

June 28, 2021

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 June 28, 2021 at 5:30 p.m. The meeting was called to order by Councilman Wayne Harper, President of the Council. Upon roll call, the following were found to be present: Councilmembers Wayne Harper, Harold Wales, Frank Travis, Chris Seibert and Dana Henry. Kim Glaze, Executive Secretary, was present and recorded the minutes of the meeting. Harold Wales 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 June 7, 2021 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 Wales and was unanimously carried. The Chairperson stated that the Minutes of the June 7, 2021 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 Wales and was unanimously carried.

Mayor Marks announced that the City Engineer, Michael Griffin, has accepted a position with the City of Madison and will be greatly missed. The Mayor also announced that Governor Kay Ivey would be making an appearance at the Alabama Veteran's Museum on Thursday, July 1, 2021, for the presentation of a check from the City of Athens for capital expenses. Mayor Marks also noted that Thursday, July 1, 2021, is Celebrity Waiters Night at Applebee's for the City of Athens Relay for Life Team. The Athens High School Bass Fishing Team was recognized by Mayor Marks for making the national tournament. The Mayor then introduced Katie Wiswall, Alabama Forestry Commission, who presented the City of Athens with a Tree City certificate and flag.

Councilman Travis commented that he was aware that several people were in attendance in regards to the old Miller School and wanted them to know that he is gathering information regarding the matter.

Dana Henry announced the Lions Club has resumed with the Kiddie Carnival this year after being unable to open in 2020 due to COVID.

A public hearing was held concerning the rezoning of +/-2.68 acres south of Summit Lakes Drive and Summit Lakes Subdivision, west of Lindsay Lane, north of US Highway 72, from a B-2 General Business to an R-1(4) Single Family Duplex Attached Residential District.

Barry Dunivant, 1308 W. Washington Street, Athens, spoke in favor of the rezoning.

Wayne McCain, Summit Lakes Property Owners Association, spoke in opposition of the rezoning stating that the property owners believed that it would cause unwanted traffic congestion and unsafe situations in their neighborhood. On behalf of the property owners, he requested that the City conduct a traffic study. He stated that they also feel that this would reduce safety and property value.

The public hearing was closed.

Councilman Seibert introduced the following ordinance:

AN ORDINANCE TO REZONE +/-2.68 ACRES SOUTH OF SUMMIT LAKES DRIVE AND SUMMIT LAKES SUBDIVISION, WEST OF LINDSAY LANE, NORTH OF US HIGHWAY 72, FROM A B-2 GENERAL BUSINESS TO AN R-1(4) SINGLE FAMILY DUPLEX ATTACHED RESIDENTIAL DISTRICT WITHIN THE CORPORATE LIMITS OF THE CITY OF ATHENS.

STATE OF ALABAMA
LIMESTONE COUNTY,
CITY OF ATHENS

ORDINANCE NUMBER 2021 - 2172

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 a B-2 General Business District to an R-1(4) – Single Family Duplex Attached Residential 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 an “R-1(4) – Single Family Duplex Attached Residential 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 to an R-1(4) – Single Family Duplex Residential 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:

Commence at an existing iron pin at the Northeast corner of Section 15, Township 3 South, Range 4 West, thence South 01 degrees 28 minutes 14 seconds West along the east boundary of said Section 15 a distance of 800.18 feet to a point, said point being the Point of True Beginning of the tract herein described,

Thence from the Point of True Beginning continue South 01 degrees 28 minutes 14 seconds West along the east boundary of said Section 15 a distance of 662.40 feet to a point,

Thence North 88 degrees 00 minutes 38 seconds West a distance of 79.48 feet to set 5/8” rebar with cap stamped “Dunivant Engr. Co. CA-0044-LS”, passing an existing 5/8” rebar with cap stamped “Dunivant Engr. Co. CA-0044-LS’ on the east right-of-way of Lindsay Lane at a distance of 29.37 feet,

Thence North 01 degrees 59 minutes 22 seconds East a distance of 26.17 Feet to an existing 5/8” rebar with cap stamped “Dunivant Engr. Co. CA-0044-LS”

Thence North 87 degrees 58 minutes 41 seconds West a distance of 349.90 feet to an existing 5/8” rebar,

Thence South 02 degrees 01 minutes 24 seconds West a distance of 318.52 feet to an existing 5/8” rebar with cap stamped “Dunivant Engr. Co. CA-0044-LS”,

Thence North 85 degrees 32 minutes 52 seconds West a distance a distance 217.19 feet to a set 5/8” rebar with cap stamped “Dunivant Engr. Co. CA-0044-LS”,

Thence North 73 degrees 51 minutes 57 seconds West a distance of 192.95 feet to an existing 5/8” rebar,

Thence South 02 degrees 09 minutes 52 seconds West a distance of 50.37 feet to a set 5/8” rebar with cap stamped “Dunivant Engr. CO. CA-0044-LS”

Thence North 74 degrees 56 minutes 53 seconds West a distance of 351.33 feet to an existing concrete monument,

Thence South 03 degrees 52 minutes 26 seconds West a distance of 534.98 feet to an existing 5/8” rebar with cap stamped “Dunivant Engr. Co. CA-0044-LS”

Thence North 80 degrees 16 minutes 36 seconds West a distance of 238.87 feet to an existing 5/8’ rebar,

Thence South 03 degrees 57 minutes 34 seconds West a distance of 25.01 feet to an existing 5/8” rebar with cap stamped “Dunivant Engr. Co. CA-0044-LS”,

Thence North 80 degrees 01 minutes 55 seconds West a distance of 143.98 feet to an existing 5/8” rebar with cap stamped “Dunivant Engr. CO. CA-0044-LS”,

Thence North 76 degrees 49 minutes 58 seconds West a distance of 160.00 feet to an exiting ½” rebar on the east right-of-way of Keli Drive,

Thence North 02 degrees 15 minutes 35 seconds East along the east right-of-way of said Kelli Drive a distance of 114.60 feet to an existing 5/8” rebar with cap stamped “Dunivant Engr. Co. CA-0044-LS”,

Thence North 87 degrees 50 minutes 06 seconds West along the north right-of-way of said Kelli Drive a distance of 72.03 feet to an existing 5/8” rebar with cap stamped “Dunivant Engr. Co. CA-0044-LS”,

Thence North 02 degrees 14 minutes 54 seconds East a distance of 469.84 feet to an existing concrete monument,

Thence North 72 degrees 25 minutes 40 seconds West a distance is 127.09 feet to an existing 5/8” rebar with cap stamped “Dunivant Engr. Co. CA-0044-LS”,

Thence North 71 degrees 02 minutes 10 seconds West a distance is 522.82 feet to an existing 5/8” rebar with cap stamped “Dunivant Engr. Co. CA-0044-LS”,

Thence North 01 degrees 16 minutes 01 seconds East a distance of 1370.20 feet to an existing 5/8” rebar with cap stamped “Dunivant Engr. Co. CA-0044-LS”, on the South boundary of Lot 7 of East Hampton Subdivision Addition No. 2 as recorded in Plat Book “D”. Page 97, in the Office of the Judge of Probate of Limestone County, Alabama said 5/8” rebar also being South 88 degrees 09 minutes 23 seconds East a distance of 132.82 feet from an existing concrete monument at the Southwest corner of said East Hampton Subdivision Addition No. 2,

Thence South 88 degrees 07 minutes 06 seconds East along the South boundary of said East Hampton Subdivision Addition No. 2 and East Hampton Subdivision Addition No. 1 as recorded in Plat Book “D”, Page 6, in the Office of the Judge of probate Limestone County, Alabama, a distance of 1260.61 feet to an existing 5/8” rebar also being North 88 degrees 05 minutes 57 seconds West a distance of 1166.01 feet from the Northeast corner of said Section 15,

Thence South 01 degrees 28 minutes 44 seconds West a distance of 405.77 feet to an existing 5/8” rebar with cap stamped “Dunivant Engr. Co. CA-0044-LS”,

Thence South 80 degrees 40 minutes 44 seconds West a distance of 405.77 feet to an existing 5/8” rebar with cap stamped “Dunivant Engr. Co. CA-0044-LS”,

Thence South 65 degrees 58 minutes 39 seconds East a distance of 67.31 feet to an existing 5/8” rebar with cap stamped “Dunivant Engr. Co. CA-0044-LS”,

Thence South 88 degrees 16 minutes 41 seconds East a distance of 74.69 feet to an existing 5/8” rebar with cap stamped “Dunivant Engr. Co. CA-0044-LS”,

Thence South 41 degrees 33 minutes 17 seconds East a distance of 110.18 feet to an existing 5/8” rebar with cap stamped “Dunivant Engr. Co. CA-0044-LS”,

Thence South 01 degrees 28 minutes 12 seconds West a distance of 265.75 feet to an existing 5/8” rebar with cap stamped “Dunivant Engr. Co. CA-0044-LS”,

Thence South 88 degrees 06 minutes 15 seconds East a distance of 773.03 feet to the Point of True Beginning, passing an existing 5/8” rebar on the west right-of-way of Lindsay Lane at a distance of 743.25 feet, and containing 77.39 acres, more or less.

LESS AND EXCEPT:

That portion of the above described tract which lies within the right-of way of Lindsay Lane and containing 0.45 acres.

ADOPTED and APPROVED this, the 28th day of June, 2021.

/s/ Wayne Harper
PRESIDENT, CITY COUNCIL,
CITY OF ATHENS, ALABAMA

/s/ William R. Marks
MAYOR, CITY OF ATHENS, ALABAMA

ATTEST:

/s/ Annette Barnes
CITY CLERK, CITY OF ATHENS, ALABAMA

Councilmember Travis moved that unanimous consent be given for immediate consideration of and action on said ordinance, 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, Travis, Henry and Harper; NAYS: None. The President thereupon declared that the motion for unanimous consent for immediate consideration of and action on the said ordinance had been unanimously carried. Councilmember Seibert thereupon moved that the ordinance 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, Wales, Travis, Henry and Harper; NAYS: None. The President thereupon announced that the motion for the adoption of the said ordinance had been unanimously carried.

Councilman Wales wanted the record to show that he was for the rezoning but against the possibility of a street that would extend from this piece of property through Summit Lakes.

Councilman Travis noted that the City Engineer, Michael Griffin, had stated that any changes would be required to come before the Planning Commission and then to the City Council for a vote, regarding the rezoning of this property.

A public hearing was held concerning the rezoning of +/-0.433 acres at 407 Christopher Drive from R-1-2 Medium Density Residential District to TN-2 Traditional Neighborhood 2 District.

Michael Griffin, 407 Christopher Drive, Athens, addressed the Council stating that he requested the rezone to return his property back to how it was originally zoned.

The public hearing was closed.

Councilwoman Henry introduced the following ordinance:

AN ORDINANCE TO REZONE +/- 0.433 ACRES AT 407 CHRISTOPHER DRIVE FROM R-1-2 MEDIUM DENSITY RESIDENTIAL DISTRICT TO TN-2 TRADITIONAL NEIGHBORHOOD 2 DISTRICT WITHIN THE CORPORATE LIMITS OF THE CITY OF ATHENS.

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

ORDINANCE NUMBER 2021 - 2173

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 an R-1-2 (Medium Density Single Family Residential District) to TN-2 (Traditional Neighborhood 2).

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 "Traditional Neighborhood 2".

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 Traditional Neighborhood -2 Residential 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:

A TRACT OF LAND BEING A PORTION OF LOT 1 OF THE RE-PLAT OF MARBUT ESTATES AS RECORDED IN PLAT BOOK "J" PAGE 299 IN THE OFFICE FOR THE JUDGE OF PROBATE FOR LIMESTONE COUNTY, ALABAMA, SAID TRACT MORE PARTICULARLY DESCRIBED AS FOLLOWS:

Beginning at the Northwest corner of the Southwest Quarter of the Southeast Quarter of Section 6, Township 3 South, Range 4 West, thence North 89 degrees 40 minutes 00 seconds East a distance of 320.18 feet to an iron pin on the east right of way of Christopher Drive, said iron pin being the Southwest corner of Lot No. 2, Pinedale Acres, Addition No. 1, as recorded in the Plat Book "C", Page 98, in the Office of the Judge of Probate of Limestone County, Alabama, and the Point of True Beginning of the tract herein described,

THENCE from the Point of True Beginning North 89 degrees 40 minutes 00 seconds East along the South Boundary of Lot No. 2 of Pinedale Acres Subdivision, Addition No. 1, a distance of 115.00 feet to an iron pin at the intersection of the North right of way of said extension of Virginia Drive with the east right of way of Christopher Drive,

THENCE South 02 degrees 50 minutes 00 seconds East a distance of 163.43 feet to an iron pin on the North right of way an extension of Virginia Drive,

THENCE South 09 degrees 11 minutes 00 seconds West along the North right of way of said extension of Virginia Drive a distance of 115.00 feet to an iron pin at the intersection of the North right of way of said extension of Virginia Drive with the east right of way of Christopher Drive,

THENCE North 02 degrees 50 minutes 00 seconds West along the East right of way of said Christopher Drive a distance of 164.43 feet to the Point of True Beginning and containing 0.433 acres, more or less

ADOPTED and APPROVED this, the 28th day of June, 2021.

/s/ Wayne Harper
PRESIDENT, CITY COUNCIL,
CITY OF ATHENS, ALABAMA

/s/ William R. Marks
MAYOR, CITY OF ATHENS, ALABAMA

ATTEST:

/s/ Annette Barnes
CITY CLERK, CITY OF ATHENS, ALABAMA

Councilmember Travis moved that unanimous consent be given for immediate consideration of and action on said 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, 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 Henry thereupon moved that the ordinance 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, Henry and Harper; NAYS: None. The President thereupon announced that the motion for the adoption of the said ordinance had been unanimously carried.

A public hearing was held to hear comments concerning the zoning approval for the sale of alcohol by LJ Samurais Steak House, LLC (change of ownership).

No one spoke in favor of or against.

The public hearing was closed.

Janice Woodruff, 200 Christine Street, Athens, addressed the City Council concerning several streets that are in need of repair. Council President Harper asked Ms. Woodruff to give a list of the streets to Public Works Director, James Rich.

David Malone, 1300 Somerest Drive, Athens, addressed the City Council concerning Jimmy Gill Park. He stated that Deborah Gill had requested a splash pad two years ago and was told that the City could not afford it. Mr. Malone also stated that the basketball court was not regulation size and lacked 15 feet. He requested that the 15 feet be added to the court. Also, he stated that it looks as though the ballfield cannot be constructed due to the trees. Mayor Marks then stated that the court is 15 feet short because a pavilion was added that was not on the original plans and that the ballfield would be an all-purpose field and not a baseball field. Mr. Malone also addressed the issue of Miller School, stating that it has been vacant for over fifty years and that it needs to be red tagged.

Mae Davis, 1201 Plainview Circle, Athens, addressed the City Council and thanked them for paving her street. She asked the City Council to extend the sidewalk on her street. Ms. Davis stated that a young man that is wheelchair bound has to go into the street to get to the connecting sidewalk. She also reported that there is a lot of speeding on Plainview Circle and is concerned for the children in the area. She also commented that the road conditions need to be addressed on Brownsferry Street.

Martha Pryor, 1210 Miller Street, Athens, addressed the City Council concerning the conditions of her street. She also stated that it wasn't fair for people to have junk laying around in their yards and that it makes her property look bad.

Josie McLin, 1703 Brookmeade Avenue, Athens, addressed the City Council concerning drainage improvements to resurface and rehabilitate designated streets and roads in District 3. Ms. McLin asked for drainage pipes to be installed, weeds removed and the street resurfaced in the Trinity Congregational Church area, maintenance of overgrown trees that are leaning over the street in the area of Antioch C.P. Church area, and drainage pipe installation, road widening and resurfacing in the areas of Annie Ray Subdivision, nearby townhouses and Sanderfer Road from Lucas Ferry to Hine Street.

James Holt, 1725 Brownsferry Street, Athens, addressed the Council regarding problems in his area. Mr. Holt stated that something needs to be done about the ditch in front of his home. He also stated that people run the stop signs and is concerned for the safety of people walking on the street. Mr. Holt commented that the road needs to be widened for safety and that it hasn't been paved in over twenty years.

Deborah Wood, 1300 Montreat Drive, Athens, addressed the Council concerning the speed bumps on her street because of speeding. Ms. Wood stated that there are stop signs there but that no one stops at them. She also stated that there is flooding at the end of the street and causes mosquitos. Ms. Wood commented that there were houses on Hine Street that are overgrown with weeds. Councilman Travis asked Ms. Wood if she agreed that they have discussed the traffic calming devices and she stated that she recalled being told that the information should be brought to Councilman Travis. She invited Councilman Travis and the rest of the Council to come by her house and she would take them around her neighborhood.

Melody Brown, 420 Hargrove Street, Athens, addressed the Council regarding her previous residence of 533 Brownsferry Street. She stated that the house was torn down in 2017 due to condemnation. Ms. Brown stated that she did not have the resources to repair the home and feels as though she was billed unfairly for \$20,000 with a tax lien and requested an itemized receipt of the charges. She stated that a car was parked on the lot and was given several citations to move it but that there is a boat on the property across the street that has been there since she was 10 years old and has never been moved.

Laverne Gilbert, 609 Levert Avenue, Athens, addressed the Council concerning the definition of a nuisance in the City ordinance. Ms. Gilbert expressed that Miller School is a nuisance and would like for the City Council to address the issue and condemn the school.

Council President Harper stated that the City Chief Building Inspector, Erik Waddell, was present and could address the process of condemnations.

City Chief Building Inspector, Erik Waddell, addressed the audience in regards to the process of condemning buildings and property. He explained that there is a process and a check list that must be completed. Mr. Waddell stated that an owner has

the right to make repairs and request a permit to do so. The owner has six months to make repairs and if the repairs are not made within that time period, the property goes on the condemnation list. He also explained that the school had been used for storage for many years and that there was not any structural damage to the building. Mr. Waddell also explained that it is fairly easy to condemn a house that has been abandoned because of cost but the school building would be significantly more. He explained that the owner of the school has a plan of action and if the action is not taken, then the Building Department would take the next steps for condemnation.

Mary Anderson, 1201 Bridgeforth Street, Athens, addressed the City Council regarding a lot that is overgrown and that Bridgeforth Street needs to be repaired. Council President Harper asked Ms. Anderson to contact Chief Johnson and Code Enforcement.

Diane Steele, 809 Hobbs Plaza, representative of Limestone County NAACP, addressed the Council regarding equality in District 3. Ms. Steele stated that the concerns of District 3 citizens are minimized. She commented that funding excuses are being made for District 3 and that the residents want no more than what anyone would want for their community. Ms. Steele asked for the Council to listen to the residents of District 3 and their issues for improvements. She asked them to open their minds as to how to bring equality to this community.

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 5:30PM on July 26, 2021 to review the request for Henderson Development Group, LLC to rezone +/- 114 acres located on the south side of Pepper Road, north and west of Piney Creek from EST - Estate Residential and Agricultural District to C-PUD - Conventional Planned Unit Development District, AND ALSO request for recommendation to the City Council for adoption a master plan for King Property Pepper Road.

The motion was seconded by Councilwoman Henry 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 set a Public Hearing for the regular meeting at 5:30PM on July 26, 2021 to review the request of Betty Strain Gilbert and Nelson Gilbert to rezone approximately 1 acre of property at 1993 US Highway 31 South from an EST Estate Residential and Agricultural District to a B-1 General Business District.

The motion was seconded by Councilwoman Henry 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 set a Public Hearing for the regular meeting at 5:30PM on July 26, 2021 to review the request of Ozark Properties LLC to rezone +/- 33.03 acres of property located south of Elm Street, north of Market Street, at Arrowhead Drive from an R-1-1 Low-Density Single-Family District to an R-1-3 High Density Single Family Residential District.

The motion was seconded by Councilwoman Henry 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 set a Public Hearing for the regular meeting at 5:30PM on July 26, 2021 to review the request of Dirt for Sale LLC to deannex +/- 19.85 acres, on the south side of US Highway 72, southwest of its intersection with McCulley Mill Road, property is zoned R-1-3 High Density Single Family Residential District.

The motion was seconded by Councilwoman Henry 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 purchase of a John Deere Skid Steer 333G from Tri Green Equipment, with an amount not to exceed \$74,000.00 from the existing Street Department Capital Account.

The motion was seconded by Councilwoman Henry 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 purchase of a Caterpillar CB34B Vibratory Compactor from Thompson Cat, with an amount not to exceed \$64,000.00 from the existing Street Department Capital Account.

The motion was seconded by Councilwoman Henry and was unanimously carried.

Councilman Seibert introduced the following resolution:

RESOLUTION

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OFATHENS, ALABAMA, to appoint Jeff Bass as an Alternate for the Zoning Board of Adjustment for a three year term, expiring on June 28, 2024.

The motion was seconded by Councilwoman Henry and was unanimously carried.

Councilman Seibert introduced the following resolution:

RESOLUTION

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OFATHENS, ALABAMA, to appoint Rod Herron as an Alternate for the Zoning Board of Adjustment for a three year term, expiring on June 28, 2024.

The motion was seconded by Councilwoman Henry and was unanimously carried.

Councilman Wales introduced the following resolution:

RESOLUTION NUMBER 2021 – 1749

A RESOLUTION TO ACQUIRE CERTAIN REAL PROPERTY AT THE INTERSECTION OF ELM STREET (SR-99) AND WILDINSON STREET FOR PUBLIC ROADWAY IMPROVEMENTS

WHEREAS, the City of Athens needs to acquire certain real property for use in connection with public roadway improvements at the intersection of Elm Street (SR-99) and Wilkinson Street;

WHEREAS, the City Council of Athens, Alabama deems it necessary and expedient to acquire certain real property located in the City of Athens, Alabama, described more particularly as follows:
COMMENCING AT A CAPPED IRON PIN STAMPED "COFFMAN" FOUND AT THE SOUTHWEST CORNER OF TRACT 6 OF THE REPLAT OF LOT 5 OF ELM INDUSTRIAL COMPLEX AS RECORDED IN PLAT BOOK H PAGE 33 IN THE OFFICE OF THE JUDGE OF PROBATE FOR LIMESTONE COUNTY, ALABAMA; THENCE RUN NORTH 88 DEGREES 07 MINUTES 40 SECONDS WEST AT A DISTANCE OF 121.18 FEET TO A FOUND IRON PIN, SAID PIN BEING ON THE NORTHERN RIGHT-OF-WAY FOR ELM STREET (SR-99) AND ON THE WESTERN RIGHT-OF-WAY FOR WILKINSON STREET, SAID PIN ALSO BEING THE POINT OF BEGINNING OF THE HEREIN DESCRIBED TRACT.

THENCE FROM THE POINT OF BEGINNING RUN ALONG SAID ELM STREET (SR-99) RIGHT-OF-WAY NORTH 87 DEGREES 57 MINUTES 15 SECONDS WEST AT A DISTANCE OF 40.03 FEET TO A POINT; THENCE LEAVING SAID ELM STREET (SR-99) RIGHT-OF-WAY RUN NORTH 46 DEGREES 41 MINUTES 14 SECONDS EAST AT A DISTANCE OF 45.81 FEET TO A POINT; THENCE RUN NORTH 00 DEGREES 34 MINUTES 15 SECONDS EAST AT A DISTANCE OF 135.17 FEET TO A POINT; THENCE RUN SOUTH 87 DEGREES 40 MINUTES 14 SECONDS EAST AT A DISTANCE OF 7.00 FEET TO A FOUND IRON PIN, SAID POINT BEING ON THE WESTERN RIGHT-OF-WAY FOR WILKINSON STREET; THENCE RUN ALONG SAID WILKINSON STREET RIGHT-OF-WAY SOUTH 00 DEGREES 34 MINUTES 15 SECONDS WEST AT A DISTANCE OF 167.74 FEET AND BACK TO THE POINT OF BEGINNING.

SAID TRACT OF LAND CONTAINS 1,713 SQUARE FEET, MORE OR LESS.

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

(the "Property"); and

WHEREAS, it is necessary and expedient for carrying out the full powers granted to the City of Athens, Alabama that such real property be acquired through negotiation and purchase, or failing that, through the power of eminent domain, pursuant to the procedures set forth in Title 18 of the *Code of Alabama*.

THEREFORE BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ATHENS, ALABAMA while in regular session on June 28th, 2021 at 5:30 p.m. that the Mayor and the City Attorney are hereby directed and authorized to take all necessary steps to acquire the Property by process of negotiation and purchase, or failing that, through condemnation procedures and the use of eminent domain.

ADOPTED this the 28th day of June, 2021.

/s/ Wayne Harper
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 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, Wales, Travis, Henry and Harper; NAYS: None. The President thereupon declared that the motion for unanimous consent for immediate consideration of and action on the said resolution had been unanimously carried. Councilmember Wales 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, Wales, Travis, Henry and Harper; NAYS: None. The President thereupon announced that the motion for the adoption of the said resolution had been unanimously carried.

Councilman Travis introduced the following resolution:

RESOLUTION NUMBER 2021 - 1750

WHEREAS, The Alabama Department of Transportation (“ALDOT”) has requested the City of Athens, Alabama to execute a permit for the installation of a new traffic signal at the State Road 99 (Elm Street) at Wilkinson Street intersection pursuant to Exhibit A attached hereto, and

WHEREAS, The City Council has considered the request of the ALDOT to authorize the Mayor to enter into an agreement to permit the installation of the traffic signal as identified hereinabove.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Athens, Alabama, at a regular meeting, duly assembled, a quorum being present, as follows:

1. That the Mayor and City Clerk are hereby authorized to execute the permit (Exhibit A) with the Alabama Department of Transportation to permit the following:
 - a. Installation of a new traffic signal at the State Road 99 (Elm Street) at Wilkinson Street intersection; and
 - b. Operation and maintenance of a new traffic signal at the State Road 99 (Elm Street) at Wilkinson Street intersection.
2. That the Mayor and City Clerk are authorized to execute any documents necessary to permit the installation of the new traffic signal provided herein above as required by the Alabama Department of Transportation.
3. That this resolution shall become effective immediately upon its adoption by the City Council of the City of Athens, Alabama.

ADOPTED and APPROVED this, the 28th day of June, 2021.

/s/ Wayne Harper
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 Seibert and was unanimously carried.

Councilman Wales introduced the following resolution:

RESOLUTION NUMBER 2021 - 1751

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ATHENS, ALABAMA, to authorize the Mayor to enter into agreements with the Alabama Department of Transportation for right-of-way maintenance along Elm Street (SR-99), in regards to the “Plans for Proposed Project Number IAR-042-000-013 Elm Street (SR-99) and Wilkinson Street Intersection Improvements”, as listed below:

- Mowing and maintenance of the right-of-way on the roadside of Elm Street (SR-99) between mileposts 1.348 and 1.243
- Maintenance of all new drainage structures, guardrail, and Elm Industrial Park sign structure located in the ALDOT right-of-way along Elm Street (SR-99) between mileposts 1.348 and 1.243

ADOPTED this the 28th day of June, 2021.

/s/ Wayne Harper
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 Seibert 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 FY 2022 Electric Department budget.

REVENUES:

Metered Electric Sales	\$ 129,452,124
Miscellaneous Revenue	\$ 2,588,000
Aid to Construction	\$ <u>3,220,000</u>
TOTAL OPERATING REVENUE	\$ 135,260,124

EXPENSES:

Employee Expense – Salaries and Benefits	\$ 9,352,824
Purchased Power	\$ 104,856,221
System Operation and Maintenance Expenses	\$ 3,252,000
Customer Service Expense	\$ 2,172,089
Uncollectable Account Expenses	\$ 225,000
Administrative and General Expenses	\$ 1,559,450
Vehicle & Equipment Operation and Maintenance	\$ 435,000
Tax Equivalent Payments	\$ 2,688,608
Debt Service Expenses	\$ 3,400,628
General Fund Salaries & Expenses	\$ 170,000
Construction In Progress	\$ 4,000,000
Transformers	\$ 750,000
Meters	\$ <u>175,000</u>
TOTAL OPERATING EXPENSES	\$ 133,036,820

NET OPERATING BUDGET	\$ 2,223,304
DRAW FROM RESERVES	\$ -
CAPITAL EXPENDITURES	
Vehicles	\$ 893,000
Pole Extractor	\$ 15,000
EV Charging Stations	\$ 30,000
Fiber to Substations	\$ 60,000
Building Improvements	\$ 50,000
Misc. Tools and Equipment	\$ 100,000
Network Equipment	\$ 55,000
Continue Upgrade of Substations	\$ 200,000
Regulator/Capacitor Controls	\$ 40,000
Substation & Spare Voltage Regulators	\$ 75,000
Pole Top Reclosers	\$ 40,000
SCADA System Maint. and SCADA radios	\$ 40,000
Computer Hardware and Software	\$ 35,000
OMS and Mapping	\$ 15,000
SCADA Substation Upgrade	\$ 100,000
Generator (Utilities Warehouse)	\$ 250,000
Office Equipment	\$ 25,000
Substation Maintenance Equipment	\$ 5,000
Substation and Industrial Metering	\$ 6,000
Traffic Light Modernization	\$ 25,000
Security System (Cameras)	\$ 10,000
Substation Improvements	\$ 10,000
TOTAL CAPITAL EXPENDITURES	\$ 1,829,000
TOTAL NET BUDGET	\$ 394,304

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

Councilman Travis introduced the following resolution:

RESOLUTION NUMBER 2021 - 1752

WHEREAS, the Alabama Community Development Block Grant Program has been established to assist local governments in meeting community development and housing needs consistent with the objectives as set forth in Title I of the Housing and Community Development Act of 1974, as amended; and

WHEREAS, the City of Athens has received a Community Development Block Grant (CDBG) and a Appalachian Regional Commission (ARC) Grant to extend sanitary sewer service to the Buc-ee's locating at the I-65 Exit 347 Huntsville-Browns Ferry Road Interchange.

THEREFORE, in accordance with CDBG and ARC regulations the City of Athens has advertised and received bids from qualified contractors to construct the above referenced drainage improvements.

NOW, THEREFORE, be it resolved that the City of Athens and Krebs Engineering have received bids on this project from interested contractors and have determined that REV Construction, Incorporated is the qualified low bidder on this project and is not on HUD's debarred contractor list; and

THAT, William R. Marks, Mayor, is hereby authorized upon approval by ADECA to enter into a contract on behalf of the City of Athens with REV Construction, Incorporated in the amount of \$5,230,881.00 to construct the Buc-ee's Sewer Line Extension Project

READ AND ADOPTED this the **28th** day of **June 2021**.

/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 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, 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 Travis 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, Henry 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 ordinance:

ORDINANCE NUMBER 2021 - 2174

**ORDINANCE GRANTING A FRANCHISE
TO BIRD RIDES, INC. FOR A STAND-UP SCOOTER SHARING SERVICE**

WHEREAS, pursuant to Section 220 of the *Constitution of Alabama*, no entity shall be authorized or permitted to use the streets of the city of Athens for the operation of any private enterprise, without first obtaining the consent of the City of Athens; and

WHEREAS, the City Council has determined to grant its consent to the use of its streets for the operation of a stand-up scooter sharing service by Bird Rides, Inc. upon the terms of a franchise agreement as hereinafter provided.

NOW THEREFORE BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ATHENS, ALABAMA while in regular session on June 28, 2021 at 5:30 p.m., as follows:

Section 1. In consideration of the benefits to accrue to the City of Athens (the "City") and the inhabitants thereof, the City, pursuant to Section 220 of the *Constitution of Alabama* and other applicable law, extends the consent and franchise hereinafter set forth.

Section 2. Bird Rides, Inc. (the "Franchisee") is hereby granted the City's non-exclusive consent and franchise to use the streets of the City for the operation of a stand-up scooter sharing service. As used herein, a "stand-up scooter sharing service" is a service through which persons can use or rent individualized electric stand-up scooters for transportation purposes within a certain area and for a specified time period in exchange for compensation.

Section 3. With respect to all of its activities within the City's corporate limits, the Franchisee, its employees and agents shall comply with all federal, state and local laws, as they now exist or are hereafter amended, expressly including but not limited to those concerning the use of the City's streets, as they now exist or may hereafter be amended.

Section 4. Operations.

(a) Unless with the written consent of the Police Chief of the City for a particular occasion, the Franchisee's exercise of this franchise shall be limited to the Franchisee's travel on the public streets of the city on a route approved in

writing by the Chief of Police. The Franchise does not extend to the use of a public street when that street has been closed for public travel. The Franchisee's electric stand-up scooters shall at all times comply with all state and local laws.

(b) Franchisee represents to the City that its stand-up electric scooters shall be governed by the rules applying to bicycles and are to be ridden on streets, and where available, on bike lanes and bike paths. Franchisee represents to the City that stand-up electric scooters are to stay to the right of street lanes and to offer the right of way to bicycles in bike lanes and on bike paths.

(c) Franchisee agrees that users of its stand-up electric scooters shall be 18 or older.

(d) Franchisee acknowledges that any users of Stand-up electric scooters who violate the provisions of this Section 4 may be fined by City of Athens consistent with fines for cyclists.

(e) Franchisee agrees that it will provide easily visible contact information, including toll-free phone number and/or e-mail address on each of its stand-up electric scooters for members of the public to make relocation requests or to report other issues with devices.

(f) Franchisee agrees that its stand-up electric scooters will be made available to rent from 4 a.m. to 12:00 a.m. (CST), but not outside of such times.

(g) Franchisee agrees that its stand-up electric scooters will be stored in a limited number of pre-designated locations overnight (identified by Franchisee to the City), and any stand-up electric scooters outside of such locations will be collected by a local representative of the Franchisee.

(h) Franchisee agrees that its stand-up electric scooters shall not in any way be used to impede or prohibit the use of sidewalks within the approved areas. Franchisee further acknowledges that its users of its stand-up electric scooters who violate these provisions may be fined by the City consistent with fines for cyclist.

(i) Franchisee shall limit the number of stand-up electric scooters to 25 vehicles, unless the Mayor, in his discretion and based on Franchisee's performance hereunder as well as any public safety issues, permits Franchisee to increase such number.

(j) Franchisee will provide its customers with materials, videos, signage to promote safe riding and educate riders on rider responsibilities and encourage safe and courteous riding and parking.

(k) Franchisee agrees to provide data to the City as requested to assist the City in evaluating and monitoring Franchisee's program and compliance with this Agreement.

(l) City and Franchisee acknowledge that Franchisee may utilize independent business logistics providers to facilitate its local operations within the City. Franchisee's use of these logistics providers will not constitute a transfer or assignment of this Agreement, and Franchisee will remain responsible for all obligations and requirements under this Agreement. Any such logistic providers will obtain and retain a City of Athens business license.

Section 5. Franchisee shall indemnify, defend, and hold the City (as well as its officers, employees, agents, and affiliates) harmless from any actions, claims, liability or damages resulting from any actions taken by Franchisee or its agents pursuant to this Ordinance, including but not limited to the negligence/misconduct of Franchisee, its agents or employees, in the operation of its private enterprise. Such indemnification shall be for all damages, costs, and attorney fees. The City shall notify Franchisee after the presentation to the City Clerk of any written claim for damages, either by suit or otherwise, made against the City on account of any actions of Franchisee, its agents or employees. This section shall survive the termination of this franchise.

Section 6. The consent and franchise hereby granted may not be assigned without the written consent of the City.

Section 7. Franchisee shall pay to the City a franchise fee of \$25.00 on or prior to the publication of this Ordinance.

Section 8. Franchisee shall, throughout the term of this franchise, maintain a current business license with the City.

Section 9. Franchisee must also, as a condition to the grant of this franchise, present the City Clerk with evidence of insurance, exclusively for the operation of its stand-up electric scooters, including: (a) Commercial General Liability insurance coverage with a limit of no less than \$1,000,000.00 each occurrence and \$2,000,000.00 aggregate; (b) Automobile Insurance coverage with a limit of no less than \$1,000,000.00 each occurrence and \$1,000,000.00 aggregate; and (c) where Franchisee employs persons within the City of Athens, Workers' Compensation coverage of no less than the statutory requirement. Franchisee shall maintain on file with the City an accurate listing of every scooter used by Franchisee in connection with this franchise.

Section 10. This Ordinance shall be published by the City Clerk in accordance with the applicable provision of Ala. Code § 11-45-8 (1975). The expense of such publication shall be paid by Franchisee, according to law.

Section 11. Franchisee shall file a written acceptance of the franchise with the City Clerk within 14 days after the date of this Ordinance. The acceptance shall state that Franchisee agrees to be bound by and carry out the terms and conditions of this Ordinance. The franchise shall go into effect when the acceptance has been filed, and upon such filing, this Ordinance shall constitute a contract between the City and Franchisee.

Section 12. If any part of this Ordinance shall be held invalid for any reason, such holding shall not invalidate or impair the remainder of it. Franchisee is an independent operator, and is not an agent, contractor, or employee of the City. Franchisee has no authority, express or implied, to act on behalf of or bind the City in any capacity. The City's waiver of any term or breach hereof shall not be considered to be a waiver of any other term or breach, nor of a subsequent breach of the one waived.

Section 13. This franchise shall continue in effect until December 31, 2021, or until termination; however, Franchisee may terminate this franchise at any time by written notice to City. No amendment hereto shall be made unless it is authorized by the City Council.

Section 14. The City reserves the right to suspend or terminate this franchise and all rights of Franchisee if (i) Franchisee violates any provisions of this Franchise, including the requirement that Franchisee abide by all laws and ordinances, (ii) Franchisee's agents and employees are convicted of any crime of moral turpitude, any DUI offense, or any offense relating to controlled substances, or (iii) whenever the continued operation by the Franchisee would constitute a danger to public health, safety, welfare or public morals. The City Clerk may terminate this franchise where Franchisee has failed to keep in full force any applicable licenses or permits required by federal, state or local law or regulation. Notwithstanding and in addition to the foregoing, the City may terminate this franchise at any time, in its sole discretion and without notice or hearing, by providing written notice to the Franchisee at least thirty (30) days in advance of the date of termination.

Section 15. Miscellaneous.

(a) This Agreement shall be governed by and construed in accordance with the laws of the state of Alabama.

(b) City and Franchisee consent and submit to the jurisdiction of the state courts of Limestone County, Alabama and/or the United States District Court for the Northern District of Alabama, Northern Division, and expressly agree that the counties in which such courts are situated will be the exclusive venues for any suit, action or proceeding arising out of or related to this Ordinance.

Section 16. This Ordinance shall become effective upon adoption, and upon the acceptance set forth in Section

ADOPTED this the 28th day of June, 2021.

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

Councilman Wales introduced the following resolution:

RESOLUTION

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ATHENS, ALABAMA, to authorize the Public Works to add a full-stop intersection at the intersection of Prairie Dunes Dr and Muirfield Dr as part of the Traffic Calming Program, with an amount not to exceed \$1,500 and funded from the Gas Tax Fund.

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

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ATHENS, ALABAMA, at its meeting on June 28, 2021, that the Council authorizes an increased budget to \$5,580,000.00 for the execution of the sewer system being developed to serve the Athens Buc-ee's and surrounding properties, and the Mayor, for and on behalf of the City of Athens, is authorized to enter into any contracts required to execute this project under the revised budget of \$5,580,000.00.

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

Councilwoman Henry introduced the following resolution:

RESOLUTION

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ATHENS, ALABAMA, at its meeting on June 28, 2021, that the Council authorizes \$63,303.63 from Water Service Department reserves to conduct the design work and bid of construction activities for the relocation of an eight-inch water line currently located in the area of where Highway 72 is to be widened at the Jefferson Street intersection and that the Athens Water Services Department Manager, for and on behalf of the City of Athens, is authorized to enter into a consulting agreement with Morell Engineering to provide those services for the not-to-exceed amount of \$63,303.63.

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

Councilman Travis introduced the following resolution:

RESOLUTION

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ATHENS, ALABAMA, at its meeting on June 28, 2021, that the Athens Water Services Department Manager, for and on behalf of the City of Athens, is authorized to enter into a general professional services agreement and Task Order Directive 1 with EMC, based on standard hourly rates and expenses, but for a total amount not to exceed \$86,797.19, to perform the tasks associated with updating and improving SCADA applications in both water and wastewater utilities for purposes of better monitoring and system reliability in those locations where SCADA is to be upgraded.

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

Councilman Seibert introduced the following resolution:

RESOLUTION

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ATHENS, ALABAMA, at its meeting on June 28, 2021, that the Water Services Department Manager is authorized to enter into Task Order 2 with HDR Engineering to develop the EPA required Emergency Response Plan with a budget of \$38,810.00.

The motion was seconded by Councilwoman Henry and was unanimously carried.

Councilman Travis introduced the following resolution:

RESOLUTION

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ATHENS, ALABAMA, at its meeting on June 28, 2021, that the Water Services Manager is authorized to enter into contract agreement with NEXGEN Software for the purchase and implementation of strategic asset management software for the Water Services Department at a cost of \$77,792.

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

Councilwoman Henry introduced the following resolution:

RESOLUTION

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ATHENS, ALABAMA, at its meeting on June 28, 2021, that the Mayor is authorized to enter into any contracts required to complete needed upgrades

to the Watercress Sewer Lift station with a revised budget of \$827,000.00 for the execution of said upgrades.

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

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ATHENS, ALABAMA, at its meeting on June 28, 2021, that the Mayor is authorized to enter into any contracts required to design and construct a regional sanitary sewer lift station by the proposed Lakewood Phase 2 Subdivision with a budget of \$448,284 to be funded by Water Services Capital Improvement Fund.

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

Councilman Travis introduced the following resolution:

RESOLUTION

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ATHENS, ALABAMA, at its meeting on June 28, 2021, that the Water Services Manager is authorized to enter into an agreement with Schoel Engineering to develop water and wastewater design specifications and construction standards with a budget of \$18,000 to be funded by operating revenues.

Councilmember Wales 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, Travis, Henry and Harper; NAYS: None. The President thereupon declared that the motion for unanimous consent for immediate consideration of and action on the said resolution had been unanimously carried. Councilmember Travis 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, Travis, 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 2021 - 1753

A RESOLUTION TO CLOSE OUT THE 2018 ROADWAY PROJECT WITH WIREGRASS CONSTRUCTION COMPANY, INC.

WHEREAS, on September 5, 2018, the City of Athens, Alabama entered into a Contract with Wiregrass Construction Company, Inc. (the “Contract”) concerning a roadway project near Athens High School described as “*ALDOT Project No. ST-042-999-002 Intersection Improvements on SR-3 (US-31) at Three Locations to Include SR-251 (Pryor Street) and Golden Eagle Dr, New Entrance to Athens High School, and SR-99 (Elm Street) in the City of Athens, Limestone County*” (the “Project”);

WHEREAS, the Project has been completed, and the City and Wiregrass have successfully negotiated the appropriate final amount due and owing to Wiregrass in connection with the Contract and the Project, which amount is \$210,000.00; and

WHEREAS, once the Payment is made by the City to Wiregrass, the City will have paid Wiregrass a grand total of \$1,809,604.79 with respect to the Contract, which is less than the amount previously budgeted for the Project.

THEREFORE BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ATHENS, ALABAMA on June 28, 2021 at 5:30 p.m., as follows:

1. The City Council of the City of Athens, Alabama, approves the City’s payment to Wiregrass in the amount of Two Hundred Ten Thousand and 00/100 Dollars (\$210,000.00), which shall be the full and final payment to Wiregrass owed in connection with the Contract and the Project (the “Payment”).

2. The Mayor is authorized, on behalf of the City, to enter into an agreement with Wiregrass providing for such Payment, along with such other terms and conditions as deemed necessary by the Mayor, to secure the final resolution of the Contract.

3. The Payment, which has already been the subject of a prior City budget, and shall be funded through the following account of the City: 2018 General Obligation Warrant Improvement Fund.

ADOPTED this the 28th day of June, 2021.

/s/ Wayne Harper
PRESIDENT, CITY COUNCIL,
CITY OF ATHENS, ALABAMA

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

Councilman Travis introduced the following ordinance:

ORDINANCE NUMBER 2021 - 2175

**AN ORDINANCE CONCERNING THE SALE OF REAL PROPERTY
TO K C LOGISTICS, INC.**

WHEREAS, K C Logistics, Inc. (the “Company”) desires to purchase approximately 12.65 acres of real property, located at 116 Durham Drive, in Athens, Alabama (the “Property”) from the City;

WHEREAS, the City Council finds that the Property is not needed for municipal or other public purposes; and

WHEREAS, the Company plans to construct an industrial facility on the Property, investing in excess of \$12 million in this project, and hiring up to an estimated 100 employees.

THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ATHENS, ALABAMA, while in regular session on June 28, 2021, at 5:30 p.m., as follows:

Section 1. The Mayor is authorized, for and on behalf of the City of Athens, to sell the Property to the Company, for a sales price of Two Hundred Fifty Thousand and 00/100 Dollars (\$250,000.00) (which the City Council finds to be fair and adequate consideration), and to enter into a contract, for and on behalf of the City, providing for such sale.

Section 2. The Mayor is authorized to include such provisions in the contract as he deems to be reasonable and necessary, so long as such provisions are consistent with this Ordinance. The Mayor is further authorized to take additional actions on behalf of the City that he finds to be reasonable necessary for such sale transaction, including but not limited to, causing the property to be subdivided in preparation for sale, and expending funds incidental to the sale.

Section 3. The City Council finds that this Ordinance involves a public purpose, namely, the promotion of commerce and industry within the City, and the addition of jobs to the City’s workforce.

ADOPTED this the 28TH day of June, 2021.

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

* * *

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

/s/Wayne Harper
PRESIDENT, CITY COUNCIL

ATTEST:

/s/ Annette Barnes
CITY CLERK