

October 12, 2009

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 October 12, 2009, 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 absent. John Hamilton, City Clerk, was present and recorded the minutes of the meeting. Jimmy Gill 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 September 28, 2009 City Council Meeting had been submitted for approval. Councilman Wales 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 Chairperson stated that the Minutes of the September 24 and 28, 2009 City Council Work Session Minutes had been submitted for approval. Councilman Wales 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 Chairperson stated that the Minutes of the September 24 and 30, 2009 City Council Special Meeting had been submitted for approval. Councilman Wales 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 hear comments on the sale of alcohol for Exxon Food Mart located at 1510 Highway 72 East. This is a change of ownership. No one spoke in favor of or against.

The public hearing was closed.

Councilwoman Caudle moved the adoption of the following resolution:

RESOLUTION NUMBER 2009-1127

**A RESOLUTION CONFIRMING COSTS ASSOCIATED WITH ABATING A PUBLIC
NUISANCE ALONG IRVIN STREET**

WHEREAS, the City of Athens is authorized by state law, including but not limited to § 11-67-60, *et seq.* of the *Code of Alabama*, to abate nuisances within the City, such as an abundance of weeds and vegetation that is injurious to the general public health, safety, and general welfare;

WHEREAS, the City Council identified a public nuisance at certain real property located as follows, and ordered abatement of the same: Tax Parcel # 10-03-05-3-001-003.000, at 808 Irvin Street, and further described as Lot Number 7 and 16 2/3 feet off the North end of Lot Number 6 of Block 14 of Fairview Addition to the City of Athens, Alabama, according to Map 2 of said addition on file in the Probate Office of Limestone County, Alabama, Volume 559A, Page 256 (the "Property");

WHEREAS, the City caused such public nuisance at the Property to be abated; and

WHEREAS, this City Council has received and reviewed a report relating to the costs associated with the abatement of the nuisance at the Property.

THEREFORE BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ATHENS, ALABAMA on October 12, 2009, at 5:30 P.M. p.m., as follows:

1. The report of costs associated with the abatement of the nuisance on the Property and attached hereto as Exhibit A is confirmed.
2. The amount of \$515.32 shall constitute a weed lien on the Property.
3. Pursuant to §11-67-66 of the *Code of Alabama*, a copy of this Resolution and its exhibit shall be given to the Limestone County Revenue Commissioner, who shall add the amount of the weed lien to the next regular bills for taxes levied against the parcel of land specified in this Resolution. Pursuant to statute, such costs shall be collected at the same time and in the same manner as ordinary municipal ad valorem taxes are collected, and shall be subject to the same penalties and the same procedure under foreclosure and sale in the case of delinquency.

ADOPTED and APPROVED this, the 12th day of October, 2009.

/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 12th day of October, 2009.

Witness my hand and seal of office this ____ day of _____, 2009.

John Hamilton, City Clerk

EXHIBIT A

**REPORT TO ATHENS CITY COUNCIL CONCERNING NOTICE OF COSTS ASSOCIATED
WITH ABATEMENT OF NUISANCE (IRVIN STREET PROPERTY)**

This report of the costs associated with the abatement of a nuisance is submitted to the Athens City Council for confirmation at its regular meeting at 5:30 P.M. on October 12, 2009. At such time, the City Council shall hear the report, together with any objections that may be raised by any of the property owners liable to be assessed for such costs, and thereupon may make modifications in the report as deemed necessary, after which the report may be confirmed by motion or resolution. The costs may then be assessed as a "weed lien" on the subject property.

This Notice involves the following real property:

Tax Parcel # 10-03-05-3-001-003.000, at 808 Irvin Street, and further described as Lot Number 7 and 16 2/3 feet off the North end of Lot Number 6 of Block 14 of Fairview Addition to the City of Athens, Alabama, according to Map 2 of said addition on file in the Probate Office of Limestone County, Alabama, Volume 559A, Page 256.

The City of Athens, Alabama has incurred the following costs associated with the abatement of a nuisance on such property related to overgrown weeds and vegetation:

| | |
|---------------------|-----------------|
| Labor Costs | \$100.00 |
| Attorney Fees/Costs | \$300.00 |
| Newspaper Notice | \$65.32 |
| <u>Two Signs</u> | <u>\$50.00</u> |
| TOTAL: | \$515.32 |

Pursuant to law, this report has been posted for five (5) days prior to the submission of this written report to the City Council, at a location near the City Council meeting room at the Athens Police Department, which is located on Hobbs Street in Athens, Alabama.

Itemized Report to the City Council of the City of Athens, Alabama

Submitted by:
E. Shane Black, Esq.
City Attorney

The motion was seconded by Councilman Wales 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 \$250,000 from the Capital Projects Fund for the construction of Fire Station #3, located at 2369 Martin Luther King Jr. Drive.

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 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 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 payment of budgeted travel/education expenses for specified Water/Wastewater employees in the total amount of \$396.75.

| | | |
|--------------------------------------|---|----------|
| Howard Hopkins (Water Department) | AWWA AL-MS Annual Conference Biloxi, MS October 4-6, 2009 | \$396.75 |
|--------------------------------------|---|----------|

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 OF ATHENS, ALABAMA, to request that State and Federal Representatives apply for State and Federal Funds to help with the upgrade of Nuclear Plant Road to a standard roadway. Nuclear Plant Road is one of two major evacuation routes for the Browns Ferry Nuclear Plant, and this upgrade is necessary for the safety and welfare of the citizens of Limestone County and the City of Athens. Nuclear Plant Road will now be the preferred service/evacuation route since the development of the I-65/Tanner Interchange.

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

Councilwoman Caudle moved the adoption of the following resolution:

RESOLUTION

BE IT RESOLVED BY THE CITY OF ATHENS, ALABAMA, to rescind the resolution approved on September 28th, 2009 regarding the resurfacing of Collins Street.

It has been determined that Jeffrey Street and Martin Street have a greater immediate need.

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

Councilwoman Bowers moved the adoption of the following resolution:

RESOLUTION

BE IT RESOLVED BY THE CITY OF ATHENS, ALABAMA, to authorize the resurfacing of Jeffrey Street, Martin Street from Clodessa to Jeffrey Street, and a 50 foot section of the street south of the Owens Street and Elles Street intersection for a cost of \$40,000. The remaining District 4 funds will be used until expired, with the remaining costs to be paid from Gas Tax. This resurfacing will be a substitution for Collins Street, as Jeffrey Street has been determined to have a greater need of resurfacing.

Councilmember Caudle 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 Bowers thereupon moved that the resolution 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 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 OF ATHENS, ALABAMA, to authorize the Manager of Water/Wastewater to enter into a contract for the construction of a sewer system in Glenn Valley and Winslow/Whitfield subdivisions.

The Water/Wastewater Manager may enter into such contract to construct these sewer projects only as funds are available in the Water/Wastewater Capital Infrastructure Fund for such projects (such that, for example, they are not already committed for other contracts entered into by the City). In such event, the Water/Wastewater Manager shall construct these sewer projects in priority of (1) Glenn Valley, and (2) Winslow/Whitfield. The cost of construction will be funded from the Water/Wastewater Capital Infrastructure Fund. The contract shall be secured pursuant to the State law, including the application provisions of Title 39 of the Code of Alabama.

This Resolution shall remain in effect as an authorization for the Water/Wastewater Manager to enter into such contract until November 1, 2012 (although any contracts entered into prior to such date shall not be impaired thereby).

| | Whitfield/ Winslow | Glenn Valley | Ezell Place | Hannah Heights | Byrum Heights |
|---|-----------------------|-----------------|--------------|-------------------|------------------|
| Estimated Construction Cost | \$905,435.00 | \$310,847.00 | \$573,320.00 | \$268,442.00 | \$397,925.00 |
| Number of Homes Served | 79 | 28 | 51 | 48 | 57 |
| Average Cost/Lot | \$ 11,042.00 | \$ 9,714.00 | \$ 11,340.00 | \$ 5,593.00 | \$ 6,981.00 |
| Number of Home Owners Committed | 49 | 19 | 7 | 6 | 5 |
| % Homeowners Committed | 62% | 68% | 14% | 13% | 9% |
| Total Impact Fees to be Collected up front | \$122,500.00 | \$ 47,500.00 | \$ 17,500.00 | \$ 15,000.00 | \$ 12,500.00 |
| Estimated Average Sewer Bill | \$ 25.00 | \$ 26.00 | \$ 20.50 | \$ 20.75 | \$ 23.30 |
| Total Estimated Annual Sewer Revenue | \$ 23,700.00 | \$ 8,736.00 | \$ 12,546.00 | \$ 11,952.00 | \$ 15,937.00 |
| Estimated Up-Front Cost to City | \$782,935.00 | \$263,347.00 | \$555,820.00 | \$253,442.00 | \$385,425.00 |
| Estimated Annual Cost for Debt Service | \$ 50,891.00 | \$ 17,118.00 | \$ 38,907.00 | \$ 16,474.00 | \$ 25,053.00 |

NOTES:

Estimated annual operating costs for the two pumping stations necessary for the Whitfield/Winslow Project is \$10,000.00.

The estimated construction costs do not include money for repaving streets. This estimate does include money for patching the streets where cut for construction.

** Potential Future cost of Street Repair: Per Brent Meadows e-mail of Sept. 18, 2009, the estimated cost to repair Glenn Valley Streets is \$52,500.00 and the estimated cost to repair Winslow/Whitfield Streets is \$152,590.00.

Councilmember Gill moved that unanimous consent be given for immediate consideration of and action on said resolution, which motion was seconded by Councilmember Caudle, 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 Wales thereupon moved that the resolution be finally adopted, which motion was seconded by Councilmember Caudle 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.

Wayne Brown, East Glenn Valley, thanked the Council for approving sewer system for Glenn Valley Subdivision.

* * *

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

/s/ William R. Marks
PRESIDENT, CITY COUNCIL

ATTEST:

/s/ John S. Hamilton
CITY CLERK

Travis Vines, 1116 E. Pryor Street, would like a sidewalk from ConAgra Poultry to Highway 31.

Rosie Maclin, 1016 Highland Street, thanked Ben Wiley and the Mayor for beautification of Thatch Mann Cemetery. She also thanked Chief Harper for helping slow down speeders on Highland Street. She is still concerned about excessive parking.

Wayne Gooch, Glen Valley Subdivision, wants the City Council to address sewer issue quickly.

Mae Davis, 1201 Plainview Circle, would like the City Council to consider a sidewalk from Hine Street to Highway 72.

Councilman Wales moved the adoption of the following resolution:

RESOLUTION NUMBER 2009-1120

**A RESOLUTION CONFIRMING COSTS ASSOCIATED WITH ABATING A PUBLIC
NUISANCE ALONG WELLINGTON DRIVE**

WHEREAS, the City of Athens is authorized by state law, including but not limited to § 11-67-60, *et seq.* of the *Code of Alabama*, to abate nuisances within the City, such as an abundance of weeds and vegetation that is injurious to the general public health, safety, and general welfare;

WHEREAS, the City Council identified a public nuisance at certain real property located as follows, and ordered abatement of the same: Tax Parcel # 10-02-10-4-003-006.000, along Wellington Road, and further described as Lot Six of Block A of the East Hampton Subdivision, Addition No. One, Athens, Alabama according to the map or plat of said subdivision on file in the Probate Office of Limestone County, Alabama, in Plat Book D, Page 6; and also 10 feet taken evenly off of the West side of Lot 5 of Block A of East Hampton Subdivision, Addition No. One, Athens, Alabama, according to the map or plat of said subdivision on file in the Probate Office of Limestone County, Alabama, in Plat Book C, Page 97 (the "Property");

WHEREAS, the City caused such public nuisance at the Property to be abated; and

WHEREAS, this City Council has received and reviewed a report relating to the costs associated with the abatement of the nuisance at the Property.

THEREFORE BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ATHENS, ALABAMA on September 28, 2009, at 5:30 P.M. p.m., as follows:

1. The report of costs associated with the abatement of the nuisance on the Property and attached hereto as Exhibit A is confirmed.
2. The amount of \$707.48 shall constitute a weed lien on the Property.
3. Pursuant to §11-67-66 of the *Code of Alabama*, a copy of this Resolution and its exhibit shall be given to the Limestone County Revenue Commissioner, who shall add the amount of the weed lien to the next regular bills for taxes levied against the parcel of land specified in this Resolution. Pursuant to statute, such costs shall be collected at the same time and in the same manner as ordinary municipal ad valorem taxes are collected, and shall be subject to the same penalties and the same procedure under foreclosure and sale in the case of delinquency.

ADOPTED and APPROVED this, the 28th day of September, 2009.

/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 28th day of September, 2009.

Witness my hand and seal of office this ____ day of _____, 2009.

John Hamilton, City Clerk

EXHIBIT A

REPORT TO ATHENS CITY COUNCIL CONCERNING NOTICE OF COSTS ASSOCIATED WITH ABATEMENT OF NUISANCE (WELLINGTON DRIVE PROPERTY)

This report of the costs associated with the abatement of a nuisance is submitted to the Athens City Council for confirmation at its regular meeting at 5:30 P.M. on September 28, 2009. At such time, the City Council shall hear the report, together with any objections that may be raised by any of the property owners liable to be assessed for such costs, and thereupon may make modifications in the report as deemed necessary, after which the report may be confirmed by motion or resolution. The costs may then be assessed as a “weed lien” on the subject property.

This Notice involves the following real property:

Tax Parcel # 10-02-10-4-003-006.000, along Wellington Road, and further described as Lot Six of Block A of the East Hampton Subdivision, Addition No. One, Athens, Alabama according to the map or plat of said subdivision on file in the Probate Office of Limestone County, Alabama, in Plat Book D, Page 6; and also 10 feet taken evenly off of the West side of Lot 5 of Block A of East Hampton Subdivision, Addition No. One, Athens, Alabama, according to the map or plat of said subdivision on file in the Probate Office of Limestone County, Alabama, in Plat Book C, Page 97.

The City of Athens, Alabama has incurred the following costs associated with the abatement of a nuisance on such property related to overgrown weeds and vegetation:

| | |
|---------------------|-----------------|
| Labor Costs | \$ 50.00 |
| Attorney Fees/Costs | \$300.00 |
| Newspaper Notice | \$ 44.28 |
| <u>Two Signs</u> | <u>\$313.20</u> |
| TOTAL: | \$707.48 |

Pursuant to law, this report has been posted for five (5) days prior to the submission of this written report to the City Council, at a location near the City Council meeting room at the Athens Police Department, which is located on Hobbs Street in Athens, Alabama.

Itemized Report to the City Council of the City of Athens, Alabama

Submitted by:
E. Shane Black, Esq.
City Attorney

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

Councilman Gill moved the adoption of the following resolution:

RESOLUTION NUMBER 2009-1121

A RESOLUTION CONCERNING THE MEMBERSHIP OF THE LIBRARY BOARD OF THE CITY OF ATHENS, ALABAMA

WHEREAS, in Resolution No. 2009-1116, the City Council recognized and re-established the authority and operation of the Library Board of the City of Athens (the "Board"), Alabama, a library board with respect to the Athens-Limestone Public Library, pursuant to § 11-90-1, *et seq.* of the *Code of Alabama*; and

WHEREAS, the City Council wishes to recognize and confirm the membership of the Library Board of the City of Athens, Alabama, including, where appropriate, the appointment and members.

THEREFORE BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ATHENS, ALABAMA on September 28, 2009 at 5:30 p.m., as follows:

1. The following persons are recognized and confirmed as members of the Board.
2. Jerry Duke shall be a member of the Board, with a term to expire on September 30, 2010.
3. Juana Malone shall be a member of the Board, with a term to expire on September 30, 2011.
4. Cliff Byrd shall be a member of the Board, with a term to expire on September 30, 2012.
5. Harvey Craig is a member of the Board, with a term to expire on September 30, 2013.
6. Rod Huffman is a member of the Board, with a term to expire on September 30, 2013.

ADOPTED and APPROVED this, the 28th day of September, 2009.

/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 28th day of September, 2009.

Witness my hand and seal of office this ____ day of _____, 2009.

John Hamilton, City Clerk

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

Councilwoman Caudle moved the adoption of the following resolution:

RESOLUTION

BE IT RESOLVED BY THE CITY COUCIL OF THE CITY OF ATHENS, ALABAMA, to approve the following applicant, for its "Retail Liquor 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:

Noah Beverage Company #2, LLC
d/b/a Hammerknocker's #3
17528 A & B Highway 72 West

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

Councilman Wales moved the adoption of the following resolution:

RESOLUTION

BE IT RESOLVED BY THE CITY COUCIL OF THE CITY OF ATHENS, ALABAMA, to approve the following applicant, for its "Retail Liquor 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:

Big Jim's Liquor Store, LLC
1260 Highway 72 East
Suite C

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

Councilwoman Bowers moved the adoption of the following resolution:

RESOLUTION NUMBER 2009-1122

BE IT RESOLVED, by the City of Athens as follows:

1. That the City enter into an agreement with the State of Alabama, acting by and through the Alabama Department of Transportation relating to a Transportation Enhancement project with partial funding by the Federal Highway Administration, which agreement is before this Council;
2. That the agreement be executed in the name of the City, for and on behalf of the City, by its Mayor.
3. That it be attested by the Clerk and the seal of the City affixed thereto.

BE IT FURTHER RESOLVED, that upon the completion of the execution of the agreement by all Parties, that a copy of such agreement be kept on file by the City Council.

I, the undersigned qualified and acting City Clerk of the City of Athens, Alabama, do hereby certify that the above and foregoing is a true copy of a resolution lawfully passed and adopted by the City Council names therein, at a regular meeting of such Council held on the 28th day of September, 2009, and that such resolution is on file in the City Clerk's Office.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the official seal of the City on this 28th day of September, 2009.

City Clerk

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 travel expenses in the following amount be approved for Electric Department personnel.

| | | |
|---------------|--|----------|
| Johnnie Pryor | TVPPA-Safety Conference Sevierville, TN | \$137.58 |
| Darin Russell | TVPPA-Safety Conference Sevierville, TN | \$341.62 |

The motion was seconded by Councilman Wales 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 approve the following schedule of retail electricity rates for the City of Athens Electric Department to become effective for bills rendered from meter readings taken on or after October 1, 2009.

Athens Utilities Retail Rates - Effective 10/01/09

| | | 10/1/09 Retail Effective Rate |
|--------------------|----------------|--|
| Residential | Customer | 5.93 |
| | 1st 2000 kWh | 0.0797 |
| | Additional kWh | 0.08573 |
| GSA1 | Customer | 8.79 |
| | All kWh | 0.09061 |
| | kw, 0-50 | 0 |
| | Additional kW | 13.83 |

| | | |
|-------------------|-------------------|---------|
| GSA2 | Customer | 8.79 |
| | 1st 15,000 kWh | 0.08878 |
| | Additional kWh | 0.04618 |
| | kw, 0-50 | 0 |
| | kW, 51-1,000 | 13.83 |
| GSA3 | Customer | 8.79 |
| | All kWh | 0.04633 |
| | kW, 0-1,000 | 13.31 |
| | kW, 1,001 - 5,000 | 15.34 |
| GSB | Customer | 1500 |
| | First 620 HUD | 0.03915 |
| | Additional HUD | 0.03156 |
| | All kW | 15.4 |
| GSC | Customer | 1500 |
| | First 620 HUD | 0.03916 |
| | Additional HUD | 0.03156 |
| | All kW | 14.79 |
| GSD | Customer | 1500 |
| | All kWh | 0.03098 |
| | All kW | 18.24 |
| MSB Part 1 | Customer | 1500 |
| | First 620 HUD | 0.03302 |
| | Additional HUD | 0.02655 |
| | All kW | 13.27 |
| MSB Part 2 | Customer | 1500 |
| | First 620 HUD | 0.03125 |
| | Additional HUD | 0.02512 |
| | All kW | 12.59 |
| MSC | Customer | 1500 |

| | | |
|-------------------------|-------------------|---------|
| | First 620 HUD | 0.03125 |
| | Additional HUD | 0.02512 |
| | All kW | 11.98 |
| MSD | Customer | 1500 |
| | All kWh | 0.02463 |
| | All kW | 14.78 |
| Outdoor Lighting | Customer | 2.53 |
| | All kWh | 0.05836 |
| TRS | Customer | 5.93 |
| | Hydro Credit | |
| | Customer | 5.93 |
| | Onpeak kWh | 0.12229 |
| | Offpeak kWh | 0.03877 |
| TGSA1 | Customer | 13.94 |
| | Onpeak kWh | 0.15435 |
| | Offpeak kWh | 0.0466 |
| TGSA2 | Customer | 13.94 |
| | Onpeak kWh | 0.0608 |
| | Offpeak kWh | 0.03687 |
| | Onpeak kW | 12.88 |
| | Offpeak Excess kW | 2.46 |
| | DCC | 0.88 |
| TGSA3 | Customer | 13.94 |
| | Onpeak kWh | 0.0608 |
| | Offpeak kWh | 0.03688 |
| | Onpeak kW | 13.59 |
| | Offpeak Excess kW | 2.47 |
| | DCC | 0.88 |

| | | |
|--------------------|-------------------|---------|
| TGSB | Customer | 1500 |
| | Onpeak kWh | 0.05351 |
| | Offpeak kWh | 0.0307 |
| | Onpeak kW | 15.4 |
| | Offpeak Excess kW | 2.29 |
| TGSC | Customer | 1500 |
| | Onpeak kWh | 0.05351 |
| | Offpeak kWh | 0.0307 |
| | Onpeak kW | 14.79 |
| | Offpeak Excess kW | 1.68 |
| TGSD | Customer | 1500 |
| | Onpeak kWh | 0.03248 |
| | Offpeak kWh | 0.03016 |
| | Onpeak kW | 18.38 |
| | Offpeak Excess kW | 2.56 |
| TMSB Part 1 | Customer | 1500 |
| | Onpeak kWh | 0.04522 |
| | Offpeak kWh | 0.0258 |
| | Onpeak kW | 13.27 |
| | Offpeak Excess kW | 2.09 |
| TMSB Part 2 | Customer | 1500 |
| | Onpeak kWh | 0.04285 |
| | Offpeak kWh | 0.0244 |
| | Onpeak kW | 12.59 |
| | Offpeak Excess kW | 1.97 |
| TMSC | Customer | 1500 |
| | Onpeak kWh | 0.04285 |
| | Offpeak kWh | 0.0244 |
| | Onpeak kW | 12 |
| | Offpeak Excess kW | 1.41 |
| TMSD | Customer | 1500 |
| | Onpeak kWh | 0.02674 |
| | Offpeak kWh | 0.02483 |

| | | |
|-----------------------|---|---------|
| | Onpeak kW | 15.38 |
| | Offpeak Excess kW | 2.15 |
| GSA1 Seasonal | Customer | 8.79 |
| | All kWh | 0.10391 |
| | kw, 0-50 | 0 |
| | Additional kW | 17.83 |
| GSA2 Seasonal | Customer | 8.79 |
| | 1st 15,000 kWh | 0.10208 |
| | Additional kWh | 0.04618 |
| | kw, 0-50 | 0 |
| | kW, 51-1,000 | 17.83 |
| GSA3 Seasonal | Customer | 8.79 |
| | All kWh | 0.04633 |
| | kW, 0-1,000 | 17.31 |
| | kW, 1,001 - 5,000 | 19.34 |
| TGSA1 Seasonal | Customer | 13.94 |
| | Onpeak kWh | 0.16765 |
| | Offpeak kWh | 0.0599 |
| TGSA2 Seasonal | Customer | 13.94 |
| | Onpeak kWh | 0.0608 |
| | Offpeak kWh | 0.03687 |
| | Onpeak kW | 12.88 |
| | Offpeak Excess kW | 2.46 |
| | DCC | 0.87 |
| | Plus \$4.00/kW x Higher of Offpeak or Onpeak kW | |
| TGSA3 Seasonal | Customer | 13.94 |
| | Onpeak kWh | 0.0608 |
| | Offpeak kWh | 0.03688 |
| | Onpeak kW | 13.59 |
| | Offpeak Excess kW | 2.47 |
| | DCC | 0.88 |
| | Plus \$4.00/kW x Higher of Offpeak or Onpeak kW | |

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

Councilwoman Bowers moved the adoption of the following resolution:

RESOLUTION NUMBER 2009-1123

A RESOLUTION CONCERNING THE ALABAMA VETERAN'S MUSEUM AND THE ATHENS LIMESTONE COUNTY BEAUTIFICATION BOARD

WHEREAS, the City of Athens is authorized by law to establish, operate, maintain, or contract with others to operate and maintain public cultural facilities consisting of museums, libraries, art galleries, art centers, music halls, and related facilities, all to the end of making cultural facilities available to the public, pursuant to § 11-47-16 and § 11-90-1 of the Code of Alabama, and other authorities;

WHEREAS, the City of Athens is authorized by law to maintain the health and cleanliness and the City; and improve its public parks, grounds, and boulevards, pursuant to § 11-47-130 and § 11-47-19 of the Code of Alabama, and other authorities;

WHEREAS, the City Council finds that each of the items listed below serves a valuable public purpose that has for its objective the promotion of public health, safety, morals, security, prosperity, contentment, and/or the general welfare of the community.

THEREFORE BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ATHENS, ALABAMA on September 28, 2009 at 5:30 p.m., as follows:

1. The Mayor or City Clerk is directed to enter into a contract with the Alabama Veteran's Museum, in such form and manner that is acceptable to the same, whereby the City will pay \$4,000 as an appropriation in FY 2010 in exchange for activities concerning the operation and maintenance of the Alabama Veteran's Museum, to the end of making it available and open to the public. Thereafter, the City Clerk is authorized to release said funds at his discretion.

2. The Mayor or City Clerk is directed to enter into a contract with the Athens Limestone County Beautification Board, in such form and manner that is acceptable to the same, whereby the City will pay \$5,000 as an appropriation in FY 2010 in exchange for maintaining the health and cleanliness and the City; and improving its public parks, grounds, and boulevards. Thereafter, the City Clerk is authorized to release said funds at his discretion.

ADOPTED and APPROVED this, the 28th day of September, 2009.

/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 28th day of September, 2009.

Witness my hand and seal of office this ____ day of _____, 2009.

John Hamilton, City Clerk

The motion was seconded by Councilman Wales with four yeas and one abstention by Councilman Marks.

Councilman Wales moved the adoption of the following resolution:

RESOLUTION NUMBER 2009-1124

A RESOLUTION CONCERNING THE MENTAL HEALTH CENTER OF NORTH CENTRAL ALABAMA

WHEREAS, the City of Athens is authorized by law to safeguard the public health and promote sanitation within the corporate limits of the municipality; to make appropriations for public health work; and to make appropriations to aid hospitals, rehabilitation centers, and other related health care institutions in maintaining and taking care of the sick and wounded, pursuant to § 22-3-11 and § 22-21-2 of the Code of Alabama, and other authorities; and

WHEREAS, the City Council finds that the item listed below serves a valuable public purpose that has for its objective the promotion of public health, safety, morals, security, prosperity, contentment, and/or the general welfare of the community.

THEREFORE BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ATHENS, ALABAMA on September 28, 2009 at 5:30 p.m., as follows:

1. The Mayor or City Clerk is directed to enter into a contract with the Mental Health Center of North Central Alabama, Inc. in such form and manner that is acceptable to the same, whereby the City will pay \$10,000 as an appropriation in FY 2010 in exchange for public health work. Thereafter, the City Clerk is authorized to release said funds at his discretion.

ADOPTED and APPROVED this, the 26th day of January, 2009.

/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 28th day of September, 2009.

Witness my hand and seal of office this ___ day of _____, 2009.

John Hamilton, City Clerk

The motion was seconded by Councilwoman Bowers with four yeas and one abstention by Councilman Gill.

Councilwoman Bowers moved the adoption of the following resolution:

RESOLUTION NUMBER 2009-1125

A RESOLUTION CONCERNING THE SPIRIT OF ATHENS

WHEREAS, the City of Athens is authorized by law to promote the economic and industrial development of the municipality; to develop, advertise, and promote the resources of the municipality; and to advertise the municipality and any function or undertaking of the municipality, pursuant to § 11-47-9 and § 11-47-11 of the Code of Alabama, and other authorities; and

WHEREAS, the City Council finds that the item listed below serves a valuable public purpose that has for its objective the promotion of public health, safety, morals, security, prosperity, contentment, and/or the general welfare of the community.

THEREFORE BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ATHENS, ALABAMA on September 28, 2009 at 5:30 p.m., as follows:

1. The Mayor or City Clerk is directed to enter into a contract with the Spirit of Athens, Inc., in such form and manner that is acceptable to the same, whereby the City will pay \$15,000 as an appropriation in FY 2010 in exchange for activities promoting the economic and industrial development of the municipality; developing, advertising, and promoting the resources of the municipality; and advertising the municipality and functions or undertakings of the municipality both within and without the corporate limits. Thereafter, the City Clerk is authorized to release said funds at his discretion.

ADOPTED and APPROVED this, the 26th day of January, 2009.

/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 28th day of September, 2009.

Witness my hand and seal of office this ____ day of _____, 2009.

John Hamilton, City Clerk

The motion was seconded by Councilman Wales with four yeas and one abstention by Councilwoman Caudle.

Councilwoman Caudle moved the adoption of the following resolution:

RESOLUTION

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ATHENS, ALABAMA, to approve the FY 2010 General Fund Operating / Appropriations budget as follows:

Operating Expenditures

| | |
|-------------------------------|----------------------|
| General & Administrative | 1,043,080.00 |
| Municipal Court | 251,484.00 |
| Human Resources | 261,624.00 |
| Fire Department | 2,965,718.00 |
| Police Department | 4,362,249.00 |
| Parks / Recreation / Cemetery | 1,777,956.00 |
| Street Department | 1,230,886.00 |
| Sanitation Department | 2,737,069.00 |
| ES & CD & Building Inspection | 532,194.00 |
| Public Works | <u>279,252.00</u> |
| TOTAL Operating Expenditures | <u>15,441,512.00</u> |
| Appropriations | 4,446,906.00 |
| Transfers Out | <u>1,899,995.00</u> |
| TOTAL Expected Revenues | 21,838,250.00 |
| Budget Surplus | 49,837.00 |

See itemized attachment.

The motion was seconded by Councilwoman Bowers 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, to authorize the paving of Lindsay Lane, from the round-a-bout to Pepper Road, at a cost of approximately \$65,000 from Gas Tax.

Councilmember Gill moved that unanimous consent be given for immediate consideration of and action on said resolution, which motion was seconded by Councilmember Caudle, 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 Bowers thereupon moved that the resolution 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 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 authorize the resurfacing of Davis Street at a cost of approximately \$15,500.00 from District four funds, and to authorize the resurfacing of Collins Street at a cost of approximately \$15,500.00 from District four funds. The remaining cost to be paid from Gas Tax once District four funds have been exhausted.

Councilmember Bowers moved that unanimous consent be given for immediate consideration of and action on said resolution, which motion was seconded by Councilmember Gill, 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 Wales thereupon moved that the resolution be finally adopted, which motion was seconded by Councilmember Caudle 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.

Councilwoman Caudle moved the adoption of the following resolution:

RESOLUTION

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ATHENS, ALABAMA, to set a Public Hearing for the meeting of October 26, 2009, to take comments on the rezoning request of Dwight Billions to rezone his property from B-2 to R-2-1. Property is located on East Market Street and College Street.

The motion was seconded by Councilman Wales 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 award the bid opened on September 23, 2009 at 2:00 p.m. in the Mayor's Conference Room, for the Concrete Contract with the City of Athens to Bama Concrete. Costs submitted in the bid was \$88.00 a cubic yard for 4000 PSI with fiber; \$83.00 per cubic yard for 3000 PSI with fiber, and no delivery charge for delivery to jobsite.

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

Councilwoman Bowers moved that they adjourn to go into Executive Session and was seconded by Councilman Gill and was unanimously carried. The City Attorney, Anne Burrows, gave the required statutory certification that an Executive Session was needed.

The Executive Session was closed at 6:25 p.m.

Councilwoman Bowers moved the adoption of the following resolution:

RESOLUTION NUMBER 2009-1126

RESOLUTION CANCELLING CONTRACT AND REJECTING BIDS

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ATHENS, ALABAMA, on September 28, 2009, at 5:30 p.m. as follows:

All contracts concerning the purchase of one (1) Kobelco Hydraulic Excavator are terminated and any bid award is cancelled due to the bid specifications not being complied with after a reasonable passage of time, and all bids regarding the purchase of a hydraulic excavator are rejected.

ADOPTED and APPROVED this, the 28th day of September, 2009.

/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 _____, 2008.

Witness my hand and seal of office this _____ day of _____, 2008.

John Hamilton, City Clerk/Treasurer

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 Wales and second by Councilwoman Caudle, duly and properly adjourned.

/s/ William R. Marks
PRESIDENT, CITY COUNCIL

ATTEST:

/s/ John S. Hamilton
CITY CLERK