

January 9, 2023

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 January 9, 2023 at 4:30 p.m. The meeting was called to order by Councilman Harold Wales, President of the City Council. Upon roll call, the following were found to be present: Councilmembers Harold Wales, James E. Lucas, Dana Henry and Wayne Harper. Councilmember Seibert was absent. Annette Barnes-Threet, City Clerk, was present and recorded the minutes of the meeting. Dana Henry 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 December 19, 2022 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 Lucas and was unanimously carried. The Chairperson stated that the Minutes of the December 19, 2022 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 Lucas and was unanimously approved. The Chairperson stated that the Minutes of the December 22, 2022 Special Called 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 Lucas and was unanimously carried.

Mayor Marks wished everyone a Happy New Year and asked everyone to shop local. The Mayor announced that MLK events will be on Monday, January 16th, 2023 at the Veteran's Museum with the MLK March beginning at 9:00am and the program beginning at 9:30am. Mayor Marks noted that the MLK Essay and Artwork Contest is really growing and thanked the committee.

Shane Black, City Attorney, mentioned that two weeks ago, he needed a service from the City of Athens and the Athens Fire Department. He thanked Firefighter Mike Brown and the other paramedics for all that they did and stated that we should never take those services for granted.

Council President Wales stated that he was so glad that Shane Black was back at the meetings after his incident.

Councilman Lucas echoed Mr. Wales and thanked everyone for their prayers regarding his wife's health.

Councilwoman Henry echoed Mayor Marks' note in regards to shopping local and stated shopping local is protecting and promoting the downtown area in Athens.

Councilman Harper also agreed with Mayor Marks and Councilwoman Henry and stated that he appreciates the citizens shopping locally and hopes that they continue to do so. Councilman Harper asked James Rich to look into a street cut on Fitness Way and then thanked all of the employees for their service.

Council President Wales noted that the work on Lindsay Lane is finished, except for a few minor items. He thanked the Public Works Department for their work with the project.

PUBLIC HEARING REGARDING THE ZONING APPROVAL FOR THE SALE OF ALCOHOL IN THE CITY OF ATHENS BY THE SALTY COD, LLC, 309, 311, 315 WEST MARKET STREET, ATHENS, AL, 35611

Scott Marshall, owner of West End Market, Athens, addressed the City Council regarding the process for the approval of the sale of alcohol or anything that required a public hearing and asked if the process could be streamlined.

Mayor Marks stated that the City of Athens was very conservative going into the process for the sale of alcohol when it originated and believes that they can look further into trying to streamline these processes.

Shane Black, City Attorney, remarked that some public hearings dictate a timeframe by State of Alabama law. Mr. Black noted that those processes are already streamlined within the existing Code of Alabama. Mr. Black stated that it will be different for different situations, depending on whether it is dictated by state law or by local ordinance and that they can look at streamlining the alcohol process.

Council President Wales noted that citizens have contacted him regarding public hearings and the way that the City Council has voted on particular items. Mr. Wales asked citizens to attend the meetings and express their concerns regarding items on the agenda.

The public hearing was closed.

Councilwoman Henry 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 "Restaurant Retail Liquor – Class I" alcohol license:

Business Name: YUMMI NINJA INC.
Db: Yummi Ninja
Address: 935 US Highway 72, E
Athens, AL 35611

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

Councilman Lucas introduced the following resolution:

RESOLUTION TO ALLOCATE FY 2021 AND 2022 CAPITAL APPROPRIATIONS

WHEREAS, on February 28, 2022, the City Council approved a FY 2021 budget amendment to appropriate \$1,900,000 for capital expenditures, of which \$1,415,000 was allocated to the various departments on April 11, 2022; of which \$5,000 was allocated to the Public Works Department on November 28, 2022 and of which \$275,000 was appropriated for the Sunrise Park project on December 12, 2022, leaving an unallocated balance of \$205,000 from the FY 2021 surplus; and

WHEREAS, on December 19, 2022, the City Council approved a FY 2022 budget amendment to appropriate \$2,750,000 for capital expenditures,

THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ATHENS, ALABAMA, to allocate the remaining FY 2021 surplus of \$205,000 and the \$2,750,000 FY 2022 surplus as follows:

Police Department	\$ 375,000
Fire Department	885,000
Street Department	325,000
Sanitation Department	575,000
Information Technology	245,000
General & Administrative	5,000
Building & ESCD	320,000
Cemetery Parks and Recreation	<u>225,000</u>
Total	\$ 2,955,000

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

Councilman Harper introduced the following resolution:

RESOLUTION TO APPROVE FENCING FOR ROBERT ALLEN TINNON PARK

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ATHENS, ALABAMA, to accept the proposal of Jones Fence Company to install fencing at Robert Allen Tinnon Park, at a cost not to exceed \$20,000, to be funded from the \$300,000 appropriated by the Council on June 27, 2022 from the American Rescue Plan Act funds for the Robert Allen Tinnon Park upgrade project.

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

Councilwoman Henry introduced the following resolution:

RESOLUTION TO ACCEPT BID FOR PICKLEBALL COURT RENOVATIONS

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ATHENS, ALABAMA, to accept the proposal of Lower Bros Tennis Courts to retrofit three (3) of the existing tennis courts at Big Springs Park to pickleball courts at a cost not to exceed \$60,000. This cost includes (1) the repair and resurfacing of the existing courts (2) purchase and installation of six (6) sets of permanent net posts and nylon nets (3) installation of a flexible crack repair system over existing structural cracks to help prevent open cracks from reappearing and (4) installation of 216 feet of 4' high black fencing. The cost of this project is to be funded from the \$200,000 appropriated by the Council on June 27, 2022 from the American Rescue Plan Act funds to be used for constructing an outdoor pickleball court.

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

Councilman Lucas introduced the following resolution:

RESOLUTION TO APPROVE FENCING FOR JIMMY GILL PARK

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ATHENS, ALABAMA, to accept the proposal of Jones Fence Company to install fencing at Jimmy Gill Park, at a cost not to exceed \$17,000, to be funded from the Capital Projects Fund, Jimmy Gill Park line item and the existing Cemetery, Parks and Recreation capital account.

Prior to the vote, Council President Wales stated that he wished that Jimmy Gill could be here to see the beautiful park that has been erected in his name.

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

David Malone, Sommerest Drive, Athens, addressed the City Council and stated that there is a need for electrical outlets at Jimmy Gill Park. Mr. Malone extended an invitation to the Black History Program to be held in February.

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There being no further business to come before the meeting, Council President Wales declared the meeting duly and properly adjourned.

/s/ Harold Wales
PRESIDENT, CITY COUNCIL

ATTEST:

/s/ Annette Barnes
CITY CLERK