

March 25, 2019

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 Athens on March 25, 2019, at 5:30 p.m. The meeting was called to order by Councilman Harold Wales, President of the Council. Upon roll call, the following were found to be present: Councilmembers Harold Wales, Frank Travis, Joseph Cannon, Chris Seibert and Wayne Harper. Mayor Marks was joined by Lily Teeter, Audrey Teeter, Colin Burroughs and AJ LaGrone in leading the Pledge of Allegiance. Annette Barnes, City Clerk, was present and recorded the minutes of the meeting. Joseph Cannon 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 11, 2019 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 Cannon and was unanimously carried. The Chairperson stated that the Minutes of the March 11, 2019 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 Cannon and was unanimously carried.

Mayor Marks presented a proclamation declaring April as National Donate Life Month. Lily Teeter, a 10 year old awaiting a life-saving transplant, thanked the Mayor and Council for having her at the meeting and relayed her message of always having hope and faith.

A public hearing was held to annex and rezone property for Newby Chapel, LLC., located at 24308 Newby Road.

James Rich, Public Works Director, reported that the Planning Commission recommends the annexation and rezoning of the property for Newby Chapel, LLC., as requested.

**Councilman Seibert introduced the following ordinance:**

**AN ORDINANCE TO ANNEX PROPERTY FOR NEWBY CHAPEL, LLC. , LOCATED AT 24308 NEWBY ROAD.**

STATE OF ALABAMA,  
LIMESTONE COUNTY,  
CITY OF ATHENS

**ORDINANCE NUMBER 2019 – 2071**

WHEREAS, on the 21st day of JANUARY, 2019, NEWBY CHAPEL, LLC. being the owner of all of the real property hereinafter described, did file with City of Athens a petition asking that the said tracts or parcels of land be annexed to and become a part of the City of Athens; and

WHEREAS, said petitions did contain the signatures of all of the owners of the described territory and a map of said property showing its relationship to the corporate limits of the City of Athens, Alabama; and

WHEREAS, the governing body did determine that it is in the public interest that said property be annexed into the City of Athens, and it did further determine that all legal requirements for annexing said real property have been met pursuant to Section 11-42-20 through 11-42-24, Code of Ala. 1975;

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

SECTION 1. The City Council of the City of Athens, Alabama, finds and declares as the legislative body of the City that it is in the best interest of the citizens of the City, and the citizens of the affected area, to bring the territory in Section 2 of this ordinance into the City of Athens.

SECTION 2. The boundary lines of the City of Athens, Alabama are hereby altered or rearranged so as to include all of the territory heretofore encompassed by the corporate limits of the City of Athens, Alabama, and in addition thereto the following described territory, to wit:

COMMENCING AT THE NORTHEAST CORNER OF THE NORTHWEST QUARTER OF SECTION 31 TOWNSHIP 3 SOUTH RANGE 3 WEST, THENCE RUN SOUTH 00°08'43" WEST AT A DISTANCE OF 501.99 FEET TO A THE POINT OF BEGINNING AND PASSING A CAPPED IRON PIN FOUND ON THE SOUTHERN RIGHT-OF-WAY FOR NEWBY ROAD AT 29.79 FEET.

THENCE FROM THE POINT OF BEGINNING RUN SOUTH 00°08'43" WEST AT A DISTANCE OF 65.43 FEET TO A FOUND IRON PIN WITH A CAP STAMPED "BLEVINS" ON THE NORTHERN RIGHT-OF-WAY FOR MAHALO CIRCLE;

THENCE RUN SOUTH 00°06'29" WEST AT A DISTANCE OF 1453.23 FEET TO A FOUND IRON PIN WITH A CAP STAMPED "BLEVINS";

THENCE RUN SOUTH 00°05'04" WEST AT A DISTANCE OF 423.89 FEET TO A FOUND IRON PIN WITH A CAP STAMPED "BLEVINS" ON THE NORTHERN RIGHT-OF-WAY FOR NANI DRIVE;

THENCE RUN SOUTH 00°03'48" EAST AT A DISTANCE OF 213.20 FEET TO A FOUND 1/2" REBAR;

THENCE RUN NORTH 89°33'21" WEST AT A DISTANCE OF 1327.38 FEET TO A FOUND 1/2" REBAR;

THENCE RUN NORTH 00°04'29" EAST AT A DISTANCE OF 2155.32 FEET TO A POINT AND PASSING A FOUND 1/2" REBAR AT 440.24';

THENCE RUN SOUTH 89°34'28" EAST AT A DISTANCE OF 1327.86 FEET AND BACK TO THE POINT OF BEGINNING.

SAID TRACT OF LAND CONTAINS 65.68 ACRES, +/-.

SECTION 3. This ordinance shall be published as provided by law, and a certified copy of same, together with certified copies of the petitions of the property owners, shall be filed with the Probate Judge of Limestone County, Alabama.

SECTION 4. The territory described in this ordinance shall become a part of the corporate limits of Athens, Alabama, upon publication of this ordinance as set forth in Section 3, above.

SECTION 5. The territory described in this ordinance shall, upon becoming a part of the corporate limits of Athens, Alabama, be zoned as R-1-3 High Density Single Family Residential District, in accordance with the Zoning Ordinance of the City of Athens, Alabama.

ADOPTED and APPROVED this, the 25<sup>th</sup> day of March, 2019.

/s/ Harold Wales  
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 25<sup>th</sup> day of March, 2019.

Witness my hand and seal of office this the 25<sup>th</sup> day of March, 2019.

/s/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 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 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 Seibert introduced the following ordinance:**

**AN ORDINANCE TO REZONE PROPERTY FOR NEWBY CHAPEL, LLC. FROM AN R-1-1 SINGLE FAMILY LOW DENSITY RESIDENTIAL DISTRICT TO AN R-1-3 SINGLE FAMILY HIGH DENISTY RESIDENTIAL DISTRICT. PROPERTY CONSISTS OF +/- 14.4 ACRES LOCATED AT 24308 NEWBY ROAD, WITHIN THE COORPORATE LIMITS OF THE CITY OF ATHENS.**

STATE OF ALABAMA,  
LIMESTONE COUNTY,  
CITY OF ATHENS

**ORDINANCE NUMBER 2019 - 2072**

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 an R-1-1 Single Family Low Density Residential District to an R-1-3 Single Family High Density Residential District.

The City Council of the City of Athens, Alabama, finds that "The Zoning Ordinance of the City of Athens, Alabama," should be amended so as to rezone the hereinafter described area as "an R-1-3 Single Family High Density Residential District".

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

COMMENCING AT THE NORTHEAST CORNER OF THE NORTHWEST QUARTER OF SECTION 31 TOWNSHIP 3 SOUTH RANGE 3 WEST, THENCE RUN SOUTH 00°08'43" WEST AT A DISTANCE OF 29.79 FEET TO A CAPPED IRON PIN FOUND ON THE SOUTHERN RIGHT-OF-WAY FOR NEWBY ROAD, SAID POINT BEING THE POINT OF BEGINNING.

THENCE FROM THE POINT OF BEGINNING RUN SOUTH 00°08'43" WEST AT A DISTANCE OF 472.20 FEET TO A POINT;

THENCE RUN NORTH 89°34'28" WEST AT A DISTANCE OF 1327.86 FEET TO A POINT;

THENCE RUN NORTH 00°04'29" EAST AT A DISTANCE OF 472.21 FEET TO A 1/2" REBAR FOUND ON SAID SOUTHERN RIGHT-OF-WAY;

THENCE RUN SOUTH 89°34'28" EAST AT A DISTANCE OF 1328.44 FEET AND BACK TO THE POINT OF BEGINNING.

SAID TRACT OF LAND CONTAINS 14.40 ACRES +/-.

ADOPTED and APPROVED this, the 25<sup>th</sup> day of March, 2019.

/s/ Harold Wales

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 25<sup>th</sup> day of March, 2019.

Witness my hand and seal of office this the 25<sup>th</sup> day of March, 2019.

/s/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 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 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.

A public hearing was held to rezone property for Breland Homes, LLC., from an EST Estate Residential and Agricultural District to a C-PUD Conventional Planned Unit Development District located on the south side of Nick Davis Road, directly adjacent to the east side of the Vineyard Residential Subdivision.

Michael Howell, 22740 Nick Davis Road, Athens, addressed the Council with concerns about the possible future rezoning of the 2.3 acre transitional lot. He stated that he owns 5 acres adjoining the transitional lot and is concerned that it might be converted to the .24 acre per lot size allowed under the C-PUD conventional planned unit development district. Public Works Director, James Rich, provided an assurance that this could not occur under the existing zoning laws.

Scott Marshall then inquired as to the provision for property set-backs under the C-PUD developments. Mr. Rich stated that this zoning requires a minimum 20 foot front and rear set-back and 6 foot side set-backs.

Mr. Rich also reported that the Planning Commission does recommend this rezoning request.

**Councilman Cannon introduced the following ordinance:**

**AN ORDINANCE TO REZONE PROPERTY FOR BRELAND HOMES, LLC. FROM AN EST ESTATE RESIDENTIAL AND AGRICULTURAL DISTRICT TO A C-PUD CONVENTIONAL PLANNED UNIT DEVELOPMENT DISTRICT. PROPERTY CONSISTS OF +/-37.57 ACRES LOCATED ON THE SOUTH SIDE OF NICK DAVIS ROAD, DIRECTLY ADJACENT TO THE EAST SIDE OF THE VINEYARD RESIDENTIAL SUBDIVISION, WITHIN THE COORPORATE LIMITS OF THE CITY OF ATHENS.**

STATE OF ALABAMA,  
LIMESTONE COUNTY,  
CITY OF ATHENS

**ORDINANCE NUMBER 2019 – 2073**

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 an EST Estate Agricultural and Residential District to a C-PUD, Conventional Planned Unit Development District.

The City Council of the City of Athens, Alabama, finds that “The Zoning Ordinance of the City of Athens, Alabama,” should be amended so as to rezone the hereinafter described area as “C-PUD Conventional Planned Unit Development District”.

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

ALL THAT PART OF SECTION 11, TOWNSHIP 3 SOUTH, RANGE 4 WEST OF THE HUNTSVILLE MERIDIAN, LIMESTONE COUNTY, ALABAMA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS TO WIT:

BEGINNING AT A POINT WHICH LIES ON THE SOUTHERN RIGHT OF WAY FOR NICK DAVIS ROAD, SAID POINT BEING LOCATED SOUTH 00 DEGREES 46 MINUTES 24 SECONDS WEST, 1025.73 FEET, SOUTH 00 DEGREES 25 MINUTE 12 SECONDS WEST, 524.97 FEET. SPITJ 84 DEGREES 58 MINUTES 48 SECONDS WEST, 201.42 FEET AND SOUTH 00 DEGREES 50 MINTUES 33 SECONDS WEST, 60.06 FEET FROM THE NORTHEAST CORNER OF THE NORTHWEST QUARTER OF THE NORTHEAST QUARTER OF SAID SECTION 11;

THENCE FROM THE POINT OF BEGINNING AND LEAVING SAID SOUTHERN RIGHT-OF-WAY FOR NICK DAVIS ROAD SOUTH 00 DEGREES 50 MINUTES 33 SECONDS WEST, 1035.13 FEET TO A POINT;  
THENCE NORTH 89 DEGREES 27 MINUTES 40 SECONDS WEST, 1112.15 FEET TO A POINT;  
THENCE NORTH 89 DEGREES 34 MINUTES 22 SECONDS WEST, 597.00 FEET TO A POINT;  
THENCE NORTH 00 DEGREES 27 MINTUES 14 SECONDS WEST, 868.07 FEET TO A POINT ON THE SOUTHERN RIGHT-OF-WAY FOR NICK DAVIS ROAD;  
THENCE ALONG SAID SOUTHERN RIGHT-OF-WAY FOR NICK DAVIS ROAD NORTH 84 DEGREES 58 MINUTES 48 SECONDS EAST, 1737.82 FEET TO THE POINT OF BEGINNING AND CONTAINING 37.57 ACRES, MORE OR LESS.

ADOPTED and APPROVED this, the 25<sup>th</sup> day of March, 2019.

/s/ Harold Wales  
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 25<sup>th</sup> day of March, 2019.

Witness my hand and seal of office this the 25<sup>th</sup> day of March, 2019.

/s/Annette Barnes  
City Clerk

Councilmember Harper 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 Cannon thereupon moved that the ordinance 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, 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.

A public hearing was held to rezone property for Linton Road, LLC. from an EST Estate Residential and Agricultural District to a C-PUD Conventional Planned Unit Development District, located on the north side of Nick Davis Road, directly adjacent to the east side of 22469 Nick Davis Road.

Public Works Director, James Rich, addressed the Council to report that the Planning Commission does recommend rezoning this property to the C-PUD Conventional Planned Unit Development District, which will include commercial development, as well as attached single family townhouses and detached single family homes.

**Councilman Cannon introduced the following ordinance:**

**AN ORDINANCE TO REZONE PROPERTY FOR LINTON ROAD, LLC. FROM AN EST ESTATE RESIDENTIAL AND AGRICULTURAL DISTRICT TO A C-PUD CONVENTIONAL PLANNED UNIT DEVELOPMENT DISTRICT. PROPERTY CONSISTS OF +/-58.2 ACRES LOCATED ON THE NORTH SIDE OF NICK DAVIS ROAD, DIRECTLY ADJACENT TO THE EAST SIDE OF 22469 NICK DAVIS ROAD, WITHIN THE COORPORATE LIMITS OF THE CITY OF ATHENS.**

STATE OF ALABAMA,  
LIMESTONE COUNTY,  
CITY OF ATHENS

**ORDINANCE NUMBER 2019 - 2074**

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 an EST Estate Agricultural and Residential District to a C-PUD, Conventional Planned Unit Development District.

The City Council of the City of Athens, Alabama, finds that “The Zoning Ordinance of the City of Athens, Alabama,” should be amended so as to rezone the hereinafter described area as “C-PUD Conventional Planned Unit Development District”.

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

90.76 ACRES LYING IN THE NORTH HALF OF SECTION 11, TOWNSHIP 3 SOUTH, RANGE 4 WEST, LIMESTONE COUNTY, ALABAMA AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT AN IRON PIN AT THE NORTHWEST CORNER OF THE NORTHEAST QUARTER OF SAID SECTION 11;  
THENCE SOUTH 89 DEGREES 53 MINUTES 24 SECONDS EAST FOR A DISTANCE OF 694.91 FEET TO AN IRON PIN;  
THENCE SOUTH 89 DEGREES 31 MINUTES 40 SECONDS EAST, FOR A DISTANCE OF 636.57 FEET TO AN IRON PIN AT THE NORTHEAST CORNER OF THE NORTHWEST QUARTER OF THE NORTHEAST QUARTER OF SAID SECTION 11;  
THENCE SOUTH 00 DEGREES 46 MINUTES 24 SECONDS WEST ALONG A FENCE FOR A DISTANCE OF 1025.73 FEET TO AN IRON PIN;  
THENCE CONTINUE ALONG SAID FENCE, SOUTH 00 DEGREES 25 MINUTES 12 SECONDS WEST FOR A DISTANCE OF 524.97 FEET TO AN IRON PIN ON THE NORTHWELY RIGHT OF WAY MARGIN OF NICK DAVIS ROAD;  
THENCE SOUTH 84 DEGREES 58 MINUTES 48 SECONDS WEST, ALONG THE NORTHERLY RIGHT OF WAY MARGIN OF SAID ROAD FOR A DISTANCE OF 201.42 FEET TO AN IRON PIN;  
THENCE SOUTH 00 DEGREES 50 MINUTES 33 SECONDS WEST FOR A DISTANCE OF 1095.19 FEET TO AN IRON PIN, PASSING THE SOUTHERLY RIGHT OF WAY MARGIN OF SAID ROAD AT A DISTANCE OF 60.06 FEET;

THENCE NORTH 89 DEGREES 27 MINUTES 40 SECONDS WEST FOR A DISTANCE OF 1112.15 FEET TO A CONCRETE MONUMENT AT THE SOUTHWEST CORNER OF THENORTHEAST QUARTER OF SECTION 11;  
THENCE NORTH 89 DEGREES 34 MINUTES 22 SECONDS WEST FOR A DISTANCE OF 597.00 FEET TO A CONCRETE MONUMENT AT THE SOUTHEAST CORNER OF LOT 29 OF THE VINEYARD SUBDIVISION AS RECORDED IN PLAT BOOK F, PAGES 51 AND 52 IN THE OFFICE OF THE JUDGE OF PROBATE, LIMESTONE COUNTY COURT HOUSE, ATHENS, ALABAMA;  
THENCE NORTH 00 DEGREES 27 MINUTES 14 SECONDS WEST ALONG THE EAST BOUNDARY OF SAID SUBDIVISION FOR A DISTANCE OF 868.07 FEET TO A CONCRETE MONUMENT ON THE SOUTHERLY RIGHT OF WAY OF SAID NICK DAVIS ROAD AT THE NORTHEAST CORNER OF SAID SUBDIVISION;  
THENCE NORTH 84 DEGREES 58 MINUTES 48 SECONDS EAST ALONG THE SOUTHERLY RIGHT OF WAY MARGIN OF SAID ROAD FOR A DISTANCE OF 268.06 FEET TO A POINT;  
THENCE LEAVING SAID RIGHT OF WAY, NORTH 00 DEGREES 35 MINTUES 22 SECONDS EAST FOR A DISTANCE OF 287.18 FEET TO AN IRON PIN, PASSING A ONE ANDA HALF INCH STEEL PIPE ON THE NORTHERLY RIGHT OF WAY MARGIN OF SAID ROAD AT A DISTANCE OF 60.04 FEET;  
THENCE NORTH 68 DEGREES 57 MINUTES 24 SECONDS EAST FOR A DISTANCE OF 365.30 FEET TO A CRIMP TOP PIPE;  
THENCE NORTH 00 DEGREES 51 MINUTES 50 SECONDS EAST FOR A DISTANCE OF 506.28 FEET TO AN IRON PIN;  
THENCE NORTH 00 DEGREES 01 MINUTES 30 SECONDS EAST FOR A DISTANCE OF 838.91 FEET TO THE POINT OF BEGINNING, SAID PROPERTY CONTAINING 90.76 ACRES.

LESS AND EXCEPT THERE FROM THE RIGHT OF WAY FOR NICK DAVIS ROAD, SAID RIGHT OF WAY CONTAINING 2.01 ACRES.

ALSO LESS AND EXCEPT THERE FROM THE FOLLOWING DESCRIBED TRACT:

ALL THAT PART OF SECTION 11, TOWNSHIP 3 SOUTH, RANGE 4 WEST OF THE HUNTSVILLE MERIDIAN, LIMESTONE COUNTY, ALABAMA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS TO WIT:

BEGINNING AT A POINT WHICH LIES ON THE SOUTHERN RIGHT OF WAY FOR NICK DAVIS ROAD, SAID POINT BEING LOCATED SOUTH 00 DEGREES 46 MINUTES 24 SECONDS WEST, 1025.73 FEET, SOUTH 00 DEGREES 25 MINUTE 12 SECONDS WEST, 524.97 FEET. SPITJ 84 DEGREES 58 MINUTES 48 SECONDS WEST, 201.42 FEET AND SOUTH 00 DEGREES 50 MINTUES 33 SECONDS WEST, 60.06 FEET FROM THE NORTHEAST CORNER OF THE NORTHWEST QUARTER OF THE NORTHEAST QUARTER OF SAID SECTION 11;

THENCE FROM THE POINT OF BEGINNING AND LEAVING SAID SOUTHERN RIGHT-OF-WAY FOR NICK DAVIS ROAD SOUTH 00 DEGREES 50 MINUTES 33 SECONDS WEST, 1035.13 FEET TO A POINT;  
THENCE NORTH 89 DEGREES 27 MINUTES 40 SECONDS WEST, 1112.15 FEET TO A POINT;  
THENCE NORTH 89 DEGREES 34 MINUTES 22 SECONDS WEST, 597.00 FEET TO A POINT;  
THENCE NORTH 00 DEGREES 27 MINTUES 14 SECONDS WEST, 868.07 FEET TO A POINT ON THE SOUTHERN RIGHT-OF-WAY FOR NICK DAVIS ROAD;  
THENCE ALONG SAID SOUTHERN RIGHT-OF-WAY FOR NICK DAVIS ROAD NORTH 84 DEGREES 58 MINUTES 48 SECONDS EAST, 1737.82 FEET TO THE POINT OF BEGINNING AND CONTAINING 37.57 ACRES, MORE OR LESS.

ADOPTED and APPROVED this, the 25<sup>th</sup> day of March, 2019.

/s/ Harold Wales  
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 25<sup>th</sup> day of March, 2019.

Witness my hand and seal of office this the 25<sup>th</sup> day of March, 2019.

/s/Annette Barnes  
City Clerk

Councilmember Seibert moved that unanimous consent be given for immediate consideration of and action on said ordinance, which motion was seconded by Councilmember Travis, 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 Cannon 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.

A public hearing was held to annex property for Breland Homes, LLC., located on the north side of U.S. Hwy 72 to the west of Norfleet Drive.

Public Works Director, James Rich, stated that the Planning Commission recommends annexation of the property as requested.

**Councilman Travis introduced the following ordinance:**

**AN ORDINANCE TO ANNEX PROPERTY FOR BRELAND HOMES, LLC, LOCATED ON THE NORTH SIDE OF US HWY 72 TO THE WEST OF NORFLEET DRIVE.**

STATE OF ALABAMA,  
LIMESTONE COUNTY,  
CITY OF ATHENS

### ORDINANCE NUMBER 2019 - 2075

WHEREAS, on the 29<sup>th</sup> day of JANUARY, 2019, BRELAND HOMES, LLC. being the owner of all of the real property hereinafter described, did file with City of Athens a petition asking that the said tracts or parcels of land be annexed to and become a part of the City of Athens; and

WHEREAS, said petitions did contain the signatures of all of the owners of the described territory and a map of said property showing its relationship to the corporate limits of the City of Athens, Alabama; and

WHEREAS, the governing body did determine that it is in the public interest that said property be annexed into the City of Athens, and it did further determine that all legal requirements for annexing said real property have been met pursuant to Section 11-42-20 through 11-42-24, Code of Ala. 1975;

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

SECTION 1. The City Council of the City of Athens, Alabama, finds and declares as the legislative body of the City that it is in the best interest of the citizens of the City, and the citizens of the affected area, to bring the territory in Section 2 of this ordinance into the City of Athens.

SECTION 2. The boundary lines of the City of Athens, Alabama are hereby altered or rearranged so as to include all of the territory heretofore encompassed by the corporate limits of the City of Athens, Alabama, and in addition thereto the following described territory, to wit:



ALL THAT PART OF THE NORTHWEST QUARTER OF SECTION 19, TOWNSHIP 3 SOUTH, RANGE 3 WEST OF THE HUNTSVILLE MERIDIAN, LIMESTONE COUNTY, ALABAMA BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS;

BEGINNING AT A ½" YELLOW CAPPED REBAR FOUND (CAP UNREADABLE), PURPORTED TO BE THE NORTHEAST CORNER OF SAID NORTHWEST QUARTER OF SECTION 19;

THENCE FROM THE POINT OF BEGINNING, SOUTH 00 DEGREES 20 MINUTES 42 SECONDS EAST, A DISTANCE OF 1252.59 FEET TO A ½" YELLOW CAPPED REBAR FOUND, STAMPED "MULLINS CA #1001;

THENCE SOUTH 00 DEGREES 25 MINUTES 16 SECONDS EAST, A DISTANCE OF 1053.27 FEET TO AN IRON PIN SET (THIS IRON PIN AND ALL SUBSEQUENT IRON PINS REFERRED TO AS SET ARE ½" REBAR BEARING A YELLOW PLASTIC CAP, STAMPED "MULLINS CA#1001");

THENCE NORTH 88 DEGREES 41 MINUTES 23 SECONDS WEST, A DISTANCE OF 210.00 FEET TO AN IRON PIN SET;

THENCE SOUTH 89 DEGREES 34 MINUTES 44 SECONDS WEST, A DISTANCE OF 812.97 FEET TO A POINT;

THENCE NORTH 00 DEGREES 17 MINUTES 09 SECONDS EAST, A DISTANCE OF 2313.37 FEET TO A ½" OPEN PIPE FOUND;

THENCE SOUTH 89 DEGREES 38 MINUTES 04 SECONDS EAST, A DISTANCE OF 998.18 FEET TO THE **POINT OF BEGINNING** AND CONTAINING 53.57 ACRES, MORE OR LESS.

SECTION 3. This ordinance shall be published as provided by law, and a certified copy of same, together with certified copies of the petitions of the property owners, shall be filed with the Probate Judge of Limestone County, Alabama.

SECTION 4. The territory described in this ordinance shall become a part of the corporate limits of Athens, Alabama, upon publication of this ordinance as set forth in Section 3, above.

SECTION 5. The Planning Commission of the City of Athens, Alabama, has made a recommendation to the City Council of the City of Athens, Alabama, that the hereinafter described area should be zoned as R-1-3 High Density Single Family Residential District and B-2 General Business 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 as R-1-3 High Density Single Family Residential District and B-2, General Business District, in accordance with and defined by "The Zoning Ordinance of the City of Athens, Alabama," and the areas which are zoned as aforesaid are situated in Athens, Limestone County Alabama, and are more particularly described as follows:

**"R-1-3" High Density Single Family Residential District:**

ALL THAT PART OF THE NORTHWEST QUARTER OF SECTION 19, TOWNSHIP 3 SOUTH, RANGE 3 WEST OF THE HUNTSVILLE MERIDIAN, LIMESTONE COUNTY, ALABAMA BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS;

BEGINNING AT A ½" YELLOW CAPPED REBAR FOUND (CAP UNREADABLE), PURPORTED TO BE THE NORTHEAST CORNER OF SAID NORTHWEST QUARTER OF SECTION 19;

THENCE FROM THE POINT OF BEGINNING, SOUTH 00 DEGREES 20 MINUTES 42 SECONDS EAST, A DISTANCE OF 1252.59 FEET TO A ½" YELLOW CAPPED REBAR FOUND, STAMPED "MULLINS CA #1001;

THENCE SOUTH 00 DEGREES 25 MINUTES 16 SECONDS EAST, A DISTANCE OF 1053.27 FEET TO AN IRON PIN SET (THIS IRON PIN AND ALL SUBSEQUENT IRON PINS REFERRED TO AS SET ARE ½” REBAR BEARING A YELLOW PLASTIC CAP, STAMPED “MULLINS CA#1001”);

THENCE NORTH 88 DEGREES 41 MINUTES 23 SECONDS WEST, A DISTANCE OF 210.00 FEET TO AN IRON PIN SET;

THENCE SOUTH 89 DEGREES 34 MINUTES 44 SECONDS WEST, A DISTANCE OF 812.97 FEET TO A POINT;

THENCE NORTH 00 DEGREES 17 MINUTES 09 SECONDS EAST, A DISTANCE OF 2313.37 FEET TO A ½” OPEN PIPE FOUND;

THENCE SOUTH 89 DEGREES 38 MINUTES 04 SECONDS EAST, A DISTANCE OF 998.18 FEET TO THE **POINT OF BEGINNING** AND CONTAINING 53.57 ACRES, MORE OR LESS.

**“B-2” General Business District:**

ALL THAT PART OF THE NORTHWEST QUARTER OF SECTION 19, TOWNSHIP 3 SOUTH, RANGE 3 WEST OF THE HUNTSVILLE MERIDIAN, LIMESTONE COUNTY, ALABAMA BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS;

BEGINNING AT A ½” YELLOW CAPPED REBAR FOUND (CAP UNREADABLE), PURPORTED TO BE THE NORTHEAST CORNER OF SAID NORTHWEST QUARTER OF SECTION 19; THENCE SOUTH 00 DEGREES 20 MINUTES 42 SECONDS EAST, A DISTANCE OF 1252.59 FEET TO A ½” YELLOW CAPPED REBAR FOUND, STAMPED “MULLINS CA #1001; THENCE SOUTH 00 DEGREES 25 MINUTES 16 SECONDS EAST, A DISTANCE OF 1053.27 FEET TO AN IRON PIN SET (THIS IRON PIN AND ALL SUBSEQUENT IRON PINS REFERRED TO AS SET ARE ½” REBAR BEARING A YELLOW PLASTIC CAP, STAMPED “MULLINS CA#1001”); THENCE NORTH 88 DEGREES 41 MINUTES 23 SECONDS WEST, A DISTANCE OF 210.00 FEET TO AN IRON PIN SET AT THE **POINT OF BEGINNING** OF THE TRACT HEREIN DESCRIBED;

THENCE FROM THE POINT OF BEGINNING, SOUTH 00 DEGREES 25 MINUTES 16 SECONDS EAST, A DISTANCE OF 260.00 FEET TO AN IRON PIN SET ON THE NORTHERLY MARGIN OF A RIGHT-OF-WAY FOR U.S. HIGHWAY 72;

THENCE ALONG AND WITH SAID NORTHERLY MARGIN, NORTH 88 DEGREES 41 MINUTES 23 SECONDS WEST, A DISTANCE OF 818.34 FEET TO A 5/8” REBAR FOUND ON SAID NORTHERLY MARGIN;

THENCE LEAVING SAID NORTHERLY MARGIN, NORTH 00 DEGREES 17 MINUTES 09 SECONDS EAST, A DISTANCE OF 235.00 FEET TO A POINT;

THENCE NORTH 89 DEGREES 34 MINUTES 44 SECONDS EAST, A DISTANCE OF 812.97 FEET TO THE **POINT OF BEGINNING** AND CONTAINING 4.64 ACRES, MORE OR LESS.

ADOPTED and APPROVED this, the 25<sup>th</sup> day of March, 2019.

/s/ Harold Wales  
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 25<sup>th</sup> day of March, 2019.

Witness my hand and seal of office this the 25<sup>th</sup> day of March, 2019.

/s/Annette Barnes  
City Clerk

Councilmember Harper 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, 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 Travis thereupon moved that the ordinance be finally adopted, 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 announced that the motion for the adoption of the said ordinance had been unanimously carried.

Melanie Munkeby, 20273 Executive Drive, Athens, addressed the Council concerning businesses being operated from a private residence in her neighborhood in the Houston Place subdivision.

Ralph Diggins, 100 Willow Street, Athens, requested that the City post maps of proposed annexation and rezoning requests on the City’s website so these can be reviewed by concerned citizens prior to City Council meetings.

**Councilman Harper introduced the following resolution:**

**RESOLUTION**

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ATHENS, ALABAMA, to approve travel/education expenses for the following Water Services employees:

Harrison Bauer (Water)	Utility Management Conference Nashville, Tennessee March 6-8, 2019	\$127.02
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The motion was seconded by Councilman Seibert 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 authorize the Water Services Department to proceed with the SCADA upgrade from Troy Systems for \$17,830.00 and computer upgrades at the Water Treatment Plant not to exceed \$11,000.00.

The motion was seconded by Councilman Seibert 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 reappoint Henry White to the Mental Health Center of North Alabama, Inc. Board for a six year term, expiring April 1, 2025.

The motion was seconded by Councilman Seibert 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 approve a purchase from Tallassee Automotive, Inc. for one 2019 Ford F-550 Crew Cab and Chassis for a price of \$47434.00.

The motion was seconded by Councilman Seibert and was 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 following applicant for a, "Retail Beer and Wine Off Premises," type, alcohol license:

Business Name: Jay Ramaji, Inc.  
Dbas: Athens Food Mart 2  
Address: 210 West Elm Street  
Athens, AL 35611

The motion was seconded by Councilman Harper and was carried with four yea votes. Councilman Cannon abstained.

**Councilman Seibert introduced the following resolution:**

**RESOLUTION**

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ATHENS, ALABAMA, to authorize the Water Services Department to proceed with the purchase of computer and GNET software and services from CUES not to exceed \$20,000.00.

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

**Councilman Travis introduced the following proclamation:**

**FAIR HOUSING MONTH**

**WHEREAS**, April 11, 2019 marks the 51st 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 2019, 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 25<sup>th</sup> day of March 2019.

/s/William R. Marks  
Mayor, City of A

Attest:

/s/Annette Barnes  
City Clerk

The motion was seconded by Councilman Seibert 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 following FY2018 budget amendment:

- Capital Expenditure Fund \$ 500,000

The funding for these expenditures will be from the FY 2018 general fund budget surplus through a 9/30/2018 budget amendment to the following line item:

100.527.90112 - Transfers Out-Capital Expenditure Fund \$ 500,000

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 appoint Bert Bradford as the Director of Cemetery, Parks and Recreation.

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 appoint Larry E. Burlingame as an Alternate of the Zoning Board of Adjustments for a three year term, expiring on March 25, 2022.

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

\* \* \*

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

/s/ Harold Wales  
PRESIDENT, CITY COUNCIL

ATTEST:

/s/ Annette Barnes  
CITY CLERK