

February 22, 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 February 22, 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 Chris Seibert, Wayne Harper, Frank Travis, Dana Henry and Harold Wales. Annette Barnes, City Clerk, was present and recorded the minutes of the meeting. Frank Travis offered the invocation. Mayor Marks led the Pledge of Allegiance. The Chairperson stated that a quorum was present and that the meeting was open for transaction of business.

The Chairperson stated that the Minutes of the February 8, 2021 City Council Meeting had been submitted for approval. Councilman Wales moved that the reading of the Minutes be suspended and that the Minutes be approved as recorded. The motion was seconded by Councilman Seibert and was unanimously carried. The Chairperson stated that the Minutes of the February 8, 2021 City Council Work Session Meeting had been submitted for approval. Councilman Wales moved that the reading of the Minutes be suspended and that the Minutes be approved as recorded. The motion was seconded by Councilman Seibert and was unanimously carried.

Mayor Marks commended the City's Public Works, Fire, Police and Utility Department employees for their hard work during the recent snow and ice storms, particularly the Athens Utilities crews, who worked to restore power outages. He also recognized the positive comments received from members of the community concerning the City's response to the storms. Mayor Marks then encouraged everyone to support the City's Relay for Life team by purchasing tickets for the upcoming chicken stew fundraiser.

Councilwoman Henry extended her appreciation for the City crew she observed cleaning up the downed limbs in the Hobbs and Hines Cemetery.

A public hearing was held to hear comments concerning the zoning approval for the sale of alcohol by Athens Liquor Express.

Bill Johnston, 1607 Salmon Avenue, Huntsville, AL, addressed the Council. He stated that while he did not have any objection to this business obtaining an alcohol license, he did have an objection to the use of the name "Liquor Express," since his business is named Huntsville Liquor Express.

A public hearing was held to hear comments concerning the zoning approval for the sale of alcohol by Shubh Mangal Business, Inc., dba: Athens Beverage. No one spoke in favor of or against.

A public hearing was held to hear comments concerning annexation of property for Mark W. Durm, located north of Alabama Highway 99, east of Easterferry Road, south of Sewell Road and at the northwest corner of the present city limits and zone property into the EST Estate Residential and Agricultural District.

James Rich, Public Works Director, reported that the Athens Planning Commission has reviewed and recommends approval of the annexation and rezoning request.

Greg Skipworth, 17530 Springview Drive, Athens, stated that he is in favor of the annexation and rezoning but that he hopes this property doesn't come back before the Council at a later time to be considered for residential development. He stated that this property would be a great location for commercial or industrial development in the future.

Councilman Wales addressed the property owner, Mark Durm, and asked him what his intentions were for future use of this property. Mr. Durm answered Mr. Wales by stating that while he couldn't guarantee what he might do in the future, his motivation for the annexation and rezoning request is to increase the value of his property and that he has no plans at the present to convert the property to residential development.

Councilman Seibert introduced the following ordinance:

AN ORDINANCE TO ANNEX +/- 356.19 ACRES FOR MARK W. DURM LOCATED NORTH OF ALABAMA HIGHWAY 99, EAST OF EASTER FERRY ROAD, SOUTH OF SEWELL ROAD AND AT THE NORTHWEST CORNER OF THE PRESENT CITY LIMITS AND ZONE PROPERTY INTO THE EST ESTATE RESIDENTIAL AND AGRICULTURAL DISTRICT.

**STATE OF ALABAMA
LIMESTONE COUNTY,
CITY OF ATHENS**

ORDINANCE NUMBER 2021 - 2154

WHEREAS, on the 17th day of November, 2020, Mark W. Durm, being the owner of all of the real property hereinafter described, did file with City of Athens a petition asking that the said tracts or parcels of land be annexed to and become a part of the City of Athens; and

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

WHEREAS, the Planning Commission of the City of Athens, Alabama, has made a recommendation to the City Council of the City of Athens, Alabama, to annex the property and zone this property as EST Estate Residential and Agricultural District; and

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

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

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

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

NORTH OF THE END OF LUCAS FERRY ROAD TRACT

338.66 acres lying in Section 25 and in Section 36, Township 2 South, Range 5 West, and partly in Section 30, Township 2 South, Range 4 West, Limestone County, Alabama, and being more particularly described as follows;

Commencing at an existing iron pin at the Southeast Corner of the Northeast Quarter of the Southeast Quarter of said Section 36; Thence North 87 degrees 37 minutes 41 seconds West along the South boundary of said Quarter-Quarter for a distance of 500.0 feet to the point of beginning of the herein described property;

Thence from point of beginning continue North 87 degrees 37 minutes 41 seconds West along the South boundary of said Quarter-Quarter for a distance of 822.74 feet to an iron pin at the Southwest Corner of said Quarter-Quarter;

Thence North 02 degrees 28 minutes 40 seconds East along the West boundary of said Quarter-Quarter for a distance of 1312.72 feet to an iron pin at the Northwest Corner of said Quarter-Quarter;

Thence North 87 degrees 50 minutes 01 seconds West along an existing fence line for a distance of 480.12 feet to an iron pin;

Thence North 87 degrees 13 minutes 29 seconds West for a distance of 847.13 feet to an iron pin;

Thence North 02 degrees 16 minutes 34 seconds East along the West boundary of the Northeast Quarter of said Section 36 for a distance of 1298.95 feet to an iron pin;

Thence North 02 degrees 14 minutes 32 seconds East along said West boundary for a distance of 1307.98 feet to an iron pin at the Northwest Corner of the Northeast Quarter of said Section 36;

Thence North 00 degrees 34 minutes 30 seconds East along the West boundary of the Southeast Quarter of the aforementioned Section 25 for a distance of 2622.94 feet to an iron pin at the Northwest Corner of said Quarter-Section;

Thence South 87 degrees 56 minutes 12 seconds East along the North boundary of said Quarter-Section for a distance of 1333.16 feet to an iron pin at the Northwest Corner of the Northeast Quarter of the Southeast Quarter of said Section 25;

Thence North 00 degrees 29 minutes 31 seconds East along the West boundary of the Southeast Quarter of the Northeast Quarter of said Section 25 for a distance of 664.60 feet to an iron pin at the Northwest Corner of the South Half of the Southeast Quarter of the Northeast Quarter of said Section 25;

Thence South 87 degrees 59 minutes 42 seconds East along the North boundary of the said South Half for a distance of 1332.14 feet to an iron pin at the Northeast Corner of the South Half of the Southeast Quarter of the Northeast Quarter of said Section 25;

Thence South 00 degrees 24 minutes 40 seconds West along the East boundary of said Section 25 for a distance of 655.97 feet to an iron pin at the Northeast Corner of the Southeast Quarter of said Section 25;

Thence South 00 degrees 22 minutes 37 seconds West along the East boundary of said Section 25 for a distance of 1328.73 feet to an iron pin at the Northwest Corner of the Southwest Quarter of the Southwest Quarter of the aforementioned Section 30;

Thence South 87 degrees 46 minutes 36 seconds East along the North boundary of said Quarter-Quarter for a distance of 505.50 feet to an iron pin;

Thence South 00 degrees 24 minutes 40 seconds West for a distance of 766.05 feet to a point;

Thence North 87 degrees 07 minutes 27 seconds West along the existing city limits line of Athens, Alabama, for a distance of 983.86 feet;

Thence South 02 degrees 41 minutes 32 seconds West along the existing city limits line for a distance of 4486.41 feet to the point of beginning, containing 338.66 acres.

EAST SIDE OF EDGEWOOD ROAD TRACT

17.53 acres lying in the Northeast quarter of the Southwest Quarter of Section 30, Township 2 South, Range 4 West, Limestone County, Alabama, and being more particularly described as follows;

Commencing at an existing railroad spike at the Southeast Corner of said Section 30; Thence North 01 degrees 19 minutes 19 seconds East for a distance of 2628.10 feet to a point; Thence North 87 degrees 11 minutes 22 seconds West for a distance of 2634.06 feet to a point; Thence South 00 degrees 52 minutes 01 seconds West for a distance of 204.0 feet to a point; Thence North 56 degrees 35 minutes 19 seconds West for a distance of 12.71 feet to an iron pin at the point of beginning of the herein described property;

Thence from point of beginning, South 01 degrees 31 minutes 57 seconds West for a distance of 1115.05 feet to an iron pin on the East right of way margin of Edgewood road;

Thence North 88 degrees 28 minutes 44 seconds West for a distance of 416.59 feet to an iron pin;

Thence North 30 degrees 27 minutes 08 seconds West along the East right of way margin of said Edgewood road for a distance of 244.15 feet to an iron pin;

Thence North 30 degrees 03 minutes 51 seconds West along the East right of way margin of said Edgewood road for a distance of 289.21 feet to an iron pin;

Thence North 30 degrees 46 minutes 08 seconds West along the East right of way margin of said Edgewood road for a distance of 97.42 feet to an iron pin;

Thence leaving Edgewood road North 61 degrees 01 minutes 56 seconds East along the along an existing fence line for a distance of 178.26 feet to an iron pin;

Thence North 30 degrees 43 minutes 20 seconds West along an existing fence line for a distance of 380.57 feet to an iron pin;

Thence continue North 30 degrees 43 minutes 20 seconds West along an existing fence line for a distance of 190.0 feet to an iron pin;

Thence North 61 degrees 08 minutes 06 seconds East along the along an existing fence line for a distance of 87.79 feet to an iron pin;

Thence South 85 degrees 10 minutes 33 seconds East along the along an existing fence line for a distance of 832.14 to the point of beginning; Containing 17.53 acres;

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

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

SECTION 5. The 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 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 described area or real estate in Section 2, above, is hereby zoned as EST Estate Residential and Agricultural 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.

ADOPTED this the 22nd day of February, 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 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 Seibert thereupon moved that the ordinance be finally adopted, which motion was seconded by Councilmember Henry and upon the said motion being put to vote the following vote was recorded: YEAS: Councilmembers Seibert, 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.

Councilman Seibert introduced the following resolution:

RESOLUTION

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ATHENS, ALABAMA, to reappoint Al Wassum to the Zoning Board of Adjustments for a three year term, expiring February 9, 2024.

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 set a Public Hearing for the regular meeting of March 22, 2021 to amend Ordinance No. 2017-2016, the Zoning Ordinance, paragraph 6.8.19.B to allow accessory detached signs of a certain dimensions to be located within 1,500 feet around interchanges with Interstate 65.

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 the following applicant for a "Restaurant Retail Liquor" alcohol license:

Business Name: Cracker Barrel Old Country Store
DBA: Cracker Barrel 97
Address: 1212 Kelli Drive
Athens, AL 35611

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

Councilman Seibert introduced the following resolution:

RESOLUTION

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ATHENS, ALABAMA, to approve the following applicant for a "Retail Beer & Wine Off Premises" alcohol license:

Business Name: Neighborhood Shelves, LLC
DBA: Save A Lot
Address: 625 US Highway 72, East
Athens, AL 35611

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

Councilman Travis introduced the following resolution:

RESOLUTION

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ATHENS, ALABAMA, to authorize the Mayor to issue a task order to Morell Engineering, Inc. for construction engineering and inspection (CE&I) for the signalization and road widening on US 31 for safety and access improvements for Athens Middle School and MidTown Center. Also for roundabout construction on Pryor Street and Access Drive to MidTown Center. This project shall be funded jointly with the development agreement for MidTown Center and the Capital Infrastructure Fund.

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

Councilman Wales introduced the following resolution:

RESOLUTION

WHEREAS, there remains an unallocated balance of \$10,833 from the FY 2018 capital allocation approved on March 25, 2019, and

WHEREAS, there remains an unallocated balance of \$22,717 from the FY 2019 capital allocation approved on January 13, 2020, and

WHEREAS, on January 25, 2021, the City Council approved a FY 2020 budget amendment to appropriate \$1,700,000 for capital expenditures, and

WHEREAS, on February 8, 2021, the City Council approved allocating \$297,742 of the FY 2020 capital appropriation to the Sanitation Department for the purchase of a Heil 2022 Mack Front Loader Garbage Truck;

THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ATHENS, ALABAMA, to allocate the remaining FY 2020, FY 2019 and 2018 capital appropriations of \$1,435,808 as follows:

Police Department	\$ 250,000
Fire Department	270,000
Street Department	393,000
Building Department	35,000
Information Technology	151,000
Cemetery, Parks & Recreation	25,000
To be Determined	<u>311,808</u>
Total Capital Allocation	\$ 1,435,808

Councilmember Henry moved that unanimous consent be given for immediate consideration of and action on said resolution, which motion was seconded by Councilmember Travis, and upon the said motion being put to vote the following vote was recorded: YEAS: Councilmembers Seibert, 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 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 resolution had been unanimously carried.

Councilwoman Henry introduced the following resolution:

RESOLUTION

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ATHENS, AL to authorize the Mayor to enter into a contract with WOW for SIP services for phone services for the General Fund and Utilities. This contract will be for a period of one year at a cost of \$1,076.48 per month, or \$12,917.76 annually. The cost of these services is included in both the General Fund and Utilities' FY 2021 operating budgets.

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

Councilman Wales introduced the following resolution:

RESOLUTION NUMBER 2021 - 1735

**A RESOLUTION CONCERNING THE PROJECT AGREEMENT
WITH BUC-EE'S ALABAMA II, LLC**

WHEREAS, the City Council of the City of Athens, Alabama previously approved the Project Agreement between the City and Buc-ee's Alabama II, LLC (the "Company"), concerning the development of a Buc-ee's Athens travel center on certain real property located within the corporate limits of the City of Athens at the southeastern corner of the intersection of Huntsville-Brownsferry Road and I-65 (the "Project"); and

WHEREAS, as work on the Project continues, the City Council requests that the Mayor keep the City Council updated as to the progress on the Project, and the City Council desires to provide the Mayor with the flexibility to address various requirements in the Project Agreement.

THEREFORE BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ATHENS, ALABAMA on February 22, 2021, at 5:30 p.m., that the Mayor (or his authorized designee) is authorized to take the following actions in connection with the Project Agreement: (a) the issuance of warrants, as stated in the Project Agreement; (b) the expenditure and use of municipal funds as stated in the Project Agreement; (c) the amendment of any of the Project Agreement's time periods as stated in its Article II (*i.e.*, relating to the transfer of ownership, the City's sewer project, nearby infrastructure, etc.) for up to an additional period of six (6) months; and (d) the carrying out of all duties and obligations in the Project Agreement that are listed in the name of the "City".

ADOPTED this the 22nd day of February, 2021.

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

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

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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