

June 8, 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 June 8, 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. Wayne Harper 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 May 29, 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 May 29, 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 commended Wilbert Woodruff and Holly Kirby, organizers of Saturday's march in downtown Athens, for a job well done. Mayor Marks stated that the march, which called for an end to police brutality, justice for victims and equality for all, was a peaceful protest and further stated that he hopes progress continues to be made toward achieving these goals.

Mayor Marks then read a proclamation stating that the City of Athens will continue to embrace open communication and programs that promote unity and a diversified community.

Council President Travis commented on the great turnout of District 3 residents at tonight's meeting and thanked them for attending. He also announced that beginning on June 22, 2020, the Council meetings would return to the regular, open meeting format. He encouraged all those interested to attend these meetings while continuing to practice social distancing.

Lloyd Hopper, 2106 Stanford Street, Athens, addressed the Council requesting help for the residents of his neighborhood, located off of Hines Street. Mr. Hopper stated that the activities in this neighborhood include shooting, gambling and drug activity. He stated that although there are "no parking" signs along the streets, the individuals who are involved in these activities block the streets and inhibit the residents from traveling in and out of the neighborhood safely. He stated that the residents there are uncomfortable in their own homes and yards and even stated that his grandchildren are no longer allowed to spend the night with him and his wife out of concern for their safety. He stated that these activities have been reported to the City police. He further stated that reports to the NAACP that the City police officers are harassing these individuals is not true and that when the police arrive, these individuals disperse. He pleaded with the Council that something needs to be done. Council President Travis then suggested that a meeting be held at the conclusion of tonight's Council meeting and asked that the residents of this neighborhood, Police Chief Floyd Johnson and Mr. Wilbert Woodruff of the NAACP, stay to participate in the discussion.

Ann Shoulders, 1014 Somerest Drive, Athens, addressed the Council and confirmed Mr. Hopper's comments concerning the situation in this neighborhood, of which she is also a resident. She described the situation as one in which the residents can't safely sit in their own yards, of individuals traveling at speeds of 70 miles per hour down the streets, and of young boys threatening grown people.

Christopher Strain, 2104 Sanderfer Street, Athens, and also a resident of the same neighborhood as Mr. Hopper and Ms. Shoulders, stated that he had witnessed one of these individuals taunting an older gentleman and had witnessed this same individual carrying an AK47. He stated that any time the police department is called, the individuals scatter and return as soon as law enforcement leaves.

Howard Stevens, 2103 Stanford Street, Athens, and a resident of the same neighborhood, stated that he has to get his 45 (pistol) when he gets home from work in Madison just to protect himself and his family.

Ralph Diggins, 100 Willow Street, Athens, addressed the Council with concerns about the quality of the mail delivery services provided to the citizens of Athens. He distributed a handout to the Mayor and each of the Council members

outlining these concerns and requesting the Post Master be invited to attend a Council meeting and answer questions regarding the poor mail delivery services.

Greg Skipworth, 17530 Springview Drive, Athens, commented that our representatives in Montgomery need to be contacted and asked to revise the State of Alabama's "Jim Crow" constitution. He stated that the situation with racial tension and inequality will never be resolved until the State's Constitution is amended.

Councilman Wales introduced the following resolution:

RESOLUTION

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ATHENS, ALABAMA, to reappoint Martha Chandler to the Houston Memorial Library Board for a four year term, expiring June 29, 2024.

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

Councilman Seibert introduced the following ordinance:

ORDINANCE NUMBER 2020 - 2118

AN ORDINANCE CONCERNING ENTERTAINMENT DISTRICTS

WHEREAS, pursuant to § 28-3A-17.1 of the *Code of Alabama*, a municipality with a main street program may establish not more than two entertainment districts within its corporate limits, each of which must have not fewer than four licensees holding a retail liquor license in that area, and each district may not exceed one-half mile by one-half mile in area, but may be irregularly shaped”;

WHEREAS, Athens Main Street is a designated main street program within this municipality, and so this City Council may establish entertainment districts pursuant to that statute;

WHEREAS, the establishment of an entertainment district is expected to increase local commercial activity in the City, something that is always vitally important, and particularly now in the wake of economic recovery during the COVID-19 situation; and

WHEREAS, the City Council of the City of Athens, Alabama desires to adopt an ordinance setting forth certain rules and regulations governing any entertainment district that the City Council establishes within the city.

NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ATHENS, ALABAMA, while in regular session on June 8, 2020, at 5:30 p.m., as follows:

Section 1. Section 6-84 of the *Code of Ordinances, City of Athens, Alabama*, is hereby adopted and established to read as follows:

Section 6-84. – Entertainment District.

(a) The Athens City Council may create an entertainment district within the city by the approval of a resolution recorded in its official minutes whenever the city council finds that the proposed district satisfies the requirements of § 28-3A-17.1 of the *Code of Alabama* and this Section 6-84. Any such resolution must include a map delineating the boundaries of the entertainment district.

(b) The state alcoholic beverage control board may issue an entertainment district designation to any retailer licensee that is licensed to sell alcoholic beverages for on-premises consumption and to any manufacturer licensee that conducts tastings or samplings to the licensed premises within the entertainment district. A licensee who receives an entertainment district designation shall comply with all laws and rules governing its license type,

except that the patrons, guests, or members of that licensee may exit that licensed premises with open containers of alcoholic beverages and consume alcoholic beverages anywhere within the confines of the entertainment district, but they may not enter another licensed premises with open containers or closed containers of alcoholic beverages acquired elsewhere.

(c) The entertainment district shall only be operative and in effect during the same hours for which the sale of alcoholic beverages is permitted under Section 6-39.

(d) To exit a licensed premises within the entertainment district with alcoholic beverages, all alcoholic beverages shall be in a shatter-proof container for the district with color(s) and/or logos for the district, according to rules or directives issued by the Office of the Mayor. The container shall not exceed a volume of sixteen (16) fluid ounces. No establishment shall dispense to any person more than two (2) such alcoholic beverage at a time for removal from the premises. No licensee who receives an entertainment district designation shall allow alcoholic beverages to be removed from the licensed premises in other than approved containers (except with respect to sales for off-premises consumption pursuant to Ala. Code § 28-3A-20.1 (concerning removal of one resealed bottle of wine), or as otherwise permitted by Alabama law).

(e) Patrons, guests, and members of retailer licensees within the entertainment district shall not be permitted to possess or consume alcoholic beverages within the confines of the entertainment district that are acquired outside the confines of the entertainment district. No person shall be in possession of any alcoholic beverage container within the entertainment district area that is not approved for use within the district.

(f) Section 6-36 (concerning the possession of an open container or drinking an alcoholic beverage on a sidewalk, public way, or in a public place, or bringing the same onto other premises), Section 6-43 (concerning open containers on public streets/sidewalks and public places), and Section 6-34 (b)-(f) (concerning off-premises consumption and distance requirements) shall not apply in the case of the possession or consumption of alcoholic beverages in an approved container outside a licensed premises and within the confines of the entertainment district during the hours set forth in Section 6-84(c) above.

(g) The entertainment district shall not extend to, nor shall this Section 6-84 apply to, (i) the interior of any automobile or other motor vehicle, (ii) any private property where alcoholic beverages are prohibited by the owner or proprietor of such property, and (iii) any area that is being used for a special event pursuant to Chapter 54, Article 2 (special events) of the Code of Ordinances, City of Athens, Alabama and that is posted by the organizer of such special event with signage at each entrance or in conspicuous places that no alcoholic beverages are allowed in the area.

(h) It shall be unlawful for any person to re-use or to knowingly allow the re-use of an approved container for the entertainment district for an alcoholic beverage and nothing in this section shall be construed to authorize the same.

(i) At any time and from time to time, the Chief of Police shall have the authority to temporarily close the entertainment district, or portions of the same, which includes the authority to require persons to disperse from the area, should he/she, in his/her sole discretion, determine it is appropriate to do so in order to protect the public health, safety, or general welfare. In such case, the entertainment district shall remain closed until the chief of police allows the district to be re-opened. The City shall not be responsible for any costs incurred by any person as a result of the closing.

(j) In the event the entertainment district established by this section falls below the number of alcoholic beverage licensees required for the establishment of the district according to state law, then the City may amend this Section to either eliminate the entertainment district or modify the district so as to remain in compliance with state law, unless applicable state alcoholic beverage control laws allow for continuance of a once-established district regardless of the number of alcoholic beverage licensees remaining.

(k) Nothing herein is intended to confer any rights or entitlement. Selling and/or consuming alcohol within a district is a privilege, not a right, and is subject at all times to reasonable regulation. The council reserves the right to modify or repeal this Section, and any entertainment district designation created thereunder, at any time.

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

Section 3. If any provision of this ordinance, or the application thereof to any person, thing or circumstances, is held invalid by a court of competent jurisdiction, such invalidity shall not affect the provisions or application of this ordinance that can be given effect without the invalid provisions or application, and to this end, the provisions of this ordinance are declared to be severable.

ADOPTED and APPROVED this, the 8th day of June, 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

Councilmember Harper 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 Seibert thereupon moved that the ordinance 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, Travis, and Harper; NAYS: None. The President thereupon announced that the motion for the adoption of the said ordinance had been unanimously carried.

Councilman Seibert introduced the following resolution:

RESOLUTION NUMBER 2020 - 1684

A RESOLUTION CONCERNING THE SQUARE ARTS AND ENTERTAINMENT DISTRICT

WHEREAS, pursuant to § 28-3A-17.1 of the *Code of Alabama*, a municipality with a main street program may establish not more than two entertainment districts within its corporate limits, each of which must have not fewer than four licensees holding a retail liquor license in that area, and each district may not exceed one-half mile by one-half mile in area, but may be irregularly shaped”;

WHEREAS, Athens Main Street is a designated main street program within this municipality, and so this City Council may establish entertainment districts pursuant to that statute;

WHEREAS, the establishment of an entertainment district is expected to increase local commercial activity in the City, something that is always vitally important, and particularly now in the wake of economic recovery during the COVID-19 situation;

WHEREAS, the City Council of the City of Athens, Alabama desires to establish the Square Arts and Entertainment District; and

WHEREAS, the City Council finds and determines that the district has not fewer than four licensees holding a retail liquor license in that area, and does not exceed one-half mile by one-half mile in area.

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

on June 8, 2020 at 5:30 PM, as follows:

1. Pursuant to § 6-84 of the Code of Ordinances, City of Athens, the City Council does hereby establish *The Square Arts and Entertainment District*, an entertainment district pursuant to § 28-3A-17.1 of the *Code of Alabama*.
2. The boundaries of *The Square Arts and Entertainment District* are established as shown in **Attachment A** to this Resolution.
3. The Mayor is authorized to take actions and issue such rules and regulations as are necessary to effect and carry out the establishment of *The Square Arts and Entertainment District*, including but not limited to establishing the rules and regulations as set forth in § 6-84(d), and the practical marking or other identification of the boundaries of the district.
4. This Resolution shall go into effect when the Mayor formally issues a proclamation declaring the opening of *The Square Arts and Entertainment District*, and files a copy of the same with the City-Clerk Treasurer.

ADOPTED this the 8th day of June, 2020.

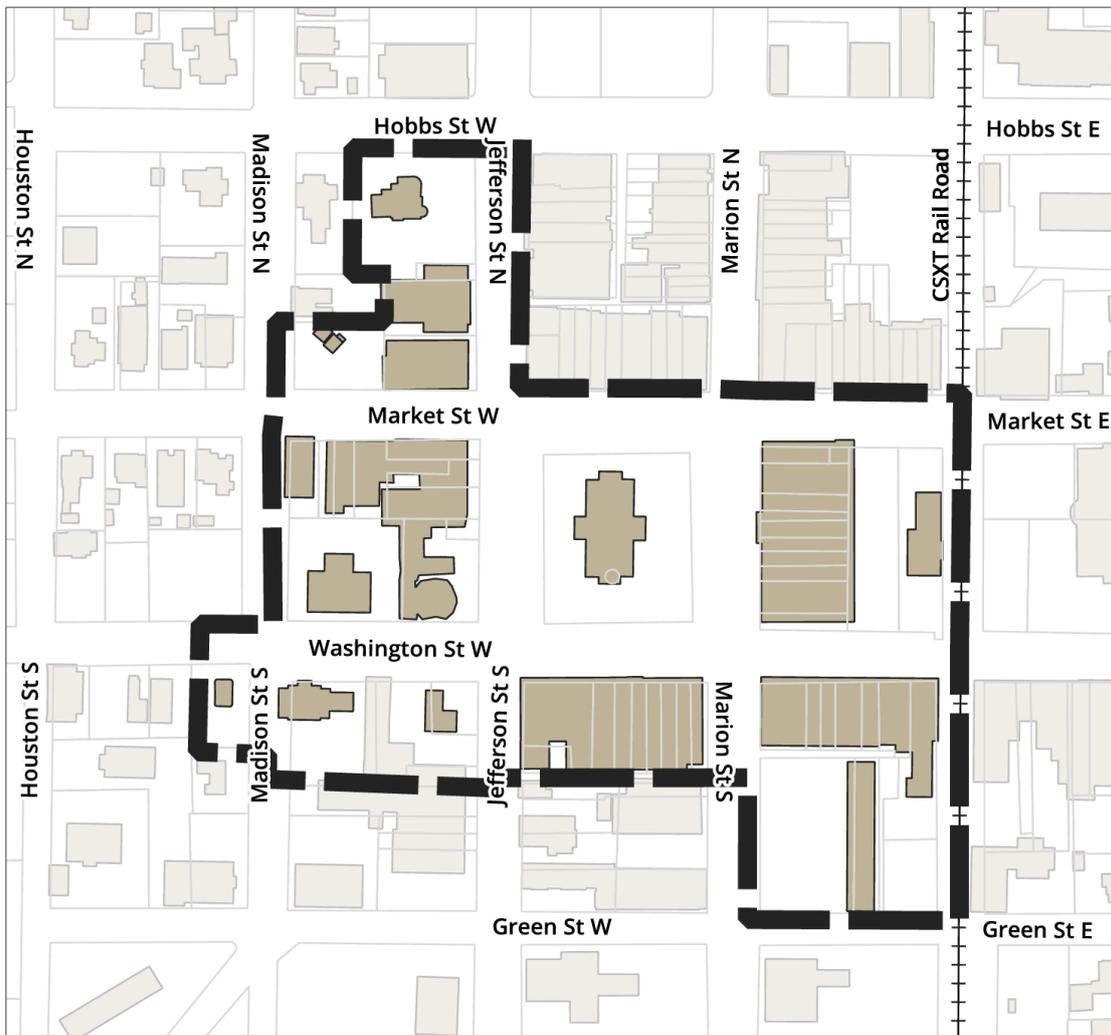
/s/ Frank Travis
PRESIDENT, CITY COUNCIL,
CITY OF ATHENS, ALABAMA

ATTACHMENT A



THE SQUARE ARTS & ENTERTAINMENT DISTRICT
MAP

Athens, Alabama



Notes about boundary:

- Where the boundary is only on one side of the street, the portion of the sidewalk on that side of the street is within the boundary.
- Where the boundary is on both sides of the street, sidewalks on both sides are within the district.



0 100 200 300 ft



Micah Cochran

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

Councilman Wales introduced the following resolution:

RESOLUTION

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ATHENS, AL to approve the purchase of (48) protective helmets with face shields and (20) polycarbonate reinforced clear shields from Dana Safety Supply at a cost of \$6,322 for the police department. The cost of this equipment shall be funded from the Drug Task Force and Confiscations Fund.

Councilmember Seibert 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, Travis, 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, Travis, 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 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