

February 13, 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 February 13, 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 Chris Seibert, Harold Wales, James E. Lucas, Dana Henry and Wayne Harper. Annette Barnes-Threet, 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 January 23, 2023 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 Lucas and was unanimously carried. The Chairperson stated that the Minutes of the January 23, 2023 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 Lucas and was unanimously approved. The Chairperson stated that the Minutes of the January 27, 2023 Special Called 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 Lucas and was unanimously carried.

Mayor Marks stated that Reed Blankenship and Quez Watkins, with the Philadelphia Eagles, represented our city and county proudly in the Super Bowl. The Mayor announced that Jayshon Ridgle is the state champ for Athens High School Track and Field Team in indoor track and field and the 60 meter hurdles. The Mayor also announced that Athens High School Cheerleaders finished first in nationals and worlds in the cheerleading championships. Mayor Marks noted that Athens High School Wrestling will compete this week at state and praised them all for what they have accomplished.

Councilman Lucas stated that Nuclear Plant Road looks much better after striping and hopes that Lucas Street will be striped soon. Mr. Lucas thanked Public Works for getting the project finished.

Mayor Marks asked for an update on a flashing stop sign at Moyers Road and asked Michael Griffin, City Engineer, to please follow up. The Mayor also noted that a meeting will be held for an update on Vine Street and a report will be given soon.

Councilwoman Henry echoed Mayor Marks' comments regarding Athens High School Track and Field, Athens High School Cheerleaders and Athens High School Wrestling. Mrs. Henry announced that the Athens High School Scholar's Bowl competed at Athens State University on Friday, February 10th, and that they were doing very well during her time there as a moderator. Mrs. Henry praised Athens Main Street for the Chocolate Walk event and stated that it was a wonderful way to get people here and show them a good time in Athens.

PUBLIC HEARING RELATING TO THE PROPOSED ORDINANCE TO REZONE +/-75 ACRES (ZANA GAMBLE LAKE) FROM EST (ESTATE RESIDENTIAL AND AGRICULTURAL DISTRICT) TO B-2 (GENERAL BUSINESS DISTRICT), LOCATED NORTHEAST OF THE INTERSECTION OF HUNTSVILLE BROWNSFERRY ROAD AND LINDSAY LANE (PARCEL #'S 10-07-35-0-000-003.001), WITHIN THE CORPORATE LIMITS OF THE CITY OF ATHENS

Erin Tidwell, City Planner, addressed the City Council and reported that the subject property satisfies all of the requirements for the rezoning and is therefore recommended for rezoning by both the City staff and the City's Planning Commission.

The public hearing was closed.

Councilman Seibert introduced the following ordinance:

AN ORDINANCE TO REZONE +/- 75 ACRES (ZANA GAMBLE LAKE) FROM EST (ESTATE RESIDENTIAL AND AGRICULTURAL DISTRICT) TO B 2 (GENERAL BUSINESS DISTRICT), LOCATED NORTHEAST OF

THE INTERSECTION OF HUNTSVILLE BROWNSFERRY ROAD AND LINDSAY LANE (PARCEL #S: 10-07-35-0-000-003.000, 10-07-35-0-000-004.000, AND 10-07-35-0-000-003.001), WITHIN THE CORPORATE LIMITS OF THE CITY OF ATHENS.

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

ORDINANCE NUMBER 2023 – 2256

WHEREAS, the Planning Commission of the City of Athens, Alabama, has made a recommendation to the City Council of the City of Athens, Alabama, that hereinafter described areas should be rezoned from from EST (Estate Residential and Agricultural District) to B 2 (General Business District).

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

That all of the hereinafter described area or real estate is hereby zoned B 2 (General Business District) in accordance with and defined by “The Zoning Ordinance of the City of Athens, Alabama,” and that the area which is zoned as aforesaid is situated in Athens, Limestone County, Alabama, and is more particularly described as follows:

TRACT 1

COMMENCING AT A RAILROAD SPIKE SITUATED IN THE INTERSECTION OF LINDSAY LANE AND HUNTSVILLE BROWNSFERRY ROAD BEING THE SOUTHWEST CORNER OF SECTION 35 TOWNSHIP 3 SOUTH RANGE 4 WEST IN LIMESTONE COUNTY, ALABAMA; THENCE ALONG THE WESTERN LINE OF SAID SECTION RUN NORTH 00°01'27" EAST AT A DISTANCE OF 84.75 FEET TO A POINT IN THE CENTER OF LINDSAY LANE; THENCE LEAVING SAID ROAD RUN SOUTH 88°52'21" EAST AT A DISTANCE OF 80.78 FEET TO A SET 1/2 INCH CAPPED IRON PIN STAMPED "MORELL ENG CA-742-LS" SITUATED ON THE EASTERN RIGHT OF WAY OF LINDSAY LANE, SAID SET CAPPED IRON PIN ALSO BEING THE POINT OF BEGINNING OF THE HEREIN DESCRIBED TRACT;

THENCE FROM THE POINT OF BEGINNING AND ALONG SAID RIGHT OF WAY RUN NORTH 14°17'20" WEST AT A DISTANCE OF 166.22 FEET TO A SET 1/2 INCH CAPPED IRON PIN STAMPED "MORELL ENG CA-742-LS"; THENCE ALONG SAID RIGHT OF WAY RUN NORTH 00°02'28" EAST AT A DISTANCE OF 2374.20 FEET TO A SET 1/2 INCH CAPPED IRON PIN STAMPED "MORELL ENG CA-742-LS", SAID POINT BEING SOUTH 88°58'11" EAST AT A DISTANCE OF 40.37 FEET FROM A SET MAG NAIL SITUATED ON THE NORTHWEST CORNER OF THE SOUTHWEST QUARTER OF SAID SECTION (SAID SET MAG NAIL BEING SOUTH 00°01'27" WEST A DISTANCE OF 2619.07 FEET FROM A RAILROAD SPIKE BEING THE NORTHWEST CORNER OF SAID SECTION 35); THENCE LEAVING SAID RIGHT OF WAY RUN SOUTH 89°53'39" EAST AT A DISTANCE OF 1276.59 FEET TO A PVC CASED "T" POST; THENCE RUN SOUTH 00°12'27" EAST AT A DISTANCE OF 2557.48 FEET TO A SET 1/2 INCH CAPPED IRON PIN STAMPED "MORELL ENG CA-742-LS" SITUATED ON THE NORTHERN RIGHT OF WAY OF HUNTSVILLE BROWNSFERRY ROAD; THENCE ALONG SAID RIGHT OF WAY RUN NORTH 88°52'21" WEST AT A DISTANCE OF 300.34 FEET TO A SET 1/2 INCH CAPPED IRON PIN STAMPED "MORELL ENG CA-742-LS"; THENCE LEAVING SAID RIGHT OF WAY RUN NORTH 00°49'45" EAST AT A DISTANCE OF 127.61 FEET TO A SET 1/2 INCH CAPPED IRON PIN STAMPED "MORELL ENG CA-742-LS"; THENCE RUN NORTH 89°10'15" WEST AT A DISTANCE OF 210.00 FEET TO A SET 1/2 INCH CAPPED IRON PIN STAMPED "MORELL ENG CA-742-LS"; THENCE RUN SOUTH 00°49'45" WEST AT A DISTANCE OF 126.52 FEET TO A SET 1/2 INCH CAPPED IRON PIN STAMPED "MORELL ENG CA-742-LS" SITUATED ON THE NORTHERN RIGHT OF WAY OF HUNTSVILLE BROWNSFERRY ROAD; THENCE ALONG SAID RIGHT OF WAY RUN NORTH 88°52'21" WEST AT A DISTANCE OF 331.13 FEET TO A SET 1/2 INCH CAPPED IRON PIN STAMPED "MORELL ENG CA-742-LS"; THENCE LEAVING SAID RIGHT OF WAY RUN NORTH 00°52'08" EAST AT A DISTANCE OF 177.79 FEET TO A SET 1/2 INCH CAPPED IRON PIN STAMPED "MORELL ENG CA-742-LS"; THENCE RUN NORTH 89°10'15" WEST AT A DISTANCE OF 170.00 FEET TO A SET 1/2 INCH CAPPED IRON PIN STAMPED "MORELL ENG CA-742-LS";

THENCE RUN SOUTH 00°52'06" WEST AT A DISTANCE OF 176.91 FEET TO A SET 1/2 INCH CAPPED IRON PIN STAMPED "MORELL ENG CA-742-LS" SITUATED ON THE NORTHERN RIGHT OF WAY OF HUNTSVILLE

BROWNSFERRY ROAD; THENCE ALONG SAID RIGHT OF WAY RUN NORTH 88°52'21" WEST AT A DISTANCE OF 235.29 FEET TO THE POINT OF BEGINNING.
SAID TRACT CONTAINS 73.55 ACRES, MORE OR LESS.

AND SUBJECT TO ALL RIGHTS-OF WAY, EASEMENTS, RESTRICTIONS, AND COVENANTS THAT MAY OR MAY NOT BE OF RECORD.

TRACT 2

COMMENCING AT A RAILROAD SPIKE SITUATED IN THE INTERSECTION OF LINDSAY LANE AND HUNTSVILLE BROWNSFERRY ROAD BEING THE SOUTHWEST CORNER OF SECTION 35 TOWNSHIP 3 SOUTH RANGE 4 WEST IN LIMESTONE COUNTY, ALABAMA; THENCE ALONG THE WESTERN LINE OF SAID SECTION RUN NORTH 00°01'27" EAST AT A DISTANCE OF 84.75 FEET TO A POINT IN THE CENTER OF LINDSAY LANE; THENCE LEAVING SAID ROAD RUN SOUTH 88°52'21" EAST AT A DISTANCE OF 80.78 FEET TO A SET 1/2 INCH CAPPED IRON PIN STAMPED "MORELL ENG CA-742-LS" SITUATED ON THE NORTHERN RIGHT OF WAY OF HUNTSVILLE BROWNSFERRY ROAD; THENCE ALONG SAID RIGHT OF WAY RUN SOUTH 88°52'21" EAST AT A DISTANCE OF 235.29 FEET TO A SET 1/2 INCH CAPPED IRON PIN STAMPED "MORELL ENG CA-742-LS", SAID SET CAPPED IRON PIN ALSO BEING THE POINT OF BEGINNING OF THE HEREIN DESCRIBED TRACT;

THENCE FROM THE POINT OF BEGINNING AND LEAVING SAID RIGHT OF WAY RUN NORTH 00°52'06" EAST AT A DISTANCE OF 176.91 FEET TO A SET 1/2 INCH CAPPED IRON PIN STAMPED "MORELL ENG CA-742-LS"; THENCE RUN SOUTH 89°10'15" EAST AT A DISTANCE OF 170.00 FEET TO A SET 1/2 INCH CAPPED IRON PIN STAMPED "MORELL ENG CA-742-LS"; THENCE RUN SOUTH 00°52'08" WEST AT A DISTANCE OF 177.79 FEET TO A SET 1/2 INCH CAPPED IRON PIN STAMPED "MORELL ENG CA-742-LS" SITUATED ON THE NORTHERN RIGHT OF WAY OF HUNTSVILLE BROWNSFERRY ROAD; THENCE ALONG SAID RIGHT OF WAY RUN NORTH 88°52'21" WEST AT A DISTANCE OF 170.00 FEET TO THE POINT OF BEGINNING;

SAID TRACT CONTAINS 0.69 ACRES, MORE OR LESS

AND SUBJECT TO ALL RIGHTS-OF WAY, EASEMENTS, RESTRICTIONS, AND COVENANTS THAT MAY OR MAY NOT BE OF RECORD.

TRACT 3

COMMENCING AT A RAILROAD SPIKE SITUATED IN THE INTERSECTION OF LINDSAY LANE AND HUNTSVILLE BROWNSFERRY ROAD BEING THE SOUTHWEST CORNER OF SECTION 35 TOWNSHIP 3 SOUTH RANGE 4 WEST IN LIMESTONE COUNTY, ALABAMA; THENCE ALONG THE WESTERN LINE OF SAID SECTION RUN NORTH 00°01'27" EAST AT A DISTANCE OF 84.75 FEET TO A POINT IN THE CENTER OF LINDSAY LANE; THENCE LEAVING SAID ROAD RUN SOUTH 88°52'21" EAST AT A DISTANCE OF 80.78 FEET TO A SET 1/2 INCH CAPPED IRON PIN STAMPED "MORELL ENG CA-742-LS" SITUATED ON THE NORTHERN RIGHT OF WAY OF HUNTSVILLE BROWNSFERRY ROAD; THENCE ALONG SAID RIGHT OF WAY RUN SOUTH 88°52'21" EAST AT A DISTANCE OF 736.42 FEET TO A SET 1/2 INCH CAPPED IRON PIN STAMPED "MORELL ENG CA-742-LS", SAID SET CAPPED IRON PIN ALSO BEING THE POINT OF BEGINNING OF THE HEREIN DESCRIBED TRACT;

THENCE FROM THE POINT OF BEGINNING AND LEAVING SAID RIGHT OF WAY RUN NORTH 00°49'45" EAST AT A DISTANCE OF 126.52 FEET TO A SET 1/2 INCH CAPPED IRON PIN STAMPED "MORELL ENG CA-742-LS"; THENCE RUN SOUTH 89°10'15" EAST AT A DISTANCE OF 210.00 FEET TO A SET 1/2 INCH CAPPED IRON PIN STAMPED "MORELL ENG CA-742-LS"; THENCE RUN SOUTH 00°49'45" WEST AT A DISTANCE OF 127.61 FEET TO A SET 1/2 INCH CAPPED IRON PIN STAMPED "MORELL ENG CA-742-LS" SITUATED ON THE NORTHERN RIGHT OF WAY OF HUNTSVILLE BROWNSFERRY ROAD; THENCE ALONG SAID RIGHT OF WAY RUN NORTH 88°52'21" WEST AT A DISTANCE OF 210.00 FEET TO THE POINT OF BEGINNING;

SAID TRACT CONTAINS 0.61 ACRES, MORE OR LESS.

AND SUBJECT TO ALL RIGHTS-OF WAY, EASEMENTS, RESTRICTIONS, AND COVENANTS THAT MAY OR MAY NOT BE OF RECORD.

ADOPTED and APPROVED this, the 13th day of February, 2023.

/s/ Harold Wales

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 Lucas 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, 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 ordinance had been unanimously carried. Councilmember Seibert thereupon moved that the ordinance 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, Wales, 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 Lucas introduced the following resolution:

RESOLUTION

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ATHENS, ALABAMA, to appoint Laverne Gilbert to the Lincoln/Bridgeforth Advisory Park Committee for a six year term, which will expire on February 13th, 2029.

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

Councilman Lucas introduced the following resolution:

RESOLUTION

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ATHENS, ALABAMA, to appoint Fred Wilson to the Lincoln/Bridgeforth Advisory Park Committee for a six year term, which will expire on February 13th, 2029.

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

Councilman Lucas introduced the following resolution:

RESOLUTION

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ATHENS, ALABAMA, to appoint Delbra Davis to the Lincoln/Bridgeforth Advisory Park Committee for a six year term, which will expire on February 13th, 2029.

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

Councilman Lucas introduced the following resolution:

RESOLUTION

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ATHENS, ALABAMA, to appoint Lellar Wiley to the Lincoln/Bridgeforth Advisory Park Committee for a six year term, which will expire on February 13th, 2029.

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

Councilman Lucas introduced the following resolution:

RESOLUTION

BE IT RESOLVED that there will be a public hearing at 4:30 PM on March 13, 2023, at the Athens City Council's regular meeting at Athens City Hall, concerning the city council's decision whether to approve the modification of an existing solid waste management site located at 16100 BFI Lane, Athens, Alabama 35611. The Public Works Director and City Attorney shall cause notice of such public hearing to be issued in accordance with § 22-27-48(b) of the *Code of Alabama*.

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

Councilman Lucas introduced the following resolution:

RESOLUTION

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ATHENS, ALABAMA, to authorize the Mayor to issue a purchase order to Alabama Department of Transportation for a 2013 Volvo Front End Loader Rubber Tire in the amount of \$85,000. The equipment is purchased from the Alabama Department of Transportation Property Division. The equipment shall be funded from the existing Street Department Capital Line Item.

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

Councilman Lucas introduced the following resolution:

RESOLUTION

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ATHENS, ALABAMA, to approve the purchase of a 2023 Ford F150 Super crew 4x4 Pickup for the Cemetery, Parks, and Recreation Department. The vehicle will be purchased from Stivers Ford Lincoln under State of Alabama purchasing contract #T191 in an amount not to exceed \$42,000.00 to be funded from the existing CPR capital account.

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

Councilman Lucas introduced the following resolution:

RESOLUTION

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ATHENS, ALABAMA, to approve the purchase of Maglocks and toggle switch for the front doors at the Recreation Center at a cost not to exceed \$4,800 to be funded from the existing CPR capital account.

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

Councilwoman Henry introduced the following resolution:

RESOLUTION

BE IT RESOLVED BY THE CITY COUNCIL OF ATHENS, ALABAMA, to approve the payment of up to \$25,000 to replace the fence on the bridge at Gates Park to be funded by a general fund budget amendment to line item 525.90194, Miscellaneous One Time Appropriations.

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, 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 Seibert, 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 Harper introduced the following resolution:

RESOLUTION

BE IT RESOLVED BY THE CITY COUNCIL OF ATHENS, ALABAMA, to approve the payment of \$7,900 to Bobby Terry Company for a four (4) ton Trane HVAC unit for the Houston Memorial Library to be funded by a general fund budget amendment to line item 525.90101, Houston Library Maintenance.

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

RESOLUTION NUMBER 2023 -1867

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ATHENS, ALABAMA, to allow Public Works to purchase piping material and rebuild a culvert just north of the intersection at Boardwalk and Elkton St. The cost of the project will not exceed \$50,000. This project shall be funded from the Capital Infrastructure Fund.

ADOPTED and APPROVED this, the 13th day of February, 2023.

/s/ Harold Wales
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 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 Seibert, 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 Seibert 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, 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 Seibert introduced the following resolution:

RESOLUTION NUMBER 2023 - _____

A RESOLUTION CONCERNING THE LEASE OF CERTAIN REAL PROPERTY LOCATED AT 1003 US HIGHWAY 72 EAST

WHEREAS, the City Council desires to lease certain property located at 1003 US Highway 72 East (the “Property”) for use by Athens Utilities as a billing and payments center.

THEREFORE BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ATHENS, ALABAMA on February 27TH, 2023, at 4:30 p.m. as follows:

1. The Mayor is authorized, for and on behalf of the City of Athens, Alabama, to enter into a written agreement with William and Susan Ming (the owners of the Property) for the lease of the Property, upon the following terms: (i) a five (5) year lease term; (ii) the City’s payment of monthly rent in the amount of \$7,083.33 per month (with reasonable/incremental percentage increases annually); and (iii) such other and additional terms that are not inconsistent therewith.

2. The cost of the lease shall be divided and apportioned between the Gas Department, Water/Sewer Department, and the Electric Department, proportionately based upon each of their number of total customers for each year of the lease.

3. The Mayor is authorized to take actions and execute such other and further documents as may be necessary to effect and carry out the transactions contemplated by this Resolution.

ADOPTED this the _____ day of February, 2023.

HAROLD G. WALES, CITY COUNCIL PRESIDENT

CERTIFICATION OF CITY CLERK

STATE OF ALABAMA)
LIMESTONE COUNTY)

I, Annette Barnes-Threet, City Clerk of the City of Athens, Alabama, do hereby certify that the above and foregoing is a true and correct copy of a Resolution duly adopted by the City Council of the City of Athens, Alabama, on the _____ day of February, 2023.

Witness my hand and seal of office this ____ day of _____, 2023.

Annette Barnes-Threet, City Clerk

Councilmember Henry 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 Wales; NAYS: Councilman Harper. The President thereupon declared that the motion for unanimous consent for immediate consideration of and action on the said resolution had failed to be unanimously carried, and therefore, the motion for final adoption of said resolution would have to be carried over to the next meeting on February 27th, 2023. The President thereupon announced that the motion for the adoption of the said ordinance had failed.

Councilwoman Henry introduced the following resolution:

RESOLUTION

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ATHENS, ALABAMA, at its meeting on February 13, 2023, that the Council authorizes a budgeted capital amount of \$5,000.00 to be funded from the Water and Sewer 2023 O&M proceeds for NexGen AM, Inc. to perform training services including Administration and End-User Training over a twelve week scope.

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, 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 Seibert, 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 Harper introduced the following resolution:

RESOLUTION

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ATHENS, ALABAMA, at its meeting on February 13, 2023, that the Council authorizes an unbudgeted capital amount of \$18,500.00 to be funded from the fiscal year 2022-2023 operating revenues for a contract with Hawkins Groundworks, Inc. to upgrade the four-inch water main to an eight-inch water main from the intersection of Marion Street and South Street to the intersection of Marion Street and Green Street, and the Water Services Director, for and on behalf of the City of Athens, is authorized to enter into this contract to complete this work.

Councilmember Seibert 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, 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 Seibert, 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 Harper introduced the following resolution:

RESOLUTION

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ATHENS, ALABAMA, at its meeting on February 13, 2023, that the Council authorizes the capital amount of \$3,023,310.45 to be funded with allocations from the American Rescue Plan Act for a contract with Gulf Coast Underground, LLC to perform certain sanitary sewer collection rehabilitation needs contracted as Sanitary Sewer Rehabilitation Program Phase 1, and the Water Services Director, for and on behalf of the City of Athens, is authorized to enter into this contract to complete this work.

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, 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 Seibert, 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.

Janie Smith, 12329 Lucas Ferry Road, Athens, addressed the City Council and thanked them for holding a special called meeting regarding their opposition of the ADEM air permit for the proposed asphalt plant. Ms. Smith noted that the permit was approved by ADEM and read a prepared statement.

Robin Hines, 18501 Huntsville Brownsferry Road, Athens, addressed the City Council regarding the proposed asphalt plant. Ms. Hines asked several questions on behalf of the Tanner Community and stated that the community feels like this is racial economic targeting.

Wilbert Woodroof, 200 Christine Street, Athens, addressed the City Council concerning the proposed asphalt plant. Mr. Woodroof stated that there are people in the southwest Athens and Tanner communities that believe that the Council had full knowledge of a planned asphalt plant. Mr. Woodroof asked the Council to do what is expected of them and consider helping in any way possible to have the air permit rescinded.

Stan Hogan, 18755 Moyers Road, Athens, echoed Ms. Smith's thank you to the Council. Mr. Hogan addressed the City Council and asked them to 1) adopt a resolution or ordinance stating that if any company or its sister company operates a business that adversely affects the public health and the public good of Athens, their business license be revoked, 2) adopt a resolution or ordinance stating that if any company or its sister company operates a business that adversely affects the public health and the public good of Athens, no utilities will be provided to that location, and 3) if a company's business destroys right-of-ways or property, that they be billed at double the rate.

William Barber, 12528 Lucas Ferry Road, Athens, addressed the City Council regarding the proposed asphalt plant. Mr. Barber read a prepared statement regarding the decrease in value to homes that will be affected by the proposed plant.

Jean Hilliard, 18544 Moyers Road, Athens, addressed the City Council and stated that she was the reason the property of the proposed asphalt plant was deannexed. She was concerned about the amount of trucks on the road and dirt in the air that was caused by the dirt pit located on the property. Mrs. Hilliard stated that the roads are already in need of repair and that trucks holding asphalt will cause more damage to the two-lane road.

Ralph Fowler, 12930 Whitney Lane, Athens, addressed the City Council regarding the road situation on Moyers Road. Mr. Fowler stated that there are a lot of children that get on and off buses on that particular road and is concerned about the entry and exit of the location of the plant being on the crest of a hill.

Cynthia Gibson, 18179 Hightower Road, Athens, addressed the City Council concerning the proposed asphalt plant. Ms. Gibson stated that her heart goes out to the residents on Moyers Road. Ms. Gibson is concerned about the homes downhill from the plant and the contamination that it may cause from heavy rains. She pled with the Council to help any way that they can.

Council President Wales read a prepared statement to address the residents opposed to the construction of the proposed asphalt plant on Moyers Road.

* * *

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

/s/ Harold Wales
PRESIDENT, CITY COUNCIL

ATTEST:

/s/ Annette Barnes
CITY CLERK