

September 12, 2022

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 September 12, 2022 at 4:30 p.m. The meeting was called to order by Councilman Chris Seibert, 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. 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 August 22, 2022 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 Lucas and was unanimously carried. The Chairperson stated that the Minutes of the August 22, 2022 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 Lucas and was unanimously carried.

Mayor Marks introduced a video that Athens and Limestone County will use to promote recreational activity. The video was produced by John David Crowe. The Mayor recognized September 2022 as Childhood Cancer Awareness Month and presented a proclamation to Christie Williams, mother of Eli Williams. Mayor Marks read a proclamation declaring September 11th-September 17th, 2022, as National Assisted Living Week and also read a proclamation declaring September 2022 as Prostate Cancer Awareness Month. The Mayor announced that the Blue Cross Blue Shield Fitness Center at the Sportsplex is complete.

Councilman Wales stated that he had witnessed someone defecating in the median on Highway 72 and that the homeless situation in Athens is getting out of hand.

PUBLIC HEARING RELATING TO THE ZONING APPROVAL FOR THE SALE OF ALCOHOL IN THE CITY OF ATHENS BY YUMMI NINJA, INC., 935 HIGHWAY 72, EAST, ATHENS, AL, 35611

No one spoke in favor of or against.

The public hearing was closed.

PUBLIC HEARING RELATING TO THE ZONING APPROVAL FOR THE SALE OF ALCOHOL IN THE CITY OF ATHENS BY BUC-EE'S, 2328 LINDSAY LANE, SOUTH, ATHENS, AL, 35613

Scott Marshall addressed the City Council and asked for the order of the agenda to be changed, so that citizens can comment regarding items on the agenda before a vote is taken.

No one spoke in favor of or against the public hearing.

The public hearing was closed.

Councilman Harper introduced the following resolution:

RESOLUTION

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ATHENS, ALABAMA, to reappoint Eddie Smith to the City of Athens Alcohol License Review Committee for a three year term, expiring on September 30th, 2025.

The motion was seconded by Councilman Wales 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 reappoint Jackie Warner to the Alcohol License Review Committee for a three year term, expiring on September 30, 2025.

The motion was seconded by Councilman Wales 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 appoint Sally Marks to the Alcohol License Review Committee for a three year term, beginning on October 1, 2022 and expiring on September 30, 2025.

The motion was seconded by Councilman Wales 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 appoint Craig Beasley to the Board of Trustees of Athens-Limestone Public Library for a four year term, beginning on October 1, 2022 and expiring on October 1, 2026.

The motion was seconded by Councilman Wales and as 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 payment of budgeted travel/education expenses for specified Water Services employees in the total amount of \$3,214.16

Michael Furline (Water Services)	AWPCA Conference Orange Beach, AL August 15-17, 2022	\$611.64
Jon Lewonczyk (Water Services)	AWPCA Conference Orange Beach, AL August 15-17, 2022	\$724.05
Virgil White (Water Services)	AWPCA Conference Orange Beach, AL August 15-17, 2022	\$501.86
Brian Daniel (Water Services)	AWPCA Conference Orange Beach, AL August 15-17, 2022	\$1,376.61

The motion was seconded by Councilman Wales 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 Off Premises” alcohol license.

Business Name: Victory Marketing, LLc
Db: Sprint Mart 2052
Address: 400 Highway 31, South
Athens, AL 35611

The motion was seconded by Councilman Wales 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 authorize the Mayor to issue a purchase order to H& R Equipment, not to exceed \$38,000.00, for the purchase of a 2022 Kubota M5660. The vehicle is purchased from the Sourcewell Purchasing Agreement, contract number 032119(Member# 43269). Funding shall be from the Street Department’s Grounds Maintenance line item in the amount of \$18,000.00 and the balance shall be paid from the Street Department’s Capital line item.

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

Councilman Harper introduced the following resolution:

RESOLUTION NUMBER 2022 – 1839

WHEREAS, the City of Athens, Alabama recognizes the threat that natural hazards pose to people and property within the community; and

WHEREAS, the City of Athens, Alabama recognizes development and implementation of a hazard mitigation action plan can result in actions that reduce the long-term risk to life and property from natural hazards; and

WHEREAS, the City of Athens, Alabama in coordination with multiple jurisdictions in AEMA Division F have supported and participated in the preparation of the AEMA Division F Regional Hazard Mitigation Plan to fulfill the local mitigation planning requirement set forth in the Disaster Mitigation Act of 2000 with input from the appropriate local and state officials; and

WHEREAS, the Alabama Emergency Management Agency and the Federal Emergency Management Agency have reviewed the Division F Regional Hazard Mitigation Plan for compliance and have approved the plan, pending the completion of local adoption procedures.

NOW THEREFORE, BE IT RESOLVED, this 12th day of September, 2022 that the City of Athens, Alabama, hereby adopts the AEMA Division F Regional Hazard Mitigation Plan as an official plan.

/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 Wales and was unanimously carried.

Councilwoman Henry introduced the following resolution:

RESOLUTION

BE IT RESOLVED BY THE CITY COUNCIL OF ATHENS, ALABAMA, to approve the payment of \$1,435 for the City's share of the cost to have the Athens-Limestone Public Library building pressure washed. The total cost of this service of \$2,870 is to be funded equally by the City and the Limestone County Commission. The City's share of \$1,435 shall be funded by a general fund budget amendment to line item 525.90104, Library Maintenance.

Councilmember Wales 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 Henry 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 Lucas introduced the following resolution:

RESOLUTION NUMBER 2022 - 1840

A RESOLUTION CONCERNING THE PURCHASE OF A P25 COMMUNICATION SYSTEM FROM MOTOROLA SOLUTIONS, INC.

WHEREAS, the City Council desires to improve emergency communications in the City and surrounding community by the purchase of mobile and portable radios designed for first responders and public safety professionals that provide interoperability on Project 25 networks, allowing connectivity between disparate communications networks and access in hard to reach areas (the "P25 Project");

WHEREAS, the P25 Project's main benefit is that it would allow all public safety entities in the area – police, fire, sheriff, hospital, EMA, etc. - to all communicate in a reliable way, using the same system;

WHEREAS, expenditures for the P25 Project are qualified expenditures of *Coronavirus State and Local Fiscal Recovery Funds*, and the use of such funds has already been committed by this City Council for the P25 Project;

WHEREAS, the City of Athens, Alabama advertised and requested sealed bids for a fully integrated (services, software and installed/configured equipment P-25 digital trunked emergency response radio system, that would fulfill the objectives of the P25 Project (the "P-25 System");

WHEREAS, on August 31, 2022, the City received and opened one sealed bid for the P25 System from Motorola Solutions, Inc.;

WHEREAS, the City has reviewed the same, and finds that the lowest responsible bidder is Motorola Solutions, Inc., who submitted a bid in the amount of \$1,839,252.46; and

WHEREAS, the City Council desires to award the contract for the purchase of the P25 System to Motorola Solutions, Inc., and to authorize execution of the contract for the same.

THEREFORE BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ATHENS, ALABAMA on September 12TH, 2022 at 4:30 p.m., as follows:

1. The Mayor is authorized, for and on behalf of the City of Athens, to purchase the P25 System from Motorola Solutions, Inc. for a price of One Million Eight Hundred Thirty-Nine Thousand Two Hundred Fifty-Two and

46/100 Dollars (\$1,839,252.46). In connection with the foregoing, the Mayor is authorized, for and on behalf of the City of Athens, to enter into an agreement with Motorola Solutions, Inc., upon such terms and conditions as he deems appropriate and that are consistent with this Resolution, to purchase the P25 System for such price. In doing so, the Mayor may elect to enter into such financial arrangements as he deems to be most advantageous to the City in order to apportion/finance the cost over time.

2. The above-referenced purchase price shall be paid from the City's allocation of *Coronavirus State and Local Fiscal Recovery Funds*, to the extent that the same are all expended prior to the statutory deadline for such funds.

3. The Mayor is further authorized to carry out the terms of the contract(s) referenced in this Resolution, and to execute such other and additional documents that may be necessary and/or required in order to facilitate the transaction described herein.

ADOPTED this the 12th day of September, 2022.

/s/ Chris Seibert
PRESIDENT, CITY COUNCIL,
CITY OF ATHENS, ALABAMA

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

Councilman Wales made for "Introduction Only" the following resolution:

A RESOLUTION APPOINTING A MUNICIPAL JUDGE

WHEREAS, Don Mansell's term as the City of Athens' part-time municipal judge has expired, and the City is grateful to Mansell for his years of service as a municipal judge;

WHEREAS, the City Council desires to appoint a new municipal judge for a term extending through November 1, 2023; and

WHEREAS, the City Council further expresses its desire that after the end of such term, the City Council will resume the appointment of part-time municipal judges for regular terms of two years.

THEREFORE BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ATHENS, ALABAMA on September ____, 2022, at ____ p.m., that _____ is hereby appointed as the City of Athens' part-time municipal judge for a period from October 1, 2022 until November 1, 2023.

ADOPTED this the ____ day of _____, 2022.

CHRIS SEIBERT, CITY COUNCIL PRESIDENT

CERTIFICATION OF CITY CLERK

STATE OF ALABAMA)
LIMESTONE COUNTY)

I, Annette Barnes-Threet, City Clerk of the City of Athens, Alabama, do hereby certify that the above and foregoing is a true and correct copy of a Resolution duly adopted by the City Council of the City of Athens, Alabama, on the ____ day of _____, 2022.

Witness my hand and seal of office this ____ day of _____, 2022.

Annette Barnes-Threet, City Clerk

Council President Seibert thanked Don Mansell for his service to our city and announced that an appointment will be made at the next meeting.

Councilwoman Henry introduced the following ordinance:

ORDINANCE NO. 2022 - 2235

**AN ORDINANCE ANNEXING CERTAIN PROPERTY
OWNED BY JAY DHARATI, INC.**

WHEREAS, Jay Dharati, Inc., being the owner of all of the real property hereinafter described (the “Owner”), did file with the City Clerk a petition asking that the said tract or parcel of land be annexed to and become a part of the City of Athens;

WHEREAS, said petition did contain the signature of the authorized representative of the owner of the described territory and a map of said property showing its relationship to the corporate limits of the City of Athens, Alabama; and

WHEREAS, the Athens City Council did determine that it is in the public interest that said property be annexed into the City of Athens, and it did further determine that all legal requirements for annexing said real property have been met pursuant to §§ 11-42-20 through 11-42-24 of the *Code of Alabama*.

THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ATHENS, ALABAMA, on September 12, 2022, at 4:30 p.m., as follows:

Section 1. The City Council of the City of Athens, Alabama, finds and declares as the legislative body of the City that it is in the best interest of the citizens of the City, and the citizens of the affected area, to bring the territory described in Section 2 of this Ordinance into the City of Athens.

Section 2. The boundary lines of the City of Athens, Alabama, be, and the same are hereby altered or rearranged so as to include all of the territory heretofore encompassed by the corporate limits of the City of Athens, Alabama, and in addition thereto the property described below:

The following described real estate, lying and being in Limestone County, Alabama, and described as follows, to-wit:

Lot 2, Midpoint Subdivision, as shown by minor plat on file and of record in Plat Book J, at Page 57, in the Office of the Judge of Probate of Limestone County, Alabama

Section 3. Upon the Owner's written agreement with the City to engage in certain work to bring various existing improvements on the Property into conformity with the City's ordinances (such agreement to be entered into by the Mayor on behalf of the City, upon terms that are satisfactory to the Mayor), then this Ordinance shall be published as provided by law, and a certified copy of same, together with certified copies of the petition of the property owner, shall be filed with the Probate Judge of Limestone County, Alabama.

Section 4. The territory described in this Ordinance shall become a part of the corporate limits of Athens, Alabama, upon publication of this Ordinance as set forth in Section 3, above.

ADOPTED this the 12th day of September, 2022.

/s/ Chris Seibert
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 Wales, 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 Wales 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 Wales introduced the following ordinance:

ORDINANCE NUMBER 2022 - 2236

**ORDINANCE ABANDONING/VACATING
AN EASEMENT ON REAL PROPERTY OWNED BY BUC-EE'S**

WHEREAS, BUC-EE'S ALABAMA II is the current owner of property along the west side Lindsay Lane, as indicated by the deed recorded at RLPY BK 2021, PG 61031 in the Office of the Judge of Probate of Limestone County,

Alabama, and more particularly described as follows: Lots 1, 2, and 3, Buc-ee's Addition to Athens, as recorded in Plat Book J, Page 499, in the Office of the Judge of Probate of Limestone County, Alabama ("Lots 1, 2, and 3");

WHEREAS, there is an Easement that was previously granted to the **City of Athens, Alabama** on September 11, 1940 by Mr. and Mrs. George Braly, for the purpose of constructing and maintaining electrical transmission lines, recorded at Book 374, page 377 in the Office of the Judge of Probate of Limestone County, Alabama (the "Easement");

WHEREAS, a portion of the Easement lies over and across Lots 1, 2, and 3;

WHEREAS, the City Council desires to abandon and vacate that portion of the Easement that lies over and across Lots 1, 2, and 3 of the Buc-ee's Addition to Athens, as recorded in Plat Book J, Page 499, in the Office of the Judge of Probate of Limestone County, Alabama (except for that part of Lot 2 that is described thereon as a "Roadway and Utility Easement (To Be Dedicated by Deed)" on (the "Property");

WHEREAS, the Council has examined the same and finds that such portion of such Easement is no longer needed for public or municipal purposes; and

WHEREAS, the Council further finds that such portion of such Easement that is to be vacated is of no value or *de minimis* value, but that any administrative and legal costs of the City related to this Ordinance should be paid by the underlying property owner in connection with this action.

THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ATHENS, ALABAMA, while in regular session on September 12TH, 2022, at 4:30 p.m., as follows:

1. The City expresses its intention to abandon/vacate that portion of the Easement that lies over, across, and under the Property.
2. The portion of the Easement that lies over, across, and under the Property is hereby vacated/abandoned. The Mayor is authorized to execute any such documents as may be needed to evidence such vacation/abandonment. A copy of this Ordinance may be recorded in the records of the Office of the Judge of Probate of Limestone County, Alabama.
3. No other portion of the Easement is vacated/abandoned, other than the portion described above. Also, no other easement(s) (or portions thereof) on the Property are vacated/abandoned by this Ordinance, whether or not such other easement(s) extend over, across, under or through the same real property as the portion of the Easement abandoned/vacated hereby and described herein. Moreover, no other easement(s) (or portions thereof) that have been conveyed pursuant to a source other than the Easement (i.e., the easement that was recorded at Book 374, page 377 in the Office of the Judge of Probate of Limestone County, Alabama) are abandoned/vacated by this Ordinance, whether or not such other easement(s)

extend over, across, under or through the same real property as the portion of the Easement abandoned/vacated hereby and described herein. Finally, this Ordinance does not relate to or abandon/vacate any easement (or portion thereof) that lies on, over, under, or across any real property other than the Property specifically described herein.

4. None of the easements described and/or shown on the Buc-ee's Addition to Athens, as recorded in Plat Book J, Page 499, in the Office of the Judge of Probate of Limestone County, Alabama are vacated/abandoned by this Ordinance.

5. The Electrical Utility Easement that was granted by Buc-ee's Alabama II, LLC to the City of Athens, Alabama, on July 22, 2021, which was recorded at RLPY Book 2021, Page 83012 in the Office of the Judge of Probate of Limestone County, Alabama, is not vacated/abandoned by this Ordinance.

6. That portion of the Easement lying within Lot 2 of the Buc-ee's Addition to Athens, as recorded in Plat Book J, Page 499, in the Office of the Judge of Probate of Limestone County, Alabama, that is described thereon as a "Roadway and Utility Easement (To Be Dedicated by Deed)" is not vacated/abandoned by this Ordinance.

7. This Ordinance shall go into effect and shall be published upon the underlying owners' payment of any and all administrative and legal costs associated with this Ordinance.

ADOPTED this the 12th day of September, 2022.

/s/ Chris Seibert
PRESIDENT, CITY COUNCIL,
CITY OF ATHENS, ALABAMA

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

ATTEST:

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

Councilmember Harper moved that unanimous consent be given for immediate consideration of and action on said ordinance, which motion was seconded by Councilmember Lucas, and upon the said motion being put to vote the following vote was recorded: YEAS: Councilmembers 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 Wales thereupon moved that the ordinance 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 ordinance had been unanimously carried.

Mark Wilson, 14082 N. Jefferson Street, Athens, addressed the City Council concerning several complaints that he has filed recently. Mr. Wilson also stated that sidewalks were needed for Jimmy Gill Park and Robert Allen Tinnon Park.

Scott Marshall, 212 East Street, Athens, addressed the City Council regarding the excellent service of the City of Athens Police Department. Mr. Marshall was out of town for a couple of weeks and asked them to keep a check on his home and did

a great job. Mr. Marshall also addressed the Council regarding recycling of cardboard for businesses. He expressed his disapproval of the order on the agenda, regarding the time for citizens comments. Anson Watkins, 703 5th Avenue, Athens, addressed the City Council regarding the home that he rents from Council President Seibert. Mr. Watkins presented pictures of the condition of his home to the Council. Council President stated that if no one else had City business, the meeting would be adjourned.

* * *

There being no further business to come before the meeting, Council President Seibert declared the meeting duly and properly adjourned.

/s/ Chris Seibert
PRESIDENT, CITY COUNCIL

ATTEST:

/s/ Annette Barnes
CITY CLERK