

December 21, 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 21, 2009, at 3:30 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. Ronnie Marks 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 14, 2009 City Council Meeting had been submitted for approval. Councilman Gill 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 December 14, 2009 City Council Work Session Meeting had been submitted for approval. Councilman Gill 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 Jiffy Food Mart located at 1809 Highway 72 East. No one spoke in favor of or against.

The public hearing was closed.

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

**RESOLUTION**

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ATHENS, ALABAMA, to approve the travel/education expenses for the Utilities in the total amount of \$305.60.

Heather Rouse	PHMSA Gas Pipeline Safety Seminar Montgomery, AL December 7 – 10, 2009	\$221.52
Mason Matthews	PHMSA Gas Pipeline Safety Seminar Montgomery, AL December 7 – 9, 2009	\$ 84.08

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, to set a Public Hearing for the regular meeting of January 25, 2010 to review the request of Spencer, LLC to rezone a piece of property in the southeast corner of Lucas Ferry Road and Highway 72 West, from M-1 Light Industrial District to B-3 Highway Business District.

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, to re-appoint James Stark to the City of Athens Personnel Board for a five year term ending December 31, 2014.

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

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

**RESOLUTION NUMBER 2009-1130**

**A RESOLUTION AUTHORIZING THE MAYOR TO PURCHASE CERTAIN REAL PROPERTY ALONG HIGHWAY 31 SOUTH**

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 an undivided ½ interest in certain real property adjacent to the Athens and Limestone County Highway 31 Industrial Park, for the purchase price of \$35,000.00, said property described as follows:

Two acres of land located in the Northeast corner of the Southwest Quarter of Section 28, Township 3 South, Range 4 West, particularly described as beginning at the northeast corner of the Southwest Quarter of Section 28, and thence run West 139 yards; thence South 70 yards; then East 139 yards; thence North 70 yards to the place of beginning.

(referred to herein as the "Property"); and

WHEREAS, the City Council anticipates that Limestone County will acquire the other ½ undivided interest in the Property.

**THEREFORE BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ATHENS, ALABAMA** on December 21, 2009 at 3:30 p.m., as follows:

1. The Mayor, on behalf of the City of Athens, Alabama, is directed to acquire a ½ undivided interest in the Property in exchange for the City's payment of \$35,000.00. The Mayor is further authorized to enter into such contract(s) that meets with his approval and accomplishes said purpose. Any such contract(s) shall also provide that Limestone County, Alabama will acquire the other ½ undivided interest in the Property.

2. The Mayor is further authorized to carry out the terms of such contract(s) 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 21<sup>st</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 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 Caudle 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 accept the bid of Premier Truck Center of Limestone County, Alabama for one (1) Front Loading Refuse Truck in the amount of \$197,472.45. Premier Truck Centers is the lowest responsible bidder taking into consideration, among other things, conformity with bid specifications. It will be funded from the capital expenditure fund.

Councilmember Caudle 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 Wales 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 Gill moved the adoption of the following resolution:**

**RESOLUTION**

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ATHENS, ALABAMA, that the City of Athens Utilities Wastewater Department is authorized to submit a pre-application to the 2010 Alabama Clean Water State Revolving Fund Loan program to help finance a sanitary sewer collection system improvements project currently estimated to cost approximately \$6,800,000 and that said application shall be executed by the Manager, Water Services as the City's authorized representative..

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

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

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

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

**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 December 21, 2009, 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** 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

**Councilman Wales introduced the following ordinance:**

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

**ORDINANCE NUMBER 2009-1741**

**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 and APPROVED this, the 21<sup>st</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 )

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

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

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

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

/s/ William R. Marks

PRESIDENT, CITY COUNCIL

ATTEST:

/s/ John S. Hamilton  
CITY CLERK



































































