

October 9, 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 October 9, 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, Joseph Cannon, and Harold Wales. Councilman Seibert was absent. Joseph Cannon led the Pledge of Allegiance. Annette Barnes, City Clerk, was present and recorded the minutes of the meeting. Shane Black 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 September 25, 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 September 25, 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.

Greg Skipworth, 903 Sunset Street, Athens, addressed the Council concerning the cost of the road improvements being made in conjunction with the construction of the new high schools on Highway 31 North. He questioned whether Athens Bible School was being asked to contribute toward the cost of these improvements currently being funded by the City and the City Board of Education. Mr. Skipworth also commented on the deteriorated condition and structural integrity of the old tire store located by the railroad tracks on Hobbs Street.

**Councilman Wales introduced the following resolution:**

**RESOLUTION**

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ATHENS, ALABAMA, to approve the following travel/education expenses for the Utilities Finance Department.

Donna Holland	TVPPA-ABC's of Electrical Systems, Nashville, TN	\$91.80
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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 travel/education expenses for the following specified Water Services employees.

Tim Norman (Wastewater Dept)	AWPCA Annual Conference Orange Beach, Alabama September 17-21, 2017	\$73.79
Virgil White (Wastewater Dept)	AWPCA Annual Conference Orange Beach, Alabama September 17-21, 2017	\$1,095.21
Michael Furline (Water Dept)	AWPCA Annual Conference Orange Beach, Alabama September 17-21, 2017	\$1,023.93

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 purchase of one (1) Crew Cab 2017 Dodge Pick-up, one (1) Extended Cab 2017 Dodge Pick-up, and two (2) Regular Cab 2017 Dodge Pick-up trucks, all from Tallassee Automotive, Inc., at a total cost not to exceed, \$85,850.00, to be funded from the existing CPR capital account.

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, ALABAMA, to appoint Marsha Sloss to the Houston Memorial Library Board, with a term expiring October 9,2021.

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

**Councilman Harper introduced the following resolution:**

**RESOLUTION NUMBER 2017-1538**

This resolution made this 9<sup>th</sup> day of October, 2017 (the Effective Date) by the City Council, City of Athens, AL (the Granting Authority), to grant a tax abatement to Steelcase, Inc.

WHEREAS, the Company has announced plans for a (check one):

\* new project or T major addition to their existing facility (the Project), located within the jurisdiction of the Granting Authority; and

WHEREAS, pursuant to the Tax Incentive Reform Act of 1992 (Section 40-9B-1 et seq., Code of Alabama 1975)(the Act), the Company has requested from the Granting Authority an Abatement of (check all that apply):

T all state and local non-educational property taxes,

T all construction related transaction taxes, except those local construction related transaction taxes levied for educational purposes or for capital improvements for education, and/or

\* all mortgage and recording taxes; and

WHEREAS, the Company has requested that the abatement of state and local non-educational property taxes (if applicable) be extended for a period of 10 years, in accordance with the Act; and

WHEREAS, the Granting Authority has considered the request of the Company and the completed applications (copy attached) filed with the Granting Authority by the Company, in connection with its request: and

WHEREAS, the Granting Authority has found the information contained in the Company's application to be sufficient to permit the Granting Authority to make a reasonable cost/benefit analysis of the proposed project and to determine the economic benefits to the community; and

WHEREAS, the construction of the project will involve a capital investment of 7,370,000.00; and

WHEREAS, the Company is duly qualified to do business in the State of Alabama , and has powers to enter into, and to perform and observe the agreements and covenants on its part contained in the Tax Abatement Agreement; and

WHEREAS, the Granting Authority represents and warrants to the Company that it has power under that constitution and laws of the State of Alabama (including particularly the provisions of the Act) to carry out provisions of the Tax Abatement Agreement:

NOW THEREFORE, be it resolved by the Granting Authority as follows:

Section 1. Approval is hereby given to the application of the Company and abatement is hereby granted of (check all that apply):

T all state and local non-educational property taxes,

T all construction related transaction taxes, except those construction related transaction taxes levied for educational purposes or for capital improvements for education, and/or

\* all mortgage and recording taxes

as the same may apply to the fullest extent permitted by the Act. The period of abatement for the non-educational property taxes (if applicable) shall extend for a period of 10 years measured as provided in Section 40-9B-3(a)(12) of the Act.

Section 2. The governing body of the Granting Authority is authorized to enter into an abatement agreement with the Company to provide for the abatement granted in Section 1.

Section 3. A certified copy of this resolution, with the application and abatement agreement, shall be forwarded to the Company to deliver to the appropriate local taxing authorities (if applicable) and to the Alabama Department of Revenue in accordance with the Act.

Section 4. The governing body of the Granting Authority is authorized to take any and all actions necessary or desirable to accomplish the purpose of the foregoing of this resolution.

I hereby certify that the above and foregoing was duly adopted by the City Council, City of Athens, AL at a meeting held on the 9<sup>th</sup> day of October, 2017.

/s/Chris Seibert  
PRESIDENT PRO TEM, 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 Wales and was unanimously carried. Councilman Cannon abstained.

**Councilman Travis introduced the following resolution:**

## RESOLUTION

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ATHENS, ALABAMA, to accept the resignation of Carl Hunt from the Board of Trustees of the Athens-Limestone Public Library, effective September 30, 2017.

The motion was seconded by Councilman Wales 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 appoint Frank McCollum to the Board of Trustees of the Athens-Limestone Public Library, with a term ending October 1, 2019.

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 appoint Jim Ernest as an alternate member of the Zoning Board of Adjustments. His term will expire August 22, 2019.

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

**Councilman Harper introduced the following ordinance:**

## ORDINANCE NUMBER 2017 - 2029

AN ORDINANCE OF THE CITY OF ATHENS, ALABAMA, TO EXEMPT CERTAIN "COVERED ITEMS" FROM THE MUNICIPAL SALES AND USE TAX DURING THE LAST WEEKEND OF FEBRUARY, 2018, AS AUTHORIZED BY ACT 2012-256, GENERALLY REFERRED TO AS THE STATE SEVERE WEATHER PREPAREDNESS SALES TAX HOLIDAY LEGISLATION.

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

Section 1. In conformity with the provisions of Act 2012-256 enacted by the Alabama Legislature during the 2012 Regular Session, providing for a State Severe Weather Preparedness Sales Tax Holiday, 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 last Friday in February 2018 (February 23, 2018) and ending at twelve midnight the following Sunday (February 25, 2018).

Section 2. This ordinance shall be subject to all terms, conditions, definitions, time periods, and rules as provided by Act 2012-256, 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 October 12, 2017.

ADOPTED and APPROVED this, the 9<sup>th</sup> day of October, 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  
COUNTY OF LIMESTONE

I, Annette Barnes, City Clerk of the City of Athens, Alabama, do hereby certify that this is a true and correct copy of Ordinance Number 2017-2029 adopted by the City Council of the City of Athens, Alabama, on the 9th day of October 2017.

Witness my hand and seal of this office this the 9th day of October 2017.

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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 Wales, and upon the said motion being put to vote the following vote was recorded: YEAS: Councilmembers 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 Travis and upon the said motion being put to vote the following vote was recorded: YEAS: Councilmembers 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**

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ATHENS, ALABAMA, to declare a 1995 New Holland LX665 Right-of-Way tractor as surplus. This piece of equipment is disposed of by public auction and the proceeds will be placed in the Public Works Capital line item.

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 issue a task order to Alabama Guardrail to make repairs on bridge guardrails on Nuclear Plant Road and Levert Avenue in the amount of \$9,345.00. This project shall be funded from the Gas Tax 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 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 Wales 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 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 Harper introduced the following resolution:**

**RESOLUTION NUMBER 2017-1539**

WHEREAS, Southern Linc has requested to modify their equipment on an existing telecommunications facility located at 204 Commercial Drive, Athens, AL to provide wireless services essentially within the corporate limits of the City of Athens;

WHEREAS, Southern Linc 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 Southern Linc 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 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 Southern Linc is hereby granted a Special Use Permit to modify their equipment at 204 Commercial Drive, Athens, AL. Southern Linc proposes to add three (3) LTE antennas and radios with associated cabling. No ground or electrical work. 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, Southern Linc or the tower owner must remediate the following safety issues noted at the time of the pre-application site visit:
  - a. One missing ground between front gate and compound fence.
  - b. Missing ground on south portion of compound fence.
  - c. Missing two grounds on ice bridge supports.
  - d. Old sheet of plywood needs to be removed behind electrical panel.
  - e. Missing grounds on electrical H-Frame.
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.* Southern Linc 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. Southern Linc 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. Southern Linc 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.

A Certificate of Occupancy for the work permitted under this permit shall be a prerequisite for any future work by Southern Linc at this facility.

ADOPTED and APPROVED this, the 9<sup>th</sup> day of October, 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

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

**The following resolution was introduced on September 25, 2017 by Councilman Seibert:**

**RESOLUTION NUMBER 2017-1540**

**A RESOLUTION CONTRACTING WITH A THIRD PARTY TO PROVIDE SUBSURFACE EXPLORATION AND GEOTECHNICAL ENGINEERING SERVICES**

**WHEREAS**, the appropriate municipal official has determined that the subsurface exploration and geotechnical engineering services are required and is best accomplished through contracting with a third party.

**THEREFORE BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ATHENS, ALABAMA** on the 9<sup>th</sup> of October, 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 subsurface exploration and geotechnical engineering services 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 \$12,500.00.

ADOPTED and APPROVED this, the 9<sup>th</sup> day of October, 2017.

/s/ Joseph Cannon  
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 9th day of October, 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 Travis introduced the following ordinance:**

**ORDINANCE NUMBER 2017-2030  
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 October 9, 2017 at 5:30 p.m., as follows:

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

(g) Twenty-five mile-per-hour zones. 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) Drennen Drive
- (2) Mary Ella Street
- (3) John Pugh Road
- (4) Capital Hill Drive
- (5) Sam Irvin Court
- (6) Maggie Lou Drive

**Section 3.** No other subsections of Section 82-5 are amended by this Ordinance. This Ordinance shall become effective immediately upon its lawful publication.

**Section 4.** The provisions of this Ordinance shall be included and incorporated in the Code of Ordinances of the City of Athens, Alabama 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 9<sup>th</sup> day of October, 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, 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, Alabama on the 9th day of October, 2017.

Witness my hand and seal of office this the \_\_\_\_\_ day of \_\_\_\_\_, 2017/

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

Councilmember Wales 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 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 Travis 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 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 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 "Special Events Retail License for On Premises Consumption," alcohol license.

Athens Arts League  
103 West Washington Street  
Athens, AL 35611  
Event Date: October 20, 2017

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

**Councilman Harper introduced the following resolution:**

**RESOLUTION**

**TO APPLY FOR  
STATE OF ALABAMA INDUSTRIAL DEVELOPMENT GRANT**

**WHEREAS**, the City of Athens, Alabama, is authorized by law to promote the economic and industrial development of the municipality; and

**WHEREAS**, SHAPE CORP has recently located in the Industrial Park located at 120 Roy Long Road in the City of Athens, Alabama; and

**WHEREAS**, SHAPE CORP has made a significant capital investment in buildings, equipment and site improvements to the industrial site; and

**WHEREAS**, the City Council of the City of Athens, Alabama is able, with City Council authorization and approval, to apply for certain grant funds and assistance to accomplish the necessary site preparation on behalf of SHAPE CORP;

**NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ATHENS, ALABAMA**, that the Mayor and/or City Clerk are hereby directed to execute the necessary documents and/or applications to obtain grant funds and other assistance available for the industrial property presently occupied by SHAPE CORP.

ADOPTED and APPROVED this, the 9<sup>th</sup> day of October, 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

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

/s/ Joseph Cannon  
PRESIDENT, CITY COUNCIL

ATTEST:

/s/ Annette Barnes  
CITY CLERK

