

January 14, 2008

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 January 14, 2008, at 5:30 p.m. The meeting was called to order by Councilman John M. Crutcher, President of the Council. Upon roll call the following were found to be present: Councilmembers John M. 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 Chairperson stated that a quorum was present and that the meeting was open for transaction of business.

The Chairperson stated that the Minutes of the December 17, 2007 City Council Meeting had been submitted for approval. Councilwoman Caudle moved that the reading of the Minutes be suspended and that the Minutes be approved as recorded. The motion was seconded by Councilman Wales and was unanimously carried. The Chairperson stated that the Minutes of the December 17, 2007 City Council Work Session Minutes had been submitted for approval. Councilwoman Caudle moved that the reading of the Minutes be suspended and that the Minutes be approved as recorded. The Motion was seconded by Councilman Wales and was unanimously carried.

Tim Coffman is trying to get a burn permit to burn wood, brush, etc., at Brownsferry Street/Hine Street lot. He said by September 2008, the lot should be clean and cleared off indefinitely.

A public hearing was held to hear comments on the rezoning of property on Highway 72 West for Billy Cannon, Cannon Family and Dick Chittam. No one spoke against or in favor of.

Sue Cooper, 18107 Ellis Drive, spoke against strip malls being built in front of residential areas.

**Councilman Wales introduced the following ordinance:**

STATE OF ALABAMA,  
LIMESTONE COUNTY,  
CITY OF ATHENS.

ORDINANCE NUMBER 2007-1672

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 B-1 Local Shopping District to B-3 Highway 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-3".

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-3 Highway Business 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 is more particularly described as follows:

Property located in the Southwest Quarter of the Southwest Quarter of Section 7, Township 3 South, Range 4 West, more particularly described as follows:

Beginning at the Southwest corner of said Section 7 and the point of beginning;

thence North a distance of 244.35 along the west boundary of Section 7 passing a point along the north Right-of-Way of U.S. Highway 72 at 60.00 feet;

thence East a distance of 210.00 feet parallel to the south boundary of Section 7 passing a point on the east Right-of-Way of Lucas Ferry Road at 30.00 feet;

thence South a distance of 244.35 feet parallel to the west boundary of Section 7 passing a point on the Right-of-Way of US Highway 72 at 184.35 feet;

thence West a distance of 210 feet along the south boundary of Section 7 to the point of beginning, comprising an area of 1.2 acres, more or less.

ADOPTED and APPROVED this, the 14th day of January, 2008.

/s/ John M. Crutcher  
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 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 Wales thereupon moved that the ordinance be finally adopted, 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 announced that the motion for the adoption of the said ordinance had been unanimously carried.

Latasha Hoard, 2110 Luke Street, concerned about flooding coming from across the street on to her property.

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

#### RESOLUTION

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ATHENS, ALABAMA, to extend the public hearing on property located at the north side of Brownsferry Street near the corner of Hine Street for 90 days to allow more time for the owner to clean up property.

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 extend the public hearing on property located at the south side of Brownsferry Street near the corner of Hine Street for 90 days to allow more time for the owner to clean up property.

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 the travel expenses in the following amount be approved for Electric Department personnel.

Adam Reece	TVPPA Lineman Apprentice Lab B Scottsboro, AL	\$150.00
Jared Fleming	TVPPA Lineman Apprentice Lab B Scottsboro, AL	\$150.00
Daniel Tucker	TVPPA Lineman Apprentice Lab B Scottsboro, AL	\$150.00
Joseph Hoenig	TVPPA Lineman Apprentice Lab B Scottsboro, AL	\$150.00

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

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

RESOLUTION NUMBER 2008-1039

A RESOLUTION CONCERNING THE RETURN OF DONATED FUNDS

WHEREAS, Alta and Francis Whitt donated \$25,400 for use by the City of Athens and earmarked said donation for use in connection with the construction of a new public animal shelter;

WHEREAS, such money was to be held by the City until its expenditure with respect to the construction of a new public animal shelter;

WHEREAS, the City is not pursuing the construction of a new public animal shelter;

WHEREAS, these funds should therefore be returned to Alta and Francis Whitt;

and

THEREFORE BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ATHENS, ALABAMA on January 14, 2008 at 5:30 p.m., that the Mayor is directed to cause Alta and Francis Whitt's earmarked donation of \$25,400 to be returned to Alta and Francis Whitt.

ADOPTED this the 14th day of January, 2008.

/s/ John M. Crutcher  
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 \_\_\_\_\_, 2008.

Witness my hand and seal of office this \_\_\_\_\_ day of \_\_\_\_\_, 2008.

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

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

**Councilman Wales moved the adoption of the following resolution:**

RESOLUTION

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ATHENS, ALABAMA, that \$25,000 is appropriated from the Water Department Capital Infrastructure Account to finance a comprehensive update of the water distribution system hydraulic model.

The motion was seconded by Councilwoman Caudle and was unanimously carried.

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

RESOLUTION

BE IT RESOLVED BY THE CITY OF ATHENS, ALABAMA, to approve the following applicant for its "Retail Beer and Wine" alcohol license, in the City of Athens, based on the recommendation of the Alcohol Review Committee. It is of our opinion that the business has met all of the requirements of the City of Athens' alcohol ordinance.

PMK Enterprises, Inc., d/b/a Bob's Quick Mart  
1805 Brownsferry Street  
Nitinkumar B. Patel, owner

The motion was seconded by Councilwoman Caudle 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 increase mileage from \$.37.5 cents per mile to \$.45 cents per mile.

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

**Councilman Wales introduced the following ordinance:**

ORDINANCE

WHEREAS, Luella Parker, owner of Starship Limousine Service, has met all the necessary requirements (Alabama Department of Public Safety driving record, medical report, proof of liability insurance, rate schedule, application completion) to secure a franchise;

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ATHENS, ALABAMA, to issue a franchise for operation of a limousine service to Luella Parker, subject to the City of Athens Code of Ordinances, Chapter 86 ("Vehicles for Hire").

ADOPTED and APPROVED this, the 14th day of January, 2008.

/s/ John M. Crutcher  
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 Gill 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 Wales 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 Marks moved the adoption of the following resolution:**

RESOLUTION NUMBER 2008-1040

TO AWARD THE BID FOR PLAYGROUND EQUIPMENT RELATED TO CDBG PROJECT NO. LR-CE-PF-06-021.

WHEREAS, the City of Athens, solicited bids for the playground equipment related to CDBG Project Number LR-CE-PF-06-021, with said bids being received and opened on Friday, December 28, 2007 at 1:00 p.m. at Athens Public Works Building, and

WHEREAS, the low bidder was J.A. Dawson & Co., Inc.

WHEREAS, the Athens Public Works Engineering Service Community Development Department of the City has reviewed the bids received, they recommend that the bid should be awarded to J.A. Dawson & Co., Inc. as the lowest responsible bidder.

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

- Section 1. The bid for playground equipment related to CDBG Project Number LR-CE-PF-06-021 be awarded to J.A. Dawson & Co., in the amount of \$32,400.00.
- Section 2. Dan Williams, in his capacity as Mayor, is authorized to sign all bid award contracts and any pertinent documents pertaining to the award and execution of this bid project.
- Section 3. This resolution shall become effective immediately upon its adoption.

ADOPTED and APPROVED this, the 14th day of January, 2008.

/s/ John M. Crutcher  
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 Councilwoman Caudle 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 authorize the Mayor to enter in to a contract with Roth-McHugh & Associates for grant consulting/research and assistance with administration for various grant projects that could benefit the City of Athens and its departments. A copy of the contract will be on file in the office of the Public Works Department.

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

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

/s/ John M. Crutcher  
PRESIDENT, CITY COUNCIL

ATTEST:

/s/ John S. Hamilton  
CITY CLERK





