

November 24, 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 November 24, 2008, 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. Harold Wales 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 November 10, 2008 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 November 10, 2008 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.

A public hearing was held to hear comments on Lindsay Lane Baptist Church request to appeal the denial by the Planning Commission of the conditional use request for a K-6 school.

The following spoke in favor of;

Dusty McLemore, Pastor, 17011 Forest Hill Drive; Eric Pugh, 114 Winslow Drive; Julie LeNoir (Skipper Consulting) , 2543 Altadena Forest Circle, Birmingham; Bradley Griggs, Associate Pastor, 24791 Savannah Trail; John Sparks, 2221 Missy Leigh Lane; Steve Cunduff, 17800 Remington Drive and Pat King, 19660 Cox Road.

The following spoke against;

Ralph Diggins, 100 Willow Street; Beth Fossett, 108 Hastings Road; Mike Roberts, 279 Summit Lake Drive; Carolyn Lindsay, 1307 Lindsay Lane and Michael Davis, 22189 Pepper Road.

A public hearing was held to hear comments on Widow Drive property being a public nuisance. No one spoke for or against.

Councilman Gill moved the adoption of the following resolution:

RESOLUTION NUMBER 2008-1084

**A RESOLUTION CONTINUING THE PUBLIC HEARING CONCERNING A PUBLIC NUISANCE
ALONG WIDOW STREET**

WHEREAS, the City of Athens is authorized by state law, including but not limited to § 11-67-60, *et seq.* of the *Code of Alabama*, to abate nuisances within the City, such as an abundance of weeds and vegetation that is injurious to the general public health, safety, and general welfare;

WHEREAS, it has been brought to the attention of this City Council that weeds and vegetation located on certain property may be injurious to the general public health, safety, and general welfare;

WHEREAS, on October 13, 2008, this City Council adopted a resolution calling for a public hearing regarding this matter on November 24, 2008, at 5:30 P.M.; and

WHEREAS, the City Council desires to continue the public hearing by extending it to a later time.

THEREFORE BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ATHENS, ALABAMA on November 24, 2008, at 5:30 p.m., as follows:

1. This resolution concerns certain real property located on the south side of a street known as Widow Drive and/or Widow Street. The parcel identification number assigned by the Limestone County Revenue Commissioner to the property is 10-3-07-4-001-032.000. The property is further described as Lot No. 39 of Block 76, according to the 1914 Map of the City of Athens, Alabama, recorded in the Office of the Judge of Probate of Limestone County, Alabama, in Plat Book A, Page 16.

2. The public hearing set for Monday, November 24, 2008, is hereby continued such that it will be resumed at the regular City Council meeting on December 8, 2008.

ADOPTED and APPROVED this, the 24th day of November, 2008.

/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

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 a Resolution 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

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

A public hearing was held to hear comments on the sale of alcohol for Jiffy Food Store #2 located at 716 East Hobbs Street. No one spoke in favor of or against.

A public hearing was held to hear comments on the sale of alcohol for I-65 Chevron located at 1404 Highway 72 East. No one spoke for or against.

A public hearing was held to hear comments on the rezoning for Friendship United Methodist Church on Lucas Ferry Road. No one spoke for or against.

Councilman Wales introduced the following ordinance:

STATE OF ALABAMA,
LIMESTONE COUNTY,
CITY OF ATHENS.

ORDINANCE NUMBER 2008-1716

AN ORDINANCE REZONING A TRACT OF PROPERTY FROM R-1-1 TO INSTITUTIONAL FOR FRIENDSHIP UNITED METHODIST CHURCH, INC., LOCATED ON LUCAS FERRY ROAD.

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 zoned from R-1-1 Low Density Single Family Residential District to INST Institutional 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 are as INST Institutional District.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ATHENS, ALABAMA, as follows:

That all of the hereinafter described areas or real estate is hereby zoned "INST Institutional 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 or parcel of land located in the East Half of the East Half of Section 12, Township – 3 – South, Range – 5 – West of the Huntsville Meridian, Limestone County, Alabama, and being more particularly described as follows:

Commencing at an existing railroad spike at the Southeast corner of the Northeast Quarter of said Section 12, Township – 3 – South, Range – 5 – West, the Point of True Beginning of the herein described tract,

THENCE from the Point of True Beginning, South 00 degrees 44 minutes 27 seconds West along the East boundary of said Section 12 and the centerline of Lucas Ferry Road, a distance of 922.41 feet to a point at the intersection of Lucas Ferry Road and West Washington Street;

THENCE South 72 degrees 24 minutes 39 seconds West along the centerline of West Washington Street a distance of 1038.61 feet to a point;

THENCE leaving the North right – of – way of said West Washington Street, North 13 degrees 50 minutes 09 seconds West, a distance of 1329.00 feet to the Southwest corner of the City of Athens Utilities Water Department property;

THENCE South 87 degrees 39 minutes 02 seconds East, a distance of 150.00 feet to the Southeast corner of the Athens Utilities Water Department property;

THENCE North 00 degrees 58 minutes 27 seconds East, a distance of 150.00 feet to the Northeast corner of the City of Athens Water Department property;

THENCE North 87 degrees 39 minutes 04 seconds West, a distance of 150.05 feet to the Northwest corner of said City of Athens Water Department property;

THENCE North 00 degrees 57 minutes 20 seconds East along the East boundary of Tract 1 of Friendship Subdivision according to map or plat on file in the Probate Office of Limestone County, Alabama, recorded in Plat Book “H”, Page 21, a distance of 192.15 feet to a point;

THENCE South 84 degrees 57 minutes 20 seconds East a distance of 7.93 feet to an existing concrete monument at the Southwest corner of the Ezell Subdivision according to map or plat on file in the Probate Office of Limestone County, Alabama, recorded in Plat Book “D”, Page 44;

THENCE South 87 degrees 10 minutes 16 seconds East along the South boundary of Ezell Place Subdivision according to map or plat on file in the Probate Office of Limestone County, Alabama, recorded in Plat Book “D”, Page 44 and along the South boundary of Ezell Place Subdivision, Addition Number 1, according to map or plat on file in the Probate Office of Limestone County, Alabama, recorded in Plat Book “D”, Page 57, a distance of 1310.98 feet to a point on the East boundary of Section 12, Township – 3 – South, Range – 5 – West, passing a point on the West right – of – way of Lucas Ferry Road at a distance of 1280.96 feet;

THENCE South 00 degrees 44 minutes 27 seconds West along the East boundary of said Section 12 and the centerline of Lucas Ferry Road, a distance of 331.23 feet to the Point of True Beginning and containing 39.456, acres, more or less.

Councilmember Bowers 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 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 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 ordinance had been unanimously carried.

Kay Kelly, 1001 Lindsay Lane, complimented the Council and Mayor on the roundabout on Lindsay Lane.

Councilman Gill moved the adoption of the following resolution:

RESOLUTION NUMBER 2008-1085

A RESOLUTION APPROVING A PROJECT DEVELOPMENT AGREEMENT WITH EASTSIDE JUNCTION, L.L.C.

WHEREAS, Eastside Junction, L.L.C., an Alabama limited liability company (the “Company”), presently owns certain property in the City of Athens referred to herein as the “Project”;

WHEREAS, as a part of the Project, the Company desires to develop a retail shopping center, including a Publix grocery store, and other retail establishments;

WHEREAS, the City Council (the “Council”) of the City of Athens (the “City”) has determined that it is in the City’s best interest to provide financial assistance to the Company in order to facilitate the acquisition and construction of the Project, and that such expenditure will serve a valid and sufficient public purpose, notwithstanding any incidental benefit accruing to the Company or any other private entities;

WHEREAS, the Project is expected to (i) result in the creation of 150 new jobs within the next five (5) years, (ii) generate gross sales tax revenues of approximately \$24,000,000 in the next ten (10) years, including approximately \$1,500,000 in municipal sales taxes, (iii) generate ad valorem tax revenues of approximately \$1,200,000 in the next ten (10) years, including approximately \$200,000 in municipal ad valorem taxes, (iv) include improved retail square footage space of approximately 110,000 square feet, and (v) result in significant traffic, drainage, pedestrian, and greenway improvements that will benefit the citizens of the City of Athens;

WHEREAS, the City Council of Athens wishes to extend economic development incentives analogous to those provided to industrial projects; and

WHEREAS, pursuant to a project development agreement, the City and the Company wish to memorialize the general terms of their agreement with respect to the development of the Project.

THEREFORE BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ATHENS, ALABAMA on November 24, 2008 at 5:30 p.m., that the Mayor of the City is hereby authorized and directed to execute and deliver the Project Development Agreement in substantially the form attached hereto as **Exhibit A**, with such changes or additions thereto or deletions therefrom as the Mayor shall approve, which approval shall be conclusively evidenced by his execution of such instrument.

The City Clerk of the City is hereby authorized and directed to affix the official seal of the City to such instrument and to attest the same.

ADOPTED and APPROVED this, the 24th day of November, 2008.

/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

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

The motion was seconded by Councilman Wales 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 our City participate in the State of Alabama's promotion, 2010, the Year of Small Towns, competition sponsored by the Alabama League of Municipalities.

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

Chris Helms	Advance Lineman Phase 3 Scottsboro, AL	\$105.75
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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 appoint Mignon Bowers and Jimmy Gill as the City representatives on the Athens Limestone Solid Waste Authority. Their terms will expire September 30, 2012.

The motion was seconded by Councilwoman Caudle 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 declare the following City Clerk's Department automobile as surplus:

1996 Ford Taurus, VIN# 1FALP52U3TA176812

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 Councilwoman Caudle and second by Councilman Gill, duly and properly adjourned.

/s/ William R. Marks
PRESIDENT, CITY COUNCIL

ATTEST:

/s/ John S. Hamilton
CITY CLERK

