

August 9, 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 August 9, 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. Mayor Dan Williams was absent. Shane Black was present and led the pledge of allegiance. John Hamilton, City Clerk, was present and recorded the minutes of the meeting. Harold Wales 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 July 26, 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 July 26, 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.

A public hearing was held to hear comments on the sale of alcohol for Hobbs Street Mini Mart located at 1001 East Hobbs Street. No one spoke in favor of or against.

A public hearing was held to hear comments on 308 Crestview Street being a public nuisance. No one spoke in favor of or against. The property has been cleaned up and the issue is closed.

A public hearing was held to hear comments on Widow Street being a public nuisance. No one spoke in favor of or against. The property has been cleaned up and the issue is closed.

The public hearings were closed.

Kelly Range, 303 Brookwood, would like the City Council to create an ordinance to ban texting with cell phones when driving.

Curtis Baker, 16120 W. Glen Valley Drive, asked that drainage ditch, between D & M and Dollar Store, be cleaned to help prevent water from getting backed up.

Julia Hatchett Nelson, 517 S. Clinton Street, said she hasn't heard from the Mayor about her property issue in the Historical Preservation District.

Councilwoman Caudle introduced the following resolution:

RESOLUTION NUMBER 2010-1153

WHEREAS, Verizon Wireless has requested modification of the telecommunications facility located at 204 Commercial Drive, Athens, AL to provide improved wireless services essentially within the corporate limits and police jurisdiction of the city of Athens and;

WHEREAS, Verizon Wireless has complied with City's Ordinance No. 2009-1740, Chapter 78 and has demonstrated the need for the co-location to this wireless facility to deliver reliable services in the identified area, and;

WHEREAS, both the City and Verizon Wireless customers in Athens will benefit from improved service; and;

WHEREAS, the City's consultant, The Center for Municipal Solutions (CMS), recommends the granting of a Special Use Permit for modification of this facility located at 204 Commercial Drive consists of an existing 300 foot self support tower;

THEREFORE, BE IT RESOLVED by the City Council of the City of Athens, Alabama that Verizon is hereby granted a Special Use Permit to modify existing facilities at 204 Commercial Drive. As recommended by CMS, the Special Use Permit is subject to compliance with the following conditions prior to the issuance of said permit and/or a Certificate of Completion:

1. The facility must be modified, activated and be providing enhanced service *no later than ninety (90) days after the issuance of the Special Use Permit or other applicable authorization, subject to commonly accepted force majeure exceptions acceptable to the City.* Verizon Wireless may petition the City of an extension of this for good cause shown, but the decision whether or not to grant the extension shall exclusively be the prerogative of the City. Once Verizon Wireless has met all the conditions of the permit and any other requirements of the City and a building permit is issued, they must notify the City's consultant for all inspections.
2. At the completion of construction and prior to the final inspection being conducted, Verizon Wireless shall provide to CMS an unredacted, signed copy of the contractor's final (sign-off) report showing in detail all work performed.
3. At the completion of construction, the Applicant must notify the City's consultant and provide proof that all inspections have been satisfactorily completed and the project is ready for a final on-site inspection. Upon passing the final inspection, a recommendation to issue a Certificate of Occupancy shall be made.
4. Verizon Wireless shall not be permitted to actually provide service commercially until the Certificate of Occupancy or its functional equivalent is issued or risk forfeiting its Permit.
5. The Certificate of Occupancy shall not be issued until all fees and costs associated with this Permit, including inspections, have been paid.

ADOPTED and APPROVED this, the 9th day of August, 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

The motion was seconded by Councilman Wales with four yeas and one abstention by Councilwoman Bowers.

Councilman Wales introduced the following resolution:

RESOLUTION

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ATHENS, ALABAMA, to declare a 2003 Expedition assigned to Public Works as surplus property and to be disposed of by public auction.

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 authorize the Manager, Gas Department, to award a purchase order to Ditch Witch of Alabaster in the amount of \$45,942.76 for a Ditch Witch XT855 Excavator Plow Tool Carrier.

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

Councilwoman Caudle introduced the following resolution:

RESOLUTION NUMBER 2010-1154

A RESOLUTION CONCERNING AN AGREEMENT BETWEEN THE CITY OF ATHENS UTILITIES AND CENTRAL SERVICE ASSOCIATION

WHEREAS, there is a need for Athens Utilities to obtain a new computer software system in connection with the customer management and billing system of all services offered by Athens Utilities, as well as the cashiering system, financial management system, work management system, and internet account inquiry system;

WHEREAS, after a significant study, review, and comparison of companies offering such services, Athens Utilities desires to enter into a contract with Central Services Association (“CSA”) to provide a customized software system for Athens Utilities, substantially modified from CSA’s baseline software offerings and designed for the specific needs of Athens Utilities, including components tailored for special billing and collection rules, specific reports, and security clearances, among other things;

WHEREAS, as a part of such contract, CSA would provide professional support services, whereby substantial assistance would be provided to Athens Utilities personnel in transitioning from the existing systems, training personnel, customizing the software, installing the software system, and handling operational issues with the software system; and

WHEREAS, although the City Council finds that typical state bidding requirements do not apply to this transaction, Athens Utilities has nonetheless invited and received proposals from various companies in an effort to obtain the best possible price and value for the City of Athens.

THEREFORE BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ATHENS, ALABAMA on August 9, 2010 at 5:30 p.m., as follows:

1. The Mayor or his designee is directed, on behalf of the City of Athens Utilities, to enter into agreements with CSA concerning Athens Utilities' customer management and billing system, the cashiering system, the financial management system, the work management system, and the internet account inquiry system, in substantially the form as the agreements that are enclosed herewith as Exhibit A. Exhibit A will be on file in the City Clerk's Office. The Mayor or his designee is further authorized to execute on behalf of the City of Athens Utilities any such other, further, or different documents that may be necessary in order to carry out the transaction contemplated by such agreements.

ADOPTED and APPROVED this, the 9th day of August, 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 9th day of August, 2010.

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

John Hamilton, City Clerk

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

Councilwoman Bowers introduced the following ordinance:

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

ORDINANCE NUMBER 2010-1764

**AN ORDINANCE REGARDING THE DISPOSITION OF
MUNICIPAL REAL PROPERTY IN THE BREEDING
INDUSTRIAL PARK SUBDIVISION**

WHEREAS, the City of Athens is the owner of the following described real property:

Lot No. 1 in the Breeding Industrial Park Subdivision, as shown by Plat Book H, Page 254 in the office of the Judge of Probate of Limestone County, Alabama.

(the "Property");

WHEREAS, the Property consists of 2.06 acres of undeveloped real property;

WHEREAS, Turner Machine, Inc. desires to purchase the Property for the price of \$20,000.00 per acre, or for a price of \$41,200.00;

WHEREAS, the City Council specifically finds that the above price would be an adequate and fair consideration for the Property, and constitutes the fair market value for the Property;

WHEREAS, the City Council finds that Turner Machine, Inc. would purchase the Property for the purpose of constructing, developing, equipping and/or operating its industrial facilities;

WHEREAS, the City Property is no longer needed for public or municipal purposes; and

WHEREAS, this sale of the Property is authorized by § 94.01 of the *Constitution of Alabama of 1901* and/or § 11-47-20 of the *Code of Alabama*.

THEREFORE BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ATHENS, ALABAMA, while in session on August 9, 2010 at 5:30, as follows:

Section 1. It is hereby established and declared that the Property is no longer needed for municipal or public purposes. It is further established and declared that Turner Machine, Inc. would purchase the Property for the purpose of constructing, developing, equipping and/or operating its industrial facilities.

Section 2. The Mayor is directed to cause such real property to be sold to Turner Machine, Inc. for \$41,200.00. Upon receipt of such funds, the Mayor is further authorized to execute a statutory warranty deed conveying the real property to Turner Machine, Inc., and to execute such other and further documents as may be necessary to carry out the intent and purpose of this Ordinance.

Section 3. This Ordinance shall become effective upon its adoption as provided by law.

ADOPTED and APPROVED this, the 9th day of August, 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 9th day of August, 2010.

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

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 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 Bowers 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.

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

/s/ William R. Marks
PRESIDENT, CITY COUNCIL

ATTEST:

/s/ John S. Hamilton
CITY CLERK