

August 14, 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 August 14, 2023 at 4:30 p.m. The meeting was called to order by Councilman Harold Wales, President of the City Council. Upon roll call, the following were found to be present: Councilmembers Chris Seibert, Harold Wales, James E. Lucas, Dana Henry and Wayne Harper. Annette Barnes-Threet, City Clerk, was present and recorded the minutes of the meeting. Councilwoman Dana Henry offered the invocation. Mayor Marks was joined by Clark McGee with Troop 21 in leading 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 24, 2023 City Council Meeting had been submitted for approval. Councilman Seibert moved that the reading of the Minutes be suspended and that the Minutes be approved as recorded. The motion was seconded by Councilman Harper and was unanimously carried. The Chairperson stated that the Minutes of the July 24, 2023 City Council Work Session Meeting had been submitted for approval. Councilman Seibert moved that the reading of the Minutes be suspended and that the Minutes be approved as recorded. The motion was seconded by Councilman Harper and was unanimously approved. The Chairperson stated that the Minutes of the August 3, 2023 Special Called 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.

Mayor Marks reminded everyone of the current heat advisory and asked them to stay hydrated and to keep a check on the elderly and pets. The Mayor noted that Bill Davis has mentioned several times to open Cloverleaf Drive over to U.S. Highway 31 to relieve congestion and that the City is looking at possibilities to make that happen. Mayor Marks stated that smoke testing is being performed by our Water Services Department to find leaks in the system. He remarked that the City is hoping to have an all-purpose field, pickleball park, etc. at Swan Creek Park in the near future. Mayor Marks addressed the homeless situation and noted that the City is working with property owners to help remedy the situation and that he would welcome one of the councilmembers to head up a committee.

Councilman Seibert noted that high school football will begin for Athens High School on August 24<sup>th</sup> and invited everyone to come out and support the team.

Councilman Lucas stated that there is a need for relief on Cloverleaf Drive and announced the passing of his friend, Fred Sloss, Jr., HR Director Marsha Sloss' father-in-law.

Councilwoman Henry announced that this week is Restaurant Week in Athens and challenged people to not cook at home by supporting the local restaurants.

Council President Wales addressed the homeless situation and stated that he gets messages daily. Mr. Wales volunteered to be a part of a group to focus on the issue and he asked that Mrs. Henry do so also.

**PUBLIC HEARING RELATING TO THE ZONING APPROVAL FOR THE SALE OF ALCOHOL IN THE CITY OF ATHENS BY ELIZABETH'S COCINA MEXICANA & BAR, LLC, DBA: ELIZABETH'S COCINA MEXICANA & BAR, 616 HIGHWAY 31, SUITE B, ATHENS, AL, 35611**

Scott Marshall, 212 East Street, Athens, addressed the City Council and stated that he supports the sale of alcohol at this location.

The public hearing was closed

**PUBLIC HEARING RELATING TO THE ZONING APPROVAL FOR THE SALE OF ALCOHOL IN THE CITY OF ATHENS BY OLD BLACK BEAR BREWING COMPANY, 311 SOUTH MARION STREET, ATHENS, AL, 35611**

No one spoke in favor of or against.

The public hearing was closed.

**PUBLIC HEARING RELATING TO THE PROPOSED RESOLUTION DETERMINING THAT A STRUCTURE AT 1420/1422 N JEFFERSON STREET IS UNSAFE AND A PUBLIC NUISANCE, AND ORDERING ABATEMENT OF SAME**

Erik Waddell, Chief Building Inspector, advised the City Council during the Work Session that he does not recommend pursuing any further action at this time because repairs have been made by the owner such that the building in question is no longer a public nuisance in need of demolition.

The public hearing was closed, and the City Council took no further action with respect to this matter.

Jarred Miller, owner and proprietor of Limestone Legends, spoke in support of the proposed change to the alcohol ordinance.

**Councilman Lucas 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 Public Works department:

James Rich	ASCE/APWA Conference Orange Beach, AL July 12-14, 2023	\$ 455.22
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The motion was seconded by Councilman Seibert and was unanimously carried.

**Councilman Lucas introduced the following resolution:**

**RESOLUTION**

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ATHENS, ALABAMA, to approve the payment of budgeted travel/education expenses for specified Water Services employees in the total amount of \$8,769.42.

Marc Courville (Water Services)	ESRI User Conference San Diego, CA 07/09/2023-07/15/2023	\$5,759.51
Marc Courville (Water Services)	Smoke Test Project Daily Driving Athens, AL 07/01/2023-07/19/2023	\$ 54.60
Michael Furline (Water Services)	Georgia Association of Water Professional Savannah, GA 07/16/2023-07/19/2023	\$1,601.85
Jon Lewonszyk (Water Services)	Georgia Association of Water Professional Savannah, GA 07/16/2023-07/19/2023	\$1,353.46

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

**Councilman Lucas introduced the following resolution:**

## RESOLUTION

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ATHENS, ALABAMA, to approve the purchase of a 2023 Ford F150 Supercrew 4x4 pickup truck to be purchased from Stivers Ford in Prattville, AL through the State of Alabama Contract Number MA220000003128-15. The vehicle will be purchased at a cost not to exceed \$43,000 and will be funded from the existing Information Technology Department capital account.

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

**Councilwoman Henry introduced the following ordinance:**

### ORDINANCE NUMBER 2023 - 2280

#### AN ORDINANCE AMENDING THE ATHENS ALCOHOLIC BEVERAGE ORDINANCE

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**WHEREAS**, the City Council desires to amend the Athens Alcoholic Beverage Ordinance to adjust the percentage requirements for businesses that are licensed to sell alcoholic beverages within the City's entertainment district; and

**WHEREAS**, the City Council desires to make other technical changes to the alcohol ordinance to bring it into conformity with new and existing state law.

**THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ATHENS, ALABAMA**, while in regular session on August 14<sup>th</sup>, 2023, at 4:30 p.m., as follows:

**Section 1.** The definition of a "restaurant" in Section 6-33 (Definitions) of the *Code of Ordinances of the City of Athens* is hereby amended so that it states as follows:

*Restaurant* means a reputable place licensed as a restaurant or otherwise, operated by a responsible person of good reputation, in which a diversified selection of food, refreshments and alcoholic beverages are offered for sale for consumption on the premises in which the establishment is located, and which meets the following requirements:

- (1) Said dining room shall be equipped with tables and chairs accommodating a number of persons meeting with all the adopted building code occupancy requirements. A restaurant shall be deemed a "Class II Restaurant" where it has a dining space of less than 1,000 square feet. Otherwise, the restaurant shall be deemed a "Class I Restaurant";
- (2) A kitchen separate and apart from said dining area, but adjoining the same, in which food is prepared for consumption by the public and in which the food or meals served in said dining area are prepared;
- (3) At least one meal per day shall be served for each day open (except in the case of an establishment presenting a minimum of nine-hole golf course, public or private);
- (4) Where the establishment is not located within an entertainment district pursuant to Section 6-84, the serving of food or meals shall constitute the principal business of such establishments, with the serving of liquor, malted or brewed beverages, wines or other alcoholic beverages being only an incidental part of the business. During any calendar year period, the gross receipts from the serving of meals and food shall constitute at least 40 percent of the total gross receipts of the business (except in the case of an establishment presenting a minimum of nine-hole golf course, public or private, who may also sell food and alcoholic beverages on the golf course, in which case the percentage shall be 20 percent);

(5) Where the establishment is located within an entertainment district pursuant to Section 6-84, the serving of food or meals shall constitute a significant part of the business of such establishments, with food or meals being available for purchase whenever the establishment is open. During any calendar year period, the gross receipts from the sale of meals, food, and other non-alcoholic beverage items occurring at the establishment shall constitute at least 20 percent of the total gross receipts for the sales of the business occurring at the establishment (and the sales of alcoholic beverages in sealed containers sold for off-premises consumption (where allowed by law) shall not be included in the total gross receipts calculation);

(6) The licensee of such establishment shall maintain records to document the percentage calculations required by this definition, and shall preserve such records for not less than three years. All such records shall be available for inspection and audit at the licensee's premises within the city during regular business hours as the city clerk-treasurer or duly authorized representative, may request; and

(7) Any sales or consumption of alcoholic beverages on the premises that are not within an enclosed structure may be in an area that is:

- a. Adjacent to the structure wherein the sale is provided; and
- b. Divided from the area's exterior by a fence, barricade, or other obstacle.

**Section 2.** The definition of a “brewpub” in Section 6-33 (Definitions) of the *Code of Ordinances of the City of Athens* is hereby amended so that it states as follows:

*Brewpub* means an establishment that has been issued a brewpub license from the alcoholic beverage control board pursuant to Code of Ala., § 28-4A-1 et seq., manufactures/brews beer, sells it for on-premises consumption (and for off-premises consumption to the extent permitted by state law), and that also meets the following requirements:

(1) A diversified selection of food is offered for sale for consumption on the premises in which the establishment is located;

(2) At least one meal per day shall be served for each day open;

(3) Where the establishment is not located within an entertainment district pursuant to Section 6-84, during any calendar year period, the gross receipts from the retail sale of meals and food shall constitute at least 40 percent of the total combined gross receipts of the business' retail sale of meals/food and for the retail sale of alcoholic beverages for on-site consumption;

(4) Where the establishment is located within an entertainment district pursuant to Section 6-84, the serving of food or meals shall constitute a significant part of the business of such establishments, with food or meals being available for purchase whenever the establishment is open. During any calendar year period, the gross receipts from the sale of meals, food, and other non-alcoholic beverage items occurring at the establishment shall constitute at least 20 percent of the total gross receipts for the sales of the business occurring at the establishment (and the sales of alcoholic beverages in sealed containers sold for off-premises consumption (where allowed by law) shall not be included in the total gross receipts calculation);

(5) The licensee of such establishment shall maintain records to document the percentage calculations required by this definition, and shall preserve such records for not less than three years. All such records shall be available for inspection and audit at the licensee's premises within the city during regular business hours as the city clerk-treasurer, or duly authorized representative, may request; and

(6) Any sales or consumption of alcoholic beverages on the premises that are not within an enclosed structure may be in an area that is: (i) adjacent to the structure wherein the sale is provided; and (ii) divided from the area's exterior by a fence, barricade, or other obstacle.

To the extent required by state law, the city designates areas in which brewpubs are permitted to be located by this article and the zoning ordinance of the city to be suitable areas for such location pursuant to Code of Ala. 1975, § 28-4A-2.

**Section 3.** The definition of a “taproom” in Section 6-33 (Definitions) of the *Code of Ordinances of the City of Athens* is hereby amended so that it states as follows:

*Taproom* means an establishment that has been issued a manufacturer license from the alcoholic beverage control board, that sells alcoholic beverages at retail for consumption on the premises where they are manufactured (and for off-premises consumption in limited amounts) pursuant to Code of Ala. 1975, § 28-3A-6(h), and which meets the following requirements:

- (1) A diversified selection of food is offered for sale for consumption on the premises in which the establishment is located;
- (2) At least one meal per day shall be served for each day open;
- (3) Where the establishment is not located within an entertainment district pursuant to Section 6-84, during any calendar year period, the gross receipts from the retail sale of meals and food shall constitute at least 40 percent of the total combined gross receipts of the business' retail sale of meals/food and for the retail sale of alcoholic beverages for on-site consumption;
- (4) Where the establishment is located within an entertainment district pursuant to Section 6-84, the serving of food or meals shall constitute a significant part of the business of such establishments, with food or meals being available for purchase whenever the establishment is open. During any calendar year period, the gross receipts from the sale of meals, food, and other non-alcoholic beverage items occurring at the establishment shall constitute at least 20 percent of the total gross receipts for the sales of the business occurring at the establishment (and the sales of alcoholic beverages in sealed containers sold for off-premises consumption (where allowed by law) shall not be included in the total gross receipts calculation);
- (5) The licensee of such establishment shall maintain records to document the percentage calculations required by this definition, and shall preserve such records for not less than three years. All such records shall be available for inspection and audit at the licensee's premises within the city during regular business hours as the city clerk-treasurer, or duly authorized representative, may request; and
- (6) Any sales or consumption of alcoholic beverages on the premises that are not within an enclosed structure may be in an area that is: (i) adjacent to the structure wherein the sale is provided; and (ii) divided from the area's exterior by a fence, barricade, or other obstacle.

**Section 4.** Sections 6-34 (b) and (c) (Restriction of locations and manner of sale) of the *Code of Ordinances of the City of Athens* are hereby amended so that they state as follows:

(b) *Types of businesses allowed to sell beer/wine for off-premises consumption.* In addition to all other regulations and restrictions, no licensee in the city with a license issued by the state alcoholic beverage control board for:

- (1) Retail table wine license for off-premises consumption;
- (2) Retail table wine license for on-premises and off-premises consumption;
- (3) Retail beer for on-premises and off-premises consumption;
- (4) Retail beer for off-premises consumption;
- (5) A manufacturer license; and/or
- (6) A brewpub license,

shall be permitted to sell beer and wine for off-premises consumption unless the same is a convenience store, grocery store, a merchandise store with incidental table wine sales, a brewpub, a taproom, a restaurant (in the case of sales pursuant to Code of Ala. § 28-3A-20.1 or as otherwise permitted by its state license), a hotel, or a boutique hotel.

(c) *Limits of types of businesses allowed to sell alcoholic beverages in a traditional zone.* In addition to all other regulations and restrictions, no facility or property located in a traditional zone shall be authorized for the retail sale of alcoholic beverages, whether for on-premises or off-premises consumption, except for the following:

- (1) Restaurants that sell alcoholic beverages for only on-premises consumption (except for sales for off-premises consumption pursuant to Code of Ala. 1975, § 28-3A-20.1, or as otherwise permitted by the restaurant's state license);
- (2) Convenience stores that sell beer and/or table wine for only off-premises consumption;
- (3) Grocery stores that sell beer and/or table wine for only off-premises consumption;
- (4) Merchandise store with incidental table wine sales;
- (5) Brewpubs;
- (6) Taprooms;
- (7) Bed and breakfast establishments, serving alcoholic beverages for only on-premises consumption by overnight guests;
- (8) Persons holding a special events retail license for on-premises consumption, or a nonprofit special events retail license for on-premises consumption; and
- (9) Boutique hotels, serving beer and/or table wine for on and/or off-premises consumption.

**Section 5.** Sections 6-34(f)(1)-(2) (Additional Restrictions on the sale of retail liquor for off-premises consumption) of the *Code of Ordinances of the City of Athens* are hereby amended so that it states as follows:

- (1) In addition to all other regulations and restrictions, no establishment, facility, or property may be licensed for the sale of retail liquor for off-premises consumption unless it (i) is situated in a B-2 zone and (ii) is situated on a lot that fronts a major arterial roadway, as classified in the adopted Athens Transportation Plan (ATP).

(2) In addition to all other regulations and restrictions, no establishment, facility, or property may be licensed for the sale of retail liquor for off-premises consumption unless it is more than 1,000 feet from another facility or property that (i) has previously been licensed for the sale of retail liquor for off-premises consumption and (ii) is currently licensed for the sale of retail liquor for off-premises consumption. When measuring from these facilities or properties, the closest point on the exterior wall of the buildings occupied by the persons selling or seeking to sell alcoholic beverages shall be used for measurement purposes. If a building is not solely occupied by that person, then the measurement shall be made from the closest point of that person's occupancy within the building in question. The method of measurement is a straight line from the aforementioned defined points. A state liquor store (i.e., a store operated by the Alabama Alcoholic Beverage Control Board which offers the retail sale of liquors for off-premises consumption) shall not be construed as "another facility or property" pursuant to this subsection.

(3) In addition to all other regulations and restrictions, and subject to exceptions contained in this subsection, no establishment, facility, or property may be licensed for the sale of retail liquor for off-premises consumption unless the building in which the premises is located is more than 1,000 feet from any church building, public or private elementary, intermediate, middle or junior high, high school, or child development facility. The method of measurement shall be the same method as found in section 6-34(e)(2). The aforesaid distance restriction in this subsection shall not apply where (i) the premises is separated from the church building, school, or child development facility by a street or highway having four or more traffic lanes, not including any lanes that are turning lanes, service lanes, and/or hazard lanes, (ii) at least four of the traffic lanes that separate the premises from the church building, school, or child development facility extend continuously and together for more than one mile before any one of the lanes terminates or becomes a turning lane, service lane, and/or hazard lane, and (iii) the minimum distance between the premises and the church building, school, or child development facility building is at least 500 feet. The aforesaid distance restriction in this subsection shall also not apply where the facility or property is a grocery store as defined herein, or where the church building, school, or child development facility was established after the licensed premises began operation and said operation has not been abandoned or discontinued for a period of 12 months.

**Section 6.** Section 6-84(d) (Entertainment District) of the *Code of Ordinances of the City of Athens* is hereby amended so that it states as follows:

(d) To exit a licensed premises within the entertainment district with alcoholic beverages, all alcoholic beverages shall be in a shatter-proof container for the district with color(s) and/or logos for the district, according to rules or directives issued by the office of the mayor. The container shall not exceed a volume of 16 fluid ounces. No establishment shall dispense to any person more than two such alcoholic beverage at a time for removal from the premises. No licensee who receives an entertainment district designation shall allow alcoholic beverages to be removed from the licensed premises in other than approved containers (except with respect to sales for off-premises consumption otherwise permitted by Alabama law).

**Section 7.** The City Council proposes that the City of Athens Planning Commission begin the process, if needed, to amend the City's Zoning Ordinance so that it conforms with this instrument, and directs the City Clerk to forward this instrument to the planning commission for that purpose.

**Section 8.** If any provision of this ordinance, or the application thereof to any person, thing or circumstances, is held invalid by a court of competent jurisdiction, such invalidity shall not affect the provisions or application of this ordinance that can be given effect without the invalid provisions or application, and to this end, the provisions of this code and such amendments and statutes are declared to be severable.

**Section 9.** No other provisions of the City Code are amended by this Ordinance, unless specifically stated and referenced herein.

**Section 10.** The provisions of this Ordinance shall be included and incorporated in the *Code of Ordinances of the City of Athens* as an addition or amendment thereto, and shall be appropriately renumbered as necessary to conform to the uniform numbering system of the Code.

**ADOPTED** this the 14<sup>th</sup> day of August, 2023.

/s/ Harold Wales  
PRESIDENT, CITY COUNCIL,  
CITY OF ATHENS, ALABAMA

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

ATTEST:

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

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

**Councilman Seibert introduced the following resolution:**

#### **RESOLUTION**

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ATHENS, ALABAMA, to accept the proposal of Morell Engineering to provide Alabama Department of Environmental Management (ADEM) services for the proposed Roselawn Cemetery expansion. The proposal includes permit fees, preparation of permit application, inspection and monitoring and preparation of ADEM close-out documents. The total cost of these services is not to exceed \$4,935 and shall be funded through a general fund budget amendment to line item 100.527.90111, Transfers Out – Capital Projects Fund.

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

**Councilman Harper introduced the following resolution:**

#### **RESOLUTION NUMBER 2023 - 1899**

#### **A RESOLUTION REGARDING THE PURCHASE OF REAL PROPERTY ON EDGEWOOD ROAD**

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**WHEREAS**, state law authorizes municipalities to acquire real property for municipal and public purposes;



**WHEREAS**, the City Council of the City of Athens, Alabama wishes to acquire approximately 108 acres of real property along Edgewood Road, described more particularly in two parcels in **Attachment A** hereto, (the “Property”) for a combined price of \$849,000 (with \$212,000 attributable to Parcel #2, and \$637,000 attributable to Parcel #1);

**WHEREAS**, at this time, the City Council intends to use the property for a future expansion of its Public Works facilities and for other municipal/public purposes; and

**WHEREAS**, the City Council determines that the purchase price is fair and reasonable.

**THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ATHENS, ALABAMA**, at its regular meeting on August 14, 2023, at 4:30 p.m., as follows:

1. The Mayor of the City of Athens (and/or his designee), on behalf of the City of Athens, Alabama, is authorized to purchase the Property from the owner(s) thereof, for a combined purchase price of Eight Hundred Forty-Nine Thousand and 00/100 Dollars (\$849,000) (with \$212,000 attributable to Parcel #2, and \$637,000 attributable to Parcel #1), plus any incidental/closing costs related thereto in connection with the purchase and closing.

2. To that end, the Mayor, on behalf of the City, is authorized to enter into and carry out contracts for the City’s purchase of the Property at such cost, upon such terms as he deems reasonable and appropriate, and to accept a deed(s) to the Property on behalf of the City.

3. The costs/expenses related to this Resolution shall be paid from the Capital Infrastructure Fund.

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

**ADOPTED** this the 14<sup>th</sup> day of August, 2023.

/s/ Harold Wales  
PRESIDENT, CITY COUNCIL,  
CITY OF ATHENS, ALABAMA

### **ATTACHMENT A**

#### Parcel One

All that part of the Northwest Quarter (NW ¼) of the Southeast Quarter (SE ¼) of Section 31, Township 2 South, Range 4 West, lying on the West side of Edgewood Road. ALSO,

The Northeast Quarter (NE ¼) of the Southwest Quarter (SW ¼) of Section 31, Township 2 South, Range 4 West, ALSO

The East Half (E ½) of the Northwest Quarter (NW ¼) of the Southwest Quarter (SW ¼) of Section 31, Township 2 South, Range 4 West, less ½ acre in the Southeast corner thereof.

Parcel Two

All that part of the Northeast Quarter (NE ¼) of the Southeast Quarter (SE ¼) of Section 31, Township 2 South, Range 4 West, lying on the West side of Edgewood Road, and containing 10.6 acres, more or less.

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

**Councilman Lucas introduced the following resolution:**

**RESOLUTION NUMBER 2023 – 1900**

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ATHENS, ALABAMA, to allow the Mayor to amend the Bituminous Paving Contract to re-stripe Brownsferry Street from US-72 to South Houston Street. The estimated costs to the City of Athens is estimated at \$20,000 and shall be funded from the Capital Infrastructure Fund.

ADOPTED and APPROVED this, the 14<sup>th</sup> day of August, 2023.

/s/ Harold Wales  
PRESIDENT, CITY COUNCIL,  
CITY OF ATHENS, ALABAMA

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

ATTEST:

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

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

**Councilman Seibert introduced the following resolution:**

**RESOLUTION NUMBER 2023 – 1901**

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ATHENS, ALABAMA, to allow the Mayor to amend the Bituminous Paving Contract to resurface portions of Lindsay lane from Westminster Drive to Chancery Lane and include Trigreen Dr. The estimated costs to the City of Athens is estimated at \$111,000 and shall be funded from the Capital Infrastructure Fund.

ADOPTED and APPROVED this, the 14<sup>th</sup> day of August, 2023.

/s/ Harold Wales  
PRESIDENT, CITY COUNCIL,  
CITY OF ATHENS, ALABAMA

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

ATTEST:

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

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

**Councilman Harper introduced the following resolution:**

**RESOLUTION NUMBER 2023 – 1902**

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ATHENS, ALABAMA, to allow the City Engineer to enter into an agreement with Morell Engineering for the design and CE&I of IAR-402-000-015, for the intersection improvements for Airport Road with a deceleration lane on SR-127 (Jefferson St.) to benefit Gregory Industries. The amount shall not exceed \$136,000, and shall be funded from the 2018 Warrant Fund.

ADOPTED and APPROVED this, the 14<sup>th</sup> day of August, 2023.

/s/ Harold Wales  
PRESIDENT, CITY COUNCIL,  
CITY OF ATHENS, ALABAMA

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

ATTEST:

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

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

**Councilman Seibert introduced the following resolution:**

**RESOLUTION NUMBER 2023 – 1903**

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ATHENS, ALABAMA, to allow the Mayor to enter into an agreement with the Alabama Department of Transportation for project IAR-402-000-015, for the intersection improvements for Airport Rd with a deceleration lane on SR-127 (Jefferson St.) to benefit Gregory Industries. The estimated corporation industrial access funds provided by the State of Alabama is \$1,272,100, with no match of City funds.

ADOPTED and APPROVED this, the 14<sup>th</sup> day of August, 2023.

/s/ Harold Wales  
PRESIDENT, CITY COUNCIL,  
CITY OF ATHENS, ALABAMA

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

ATTEST:

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

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

**Councilman Harper introduced the following resolution:**

**RESOLUTION NUMBER 2023 – 1904**

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ATHENS, ALABAMA, to allow the City Engineer to modify Coleman Avenue from Brownsferry Street to US-72 to include striping and to add corrected speed limit signs (25 MPH) as per Ordinance 2020-2104, as part of the Traffic Calming Program. The amount shall not exceed \$2,000 and shall be funded from the Capital Infrastructure Fund.

ADOPTED and APPROVED this, the 14<sup>th</sup> day of August, 2023.

/s/ Harold Wales  
PRESIDENT, CITY COUNCIL,  
CITY OF ATHENS, ALABAMA

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

ATTEST:

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

Councilmember 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, Lucas, Henry and Harper; NAYS: None. The President thereupon

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

**Councilman Seibert introduced the following resolution:**

**RESOLUTION NUMBER 2023 – 1905**

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ATHENS, ALABAMA, to allow Public Works to purchase and install a solar powered flashing school zone sign at US-31 along the eastbound lane of Hwy 251, just before the entrance of Swan Creek Drive. The amount shall not exceed \$4,600 and shall be funded by the Capital Infrastructure Fund.

ADOPTED and APPROVED this, the 14<sup>th</sup> day of August, 2023.

/s/ Harold Wales  
PRESIDENT, CITY COUNCIL,  
CITY OF ATHENS, ALABAMA

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

ATTEST:

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

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

David Malone, 1300 Somerest Drive, Athens, thanked James Rich for his assistance in getting limbs trimmed at Lincoln Bridgeforth Park and also stated that Jimmy Gill Park needs additional swings.

\* \* \*

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