

May 13, 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 May 13, 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, Wayne Harper, Chris Seibert and Joseph Cannon. The following members of the Mayor's Youth Commission joined Mayor Marks in leading the Pledge of Allegiance: Sophie Bodiford, Elizabeth Hobbs, Cheyenne Jackson, Gigi Griggs, Bonnie Cundiff and Ally Cook. 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 April 22, 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 April 22, 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 the week of May 5th – 11th, 2019 as National Travel Tourism Week to Teresa Todd, the Director of the Athens Limestone Tourism Association.

A public hearing was held concerning the zoning approval for the sale of alcohol by Kellie Drive Hotel Company, LLC., dba: Hampton Inn.

No one spoke in favor of or against.

A public hearing was held concerning the rezoning of property for Athens City Board of Education from an R-1-2 Single Family Medium Density Residential District, to an R-1-5 Single Family Attached Residential District. Property consists of +/- 25.66 acres located at 16152 Lucas Ferry Road, immediately west of Athens Intermediate School.

Public Works Director, James Rich, spoke on behalf of the City of Athens Planning Commission stating that the Commission has reviewed the rezoning application and recommends Council approval of the request.

Councilman Cannon introduced the following ordinance:

AN ORDINANCE TO REZONE PROPERTY FOR ATHENS CITY BOARD OF EDUCATION FROM AN R-1-2 SINGLE FAMILY MEDIUM DENSITY RESIDENTIAL DISTRICT, TO AN R-1-5 SINGLE FAMILY ATTACHED RESIDENTIAL DISTRICT. PROPERTY CONSISTS OF +/- 25.66 ACRES LOCATED AT 16152 LUCAS FERRY ROAD, IMMEDIATELY WEST OF ATHENS INTERMEDIATE SCHOOL.

STATE OF ALABAMA,
LIMESTONE COUNTY,
CITY OF ATHENS

ORDINANCE NUMBER 2019 - 2081

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-1-2 Single Family Medium Density Residential District, to an R-1-5 Single Family Attached 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 "R-1-5 Single Family Attached Residential District".

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

Tract 2 of Athens Intermediate School Subdivision as recorded in Plat Book J Page 160 in the Office of the Judge of Probate for Limestone County

ADOPTED and APPROVED this, the 13th day of May, 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

Councilmember Travis 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 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 resolution:

RESOLUTION

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ATHENS, ALABAMA, to approve the travel/education expenses for the Utilities Finance Department in the amount of \$606.01.

Donna Holland	TVPPA Intro to pricing and rate design Murfreesboro, TN April 2-4, 2019 \$457.51
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Anna Leigh Peacock	TVPPA Purchasing Conference Chattanooga, TN April 9-12, 2019 \$148.50
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The motion was seconded by Councilman Travis 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 travel expenses as follows:

Wayne Harper	Alabama League of Municipalities 2019 Energy, Environment & Natural Resources Committee Meeting April 2, 2019	\$ 351.85
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The motion was seconded by Councilman Travis 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 regular council meeting on Monday, May 27th, 2019 to Thursday, May 23rd, 2019 at the same place and at 4:00 p.m.

The motion was seconded by Councilman Travis 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 reappoint Scott Henry to the Board of Education for another five year term, expiring May 27, 2024.

The motion was seconded by Councilman Travis 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 travel expenses for the following personnel from the Fire Department.

David Andrews	Alabama Department of Public Health 2019 Opioid Summit Montgomery, AL April 26, 2019	\$148.50
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The motion was seconded by Councilman Travis 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 Water Services Department is authorized to proceed with the installation of the main lift station hoist for the WWTP at a cost not to exceed \$35,000 as budgeted.

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

Councilman Seibert introduced the following resolution:

RESOLUTION

WHEREAS, the Board of Directors of North Central Alabama Mental Retardation Authority, Inc. (hereinafter the "Corporation") desires to amend its Certificate of Incorporation and to change the name of the Corporation to NCA 310.

NOW, THEREFORE, BE IT RESOLVED, that the Certificate of Incorporation of North Central Alabama Mental Retardation Authority, Inc., as amended as filed in the Office of the Judge of Probate of Morgan County, be amended as follows:

SECTION 1 of the Certificate of Incorporation is hereby deleted in its entirety, and there is submitted in lieu thereof the following:

"I. NAME OF CORPORATION: The name of the Corporation shall be NCA 310 and any and all reference to North Central Alabama Mental Retardation Authority, Inc. shall hereafter be deemed to refer to as NCA 310."

BE IT FURTHER RESOLVED, that the President is hereby authorized and directed to execute the said Amendment for and on behalf of the Corporation, the Secretary is hereby authorized and directed to attest the President's

signature, and the Secretary is directed to file said Amendment in the Office of the Judge of Probate of Morgan County, Alabama.

ADOPTED and APPROVED this, the 13th day of May, 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

The motion was seconded by Councilman Travis 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 travel expenses for the following Electric Department personnel.

Austin Reeves TVPPA – Lab 3 – Scottsboro, AL	\$113.99
Damian Pugh TVPPA – Lab 3 – Scottsboro, AL	\$102.05
Nick Sandlin TVPPA – Lab 3 – Scottsboro, AL	\$150.74

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

Councilman Harper introduced the following ordinance:

ORDINANCE NUMBER 2019 – 2082

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ATHENS, ALABAMA to amend Section 82.5 (f) to post 25 mph speed limit on the following streets:

Winslow Drive
Creighton Drive
Whitfield Drive
Lexington Drive

ADOPTED and APPROVED this, the 13th day of May, 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

Councilmember Cannon 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 Harper 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.

Councilman Travis introduced the following resolution:

RESOLUTION NO. _____

A RESOLUTION TO PERFORM DUE DILIGENCE WORK ON CERTAIN REAL PROPERTY ALONG HINE STREET

WHEREAS, the City Council has opted to exercise the option to purchase approximately 60 acres of real property along Hine Street;

WHEREAS, said real property is described as follows:

Tract 1 and Tract 2 as shown on the Final Plat of the Woodlands, recorded at Plat Book J, Page 151 in the Office of the Judge of Probate of Limestone County, Alabama

(referred to herein as the "Property");

WHEREAS, prior to closing on the purchase of the Property, the City should perform a due diligence investigation of the Property (including but not limited to environmental site assessment, wetland delineation, preliminary geotechnical exploration, etc.); and

WHEREAS, the City Council wishes to retain Morell Engineering to perform such due diligence investigation for the City, and then to provide a report(s) to the City concerning the same.

THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ATHENS, ALABAMA while in regular session on May ____, 2019 at 5:30 p.m., that the Mayor is authorized, for and on behalf of the City, to contract with Morell Engineering for its engineering services to conduct a due diligence investigation of the Property, for a cost of not more than \$37,700.00, and to provide a report(s) to the City concerning the same.

ADOPTED this the ____ day of May, 2019.

HAROLD WALES, CITY COUNCIL PRESIDENT

ATTEST:

ANNETTE BARNES, CITY CLERK

At this point, President Wales announced that the motion to approve the resolution (entitled **A RESOLUTION TO PERFORM DUE DILIGENCE WORK ON CERTAIN REAL PROPERTY ALONG HINE STREET**) would temporarily be tabled, to be taken up later at the meeting. There was no objection from any council member, and so the motion was temporarily tabled.

Councilman Cannon introduced the following resolution:

RESOLUTION NUMBER 2019 - 1615

**A RESOLUTION EXERCISING AN OPTION
TO PURCHASE REAL PROPERTY ALONG HINE STREET**

WHEREAS, the City Council wishes to acquire an option to purchase approximately 60 acres of real property along Hine Street;

WHEREAS, said real property is described as follows:

Tract 1 and Tract 2 as shown on the Final Plat of the Woodlands, recorded at Plat Book J, Page 151 in the Office of the Judge of Probate of Limestone County, Alabama

(referred to herein as the "Property");

WHEREAS, the City entered into an Option Agreement dated February 26, 2019, giving the City the sole and exclusive option to purchase the Property for \$1,000,000.00 by exercising that option prior to May 27; and

WHEREAS, the City Council anticipates that the Property would be used for either municipal and public purposes, or alternatively, it would be available for use in connection with industrial development.

THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ATHENS, ALABAMA on May 13, 2019 at 5:30 PM, as follows:

1. The Mayor, on behalf of the City of Athens, Alabama, is authorized and directed to exercise the option to purchase the Property, pursuant to the Option Agreement.
2. The Mayor is authorized to take actions and execute such other and further documents as may be necessary to effect and carry out the transactions contemplated by this Resolution and/or the Option Agreement referenced herein, including but not limited to authorizing the expenditure and use of municipal funds as set forth in the Option Agreement; and approving and executing further agreement(s) that are consistent with and involved in carrying out the transactions contemplated by this Resolution.

ADOPTED this the 13th day of May, 2019.

/s/Harold Wales
PRESIDENT, CITY COUNCIL
CITY OF ATHENS, ALABAMA

Councilmember Seibert 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, 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 Cannon thereupon moved that the resolution 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 resolution had been unanimously carried.

At this point, President Wales announced that the previously-tabled resolution (entitled **A RESOLUTION TO PERFORM DUE DILIGENCE WORK ON CERTAIN REAL PROPERTY ALONG HINE STREET**) would be removed from the table, and taken up by the City Council. There was no objection from any council member, and so the previously-tabled resolution was removed from the table to be taken up and considered by the City Council.

The following resolution was previously introduced in the current meeting by Councilman Travis:

RESOLUTION NUMBER 2019 - 1616

A RESOLUTION TO PERFORM DUE DILIGENCE WORK ON CERTAIN REAL PROPERTY ALONG HINE STREET

WHEREAS, the City Council has opted to exercise the option to purchase approximately 60 acres of real property along Hine Street;

WHEREAS, said real property is described as follows:

Tract 1 and Tract 2 as shown on the Final Plat of the Woodlands, recorded at Plat Book J, Page 151 in the Office of the Judge of Probate of Limestone County, Alabama

(referred to herein as the "Property");

WHEREAS, prior to closing on the purchase of the Property, the City should perform a due diligence investigation of the Property (including but not limited to environmental site assessment, wetland delineation, preliminary geotechnical exploration, etc.); and

WHEREAS, the City Council wishes to retain Morell Engineering to perform such due diligence investigation for the City, and then to provide a report(s) to the City concerning the same.

THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ATHENS, ALABAMA while in regular session on May ____, 2019 at 5:30 p.m., that the Mayor is authorized, for and on behalf of the City, to contract with Morell Engineering for its engineering services to conduct a due diligence investigation of the Property, for a cost of not more than \$37,700.00, and to provide a report(s) to the City concerning the same.

ADOPTED and APPROVED this, the 13th day of May, 2019.

/s/ Harold Wales
PRESIDENT, CITY COUNCIL,
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 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 resolution had been unanimously carried. Councilmember Travis thereupon moved that the resolution 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 resolution had been unanimously carried.

Councilman Harper 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 - 2083

WHEREAS, on January 29, 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;

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;

WHEREAS, the Athens City Council determines that it was 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 Sections 11-42-20 through 11-42-24 of the *Code of Alabama*;

WHEREAS, at its regular meeting on March 25, 2019, the City Council adopted Ordinance 2019-2075, which approved the annexation of the above-referenced property, which is located on the north side of U.S. Highway 72 to the West of Norfleet Drive, and the zoning of that property into the R-1-3 (High Density Single Family Residential District) and the B-2 (General Business District); and

WHEREAS, Section 2 of Ordinance 2019-2075 contained an inadvertent typographical error in the legal description of the property, and so the City Council wishes to adopt this Ordinance, which will correctly restate Ordinance 2019-2075.

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.

MORE PARTICULARLY DESCRIBED AS BEGINNING AT A POINT, PURPORTED TO BE THE NORTHEAST CORNER OF SAID NORTHWEST QUARTER OF SECTION 19, THE POINT OF BEGINNING FOR THE TRACT HEREIN DESCRIBED;

THENCE FROM THE POINT OF BEGINNING, SOUTH 00 DEGREES 20 MINUTES 42 SECONDS EAST, A DISTANCE OF 1252.59 FEET TO A POINT;

THENCE SOUTH 00 DEGREES 25 MINUTES 16 SECONDS EAST, A DISTANCE OF 1053.27 FEET TO A POINT;

THENCE NORTH 88 DEGREES 41 MINUTES 23 SECONDS WEST, A DISTANCE OF 210.00 FEET TO A POINT;

THENCE 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 POINT ON SAID NORTHERLY MARGIN;

THENCE LEAVING SAID NORTHERLY MARGIN, NORTH 00 DEGREES 17 MINUTES 09 SECONDS EAST, A DISTANCE OF 2548.68 FEET TO A POINT;

THENCE SOUTH 89 DEGREES 38 MINUTES 04 SECONDS EAST, A DISTANCE OF 998.18 FEET TO THE POINT OF BEGINNING AND CONTAINING 58.197 ACRES, MORE OR LESS.

AND ALSO, The adjoining Right of Way of U.S. Highway 72 for approximately 820 linear feet centerline to the described property.

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.

SECTION 6. 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, this Ordinance is declared to be severable.

ADOPTED and APPROVED this, the 13th day of May, 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

Councilmember Seibert 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 Harper 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.

At approximately 6:03 p.m., Councilman Cannon introduced a motion to enter into executive session. Councilman Cannon's motion was then seconded by Councilman Seibert. 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 exception as prescribed in the Open Meetings Act: 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 Cannon's motion was unanimously approved. The Council came out of executive session at approximately 6:25 p.m. The following resolution was then introduced by Councilman Seibert:

RESOLUTION NUMBER 2019 - 1617

A RESOLUTION APPROVING AN AGREEMENT TO CLOSE OUT THE ATHENS SPORTSPLEX PHASE II PROJECT

WHEREAS, the City of Athens entered into a 2017 contract with Building Construction Associates, Inc. ("BCA") concerning the Sportsplex Phase II Project;

WHEREAS, such project was completed in 2018; and

WHEREAS, the City and BCA have reached an agreement to close out the project.

THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ATHENS, ALABAMA on May 13th, 2019 at 5:30 p.m., as follows:

1. The Mayor is authorized to enter into an agreement, on behalf of the City of Athens, Alabama, with BCA whereby the City pays BCA One Hundred Thousand and 00/100 Dollars (\$100,000.00) as the full and final satisfaction of any payment obligation owed by the City to BCA that arises from the Sportsplex Phase II Project, and the parties release further claims against one another relating to the project.

2. The Mayor is authorized to take all actions and execute such other and further documents as may be necessary to effect and carry out and enforce the terms of said agreement and the transactions contemplated by this Resolution.

ADOPTED and APPROVED this, the 13th day of May, 2019.

/s/ Harold Wales
PRESIDENT, CITY COUNCIL,
CITY OF ATHENS, ALABAMA

Councilmember Travis moved that unanimous consent be given for immediate consideration of and action on said resolution, 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 resolution had been unanimously carried. Councilmember Seibert 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.

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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