

July 24, 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 July 24, 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, Dana Henry and Wayne Harper. Councilman Chris Seibert was absent. Annette Barnes-Threet, City Clerk, was present and recorded the minutes of the meeting. James Lucas 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 July 17, 2023 City Council Meeting had been submitted for approval. Councilman Lucas moved that the reading of the Minutes be suspended and that the Minutes be approved as recorded. The motion was seconded by Councilman Harper and was unanimously carried. The Chairperson stated that the Minutes of the July 17, 2023 City Council Work Session Meeting had been submitted for approval. Councilman Lucas moved that the reading of the Minutes be suspended and that the Minutes be approved as recorded. The motion was seconded by Councilman Harper and was unanimously approved.

Mayor Marks announced that an update for the Alabama Legislation will be held on Tuesday, July 25<sup>th</sup>, 2023 at 9:00am at Athens State. The Mayor gave praise to the City's Electric Department and the Public Works Department for all of their work during the recent storms. Mayor Marks remarked that Stop the Violence will be held on August 19<sup>th</sup>, 2023 at Trinity School from 11:00am to 4:00pm. He also noted that Trinity Congregational Church will unveil a monument dedicated to Mary Wells, the first principal of Trinity School, on August 26<sup>th</sup>, 2023.

Councilwoman Henry announced that there is one more week of the Athens Lion's Club Kiddie Carnival and praised all of the volunteers. Mrs. Henry stated that this event could not be possible without the people that give their time to help.

Councilman Harper echoed Mayor Marks' remarks regarding all of the crews that worked the recent storms.

Council President Wales also thanked the employees that worked the storms and asked everyone to please let them know how much they are appreciated.

**PUBLIC HEARING RELATING TO A PROPOSED RESOLUTION VACATING A PORTION OF UNIMPROVED PUBLIC RIGHT OF WAY LYING BETWEEN CAIN DRIVE AND LEVERT AVENUE**

David Malone, 1300 Somerest Drive, Athens, addressed the City Council regarding the public hearing. Mr. Malone stated that the City should not be creating dead end streets and does not support the resolution.

Kenny Winter, 16415 Oakdale Road, Athens, addressed the City Council regarding the public hearing and noted that his company is trying to improve the community by building a new house and help everyone's property value.

Laverne Gilbert, 609 Levert Avenue, Athens, addressed the City Council regarding the public hearing and stated that the community opposes the proposed resolution to vacate the right of way.

Robert Malone, 17985 Davis Street, Athens, addressed the City Council regarding his opposition to the proposed resolution. Mr. Malone noted that this section of the property could be turned into a street and benefit everyone.

With lack of support for a motion, the resolution failed.

Council President Wales and City Attorney, Shane Black noted that the issue could be brought before the City Council again in the future but that it stands as a failed motion.

**Councilman Harper introduced the following resolution:**

**RESOLUTION**

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ATHENS, ALABAMA, to approve the following travel/education expenses for the ESCD department:

Michael Griffin	ASCE/APNA Conference Orange Beach, AL July 11-14, 2023	\$ 677.99
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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, that the travel expenses in the following amount be approved for Electric Department personnel.

Chayse Carter TVPPA-Lab 3-Huntsville, AL	\$130.88
Eli Jackson TVPPA-Lab 3- Huntsville, AL	\$106.54
Jake Wallace TVPPA-Lab 3-Huntsville, AL	\$108.51
Graham Pepper TVPPA-Lab 3-Huntsville, AL	\$ 68.97
Beth Clem Electric Cities Annual Conference-Sandestin, FL	\$227.76
Ronnie Marks Electric Cities Annual Conference-Sandestin, FL	\$165.41

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 approve the following applicant for a "Retail Beer & Wine On Premises" alcohol license

Aimbridge Hospitality LLC  
Db: Hampton Inn  
Address: 1222 Kelli Drive  
Athens, AL 35611

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

**Councilman Harper introduced the following resolution:**

**RESOLUTION**

BE IT RESOLVED BY THE CITY OF ATHENS, ALABAMA, to reappoint Randi Harbin to the Houston Memorial Library Board of Directors for a four year term, expiring on August 15, 2027.

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 approve the purchase of a Milwaukee MX FUEL Cordless Handheld Core Drill Kit for the ESCD Department at a cost not to exceed \$4,000 to be funded from the existing ESCD capital account.

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

**The following ordinance was made for “Introduction Only” by Councilman Seibert at the regular meeting on July 17<sup>th</sup>, 2023:**

**ORDINANCE NUMBER 2023 - 2278**

**AN ORDINANCE CONCERNING AN APPROPRIATION TO THE BOYS AND GIRLS CLUBS OF NORTH ALABAMA**

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**WHEREAS**, the City of Athens is authorized by law to provide educational, recreational, social and cultural facilities, services and programs, for its citizens;

**WHEREAS**, the City Council finds that the item listed below serves a valuable public purpose that has for its objective the promotion of public health, safety, morals, security, prosperity, contentment, and/or the general welfare of the community.

**THEREFORE BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ATHENS, ALABAMA** on July 24<sup>th</sup>, 2023, at 4:30 p.m., as follows:

1. The Mayor and City Clerk/Treasurer, for and on behalf of the City of Athens, are directed to enter into a contract with the Athens branch of the Boys & Girls Clubs of North Alabama (the “Club”) in such form and manner that is acceptable to the same, whereby the City will pay \$120,000 to the Center as a one-time appropriation to be used solely in connection with the addition and new construction of an educational facility at the Club’s location within the city of Athens. Upon entering into such contract, the Mayor and City Clerk/Treasurer are authorized to release said funds at their discretion.

2. The appropriation described in this Ordinance shall be derived from the “alcohol revenues” described in Section 6-111 of the *City Code of the City of Athens, Alabama*, notwithstanding any other or different allocation described in Sections 6-111, 6-112, or 6-113 of that code.

3. This Ordinance shall work as an exception to (and not as a repeal of) the application of Section 6-111, Section 6-112, Section 6-113, and any other ordinance (or part thereof) that is inconsistent with this Ordinance; and shall be an exception limited to and only with respect to the matters described herein.

**ADOPTED** this the 24<sup>th</sup> day of July, 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.

**The following ordinance was made for “Introduction Only” by Councilman Lucas at the regular meeting on July 17<sup>th</sup>, 2023:**

**ORDINANCE NUMBER 2023 - 2279**

**AN ORDINANCE CONCERNING AN APPROPRIATION TO THE MENTAL HEALTH CENTER OF NORTH CENTRAL ALABAMA, INC.**

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**WHEREAS**, the City of Athens is authorized by law to safeguard the public health and promote sanitation within the corporate limits of the municipality; to make appropriations for public health work; and to make appropriations to aid hospitals, rehabilitation centers, and other related health care institutions in maintaining and taking care of the sick and wounded; and

**WHEREAS**, the City Council finds that the item listed below serves a valuable public purpose that has for its objective the promotion of public health, safety, morals, security, prosperity, contentment, and/or the general welfare of the community.

**THEREFORE BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ATHENS, ALABAMA** on July 24<sup>th</sup>, 2023, at 4:30 p.m., as follows:

1. The Mayor and City Clerk/Treasurer, for and on behalf of the City of Athens, are directed to enter into a contract with the Mental Health Center of North Central Alabama, Inc. (the “Center”) in such form and manner that is acceptable to the same, whereby the City will pay \$480,000 to the Center as a one-time appropriation to be used solely in connection with the construction of additional space at the Center’s property on Elm Street to accommodate working with

teens. Upon entering into such contract, the Mayor and City Clerk/Treasurer are authorized to release said funds at their discretion.

2. The appropriation described in this Ordinance shall be derived from the “alcohol revenues” described in Section 6-111 of the *City Code of the City of Athens, Alabama*, notwithstanding any other or different allocation described in Sections 6-111, 6-112, or 6-113 of that code.

3. This Ordinance shall work as an exception to (and not as a repeal of) the application of Section 6-111, Section 6-112, Section 6-113, and any other ordinance (or part thereof) that is inconsistent with this Ordinance; and shall be an exception limited to and only with respect to the matters described herein.

**ADOPTED** this the 24<sup>th</sup> day of July, 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

Councilman Harper noted that he struggled with both of the previous ordinances and stated that he voted for the Boys and Girls Club ordinance because they need a lot of work. Mr. Harper stated that he believes that the City Council is presenting a bad precedence by approving these appropriations.

The motion was seconded by Councilwoman Henry and was carried with three yeas and one nay by Councilman Harper.

**The following resolution was made for “Introduction Only” by Councilwoman Henry:**

**RESOLUTION NUMBER \_\_\_\_\_**

This resolution made this 24 day of July, 2023 (the Effective Date) by the City Council of Athens, AL (the Granting Authority), to grant a tax abatement to Hi-Plane Coffee LLC (the Company).

WHEREAS, the Company has announced plans for a (check one):

new project or  major addition to their existing facility (the Project), located within the jurisdiction of the Granting Authority; and

WHEREAS, pursuant to the Tax Incentive Reform Act of 1992 (Section 40-9B-1 et seq., Code of Alabama 1975) (the Act), the Company has requested from the Granting Authority an Abatement of (check all that apply):

- all state and local non-educational property taxes,
- all construction related transaction taxes, except those local construction related transaction taxes levied for educational purposes or for capital improvements for education, and /or

all mortgage and recording taxes; and

WHEREAS, the Company has requested that the abatement of state and local non-educational property taxes (if applicable) be extended for a period of 10 years, in accordance with the Act; and

WHEREAS, the Granting Authority has considered the request of the Company and the completed applications (copy attached) filed with the Granting Authority by the Company, in connection with its request; and

WHEREAS, the Granting Authority has found the information contained in the Company's application to be sufficient to permit the Granting Authority to make a reasonable cost/benefit analysis of the proposed project and to determine the economic benefits to the community; and

WHEREAS, the construction of the project will involve a capital investment of \$500,000; and

WHEREAS, the Company is duly qualified to do business in the State of Alabama, and has powers to enter into, and to perform and observe the agreements and covenants on its part contained in the Tax Abatement Agreement; and

WHEREAS, the Granting Authority represents and warrants to the Company that it has power under that constitution and laws of the State of Alabama (including particularly the provisions of the Act) to carry out provisions of the Tax Abatement Agreement;

NOW THEREFORE, be it resolved by the Granting Authority as follows:

Section 1. Approval is hereby given to the application of the Company and abatement is hereby granted of (check all that apply):

- all state and local non-educational property taxes,
- all construction related transaction taxes, except those construction related transaction taxes levied for educational purposes or for capital improvements for education, and /or

all mortgage and recording taxes

as the same may apply to the fullest extent permitted by the Act. The period of abatement for the non-educational property taxes (if applicable) shall extend for a period of 10 years measured as provided in Section 40-9B-3(a)(12) of the Act.

Section 2. The Mayor of the City of Athens, for and on behalf of the City, as authorized by the Granting Authority, shall enter into an abatement agreement with the Company to provide for the abatement granted in Section 1.

Section 3. A certified copy of this resolution, with the application and abatement agreement, shall be forwarded to the Company to deliver to the appropriate local taxing authorities (if applicable) and to the Alabama Department of Revenue in accordance with the Act.

Section 4. The Mayor of the City of Athens is authorized to take any and all actions necessary or desirable to accomplish the purpose of the foregoing of this resolution.

I hereby certify that the above and foregoing was duly adopted by the City Council of Athens, AL at a meeting held on the 24 day of July, 2023.

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Clerk – Athens, AL  
Annette Barnes

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President – Athens City Council  
Harold Wales

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Mayor – Athens, AL  
William R. Marks

Council President Wales stated that a special meeting will be called to take up the resolution before the deadline.

Martha Pryor, 1210 Miller Street, Athens, addressed the City Council regarding a “flea market and landfill” on Hine Street. Ms. Pryor presented pictures of the issue to the Council and asked the City to have it cleaned up.

Bill Davis, 201 Utah Street, Athens, addressed the City Council regarding the power outages during the previous storms and requested that Athens Utilities notify customers of extended outages. Mr. Davis stated that the development next to his home is causing water to come within an inch of his home and that more infrastructure is needed for all of the new growth in the City of Athens.

David Malone, 1300 Somerest Drive, Athens, addressed the City Council regarding Ms. Pryor’s complaint and noted that she failed to mention that because of all of the debris on Hine Street, water stands between her house and her daughter’s house.

Doris Welch, 304 Texas Street, Athens, addressed the City Council regarding the development next to her home. Ms. Welch stated that the water is several feet deep in the ditch and that the smoke is so bad that she could not see her neighbor’s home.

Councilman Lucas remarked about Ms. Pryor’s issue and stated that he will work to get the situation rectified.

Council President Wales noted that developers can follow the proper steps to ensure that there isn’t a problem with water in our community.

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

/s/ Harold Wales  
PRESIDENT, CITY COUNCIL

ATTEST:

/s/ Annette Barnes  
CITY CLERK