

March 22, 2010

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 March 22, 2010, 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. 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 March 8, 2010 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 Councilwoman Bowers and was unanimously carried. The Chairperson stated that the Minutes of the March 8, 2010 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 Councilwoman Bowers and was unanimously carried.

A public hearing was held to hear comments on the sale of alcohol for El Rodeo Cantina, Inc. Roberto Bamaco, Manager of El Rodeo Cantina spoke in favor of. No one spoke against.

A public hearing was held to hear comments on the sale of alcohol for Walgreens. Ryan Wanamaker, spokesman for Walgreens spoke in favor of. No one spoke against.

The public hearings were closed.

Deborah King, 20104 Kimzy Carr Road, voiced her concern about city hall, the sportsplex and the Robotics project. She was concerned about spending in this bad economy.

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 April 26, 2010 to review the request of The Athens Hispanic Church of the Nazarene to rezone their property from R-1-1 to B-1. Said property is located on Sanderfer Road, west of Hine Street.

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 April 26, 2010 to review the request of Mr. Billy Sandy to rezone property located at 11518 Pitts Boulevard, which is an access road off of Highway 31, from AG District to B-3 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 set a Public Hearing for the regular meeting of April 26, 2010 to review the request of Brandon Ellison and Meredith Ellison to rezone property located at 109 Houston Street South from B-2 to R-2-1.

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 approve the travel/education expenses for the Utilities in the total amount of \$110.25.

Heather Rouse	ANGA Spring Seminar Birmingham, AL March 10, 2010	\$110.25
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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 approve the payment of budgeted travel/education expenses for specified Water/Wastewater employees in the total amount of \$561.96.

Howard Hopkins (Water Services)	ARWA Annual Training Conference Montgomery, AL March 14 – 17, 2010	\$561.96
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The motion was seconded by Councilman Gill and was unanimously carried.

Councilwoman Caudle moved the adoption of the following resolution:

RESOLUTION NUMBER 2010-1138

A RESOLUTION CONCERNING A PURCHASE, SALE, AND JOINT DEVELOPMENT AGREEMENT BY AND BETWEEN THE CITY OF ATHENS, ALABAMA, AND THE LIMESTONE COUNTY COMMISSION CONCERNING A JOINT EFFORT TO DEVELOP A NEW PUBLIC LIBRARY

WHEREAS, the City is the owner of certain real property and improvements located on Jefferson Street and formerly occupied by Kroger grocery store (the "Property");

WHEREAS, the City Council desires to sell an undivided ½ interest in the Property to Limestone County for ½ of the price that the City paid for the Property;

WHEREAS, after the sale, the City and County would each own an undivided ½ interest in and to the Property;

WHEREAS, the City and the County desire that, after a period of development and construction, the Property and its improvements will be put to use in the future as a public library serving the citizens of Athens and Limestone County, and both the City and County wish to enter into a joint agreement to further that goal; and

WHEREAS, this action is authorized by § 11-80-3 of the *Code of Alabama* (which authorizes cities and counties to contract with each other concerning the (i) ownership, (ii) use, and/or (iii) occupation of public buildings), among other authorities.

THEREFORE BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ATHENS, ALABAMA on March 8, 2010 at 5:30 p.m., that the Mayor is authorized to cause the City to enter into a “Purchase, Sale and Joint Development Agreement” with the Limestone County, Alabama, in substantially the form as shown in **Exhibit A** (on file in the Mayor’s Office) to this Resolution, and to take all such actions as may be necessary to carry out the terms of that agreement. The Mayor (and/or his designee) shall be deemed the authorized representative to act on behalf of the City with respect to matters addressed in said agreement.

ADOPTED and APPROVED this, the 22nd day of March, 2010.

/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 22nd day of March, 2010.

Witness my hand and seal of office this ____ day of _____, 2010.

John Hamilton, City Clerk

The motion was seconded by Councilman Gill and was 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 proposed midyear budgets for the Water and Wastewater Departments as presented.

Proposed Mid-Year FY 2010 Water Department Budget

REVENUES:	FY 2010
Metered Sales	\$ 3,751,979.00
Miscellaneous Revenue	\$ 132,170.00
Aid to Construction	\$ 35,000.00
Carry Over from FY 2009	\$ 75,000.00
Capital Reserve Funds	\$ 102,000.00
Total Regular	\$ 4,096,149.00
Capital Infrastructure Account	\$ 327,468.00
Combined Totals	\$ 4,423,617.00

EXPENSES:

Salaries and Fringes	\$ 1,242,914.00
Water Production Expenses	\$ 682,335.00
Annual Consumer Confidence Report (Fed Mandate)	\$ 4,030.00
Transmission and Distribution Expenses	\$ 184,000.00
Tank Maintenance Expenses	\$ 90,000.00
Administrative Expenses	\$ 202,527.00
LCEDA	\$ 28,430.00
Allocation to Finance Department	\$ 105,189.00
Allocation to Customer Services (New Line FY 2007)	\$ 299,920.00
Uncollectible Accounts	\$ 12,200.00
Vehicle and Equipment Operation & Maint	\$ 50,000.00
Appropriation to General Fund	\$ 187,599.00
Debt Service Expenses	\$ 719,120.00
General Fund Salaries & Expenses	\$ 64,540.00
Capital Expenditures	\$ 117,850.00
Const Mtls, Dist Sys Imp Fund, & Capt Eqp Rep	\$ 100,000.00
Other Capital (Equipment, tools, etc)	\$ 17,850.00
Totals	\$ 3,990,654.00

Net Proposed Budget: \$ 105,495.00

Bond Coverage=	
20% of \$719,120	\$ 143,824.00
Available Bond Coverage	\$ 293,094.00
Capital Infrastructure Fund (Authorized Expenditures)	\$ 19,893.00
Net Capital Infrastructure	\$ 307,575.00

Proposed Mid-Year FY 2010 Wastewater Department

	FY 2010
Metered Sales	\$ 2,993,340.00
Miscellaneous Revenues	\$ 131,900.00
Capital Reserve Funds	\$ 60,000.00
CIF Appropriation	\$ 600,844.00
Aid to Construction	\$ 5,000.00
Total - Regular	\$ 3,791,084.00
Capital Infrastructure Account	\$ 276,700.00
Grand Total:	\$ 4,067,784.00

EXPENSES:

Salaries and Fringes *	\$ 1,492,726.00
Treatment Plant Operation & Maint	\$ 331,650.00
Collection System Operation & Maint	\$ 153,650.00
Administrative	\$ 170,618.00
Allocation at Finance Department	\$ 82,233.00
Allocation to Customer Services	\$ 150,929.00
Uncollectible Accounts	\$ 12,500.00
Vehicle and Equipment Operation & Maint	\$ 50,000.00
Appropriation to General Fund	\$ 74,834.00
Bond Debt Service	\$ 515,845.00
SRF Loan Debt Service	\$ 600,844.00
General Fund Salaries and Expenses	\$ 61,730.00
Capital Expenditures	\$ 75,850.00
Construction Materials & Capitalized Equip Repair	\$ 60,000.00
Other Capital (Equipment, tools, etc.)	\$ 15,850.00
Totals:	\$ 3,773,409.00
Net Proposed Budget	\$ 17,676.00
Required Bond Coverage=	
20% of \$515,845	\$ 103,169.00
Available Bond Coverage	\$ 92,509.00
Cap. Infrastructure Fund (Authorized Expenditures)	\$ 935,844.00
Net Capital Infrastructure	\$ (659,144.00)

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 the adjusted FY 2010 Electric Department budget and to spread the same on the minutes.

ADJUSTED FY 2010	ELECTRIC DEPT.
REVENUES:	
Metered Electric Sales	\$ 81,867,100.00
Miscellaneous Revenue	\$ 1,925,000.00
Reserve Funds	\$ 225,000.00
Draw from Reserves for District Sub. And Roof for HQ Bldg.	\$ 1,539,713.00
Aid to Construction	\$ 2,000,000.00
Totals	\$ 87,556,813.00
EXPENSES:	
Salaries and Fringes	\$ 4,435,008.00
Electricity Purchases (TVA)	\$ 68,359,000.00
System Operation and Maint Exp	\$ 2,870,396.00
Severe Storm Expenses	\$ -
Customer Accounting and Billing Exp	\$ -
Uncollectible Account Expenses	\$ 196,481.00
Administrative Expenses	\$ 730,138.00
Administrative Expenses (Lightning Damage)	\$ -
Veh Operation and Maint Exp	\$ 400,000.00
Equivalent Tax Payments	\$ 1,850,000.00
Debt Service Expenses	\$ 2,431,340.00
1995 Construction Fund	\$ -
Capital Expenditures	\$ 5,892,213.00
General Fund & Human Resources Salaries & Expenses	\$ 75,000.00
Totals	\$ 87,239,576.00
Electric Sales Revenues Less Power Cost	\$ 13,508,100.00
Expenditures Less Power	\$ 18,880,576.00
Net Proposed Budget	\$ 317,237.00
Equipment Purchase/Rebuild Obligations	\$ 225,000.00
Year End Net Budget	\$ 92,237.00

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 Phase 1 of the Sportsplex addition up to \$500,000.00. This will be funded from Capital Projects Fund number 300.500.84600.

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 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.

Councilwoman Bowers 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 enter into a contract to be based on funding approved with Morell Engineering Service to complete the engineer design of Phase 1 of the Sportsplex. This will include the production of construction plans and specifications documents. This will be funded from the Capital Projects Fund number 300.500.83500.

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 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 Councilman Wales, duly and properly adjourned.

/s/ William R. Marks
PRESIDENT, CITY COUNCIL

ATTEST:

/s/ John S. Hamilton
CITY CLERK