

March 14, 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 March 14, 2022 at 5:30 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, Dana Henry, Frank Travis and Wayne Harper. Councilman Harold Wales was absent. Annette Barnes-Threet, City Clerk, was present and recorded the minutes of the meeting. Wayne Harper 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 February 28, 2022 City Council Meeting had been submitted for approval. Councilman Harper moved that the reading of the Minutes be suspended and that the Minutes be approved as recorded. The motion was seconded by Councilwoman Henry and was unanimously carried. The Chairperson stated that the Minutes of the February 28, 2022 City Council Work Session Meeting had been submitted for approval. Councilman Harper moved that the reading of the Minutes be suspended and that the Minutes be approved as recorded. The motion was seconded by Councilwoman Henry and was unanimously carried.

Mayor Marks recognized Earl Glaze, City of Athens Sanitation Director, for his years of service and congratulated him on his upcoming retirement.

Council President Seibert echoed Mayor Marks' statement and congratulated Mr. Glaze on his retirement.

PUBLIC HEARING REGARDING THE DEANNEXATION OF +/-8.85 ACRES OF PROPERTY LOCATED ON THE WEST SIDE OF MOORESVILLE ROAD, SOUTH OF NEWBY ROAD (ANDREW DUBOIS)

Matt Davidson, City Planner, addressed the City Council concerning the rezone and stated that the Planning Commission recommends approval but the City staff is not in favor of the request.

Taz Morell, Morell Engineering, spoke on behalf of Mr. Dubois regarding the rezone. Mr. Morell stated that part of the property is inside the city limits and the other part is in the county. He also stated that allowing the property owner to de-annex would allow them to tie onto the Limestone County water and sewer systems.

The public hearing was closed.

Council President Seibert announced that the ordinance for the de-annexation would be taken up at the next meeting to allow Mr. Wales the opportunity to vote since the property is in his district.

PUBLIC HEARING REGARDING THE REZONE OF +/-88.29 ACRES LOCATED ON THE EAST SIDE OF US HWY 31, SOUTH OF HATFIELD LAKE RD., FROM R-1-1 (LOW DENSITY SINGLE FAMILY RESIDENTIAL ZONING DISTRICT) TO R-1-2 (MEDIUM DENSITY SINGLE FAMILY RESIDENTIAL ZONING DISTRICT) (DILTINA DEVELOPMENT CORPORATION – LAKEWOOD)

Matt Davidson, City Planner, addressed the City Council concerning the rezone and stated that the Planning Commission and City staff recommend approval of the request.

Councilman Harper introduced the following ordinance:

AN ORDINANCE TO REZONE +/- 88.29 ACRES, LOCATED ON THE EAST SIDE OF US HWY 31, SOUTH OF HATFIELD LAKE RD. FROM R-1-1 (LOW DENSITY SINGLE FAMILY RESIDENTIAL ZONING DISTRICT) TO R-1-2 (MEDIUM DENSITY SINGLE FAMILY RESIDENTIAL ZONING DISTRICT). (DILTINA DEVELOPMENT CORPORATION -LAKEWOOD)

STATE OF ALABAMA
LIMESTONE COUNTY,
CITY OF ATHENS

ORDINANCE NUMBER 2022 – 2212

WHEREAS, the Planning Commission of the City of Athens, Alabama, has made a recommendation to the City Council of the City of Athens, Alabama, that hereinafter described areas should be rezoned from R-1-1 (Low Density Single Family Residential Zoning District) to R-1-2 (Medium Density Single Family Residential Zoning District).

NOW, THEREFORE BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ATHENS, ALABAMA, as follows:

That all of the hereinafter described area or real estate is hereby zoned R-1-2 (Medium Density Single Family Residential Zoning District) in accordance with and defined by “The Zoning Ordinance of the City of Athens, Alabama,” and that the area which is zoned as aforesaid is situated in Athens, Limestone County, Alabama, and is more particularly described as follows:

LEGAL DESCRIPTION

All that certain lot or parcel of land situated in Limestone County, State of Alabama, and being more particularly described as follows:

A PARCEL OF LAND SITUATED IN SECTIONS 21, 22, 27 AND 28, TOWNSHIP 3 SOUTH, RANGE 4 WEST, HUNTSVILLE MERIDIAN, LIMESTONE COUNTY, ALABAMA MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHEAST CORNER OF LOT 49 OF COUNTRY CLUB ACRES RECORDED IN PLAT BOOK C PAGES 69-70 IN THE OFFICE OF PROBATE, LIMESTONE COUNTY, ALABAMA; THENCE RUN NORTH 88 DEGREES 35 MINUTES 33 SECONDS WEST 721.31 FEET ALONG THE NORTH LINE OF SAID COUNTRY CLUB ACRES; THENCE RUN NORTH 88 DEGREES 45 MINUTES 02 SECONDS WEST 1465.65 FEET ALONG THE NORTH LINE OF SAID COUNTY CLUB ACRES; THENCE RUN SOUTH 09 DEGREES 48 MINUTES 13 SECONDS EAST 41.75 FEET ALONG THE BOUNDARY OF SAID COUNTRY CLUB ACRES; THENCE RUN NORTH 88 DEGREES 20 MINUTES 02 SECONDS WEST 134.62 FEET ALONG THE BOUNDARY OF SAID COUNTRY CLUB ACRES TO THE EAST RIGHT OF WAY OF U.S. HIGHWAY 31; THENCE RUN NORTH 00 DEGREES 28 MINUTES 16 SECONDS WEST 1016.12 FEET ALONG THE EAST RIGHT OF WAY OF SAID U.S. HIGHWAY 31 TO THE SOUTH RIGHT OF WAY OF MEYERS ROAD; THENCE RUN S 87 DEGREES 58 MINUTES 27 SECONDS EAST 972.69 FEET ALONG THE SOUTH RIGHT OF WAY OF SAID MEYERS ROAD; THENCE RUN NORTH 01 DEGREES 25 MINUTES 00 SECONDS EAST 514.71 FEET ALONG THE EAST RIGHT OF WAY OF SAID MEYERS ROAD TO THE SOUTH RIGHT OF WAY OF HATFIELD LAKE ROAD; THENCE RUN N63 DEGREES 23 MINUTES 46 SECONDS EAST 249.79 FEET ALONG THE SOUTH RIGHT OF WAY OF SAID HATFIELD LAKE ROAD; THENCE RUN NORTH 66 DEGREES 04 MINUTES 29 SECONDS EAST 132.28 FEET ALONG THE SOUTH RIGHT OF WAY OF SAID HATFIELD LAKE ROAD; THENCE RUN NORTH 75 DEGREES 06 MINUTES 20 SECONDS EAST 143.54 FEET ALONG THE SOUTH RIGHT OF WAY OF SAID HATFIELD LAKE ROAD; THENCE RUN NORTH 87 DEGREES 08 MINUTES 23 SECONDS EAST 159.11 FEET ALONG THE SOUTH RIGHT OF WAY OF SAID HATFIELD LAKE ROAD; THENCE RUN SOUTH 85 DEGREES 39 MINUTES 07 SECONDS EAST 184.47 FEET ALONG THE SOUTH RIGHT OF WAY OF SAID HATFIELD LAKE ROAD; THENCE RUN SOUTH 80 DEGREES 08 MINUTES 14 SECONDS EAST 406.00 FEET ALONG THE SOUTH RIGHT OF WAY OF SAID HATFIELD LAKE ROAD; THENCE RUN SOUTH 88 DEGREES 14 MINUTES 02 SECONDS EAST 637.03 FEET ALONG THE SOUTH RIGHT OF WAY OF SAID HATFIELD LAKE ROAD; THENCE RUN NORTH 89 DEGREES 31 MINUTES 23 SECONDS EAST 303.00 FEET ALONG THE SOUTH RIGHT OF WAY OF SAID HATFIELD LAKE ROAD; THENCE RUN SOUTH 05 DEGREES 15 MINUTES 24 SECONDS WEST 182.93 FEET; THENCE RUN SOUTH 15 DEGREES 12 MINUTES 13 SECONDS WEST 184.00 FEET; THENCE RUN SOUTH 07 DEGREES 51 MINUTES 24 SECONDS EAST 369.07 FEET; THENCE RUN SOUTH 00 DEGREES 05 MINUTES 33 SECONDS EAST 129.77 FEET TO THE NORTH LINE OF A PARCEL OF LAND DESCRIBED IN FICHE 1935 PAGE 35; THENCE RUN NORTH 88 DEGREES 40 MINUTES 30 SECONDS WEST ALONG THE NORTH LINE OF SAID PARCEL; THENCE RUN NORTH 88 DEGREES 40 MINUTES 08 SECONDS WEST 599.73 FEET ALONG THE NORTH LINE OF ATHENS COUNTRY CLUB ESTATES RECORDED IN PLAT BOOK D PAGE 86; THENCE RUN SOUTH 01 DEGREES 24 MINUTES 52

SECONDS WEST 782.00 FEET ALONG THE WEST LINE OF SAID ATHENS COUNTRY CLUB ESTATES BACK TO THE POINT OF BEGINNING.

SAID PARCEL CONTAINING 88.29 ACRES (3,845,814 SQ. FT.) MORE OR LESS.

ADOPTED and APPROVED this, the 14th day of March, 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 Harper, and upon the said motion being put to vote the following vote was recorded: YEAS: Councilmembers Seibert, Travis, 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 Henry and upon the said motion being put to vote the following vote was recorded: YEAS: Councilmembers Seibert, Travis, Henry and Harper; NAYS: None. The President thereupon announced that the motion for the adoption of the said ordinance had been unanimously carried.

Garth Lovvorn, Jr., Athens Arts League President, addressed the City Council and expressed his appreciation for all that they do for the City of Athens. He thanked them for giving the Arts League an extension for providing proof of what has been done and what they plan to do with the Scout House.

Councilman Travis 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 "SPECIAL EVENTS Retail On Premises Consumption," alcohol license:

ACS Foundation
Db: Athens Supper Club
Marion Street between Washington & Market
Athens, AL 35611
Event Date: April 9, 2022

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

Councilman Travis introduced the following resolution:

RESOLUTION

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ATHENS, ALABAMA, at its meeting on March 14, 2022, that the City Planner for the City of Athens is authorized to enter into a contract agreement with Versivo Software Corporation for the purchase and implementation of their development and project tracking database software for the City of Athens at a cost of \$72,793.00

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

Councilman Travis 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:

Rhett Murphy	\$64.26
2022 Alabama Vegetation Management Society Annual Conference	

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 THE CITY OF ATHENS, ALABAMA, to appropriate up to \$50,000.00 for the Swan Creek Trailhead parking and lighting and shall be funded from the 2018 General Obligation Warrant Improvement Fund.

Councilmember Henry moved that unanimous consent be given for immediate consideration of and action on said resolution, which motion was seconded by Councilmember Travis, and upon the said motion being put to vote the following vote was recorded: YEAS: Councilmembers Seibert, Travis, 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 Harper thereupon moved that the resolution be finally adopted, which motion was seconded by Councilmember Henry and upon the said motion being put to vote the following vote was recorded: YEAS: Councilmembers Seibert, Travis, 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 appropriate up to \$72,000.00 for the Houston Memorial Library and shall be funded from the 2018 General Obligation Warrant Improvement Fund.

Councilmember Henry moved that unanimous consent be given for immediate consideration of and action on said resolution, which motion was seconded by Councilmember Travis, and upon the said motion being put to vote the following vote was recorded: YEAS: Councilmembers Seibert, Travis, 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 Harper thereupon moved that the resolution be finally adopted, which motion was seconded by Councilmember Henry and upon the said motion being put to vote the following vote was recorded: YEAS: Councilmembers Seibert, Travis, 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 recognized Ms. Anita Raby and her fellow board members of the Houston Memorial Library & Museum.

Ms. Anita Raby, Houston Memorial Library, asked the board members of the library to stand up and be recognized. Members present were: Randy Harbin, Marsha White, John Cotton, Teresa Brown and Vicky Stevenson. Wade Batts was out of town. Ms. Raby stated that she appreciated the City Council for approving the appropriation and that it would help finalize the restoration of the north and east sides of the home.

Councilman Travis introduced the following resolution:

RESOLUTION

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ATHENS, ALABAMA, to appropriate up to \$50,000.00 for small children playground equipment at Jimmy Gill Park and shall be funded from the 2018 General Obligation Warrant Improvement Fund.

Councilmember Henry 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, Travis, 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 Travis 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, Travis, 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 declare the following as surplus property and to authorize the Public Works Department to dispose of by public auction. The proceeds of the declared surplus equipment shall be assigned to the Public Works Capital Line item.

2006 Dodge Ram 1500 VIN 1D7HA18256J179561 190,000 miles
2007 Ford Expedition VIN 1FMFU15547LA72008 186,210 miles

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

Councilwoman Henry introduced the following resolution:

RESOLUTION

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ATHENS, ALABAMA, at its meeting on March 14, 2022, that the Council authorizes a capital amount of \$34,338.00 to be funded from the Water Services cash reserves for a small public works contract with Apel Machine and Supply Company to install a sewer step systems low-pressure force main in Westgate Subdivision, and the Water Services Director, for and on behalf of the City of Athens, is authorized to enter into this contract to complete this work.

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

Councilwoman Henry introduced the following resolution:

RESOLUTION NUMBER 2022 – 1795

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ATHENS, ALABAMA, to authorize the Mayor to enter into an agreement with Miller and Miller Construction, Inc. to extend sidewalks along Elm St (SR-99) and to construct a pedestrian bridge across Swan Creek. The estimated cost of TAPAA-TA21 (919) project has a construction budget of \$963,500. Federal TAP funds of \$640,000 have been awarded. City's original match of \$160,000 and the remaining \$163,500 overage shall be funded from the Capital Infrastructure Fund.

ADOPTED and APPROVED this, the 14th day of March, 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, Travis, 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 Harper and upon the said motion being put to vote the following vote was recorded: YEAS: Councilmembers Seibert, Travis, 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 NUMBER 2022 – 1796

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ATHENS, ALABAMA, to authorize the Mayor to enter into an agreement with Morell Engineering, Inc. for the construction, engineering and inspection services for TAPAA-TA21(919). The project scope is to extend sidewalks along Elm St (SR-99) and to construct a pedestrian bridge across Swan Creek. The CE&I budget is \$95,975.00 and shall be funded from the City of Athens Capital Infrastructure Fund.

ADOPTED and APPROVED this, the 14th day of March, 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 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, Travis, 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 Harper thereupon moved that the resolution be finally adopted, which motion was seconded by Councilmember Travis and upon the said motion being put to vote the following vote was recorded: YEAS: Councilmembers Seibert, Travis, Henry and Harper; NAYS: None. The President thereupon announced that the motion for the adoption of the said resolution had been unanimously carried.

Councilwoman Henry made for “Introduction Only” the following resolution:

RESOLUTION

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ATHENS, ALABAMA, to appropriate \$60,000.00 to Athens Arts League for the renovation of the Scout Music House and shall be funded from the City of Athens Alcohol Fund. This funding will be split 50/50 by the City of Athens and the City of Athens Board of Education.

* * *

There being no further business to come before the meeting, Council President Seibert asked if there were any objections to adjourning the meeting. There being none, the meeting was duly and properly adjourned.

/s/Chris Seibert

PRESIDENT, CITY COUNCIL

ATTEST:

/s/ Annette Barnes

CITY CLERK