

January 22, 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 January 22, 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 Johnny Crutcher, Harold Wales, Jimmy Gill, Ronnie Marks and Mildred Caudle. Mayor Dan Williams was present and John Hamilton, the Clerk, was present and recorded the Minutes of the meeting. Milly Caudle offered the invocation and Mayor Williams 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 January 8, 2007 City Council Meeting had been submitted for approval. Councilman Crutcher moved that the reading of the Minutes be suspended and that the Minutes be approved as recorded. The motion was seconded by Councilman Gill and was unanimously carried. The Chairman stated that the Minutes of the January 4 and 8, 2007 City Council Work Session Minutes had been submitted for approval. Councilman Crutcher moved that the reading of the Minutes be suspended and that the Minutes be approved as recorded. The motion was seconded by Councilman Gill 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 a Public Hearing will be held at the City Council meeting of February 26<sup>th</sup>, 2007, at 5:30 p.m., to receive comments on the zoning request of John Furline to zone property located on U.S. 72, East of Woodland Road, and north of Canebrake Development and zone said property as R-5 Planned Unit Residential Development District.

The motion was seconded by Councilman Crutcher 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 a Public Hearing will be held at the City Council meeting of February 26<sup>th</sup>, 2007, at 5:30 p.m., to receive comments on the zoning request of Habitat for Humanity to zone property located on Levert Avenue, south of U.S. 72, and zone said property as R-3 High Density Residential District.

The motion was seconded by Councilman Crutcher 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 travel expenses in the following amount be approved for Electric Department personnel.

Mark Agee	TVPPA Advanced Lineman Training Scottsboro, AL	\$124.25
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Mark Jones	TVPPA Advanced Lineman Training Scottsboro, AL	\$125.09
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The motion was seconded by Councilman Crutcher 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 cash advances for travel expenses in the following amount be approved for Electric Department personnel.

Mark Agee	TVPPA Advanced Lineman Training Scottsboro, AL	\$100.00
Philip Roberson	TVPPA Advanced Lineman Training Scottsboro, AL	\$100.00
Ken Goode	TVPPA Advanced Lineman Training Scottsboro, AL	\$100.00
Danny Wallace	TVPPA Advanced Lineman Training Scottsboro, AL	\$100.00
Nathan King	TVPPA Advanced Lineman Training Scottsboro, AL	\$100.00

The motion was seconded by Councilman Crutcher 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 approve the payment of budgeted travel/education expenses to specified Water/Wastewater employees in the total amount of \$555.33 as listed:

Robert Shar (Wastewater)	WEFTEC Security Workshop Atlanta, GA November 28-30, 2006	\$555.33
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The motion was seconded by Councilman Crutcher and was unanimously carried.

Councilman Marks introduced the following ordinance:

STATE OF ALABAMA,  
LIMESTONE COUNTY,  
CITY OF ATHENS.

**ORDINANCE NO. 2007-1623**  
**Amending ORDINANCE NO. 2002-1346**

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

The following schedule of rates respecting furnishing natural gas from the City of Athens natural gas distribution system shall supersede the previous rate schedule published under Ordinance 00-1346 and shall become effective with all meter readings on or after February 1, 2007.

CITY SCHEDULE OF GAS RATES (Applicable to all customers within Athens City Limits)

1. For **residential** customers having facilities that burn less than 35,000 cubic feet during any 24 hour period, and to whom the supply of gas shall be firm, the rates shall be as follows, subject to billing adjustments authorized by the Gas Department and the Purchased Gas Adjustment (PGA) attached hereto:

Monthly Availability Charge: \$2.00 per Month per Meter.

Base Usage Charge: \$7.38 per MCF, subject to adjustment under the PGA.

2. For **commercial** customers and **small industrial** customers having facilities that burn less than 35,000 cubic feet during any 24-hour period, and to whom the supply of gas shall be firm, the rates shall be as follows, subject to billing adjustments authorized by the Gas Department and the Purchased Gas Adjustment (PGA) attached hereto:

Monthly Availability Charge: \$5.00 per Month per Meter.

Base Usage Charge: \$7.38 per MCF, subject to adjustment under the PGA.

*Note: Customers using over 35,000 cubic feet on any day shall be subject to rates for customers using in excess of 35,000 cubic feet per day as outlined hereinafter.*

3. For **commercial** customers and **small industrial** customers having facilities that burn more than 35,000 cubic feet during any 24-hour period, and to whom the supply of gas shall be firm, the rates shall be as follows, subject to billing adjustments authorized by the Gas Department and the Purchased Gas Adjustment (PGA) attached hereto:

Monthly Availability Charge: \$15.00 per Month per Meter.

Base Usage Charge: \$3.68 per MCF, subject to adjustment under the PGA.

Base Demand Charge: A charge of \$10.00 each month for each 1,000 cubic feet of the maximum quantity of gas delivered to the consumer on any day during the twelve month period ending with the current month. The maximum quantity of gas shall be calculated by dividing the monthly consumption by 22 or by use of a demand meter.

4. For **industrial** customers having facilities that burn more than 135,000 cubic feet during any 24-hour period, such gas not to be resold, and to whom the supply of gas shall be subject to curtailment in whole and/or in part at any time at the discretion of the Gas Department upon one hour's notice (a "curtailment order"), the rates shall be as follows, subject to billing adjustments authorized by the Gas Department and the Purchased Gas Adjustment (PGA) attached hereto:

Monthly Availability Charge: \$15.00 per Month per Meter.

Base Usage Charge: \$3.68 per MCF, subject to adjustment under the PGA.

Other Applicable Charges: For each MCF of natural gas used by the customer during a curtailment order, the customer shall pay (1) the Base Demand Charge for commercial and small industrial customers in paragraph 3 above for (i) the current Month and then (ii) for the next twelve consecutive Months and (2) a penalty of \$15.00 per MCF plus the applicable delivered cost of natural used during the curtailment order and (3) any charges or costs charged to or levied upon the Gas Department or that are caused by the customer, or that the customer causes the Gas Department to incur, shall be paid to the Gas Department by the customer, as and when billed. These charges shall be paid together with, and in addition to, the Monthly Availability Charge and Base Usage Charge and any other charges for the Month in which the curtailment order usage occurred.

5. For **industrial** and **agricultural** customers receiving natural gas through a single point of delivery, such gas not to be resold, and who are in an approved creditworthy standing with the City of Athens Utilities, and to whom the supply of gas shall be subject to curtailment in whole and/or in part at any time at the discretion of the Gas Department upon one hour's notice (a "curtailment order"), certain rates and terms and conditions for services that are not necessarily included in this Ordinance or that may not be applicable to the service to be provided, as determined by the Gas Department, may be available under a Special Services Agreement at rates and terms and conditions for services that are agreed to in writing by the customer and the Gas Department.
  
6. Monthly billing quantities will be determined by converting cubic feet to dekatherms using the monthly average British Thermal Unit (BTU) value of the natural gas delivered for that Month.

COUNTY SCHEDULE OF GAS RATES (Applicable to all customers outside Athens City Limits)

1. For **residential** customers having facilities that burn less than 35,000 cubic feet during any 24 hour period, and to whom the supply of gas shall be firm, the rates shall be as follows, subject to billing adjustments authorized by the Gas Department and the Purchased Gas Adjustment (PGA) attached hereto:

Monthly Availability Charge: \$4.00 per Month per Meter.

Base Usage Charge: \$7.50 per MCF, subject to adjustment under the PGA.

2. For **commercial** customers and **small industrial** customers having facilities that burn less than 35,000 cubic feet during any 24-hour period, and to whom the supply of gas shall be firm, the rates shall be as follows, subject to billing adjustments authorized by the Gas Department and the Purchased Gas Adjustment (PGA) attached hereto:

Monthly Availability Charge: \$8.00 per Month per Meter.

Base Usage Charge: \$7.50 per MCF, subject to adjustment under the PGA.

*Note: Customers using over 35,000 cubic feet on any day shall be subject to rates for customers using in excess of 35,000 cubic feet per day as outlined hereinafter.*

3. For **commercial** customers and **small industrial** customers having facilities that burn more than 35,000 cubic feet during any 24-hour period, and to whom the supply of gas shall be firm, the rates shall be as follows, subject to billing adjustments authorized by the Gas Department and the Purchased Gas Adjustment (PGA) attached hereto:

Monthly Availability Charge: \$50.00 per Month per Meter.

Base Usage Charge: \$6.00 per MCF, subject to adjustment under the PGA.

Base Demand Charge: A charge of \$10.00 each month for each 1,000 cubic feet of the maximum quantity of gas delivered to the consumer on any day during the twelve month period ending with the current month. The maximum quantity of gas shall be calculated by dividing the monthly consumption by 22 or by use of a demand meter.

4. For **industrial** customers having facilities that burn more than 135,000 cubic feet during any 24-hour period, such gas not to be resold, and to whom the supply of gas shall be subject to curtailment in whole and/or in part at any time at the discretion of the Gas Department upon one hour's notice (a "curtailment order"), the rates shall be as follows, subject to billing adjustments authorized by the Gas Department and the Purchased Gas Adjustment (PGA) attached hereto:

Monthly Availability Charge: \$50.00 per Month per Meter.

Base Usage Charge: \$5.00 per MCF, subject to adjustment under the PGA.

Other Applicable Charges: For each MCF of natural gas used by the customer during a curtailment order, the customer shall pay (1) the Base Demand Charge for commercial and small industrial customers in paragraph 3 above for (i) the current Month and then (ii) for the next twelve consecutive Months and (2) a penalty of \$15.00 per MCF plus the applicable delivered cost of natural used during the curtailment order and (3) any charges or costs charged to or levied upon the Gas Department or that are caused by the customer, or that the customer causes the Gas Department to incur, shall be paid to the Gas Department by the customer, as and when billed. These charges shall be paid together with, and in addition to, the Monthly Availability Charge and Base Usage Charge and any other charges for the Month in which the curtailment order usage occurred.

5. For **industrial** and **agricultural** customers receiving natural gas through a single point of delivery, such gas not to be resold, and who are in an approved creditworthy standing with the City of Athens Utilities, and to whom the supply of gas shall be subject to curtailment in whole and/or in part at any time at the discretion of the Gas Department upon one hour's notice (a "curtailment order"), certain rates and terms and conditions for services that are not necessarily included in this Ordinance or that may not be applicable to the service to be provided, as determined by the Gas Department, may be available under a Special Services Agreement at rates and terms and conditions for services that are agreed to in writing by the customer and the Gas Department.

6. Monthly billing quantities will be determined by converting cubic feet to dekatherms using the monthly average British Thermal Unit (BTU) value of the natural gas delivered for that Month.

ADOPTED and APPROVED this, the 22nd day of January, 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.

Councilman Marks moved the adoption of the following resolution:

#### RESOLUTION

WHEREAS, three houses were built in 2006 by Habitat for Humanity that had the building permit fees and the water and sewer impact fees waived; and

WHEREAS, Habitat for Humanity anticipates three more houses being built in 2007; therefore

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ATHENS, ALABAMA, to waive the building permit fees and water, sewer and gas impact fees on homes built by Habitat for Humanity in calendar year 2007.

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

Councilman Marks moved the adoption of the following resolution:

#### RESOLUTION

WHEREAS, Athens-Limestone Hospital has been providing excellent medical care to the residents of Athens and Limestone County for more than fifty years;

WHEREAS, the Alabama Statewide Health Coordinating council has determined a need for a 60 bed hospital in the City of Madison;

WHEREAS, a Madison hospital will have substantial detrimental financial impact on Athens-Limestone Hospital;

WHEREAS, Athens-Limestone Hospital has continuously challenged the building of a Madison hospital due to the substantial detrimental financial impact that will occur to Athens-Limestone Hospital by a Madison hospital;

WHEREAS, Huntsville Hospital, a non-profit community based hospital, and Triad, a for-profit hospital which operates Crestwood Medical Center in Huntsville, Alabama, have filed applications for a Certificate of Need to build a Madison hospital;

WHEREAS, Athens-Limestone Hospital has filed opposition to both applications;

WHEREAS, Huntsville Hospital has recognized that Athens-Limestone Hospital could be detrimentally impacted by a Madison hospital;

WHEREAS, Athens-Limestone Hospital and Huntsville Hospital have determined that Athens-Limestone Hospital must be protected, maintained and financially supported as a public hospital for the benefit of the residents of the Community it serves.

WHEREAS, Athens-Limestone Hospital and Huntsville Hospital have executed a Letter of Intent to develop economic integration through a lease contractual arrangement;

WHEREAS, Athens-Limestone Hospital pursuant to the Letter of Intent is withdrawing its opposition to Huntsville Hospital's application for a Certificate of Need to build a Madison hospital but will remain opposed to Triad's application for a Certificate of Need to build a Madison hospital;

WHEREAS, it is important to the residents of the City of Athens and Limestone County that every effort be made to minimize the substantial detrimental financial impact a Madison hospital will have on Athens-Limestone Hospital;

THEREFORE, BE IT RESOLVED, by the City of Athens that the City of Athens supports the proposed economic integration of Athens-Limestone Hospital with Huntsville Hospital;

THEREFORE, BE IT FURTHER RESOLVED, that the City of Athens finds that if a Certificate of Need for a Madison hospital is approved that it would be in the best interest of the residents of Athens and Limestone County that Huntsville Hospital be the entity to receive the Certificate of Need to build a Madison hospital. This would allow the residents of the City of Madison and western Madison County to have a community based hospital with the least amount of detrimental impact on Athens-Limestone Hospital due to the proposed economic integration of Athens-Limestone Hospital with Huntsville Hospital.

ADOPTED and APPROVED this, the 22nd day of January, 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 Crutcher and was unanimously carried.

Councilman Crutcher moved the adoption of the following resolution:

#### RESOLUTION

#### SPECIAL USE PERMIT FOR USE OF WIRELESS TELECOMMUNICATIONS FACILITY

**WHEREAS**, T-Mobile has submitted an application to co-locate on an existing tower at 107 Stewart Drive; and;

**WHEREAS**, T-Mobile has complied with the City's Ordinance No. 1320 and the visual impact of the proposed co-location is negligible and would in all probability not be noticed by anyone, given the visual intrusiveness of the existing tower; and

**WHEREAS**, both the City and T-Mobile's customers in Athens will benefit from improved service; and

**WHEREAS**, the City's consultant, The Center for Municipal Solutions (CMS), recommends the granting of a Special Use Permit for this facility located at 107 Stewart Drive (Tax Parcel 10-02-09-4-0-001.001), which consists of a 250 foot tall tower;

**NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ATHENS, ALABAMA THAT:**

The City Council of the City of Athens, AL, pursuant to Ordinance 1320, hereby grants to T-Mobile a conditional Special Use Permit subject to the following conditions, any violation of which shall result in the revocation of the Special Use Permit.

- 1) The provision of a \$25,000 performance and removal bond *prior to the issuance of a building permit.*
- 2) To prevent warehousing of permits or authorizations and to assure the best service to the City's residents as expeditiously as possible, the facility must be built, activated and be providing service *no later than ninety (90) days after the issuance of the Special Use Permit or other applicable authorization, subject to commonly accepted force majeure exceptions acceptable to the City.* T-Mobile may petition the City for an extension of this for good cause shown, but the decision whether or not to grant the extension shall exclusively be the prerogative of the City.
- 3) ANSI Inspection Report as required by TIA/EIA 22 (Annex E) shall be provided by T-Mobile prior to issuance of building permit.
- 4) Once T-Mobile has met all the conditions of the permit and any other requirements of the City and a building permit is issued, they must notify the City's consultant for all inspections.
- 5) At the completion of construction the Applicant must notify the City's consultant and provide proof that all inspections have been satisfactorily completed and the project is ready for a final on-site inspection. Upon passing the final inspection a recommendation to issue a certificate of occupancy shall be made.
- 6) T-Mobile shall not be permitted to actually provide service commercially until the Certificate of Occupancy or its functional equivalent is issued or risk forfeiting its Permit.

ADOPTED and APPROVED this, the 22nd day of January, 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.

Councilman Gill moved the adoption of the following resolution:

RESOLUTION

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ATHENS, ALABAMA, to authorize the Mayor is issue a work order to Keenum Contracting in an amount not to exceed \$7,500.00 for road improvements to Airport Road at the entrance to the BioDiesel Plant located in Elm Industrial Park. This project shall be funded from the General Fund account 10.25.90146 will be charged.

The motion was seconded by Councilman Crutcher 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 low bid from Dan Wachtel for a 2007 model pickup truck in the amount of \$23,028.45 be accepted and the Manager, Water Services, be hereby authorized to issue a purchase order accordingly.

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

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

/s/ Harold Wales  
PRESIDENT, CITY COUNCIL

ATTEST:

/s/ John S. Hamilton  
CITY CLERK



























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