

October 28, 2019

STATE OF ALABAMA,  
LIMESTONE COUNTY,  
CITY OF ATHENS.

The City Council of the City of Athens, Alabama met in regular session at the Athens Municipal Building, 200 Hobbs Street West in Athens, Alabama, on October 28, 2019, at 4:30 p.m. The meeting was called to order by Councilman Harold Wales, President of the Council. Upon roll call, the following were found to be present: Councilmembers Harold Wales, Wayne Harper, Frank Travis and Chris Seibert. Mayor Marks led the Pledge of Allegiance. Annette Barnes, City Clerk, was present and recorded the minutes of the meeting. Chris Seibert offered the invocation. The Chairperson stated that a quorum was present and that the meeting was open for transaction of business.

The Chairperson stated that the Minutes of the October 14, 2019 City Council Meeting had been submitted for approval. Councilman Travis 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 14, 2019 City Council Work Session Meeting had been submitted for approval. Councilman Travis 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.

A public hearing was held to hear comments concerning the rezoning of property for Watercress Preserve, LLC., from an R-1-1 Single Family Low Density Residential District to an R-1-2 Single Family Medium Density Residential District, located directly to the north of the Springs at Watercress and the Lakes at Watercress, to the west of Lucas Ferry Road.

Public Works Director, James Rich, addressed the Council to report that the City's Planning Commission recommends approval of the proposed rezoning request.

**Councilman Seibert introduced the following ordinance:**

**AN ORDINANCE TO REZONE PROPERTY FOR WATERCRESS PRESERVE, LLC. FROM AN R-1-1 SINGLE FAMILY LOW DENSITY RESIDENTIAL DISTRICT TO AN R-1-2 SINGLE FAMILY MEDIUM DENSITY RESIDENTIAL DISTRICT. PROPERTY CONSISTS OF +/-15.5 ACRES LOCATED DIRECTLY TO THE NORTH OF THE SPRINGS AT WATERCRESS AND THE LAKES AT WATERCRESS, TO THE WEST OF LUCAS FERRY ROAD, WITHIN THE CORPORATE LIMITS OF THE CITY OF ATHENS.**

STATE OF ALABAMA,  
LIMESTONE COUNTY,  
CITY OF ATHENS

**ORDINANCE NUMBER 2019 – 2093**

WHEREAS, the Planning Commission of the City of Athens, Alabama, has made a recommendation to the City Council of the City of Athens, Alabama, that hereinafter described areas should be rezoned from an R-1-1 Single Family Low Density Residential District to an R-1-2 Single Family Medium Density Residential District.

The City Council of the City of Athens, Alabama, finds that "The Zoning Ordinance of the City of Athens, Alabama," should be amended so as to rezone the hereinafter described area as "R-1-2 Single Family High Density Residential District".

NOW, THEREFORE BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ATHENS, ALABAMA, as follows:

A tract of land lying in the Northeast Quarter of Section 1, Township 3 South, Range 5 West, Limestone County, Alabama, and being more particularly described as follows,

Commence at the Northeast corner of said Section 1, thence South 02 degrees 26 minutes 26 seconds West along the east boundary of said Section 1 a distance of 1990.80 feet to a point at the Southeast corner of the North One-half of the South One-half of the Northeast Quarter of said Section 1, thence North 87 degrees 29 minutes 23 seconds West along the south boundary of the North One-half of the South One-half of the Northeast Quarter of said Section 1 a distance of 521.17 feet to a point, said point being the Point of True Beginning of the tract herein described,

Thence from the Point of True Beginning continue North 87 degrees 29 minutes 23 seconds West along the south boundary of the North One-half of the South One-half of the Northeast Quarter of said Section 1 a distance of 551.52 feet to a point in a ditch,

Thence South 73 degrees 55 minutes 28 seconds West along the centerline of said ditch a distance of 431.14 feet to a point,

Thence continue along said ditch North 09 degrees 41 minutes 50 seconds West a distance of 9.07 feet to a point,

Thence continue along said ditch South 84 degrees 44 minutes 51 seconds West a distance of 299.71 feet to a point,

Thence continue along said ditch North 86 degrees 36 minutes 26 seconds West a distance of 848.74 feet to a point,

Thence leaving said ditch North 02 degrees 14 minutes 41 seconds East a distance of 155.96 feet to a point at the Northwest Quarter of the South One-half of the South One-half of the Northeast Quarter of said Section 1,

Thence South 87 degrees 29 minutes 23 seconds East a distance of 1556.89 feet to a point,

Thence North 02 degrees 26 minutes 26 seconds East a distance of 732.90 feet to a point,

Thence South 87 degrees 29 minutes 23 seconds East a distance of 629.00 feet to a point,

Thence South 01 degrees 35 minutes 38 seconds West a distance of 732.99 feet to the Point of True Beginning and containing 15.5 acres, more or less.

ADOPTED and APPROVED this, the 28th day of October, 2019.

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

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

ATTEST:

/s/ Annette Barnes  
CITY CLERK, CITY OF ATHENS, ALABAMA

Councilmember Travis moved that unanimous consent be given for immediate consideration of and action on said ordinance, which motion was seconded by Councilmember Harper, and upon the said motion being put to vote the following vote was recorded: YEAS: Councilmembers Seibert, Wales, Travis, and Harper; NAYS: None. The President thereupon declared that the motion for unanimous consent for immediate consideration of and action on the said ordinance had been unanimously carried. Councilmember Seibert thereupon moved that the ordinance be finally adopted, which motion was seconded by Councilmember Travis and upon the said motion being put to vote the following vote was recorded: YEAS: Councilmembers Seibert, Wales, Travis, and Harper; NAYS: None. The President thereupon announced that the motion for the adoption of the said ordinance had been unanimously carried.

Ralph Diggins, 100 Willow Street, Athens, addressed the Council with concerns about the quality of the U.S. Postal Service in Athens. He suggested the Council begin inviting the Postmaster to Zoning Board of Adjustments and Planning Commission meetings when new developments are proposed to get a commitment that the postal service will be able to provide services to accommodate the City's growth.

Greg Skipworth, 17530 Springview Drive, Athens, commended Councilman Wales for his years of service on the City of Athens Planning Commission. He also encouraged the City Council to continue to serve as a buffer for any proposed developments that run counter to the City's Master Land Use and Development Plan.

David Malone, 1300 Sommers Drive, Athens, addressed the Council regarding the lack of recent new paving projects in District 3 and stated that he would like to see more paving done in this area.

**Councilman Harper introduced the following resolution:**

**RESOLUTION**

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ATHENS, ALABAMA, to approve the travel/education expenses for the Utilities in the total amount of \$27.51.

Seth Vickers	Honeywell Measurement School Nashville, TN October 1 – 3, 2019	\$27.51
--------------	--	---------

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

**Councilman Harper introduced the following resolution:**

**RESOLUTION**

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ATHENS, ALABAMA, to accept the resignation of Harold Wales from the Planning Commission, effective October 16, 2019.

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

**Councilman Harper introduced the following resolution:**

**RESOLUTION NUMBER 2019 – 1640**

**Authorizing an extension of the Special Use Permit for T-Mobile to modify their equipment at the existing wireless telecommunication facility located at 107 Stewart Drive, Athens, Alabama**

**WHEREAS**, Resolution No. R-2018-1562 for a Special Use Permit, for T-Mobile to modify their equipment on the existing telecommunication facility located at 107 Stewart Drive, Athens, AL, was approved by the City Council of the City of Athens on the 12<sup>th</sup> day of March 2018, and;

**WHEREAS**, T-Mobile, has requested an extension of the Special Use Permit for the modification of their equipment to provide enhanced wireless service from the location, and;

**WHEREAS**, T-Mobile 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 T-Mobile 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 107 Stewart Drive, Athens, AL, which consists of a 250' ft. Self-Support tower;

**THEREFORE, BE IT RESOLVED** by the City Council of the City of Athens, Alabama that T-Mobile is hereby granted an extension of the Special Use Permit to modify their equipment at 107 Stewart Drive, Athens, T-Mobile proposes to upgrade their existing 4G cellular service in the area. The upgrade will consist of T-Mobile swapping out their existing antennas and RRU's installed at 217' centerline on the tower with new antennas and RRU's. T-Mobile's existing lease are footprint within the compound will remain the same. 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 as 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.* T-Mobile may petition the City of an extension of this for good cause shown, but the decision whether or not to grant the extension shall exclusively be the prerogative of the City.

2. T-Mobile 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. Prior to the issuance of the Certificate of Completion, T-Mobile or the tower owner must remediate the following safety issues, noted at the pre-application site visit: a. Broken conduit under meter box.
4. 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.
5. T-Mobile shall not be permitted to actually provide service commercially until the Certificate of Occupancy or its functional equivalent is issued or risk forfeiting its Permit.
6. The Certificate of Occupancy shall not be issued until all fees and costs associated with this Permit, including inspections, have been paid.
7. A Certificate of Occupancy for the work permitted under this permit shall be prerequisite for any future work by T-Mobile at this facility.

ADOPTED this 28<sup>th</sup> day of October 2019.

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

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

ATTEST:

/s/ Annette Barnes  
 CITY CLERK, CITY OF ATHENS, ALABAMA

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

**Councilman Harper 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 of November 25, 2019 to review the request of Edna R. Bailey and Keith Rowe to rezone +/- 12.95 acres of property located at 13617 Cambridge Lane and surrounding property, from an EST, Estate Agricultural and Residential District to R-1-1 Single Family Low Density Residential District.

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

**Councilman Harper introduced the following resolution:**

**RESOLUTION**

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ATHENS, ALABAMA, to set a Public Hearing for the regular meeting of November 25, 2019 to review the request of Linton Road, LLC. to rezone +/- 11.95 acres of property located directly east of 22345 Nick Davis Road from the EST, Estate Residential and Agricultural District to a C-PUD Conventional Planned Unit Development District and to adopt an amended Henderson Estates Development Plan to include the rezoned property.

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

**Councilman Harper introduced the following resolution:**

**RESOLUTION**

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ATHENS, ALABAMA, to approve the payment of budgeted travel/education expenses for specified Water Services employees in the total amount of \$947.34.

Virgil White

AWPCA Technical Conference

\$868.51

(Wastewater)	Orange Beach, AL	
	September 15-19, 2019	
Debbie Clem	Excel Class	\$78.83
(Water Services)	Huntsville, AL	
	October 8-9, 2019	

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

**Councilman Travis introduced the following resolution:**

**RESOLUTION**

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ATHENS, ALABAMA, to approve the purchase a 2019 Ford F-150 Super Crew cab 4 X 2 pick up truck for the Cemetery, Parks and Recreation Department. This vehicle will be purchased from Long-Lewis Ford of the Shoals under the State of Alabama Purchasing Contract. The total cost of the vehicle is not to exceed \$25,138 and shall be funded from the unallocated fiscal year 2018 general fund surplus.

Councilmember Seibert 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, Travis, and Harper; NAYS: None. The President thereupon declared that the motion for unanimous consent for immediate consideration of and action on the said resolution had been unanimously carried. Councilmember Travis thereupon moved that the resolution be finally adopted, which motion was seconded by Councilmember Seibert and upon the said motion being put to vote the following vote was recorded: YEAS: Councilmembers Seibert, Wales, Travis, and Harper; NAYS: None. The President thereupon announced that the motion for the adoption of the said resolution had been unanimously carried.

At approximately 5:00 p.m., Councilman Harper introduced a motion to enter into executive session. Councilman Harper’s motion was then seconded by Councilman Seibert. Prior to the vote, City Attorney, Shane Black, provided an oral declaration that the business to be discussed in the executive session satisfied the following exceptions as prescribed in the Open Meetings Act: (1) to discuss the legal ramifications of and legal options for controversies imminently likely to be litigated if the governmental body pursues a proposed course of action; and (2) to discuss preliminary negotiations involving matters of trade or commerce in which the entity is in competition with private individual or entities or other governmental bodies in Alabama. Limestone County Economic Development Association President, Bethany Shockney, provided an oral declaration prior to voting to convene the executive session that the proposed discussion would have a detrimental effect upon the competitive position of a party to the negotiations or upon the location, retention, expansion, or business entity in the area served by the governmental body if disclosed outside of an executive session. Councilman Harper’s motion was unanimously approved. The Council came out of executive session at approximately 6:00 p.m.

**Councilman Seibert then introduced the following resolution:**

**RESOLUTION NUMBER 2019 - 1641**

**A RESOLUTION CONCERNING OPIOID LITIGATION**

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ATHENS, ALABAMA, while in regular session on October 28, 2019 at 5:30 p.m. that the Mayor is authorized, on behalf of the City of Athens, to retain and engage Riley & Jackson, P.C. and Trousdale Ryan, PC, to investigate, recommend, and pursue civil remedies against those legally responsible for the wrongful distribution of prescription opiates which has affected the City, including the filing and prosecution of legal claims against various opioid manufacturers and distributors as well as retail pharmacies arising out of the production, marketing and distribution of opioids and related matters. In taking this action, the City will be joining the thousands of county and municipal governments who have instituted legal action against opioid manufacturers, distributors, retailers, and affiliated entities for the recovery of damages and abatement of the public nuisance related to the national opioid crisis.

This engagement will be substituted for the legal services contract previously entered into with respect to Jimmy Woodroof, Joseph M. Cloud, and Conchin, Cloud & Cole, LLC, at their recommendation.

The Mayor shall make such day-today decisions as are necessary in connection with the same, and the Mayor and City Attorney shall keep the City Council updated with respect to this matter.

**ADOPTED** this the 28<sup>th</sup> day of October, 2019.

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

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

\* \* \*

There being no further business to come before the meeting, Council President Wales asked if there were any objections to adjourning the meeting. Councilman Travis made a motion to adjourn with a second from Councilman Seibert. The meeting was duly and properly adjourned.

/s/ Harold Wales  
PRESIDENT, CITY COUNCIL

ATTEST:

/s/ Annette Barnes  
CITY CLERK