

July 26, 2021

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 July 26, 2021 at 5:30 p.m. The meeting was called to order by Councilman Wayne Harper, President of the Council. Upon roll call, the following were found to be present: Councilmembers Wayne Harper, Harold Wales, Frank Travis, Chris Seibert and Dana Henry. Annette Barnes, City Clerk, was present and recorded the minutes of the meeting. Dana Henry 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 July 19, 2021 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 Travis and was unanimously carried. The Chairperson stated that the Minutes of the July 26, 2021 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 Travis and was unanimously carried.

Mayor Marks stated that COVID numbers were back up and that it is a critical time. He encouraged citizens and employees to be cautious and to take care of each other.

A public hearing was held concerning a request for Dirt for Sale, LLC to de-annex +/- acres, on the south side of US Highway 72, southwest of its intersection with McCulley Mill Road, property is zoned R-1-3 High Density Single Family Residential District.

Kelly Range, 303 Brookwood Drive, Athens, stated that the City did not need more de-annexation for dirt and that he is against it.

Scott Marshall, 410 East Washington Street, Athens, agreed with Mr. Range. He stated that he didn't understand what the advantage would be for the de-annexation.

Jacob Brown, Garver Engineering, spoke on behalf of the applicant, Mark Anderson and stated the developer wanted the de-annexation because the City of Athens could not provide water and sanitary services.

Due to the lack of a motion to introduce, the ordinance failed.

A public hearing was held concerning a request for Ozark Properties, LLC to rezone +/-33.03 acres of property located south of Elm Street, north of Market Street, at Arrowhead Drive, from an R-1-1 Low Density Single Family District to an R-1-3 High Density Single Family Residential District.

Scott Marshall, 410 East Washington Street, Athens, stated that the City should ask the developer what the difference in densities will be and if it's something that the people would want.

The public hearing was closed.

Councilwoman Henry introduced the following ordinance:

AN ORDINANCE TO REVIEW THE REQUEST OF OZARK PROPERTIES LLC TO REZONE +/- 33.03 ACRES OF PROPERTY LOCATED SOUTH OF ELM STREET, NORTH OF MARKET STREET, AT ARROWHEAD DRIVE FROM AN R-1-1 LOW-DENSITY SINGLE-FAMILY DISTRICT TO AN R-1-3 HIGH DENSITY SINGLE FAMILY RESIDENTIAL DISTRICT WITHIN THE CORPORATE LIMITS OF THE CITY OF ATHENS.

STATE OF ALABAMA
LIMESTONE COUNTY,
CITY OF ATHENS

ORDINANCE NUMBER 2021 - 2177

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

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

LOT "A"

LOT "A" VALLEY LAND SUBDIVISION LYING EAST OF THE RIGHT OF WAY OF ARROWHEAD DRIVE, AS RECORDED IN PLAT BOOK "G", PAGE 301 IN THE PROBATE OFFICE OF LIMESTONE COUNTY, ALABAMA, BEING LOCATED IN SECTION 6, TOWNSHIP 3 SOUTH, RANGE 4 WEST OF THE HUNTSVILLE MERIDIAN, LIMESTONE COUNTY, ALABAMA, MORE PARTICULARLY DESCRIBED AS BEGINNING AT A CONCRETE MONUMENT AT THE NORTHEAST CORNER OF SAID LOT "A".

THEN FROM THE POINT OF BEGINNING SOUTH 00 DEGREES 32 MINUTES 02 SECONDS WEST A DISTANCE OF 1513.30 FEET TO A 1" PIPE.

THEN SOUTH 70 DEGREES 16 MINUTES 34 SECONDS WEST A DISTANCE OF 366.64 FEET TO A 5/8" REBAR.

THEN SOUTH 16 DEGREES 43 MINUTES 10 SECONDS WEST A DISTANCE OF 364.28 FEET TO A "MULLINS" CAPPED REBAR.

THEN SOUTH 50 DEGREES 41 MINUTES 50 SECONDS WEST A DISTANCE OF 44.48 FEET TO A "MULLINS" CAPPED REBAR ON THE NORTHERN MARGIN OF THE RIGHT OF WAY OF MARTIN ROAD.

THEN ALONG SAID MARGIN AND ALONG THE ARC OF A CURVE TO THE LEFT WHICH HAS A RADIUS OF 1295.64 FEET AND A DELTA ANGLE OF 02 DEGREES 24 MINUTES 46 SECONDS A DISTANCE OF 54.56 FEET (A CHORD BEARING AND DISTANCE OF NORTH 50 DEGREES 25 MINUTES 59 SECONDS WEST, 54.56 FEET TO A "MULLINS" CAPPED REBAR.

THEN LEAVING SAID MARGIN NORTH 29 DEGREES 06 MINUTES 05 SECONDS EAST A DISTANCE OF 218.45 FEET TO A 5/8" CAPPED REBAR.

THEN NORTH 53 DEGREES 53 MINUTES 53 SECONDS WEST A DISTANCE OF 124.85 FEET TO A 5/8" CAPPED REBAR.

THEN NORTH 29 DEGREES 00 MINUTES 23 SECONDS EAST A DISTANCE OF 270.53 FEET TO A 1/2" PIPE.

THEN NORTH 04 DEGREES 22 MINUTES 55 SECONDS EAST A DISTANCE OF 257.17 FEET TO A 1/2" PIPE.

THEN NORTH 58 DEGREES 04 MINUTES 55 SECONDS WEST A DISTANCE OF 315.66 FEET TO A "MULLINS" CAPPED REBAR.

THEN SOUTH 30 DEGREES 56 MINUTES 27 SECONDS WEST A DISTANCE OF 265.45 FEET TO A 1/2" PIPE.

THEN NORTH 55 DEGREES 51 MINUTES 17 SECONDS WEST A DISTANCE OF 300.26 FEET TO A CONCRETE MONUMENT.

THEN NORTH 31 DEGREES 00 MINUTES 33 SECONDS EAST A DISTANCE OF 52.80 FEET TO A CONCRETE MONUMENT.

THEN NORTH 55 DEGREES 50 MINUTES 39 SECONDS WEST A DISTANCE OF 305.45 FEET TO A "MULLINS" CAPPED REBAR ON THE EASTERN MARGIN OF THE RIGHT OF WAY OF ARROWHEAD DRIVE.

THEN ALONG SAID MARGIN NORTH 36 DEGREES 04 MINUTES 41 SECONDS EAST A DISTANCE OF 39.42 FEET TO A "MULLINS" CAPPED REBAR.

THEN CONTINUE ALONG SAID MARGIN AND ALONG THE ARC OF A CURVE TO THE RIGHT WHICH HAS A RADIUS OF 69.92 FEET AND A DELTA ANGLE OF 34 DEGREES 07 MINUTES 04 SECONDS A DISTANCE OF 41.64 FEET (A CHORD BEARING AND DISTANCE OF NORTH 52 DEGREES 05 MINUTES 24 SECONDS EAST, 41.02 FEET) TO A "MULLINS" CAPPED REBAR.

THEN CONTINUE ALONG SAID MARGIN NORTH 69 DEGREES 08 MINUTES 56 SECONDS EAST A DISTANCE OF 34.21 FEET TO A "MULLINS" CAPPED REBAR.

THEN CONTINUE ALONG SAID MARGIN AND ALONG THE ARC OF A CURVE TO THE RIGHT WHICH HAS A RADIUS OF 99.79 FEET AND A DELTA ANGLE OF 22 DEGREES 18 MINUTES 30 SECONDS, A DISTANCE OF 38.85 FEET (A CHORD BEARING AND DISTANCE OF NORTH 80 DEGREES 18 MINUTES 05 SECONDS EAST, 38.61 FEET) TO A "MULLINS" CAPPED REBAR.

THEN CONTINUE ALONG SAID MARGIN SOUTH 88 DEGREES 32 MINUTES 40 SECONDS EAST A DISTANCE OF 123.82 FEET TO A "MULLINS" CAPPED REBAR.

THEN CONTINUE ALONG SAID MARGIN NORTH 01 DEGREE 27 MINUTES 20 SECONDS EAST A DISTANCE OF 60.00 FEET TO A "MULLINS" CAPPED REBAR.

THEN LEAVING SAID MARGIN NORTH 01 DEGREE 27 MINUTES 14 SECONDS EAST A DISTANCE OF 1199.66 FEET TO A 1/2" CAPPED REBAR ON THE SOUTHERN MARGIN OF THE RIGHT OF WAY OF ELM STREET.

THEN ALONG SAID MARGIN SOUTH 89 DEGREES 57 MINUTES 43 SECONDS EAST A DISTANCE OF 80.02 FEET TO A 1/2" REBAR.

THEN LEAVING SAID MARGIN SOUTH 01 DEGREE 26 MINUTES 47 SECONDS WEST A DISTANCE OF 430.23 FEET TO A CONCRETE MONUMENT.

THEN SOUTH 89 DEGREES 43 MINUTES 38 SECONDS EAST A DISTANCE OF 912.31 FEET TO THE POINT OF BEGINNING AND CONTAINING 33.03 ACRES MORE OR LESS AND BEING SUBJECT TO EXISTING UTILITY AND DRAINAGE EASEMENTS AS RECORDED IN PLAT BOOK "G", PAGE 301 IN THE PROBATE OFFICE OF LIMESTONE COUNTY, ALABAMA.

TRACT "B"

ALL OF LOTS 5,6,7,8,9,10, 11, 12, 13, 14, 15 AND 16 OF BRECKENRIDGE SUBDIVISION AS RECORDED IN PLAT BOOK "F", PAGE 17N IN THE PROBATE OFFICE OF LIMESTONE COUNTY ALABAMA, MORE PARTICULARLY DESCRIBED AS BEGINNING AT A CONCRETE MONUMENT AT THE NORTHEAST CORNER OF SAID LOT 9.

THEN FROM THE POINT OF BEGINNING SOUTH 31 DEGREES 00 MINUTES 33 SECONDS WEST A DISTANCE OF 52.80 FEET TO A CONCRETE MONUMENT.

THEN SOUTH 31 DEGREES 05 MINUTES 25 SECONDS WEST A DISTANCE OF 285.77 FEET TO A 5/8" CAPPED REBAR AT THE SOUTHEAST CORNER OF LOT 7 OF SAID SUBDIVISION.

THEN NORTH 55 DEGREES 52 MINUTES 11 SECONDS WEST A DISTANCE OF 513.37 FEET TO A 5/8" CAPPED REBAR AT THE SOUTHWEST CORNER OF LOT 5 OF SAID SUBDIVISION.

THEN NORTH 30 DEGREES 18 MINUTES 48 SECONDS EAST A DISTANCE OF 132.83 FEET TO A CONCRETE MONUMENT AT THE SOUTHEAST CORNER OF LOT 11 OF SAID SUBDIVISION.

THEN NORTH 71 DEGREES 54 MINUTES 01 SECOND WEST A DISTANCE OF 402.29 FEET TO A CONCRETE MONUMENT AT THE SOUTHWEST CORNER OF LOT 13 OF SAID SUBDIVISION.

THEN NORTH 05 DEGREES 21 MINUTES 11 SECONDS EAST A DISTANCE OF 312.40 FEET TO A CONCRETE MONUMENT AT THE NORTHWEST CORNER OF LOT 14 OF SAID SUBDIVISION.

THEN SOUTH 87 DEGREES 53 MINUTES 32 SECONDS EAST A DISTANCE OF 394.73 FEET TO A CONCRETE MONUMENT.

THEN SOUTH 28 DEGREES 02 MINUTES 20 SECONDS EAST A DISTANCE OF 250.11 FEET TO A 1/2" CAPPED REBAR AT THE NORTHWEST CORNER OF LOT 16 OF SAID SUBDIVISION.

THEN SOUTH 88 DEGREES 32 MINUTES 40 SECONDS EAST A DISTANCE OF 372.13 FEET TO A 1/2" CAPPED REBAR ON THE NORTHERN MARGIN OF THE RIGHT OF WAY OF ARROWHEAD DRIVE.

THEN ALONG SAID MARGIN SOUTH 01 DEGREE 27 MINUTES 20 SECONDS EAST A DISTANCE OF 60.00 FEET TO A POINT.

THEN CONTINUE ALONG SAID MARGIN NORTH 88 DEGREES 32 MINUTES 40 SECONDS WEST A DISTANCE OF 123.83 FEET TO A POINT.

THEN CONTINUE ALONG SAID MARGIN AND ALONG THE ARC OF A CURVE TO THE LEFT WHICH HAS A RADIUS OF 99.79 FEET AND A DELTA ANGLE OF 22 DEGREES 18 MINUTES 30 SECONDS A DISTANCE OF 38.85 FEET (A CHORD BEARING AND DISTANCE OF SOUTH 80 DEGREES 18 MINUTES 05 SECONDS WEST, 38.61 FEET) TO A POINT.

THEN CONTINUE ALONG SAID MARGIN SOUTH 69 DEGREES 08 MINUTES 56 SECONDS WEST A DISTANCE OF 34.21 FEET TO A POINT.

THEN CONTINUE ALONG SAID MARGIN AND ALONG THE ARC OF A CURVE TO THE LEFT WHICH HAS A RADIUS OF 69.92 FEET AND A DELTA ANGLE OF 34 DEGREES 07 MINUTES 04 SECONDS A DISTANCE OF 41.64 FEET (A CHORD BEARING AND DISTANCE OF SOUTH 52 DEGREES 05 MINUTES 04 SECONDS WEST, 41.02 FEET) TO A POINT.

THEN CONTINUE ALONG SAID MARGIN SOUTH 36 DEGREES 04 MINUTES 41 SECONDS WEST A DISTANCE OF 39.42 FEET TO THE NORTHWEST CORNER OF LOT 10 OF SAID SUBDIVISION.

THEN SOUTH 55 DEGREES 50 MINUTES 39 SECONDS EAST A DISTANCE OF 305.45 FEET TO THE POINT OF BEGINNING AND CONTAINING 8.64 ACRES MORE OR LESS.

ADOPTED and APPROVED this, the 26th day of July, 2021.

/s/ Wayne Harper
PRESIDENT, CITY COUNCIL,
CITY OF ATHENS, ALABAMA

/s/ William R. Marks
MAYOR, CITY OF ATHENS, ALABAMA

ATTEST:

/s/ Annette Barnes
CITY CLERK, CITY OF ATHENS, ALABAMA

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, 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 Henry 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, Henry 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 concerning a request for Henderson Development Group, LLC to rezone +/-114 acres located on the south side of Pepper Road, north and west of Piney Creek, from an EST – Estate Residential and Agricultural District to a C-PUD Conventional Planned Unit Development District, and also request for recommendation to the City Council for adoption of a Master Plan for King Property Pepper Road.

Taz Morell, Morell Engineering, spoke on behalf of the developer. Mr. Morell gave a visual of the types of development for this particular piece of property.

The public hearing was closed.

Councilman Wales introduced the following ordinance:

AN ORDINANCE TO REVIEW THE REQUEST FOR HENDERSON DEVELOPMENT GROUP, LLC TO REZONE +/- 114 ACRES LOCATED ON THE SOUTH SIDE OF PEPPER ROAD, NORTH AND WEST OF PINEY CREEK FROM EST - ESTATE RESIDENTIAL AND AGRICULTURAL DISTRICT TO C-PUD - CONVENTIONAL PLANNED UNIT DEVELOPMENT DISTRICT, AND ALSO REQUEST FOR RECOMMENDATION TO THE CITY COUNCIL FOR ADOPTION OF A MASTER PLAN FOR KING PROPERTY PEPPER ROAD WITHIN THE CORPORATE LIMITS OF THE CITY OF ATHENS.

STATE OF ALABAMA
LIMESTONE COUNTY,
CITY OF ATHENS

ORDINANCE NUMBER 2021 - 2178

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 Residential and Agricultural District) to C-PUD (Conventional Planned Unit Development).

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 “Conventional Planned Unit Development”.

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 a “Conventional Planned Unit Development (C-PUD) 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:

ALL THAT PART OF THE NORTHEAST QUARTER OF SECTION 13, TOWNSHIP 3 SOUTH, RANGE 4 WEST, LYING NORTH OF THE MIDDLE OF PINEY CREEK AND CONTAINING APPROXIMATELY 113.65 ACRES, MORE OR LESS, AND BEING MORE PARTICULARLY DESCRIBED AS BEGINNING AT THE NORTHWEST CORNER OF SAID NORTHEAST QUARTER AND FROM SAID POINT BEGINNING RUN EAST ALONG THE SECTION LINE OF 2630 FEET TO THE NORTHEAST CORNER OF SAID SECTION;

THENCE SOUTH ALONG THE EAST BOUNDARY OF SAID SECTION, 764 FEET TO A POINT IN THE MIDDLE OF PINEY CREEK;

THENCE DOWN THE MIDDLE OF PINEY CREEK WITH ITS MEANDERINGS TO THE INTERSECTION OF SAID MIDDLE LINE OF PINEY CREEK WITH THE WEST BOUNDARY LINE OF SAID NORTHEAST QUARTER,

THENCE NORTH WITH THE ONE-HALF SECTION LINE 2127 FEET TO THE POINT OF BEGINNING AND BEING THE SAME REAL ESTATE CONVEYED TO JOHN W. KING BY DEED RECORDED IN THE PROBATE OFFICE OF LIMESTONE COUNTY, ALABAMA IN VOLUME 448 PAGE 73.

ADOPTED and APPROVED this, the 26th day of July, 2021.

/s/ Wayne Harper
PRESIDENT, CITY COUNCIL,
CITY OF ATHENS, ALABAMA

/s/ William R. Marks
MAYOR, CITY OF ATHENS, ALABAMA

ATTEST:

/s/ Annette Barnes
CITY CLERK, CITY OF ATHENS, ALABAMA

Councilmember Seibert moved that unanimous consent be given for immediate consideration of and action on said ordinance, which motion was seconded by Councilmember Henry, and upon the said motion being put to vote the following vote was recorded: YEAS: Councilmembers Seibert, Wales, 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 Wales 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, Henry 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 concerning a request for Betty Strain Gilbert and Nelson Gilbert to rezone approximately 1 acre of property at 1993 US Highway 31 South from an EST Estate Residential and Agricultural District to a B-1 Neighborhood Business District.

No one spoke in favor of or against.

Councilman Travis introduced the following ordinance:

AN ORDINANCE TO REVIEW THE REQUEST OF BETTY STRAIN GILBERT AND NELSON GILBERT TO REZONE APPROXIMATELY 1 ACRE OF PROPERTY AT 1993 US HIGHWAY 31 SOUTH FROM AN EST-ESTATE RESIDENTIAL AND AGRICULTURAL DISTRICT TO A B-1 - NEIGHBORHOOD BUSINESS DISTRICT WITHIN THE CORPORATE LIMITS OF THE CITY OF ATHENS.

STATE OF ALABAMA
LIMESTONE COUNTY,
CITY OF ATHENS

ORDINANCE NUMBER 2021 - 2179

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 Residential and Agricultural District) to B-1 (Neighborhood Business 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 "Neighborhood 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 a "Neighborhood Business District (B-1) 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:

A tract of land lying in the Northeast Quarter of Section 21, Township 3 South, Range 4 West, and being more particularly described as follows:

Commencing at the center of Section 21, Thence North 00 degrees 34 minutes 45 second East along the West boundary of the Northeast Quarter of said Section 21 a distance of 223.56 feet to a point, said point being South 88 degrees 30 minutes 19 seconds East a distance of 128.97 feet from an existing concrete monument on the West side right-of-way of US HWY 31,

Thence North 01 degrees 16 minutes 46 seconds East along the East right-of-way of said US Hwy. 31 a distance of 651.00 feet to a set of 5/8" rebar with cap stamped "Dunivant Eng. Co. CA-0044-LS" said 5/8" rebar being the Point of True beginning of the Tract herein described,

Thence from the Point of True Beginning continue North 00 degrees 16 minutes 46 seconds East along the East right-of-way of said U.S. Hwy. 31 a distance of 348.92 feet to a set 5/8" rebar with cap stamped "Dunivant Engr. Co. CA-0044-LS",

Thence South 89 degrees 49 minutes 04 seconds East a distance of 199.31 feet to a set 5/8" rebar with cap stamped "Dunivant Engr. Co. CA-0044-LS",

Thence South 86 degrees 49 minutes 56 seconds East a distance of 196.53 feet to a set 5/8" rebar with cap stamped "Dunivant Engr. Co. CA-0044-LS"

Thence South 01 degrees 16 minutes 46 seconds West a distance of 346.26 feet to an existing 3/4 "rebar",

Thence North 88 degrees 43 minutes 14 seconds West a distance of 395.69 feet to the Point of True Beginning and containing 3.18 acres, more or less.

Property may be subject to all covenants restrictions, regulations, conditions, easements, liens, setback lines, and other rights of whatever nature, recorded and/or unrecorded.

ADOPTED and APPROVED this, the 26th day of July, 2021.

/s/ Wayne Harper
PRESIDENT, CITY COUNCIL,
CITY OF ATHENS, ALABAMA

/s/ William R. Marks
MAYOR, CITY OF ATHENS, ALABAMA

ATTEST:

/s/ Annette Barnes
CITY CLERK, CITY OF ATHENS, ALABAMA

Councilmember Henry 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, 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 Travis thereupon moved that the ordinance be finally adopted, 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, Henry 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 due to take place concerning an unsafe structure on Brownsferry Road. No action was taken. Erik Waddell, City Building Inspector, stated that the owner has removed the structure.

A public hearing was held to determine that a structure on Westmoreland Avenue is unsafe and a public nuisance, and ordering abatement of same.

Erik Waddell, City Building Inspector, recommended to the Council that this property be condemned.

Mark Wilson, 1804 N. Jefferson Street, stated that there are a lot of houses north of Athens that need to be looked at also.

Councilman Travis introduced the following resolution:

RESOLUTION NUMBER 2021 - 1756

A RESOLUTION DETERMINING THAT A STRUCTURE ON WESTMORELAND AVENUE IS UNSAFE AND A PUBLIC NUISANCE, AND ORDERING ABATEMENT OF SAME

WHEREAS, this Resolution is authorized by § 46-280, *et seq.* of Article IX of Chapter 46 of the *City Code of Athens, Alabama*, and/or § 11-40-30, *et seq.* of the *Code of Alabama*, in addition to other legal authority;

WHEREAS, the appropriate municipal official has presented information to the City Council about a structure and/or building (herein referred to as the “Structure”) located at the real property described as follows:

Address: 806 Westmoreland Avenue

PARCEL # 10-03-08-2-002-038.000

Legal Description

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

**COLBERTS ADD SD LOT 2 3 5 BLK 2 COM INT W R/W COLBERT ST & N R/W
WESTMORELAND AVE TH W 125 ALG SD N R/W TO POB N 184 W 50 S 185 TO N R/W
WESTMORELAND ST E ALG SDY PARCEL #44-10-03-08-2-002-038-000**

(herein referred to as the “Property”).

WHEREAS, the appropriate municipal official has determined that the condition of the Structure is unsafe in that the Structure constitutes a public nuisance to the citizens of Athens;

WHEREAS, at this regular meeting, the City Council has conducted a public hearing concerning this matter, and has received and reviewed information (including applicable photographs) from the appropriate municipal official concerning the Property and Structure;

WHEREAS, the Structure has been deemed unsafe to the extent that it is a public nuisance due to the following reasons:

(1) The building has been damaged by fire, wind, earthquake, flood, sinkhole, deterioration, neglect, abandonment, vandalism, or any other cause so as to have become dangerous to life, health, property, morals, safety, or general welfare of the public or the occupants;

(2) The building has become or is so damaged, dilapidated, decayed, unsafe, unsanitary, lacking in maintenance, vermin or rat infested, containing filth or contamination, lacking proper ventilation, lacking sufficient illumination, or so utterly fails to provide the amenities essential to decent living that it is unfit for human habitation, or is likely to cause sickness or disease, so as to work injury to the life, health, property, morals, safety, or general welfare of the public or the occupants;

(3) The building has light, air, heating, cooling, and sanitation facilities which are inadequate to protect the life, health, property, morals, safety, or general welfare of the public or the occupants;

(4) The building does not provide minimum safeguards to protect or warn occupants in the event of fire;

(5) The building contains unsafe equipment, including any boiler, heating equipment, elevator, moving stairway, electrical wiring or device, flammable liquid containers, or other equipment on the premises or within the structure which is in such disrepair or condition that such equipment is a hazard to the life, health, property, morals, safety, or general welfare of the public or the occupants;

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

(7) The building is neglected, damaged, dilapidated, unsecured, or abandoned so as to become an attractive nuisance to children who might play in or on the building, structure, part of building or structure, party wall, or foundation to their danger, has become a harbor for vagrants, criminals, or immoral persons, or enables persons to resort to the building, structure, part of building or structure, party wall, or foundation for committing a nuisance or an unlawful act; and

(8) The building is, because of its condition, unsafe, unsanitary, or dangerous to the life, health, property, morals, safety, or general welfare of the public or the occupants.

WHEREAS, after the finding by the appropriate municipal official that the Structure was unsafe to the extent that it is a public nuisance, notice was issued pursuant to § 46-280, *et seq.* of Article IX of Chapter 46 of the *City Code of Athens, Alabama* to persons who may have an interest in the Property, and such notice was issued more than fifty (50) days prior to the date of this Resolution;

WHEREAS, it appears that no person has remedied the conditions on the Property; and

WHEREAS, after due deliberation and an examination of the conditions on the Property, it appears to the City Council that the Structure is unsafe in that it presents a public nuisance to the citizens of Athens, and that the same is due to be demolished.

THEREFORE BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ATHENS, ALABAMA on July 26, 2021 at 5:30 p.m., as follows:

1. The Structure shall be demolished by the City of Athens.
2. This work may be performed by City's own forces, or, if the appropriate municipal official investigates and determines it to be preferable that the work occur through the use of third parties, then the Athens Public Works Department

is authorized to contract, on behalf of the City of Athens, with a third party(ies) for an asbestos survey and demolition of the unsafe structure(s), for a cost not in excess of \$15,000.00, although the City Council directs that the cost be as low as possible to accomplish the intended purpose. Should the combined screening, remediation and demolition costs appear to exceed \$15,000.00, then the appropriate municipal official is directed to report the same to the City Council prior to further action.

3. The City may sell or otherwise dispose of salvaged materials resulting from the work, at the election of the Mayor and/or his designee.

4. After demolition, the appropriate municipal official shall make a report to the City Council of the costs associated with the demolition of the Structure so that it may adopt a resolution fixing all costs reasonably incurred in the demolition and assessing such costs against the Property.

ADOPTED this the 26th day of July, 2021.

/s/ Wayne Harper
PRESIDENT, CITY COUNCIL,
CITY OF ATHENS, ALABAMA

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

Mark Wilson, 1804 N. Jefferson Street, Athens, addressed the Council concerning the City of Athens Master Plan and remains concerned about the intersection of Elm Street and Jefferson Street.

Mayor Marks stated he didn't have an update for that project.

James Rich, Public Works Director, remarked that the contract has been signed and that work will start soon.

Mr. Wilson then addressed the subject of the railroad tracks on Elm Street and stated that they are worse than before.

Mr. Rich stated that there is a contract to repave Elm Street and that hopefully, work will begin soon.

Mr. Wilson then addressed the subject of sidewalks and stated that the City was putting sidewalks in everywhere but north of Athens.

Josie McLin, 1703 Brookmeade Avenue, Athens, wanted to thank Mr. Travis for the ditches being cut and requested that the City follow up on her previous requests.

James Holt, 1725 Brownsferry Street, Athens, also thanked the Council for the ditches being cut and expressed how dangerous it is for people to walk down his street. Mr. Holt requested that the City look into installing sidewalks down Brownsferry Street.

Councilman Seibert introduced the following resolution:

RESOLUTION

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ATHENS ALABAMA, to set a Public Hearing for the regular meeting at 5:30PM on September 13, 2021 to review the request of James M. Newby, Jerry A. Newby, and Susan Ming to rezone +/- 234.42 acres of property on the eastside of Cambridge Lane mostly south of French Mill Creek, known as a portion of Lot 12 of Athens-East Subdivision, from EST (Estate Residential and Agricultural) District to R-1-3 (High Density Residential District).

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

Councilman Seibert introduced the following resolution:

RESOLUTION

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ATHENS, AL to authorize the Public Works Director, or his designee, to expend up to \$90,000 for the purchase of equipment from the Alabama Department of Transportation's (ALDOT) surplus auction. The equipment to be purchased from the ALDOT auction will be crew trucks for the City's Street Department and will be funded from the existing Street Department capital account.

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

Councilman Seibert introduced the following resolution:

RESOLUTION

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ATHENS, ALABAMA, to approve travel expenses for the following Electric Department personnel:

Beth Clem	\$183.72
Electric Cities-Annual Conference-Gulf Shores	

Harold Wales	\$521.71
Electric Cities-Annual Conference-Gulf Shores	

Chris Seibert	\$542.29
Electric Cities-Annual Conference-Gulf Shores	

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

Councilman Wales introduced the following resolution:

RESOLUTION

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ATHENS, AL to approve the purchase of Surface Pro laptop computers and related accessories to be installed in police vehicles. Equipping police vehicles with this technology allows officers the ability to gather information and issue reports remotely, limiting person-to-person contact as recommended by the CDC for COVID-19. The cost of the equipment is not to exceed \$11,000 and shall be funded from the City's allotment of the Coronavirus State and Local Fiscal Recovery Funds established by the American Rescue Plan Act of 2021.

Councilmember Henry 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, 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 Wales 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, Wales, 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 Seibert introduced the following resolution:

RESOLUTION NUMBER 2021 - 1757

This resolution made this 26th day of July, 2021 (the Effective Date) by the City Council of Athens, Alabama (the Granting Authority), to grant a tax abatement to Tenneco (the Company).

WHEREAS, the Company has announced plans for a (check one):

new project or major addition to their existing facility (the Project), located within the jurisdiction of the Granting Authority; and

WHEREAS, pursuant to the Tax Incentive Reform Act of 1992 (Section 40-9B-1 et seq., Code of Alabama 1975) (the Act), the Company has requested from the Granting Authority an Abatement of (check all that apply):

- all state and local non-educational property taxes,
- all construction related transaction taxes, except those local construction related transaction taxes levied for educational purposes or for capital improvements for education, and /or
- all mortgage and recording taxes; and

WHEREAS, the Company has requested that the abatement of state and local non-educational property taxes (if applicable) be extended for a period of 10 years, in accordance with the Act; and

WHEREAS, the Granting Authority has considered the request of the Company and the completed applications (copy attached) filed with the Granting Authority by the Company, in connection with its request; and

WHEREAS, the Granting Authority has found the information contained in the Company's application to be sufficient to permit the Granting Authority to make a reasonable cost/benefit analysis of the proposed project and to determine the economic benefits to the community; and

WHEREAS, the construction of the project will involve a capital investment of \$3,169,000; and

WHEREAS, the Company is duly qualified to do business in the State of Alabama, and has powers to enter into, and to perform and observe the agreements and covenants on its part contained in the Tax Abatement Agreement; and

WHEREAS, the Granting Authority represents and warrants to the Company that it has power under that constitution and laws of the State of Alabama (including particularly the provisions of the Act) to carry out provisions of the Tax Abatement Agreement.

NOW THEREFORE, be it resolved by the Granting Authority as follows:

Section 1. Approval is hereby given to the application of the Company and abatement is hereby granted of (check all that apply):

- all state and local non-educational property taxes,
- all construction related transaction taxes, except those construction related transaction taxes levied for educational purposes or for capital improvements for education, and /or
- all mortgage and recording taxes

as the same may apply to the fullest extent permitted by the Act. The period of abatement for the non-educational property taxes (if applicable) shall extend for a period of 10 years measured as provided in Section 40-9B-3(a)(12) of the Act.

Section 2. The governing body of the Granting Authority is authorized to enter into an abatement agreement with the Company to provide for the abatement granted in Section 1.

Section 3. A certified copy of this resolution, with the application and abatement agreement, shall be forwarded to the Company to deliver to the appropriate local taxing authorities (if applicable) and to the Alabama Department of Revenue in accordance with the Act.

Section 4. The governing body of the Granting Authority is authorized to take any and all actions necessary or desirable to accomplish the purpose of the foregoing of this resolution.

I hereby certify that the above and foregoing was duly adopted by the City Council of Athens, AL at a meeting held on the 26th day of July, 2021.

/s/ Annette Barnes
CITY CLERK, CITY OF ATHENS, ALABAMA

/s/ Wayne Harper
PRESIDENT, CITY COUNCIL,
CITY OF ATHENS, ALABAMA

/s/ William R. Marks
MAYOR, CITY OF ATHENS, ALABAMA

Councilman Wales asked the City Attorney, Shane Black, to explain what verification the City Council has to determine whether to grant an abatement.

City Attorney, Shane Black, explained that application must be made and that the resolution is supported by an agreement. He stated that the City normally relies on the Limestone County Economic Development Association to monitor the terms of the agreement.

The motion was seconded by Councilwoman Henry and was unanimously carried.

* * *

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

/s/Wayne Harper
PRESIDENT, CITY COUNCIL

ATTEST:

/s/ Annette Barnes
CITY CLERK

