

January 11, 2010

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 11, 2010, at 5:30 p.m. The meeting was called to order by Councilman William R. Marks, President of the Council. Upon roll call the following were found to be present: Councilmembers Mignon Bowers, Harold Wales, Jimmy Gill, William R. Marks and Mildred Caudle. Mayor Dan Williams was present and led the pledge of allegiance. John Hamilton, City Clerk, was present and recorded the minutes of the meeting. Father Dave Paysinger with St. Timothy's Episcopal Church offered the invocation. 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 December 21, 2009 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 Councilwoman Bowers and was unanimously carried. The Chairperson stated that the Minutes of the December 21, 2009 City Council Work Session 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 Councilwoman Bowers and was unanimously carried.

Mayor Dan Williams spoke of the Alabama Crimson Tide winning the National Championship and our local students that are part of the Number One Team.

Scott Marshall, Canebrake Subdivision, supports the leasing of the old Domino Hall.

**Councilman Wales 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 "Retail Beer and Table Wine for Off-Premises Consumption" alcohol license. It is of our opinion that the business has met all of the requirements of the City of Athens' alcohol ordinance.

Jay Ras Raj, Inc.  
d/b/a Jiffy Food Store #3  
1809 Highway 72 East

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

**Councilwoman Bowers 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.

Gary Scroggins	Electric Cities Meeting Birmingham, AL	\$29.40
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The motion was seconded by Councilman Wales and was unanimously carried.

**Councilwoman Bowers introduced the following ordinance:**

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

**ORDINANCE NUMBER 2010-1742**

**ORDINANCE AUTHORIZING THE LEASE OF CERTAIN REAL PROPERTY TO GREATER  
LIMESTONE COUNTY CHAMBER OF COMMERCE**

WHEREAS, the City Council desires to lease certain municipal property to the Greater Limestone County Chamber of Commerce (the "Chamber");

WHEREAS, the City Council desires to lease the historic building at the northeast corner of Market Street and Beaty Street, commonly known as "Domino Hall", and which was the first electric and water utility building in the city of Athens, to the Chamber (the "Building");

WHEREAS, the Chamber will utilize the Building in connection with the promotion of tourism in the City of Athens, including the advertising of the City's resources in recognized mediums of advertising;

WHEREAS, the Chamber's efforts in this regard will provide a valuable public benefit to all citizens in the City;

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

WHEREAS the lease of the Building to the Chamber will serve the best interests the City; and

WHEREAS, the City Council finds that the lease of the Building to the Chamber as discussed herein will serve a valuable public purpose.

THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ATHENS, ALABAMA, while in regular session on January 11, 2010, at 5:30 p.m., as follows:

1. The Mayor is authorized to cause the Building to be leased to the Greater Limestone Chamber of Commerce via a written lease agreement for use in connection with the Chamber's administration of its tourism programs, upon the following terms: (i) a five (5) year lease term, with an option to extend for an additional five (5) year term, provided that either party may terminate the lease upon a ninety (90) day written notice; (ii) the Chamber's payment of all utilities for the Building; (iii) the Chamber's maintenance of the interior and exterior of the Building in a clean, orderly and neat appearance; (iv) a monthly rent of \$400.00 per month; (v) the Chamber's promise to carry out advertising and promotion of the resources of the City of Athens in recognized mediums of advertising; (vi) the basement

of the Building and maintenance room accessed only from the northern exterior door shall not be included in the lease; (vii) the City shall be entitled to utilize any part of the Building for meetings, functions, or events upon advance reasonable notice to the Chamber; and (vi) such other terms as the Mayor deems needed in order to implement the written lease agreement.

ADOPTED and APPROVED this, the 11<sup>th</sup> day of January, 2010.

/s/ William R. Marks  
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 an Ordinance duly adopted by the City Council of the City of Athens, Alabama, on the \_\_\_\_ day of \_\_\_\_\_, 2009.

Witness my hand and seal of office this \_\_\_\_ day of \_\_\_\_\_, 2009.

\_\_\_\_\_  
John Hamilton, City Clerk

The motion was seconded by Councilwoman Caudle with three yeas and two nays by Councilman Wales and Councilman Gill.

**Councilman Wales moved the adoption of the following resolution:**

**RESOLUTION NUMBER 2010-1131**

**A RESOLUTION CONCERNING A CERTAIN DRIVEWAY AND SCHEDULING A PUBLIC HEARING RELATING TO THE SAME**

**WHEREAS**, this resolution relates to that certain improved driveway located in the city of Athens, Alabama, extending from U.S. Highway 72 to Clinton Street, depicted and described in “Exhibit A” as the “Unnamed Street,” said Exhibit A being a Certificate to Subdivide for Mary E. Hobbs, as shown beginning at Fiche Book 1043, Page 09, in the records of the Office of the Judge of Probate for Limestone County, Alabama, and the centerline of which is depicted and described in “Exhibit B” as the “private

drive,” said Exhibit B being a Certificate to Subdivide for Mary E. Hobbs, as shown beginning at Fiche Book 96359, Page 084, in the records of the Office of the Judge of Probate for Limestone County, Alabama (the “Driveway”).

**WHEREAS**, for the sake of the convenience of the public, the Driveway is also described by reference to tax parcel numbers, as follows:

The Driveway is bordered at its northern terminus by the southerly right of way of Clinton Street, and at its southern terminus by the northerly right of way of U.S. Highway 72. The Driveway is bordered on its easterly side by the following properties, as identified by their tax parcel numbers: Tax Parcel Number 10-03-08-4-001-024.002 and Tax Parcel Number 10-04-17-1-000-001.002 The Driveway is bordered in its westerly side by the following properties, as identified by their tax parcel numbers: Tax Parcel Number 10-03-08-4-001-24.001 and Tax Parcel Number 10-03-08-4-001-24.006.

**WHEREAS**, the City contends that that the Driveway is not a public way, but is rather a private driveway;

**WHEREAS**, from time to time, individuals have mistakenly believed that the Driveway is a public way; and

**WHEREAS**, for purposes of certainty, it is proposed that to the extent that any portion of such Driveway is a public way, then such portion should be vacated pursuant to the provision of § 23-4-1, *et seq.* of the *Code of Alabama*.

**THEREFORE BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ATHENS, ALABAMA** while in regular session on January 11, 2010 at 5:30 p.m. as follows:

1. A public hearing is hereby scheduled for February 22, 2010, at 5:30 p.m., at the City Council Chambers in the Athens Police Department of the City of Athens, Alabama, on Hobbs Street, concerning what action shall be taken on the issue of the proposed vacation.

2. The Mayor and the City Attorney shall cause notice of the proposed action, public hearing, and other relevant matters shall be issued pursuant to § 23-4-2 of the *Code of Alabama*.

ADOPTED and APPROVED this, the 11<sup>th</sup> day of January, 2010.

/s/ William R. Marks  
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 \_\_\_\_\_.

Witness my hand and seal of office this \_\_\_\_ day of \_\_\_\_\_, 2010.

\_\_\_\_\_  
John Hamilton, City Clerk

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 appropriate \$1,500 to the Friends of the Archives for the development and publication of the historical book "Treasures of Athens and Limestone County." This will be funded from the General Fund Administrative Expense, line item 510.83600 and this will be a one-time appropriation.

Councilmember Bowers 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 Bowers, 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 Gill thereupon moved that the resolution be finally adopted, which motion was seconded by Councilmember Bowers and upon the said motion being put to vote the following vote was recorded: YEAS: Councilmembers Bowers, 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 Wales moved the adoption of the following resolution:**

**RESOLUTION**

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ATHENS, ALABAMA, to approve the final results of the FY 2009 Gas Department budget and spread the same on the minutes.

Final Results FY 2009 Gas Department

	FY 2009
REVENUES:	
Metered Sales	\$ 11,520,017.00
Forfeited Discounts	\$ 34,105.00
Misc Revenue & Service Charges	\$ 4,070.00
Rents and Other	\$ 73,444.00
Interest	\$ 4,237.00

Reserve Funds	\$	-
Reimbursement 2007 Revenue Bonds	\$	217,868.00
Training Facility (Leak City)	\$	27,080.00
Aid to Construction	\$	35,563.00
TOTALS	\$	11,916,384.00

EXPENSES:

Salaries and Fringes	\$	1,648,817.00
Purchased Gas	\$	5,998,789.00
Distribution System Operation & Maintenance	\$	630,022.00
Administrative	\$	265,484.00
Customer Accounting and Billing	\$	167,300.00
Vehicle and Equipment Operation & Maint	\$	107,010.00
Appropriation to General Fund	\$	781,409.00
2005 Revenue Warrant Debt Service	\$	239,272.00
2007 Revenue Warrant Debt Service	\$	360,808.00
General Fund Salaries and Expenses	\$	40,835.00
Capital Expenditures	\$	857,254.00
Construction Materials & Capitalized Equip Repair	\$	574,961.00
Construction Materials (Reimb by Rev Warrants)	\$	217,868.00
Other Capital (Equip, tools, etc)	\$	64,425.00
Totals:	\$	11,096,999.00

Approved Budget as of		
3% COLA if approved by Council	\$	-
Net proposed budget	\$	819,385.00
Construction costs (Reimb by Revenue Warrants):	\$	217,868.00
Debt Service Costs	\$	600,080.00

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

**Councilwoman Bowers made for introduction only the following ordinance:**

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

**ORDINANCE NUMBER \_\_\_\_\_**

**AN ORDINANCE RENEWING A NONEXCLUSIVE FRANCHISE TO CHARTER COMMUNICATIONS CONCERNING A CABLE TELEVISION SYSTEM**

WHEREAS, Charter has proposed to renew and extend that certain non-exclusive franchise, the original terms of which are found in Ordinance No. 88-1030, and which have been extended to Falcon First Cable of the Southeast, Inc. (l/k/a Charter Communications) (referred to herein as "Charter");

WHEREAS, the franchise found at Ordinance No. 88-1030 was assigned/extended to Charter and has been continuously renewed by the City Council and Charter;

WHEREAS, the public has been afforded adequate notice and opportunity for comment; and

WHEREAS, Charter is agreeable to such extension pursuant to the same terms as set forth in Ordinance No. 88-1030.

THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ATHENS, ALABAMA, while in regular session on Monday, January 11, 2010, at 5:30 p.m., as follows:

1. The City hereby renews and extends its grant of a nonexclusive franchise to occupy or use the Public ways to provide Cable Service to all Persons located in the Service Area to Charter under the same definitions, terms, and conditions as set forth in Ordinance No. 88-1030, and any amendments thereto, for a period of five (5) years from the date of the passage of this Ordinance by the City Council of the City of Athens, Alabama, unless sooner terminated in accordance with the terms thereof.

2. This Ordinance is conditioned upon Charter filing with the City its unconditional acceptance of the Franchise and agreement to comply with and abide by all the provisions, terms, and conditions set forth herein and in Ordinance No. 88-1030, and any amendments and extensions thereto, in a form acceptable to the City.

**ADOPTED** this the \_\_\_\_ day of \_\_\_\_\_, 2010.

\_\_\_\_\_  
WILLIAM R. MARKS, CITY COUNCIL PRESIDENT

**APPROVED** this the \_\_\_\_ day of \_\_\_\_\_, 2010.

\_\_\_\_\_  
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 \_\_\_\_\_, 2010.

Witness my hand and seal of office this \_\_\_\_ day of \_\_\_\_\_, 2010.

\_\_\_\_\_  
John Hamilton, City Clerk

Councilman Wales moved that they adjourn to go into Executive Session and was seconded by Councilwoman Caudle and was unanimously carried. The City Attorney, Shane Black, gave the required statutory certification that an Executive Session was needed.

The Executive Session was closed at 6:30 p.m.

\* \* \*

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

/s/ William R. Marks  
PRESIDENT, CITY COUNCIL

ATTEST:

/s/ John S. Hamilton  
CITY CLERK





































































