

August 13, 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 August 13, 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 present. John Hamilton, City Clerk, was present and recorded the Minutes of the meeting. Ronnie Marks 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 July 30, 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 July 30, 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. The Chairman stated that the Minutes of the August 2, 2007 Special 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.

Councilman Crutcher said that some of the information in the letter by Lifford Abernathy in the July 30, 2007 minutes was incorrect.

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 park on Sanderfer Road be officially named Jimmy Wayne Gill Park.

The motion was seconded by Councilman Marks with four yeas, no nays and one abstention by Councilman Gill.

Councilwoman Caudle introduced the adoption of the following resolution:

RESOLUTION NUMBER 2007-1027

**A RESOLUTION RATIFYING A CONTRACT TO PURCHASE A TRUCK FOR THE ATHENS
FIRE DEPARTMENT**

WHEREAS, the Mayor of the City of Athens has declared an emergency pursuant to § 41-16-53 of the *Code of Alabama* with respect to the purchase of a truck to be outfitted and utilized to combat brush fires within the City, and said declaration is attached hereto as **Exhibit A**;

WHEREAS, although a formal bid process was not utilized, the Athens Fire Department quickly contacted different vendors, compared available pricing, attempted to get the best value with respect to the purchase, and purchased a truck;

WHEREAS, although the City frequently utilizes competitive bidding with respect to such purchases, § 41-16-51(a)(15) of the *Code of Alabama* provides that competitive bidding is not required for the purchase of "products relating to, or having an impact upon, ... the security or safety of persons, structures, facilities, or infrastructures;" and

THEREFORE BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ATHENS, ALABAMA on August 13, 2007 at 5:30 p.m., that the Athens Fire Department's purchase and acquisition of one truck (to be outfitted and utilized to put out brush fires) from Jimmy Smith Pontiac Buick GMC in the amount of \$33,578.28 is hereby ratified.

ADOPTED this the 13th day of August, 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

**DECLARATION OF EMERGENCY FOR PURPOSES SET FORTH IN SECTION
41-16-53 OF THE *CODE OF ALABAMA***

WHEREAS, the City of Athens Fire Department maintains one truck outfitted and utilized to combat brush fires within the City;

WHEREAS, said truck is utilized in order to reach fires on wooded, agricultural, undeveloped, or other property that cannot otherwise be reached by other fire department equipment;

WHEREAS, the Fire Chief reports that said truck has unexpectedly experienced mechanical problems that have eliminated the reliability of the use of the truck;

WHEREAS, the Fire Chief believes that the availability and use of the truck are essential to the Athens Fire Department's ability to combat fire;

WHEREAS, the Fire Chief further reports that the cost of the repair of the truck is almost as much as the current value of the truck;

WHEREAS, the truck is old and near the end of its planned and expected use by the Athens Fire Department;

WHEREAS, the Athens Fire Department has no other trucks that can be outfitted and used for this purpose without interfering with other important functions;

WHEREAS, the Fire Chief requires that this situation be immediately addressed in light of the ever-present threat of fire;

WHEREAS, the delay in engaging in the competitive bid process will exacerbate this dangerous situation;

WHEREAS, the public interest would be served by purchasing a new truck to fulfill this purpose;

WHEREAS, although a formal competitive bid process will not be utilized, the Athens Fire Department will quickly contact different vendors, compare available pricing, and attempt to get the best value with respect to the purchase;

WHEREAS, although the City frequently utilizes competitive bidding with respect to such purchases, § 41-16-51(a)(15) of the *Code of Alabama* provides that competitive bidding is not required for the purchase of "products relating to, or having an impact upon, ... the security or safety of persons, structures, facilities, or infrastructures;" and

THEREFORE BE IT DECLARED BY THE MAYOR OF THE CITY OF ATHENS, ALABAMA on August 13, 2007 at 5:30 p.m., that to the extent that the Alabama Competitive Bid Law

applies to the City's purchase of a new truck to satisfy the requirements of the Athens Fire Department as discussed herein, an emergency is hereby declared that affects the public health and safety pursuant to § 41-16-53 of the *Code of Alabama*, and as a result, the Fire Chief of the Athens Fire Department may enter into a contract to purchase a truck as set forth above. This declaration shall immediately be made public pursuant to § 41-16-53.

APPROVED this the 13th day of August, 2007.

/s/ Dan Williams
MAYOR, 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 Declaration approved by the Mayor 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 Crutcher and was unanimously carried.

Councilman Marks introduced the adoption of the following resolution:

RESOLUTION NUMBER 2007-1028

This resolution made this 13 day of August, 2007, (the Effective Date) by the City Council, City of Athens, Alabama (the Granting Authority), to grant a tax abatement for Turner Machine, Inc. (the Company).

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

_____ new project or X 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):

X all state and local noneducational property taxes,

X 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 \$515,000.00; 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 13th day of August, 2007.

ADOPTED and APPROVED this, the 13th day of August , 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 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 for construction of the North Alabama Mental Health Center of \$325,000, plus an architect fee of approximately \$12,500. The City Council and County Commission has previously set aside for the project \$75,000 each. Due to cost increases the City Council will appropriate ½ of the increase from the General Fund Reserve (10.25.90107). Therefore, the city's approximate additional appropriation will be \$100,000.

Councilwoman Caudle introduced the adoption of the following resolution:

RESOLUTION

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ATHENS, ALABAMA, to hold a special meeting on August 21, 2007 at 11:45 a.m. at the Probate Judge's Office to certify results of the legal sales referendum. The City Clerk is required to post notices of the special called meeting as required by State Law.

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

Councilman Marks introduced the adoption of the following resolution:

RESOLUTION

Whereas the Tennessee Valley Rehabilitation Center, Inc. is a non-profit, multiple disability, vocational rehabilitation facility providing vocational, personal, social, and education rehabilitative services to individuals with disabling condition in North Alabama, and;

Whereas the facility operates without limitation by reason of race, color, or national origin, and under legally constituted governing body, and governed by a board of volunteers representing a four county service area, and ;

Whereas a mission of the center is to provide work training and opportunities to persons with disabilities, and allow them to transition to the competitive work market, and;

Whereas the center was established in 1958, and located on the Calhoun College campus, and receives financial support from the Alabama Department of Rehabilitation Service fees, local city and county governments, United Ways, grants, civic clubs, fraternal organizations, businesses, industries and individuals and;

Whereas the center is in need of space to accommodate the growing number of clients from the four-county area, and the current building is the oldest building on the Calhoun Campus;

Now be it resolved by the City Council of the City of Athens, Alabama, that this Council sends this resolution of support for the Tennessee Valley Rehabilitation Center, Inc., to the center's financial supporters, the Calhoun College Facility Director, the State of Alabama Board of Education, the Governor's Office, and the State of Alabama Legislature.

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

Councilman Crutcher introduced the following ordinance:

**STATE OF ALABAMA,
LIMESTONE COUNTY,
CITY OF ATHENS.**

ORDINANCE NO. _____

ORDINANCE DECLARING PROPERTY AS SURPLUS AND AUTHORIZING THE MAYOR TO EXECUTE A DEED CONVEYING THE CITY OF ATHENS, ALABAMA'S INTERESTS IN REAL PROPERTY TO THE ALABAMA PUBLIC HEALTH CARE AUTHORITY FOR THE CONSTRUCTION OF A HEALTH DEPARTMENT

WHEREAS, the City of Athens, Alabama ("City") and Limestone County Commission ("County") are joint owners in four acres of vacant property on Highway 31, Athens ("Property"), a copy of the legal description of said property attached hereto and marked as Exhibit "A";

WHEREAS the City declares its interest in said property as surplus and as not needed for municipal or public purposes;

WHEREAS the City and County have agreed to convey said property to The Alabama Public Health Care Authority for the construction and operation of a Health Department in order to meet the City's present and future health needs;

WHEREAS said construction will be at no cost to the City; and

WHEREAS a newly constructed Health Department is needed to meet the growing needs of the City;

THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ATHENS, ALABAMA, while in regular session on August __, 2007, at __: __ .m., as follows:

1. For and in consideration of The Alabama Public Health Care Authority constructing a new health building and health facility to meet present and future health needs of the people of the City, at no cost to the City, the City shall convey its interest in approximately four acres of vacant property on Highway 31, Athens, now owned by the City and the County, to the Alabama Public Health Care Authority for the purposes described herein, said property being described in Exhibit "A", the plat of which shall be recorded in the Office of the Judge of Probate of Limestone County prior to the conveyance.

2. The Mayor is hereby directed and authorized to execute a deed in the name of the City conveying the City's interests in said property to The Alabama Public Health Care Authority, a copy of said deed being attached and marked as Exhibit "B", and is further authorized to execute any and all documents related to the transfer of said property interest to The Alabama Public Health Care Authority. The Mayor may also alter the legal description of the property on such documents to the extent necessary to properly recite the location of the map or plat in the Office of the Judge of Probate.

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

EXHIBIT A

Lot No. 2 of the Final Plat of the Thirty-One South Commercial Park, found at Plat Book __, Page __ in the Office of the Judge of Probate of Limestone County, Alabama

This instrument was prepared by:

E. Shane Black, Esq.
Roger L. Bates, Esq.
Hand Arendall, L.L.C.
102 South Jefferson Street
Athens, Alabama 35611

SEND TAX NOTICE TO:

The Alabama Public Health Care Authority
201 Monroe Street
Post Office Box 303017
Montgomery, Alabama 36130-3017

WARRANTY DEED

STATE OF ALABAMA)
)
LIMESTONE COUNTY)

KNOW ALL MEN BY THESE PRESENTS: That in consideration of One Dollar (\$1.00) and other good and valuable consideration, in hand paid, to the undersigned grantors, LIMESTONE COUNTY, ALABAMA, a political subdivision of the State of Alabama, and the CITY OF ATHENS, ALABAMA, a municipal corporation of the State of Alabama (collectively herein referred to as GRANTORS), in hand paid by the grantee herein, the receipt of which is hereby acknowledged, the said GRANTORS do by these presents, grant, bargain, sell and convey unto, THE ALABAMA PUBLIC HEALTH CARE AUTHORITY, a public corporation organized under the laws of the State of Alabama (hereinafter referred to as GRANTEE), the real property described in *Exhibit "A"* attached hereto and made a part hereof, situated in Limestone County, Alabama (the "Property").

The Property does not form a part of or pertain to the electrical distribution system, natural gas distribution system, sewer system, or water system of the City of Athens, Alabama.

The Property is conveyed to and accepted by Grantee subject to the matters set forth on *Exhibit "B"* attached hereto and made a part hereof.

TO HAVE AND TO HOLD the same unto the said GRANTEE, its successors and assigns forever.

And said GRANTORS do for themselves, their respective successors and assigns, covenant with said GRANTEE, its successors and assigns, that they are lawfully seized in fee simple of the Property, that the Property is free from all encumbrances, that they have a good right to sell and convey the same as aforesaid, and that they will, and their respective successors and assigns shall, warrant and defend the same to the said GRANTEE, its successors and assigns forever, against the lawful claims of all persons.

IN WITNESS WHEREOF, the said GRANTORS, by their respective duly authorized officers, have hereto set their respective signature and seal, this the ____ day of _____, 2007.

LIMESTONE COUNTY, A POLITICAL
SUBDIVISION OF THE STATE OF

ALABAMA

BY: _____

David Seibert, Chairman,
Limestone County Commission

CITY OF ATHENS, ALABAMA, A
MUNICIPAL CORPORATION OF THE
STATE OF ALABAMA

BY: _____

Mayor, Dan Williams

STATE OF ALABAMA)
LIMESTONE COUNTY)

I, the undersigned Notary Public in and for said County in said State, hereby certify that David Seibert whose name as Chairman of the Limestone County Commission, is signed to the foregoing Warranty Deed, and who is known to me, acknowledged before me on this day that, being informed of the contents of the Warranty Deed, he, in such official capacity and with full authority, executed the same voluntarily for and as the act of said entity.

Given under my hand and official seal on this ____ day of _____, 2007.

NOTARY PUBLIC
My commission

expires: _____

STATE OF ALABAMA)
LIMESTONE COUNTY)

I, the undersigned Notary Public in and for said County in said State, hereby certify that Dan Williams whose name as Mayor of the City of Athens, is signed to the foregoing Warranty Deed, and who is known to me, acknowledged before me on this day that, being informed of the contents of the Warranty Deed, he, in such official capacity and with full authority, executed the same voluntarily for and as the act of said entity.

Given under my hand and official seal on this ____ day of _____, 2007.

NOTARY PUBLIC
My commission

expires: _____
155598

EXHIBIT "A"

Lot No. 2 of the Final Plat of the Thirty-One South Commercial Park, found at Plat Book __, Page __ in
the Office of the Judge of Probate of Limestone County, Alabama

EXHIBIT "B"

1. Grantee acknowledges and agrees that the Property is conveyed by Grantors "AS IS" and "WHERE IS" and with all faults and without any representation or warranty of any kind, express or implied, except for the limited warranty of title pursuant to Section 35-4-271 of the Code of Alabama (1975).
2. General and special taxes or assessments for 2007 and subsequent years not yet due and payable.
3. Easement to American Telephone and Telegraph Company, dated June 20, 1956, and of record in the Office of the Judge of Probate of Limestone County, Alabama, in volume 530 at page 112.

* * *

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

/s/ Harold Wales
PRESIDENT, CITY COUNCIL

ATTEST:

/s/ John S. Hamilton
CITY CLERK



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