

May 27, 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 May 27, 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. Ronnie Marks 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 May 12, 2008 City Council Meeting had been submitted for approval. Councilman Wales 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 May 12, 2008 City Council Work Session Minutes had been submitted for approval. Councilman Wales 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 May 1, 2008 City Council Special Meeting had been submitted for approval. Councilman Wales 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 Mayor presented Proclamations to Athens Bible School for winning boys and girls state baseball and softball championships.

Councilman Marks introduced the following resolution:

RESOLUTION

**EXTENDING HEARTIEST CONGRATULATIONS TO
THE MEMBERS OF THE ATHENS BIBLE SCHOOL BOYS
BASEBALL TEAM AND ITS COACHING STAFF**

Be it resolved by the city council of the City of Athens, Alabama, as follows:

WHEREAS, the 2008 Athens Bible School boy's baseball team has achieve excellence in the field of baseball by winning the 2008 State of Alabama 1-A Championship; and

WHEREAS, the 2008 Athens Bible School boy's baseball team has brought outstanding success to its school and the City of Athens by winning this Championship; and

WHEREAS, the City Council of the City of Athens, Alabama, has been moved by this tremendous display of athletic achievement by one of its many fine teams; now, therefore;

Be it resolved by the City Council of the City of Athens, Alabama:

that the 2008 Athens Bible School boys baseball team, its Coach, Bill Murrell, and the entire staff be commended for winning the State of Alabama 1-A Championship this year and for the great sportsmanship displayed by this fine team.

that this resolution be spread upon the minutes of the City Council and a copy thereof certified by the Mayor under the Seal of the City of Athens and forwarded to the Principal of Athens Bible School in evidence of the admiration and gratitude of the City of Athens, Alabama.

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

Councilman Marks introduced the following resolution:

RESOLUTION

**EXTENDING HEARTIEST CONGRATULATIONS TO
THE MEMBERS OF THE ATHENS BIBLE SCHOOL GIRLS
SOFTBALL TEAM AND ITS COACHING STAFF**

Be it resolved by the city council of the City of Athens, Alabama, as follows:

WHEREAS, the 2008 Athens Bible School girl's softball team has achieved excellence in the field of softball by winning the 2008 State of Alabama 1-A Championship; and

WHEREAS, the 2008 Athens Bible School girl's softball team has brought outstanding success to its school and the City of Athens by winning this Championship; and

WHEREAS, the City Council of the City of Athens, Alabama, has been moved by this tremendous display of athletic achievement by one of its many fine teams; now, therefore;

Be it resolved by the City Council of the City of Athens, Alabama:

that the 2008 Athens Bible School girls softball team, its Coach, Toney Vining, and the entire staff be commended for winning the State of Alabama 1-A Championship this year and for the great sportsmanship displayed by this fine team.

that this resolution be spread upon the minutes of the City Council and a copy thereof certified by the Mayor under the Seal of the City of Athens and forwarded to the Principal of Athens Bible School in evidence of the admiration and gratitude of the City of Athens, Alabama.

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

A public hearing was held to hear comments on the rezoning request for Athens Hotel Partners, LLC located at Kelli Drive. No one spoke in favor of or against.

Councilman Marks introduced the following ordinance:

ORDINANCE NUMBER 2008-1698
(Rezoning for Athens Hotel Partners, LLC)

STATE OF ALABAMA,
LIMESTONE COUNTY,
CITY OF ATHENS.

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-3 Highway Business District.

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

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

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

The property described as a portion of Lot 2 of the Replat of the Village Subdivision, recorded in Plat Book F, Page 171, Probate Records of Limestone County, Alabama and a portion of the adjoining Right-of-Way of Interstate 65. More particularly described as,

Commence at the Southeast corner of Section 15 Township 3 South, Range 4 West, Limestone County, Alabama, thence North 01 degrees 28 minutes 12 seconds East along the East boundary of said Section 15, a distance of 1863.02 feet to a point, thence North 88 degrees 04 minutes 07 seconds West a distance of 2191.29 feet to the Point of True Beginning,

Thence from the Point of True beginning North 88 degrees 04 minutes 07 seconds West a distance of 635.27 feet to a point;

Thence North 02 degrees 07 minutes 37 seconds East along center ditch of Interstate 65 a distance of 307.51 feet to a point;

Thence South 89 degrees 58 minutes 05 seconds East a distance of 264.59 feet to a point;

Thence South 72 degrees 19 minutes 26 seconds East along the current B-3 Highway Business District Line a distance of 473.01 feet to a point;

Thence South 08 degrees 58 minutes 10 seconds West a distance of 47.52 feet to a point;

Thence North 86 degrees 04 minutes 07 seconds West a distance of 79.86 feet to a point;

Thence South 01 degrees 55 minutes 53 seconds West a distance of 143.53 feet to the Point of True Beginning, containing 4.250 acres, more or less.

ADOPTED and APPROVED this, the 27th day of May, 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 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 ordinance had been unanimously carried.

Bingham Edwards, 123 Lee Street, NE, Decatur, had a petition of approximately 175 homeowners in Houston Place and Blacks Landing. They were concerned about their insurance rates and danger of not having a fire station nearby.

Councilwoman Caudle moved the adoption of the following resolution:

RESOLUTION

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ATHENS, ALABAMA, that \$15,000 be appropriated from the General Fund to the Spirit of Athens to be applied toward the hiring of a part-time Project Director.

Councilman Marks seconded the motion and was unanimously carried then he moved for the resolution to be amended.

Councilman Marks moved the amendment of the previous resolution:

RESOLUTION

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ATHENS, ALABAMA, that \$5,000 which is the remaining four months of FY2008 ($1/3 \times \$15,000$) and contingent upon the Limestone County Commission approving the same be appropriated from the General Fund to the Spirit of Athens to be applied toward the hiring of a part-time Project Director.

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

Councilman Marks moved the adoption of the following resolution:

RESOLUTION NUMBER 2008-1065

A RESOLUTION CONCERNING LIMESTONE COUNTY PARKS AND RECREATION AND ITS
RAILS TO TRAILS EXTENSION

WHEREAS, the City Council finds that Limestone County Parks and Recreation is engaged in the development of an extension of its Limestone County trail, a trail that is held open to the public for recreational purposes;

WHEREAS, the City Council finds that the extension of the public trail will enhance the public health and welfare of the citizens of the City of Athens;

WHEREAS, a public recreational trail is a lawful governmental undertaking by the City, as expressed by § 11-47-210.1 of the *Code of Alabama* and other authorities;

WHEREAS, the City Council wishes to encourage and stimulate Limestone County Parks and Recreation's plans by appropriating \$1,105.45 (\$575.00 for tapping fee and \$530.45 for impact fee) to Limestone County Parks and Recreation to be used in the development of the extension of the public trail, and more particularly in the provision of water and restrooms to the public along the trail extension;

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 May 27, 2008 at 5:30 p.m., as follows:

1. The Mayor is authorized to enter into an agreement with Limestone County Parks and Recreation whereby the City will provide it with \$1,105.45 to be used in the development of the extension of the public trail. The agreement shall provide that the funds must be used in the provision of water and restrooms available for public use along the trail extension.

ADOPTED and APPROVED this, the 27th day of May, 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 27th day of May, 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 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 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 moved the adoption of the following resolution:

RESOLUTION

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ATHENS, ALABAMA, to approve the following applicant, contingent upon receipt of a certificate of occupancy, for its "Retail Beer & Wine for Off-Premises Consumption" alcohol license, based on the recommendation of the Alcohol Review Committee. It is of our opinion that the business has met all of the requirements of the City of Athens' alcohol ordinance.

Sai & Services, Inc., d/b/a First & Last Stop
19017 Highway 127
Athens, AL 35614

The motion was seconded by Councilwoman Caudle 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 \$100,000 is appropriated from the Water Capital Infrastructure Fund for the 12" water line extension on Highway 251 and Linton Road.

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 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 Wales moved the adoption of the following resolution:

RESOLUTION

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ATHENS, ALABAMA, that \$750,000 is appropriated from the Wastewater Capital Infrastructure Fund to finance the Linton Road trunk sewer extensions.

Councilmember Marks 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 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.

Councilwoman Caudle introduced the following ordinance:

STATE OF ALABAMA,
LIMESTONE COUNTY,
CITY OF ATHENS.

ORDINANCE NUMBER 2008-1699

AN ORDINANCE FURTHER AMENDING SECTION 6-33 AND
SECTION 6-34 OF THE CITY CODE, RELATING TO SPECIALTY
WINE AND BEER ESTABLISHMENTS IN B-4 ZONING
DISTRICTS

WHEREAS, the City Council of the City of Athens desires to exercise its police powers, set forth in § 11-45-1 of the *Code of Alabama* and elsewhere, to further regulate the location of the sale of alcoholic beverages in the City; and

THEREFORE BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ATHENS, ALABAMA while in regular session on May 27, 2008 at 5:30 p.m., as follows:

Section 1. Section 6-33 of the Code of Ordinances of the City of Athens is hereby amended to add the following definition to the list of definitions set forth therein, as follows:

Specialty Wine and Beer Establishment means an establishment principally operated for the sale of a diversified selection of domestic beer, imported beer, domestic wine, and imported wine. Where otherwise permitted by the Alabama Alcoholic Beverage Control Board, such establishments must apply and hold the following licenses: (i) Retail table wine for off-premises consumption, (ii) Retail beer license for off-premises consumption, (iii) Retail table wine license for on-premises consumption, and (iv) Retail beer license for on-premises consumption. All sales for off-premises consumption must be in sealed, unopened containers.

A specialty wine and beer establishment must also offer incidental food service, including the sale of food for on-premises consumption and the sale of containerized, gourmet foods for off-premises consumption, but not in such a manner that the establishment will constitute a Class I or Class II Restaurant.

A specialty wine and beer establishment shall offer up to two tasting events per month of their product. With respect to these tastings, no alcohol shall be served free-of-charge.

For purposes of this Ordinance, the phrase “diversified selection” shall mean a selection of no less than one hundred (100) different commercially available types of wines (with at least six (6) bottles of each type in stock at the premises), and no less than thirty (30) different commercially available types of beer (with at least one case of each type in stock at the premises).

Section 2. Section 6-34(a) of the Code of Ordinances of the City of Athens is hereby amended to read as follows:

Section 6-34. Restriction of Location of Sale of Alcoholic Beverages.

(a) In addition to all other regulations and restrictions, no facility or property located in a B-4 zone shall be authorized for on-premises sale or off-premises sale of alcoholic beverages, except for the following:

- (1) Class I Restaurants licensed to sell alcoholic beverages for on-premises consumption;
- (2) Class II Restaurants licensed to sell alcoholic beverages for on-premises consumption;
- (3) Convenience Stores licensed to sell beer and/or table wine for off-premises consumption;
- (4) Grocery Stores licensed to sell beer and/or table wine for off-premises consumption;
- (5) Specialty Beverage Stores with respect to beer and/or table wine;
- (6) Merchandise Store with Incidental Table Wine Sales;
- (7) Specialty Wine and Beer Establishment; and
- (8) Persons holding a Special Events Retail License for on-premises consumption.

Section 3. This ordinance shall become effective upon its adoption and publication as required 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 code and such amendments and statutes are declared to be severable.

Section 5. 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 27th day of May, 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 27th day of May, 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 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 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.

Councilwoman Caudle moved the adoption of the following resolution:

RESOLUTION NUMBER 2008-1066

RESOLUTION AUTHORIZING THE MAYOR TO ACCEPT CONVEYANCE OF PUBLIC WALKWAY EASEMENT FROM HELEN EVANS TO THE CITY OF ATHENS

WHEREAS, the City of Athens is involved in a project for the purpose of constructing a public walkway in the City of Athens, said project involving the construction of a public walkway joining Birdie Thornton Center and Jimmy Gill Park;

WHEREAS Helen Evans has agreed to convey an easement to the City of Athens to allow the construction and maintenance of this public walkway across property owned by Helen Evans said easement already being part of an existing Utility and Drainage Easement;

WHEREAS this easement must be signed by the City of Athens in order to accept this conveyance; and

WHEREAS this easement is necessary for the construction and maintenance of the public walkway described herein and necessary for the continuation of the sidewalk from Jimmy Gill Park to Birdie Thornton Center;

THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ATHENS, ALABAMA, while in regular session on May 27, 2008, at 5:30 p.m., as follows:

1. The Mayor is hereby directed and authorized to execute as grantee the Easement for Public Walkway, a copy of which is attached and marked as Exhibit "A", by which Helen Evans is conveying an easement to the City of Athens for the purpose of the construction and maintenance of a

public walkway across lands owned by Helen Evans said public walkway being part of the walkway connecting Jimmy Gill Park and Birdie Thornton Center.

ADOPTED and APPROVED this, the 27th day of May, 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 the Resolution duly adopted by the City Council of the City of Athens, on the ____ day of _____, 2008.

Witness my hand and seal of office this the ____ day of _____, 2007.

John Hamilton, City Clerk

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 2008-1700

AN ORDINANCE RELATING TO DANGEROUS/VICIOUS
ANIMALS

WHEREAS, the Athens City Council wishes to strengthen its existing ordinance concerning dangerous/vicious animals within the City;

WHEREAS, dangerous/vicious animals are a public nuisance and should be the subject of regulation and/or prohibition;

WHEREAS, the Athens City Council finds that this Ordinance is designed to provide for the abatement of nuisances and to protect the public health, safety, and welfare of the citizens of the City of Athens;

WHEREAS, § 11-45-1 of the *Code of Alabama* authorizes Alabama cities to adopt ordinances to protect the health, safety, and welfare of its citizens, and to adopt ordinances to carry into effect or discharge the powers and duties conferred by statute;

WHEREAS, § 11-47-117 of the *Code of Alabama* grants Alabama cities the power to prevent nuisances and to cause them to be abated;

WHEREAS, § 3-7A-14 of the *Code of Alabama* recognizes the power of Alabama cities to control and regulate dogs and cats;

THEREFORE BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ATHENS, ALABAMA while in regular session on May 27, 2008 at 5:30 p.m., as follows:

Section 1. Chapter 10, Article VI of the City of Athens Code of Ordinances is hereby amended in its entirety, so as to read as follows:

ARTICLE VI. DANGEROUS ANIMALS

Sec. 10-171. Definitions.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Animal means female, spayed female, male, neutered male animals, including but not limited to dogs (all members of the canine family, including dog hybrids), goats, horses, mules, cattle, swine, asses, cats, livestock, fowl or other mammal, fish, bird, or reptile.

Animal Subject to Impoundment means an animal that (1) is a dangerous/vicious animal, (2) is not kept as required by Section 10-172 herein, and (3) poses a substantial danger to the health, safety, or welfare of the public.

Bites means seized with teeth so that the skin of the person or animal seized has been nipped or gripped.

Dangerous/vicious animal means any animal that:

- (a) Being unprovoked, causes a wound to any person or domestic animal;
- (b) Being unprovoked, attacks or bites any person, and because of its size, physical nature, or aggressive behavior is capable of inflicting serious physical harm to persons;
- (c) Being unprovoked, threatens, chases, or approaches a person in a menacing fashion or in an apparent attitude of attack, and because of its size, physical nature, or aggressive behavior is capable of inflicting serious physical harm to persons; or
- (d) Has a known propensity, tendency, or disposition to attack unprovoked, to cause injury to, or otherwise threaten the safety of human beings or domestic animals.

Owner means any person, firm, or corporation: (i) in charge of the animal, (ii) having a right of property in the animal, (iii) who keeps or harbors an animal, (iv) who has an animal in his/her care, (v) who acts as custodian of the animal, or (vi) who permits an animal to remain or about any premises occupied by him/her.

Provoke means to incite, anger, irritate, exasperate, assault, abuse, or excite.

Wound means a physical injury that results in puncture, muscle tear, broken bone, laceration, or permanent disfigurement.

Sec. 10-172. Regulation of dangerous/vicious animals.

It shall be unlawful for any owner to own, keep, harbor, maintain in its care, permit to remain on his premises, be in charge of, or act as custodian of, any dangerous/vicious animal within the City, except in compliance with each of the following conditions and specifications:

(a) Confinement

(1) Owners shall provide an exterior perimeter fence suitable to contain an average adult animal of the same type. The perimeter fence shall be constructed of chain link or wooden privacy type and shall be at least four (4) feet in height. If the animal is kept enclosed and inside a residential or commercial building, then an exterior perimeter fence is not required, and the references to a "perimeter fence" herein shall be viewed as referring to the residential or commercial building.

(2) Owners shall provide an additional fence/pen of adequate size inside the perimeter fence to humanely confine the animal. This additional fence/pen must:

- (i) not share common fencing/wall with the exterior perimeter fence,
- (ii) have secure sides and a secure top attached at all sides,
- (iii) have four sides that are sunk at least two feet into the ground, be built over a concrete pad, or have a secure floor;
- (iv) have an inward opening gate that is locked at all times by padlock or key lock, except when tending to the care of the animal;
- (v) have sides that shall be from ground to top at least twice the height of the animal measured from its shoulders;
- (vi) not be positioned so that neighbors or passers-by have access to the animal;
- (vii) be no less than twenty (20) feet from any neighboring property line;
- (viii) provide the animal with protection from the elements; and
- (ix) be kept in a clean and sanitary condition.

(3) The owner of any dangerous/vicious animal shall display two signs on his property stating "Dangerous Animal on Premises." One of the signs shall be posted at the front of the property and the second sign shall be placed at the rear of the property. Each sign shall be capable of being read from a distance of 50 feet.

(4) Whenever the dangerous/vicious animal is outside the additional fence/pen:

- (i) it must be attended by the owner and kept under his/her control;
- (ii) it must be restrained by a secure collar and leash, chain, or rope of no longer than six (6) feet and of sufficient strength to prevent escape; and
- (iii) it must be securely muzzled so as to prevent the animal from biting another animal or person.

(b) Any law enforcement officer, animal control officer, or other duly designated agent or employee of the City shall be permitted the right to inspect the enclosures in which any dangerous/vicious animals are kept at any time.

Sec. 10-173. Insurance.

All owners of a dangerous/vicious animal shall provide proof of liability insurance in a single incident amount of at least \$100,000.00, specifically covering any damage or injury which may result from the ownership, keeping or maintenance of such animal. The policy shall contain a provision naming the City as an additional insured for the sole purpose of being notified by the insurer of any cancellation, termination or expiration of the liability insurance policy.

Sec. 10-174. Exceptions.

(a) No animal shall be declared dangerous/vicious based on an attack upon a person that resulted from the attacked person:

- (1) Assaulting the animal's owner or a person in the immediate vicinity of the animal;
- (2) Provoking the animal;
- (3) Having provoked, tormented, or abused the animal at other times; or
- (4) Committing a willful trespass or other tort upon the owner's premises with the intent to commit a crime or while committing a crime.

(b) This article shall have no application to:

- (1) any animal owned by a federal, state, or local law enforcement agency; or
- (2) licensed kennels, animal control facilities, or veterinary facilities.

(c) No animal shall be found to be potentially dangerous or dangerous/vicious based solely on its breed.

Sec. 10-175. Enforcement.

(a) Any law enforcement officer shall be authorized to enforce the provisions of this article and to make arrests for any violation thereof.

(b) The City's law-enforcement officers are authorized to issue a Summons and Complaint to any person charged with violating any part of this article, in lieu of placing such persons under custodial arrest.

(c) The form of the summons and complaint is approved upon containing the following:

- (i) The name of the court;
- (ii) The name of the defendant;
- (iii) A description of the offense, including the municipal ordinance number;
- (iv) The date and time of the offense;
- (v) The place of the offense;
- (vi) Signature of the officer issuing the citation;
- (vii) The scheduled court date and time;
- (viii) An explanation to the person cited of the ways in which he may settle his case; and
- (ix) A signature block for the magistrate to sign upon the officer's oath and affirmation given prior to trial.

(d) Upon deciding whether or not a person is in violation of Section 10-172 or Section 10-173 of this Article, the municipal court shall first determine whether or not the animal is a dangerous/vicious animal. The municipal court shall accord no presumption in favor of the City's determination that the animal is vicious/dangerous, and the City has the burden of proof to show the municipal court that the animal is dangerous/vicious. A finding that an animal is not a dangerous/vicious animal does not preclude a subsequent and different result based upon incidences subsequent to the court's finding. If the court decides that the animal is not a dangerous/vicious animal, then it shall dismiss the case. If the court decides that the animal is a dangerous/vicious animal and that the owner has violated Section 10-172 or Section 10-173, then the court shall, if it is the first offense under this Article involving the owner and the animal at issue, continue the proceedings before its entry of judgment in order to allow the owner not

less than thirty (30) days to comply with Sections 10-172 and 173 of this article, and if those sections are complied with within such time, the case against the person shall be dismissed upon payment of court costs; otherwise, judgment shall be entered.

Sec. 10-176. Penalty for violations.

(a) The penalty for the violation of Section 10-172 and/or Section 10-173 shall be as follows:
(1) For the first offense, be punished as authorized in this Code but in no case by a fine of less than \$300.00, and the same shall be reflected in the City's local schedule of fines. However, where the animal at issue has been impounded pursuant to Section 10-177, then the charged ordinance violation requires a court appearance. Notwithstanding the above, however, in the case of a first offense, no later than 72 hours before the person's court date, the person may present to the magistrate certification from a law enforcement officer of the City that the requirements of Section 10-172 and 173 of this article have been satisfied (and with payment for any costs for the impoundment of the animal, if applicable), in which event the charges will be dismissed.

(2) For the second and all subsequent offenses within a three (3) year period of any other such offense hereunder, be punished as authorized in this Code but in no case by a fine of less than \$500 and such imprisonment as may be adjudged.

(3) The Court may as a condition of any probation, among other things, require that the violator comply with the requirements of this Article, and/or pay any and all costs incurred with respect to any impoundment and/or destruction of the animal.

(b) The municipal court's determination that a person has violated Section 10-172 and/or Section 10-173 may be appealed to the circuit court in the same manner as other appeals from municipal court.

Section 10-177. Animals Subject to Impoundment; Release; Humane Disposal

(a) An animal that (1) is a dangerous/vicious animal, (2) is not kept as required by Sections 10-172, and (3) poses a substantial danger to the health, safety, or welfare of the public, is hereby declared a public nuisance and is an Animal Subject to Impoundment.

(b) Upon charging a person with a violation of this Article, a law enforcement officer of the City may impound an animal upon his/her determination that it is an Animal Subject to Impoundment.

(c) In determining whether the animal poses a substantial danger to the health, safety, and welfare of the general public, the officer shall consider: (1) whether the animal's enclosure, if any, is likely to prevent the animal from running at large; (2) the proximity of the animal to places habited or frequented by one or more persons; and (3) the degree to which, because of its size, physical nature, or aggressive behavior, the animal is capable of inflicting serious physical harm to persons.

(d) Upon the impoundment of an animal under this section, written notice of the impoundment and a copy of this article shall be provided to the owner of the animal by either personal service or certified mail. The notice shall contain the date of a hearing wherein the municipal court shall determine if the animal is an Animal Subject to Impoundment, which date shall not be less than ten (10) days nor more than thirty (30) days after the issuance of the notice.

(e) If the animal is impounded, then the municipal court, in connection with its determination whether there has been a violation of this Article, shall decide whether or not the animal is an Animal Subject to Impoundment, and the animal's owner shall have a right to be heard and submit evidence in connection with that determination.

(f) If the owner contests the municipal court's determination that the animal is an Animal Subject to Impoundment, then he or she may, within fourteen (14) days of the municipal court's decision, appeal the decision to the circuit court, and serve notice upon the City that the appeal has been filed. The Circuit Court shall conduct a hearing de novo, and make its own determination as to whether the animal is an Animal Subject to Impoundment. The decision of the circuit court shall be final and conclusive. A circuit court ruling that the animal is not an Animal Subject to Impoundment shall not bar the City from any subsequent action concerning the same animal.

(g) If the court determines that the animal is an Animal Subject to Impoundment and enters a judgment finding a violation of this Article in connection therewith, then the court shall subsequently determine whether any of the conditions for the animal's release have been satisfied within thirty (30) days thereafter. The animal's owner shall be afforded at least ten (10) days advance notice and an opportunity to be heard with respect to the hearing where the court shall make that determination.

(h) The City may release an animal impounded under this section to its owner upon the occurrence of any one of the following:

(1) A court's determination that the animal is not an Animal Subject to Impoundment as defined in this section;

(2) Other order of a court of competent jurisdiction requiring the animal's release;

(3) Where the animal has been determined to be an Animal Subject to Impoundment, or where a court proceeding to determine whether the animal is an Animal Subject to Impoundment is pending, upon the City or the court's determination that the requirements of Section 10-172 have been met, and the owner's payment of the costs of impounding the animal;

(4) The City or a court's reasonable satisfaction that the animal will be removed from Limestone County for the rest of the animal's life, and the owner's payment of the costs of impounding the animal.

(i) An animal impounded under this section may be humanely disposed by the City:

(1) upon an order of the municipal court, or other appropriate court, finding that the animal is an immediate and/or substantial threat to public health, safety, and welfare (such as where the animal is a dangerous/vicious animal and has seriously wounded a human being) regardless of whether the other requirements of this article are satisfied, or upon other order of court;

(2) where the known owner abandons or disavows ownership of the animal, which may be shown by, among other things, an absence of communication by the owner for ten (10) days or more after the owner's unexcused failure to appear in a court proceeding concerning charges hereunder after notice thereof; or

(3) where there has been a final determination in court that the animal is an Animal Subject to Impoundment and the entry of a judgment finding a violation of this Article in connection therewith, and the court has subsequently determined that none of the conditions for the animal's release have been satisfied within thirty (30) days thereafter.

(j) In lieu of impounding an animal prior to a determination by the municipal court that an animal is an Animal Subject to Impoundment, a law enforcement officer may elect to claim that the animal is an Animal Subject to Impoundment in conjunction with the charge against the person of a violation of this Article, and to impound the animal after any such determination by the municipal court. In such case, the owner shall receive advance notice of this claim in the same manner as notice is provided in Section 10-177(d).

Sec. 10-178. Investigation of Dangerous/Vicious Animals.

When any person claims that an animal is a dangerous/vicious animal, he/she may make a sworn statement setting forth the name of the animal's owner, the location where the animal is being kept in the City, and the reason(s) that the animal is claimed to be a dangerous/vicious animal. The sworn

statement will be delivered to the City's Code Enforcement Division, who may conduct an investigation with respect to the same.

Sec. 10-179. Additional violations.

(a) It shall be unlawful for the owner of an animal which has wounded a person or domestic animal to conceal or cause to be concealed such animal from any law enforcement officer, animal control officer, or other duly designated agent or employee of the City.

(b) It shall be unlawful for a person to falsify charges due to malicious intent toward the owner of the animal or the animal itself.

(c) It shall be unlawful for any person or owner of an animal to interfere with, hinder, molest, prevent, or obstruct a law enforcement officer, animal control officer, or other duly designated agent or employee of the City engaged in the enforcement of this article or in the performance of their duties as set forth in this article.

(d) The owner shall notify the proper law enforcement agency within two hours of becoming aware that a dangerous/vicious animal is loose or missing, or if such animal has wounded a human being or other animal.

Sec. 10-180. Miscellaneous.

(a) Nothing herein shall restrict the City and/or court's authority to cause an animal to be destroyed upon a determination that the animal creates, or upon its release would create, an immediate and/or substantial threat to the public health, safety, and welfare.

(b) Nothing herein shall limit, condition, or restrict the City's authority concerning animals (i) that are running at large, or (ii) as otherwise expressed under any other applicable law or ordinance.

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

Section 3. The enactment of this Ordinance shall not affect any action, suit, or proceeding instituted or pending at this time under Chapter 10, Article VI of the City of Athens Code of Ordinances. All suits at law or in equity and/or all prosecutions resulting from the violation of Chapter 10, Article VI of the Code of Ordinances, City of Athens, Alabama, which are now pending in any court, shall not be abated or abandoned by reason of this Ordinance but may be prosecuted to their finality, the same as if this Ordinance had not been adopted. Nothing in this Ordinance shall be so construed as to abandon, abate, or dismiss any litigation or prosecution now pending, and/or which may heretofore have been instituted or prosecuted.

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 code and such amendments and statutes are declared to be severable.

Section 5. 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 27th day of May, 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 ____ 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 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 Wales introduced the following ordinance:

STATE OF ALABAMA,
LIMESTONE COUNTY,
CITY OF ATHENS.

ORDINANCE NUMBER 2008-1701

AN ORDINANCE AMENDING THE SCHEDULE OF FINES FOR THE CITY OF ATHENS
MUNICIPAL COURT

WHEREAS, this City Council recently amended portions of the City of Athens Code of Ordinances concerning dangerous/vicious animals;

WHEREAS, the City Council desires to amend the City’s Schedule of Fines to be in conformity with those recent amendments, and to revise the City’s Schedule of Fines to reflect the new numbering system in the City of Athens Code of Ordinances; and

THEREFORE BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ATHENS, ALABAMA while in regular session on May 27, 2008 at 5:30 p.m., as follows:

Section 1. That Section 30-3(b) of the Code of Ordinances, City of Athens, Alabama be repealed and replaced by amendment to read as follows:

(b) The Schedule of Fines, pursuant to Rule 20 of the *Alabama Rules of Judicial Administration*, shall be as follows:

Traffic Offenses

OFFENSES	FINES
Driving on wrong side of road	\$30.00
Failure to dim headlights	10.00
Failure to stop at railroad crossing	10.00
Failure to use child restraint	10.00
Failure to wear safety belt	10.00
Failure to yield right of way	20.00
Following too closely	20.00
Improper backing	20.00
Improper brakes	20.00
Improper lights	20.00
Improper muffler	10.00
Improper or no rear view mirror	20.00
Improper passing	20.00
Improper signal	10.00
Improper tag	25.00
Improper tires	20.00
Improper turn	20.00
Improper window tinting	20.00
No helmet (motorcycle rider)	10.00
Operating a motor vehicle without driver’s license	25.00*
Running a red light	20.00
Running a stop sign	20.00
Speeding:	
Less than 25 MPH over posted limit	20.00
25 MPH or more over posted limit	40.00
Stopping on highway	30.00
Violating driver’s license restrictions	10.00*

*This amount does not include the \$50.00 penalty imposed pursuant or 32-6-18 and 32-6-19, Ala. Code 1975, as amended by Act No. 97-494, effective May 22, 1997.

Municipal Ordinance Violations

Violation of § 10-172 and/or § 10-173 (Dangerous/Vicious Animals)

1 st offense	\$300.00*
2 nd or additional offense	MANDATORY COURT

* Where the animal has been impounded, there is a mandatory court appearance.

Violation of § 46-5 of the Code of Ordinances, City of Athens (Noise Ordinance)

1 st offense	\$50.00
2 nd offense	\$100.00
3 rd offense	MANDATORY COURT

Violation of § 46-52 of the Code of Ordinances, City of Athens (Littering Prohibited)

1 st and additional violations	MANDATORY COURT
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Violation of § 46-53 of the Code of Ordinances, City of Athens (Littering Penalty for Owner and/or Driver of Vehicle)

1 st and additional violations	MANDATORY COURT
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Violation of § 46-54 of the Code of Ordinances, City of Athens (Duty to Keep Property Clear and Free From Litter)

1 st offense	\$30.00
2 nd or additional violation within a year	MANDATORY COURT

Violation of § 46-55 of the Code of Ordinances, City of Athens (Duty to Keep Property Clear and Free From Junk and Non-Conforming Vehicles)

1 st offense	\$30.00
2 nd or additional violation within a year	MANDATORY COURT

Violation of § 46-56 of the Code of Ordinances, City of Athens (Sweeping Trash, Litter, and Mud into Public Streets and Sidewalks Prohibited)

1 st and additional violations	MANDATORY COURT
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Violation of § 46-57 of the Code of Ordinances, City of Athens (Overgrown Weeds and Grass Prohibited)

1 st offense	\$30.00
2 nd or additional violation within a year	MANDATORY COURT

Violation of § 46-59 of the Code of Ordinances, City of Athens (Debris from Construction, Demolition, Alterations or Repair)

1 st offense	\$30.00
2 nd or additional violation within a year	MANDATORY COURT

Violation of Chapter 38, Article 3 of the Code of Ordinances, City of Athens (Open Burning Ordinance)

1 st offense and additional offenses	MANDATORY COURT
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Violation of § 54-6 of the Code of Ordinances, City of Athens (Library Material Ordinance)

1 st offense	RESTITUTION TO LIBRARY
2 nd offense	RESTITUTION TO LIBRARY AND COURT COSTS
3 rd offense	MANDATORY COURT

Violation of Chapter 46, Article 3 of the Code of Ordinances, City of Athens (Solid Wastes and Trash Ordinance)**

1 st offense	\$50.00
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2 nd offense	\$100.00
3 rd offense	\$150.00
4 th or greater offense	\$200.00

** (However, this fine schedule shall not apply to any person convicted of a violation of §§ 46-93(e), 46-93(f), and/or 49-95(d) of Ordinance 06-1596. There shall be a mandatory court appearance in those cases.)

Section 2. 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 and such amendments and statutes are declared to be severable.

Section 3. 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 27th day of May, 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 27th day of May, 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 Wales introduced the following ordinance:

STATE OF ALABAMA,
LIMESTONE COUNTY,
CITY OF ATHENS.

ORDINANCE NUMBER 2008-1702

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, be hereby amended as follows:

1. Delete the following job titles from the list of classified positions:

- Water Plant Superintendent, Grade 11
- Wastewater Plant Superintendent, Grade 11
- Water Distribution Superintendent, Grade 11
- Wastewater Collections Superintendent, Grade 11
- Chief Operator, Wastewater Plant, Grade 9
- Chief Operator, Water, grade 9
- Relief Operator, Water and Wastewater, Grade 9
- Relief Operator Trainee, Water and Wastewater, Grade 6
- Plant Operator, Water, Grade 8
- Plant Operator, Wastewater, Grade 8
- Plant Operator Trainee, Water, Grade 6 and Grade 7
- Plant Operator Trainee, Wastewater, Grade 6 and Grade 7
- Lab Technician, Wastewater, Grade 9
- Maintenance Technician 1, Wastewater Plant, Grade 6
- Maintenance Technician 2, Wastewater Plant, grade 8
- Maintenance Technician 3, Wastewater Plant, grade 10
- Maintenance Technician 1, Water Plant, Grade 6
- Maintenance Technician 2, Water Plant, Grade 8
- Maintenance Technician 3, Water Plant, grade 10
- Staff Engineer, Water Services, grade 13
- Administrative Assistant, Water services, grade 7
- Collection System Apprentice, grade 5
- Collection System Worker, grade 6
- Construction Technician, WW, grade 7
- Lead Construction Technician, Wastewater, Grade 8
- Operations and Maintenance Supervisor, Wastewater, grade 9
- Operations and Maintenance Technician 1, Wastewater, grade 7
- Operations and Maintenance Technician 2, Wastewater, grade 8
- Distribution System Apprentice, Water, grade 4
- Distribution System Work, Water, grade 5
- Construction Technician, Water, grade 6
- Lead Construction Technician, Water, grade 7
- Construction and Maintenance Supervisor, Water, grade 9
- Operations Supervisor, Water, grade 9
- Operations Technician 1, Water, grade 6
- Operations Technician 2, Water, grade 7
- Construction Supervisor, WW Collections Grade 9

Add the following job titles to the list of classified positions:

- Water Plant Superintendent, Grade 12
- Wastewater Plant Superintendent, Grade 12
- Water Distribution Superintendent, Grade 12
- Wastewater Collections Superintendent, Grade 12
- Chief Operator, Wastewater Plant, Grade 11
- Chief Operator, Water, grade 11
- Relief Operator, Water and Wastewater, Grade 10
- Relief Operator Trainee, Water and Wastewater, Grade 7
- Plant Operator, Water, Grade 10
- Plant Operator, Wastewater, Grade 10
- Plant Operator Trainee, Water, Grade 7 and Grade 8
- Plant Operator Trainee, Wastewater, Grade 7 and Grade 8
- Lab Technician, Wastewater, Grade 10
- Maintenance Technician 1, Wastewater Plant, Grade 7
- Maintenance Technician 2, Wastewater Plant, grade 9
- Maintenance Technician 3, Wastewater Plant, grade 11
- Maintenance Technician 1, Water Plant, Grade 7
- Maintenance Technician 2, Water Plant, Grade 9
- Maintenance Technician 3, Water Plant, grade 11
- Operations Administrator, Water services, grade 9
- Collection System Apprentice, grade 6
- Collection System Worker, grade 7
- Construction Technician, WW, grade 8
- Lead Construction Technician, (Crew Leader) Wastewater, Grade 9
- Operations and Maintenance Supervisor, Wastewater, grade 11
- Operations and Maintenance Technician 1, Wastewater, grade 8
- Operations and Maintenance Technician 2, Wastewater, grade 9
- Distribution System Apprentice, Water, grade 5
- Distribution System Work, Water, grade 6
- Construction Technician, Water, grade 7
- Lead Construction Technician, Water, grade 8
- Construction and Maintenance Supervisor, Water, grade 11
- Operations Supervisor, Water, grade 11
- Operations Technician 1, Water, grade 7
- Operations Technician 2, Water, grade 8
- Construction Supervisor, WW Collections, Grade 11

Add the following job titles to the list of unclassified positions and pay plan:

- Water Services Engineer, Grade Unclassified Manager 2

ADOPTED and APPROVED this, the 27th day of May, 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 Caudle moved that unanimous consent be given for immediate consideration of and action on said ordinance, 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 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 Wales moved the adoption of the following resolution:

RESOLUTION

BE IT RESOLVED BY THE CITY COUNCIL OF ATHENS, ALABAMA to adopt the attached revised job descriptions for the following Water Services positions:

- Water Plant Superintendent, Grade 12
- Wastewater Plant Superintendent, Grade 12
- Water Distribution Superintendent, Grade 12
- Wastewater Collections Superintendent, Grade 12
- Chief Operator, Wastewater Plant, Grade 11
- Chief Operator, Water Plant, Grade 11
- Relief Operator, Water and Wastewater, Grade 10
- Relief Operator Trainee, Water and Wastewater, Grade 7
- Plant Operator, Water, Grade 10
- Plant Operator, Wastewater, Grade 10
- Plant Operator Trainee, Water, Grade 7 and Grade 8
- Plant Operator Trainee, Wastewater, Grade 7 and Grade 8
- Lab Technician, Wastewater, Grade 10
- Maintenance Technician 1, Wastewater Plant, Grade 7
- Maintenance Technician 2, Wastewater Plant, grade 9
- Maintenance Technician 3, Wastewater Plant, grade 11
- Maintenance Technician 1, Water Plant, Grade 7
- Maintenance Technician 2, Water Plant, Grade 9
- Maintenance Technician 3, Water Plant, grade 11
- Operations Administrator, Water Services, grade 9
- Collection System Apprentice, Grade 6
- Collection System Worker, grade 7
- Construction Technician, WW, grade 8
- Lead Construction Technician, (Crew Leader) Wastewater, Grade 9
- Operations and Maintenance Supervisor, Wastewater, grade 11
- Operations and Maintenance Technician 1, Wastewater, grade 8
- Operations and Maintenance Technician 2, Wastewater, grade 9
- Distribution System Apprentice, Water, grade 5
- Distribution System Worker, Water, grade 6
- Construction Technician, Water, grade 7
- Lead Construction Technician, Water, grade 8
- Construction and Maintenance Supervisor, Water, grade 11
- Operations Supervisor, Water, grade 11
- Operations Technician 1, Water, grade 7

- Operations Technician 2, Water, grade 8
- Water Services Engineer, Grade Manager 2 (unclassified)
- Construction Supervisor, WW Collections, grade 11

ADOPTED and APPROVED this, the 27th day of May, 2008.

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

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

ATTEST:

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

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

Council President John M. Crutcher requested twice for someone to offer the ordinance regarding de-annexation of property for Timmy Baugher of Robinson and Baugher located south of Newby Road. The ordinance failed for the lack of a motion.

Councilwoman Caudle moved the adoption of the following resolution:

RESOLUTION

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ATHENS, ALABAMA, that \$16,614.46 is appropriated from the Water Department Capital Infrastructure Fund and \$104,974.20 is appropriated from the Wastewater Department Capital Infrastructure Fund for reimbursement to The Meres Subdivision Developer, Mr. Russell Strickland.

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 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 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 moved the adoption of the following resolution:

RESOLUTION

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ATHENS, ALABAMA, to amend the City of Athens Public Works Department Street Department line item 10.17.860 (sidewalk line item) from \$5,000 to \$15,000 so as to perform sidewalk maintenance and replacement. This amendment shall be funded from the City of Athens General Fund.

Councilmember Marks moved that unanimous consent be given for immediate consideration of and action on said resolution, which motion was seconded by Councilmember Gill, and upon the said motion being

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

Councilman Marks 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 July 14, 2008 to review the request of Ross Anderson to rezone a piece of property at the corner of West Hobbs Street and Tiffani Lane from R-1-1 Low Density Single Family Residential District to R-1-2 Medium Density Single Family Residential District.

The motion was seconded by Councilman Wales and was 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.

The Executive Session was closed at 7:02 p.m..

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

/s/ Harold Wales
PRESIDENT, CITY COUNCIL

ATTEST:

/s/ John S. Hamilton
CITY CLERK

