

May 9, 2016

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 the said City on May 9, 2016, 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: Councilmember Chris Seibert, Harold Wales, Joseph Cannon and Wayne Harper. Mayor Marks led the Pledge of Allegiance. Annette Barnes, City Clerk, was present and recorded the minutes of the meeting. Harold Wales 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 April 25, 2016 City Council Meeting had been submitted for approval. Councilman Wales moved that the reading of the Minutes be suspended and that the Minutes be approved as recorded. The motion was seconded by Councilman Seibert and was unanimously carried. The Chairperson stated that the Minutes of the April 25, 2016 City Council Work Session Meeting had been submitted for approval. Councilman Wales moved that the reading of the Minutes be suspended and that the Minutes be approved as recorded. The motion was seconded by Councilman Seibert and was unanimously carried. The Chairperson stated that the Special Minutes of the May 9, 2016 City Council Meeting had been submitted for approval. Councilman Wales moved that the reading of the Minutes be suspended and that the Minutes be approved as recorded. The motion was seconded by Councilman Seibert and was unanimously carried.

A public hearing was held to hear comments on a rezoning request for property located south of the Village at Piney Creek Subdivision. Mac Martin, City Planner, reported that at its March 15<sup>th</sup> meeting, the Planning Commission voted unanimously in favor of the rezoning request and recommends that the City Council approve the request for rezoning this property.

The public hearing was closed.

**Councilman Seibert introduced the following ordinance:**

STATE OF ALABAMA,  
LIMESTONE COUNTY,  
CITY OF ATHENS.

**ORDINANCE NUMBER 2016-1989**

**AN ORDINANCE TO REZONE PROPERTY FOR ORTHO SPORTS ENTERPRISES, LLC FROM THE P-R (PLANNED RESIDENTIAL) DISTRICT TO THE AG (AGRICULTURAL) DISTRICT. PROPERTY CONSISTS OF APPROXIMATELY 64 ACRES LOCATED SOUTH OF THE VILLAGE AT PINEY CREEK SUBDIVISION**

WHEREAS, the City Council of the City of Athens, Alabama, has heretofore adopted, "The Zoning Ordinance of the City of Athens, Alabama," and,

WHEREAS, the Planning Commission of the City of Athens, Alabama, has made a recommendation to the City Council of the City of Athens, Alabama, that the hereinafter described area should be rezoned from the P-R (Planned Residential) District to the AG (Agricultural) 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 "AG".

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 "AG (Agricultural) 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 or parcel of land located in the NE ¼ of Section 23, Township 3 South, Range 4 West, Limestone County, Alabama, said tract being more particularly described as follows:

Commencing at an iron pin capped "MORELL ENG CA-742-LS" at the Southeastern corner of Lot 72 of the Village at Piney Creek Subdivision as recorded in Plat Book "H", Pages 176-178, Limestone County, Alabama, said point also being the point of beginning.

Thence from the point of beginning run N 38 degrees 58 minutes 29 seconds E at a distance of 18.48 feet to a point; Thence S 35 degrees 17 minutes 26 seconds E a distance of 506.19 feet to a point on the west bank of Piney Creek; Thence the following ten (10) courses along the west bank of Piney Creek, being the easterly boundary of the hereon described tract of land:

1. S 25 degrees 56 minutes 16 seconds W a distance of 340.09 feet to a point;
2. S 10degrees 25 minutes 04 seconds E a distance of 253.90 feet to a point;
3. S 25 degrees 23 minutes 47 seconds E a distance of 129.14 feet to a point;
4. S 25 degrees 35 minutes 10 seconds E a distance of 213.19 feet to a point;
5. S 30 degrees 14 minutes 11 seconds E a distance of 155.91 feet to a point;
6. S 33 degrees 24 minutes 37 seconds E a distance of 236.42 feet to a point;
7. S 43 degrees 56 minutes 14 seconds E a distance of 207.79 feet to a point;
8. S 37 degrees 35 minutes 44 seconds E a distance of 167.62 feet to a point;
9. S 41 degrees 17 minutes 23 seconds E a distance of 117.82 feet to a point;
10. S 46 degrees 10 minutes 58 seconds E a distance of 140.26 feet to a point on the south line of the NE ¼ of said Section 23, being the southerly boundary of the hereon described tract of land; Thence run N 89 degrees 42 minutes 13 seconds W along the southerly boundary of the NE ¼ of said Section 23 a distance of 2,302.66 feet to a point; Thence N 00 degrees 57 minutes 16 seconds E a distance of 833.74 feet to a point; Thence N 38 degrees 09 minutes 21 seconds E a distance of 255.42 feet to a point; Thence run along a curve to the left having a chord bearing of N 44 degrees 00 minutes 21 seconds E a chord length of 138.85 feet and a radius of 50.00 feet to a point; Thence run along a curve to the right having a chord bearing of N 32 degrees 39 minutes 47 seconds W a chord length of 10.07 feet and a radius of 100.00 feet to a point; Thence N 38 degrees 14 minutes 21 seconds E a distance of 328.38 feet to a point; Thence N 56 degrees 29 minutes 21 seconds E a distance of 403.93 feet to a point; Thence N 00 degrees 04 minutes 53 seconds W a distance of 187.04 feet to a point; Thence N 66 degrees 26 minutes 42 seconds E a distance of 373.63 feet to a point; Thence N 64 degrees 19 minutes 15 seconds E a distance of 115.01 feet to a point; Thence N 54 degrees 33 minutes 36 seconds E a distance of 121.81 feet and back to the point of beginning, said tract of land containing 63.88 acres, more or less.

ADOPTED and APPROVED this, the 9<sup>th</sup> day of May, 2016.

/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 Cannon, and upon the said motion being put to vote the

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

Greg Skipworth, 903 Sunset Street, Athens, addressed the Council to express his support of the current Athens City School Board members whose terms are up for reappointment on tonight's agenda. He requested the Council reappoint both members to serve another four year term on the School Board.

Jeanette Kyle, 19998 Dugger Road, Athens, addressed the Council concerning an issue with contaminated well water for seven residences on Dugger Road. She explained that these properties are in Limestone County but are in the Athens Utilities service area. One resident has become ill from the contaminated well water and the residents are having to use bottled water for drinking and cooking. She requested the Council provide any assistance they could offer to help the residents resolve the issue as quickly as possible. Mayor Marks asked Ms. Kyle to contact him to set up a meeting to discuss possible options.

Wilbert Woodroof, Athens, addressed the Council to reiterate his previous request for the Council to appoint someone to fill the vacant District 3 Council seat left by the late Councilman Gill.

Jack McDaniel, 1403 Woodside Drive, Athens, spoke in support of the Council reappointing the existing City School Board members, Tim Green and Russell Johnson for another four year term.

**Councilman Cannon introduced the following resolution:**

#### **RESOLUTION**

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ATHENS, ALABAMA, to authorize the Mayor to issue a task order to Reed Contracting per Bituminous Paving contract dated November 2015 for the paving and striping of Hobbs Street from the CSX mainline track to Jefferson Street, Marion Street from Pryor Street to Market Street and Bryan Street from Jefferson to CSX mainline. The project shall be funded from the Capital Project Fund.

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

**Councilman Seibert introduced the following resolution:**

#### **RESOLUTION**

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ATHENS, ALABAMA, to declare the following as surplus and direct the Public Works Department to dispose of by auction or bid. Proceeds shall be placed in the Public Works Capital Account:

1. Commercial Dumpsters
2. Office Equipment and Desk
3. 1990 Case 1085 Cruz-Air Drott – SN# JAK0032424
4. 1988 Chevrolet S3500 One Ton Flatbed VIN# 1GBHC34J71JE180620

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

**Councilman Seibert introduced the following resolution:**

#### **RESOLUTION**

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ATHENS, ALABAMA, to set a public hearing to be held at the Athens City Hall located at 200 West Hobs Street, Athens, Alabama on May 23, 2016 at 5:30 p.m.

The purpose of this meeting will be to hear comments on the Community Development Block Grant Program and the proposed applications the City plans to submit to the Alabama Department of Economic & Community Affairs (ADECA) for funding consideration.

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

**Councilman Wales introduced the following resolution:**

**RESOLUTION**

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ATHENS, ALABAMA, to appoint Russell Johnson to the Board of Education. A five year term commencing at the first regular meeting of the city board of education in June, 2016, and extending until immediately prior to the first regular meeting of the city board of education in June, 2021.

The motion was seconded by Councilman Seibert 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 appoint Tim Green to the Board of Education. A five year term commencing at the first regular meeting of the city board of education in June, 2016, and extending until immediately prior to the first regular meeting of the city board of education in June, 2021.

The motion was seconded by Councilman Seibert. Two yeas by Councilman Seibert and Councilman Cannon and two nays by Councilman Harper and Councilman Wales.

**Councilman Wales introduced the following resolution:**

**RESOLUTION**

2015 Limestone County Hazard Mitigation Plan Update

WHEREAS, the Limestone County Hazard Mitigation Plan has been updated in accordance with FEMA requirements at 44 C.F.R.201.6; and

WHEREAS, the City of Athens participated in the updating of a multi-jurisdictional plan, the Limestone County Hazard Mitigation Plan; and

WHEREAS, the City of Athens is a local unit of government that has afforded the citizens an opportunity to comment and provide input in the plan and the actions in the plan; and

WHEREAS, the City of Athens has reviewed the plan and affirms that the plan will be updated no less than every five years.

NOW THEREFORE, BE IT RESOLVED, by the City Council that the City of Athens adopts the 2015 Limestone County Hazard Mitigation Plan update, and resolves to execute the actions in the plan.

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

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There being no further business to come before the meeting, the same was, upon motion by Councilman Wales and second by Councilman Cannon, duly and properly adjourned.

/s/ Wayne Harper  
PRESIDENT, CITY COUNCIL

ATTEST:

/s/ Annette Barnes  
CITY CLERK