

July 16, 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 July 16, 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 Williams was absent. John Hamilton, City Clerk, was present and recorded the Minutes of the meeting. Harold Wales offered the invocation and Mildred Caudle 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 June 25, 2007 City Council Meeting had been submitted for approval. Councilman Marks 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 June 25, 2007 City Council Work Session Minutes had been submitted for approval. Councilman Marks 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.

May Davis, 1201 Plainview Circle, asked about any progress involving clearing property in the vicinity of the Brownsferry Street and Hine Street intersection.

Quentin Anderson, 104 Ridgelawn Drive, thanked the council for passing the ordinance involving the impoundment of vehicles when a person doesn't have a driver's license.

Wilbur Woodruff, said he was against item "N" on tonight's agenda which involves the naming of Martin Luther King Jr. Drive and Industrial Park.

Benard Simelton, President of Limestone County NAACP, said he was against the council approving the resolution tonight involving naming part of Durham Drive and Breeding Industrial Park to Martin Luther King Jr. Drive and Industrial Park.

Horton D. Matthews, reminded Councilman Wales that taxes hurt older people that only had a fixed income to buy food.

Councilman Marks introduced 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.

Bill Meadows	PCB Training – Murfreesboro, TN	\$34.26
David Jones	PCB Training – Murfreesboro, TN	\$118.93
Beth Clem	PCB Training – Murfreesboro, TN	\$38.13
Nathan King	TVPPA Advanced Lineman Training – Jackson, TN	\$26.19
Philip Roberson	TVPPA Advanced Lineman Training – Jackson, TN	\$166.69

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

Councilman Marks introduced 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 for specified Water/Wastewater employees in the total amount of \$4,241.51 as listed:

Jonathan Bedsole (W/WW)	TriState Engineering Society Meeting Sandestin, FL June 23-27, 2007	\$1,335.85
John Stockton (Wastewater)	AWWA Annual Conference Toronto, Ontario June 24-28, 2007	\$2,905.66

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

Councilman Marks introduced 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 a cash advance for budgeted travel/education expenses to specified Water/Wastewater employees in the total amount of \$500.00 as listed:

Robert Shar (Wastewater Dept.)	Operator 10 Training Kenton, OH July 23-27, 2007	\$500.00
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The motion was seconded by Councilman Crutcher and was unanimously carried.

Councilman Marks introduced the adoption of 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 Finance Department in the amount of \$26.25 as follows:

Pam Morell Debbie Davis Lisa Lawrence Teresa Draper Susan Downs	NAPAA Annual Meeting Joe Wheeler State Park June 22, 2007
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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 NUMBER _____

**AN ORDINANCE AMENDING THE SCHEDULE OF FINES FOR THE CITY OF ATHENS
MUNICIPAL COURT**

WHEREAS, this City Council recently amended portions of the City of Athens Code of Ordinances concerning junk, litter, weeds, nonconforming vehicles, and related items;

WHEREAS, the City Council desires to amend the City's Schedule of Fines to be in conformity with those recent amendments, and to revise the City's Schedule of Fines to reflect the new numbering system in the City of Athens Code of Ordinances; and

THEREFORE BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ATHENS, ALABAMA while in regular session on July 16, 2007 at 5:30 p.m., as follows:

Section 1. That Section 30-3(b) of the Code of Ordinances, City of Athens, Alabama be repealed and replaced by amendment to read as follows:

(b) The Schedule of Fines, pursuant to Rule 20 of the *Alabama Rules of Judicial Administration*, shall be as follows:

Traffic Offenses

OFFENSES		FINES
Driving on wrong side of road	\$30.00	
Failure to dim headlights	10.00	
Failure to stop at railroad crossing	10.00	
Failure to use child restraint		10.00
Failure to wear safety belt	10.00	
Failure to yield right of way		20.00
Following too closely		20.00
Improper backing	20.00	
Improper brakes	20.00	
Improper lights	20.00	
Improper muffler	10.00	
Improper or no rear view mirror	20.00	
Improper passing	20.00	
Improper signal	10.00	
Improper tag		25.00
Improper tires		20.00
Improper turn		20.00
Improper window tinting	20.00	
No helmet (motorcycle rider)		10.00
Operating a motor vehicle without driver's license	25.00*	
Running a red light		20.00
Running a stop sign		20.00
Speeding:		
Less than 25 MPH over posted limit		20.00
25 MPH or more over posted limit	40.00	
Stopping on highway		30.00
Violating driver's license restrictions		10.00*

*This amount does not include the \$50.00 penalty imposed pursuant or 32-6-18 and 32-6-19, Ala. Code 1975, as amended by Act No. 97-494, effective May 22, 1997.

Municipal Ordinance Violations

Violation of § 46-5 of the Code of Ordinances, City of Athens (Noise Ordinance)

1 st offense	50.00
2 nd offense	100.00
3 rd offense	MANDATORY COURT

Violation of § 46-52 of the Code of Ordinances, City of Athens (Littering Prohibited)

1 st and additional violations	MANDATORY COURT
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Violation of § 46-53 of the Code of Ordinances, City of Athens (Littering Penalty for Owner and/or Driver of Vehicle)

1 st and additional violations	MANDATORY COURT
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Violation of § 46-54 of the Code of Ordinances, City of Athens (Duty to Keep Property Clear and Free From Litter)

1 st offense	\$30.00
2 nd or additional violation within a year	MANDATORY COURT

Violation of § 46-55 of the Code of Ordinances, City of Athens (Duty to Keep Property Clear and Free From Junk and Non-Conforming Vehicles)

1 st offense	\$30.00
2 nd or additional violation within a year	MANDATORY COURT

Violation of § 46-56 of the Code of Ordinances, City of Athens (Sweeping Trash, Litter, and Mud into Public Streets and Sidewalks Prohibited)

1 st and additional violations	MANDATORY COURT
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Violation of § 46-57 of the Code of Ordinances, City of Athens (Overgrown Weeds and Grass Prohibited)

1 st offense	\$30.00
2 nd or additional violation within a year	MANDATORY COURT

Violation of § 46-59 of the Code of Ordinances, City of Athens (Debris from Construction, Demolition, Alterations or Repair)

1 st offense	\$30.00
2 nd or additional violation within a year	MANDATORY COURT

Violation of Chapter 38, Article 3 of the Code of Ordinances, City of Athens (Open Burning Ordinance)

1 st offense and additional offenses	MANDATORY COURT
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Violation of § 54-6 of the Code of Ordinances, City of Athens (Library Material Ordinance)

1 st offense	RESTITUTION TO LIBRARY
2 nd offense	RESTITUTION TO LIBRARY AND COURT COSTS
3 rd offense	MANDATORY COURT

Violation of Chapter 46, Article 3 of the Code of Ordinances, City of Athens (Solid Wastes and Trash Ordinance)**

1 st offense	\$50.00
2 nd offense	\$100.00
3 rd offense	\$150.00
4 th or greater offense	\$200.00

** (However, this fine schedule shall not apply to any person convicted of a violation of §§ 46-93(e), 46-93(f), and/or 49-95(d) of Ordinance 06-1596. There shall be a mandatory court appearance in those cases.)

Section 2. This Ordinance shall become effective upon its adoption as provided by law, except for the provision relating to Section 46-55, which shall become effective on September 1, 2007.

Section 3. 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 Ordinance and such amendments and statutes are declared to be severable.

Section 4. The provisions of this Ordinance shall be included and incorporated in the Code of Ordinances of the City of Athens as an addition or amendment thereto, and shall be appropriately renumbered as necessary to conform to the uniform numbering system of the Code.

Section 5. The enactment of this Ordinance shall not affect any action, suit, or proceeding instituted or pending at this time under Ordinance No. 2002-1384 and Ordinance 2006-1587 (as set forth in Chapter 46, Article II, Division II, Sections 46-51 through 46-63 of the Code of Ordinances, City of Athens, Alabama). All suits at law or in equity and/or all prosecutions resulting from the violation of Ordinance No. 2002-1384 and Ordinance 2006-1587 (as set forth in Chapter 46, Article II, Division II, Sections 46-51 through 46-63 of the Code of Ordinances, City of Athens, Alabama), which are now pending in any court, shall not be abated or abandoned by reason of this Ordinance but may be prosecuted to their finality, the same as if this Ordinance had not been adopted. Nothing in this Ordinance shall be so construed as to abandon, abate, or dismiss any litigation or prosecution now pending, and/or which may heretofore have been instituted or prosecuted.

ADOPTED this the ____ day of _____, 2007.

HAROLD WALES, CITY COUNCIL PRESIDENT

APPROVED this the ____ day of _____, 2007.

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 _____, 2007.

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

John Hamilton, City Clerk

Councilman Crutcher introduced the adoption of the following resolution:

RESOLUTION

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ATHENS, ALABAMA, that the Wastewater Department is authorized to construct an 8" sewer extension under U.S. Highway 31 at Pryor Street at a total cost of \$102,985.00 and \$15,001.65 is appropriated from the Wastewater Department Capital Infrastructure Fund to finance the Department's portion of this project.

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

Councilwoman Caudle introduced the adoption of the following resolution:

RESOLUTION

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ATHENS, ALABAMA, to revise the organizational structure for the Electric Department in accordance with the attached organizational chart which includes 62 regular positions and 4 part-time positions.

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

Councilman Marks introduced the adoption of the following resolution:

RESOLUTION _____

Councilman Marks moved the adoption of the following resolution:

This resolution made this 16th day of July, 2007, (the Effective Date) by the City Council, City of Athens, Alabama (the Granting Authority), to grant a tax abatement for Aviagen, Inc. (the Company).

WHEREAS, the Company has announced plans for a (check one):

_____ new project or major addition to their existing facility (the Project),

located within the jurisdiction of the Granting Authority; and

WHEREAS, pursuant to the Tax Incentive Reform Act of 1992 (Section 40-9B-1 et seq., Code of Alabama 1975) (the Act), the Company has requested from the Granting Authority an Abatement of (check all that apply):

all state and local noneducational property taxes,

all construction related transaction taxes, except those construction related transaction taxes levied for educational purposes or for capital improvements for education, and /or

_____ all mortgage and recording taxes; and

WHEREAS, the Company has requested that the abatement of state and local noneducational property taxes (if applicable) be extended for a period of 10 years, in accordance with the Act; and

WHEREAS, the Granting Authority has considered the request of the Company and the completed applications (copy attached) filed with the Granting Authority by the Company, in connection with its request; and

WHEREAS, the Granting Authority has found the information contained in the Company's application to be sufficient to permit the Granting Authority to make a reasonable cost/benefit analysis of the proposed project and to determine the economic benefits to the community; and

WHEREAS, the construction of the project will involve a capital investment of \$4,200,000.00; and

WHEREAS, the Company is duly qualified to do business in the State of Alabama, and has powers to enter into, and to perform and observe the agreements and covenants on its part contained in the Tax Abatement Agreement; and

WHEREAS, the Granting Authority represents and warrants to the Company that it has power under that constitution and laws of the State of Alabama (including particularly the provisions of the Act) to carry out provisions of the Tax Abatement Agreement;

NOW THEREFORE, be it resolved by the Granting Authority as follows:

Section 1. Approval is hereby given to the application of the Company and abatement is hereby granted of (check all that apply):

all state and local noneducational property taxes,

all construction related transaction taxes, except those construction related transaction taxes levied for educational purposes or for capital improvements for education, and /or

all mortgage and recording taxes

as the same may apply to the fullest extent permitted by the Act. The period of abatement for the noneducational property taxes (if applicable) shall extend for a period of 10 years measured as provided in Section 40-9B-3(8) of the Act.

Section 2. The governing body of the Granting Authority is authorized to enter in to an abatement agreement with the Company to provide for the abatement granted in Section 1.

Section 3. A certified copy of this resolution, with the application and abatement agreement, shall be forwarded to the Company to deliver to the appropriate local taxing authorities (if applicable) and to the Alabama Department of Revenue in accordance with the Act.

Section 4. The governing body of the Granting Authority is authorized to take any and all actions necessary or desirable to accomplish the purpose of the foregoing of this resolution.

I hereby certify that the above and foregoing was duly adopted by the City Council of the City of Athens, Alabama at a meeting held on the _____ day of _____, 2007.

John Hamilton – City Clerk

Councilman Crutcher introduced the adoption of the following resolution:

RESOLUTION

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ATHENS, ALABAMA, to accept the low bid, which meets or exceeds all specifications, of Sansom Equipment to provide one (1) leaf machine to the Athens Sanitation Department. The bid price is \$31,323.75. This will be funded from the capital expenditure fund.

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

Councilman Gill introduced the adoption of the following resolution:

RESOLUTION

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ATHENS, ALABAMA, to approve the Amended FY 2007 Gas Department Budget and to spread the same on the minutes.

AMENDED FY 2007 GAS DEPT BUDGET

REVENUES:

Metered Sales	\$ 11,350,000.00
Other Revenues	\$ 164,600.00
Reserve Funds	\$ 200,000.00
Cost Reimbursed by Revenue Funds	\$ 350,000.00
Training Facility (Leak City)	\$ 75,000.00
Aid to Construction	\$ 85,000.00
TOTALS	\$ 12,224,600.00

EXPENSES:

Salaries and Fringes	\$ 1,416,660.00
Purchased Gas	\$ 7,080,890.00
Distribution System Operation & Maintenance	\$ 624,750.00
Administrative	\$ 261,510.00
Customer Accounting and Billing	\$ 32,000.00
Vehicle and Equipment Operation & Maint	\$ 115,000.00
ILO Taxes	\$ 835,000.00
2005 Revenue Warrant Debt Service	\$ 241,222.00
2007 Revenue Warrant Debt Service	\$ 460,012.00
General Fund Salaries and Expenses	\$ 21,200.00
Capital Expenditures	\$ 967,901.00
Construction Materials & Capitalized Equip Repair	\$ 300,000.00
Construction Materials (Reimb by Rev Warrants)	\$ 350,000.00
Other Capital (Equip, tools, etc)	\$ 317,901.00
Totals:	\$ 12,056,145.00

Cost of Living (Payroll, Welfare, Taxes)	\$ 36,596.00
Net Proposed Budget:	\$ 168,455.00
Expenditures less Gas & ILO Tax:	\$ 4,170,255.00
Construction Costs (Reimb by Revenue Warrants)	\$ 350,000.00
Debt Service Cost:	\$ 701,234.00
Expenditures less Gas, ILO Tax, Bond Const & Debt Svc:	\$ 3,119,021.00

ILO Tax: \$ 805,000.00
Expenditures less Gas: \$ 4,975,255.00

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

Councilwoman Caudle introduced the adoption of the following resolution:

RESOLUTION

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ATHENS, ALABAMA, that an additional appropriation in the amount of \$1,405 is made from the Water Department Capital Infrastructure Fund to cover the final costs for the Elm Street Booster Pumping Station upgrade.

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

Councilman Marks introduced the adoption of the following resolution:

RESOLUTION

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ATHENS, ALABAMA, that an additional \$20,025 is appropriated from the Wastewater Department Capital Infrastructure Fund to finance final expenses for wastewater treatment plant consent decree issues.

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

Councilman Marks introduced the adoption of the following resolution:

RESOLUTION

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ATHENS, ALABAMA, to acknowledge the contributions of Dr. Martin Luther King Jr. to our community by dedicating and naming the newly constructed road that connects Durham Drive and Roy Long Road to Dr. Martin Luther King Jr. Drive. Also, the south 53 acres of the Breeding Industrial Park will be names Martin Luther King Jr. Park.

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

Councilwoman Caudle introduced the adoption of the following resolution:

RESOLUTION

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ATHENS, ALABAMA, to authorize the Mayor to notify the State of Alabama Department of Transportation of the City's intent to rescind STTPE-TE05(913) due to projected budget overrun of required improvements. The City of Athens shall use their labor resources to make required improvements so as comply with the architectural drawings prepared by JH Partners. The approximate cost will be \$90,000 and the funding will come from: 1) District 5, capital project funds of \$29,000, 2) balance remaining from the city's 20% match share of FY2005 Transportation Enhancement grant of \$31,788 and 3) general fund reserves of \$29,212 from line item 10.25.90194.

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

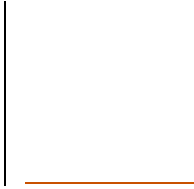
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There being no further business to come before the meeting, the same was, upon motion by Councilman Crutcher and second by Councilman Marks, duly and properly adjourned.

/s/ Harold Wales
PRESIDENT, CITY COUNCIL

ATTEST:

/s/ John S. Hamilton
CITY CLERK



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