

September 14, 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 September 14, 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 Harold Wales, Jimmy Gill, William R. Marks and Mildred Caudle. Councilmember Mignon Bowers was absent. 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 August 24, 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 Gill and was unanimously carried. The Chairperson stated that the Minutes of the August 24, 26 and two meetings on the 27<sup>th</sup>, 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 Gill and was unanimously carried.

A public hearing was held to hear comments regarding a special events license for Ducks Unlimited. No one spoke in favor of or against.

A public hearing was held to hear comments regarding the sale of alcohol for Noah Beverage Company. Lee Noah, 22733 Winged Foot Drive, spoke in favor of. The following spoke against; Mr. and Mrs. Marvin Miller, 15575 Arlington Road; Sue Cooper, 18107 Elles Drive; Paul Tang, 15671 Kings Drive; and Karen Clanton, 18186 Elles Drive.

A public hearing was held to hear comments regarding the sale of alcohol for Big Jim's Liquor Store. James and Kathy Beltz, 16108 Fantasia Way, spoke in favor of. No one spoke against.

The public hearings were closed.

Rosie Maclin, 1016 Highland Street, still has speeding problems on Highland Street.

**Councilman Gill moved the adoption of the following resolution:**

**RESOLUTION**

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ATHENS, ALABAMA, that the travel expenses in the following amount be approved for Electric Department personnel.

Nathan King	TVPPA-Line Design & Staking Certification Training Nashville, TN	\$100.00
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The motion was seconded by Councilman Wales 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, that the travel expenses in the following amount be approved for Electric Department personnel.

Gary Scroggins	TVPPA-Engineering & Operations Conference Sevierville, TN	\$ 81.34
Jim Lannom	TVPPA-Engineering & Operations Conference Sevierville, TN	\$284.60
Nick Hill	TVPPA-The Half Century Transformer Training Nashville, TN	\$ 95.25

The motion was seconded by Councilman Wales 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 travel/education expenses for the Utilities in the total amount of \$708.82.

John Bush	Plumbers & Gas Fitters Apprentice Career Track – 5 <sup>th</sup> Week Dothan, AL August 10-12, 2009	\$708.82
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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 approve the following applicant, for its “Special Events Retail License for On-Premises Consumption” alcohol license:

Ducks Unlimited  
1402 Armory Street

The motion was seconded by Councilwoman Caudle and was 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, that \$600,844.45 is appropriated from the Wastewater Capital Infrastructure Fund to pay debt service (i.e., \$370,000 principal, \$230,844.45 interest) on the 2007 SRF loan.

Councilmember Wales 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 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 Wales and upon the said motion being put to vote the following vote was recorded: YEAS: Councilmembers 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 moved the adoption of the following resolution:**

**RESOLUTION**

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ATHENS, ALABAMA, that the proposed FY 2010 Water Department budget is adopted.

Proposed FY 2010 Water Department Budget

REVENUES:	FY 2010
Metered Sales	\$ 3,417,349.00
Miscellaneous Revenue	\$ 117,800.00
Aid to Construction	\$ 20,000.00
Carry Over from FY 2009	\$ 75,000.00
Capital Reserve Funds	\$ 102,000.00
Total Regular	\$ 3,732,149.00
Capital Infrastructure Account	\$ 310,429.00
Combined Totals	\$ 4,042,578.00

EXPENSES:	
Salaries and Fringes	\$ 1,242,414.00
Water Production Expenses	\$ 682,335.00
Annual Consumer Confidence Report (Fed Mandate)	\$ 3,800.00
Transmission and Distribution Expenses	\$ 151,000.00
Tank Maintenance Expenses	\$ 90,000.00
Administrative Expenses	\$ 198,782.00
LCEDA	\$ 30,430.00
Allocation to Finance Dept (New Line FY 2005)	\$ 105,189.00
Allocation to Customer Services (New Line FY 2007)	\$ 299,920.00
Uncollectible Accounts	\$ 7,500.00
Vehicle and Equipment Operation & Maint	\$ 55,000.00
Appropriation to General Fund	\$ 170,867.00
Debt Service Expenses	\$ 719,120.00
General Fund Salaries & Expenses	\$ 62,160.00
Capital Expenditures	\$ 117,850.00
Const Mtls, Dist Sys Imp Fund, & Capt Eqp Rep	\$ 100,000.00
Other Capital (Equipment, tools, etc)	\$ 17,850.00
Totals	\$ 3,936,368.00

Net Proposed Budget:	\$ (204,219.00)
Appropriation to General Fund	\$ 170,867.00
Required Bond Coverage	\$ 143,824.00
Available Bond Coverage	\$ (33,351.00)
Capital Infrastructure Fund (Authorized Expenditures)	\$ -
Net Capital Infrastructure	\$ 310,429.00

The motion was seconded by Councilman Wales and was 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, that the proposed FY 2010 Wastewater Department budget is adopted.

Proposed FY 2010 Wastewater Department Budget

	FY 2010
Metered Sales	\$ 2,320,682.00
Miscellaneous Revenues	\$ 87,000.00
Capital Reserve Funds	\$ 60,000.00
CIF Appropriation	\$ 600,844.00
Aid to Construction	\$ 5,000.00
Total - Regular	\$ 3,073,526.00
Capital Infrastructure Account	\$ 603,959.00
Grand Total:	\$ 3,677,485.00

EXPENSES:

Salaries and Fringes *	\$ 1,488,741.00
Treatment Plant Operation & Maint	\$ 326,650.00
Collection System Operation & Maint	\$ 160,650.00
Administrative	\$ 153,642.00
Allocation at Finance Department	\$ 82,233.00
Allocation to Customer Services	\$ 150,929.00
Uncollectible Accounts	\$ 7,500.00
Vehicle and Equipment Operation & Maint	\$ 60,000.00
Appropriation to General Fund	\$ 58,017.00
Bond Debt Service	\$ 515,845.00
SRF Loan Debt Service	\$ 600,844.00
General Fund Salaries and Expenses	\$ 62,160.00
Capital Expenditures	\$ 75,850.00

Construction Materials & Capitalized Equip Repair	\$	60,000.00
Other Capital (Equipment, tools, etc.)	\$	15,850.00
Totals:	\$	3,743,062.00
Net Proposed Budget	\$	(669,536.00)
Appropriation to General Fund	\$	58,017.00
Required Bond Coverage	\$	103,169.00
Available Bond Coverage	\$	(611,518.00)
Cap. Infrastructure Fund (Authorized Expenditures)	\$	935,844.00
Net Capital Infrastructure	\$	(331,885.00)
* Includes 3% COLA		

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, that the proposed FY 2010 Gas Department budget and spread the same on the minutes.

**NOTE:** The Gas Department Appropriation to General Fund shall be \$925,000.00 or at 8%, whichever is greater.

Proposed FY 2010 Gas Department Budget

	FY 2010
<b>REVENUES:</b>	
Metered Sales	\$ 11,602,450.00
Forfeited Discounts	\$ 34,000.00
Misc Revenue & Service Charges	\$ 5,000.00
Rents and Other	\$ 72,591.00
Interest	\$ 35,000.00
Reserve Funds	\$ 200,000.00
Loan from Electric to Gas/Leak City	\$ -
Training Facility (Leak City)	\$ 50,000.00
Aid to Construction	\$ 55,000.00
TOTALS	\$ 13,725,414.00
<b>EXPENSES:</b>	
Salaries and Fringes	\$ 1,491,343.00
Purchased Gas	\$ 6,250,400.00
Distribution System Operation & Maintenance	\$ 680,000.00
Administrative	\$ 320,245.00

Customer Accounting and Billing	\$	252,274.00
Vehicle and Equipment Operation & Maint	\$	175,525.00
Appropriation to General Fund	\$	925,000.00
Revenue Warrant Debt Service	\$	592,668.00
Loan Payable to Electric from Gas Principal & Interest	\$	-
General Fund Salaries and Expenses	\$	50,975.00
Capital Expenditures	\$	759,500.00
Construction Materials & Capitalized Equip Repair	\$	450,000.00
Construction Materials (Reimb by Rev Warrants)	\$	-
Other Capital (Equip, tools, etc)	\$	309,500.00
Totals:	\$	11,497,930.00
3% COLA if approved by Council	\$	36,596.00
Net proposed budget	\$	556,111.00
Expenditures less Gas & ILO Tax	\$	4,322,530.00
Debt Service Costs	\$	592,668.00

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

**Councilman Gill moved the adoption of the following resolution:**

**RESOLUTION NUMBER 2009-1118**

**A RESOLUTION TAKING NO ACTION CONCERNING CLAIMS OF A PUBLIC NUISANCE ALONG HINE 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 August 10, 2009, this City Council adopted a resolution calling for a public hearing regarding this matter;

WHEREAS, at the meeting on September 14, 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 September 14, 2009, at 5:30 p.m., as follows:

1. This resolution concerns certain real property located on the east side of Hine Street, known as Tax Parcel # 10-03-08-3-002-106.000, and further described as Troope S/D Lot 12 in Sec 8 T 3 R 4.

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 14<sup>th</sup> day of September, 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.

**Councilwoman Caudle moved the adoption of the following resolution:**

**RESOLUTION NUMBER 2009-1119**

**A RESOLUTION DECLARING A PUBLIC NUISANCE AT PROPERTY ALONG IRVIN STREET  
AND ORDERING ITS ABATEMENT**

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 are injurious to the general public health, safety, and general welfare;

WHEREAS, on August 10, 2009, this City Council adopted a resolution calling for a public hearing regarding this matter on September 14, 2009, at 5:30 P.M.;

WHEREAS, at the public hearing on September 14, this City Council received evidence concerning the conditions on the real property described herein; and

WHEREAS, based upon such evidence, this City Council concludes that the condition of the real property is injurious to the general public health, safety, and general welfare by being unsightly and providing breeding grounds and shelter for rats, mice, snakes, mosquitoes, and other vermin, insects, or pests; attaining heights and dryness that constitute a serious fire threat and/or hazard; bearing wingy or downy seeds, when mature, that cause the spread of weeds and, when breathed, irritation to the throat, lungs, and eyes of the public; or hiding debris, such as broken glass or metal, that could inflict injury on a person going upon the property; being unsightly; and/or a growth of grass or weeds, other than ornamental plant growth, that exceeds 12 inches in height.

**THEREFORE BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF  
ATHENS, ALABAMA** on September 14, 2009, at 5:30 p.m., as follows:

1. This resolution concerns certain real property located as follows: Tax Parcel # 10-03-05-3-001-003.000, at 808 Irvin Street, and further described as Lot Number 7 and 16 2/3 feet off the North end of Lot Number 6 of Block 14 of Fairview Addition to the City of Athens, Alabama, according to Map 2 of said addition on file in the Probate Office of Limestone County, Alabama, Volume 559A, Page 256.

2. The weeds and vegetation on this property are hereby declared to be public nuisances subject to abatement by the City. The mature trees located on this property are expressly not included within this definition and are not declared to be nuisances.

3. It is hereby ordered that such offending conditions to be removed and abated. The Mayor is hereby authorized to cause municipal agents to enter upon said property to abate the nuisance. An account shall be kept of the cost of abating and removing the nuisance and a written account thereof shall be presented to the City Council for confirmation and further action.

ADOPTED and APPROVED this, the 14<sup>th</sup> day of September, 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 14th day of September, 2009.

Witness my hand and seal of office this \_\_\_ day of \_\_\_\_\_, 2009.

\_\_\_\_\_  
John Hamilton, City Clerk

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

**Councilman Wales moved the adoption of the following resolution:**

**RESOLUTION**

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ATHENS, ALABAMA, to reject all bids for the construction of Fire Station #3, Krebs Project Number 09913 which were opened on September 3<sup>rd</sup>, 2009.

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

Councilman Gill moved that they adjourn to go into Executive Session and was seconded by Councilman Wales and was unanimously carried. The City Attorney, Shane Black, gave the required statutory certification that an Executive Session was needed.

The Executive Session was closed at 7:00 p.m.

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

/s/ William R. Marks  
PRESIDENT, CITY COUNCIL

ATTEST:

/s/ John S. Hamilton  
CITY CLERK

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