

July 12, 2010

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 July 12, 2010, 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. Councilmember Mayor Dan Williams was present and led the pledge of allegiance. John Hamilton, City Clerk, was present and recorded the minutes of the meeting. Ronnie Marks 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 June 21, 2010 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 21, 2010 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 related to the weeds located at 808 Irvin Street. No one spoke in favor of or against.

The public hearing was closed.

Councilwoman Caudle introduced the following resolution:

RESOLUTION NUMBER 2010-1146

A RESOLUTION DECLARING A PUBLIC NUISANCE AT PROPERTY ALONG IRVIN STREET AND ORDERING ITS ABATEMENT

WHEREAS, the City of Athens is authorized by state law, including but not limited to § 11-67-60, *et seq.* of the *Code of Alabama*, 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;

WHEREAS, it has been brought to the attention of this City Council that weeds and vegetation located on certain property are injurious to the general public health, safety, and general welfare;

WHEREAS, on June 7, 2010, this City Council adopted a resolution calling for a public hearing regarding this matter on July 12, 2010, at 5:30 P.M.;

WHEREAS, at the public hearing on July 12, this City Council received evidence concerning the conditions on the real property described herein; and

WHEREAS, based upon such evidence, this City Council concludes that the condition of the real property 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; attaining heights and dryness that constitute a serious fire threat and/or hazard; bearing wingy or downy seeds, when mature, that cause the spread of weeds and, when breathed, irritation to the throat, lungs, and eyes of the public; or hiding debris, such as broken glass or metal, that could inflict injury on a person going upon the property; being unsightly; and/or a growth of grass or weeds, other than ornamental plant growth, that exceeds 12 inches in height.

THEREFORE BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ATHENS, ALABAMA on July 12, 2010, at 5:30 p.m., as follows:

1. This resolution concerns certain real property located as follows: Tax Parcel # 10-03-05-3-001-003.000, at 808 Irvin Street, and further described as Lot Number 7 and 16 2/3 feet off the North end of Lot Number 6 of Block 14 of Fairview Addition to the City of Athens, Alabama, according to Map 2 of said addition on file in the Probate Office of Limestone County, Alabama, Volume 559A, Page 256.

2. The weeds and vegetation on this property are hereby declared to be public nuisances subject to abatement by the City. The mature trees located on this property are expressly not included within this definition and are not declared to be nuisances.

3. It is hereby ordered that such offending conditions to be removed and abated. The Mayor is hereby authorized to cause municipal agents to enter upon said property to abate the nuisance. An account shall be kept of the cost of abating and removing the nuisance and a written account thereof shall be presented to the City Council for confirmation and further action.

ADOPTED and APPROVED this, the 12th day of July, 2010.

/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 12th day of July, 2010.

Witness my hand and seal of office this ___ day of _____, 2010.

John Hamilton, City Clerk

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

A public hearing was held to hear comments on the sale of alcohol for Hadah, Inc. on Highway 72 East. No one spoke in favor of or against.

The public hearing was closed.

Z. Gilbert, 911 Strain Road, stated that he didn't think they had enough police patrol and that there were a number of yards that had high weeds and needed cutting. Also, he said there was speeding and asked for speed breakers.

T. Sledge, Strain Road, asks for the police to monitor the area around Cedar Street for disorderly conduct and speeding.

Mae Davis, 1201 Plainview Circle. concerned about two bull dogs on Brownsferry Street area that are loose and possibly dangerous.

Valerie Peebles, 1403 Brownsferry Road (near Highland Street), wants old gazebo at 1300 or 1301 Brownsferry Street removed in her area and Brownsferry and Highway 72 has trash problems there where people are leaving trash that should be in a trash can not just in bags.

Julia Hatchett Nelson, 517 S. Clinton Street, disgusted about all of the rules and regulations concerning her property and how they are excessive, in her opinion.

Janet Murrrah, 1056 Brownsferry Street, weeds need cutting next to her home, and there is a foundation not finished 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 the travel/education expenses for the Utilities in the total amount of \$499.18.

| | | |
|----------------|--|----------|
| Heather Rouse | ANGA Annual Conference Fairhope, AL June 13-16, 2010 | \$387.50 |
| Mason Matthews | ANGA Annual Conference Fairhope, AL June 13-16, 2010 | \$111.68 |

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, that the travel expenses in the following amount be approved for Electric Department personnel.

| | | |
|-----------|----------------------------------|----------|
| Beth Clem | PCB Training Murfreesboro, TN | \$261.77 |
|-----------|----------------------------------|----------|

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

The following ordinance was introduced by Councilman Gill at the June 21, 2010 Meeting:

ORDINANCE NO. _____

AN ORDINANCE TO REMOVE CERTAIN REAL PROPERTY FROM THE ROBERT BEATY HISTORIC PRESERVATION DISTRICT

WHEREAS, the Robert Beaty Historic Preservation District (the "District") is a historic district in the City of Athens, in connection with Chapter 66, Article II of the City Code of the City of Athens, Alabama;

WHEREAS, Julia Hatchett has petitioned the City Council to withdraw her real property, located along South Clinton Street, from the District;

WHEREAS, the City Council has extensively reviewed this matter and the criteria related to inclusion in a historic district; and

WHEREAS, upon the enactment of this Ordinance, said property would be removed from the District.

THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ATHENS, ALABAMA, while in regular session on Monday, June ____, 2010, at 5:30 p.m., as follows:

Section 1. The boundaries of the District are hereby amended so as to exclude the following described real property owned by Julia Hatchett and located along South Clinton Street:

A lot located in Block 55 of the City of Athens, Alabama. And more particularly described as being lot 2-B and a part of lot 2-A of Block No. 55 the beginning point of which is 96 feet north along the east margin of South Clinton Street from the Southwest corner of said Block 55 said point being 1 foot north of the north well of a brick garage, thence along the East margin of South Clinton Street 242 feet, thence East along the North line of lot 2-B and 2-A a distance of 185 feet, thence South parallel to South Beaty Street 75 feet, thence East 10 feet, thence South 167 feet, thence West parallel to Forrest Street 195 feet to the point of beginning.

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

ADOPTED this the ____ day of _____, 2010.

WILLIAM R. MARKS, CITY COUNCIL PRESIDENT

APPROVED this the ____ day of _____, 2010.

DAN WILLIAMS, MAYOR

ATTEST:

JOHN HAMILTON, CITY CLERK

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 _____, 2010.

Witness my hand and seal of office this ____ day of _____, 2010.

John Hamilton, City Clerk

The motion failed because Councilman Gill withdrew the motion.

Councilwoman Bowers introduced the following resolution:

RESOLUTION

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ATHENS, ALABAMA, to appoint Ida Terry to the Historic Preservation Commission to fulfill the term of Jerry Barksdale, At Large Representative. The term will expire May 31, 2012.

The motion was seconded by Councilwoman Caudle with three yeas by Councilwoman Bowers, Councilwoman Caudle and Councilman Marks, one nay by Councilman Wales and one abstention by Councilman Gill.

Councilwoman Caudle introduced the following resolution:

RESOLUTION

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ATHENS, ALABAMA, to appoint Peggy Hammons to the Historic Preservation Commission to fulfill the term of Scott Smith in the Houston District. The term will expire May 31, 2012.

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

Councilwoman Bowers introduced the following resolution:

RESOLUTION NUMBER 2010-1147

**A RESOLUTION DECLARING A PUBLIC NUISANCE
SUBJECT TO ABATEMENT AT 308 CRESTVIEW STREET
(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 July 12, 2010 at 5:30 p.m., as follows:

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

Tax Parcel # 10-2-09-1-002-024.000, at 308 Crestview Street, and further described as Lot No. 74; Lot No. 75; Lot No. 76; Lot No. 77; and the North Half of Lot No. 73 of Block B of the East Highland Addition of the City of Athens, Alabama, according to the Map thereof on file in the Probate Office of Limestone County, Alabama, in Platbook B, Page 20.

2. The abundance of overgrown grass and weeds on said property is hereby declared to be a public nuisance 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 August 9, 2010, 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 12th day of July, 2010.

/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 12th day of July, 2010.

Witness my hand and seal of office this ___ day of _____, 2010.

John Hamilton, City Clerk

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

Councilman Gill introduced the following resolution:

RESOLUTION NUMBER 2010-1148

**A RESOLUTION DECLARING A PUBLIC NUISANCE
SUBJECT TO ABATEMENT ON WIDOW STREET
(OVERGROWN GRASS AND 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 property 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 July 12, 2010 at 5:30 p.m., as follows:

1. This resolution concerns certain real property located on the south side of a street known as Widow Drive and/or Widow Street. The parcel identification number assigned by the Limestone County

Revenue Commissioner to the property is 10-3-07-4-001-032.000. The property is further described as Lot No. 39 of Block 76, according to the 1914 Map of the City of Athens, Alabama, recorded in the Office of the Judge of Probate of Limestone County, Alabama, in Plat Book A, Page 16.

2. The abundance of overgrown grass and weeds on said property is hereby declared to be a public nuisance subject to abatement by the City pursuant to § 11-67-60 of the *Code of Alabama*. The mature trees located on this property are expressly not included within this definition and are not declared to be nuisances.

3. A public hearing on this matter shall be held at the City Council's regular meeting on August 9, 2010, 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 12th day of July, 2010.

/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 12th day of July, 2010.

Witness my hand and seal of office this ___ day of _____, 2010.

John Hamilton, City Clerk

The motion was seconded by Councilman Wales 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 authorize the repair of pavement failures on Lindsay Lane, Hine Street, Sanderfer Road, Holland East south entrance, Jefferson Street and Pepper Road for a cost of \$230,000. The cost of these repairs shall be paid from Gas Tax line item 203.500.84610 will be charged.

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 authorize the Utilities General Manager to award a contract to Asplundh Tree Company for FY 2011 Line Clearance and Tree Maintenance as outlined in the bid proposal dated June 22, 2010.

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

Councilwoman Bowers introduced the following resolution:

RESOLUTION NUMBER 2010-1149

A RESOLUTION CONCERNING A CERTAIN ROADWAY AND SCHEDULING A PUBLIC HEARING RELATING TO THE SAME

WHEREAS, this resolution relates to that certain improved roadway located in the city of Athens, Alabama, extending from Washington Street to Market Street, running in a northerly and southerly direction, bordered on its east side by Athens City Cemetery, and further described more or less as follows:

Fifteen (15) feet evenly taken off the eastern boundary of the following described property: A part of Lot No. 6 of Block No. 73 according to the Henderson and Carter map of the Town of Athens, Alabama, Limestone County, made in the year 1897, described as follows: Beginning at a point on Washington Street 121 feet East of the Southeast corner of W.H. Kennemer lot, and running thence from said point of beginning East parallel with Washington Street to the City Cemetery of Athens, Alabama, thence North along the West boundary of said cemetery to Market Street; thence West along Market Street to the Northeast corner of W.M. Cannon lot; thence South along the East boundary of said Cannon lot to the point of beginning

(herein referred to as the "Driveway");

WHEREAS, the Driveway is bordered along its western border by the following property, identified by its tax parcel number: 10-02-09-2-002-015.000; and

WHEREAS, the City proposes that to the extent that such Driveway is a public way, then it should be vacated as such pursuant to the provision of § 23-4-1, *et seq.* of the *Code of Alabama*.

THEREFORE BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ATHENS, ALABAMA while in regular session on July 12, 2010 at 5:30 p.m. as follows:

1. A public hearing is hereby scheduled for August 23, 2010, at 5:30 p.m., at the City Council Chambers in the Athens Police Department of the City of Athens, Alabama, on Hobbs Street, concerning what action shall be taken on the issue of the proposed vacation.

2. The Mayor and the City Attorney shall cause notice of the proposed action, public hearing, and other relevant matters to be issued pursuant to § 23-4-2 of the *Code of Alabama*.

ADOPTED and APPROVED this, the 12th day of July, 2010.

/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 12th day of July, 2010.

Witness my hand and seal of office this ____ day of _____, 2010.

John Hamilton, City Clerk

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

Councilwoman Bowers moved that they adjourn to go into Executive Session to discuss the consideration the City would be willing to offer or accept when considering the purchase, sale, exchange, lease or market value of real property, was seconded by Councilman Wales and was unanimously carried. The City Attorney, Shane Black, noted that an Executive Session for these purposes was authorized under Alabama law. The Executive Session was closed at 7:45 p.m.

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