

May 14, 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 May 14, 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. Mayor Marks lead the Pledge of Allegiance. Annette Barnes, City Clerk, was present and recorded the minutes of the meeting. Frank Travis 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 23, 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 April 23, 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. The Chairperson stated that the Minutes of the May 7, 2018 Special City Council Meeting had been submitted for approval. Councilman Wales moved that the reading of the Minutes be suspended and that the Minutes be approved as recorded. The motion was seconded by Councilman Travis and was unanimously carried.

Mayor Marks and Chief Bryan Thornton recognized Athens Fire and Rescue C-Shift Firefighters with Exceptional Duty Awards for their performance at a structure fire on March 26, 2018 at Oakleaf Apartments. Those presented this award were Captain Jeff Jones, Driver Chad Green, Drive Giles Durisseau, Driver Colton Hill, Firefighter Casey Bloodworth, Captain Chris Gillman, Driver Scott Jackson, Captain Ryan Kiser, Drive Neil Gooch, and Inspector Jason Strickland. Also, Lifesaver Awards were presented to Driver David Kress and Driver Brandon Wilson for their lifesaving rescue of a resident from his apartment.

A public hearing was held concerning the rezone of a parcel of land located at 107 Putman Dive for Steve and Tommy Morris.

The Planning Commission recommended that the City Council not approve the request to rezone the property. No motion was made.

A public hearing was held to determine if a structure at 715 Plato Jones Street is unsafe and a public nuisance, and ordering abatement of same. James Rich addressed the City Council. He described the structure at issue and explained that it was unsafe. He also explained that the Public Works Department had followed all of the requirements of the City's Unsafe Structures Ordinance prior to the public hearing.

President Seibert closed the hearing, and announced that the City Council would not take action on this matter at this council meeting. He indicated that the matter would be addressed by the City Council at its next regular meeting on May 29, 2018.

Ralph Diggins, 100 Willow Street, Athens, addressed the Council and commended the City's police, fire and other departments on the quality of services provided to the citizens of Athens.

Mattie Jones, 3413 Mimosa Street, Huntsville, addressed the Council on behalf of James Pryor's interest in the property located at 1702 Levert Avenue. She asked the Council to reconsider the lien placed on the property for the City's expenses in demolishing an unsafe structure and abating a weed nuisance. Mr. Pryor then addressed the Council and also asked that the lien be released.

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.

Jordan Pugh	Alabama Fire College Hartselle, AL April 16, 2018 – April 20, 2018	\$ 48.02
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The motion was seconded by Councilman Wales 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 Electric Department.

Beth Clem	\$238.81
TVPPA Purchasing Conference – Gatlinburg, TN	

The motion was seconded by Councilman Wales 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 Electric Department.

Matt Lannom	\$150.34
TVPPA – Substation Maintenance Lab A – Chattanooga, TN	

Joseph Hoenig	\$174.25
TVPPA – Substation Maintenance Lab A – Chattanooga, TN	

The motion was seconded by Councilman Wales 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 2019 55' Articulating Telescopic Aerial Device with Service Body and Cab and Chassis from Altec Industries, Inc., Birmingham, Alabama, for a price of \$173,799.00.

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

Councilman Cannon introduced the following resolution:

RESOLUTION

BE IT RESOLVED BY THE CITY OF ATHENS, ALABAMA, to purchase five (5) 2018 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 \$109,231.50.

The motion was seconded by Councilman Wales 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 purchase equipment for police vehicles and installation of equipment from Sharp Communications, not to exceed \$34,162.00.

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 approve the following applicant, for a Beer & Wine “Off Premises”, alcohol license.

Moran Foods, LLC dba: Save A Lot LTD Store 595
1200 U.S. Highway 72
Athens, AL 35611

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 following applicant, for a Beer & Wine “On & Off Premises”, alcohol license.

Bret-Kase, Inc. dba Terranova’s Italian Restaurant
105 North Jefferson Street
Athens, AL 35611

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

Councilman Travis introduced the following resolution:

RESOLUTION NUMBER 2018-1576

WHEREAS, AT&T has requested to modify an existing telecommunications facility located at 1327 Hwy 251, Athens, AL to provide enhanced wireless services essentially within the corporate limits City of Athens;

WHEREAS, AT&T has complied with City’s Ordinance No. 1999-1320 and has demonstrated the need for modification of this wireless facility to deliver consistently reliable services in the identified area, and;

WHEREAS, both the City and AT&T 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 Special Use Permit for modification of this facility located at 1327 Hwy 251, Athens, AL, which consists of a 276.641' ft. Guyed tower;

THEREFORE, BE IT RESOLVED by the City Council of the City of Athens, Alabama that AT&T is hereby granted a Special Use Permit to modify facilities at 1327 Hwy 251, Athens, AL. AT&T proposes to remove and install equipment to accomplish a final installed configuration of (9) antennas, (6) TMAs, (6) TMSs, (3) RRUS-32 B30, (3) RRUS-11, (3) RRUS-4478 B5, (3) RRUS-4415 B25, (3) RRUS-4478 B14, (3) RRUS-32 B66, (3)

Raycap DC6, (2) Filters, (2) 3/4" power cables, (4) 7/8" power cables, (3) 3/8" fiber cables, (1) 5/16" RET cable. No other changes.

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, AT&T or the tower owner shall submit for review and approval by the City, verification that the new safety climb system & leg caps have been installed as indicated on the submitted remediation report.
2. Prior to the issuance of the Certificate of Occupancy, AT&T must remediate the following issues:
 - a. Multiple guyed anchor compound fences not secured, missing chain and lock.
 - b. Metal H Frame missing grounds.
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.* AT&T 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. AT&T must provide contractor information with 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. 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.
6. AT&T 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.
7. The Certificate of Occupancy shall not be issued until all fees and costs associated with this Permit, including inspections, have been paid.

ADOPTED this 14th day of May, 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 Harper and was unanimously carried.

Councilman Wales introduced the following ordinance:

ORDINANCE NUMBER 2018-2046

**AN ORDINANCE AMENDING SECTION 82-5 OF THE CITY CODE,
CONCERNING SPEED LIMITS**

WHEREAS, the *Code of Alabama* provides that municipalities may determine the proper maximum speed for streets within their jurisdiction.

NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ATHENS,

ALABAMA, while in regular session on May 14, 2018, at 5:30 p.m., as follows:

Section 1. Section 82-5(f) of the Code of Ordinances of the City of Athens, Alabama is hereby amended so as to read as follows:

(f) *Twenty-five-mile-per-hour zone.* No person shall operate a motor vehicle at a greater speed than 25 miles per hour in the following listed zones of the city:

- (1) Market Street from Hines Street to Houston Street.
- (2) South Houston Street, from Highway 72 to Washington Street.
- (3) Coleman Avenue, from Highway 72 to Brownsferry Street.
- (4) Grace Avenue, from Highway 72 to 1st Street.
- (5) West Pryor Street, from Jefferson Street to Hine Street.
- (6) Hastings Road.
- (7) Wellington Road.
- (8) Willow Street.
- (9) Yorkshire Drive.
- (10) Norton Drive.
- (11) Brookwood Drive East.
- (12) Merlot Drive.
- (13) Missy Leigh Drive.
- (14) Yorkshire Drive East.
- (15) Cantera Place.
- (16) Cantera Drive.
- (17) Travertine Drive.
- (18) Saratoga Drive.
- (19) Timberlane Drive.

Section 2. No other subsections of Section 82-5 are amended by this Ordinance. This Ordinance shall become effective immediately upon its lawful publication.

Section 3. The provisions of this Ordinance shall be included and incorporated in the Code of Ordinances of the City of Athens as an addition or amendment thereto, and shall be appropriately renumbered as necessary to conform to the uniform numbering system of the Code.

ADOPTED and APPROVED this, the 14TH day of May, 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

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 14th day of May, 2018.

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

Annette Barnes, City Clerk

Councilmember Travis moved that unanimous consent be given for immediate consideration of and action on said ordinance, 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 ordinance had been unanimously carried. Councilmember Wales thereupon moved that the ordinance be finally adopted, 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 announced that the motion for the adoption of the said ordinance had been unanimously carried.

Councilman Travis introduced the following resolution:

RESOLUTION NUMBER 2018-1577

A RESOLUTION DETERMINING THAT A STRUCTURE AT 817 WESTMORELAND AVENUE 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 and/or building (herein referred to as the “Structure”) located at the real property described as follows:

Address: 817 Westmoreland Avenue, Athens, Alabama

PARCEL # 10-03-08-2-002-032.000

Legal Description

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

Lot 14 of Block 1 of the West View Addition to the City of Athens according to the 1914 Map thereof recorded in the Probate Office of Limestone County, Alabama.

(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 conducted a public hearing on April 9, 2018 concerning this matter, and has tabled this matter until the present meeting;

WHEREAS, the City Council 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 interior walls or other vertical structure members list, lean, or buckle to such an extent that a plumb line passing through the center of gravity falls outside of the middle third of its base;

(2) Exclusive of the foundation, the building shows thirty-three (33) percent, or more, of damage or deterioration of one (1) or more supporting members, or fifty (50) percent of damage or deterioration of the non-supporting enclosing or outside walls or covering;

(3) 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;

(4) 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;

(5) 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;

(6) The building has light, air, heating, cooling, and sanitation facilities which are inadequate to protect the life, health, property, morals, safety, or general welfare of the public or the occupants;

(7) The building has inadequate facilities for egress in case of fire or panic, or has insufficient stairways, elevators, fire escapes, or other means of ingress and egress to and from said building;

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

(9) The building contains unsafe equipment, including any boiler, heating equipment, elevator, moving stairway, electrical wiring or device, flammable liquid containers, or other equipment on the premises or within the structure which is in such disrepair or condition that such equipment is a hazard to the life, health, property, morals, safety, or general welfare of the public or the occupants;

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

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

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

(13) 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

(14) 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 May 14, 2018 at 5:30 p.m., as follows:

1. The Structure shall be demolished by the City of Athens.
2. 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.
3. 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 Athens Public Works Department may enter into such contract upon council approval. The City may sell or otherwise dispose of salvaged materials resulting from the work, at the election of the Mayor and/or his designee.

ADOPTED and APPROVED this, the 14th day of May, 2018.

/s/ Chris Seibert
PRESIDENT, CITY COUNCIL,
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 14th day of May, 2018.

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

Annette Barnes, City Clerk

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

Councilman Harper introduced the following resolution:

RESOLUTION NUMBER 2018-1578

WHEREAS, the City of Athens has solicited and received bids from qualified construction companies to construct “ALDOT Project No. TAPAA-TA15 (912) Limestone County Courthouse Square Landscape Plan” in accordance with the approved plans and specifications;

THEREFORE, be it resolved that the Athens City Council and Morell Engineering have evaluated the bids received and have determined that Premier Structures, Incorporated is the lowest responsible and responsive bidder for the construction of the aforementioned project;

BE IT FURTHER RESOLVED, THAT William R. Marks, Mayor, is hereby authorized to enter into a contract on behalf of the City of Athens with Premier Structures, Incorporated in the amount of \$440,156.62 to construct the above referenced project.

READ AND ADOPTED this the 14th day of May 2018.

/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.

Councilman Wales 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 May 29th, 2018 to review the request from Rex Greene to rezone +/-0.29 acres located at 521 South Clinton Street from an HN Historical Neighborhood District to a TI Traditional Institutional District.

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

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There being no further business to come before the meeting, Council President Seibert asked if there were any objections to adjourning the meeting. There being none, the meeting was duly and properly adjourned.

/s/ Chris Seibert
PRESIDENT, CITY COUNCIL

ATTEST:

/s/ Annette Barnes
CITY CLERK