

February 13, 2017

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 the said City on February 13, 2017, at 5:30 p.m. The meeting was called to order by Councilman Joseph Cannon, President of the Council. Upon roll call the following were found to be present: Councilmember Chris Seibert, Harold Wales, Frank Travis, Joseph Cannon and Wayne Harper. Mayor Marks led the Pledge of Allegiance. Annette Barnes, City Clerk, was present and recorded the minutes of the meeting. Wayne Harper 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 23, 2017 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 Wales and was unanimously carried. The Chairperson stated that the Minutes of the January 23, 2017 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 Wales and was unanimously carried.

Mayor Marks introduced Katherine Shivers with the Muscular Dystrophy Association who recognized Athens Fire and Rescue for raising almost \$9,000 for MDA during the Firefighters Fill the Boot fundraiser. Athens Fire and Rescue was presented the Golden Axe award for being the top fundraiser in the State of Alabama for communities with populations of up to 25,000. Helping to present the award was Ethan Lybrand, an Athens resident who is the 2017 Alabama State Goodwill Ambassador. Ethan's parents, Josh and Jordan Lybrand and his sister, Chloe were also there to help recognize the fire department for their support of MDA.

A Public Hearing was held to hear comments on the sale of alcohol for Athens Rotary Club for a special event held on February 17, 2017.

The Public Hearing was closed.

**Councilman Seibert 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 "Special Events Retail License for On-Premises "Consumption", alcohol license.

Athens Rotary Club, Inc.  
Limestone County Event Center  
114 West Pryor Street  
Event date: February 17, 2017

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

Randy Comer, with Athens Limestone Hospital, 700 West Market Street, Athens, addressed the Council concerning funding for the hospital's dialysis transport program. He requested an additional \$12,000 appropriation to bring the City's total appropriation to \$30,000 for fiscal year 2017. Mr. Comer cited increased health care costs as the reason for the additional request. Council member Seibert requested that Mr. Comer forward updated financial statements to document the cost increases to the City Clerk's office.

Ralph Diggins, 100 Willow Street, Athens, expressed his appreciation to the media and to the City's communication staff for keeping the citizens informed about the City of Athens. He commended the City's police and fire

departments for keeping the citizens safe and stated that he wouldn't mind an increase in property taxes to help fund additional staffing needs.

Greg Skipworth, 903 Sunset Street, Athens, encouraged the Council to move forward with the proposed new zoning ordinance. He also expressed his support for the City's efforts to acquire the Pilgrims' Pride property stating that the purchase could be used to generate additional revenues by converting the property to a mixed use development.

**Councilman Seibert introduced the following resolution:**

**RESOLUTION**

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ATHENS, ALABAMA, that the travel expenses in the following amount be approved for Electric Department personnel.

Chris Haney	TVPPA – Line Design & Staking – Stage 1 Nashville, Tennessee February 17-19, 2017	\$198.03
-------------	---	----------

The motion was seconded by Councilman Wales 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 approve the payment of budgeted travel/education expenses for specified Water Services employees in the total amount of \$167.40.

Frank Eskridge (Water Services)	AWWA Utility Management Conference Montgomery, Alabama January 31, 2017	\$167.40
------------------------------------	---	----------

The motion was seconded by Councilman Wales 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 set a Public Hearing for the regular meeting of March 27, 2017 to hear comments on a proposed new Zoning Ordinance and official Zoning Map.

The motion was seconded by Councilman Wales 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 reappoint Anita Raby to the Houston Memorial Library Board of Directors for a four year term ending January 25, 2021.

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

**Councilman Wales introduced the following ordinance:**

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

**ORDINANCE NUMBER 2017-2012**

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

---

WHEREAS, Falcon First Cable of the Southeast, Inc. (l/k/a Charter Communications) (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. 2015-1981;

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, 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 13, 2017, 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 Charter under the same definitions, terms, and conditions as set forth in Ordinance No. 88-1030, and any amendments thereto, until March 1, 2018, 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 13th day of February, 2017.

/s/ Joseph Cannon  
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 13th day of February, 2017.

Witness my hand and seal of office this the \_\_\_\_ day of \_\_\_\_\_, 2017.

\_\_\_\_\_  
Annette Barnes, City Clerk

Councilmember Harper moved that unanimous consent be given for immediate consideration of and action on said ordinance, 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, Cannon 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 Wales 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, Cannon and Harper; NAYS: None. The President thereupon announced that the motion for the adoption of the said ordinance had been unanimously carried.

**Councilman Wales introduced the following ordinance:**

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

**ORDINANCE NUMBER 2017-2013**

**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. 2016-1983, such that it would be extended through February 23, 2017;

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 13, 2017, 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, 2018, 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 13th day of February, 2017.

/s/ Joseph Cannon  
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 13th day of February, 2017.

Witness my hand and seal of office this the \_\_\_\_ day of \_\_\_\_\_, 2017.

\_\_\_\_\_  
Annette Barnes, City Clerk

Councilmember Harper moved that unanimous consent be given for immediate consideration of and action on said ordinance, 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, Cannon 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 Wales 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, Cannon and Harper; 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 resolution:**

**RESOLUTION**

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ATHENS, ALABAMA, to accept the low bid of \$595,510.00 from Goss Electric Company, Decatur, Alabama, and authorize the Utilities General manager to enter into an agreement with the company for work associated with construction of the Buck Island Substation.

The motion was seconded by Councilman Harper 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 accept the low bid of \$41,136.00 for one 161 kV circuit switcher for the Buck Island Substation.

The motion was seconded by Councilman Harper 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 accept the low bid of \$53,085.00 for one 161 kV circuit breaker and associated spare parts, for the Buck Island Substation.

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

\* \* \*

There being no further business to come before the meeting, the same was, upon motion by Councilman Seibert and second by Councilman Travis, duly and properly adjourned.

/s/ Joseph Cannon  
PRESIDENT, CITY COUNCIL

ATTEST:

/s/ Annette Barnes  
CITY CLERK