

February 27, 2017

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 February 27, 2017, at 5:30 p.m. The meeting was called to order by Councilman Joseph Cannon, 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. The following members of Boy Scout Troop 236 from Isom's Chapel United Methodist Church joined Mayor Marks in leading the Pledge of Allegiance: Matthew Langston, Aaron Vickers, Aidan Jansen-Sharp, Aidan Harm, Riley Brosch, Trey Sayers, Christian Arnold and Nick Baker. 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 February 13, 2017 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 February 13, 2017 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.

D.W. Daws, 1721 Brownsferry Street, Athens, addressed the Council concerning the condition of the ditches along Brownsferry Street. He stated that inadequate drainage and construction of beaver dams have created standing water which poses a health and safety hazard due to the breeding conditions for mosquitoes. Mr. Daws asked the Council for an answer as to whether the City intends to take any action to clean out the ditches.

Area residents James Holt, 1725 Brownsferry Street, Athens and Jon Collins, 1510 Ella Drive, Athens also spoke to express their concerns over the standing water issues in the area.

Councilman Seibert introduced the following ordinance:

STATE OF ALABAMA,
LIMESTONE COUNTY,
CITY OF ATHENS.

ORDINANCE NUMBER 2017-2014

AN ORDINANCE AMENDING THE CITY CODE CONCERNING UNSAFE STRUCTURES

WHEREAS, the City of Athens utilizes the procedures found in Article IX, Chapter 46 (Health and Sanitation) of the Code of Ordinances, City of Athens, Alabama, to remedy and abate unsafe structures in the City;

WHEREAS, the City Council of the City of Athens desires to amend Section 46-284 concerning the issuance of notice to persons interested in properties that contain unsafe structures;

WHEREAS, the City Council desires to amend Section 46-284(b)(3) so that the notice of the order to abate the unsafe structure may be recorded in the probate office within seven (7) days of the issuance of the order by certified or registered mail (rather than on the same day), since there are occasions where the probate office is closed when the notice issues by mail;

WHEREAS, the City Council desires to amend Section 46-284(d) to make it clear that, where an owner's identity *or whereabouts* are unknown, the City may advertise in the local newspaper once a week for four consecutive weeks in order to give reasonable notice to the owner of the unsafe structure; and

WHEREAS, the City Council desires to amend Section 46-285 to make it clear that the City Council may continue public hearings on unsafe structures, from time to time, in the discretion of the City Council.

THEREFORE BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ATHENS, ALABAMA while in regular session on February 27, 2017 at 5:30 p.m., as follows:

Section 1. Section 46-284(b)(3) of the Code of Ordinances of the City of Athens, Alabama is hereby amended so as to read as follows:

(3) By recording notice of the order, or a copy thereof, in the office of the Judge of Probate of Limestone County, Alabama, within seven (7) days of ~~on or before~~ the date of mailing required by Subsection (b)(1) of this Section.

Section 2. Section 46-284(d) of the Code of Ordinances of the City of Athens, Alabama is hereby amended so as to read as follows:

(d) In the event that the identity or whereabouts of the record property owner(s) cannot be ascertained after a reasonably diligent search, the appropriate municipal official, in addition to complying with the applicable notice provisions in Subsection (b) of this Section, shall issue notice to the unknown or unlocated property owner(s) by publishing a short form of the notice described in Subsection (a) of this Section in the *Athens News Courier* or other publication of general circulation in Limestone County, Alabama, once a week for four consecutive weeks.

Section 3. Section 46-285 of the Code of Ordinances of the City of Athens, Alabama is hereby amended so as to read as follows:

(a) After the time to take action specified in the notice provided for by Section 46-284(a), but no less than fifty (50) days from the date the notice is given as provided for by Section 46-284(b)(1) or the date of the last publication in Section 46-284(d) (if applicable), whichever is later, if the owner of any property cited hereunder fails to comply with the notice prescribed, the City Council shall hold a public hearing to receive any objections to the finding by the appropriate municipal official that the building or structure is unsafe to the extent of becoming a public nuisance. A written request for a public hearing is not necessary. At the public hearing, which may be continued from time to time (in order to permit an owner additional time to abate the public nuisance, in order to receive additional information concerning the property, or for other reason in the discretion of the City Council), the City Council shall also receive any written objections to the finding by the appropriate municipal official. Any such written objection must be submitted to the City Clerk prior to the start of the City Council meeting at which the public hearing is held. No action shall be taken on the finding of the appropriate municipal official until determination thereon is made by the City Council.

Section 4. This ordinance shall become effective upon its adoption and publication as required by law.

Section 5. If any provision of this ordinance, or the application thereof to any person, thing or circumstances, is held invalid by a court of competent jurisdiction, such invalidity shall not affect the provisions or

application of this ordinance that can be given effect without the invalid provisions or application, and to this end, the provisions of this code and such amendments and statutes are declared to be severable.

Section 6. No other provision of the City Code is amended by this Ordinance, unless specifically stated and referenced herein.

Section 7. The provisions of this Ordinance shall be included and incorporated in the Code of Ordinances of the City of Athens as an addition or amendment thereto, and shall be appropriately renumbered as necessary to conform to the uniform numbering system of the Code.

ADOPTED and APPROVED this, the 27th day of February, 2017.

/s/ Joseph Cannon
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 the Ordinance duly adopted by the City Council of the City of Athens, on the 27th day of February, 2017.

Witness my hand and seal of office this the ____ day of _____, 2017.

Annette Barnes, City Clerk

Councilmember Travis 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, 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 Seibert thereupon moved that the ordinance be finally adopted, 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, 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 Harper introduced the following resolution:

RESOLUTION

WHEREAS, on December 19, 2016, the City Council approved a FY 2016 budget amendment to appropriate \$500,000 for capital expenditures,

THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ATHENS, ALABAMA, to allocate the FY 2016 appropriation of \$500,000 as follows:

Police Department	\$	215,000	
Fire Department		40,000	
Street Department		75,000	
Information Technology		95,000	
Cemetery Parks and Recreation		<u>75,000</u>	
Total Capital Expenditures			\$ 500,000

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

Councilman Wales introduced the following resolution:

RESOLUTION

Whereas, the National Association of County and City Health Officials supports community water fluoridation and intends to award funding in a range of \$2,000 to \$35,000 for capital improvements associated with purchasing new equipment to replace aging water fluoridation equipment; and

Whereas, the Athens Water Department has a fluoridation feed system with equipment as much as 49 years old with a diminishing life expectancy; and

Whereas, the grant does not require a local match; and

Whereas, the Athens City Council serves as the governing body for Athens Utilities and council support is required as part of the grant application;

Now, therefore, be it resolved, by the City Council of the City of Athens, Alabama, to authorize the Mayor's Office to apply for the grant to replace the Athens Water Department's aging fluoridation equipment.

ADOPTED and APPROVED this, the 27th day of February, 2017.

/s/ Joseph Cannon
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 Seibert and was unanimously carried.

Councilman Travis introduced the following resolution:

RESOLUTION NUMBER 2017-1509

A RESOLUTION CONTRACTING WITH A THIRD PARTY FOR DEMOLITION SERVICES

WHEREAS, the Athens City Council previously adopted Resolution #2016-1496 calling for the demolition of a structure located at 722 Westmoreland Avenue (as described in more detail in that resolution); and

WHEREAS, the appropriate municipal official has determined that the demolition is best accomplished through contracting with a third party.

THEREFORE BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ATHENS, ALABAMA on February 27, 2017 at 5:30 p.m., that the Mayor (and/or his designee) is authorized to contract, on behalf of the City of Athens, with Strickland Dirt Works LLC to demolish the structure at 722 Westmoreland Avenue (as described in more detail in Resolution #2016-1496), for a cost not in excess of \$7,500.00.

ADOPTED this the 27th day of February, 2017.

/s/ Joseph Cannon
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 27th day of February, 2017.

Witness my hand and seal of office this ____ day of _____, 2017.

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 reschedule the regularly scheduled City Council Meeting on March 13th to March 20, 2017.

The motion was seconded by Councilman Travis 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 the Public Works Director to place an order for a residential side loader CNG garbage truck at a cost not to exceed \$ 308,000.00. This equipment will be purchased from Ingram Equipment Co. The total purchase price of \$308,000.00 will be funded as follows:

- Through a transfer from the Athens Gas Department, in the approximate amount of \$45,000.00 (for the cost of the CNG conversion) and
- Through a transfer of funds from the alcohol fund for the remaining balance of \$263,000.00.

Councilmember Travis 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, 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 resolution had been unanimously carried. Councilmember Wales thereupon moved that the resolution be finally adopted, 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, Travis, Cannon 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 accept the low bid of \$104,906.00 from Siemens Industry, Inc. for eight 15 kV circuit breakers and associated spare parts, to be used in the GE Aviation Substation and the Buck Island Substation.

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

At approximately 6:15 p.m., Councilman Seibert introduced a motion to enter into executive session. Councilman Seibert's motion was then seconded by Councilman Harper. Prior to the vote, City Attorney, Shane Black, provided an oral declaration that the business to be discussed in the executive session satisfied the following exceptions as prescribed in the Open Meetings Act (1) to discuss the consideration the governmental body is willing to offer or accept when considering the purchase, sale, exchange, lease, or market value of real property and (2) to discuss the legal ramifications of and legal options for controversies imminently likely to be litigated if the governmental body pursues a proposed course of action. Councilman Seibert's motion was unanimously carried. Councilman Wales introduced a motion to come out of executive session at approximately 7:15 p.m. Councilman Wales' motion was then seconded by Councilman Seibert and was unanimously carried.

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

