

May 24, 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 951 Hobbs Street East in the said City on May 24, 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. Councilmember Mayor Dan Williams was present and led the pledge of allegiance. Evan Thornton, Financial Administrator, was present and recorded the minutes of the meeting. Mildred Caudle 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 May 10, 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 May 10, 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 New Life Assembly of God located on Lucas Ferry Road and Washington Street. No one spoke for or against.

The public hearing was closed.

Councilwoman Bowers introduced the following ordinance:

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

ORDINANCE NUMBER 2010-1758

AN ORDINANCE TO REZONE PROPERTY FOR THE NEW LIFE ASSEMBLY OF GOD, FROM R-1-1 TO INSTITUTIONAL. PROPERTY IS LOCATED IN THE SOUTHEAST CORNER OF LUCAS FERRY ROAD AND WASHINGTON STREET WEST.

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 INST Institutional 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 "INSTITUTIONAL".

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 “INST Institutional 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 Southwest Quarter of Section 7, Township 3 South, Range 4 West, and more particularly as follows:

Beginning at the Southeast corner of Section 7, Township 3 South, Range 4 West at the intersection of the centerlines of U.S. Highway 72 and Lucas Ferry Road, thence North 3 degrees 53 minutes West along the centerline of Lucas Ferry Rd a distance of 1185.00 feet to the point of True Beginning.

From the point of True Beginning, thence North 3 degrees 53 minutes West along the centerline of Lucas Ferry Road a distance of 560 feet to a point at the intersection of the centerlines of Washington Street and Lucas Ferry Road; thence North 68 degrees 32 minutes East along the centerline of Washington Street a distance of 460 feet to a point; thence South 03 degrees 53 minutes East a distance of 560 feet to a point, passing through the southerly right of way margin of Washington Street at 40 feet; thence South 68 degrees 32 minutes West a distance of 460.00 feet to the Point of True Beginning, and containing 5 acres, more or less.

ADOPTED and APPROVED this, the 24th day of May, 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 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.

Councilwoman Bowers introduced the following proclamation:

ATHENS LADIES GOLDEN EAGLES SOFTBALL TEAM DAY

WHEREAS: The Athens Ladies Golden Eagles Softball Team is being honored at the Athens High School Honors Day Program, and;

WHEREAS: The Athens Ladies Golden Eagles Softball Team has

brought honor to Athens High School, their family and friends, and the entire Athens community due to their hard work and concerted efforts to bring home a State Championship, and;

WHEREAS: The Athens Ladies Golden Eagles Softball Team members include: Head Coach Kelly Hendrix, Assistant Coaches; Karen Clem, Tony Hendrix, Rachel Black, and Jenny Hess, Bat Man Hugo Bates, and players: Elizabeth Ming, Haley Mitchell, Kelly McAlister, Heather Hubbs, Scarlett White, Amberlee Benson, Nikki Hodges, Anna Fikes, Emily Eddy, Taylor Lott, Miranda Stewart, Katie Bruce, Whitney Jordan, Riley Greene, Taylor Henke, Mollie Peck, and Shelby Kerr, and Manager Megan Daly, and;

WHEREAS: The Athens Ladies Golden Eagles Softball Team compiled a record of 44-17; and;

WHEREAS: The Athens Ladies Golden Eagles Softball Team met Mortimer Jordan Ladies Softball Team, which was ranked #1 in Alabama, and #17 nationally, and defeated them 2-1 to win the Alabama 5A Softball State Championship for our community.

Now, therefore I, Dan Williams, Mayor of the City of Athens, Alabama, do hereby declare today, May 21, 2010, as Athens Ladies Golden Eagles Softball Team Day in the City of Athens, Alabama, and I call upon all our citizens to join me in offering our thanks and congratulations to this wonderful team for the honors they have brought to our City and community.

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

Councilman Wales introduced the following resolution:

RESOLUTION NUMBER 2010-1142

TO AWARD THE BID FOR THE COTTONWOOD SUBDIVISION SEWER PROJECT ON BEHALF OF THE CITY OF ATHENS FOR CDBG PROJECT NO. LR-CM-PF-09-027.

WHEREAS, the City of Athens solicited bids for the Cottonwood Subdivision Sewer Project related to CDBG Project Number LR-CM-PF-09-027, and

WHEREAS, the original low bidder was permitted by the City of Athens to withdraw their bid upon written notice to the City without forfeiture because of significant pricing error and this condition was found acceptable per Alabama Public Works Law (pursuant to Section 39-2-11(d) of the Code of Alabama), and

WHEREAS, the option of proceeding with the remaining bids per regulation was found acceptable based on the anticipated project costs and the consistent pricing of the remaining bids, rather than the option of a new "Solicitation for Bids", and

WHEREAS, the low bidder was L.W. Fritts Construction Co., Inc., and

WHEREAS, L.W. Fritts Construction Co., Inc. has been verified as neither debarred nor suspended from participation in Federal projects and the bid amount is within the budget, and

WHEREAS, the project engineer, Athens Utilities Water Services, recommends that the bid should be awarded to L.W. Fritts Construction Co., Inc., as the lowest responsible bidder in the amount of \$422,251.00,

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

Section 1. The bid for the Cottonwood Subdivision Sewer Project for CDBG Project Number LR-CM-PF-09-027 be awarded to L.W. Fritts Construction Co., Inc., in the amount of \$422,251.00.

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. This resolution shall become effective immediately upon its adoption.

ADOPTED and APPROVED this, the 24th day of May, 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

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

Councilwoman Bowers introduced the following resolution:

RESOLUTION

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

Gary Scroggins	Metering Conference Sevierville, TN	\$115.69
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The motion was seconded by Councilman Gill and was unanimously carried.

Councilwoman Bowers 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 \$653.85.

Howard Hopkins
(Water Services)

AL-FL Annual Training Conference
Panama City Beach, FL
May 16 – 19, 2010

\$653.85

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

Councilwoman Caudle introduced the following resolution:

RESOLUTION NUMBER 2010-1140

WHEREAS, Open Range has requested to co-locate to the telecommunications facility located at 208 Commercial Drive , Athens, AL to provide high speed internet and voice services essentially within the corporate limits and police jurisdiction of the city of Athens and;

WHEREAS, Open Range has complied with City's Ordinance No. 2009-1740, Chapter 78 and has demonstrated the need for the co-location to this wireless facility to deliver reliable services in the identified area, and;

WHEREAS, both the City and Open Range customers in Athens will benefit from the high speed internet and voice services; and;

WHEREAS, the City's consultant, The Center for Municipal Solutions (CMS), recommends the granting of a Special Use Permit for co-location on the facility located at 208 Commercial Drive which consists of an existing 300' foot self-support tower;

THEREFORE, BE IT RESOLVED by the City Council of the City of Athens, Alabama that Open Range is hereby granted a Special Use Permit to co-locate their equipment at 208 Commercial Drive . As recommended by CMS, the Special Use Permit is subject to compliance with the following conditions prior to the issuance of said permit and/or a Certificate of Completion:

1. The facility must be modified, activated and be providing enhanced service *no later than ninety (90) days after the issuance of the Special Use Permit or other applicable authorization, subject to commonly accepted force majeure exceptions acceptable to the City*. Open Range may petition the City of an extension of this for good cause shown, but the decision whether or not to grant the extension shall exclusively be the prerogative of the City. Once Open Range has met all the conditions of the permit and any other requirements of the City and a building permit is issued, they must notify the City's consultant for all inspections.
2. *At the completion of construction and prior to the final inspection being conducted*, Open Range shall provide to CMS an unredacted, signed copy of the contractor's final (sign-off) report showing in detail all work performed.
3. At the completion of construction, the Applicant must notify the City's consultant and provide proof that all inspections have been satisfactorily completed and the project is ready for a final on-site inspection. Upon passing the final inspection, a recommendation to issue a Certificate of Occupancy shall be made.
4. Open Range shall not be permitted to actually provide service commercially until the Certificate of Occupancy or its functional equivalent is issued or risk forfeiting its Permit.
5. The Certificate of Occupancy shall not be issued until all fees and costs associated with this Permit, including inspections, have been paid.

ADOPTED and APPROVED this, the 24th day of May, 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

The motion was seconded by Councilman Wales with four yeas and one abstention by Councilwoman Bowers.

Councilwoman Caudle introduced the following resolution:

RESOLUTION NUMBER 2010-1141

WHEREAS, Open Range has requested to co-locate to the telecommunications facility located at 107 Stewart Drive , Athens, AL to provide high speed internet and voice services essentially within the corporate limits and police jurisdiction of the city of Athens and;

WHEREAS, Open Range has complied with City's Ordinance No. 2009-1740, Chapter 78 and has demonstrated the need for the co-location to this wireless facility to deliver reliable services in the identified area, and;

WHEREAS, both the City and Open Range customers in Athens will benefit from the high speed internet and voice services; and;

WHEREAS, the City's consultant, The Center for Municipal Solutions (CMS), recommends the granting of a Special Use Permit for co-location on the facility located at 107 Stewart Drive which consists of an existing 250 foot self-support tower;

THEREFORE, BE IT RESOLVED by the City Council of the City of Athens, Alabama that Open Range is hereby granted a Special Use Permit to co-locate their equipment at Stewart Drive. As recommended by CMS, the Special Use Permit is subject to compliance with the following conditions prior to the issuance of said permit and/or a Certificate of Completion.

1. The facility must be modified, activated and be providing enhanced service no later that ninety (90) days after the issuance of the Special Use Permit or other applicable authorization, subject to commonly accepted force majeure exceptions acceptable to the City. Open Range may petition the City of an extension of this for good cause shown, but the decision whether or not to grant the extension shall exclusively be the prerogative of the City. Once Open Range has met all the conditions of the permit and any other requirements of the City and a building permit is issued, they must notify the City's consultant for all inspections.
2. At the completion of construction and prior to the final inspection being conducted, Open Range shall provide to CMS an unredacted, signed copy of the contractor's final (sign-off) report showing in detail all work performed.
3. At the completion of construction, the Applicant must notify the City's consultant and provide proof that all inspections have been satisfactorily completed and the project is ready for a final on-site inspection. Upon passing the final inspection, a recommendation to issue a Certificate of Occupancy shall be made.
4. Open Range shall not be permitted to actually provide service commercially until the Certificate of Occupancy or its functional equivalent is issued or risk forfeiting its Permit.

5. The Certificate of Occupancy shall not be issued until all fees and costs associated with this Permit, including inspections, have been paid.

ADOPTED and APPROVED this, the 24th day of May, 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

The motion was seconded by Councilman Wales with four yeas and one abstention by Councilwoman Bowers.

Councilman Gill introduced the following resolution:

RESOLUTION

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ATHENS, ALABAMA, to accept the low bid of Municipal Emergency Services in the amount of \$43,722.76 for two sets of Rescue Tools for Athens Fire and Rescue. This will be charged to the Capital Expenditure Fund, line item 301.500.85002.

Councilmember Bowers 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 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.

Councilwoman Caudle introduced the following resolution:

RESOLUTION

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ATHENS, ALABAMA, to approve the expenditure for re-striping the downtown area, including city parking lots, from South Street north to Bryan Street and Houston Street East to the Railroad for a cost of \$6,065.00. Be it further resolved to approve other various areas of street striping at a cost of \$12,400.00 for a total cost of \$18,465.00 to be taken from Gas Tax Fund, line item #203.500.84610.

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 Caudle 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 introduced the following resolution:

RESOLUTION

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ATHENS, ALABAMA, to approve \$10,812.03 for the construction and remodeling of the Athens Senior Center. Funding will come from the Capital Project Fund, line item #300.500.84600.

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

Dr. Eugene English, 26977 Mary Sue Lane, interested in more African American police officers.

Curtis and Valerie Peoples, 1401 Brownsferry Street, voiced property concerns.

Quentin Anderson, 104 Ridgelawn Drive, made a statement.

Willie Mae Baker, 815 Acorn Hill Circle, voiced property concerns.

Carl Murrah, 1056 Brownsferry Street, voiced property concerns.

Willie Green, Cottonwood Subdivision, wanted to know when the city would start the sewer project in his neighborhood.

Mae Davis, 1201 Plainview Circle, voiced property concerns.

Tito Redus, 22186 Pepper Road, voiced property concerns and the bathroom at Lincoln Bridgeforth Park.

Julia H. Nelson, 517 South Clinton Street, voiced concerns about the Historical District.

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

/s/ William R. Marks
PRESIDENT, CITY COUNCIL

ATTEST:

/s/ John S. Hamilton
CITY CLERK