

February 9, 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 9, 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 Williams was absent. John Hamilton, City Clerk, was present and recorded the minutes of the meeting. Harold Wales offered the invocation and John Hamilton 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 January 26, 2009 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 Councilman Gill and was unanimously carried. The Chairperson stated that the Minutes of the January 26, 2009 City Council Work Session Minutes 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 Councilman Gill and was unanimously carried.

Debbie Spealer spoke and said that the city she lived in in the suburb of St. Louis (population 28,000) had a library that was much larger than the Athens Limestone Public Library.

Mae Davis, 1201 Plainview Circle, spoke about Craig Battery area being in a flood area and could be dangerous. She asked if the area was going to be a park. She also commented about the houses on Plainview Circle still being an eyesore and would like it to be beautified.

**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 "Restaurant, Class 1" alcohol license. It is of our opinion that the business has met all of the requirements of the City of Athens' alcohol ordinance:

MB Athens Inc., d/b/a Maria Bonita Grill & Cantina  
208 West Market Street

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 appoint Robert Malone to the Zoning Board of Adjustments and Appeals as an alternate member for a three year term ending February 9, 2012.

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

Nick Hill	TVPPA-Lab C Scottsboro, AL	\$150.00
Brandon Jackson	TVPPA-Lab C Scottsboro, AL	\$150.00

The motion was seconded by Councilman Gill 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 declare the following Athens Police Department vehicles as surplus equipment.

2001 Chevrolet Impala	Vin # 2G1WF55K519334539
2001 Chevrolet Impala	Vin # 2G1WF55K919334320
2001 Chevrolet Impala	Vin # 2G1WF55K219336586
1996 Ford Crown Vic	Vin # 2FALP71W8TX181512

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

**Councilwoman Caudle introduced the following ordinance:**

STATE OF ALABAMA,  
LIMESTONE COUNTY,  
CITY OF ATHENS.

ORDINANCE NUMBER 2009-1720

**AN ORDINANCE AMENDING SECTIONS 18-307 AND 18-324 OF THE CITY OF ATHENS CODE OF ORDINANCES CONCERNING BUSINESS LICENSE RATES/REQUIREMENTS RELATING TO VEHICLES FOR HIRE AND ENTERTAINMENT; AND REPEALING CHAPTER 86 OF THE CODE CONCERNING VEHICLES FOR HIRE**

**WHEREAS**, Chapter 86 of the *City of Athens Code of Ordinances* sets forth various requirements for those engaging in businesses that are used in the carriage of passengers or freight for hire within the City, including the requirement that vehicles for hire obtain liability insurance as a protection for the City's residents;

**WHEREAS**, the City Council wishes to include that insurance requirement as a part of the City's Business License Code, and to broaden the definition of the types of vehicles for hire that are subject to this requirement to include all vehicles for hire, whether or not they are motor vehicles;

**WHEREAS**, having relocated the insurance provision in the Business License Code, the City Council wishes to repeal Chapter 86 of the *City of Athens Code of Ordinances*;

**WHEREAS**, Chapter 86 of the *City of Athens Code of Ordinances* also sets forth rates for those engaging in businesses related to entertainment, and the City Council wishes to modify those rates as set forth herein; and

**WHEREAS**, the City Council enacts this ordinance in connection with its powers granted by § 11-45-1, § 11-43-62, § 11-49-1, and § 11-51-90 of the *Code of Alabama*, among other authorities.

**THEREFORE BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ATHENS, ALABAMA** while in regular session on February 9, 2009 at 5:30 p.m., as follows:

**Section 1.** Chapter 86 of the *City of Athens Code of Ordinances* is hereby repealed in its entirety.

**Section 2.** Section 18-324(36) of the *City of Athens Code of Ordinances* is hereby amended in its entirety to read as follows:

**(36) VEHICLES FOR HIRE** – Any person engaged in the business of operating a vehicle (including every device in, upon or by which any person or property is or may be transported or drawn upon a street or highway) for hire (including but not limited to taxi services, limousine services, and horse-drawn carriages) shall pay an annual license tax as follows:

- For the first vehicle .....\$100.00
- For each additional vehicle.....\$25.00

**Section 3.** Section 18-307 of the *City of Athens Code of Ordinances* is hereby amended in its entirety to read as follows:

*Sec. 18-307. Other license requirements*

(a) No city business license shall be issued to any business that is regulated by the state without evidence that the business owner possesses a current state license to provide services of the type so regulated (Code of Ala. 1975, § 11-51-193). Businesses regulated by the state include, but are not limited to: general contractors, electrical contractors, plumbing contractors, gas fitting contractors, burglar or fire alarm contractors, fire sprinkler contractors, heating and air conditioning contractors, swimming pool contractors, landscapers, exterminators and massage therapists.

(b) Any establishment selling articles of food or drink shall have a permit from the county health department before the city shall issue a license.

(c) Any person engaged as a contractor shall furnish evidence of commercial general liability insurance that includes coverage for bodily injury, property damage, products and completed operations, issued by a solvent insurance company, licensed to do business in the state and city, which policy shall be subject to the minimum limitations specified in this section or shall maintain on deposit at a bank or other financial institution with office(s) located within the Athens city limits an amount subject to the minimum limitations specified in this section. No city business license shall be issued to any such business without evidence of the same.

(1) For every contractor furnishing evidence of commercial general liability insurance, including coverage for bodily injury, property damage, products, and completed operations, the minimum coverage amount shall be \$100,000.00 per occurrence with a general aggregate of \$100,000.00. Any such policy shall include an endorsement acceptable to the City of Athens City Clerk's Office providing ten (10) days' prior written notification to the city of a material change or cancellation of such policy. A certificate of insurance signed by the authorized agent of the company shall be filed with the clerk's office and shall remain on file there. The certificate of insurance must be made out to the city as the certificate holder.

(2) For every contractor who maintains monies on deposit at a bank or other financial institution as set forth in this section, the minimum balance in said account(s) shall be \$100,000.00. Any monies on deposit shall not fall below the minimum balance of \$100,000.00

and the maintenance of said account(s) shall be conditioned upon the bank or financial institution providing written confirmation of said minimum balance to the city and further agreeing to provide ten (10) days' written notification to the city of the contractor's intent to withdraw any monies from said account(s) which would result in the balance falling below \$100,000.00 or ten (10) days' written notification to the city that the action of a third party will cause or result in said balance falling below \$100,000.00. Said written confirmation that the contractor has a minimum balance of \$100,000.00 and the bank's written agreement to provide ten (10) days' written notification to the city prior to said balance falling below \$100,000.00 shall be filed with the clerk's office and shall remain on file there.

(d) Any person engaged in the business of operating a vehicle (including every device in, upon or by which any person or property is or may be transported or drawn upon a street or highway) for hire (including but not limited to taxi services, limousine services, and horse-drawn carriages) shall furnish evidence to the City of, and carry, a public liability insurance policy issued by a solvent incorporated insurance company authorized to write automobile liability insurance in the state, protecting passengers, pedestrians and other persons against injury, subject to the following minimum limits:

(1) For all damages arising out of a bodily injury to one person, \$20,000.00; and subject to that limit for each person, the total liability on account of one accident shall be \$40,000.00. It is not required that such coverage shall apply to the insured's employee while engaged in operating or being carried in any of the insured's taxicabs by another employee of the assured, who are injured while engaged in the time of such injury in performing any duties for the assured in connection with the trade, business or occupation of the assured.

(2) For all property damage in any one accident, \$10,000.00, except property of the assured or property in the custody of the assured for which assured is legally responsible.

Such policy shall include an endorsement to the effect that such policy shall not be cancelled without notice of cancellation being served upon the city clerk-treasurer at least fifteen (15) days prior to the date of cancellation; such policy shall be filed with the city clerk-treasurer and shall remain on file with the city clerk-treasurer. No city business license shall be issued to any such business without evidence of the same.

**Section 4.** Section 18-324(13) of the *City of Athens Code of Ordinances* is hereby amended in its entirety to read as follows:

**(13) ENTERTAINMENT** – Any person engaged in the business of any type of entertainment (defined to include the various ways of amusing people, including offering performances for the purpose of amusing people) where a charge(s) is made for admission, shall pay an annual license tax based on gross receipts as follows:

Less than \$20,000.00 .....\$50.00  
All over \$20,000.00.....\$100.00, plus .001 over \$20,000.00

**Section 5.** This Ordinance shall become effective upon its adoption and publication as required by law.

**Section 6.** If any provision of this Ordinance, or the application thereof to any person, thing or circumstances, is held invalid by a court of competent jurisdiction, such invalidity shall not affect the provisions or application of this Ordinance that can be given effect without the invalid provisions or application, and to this end, the provisions of this code and such amendments and statutes are declared to be severable.

**Section 7.** The provisions of this Ordinance shall be included and incorporated in the Code of Ordinances of the City of Athens as an addition or amendment thereto, and shall be appropriately renumbered as necessary to conform to the uniform numbering system of the Code.

ADOPTED and APPROVED this, the 9<sup>th</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 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

Councilmember Gill moved that unanimous consent be given for immediate consideration of and action on said ordinance, 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 ordinance had been unanimously carried. Councilmember Caudle thereupon moved that the ordinance 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 ordinance had been 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 approve appropriation of \$13,340.00 from the Gas Tax Fund for city's share of City of Athens/Limestone County Commission. Oakdale Road joint re-surfacing project.

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.

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There being no further business to come before the meeting, the same was, upon motion by Councilwoman Caudle and second by Councilwoman Bowers, 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



































