

July 15, 2019

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 in Athens on July 15, 2019, at 5:30 p.m. The meeting was called to order by Councilman Harold Wales, President of the Council. Upon roll call, the following were found to be present: Councilmembers Harold Wales, Frank Travis, Wayne Harper, Joseph Cannon 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 June 24, 2019 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 Travis and was unanimously carried. The Chairperson stated that the Minutes of the June 24, 2019 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 Travis and was unanimously carried.

Kirk Hamilton, 12573 Lanine Drive, Madison, addressed the Council concerning the proposed 80 acre subdivision on Newby Road, which is located next to his subdivision. He stated that the area is already overloaded with drainage issues and expressed his concern for himself and his neighbors and those in other surrounding subdivisions of the septic and downstream issues this new subdivision will create.

Sheila Franklin, 18643 Yarbrough Road, Athens, addressed the Council about the traffic at the intersection of Lindsay Lane and Alabama Highway 251. She expressed her concerns about the major safety issues at this intersection due to the high traffic volumes and the lack of any protective left turn lanes. She stated that the safety issues are going to be much worse when school starts back in a few weeks.

Dr. Jarod Grantland, DMV and owner of Athens Animal Hospital, 1119 Highway 31 South, Athens, addressed the Council concerning the need to expand his business. He expressed his interest in acquiring a small piece of property on the northwest corner of the property owned and operated by the City's Gas Department, known as the Leak City Training Facility.

Chris Paysinger, 416 East Washington Street, Athens, addressed the Council in support of the resolution to approve a contract with Farmer Morgan to develop a master plan for the Pilgrim's Pride project.

**Councilman Harper introduced the following resolution:**

#### **RESOLUTION**

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ATHENS, ALABAMA, to reappoint Jerold Blaxton as a member of the Zoning Board of Adjustments for a three year term, expiring June 30, 2022.

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

**Councilman Harper introduced the following resolution:**

#### **RESOLUTION**

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ATHENS, ALABAMA, to approve the following travel/education expenses for Athens Gas Department:

Ronnie Marks	ANGA Annual Conference Orlando, Florida June 9-12, 2019	\$ 215.79
Frank Travis	ANGA Annual Conference Orlando, Florida June 9-12, 2019	\$ 1048.15

Joseph Cannon	ANGA Annual Conference Orlando, Florida June 9-12, 2019	\$ 839.05
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Mason Matthews	ANGA Annual Conference Orlando, Florida June 9-12, 2019	\$ 350.96
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The motion was seconded by Councilman Seibert and was unanimously carried.

**Councilman Harper introduced the following resolution:**

**RESOLUTION**

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ATHENS, ALABAMA, to approve travel/education expenses for the following personnel from the Information Technology Department.

Seth Siniard	Mileage April 1, 2019 – June 30, 2019	\$ 180.00
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Lisa LaGrone	Mileage April 1, 2019 – June 30, 2019	\$ 230.40
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The motion was seconded by Councilman Seibert and was unanimously carried.

**Councilman Harper introduced the following resolution:**

**RESOLUTION**

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ATHENS, ALABAMA, to approve the following travel/education expenses for the Utilities Finance Department:

Donna Holland	TVPPA Internal Control and Fraud Protection Murfreesboro, TN June 17-18, 2019	\$ 272.89
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The motion was seconded by Councilman Seibert and was unanimously carried.

**Councilman Harper introduced the following resolution:**

**RESOLUTION**

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ATHENS, ALABAMA, to approve travel expenses for the following personnel of the Electric Department:

James Gray	\$ 743.65
Milsoft User Conference – Amelia Island, FL	

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

**Councilman Travis introduced the following resolution:**

**RESOLUTION NUMBER 2019 - 1628**

WHEREAS, Sprint has requested to modify their equipment on an existing telecommunications facility located at 107 Stewart Drive , Athens, AL to provide wireless services essentially within the corporate limits of the City of Athens;

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. The Certificate of Occupancy shall not be issued until all fees and costs associated with this Permit, including inspections, have been paid.
6. 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 this 15<sup>th</sup> day of July, 2019

/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

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

**Councilman Seibert introduced the following resolution:**

**RESOLUTION NUMBER 2019 - 1629**

**A RESOLUTION HIRING FARMER MORGAN FOR DEVELOP A MASTER PLAN FOR THE FORMER  
PILGRIM'S PRIDE PROPERTY**

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**WHEREAS**, state law, including but not limited to Chapter 2 of Title 24 of the *Code of Alabama* authorizes municipalities to engage in projects to address and abate blight and public nuisances within the city;

**WHEREAS**, in 2017, the Athens City Council (a) determined that certain real property, containing approximately 32 acres of land and a large, unoccupied former Pilgrim’s Pride industrial facility, presented a blighted and deteriorated area constituting a public nuisance, the removal of which would work a public benefit upon residents of the city; and (b) approved a Redevelopment Plan that called for the acquisition of the real property, the removal of the abandoned industrial structures and debris located thereon, and the City’s subsequent exploration of the use of the real property for municipal purposes (such as a public park), for commercial sale to private enterprise, or for some combination of both;

**WHEREAS**, in 2018, the City of Athens acquired that real property from Pilgrim’s Pride, and began the process of demolishing and removing the various old industrial facilities on it;

**WHEREAS**, in 2018 and early 2019, the Athens City Council vacated certain former public rights of way across the property, and consolidated all of the various parcels across that real property as:

Tract 1 and Tract 2 as shown on the Pryor Park Subdivision, recorded at Plat Book J, Page 203 in the Office of the Judge of Probate of Limestone County, Alabama

(referred to herein as the “Property”);

**WHEREAS**, the City Council now wishes to retain an architectural firm to assist the City in formulating a master plan for the development and design of the Property.

**THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ATHENS, ALABAMA** on July 15<sup>th</sup>, 2019 at 5:30 PM, as follows:

1. The Mayor is authorized to enter into a contract, on behalf of the City of Athens, Alabama, with Farmer Morgan, whereby Farmer Morgan, for a fee of \$130,000.00, will: (a) work with the City with respect to the City’s goals and objectives concerning the development of the Property, and (b) formulate, design, and develop a master plan for the City’s use and development of the Property; along with such other terms and conditions that are not inconsistent therewith.

2. The Mayor is authorized to take all actions and to execute such other and further documents as may be necessary to effect and carry out and enforce the terms of said contract and the transactions contemplated by this Resolution.

**ADOPTED** this the 15<sup>th</sup> day of July, 2019.

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

Councilmember Travis 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, Travis, Cannon 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 Travis and upon the said motion being put to vote the following vote was recorded: YEAS: Councilmembers Seibert, Wales, and Travis; NAYS: Councilmembers Cannon and Harper. The President thereupon announced that the motion for the adoption of the said resolution had been carried.

**Councilman Cannon introduced the following resolution:**

#### **RESOLUTION**

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ATHENS, ALABAMA, to authorize the Mayor to enter into an agreement with Morell Engineering for the construction, engineering and inspection services for TAPAA-TA17(911). The project scope is to extend sidewalks along Pryor St to US-31, and Hobbs St-US-31 intersection to Juniper Circle along US-31. The estimated cost of the TAP project has a construction budget of \$550,900. The CE&I budget is \$82,635 and shall be funded from the City of Athens TAP project fund.

Councilmember Seibert moved that unanimous consent be given for immediate consideration of and action on said resolution, which motion was seconded by Councilmember Travis, and upon the said motion being put to vote the following vote was recorded: YEAS: Councilmembers Seibert, Wales, Travis, Cannon 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 Cannon thereupon moved that the resolution 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, Cannon 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**

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ATHENS, ALABAMA, to enter an agreement with Whitaker Contracting Corporation for the application of HA-5 in Eastbrook Subdivision and Gilbert Place Subdivision with a total project cost not to exceed the amount of \$46,000 and be funded from the Capital Infrastructure Project Fund.

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

**Councilman Harper made for "Introduction Only" the following resolution:**

#### **RESOLUTION**

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ATHENS, ALABAMA, to amend the City of Athens Bituminous Plant Mix Paving Contract with Reed Contracting Services to mill, pave, and stripe around the square which includes: Market-Jefferson North to Hobbs St, Market-Marion North to Hobbs St, Marion-Market East to the railroad tracks, and Marion-Washington East to the railroad tracks at an approximate cost of \$300,000. This project shall be funded from the funds set aside in 2010 for the Highway 72 Widening Project.

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

/s/ Harold Wales  
PRESIDENT, CITY COUNCIL

ATTEST:

/s/ Annette Barnes  
CITY CLERK