

October 24, 2022

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 24, 2022 at 4:30 p.m. The meeting was called to order by Councilman Harold Wales, President Pro Tem of the City Council. Upon roll call, the following were found to be present: Councilmembers Harold Wales, James E. Lucas, Dana Henry and Wayne Harper. Annette Barnes-Threet, City Clerk, was present and recorded the minutes of the meeting. James Lucas offered the invocation. Mayor Marks and members of the Lindsay Lane Christian Academy Track and Field Team 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 10, 2022 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 Lucas and was unanimously carried. The Chairperson stated that the Minutes of the October 10, 2022 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 Lucas and was unanimously carried. The Chairperson stated that the Amended Minutes of the September 12, 2022 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 Lucas and was unanimously carried.

Mayor Marks asked that everyone vote “yes” on Amendments 1 (Aniah’s Law), 2, 6 & 7. The Mayor recognized members of the Lindsay Lane Christian Academy Track and Field Team for winning the Division 1 State Championship. Mayor Marks noted that the City of Athens Fire Department and Police Department will be hosting Trunk or Treat on the Square on Monday, October 31st, 2022 from 5pm until 7pm and that candy donations are appreciated. The Mayor then read a proclamation proclaiming November 1st & 2nd, 2022 as Dia de los Muertos, All Souls Day. Mayor Marks also read a proclamation recognizing October 23rd, 2022 through October 30th, 2022 as Pickleball Tournament Week and welcomed all of the players that will be attending. The Mayor announced that Fitness Park at the Athens Sportsplex will be opening on Friday, October 28th, 2022.

Councilman Wales stated that several people have reached out to him about pickleball, in regards for the need of more courts.

James Rich introduced Erin Tidwell as the new City Planner.

PUBLIC HEARING RELATING TO A PROPOSED RESOLUTION TO DEANNEX +/-3.26 ACRES LOCATED ON THE SOUTH SIDE OF MOYERS ROAD, APPROXIMATELY 1,500’ WEST OF US HIGHWAY 31, PARCEL# 44-10-08-33-0-000-007.003, IN A LIGHT INDUSTRIAL DISTRICT

Betty Messer, 20210 Moyers Road, owner of the subject property, addressed the City Council concerning the deannexation and asked for their support.

Michael Griffin, City Engineer, addressed the City Council concerning the deannexation and stated that the staff does not recommend approval.

The public hearing was closed.

President Pro Tem Wales asked if any councilmember would like to introduce a resolution to deannex the property, as requested, but no one made an introduction. As such, President Pro Tem Wales announced, without objection, that the request to deannex was denied by the City Council.

PUBLIC HEARING TO HEAR COMMENTS CONCERNING THE ZONING APPROVAL FOR THE SALE OF ALCOHOL FOR MAA UMIYA INC, DBA: THE LIQUOR CAVE 2, 935 US HWY 72 EAST, SUITE B, ATHENS, AL, 35611

No one spoke in favor of or against.

The public hearing was closed.

Councilwoman Henry introduced the following resolution:

RESOLUTION NUMBER 2022 - 1847

A RESOLUTION SETTING A PUBLIC HEARING TO CONSIDER WHETHER TO VACATE A PORTION OF TRINITY STREET/CIRCLE

WHEREAS, this resolution relates to a part of Trinity Street (a/k/a Trinity Circle), and more particularly described as follows:

A tract of land being a part of the Hoffman Subdivision in the City of Athens, Alabama, according to the 1897 and 1914 maps on file in the office of the Probate Judge of Limestone County, Alabama, and being more particularly described as follows,

Commence at an existing 5/8" rebar with cap stamped "Dunivant Engr. Co. CA-0044-LS" at the Southeast corner of Lot 6 of the Hoffman Subdivision in the City of Athens, Alabama, said 5/8" rebar being at the Northwest corner of the intersection of the concrete sidewalk along on the northwest side of Brownsferry Road and the southwest side of Allyn Street, thence North 42 degrees 13 minutes 17 seconds West along the west right of way of Allyn Street a distance of 117.33 feet to an existing 5/8" rebar with cap stamped "Dunivant Engr. Co. CA-0044-LS", thence continue North 42 degrees 13 minutes 17 seconds West along the west right of way of Allyn Street a distance of 125.55 feet to a set 5/8" rebar with cap stamped "Dunivant Engr. Co. CA-0044-LS", thence continue North 42 degrees 13 minutes 17 seconds West along the west right of way of Allyn Street a distance of 40.00 feet to a set 5/8" rebar with cap stamped "Dunivant Engr. Co. CA-0044-LS", thence North 42 degrees 13 minutes 17 seconds West along the west right of way of Allyn Street a distance of 23.46 feet to an existing 5/8" rebar with cap stamped "Dunivant Engr. Co. CA-0044-LS", thence continue along the west right-of-way of said Allyn Street, being in a curve to the left having a radius of 915.20 feet, an arc length of 12.89 feet, along a chord bearing of North 36 degrees, 50 minutes 00 seconds West a chord distance of 12.89 feet to a point on the platted right-of-way for Trinity Street, said point being the Point of True Beginning of the tract herein described,

Thence from the Point of True Beginning South 46 degrees 49 minutes 30 seconds West along the south boundary of said platted right-of-way of Trinity Street a distance of 262.68 feet to a point,

Thence South 42 degrees 16 minutes 13 seconds East along the east boundary of said platted right-of-way a distance of 27.95 feet to a set mag nail with disk stamped "Dunivant Engr. Co. CA-0044-LS",

Thence South 37 degrees 26 minutes 32 seconds West a distance of 43.17 feet to a set 5/8" rebar with cap stamped "Dunivant Engr. Co. CA-0044-LS" on the west right-of-way of Trinity Street,

Thence North 42 degrees 16 minutes 13 seconds West along the west boundary of said platted right-of-way a distance of 75.00 feet to a point,

Thence North 46 degrees 49 minutes 30 seconds East along the north boundary of said platted right-of-way a distance of 307.80 feet to a point on the west right-of-way of Allyn Street,

Thence along the west right-of-way of said Allyn Street, being in a curve to the right having a radius of 915.20 feet, an arc length of 40.14 feet, along a chord bearing of South 38 degrees 30 minutes 04

seconds East a chord distance of 40.13 feet to the Point of True Beginning and containing 0.31 acres, more or less.

(the "Public Way");

WHEREAS, for the aid of the reader, a general depiction of the Public Way is shown on **Exhibit A** hereto, and labelled as "Tract B (Platted R.O.W. To Be Abandoned)";

WHEREAS, generally speaking, the Public Way is a portion of the right of way that is shown lying between Lots 7-8 and Lots 23-24 in the Hoffman Addition to the Town of Athens, as shown in Plat Book A, Page 16, in the Office of the Judge of Probate of Limestone County, Alabama; and

WHEREAS, the City Council has determined that a portion of the existing improved roadway of Trinity Street (a/k/a Trinity Circle) does not lie within the Public Way, but instead lies on adjacent real property owned by the **ATHENS LIMESTONE COMMUNITY ASSOCIATION, INC.**, an Alabama non-profit corporation, ("ALCA") and so ALCA has proposed that the City abandon/vacate the Public Way, and ALCA has offered to dedicate the real property on which this portion of Trinity Street (a/k/a Trinity Circle) actually lies (shown on **Exhibit A** as Tract A) to the City;

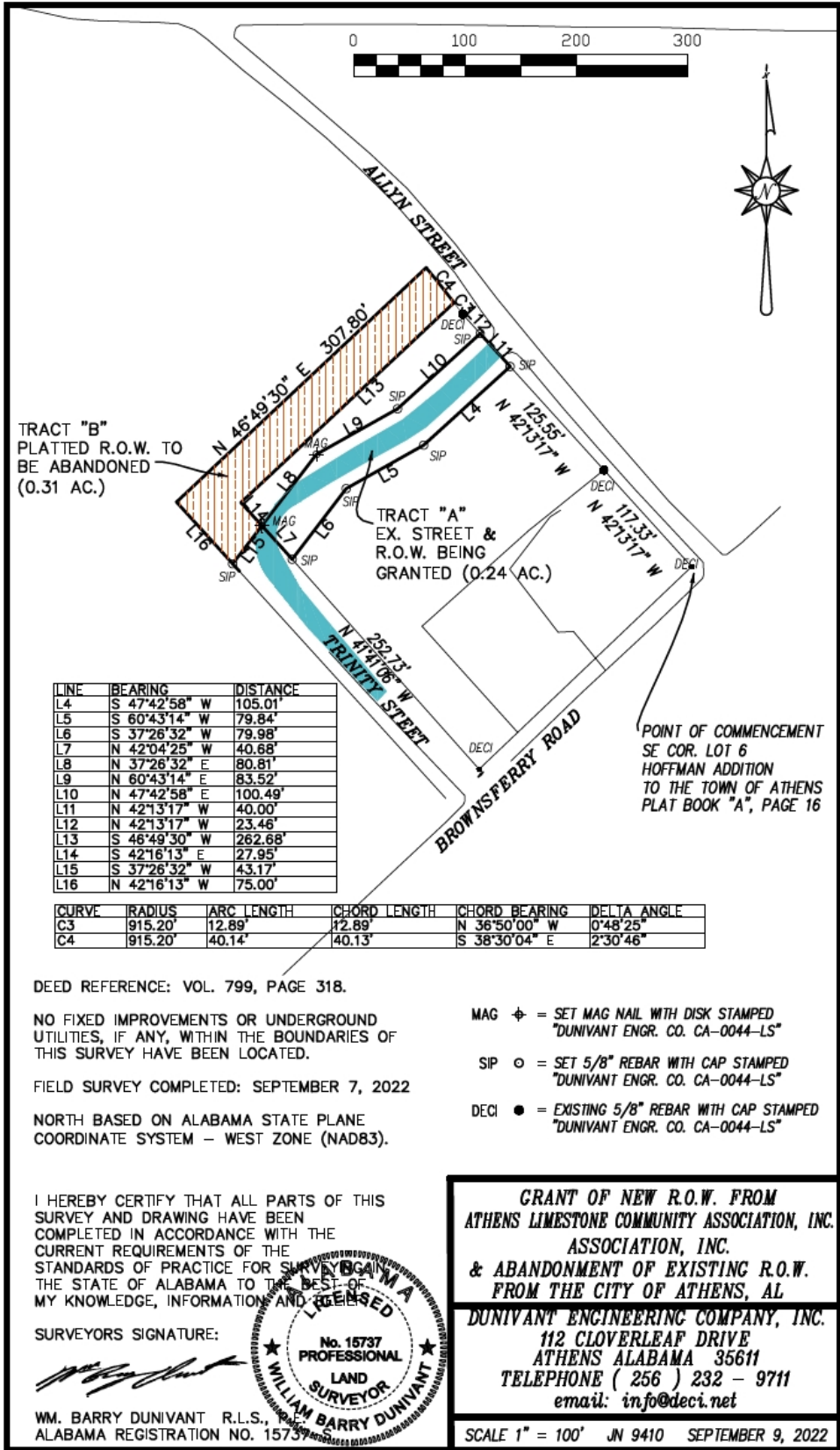
WHEREAS, the City proposes to vacate the Public Way pursuant to § 23-4-1, *et seq.* of the *Code of Alabama*.

THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ATHENS, ALABAMA while in regular session on Monday, October 24, 2022 at 4:30 p.m. as follows:

1. A public hearing is hereby scheduled for December 12, 2022, at 4:30 p.m., at the City Council Chambers in the City Hall of the City of Athens, Alabama, located at 200 Hobbs Street West, Athens, Alabama 35611, concerning what action shall be taken on the issue of the proposed vacation of the Public Way.

2. The Mayor and the City Attorney shall cause notice of the proposed action, public hearing, and other relevant matters to be published, posted and served pursuant to § 23-4-2(a) of the *Code of Alabama*.

EXHIBIT A



ADOPTED this the 24th day of October, 2022.

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

The motion was seconded by Councilman Harper 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 following applicant for a “Retail Beer & Wine Off Premises” alcohol license.

Business Name: YUNUS ISA, INC
Db: Market Street BP
Address: 1606 Market Street, West
Athens, AL, 35611

The motion was seconded by Councilman Harper 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 following applicant for a “Lounge Retail Liquor-Class 1” alcohol license.

Business Name: Limestone Legends Billiards, LLC
Db: Limestone Legends Billiards
Address: 111 S. Marion St, Ste A
Athens, AL, 35611

The motion was seconded by Councilman Harper 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 \$1,997.20.

Marc Courville (Water Services)	WEFTEC Conference New Orleans, LA October 10-14, 2022	\$1,997.20
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The motion was seconded by Councilman Harper 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 purchase of a 2023 Chevrolet Tahoe for the Cemetery, Parks and Recreation Department. The vehicle will be purchased from Donohoo Chevrolet under State of Alabama purchasing contract #210000000043-999-1 in an amount not to exceed \$37,702 to be funded from the existing CPR capital account.

The motion was seconded by Councilman Harper 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 purchase five (5) 2023 Chevrolet Tahoe Police Vehicles. These vehicles are to be purchased through the State of Alabama Bid List from Donohoo Chevrolet at a total cost not to exceed \$174,798.80. Funding for this purchase will be from the Police Department's existing capital expenditure account.

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 add the following positions to the Public Works Department Organizational Chart:

- Administrative Coordinator, Grade 14
- Land Development Inspector, Grade 19

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 ATHENS, ALABAMA to adopt the following job descriptions for the Public Works Department:

- Administrative Coordinator, Grade 14, Job Description Dated, 9/8/2022
- Land Development Inspector, Grade 19, Job Description Dated, 9/24/2022

The motion was seconded by Councilwoman Henry and was unanimously carried.

Councilman Harper introduced the following ordinance:

STATE OF ALABAMA
LIMESTONE COUNTY
CITY OF ATHENS

ORDINANCE NUMBER 2022 - 2240

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ATHENS, ALABAMA, that Ordinance Number 888, establishing a classification list for all full-time employees is hereby amended as follows, effective: 10.25.2022.

Add the following job titles to the list of classified positions for the Public Works Department:

- Administrative Coordinator, Grade 14
- Land Development Inspector, Grade 19

ADOPTED and APPROVED this, the 24th day of October, 2022.

/s/ Harold Wales
PRESIDENT PRO TEM, 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 Henry, and upon the said motion being put to vote the following vote was recorded: YEAS: Councilmembers 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 thereupon moved that the ordinance be finally adopted, which motion was seconded by Councilmember Henry and upon the said motion being put to vote the following vote was recorded: YEAS: Councilmembers 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 Lucas introduced the following resolution:

RESOLUTION NUMBER 2022 – 1848

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ATHENS, ALABAMA to authorize the Mayor to allocate appropriated funds for Pryor Park to perform value engineering and store material on site. Total cost is not to exceed \$25,000.00.

ADOPTED and APPROVED this, the 24th day of October, 2022.

/s/ Harold Wales
PRESIDENT PRO TEM, 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 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 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 thereupon moved that the resolution be finally adopted, which motion was seconded by Councilmember Harper and upon the said motion being put to vote the following vote was recorded: YEAS: Councilmembers 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.

Mayor Marks noted that the Veteran's Day Parade will be held on November 4th, 2022 and the Veteran's program will be held at Athens High School on November 10th, 2022. The Mayor remarked that the Alabama Legislature passed a medical marijuana /medical cannabis law in 2021. Mayor Marks stated that he has been contacted by several mothers and relatives of children that have autism and cancer regarding the matter and that a draft has been prepared for the Council to review to opt-

in for a cannabis dispensary/retail store.

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There being no further business to come before the meeting, Council President Seibert declared the meeting duly and properly adjourned.

/s/ Harold Wales
PRESIDENT PRO TEM, CITY COUNCIL

ATTEST:

/s/ Annette Barnes
CITY CLERK