

April 25, 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 25, 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. Cade Bolen and Mitchell Shelly, members of the Mayor's Youth Commission, joined Mayor Marks in leading the Pledge of Allegiance. Annette Barnes, City Clerk, was present and recorded the minutes of the meeting. Chris Seibert 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 April 11, 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 Cannon and was unanimously carried. The Chairperson stated that the Minutes of the April 11, 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 Cannon and was unanimously carried.

Ralph Diggins, 100 Willow Street, Athens, addressed the Council regarding Sunday sales of alcohol and expressed his concerns about the potential loss of alcohol tax revenues if Limestone County citizens approve the sale of alcoholic beverages in the County. He presented a written request to have a study performed by City management analyzing the potential financial impact of a successful alcohol referendum for Limestone County and the loss of revenues by prohibiting Sunday sales of alcohol within the City limits.

Marie McLin, 1703 Brookmeade Avenue, Athens, addressed the Council concerning a problem with a beaver dam along Brownsferry Street. She also informed the Council that St. Mark Primitive Baptist Church (one of the City's polling locations) would no longer open its doors to the public after December 31, 2016.

Joy Whitt, 1215 West Market St., Athens, spoke in support of the City creating a dog park. She suggested that the funds in the Whitt fund (no relation to her) combined with private fundraising efforts be used to establish the park. Mayor Marks stated that a committee of four to five people be organized the study the feasibility of the project.

**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 \$4,056.08.

Jon Lewonczyk (Wastewater)	AWEA Annual Technical Conference Orange Beach, Alabama April 9-12, 2016	\$734.10
Harrison Bauer (Water Services)	AWEA Annual Technical Conference Orange Beach, Alabama April 9-12, 2016	\$21.35
Tim Norman (Wastewater)	AWEA Annual Technical Conference Orange Beach, Alabama April 9-12, 2016	\$626.55
Virgil White (Wastewater)	AWEA Annual Technical Conference Orange Beach, Alabama	\$637.44

Roger Mill (Wastewater)	April 9-12, 2016 AWEA Annual Technical Conference Orange Beach, Alabama April 9-12, 2016	\$1,020.44
Jason Fielding (Wastewater)	AWEA Annual Technical Conference Orange Beach, Alabama April 9-12, 2016	\$1,016.20

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 purchase five in-car radars for patrol units for a cost of \$14,562.50 from Stalker Radar. Funding for this purchase will be from the Police Department's existing capital expenditure account.

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 purchase five (5) UHF Kenwood Radios for a cost of \$1,812.50 from Decatur Communications. Funding for this purchase will be from the Police Department's existing capital expenditure account.

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 purchase six (6) armrest printer mounts for a cost of \$2,200.00 from Sharp Communications. Funding for this purchase will be from the Police Department's existing capital expenditure account.

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 the travel expenses in the following amount be approved for Electric Department personnel.

Bath Clem	TVPPA Purchasing Conference Huntsville, Alabama	\$328.98
Blair Davis	AMI Site Visit Atlanta, Georgia	\$343.52
Will Adams	TVPPA Line Design and Staking Certification Stage 3 Nashville, Tennessee	\$161.63

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

**Councilman Wales introduced the following resolution:**

**RESOLUTION NUMBER 2016-1471**

WHEREAS, AT&T has requested to modify an existing telecommunications facility located at 1327 Hwy 251, Athens, AL to provide enhanced wireless services essentially within the corporate limits City of Athens;

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

WHEREAS, both the City and AT&T 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 Special Use Permit for modification of this facility located at 1327 Hwy 251, Athens, AL, which consists of a 281.458' ft. Guyed tower;

THEREFORE, BE IT RESOLVED by the City Council of the City of Athens, Alabama that AT&T is hereby granted a Special Use Permit to modify facilities at 1327 Hwy 251, 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 Certificate of Occupancy, AT&T must remediate the following issues:
  - a. Five of the guyed wire compounds are not secured. Four of the guyed wire compounds need locks and one needs the H-latch replaced.
  - b. Fence post has been left inside compound and needs to be removed from site.
  - c. H-Frame that electrical meter mounted on is not grounded.
  - d. One ice-bridge support is missing its ground.
  - e. AT&T's co-ax for their microwave antenna is missing its grounding bar
2. To prevent warehousing of permits or authorizations and to assure the best service to the City's residents as expeditiously as possible, the facility must be built, activated and be providing service *no later than one hundred twenty (120) days after the issuance of the Special Use Permit or other applicable authorization, subject to commonly accepted force majeure exceptions acceptable to the City.* AT&T may petition the City of an extension of this for good cause shown, but the decision whether or not to grant the extension shall exclusively be the prerogative of the City.
3. AT&T must provide contractor information with 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.
4. 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.
5. AT&T shall not be permitted to actually provide service commercially until the Certificate of Occupancy or its functional equivalent is issued or risk forfeiting its Permit.
6. The Certificate of Occupancy shall not be issued until all fees and costs associated with this Permit, including inspections, have been paid.

ADOPTED this 25th 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

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 re-appoint Jeff Powers to the Personnel Board for a five year term ending March 28, 2021.

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

**Councilman Cannon introduced the following resolution:**

**RESOLUTION**

**AGREEMENT BETWEEN THE CITY OF ATHENS AND MORELL ENGINEERING, INC. FOR  
CONSTRUCTION ENGINEERING AND INSPECTION SERVICES  
PROJECT NO. ACOA63305-ATRP(018)**

WHEREAS, Morell Engineering, Inc. (“CONSULTANT”) is an engineering firm which is qualified to do business in the State of Alabama, and has its principal Alabama office at 711 East Hobbs Street, Athens, AL 35611.

WHEREAS, on \_April 25<sup>th</sup>, 2016 \_, the CONSULTANT shall enter into an agreement (the “Agreement”) with the City of Athens (the “CITY”) to perform Construction Engineering/ Inspection Services (collectively the “Services”): WHEREAS, Project No. IAR-042-000-006 encompasses Paving, Striping and Shoulders of Hines Street from U.S. 72 to Alabama State Route 99,;

WHEREAS, the Project is substantially funded by the Alabama Department of Transportation (“ALDOT”) ATRIP program, ALDOT request the City, interface, and manage and monitor its performance of the Services;

WHEREAS, CONSULTANT acknowledges and agrees that all Services and work on the Project is to be completed in accordance with the applicable federal, ALDOT and City guidelines; and

WHEREAS, the parties desire to enter into this AGREEMENT (the “Agreement”) in order to acknowledge that the CONSULTANT will provide all Services on the Project in a manner that fully complies with applicable federal, ALDOT, and City guidelines. This agreement defines the scope of work to be performed, personnel to be utilized and associated costs, with a budget of \$66,616.44. Project shall be funded from the Capital Project Fund ATRIP line item.

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

**Councilman Wales introduced the following resolution:**

**RESOLUTION**

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ATHENS, ALABAMA, that up to \$50,000.00 be appropriated from the Water/Waste Water Capital Infrastructure Fund and that the Utilities General manager be authorized to use these funds to replace the deteriorated curtain walls at the Water Treatment Plant.

Councilmember Cannon moved that unanimous consent be given for immediate consideration of and action on said resolution, which motion was seconded by Councilmember Seibert, and upon the said motion being put to vote the following vote was recorded: YEAS: Councilmembers Seibert, Wales, 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 Wales thereupon moved that the resolution be finally adopted, 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 announced that the motion for the adoption of the said resolution had been unanimously carried.

**Councilman Seibert introduced the following resolution:**

**RESOLUTION**

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ATHENS, ALABAMA, that up to \$30,000.00 be appropriated from the Capital Infrastructure Fund and that the Utilities General Manager be authorized to use these funds to make necessary repairs to the HVAC system of the Waste Water Treatment Plant.

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**

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ATHENS, ALABAMA, that the bid of \$150,204.00 be accepted from Howard Agency, Laurel, Mississippi for 12 each, 333 kVA voltage regulators, and that the Utilities General Manager be authorized to issue a purchase order for this equipment.

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

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

/s/ Wayne Harper  
PRESIDENT, CITY COUNCIL

ATTEST:

/s/ Annette Barnes  
CITY CLERK