

June 24, 2019

STATE OF ALABAMA,  
LIMESTONE COUNTY,  
CITY OF ATHENS.

The City Council of the City of Athens, Alabama met in regular session at the Athens Municipal Building, 200 Hobbs Street West in Athens on June 24, 2019, at 5:30 p.m. The meeting was called to order by Councilman Harold Wales, President of the Council. Upon roll call, the following were found to be present: Councilmembers Harold Wales, Frank Travis, Wayne Harper, and Joseph Cannon. Councilman Seibert was absent. Mayor Marks led the Pledge of Allegiance. Annette Barnes, City Clerk, was present and recorded the minutes of the meeting. Frank Travis 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 June 3, 2019 City Council Meeting had been submitted for approval. Councilman Harper moved that the reading of the Minutes be suspended and that the Minutes be approved as recorded. The motion was seconded by Councilman Cannon and was unanimously carried. The Chairperson stated that the Minutes of the June 3, 2019 City Council Work Session Meeting had been submitted for approval. Councilman Harper moved that the reading of the Minutes be suspended and that the Minutes be approved as recorded. The motion was seconded by Councilman Cannon and was unanimously carried. The Chairperson stated that the Minutes of the June 18, 2019 Special Called City Council Meeting had been submitted for approval. Councilman Harper moved that the reading of the Minutes be suspended and that the Minutes be approved as recorded. The motion was seconded by Councilman Cannon and was unanimously carried.

A public hearing was held to determine that the remains of a structure at 923 North Clinton Street are unsafe and a public nuisance and ordering abatement of same.

Erik Waddell, City Building Inspector, addressed the Council stating that this property is in violation of the City's property maintenance code and that numerous attempts had been made to contact the owner. He stated that the structure is unsafe and recommends condemnation and abatement.

The public hearing was closed

**Councilman Harper introduced the following resolution:**

**RESOLUTION NUMBER 2019 - 1625**

**A RESOLUTION DETERMINING THAT THE REMAINS OF A STRUCTURE AT 923 NORTH CLINTON STREET ARE 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 the remains of a structure and/or building (herein referred to as the "Structure") located at the real property described as follows:

Address: 923 N. Clinton Street, Athens, AL 35611

PARCEL # 10-03-05-1-001-040.000

Legal Description

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

Forty feet evenly off the South side of Lot 11, and all of Lots 12, 13, and 14, all in Block 11 of the Pinehurst Addition to the Town of Athens, Alabama, in accordance with map thereof recorded in the Office of the Judge of Probate of Limestone County, Alabama, and being the same real estate conveyed to the grantors herein by deed recorded in Fiche 155, Frame 39 in the Probate Office of Limestone County, Alabama.

(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 the City Council's June 24, 2019 regular meeting, the City Council conducted a public hearing concerning this matter, receiving and reviewing 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 interior walls or other vertical structure members list, lean, or buckle to such an extent that a plumb line passing through the center of gravity falls outside of the middle third of its base;

(2) Exclusive of the foundation, the structure shows thirty-three (33) percent, or more, of damage or deterioration of one (1) or more supporting members, or fifty (50) percent of damage or deterioration of the non-supporting enclosing or outside walls or covering;

(3) The structure has improperly distributed loads upon the floors or roofs, or in which the same are overloaded, or has insufficient strength to be reasonably safe for the purpose used;

(4) The structure 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;

(5) The structure 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;

(6) The structure has inadequate facilities for egress in case of fire or panic, or has insufficient stairways, elevators, fire escapes, or other means of ingress and egress to and from said building;

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

(8) The structure is so damaged, decayed, dilapidated, structurally unsafe, or of such fault construction or unstable foundation that partial or complete collapse is possible;

(9) The structure has parts thereof which are so attached that they may fall and damage property or injure the public or the occupants;

(10) The structure 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;

(11) The structure has a portion remaining on a site after the demolition or destruction of the same or is abandoned so as to constitute such building, structure, part of building or structure, party wall, or foundation as an attractive nuisance or hazard to the public; and

(12) The structure 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; 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 June 24, 2019 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 (if deemed necessary by the appropriate municipal official) 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 survey reveal the presence of asbestos such that the combined screening, remediation and demolition costs will 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 and APPROVED this, the 24<sup>th</sup> day of June, 2019.

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

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

A public hearing was held to determine that a structure at 19146 Airfield Street is unsafe and a public nuisance and ordering abatement of same.

Erik Waddell, City Building Inspector, addressed the Council stating that this property is in violation of the City's property maintenance code and that notification of the owners had been made via letters by U.S. mail and hand delivery.

He stated that the structure is unsafe and recommends condemnation and abatement.  
The public hearing was closed.

**Councilman Travis introduced the following resolution:**

**RESOLUTION NUMBER 2019 - 1626**

**A RESOLUTION DETERMINING THAT A STRUCTURE AT 19146 AIRFIELD STREET 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: 19146 Airfield Street, Athens, Alabama 35614

PARCEL # 07-09-29-0-003-0027.000

Legal Description

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

Lot No. 38 of the Airport Subdivision of a part of the Southeast Quarter of the Southwest Quarter of Section 29, Township 2 South, Range 4 West, according to a map or plat of said subdivision on file in the Office of the Judge of Probate of Limestone County, Alabama in Plat Book B, Page 67.

(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 the City Council’s June 24, 2019 regular meeting, the City Council conducted a public hearing concerning this matter, receiving and reviewing 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 interior walls or other vertical structure members list, lean, or buckle to such an extent that a plumb line passing through the center of gravity falls outside of the middle third of its base;

(2) Exclusive of the foundation, the building shows thirty-three (33) percent, or more, of damage or deterioration of one (1) or more supporting members, or fifty (50) percent of damage or deterioration of the non-supporting enclosing or outside walls or covering;

(3) The building has improperly distributed loads upon the floors or roofs, or in which the same are overloaded, or has insufficient strength to be reasonably safe for the purpose used;

(4) 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;

(5) 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;

(6) 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;

(7) The building has inadequate facilities for egress in case of fire or panic, or has insufficient stairways, elevators, fire escapes, or other means of ingress and egress to and from said building;

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

(9) 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;

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

(11) 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

(12) 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; 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 June 24, 2019 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 survey reveal the presence of asbestos such

that the combined screening, remediation and demolition costs will 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 and APPROVED this, the 24th day of June, 2019.

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

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

A public hearing was held concerning an unsafe structure at 809 Sanders Street.

Erik Waddell, City Building Inspector, addressed the Council stating that this property is currently being considered for purchase by an individual. He requested the Council continue the resolution for condemnation and abatement until the August 26, 2019 Council meeting to allow him to meet with the potential buyer to pursue other methods to resolve or mitigate the issues with this property.

The public hearing was closed.

**Councilman Cannon introduced the following resolution to table the resolution concerning an unsafe structure at 809 Sanders Street until the August 26, 2019 meeting:**

**RESOLUTION NUMBER 2019 - 1627**

**A RESOLUTION CONCERNING AN UNSAFE STRUCTURE  
AT 809 SANDERS STREET**

**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 on the real property described as follows:

Address: 809 Sanders Street, Athens, AL

PARCEL # 10-03-05-3-003-004.000

Legal Description

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

Lot Numbers 24 and 25 of Block H of the Maplewood Addition to the City of Athens, Alabama, according to the Plat thereof on record in the Office of the Judge of Probate of Limestone County, Alabama, in Plat Book A, at Page 61.

(herein referred to as the “Property”);

**WHEREAS**, the appropriate municipal official determined that the condition of the Structure is unsafe in that the Structure constitutes a public nuisance to the citizens of Athens, and initiated proceedings concerning its possible abatement, which included a public hearing set for today's June 24, 2019 meeting; and

**WHEREAS**, at this regular meeting, the City Council conducted the public hearing and then, at the recommendation of the appropriate municipal official, postponed action concerning this matter.

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

on June 24, 2019 at 5:30 p.m., as follows:

1. This matter shall be tabled until the City Council's regular meeting on August 26, 2019.

**ADOPTED** this the 24<sup>TH</sup> day of June, 2019.

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

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

A public hearing was held to hear comments concerning the zoning approval for the sale of alcohol in the City of Athens by D & L Seafood and Grill.

No one spoke in favor of or against.

The public hearing was closed

A public hearing was held to hear comments concerning the rezoning of property for Jackie Perry II, Lisa Swindall, and Dennis Perry from an R-1-1 Single Family Low Density Residential District to an R-1-3 Single Family High Density Residential District, 1500 feet west of the intersection of Newby Road and Mooresville Road on the northern side of Newby Road.

James Rich, Public Works Director, addressed the Council to report that the City of Athens Planning Commission did consider this request and recommends City Council approval of the rezoning.

The public hearing was closed.

**Councilman Harper introduced the following ordinance:**

**AN ORDINANCE TO REZONE PROPERTY FOR JACKIE PERRY II, LISA SWINDALL, AND DENNIS PERRY FROM AN R-1-1 SINGLE FAMILY LOW DENSITY RESIDENTIAL DISTRICT TO AN R-1-3 SINGLE FAMILY HIGH DENSITY RESIDENTIAL DISTRICT. PROPERTY CONSISTS OF +/-32 ACRES LOCATED +/- 1500 FEET WEST OF THE INTERSECTION OF NEWBY ROAD AND MOORESVILLE ROAD ON THE NORTHERN SIDE OF NEWBY ROAD ON PARCEL NUMBER 09-09-30-0-000-006.002, WITHIN THE CORPORATE LIMITS OF THE CITY OF ATHENS.**

STATE OF ALABAMA  
LIMESTONE COUNTY,  
CITY OF ATHENS

**ORDINANCE NUMBER 2019 – 2085**

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

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

Lot 3 Block 1 of the Madge Newby Farm, a minor subdivision, as recorded in Plat Book G, Pg. 21 in the Probate Office of Limestone County, Alabama.

ADOPTED and APPROVED this, the 24<sup>th</sup> day of June, 2019.

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

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

ATTEST:

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

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

A public hearing was held to hear comments concerning the rezoning of property for Doris W. French Family Trust and French Farms Pavilion, LLC. from an R-1-3 Single Family High Density Residential District, B-1 Neighborhood Business District, and C-PUD, Conventional Planned Unit Development, to an R-2 Multi-Family District, located on the northwest corner of Brookhill Drive and French Farms Boulevard.

James Rich, Public Works Director, addressed the Council to report that the City of Athens Planning Commission did consider this request and recommends City Council approval of the rezoning.

Scott Marshall, 410 East Washington Street, Athens, then addressed the Council. He inquired as to why there had not been a presentation with the details of the proposed development to the full Council like there had been for other, larger proposed apartment complex developments in the past. He stated that since three of the Council members do not serve on the City’s planning commission, they are being asked to vote on a project without being presented with all of the information related to the development. He stated that he didn’t have anything against the project but is questioning the consistency of the process for review and approval from one project to another.

**Councilman Travis introduced the following ordinance:**

**AN ORDINANCE TO REZONE PROPERTY FOR DORIS W. FRENCH FAMILY TRUST AND FRENCH FARMS PAVILION, LLC FROM AN R-1-3 SINGLE FAMILY HIGH DENSITY RESIDENTIAL DISTRICT, B-1 NEIGHBORHOOD BUSINESS DISTRICT, AND C-PUD CONVENTIONAL PLANNED UNIT DEVELOPMENT TO AN R-2 MULTI-FAMILY DISTRICT. PROPERTY CONSISTS OF +/- 51.7 ACRES LOCATED ON THE NORTHWEST CORNER OF BROOKHILL DRIVE AND FRENCH FARMS BOULEVARD, WITHIN THE CORPORATE LIMITS OF THE CITY OF ATHENS.**

STATE OF ALABAMA  
LIMESTONE COUNTY,  
CITY OF ATHENS

**ORDINANCE NUMBER 2019 – 2086**

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-1-3 Single Family High Density Residential District, B-1 Neighborhood Business District, and C-PUD Conventional Planned Unit Development to an R-2 Multi-Family 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-2 Multi-Family District”.

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

A tract of land lying and being in the Northwest Quarter of Section 16, Township 3 South, Range 4 West, Limestone County, Alabama and being more particularly described as follows.

COMMENCE at a concrete monument being purported as the Southwest corner of said Northwest Quarter Section 16; thence N 00°05'50" E along the West line of said Northwest Quarter a distance of 50.13 feet to an Iron Pin, also being the POINT OF BEGINNING; thence N 00°07'18" W along the West line of said Northwest Quarter a distance of 1767.47 feet to a Capped Iron Pin; thence leaving said West line S 39°05'22" E along the south line of that property as described in Book 436, Page 562 in the Office of the Judge of Probate, Limestone County, Alabama a distance of 451.56 feet to a Capped Iron Pin; thence leaving said south line N 15°40'26" E along the West line of last said property a distance of 147.87 feet to a Capped Iron Pin on the South Line of that property as described in Book 575, Page 341 thence S 68°03'01" E along last said South line a distance of 244.83 feet to a Capped Iron Pin; thence leaving last said South line N 25°34'08" E along the East line of last said property a distance of 293.36 feet more or less to the center of Towne Creek; thence meandering in an East to Southeasterly direction along said Town Creek a distance of 1010 feet more or less to the Northern line of Lot 4B as described in Plat Book H Page 387; thence S 89°37'21" E along said North line a distance of 25.00 feet; thence continue along last said North line N 85°33'36" E a distance of 168.60 feet to a point on the West Right-of-Way of Old Decatur Road; thence S 00°22'35" W along last said Right-of-Way a distance of 179.35 feet to a Capped Iron Pin on a curve to the right having a radius of 375.00 feet, a chord bearing of S 11°49'35" W and a chord distance of 150.32 feet; thence along the arc of said curve a distance of 151.34 feet to a Capped Iron Pin; thence continue along last said Right-of-Way S 23°23'18" W a distance of 105.04 feet to a Capped Iron Pin on a curve to the left having a radius of 425 feet, a chord bearing of S 01°39'25" W and a chord distance of 314.72 feet; thence continue along last said Right-of-Way along the arc of said curve a distance of 322.39 feet to a Capped Iron Pin; thence continue along last said Right-of-Way S 20°04'26" E a distance of 416.17 feet to a Capped Iron Pin on the North Right-of-Way of Brookhill Road; thence leaving said West Right-of-Way N 88°00'33" W and along said North Right-of-Way a distance of 1565.73 feet back to the POINT OF BEGINNING.

Said Tract contains 51.7 acres more or less.

ADOPTED and APPROVED this, the 24<sup>th</sup> day of June, 2019.

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

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

ATTEST:

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

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

following vote was recorded: YEAS: Councilmembers Wales, Travis, Cannon and Harper; NAYS: None. The President thereupon announced that the motion for the adoption of the said ordinance had been unanimously carried.

**Councilman Travis introduced the following resolution:**

**RESOLUTION**

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ATHENS, ALABAMA, that the Master Development Plan submitted by Edward Rose and Sons attached hereto as Exhibit A (located on last page of minutes) is hereby approved pursuant to § 2.5.2 of the Zoning Ordinance of the City of Athens, Alabama. This approval is made contingent upon the City Council’s subsequent approval of Doris W. French Family Trust and French Farms Pavilion, LLC’s application to rezone the property subject to the Master Development Plan to a R-2 Multi-Family District.

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

Josie McLin, 1703 Brookmeade Avenue, Athens, addressed the Council concerning trash and debris being dumped on her property by a neighbor who operates a lawn mowing business.

Mike McDonald, 21796 Bald Eagle Drive, Athens, addressed the Council concerning an issue with his neighbor shining bright lights into his yard and home at night. He state he had inquired of Chief Johnson as to whether the City had any existing ordinance addressing light pollution and had been told the City currently has no ordinance prohibiting this.

**Councilman Cannon introduced the following resolution:**

**RESOLUTION**

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ATHENS, ALABAMA, to approve travel expenses as follows:

William R. Marks	Alabama League of Municipalities Annual Conference Mobile, Alabama May 3 – 7, 2019	\$ 385.47
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The motion was seconded by Councilman Travis and was unanimously carried.

**Councilman Cannon introduced the following resolution:**

**RESOLUTION**

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

Kelvin Snyder State of Alabama FE Exam	\$1,176.94
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The motion was seconded by Councilman Travis and was unanimously carried.

**Councilman Cannon introduced the following resolution:**

**RESOLUTION**

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ATHENS, AL to approve the purchase and installation of a new router, port switches, related modules and software for the Athens Utilities warehouse at a cost NTE \$19,403. The purchase will be made from Cspire through the City’s membership in the North Alabama Cooperative Purchasing Association and will be funded through the Electric Department’s budgeted line item, 1-401.935.00, Maintenance of General Property.

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

**Councilman Cannon introduced the following resolution:**

**RESOLUTION**

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ATHENS, AL to approve the purchase and installation of security cameras, mounts, video storage device, camera software licenses and related equipment for the Athens Utilities Headquarters building at a cost NTE \$55,566. The purchase will be made from Gorrie Regan and will be an extension of the security camera system previously purchased for the City's Police Station. The cost of the equipment and installation is included in the FY 2019 Electric Department Capital budget.

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

**Councilman Cannon introduced the following resolution:**

**RESOLUTION**

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ATHENS, ALABAMA, to approve the purchase of two (2) trailers for hauling equipment from Better Built Trailers. The total cost for both trailers is not to exceed \$12,000, and is to be funded from the existing Street Department capital account.

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

**Councilman Cannon introduced the following resolution:**

**RESOLUTION**

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ATHENS, ALABAMA, to approve the purchase of a used, flat bed crew truck from the Alabama Department of Transportation's surplus equipment sale at a total cost not to exceed \$27,000, to be funded from the existing Street Department capital account.

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

**Councilman Cannon 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 July 22, 2019 to review the request of Lucas Ferry Properties, LLC. to annex +/-16.3 acres which would be included in the rezoning of a total of +/-24.9 acres of property from R-1-1 Single Family Low Density Residential District to R-1-3 Single Family High Density Residential District, located on the west side of Lucas Ferry Road, +/- 1300 feet north of the intersection of Sanderfer Road West and Lucas Ferry.

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

**Councilman Cannon 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 July 22, 2019 to review the request of Terrell Carden to rezone +/-16.2 acres of property located on Quinn Road (Parcel #44-11-01-12-1-000-001.000 and #44-11-01-12-0-000-001.004) from an R-1-1 Single Family Low Density Residential District to an R-1-3 Single Family High Density Residential District.

The motion was seconded by Councilman Travis 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 approve the following applicant for the following types of ABC alcohol licenses: a "Retail Beer (On or Off Premises) and Retail Table Wine

(On or Off Premises),” and to confirm that the applicant’s operation must at all times conform to the ordinances of the City. The applicant is:

Business Name: Kelli Drive Hotel Company, LLC  
Dba: Hampton Inn  
Address: 1222 Kelli Drive  
Athens, AL 35613

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

**Councilman Cannon introduced the following resolution:**

**RESOLUTION**

BE IT RESOLVED BY THE CITY COUNCIL OF ATHENS, ALABAMA, to adopt the attached revised organizational chart for the Cemeteries, Parks, and Recreation Department, which includes the following 29 positions:

1. Director of Cemeteries, Parks, and Recreation
2. Administrative Assistant
3. Cemetery Coordinator
4. Facilities Maintenance Supervisor
5. Maintenance Technicians (3 positions)
6. Recreation Services Supervisor
7. Recreation Coordinators (5 positions)
8. Recreation Clerks (2 positions)
9. Cemetery Services Supervisor
10. Cemetery Equipment Operators (3 positions)
11. Assistant Foreman, Park Services
12. Parks Grounds Equipment Operators (6 positions)
13. Mechanic
14. Part-time Recreation Assistant

The motion was seconded by Councilman Travis 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 FY 2020 Electric Department budget.

REVENUES:

Metered Electric Sales	\$ 119,599,569
Miscellaneous Revenue	\$ 2,565,000
Aid to Construction	\$ 2,700,000
<b>TOTAL OPERATING REVENUE</b>	<b>\$ 124,864,569</b>

EXPENSES:

Employee Expense – Salaries and Benefits	\$ 7,977,187
Purchased Power	\$ 99,518,802
System Operation and Maintenance Expenses	\$ 2,707,000
Customer Service Expense	\$ 2,068,129
Uncollectable Account Expenses	\$ 150,000
Administrative and General Expenses	\$ 1,355,673
Vehicle & Equipment Operation and Maintenance	\$ 420,000
Tax Equivalent Payments	\$ 2,587,473
Debt Service Expenses	\$ 3,400,853
General Fund Salaries & Expenses	\$ 160,000
Construction In Progress	\$ 2,500,000
Transformers	\$ 575,000

Meters	\$ 150,000
TOTAL OPERATING EXPENSES	\$ 123,570,117
NET OPERATING BUDGET	\$ 1,294,452
DRAW FROM RESERVES	\$ 400,000
CAPITAL EXPENDITURES	
Vehicles	\$ 606,000
Fiber to Substations	\$ 60,000
Building Improvements	\$ 25,000
Misc. Tools and Equipment	\$ 100,000
Continue Upgrade of Substations (from reserves)	\$ 200,000
Regulator/Capacitor Controls	\$ 40,000
Substation & Spare Voltage Regulators	\$ 75,000
Pole Top Reclosers	\$ 40,000
SCADA System Maint. And SCADA radios	\$ 40,000
Computer Hardware and Software	\$ 20,000
OMS and Mapping	\$ 15,000
SCADA Substations Upgrade (from reserve)	\$ 100,000
Generator (Utilities Warehouse)	\$ 250,000
Office Equipment	\$ 25,000
Substation Maintenance Equipment	\$ 5,000
Substation and Industrial Metering	\$ 6,000
Traffic Light Modernization	\$ 25,000
Substation Improvements	\$ 10,000
TOTAL CAPITAL EXPENDITURES	\$ 1,642,000
TOTAL NET BUDGET	\$ 52,452

The motion was seconded by Councilman Cannon 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 following retail rate adjustment for the City of Athens Electric Department to become effective for bills rendered from meter readings taken on or after October 1, 2019 pending TVA approval:

#### ATHENS ELECTRIC DEPARTMENT RETAIL ELECTRICITY RATE ADJUSTMENT Effective For Meter Reads On or After October 1, 2019 (Pending TVA Approval)

<u>Residential</u>	Customer	Add	\$4.00
	Energy Charge < 1,000	Add	\$0.00485
	Energy Charge > 1,000	Reduce	-\$0.01338
<u>GSA-1 Low</u>	Customer	Add	\$4.00
	Energy Charge < 1,100	Add	\$0.00325
	Energy Charge > 1,100	Reduce	-\$0.00522
<u>GSA-1 High</u>	Customer	Add	\$7.26
	Energy Charge < 1,100	Add	\$0.00325
	Energy Charge > 1,100	Reduce	-\$0.00522
<u>GSA-2</u>	Customer	Add	\$15.00
	1 <sup>st</sup> 15,000 kWh	Reduce	-\$0.00368
	Additional kWh	Reduce	-\$0.00366

	kW, 0-50	Add	\$2.50
<u>GSA-3</u>	Customer	Add	\$75.00
	All kWh	Add	\$0.00000
	Demand 1 <sup>st</sup> Block	Add	\$1.14000
	Demand 2 <sup>nd</sup> Block	Reduce	-\$1.35000
<u>TGSA1</u>	Customer	Add	\$7.26
<u>TGSA2</u>	Customer	Add	\$15.00
<u>TGSA3</u>	Customer	Add	\$75.00
<u>Outdoor Lighting</u>	All kWh	Add	\$0.00572

The motion was seconded by Councilman Travis 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 Electric Department Manager to award the contract for Intersection Improvements on SR-251 at CR-83 (Lindsay Lane) to Taylor Electric, Inc. for a total cost of \$110,498.15.

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

**Councilman Cannon introduced the following resolution:**

#### **RESOLUTION**

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ATHENS, AL to approve the purchase a Ford F-150 crew cab 4 X 4 pickup truck for the Fire Department. This vehicle will be purchased from Stivers Ford Lincoln under the State of Alabama Purchasing Contract. The total cost of the vehicle, including emergency lighting, radio and decals is not to exceed \$36,900 and shall be funded from the unallocated fiscal year 2018 general fund surplus.

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

**Councilman Harper introduced the following resolution:**

#### **RESOLUTION**

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ATHENS, ALABAMA, to amend the City of Athens Bituminous Plant Mix Paving Contract with Reed Contracting Services to mill and pave Clinton St North of Pryor St to

the Walnut St intersection for approximately 2,000 linear feet. This project shall be funded from the Capital Infrastructure Project Fund.

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

**Councilman Cannon introduced the following resolution:**

#### **RESOLUTION**

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ATHENS, ALABAMA, to enter an agreement with Hawkins Groundwork Inc. for the demolition and placement of a culvert provided by the Public Works Department along 5<sup>th</sup> Ave approximately 862 feet West of Hine St and 5<sup>th</sup> Ave intersection for the amount of \$25,000; and for Public Works Department to purchase 48 linear feet of 5 feet by 8 feet precast culvert for the installation of said culvert and required improvements with a total project cost not to exceed in the amount of \$23,000 and be funded from the Capital Infrastructure Project Fund.

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

**Councilman Cannon introduced the following ordinance:**

#### **ORDINANCE NUMBER 2019 - 2087**

#### **AN ORDINANCE CONCERNING MAYORAL APPROVAL OF CERTAIN CONTRACTS**

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**WHEREAS**, from time to time, various claims are made against the City, the City has different types of insurance coverage related to the same, and such claims sometimes require the City to enter into agreements related to the resolution or settlement of such a claim; and

**WHEREAS**, this Ordinance would provide for the Mayor to enter into such agreements concerning these subjects.

**THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ATHENS, ALABAMA**, while in regular session on June 24, 2019, at 5:30 p.m., as follows:

**Section 1.** Section 2-32 of the Code of Ordinances of the City of Athens, Alabama shall be added and shall state as follows:

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

(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).

**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 and APPROVED this, the 24<sup>th</sup> day of June, 2019.

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

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

ATTEST:

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

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

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

/s/ Harold Wales  
PRESIDENT, CITY COUNCIL

ATTEST:

/s/ Annette Barnes  
CITY CLERK