

August 10, 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 August 10, 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, and Frank Travis. Councilman Chris Seibert was absent. 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 July 27, 2020 City Council Meeting had been submitted for approval. Councilman Wales 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 July 27, 2020 City Council Work Session Meeting had been submitted for approval. Councilman Wales 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.

Greg Skipworth, 17530 Springview Drive, Athens, addressed the Council regarding the approaching municipal election. He stated that as citizens, we all like to know that the campaigns are being run effectively and ethically. He also stated that he hoped that we will have clean races and that the candidates would express their ideas clearly and openly and that regardless of the outcome, we all work together for the betterment of our city. Mr. Skipworth stated that he has requested some records and has received some of those records and that every citizen should do their due diligence in making up their minds about things. He thanked the Council for their leadership and stated that he looks forward to continuing his role as a private citizen.

Councilman Harper 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" type, alcohol license:

Business Name: K & B 1 Enterprises, Inc.
Dbas: Market Street BP
Address: 1606 West Market Street
Athens, AL 35611

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

Councilman Harper introduced the following resolution:

RESOLUTION

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ATHENS, ALABAMA, that the Wastewater Services Department be authorized to purchase a new Kubota tractor and 10' flex wing cutter to replace the existing Unit #61 for use by the Wastewater Services Department.

The motion was seconded by Councilman Wales 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 expenses:

Chris Seibert	Electric Cities Conference July 10, 2020 – July 15, 2020 Gulf Shores, Alabama	\$ 546.13
Chris Seibert	Alabama League of Municipalities Annual Conference July 22, 2020 – July 23, 2020 Montgomery, Alabama	\$ 239.30
Frank Travis	Alabama League of Municipalities Annual Conference July 22, 2020 – July 23, 2020 Montgomery, Alabama	\$306.36

The motion was seconded by Councilman Wales 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 reappoint Marsha White to the Houston Memorial Library Board of Directors for a term of four years, expiring on August 27, 2024.

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 proposal from Shelton’s Railroad Construction for repairs to the West Rock rail spur. The total cost of the project is \$12,470, including labor and materials, and is to be funded through a general fund budget amendment to line item 100.517.87000, Special Projects.

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

Councilman Wales introduced the following resolution:

RESOLUTION NUMBER 2020 - 1700

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ATHENS, ALABAMA, to authorize the Mayor to enter into an agreement with the Alabama Department of Transportation for right-of-way maintenance, in regards to the Swan Creek Greenway Trailhead, Project No. 17-RT-54-01.

ADOPTED and APPROVED this, the 10TH day of August, 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 Harper and was unanimously carried.

Councilman Harper introduced the following resolution:

RESOLUTION NUMBER 2020 - 1701

WHEREAS, a regular municipal election has been called to be held on the 25^h day of August, 2020, and a runoff election to be held, if necessary, on the 6th day of October, 2020, and

WHEREAS, Section 11-46-27 of the Alabama Code of 1975, and regulations adopted pursuant thereto provide, in part, that the municipal governing body, not less than 15 days before the holding of any municipal election, appoint from the municipality, officers to hold the election as follows: where electronic ballot counters are used, at least one inspector and three clerks,

NOW, THEREFORE, BE IT RESOLVED, BY THE CITY COUNCIL OF THE CITY OF ATHENS, ALABAMA, that the election officers for said election shall be as follows:

District One – Athens Recreation Center

Marisol Valenzuela Bet Sayad	1687 Squire Run
William Bet Sayad	1687 Squire Run
Patricia G Boyd	17414 Chinaberry Road
George Thomas Brister	1689 Squire Run
Valeh Brister (Inspector)	1689 Squire Run
David Kenneth Eckhoff	22279 Yorkshire Drive East
Harry G McNamee	21929 Silver Oaks Circle
Shirley Faye Moore	15598 Mayberry Drive
Mary D Sturdivant	22298 Monterey Drive

District Two – Lindsay Lane Baptist Church

Don Dees	14840 Mohawk Trail
Janet W Dees (Inspector)	14840 Mohawk Trail
Scarlett R Greer	302 Hastings Road
Stanley W Harrison	17050 Forest Hill Drive
Sherry Harrison	17050 Forest Hill Drive
James Michael Snyder	24700 Savannah Trail
Herbert Wood	314 Wellington Road

District Three – Pincham – Lincoln Center

Paulette Stewart Carter	2338 Hine Street South
Deborah D Gill (Inspector)	613 Everett Drive
Wanda C Hightower	1318 Ridgedale Street
Juliaett T Himmelright	2446 Hine Street South
Cleopha Scales	101 McClint Street
GraceTurner	500 Elkton Street, Apt D11
Marsha Ming White	2431 Hine Street South
Randelda Lea Woods	1708 Edward Street

District Four – Friendship United Methodist Church

Albin J Clem (Inspector)	111 Yorkshire Drive
Myra S Clem	111 Yorkshire Drive
Marilyn A Ford	1300 Tommy Lane
Gerald K Ford	1300 Tommy Lane
Paul L Mammana	17151 Leatherwood Drive

Phyllis A Mammana 17151 Leatherwood Drive
Edward M Newkirk 210 Santana Drive

District Five – Athens Senior Center

Marxlyn David (Co-Inspector) 407 5th Avenue
Ruby Mae Caudle 36 Sandra Lane
Janet Leigh Hunt 1100 Jackson Drive
James Everett Grisham, Sr. 18968 Knoll Wood Circle
Brian Nicholas Presson 212 North Briarwood Road
Leah Stephens (Co-Inspector) 22531 Indian Trace
Michael E Weimer 24963 Queen Anne’s Lace

Absentee – City Hall

Terry Lynn Curry (Inspector) 17523 Hall Street
Terry Dale Curry 17523 Hall Street
Ruby D Ezell 113 Pat Street
Barbara C Phillips 500 Hoffman Street

BE IT FURTHER RESOLVED that each inspector shall be compensated \$155 (for working at the specific polling location) plus \$25 (for attendance at election school) for a **total of \$180**. Every other poll worker shall be compensated \$100 (for working at the specific polling location) plus \$25 (for attendance at election school) for a **total of \$125**.

Adopted and approved this, the 10th day of August, 2020.

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

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

/s/ Annette Barnes
CITY CLERK, CITY OF ATHENS, ALABAMA

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

Councilman Wales introduced the following resolution:

RESOLUTION NUMBER 2020 - 1702

TO EXECUTE CONSULTING AGREEMENT FOR Swan Creek Trunk sewer, Phase 2

WHEREAS, the City of Athens has experienced a sanitary sewer overflow on the Swann Creek trunk sewer which lead to a fish kill, and

WHEREAS, the City of Athens received a Consent Order from the Alabama Department of Environmental Management on November 15, 2019, and the Consent Order requires the City implement actions to reduce rain water inflow and groundwater infiltration (I&I) into the City’s sanitary sewer system, and

WHEREAS, the City of Athens has conducted a flow monitoring study of the sanitary sewer system which indicates the section of line to be upgraded by this project is a major contributor of I&I, and

WHEREAS, the City of Athens desires to correct the conditions allowing this I&I by upgrading these trunk sewer line segments, and

WHEREAS, Krebs Engineering managed the flow monitoring study which provides unique knowledge of the problem I&I sources and has developed a conceptual plan to correct these line conditions, and

WHEREAS, the City of Athens Utilities, Water Services Department recommends that the Krebs Engineering proposal for \$83,900.00 to provide the design for the construction of this line improvement project, and

WHEREAS, this work is to be funded from the 2020 Series Revenue Bond issued by the Athens Utilities Water Services Department.

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

Section 1. Ronnie Marks, in his capacity as Mayor, is authorized to sign all the Krebs Engineering proposal for consulting services related to the execution of the project described to upgrade the Swan Creek Trunk Sewer line assets as Phase 2 of the overall line improvement project for the total Swan Creek Trunk Sewer.

Section 2. This resolution shall become effective immediately upon its adoption.

Adopted and approved this 10th day of August, 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 Harper 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 authorize the Mayor to enter into an agreement with the Alabama Department of Transportation to accept the Industrial Access Grant funds related to IAR-042-000-013 for the intersection improvements at SR-99 (Elm Street) and Wilkinson Street to benefit Indorama Ventures Sustainable Solutions, LLC in the amount of \$571,900.00.

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

Councilman Harper introduced the following resolution:

RESOLUTION NUMBER 2020 - 1703

CITY OF ATHENS
2020 EDA CARES Act Recovery Assistance Program
Athens Community Park Project

APPOINTMENT OF A CONSULTANT

WHEREAS, the City of Athens requires professional assistance in the area of grant writing and development and Architecture & Engineering (A&E) Services for the Athens Community Park Project.

WHEREAS, the City of Athens is eligible to apply to the United States Economic Development Administration (EDA) for the Coronavirus Aid, Relief, and Economic Security (CARES) Act grant funding. The City of Athens authorizes the Mayor to submit an application for the aforementioned funding source.

BE IT RESOLVED, if said application is approved, the Mayor is hereby authorized to accept on behalf of the City of Athens said Coronavirus Aid, Relief, and Economic Security (CARES) grant, execute any and all documents and enter into agreements necessary for the successful application and award of the grant and to enter into a contract with the selected firm of FARMER MORGAN, LLC to undertake the Architecture & Engineering, and Construction, Engineering and Inspection (CEI) services subject to City of Athens & EDA approvals.

BE IT FURTHER RESOLVED, that after the solicitation of engineering services and the evaluation of the Statements of Qualifications, the City selects FARMER MORGAN, LLC as the engineer for the 2020 CARES City of Athens Community Park Project grant writing, Architecture & Engineering and CEI Services.

ADOPTED and APPROVED this, the 10th day of August, 2020.

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

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

Councilman Wales introduced the following resolution:

RESOLUTION NUMBER 2020 - 1704

A RESOLUTION ACCEPTING THE DONATION OF CERTAIN REAL PROPERTY ALONG SWAN CREEK

WHEREAS, Julyn, Inc. is the owner of the unimproved real property described in Exhibit A to this Resolution, located immediately north of Highway 72 and west of Swan Creek in the City of Athens, Alabama (referred to herein as the "Property");

WHEREAS, the owner wishes to donate the Property to the City; and

WHEREAS, the City wishes to accept the donation of the Property and to communicate its sincere thanks and appreciation to the owner.

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

on August 10, 2020 at 5:30 p.m., that the Mayor is authorized to accept the donation of the Property on behalf of the City.

ADOPTED this the 10th day of August, 2020.

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

EXHIBIT A

A public walkway described as follows:

A part of the Northwest 1/4 of Section 15, Township 3 South, Range 4 west, identified as Tract 1 on Project No. STPTE-TE03 (928) in Limestone County, Alabama and being more fully described as follows:

Commence at an existing concrete monument at the Northwest corner of Section 15, Township 3 South, Range 4 west, thence South 88 degrees 07 minutes 34 seconds East a distance of 125.02 feet to a point in the centerline of a proposed walking trail at Sta. 14+75.74, said point being the Point of True Beginning of the easement herein described, said easement lying 17.5 feet on each side of the following described line.

Thence from the Point of True Beginning South 10 degrees 19 minutes 34 seconds East a distance of 257.35 feet to a point at Sta. 12+18.21,

Thence South 19 degrees 39 minutes 16 seconds East a distance of 159.19 feet to a point at Sta. 10+59.01,
Thence South 10 degrees 51 minutes 59 seconds East a distance of 329.59 feet to a point at Sta. 7+29.42,
Thence South 22 degrees 19 minutes 43 seconds west a distance of 293.92 feet to a point at Sta. 4+35.51,
Thence South 32 degrees 56 minutes 50 second west a distance of 227.54 feet to a point at Sta. 2+07.97,
Thence South 06 degrees 43 minutes 33 seconds East a distance of 193.92 feet to a point on the north right-of-way of U.S. Hwy. No. 72 at Sta. 0+14.05, said point being the terminus point of the above described Pedestrian Access Easement, and containing 1.17 acres, more or less.

AND ALSO:

ALL THAT PORTION OF THE FOLLOWING DESCRIBED TRACT INCLUDING AND LYING EAST OF THE ABOVE DESCRIBED PUBLIC WALKWAY:

Lot Number 14 of Walker, Glaze and Grisham Subdivision of the 'Malone Farm' in Section. 15, Township 3 South Range 4 West, according to the map of said subdivision now on file in the Office of the Judge Of Probate of Limestone County, Alabama, and more particularly described as follows:

Beginning at a concrete monument at the Northwest corner of Section 15, Township 3 South, Range 4 West, said point being the Point Of True Beginning of the herein described tract, thence from the Point of True Beginning run South 01 degrees 26 minutes 43 seconds West along the West boundary of said Section 15 for a distance of 1377.89 feet to a concrete Monument on the North right-of-way of U.S. Hwy. No. 72, said point being North 01 degrees 26 minutes 43 seconds East a distance of 3908.77 feet from the Southwest corner of said Section 15, thence South 81 degrees 54 minutes 46 seconds East along the North right- of-way of U.S. Hwy. No. 72 for a distance of 226.88 feet to a point in the centerline of old Swan Creek, said point also being North 82 degrees 06 minutes 37 seconds west a distance of 35.49 feet from a concrete monument, thence run along the centerline of old Swan Creek the following bearings and distances: North 66 degrees 45 minutes 28 seconds East for a distance of 30.49 feet to a point, North 41 degrees 45 minutes 30 seconds East for a distance of 107.91 feet to a point, North 24 degrees 29 minutes 53 seconds East for a distance of 204.95 feet to a point, North 09 degrees 55 minutes 14 seconds East for a distance of 123.19 feet to a Point, North 00 degrees, 22 minutes 21 seconds East for a distance of 200.28 feet to a point, North 14 degrees 44 minutes 09 seconds West for a distance of 140.13 feet to a point in the center of the old Swan Creekbed and the relocated Swan Creek, thence North 13 degrees 53 minutes 00 seconds West along the centerline of Swan Creek a distance of 686.76 feet to a point on the North boundary of said Section 15, Township 3 South, Range 4 West, said point also being North 88 degrees 06 minutes 29 seconds West a distance of 36.44 feet; to a concrete monument, thence, leaving the centerline of old Swan Creek and run thence along the North boundary of said Section 15 North 88 degrees 06 minutes 29 seconds West for a distance of 196.95 feet to a concrete monument, passing an iron pin, being a witness corner, at a distance of 69.14 feet, said concrete monument being the Point of True Beginning and containing 10.81 acres, more or less.

The Grantor remains record owner of all real property lying west of the public walkway described above that is located in the above-described 10.81 acre tract.

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

At approximately 5:47 p.m., Councilman Harper introduced a motion to enter into executive session. Councilman Harper's motion was then seconded by Councilman Wales. Prior to the vote, City Attorney, Shane Black, provided an oral declaration that the business to be discussed in the executive session satisfied the following exceptions as prescribed in the Open Meetings Act: (1) to discuss the consideration the governmental body is willing to offer or accept when considering the purchase, sale, exchange, lease, or market value of real property and (2) to discuss pending and/or threatened litigation. Councilman Harper's motion was unanimously approved. The Council came out of executive session at approximately 6:30 p.m.

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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