

February 28, 2011

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, 951 Hobbs Street East in the said City on February 28, 2011, at 5:30 p.m. The meeting was called to order by Councilman Jimmy W. Gill, President of the Council. Upon roll call the following were found to be present: Councilmembers Mignon Bowers, Harold Wales, Jimmy Gill, James Hickman and Mildred Caudle. Mayor William R. Marks was present and led the pledge of allegiance. John Hamilton, City Clerk, was present and recorded the minutes of the meeting. Mildred Caudle 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 February 14, 2011 City Council Meeting had been submitted for approval. Councilwoman Bowers 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 February 14, 2011 City Council Work Session Meeting had been submitted for approval. Councilwoman Bowers 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 proclamation was presented to Patricia Smith, Coordinator of Alabama State Radon.

**Councilwoman Bowers introduced 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 April 11, 2011 to review the request of Mr. and Mrs. Heard at 17785 Quinn Road, Mrs. & Mrs. Carwile at 17755 Quinn Road and Mr. & Mrs. Scarbrough at 17745 Quinn Road to annex property at those locations into the City Limits and zone said property as a R-1-2 District.

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

**Councilwoman Bowers introduced 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.

Will McMeans	TVPPA – Lineworker Operations – Lab C	\$200.00
Chris Townsend	TVPPA – Lineworker Operations – Lab C	\$200.00
Dustin Jackson	TVPPA – Lineworker Operations – Lab C	\$200.00
Justin Holland	TVPPA - Lineworker Operations – Lab C	\$200.00

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

**Councilwoman Bowers introduced 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 \$350.00.

Josh Hall	Plumbers & Gas Apprentice Career Track	\$350.00
	Dothan, Alabama	
	February 27 – March 4, 2011	

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

**Councilwoman Bowers introduced 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 & Wine for Off Premises Consumption” alcohol license:

Raceway #6712  
1512 Highway 72 East

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

**Councilwoman Caudle introduced the following resolution:**

**RESOLUTION**

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ATHENS, ALABAMA, to authorize the Mayor to sign a new agreement for the US 31 Pedestrian Facilities and Streetscape Project, Project Number STPTE-TE09(987)S1 which will extend the expiration date from September 30, 2012 to January 17, 2013. This is between the City of Athens and the Alabama Department of Transportation for the grant for this project which is a walking type trail along Forrest Street and down Lindsay Lane to the Publix Shopping area.

**RESOLUTION NUMBER 2011-1189**

BE IT RESOLVED, by the City of Athens, Alabama 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 if before this Council;
2. That the agreement be executed in the name of the City, for and on behalf of the City, by it's 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 named therein, at a regular meeting of such Council held on the 28<sup>th</sup> day of February, 2011, and that such resolution is on file in the Mayor's Office.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the official seal of the City on this \_\_\_\_\_ day of \_\_\_\_\_, 2011.

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

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

**Councilman Wales introduced the following ordinance:**

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

**ORDINANCE NUMBER 2011-1792**

**AN ORDINANCE REGARDING THE CUTTING AND SALE OF  
TIMBER FROM CERTAIN REAL PROPERTY OWNED BY  
THE CITY OF ATHENS**

**WHEREAS**, the City of Athens owns certain real property located on Highway 31 and Sanderfer Road, lying adjacent to Athens Gas Department's Leak City facility;

**WHEREAS**, such real property is described in **Exhibit A** hereto;

**WHEREAS**, Athens Gas Department wishes to clear the property of any valuable timber; and

**WHEREAS**, the City Council finds that the terms described herein for the removal and sale of the timber constitute fair and adequate consideration.

**THEREFORE BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ATHENS, ALABAMA**, while in session on February 28, 2011 at 5:30 p.m., as follows:

**Section 1.** It is hereby established and declared that the timber on the real property described in **Exhibit A**, which is owned by the City of Athens, is not needed for any municipal or public purposes.

**Section 2.** The Manager of the Athens Gas Department (the "Manager") is directed to cause such timber to be sold to Gatlin Logging, upon the following terms: (i) Gatlin Logging shall remove only such timber as is approved and designated by the Manager; (ii) any and all timber must be removed within two months of this Ordinance; (iii) within a reasonable time after harvesting the timber, Gatlin Logging must sell the timber to a third party for a reasonable market price; (iv) Gatlin Logging must pay the City of Athens 50% of the resulting gross sale amount; (v) Gatlin Logging is provided a non-exclusive

license to enter upon the real property in the manner and at the location specified by the Manager; and (vi) such other and additional terms as may be required by the Manager. The City Council finds such terms to be fair, customary, reasonable and adequate.

ADOPTED and APPROVED this, the 28<sup>th</sup> day of February, 2011.

/s/ Jimmy W. Gill  
PRESIDENT, CITY COUNCIL,  
CITY OF ATHENS, ALABAMA

/s/ William R. Marks  
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 the Ordinance duly adopted by the City Council of the City of Athens, on the 28th day of February, 2011.

Witness my hand and seal of office this the \_\_\_\_ day of \_\_\_\_\_, 2011.

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

## EXHIBIT A

A tract of land lying in the Southeast Quarter of Section 16, Township 3 South, Range 4 West, and being particularly described as beginning at a point on the South boundary of Section 16, said point being located 587.91 feet East of the Southwest corner of the Southeast Quarter of Section 16, and is the Southeast corner of property belonging to the City of Athens, Alabama, and from said point run North 88 degrees 00 minutes East, along the Section Line a distance of 754.4 feet to a point in the center line of Town Creek; thence in a Northwesterly direction, following the meandering of the center of said creek run a distance of 1425 feet, more or less, to the South boundary of the A.D. Griffin land, thence South 84 degrees 00 minutes West along the South boundary of the Griffin property a distance of 971 feet to a point on the East boundary of the right of way of U.S. 31 Highway, thence South 02 degrees 50 minutes East along the right of way line for a distance of 240.0 feet to the North boundary of the W.T. Harrison property; thence North 88 degrees 00 minutes East along the North boundary of the Harrison Property, a distance of 210.0 feet; thence South 02 degrees 50 minutes East along the East boundary of the W.T. Harrison property and parallel with U.S. 31 Highway a distance of 420.0 feet, thence South 88 degrees 00 minutes West along the South boundary of Harrison Property a distance of 210.0 feet to a point on the East boundary of U.S. 31 Highway right of way, thence South 02 degrees 50 minutes East along the right of way line a distance of 15.0 feet to a North boundary of the A. Bradford Lot, thence North 88 degrees 00 minutes East along the North boundary of the A. Bradford Lot for a distance of 239.0 feet , thence South 02 degrees 30 minutes East along the East boundary of the Bradford Lot a distance of 106.51 feet to the Northwest corner of the City of Athens property, thence North 88 degrees 00 minutes East along the North boundary of the City of Athens property a distance of 298.91 feet to the Northeast corner of said City Lot; thence South 02 degrees 50 minutes East along the East boundary of said Lot a distance of 440.89 feet to the point of beginning, and containing 24.5 acres, more or less. LESS AND EXCEPT THEREFROM: A tract of land lying in the Southeast Quarter of Section 16, Township 3 South, Range 4 West, and being particularly described as beginning at a point on the South boundary of Section 16, said point being located 587.91 feet East of the Southwest corner of the Southeast Quarter of Section 16 and is the Southwest corner of property belonging to the City of Athens, Alabama, and from said point run North 85 degrees 00 minutes East, along the Section line a distance of 210.0 feet to a railroad spike, thence run North 02 degrees 50 minutes West for a distance of 210.0 feet to an iron pin; thence South 88 degrees 00 minutes West for a distance of 210.0 feet to an iron pin; thence South 02 degrees 50 minutes East to the point of beginning, containing 1 acre, more or less. ALSO LESS AND EXCEPT: A tract of land located in the Southeast Quarter of Section 16, Township 3 South, Range 4 West, Limestone County, Alabama, and being more particularly described as follows: Commencing at an existing railroad spike at the Southwest Corner of Section 16, Township 3 South, Range 4 West, thence North 87 degrees 53 minutes, 35 seconds East along the South boundary of said Section 16 a distance of 3439.37 feet to a point, said point located South 87 degrees 53 minutes 35 seconds West a distance of 1845.23 feet from an existing concrete monument at the Southeast corner of said Section 16, and said point also located North 02 degrees 50 minutes 00 seconds West a distance of 27.55 feet from an existing railroad spike in the centerline of Sanderfer Road, thence North 02 degrees 50 minutes 00 seconds West a distance of 182.30 feet to an existing ¾ inch crimp top pipe, the Point of True Beginning of the herein described trace; THENCE from the Point of True Beginning South 88 degrees 00 minutes 00 seconds West a distance of 209.81 feet to a 5/8 inch rebar set with plastic cap stamped "RLS 15455 Ronnie G. Coffman", THENCE North 02 degrees 50 minutes 00 seconds West along a chain link fence line a distance of 250.96 feet to an existing concrete monument at a chain link fence corner; THENCE North 88 degrees 00 minutes 00 seconds East a distance of 209.81 feet to a 5/8 inch rebar set with plastic cap stamped "RLS 15455 Ronnie G. Coffman", THENCE South 02 degrees 50 minutes 00 seconds East a distance of 250.96 feet to the Point of True Beginning and containing 1.209 acres, more or less. Subject to any and all rights-of-way, easements, restrictions, covenants and setback lines which may be of record.

Councilmember Bowers moved that unanimous consent be given for immediate consideration of and action on said ordinance, which motion was seconded by Councilmember Hickman, and upon the said motion being put to vote the following vote was recorded: YEAS: Councilmembers Bowers, Wales, Hickman, Gill and Caudle; NAYS: None. The President thereupon declared that the motion for unanimous consent for immediate consideration of and action on the said ordinance had been unanimously carried. Councilmember Wales thereupon moved that the ordinance 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, Hickman, Gill and Caudle; NAYS: None. The President thereupon announced that the motion for the adoption of the said ordinance had been unanimously carried.

**Councilwoman Caudle introduced the following resolution:**

**RESOLUTION**

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ATHENS, ALABAMA, to authorize the Manager, Gas Department, to award a purchase order to Warrior Tractor of Athens in the amount of \$79,925.00 for a backhoe 4-wheel drive.

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

**Councilman Hickman introduced the following resolution:**

**RESOLUTION**

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ATHENS, ALABAMA, that the bid of \$160,224.00 from Terex, Inc., Birmingham, Alabama, be accepted and that the Utilities General Manager be authorized to issue a purchase order for this vehicle.

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

**Councilwoman Caudle introduced the following resolution:**

**RESOLUTION**

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ATHENS, ALABAMA, to approve the adjusted FY 2011 Electric Department budget and to spread the same on the minutes.

ADJUSTED FY 2011	ELECTRIC DEPT.
REVENUES:	
Metered Electric Sales	\$ 90,577,928.00
Miscellaneous Revenue	\$ 1,550,000.00
Reserve Funds	\$ 140,000.00
Draw from Reserves for District Sub. And Roof for HQ Bldg.	\$ 1,375,000.00
Aid to Construction	\$ 2,000,000.00
Totals	\$ 95,642,928.00
EXPENSES:	
Salaries and Fringes	\$ 4,628,982.00
Electricity Purchases (TVA)	\$ 76,275,717.00
System Operation and Maint Exp	\$ 2,948,218.00
Severe Storm Expenses	\$ -

Customer Accounting and Billing Exp	\$ -
Uncollectible Account Expenses	\$ 217,387.00
Administrative Expenses	\$ 707,403.00
Administrative Expenses (Lightning Damage)	\$ -
Veh Operation and Maint Exp	\$ 425,000.00
Equivalent Tax Payments	\$ 1,875,000.00
Debt Service Expenses	\$ 2,407,945.00
1995 Construction Fund	\$ -
Capital Expenditures	\$ 5,672,000.00
General Fund & Human Resources Salaries & Expenses	\$ 80,000.00
Totals	\$ 95,237,652.00
Electric Sales Revenues Less Power Cost	\$ 14,302,211.00
Expenditures Less Power	\$ 18,961,935.00
Net Proposed Budget	\$ (969,724.00)
Equipment Purchase/Rebuild Obligations	\$ 140,000.00
Year End Net Budget	\$ 265,276.00

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

**Councilman Wales introduced the following resolution:**

**RESOLUTION**

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ATHENS, ALABAMA, to purchase a Computer Voice Stress Analyzer and a four year service program for the police department from NITV Federal Services, LLC of West Palm Beach, Florida at a cost of \$3,2953.00.

Funds for the analyzer and four year service program shall come from line item # 100.515.85001.

Councilmember Bowers moved that unanimous consent be given for immediate consideration of and action on said ordinance, 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, Hickman, Gill and Caudle; NAYS: None. The President thereupon declared that the motion for unanimous consent for immediate consideration of and action on the said ordinance had been unanimously carried. Councilmember Wales thereupon moved that the ordinance 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, Hickman, Gill and Caudle; NAYS: None. The President thereupon announced that the motion for the adoption of the said ordinance had been 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/ Jimmy W. Gill  
PRESIDENT, CITY COUNCIL

ATTEST:  
/s/ John S. Hamilton  
CITY CLERK

