

June 9, 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 June 9, 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. 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, 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 27, 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 22 and two meetings on May 29, 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.

A public hearing was held to hear comments concerning property located at the south side of Brownsferry Street near the corner of Hine Street. The property has been cleaned up so this public hearing was closed.

A public hearing was held to hear comments on the sale of alcohol for Express 99. No one spoke for or against.

A public hearing was held to hear comments on the sale of alcohol for Diesel & Lola. Harold Wales spoke in favor of and no one spoke against.

Kelly Range, Brookwood and Lindsay Lane, was concerned about the current and future traffic in the Lindsay Lane area and installing a bike/walking path along Lindsay Lane.

Sandra Hayes, 904 Henry Drive (Willowbrook Apartments) is concerned about the safety at these apartments because currently there is no apartment manager.

Greg Beasley said he would like to have bike paths along the streets also.

Councilman Marks introduced the following resolution:

RESOLUTION

RESOLUTION OF GENERAL AND PERMANENT NATURE ESTABLISHING THE USE OF ELECTRONIC VOTE COUNTING DEVICES

WHEREAS, Chapter 7 of Title 17 of the Alabama Code of 1975, and the regulations adopted pursuant thereto by the Alabama Electronic Voting Committee, provide for the use of Electronic Vote Counting Systems; and

WHEREAS, Section 17-7-21 of the Code of Alabama 1975 provides that a municipality may, in its discretion, by adoption of an appropriate resolution, authorize, adopt, and direct the use of electronic vote

counting system for use in all elections held in such municipality;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ATHENS, ALABAMA, that for all elections held subsequent to the passage of this resolution, the use of: 1) Optech III – P Eagle, and 2) Automark A200-00 (a vote counting system accessible to voters with disabilities) systems which comply with Section 17-7-21 of the Code of Alabama and any regulations adopted pursuant thereto, is hereby authorized for the reporting, counting, and tabulating of any and all election results.

BE IT FURTHER RESOLVED, that the Mayor of the City of Athens, Alabama, is hereby directed to file a copy of this resolution with the Secretary of State as provided in Section 17-7-21 of the Code of Alabama 1975.

ADOPTED and APPROVED this, the 9th day of June, 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 Gill and was unanimously carried.

Councilwoman Caudle introduced the following resolution:

RESOLUTION

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

Nick Hill	TVPPA – Lab A Scottsboro, AL	\$150.00
Brandon Jackson	TVPPA – Lab A Scottsboro, AL	\$150.00

The motion was seconded by Councilman Marks 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 accept the resignation of Clint Brown from the Zoning Board of Adjustments and also the Planning Commission.

THEREFORE, BE IT RESOLVED to appoint Charles Malone from an alternate board member to a regular board member of the Zoning Board of Adjustments.

The motion was seconded by Councilwoman Caudle 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 re-appoint Kenneth Taylor to the Zoning Board of Adjustments and Appeals for a three year term ending June 20, 2011.

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

Councilman Marks introduced the following resolution:

RESOLUTION NUMBER 2008-1069

WHEREAS, the City of Athens (working in conjunction with the Limestone County Commission and Custom Polymers, Inc.) requires engineering services to facilitate the design and construction oversight of a rail spur to facilitate the location of Custom Polymers into the speculation building in the industrial park, as authorized and described in more detail in the City's Resolution Number 2008-1068 and its exhibits thereto.

WHEREAS, it has been determined that it is in the best interest of the City of Athens to enter into a contract with Pugh Wright and Associates, Inc. (PWA).

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

SECTION 1. That the proposed fixed fee of \$68,700 as proposed by Pugh, Wright and Associates, Inc. has been determined as reasonable based on the complexity and costs associated with this project.

SECTION 2. That the City of Athens enter into an agreement with Pugh, Wright and Associates, Inc. for the provision of engineer design and project management services, contingent upon the fact that it is understood that partial funding for the project will come from CDBG and ARC and as a result PWA will have to ensure compliance with regulations related to both programs.

SECTION 3. That based on the need to move quickly to facilitate commencement of construction by November 1, 2008, that Pugh, Wright and Associates, Inc. agrees to move forward with all due speed to design the proposed project and to get plans and specifications ready to bid upon notification by the City (after grant awards).

SECTION 4. That Dan Williams, in his capacity as Mayor, is hereby authorized and directed to execute said agreement on behalf of the City of Athens.

ADOPTED and APPROVED this, the 9th day of June, 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 Gill and was unanimously carried.

Councilman Marks introduced the following resolution:

RESOLUTION NUMBER 2008-1070

WHEREAS, as authorized and as set forth in the City's Resolution Number 2008-1068 and its exhibits thereto the City of Athens intends to apply for an Economic Development Infrastructure Grant from the Community Development Block Grant (CDBG) Program, which is administered by the Alabama Department of Economic and Community Affairs (ADECA) in the amount of \$200,000 and an Appalachian Regional Commission (ARC) grant in the same amount for the purpose of providing rail improvements to facilitate the location of *Custom Polymers PET LLC (a subsidiary of Custom Polymer, Inc.)*, and

WHEREAS the City of Athens has secured a commitment from Custom Polymers, Inc. to provide 25 full time equivalent new jobs and retain 25 existing employees or their full time equivalents at the proposed location of their new facility in the speculative building at the Elm Street Industrial Park, and

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

SECTION 1. That the City of Athens submit applications to the Alabama Department of Economic and Community Affairs for the purpose of obtaining \$200,000.00 of economic development grant funds from the CDBG program and \$200,000 from the ARC program for rail improvements to facilitate the location of *Custom Polymers PET LLC*.

SECTION 2. That the City of Athens commits the required match of \$508,800.00 to complete funding for this most worthwhile project. Proposed match is anticipated to include City of Athens funds along with \$153,750 from the Limestone County Commission, and \$400,000 from Custom Polymers.

SECTION 3. That the City of Athens enter into an Agreement with Limestone County for the \$153,750 and acknowledge that the lease and agreement with Custom Polymers is already in place for their \$400,000 commitment.

SECTION 4. That Dan Williams, in his capacity as Mayor, is hereby authorized and directed to sign the agreement with Limestone County and submit both the CDBG and ARC applications to the Alabama Department of Economic and Community Affairs. Further, upon approval thereof, take such other steps as may be required to proceed with obtaining funds and project activity implementation.

ADOPTED and APPROVED this, the 9th day of June, 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 Gill and was unanimously carried.

Councilman Marks moved that they adjourn to go into Executive Session and was seconded by Councilman Gill and was unanimously carried. The City Attorney, Shane Black, gave the required statutory certification that an Executive Session was needed for litigation purposes.

The Executive Session was closed at 6:50 p.m.

Councilman Marks introduced the following ordinance:

STATE OF ALABAMA,
LIMESTONE COUNTY,
CITY OF ATHENS.

ORDINANCE NUMBER 2008-1703

**AN ORDINANCE CONCERNING LITIGATION INVOLVING
CRAIG BATTERIES, INC.**

WHEREAS, the City Council of Athens wishes to resolve litigation involving Craig Batteries, Inc. by obtaining a permanent injunction requiring the clean-up of certain property involving Craig Batteries, Inc.;

WHEREAS, this Ordinance involves the following real property, referred to hereinafter as the "Property": A Tract of land lying and being in Section 8, Township 3 South, Range 4 West; more particularly described as all that part of Lot 1-B of Block 36, lying south of Town Creek, east of Browns Ferry Street, north of South Street, and west of Madison Street, according to the 1914 map of the City of Athens, Alabama, on file in the Probate Office of Limestone County, Alabama, in Plat Book "A", page 16;

WHEREAS, to the extent that the City ever had such ownership of the same, said property is no longer needed for public or municipal purposes; and

THEREFORE BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ATHENS, ALABAMA, while in session on June 9, 2008 at 5:30, as follows:

1. The Mayor is authorized to execute such documentation as may be necessary in order to resolve pending litigation involving Craig Batteries, Inc., Charlie Craig, and related persons ("Craig Batteries").

2. As a part of such documentation, Craig Batteries must execute a Consent Judgment, whereby it agrees, among other things, (i) to keep and maintain any and all portions of the Property clear and free from debris, litter, junk, and non-conforming vehicles, and (ii) to use the Property only for a parking lot for automobiles (that are properly licensed and in such condition that they may be lawfully operated upon a public street) and for the location of a two dimensional business sign, so long as such uses, the maintenance, and the operation of the property are in compliance with the ordinances of the City of Athens, Alabama, as amended (including without limitation, the Zoning Ordinance of the City of Athens, Alabama). These requirements shall operate as a permanent injunction and as covenants running with the

land for the benefit of the City of Athens, Alabama. Furthermore, the Mayor is authorized to execute a quit-claim deed on the City's behalf relating to the City's conveyance of any interest in the Property (to the extent that it even has any such interest) to Craig Batteries, and to include such further and additional terms as the Mayor shall direct.

ADOPTED and APPROVED this, the 9th day of June, 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 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 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.

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

/s/ John M. Crutcher
PRESIDENT, CITY COUNCIL

ATTEST:

/s/ John S. Hamilton
CITY CLERK

