

March 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 March 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 Mignon Bowers, Harold Wales, Jimmy Gill, William R. Marks and Mildred Caudle. John Hamilton, City Clerk, was present and recorded the minutes of the meeting. Mildred Caudle 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 March 9, 2009 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 9, 2009 City Council Work Session Minutes 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.

Mae Davis thanked the council for clean up work on the west side and Brownsferry Street area.

Karen Middleton thanked Lieutenant Ron Ultz for volunteering to meet with residents of the Elkmont Rural Village and reviewing laws on the books that could be used in the county for litter violations.

**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 27, 2009 to review the request of the Limestone County Commission to rezone the property that contains the Veteran's Museum and the future Events Center, located north of Pryor Street and east of Marion Street, from M-1 Light Industrial District to B-4 Central 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 approve the payment of budgeted travel/education expenses for specified Water/Wastewater employees in the total amount of \$1,484.26.

Howard Hopkins	ARWA Technical Training Conference Montgomery, AL March 16-18, 2009	\$770.63
Charles Shelton	ARWA Technical Training Conference Montgomery, AL March 16-18, 2009	\$713.63

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 \$1,478.43.

Robert Shar (Wastewater Dept.)	Curry Controls Factory Test Lakeland, FL March 2-6, 2009	\$1,478.43
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The motion was seconded by Councilman Gill and was unanimously carried.

Upon unanimous consent of Council Members the Chairman removed the ordinance concerning the installation of Driveway Pipes from this agenda. This item will be placed back on the April 27, 2009 agenda.

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

**RESOLUTION**

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ATHENS, ALABAMA, that John D. Stockton, Manager, Water Services, City of Athens, City of Athens Utilities, is hereby authorized to execute and administer Alabama Department of Environmental Management pollution control grants.

The motion was seconded by Councilwoman Bowers 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, that the Athens Utilities Wastewater Department is authorized to submit a pre-application to the 2009 Alabama State Revolving Loan Fund for Wastewater to help finance Phase One of a sewer improvements project currently estimated to cost approximately \$6,800,000.00, and that said application shall be executed by the Department Manager as the City's authorized representative.

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

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

**RESOLUTION NUMBER 2009-1096**

**A RESOLUTION CONCERNING POLE ATTACHMENT AGREEMENTS**

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

1. The Mayor and Athens Utilities General Manager are hereby authorized to negotiate and enter into, on behalf of the City of Athens, amendments to existing pole attachment agreements between the City and third parties in order to renew/extend such agreements and to increase the amount of rental

payments to the City with respect thereto. Any and all such amendments previously executed are hereby ratified.

ADOPTED and APPROVED this, the 23rd day of March, 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/Treasurer

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 Councilwoman Caudle, 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

































