

June 23, 2008

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 June 23, 2008, at 5:30 p.m. The meeting was called to order by Councilman John M. Crutcher, President of the Council. Upon roll call the following were found to be present: Councilmembers John M. Crutcher, Harold Wales, Jimmy Gill, Ronnie Marks and Mildred Caudle. Mayor Williams was present. John Hamilton, City Clerk, was present and recorded the minutes of the meeting. John M. Crutcher 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 June 9, 2008 City Council Meeting had been submitted for approval. Councilman Wales moved that the reading of the Minutes be suspended and that the Minutes be approved as recorded. The motion was seconded by Councilwoman Caudle and was unanimously carried. The Chairperson stated that the Minutes of the June 9, 2008 City Council Work Session Minutes had been submitted for approval. Councilman Wales moved that the reading of the Minutes be suspended and that the Minutes be approved as recorded. The Motion was seconded by Councilwoman Caudle and was unanimously carried.

Quentin Anderson, 104 Ridgelawn Drive, voiced his opinion about impact fees on subdivision lots.

Roger Keyes, Post Commander at the VFW, wants to play bingo at different hours than current.

Mae Davis ask about property located at Brownsferry and Highway 72 area being cleaned off.

Sandra Hayes, resident at Willowbrook Apartments, gave an update and problems at the complex since they do not have a resident manager.

James Rich, Public Work Director, spoke on behalf of a citizen that would like speed breakers installed at Cloverleaf Drive.

Councilman Marks introduced the following ordinance:

STATE OF ALABAMA,
LIMESTONE COUNTY,
CITY OF ATHENS.

ORDINANCE NUMBER 2008-1704

**ORDINANCE CONCERNING AN UNNEEDED PORTION
OF A GAS LINE EASEMENT**

WHEREAS, the Athens Gas Department obtained a gas line easement from Murphy Cotton Company, Inc.;

WHEREAS, the Athens Gas Department has acquired an additional easement from Murphy Cotton Company, Inc. which eliminates the need for a portion of the original easement;

WHEREAS, the Athens Gas Department will not use that portion of the original easement and desires to transfer it back to Murphy Cotton Company, Inc.;

WHEREAS that portion of the easement described herein is not needed for public or municipal purposes; and

THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ATHENS, ALABAMA, while in regular session on June 23, 2008, at 5:30 p.m., as follows:

1. The Mayor is authorized to execute a quitclaim deed, a copy of which is on file with the City Clerk, conveying that portion of the gas line easement recorded at RLPY Book 2008 Page 26332 and described therein as "Tract 2 – Parcel 2 of 3" to the Murphy Cotton Company, Inc.

ADOPTED and APPROVED this, the 23rd day of June, 2008.

/s/ John M. Crutcher
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 the Ordinance duly adopted by the City Council of the City of Athens, on the ____ day of _____, 2008.

Witness my hand and seal of office this the ____ day of _____, 2008.

John Hamilton, City Clerk

Councilmember Gill moved that unanimous consent be given for immediate consideration of and action on said ordinance, which motion was seconded by Councilmember Marks, and upon the said motion being put to vote the following vote was recorded: YEAS: Councilmembers Crutcher, 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 Marks 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 Crutcher, 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 approve the following applicant, contingent upon receipt of an alcohol tax bond or letter of credit, for its "Retail Beer & Wine for Off-Premises Consumption" alcohol license, based on the recommendation of the Alcohol Review Committee. It is of our opinion that the business has met all of the requirements of the City of Athens' alcohol ordinance, other than the alcohol tax bond or letter of credit.

Sham Sundar Business, LLC, d/b/a Express 99
18120 Alabama Highway 99

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

Councilwoman Caudle introduced the following ordinance:

STATE OF ALABAMA,
LIMESTONE COUNTY,
CITY OF ATHENS.

ORDINANCE NUMBER 2008-1705

ORDINANCE AUTHORIZING THE LEASE OF CERTAIN REAL PROPERTY TO KEEP ATHENS-
LIMESTONE BEAUTIFUL, INC.

WHEREAS, the City Council desires to lease certain municipal property to Keep Athens-Limestone Beautiful, Inc. ("KALB");

WHEREAS, the City Council desires to lease the larger (and southernmost situated) of the two College Inn buildings;

WHEREAS, KALB will utilize the Property in connection with KALB's administration of its programs to clean and beautify the public and private places within the City;

WHEREAS, KALB's programs provide a valuable public benefit to all citizens in the City;

WHEREAS, KALB will provide a presence at the College Inn site that can assist in monitoring and maintaining the planned museum, or public cultural facility, another valuable public benefit;

WHEREAS the real property and its improvements thereon are not needed for the municipal purposes of the City but are needed for the public purposes stated herein;

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

WHEREAS, the City Council finds that the lease of this property to the KALB as discussed herein will serve a valuable public purpose; and

THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ATHENS, ALABAMA, while in regular session on June 23, 2008, at 5:30 p.m., as follows:

1. The Mayor is authorized to cause the larger (and southernmost situated) of the two College Inn buildings (the "Property") to be leased to KALB via a written lease agreement for use in connection with KALB's administration of its programs to clean and beautify the public and private places within the City, upon the following terms: (i) a ten (10) year lease term, provided that either party may terminate the lease upon a sixty (60) day written notice; (ii) KALB's payment of all utilities for the Property; (iii) KALB's maintenance of the interior and exterior of the Property in a clean, orderly and neat appearance; (iv) KALB's maintenance/watering of the outdoor plantings for both of the College Inn buildings and surrounding area, including assistance with the installation of seasonal plantings, (v) KALB's agreement to maintain keys and to provide access to the children's museum (housed in the smaller College Inn building) upon the scheduling of tours and appointments for the museum; and (vi) such other terms as the Mayor deems needed in order to implement the written lease agreement.

ADOPTED and APPROVED this, the 23rd day of June, 2008.

/s/ John M. Crutcher
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 _____, 2008.

Witness my hand and seal of office this ____ day of _____, 2008.

John Hamilton, City Clerk

Councilmember Marks moved that unanimous consent be given for immediate consideration of and action on said ordinance, which motion was seconded by Councilmember Gill, and upon the said motion being put to vote the following vote was recorded: YEAS: Councilmembers Crutcher, 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 Marks and upon the said motion being put to vote the following vote was recorded: YEAS: Councilmembers Crutcher, 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 Marks introduced the following resolution:

RESOLUTION

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ATHENS, ALABAMA, to approve cash travel advances for the general fund in the amount of \$150.00 for Tony Kirk in the Fire Department.

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

Councilman Marks 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.

Beth Clem	PCB Training Murfreesboro, TN	\$39.39
David Jones	PCB Training Murfreesboro, TN	\$49.59
Bill Meadows	PCB Training Murfreesboro, TN	\$47.62
Gary Scroggins	TVPPA Annual Meeting Orange Beach, AL	\$163.96

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

Councilman Marks introduced 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 \$2,022.97.

John Stockton (Water Services)	AWWA Annual Conference Atlanta, GA June 8-11, 2008	\$2,022.97
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The motion was seconded by Councilman Gill and was unanimously carried.

Councilman Marks introduced 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 \$2,632.95.

Heather Rouse	42 nd Annual ANGA General Conference	\$2,632.95
Mason Matthews	Greensboro, Georgia	
	June 8 – 12, 2008	

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

Councilman Marks introduced the following resolution:

RESOLUTION

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ATHENS, ALABAMA, to adopt the following job descriptions for the Public Works Department effective October 1, 2008:

- Building Inspector Engineer, Grade 11, job description dated 5/8/08
- GIS Coordinator, Grade 11, job description dated 5/8/08

ADOPTED and APPROVED this, the 23rd day of June, 2008.

/s/ John M. Crutcher
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 Marks introduced the following ordinance:

STATE OF ALABAMA,
LIMESTONE COUNTY,
CITY OF ATHENS.

ORDINANCE NUMBER 2008-1706

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 employees and unclassified employees, is hereby amended effective 10/1/08 as follows:

Delete the following job titles from the list of classified positions:

- GIS Coordinator, Grade 9

Add the following job titles to the list of classified positions:

- GIS Coordinator, Grade 11
- Building Inspection Engineer, Grade 11

ADOPTED and APPROVED this, the 23rd day of June, 2008.

/s/ John M. Crutcher
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 Marks, and upon the said motion being put to vote the following vote was recorded: YEAS: Councilmembers Crutcher, 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 Marks 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 Crutcher, 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 Marks introduced the following resolution:

RESOLUTION NUMBER 2008-1071

WHEREAS, the City of Athens, Alabama has been an active partner in the securing of the Advanced Technology Robotics Research and Development Complex to be located at Calhoun Community College in Athens, Alabama, and recognizes and hereby acknowledges the long-term, significant positive economic impact that said Complex shall have upon the State of Alabama and upon the City of Athens, Alabama and its economic region in particular; and

WHEREAS, as part of its effort in the securing of said Complex, the City of Athens has committed the investment of the amount of One Million Dollars (\$1,000,000.00) to assist in the development of the Advanced Technology Robotics Research and Development Complex:

NOW, THEREFORE, be it resolved that the payment of said financial commitment shall be made to the Business Office of Calhoun Community College, which shall timely deposit and account for the respective payments in a College bank account established for the construction of the Advanced Technology Robotics Research and Development Complex. The College shall submit to the City of Athens such invoices, payment notices, and/or receipts as shall be requested by the City of Athens in such form as shall be requested by the City of Athens. The payments to be made to Calhoun Community College shall total One Million Dollars (\$1,000,000.00), with no interest thereon, in accordance with the following payment schedule:

An initial payment of \$250,000.00 shall be made by no later than September 30, 2008.

Subsequent payments shall be made by no later than the following dates and in the following respective amounts:

September 30, 2009 - \$250,000.00
 September 30, 2010 - \$250,000.00
 September 30, 2011 - \$250,000.00

THE MAYOR OF THE CITY OF ATHENS, ALABAMA IS HEREBY AUTHORIZED to designate such procedures and related documents as shall be necessary and appropriate for the City of Athens to carry out the terms of the Resolution.

Councilmember Caudle moved that unanimous consent be given for immediate consideration of and action on said ordinance, which motion was seconded by Councilmember Marks, and upon the said motion being put to vote the following vote was recorded: YEAS: Councilmembers Crutcher, 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 Marks 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 Crutcher, 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 Caudle introduced the following resolution:

RESOLUTION

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ATHENS, ALABAMA, to approve the FY 2009 Electric Department budget and to spread the same on the minutes.

PROPOSED FY 2009 ELECTRIC DEPT. BUDGET

DESCRIPTION	Proposed FY 09
REVENUES:	
Metered Electric Sales	\$ 81,665,604.00
Miscellaneous Revenue	\$ 2,050,000.00
Reserve Funds	\$ 125,000.00
Draw from Reserves for District Substation and Roof for HQ Bldg.	\$ 2,310,000.00
Aid to Construction	\$ 2,200,000.00
TOTAL REVENUE	\$ 88,350,604.00
EXPENSES:	
Salaries and Fringes	\$ 5,144,934.00
3% COLA (if approved)	\$ 56,746.00
Electricity Purchases (TVA)	\$ 67,765,630.00
System Operation and Maint Expenses	\$ 896,360.00
Maintenance Contracts - Tree trimming & Pole Insp	\$ 675,000.00
Right of Way - Herbicides, Supplies and Expenses	\$ 15,000.00
Ice Storm Expenses	\$ -
Customer Accounting and Billing Expenses	\$ 157,500.00
Uncollectable Account Expenses	\$ 195,997.00
Administrative Expenses	\$ 781,006.00
Vehicle Operation and Maint Expenses	\$ 450,000.00
Equivalent Tax payments	\$ 1,750,000.00

Debt Service Expenses	\$	2,435,156.00
1995 Construction Fund	\$	-
Capital Expenditures	\$	7,500,000.00
Construction Work Orders	\$	2,500,000.00
Transformers and Meters	\$	1,580,000.00
Vehicles and Construction Equipment	\$	2,847,000.00
Other Capital (Equipment, etc.)	\$	573,000.00
General Fund & Human Resources Salaries & Exp	\$	75,000.00
TOTALS	\$	87,898,329.00
Net Proposed Budget:	\$	452,275.00
Equipment Purchase/Rebuild Obligations	\$	125,000.00
Year End Net Budget	\$	327,725.00

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

Councilman Marks introduced the following resolution:

RESOLUTION

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ATHENS, ALABAMA, that the bid of \$105,740.54 from Service Electric Company, Chattanooga, Tennessee be accepted and that the Electric Department manager be authorized to issue a Notice of Award to the company to perform the work detailed in the bid titled S.A.H.D.Project NCPD-1065(332) I65/CR-24 Tanner Interchange.

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

Councilman Wales introduced the following resolution:

RESOLUTION

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ATHENS, ALABAMA, that the bid of \$805,136.68 from Roof Craft Systems, Centre, Alabama be accepted and that the Electric Department manager be authorized to issue a purchase order for the roof replacement as prescribed in the specifications prepared by Stephen Ward and Associates, Inc., the city's roof consultant.

Councilmember Marks 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 Crutcher, 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 Marks and upon the said motion being put to vote the following vote was recorded: YEAS: Councilmembers Crutcher, 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 resolution:

RESOLUTION

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ATHENS, ALABAMA, that \$176,420 is appropriated from the Wastewater Department Capital Infrastructure Fund for the Nichols Drive Sewage Pumping Station Project.

Councilmember Marks 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 Crutcher, 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 Marks and upon the said motion being put to vote the following vote was recorded: YEAS: Councilmembers Crutcher, 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, that the Manager, Water Services, is authorized to issue a purchase order to Hawkins Groundwork in the amount of \$86,450 for construction of the Nichols Drive Sewerage Project.

Councilmember Marks 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 Crutcher, 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 Caudle 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 Crutcher, 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 introduced the following resolution:

RESOLUTION

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ATHENS, ALABAMA, that an open public sanitary sewer easement is authorized for the Wastewater Department from the portion of Fitness Way Park that is owned by the City of Athens.

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 Wales and second by Councilwoman Caudle, duly and properly adjourned.

/s/ John M. Crutcher
PRESIDENT, CITY COUNCIL

ATTEST:

/s/ John S. Hamilton
CITY CLERK

