, President of the Council. Upon roll call, the following were found to be present: Councilmembers Harold Wales, Wayne Harper, Frank Travis and Chris Seibert. Mayor Marks led the Pledge of Allegiance. Annette Barnes, City Clerk, was present and recorded the minutes of the meeting. Harold Wales offered the invocation. 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 April 27, 2020 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 April 27, 2020 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 carried.

Mayor Marks read a proclamation designating May as National Military Appreciation Month.

A public hearing was held to determine that a structure at 1505 South Houston Street is unsafe and a public nuisance, and ordering abatement of same.

Erik Waddell, City Building Inspector, addressed the Council concerning the property. He stated that the owner has failed to remove the structure and recommends Council approval of the condemnation request.

The public hearing was closed.

Councilman Harper introduced the following resolution:

RESOLUTION NUMBER 2020 - 1679

A RESOLUTION DETERMINING THAT A STRUCTURE AT 1505 SOUTH HOUSTON STREET IS UNSAFE AND A PUBLIC NUISANCE, AND ORDERING ABATEMENT OF SAME

WHEREAS, this Resolution is authorized by § 46-280, *et seq.* of Article IX of Chapter 46 of the *City Code of Athens, Alabama*, and/or § 11-40-30, *et seq.* of the *Code of Alabama*, in addition to other legal authority;

WHEREAS, the appropriate municipal official has presented information to the City Council about a structure and/or building (herein referred to as the “Structure”) located at the real property described as follows:

Address: 1505 S Houston Street, Athens, AL 35611

PARCEL # 10-03-08-4-002-065.000

Legal Description

The following land lying and being in Limestone County, Alabama, and more particularly described as follows:

Lot 4 according to Map Number 4, Glenn Augur Subdivision, as set forth in Plat Book B, Page 22 in the office of the Judge of Probate of Limestone County, Alabama.

(herein referred to as the “Property”).

WHEREAS, the appropriate municipal official has determined that the condition of the Structure is unsafe in that the Structure constitutes a public nuisance to the citizens of Athens;

WHEREAS, at its regular meeting on May 11, 2020, the City Council conducted a public hearing concerning this matter, and received and reviewed information (including applicable photographs) from the appropriate municipal official concerning the Property and Structure;

WHEREAS, the Structure has been deemed unsafe to the extent that it is a public nuisance due to the following reasons:

(1) Exclusive of the foundation, the building shows thirty-three (33) percent, or more, of damage or deterioration of one (1) or more supporting members, or fifty (50) percent of damage or deterioration of the non-supporting enclosing or outside walls or covering;

(2) The building has improperly distributed loads upon the floors or roofs, or in which the same are overloaded, or has insufficient strength to be reasonably safe for the purpose used;

(3) The building has been damaged by fire, wind, earthquake, flood, sinkhole, deterioration, neglect, abandonment, vandalism, or any other cause so as to have become dangerous to life, health, property, morals, safety, or general welfare of the public or the occupants;

(4) The building has become or is so damaged, dilapidated, decayed, unsafe, unsanitary, lacking in maintenance, vermin or rat infested, containing filth or contamination, lacking proper ventilation, lacking sufficient illumination, or so utterly fails to provide the amenities essential to decent living that it is unfit for human habitation, or is likely to cause sickness or disease, so as to work injury to the life, health, property, morals, safety, or general welfare of the public or the occupants;

(5) The building is so damaged, decayed, dilapidated, structurally unsafe, or of such fault construction or unstable foundation that partial or complete collapse is possible;

(6) The building has parts thereof which are so attached that they may fall and damage property or injure the public or the occupants;

(7) The building, or any portion thereof, is clearly unsafe for its use or occupancy;

(8) The building is neglected, damaged, dilapidated, unsecured, or abandoned so as to become an attractive nuisance to children who might play in or on the building, structure, part of building or structure, party wall, or foundation to their danger, has become a harbor for vagrants, criminals, or immoral persons, or enables persons to resort to the building, structure, part of building or structure, party wall, or foundation for committing a nuisance or an unlawful act;

(9) The building is, because of its condition, unsafe, unsanitary, or dangerous to the life, health, property, morals, safety, or general welfare of the public or the occupants.

WHEREAS, after the finding by the appropriate municipal official that the Structure was unsafe to the extent that it is a public nuisance, notice was issued pursuant to § 46-280, *et seq.* of Article IX of Chapter 46 of the *City Code of Athens, Alabama* to persons who may have an interest in the Property, and such notice was issued more than fifty (50) days prior to the date of this Resolution; and

WHEREAS, after due deliberation and an examination of the conditions on the Property, it appears to the City Council that the Structure is unsafe in that it presents a public nuisance to the citizens of Athens, and that the same is due to be demolished.

THEREFORE BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ATHENS, ALABAMA on May 11, 2020 at 5:30 p.m., as follows:

1. The Structure shall be demolished by the City of Athens.
2. This work may be performed by City's own forces, or, if the appropriate municipal official investigates and determines it to be preferable that the work occur through the use of third parties, then the Athens Public Works Department is authorized to contract, on behalf of the City of Athens, with a third party(ies) for an asbestos survey and demolition of the unsafe structure(s), for a cost not in excess of \$15,000.00, although the City Council directs that the cost be as low as possible to accomplish the intended purpose. Should the combined screening, remediation and demolition costs appear to exceed \$15,000.00, then the appropriate municipal official is directed to report the same to the City Council prior to further action.
3. The City may sell or otherwise dispose of salvaged materials resulting from the work, at the election of the Mayor and/or his designee.
4. After demolition, the appropriate municipal official shall make a report to the City Council of the costs associated with the demolition of the Structure so that it may adopt a resolution fixing all costs reasonably incurred in the demolition and assessing such costs against the Property.

ADOPTED and APPROVED this, the 11th day of May, 2020.

/s/ Frank Travis
PRESIDENT, CITY COUNCIL,
CITY OF ATHENS, ALABAMA

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, to reschedule the regular City Council Meeting set for May 25, 2020, to May 29th, 2020, due to Memorial Day. The meeting will be held at the same place at 10 a.m.

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

Councilman Seibert introduced the following resolution:

RESOLUTION

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ATHENS, ALABAMA, to reappoint James E. Lucas to the Board of Education for a five year term, expiring May 30, 2025.

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

Councilman Seibert introduced the following resolution:

Authorizing an extension of the Special Use Permit for Sprint to modify their equipment at the existing wireless telecommunication facility located at 107 Stewart Drive, Athens, Alabama

WHEREAS, Resolution No. R-2019-1640 for a Special Use Permit, for Sprint to modify their equipment on the existing wireless telecommunication facility located at 107 Stewart Drive, Athens, AL, was approved by the City Council of the City of Athens on the 28th day of October 2019, and

WHEREAS, Sprint, has requested an extension of the Special Use Permit for the modification of their equipment to provide enhanced wireless service from the location, and;

WHEREAS, Sprint 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 Sprint 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 107 Stewart Drive, Athens, AL, which consists of a 250' ft. Self-Support tower;

THEREFORE, BE IT RESOLVED by the City Council of the City of Athens, Alabama that Sprint is hereby granted a Special Use Permit to modify their equipment at 107 Stewart Drive, Athens, AL. Scope of Work Sprint is proposing to add one Standard SB4 MW Dish, 2 power cables, 2 Cat 5 cables, and 2 Ceragon ODU's to improve service in the area. The height of the tower will remain the same as will the footprint of the tower also. There will be no additional electrical work done. It will be a hot swap so the service will not be disrupted either. 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.* Sprint may petition the City of an extension of this for good cause shown, but the decision whether or not to grant the extension shall exclusively be the prerogative of the City.
2. Sprint 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, Sprint or the tower owner must remediate the following safety issues, noted at the pre-application site visit:
 - a. Fallen tree branch needs to be removed from compound fence.
 - b. Ice bridge support is missing one ground
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. Sprint shall not be permitted to actually provide service commercially until the Certificate of Occupancy or its functional equivalent is issued or risk forfeiting its Permit.
6. The Certificate of Occupancy shall not be issued until all fees and costs associated with this Permit, including inspections, have been paid.
7. A Certificate of Occupancy for the work permitted under this permit shall be a prerequisite for any future work by Sprint at this facility.

ADOPTED and APPROVED this, the 11th day of May, 2020.

/s/ Frank Travis
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.

Councilman Seibert introduced the following resolution:

RESOLUTION

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ATHENS, ALABAMA, that the Water Services Department be authorized to purchase a new Ford truck from Long Lewis Ford to replace the existing Unit 440 for use by the Water Services Department.

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

Councilman Harper introduced the following ordinance:

ORDINANCE NUMBER 2020 - 2115

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, 2020, 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 2020 (July 17, 2020) and ending at twelve midnight the following Sunday (July 19, 2020).

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 May 14, 2020.

ADOPTED AND APPROVED THIS 11th DAY OF MAY, 2020.

/s/ William R. Marks

MAYOR, CITY OF ATHENS, ALABAMA

/s/ Frank Travis

PRESIDENT, CITY COUNCIL,
CITY OF ATHENS, ALABAMA

ATTEST:

/s/ Annette Barnes

CITY CLERK, CITY OF ATHENS, ALABAMA

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

Councilman Harper introduced the following resolution:

RESOLUTION NUMBER 2020 - 1681

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

- I. THAT THE CITY AUTHORIZES COMMUNITY CONSULTANTS, INC. TO APPLY FOR ALABAMA DEPARTMENT OF TRANSPORTATION "TRANSPORTATION ALTERNATIVE PROGRAM FUNDING" (TAP) FROM THE FEDERAL HIGHWAY ADMINISTRATION IN THE AMOUNT OF (\$697,400) 80% TOTAL PROJECT COSTS; AND
- II. THIS FUNDING, IF AWARDED, WILL BE USED FOR THE ELM STREET/ALABAMA HIGHWAY 99 SIDEWALKS/PEDESTRIAN BRIDGE PROJECT; AND
- III. IF (TAP) FUNDING IS AWARDED, THE CITY AGREES TO PAY REQUIRED EXPENSES, INCLUDING BUT NOT LIMITED TO, (\$174,350) 20% MATCHING FUNDS; AND
- IV. THAT THE (TAP) APPLICATION BE EXECUTED IN THE NAME OF THE CITY OF ATHENS, BY ITS MAYOR, FOR AND ON ITS BEHALF; AND
- V. THAT THE AGREEMENT BE ATTESTED BY THE CITY CLERK AND THE SEAL OF THE CITY OF ATHENS AFFIXED THERETO; NOW THEREFORE

BE IT RESOLVED, THAT UPON THE COMPLETION OF THE EXECUTION OF THE AGREEMENT BY ALL PARTIES, THAT A COPY OF THE AGREEMENT BE KEPT ON FILE BY THE CITY CLERK.

ADOPTED and APPROVED this, the 11th day of May, 2020

/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 Seibert and was unanimously carried.

Councilman Seibert introduced the following ordinance:

ORDINANCE NUMBER 2020 - 2116

AN ORDINANCE CONCERNING SPEED LIMITS ON FORREST STREET AND AMENDING SECTION 82-5 OF THE CITY CODE

WHEREAS, § 11-49-4 of the *Code of Alabama* provides that municipalities may fix the speed limits for motor vehicles within their corporate limits;

WHEREAS, Section 82-5 of the Code of Ordinances of the City of Athens, Alabama sets various speed limits throughout the city of Athens, Alabama; and

WHEREAS, the City Council wishes to change the speed limit on Forrest Street, between U.S. Highway 31 to Lindsay Lane, to 35 miles per hour, as set forth herein.

NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ATHENS, ALABAMA, while in regular session on April 27, 2020, at 5:30 p.m., as follows:

Section 1. Section 82-5(d) of the Code of Ordinances of the City of Athens, Alabama is hereby amended so as to read as follows:

(d) *Thirty-five-mile-per-hour zones.* No person shall operate a motor vehicle at a greater speed than 35 miles per hour in the following listed zones of the city:

- (1) Hobbs Street from Alabama Highway 3 (U.S. 31) to Marion Street.
- (2) Jefferson Street from Elm Street to Fifth Avenue.
- (3) Lindsay Lane from Alabama Highway 2 (U.S. 72) to Forrest Street.
- (4) Forrest Street from U.S. 31 to Lindsay Lane.**

Section 2. This Ordinance shall become effective immediately upon its lawful publication.

Section 3. The provisions of this Ordinance shall be included and incorporated in the Code of Ordinances of the City of Athens as an addition or amendment thereto, and shall be appropriately renumbered as necessary to conform to the uniform numbering system of the Code.

ADOPTED and APPROVED this, the 11th day of May, 2020.

/s/ Frank Travis
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.

Councilman Seibert introduced the following resolution:

RESOLUTION

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ATHENS, ALABAMA, to authorize the Electric Department Manager, contingent upon final FY 21 budget approval, to award contracts for FY 2021 Line Clearance and Tree Maintenance as follows:

Asplundh Tree Expert, LLC – Total for all circuits: \$126,361.00

1. Breeding Park 254: \$126,361.00

Lewis Tree Service, Inc. – Total for all circuits: \$446,846.73

1. French Mill 214: \$38,853.00

2. French Mill 244: \$37,270.30
3. Greenbrier 254: \$30,074.00
4. Limestone Creek 234: \$16,236.00
5. Limestone Creek 254: \$28,031.94
6. Limestone Creek 264: \$30,976.64
7. Peach Orchard 214: \$255,495.73
8. Southern Limestone 224: \$9,909.12

Trees, LLC – Total for all circuits: \$860,390.25

1. Breeding Park 234: \$181,677.01
2. Breeding Park 264: \$196,640.96
3. French Mill 234: \$41,938.37
4. Limestone Creek 244: \$61,342.11
5. Peach Orchard 234: \$113,141.00
6. Peach Orchard 244: \$148,503.99
7. Peach Orchard 264: \$117,146.81

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

Councilman Seibert introduced the following resolution:

RESOLUTION NUMBER 2020 - 1682

**A RESOLUTION CONCERNING THE
TEMPORARY EXPANSION OF SIDEWALK DINING**

WHEREAS, Section 74-80, *et seq.* of the *City Code of the City of Athens, Alabama* provides a process for the issuance of sidewalk dining permits, which allow restaurants in the downtown area to utilize portions of the public sidewalks for dining;

WHEREAS, as of today, May 11, 2020, the Governor relaxed the COVID-19 requirements to allow restaurants to re-open under certain conditions;

WHEREAS, these conditions involve maintaining social distancing between patrons, and best practices indicate that outdoor seating arrangements allow for that distancing and provide the additional benefit of open-air ventilation;

WHEREAS, restaurant owners located in the denser downtown area will have more difficulty accommodating these practices due to the absence of outdoor options; and

WHEREAS, in order to protect the dining public and to promote compliance with the Orders of the State Health Officer, the City of Athens will temporarily expand its sidewalk dining program to encourage restaurants in the downtown area to utilize public sidewalk and even public parking areas for additional dining space.

THEREFORE BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ATHENS, ALABAMA

on May 11, 2020 at 5:30 PM, that the Mayor is authorized and encouraged, under the authority of existing Ordinances, to administer a temporary expansion of the sidewalk dining program whereby, upon approval through the City Clerk's office, an interested restaurant in the downtown area may utilize sidewalk and/or parking spaces adjacent to its business for temporary sidewalk dining. Business who participate must acknowledge that the temporary expansion of sidewalk dining is for a limited period of time, pending discontinuation at any time upon the order of the Mayor when emergency COVID-19 conditions no longer warrant this temporary expansion of the sidewalk dining program.

ADOPTED this the 11th day of May, 2020.

/s/ Frank Travis
PRESIDENT, CITY COUNCIL,
CITY OF ATHENS, ALABAMA

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

/s/ Frank Travis
PRESIDENT, CITY COUNCIL

ATTEST:

/s/ Annette Barnes
CITY CLERK