

May 11, 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 May 11, 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 April 27, 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 April 27, 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 to hear comments regarding possible grant opportunities. No one spoke in favor of or against.

A public hearing was held to hear comments regarding the property on Widow Drive. This public hearing was continued from March 9, 2009. No one spoke in favor of or against.

The public hearing was closed.

Councilman Gill moved the adoption of the following resolution:

RESOLUTION NUMBER 2009-1102

**A RESOLUTION TAKING NO ACTION CONCERNING CLAIMS OF A PUBLIC NUISANCE
ALONG WIDOW STREET**

WHEREAS, the City of Athens is authorized by state law, including but not limited to § 11-67-60, *et seq.* of the *Code of Alabama*, to abate nuisances within the City, such as an abundance of weeds and vegetation that is injurious to the general public health, safety, and general welfare;

WHEREAS, it has been brought to the attention of this City Council that weeds and vegetation located on certain property may be injurious to the general public health, safety, and general welfare;

WHEREAS, on October 13, 2008, this City Council adopted a resolution calling for a public hearing regarding this matter, and said public hearing has been continued from time to time;

WHEREAS, at the meeting on May 11, 2009, this City Council received evidence concerning the conditions on the real property described herein.

THEREFORE BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ATHENS, ALABAMA on May 11, 2009, at 5:30 p.m., as follows:

1. This resolution concerns certain real property located on the south side of a street known as Widow Drive and/or Widow Street. The parcel identification number assigned by the Limestone County Revenue Commissioner to the property is **10-3-07-4-001-032.000**. The property is further described as Lot No. 39 of Block 76, according to the 1914 Map of the City of Athens, Alabama, recorded in the Office of the Judge of Probate of Limestone County, Alabama, in Plat Book A, Page 16.

2. Based upon the evidence presented at the public hearing, this City Council concludes that, at present, the weeds and vegetation on said property do not presently constitute a public nuisance, and the City Council elects to take no action at this time concerning the property.

3. In reaching this conclusion, this Council takes no position concerning whether or not the property at issue is in violation of any federal, state, or local law/ordinance, and/or whether or not any other conditions on the property constitutes a nuisance.

ADOPTED and APPROVED this, the 11th day of May, 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 ____ day of _____, 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.

Councilman Gill moved the adoption of the following resolution:

RESOLUTION NUMBER 2009-1103

**A RESOLUTION TAKING NO ACTION CONCERNING CLAIMS OF A PUBLIC NUISANCE
ALONG WIDOW STREET**

WHEREAS, the City of Athens is authorized by state law, including but not limited to § 11-67-60, *et seq.* of the *Code of Alabama*, to abate nuisances within the City, such as an abundance of weeds and vegetation that is injurious to the general public health, safety, and general welfare;

WHEREAS, it has been brought to the attention of this City Council that weeds and vegetation located on certain property may be injurious to the general public health, safety, and general welfare;

WHEREAS, on October 27, 2008, this City Council adopted a resolution calling for a public hearing regarding this matter, and said public hearing has been continued from time to time;

WHEREAS, at the meeting on May 11, 2009, this City Council received evidence concerning the conditions on the real property described herein.

THEREFORE BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ATHENS, ALABAMA on May 11, 2009, at 5:30 p.m., as follows:

1. This resolution concerns certain real property located on the south side of a street known as Widow Drive and/or Widow Street. The parcel identification number assigned by the Limestone County Revenue Commissioner to the property is 10-3-07-4-001-031.001. The property is further described as follows: A lot or parcel of land in the Northeast Quarter of the Southeast quarter of Section 7, Township 3 South, Range 4 West, beginning at the Northeast corner of lot belonging to Charlie Jones, said point is located in the middle of Widow's Drive, 271 feet West of the East boundary line of Section 7, and 700 feet South of the Northeast corner of the Northeast Quarter of the Southeast Quarter of said Section 7, thence East 56 feet; thence South 166 feet; thence West 56 feet; thence North 166 feet to the point of beginning containing one-fourth acre, more or less.

2. Based upon the evidence presented at the public hearing, this City Council concludes that, at present, the weeds and vegetation on said property do not presently constitute a public nuisance, and the City Council elects to take no action at this time concerning the property.

3. In reaching this conclusion, this Council takes no position concerning whether or not the property at issue is in violation of any federal, state, or local law/ordinance, and/or whether or not any other conditions on the property constitutes a nuisance.

ADOPTED and APPROVED this, the 11th day of May, 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 ____ day of _____, 2009.

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

John Hamilton, City Clerk

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

Curtis Baker, West Glenn Valley Drive, would like a sewer solution in the West Glenn Valley Drive area.

A resident that lives on Brownsferry Street, and wished to remain anonymous, would like lots close to her home cleaned up and have brush, etc., removed. The grass needs to be cut. A couple of houses need to be torn down or renovated. A lot next to 1103 Brownsferry Street has a foundation on it, but nothing else. She thinks the area is an eyesore.

Rosie Maclin thanked Chief Harper for progress in monitoring activities in her neighborhood, but there are some folks that play loud music in her area which is a nuisance.

Councilwoman Bowers moved the adoption of the following resolution:

RESOLUTION

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ATHENS, ALABAMA, to change the regularly scheduled city council meeting on Monday, 5-25-09 to Wednesday, 5-27-09 because of the Memorial Day holiday. The city council meeting on Wednesday, 5-27-09 will begin at 5:00 p.m., preceded by the work session at 4:30 p.m.

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 a cash advance for the Gas Department in the total amount of \$300.00.

| | | |
|-----------|---|----------|
| John Bush | Plumbers & Gas Fitters Apprentice Career Track – 3 rd Week Dothan, AL May 11-15, 2009 | \$300.00 |
|-----------|---|----------|

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 \$2,342.71.

| | | |
|-------------------------------------|--|------------|
| Jon Lewonczyk (Wastewater Dept.) | AWEA Conference Orange Beach, AL April 19-22, 2009 | \$920.92 |
| Robert Shar (Wastewater Dept.) | Curry Factory Testing Lakeland, FL April 20-24, 2009 | \$1,421.79 |

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 re-appoint Buddy Shields to the Industrial Development Board for a six year term ending May 31, 2015.

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 re-appoint Jeffrey Powers to the Industrial Development Board for a six year term ending May 31, 2015.

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 re-appoint Tom McAlister to the Industrial Development Board for a six year term ending May 31, 2015.

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

Councilwoman Caudle moved the adoption of the following resolution:

RESOLUTION NUMBER 2009-1101

This resolution made this 11th day of May, 2009, (the Effective Date) by the City Council, City of Athens, Alabama (the Granting Authority), to grant a tax abatement for American Leakless Company, LLC. (the Company).

WHEREAS, the Company has announced plans for a (check one):

- new project or _____ major addition to their existing facility (the Project),

located within the jurisdiction of the Granting Authority; and

WHEREAS, pursuant to the Tax Incentive Reform Act of 1992 (Section 40-9B-1 et seq., Code of Alabama 1975) (the Act), the Company has requested from the Granting Authority an Abatement of (check all that apply):

- all state and local noneducational property taxes,
- all construction related transaction taxes, except those construction related transaction taxes levied for educational purposes or for capital improvements for education, and /or
- all mortgage and recording taxes; and

WHEREAS, the Company has requested that the abatement of state and local noneducational property taxes (if applicable) be extended for a period of 10 years, in accordance with the Act; and

WHEREAS, the Granting Authority has considered the request of the Company and the completed applications (copy attached) filed with the Granting Authority by the Company, in connection with its request; and

WHEREAS, the Granting Authority has found the information contained in the Company's application to be sufficient to permit the Granting Authority to make a reasonable cost/benefit analysis of the proposed project and to determine the economic benefits to the community; and

WHEREAS, the construction of the project will involve a capital investment of \$5,553,000; and

WHEREAS, the Company is duly qualified to do business in the State of Alabama, and has powers to enter into, and to perform and observe the agreements and covenants on its part contained in the Tax Abatement Agreement; and

WHEREAS, the Granting Authority represents and warrants to the Company that it has power under that constitution and laws of the State of Alabama (including particularly the provisions of the Act) to carry out provisions of the Tax Abatement Agreement;

NOW THEREFORE, be it resolved by the Granting Authority as follows:

Section 1. Approval is hereby given to the application of the Company and abatement is hereby granted of (check all that apply):

- all state and local noneducational property taxes,

all construction related transaction taxes, except those construction related transaction taxes levied for educational purposes or for capital improvements for education, and /or

_____ all mortgage and recording taxes

as the same may apply to the fullest extent permitted by the Act. The period of abatement for the noneducational property taxes (if applicable) shall extend for a period of 10 years measured as provided in Section 40-9B-3(8) of the Act.

Section 2. The governing body of the Granting Authority is authorized to enter in to an abatement agreement with the Company to provide for the abatement granted in Section 1.

Section 3. A certified copy of this resolution, with the application and abatement agreement, shall be forwarded to the Company to deliver to the appropriate local taxing authorities (if applicable) and to the Alabama Department of Revenue in accordance with the Act.

Section 4. The governing body of the Granting Authority is authorized to take any and all actions necessary or desirable to accomplish the purpose of the foregoing of this resolution.

I hereby certify that the above and foregoing was duly adopted by the City Council of the City of Athens, Alabama at a meeting held on the 11th day of May, 2009.

John Hamilton – City Clerk

ADOPTED and APPROVED this, the 11th day of May , 2009.

/s/ Ronnie 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.

Councilwoman Bowers moved the adoption of the following resolution:

RESOLUTION

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ATHENS, ALABAMA, to purchase a TS Gator Dump Bed from TriGreen Equipment for the amount of \$6,300.00 for the Cemetery, Parks & Recreation Department. The capital expenditure fund will be charged for this purchase.

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.

Councilwoman Bowers moved the adoption of the following resolution:

RESOLUTION

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ATHENS, ALABAMA, to purchase a Toro Tractor from Dixie Auto for the amount of \$6,350.00 for the Cemetery, Parks & Recreation Department. The capital expenditure fund will be charged for this purchase.

Councilmember Gill moved that unanimous consent be given for immediate consideration of and action on said resolution, which motion was seconded by Councilmember Caudle, and upon the said motion being put to vote the following vote was recorded: YEAS: Councilmembers Bowers, Wales, Gill, Marks and Caudle; NAYS: None. The President thereupon declared that the motion for unanimous consent for immediate consideration of and action on the said resolution had been unanimously carried. Councilmember Bowers thereupon moved that the resolution be finally adopted, which motion was seconded by Councilmember Gill and upon the said motion being put to vote the following vote was recorded: YEAS: Councilmembers Bowers, Wales, Gill, Marks and Caudle; NAYS: None. The President thereupon announced that the motion for the adoption of the said resolution had been unanimously carried.

Councilman Gill introduced the following ordinance:

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

ORDINANCE NUMBER 2009-1726

AN ORDINANCE CONCERNING THE CROSS-CONNECTION CONTROL POLICY OF THE WATER SERVICES DIVISION OF ATHENS UTILITIES

WHEREAS, the Alabama Department of Environmental Management requires that all public water supply systems formally adopt written cross connection control policies;

WHEREAS, cross connections in a water supply system relate to any physical connection between the potable public water system and any other source of water and/or contaminant;

WHEREAS, it is the City Council's intention that the City's public water system, both within and without the corporate limits, be designed, installed, maintained, and operated in such a manner as to prevent contamination from being introduced through any water service connection in the system;

WHEREAS, the restriction and regulation of cross connections bears a significant relationship to the safety, health, and welfare to the public; and

WHEREAS, the City Council enacts this ordinance in connection with its powers granted by § 11-45-1, § 11-47-130, § 11-47-131, and § 11-50-5 of the *Code of Alabama*; and § 335-7-9-.04 of the *Alabama Administrative Code*, among other authorities.

THEREFORE BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ATHENS,

ALABAMA while in regular session on May 11, 2009 at 5:30 p.m., as follows:

Section 1. Definitions.

As used in this Ordinance, the following terms shall have the following meanings:

(a) *System.* This term shall mean all pipes, tanks, and conduits that are used by the City of Athens for distributing potable water within and without the corporate limits, and that are used in connection with the City of Athens' public water utility service.

(b) *Water Services.* This term shall mean the Water Services Division of the City of Athens Utilities.

(c) *Cross-Connection.* The System is "cross-connected" with another source of water or contaminant whenever there is (i) any physical connection of pipes between such other source of water supply or contaminant (such as private wells, tanks, and industrial equipment) and any pipe of the System, or any pipe which is connected to the System; (ii) any physical connection between the System and any tank, well or other container which also has physical connection with any other source of water supply or contaminant, or (iii) any condition or arrangement whereby it is possible for water or contaminant from any other source of supply to be introduced into the System.

(d) *Backflow Prevention Device.* This term shall mean a device or means to prevent the flow of water or other liquids/contaminants into the System.

(e) *Suitable Backflow Prevention Device.* This term shall mean a backflow prevention device that is approved by Water Services pursuant to this Ordinance.

Section 2. Cross-Connections Prohibited.

(a) No person shall install, permit to be installed, or maintain any Cross-Connection between the System and other source of water or contaminant. Water Services shall deny or discontinue water utility service to a premises upon a violation of this Section, and service shall not be restored until the violation has been corrected or eliminated.

(b) Notwithstanding Section 2(a) above, a connection between the System and the public water supply of another public water utility may be permitted by Water Services, where such other public water utility prohibits and regulates Cross-Connections in accordance with state law.

(c) Notwithstanding Section 2(a) above, Water Services may allow a Cross-Connection, where suitable protective measures and devices are installed, tested and maintained to ensure that, on a continuing basis, the System is fully protected from the other source of water or contaminant.

Section 3. Suitable Backflow Protection Devices Required.

(a) For each new water service connection to the System and on a premises, a Suitable Backflow Prevention Device shall be installed and maintained by the owner of the premises.

(b) For each water service connection to the System and on a premises, where the water service connection is replaced, a Suitable Backflow Prevention Device shall be installed and maintained by the owner of the premises. Replacement of a water service connection is defined as the removal and installation of the existing customer meter and service line.

(c) Water Services may require that a Backflow Prevention Device be removed and replaced where it reasonably appears that such device is no longer affording appropriate adequate protection of the System.

(d) Water Services shall deny or discontinue water utility service to a premises if a required Backflow Prevention Device related to the premises is not installed as stated in this Section or properly maintained such that the device either fails for its intended purpose or is reasonably likely to fail for its intended purpose. Water service shall not be restored to such premises until the deficiencies related to the Backflow Prevention Device have been corrected.

Section 4. Approval of Suitable Backflow Prevention Devices.

Water Services shall consider and approve Suitable Backflow Prevention Devices for a premises' water service connection based on the degree of hazard, reports by nationally recognized testing laboratories, manufacturer's recommendations, and the danger posed to the public water system should backflow occur. In cases where the danger posed to the public water system is material, Water Services may require, in addition to any Suitable Backflow Prevention Device, other protective measures, including but not limited to an approved air gap. Water Services shall deny or discontinue water utility service to a premises unless such requirements are met.

Section 5. Testing and Maintenance.

Each Backflow Prevention Device shall be routinely tested and maintained by the owner of the premises served by the device.

Section 6. Right of Entry for Inspection.

The Manager of the Water Services (and/or his designees) shall have the right to enter any building or premises served by the System during normal business hours for the purposes of inspection, observation, measurement, sampling, and testing in accordance with the provisions of this Ordinance. Refusal to allow entry constitutes grounds for discontinuance of water utility service by the City.

Section 7. Rules and Regulations.

The Manager of Water Services, with the approval of the General Manager of Athens Utilities and the Mayor, shall have authority to make and issue rules and regulations relating to the implementation of the provisions of this Ordinance, and Water Services may deny or discontinue water utility service to a premises upon violations of the same. Such rules and regulations shall be in writing and available for review by the public upon request.

Section 8. This Ordinance shall become effective upon its adoption and publication as required by law.

Section 9. 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 10. The provisions of this Ordinance shall be included and incorporated in Chapter 50, Article III, Division 1 of the Code of Ordinances of the City of Athens as an addition or amendment thereto, and shall be appropriately renumbered as necessary to conform to the uniform numbering system of the Code.

ADOPTED and APPROVED this, the 11th day of May, 2009.

/s/ William R. Marks
PRESIDENT, CITY COUNCIL,
CITY OF ATHENS, ALABAMA

/s/ Dan Williams
MAYOR, CITY OF ATHENS, ALABAMA

ATTEST:

/s/ John S. Hamilton
CITY CLERK, CITY OF ATHENS, ALABAMA

CERTIFICATION OF CITY CLERK

STATE OF ALABAMA)

LIMESTONE COUNTY)

I, John Hamilton, City Clerk of the City of Athens, Alabama, do hereby certify that the above and foregoing is a true and correct copy of an Ordinance duly adopted by the City Council of the City of Athens, Alabama, on the ____ day of _____, 2009.

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

John Hamilton, City Clerk

Councilmember Caudle 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 Gill 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.

Councilwoman Bowers moved the adoption of the following resolution:

RESOLUTION NUMBER 2009-1104

**A RESOLUTION ADOPTING AN AMENDED IDENTITY THEFT POLICY
TO REPLACE THE PREVIOUSLY ADOPTED POLICY**

WHEREAS, pursuant to federal law the Federal Trade Commission adopted Identity Theft Rules requiring the creation of certain policies relating to the detection, prevention and mitigation of identity theft, and

WHEREAS, the Federal Trade Commission regulations, adopted as 16 CFR Part 681 require creditors, as defined by 15 U.S.C. 1681a(r)(5) to adopt red flag policies to detect, prevent and mitigate identity theft with respect to creditors and covered accounts as part of the Fair and Accurate Credit Transactions (FACT) Act of 2003, and

WHEREAS, the Federal Trade Commission regulations include utility companies in the definition of creditor and a covered account, and

WHEREAS, the Federal Trade Commission regulations require each creditor to adopt an Identity Theft Prevention Program, which will use tests to detect, prevent and mitigate identity theft related to information in covered accounts, and

WHEREAS, The City Council has determined that the following policy is in the best interest of the municipality and its citizens. NOW, THEREFORE,

BE IT RESOLVED by the City Council that the Identity Theft Prevention Program is hereby adopted and on file in the office of the Finance Department.

ADOPTED and APPROVED this, the 11th day of May, 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 Gill moved the adoption of the following resolution:

RESOLUTION

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ATHENS, ALABAMA, to approve the following applicant, for its "Restaurant, Class II" alcohol license. It is of our opinion that the business has met all of the requirements of the City of Athens' alcohol ordinance:

Burrito Express
1260-G Highway 72 East

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 authorize Decatur Electronics Communications LLC to make application to the Federal Communications Commission on behalf of the Athens Police Department for an additional UHF frequency for use by the Department. Decatur Communications will make application for the FCC license; provide a UHF repeater and installation at the Police Department at a cost of \$4,500.00. This will be charged to the capital expenditure fund.

Councilmember Gill moved that unanimous consent be given for immediate consideration of and action on said resolution, which motion was seconded by Councilmember Caudle, and upon the said motion being put to vote the following vote was recorded: YEAS: Councilmembers Bowers, Wales, Gill, Marks and Caudle; NAYS: None. The President thereupon declared that the motion for unanimous consent for immediate consideration of and action on the said resolution had been unanimously carried. Councilmember 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.

Councilman Wales moved the adoption of the following resolution:

RESOLUTION

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ATHENS, ALABAMA, to purchase three police car packages at a cost not to exceed \$80,000.00 for use by the Athens Police Department. These vehicles shall be purchased through the State of Alabama purchasing contract or the North Alabama Cooperative Purchasing Association. These purchases will be charged to the capital expenditure fund.

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 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 resignation of Brent Peek as a Member of the Zoning Board of Adjustments and Appeals.

The motion was seconded by Councilman Wales 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 move Alternate Member Jim Ernest to Regular Member status on the Zoning Board of Adjustments and Appeals.

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

Councilman Gill moved the adoption of the following resolution:

RESOLUTION

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ATHENS, ALABAMA, to authorize the Mayor to enter into an agreement with Krebs Architects for the architectural design services for the City of Athens Fire Station Number 3 to be located on Martin Luther King Drive behind Steelcase. The design fee shall be \$30,000.00. The project will be funded from the capital project fund.

Councilmember Caudle 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 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.

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

