

January 13, 2020

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 Athens, Alabama, on January 13, 2020 at 5:30 p.m. The meeting was called to order by Councilman Frank Travis, President of the Council. Upon roll call, the following were found to be present: Councilmembers Harold Wales, Wayne Harper, Frank Travis and Chris Seibert. Mayor Marks led the Pledge of Allegiance. Annette Barnes, City Clerk, was present and recorded the minutes of the meeting. Harold Wales 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 the December 23, 2019 City Council Meeting had been submitted for approval. Councilman Wales moved that the reading of the Minutes be suspended and that the Minutes be approved as recorded. The motion was seconded by Councilman Seibert and was unanimously carried. The Chairperson stated that the Minutes of the December 23, 2019 City Council Work Session Meeting had been submitted for approval. Councilman Wales moved that the reading of the Minutes be suspended and that the Minutes be approved as recorded. The motion was seconded by Councilman Seibert and was unanimously carried. The Chairperson state that the Minutes of the December 9, 2019 City Council Meeting had been submitted for amendment. Councilman Seibert moved that the Minutes be amended. The motion was seconded by Councilman Harper and was unanimously carried.

Mayor Marks presented a proclamation declaring January as Human Trafficking Month.

Mayor Marks recognized the 8U Girls and 16U Boys Athens Soccer teams for winning the ARPA State Soccer Championships in November of 2019.

Youth Commissioners, Brock Seibert and Cheyenne Jackson, addressed the Council regarding the need for household hazardous waste collection.

A public hearing was held concerning the rezoning of property for Mark Wilson, Johnnie H. Wilson, Fred J. Wilson, Olye M. Ward, and Melinda Patterson from an R-1-3, Single Family High Density Residential District, to a B-2, General Business District. Property consists of +/-4.449 acres located to the east, north, northwest, and west of 330 Elm Street, West.

Public Works Director, James Rich, reported that the City's Planning Commission had reviewed this request and did not support a recommendation for rezoning the property.

Councilman Harper introduced the following ordinance:

AN ORDINANCE TO REZONE PROPERTY FOR MARK WILSON, JOHNNIE H. WILSON, FRED J. WILSON, OLLYE M. WARD, AND MELINDA PATTERSON FROM AN R-1-3, SINGLE FAMILY HIGH DENSITY RESIDENTIAL DISTRICT TO A B-2 GENERAL BUSINESS DISTRICT. PROPERTY CONSISTS OF +/-4.449 ACRES LOCATED TO THE EAST, NORTH, NORTHWEST, AND WEST OF 330 ELM ST. WEST, WITHIN THE COORPORATE LIMITS OF THE CITY OF ATHENS.

STATE OF ALABAMA,
LIMESTONE COUNTY,
CITY OF ATHENS

ORDINANCE NUMBER 2020 – 2103

WHEREAS, the Planning Commission of the City of Athens, Alabama, made no recommendation to the City Council of the City of Athens, Alabama concerning the request of Mark Wilson, Johnnie H. Wilson, Fred J. Wilson, Olye M. Ward, and Melinda Patterson, that hereinafter described areas should be rezoned from an R-1-3 Single Family High Density Residential District to a B-2 General Business District.

The City Council of the City of Athens, Alabama, finds that "The Zoning Ordinance of the City of Athens, Alabama," should be amended so as to rezone the hereinafter described area as "B-2 General Business District".

NOW, THEREFORE BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ATHENS, ALABAMA, as follows:

A parcel of land situate in Section 32, Township 2 South, Range 4 West in Limestone, County Alabama, being more particularly described as follows:

COMMENCING at the Southwest corner of said section, thence S 88° 05' 39" E along the South section line for a distance of 2,305.24 feet to the PONT OF BEGINNING.

From the POINT OF BEGINNING;

Thence, N 01° 54' 21" E for a distance of 35.50 feet to a point on a line.
Thence, N 02° 22' 10" E for a distance of 191.82 feet to a point on a line.
Thence, N 16° 30' 29" E for a distance of 154.08 feet to a point on a line.
Thence, N 40° 07' 32" W for a distance of 19.28 feet to a point on a line.
Thence, N 46° 35' 48" W for a distance of 7.99 feet to a point on a line.
Thence, N 46° 57' 57" E for a distance of 155.28 feet to a point on a line.
Thence, S 89° 19' 25" E for a distance of 264.40 feet to a point on a line.
Thence, S 02° 06' 35" E for a distance of 80.29 feet to a point on a line.
Thence, S 02° 06' 32" E for a distance of 191.95 feet to a point on a line.
Thence, S 87° 47' 09" E for a distance of 117.31 feet to a point on a line.
Thence, S 00° 03' 43" E for a distance of 208.63 feet to a point on a line.
Thence, S 01° 54' 21" W for a distance of 30.66 feet to a point on a line.
Thence, N 88° 05' 38" W for a distance of 183.71 feet to a point on a line.
Thence, N 01° 54' 21" E for a distance of 31.45 feet to a point on a line.
Thence, N 01° 42' 09" E for a distance of 163.08 feet to a point on a line.
Thence, S 88° 59' 23" W for a distance of 111.89 feet to a point on a line.
Thence, N 02° 02' 10" E for a distance of 124.62 feet to a point on a line.
Thence, N 02° 02' 11" E for a distance of 6.51 feet to a point on a line.
Thence, N 88° 46' 12" W for a distance of 20.40 feet to a point on a line.
Thence, N 04° 56' 08" W for a distance of 112.64 feet to a point on a line.
Thence, S 87° 59' 51" E for a distance of 3.10 feet to a point on a line.
Thence, N 48° 31' 08" W for a distance of 15.23 feet to a point on a line.
Thence, S 47° 29' 19" W for a distance of 163.90 feet to a point on a line.
Thence, S 41° 34' 57" E for a distance of 28.83 feet to a point on a line.
Thence, S 30° 11' 48" E for a distance of 16.06 feet to a point on a line.
Thence, S 50° 25' 04" E for a distance of 13.65 feet to a point on a line.
Thence, S 44° 12' 49" E for a distance of 15.49 feet to a point on a line.
Thence, S 33° 38' 46" E for a distance of 16.56 feet to a point on a line.
Thence, S 27° 00' 16" E for a distance of 26.62 feet to a point on a line.
Thence, S 29° 23' 11" W for a distance of 1.24 feet to a point on a line.
Thence, N 89° 01' 58" E for a distance of 26.61 feet to a point on a line.
Thence, S 01° 39' 02" W for a distance of 203.00 feet to a point on a line.
Thence S 01° 54' 21" W a distance of 33.41 feet to the said on a line.
Thence N 88° 05' 39" W a distance of 183.78 feet back to said
POINT OF BEGINNING containing 4.449 acres +/-.

ADOPTED and APPROVED this, the 13th day of January, 2020.

/s/ Frank Travis
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 Wales 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, Wales, Travis, 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, Wales, Travis, and Harper; NAYS: None. The President thereupon announced that the motion for the adoption of the said ordinance had been unanimously carried.

David Malone, 1300 Somerest Drive, Athens, asked whether the City would suffer any financial hardship by transferring funds from the alcohol fund for Jimmy Gill Park. He also commented that this issue is an example of why the District 4 seat should have been filled.

Kelly Range, 303 Brookwood Drive, Athens, addressed the Council and offered an idea for a solution for the litter problem. He suggested that the City consider adding community service requirements to those who violate city laws (such as speeding tickets) and require a certain number of hours picking up trash for each violation. He also expressed his support for decreasing the alcohol tax on private businesses and suggested the City could make up the revenues lost on that decrease by increasing the lodging taxes.

Mark Wilson, 1804 North Jefferson Street, Athens, addressed the Council in support of constructing sidewalks on Highway 99 and Jefferson Street.

Mae Davis, Plainview Circle, Athens, congratulated Mr. Travis on being elected City Council President. She also spoke in support of paving on Plainview Circle, inquired as to the location and start date for the new Jimmy Gill Park and also expressed support for requiring litterers to put on vests and pick up trash along the roadways.

Councilman Seibert introduced the following resolution:

RESOLUTION

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ATHENS, ALABAMA, to reappoint Teresa Brown to the Houston Memorial Library Board for a four year term, expiring January 11, 2024.

The motion was seconded by Councilman Wales 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 expenses for the following personnel from the City Clerk's Office.

Susan Hudson	Alabama Department of Transportation Driver Certification Training December 17, 2019 – December 19, 2019 Guntersville, Alabama	\$ 129.66
Kathy Sims	Alabama Department of Transportation Driver Certification Training December 17, 2019 – December 19, 2019 Guntersville, Alabama	\$ 57.27
Heather Crutcher	Alabama Department of Transportation Driver Certification Training December 17, 2019 – December 19, 2019 Guntersville, Alabama	\$ 29.59

The motion was seconded by Councilman Wales 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 expenses for the following personnel from the Municipal Court.

Judge Don Mansell	Municipal Conference for Judges December 6, 2019 Montgomery, Alabama	\$ 109.74
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The motion was seconded by Councilman Wales 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 appoint Wayne Harper to the Solid Waste Authority for a three year term, expiring January 13, 2023.

The motion was seconded by Councilman Wales 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 Henry White to the Personnel Board for a five year term, expiring January 12, 2025.

The motion was seconded by Councilman Wales 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 following applicant for a "SPECIAL EVENTS Retail Beer and Wine on Premises Consumption," alcohol license.

National Wild Turkey Federation, Inc.
Db: Limestone Longbeards
Event: Hunting Heritage Banquet
114 West Pryor Street
Athens, AL 35611
Event Date: February 7, 2020

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

Councilman Wales introduced the following resolution:

RESOLUTIONS

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ATHENS, ALABAMA, to authorize the Street Department to extend sidewalks along Lindsay Ln from just north of Summit Lakes Dr to Williamsburg Dr with a total project cost not to exceed the amount of \$17,000. This project shall be funded from the Capital Infrastructure Project Fund.

Councilmember Seibert 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 Seibert, Wales, Travis, 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 Harper and upon the said motion being put to vote the following vote was recorded: YEAS: Councilmembers Seibert, Wales, Travis, 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 accept the low bid of \$146,950.00 from Siemens, for three 161kV Circuit Breakers and spare parts for the Moss Spring Substation.

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 accept the low bid of \$75,710.00 from Siemens, for two 46 kV Circuit Breakers and spare parts for the Ardmore Primary Substation.

The motion was seconded by Councilman Seibert 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 accept the low bid of \$88,796.79 from ABB, for three 15 kV Circuit Breakers and spare parts for the Moss Spring Substation.

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

Councilman Wales introduced the following resolution:

Resolution to Approve FY 2019 Budget Amendments

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ATHENS, ALABAMA, to approve the following FY 2019 budget amendments:

- Special Revenue Fund-OPEB Contribution \$ 450,000
- Capital Expenditure Fund – as follows:
 - Public Works Department \$ 950,000
 - Departmental Capital Requests TBD 700,000
 - Total Capital Expenditures \$ 1,650,000

The funding for these expenditures will be from the FY 2019 general fund budget surplus through a 9/30/2019 budget amendment to the following line items:

- 100.527.90114 - Transfers Out-Special Revenue Funds \$ 450,000
- 100.527.90112 – Transfers Out – Capital Expenditure Fund \$ 1,650,000

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

Councilman Seibert introduced the following resolution:

RESOLUTION TO APPROVE FUNDING FOR JIMMY GILL PARK

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ATHENS, ALABAMA, to transfer \$600,000 from the Alcohol Fund to the Capital Projects Fund for expenses related to the relocation of Jimmy Gill Park.

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, Wales, Travis, 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 Seibert 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, and Travis; NAYS: Councilmembers Wales and Harper. The President thereupon announced that the motion for the adoption of the said resolution had not been carried.

Prior to the vote, Councilman Harper and Councilman Wales each made a statement that they were in support of relocating the Jimmy Gill Park but were not in favor of spending almost \$1,000,000 on the project. They each stated that they were told that the \$300,000 contributed by Toyota-Boshoku would be sufficient to rebuild the park.

Councilman Seibert introduced the following resolution:

RESOLUTION 2020 – 1658

A RESOLUTION AUTHORIZING USE OF A PORTION OF THE PROCEEDS OF THE 2018 GENERAL OBLIGATION WARRANTS FOR CERTAIN SEWER IMPROVEMENTS

WHEREBY the City Council of the City of Athens, Alabama, after due investigation, review and consideration, has determined that the City has provided and committed such funds as are expected to be needed for the various improvements originally anticipated to be made with the proceeds of City's General Obligation Warrants, dated April 24, 2018 ("the 2018 Warrants"); and

WHEREBY there remains in the City's 2018 Warrant Improvement Fund sufficient moneys to provide for an additional capital project in the City; and

WHEREBY it is necessary, desirable and in the best interest of the City and its citizens that the City make certain capital improvements to the Swann Creek trunk sewer line and that the said improvements are expected to cost approximately \$618,480;

THEREFORE, BE IT RESOLVED by the City Council of the City of Athens, Alabama, that said costs be paid from the 2018 GO Warrant Improvement Fund; and that the City Clerk/Treasurer of the City be directed to make appropriate notations in the records of the City so that the said trunk sewer line improvements shall hereafter be considered an additional purpose for the issuance of the 2018 Warrants and that it be deemed that the said costs were paid with the proceeds of a comparable principal amount of those of the 2018 Warrants having a stated maturity in 2035 such that the said warrants of said maturity shall be considered as exempt from the constitutional limitation on indebtedness of the City as said proceeds were expended for the purpose of acquiring, providing and constructing sewers.

ADOPTED this the 13th day of January, 2020.

/s/ Frank Travis

PRESIDENT, CITY COUNCIL,
CITY OF ATHENS, ALABAMA

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

Councilman Harper introduced the following resolution:

RESOLUTION NUMBER 2020 - 1659

A RESOLUTION EXECUTING KREBS ENGINEERING, INC. TASK ORDER 19045 FOR THE ENGINEERING REPORT REQUIRED BY THE ADEM CONSENT ORDER 20-015-CWP DATED NOVEMBER 15, 2019

WHEREAS, the City of Athens Water Services Department experienced a sanitary sewer overflow (SSO) on May 22, 2019 which resulted in sewage entering Waters of the State;

WHEREAS, the Alabama Department of Environmental Management (ADEM) on November 15, 2019 issued Consent Order 20-015-CWP to the City of Athens as a result of ADEM investigations following the May 22 SSO;

WHEREAS, this Consent Order required among other things an Engineering Report to be submitted by February 13, 2020;

WHEREAS, the Engineering Report is to provide a systematic and formal plan of actions to eliminate rain inflow and groundwater infiltration (I&I) into the sanitary sewer collection system, thus reducing likelihood of SSO's;

WHEREAS, Krebs Engineering has developed and submitted to the City of Athens a Task Order 19045 (attached) under their General Services Agreement with the City of Athens for professional services to develop and deliver the required Engineering Report prior to February 13, 2020;

WHEREAS, the lump sum cost of this Task Order is to be \$28,300.00;

THEREFORE BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ATHENS, ALABAMA that:

Section 1. The **Krebs Engineering** Task Order 19045 be approved in the amount of **\$28,300.00**, to be funded from the City of Athens 2018 G.O. Warrant Improvement Fund.

Section 2. William R. Marks, in his capacity as Mayor, is authorized, on behalf of the City of Athens, to sign the above-referenced professional services agreement for the required Engineering Report described above. The agreement shall be in conformity with the Consent Order 20-015-CWP requirements for an Engineering Report. The Mayor is further authorized to carry out the terms of such agreement, and to execute such other and additional documents that may be necessary and/or required in order to facilitate the transaction described herein.

Section 3. This resolution shall become effective immediately upon its adoption.

ADOPTED this the 13th day of January, 2020.

/s/ Frank Travis
PRESIDENT, CITY COUNCIL,
CITY OF ATHENS, ALABAMA

Councilmember Wales 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, Wales, Travis, 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, Wales, Travis, 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 2020 - 1660

A RESOLUTION EXECUTING KREBS ENGINEERING, INC. TASK ORDER 19048 FOR A FLOW MONITORING STUDY OF THE CITY OF ATHENS SANITARY SEWER COLLECTION SYSTEM

WHEREAS, the City of Athens Water Services Department experienced a sanitary sewer overflow (SSO) on May 22, 2019 which resulted in sewage entering Waters of the State;

WHEREAS, the Alabama Department of Environmental Management (ADEM) on November 15, 2019 issued Consent Order 20-015-CWP to the City of Athens as a result of ADEM investigations following the May 22 SSO;

WHEREAS, this Consent Order required among other things an Engineering Report to be submitted by February 13, 2020;

WHEREAS, the Engineering Report is to provide a systematic and formal plan of actions to eliminate rain inflow and groundwater infiltration (I&I) into the sanitary sewer collection system, thus reducing likelihood of SSO's;

WHEREAS, the first key step in the plan referenced above will be a flow monitoring study of the sanitary sewer collection system to determine where I&I issues are the most severe and therefore where the greatest efforts need to be made to eliminate that I&I;

WHEREAS, a flow monitoring study analyzes the amount of I&I experienced in the lines of the sanitary sewer collection system as a result of various sized rain events and the most effective time to conduct a flow monitoring study is during the winter rainy season when multiple significant rain events can be expected;

WHEREAS, Krebs Engineering has developed and submitted to the City of Athens a Task Order 19048 (attached) under their General Services Agreement with the City of Athens for professional services to conduct a flow monitoring study within the City of Athens sanitary sewer collection system;

WHEREAS, the lump sum cost of this Task Order is to be \$113,900.00;

THEREFORE BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ATHENS, ALABAMA that:

Section 1. The **Krebs Engineering** Task Order 19048 be approved in the amount of **\$113,900.00**, to be funded from the City of Athens 2018 G.O. Warrant Improvement Fund.

Section 2. William R. Marks, in his capacity as Mayor, is authorized, on behalf of the City of Athens, to sign the above-referenced professional services agreement for a flow monitoring study described above. The agreement shall be in conformity generally accepted engineering standards for such studies. The Mayor is further authorized to carry out the terms of such agreement, and to execute such other and additional documents that may be necessary and/or required in order to facilitate the transaction described herein.

Section 3. This resolution shall become effective immediately upon its adoption.

ADOPTED this the 13th day of January, 2020.

/s/ Frank Travis
PRESIDENT, CITY COUNCIL,
CITY OF ATHENS, ALABAMA

Councilmember Seibert 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 Seibert, Wales, Travis, 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, Wales, Travis, and Harper; NAYS: None. The President thereupon announced that the motion for the adoption of the said resolution had been unanimously carried.

Councilman Wales introduced the following resolution:

RESOLUTION NUMBER 2020 - 1661

A RESOLUTION ACCEPTING THE LOW BID FOR THE PROPOSED SWAN CREEK TRUNK SEWER IMPROVEMENTS PHASE 1

WHEREAS, the City of Athens solicited bids for the construction of Swan Creek Trunk Sewer Improvements Phase 1 (Pilgrim's Pride Park Trunk Sewer Improvements) (the "Project"), with said sealed bids being received and opened on December 11, 2019 at 10:00 a.m;

WHEREAS, Krebs Engineering, the project engineer for Athens Utilities, has prepared drawings and specifications for the Project and has certified the low bid;

WHEREAS, the initial low bidder, Takco Construction, withdrew its bid due to a pricing mistake, and such withdrawal will be permitted by the City without forfeiture;

WHEREAS, the resulting low bidder was Hawkins Groundwork, Inc., and its bid proposal, along with Krebs Engineering's letter of recommendation, is attached to this Resolution as Attachment A;

WHEREAS, Hawkins Groundwork, Inc.'s bid proposal did not sum all items for Alternate No. 1 as directed by the proposal form, but the City Council finds that this a minor irregularity that does not defeat the responsiveness of the low bidder;

WHEREAS, having reviewed the proposals, Athens Utilities recommends that the City proceed with Alternate No. 1 for the Project (the use of PVC pipe in lieu of ductile iron pipe) due to cost savings; and

WHEREAS, Athens Utilities recommends that the contract for the Project should be awarded to Hawkins Groundwork, Inc., with respect to Alternate No. 1, as the lowest responsible bidder in the amount of \$476,280.00.

THEREFORE BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ATHENS, ALABAMA that:

Section 1. The contract for the construction of the Project (Alternate No. 1) shall be awarded to **Hawkins Groundwork, Inc.**, in the amount of **\$476,280.00**, to be funded from the City of Athens 2018 G.O. Warrant Improvement Fund .

Section 2. William R. Marks, in his capacity as Mayor, is authorized, on behalf of the City of Athens, to sign the above-referenced contract for the Project. The contract shall be in conformity with the bid specifications and proposal of the successful bidder. The Mayor is further authorized to carry out the terms of such contract, and to execute such other and additional documents that may be necessary and/or required in order to facilitate the transaction described herein.

Section 3. This resolution shall become effective immediately upon its adoption.

ADOPTED this the 13th day of January, 2020.

/s/ Frank Travis
PRESIDENT, CITY COUNCIL,
CITY OF ATHENS, ALABAMA

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, Wales, Travis, 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 Seibert and upon the said motion being put to vote the following vote was recorded: YEAS: Councilmembers Seibert, Wales, Travis, and Harper; NAYS: None. The President thereupon announced that the motion for the adoption of the said resolution had been unanimously carried.

Councilman Seibert introduced the following resolution:

RESOLUTION

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ATHENS, ALABAMA, to enter an agreement with BAT traffic solutions for the installation of traffic loops at the following locations:

1. Jefferson St and Washington
2. Jefferson St and Market St
3. Jefferson St and Bryan St
4. Jefferson St and Pryor St
5. Market St and Hines St

with a total project cost not to exceed the amount of \$23,650 and be funded from the Capital Infrastructure Project 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, Wales, Travis, 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 Seibert thereupon moved that the resolution be finally adopted, which motion was seconded by Councilmember Wales and upon the said motion being put to vote the following vote was recorded: YEAS: Councilmembers Seibert, Wales, Travis, and Harper; NAYS: None. The President thereupon announced that the motion for the adoption of the said resolution had been unanimously carried.

At approximately 6:35 p.m., Councilman Seibert introduced a motion to enter into executive session. Councilman Seibert's motion was then seconded by Councilman Harper. Prior to the vote, City Attorney, Shane Black, provided an oral declaration that the business to be discussed in the executive session satisfied the following exception as prescribed in the Open Meetings Act: to discuss the consideration the governmental body is willing to offer or accept when considering the purchase, sale, exchange, lease, or market value of real property. Councilman Seibert's motion was unanimously approved. The Council came out of executive session at approximately 6:50 p.m. There being no further business to come before the meeting, the same was, duly and properly adjourned.

/s/ Frank Travis
PRESIDENT, CITY COUNCIL

ATTEST:

/s/ Annette Barnes
CITY CLERK