

October 14, 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, Alabama, on October 14, 2019, at 4:30 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, Wayne Harper, Frank Travis and Chris Seibert. Mayor Marks led the Pledge of Allegiance. Kim Glaze, Executive Secretary, 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 September 23, 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 Harper and was unanimously carried. The Chairperson stated that the Minutes of the September 23, 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 Harper and was unanimously carried. The Chairperson stated that the Minutes of the September 19, 2019 Budget Work Session 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.

President Wales read a statement concerning the vacancy for City Council District 4, previously held by Joseph Cannon. Mr. Wales stated the following: "As you all know, our City Council looks different tonight. Joseph Cannon has assumed the office of License Commissioner, and so he has vacated his City Council seat. Our best wishes go with him in that new role. Under the law, the Council can appoint someone to fill Joseph's seat for the remainder of his term. I'd hoped we could address that soon after the vacancy. I've had a lot of folks reach out to me about this issue. However, as you all know, Frank Travis and his wife were in a bad accident. I had planned on saying that Frank won't be able to be with us for several meetings, and that he must be here to vote with us, but Frank has surprised us by being here tonight, and we're so glad he's here. Our prayers are with Frank and his wife as they recover. Filling Joseph's vacancy is an important decision, and one that the whole Council, including Frank, should participate in and have time to think about. So, out of respect for Frank, I'm not going to put the issue of Joseph's replacement on the Council agenda until we've had some more time. I'd ask in the meantime that no one talk to us about it, as I don't want to discuss it until then."

Mayor Marks, the City Council and Shane Black recognized Councilman Frank Travis' attendance and expressed how happy they were to see his return. Mayor Marks also praised Tere Richardson for all of her hard work in this area and announced the dates for the upcoming Grease Festival, Storytelling Festival and the Veteran's Day Parade.

Councilman Travis thanked his sister, Rachel Bonita Travis Moxley, for taking care of him and also, the community for all the love and support shown to him and his wife, Sharon.

A public hearing was held to hear comments concerning the vacation of a portion of Second Avenue.

No one spoke in favor of or against.

Councilman Seibert introduced the following resolution:

RESOLUTION NUMBER 2019 – 1638

A RESOLUTION VACATING A PORTION OF SECOND AVENUE

WHEREAS, this resolution relates to that certain portion of **Second Avenue**, a public street and right of way, that is located between Houston Street and North Madison Street, as shown in **Map #2 Fairview Addition to Athens, Alabama East of Irvin Street**, recorded at Plat Book A, Page 51 in the Office of the Judge of Probate of Limestone County, Alabama (the "Public Way");

WHEREAS, the Public Way is an improved city street;

WHEREAS, at the urging of the Athens City Board of Education, an adjacent landowner to the Public Way, the City proposes to vacate the Public Way pursuant to § 23-4-1, *et seq.* of the *Code of Alabama*, and has published, posted, and served notice of the same as required by § 23-4-2 of the *Code of Alabama*;

WHEREAS, the City Council held a public hearing concerning this matter at its regular meeting on October 14, 2019;

WHEREAS, the City Council has determined that it is in the interest of the public that the Public Way should be vacated;

WHEREAS, the following persons or entities (and/or their successors, heirs, and assigns) are the owners of all lots or parcels of land that abut the Public Way:

Athens City Board of Education
City of Athens, Alabama

WHEREAS, the vacation of the Public Way will not cause any person to be cut off from access over some other reasonable and convenient way;

WHEREAS, Athens Utilities may maintain any existing water, sewer, gas, and/or electrical lines within the Public Way, and the vacation of the Public Way, as explained herein, will not prevent Athens Utilities from accessing, maintaining, extending, and enlarging those lines to the same extent as if such vacation had not occurred; and

WHEREAS, the vacation of the Public Way will not deprive other property owners of any right they may have to convenient and reasonable means of egress and ingress to and from their property.

THEREFORE BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ATHENS, ALABAMA while in regular session on October 14, 2019, at 4:30 p.m., as follows:

1. The Public Way is hereby vacated upon the City Clerk's filing of this Resolution with the Probate Court of Limestone County, and the City Council does thereupon divest itself of all public rights and liabilities therein in accordance with § 23-4-2(b) of the *Code of Alabama*.

2. Upon payment by the Athens City Board of Education of the City's administrative and legal costs related to the vacation of the Public Way as determined by the City Clerk, the City Clerk shall cause a copy of this Resolution to be filed with the Probate Court of Limestone County. Such filing shall operate as a declaration of the governing body's vacation and shall divest all public rights and liabilities, including any rights which may have been acquired by prescription, in the Public Way.

3. Title and all public rights in the Public Way shall vest in the abutting owners, to the extent and as provided for by law.

4. However, notwithstanding anything herein to the contrary, any entities (such as the City by and through Athens Utilities) with utility lines, equipment, or facilities in place at the time of vacation, shall have the right to continue to access, maintain, extend, and enlarge their lines, equipment, and facilities to the same extent as if the vacation of the Public Way had not occurred. Moreover, such entities may continue to move across and along the vacated area to reach their lines, equipment, and facilities for the above purposes as if the vacation had not occurred.

5. The City Clerk shall cause notice of this action to be published once in the *Athens News Courier* no later than 14 days after the adoption of this Resolution.

ADOPTED this the 14th day of October, 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

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

Councilman Travis introduced the following resolution:

RESOLUTION

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ATHENS, ALABAMA, to reappoint Frank McCollum to the Board of Trustees of Athens-Limestone Public Library for another four year term, expiring October 1, 2023.

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 approve travel/education expenses for the following personnel from the Information Technology Department.

Seth Siniard	Mileage July 1, 2019 – September 30, 2019	\$ 189.00
Lisa LaGrone	Mileage July 1, 2019 – September 30, 2019	\$ 211.05

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 reschedule the regular City Council Meeting scheduled for Monday, November 11, 2019 to Monday, November 4, 2019, due to the Veteran’s Day holiday. The meeting will be held at the same time and place.

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 approve travel expenses for the following personnel from the City Clerk’s Office.

Stephanie Marlowe	Alabama Municipal Revenue Officers Association Fall Training Conference October 1, 2019 – October 4, 2019 Tuscaloosa, Alabama	\$ 186.18
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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 approve the payment of budgeted travel/education expenses for specified Water Services employees in the total amount of \$1,698.91.

Brian Daniel (Water)	AWPCA Technical Conference Orange Beach, AL September 15-19, 2019	\$828.75
Josh Blankenship (Water)	AWPCA Technical Conference Orange Beach, AL September 15-19, 2019	\$870.16

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, that the travel expenses in the following amount be approved for Electric Department personnel:

Rodney Campbell ICUEE Trade Show – Louisville, KY	\$132.21
Danny Wallace ICUEE Trade Show – Louisville, KY	\$94.20
Donnie Powers TVPPA – Utility Safety and Security Conference – Knoxville, TN	\$84.28
Kegan Puckett	\$70.00

TVPPA – Lineman Apprentice Lab 2 – Scottsboro, AL
Jake Blankenship \$116.23
TVPPA – Lineman Apprentice Lab 2 – Scottsboro, AL

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 ATHENS, ALABAMA to reorganize the Electric Department in accordance with the attached organizational chart, which includes the following 72 positions:

- Electric Department Manager
- Operations/Compliance Supervisor
- Building Maintenance Custodian
- Dispatcher (3)
- Mechanic
- General Foreman
- Assistant General Foreman
- Right of Way Supervisor
- Right of Way Technician (2)
- Line Crew (35)
- Substation Manager
- Substation Maintenance Crew (11)
- Metering Technician
- Construction Engineer
- Assistant Construction Engineer (1)
- Staking Technician (3)
- Drafting Technician
- Locator Technician (2)
- Distribution Engineer
- Electrical Engineer
- Engineering Technician
- GIS Coordinator
- AMI (Advanced Metering Infrastructure) Manager
- Part Time Receptionist (2)
- Intern/Co-Op (3)

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

Councilman Travis introduced the following resolution:

RESOLUTION

BE IT RESOLVED BY THE CITY COUNCIL OF ATHENS, ALABAMA to adopt the following revised job descriptions for the Electric Department:

- Metering Technician; Job description revised 09/18/2019
- Staking Technician; Job description created 09/17/2019
- Assistant Construction Engineer ; Job description revised 09/17/2019
- AMI System Manager; Job description created 09/18/2019

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

Councilman Seibert introduced the following ordinance:

**STATE OF ALABAMA,
LIMESTONE COUNTY,
CITY OF ATHENS**

ORDINANCE NUMBER 2019 – 2092

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ATHENS, ALABAMA, that Ordinance Number 888, establishing a classification list for classified employees is hereby amended as follows, effective: 10/14/2019.

Add the following job titles to the list of classified positions:

- (1) Metering Technician, Grade 9, Electric Department
- (2) Staking Technician, Grade 9-11, Electric Department
- (3) Assistant Construction Engineer, Grade 12, Electric Department
- (4) AMI System Manager, Grade 12, Electric Department

Delete the following job titles to the list of classified positions:

Assistant Construction Engineer, Grade 11, Electric Department

Adopted this the 14th day of October, 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

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

Councilman Harper introduced the following ordinance:

ORDINANCE NUMBER 2019 - 2093

AN ORDINANCE OF THE CITY OF ATHENS, ALABAMA, TO EXEMPT CERTAIN “COVERED ITEMS” FROM THE MUNICIPAL SALES AND USE TAX DURING THE LAST WEEKEND OF FEBRUARY, 2020, AS AUTHORIZED BY ACT 2012-256, GENERALLY REFERRED TO AS THE STATE SEVERE WEATHER PREPAREDNESS SALES TAX HOLIDAY LEGISLATION.

BE IT ORDAINED BY THE CITY COUNCIL OF ATHENS, ALABAMA, AS FOLLOWS:

Section 1. In conformity with the provisions of Act 2012-256 enacted by the Alabama Legislature during the 2012 Regular Session, providing for a State Severe Weather Preparedness Sales Tax Holiday, the City of Athens, Alabama, exempts “covered items” from municipal sales and use tax during the same period, beginning at 12:01 a.m. on the last Friday in February 2020 (February 21, 2020) and ending at twelve midnight the following Sunday (February 23, 2020).

Section 2. This ordinance shall be subject to all terms, conditions, definitions, time periods, and rules as provided by Act 2012-256, except that the time period shall only be as specified in Section 1 above and **not for all years thereafter**.

Section 3. The City Clerk is hereby authorized and directed to certify a copy of this ordinance under the seal of the City of Athens, Alabama, and to forward said certified copy to the Alabama Department of Revenue to be recorded and posted on the Department website.

Section 4. This ordinance shall become effective on October 17, 2019.

ADOPTED AND APPROVED THIS 14th DAY OF OCTOBER, 2019.

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

/s/ Harold Wales
PRESIDENT, CITY COUNCIL,
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 Travis, 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 Harper thereupon moved that the ordinance 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, Travis, and Harper; NAYS: None. The President thereupon announced that the motion for the adoption of the said ordinance had been unanimously carried.

Councilman Travis introduced the following resolution:

RESOLUTION

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ATHENS, ALABAMA, to appoint Jimmy Junkin as the Manager of Water Services.

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 authorize the Mayor to enter into a contract with Loomis Armored U.S. for on-site secure safe and armored car service for a period of three (3) years for the Athens Utilities Customer Accounts office, at a fee of \$1,293.98 per month. This cost will be funded through the Customer Accounts budget and will be offset by additional interest earnings guaranteed by BBVA Compass.

Councilmember Harper 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, 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, Travis, and Harper; NAYS: None. The President thereupon announced that the motion for the adoption of the said resolution had been 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 Grayson Carter and Sons. The project scope is to repair portions of Newby Rd between Cambridge Ln and Mooresville Rd. The estimated cost of the repair work is estimated to not exceed \$25,000 and will be paid from Gax Tax Funds.

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, 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 Harper 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, 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 NUMBER 2019 – 1639

**A RESOLUTION CONCERNING GREENBRIER PARKWAY AND PUBLIC
SANTARY SEWER SERVICE**

WHEREAS, Limestone County is experiencing a period of tremendous growth, and it is beneficial to the general public that local governments in Limestone County work together to deal with such growth in an efficient manner:

WHEREAS, the City of Huntsville (“Huntsville”) is planning and constructing the new Greenbrier Parkway throughout southeastern Limestone County, and a portion of the new Greenbrier Parkway will intersect with Interstate 65 within the corporate limits of the City of Athens (the “City”):

WHEREAS, Huntsville and the City desire to enter into an agreement regarding the portion of the Greenbrier parkway located within the City’s corporate limits, whereby Huntsville will acquire certain real property along Huntsville-Browns Ferry Road for the Greenbrier Parkway (either through voluntary purchase or, where that is not possible, the City would acquire the same by eminent domain proceedings (at Huntsville’s expense); Huntsville will construct the Greenbrier Parkway upon such real property; and upon its completion, Huntsville will tender such portion of the Greenbrier Parkway to the City (as such portion of the Greenbrier Parkway will be a public street of the City);

WHEREAS, Huntsville and the City also desire to enter into an agreement regarding public sanitary sewer service which will clarify, among other things, that Huntsville does not, without the City’s consent, provide sanitary sewer service within the corporate limits of the City (as those limits now or hereafter exist) (and vice versa); and

NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ATHENS, ALABAMA, while in regular session on October 14, 2019, at 4:30 p.m., as follows:

Section 1. The Mayor is hereby authorized to execute, on behalf of the City, the *“Agreement for Greenbrier*

Parkway Phase V” between the City and Huntsville, in substantially the same form as is attached hereto as **Attachment 1**, with such non-substantive changes or additions thereto or deletions therefrom as the Mayor shall approve, which approval shall be conclusively evidenced by his execution of such instrument.

Section 2. The Mayor is hereby authorized to execute, on behalf of the City, the “*Memorandum of Understanding Concerning Public Sanitary Sewer Service*” between the City and Huntsville, in substantially the same form as is attached hereto as **Attachment 2**, with such non-substantive changes or additions thereto or deletions therefrom as the Mayor shall approve, which approval shall be conclusively evidenced by his execution of such instrument.

Section 3. The Mayor is authorized to take actions and execute such other and further documents as may be necessary to effect and carry out the transactions contemplated by this Resolution and/or the agreements referenced herein, including but not limited to the expenditure and use of municipal funds as set forth in those agreements; and approving and executing further agreement(s) that are consistent with and involved in carrying out the transactions contemplated by this Resolution.

ADOPTED and APPROVED this, the 14th day of October, 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 Harper and was unanimously carried.

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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. Councilman Travis made a motion to adjourn with a second from Councilman Seibert. The meeting was duly and properly adjourned.

/s/ Harold Wales
PRESIDENT, CITY COUNCIL

ATTEST:

/s/ Annette Barnes
CITY CLERK