

October 24, 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 Municipal Building, 200 Hobbs Street West in the said City on October 24, 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, Frank Travis, Joseph Cannon and Wayne Harper. Mayor Marks was absent. Shane Black was present and led the Pledge of Allegiance. Annette Barnes, City Clerk, was present and recorded the minutes of the meeting. Harold Wales 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 October 17, 2016 City Council Meeting had been submitted for approval. Councilman Seibert moved that the reading of the Minutes be suspended and that the Minutes be approved as recorded. The motion was seconded by Councilman Wales and was unanimously carried. The Chairperson stated that the Minutes of the October 17, 2016 City Council Work Session Meeting had been submitted for approval. Councilman Seibert moved that the reading of the Minutes be suspended and that the Minutes be approved as recorded. The motion was seconded by Councilman Wales and was unanimously carried.

A public hearing was held to hear comments on the demolition of 1421 12th Street. Bert Bradford, City Building Inspector, reported on the condition of the property and voiced his support for demolition of the structure.

The public hearing was closed.

Councilman Travis introduced the following resolution:

RESOLUTION NUMBER 2016-1495

A RESOLUTION DETERMINING THAT A STRUCTURE AT 1421 12TH 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 presented information to the City Council about one brick and wood residential structure (herein referred to as the “Structure”) located at the real property described as follows:

Address: 1421 12th Street, Athens, Alabama

PARCEL # 10-03-07-4-005-054.000

Legal Description

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

Lots 5 and 6 of Block 3 of the Walnut Hill Subdivision, in the South half of the Southeast Quarter of Section 7, Township 3 South, Range 4 West, according to the map or plat thereof on record in the Probate Office of Limestone County, Alabama.

(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) 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;

(2) 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;

(3) 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;

(4) 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;

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

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

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

(8) 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;

(9) 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;

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 October 24, 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 24th day of October, 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 24th day of October, 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, to approve the travel/education expenses for the Utilities in the total amount of \$601.31.

Mason Matthews	PHMSA Risk Modeling Work Group Houston, Texas October 3 – 5, 2016	\$601.31
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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 approve the payment of budgeted travel/education expenses for specified Water Services employees in the total amount of \$2,772.80.

Frank Eskridge (Water Services)	Alabama-Mississippi AWWA Conference Montgomery, Alabama October 8 – 12, 2016	\$27.45
Eric Morell (Water)	Alabama-Mississippi AWWA Conference Montgomery, Alabama October 8 – 12, 2016	\$729.36

Brian Daniel (Water)	Alabama-Mississippi AWWA Conference Montgomery, Alabama October 8 – 12, 2016	\$746.11
James McWilliams (Water)	Alabama-Mississippi AWWA Conference Montgomery, Alabama October 8 – 12, 2016	\$764.83
Howard Hopkins (Water)	Alabama-Mississippi AWWA Conference Montgomery, Alabama October 8 – 12, 2016	\$505.05

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

Councilman Wales introduced the following ordinance:

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

ORDINANCE NUMBER 2016-2003

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, 2017, 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 2017 (February 24, 2017) and ending at twelve midnight the following Sunday (February 26, 2017).

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 28, 2016.

ADOPTED AND APPROVED THIS 24th DAY OF OCTOBER, 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 2016-2003 adopted by the City Council of the City of Athens, Alabama, on the 24th day of October 2016.

Witness my hand and seal of this office this the 24th day of October 2016.

Annette Barnes, City Clerk

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

Councilman Travis introduced the following resolution:

RESOLUTION

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ATHENS, ALABAMA, to approve the low bid of \$193,474.18 from GRESCO Utility Supply and to authorize the Utilities General Manager to issue a purchase order for this material.

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 low bid of \$226,255.79 from Wesco Distribution and to authorize the Utilities General Manager to issue a purchase order for this material.

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

Councilman Wales made for introduction only the following resolution:

RESOLUTION

BE IT RESOLVED BY THE CITY COUNCIL OF ATHENS, ALABAMA to organize the Finance Department in accordance with the attached organizational chart, which includes the following 20 positions:

- Chief Financial Officer (City Clerk/Treasurer)
- Director of Finance
- Customer Service Manager (One-Stop Shop)
- Accounting Supervisor

- Purchasing Supervisor
- Warehouse Supervisor
- Warehouse Clerk
- Plant Accountant
- Cash Management/Finance Clerk (2)
- Cost Accountant/Payroll Clerk
- Operations Supervisor
- Accountant
- Accounting/Payroll Clerk
- Municipal Court Clerk Administrator
- Municipal Court Clerk/Magistrates (2)
- Van Driver/Senior Center (2)
- Part-time Van Driver

Councilman Wales made for introduction only the following resolution:

RESOLUTION

BE IT RESOLVED BY THE CITY COUNCIL OF ATHENS, ALABAMA to adopt the following job description for which the City Council is the appointing authority in accordance with the Code of Alabama.

- Chief Financial Officer (City Clerk/Treasurer), Job Description dated 9/01/2016.

Councilman Wales made for introduction only the following ordinance:

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

ORDINANCE NUMBER: _____

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ATHENS, ALABAMA, that Ordinance Number 888, establishing a classification list for unclassified employees is hereby amended as follows, effective: 10/24/2016.

Add the following job title to the list of unclassified positions:

- (1) Chief Financial Officer (City Clerk/Treasurer), Manager 3

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

/s/ Wayne Harper
PRESIDENT, CITY COUNCIL

ATTEST:

/s/ Annette Barnes
CITY CLERK