

August 12, 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 August 12, 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. Joseph Cannon 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 22, 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 Cannon and was unanimously carried. The Chairperson stated that the Minutes of the July 22, 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 Cannon and was unanimously carried.

Kerry Maclin, 103 Crutcher Court, Athens, addressed the Council regarding litter. He proposed that the City Council pass an ordinance prohibiting grass clippings from being blown into or dumped onto City streets.

Chris Paysinger, 416 East Washington Street, Athens, addressed the Council concerning safety issues around the square. He suggested the City Council consider replacing the traffic lights at the crossings at Jefferson and Market Streets and Jefferson and Washington Streets with four way stop signs in the interest of safety. He stated that he has witnessed vehicles running red lights and pedestrians nearly being struck by vehicles at these intersections.

Kelly Range, 303 Brookwood Drive, Athens, addressed the Council concerning the agenda item to expose the brick street on Market Street between Marion Street and the railroad tracks. He stated his opposition to the Council's spending money on this project when there are other worthwhile projects in the City, such as the Pilgrim's Pride Park. He further stated that the businesses on the street stand to be negatively impacted if this project goes forward.

Councilman Cannon introduced the following resolution:

RESOLUTION

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ATHENS, ALABAMA, to reappoint Randi Harbin to the Houston Memorial Library Board of Directors for a four year term, expiring August 15, 2023.

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

Councilman Cannon 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 Water Service employees:

Brian Daniel (Water)	AL-MS Water Jam Mobile, AL July 27-31, 2019	\$1,166.25
Roger Miller (Water)	AL-MS Water Jam Mobile, AL July 27-31, 2019	\$ 711.57
T.J. Dendy (Water)	AL-MS Water Jam Mobile, AL July 27-31, 2019	\$1,093.47

Virgil White (Wastewater)	AL-MS Water Jam Mobile, AL July 27-31, 2019	\$ 779.69
Jon Lewonczyk (Wastewater)	AL-MS Water Jam Mobile, AL July 27-31, 2019	\$ 764.69
David Watts (Wastewater)	AL-MS Water Jam Mobile, AL July 27-31, 2019	\$1,075.62
Harrison Bauer (Water/Wastewater)	AL-MS Water Jam Mobile, AL July 28-31, 2019	\$ 90.73

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

Councilman Cannon introduced the following resolution:

RESOLUTION NUMBER 2019 - 1631

WHEREAS, Verizon Wireless has requested to modify an existing telecommunications facility located at 204 Commercial Drive, Athens, AL to provide enhanced wireless services essentially within the corporate limits City of Athens;

WHEREAS, Verizon Wireless has complied with City's Ordinance No. 1999-1320 and has demonstrated the need for modification of this wireless facility to deliver consistently reliable services in the identified area, and;

WHEREAS, both the City and Verizon Wireless 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 Special Use Permit for modification of this facility located at 204 Commercial Drive, Athens, AL, which consists of a 300' ft. Self-Support tower;

THEREFORE, BE IT RESOLVED by the City Council of the City of Athens, Alabama that Verizon Wireless is hereby granted a Special Use Permit to modify facilities at 204 Commercial Drive, Athens, AL. Verizon Wireless is proposing to replace and add additional equipment to have the following final installed configuration: (12) panel antennas, (1) MW, (2) ellipticals, (10) 1 5/8" lines, (3) 1 5/8" hybrid cable, (9) Radios and (3) OVP Raycap's. 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. Prior to the issuance of the building permit, Verizon Wireless or the Tower Owner must provide verification that the new safety climb system has been installed as indicated on the submitted remediation report.
2. Prior to the issuance of the Certificate of Occupancy, Verizon Wireless or the tower owner must remediate the following safety issues noted at the time of the pre-application site visit:
 1. One ice bridge support is missing a ground.
 2. Ground bar at tower was missing at time of inspection
3. To prevent warehousing of permits or authorizations and to assure the best service to the City's residents as expeditiously a 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.* Verizon Wireless 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.
4. Verizon Wireless must provide contractor information with 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.

5. 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.
6. The Certificate of Occupancy shall not be issued until all fees and costs associated with this Permit, including inspections, have been paid.

ADOPTED and APPROVED this, the 12th day of August, 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 Travis and was unanimously carried.

Councilman Cannon introduced the following resolution:

RESOLUTION

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ATHENS, ALABAMA, to declare the following as surplus property of the Cemetery, Parks and Recreation Department to be sold on Govdeals with the proceeds going back into the CPR Capital Account:

- 2000 Ford F150 Extended Cab Pick-up Truck
- 2001 Dodge Ram 1500 Truck
- 1998 Ranson Reel Mower
- 1995 Toro Reelmaster
- 2013 Exmark Lazer Z Mower
- 2009 Exmark Lazer Z Mower
- (2) 2010 Exmark Lazer Z Mowers
- Easy Go Electric Golf Cart
- Members Mark 8 Burner Event Propane Grill
- Temporary PVC Fence Panels (46” x 125”)
- Galvanized Fence Panel Stands
- (3) Portable Pitchers Mounds

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

Councilman Cannon 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 Electric Department personnel:

Chris Seibert	\$491.22
Electric Cities Annual Conference – Gulf Shores, AL	
Joseph Cannon	\$453.78
Electric Cities Annual Conference – Gulf Shores, AL	

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

Councilman Cannon introduced the following resolution:

RESOLUTION

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ATHENS, ALABAMA, to approve a purchase from Altec Industries, Inc., Birmingham, Alabama, for two 2020 41' Articulating Telescopic Aerial Devices with Service Body and Cab and Chassis for a total price of \$278,220.00.

The motion was seconded by Councilman Travis 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 Water Services Department to purchase a Kubota UTV-900 for the Sewer Department from H&R Agri-Power in the amount of \$13,100 and reduce the capital expenditure line "New Roof-Old RAS Building" by \$13,100.

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 approve the following applicant for a "Retail Beer and Table Wine (On or Off Premises)" alcohol license:

Business Name: D & L Seafood and Grill, LLC.
Address: 229 French Farms Blvd., Ste. L
Athens, AL 35611

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

Councilman Travis 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 and Table Wine (On or Off Premises)" alcohol license:

Business Name: Mozza Pizzeria & Sportsbar
Address: 202 South Jefferson Street
Athens, AL 35611

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 authorize the Public Works Department to work to expose the brick street from the existing asphalt overlay located on Market Street between the CSX mainline railroad track to the crosswalk on Market Street at Marion Street.

The motion was seconded by Councilman Seibert and was carried with four yea votes and one nay vote by Councilman Travis.

Councilman Cannon introduced the following resolution:

RESOLUTION

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ATHENS, ALABAMA, to authorize the City Clerk of the City of Athens to renew the Tax Revenue Enhancement Agreements with AVENU Insights & Analytics, LLC (formerly RDS), for three (3) years, for revenue administration for the City of Athens. These agreements include the administration, remittance processing, compliance and reporting services for the City's sales and use, rental, lodging, gas, alcohol and tobacco taxes. The effective date for the performance of services under the terms of these agreements shall commence September 1, 2019.

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

Councilman Seibert introduced the following resolution:

RESOLUTION NUMBER 2019 - 1632

BE IT RESOLVED, by the City Council of the City of Athens, Alabama as follows:

That the City enters into an agreement with the State of Alabama, acting by and through the Alabama Department of Transportation relating to a project for:

Sanderfer Road Widening from Hine Street to Jefferson Street to benefit Project Open the Door; Project # IAR-042-000-011; CPMS Ref# 100070504.

Which agreement is before this Council, and that the agreement be executed in the name of the City, by the Mayor for and on its behalf and that it be attested by the City Clerk and the official seal of the City be affixed thereto.

BE IT FURTHER RESOLVED, that upon the completion of the execution of the agreement by all parties, that a copy of such agreement be kept on file by the City.

ADOPTED and APPROVED this, the 12th day of August, 2019.

/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 passed.

Councilman Harper introduced the following resolution:

RESOLUTION TO APPROVE AN ADDITIONAL APPROPRIATION TO ATHENS MAIN STREET

WHEREAS, The City of Athens is authorized by law to promote the economic development of the municipality; to develop, advertise, and promote the resources of the municipality; and to advertise the municipality and any function or undertaking of the municipality, pursuant to §11-47-9 and §11-47-11 of the Code of Alabama; and

WHEREAS, the Athens City Council finds that Athens Main Street's program and mission, namely the revitalization of downtown Athens through economic development, promotion, organization and design, serves a valuable public purpose.

THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ATHENS, ALABAMA on August 12, 2019 at 5:30 PM, to increase the FY 2019 appropriation to Athens Main Street from \$20,000 to \$25,000, and to memorialize the same in an amendment to its contract with the City relating to such funding. This appropriation shall be funded by a general fund budget amendment to line item 100.525.90170.

ADOPTED this the 12TH day of August, 2019.

/s/Harold Wales
CITY COUNCIL
PRESIDENT

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

Councilman Cannon introduced the following resolution:

RESOLUTION

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ATHENS, ALABAMA, to authorize the City of Athens Street Superintendent to amend the downtown parking plan to add handicap parking spaces and repair at the following: southwest corner of Marion St and Washington St, northwest corner of Marion St and Market St by Limestone Drug, two spaces on the West side of Jefferson St near UG Whites, of an amount not to exceed \$2000.00 from the Capital Infrastructure Fund.

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

Councilman Travis 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 task order to stripe parking around the square for an amount not to exceed \$15,000.00 from the Capital Infrastructure Fund.

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

At approximately 6:40 p.m., Councilman Cannon introduced a motion to enter into executive session. Councilman Cannon's motion was then seconded by Councilman Seibert. Prior to the vote, City Attorney, Shane Black, provided an oral declaration that the business be discussed in the executive session satisfied the following exception as prescribed in the Open Meetings Act: 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. Councilman Cannon's motion was unanimously approved. The Council came out of executive session at approximately 7:00 p.m.

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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