

August 25, 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 August 25, 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 absent. John Hamilton, City Clerk, was present and recorded the minutes of the meeting. Milly Caudle offered the invocation and Shane Black 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 August 11, 2008 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 Marks and was unanimously carried. The Chairperson stated that the Minutes of the August 11, 2008 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 Marks and was unanimously carried.

A public hearing was held to hear comments amending the zoning ordinance relating to specialty wine and beer in B-4 district. No one spoke in favor of or against.

Councilman Gill introduced the following ordinance:

STATE OF ALABAMA,
LIMESTONE COUNTY,
CITY OF ATHENS.

ORDINANCE NUMBER 2008-1711

AN ORDINANCE AMENDING THE ATHENS ZONING ORDINANCE 2007-1669
RELATING TO SPECIALTY WINE AND BEER ESTBALISHMENTS IN THE B-4 ZONING
DISTRICT, AND EFFECT ON PRIOR ZONING ORDINANCES.

WHEREAS, the City Council of the City of Athens, Alabama, has heretofore adopted, "The Zoning Ordinance of the City of Athens, Alabama";

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 sections of said Zoning Ordinance 2007-1669 should be amended to reflect changes made in the City of Athens Alcohol Ordinance relating to Specialty Wine and Beer Establishments being allowed in the B-4 Zoning District;

WHEREAS, the City Council of the City of Athens, Alabama, finds that "The Zoning Ordinance of the City of Athens, Alabama," should be changed to reflect the specified changes regarding Specialty Wine and Beer Establishments being allowed in the B-4 Zoning District;

WHEREAS, the Planning Commission of the City of Athens further recommended an amendment of Section 1.6.2 of the Zoning Ordinance, regarding the effect of the Zoning Ordinance on prior ordinances, which clarifies the meaning and intent of that section; and

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

Section 1. Article 2 of the Zoning Ordinance of the City of Athens, Alabama is hereby amended to add the following definition to the list of definitions set forth therein, as follows:

Specialty Wine and Beer Establishments means an establishment principally operated for the sale of a diversified selection of domestic beer, imported beer, domestic wine, and imported wine. Where otherwise permitted by the Alabama Alcoholic Beverage Control Board, such establishments must apply and hold the following licenses: (i) Retail table wine for off-premises consumption, (ii) Retail beer license for off-premises consumption, (iii) Retail table wine license for on-premises consumption, and (iv) Retail beer license for on-premises consumption. All sales for off-premises consumption must be in sealed, unopened containers.

A specialty wine and beer establishment must also offer incidental food service, including the sale of food for on-premises consumption and the sale of containerized, gourmet food for off-premises consumption, but not in such a manner that the establishment will constitute a Class I or Class II Restaurant.

A specialty wine and beer establishment shall offer up to two tasting events per month of their product. With respect to these tastings, no alcohol shall be served free-of-charge.

As used in this definition, the phrase “diversified selection” shall mean a selection of no less than one hundred (100) different commercially available types of wines (with at least six (6) bottles of each type in stock at the premises), and no less than thirty (30) different commercially available types of beer (with at least one case of each type in stock at the premises).

Section 2. Article 8 of the Zoning Ordinance of the City of Athens, Alabama, Non-Residential District Regulations, Table 8-1, Uses Permitted by Non-Residential District, under Retail and Wholesale Uses, shall add the following use:

SPECIALTY WINE AND BEER ESTABLISHMENT as an S-Permitted Use, subject to supplemental use regulations.

Section 3. Article 12 of the Zoning Ordinance of the City of Athens, Alabama, Supplemental Use Regulations, Section 12.3 Alcoholic Beverage Sales, 12.3.1 *Restriction of Location of Sale of Alcoholic Beverages*, (A), shall be changed to read as follows:

A. No facility or property in a B-4 District shall be authorized for on-premise sale or off-premise sale of alcoholic beverages except Class I or Class II Restaurants, Convenience Stores, Specialty Beverage Stores, Merchandise Stores (with Incidental Table Wine Sales), *Specialty Wine and Beer Establishments*, Grocery Stores and persons holding a *Special Events Retail License for on-premise consumption*.

Section 4. Article 1 of the Zoning Ordinance of the City of Athens, Alabama, Preliminary Provisions, Section 1.6 Legal Status Provisions, 1.6.2 *Effect in Existing Zoning Ordinances* shall be changed to read as follows:

Effect on Prior Zoning Ordinances. This Ordinance in part carries forward by re-enactment some of the provisions of the Zoning Ordinances of the City of Athens adopted on July 18, 1960, as subsequently amended, and on February 23, 1976, as subsequently amended. It is not the intent of the City Council by adoption of this Ordinance to repeal the prior Ordinances, as amended, but rather to re-enact and continue in force without interruption such existing provisions, so that all liabilities which have accrued thereunder shall be preserved, and may be enforced. The enactment of this Ordinance shall not affect any action, suit, or proceeding instituted or pending at this time under the above-referenced Zoning Ordinances, as amended. All provisions of the above-referenced Zoning Ordinances, as amended, which are not re-enacted herein are hereby repealed. All suits at law or in equity and/or all prosecutions resulting from the violation of the prior Zoning Ordinances heretofore in effect, which are now pending in any of the courts of the state or of the United States, shall not be abated or abandoned by reason of the adoption of this Ordinance but shall be prosecuted to their finality, the same as if this Ordinance has not been adopted; and any and all violations of the prior Zoning Ordinances, prosecutions for which have not yet been instituted, may be hereafter filed and prosecuted; and nothing in this Ordinance shall be construed as to abandon, abate, or

dismiss any litigation or prosecution now pending, and/or which may heretofore have been instituted or prosecuted.

Section 4. This ordinance shall become effective upon its adoption and publication as required by law.

Section 5. If any provision of this ordinance, or the application thereof to any person, thing or circumstances, is held invalid by a court of competent jurisdiction, such invalidity shall not affect the provisions or application of this ordinance that can be given effect without the invalid provisions or application, and to this end, the provisions of this code and such amendments and statutes are declared to be severable.

Section 6. The provisions of this Ordinance shall be included and incorporated into the Zoning Ordinance of the City of Athens, Alabama (2007-1669), as an addition or amendment thereto.

ADOPTED and APPROVED this, the 25th day of August, 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

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 Gill 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.

Mae Davis commented that the west end of Brownsferry Street is bumpy. Young ladies are parading down Highland Street possibly soliciting “customers”.

Councilman Marks moved the adoption of the following resolution:

RESOLUTION NUMBER 2008-1074

**A RESOLUTION CONCERNING THE DEVELOPMENT OF THE ATHENS AND LIMESTONE
COUNTY HIGHWAY 31 INDUSTRIAL PARK**

WHEREAS the Council of the City of Athens, Alabama, in conjunction with the Limestone County Commission, wishes to establish a jointly-held and developed industrial park pursuant to § 11-92-1, *et seq.* of the *Code of Alabama*, which shall be known as the Athens and Limestone County Highway 31 Industrial Park (the “Industrial Park”);

WHEREAS the real property on which the Industrial Park shall be located is located within the corporate limits of the City, and is jointly owned by the City and the Limestone County Commission;

THEREFORE BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ATHENS, ALABAMA while in regular session on August 25, 2008 at 5:30 p.m. as follows:

1. The legal description of the real property to be developed as an industrial park is as follows:

A tract or parcel of land located in the North one-half of the Southwest Quarter of Section 28, Township 3 South, Range 4 West, Limestone County, Alabama, and being more particularly described as follows: Beginning at an existing railroad spike at the Southwest corner of Section 28, Township 3 South, Range 4 West, Limestone County, Alabama, thence North 00 degrees 40 minutes 42 seconds East along the West boundary of said Section 28 a distance of 1988.24 feet to a 5/8 inch rebar set with plastic cap stamped "RLS 15455 Ronnie G. Coffman", at the Southwest corner of the North one-half of the Southwest Quarter of Section 28, the Point of True Beginning of the herein described tract; thence from the Point of True Beginning continue North 00 degrees 40 minutes 42 seconds East along the West boundary of said Section 28 a distance of 662.75 feet to a 5/8 inch rebar set with plastic cap stamped "RLS 15455 Ronnie G. Coffman", at the Northwest corner of the Southwest quarter of Section 28, thence South 87 degrees 28 minutes 01 seconds East along the North boundary of the Southwest Quarter of Section 28 a distance of 2257.61 feet to a 5/8 inch rebar set with plastic cap stamped "RLS 15455 Ronnie G. Coffman", said 5/8 inch rebar located North 87 degrees 28 minutes 01 seconds West a distance of 417.00 feet from the center of said Section 28; thence South 00 degrees 50 minutes 42 seconds West and parallel with the East boundary of the Southwest Quarter of said Section 28 a distance of 210.00 feet to a 5/8 rebar set with plastic cap stamped "RLS 15455 Ronnie G. Coffman"; thence South 87 degrees 28 minutes 01 seconds East a distance of 403.52 feet to a 5/8 inch rebar set with plastic cap stamped "RLS 15455 Ronnie G. Coffman", on the West right of way of U. S. Highway 31; thence South 00 degrees 50 minutes 27 seconds West along the West right of way of said U. S. Highway No. 31 a distance of 232.80 feet to a 5/8 inch rebar set with plastic cap stamped "RLS 15455 Ronnie G. Coffman; thence North 87 degrees 27 minutes 52 seconds West and parallel with the South boundary of the North one-half of the Southwest Quarter of Section 28, a distance of 417.00 feet to a 5/8 rebar set with plastic cap stamped "RLS 15455 Ronnie G. Coffman"; thence South 00 degrees 50 minutes 27 seconds West and parallel with the West right of way of U. S. Highway No. 31 a distance of 210.00 feet to a 5/8 inch rebar set with plastic cap stamped "RLS 15455 Ronnie G. Coffman"; thence South 87 degrees 27 minutes 52 seconds East and parallel with the South boundary of the North one-half of the North one-half of the Southwest Quarter of Section 28 a distance of 417.00 feet to a 5/8 inch rebar set with plastic cap stamped "RLS 15455 Ronnie G. Coffman", on the West right of way of U. S. Highway No. 31; thence South 00 degrees 50 minutes 27 seconds West along the West right of way of said U. S. Highway No. 31 a distance of 10.00 feet to a 5/8 inch rebar set with plastic cap stamped "RLS 15455 Ronnie G. Coffman"; thence North 87 degrees 27 minutes 52 seconds West along the South boundary of the North one-half of the North one-half of the Southwest Quarter of said Section 28 a distance of 2659.23 feet to the Point of True Beginning and containing 36.502 acres, more or less. AND SUBJECT TO: 10.00 feet lying West of and adjacent to the West right of way of U. S. Highway No. 31 for utility easement.

Less and except that certain real property previously conveyed by the City of Athens, Alabama and Limestone County, Alabama to the Alabama Public Health Care Authority, and described as Lot No. 2 of the Final Plat of the Thirty-One South Commercial park, found at Plat Book H, Page 52, in the Office of the Judge of Probate of Limestone County, Alabama.

2. The real property described above is suitable for use by more than one industrial or commercial enterprise for industrial or commercial purposes and has previously been acquired by the City

and Limestone County. The property is now to be held for the purpose of transferring it to one or more persons for use for industrial or commercial purposes.

3. The estimated cost for developing the Industrial Park, including but not limited to the estimated cost of clearing, excavation, public roadways (including curb and gutter), utilities, related services, and other facilities incidental to the use of a land as an industrial park, is \$573,205.60. The city and county are both participating in this. The city has already appropriated \$150,000.00.

4. In order to accomplish the development of the Industrial Park, the City and County plan (i) to cause the real property to be subdivided into approximately twelve (12) lots as soon as possible, (ii) to thereafter provide for the excavation, clearing, and improvement of the real property such that a public roadway and utilities are made accessible to all such lots, and (iii) to immediately begin promotion of the sale of such lots to commercial and industrial enterprises.

5. The City of Athens, Alabama and Limestone County are willing to share in the estimated cost for developing the Industrial Park, with each party bearing 50% of said cost, as is set forth in more particularity in that certain Joint Development Agreement entered into by and between the City of Athens and Limestone County, Alabama on February 26, 2008, concerning the same real property that is the subject of this resolution.

6. The City Council does hereby find that the economy and the public welfare of the area served by the City of Athens and Limestone County will be benefitted by the acquisition and development of the Industrial Park, and that, further, it is wise, expedient, necessary, and advisable to acquire and develop such Industrial Park.

7. The City Council does hereby find that there are sufficient monies available to finance the cost of the Industrial Park.

8. The Mayor of the City of Athens, Alabama is hereby designated as the person to act for the City in the acquisition and development of the Industrial Park and has authorization to approve and sign for the City any contracts necessary within the scope of the aforesaid plans for such acquisition and development.

9. The Joint Development Agreement entered into between the City of Athens and Limestone County, Alabama on February 26, 2008, concerning the same real property that is the subject of this resolution, is hereby ratified.

10. Prior to the execution of this resolution, it was published in the *Athens News Courier*, a newspaper of general circulation in Limestone County, for three successive weeks and posted in a publicly accessible place at the City Hall of the City for three consecutive weeks.

ADOPTED this the 25th day of August, 2008.

JOHN M. CRUTCHER, CITY COUNCIL PRESIDENT

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 25th day of August, 2008.

Witness my hand and seal of office this ____ day of _____, 2008.

John Hamilton, City Clerk

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 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 resolution had been unanimously carried. Councilmember Marks 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 Crutcher, 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 Gill moved the adoption of the following resolution:

RESOLUTION

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ATHENS, ALABAMA, to reorganize the Customer Service Department in accordance with the attached organizational chart which includes 32 regular status positions and 4 part-time positions as listed below:

- Customer Service Manager
- Assistant Customer Service Manager
- Collection Manager

- Field Operations Supervisor
- Accounts Receivable Coordinator (2 positions)
- Service Collectors (5)
- Meter Readers (10)
- Accounts Receivable Clerks (11)
- Part-time positions (4)

Councilman Marks seconded the motion and with further discussion Councilman Gill withdrew his motion.

Councilman Marks made for introduction only the following resolution:

RESOLUTION

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ATHENS, ALABAMA, to reorganize the Customer Service Department in accordance with the attached organizational chart which includes 32 regular status positions and 4 part-time positions as listed below:

- Customer Service Manager
- Assistant Customer Service Manager
- Collection Manager
- Field Operations Supervisor
- Accounts Receivable Coordinator (2 positions)
- Service Collectors (5)
- Meter Readers (10)
- Accounts Receivable Clerks (11)
- Part-time positions (4)

Councilman Marks made for introduction only the following resolution:

RESOLUTION

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ATHENS, ALABAMA, to adopt the revised job description (on file in the Human Resources office) for the following position for the Customer Service Department:

- Accounts Receivable Coordinator, Grade 9, Job Description dated 8-18-08.

All previous job descriptions for this position are obsolete and where a discrepancy exists between the new job description and the old description, the new job description will supersede the old job description.

Councilman Wales made for introduction only the following resolution:

RESOLUTION

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ATHENS, ALABAMA, that the City Council will meet on 9-2-08, at approximately 12:00 noon, at which time said meeting will canvass the final results of the 8-26-08 municipal election. The meeting will take place at City Hall, in the Mayor's conference room.

ADOPTED and APPROVED this, the 25th day of August, 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 Gill made for introduction only the following resolution:

RESOLUTION

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ATHENS, ALABAMA, to amend the City of Athens's Personnel Policy and Procedures Manual by including the attached new policies entitled "3.1 Restructuring of Departments and Additions to Staffing Levels" and "4.3 Review of Job Classifications."

BE IT FURTHER RESOLVED BY THE CITY COUNCIL OF THE CITY OF ATHENS, ALABAMA, to amend the City of Athens's Personnel Policy manual by including the modified policies entitled "4.1 Job Classification Plan" and "4.2 Job Descriptions."

Councilwoman Caudle introduced the following resolution:

RESOLUTION

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ATHENS, ALABAMA, that the contract for construction of Southeast Area Water Improvements (12-inch and 8-inch pipe), Krebs Project No. 07033, be awarded to the low bidder, Christopher Plumbing and Electric, in the amount of \$948,004.50 and the Manager, Water Services, be authorized to execute the appropriate contract documents.

Councilmember Marks 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 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 resolution had been unanimously carried. Councilmember Caudle thereupon moved that the resolution 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 resolution had been unanimously carried.

Councilman Marks introduced the following resolution:

RESOLUTION

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ATHENS, ALABAMA, for 2009 Fiscal Year to purchase a 2009 Ford Full Size Pick up Truck from Ken Boggs Ford for the amount of \$15,567.00. This will be charged to 10.16.85000 without any amending of the FY 08 budget.

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

Councilman Marks introduced the following resolution:

RESOLUTION

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ATHENS, ALABAMA, for 2008 Fiscal Year to purchase an Omaha Standard Service Bed from Fontaine Truck Equipment Company for the amount of \$6,702.00. This will be charged to 10.16.85000 without any amending of the FY 08 budget.

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

* * *

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

/s/ John M. Crutcher
PRESIDENT, CITY COUNCIL

ATTEST:

/s/ John S. Hamilton
CITY CLERK

