

January 23, 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 23, 2023 at 4:30 p.m. The meeting was called to order by Councilwoman Dana Henry, President Pro Tem of the City Council. Upon roll call, the following were found to be present: Councilmembers Chris Seibert, James E. Lucas, Dana Henry and Wayne Harper. Councilmember Wales was absent. Annette Barnes-Threet, City Clerk, was present and recorded the minutes of the meeting. Wayne Harper 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 January 9, 2023 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 Seibert and was unanimously carried. The Chairperson stated that the Minutes of the January 9, 2023 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 Seibert and was unanimously approved.

Mayor Marks asked everyone to remember Councilman Wales and his family during the loss of his sister, Rachel Johns.

Councilman Harper asked James Rich, Public Works Director, to repair a utility cut on Fitness Way.

President Pro Tem Dana Henry reminded everyone of the upcoming Chocolate Walk that will be held downtown. She noted that the tickets sold out in a manner of minutes.

**Councilman Seibert introduced the following resolution:**

**RESOLUTION NUMBER 2023 - 1864**

WHEREAS, AT&T has requested to modify their equipment on an existing telecommunications facility located at 1327 Highway 251, Athens, AL to provide wireless services within the corporate limits of the City of Athens;

WHEREAS, AT&T 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 AT&T 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 1327 Highway 251, Athens, AL, which consists of a 276-foot guyed tower;

THEREFORE, BE IT RESOLVED by the City Council of the City of Athens, Alabama that AT&T is hereby granted a Special Use Permit to modify their equipment at 1327 Highway 251, Athens, AL. 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. 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.* AT&T may petition the City of an extension of this for good cause shown, but the decision whether to grant the extension shall exclusively be the prerogative of the City.

2. AT&T 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.
3. 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.
4. The Certificate of Occupancy shall not be issued until all fees and costs associated with this Permit, including inspections, have been paid.
5. The provision of the Certificate of Completion for this work shall be a pre-condition for any future modifications of any kind by this carrier, at this facility.

ADOPTED this 23<sup>rd</sup> day of January, 2023

/s/Dana Henry  
 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 Harper and was unanimously carried.

**Councilman Seibert introduced the following resolution:**

**RESOLUTION**

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

Marsha Sloss	Mileage – TVPPA HR Management Conference Chattanooga, TN November 16 - 18, 2022	\$168.75
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The motion was seconded by Councilman Harper 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 travel/education expenses for the Information Technology Department:

Dale Haymon	Mileage October 1, 2022 through December 31, 2022	\$ 132.50
Thomas Rodriguez	Mileage October 1, 2022 through December 31, 2022	\$ 213.75
Seth Siniard	Mileage October 1, 2022 through December 31, 2022	\$ 217.50

Christian McDonald

Mileage

\$ 210.00

October 1, 2022 through December 31, 2022

The motion was seconded by Councilman Harper 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 purchase one (1) 2023 F-150 crew cab pick-up truck for the street department. This purchase will be made from the State of Alabama Bid List from Stivers Ford Lincoln Montgomery, AL at a cost not to exceed \$38,855. State Contract Code MA220000003128. Funding for this purchase will be allocated from the existing street department capital account.

The motion was seconded by Councilman Harper 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 purchase two (2) 2023 F-150 crew cab pick-up trucks for the engineering services and community development department. This purchase will be made from the State of Alabama Bid List from Stivers Ford Lincoln Montgomery, AL at a cost not to exceed \$38,855 each and totaling \$77,710. State Contract Code MA220000003128. Funding for this purchase will be allocated from the existing ESCD capital account.

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

**Councilman Seibert introduced the following resolution:**

**RESOLUTION**

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ATHENS, ALABAMA, to set a public hearing for the regular meeting at 4:30pm on February 13, 2023 to review the request of Zana Gamble Lake to rezone +/- 75 acres of property located northeast of the intersection Huntsville Brownsferry Road and Lindsay Lane (Parcel #:10-07-35-0-000-003.000, 10-07-35-0-000-004.000, and 10-07-35-0-000-003.001), from EST (Estate Residential and Agricultural District) to B 2 (General Business District), within the corporate limits of the City of Athens.

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

**Councilman Harper introduced the following ordinance:**

**ORDINANCE NUMBER 2023 - 2253**

**AN ORDINANCE CONCERNING THE ALABAMA  
ONE-CALL NOTIFICATION SYSTEM**

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**WHEREAS**, §§ 37-15-1, *et seq.* of the *Code of Alabama* generally requires that persons utilize the Alabama one-call notification system in order to identify the location of underground facilities prior to excavation and demolition activities;

**WHEREAS**, §§ 37-15-1, *et seq.* of the *Code of Alabama* provides for civil penalties associated with violations of that requirement;

**WHEREAS**, this requirement was intended by the Alabama Legislature to safeguard against injury and loss of life due to excavation and demolition and to protect underground facilities from costly damages and the interruption of utility and other services to the general public;

**WHEREAS**, Athens Utilities has experienced multiple situations where private contractors in the area engage in excavation or demolition without having first utilized the Alabama one-call notification system as required by law;

**WHEREAS**, the Athens City Council is authorized by § 11-45-1 of the *Code of Alabama* to adopt ordinances that provide for the safety, preserve the health, promote the prosperity and improve the morals, order, comfort, and convenience of the City's inhabitants, and to enforce obedience to such ordinances;

**WHEREAS**, in order to better protect the health and safety of the City's inhabitants, the City Council generally desires to make it an offense against the City for a person to violate the one-call requirement, strengthening the enforcement mechanisms available to the City; and

**WHEREAS**, this Ordinance complements and enlarges upon Title 37, Chapter 15 of the *Code of Alabama*, without being inconsistent therewith, and § 37-15-10(f) of the *Code of Alabama*, expressly states that Chapter 15 does not affect criminal sanctions.

**THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ATHENS, ALABAMA**, while in regular session on January 23<sup>rd</sup>, 2023, at 4:30 p.m., as follows:

**Section 1.** Section 54-12 of the *Code of Ordinances of the City of Athens, Alabama* is hereby enacted as follows:

**Sec. 54-12. - Excavation or Demolition without Ascertaining Underground Facilities**

(a) Any person who excavates in a street, highway, public easement, private easement or implied easement of an operator, or on property of an operator, or conducts blasting operations, or performs demolition activities in the near proximity of an operator's underground facility without first having ascertained, in the manner described in § 37-15-4 and § 37-15-6 of the *Code of Alabama*, the location of all underground facilities in the area of the proposed excavation, blasting, or demolition, shall be guilty of an offense against the City.

(b) A person shall not be guilty of an offense against the City under subsection (a) if:

(1) the easement or underground facility is located on property owned by such person and such person did not have knowledge of the existence or presence of such easement or underground facility;

(2) the person is an operator; or

(3) the person was engaged in an emergency excavation and acted in accordance with § 37-15-7 of the *Code of Alabama*.

(c) All of the terms set forth in this section shall have the same definitions as set forth in § 37-15-2 of the *Code of Alabama*.

**Section 2.** If any provision of this ordinance, or the application thereof to any person, thing or circumstances, is held invalid by a court of competent jurisdiction, such invalidity shall not affect the provisions or application of this ordinance that can be given effect without the invalid provisions or application, and to this end, the provisions of this code and such amendments and statutes are declared to be severable.

**Section 3.** No other provisions of the City Code are amended by this Ordinance, unless specifically stated and referenced herein.

**Section 4.** The provisions of this Ordinance shall be included and incorporated in the *Code of Ordinances of the City of Athens* as an addition or amendment thereto, and shall be appropriately renumbered as necessary to conform to the uniform numbering system of the Code.

**ADOPTED** this the 23<sup>rd</sup> day of January, 2023.

/s/ Dana Henry  
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

Councilmember Lucas 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, 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 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, Lucas, Henry and Harper; NAYS: None. The President thereupon announced that the motion for the adoption of the said ordinance had been unanimously carried.

**Councilman Harper introduced the following resolution:**

**RESOLUTION NUMBER 2023 – 1865**

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ATHENS, ALABAMA, to authorize the Mayor to enter into an agreement with Morell Engineering, Inc. for the design for sidewalks along Hine St from 5<sup>th</sup> Ave to Elm St. The project scope is to provide the overall design, right-of-way requirements, and bidding documents. The budget is not to exceed \$95,435 and shall be funded from the City of Athens Capital Infrastructure Fund.

ADOPTED and APPROVED this, the 23<sup>rd</sup> day of January, 2023.

/s/ Dana Henry  
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

Councilmember Lucas 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, 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 Lucas and upon the said motion being put to vote the following vote was recorded: YEAS: Councilmembers Seibert, 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**

BE IT RESOLVED BY THE CITY COUNCIL OF ATHENS, ALABAMA to adopt the attached organizational chart for the Water Services Department, which includes 62 regular status positions.

1. Water Services Director
2. Deputy Director
3. Engineer
4. Operations Administrator
5. Manager Logistics & Strategic Asset Management
6. Wastewater Treatment Plant Superintendent
7. Water Treatment Plant Superintendent
8. Collections Superintendent
9. Distribution Superintendent
10. Process Maintenance Superintendent
11. Wastewater Treatment Plant Chief Operator
12. Water Treatment Plant Chief Operator
13. Collections Supervisor (2)
14. Distribution Supervisor
15. Wastewater Treatment Plant Operators (7)
16. Water Treatment Plant Operators (4)
17. Collections Technicians (12)
18. Distribution Technicians (14)
19. Process Maintenance Technicians (4)
20. Distribution & Collection Inspector (2)
21. Wastewater Collection Crew Supervisor
22. Water Distribution Crew Supervisor
23. Assistant Manager of Logistics
24. Asset Management Administrator & Maintenance Coordinator

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

**Councilman Seibert introduced the following resolution:**

**RESOLUTION**

BE IT RESOLVED BY THE CITY COUNCIL OF ATHENS, ALABAMA to adopt the following job descriptions for the Water Services Department:

- (1) Asset Management Administrator & Maintenance Coordinator, Grade 17, Job description created 11.11.2022

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

**Councilman Lucas introduced the following ordinance:**

**STATE OF ALABAMA  
LIMESTONE COUNTY  
CITY OF ATHENS**

**ORDINANCE NUMBER 2023 - 2255**

**BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ATHENS, ALABAMA**, that Ordinance Number 888, establishing a classification list for classified employees is hereby amended as follows, effective: 1/23/2023.

**Add the following job title to the list of classified positions for the Gas Department:**

- (2) Assistant Director Gas Services**
- (3) Heavy Equipment Operator Crew Leader**
- (4) Service Installer Crew Leader**

**ADOPTED** this the 23<sup>rd</sup> day of January, 2023

/s/ Dana Henry  
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

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

**Councilman Seibert introduced the following resolution:**

**RESOLUTION**

BE IT RESOLVED BY THE CITY COUNCIL OF ATHENS, ALABAMA to adopt the attached organizational chart for the Gas Department, which includes which includes the following 40 full-time positions:

1. Gas Services Director
2. Assistant Gas Services Director
3. Operations Superintendent
4. Construction Supervisor (4)
5. Regulatory Compliance Coordinator
6. Gas Services and GIS Administrator
7. GIS Technician (2)
8. Gas Pipeline Inspector (2)
9. Heavy Equipment Operator Crew Leader
10. Service Installer Crew Leader
11. Service Installers I/II (9)
12. Heavy Equipment Operators (4)
13. Measurement Technicians (6)
14. Locator Technicians I/II (3)
15. Administrative Technician
16. Building Maintenance Worker I/II

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

**Councilman Harper introduced the following resolution:**

#### **RESOLUTION**

BE IT RESOLVED BY THE CITY COUNCIL OF ATHENS, ALABAMA to adopt the following job descriptions for the Gas Department:

- Assistant Director Gas Services, Grade 24, Job Description dated 1/11/2023
- Heavy Equipment Operator Crew Leader, Grade 15, Job Description Dated 1/11/2023
- Service Installer Crew Leader, Grade 15, Job Description Dated 1/11/2023

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

**Councilman Lucas introduced the following ordinance:**

**STATE OF ALABAMA  
LIMESTONE COUNTY  
CITY OF ATHENS**

#### **ORDINANCE NUMBER 2023 - 2255**

**BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ATHENS, ALABAMA**, that Ordinance Number 888, establishing a classification list for classified employees is hereby amended as follows, effective: 1/23/2023.

**Add the following job title to the list of classified positions for the Gas Department:**

- (5) Assistant Director Gas Services**
- (6) Heavy Equipment Operator Crew Leader**
- (7) Service Installer Crew Leader**

**ADOPTED** this the 23<sup>rd</sup> day of January, 2023

/s/ Dana Henry  
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

Councilmember Harper 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, 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 ordinance had been unanimously carried. Councilmember Lucas 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 Seibert, Lucas, Henry and Harper; NAYS: None. The President thereupon announced that the motion for the adoption of the said ordinance 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 approve a payment to Grayson Carter and Son, Inc. for repairs to Roy Long Road, Lucas Ferry Road and patching of Hine Street, as an amendment to the Bituminous Paving Contract of 2023, in an amount not to exceed \$145,000.00 and shall be paid from the Gas Tax Fund.

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

Council President Pro Tem Henry opened the floor for public comments.

Jean Hilliard, 18544 Moyers Road, Athens, addressed the City Council and read the remainder of her statement regarding her opposition of the proposed asphalt plant.

Michael Abbey, 19100 Moyers Road, Athens, addressed the City Council and expressed his displeasure of the decision that was made for the de-annexation and proposed asphalt plant.

Laura Barber, 12528 Lucas Ferry Road, Athens, addressed the City Council and stated that she had researched asphalt plants. Ms. Barber noted that property values would go down fifty to sixty percent and asked the Council to reconsider.

Elaina Vaughn, 18355 Huntsville Brownsferry Road, Athens, addressed the City Council regarding the proposed asphalt plant and asked the Council to consider if it were to be built in their backyards.

Janie Swint, 12329 Lucas Ferry Road, Athens, addressed the City Council concerning the proposed asphalt plant and the children that will be participating and playing outside at Tanner Elementary, Tanner High School and Lindsay Lane Christian Academy. Ms. Swint stated that she is concerned about her property value also but she is an educator and more concerned about the children. Ms. Swint expressed that she hopes that the City Council will help the residents rectify the problem.

Greg Chandler, 12850 Whitney Lane, Athens, addressed the City Council regarding the proposed asphalt plant and emphasized that everyone has seen the damage that the dirt trucks have caused on Moyers Road. Mr. Chandler asked the Council to come to the aide of the residents and help protect their area.

JR Russell, 18699 Moyers Road, Athens, addressed the City Council regarding the proposed asphalt plant and echoed all of the previous comments. Mr. Russell asked the Council to write to ADEM and request the permit to be declined because it will ruin the property value of all of the residents.

Whitney Russell, 18699 Moyers Road, Athens, addressed the City Council regarding the proposed asphalt plant. Mrs. Russell stated that her concern is for her children and asked the Council if they would like for their children to breathe the air produced by the plant. Mrs. Russell requested that the Council help the citizens turn the project around.

Stan Hogan, 18755 Moyers Road, Athens, addressed the City Council concerning the proposed asphalt plant. Mr. Hogan stated that the Council has the ability to do something and asked them to think of the residents.

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There being no further business to come before the meeting, Council President Pro Tem Henry asked for a motion to adjourn. Councilman Lucas motioned to adjourn. The motion was seconded by Councilman Seibert and was unanimously carried. Council President Pro Tem Henry declared the meeting duly and properly adjourned.

/s/ Dana Henry  
PRESIDENT PRO TEM, CITY COUNCIL

ATTEST:

/s/ Annette Barnes  
CITY CLERK