

September 22, 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 September 22, 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. Harold Wales 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 September 8, 2008 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 September 8, 2008 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. The Chairperson stated that the Minutes of the September 15, 2008 Special 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 for Publix Alabama located at 22031 Highway 72 for the sale of alcohol. No one spoke in favor of or against.

Eckerd Walker, resident of Houston Place, encouraged the council to help solve the fire department issue for Houston Place. He also thanked Charles Clem, Jason White, Tracy Harrison and the Athens Police Department for quick response and solving a burglary at his residence.

Mae Davis, 1201 Plainview Circle, thanked the Council and Mayor for continued response of getting Hine Street and Brownsferry Street areas cleaned and cleared up.

Janet Murrah, voiced her concern about debris, high grass and small trees being cleaned up in Brownsferry Street area.

Brenda Dobbins Wilson, 209-A Sandifer Road, had a problem with her son not being able to visit her home because of an order from a local judge. Mr. Crutcher told her to check with Athens Housing Authority.

Rosie Maclin, 1016 Highland Street, gave the owner's name at 1408 12th Street which is McLain Enterprises. Also, she had a problem with trucks driving over her cemetery plots at Thatch Cemetery.

Valerie Peoples, 1403 Brownsferry Street, is concerned with debris not being picked up at her home.

Sandra Hays, Willowbrook Apartments, said there are still problems with litter.

Councilman Marks moved the adoption of the following resolution:

RESOLUTION NUMBER 2008-1076

This resolution made this 22 day of September, 2008, (the Effective Date) by the City Council, City of Athens, Alabama (the Granting Authority), to grant a tax abatement for Turner Machine, Inc. (the Company).

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

_____ new project or X 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):

X all state and local noneducational property taxes,

X 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 \$3,500,000; 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):

X all state and local noneducational property taxes,

X 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 22 day of September, 2008.

John Hamilton – City Clerk

ADOPTED and APPROVED this, the 22 day of September, 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 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 to reorganize Athens Utilities in accordance with the attached organizational chart which includes the following Departments and unclassified Department Head positions:

- General Manager
 - Electric Department
Electric Department Manager
 - Gas Department
Gas Department Manager
 - Water Services Department
Manager, Water and Wastewater
 - Finance Department
Director of Finance
 - Customer Service Department
Manager of Customer Service

ADOPTED and APPROVED this, the 22nd day of September, 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 Councilman Wales and was unanimously carried.

Councilman Wales moved the adoption of the following resolution:

RESOLUTION

BE IT RESOLVED BY THE CITY COUNCIL OF ATHENS, ALABAMA to adopt the job description (on file in the Human Resources office) for the following position with Athens Utilities:

- General Manager, Unclassified Manager 5, job description dated July 28, 2008

All previous job descriptions for this position are obsolete, and where a discrepancy exists between the new job description and the old job description, the new job description will supercede the old job description.

ADOPTED and APPROVED this, the 22nd day of September, 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 Councilman Marks and was unanimously carried.

Councilman Marks moved the adoption of the following resolution:

RESOLUTION

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ATHENS, ALABAMA, to appoint Danny Southard as the Interim Fire Chief, until such time as the Fire Chief's position can be advertised and a candidate selected.

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 2008-1713

AN ORDINANCE AMENDING SECTION 30-4 OF THE CITY OF
ATHENS CODE OF ORDINANCES CONCERNING THE
CORRECTIONS FUND

WHEREAS, Section 30-4 of the City of Athens Code of Ordinances provides for the municipal corrections fund, a fund to be used for the purposes as set forth in § 11-47-7.1 of the *Code of Alabama*, including the operation and maintenance of municipal corrections facilities and the municipal court complex;

WHEREAS, § 11-47-7.1 of the *Code of Alabama* provides that funds for the municipal corrections fund may be collected by levy and assessment as court costs in the municipal court in an amount up to the court costs and fees charged in the District Court of Limestone County for similar cases;

WHEREAS, Section 30-4 of the City of Athens Code of Ordinances presently provides for the imposition of additional court costs on traffic offenses in the amount of \$30.00, and provides for the imposition of additional court costs on non-traffic offenses in the amount of \$40.00;

WHEREAS, the City Council of the City of Athens wishes to increase the amounts in the corrections fund by the further levy and assessment of court costs;

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

ALABAMA while in regular session on September 22, 2008 at 5:30 p.m., as follows:

Section 1. Section 30-4 of the City of Athens Code of Ordinances is hereby amended to read as follows:

Section 30-4. Corrections Fund.

Pursuant to § 11-47-7.1(a) of the *Code of Alabama*, as amended, a corrections fund for the city is hereby established. The corrections fund is to be used to allocate funds for the operation and maintenance of the municipal court system, for the maintenance of city jail inmates, and for any other permissible purpose under § 11-47-7.1(a). These funds will be collected by levying and assessing additional court costs on all cases in the municipal court system. The additional court costs on a traffic-related offense committed within the city to be applied to the corrections fund shall be the sum of \$65.50. The additional court costs on a nontraffic-related offense committed in the city to be applied to the corrections fund shall be the sum of \$65.00. According to this section, a traffic-related offense includes all driver's license citations and citations for driving under the influence.

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

Section 3. The provisions of this Ordinance shall be included and incorporated in 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.

Section 4. 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 Ordinance are declared to be severable.

ADOPTED and APPROVED this, the 22nd day of September, 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 22nd day of September, 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 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 ordinance had been unanimously carried. Councilmember Gill 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.

Councilwoman Caudle moved the adoption of the following resolution:

RESOLUTION

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ATHENS, ALABAMA, to set a Public Hearing for the meeting of October 27, 2008, to take comments on the rezoning request of Andy Beasley to rezone a 50 foot strip of property from R-2-1 to R-3-1. Property is located on the west side of Highway 31, south of Elm Street.

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

Councilman Wales moved the adoption of the following resolution:

RESOLUTION NUMBER 2008-1077

WHEREAS, the City of Athens is eligible to participate in the FY 2009 Transportation Enhancement (TE) Projects, made available through the Alabama Department of Transportation, and

WHEREAS, the City of Athens has determined that this is the only source of assistance to provide a new Greenway from Swan Creek along Forrest Street to Lindsay Lane, and south along Lindsay Lane to U. S. Highway 72 commercial development.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ATHENS, as follows:

SECTION 1. That the City of Athens make application to the Alabama Department of Transportation for a FY 2009 Transportation Enhancement (TE) Project grant in the amount of \$250,000.00 for the purpose of constructing a new greenway trail from Swan Creek along Forrest Street to Lindsay Lane, and south along Lindsay Lane to U. S. Highway 72 commercial development.

SECTION 2. That the City of Athens hereby commits matching funds of \$50,000.00 to make the improvements as presented in the grant application.

SECTION 3. That Dan Williams, in his capacity as Mayor, is hereby authorized and directed to execute all required documents, and take such actions as may be necessary to have the same submitted for funding consideration.

ADOPTED and APPROVED this, the 22nd day of September, 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 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 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 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 Water and Wastewater Department budgets be approved as submitted and spread the same on the minutes.

Proposed FY 2009 Water Department Budget

REVENUES:	FY 2009
Metered Sales	\$ 3,984,530.00
Miscellaneous Revenue	\$ 107,000.00
Aid to Construction	\$ 25,000.00
Capital Reserve Funds	\$ 284,500.00
Total Regular	\$ 4,401,030.00
Capital Infrastructure Account	\$ 396,855.00
Grand Total Revenue	\$ 4,797,885.00

EXPENSES:

Salaries and Fringes	\$ 1,288,616.00
Water Production Expenses	\$ 780,650.00
Annual Consumer Confidence Report (Fed Mandate)	\$ 5,000.00
Transmission and Distribution Expenses	\$ 151,500.00
Tank Maintenance Expenses	\$ 90,000.00
Administrative Expenses	\$ 228,440.00
LCEDA	\$ 30,430.00
Allocation to Finance Dept (New Line FY 2005)	\$ 100,161.00
Allocation to Customer Services (New Line FY 2007)	\$ 258,506.00
Uncollectible Accounts	\$ 7,000.00
Vehicle and Equipment Operation & Maint	\$ 72,000.00
Appropriation to General Fund	\$ 199,227.00
Debt Service Expenses	\$ 644,359.00
General Fund Salaries & Expenses	\$ 65,084.00
Capital Expenditures	\$ 303,850.00
Const Mtls, Dist Sys Imp Fund, & Capt Eqp Rep	\$ 280,500.00
Other Capital (Equipment, tools, etc)	\$ 23,350.00
Totals	\$ 4,224,823.00
Net Proposed Budget:	\$ 176,208.00
Appropriation to General Fund	\$ 199,227.00
Required Bond Coverage	\$ 128,872.00
Available Bond Coverage	\$ 375,434.00
Capital Infrastructure Fund (Authorized Expenditures)	\$ 250,000.00
Net Capital Infrastructure	\$ 146,855.00

Metered Sales	\$ 3,984,530.00
Private Fire Hydrant	\$ 2,000.00
Fire Hydrant Rent	\$ -
Forfeited Discounts	\$ 22,000.00
Tapping Fees	\$ 80,000.00
Misc Revenue	\$ 3,000.00
Aid to Construction	\$ 25,000.00
Reserves	\$ 284,500.00
Interest	\$ -
TOTAL REVENUE:	\$ 4,401,030.00

Capital Infrastructure Account	\$ 396,855.00
16cent/1,000 rate	\$ 292,855.00
\$500/Meter Set Fee	\$ 95,000.00
Unmetered Fire Line	\$ 9,000.00
TOTAL REVENUE	\$ 4,797,885.00

Proposed FY 2009 Wastewater Department Budget

	Proposed FY 2009
Metered Sales	\$ 3,085,000.00
Miscellaneous Revenues	\$ 79,800.00
Aid to Construction	\$ 5,000.00
Capital Reserve Funds	\$ 148,736.00
Total - Regular	\$ 3,318,536.00
Capital Infrastructure Account	\$ 731,075.00
Grand Total:	\$ 4,049,611.00

EXPENSES:

Salaries and Fringes	\$ 1,398,970.00
Treatment Plant Operation & Maint	\$ 431,650.00
Collection System Operation & Maint	\$ 150,250.00
Administrative	\$ 149,450.00
Allocation at Finance Department	\$ 77,430.00
Allocation to Customer Services	\$ 108,998.00
Uncollectible Accounts	\$ 6,000.00
Vehicle and Equipment Operation & Maint	\$ 92,000.00
Appropriation to General Fund	\$ 77,125.00
Debt Service	\$ 591,229.00
General Fund Salaries and Expenses	\$ 65,084.00
Capital Expenditures	\$ 168,136.00

Construction Materials & Capitalized Equip Repair	\$	100,000.00
Other Capital (Equipment, tools, etc.)	\$	68,136.00

Totals: \$ 3,316,322.00

Net Proposed Budget	\$	2,214.00
Appropriation to General Fund	\$	77,125.00
Required Bond Coverage	\$	118,246.00
Available Bond Coverage	\$	79,339.00
Cap. Infrastructure Fund (Authorized Expenditures)	\$	-
Net Capital Infrastructure	\$	731,075.00

Metered Sales	\$	3,085,000.00
Surcharge (Industrial)	\$	-
Forfeited Discounts	\$	19,800.00
Tapping Fees	\$	30,000.00
Misc Revenue	\$	30,000.00
Aid to Construction	\$	5,000.00
Reserve Funds	\$	148,736.00
Interest	\$	-
Total Regular	\$	3,318,536.00

Description - Capital Infrastructure

Capital Infrastructure Account	\$	731,075.00
50 cents / 1,000 rate	\$	482,600.00
Land Development Impact Fees	\$	100,000.00
Building Construction Impact Fees	\$	148,475.00
Total - Capital Infrastructure Account	\$	731,075.00

TOTAL REVENUE \$ 4,049,611.00

The motion was seconded by Councilman Marks 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, to approve the attached schedule of retail electricity rates for the City of Athens Electric Department to become effective for bills rendered from meter readings taken on or after October 1, 2008.

ATHENS ELECTRIC DEPARTMENT RETAIL ELECTRICITY RATES

**10/01/08
Retail**

		Effective Rate
<u>Residential</u>	Customer	5.87
	1st 2000 kWh	0.09469
	Additional kWh	0.10066
<u>GSA1</u>	Customer	8.70
	All kWh	0.10432
	kw, 0-50	0.00
	Additional kW	12.76
<u>GSA2</u>	Customer	8.70
	1st 15,000 kWh	0.10251
	Additional kWh	0.06290
	kw, 0-50	0.00
	kW, 51-1,000	12.76
<u>GSA3</u>	Customer	8.70
	All kWh	0.06305
	kW, 0-1,000	12.20
	kW, 1,001 - 5,000	14.03
<u>GSB</u>	Customer	1,500.00
	First 620 HUD	0.05650
	Additional HUD	0.04954
	All kW	14.21
<u>GSC</u>	Customer	1,500.00
	First 620 HUD	0.05651
	Additional HUD	0.04954
	All kW	13.60
<u>GSD</u>	Customer	1,500.00
	All kWh	0.04900
	All kW	16.77
<u>MSB Part 1</u>	Customer	1,500.00
	First 620 HUD	0.05088
	Additional HUD	0.04494
	All kW	12.26

<u>MSB Part 2</u>	Customer	1,500.00
	First 620 HUD	0.04925
	Additional HUD	0.04363
	All kW	11.63

<u>MSC</u>	Customer	1,500.00
	First 620 HUD	0.04925
	Additional HUD	0.04363
	All kW	11.02

<u>MSD</u>	Customer	1,500.00
	All kWh	0.04317
	All kW	13.60

<u>Outdoor Lighting</u>	Customer	2.50
	All kWh	0.07621

<u>TRS</u>	Customer	
	Hydro Credit	
	Customer	5.87
	Onpeak kWh	0.13259
	Offpeak kWh	0.05688

<u>TGSA1</u>	Customer	13.80
	Onpeak kWh	0.16211
	Offpeak kWh	0.06439

<u>TGSA2</u>	Customer	13.80
	Onpeak kWh	0.07619
	Offpeak kWh	0.05444
	Onpeak kW	11.83
	Offpeak Excess kW	2.32
	DCC	0.87

<u>TGSA3</u>	Customer	13.80
	Onpeak kWh	0.07619
	Offpeak kWh	0.05445
	Onpeak kW	12.38

Offpeak Excess kW	2.33
DCC	0.87

<u>TGSB</u>	Customer	1,500.00
	Onpeak kWh	0.06968
	Offpeak kWh	0.04875
	Onpeak kW	14.21
	Offpeak Excess kW	2.18

<u>TGSC</u>	Customer	1,500.00
	Onpeak kWh	0.06968
	Offpeak kWh	0.04875
	Onpeak kW	13.60
	Offpeak Excess kW	1.57

<u>TGSD</u>	Customer	1,500.00
	Onpeak kWh	0.05038
	Offpeak kWh	0.04825
	Onpeak kW	16.90
	Offpeak Excess kW	2.39

<u>TMSB Part 1</u>	Customer	1,500.00
	Onpeak kWh	0.06207
	Offpeak kWh	0.04426
	Onpeak kW	12.26
	Offpeak Excess kW	2.00

<u>TMSB Part 2</u>	Customer	1,500.00
	Onpeak kWh	0.05989
	Offpeak kWh	0.04297
	Onpeak kW	11.63
	Offpeak Excess kW	1.89

<u>TMSC</u>	Customer	1,500.00
	Onpeak kWh	0.05989
	Offpeak kWh	0.04297
	Onpeak kW	11.04
	Offpeak Excess kW	1.33

<u>TMSD</u>	Customer	1,500.00
	Onpeak kWh	0.04511
	Offpeak kWh	0.04336

	Onpeak kW	14.14
	Offpeak Excess kW	2.01
<u>GSA1 Seasonal</u>	Customer	8.70
	All kWh	0.11762
	kw, 0-50	0.00
	Additional kW	16.76
<u>GSA2 Seasonal</u>	Customer	8.70
	1st 15,000 kWh	0.11581
	Additional kWh	0.06290
	kw, 0-50	0.00
	kW, 51-1,000	16.76
<u>GSA3 Seasonal</u>	Customer	8.70
	All kWh	0.06305
	kW, 0-1,000	16.20
	kW, 1,001 - 5,000	18.03
<u>TGSA1 Seasonal</u>	Customer	13.80
	Onpeak kWh	0.17541
	Offpeak kWh	0.07769
<u>TGSA2 Seasonal</u>	Customer	13.80
	Onpeak kWh	0.08949
	Offpeak kWh	0.06774
	Onpeak kW	15.83
	Offpeak Excess kW	2.32
	DCC	0.87
<u>TGSA3 Seasonal</u>	Customer	13.80
	Onpeak kWh	0.07619
	Offpeak kWh	0.05445
	Onpeak kW	16.38
	Offpeak Excess kW	2.33
	DCC	0.87

The motion was seconded by Councilman Marks 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 the Manager, Electric Department to award a contract to Petty Line Construction Company, Inc., Clanton, Alabama in an amount not to exceed \$205,773.05 for Construction, Maintenance, and Communication Make-Ready Work to be assigned as needed from October 1, 2008 through September 30, 2009.

The motion was seconded by Councilman Marks 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 final results of the FY 2008 Electric Department budget and to spread the same on the minutes.

FINAL RESULTS FY 08 ELECTRIC DEPT.
BUDGET

DESCRIPTION	Final Results FY 08
REVENUES:	
Metered Electric Sales	\$ 75,496,934.00
Forfeited Discounts	\$ 635,613.00
Misc Service Revenue	\$ 99,854.00
Rents from Electric property	\$ 782,941.00
Other Electric Revenue	\$ 109,716.00
Interest Income	\$ 470,543.00
Reserve Funds	\$ -
Federal Assistance-FY 96 HMG	\$ -
Aid to Construction	\$ 2,930,600.00
TOTAL REVENUE	\$ 80,526,202.00
Other Revenue:	\$ 5,029,268.00
EXPENSES:	
Salaries and Fringes	\$ 4,834,310.00
Electricity Purchases (TVA)	\$ 63,847,637.00
System Operation and Maint Expenses	\$ 1,224,657.00
Severe Storm Expenses	\$ -
Customer Accounting and Billing Expenses	\$ 157,079.00
Uncollectable Account Expenses	\$ 193,845.00
Administrative Expenses	\$ 897,257.00
Administrative Expenses (Lightning Damage)	\$ -
Vehicle Operation and Maint Expenses	\$ 476,374.00
Equivalent Tax payments	\$ 1,751,457.00
Debt Service Expenses	\$ 2,183,874.00
1995 Construction Fund	\$ -
Capital Expenditures	\$ 4,285,378.00
Gen Fund & Human Resources Salaries & Exp	\$ 126,693.00
TOTALS	\$ 79,978,561.00
Elect Sales Revenues Less Power Cost	\$ 11,649,297.00

Expenditures less Power	\$	16,130,924.00
Net Proposed Budget:	\$	547,641.00
Equipment Purchase/Rebuild Obligations	\$	-
Year End Net Budget	\$	547,641.00

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

Councilman Marks moved the adoption of the following resolution:

RESOLUTION NUMBER 2008-1078

WHEREAS, The Alabama Department of Transportation (“ALDOT”) has requested the City of Athens, Alabama to execute a permit for the modification of the existing traffic signal at the intersection of U.S. Highway 72 and Lindsay Lane pursuant to Exhibit A attached hereto, and

WHEREAS, The City Council has considered the request of the ALDOT to authorize the Mayor to enter into an agreement to permit the modification of the existing traffic signal as identified hereinabove.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Athens, Alabama, at a regular meeting, duly assembled, a quorum being present, as follows:

1. That the Mayor and City Clerk are hereby authorized to execute the permit (Exhibit A) with the Alabama Department of Transportation to permit the following:
 - a. Modification of an existing traffic signal at the intersection of U.S. Highway 72 and Lindsay Lane; and
 - b. Continued operation and maintenance of the existing traffic signal at the intersection of U.S. Highway 72 and Lindsay Lane.
2. That the Mayor and City Clerk are authorized to execute any documents necessary to permit the modification of the existing traffic signal provided herein above as required by the Alabama Department of Transportation.
3. That this resolution shall become effective immediately upon its adoption by the City Council of the City of Athens, Alabama.

ADOPTED and APPROVED this, the 22nd day of September, 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

STATE OF ALABAMA)

LIMESTONE COUNTY)

I, the undersigned City Clerk of the City of Athens, do hereby certify that the foregoing Resolution No. 2008-1078 is a true and correct copy of the resolution passed by the City Council of said City at a regular meeting, a quorum being present, on September 22, 2008.

Given under my hand and corporate seal of the City of Athens, this the _____ day of _____, 2008.

City Clerk

The motion was seconded by Councilman Gill 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, to approve the proposed FY 2009 Gas Department budget and spread the same on the minutes.

PROPOSED FY 2009 GAS DEPARTMENT

REVENUES:

Metered Sales	\$ 13,185,000.00
Forfeited Discounts	\$ 34,000.00
Misc Revenue & Service Charges	\$ 5,000.00
Rents and Other	\$ 75,600.00
Interest	\$ 50,000.00
Reserve Funds	\$ 200,000.00
Reimbursement 2007 Revenue	
Bonds	\$ 350,000.00
Training Facility (Leak City)	\$ 75,000.00
Aid to Construction	\$ 85,000.00
TOTALS	\$ 14,059,600.00

EXPENSES:

Salaries and Fringes	\$ 1,628,412.00
Purchased Gas	\$ 8,246,400.00
Distribution System Operation & Maintenance	\$ 718,940.00
Administrative	\$ 302,426.00
Customer Accounting and Billing	\$ 44,500.00
Vehicle and Equipment Operation & Maint	\$ 175,525.00
Appropriation to General Fund	\$ 925,000.00
2005 Revenue Warrant DebtService	\$ 258,785.00

2007 Revenue Warrant Debt Service	\$	391,602.00
General Fund Salaries and Expenses	\$	50,975.00
Capital Expenditures	\$	1,103,500.00
Construction Materials & Capitalized Equip Repair	\$	450,000.00
Construction Materials (Reimb by Rev Warrants)	\$	350,000.00
Other Capital (Equip, tools, etc)	\$	103,500.00
Totals:	\$	13,846,065.00
Approved Budget as of 3% COLA if approved by Council	\$	36,596.00
Net proposed budget	\$	248,535.00
Construction Costs (Reim by Revenue Warrants):	\$	350,000.00
Debt Service Costs	\$	650,387.00

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 City of Athens elects to come under the provisions of Section 2 of Act 555 of the First Special Session of the 2008 Legislature.

BE IF FURTHER RESOLVED BY THE CITY COUNCIL OF ATHENS ALABAMA that the City of Athens agrees to provide all funds necessary to the Employees Retirement System to cover the cost of the one-time lump sum payment as provided for by said Act for those eligible employees retired from the City of Athens and Athens Utilities with the aforementioned increase being paid on or about December 15, 2008.

CERTIFICATION

I, John Hamilton, City Clerk/Treasurer, City of Athens, hereby certify that the foregoing is a true and correct copy of the Resolution passed on September 22, 2008.

Signature of Official

Title of Official

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.

Councilwoman Caudle moved the adoption of the following resolution:

RESOLUTION

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ATHENS, ALABAMA, to approve the FY 2009 General Fund Operating / Appropriations budget as follows:

Operating Expenditures

General & Administrative	952,869.00
Fire	2,912,121.00
Police	4,351,222.00
Cemetery, Parks & Recreation	1,724,879.00
Human Resources	279,774.00
Municipal Court	236,612.00
Public Works	251,632.00
Street Dept.	1,231,170.00
Sanitation Dept.	2,662,042.00
Inspection, Planning	523,507.00
Total Operating Expenditures	15,125,828.00
Appropriations	7,127,536.00
Total Expenditures	22,253,364.00
Total Expected Revenues	22,262,200.00
Budget Surplus	6,545.00

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

Councilman Marks moved the adoption of the following resolution:

RESOLUTION

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ATHENS, ALABAMA, to accept the attached agreement between: 1) the City of Athens, Alabama, a municipal corporation, 2) the Limestone County Commission, and by 3) the Sheriff of Limestone County, regarding the housing of city inmates in the Limestone County jail. The Mayor is hereby authorized, on behalf of the City of Athens, to execute the agreement. This agreement is the same as the agreement dated 8-8-05 between the same three entities (Resolution 2005-962), except for an increase of \$1.00 per inmate housed to make a cost of \$36.00 per prisoner day.

STATE OF ALABAMA
COUNTY OF LIMESTONE

AGREEMENT

This AGREEMENT, made and entered into this 22nd day of September, 2008 by and between the City of Athens, Alabama, a municipal corporation (“City”), the Limestone County Commission (“County”) and by the Sheriff of Limestone County (“Sheriff”).

In consideration of the covenants and promises recited herein, the City, County and Sheriff agree as follows:

1. DEFINITIONS.

A. CITY PRISONER - means any prisoner of the City, whether an adult or juvenile, to be housed at the County Jail at the request of the City, said prisoner:

- (1) not having been charged with a felony or arrested on a child support matter;
- (2) either being charged with or convicted of a misdemeanor or non-felony traffic offense, or a probation violation with the underlying charge being either a misdemeanor or a non-felony traffic offense, said offenses being under the jurisdiction of the City of Athens; and
- (3) not being arrested or incarcerated on a Limestone County misdemeanor warrant, felony warrant, probation revocation warrant, bond revocation warrant, or alias warrant.

B. COUNTY JAIL - the Limestone County Detention Facility located at 101 West Elm Street, Athens, Alabama; in the event the Limestone County Detention Facility is housing prisoners in excess of the number it was designed to house, or is, for whatever reason, deemed to be inappropriate for housing any prisoner, then city prisoners may be housed in any facility in Limestone County owned, controlled, or operated by the County or Sheriff as a jail for the incarceration, commitment, or safekeeping of prisoners and other such persons as maybe committed or confined thereto by authority of law.

C. RESIDENT DAY – each calendar day during which a City prisoner is housed in the facility.

D. CITY CUSTODY - a city prisoner is in City Custody upon his arrest by the City of Athens until he is housed in the Limestone County Jail and during those times which the City of Athens is transporting the city prisoner pursuant to the terms of this agreement.

E. COUNTY CUSTODY - a city prisoner is in County Custody upon being housed in the Limestone County Jail, except for those times which he is being transported by the City of Athens pursuant to the terms of this agreement.

F. HOUSED –

- (1) ADULT – any adult City prisoner is housed in the Limestone County Jail as of the time he is booked in until either the time he makes bond or the time he is released due to serving the end of his sentence.
- (2) JUVENILE - any juvenile City prisoner is considered “housed” in the County Jail from the time he is booked in until either he is released to an adult who is willing and able to provide supervision or is transported to Tennessee Valley Youth Detention Center. Any subsequent transportation of a juvenile City prisoner shall be provided by the City. A juvenile City prisoner shall not be housed at the County Jail for any continuous period longer than 6 hours.

2. PURPOSE.

The purpose of this Agreement shall be for the County and Sheriff to provide space and services at the County Jail to the City specifically for the housing of City prisoners at the County Jail.

3. TERM.

This Agreement shall be for a term of three (3) years from its effective date.

4. EFFECTIVE DATE.

This Agreement shall take effect on the 1st day of October, 2008, and shall continue in full force and effect through the 30th day of September, 2011.

5. RENEWAL.

This Agreement shall be renewed upon agreement of the City, County, and Sheriff.

6. TERMINATION.

This Agreement may be terminated upon any of the following:

A. In the event of a material breach by either party, the non-breaching party may terminate this Agreement upon giving thirty (30) days written notice of the breach to the other party together with that party's intent to terminate the Agreement.

B. Upon either party giving one hundred and eighty (180) days written notice to the other party of that party's intent to terminate the Agreement.

C. By mutual agreement of the parties upon such terms and conditions as may be set forth in writing.

D. In addition to the foregoing, this Agreement shall be subject to termination if same is determined, in whole or in part, to violate or no longer be permissible under any law, rule or regulation of the State of Alabama or any agency thereof, or to be, in whole or in part, beyond or outside the authority of any party to make this Agreement.

7. CONTROL OF THE COUNTY JAIL.

The Sheriff shall have the legal custody and charge of the County Jail and all prisoners committed thereto, except as may be otherwise provided by law, as set forth in §14-6-1 of the Code of Alabama, 1975, as amended.

8. TRANSPORTING OF CITY PRISONER.

All City prisoners to be housed at the County Jail shall be transported to and from the County Jail by the City. It shall be the responsibility of the City to see that all warrants and other such pertinent paperwork of City prisoners necessary for the housing of the City prisoner at the County Jail are retrieved and transported with each City prisoner to be housed in the County Jail, whether before or after conviction. No City prisoner will be accepted without proper paperwork.

9. CONDITIONS FOR ACCEPTANCE OF CITY PRISONER.

Except as otherwise may be provided by law or Court order, no City prisoner will be accepted by the Sheriff for incarceration or safekeeping if seriously ill, visibly wounded, known by the arresting officer or transporting officer to have been injured, or has a blood alcohol content level of 0.30% or greater.

Except as otherwise may be provided by law or Court order, no City prisoner will be accepted by the Sheriff for incarceration or safekeeping if the nurse on staff at the County Jail determines that the prisoner is seriously ill, visibly wounded, or is known by the arresting officer or transporting officer to have

been injured to the extent that said City prisoner needs immediate emergency care. No City prisoner will be accepted with a blood alcohol content percentage of 0.30 or greater.

In the event immediate emergency care is required, the City shall transport the City Prisoner to the appropriate health care provider for treatment, and the County Jail shall accept said City Prisoner upon his release from the medical provider. In the event a nurse is not available at the County Jail upon the arrival of a City Prisoner, a member of the Sheriff's Department with authority to make such a medical determination shall determine whether immediate emergency care is necessary.

10. COUNTY JAIL RULES AND REGULATIONS.

City prisoners shall be subject to the same rules and regulations of the County Jail and shall be treated by the Sheriff in the same manner as other prisoners in the County Jail, except as otherwise may be provided by law. All compensation of good time will be the same as County prisoners.

11. EQUAL TREATMENT.

City prisoners shall be permitted to participate in all programs and activities permitted to other prisoners in the County Jail, in accordance with appropriate classification except that City prisoners will not be permitted to participate in the County Work Release Program.

12. RECORDS.

All booking information will be entered and retained on the Sheriff's Office computer database system, or other such system has may be used for record storage and information retrieval. The City shall have reasonable access to records relating to City prisoners and may obtain copies of the records relating to City prisoners as same may be provided by law.

13. MUNICIPAL BONDS AND MUNICIPAL HEARINGS.

All City prisoners shall follow the same bond procedures as County prisoners. The Chief of Police may approve bonds and release of City prisoners. The City will be responsible for providing the Sheriff's Department with Municipal Bonds. The City will provide the County Jail Administrator with a municipal court docket no later than 72 hours prior to the court appearance. The City will be responsible for insuring that a magistrate is on call for all 48 and 72 hour hearings. The City will also have a magistrate conduct 12-hour hearings for City prisoners charged with domestic violence. All City officers will be available for all probable cause hearings. The City must provide a case disposition of all charges of all City prisoners in a timely manner.

14. HEALTH CARE AND MEDICAL EXPENSES.

The City prisoners will be covered by the Health Services Contract for which health services are provided to inmates in the custody and control of the County Jail, per the terms and conditions set forth in said contract for professional medical, dental, and health care services, including covered and uncovered expenses. Any uncovered expenses that would otherwise be charged directly to the County or Sheriff for health care services to be provided County prisoners, shall likewise be charged directly to the City for health care services, including without limitation charges for medication or off-site medical services. The City shall be responsible for all medication charges associated with City prisoners and shall be billed directly for such cost.

The County's contracted medical staff will refer all sick City prisoners that need outside medical attention to the same medical facilities and medical professionals used by the County Jail. Should any City prisoner need non-emergency, outside medical attention, the Sheriff shall notify the City as soon as may be practicable and the City shall be responsible for the transporting of all City prisoners to and from the outside medical provider, such as, without limitation, to a doctor, dentist, hospital, psychiatrist, mental health facility, or other like medical appointment. The City shall be responsible for any security and/or

supervision, which is necessary or otherwise, required during the City prisoner's medical treatment. Emergency medical treatment required by a City prisoner shall be secured by the staff of the County Jail in accordance with the policies and procedures that is followed when a County inmate requires emergency medical treatment. Upon securing emergency medical treatment for a City prisoner, the County Jail shall notify the City immediately so that the City can provide any required security or supervision, and any subsequent transportation.

15. HEALTH SERVICES CONTRACT FOR THE COUNTY JAIL

By entering into this Agreement, the City acknowledges that it willfully enters into this Agreement for the providing of health care services to City prisoners housed at the County Jail. The City expressly agrees to be subject to the terms of the Health Care Services Contract for the County Jail, that may now or hereafter exist, to the extent that the City shall be responsible for the payment of any uncovered health care services and medication charges of City prisoners in like manner as the County or Sheriff is responsible for the payment of any uncovered expenses for health care services and medication charges incurred for County prisoners.

The County and Sheriff hereby acknowledge that they have provided the City with a copy of the current Health Services Contract for the Limestone County Jail, or that they have given the City the opportunity to read and obtain a copy of same. The County agrees to notify the City of any amendment, addendum, termination or renewal of the said Health Services Contract as soon as may be practicable thereafter.

16. SECURITY.

The City shall be responsible for the security of prisoners transported to or from the County Jail by the City's authorized officers.

17. COMPENSATION.

A. HOUSING. For housing and services to be provided City prisoners at the County Jail under this Agreement, the City shall pay to the Sheriff the sum of \$36.00 per City prisoner per resident day.

B. FOOD AND FEEDING. For food and meals to be provided City prisoners at the County Jail under this Agreement, the City shall pay to Sheriff \$4.00 per City prisoner per resident day for the feeding of City prisoners.

18. BILLING.

The Sheriff shall provide City a monthly report listing the names of each person booked and released and the dates thereof and the official number count of City prisoners each day. A bill for housing and feeding of said prisoners will be sent to the City on or before the 5th day of the following month. The City agrees to pay said bill in full on or before the 15th day of each month the bill was received. Checks shall be made payable to the Sheriff's Office clearing account. From said clearing account, the Sheriff's Office will make payment to the County Commission for housing and forward a copy of the invoice charged to the City along with the check for payment before the last day of each month.

19. DISPUTES.

If the City disputes the billed amount to be paid to the County, then the City, on or before the date the invoice is payable, shall advise Sheriff and County, in writing, of the basis for the dispute.

20. PRIORITY

The City shall have priority of housing City prisoners at the County Jail over any extra-jurisdictional prisoners to be housed at the County Jail with respect to the housing capacity to the extent

said priority is permitted by law and is not otherwise determined to violate or no longer be permissible under any law, rule or regulation of the State of Alabama or any agency thereof, be in violation of any court order, or to be, in whole or in part, beyond or outside the authority of any party to make this Agreement.

21. NON-WAIVER

Nothing contained in this Agreement shall be construed in any way to waive, limit, abrogate or compromise immunities of any type or any other protections provided by the Constitution of the State of Alabama or the United States, the common law, or federal and state statutes, including any limitation on the amount of damages potentially recovered against a party.

22. NOTICE.

Any notice, correspondence, billing or communication otherwise required to be made in writing upon one party by another under this Agreement shall be deemed to have been duly given if delivered personally in hand or sent by US Mail, postage prepaid, and addressed to the appropriate party(s) at the following address or to any other person at any other address as may be designated in writing by the party(s):

City of Athens
ATTN: City Clerk
200 West Hobbs Street
Athens, Alabama 35611

Limestone County Commission
ATTN: County Administrator
200 West Washington Street
Athens, Alabama 35611

Limestone County Sheriff's Office
ATTN: Sheriff
101 West Elm Street
Athens, Alabama 35611

IN WITNESS WHEREOF, the City of Athens has caused this Agreement to be executed by its Mayor, the Limestone County Commission has caused the Agreement to be executed by its Chairman, and the undersigned Sheriff has executed this Agreement in his capacity as Sheriff of Limestone County, all as of the date first indicated above.

CITY OF ATHENS, ALABAMA

By: _____
Mayor

LIMESTONE COUNTY COMMISSION

By: _____
Chairman

LIMESTONE COUNTY SHERIFF'S OFFICE

By: _____
Sheriff

The motion was seconded by Councilman Gill and was 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/ John M. Crutcher
PRESIDENT, CITY COUNCIL

ATTEST:

/s/ John S. Hamilton
CITY CLERK

