

March 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 March 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 Dan Williams was absent. John Hamilton, City Clerk, was present and recorded the minutes of the meeting. Ronnie Marks offered the invocation and Adam Godsey 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 23, 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 Councilman Wales and was unanimously carried. The Chairperson stated that the Minutes of the February 23, 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 Councilman Wales and was unanimously carried.

A public hearing was held and voted unanimously to continue concerning certain real property located on the south side of Widow Drive for sixty days.

The public hearing was closed.

A public hearing was held to hear comments concerning Limestone Tavern, LLC located at 102 East Washington Street for the sale of alcohol.

Kelly Range, 303 Brookwood Drive, spoke in favor of.

Quentin Anderson, 104 Ridgelawn Drive, spoke of his concerns about activity after certain hours.

The public hearing was closed.

Quentin Anderson, 104 Ridgelawn Drive, spoke about how pleased he was with progress on the new Library situation. He is concerned about Biodiesel and Custom Polymers not meeting hiring projections.

Mae Davis, 1201 Plainview Circle, concerned about property on Plainview Circle being cleaned up. The houses at 1200 and 1206 Plainview Circle are in pitiful condition. Also, the lot on Brownsferry Street has a completed foundation and the house needs to be finished or cleaned up.

Donnie Hudleston, 22410 Troon Drive, concerned about the northwest corner of Brownsferry and Hine Street regarding possible drug and prostitution activity.

Kelly Range, 303 Brookwood Drive, concerned about traffic congestion on Lindsay Lane in the Publix vicinity. He would like a bike trail in that area and other possible solutions to relieve traffic problems.

Rosie Maclin, 1016 Highland Street, asked about the dirt pile issue at Thatch Mann cemetery.

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

**RESOLUTION NUMBER 2009-1093**

**A RESOLUTION RELATING TO THE USE OF A PORTION OF CERTAIN CITY-OWNED  
PROPERTY AS A PUBLIC LIBRARY**

WHEREAS, the City of Athens, pursuant to § 11-90-1 of the *Code of Alabama* and § 2-5 of the *City of Athens Code of Ordinances*, has established and maintains the Athens - Limestone Public Library (the "Library"), a free public library for the use of its citizens, and an instrumentality of the City;

WHEREAS, the City of Athens, as it deems proper, accepts gifts, donations, bequests for its library, and makes appropriations in support of its library;

WHEREAS, the City of Athens has established an unincorporated library board to assist the City with respect to the daily governance and supervision of the City's public library (the "Library Board");

WHEREAS, the City of Athens wishes to further evaluate and work towards the establishment of an exciting new structure to house the Library;

WHEREAS, the City of Athens is the owner of a certain structure, known formerly as the "Kroger building," that is located at the corner of Forrest Street and Jefferson Street and adjacent to the railroad right of way (referred to herein as the "Building");

WHEREAS, it is the intent of the Mayor and City Council members to promote and support the long range goals and objectives of the Library;

WHEREAS, the Mayor and City Council members recognize the importance of expanding the Library to meet the educational needs of the community;

WHEREAS, the City Council believes that a part, or all of the Building could be revitalized to be an excellent new location for the Library; and

WHEREAS, the City Council desires that the entire Building be utilized to house the Library.

**THEREFORE BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ATHENS, ALABAMA** on March 9, 2009 at 5:30 p.m., as follows:

1. It is the intention of the City Council that the Building shall be utilized to house the Library.
2. The Library Board is encouraged to proceed with its plans for the establishment of a new, free public library facility to be located at the Building in such area.
3. This resolution is a statement of intention by the City Council with respect to a purpose to which the Building will be put in the future. The City retains its control and supervision over the upkeep,

maintenance, and supervision of the Building, and the ownership, control, government and supervision of the Building is not relinquished and/or transferred to the Library Board by this Resolution. Furthermore, this Resolution shall not act to create any contract rights and/or property rights with respect to any person or entity, and is subject to further and/or different action by the City Council. As an example (and not a limitation), the City Council may revisit and/or change the use to which the Building is put in the event that plans for funding a new facility and renovating the Building are not followed.

4. The effect of this Resolution shall be null, void, and of no effect if within 120 days of the passage of this Resolution, the City Council has not received a written finance plan submitted to the City Council by the Library Board, which contains the following information:

**A. Operations Budget: Current Location and Building Site**

(1) a line item budget for fiscal years 2008 and 2009, concerning all library operations, including, by line item, a list of revenue sources for fiscal years of 2008 and 2009; (2) a projected line item budget and projected revenue sources for fiscal year 2010, concerning the operations of the library at its current location; (3) a projected line item budget and projected revenue sources for fiscal year 2011, concerning the entire Building space. (Note: for fiscal year 2011, or when expanded for operation)

**B. Building Renovation at Building Site: Projected Cost & Revenue Sources**

(1) a projected cost of renovation, by line item, for the entire Building, and a list, by line item, of potential revenue sources for renovation. (Note: Renovation cost should include, but not limited to, construction of space, architect, furniture, equipment, etc.)

5. Beginning in June, 2009, and ending upon completion of Building renovation, the Library Board must provide a written quarterly progress report to the City of Athens. The report should include, but not be limited to, an updated report of all funding sources and the progress of Building renovation.

ADOPTED and APPROVED this, the 9<sup>th</sup> 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 a Resolution duly adopted by the City Council of the City of Athens, Alabama, on the 9th day of March, 2009.

Witness my hand and seal of office this \_\_\_\_ day of \_\_\_\_\_, 2009.

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

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

***DISCUSSION: When the architect(s) meet with the Library Board, the City, County, and Foundation will be present. The Library Board has agreed to pay the cost of an architect to develop a plan for the Building. The renovation plan, or architect proposal will most likely be in Phases. The architect will present their plan to the library, to include estimated cost of work for Phase 1. The Library Board will present this plan to the City, County, and Foundation for approval/changes, etc. Following approval of the architect plan, the City, County, and Foundation will agree with funding of each phase, noting that the City has an initial investment of \$643,500.00 in the cost of the building.***

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

RESOLUTION NUMBER 2009-1094

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.

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

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

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

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

**ORDINANCE NUMBER \_\_\_\_\_**

**AN ORDINANCE CONCERNING THE INSTALLATION OF  
DRIVEWAY PIPES WITHIN THE CITY OF ATHENS RIGHT OF WAY**

**WHEREAS**, the City controls and regulates the use of its streets and rights of way for any and all purposes;

**WHEREAS**, the City may withhold its consent from property owners to connect their private drives to the streets, alleys, and/or rights of way of the City of Athens, unless various conditions have been satisfied;

**WHEREAS**, the City may make all needful provisions for drainage throughout the City, including the construction of ditches and drains;

**WHEREAS**, the City Council may require that private premises be connected with any drainage system of the City, and may regulate the manner of connection therewith, including the power to compel the owners thereof to ditch and drain at their expense;

**WHEREAS**, the City Council finds that property owners throughout the City seek to connect private drives to City streets and rights of way, crossing drainage ditches within the City right of way;

**WHEREAS**, the City Council wishes to regulate the manner in which property owners connect to the streets, alleys, and/or rights of way of the City of Athens, where there is a drainage ditch on a City right of way that must be traversed during connection;

**WHEREAS**, the City Council wishes to require that whenever any property owner seeks to traverse a drainage ditch within the City right of way in order to connect a private drive or other access way to a City street, alley, or other public way, the City will install the driveway pipe on the City's right of way, and the property owner will pay a fee to the City;

**WHEREAS**, the City Council finds that the fees described herein are directly related to the use of the right of way, are based on the size of the relevant project, are calculated to compensate the City for the costs of administering and enforcing this Ordinance, and are not imposed for the purpose of raising revenue;

**WHEREAS**, the City Council finds that the danger of mishandled installations of driveway pipes threatens to damage City infrastructure, such as the roadways and storm drainage ditches, and thus, that this Ordinance will have a positive impact upon the safety, health, prosperity, morals, order, comfort, and convenience of the inhabitants of the municipality; and

**WHEREAS**, the City Council enacts this ordinance in connection with its powers granted by § 11-45-1, § 11-49-1, § 11-50-50, § 11-43-62, and § 11-50-53 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 \_\_\_\_\_, 2009 at \_\_\_\_\_ a.m./p.m., as follows:

**Section 1.**

(a) Whenever any owner of property (or an authorized agent thereof) within the City seeks to install, create, erect, and/or establish a private drive or access way across said property that traverses any drainage ditch within the City right of way in order to connect to a City street, alley, or other public way, such person must (i) obtain/acquire/purchase the pipe (related to traversing the ditch) that is in compliance with the City's requirements for the same, and (ii) pay the City a fee based on the following schedule:

24 l.f. of 15" Pipe -- \$300.00

24 l.f. of 18" Pipe -- \$300.00

24 l.f. of 24" Pipe -- \$350.00

24 l.f. of 30" Pipe -- \$400.00

24 l.f. of 36" Pipe -- \$500.00

24 l.f. of 42" Pipe -- \$800.00

24 l.f. of 48" Pipe -- \$900.00

Note: Where no pipe is required, and placement of crushed stone is required, \$300.00/tandem load, plus a 30% up charge for installation of arch pipe equivalent.

The location/type/specifications/length of the pipe (and/or crushed stone) required in connection with traversing the drainage ditch shall be in compliance with the City's requirements for the same, including but not limited to any site plan approval, subdivision regulations, etc.

(b) Upon receipt of the pipe and fee provided in (a), the City will install the driveway pipe (and/or needed crushed stone) in the right of way and drainage ditch, in such a form and manner that satisfies the City's requirements for the location/type/specifications of pipe (and/or crushed stone).

(c) The Public Works Department of the City, building inspection division, shall administer this Ordinance and issue permits with respect to all activity hereunder, in compliance with all other laws and ordinances of the City.

(d) Compliance with the requirements of this Ordinance shall not excuse any person from complying with all other requirements of law.

(e) The City does not accept liability for and shall not be responsible in any way for the maintenance, repair and/or upkeep of the pipe (and/or crushed stone) installed pursuant to this Ordinance. The responsibility to maintain, repair, and/or upkeep the pipe (and/or crushed stone) lies with the property owner seeking access to install, create, erect, and/or establish a private drive or access way across said property that traverses any drainage ditch within the City right of way as described herein.

(f) It shall be unlawful for any owner of property (or an authorized agent thereof) within the City to install, create, erect, and/or establish a private drive or access way across said property that traverses any drainage ditch within the City right of way in order to connect to a City street, alley, or other public way, without complying with this Ordinance.

**Section 2.** This Ordinance shall become effective upon its adoption and publication as required by law.

**Section 3.** 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 4.** 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** this the \_\_\_\_ day of \_\_\_\_\_, 2009.

\_\_\_\_\_  
WILLIAM R. MARKS, CITY COUNCIL PRESIDENT

**APPROVED** this the \_\_\_\_ day of \_\_\_\_\_, 2009.

\_\_\_\_\_  
DAN WILLIAMS, MAYOR

ATTEST:

\_\_\_\_\_  
JOHN HAMILTON, CITY CLERK

**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

**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 following applicant, for its "Retail Beer & Wine for Off-Premises Consumption" alcohol license. It is of our opinion that the business has met all of the requirements of the City of Athens' alcohol ordinance:

Ivan Won, Inc., d/b/a Kim's Food Mart  
1846 Brownsferry Street

The motion was seconded by Councilwoman Caudle 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, that the bid of \$36,810.00 from Siemens Corporation for two 15kV vacuum breakers and one spare trip and close coil be accepted and that the Utilities general manager be authorized to issue a purchase order to the company.

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

Brandon Jackson	TVPPA Lab C	\$147.60
	Scottsboro, AL	

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 \$14,997.76.00 is appropriated from the Wastewater Capital Infrastructure Fund for the construction of the offsite sewer to serve Old Stone Subdivision.

Councilmember Caudle 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.

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

RESOLUTION

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ATHENS, ALABAMA, that \$85,000.00 is appropriated from the Wastewater Capital Infrastructure Fund for the construction of the Martin Luther King Jr. Industrial Park sewer extension.

Councilmember Bowers 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 Gill thereupon moved that the resolution 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, 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 Caudle moved the adoption of the following resolution:**

RESOLUTION

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ATHENS, ALABAMA, to accept the bid of Premier Truck Center to provide, per bid specs, one automated residential garbage truck at the bid price of \$207,802.54. This will be funded from the Sanitation Capital Fund.

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 \$6,500.00 to repair a culvert on Westbrook Street, to be paid out of Gas Tax.

Councilmember Caudle 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.

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

RESOLUTION

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ATHENS, ALABAMA, to amend the 2009 Street Department line item 17.86000 (sidewalks) budget from \$5,000.00 to \$10,000.00. This will include sidewalk replacement along Market Street in front of the hospital.

Councilmember Bowers 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 Gill 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 Wales moved the adoption of the following resolution:**

RESOLUTION NUMBER 2009-1095

**A RESOLUTION CONCERNING THE ROY LONG ROAD CONSTRUCTION PROJECT AND A CONDEMNATION MATTER**

**BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ATHENS, ALABAMA**

on March 9th, 2009 at 5:30 p.m., as follows:

1. City officials, as a full and final resolution of CV No. 2007-315, pending in the Circuit Court of Limestone County, Alabama (which dealt with condemnation proceedings involving the City's improvements to Roy Long Road), are authorized to pay \$30,000.00 as full and just compensation for the real property described as set forth on Exhibit A hereto, and for the property owners' common law/statutory rights of access related to that certain access road lying adjacent to the same and running in a northerly/southerly direction parallel to Highway 31 South. The Mayor, Public Works Director and City Attorney are authorized to execute such documentation as may be necessary with respect to the same.

ADOPTED and APPROVED this, the 9<sup>th</sup> 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 a Resolution duly adopted by the City Council of the City of Athens, Alabama, on the 9th day of March, 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.

\* \* \*

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.

\* \* \*

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

































