

April 27, 2009

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 27, 2009, 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. John Hamilton, City Clerk, was present and recorded the minutes of the meeting. Harold Wales offered the invocation and Mayor Williams led the Pledge of Allegiance. The Chairperson stated that a quorum was present and that the meeting was open for transaction of business.

The Chairperson stated that the Minutes of the April 13, 2009 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 13, 2009, April 16, 2009 and April 21, 2009 City Council Work Session Minutes had been submitted for approval. Councilwoman Caudle moved that the reading of the Minutes be suspended and that the Minutes be approved as recorded. The motion was seconded by Councilman Wales and was unanimously carried. The Chairperson stated that the Minutes of the April 16, 2009 Special 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.

A public hearing was held to hear comments on the rezoning request of property for the Limestone County Commission for an Events Center & Veterans Museum. No one spoke against or in favor of.

The public hearing was closed.

**Councilwoman Bowers introduced the following ordinance:**

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

**ORDINANCE NUMBER 2009-1725**

AN ORDINANCE TO REZONE PROPERTY FOR THE LIMESTONE COUNTY COMMISSION FROM  
M-1 TO B-4 (EVENTS CENTER & VETERANS MUSEUM)

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 M-1 Light Industrial District to B-4 Central 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-4".

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-4 Central 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 are more particularly described as follows:

Property is located in the Southeast Quarter of the Southeast Quarter of Section 5, Township 3 South, Range 4 West, Limestone County, Alabama and being parts of Lots 4-B, 5, and 6 of Block 68 of the 1914 Map of the City of Athens, Alabama, as recorded in the Probate Office of Limestone County, Alabama in Plat Book "A", page 15 and being more particularly described as follows:

Commence at the Southeast corner of said Section 5, thence North 87 degrees 53 minutes 29 seconds West, along the general direction of Hobbs Street, a distance of 1270.27 feet to a point at the intersection of Hobbs Street and CSX Railroad track; thence North 02 degrees 21 minutes 45 seconds East, along the CSX Railroad track centerline, a distance of 780.65 feet to a point at the intersection of the CSX Railroad track and Pryor Street, the point of true beginning of the herein described tract;

Thence from the point of true beginning South 89 degrees 50 minutes 16 seconds West, along the centerline of Pryor Street, a distance of 157.81 feet to a point; thence North 00 degrees 02 minutes 40 seconds West, along the West boundary of said Lot 6 and at 25.00 feet passing on the north margin of Pryor Street (a 50 foot Right-of-Way), a distance of 170.33 feet to a point; thence South 89 degrees 53 minutes 48 seconds West parallel to the north margin of Pryor Street a distance of 80.21 feet to a point; thence North 0 degrees 1 minute 0 seconds East a distance of 2.50 feet to a point; thence North 88 degrees 43 minutes 40 seconds West, passing a point at 83.31 feet on the east margin of Marion Street (a 50 foot Right-of-Way), a distance of 108.31 feet to a point on the centerline of Marion Street; thence North 0 degrees 1 minute 0 seconds East, along the centerline of Marion Street, a distance of 225.00 feet to a point; thence North 89 degrees 53 minutes 48 seconds East, passing a point a distance of 25.00 feet on the east margin of Marion Street, a distance of 115.00 feet to a point; thence North 0 degrees 1 minute 0 seconds East a distance of 50.00 feet to point on the north boundary of Lot 5; thence North 89 degree 53 minutes 48 seconds East along the north boundary of said Lot 5 a distance of 73.50 feet to a point at the Northeast corner of said Lot 5 and Northwest corner of said Lot 6; thence North 89 degrees 53 minutes 47 seconds East, along the south boundary of Lot 8, Block 68 of the said 1914 Map of the City of Athens, Alabama, a distance of 73.02 feet to a point at the Southeast corner of said Lot 8; thence North 00 degrees 49 minutes 47 seconds East, along the east boundary of said Lot 8, a distance of 25.00 feet to a point; thence North 89 degrees 53 minutes 48 seconds East a distance of 86.70 to a point on the CSX railroad track centerline. thence South 00 degrees 16 minutes 07 seconds West, along the CSX Railroad track centerline, a distance of 475.27 feet to the point of true beginning and property containing 2.764 acres, more or less.

ADOPTED and APPROVED this, the 27<sup>th</sup> day of April, 2009.

/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 Gill 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 sale of alcohol for Burrito Express L. L. C. located at 1260-G Highway 72 East. No one spoke against or in favor of.

The public hearing was closed.

Glendia Carter, 104 Suffix Street, thanked Ben Wiley and the Parks and Recreation for their work and help with Dixie Youth Baseball organization. She would like Ben and the Parks and Recreation Department to “run” the league because of how well it had been operated in the past by the City of Athens.

Ralph Diggins, 100 Willow Street, was concerned about the leaf pick up policy by the City of Athens.

Greg Crow, AAA Realty Company, would like the five auction companies to be put on a rotation list when city auctions occur.

Mae Davis, was concerned about the enforcement of the City’s noise ordinance and loud automobiles around her neighborhood.

**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 June 8, 2009 to review the request of Mr. & Mrs. James Prater to annex 20 acres of property and zone said property as R-1-1 Low Density Single Family Residential district. The property is located on the west side of Lucas Ferry Road, south of Sanderfer Road, and is continuous to the Athens City Limits across the street.

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 June 8, 2009 to review the request of Steve Bauer and Timothy Coffman to rezone property at the southwest corner of Hine Street and Brownsferry Street from R-1-2 Medium Density Single Family Residential District to R-2-1 Duplex Residential District.

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 approve the payment of budgeted travel/education expenses for specified Water/Wastewater employees in the total amount to \$1,129.22.

Jonathan Bedsole (Water Services)	WEF Collection Systems Conference Louisville, KY April 20-22, 2009	\$1,129.22
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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, that the travel expenses in the following amount be approved for the Electric Department personnel.

David Jones	Florida Transformer Regulator School Destin, FL	\$1,991.18
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The motion was seconded by Councilman Gill and was unanimously carried.

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

**RESOLUTION NUMBER 2009-1098**

**TO AWARD THE BID FOR RAILROAD SERVICE TRACK ON BEHALF OF CUSTOM POLYMERS FOR CDBG PROJECT NO. LR-ED-PF-08-001 & ARC AL-16145-09.**

**WHEREAS**, the City of Athens solicited bids for the CSX Railroad Spur improvements related to CDBG Project Number LR-ED-PF-08-001 and ARC AL-16145-09, and

**WHEREAS**, the low bidder was Joe Keenum Excavation & Construction, Inc., and

**WHEREAS**, the project engineer, Pugh Wright and Associates recommends that the bid should be awarded to Joe Keenum Excavation & Construction, Inc., as the lowest responsible bidder in the amount of \$545,490.20.

**NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ATHENS, ALABAMA, that:**

- Section 1.** The bid for CSX Railroad Service Track for CDBG Project Number LR-ED-PF-05-014 and ARC AL-16145-09 be awarded to Joe Keenum Excavation & Construction, Inc., in the amount of \$545,490.20.
- Section 2.** Dan Williams, in his capacity as Mayor, is authorized to sign all bid award contracts and any pertinent documents pertaining to the award and execution of this bid project.
- Section 3.** That award of this contract is contingent upon both verification that the low bidder is not debarred or suspended from participation in Federal projects and verification that the budget will allow said award.
- Section 4.** This resolution shall become effective immediately upon its adoption.

Adopted and approved this 27th day of April 2009.

ADOPTED and APPROVED this, the 27<sup>th</sup> day of April, 2009.

/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

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

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

**RESOLUTION**

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ATHENS, ALABAMA, that the bid of \$90,000.00 from Terex, Inc., Birmingham, Alabama, for a new digger derrick unit be accepted and that the Utilities general manager be authorized to issue a purchase order for this purchase.

The motion was seconded by Councilwoman Bowers and was unanimously carried.

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

**RESOLUTION**

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ATHENS, ALABAMA, that the bid of \$320,293.00 by Garnet Electric, Florence, Alabama, for construction of the upgrade to the Athens District Substation be accepted and that the Utilities general manager be authorized to issue a purchase order to the company.

The motion was seconded by Councilwoman Caudle and was unanimously carried.

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

**RESOLUTION**

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ATHENS, ALABAMA, that the bid of \$51,900.00 by Survalent Technology for the purchase of a SCADA Master Station be accepted and that the Utilities general manager be authorized to issue a purchase order to the company.

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

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

**RESOLUTION NUMBER 2009-1099**

TO AWARD THE ENGINEERING CONTRACT FOR PROFESSIONAL SERVICES TO MORRELL ENGINEERING FOR TRANSPORTATION PROJECT NO. STMTE-TE 09 (---) FOR THE US HIGHWAY 31 PEDESTRIAN FACILITIES & STREETScape PROJECT.

Whereas, the City of Athens selects Morrell Engineering to produce plans, specifications and engineering as defined by proposal dated April 20<sup>th</sup>, 2009 for Project NO. STMTE-TE 09 (---) FOR THE US HIGHWAY 313 PEDESTRIAN FACILITIES & STREETScape PROJECT.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ATHENS, ALABAMA, that:

Section 1. The fee for plans, specifications and engineering for US HIGHWAY 31 PEDESTRIAN FACILITIES & STREETScape PROJECT, PROJECT NO. STMTE-TE09 (---) IS AWARDED TO Morell Engineering in the amount of \$25,000.

Section 2. Dan Williams, in his capacity as Mayor, is authorized to sign contracts and any pertinent documents pertaining to the services rendered.

Section 3. This resolution shall become effective immediately upon its adoption.

ADOPTED and APPROVED this, the 27<sup>th</sup> day of April, 2009.

/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 Caudle, 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 Bowers and upon the said motion being put to vote the following vote was recorded: YEAS: Councilmembers Bowers, Wales, Marks and Caudle; NAYS: None. ABSTENTION: Councilmember Gill. The President thereupon announced that the motion for the adoption of the said resolution had been unanimously carried.

Councilman Wales said he doesn't fully understand if \$25,000 is part of the city's 20% match.

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

**RESOLUTION NUMBER 2009-1100**

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ATHENS, ALABAMA, that the Alabama Department of Environmental Management (ADEM) be informed of the following actions and commitments by the City Council of the City of Athens, Alabama:

1. The City Council has reviewed the MWPP Report for Calendar Year 2008. A copy of this report is on file in the office of Water/Wastewater Department.

2. The City Council is pleased to advise that construction of a new sewage treatment facility is about to be completed. We expect commissioning of the new facility to occur this Summer and the overall project to be completed before the end of the year.
3. The City Council has committed to SRF loans up to \$24.5 million to pay for the new sewage treatment plant. Additionally, we have just recently received a \$1 million Federal grant to further assist with financing this project. The City Council has committed to a rate structure that ensures the City's ability to pay all debt service associated with this new treatment facility and continue financing our excellent program of overall system operation and maintenance.

Adopted by the City Council of the City of Athens, Alabama, at the meeting of said council on the 27<sup>th</sup> day of April, 2009.

/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

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

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

#### **RESOLUTION**

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ATHENS, ALABAMA, to re-appoint David McPherson to the City of Athens School Board for a term of five years beginning May 30, 2009 and ending May 30, 2014.

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

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

#### **RESOLUTION**

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ATHENS, ALABAMA, to appropriate \$20,000.00 to the Family Resource Center which will help cover their operating expenses through 12-31-2009. The \$20,000.00 will be distributed after a contract agreement is signed between the City of Athens and the Family Resource Center. The City Council hereby finds that the activities of the Family Resource Center constitute a public benefit to the citizens of the City of Athens.

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 a pick up truck for the Building Inspection Department to be funded from Capital Expenditure Fund in the amount of \$18,189.00 to be purchased on state bid.

Councilmember Gill moved that unanimous consent be given for immediate consideration of and action on said resolution, which motion was seconded by Councilmember Caudle, 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 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 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 approve four temporary employees for the Utilities Department for four months (through August) at a maximum cost of \$22,000.00.

Councilmember Gill moved that unanimous consent be given for immediate consideration of and action on said resolution, which motion was seconded by Councilmember Caudle, 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.

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

**RESOLUTION**

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ATHENS, ALABAMA, to approve four temporary employees for the General Fund Department for four months (through August) at a maximum cost of \$22,000.00.

Councilmember Caudle 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 Gill thereupon moved that the resolution be finally adopted, which motion was seconded by Councilmember Caudle 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.

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

/s/ William R. Marks  
PRESIDENT, CITY COUNCIL

ATTEST:

/s/ John S. Hamilton  
CITY CLERK















































