

April 28, 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 28, 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. 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 14, 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 Councilwoman Caudle and was unanimously carried. The Chairperson stated that the Minutes of the April 14, 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 Councilwoman Caudle and was unanimously carried. The Chairperson stated that the Minutes of the April 21, 2008 Special 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 Councilwoman Caudle and was unanimously carried.

A public hearing was held to hear comments for the rezoning request of Swanner's at Tanner. Jimmy Swanner spoke in favor of and no one spoke against.

Councilman Marks introduced the following ordinance:

STATE OF ALABAMA,
LIMESTONE COUNTY,
CITY OF ATHENS.

ORDINANCE NUMBER 2008-1691
(Rezoning for Swanner's at Tanner)

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-1-4 Zero Lot Line 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-1-4".

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 "R-1-4 Zero Lot Line 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 are more particularly described as follows:

The North One-half of the South One-half of the Southwest Quarter of Section 21, also the Northeast Quarter of the Southeast Quarter of the Southeast Quarter of Section 20, all in Township 3 South, Range 4 West, Limestone County, Alabama, and containing 50 acres, more or less.

LESS AND EXCEPT:

A tract of land lying in the North One-half of the South One-half of the Southwest Quarter of Section 21, Township 3 South, Range 4 West, Limestone County, Alabama, and being more particularly described as follows,

Commence at point at the Northeast corner of the North One-half of the South One-half of the Southwest Quarter of Section 21, Township 3 South, Range 4 West, thence North 87 degrees 16 minutes 13 seconds West along the North boundary of the North One-half of the South One-half of the Southwest Quarter of said Section 21 a distance of 110.22 feet to a point on the west right-of-way of U.S. Hwy. No. 31, being in a curve to the left, having a radius of 17,273.73 feet, an arc length of 120.13 feet, along a chord bearing of South 00 degrees 06 minutes 21 seconds West a chord distance of 120.13 feet to the Point of True Beginning of the tract herein described;

Thence from the Point of True Beginning continue along the west right-of-way of said U.S. Hwy. No. 31, being in a curve to the left having a radius of 17,273.73 feet, an arc length of 187.00 feet, along a chord bearing of South 00 degrees 24 minutes 13 seconds East a chord distance of 187.00 feet to a point;

Thence North 87 degrees 16 minutes 13 seconds West a distance of 350.10 feet to a point;

Thence North 00 degrees 24 minutes 13 seconds West a distance of 187.00 feet to a point;

Thence South 87 degrees 16 minutes 13 seconds East a distance of 350.10 feet to the Point of True Beginning and containing 1.500 acres, more or less.

ADOPTED and APPROVED this, the 28th 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 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 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 Marks 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 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.

A public hearing was held to hear comments for the rezoning request of Eric Bailey and Billy W. Robinson for property located at the corner of Hine Street and Brownsferry Street. David Smith, 4315 Oakwood Avenue, Huntsville, co-owner of Royal Funeral Home in Huntsville and Mason Funeral Home in Athens spoke in favor of the rezoning. Approximately 12 others stood in support.

Josephine Woodson, 922 Brownsferry Street spoke against and approximately 20-23 people stood that were against the rezoning also.

The ordinance failed for the lack of a motion.

A public hearing was held to hear comments about revisions to the Zoning Ordinance regarding billboard signs. Ron Bayless, George Braly, Jr. and Steve Carter spoke in favor of and no one spoke against.

Councilman Wales introduced the following ordinance:

STATE OF ALABAMA,
LIMESTONE COUNTY,
CITY OF ATHENS.

ORDINANCE NUMBER 2008-1692
(Amend the Zoning Ordinance regarding billboard signs)

AN ORDINANCE AMENDING SECTION 13.3.22 OF THE CITY
OF ATHENS ZONING ORDINANCE

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ATHENS, ALABAMA while
in regular session on April 28, 2008 at 5:30 p.m., as follows:

Section 1. Section 13.3.22(A) of the Zoning Ordinance of the City of Athens is hereby amended to add Section 13.3.22(A)(5), as follows:

5) If the sign was removed as a consequence of (i) the construction of a public works or (ii) a governmental body's exercise of the power of eminent domain, then the sign may be replaced at a different location on the same parcel of property upon which the sign was located prior to the removal, so long as the replacement complies with the standards of Section 13.3.22 and other applicable law. Moreover, any such replacement must first obtain Signage Site Plan Approval under Section 13.2 in the same manner as that required for Detached Signs.

Section 2. This ordinance shall become effective upon its adoption and publication as required by law.

ADOPTED and APPROVED this, the 28th 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 Caudle, 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.

Quinton Anderson commented on impact fees and how he is for them.

Mae Davis asked about debris on the west side of Brownsferry Street.

Councilman Marks introduced the following resolution:

RESOLUTION

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ATHENS, ALABAMA, to set a Public Hearing at the City Council meeting on May 27, 2008, to take comments on the rezoning request of Athens Hotel Partners, LLC. The property is located on the south side of Highway 72, at the south end of Kelli Drive. The rezoning request is from M-1 Light Industrial District to B-3 Highway Business District.

The motion was seconded by Councilwoman Caudle 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 declare various items from city departments to be surplus and authorize the sale of these items at public auction on May 2nd, 2008 at the City of Athens Sportsplex. A copy of these items to be sold will be on file in the Mayor's office.

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

Councilman Marks introduced the following resolution:

RESOLUTION

BE IT RESOLVED BY THE CITY COUNCIL OF ATHENS, ALABAMA, to reorganize the Police Department in accordance with the attached organizational chart which includes the following 56 regular status positions:

1. Chief of Police (1 position)
2. Captain (2 positions)
3. Office Operations and Records Supervisor (1 position)
4. Records Clerk I (1position)
5. Records Clerk II (1position)
6. Dispatchers (7 positions)

7. Parking Enforcement/Relief Dispatcher (1 position)
8. Lieutenants (4 positions)
9. Sergeants (6 positions)
10. Police Officers (30 positions)
11. Code Enforcement Lieutenant, Code Enforcement and Animal Control (1 position)
12. Code Enforcement Officer, Code Enforcement and Animal Control (1 position)

ADOPTED and APPROVED this, the 28th 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 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 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 Marks 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 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 resolution:

RESOLUTION

BE IT RESOLVED BY THE CITY COUNCIL OF ATHENS, ALABAMA, to reorganize the Public Works Department in accordance with the attached organizational chart, which includes the following 51 positions:

Director of Public Works
Technical Coordinator
Director of Engineering Services
Building and Public Works Assistant
Building Inspectors (3)
GIS Coordinator
Planner I
Superintendent of Street Operations
Administrative Assistant
Construction Supervisor – Street
Equipment Operators (9 positions)
Construction Crew Leader
Concrete Finishers – (2 positions)
Garage Mechanics (4 positions)
Sign Shop Equipment Operators (2)

Director of Building Services and Sanitation
Sanitation and Street Maintenance Supervisor
Equipment Operators (Sanitation) (17)
Maintenance Technician
Building Maintenance Custodian (2)

ADOPTED and APPROVED this, the 28th 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 Wales and was unanimously carried.

Councilwoman Caudle introduced the following ordinance:

STATE OF ALABAMA,
LIMESTONE COUNTY,
CITY OF ATHENS.

ORDINANCE NUMBER 2008-1693

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ATHENS, ALABAMA, that Ordinance Number 888, establishing a classification list and pay plan for classified employees and unclassified employees, be hereby amended as follows:

- (1) Add the following job titles to the list of classified positions:
 - Operator/Concrete Finisher 1, grade 6
 - Operator/Concrete Finisher 2, grade 7
 - Operator/Concrete Finisher 3, grade 8
 - Construction Crew Leader, grade 9
 - Planner I, Grade 11

ADOPTED and APPROVED this, the 28th 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 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.

Councilman Marks introduced the following resolution:

RESOLUTION

BE IT RESOLVED BY THE CITY COUNCIL OF ATHENS, ALABAMA, to adopt the following job descriptions for the Public Works Department:

- Operator/ Concrete Finisher (Level 1, 2, and 3) - Grade 6,7, and 8 respectively, Job description dated 4/28/08
- Construction Crew Leader, Grade 9, Job Description dated 4/28/08
- Planner I, Grade 11, Job Description dated 4/28/08

ADOPTED and APPROVED this, the 28th 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 Councilwoman Caudle and was unanimously carried.

Councilman Marks introduced the following resolution:

RESOLUTION

BE IT RESOLVED BY THE CITY COUNCIL OF ATHENS, ALABAMA, to change the May 26, 2008 city council meeting to Tuesday, May 27, 2008 because of the Memorial Day holiday.

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

Councilman Wales introduced the following resolution:

RESOLUTION

BE IT RESOLVED BY THE CITY COUNCIL OF ATHENS, ALABAMA, to appoint Gary Thomas Hill

to the City of Athens School Board for a term of five years beginning May 31, 2008 and ending May 31, 2013.

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

Councilman Wales introduced the following resolution:

RESOLUTION

BE IT RESOLVED BY THE CITY COUNCIL OF ATHENS, ALABAMA, to appoint Patrick A. Waldrop to the City of Athens School Board for a term of five years beginning May 31, 2008 and ending May 31, 2013.

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

Councilman Marks introduced the following ordinance on April 14, 2008:

STATE OF ALABAMA,
LIMESTONE COUNTY,
CITY OF ATHENS.

ORDINANCE NUMBER 2008-1694

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 April 28, 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 and APPROVED this, the 28th 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 an Ordinance duly adopted by the City Council of the City of Athens, Alabama, on the 28th day of April, 2008.

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

John Hamilton, City Clerk

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

Councilwoman Caudle introduced the following resolution:

RESOLUTION NUMBER 2008-1058

A RESOLUTION CONCERNING A POLE ATTACHMENT AGREEMENT
WITH COMCAST OF ALABAMA, INC.

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ATHENS, ALABAMA while in regular session on April 28, 2008 at 5:30 p.m. that the Mayor is authorized to enter into an "Agreement for Attachments of Cables, Wires, and Appliances upon Poles of the Electric Department of the City of Athens, Alabama" between the Electric Department of the City of Athens and Comcast of Alabama, Inc.

ADOPTED and APPROVED this, the 28th 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 28th day of April, 2008.

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

John Hamilton, City Clerk

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

Councilman Wales introduced the following ordinance:

STATE OF ALABAMA,
LIMESTONE COUNTY,
CITY OF ATHENS.

ORDINANCE NUMBER 2008-1695

AN ORDINANCE GRANTING A FRANCHISE
TO COMCAST OF ALABAMA, INC.

WHEREAS, the City Council of the City of Athens, Alabama, for consideration as set forth herein, desires to permit Comcast of Alabama, Inc. to traverse the public rights of way in and across the City, upon the conditions as stated herein;

WHEREAS, Comcast of Alabama, Inc. is a _____ corporation, with its address at _____; and

NOW THEREFORE BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ATHENS, ALABAMA while in regular session on April 28, 2008 at 5:30 p.m., as follows:

Section 1. The words “the City” as used herein mean the City of Athens, in the State of Alabama, as it is now constituted and as it may hereafter be extended or enlarged. The word “Comcast” as used herein mean Comcast of Alabama, Inc.

Section 2. In consideration of the benefits to accrue to the City, the City, pursuant to Section 220 of the *Constitution of Alabama* and other applicable law, extends the rights, authority, privileges, and franchises hereinafter set forth.

Section 3. Comcast is hereby given, granted and vested with the non-exclusive right, consent, and franchise to use the streets, avenues, alleys, ways, bridges, and public rights of way in the City in order to construct, own, maintain, operate, extend, and enlarge cables, wires, and associated appliances for the transmission of data for furnishing video programming or other programming service, as set forth in more detail and subject to the limitations expressed herein.

Section 4. Notwithstanding the above, the right, consent, and franchise granted herein is expressly limited such that it shall be granted only where the placement of Comcast’s cables, wires, and associated appliances shall be on or upon the poles of the Electric Department of the City of Athens, Alabama under such terms and conditions as may be agreed to by and between Comcast and the Electric Department of the City of Athens, Alabama in a separate agreement. However, this Ordinance shall not be construed so as to extend to Comcast any right, consent, franchise, authorization, or permission to place any cables, wires, associated appliances, or other items of any kind upon the pole of the Electric Department of the City of Athens, Alabama, and any such authorization must be the subject of a separate document.

Section 5. The right, consent, and franchise granted herein shall not be used by Comcast to provide services to any residents within the City, and the right to provide such services through the use of the public rights of way is *neither requested nor granted*. This Ordinance shall not be construed so as to extend to Comcast any right, consent, franchise, authorization, or permission to operate a “cable system” within the City as defined under federal law, and as such this Ordinance shall not be governed by the restrictions and regulations governing franchises of “cable systems” found in Title 47, Chapter 5, Subchapter V-A, Part III of the *United States Code*.

Section 6. With respect to all of its activities and operations within the corporate limits of the City, Comcast shall comply with any and all municipal codes, standards, ordinances, and laws of the City, as they now exist or are hereafter enacted or amended, expressly including but not limited to those concerning the use of the City’s streets, avenues, alleys, bridges, or public rights of way in the City, as they now exist or may hereafter be amended.

Section 7. Comcast’s cables, wires, and associated appliances shall be so laid, set, or constructed as not to unreasonably interfere with the proper use of the streets, alleys, avenues, ways, bridges, viaducts, underpasses, and public rights of way in the City, and shall be maintained in reasonably good condition and repair.

Section 8. Comcast shall indemnify, defend, protect and save harmless the City, its agents, officers, and employees, from and against any and all claims and demands for damages to property and injury or death to persons, which may arise out of or be caused by the erection, maintenance, presence, operation, use, removal, or abandonment of said Comcast’s cables, wires, and associated appliances or by the proximity of the same to any of equipment or facilities belonging to the City or to other persons. Comcast shall carry insurance, to protect the City from and against any and all claims, demands, actions, judgment, costs, expenses and liabilities of every name and nature which may arise or result directly or indirectly, from or by reason of such loss, injury or damage. The amounts of such insurance against liability due to damage to property, to injury or death of persons as to any one accident shall be in the amount of \$1,000,000.00. Comcast shall also carry such insurance as will protect it from all claims under any

Workmen's Compensation Laws in effect that may be applicable to it. All insurance required shall be kept in force by Comcast for the entire life of the franchise described herein and the company or companies issuing such insurance shall be approved by City. Comcast shall submit to the City certifications by each company insuring Comcast to the effect that it has insured Comcast for all liabilities of the City under this agreement and that it will not cancel, change nor fail to renew any policy of insurance issued to Comcast except after thirty (30) days notice to the City.

Section 9. Comcast's cables, wires, and appliances, in each and every location, shall be erected and maintained in accordance with the requirements and specifications of the National Electrical Safety Code, and any amendments or revisions of said code or practices, and in compliance with any rules or orders now in effect or that hereafter may be issued by the City of Athens, Alabama, or any other authority having jurisdiction.

Section 10. Within thirty (30) days after the date of this Ordinance, Comcast shall pay to the City Fifteen Thousand and 00/100 Dollars (\$15,000) as the initial purchase price of the franchise. In addition, Comcast shall, during the term of the franchise, pay to City as a franchise fee and as further compensation for the rights and privileges granted under this Ordinance, an amount equal to Ten Thousand and 00/100 Dollars (\$10,000) per year for each year that this franchise is in effect. Said sum shall be payable annually and in advance, on the 1st day of January of each year during which this franchise remains effect, beginning with January 1, 2009. No refund of any fee hereunder shall be made upon the termination of this franchise.

Section 11. Comcast shall not assign, transfer, sublease, or sell the rights and privileges granted hereunder without the prior, express, and written consent of the City.

Section 12. This franchise shall continue in effect for ten (10) years from the date it is accepted as provided for herein, or until termination in accordance with any of the terms herein. Either the City or Comcast may terminate this franchise by giving the other party at least one (1) years written notice. The franchise may be renewed for additional five-year terms on such terms and conditions as may be mutually acceptable to City and Comcast.

Section 13. This Ordinance shall be published in accordance with the applicable provision of Ala. Code § 11-45-8 (1975). Such publication shall be done by the City Clerk of the City, and thereafter the City Clerk shall enter upon the minutes of the City, immediately after the place where this Ordinance is recorded, a certificate setting forth that such Ordinance was published in accordance with the terms hereof and the laws of the State of Alabama. The expense of such publication shall be paid by Comcast.

Section 14. Comcast shall file a written acceptance of the franchise with the City Clerk within fourteen (14) days after the date of this Ordinance. The acceptance shall specifically state that Comcast agrees to be bound by and observe and carry out the terms and conditions of this Ordinance and the franchise granted hereby. The franchise shall go into effect only when the acceptance has been filed, upon filing by Comcast of written acceptance, this Ordinance shall constitute a contract between the City and Comcast.

Section 15. If any part, section or subdivision of this Ordinance shall be held unconstitutional or otherwise invalid for any reason, such holding shall not be construed to invalidate or impair the remainder of this Ordinance, which shall continue in full force and effect notwithstanding such holding.

Section 16. This Ordinance shall become effective upon its adoption as provided by law, and upon the acceptance of Comcast as set forth in Section 14.

ADOPTED and APPROVED this, the 28th 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 an Ordinance duly adopted by the City Council of the City of Athens, Alabama, on the 28th day of April, 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 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 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 announced that the motion for the adoption of the said ordinance had been unanimously carried.

Councilman Marks introduced the following resolution:

RESOLUTION NUMBER 2008-1059

Resolution Designating Official Representative

WHEREAS, City Council of the City of Athens, Alabama
(Legal Name of Applicant: City, Commission, Board etc.)

herein called the "Applicant", after thorough consideration of the various aspects of the problem and study of available data, has hereby determined that the construction of certain works required for the treatment of wastewater is desirable and in the public interest, and to that end it is necessary that action necessary for the construction of wastewater treatment an/or transport facilities be taken immediately; and

WHEREAS, under Code of Alabama 1975 §§ 22-34-1 et seq., and the regulations promulgated, thereunder in ADEM Administrative Code Chapter 335-6-14, the State of Alabama, has authorized the making of

loans to aid in financing the cost of construction of necessary wastewater treatment and transport works to prevent the discharge of untreated or inadequately treated effluent into any waters;

NOW, THEREFORE, BE IT RESOLVED BY:

City Council of the City of Athens, Alabama

the governing body of said Applicant, as follows:

1. That John Stockton, P.E., City of Athens Utilities Wastewater Department Manager

(Title of Officer)

is hereby authorized to file in behalf of the Applicant an application for a loan to be made by the Alabama Water Pollution Control Authority;

2. That John Stockton, P.E., City of Athens Utilities Wastewater Department Manager

(Title of Officer)

is hereby designated as the Authorized Representative of the Applicant for the purpose of furnishing to the Alabama Department of Environmental Management (ADEM) such information, data and documents pertaining to the application for a CWSRF loan from the Authority as may be required; and otherwise to act as Authorized Representative of the Applicant in connection with this application.

3. That certified copies of this resolution be included as a part of the application to be submitted to the Department for a loan.

Adopted, this the _____ day of _____, 20____

Signature:

Title:

Signature:

Title:

Certification of Resolution

I, the Undersigned, the duly qualified and acting:

City Clerk of the City of Athens, Alabama
(Title of Officer) *(Applicant)*

do hereby certify:

1. That the attached resolution is a true and correct copy of the resolution as adopted by a meeting of the governing body held on the _____ day of _____, 20__ and duly recorded in my office:

2. That said meeting was duly convened and held in all respects in accordance with the law and to the extent required by law, due and proper notice of such meeting was given; and a legal quorum was present throughout the meeting, and a legally sufficient number of members of the governing body voted in the proper manner and for the adoption of said resolution, that all other requirements and proceedings under the law incident to the proper adoption or passage of said resolution, including publication, if required, have been duly fulfilled, carried out, and otherwise observed; and that I am duly authorized to execute this certificate.

IN WITNESS THEREOF, I have herewith set my hand this _____ day of _____, 20_____ .

(SEAL)

Signature of Officer:

Typed or Printed Name of Officer:

The motion was seconded by Councilman Gill 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 approve the payment of budgeted travel/education expenses for specified Water/Wastewater employees in the total amount of \$3,047.16.

Gene McLin (Water Services)	AWEA Conference Orange Beach, AL April 13-16, 2008	\$ 829.23
Jonathan Bedsole (Water Services)	Advanced Water Gems Training Philadelphia, PA April 15-18, 2008	\$1,013.10
Robert Shar (Water Services)	AWEA Conference Orange Beach, AL April 13-16, 2008	\$1,204.83

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

Councilman Wales introduced the following resolution:

RESOLUTION NUMBER 2008-1060

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 2007. A copy of the report will be on file at the Water/Wastewater Department.
2. The City Council has committed to the construction of a new sewage treatment facility. The contract has been awarded. Construction is scheduled to begin in March, 2008, and the new treatment plant placed in service in March, 2010.

ADOPTED and APPROVED this, the 28th 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 Councilwoman Caudle and was unanimously carried.

Councilman Gill introduced the following resolution:

RESOLUTION NUMBER 2008-1061

A RESOLUTION CONCERNING ATHENS LIMESTONE COMMUNITY ASSOCIATION, INC. AND THE FORMER TRINITY SCHOOL SITE

WHEREAS, the City Council finds that the former Trinity School buildings are in disrepair and in a deteriorated state, and that the buildings pose a public health and safety concern;

WHEREAS, the City Council finds that the former Trinity School site is a site of great historic and cultural value to the people of the City of Athens;

WHEREAS, the City Council recognizes that the Athens Limestone Community Association, Inc. (“ALCA”), a non-profit organization, is the owner of the former Trinity School site;

WHEREAS, the City Council recognizes that ALCA is considering plans to remove the former Trinity School buildings, rehabilitate the property, and to open the site to the public as a museum or other public cultural facility;

WHEREAS, the City Council finds that the removal of the former Trinity School buildings directly contributes to the public health, safety, and welfare of the citizens of the City of Athens;

WHEREAS, the establishment of a museum or similar public cultural facility is a lawful governmental undertaking by the City as recognized by § 11-47-16 of the *Code of Alabama*;

WHEREAS, the City Council wishes to encourage and stimulate ALCA’s plans by appropriating up to \$2,000 to ALCA to be used to facilitate a Bulk Asbestos Survey at the former Trinity School buildings in connection with the evaluation of the removal of the buildings;

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

THEREFORE BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ATHENS, ALABAMA on April 28, 2008 at 5:30 p.m., as follows:

1. The Mayor is authorized to enter into an agreement with the Athens Limestone Community Association, Inc. whereby the City will provide ALCA with \$2,000.00 to conduct a Bulk Asbestos Survey at the former Trinity School buildings, in connection with ALCA’s consideration of plans to remove the buildings and establish a public cultural facility. The agreement shall provide that ALCA must conduct the survey within six (6) months of the date of the agreement.

2. The funds referenced above will be appropriated from City of Athens District 3 project funds.

ADOPTED and APPROVED this, the 28th 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 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 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 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 Wales introduced the following resolution:

RESOLUTION

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ATHENS, ALABAMA, to authorize the Mayor to enter into a contract with Stephen Ward & Associates, Inc. for re-roofing of the Recreation Center for the Parks and Recreation Department.

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 Gill introduced the following ordinance:

STATE OF ALABAMA,
LIMESTONE COUNTY,
CITY OF ATHENS.

ORDINANCE NUMBER 2008-1696

AN ORDINANCE ESTABLISHING THE QUALIFICATION FEE FOR CANDIDATES SEEKING THE
OFFICE OF MAYOR AND COUNCILMEMBER

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

Section 1. A qualification fee in the amount of \$10 is hereby fixed and imposed upon all candidates seeking election as mayor of the City of Athens, Alabama, except as hereinafter provided for.

Section 2. A qualification fee in the amount of \$10 is hereby fixed and imposed upon all candidates seeking election as councilmember of the City of Athens, Alabama, except as hereinafter provided for.

Section 3. Such qualification fee shall be paid to the city clerk and deposited to the general fund of the city at or prior to the time of taking out qualification papers by any such candidates.

Section 4. Any person desiring to qualify who is not financially able to pay the required fee may qualify provided such prospective candidate furnishes the clerk with an affidavit stating that he is financially unable to pay the required fee fixed by this ordinance.

Section 5. This ordinance is adopted pursuant to Section 11-46-2 of the Alabama Code of 1975 and shall be effective in all elections, both general and special, for aforesaid offices from and after the date of adoption.

ADOPTED and APPROVED this, the 28th 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 Wales moved that unanimous consent be given for immediate consideration of and action on said ordinance, which motion was seconded by Councilmember Caudle, 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 Gill 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.

Councilman Marks introduced the following resolution:

RESOLUTION NUMBER 2008-1062

A RESOLUTION CONCERNING ATHLETIC TOURNAMENTS AT THE RECREATIONAL FACILITIES OF THE CITY OF ATHENS

WHEREAS, the City Council of the City of Athens finds that athletic tournaments conducted at City athletic facilities are a benefit to the City and its citizens;

WHEREAS, the City Council finds that athletic tournaments conducted in the City promote the City's resources and provide entertainment for its citizens;

WHEREAS, the City Council wishes to encourage additional athletic tournaments within the City;

WHEREAS, the City of Athens is authorized by § 11-47-210.1 of the *Code of Alabama* to operate and manage recreational and athletic facilities;

WHEREAS, the City of Athens may fix and charge fees and to make rules and regulations concerning the conduct, management, and use of such facilities;

WHEREAS, the City of Athens is authorized by § 11-47-19 of the *Code of Alabama* to provide exhibitions for the amusement of its citizens;

WHEREAS, the City of Athens is authorized by § 11-47-11 of the *Code of Alabama* to develop, advertise, and promote its resources;

WHEREAS, the City Council specifically finds that athletic tournaments carried on at the City's recreational facilities constitute a public benefit to the citizens of the City by providing an exhibition for the amusement of citizens and by promoting the City's resources; and

THEREFORE BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ATHENS, ALABAMA on April 28th, 2008 at 5:30 p.m., as follows:

1. The Parks and Recreation Department is authorized to enter into contracts with entities who organize athletic tournaments (such as baseball leagues, softball clubs, and other sports associations) so that such tournaments may be carried on at the City's athletic and recreational facilities. Such contracts may provide for a rental charge to the City, a deposit to reserve the facilities, indemnification benefitting the City and its agents, and be in such form with such provisions as shall be approved by the Mayor.

2. With respect to athletic tournaments where (i) the number of teams in such tournament exceeds thirty (30), and (ii) the tournament is carried on over a two-day period, the Parks and Recreation Department may:

(a) waive fees relating to the rental charges for athletic tournaments at the City's recreational facilities; and

(b) pay the organizing entity up to one thousand dollars (\$1,000.00) to be paid from the revenues of any concessions generated by the athletic tournament's use of the City's recreational facilities.

These items shall be contained in a contract with the organizing entity(ies). Such contracts shall be in such form with such provisions as may be approved by the Mayor.

ADOPTED and APPROVED this, the 28th 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 28th day of April, 2008.

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

John Hamilton, City Clerk

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 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 Marks 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 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.

Councilwoman Caudle introduced the following resolution:

RESOLUTION

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ATHENS, ALABAMA, that \$74,000 is appropriated from the Water Department Capital Infrastructure Fund and \$132,000 is appropriated from the Wastewater Department Capital Infrastructure Fund to finance the Departments' prorated share of upgraded water and sewer line construction within the Village at Piney Creek Subdivision.

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 Caudle 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 Wales introduced the following ordinance:

STATE OF ALABAMA,
LIMESTONE COUNTY,
CITY OF ATHENS.

ORDINANCE NUMBER 2008-1697

AN ORDINANCE REGARDING THE DISPOSITION OF
MUNICIPAL REAL PROPERTY LOCATED AT 1401 FREEMAN
AVENUE (FIRE STATION #2)

WHEREAS, the City of Athens has completed a new fire station east of Interstate 65 that will replace the former Fire Station #2, located at 1401 Freeman Avenue;

WHEREAS, the former fire station located at 1401 Freeman Avenue is no longer being used for public or municipal purposes;

WHEREAS, the former fire station located at 1401 Freeman Avenue is no longer needed for public or municipal purposes; and

THEREFORE BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ATHENS, ALABAMA, while in session on April 28th, 2008 at 5:30 p.m., as follows:

Section 1. It is hereby established and declared that the real property known as City of Athens Fire Station #2, and located at 1401 Freeman Avenue, Athens, Alabama 35611, owned by the City of Athens, is not needed for municipal or public purposes.

Section 2. The Mayor is directed to cause such real property to be sold at public auction to the highest bidder (upon such terms and conditions as the Mayor deems acceptable), and to execute a deed

conveying the real property to the same. The Mayor is authorized to utilize the professional auctioneering services of John Stewart Auction Company in carrying out the terms of this Ordinance.

Section 3. This Ordinance shall become effective upon its adoption as provided by law.

Section 4. 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 Ordinance are declared to be severable.

ADOPTED and APPROVED this, the 28th 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 an Ordinance duly adopted by the City Council of the City of Athens, Alabama, on the 28th day of April, 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 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.

Councilman Marks moved that they adjourn to go into Executive Session and was seconded by Councilwoman Caudle and was unanimously carried. The City Attorney, Shane Black, gave the required statutory certification that an Executive Session was needed.

* * *

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

/s/ Harold Wales
PRESIDENT, CITY COUNCIL

ATTEST:

/s/ John S. Hamilton
CITY CLERK

