

February 11, 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 on February 11, 2019, at 5:30 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, Frank Travis, Joseph Cannon and Chris Seibert. Councilman Wayne Harper was absent. Mayor Marks led the Pledge of Allegiance and was joined by Samuel Britnell, a member of the Mayor's Youth Commission. 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 January 28, 2019 City Council 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 Cannon and was unanimously carried. The Chairperson stated that the Minutes of the January 28, 2019 City Council 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 Cannon and was unanimously carried.

Mayor Marks commended the Athens High School Cheerleaders, their sponsors and coaches for winning second place in the recent national cheerleading competition. He also congratulated the Athens Middle School Cheerleaders for placing 4th in the national competition.

Mae Davis, 1201 Plainview Circle, Athens, thanked the Council for tearing down the unsafe house on Plainview Circle. She asked them to consider paving Lucas Street and Brownsferry Street to Plato Jones, which are in need of repair and restriping.

Marty Adams, an elder at Market Street Church of Christ, spoke in support of the resolution to vacate an alleyway to the church. He played a video for the Council to show the danger of vehicles traveling behind the church.

Rosie Maxwell, 1309 12th Street, Athens, addressed the Council about trees on an adjoining lot to her home, which are in danger of falling onto her property.

Councilman Cannon introduced the following resolution:

RESOLUTION

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ATHENS, ALABAMA, to appoint Ray Neese to the Athens Limestone Hospital Board for a six (6) year term, expiring December 3, 2024.

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

Councilman Travis introduced the following ordinance:

ORDINANCE NUMBER 2019 - 2069

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. 2018-2036, such that it would be extended through March 1, 2019;

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, February 11, 2019, at 5:30 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 March 1, 2020, 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.

ADOPTED and APPROVED this, the 11th day of February, 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

CERTIFICATION OF CITY CLERK

STATE OF ALABAMA)
LIMESTONE COUNTY)

I, Annette Barnes, City Clerk of the City of Athens, Alabama, do hereby certify that the above and foregoing is a true and correct copy of the Ordinance duly adopted by the City Council of the City of Athens, on the 11th day of February, 2019.

Witness my hand and seal of office this the 11th day of February, 2019.

/s/Annette Barnes
Annette Barnes, City Clerk

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

Councilman Travis introduced the following ordinance:

ORDINANCE NUMBER 2019 -2070

**AN ORDINANCE EXTENDING A NONEXCLUSIVE FRANCHISE TO CHARTER COMMUNICATIONS
CONCERNING A CABLE TELEVISION SYSTEM**

WHEREAS, Falcon First Cable of the Southeast, Inc., a subsidiary of Charter Communications, Inc., (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. 2018-2035;

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;

WHEREAS, Charter is undergoing an internal reorganization whereby Falcon First Cable of the Southeast, Inc. will be merged into another subsidiary of Charter, Spectrum Southeast, LLC, who will hold the franchise as an assignee, and be bound by all of its lawful terms and conditions (and thus, references herein to “Charter” encompass both First Cable of the Southeast, Inc. and Spectrum Southeast, LLC, as assignee);

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, February 11, 2019, at 5:30 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 March 1, 2020, 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.

ADOPTED and APPROVED this, the 11th day of February, 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

CERTIFICATION OF CITY CLERK

STATE OF ALABAMA)
LIMESTONE COUNTY)

I, Annette Barnes, City Clerk of the City of Athens, Alabama, do hereby certify that the above and foregoing is a true and correct copy of the Ordinance duly adopted by the City Council of the City of Athens, on the 11th day of February, 2019.

Witness my hand and seal of office this the 11th day of February, 2019.

/s/Annette Barnes
Annette Barnes, City Clerk

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

The following resolution was made for introduction only at the January 14, 2019 meeting:

RESOLUTION NO. _____

A RESOLUTION VACATING A CERTAIN PUBLIC ALLEYWAY NEAR MARKET STREET CHURCH OF CHRIST

WHEREAS, this resolution relates to a fifteen (15) foot wide public alleyway shown on the *Map Showing Hendricks Subdivision of a Part of The Houston Place which is Lot 4 Block 67 according to the 1914 Map of Athens*,

Alabama, recorded at Plat Book A, Page 20 in the Office of the Judge of Probate of Limestone County, Alabama, and more particularly described as follows:

That certain fifteen (15) foot wide alleyway, running easterly and westerly along the northern boundaries of Lots 15A through 7A, with its western terminus at its intersection with Malone Street, and its eastern terminus at its intersection with a fifteen (15) foot alleyway running northerly and southerly. Said eastern terminus is also located at the northeast corner of Lot 7A and the southeastern corner of Lot 1A. All of the above reference points are as shown on the *Map Showing Hendricks Subdivision of a Part of The Houston Place which is Lot 4 Block 67 according to the 1914 Map of Athens, Alabama*, recorded at Plat Book A, Page 20 in the Office of the Judge of Probate of Limestone County, Alabama. This alleyway is also depicted on the *Map of the David U. Patton Sub-Division of a Part of Lot 4, Block 67 According to the 1914 Map of Athens, Alabama*, recorded at Plat Book B, Page 01 in the Office of the Judge of Probate of Limestone County, Alabama.

(the “Public Way”);

WHEREAS, for the aid of the reader, a depiction of the Public Way is shown on **Exhibit A** hereto, shaded for emphasis, and labelled as “15’ Alley”;

WHEREAS, the Public Way is a paved and improved driveway; and

WHEREAS, at the urging of the adjacent landowners to the alleyway, the City proposes to vacate the Public Way pursuant to § 23-4-1, *et seq.* of the *Code of Alabama*, and has published, posted, and served notice of the same as required by § 23-4-2 of the *Code of Alabama*;

WHEREAS, the City Council held a public hearing concerning this matter at its regular meeting on January 14, 2019;

WHEREAS, the City Council has determined that it is in the interest of the public that the Public Way should be vacated;

WHEREAS, the following persons or entities (and/or their successors, heirs, and assigns) are the owners of all lots or parcels of land that abut the Public Way:

Market Street Church of Christ
Anthony L. Lewis and Cyndi C. Lewis
Vada Nell Barksdale

WHEREAS, the vacation of the Public Way will not cause any person to be cut off from access over some other reasonable and convenient way;

WHEREAS, Athens Utilities may maintain any existing water, sewer, gas, and/or electrical lines within the Public Way, and the vacation of the Public Way, as explained herein, will not prevent Athens Utilities from accessing, maintaining, extending, and enlarging those lines to the same extent as if such vacation had not occurred; and

WHEREAS, the vacation of the Public Way will not deprive other property owners of any right they may have to convenient and reasonable means of egress and ingress to and from their property.

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

while in regular session on February 11, 2019 at 5:30 p.m., as follows:

1. The Public Way is hereby vacated upon the City Clerk's filing of this Resolution with the Probate Court of Limestone County, and the City Council does thereupon divest itself of all public rights and liabilities therein in accordance with § 23-4-2(b) of the *Code of Alabama*.

2. The City Clerk shall cause a copy of this Resolution to be filed with the Probate Court of Limestone County. Such filing shall operate as a declaration of the governing body's vacation and shall divest all public rights and liabilities, including any rights which may have been acquired by prescription, in the Public Way.

3. Title and all public rights in the Public Way shall vest in the abutting owners, to the extent and as provided for by law.

4. However, notwithstanding anything herein to the contrary, any entities (such as the City by and through Athens Utilities) with utility lines, equipment, or facilities in place at the time of vacation, shall have the right to continue to access, maintain, extend, and enlarge their lines, equipment, and facilities to the same extent as if the vacation of the Public Ways had not occurred. Moreover, such entities may continue to move across and along the vacated area to reach their lines, equipment, and facilities for the above purposes as if the vacation had not occurred.

5. The City Clerk shall cause notice of this action to be published once in the *Athens News Courier* no later than 14 days after the adoption of this Resolution.

ADOPTED this the 11th day of February, 2019.

HAROLD WALES, CITY COUNCIL PRESIDENT

WILLIAM R. MARKS, MAYOR

ATTEST:

ANNETTE BARNES, CITY CLERK

CERTIFICATION OF CITY CLERK

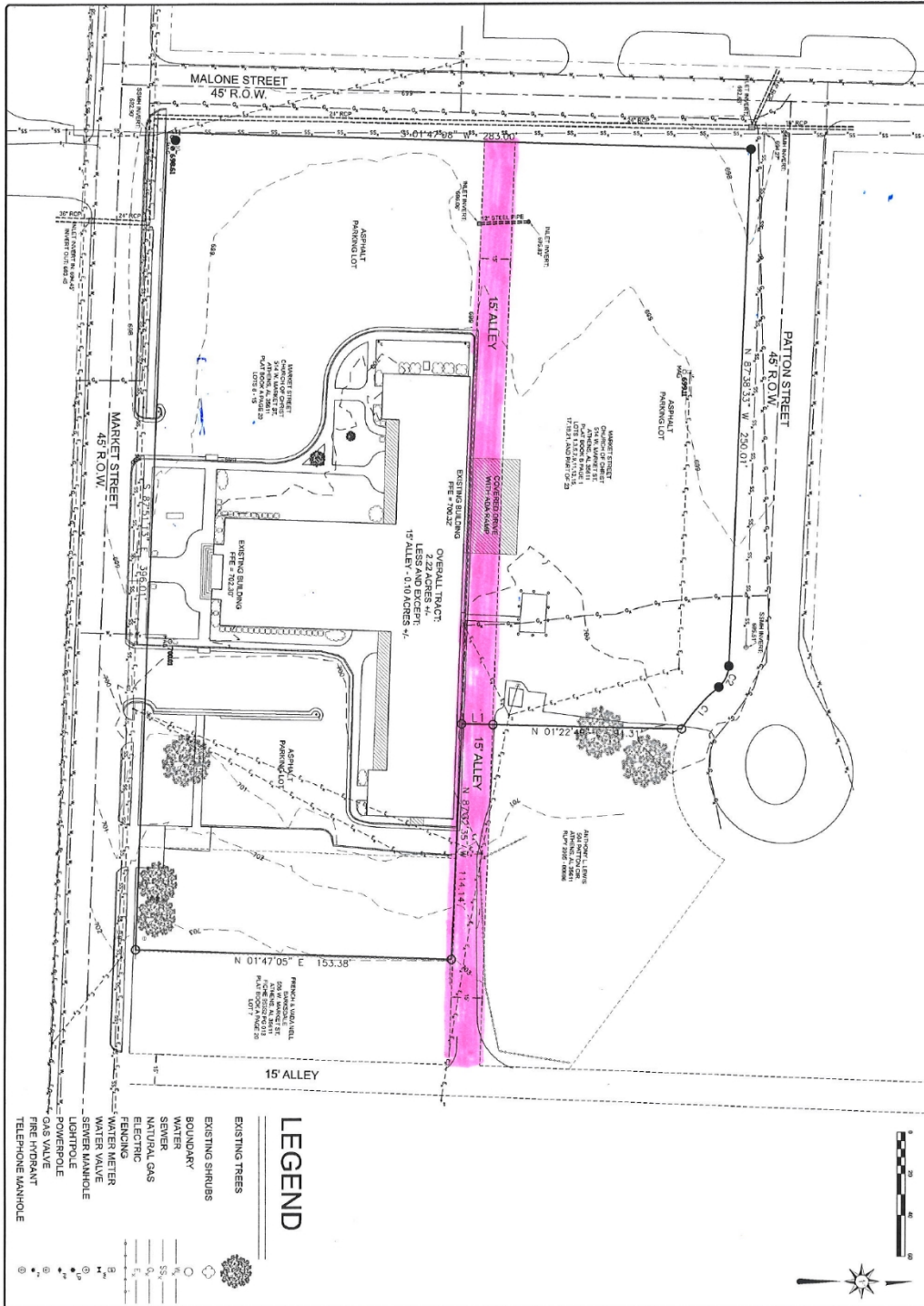
STATE OF ALABAMA)
LIMESTONE COUNTY)

I, Annette Barnes, City Clerk of the City of Athens, Alabama, do hereby certify that the above and foregoing is a true and correct copy of a Resolution duly adopted by the City Council of the City of Athens, Alabama, on the ____ day of _____, 2019.

Witness my hand and seal of office this ____ day of _____, 2019.

Annette Barnes, City Clerk

EXHIBIT A



MORELL ENGINEERING
 711 E. HOBBS STREET ATHENS, ALABAMA 35611
 PHONE (256) 867-8957 FAX (256) 867-1324
 MORELL ENGINEERING, INC.

BOUNDARY AND TOPO
 MARKET STREET
 CHURCH OF CHRIST

OWNER: MARKET STREET CHURCH OF CHRIST		REVISIONS	
SCALE: 1"=20'	DATE: 05/01/2018	DRAWN BY: LIM	CHECKED BY: WTM
			SHEET 1 OF 6

The motion was put to vote and the following vote was recorded: YEAS: Councilmembers Seibert and Cannon; NAYS: Councilmembers Travis and Wales. President Wales announced that based on the vote, the proposed resolution was not adopted by the City Council.

Councilman Seibert introduced the following resolution:

RESOLUTION NUMBER 2019 - 1606
A RESOLUTION CONCERNING BREEDING
INDUSTRIAL PARK SUBDIVISION – PHASE 2

WHEREAS, the City owns certain real property in the city of Athens, Alabama located in the vicinity of Hine Street, Sanderfer Road, and Durham Drive;

WHEREAS, the City Council wishes to cause the real property to be re-subdivided and re-configured in order to make the property more conducive for economic development purposes; and

WHEREAS, the City Council wishes to retain the professional engineering services of Morrell Engineering to assist in this effort.

THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ATHENS, ALABAMA while in regular session on February 11, 2019 at 5:30 p.m., as follows:

1. The Mayor is authorized, for and on behalf of the City, to enter into a contract with Morrell Engineering for its engineering services to provide a boundary survey and proposed plat map of the real property described herein for a new subdivision of the real property owned by the City to be known as **North Breeding Industrial Park, Phase 2**, at an hourly rate with the total cost not to exceed \$10,500.

2. The Mayor is authorized and directed to secure the approval and effectiveness of the proposed plat map showing the re-subdivision and re-configuration of the real property to be known as the **North Breeding Industrial Park, Phase 2**.

ADOPTED and APPROVED this, the 11th day of February, 2019.

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

ATTEST:

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

CERTIFICATION OF CITY CLERK

STATE OF ALABAMA)
LIMESTONE COUNTY)

I, Annette Barnes, City Clerk of the City of Athens, Alabama, do hereby certify that the above and foregoing is a true and correct copy of a Resolution duly adopted by the City Council of the City of Athens, Alabama, on the 11th day of February, 2019.

Witness my hand and seal of office this 11th day of February, 2019.

/s/Annette Barnes
Annette Barnes, City Clerk

Councilmember Cannon moved that unanimous consent be given for immediate consideration of and action on said resolution, 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 Cannon; 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 thereupon moved that the resolution 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 Cannon; NAYS: None. The President thereupon announced that the motion for the adoption of the said resolution had been 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. There being none, the meeting was duly and properly adjourned.

/s/ Harold Wales
PRESIDENT, CITY COUNCIL

ATTEST:

/s/ Annette Barnes
CITY CLERK