

March 12, 2018

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 March 12, 2018, at 5:30 p.m. The meeting was called to order by Councilman Chris Seibert, President of the Council. Upon roll call, the following were found to be present: Councilmembers Frank Travis, Wayne Harper, Harold Wales, Joseph Cannon and Chris Seibert. Charles McMurtrey of Boy Scout Troop 240 joined Mayor Marks in leading the Pledge of Allegiance. Annette Barnes, City Clerk, was present and recorded the minutes of the meeting. Joseph Cannon 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 February 26, 2018 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 Cannon and was unanimously carried. The Chairperson stated that the Minutes of the February 26, 2018 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 Cannon and was unanimously carried.

A public hearing was held to hear comments concerning the approval of a Master Development Plan for the Links at Canebrake.

A number of residents of Canebrake Subdivision were in attendance. While several of the residents expressed appreciation for the elimination of the originally-proposed interconnectivity between the Links at Canebrake and the Canebrake Subdivision, several also voiced opposition to the lack of a requirement for a buffer zone in the proposed Master Development Plan between the two subdivisions. Other residents expressed concerns about the possible removal of trees and placement of fences in the utility easements. Other residents were opposed to the use of the name of the proposed subdivision "*The Links at Canebrake*" stating that the name was misleading in that the development has no association with a golf community or the existing Canebrake subdivision. Residents, who expressed one or more of these concerns, were as follows:

Chuck Browning, Piney Creek Drive
Keith Armstrong, Muirfield Drive
George Carter, Winged Foot Lane
Wayne Reynolds, Muirfield Drive
John Marlin, Muirfield Drive
Bree Hollander, Baltustrol Lane
Scott Marshall, Piney Creek Drive
Melva McMurtrey, Kennemer Lane
Wayne Wolfe, Founders Circle

Others in attendance voiced concern over the inclusion of a buffer zone in the proposed development. They cited lack of responsibility for maintaining the buffer zone and forcing a buffer zone on a residential development when it is currently required only for commercial developments. Those in attendance who voiced these concerns were as follows:

Kenny Winter, Homebuilder and Resident of Canebrake, Founders Circle
Ron Roberts, Developer, Links at Canebrake
Alston Noah, 421 E. Green Street, Athens, Developer, Links at Canebrake

Gina Garth, Chairperson of the Athens Planning Commission, spoke on behalf of the Planning Commission to clarify that the Planning Commission's recommendation to the Council for the proposed Master Development Plan did include a provision for a 25 foot buffer zone. She stated that, although the City Ordinance does not require buffer zones for residential developments, the Planning Commission recommends one to be a common area to be

maintained by the Links at Canebrake's home owners' association. After all members of the public had an opportunity to address the City Council, Councilman Seibert closed the public hearing.

Councilman Wales introduced a motion to approve the following resolution:

RESOLUTION NO. _____

A RESOLUTION APPROVING A MASTER DEVELOPMENT PLAN FOR THE LINKS AT CANEBRAKE WITH NO EXTERNAL STREET CONNECTIONS TO THE CANEBRAKE SUBDIVISION

WHEREAS, the Athens City Council must approve master development plans in a C-PUD zoning district;

WHEREAS, Canebrake Club, LLC., on behalf of D.R. Horton, Inc. (the "Applicant") proposed a Master Development Plan for the Links at Canebrake subdivision in a C-PUD district;

WHEREAS, the Athens Planning Commission reviewed the proposed plan and issued its report/recommendation to the Athens City Council;

WHEREAS, the original proposed master development plan called for external connectivity through a number of street connections from the Links at Canebrake subdivision into the Canebrake subdivision;

WHEREAS, many residents in the Canebrake subdivision voiced reasonable opposition to those external street connections;

WHEREAS, the Applicant also consented to the removal of the external street connections;

WHEREAS, city officials directed that the Public Works Department propose a revised plan that adhered to city standards and removed the external street connections between the Links at Canebrake subdivision and the Canebrake subdivision;

WHEREAS, the City Council called for a public hearing so that the general public could be heard concerning this matter; and

WHEREAS, the City Council, having fully considered the proposed revised plan generated by the Public Works Department, has determined to adopt the Applicant's Master Development Plan, but only with the changes (including no street connectivity with the Canebrake Subdivision) shown on the revised plan.

THEREFORE BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ATHENS, ALABAMA on March 12, 2018 at _____ p.m., that the Applicant's Master Development Plan is hereby approved in a revised form (that includes no street connectivity to the Canebrake Subdivision) so that it conforms in each and every respect with the *Master Plan of Links at Canebrake*, dated today, March 12, 2018, and attached to this Resolution as Attachment A.

ADOPTED this the ____ day of _____, 2018.

CHRIS SEIBERT, CITY COUNCIL PRESIDENT

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 _____, 2018.

Witness my hand and seal of office this ____ day of _____, 2018.

Annette Barnes, City Clerk

ATTACHMENT A
(Please see attached)

The motion was seconded by Councilman Harper. A lengthy discussion then followed, regarding the buffer zone that was included in the Planning Commission's recommendation to the City Council, among other things. Councilman Cannon then introduced a motion to table the pending resolution. Councilman Cannon's motion was seconded by Councilman Travis. The motion to table was then approved with four yeas by Councilman Cannon, Travis, Harper and Seibert, with one dissenting vote by Councilman Wales. The motion was tabled.

Councilman Cannon introduced the following resolution:

RESOLUTION

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ATHENS, ALABAMA, to approve travel expenses for the following personnel from the Cemetery, Parks and Recreation Department.

Corey Jennings	District Basketball Tournament Muscle Shoals, AL February 23, 2018	\$57.24
Preston Herring	District Basketball Tournament Muscle Shoals, AL February 24, 2018	\$67.66

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

Councilman Cannon introduced the following resolution:

RESOLUTION

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ATHENS, ALABAMA, to approve travel expenses for the following personnel:

Mayor Ronnie Marks	Rating Agency Meetings New York, NY February 27 – March 1, 2018	\$ 29.39
Annette Barnes	Rating Agency Meetings	\$ 48.56

New York, NY
February 27 – March 1, 2018

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

Councilman Cannon introduced the following resolution:

RESOLUTION

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ATHENS, ALABAMA, to approve the purchase of a 2018 Ford F650 in the amount of \$78,975.24 for the Sanitation Department. This purchase will be made from Ingram Equipment Company, Inc., through the state bid contract with NJPA and will be paid from the Sanitation Department's existing capital account.

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

Councilman Cannon introduced the following resolution:

RESOLUTION

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ATHENS, ALABAMA, to approve travel expenses for the following personnel from the Fire Department.

Hunter Campbell	Alabama Fire College Huntsville, AL February 26, 2018 – March 2, 2018	\$ 58.06
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The motion was seconded by Councilman Travis and was unanimously carried.

Councilman Cannon introduced the following resolution:

RESOLUTION

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ATHENS, ALABAMA, to approve travel/education expenses for the following personnel from the Information Technology Department.

Seth Siniard	Mileage February 1, 2018 – February 28, 2018	\$ 59.40
Lisa LaGrone	Mileage October 30, 2017 – February 28, 2018	\$ 243.00

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

Councilman Harper introduced the following resolution:

RESOLUTION NUMBER 2018-1562

WHEREAS, Sprint has requested to modify their equipment on an existing telecommunications facility located at 107 Stewart Drive , Athens, AL to provide wireless services essentially within the corporate limits of the City of Athens;

WHEREAS, Sprint 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 Sprint 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 Sprint is hereby granted a Special Use Permit to modify their equipment at 107 Stewart Drive, Athens, AL. Sprint is proposing to add three Commscope antennas, a fiber line, three RRUS 11's and three RRUS 82's to improve service in the area. The height of the tower will remain the same as will the footprint of the tower also. There will be no additional electrical work done. It will be a hot swap so the service will not be disrupted either. 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. Prior to the issuance of the Building Permit, Sprint or the tower owner must submit for review and approval, a remediation report for all safety items noted as deficient on the ANSI/TIA-222-G Annex J: Conditions and Maintenance Assessment, dated December 12, 2017.
2. Prior to the issuance of the Building Permit, Sprint or the tower owner must submit for review and approval by the City, a plumb report for the monopole tower. Report should include all calculations, allowable tolerances and methodology used to determine the results of the report.
3. 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.* Sprint 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.
4. Sprint 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.
5. Prior to the issuance of the Certificate of Completion, Sprint or the tower owner must remediate the following safety issues, noted at the pre-application site visit:
 - a. One piece of Conduit covering electrical wires is broken leaving wires exposed.
 - b. Missing ground bar at equipment pad.
6. 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.
7. Sprint 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.
8. The Certificate of Occupancy shall not be issued until all fees and costs associated with this Permit, including inspections, have been paid.
9. A Certificate of Occupancy for the work permitted under this permit shall be a prerequisite for any future work by Sprint at this facility.

ADOPTED and APPROVED this, the 12th day of March, 2018.

/s/ Chris Seibert
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 Travis and was unanimously carried.

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

/s/ Chris Seibert
PRESIDENT, CITY COUNCIL

ATTEST:

/s/ Annette Barnes
CITY CLERK