

January 26, 2009

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 26, 2009, at 5:30 p.m. The meeting was called to order by Councilman William R. Marks, President of the Council. Upon roll call the following were found to be present: Councilmembers Mignon Bowers, Harold Wales, Jimmy Gill, William R. Marks and Mildred Caudle. Mayor Williams was present. John Hamilton, City Clerk, was present and recorded the minutes of the meeting. Mayor Dan Williams offered the invocation and Chief Wayne Harper 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 January 12, 2009 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 Councilwoman Bowers and was unanimously carried. The Chairperson stated that the Minutes of the January 12, 2009 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 Councilwoman Bowers and was unanimously carried.

A public hearing was held to hear comments on the rezoning request for Word of Faith Missionary Baptist Church on Lucas Street. No one spoke in favor of or against. Ollie Turner wanted to know what is going to be done with the building. The answer is unknown at this time.

Councilman Gill introduced the following ordinance:

STATE OF ALABAMA,
LIMESTONE COUNTY,
CITY OF ATHENS.

AN ORDINANCE TO REZONE PROPERTY FOR THE WORD OF FAITH MISSIONARY BAPTIST
CHURCH, LOCATED ON LUCAS STREET, WEST OF HINE STREET

ORDINANCE NUMBER 2009-1718

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-1-2 Medium Density Single Family 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 "B-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 area which is zoned as aforesaid is situated in Athens, Limestone County, Alabama, and is more particularly described as follows:

A tract of land lying in the Northeast Quarter of the Northeast Quarter of Section 18, Township 3 South, Range 4 West, Limestone County, Alabama, and more particularly described as:

Commence at the Northeast corner of said Section 18, also the intersection US Highway 72 and Hine Street; thence North 87 degrees 51 minutes West, along the north boundary of Section 18, a distance of 332 feet to a point at the intersection of U.S. Highway 72 and Lucas Street (Old Lucas Ferry Road); thence South 31 degrees 57 minutes West a distance of 62 feet to a point; thence South 38 degrees 45 minutes West along the center line of Lucas Street (Old Lucas Ferry Road) a distance of 373 feet to the true point of beginning of the described property:

Thence South 60 degrees 20 minutes East a distance of 440 feet; thence South 4 degrees 00 minutes East, parallel to the center line of Hine Street (formerly Summer's Road) and the east boundary of said Section 18, a distance of 507 feet; thence North 44 degrees 20 minutes West 779 a distance of feet to the center line of Lucas Street (Old Lucas Ferry Road); thence North 38 degrees 42 minutes East, along the center line of Lucas Street (Old Lucas Ferry Road), a distance of 213 feet to the true point of beginning and describing a parcel containing 4.0 acres, more or less.

ADOPTED and APPROVED this, the 26th day of January, 2009.

/s/ William R. Marks
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 Bowers moved that unanimous consent be given for immediate consideration of and action on said ordinance, which motion was seconded by Councilmember Wales, and upon the said motion being put to vote the following vote was recorded: YEAS: Councilmembers Bowers, 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 Caudle and upon the said motion being put to vote the following vote was recorded: YEAS: Councilmembers Bowers, 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 hear comments on the rezoning request for the Herbert Woods Estates on Highway 72 West and Hine Street. No one spoke in favor of or against. Dean Crafton, C-Tec Computers, wanted a summary explanation of the rezoning and its purpose. James Rich explained the purpose of the zoning ordinance to Mr. Crafton.

Councilman Wales introduced the following ordinance:

STATE OF ALABAMA,
LIMESTONE COUNTY,
CITY OF ATHENS.

AN ORDINANCE TO REZONE PROPERTY FOR THE HERBERT WOODS ESTATES, LOCATED IN THE
SOUTHWEST QUADRANT OF HIGHWAY 72 WEST AND HINE STREET

ORDINANCE NUMBER 2009-1719

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-1-2 Medium Density Single Family 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 "B-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 area which is zoned as aforesaid is situated in Athens, Limestone County, Alabama, and is more particularly described as follows:

A tract of land lying in the Northeast Quarter of the Northeast Quarter of Section 18 Township 3 South, Range 4 West, Limestone County, Alabama, and being more particularly described as:

Commence at the Northeast corner of said Section 18, also the intersection US Highway 72 and Hine Street, thence South 4 degrees East, along the east boundary of Section 18 and the centerline of Hine Street, a distance 210 feet to the point of beginning of the described property:

Thence continue South 4 degrees East, along the east boundary of Section 18 and the centerline of Hine Street, a distance of 984 feet to a point; thence South 88 degrees 22 minutes West, leaving the center line of Hine Street, a distance of 244 feet to a point; thence North 4 degrees West a distance of 644 feet to a point; thence North 60 degrees 20 minutes West a distance of 440 feet to a point on the center line of Lucas Street (Old Lucas Ferry Road); thence North 38 degrees 42 minutes East, along the centerline of Lucas Street, a distance of 83 feet to a point; thence South 89 degrees 30 minutes East a distance of 276 feet to a point; thence South 01 degrees East a distance of 142 feet to a point; thence South 87 degrees 15 minutes East a distance of 288 feet to the point of beginning, and containing 5.6 acres, more or less.

ADOPTED and APPROVED this, the 26th day of January, 2009.

/s/ William R. Marks
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 Bowers, and upon the said motion being put to vote the following vote was recorded: YEAS: Councilmembers Bowers, 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 Bowers, 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 hear comments on the sale of alcohol for Maria Bonita Grill & Cantina located at 208 West Market Street. No one spoke for or against.

Susan Todd, Director of the Athens Limestone Public Library gave a presentation in planning for the future of public library service for the community.

Councilwoman Bowers 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 & Wine for Off-Premises Consumption" alcohol license. It is of our opinion that the business has met all of the requirements of the City of Athens' alcohol ordinance:

Shehab, Inc.
d/b/a I-65 Citgo
1404 Highway 72 East

The motion was seconded by Councilman Gill 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, to extend the current franchise of Charter Communications for twelve months from January 29, 2009 through January 28, 2010.

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 THE CITY OF ATHENS, ALABAMA, to appoint Dick Chittam to the Health Authority Board of Athens-Limestone Hospital for a six year term ending January 26, 2015.

The motion was seconded by Councilwoman Caudle 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.

Brandon Jackson \$153.00
TVPPA Lab B
Scottsboro, AL

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

Councilwoman Bowers moved the adoption of the following resolution:

RESOLUTION

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ATHENS, ALABAMA, to authorize the Public Works Director and Mayor as representatives of the Athens/Limestone County GIS Consortium to enter into a joint contract with the other consortium members and GRW to produce aerial and LiDAR data of the City of Athens and Limestone County. The cost of the project is \$229,778.00 minus \$35,000.00, which will come from a grant from Alabama DOT and DOR for a total of \$194,778. The Cities total project share shall be \$52,590.06 of which \$30,000 is currently budgeted from the Capital Expenditure Fund. The remaining amount of \$22,590.06 shall be budgeted from the 2010 Public Works operating expense.

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 approve \$19,000.00 from the Animal Control Fund, to purchase a pick-up truck.

Councilmember Wales moved that unanimous consent be given for immediate consideration of and action on said resolution, which motion was seconded by Councilmember Bowers, and upon the said motion being put to vote the following vote was recorded: YEAS: Councilmembers Bowers, 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 Bowers and upon the said motion being put to vote the following vote was recorded: YEAS: Councilmembers Bowers, 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.

Councilwoman Bowers moved the adoption of the following resolution:

RESOLUTION

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ATHENS, ALABAMA, to direct the City of Athens Public Works Department to begin acquisition of right of way at the intersection of Lindsay Lane and Pepper Road for related road widening and drainage improvements.

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

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

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/s/ William R. Marks
PRESIDENT, CITY COUNCIL

ATTEST:

/s/ John S. Hamilton
CITY CLERK

Councilman Wales moved the adoption of the following resolution:

RESOLUTION NUMBER 2009-1089

WHEREAS, the City of Athens, Alabama was awarded a Community Development Block Grant (CDBG) Economic Development (ED) Project Number LR-ED-PF-05-014 by the Alabama Department of Economic and Community Affairs (ADECA) in the amount of \$399,639, and

WHEREAS, the purpose of this grant was to provide rail improvements to facilitate the location of Quality Culvert, Inc., and

WHEREAS, the City has completed the infrastructure improvements but delayed closure of the project because of the lack of full job creation by Quality Culvert, Inc., and

WHEREAS, Quality Culvert Inc., has informed the City that they can not meet their commitment of 125 jobs but have created 42 jobs, and

WHEREAS, the City of Athens has requested that ADECA allow the project to be closed with 42 jobs and a financial payback of grant funds if required, and

WHEREAS ADECA has advised the City in a letter dated December 15, 2008 that they would approve closure of the project contingent upon repayment of \$100,000.00, and

WHEREAS, the City of Athens has requested that Quality Culvert, Inc. repay these funds and they have agreed.

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

SECTION 1. That closeout paperwork, as required by ADECA, be submitted immediately.

SECTION 2. That a formal amendment be requested from ADECA to reduce the original number of job committed from 125 down to 42 to allow closure of the project.

SECTION 3. That the sum of \$100,000.00 be paid to ADECA to reduce the subject grant from \$399,639.00 to \$299,639.00 to address the lack of job creation by Quality Culvert.

SECTION 4. That Dan Williams, in his capacity as Mayor, is hereby authorized and directed to submit the formal amendment, check for \$100,000.00 and required closeout paperwork to the Alabama Department of Economic and Community Affairs, and, upon approval thereof, take such other steps as may be required to secure closure of the project.

ADOPTED and APPROVED this, the 12th day of January, 2009.

/s/ William R. Marks
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 Bowers moved that unanimous consent be given for immediate consideration of and action on said resolution, which motion was seconded by Councilmember Gill, and upon the said motion being put to vote the following vote was recorded: YEAS: Councilmembers Bowers, 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 Wales thereupon moved that the resolution 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 Bowers, 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.

A public hearing was held to hear comments on the close out of Jimmy W. Gill Park. No one spoke in favor of or against.

Councilwoman Bowers moved the adoption of the following resolution:

RESOLUTION NUMBER 2009-1090

WHEREAS, the City of Athens, Alabama was awarded a Community Development Block Grant (CDBG) Community Enhancement (CE) Project Number LR-CE-PF-06-021 by the Alabama Department of Economic and Community Affairs (ADECA) in the amount of \$250,000.00, and

WHEREAS, the purpose of this grant was to provide recreational improvements at the Jimmy Gill Park, which is located along Sanderfer Road, and

WHEREAS, the City has completed the proposed improvements and desires to close the project at this time.

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

SECTION 1. That closeout paperwork, as required by ADECA, be submitted immediately.

SECTION 2. That Dan Williams, in his capacity as Mayor, is hereby authorized and directed to submit the required closeout paperwork to the Alabama Department of Economic and Community Affairs, and, upon approval thereof, take such other steps as may be required to secure closure of the project.

ADOPTED and APPROVED this, the 12th day of January, 2009.

/s/ William R. Marks
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.

Quintin Anderson, 104 Ridgelawn Drive, spoke about a person in Athens that he considers a terrorist and

how this person is terrorizing senior citizens at the Senior Center.

Mae Davis, 1201 Plainview Circle, commented on 1200 and 1206 Plainview Circle, and how the two properties are eye sores. She ask that the owners clean it up or they be torn down.

Rosie Maclin, ask that a number of houses on Highland Street and across from Plainview Street be cleaned up or condemned.

David Malone thanked the City Council, Mayor and Ben Wiley for Jimmy W. Gill Park.

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 payment of budgeted travel/education expenses for specified Water/Wastewater employees in the total amount of \$683.24.

John Fielding (Wastewater)	WW Certification Review Class Tuscaloosa, AL December 18-19, 2008	\$344.24
Adam Graves (Wastewater)	WW Certification Review Class Tuscaloosa, AL December 18-19, 2008	\$339.00

The motion was seconded by Councilwoman Bowers 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 authorize the resurfacing of Brownsferry Street, from Houston Street to the City Limits south of Highway 72, at a cost of \$170,000.00.

The portion of Brownsferry north of Highway 72 will be approximately \$90,000.00. The portion south of Highway 72 to the City Limits will be approximately \$80,000.00. This will be paid from Gas Tax revenue.

The motion was seconded by Councilwoman Bowers 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, to approve the final results of the FY 2008 Gas Department budget and spread the same on the minutes.

FINAL RESULTS FY 2008 Gas Department Budget

REVENUES:

Metered Sales	\$ 12,502,791.00
Forfeited Discounts	\$ 31,781.00
Misc Revenue & Service Charges	\$ 1,958.00
Rents and Other	\$ 79,365.00
Interest	\$ 143,671.00

Reserve Funds	\$	-
Reimbursement 2007 Revenue Bonds	\$	537,045.00
Training Facility (Leak City)	\$	53,810.00
Aid to Construction	\$	374,994.00
TOTALS	\$	13,725,414.00

EXPENSES:

Salaries and Fringes	\$	1,550,954.00
Purchased Gas	\$	7,671,466.00
Distribution System Operation & Maintenance	\$	548,902.00
Administrative	\$	249,216.00
Customer Accounting and Billing	\$	39,183.00
Vehicle and Equipment Operation & Maint	\$	177,112.00
Appropriation to General Fund	\$	921,876.00
2005 Revenue Warrant Debt Service	\$	237,952.00
2007 Revenue Warrant Debt Service	\$	386,378.00
General Fund Salaries and Expenses	\$	49,759.00
Capital Expenditures	\$	1,411,648.00
Construction Materials & Capitalized Equip Repair	\$	620,882.00
Construction Materials (Reimb by Rev Warrants)	\$	537,045.00
Other Capital (Equip, tools, etc)	\$	253,720.00
Totals:	\$	13,244,446.00

Approved Budget as of		
3% COLA if approved by Council	\$	-
Net proposed budget	\$	1,018,014.00
Construction Costs (Reim by Revenue Warrants):	\$	537,045.00
Debt Service Costs	\$	624,330.00

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 Gill and second by Councilman Wales, duly and properly adjourned.

/s/ William R. Marks
PRESIDENT, CITY COUNCIL

ATTEST:

/s/ John S. Hamilton
CITY CLERK

