

February 12, 2007

STATE OF ALABAMA,  
LIMESTONE COUNTY,  
CITY OF ATHENS.

The City Council of the City of Athens, Alabama, met in regular session at the Athens Police Department Court Room at 951 Hobbs Street East in the said City on February 12, 2007, 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 Johnny Crutcher, Harold Wales, Jimmy Gill, Ronnie Marks and Mildred Caudle. Mayor Dan Williams was present and John Hamilton, the Clerk, was present and recorded the Minutes of the meeting. Willie Byrd offered the invocation and Mayor Williams led the Pledge of Allegiance. The Chairman stated that a quorum was present and that the meeting was open for the transaction of business.

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The Chairman stated that the Minutes of the January 22, 2007 City Council Meeting had been submitted for approval. Councilman Crutcher moved that the reading of the Minutes be suspended and that the Minutes be approved as recorded. The motion was seconded by Councilman Gill and was unanimously carried. The Chairman stated that the Minutes of the January 22, 2007 City Council Work Session Minutes had been submitted for approval. Councilman Crutcher moved that the reading of the Minutes be suspended and that the Minutes be approved as recorded. The motion was seconded by Councilman Gill and was unanimously carried.

A public hearing was held to discuss the annexation/zoning located north of Nick Davis Road for Tommy Reaid. No one spoke against or in favor of.

The public hearing was closed.

Councilwoman Caudle introduced the following ordinance:

STATE OF ALABAMA,  
LIMESTONE COUNTY,  
CITY OF ATHENS.

ORDINANCE NUMBER 2007-1624

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 annexed and zoned to "R-2 Medium 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 annex and zone the hereinafter described area as "R-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 of real estate is hereby annexed into the Corporate Limits of City of Athens, Alabama and zoned "R-2 Medium Density Residential District, in accordance with and defined by "The Zoning Ordinance of the City of Athens, Alabama," and that the areas which are zoned as

aforesaid shall be situated in Athens, Limestone County, Alabama, and are more particularly described as follows:

The following property description is derived from the plat of Boundary Survey for Tommy Reaid, by Athens Land Surveying Company, AL. Reg. No. CA-0292-LS, dated, June 06, 2006, and being made a part of this property description.

20.13 acres lying in the South Half of Section 2, Township 3 South, Range 4 West, Limestone County, Alabama, and being more particularly described as follows;

Commencing at the Southeast corner of said Section 2, Thence North 89 degrees 57 minutes 10 seconds West for a distance of 30.0 feet to an iron pin on the West right-of-way margin of Oakdale Road; Thence North 00 degrees 11 minutes 00 seconds West along said right-of-way for a distance of 1568.60 foot to the Point of Beginning of the herein described property;

Thence from Point of Beginning, North 89 degrees 46 minutes 40 seconds West for a distance of 1955.57 feet to an iron pin;

Thence North 00 degrees 47 minutes 55 seconds West for a distance of 448.09 feet to an iron pin;

Thence South 89 degrees 46 minutes 40 seconds East for a distance of 1960.38 feet to an iron pin on the West right-of-way margin of Oakdale Road;

Thence South 00 degrees 11 minutes 00 seconds East along said right-of-way for a distance of 448.03 feet to the Point of Beginning, containing 20.13 acres.

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

A public hearing was held to discuss the zoning north of Nick Davis Road for Russell Strickland, Ernest Bayless and Syble Bayless. Rich Campbell, engineer for Strickland and Bayless spoke in favor of and no one spoke against.

The public hearing was closed.

Councilman Crutcher introduced the following ordinance:

STATE OF ALABAMA,  
LIMESTONE COUNTY,  
CITY OF ATHENS.

ORDINANCE NUMBER 2007-1625

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 "R-1 Low Density Residential District to R-5 Planned Unit 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-5" rather than "R-1".

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 "R-5 Planned Unit Residential District, in accordance with and defined by "The Zoning Ordinance of the City of Athens, Alabama," and that the areas which are zoned as aforesaid is situated in Athens, Limestone County, Alabama, and are more particularly described as follows:

All that part of the Southwest Quarter of Section 2, Township 3 South, Range 4 West of Limestone County, Alabama and is more particularly described as follows:

Commencing at the Northwest corner of the Northeast Quarter of the Southwest Quarter of Section 2, Township 3 South, Range 4 West, said point is located along the center-line of Linton Road; Thence leaving said center-line of Linton Road, S 89°46'40" E 21.55' to a point along the East right-of-way of said Linton Road; Thence S 00°07'14" E 158.96 to a point being the Point of Beginning; Thence from the Point of Beginning S 89°46'40" E 250.00' to a point; Thence N 00°07'14" E 158.96 to a point; Thence S 89°46'40" E 1717.58' to a point; Thence S 00°47'55" E 2693.90' to a point; Thence N 89°57'10" W 1999.44' to a point along the East right-of-way of Linton Road; Thence along the said right-of-way N 00°07'14" W 2540.66 to the Point of Beginning and containing 121.81 Acres more or less.

Subject to: any recorded easements or right of ways

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

A public hearing was held to discuss the annexation/zoning of 2446 Hine Street for Juliaett G. Himmelight. No one spoke against or in favor of.

The public hearing was closed.

Councilman Marks introduced the following ordinance:

STATE OF ALABAMA,  
LIMESTONE COUNTY,  
CITY OF ATHENS.

ORDINANCE NUMBER 2007-1626

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 described area should be annexed and zoned to "R-1 Low Density 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 annexed and zoned "R-1 Low Density Residential District", in accordance with and defined by "The Zoning Ordinance of the City of Athens, Alabama," and that the area which is to be annexed and zoned as aforesaid is situated in Athens, Limestone County, Alabama, and are more particularly described as follows:

All that part of Section 30, Township 3 South, Range 4 West of the Huntsville Meridian, in the City of Athens, Limestone County, Alabama, particularly described as beginning at a point on the East boundary of said Section 30, said point being located 145 feet North of the Southeast corner of the Northeast quarter of said Section 30; thence from the point of beginning proceed North 3 degrees 17 minutes West along the East boundary of Section 30 and the center of Hine Street for a distance of 145 feet to a point, thence South 89 degrees 30 minutes West parallel to the South boundary of the Northeast quarter of Section 30 for a distance of 300 feet to a point; thence South 3 degrees 17 minutes East and parallel to the East boundary of said Section 30, a distance of 145 feet to a point; thence proceed North 89 degrees 30 minutes East for a distance of 300 feet to the point of beginning, and containing one (1) acres, more or less.

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

A public hearing was held to discuss the sale of alcohol for Lee LLC d/b/a Jiffy Texaco located at 1809 Highway 72 East. No one spoke for or against.

A public hearing was held to discuss the sale of alcohol for Veterans of Foreign Wars #4765 located at 18315 Highway 127. Roy Coulter, 27445 Gatlin Road, Ardmore, Alabama spoke in favor of and Pam Levin spoke against.

The public hearing was closed.

Mr. and Mrs. Quentin Anderson presented oxygen masks for pets to Fire Chief Cliff Christopher.

Willie Green, Jimmy Troop and Billy Moore, Cottonwood Subdivision, asked about an update on a sewage system in their area.

Marcia Day, Athens High School, recognized two National Merit Scholarship Finalist, Deborah Cox and Will Shannon.

Wilbur Woodruff, Limestone County NAACP, asked the council to vote Elm Street “up or down” and if “down” consider another street to name after Martin Luther King, Jr.

Councilman Marks moved the adoption of the following resolution:

RESOLUTION

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ATHENS, ALABAMA, to accept the low bid of Wastequip-Holt to provide dumpsters and related items to the Athens Sanitation Department. This will be funded from the Sanitation equipment program.

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

Councilman Gill moved the adoption of the following resolution:

RESOLUTION

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ATHENS, ALABAMA, to approve the following applicant for its “Retail Beer and Wine for Off-Premises Consumption” license, in the City of Athens, based on the recommendation of the Alcohol Review Committee. The approval is contingent upon receiving the alcohol tax bond:

Jay Kapish, Inc., d/b/a Discount Tobacco & Beer  
Shankarbai Chaudhari & Manish Chaudhari, owners  
19017 Alabama Highway 127 North

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

Councilman Marks moved the adoption of the following resolution:

RESOLUTION

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ATHENS, ALABAMA, that the resolution for award of the bid for an air compressor to E.A. Nelson be amended authorizing the Manager of Water Services to increase the executed purchase order amount by \$900 to a total of \$11,888.

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

Councilman Crutcher moved the adoption of the following resolution:

RESOLUTION

BE IT RESOLVED BY THE CITY COUNCIL OF ATHENS, ALABAMA, to adopt the attached job description for the following position with the Electric Department:

- Right of Way Specialist, Grade 9; Job Description dated 2/6/07.

All previous job descriptions for this position are obsolete and where a discrepancy exists between the new job description and the old job description, the new job description will supercede the old job description.

ADOPTED and APPROVED this, the 12th day of February, 2007.

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

/s/ Dan Williams  
MAYOR, CITY OF ATHENS, ALABAMA

ATTEST:

/s/ John S. Hamilton  
CITY CLERK, CITY OF ATHENS, ALABAMA

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

Councilman Gill moved the adoption of the following resolution:

RESOLUTION

BE IT RESOLVED BY THE CITY COUNCIL OF ATHENS, ALABAMA, to amend the sidewalk line item in the Street Department budget 10.17.86000 from \$5,000.00 to \$15,000.00.

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

Councilwoman Caudle moved the adoption of the following resolution:

RESOLUTION

BE IT RESOLVED BY THE CITY COUNCIL OF ATHENS, ALABAMA, that the travel expenses in the following amount be approved for Electric Department personnel.

Jim Lannom	TVPPA Purchasing Group Meeting Crossville, Tennessee	\$129.93
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The motion was seconded by Councilman Crutcher and was unanimously carried.

Councilman Crutcher moved the adoption of the following resolution:

RESOLUTION

BE IT RESOLVED BY THE CITY COUNCIL OF ATHENS, ALABAMA, to approve the adjusted FY 2007 Electric Department budget and to spread the same on the minutes.

FISCAL YEAR 2007 ELECTRIC DEPARTMENT BUDGET

DESCRIPTION	Adjusted FY 2007
REVENUES:	
Metered Electric Sales	\$ 68,562,598.00

Miscellaneous Revenue	\$	1,815,000.00
Reserve Funds	\$	397,646.00
Federal Assistance	\$	-
Aid to Construction	\$	2,000,000.00
<b>TOTAL REVENUE</b>	<b>\$</b>	<b>72,775,244.00</b>
<b>EXPENSES:</b>		
Salaries and Fringes	\$	4,642,000.00
Electricity Purchases (TVA)	\$	55,961,878.00
System Operation and Maint Expenses	\$	1,542,850.00
Severe Storm Expense	\$	-
Customer Accounting and Billing Expenses	\$	142,500.00
Uncollectable Account Expenses	\$	164,550.00
Administrative Expenses	\$	768,750.00
Administrative Expenses (Lightning Damage)	\$	-
Vehicle Operation and Maint Expenses	\$	400,000.00
Equivalent Tax payments	\$	1,700,000.00
Debt Service Expenses	\$	1,601,283.00
1995 Construction Fund	\$	800,000.00
Capital Expenditures	\$	4,379,000.00
General Fund & Human Resources Salaries and Expenses	\$	70,000.00
<b>TOTALS</b>	<b>\$</b>	<b>72,172,811.00</b>
Elect Sales Rev Less Power Cost:	\$	12,600,720.00
Expenditures less Power:	\$	16,210,933.00
Net Proposed Budget:	\$	602,433.00
Equipment Purchase/Rebuild Obligations	\$	397,646.00
Year End Net Budget	\$	204,787.00

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

Councilman Marks moved the adoption of the following resolution:

**RESOLUTION NUMBER 2007-1010**

WHEREAS, the City of Athens desires to enter into a contract for the provision of archaeological/cultural survey services for CDBG Project Number LR-CE-PF-06-021 to construct a new park on Sanderfer Road; and

WHEREAS, it has been determined that it is in the best interest of the City of Athens to enter into a contract with the University of Alabama Office of Archaeological Research.

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

SECTION 1. That, based on the City's understanding of the Alabama Historical Commission's request for a cultural resources survey and survey of historically significant structures for CDBG Project Number LR-CE-PF-06-021, the fee of \$975.00 proposed by the University of Alabama Office of Archaeological

Research has been determined as reasonable based on the complexity of the project.

SECTION 2. That the City of Athens enter into an agreement with the University of Alabama Office of Archaeological Research for the provision of archaeological/cultural survey services.

SECTION 3. That Dan Williams, in his capacity as Mayor, is hereby authorized and directed to execute said agreement on behalf of the City of Athens.

PASSED, ADOPTED AND APPROVED this 12<sup>th</sup> day of February, 2007.

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

/s/ Dan Williams  
MAYOR, CITY OF ATHENS, ALABAMA

ATTEST:

/s/ John S. Hamilton  
CITY CLERK, CITY OF ATHENS, ALABAMA

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

Councilman Marks moved the adoption of the following resolution:

RESOLUTION

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ATHENS, ALABAMA, to declare as surplus all equipment in the City's possession which was related to the operation and maintenance of the swimming pool located in Swan Creek.

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

Councilman Marks moved the adoption of the following resolution:

RESOLUTION

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ATHENS, ALABAMA, to declare as surplus all equipment in the City's possession which was related to the operation and maintenance of the Animal Control Department.

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

Councilman Marks moved the adoption of the following resolution:

RESOLUTION

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ATHENS, ALABAMA, to appropriate \$10,000 to the Boys & Girls Clubs of Greater Limestone County.

The motion was seconded by Councilman Gill with four yeas and one nay by Councilman Wales.

Donna French, 116 Malone Circle, petitioned against a family group home next to her home.

Councilman Marks moved that they adjourn to go into Executive Session and was seconded by Councilman Crutcher and was unanimously carried. The City Attorney, Shane Black, gave the required statutory certification that an Executive Session was needed. The reason for the Executive Session was to discuss commerce and litigation.

The Executive Session was closed at 8:15 p.m.

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

/s/ Harold Wales  
PRESIDENT, CITY COUNCIL

ATTEST:

/s/ John S. Hamilton  
CITY CLERK





























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