

January 8, 2024

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 January 8, 2023 at 4:30 p.m. The meeting was called to order by Councilwoman Dana Henry, President of the City Council. Upon roll call, the following were found to be present: Councilmembers Harold Wales, Dana Henry, James E. Lucas, and Wayne Harper. Councilman Chris Seibert was absent. Kim Glaze, Executive Secretary, was present and recorded the minutes of the meeting. Council President 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 December 18, 2023 City Council Meeting had been submitted for approval. Councilman Lucas moved that the reading of the Minutes be suspended and that the Minutes be approved as recorded. The motion was seconded by Councilman Harper and was unanimously carried. The Chairperson stated that the Minutes of the December 18, 2023 City Council Work Session Meeting had been submitted for approval. Councilman Lucas moved that the reading of the Minutes be suspended and that the Minutes be approved as recorded. The motion was seconded by Councilman Harper and was unanimously approved. The Chairperson stated that the Minutes of the January 5, 2024 Special Called Meeting had been submitted for approval. Councilman Lucas moved that the reading of the Minutes be suspended and that the Minutes be approved as recorded. The motion was seconded by Councilman Harper and was unanimously carried.

Mayor Marks reminded everyone of the events that will take place on January 15<sup>th</sup>, 2024 in honor of Dr. Martin Luther King, Jr. The Mayor read a proclamation declaring January 2024 as National Mentoring Month and also read a proclamation declaring January 2024 as Human Trafficking Awareness Month. Mayor Marks presented an update on Strain Road and stated that the re-districting maps for City Council are still in progress.

Councilman Wales addressed the Mayor, Dolph Bradford and Chief Pressnell regarding a complaint from a citizen that a ballfield is being constructed off of Lindsay Lane. Mayor Marks noted that staff has spoken with the citizen and that she is welcome to speak with Erin Tidwell, City Planner.

Councilman Lucas asked everyone to be aware of the construction in the area of Sweet Home Missionary Baptist Church, the location of events in honor of Dr. Martin Luther King Jr. on January 15<sup>th</sup>, 2024, and that he hopes it will not deter anyone from attending.

**PUBLIC HEARING RELATING TO A PROPOSED ORDINANCE AMENDING THE CITY OF ATHENS ZONING ORDINANCE**

Erin Tidwell, City Planner, addressed the City Council stating that the amendment is to change the petitioner application submission date from 21 days to 26 days prior to the Planning Commission meeting.

The public hearing was closed.

**Councilman Wales introduced the following ordinance:**

**AN ORDINANCE AMENDING  
THE CITY OF ATHENS ZONING ORDINANCE**

STATE OF ALABAMA  
LIMESTONE COUNTY,  
CITY OF ATHENS

**ORDINANCE NUMBER 2024 - 2300**

**WHEREAS**, the Planning Commission of the City of Athens, Alabama (the “Commission”) proposes that the Athens City Council further amend Ordinance Number 2017-2016 with amendments 2019-2079, 2020-2140, 2021-2058, 2021-2167, 2023-2268 the Zoning Ordinance of the City of Athens, Alabama (the “Zoning Ordinance”);

**WHEREAS**, at its regular meeting on November 21, 2023, and after a public hearing, the Planning Commission issued its final report and recommendation that the Athens City Council amend Ordinance No. 2017-2016, the Zoning Ordinance of the City of Athens, Alabama (the “Zoning Ordinance”) as set forth herein;

**WHEREAS**, after having received and considered the information from a public hearing, and having fully deliberated these matters, the City Council desires to amend the Zoning Ordinance as set forth herein; and

**THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ATHENS, ALABAMA**, while in regular session on January 8, 2024, at 4:30 p.m., as follows:

**Section 1. Section 2.5.1.(A) of the Zoning Ordinance be amended to read as follows:**

A. Application. For amendments to the Zoning Map, the petitioner shall submit a written application to the Department requesting the amendment. The application should be submitted to the Department at least **twenty-six (26) days** prior to the Planning Commission meeting at which the amendment is to be considered, and should contain the following information. (However, **Planning & Zoning** may accept an application in less than **twenty-six (26) days** prior to such meeting, upon a determination, in its discretion, that no substantial prejudice results to the ability to properly review the application):

**Section 1. Section 2.5.3.(A) of the Zoning Ordinance be amended to read as follows:**

A. Application. All Conditional Uses shall require the submission of an application to the Commission. Such application shall be filed with the Zoning Official by the property owner or authorized agent at least **twenty-six (26) days** prior to the date on which the application is scheduled to be heard by the Commission, and shall include a Conceptual Site Plan in accordance with this Section. The submission of a conceptual use site plan is intended for administrative efficiency and does not relieve the applicant from providing a formal site plan satisfactory to the City Engineer upon approval of the conceptual use unless the Commission specifically relieves the applicant from such requirement.

ADOPTED and APPROVED this, the 8<sup>th</sup> day of January, 2024.

/s/ Dana Henry  
PRESIDENT, CITY COUNCIL,  
CITY OF ATHENS, ALABAMA

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

ATTEST:

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

Councilmember Harper moved that unanimous consent be given for immediate consideration of and action on said ordinance, which motion was seconded by Councilmember Lucas, and upon the said motion being put to vote the following vote was recorded: YEAS: Councilmembers Wales, Lucas, Henry and Harper; NAYS: None. The President thereupon declared that

the motion for unanimous consent for immediate consideration of and action on the said ordinance had been unanimously carried. Councilmember Harper seconded the motion to adopt the ordinance. Upon the said motion being put to vote, the following vote was recorded: YEAS: Councilmembers Wales, Lucas, Henry and Harper; NAYS: None. The President thereupon announced that the motion for the adoption of the said ordinance had been unanimously carried.

**PUBLIC HEARING RELATING TO A PROPOSED RESOLUTION TO AMEND AN EXISTING MASTER DEVELOPMENT PLAN IN RELATION TO A SUBSTANTIAL CHANGE IN THE MIXTURE OF LAND USES FOR ANDERSON FARMS SUBDIVISION, COMPRISED ON +/-133.5 ACRES AND LOCATED DIRECTLY WEST OF LINDSAY LANE SOUTH AND DIRECTLY EAST OF I-65 (PARCEL# 44-10-08-34-0-000-001.000), ZONED C-PUD (CONVENTIONAL PLANNED UNIT DEVELOPMENT DISTRICT) WITHIN THE CORPORATE LIMITS OF THE CITY OF ATHENS**

Erin Tidwell, City Planner, addressed the City Council regarding the proposed resolution and presented a summary of the request.

The public hearing was closed.

**Councilman Wales made for “Introduction Only” the following resolution:**

**RESOLUTION NUMBER 2024 - \_\_\_\_\_**

**A RESOLUTION TO AMEND AN EXISTING MASTER DEVELOPMENT PLAN IN RELATION TO A SUBSTANTIAL CHANGE IN THE MIXTURE OF LAND USES FOR ANDERSON FARMS SUBDIVISION, COMPRISED OF +/- 133.5 ACRES AND LOCATED DIRECTLY WEST OF LINDSAY LANE SOUTH AND DIRECTLY EAST OF I-65 (PARCEL #: 44-10-08-34-0-000-001.000), ZONED C-PUD (CONVENTIONAL PLANNED UNIT DEVELOPMENT DISTRICT), WITHIN THE CORPORATE LIMITS OF THE CITY OF ATHENS.**

WHEREAS, the Athens City Council must approve master development plans in a C-PUD zoning district;

WHEREAS, the Athens City Council approved the rezoning from an EST, Estate Agricultural and Residential District to a C-PUD Zoning District and the adoption of a Master Development Plan for the Lindsay Lane Subdivision, now known as the Anderson Farms Subdivision on April 26, 2021;

WHEREAS, SR Land, LLC (the “Applicant”) has proposed Major Amendments to a Master Development plan for Anderson Farm subdivision in a C-PUD district;

WHEREAS, the Athens Planning Commission reviewed the proposed plan and is electing to forward the request, with no recommendation, to the Athens City Council;

WHEREAS, the original adopted master development plan called for a variety of land uses including single family housing, single-family attached housing, and commercial property;

WHEREAS, the applicant voiced points for amending the adopted Master Development Plan to contain only a mixture of Single-Family Low Density, Single-Family Medium Density, and Commercial lots;

WHEREAS, the City Council called for a public hearing so that the general public could be heard concerning the matter; and

WHEREAS, the City Council, having fully considered the proposed “Major Amendments” to the previously adopted “Anderson Farm Subdivision Master Development Plan” has determined to adopt the Applicant’s Master Development Plan as amended.

**THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ATHENS, ALABAMA**, on January 8, 2023, that the Major Amendments to the Applicant’s Master Development Plan are hereby approved in a revised form so that it confirms in each and every respect with the *Anderson Farm Master Plan* dated today, January 8, 2023, and attached to this Resolution as Attachment A.

**ADOPTED and APPROVED** this, the \_\_\_\_ day of \_\_\_\_\_, 2024.



**PUBLIC HEARING RELATING TO A PROPOSED ORDINANCE TO REZONE +/-2.4 ACRES (Y.M.Y., LLC) LOCATED AT 17915 WEST ELM STREET (PARCEL# 44-06-07-36-0-001-002.002), FROM EST (ESTATE RESIDENTIAL AND AGRICULTURAL DISTRICT) TO B-1 (NEIGHBORHOOD BUSINESS DISTRICT), WITHIN THE CORPORATE LIMITS OF THE CITY OF ATHENS**

Erin Tidwell, City Planner, addressed the City Council regarding the proposed ordinance and presented a summary of the request.

The public hearing was closed.

**Councilman Lucas introduced the following ordinance:**

**AN ORDINANCE TO REZONE +/- 2.4 ACRES (Y.M.Y., LLC) LOCATED AT 17915 WEST ELM STREET (PARCEL # 44-06-07-36-0-001-002.002), FROM EST (ESTATE RESIDENTIAL AND AGRICULTURAL DISTRICT) TO B-1 (NEIGHBORHOOD BUSINESS DISTRICT), WITHIN THE CORPORATE LIMITS OF THE CITY OF ATHENS.**

STATE OF ALABAMA  
LIMESTONE COUNTY,  
CITY OF ATHENS

**ORDINANCE NUMBER 2024 – 2301**

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 EST (Estate Residential and Agricultural District) to B-1 (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 B-1 (Neighborhood Business District) in accordance with and defined by “The Zoning Ordinance of the City of Athens, Alabama,” and that the area which is zoned as aforesaid is situated in Athens, Limestone County, Alabama, and is more particularly described as follows:

TRACT B: 2.39 ACRES LYING IN THE SOUTHEAST QUARTER OF THE SOUTHEAST QUARTER OF SECTION 36, TOWNSHIP 2 SOUTH, RANGE 5 WEST, LIMESTONE COUNTY, ALABAMA, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: COMMENCING AT AN EXISTING RAILROAD SPIKE AT THE SOUTHEAST CORNER OF SAID SECTION 36; THENCE NORTH 01 DEGREES 30 MINUTES EAST ALONG THE EAST BOUNDARY OF SAID SECTION 36 FOR A DISTANCE OF 55.0 FEET TO THE TRUE POINT OF BEGINNING OF THE HEREIN DESCRIBED PROPERTY; THENCE FROM THE POINT OF TRUE BEGINNING CONTINUE NORTH 01 DEGREES 30 MINUTES EAST ALONG THE EAST BOUNDARY OF SAID SECTION 36 FOR A DISTANCE OF 260.0 FEET TO A POINT; THENCE NORTH 89 DEGREES 30 MINUTES WEST FOR A DISTANCE OF 400.0 FEET TO AN IRON PIN, PASSING AN IRON PIN ON THE WEST RIGHT-OF-WAY MARGIN OF LUCAS FERRY ROAD AT A DISTANCE OF 20.0 FEET, THENCE SOUTH 01 DEGREES 30 MINUTES WEST FOR A DISTANCE OF 260.0 FEET TO AN IRON PIN ON THE NORTH RIGHT-OF-WAY MARGIN OF ELM STREET; THENCE SOUTH 89 DEGREES 30 MINUTES EAST ALONG SAID RIGHT-OF-WAY FOR A DISTANCE OF 400.0 FEET TO THE TRUE POINT OF BEGINNING, CONTAINING 2.39 ACRES.

SUBJECT TO: ONE-HALF THE RIGHT-OF-WAY OF LUCAS FERRY ROAD ALONG THE EAST BOUNDARY, SAID RIGHT-OF-WAY CONTAINING 0.12 ACRES.

SUBJECT TO: A 10-FOOT UTILITY AND DRAINAGE EASEMENT ALONG THE EAST AND SOUTH BOUNDARY ADJACENT TO THE ROAD RIGHT-OF-WAY

LESS AND EXCEPT such oil, gas, and other mineral interests, and all rights and privileges in connection therewith, as may have been reserved or conveyed by prior owners, if any.

**ADOPTED and APPROVED** this, the 8<sup>th</sup> day of January, 2024.

/s/ Dana Henry  
PRESIDENT, CITY COUNCIL,  
CITY OF ATHENS, ALABAMA

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

ATTEST:

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

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

**PUBLIC HEARING RELATING TO A PROPOSED ORDINANCE TO REZONE +/-12.6 ACRES (MAGNUS CAPITAL PARTNERS, LLC) LOCATED APPROXIMATELY 400' SOUTH OF COMMERCIAL DRIVE AND DIRECTLY WEST OF JEFFERSON STREET SOUTH (PARCEL# 44-10-04-17-2-000-065.000), FROM B-2 (GENERAL BUSINESS DISTRICT) TO R-2 (MULTIPLE FAMILY RESIDENTIAL DISTRICT) AND TO ADOPT THE ASSOCIATED MASTER DEVELOPMENT PLAN WITHIN THE CORPORATE LIMITS OF THE CITY OF ATHENS**

Erin Tidwell, City Planner, addressed the City Council regarding the proposed ordinance and presented a summary of the request.

The public hearing was closed.

**Councilman Wales introduced the following ordinance:**

**AN ORDINANCE TO REZONE +/- 12.6 ACRES (MAGNUS CAPITAL PARTNERS, LLC) LOCATED APPROXIMATELY 400' SOUTH OF COMMERCIAL DRIVE AND DIRECTLY WEST OF JEFFERSON STREET SOUTH (PARCEL # 44-10-04-17-2-000-065.000), FROM B-2 (GENERAL BUSINESS DISTRICT) TO R-2 (MULTIPLE FAMILY RESIDENTIAL DISTRICT) AND TO ADOPT THE ASSOCIATED MASTER DEVELOPMENT PLAN WITHIN THE CORPORATE LIMITS OF THE CITY OF ATHENS.**

STATE OF ALABAMA  
LIMESTONE COUNTY,  
CITY OF ATHENS

**ORDINANCE NUMBER 2024 – 2302**

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 B-2 (General Business District) to R-2 (Multiple Family Residential District), and the associated Master Development Plan be adopted.

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

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

COMMENCING AT A POINT ON THE SOUTHEAST CORNER OF LOT 10 OF JEFFERSON STREET COMMERCIAL SUBDIVISION AS RECORDED IN PLAT BOOK "F" PAGE 39 IN THE OFFICE FOR THE JUDGE OF PROBATE FOR LIMESTONE COUNTY, ALABAMA, SAID POINT IS ALSO ON THE WESTERN RIGHT-OF-WAY FOR JEFFERSON STREET AND IS THE POINT OF BEGINNING.

THENCE FROM THE POINT OF BEGINNING RUN ALONG SAID RIGHT-OF-WAY WITH A CURVE TO THE LEFT HAVING A CHORD BEARING OF SOUTH 21 '04'47" WEST, A CHORD LENGTH OF 858.21 FEET, AND A RADIUS OF 2133.48 FEET TO A POINT; THENCE RUN ALONG SAID RIGHT-OF-WAY NORTH 80'31 '24" WEST AT A DISTANCE OF 10.00 FEET TO A POINT; THENCE RUN ALONG SAID RIGHT-OF-WAY WITH A CURVE TO THE LEFT HAVING A CHORD BEARING OF SOUTH 08'32'34" WEST, A CHORD LENGTH OF 69.88 FEET, AND A RADIUS OF 2143.48 FEET TO A POINT; THENCE RUN NORTH 87'52'05" WEST AT A DISTANCE OF 488.36 FEET TO A POINT; THENCE RUN NORTH 00'06'38" WEST AT A DISTANCE OF 572.53 FEET TO A POINT; THENCE RUN NORTH 00'02'46" WEST AT A DISTANCE OF 310.63 FEET TO A POINT; THENCE RUN SOUTH 87'41'05" EAST AT A DISTANCE OF 818.96 FEET AND BACK TO THE POINT OF BEGINNING. SAID TRACT OF LAND CONTAINS 12.6 ACRES, MORE OR LESS.

2.) The Master Development Plan for Magnus Capital Partners, LLC is hereby adopted. (A copy of the same is on file in the Planning and Zoning Department, and will also be attached to the minutes of this meeting.)

**ADOPTED and APPROVED** this, the 8<sup>th</sup> day of January, 2024.

/s/ Dana Henry  
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 Lucas moved that unanimous consent be given for immediate consideration of and action on said ordinance, which motion was seconded by Councilmember Harper, and upon the said motion being put to vote the following vote was recorded: YEAS: Councilmembers Wales, Lucas, Henry and Harper; NAYS: None. The President thereupon declared that the motion for unanimous consent for immediate consideration of and action on the said ordinance had been unanimously carried. Councilmember Harper seconded the motion to adopt the ordinance. Upon the said motion being put to vote, the following vote was recorded: YEAS: Councilmembers Wales, Lucas, Henry and Harper; NAYS: None. The President thereupon announced that the motion for the adoption of the said ordinance had been unanimously carried.

Kirk Parker, 915 Beech Street, Athens, addressed the City Council regarding the community of Strain Road and Luke Street. Mr. Parker stated that he would like for the City to show attention to the drainage and sewer problems in the area. He feels as though his community isn't getting any improvements.

**Councilman Harper introduced the following resolution:**

### **RESOLUTION**

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ATHENS, ALABAMA, to reappoint Teresa Brown to the Houston Memorial Library Board of Directors for a four year term, expiring on January 11<sup>th</sup>, 2028.

The motion was seconded by Councilman Lucas 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 set a Public Hearing for the regular meeting on February 12, 2024 to consider the request of The Healthcare Authority of the City of Huntsville to zone +/- 117.23 acres of property located directly west of U.S. Highway 31 South and approximately 850' north of Huntsville Brownsferry Road (Parcel # 44-10-08-33-0-000-010.000) to INST (Institutional District), within the corporate limits of the City of Athens.

The motion was seconded by Councilman Lucas 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 set a Public Hearing for the regular meeting on February 12, 2024 to consider the request of the Planning and Zoning Department for various proposed amendments to Section 6.8 of the Zoning Ordinance of the City of Athens as recommended by the Planning Commission.

The motion was seconded by Councilman Lucas 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 set a Public Hearing for the regular meeting on February 12, 2024 to consider the request of the Planning and Zoning Department for various proposed amendments concerning Sections 6.1.9.A(5) and 6.1.9.A(8) of the Zoning Ordinance of the City of Athens as recommended by the Planning Commission.

The motion was seconded by Councilman Lucas 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 set a Public Hearing for the regular meeting on February 12, 2024 to consider the request of Ben McPherson to rezone +/- 0.84 acres located directly north of Elm Street West and approximately 825' west of Edgewood Road (Parcel # 44-07-09-31-4-000-005.003), from EST (Estate Residential and Agricultural District) to INST (Institutional District), within the corporate limits of the City of Athens.

The motion was seconded by Councilman Lucas 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 the purchase of a 2012 Dodge crew cab flatbed truck from the Alabama Department of Transportation surplus for the Street Department and shall be funded from the Street Department existing capital account, in an amount not to exceed \$25,000.

The motion was seconded by Councilman Lucas 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 the purchase of a 2018 Ford crew cab pickup from the Alabama Department of Transportation surplus for the Street Department and shall be funded from the Street Department existing capital account, in an amount not to exceed \$30,000.

The motion was seconded by Councilman Lucas 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 the payment of budgeted travel/education expenses for specified Water Services employees in the total amount of \$2,214.50.

Mark Courville	ADEM Annual Surface Water Meeting Wetumpka, AL October 17, 2023 – October 18, 2023	\$293.49
Xavier Dekarske	ESRI IMGIS Conference Palm Springs, CA October 9, 2023 – October 13, 2023	\$1,921.01

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

**Councilman Lucas introduced the following resolution:**

**RESOLUTION NUMBER 2024 – 1933**

BE IT RESOLVED, by the City of Athens as follows:

That the City enter into an agreement with the State of Alabama, acting by and through the Alabama Department of Transportation relating to a project for:

**Sidewalk along the western side of US-31 from Elm St. (SR-99) to Juniper Cir. with a pedestrian bridge over Swan Creek; Project# TAPAA-TA24(908); CPMS Ref# 100077742.**

Which agreement is before this Council, and that the agreement be executed in the name of the City, by the Mayor for and on its behalf and that it be attested by the City Clerk and the official seal of the City be affixed thereto.

BE IT FURTHER RESOLVED, that upon the completion of the execution of the agreement by all parties, that a copy of such agreement be kept on file by the City.

I, the undersigned qualified and acting Clerk of the City of Athens, Alabama, do hereby certify that the above and foregoing is a true copy of a resolution lawfully passed and adopted by the City named therein, at a regular meeting of such Council held on the 8<sup>th</sup> day of January, 2024, and that such resolution is on file in the City Clerk's Office.

ATTESTED:

/s/Annette Barnes  
City Clerk

/s/William R. Marks  
Mayor

8<sup>th</sup> day of January, 2024, and that such resolution is of record in the Minute Book of the City.

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

**Councilman Wales introduced the following resolution:**

**RESOLUTION**

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ATHENS, ALABAMA, to approve the restriping of the following streets through the existing bituminous paving contract with Grayson Carter and Sons, at a cost not to exceed \$20,000 and shall be funded with gas tax funds:

Pepper Road  
Bab Daly  
Line Road  
South Hines Street  
East Hobbs Street  
Portions of Houston Street  
Portions of Madison Street  
Portions of Forrest Street  
Portions of Green Street  
Portions of Lucas Ferry Road  
Beaty Street  
Shaw Street

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

**Councilman Harper introduced the following ordinance:**

**ORDINANCE NUMBER 2024 - 2303**

**ORDINANCE ABANDONING/VACATING  
UTILITY AND DRAINAGE EASEMENTS ON REAL PROPERTY OWNED BY MAGNUM PORTFOLIO, LLC  
AND DUTCH OIL COMPANY**

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**WHEREAS, MAGNUM PORTFOLIO, LLC** is the current owner of property along the north side of Highway 72 West, and the east side of Glenn Valley Drive E, as indicated by the deed recorded at RLPY BK 2022, PG 94141 in the Office of the Judge of Probate of Limestone County, Alabama, as more particularly described therein (the “Magnum Property”);

**WHEREAS, DUTCH OIL COMPANY** is the current owner of adjacent property along the north side of Highway 72 West, and the west side of Lucas Ferry Road, as indicated by the deed recorded at RLPY BK 2021, PG 84466 in the Office of the Judge of Probate of Limestone County, Alabama, as more particularly described therein (the “Dutch Property”);

**WHEREAS**, there is a utility and drainage easement that was previously granted to the City of Athens, Alabama on the Magnum Property, as shown on the plat of Glenn Valley Subdivision, recorded at Plat Book D, page 59 in the Office of the Judge of Probate of Limestone County, Alabama, and more particularly described as follows:

A 20 FOOT UTILITY AND DRAINAGE EASEMENT ON LOTS 1 AND 2 OF BLOCK NUMBER 3 GLEN VALLEY SUBDIVISION AS RECORDED IN PLAT BOOK D PAGE 59 IN THE OFFICE OF THE JUDGE OF PROBATE OF LIMESTONE COUNTY, ALABAMA, SITUATED IN SECTION 12, TOWNSHIP 3 SOUTH, RANGE 5 WEST, LIMESTONE COUNTY, ALABAMA, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT A FOUND 5/8 INCH IRON PIN, SITUATED ON NORTHEAST CORNER OF LOT 1 OF A PLAT OF SPENCER FOR: SPENCER COMPANIES INCORPORATED SECTION 12, TOWNSHIP 3 SOUTH, RANGE 5 WEST CITY OF ATHENS, ALABAMA, AS RECORDED IN PLAT BOOK J PAGE 69, IN THE OFFICE OF THE JUDGE OF PROBATE OF LIMESTONE COUNTY, ALABAMA; THENCE RUN NORTH 88°36'38" WEST AT A DISTANCE OF 15.00 FEET TO A SET 1/2 INCH CAPPED IRON PIN STAMPED "MORELL ENG CA-742-LS"; THENCE RUN NORTH 88°36'31" WEST AT A DISTANCE OF 185.69 FEET TO A FOUND 5/8 INCH CAPPED IRON PIN; THENCE RUN NORTH 88°42'42" WEST AT A DISTANCE OF 149.92 FEET TO A FOUND 1/2 INCH CAPPED IRON PIN STAMPED "PLS"; THENCE RUN SOUTH 01°55'19" EAST AT A DISTANCE OF 3.88 FEET TO A FOUND 1 INCH IRON PIPE, SAID IRON PIPE ALSO BEING THE POINT OF BEGINNING OF THE HEREIN DESCRIBED EASEMENT;

THENCE FROM THE POINT OF BEGINNING RUN SOUTH 00°51'30" EAST AT A DISTANCE OF 260.76 FEET TO A POINT ON THE NORTHERN RIGHT OF WAY OF U.S. HIGHWAY 72; THENCE ALONG SAID RIGHT OF WAY RUN NORTH 88°48'24" WEST AT A DISTANCE OF 20.01 FEET TO A POINT; THENCE LEAVING SAID RIGHT OF WAY RUN NORTH 00°51'30" WEST AT A DISTANCE OF 260.06 FEET TO A POINT; THENCE RUN NORTH 89°11'56" EAST AT A DISTANCE OF 20.00 FEET TO THE POINT OF BEGINNING;

SAID EASEMENT CONTAINS ACRES, 0.12 MORE OR LESS.

(the "Easement 1");

**WHEREAS**, there is a utility and drainage easement that was previously granted to the City of Athens, Alabama on the Dutch Property, as shown on *A Plat of Spencer for Spencer Companies Incorporated*, recorded at Plat Book J, page 69 in the Office of the Judge of Probate of Limestone County, Alabama, and more particularly described as follows:

A 5 FOOT UTILITY AND DRAINAGE EASEMENT ON LOT 1 OF A PLAT OF SPENCER SUBDIVISION, AS RECORDED IN PLAT BOOK J PAGE 69, IN THE OFFICE OF THE JUDGE OF PROBATE OF LIMESTONE COUNTY, ALABAMA, SITUATED IN SECTION 12, TOWNSHIP 3 SOUTH, RANGE 5 WEST, LIMESTONE COUNTY, ALABAMA, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT A FOUND 5/8 INCH IRON PIN, SITUATED ON NORTHEAST CORNER OF LOT 1 OF A PLAT OF SPENCER FOR: SPENCER COMPANIES INCORPORATED SECTION 12, TOWNSHIP 3 SOUTH, RANGE 5 WEST CITY OF ATHENS, ALABAMA, AS RECORDED IN PLAT BOOK J PAGE 69, IN THE OFFICE OF THE JUDGE OF PROBATE OF LIMESTONE COUNTY, ALABAMA; THENCE RUN NORTH 88°36'38" WEST AT A DISTANCE OF 15.00 FEET TO A SET 1/2 INCH CAPPED IRON PIN STAMPED "MORELL ENG CA-742-LS"; THENCE RUN NORTH 88°36'31" WEST AT A DISTANCE OF 185.69 FEET TO A FOUND 5/8 INCH CAPPED IRON PIN; THENCE RUN NORTH 88°42'42" WEST AT A DISTANCE OF 149.92 FEET TO A FOUND 1/2 INCH CAPPED IRON

PIN STAMPED "PLS"; THENCE RUN SOUTH 01°55'19" EAST AT A DISTANCE OF 3.88 FEET TO A FOUND 1 INCH IRON PIPE; THENCE RUN SOUTH 00°51'30" EAST AT A DISTANCE OF 1.13 FEET TO A POINT, SAID POINT ALSO BEING THE POINT OF BEGINNING OF THE HEREIN DESCRIBED EASEMENT;

THENCE FROM THE POINT OF BEGINNING RUN SOUTH 88°42'42" EAST AT A DISTANCE OF 5.00 FEET TO A POINT; THENCE RUN SOUTH 00°51'30" EAST AT A DISTANCE OF 249.59 FEET TO A POINT; THENCE RUN NORTH 89°02'27" WEST AT A DISTANCE OF 5.00 FEET TO A POINT; THENCE RUN NORTH 00°51'30" WEST AT A DISTANCE OF 249.62 FEET TO THE POINT OF BEGINNING;

SAID EASEMENT CONTAINS ACRES, 0.03 MORE OR LESS.

(the "Easement 2");

**WHEREAS**, the City Council desires to abandon and vacate Easement 1 and Easement 2;

**WHEREAS**, the Council has examined the same and finds that such portion of such easements are no longer needed for public or municipal purposes; and

**WHEREAS**, the Council further finds that such portion of such easements that are to be vacated are of no value or *de minimis* value, but that any administrative and legal costs of the City related to this Ordinance should be paid by the underlying property owners in connection with this action.

**THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ATHENS, ALABAMA**, while in regular session on January 8<sup>th</sup>, 2024, at 4:30 p.m., as follows:

1. The City expresses its intention to abandon/vacate Easement 1 and Easement 2, and those easements are hereby vacated and abandoned.

2. The Mayor is authorized to execute any such documents as may be needed to evidence such vacation/abandonment. A copy of this Ordinance may be recorded in the records of the Office of the Judge of Probate of Limestone County, Alabama. In doing so, the probate office may cross-reference (a) the plat of Glenn Valley Subdivision, recorded at Plat Book D, page 59 in the Office of the Judge of Probate of Limestone County, Alabama; and (b) *A Plat of Spencer for Spencer Companies Incorporated*, recorded at Plat Book J, page 69 in the Office of the Judge of Probate of Limestone County, Alabama.

3. No other easements are vacated/abandoned, other than as described above. No other easement(s) (or portions thereof) on the Dutch Property and/or the Magnum Property are vacated/abandoned by this Ordinance, whether or not such other easement(s) extend over, across, under or through the same real property as the portion of the easements abandoned/vacated hereby and described herein. Finally, this Ordinance does not relate to or abandon/vacate any easement (or portion thereof) that lies on, over, under, or across any real property other than the Dutch Property and/or the Magnum Property.

4. This Ordinance shall go into effect and shall be published upon the underlying owners' payment of any and all administrative and legal costs associated with this Ordinance.

**ADOPTED** this the 8th day of January, 2024.

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

**Councilman Wales introduced the following ordinance:**

**ORDINANCE NUMBER 2024 - 2304**

**AN ORDINANCE AMENDING SECTION 2-32 OF THE CITY CODE, CONCERNING MAYORAL APPROVAL OF CERTAIN CONTRACTS AND LITIGATION**

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**WHEREAS**, from time to time, there is a need for the City to initiate certain civil litigation related to the enforcement of the City's contracts and ordinances, and/or the disposition of property in the City's possession that is subject to competing claims; and

**WHEREAS**, this Ordinance would provide for the Mayor to initiate and prosecute such matters.

**THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ATHENS, ALABAMA**, while in regular session on January 8<sup>th</sup>, 2024, at 4:30 p.m., as follows:

**Section 1.** Section 2-32 of the Code of Ordinances of the City of Athens, Alabama is hereby amended so that it reads as follows:

**Sec. 2-32. – Mayoral Approval of Certain Contracts and Litigation.**

(a) **Certain Settlements.** The Mayor is authorized to approve, on behalf of the City, the settlement of any claims or expenses asserted against the City, where it: (i) either provides for monetary payments that are fully paid by the City's insurance policy(ies), or for an amount of less than \$5,000.00 per occurrence; (ii) does not admit any liability on the part of the City; and (iii) does not require any other contractual obligation of the City (except for routine provisions relating to the manner of dismissing/resolving the claim, or observing normal policies and practices of the City).

(b) **Certain Litigation.** *The Mayor (or such other officer of the City, as is designated by the Mayor) is authorized to initiate and prosecute civil lawsuits or other civil legal actions, on behalf of the City, where: (i) the City is owed a sum certain by a person(s) or entity(ies) relating to a breach of contract; or unpaid fees, assessments, or other charges resulting from the application of a law, ordinance, or regulation, and the City seeks compensation therefor; (ii) the City is seeking to compel a person(s) or entity(ies) to perform an obligation(s) owed to the City pursuant to contract; (iii) the City is seeking to enforce compliance with an ordinance of the City, including but not limited to, the City's zoning ordinance; and/or (iv) the City is in possession of certain property to which multiple persons and/or entities assert competing claims, and the City seeks a judicial determination relieving the City of liability therefor.*

**Section 2.** If any provision of this ordinance, or the application thereof to any person, thing or circumstances, is held invalid by a court of competent jurisdiction, such invalidity shall not affect the provisions or application of this ordinance that can be given effect without the invalid provisions or application, and to this end, the provisions of this code and such amendments and statutes are declared to be severable.

**Section 3.** No other provisions of the City Code are amended by this Ordinance, unless specifically stated and referenced herein.

**Section 4.** The provisions of this Ordinance shall be included and incorporated in the *Code of Ordinances of the City of Athens* as an addition or amendment thereto, and shall be appropriately renumbered as necessary to conform to the uniform numbering system of the Code.

**ADOPTED** this the 8<sup>th</sup> day of January, 2024.

/s/ Dana Henry  
PRESIDENT, CITY COUNCIL,  
CITY OF ATHENS, ALABAMA

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

ATTEST:

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

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

Diane Steele, 809 Hobbs Plaza, addressed the City Council regarding the Strain Road and Luke Street community. Ms. Steele remarked that Mayor Marks had distributed a document regarding the community. Council President Henry stated that it wasn't a document but more of an update and read it aloud. Mayor Marks noted that some street lights and security lights have been added on Strain Road. Ms. Steele stated that there is an urgent need for a sewer project in the community and asked the Council to move forward with a plan before the end of the month.

Pastor Eugene English, Little Elk Missionary Baptist Church, 26977 Mary Sue Lane, addressed the City Council regarding the sewage issue in the community of Strain Road and Luke Street. Pastor English asked the Council to be sensitive to the issue and to find a way to expedite a solution to the problem.

Lula Parker, 915 Beech Street, Athens, addressed the City Council regarding the Strain Road and Luke Street community and stated that "Life is like a circle. You can start at the top and go around in a circle and when it gets back to the top, it goes back. In other words...what goes around, comes around."

Ollie Turner, 1701 Lucas Street, Athens, stated that he was glad to see the Mayor had overcome his illness and wished everyone a Happy New Year. Mr. Turner noted that he believes that Councilman Wales is truly concerned regarding the issues in the Strain Road and Luke Street community. He asked Council President Henry why these items are never on the agenda. Mr. Turner praised the growth of the city but remarked that nothing has been done for the community of Strain Road and Luke Street.

Sundra Sandifer, 2113 Levert Avenue, Athens, addressed the City Council regarding the concerns of the Strain Road and Luke Street citizens. Ms. Sandifer shamed the City for knowing that this situation has been ongoing for years and for neglecting the situation. Ms. Sandifer stated that "love has no color, no gender, and no race." She asked the Council to stand for what is right in the City of Athens.

Laverne Gilbert, 609 Levert Avenue, Athens, addressed the City Council with a complaint regarding people walking their dogs in the cemetery and letting them defecate on the graves. Ms. Gilbert asked the Council for help with the situation.

David Malone, 1300 Somerest Drive, Athens, thanked the Mayor, Council, Holly Hollman and Shane Black for all of their help with the Lincoln Bridgeforth toy giveaway during Christmas. He also thanked Chief Pressnell and his staff for distributing the toys through the community. Mr. Malone noted that the Strain Road and Luke Street community has been begging for 30 years or longer for help and asked the Council to take care of them.

Wilbert Woodroof, 200 Christine Street, Athens, Limestone County NAACP President, addressed the City Council asking for basic services to be provided to the Strain Road and Luke Street community. Mr. Woodroof also asked for a push button at Highway 72 and Hine Street for citizens to cross the highway safely.

Mayor Marks noted that several people met with the State of Alabama regarding the intersection and agreed that it is a very dangerous area.

\* \* \*

There being no further business to come before the meeting, Council President Henry asked for a motion to adjourn. Councilman Harper made the motion to adjourn and Councilman Lucas seconded the motion. The meeting was duly and properly adjourned.

/s/ Dana Henry  
PRESIDENT, CITY COUNCIL

ATTEST:  
/s/ Annette Barnes  
CITY CLERK