

December 8, 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 December 8, 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. Jimmy Gill 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 24, 2008 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 Councilwoman Caudle and was unanimously carried. The Chairperson stated that the Minutes of the November 24, 2008 and December 2, 2008 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 Councilwoman Caudle and was unanimously carried. The Chairperson stated that the Minutes of the December 3, 2008 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 Councilwoman Caudle and was unanimously carried.

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

**RESOLUTION NO. \_\_\_\_\_**

**A RESOLUTION UPHOLDING THE CITY OF ATHENS PLANNING COMMISSION'S DENIAL OF THE LINDSAY LANE BAPTIST CHURCH'S APPLICATION FOR CONDITIONAL USE**

WHEREAS, on October 21, 2008, following a public hearing, the City of Athens Planning Commission denied Lindsay Lane Baptist Church's request for a "conditional use" to operate a K-6 school at the church's current location on Lindsay Lane in Athens, Alabama, which location has a R-1-1 zoning classification;

WHEREAS, within fifteen (15) days of the commission's decision, Lindsay Lane Baptist Church appealed the decision of the Athens Planning Commission to the City Council of the City of Athens, Alabama pursuant to the City of Athens' Zoning Ordinance;

WHEREAS, the City Council conducted a public hearing regarding this matter on Monday, November 24, 2008; and

WHEREAS, the City Council has carefully reviewed and considered, among other things, the application, applicable review standards, and the information presented at the public hearing concerning this matter.

**THEREFORE BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ATHENS, ALABAMA** on \_\_\_\_\_, 2008 at \_\_\_\_\_ a.m/p.m., as follows:

1. The decision of the City of Athens Planning Commission (denying a conditional use application to operate a K-6 grade school at the church's current location on Lindsay Lane) is upheld.

**ADOPTED** this the \_\_\_\_\_ day of \_\_\_\_\_, 2008.

\_\_\_\_\_  
WILLIAM R. MARKS, CITY COUNCIL PRESIDENT

**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 failed for the lack of a second.

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

**RESOLUTION NUMBER 2008-1087**

**A RESOLUTION APPROVING LINDSAY LANE BAPTIST CHURCH'S APPLICATION FOR  
CONDITIONAL USE WITH CONDITIONS**

WHEREAS, on October 21, 2008, following a public hearing, the City of Athens Planning Commission denied Lindsay Lane Baptist Church's request for a "conditional use" to operate a K-6 school at the church's current location on Lindsay Lane in Athens, Alabama, which location has a R-1-1 zoning classification;

WHEREAS, within fifteen (15) days of the commission's decision, Lindsay Lane Baptist Church appealed the decision of the Athens Planning Commission to the City Council of the City of Athens, Alabama pursuant to the City of Athens' Zoning Ordinance;

WHEREAS, the City Council conducted a public hearing regarding this matter on Monday, November 24, 2008; and

WHEREAS, the City Council has carefully reviewed and considered, among other things, the application, applicable review standards, and the information presented at the public hearing concerning this matter.

**THEREFORE BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ATHENS, ALABAMA** on December 8, 2008 at 5:30 p.m., as follows:

1. Lindsay Lane Baptist Church's application for conditional use to operate a K-6 grade school at the church's current location on Lindsay Lane is granted, subject to the following conditions, which the City Council deems necessary in this particular case to protect the public interest and further the purposes of the City's Zoning Ordinance:

a. Lindsay Lane Baptist Church must present a traffic study to the City of Athens' Public Works Department. This traffic study must be conducted by a third party that is acceptable to the Public Works Department, and must address the issue of additional traffic as a result of operating a school in the area. The Council acknowledges that Skipper Consultant, Inc. has conducted a current traffic study and discussed the results at a November 21, 2008, and the presentation of this study will satisfy this condition.

b. Lindsay Lane Baptist Church will not engage in any efforts to develop and/or construct a road, street, alley, or other way connecting the property currently owned by the church to (i) Hastings Road and/or Wellington Road, and/or (ii) neighboring residential subdivisions.

c. Lindsay Lane Baptist Church may not erect stadium-style lighting systems with respect to any playground areas, athletic fields, or similar outdoor areas, including lighting systems that resemble those typically associated with the athletic fields in Limestone County and the City of Athens. Any lighting plan by Lindsay Lane Baptist Church with respect to any playground areas, athletic fields, or similar outdoor areas must be presented to, and approved by, the City of Athens, Public Works Department.

d. Lindsay Lane Baptist Church must develop a written "safety plan" no later than 90 days prior to opening day of school. The plan must address an overall safety of all church grounds and the fencing of the school playground area. The safety plan must be presented to, and approved by, the City of Athens, Public Works Department.

e. Lindsay Lane Baptist Church must agree to cooperate with the City of Athens regarding the City's future work to improve traffic flow on Lindsay Lane (including, but not limited to, work

concerning easements, turn lanes, and the widening of Lindsay Lane). Moreover, if required by the City for use as a right of way, Lindsay Lane Baptist Church will donate to the City such required real property that extends no more than ten (10) feet westerly from Lindsay Lane's right of way (as it is currently situated along the eastern boundary of the church's real property that is the subject of this Resolution).

f. Lindsay Lane Baptist Church may not extend the conditional use of the property as a school to include any grade beyond the Sixth Grade. If Lindsay Lane Baptist Church desires to extend its school beyond the Sixth Grade, it must seek a different location for such extension.

g. Lindsay Lane Baptist Church may not construct and/or otherwise pursue the development of a parking lot(s) on the parcels of property that are directly to the North and South of the entrance into the residential subdivision(s) referred to as Summit Lakes.

h. Lindsay Lane Baptist Church will work to promote better communications and relationships with the neighboring community.

i. Lindsay Lane Baptist Church will submit an unconditional written acceptance of the conditional use approval and conditions set forth in this Resolution, in a form and manner acceptable to the City of Athens, Public Works Department, within ten (10) days of the date of this Resolution. In such document, Lindsay Lane will expressly acknowledge that the City of Athens is reasonably relying upon Lindsay Lane Baptist Church's unconditional acceptance of the above conditions, and that Lindsay Lane Baptist Church's violation of any of the conditions set forth herein is cause for the revocation and/or revision of the conditional use approval set forth herein by the Athens Planning Commission, subject to the same procedures as set forth for a conditional use in Section 4.8 of the City's Zoning Ordinance.

2. The above conditions are made with respect to the property, structure, and/or use for which the conditional use is approved. Any subsequent owner of the subject property, on which a conditional use has been hereby granted with conditions, must also adhere to the above conditions in the same manner.

3. Although this Resolution alters the decision of the Athens Planning Commission concerning Lindsay Lane Baptist Church's conditional use request, the City Council greatly appreciates the hard work and dedication of the members of the City of Athens Planning Commission on this and other matters, and reaffirms its confidence in the work of the Athens Planning Commission.

ADOPTED and APPROVED this, the 8<sup>th</sup> day of December, 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 Gill with four yeas and one nay by Councilwoman Caudle.

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

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

**RESOLUTION NUMBER 2008-1088**

**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 27, 2008, this City Council adopted a resolution calling for a public hearing regarding this matter on December 8, 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 December 8, 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 10-3-07-4-001-031.001. The property is further described as follows: A lot or parcel of land in the Northeast Quarter of the Southeast quarter of Section 7, Township 3 South, Range 4 West, beginning at the Northeast corner of lot belonging to Charlie Jones, said point is located in the middle of Widow's Drive, 271 feet West of the East boundary line of Section 7, and 700 feet South of the Northeast corner of the Northeast Quarter of the Southeast Quarter of said Section 7, thence East 56 feet; thence South 166 feet; thence West 56 feet; thence North 166 feet to the point of beginning containing one-fourth acre, more or less.

2. The public hearing set for Monday, December 8, 2008, is hereby continued such that it will be resumed at the regular City Council meeting on March 9, 2009.

ADOPTED and APPROVED this, the 8<sup>th</sup> day of December, 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 )  
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Witness my hand and seal of office this \_\_\_\_ day of \_\_\_\_\_, 2008.

\_\_\_\_\_  
John Hamilton, City Clerk

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 appoint Danny Southard as Fire Chief through September 30, 2012. The unclassified position will have a salary level of Manager 3, Step 2.

The motion was seconded by Councilman Gill 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 amend the City of Athens's Personnel Policy and Procedures Manual to include the attached revised policy "5.11 Leave Under the Family and Medical Leave Act and the National Defense Authorization Act" effective December 8, 2008.

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 Capital Infrastructure Fund appropriation for the Village at Piney Creek water line upgrades be increased from \$74,000.00 to \$97,990.00.

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 Caudle 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.

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

**RESOLUTION**

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ATHENS, ALABAMA, that the final budget results for the Water Department and Wastewater Department be approved as presented.

Water Dept. Final Results FY 09

REVENUES:	FY 2009
Metered Sales	\$ 3,807,669.00
Miscellaneous Revenue	\$ 133,697.00
Aid to Construction	\$ 43,580.00
Capital Reserve Funds	\$ 299,003.00
Total Regular	\$ 4,283,950.00

Capital Infrastructure Account	\$ 373,029.00
Grand Total Revenue	\$ 4,656,978.00

EXPENSES:

Salaries and Fringes	\$ 1,011,667.00
Water Production Expenses	\$ 613,871.00
Annual Consumer Confidence Report (Fed Mandate)	\$ 8,270.00
Transmission and Distribution Expenses	\$ 169,242.00
Tank Maintenance Expenses	\$ 90,000.00
Administrative Expenses	\$ 203,152.00
LCEDA	\$ 28,427.00
Allocation to Finance Dept (New Line FY 2005)	\$ 88,353.00
Allocation to Customer Services (New Line FY 2007)	\$ 253,759.00
Uncollectible Accounts	\$ 6,663.00
Vehicle and Equipment Operation & Maint	\$ 60,514.00
Appropriation to General Fund	\$ 190,383.00
Debt Service Expenses	\$ 645,640.00
General Fund Salaries & Expenses	\$ 48,772.00
Capital Expenditures	\$ 314,635.00
Const Mtls, Dist Sys Imp Fund, & Capt Eqp Rep	\$ 295,043.00
Other Capital (Equipment, tools, etc)	\$ 19,592.00
Totals	\$ 3,773,349.00

Net Proposed Budget: \$ 550,601.00

Capital Infrastructure Fund (Authorized Expenditures)	\$ 1,015,532.00
Net Capital Infrastructure	(\$642,503)

Metered Sales	\$ 3,807,669.00
Private Fire Hydrant	\$ 14,390.00
Fire Hydrant Rent	\$ -
Forfeited Discounts	\$ 26,231.00
Tapping Fees	\$ 86,515.00
Misc Revenue	\$ 6,562.00
Aid to Construction	\$ 43,580.00
Reserves	\$ 299,003.00
Interest	\$ -
TOTAL REVENUE:	\$ 4,283,950.00

Capital Infrastructure Account	\$ 373,029.00
16cent/1,000 rate	\$ 272,046.00
\$500/Meter Set Fee	\$ 90,904.00
Unmetered Fire Line	\$ 10,079.00

Total-Capital Infrastructure Account \$ 373,029.00

TOTAL REVENUE \$ 4,656,978.00

Final Results FY 09 for the Wastewater Dept.

FY 2009

Metered Sales \$ 2,984,687.00  
Miscellaneous Revenues \$ 87,315.00  
Capital Reserve Funds \$ 95,071.00  
Aid to Construction \$ 11,569.00  
Total - Regular \$ 3,178,641.00

Capital Infrastructure Account \$ 802,840.00

Grand Total: \$ 3,981,481.00

EXPENSES:

Salaries and Fringes \$ 1,322,596.00  
Treatment Plant Operation & Maint \$ 334,496.00  
Collection System Operation & Maint \$ 94,936.00  
Administrative \$ 134,078.00  
Allocation at Finance Department \$ 69,215.00  
Allocation to Customer Services \$ 125,626.00  
Uncollectible Accounts \$ 6,568.00  
Vehicle and Equipment Operation & Maint \$ 87,927.00  
Appropriation to General Fund \$ 74,617.00  
Debt Service \$ 592,404.00  
General Fund Salaries and Expenses \$ 44,685.00  
Capital Expenditures \$ 110,709.00  
Construction Materials & Capitalized Equip Repair \$ 56,744.00  
Other Capital (Equipment, tools, etc.) \$ 53,965.00

Totals: \$ 2,997,859.00

Net Proposed Budget \$ 180,782.00

Cap. Infrastructure Fund (Authorized Expenditures) \$ 656,598.00  
Net Capital Infrastructure \$ 146,241.00

Metered Sales \$ 2,984,687.00  
Surcharge (Industrial) \$ -  
Forfeited Discounts \$ 20,505.00

Tapping Fees	\$	29,827.00
Misc Revenue	\$	36,983.00
Aid to Construction	\$	11,569.00
Reserve Funds	\$	95,071.00
Interest	\$	-
Total Regular	\$	3,178,641.00

Description - Capital Infrastructure

Capital Infrastructure Account	\$	802,840.00
50 cents / 1,000 rate	\$	486,348.00
Land Development Impact Fees	\$	192,957.00
Building Construction Impact Fees	\$	123,535.00
Total - Capital Infrastructure Account	\$	802,840.00
<b>TOTAL REVENUE</b>	<b>\$</b>	<b>3,981,481.00</b>

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 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:

D C Easy Stop Store, Inc.  
d/b/a Jiffy #2  
716 East Hobbs Street

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, to appoint Jim Ernest as an Alternate Member of the Zoning Board of Adjustments and Appeals for a three year term ending December 8, 2011.

The motion was seconded by Councilwoman Caudle 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 Councilwoman Bowers, duly and properly adjourned.

/s/ William R. Marks  
PRESIDENT, CITY COUNCIL

ATTEST:  
/s/ John S. Hamilton  
CITY CLERK































