

October 21, 2024

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 October 21, 2024 at 4:30 p.m. The meeting was called to order by Councilwoman Henry, President of the City Council. Upon roll call, the following were found to be present: Councilmembers Chris Seibert, Harold Wales, James E. Lucas, Dana Henry and Wayne Harper. Annette Barnes, City Clerk, was present and recorded the minutes of the meeting. Council President Henry offered the invocation. Mayor Marks led the Pledge of Allegiance. 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, 2024 City Council Meeting, Work Session Meeting and the Minutes of the September 30, 2024 Special Called 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 Seibert and was unanimously carried.

Mayor Marks noted that several were in attendance regarding concerns on Strain Road. The Mayor remarked that funding had been requested many months ago and read a statement from Mr. Eric Reidy with ADEM. The statement read as follows: "At the moment, we are in our fiscal year 2024 Intended Use Plan cycle. We plan to get the IUPs on public notice prior to the end of year. At the moment, the Strain Road project is funded on that IUP. Please keep in mind, it is considered a "draft" at this point, but we generally do not receive comments that result in projects being removed. If everything goes to plan, the funding will be available around the beginning of the calendar year (January 2025)." Mayor Marks then announced that it is Storytelling Festival week at Athens State University, a fundraiser at Zaxby's for the American Cancer Society will be held tonight, Behind the Badge's annual Swamp John's fundraiser will be on Tuesday, October 22nd at First Baptist Church, Trunk or Treat will be on Halloween around the Square, and the Day of the Dead Celebration will be on November 2nd at High Cotton Arts.

Councilman Wales thanked the City Council, Mayor and Public Works Department for all of the work that has been completed on Line Road.

Councilman Lucas stated that he was thankful for the report from ADEM regarding the Strain Road project. Mr. Lucas noted that he was glad to see the list of streets that will be repaired and asked anyone that knew of other streets that are in need of repair to contact him.

Council President Henry recognized that October is Breast Cancer Awareness Month and encouraged all women to take care of their health.

Kirk Parker, 915 Beech Street, Athens, addressed the City Council regarding the Strain Road community. Mr. Parker stated that he felt less than an animal because the City Council had contracted for animal services for almost five hundred thousand dollars and that money could have been spent to help with upgrades in their community.

Jane Davis, 16659 Linton Road, Athens, addressed the City Council on behalf of her husband, John. Mrs. Davis proposed that the City Council pay for a sewage system for their Strain Road neighbors.

Mark Wilson, 18042 N. Jefferson Street, Athens, addressed Councilman Harper asking how much money was spent on the replacement of sewage pipes on North Jefferson Street. Councilman Harper stated that he would have to get with the Wastewater Department for those figures. Mr. Wilson inquired about the improvements that will be made at the intersection of Hwy 127 and Hwy 99.

Henry White, addressed the City Council regarding the Strain Road community. Mr. White remarked that it was good to hear the update from ADEM concerning the sewage problem but that sidewalks and streetlights are also needed. He stated that anything the City Council can do to help the community is much appreciated.

Councilman Seibert introduced the following resolutions:

RESOLUTION

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ATHENS, ALABAMA, to approve the following travel/education expenses for the Mayor’s office:

Linda Black	State Masters Games Valley, Alabama September 22 – 26, 2024	\$ 329.90
Amy Golden	State Masters Games Valley, Alabama September 22 - 26, 2024	\$ 1,463.16
Holly Hollman	RC&D Grant Acceptance Meeting Tanner, Alabama October 1, 2024	\$ 22.78

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:

Austin Thompson TVPPA-Lineman Apprenticeship Lab 5, Huntsville, AL	\$94.39
Peyton Lovell TVPPA-Lineman Apprenticeship Lab 5, Huntsville, AL	\$94.16
Johvanny Hernandez TVPPA-Lineman Apprenticeship Lab 5, Huntsville, AL	\$87.51
Jackson Keyes TVPPA-Lineman Apprenticeship Lab 5, Huntsville, AL	\$121.73
Reece Payne TVPPA-Lineman Apprenticeship Lab 5, Huntsville, AL	\$95.80
Colten Pugh Erwin, TN-Storm	\$48.90

RESOLUTION

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ATHENS, ALABAMA, to approve purchase from Donohoo Chevrolet, Fort Payne, Alabama for one 2025 Chevrolet Trax for a price of \$20,931.00.

RESOLUTION

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ATHENS, ALABAMA, to approve the low bid from Woody Anderson Ford to purchase eight (8) 2025 Police Interceptor SUV vehicles at a total cost not to exceed \$375,424.00. Funding for this purchase will be from the Police Department’s existing capital expenditure account.

RESOLUTION

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ATHENS, ALABAMA to purchase equipment for police vehicles and installation of equipment from MCA (Sharp Communications) not to exceed \$102,726.00. Funding for this purchase will be from the Police Department’s existing capital expenditure account.

RESOLUTION

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ATHENS, ALABAMA, to reschedule the regular meeting on November 11th, 2024 to November 4th, 2024, at the same place and time.

RESOLUTION

BE IT RESOLVED BY THE CITY COUNCIL OF ATHENS, ALABAMA to designate two additional holidays and one floating personal day for FY 2025.

- Day after Thanksgiving, Friday, November 29, 2024.
- President's Day, Monday, February 17, 2025.
- Floating Personal Day (TBD per Dept. Head/Employee).

RESOLUTION NUMBER 2024 - 2006

WHEREAS, Verizon Wireless has requested to modify their equipment on an existing telecommunications facility located at 980 East Sanderfer Road, Athens, AL to provide wireless services within the corporate limits of the City of Athens, and;

WHEREAS, Verizon Wireless 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 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 conditional Special Use Permit for the modification at this facility located at 980 East Sanderfer Road, Athens, AL, which consists of a 120' monopole 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 their equipment at 980 East Sanderfer Road, Athens, AL. 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 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 for an extension of this for good cause shown, but the decision whether to grant the extension shall exclusively be the prerogative of the City.
2. Verizon Wireless 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. 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.
4. The Certificate of Occupancy shall not be issued until all fees and costs associated with this Permit, including inspections, have been paid.
5. The provision of the Certificate of Completion for this work shall be a pre-condition for any future modifications of any kind by this carrier, at this facility.

ADOPTED this 21st day of October, 2024.

/s/ Dana Henry
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 Wales and was unanimously carried.

Councilman Lucas made for "Introduction Only" the following resolution:

RESOLUTION

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ATHENS, ALA., to authorize Mayor William R. Marks to enter into a contract with WolfeCo Media for one year, at a cost of \$2,250 per month for a total of \$27,000, to be funded from _____.

Councilman Wales introduced the following resolution:

RESOLUTION

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ATHENS, ALABAMA, to approve a 3% cost of living (COLA) salary increase for all full-time employees effective November 3, 2024, which is the first day of the payroll period ending on November 16, 2024 (payable on November 21, 2024), and to approve revising the City's official pay scale to reflect the change in pay rates.

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 ATHENS, ALABAMA to adopt the attached organizational chart for the Cemetery, Parks, and Recreation Department, which includes 35 regular status positions.

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

Councilman Wales introduced the following resolution:

RESOLUTION

BE IT RESOLVED BY THE CITY COUNCIL OF ATHENS, ALABAMA, to adopt the attached revised organizational chart for the Fire Department, which includes the following 56 positions:

1. Fire Chief
2. Deputy Fire Chief
3. Administrative Assistant
4. Fire Marshall
5. Fire Inspector
6. Battalion Chief (3)
7. Captain (10)
8. Driver Engineer (20)
9. Firefighter I/II (19)

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

Councilman Lucas introduced the following resolution:

RESOLUTION

BE IT RESOLVED BY THE CITY COUNCIL OF ATHENS, ALABAMA to add another position to the Planning Department Organizational Chart:

- Planner

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 ATHENS, ALABAMA, to adopt the attached revised organizational chart for the Public Works Department, which includes the following 66 positions:

- Director of Public Works
- Records Retention Clerk
- City Engineer
- Civil Engineer
- Land Development Inspector
- Street Superintendent
- Administrative Assistant Street
- Construction Supervisor – Street
- Construction Crew Leader (7 positions)
- Equipment Operators (18 positions)
- Sign Technician (2)
- Fleet Maintenance Supervisor
- Mechanics (4 positions)
- Sanitation Superintendent
- Administrative Assistant Sanitation
- Sanitation Operations Supervisor
- Sanitation Crew Leader
- Equipment Operators (18 positions)
- Facilities Service Crew Leader
- Light Equipment Operators (3 positions)

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

Councilman Seibert introduced the following resolution:

RESOLUTION NUMBER 2024 - 2007

This resolution made this 21 day of October, 2024 (the Effective Date) by the City Council of Athens, AL (the Granting Authority), to grant a tax abatement to Morgan Metals, Inc.

WHEREAS, the Company has announced plans for a (check one):

new project or major addition to their existing facility (the Project), located within the jurisdiction of the Granting Authority; and

WHEREAS, pursuant to the Tax Incentive Reform Act of 1992 (Section 40-9B-1 et seq., Code of Alabama 1975) (the Act), the Company has requested from the Granting Authority an Abatement of (check all that apply):

- all state and local non-educational property taxes,
- all construction related transaction taxes, except those local construction related transaction taxes levied for educational purposes or for capital improvements for education, and /or
- .. all mortgage and recording taxes; and

WHEREAS, the Company has requested that the abatement of state and local non-educational property taxes (if applicable) be extended for a period of 10 years, in accordance with the Act; and

WHEREAS, the Granting Authority has considered the request of the Company and the completed applications (copy attached) filed with the Granting Authority by the Company, in connection with its request; and

WHEREAS, the Granting Authority has found the information contained in the Company's application to be sufficient to permit the Granting Authority to make a reasonable cost/benefit analysis of the proposed project and to determine the economic benefits to the community; and

WHEREAS, the construction of the project will involve a capital investment of \$975,000; and

WHEREAS, the Company is duly qualified to do business in the State of Alabama, and has powers to enter into, and to perform and observe the agreements and covenants on its part contained in the Tax Abatement Agreement; and

WHEREAS, the Granting Authority represents and warrants to the Company that it has power under that constitution and laws of the State of Alabama (including particularly the provisions of the Act) to carry out provisions of the Tax Abatement Agreement;

NOW THEREFORE, be it resolved by the Granting Authority as follows:

Section 1. Approval is hereby given to the application of the Company and abatement is hereby granted of (check all that apply):

- all state and local non-educational property taxes,
- all construction related transaction taxes, except those construction related transaction taxes levied for educational purposes or for capital improvements for education, and /or
- .. all mortgage and recording taxes

as the same may apply to the fullest extent permitted by the Act. The period of abatement for the non-educational property taxes (if applicable) shall extend for a period of 10 years measured as provided in Section 40-9B-3(a)(12) of the Act.

Section 2. The Mayor of the City of Athens, for and on behalf of the City, as authorized by the Granting Authority, shall enter into an abatement agreement with the Company to provide for the abatement granted in Section 1.

Section 3. A certified copy of this resolution, with the application and abatement agreement, shall be forwarded to the Company to deliver to the appropriate local taxing authorities (if applicable) and to the Alabama Department of Revenue in accordance with the Act.

Section 4. The Mayor of the City of Athens is authorized to take any and all actions

necessary or desirable to accomplish the purpose of the foregoing of this resolution.

ADOPTED and APPROVED this, the 21st day of October, 2024.

/s/ Dana Henry
PRESIDENT, CITY COUNCIL,
CITY OF ATHENS, ALABAMA

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

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

Councilman Lucas introduced the following resolution:

RESOLUTION NUMBER 2024 - 2008

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ATHENS, ALABAMA, to authorize Public Works to install a storm sewer system along Westmoreland Ave and Hardy St at a cost not to exceed \$55,000. This project is to be funded from the Capital Infrastructure Fund.

ADOPTED and APPROVED this, the 21ST day of October, 2024.

/s/ Dana Henry
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 Wales 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, Lucas, Henry 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 seconded the motion to adopt the resolution. Upon the said motion being put to vote, the following vote was recorded: YEAS: Councilmembers Seibert, Wales, Lucas, Henry 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 NUMBER 2024 - 2009

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ATHENS, ALABAMA, to authorize the City to furnish the funding warrant for the CRUPC-0127 project at the intersection of SR-127 and SR-99, that will include intersection improvements including a left turn lane, widening turning radius, adding pedestrian facilities, and energy efficient signal upgrades. The requested amount for the warrant is \$40,000 dollars for ALDOT to commence preliminary engineering for the project and shall be funded from the 2024 GO Warrant Improvement Fund.

ADOPTED and APPROVED this, the 21ST day of October, 2024.

/s/ Dana Henry
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 Wales 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, Lucas, Henry 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 Lucas seconded the motion to adopt the resolution. Upon the said motion being put to vote, the following vote was recorded: YEAS: Councilmembers Seibert, Wales, Lucas, Henry 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 2024 - 2010

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ATHENS, ALABAMA, to authorize the City to furnish the funding warrant for the DEMO-A227 project at the intersection of Line Rd and US-72. The project will include a traffic study, culvert replacement, and access management improvements for the alignment of Line Rd. The requested amount for the project administration warrant is \$25,000 dollars for ALDOT to manage the issued federal funds and shall be funded from the 2024 GO Warrant Improvement Fund.

ADOPTED and APPROVED this, the 21ST day of October, 2024.

/s/ Dana Henry
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 Lucas 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, Lucas, Henry 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 seconded the motion to adopt the resolution. Upon the said motion being put to vote, the following vote was recorded: YEAS: Councilmembers Seibert, Wales, Lucas, Henry and Harper; NAYS: None. The President thereupon announced that the motion for the adoption of the said resolution had been unanimously carried.

Councilman Lucas introduced the following resolution:

RESOLUTION NUMBER 2024 - 2011

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ATHENS, ALABAMA, to accept the annual renewal of the City of Athens Bituminous Plant Mix Paving Contract from Grayson Carter & Sons Inc for the 2025 fiscal year. This contract will be rebid at the end of the fiscal year.

ADOPTED and APPROVED this, the 21ST day of October, 2024.

/s/ Dana Henry
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.

Councilman Harper introduced the following resolution:

RESOLUTION NUMBER 2024 - 2012

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ATHENS, ALABAMA, to issue a task order from the City of Athens Bituminous Plant Mix Paving Contract to Grayson Carter & Sons. Inc. to pave in multiple districts (listed below), at an approximate cost of \$1,658,187.46 and shall be funded from the Capital Infrastructure Fund.

District 1

Compton Rd (Include Glen Acres)
East St
South Beaty St
South St E
Madison St South
McClung Ln
Sanders Court
Crestview St
Spring St (from Ryan St South)

District 2

Plantation East Subdivision
Fieldstone
Kelli Dr & South US-72 Service Rd
Williamsburg Square
Nichols Dr
Mayflower Court
Line Rd
Forrest Hills

District 3

Strain Road West
Levert Ave, South of US-72
6th Street
Roy Long Rd

Brookhill Dr
Minuteman Dr
French Farms Blvd (North of Town Creek to US-72)
Hine St South (Brownsferry to US-72) Repair
Hine St (Sanderfer Rd to Roy Long)

District 4

Campbell Subdivision
King's Drive
Quinn Rd (West of Lucas Ferry)
Lucas Ferry Rd (Brownsferry to US-72)
Arrowhead Dr
Jackson Dr

District 5

Meadowbrook Subdivision
South Madison St (Forrest to Washington)
Horton St (Bryan to Hobbs Repair)
Mason St
6th Ave
Sandra Lane
Cloverdale Court & Street
Pryor St (Elkton to Jefferson)
Edgewood Rd (Elm St to City Limit)

ADOPTED and APPROVED this, the 21st day of October, 2024.

/s/ Dana Henry

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 Lucas 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, Lucas, Henry 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 seconded the motion to adopt the resolution. Upon the said motion being put to vote, the following vote was recorded: YEAS: Councilmembers Seibert, Wales, Lucas, Henry 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:

ORDINANCE NUMBER 2024 - 2340

**ORDINANCE ABANDONING/VACATING A UTILITY AND DRAINAGE EASEMENT ON REAL PROPERTY
LOCATED IN THE LUCAS FERRY FARMS SUBDIVISION**

WHEREAS, it is reported to the City of Athens that **BRELAND HOMES, LLC** (Lots 63, 64, 66, 67, and 68); **KC INVESTMENT GROUP, LLC** (Lot 65); **WINTER HOMES, LLC** (Lot 55); and the **LUCAS FERRY FARMS SUBDIVISION HOMEOWNERS ASSOCIATION, INC.** (Common Area 1) are the current owners of certain lots located in the Lucas Ferry Farms subdivision (such lots as are referenced above), as shown at Plat Book K, Page 220-21 in the Office of the Judge of Probate of Limestone County, Alabama (referred to herein as the “Lucas Ferry Property”);

WHEREAS, there is a certain utility and drainage easement of the **City of Athens, Alabama** (the “U&D Easement”) that lies over and upon the Lucas Ferry Property, as shown and described Tracts 1, 2, and 3 of Lucas Ferry Farms (a minor subdivision), as shown at Plat Book H, Page 269 in the Office of the Judge of Probate of Limestone County, Alabama (said minor subdivision having been re-subdivided by the aforementioned subdivision at Plat Book K, Page 220-21);

WHEREAS, upon the request of the current owners, the City Council desires to abandon and vacate a portion of the U&D Easement;

WHEREAS, the Council has examined the same and finds that such easement portion is no longer needed for public or municipal purposes; and

WHEREAS, the Council further finds that the portion of such easement that is to be vacated is of no value or *de minimis* value, but that any administrative and legal costs of the City related to this Ordinance should be paid by the underlying property owners in connection with this action.

THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ATHENS, ALABAMA, while in regular session on October 21, 2024, at 4:30 p.m., as follows:

1. The City expresses its intention to abandon/vacate that certain portion of the Easement which is more particularly described as follows, such that the same is hereby abandoned and vacated by this Ordinance:

A VACATION OF A PORTION OF EXISTING UTILITY AND DRAINAGE EASEMENTS SHOWN ON TRACT 1, TRACT 2 AND TRACT 3 OF THE FINAL PLAT FOR LUCAS FERRY FARMS (A MINOR SUBDIVISION) AS RECORDED IN PLATBOOK "H" PAGE 269 IN THE OFFICE FOR THE JUDGE OF LIMESTONE COUNTY, ALABAMA, SAID PORTION OF EXISTING EASEMENTS MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT AN IRON PIN WITH A CAP STAMPED "ALS" FOUND AT THE SOUTHEAST CORNER OF TRACT 3 ACCORDING TO SAID FINAL PLAT, SAID IRON PIN ALSO BEING ON THE WESTERN RIGHT OF WAY FOR LUCAS FERRY ROAD, THENCE RUN NORTH 88°47'04" WEST AT A DISTANCE 194.79 FEET TO THE POINT OF BEGINNING.

THENCE FROM THE POINT OF BEGINNING RUN NORTH 00°34'23" EAST AT A DISTANCE OF 233.09 FEET TO A POINT; THENCE RUN SOUTH 88°47'18" EAST AT A DISTANCE OF 178.73 FEET TO A POINT;

THENCE RUN SOUTH 00°18'49" WEST AT A DISTANCE OF 31.29 FEET TO A POINT;

THENCE RUN SOUTH 88°47'18" EAST AT A DISTANCE OF 15.00 FEET TO A POINT ON SAID RIGHT-OF-WAY;

THENCE RUN NORTH 00°18'49" EAST ALONG SAID RIGHT-OF-WAY AT A DISTANCE OF 51.29 FEET TO A POINT;

THENCE RUN NORTH 88°47'18" WEST AT A DISTANCE OF 193.64 FEET TO A POINT;

THENCE RUN NORTH 00°34'23" EAST AT A DISTANCE OF 495.99 FEET TO A POINT;

THENCE RUN NORTH 87°11 '22" WEST AT A DISTANCE OF 20.02 FEET TO A POINT;

THENCE RUN SOUTH 00°34'23" WEST AT A DISTANCE OF 749.19 FEET TO A POINT;

THENCE RUN SOUTH 88°47'04" EAST AT A DISTANCE OF 20.00 FEET AND BACK TO THE POINT OF BEGINNING.

SAID EASEMENT CONTAINS 0.44 ACRES, MORE OR LESS.

2. The Mayor is authorized to execute any such documents as may be needed to evidence such vacation/abandonment. A copy of this Ordinance may be recorded in the records of the Office of the Judge of Probate of Limestone County, Alabama.

3. No other easements, or portions thereof, are vacated/abandoned, other than as described above. No other easement(s) (or portions thereof) on the Lucas Ferry Property are vacated/abandoned by this Ordinance, whether or not such other easement(s) extend over, across, under or through the same real property as the portion of the easements abandoned/vacated hereby and described herein. Finally, this Ordinance does not relate to or abandon/vacate any easement (or portion thereof) that lies on, over, under, or across any real property other than the Lucas Ferry Property.

4. This Ordinance shall go into effect and shall be published upon the underlying owners' (or their agents' or representatives') payment of any and all administrative and legal costs associated with this Ordinance.

ADOPTED this the 21st day of October, 2024.

/s/ Dana Henry
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 ordinance, which motion was seconded by Councilmember Lucas, and upon the said motion being put to vote the following vote was recorded: YEAS: Councilmembers Seibert, Wales, Lucas, Henry 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 seconded the motion to adopt the ordinance. Upon the said motion being put to vote, the following vote was recorded: YEAS: Councilmembers Seibert, Wales, Lucas, Henry and Harper; NAYS: None. The President thereupon announced that the motion for the adoption of the said ordinance had been unanimously carried.

Councilman Seibert introduced the following ordinance:

ORDINANCE NUMBER 2024 - 2341

**AN ORDINANCE EXTENDING A NONEXCLUSIVE FRANCHISE TO SPECTRUM SOUTHEAST, LLC
(CHARTER) CONCERNING A CABLE TELEVISION SYSTEM**

WHEREAS, Spectrum Southeast, LLC (referred to herein as “Charter”) has a non-exclusive franchise to operate a cable system in the City, the original terms of which are found in Ordinance No. 88-1030;

WHEREAS, the franchise found at Ordinance No. 88-1030 was assigned/extended to Charter and has been continuously extended by the City Council and Charter;

WHEREAS, the franchise was last extended by Ordinance No. 2023-2266;

WHEREAS, the City and Charter desire to extend the franchise for another year;

WHEREAS, Charter is agreeable to such extension pursuant to the same terms as set forth in Ordinance No. 88-1030, as shown by its continued operations upon the public ways of the City;

WHEREAS, the parties continue to reserve all rights under the formal procedures of Section 626 of the Cable Act and do not waive any rights related thereto;

WHEREAS, the public has been afforded adequate notice and opportunity for comment; and

WHEREAS, the City Council intends that the franchise will be extended as set forth herein.

THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ATHENS, ALABAMA, while in regular session on Monday, October 21ST, 2024, at 4:30 p.m., as follows:

1. The City hereby extends its grant of a nonexclusive franchise to occupy or use the Public Ways to provide Cable Service to all Persons located in the Service Area (and consents to the assignment as explained above) to Charter under the same definitions, terms, and conditions as set forth in Ordinance No. 88-1030, and any amendments thereto, until December 31, 2025, unless sooner terminated in accordance with the terms thereof.

2. This Ordinance is conditioned upon Charter filing with the City its unconditional acceptance of the Franchise and agreement to comply with and abide by all the provisions, terms, and conditions set forth herein and in Ordinance No. 88-

1030, and any amendments and extensions thereto, in a form acceptable to the City (or failing that, by Charter's continuance of its operations upon the public ways of the city, which will indicate the same acceptance).

ADOPTED this the 21ST day of October, 2024.

/s/ Dana Henry
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 Wales moved that unanimous consent be given for immediate consideration of and action on said ordinance, which motion was seconded by Councilmember Lucas, and upon the said motion being put to vote the following vote was recorded: YEAS: Councilmembers Seibert, Wales, Lucas, Henry 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 seconded the motion to adopt the ordinance. Upon the said motion being put to vote, the following vote was recorded: YEAS: Councilmembers Seibert, Wales, Lucas, Henry 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 2024 - 2342

AN ORDINANCE RENEWING A NONEXCLUSIVE FRANCHISE TO KNOLOGY, INC. CONCERNING A CABLE TELEVISION SYSTEM

WHEREAS, Knology, Inc. ("Knology") has a non-exclusive franchise to operate a cable system in the City, initially granted to Private Cable, Inc. by Ordinance 94-1180;

WHEREAS, the initial franchise has been subsequently transferred and assigned, such that Knology now holds that franchise;

WHEREAS, the City Council desires to extend that certain non-exclusive franchise initially granted by Ordinance No. 94-1180;

WHEREAS, the franchise was last extended by Ordinance No. 2023-2267;

WHEREAS, the City and Knology desire to extend the franchise for another year;

WHEREAS, Knology is agreeable to such extension pursuant to the same terms as set forth in Ordinance No. 94-1180, as amended by Ordinance No. 2012-1847;

WHEREAS, the public has been afforded adequate notice and opportunity for comment; and

WHEREAS, the City Council intends that the franchise will be extended as set forth herein.

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

while in regular session on Monday, October 21ST, 2024, at 4:30 p.m., as follows:

1. The City hereby extends its grant of a nonexclusive franchise to occupy or use the Public ways to provide Cable Service to all Persons located in the Service Area to Knology under the same definitions, terms, and conditions as set forth in Ordinance No. 94-1180, and any amendments thereto, until December 31, 2025, unless sooner terminated in accordance with the terms thereof.

2. This Ordinance is conditioned upon Knology filing with the City its unconditional acceptance of the Franchise and agreement to comply with and abide by all the provisions, terms, and conditions set forth herein and in Ordinance No. 94-1180, and any amendments thereto, in a form acceptable to the City (or failing that, by the continuance of its operations upon the public ways of the city).

ADOPTED this the 21ST day of October, 2024.

/s/ Dana Henry
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 Lucas moved that unanimous consent be given for immediate consideration of and action on said ordinance, 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, Lucas, Henry 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 seconded the motion to adopt the ordinance. Upon the said motion being put to vote, the following vote was recorded: YEAS: Councilmembers Seibert, Wales, Lucas, Henry and Harper; NAYS: None. The President thereupon announced that the motion for the adoption of the said ordinance had been unanimously carried.

Councilman Wales introduced the following resolution:

RESOLUTION NUMBER 2024 - 2013

A RESOLUTION REGARDING THE FURTHER AMENDMENT OF A CONTRACT TO PURCHASE REAL PROPERTY ON BIBB GARRETT ROAD

WHEREAS, by Resolution No. 2023-1924, the City Council authorized the purchase of approximately 5 acres of real property along Bibb Garrett Road from Peebles Farms, LLC (“Peebles”), for the purpose of constructing a new electrical substation on the Property, to better provide electrical power for residents and businesses in southeastern Limestone County;

WHEREAS, Peebles and the City of Athens wish to amend the related contract (the “Contract”), to provide for Peebles’ donation of 1.35 acres of adjacent real property to the City, at no cost to the City (said property is depicted in *Attachment A*); and

WHEREAS, Peebles desires to retain a sign easement over the donated property, which is acceptable to the City.

THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ATHENS, ALABAMA, at its regular meeting on October 21ST, 2024, at 4:30 p.m., as follows:

1. The Mayor of the City of Athens (and/or his designee), on behalf of the City of Athens, Alabama, is authorized to amend the Contract to allow for Peebles’ donation of the additional 1.35 acres to the City, at no cost to the City (and with Peebles retaining a sign easement on the donated property), and the Mayor is also authorized to accept such property on behalf of the City.

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

3. This Resolution will replace Resolution Number 2024 - 1924, adopted by the City Council at its September 16th, 2024 meeting.

ADOPTED this the 21st day of October, 2024.

/s/ Dana Henry
PRESIDENT, CITY COUNCIL,
CITY OF ATHENS, ALABAMA

ATTACHMENT A



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

Councilman Wales introduced the following resolution:

RESOLUTION NUMBER 2024 - 2014

A RESOLUTION CONCERNING AN ECONOMIC DEVELOPMENT PROJECT RELATING TO WESCORP, LLC

WHEREAS, in Resolution No. 2022-1812, the Athens City Council authorized the City of Athens to enter into a Project Agreement with Wescorp, LLC (the “Company”);

WHEREAS, through the Project Agreement, the City agreed to annually pay the Company in arrears one hundred percent (100%) of the proceeds from the City’s sales tax (levied pursuant to Chapter 18, Articles 2 and 9 of the City Code) actually received by the City from the establishment of a Chicken Salad Chick restaurant, an ACE Hardware store, a Valvoline Oil Change location, and other retail establishments (meeting certain criteria in the judgment of city officials) located on certain property located near the corner of Highway 72 East and Bab Daly Road, net of certain costs, for a period of six (6) years, or until \$800,000.00 is paid by the City to the Company, whichever comes first;

WHEREAS, the Project Agreement was put into place, and the City’s payment obligations were conditioned upon the Company’s opening and continued operation of the Chicken Salad Chick restaurant, the ACE Hardware store, and/or the Valvoline Oil Change location by certain dates, as described in more particularity in the Project Agreement;

WHEREAS, since that time, the Chicken Salad Chick restaurant and the Valvoline Oil Change location have opened, but the ACE Hardware store has been delayed in its development;

WHEREAS, in order to continue to incentivize the location and establishment of the ACE Hardware Store in the project area, the City Council wishes to amend the project agreement to extend the above-referenced period of six (6) years to seven (7) years, and also to extend the time for the ACE Hardware store to open from January 1, 2025 until July 1, 2026;

WHEREAS, the City Council has determined that it remains in the City's best interest to provide economic development incentives to the Company in order to facilitate the continued development, construction and establishment of this project, and that such expenditure will continue to serve a valid and sufficient public purpose, notwithstanding any incidental benefit accruing to the Company or any other private entities;

WHEREAS, when completed, the entire project is expected to result in (i) the creation of approximately 165 new jobs, (ii) a total capital investment of approximately Ten Million Five Hundred Thousand Dollars (\$10,500,000), and (iii) the generation of annual taxable sales of approximately Six Million Five Hundred Thousand Dollars (\$6,500,000);

WHEREAS, the Council wishes to extend economic development incentives to the Project through the amendment of the project agreement as stated above;

WHEREAS, the activities to be authorized by this resolution; the public benefits sought to be achieved thereby; and each individual, firm, corporation, and other business entity to whom or for whose benefit the City proposes to lend its credit or grant public funds or thing of value, have been described in reasonable detail and/or identified in a notice published in the *Athens News Courier* (which this City Council finds and determines is the newspaper having the largest circulation in the county or municipality), at least seven days prior to this meeting at least seven days prior to this meeting; and

WHEREAS, such public notice is attached to this Resolution as Attachment A and incorporated hereto as if set forth fully herein.

THEREFORE BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ATHENS, ALABAMA on October 21, 2024, at 4:30 p.m., as follows:

1. The Mayor of the City is hereby authorized and directed, in the name of and for account of the City, to enter into an amendment to the above-referenced project agreement, in substantially the same form as is attached hereto (and entitled "First Amendment to Project Agreement") as Attachment B, 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.

2. It is hereby determined that the expenditures of public funds for the purposes specified in this resolution (and in Attachment B) will serve valid and sufficient public purposes, including (i) promoting, improving and expanding economic and commercial development/activity, (ii) increasing the number and diversity of employment opportunities for citizens of the City, and (iii) enhancing the overall quality of life for the citizens of the City, notwithstanding any incidental benefit accruing to any private entity or entities.

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 agreement referenced herein, including but not limited to authorizing the issuance of warrants; 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.

4. This Resolution shall become effective upon the Council's adoption of an accompanying Ordinance directing and authorizing the Mayor to pay sales tax proceeds in the manner specified in the First Amendment to Project Agreement.

ADOPTED this the 21st day of October, 2024.

/s/ Dana Henry
PRESIDENT, CITY COUNCIL,
CITY OF ATHENS, ALABAMA

ATTACHMENT A

NOTICE OF PROPOSED ACTION AT PUBLIC MEETING

Notice is hereby given that during a regular meeting, which will be open to the public and will be held on October 21, 2024, at 4:30 o'clock, P.M., Central Time, at the City Council Chambers in Athens City Hall, at 200 Hobbs Street W, Athens, Alabama 35611, the City Council for the City of Athens, Alabama (the "City") will consider adopting a resolution in connection with an economic development project, described in reasonable detail herein.

In 2022, the City Council adopted a resolution concerning an economic development incentive project, which was also the subject of a prior public notice. In Resolution #2022-1812, the City Council authorized the City of Athens to enter into a Project Agreement with Wescorp, LLC (the "Company"). Through the Project Agreement, the City agreed to annually pay the Company in arrears one hundred percent (100%) of the proceeds from the City's sales tax (levied pursuant to Chapter 18, Articles 2 and 9 of the City Code) actually received by the City from the establishment of a Chicken Salad Chick restaurant, an ACE Hardware store, a Valvoline Oil Change location, and other retail establishments (meeting certain criteria in the judgment of city officials) located on certain property located near the corner of Highway 72 East and Bab Daly Road, net of certain costs, for a period of six (6) years, or until \$800,000.00 is paid by the City to the Company, whichever comes first. The Project Agreement was put into place. The City's payment obligations were conditioned upon the Company's opening and continued operation of the Chicken Salad Chick restaurant, the ACE Hardware store, and/or the Valvoline Oil Change location by certain dates, as described in more particularity in the Project Agreement. The agreement also included provisions allowing amendments to replace one or more of the above-named three stores with different comparable stores upon the approval of certain city officials, among other things.

Since that time, the Chicken Salad Chick restaurant and the Valvoline Oil Change location have opened, but the ACE Hardware store has been delayed in its development. As such, in order to continue to incentivize the location and establishment of the ACE Hardware Store in the project area, at the above-referenced October 21, 2024 meeting, the City Council will consider an amendment to the project agreement which would extend the above-referenced period of six (6) years to seven (7) years, and would also extend the time for the ACE Hardware store to open from January 1, 2025 until July 1, 2026.

The City believes that the proposed economic development project will create new jobs in the City, will generate additional tax revenues for the City, will increase commerce in the City, and will generally promote the economic development of the City. When completed, it is anticipated that the entire project will (i) result in the creation of approximately 165 new jobs, (ii) involve a total capital investment of approximately Ten Million Five Hundred Thousand Dollars (\$10,500,000), and (iii) generate annual taxable sales of approximately Six Million Five Hundred Thousand Dollars (\$6,500,000).

The assistance described herein will encourage economic development and will constitute an economic development project for the City. The City's granting of public funds or things of value as described herein will benefit the Company.

THE CITY COUNCIL OF THE CITY OF ATHENS, ALABAMA
Publication: October 12, 2024

ATTACHMENT B

FIRST AMENDMENT TO PROJECT AGREEMENT

This First Amendment to Project Agreement (this “*Amendment*”) is entered into as of the date the Amendment is fully executed by both parties, by and between the **CITY OF ATHENS, ALABAMA**, an Alabama municipal corporation (the “*City*”) and **WESCORP, LLC**, a limited liability company under the laws of the State of Alabama, or its assigns (the “*Company*”). The City and the Company do hereby agree as follows:

1. The capitalized terms used throughout this Amendment have the same meanings that they have in the Project Agreement between the City and the Company, dated June 29, 2022 (the “*Agreement*”).

2. Article II(B) of the Agreement is hereby amended so that it reads as follows:

*B. **Deadline for Opening of Named Establishments.** The Company hereby agrees that a Chicken Salad Chick restaurant, an ACE Hardware retail store, and a Valvoline Oil Change location shall all have opened for business with the general public in the Project Area on or before ~~July 1, 2026~~ January 1, 2025, or else there shall be an Event of Default hereunder, unless such Event of Default is due to the fault of the City (i.e. the failure or refusal by the City to promptly issue any applicable municipal business license that is otherwise due to be granted per law).*

3. Article I of the Agreement is hereby amended so that the definition of the “Sales Tax Termination Date” shall be as follows:

“*Sales Tax Termination Date*” shall mean:

(1) the earlier of: (a) the day immediately following the first Payment Date that is ~~six~~ **seven** years and two months after the Commencement Date for Sales Tax, whether or not the aggregate Project City Sales Tax Payments at that time have equaled the Total City Sales Tax Commitment; or (b) the Payment Date on which the City shall have paid as Project City Sales Tax Payments an aggregate amount equal to the Total City Sales Tax Commitment; or

(2) if earlier than the dates specified in clause (1) above, the date after the Commencement Date for Sales Tax on which a Chicken Salad Chick restaurant, an ACE Hardware store, or a Valvoline Oil Change location shall cease to operate in the Project Area on a basis of at least five days per week (excluding holidays), except that if such cessation of operations shall be the result of a temporary and voluntary building/store renovation or refresh, or a fire, tornado, storm or other hazard, the Sales Tax Termination Date as so determined shall not occur until the date that is twelve (12) months after the date of cessation of operations.

4. The terms and provisions set forth in this Amendment shall modify and supersede all inconsistent terms and provisions set forth in the Agreement, and, except as expressly modified and superseded by this Amendment, the terms and conditions of the Agreement are ratified, adopted and confirmed in all respects, and shall continue in full force and effect.

5. This Amendment may be executed in two or more counterparts, each of which shall be deemed an original and all of which together shall constitute one instrument.

6. For purposes of negotiating, executing and amending this Amendment, any signed document transmitted by scanned email shall be treated in all manner and respects as an original document. The signature of any party thereon shall be considered for those purposes as an original signature, and the document transmitted shall be considered to have the same binding legal effect as an original signature on an original document. At the request of any party, a scanned email document shall be re-executed by all parties in original form. No party may raise the use of a scanned email, or the fact that any signature was transmitted through the use of a scanned email as a defense to the enforcement of this Amendment.

IN WITNESS WHEREOF, the City has caused this Amendment to be executed in its name, under seal, and the same attested, by an officer thereof duly authorized thereunto, and the Company has executed this Amendment under seal, and the parties have caused this Amendment to be as of the date the Amendment is fully executed by both parties.

[Signature Lines for City and Company]

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

Councilman Seibert introduced the following ordinance:

ORDINANCE NUMBER 2024 - 2343

AN ORDINANCE CONCERNING AN ECONOMIC DEVELOPMENT PROJECT WITH WESCORP, LLC

WHEREAS, the City Council has adopted a Resolution directing the Mayor to execute a *First Amendment to Project Agreement* by and between the City of Athens (the “City”) and Wescorp, LLC (the “Company”), relating to the development of a proposed Chicken Salad Chick restaurant, an ACE Hardware store, and a Valvoline Oil Change location on Highway 72 East (the “Project”); and

WHEREAS, the City Council wishes to enact an Ordinance allowing for the Mayor’s payment of certain municipal sales tax proceeds to the Company.

THEREFORE BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ATHENS, ALABAMA on October 21, 2024, at 4:30 p.m., as follows:

1. The Mayor of the City is hereby authorized and directed, in conjunction with and pursuant to the *First Amendment to Project Agreement* between the City and the Company, to annually pay the Company in arrears one hundred percent (100%) of the proceeds from the City’s sales tax (levied pursuant to Chapter 18, Articles 2 and 9 of the City Code) actually received by the City from the Project, net of certain costs, for a limited period of time and under certain restrictions, in the manner that is fully described in the *Project Agreement* between the City and the Company, as amended.

2. This Ordinance shall work as an exception to (and not as a repeal of) the application of any other ordinance (or part thereof) that is inconsistent with this Ordinance and the operation of the referenced *Project Agreement*, as amended; and in such case, shall be an exception only for the duration of the *Project Agreement*, as amended.

ADOPTED this the 21st day of October, 2024.

/s/ Dana Henry
PRESIDENT, CITY COUNCIL,
CITY OF ATHENS, ALABAMA

Councilmember Lucas moved that unanimous consent be given for immediate consideration of and action on said ordinance, which motion was seconded by Councilmember Wales, and upon the said motion being put to vote the following vote was recorded: YEAS: Councilmembers Seibert, Wales, Lucas, Henry 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 seconded the motion to adopt the ordinance. Upon the said motion being put to

vote, the following vote was recorded: YEAS: Councilmembers Seibert, Wales, Lucas, Henry and Harper; NAYS: None. The President thereupon announced that the motion for the adoption of the said ordinance had been unanimously carried.

Council President Henry opened the floor for public comments.

Laura Kerner, 22240 Mooresville Road, addressed the City Council on behalf of the Strain Road community. Mrs. Kerner asked how much money would be received for the project. Mayor Marks stated that he does not have that figure and gave an estimated guess for street repairs, sewer, etc. and that the statement he read earlier in the meeting was the first response that had been received. Mayor Marks noted that a survey had been conducted with the residents and few wanted to connect to sewer. Mrs. Kerner asked the City Council to consider cleaning out the ditches for the water to drain and noted that she is willing to help the community find a solution.

Kirk Parker, 915 Beech Street, Athens, addressed Mayor Marks stating that everyone in his community wants to be connected to the sewer system. He then addressed Councilman Lucas and stated that roads need to be paved in their area. Mr. Parker remarked that he feels like the Council is overlooking their community and should put the animals on hold instead of them.

Amanda Schulte, 1036 West Washington Street, Athens, addressed the City Council and stated that her basic questions from past emails still have not been answered. She remarked that the migrants in the community are living in terrible conditions in rental properties. Mrs. Schulte stated that the immigration office is willing to set up a satellite office to help those people and would be happy to provide the information to the Council.

Mark Wilson, 18042 N. Jefferson Street, Athens, addressed the City Council regarding the conditions of homes in his community and asked what the resolution will be to the problem.

Stoney Burks, 2108 Luke Street, Athens, addressed the City Council regarding conditions in the Strain Road community. Mr. Burks remarked that he hasn't received a return call from code enforcement regarding coyotes, armadillos, snakes, etc. that are the result of the development near his home. He asked the Council if they were their brother's keeper and stated that everyone will be judged one day.

Mitzi Evan, 22245 Yorkshire Drive, Athens, addressed the City Council regarding the cell tower that is being installed across from her house. Mrs. Evans stated that she has health conditions that do not allow her to process chemicals well and that these towers can cause all types of health problems. Mrs. Evans asked that the antenna not be placed across from her home.

Kenneth Hines, 26257 Pepper Road, addressed the City Council regarding the Strain Road community and remarked that the community would have to suffer through it until a solution was found. Mr. Hines stated that a few buckets of sewage on the Council's lawns may help remedy the situation.

Cameron Pettitt, 12224 Lukers Way, addressed the City Council and stated that he feels they have failed their citizens regarding the recent accusations against Councilman Seibert. Mr. Pettitt remarked that someone needs to demand accountability.

Kelly Range, 303 Brookwood, Athens, addressed the City Council stating that he disagreed with everything that Mr. Pettitt said and that it wasn't true. Mr. Range asked the Council to get the Strain Road project started and let the money come in later.

Elizabeth Stewart, 22843 Oakdale Ridge Lane, Athens, addressed the City Council regarding the public library. Mrs. Stewart expressed that a joint resolution with Limestone County is still needed. She stated that there should be term limits and that she feels the reappointment of Chris Anderson shows favoritism.

Gordon Neeson, 21811 Shipley Hollow Road, stated that people are often judged by the least rather than the average. Mr. Neeson feels that the lesser communities should be helped instead of helping the developers with larger neighborhoods. He asked the Council to reconsider their recent course of action regarding the Strain Road community.

Roy Matson, 23308 Shinnecock Hills Drive, Athens, asked for a list of the City appointed boards and wants to know if the any members are relatives of the City Council. Mayor Marks noted that those records can be found in his office.

* * *

There being no further business to come before the meeting, Council President Henry asked for a motion to adjourn. Councilman Wales made a motion for adjournment and Councilman Seibert seconded. The meeting was duly and properly adjourned.

/s/ Dana Henry

PRESIDENT, CITY COUNCIL

ATTEST:

/s/ Annette Barnes

CITY CLERK