

August 9, 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 August 9, 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. Wayne Harper offered the invocation. Mayor Marks led the Pledge of Allegiance. The Chairperson stated that a quorum was present and that the meeting was open for transaction of business.

The Chairperson stated that the Minutes of the July 26, 2021 City Council Meeting had been submitted for approval. Councilman Wales moved that the reading of the Minutes be suspended and that the Minutes be approved as recorded. The motion was seconded by Councilman Seibert and was unanimously carried. The Chairperson stated that the Minutes of the July 26, 2021 City Council Work Session Meeting had been submitted for approval. Councilman Wales moved that the reading of the Minutes be suspended and that the Minutes be approved as recorded. The motion was seconded by Councilman Seibert and was unanimously carried.

Mayor Marks welcomed Erica Smith, a news reporter with the Decatur Daily and announced that Lora Scripps will be leaving the Athens News Courier for another job that will allow her to spend time with her family. The Mayor remarked that Covid issues are on the rise with City of Athens employees and the community and that City Hall will be closed until further notice. He asked that people be responsible and to please get their vaccine. Mayor Marks then announced that the Chamber of Commerce has hired a new director, Pammie Jimmar. The Mayor announced that a press release was scheduled for a new zoo in Limestone County. He also announced that vandals have been damaging the City of Athens restrooms at the local parks and that cameras would be installed for better security. The Mayor mentioned that there was great attendance for Singing on the Square and the car show.

Councilman Travis asked Jimmy Junkin to give an update regarding the work on Brownsferry Street. Mr. Junkin stated that his crew is about three to four weeks from completion. Mr. Travis commented that he had visited with Mr. James Holt on Brownsferry Road and that if someone tries to walk down the street, there is no room to walk because of the large ditch. Councilman Travis remarked that the City needs to construct a sidewalk down Brownsferry Road. Mr. Travis asked if PPE supplies could be purchased for the City Council districts, in case there are people that have not been vaccinated or were just in need of supplies.

Councilwoman Henry reminded everyone that all of the schools in the area would be opening on Wednesday and for everyone to watch their speed.

A public hearing was held to determine that a structure on North Marion Street is unsafe and a public nuisance, and ordering abatement of the same.

Erik Waddell, Chief Building Inspector, stated that he did not recommend any action be taken at this time because the owner of the property is taking the proper steps to correct the problem.

Greg Skipworth, 17530 Springview Drive, Athens, addressed the Council concerning R-1-3 development. Mr. Skipworth commented that he believes that the City is going to overtax their capabilities and the school system. He asked the Council to vote down these upcoming developments.

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 August 23, 2021 to review the request of the Estate of John W. Johnson and Allen Shaw to

rezone approximately 12.23 acres located off of Eidson Street from M-1 Light Industrial to R-1-2 Medium Density Single-Family Residential.

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 August 23, 2021 to review the request of Dry Creek Capital Investments LLC to rezone +/- 64.9 acres of property at 2075 US Hwy 31 S from EST Estate Residential and Agricultural District to R-2 Multiple Family Residential District, AND ALSO to adopt the Master Development Plan of Strain Property Multi-Family.

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 August 23, 2021 to review the request of Mary Thompson Byrd to rezone about 2.5 acres located northwest of the intersection of US Highway 72 and Hine Street at 1406 Hine Street South from B-2 General Business District & TN-2 Traditional Neighborhood District to B-2 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 August 23, 2021 to review the request of Mark Gamble and Gerald Gamble to rezone +/- 80.4 acres located on Huntsville Brownsferry Road at the Gamble house property from EST Estate Residential and Agricultural District to C-PUD Conventional Planned Unit Development District, AND ALSO the adoption of the Master Plan for Summerfields at the Gamble House.

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 August 23, 2021 to review the request of Harry Wakeham, Russell Wakeham, and Cynthia Burson to rezone 52 acres of property at 525 Strain Road West from EST Estate Residential and Agricultural District to 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 following travel/education expenses for the Mayor's office personnel:

Amy Golden	Launch 2035 Meeting July 20, 2021 Huntsville, AL	\$ 41.32
Amy Golden	Workforce Development Summit July 22, 2021 Hartselle, AL	\$ 31.80

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 following travel/education expenses for the Mayor’s office personnel:

Lisa LaGrone	Mileage December 1, 2020 through July 31, 2021	\$ 596.25
Seth Siniard	Mileage December 1, 2020 through July 31, 2021	\$ 589.80

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

Councilman Wales introduced the following resolution:

RESOLUTION

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ATHENS, AL to approve the purchase and installation of a Palo Alto Firewall from C Spire at a cost not to exceed \$15,000. Installation of this technology responds to the public health emergency by increasing the City’s capacity to allow employees to telework, thereby combatting the spread of COVID-19 and its variants. It also improves cybersecurity features for both teleworkers and on-site employees, which are necessary in order to work remotely. The cost of this equipment shall be funded from the City’s allotment of the Coronavirus State and Local Fiscal Recovery Funds established by the American Rescue Plan Act (ARPA) of 2021 and qualifies as a response to the public health emergency as set forth in the ARPA guidelines.

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 Wales introduced the following resolution:

RESOLUTION

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ATHENS, AL to approve the purchase of force main sewer materials for the Jimmy Gill Park project from Empire Pipe & Supply at a cost not to exceed \$20,000. Installation of these materials will be performed by the City’s force labor. The cost of these materials shall be funded from the City’s allotment of the Coronavirus State and Local Fiscal Recovery Funds established by the American Rescue Plan Act (ARPA) of 2021. This expense involves a “necessary investment in infrastructure”, and more specifically, a project/activity of the

type that would be eligible to receive financial assistance through the Environmental Protection Agency's Clean Water State Revolving Fund (in this case, publicly owned sewer system force mains).

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 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 Wales introduced the following resolution:

RESOLUTION

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ATHENS, ALABAMA, at its meeting on August 9, 2021, that the Council authorizes an the unbudgeted capital amount of \$32,750.00 to be funded from the Water Services cash reserves for a small public works contract with Grayson Carter and Son Construction to extend the sewer line from The Colony At Canebrake to The Links at Canebrake, and the Mayor, for and on behalf of the City of Athens, is authorized to enter into this contract to complete this work.

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 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 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 August 9, 2021, that the Council authorizes an the budgeted capital amount of \$1,211,715.00 to be funded from the 2020 Water Services Bond Series for a contract to make CIPP improvements to portions of the Swan Creek Sewer Trunk Line by SAK Construction, LLC, and the Mayor, for and on behalf of the City of Athens, is authorized to enter into this contract to complete this work.

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

Councilman Wales introduced the following resolution:

RESOLUTION

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ATHENS, ALABAMA, at its meeting on August 9, 2021, that the Council authorizes an the unbudgeted capital amount of \$20,000.00 to be funded from the Water Services operating funds for Schoel Engineering to perform the conceptual study for the feasibility of a regional sewer to serve properties between Lindsay Lane and I-65 from Strain Road down to Huntsville Browns Ferry Road, and the Mayor, for and on behalf of the City of Athens, is authorized to enter into this contract to complete this work.

Councilmember Seibert moved that unanimous consent be given for immediate consideration of and action on said resolution, which motion was seconded by Councilmember 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 Wales 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.

Councilwoman Henry introduced the following resolution:

RESOLUTION

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ATHENS, ALABAMA to authorize the Mayor to issue a task order to Grayson Carter and Sons to pave the parking lot of Jimmy Gill Park in the amount of \$49,725.00. This project shall be funded from Jimmy Gill Park Project line item in the City's Capital Infrastructure 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 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 Wales introduced the following resolution:

RESOLUTION NUMBER 2021 - 1758

WHEREAS, the City of Athens, acting by and through its City Council proposes to apply for Community Development Block Grant (CDBG) funds for the purpose of performing eligible community development activities that will benefit low and moderate-income residents in the City of Athens; and

WHEREAS, City of Athens, acting by and through its City Council proposes to apply for Community Development Block Grant Funds to implement the Vine Street Area Neighborhood Improvement Project; and

WILLIAM R. MARKS, MAYOR, is hereby authorized to execute and submit an application with appropriate assurances to the State of Alabama, Department of Economic and Community Affairs, requesting Fiscal Year 2021 CDBG funds in the amount of **\$500,000.00** to implement the Vine Street Area Neighborhood Improvement Project; and

THAT, THE CITY OF ATHENS will provide a local cash match of **\$470,000.00** in support of this project.

READ AND ADOPTED this the **9th** day of **August 2021**.

Signed for the City of Athens:

/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 Travis 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 authorize the Mayor to issue a task order to Whitaker Contracting Corporation to place Asphalt Crack Seal and High-Density Mineral Bond (HA5) on the following list of streets. This project is authorized under the Bituminous Paving Preservation Contract, is estimated at a cost not to exceed \$150,000 and shall be funded from the City of Athens Gas Tax Fund.

East Yorkshire
Cantera Drive
Autumn Chase
Squire Run
Ole Carriage Drive

Councilmember Wales 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 Seibert 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 Wales introduced the following resolution:

RESOLUTION

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ATHENS, ALABAMA to authorize the Mayor to issue a task order to Morrell Engineering for the design, issuance of construction drawings and bid documents for the widening of Lindsay Lane to three lanes from Indian Trace Road to East Strain Road in the amount of \$45,000. This project shall be funded from the Capital Infrastructure Fund.

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 Wales 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.

Councilwoman Henry introduced the following resolution:

RESOLUTION NUMBER 2021 - 1759

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 TAPAA-TA21(919) Sidewalks and Pedestrian Bridge on Elm Street (SR-99) Between Garrett Drive and US-31 (SR-3)", as listed below:

- Maintenance of all sidewalks and pedestrian bridge structure located in the ALDOT right-of-way along Elm Street (SR-99) between mileposts 0.529 and 0.076

ADOPTED this the 9th day of August, 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 - 1760

A RESOLUTION PROVIDING A LIMITED ECONOMIC DEVELOPMENT INCENTIVE TO OPTIMAL GEO

WHEREAS, Optimal Geo, Inc. (the “Company”), is in the midst of a substantial redevelopment project in downtown Athens, where the Company is completely renovating and refitting an old building and related property on Market Street for use as its expanded headquarters (the “Project”);

WHEREAS, the Project is estimated to involve an approximate \$2.6 million dollar investment, and will result in the creation and retention of numerous jobs in the City;

WHEREAS, the redevelopment and renovation of historical buildings near the City’s core serves a valuable public purpose, by revitalizing older areas, combatting blight, and preserving historical structures, all resulting in the promotion of the economic and industrial development of the City;

WHEREAS, unlike the construction of new structures, the redevelopment and renovation of historical buildings can often be difficult because it typically involves additional costs and challenges to owners, such as modernizing facilities and bringing them “up to code”;

WHEREAS, in order to complete such redevelopment and renovation, the Project will involve various electrical utility work and the payment of related “aid to construction charges” to the City (the “Charges”);

WHEREAS, the Council wishes to extend limited economic development incentives to help the Company offset the City charges;

WHEREAS, the activities to be authorized by this resolution; the public benefits sought to be achieved thereby; and each individual, firm, corporation, and other business entity to whom or for whose benefit the City proposes to lend its credit or grant public funds or thing of value, have been described in reasonable detail and/or identified in a notice published in the *Athens News Courier* at least seven days prior to this meeting; and

WHEREAS, this Resolution is adopted pursuant to § 94.01 of the *Constitution of Alabama*, and/or other generally applicable law of the State of Alabama.

THEREFORE BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ATHENS, ALABAMA on

August 9, 2021 at 5:30 p.m., as follows:

1. Upon the Mayor’s determination that the Company has paid the Charges to the City, the Mayor, from and on behalf of the City, is hereby authorized to issue an incentive payment of \$5,120.20 to the Company.

2. It is hereby determined that the expenditure of public funds for the purposes specified in this resolution are for the purpose of promoting the economic and industrial development of the City. Additionally, the expenditure of such funds will serve valid and sufficient public purposes, in addition to the ones already discussed herein, including (i) promoting, improving and expanding economic and commercial development/activity, (ii) increasing the number and diversity of employment opportunities for citizens of the City, and (iii) enhancing the overall quality of life for the citizens of the City, notwithstanding any incidental benefit accruing to any private entity or entities.

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

ADOPTED this the 9TH day of August, 2021.

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

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 Wales 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 Seibert introduced the following resolution:

RESOLUTION NUMBER 2021 - 1761

A RESOLUTION CONCERNING THE DONATION OF CERTAIN REAL PROPERTY ALONG SWAN CREEK

WHEREAS, Michele L. Holdings LLC is the owner of certain unimproved real property described in Attachment A to this Resolution, located immediately south of Forrest Street and east of Swan Creek in the City of Athens, Alabama (referred to herein as the "Property");

WHEREAS, the owner wishes to donate the Property to the City; and

WHEREAS, the City wishes to accept the donation of the Property and to communicate its sincere thanks and appreciation to the owner.

THEREFORE BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ATHENS, ALABAMA on August 9, 2021 at 5:30 p.m., as follows:

1. The Mayor is authorized to accept the donation of the Property on behalf of the City, and to enter into such agreement(s) as he deems necessary in order to facilitate such donation.

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

ADOPTED this the 9TH day of August, 2021.

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

* * *

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