

June 21, 2010

STATE OF ALABAMA,
LIMESTONE COUNTY,
CITY OF ATHENS.

The City Council of the City of Athens, Alabama met in regular session at the Athens Police Department Court Room, 951 Hobbs Street East in the said City on June 21, 2010, at 5:30 p.m. The meeting was called to order by Councilman William R. Marks, President of the Council. Upon roll call the following were found to be present: Councilmembers Mignon Bowers, Harold Wales, Jimmy Gill, William R. Marks and Mildred Caudle. Councilmember Mayor Dan Williams was present and led the pledge of allegiance. John Hamilton, City Clerk, was present and recorded the minutes of the meeting. Eugene English offered the invocation. The Chairperson stated that a quorum was present and that the meeting was open for transaction of business.

The Chairperson stated that the Minutes of the June 7, 2010 City Council Meeting had been submitted for approval. Councilwoman Caudle moved that the reading of the Minutes be suspended and that the Minutes be approved as recorded. The motion was seconded by Councilman Wales and was unanimously carried. The Chairperson stated that the Minutes of the June 7, 2010 City Council Work Session Meeting had been submitted for approval. Councilwoman Caudle moved that the reading of the Minutes be suspended and that the Minutes be approved as recorded. The motion was seconded by Councilman Wales and was unanimously carried.

Julia Hatchett Nelson, 517 S. Clinton Street, had comments about the Historical Preservation Ordinance and how she doesn't like it.

Ralph Frehauf didn't like the process of the planning commission and two members leaving the meeting before comments were made by the Historic Preservation District members.

Rex Davis, Linton Road, thought the city should get rid of the Historical Preservation Ordinance and Commission.

Phyllis Gaston, 300 S. Clinton Street, voiced potential problems of allowing one historical district member to be excluded from it.

Jerry Daniels is against the Historic Preservation District Ordinance.

Cherry Anne Ward, 307 S. Beaty Street, noted that much work and effort had gone into the Historic Preservation District Ordinance.

Tito Redus, Pepper Road, still has safety issues about an electric fence close to his property.

Wilbert Woodruff, asked how an ordinance could be written concerning an electric fence in the city.

Councilwoman Caudle introduced 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.

Gary Scroggins	TVPPA-Annual Conference Savannah, GA	\$136.45
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James Gray

Milsoft Conference
Nashville, TN

\$235.80

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

Councilwoman Caudle introduced the following resolution:

RESOLUTION

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ATHENS, ALABAMA, to set a Public Hearing for the regular meeting of July 26, 2010 to review the request of St. Paul's Catholic Church to rezone their property containing approximately 4.5 acres of land, located on the north side of Highway 72 West, east of Lucas Ferry Road, from R-1-1 Low Density Single Family Residential District to B-3 Highway Business District.

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

Councilwoman Caudle introduced the following resolution:

RESOLUTION

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ATHENS, ALABAMA, to set a Public Hearing for the regular City Council Meeting of July 26, 2010 at 5:30 p.m. to hear the request of the Earl Marbut family to annex into the City Limits 120 acres of property that is located on Oakdale Road and Pepper Road and zone said property as AG Agricultural District.

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

Councilman Gill introduced the following ordinance:

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

ORDINANCE NO. _____

AN ORDINANCE TO REMOVE CERTAIN REAL PROPERTY FROM THE ROBERT BEATY HISTORIC PRESERVATION DISTRICT

WHEREAS, the Robert Beaty Historic Preservation District (the "District") is a historic district in the City of Athens, in connection with Chapter 66, Article II of the City Code of the City of Athens, Alabama;

WHEREAS, Julia Hatchett has petitioned the City Council to withdraw her real property, located along South Clinton Street, from the District;

WHEREAS, the City Council has extensively reviewed this matter and the criteria related to inclusion in a historic district; and

WHEREAS, upon the enactment of this Ordinance, said property would be removed from the District.

THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ATHENS, ALABAMA, while in regular session on Monday, June 21, 2010, at 5:30 p.m., as follows:

Section 1. The boundaries of the District are hereby amended so as to exclude the following described real property owned by Julia Hatchett and located along South Clinton Street:

A lot located in Block 55 of the City of Athens, Alabama. And more particularly described as being lot 2-B and a part of lot 2-A of Block No. 55 the beginning point of which is 96 feet north along the east margin of South Clinton Street from the Southwest corner of said Block 55 said point being 1 foot north of the north well of a brick garage, thence along the East margin of South Clinton Street 242 feet, thence East along the North line of lot 2-B and 2-A a distance of 185 feet, thence South parallel to South Beaty Street 75 feet, thence East 10 feet, thence South 167 feet, thence West parallel to Forrest Street 195 feet to the point of beginning.

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

ADOPTED this the ____ day of _____, 2010.

WILLIAM R. MARKS, CITY COUNCIL PRESIDENT

APPROVED this the ____ day of _____, 2010.

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 _____, 2010.

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

John Hamilton, City Clerk

The motion failed due to a lack of a motion to suspend the rules.

Councilwoman Bowers introduced the following resolution:

RESOLUTION NUMBER 2010-1145

**A RESOLUTION DETERMINING THAT STRUCTURES ARE UNSAFE AS PUBLIC NUISANCES,
AND ORDERING ABATEMENT OF SAME**

WHEREAS, this Resolution is authorized by § 11-40-30, *et seq.* of the *Code of Alabama*, in addition to other legal authority;

WHEREAS, the Public Works Department of the City of Athens, Alabama has presented information to the City Council relative to the condition of four certain structures or parts thereof (herein referred to as the “Structures”) located at the following described real property on Elm Street:

Tract C, as shown in that Certificate to Subdivide for Theo W. Calvin, Jr., dated June, 2006, and recorded at RLPY Book 2006, Page 40663 in the records of the Probate Court of Limestone County, Alabama

(referred to herein as the “Property”);

WHEREAS, the Public Works Department has determined that the condition of the Structures is unsafe in that the Structures constitute a public nuisance to the citizens of Athens;

WHEREAS, at this regular meeting, the City Council has received information (including applicable photographs) from the Public Works Department concerning the Property and Structures;

WHEREAS, one of the Structures, a tan mobile home located northeast of the driveway as one enters the property, is unsecured, unsanitary, damaged, in disrepair, and in a dilapidated condition;

WHEREAS, one of the Structures, a dilapidated mobile home located along the eastern edge of the creek running along the western boundary of the Property, is unsecured, unsanitary, damaged, in disrepair, in danger of collapsing, and located in a F-1 zone, presenting a danger to the public;

WHEREAS, one of the Structures, which appears to be constituted of parts and remnants of a structure, is located in the wooded area along the southwestern part of the property, and has collapsed such that the frame of a makeshift tent structure remains. This is unsafe and located in the F-1 zone, presenting a danger to the public;

WHEREAS, one of the Structures, a shed located in the wooded area along the southwestern part of the property, is in danger of collapsing, and impermissibly located in the F-1 zone, presenting a danger to the public;

WHEREAS, after the finding by the Public Works Department that the Structures were unsafe, the record owner of the Property, Mr. Theo W. Calvin, Jr., was issued written notice to remedy the unsafe

or dangerous conditions or to demolish the same, and such notice was issued more than thirty (30) days prior to the date of this Resolution;

WHEREAS, after the finding by the Public Works Department that the Structures were unsafe, such written notices were also posted on the Structures;

WHEREAS, the record owner did not, within thirty (30) days of these notices, file a written request for a hearing before this Council concerning these issues; and

WHEREAS, after due deliberation, it appears to the City Council that the Structures are unsafe in that they present a public nuisance to the citizens of Athens.

THEREFORE BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ATHENS, ALABAMA on June 21, 2010 at 5:30 p.m., as follows:

1. The Structures shall be demolished by the City of Athens.
2. The Public Works Department shall make a report to the City Council of the costs associated with the demolition of the Structures so that it may adopt a resolution fixing all costs reasonably incurred in the demolition and assessing such costs against the Property.
3. This demolition shall be performed by City's own forces, and the City may sell or otherwise dispose of salvaged materials resulting from the demolition, at the election of the Mayor and/or his designee.
4. If any provision of this Resolution, or the application thereof to any person, thing or circumstances, is overruled, modified, or deemed invalid by a court of competent jurisdiction, such action shall not affect the provisions or application of this Resolution that can be given effect without the overruled, modified, or invalidated provisions or application, and to this end, the provisions of this Resolution are declared to be severable.

ADOPTED and APPROVED this, the 21st day of June, 2010.

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

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

ATTEST:

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

CERTIFICATION OF CITY CLERK

STATE OF ALABAMA)
LIMESTONE COUNTY)

I, John Hamilton, City Clerk of the City of Athens, Alabama, do hereby certify that the above and foregoing is a true and correct copy of a Resolution duly adopted by the City Council of the City of Athens, Alabama, on the 21st day of June, 2010.

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

John Hamilton, City Clerk

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

Councilman Gill introduced the following ordinance:

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

ORDINANCE NUMBER 2010-1760

AN ORDINANCE AMENDING ORDINANCE NO. 2010-1759, WHICH GRANTED CONSENT AND FRANCHISE TO THE LIMESTONE COUNTY WATER AND SEWER AUTHORITY WITH RESPECT TO FORCE MAIN SEWAGE TRANSMISSION LINES ALONG CERTAIN PUBLIC RIGHTS OF WAY IN THE CITY OF ATHENS, ALABAMA

BE IT ORDAINED, by the City Council of the City of Athens, Alabama, that Section 11 of Ordinance No. 2010-1759 is amended to state as follows, and no other portion of Ordinance No. 2010-1759 shall be amended or modified thereby:

Section 11. The duration of this franchise shall be until June 7, 2040, or until terminated by the City for any reason upon one hundred eighty (180) days written notice to the LCWSA, whichever occurs first.

ADOPTED and APPROVED this, the 21st day of June, 2010.

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

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

ATTEST:

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

CERTIFICATION OF CITY CLERK

STATE OF ALABAMA)
LIMESTONE COUNTY)

I, John Hamilton, City Clerk of the City of Athens, Alabama, do hereby certify that the above and foregoing is a true and correct copy of an Ordinance duly adopted by the City Council of the City of Athens, Alabama, on the 21st day of June, 2010.

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

John Hamilton, City Clerk

Councilmember Wales 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 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.

Councilman Wales introduced the following resolution:

RESOLUTION

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ATHENS, ALABAMA, to amend the appropriations budget in the amount of \$6,610 to the Dialysis Transport Services of the Athens Limestone Hospital to cover one-half the unreimbursed costs for the current year. Line item 100.525.90135 will be amended.

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.

Councilwoman Caudle introduced the following resolution:

RESOLUTION

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ATHENS, ALABAMA, to approve the FY 2011 Electric Department budget and to spread the same on the minutes.

Description	Proposed FY 11
Electric Sales	\$85,880,757
Forfeited Discounts	720,000

Misc. Service Revenue	120,000
Rents from Electric Property	900,000
Other Electric Revenue	140,000
Interest Income	140,000
Reserve Funds *	140,000
Draw from Reserves for District Substation and Roof for HQ Bldg.	1,375,000
Aid to Construction	2,200,000
TOTAL REVENUE	\$91,615,757
Net Other Income:	\$5,735,000

* FY 11 Reserve Funds allocation covers obligations for equipment purchase commitments in FY 10 Budget

Description	Proposed FY 11
Total Electric Cost T.V.A.	\$72,130,093
Customer Service Total Operating Expenses	1,417,598
Total Opr Supplies & Expenses	193,200
Misc. Rent Telephone Co. Poles	17,000
Engineering Services	10,000
Total Maintenance Supplies & Exp	493,500
Right of Way--Herbicide, Supplies and Expenses	10,000
Maintenance Contracts--Tree Trimming	650,000
Uncollectable Accounts	206,114
Customer Assistance Expense	20,000
Miscellaneous Sales Expense	55,000
General Office Expense	50,000

General Office Expense (Lightning Damage)	0
Travel	27,000
Telephone	24,000
Utilities	115,000
Bond Fund Fees & Paying Agent	5,000
Audit Fees	20,000
Legal Fees	25,000

SUBTOTAL	\$75,468,505

Description	Proposed FY 11
Insurance	\$212,475
Miscellaneous General Expense	33,000
Miscellaneous Advertisement	10,000
Rent	40,248
Maintenance of General Property	80,000
Taxes, Equivalent	1,875,000
Principal and Interest (Utility HQ Loan)	0
Interest Expense Bonds	1,087,945
Principal (Bonds)	1,315,000
Construction Fund	0
Transportation	425,000
Taxes, Unemployment	0
Taxes, Social Security	252,068
Employee Welfare	1,015,684

Total Payroll(00ELEMG)	3,295,000
Departmental Payroll(Straight Time)	2,650,000
Departmental Payroll(Overtime)	325,000
Joint Employee Payroll(Straight Time)	300,000
Joint Employee Payroll(Overtime)	20,000
General Fund Salaries & Expenses	40,000
Dept Human Resources Expenses	40,000
COLA(Includes 3% If Approved)	66,230
Capital Expenditures	5,822,000
Net Inventory Expenses	100,000
TOTAL EXPENDITURES	\$91,178,154

Net Proposed Budget:	\$437,603
Equipment Purchase/Rebuild Obligations:	\$140,000
Year End Net Budget:	\$297,603

Description	Proposed FY 11
REVENUES:	
Metered Electric Sales	\$85,880,757
Miscellaneous Revenue	2,020,000
Reserve Funds	140,000
Draw from Reserves for District Substation and Roof for HQ Bldg.	1,375,000
Aid to Construction	2,200,000
Totals:	\$91,615,757

EXPENSES:	
Salaries and Fringes	4,562,751
3% COLA(If Approved)	66,230
Electricity Purchases(TVA)	72,130,093
System Operation and Maintenance Expenses	2,256,218
Maintenance Contracts--Tree Trimming & Pole Insp/Repair	650,000

Right of Way--Herbicides, Supplies and Expenses	10,000
Ice Storm Expenses	0
Customer Accounting and Billing Expenses	0
Uncollectable Account Expenses	206,114
Administrative Expenses	686,803
Vehicle Operation and Maintenance Expenses	425,000
Equivalent Tax Payments	1,875,000
Debt Service Expenses	2,407,945
1995 Construction Fund	0
Capital Expenditures	5,822,000
Construction Work Orders	3,000,000
Transformers and Meters	680,000
Vehicles and Construction Equipment	1,498,000
Other Capital(Equipment, etc)	644,000
General Fund & Human Resources Salaries and Expenses	80,000
	-
Totals:	\$91,178,154
Net Budget:	\$437,603
Equipment Purchase/Rebuild Obligations:	\$140,000
Year End Net Budget:	\$297,603

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

Councilwoman Caudle introduced the following resolution:

RESOLUTION

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ATHENS, ALABAMA, to approve the FY 2011 Utilities Customer Service budget and to spread the same on the minutes.

	Budgeted
REVENUES:	<u>FY 2011</u>
Electric Department	\$1,417,598
Gas Department	265,177
Water Department	308,092
Sewer Department	<u>155,818</u>

TOTAL REVENUE \$2,146,685

EXPENSES:

Payroll \$1,154,023

 Regular 1,108,023

 Overtime 46,000

3% COLA 33,241

FICA 88,283

Employee Welfare 354,567

Utilities 18,000

Meter Reading Supplies 19,560

Vehicle Insurance 7,525

Fuel 52,600

Vehicle Maintenance 20,000

Telephone 1,000

Building Maintenance 20,630

Travel 1,350

Training 1,250

Customer Accounting 310,155

 Operating Expenditures 2,082,185

Capital Expenditures 64,500

TOTAL EXPENDITURES \$2,146,685

NET PROPOSED BUDGET \$0

Budgeted

FY 2011

Meter Reading Supplies		
Uniforms		\$7,000
First Aid		700
Itron - batteries		2,520
Itron repair		8,260
Misc		1,080
		<u>1,080</u>
		\$19,560

Building Maintenance (Gas Dept)		
Lawn Care		\$1,800
Cleaning		9,480
Repairs		4,350
Miscellaneous		5,000
		<u>5,000</u>
		\$20,630

Customer Accounting		
Billing Supplies		\$26,730
Collection Supplies		6,600
Office Supplies		7,510
Uniforms		3,695
Pitney Bowes		4,500
Cable		820
OCE Imagistics		1,000
Itron		2,300
Arista Billing Cost		62,000
Credit Agency/Equifax		24,000
Local Government		1,000
Postage		170,000
		<u>170,000</u>
		\$310,155

Capital Expenditures		
(3) Trucks	(Electric Dept)	\$40,000
Equipment	(Electric Dept)	2,500
Building Repairs	(Gas Dept)	5,000
Spray Exterior Building	(Gas Dept)	3,000
BBC Install Cameras	(Gas Dept)	7,000
Repair/Paint Interior	(Gas Dept)	7,000
		<u>7,000</u>
		\$64,500

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

Councilwoman Bowers introduced the following resolution:

RESOLUTION

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ATHENS, ALABAMA, to approve up to \$6,500 for repair and paving the City of Athens' Recreation Department's parking lot. Line item 100.516.82800 will be charged. The City of Athens school system will pay for the other half (\$6,500) of the project.

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.

* * *

There being no further business to come before the meeting, the same was, upon motion by Councilman Gill and second by Councilwoman Caudle, duly and properly adjourned.

/s/ William R. Marks
PRESIDENT, CITY COUNCIL

ATTEST:

/s/ John S. Hamilton
CITY CLERK