

March 12, 2007

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 March 12, 2007, at 5:30 p.m. The meeting was called to order by Councilman Harold Wales, President of the Council. Upon roll call, the following were found to be present: Councilmembers Harold Wales, Jimmy Gill, Ronnie Marks and Mildred Caudle. Mayor Dan Williams and Councilmember Johnny Crutcher were absent. John Hamilton, the Clerk, was present and recorded the Minutes of the meeting. Jimmy Gill offered the invocation and the Boys Scouts led the Pledge of Allegiance. The Chairman stated that a quorum was present and that the meeting was open for the transaction of business.

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The Chairman stated that the Minutes of the February 26, 2007 City Council Meeting had been submitted for approval. Councilman Gill 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 Chairman stated that the Minutes of the February 26, 2007 City Council Work Session Minutes had been submitted for approval. Councilman Gill 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 discuss the sale of alcohol for The Oasis located at 102 East Washington Street. No one spoke in favor of or against.

The public hearing was closed.

Deanna Lee, 501 North Jefferson Street, request an ordinance to be passed that would not allow six automobiles to be able to park in a residents front yard. She said this creates an eye sore.

Garth Lovvorn, Jr., asks the council again to build a street for Habitat for Humanity, for \$125,000.

Lynne Hart spoke on "students for recycling" contest among three schools.

Councilman Marks moved the adoption of the following resolution:

RESOLUTION

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ATHENS, ALABAMA to approve the following applicant for its "Non Profit Class I Club" alcohol license, in the City of Athens, based on the recommendation of the Alcohol Review Committee:

Veterans of Foreign Wars (VFW), post #4765
18615 Highway 127

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

Councilman Gill moved the adoption of the following resolution:

RESOLUTION

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ATHENS, ALABAMA to approve a cash advance for the Gas Department in the total amount of \$550.00 as listed:

Heather Rouse	Energy WorldNet User Group Conference Fort Worth, Texas March 26028, 2007	\$200.00
Mason Matthews	Energy WorldNet User Group Conference Fort Worth, Texas March 26028, 2007	\$350.00

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

Councilman Marks introduced the following ordinance:

STATE OF ALABAMA,
LIMESTONE COUNTY,
CITY OF ATHENS.

ORDINANCE NUMBER 2007-1629

WHEREAS, the City Council of the City of Athens, Alabama, has heretofore adopted, seconds The Zoning Ordinance of the City of Athens, Alabama, seconds 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 seconds R-1 Low Density Residential District and B-2 General Business District to R-5 Planned Unit Residential District seconds .

The City Council of the City of Athens, Alabama, finds that seconds The Zoning Ordinance of the City of Athens, Alabama, seconds should be amended so as to rezone the hereinafter described area as seconds R-5 seconds rather than seconds R-1 and B-2 seconds.

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 seconds R-5 Planned Unit Residential District, in accordance with and defined by seconds The Zoning Ordinance of the City of Athens, Alabama, seconds and that the areas which are zoned as aforesaid is situated in Athens, Limestone County, Alabama, and are more particularly described as follows:

State of Alabama
County of Limestone

A tract or parcel of land located in the NE ¼ of Section 23, Township 3 South, Range 4 West, Limestone County, Alabama, said tract being more particularly described as follows:

COMMENCE at a railroad spike found at the NW corner of Section 23, Township 3 South, Range 4 West, Limestone County, Alabama; Thence S 88-deg. 30-min. 11-sec. E along the north boundary line of said Section 23 a distance of 2960.08-feet to a point; Thence S 00-deg. 09-min. 49-sec. W a distance of 11.37-feet to a point for the POINT OF BEGINNING of the hereon described tract of land, being located on the south line of Country Village Subdivision, a subdivision found recorded in the Plat Map records for Limestone County, Alabama, in the judge of Probate minutes s office, said Plat being located in Plat Book D, at page 89;

Thence the following seven (7) courses along the southerly and southeasterly boundary of the said Country Village Subdivision, being the northerly line of the herein described tract:

- 1) S 89 degrees 41 minutes 50 seconds E a distance of 146.96 feet to an iron pin found,
- 2) S 89 degrees 42 minutes 37 seconds E a distance of 226.40 feet to an iron pin found,
- 3) S 89 degrees 44 minutes 56 seconds E a distance of 219.63 feet to an iron pin found,
- 4) S 89 degrees 42 minutes 48 seconds E a distance of 451.82 feet to a point,
- 5) S 89 degrees 44 minutes 04 seconds E a distance of 556.41 feet to a point at the southeast corner of Lot 10 of said Country Village Subdivision,
- 6) N 0 degrees 00 minutes 00 seconds E along the east line of said Lot 10 a distance of 30.00 feet to a point located at the southwest corner of Lot 9 of said Country Village Subdivision,
- 7) S 89 degrees 44 minutes 09 seconds E along the south line of said Lot 9 a distance of 498.80 feet to a point on the east line of said Lot 9;

Thence S 1 degrees 32 minutes 54 seconds E a distance of 30.03 feet to a point;

Thence S 89 degrees 44 minutes 04 seconds E a distance of 11.42 feet to a point;

Thence S 31 degrees 00 minutes 00 seconds E a distance of 472.86 feet to a point on the west bank of Piney Creek;

Thence the following fourteen (14) courses along the west bank of Piney Creek, being the easterly boundary of the hereon described tract of land:

- 1) S 64 degrees 22 minutes 07 seconds W a distance of 402.17 feet to a point,
- 2) S 40 degrees 15 minutes 30 seconds W a distance of 166.14 feet to a point,
- 3) S 54 degrees 29 minutes 01 seconds W a distance of 148.96 feet to a point,
- 4) S 36 degrees 32 minutes 57 seconds W a distance of 233.05 feet to a point,
- 5) S 25 degrees 44 minutes 16 seconds W a distance of 339.92 feet to a point,
- 6) S 10 degrees 36 minutes 44 seconds E a distance of 253.90 feet to a point,
- 7) S 25 degrees 35 minutes 27 seconds E a distance of 129.14 feet to a point,
- 8) S 25 degrees 46 minutes 50 seconds E a distance of 213.19 feet to a point,
- 9) S 30 degrees 25 minutes 51 seconds E a distance of 155.91 feet to a point,
- 10) S 33 degrees 36 minutes 17 seconds E a distance of 236.42 feet to a point,
- 11) S 44 degrees 07 minutes 54 seconds E a distance of 207.79 feet to a point,
- 12) S 37 degrees 47 minutes 24 seconds E a distance of 167.62 feet to a point,
- 13) S 41 degrees 29 minutes 03 seconds E a distance of 117.82 feet to a point,

14) S 46 degrees 22 minutes 38 seconds E a distance of 140.26 feet to a point on the south line of the NE ¼ of said Section 23, being the southerly boundary of the hereon described tract of land;

Thence N 89 degrees 53 minutes 53 seconds W along the southerly boundary of the NE ¼ of said Section 23 a distance of 2302.66 feet to a point;

Thence N 0 degrees 09 minutes 49 seconds W a distance of 2648.02 feet to the POINT OF BEGINNING of the hereon described tract of land, containing 113.05-acres of land, more or less, in all.

SUBJECT TO that 350-foot wide Overhead easement to T.V.A. as found recorded in Deed Book 632, at Page 553. ALSO SUBJECT TO that 15-foot wide right of way easement along the north boundary of the above described tract as found recorded in Deed Book 2663, at Page 65.

Said tract subject to any easements, zoning, covenants and/or restrictions heretofore granted but not yet released.

The FIRM Flood Zone Map prepared by the U.S. Department of Housing and Urban Development, in cooperation with the Federal Insurance Administration, Community Panel No. 010307 0113 B, dated July 16, 1981, and found that a portion of the property along Piney Creek is located in both flood hazard Area Zone A3 and Zone B, while the remainder of the property is located in Flood Hazard Zone C. This determination has not been verified with the field survey data, but from map overlays only.

ADOPTED and APPROVED this, the 12th day of March, 2007.

/s/ Harold Wales
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 ordinance:

STATE OF ALABAMA,
LIMESTONE COUNTY,
CITY OF ATHENS.

ORDINANCE NUMBER 2007-1630

ORDINANCE AUTHORIZING THE MAYOR TO EXECUTE A DEED CONVEYING CERTAIN INTERESTS IN REAL PROPERTY TO THE STATE OF ALABAMA WITH RESPECT TO THE ELM STREET WIDENING PROJECT

WHEREAS, the City and the State of Alabama are involved in a joint project for the purpose of making improvements to and the widening of Elm Street;

WHEREAS, the City obtained the following described real property pursuant to and in accordance with this joint project, collectively referred to as the "Property", for the purpose of making improvements to and the widening of Elm Street:

- a. .21 acres previously owned by United Housing Partners- Elmwood Ltd. and condemned to the City of Athens on February 1, 2007
- b. .01 acres previously owned by FedCar II, LLC and condemned to the City of Athens on December 20, 2006
- c. a temporary easement of .01 acres across property owned by FedCar II, LLC, and condemned to the City of Athens on December 20, 2006; and

WHEREAS the Property is not needed for the municipal purposes of the City but is needed for the public purposes stated herein;

WHEREAS the State of Alabama must hold title to the Property in order to widen and otherwise improve Elm Street, which is a state maintained highway, said Property being condemned to the City as part of this joint project between the City of Athens and the State of Alabama referenced herein;

WHEREAS the conveyance 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 March 12, 2007, at 5:30 p.m., as follows:

1. The Mayor is hereby directed and authorized to execute a deed in the name of the City conveying the City's interests in the Property to the State of Alabama for the purpose of the widening, maintenance, and improvement of Elm Street, a state maintained highway.

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 the Ordinance duly adopted by the City Council of the City of Athens, on the ____ day of _____, 2007.

Witness my hand and seal of office this the ____ day of _____, 2007.

John Hamilton, City Clerk

Councilmember Gill moved that unanimous consent be given for immediate consideration of and action on said ordinance, which motion was seconded by Councilmember Marks, and upon the said motion being put to vote the following vote was recorded: YEAS: Councilmembers 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. Councilwoman 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 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 Marks moved the adoption of the following resolution:

RESOLUTION NUMBER 2007-1011

A RESOLUTION REGARDING THE 2007 LITTER PREVENTION PROGRAM

WHEREAS, the City Council of the City of Athens, Alabama, recognizes the importance of a litter-free community;

WHEREAS, the City Council of the City of Athens, Alabama, supports the clean community efforts of the Keep Athens-Limestone Beautiful, Inc. and other civic and community groups;

THEREFORE BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ATHENS, ALABAMA while in regular session on March 12, 2007 at 5:30 p.m., that the City Council of the City of Athens, Alabama states its intention to participate in the "2007 Litter Prevention Program," as set forth as Attachment A.

ADOPTED and APPROVED this, the 12th day of March, 2007.

/s/ Harold Wales
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 _____, 2007.

Witness my hand and seal of office this ____ day of _____, 2007.

ATTACHMENT A

2007 LITTER PREVENTION PROGRAM

A. KALB Responsibility

1. KALB will recruit businesses and groups to join the Adopt-A-Spot Program.
2. KALB will provide trash bags, gloves, and safety vests to volunteers working cleanups.
3. KALB will work with Esco Turf Management who will, for a fee, perform the litter pick up for an adopting business that cannot provide workers themselves
4. KALB will require all adopting businesses and organizations to sponsor an educational program for their employees or members.
5. A minimum of 15 high-litter areas within the city limits of Athens will be chosen and offered to non-profit, civic, school, and church groups, or groups working in the name of one of these organizations. A list of proposed areas can be found herein.
6. KALB requests an appropriation of \$8,000 from the City of Athens in support of its anti-littering programs. KALB will use at least part of the appropriation to purchase supplies including pick up sticks, garbage bags, gloves, and safety vests.
7. KALB would work toward continued visibility of this program through media coverage, newsletter, and emails.
8. A monthly status report will be provided to City Council and County Commission.

B. Recycling Center Responsibilities

1. The Plant Manager of the Athens-Limestone Recycling Center will insure that all Recycling trucks are properly fitted with tarps to insure no materials will escape from center vehicles.
2. The Plant Manager of the Recycling Center will insure that the Recycling Center and surrounding property is as litter free as possible.
3. The Plant Manager will restructure the cardboard recycling program to allow for collection cages that will not contribute litter to the community.
4. Center employees will be instructed to inform the Plant Manager of any cardboard collection cage that is not properly maintained so necessary corrections can be made.

C. City of Athens Responsibilities

1. The City Council Litter Ordinance, passed in June 2006, should be published with the media and listed on the City's website. If convicted, City fines and community service requirements to pick up litter should be enforced.
2. The Mayor will begin writing about the effects of litter, new developments, and progress made in the litter issue in his monthly newsletter.
3. The Mayor and City Council will address the need for a new street sweeper and litter vacuum.
4. City Council will appropriate \$8,000 to KALB in connection with its anti-littering efforts.
5. Police Department will provide assistance to groups picking up trash in areas that are dangerous due to traffic.
6. The City will make provisions to pick up bags of trash after each volunteer group's cleanup activities.
7. The City Sign Shop will make and post Adopt-A-Spot signs to recognize the organizations adopting each area. KALB will design the signs.
8. The Mayor and City Police Department will finalize their plan to provide supervision and initiation of a program to use city and county inmates to pick up litter.
9. The Mayor and Street and Sanitation Department will continue to work with the Limestone County correctional Institution to finalize a program to work State inmates within the city limits of Athens.
10. City Council will address authorization of the City's sign department to make 10 professional "Do Not Litter" signs to place in strategic places within the city limits. These signs should include the fine for littering and hotline number to report litterbugs. (A KALB committee is working on the design of these signs – to be approved by City Council)
11. The Mayor will ensure that all city vehicles transporting trash/litter take precaution to ensure that the City is not guilty of littering. Efforts will be made to ensure that all loads are covered, all trash trucks keep their loads secured, and that garbage and trash handlers are instructed to take care of any spillage of garbage/trash that may occur when handling garbage cans, dumpsters, and miscellaneous trash.
12. Street Department will send a letter to all city businesses regarding efforts to curb litter. Business cooperation will be requested in the following areas: Keeping property swept and clean and keeping areas around dumpsters clean and litter free.

D. Limestone County Responsibilities

1. County Commission will provide pick up of trash bags after cleanup events take place outside the Athens city limits.
2. County sign department will make and post Adopt-A-Spot signs to recognize the organizations adopting each area. KALB will design the signs.
3. Sheriff's Department will continue to provide investigation of illegal dump sites.
4. Sheriff's Department will continue to send warning letters and educational materials provided by KALB to litter offenders reported through the KALB Litter Watch Program.
5. Sheriff's Department will continue to assist in providing litter crews to pick up trash.

Note: This document contains a statement of general goals and current plans of the City Council, and does not constitute law or legal obligations. It sets forth the City Council's general expectations about the matters contained therein. With respect to entities other than the City of Athens that are referenced herein, this document sets forth representations made by those entities, but such entities are not under the control or supervision of the City, and the City has no responsibility or liability for their actions or performance as stated above. This program may be freely amended and modified as deemed necessary by city officials.

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

Councilman Gill moved the adoption of the following resolution:

RESOLUTION NUMBER 2007-1012

**A RESOLUTION REGARDING
KEEP ATHENS-LIMESTONE BEAUTIFUL, INC.**

WHEREAS, Keep Athens-Limestone Beautiful, Inc. ("KALB") is a non-profit corporation dedicated to the prevention of littering within all of the City of Athens, Alabama;

WHEREAS, KALB enhances the City's own efforts to keep municipal streets and public rights of way clean and free from litter and waste;

WHEREAS, by its efforts in preventing and cleaning up litter, KALB performs a valuable public service and provides a very real benefit to the citizens of the City of Athens;

WHEREAS, the prevention and clean-up of litter in the City of Athens is an objective related to the public health, general welfare, prosperity, and contentment of all the inhabitants of the City of Athens;

WHEREAS, KALB has made various commitments to the City regarding its anti-littering efforts in 2007;

WHEREAS, the City Council of the City of Athens desires to assist KALB in its continuing efforts to keep the City of Athens free from litter; and

THEREFORE BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ATHENS, ALABAMA while in regular session on March 12, 2007 at 5:30 p.m. as follows:

1. The prevention and clean-up of littering throughout the public ways of the City of Athens is a public purpose.
2. The City of Athens does hereby appropriate and allocate \$8,000.00 to KALB, to be used by KALB in connection with its effort to prevent and clean-up littering throughout the public ways of the City of Athens.

ADOPTED and APPROVED this, the 12th day of March, 2007.

/s/ Harold Wales
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 _____, 2007.

Witness my hand and seal of office this ____ day of _____, 2007.

John Hamilton, City Clerk

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

Councilman Marks moved the adoption of the following resolution:

RESOLUTION

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ATHENS, ALABAMA to amend the salaries – temporary employee’s line item 10.15.80105 in the Police Department budget from \$28,000 to \$35,000.

The motion was seconded by Councilman Gill and was 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 that the bid by Power Supply Company, Chattanooga, Tennessee, for conductor for the 2007 Distribution Project be approved and that the Manager of the Electric Department be authorized to issue a Purchase Order to the company in the amount of \$285,099.36.

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

Councilman Marks moved the adoption of the following resolution:

RESOLUTION

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ATHENS, ALABAMA that the bid by Altec Industries, Birmingham, Alabama, for a digger derrick with cab and chassis be approved and that the

Manager of the Electric Department be authorized to issue a Purchase Order to the company in the amount of \$131,107.00.

The motion was seconded by Councilman Gill and was 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 that the bid by Brasfield Sales, Birmingham, Alabama, for six Siemens voltage regulators be approved and that the Manager of the Electric Department be authorized to issue a Purchase Order to the company in the amount of \$77,088.00.

The motion was seconded by Councilman Gill and was 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 accept the FY 2006 Assistance to Firefighters Grant Act (EMW-2006-FG-04606) in the amount of \$228,299.00. The City's required match will be \$56,266.00 for a total grant amount of \$284,565.00. The Grant Match will be funded out of the FY 2007 Capital Line Item.

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

Councilwoman Caudle moved the adoption of the following resolution:

RESOLUTION

BE IT RESOLVED BY THE CITY COUNCIL OF ATHENS, ALABAMA to adopt a revised Drug and Alcohol Testing Program Policy and Procedures Manual dated March 12, 2007 to insure compliance with 49 CFR Part 382 of the FMCSA Regulations and 49 CFR Part 655 of the DOT regulations related to the Federal Transit Authority. A copy will be on file in the City of Athens Human Resources Office.

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 Marks and second by Councilman Gill, duly and properly adjourned.

/s/ Harold Wales
PRESIDENT, CITY COUNCIL

ATTEST:

/s/ John S. Hamilton
CITY CLERK



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