

April 26, 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 April 26, 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. Jimmy Gill 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 April 12, 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 April 12, 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.

A public hearing was held to hear comments on the rezoning request of property located at 109 Houston Street. No one spoke in favor of or against.

The public hearing was closed.

**Councilwoman Bowers introduced the following ordinance:**

**AN ORDINANCE TO REZONE PROPERTY FOR BRANDON & MEREDITH ELLISON, FROM B-2 TO R-2-1. PROPERTY IS LOCATED AT 109 HOUSTON STREET SOUTH.**

STATE OF ALABAMA,  
LIMESTONE COUNTY,  
CITY OF ATHENS.

**ORDINANCE NUMBER 2010-1755**

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 B-2 General Business 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 part of Lot 2A of Block 22 of the 1914 Map of the City of Athens, Alabama, filed in the Office of the Judge of Probate of Limestone County, Alabama and more particularly described as:

Commencing from the Northwest Corner of the Northeast Quarter of Township 3 South, Range 4 West, Section 08, also the intersection of the centerline of Houston Street and the north margin of Hobbs Street, thence South 01 degree 49 minutes 06 seconds West along the centerline of Houston Street a distance of 785.5 feet to a point at the intersection of Washington Street and Houston Street.

Beginning at the intersection of Washington Street and Houston Street; thence North 02 degrees 19 minutes 51 seconds East along the centerline of Houston Street a distance of 167.0 feet to a point; thence South 87 degrees 03 minutes 02 seconds East, passing a point on the East Right-of-Way of Houston Street (60 feet of R.O.W.) at a distance of 30.0 feet, a distance of 170.0 feet to a point; thence South 02 degrees 19 minutes 51 seconds West parallel to Houston Street a distance of 17.7 feet to a point; thence North 87 degrees 03 minutes 02 seconds West parallel to Washington Street a distance of 61.0 feet to a point; thence South 02 degrees 05 minutes 14 seconds West a distance of 149.3 feet to a point on the centerline of Washington Street (65 feet of R.O.W.); thence North 87 degrees 03 degrees 02 seconds West along the centerline of Washington Street a distance of 109.6 feet to the point of beginning, containing 0.44 acres, more or less.

ADOPTED and APPROVED this, the 26<sup>th</sup> day of April, 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 Caudle moved that unanimous consent be given for immediate consideration of and action on said ordinance, which motion was seconded by Councilmember Wales, and upon the said motion being put to vote the following vote was recorded: YEAS: Councilmembers Bowers, Wales, Gill, Marks and Caudle; NAYS: None. The President thereupon declared that the motion for unanimous consent for immediate consideration of and action on the said ordinance had been unanimously carried. Councilmember Bowers 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 property at 11518 Pitts Boulevard. No one spoke in favor of or against.

The public hearing was closed.

**Councilman Wales introduced the following ordinance:**

**AN ORDINANCE TO REZONE PROPERTY FOR BILLY SANDY FROM AG TO B-3. PROPERTY IS LOCATED AT 11518 PITTS BOULEVARD.**

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

**ORDINANCE NUMBER 2010-1756**

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 AG Agricultural District to B-3 Highway Business District.

The City Council of the City of Athens, Alabama, finds that "The Zoning Ordinance of the City of Athens, Alabama," should be amended so as to rezone the hereinafter described area as "B-3".

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

That all of the hereinafter described area or real estate is hereby zoned "B-3 Highway Business District" in accordance with and defined by "The Zoning Ordinance of the City of Athens, Alabama," and that the area which is zoned as aforesaid is situated in Athens, Limestone County, Alabama, and is more particularly described as follows:

The following property is generally along the East side of U.S. Highway 31 South, and is more particularly described as:

All that part of Section 4, Township 4 South, Range 4 West of the Huntsville Meridian, Limestone County, Alabama, being Lot 82 according to the plat of Tanner Estates as recorded in Plat Book F, Page 79-82 in the Office of the Probate Judge, Limestone County, Alabama and containing 4.52 acres, more or less.

ADOPTED and APPROVED this, the 26<sup>th</sup> day of April, 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 Caudle 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.

A public hearing was held to hear comments on the rezoning request of property in the 500 block of Sanderfer Road. Jessica Noriega, church member of Athens Hispanic Church of the Nazarene, spoke in favor of the rezoning. No one spoke against.

The public hearing was closed.

**Councilman Gill introduced the following ordinance:**

**AN ORDINANCE TO REZONE PROPERTY FOR THE ATHENS HISPANIC CHURCH OF THE NAZARENE , FROM R-1-1 TO B-1 TO BUILD A CHURCH. PROPERTY IS LOCATED IN THE 500 BLOCK OF SANDERFER ROAD.**

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

**ORDINANCE NUMBER 2010-1757**

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 B-1 Neighborhood Business District.

The City Council of the City of Athens, Alabama, finds that "The Zoning Ordinance of the City of Athens, Alabama," should be amended so as to rezone the hereinafter described area as "B-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 "B-1 Neighborhood Business District" in accordance with and defined by "The Zoning Ordinance of the City of Athens, Alabama," and that the area which is zoned as aforesaid is situated in Athens, Limestone County, Alabama, and is more particularly described as follows:

A tract or parcel of land located in the North one-half of the Northeast Quarter of Section 19, Township 3 South, Range 4 West, and more particularly as follows:

Beginning at the Northeast corner of Section 19, Township 3 South, Range 4 West at the intersection of the centerlines of Sanderfer Road and Hine Street, thence North 86 degrees 34 minutes 23 seconds West along the centerline of Sanderfer Road a distance of 250.01 feet to the point of true beginning.

From the point of true beginning, thence South 01 degrees 49 minutes 17 seconds West a distance of 660.00 feet to a point, passing through the southerly right of way margin of Sanderfer Road at 30.01 feet; thence North 86 degrees 34 minutes 23 seconds West a distance of 220.00 feet to a point; thence North 01 degrees 49 minutes 17 seconds East a distance of 660.01 feet to a point, passing through the southerly right of way margin of Sanderfer Road at 629.99 feet; thence South 86 degrees 34 minutes 23 seconds East along the centerline of Sanderfer Road a distance of 220.00 feet to the point of true beginning, and containing 3.333 acres, more or less.

ADOPTED and APPROVED this, the 26<sup>th</sup> day of April, 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 Caudle moved that unanimous consent be given for immediate consideration of and action on said ordinance, which motion was seconded by Councilmember Wales, and upon the said motion being put to vote the following vote was recorded: YEAS: Councilmembers Bowers, Wales, Gill, Marks and Caudle; NAYS: None. The President thereupon declared that the motion for unanimous consent for immediate consideration of and action on the said ordinance had been unanimously carried. Councilmember Gill thereupon moved that the ordinance be finally adopted, which motion was seconded by Councilmember 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.

Janet Murrah, 1056 Brownsferry Street, asked if any of the City Council had looked at the property at Hine and Brownsferry Street. She also inquired about the legality of a builder laying the foundation of a house, but not finishing the house in her area.

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

**RESOLUTION**

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ATHENS, ALABAMA, to approve the payment of budgeted travel/education expenses for specified Water/Wastewater employees in the total amount of \$996.18.

Gene McLin (Water Services)	AWEA Annual Training Conference Orange Beach, AL April 18-21, 2010	\$996.18
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The motion was seconded by Councilman Gill and was unanimously carried.

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

**RESOLUTION**

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ATHENS, ALABAMA, to set a Public Hearing for the regular meeting of May 24, 2010 to review the request of the New Life Assembly of God to rezone property located in the southeast corner of Lucas Ferry Road and Washington Street from R-1-1 to INST (Institutional).

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

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

**RESOLUTION**

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ATHENS, ALABAMA, to change the June 14, 2010 City Council meeting to June 7, 2010 and change the June 28, 2010 City Council meeting to June 21, 2010.

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

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

**RESOLUTION**

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ATHENS, ALABAMA, to grant approval for the Mayor of the City of Athens, Alabama, to execute the contract for Project DEMO-A205, Alabama Department of Transportation, which is to construct additional lanes on SR-2 (US-72) east of CR-528 (Jefferson Street) to beneath the CSX Railroad Overpass.

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

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

**RESOLUTION**

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ATHENS, ALABAMA, to re-appoint James Lucas to the Board of Education for a five year term ending May 30, 2015.

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

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

/s/ William R. Marks  
PRESIDENT, CITY COUNCIL

ATTEST:

/s/ John S. Hamilton  
CITY CLERK