

October 23, 2023

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 23, 2023 at 4:30 p.m. The meeting was called to order by Councilman Harold Wales, 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-Threet, City Clerk, was present and recorded the minutes of the meeting. Councilwoman 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 October 9, 2023 City Council Meeting had been submitted for approval. Councilman Harper 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. The Chairperson stated that the Minutes of the October 9, 2023 City Council Work Session Meeting had been submitted for approval. Councilman Harper 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 approved.

Mayor Marks stated that he would keep the Vine Street community informed regarding the work being performed in that area. The Mayor announced that Halloween would be observed on October 31, 2023. He gave a shout-out to the police officers, firefighters and first responders for their performance during the Tailgate Day in Ardmore. Mayor Marks reminded everyone that Swamp John's for Behind the Badge is being held on October 24th, 2023. He then noted that a concert will be held on October 28th at McCandless Hall and that it's time for the Storytelling Festival. Mayor Marks remarked that the Activity Center was well represented at the Masters Games and won several medals. The Mayor announced that Nora Fleming Day will be held at Crawford's Gifts on October 26, 2023. Mayor Marks also gave a shout-out to Laverne Gilbert's grandson, Jayden Gilbert. Jayden plays football for Clements High School and had an outstanding performance the past week.

Councilwoman Henry announced that Athens Main Street's finals for the singing competition will be held Thursday night on The Square and the Athens-Limestone Public Library will be also be holding an event "Gathering in the Garden."

Council President Wales read a prepared statement regarding new developments and that the building standards are not up to the expectations of the City Athens. Mr. Wales asked the Planning Department to implement zoning standards and provide a recommendation to the City Council by the end of the year. Council President Wales then announced that he would not seek re-election in 2025.

PUBLIC HEARING RELATING TO THE ZONING APPROVAL FOR THE SALE OF ALCOHOL IN THE CITY OF ATHENS BY IRONS & ALES LLC (NEW BUSINESS), 217 MADISON STREET, ATHENS, AL, 35611

No one spoke in favor of or against.

The public hearing was closed.

Councilwoman Henry introduced the following resolution:

RESOLUTION

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ATHENS, ALABAMA, to approve the following travel/education expenses for the Fire Department:

April Davis	Mileage May 1, 2023 – September 30, 2023	\$ 207.64
Jackson Phillips	Rope Class I, Prattville, AL September 9 – 24, 2023	\$729.17

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

Councilwoman Henry 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 the specified Water Services employee in the total amount of \$3,294.35.

Marc Courville	WEFTEC Conference	\$3,294.35
(Manager of Logistics	Chicago, IL	
Asset Management)	September 30, 2023 – October 4, 2023	

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

Councilwoman Henry 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 a four year term, expiring on October 1, 2027.

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

Councilwoman Henry introduced the following resolution:

RESOLUTION

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ATHENS, ALABAMA, to set a Public Hearing for the regular meeting at 4:30PM on November 27, 2023 to consider the request of the City of Athens to rezone +/- 8.00 acres from R-1-4 (Single Family Duplex Attached Residential District) to B-2 (General Business District), located on the east side of Jefferson Street South, approximately 900 feet south of Commercial Drive (Parcel # 44-10-04-17-1-000-016.000) within the corporate limits of the City of Athens.

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

Councilwoman Henry introduced the following resolution:

RESOLUTION

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ATHENS, ALABAMA, to set a Public Hearing for the regular meeting at 4:30PM on November 27, 2023 to consider the request of the Planning and Zoning Department for various proposed amendments to the Zoning Ordinance of the City of Athens as recommended by the Planning Commission.

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

Councilwoman Henry introduced the following resolution:

A RESOLUTION APPOINTING A MUNICIPAL JUDGE

WHEREAS, Judge Eddie Alley’s term as the City of Athens’ part-time municipal judge will expire on November 1, 2023;

WHEREAS, the City Council desires to reappoint a municipal judge for a two-year term extending through November 1, 2025; and

WHEREAS, the City Council further expresses its desire to increase the compensation of the municipal judge to \$48,000 annually, beginning November 1, 2023.

THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ATHENS, ALABAMA on October 23, 2023, at 4:30 p.m., that Judge Eddie Alley is hereby reappointed as the City of Athens' part-time municipal judge for a two-year period from November 1, 2023 through November 1, 2025, at an annual salary of \$48,000.

ADOPTED and APPROVED this, the 23rd day of October, 2023.

/s/ Harold Wales
PRESIDENT, CITY COUNCIL,
CITY OF ATHENS, ALABAMA

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

Councilwoman Henry introduced the following resolution:

RESOLUTION

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ATHENS, ALABAMA, at its meeting on October 23, 2023, that the Water Services Manager is authorized to purchase a BB Outlaw Rogue 72inch zero-turn mower for the Water Treatment Plant at a cost not to exceed \$12,779.00 to be funded by operating revenues.

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

Councilwoman Henry introduced the following resolution:

RESOLUTION

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ATHENS, ALABAMA, at its meeting on October 23, 2023, that the Water Services Manager is authorized to purchase a Dodge Ram 1500 work truck for the Water Services Department at a cost not to exceed \$35,787.34 to be funded by operating revenues.

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 AMBL Studios, Inc. for a scope of work for architectural and pre-design services for the new Athens Utilities customer service building. Fees for these services will be based on a percentage of the cost of work as defined in the standards set forth by the Alabama Division of Construction Management and are not anticipated to exceed \$320,000. These fees are to be funded from the 2022 Gas and Electric Revenue Warrants Construction Funds.

Councilmember Lucas moved that unanimous consent be given for immediate consideration of and action on said resolution, 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, 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 Henry 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 resolution had been unanimously carried.

Councilman Harper introduced the following resolution:

RESOLUTION NUMBER 2023 - 1922

A RESOLUTION TO CLOSE OUT THE MIDTOWN CENTRE ACCESS IMPROVEMENT PROJECT

WHEREAS, on May 1, 2021, the City of Athens, Alabama entered into a Contract (the "Contract") with Gregory Construction Services, Inc. ("Gregory") concerning a roadway project on Pryor Street described as "Midtown Centre Access Improvements" (the "Project"); and

WHEREAS, the Project has been completed, and the City and Gregory have successfully negotiated the appropriate final amount due and owing to Gregory in connection with the Contract and the Project, which amount is \$220,516.51.

THEREFORE BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ATHENS, ALABAMA on October 23RD, 2023 at 4:30 p.m., as follows:

1. The City Council of the City of Athens, Alabama, approves the City's payment to Gregory in the amount of Two Hundred Twenty Thousand Five Hundred Sixteen and 51/100 Dollars (\$220,516.51), which shall be the full and final payment to Gregory owed in connection with the Contract and the Project (the "Payment").
2. The Mayor is authorized, on behalf of the City, to enter into an agreement with Gregory providing for such Payment, along with such other terms and conditions as deemed necessary by the Mayor, to secure the final resolution of the Contract.
3. The Payment, which has already been the subject of a prior City budget, and shall be funded through the following account of the City: 2018 GO Warrant Improvement Fund.

ADOPTED this the 23rd day of October, 2023.

/s/ Harold Wales
PRESIDENT, CITY COUNCIL,
CITY OF ATHENS, ALABAMA

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

Councilman Lucas introduced the following resolution:

RESOLUTION

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ATHENS, ALABAMA to allocate \$50,000 from the unallocated FY 2022 surplus to establish a Roselawn Cemetery Expansion project line item. Funds from this line item will be available to cover the costs associated with hauling available fill dirt and other related expenses.

Councilmember Harper 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 Henry 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 resolution had been unanimously carried.

Councilman Harper introduced the following ordinance:

ORDINANCE NUMBER 2023 - 2296

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, 2024, 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 2024 (February 23, 2024) and ending at twelve midnight the following Sunday (February 25, 2024).

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 28, 2023.

ADOPTED AND APPROVED THIS 23rd DAY OF OCTOBER, 2023.

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

/s/ Harold Wales
PRESIDENT, CITY COUNCIL,
CITY OF ATHENS, ALABAMA

/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 Henry, 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 Lucas 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.

Councilwoman Henry introduced the following resolution:

RESOLUTION

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ATHENS, ALABAMA, at its meeting on October 23, 2023, that the Council authorizes an unbudgeted capital amount of \$22,500.00 to be funded from the Water Services Department cash reserves for OMI, Inc. to perform the necessary bio-assays of Swan Creek at the two creek crossings required for the Lower Swan Creek Sewer Phase 1 construction, and the Water Services Director, for and on behalf of the City of Athens, is authorized to enter into this agreement to complete this work.

Councilmember Lucas moved that unanimous consent be given for immediate consideration of and action on said resolution, 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, 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 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 resolution had been 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 funding agreement with ALDOT for TAPAA-TA24(908). The project match for the City is \$200,000, to receive \$800,000 towards construction of the sidewalk along US-31 from Athens High School to the City Sportsplex. The project match shall be funded from the Capital Infrastructure Fund.

Councilmember Henry moved that unanimous consent be given for immediate consideration of and action on said resolution, 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, 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 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 resolution had been 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 City Clerk/Treasurer department, which includes the following 18 full-time positions:

1. City Clerk – Treasurer
2. Assistant City Clerk
3. Revenue Officer
4. Payroll Accountant (2)
5. Cash Management/Finance Accountant (2)
6. Municipal Court Administrator
7. Magistrate
8. Utilities Director of Finance
9. Utilities Accounting Supervisor
10. Utilities Plant Accountant
11. Utilities Payroll Accountant
12. Purchasing Manager
13. Warehouse Supervisor
14. Warehouse Technician (3)

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 ATHENS, ALABAMA to adopt the job description below for the City Clerk's Office:

- Assistant City Clerk, Job Description Dated, 9/30/2023

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

Councilman Lucas introduced the following ordinance:

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

ORDINANCE NUMBER 2023 - 2297

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ATHENS, ALABAMA, that Ordinance Number 888, establishing a master classification plan for employees is hereby amended to be effective: 10.24.2023.

Add the following job title to the list of positions for the City Clerk's Office.

- (1) Assistant City Clerk**

ADOPTED this the 23rd day of October, 2023

/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 ordinance, which motion was seconded by Councilmember Henry, 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 Harper introduced the following resolution:

RESOLUTION

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ATHENS, ALABAMA, as follows: Dana Henry is hereby elected as President of the City Council for a term beginning November 6th, 2023 through November 11th, 2024.

The motion was seconded by Councilman Seibert and was carried with four yeas and one abstention by Councilwoman Henry.

Councilwoman Henry introduced the following resolution:

RESOLUTION

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ATHENS, ALABAMA, as follows: James Lucas is hereby elected as President Pro Tem of the City Council for a term beginning November 6th, 2023 through November 11, 2024.

The motion was seconded by Councilman Harper and was carried with four yeas and one abstention by Councilman Lucas.

Councilman Harper introduced the following resolution:

RESOLUTION

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ATHENS, ALABAMA, to appoint Anthony Pressnell to the unclassified position of Chief of Police, effective November 5th, 2023.

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

Councilman Harper stated that the Council had made a great choice. The City Council echoed his remarks.

Anthony Pressnell was the pinned with the Chief of Police badge by his son, Colby Pressnell.

Benny Frasier, 708 Westview Street, Athens, addressed the Council regarding a drainage issue on his property in the Vine Street Neighborhood.

Mae Davis, 1201 Plainview Circle, Athens, addressed the Council concerning downed cable lines on Vine Street. She also stated she would like to see a sidewalk constructed on Brownsferry Street.

Council President Wales stated that it had been a pleasure serving as the City Council President over the last year.

Councilman Harper thanked Mr. Wales for his term as president.

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There being no further business to come before the meeting, Council President Wales adjourned the meeting.

/s/ Harold Wales
PRESIDENT, CITY COUNCIL

ATTEST:

/s/ Annette Barnes
CITY CLERK