

August 14, 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 August 14, 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 Frank Travis, Wayne Harper and Joseph Cannon. Councilmember Chris Seibert joined the meeting in progress. Councilman Wales was absent. Mayor Marks led 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 July 24, 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 Travis and was unanimously carried. The Chairperson stated that the Minutes of the July 24, 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 Travis and was unanimously carried.

Mayor Marks read a Proclamation declaring September, Gynecologic Cancer Awareness Month.

A public hearing was held concerning whether a structure at 1511 Pine Street is unsafe, constitutes a public nuisance, and should be abated.

Bert Bradford, City Building Inspector, spoke in favor of declaring the building an unsafe structure.

The public hearing was closed.

Councilman Harper introduced the following resolution:

RESOLUTION NUMBER 2017-1530

A RESOLUTION DETERMINING THAT A STRUCTURE AT 1511 PINE STREET IS UNSAFE AND A PUBLIC NUISANCE, AND ORDERING ABATEMENT OF SAME

WHEREAS, this Resolution is authorized by Ordinance No. 2012-1862, as amended, 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: 1511 Pine Street, Athens, Alabama

PARCEL # 10-03-06-4-003-018.000

Legal Description

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

Lot Nos. 35, 36, and 37 of Block 5 of the Jackson Subdivision of a part of the Northwest Quarter of the Southwest Quarter of Section 6, Township 3 South, Range 4 West, according to the map of

said subdivision on file in the Probate Office of Limestone County, Alabama, at Plat Book B, Page 4.

(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, at this regular meeting, the City Council has conducted a public hearing concerning this matter, and has received 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) 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;

(2) 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;

(3) 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;

(4) 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;

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

(6) 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;

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

(8) 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

(9) 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 Ordinance No. 2012-1862, as amended, 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 August 14th, 2017 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 August, 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 14th day of August, 2017.

Witness my hand and seal of office this ____ day of _____, 2017.

Annette Barnes, City Clerk

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

A public hearing was held concerning the City’s intent to apply for CDBG funds through ADECA for drainage improvements in the area of 1st Avenue. No one spoke in favor or against.

The public hearing was closed.

Al Bush, 1421 Redbud Street, Athens, addressed the Council to commend the crew of fire fighters who recently helped him change his tire when he pulled into the parking lot of Fire Station #1. He also expressed his appreciation to other City departments, the Mayor and City Council for the jobs they do for the City.

Councilman Harper introduced the following resolution:

RESOLUTION

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ATHENS, ALABAMA, to approve the purchase of a John Deere 60G Compact Excavator with a cutting head from Tri-Green Equipment Company at a cost of \$69,058.20. This purchase is being made through the City’s membership in the National Joint Purchasing Alliance and is to be funded from the existing street department capital account, line item 301.500.85002, Equipment Purchased.

The motion was seconded by Councilman Travis 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 purchase of a Kubota M5111HDC Tractor from H&R Agri-Power at a cost of \$52,900. This purchase is being made through the City’s membership in the National Joint Purchasing Alliance and is to be funded from the existing street department capital account, line item 301.500.85002, Equipment Purchased.

The motion was seconded by Councilman Travis 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 travel expenses for the following Electric Department personnel.

Wayne Harper Electric Cities Annual Conference-Orange Beach, AL	\$386.11
Frank Travis Electric Cities Annual Conference-Orange Beach, AL	\$456.05
Matt Lannom RCS-PCB Training-Murfreesboro, TN	\$103.50

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

Councilman Harper introduced the following resolution:

RESOLUTION NO. 2017-1531

A RESOLUTION CONTRACTING WITH A THIRD PARTY FOR LAND SURVEY AND TOPOGRAPHIC DATA

WHEREAS, the appropriate municipal official has determined that the Survey is best accomplished through contracting with a third party.

THEREFORE BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ATHENS, ALABAMA on 14 August, 2017 at 5:30 p.m., that the Mayor (and/or his designee) is authorized to contract, on behalf of the City of Athens, with Morell Engineering to provide a Land Survey Services and Topographic Data for the proposed Athens Recreation Facility located near the Sportsplex at 1403 US HWY 31 N (parcel # 44-07-08-34-3-000-001.016 and 44-07-08-34-3-000-001.018) for a cost not in excess of \$2500.00.

ADOPTED and APPROVED this, the 14th day of August, 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 14th day of August, 2017.

Witness my hand and seal of office this ____ day of _____, 2017.

Annette Barnes, City Clerk

Councilmember Harper moved that unanimous consent be given for immediate consideration of and action on said resolution, which motion was seconded by Councilmember Seibert, and upon the said motion being put to vote the following vote was recorded: YEAS: Councilmembers Seibert, 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 Travis thereupon moved that the resolution be finally adopted, which motion was seconded by Councilmember Seibert and upon the said motion being put to vote the following vote was recorded: YEAS: Councilmembers Seibert, 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 Harper introduced the following resolution:

RESOLUTION

Whereas, the National Association of County and City Health Officials supports community water fluoridation and intends to award up to \$25,000 for capital improvements to water systems for the purchase of new equipment to replace aging water fluoridation equipment; and

Whereas, the Athens Water Department has a fluoridation feed system with equipment as much as 49 years old with a diminishing life expectancy; and

Whereas, the grant does not require a local match but does require the individual water systems to fund any costs over \$25,000; and

Whereas, the Athens City Council serves as the governing body for Athens Utilities and council support is required as part of the grant application;

Now, therefore, be it resolved, by the City Council of the City of Athens, Alabama, to authorize the Mayor's Office to apply for the grant to replace the Athens Water Department's aging fluoridation equipment.

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

Councilman Travis introduced the following resolution:

RESOLUTION

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ATHENS, AL to approve the purchase of residential garbage carts for the Public Works Department. This purchase shall not exceed \$70,000 and will be funded through a general fund budget amendment to line item 100.527.90112, Transfers Out, Capital Expenditure Fund.

Councilmember Harper moved that unanimous consent be given for immediate consideration of and action on said resolution, which motion was seconded by Councilmember Seibert, and upon the said motion being put to vote the following vote was recorded: YEAS: Councilmembers Seibert, 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 Travis thereupon moved that the resolution be finally adopted, which motion was seconded by Councilmember Seibert and upon the said motion being put to vote the following vote was recorded: YEAS: Councilmembers Seibert, 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 Harper introduced the following resolution:

RESOLUTION

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ATHENS, ALABAMA, to reject the sole bid of \$124,120 from Altec Industries, Inc., Birmingham, Alabama, for an Articulating Telescopic Aerial Device with Service Body and Cab and Chassis and that the negotiated price of \$123,186 from Altec Industries, Inc. be approved.

Councilmember Travis moved that unanimous consent be given for immediate consideration of and action on said resolution, which motion was seconded by Councilmember Seibert, and upon the said motion being put to vote the following vote was recorded: YEAS: Councilmembers Seibert, 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 Harper thereupon moved that the resolution be finally adopted, which motion was seconded by Councilmember Seibert and upon the said motion being put to vote the following vote was recorded: YEAS: Councilmembers Seibert, 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 Harper introduced the following ordinance:

ORDINANCE NUMBER 2017-2027

AN ORDINANCE ABANDONING A SEWER EASEMENT AT 1104 VAUGHN DRIVE

WHEREAS, the City Council of the **CITY OF ATHENS, ALABAMA, SEWER DEPARTMENT** desires to abandon a certain sanitary sewer easement;

WHEREAS, the easement described herein was recently granted to the City by Joshua Villolobos and Ariel M. Villolobos with respect to property located at 1104 Vaughn Drive;

WHEREAS, the City Council believes that the current owners of the property underlying said easement remain **JOSHUA VILLOLOBOS** and **ARIEL M. VILLOLOBOS**; and

WHEREAS, the City Council finds, upon the advice and recommendation of Athens Utilities, that there is no need for the sanitary sewer easement that is abandoned by this Ordinance.

THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ATHENS, ALABAMA, while in regular session on August 14, 2017, at 5:30 p.m., as follows:

1. The City expresses its intention to abandon the Sewer Easement that is the subject of the Sewer Easement recorded at RLPY BK 2017, PG 36680 in the Office of the Judge of Probate of Limestone County, Alabama.

2. The easement described in Section 1 of this Ordinance is hereby abandoned. The Mayor is authorized to execute any such documents as may be needed to evidence such abandonment. A copy of this Ordinance may be recorded in the records of the Office of the Judge of Probate of Limestone County, Alabama.

3. No other easement(s) (or portions thereof) described above are abandoned by this Ordinance, whether or not such other easement(s) extend over, across, under or through the same real property as the easements (or portions thereof) abandoned hereby and described herein. Moreover, no other easement(s) (or portions thereof) that have been conveyed pursuant to a source other than the above-referenced instrument are abandoned by this Ordinance, whether or not such other easement(s) extend over, across, under or through the same real property as the easements (or portions thereof) abandoned hereby.

4. This Ordinance shall go into effect immediately upon its adoption.

ADOPTED and APPROVED this, the 14th day of August, 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 14th day of August, 2017.

Witness my hand and seal of office this the ____ day of _____, 2017.

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 Seibert, and upon the said motion being put to vote the following vote was recorded: YEAS: Councilmembers Seibert, 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 Seibert and upon the said motion being put to vote the following vote was recorded: YEAS: Councilmembers Seibert, 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 authorize the Mayor to issue a task order to Reed Contracting to pave Forrest Hills Subdivision entrance road from Nick David Road to Deer Ridge Lane in an amount of approximately \$30,000. This task order is issued from the annual bituminous pavement contract bid.

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

