

April 24, 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 April 24, 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: Councilmembers Chris Seibert, Harold Wales, Frank Travis, Joseph Cannon, and Wayne Harper. Mayor Marks lead 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 April 10, 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 April 10, 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 read a Proclamation designating April as Donate Life Month.

Mayor Marks then announced that the City of Athens Wastewater Department has been awarded the Alabama Water Environmental Association's Award of Excellence and congratulated Athens Water and Wastewater Manager, Frank Eskridge, and his staff on this achievement.

Mayor Marks presented a certificate to Athens High School student, Robert Smith, commending him on his acceptance to West Point Academy. Mayor Marks stated that Robert is the first student from Athens to be accepted to West Point in over 30 years.

D.W. Daws, 1721 Brownsferry Street, Athens, expressed his appreciation to the City and Council for their efforts to clean out the ditches along Brownsferry Street to help alleviate the standing water issues he and his neighbors have been experiencing.

Kenny Baskins, 22329 Cantera Place, Athens, spoke on behalf of ALMA, the Athens Limestone Ministerial Association, to express concern over the Sunday alcohol sales issue. He expressed the Association's objection to the issue being deciding by a vote of the City Council rather than letting the citizens of Athens decide the issue through a municipal referendum.

Melanie Newton, 408 East Street, Athens, who serves as Director of The Spirit of Athens, spoke in support of the Sunday alcohol sales issue being decided by a vote of the City Council. She cited the cost of having a municipal election and her confidence in the Councilmen's ability to represent their constituents' interests regardless of their personal views.

Doug Gates, 315 East Street, Athens, and President of The Spirit of Athens Board of Directors, also expressed his support for the Sunday alcohol sales decision being made by the City Council.

**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 3 – Nashville, Tn	\$251.46
Joseph Hoenig TVPPA – Protective Relaying Lab – Chattanooga, TN	\$168.52
Matt Lannom TVPPA – Protective Relaying Lab – Chattanooga, TN	\$227.32

The motion was seconded by Councilman Harper 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 \$4,187.13.

Frank Eskridge (Water Services)	AWEA Annual Technical Conference Orange Beach, Alabama April 8-12, 2017	\$298.00
Harrison Bauer (Water Services)	AWEA Annual Technical Conference Orange Beach, Alabama April 8-12, 2017	\$32.60
Dale Putman (Wastewater)	AWEA Annual Technical Conference Orange Beach, Alabama April 8-12, 2017	\$1,027.05
Jon Lewonczyk (Wastewater)	AWEA Annual Technical Conference Orange Beach, Alabama April 8-12, 2017	\$812.52
David Watts (Wastewater)	AWEA Annual Technical Conference Orange Beach, Alabama April 8-12, 2017	\$945.72
Virgil White (Wastewater)	AWEA Annual Technical Conference Orange Beach, Alabama April 8-12, 2017	\$1,071.24

The motion was seconded by Councilman Harper 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 purchase equipment for police vehicles and installation of equipment from Sharp Communications, not to exceed \$18,633.00.

The motion was seconded by Councilman Harper 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 purchase three (3) 2017 Dodge Charger police vehicles. These vehicles are to be purchased through the State of Alabama Bid List from Opelika Chrysler Dodge Jeep Ram (State Bid #T191L, Line 33) at a total cost not to exceed \$66,780.90. Funding for this purchase will be from the Police Department’s existing capital expenditure account.

The motion was seconded by Councilman Harper 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 purchase three in-car radars for patrol units for a cost of \$8,737.50 from Stalker Radar. Funding for this purchase will be from the Police Department’s existing capital expenditure account.

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

Council President Cannon reminded the Council that this resolution was introduced in March 2017 and, if passed, would have determined that a structure at 708 Westmoreland was unsafe and ordered its demolition. After the resolution was introduced in March, the resolution was tabled until tonight’s meeting in order to give the owner time to make some improvements to the property. Mr. Bert Bradford, Building Inspector with the City’s Public Works Department, has advised us in the work session that some work has been done on the structure and it is no longer unsafe. As a result, Mr. Cannon stated, unless there’s an objection by any member of the Council, I will order that proposed resolution be withdrawn from consideration. There being no objections, Council President Cannon stated that the resolution is now withdrawn from consideration.

**Councilman Harper introduced the following resolution:**

**RESOLUTION**

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ATHENS, ALABAMA, to purchase the following equipment for a cost of \$665.00 from Tomahawk Live Trap. Funding for this purchase will be from the Animal Control Fund 205.500.80450:

- Two (2) animal control poles (ACP5) at a cost of \$87.00 each
- Six (6) powder coated original series cat traps (model 606) \$61.85 each
- Two (2) 42” standard snake tong (model 315) \$59.95 each

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

**Councilman Wales 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 “Retail Beer & Wine (On or Off Premises)”, alcohol license:

Food Fite, Inc.  
300 North Beaty Street  
Athens, AL 35611

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 accept the low bid of \$214,838 from VFP, Salem, Virginia, for the Control House with switchboards to be used in the Buck Island Substation.

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

**Councilman Harper introduced the following ordinance:**

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

**ORDINANCE NUMBER 2017-2018**

**AN ORDINANCE OF THE CITY OF ATHENS, ALABAMA, TO EXEMPT CERTAIN “COVERED ITEMS” FROM THE MUNICIPAL SALES AND USE TAX DURING THE THIRD FULL WEEKEND OF JULY, 2017, AS AUTHORIZED BY ACT 2006-574 AND AMENDED BY ACT 2017-120, GENERALLY REFERRED TO AS THE STATE SALES TAX HOLIDAY LEGISLATION.**

**BE IT ORDAINED BY THE CITY COUNCIL OF ATHENS, ALABAMA, AS FOLLOWS:**

Section 1. In conformity with the provisions Act 2006-574 enacted by the Alabama Legislature during the 2006 Regular Session, providing for a State Sales Tax Holiday, and amended during the 2017 Regular Session by Act 2017-120, the City of Athens, Alabama, exempts “covered items” from municipal sales and use tax during the same period, beginning at 12:01 a.m. on the third Friday in July 2017 (July 21, 2017) and ending at twelve midnight the following Sunday (July 23, 2017).

Section 2. This ordinance shall be subject to all terms, conditions, definitions, time periods, and rules as provided by Act 2006-574 and amended by Act 2017-120, except that the time period shall only be as specified in Section 1 above and **not for all years thereafter**.

Section 3. The City Clerk is hereby authorized and directed to certify a copy of this ordinance under the seal of the City of Athens, Alabama, and to forward said certified copy to the Alabama Department of Revenue to be recorded and posted on the Department website.

Section 4. This ordinance shall become effective on April 24, 2017.

ADOPTED and APPROVED this, the 24<sup>th</sup> day of April, 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

STATE OF ALABAMA)  
LIMESTONE COUNTY)

**CERTIFICATION OF CITY CLERK**

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 Ordinance duly adopted by the City Council of the City of Athens, Alabama, on the 24<sup>th</sup> day of April 2017.

Witness my hand and seal of this office this the 24th day of April 2017

\_\_\_\_\_  
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 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 declared that the motion for unanimous consent for immediate consideration of and action on the said ordinance had been unanimously carried. Councilmember Harper thereupon moved that the ordinance be finally adopted, which motion was seconded by Councilmember Wales 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 Seibert introduced the following resolution:**

**RESOLUTION**

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ATHENS, ALABAMA, to allow the Sanitation Department to place an order for commercial dumpsters at a cost not to exceed \$75,000 to be funded through a 2017 General Fund budget amendment of \$75,000 to line item 100.527.90112, Transfers Out, Capital Expenditure Fund.

Councilmember Travis 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, Cannon 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 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, Cannon 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 2017-1514**

**BE IT RESOLVED**, by the City Council of the City of Athens, Alabama as follows:

1. That the City enters into an agreement with the State of Alabama, acting by and through the Alabama Department of Transportation for:  
  
The resurfacing on Nick Davis Road from Lindsay Lane to Mooresville Road. Length – 2.969 miles.  
  
Project# ACOA63309-ATRP(015); ATRIP# 42-05-19
2. That the agreement be executed in the name of the City, by its Mayor, for and on its behalf.
3. That the agreement be attested by the City Clerk and the seal of the City affixed thereto.

**BE IT FURTHER RESOLVED**, that upon the completion of the execution of the agreement by all parties, that a copy of such agreement be kept on file by the City Clerk.

Passed, adopted and approved this 24th day of April, 2017.

**ATTESTED:**

\_\_\_\_\_

City Clerk

\_\_\_\_\_

Mayor, City of Athens

I, the undersigned and qualified and acting clerk of the City of Athens, Alabama, do hereby certify that the above and foregoing is a true copy of a resolution passed and adopted by the City Council of the City named therein, at a regular meeting of such Council held on the 24th day of April, 2017, and that such resolution is on file in the City Clerk's office.

**IN WITNESS WHEREOF**, I have hereunto set my hand and affixed the official seal of the City on the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_.

\_\_\_\_\_  
City Clerk

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

**Councilman Harper introduced the following resolution:**

**RESOLUTION NUMBER 2017-1515**

WHEREAS, Verizon Wireless has requested to modify their equipment on an existing telecommunications facility located at 14022 AL Hwy 251, Athens, AL to provide wireless services essentially within the corporate limits of the City of Athens;

WHEREAS, Verizon Wireless 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 Verizon Wireless 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 14022 AL Hwy 251, Athens, AL, which consists of a 400' ft. Guyed tower;

THEREFORE, BE IT RESOLVED by the City Council of the City of Athens, Alabama that Verizon Wireless is hereby granted a Special Use Permit to modify their equipment at 14022 AL Hwy 251, Athens, AL. Verizon Wireless proposes to add one (1) new temporary microwave dish and two lines of coax at the 290'ft elevation. This Verizon Wireless modification is for backhauling purposes. 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 Certificate of Occupancy, Verizon Wireless or the tower owner must remediate the following safety issues noted at the time of the pre-application site visit:
  - a. A large hole had been cut out of the compound fence. Site is not secure
  - b. 4 of the 6 guy compound fences are not grounded
  - c. Stripped flex conduit is throughout compound.
  - d. Grounds are missing from the metal electrical H-frame.
  - e. Verizon's shelter is missing ground on one side.
  - f. Grounding lead is missing from grounding bar mounted on tower to the grounding ring.
  - g. One tower ground is missing
2. 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.* Verizon Wireless 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.
3. Verizon Wireless 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.
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. Verizon Wireless 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 a prerequisite for any future work by Verizon at this facility.

ADOPTED and APPROVED this, the 24<sup>th</sup> day of April, 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

STATE OF ALABAMA)

LIMESTONE COUNTY)

I, Annette Barnes, as City Clerk of the City of Athens, Alabama, 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 24<sup>th</sup> day of April, 2017.

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

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

The motion was seconded by Councilman Travis 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 appoint Tim Green to the Athens City Board of Education for a five year term ending May 24, 2021.

The motion was seconded by Councilman Travis with three YEAS and two NAYS by Councilman Wales and Councilman Harper.

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

/s/ Joseph Cannon

PRESIDENT, CITY COUNCIL

ATTEST:

/s/ Annette Barnes

CITY CLERK