

February 22, 2010

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 February 22, 2010, 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 Dan Williams was present and led the pledge of allegiance. John Hamilton, City Clerk, was present and recorded the minutes of the meeting. Gregory Scott offered the invocation. 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 February 8, 2010 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 February 8, 2010 City Council Work Session 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 February 18, 2010 Special City Council Work Session 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.

A public hearing was held to hear comments on the adoption of the 2009 Building Code. Keith Griffin, President of the Limestone County Homebuilders Association spoke in favor of and no one spoke against.

A public hearing was held to hear comments on the annexation request of property owned by Kenneth W. Smith located at Alabama Highway 251, east of Lindsay Lane. No one spoke in favor of or against.

The public hearings were closed.

Councilman Wales introduced the following ordinance:

STATE OF ALABAMA,
LIMESTONE COUNTY,
CITY OF ATHENS.

ORDINANCE NUMBER 2010-1745

AN ORDINANCE TO ANNEX 80.25 ACRES OF PROPERTY OF THE SMITH FAMILY LIMITED PARTNERSHIP INTO THE CITY LIMITS OF ATHENS. PROPERTY LOCATED ON AL HIGHWAY 251, EAST OF LINDSAY LANE

WHEREAS, on the 17th day of November, 2009, Kenneth W. Smith, being the owners of all of the real property hereinafter described as the Smith Family Limited Partnership, did file with the City Clerk a petition asking that the said tracts or parcels of land be annexed to and become a part of the City of Athens; and

WHEREAS, said petitions did contain the signatures of all of the owners of the described territory and a map of said property showing its relationship to the corporate limits of the City of Athens, Alabama; and

WHEREAS, the governing body did determine that it is in the public interest that said property be annexed into the City of Athens, and it did further determine that all legal requirements for annexing said real property have been met pursuant to Section 11-42-20 through 11-42-24, Code of Ala. 1975;

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ATHENS, ALABAMA, AS FOLLOWS:

SECTION 1. The City Council of the City of Athens, Alabama, finds and declared as the legislative body of the City that it is in the best interest of the citizens of the City, and the citizens of the affected area, to bring the territory in Section 2 of this ordinance into the City of Athens.

SECTION 2. The boundary lines of the City of Athens, Alabama, be, and the same are hereby altered or rearranged so as to include all of the territory heretofore encompassed by the corporate limits of the City of Athens, Alabama, and in addition thereto the following described territory, to wit:

Property generally bound by the West Half of the West Half of Township 3 South, Range 4 West, Section 2 and the North Half of the Northwest Quarter of the Northwest Quarter of Township 3 South, Range 4 West, Section 11. Said Sections are in Limestone County, Alabama and are measured from the Huntsville Meridian. The property is more particularly described below.

Commence from the southwest corner of Township 3 South, Range 4 West, Section 2 of the Huntsville Meridian in Limestone County, Alabama. Thence South 89 degrees 31 minutes 03 seconds East a distance of 500 feet to a point on the present City Limits (annexed by AL Act 275 on Aug 27, 1963) which is the Point of Beginning.

Beginning at the Point of Beginning thence North 00 degrees 23 minutes 25 seconds East, along a line 500 feet east of the West Boundary of said Section 2, a distance of 3,480.6 feet to a point on the centerline of Alabama Highway 251 (Old U.S. Highway 31); thence North 58 degrees 50 minutes 18 seconds East, along the centerline of Alabama Highway 251, a distance of 959.5 feet to a point at the intersection of Alabama Highway 251 and Linton Road; thence South 00 degrees 12 minutes 40 seconds West, along the centerline of Linton Road and parallel to the West boundary of said Section 2, a distance of 3,984.0 feet to a point where the South Boundary of said Section 2 and the centerline of Linton Road intersects; thence South 00 degrees 51 minutes 23 seconds East along the centerline of Linton Road into Township 3 South, Range 4 West, Section 11 a distance of 480.2 feet; thence South 87 degrees 28 minutes 15 seconds West a distance of 839.8 feet; thence North 00 degrees 11 minutes 13 seconds East, along a line 500 feet east of the West Boundary of said Section 11, a distance of 524.1 feet returning to the Point of Beginning, containing an area of 80.25 acres, more or less.

SECTION 3. This ordinance shall be published as provided by law, and a certified copy of same, together with certified copies of the petitions of the property owners, shall be filed with the Probate Judge of Limestone County, Alabama.

SECTION 4. The territory described in this ordinance shall become a part of the corporate limits of Athens, Alabama, upon publication of this ordinance as set forth in Section 3, above.

SECTION 5. The territory described in this ordinance shall, upon becoming a part of the corporate limits of Athens, Alabama, be zoned as AG Agricultural District, in accordance with the Zoning Ordinance of the City of Athens, Alabama.

ADOPTED and APPROVED this, the 22nd day of February, 2010.

/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 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.

A public hearing was held to hear comments on the zoning request of property owned by Kenneth W. Smith located at Alabama Highway 251, east of Lindsay Lane. No one spoke in favor of or against.

The public hearing was closed.

Councilman Wales introduced the following ordinance:

**STATE OF ALABAMA,
LIMESTONE COUNTY,
CITY OF ATHENS.**

ORDINANCE NUMBER 2010-1746

AN ORDINANCE TO ZONE THE RECENTLY ANNEXED PROPERTY OF THE SMITH FAMILY LIMITED PARTNERSHIP AS AG, AGRICULTURAL DISTRICT. PROPERTY IS LOCATED ON AL HIGHWAY 251, EAST OF LINDSAY LANE.

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, which has been recently annexed, should be zoned as AG Agricultural 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 zone the hereinafter described area as “AG”.

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 “AG Agricultural 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 generally bound by the West Half of the West Half of Township 3 South, Range 4 West, Section 2 and the North Half of the Northwest Quarter of the Northwest Quarter of Township 3 South, Range 4 West, Section 11. Said Sections are in Limestone County, Alabama and are measured from the Huntsville Meridian. The property is more particularly described below.

Commence from the southwest corner of Township 3 South, Range 4 West, Section 2 of the Huntsville Meridian in Limestone County, Alabama. Thence South 89 degrees 31 minutes 03 seconds East a distance of 500 feet to a point on the present City Limits (annexed by AL Act 275 on Aug 27, 1963) which is the Point of Beginning.

Beginning at the Point of Beginning thence North 00 degrees 23 minutes 25 seconds East, along a line 500 feet east of the West Boundary of said Section 2, a distance of 3,480.6 feet to a point on the centerline of Alabama Highway 251 (Old U.S. Highway 31); thence North 58 degrees 50 minutes 18 seconds East, along the centerline of Alabama Highway 251, a distance of 959.5 feet to a point at the intersection of Alabama Highway 251 and Linton Road; thence South 00 degrees 12 minutes 40 seconds West, along the centerline of Linton Road and parallel to the West boundary of said Section 2, a distance of 3,984.0 feet to a point where the South Boundary of said Section 2 and the centerline of Linton Road intersects; thence South 00 degrees 51 minutes 23 seconds East along the centerline of Linton Road into Township 3 South, Range 4 West, Section 11 a distance of 480.2 feet; thence South 87 degrees 28 minutes 15 seconds West a distance of 839.8 feet; thence North 00 degrees 11 minutes 13 seconds East, along a line 500 feet east of the West Boundary of said Section 11, a distance of 524.1 feet returning to the Point of Beginning, containing an area of 80.25 acres, more or less.

ADOPTED and APPROVED this, the 22nd day of February, 2010.

/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 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.

A public hearing was held to hear comments on the rezoning request of The Church of Latter Day Saints located at 1716 West Market Street. James Collins, an architect from Birmingham, spoke in favor of. No one spoke against.

The public hearing was closed.

Councilwoman Caudle introduced the following ordinance:

**STATE OF ALABAMA,
LIMESTONE COUNTY,
CITY OF ATHENS.**

ORDINANCE NUMBER 2010-1747

AN ORDINANCE TO REZONE PROPERTY FOR THE CHURCH OF LATTER DAY SAINTS, FROM r-1-1 TO r-2-1. PROPERTY IS LOCATED AT 1716 WEST MARKET STREET.

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-1-1 Low Density Single Family Residential District to R-2-1 Duplex 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-2-1".

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-2-1 Duplex 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 is more particularly described as follows:

A tract or parcel of land located in the Southeast Quarter of the Northwest Quarter of Section 6, Township 3 South, Range 4 West, and more particularly as follows:

Beginning at the Northwest corner of Section 6, Township 3 South, Range 4 West at the intersection of the centerlines of Lucas Ferry Road and Elm Street, thence South 88 degrees 25 minutes 53 seconds East along the centerline of Elm Street a distance of 2671.76 feet to a point; thence South 02 degrees 09 minutes 29 seconds West a distance of 1997.13 feet to a point, passing through the South right of way margin of Elm Street at 55 feet; thence South 70 degrees 54 minutes 22 seconds West a distance of 358.96 feet to a point; thence South 17 degrees 59 minutes 29 seconds West a distance of 365.00 feet to a point; thence South 51 degrees 59 minutes 29 seconds West a distance of 44.48 feet to a point on the northerly right of way margin of West Market Street; thence in a northwesterly direction along the northerly right of way margin of West Market Street and also along a curve to the left having a radius of 1298.24 feet and chord bearing of North 51 degrees 16 minutes 54 seconds West a distance of 150.92 feet to a point; thence North 54 degrees 36 minutes 43 seconds West along the northerly right of way margin of West Market Street a distance of 28.55 feet to a point; thence North 30 degrees 21 minutes 08 seconds East a distance of 490.67 feet to a point; thence North 05 degrees 41 minutes 21 seconds East a distance of 257.10 feet to a point; thence North 56 degrees 43 minutes 54 seconds West a distance of 315.66 feet to a point; thence South 32 degrees 21 minutes 09 seconds West a distance of 265.45 feet to the point if true beginning.

From the point of true beginning, thence South 32 degrees 21 minutes 09 seconds West a distance of 461.00 feet to a point on the centerline of West Market Street, passing through the northerly right of way margin of West Market Street at 436.00 feet; thence North 54 degrees 36 minutes 43 seconds West along the centerline of West Market Street a distance of 300.00 feet to a point; thence North 32 degrees 21 minutes 09 seconds East a distance of 461.00 feet to a point, passing through the northerly right of way margin of West Market Street at 25.00 feet; thence South 54

degrees 36 minutes 43 seconds East a distance of 300.00 feet to the point of true beginning, and containing 3.175 acres, more or less.

ADOPTED and APPROVED this, the 22nd day of February, 2010.

/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 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 Caudle thereupon moved that the ordinance be finally adopted, 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 announced that the motion for the adoption of the said ordinance had been unanimously carried.

A public hearing was held to hear comments on a driveway located between Clinton Street and U.S. Highway 72. Larry Elkins, Public Works Department, prefers to vacate the street and make it a private drive. Wayne Crow, owner of the property east of the street, spoke against vacating the street. Lynette Hobbs Pugh, daughter of deceased owners would also like to vacate the street.

The public hearing was closed.

Councilman Gill moved the adoption of the following resolution:

RESOLUTION NUMBER 2010-1134

**A RESOLUTION CONCERNING
A CERTAIN DRIVEWAY LOCATED
BETWEEN CLINTON STREET AND U.S. HIGHWAY 72**

WHEREAS, this resolution relates to that certain improved driveway located in the city of Athens, Alabama, extending from U.S. Highway 72 to Clinton Street, depicted and described in "Exhibit A" as the "Unnamed Street," said Exhibit A being a Certificate to Subdivide for Mary E. Hobbs, as shown beginning at Fiche Book 1043, Page 09, in the records of the Office of the Judge of Probate for Limestone County, Alabama, and the centerline of which is depicted and described in "Exhibit B" as the "private drive," said Exhibit B being a Certificate to Subdivide for Mary E. Hobbs, as shown beginning at Fiche

Book 96359, Page 084, in the records of the Office of the Judge of Probate for Limestone County, Alabama (the "Driveway").

WHEREAS, for the sake of the convenience of the public, the Driveway is also described by reference to tax parcel maps of the Limestone County Revenue Commissioner, as follows:

The Driveway is bordered at its northern terminus by the southerly right of way of Clinton Street, and at its southern terminus by the northerly right of way of U.S. Highway 72. The Driveway is bordered on its easterly side by the following properties, as identified by their tax parcel numbers: Tax Parcel Number 10-03-08-4-001-024.002 and Tax Parcel Number 10-04-17-1-000-001.002 The Driveway is bordered in its westerly side by the following properties, as identified by their tax parcel numbers: Tax Parcel Number 10-03-08-4-001-24.001 and Tax Parcel Number 10-03-08-4-001-24.006.

WHEREAS, the City contends that that the Driveway is not a public way, but is rather a private driveway;

WHEREAS, from time to time, individuals have mistakenly believed that the Driveway is a public way;

WHEREAS, for purposes of certainty, it is proposed that to the extent that any portion of such Driveway is a public way, then such portion should be vacated pursuant to the provision of § 23-4-1, *et seq.* of the *Code of Alabama*;

WHEREAS, the City Council has determined that it is in the interest of the public that to the extent that any portion of such Driveway is a public way, then such should be vacated and that the council's action be published in the *Athens News Courier* and filed with the Probate Court of Limestone County;

WHEREAS, the owners of the lots or parcels of land that abut the Driveway are as follows:

- (a) Charles W. and Fananda Crowe; and
- (b) Athens Truck and Tractor, LLC;

WHEREAS, pursuant to § 23-4-1, *et seq.* of the *Code of Alabama*, the public and all abutting owners have been notified of this matter;

WHEREAS, since the tax maps depicted William T. Escue as an adjacent owner, Mr. Escue was also directly notified in an abundance of caution although it does not appear from the relevant legal descriptions that his real property adjoins the Driveway;

WHEREAS, such action will not cause persons to be cut off from access over some other reasonable and convenient way; and

WHEREAS, such action will not deprive other property owners of any right they may have to convenient and reasonable means of egress and ingress to and from their property.

THEREFORE BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ATHENS, ALABAMA while in regular session on February 22, 2009 at 5:30 p.m., as follows:

1. To the extent that any or all of the Driveway is a public way, then such portion that is a public way is hereby vacated, and the City Council does hereby divest itself of all public rights and liabilities therein in accordance with § 23-4-2 of the *Code of Alabama*.

2. Entities with utility lines, equipment, or facilities in place at the time of vacation, shall have the right to continue to maintain, extend, and enlarge their lines, equipment, and facilities to the same extent as if the vacation had not occurred.

3. Notice of this action shall be published once in the *Athens News Courier* no later than 14 days after the adoption of this resolution.

ADOPTED and APPROVED this, the 22nd day of February, 2010.

/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 22nd day of February, 2010.

Witness my hand and seal of office this ____ day of _____, 2010.

John Hamilton, City Clerk

The motion was seconded by Councilwoman Caudle 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 appropriate \$31,763.13 for labor and material for the Athens Senior Center to repair walls, prime and paint the outside of the building, scrape and paint handrails. The labor will be performed by Alabama Department of Corrections. The appropriation will be funded from the Capital Projects Fund, line item #500.84600.

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

Councilwoman Caudle moved the adoption of the following resolution:

RESOLUTION NUMBER 2010-1135

WHEREAS, the City of Athens directly contacted known qualified firms in order to obtain proposals for the provision of administrative services for CDBG Project No. LR-CM-PF-09-027, and

WHEREAS, based on the City's rating of the proposal using the City's rating system Roth, McHugh & Associates, LLC is deemed most qualified for the services called for and the proposed contract price is considered appropriate and reasonable, and

WHEREAS, it has been determined that it is in the best interest of the City of Athens to enter into a contract with Roth, McHugh & Associates, LLC.

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

SECTION 1. That, based on the City's understanding of procurement policy of ADECA, the acceptance of the proposal of Roth, McHugh & Associates, LLC for the provision of professional services for the administration of CDBG Project No. LR-CM-PF-09-027, has been determined to be in the best interest of the City of Athens, and that the proposed fee has been accepted as reasonable based on the complexity of the project and the amount and nature of the local match to be provided by the City.

SECTION 2. That the City of Athens enter into an agreement with Roth, McHugh & Associates, LLC for the provision of administrative services, with said agreement attached hereto.

SECTION 3. That this action is based on the current interpretation of ADECA procurement policy which is acknowledged by this resolution and ADECA policy on file.

SECTION 4. That Dan Williams, in his capacity as Mayor, is hereby authorized and directed to execute said agreement on behalf of the City of Athens.

PASSED, ADOPTED AND APPROVED this 22nd day of February, 2010.

/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 Caudle thereupon moved that the resolution be finally adopted, 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 announced that the motion for the adoption of the said resolution had been 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 purchase gutters and down spouts for the Athens Police Department Building at a price of \$4,900 from Tri-State Siding Company of Athens, Alabama. The appropriation will be funded from the Capital Projects Fund, line item #500.84600.

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.

Councilwoman Bowers moved the adoption of the following resolution:

RESOLUTION

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ATHENS, ALABAMA, as follows:

1. That the City Council has determined that the residential structures (2) located at 13463 Highway 31 South, and also located on the property described as City of Athens owned property on the west side of Highway 31, north of Clyde Mabry Drive, are declared as surplus property.
2. That the Mayor of the City of Athens is authorized to sell the residential structures at public auction with sale to the highest bidder at a date to be determined by the auctioneer. The sale is to occur on the premises. Alternate sale would be by sealed bid if so determined.
3. That the Mayor of the City of Athens is hereby authorized to hire Dunivant Engineering Company to prepare a plat of said property located on Highway 31 South and Clyde Mabry Drive, at a cost of \$1,500.00, the cost to be split between the City of Athens, Alabama and Limestone County, \$750.00 each, the City's share to be paid from Capital Projects Fund line item 300.500.83600.

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

Councilman Wales introduced the following ordinance:

**STATE OF ALABAMA,
LIMESTONE COUNTY,
CITY OF ATHENS.**

ORDINANCE NUMBER 2010-1748

AN ORDINANCE AMENDING SECTION 14-31 OF THE CODE OF ORDINANCES, AND CONCERNING THE ADOPTION OF CERTAIN RULES AND REGULATIONS THAT HAVE BEEN PRINTED AS A CODE IN BOOK FORM, INCLUDING THE 2009 INTERNATIONAL BUILDING CODE SERIES

WHEREAS, the Athens City Council has previously adopted certain rules and regulations that have been printed as a code in book form, as shown in Section 14-31 of the Code of Ordinances of the City of Athens, Alabama;

WHEREAS, the Athens City Council has previously adopted certain amendments to said rules and regulations, as shown in Section 14-32 of the Code of Ordinances of the City of Athens, Alabama;

WHEREAS, the Athens City Council wishes to adopt the 2009 edition of the following, and such will replace/update existing building codes within the City of Athens, Alabama upon approval of this Ordinance: 2009 International Building Code (IBC) (including Appendix D), 2009 International Residential Code (IRC) (including Appendix F), 2009 International Mechanical Code (IMC), 2008 National Electrical Code (NEC), 2009 International Plumbing Code (IPC), 2009 International Fuel Gas Code (IFGC), 2009 International Fire Code (IFC) (including Appendix B, C, and D), 2009 International Property Maintenance Code (IPMC), 2009 The International Existing Building Code (IEBC), and the 2003 American National Standard Accessible and Usable Buildings and Facilities (ICC/ANSI A117.1-2003);

WHEREAS, the City of Athens, prior to the enactment of this Ordinance has complied with the requirements of § 11-45-8 of the *Code of Alabama* concerning the approval of ordinances which adopt by reference, without setting the same out at length in the ordinance, rules and regulations which have been printed as a code in book or pamphlet form;

WHEREAS, among other things, the Athens City Council has conducted a public hearing relating to the adoption of this Ordinance at its regular meeting on February 22, 2010; and

WHEREAS, the Athens City Council, upon the adoption of this Ordinance, will thereafter consider the adoption of certain amendments to said rules and regulations, as would be found in Section 14-32 of the Code of Ordinances of the City of Athens, Alabama.

THEREFORE BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ATHENS, ALABAMA, while in regular session on Monday, February 22, 2010 at 5:30 p.m., as follows:

Section 1. Section 14-31 of the Code of Ordinances of the City of Athens, Alabama is hereby replaced in its entirety and amended so as to read as follows:

Sec. 14-31. Codes Adopted.

The following certain rules and regulations which have been printed as a code in book form, copies of which are on file in the Office of the City Clerk of the City of Athens, being marked and designated as the following: 2009 International Building Code (IBC) (including Appendix D), 2009 International Residential Code (IRC) (including Appendix F), 2009 International Mechanical Code (IMC), 2008 National Electrical Code (NEC), 2009 International Plumbing Code (IPC), 2009 International Fuel Gas Code (IFGC), 2009 International Fire Code (IFC) (including Appendix B, C, and D), 2009 International Property Maintenance Code (IPMC), 2009 The International Existing Building Code (IEBC), 2003 American National Standard Accessible and Usable Buildings and Facilities (ICC/ANSI A117.1-2003), are hereby adopted by the City of Athens, Alabama. Each and all of the regulations, provisions, conditions and terms of said Codes on file in the office of the City Clerk are hereby referred to, adopted, and made a part hereof, as if fully set out in this Ordinance, with the additions, insertions, amendments, deletions and changes, if any, prescribed in Section 14-32 of the Code of Ordinances of the City of Athens, Alabama.

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.

Section 5. Nothing herein shall be construed to repeal or otherwise impair any municipal ordinance concerning historic districts or properties within the City.

Section 6. That this Ordinance and the rules, regulations, provisions, requirements, orders and matters established and adopted hereby shall take effect and be in full force and effect 28 February 2010 from and after the date of its final passage and adoption.

Section 7. Nothing in this Ordinance (or any of the codes adopted thereby) shall be construed to affect any suit or proceeding impending in any court, or any rights acquired, or liability incurred, or any cause or causes of action acquired or existing, under any act or ordinance hereby amended or repealed; nor shall any just or legal right or remedy of any character be lost, impaired, or affected by this Ordinance.

ADOPTED this the 22nd day of February, 2010.

/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 22nd day of February, 2010.

Witness my hand and seal of office this ____ day of _____, 2010.

John Hamilton, City Clerk

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 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 ordinance had been unanimously carried.

Councilman Wales introduced the following ordinance:

**STATE OF ALABAMA,
LIMESTONE COUNTY,
CITY OF ATHENS.**

ORDINANCE NUMBER 2010-1749

**AN ORDINANCE AMENDING SECTION 14-32 OF THE CODE OF
ORDINANCES RELATING TO AMENDMENTS TO CERTAIN CODES
ADOPTED BY THE CITY**

WHEREAS, the City has adopted certain codes by reference, including the 2009 International Building Code (IBC), 2009 International Residential Code (IRC), 2009 International Mechanical Code (IMC), 2008 National Electrical Code (NEC), 2009 International Plumbing Code (IPC), 2009 International Fuel Gas Code (IFGC), 2009 International Fire Code (IFC), 2009 International Property Maintenance Code (IPMC), and the 2009 International Existing Building Code (IEBC);

WHEREAS, the City wishes to make certain amendments to these adopted codes; and

WHEREAS, the City Council enacts this ordinance in connection with its powers granted by § 11-45-1, § 11-43-59, and § 11-45-8(c) of the *Code of Alabama*, among other authorities.

THEREFORE BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ATHENS, ALABAMA while in regular session on February 22, 2010 at 5:30 p.m., as follows:

Section 1. Section 14-32 of the Code of Ordinances of the City of Athens, Alabama is hereby amended in its entirety so as to read as follows:

Section 14-32. Amendments.

The codes adopted in Section 14-31 are amended as follows:

AMENDMENT 1. General inserts and modifications.

The following sections are hereby revised and/or modified:

Section 101.1 in the following: 2009 International Fire Code, 2009 International Building Code (IBC), 2009 International Residential Code (IRC) (with respect to Section R101.1), 2009 International Mechanical Code (IMC), 2009 International Plumbing Code (IPC), 2009 International Fuel Gas Code (IFGC), 2009 International Property Maintenance Code (IPMC), and 2009 The International Existing Building Code (IEBC).

Insert: City of Athens.

Section 103.1 in the following: 2009 International Building Code (IBC), 2009 International Residential Code (IRC) (with respect to Section 103.1), 2009 International Mechanical Code (IMC), 2009 International Plumbing Code (IPC), 2009 International Fuel Gas Code (IFGC), 2009 International Property Maintenance Code (IPMC), 2009 The International Existing Building Code (IEBC), will be changed from: the department of building safety, the department of plumbing inspection, the department of property maintenance inspection, the department of inspection, and the department of mechanical inspection, to: "The Building Inspection Department."

Anywhere in any of the following: 2009 International Building Code (IBC), 2009 International Residential Code (IRC), 2009 International Mechanical Code (IMC), 2008 National Electrical Code (NEC), 2009 International Plumbing Code (IPC), 2009 International Fuel Gas Code (IFGC), 2009 International Property Maintenance Code (IPMC), 2009 The International Existing Building Code (IEBC); any reference to "code official" and/or "building official" shall be changed to read the "Director of Public Works."

Article 100 of the 2008 National Electrical Code (NEC) refers to an "Authority Having Jurisdiction." The Building Inspection Department, including the Director of Public Works and any of his/her designees, shall be included within the definition of an "Authority Having Jurisdiction."

AMENDMENT 2.

The 2009 International Building Code (including Section 113); the 2009 International Property Maintenance Code (including Section 111); the 2009 International Fire Code (including Section 108); the 2009 International Existing Building Code (including Section 112); the 2009 International Mechanical Code (including Section 109); the 2009 International Fuel Gas Code (including Section 109); the 2009 International Residential Code (including Section R112); and the 2009 International Plumbing Code (including Section 109) refer to a “board of appeals.” All such references shall relate to the City of Athens Code Enforcement Board of Appeals. The provisions in this Amendment 2 shall supersede any contradictory and irreconcilable provisions in the above-referenced codes, as the same relate to a board of appeals and the operation or decisions thereof.

(a) Establishment. There is hereby established the “City of Athens Code Enforcement Board of Appeals” (referred to herein as the “Board”). The Board shall exercise the powers as set forth herein and in the respective codes adopted by the City and referenced in this Amendment 2.

(b) Membership of Board. The Board shall consist of five persons appointed by the City Council to serve for a term of three years, except that the City Council shall upon first appointing members to the Board modify the length of the initial terms so as to ensure the members serve staggered terms. Each new member shall serve for three years or until a successor has been appointed. No member of the Board may be an employee of the City. The building inspector, or his designee, shall be an ex officio member of said board but shall have no vote on any matter before the Board. The City Council shall appoint two alternate members who shall be called by the Board chairperson to hear appeals during the absence or disqualification of a member. Alternate members shall be appointed for three years, or until a successor has been appointed. The City Council may remove any member of the Board at any time in its sole discretion, and appoint another person to serve during his/her remaining term. Members of the Board shall not be compensated for their services as members of the Board.

(c) Rules and Procedures. The Board is authorized to establish policies and procedures necessary to carry out its purpose as set forth in the respective codes adopted by the City and referenced in this Amendment 2. The Board may adopt and make available to the public through the secretary procedures under which a hearing shall be conducted. The procedures will not require compliance with strict rules of evidence, but shall mandate that only relevant information be received.

(d) Chairperson. The Board shall annually select one of its members to serve as chairperson.

(e) Disqualification. A member of the Board shall not hear an appeal in which that member has a personal, professional, or financial interest.

(f) Secretary. The chairperson shall designate a qualified clerk to serve as secretary to the Board. The secretary shall file a detailed record of all proceedings in the office of the building inspector.

(g) Meetings. The Board shall meet upon notice from the chairperson, within thirty (30) days of the filing of an appeal or at regular, periodic meetings as may be established by the Board.

(h) Postponement. Five members must be present to hear an appeal. When five members are not present to hear an appeal, the hearing shall be postponed.

(i) Appeal. An application for appeal of a notice of violation shall be filed on a form obtained from the building inspector within twenty (20) days after the notice of violation was served.

(j) Board decision. The Board shall modify or reverse the decision of the building inspector by a concurring vote of a majority of its members. The building inspector shall take immediate action in accordance with the decision of the Board.

(k) Section 113.3 of the International Building Code, Section 108.3 of the International Fire Code, Section 112.3 of the International Existing Building Code, Section 109.2.1 of the International Mechanical Code, Section 109.2.1 of the International Fuel Gas Code, Section R112.3 of the International Residential Code, and Section 109.2.1 of the International Plumbing Code shall not apply to the Board.

AMENDMENT 3.

The International Building Code, 2009 edition, is amended to add the following sections to Appendix D:

D103.3.1. Any building whose width is over 24 ft. and height (from ground) are over 14 ft. shall only be allowed to move at the discretion of the Electric Department, Street Department, and Sanitation Department.

D103.3.2 Scope shall cover the entire city limits, whether passing through or sitting down in the city limit lines.

D103.3.3. Before a permit to move is issued, the building must be inspected before being placed in the corporate limits. Regardless of circumstances, the building must be brought up to the City of Athens building code standards. A permit to move through or set down within the city limits shall be required. The permit shall cover moving building and foundation only. Any fees required by other departments shall be extra.

AMENDMENT 4.

The International Building Code, 2009 edition, shall be amended to add Section 109.7, which shall read as follows:

109.7 Permit Fees and Requirements.

1. Schedule of permit fees for single-family detached dwellings:

TOTAL VALUATION

\$100.00 and less –	No fee unless inspection required, in which a \$5.00 fee for each inspection shall be charged.
\$3,000.00 and less	\$20.00
\$3,001.00 to \$15,000.00	\$20.00 for the first \$3,000.00 plus \$4.00 for each additional thousand or fraction thereof, to and including \$15,000.00.
\$15,001.00 to \$50,000.00	\$68.00 for the first \$15,000.00 plus \$4.00 for each additional thousand or fraction thereof, to and including \$50,000.00.
\$50,001.00 to \$100,000.00	\$208.00 for the first \$50,000.00 plus \$4.00 for each additional thousand or fraction thereof, to and including \$100,000.00.
\$100,001.00 to \$500,000.00	\$408.00 for the first \$100,000 plus \$2.00 for each additional thousand or fraction thereof, to and including \$500,000.00.

\$500,001.00 and up \$1,208.00 for the first \$500,000 plus \$2.00 for each additional thousand or fraction thereof.

2. Determining the Valuation of a Detached Single-Family

Dwelling.

a. The actual contract price or sum of contracts shall be used in determining the valuation of the detached single-family dwelling.

b. Exceptions.

Provided that the minimum price of \$65.00 per square foot of heated area plus \$30.00 for all unheated areas, porches, balcony, garages, etc be used in determining the valuation of a single-family detached building.

c. All Buildings Excluding Single-Family Dwelling.

All buildings, other than single-family detached, shall have their values taken from the actual contract price, sum of contracts or from the detailed estimated construction.

All buildings, excluding single-family detached, shall have their permits calculated cost from 108.2 multiplied by .005 (5 thousandths) to arrive at a permit fee.

d. Exceptions – On all buildings other than single-family detached, there shall be a minimum permit cost or \$20.00 for jobs ranging from 0 -- \$3,000.00.

3. Permit Fees and Requirements for Moving Buildings.

a. Any buildings or structures over 14 ft. in height and 24 ft. in width shall be \$50.00.

b. All other buildings or structures under 14 ft. in height and 24 ft. in width shall be \$25.00.

c. A police department escort shall be required within the city limits for the moving of any building or structure that is over 8 ft. wide. An electric department escort within the city limits may be required for the moving of any buildings or structures, which has a height of 14 ft. maximum or greater from the ground. The fee for this escort shall be the cost incurred by said department in providing said escort. Upon request for such escort service, the manager of the Electric Department for said city shall evaluate the route to be taken and determine the need for an electric department escort. If an escort is needed, he shall invoice the cost of said escort service to the permit holder.

d. The Fire Department and the Police Department shall know the route taken and time that the structure is being moved prior to moving the structure.

e. The moving of any building or structure across, upon, along, or over any street, road, or highway within the City of Athens, Alabama, shall abide by state law hours for moving of buildings or structures. State law hours are 9:00 A.M. to 3:00 P.M., Monday through Friday. No house will be moved on Saturday or Sunday.

f. The house mover, company, or corporation must have a Certificate of Insurance before a license can be issued for the moving of houses or any structural buildings.

Minimum limits shall be as follows:

- A. Premises operations \$100,000.00 – bodily injury. Each occurrence \$100,000.00 aggregate.
- B. Property damage \$50,000.00 each occurrence, \$100,000.00 aggregate.

Automotive liability:

- A. Auto bodily injury \$100/\$300,000.00.
- B. Auto property damage \$100,000.00.

g. The house mover, company, or corporation buying the permit to move a house is responsible for all damages to private and/or public property caused by the move. This includes, but is not limited to damage caused by the move. This includes, but is not limited to, damage to utilities.

4. Penalties.

Where work for which a permit is required by the 2009 International Building Code is started or proceeded prior to obtaining said permit, the fees herein specified shall be doubled, but the payment of such doubled fee shall not relieve

any persons from fully complying with the requirements of the code in the execution of the work nor from any other penalties prescribed herein.

5. Fee for Re-inspection

h. In case it becomes necessary to make a re-inspection of any building code requirement, the fee shall be \$50.00 for the first re-inspection. For a second re-inspection, the fee shall be \$75.00. For a third re-inspection, the fee shall be \$100.00.

AMENDMENT 5.

The International Building Code, 2009 edition, shall be amended to add Section 111.1.1, which shall read as follows:

111.1.1 Schedule of Permit Fees:

For issuing each permit, a fee of \$50.00 will be charged prior to inspection.

AMENDMENT 6.

The International Plumbing Code, 2009 edition 106.6.2 shall be deleted in its entirety and replaced to read as follows:

Section 106.6.2 The fees for all plumbing work shall be as indicated in the following schedule:

H.1 Permit Fees

For issuing each permit.....	\$15.00
Plus the following when provided:	
For each Plumbing Fixture, Floor Drain or Trap (Including Water and Drainage Piping).....	\$ 3.00
For each House Sewer.....	\$ 5.00
For each House Sewer (replaced or repair).....	\$ 5.00
For each Water Heater.....	\$ 3.00
For installation, alteration, or repair of Water Piping or Water Treating Equipment.....	\$ 5.00
For repair or alteration of Drainage or Vent Piping.....	\$ 5.00
For Vacuum Breakers or Backflow Protective Devices installed Subsequent to the installation of piping or equipment Served-----	
One to Five.....	\$ 3.00
Over Five, each.....	\$ 1.50

106.6.2.1. Work commencing before permit issuance. Where work for which a permit is required under the IPC is started or proceeded prior to obtaining said permit, the fees herein specified shall be doubled, but the payment of such doubled fees shall not relieve any persons from fully complying with the requirements of the code in the execution of the work nor from any other penalties prescribed herein.

106.6.2.2. In case it becomes necessary to make a re-inspection of any plumbing code requirement, the fee shall be \$50.00 for the first re-inspection. For the second re-inspection, the fee shall be \$75.00. For the third re-inspection, the fee shall be \$100.00.

AMENDMENT 7.

Section 106.5.2 of the

2009 International Mechanical Code shall be amended to add the following schedule:

Schedule of Permit Fees:

1. Initial Fee
For issuing each permit..... \$15.00
2. Additional Fees
 - a. Fee for inspecting heating, ventilating, ductwork, and air conditioning and refrigeration systems shall be \$15.00 for the first \$1000.00, or fraction thereof, of valuation of the installation plus \$2.00 for each additional \$1000.00 or fraction thereof.
 - b. Fee for inspecting repairs, alterations and additions to an existing system shall be \$5.00 plus \$2.00 for each \$1000.00 or fraction thereof.
 - c. Fee for inspecting boilers (based upon BTU input):

33,000 BTU (1 BHp) to 165,000 (5 BHp).....	\$ 5.00
165,001 BTU (5 BHp) to 330,000 (10 BHp).....	\$10.00
330,001 BTU (10 BHp) to 1,165,000 (52 BHp).....	\$15.00
1,165,001 BTU (52 BHp) to 3,300,000 (98 BHp).....	\$25.00
over 3,300,000 BTU.....	\$35.00
 - d. Where work for which a permit is required under the IMC 2009 edition is started or proceeded prior to obtaining a permit, the fees herein specified shall be doubled, but the payment of such doubled fees shall not relieve any persons from fully complying with the requirement of this code in the execution of the work, nor from any penalties prescribed herein.
 - e. In case it becomes necessary to make a re-inspection of any mechanical code requirements, the fee shall be \$50.00 for the first re-inspection. For the second re-inspection, the fee shall be \$75.00. For the third re-inspection, the fee shall be \$100.00.

AMENDMENT 8.

Section 106.6.2 of the 2009 International Fuel Gas Code shall be amended to add the following schedule:

Schedule of Permit Fees:

1. For issuing each permit, a fee of \$15.00 will be charged.
2. The total fees for inspection of consumer's gas piping at one location.
3. The total fees for inspection (including both rough and final piping inspection) shall be calculated as follows: fees shall be based on the total British Thermal Units (hereinafter referred to as "BTUs") input load for the installation. Fees shall be as follows:

150,000 BTUs or less	\$ 25.00
150,001 BTUs to 250,000 BTUs	\$ 30.00
250,001 BTUs to 500,000 BTUs	\$ 35.00
500,001 BTUs to 1,000,000 BTUs	\$ 50.00
1,000,001 BTUs to 1,500,000 BTUs	\$ 75.00
1,500,001 BUTs and over	\$100.00
Gas Piping only	\$ 25.00

4. Where work for which a permit is required under the International Fuel Gas Code 2009 edition is started or proceeded prior to obtaining a permit, the fees herein specified shall be doubled, but payment of such doubled fees shall not relieve any persons from fully complying with the requirements of this code in the execution of the work, nor from any penalties prescribed herein.

5. In case it becomes necessary to make a re-inspection of any gas code requirements, the fee shall be \$50.00 for the first re-inspection. For the second re-inspection, the fee shall be \$75.00. For the third re-inspection, the fee shall be \$100.00.

AMENDMENT 9.

Code Section 3404.2 of the International Fire Code shall be amended to read as follows:

3404.2 Tank Storage.

- (a) The provisions of this Section 3404 shall apply to:
 - (i) The storage of flammable and combustible liquids in fixed above-ground and underground tanks.
 - (ii) The storage of flammable and combustible liquids in fixed above-ground tanks inside of buildings.
 - (iii) The storage of flammable and combustible liquids in portable tanks whose capacity exceeds 660 gallons (2498 L).
 - (iv) The installation of such tanks and portable tanks.
- (b) Notwithstanding the above, the following shall also apply to the storage of all flammable and combustible liquids within the City:
 - (i) The storage of flammable and combustible liquids in above-ground tanks outside of buildings is prohibited within the limits of the Fire District.
 - (ii) The location and installation of outside above-ground tanks for the storage of flammable and combustible liquids shall be in accordance with NFPA Pamphlet No. 30.
 - (iii) Within the Athens city limits, excluding the Fire District, all tanks less than fifty (50) gallons may be installed above-ground without being the skid type.
 - (iv) Within the Athens city limits, excluding the Fire District, all tanks with a capacity of more than two hundred eighty (280) gallons shall be installed underground, except as permitted pursuant to either of the two following subsections (A) and (B):
 - (A) The Athens City Council may grant approval for the installation of a tank with a higher capacity upon written request. In considering an applicant's request for such approval, the City Council will confer with the Fire Chief and review the following materials, which must accompany an applicant's written request: (1) the name and address of the property owner and, if different from the owner, the name of the person or entity that seeks the approval; (2) a site plan depicting the proposed tanks, the facility, and the property boundaries/location; (3) a technical opinion and report prepared by a qualified engineer, specialist, laboratory or fire safety specialty organization acceptable to the Fire Chief, which contains an analysis of the fire safety properties of the design, operation, or use of the premises and the facilities situated thereon, including any recommendations for changes, and detailing plans/methods for fire fighting and prevention; and (4) any other information or documentation that the Fire Chief and/or the City Council deems reasonably necessary in order to assist the City Council in considering the request. Prior to the City Council's consideration of the request, and upon review of the materials which accompany the applicant's request, the Fire Chief may elect to retain a qualified engineer, specialist, laboratory or fire safety specialty organization

(different and independent from the report provided by the applicant) to provide the Fire Chief with another analysis of the fire safety properties of the design, operation, or use of the premises and the facilities situated thereon, or any other issue that is relevant to the City Council's determination hereunder, and the cost of the same must be paid in advance by the applicant. The City Council may grant or deny the applicant's request (or approve the request upon certain conditions) based on fire protection and prevention issues, location of the tanks, compliance with all other applicable laws and regulations, size of the facility, proximity to residential areas, importance and purpose of the tanks with respect to the endeavor, the compatibility with surrounding property, viable alternatives, and any other lawful consideration. The City Council's approval of any such request shall in no way abrogate or lessen the application of any other federal law, state law (including but not limited to the regulations and requirements of the Alabama Department of Environmental Management), city ordinance, or city regulation (including but not limited to zoning requirements and fire code requirements, as such now exist or are hereafter amended), nor shall such approval constitute the licensure, approval, or acquiescence of the City (or any city official) with respect to any other federal law, state law, city ordinance, or city regulation. This subsection (A) is only applicable to tank(s) that are to be located within a M-2 General Industrial District.

- (B) The storage of diesel fuel in above-ground tank(s) containing no more than 15,000 gallons per site may be permitted upon approval by the Fire Chief. In considering a request for such approval, the Fire Chief will consider the proposed location of the tank(s), the distance of the tanks from property lines, the probability of physical damage that might occur, the applicant's compliance with other applicable laws and regulations, and any other matter that in the Fire Chief's determination affects the public health or welfare. The Fire Chief will not grant such approval where the combined capacity of the tank(s) exceeds fifteen thousand (15,000) U.S. gallons. This subsection (B) relates only to diesel fuel, and not to any other flammable or combustible liquid.

AMENDMENT 10.

Article 90.4 Enforcement of the 2008 National Electrical Code shall be deleted in its entirety and a new article shall be added to read as follows:

90.4. M Drawings and Specifications.

90.4. M.1. Requirements.

When required by the Building Inspector, two or more copies of specifications, and of drawings drawn to scale with sufficient clarity and detail to indicate the nature and character of the work, shall accompany the application for a permit. Such drawings and specifications shall contain information, in the form of notes or otherwise, as to the quality of materials, where quality is essential to conformity with the technical codes. Such information shall be specific, and the technical codes shall not be cited as a whole or in part, nor shall the term "legal" or its equivalent be used as a substitute for specific information. All information, drawings, specifications and accompanying data shall bear the name and signature of the person responsible for the design.

90.4. M.2. Additional Data.

The Building Inspector may require details, computations, stress diagrams, and other data necessary to describe the construction or installation and the basis of calculations. All drawings, specifications and accompanying

data required by the Building Inspector to be prepared by an architect or engineer shall be affixed with their official seal.

90.4.M.3. Design Professional.

The design professional shall be an architect or engineer legally registered under the laws of this state regulating the practice of architecture or engineering and shall affix his official seal to said drawings, specifications and accompanying data, for the following:

1. All Group A, E, and I occupancies.
2. Building and structures three stories or more high.
3. Buildings and structures 2500 sq. ft. (465 m²) or more in area. For all other buildings and structures, the submittal shall bear the certification of the applicant that some specific state law exception permits its preparation by a person not registered.

EXCEPTION 1. Group R3 buildings, regardless of size, shall require neither a registered architect or engineer, nor a certification that an architect or engineer is not required.

EXCEPTION 2. Plans for additions to single story Group F, Group S, Group B, that do not exceed 5000 sq. ft. shall not be required by the City of Athens to have the plans sealed by a registered architect or engineer.

EXCEPTION 3. Plans for a single story R2 building under 5000 sq. ft. shall not be required by the City of Athens to have the plans sealed by a registered architect or engineer.

90.4. M.4. Structural and Fire Resistance Integrity.

Plans for all buildings shall indicate how required structural and fire resistance integrity will be maintained where a penetration of a required fire resistance wall, floor or partition will be made for electrical, gas, mechanical, plumbing and communication conduits, pipes and systems and also indicate in sufficient detail how the fire integrity will be maintained where required fire resistant floors intersect the exterior walls.

90.4. M.5 Site Drawings.

Drawings shall show the location of the proposed building or structure and of every existing building or structure on the site or lot. The Building Inspector may require a boundary line survey prepared by a qualified surveyor.

90.4. M.6 Hazardous Occupancies.

The Building Inspector may require the following:

1. General Site Plan. A general site plan drawn at a legible scale which shall include, but not be limited to, the location of all buildings, exterior storage facilities, permanent access ways, evacuation routes, parking lots, internal roads, chemical loading areas, equipment cleaning areas, storm and sanitary sewer accesses, emergency equipment and adjacent property uses. The exterior storage areas shall be identified with the hazard classes and the maximum quantities per hazard class of hazardous materials stores.

2. Building Floor Plan. A building floor plan drawn to a legible scale which shall include, but not be limited to, all hazardous materials storage facilities within the building and shall indicate rooms, doorways, corridors, exits, fire rated assemblies with their hourly rating, location of liquid tight rooms, and evacuation routes. Each hazardous material storage facility shall be identified on the plan with the hazard classes and quantity range per hazard class of the hazardous materials stored.

90.4. N. Owner Not Relieved From Liability By Inspection.

This Chapter shall not be construed to relieve from or lessen the responsibility of any person owning, controlling or installing any electrical equipment, nor shall the city be held to assume any such liability by reason of the inspection authorized herein or the certificate issued.

90.4. N. The City of Athens Code Enforcement Board of Appeals may hear and decide appeals of orders, decisions, or determinations made by the Authority Having Jurisdiction relative to the application and implementation of the 2002 National Electric Code, pursuant to the provisions of Amendment 2, above.

90.4. O. Fees for Electrical Permits:

Issuance Fee: \$15.00.

Residential Fee: .01 cent per square foot of heated area.
.0075 per square foot of unheated area.

For pole services including trailers, mobile homes, signs and billboards, accessory structures for one & two family dwellings and for change over: \$5.00.

Fees for Commercial and Industrial:

Alteration or new wiring minimum \$5.00 charge.

\$0 to \$10,000 1% of the contract price or the estimate of the electrical job.

Over \$10,000 The first \$10,000 multiplied by 1% (\$100.00): the remaining amount multiplied by .0025% or ¼%.

Re-inspection Fees:

First re-inspection - \$50.00. Second re-inspection - \$75.00. Third and each re-inspection thereafter - \$100.00.

90.4. P. Administration, THE FOLLOWING SECTIONS SHALL BE ADDED AND SHALL READ AS FOLLOWS:

1. By Whom Electrical Work is to be Performed.

No person, except electricians duly licensed by the City as hereinafter provided, or person employed by such electrician working under his direct supervision shall do any electrical work in connection with wiring houses or buildings for the electrical current or equipment, or to make any repairs, or extensions or alterations in electrical wiring which may now be installed in any house or building or other structure, within the city or the police jurisdiction thereof.

Nothing in this article shall prevent any homeowner from installing or obtaining electrical work within his own residential property boundaries, providing such work is done by himself and is used exclusively by him or his family. Such privilege does not convey the right to violate any of the provisions of the electrical codes, nor is it to be construed as exempting any such property owner from obtaining permits and paying the required fees therefore.

2. Electricians License – Required: Procedure When Applying.

Before any person shall do any electrical work as described in Paragraph 1. of this code, or shall engage in electrical construction, installation or repair business, except shop repairs to household appliances, or offer electrical services within the city, such person shall obtain a license issued pursuant to the provisions of this article. Each person applying for such license shall (1) pay to the City Clerk the privilege tax required and provided for under the existing license

schedule of the city which may be in force and effect at the time of applying for such license (2) carry liability insurance, as required by this article.

3. Name Not To Be Used By Others.

No licensed electrician shall allow his name to be used by any other person, directly or indirectly, to obtain a permit for the construction of any work under his license unless such person is a member of or employed by a partnership or corporation as set forth in Section 5. above.

4. Equipping Buildings With Wiring or Apparatus.

Application and Permit Required.

No person, licensed electrician or property owner shall equip any building with wiring or apparatus without first making application to the Building Inspection Department, in writing, giving a general description of the work to be done, so that ample opportunity may be had for inspection by the Building Inspection Department and then receiving a written permit to do the work described, and such equipment installed or alteration, change or addition made, shall be done to the satisfaction of the applicable codes, and when so done to the satisfaction of the applicable codes, and when so done, he shall issue a certificate of approval therefore. All permits shall be issued upon application made by the person doing the work. Blank forms for the application shall be furnished by the city.

5. Electrical Construction, Permit Required: Interfering with Building Inspector.

No person shall do or attempt to do electrical construction work, whether original work, alterations or additions, without first giving notice in writing to the Building Inspection Department, and obtaining a permit to do such work, nor shall any occupant or owner of any premises where electrical wiring apparatus is used or to be used, refuse to allow inspection or interfere with the Building Inspector or subsequent personnel.

6. Penalty for Failure to Obtain Permit Prior to Commencement of Work.

The amount to be paid for any permit which is not obtained until after the work is begun shall be two times the amount.

7. Installation of Electrical Work – Compliance with Ordinance Provisions.

All installations of electrical wiring, connections, and apparatus must comply with the provisions of this Resolution, which shall be construed to include all the codes and regulations adopted in this Resolution.

8. Installation of Electrical Work – Supervision and Inspection; Temporary Use.

It shall be the duty of the Building Inspection Department to inspect the installation of all electrical wiring, connections and apparatus. Except as hereinafter provided, it shall be unlawful to use any such electrical power to the same prior to inspection and final approval of such and prior to the issuance of a certificate of occupancy evidencing compliance with all of the codes and regulations of the City of Athens, relative to such improvements, buildings or other structures.

Provided however, where application is made for electrical current and for the use with the electrical system prior to complete installation of all fixtures, electrical appliances and apparatus. Temporary authority for such shall be granted upon and subject to the following terms, provisions and conditions.

(a) That all electrical wiring has been installed and has been approved as in complete accordance with the provisions of the article and all wires and terminals have been taped or covered and switchbox front installed so as not to constitute a hazard.

(b) That all rough-in, cover up, and block-in inspections have been made and approved by the Building Inspection Department.

(c) That an AGREEMENT is signed stating the following:

9. Right to Entry of Associate Building Inspector: Authority to Give Notice of and Repair Defective Electrical Apparatus.

The Building Inspector shall have the right and power at any time to inspect all electrical wires and apparatus in or on any building, street or alley in the city, to ascertain whether the electrical wiring or apparatus is in any respect dangerous to life or property. The Building Inspector shall notify the owner, agent, occupant, or user of the building or equipment to cease using such dangerous equipment, and to have the defect in that equipment repaired within ten (10) days from the date of the notice and it shall be unlawful to use such condemned equipment until repaired. After written notification to the owner, agent, occupant, or user of the building or equipment, the Building Inspection Department is authorized to give written notice to the Manager of the Electric Department of any such dangerous equipment, and the Electric Department shall cease to supply electricity until the defects are repaired.

10. Inferior Work and Materials: Notice to remedy, Failure to Comply with Same.

Any person doing electrical work, whose work does not conform to the requirements of the ordinances and regulations of the city or whose workmanship or material are inferior in quality, shall on notice from the Building Inspector immediately make such work meet such requirements on any particular job within ten (10) days after notice from the Building Inspector, no further permits to do electrical work shall be issued to such person so in default, until such noncompliance is remedied. The City Council may revoke the license of any electrician for noncompliance with the ordinances and regulations of the city pertaining to electrical work, but shall give to any license holder, notice and an opportunity to be heard before revoking such license.

11. Owner Not Relieved from Liability By Inspection.

This chapter shall not be construed to relieve from or lessen the responsibility of any person owning, controlling or installing any electrical equipment, nor shall the city be held to assume any such liability by reason of the inspection authorized herein or the certificate issued.

AMENDMENT 10.

Article 310-14 of the 2008 National Electrical Code CONDUCTORS FOR GENERAL WIRING section 310-14 ALUMINUM CONDUCTOR MATERIAL shall be deleted in its entirety and a new article shall read as follows:

The use of solid aluminum conductors shall be prohibited.

AMENDMENT 11.

The International Residential Building Code, 2009 edition, Code Section R313, concerning Automatic Fire Sprinkler Systems, shall be deleted in its entirety. The deletion of this Section R313 shall supersede any contradictory and irreconcilable provisions in any code adopted as stated in Section 14-31, or as amended by Section 14-32.

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.

Section 5. Nothing herein shall be construed to repeal or otherwise impair any municipal ordinance concerning historic districts or properties within the City.

Section 6. That this Ordinance and the rules, regulations, provisions, requirements, orders and matters established and adopted hereby shall take effect and be in full force and effect **28 February 2010** from and after the date of its final passage and adoption.

Section 7. Nothing in this Ordinance shall be construed to affect any suit or proceeding impending in any court, or any rights acquired, or liability incurred, or any cause or causes of action acquired or existing, under any act or ordinance hereby amended or repealed; nor shall any just or legal right or remedy of any character be lost, impaired, or affected by this Ordinance.

ADOPTED this the 22nd day of February, 2010.

/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 22nd day of February, 2010.

Witness my hand and seal of office this ____ day of _____, 2010.

John Hamilton, City Clerk

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 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.

Councilwoman Caudle moved the adoption of the following resolution:

RESOLUTION

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ATHENS, ALABAMA, AS FOLLOWS:

That the real property that belongs to the City of Athens, Alabama, located south of Airport Road and west of Wilkinson Street, as a part of the Elm Industrial Park, contains 16 acres of timber that is hereby declared as surplus assets to be disposed of by the City of Athens.

The motion was seconded by Councilman Wales 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