

April 13, 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 April 13, 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. Shane Black 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 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 March 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. The Chairperson stated that the Minutes of the March 27, 2009 Special 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.

Mae Davis would like a sidewalk from Hine Street to Highway 72 west.

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 a cash advance for the Gas Department in the total amount of \$350.00.

John Bush	Plumbers & Gas Fitters Apprentice Career Track – 2 nd week Dothan, AL April 20 – 24, 2009	\$350.00
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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 approve the travel/education expenses for the Utilities in the total amount of \$972.06.

John Bush	Plumbers & Gas Fitters Apprentice Career Track Dothan, AL March 15 – 20, 2009	\$972.06
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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, that the travel expenses in the following amount be approved for Electric Department personnel.

Jim Lannom	Southeastern Meter School Auburn, AL	\$859.74
Harold Wales	Electric Cities Conference Montgomery, AL	\$347.24

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 approve cash travel advances for the Fire Department, in the total amount of \$2,500.00.

Chad Green	Rookie School & EMT Training Florence, AL
Ben Clark	Rookie School & EMT Training Florence, AL
Josh Tester	Rookie School & EMT Training Florence, AL
Aaron Romine	Rookie School & EMT Training Florence, AL

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

Councilwoman Caudle moved the adoption of the following resolution:

RESOLUTION

WHEREAS, the Inspection Department for the City of Athens, Alabama has presented information to the City Council relative to the condition of the building located at 18256 N. Jefferson St., Athens, AL 35611 owned by James Elliot, Sr. and Katie D. Elliot; and

WHEREAS, the Inspection Department has determined that the condition of the above referenced building violates the International Building Code that has been adopted by the City; and

WHEREAS, it appears to the City Council that said building violates the International Building Code and constitutes a public nuisance to the citizens of Athens, Alabama.

BE IT THEREFORE RESOLVED, that the Building Inspector shall make a report to the City Council of the costs associated with the demolition of the one story structure of approx. 1800sf located at 1806 W Hobbs St., (Parcel ID# 07-09-32-4-000-025.000) so that it may adopt a resolution fixing all costs reasonably incurred in the demolition and assessing such costs against the property.

BE IT FURTHER RESOLVED, this demolition shall not exceed \$1,600.00 and shall be performed by a subcontractor hired by the City of Athens. The cost will be charged to Condemned Building Removal (line item 19.82500). No budget amendment needed.

ADOPTED and APPROVED this, the 13th day of April, 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 Wales and was unanimously carried.

Councilman Gill introduced the following ordinance:

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

ORDINANCE NUMBER 2009-1721

**ORDINANCE AUTHORIZING THE LEASE OF CERTAIN REAL PROPERTY FOR
AGRICULTURAL USE**

WHEREAS, the City Council desires to lease certain municipal property for agricultural use;

WHEREAS, the City has invited and received proposals concerning the lease of such property;

WHEREAS, upon a review by the City Clerk's office, Britt J. Christopher was the highest responsible bidder requesting the lease of said property;

WHEREAS, the proposed consideration for the lease of the property is adequate;

WHEREAS, the real property and its improvements upon said property are not needed for public or municipal purposes of the City;

WHEREAS, the lease of said real estate will serve the best interests the City; and

THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ATHENS, ALABAMA, while in regular session on April 13, 2009, at 5:30 p.m., as follows:

1. The Mayor is authorized to cause the lease of certain real property, described hereafter, to Britt J. Christopher via a written lease agreement, upon the following terms: (i) the property shall be used for agricultural purposes, (ii) a five year lease term, commencing on January 1, 2009, with an annual rent of \$15,000 per year; (iii) the City's right to terminate the lease if the property is needed for municipal purposes, (iii) a restriction on the tenant's alterations or improvements to the property without the City's consent, (iv) the City's right to indemnification from claims arising from the tenant's use of the property,

(v) a requirement that the tenant maintain adequate insurance covering the property, and (vi) such other and additional terms as the Mayor deems necessary.

2. The real property to be leased pursuant to this Ordinance is described as follows:

(a) Farm #2 (as designated by the Farm Service Agency), located in and about the Jimmy Gill Subdivision in the City of Athens, Alabama, consisting of approximately 42 acres of farmland, together with all buildings and improvements thereon, and described more particularly as follows: Lot No. 1 of the Final Plat of the Jimmy Gill Subdivision, recorded in the Probate Court of Limestone County, Alabama, at Plat Book H, Page 109, and in addition thereto, Tracts D and E as shown on the Final Certificate to Subdivide for the City of Athens, recorded in the Probate Court of Limestone County, Alabama, at Fiche 1506, Page 54. Subject to all easements and restrictions of record; and also

(b) Farm #4 (as designated by the Farm Service Agency), located on Hwy 72 West at 7 Mile Post Road in Limestone County, Alabama, consisting of approximately 198 acres of farmland, together with all buildings and improvements thereon, and described more particularly as follows:

Begin at a railroad spike on the southwest corner of Section 8, Township 3 South, Range 5 West, Limestone County, Alabama, the true point of beginning of the tract herein described; thence from the true point of beginning run north 01 degree 44 minutes 29 seconds east (Alabama State Coordinate System-Grid Bearing) along the west boundary of said Section 8 a distance of 3973.20 feet to a railroad spike on the northwest corner of the South Half of the Northwest Quarter of said Section 8; thence south 88 degrees 04 minutes 22 seconds east along the north boundary of the South Half of the Northwest Quarter of said Section 8 a distance of 2651.06 feet to an iron pin on the northeast corner of the South half of the Northwest Quarter of said Section 8; thence south 01 degree 57 minutes 16 seconds west along the east boundary of the South Half of the Northwest Quarter and the east boundary of the Southwest Quarter of said Section 8 a distance of 3997.33 feet to a iron pin on the Southeast Corner of the Southwest Quarter of said Section 8; thence north 87 degrees 32 minutes 53 seconds west along the south boundary of said Section 8 a distance of 2636.38 feet to the true point of beginning, lying and being the South Half of the Northwest Quarter and the Southwest Quarter of Section 8, Township 3 South, Range 5 West, Limestone County, Alabama, and containing 241.8640 acres, more or less. Subject to all easements and restrictions of record.

LESS AND EXCEPT therefrom the following tracts:

EXCEPTED TRACT No. 1

Commencing at a railroad spike found at the Southwest corner of Section 8, Township 3 south, Range 5 West, Limestone County, Alabama, said point also being the Southwest corner of Tract "A" as recorded in FICHE 1385, Page 36, in the Probate Office of Limestone County; thence along South boundary of said Tract "A"; south 87 degrees 32 minutes 53 seconds East 1318.21 feet to a No. 7 re-bar found; thence continue along said South boundary of Tract "A", South 87 degrees 32 minutes 53 seconds East 59.94 feet to a No. 5 re-bar set for the point of beginning of the herein described tract; thence North 01 degrees 46 minutes 20 seconds East 466.69 feet to a No. 5 re-bar set (with cap "WTW/GM CA-0267") (typical); thence South 87 degrees 32 minutes 53 seconds East 466.69 feet to a No. 5 re-bar set; thence South 01 degrees 46 minutes 20 seconds West 466.69 feet to a No. 5 re-bar set on the South boundary of said Tract "A"; thence along said South boundary of Tract "A", North 87 degrees 32 minutes 53 seconds West 466.69 feet to the point of beginning.

EXCEPTED TRACT No. 2:

Commencing at a railroad spike found at the Southwest corner of Section 8, Township 3 South, Range 5 West, Limestone County, Alabama, said point also being the Southwest corner of Tract "A", as recorded in FICHE 1385, Page 36, in the Probate Office of Limestone County, thence along South boundary of said Tract "A", South 87 degrees 32 minutes 53 seconds East 1318.21 feet to a No. 7 rebar found for the point

of beginning of the herein described tract, said point also being the Northwest corner of Tract "B" as recorded in FICHE 1385, Page 36 in the Probate Office of Limestone County; thence North 01 degrees 46 minutes 20 seconds East 193.88 feet to a No. 5 re-bar set (with cap "WTW/GM CA-0267") (typical); thence South 87 degrees 32 minutes 53 seconds East 59.94 feet to a No. 5 re-bar set; thence South 01 degrees 46 minutes 20 seconds West 193.88 feet to a No. 5 re-bar set at the Northeast of said Tract "B"; thence Westerly along the South boundary of Tract "A" to the point of beginning.

ADOPTED and APPROVED this, the 13th day of April, 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 13th day of April, 2009.

Witness my hand and seal of office this ___ day of _____, 2009.

John Hamilton, City Clerk

Councilmember Bowers 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 Gill thereupon moved that the ordinance be finally adopted, 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 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 NUMBER 2009-1097

WHEREAS, the City of Athens is eligible to apply for and receive grant funds under the Community Development Block Grant program as made available under Title I of the Housing and Community Development Act of 1974 (the Act), as amended, as administered by the U.S. Department of Housing and Urban Development and the Alabama Department of Economic and Community Affairs, and

WHEREAS, all local governments who desire to apply for and receive grant funds for eligible activities are required to develop, adopt, and follow a "Citizen Participation Plan" (Plan) that meets all of the requirements of the Act and adopted policies of the Alabama Department of Economic and Community Affairs, and

WHEREAS, previously adopted "Citizen Participation Plans" may not fully comply with current requirements and policies, or simply need to be updated to clarify certain matters,

NOW, THEREFORE, BE IT RESOLVED by the Athens City Council, as follows:

SECTION 1. That all previously adopted "Citizen Participation Plans," adopted to comply with requirements of the Housing and Community Development Act of 1974, as amended, are hereby rescinded.

SECTION 2. That the City Council of the City of Athens hereby adopt the attached revised "Citizen Participation Plan" that conforms to current requirements of the Housing and Community Development Act of 1974, as amended, and policies of the Alabama Department of Economic and Community Affairs.

SECTION 3. That John Hamilton (or successor), in his capacity as City Clerk, is designated as the Citizen Participation Coordinator.

SECTION 4. That said "Plan" remain in force and effect for all activities conducted under programs and projects made available by provisions of the Act until such time said "Plan" may be caused to be rescinded, revised, or amended.

PASSED, ADOPTED, AND APPROVED this 13th day of April, 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 introduced the following ordinance:

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

ORDINANCE NUMBER 2009-1722

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ATHENS, ALABAMA, that Ordinance Number 888, establishing a classification list and pay plan for classified and unclassified employees, be hereby amended as follows effective 7/1/09:

Add the following job titles and grades for the Electric Department:

- Electrical Distribution Engineer, Unclassified, Grade Manager 2
- General Foreman, Grade 13

- Substation and Measurement Manager, Grade 13
- Construction Engineer, Grade 13
- Assistant General Foreman, Grade 12 (new position)
- Line Foreman, Grade 12
- Substation Foreman, Grade 12
- Assistant Construction Engineer, Grade 11
- GIS Coordinator, grade 11
- Lineman, Grade 10
- Lineman Apprentice 3, Grade 9 (new title)
- Lineman Apprentice 2, Grade 8 (new title)
- Electrical Distribution Technician, Grade 10
- Right of Way Specialist, Grade 10
- Substation Maintenance Electrician, Grade 10
- Operations/Compliance Supervisor, Grade 9 (supervisory position)
- Drafting Technician, Grade 9
- Metering Technician, Grade 9
- Locator Technician, grade 8
- Mechanic, Grade 8
- Dispatcher, Grade 7
- Right of Way Technician, Grade 7

Delete the following job titles and grades for the Electric Department:

- Electrical Distribution Engineer, classified, Grade 13
- General Foreman, Grade 12
- Substation and Measurement Manager, Grade 12
- Construction Engineer, Grade 11
- Line Foreman, Grade 11
- Substation Foreman, Grade 11
- Assistant Construction Engineer, Grade 10
- GIS Coordinator, grade 9
- Lineman, Grade 9
- Electrical Distribution Technician, Grade 9
- Right of Way Specialist, Grade 9
- Substation Maintenance Electrician, Grade 9
- Operations and Compliance Assistant, Grade 7
- Drafting Technician, Grade 7
- Metering Technician, Grade 8
- Locator Technician, Grade 7
- Mechanic, Grade 6
- Dispatcher, Grade 6
- Right of Way Technician, Grade 6

ADOPTED and APPROVED this, the 13th day of April, 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 Gill 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, 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 Wales 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.

Councilman Wales moved the adoption of the following resolution:

RESOLUTION

BE IT RESOLVED BY THE CITY COUNCIL OF ATHENS, ALABAMA to adopt job descriptions (on file in the Human Resources Office) for the following positions with the Electric Department effective 7/1/09:

- Electrical Distribution Engineer, Unclassified, Manager 2, job description dated 3/3/09
- General Foreman, Grade 13, job description dated 3/3/09
- Substation and Measurement Manager, Grade 13, job description dated 3/3/09
- Construction Engineer, Grade 13, job description dated 3/3/09
- Line Foreman, Grade 12, job description dated 3/3/09
- Assistant General Foreman, Grade 12, job description dated 3/3/09
- Substation Foreman, Grade 12, job description dated 3/3/09
- Assistant Construction Engineer, Grade 11, job description dated 3/3/09
- GIS Coordinator, Grade 11, job description dated 3/3/09
- Lineman, Grade 10, job description dated 3/3/09
- Electrical Distribution Technician, Grade 10, job description dated 3/3/09
- Right of Way Specialist, grade 10, job description dated 3/3/09
- Substation Maintenance Electrician, Grade 10, job description dated 3/3/09
- Operations/Compliance Supervisor, Grade 9, job description dated 3/3/09
- Drafting Technician, Grade 9, job description dated 3/3/09
- Metering Technician, Grade 9, job description dated 3/3/09
- Lineman Apprentice 3, Grade 9, job description dated 3/3/09
- Lineman Apprentice 2, Grade 8, job description dated 3/3/09
- Lineman Apprentice 1, Grade 7, job description dated 3/3/09
- Locator Technician, Grade 8, job description dated 3/3/09
- Mechanic, Grade 8, job description dated 3/3/09
- Dispatcher, Grade 7, job description dated 3/3/09
- Right of Way Technician, Grade 7, job description dated 3/3/09
- Building Custodian, Grade 5, job description dated 3/3/09

All previous job descriptions for these positions are obsolete and where a discrepancy exists between the new job description and the old job description, the new job description will supercede the old job description.

ADOPTED and APPROVED this, the 13th day of April, 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 Councilwoman Caudle and was unanimously carried.

Councilman Wales moved the adoption of the following resolution:

RESOLUTION

BE IT RESOLVED BY THE CITY COUNCIL OF ATHENS, ALABAMA, to revise the organizational structure for the Electric Department in accordance with the attached organizational chart which includes 62 regular positions and 4 part-time positions effective July 1, 2009:

ADOPTED and APPROVED this, the 13th day of April, 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 Councilwoman Bowers and was unanimously carried.

Councilman Gill moved the adoption of the following resolution:

RESOLUTION

BE IT RESOLVED BY THE CITY COUNCIL OF ATHENS, ALABAMA, that \$60,000.00 is appropriated from the Water Capital Infrastructure Fund for completion of the transfer of infrastructure and services from LCWSA.

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 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 Bowers moved the adoption of the following resolution:

RESOLUTION

BE IT RESOLVED BY THE CITY COUNCIL OF ATHENS, ALABAMA, that the bid of \$33,500.00 from Siemens Energy, Inc., Birmingham, Alabama be accepted and that the Utilities General Manager be authorized to issue a purchase order for this purchase.

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 2009-1723

AN ORDINANCE OF THE CITY OF ATHENS, ALABAMA, TO EXEMPT CERTAIN "COVERED ITEMS" FROM THE MUNICIPAL SALES AND USE TAX DURING THE FIRST FULL WEEKEND OF AUGUST, 2009, AS AUTHORIZED BY ACT 2006-574, GENERALLY REFERRED TO AS THE STATE SALES TAX HOLIDAY LEGISLATION.

BE IT ORDAINED BY THE CITY COUNCIL OF ATHENS, ALABAMA, AS FOLLOWS:

Section 1. In conformity with the provisions Act 2006-574 enacted by the Alabama Legislature during the 2006 Regular Session, providing for a State Sales Tax Holiday, the City of Athens, Alabama, exempts "covered items" from municipal sales and use tax during the same period, beginning at 12:01 a.m. on the first Friday in August 2009 (August 7, 2009) and ending at twelve midnight the following Sunday (August 9, 2009).

Section 2. This ordinance shall be subject to all terms, conditions, definitions, time periods, and rules as provided by Act 2006-574, except that the time period shall only be as specified in Section 1 above and not for all years thereafter.

Section 3. The City Clerk is hereby authorized and directed to certify a copy of this ordinance under the seal of the City of Athens, Alabama, and to forward said certified copy to the Alabama Department of Revenue to be recorded and posted on the Department website.

Section 4. This ordinance shall become effective on April 13, 2009.

ADOPTED and APPROVED this, the 13th day of April, 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 Wales moved that unanimous consent be given for immediate consideration of and action on said ordinance, 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 ordinance had been unanimously carried. Councilmember Caudle 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, Gill, Marks and Caudle; NAYS: None. The President thereupon announced that the motion for the adoption of the said ordinance had been unanimously carried.

Councilman Wales moved the adoption of the following resolution:

RESOLUTION

BE IT RESOLVED BY THE CITY COUNCIL OF ATHENS, ALABAMA, to accept the following subdivisions as approved by the Athens Planning Commission, and accept their streets and drainage easements into the city's maintenance program after their one year warranty period has expired: Summit Lakes, Phase II; Canebrake Colony, Phase III; Twin Oaks Subdivision; Canebrake Club, P & T Lots, Plat II; New Haven, Addition#1; Houston Place, Addition #5; Park Place, Phase II; Cantera Place, Phase II; Hawk's Landing Subdivision; Ellenwood Subdivision.

The motion was seconded by Councilwoman Caudle 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 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 12th 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 12th 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	\$ 386,378.00

Service		
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

