

June 22, 2009

STATE OF ALABAMA,  
LIMESTONE COUNTY,  
CITY OF ATHENS.

The City Council of the City of Athens, Alabama, met in regular session at the Athens Police Department Court Room at 951 Hobbs Street East in the said City on June 22, 2009, at 5:30 p.m. The meeting was called to order by Councilman William R. Marks, President of the Council. Upon roll call the following were found to be present: Councilmembers Mignon Bowers, Harold Wales, Jimmy Gill, William R. Marks and Mildred Caudle. John Hamilton, City Clerk, was present and recorded the minutes of the meeting. Bill Perkins with Central Church of Christ 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 June 8, 2009 City Council Meeting had been submitted for approval. Councilwoman Caudle moved that the reading of the Minutes be suspended and that the Minutes be approved as recorded. The motion was seconded by Councilman Wales and was unanimously carried. The Chairperson stated that the Minutes of the June 8, 2009 City Council Work Session Minutes had been submitted for approval. Councilwoman Caudle moved that the reading of the Minutes be suspended and that the Minutes be approved as recorded. The motion was seconded by Councilman Wales and was unanimously carried.

Josephine Woodson, 922 Brownsferry Street, presented a petition against the proposed duplex apartments at the SW corner of Brownsferry Street and Hine Street.

Mae Davis, 1201 Plainview Circle, is concerned about the current traffic flow at Brownsferry Street and Hine Street and how the duplex will only make it worse.

Helen Kirby is concerned about the property value decreasing and traffic flow if duplexes are constructed at Brownsferry and Hine Street.

Cozie Maxwell, 1309 West 12<sup>th</sup> Street, is concerned about what type of structure can be built next to her property and also what ordinances address the upkeep of yards and property.

Mary Fletcher is concerned about numerous bees at a house next to her and the weeds, bushes and overgrown trees in her area.

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

**RESOLUTION**

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ATHENS, ALABAMA, to re-appoint Chris Paysinger to the Athens Historic Preservation Commission for a three year term expiring May 31, 2012.

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

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

**RESOLUTION**

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ATHENS, ALABAMA, to re-appoint Scott Smith to the Athens Historic Preservation Commission for a three year term expiring May 31, 2012.

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

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

**RESOLUTION**

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ATHENS, ALABAMA, to re-appoint Jerry Bradford to the Athens Historic Preservation Commission for a three year term expiring May 31, 2012.

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

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

**RESOLUTION**

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ATHENS, ALABAMA, to re-appoint Wayne Kuykendall to the Athens Historic Preservation Commission for a three year term expiring May 31, 2012.

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

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

**RESOLUTION**

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ATHENS, ALABAMA, to re-appoint Cherry Ann Ward to the Athens Historic Preservation Commission for a three year term expiring May 31, 2012.

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

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

**RESOLUTION**

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ATHENS, ALABAMA, to appoint Milton Looney to the Athens Historic Preservation Commission for a three year term expiring May 31, 2012.

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

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

**RESOLUTION**

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ATHENS, ALABAMA, to appoint Jerry Barksdale to the Athens Historic Preservation Commission for a three year term expiring May 31, 2012.

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

The Council recognizes that Susan Evans will be a volunteer consultant at the pleasure of the Historic Preservation Commission.

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

**RESOLUTION**

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ATHENS, ALABAMA, to approve the travel/education expenses for the Utilities in the total amount of \$2,267.31.

Heather Rouse	2009 ANGA Annual Conference Pensacola Beach, FL June 6 – 10, 2009	\$1,286.44
Mason Matthews	2009 ANGA Annual Conference Pensacola Beach, FL June 6 – 10, 2009	\$980.87

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

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

**RESOLUTION**

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ATHENS, ALABAMA, to approve a cash advance for the Gas Department in the total amount of \$300.00.

John Bush	Plumbers & Gas Fitters Apprentice Career Track – 4 <sup>th</sup> Week Dothan, AL June 21 – 26, 2009	\$300.00
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The motion was seconded by Councilman Wales and was unanimously carried.

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

**RESOLUTION**

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

James Gray	Milsoft Training San Antonio, TX	\$870.11
David Jones Beth Clem Nick Hill	PCB Training Murfreesboro, TN	\$251.41

The motion was seconded by Councilman Wales 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, to authorize the Utilities General Manager to pay routine FY 2010 Electric Department expenses pending approval of the FY 2010 Electric Department budget.

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

**Councilman Wales introduced the following ordinance:**

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

**ORDINANCE NUMBER 2009-1734**

AN ORDINANCE TO REZONE PROPERTY FOR STEVE BAUER & TIMOTHY COFFMAN FROM R-1-2 TO R-2-1. HINES AND BROWNSFERRY 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 R-2-1 Duplex Residential District.

The City Council of the City of Athens, Alabama, finds that "The Zoning Ordinance of the City of Athens, Alabama," should be amended so as to rezone the hereinafter described area as "R-2-1".

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

That all of the hereinafter described area or real estate is hereby zoned "R-2-1 Duplex Residential District" in accordance with and defined by "The Zoning Ordinance of the City of Athens, Alabama," and that the area which is zoned as aforesaid is situated in Athens, Limestone County, Alabama, and is more particularly described as follows:

A tract or parcel of land located in the East Half of the East Half of the Southeast Quarter of Section 7, Township 3 South, Range 4 West, Limestone County Alabama, Huntsville Meridian, and more particularly described as follows:

Beginning at the Northeast corner of the Southeast Quarter of the Southeast Quarter of said Section 7, which is located South 00 degrees 18 minutes 00 seconds West a distance of 286.60 feet from the intersection of Browns Ferry Road and Hine Street; thence North 00 degrees 18 minutes 00 seconds West a distance of 19.5 feet to a point; thence South 90 degrees 00 minutes 00 seconds West a distance of 149.25 feet to a point; thence North 00 degrees 06 minutes 02 seconds East a distance of 217.15 feet to a point; thence South 71 degrees 20 degrees West along the centerline of Browns Ferry Road a distance of 17.84 feet to a point; thence South 70 degrees 52 minutes West a distance of 82.4 feet to a point; thence South 68 degrees 57 minutes West a distance of 78.2 feet to a point; thence South 64 degrees 19 minutes West a distance of 76.1 feet to a point; thence South 61 degrees 01 minutes West a distance of 70.8 feet to a point; thence South 57 degrees 51 minutes West a distance of 74.4 feet to a point; thence South 56 degrees 02 minutes West a distance of 58.7 feet to the intersection of Browns Ferry Road and Pruitt Street; thence South 27 degrees 24 minutes East along the centerline of Pruitt Street a distance of 86.4 feet to a point; thence South 86 degrees 33 minutes East a distance of 177.5 feet to a point, passing the east Right-of-Way margin of Pruitt Street at a distance of 12.4 feet; thence South 0 degree 14 minutes West a distance of 134.14 feet to a point; thence South 88 degrees 38 minutes 42 seconds East a distance of 344.60 feet to a point on the east boundary of Section 7 and the centerline of Hine Street (a 65' Right-of-Way); thence North 00 degrees 35 minutes 35 seconds West a distance of 193.51 feet to the point of beginning, containing 3.2 acres, more or less.

ADOPTED and APPROVED this, the 22nd day of June, 2009.

/s/ William R. Marks  
PRESIDENT, CITY COUNCIL,  
CITY OF ATHENS, ALABAMA

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

ATTEST:

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

The motion was seconded by Councilwoman Caudle with four yeas and one nay by Councilman Gill.

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

**RESOLUTION**

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ATHENS, ALABAMA, to accept the low bid of Four C's Landscaping in the amount of \$18,000.00 for a tractor equipped with front end loader and a separate power rake for Water Services and to authorize the Manager, Water Services, to execute a purchase order to said vendor in the bid amount.

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

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

**RESOLUTION**

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ATHENS, ALABAMA, to accept the low responsive bid of Better Built Trailers, Inc. for 1 (one) 35 ton Fixed Neck Lowboy Trailer in the amount of \$21,900.00 for the Public Works (Street Department). This will be charged to the Capital Expenditure Fund 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 Caudle, and upon the said motion being put to vote the following vote was recorded: YEAS: Councilmembers Bowers, Wales, Gill, Marks and Caudle; NAYS: None. The President thereupon declared that the motion for unanimous consent for immediate consideration of and action on the said resolution had been unanimously carried. Councilmember Wales thereupon moved that the resolution be finally adopted, which motion was seconded by Councilmember Caudle and upon the said motion being put to vote the following vote was recorded: YEAS: Councilmembers Bowers, Wales, Gill, Marks and Caudle; NAYS: None. The President thereupon announced that the motion for the adoption of the said resolution had been unanimously carried.

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

**RESOLUTION**

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ATHENS, ALABAMA, to accept the low responsive bid of Warrior Tractor for 1 (one) Backhoe Loader in the amount of \$74,900.00 for the Public Works Department (Street Department). This will be charged to the Capital Expenditure fund 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 Gill, and upon the said motion being put to vote the following vote was recorded: YEAS: Councilmembers Bowers, Wales, Gill, Marks and Caudle; NAYS: None. The President thereupon declared that the motion for unanimous consent for immediate consideration of and action on the said resolution had been unanimously carried. Councilmember Caudle thereupon moved that the resolution be finally adopted, which motion was seconded by Councilmember Wales and upon the said motion being put to vote the following vote was recorded: YEAS: Councilmembers Bowers, Wales, Gill, Marks and Caudle; NAYS: None. The President thereupon announced that the motion for the adoption of the said resolution had been unanimously carried.

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

#### **RESOLUTION**

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ATHENS, ALABAMA, to accept the low responsive bid of Cowin Equipment Company, Inc. for 1 (one) Hydraulic Excavator in the amount of \$131,835.00 for the Public Works Department (Street Department). This will be charged to the Capital Expenditure Fund 301.500.85002.

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 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 Bowers 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.

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

#### **RESOLUTION**

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ATHENS, ALABAMA, to authorize the Manager, Gas Department, to award a purchase order to Ditch Witch of Alabaster in the amount of \$36,216.13 for a Ditch Witch XT8509 Excavator Plow Tool Carrier.

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 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 Bowers 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.

**Councilwoman Caudle 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 Meeting at the regular City Council meeting of August 10, 2009, at 5:30 p.m., in the Athens Police Department Court Room at 951 Hobbs Street East to receive comments for or against the City of Athens, as

an applicant to the Alabama Clean Water State Revolving Funds (CWSRF) Loan Program, Project #CS010816-03, to construct improvements to the Athens Sanitary Sewer Collection System.

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

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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























































