

May 22, 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 May 22, 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 Harold Wales, Joseph Cannon, and Wayne Harper. Councilmembers Chris Seibert and Frank Travis were absent. The following members of Girl Scout Troop 1922 led the Pledge of Allegiance: Ali Wulfekuhl, Grace Webster and Abigail Slinkard. Annette Barnes, City Clerk, was present and recorded the minutes of the meeting. Harold Wales 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 May 8, 2017 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 Wales and was unanimously carried. The Chairperson stated that the Minutes of the May 8, 2017 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 Wales and was unanimously carried.

Ralph Diggins, 100 Willow Street, Athens, expressed his appreciation for the Mayor's and Council's efforts to support the annexation of Lucy's Branch Marina into the City of Athens. He also expressed his disappointment with Senators Holtzclaw and Melson for failing to support the annexation.

Greg Skipworth, 903 Sunset Street, Athens, expressed his concerns over grilling taking place in front of a barber shop located on Marion Street. He stated that the grilling is taking up parking spaces needed for the local businesses and questioned whether food is being sold without proper licensing by the City and Health Department.

**Councilman Harper introduced the following resolution:**

**RESOLUTION NUMBER 2017-1519**

WHEREAS, AT&T has requested to modify an existing telecommunications facility located at 204 Commercial Drive, 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 204 Commercial Drive, Athens, AL, which consists of a 300' ft. Self-Support 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 204 Commercial Drive, Athens, AL. AT&T proposes to add the following equipment: three (3) antennas, three (3) RRUS 32's, two (2) DC cables, one (1) RET cable, one (1) fiber and (1) OVP "mount modification required". No changes to the ground space are necessary. 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 or its equivalent, AT&T or the tower owner must remediate the following safety issue: All trash must be removed from inside the compound.

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.* 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.
3. 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.
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. 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.
6. The Certificate of Occupancy shall not be issued until all fees and costs associated with this Permit, including inspections, have been paid.

ADOPTED and APPROVED this, the 22nd day of May, 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 a Resolution duly adopted by the City Council of the City of Athens, Alabama, on the 22<sup>nd</sup> day of May, 2017.

WITNESS my hand and seal of office this 22nd day of May, 2017.

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Annette Barnes, City Clerk

The motion was seconded by Councilman Wales 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 declare the following equipment as surplus and further authorize the Public Works Department to dispose of by public auction. The proceeds of the sale shall be applied to the Public Works Capital account.

2001 Chevy G 3500 Passenger Van 1GAHG39R011200401  
1999 Dodge Ram 1500 Pickup 1B7HC16Y7X5270418  
1998 Ford F-150 Pickup Truck 1FTZF1765WNA47297  
2005 Sterling Ford Condor Residential Garbage Truck 49HHBVCY35RN68126  
1999 Ford F-150 Pickup Truck Ext Cab 1FTRX17W4XNB60799

The motion was seconded by Councilman Harper 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 accept the low bid from Talbot Tennis Company for the repair of tennis courts at Big Springs Park and Swan Creek Park, not to exceed \$49,500.00.

The motion was seconded by Councilman Wales 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 authorize the Mayor to enter into a contract with Wiregrass Construction, for the intersection improvements of US 31 and Al 251 in an amount of \$380,111.25. This contract is a unit price project and shall be paid on the units placed.

ALSO, BE IT RESOLVED as part of this project to authorize the Mayor to issue a task order to Morell Engineering, for required per Alabama Department of Transportation the Construction, Engineering and Inspection Services in an amount not to exceed 15 percent of the total construction cost.

ALSO, BE IT RESOLVED that \$50,000 be earmarked to pay for construction materials and related cost for the portion of the project which is being completed by force labor by the City of Athens Public Works Department.

The total project shall be budgeted from the Capital Projects Fund.

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

**Councilman Harper introduced the following resolution:**

#### **RESOLUTION**

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ATHENS, ALABAMA to accept the low bid of \$37,700.00 for two (2) mid-size pickup trucks from Lynn Layton Nissan, Decatur, Alabama and that the Utilities General Manager be authorized to issue a purchase order for these vehicles.

The motion was seconded by Councilman Wales 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 travel/education expenses for the Utilities in the total amount of \$129.93.

Mason Matthews	APGA Governmental Relations Conference Alexandria, VA May 7-9, 2017	\$129.93
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The motion was seconded by Councilman Harper 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 re-appoint Cherry Anne Ward to the Athens Historic Preservation Commission for a three (3) year term ending May 31, 2020.

The motion was seconded by Councilman Harper 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 re-appoint Ida Terry to the Athens Historic Preservation Commission for a three (3) year term ending May 31, 2020.

The motion was seconded by Councilman Wales 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 reschedule the June 12th, 2017 regularly scheduled Council meeting to Monday, June 5<sup>th</sup>, 2017 at the same time and location.

The motion was seconded by Councilman Harper 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 Wales and second by Councilman Harper, duly and properly adjourned.

/s/ Joseph Cannon  
PRESIDENT, CITY COUNCIL

ATTEST:

/s/ Annette Barnes  
CITY CLERK