

April 14, 2008

STATE OF ALABAMA,
LIMESTONE COUNTY,
CITY OF ATHENS.

The City Council of the City of Athens, Alabama, met in regular session at the Athens Police Department Court Room at 951 Hobbs Street East in the said City on April 14, 2008, at 5:30 p.m. The meeting was called to order by Councilman John M. Crutcher, President of the Council. Upon roll call the following were found to be present: Councilmembers John M. Crutcher, Harold Wales, Jimmy Gill, Ronnie Marks and Mildred Caudle. Mayor Williams was present. John Hamilton, City Clerk, was present and recorded the minutes of the meeting. John M. Crutcher 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 March 24, 2008 City Council Meeting had been submitted for approval. Councilman Marks 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 March 24, 2008 City Council Work Session Minutes had been submitted for approval. Councilman Marks 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 continuation of the January 14th, 2008 public hearing was held to hear comments concerning property located at the north side of Brownsferry Street near the corner of Hine Street.

No one spoke in favor of or against.

A continuation of the January 14th, 2008 public hearing was held to hear comments concerning property located at the south side of Brownsferry Street near the corner of Hine Street.

No one spoke in favor of or against.

Councilman Marks recommended that we continue the public hearing until May 12, 2008. Councilman Gill seconded the motion. The motion was unanimously carried.

A public hearing was held to hear comments for the sale of alcohol for First and Last Stop located at 19017 Alabama Highway 127 North. No one spoke in favor of or against.

A public hearing was held to hear comments on the Coleman Hill/Sixth Street Community Development Block Grant drainage project closeout. No one spoke in favor of or against.

The public hearing was closed.

Mae Davis wants a clean up of Acorn Hill Circle area.

Councilman Marks introduced the following resolution:

RESOLUTION

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ATHENS, ALABAMA, to approve the payment of budgeted travel/education expenses for specified Water/Wastewater employees in the total amount of \$541.21.

Howard Hopkins
(Water Services)

ARWA Conference
Mobile, AL

\$541.21

March 16-19, 2008

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

Councilman Marks introduced the following resolution:

RESOLUTION

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ATHENS, ALABAMA, that the travel expenses in the following amount be approved for Electric Department personnel.

Johnnie Pryor	TVPPA Purchasing Workshop Murfreesboro, TN	\$46.55
Joseph Hoenig	TVPPA Purchasing Workshop Murfreesboro, TN	\$148.17
Adam Reece	TVPPA Purchasing Workshop Murfreesboro, TN	\$112.88

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

Councilman Marks introduced the following resolution:

RESOLUTION

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ATHENS, ALABAMA, to approve cash travel advances for the Fire Department, in the total amount of \$2,000.00, as listed:

Heath Patterson	Rookie School Florence, AL	\$500.00
Jesse Knox	Rookie School Florence, AL	\$500.00
David Kress	Rookie School Florence, AL	\$500.00
Martin Ezell	Rookie School Florence, AL	\$500.00

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

Councilwoman Caudle introduced the following resolution:

RESOLUTION

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ATHENS, ALABAMA, to grant approval to the Master Plan for Creekside Village Subdivision, which is 54 acres, more or less, located on the north side of U.S. Highway 72 East, east of Piney Creek and Line Road, and is being developed by TMJ Development, LLC.

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

Councilman Wales introduced the following ordinance:

STATE OF ALABAMA,
LIMESTONE COUNTY,
CITY OF ATHENS.

ORDINANCE NUMBER 2008-1689

AN ORDINANCE OF THE CITY OF ATHENS, ALABAMA, TO EXEMPT CERTAIN "COVERED ITEMS" FROM THE MUNICIPAL SALES AND USE TAX DURING THE FIRST FULL WEEKEND OF AUGUST, 2008, AS AUTHORIZED BY ACT 2006-574, GENERALLY REFERRED TO AS THE STATE SALES TAX HOLIDAY LEGISLATION.

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

Section 1. In conformity with the provisions Act 2006-574 enacted by the Alabama Legislature during the 2006 Regular Session, providing for a State Sales Tax Holiday, the City of Athens, Alabama, exempts "covered items" from municipal sales and use tax during the same period, beginning at 12:01 a.m. on the first Friday in August 2008 (August 1, 2008) and ending at twelve midnight the following Sunday (August 3, 2008).

Section 2. This ordinance shall be subject to all terms, conditions, definitions, time periods, and rules as provided by Act 2006-574, except that the time period shall only be as specified in Section 1 above and not for all years thereafter.

Section 3. The City Clerk is hereby authorized and directed to certify a copy of this ordinance under the seal of the City of Athens, Alabama, and to forward said certified copy to the Alabama Department of Revenue to be recorded and posted on the Department website.

Section 4. This ordinance shall become effective on April 14, 2008.

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

/s/ John M. Crutcher
PRESIDENT, CITY COUNCIL,
CITY OF ATHENS, ALABAMA

/s/ Dan Williams
MAYOR, CITY OF ATHENS, ALABAMA

ATTEST:

/s/ John S. Hamilton
CITY CLERK, CITY OF ATHENS, ALABAMA

Councilmember Marks moved that unanimous consent be given for immediate consideration of and action on said ordinance, which motion was seconded by Councilmember Gill, and upon the said motion being put to vote the following vote was recorded: YEAS: Councilmembers Crutcher, Wales, Gill, Marks and Caudle; NAYS: None. The President thereupon declared that the motion for unanimous consent for immediate consideration of and action on the said ordinance had been unanimously carried. Councilmember Wales thereupon moved that the ordinance be finally adopted, which motion was seconded by Councilmember Marks and upon the said motion being put to vote the following vote was recorded: YEAS: Councilmembers Crutcher, Wales, Gill, Marks and Caudle; NAYS: None. The President thereupon announced that the motion for the adoption of the said ordinance had been unanimously carried.

Councilwoman Caudle introduced the following ordinance:

STATE OF ALABAMA,
LIMESTONE COUNTY,
CITY OF ATHENS.

ORDINANCE NUMBER 2008-1690

WHEREAS, the City of Athens no longer maintains its own animal control detention center to be used for the confinement of cats and dogs; and

WHEREAS, Section 10-39 of the City of Athens Code of Ordinances is therefore no longer needed; nor therefore,

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ATHENS, ALABAMA, to repeal Chapter 10, Article II, Section 10-39 of the City of Athens' Code of Ordinance Book effective upon its adoption.

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

/s/ John M. Crutcher
PRESIDENT, CITY COUNCIL,
CITY OF ATHENS, ALABAMA

/s/ Dan Williams
MAYOR, CITY OF ATHENS, ALABAMA

ATTEST:

/s/ John S. Hamilton
CITY CLERK, CITY OF ATHENS, ALABAMA

Councilmember Marks moved that unanimous consent be given for immediate consideration of and action on said ordinance, which motion was seconded by Councilmember Gill, and upon the said motion being put to vote the following vote was recorded: YEAS: Councilmembers Crutcher, Wales, Gill, Marks and Caudle; NAYS: None. The President thereupon declared that the motion for unanimous consent for immediate consideration of and action on the said ordinance had been unanimously carried. Councilmember 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 Crutcher, Wales, Gill, Marks and Caudle; NAYS: None. The President thereupon announced that the motion for the adoption of the said ordinance had been unanimously carried.

Councilman Wales introduced the following resolution:

RESOLUTION

BE IT RESOLVED BY THE CITY COUNCIL OF ATHENS, ALABAMA to reorganize the Customer Service Department in accordance with the attached organizational chart which includes 31 regular status positions and 4 part-time positions as listed below:

- Customer Service Manager
- Assistant Customer Service Manager
- Collection Manager
- Field Operations Supervisor
- Accounts Receivable Coordinator
- Service Collectors (5)

- Meter Readers (10)
- Accounts Receivable Clerks (11)
- Part-time positions (4)

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

/s/ John M. Crutcher
PRESIDENT, CITY COUNCIL,
CITY OF ATHENS, ALABAMA

/s/ Dan Williams
MAYOR, CITY OF ATHENS, ALABAMA

ATTEST:

/s/ John S. Hamilton
CITY CLERK, CITY OF ATHENS, ALABAMA

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

Councilman Wales introduced the following resolution:

RESOLUTION NUMBER 2008-1057

**A RESOLUTION RELATING TO KEEP ATHENS-LIMESTONE
BEAUTIFUL, INC.'S EFFORTS TO SAFELY COLLECT HOUSEHOLD HAZARDOUS WASTE**

WHEREAS, the City provides for regular waste collection services within the city limits, but does not provide for the regular collection of hazardous household waste;

WHEREAS, the City Council finds that the safe disposal of hazardous household waste within the City directly contributes to the public health, safety, and welfare of the citizens of the City of Athens;

WHEREAS, the collection of waste within the city limits is a lawful governmental function of the City;

WHEREAS, the City Council of the City of Athens wishes to appropriate up to \$13,000 to Keep Athens-Limestone Beautiful, Inc. ("KALB") to contribute to KALB's planned operation of a household hazardous waste collection program, whereby citizens of the City of Athens, Alabama may safely dispose of their hazardous household waste;

WHEREAS, the City Council finds that this program and action by the City Council serves a valuable public purpose; and

**THEREFORE BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF
ATHENS, ALABAMA** on April 14, 2008 at 5:30 p.m., as follows:

1. The City appropriates up to \$13,000.00 from the General Fund Reserves for the estimated ½ cost of KALB's operation of a hazardous waste collection program, whereby citizens of the City of Athens, Alabama may, free of charge, safely dispose of their hazardous household waste. The appropriation is contingent upon the program (i) utilizing at least one waste collection location within the city limits, (ii) being prominently advertised by KALB in the local news media, and (iii) allowing for the collection of waste during at least a two (2) day period within the current fiscal year of the City.

2. The total amount of the City's appropriation, up to no more than \$13,000, shall be equivalent to ½ of KALB's cost of operating the program described above. The City's appropriation is also made contingent upon Limestone County's payment the other ½ cost of said program.

3. The Mayor is authorized to release these funds to KALB upon the satisfaction of the conditions specified above.

ADOPTED this the 14th day of April, 2008.

/s/ John M. Crutcher
PRESIDENT, CITY COUNCIL,
CITY OF ATHENS, ALABAMA

/s/ Dan Williams
MAYOR, CITY OF ATHENS, ALABAMA

ATTEST:

/s/ John S. Hamilton
CITY CLERK, CITY OF ATHENS, ALABAMA

CERTIFICATION OF CITY CLERK

STATE OF ALABAMA)
LIMESTONE COUNTY)

I, John Hamilton, City Clerk of the City of Athens, Alabama, do hereby certify that the above and foregoing is a true and correct copy of 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

Councilmember Marks 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 Crutcher, Wales, Gill, Marks and Caudle; NAYS: None. The President thereupon declared that the motion for unanimous consent for

immediate consideration of and action on the said resolution had been unanimously carried. Councilmember Wales thereupon moved that the resolution be finally adopted, which motion was seconded by Councilmember Marks and upon the said motion being put to vote the following vote was recorded: YEAS: Councilmembers Crutcher, Wales, Gill, Marks and Caudle; NAYS: None. The President thereupon announced that the motion for the adoption of the said resolution had been unanimously carried.

Councilman Marks introduced the following ordinance:

STATE OF ALABAMA,
LIMESTONE COUNTY,
CITY OF ATHENS.

ORDINANCE NUMBER _____

**AN ORDINANCE CONCERNING MINIMUM PENALTIES FOR
OFFENSES INVOLVING THE APPLICATION OF GRAFFITI**

WHEREAS, the City Council finds that the City's ordinances should be amended to provide minimum penalties for offenses involving the application of graffiti;

WHEREAS, the City Council enacts this ordinance to provide for the safety, preserve the health, promote the prosperity, and improve the comfort and convenience of the inhabitants of this City; and to maintain the health and cleanliness of the City;

WHEREAS, § 11-45-1 of the *Code of Alabama* authorizes a municipality to adopt ordinances to provide for the safety, preserve the health, promote the prosperity, and improve the morals, order, comfort, and convenience of the inhabitants of the municipality, and to enforce obedience to such ordinances;

WHEREAS, § 11-47-117 of the *Code of Alabama* authorizes a municipality to adopt ordinances preventing injury or annoyances from anything dangerous or offensive or unwholesome and to cause all nuisances to be abated;

WHEREAS, § 11-47-130 of the *Code of Alabama* authorizes a municipality to adopt ordinances to maintain the health and cleanliness of that municipality;

THEREFORE BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ATHENS, ALABAMA while in regular session on _____, 2008 at 5:30 p.m., as follows:

Section 1. The following section shall be added to the Code of Ordinances, City of Athens, Alabama:

Section 54-9. Minimum Penalties for Offenses Involving Application of Graffiti

(a) As used in this Section, "graffiti" means any inscription, word, figure, painting, mark, or design that is written, marked, etched, scratched, sprayed, drawn, engraved, or painted on any structural component of any building, structure, or other facility without prior authorization of the owner or occupant, and regardless of (i) its content or nature; and (ii) the nature of the material of the structural component.

(b) Any person found guilty of any offense against the City, where such offense involves that involves that person's application of graffiti, shall be punished by (i) a fine of not less than \$500.00, and (ii) a term of not less than ten (10) hours of community service

Section 2. This Ordinance shall become effective upon its adoption as provided 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.

ADOPTED this the ____ day of _____, 2008.

JOHN M. CRUTCHER, CITY COUNCIL PRESIDENT

APPROVED this the ____ day of _____, 2008.

DAN WILLIAMS, MAYOR

ATTEST:

JOHN HAMILTON, CITY CLERK

CERTIFICATION OF CITY CLERK

STATE OF ALABAMA)

LIMESTONE COUNTY)

I, John Hamilton, City Clerk of the City of Athens, Alabama, do hereby certify that the above and foregoing is a true and correct copy of an Ordinance duly adopted by the City Council of the City of Athens, Alabama, on the ____ day of _____, 2008.

Witness my hand and seal of office this ____ day of _____, 2008.

John Hamilton, City Clerk

* * *

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

/s/ John M. Crutcher
PRESIDENT, CITY COUNCIL

ATTEST:

/s/ John S. Hamilton
CITY CLERK

