

August 26, 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 August 26, 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, Joseph Cannon 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 August 12, 2019 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 August 12, 2019 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 for Gynecologic Cancer Awareness Month.

Mary Helmer and Trish Black with Main Street Alabama presented an award to the City of Athens for the downtown streetscape.

Ralph Diggins, 100 Willow Street, Athens, addressed the City Council regarding the Star (Secure, Trusted and Reliable) I.D. Program for driver licenses that will be administered by the Alabama Law Enforcement Agency located in the Limestone County Courthouse Annex. Councilman Cannon stated that State Representative Danny Crawford has secured funding for another employee to help administer the driver license office. He explained that the County plans to remodel the existing space to accommodate the additional employee. Beginning on October 1, 2020, all Alabama air travelers will be required to show their STAR ID in place of a state-issued ID or license for all domestic flights.

Mae Davis, 1201 Plainview Circle, Athens, thanked the Mayor and Council for the job they are doing for the City.

Councilman Seibert introduced the following resolution:

RESOLUTION

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ATHENS, ALABAMA, to appoint Roderick Herron to the Planning Commission for a six year term, expiring on August 26, 2025. This appointment will fulfill the vacancy of Rod Huffman.

The motion was seconded by Councilman Cannon 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 accept the resignation of Tom Dolen from the Pryor Field Airport Authority, effective August 31, 2019.

The motion was seconded by Councilman Cannon 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 appoint John Scherff to the Pryor Field Airport Authority Board, effective September 1, 2019. This appointment will fulfill the term of Tom Dolen, which expires September 25, 2021.

The motion was seconded by Councilman Cannon 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 reappoint Jim Ernest to the Zoning Board of Adjustments for a three year term, expiring August 22, 2022.

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

Councilman Seibert introduced the following resolution:

RESOLUTION NUMBER 2019 - 1633

A RESOLUTION SETTING A PUBLIC HEARING TO CONSIDER WHETHER TO VACATE A PORTION OF SECOND AVENUE

WHEREAS, this resolution relates to that certain portion of Second Avenue, a public street and right of way, that is located between Houston Street and North Madison Street, as shown in *Map #2 Fairview Addition to Athens, Alabama East of Irvin Street*, recorded at Plat Book A, Page 51 in the Office of the Judge of Probate of Limestone County, Alabama (the "Public Way");

WHEREAS, for the aid of the reader, a depiction of the Public Way is shown on **Exhibit A** hereto;

WHEREAS, the Public Way is a paved and improved public street; and

WHEREAS, at the urging of the Athens City Board of Education, who owns and/or controls both sides of Second Avenue along this area, the City Council proposes to consider the vacation of the Public Way pursuant to § 23-4-1, *et seq.* of the *Code of Alabama*.

THEREFORE BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ATHENS, ALABAMA while in regular session on Monday, August 26, 2019 at 5:30 p.m. as follows:

1. A public hearing is hereby scheduled for October 14, 2019, at 5:30 p.m., at the City Council Chambers in the City Hall of the City of Athens, Alabama, located at 200 Hobbs Street West, Athens, Alabama 35611, concerning what action shall be taken on the issue of the proposed vacation of the Public Way.
2. The Mayor and the City Attorney shall cause notice of the proposed action, public hearing, and other relevant matters to be published, posted and served pursuant to § 23-4-2(a) of the *Code of Alabama*.

ADOPTED this the 26th day of August, 2019.

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

EXHIBIT A



The motion was seconded by Councilman Cannon 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 authorize the Electric Department Manager to award the contract for Chemical Vegetation Control to Progressive Solutions for an annual cost of \$11,750.00 for Athens Utilities Substations and Unit Costs to be used on an as needed basis consisting of:

Pathway Unit	\$00.26
Pole Unit	\$10.00
Bare Ground Treatment (per Square Ft)	\$00.07
Landscape Areas (per Square Ft)	\$ 3.50

The motion was seconded by Councilman Cannon 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 authorize the Water Services Department to purchase skid steer attachments for the Sewer Department from Bobcat of Huntsville, LLC.

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

The following ordinance was made for “Introduction Only” by Councilman Seibert on July 22, 2019:

AN ORDINANCE TO REZONE PROPERTY FOR TERRELL CARDEN 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 +/-16.2 ACRES LOCATED ON QUINN ROAD DIRECTLY SOUTH OF 17745 QUINN ROAD (PARCEL #44-11-01-12-1-000-001.000 AND #44-11-01-12-0-000-001.004), WITHIN THE COORPORATE LIMITS OF THE CITY OF ATHENS.

STATE OF ALABAMA
LIMESTONE COUNTY,
CITY OF ATHENS

ORDINANCE NUMBER 2019 – 2090

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:

A tract or parcel of land located in the Northeast Quarter of the Northeast Quarter of Section 12, Township 3 South, Range 5 West, being more particularly described as follows:

Beginning at an existing railroad spike at the Northeast Corner of Section 12, Township 3 South, Range 5 West, thence North 87 degrees 36 minutes 18 seconds West along the North boundary of said Section 12 and the center line of Quinn Road (Jacob's Road) a distance of 195.35 feet to the point of true beginning; thence South 02 degrees 23 minutes 42 seconds West a distance of 814.25 feet to a point, passing a point on the South Right-of-Way Margin of Quinn Road at a distance of 30.0 feet; thence North 87 degrees 36 minutes 18 seconds West and parallel with the North boundary of said Section 12 a distance of 851.99 feet to an iron pin; thence North 00 degrees 44 minutes 27 seconds East and parallel with the East 1 boundary of said Section 12 a distance of 814.54 feet to a railroad spike in the center line of Quinn Road, passing an iron pin in the South Right-of-Way Margin of Quinn Road at a distance of 784.53 feet; thence South 87 degrees 36 minutes 18 seconds East along the North boundary of said Section 12 and the center line of Quinn Road a distance of 874.65 feet to the point of true beginning, containing 16.24 acres, more or less.

The above described real estate is subject to a right-of-way for the existing Quinn Road over a strip 30.00 feet wide taken evenly off the North side.

The above described real estate is part of the same real estate conveyed to the grantor herein by deed recorded in Fiche 1320, page 4, in the Probate Office of Limestone County, Alabama.

ADOPTED this the 26th day of August, 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

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

Councilman Harper introduced the following resolution:

RESOLUTION NUMBER 2019 - 1634

A RESOLUTION DETERMINING THAT A STRUCTURE AT 809 SANDERS 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: 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 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 its regular meeting on June 24, 2019, the City Council conducted a public hearing concerning this matter, and received and reviewed information (including applicable photographs) from the appropriate municipal official concerning the Property and Structure;

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

(1) 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;

(2) 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;

(3) 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;

(4) 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;

(5) 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;

(6) 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;

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

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

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

WHEREAS, after the public hearing, the City Council postponed any action until its meeting on August 26, 2019, in order to give the owner or potential buyer of the property an opportunity to resolve the issues with this property;

WHEREAS, the City Council has received information that the Structure remains unsafe and that no person has remedied the conditions on the Property; and

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

THEREFORE BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ATHENS, ALABAMA on August 26, 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 this the 26th day of August, 2019.

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

The motion was seconded by Councilman Travis and was carried with four yeas. Councilman Cannon abstained.

Councilman Cannon introduced the following resolution:

RESOLUTION NUMBER 2019 – 1635

Resolution Adopting Transportation Plan Pursuant to the Rebuild Alabama Act

WHEREAS, the Alabama legislature in Act. No. 2019-2 adopted the Rebuild Alabama Act;

WHEREAS, the Rebuild Alabama Act provides for an allocation among the municipalities of the state on the basis of the ratio of population of each municipality to the total population of all municipalities of the state a portion of the additional taxes levied under the Act to be used for transportation infrastructure, improvement, preservation and maintenance;

WHEREAS, the Act provides that the municipal governing body of the City of Athens, Alabama shall adopt an annual Transportation Plan no later than August 31 which shall provide a detailed list of projects for which expenditures are intended to be made in the next fiscal year and shall be based upon an estimate of the revenues anticipated from the fund in which the additional revenue is deposited during the next fiscal year; and

WHEREAS, the Act further provides that any such funds shall be used only for the maintenance, improvement, replacement, and construction of roads and bridges maintained by the City of Athens and such other uses as are defined in the Act.

NOW, THEREFORE, BE IT RESOLVED, by the City Council of the City of Athens, Alabama as follows:

1. The City Council of the City of Athens, Alabama hereby passes this Resolution as its Transportation Plan submitted in compliance with the Rebuild Act, Act No. 2019-2.
2. Pursuant to the Act, the City Council of the City of Athens, Alabama estimates that its anticipated allocation from the Rebuild Alabama Act fund for the first fiscal year will be approximately \$97,000, with increasing allocations for each fiscal year thereafter.
3. Pursuant to the Act, the City anticipates expending funds received pursuant to the Act, in part or in whole, to fund any of the following listed projects:
 - Lindsay Lane from Pepper Road to Highway 72
 - Bullington Road
4. The City Clerk is hereby authorized and instructed to post a copy of this Resolution as its Transportation Plan in a conspicuous place at the City Municipal Hall, and also on the website of the City of Athens, Alabama.
5. The City Clerk is hereby authorized and directed to establish a separate account maintained by the City for receipt and deposit of funds received pursuant to the Act, the proceeds of which shall be expended solely for the maintenance, improvement, replacement and construction of roads and bridges maintained by the City and such other uses as are authorized by the Act.

ADOPTED and APPROVED this, the 26th day of August, 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

The motion was seconded by Councilman Seibert 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 accept the low bid of \$2,653,059.00 from Virginia Transformer Corporation, Roanoke, Virginia, for the three 30 MVA Power Transformers to be used in the Moss Spring Substation.

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

Councilman Harper 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 an additional file carriage storage unit for the Athens Municipal Court System at a cost NTE \$9,875. The purchase will be made from Patterson Pope and will be an extension of the existing file storage unit being used by the Court System. The cost of the equipment and installation will be funded through the Clerk’s Judicial Administrative Special Revenue Fund.

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

Councilman Seibert introduced the following resolution:

RESOLUTION NUMBER 2019 - 1636

A RESOLUTION APPROVING MAJOR AMENDMENTS TO THE MASTER DEVELOPMENT PLAN FOR HENDERSON ESTATES SUBDIVISION

WHEREAS, the Athens City Council must approve major amendments to master development plans in a C-PUD zoning district, pursuant to § 2.5.2.C(4)(h) of the Zoning Ordinance;

WHEREAS, the Athens City Council approved the rezoning from an EST, Estate Agricultural and Residential District to a C-PUD Zoning District and the adoption of a Master Development Plan for the Henderson Estates subdivision on March 25, 2019;

WHEREAS, Linton Road, LLC. (the “Applicant”) proposed major amendments to a Master Development Plan for the Henderson Estates subdivision in a C-PUD district;

WHEREAS, on August 20, 2019, the Athens Planning Commission reviewed the proposed major amendments to that plan and issued its report/recommendation to the Athens City Council;

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

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

WHEREAS, the Applicant also consented to notating that lots 67-73 will meet the requirements of Zoning Ordinance § 6.1.10.B “Lot Size”; and

WHEREAS, the City Council, having fully considered the proposed major amendments to the previously adopted Henderson Estates Master Development Plan, has determined to adopt the Applicant’s proposed major amendments.

THEREFORE BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ATHENS, ALABAMA on August 26, 2019 at 5:30 p.m., that the major amendments to the Applicant’s Master Development Plan are hereby

approved in a revised form so that it confirms in each and every respect with the *Henderson Estates Master Plan* dated today, August 26, 2019, and attached to this Resolution as Attachment A.

ADOPTED this the 26TH day of August, 2019.

/s/ Harold Wales

PRESIDENT, CITY COUNCIL,
CITY OF ATHENS, ALABAMA

ATTACHMENT A

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, that the Mayor, City of Athens, Alabama, is authorized to enter into an agreement with KREBS Engineering in order for them to provide master plans for infrastructure development within the Southeast Area Drainage Basin and the lower Swan Creek and Southwest Area Drainage Basin and that up to \$100,000 is appropriated from the Capital Infrastructure Funds to be transferred, upon submission of invoices by Utilities Finance Department, to cover the cost for the two master plans provided by KREBS.

Councilmember Seibert 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 Seibert, 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 Seibert, 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.

* * *

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