

April 13, 2020

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 April 13, 2020 at 5:30 p.m. The meeting was called to order by Councilman Frank Travis, President of the Council. Upon roll call, the following were found to be present: Councilmembers Harold Wales, Wayne Harper, Frank Travis and Chris Seibert. Mayor Marks led the Pledge of Allegiance. Annette Barnes, City Clerk, was present and recorded the minutes of the meeting. Wayne Harper offered the invocation. The Chairperson stated that a quorum was present and that the meeting was open for transaction of business.

The Chairperson stated that the Minutes of the March 23, 2020 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 Harper and was unanimously carried. The Chairperson stated that the Minutes of the March 23, 2020 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 Harper and was unanimously carried.

Mayor Marks read a proclamation declaring April as Fair Housing Month. He also remarked that this is National Telecommunications Week and expressed his appreciation for the work our dispatchers do in the community.

A public hearing was held concerning the rezoning of property for Billy Strain from EST, Estate Agricultural and Residential District to R-1-3 High Density Single Family Residential District and B-2 General Business District. Property consists of +/-106.946 acres located at 404 Strain Road, southeast of the intersection of US Hwy 31 and south of Strain Road, within the corporate limits of the City of Athens.

Public Works Director, James Rich, reported that all public notice requirements have been satisfied with respect to this rezoning request and that the City of Athens Planning Commission recommends the rezoning request be approved.

Councilman Seibert introduced the following ordinance:

AN ORDINANCE TO REZONE PROPERTY FOR BILLY STRAIN FROM EST, ESTATE AGRICULTURAL AND RESIDENTIAL DISTRICT TO R-1-3 HIGH DENSITY SINGLE FAMILY RESIDENTIAL DISTRICT AND B-2 GENERAL BUSINESS DISTRICT. PROPERTY CONSISTS OF +/-106.946 ACRES LOCATED AT 404 STRAIN ROAD, SOUTHEAST OF THE INTERSECTION OF US HWY 31 AND SOUTH OF STRAIN ROAD, WITHIN THE CORPORATE LIMITS OF THE CITY OF ATHENS.

STATE OF ALABAMA
LIMESTONE COUNTY,
CITY OF ATHENS

ORDINANCE NUMBER 2020 - 2112

WHEREAS, the Planning Commission of the City of Athens, Alabama, has made a recommendation to the City Council of the City of Athens, Alabama, that hereinafter described areas should be rezoned from an EST, Estate Agricultural and Residential District to an R-1-3 High Density Single Family Residential District and B-2 General 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 "R-1-3 Single Family High Density Residential District" and "B-2 General Business District".

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

That all of the hereinafter described area or real estate is hereby zoned as R-1-3 High Density Single Family Residential District and B-2, General Business District, in accordance with and defined by "The Zoning Ordinance of the City of Athens, Alabama," and the areas which are zoned as aforesaid are situated in Athens, Limestone County Alabama, and are more particularly described as follows:

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

COMMENCING AT THE SOUTHWEST CORNER OF SECTION 21 TOWNSHIP 3 SOUTH, RANGE 4 WEST, LIMESTONE COUNTY, ALABAMA, THENCE RUN SOUTH 87°28'36" EAST AT A DISTANCE OF 2795.07 FEET TO A POINT; THENCE RUN NORTH 01°20'47" WEST AT A DISTANCE OF 1157.59 FEET TO A POINT;

THENCE RUN NORTH 03°12'24" WEST AT A DISTANCE OF 168.14 FEET TO A POINT ON THE EASTERN RIGHT-OF-WAY FOR U.S. HIGHWAY 31;

THENCE RUN NORTH 00°04'54" WEST ALONG SAID EASTERN RIGHT-OF-WAY AT A DISTANCE OF 226.89 FEET TO A POINT ON THE INTERSECTION OF SAID EASTERN RIGHT-OF-WAY AND THE SOUTHERN RIGHT-OF-WAY FOR STRAIN ROAD; THENCE RUN SOUTH 88°22'00" EAST ALONG SAID SOUTHERN RIGHT-OF-WAY AT A DISTANCE OF 927.60 FEET TO THE POINT OF BEGINNING.

THENCE FROM THE POINT OF BEGINNING RUN SOUTH 88°47'16" EAST ALONG SAID SOUTHERN RIGHT-OF-WAY AT A DISTANCE OF 346.11 FEET TO A POINT;

THENCE RUN SOUTH 88°33'20" EAST ALONG SAID SOUTHERN RIGHT-OF-WAY AT A DISTANCE OF 1541.99 FEET TO A POINT;

THENCE RUN SOUTH 86°39'02" EAST ALONG SAID SOUTHERN RIGHT-OF-WAY AT A DISTANCE OF 90.54 FEET TO A POINT;

THENCE RUN SOUTH 81°59'12" EAST ALONG SAID SOUTHERN RIGHT-OF-WAY AT A DISTANCE OF 163.82 FEET TO A POINT;

THENCE RUN SOUTH 78°16'05" EAST ALONG SAID SOUTHERN RIGHT-OF-WAY AT A DISTANCE OF 89.25 FEET TO A POINT IN THE CENTER OF SWAN CREEK;

THENCE RUN SOUTH 02°47'19" EAST ALONG THE CENTERLINE OF SWAN CREEK AT A DISTANCE OF 367.55 FEET TO A POINT;

THENCE RUN SOUTH 13°40'56" EAST ALONG THE CENTERLINE OF SWAN CREEK AT A DISTANCE OF 198.31 FEET TO A POINT;

THENCE RUN SOUTH 26°25'56" EAST ALONG THE CENTERLINE OF SWAN CREEK AT A DISTANCE OF 443.29 FEET TO A POINT AT THE NORTHWEST CORNER OF THE MEYER SUBDIVISION AS RECORDED IN PLAT BOOK "B" PAGE 14 IN THE OFFICE FOR THE JUDGE OF PROBATE FOR LIMESTONE COUNTY, ALABAMA;

THENCE RUN NORTH 88°26'38" WEST ALONG THE NORTHERN BOUNDARY OF SAID SUBDIVISION AT A DISTANCE OF 2803.77 FEET TO A POINT;

THENCE RUN NORTH 00°43'47" EAST AT A DISTANCE OF 550.91 FEET TO A POINT;

THENCE RUN SOUTH 88°41'01" EAST AT A DISTANCE OF 282.68 FEET TO A POINT;

THENCE RUN NORTH 03°08'06" EAST AT A DISTANCE OF 429.34 FEET AND BACK TO THE POINT OF BEGINNING.

SAID TRACT OF LAND CONTAINS 56 ACRES, MORE OR LESS.

AND SUBJECT TO ANY AND ALL EASEMENTS EITHER RECORDED OR UNRECORDED.

“B-2” General Business District:

COMMENCING AT THE SOUTHWEST CORNER OF SECTION 21 TOWNSHIP 3 SOUTH, RANGE 4 WEST, LIMESTONE COUNTY, ALABAMA, THENCE RUN SOUTH 87°28'36" EAST AT A DISTANCE OF 2795.07 FEET TO A POINT; THENCE RUN NORTH 01°20'47" WEST AT A DISTANCE OF 1157.59 FEET TO A POINT; THENCE RUN NORTH 03°12'24" WEST AT A DISTANCE OF 168.14 FEET TO A POINT ON THE EASTERN RIGHT-OF-WAY FOR U.S. HIGHWAY 31, SAID POINT ALSO BEING THE POINT OF BEGINNING.

THENCE FROM THE POINT OF BEGINNING RUN NORTH 00°04'54" WEST ALONG SAID EASTERN RIGHT OF WAY AT A DISTANCE OF 226.89 FEET TO A POINT AT THE INTERSECTION OF SAID EASTERN RIGHT-OF-WAY AND THE SOUTHERN RIGHT-OF-WAY FOR STRAIN ROAD;

THENCE RUN SOUTH 88°22'00" EAST ALONG SAID SOUTHERN RIGHT-OF-WAY AT A DISTANCE OF 927.60 FEET TO A POINT;

THENCE RUN SOUTH 03°08'06" WEST AT A DISTANCE OF 429.34 FEET TO A POINT;

THENCE RUN NORTH 88°41'01" WEST AT A DISTANCE OF 282.68 FEET TO A POINT;
THENCE RUN NORTH 03°54'23" EAST AT A DISTANCE OF 41.04 FEET TO A POINT;
THENCE RUN NORTH 88°33'10" WEST AT A DISTANCE OF 139.19 FEET TO A POINT;
THENCE RUN SOUTH 02°48'59" EAST AT A DISTANCE OF 68.79 FEET TO A POINT;
THENCE RUN NORTH 88°55'24" WEST AT A DISTANCE OF 98.74 FEET TO A POINT;
THENCE RUN NORTH 03°08'16" WEST AT A DISTANCE OF 69.26 FEET TO A POINT;
THENCE RUN NORTH 88°47'57" WEST AT A DISTANCE OF 7.58 FEET TO A POINT;
THENCE RUN NORTH 01°12'03" EAST AT A DISTANCE OF 153.46 FEET TO A POINT;
THENCE RUN SOUTH 89°59'59" EAST AT A DISTANCE OF 31.74 FEET TO A POINT;
THENCE RUN NORTH 00°50'01" EAST AT A DISTANCE OF 15.40 FEET TO A POINT;
THENCE RUN NORTH 89°09'59" WEST AT A DISTANCE OF 412.98 FEET AND BACK TO THE POINT OF BEGINNING.

SAID TRACT OF LAND CONTAINS 7 ACRES, MORE OR LESS.

AND SUBJECT TO ANY AND ALL EASEMENTS EITHER RECORDED OR UNRECORDED.

ADOPTED this the 13th day of April, 2020.

/s/ Frank Travis
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 Seibert, and upon the said motion being put to vote the following vote was recorded: YEAS: Councilmembers Seibert, Wales, Travis, 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 Wales and upon the said motion being put to vote the following vote was recorded: YEAS: Councilmembers Seibert, Wales, Travis, 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 resolution:

RESOLUTION

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ATHENS, ALABAMA to approve purchase from Altec Industries, Inc., Birmingham, Alabama, for a 2020 55' Articulating Telescopic Aerial Device with Service Body and Cab and Chassis for a price of \$185,800.00 for the Electric Department.

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

The following resolution was made for "Introduction Only" by Councilman Wales on March 23, 2020:

RESOLUTION NUMBER 2020 - 1676

**A RESOLUTION CONCERNING THE CITY OF ATHENS UTILITIES
WATER/SEWER LINE EXTENSION POLICY**

WHEREAS, § 50-64 of the *Code of Ordinances of the City of Athens, Alabama Athens* provides that the Manager of Athens Water Services has the “authority to prescribe regulations governing the connection and use of water and sewer furnished by the city”;

WHEREAS, on March 26, 2007, the Manager of Water Services issued the *City of Athens Utilities Water/Sewer Line Extension Policy*, and the Athens City Council adopted a resolution expressing its approval of that policy;

WHEREAS, the Manager of Athens Water Services has revised that policy to more clearly express Athens Water Services’ longstanding interpretation and consistent application of it, and requests that the City Council indicate its approval the revised policy; and

WHEREAS, the City Council desires to acknowledge its approval of the revised *City of Athens Utilities Water/Sewer Line Extension Policy*.

THEREFORE BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ATHENS, ALABAMA

on February 24, 2020, at 5:30 p.m., that the City Council approves and adopts Athens Water Services’ *City of Athens Utilities Water/Sewer Line Extension Policy*, as follows:

CITY OF ATHENS UTILITIES WATER/SEWER LINE EXTENSION POLICY

To support the development of property that has been approved for platting by the City’s Planning Commission, where the proposed construction is in compliance with the City’s zoning ordinance and permitted by applicable law, the City of Athens Utilities will bring public sewerage and potable water service to within 500’ and 1,500’, respectively, of the property being developed. Where a property is being developed in phases, the extension of public water and sewer lines shall be to the closest property boundary and not necessarily the area selected for initial development. Where existing, continuous water lines are of insufficient size and /or flow capacity to meet applicable City Fire Code, the developer shall be required to install up to 1,500’ of offsite water line improvements, replacements or looping mains as necessary to ensure that fire flows within the development fully conform to the City of Athens Fire Code. The routing for offsite water and sewer lines shall be based upon the needs and purposes of the public systems as defined by the Department Manager. The developer shall be responsible for the cost of 500’ of 8” diameter offsite sewer line construction and 1,500’ of 8” diameter offsite water line construction, in addition to all required onsite water and sewer construction. The exact location for the developer’s offsite water and sewer line construction responsibility shall be determined by the Department Manager. The City of Athens Utilities Water and/or Wastewater Departments will pay all upgrade costs for construction of pipes larger than 8” diameter, if such is dictated by the Department and not required by City Fire Code or the expected sewage discharge from the development. The Water Department will also pay for fire hydrants, valves, tees and other appurtenances on the offsite water line that are required by the Department to facilitate the development of other lands. The water and sewer lines referenced herein shall be public lines that are owned by, and/or dedicated to, the City. This policy does not require any extension of public sewerage and/or water lines where the Department concludes, in its sole discretion, that a property’s boundary lines, divisions of property, sales of property, or other circumstances have been modified or contrived so as to result in an application of this policy that would require the Department to extend lines further than would otherwise be required hereunder. Moreover, the timing and scheduling of the extension of lines as stated herein lies within the Department’s sole control, and whether to proceed with any extension of lines is subject to the Department’s prioritization of projects, available funding, available manpower, service goals, and other similar matters within the discretion of the Department. As in the case of all Department rules and regulations, this policy is subject to the interpretation of the Department, is within the Department’s control, and may be amended or revoked at any time.

ADOPTED this the 24th day of February, 2020.

/s/ Frank Travis
PRESIDENT, CITY COUNCIL,
CITY OF ATHENS, ALABAMA

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

Councilman Harper introduced the following resolution:

RESOLUTION NUMBER 2020 – 1677

MUNICIPAL WATER POLLUTION PREVENTION (MWPP) PROGRAM

BE IT RESOLVED that the City of Athens, Alabama

 Informs the Department of Environmental Management that the following
actions were taken by the City Council

1. Reviewed the MWPP Annual Report for calendar 2019 which is attached to this resolution.
2. Set forth the following action and schedule necessary to maintain effluent requirements contained in the NPDES Permit, and to prevent the bypass and overflow of raw sewage within the collection system or at the treatment plant:
 - a) Complete flow monitoring of the wastewater collection system
 - b) Commence flow modeling of wastewater collection system
 - c) Commence strategic asset management for the wastewater collection system

Passed by a unanimous vote of the City Council on April 13, 2020.

/s/ Frank Travis
PRESIDENT, CITY COUNCIL,
CITY OF ATHENS, ALABAMA

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

ATTEST:

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

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

Councilman Harper introduced the following resolution:

RESOLUTION NUMBER 2020 - 1678

A RESOLUTION PROPOSING AN AMENDMENT TO THE ZONING ORDINANCE OF THE CITY OF ATHENS, ALABAMA CONCERNING ELECTRONIC SIGNAGE

WHEREAS, § 2.5.1 of the City’s Zoning Ordinance states that “[p]roposed amendments to the text of the Ordinance may be initiated by the Council, the [Planning] Commission, or the [Zoning] Board [of Adjustments]”;

WHEREAS, the City Council wishes to propose an amendment to § 6.8.13.E concerning changing message signs, electronic reader board signs, and electronic message center signs;

WHEREAS, the proposal would amend § 6.8.13.E to allow such signs in TI (Traditional Institutional) Districts under certain conditions;

WHEREAS, the proposal would also amend § 6.8.13.E so that such signs (i) must be oriented away from residential neighborhoods, (ii) are not permitted in historical districts, (iii) will contain a default mechanism that reverts to a black screen in the event of a malfunction, (iv) shall only be used during certain hours, (v) shall be regulated as to their brightness, and (vi) shall be limited such that no more than 75% of the total sign may consist of electric elements; and

WHEREAS, per Alabama law, the City Council understands that, upon the adoption of this Resolution, this proposed amendment will be submitted to the Planning Commission for its review and recommendation upon a public hearing, before returning to the City Council for a public hearing and vote on the proposed zoning ordinance amendment.

THEREFORE BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ATHENS, ALABAMA

on April 13, 2020 at 5:30 p.m., as follows:

1. The City Council proposes the following amendment to § 6.8.13.E of the Zoning Ordinance of the City of Athens:

§6.8.13.E. Changing Message Signs, Electronic Reader Board Signs, Electronic Message Center (EMC) Signs. Any portion of a sign that is changeable by electronic or manual means is regulated by this section. These signs will be counted as part of the total signage area permitted per frontage in any district. They shall meet the requirements specified for the type of signage it serves as: attached or detached, permanent or portable, on- or off-premises as well as other provisions for signage as specified in this Article. They shall meet the requirements for illuminated or flashing signs in Section 6.8.13.F.

- 1) Location
 - a. Such signs shall be permitted in the B-2, INST, M-1, and M-2 Districts. Such signs shall also be permitted in the TI Districts, so long as (i) the owners obtain Commission approval and (ii) comply with the additional requirements in Section 6.8.13.E.7.
 - b. Notwithstanding § 6.8.13.E.1.a above, Changing Message Signs, Electronic Reader Board Sign or Electronic Message Center Sign are prohibited within the boundary of a historic district, historic site, or a property with a building that is listed on a historic register. The historic designation includes government registers that are local, state, or federally run. This includes historic districts listed in Section 6.8.3.B.
 - c. Such signs shall be oriented away from residential structures and neighborhoods.
- 2) Dwell time
 - a. The dwell time, defined as the interval of change between each individual message (temperature, time, announcements, etc.), shall be at least eight (8) seconds. Any change of message shall be completed instantaneously.

- b. There shall be no special effects between messages, such as “Waterfall” messages, scrolling messages, and other similar electronic messages, which are prohibited as set forth in Sections 6.8.13.F and 6.8.13.G.
- 3) Operation
- a. In order to reduce glare and brightness, such displays shall have a monochrome appearance at all times, with a background color of black and letters and numbers of a lighter color. Pictures shall not be displayed.
 - b. All electronic message center and electronic reader board signs shall contain a default mechanism that will cause the sign to revert immediately to a black screen if the sign malfunctions or shall be turned off manually within 24-hours of a malfunction.
 - c. Hours of operation. All electronic message center signs and electronic reader board signs permitted after October 1, 2020, shall be turned on no earlier than 5:00 a.m. and turned off no later than 12:00 a.m. (midnight), except a business in operation during those hours may operate the sign during business hours.
- 4) Brightness/Illuminance
- a. Each electronic message center and electronic message board sign shall have a light sensing device to adjust brightness or illuminance as ambient light conditions change in order to ensure that the message meets the following brightness standards. The maximum brightness shall be 0.3 foot candles (or 3.2 lux). That measurement shall be taken at a horizontal distance away the sign measured in feet using the following formula, and rounded down to the nearest whole number:

$$\text{Measure Distance (ft.)} = \sqrt{\text{EMC Sign Face Area (sq. ft.)} \times 100}$$
 - b. The procedure and distances for measurement of brightness shall be as established by the International Sign Association’s *Night-time Brightness Level Recommendations for On-Premise Electronic Message Centers*.
- 5) Sign Face Size. The area consisting of electric or electronic message board elements shall not exceed 75 percent of the total allowable sign, with the exception of drive-through menu boards.
- 6) The portability of the sign does not preclude it from the requirements of this Ordinance (see Section 6.8.13.K Temporary Signs).
- 7) Where permitted in a TI District, such signs shall only be accessory detached signs (meeting the requirements of Section 6.8.21) and must meet the following additional conditions:
- a. Site requirements.
 - i. Location. The sign shall only be located on an arterial or collector street.
 - ii. The building’s façade must face an arterial or collector street and must have 50 feet of façade or more on that street. A corner building at the intersection of arterial or collector streets may only use the measurement of one façade to meet this requirement.
 - b. Sign face size. The Electronic Message Center or Changeable Message portion of the sign’s face shall be a maximum of 20 square feet.
 - c. Electronic Message Center and Electronic Reader Board signs shall be turned on no earlier than 7:00 a.m. and turned off no later than 10:00 p.m.
 - d. Dwell time. The dwell time, defined as the interval of change between each individual message, shall be at least five (5) minutes.

2. The City Clerk shall forward a copy of this Resolution to the Planning Commission, so that the commission may have a public hearing on this proposed amendment, and then issue its recommendation to the City Council.

ADOPTED this the 14th day of April, 2020.

/s/ Frank Travis
PRESIDENT, CITY COUNCIL,
CITY OF ATHENS, ALABAMA

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

/s/ Frank Travis
PRESIDENT, CITY COUNCIL

ATTEST:

/s/ Annette Barnes
CITY CLERK