

August 23, 2021

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, Athens, Alabama, on August 23, 2021 at 5:30 p.m. The meeting was called to order by Councilman Wayne Harper, President of the Council. Upon roll call, the following were found to be present: Councilmembers Wayne Harper, Frank Travis, Chris Seibert and Dana Henry. Councilmember Wales was absent. Annette Barnes, City Clerk, was present and recorded the minutes of the meeting. Chris Seibert offered the invocation. Mayor Marks led the Pledge of Allegiance. 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 August 9, 2021 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 Travis and was unanimously carried. The Chairperson stated that the Minutes of the August 9, 2021 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 Travis and was unanimously carried.

Mayor Marks stated that everyone is dealing with COVID in some shape or form and asked everyone to stay safe and sanitize. The Mayor noted that City Hall is back open to the public after several employees tested positive for COVID and that if need be, he will close City Hall again. He asked everyone to pray for the ones affected by the recent flooding in Tennessee and that donations are being taken by WZYP. The Mayor announced that applications for Youth Commission will be going out to the schools this week. He recognized Athens Main Street for receiving several awards. The Mayor also announced that a scam is going around and the caller is identifying themselves as Johnson Floyd of the Athens Police Department. Mayor Marks remarked that Keith Dunnivant, an Athens native, is filming a documentary regarding the 1975 Athens High School Football Championship Team and that it would be out, hopefully, by the first of October.

Councilman Seibert congratulated that Athens High School Football Team for making a great comeback to win the game on Friday night.

A public hearing was held to hear comments concerning the zoning approval for the sale of alcohol by Jay Vishnupatni, Inc., DbA: I-65 Chevron.

No one spoke in favor of or against

The public hearing was closed.

Paul Reeves, resident of Athens, addressed the Council concerning a letter to the editor in the paper that was in reference to the City Council. He stated that we should always look at our glass as half full and not half empty. Mr. Reeves noted that he is very proud of our city, the City Council, Mayor Marks and the City Department Heads for their efforts.

Derrick Young, 205 Ridgelawn Drive, Athens, addressed the Council regarding the traffic light at Jefferson Street and Market Street. Mr. Young stated that traffic on Jefferson Street has worsened over the years and is astonished by the people that run the red light. He asked the Council to consider installing a four-way stop sign at this intersection and that awareness would only increase with the installation.

Council President Harper agreed with Mr. Young and asked James Rich, Public Works Director, if the City of Athens had conducted a recent study. Mr. Rich stated that the last study on the downtown area was performed around fifteen years ago. He remarked that they definitely need to look at the area again. Mayor Marks asked that Mr. Rich prepare a proposal to be brought before the Council. Councilman Seibert agreed also and said that he wasn't sure how to resolve the issue.

Tere Richardson, Athens Main Street, expressed her support for the City checking into this project.

Councilman Seibert introduced the following resolution:

RESOLUTION

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ATHENS ALABAMA, to **reset** a Public Hearing for the regular meeting at 5:30PM on September 13, 2021 to review the request of Dry Creek Capital Investments LLC to rezone +/- 64.9 acres of property at 2075 US Hwy 31 S from EST Estate Residential and Agricultural District to R-2 Multiple Family Residential District, AND ALSO to adopt the Master Development Plan of Strain Property Multi-Family.

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 **reset** a Public Hearing for the regular meeting at 5:30PM on September 13, 2021 to review the request of Mary Thompson Byrd to rezone about 2.5 acres located northwest of the intersection of US Highway 72 and Hine Street at 1406 Hine Street South from B-2 General Business District & TN-2 Traditional Neighborhood District to B-2 General Business District.

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 **reset** a Public Hearing for the regular meeting at 5:30PM on September 13, 2021 to review the request of Harry Wakeham, Russell Wakeham, and Cynthia Burson to rezone +/-52 acres of property at 525 Strain Road West from EST Estate Residential and Agricultural District to R-1-3 High Density Single Family Residential District.

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 **reset** a Public Hearing for the regular meeting at 5:30PM on September 13, 2021 to review the request of Mark Gamble and Gerald Gamble to rezone +/- 80.4 acres located on Huntsville Brownsferry Road at the Gamble house property from EST Estate Residential and Agricultural District to C-PUD Conventional Planned Unit Development District, AND ALSO the adoption of the Master Plan for Summerfields at the Gamble House.

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 **reset** a Public Hearing for the regular meeting at 5:30PM on September 13, 2021 to review the request of the Estate of John W. Johnson and Allen Shaw to rezone approximately 12.23 acres located off of Eidson Street from M-1 Light Industrial to R-1-2 Medium Density Single-Family Residential.

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 reappoint Della Darby to the Personnel Board for a five year term, expiring on August 8, 2026.

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 approve travel/education expenses for the following personnel of the Gas Department:

Mason Matthews	APGA Conference & Board Meeting	\$887.69
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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 approve travel/education expenses for the following personnel of the Wastewater Department:

Virgil White (Wastewater)	AL/MS Joint Annual Conference Mobile, AL August, 1-4, 2021	\$1,052.94
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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 approve the purchase of a John Deere mini excavator with brush cutting equipment from Tri Green Equipment, with a price not to exceed \$82,000.00 and shall be funded from Street Department Capital Account.

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

Councilwoman Henry introduced the following resolution:

RESOLUTION NUMBER 2021 - 1762

A RESOLUTION CONCERNING THE RENEWAL OF AN AGREEMENT BETWEEN THE CITY OF ATHENS AND BELL SOUTH TELECOMMUNICATIONS, INC.

WHEREAS, the City and BellSouth Telecommunications, Inc., d/b/a AT&T Alabama (“AT&T”) are both parties to an Agreement, dated October 28, 2010, (the “Agreement”) concerning AT&T’s deployment of an IP Network and the provision of IP-enabled video service in the City (a service that has been referenced as “U-Verse”);

WHEREAS, AT&T’s operations concerning U-Verse involve the use of the City’s right of way (“ROW”); and

WHEREAS, AT&T and the City desire to renew and extend the Agreement.

THEREFORE BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ATHENS, ALABAMA on August 23rd, 2021 at 5:30 p.m., that the Mayor is authorized to execute the Amendment to the Agreement attached hereto as **Attachment A**, and to take any/all such action(s) to administer and carry out the same.

ADOPTED this the 23rd day of August, 2021.

/s/ Wayne Harper
PRESIDENT, CITY COUNCIL,
CITY OF ATHENS, ALABAMA

ATTACHMENT A

AMENDMENT TO AGREEMENT

THIS AMENDMENT TO AGREEMENT (“Amendment”) is made by and between BellSouth Telecommunications, Inc., d/b/a AT&T Alabama (“AT&T”), a Georgia corporation, and the City of Athens, Alabama, an Alabama municipal corporation (“City”). The AT&T and City shall sometimes be referred to separately as a “Party,” and collectively as the “Parties.”

RECITALS

WHEREAS, AT&T and the City are parties to that certain Agreement by and between them, dated October 28, 2010, concerning AT&T’s deployment of an IP Network and the provision of IP-enabled video service in the City (the “Agreement”); and

WHEREAS, the Parties desire to amend that Agreement to extend its, on the same terms, for an additional ten (10) years.

NOW, THEREFORE, the City and AT&T agree as follows:

1. The first sentence of Section 2 of the Agreement is hereby amended to state as follows: “The term of this Agreement shall be from the Effective Date of this Agreement through December 31, 2030.”
2. The Parties agree that the Agreement shall be deemed to not have expired on December 31, 2020, but shall be deemed to have continued pursuant to the new term.
3. No other provision of the Agreement is modified by this Amendment.

IN WITNESS WHEREOF, the Parties hereto, by their duly authorized representatives, have executed this Amendment and made the same effective as of the latter date of execution set forth below.

[SIGNATURE LINES]

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

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

/s/ Wayne Harper
PRESIDENT, CITY COUNCIL

ATTEST:

/s/ Annette Barnes
CITY CLERK