

March 27, 2017

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 March 27, 2017, at 5:30 p.m. The meeting was called to order by Councilman Joseph Cannon, President of the Council. Upon roll call the following were found to be present: Councilmember Chris Seibert, Harold Wales, Frank Travis, Joseph Cannon and Wayne Harper. Mayor Marks lead 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 March 20, 2017 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 Wales and was unanimously carried. The Chairperson stated that the Minutes of the March 20, 2017 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 Wales and was unanimously carried.

A public hearing was held to hear comments on the demolition of property located at 708 Westmoreland Avenue.

Bert Bradford, City Building Inspector, presented photographs of the property for the Council's review. He stated that the current owners have obtained permits to repair the property and that his department will follow up to confirm that the proposed repairs are made.

The public hearing was closed.

Councilman Travis introduced the resolution with a second by Councilman Seibert. Councilman Seibert then introduced a motion to table the resolution for a period of at least 30 days to allow the current owner an opportunity to make improvements to the property. Councilman Seibert's motion was seconded by Councilman Wales and unanimously carried.

A public hearing was held to hear comments on the demolition of property located at 505 Acorn Hill Circle.

Bert Bradford, City Building Inspector, presented photographs of the property for the Council's review. He stated that no one is currently occupying the home and the current owners have indicated they have no plans to repair the structure.

The public hearing was closed.

Councilman Travis introduced the following resolution:

RESOLUTION NUMBER 2017-1512

A RESOLUTION DETERMINING THAT A STRUCTURE AT 505 ACORN HILL CIRCLE IS UNSAFE AND A PUBLIC NUISANCE, AND ORDERING ABATEMENT OF SAME

WHEREAS, this Resolution is authorized by Ordinance No. 2012-1862, as amended, 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: 505 Acorn Hill Circle, Athens, Alabama

PARCEL # 10-03-07-4-001-013.000

Legal Description

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

Lot 10 and 20 feet taken evenly off the South side of Lot 9 of the Lyne-Ash Acres Subdivision, according to the 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 30.

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

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

(12) 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

(13) 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 Ordinance No. 2012-1862 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 March 27, 2017 at 5:30 p.m., as follows:

1. The Structure shall be demolished by the City of Athens.
2. 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.
3. 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 may enter into such contract upon council approval. The City may sell or otherwise dispose of salvaged materials resulting from the work, at the election of the Mayor and/or his designee.

ADOPTED this the 27th day of March, 2017.

/s/ Joseph Cannon
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

CERTIFICATION OF CITY CLERK

STATE OF ALABAMA)
LIMESTONE COUNTY)

I, Annette Barnes, City Clerk of the City of Athens, Alabama, do hereby certify that the above and foregoing is a true and correct copy of a Resolution duly adopted by the City Council of the City of Athens, Alabama, on the 27th day of March, 2017.

Witness my hand and seal of office this ____ day of _____, 2017.

Annette Barnes, City Clerk

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

A public hearing was held to hear comments to establish zoning districts.

Scott Marshall, 23349 Piney Creek Road, Athens, spoke regarding the section of the ordinance related to issuance of temporary certificates of occupancy to allow new businesses a three year period to make site plan improvements. He stated he is in favor of the provision but is concerned as to what repercussions there will be if a business fails to make all improvements by the end of the third year.

Greg Skipworth, 903 Sunset Street, Athens, expressed his support for the new ordinance and requested the Council approve it as soon as possible.

Mike Bailey, 700 Coleman Avenue, Athens, commented that there are still many unanswered questions the Council should address before adoption of the ordinance.

The public hearing was closed.

Councilman Wales made for introduction only, the following ordinance:

**STATE OF ALABAMA,
LIMESTONE COUNTY,
CITY OF ATHENS.**

ORDINANCE NUMBER _____

AN ORDINANCE TO ESTABLISH ZONING DISTRICTS ACROSS TERRITORY WITHIN ATHENS CORPORATE LIMITS AND ADOPT REGULATIONS PERTAINING TO THE KIND, CHARACTER AND USE OF STRUCTURES AND IMPROVEMENTS THAT MAY BE ERECTED OR MADE WITHIN THE ESTABLISHED DISTRICTS

WHEREAS, Title 11, Chapter 52, Article 4, Code of Alabama 1975, as amended and supplemented by all applicable laws authorizes and provides for the establishment of districts within the corporate limits of Athens, Alabama; to regulate within such districts the height, number of stories, and size of buildings and other structures, the percentage of lots that may be occupied, the size of yards and other open spaces, the density of population and the use of buildings, structures, and land; to repeal all existing zoning ordinances and to provide methods of administration of this Ordinance and penalties for the violation thereof, and

WHEREAS, the Planning Commission of the City of Athens, Alabama adopted on December 17, 2013 a portion of a master plan, referred to as the "Future Land Use and Development Plan," which provides guidance for

adopting new zoning districts across territory within Athens' corporate limits and regulations pertaining to the kind, character and use of structures and improvements that may be erected or made within said districts, and

WHEREAS, the Planning Commission of the City of Athens, Alabama at their regular meeting held on January 24, 2017 has made its recommendation to the City Council of the City of Athens, Alabama, that a new Zoning Ordinance, along with its corresponding Zoning Maps, be adopted, and

WHEREAS, the City Council of the City of Athens, Alabama, finds that the proposed Zoning Ordinance and corresponding Zoning Maps promote the public health, safety, morals and general welfare; provide for the orderly development and growth of Athens; avoid congestion on the public roads and streets; conserve life, property and natural resources and the expenditure of funds for public improvements and services to conform with the most advantageous uses of land, resources and properties, for the general good and benefit to the people of Athens,

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

That the Zoning Ordinance and its corresponding Zoning Maps recommended by the Planning Commission at their regular meeting on January 24, 2017 are hereby approved as the Official Zoning Ordinance and Zoning Maps for the City of Athens.

Pertaining to the effect on the prior Zoning Ordinance, this Ordinance in part carries forward by its re-enactment some of the provisions of prior zoning ordinances of the City of Athens (and such provisions are contained in this Ordinance), but all provisions that are not carried forward and re-enacted herein are hereby repealed. However, all liabilities which have accrued under prior zoning ordinances of the City shall be preserved, and may be enforced. As such, the enactment of this Ordinance shall not affect any action, suit, or proceeding instituted or pending at this time under any prior zoning ordinance of the City. All suits at law or in equity and/or all prosecutions resulting from the violation of any prior zoning ordinance heretofore in effect, which are now pending in any of the courts of the state or of the United States, shall not be abated or abandoned by reason of the adoption of this Ordinance but shall be prosecuted to their finality, the same as if this Ordinance has not been adopted; and any and all violations of the prior zoning ordinances, prosecutions for which have not yet been instituted, may be hereafter filed and prosecuted; and nothing in this Ordinance shall be construed as to abandon, abate, or dismiss any litigation or prosecution now pending, and/or which may heretofore have been instituted or prosecuted.

ADOPTED and APPROVED this the ____ day of _____, 2017.

President of the City Council

Mayor — City of Athens, Alabama

City Clerk — City of Athens Alabama

Valerie Peoples, 1403 Brownsferry Street, Athens, expressed her opposition to the possibility of converting the tennis courts at Lincoln Bridgeforth Park to a soccer practice field.

Scott Marshall, 23349 Piney Creek Road, Athens, expressed his appreciation for the Mayor and Council’s actions to address the need for tennis court improvements and presented an estimate he had obtained in the amount of \$54,000 for the construction of one court.

Councilman Harper introduced the following resolution:

RESOLUTION

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ATHENS, ALABAMA, that the listed vehicles be declared as surplus property of the Water Services Division, City of Athens Utilities:

2003 Ford Ranger	VIN 1FTYR10U73PA98800	164,066 miles
2004 Ford 450	VIN 1FDXX46P64EB51497	148,869 miles

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, ALABAMA, to authorize the Mayor to execute an agreement with the Alabama Department of Transportation for the traffic signal maintenance at US Hwy 31 and AL Hwy 251.

The motion was seconded by Councilman Seibert 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 adopt a revised organization chart for the Electric Department.

The motion was seconded by Councilman Seibert 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 accept the low bid of \$665,000 from Aubrey Silvey Enterprises for the materials and construction of the GE Aviation Substations.

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, ALABAMA, to accept the low bid of \$52,620 from Schweitzer Engineering Laboratories, Inc. for three control switchboard panels for the Greenbrier Substation.

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 purchase of signage for downtown parking for the Street Department. This purchase shall not exceed \$5,500 and will be funded through a general fund budget amendment to the line item 100.527.90112, Transfers Out, Capital Expenditure 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 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 Seibert thereupon moved that the resolution 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, 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, the same was, upon motion by Councilman Wales and second by Councilman Seibert, duly and properly adjourned.

/s/ Joseph Cannon
PRESIDENT, CITY COUNCIL

ATTEST:

/s/ Annette Barnes
CITY CLERK

