

September 26, 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 26, 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. Kim Glaze, Executive Secretary, was present and recorded the minutes of the meeting. Chris Seibert 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 September 12, 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 September 12, 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 read a proclamation in recognition of September 30th, 2022 as NICU Awareness Day. The Mayor announced that supplies for the Birdie Thornton Center are being collected and are due by September 30th. The Mayor also announced that the City of Athens Relay for Life team is taking orders for a Christmas t-shirt.

Councilman Lucas announced that he will be meeting with District 3 on Thursday, September 29th, at 5pm at the Lincoln-Pincham Center.

Councilwoman Henry stated that she recently attended the budget meeting and saw the projected figures for sales tax in the city. Mrs. Henry remarked that it really drives home the need to spend locally. Mrs. Henry also noted that she had heard from Park Supply, which is in her district, and that she was very impressed with their sales. She remarked that it excites her to know that this will make the west side of town more attractive for development and further businesses.

PUBLIC HEARING RELATING TO THE PROPOSED ZONING APPROVAL FOR THE SALE OF ALCOHOL IN THE CITY OF ATHENS BY GK ENTERPRISE, INC., DBA: JAMES FOOD MART #2, 28025 NUCLEAR PLANT ROAD, ATHENS, AL, 35611 (NEW BUSINESS)

No one spoke in favor of or against.

The public hearing was closed.

Councilman Harper introduced the following ordinance:

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: GK Enterprises Inc
Dbas: James Food Mart #2
Address: 28025 Nuclear Plant Road
Athens, AL 35611

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

Councilman Wales introduced the following resolution:

RESOLUTION

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ATHENS, ALABAMA, to reappoint Gina Garth to the Planning Commission for a six year term, expiring on September 30th, 2028.

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

Councilman Wales introduced the following resolution:

RESOLUTION

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ATHENS, ALABAMA, to appoint Jackie Warner to the Personnel Board for a five year term, expiring on September 26, 2027.

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

Councilman Wales introduced the following resolution:

RESOLUTION

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ATHENS, ALABAMA, to accept the resignation of Billie Sue Bates, a member of the NCA 310 Board of Directors, effective July 7th, 2022.

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

Councilman Wales introduced the following resolution:

RESOLUTION

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ATHENS, ALABAMA, to appoint Marsha White to the NCA310 Board to fulfill the term of Billie Sue Bates, expiring on April 30th, 2025.

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

Councilman Wales 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: AMS Retailers LLC
Dbas: Ankr Food Mart
Address: 1517 North Jefferson Street
Athens, AL 35611

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

Councilman Wales 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: La Miscelanea Party Store
Address: 1010 North Jefferson Street
Athens, AL 35611

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

Councilman Wales 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 4:30PM on October 10, 2022 to review the request of SB&N Holdings, LLC to rezone +/- 1.095 acres from R-1-1 (Low Density Residential Zoning District) to B-2 (General Business Zoning District) located on the NE corner of US Hwy 72 E and Sweetland Rd.

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

Councilman Wales introduced the following resolution:

RESOLUTION NUMBER 2022 - 1841

WHEREAS, T-Mobile has requested to modify their equipment on an existing telecommunications facility located at 108 East Elm Street, Athens, AL to provide wireless services within the corporate limits of the City of Athens;

WHEREAS, T-Mobile has complied with the City's Ordinance No. 1999-1320 and has demonstrated the need for the modification of this wireless facility to deliver consistently reliable services in the identified area, and;

WHEREAS, both the City and T-Mobile customers in Athens will benefit from improved service; and;

WHEREAS, the City's consultant, The Center for Municipal Solutions (CMS), recommends the granting of a conditional Special Use Permit for the modification at this facility located at 108 East Elm Street, Athens, AL, which consists of a 200-foot guyed tower;

THEREFORE, BE IT RESOLVED by the City Council of the City of Athens, Alabama that T-Mobile is hereby granted a Special Use Permit to modify their equipment at 108 East Elm Street, Athens, AL. As recommended by CMS, the Special Use Permit is subject to compliance with the following conditions prior to the issuance of said permit and/or a Certificate of Completion:

1. Prior to the issuance of the Building Permit, T-Mobile or the tower owner shall submit for review and approval by the City, signed Co-location compliance letter acknowledging compliance with the City of Athens Wireless Telecommunications Ordinance.
2. Prior to the issuance of the Building Permit, T-Mobile or the tower owner shall submit for review and approval by the City, an amended construction drawings with correct Code compliance reference.
3. Prior to the issuance of the Building Permit, T-Mobile or the tower owner shall submit for review and approval by the City, an ANSI/TIA-222-H Annex J: Conditions and Maintenance Assessment for the guyed tower. Assessment shall be dated within the previous three (3) years to be valid. Assessment shall include a remediation report for all safety issues noted as deficient on the assessment. Assessment shall include a guyed wire tension report. Assessment shall include a twist and plumb report for the guyed tower. Twist and plumb report shall include all measurements, calculations, allowable tolerances and methodology used to determine the results of the report.
4. Prior to the issuance of the Building Permit, T-Mobile or the tower owner shall submit for review and approval by the City, a list of frequency bands to be used at this facility.
5. To prevent warehousing of permits or authorizations and to assure the best service to the City's residents as expeditiously a possible, the facility must be built, activated, and be providing service *no later than one hundred eighty (180) days after the issuance of the Special Use Permit or other applicable authorization, subject to commonly accepted force majeure exceptions acceptable to the City.* T-Mobile may petition the

City of an extension of this for good cause shown, but the decision whether to grant the extension shall exclusively be the prerogative of the City.

6. T-Mobile must provide contractor information with a construction schedule to the city and to CMS prior to the issuance of the Building Permit. The contractor must notify the City's consultant for all inspections.
7. Prior to the issuance of the Certificate of Completion for this project, T-Mobile or the tower owner shall remediate the following safety issues noted at the pre-application site visit:
 - a. Replace grounding bar for T-Mobile's feedlines.
 - b. Replace or repair missing grounds for T-Mobile's ground equipment.
8. At the completion of construction, the Applicant must notify the City's consultant and provide proof that all inspections have been satisfactorily completed and the project is ready for a final on-site inspection. Upon passing the final inspection, a recommendation to issue a Certificate of Occupancy shall be made.
9. The Certificate of Occupancy shall not be issued until all fees and costs associated with this Permit, including inspections, have been paid.
10. The provision of the Certificate of Completion for this work shall be a pre-condition for any future modifications of any kind by this carrier, at this facility.

ADOPTED this 26th 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

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

Mayor Marks thanked Billie Sue Bates for her service on the NCA310 Board.

Mark Wilson, 14082 North Jefferson Street, Athens, addressed the City Council regarding items on the agenda that Mr. Wilson stated had been removed. No one was aware of these items.

Steve Carter, Gas Department Manager, thanked the City Council for their consideration of a 5% COLA for City of Athens employees.

Councilman Lucas introduced the following ordinance:

ORDINANCE NUMBER 2022 - 2237

AN ORDINANCE OF THE CITY OF ATHENS, ALABAMA, TO EXEMPT CERTAIN "COVERED ITEMS" FROM THE MUNICIPAL SALES AND USE TAX DURING THE LAST WEEKEND OF FEBRUARY, 2023, AS AUTHORIZED BY ACT 2012-256, GENERALLY REFERRED TO AS THE STATE SEVERE WEATHER PREPAREDNESS SALES TAX HOLIDAY LEGISLATION.

BE IT ORDAINED BY THE CITY COUNCIL OF ATHENS, ALABAMA, AS FOLLOWS:

Section 1. In conformity with the provisions of Act 2012-256 enacted by the Alabama Legislature during the 2012 Regular Session, providing for a State Severe Weather Preparedness Sales Tax Holiday, the City of Athens, Alabama, exempts "covered items" from municipal sales and use tax during the same period, beginning at 12:01 a.m. on the last Friday in February 2023 (February 24, 2023) and ending at twelve midnight the following Sunday (February 26, 2023).

Section 2. This ordinance shall be subject to all terms, conditions, definitions, time periods, and rules as provided by Act 2012-256, except that the time period shall only be as specified in Section 1 above and **not for all years thereafter**.

Section 3. The City Clerk is hereby authorized and directed to certify a copy of this ordinance under the seal of the City of Athens, Alabama, and to forward said certified copy to the Alabama Department of Revenue to be recorded and posted on the Department website.

Section 4. This ordinance shall become effective on October 1, 2022.

ADOPTED AND APPROVED THIS 26th DAY OF SEPTEMBER, 2022.

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

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

/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 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 ordinance had been unanimously carried. Councilmember Lucas 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.

Councilwoman Henry introduced the following resolution:

RESOLUTION NUMBER 2022 – 1842

RESOLUTION BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ATHENS, ALABAMA, to authorize the Mayor to enter into an agreement with Limestone County Commission to perform work on Newby Rd and Moyers Rd. Total cost is to not exceed \$235,000 and has been appropriated by council per the last paving resolution.

ADOPTED and APPROVED this, the 26th 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 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 Henry thereupon moved that the resolution be finally adopted, which motion was seconded by Councilmember Wales and upon the said motion being put to vote the following vote was recorded: YEAS: Councilmembers Seibert, Wales, 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 Wales introduced the following resolution:

RESOLUTION NUMBER 2022 – 1843

RESOLUTION BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ATHENS, ALABAMA, to authorize the Mayor to enter into an agreement with Limestone County Commission to re-stripe Lucas St and Nuclear Plant Road at a cost not to exceed \$15,000.

ADOPTED and APPROVED this, the 26th 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 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 Wales 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

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ATHENS, ALABAMA, to approve the FY2023 General Fund Operating Budget as follows:

Operating Expenditures

General and Administrative	\$	2,151,550
Municipal Court		412,855
Human Resources		453,695
Fire Department		5,660,488
Police Department		7,293,800
Parks/Recreation/Cemetery		3,690,900
Street Department		2,907,475
Sanitation Department		4,713,700
ES, CD & Building Inspection		1,480,400

Public Works	350,315
Total Operating Expenditures	<u>29,115,178</u>
Appropriations - Nondiscretionary	6,260,440
Transfers Out	<u>3,899,575</u>
Total Expenditures	\$ 39,275,193
Revenues Before Transfers In	35,282,350
Transfers In - Other Funds	<u>4,500,000</u>
Total Expected Revenues	<u>\$ 39,782,350</u>
Operating Budget Surplus Before Discretionary Appropriations	<u>\$ 507,157</u>

The motion was seconded by Councilman Wales 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 FY 2023 Special Revenue Operating Budgets as follows:

<u>ALCOHOL FUND</u>		<u>GASOLINE TAXES .04/05/.07</u>	
Revenues		Revenues	
Taxes	\$ 960,000	State Appropriation	<u>\$ 230,000</u>
Licenses and Permits	45,000		
Interest Income	<u>1,000</u>	Total Revenue	230,000
Total Revenue	1,006,000		
Expenditures		Expenditures	
City Board of Education	456,000	Audit Fees	2,500
Administrative Expense	48,000	Bridge Inspection	6,000
Debt Service-GO Debt	<u>500,000</u>	Road Repair	209,500
		Road Signs	<u>12,000</u>
Total Operating Expenditures	<u>1,004,000</u>	Total Operating Expenditures	<u>230,000</u>
Revenues Over (Under)	<u>\$ 2,000</u>	Revenues Over (Under)	<u>\$ -</u>
<u>DRUG TASK FORCE</u>		<u>REBUILD ALABAMA ACT GAST TAX FUND</u>	
Revenues		Revenues	
Confiscations Revenue	\$ 5,000	State Appropriation	<u>\$ 200,000</u>
Expenditures		Total Revenue	200,000
Supplies	<u>3,000</u>		
Revenues Over (Under)	<u>\$ 2,000</u>	Expenditures	
		Road Repair	<u>200,000</u>

COURT SYSTEM

Revenues	
Court Education	\$ 5,000
Solicitors Admin Fee	7,500
Court Operations	26,000
Interest Income	500
Total Revenue	<u>39,000</u>
Expenditures	
Supplies	<u>10,000</u>
Revenues Over (Under)	<u>\$ 29,000</u>

Revenues Over (Under) \$ -

ANIMAL CONTROL

Revenues	
Interest Income	\$ 25
Expenditures	
Supplies	<u>-</u>

Revenues Over (Under) \$ 25

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

Councilwoman Henry introduced the following resolution:

RESOLUTION

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ATHENS, ALABAMA, to approve the FY 2023 Special School Fund Operating Budget as follows:

Revenues

Sales Tax Revenue (20% of One Cent Sales Tax) \$ 1,400,000

Expenditures

Appropriation to School Board for Debt Service 1,400,000

Revenues Over (Under) Expenditures \$ -

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, at its meeting on September 26, 2022, that the Council approves the Fiscal Year 2023 Water Services Department budgets as outlined in the attached budget summaries for both the water utility and the sanitary sewer utility.

**CITY OF ATHENS
UTILITIES WATER
DEPARTMENT
FY 2023 BUDGET**

Metered Sales \$ 7,814,372

Miscellaneous Revenue		888,551
Aid to Construction		432,439
TOTAL OPERATING REVENUES	\$	9,135,362
OPERATING EXPENSES		
Employee Expense - Salaries and Benefits	\$	2,727,506
Water Production Expenses		938,603
Transmission and Distribution Expense		343,100
Customer Service Expense		364,076
Administrative and General Expense		847,656
Vehicle & Equipment Operations & Maintenance		75,000
Appropriation to General Fund		379,466
Debt Service Expenses		1,504,401
General Fund Salaries & Expenses		122,388
Transfer to Wastewater		-
Construction in Progress		399,000
TOTAL OPERATING EXPENSES	\$	7,701,196
NET OPERATING REVENUES OVER EXPENSES	\$	1,434,166
CAPITAL EXPENDITURES		
Office Furniture	\$	4,000
New Pickup		12,500
Barn Style Storage (24x26) for materials at Bab Daly Tank		8,000
Lawnmower Replacement		7,000
New Pickup Replacement for #68		15,000
PC and Ancillary (2New staff)		10,000
New Pickup Truck for Logistics Assistant Mgr		12,500
Tablets for field data collection (11)		6,000
Pickup for Construction Inspector		34,000
Computer needs for Construction Inspector		4,000
Door Replacement Program (Last Set)		19,000
Flow meters, strap-on (Raw Water, High Service)		37,000
Ceiling repair, stairwell		25,000
Pickups (2) for Valve exercising & flushing crews		13,000
Replace handrailings around RW standpipe deck WTP		4,000
Exterior Fassod		200,000
WTP Roof Rehab		75,000
Less Capital Allocation Carryover from Prior Year		(194,250)
TOTAL PROPOSED CAPITAL EXPENDITURES	\$	291,750
NET INCOME AFTER PROPOSED CAPITAL	\$	1,142,416

**CITY OF ATHENS UTILITIES
SEWER DEPARTMENT
FY2023 BUDGET**

OPERATING REVENUES

Metered Sales	\$	6,624,423
Miscellaneous Revenue		1,915,270
Transfer from Water		-
Aid to Construction		100,000
TOTAL OPERATING REVENUES	\$	8,639,693

OPERATING EXPENSES

Employee Expense - Salaries and Benefits	\$	3,327,928
Treatment Plant Operations & Maintenance		648,386
Collection System Operation & Maintenance		245,600
Customer Service Expense		230,236
Administrative and General Expense		733,714
Vehicle & Equipment Operations & Maintenance		97,659
Appropriation to General Fund		165,611
Debt Service Expenses		1,504,401
General Fund Salaries & Expenses		115,764
Construction in Progress		195,000
TOTAL OPERATING EXPENSES	\$	7,264,299

NET OPERATING REVENUES OVER EXPENSES **\$** **1,375,394**

CAPITAL EXPENDITURES

Aerial Flyover	\$	5,000
SCADA Upgrades	\$	70,000
Additional Seat of ESRI ArcGIS Pro (2 for new staff)	\$	2,500
Office Furniture	\$	4,000
New Pickup	\$	12,500
Lawnmower Replacement	\$	7,000
New Pickup Replacement for #68	\$	15,000
PC and Anciliary (2New staff)	\$	10,000
New Pickup Truck for Logistics Assistant Mgr	\$	12,500
Tablets for field data collection (11)	\$	6,000
Pcikup for Construction Inspector	\$	34,000
Computer needs for Construction Inspector	\$	4,000
Tandum Axel 16-Yd Dump truck	\$	200,000
New Pickup Replacement for #68	\$	46,000

Truck #69 Chasis Replacement	\$	65,000
130G Excavator/truck hoe	\$	200,000
22,5K Trailer for Excavator	\$	47,000
Vac Trailer - 50hp, 630 gallon or greater capacity	\$	100,000
Wastewater Equipment & Inventory Building	\$	150,000
	\$	-
TOTAL PROPOSED CAPITAL EXPENDITURES	\$	<u>990,500</u>
NET INCOME AFTER PROPOSED CAPITAL EXPENDITURES	\$	<u><u>384,894</u></u>

The motion was seconded by Councilman Wales 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 FY2023 Gas Department Budget as listed and spread the same on the minutes.

CITY OF ATHENS UTILITIES

GAS DEPARTMENT

FY 2023 BUDGET

OPERATING REVENUES

Metered Sales	\$	19,350,500
Miscellaneous Revenue		169,210
Training Facility		55,000
Aid to Construction		500,000
TOTAL OPERATING REVENUES	\$	<u>20,074,710</u>

OPERATING EXPENSES

Employee Expense - Salaries and Benefits		4,320,718
Purchased Gas		8,350,500
Distribution System Operation & Maintenance		925,000
Customer Service Expense		341,410
Advertising and Promotion		355,500
Administrative and General Expense		862,983
Vehicle & Equipment Operations & Maintenance		265,000
Appropriation to General Fund/Admore/Elkmont		1,065,000
Debt Service Expenses		1,277,668
General Fund Salaries & Expenses		185,041
Construction in Progress		500,000
TOTAL OPERATING EXPENSES	\$	<u>18,448,820</u>

NET OPERATING REVENUES OVER EXPENSES	\$	1,625,890
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CAPITAL EXPENDITURES

Generator Replacement	\$	15,000
Technical Equipment (CGI, Locator, etc.)		60,000
Equipment for HP Line & Leak Detection Work		60,000
CNG Compressor Station Equip/Misc.		25,000
Equipment Sheds		425,000
Boring Maching Replacement/Equipment		85,000
Leak City Paving around new build/Misc. supplies		40,000
Misc Equipment (Office equip, furniture)		25,000
Replace Trucks &Equipment		350,000
Less Capital Allocation Carryover from Prior Year		(130,000)

TOTAL PROPOSED CAPITAL EXPENDITURES \$ 955,000

NET INCOME AFTER PROPOSED CAPITAL EXPENDITURES \$ 670,890

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

Councilman Wales introduced the following resolution:

RESOLUTION

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ATHENS, ALABAMA, to approve a 5% cost of living (COLA) salary increase for all full-time employees effective October 9, 2022, which is the first day of the payroll period ending on October 22, 2022 (payable on October 27, 2022), and to approve revising the City’s official pay scale to reflect the change in pay rates.

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

Councilman Harper introduced the following resolution:

RESOLUTION

BE IT RESOLVED BY THE CITY COUNCIL OF ATHENS, ALABAMA to reorganize the Electric Department in accordance with the attached organizational chart, which includes 80 full-time, 2 part-time, and 3 intern positions.

- Electric Services Director
- Operations/Compliance Supervisor
- Building Maintenance Worker (2)
- Dispatcher (6)
- Chief Mechanic
- Electric Distribution Supervisor
- Assistant Electric Distribution Supervisor
- Right of Way Manager
- Right of Way Technician (2)
- Line Crew (35)
- Substation Supervisor
- Substation Maintenance Crew (12)
- AMI Metering Technician

- Construction Engineer
- Assistant Construction Engineer
- Staking Technician (3)
- CAD Operator
- Locator Technician (3)
- Electrical Distribution Engineer
- Electrical Engineer (2)
- Engineering Technician
- GIS Administrator
- AMI System Manager
- Part Time Dispatcher (2)
- Intern/Co-Op (3)

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 adopt the revised job description for the Electric Department:

- Right-of-Way Manager; Job description revised 09/09/2022

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

Councilman Harper introduced the following ordinance:

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

ORDINANCE NUMBER 2022 - 2238

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ATHENS, ALABAMA, that Ordinance Number 888, establishing a master classification plan for employees is hereby amended as follows, effective: 09/27/2022.

Add the following job title to the list of positions for the Electric Dpt.

- (1) Right-of-Way Manager**

Delete the following job title to the list of positions for the Electric Dpt.

- (2) Right-of-Way Supervisor**

ADOPTED this the 26th 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 Henry 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 Harper thereupon moved that the ordinance 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 ordinance had been unanimously carried.

Council President Seibert announced, with no objection from any council member, that the following proposed resolution would be tabled until a later date:

RESOLUTION NUMBER 2022 - _____

**A RESOLUTION CONCERNING ADDITIONAL PREMIUM PAY
FOR CERTAIN CITY OF ATHENS EMPLOYEES**

WHEREAS, in Resolution No. 2021-1781 and Resolution No. 2021-1776, (the “2021 Premium Pay Resolutions”) the City Council approved certain premium pay for full-time employees during December, 2021 pay periods;

WHEREAS, some employees that would have otherwise qualified for such premium pay did not receive it because they were not able to work during the December, 2021 pay periods; and

WHEREAS, this Resolution provides an opportunity for those employees to receive the premium pay on the same basis as other employees that received such pay.

THEREFORE BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ATHENS, ALABAMA on September 26th, 2022 at 4:30 p.m., as follows:

1. The City Council readopts its findings in Section 1 of Resolution No. 2021-1776.
2. As used in this Resolution, an “eligible employee” shall be a current employee of the City that (a) was employed by the City during December, 2021; and (b) did not receive any premium pay pursuant to either of the 2021 Premium Pay Resolutions, but would have received such premium pay if not for that employee’s absence from work without pay during that same period.
3. For their work during the 2nd pay period in October, 2022, each full-time *eligible employee* of the City shall receive an additional \$1,000.00 over and above their regular and normal pay for that period. Such amount shall be paid to said employee after such pay period has concluded, so long as the employee has remained employed by the City during the entire pay period.

4. No employee shall receive such additional compensation to the extent that such payment would increase a worker's total wages and remuneration for calendar year 2022 above \$88,095.00. No employee shall receive such additional compensation if such worker's total wages and remuneration for calendar year 2022 equals or exceeds \$88,095.00.

5. The Mayor may issue such rules and regulations as he deems reasonably necessary in order to implement this Resolution.

6. The funds in support of this Resolution are authorized to be expended from the City's allocation of *Coronavirus State and Local Fiscal Recovery Funds*, except with respect to premium pay for those city employees who, due to their county of residence, do not qualify to receive premium pay provided from those federal funds. In those cases, in order to treat all full-time employees earning less than \$88,095.00 equally, such portion of premium pay for those employees shall be funded from the budget of the department in which that employee works.

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.

City Clerk

President Seibert announced that the next item on the Agenda was a Resolution Appointing a Municipal Judge. Mr. Seibert noted that the resolution had been introduced by Councilman Wales at the Council's last meeting. Councilman Lucas seconded the Resolution.

President Seibert asked if any council member had an objection to amending the resolution to name Eddie Alley as the appointee. There was no objection by any council member to the proposed amendment, and so President Seibert ordered that the resolution was amended to name Eddie Alley as the appointee.

The resolution, as amended, read as follows:

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 26th, 2022, at 4:30 p.m., that Eddie Alley 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 26th day of September, 2022.

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

Seeing no further discussion on the matter, President Seibert called for a roll call vote. The resolution was adopted unanimously (5-0), with all council members voting in favor of it.

Council President Seibert thanked Don Mansell for his years of service and congratulated the newly appointed judge, Eddie Alley.

Councilman Harper introduced the following resolution:

RESOLUTION

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ATHENS, ALABAMA, to appoint James Hand as Fire Chief, effective October 9, 2022 through the first organization meeting in November of 2025.

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

Councilman Wales introduced the following resolution:

RESOLUTION NUMBER 2022 – 1844

RESOLUTION BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ATHENS, ALABAMA, to authorize the Mayor to allocate appropriated funds for Pryor Park to perform value engineering and store material on site. Total cost is to not exceed \$50,000.

ADOPTED and APPROVED this, the 26th 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

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

Scott Marshall, 212 East Street, Athens, addressed the City Council concerning the ginkgo trees around town. Mr. Marshall stated that they are beautiful trees but cause a mess on the sidewalks with debris, smell and that they attract yellow jackets. Mr. Marshall asked if the City would assist with this and praised Public Works for the new trees that have been planted recently along the sidewalks. He also remarked that he had not heard a solution regarding the downtown traffic study.

Michael Griffin, City Engineer, stated that they have just finalized the last invoice regarding the traffic study. Mr. Griffin invited the Council to meet and discuss recommendations.

* * *

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