

December 14, 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 December 14, 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 present and led the pledge of allegiance. 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 November 23, 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 Councilman Wales and was unanimously carried. The Chairperson stated that the Minutes of the November 23, 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 Councilman Wales and was unanimously carried.

A public hearing was held to hear comments on the sale of alcohol for Holiday Inn Express located at 16074 Athens Limestone Blvd. No one spoke in favor of or against.

The public hearing was closed.

Ralph Freehauf, 515 Beaty Street, gave his thoughts about how he and others are against being a part of the Beaty Historical Preservation District. He is against Ordinance 2009-1739.

Willie Green, Cottonwood Subdivision, was asking about the current status of the Cottonwood Subdivision sewer plans.

Carolyn Prestage and Frances Green spoke about the problems of still not having a sewer system (septic tank being backed up, etc.).

Julia Hatchett Nelson, Beaty Historical District, stated that she still wants out of the Beaty Historical District.

Burt Nelson, 512 Beaty Street, is dissatisfied with the Historical Preservation District Ordinance 2009-1739. He questioned what standards are being used presently to enforce the current rules. He also thinks the rules are poorly written.

**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 following applicant, for its "Retail Beer & 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.

Wal-Mart Stores East, LP  
d/b/a Wal-Mart Supercenter #661  
1011 Highway 72 East

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 COUNCIL OF THE CITY OF ATHENS, ALABAMA, to accept the low bid of \$16,758 for forty two (42) E Seek M250 2D bar code and magnetic stripe reader from Pinnacle Networx for the Police Department. This is to be paid out of COPS Technology Grant funds.

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

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

## RESOLUTION

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ATHENS, ALABAMA to authorize the Mayor to apply for six Fire Fighter positions through the Staff for Adequate Fire and Emergency Response Programs (SAFER) grant program should the positions be funded. The Athens City Council commits to the continued support of the program for the duration, should the grant be approved.

### *The Staffing for Adequate Fire and Emergency Response Program (SAFER)*

The SAFER grant program is a sub grant program of the American Fire Act grant program. Its purpose is to place additional firefighters in America's fire stations. The standard to which we must work is National Fire Protection Association (NFPA) 1710 minimum manpower response capabilities. Essentially an all career department running a ladder truck and pumpers to a structure fire should place 15 men on the scene in 8 minutes or less. Currently at full staffing, no annual leave or sick leave, we only have 12 men per shift. Also the standard sets forth a minimum of 4 firefighters per pumper before offensive or interior firefighting should begin.

The 2009 SAFER grant unlike previous years has 100% Federal funding for 2 years with the municipality assuming responsibility on the 3<sup>rd</sup> year. This duration of the grant is 3 years from date of hire. This means the municipality MUST retain full staffing including the awarded positions for 1 full year after the 2 year Federal period.

As stated earlier the Federal monies will fund 100% for 2 full years with municipal assumption on the 3<sup>rd</sup> year. There will be some up-front cost to the City of Athens if awarded. The up-front cost includes pre-employment cost, uniforms, turn-out gear, fire academy and EMT training. The will amount to approximately \$5300.00 per position awarded.

Evan Thornton and I have carefully evaluated the projected cost for the city in the 3<sup>rd</sup> year. This figure will amount to approximately \$50,000.00 per position awarded or approximately \$300,000.00 to be assumed in the 3<sup>rd</sup> year.

Per my conversation with yourself, Mayor Williams and Evan Thornton all the above numbers are based on a request for 6 positions from the SAFER program. My apologies for my absence on the critical meeting however I will be in Jackson Mississippi in Department of Homeland Security Training class. If anyone has questions they call feel free to contact me via my cell phone during this absence.

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.

**Councilwoman Caudle moved the adoption of the following resolution:**

**RESOLUTION**

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ATHENS, ALABAMA, to adopt the following schedule of fees and deposits for Athens Utilities effective January 1, 2010.

**Schedule of Fees and Deposits for Athens Utilities  
December 14, 2009**

A credit check will be completed when a residential customer applies for service. If the FICO credit score received is 700 or higher, no deposit will be required. If the credit score is below 700, the following schedule of deposits will apply.

The following schedule of commercial and industrial deposits will apply for all customers.

**Electric Service**

Residential Deposits: \$200

Commercial and Industrial Deposits: Two months average billing based on best estimates of expected usage. Deposits shall be adjusted as appropriate over time, based on actual usage histories.

**Natural Gas Service**

Residential Deposits: \$25

Commercial and Industrial Deposits: Two months average billing based on best estimates of expected usage, or an amount negotiated under contract by Gas Department manager. Deposits shall be adjusted as appropriate over time, based on actual usage histories.

**Water Services**

Residential Deposits:

Water Inside City Limits: \$35

Water Outside City Limits: \$50

Sewer: \$45

Commercial Water Deposits:

5/8" and 3/4" Meters

Inside City Limits: \$40

Outside City Limits: \$55

1" Meters

Inside City Limits: \$110

Outside City Limits: \$165

1 1/2" and 2" Meters

Inside City Limits: \$400

Outside City Limits: \$600

**Schedule of Fees and Deposits for Athens Utilities  
December 14, 2009 – Continued**

>2” Meters	Two months average billing based on best estimates of expected usage. Deposits shall be adjusted as appropriate over time, based on actual usage histories.
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Commercial Sewer Deposits:

5/8” and 3/4” Meters	\$65
1” Meters	\$170
1½” and 2” Meters	\$575
> 2” Meters	Two months average billing based on best estimates of expected usage. Deposits shall be adjusted as appropriate over time, based on actual usage histories.

Industrial Water and Sewer Deposits:	Two months average billing based on best estimates of expected usage. Deposits shall be adjusted as appropriate over time, based on actual usage histories.
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All commercial and industrial utility deposits may consist of cash, approved bond, joint certificate of deposit, or irrevocable letter of credit from an approved bank.

**Customer Service Fees**

Connection Fee:	\$30
Reconnection Fee:	\$40 During business hours \$65 After business hours
Returned Check Fee:	\$25

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 COUNCIL OF THE CITY OF ATHENS, ALABAMA, that the final FY 2009 Water Department budget be adopted as submitted.

Final FY 2009 Water Department  
budget

REVENUES:	FY 2009
Metered Sales	\$ 3,613,023.00
Miscellaneous Revenue	\$ 172,723.00
Aid to Construction	\$ 20,316.00
Capital Reserve Funds	\$ 293,242.00
Total Regular	\$ 4,099,305.00
Capital Infrastructure Account	\$ 346,748.00
Combined Totals	\$ 4,446,053.00

EXPENSES:

Salaries and Fringes	\$ 1,218,944.00
Water Production Expenses	\$ 593,635.00
Annual Consumer Confidence Report (Fed Mandate)	\$ 3,555.00
Transmission and Distribution Expenses	\$ 167,967.00
Tank Maintenance Expenses	\$ 90,000.00
Administrative Expenses	\$ 237,576.00
LCEDA	\$ 28,427.00
Allocation to Finance Dept (New Line FY 2005)	\$ 93,586.00
Allocation to Customer Services (New Line FY 2007)	\$ 263,329.00
Uncollectible Accounts	\$ 65,725.00
Vehicle and Equipment Operation & Maint	\$ 49,673.00
Appropriation to General Fund	\$ 180,651.00
Debt Service Expenses	\$ 644,359.00
General Fund Salaries & Expenses	\$ 50,077.00
Capital Expenditures	\$ 311,582.00
Const Mtls, Dist Sys Imp Fund, & Capt Eqp Rep	\$ 255,477.00
Other Capital (Equipment, tools, etc)	\$ 56,105.00
Totals	\$ 3,999,088.00
Net Proposed Budget:	\$ 100,217.00

Bond Coverage=

20% of \$644,359	\$ 128,872.00
Available Bond Coverage	\$ 280,868.00
Capital Infrastructure Fund (Authorized Expenditures)	\$ 154,147.00
Net Capital Infrastructure	\$ 192,602.00

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 final FY 2009 Wastewater Department budget be adopted as submitted.

Final FY 2009 Wastewater Department budget

	FY 2009
Metered Sales	\$ 3,016,264.00
Miscellaneous Revenues	\$ 110,344.00
Capital Reserve Funds	\$ 318,492.00
Aid to Construction	\$ -
Total - Regular	\$ 3,445,100.00
Capital Infrastructure Account	\$ 767,500.00
Grand Total:	\$ 4,212,600.00

**EXPENSES:**

Salaries and Fringes *	\$ 1,521,106.00
Treatment Plant Operation & Maint	\$ 394,180.00
Collection System Operation & Maint	\$ 124,640.00
Administrative	\$ 176,512.00
Allocation at Finance Department	\$ 73,107.00
Allocation to Customer Services	\$ 127,102.00
Uncollectible Accounts	\$ 119,698.00
Vehicle and Equipment Operation & Maint	\$ 54,974.00
Appropriation to General Fund	\$ 75,407.00
Bond Debt Service	\$ 591,229.00
General Fund Salaries and Expenses	\$ 47,118.00
Capital Expenditures	\$ 118,186.00
Construction Materials & Capitalized Equip Repair	\$ 65,482.00
Other Capital (Equipment, tools, etc.)	\$ 52,704.00
Totals:	\$ 3,423,258.00

Net Proposed Budget	\$	21,842.00
Required Bond Coverage= 20% of \$591,229	\$	118,246.00
Available Bond Coverage	\$	97,248.00
Cap. Infrastructure Fund (Authorized Expenditures)	\$	903,939.00
Net Capital Infrastructure	\$	(136,439.00)
* Includes 3% COLA		

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

**Councilman Wales made for introduction only the following ordinance:**

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

**ORDINANCE NUMBER 2009-\_\_\_\_\_**

**AN ORDINANCE PROVIDING CONSENT AND APPROVAL OF THE ASSIGNMENT OF PRIVATE CABLE, INC.'S NONEXCLUSIVE FRANCHISE TO KNOLOGY, INC. CONCERNING A CABLE TELEVISION SYSTEM**

WHEREAS, Private Cable, Inc. possesses a non-exclusive franchise to occupy or use the Public ways to provide Cable Service to all Persons located in the Service Area, as extended by Ordinance No. 94-1180, and extended via Ordinance No. 2009-1737 (the "Franchise");

WHEREAS, Private Cable, Inc. wishes to assign any and all of its interests, rights, and obligations in the Franchise to Knology, Inc.;

WHEREAS, Section 23 of Ordinance No. 94-1180 provides that the Franchise may not be assigned or transferred without the consent of the City Council of the City of Athens, Alabama;

WHEREAS, the City Council approves of the assignment of the Franchise to Knology, Inc., upon Knology, Inc.'s 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. 94-1180, and any amendments thereto, in a form acceptable to the City;

WHEREAS, the term of the Franchise shall not be amended and/or changed from as stated in Ordinance No. 2009-1737;

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

WHEREAS, Knology, Inc. is agreeable to the acceptance of all of the obligations and duties heretofore belonging to Private Cable, Inc., and as set forth in Ordinance No. 94-1180 and Ordinance No. 2009-1737.

THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ATHENS, ALABAMA, while in regular session on Monday, December 21, 2009, at 5:30 p.m., as follows:

1. The City hereby consents to Private Cable, Inc.'s assignment of the Franchise to Knology, Inc., including all of Private Cable, Inc.'s rights and duties thereunder, upon Knology, Inc.'s unconditional written acceptance of the Franchise, in a form acceptable to the City, including acceptance of all of the rights and obligations of the franchisee thereunder, and agreement to comply with and abide by all the provisions, terms, and conditions set forth herein and in Ordinance No. 94-1180, Ordinance 2009-1737, and any amendments thereto.

2. The Mayor and/or the General Manager of Athens Utilities is hereby authorized to execute such documents as they may deem necessary to transfer and/or clarify any and all of Private Cable, Inc.'s contractual obligations with the City from Private Cable, Inc. to Knology, Inc.

**ADOPTED** this the \_\_\_\_ day of \_\_\_\_\_, 2009.

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

**APPROVED** this the \_\_\_\_ day of \_\_\_\_\_, 2009.

\_\_\_\_\_  
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 \_\_\_\_\_, 2009.

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

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

**Councilwoman Caudle moved the adoption of the following resolution:**

**RESOLUTION NUMBER 2009-1129**

**A RESOLUTION AUTHORIZING THE MAYOR TO PURCHASE CERTAIN REAL PROPERTY**

WHEREAS, Section 11-40-1 of the *Code of Alabama* authorizes the City of Athens to enter into contracts and to acquire real property;

WHEREAS, the City Council desires to acquire certain real property near Highway 31 North and adjacent to the Athens Sportsplex, more specifically described as follows, for the purchase price of \$595,000.00:

Lot 3B of the Final Plat of a Resubdivision of Lot 3 of TriGreen Equipment Subdivision, as shown in Plat Book H, Page 224 in the Office of the Judge of Probate, Limestone County, Alabama; and

Lot 1B of the Final Plat of a Resubdivision of Lot 1 of TriGreen Equipment Subdivision, as shown in Plat Book H, Page 204 in the Office of the Judge of Probate, Limestone County, Alabama.

**THEREFORE BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ATHENS, ALABAMA** on December 14, 2009 at 5:30 p.m., as follows:

1. The Mayor, on behalf of the City of Athens, Alabama, is directed to enter into a contract relating to the City's acquisition of certain real property, in substantially the form as attached hereto as **Exhibit A**, and to contractually bind the City with respect to the same. (Exhibit A will be on file in the City Clerk/Mayor's Office)

2. The Mayor is further authorized to carry out the terms of such contract as soon as may be practicable, and to execute such other and additional documents that may be necessary and/or required in order to facilitate the transaction described herein.

ADOPTED and APPROVED this, the 14<sup>th</sup> day of December, 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 \_\_\_\_ day of \_\_\_\_\_, 2009.

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

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

Councilmember Gill moved that unanimous consent be given for immediate consideration of and action on said resolution, 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 declared that the motion for unanimous consent for immediate consideration of and action on the said resolution had been unanimously carried. Councilmember Caudle 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.

**Councilwoman Caudle moved the adoption of the following resolution:**

**RESOLUTION**

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ATHENS, AL, to change the 12-21-09 City Council work session starting time from 4:30 pm to 3:00 pm. Following the work session, the City Council meeting will begin at 3:30 pm.

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

\* \* \*

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

/s/ William R. Marks  
PRESIDENT, CITY COUNCIL

ATTEST:

/s/ John S. Hamilton  
CITY CLERK



































































