

May 14, 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 May 14, 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 Vicky Dowd, the Executive Secretary, was present and recorded the Minutes of the meeting. Reverend Henry Brown 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 April 30, 2007 City Council Meeting had been submitted for approval. Councilman Gill moved that the reading of the Minutes be suspended and that the Minutes be approved as recorded. The motion was seconded by Councilman Crutcher and was unanimously carried. The Chairman stated that the Minutes of the April 30, 2007 and May 10, 2007 City Council Work Session Minutes had been submitted for approval. Councilman Gill moved that the reading of the Minutes be suspended and that the Minutes be approved as recorded. The motion was seconded by Councilman Crutcher and was unanimously carried. The Chairman stated that the Minutes of the April 23, 2007 Special City Council Meeting had been submitted for approval. Councilman Gill moved that the reading of the Minutes be suspended and that the Minutes be approved as recorded. The motion was seconded by Councilman Crutcher and was unanimously carried.

A public hearing was held to discuss the deannexation of property located at Mooresville and Newby Road at the request of Robert and Tammy Rodriquez. Tammy Rodriquez spoke in favor of the deannexation and explained that they were misled by their realtor of the school district. Their children have gotten accustomed to their school and they do not want to change schools. No one spoke against.

Councilman Wales introduced the following ordinance:

STATE OF ALABAMA,  
LIMESTONE COUNTY,  
CITY OF ATHENS.

ORDINANCE NUMBER \_\_\_\_\_

WHEREAS, on the 20<sup>th</sup> day of April, 1999, State of Alabama Legislative Act 99-101 (HB-37) was passed which annexed a large portion of property into the City Limits of Athens, Alabama, and

WHEREAS, said annexation was requested by the City of Athens and citizens in the affected area, and said property was contiguous to the corporate limits of the City of Athens, Alabama; and

WHEREAS, the City of Athens has received a request from Robert Rodriquez and Tammy Rodriquez, co-owners of a portion of the property that was annexed by Act 99-101, to deannex their property from the City Limits of Athens,

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ATHENS, ALABAMA, AS FOLLOWS:

SECTION 1. The City Council of the City of Athens, Alabama, finds and declared as the legislative body of the City that it is in the best interest of the citizens of the City, and the citizens of the affected area, to remove the territory in Section 2 of this ordinance from the City Limits of the City of Athens, Alabama.

SECTION 2. The boundary lines of the City of Athens, Alabama, are hereby altered or rearranged so as to exclude therefrom the following described territory, to wit:

All that part of Lot 5, Block 2 of the Madge Newby Farm, a Minor Subdivision as recorded in Plat Book G, Page 21 in the Probate Office of Limestone County, Alabama.

SECTION 3. This ordinance shall be published as provided by law, and a certified copy of same shall be filed with the Probate Judge of Limestone County, Alabama.

SECTION 4. The territory described in this ordinance shall no longer be included as a part of the corporate limits of Athens, Alabama, upon publication of this ordinance as set forth in Section 3, above.

A public hearing was held to discuss the rezoning of property located on South Houston Street at the request of Julyn, Inc. No one spoke in favor of. Approximately ten people that live on Houston Street attended the public hearing. The following spoke against; Rick Johnson, 503 South Houston Street said he wants to keep his neighborhood clean. He was also concerned about safety due to commercial traffic. Chris Paysinger, 1309 South Houston Street wants to keep his neighborhood traditional. John Woodfin, 1106 South Houston Street, does not want any commercial business in his neighborhood.

Councilman Crutcher introduced the following ordinance:

STATE OF ALABAMA,  
LIMESTONE COUNTY,  
CITY OF ATHENS.

ORDINANCE NUMBER \_\_\_\_\_

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 heard but did not take action on the request for recommendation to the City Council of the City of Athens, Alabama, that the hereinafter described area should be rezoned from "R-2 Medium Density Residential District to B- 2 General Business 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 "B-2" rather than "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 or real estate is hereby zoned "B-2 General Business 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:

**LEGAL DESCRIPTION FOR REZONING FOR JULYN INC.**

Beginning at an iron pin at the intersection of the South right-of-way of Forrest Street with the East right-of-way of Houston Street and run thence South 06 degrees 51 minutes 16 seconds East along the East right-of-way of said Houston Street a distance of 100.00 feet to a point, to the true point of beginning;

Thence from the point of true beginning continue South 06 degrees 51 minutes 16 seconds East along the East right-of-way of said Houston Street a distance of 100.00 feet to a point; thence North 82 degrees 58 minutes 44 seconds East a distance of 121.20 feet to a point; thence North 07 degrees 14 minutes 13 seconds West a distance of 100.00 feet to a point; thence South 82 degrees 58

minutes 44 seconds East a distance of 121.54 feet to a point to the point of true beginning, lying in and being a part of Lot 1-B, Block 62 according to the 1914 Map of the City of Athens, Alabama, as found in the Probate Office Limestone County, Alabama, in Plat Book "A" containing 0.278 acres, more or less.

A public hearing was held for the sale of alcohol for R. C. Groceries located at 11027 Lucas Ferry Road. This is a change of ownership only. No one spoke against or in favor of.

The public hearing was closed.

Mr. Quentin Anderson comments on illegal aliens.

Councilman Gill moved the adoption of the following resolution:

#### RESOLUTION

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ATHENS, ALABAMA, to authorize the Superintendent of Utilities to coordinate the funding of a Utility Endowment to provide a scholarship for a citizen/resident of Limestone County, at Calhoun Junior College in Limestone County, Alabama, with appropriations from the City of Athens Electric, Water/Wastewater, and Gas Departments, not to exceed a total of \$25,000.

The motion died for the lack of a second.

Councilwoman Caudle moved the adoption of the following resolution:

#### RESOLUTION

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ATHENS, ALABAMA, that the Manager of Water Services is authorized to purchase a 16-acre tract of land from Burgreen Contracting Company for \$82,500 and that there be appropriated up to \$85,000 from the Wastewater Capital Infrastructure Fund to cover this purchase, the appraisal and other associated real estate closing costs.

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, that \$38,000 is appropriated from the Wastewater Capital Infrastructure Fund to pay for the flood study at the wastewater treatment plant.

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

Councilman Marks moved the adoption of the following resolution:

#### RESOLUTION NUMBER 2007-1017

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ATHENS, ALABAMA, that the Alabama Department of Environmental Management (ADEM) be informed of the following actions and commitments by the City Council of the City of Athens, Alabama:

1. The City Council has reviewed the MWPP Report for Calendar Year 2006 that is attached to this resolution.

2. The City Council's commitment to the elimination of SSO's and excessive infiltration/inflow (I/I) for the City's sewerage system is abundantly evidenced by the data provided in the MWPP Report and the financing plan that has been enacted.
3. The City Council has committed to construction of a new wastewater treatment plant at a cost of \$29.5 million that is designed to serve a population of approximately 45,000 people plus industrial wastewater treatment up to 2.5 mgd.

Adopted by the City Council of the City of Athens, Alabama, at the meeting of said Council on the 14th day of May, 2006.

ADOPTED and APPROVED this, the 14th day of May, 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 2007-1637

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ATHENS, ALABAMA, to amend Ordinance 888 by adopting the attached unclassified pay plan and list of unclassified positions, dated 7/1/07, and referred to as Proposal 2, with an effective date of 7/1/07.

All previous job titles for these positions are obsolete and where a discrepancy exists between the new job title and the old job title, the new job title will supercede the old job title.

ADOPTED and APPROVED this, the 14th day of May, 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.

Councilwoman Caudle moved the adoption of the following resolution:

RESOLUTION

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ATHENS, ALABAMA, to change the date for annual appraisals for Department Heads from October 1 of each year to January 1 of each year, effective immediately.

ADOPTED and APPROVED this, the 14th day of May, 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 ATHENS, ALABAMA, to adopt the following job description for the City Clerk's Department:

1. Van Driver, Senior Center, Grade 4, Job Description dated 5/9/07

Councilman Gill moved the adoption of the following resolution:

RESOLUTION

BE IT RESOLVED BY THE CITY COUNCIL OF ATHENS, ALABAMA, to amend the previous appropriation of \$45,000 up to \$70,000 from the Capital Infrastructure Fund to finance construction of the 12" water main extension along Airport Road from Kare Packaging eastward underneath the CSX Rail Road.

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 \$17,646 additional be appropriated from the Wastewater Department Capital Infrastructure Fund to cover costs on the Jackson Drive to Lucas Ferry sewer reconstruction/extension.

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 ATHENS, ALABAMA, that the travel expenses in the following amount be approved for Electric Department personnel.

Bill Meadows	\$56.60	Doble Substation Equipment Training	Nashville, TN
David Jones	\$83.45	Doble Substation Equipment Training	Nashville, TN
Bradley Young	\$33.70	TVA Substation Switching Class	Cullman, AL

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

Councilman Gill introduced the following ordinance:

STATE OF ALABAMA,  
LIMESTONE COUNTY,  
CITY OF ATHENS.

ORDINANCE NUMBER 2007-1638

AN ORDINANCE AUTHORIZING THE REPEAL OF  
SECTION 2-64(12) OF THE CODE OF  
ORDINANCES OF THE CITY OF ATHENS

WHEREAS, the City of Athens desires to repeal 2-64(12) of the Code of Ordinances of the City of Athens; and

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ATHENS, ALABAMA while in regular session on May 14, 2007 at 5:30 p.m., as follows:

Section 1. Section 2-64(12) of the Code of Ordinances of the City of Athens is hereby repealed.

Section 2. Any actions taken by the City Council of the City of Athens prior to the date of the adoption of this Ordinance that did not comply with 2-64(12) of the Code of Ordinances of the City of Athens are hereby ratified and shall be enforced as if they were in compliance with 2-64(12) of the Code of Ordinances of the City of Athens.

Section 3. This Ordinance shall become effective upon its adoption as provided by law.

ADOPTED and APPROVED this, the 14th day of May, 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 an Ordinance duly adopted by the City Council of the City of Athens, Alabama, on the \_\_\_\_ day of \_\_\_\_\_, 2007.

Witness my hand and seal of office this \_\_\_\_ day of \_\_\_\_\_, 2007.

\_\_\_\_\_  
John Hamilton, City Clerk/Treasurer

Councilmember Crutcher moved that unanimous consent be given for immediate consideration of and action on said ordinance, 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 declared that the motion for unanimous consent for immediate consideration of and action on the said ordinance had been unanimously carried. Councilmember Gill 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.

Councilman Crutcher moved the adoption of the following resolution:

RESOLUTION NUMBER 2007-1018

A RESOLUTION TO REQUESTS AN ATTORNEY GENERAL OPINION

WHEREAS, the City Council of Athens, Alabama wishes to seek an opinion from the Alabama Attorney General; and

THEREFORE BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ATHENS, ALABAMA while in regular session on May 14, 2007 at 5:30 p.m. as follows:

1. The Mayor of the City of Athens and the City Attorney are hereby directed and authorized to request that the Alabama Attorney General provide an opinion regarding whether the City may require the Revenue Commissioner of Limestone County to add the assessment of the costs of the demolition of unsafe structures to the assessment and collection of ad valorem taxes

and remit the collection to the City pursuant to 11-40-30 through 11-40-36 of the Code of Alabama.

ADOPTED and APPROVED this, the 14th day of May, 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 ATHENS, ALABAMA, to appoint Beverly Malone to the City Board of Education for a five year term beginning May 31, 2007 and ending May 31, 2012.

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 appropriate \$6,500.00 to the Limestone County Family Resources Center for July through September, 2007. Funds to be appropriated from alcohol account.

Councilman Marks 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 coordinate appraisals of city property located on Freeman Avenue (Fire Station #2) and Armory Street (old Street and Sanitation Department) not to exceed \$6,000.

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 Marks 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.

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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 Councilwoman Caudle, duly and properly adjourned.

/s/ Harold Wales  
PRESIDENT, CITY COUNCIL

ATTEST:

/s/ John S. Hamilton  
CITY CLERK































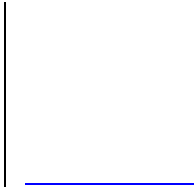












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