

April 11, 2016

STATE OF ALABAMA,
LIMESTONE COUNTY,
CITY OF ATHENS.

The City Council of the City of Athens, Alabama met in regular session at the Athens Police Department Court room, 951 Hobbs Street East in the said City on April 11, 2016, at 5:30 p.m. The meeting was called to order by Councilman Wayne Harper, President of the Council. Upon roll call the following were found to be present: Councilmember Chris Seibert, Harold Wales, Joseph Cannon and Wayne Harper. Mayor Marks led the Pledge of Allegiance. Annette Barnes, City Clerk, was present and recorded the minutes of the meeting. Wayne Harper offered the invocation. 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 March 28, 2016 City Council Meeting had been submitted for approval. Councilman Wales moved that the reading of the Minutes be suspended and that the Minutes be approved as recorded. The motion was seconded by Councilman Seibert and was unanimously carried. The Chairperson stated that the Minutes of the March 28, 2016 City Council Work Session Meeting had been submitted for approval. Councilman Wales moved that the reading of the Minutes be suspended and that the Minutes be approved as recorded. The motion was seconded by Councilman Seibert and was unanimously carried.

Mayor Marks read a Proclamation declaring April as “Donate Life Month” in support of organ donation.

A public hearing was held to hear comments on an unsafe and public nuisance at 1005 Roberts Street. City Building Inspector Bert Bradford spoke in support of the resolution to declare the property a public nuisance due to continued safety issues.

The public hearing was closed.

Councilman Cannon introduced the following resolution:

RESOLUTION NUMBER 2016-1469

**A RESOLUTION DETERMINING THAT A STRUCTURE AT 1005 ROBERTS STREET
IS UNSAFE AND A PUBLIC NUISANCE, AND
ORDERING ABATEMENT OF SAME**

WHEREAS, this Resolution is authorized by Ordinance No. 2012-1862 and/or § 11-40-30, *et seq.* of the *Code of Alabama*, in addition to other legal authority;

WHEREAS, the appropriate municipal official has presented information to the City Council about one white wooden structure facing Roberts Street, an adjacent storm shelter, and one wooden shed at the rear of the white wooden structure (collectively herein referred to as the “Structure”) located at the real property described as follows:

Address: 1005 Roberts Street, Athens, AL 35611

PARCEL # 10-03-08-3-002-083.00

PARCEL # 10-03-08-3-002-084.00

Legal Description

The following land lying and being in Limestone County, Alabama, and more particularly described as follows:

A part of Lot Number 13 of Block Number 76 1/2 according to the map made by A.P. Henderson in the year 1914 of the Town of Athens, Alabama and described as follows, to-wit: Beginning at a point on the North side of said Lot Number 13 of Block Number 76 1/2, 226 feet West of the Northeast corner of said Lot Number 13 and running thence South 34 degrees 30 minutes West 100 feet; thence South 62 degrees West 50 feet; thence North 34 degrees 30 minutes East 100 feet; thence North 62 degrees East 50 feet to the Point of Beginning.

and also...

A part of Lot 13, Block 76-1/2 according to the 1914 A.P. Henderson Map of the Town of Athens recorded in the Office of the Judge of Probate of Limestone County, Alabama, which said lot is more particularly described as follows, to-wit:

Beginning at a point on the North side of Lot No. 13 of Block No. 76-1/2 and on the South boundary of Roberts Street, 176 feet West of the Northeast corner of said Lot No. 13 (which is also 176 feet West of the intersection of Lucas Street and the South boundary of Roberts Street); thence from said point of beginning run South 34 degrees 30 minutes West 100 feet; thence South 62 degrees West 50 feet; thence North 34 degrees 30 minutes East 100 feet to the South margin of Roberts Street; thence North 62 degrees East and along the South boundary of Roberts Street 50 feet to the true point of beginning.

(herein referred to as the "Property");

WHEREAS, the appropriate municipal official has determined that the condition of the Structure is unsafe in that the Structure constitutes a public nuisance to the citizens of Athens;

WHEREAS, at this regular meeting, the City Council has conducted a public hearing concerning this matter, and has received information (including applicable photographs) from the appropriate municipal official concerning the Property and Structure;

WHEREAS, the Structure has been deemed unsafe to the extent that it is a public nuisance due to the following reasons:

- (1) The interior walls or other vertical structure members list, lean, or buckle to such an extent that a plumb line passing through the center of gravity falls outside of the middle third of its base;

(2) Exclusive of the foundation, the building shows thirty-three (33) percent, or more, of damage or deterioration of one (1) or more supporting members, or fifty (50) percent of damage or deterioration of the non-supporting enclosing or outside walls or covering;

(3) The building has improperly distributed loads upon the floors or roofs, or in which the same are overloaded, or has insufficient strength to be reasonably safe for the purpose used;

(4) The building has been damaged by fire, wind, earthquake, flood, sinkhole, deterioration, neglect, abandonment, vandalism, or any other cause so as to have become dangerous to life, health, property, morals, safety, or general welfare of the public or the occupants;

(5) The building has become or is so damaged, dilapidated, decayed, unsafe, unsanitary, lacking in maintenance, vermin or rat infested, containing filth or contamination, lacking proper ventilation, lacking sufficient illumination, or so utterly fails to provide the amenities essential to decent living that it is unfit for human habitation, or is likely to cause sickness or disease, so as to work injury to the life, health, property, morals, safety, or general welfare of the public or the occupants;

(6) The building contains unsafe equipment, including any boiler, heating equipment, elevator, moving stairway, electrical wiring or device, flammable liquid containers, or other equipment on the premises or within the structure which is in such disrepair or condition that such equipment is a hazard to the life, health, property, morals, safety, or general welfare of the public or the occupants;

(7) The building is so damaged, decayed, dilapidated, structurally unsafe, or of such fault construction or unstable foundation that partial or complete collapse is possible;

(8) The building has parts thereof which are so attached that they may fall and damage property or injure the public or the occupants;

(9) The building, or any portion thereof, is clearly unsafe for its use or occupancy;

(10) The building is neglected, damaged, dilapidated, unsecured, or abandoned so as to become an attractive nuisance to children who might play in or on the building, structure, part of building or structure, party wall, or foundation to their danger, has become a harbor for vagrants, criminals, or immoral persons, or enables persons to resort to the building, structure, part of building or structure, party wall, or foundation for committing a nuisance or an unlawful act;

(11) The building has a portion remaining on a site after the demolition or destruction of the same or is abandoned so as to constitute such building, structure, part of building or structure, party wall, or foundation as an attractive nuisance or hazard to the public; and

(12) The building is, because of its condition, unsafe, unsanitary, or dangerous to the life, health, property, morals, safety, or general welfare of the public or the occupants.

WHEREAS, after the finding by the appropriate municipal official that the Structure was unsafe to the extent that it is a public nuisance, notice was issued pursuant to Ordinance No. 2012-1862 to persons who may have an interest in the Property, and such notice was issued more than fifty (50) days prior to the date of this Resolution;

WHEREAS, it appears that no person has remedied the conditions on the Property; and

WHEREAS, after due deliberation and an examination of the conditions on the Property, it appears to the City Council that the Structure is unsafe in that it presents a public nuisance to the citizens of Athens, and that the same is due to be demolished.

THEREFORE BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ATHENS, ALABAMA on April 11, 2016 at 5:30 p.m., as follows:

1. The Structure shall be demolished by the City of Athens.
2. The appropriate municipal official shall make a report to the City Council of the costs associated with the demolition of the Structure so that it may adopt a resolution fixing all costs reasonably incurred in the demolition and assessing such costs against the Property.
3. This work may be performed by City's own forces, or, if the appropriate municipal official investigates and determines it to be preferable that the work occur through the use of third parties, then the Athens Public Works Department may enter into such contract upon council approval. The City may sell or otherwise dispose of salvaged materials resulting from the work, at the election of the Mayor and/or his designee.
4. If any provision of this Resolution, or the application thereof to any person, thing or circumstances, is overruled, modified, or deemed invalid by a court of competent jurisdiction, such action shall not affect the provisions or application of this Resolution that can be given effect without the overruled, modified, or invalidated provisions or application, and to this end, the provisions of this Resolution are declared to be severable.

ADOPTED this the 11th day of April, 2016.

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

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

ATTEST:

/s/ Annette Barnes

CITY CLERK, CITY OF ATHENS, ALABAMA

CERTIFICATION OF CITY CLERK

STATE OF ALABAMA)
LIMESTONE COUNTY)

I, Annette Barnes, 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 11th day of April, 2016.

Witness my hand and seal of office this ___ day of _____, 2016.

Annette Barnes, City Clerk

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

Councilman Seibert introduced the following resolution:

RESOLUTION

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ATHENS, ALABAMA, that a public hearing is set at the City Council’s regular meeting at 5:30 PM on May 23, 2016, in the chambers of the Athens City Council, to consider Verizon Wireless’ pending special use application for a new telecommunications facility to be located at the City of Athens Wastewater Treatment Facility at 942 E Sanderfer Road, Athens, Alabama.

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

Councilman Seibert introduced the following resolution:

RESOLUTION

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ATHENS, ALABAMA, to approve the payment of budgeted travel/education expenses for specified Water Services employees in the total amount of \$771.82.

Stacy Calder (Water)	ARWA Annual Technical Conference Mobile, Alabama March 20-24, 2016	\$771.82
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The motion was seconded by Councilman Wales and was unanimously carried.

Councilman Seibert introduced the following resolution:

RESOLUTION

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ATHENS, ALABAMA, that notice is hereby given that an ordinance regarding rezoning property for Ortho Sports Enterprises, LLC located south of the Village at Piney Creek Subdivision will be considered by the City Council of the City of Athens, Alabama, at its regular meeting to be held on May 9, 2016, in the Council Chambers of City Hall at 200 W. Hobbs Street, in the City of Athens, Alabama, at 5:30 p.m., and at such time and place, all persons who desire shall have an opportunity of being heard in opposition to or in favor of the ordinance.

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

Councilman Seibert introduced the following resolution:

RESOLUTION

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ATHENS, ALABAMA, to authorize the Street Department to purchase a trackhoe from the Alabama DOT surplus auction for an amount not to exceed \$89,000.00. This expenditure shall be funded from the existing Street Department capital account, line item 301.500.85002.

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

Councilman Seibert introduced the following resolution:

RESOLUTION

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ATHENS, ALABAMA, to approve the following applicant, for a "Retail Off-Premises Beer & Wine" alcohol license:

Jay Satha, Inc.
d/b/a Mike's Food Mart
1809 Highway 72 East

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

Councilman Cannon introduced the following resolution at the March 28, 2016 meeting:

RESOLUTION

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ATHENS, ALABAMA, to appropriate up to \$35,000.00 for the repair and renovation of the Houston Memorial Library to be funded from a general fund budget amendment to line item 100.527.90111, Transfers to Capital Projects Fund.

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

Councilmember Cannon introduced the following resolution:

RESOLUTION NO. 2016-1468

**A RESOLUTION COMPLYING WITH THE
REQUIREMENTS OF SECTION 8.2(b) OF THE
TRUST INDENTURE BETWEEN THE CITY OF
ATHENS AND AMSOUTH BANK (THE CORPORATE
TRUST SUCCESSOR TO WHICH IS THE BANK
OF NEW YORK MELLON TRUST COMPANY, N. A.),
DATED AS OF DECEMBER 1, 1997**

BE IT RESOLVED by the City Council (herein called the "Council") of the City of Athens (herein called the "City"), in the State of Alabama, as follows:

In order to comply with the requirements of Section 8.2(b) of that certain Trust Indenture between the City and AmSouth Bank (the corporate trust successor to which is The Bank of New York Mellon Trust Company, N. A.) dated as of December 1, 1997 (herein called the "1997 Indenture"), so that \$1,345,000 principal amount of Gas Revenue Warrants, Series 2016, dated April 20, 2016 (herein called the "Series 2016 Warrants"), of the City may be issued as additional securities under the provisions of the 1997 Indenture, the Council does hereby adopt this resolution; request that the said bank, as trustee under the 1997 Indenture, authenticate and deliver the Series 2016 Warrants to the purchaser hereinafter named; and make the following recitals preliminary to the issuance of the Series 2016 Warrants:

the City is not at this time in default under the 1997 Indenture and no such default is imminent;

the entity to whom the Series 2016 Warrants have been sold and shall be delivered is Reliance Bank, Athens, Alabama;

the Series 2016 Warrants are to be issued by sale and none thereof is to be issued by exchange;

the sale price of the Series 2012 Warrants is \$1,345,000;

no securities have previously been issued by the City under the 1997 Indenture or under any indenture supplemental thereto other than

(A) \$4,980,000 aggregate principal amount of the City's Gas Revenue Warrants, Series 1999, dated March 1, 1999, which were issued under the 1997 Indenture and which are no longer outstanding;

(B) \$2,410,000 aggregate principal amount of the City's Gas Revenue Warrants, Series 2005, dated January 1, 2005, which were issued under the 1997 Indenture and \$450,000 of which is now outstanding; and

(C) \$4,985,000 aggregate principal amount of the City's Gas Revenue Warrants, Series 2007, dated May 1, 2007, which were issued under the 1997 Indenture and \$3,500,000 of which is now outstanding; and

(D) \$2,450,000 aggregate principal amount of the City's General Obligation Revenue Warrants, Series 2012, dated August 1, 2012, which were issued under the 1997 Indenture and \$2,145,000 of which is now outstanding; and

the Series 2016 Warrants are to be issued for the following purposes:

(A) providing funds for the installation of gas transmission lines and an expansion of the System's compressed natural gas fueling station;

(B) providing funds required for deposit to the debt service reserve fund; and

(C) paying the expenses related to the issuance of the Series 2016 Warrants.

ADOPTED and APPROVED this 11th day of April, 2016

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

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

ATTEST:

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

Councilmember Wales moved that the rules be suspended and unanimous consent be given for immediate consideration of and action on the said resolution, which motion was seconded by Councilmember Seibert and, upon the same being put to vote, the following vote was recorded:

YEAS:

NAYS:

President	Wayne Harper
Councilmembers	Joseph Cannon
	Chris Seibert
	Harold Wales

The chairman thereupon declared that the motion for unanimous consent for immediate consideration of and action on the said resolution had been unanimously carried. Councilmember Cannon thereupon moved that the foregoing resolution be adopted, which motion was seconded by Councilmember Seibert and, upon the same being put to vote, the following vote was recorded:

YEAS:

NAYS:

President	Wayne Harper
Councilmembers	Joseph Cannon
	Chris Seibert
	Harold Wales

The Chairman thereupon announced that the motion for the adoption of the said resolution had been unanimously carried.

The following ordinance was introduced in writing by Councilmember Cannon:

ORDINANCE NO. 2016 - 1986

**AN ORDINANCE AUTHORIZING THE ISSUANCE
OF THE CITY'S \$1,345,000 PRINCIPAL
AMOUNT OF GAS REVENUE WARRANTS,
SERIES 2016, DATED APRIL 20, 2016**

BE IT ORDAINED by the City Council (herein called the "Council") of the City of Athens (herein called the "City"), in the State of Alabama, as follows:

Section Findings. After investigation duly made by it and based upon the information obtained from such investigation, the Council hereby makes the following findings and declares the following statements to be true:

it is necessary and desirable to acquire and construct extensions and improvements to the City's natural gas distribution system (herein called "the System"); and

for the purpose of providing funds to acquire, construct and provide the said extensions and improvements, fund the debt service reserve fund and pay the expenses related to the issuance of the Series 2016 Warrants hereinafter referred to, it will be necessary that the Series 2016 Warrants be issued as authorized in this ordinance and pursuant to the applicable provisions contained in the Fifth Supplemental Indenture attached as Exhibit A to this ordinance.

Section Authorization of the Series 2016 Warrants. Pursuant to the applicable provisions of the constitution and laws of the State of Alabama, including particularly Section 11-47-2, as amended, and to provide funds for the purposes referred to in Section 1 of this ordinance, there are hereby authorized to be issued by the City \$1,345,000 aggregate principal amount of its Gas Revenue Warrants, Series 2016 (herein called the "Warrants"), under the terms, conditions and provisions set out in the Fifth Supplemental Indenture (herein called the "Fifth Supplemental Indenture") authorized in Section 6 of this ordinance. All the provisions thereof respecting the Warrants are hereby adopted as a part of this ordinance.

Section Source of Payment of the Series 2016 Warrants and Pledge Therefor. The obligation evidenced and ordered paid by the Warrants shall be a limited obligation of the City payable solely out of the revenues from the operation of the System as specified in the Fifth Supplemental Indenture, and shall not constitute a general obligation of the City or be subject to any charge on or against its general funds, its taxing powers, or its constitutional debt limit.

Section Series 2016 Warrants to Constitute Additional Warrants Issued Under the 1997 Indenture Covering the System. The Warrants shall be issued as additional securities under the reserved power contained in Section 8.2 of that certain Trust Indenture between the City and AmSouth Bank (the corporate trust successor of which is The Bank of New York Mellon Trust Company, N. A.), dated as of

and other rights and privileges accorded to the securities issued under that document and each supplement thereto, including specifically (but without limiting the generality thereof) the pledge made in the 1997 Indenture for payment of the principal of and interest on all securities issued thereunder on a parity with all other securities that may at any time be issued pursuant to its provisions.

Section Resolution Complying With the Requirements of Section 8.2(b) of the 1997 Indenture. In order to comply with the requirements of Section 8.2(b) of the 1997 Indenture preliminary to the issuance of the Warrants as additional securities thereunder, the Council has adopted, at the same meeting at which this ordinance is adopted, a resolution containing the recitations required in Section 8.2(b) of the 1997 Indenture to be made by the City.

Section Authorization of Fifth Supplemental Indenture. The Mayor of the City is hereby authorized to execute and deliver, in the name and behalf of the City, the Fifth Supplemental Indenture in the form attached as Exhibit A to and constituting a part of this ordinance, and the City Clerk is hereby authorized and directed to affix thereto and attest thereon the corporate seal of the City. Upon full execution of the Fifth Supplemental Indenture, the Mayor is authorized and directed to deliver it to the trustee thereunder. All provisions of the Fifth Supplemental Indenture are hereby adopted as a part of this ordinance to the same extent as if they were set out in full herein.

Section Sale of the Series 2016 Warrants; Delivery Thereof and Use of Proceeds Therefrom. The Warrants are hereby sold to Reliance Bank (herein called the "Bank"), at a purchase price equal to \$1,345,000. The Mayor and the City Clerk are hereby directed to consummate the execution, sealing and attestation of the Warrants and to deliver them to the said purchaser upon payment to the City of the purchase price therefor. Simultaneously with such delivery, the City Treasurer is authorized and directed to pay the proceeds from the said sale to the Trustee who shall apply them in the manner and for the purposes set out in Section 2.5 of the Fifth Supplemental Indenture.

Section Compliance with Certain Requirements of the Code. The City will comply with all conditions to and requirements for the exemption from gross income for federal income taxation of the interest income on the Warrants imposed by Section 103 of the Internal Revenue Code of 1986, as amended (herein called the "Code"). Without limiting the generality of the foregoing,

the City will not apply the proceeds from the Warrants in a manner that would cause any of the Warrants to be a "private activity bond" within the meaning of Section 141(a) of the Code, and

the City will comply with the requirements of Section 148 of the Code in order that the Warrants will not be "arbitrage bonds" within the meaning of said Section 148.

Section Severability. The various provisions of this ordinance are hereby declared to be severable. In the event any provision hereof shall be held invalid by a court of competent jurisdiction, such invalidity shall not affect any other portion of this ordinance.

ADOPTED and APPROVED this 11th day of April, 2016.

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

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

ATTEST:

/s/ Annette Barnes

CITY CLERK, CITY OF ATHENS, ALABAMA

Councilmember Wales moved that the rules be suspended and unanimous consent be given for immediate consideration of and action on the said ordinance, which motion was seconded by Councilmember Seibert and, upon the same being put to vote, the following vote was recorded:

	<u>YEAS:</u>	<u>NAYS:</u>
President	Wayne Harper	
Councilmembers	Joseph Cannon	
	Chris Seibert	
	Harold Wales	

The chairman thereupon declared that the motion for unanimous consent for immediate consideration of and action on the said ordinance had been unanimously carried. Councilmember Cannon thereupon moved that the foregoing ordinance be adopted, which motion was seconded by Councilmember Seibert and, upon the same being put to vote, the following vote was recorded:

	<u>YEAS:</u>	<u>NAYS:</u>
President	Wayne Harper	
Councilmembers	Joseph Cannon	
	Chris Seibert	
	Harold Wales	

The chairman thereupon announced that the motion for the adoption of the said ordinance had been unanimously carried.

Councilman Wales introduced the following proclamation:

FAIR HOUSING PROCLAMATION

WHEREAS, April 11, 2016 marks the 48th anniversary of the passage of the United States Fair Housing Law, Title VIII of the Civil Rights Act of 1968, which enunciated a National Policy of fair housing without regard to race, color, religion, sex, and national origin; and

WHEREAS, the effective implementation of the National Policy depends on affirmative action at all levels of Government;

NOW, THEREFORE, I, William R. Marks, Mayor, City of Athens, do hereby proclaim the month of April, as Fair Housing Month in recognition of the importance of fair housing to our way of life, and I urge our citizens to obey the letter and the spirit of the Fair Housing Law as an expression of the individual rights guaranteed by the United States Constitution.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Seal of the City of Athens affixed this the 11th day of April 2016.

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

Councilman Wales introduced the following resolution:

RESOLUTION TO ACCEPT FISCAL YEAR 2015 AUDIT REPORT

WHEREAS, Section 11-43-85 of the Code of Alabama 1975 requires a city's mayor, at least annually, to appoint an independent public accountant to conduct an examination in accordance with generally accepted auditing standards of all books and accounts of the city since the preceding examination and to make a full report thereof in writing; and

WHEREAS, such examination of the City of Athens' financial statements has been performed for the fiscal year ended September 30, 2015 by the accounting and auditing firm of Johnson, Feigley, Newton and Brand, LLP (JFNB) and a written report thereof has been submitted to the City Council and Mayor);

NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ATHENS, ALABAMA, to accept the report of the audited financial statements of the City of Athens as submitted by JFNB for the fiscal year ended September 30, 2015 and to spread same upon the minutes of the Council in accordance with Section 11-43-85 of the Code of Alabama 1975.

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

Councilman Seibert introduced the following ordinance:

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

ORDINANCE NUMBER 2016-1987

AN ORDINANCE OF THE CITY OF ATHENS, ALABAMA, TO EXEMPT CERTAIN "COVERED ITEMS" FROM THE MUNICIPAL SALES AND USE TAX DURING THE FIRST FULL WEEKEND OF AUGUST, 2016, AS AUTHORIZED BY ACT 2006-574, GENERALLY REFERRED TO AS THE STATE SALES TAX HOLIDAY LEGISLATION.

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

Section 1. In conformity with the provisions Act 2006-574 enacted by the Alabama Legislature during the 2006 Regular Session, providing for a State 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 first Friday in August 2016 (August 5, 2016) and ending at twelve midnight the following Sunday (August 7, 2016).

Section 2. This ordinance shall be subject to all terms, conditions, definitions, time periods, and rules as provided by Act 2006-574, 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 April 11, 2016.

ADOPTED AND APPROVED THIS 11th DAY OF APRIL 2016.

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

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

ATTEST:

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

STATE OF ALABAMA
COUNTY OF LIMESTONE

I, Annette Barnes, City Clerk of the City of Athens, Alabama, do hereby certify that this is a true and correct copy of Ordinance Number 2016-1987 adopted by the City Council of the City of Athens, Alabama, on the 11th day of April 2016.

Witness my hand and seal of this office this the 11th day of April 2016.

Annette Barnes, City Clerk
City of Athens, Alabama

Councilmember Wales moved that unanimous consent be given for immediate consideration of and action on said ordinance, which motion was seconded by Councilmember Cannon, and upon the said motion being put to vote the following vote was recorded: YEAS: Councilmembers Seibert, Wales, Cannon 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 Seibert 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, Cannon 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 resolution:

RESOLUTION

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ATHENS, ALABAMA, to accept the proposal of A&M Cleaning Services to provide pre-move in cleaning services for the new City Hall building. The services to be provided include all cleaning to include floors, surfaces and windows at a cost not to exceed \$5,500.00 and will be a one-time service. This expenditure is to be funded from the Capital Projects Fund, line item #300.500.84600, Construction.

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

Councilman Cannon introduced the following resolution:

RESOLUTION

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ATHENS, ALABAMA, to authorize the Mayor to apply for a drainage improvement Community Development Block Grant for the Athens Elementary area which is bound by 5th Avenue, Jefferson Street, Pryor Street and Town Creek. The grant is administrated by the Department of Alabama Economic Development and Community Affairs. The grant amount is up to \$450,000.00 with a local match up to \$150,000.00. The grant shall be submitted by community Consultants, Huntsville, Alabama.

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

Councilman Cannon introduced the following resolution:

RESOLUTION

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ATHENS, ALABAMA, to authorize the Mayor to execute a task order to Morell Engineering for the design of a sidewalk along Brownsferry Street from Hine Street to south of 12th Street in an amount up to \$15,500.00. The task shall be completed on City Engineering hourly rate schedule. The project shall be funded from the capital projects fund, other infrastructure projects line item.

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

Councilman Wales introduced the following resolution:

RESOLUTION

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ATHENS, ALABAMA, to authorize the Mayor to apply for a Recreational Trails Grant for a trail head at the south terminus of the Swan Creek Greenway. The grant is administrated by the Department of Alabama Economic Development and Community Affairs. The grant amount is up to \$100,000.00 with a local match up to \$20,000.00. The grant shall be submitted by Community Consultants, Huntsville, Alabama.

The motions was seconded by Councilman Cannon and was unanimously carried.

Councilman Seibert introduced the following resolution:

RESOLUTION

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ATHENS, ALABAMA, to authorize the Mayor to execute a task order to Morell Engineering for the design of a sidewalk along Pryor Street from Shaw Street to U.S. 31 in an amount up to \$19,000.00. The task shall be completed on City Engineering hourly rate schedule. The project shall be funded from the capital projects fund, other infrastructure projects line item.

Councilmember Wales moved that unanimous consent be given for immediate consideration of and action on said resolution, which motion was seconded by Councilmember Cannon, and upon the said motion being put to vote the following vote was recorded: YEAS: Councilmembers Seibert, Wales, Cannon 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 Wales and upon the said motion being put to vote the following vote was recorded: YEAS: Councilmembers Seibert, Wales, Cannon 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 TO APPLY FOR
STATE OF ALABAMA INDUSTRIAL DEVELOPMENT GRANT**

WHEREAS, the City of Athens, Alabama, is authorized by law to promote the economic and industrial development of the municipality; and

WHEREAS, Asahi Kasei Plastics North America, Inc., hereinafter referred to as Asahi Kasei, has recently located in the Elm Industrial Park located at 1910 Wilkinson Street in the City of Athens, Alabama; and

WHEREAS, Asahi Kasei has made a significant capital investment in buildings, equipment and site improvements to the industrial site; and

WHEREAS, the City Council of the City of Athens, Alabama is able, with City Council authorization and approval, to apply for certain grant funds and assistance to accomplish the necessary site preparation on behalf of Asahi Kasei;

NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ATHENS, ALABAMA, that the Mayor and/or City Clerk are hereby directed to execute the necessary documents and/or applications to obtain grant funds and other assistance available for the industrial property presently occupied by Asahi Kasei.

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

Councilman Seibert introduced the following resolution:

RESOLUTION

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ATHENS, ALABAMA, to authorize the mayor to issue a task order to Cheek Striping to install safety roadway warning devices for the Edgewood Road curve north of Alabama 99. This project budget is \$4,000.00 and shall be funded from the Gas Tax Fund.

Councilmember Cannon moved that unanimous consent be given for immediate consideration of and action on said resolution, which motion was seconded by Councilmember Wales, and upon the said motion being put to vote the following vote was recorded: YEAS: Councilmembers Seibert, Wales, Cannon 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 Wales and upon the said motion being put to vote the following vote was recorded: YEAS: Councilmembers Seibert, Wales, Cannon 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 2016-1470

**A RESOLUTION SETTING A PUBLIC HEARING TO CONSIDER THE
VACATION OF A PUBLIC WAY**

WHEREAS, this resolution relates to that portion of Malone Street located in the city of Athens, Alabama that runs between Market Street and Washington Street, and is more specifically described as follows:

A TRACT OF LAND LYING IN SECTION 08, TOWNSHIP 03 SOUTH, RANGE 04 WEST, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT AN EXISTING RAILROAD SPIKE AT THE NORTHEAST CORNER OF LOT 6 OF BLOCK 66 OF THE 1914 MAP OF ATHENS AS RECORDED IN PLAT BOOK "A" PAGE 16 IN THE OFFICE OF THE JUDGE OF PROBATE OF LIMESTONE COUNTY, THENCE SOUTH 87 DEGREES 44 MINUTES 27 SECONDS EAST ALONG THE SOUTH RIGHT OF WAY OF MARKET STREET A DISTANCE OF 178.00 FEET TO A POINT, SAID POINT BEING THE POINT OF TRUE BEGINNING OF THE TRACT HEREIN DESCRIBED

THENCE FROM THE POINT OF TRUE BEGINNING CONTINUE ALONG THE SAID SOUTH RIGHT OF WAY OF MARKET STREET SOUTH 87 DEGREES 23 MINUTES 27 SECONDS EAST A DISTANCE OF 50.01 FEET TO A POINT,

THENCE LEAVING THE SAID SOUTH RIGHT OF WAY OF MARKET STREET SOUTH 00 DEGREES 30 MINUTES 28 SECONDS WEST A DISTANCE OF 445.85 FEET TO AN A POINT ON THE NORTH RIGHT OF WAY OF WEST WASHINGTON STREET,

THENCE SOUTH 71 DEGREES 06 MINUTES 00 SECONDS WEST A DISTANCE OF 53.01 FEET TO A POINT,

THENCE LEAVING THE NORTH RIGHT OF WAY OF WEST WASHINGTON STREET NORTH 00 DEGREES 30 MINUTES 28 SECONDS EAST A DISTANCE OF 464.43 FEET TO THE POINT OF TRUE BEGINNING AND CONTAINING 0.52 ACRES, MORE OR LESS.

(herein referred to as the "Public Way");

WHEREAS, upon a request by one or more of the owners of the properties that abut the Public Way, the City of Athens proposes to vacate the Public Way; and

WHEREAS, § 23-4-2 of the *Code of Alabama* requires the City Council to set a public hearing to consider whether to approve the vacation of the Public Way.

THEREFORE BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ATHENS, ALABAMA while in regular session on April 11, 2016 at 5:30 p.m. as follows:

1. A public hearing is hereby scheduled for **May 23, 2016**, at 5:30 p.m., at the City Council Chambers at the Athens City Hall, 200 West Hobbs Street, Athens, Alabama, concerning what action shall be taken on the issue of the proposed vacation.

2. The Mayor and the City Attorney shall cause notice of the proposed action, public hearing, and other relevant matters to be issued pursuant to the *Code of Alabama*.

ADOPTED this the 11th day of April, 2016.

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

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

ATTEST:

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

CERTIFICATION OF CITY CLERK

STATE OF ALABAMA)
LIMESTONE COUNTY)

I, Annette Barnes, 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 11th day of April, 2016.

Witness my hand and seal of office this ____ day of _____, 2016.

Annette Barnes, City Clerk

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

* * *

There being no further business to come before the meeting, the same was, upon motion by Councilman Wales and second by Councilman Seibert, duly and properly adjourned.

/s/ Wayne Harper
PRESIDENT, CITY COUNCIL

ATTEST:

/s/ Annette Barnes
CITY CLERK