

January 10, 2022

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 10, 2022 at 5:30 p.m. The meeting was called to order by Councilman Chris Seibert, President of the City Council. Upon roll call, the following were found to be present: Councilmembers Wayne Harper, Chris Seibert, Dana Henry and Frank Travis. Councilmember Harold Wales was absent. Annette Barnes-Threet, City Clerk, was present and recorded the minutes of the meeting. Wayne Harper offered the invocation. Mayor Marks was joined by members of the Lindsay Lane Christian Academy Student Council in leading the Pledge of Allegiance. Members of LLCASC present were: Sponsor-Myra Cater, Lindsey Holland, Nathan Thackstor, Marissa Causey, Kaili Sterling and Anna Caitlin Stefaniak. 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 20, 2021 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 Councilwoman Henry and was unanimously carried. The Chairperson stated that the Minutes of the December 20, 2021 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 Councilwoman Henry and was unanimously carried.

Mayor Marks praised employees of Athens Utilities for their hard work during the latest power outage throughout the county and thanked Huntsville Utilities for their help. The Mayor noted that Monday, January 17th, 2022, is Martin Luther King Day and that a march will be held that morning at 9 a.m. beginning on the west side of the Limestone County Courthouse and ending at the Alabama Veteran's Museum, where a program will take place at 9:30 a.m. He also mentioned that many essays and pieces of artwork were received for the MLK Essay and Artwork Contest. Mayor Marks announced that Limestone County Churches Involved will be giving out free food at Tanner High School on Saturday, January 15th, 2021, from 11 a.m. until 1 p.m. The Mayor announced that he has been invited by Governor Kay Ivey to attend an announcement on January 20th 2022 at 2 p.m. that could benefit the City of Athens. Mayor Marks then read proclamations recognizing January 2022 as National Mentoring Month and also, Human Trafficking Awareness Month.

Councilman Harper remarked that he was glad to see Councilman Travis in attendance.

PUBLIC HEARING – RELATING TO A PROPOSED RESOLUTION DETERMINING THAT STRUCTURES AT 804 N CLINTON STREET ARE UNSAFE AND A PUBLIC NUISANCE, AND ORDERING ABATEMENT OF SAME

Erik Waddell, Chief Building Inspector, addressed the City Council requesting that the property be condemned.

No one spoke in favor of or against.

The public hearing was closed.

Councilman Harper introduced the following resolution:

RESOLUTION NUMBER 2022 - 2204

A RESOLUTION DETERMINING THAT STRUCTURES AT 804 N CLINTON STREET ARE UNSAFE AND A PUBLIC NUISANCE, AND ORDERING ABATEMENT OF SAME

WHEREAS, this Resolution is authorized by § 46-280, *et seq.* of Article IX of Chapter 46 of the *City Code of Athens, Alabama*, 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 structures and/or buildings (herein referred to as the “Structures”) located at the real property described as follows:

Address: 804 N Clinton Street, Athens, AL

PARCEL # 10-03-05-4-001-013.000

Legal Description

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

Lot 8 of Block 5 of the Pinehurst Addition to the City of Athens, Alabama, according to the map thereof on file in the Probate Office of Limestone County, Alabama in Deed Book 119 at Page 1.

(herein referred to as the “Property”).

WHEREAS, the appropriate municipal official has determined that the condition of the Structures is unsafe in that the Structures constitute 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 and reviewed information (including applicable photographs) from the appropriate municipal official concerning the Property and Structures;

WHEREAS, the Structures have been deemed unsafe to the extent that it is a public nuisance due to the following reasons:

(1) Exclusive of the foundation, the building(s) 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(s) 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(s) 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(s) 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(s) 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;

(6) The building(s) is so damaged, decayed, dilapidated, structurally unsafe, or of such fault construction or unstable foundation that partial or complete collapse is possible;

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

(8) The building(s) 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;

(9) The building(s) 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 Structures were unsafe to the extent that they are a public nuisance, notice was issued pursuant to § 46-280, *et seq.* of Article IX of Chapter 46 of the *City Code of Athens, Alabama* 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 Structures are unsafe in that they present a public nuisance to the citizens of Athens, and that the same are due to be demolished.

THEREFORE BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ATHENS, ALABAMA on January 10, 2022 at 5:30 p.m., as follows:

1. The Structures shall be demolished by the City of Athens.
2. 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 is authorized to contract, on behalf of the City of Athens, with a third party(ies) for an asbestos survey and demolition of the unsafe structures, for a cost not in excess of \$15,000.00, although the City Council directs that the cost be as low as possible to accomplish the intended purpose. Should the combined screening, remediation and demolition costs appear to exceed \$15,000.00, then the appropriate municipal official is directed to report the same to the City Council prior to further action.
3. The City may sell or otherwise dispose of salvaged materials resulting from the work, at the election of the Mayor and/or his designee.
4. After demolition, the appropriate municipal official shall make a report to the City Council of the costs associated with the demolition of the Structures so that it may adopt a resolution fixing all costs reasonably incurred in the demolition and assessing such costs against the Property.

ADOPTED this the 10TH day of January, 2022.

/s/ Chris Seibert
PRESIDENT, CITY COUNCIL,
CITY OF ATHENS, ALABAMA

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

Nicole Anderson, 1302 Somerest Drive, Athens, addressed the City Council regarding AT&T installing lines in her neighborhood in December of 2021. Ms. Anderson stated that AT&T left her yard damaged and would like for it to be repaired. She remarked that she had contacted Michael Griffin and Councilman Travis regarding the matter and would like for someone to contact AT&T. Mayor Marks apologized and stated that the City would try to stay in touch with the cable companies.

Mary Jane Hammer, 1501 Levert Avenue, Athens, addressed the City Council concerning the paving of city streets. Ms. Hammer asked for Levert Street to be added to the paving list. Mayor Marks stated that it would be added to the current list.

Councilman Travis 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:

Doyle Harrington TVPPA-Lab C—Huntsville, AL	\$141.85
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Colby Sneed TVPPA-Lab C—Huntsville, AL	\$114.57
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The motion was seconded by Councilman Harper and was unanimously carried.

Councilwoman Henry announced the following resolution:

RESOLUTION NUMBER 2022 – 2205

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ATHENS, ALABAMA, to authorize the Mayor to apply for the Alabama Department of Transportation RAA, “Rebuild Alabama Act” annual non-discretionary funds. The funding, if awarded, will be used for the striping, paving, and repair of Hobbs St.

ADOPTED and APPROVED this, the 10th day of January, 2022.

/s/ Chris Seibert
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 Harper and was unanimously carried.

Councilman Harper introduced the following resolution:

RESOLUTION NUMBER 2022 – 2206

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ATHENS, ALABAMA, to authorize Public Works to add stripe, safety shoulders, and stop bar along Indian Trace from Lindsay lane to Pike Rd as part of the Traffic Calming Program. The cost is not to exceed \$12,500 and will be funded from the Gas Tax Fund.

ADOPTED and APPROVED this, the 10th day of January, 2022.

/s/ Chris Seibert
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

Councilmember Travis 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 Seibert, Travis, 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 Seibert, Travis, 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

NOW, THEREFORE BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ATHENS, ALABAMA, at its meeting on January 10, 2022, that the Council authorizes a capital amount of \$498,875.00 to be funded from the Water Services Department cash reserves for a contract with RDJE, Inc. to perform the pipe bursting of the 20-inch sanitary sewer line (designated along Wilburn Street to Hine Street) up to 12-inch pipe, and the Water Services Department Manager, for and on behalf of the City of Athens, is authorized to enter into this contract to complete this work.

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

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

/s/Chris Seibert
PRESIDENT, CITY COUNCIL

ATTEST:

/s/ Annette Barnes

CITY CLERK