

March 27, 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 March 27, 2023 at 4:30 p.m. The meeting was called to order by Councilman Harold Wales, President of the City Council. Upon roll call, the following were found to be present: Councilmembers Harold Wales, James E. Lucas, and Wayne Harper. Councilman Chris Seibert, Councilwoman Dana Henry and Mayor Marks were absent. Annette Barnes-Threet, City Clerk, was present and recorded the minutes of the meeting. Wayne Harper offered the invocation and 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 March 13, 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 Lucas and was unanimously carried. The Chairperson stated that the Minutes of the March 13, 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 Lucas and was unanimously approved.

Kennan Braden, 13373 Glendorch Lane, Athens, Interim Lead Pastor of First Baptist Church, addressed the City Council concerning the cannabis ordinance that was passed on November 28, 2022. Mr. Braden presented several statistics regarding cannabis use and urged the Council to repeal the ordinance.

Kenny Baskin, 22329 Cantera Drive, Athens, Pastor of First Methodist Church, also addressed the Council regarding the cannabis ordinance and echoed Mr. Braden's comments. Mr. Baskin asked for the ordinance to be repealed before the window closes.

Joe Teal, 22219 Diamond Pointe Drive, Athens, Pastor of West Highland Baptist Church, addressed the Council stating that he also agreed with his fellow brothers and asked the councilmembers to do more research. Mr. Teal asked for reconsideration of the ordinance.

C.W. Kennedy, 414 Morning View Street, Athens, Pastor of Madison Street Baptist Church, addressed the Council regarding the cannabis ordinance and stated that dispensaries can draw drug abusers and crime. Mr. Kennedy noted that illegal drugs were once labeled as "medicine." He urged the Council to consider repealing the ordinance.

Henry Pollitz, 17386 Reid Drive, Athens, addressed the Council regarding the remarks about the cannabis ordinance. Mr. Pollitz remarked that his son is a veteran of the Air Force and has been diagnosed with a large mass. Mr. Pollitz stated that it is very difficult to watch your child be in pain and that he understands where the concern is regarding cannabis being a drug but that it can be helpful to those who may be suffering.

Council President Wales thanked everyone for speaking and noted that the City Council would seek advice from the City Attorney regarding the matter and review everyone's concerns.

Councilman Harper introduced the following resolution:

FAIR HOUSING MONTH PROCLAMATION

WHEREAS, the month of April is recognized throughout the United States as Fire Housing Month; and

WHEREAS, the passage of the United States Fair Housing Law, Title VIII of the Civil Rights Act of 1968, which enunciated a National Policy of fair housing without regard to race, color, religion, sex, and national origin; and

WHEREAS, the effective implementation of the National Policy depends on affirmative action at all levels of Government;

NOW, THEREFORE, the City of Athens, does hereby proclaim the month of April 2023, as Fair Housing Month in recognition of the importance of fair housing to our way of life, and the City urges our citizens to obey the letter and the spirit of the Fair Housing Law as an expression of the individual rights guaranteed by the United States Constitution.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Seal of the City of Athens affixed this the 1st day of April 2023.

/s/William R. Marks
Mayor

/s/Harold Wales
Council President

/s/Annette Barnes
Attest

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

Councilman Harper introduced the following resolution:

RESOLUTION NUMBER 2023 - 1876

WHEREAS, AT&T has requested to modify their equipment on an existing telecommunications facility located at 204 Commercial Drive, 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 204 Commercial Drive, Athens, AL, which consists of a 300-self-support 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 204 Commercial Drive, 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. Prior to the issuance of the Building Permit, T-Mobile or the tower owner shall submit for review and approval by the City, a remediation report for the correction of safety items noted as deficient on the ANSI/TIA-222-G Annex J: Conditions and Maintenance Assessment.
2. 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.
3. 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.
4. 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.
5. The Certificate of Occupancy shall not be issued until all fees and costs associated with this Permit, including inspections, have been paid.

6. 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 27th day of March, 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

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

Councilman Harper introduced the following resolution:

RESOLUTION NUMBER 2023 - 1877
A RESOLUTION AUTHORIZING THE MAYOR FOR THE CITY OF ATHENS, AL TO APPLY FOR AN
INDUSTRIAL ACCESS GRANT FOR IMPROVEMENTS AT AIRPORT RD AND JEFFERSON, AND ELM ST
AND JEFFERSON

WHEREAS, the City of Athens, AL is committed to improving its transportation infrastructure to support economic development and improve the quality of life for its residents; and

WHEREAS, the City of Athens, AL has identified the intersections of Airport Rd and Jefferson, and Elm St and Jefferson as areas in need of improvements to enhance industrial access and promote economic growth; and

WHEREAS, the Alabama Department of Transportation has established an Industrial Access Grant program to provide funding for projects that improve access to industrial sites and create jobs; and

WHEREAS, the City of Athens, AL wishes to apply for an Industrial Access Grant to fund the improvements at Airport Rd and Jefferson, and Elm St and Jefferson.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ATHENS, ALABAMA, AS FOLLOWS:

Section 1. The Mayor for the City of Athens, AL is authorized to apply for an Industrial Access Grant from the Alabama Department of Transportation to fund improvements at Airport Rd and Jefferson, and Elm St and Jefferson.

Section 2. The Mayor is directed to take all necessary steps to prepare and submit the grant application, including working with staff, consultants, and other partners to develop the project scope, budget, and timeline.

Section 3. The Mayor is further authorized to execute any agreements, contracts, or other documents necessary to accept and implement the grant, subject to review and approval by the City Council.

Section 4. This resolution shall take effect immediately upon its passage and adoption.

ADOPTED AND APPROVED this 27th day of March, 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

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

Councilman Harper 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 April 24, 2023 to review the request of George L. Braly, Celia B. Williamson, and Carol B. Carter for the rezoning and zoning approval of property located near Huntsville-Brownsferry Road and Interstate-65, for the previously zoned portions of the property to be rezoned from B-2 (General Business District) to EST (Estate Residential and Agriculture District), and for the recently annexed portions of the property to be zoned EST (Estate Residential and Agriculture District).

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

Councilman Harper 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 City Council meeting at 4:30pm on April 24, 2023, to review the request of Dirt For Sale, LLC for the Master Development Plan approval of Cambridge Estates Subdivision and for the rezoning approval of property located on the south side of US Highway 72, approximately 280' west of McCulley Mill Road, to be rezoned from R-1-3 (High Density Single Family Residential) to R-2 (Multiple-Family Residential).

The motion was seconded by Councilman Lucas 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 enter into a contract with Alta Planning + Design, Inc. for a scope of work for design of Sunrise Park, Phase 1. This shall be funded from the Sunrise Park line item, Capital Projects fund.

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

Councilman Harper introduced the following ordinance:

ORDINANCE NUMBER 2023 – 2257

AN ORDINANCE OF THE CITY OF ATHENS, ALABAMA, TO EXEMPT CERTAIN “COVERED ITEMS” FROM THE MUNICIPAL SALES AND USE TAX DURING THE THIRD FULL WEEKEND OF JULY, 2023, AS AUTHORIZED BY ACT 2006-574 AND AMENDED BY ACT 2017-120, GENERALLY REFERRED TO AS THE STATE SALES TAX HOLIDAY LEGISLATION.

BE IT ORDAINED BY THE CITY COUNCIL OF ATHENS, ALABAMA, AS FOLLOWS:

Section 1. In conformity with the provisions Act 2006-574 enacted by the Alabama Legislature during the 2006 Regular Session, providing for a State Sales Tax Holiday, and amended during the 2017 Regular Session by Act 2017-120, the City of Athens, Alabama, exempts “covered items” from municipal sales and use tax during the same period, beginning at 12:01 a.m. on the third Friday in July 2023 (July 21, 2023) and ending at twelve midnight the following Sunday (July 23, 2023).

Section 2. This ordinance shall be subject to all terms, conditions, definitions, time periods, and rules as provided by Act 2006-574 and amended by Act 2017-120, except that the time period shall only be as specified in Section 1 above and **not for all years thereafter**.

Section 3. The City Clerk is hereby authorized and directed to certify a copy of this ordinance under the seal of the City of Athens, Alabama, and to forward said certified copy to the Alabama Department of Revenue to be recorded and posted on the Department website.

Section 4. This ordinance shall become effective on March 30, 2023.

ADOPTED AND APPROVED THIS 27th DAY OF March 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 Wales, Lucas, 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 Lucas and upon the said motion being put to vote the following vote was recorded: YEAS: Councilmembers Wales, Lucas, 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

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. Gas Measurement Supervisor
6. GIS Regulatory Supervisor
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 Assistant
16. Building Maintenance Worker I/II

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

Councilman Lucas introduced the following resolution:

RESOLUTION

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

- Gas Measurement Supervisor, Grade 19, Job Description dated 3/18/2023
- GIS Regulatory Supervisor, Grade 20, Job Description Dated 2/23/2023
- Administrative Assistant, Grade 12, Job Description Dated 2/23/2023

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 - 2258

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ATHENS, ALABAMA, that Ordinance Number 888, establishing a classification list for all full-time employees is hereby amended as follows, effective: 3/28/2023.

Add the following job titles to the list of positions for the Gas Department:

- (1) **Gas Measurement Supervisor**
- (2) **GIS Regulatory Supervisor**
- (3) **Administrative Assistant**

Delete the following job titles from the list of positions for the Gas Department:

- (1) **Gas Services and GIS Administrator**
- (2) **Regulatory Compliance Coordinator**
- (3) **Administrative Technician**

ADOPTED this the 27th day of March, 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 ordinance, which motion was seconded by Councilmember Lucas, and upon the said motion being put to vote the following vote was recorded: YEAS: Councilmembers Wales, Lucas, 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 Wales, Lucas, 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 - 1878

A RESOLUTION CONCERNING THE SOLID WASTE TRANSFER STATION

WHEREAS, on May 6, 2022, there was a fire at the existing solid waste transfer station located at 16100 BFI Lane, Athens, Alabama 35611, which damaged the site;

WHEREAS, the Solid Waste Disposal Authority of Athens and Limestone County (“Authority”) has awarded a contract to repair and improve the transfer station to Fite Construction Company, LLC;

WHEREAS, the total cost of the transfer station, including the construction contract charges and related expenses, is expected to be approximately Five Million Dollars (\$5,000,000);

WHEREAS, the Authority has requested that the Limestone County Commission (the “County Commission”) assume ½ of the cost of the transfer station;

WHEREAS, the Authority has requested that the City of Athens (the “City”) assume the other ½ of the cost of the transfer station;

WHEREAS, § 11-89A-15 of the *Code of Alabama* provides that the City of Athens may do any and all things that are necessary or convenient to aid and cooperate with the Authority with respect to its transfer station;

WHEREAS, the Authority recently sought proposals from financial institutions to identify the most favorable terms upon which to borrow funds to support the construction of the transfer station, and determined that a proposal from First Metro Bank (with a fixed rate of 4.25%) was the best proposal; and

WHEREAS, the City Council, in recognition of the important public benefits relating to the new transfer station, wishes to grant the Authority’s request as stated in more detail herein.

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

1. The Mayor of the City of Athens (and/or his designee), on behalf of the City of Athens, Alabama, is authorized to borrow from the First Metro Bank (the "Bank"), a principal amount that is equal to one-half (½) of the total cost of construction for the new transfer station facility, but which shall be no more than Two Million Five Hundred Thousand Dollars (\$2,500,000), and to issue its general obligation warrant to evidence such indebtedness, together with such other documents as may be necessary or required by said Bank. The City's obligation to pay the principal of and interest on such warrant shall be secured by a pledge of the full faith and credit of the City. The repayment schedule shall be interest-only for 9 months during the draw/construction period, and then it will convert to substantially equal principal and interest payments for a term of 10 years. The debt obligation shall accrue simple interest at the rate of 4.25% per annum. The Mayor (and/or those acting at his direction), for and on behalf of the City, is further authorized to deal with the Bank concerning this obligation, expend such funds as are necessary to enter into the transaction contemplated hereby, to authorize the withdrawal of the borrowed funds from the Bank to pay one-half (½) of the construction expenses for the transfer station as the same become due, and to thereafter repay the loan, as the Mayor deems necessary and proper in accordance with the terms of the warrant.

2. The Mayor is further authorized to enter into an agreement with the Authority and County Commission confirming that: (a) the funds from the Bank will be used solely for expenses related to the construction of the Authority's transfer station; (b) the County Commission will be responsible for paying for one-half (½) of the costs of the construction of the transfer station, up to Two Million Five Hundred Thousand Dollars (\$2,500,000); and (c) the City will be responsible for paying for one-half (½) of the costs of the construction of the transfer station, up to Two Million Five Hundred Thousand Dollars (\$2,500,000), and will do so through its payment of the obligation to the Bank discussed herein.

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

ADOPTED this the 27th day of March, 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 resolution, which motion was seconded by Councilmember Harper, and upon the said motion being put to vote the following vote was recorded: YEAS: Councilmembers Wales, Lucas, 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 Wales, Lucas, and Harper; NAYS: None. The President thereupon announced that the motion for the adoption of the said resolution had been unanimously carried.

Councilman Harper noted that the previous transfer station was destroyed by a fire and stated that the new station will be larger and more efficient.

Bill Davis, 201 Utah Street, Athens, addressed the City Council concerning the rezone of a project on Cloverleaf Drive. Mr. Davis stated that the citizens affected by the rezone were not notified in a timely manner. He also stated that the rezoned project would cause traffic problems and has caused flooding. Mr. Davis remarked that as a result of the rezoning, he feels as though his home has been damaged.

Doris Welch, 304 Texas Street, Athens, addressed the City Council concerning the rezone of the project on Cloverleaf Drive and stated that she was so disappointed that she did not receive a letter notifying her of a proposed subdivision. Ms. Welch noted that the amount of dirt that had to be brought in to meet TVA specifications will cause flooding to her home.

Sharon Smith, 12767 Tallulah Drive, Madison, AL, addressed the City Council regarding the rezone on Cloverleaf Drive and noted that her step-dad, Bill Davis, has suffered mentally over this project. Ms. Smith asked the Council to take some reconsideration and look at the project better.

Billy Cannon, 2387 S. Hine Street, Athens, addressed the City Council regarding the fence around the basketball court and electrical outlets at Jimmy Gill Park. Mr. Cannon noted that the City did an excellent job in doing so. Mr. Cannon also addressed the agenda item regarding the application for a grant to improve intersections at Airport Rd and Jefferson, and Elm St and Jefferson. He asked that the City included property owners regarding any improvements if the grant is awarded.

Erin Tidwell, City Planner, addressed the City Council and stated that she has been in contact with Mr. Davis. She noted that she will stay in contact with everyone affected by the project and will follow up with them. Miss Tidwell also noted that on the subject of notifications, the Council should be seeing some changes to the ordinance in the near future.

* * *

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