

May 9, 2011

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 9, 2011, at 5:30 p.m. The meeting was called to order by Councilman Jimmy W. Gill, President of the Council. Upon roll call the following were found to be present: Councilmembers Mignon Bowers, Harold Wales, Jimmy Gill, James Hickman and Mildred Caudle. Mayor William R. Marks was present and led the pledge of allegiance. John Hamilton, City Clerk, was present and recorded the minutes of the meeting. Jimmy Gill offered the invocation. The Chairperson stated that a quorum was present and that the meeting was open for transaction of business.

The Chairperson stated that the Minutes of the April 25, 2011 City Council Meeting had been submitted for approval. Councilwoman Caudle moved that the reading of the Minutes be suspended and that the Minutes be approved as recorded. The motion was seconded by Councilman Wales and was unanimously carried. The Chairperson stated that the Minutes of the April 25, 2011 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 Athens Bible School for property located on Highway 31 north of Forrest Street. No one spoke in favor of or against.

Councilwoman Bowers introduced the following ordinance:

STATE OF ALABAMA,
LIMESTONE COUNTY,
CITY OF ATHENS.

ORDINANCE NUMBER 2011-1800

AN ORDINANCE TO REZONE PROPERTY FOR ATHENS BIBLE SCHOOL, FROM R-1-2 TO B-3 HIGHWAY BUSINESS DISTRICT. PROPERTY IS LOCATED ON HIGHWAY 31, NORTH OF FORREST STREET.

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-1-2 Medium Density Single Family Residential District to B-3 Highway Business District.

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

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

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

A part of the Northeast Quarter of Section 9, Township 9 South, Range 4 West, more particularly described as follows: Lots 1-20 in Block B of Hoffman Farm Subdivisions as recorded in Plat Book "A" Page 37 in the office of the Judge of Probate for Limestone County, Alabama and lying east of the center of the right-of-way for Hoffman Street, South of the center of the right-of-way for Washington Street, West of the center of the right-of-way for U.S. Highway 31, and North of the center of the right-of-way for East Forrest Street. Source deed is recorded in deed book 426 page 208 in said office of the Judge of Probate.

ADOPTED and APPROVED this, the 9th day of May, 2011.

/s/ Jimmy W. Gill
PRESIDENT, CITY COUNCIL,
CITY OF ATHENS, ALABAMA

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

Quentin Anderson, 104 Ridgelawn Drive, invited everyone to hear Mayor Marks' repeat presentation of the "State of the City" address to be held at Mac's Steakhouse on South Jefferson Street on Thursday, May 19, 2011 at 11:00. He also thanked the city employees for the good job they did after the recent storms.

Mr. Anderson encouraged the Council about the importance of transparency in considering how school board members are selected and the importance of the applicants financial understanding.

Sarah Crossfield, 300 Wellington, thanked Gary Scroggins and the utility linemen for their response to the storms in her area.

Councilman Wales introduced the following resolution:

RESOLUTION

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ATHENS, ALABAMA, to approve up to \$21,000 for a "community image-building" project for the City of Athens. The Mayor is authorized in the name of and for account of the City of Athens to enter into the agreement with Arnett Muldrow & Associates for these professional services. A budget amendment for \$21,000 will be charged to line item 100.510.83600 (Administrative Expense).

Councilmember Caudle moved that unanimous consent be given for immediate consideration of and action on said ordinance, which motion was seconded by Councilmember Bowers, and upon the said motion being put to vote the following vote was recorded: YEAS: Councilmembers Bowers, Wales, Hickman, Gill 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 Hickman and upon the said motion being put to vote the following vote was recorded: YEAS: Councilmembers Bowers, Wales, Hickman, Gill 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 resolution:

RESOLUTION

WHEREAS, the Alabama League of Municipalities annual convention has been rescheduled for Saturday, June 25, 2011 through Tuesday, June 28, 2011;

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ATHENS, ALABAMA, to change the regularly scheduled City Council meeting from Monday, June 27, 2011 to Monday, June 20, 2011.

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

Councilman Hickman introduced the following resolution:

RESOLUTION 2011-1198

**A RESOLUTION SETTING A PUBLIC HEARING
CONCERNING THE PROPOSED REZONING OF PROPERTY**

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ATHENS, ALABAMA, to set a public hearing for the regular meeting of June 20, 2011 to review the request of Jay Spencer and Jeff Peek to rezone their property located at 1310 West Elm Street, which is north of Elm Street and west of Edgewood Road, from AG Agricultural District to B-2 General Business District. Although this is outside of the sixty (60) day period beginning with the City Council's receipt of the Athens Planning Commission's recommendation on the request, as set forth in § 4.7.3 of the City of Athens Zoning Ordinance, Mr. Spencer and Mr. Peek have requested and consented to the extension of the sixty (60) day period until June 20, 2011.

ADOPTED and APPROVED this, the 9th day of May, 2011.

/s/ Jimmy W. Gill
PRESIDENT, CITY COUNCIL,
CITY OF ATHENS, ALABAMA

/s/ William R. Marks
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 9th day of May, 2011.

Witness my hand and seal of office this ___ day of _____, 2011.

John Hamilton, City Clerk

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 appropriate up to \$5,000 for work to be performed at the City owned property located at 1300 Armory Street. Line item 100.518.81200 (building maintenance) will be charged and amended.

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

Councilwoman Bowers introduced the following resolution:

RESOLUTION

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ATHENS, ALABAMA, that \$225,000 is appropriated from the Wastewater Capital Infrastructure Fund to finance the Town Center trunk sewer replacement.

Councilmember Hickman 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, Hickman, Gill 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 Bowers thereupon moved that the resolution be finally adopted, which motion was seconded by Councilmember Caudle and upon the said motion being put to vote the following vote was recorded: YEAS: Councilmembers Bowers, Wales, Hickman, Gill 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, that \$980,000 is appropriated from the Wastewater Capital Infrastructure Fund for the design and construction of public sanitary sewers in Whitfield/Winslow Subdivisions.

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

Councilman Hickman introduced the following resolution:

RESOLUTION NUMBER 2011-1199

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ATHENS, ALABAMA, that the Alabama Department of Environmental Management (ADEM) be informed that the Athens City Council has reviewed the annual MWPP Report and authorized its submittal as required.

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

Councilman Wales introduced the following resolution:

RESOLUTION

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ATHENS, ALABAMA, to purchase one (1) police vehicle with associated equipment at a cost of \$26,100. The funds for this vehicle shall be funded through a transfer from the General Fund to be paid from line item 301.500.85002 (Capital Expenditure Account).

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

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

/s/ Jimmy W. Gill
PRESIDENT, CITY COUNCIL

ATTEST:

/s/ John S. Hamilton
CITY CLERK