

December 9, 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 December 9, 2024 at 4:30 p.m. The meeting was called to order by Councilman Lucas, 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. 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 November 25, 2024 City Council Meeting and Work Session Meeting had been submitted for approval. Councilman Seibert moved that the reading of the Minutes be suspended and that the Minutes be approved as recorded. The motion was seconded by Councilman Wales and was unanimously carried.

Mayor Marks thanked Michael Griffin, City Engineer, Jimmy Junkin and David Maher, Water Services, for their work on a plan for Strain Road. The Mayor gave a shout-out to Ty Parker and the Athens High School Band for collecting toys for Lincoln-Bridgeforth Park. He also announced that the Gingerbread House Contest, sponsored by the City of Athens, Arts League and Impact Roofing, will be on December 14th at the Activity Center. Mayor Marks noted that Sippin Cider will be on December 14th from 4pm to 8pm and invited everyone to come out and shop local.

Councilwoman Henry stated that the Christmas Parade was the previous week and asked everyone to thank anyone involved because it takes many hours of their time. She also thanked everyone for keeping the streets tidy.

PUBLIC HEARING RELATING TO A PROPOSED RESOLUTION DETERMINING THAT A STRUCTURE AT 608 W. MARKET STREET IS UNSAFE AND A PUBLIC NUISANCE, AND ORDERING ABATEMENT OF SAME

Erik Waddell, Chief Building Inspector, addressed the City Council regarding the proposed resolution and recommended condemnation of the property.

Amanda Schulte, 1036 W. Washington Street, addressed the City Council regarding the proposed resolution and asked why this house was condemned when there are others that are occupied and in worse conditions.

Mark Wilson, 1804 N. Jefferson Street, addressed the City Council regarding the proposed resolution and asked Councilman Harper what he was going to do to rectify the problem in his district. Councilman Harper remarked that Erik Waddell is working as fast as he can.

Councilman Harper introduced the following resolution:

RESOLUTION NUMBER 2024 - 2031

A RESOLUTION DETERMINING THAT A STRUCTURE AT 608 W MARKET STREET IS UNSAFE AND A PUBLIC NUISANCE, AND ORDERING ABATEMENT OF SAME

WHEREAS, this Resolution is authorized by § 46-280, *et seq.* of Article IX of Chapter 46 of the *City Code of Athens, Alabama*, and/or § 11-40-30, *et seq.* of the *Code of Alabama*, in addition to other legal authority;

WHEREAS, the appropriate municipal official has presented information to the City Council about a structure (herein referred to as the “Structure”) located at the real property described as follows:

Address: 608 W Market Street, Athens, AL 35611

PARCEL # 10-03-08-2-001-020.000

Legal Description

The following land lying and being in Limestone County, Alabama, and more particularly described as follows:

A lot or parcel of land situated in Lot 2 of Block 67 according to the 1914 map of the City of Athens on record in the Office of the Judge of Probate of Limestone County, Alabama; and being more particularly described as beginning at a point along the North margin of Market Street 125 feet West of the Southeast corner of said Lot 2; thence run North and parallel with Malone Street 175 feet; thence run East and parallel with Market Street 50 feet; thence North and parallel with Malone Street 7.5 feet; thence run West and parallel with Market Street 122.5 feet; thence run South and parallel with Malone Street 182.5 feet to a point along the North margin of Market Street; thence run East along the North margin of Market Street 72.5 feet to the point of beginning.

(herein referred to as the "Property");

WHEREAS, the appropriate municipal official has determined that the condition of the Structure is unsafe in that the Structure constitutes a public nuisance to the citizens of Athens;

WHEREAS, the City Council has conducted a public hearing concerning this matter, and has received and reviewed information (including applicable photographs) from the appropriate municipal official concerning the Property and Structure;

WHEREAS, the Structure has been deemed unsafe to the extent that it is a public nuisance due to the following reasons:

(1) The building has improperly distributed loads upon the floors or roofs, or in which the same are overloaded, or has insufficient strength to be reasonably safe for the purpose used;

(2) The building has been damaged by fire, wind, earthquake, flood, sinkhole, deterioration, neglect, abandonment, vandalism, or any other cause so as to have become dangerous to life, health, property, morals, safety, or general welfare of the public or the occupants;

(3) The building has become or is so damaged, dilapidated, decayed, unsafe, unsanitary, lacking in maintenance, vermin or rat infested, containing filth or contamination, lacking proper ventilation, lacking sufficient illumination, or so utterly fails to provide the amenities essential to decent living that it is unfit for human habitation, or is likely to cause sickness or disease, so as to work injury to the life, health, property, morals, safety, or general welfare of the public or the occupants;

(4) The building does not provide minimum safeguards to protect or warn occupants in the event of fire;

(5) The building is so damaged, decayed, dilapidated, structurally unsafe, or of such fault construction or unstable foundation that partial or complete collapse is possible;

(6) The building has parts thereof which are so attached that they may fall and damage property or injure the public or the occupants;

(7) The building, or any portion thereof, is clearly unsafe for its use or occupancy;

(8) The building is neglected, damaged, dilapidated, unsecured, or abandoned so as to become an attractive nuisance to children who might play in or on the building, structure, part of building or structure, party wall, or foundation to their danger, has become a harbor for vagrants, criminals, or immoral persons, or enables persons to resort to the building, structure, part of building or structure, party wall, or foundation for committing a nuisance or an unlawful act; and

(9) The building is, because of its condition, unsafe, unsanitary, or dangerous to the life, health, property, morals, safety, or general welfare of the public or the occupants.

WHEREAS, after the finding by the appropriate municipal official that the Structure was unsafe to the extent that it is a public nuisance, notice was issued pursuant to § 46-280, *et seq.* of Article IX of Chapter 46 of the *City Code of Athens, Alabama* to persons who may have an interest in the Property, and such notice was issued more than fifty (50) days prior to the date of this Resolution;

WHEREAS, it appears that no person has remedied the conditions on the Property; and

WHEREAS, after due deliberation and an examination of the conditions on the Property, it appears to the City Council that the Structure is unsafe in that it presents a public nuisance to the citizens of Athens, and that the same is due to be demolished.

THEREFORE BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ATHENS, ALABAMA on December 9th, 2024 at 4:30 p.m., as follows:

1. The Structure shall be demolished by the City of Athens.
2. This work may be performed by City's own forces, or, if the appropriate municipal official investigates and determines it to be preferable that the work occur through the use of third parties, then the City of Athens Building Inspection Department is authorized to contract, on behalf of the City of Athens, with a third party(ies) for an asbestos survey (if deemed necessary) and demolition of the unsafe structure(s), for a cost not in excess of \$30,000.00, although the City Council directs that the cost be as low as possible to accomplish the intended purpose. Should the combined screening, remediation and demolition costs appear to exceed \$30,000.00, then the appropriate municipal official is directed to report the same to the City Council prior to further action.
3. The City may sell or otherwise dispose of salvaged materials resulting from the work, at the election of the Mayor and/or his designee.
4. After demolition, the appropriate municipal official shall make a report to the City Council of the costs associated with the demolition of the Structure so that it may adopt a resolution fixing all costs reasonably incurred in the demolition and assessing such costs against the Property.

ADOPTED this the 9th day of December, 2024.

/s/ James E. Lucas
PRESIDENT, CITY COUNCIL,
CITY OF ATHENS, ALABAMA

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

Council President Lucas opened the floor for public remarks concerning agenda items.

Tim Colling, 22686 Regent Drive, Athens, addressed the City Council regarding the timeframe of the condemnation process.

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 Cemetery, Parks & Recreation Department:

Kalie Brewer	ARPA State Soccer Tournament November 15 – 17, 2024	\$ 58.92
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RESOLUTION

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

Annette Barnes	Alabama Municipal Clerk's Association Election Training Orange Beach, Alabama November 19 – 22, 2024	\$ 548.80
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RESOLUTION

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ATHENS, ALABAMA, to approve the purchase of two (2) Mighty Struts extrication tools including all accessories and one (1) Genesis Combi tool spreader from High Tech Rescue in an amount not to exceed \$24,000 to be funded from the Fire Department's existing capital expenditure account.

RESOLUTION

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ATHENS, ALABAMA, at its meeting on December 9, 2024, that the Council authorizes the amount of \$46,886.92 for the purchase of a 2025 Chevrolet Silverado 1500 pickup truck, and the Water Services Director, for and on behalf of the City of Athens, is authorized to purchase this truck from McSweeney Auto Group.

RESOLUTION

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ATHENS, ALABAMA, to purchase custom made wall mounted storage cabinets for the Building Department. This purchase will be from Harvey Davis Cabinets at a cost not to exceed \$3,195.00. and is to be funded from the existing building department capital account.

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

Councilman Wales introduced the following resolution:

RESOLUTION NUMBER 2024 – 2032

A RESOLUTION APPROVING THE CLOSING OF BANK ACCOUNT – CITIZENS BANK & TRUST

WHEREAS, Athens Utilities holds a bank account at Citizens Bank and Trust of Elkmont, AL which has been used as a method of accepting customer utility payments;

WHEREAS, Citizens Bank & Trust is no longer accepting customer utility payments to this bank account and Athens Utilities wishes to close the account;

WHEREAS, Kent Lewter, former Finance Director for Athens Utilities was the sole authorized signatory on the account and is now retired and cannot authorize the closure of the account;

THEREFORE BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ATHENS, ALABAMA on December 9TH, 2024 at 4:30 p.m., as follows:

1. The City of Athens Utilities bank account #2530152 with Citizens Bank & Trust, Elkmont, Alabama, be closed and the amount on deposit in the account be returned to Athens Utilities by issuance of a check from Citizens Bank & Trust payable to the City of Athens Utilities.

2. The City Clerk/Treasurer, or her designee, is hereby authorized to sign any documents as may be required by Citizens Bank & Trust in connection with closure of the said account and, further, to direct the deposit of the check from Citizens Bank & Trust into the City’s Electric Gross Revenue Account at PNC Bank.

3. The City Clerk/Treasurer, or her designee, is hereby directed to forward a certified copy of this resolution to Citizens Bank & Trust, Elkmont, Alabama, to authorize the closure of the account and issuance of funds to Athens Utilities.

ADOPTED this the 9th day of December, 2024.

/s/ James E. Lucas
PRESIDENT, CITY COUNCIL,
CITY OF ATHENS, ALABAMA

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

Councilman Harper introduced the following resolution:

RESOLUTION NUMBER 2024 - 2033

A RESOLUTION APPROVING THE REPLACEMENT OF SERVERS AND NETWORK SWITCHES

WHEREAS, TSA has provided a proposal to replace the City’s existng vmWare host servers and network switches with new equipment;

WHEREAS, TSA has provided a quote for the equipment referenced above at a cost not to exceed \$64,879.17, to be purchased through a NACPA (the North Alabama Cooperative Purchasing Association) contract #23-02, which includes upgrading the existing Windows server licenses from Windows 2016 to Windows 2022;

WHEREAS, this purchase is being made through the use of NACPA (the North Alabama Cooperative Purchasing Association), a governmental purchasing cooperative, in compliance with Alabama's competitive bid law;

WHEREAS, acquiring this equipment and installation thereof is a government service involving the facilities, personnel and other assets that enable the City's various services to the general public, and updated equipment, technology and protocols are necessary for safety and security purposes;

WHEREAS, the expenditure for this equipment is a qualified expenditure of *Coronavirus State and Local Fiscal Recovery Funds* under the "providing government services" category of use.

THEREFORE BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ATHENS, ALABAMA on December 9TH, 2024 at 4:30 p.m., as follows:

1. The Information Technology Director is authorized to enter into a contract with TSA for an amount not to exceed \$64,879.17 for the equipment referenced above,

2. The funds in support of this Resolution (and the expenditure in #1 above) are authorized to be expended from the City's allocation of *Coronavirus State and Local Fiscal Recovery Funds*.

ADOPTED this the 9th day of December, 2024.

/s/ James E. Lucas
PRESIDENT, CITY COUNCIL,
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 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:

RESOLUTION

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ATHENS, ALABAMA, at its meeting on December 9, 2024, that the Council authorizes the additional amount of \$32,000.00 to be funded from the Water Services Department cash reserves for Amendment 1 to the Krebs Engineering agreement for Sewer Rehabilitation Support, and the Water Services Director, for and on behalf of the City of Athens, is authorized to execute Amendment 1 to the existing consulting agreement with Krebs Engineering for these support services.

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 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.

Councilwoman Henry introduced the following resolution:

RESOLUTION NUMBER 2024 - 2034

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ATHENS, ALABAMA, to enter into an agreement with Krebs Engineering, Inc. for the purposes of preliminary engineering services for the preparation and plans for ARPA Funding for the design and construction of infrastructure improvements for the West and East Strain Road communities on either side of I-65 at a cost not to exceed \$100,000.

ADOPTED and APPROVED this, the 9TH day of December, 2024.

/s/ James E. Lucas
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 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, 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:

RESOLUTION NUMBER 2024 - 2035

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ATHENS, ALABAMA, to issue a task order and per the City of Athens Bituminous Plant Mix Paving Contract to Grayson Carter & Son, Inc. to repair and repave Glenn Valley Dr and Bluffview Dr at a cost not to exceed \$66,625.49 from the Gas Tax Fund. \$15,000 of which will be paid for from the Water Services Department.

ADOPTED and APPROVED this, the 9TH day of December, 2024.

/s/ James E. Lucas
PRESIDENT, CITY COUNCIL,
CITY OF ATHENS, ALABAMA

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

ATTEST:

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

Councilmember Harper moved that unanimous consent be given for immediate consideration of and action on said resolution, which motion was seconded by Councilmember 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 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 - 2036

A RESOLUTION REGARDING THE PURCHASE OF REAL PROPERTY ON GREEN STREET

WHEREAS, state law authorizes municipalities to acquire real property for municipal and public purposes;

WHEREAS, the City Council of the City of Athens, Alabama wishes to acquire certain property at the corner of Green Street and Marion Street, referenced as Parcel #, 10-03-08-1-002-093.000 (the "Property"), from Ming Enterprises, LLC, in exchange for a price of \$1,200,000; and

WHEREAS, the City Council intends to utilize the Property for municipal purposes.

THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ATHENS, ALABAMA, at its meeting on December 9th, 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 purchase the Property from the owner(s) thereof, for a purchase price of One Million Two Hundred Thousand Dollars (\$1,200,000), plus any incidental/closing costs related thereto in connection with the purchase and closing, with the closing to occur on or before March 1, 2025 (absent unusual circumstances as confirmed by the Mayor).

2. As a condition of the same, the City would terminate its current lease at 1003 US Highway 72 E, Athens, Alabama, prior to the closing (expected as of February 28, 2025), with no further rent or liability being owed to the lessors with respect to the same.

3. To that end, the Mayor, on behalf of the City, is authorized to prepare, enter into, and carry out a contract(s) for the City's purchase of the Property, upon such terms as the Mayor deems reasonable and appropriate (that are not inconsistent herewith), and to accept a deed(s) to the Property on behalf of the City.

4. The costs/expenses related to the above transaction shall be paid from the following fund of the City of Athens: General Fund/Capital Projects.

5. 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 transaction contemplated by this Resolution.

ADOPTED this the 9th day of December, 2024.

/s/ James E. Lucas
PRESIDENT, CITY COUNCIL,
CITY OF ATHENS, ALABAMA

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, 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.

Council President Lucas opened the floor for public comments.

Mark Wilson, 1804 N. Jefferson Street, Athens, addressed the City Council regarding sewer in his community and if the new laundromat is being built by a master plan.

Amanda Schulte, 1036 W. Washington Street, Athens, addressed the City Council regarding the purchase of real property on Green Street and then asked about ARPA funding for East and West Strain Roads. Mrs. Schulte asked for more information on agenda items.

Chuck Bradley, 24943 Queen Anne's Lace, Athens, addressed the City Council regarding the asphalt plant and asked why the property was allowed to be deannexed and why the City is doing business with them. Mr. Bradley then asked how long Erik Waddell has worked for the City of Athens.

Jarrold Schulte, 1036 W. Washington Street, Athens, addressed the City Council regarding the attorney general opinion that was requested. Mr. Schulte inquired if a reply has been received. He also addressed the issue of public comments being turned off from the livestream of the meetings.

Shane Black, City Attorney, noted that the attorney general opinion has been requested, and that they Mayor would report to the Council when a response was received.

Elizabeth Stewart, 22843 Oakdale Ridge Lane, Athens, addressed the City Council regarding the public library and the state library code. She remarked that the library was not on the list for state funding and noted that there was still not a joint library board between the City of Athens and Limestone County. Mrs. Stewart expressed her displeasure with Chris Anderson being appointed for another term on the Athens-Limestone Public Library Board and stated that there should be term limits for board members.

Shane Black, City Attorney, addressed Mrs. Stewart regarding her concerns of funding for the library and reported that the Alabama Public Library Service recently advised the library that it was approved for state funding, and that its policies were in compliance with the new state library regulations. He also stated that the city and county officials have been working on the joint library proposal and that it was expected to be presented soon.

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

/s/ James E. Lucas

PRESIDENT, CITY COUNCIL

ATTEST:

/s/ Annette Barnes

CITY CLERK