

April 9, 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 April 9, 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. The Mayor was present and John Hamilton, the City Clerk, was present and recorded the Minutes of the meeting. Mildred Caudle 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 March 26, 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 March 26, 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 sale of alcohol for Giovanni's on the square. No one spoke for or against.

Mr. Carnell Robinson, 18176 North Jefferson Street, would like more cleanup concerning junk/abandoned vehicles in his area.

Mr. Quentin Anderson comments on illegal aliens;

I want to personally challenge all sub-division developers and building contractors to have the moral courage and integrity to avoid hiring illegal aliens. If a person's documentation is questionable, don't hire that person. It's the only honest way. We must also encourage citizens to do everything in their power to report suspected violations and to discourage hiring of illegal aliens.

I also want all of us to report property owners who are renting to illegal aliens. I'm aware to two Athens businessmen who are renting to multiple tenants whom are illegal aliens. Their business licenses should be reviewed.

We can no longer sit idly by while business people, without integrity, are knowingly capitalizing, and profiting, by supporting these violators of our nation's laws.

If we want justice, we must be willing to put forth the effort to accomplish this end!

Councilman Caudle moved the adoption of the following resolution:

RESOLUTION

BE IT THEREFORE RESOLVED BY THE CITY COUNCIL OF THE CITY OF ATHENS, ALABAMA, to set a Public Hearing at the regular City Council meeting of May 14, 2007 at 5:30 p.m., to receive comments for or against the request of Robert Rodriquez to deannex approximately 1.19 acres of property located at 25053 Newby Road, from the City Limits of Athens.

The motion was seconded by Councilman Marks with three yeas and two nays by Councilman Gill and Councilman Crutcher.

Councilman Crutcher moved the adoption of the following resolution:

RESOLUTION

BE IT THEREFORE RESOLVED BY THE CITY COUNCIL OF THE CITY OF ATHENS, ALABAMA, to set a Public Hearing at the regular City Council meeting of May 14, 2007 at 5:30 p.m., to receive comments for or against the request of Julyn Inc. to rezone approximately 0.278 acres of property located on the east margin of Houston Street, south of Forrest Street, from R-2 Medium Density Residential District to B-2 General Business District.

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

Councilman Crutcher moved the adoption of the following resolution:

RESOLUTION

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ATHENS, ALABAMA, to declare the old recycling center building located on Stewart Drive as surplus property (building only). The City of Athens will advertise for demolition services for the removal of the structure.

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 re-appoint Billie Sue Bates to the Mental Retardation Board for a six year term expiring April 30, 2013.

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 re-appoint Martha Jones to the Mental Retardation Board for a six year term expiring April 30, 2013.

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 re-appoint Cleopha Scales to the Mental Retardation Board for a six year term expiring April 30, 2013.

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 THE CITY OF ATHENS, ALABAMA, to appoint Jimmy Gill to the Mental Health Center of North Central Alabama, Inc. for a six year term expiring April 1, 2013.

The motion was seconded by Councilman Marks 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 approve the following applicant for its "Restaurant, Class I" alcohol license, in the City of Athens, based on the recommendation of the Alcohol Review Committee and contingent upon the receipt of: 1) the alcohol tax bond and 2) the certificate of occupancy.

1. McAllister Real Estate, LLC d/b/a Mac's Sports Bar & Steakhouse
1733 S. Jefferson Street

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

Councilwoman Caudle 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 "Restaurant, Class I" alcohol license, in the City of Athens, based on the recommendation of the Alcohol Review Committee and contingent upon the receipt of: 1) the alcohol tax bond and 2) the certificate of occupancy.

1. The Oasis
102 E. Washington Street

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

Councilman Marks moved the adoption of the following resolution:

RESOLUTION

WHEREAS, the annual League of Municipalities convention is Monday, April 23, 2007; and

WHEREAS, the Memorial Day holiday is Monday, May 28, 2007; therefore

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ATHENS, ALABAMA, to reschedule these two city council meetings. The Monday, April 23, 2007 council meeting will be rescheduled on Monday, April 30 2007 and the Monday, May 28, 2007 council meeting will be rescheduled on Tuesday, May 29, 2007.

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

Councilwoman Caudle moved the adoption of the following resolution:

RESOLUTION

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ATHENS, ALABAMA, to sponsor an ad at \$100.00 in the Limestone County Sports Hall of Fame banquet program. Proceeds go to academic/need scholarships. The ad will be paid from the advertising line item in the Electric Department.

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

Councilman Gill moved the adoption of the following resolution:

RESOLUTION

WHEREAS, the Building Inspector for the City of Athens, Alabama has presented information to the City Council relative to the condition of the building located at 809 Westmoreland Street, Athens, Alabama 35611 (Parcel ID# 10-03-08-2-002-036-000-0); and

WHEREAS, the Building Inspector has determined that the condition of the above referenced building violates the Standard Building Code that has been adopted by the City; and

WHEREAS, it appears to the City Council that said building violates the Standard Building Code and constitutes a public nuisance to the citizens of Athens, Alabama.

BE IT THEREFORE RESOLVED by the City Council that the building located at 809 Westmoreland Street, Athens, Alabama 35611 (Parcel ID# 10-03-08-2-002-036-000-0) is unsafe to the extent that it constitutes a public nuisance to the citizens of Athens, Alabama. Based upon this determination, the City Council hereby orders that this building be demolished at the direction and under the supervision of the Building Inspector.

BE IT FURTHER RESOLVED that the Building Inspector shall make a report to the City Council of the costs associated with the demolition of the above-referenced building so that it may adopt a resolution fixing all costs reasonably incurred in the demolition and assessing such costs against the property.

ADOPTED and APPROVED this, the 9th day of April, 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 Crutcher and was unanimously carried.

Councilman Marks introduced the following ordinance:

STATE OF ALABAMA,
LIMESTONE COUNTY,
CITY OF ATHENS.

ORDINANCE NUMBER _____

An Ordinance adopted to enhance the penalties associated with the possession and existence of nonconforming motor vehicles within the corporate limits of the City of Athens, Alabama.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ATHENS, ALABAMA, while in regular session on April 9, 2007 at 5:30 p.m., as follows:

ARTICLE 1 – TITLE

This Ordinance shall be known and may be cited as the “Nonconforming Motor Vehicle Ordinance of the City of Athens, Alabama.”

ARTICLE II – DEFINITION OF NONCONFORMING MOTOR VEHICLE

- A. For purposes of this Ordinance, the term “nonconforming motor vehicle” shall mean any motor vehicle, trailer, or semi-trailer that has remained on private property in view of the general public and is inoperable in that one or more of its major mechanical components including (but not limited to) engine, transmission, drive train, or wheels are missing or are not functional, or the vehicle otherwise constitutes a nuisance. A motor vehicle which is operable but does not have a current registration license plate is also a nonconforming vehicle unless said vehicle is on real property in control of an automobile dealer who is properly licensed to sell new and used automobiles at said property.
- B. A motor vehicle shall not be deemed to be a nonconforming motor vehicle if it has been rendered temporarily incapable of being driven under its own power in order to perform ordinary service or repair operations, if it is on the premises of a place of business engaged in the repair or junking of motor vehicles, or if it is on the premises of a place of business primarily engaged in the storage and sale of damaged or theft-recovered vehicles for insurers – so long as the work area in which the motor vehicle is contained is screened from public view by a fence, hedge, wall or similar apparatus of sufficient height to provide a visual buffer and is not in violation of any other city ordinance.
- C. A motor vehicle that is inoperable and/or does not have a current registration plate shall not be deemed to be a nonconforming motor vehicle if it is kept in an enclosed building completely shielded from the view of individuals on adjoining properties or the public at large.

ARTICLE III – VIOLATION

It shall be unlawful, and it shall be a violation for any owner or owners, or any person in control of or in charge of any residential, commercial, or other real property located within the City of Athens, to store or keep upon the premises of any such real property, any nonconforming motor vehicle or vehicles.

ARTICLE IV – ENFORCEMENT PROCEDURES

- A. When any employee of the City of Athens (who has been designated by law or by ordinance as an enforcement officer) finds a violation of this ordinance to which he or she is authorized and required to enforce, such person will, in lieu of placing persons under custodial arrest, issue a summons and complaint to any person charged with violating this ordinance.
- B. Such summons and complaint shall be on a form approved by the City Council of the City of Athens, Alabama and shall contain the name of the municipal court, the name of the defendant, a description of the violation including the municipal ordinance number, the date and time of the offense, the place of the offense, the signature of the officer issuing the citation, the scheduled court date and time, an explanation of the way in which he may settle his or her case, if available, and a signature block for the magistrate to sign upon the officer’s oath and affirmation given prior to trial.
- C. When any person is arrested pursuant to this Ordinance, the arresting officer shall take the name and address of such person and any other identifying information and issue a summons and complaint to the person charged. Such officer shall release the person from custody upon his or her written promise to appear in court at the designated time and place as evidenced by his or her signature on the summons and complaint, without any condition relating to the deposit of security.

- D. If any person refuses to give a written recognizance to appear by placing his or her signature on the summons and complaint, the officer shall take that person into custody and bring him or her before any officer or official who is authorized to approve bond. That person shall then be required to post bond with good and sufficient security to ensure his or her attendance in municipal court at the designated date and time.
- E. If the defendant fails to appear as specified in the summons and complaint, the judge or magistrate having jurisdiction of the violation may issue a warrant for the defendant's arrest commanding that the defendant be brought before the municipal court to answer the charge contained in the summons and complaint. In addition, any person who willfully violates his or her written promise or bond to appear, given in accordance with this Ordinance, shall be guilty of a separate offense of failing to appear, a misdemeanor, regardless of the disposition of the charge upon which he or she was originally arrested.

ARTICLE V – MISCELLANEOUS PROVISIONS

- A. If a violation of this Ordinance is the first violation by the person charged, such person, in lieu of appearing in municipal court, may pay a fine in the amount of Thirty and 00/100 Dollars (\$30.00) plus the court costs and the costs of the removal of the nonconforming motor vehicle, if any. Payments must be made at the Office of the Municipal Court Clerk for the use of the City. If the person cited has corrected the violation at his or her own expense, then no costs of removal shall be assessed; provided, however, that the person who issued the citation confirms that the violation has been corrected.
- B. In addition to such other punishment, including a term of community service and an order to remove the nonconforming motor vehicle from the real property at issue, as may be provided by the municipal court, any person who violates or refuses to obey or comply with the provisions of this Ordinance shall, upon conviction, be punished in accordance with the following:
 - 1. Upon a first conviction, a fine of not less than One Hundred and 00/100 Dollars (\$100.00) or more than Five Hundred and 00/100 (\$500.00), or imprisonment for not more than thirty (30) days, or both such fine and imprisonments.
 - 2. Upon a second conviction, a fine of not less than Three Hundred and 00/100 Dollars (\$300.00) or more than Five Hundred and 00/100 Dollars (\$500.00), or imprisonment for not more than ninety (90) days, or both such fine and imprisonment.
 - 3. Upon a third or subsequent conviction, a fine of not less than Five Hundred and 00/100 Dollars (\$500.00), or imprisonment for not more than six (6) months, or both such fine and imprisonment.

ARTICLE VI – MISCELLANEOUS PROVISIONS

- A. All other ordinances/resolutions or parts of ordinances/resolutions that are in direct contravention with this Ordinance are repealed only to the extent to give this Ordinance full force and effect.
- B. If any provision of this Ordinance is for any reason held to be invalid or unconstitutional by a court of competent jurisdiction, such provision and such holding shall not affect the validity of any other provision and to that end, the provisions of this Ordinance are hereby declared to be severable.

C. The provisions of this Ordinance shall be included and incorporated into the Code of Ordinances of the City of Athens, Alabama as an addition or amendment thereto, and shall be appropriately renumbered as necessary to conform to the uniform numbering system of said Code.

D. This Ordinance shall be in force and effect from and after its adoption and publication.

ADOPTED and APPROVED on this _____ day of _____, 2007.

Dan Williams, Mayor
City of Athens, Alabama

Harold Wales, President City Council
City of Athens, Alabama

John Hamilton, City Clerk
City of Athens, Alabama

Councilman Crutcher moved the adoption of the following resolution:

RESOLUTION

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ATHENS, ALABAMA, to accept the following bid from Sunbelt Fire Apparatus in the amount of \$84,291.09 to furnish 39 sets of Turnout Gear for Athens Fire & Rescue. This amount will be paid from the \$240,000 (approximate) FEMA grant.

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

Councilman Crutcher moved the adoption of the following resolution:

RESOLUTION NUMBER 2007-1013

RESOLUTION AUTHORIZING THE MAYOR TO ACCEPT CONVEYANCE OF GREENWAY EASEMENT FROM JULYN, INC., TO THE CITY OF ATHENS

WHEREAS, the City of Athens and the State of Alabama are involved in a joint project for the purpose of constructing a public walkway in the City of Athens, said project being known as the Swan Creek Greenway Project, Phase 1;

WHEREAS this has been an ongoing project and several easements have been granted to the City of Athens for the construction and maintenance of this public walkway;

WHEREAS Julyn, Inc. has agreed to convey an easement to the City of Athens to allow the construction and maintenance of this public walkway across property owned by Julyn, Inc., said easement consisting of approximately 1.17 acres;

WHEREAS this easement must be signed by the City of Athens in order to accept this conveyance; and

WHEREAS this easement is necessary for the construction and maintenance of the public walkway described herein and necessary for the continuation of the Swan Creek Greenway Project, Phase 1;

THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ATHENS, ALABAMA, while in regular session on April 9, 2007, at 5:30 p.m., as follows:

1. The Mayor is hereby directed and authorized to execute as grantee the Easement for Public Walkway, a copy of which is attached and marked as Exhibit "A", by which Julyn, Inc., is conveying an easement to the City of Athens for the purpose of the construction and maintenance of a public walkway across lands owned by Julyn, Inc., said public walkway being known as the Swan Creek Greenway, Phase 1.

ADOPTED and APPROVED this, the 9th day of April, 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

CERTIFICATION OF CITY CLERK

STATE OF ALABAMA)
LIMESTONE COUNTY)

I, John Hamilton, City Clerk of the City of Athens, Alabama, do hereby certify that the above and foregoing is a true and correct copy of the Resolution duly adopted by the City Council of the City of Athens, on the ____ day of _____, 2007.

Witness my hand and seal of office this the ____ day of _____, 2007.

John Hamilton, City Clerk

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

Councilwoman Caudle moved the adoption of the following resolution:

RESOLUTION

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ATHENS, ALABAMA, that Mayor Williams in his capacity as Superintendent of Utilities be authorized to execute required documents with compass Bank for a construction project line of credit in the amount of \$3,000,000 and that the Manager, Water Services, be authorized to manage and administer the withdrawal and repayment of funds from this line of credit.

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 THE CITY OF ATHENS, ALABAMA, to authorize the Mayor to enter into a sales contract in the amount of \$42,000.00 to purchase approximately 24 acres located between the City of Athens Swan Park and Forrest Street from Dr. Manion Coffman. This project will be funded as follows: \$17,000.00 from the Athens Utilities Water and Wastewater Department, \$5,000.00 from Athens Utilities Electric Department, \$4,000.00 from the Swan Creek Grant, TE-2003O and the remainder in the amount of \$24,000.00 from the City of Athens Capital Project fund.

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

Councilman Crutcher moved the adoption of the following resolution:

RESOLUTION

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ATHENS, ALABAMA, to appropriate an additional \$10,000 to the Greater Limestone county Chamber of Commerce. A payment of \$5,000 will be issued as soon as the contract is returned and another payment of \$5,000 in July, 2007.

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

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. He confirmed the reason was pending and threatened litigation.

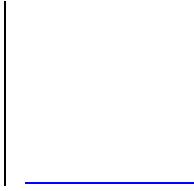
The Executive Session was closed at 7:10 p.m.

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

/s/ Harold Wales
PRESIDENT, CITY COUNCIL

ATTEST:

/s/ John S. Hamilton
CITY CLERK



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