

September 13, 2021

STATE OF ALABAMA,
LIMESTONE COUNTY,
CITY OF ATHENS.

The City Council of the City of Athens, Alabama met in regular session at the Athens Municipal Building, 200 Hobbs Street West, Athens, Alabama, on September 13, 2021 at 5:30 p.m. The meeting was called to order by Councilman Wayne Harper, President of the Council. Upon roll call, the following were found to be present: Councilmembers Wayne Harper, Frank Travis, Chris Seibert, Dana Henry and Harold Wales. Annette Barnes, City Clerk, was present and recorded the minutes of the meeting. Harold Wales offered the invocation. Mayor Marks led the Pledge of Allegiance. The Chairperson stated that a quorum was present and that the meeting was open for transaction of business.

The Chairperson stated that the Minutes of the August 23, 2021 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 Travis and was unanimously carried. The Chairperson stated that the Minutes of the August 23, 2021 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 Travis and was unanimously carried.

Mayor Marks recognized that Superheroes Day and the Heroes Run had great turnouts on Saturday, September 11, 2021. He applauded all of the volunteers that helped with these events and all of the people that attended. The Mayor noted that the Athens Mayor's Youth Commission is accepting donations for United Way Week of Caring and that the items needed can be found on the City's website. He also mentioned that the work at Big Spring Park and Jimmy Gill Park is coming along. Mayor Marks then announced that recycling will be starting back up on October 4, 2021.

Councilwoman Henry recognized that Wilson Blair, an Athens High School alum, passed away and that it was a great loss to many.

Council President Harper announced that there were eight public hearings scheduled and that six of those had to do with proposed rezoning. He announced that the public hearings would go on as scheduled, but the City Council would not take up these items for consideration until the September 27, 2021 meeting. NOTE: These proposed rezoning ordinances are being readvertised. They will be taken up by the City Council for consideration, and additional public hearings will be held for them at the City Council's meeting on September 27, 2021.

A public hearing was held concerning the rezone of +/-234.42 acres of property (Newby Farms) on the east side of Cambridge Lane, mostly south of French Mill Creek, known as a portion of Lot 12 of the Athens-East Subdivision, from EST-Estate Residential and Agricultural District to R-1-3 High Density Single Family Residential District.

Matt Davidson, City Planner, addressed the Council, regarding the rezone for Newby Farms and stated that the Athens Planning Commission has recommended approval.

Taz Morell, Morell Engineering, spoke to the Council on behalf of the Newby family. He provided slides to show the proximity of this particular rezoning request, in regards to Toyota and Greenbriar Parkway, and informed the Council of specifics for development.

Jacob Ratliff, 24797 Beacon Circle, Athens, addressed the Council expressing that there were a lot of affluent jobs in this particular area and would like to continue to attract those types of people to the community.

Lamont Taylor, 24702 Beacon Circle, Athens, expressed his concern about speeding and the need for speed bumps. He stated that he wants safety for their community and has obtained a petition with signatures.

Judy Sowell, 14171 Cambridge Lane, Athens, expressed her concern about the intersection of Highway 72 and Cambridge Lane. She noted that she has seen multiple wrecks at the intersection over the years and that something needs to be done. She also noted that everyone on Cambridge Lane isn't against development but density and to please listen to the community.

Melinda Rowe, 13569 Cambridge Lane, Athens, addressed the Council regarding the rezone for Newby Farms. She stated that her concern is high density and traffic congestion. Ms. Rowe noted the potential for runoff and asked the Council to please remember the children.

Andy Finchum, 13626 Rising Run Circle, Athens, stated that in regards to the rezone for Newby Farms, traffic will be an issue and for the Council to please vote against the rezone.

Phil Ridinger, 24188 Newby Road, Athens, stated that he wasn't for or against the rezoning but is concerned about infrastructure and water runoff. He also mentioned that the contractors need to be held accountable for their trash. Mr. Ridinger noted that Newby Road needs to be widened and that the City and County need to work together to resolve the problem.

Kelly Lackey, 13475 Morning Glory Street, Athens, addressed the Council regarding the rezone for Newby Farms and stated that she wasn't against the rezone but the traffic. Ms. Lackey asked the Council to please vote against it.

Stephen Sovich, 24661 Silent Springs, Athens, expressed that he loves the atmosphere in this community but that he worries about the hazards that this development will bring.

Melanie Barkley, 23661 Barkley Way, Athens, addressed the Council and stated that she isn't against development but the level of the development. Ms. Barkley's concern is traffic and the intersection of Highway 72 and Cambridge.

Chuck Bradley, 24943 Queen Anne's Lace, Athens, stated that he isn't for the subdivision but asked the Council to give the same consideration that was given to Canebrake, in regards to being connected to another subdivision. He also stated that traffic will not become any better and that Highway 72 will not be able to handle it.

Council President Harper asked a show of hands for people in attendance that were opposed to the rezoning and if anyone else had anything to say that had not been covered. Approximately 22 people raised their hands in opposition.

The public hearing was closed.

A public hearing was held concerning the vacation of an unpaved portion of Sixth Avenue.

James Rich, Public Works Director, addressed the Council and stated that Athens Utilities supports the vacation of the right-of-way on Sixth Avenue.

Beth Nix, 904 West Houston Street, stated that this vacation is to straighten the property lines.

The public hearing was closed.

Councilman Seibert introduced the following resolution:

RESOLUTION NUMBER 2021 - 1763

A RESOLUTION VACATING AN UNPAVED PORTION OF SIXTH AVENUE

WHEREAS, this resolution relates to a portion of the public way known as Sixth Avenue, and more particularly described as follows:

A portion of Sixth Avenue that is fourteen (14) feet wide (such width measured running northerly and southerly), and taken evenly off of the southern edge of that portion of Sixth Avenue that is located adjacent to, and on/along the northern boundary of, Lot No. 13 of Block 22 of the *Map of North Fairway Addition to the Town of Athens, Alabama*, as shown at Plat Book A, Page 12 in the Office of the Judge of Probate of Limestone County, Alabama.

(the "Public Way");

WHEREAS, the Public Way is an unimproved, unpaved city street;

WHEREAS, at the urging of Jennifer Nix, a landowner who resides near to the Public Way, the City proposes to vacate the Public Way pursuant to § 23-4-1, *et seq.* of the *Code of Alabama*, and has published, posted, and served notice of the same as required by § 23-4-2 of the *Code of Alabama*;

WHEREAS, the City Council held a public hearing concerning this matter at its regular meeting on September 13, 2021;

WHEREAS, the City Council has determined that it is in the interest of the public that the Public Way should be vacated;

WHEREAS, the following persons or entities (and/or their successors, heirs, and assigns) are the owners of all lots or parcels of land that abut the Public Way:

William J. Smith and Anita R. Smith, and/or their heirs, successors, and assigns

WHEREAS, the vacation of the Public Way will not cause any person to be cut off from access over some other reasonable and convenient way;

WHEREAS, Athens Utilities may maintain any existing water, sewer, gas, and/or electrical lines within the Public Way, and the vacation of the Public Way, as explained herein, will not prevent Athens Utilities from accessing, maintaining, extending, and enlarging those lines to the same extent as if such vacation had not occurred; and

WHEREAS, the vacation of the Public Way will not deprive other property owners of any right they may have to convenient and reasonable means of egress and ingress to and from their property.

THEREFORE BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ATHENS, ALABAMA while in regular session on September 13, 2021, at 5:30 p.m., as follows:

1. The Public Way is hereby vacated upon the City Clerk's filing of this Resolution with the Probate Court of Limestone County, and the City Council does thereupon divest itself of all public rights and liabilities therein in accordance with § 23-4-2(b) of the *Code of Alabama*.

2. Upon payment by Jennifer Nix of the City's administrative and legal costs related to the vacation of the Public Way as determined by the City Clerk, the City Clerk shall cause a copy of this Resolution to be filed with the Probate Court of Limestone County. Such filing shall operate as a declaration of the governing body's vacation and shall divest all public rights and liabilities, including any rights which may have been acquired by prescription, in the Public Way.

3. Title and all public rights in the Public Way shall vest in the abutting owner(s), to the extent and as provided for by law.

4. However, notwithstanding anything herein to the contrary, any entities (such as the City by and through Athens Utilities) with utility lines, equipment, or facilities in place at the time of vacation, shall have the right to continue to access, maintain, extend, and enlarge their lines, equipment, and facilities to the same extent as if the vacation of the Public Way had not occurred. Moreover, such entities may continue to move across and along the vacated area to reach their lines, equipment, and facilities for the above purposes as if the vacation had not occurred.

5. The City Clerk shall cause notice of this action to be published once in the *Athens News Courier* no later than 14 days after the adoption of this Resolution.

ADOPTED this the 13th day of September, 2021.

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

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

ATTEST:

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

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

A public hearing was held to determine that a structure on Westmoreland Avenue is unsafe and a public nuisance, and ordering abatement of the same.

Erik Waddell, Chief Building Inspector, addressed the Council and stated that the structure had burned a couple of years ago. He expressed that numerous letters have been mailed and that signature cards have been received but that no one has come forward to pay to have the structure removed. Mr. Waddell recommended condemnation.

The public hearing was closed.

Councilman Wales introduced the following resolution:

RESOLUTION NUMBER 2021 - 1764

A RESOLUTION DETERMINING THAT A STRUCTURE ON WESTMORELAND AVENUE 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: 716 Westmoreland Avenue, Athens, AL

PARCEL # 10-03-08-2-002-052.000

Legal Description

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

A part of Lot 6A of Block 65 according to the map of the City of Athens, Alabama, made in year 1914 as found on file in the Probate Office of Limestone County, Alabama, more particularly described as follows: BEGINNING at a point on the South margin of said lot, which point is 32 feet East of the Southwest corner of said Lot 6A and which Point of Beginning is located on the North margin of Westmoreland Street, and which Point of Beginning is further described as being on the East margin of an unnamed street and running thence North along East margin of said unnamed street 150 feet; Thence East and parallel with the South boundary of said Lot 6A, 50 feet; Thence South to a point on the North margin of Westmoreland Street, which point is 50 feet East of the Point of Beginning; Thence West along the North margin of Westmoreland Street, 50 feet to the Point of Beginning.

(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 this regular meeting, the City Council has conducted a public hearing concerning this matter, and has 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) It has improperly distributed loads upon the floors or roofs, or in which the same are overloaded, or which have insufficient strength to be reasonably safe for the purpose used;

(2) It 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;

(3) It has parts thereof which are so attached that they may fall and damage property or injure the public or the occupants.

(4) It, or any portion of it, is clearly unsafe for its use or occupancy;

(5) It 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

(6) It 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, it appears 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 September 13, 2021 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 combined screening, remediation and demolition costs appear to 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 13th day of September, 2021.

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

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

A public hearing was held to rezone +/-80.4 acres located on Huntsville Brownsferry Road at the Gamble House property from EST-Estate Residential and Agricultural District to C-PUD Conventional Planned Unit Development District and also, the adoption of the Master Plan for Summerfields at the Gamble House.

Matt Davidson, City Planner, addressed the Council and gave a summary of the proposed rezone for this property. Mr. Davidson stated that the Athens Planning Commission recommended approval.

Councilman Wales asked if the driveway leading up to the Gamble house would remain and Mr. Davidson stated that he did not believe so.

Mayor Marks noted that Mark Gamble had been present but did not stay because a vote would not be taken until the September 27, 2021 meeting.

The public hearing was closed.

A public hearing was held to rezone the estate of John W. Johnson and Allen Shaw, approximately 12.23 acres located off of Eidson Street, from M-1 Light Industrial to R-1-2 Medium Density Single Family Residential.

Matt Davidson, City Planner, addressed the Council and gave a summary of the proposed rezone for this property. Mr. Davidson stated that the Athens Planning Commission recommended approval.

Mayor Marks remarked that the proposed buyer had been present but did not stay because a vote would not be taken until the September 27, 2021 meeting.

The public hearing was closed.

A public hearing was held to rezone +/-64.9 acres of property at 2075 US Hwy 31 S (Dry Creek Capital Investments LLC) from EST-Estate Residential and Agricultural District to R-2 Multiple Family Residential District and also, to adopt the Master Development Plan of Strain Property Multi-Family.

Matt Davidson, City Planner, addressed the Council and gave a summary of the proposed rezone for this property. Mr. Davidson stated that the Athens Planning commission recommended approval.

No one spoke in favor of or against.

The public hearing was closed.

A public hearing was held to rezone +/-52 acres of property at 525 Strain Road West (Harry Wakeham, Russell Wakeham and Cynthia Burson) from EST-Estate Residential and Agricultural District to R-1-3 High Density Single Family Residential District.

Matt Davidson, City Planner, addressed the Council and gave a summary of the proposed rezone for this property. Mr. Davidson stated that the Athens Planning Commission recommended approval.

No one spoke in favor of or against.

The public hearing was closed.

A public hearing was held to rezone +/-2.5 acres of property (Mary Thompson), located northwest of the intersection of US Highway 72 and Hine Street at 1406 Hine Street South, from B-2 General Business District & TN-2 Traditional Neighborhood District to B-2 General Business District.

Matt Davidson, City Planner, addressed the Council and gave a summary of the proposed rezone for this property. Mr. Davidson stated that the Athens Planning Commission recommended approval.

Mary Thompson Byrd, 16511 Lindsay Road, Tanner, is the owner of the property for this proposed rezoning. She wants to rezone for the purpose of resale as commercial property.

The public hearing was closed.

Kelly Range, 303 Brookwood Drive, Athens, addressed the Council regarding infrastructure. He praised the Council for their good work. Mr. Range stated that he is passionate about Athens and that we need to make Athens what we want and not what the contractors want.

Ralph Diggins, 100 Willow Street, Athens, addressed the Council regarding rezoning. He is concerned with growth and population and if the City will have enough personnel to provide services.

Council President Harper announced that the ordinances for all of the proposed rezones would be taken up and vote on at the September 27, 2021 City Council Meeting.

Councilman Seibert introduced the following resolution:

RESOLUTION

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ATHENS ALABAMA, set a Public Hearing for the regular meeting at 5:30PM on October 11, 2021 to review the request of OF&C Enterprises INC. (Johnson Property) to *rezone* +/- 61 acres located on the east of Interstate 65 on the west side of Lindsay Lane and north of Johnson Road from EST (Estate Residential and Agricultural District) to C-PUD (Conventional Planned Unit Development District). NOTE: The above resolution, setting a public hearing, was corrected in these minutes to eliminate typographical errors.

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

Councilman Seibert introduced the following resolution:

RESOLUTION

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ATHENS, ALABAMA, to approve travel expenses for the following personnel of the Mayor's Office:

Amy Golden	Main Street Alabama Lab Gadsden, Alabama August 17, 2021 – August 20, 2021	\$132.27
Holly Hollman	Various Mileage	\$ 7.56

The motion was seconded by Councilman Travis 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 John Scherff to the Pryor Field Regional Airport Authority for a five year term, expiring September 25, 2026.

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

Councilman Seibert introduced the following resolution:

RESOLUTION

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ATHENS, ALABAMA, to approve travel/education expenses for specified Water Services employees:

Stacy Calder (Water)	AWPCA Annual Conference Perdido Beach, AL August 16-18, 2021	\$1,246.14
Jon Lewonczyk	AWPCA Annual Conference Perdido Beach, AL August 16-18, 2021	\$ 686.20

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

Councilman Seibert introduced the following resolution:

RESOLUTION

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

Business Name: Jay Vishnupatni Inc
Dba: I 65 Chevron
Address: 1404 US Hwy 72 East, Suite A
Athens, AL

The motion was seconded by Councilman Travis 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 purchase five (5) 2021 Dodge Charger Police Vehicles through the State of Alabama Bid List from Stivers Chrysler Dodge Jeep Ram (State Bid #T191L) at a total cost not to exceed \$121,621.35 and to be funded from the Police Department’s existing capital expenditure account.

The motion was seconded by Councilman Travis 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 purchase equipment for police vehicles and installation of equipment from Dana Safety, not to exceed \$60,368.30 and to be funded from the Police Department’s existing capital expenditure account.

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

Councilman Wales introduced the following ordinance:

AN ORDINANCE TO REZONE +/-2.68 ACRES SOUTH OF SUMMIT LAKES DRIVE AND SUMMIT LAKES SUBDIVISION, WEST OF LINDSAY LANE, NORTH OF US HIGHWAY 72, FROM A B-2 GENERAL BUSINESS TO AN R-1(4) SINGLE FAMILY DUPLEX ATTACHED RESIDENTIAL DISTRICT WITHIN THE CORPORATE LIMITS OF THE CITY OF ATHENS.

STATE OF ALABAMA
LIMESTONE COUNTY,
CITY OF ATHENS

ORDINANCE NUMBER 2021 – 2180

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 a B-2 General Business District to an R-1(4) – Single Family Duplex Attached Residential District; and

WHEREAS, the City Council previously approved this same rezoning in its Ordinance No. 2021-2172, but this Ordinance corrects the pertinent legal descriptions, and will supersede and correct Ordinance No. 2021-2172.

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 an “R-1(4) – Single Family Duplex Attached Residential 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 to an R-1(4) – Single Family Duplex Residential District in accordance with and defined by “The Zoning Ordinance of the City of Athens, Alabama,” and that the area which is zoned as aforesaid is situated in Athens, Limestone County, Alabama, and is more particularly described as follows:

A TRACT OF LAND LYING IN SECTION 15, TOWNSHIP 3 SOUTH, RANGE 4 WEST, LIMESTONE COUNTY, ALABAMA, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS,

COMMENCE AT A POINT AT THE SOUTHEAST CORNER OF LOT 1 OF SUMMIT LAKES PHASE II AS RECORDED IN PLAT BOOK “G” PAGE 266 IN THE OFFICE OF THE JUDGE OF PROBATE OF LIMESTONE COUNTY, THENCE SOUTH 39 DEGREES 27 MINUTES 21 SECONDS WEST (ALABAMA STATE PLANE COORDINATE SYSTEM – WEST ZONE NAD83) A DISTANCE OF 50.00 FEET TO A POINT ON THE SOUTH RIGHT OF WAY OF SUMMIT LAKES DRIVE, THENCE SOUTH 50 DEGREES 32 MINUTES 39 SECONDS EAST ALONG THE SOUTHERN RIGHT OF WAY OF SAID SUMMIT LAKES DRIVE 48.87 FEET TO A SET 5/8” REBAR WITH CAP STAMPED “DUNIVANT ENGR. CO. CA-0044-LS”, SAID 5/8” REBAR BEING THE POINT OF TRUE BEGINNING OF THE TRACT HEREIN DESCRIBED,

THENCE FROM THE POINT OF TRUE BEGINNING CONTINUE SOUTH 50 DEGREES 32 MINUTES 39 SECONDS EAST ALONG THE SOUTH RIGHT OF WAY OF SAID SUMMIT LAKES DRIVE A DISTANCE OF 9.14 FEET TO AN EXISTING CONCRETE MONUMENT,

THENCE CONTINUE ALONG SAID SOUTH RIGHT OF WAY OF SAID SUMMIT LAKES DRIVE, BEING IN A CURVE TO THE LEFT HAVING A RADIUS OF 366.04 FEET, AN ARC LENGTH OF 29.25 FEET, ALONG A CHORD BEARING OF SOUTH 52 DEGREES 49 MINUTES 59 SECONDS EAST A CHORD DISTANCE OF 29.24 FEET TO A SET 5/8” REBAR WITH CAP STAMPED: "DUNIVANT ENGR. CO. CA-0044-LS"

THENCE CONTINUE ALONG THE SOUTH RIGHT OF WAY OF SAID SUMMIT LAKES DRIVE SOUTH 55 DEGREES 07 MINUTES 20 SECONDS EAST A DISTANCE OF 251.24 FEET TO A SET 5/8” REBAR WITH CAP STAMPED: “DUNIVANT ENGR. CO. CA-0044-LS”,

THENCE CONTINUE ALONG SAID SOUTH RIGHT OF WAY OF SAID SUMMIT LAKES DRIVE, BEING IN A CURVE TO THE LEFT HAVING A RADIUS OF 275.00 FEET, AN ARC LENGTH OF 322.81 FEET, ALONG A CHORD BEARING OF SOUTH 88 DEGREES 45 MINUTES 01 SECONDS EAST A CHORD DISTANCE OF 304.59 FEET TO AN EXISTING CONCRETE MONUMENT,

THENCE IN A CURVE TO THE RIGHT HAVING A RADIUS OF 25.00 FEET, AN ARC LENGTH OF 35.08 FEET, ALONG A CHORD BEARING OF SOUTH 82 DEGREES 10 MINUTES 31 SECONDS EAST A CHORD DISTANCE OF 32.27 FEET TO AN EXISTING CONCRETE MONUMENT,

THENCE LEAVING THE SOUTH RIGHT OF WAY OF SAID SUMMIT LAKES DRIVE SOUTH 41 DEGREES 58 MINUTES 20 SECONDS EAST A DISTANCE OF 124.99 TO A SET 5/8" REBAR WITH CAP STAMPED "DUNIVANT ENGR. CO. CA-0044-LS",

THENCE SOUTH 48 DEGREES 01 MINUTES 40 SECONDS WEST A DISTANCE OF 147.84 FEET TO A SET 5/8" REBAR WITH CAP STAMPED "DUNIVANT ENGR. CO. CA-0044-LS",

THENCE NORTH 88 DEGREES 45 MINUTES 01 SECONDS WEST A DISTANCE OF 290.65 FEET TO A SET 5/8" REBAR WITH CAP STAMPED "DUNIVANT ENGR. CO. CA-0044-LS",

THENCE NORTH 55 DEGREES 07 MINUTES 20 SECONDS WEST A DISTANCE OF 437.94 FEET TO A SET 5/8" REBAR WITH CAP STAMPED: "DUNIVANT ENGR. CO. CA-0044-LS," ON THE EAST BOUNDARY OF LAKE ADAM COMMON AREA AS SHOWN ON PLAT OF SAID SUMMIT LAKES PHASE II'

THENCE ALONG THE EAST BOUNDARY OF SAID LAKE ADAM COMMON AREA AS IT MEANDERS IN A NORTHEASTERN DIRECTION ALONG A CHORD TIE OF NORTH 37 DEGREES 12 MINUTES 15 SECONDS EAST A DISTANCE OF 119.06 FEET TO A POINT,

THENCE CONTINUE ALONG SAID COMMON AREA NORTH 59 DEGREES 32 MINUTES 06 SECONDS EAST A DISTANCE OF 36.24 FEET TO THE POINT OF TRUE BEGINNING AND CONTAINING 2.68 ACRES, MORE OR LESS.

ADOPTED and APPROVED this, the 13th day of September, 2021.

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

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

ATTEST:

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

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

Councilwoman Henry introduced the following ordinance:

AN ORDINANCE TO REZONE +/- 0.433 ACRES AT 407 CHRISTOPHER DRIVE FROM R-1-2 MEDIUM DENSITY RESIDENTIAL DISTRICT TO TN-2 TRADITIONAL NEIGHBORHOOD 2 DISTRICT WITHIN THE CORPORATE LIMITS OF THE CITY OF ATHENS.

STATE OF ALABAMA

LIMESTONE COUNTY,
CITY OF ATHENS

ORDINANCE NUMBER 2021 - 2181

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-1-2 (Medium Density Single Family Residential District) to TN-2 (Traditional Neighborhood 2); and

WHEREAS, the City Council previously approved this same rezoning in its Ordinance No. 2021-2173, but this Ordinance makes some corrections to the pertinent legal descriptions, and will supersede and correct Ordinance No. 2021-2173.

The City Council of the City of Athens, Alabama, finds that “The Zoning Ordinance of the City of Athens, Alabama,” should be amended as to rezone the hereinafter described area as a “TN2 -Traditional Neighborhood 2”.

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 Traditional Neighborhood -2 Residential District in accordance with and defined by “The Zoning Ordinance of the City of Athens, Alabama,” and that the area which is zoned as aforesaid is situated in Athens, Limestone County, Alabama, and is more particularly described as follows:

Beginning at the Northwest corner of the Southwest Quarter of the Southeast Quarter of Section 7, Township 3 South, Range 4 West, thence North 89 degrees 40 minutes 00 seconds East a distance of 620.18 feet to an iron pin on the east right of way of Christopher Drive, said iron pin being the Southwest corner of Lot No. 2, Pinedale Acres, Addition No. 1, as recorded in the Plat Book “C”, Page 98, in the Office of the Judge of Probate of Limestone County, Alabama, and the Point of True Beginning of the tract herein described,

THENCE from the Point of True Beginning North 89 degrees 40 minutes 00 seconds East along the South Boundary of Lot No. 2 of Pinedale Acres Subdivision, Addition No. 1, a distance of 115.00 feet to an iron pin being the southeast corner of said Lot 2 of Pinedale Acres subdivision, Addition No. 1,

THENCE South 02 degrees 50 minutes 00 seconds East a distance of 163.43 feet to an iron pin on the North right of way an extension of Virginia Drive,

THENCE South 09 degrees 11 minutes 00 seconds West along the North right of way of said extension of Virginia Drive a distance of 115.00 feet to an iron pin at the intersection of the North right of way of said extension of Virginia Drive with the east right of way of Christopher Drive,

THENCE North 02 degrees 50 minutes 00 seconds West along the East right of way of said Christopher Drive a distance of 164.43 feet to the Point of True Beginning and containing 0.433 acres, more or less.

ADOPTED and APPROVED this, the 13th day of September, 2021.

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

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

ATTEST:

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

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

ORDINANCE NUMBER 2021 - 2182

**AN ORDINANCE CONCERNING THE SALE OF REAL PROPERTY
TO K C LOGISTICS, INC.**

WHEREAS, K C Logistics, Inc. (the “Company”) desires to purchase approximately 12.65 acres of real property, located at 116 Durham Drive, in Athens, Alabama (the “Property”) from the City;

WHEREAS, the City Council finds that the Property is not needed for municipal or other public purposes; and

WHEREAS, the Company plans to construct an industrial facility on the Property, investing in excess of \$12 million in this project, and hiring up to an estimated 100 employees.

THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ATHENS, ALABAMA, while in regular session on September 13, 2021, at 5:30 p.m., as follows:

Section 1. The Mayor is authorized, for and on behalf of the City of Athens, to sell the Property to the Company, for a sales price of Two Hundred Twenty Thousand and 00/100 Dollars (\$220,000.00) (which the City Council finds to be fair and adequate consideration), and to enter into a contract, for and on behalf of the City, providing for such sale.

Section 2. The Mayor is authorized to include such provisions in the contract as he deems to be reasonable and necessary, so long as such provisions are consistent with this Ordinance. The Mayor is further authorized to take additional actions on behalf of the City that he finds to be reasonable necessary for such sale transaction, including but not limited to, causing the property to be subdivided in preparation for sale, and expending funds incidental to the sale.

Section 3. The City Council finds that this Ordinance involves a public purpose, namely, the promotion of commerce and industry within the City, and the addition of jobs to the City’s workforce.

Section 4. This Ordinance shall replace and supersede Ordinance No. 2021-2175, which concerned the same subject matter.

ADOPTED this the 13th day of September, 2021.

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

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

ATTEST:

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

Councilmember Wales 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, Henry and Harper; NAYS: None. The President thereupon declared that the motion for unanimous consent for immediate consideration of and action on the said ordinance had been unanimously carried. Councilmember Travis thereupon moved that the ordinance be finally adopted, which motion was seconded by Councilmember Seibert and upon the said motion being put to vote the following vote was recorded: YEAS: Councilmembers Seibert, Wales, Travis, Henry and Harper; NAYS: None. The President thereupon announced that the motion for the adoption of the said 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 the Distributor Electric Vehicle Charging Power Rate Schedule EVC to become effective upon the first full month following execution of the Resale Rate Addition contract for Schedule EVC and Rate Option Change Amendment contract providing for the wholesale rate rider.

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

Councilman Seibert introduced the following resolution:

RESOLUTION NUMBER 2021 - 1765

WHEREAS, the City of Athens has solicited and received bids from qualified construction companies to construct “ALDOT Project No. IAR-042-000-013 Elm Street (SR-99) and Wilkinson Street Intersection Improvements” in accordance with the approved plans and specifications;

WHEREAS, the Athens City Council and Morell Engineering have evaluated the bids received and have determined that Grayson Carter & Son Contracting, Inc. is the lowest responsible and responsive bidder for the construction of the aforementioned project;

WHEREAS, Grayson Carter & Son Contracting, Inc. is the lowest responsible and responsive bidder with a bid amount of \$723,349.68.

WHEREAS, the construction engineering and inspection cost of this project is \$108,502.45, said construction engineering and inspection cost being 15% of the project construction cost;

WHEREAS, the total construction cost of \$831,852.13 exceeds the original Industrial Access grant of \$624,688.63 by an amount of \$207,163.50;

NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ATHENS, ALABAMA, that the City of Athens hereby authorizes the Mayor to apply for additional funding from the Alabama Industrial Access Program in the amount of \$207,163.50 in order to award and complete the construction and construction engineering and inspection of the above-mentioned project.

ADOPTED this the 13th day of September, 2021.

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

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

ATTEST:

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

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

* * *

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

/s/Wayne Harper
PRESIDENT, CITY COUNCIL

ATTEST:

/s/ Annette Barnes
CITY CLERK