

August 27, 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 August 27, 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 Williams was present. John Hamilton, 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 August 13, 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 Marks and was unanimously carried. The Chairman stated that the Minutes of the August 13, 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 Marks and was unanimously carried. The Chairman stated that the Minutes of the August 21, 2007 Special 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 Marks and was unanimously carried.

A public hearing was held to hear comments on the rezoning for John Furline. No one spoke for or against.

**Councilman Crutcher introduced the following ordinance:**

STATE OF ALABAMA,  
LIMESTONE COUNTY,  
CITY OF ATHENS.

ORDINANCE NUMBER 2007-1649

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 M-1 Light Industrial District and R-2 Medium Density Residential District to R-3 High 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 rezone the hereinafter described area as "R-3" rather than "M-1" and "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 "R-3 High Density Residential 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 are more particularly described as follows:

Tracts 1, 2, 3, 4, and 5 of Wellswood Subdivision recorded in the Limestone County Courthouse office of the Probate Judge in Plat Book "F", Page 88.

This property is more particularly described as:

Commence at a point at the Northwest corner of Section 4, Township 3 South, Range 4 West. Thence South 2 degrees 35 minutes 28 seconds West along the west boundary of said Section 4 a distance of 1578.20 feet to the Point of True Beginning;

Thence South 86 degrees 36 minutes 52 seconds East a distance of 663.27 feet to a point passing a pin at 30.29 feet on the east Right-of-Way of Frazier Street;

Thence South 02 degrees 28 minutes 23 seconds West a distance of 199.24 feet to a point;

Thence South 86 degrees 36 minutes 52 seconds East a distance of 806.25 feet to a point on the centerline of Elkton Street, passing a point at 775.04 feet on the west Right-of-Way of said Elkton Street;

Thence South 39 degrees 39 minutes 08 seconds West a distance of 82.78 feet to a point;

Thence South 39 degrees 00 minutes 39 seconds West a distance of 180.90 feet to a point;

Thence South 36 degrees 01 minutes 38 seconds West a distance of 346.16 feet to a point;

Thence North 66 degrees 38 minutes 41 seconds West a distance of 411.80 feet to point, passing a point at 25.36 feet on the west Right-of-Way of Elkton Street;

Thence North 85 degrees 17 minutes 37 seconds West a distance of 260.72 feet to a point;

Thence South 44 degrees 47 minutes 20 seconds West a distance of 145.95 feet to a point;

Thence South 80 degrees 42 minutes 45 seconds West a distance of 150.80 feet to a point;

Thence North 02 degrees 35 minutes 28 seconds East a distance of 194.70 feet to a point;

Thence North 80 degrees 03 minutes 12 seconds West a distance of 231.81 feet to a point on the centerline of Frazier Street passing a point at 200.63 feet on the east Right-of-Way of said Frazier Street;

Thence North 02 degrees 35 minutes 28 seconds East a distance of 480.03 feet along the centerline of Frazier Street to the Point of True Beginning and containing 15.12 acres, more or less.

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. Councilmember 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.

Mae Davis would like the sidewalk paved on Brownsferry Street and to be paid from the alcohol money. She would also like a turn arrow sign on Hine Street for people turning onto 12<sup>th</sup> Street.

**Councilman Marks introduced the adoption of the following resolution:**

RESOLUTION

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ATHENS, ALABAMA that a proclamation, to recognize the poll workers in the 8-14-07 city and county election, be made public so those workers may know the esteem in which their friends, families, and fellow citizens hold toward them.

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

PROCLAMATION

Whereas, the City of Athens voters had the opportunity on Tuesday, August 14, 2007, to determine in an election if the City would continue to have legal sale of alcohol, and;

Whereas, the City of Athens and Limestone County voters also had the opportunity to determine if a one-cent sales tax would be imposed in Limestone County, and;

Whereas, the logistical process for this election was very efficient, and difficulties in dealing with several thousand citizens voting process was handled extremely well, and;

Whereas, the Poll Workers who assisted the citizens in the election process were dedicated in their effort to afford the opportunity for us to vote quickly and by secret ballot, and;

Whereas, the Poll Workers made the voting process available to every citizen who wished to vote, and returned the results of that election to the proper authorities in less than one hour after the polls closed, and;

Whereas, the elected officials of the City of Athens and the County Limestone are completely satisfied that the election process was carried out successfully, without any question of impropriety;

Now therefore, let it be known that the City Council and the Mayor of the City of Athens, Alabama, extends their appreciation to our City and County Poll Workers for the dedication they have given to our community for so long in order to enable all of us to participate in one of our most cherished freedoms, the right to vote. Be it resolved that this proclamation be made public so those workers may know the esteem in which their friends, families, and fellow citizens hold them.

**Councilwoman Caudle introduced the adoption of the following resolution:**

RESOLUTION

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

Danny Wallace	\$21.28	TVPPA Advanced Lineman Training – Jackson, TN
Nathan King	\$29.22	TVPPA Advanced Lineman Training – Jackson, TN
Ken Goode	\$167.04	TVPPA Advanced Lineman Training – Jackson, TN
Mark Agee	\$23.20	TVPPA Advanced Lineman Training – Jackson, TN.
Philip Roberson	\$183.31	TVPPA Advanced Lineman Training – Jackson, TN.

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

**Councilman Crutcher introduced the adoption of the following resolution:**

RESOLUTION

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

- Line Foreman, Grade 11; Job description dated 8/27/07.

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 27th day of August, 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 Marks and was unanimously carried.

**Councilman Gill introduced the adoption of the following resolution:**

RESOLUTION

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ATHENS, ALABAMA to appropriate \$30,000 from General Fund Reserves for rehabilitation of 300 feet of ditches and pavement along Fifth Avenue, between North Hine Street and West Market Street.

Councilmember Marks moved that unanimous consent be given for immediate consideration of and action on said resolution, 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 resolution had been unanimously carried. Councilmember Gill thereupon moved that the resolution 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 resolution had been unanimously carried.

**Councilman Crutcher introduced 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 for construction of the North Alabama Mental Health Center of \$325,000, plus an architect fee of approximately \$12,500. The City Council and County Commission has previously set aside for the project \$75,000 each. Due to cost increases the City Council will appropriate ½ of the increase from the General

Fund Reserve (10.25.90107). Therefore, the city's approximate additional appropriation will be \$100,000.

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

**Councilman Marks introduced 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 new position with the Electric Department:

- GIS Coordinator, Grade 9; Job Description dated 8/27/07

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 27th day of August, 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 2007-1650

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ATHENS, ALABAMA, that Ordinance Number 888, establishing a classification list and pay plan for classified employees, be hereby amended as follows:

Add the following new job title for the Electric Department:

- GIS Coordinator (grade 9)

ADOPTED and APPROVED this, the 27th day of August, 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

Councilmember Crutcher 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. 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.

**Councilman Crutcher introduced the following ordinance on August 13, 2007:**

STATE OF ALABAMA,  
LIMESTONE COUNTY,  
CITY OF ATHENS.

ORDINANCE NO. 2007-1651

ORDINANCE DECLARING PROPERTY AS SURPLUS AND AUTHORIZING THE MAYOR TO  
EXECUTE A DEED CONVEYING THE CITY OF ATHENS, ALABAMA'S INTERESTS IN REAL  
PROPERTY TO THE ALABAMA PUBLIC HEALTH CARE AUTHORITY FOR THE  
CONSTRUCTION OF A HEALTH DEPARTMENT

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WHEREAS, the City of Athens, Alabama ("City") and Limestone County Commission ("County") are joint owners in four acres of vacant property on Highway 31, Athens ("Property"), a copy of the legal description of said property attached hereto and marked as Exhibit "A";

WHEREAS the City declares its interest in said property as surplus and as not needed for municipal or public purposes;

WHEREAS the City and County have agreed to convey said property to The Alabama Public Health Care Authority for the construction and operation of a Health Department in order to meet the City's present and future health needs;

WHEREAS said construction will be at no cost to the City; and

WHEREAS a newly constructed Health Department is needed to meet the growing needs of the City;

THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ATHENS, ALABAMA, while in regular session on August 27, 2007, at 5:30 p.m., as follows:

1. For and in consideration of The Alabama Public Health Care Authority constructing a new health building and health facility to meet present and future health needs of the people of the City, at no cost to the City, the City shall convey its interest in approximately four acres of vacant property on Highway 31, Athens, now owned by the City and the County, to the Alabama Public Health Care Authority for the purposes described herein, said property being described in Exhibit "A", the plat of which shall be recorded in the Office of the Judge of Probate of Limestone County prior to the conveyance.

2. The Mayor is hereby directed and authorized to execute a deed in the name of the City conveying the City's interests in said property to The Alabama Public Health Care Authority, a copy of said deed being attached and marked as Exhibit "B", and is further authorized to execute any and all documents related to the transfer of said property interest to The Alabama Public Health Care Authority. The Mayor may also alter the legal description of the property on such documents to the extent necessary to properly recite the location of the map or plat in the Office of the Judge of Probate.

ADOPTED and APPROVED this, the 27th day of August, 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 Ordinance 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

EXHIBIT A

Lot No. 2 of the Final Plat of the Thirty-One South Commercial Park, found at Plat Book \_\_, Page \_\_ in the Office of the Judge of Probate of Limestone County, Alabama

This instrument was prepared by:

E. Shane Black, Esq.  
Roger L. Bates, Esq.  
Hand Arendall, L.L.C.  
102 South Jefferson Street  
Athens, Alabama 35611

SEND TAX NOTICE TO:

The Alabama Public Health Care Authority  
201 Monroe Street  
Post Office Box 303017  
Montgomery, Alabama 36130-3017



IN WITNESS WHEREOF, the said GRANTORS, by their respective duly authorized officers, have hereto set their respective signature and seal, this the \_\_\_\_ day of \_\_\_\_\_, 2007.

LIMESTONE COUNTY, A POLITICAL  
SUBDIVISION OF THE STATE OF ALABAMA

BY: \_\_\_\_\_

David Seibert, Chairman,  
Limestone County Commission

CITY OF ATHENS, ALABAMA, A MUNICIPAL  
CORPORATION OF THE STATE OF ALABAMA

BY: \_\_\_\_\_

Mayor, Dan Williams

STATE OF ALABAMA )  
LIMESTONE COUNTY )

I, the undersigned Notary Public in and for said County in said State, hereby certify that David Seibert whose name as Chairman of the Limestone County Commission, is signed to the foregoing Warranty Deed, and who is known to me, acknowledged before me on this day that, being informed of the contents of the Warranty Deed, he, in such official capacity and with full authority, executed the same voluntarily for and as the act of said entity.

Given under my hand and official seal on this \_\_\_\_ day of \_\_\_\_\_, 2007.

\_\_\_\_\_  
NOTARY PUBLIC  
My commission expires: \_\_\_\_\_

STATE OF ALABAMA )  
LIMESTONE COUNTY )

I, the undersigned Notary Public in and for said County in said State, hereby certify that Dan Williams whose name as Mayor of the City of Athens, is signed to the foregoing Warranty Deed, and who is known to me, acknowledged before me on this day that, being informed of the contents of the Warranty Deed, he, in such official capacity and with full authority, executed the same voluntarily for and as the act of said entity.

Given under my hand and official seal on this \_\_\_\_ day of \_\_\_\_\_, 2007.

\_\_\_\_\_  
NOTARY PUBLIC  
My commission expires: \_\_\_\_\_

EXHIBIT "A"

Lot No. 2 of the Final Plat of the Thirty-One South Commercial Park, found at Plat Book \_\_, Page \_\_ in  
the Office of the Judge of Probate of Limestone County, Alabama

EXHIBIT "B"

1. Grantee acknowledges and agrees that the Property is conveyed by Grantors "AS IS" and "WHERE IS" and with all faults and without any representation or warranty of any kind, express or implied, except for the limited warranty of title pursuant to Section 35-4-271 of the Code of Alabama (1975).
2. General and special taxes or assessments for 2007 and subsequent years not yet due and payable.
3. Easement to American Telephone and Telegraph Company, dated June 20, 1956, and of record in the Office of the Judge of Probate of Limestone County, Alabama, in volume 530 at page 112.

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

**Councilwoman Caudle introduced the adoption of the following resolution:**

RESOLUTION

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ATHENS, ALABAMA to rescind Ordinance 2007-1631 and Ordinance 2007-1632, adopted March 26, 2007, which annexed property into the City Limits for Friendship Church and Glaze Davis Farms, and also rezoned some property for each party from R-1 to R-5. These ordinances were not published. We ask that you adopt the correct ordinances as submitted, which will correctly annex and rezone this property.

Councilmember Marks moved that unanimous consent be given for immediate consideration of and action on said resolution, 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 resolution had been unanimously carried. Councilmember Caudle thereupon moved that the resolution 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 resolution had been unanimously carried.

**Councilman Marks introduced the adoption of the following resolution:**

RESOLUTION

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ATHENS, ALABAMA to nominate the persons shown below for consideration as members of the County Board of Equalization and certify that in our opinion they are competent to serve under the provisions of the law.

Furthermore, as provided in Section 40-3-2, Code of Alabama 1975, each nominee is a resident of this county, is an owner of taxable property located within this state, is a qualified voter within this county, and is otherwise well fitted for the duties of the office of which he is nominated. It is understood further that no member of the Board of Equalization can hold employment or office of profit with the United States, the State of Alabama, any county or other political subdivision of said State, or with any county school board or with any municipality.

Under all the conditions stated above, we nominate the following persons:

1. Brent Peek, 22197 Shawnee Lane, Athens, AL 35613
2. James Spencer Walker, 17385 Lucas Ferry Road, Athens, AL 35611
3. Kenneth Lewter, 17625 Jeffery Street, Athens, AL 35611

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

**Councilwoman Caudle introduced the adoption of the following resolution:**

RESOLUTION

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ATHENS, ALABAMA to declare the following Sanitation Department trailer as surplus equipment:

2001 Pro Trailer; model #PRTT-16-10; VIN 1P9RG23211A371181

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

**Councilman Marks introduced the adoption of the following resolution:**

RESOLUTION NUMBER 2007-1029

TO RESCIND THE AWARD OF BID FOR RECREATIONAL PARK IMPROVEMENTS FOR THE JIMMY GILL PARK ON SANDERFER ROAD FOR CDBG PROJECT NO. LR-CE-PF-06-021.

WHEREAS, the City of Athens solicited bids for the park improvements related to CDBG Project Number LR-CE-PF-06-021, with said bids being received and opened on Tuesday, July 25, 2007 at 1:00 p.m. at Athens Public Works Building, and

WHEREAS, the low bidder was Northwest Building Supply & Equipment Rental, Inc.,

WHEREAS, the project engineer, Civil Solutions LLP recommended that the bid should be awarded to Northwest Building Supply & Equipment Rental, Inc., as the lowest responsible bidder in the amount of \$265,000.00.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ATHENS, ALABAMA, that:

Section 1. To rescind the award of contract for park improvements related to Jimmy Gill Park to Northwest Building Supply & Equipment Rental, Inc., for CDBG Project Number LR-CE-PF-06-021 due to failure to execute the notice of award and respond to the need to execute contract.

Section 2. Dan Williams, in his capacity as Mayor, is authorized to task the City Attorney to call the bid bond of Northwest Building Supply & Equipment Rental, Inc. on this project.

Section 3. This resolution shall become effective immediately upon its adoption.

Adopted and approved this 27<sup>TH</sup> day of August 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 introduced the adoption of the following resolution:**

RESOLUTION

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ATHENS, ALABAMA to declare the property on Freeman Avenue Fire Station #2 as surplus property. The property will be deemed surplus and available for disposal as the City of Athens sees fit when it is vacated by the City of Athens Fire Department.

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

**Councilman Crutcher introduced the adoption of the following resolution:**

RESOLUTION

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ATHENS, ALABAMA that Keenum Construction be authorized to pave two blocks of Beaty Street, between Hobbs and Pryor Streets, at the cost of approximately \$30,000.

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. Councilmember 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.

**Councilman Marks introduced the following ordinance:**

STATE OF ALABAMA,  
LIMESTONE COUNTY,  
CITY OF ATHENS.

ORDINANCE NO.\_2007-1652  
(Amending Ordinance 2007-1644)

**AN ORDINANCE AMENDING SECTION 82-9 OF THE CITY  
CODE, RELATING TO THE SEIZURE AND FORFEITURE OF  
AUTOMOBILES WHERE OPERATORS ARE UNABLE TO  
PRODUCE A VALID DRIVER'S LICENSE ON THE DEMAND  
OF A LAW ENFORCEMENT OFFICER**

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**BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ATHENS, ALABAMA**

while in regular session on August 27, 2007 at 5:30 p.m., as follows:

**Section 1.** Section 82-9(b)(2) of the Code of Ordinances of the City of Athens is hereby amended to read as follows:

(2) A motor vehicle impounded pursuant to this section shall be released if the person redeeming the motor vehicle satisfies in full the fees provided for by subsection (d) and:

- a. The registered owner appears at the Athens Police Department or a representative of the owner with written notarized authorization from the registered owner appears, and presents a valid driver's license, **evidence of auto insurance as required by law**, and a copy of the written authorization, if applicable, to be copied by the Athens Police Department;
- b. If the registered owner **presents evidence of auto insurance, but** does not have a valid driver's license, he or she may bring **two persons, each with a verified valid license**, and the motor vehicle may be released without written notarized permission; or
- c. Upon order of a court of competent jurisdiction.

**Section 2.** This ordinance shall become effective upon its adoption and publication as required by law.

**Section 3.** If any provision of this ordinance, or the application thereof to any person, thing or circumstances, is held invalid by a court of competent jurisdiction, such invalidity shall not affect the provisions or application of this ordinance that can be given effect without the invalid provisions or application, and to this end, the provisions of this code and such amendments and statutes are declared to be severable.

**Section 4.** The provisions of this Ordinance shall be included and incorporated in the Code of Ordinances of the City of Athens as an addition or amendment thereto, and shall be appropriately renumbered as necessary to conform to the uniform numbering system of the Code. The emboldened and underlined font utilized in Section 1 is intended merely for the convenience of the reader with respect to the amended matter, and such emphasized font shall not be utilized with respect to the same as it appears in the Code of Ordinances.

Councilmember Crutcher 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. 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.

**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

**Councilman Marks made to motion to reconsider rescinding the resolution that was passed earlier regarding Ordinance 2007-1631 and Ordinance 2007-1632:**

RESOLUTION

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ATHENS, ALABAMA to rescind Ordinance 2007-1631 and Ordinance 2007-1632, adopted March 26, 2007, which annexed property into the City Limits for Friendship Church and Glaze Davis Farms, and also rezoned some property for each party from R-1 to R-5. These ordinances were not published. We ask that you adopt the correct ordinances as submitted, which will correctly annex and rezone this property.

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

**Councilman Marks introduced the adoption of the following resolution to vote again not to rescind original resolution: This resolution will leave Ordinance 2007-1631 and Ordinance 2007-1632 as initially passed earlier.**

RESOLUTION

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ATHENS, ALABAMA to rescind Ordinance 2007-1631 and Ordinance 2007-1632, adopted March 26, 2007, which annexed property into the City Limits for Friendship Church and Glaze Davis Farms, and also rezoned some property for each party from R-1 to R-5. These ordinances were not published. We ask that you adopt the correct ordinances as submitted, which will correctly annex and rezone this property.

The motion was seconded by Councilman Crutcher with no yeas and five nays. Therefore, the motion failed to pass.

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

John Helton and Sam Allen of the Boy Scouts Troop 240 wanted to let the City Council know that they were earning merit badges for the Boy Scouts and one of their requirements was to attend a City Council meeting.

\* \* \*

There being no further business to come before the meeting, the same was, upon motion by Councilman Crutcher 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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