

February 23, 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 February 23, 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 Harold Wales, Jimmy Gill, William R. Marks and Mildred Caudle. Councilmember Mignon Bowers was absent. John Hamilton, City Clerk, was present and recorded the minutes of the meeting. Jimmy Gill offered the invocation and Mayor Williams led the Pledge of Allegiance. 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 February 9, 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 February 9, 2009 City Council Work Session Minutes 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 February 17, 2009 Special 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.

Ty Horton, member Athens High School ROTC, was presented a certificate of recognition for his prowess in air rifle competition.

Gary Boyd, Troop 21 Athens Bible School, was in attendance to help pupils earn citizenship merit badge.

A public hearing was held to hear comments on the sale of alcohol for Kim's Food Mart located at 1846 Brownsferry Street. No one spoke for or against.

The public hearing was closed.

Cliff Byrd, trustee for Athens Limestone Public Library, commented on how he enjoyed hearing the Mayor sing songs last night at First Baptist Church.

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

RESOLUTION NUMBER \_\_\_\_\_

WHEREAS, the City of Athens directly contacted known qualified firms in order to obtain proposals for the provision of administrative services for CDBG Project No. LR-ED-PF-08-001, and

WHEREAS, based on the City's rating of the proposal using the City's rating system Roth, McHugh & Associates, LLC is deemed most qualified for the services called for and the proposed contract price is considered appropriate and reasonable, and

WHEREAS, it has been determined that it is in the best interest of the City of Athens to enter into a contract with Roth, McHugh & Associates, LLC.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Athens, Alabama as follows:

SECTION 1. That, based on the City's understanding of procurement policy of ADECA, the acceptance of the proposal of Roth, McHugh & Associates, LLC for the provision of professional services for the administration of CDBG Project No. LR-ED-PF-08-001, has been determined to be in the best interest of the City of Athens, and that the proposed fee has been accepted as reasonable based on the complexity of the project and the amount and nature of the local match to be provided by the City.

SECTION 2. That the City of Athens enter into an agreement with Roth, McHugh & Associates, LLC for the provision of administrative services, with said agreement attached hereto.

SECTION 3. That this action is based on the current interpretation of ADECA procurement policy which is acknowledged by this resolution and ADECA policy on file.

SECTION 4. That Dan Williams, in his capacity as Mayor, is hereby authorized and directed to execute said agreement on behalf of the City of Athens.

PASSED, ADOPTED AND APPROVED this \_\_\_\_ day of \_\_\_\_\_, 2009.

ATTEST:

\_\_\_\_\_  
Dan Williams  
Mayor

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

**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 contract for the Martin Luther King Jr. Industrial Park Sewer Extension be awarded to the lowest responsible and responsive bidder, Christopher Plumbing & Electric, Inc., and the Manager, Water Services, is hereby authorized to issue a purchase order for said work in the amount of \$49,450.03.

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 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 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 adjusted FY 2009 Electric Department budget and to spread the same on the minutes.

ADJUSTED FY 2009	ELECTRIC DEPT.
<b>REVENUES:</b>	
Metered Electric Sales	\$ 85,600,000.00
Miscellaneous Revenue	\$ 1,765,000.00
Reserve Funds	\$ 125,000.00
Draw from Reserves for District Sub. And Roof for HQ Bldg.	\$ 2,310,000.00
Aid to Construction	\$ 2,200,000.00
Totals	\$ 92,000,000.00
<b>EXPENSES:</b>	
Salaries and Fringes	\$ 5,215,850.00
Electricity Purchases (TVA)	\$ 71,205,376.00
System Operation and Maint Exp	\$ 1,601,860.00
Severe Storm Expenses	\$ -
Customer Accounting and Billing Exp	\$ 185,000.00
Uncollectible Account Expenses	\$ 205,440.00
Administrative Expenses	\$ 749,083.00
Administrative Expenses (Lightning Damage)	\$ -
Veh Operation and Maint Exp	\$ 500,000.00
Equivalent Tax Payments	\$ 1,800,000.00
Debt Service Expenses	\$ 2,435,156.00
1995 Construction Fund	\$ -
Capital Expenditures	\$ 7,154,000.00
General Fund & Human Resources Salaries & Expenses	\$ 75,000.00
Totals	\$ 91,126,765.00
Electric Sales Revenues Less Power Cost	\$ 14,394,624.00
Expenditures Less Power	\$ 19,921,389.00
Net Proposed Budget	\$ (1,436,765.00)
Equipment Purchase/Rebuild Obligations	\$ 125,000.00
Year End Net Budget	\$ 748,235.00

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 COUNCIL OF THE CITY OF ATHENS, ALABAMA, to approve a cash advance for the Gas Department in the total amount of \$450.00.

John Bush	Plumbers & Gas Apprentice Career Track Dothan, Alabama March 15 – 20, 2009	\$450.00
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The motion was seconded by Councilwoman Caudle and was unanimously carried.

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

**RESOLUTION NUMBER 2009-1092**

**A RESOLUTION AUTHORIZING THE PRYOR FIELD REGIONAL AIRPORT AUTHORITY  
TO APPLY FOR AND ACCEPT GRANTS FOR AIRPORT IMPROVEMENT PROJECTS  
SUBJECT TO CERTAIN CONDITIONS**

**WHEREAS**, the City of Athens, along with other public entities, is a sponsor/owner of the Pryor Field Regional Airport Authority;

**WHEREAS**, the Pryor Field Regional Airport Authority has requested the ability to apply for and accept grants for airport improvement projects on behalf of the several sponsors of the authority, including the City of Athens;

**WHEREAS**, the City Council is willing to allow the Pryor Field Regional Airport Authority to do so, subject to certain limitations; and

**WHEREAS**, among other things, the City Council wishes to ensure that the Authority is not empowered to apply for and accept grants for airport improvement projects that commit the City to any financial obligation beyond that of any funds already received by the Pryor Field Regional Airport Authority as a part of the City's annual appropriation to said authority.

**THEREFORE BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ATHENS, ALABAMA** on February 23, 2009 at 5:30 p.m., as follows:

1. The Pryor Field Regional Airport Authority (the "Authority") is authorized to apply for and accept grants for airport improvement projects from the Federal Aviation Administration and Alabama Department of Transportation, on behalf of the City of Athens, so long as the following conditions are met:

(i) All other owners/sponsors of the Authority are participating in the applicable grant;

(ii) the financial obligation of the City of Athens in any given year with respect to any grants involving the Authority could not and will not in any case exceed any amount of any appropriations that have been received from the City of Athens in that year; and

(iii) Unless the amount of any local match (required as a part of the terms of the applicable grant) has already been expended by the Authority and recognized by the granting authority, the Authority will retain, from the funds that have at that time already been received from the City of Athens as a part of any annual appropriation by the City to the Authority, such an amount of funds that is equivalent to the amount

of local contribution required by the City of Athens under the terms of the applicable grant, and, if required by the grant, expend those funds as that part of the local match that is required by the City of Athens.

2. This Resolution shall not be interpreted to create any obligation by the City to appropriate funds to the Authority, or any funds of a particular amount. This Resolution shall not be interpreted to interfere in any way with the City Council's discretion in deciding whether to grant appropriations to the Authority.

ADOPTED and APPROVED this, the 23<sup>rd</sup> day of February, 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

The motion was seconded by Councilman Gill 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 Gill and second by Councilman Wales, duly and properly adjourned.

/s/ William R. Marks  
PRESIDENT, CITY COUNCIL

ATTEST:

/s/ John S. Hamilton  
CITY CLERK







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

**RESOLUTION NUMBER 2009-1089**

WHEREAS, the City of Athens, Alabama was awarded a Community Development Block Grant (CDBG) Economic Development (ED) Project Number LR-ED-PF-05-014 by the Alabama Department of Economic and Community Affairs (ADECA) in the amount of \$399,639, and

WHEREAS, the purpose of this grant was to provide rail improvements to facilitate the location of Quality Culvert, Inc., and

WHEREAS, the City has completed the infrastructure improvements but delayed closure of the project because of the lack of full job creation by Quality Culvert, Inc., and

WHEREAS, Quality Culvert Inc., has informed the City that they can not meet their commitment of 125 jobs but have created 42 jobs, and

WHEREAS, the City of Athens has requested that ADECA allow the project to be closed with 42 jobs and a financial payback of grant funds if required, and

WHEREAS ADECA has advised the City in a letter dated December 15, 2008 that they would approve closure of the project contingent upon repayment of \$100,000.00, and

WHEREAS, the City of Athens has requested that Quality Culvert, Inc. repay these funds and they have agreed.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Athens, Alabama as follows:

SECTION 1. That closeout paperwork, as required by ADECA, be submitted immediately.

SECTION 2. That a formal amendment be requested from ADECA to reduce the original number of job committed from 125 down to 42 to allow closure of the project.

SECTION 3. That the sum of \$100,000.00 be paid to ADECA to reduce the subject grant from \$399,639.00 to \$299,639.00 to address the lack of job creation by Quality Culvert.

SECTION 4. That Dan Williams, in his capacity as Mayor, is hereby authorized and directed to submit the formal amendment, check for \$100,000.00 and required closeout paperwork to the Alabama Department of Economic and Community Affairs, and, upon approval thereof, take such other steps as may be required to secure closure of the project.

ADOPTED and APPROVED this, the 12<sup>th</sup> 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

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 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.

A public hearing was held to hear comments on the close out of Jimmy W. Gill Park. No one spoke in favor of or against.

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

**RESOLUTION NUMBER 2009-1090**

WHEREAS, the City of Athens, Alabama was awarded a Community Development Block Grant (CDBG) Community Enhancement (CE) Project Number LR-CE-PF-06-021 by the Alabama Department of Economic and Community Affairs (ADECA) in the amount of \$250,000.00, and

WHEREAS, the purpose of this grant was to provide recreational improvements at the Jimmy Gill Park, which is located along Sanderfer Road, and

WHEREAS, the City has completed the proposed improvements and desires to close the project at this time.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Athens, Alabama as follows:

SECTION 1. That closeout paperwork, as required by ADECA, be submitted immediately.

SECTION 2. That Dan Williams, in his capacity as Mayor, is hereby authorized and directed to submit the required closeout paperwork to the Alabama Department of Economic and Community Affairs, and, upon approval thereof, take such other steps as may be required to secure closure of the project.

ADOPTED and APPROVED this, the 12<sup>th</sup> 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

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

Quintin Anderson, 104 Ridgelawn Drive, spoke about a person in Athens that he considers a terrorist and how this person is terrorizing senior citizens at the Senior Center.

Mae Davis, 1201 Plainview Circle, commented on 1200 and 1206 Plainview Circle, and how the two properties are eye sores. She ask that the owners clean it up or they be torn down.

Rosie Maclin, ask that a number of houses on Highland Street and across from Plainview Street be cleaned up or condemned.

David Malone thanked the City Council, Mayor and Ben Wiley for Jimmy W. Gill Park.

**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 payment of budgeted travel/education expenses for specified Water/Wastewater employees in the total amount of \$683.24.

John Fielding (Wastewater)	WW Certification Review Class Tuscaloosa, AL December 18-19, 2008	\$344.24
Adam Graves (Wastewater)	WW Certification Review Class Tuscaloosa, AL December 18-19, 2008	\$339.00

The motion was seconded by Councilwoman Bowers 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 resurfacing of Brownsferry Street, from Houston Street to the City Limits south of Highway 72, at a cost of \$170,000.00.

The portion of Brownsferry north of Highway 72 will be approximately \$90,000.00. The portion south of Highway 72 to the City Limits will be approximately \$80,000.00. This will be paid from Gas Tax revenue.

The motion was seconded by Councilwoman Bowers and was 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 2008 Gas Department budget and spread the same on the minutes.

FINAL RESULTS FY 2008 Gas Department Budget

REVENUES:

Metered Sales	\$ 12,502,791.00
Forfeited Discounts	\$ 31,781.00
Misc Revenue & Service Charges	\$ 1,958.00
Rents and Other	\$ 79,365.00
Interest	\$ 143,671.00
Reserve Funds	\$ -
Reimbursement 2007 Revenue Bonds	\$ 537,045.00
Training Facility (Leak City)	\$ 53,810.00
Aid to Construction	\$ 374,994.00
TOTALS	\$ 13,725,414.00

EXPENSES:

Salaries and Fringes	\$ 1,550,954.00
Purchased Gas	\$ 7,671,466.00
Distribution System Operation & Maintenance	\$ 548,902.00
Administrative	\$ 249,216.00
Customer Accounting and Billing	\$ 39,183.00
Vehicle and Equipment Operation & Maint	\$ 177,112.00
Appropriation to General Fund	\$ 921,876.00
2005 Revenue Warrant Debt Service	\$ 237,952.00
2007 Revenue Warrant Debt Service	\$ 386,378.00
General Fund Salaries and Expenses	\$ 49,759.00
Capital Expenditures	\$ 1,411,648.00
Construction Materials & Capitalized Equip Repair	\$ 620,882.00
Construction Materials (Reimb by Rev Warrants)	\$ 537,045.00
Other Capital (Equip, tools, etc)	\$ 253,720.00
Totals:	\$ 13,244,446.00

Approved Budget as of 3% COLA if approved by Council	\$ -
Net proposed budget	\$ 1,018,014.00
Construction Costs (Reim by Revenue Warrants):	\$ 537,045.00
Debt Service Costs	\$ 624,330.00

The motion was seconded by Councilman Gill 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 Gill and second by Councilman Wales, duly and properly adjourned.

/s/ William R. Marks  
PRESIDENT, CITY COUNCIL

ATTEST:

/s/ John S. Hamilton  
CITY CLERK

































