

June 8, 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 8, 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. Mildred Caudle 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 27, 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 May 27, 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.

A public hearing was held to hear comments on the rezoning request for Bauer & Coffman for property located at the southwest corner of Brownsferry and Hine Street. The following spoke in favor of; Steve Bauer, Tim Bauer and Taz Morrell. The following spoke against; Kartesa Harden, Cora Cain, Samantha Shoulders, Cozie Maxell, Trina Harden, Joyce Malone, Rosie Maclin, Mae Davis and Helen Kirby.

The public hearing was closed.

**Councilman Wales introduced the following ordinance:**

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

**ORDINANCE NUMBER \_\_\_\_\_**

**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: This the \_\_\_\_\_ day of \_\_\_\_\_, 2009.

\_\_\_\_\_  
PRESIDENT-CITY COUNCIL, CITY OF ATHENS, ALABAMA

APPROVED: This the \_\_\_\_\_ day of \_\_\_\_\_, 2009.

\_\_\_\_\_  
MAYOR, CITY OF ATHENS, ALABAMA

ATTEST:

\_\_\_\_\_  
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 Bowers, and upon the said motion being put to vote the following vote was recorded: YEAS: Councilmembers Bowers, Wales, Marks and Caudle; NAYS: Councilman Gill. The President thereupon declared that the motion for unanimous consent for immediate consideration of and action on the said ordinance had failed to be unanimously carried, and therefore, the motion for final adoption of said ordinance would have to be carried over to the next meeting. The President thereupon announced that the motion for the adoption of the said ordinance had failed.

A public hearing was held to hear comments on the annexation request for Mr. and Mrs. James Prater for property located on Lucas Ferry Road. Mrs. James Prater spoke in favor of and no one spoke against.

The public hearing was closed.

**Councilwoman Caudle introduced the following ordinance:**

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

**ORDINANCE NUMBER 2009-1731**

AN ORDINANCE TO ANNEX PROPERTY FOR MR. & MRS. JAMES PRATER AND ZONE SAID PROPERTY AS R-1-1. LUCAS FERRY ROAD, SOUTH OF SANDERFER ROAD.

WHEREAS, on the 11<sup>th</sup> day of March, 2009, James Ruben Prater and Lyndall B. Prater, the owners of all of the real property hereinafter described, did file with the City Clerk a petition asking that the said tracts or parcels of land be annexed to and become a part of the City of Athens; and

WHEREAS, said petitions did contain the signatures of all of the owners of the described territory and a map of said property showing its relationship to the corporate limits of the City of Athens, Alabama; and

WHEREAS, the governing body did determine that it is in the public interest that said property be annexed into the City of Athens, and it did further determine that all legal requirements for annexing said real property have been met pursuant to Section 11-42-20 through 11-42-24, Code of Ala. 1975;

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

SECTION 1. The City Council of the City of Athens, Alabama, finds and declared as the legislative body of the City that it is in the best interest of the citizens of the City, and the citizens of the affected area, to bring the territory in Section 2 of this ordinance into the City of Athens.

SECTION 2. The boundary lines of the City of Athens, Alabama, be, and the same are hereby altered or rearranged so as to include all of the territory heretofore encompassed by the corporate limits of the City of Athens, Alabama, and in addition thereto the following described territory, to wit:

The North Half of the North Half of the North Half of the Northeast Quarter of Section 25, Township 3 South, Range 5 West, Limestone County, Alabama. More particularly described as:

Beginning at the Northeast corner of Section 25, Township 3 South, Range 5 West, Limestone County Alabama; thence South 87 degrees 48 minutes 36 seconds East a distance of 30.00 feet to a point on the east Right-of-Way margin for Lucas Ferry Road; thence South 01 degrees 37 minutes 40 seconds West, along the east Right-of-Way margin of Lucas Ferry Road, a distance of 334.98 feet to a point on the east margin of Lucas Ferry Road; thence North 87 degrees 47 minutes 36 seconds West, passing the west Right-of-Way margin for Lucas Ferry Road at 60.00 feet, a distance of 2704.12 feet to a point; thence North 01 degrees 22 minutes 59 seconds East a distance of 334.21 feet; thence South 87 degrees 48 minutes 36 seconds East a distance of 2675.54 feet to the point of beginning, containing 20.77 acres, more or less.

SECTION 3. This ordinance shall be published as provided by law, and a certified copy of same, together with certified copies of the petitions of the property owners, shall be filed with the Probate Judge of Limestone County, Alabama.

SECTION 4. The territory described in this ordinance shall become a part of the corporate limits of Athens, Alabama, upon publication of this ordinance as set forth in Section 3, above.

SECTION 5. The territory described in this ordinance shall, upon becoming a part of the corporate limits of Athens, Alabama, be zoned as R-1-1 Low Density Single Family Residential District, in accordance with the Zoning Ordinance of the City of Athens, Alabama.

ADOPTED and APPROVED this, the 26<sup>th</sup> day of January, 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

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

A public hearing was held to hear comments on the zoning request for Mr. and Mrs. James Prater for property located on Lucas Ferry Road. Mrs. James Prater spoke in favor of and no one spoke against.

The public hearing was closed.

**Councilman Gill introduced the following ordinance:**

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

**ORDINANCE NUMBER 2009-1732**

AN ORDINANCE TO ZONE THE RECENTLY ANNEXED PROPERTY OF MR. &  
MRS. JAMES PRATER AS R-1-1. LUCAS FERRY ROAD, SOUTH OF  
SANDERFER ROAD.

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, which has been recently annexed, should be zoned as R-1-1 Low Density Single Family 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 zone the hereinafter described area as "R-1-1".

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-1-1 Low Density Single Family 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:

The North Half of the North Half of the North Half of the Northeast Quarter of Section 25, Township 3 South, Range 5 West, Limestone County, Alabama. More particularly described as:

Beginning at the Northeast corner of Section 25, Township 3 South, Range 5 West, Limestone County Alabama; thence South 87 degrees 48 minutes 36 seconds East a distance of 30.00 feet to a point on the east Right-of-Way margin for Lucas Ferry Road; thence South 01 degrees 37 minutes 40 seconds West, along the east Right-of-Way margin of Lucas Ferry Road, a distance of 334.98 feet to a point on the east margin of Lucas Ferry Road; thence North 87 degrees 47 minutes 36 seconds West, passing the west Right-of-Way margin for Lucas Ferry Road at 60.00 feet, a distance of 2704.12 feet to a point; thence North 01 degrees 22 minutes 59 seconds East a distance of 334.21 feet; thence South 87 degrees 48 minutes 36 seconds East a distance of 2675.54 feet to the point of beginning, containing 20.77 acres, more or less.

ADOPTED and APPROVED this, the 8<sup>th</sup> 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

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

Sara Mac Crossfield, was concerned about the shaking ground around her neighborhood at Laughmiller Road and the negative consequences of blasting.

Ali Turner, 25585 Nick Davis Road, spoke about her book, "A Ballad for Baghdad" and asked if the Council would consider buying some of her books for the local National Guard that will be leaving on this Father's Day.

**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 \$1,848.58.

John Bush	Plumbers & Gas Fitters Apprentice Career Track Dothan, AL April 19-25, 2009	\$997.58
John Bush	Plumbers & Gas Fitters Apprentice Career Track Dothan, AL May 11-15, 2009	\$851.00

The motion was seconded by Councilman Gill 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.

Nathan King	TVPPA – Staking Training Nashville, TN	\$120.00
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The motion was seconded by Councilman Gill and was unanimously carried.

**Councilman Gill introduced the following ordinance:**

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

**ORDINANCE NUMBER 2009-1733**

**ORDINANCE AUTHORIZING THE LEASE OF CERTAIN REAL PROPERTY TO CLEMENTS  
FIRE DEPARTMENT, INC. FOR PURPOSES OF FIRE PROTECTION AND PREVENTION**

WHEREAS, the City Council desires to lease certain municipal property to the Clements Fire Department, Inc. for use in fire prevention and protection;

WHEREAS, the City Council specifically finds that the proposed consideration for the lease of the property is fair, reasonable, and adequate;

WHEREAS, the real property and the improvements upon said property are not needed for public or municipal purposes of the City;

WHEREAS, the lease of said real estate will serve the best interests the City; and

THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ATHENS, ALABAMA, while in regular session on June 8, 2009, at 5:30 p.m., as follows:

1. The Mayor is authorized to cause the lease of certain real property, described in this Ordinance, to the Clements Fire Department, Inc. (“CFD”) via a written lease agreement, upon the following terms: (i) the property shall be used for the purposes of fire prevention and protection, (ii) the lease shall be for an initial ten (10) year term, subject to renewals in one year increments not to exceed ninety-nine (99) years; (iii) the CFD shall use the property to provide automatic aid to those areas that are within the corporate limits of the City and the CFD’s service area, (iv) the City’s right to indemnification from claims arising from the CFD’s use of the property, (v) a requirement that the CFD maintain adequate insurance covering the property, and (vi) such other and additional terms as the Mayor deems necessary.

2. The real property to be leased pursuant to this Ordinance is described as follows:

A tract of land lying in the Southwest Quarter of the Northwest Quarter of Section 4, Township 4 South, Range 5 West, Limestone County, Alabama, and being more particularly described as follows,

Commence at an existing 5/8” rebar at the Southwest corner of the Southwest Quarter of the Northwest Quarter of said Section 4, thence South 89 degrees 59 minutes 00 seconds East a distance of 50.34 feet to an existing 5/8” rebar on the east right-of-way of Cowford Road, thence North 05 degrees 58 minutes 06 seconds East along the east right-of-way of said Cowford Road a distance of 199.07 feet to a set 5/8” rebar with cap stamped “Dunivant Engr. Co., CA-0044-LS” at the intersection of the east right-of-way of said Cowford Road and the south right-of-way of Grover Drive thence South 89 degrees 59 minutes 00 seconds East along the south right-of-way of said Grover Drive a distance of 69.19 feet to a set 5/8” rebar with cap stamped “Dunivant Engr. Co., CA-0044-LS,” said 5/8” rebar being the Point of True Beginning of the tract herein described,

Thence from the Point of True Beginning continue South 89 degrees 59 minutes 00 seconds East along the south right-of way of said Grover Drive a distance of 60.00 feet to a set 5/8” rebar with cap stamped “Dunivant Engr. Co., CA-0044-LS,” said 5/8” rebar also being North 89 degrees 59 minutes 00 seconds West a distance of 20.00 feet from a set 5/8” rebar with cap stamped “Dunivant Engr. Co. CA-0044-LS,”

Thence South 00 degrees 04 minutes 00 seconds West a distance of 87.50 feet to a set 5/8” rebar with cap stamped “Dunivant Engr. Co. CA-0044-LS,”

Thence North 89 degrees 59 minutes 00 seconds West a distance of 60.00 feet to a set 5/8” rebar with cap stamped “Dunivant Engr. Co. CA-0044-LS,”

Thence North 00 degrees 04 minutes 00 seconds East a distance of 87.50 feet to the Point of True Beginning and containing 0.12 acres, more or less.

ADOPTED and APPROVED this, the 26<sup>th</sup> day of January, 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

**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 8<sup>th</sup> day of June, 2009.

Witness my hand and seal of office this \_\_\_\_ day of \_\_\_\_\_, 2009.

\_\_\_\_\_  
John Hamilton, City Clerk

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

**RESOLUTION NUMBER 2009-1105**

**A RESOLUTION RELATING TO AN AGREEMENT WITH THE CLEMENTS FIRE DEPARTMENT, INC.**

**WHEREAS**, the City of Athens maintains a paid fire department serving the areas within the corporate limits of the City;

**WHEREAS**, the City Council is committed to working to strengthen fire protection within the City;

**WHEREAS**, the City of Athens wishes to secure more efficient firefighting service for certain areas within the southwestern portions of the City, in and around the area known as “Black’s Landing”;

**WHEREAS**, the City Council wishes to enter into an agreement with the Clements Fire Department, Inc. (“CFD”) that will serve an important public benefit to the citizens of the City of Athens by enhancing its fire protection services;

**WHEREAS**, such agreement will provide that the CFD will provide automatic aid to fire emergencies in and around the area known as “Black’s Landing;”

**WHEREAS**, such agreement would provide for the transfer of certain used firefighting equipment to the CFD for use in the CFD’s service area, including portions within the City’s corporate limits;

**WHEREAS**, such agreement would, in connection with its Ordinance heretofore enacted, provide for the lease of certain real property located near Black’s Landing and owned by the City to the CFD, for the uses of fire protection and prevention relating to CFD’s service area, including portions within the City’s corporate limits;

**WHEREAS**, the City Council wishes to erect a structure on said real property to house the firefighting equipment being transferred to the CFD; and

**WHEREAS**, the City Council’s actions are authorized by § 11-43-140, § 11-40-1 and § 9-3-18 of the *Code of Alabama*, among other legal authorities.

**THEREFORE BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ATHENS, ALABAMA** on June 8, 2009 at 5:30 p.m., that the Mayor is authorized to enter into a “Fire Service Agreement and Lease” with the CFD, in substantially the same form as is attached hereto as **Exhibit A**. (A copy of Exhibit A will be on file in the Mayor’s Office)

ADOPTED and APPROVED this, the 8<sup>th</sup> 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

**CERTIFICATION OF CITY CLERK**

STATE OF ALABAMA )  
LIMESTONE COUNTY )

I, John Hamilton, City Clerk of the City of Athens, Alabama, do hereby certify that the above and foregoing is a true and correct copy of a Resolution duly adopted by the City Council of the City of Athens, Alabama, on the \_\_\_\_ day of \_\_\_\_\_, 2009.

Witness my hand and seal of office this \_\_\_\_ day of \_\_\_\_\_, 2009.

\_\_\_\_\_  
John Hamilton, City Clerk

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

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

**RESOLUTION NUMBER 2009-1106**

**A RESOLUTION CONCERNING EXPENDITURES RELATED TO AN AGREEMENT WITH THE CLEMENTS FIRE DEPARTMENT, INC.**

**WHEREAS**, the City of Athens, in connection with its “Fire Service Agreement and Lease” with the Clements Fire Department, Inc. (“CFD”) wishes to erect a structure on certain municipal property to house the firefighting equipment being transferred to the CFD;

**WHEREAS**, the City Council desires that the Mayor and City of Athens Fire Department will coordinate all of the work relating to the construction of the structure and hire various contractors to perform the necessary work;

**WHEREAS**, the City Council wishes to approve expenditures by the City pursuant to a budget/list of anticipated expenditures relating to the discrete and separate expense items related to this general project; and

**WHEREAS**, the City Council expressly notes that none of the separate and discrete expense items would involve contracts for any construction or service that would exceed the bid thresholds relating to the Alabama Competitive Bid Law and/or the Alabama Public Works Law.

**THEREFORE BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ATHENS, ALABAMA** on June 8, 2009 at 5:30 p.m., as follows:

1. The City Council approves the expenditure, from the Capital Projects Fund, of the following expense items:

Survey \$900.00

Perk Test	\$1,800.00
Septic Tank System	\$2,400.00
Health Department Septic Permit	\$100.00
Tree Removal	\$4,000.00
Water Meter	\$1,500.00
Building Pad	\$0.00
Termite Treatment	\$400.00
Building and Concrete	\$48,000.00
Interior Finish (Supplies and Materials)	\$14,000.00
<b>Total:</b>	<b>\$73,100.00</b>

2. The City Council directs that the Mayor and the Athens Fire Department cause a structure to be erected for the housing of fire equipment, in conjunction with the “Fire Service Agreement and Lease” between the City and the CFD, at the City’s real property located on Cowford Road in western Limestone County, Alabama.

3. The City Council directs that the Mayor and the Athens Fire Department oversee the design and construction of this project, and that the Mayor enter into all necessary contracts with respect to it. The City Council directs that, not including the use of the City’s own forces, the City shall not contract with the same entity for more than one of the discrete expense items shown in Paragraph 1, above.

4. The City Council determines that none of the separate and discrete expense items would involve contracts for any construction or service that would exceed the bid thresholds relating to the Alabama Competitive Bid Law and/or the Alabama Public Works Law. The City Council directs the Mayor and Athens Fire Department to seek further approval from the City Council relating to any unforeseen and unanticipated contracts that would exceed said bid thresholds.

ADOPTED and APPROVED this, the 8<sup>th</sup> 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

**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 8th day of June, 2009.

Witness my hand and seal of office this \_\_\_\_ day of \_\_\_\_\_, 2009.

\_\_\_\_\_  
John Hamilton, City Clerk

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 purchase ten (10) UHF Portable Radios from Decatur Electronics Communications, LLC to be used by the Athens Police Department at a total cost of \$4,500.00. This will be funded from the Capital Expenditure Fund.

Councilmember Gill 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, 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 Bowers, Wales, Gill, Marks and Caudle; NAYS: None. The President thereupon announced that the motion for the adoption of the said ordinance had been unanimously carried.

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

**RESOLUTION**

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ATHENS, ALABAMA, to purchase two (2) personal computers from Dell Computers for use by the Athens Police Department at a total cost of \$2,404.00. This will be funded from the Capital Expenditure Fund.

Councilmember Gill 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, 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 Bowers, Wales, Gill, Marks and Caudle; NAYS: None. The President thereupon announced that the motion for the adoption of the said ordinance had been unanimously carried.

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

**RESOLUTION**

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ATHENS, ALABAMA, to purchase two (2) Canon Rebel XSI camera kits from Sunshine Electronics for a total cost of \$1,507.00. This will be funded from the Capital Expenditure Fund.

Councilmember Gill 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, 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 Bowers, Wales, Gill, Marks and Caudle; NAYS: None. The President thereupon announced that the motion for the adoption of the said ordinance had been unanimously carried.

**Councilwoman 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 hearing at the July 13, 2009 City Council meeting for the purpose of receiving comments concerning the possible amendments to the Historical Preservation Commission ordinance number 2000-1333. This ordinance is part of Chapter 66 of the City of Athens' Code of Ordinance book.

The motion was seconded by Councilwoman Bowers 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 accept the low bid of Wastequip-Holt to provide dumpsters and related items to the Athens Sanitation Department. This will be funded from the Sanitation Equipment Program.

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

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

**RESOLUTION NUMBER 2009-1107**

WHEREAS, the City of Athens, Alabama recognizes the needs of all citizens relative to public facilities, and other basic needs deemed essential in providing a decent, safe and sanitary living environment, and

WHEREAS, the City of Athens, Alabama is eligible to apply for Community Development Block Grant funds under the FY 2009 Competitive Large City Program made available under the Housing and Community Development Act of 1974, as subsequently amended, and administered under regulations of the U.S. Department of Housing and Urban Development and policies as established by the Alabama Department of Economic and Community Affairs, and

WHEREAS, the City of Athens, Alabama desires to assist in providing basic public facilities to persons of predominantly low-and-moderate income residing in the Cottonwood subdivision/neighborhood, and

WHEREAS, provision of adequate sewer infrastructure is deemed a vital need of the area due to the threat to health and safety that exists in the area due to failing and inadequate septic systems.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Athens, Alabama as follows:

SECTION 1. That the City of Athens, Alabama make application to the Alabama Department of Economic and Community Affairs for an FY 2009 Community Development Block Grant in the amount of \$395,500 for the purpose of providing partial financing for the provision of public sewer facilities to serve the Cottonwood neighborhood.

SECTION 2. That the City of Athens, Alabama hereby commits an amount of \$98,875 in local funds to match the grant in sewer facility construction.

SECTION 3. That the City of Athens, Alabama (through the Athens Water Services) provide required maintenance and upkeep for the system to ensure its continued use throughout the useful life of the sewage collection system.

SECTION 4. That Dan Williams, in his capacity as Mayor of the City of Athens, Alabama, is hereby authorized and directed to have said application submitted on behalf of the City for funding consideration, and to take such other steps as may be required for accomplishment of the objective outlined herein.

PASSED, ADOPTED AND APPROVED this 8th 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 Bowers and was unanimously carried.

Mr. Willie Green thanked the Council for passing this resolution.

**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 Donald Hudleston as an Alternate Member to the Zoning Board of Adjustments and Appeals for a three year term ending June 8, 2012.

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

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

#### **RESOLUTION NUMBER 2009-1108**

#### **A RESOLUTION DECLARING A PUBLIC NUISANCE SUBJECT TO ABATEMENT ON TWO PROPERTIES (OVERGROWN GRASS OR WEEDS)**

WHEREAS, the City of Athens is authorized by state law to abate nuisances within the City, such as an abundance of weeds and vegetation that is injurious to the general public health, safety, and general welfare by being unsightly and providing breeding grounds and shelter for rats, mice, snakes, mosquitoes, and other vermin, insects, or pests;

WHEREAS, it has been brought to the attention of this City Council that weeds and vegetation located on certain properties are injurious to the general public health, safety, and general welfare by being unsightly and providing breeding grounds and shelter for rats, mice, snakes, mosquitoes, and other vermin, insects, or pests; and

**THEREFORE BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ATHENS, ALABAMA** on June 8, 2009 at 5:30 p.m., as follows:

1. This resolution concerns certain real properties located within the corporate limits of the City of Athens as follows:

(a) Tax Parcel # 10-03-06-4-003-022.000, along Pine Street, and further described as Lot No. 47, 48, and 49 of Block Five of the Jackson Subdivision of a part of the Northwest Quarter of the Southeast Quarter of Section 6, Township 3 South, Range 4 West, according to the map of said subdivision on file in the Probate Office of Limestone County, Alabama; and

(b) Tax Parcel # 10-02-10-4-003-006.000, along Wellington Road, and further described as Lot Six of Block A of the East Hampton Subdivision, Addition No. One, Athens, Alabama according to the map or plat of said subdivision on file in the Probate Office of Limestone County, Alabama, in Plat Book D, Page 6; and also 10 feet taken evenly off of the West side of Lot 5 of Block A of East Hampton Subdivision, Addition No. One, Athens, Alabama, according to the map or plat of said subdivision on file in the Probate Office of Limestone County, Alabama, in Plat Book C, Page 97.

2. The abundance of overgrown grass and weeds on said properties are hereby declared to be public nuisances subject to abatement by the City pursuant to § 11-67-60 of the *Code of Alabama*.

3. A public hearing on this matter shall be held at the City Council's regular meeting on July 13, 2009, at 5:30 P.M.

4. City officials are directed to issue such notices concerning the same as the law may require.

ADOPTED and APPROVED this, the 8<sup>th</sup> 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

**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 8<sup>th</sup> day of June, 2009.

Witness my hand and seal of office this \_\_\_\_ day of \_\_\_\_\_, 2009.

\_\_\_\_\_  
John Hamilton, City Clerk

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

\* \* \*

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

/s/ William R. Marks

PRESIDENT, CITY COUNCIL

ATTEST:

/s/ John S. Hamilton

CITY CLERK





















































