

August 24, 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 24, 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. Frank Travis 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 August 10, 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 August 10, 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 reported that the City of Athens had just received two bronze plaques from the Alabama Bicentennial Committee commending the City's bicentennial efforts. He then reminded everyone that on Friday, August 28, 2020, the Pep Rally on the Square would kick off the Athens High School football season. Mayor Marks also reported that Keep Athens-Limestone Beautiful would be having the Household Hazardous Waste Collection event on Saturday, August 29, 2020. He then recognized Ms. Laverne Gilbert for her efforts in picking up trash in the community.

A public hearing was held to hear comments on the zoning approval for the sale of alcohol for GP Quick Stop, LLC.

No one spoke in favor of or against.

Greg Skipworth, 17530 Springview Drive, Athens, addressed the Council to express his willingness to continue serving on the City's Zoning Board of Adjustments. He also urged everyone to vote in the municipal election on August 25, 2020.

Mark Wilson, 18042 North Jefferson Street, Athens, then addressed the Council. He asked the City's Water and Sewer Department Manager, Jimmy Junkin, if the residents of Miller and Bridgeforth Streets and Box Alley would be charged for the installation of sewer improvements. He stated that he wanted to make sure that they would not be charged and that he had been charged \$21,000 for sewer installation at Elm and Jefferson Streets. Mr. Junkin responded that since these residents are existing customers, no impact fees would be charged, although a tap fee of approximately \$1,000 would be assessed to tap into the system.

Mr. Wilson then questioned Public Works Director, James Rich, and stated that he didn't understand why Mr. Rich had to rewrite the legal description for his property. He also asked why he had "kicked the can down the road" 3 months. Mr. Rich stated that he had failed to make the publication deadline required to set the public hearings that were to be scheduled for Mr. Wilson's property.

Mr. Wilson then addressed Councilmembers Seibert and Harper concerning the need for center and turn lanes on Elm Street near the apartment complexes, citing the traffic hazard there. Councilman Harper agreed that there is a problem with traffic and stated that the City would follow up with the State of Alabama Department of Transportation concerning this issue. Mr. Wilson then remarked that the Governor had written a letter in March 2020 concerning the improvements at Highway 99 and Elm Street and questioned the delay in starting this project. City Engineer, Michael Griffin, responded that traffic studies must be performed and we are waiting on the cost estimate from ALDOT concerning the required match.

Ralph Diggins, 100 Willow Street, Athens, addressed the Council stating that he had been trying to nudge a couple of people to run for Mayor who are qualified, such as Annette Barnes and Hedy Lou Cannon, and that it's important to have someone to run who would support Athens properly.

Councilman Seibert introduced the following resolution:

RESOLUTION

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ATHENS, ALABAMA, that travel expenses in the following amount be approved for Electric Department personnel:

Ronnie Marks Electric Cities – Annual Conference – Gulf Shores, AL	\$431.55
Beth Clem Electric Cities – Annual Conference – Gulf Shores, AL	\$369.15
Harold Wales Electric Cities – Annual Conference – Gulf Shores, AL	\$511.02

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 appoint Vicki Stevenson as a member of the Houston Memorial Library Board of Directors for a term of four years, expiring August 24, 2024.

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, AL to approve the purchase of a CISCO ISR 4331 Gateway and related equipment and licensing at a total cost NTE \$10,800. This purchase will be made from CSPIRE through the City’s Membership in the North Alabama Cooperative Purchasing Association (NACPA) and shall be funded from the existing IT Capital Account.

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 approve the following travel expenses:

James Rich	Trip to Deliver Truck for Repairs July 24, 2020 Birmingham, Alabama	\$ 108.06
------------	---	-----------

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 re-set and re-schedule the Public Hearing for the request of Mark Wilson to rezone parcels 0709324000016.000, 0709324000015.000, 0709324000031.000, and 0709324000034.000, located directly north of 18042 Jefferson St., Directly north of 108 Elm St. West, and directly north of 100 Elm Street West, from a TB, “Traditional Business District to a B-2, General Business District” from the City Council’s regular meeting of August 24, 2020 to the City Council’s regular meeting of September 28th, 2020.

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 re-set and reschedule a Public Hearing request of Anik Patel to annex +/- 0.25 acres of property located at 23040 Nick Davis Road into the corporate limits of the City of Athens and zone property in the B-1 Neighborhood Business District from the City Council’s regular meeting on August 24th, 2020, to the City Council’s regular meeting on September 28th, 2020.

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 re-set and re-schedule the Public Hearing request of Sarah J. Smith to annex +/-0.55 acres of property located at 17685 Quinn Road into the corporate limits of the City of Athens and zone property to R-1-1 Single Family Low Density Residential District from the City Council’s regular meeting on August 24th, 2020 to the City Council’s regular meeting on September 28th, 2020.

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, AL to approve the purchase of a server and 25 SQL standard licenses for the Athens Police Department at a total cost NTE \$13,575. This purchase will be made from TSA through the City’s Membership in the North Alabama Cooperative Purchasing Association (NACPA) and shall be funded from the existing IT Capital Account.

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

Councilman Harper introduced the following resolution:

RESOLUTION NUMBER 2020 - 1705

To Execute Supplemental Agreement For Water Line Relocation at the Highway 251 and Lindsay Lane Traffic Circle

WHEREAS, by the City of Athens entered into an agreement with the Alabama Department of Transportation (ALDOT) on June 20, 2019 to allow the relocation of water lines where ALDOT was to construct a traffic circle at the intersection of Highway 251 and Lindsey Lane, and

WHEREAS, ALDOT agreed to pay the costs of the relocation in the amount of \$593,306.23, and

WHEREAS, the actual costs after the work was bid out is \$785,346.00 leaving a difference of \$192,039.77, and

WHEREAS, the City of Athens and ALDOT seek to enter into a supplemental agree to allow ALDOT to pay the difference.

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

Section 1. William R. Marks, in his capacity as Mayor, is authorized to sign the Supplemental Agreement with ALDOT that directs ALDOT to pay the additional costs of \$192,039.77 to cover water line relocation at the construction site of the traffic circle of the intersection of Highway 251 and Linsey Lane.

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

Adopted and approved this 24th 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 Seibert and was unanimously carried.

Councilman Wales introduced the following resolution:

RESOLUTION NUMBER 2020 - 1706

TO EXECUTE CONSULTING AGREEMENT FOR Water Treatment and Distribution Risk and Resilience Assessment Consulting Agreement

WHEREAS, by the authority granted to EPA under the America's Water Infrastructure Act, the EPA enforces the requirement for all water utilities to complete a risk and resilience assessment by July 15, 2021, and

WHEREAS, the City of Athens, Water Services Department staff issued a request for proposals and has selected HDR, Inc., a professional engineering and consulting firm highly experienced in performing risk and resilience assessments for water treatment and distribution facilities, and

WHEREAS, the City of Athens Utilities, Water Services Department (AWS) recommends that the HDR, Inc. proposal for \$63,380.00 to provide a risk and resilience assessment for the Water Treatment Division per the requirements outlined by the EPA under the AWIA, and

WHEREAS, this work is to be funded from the AWS Fiscal Year 2019-2020 operating budget.

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

Section 1. William R. Marks, in his capacity as Mayor, is authorized to sign all the HDR, Inc. proposals for consulting services related to the execution of a risk and resilience assessment as required by the EPA for the AWS.

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

Adopted and approved this 24th 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 Seibert and was unanimously carried.

Councilman Harper introduced the following resolution:

RESOLUTION NUMBER 2020 - 1707

**TO EXECUTE CONSULTING AGREEMENT FOR Water Services Department
Cost of Service Analysis Consulting Agreement**

WHEREAS, The City of Athens desires to provide sewer services to areas outside the court designated water and sewer service boundaries for the City of Athens, and

WHEREAS, the City of Athens has been granted approval by Limestone County Water & Sewer Authority to provide sewer services outside the court designated water and sewer service boundaries for the City of Athens Utilities, and

WHEREAS, the cost of sewer service is subsidized with water revenues as needed to cover those costs, and

WHEREAS, the City of Athens desires to charge sewer-only customers the full cost of those service since they will not receive water services revenues, and

WHEREAS, the City of Athens desires to analyze those cost of services provided by the Water Services Department to accurately bill for those sewer-only services and wish to hire professional consulting services from Raftelis Financial Consulting for the purpose of conducting the analysis.

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

Section 1. William R. Marks, in his capacity as Mayor, is authorized to sign a Raftelis Financial Consulting agreement for consulting services to perform an analysis of the cost of services for the Water Services Department.

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

Adopted and approved this 24th 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 Seibert and was unanimously carried.

Councilman Wales introduced the following ordinance:

ORDINANCE NUMBER 2020 - 2130

**AN ORDINANCE CONCERNING THE REGULATION OF CITY
PROPERTY**

WHEREAS, the City of Athens owns and/or manages various real property within the corporate limits that is used for a variety of uses;

WHEREAS, some of that property is open to the public for recreational and/or park use;

WHEREAS, some of that property is not considered to be open to the public, and may be used, for example, for storage, conservation, construction, or other municipal business;

WHEREAS, there have been reports of persons camping, using and/or occupying various city properties that are unsuited for such use;

WHEREAS, the use of such properties presents significant health and safety risks to the persons camping, using and/or occupying those properties, as for example, various heavy construction materials are being used as shelters, fires are being used, and the area is not easily accessible by emergency response;

WHEREAS, some of these areas contain construction debris, glass, broken brick, etc. and present dangers to persons in the area;

WHEREAS, the City's law enforcement has received numerous reports concerning the safety of the persons camping or using that property, as well as passersby;

WHEREAS, as a matter of practicality, the Mayor and/or Department Heads have traditionally handled questions related to the use of city property, and the City Council now intends to codify the Mayor and Department Heads' ability to establish rules concerning the use of the various city properties;

WHEREAS, upon doing so, the City Council desires that the Mayor and appropriate Department Heads will issue rules and regulations governing the appropriate use or non-use of the various properties owned or managed by the City, which will prohibit the use of the property in the above-described manner;

WHEREAS, the City Council further desires that in enforcing those rules, that city officials make efforts to assist any persons who are homeless, hungry, or in need of temporary shelter from the elements, so that such persons can be humanely transported to a nearby shelter of their choice; and

WHEREAS, Section 58-5 of the City Code already addresses certain rules at recreation parks and facilities, and so, in addition to the above-discussed measure, the City Council wishes to add that camping and related activities are not permitted at any recreation parks and facilities.

THEREFORE BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ATHENS, ALABAMA while in regular session on August 24th, 2020 at 5:30 p.m., as follows:

Section 1. Section 2-33 shall be added to Article II of Chapter 2 of the *City Code of the City of Athens, Alabama*, as follows:

Sec. 2-33. – Regulation of Real Property Owned or Managed by the City.

- (a) The Mayor (or the appropriate Department Head, as designated by the Mayor) may establish rules and regulations related to the various use or non-use of real property owned or managed by the City.
- (b) In conjunction with (a), by way of example and not limitation, the Mayor (or designee) may (i) establish opening and closing times for any park or other city facility, (ii) prohibit the public (or any member thereof) from entering onto any city property, and (iii) establish rules limiting activities on and uses of any city property. Persons violating such rules may, among other things, be barred from city property and be subject to trespassing charges.

Section 2. Section 58-5 of the *City Code of the City of Athens, Alabama* shall be amended to read as follows:

Sec. 58-5. – Prohibited Activities.

The following will not be allowed at all recreation parks and facilities:

- ~~(1) — Skateboards, scooters, or bikes;~~
- ~~(1)(2)-~~ Fishing or swimming (except for swimming in areas designated by the City for swimming);
- ~~(2)(3)-~~ Littering;
- ~~(3)(4)-~~ Alcohol;
- ~~(4)(5)-~~ Loitering; ~~or~~
- ~~(5)(6)-~~ Lewd or inappropriate conduct;
- (6) — Camping;
- (7) — Sleeping; or
- (8) — Bathing.

Section 3. This ordinance shall become effective upon its publication.

Section 4. 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 code and such amendments and statutes are declared to be severable.

Section 5. No other provision of the Code of Ordinances of the City of Athens (the “City Code”) is amended by this Ordinance, unless specifically stated and referenced herein.

Section 6. The provisions of this Ordinance shall be included and incorporated in the City Code as an addition or amendment thereto, and shall be appropriately renumbered as necessary to conform to the uniform numbering system of the City Code.

ADOPTED this the 24th day of August, 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 Seibert moved that unanimous consent be given for immediate consideration of and action on said ordinance, 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 ordinance had been unanimously carried. Councilmember Wales 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.

* * *

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