

October 8, 2007

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 October 8, 2007, at 5:30 p.m. The meeting was called to order by Councilman Harold Wales, President of the Council. Upon roll call, the following were found to be present: Councilmembers Johnny 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. Ronnie Marks offered the invocation and Mayor Williams led the Pledge of Allegiance. The Chairman stated that a quorum was present and that the meeting was open for the transaction of business.

Councilman Gill moved the adoption of the following resolution:

RESOLUTION

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ATHENS, ALABAMA, to appoint John M. Crutcher as President of the City Council for the remainder of the fiscal year 2008.

The motion was seconded by Councilman Marks with four yeas and one abstention by Councilman Crutcher.

The Chairman stated that the Minutes of the September 24, 2007 City Council Meeting had been submitted for approval. Councilman Marks 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 Chairman stated that the Minutes of the September 24, 2007 City Council Work Session Minutes had been submitted for approval. Councilman Marks 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 Chairman stated that the Minutes of the October 4, 2007 Special City Council Meeting had been submitted for approval. Councilman Marks 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 Chairman stated that the Minutes of the May 14, 2007 City Council Meeting had been submitted for a correction. Councilman Marks 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.

Council President, Johnny Crutcher, appointed Councilman Wales to the Solid Waste Authority Committee.

Council President, Johnny Crutcher, appointed Councilwoman Caudle and Councilman Marks to be on the Traffic Committee as a Special Project.

Council President, Johnny Crutcher, appointed Councilman Gill and Councilman Wales to be on the Storage Room Committee at Athens Utilities as a Special Project.

A public hearing was held to hear comments on Hana World Enterprises (Express 99) located at 18020 Highway 99 for the sale of alcohol. No one spoke for or against.

Mae Davis, 1201 Plainview Circle, voiced her concern about the traffic light at Wal-Mart and Zaxby's. She was also concerned about trash being picked up.

Quentin Anderson, 104 Ridgelawn Drive, thought it would be just to have everyone adhere to the two minute speaking rule when addressing the Council.

Councilman Wales moved the adoption of the following resolution:

RESOLUTION

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ATHENS, ALABAMA, to appoint Dr. Mildred Caudle as President Pro Tem of the City Council for the remainder of the fiscal year 2008.

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, that the travel expenses in the following amount be approved for Electric Department personnel.

James Schrimsher	CDL License Exam Cullman, AL	\$37.38
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The motion was seconded by Councilman Gill and was unanimously carried.

Councilwoman Caudle moved the adoption of the following resolution:

RESOLUTION

WHEREAS, the 11-11-07 Veterans Day holiday will be taken by the City of Athens on Monday, 11-12-07, and;

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ATHENS, ALABAMA, to: 1) change the 11-12-07 normally scheduled city council meeting to Monday, 11-5-07 and 2) change the 11-26-07 normally scheduled city council meeting to Monday, 11-19-07.

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

Councilman Gill moved the adoption of the following resolution:

RESOLUTION FOR RETIREES ACT 2007-257

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 257 of the Regular Session of the 2007 Legislature.

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 with the aforementioned increase being paid on or about December 17, 2007.

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 Wales, Gill, Marks and Caudle; NAYS: None. One abstention by Councilman Crutcher. The President thereupon announced that the motion for the adoption of the said ordinance had been unanimously carried.

Councilman Marks moved the adoption of the following resolution:

RESOLUTION NUMBER 2007-1031

A RESOLUTION CONCERNING THE “SNYP” PROGRAM

WHEREAS, the City of Athens is authorized to adopt ordinances and resolutions to provide for the safety, preserve the health, promote the prosperity, and improve the morals, order, comfort and convenience of the inhabitants of the City;

WHEREAS, the City Council of the City of Athens finds that large numbers of stray and unwanted cats and dogs within Limestone County pose a health and safety problem to the City of Athens;

WHEREAS, the City Council of the City of Athens finds that the sterilization of dogs and cats within Limestone County will result in a significant public benefit to the City of Athens by reducing the number of unwanted and stray animals;

WHEREAS, the City Council of the City of Athens finds that low-income persons are often unable to pay for the sterilization of their pets;

WHEREAS, the City Council of the City of Athens intends to approve the “SNYP” program, whereby the City pays for the sterilization of cats and dogs that belong to low-income persons residing within Limestone County; and

THEREFORE BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ATHENS, ALABAMA on October 8, 2007 at 4:30 p.m., as follows:

1. The Mayor is authorized to enter into the Agreement with Dr. Robert Pitman, attached hereto as Exhibit A. As stated in the Agreement, Dr. Robert Pitman shall be an independent contractor, acting as the coordinator of the “SNYP” program.
2. The City hereby appropriates \$5,000.00 to be utilized to fund the “SNYP” program. The City shall release these funds to the coordinator of the “SNYP” program upon the execution of the Agreement.
3. This \$5,000.00 appropriation shall be used to pay for the sterilization of the cats and dogs of low-income residents within Limestone County, Alabama.
4. The Mayor is authorized to establish regulations and policies governing the administration of the “SNYP” program.

ADOPTED and APPROVED this, the 8th day of October, 2007.

/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 a Resolution duly adopted by the City Council of the City of Athens, Alabama, on the ____ day of _____, 2007.

Witness my hand and seal of office this ____ day of _____, 2007.

John Hamilton, City Clerk

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

SNYP PROGRAM SERVICE CONTRACT AGREEMENT

This agreement made and entered into on the 1st day of October, 2007, by and between the City of Athens, Alabama, hereinafter called the "City" and Dr. Robert E. Pitman, DVM, hereinafter called the "Contractor" and the same witness:

1. The term of this agreement shall be for one year, commencing on the 1st day of October, 2007, and expiring on the 30th day of September, 2008. The contract may be renewed in succeeding years for periods of one year per renewal by and through a proposal/request of the Contractor to provide specified services to the City, and by consent of the City to accept said services with payments made from funds appropriated by the governing body of the City.
2. The City agrees to pay to Contractor the total sum of \$100.00 payable in quarterly payments in exchange for Contractor's services as set forth herein.
3. In consideration of the payment of the above sum, the Contractor will provide to the City the following services during the term of this agreement:

a. Contractor shall administer the City's SNYP program, a dog and cat sterilization program, whereby the City pays for the cost of spaying or neutering the cats and dogs of low income residents of Limestone County. In the administration of the SNYP program, the Contractor shall abide by any and all regulations of the City issued with respect to the management and disposition of funds allocated to the SNYP program.

b. Contractor shall receive any funds that the City allocates for the SNYP program, and shall maintain such funds in a segregated or special account with a qualified banking institution.

c. Upon receipt of a request by a low-income resident of the City, the Contractor shall put the resident into contact with a veterinarian located within Limestone County to arrange for the spaying or neutering of the pet(s) of the resident. If the resident requests that a specific veterinarian be utilized, then the Contractor shall contact the requested veterinarian; otherwise, the Contractor shall select a veterinarian on a rotational basis from the list described in Section 3(g). Upon the veterinarian's certification that the spaying or neutering process has been completed, the Contractor shall cause the veterinarian to be paid for those services. For purposes of the SNYP program, a low income citizen is a person whose maximum annual income is \$15,000 or less, or who is enrolled in the Medicaid program.

d. The Contractor shall keep written records of all its activities in connection with the SNYP program, including but not limited to a record of all requests by citizens, banking records, expenditures of funds, and services performed by veterinarians. The City shall be entitled to inspect and copy those records upon request.

e. The Contractor shall not act upon any request by a citizen in 3(c) if all of the funds allocated by the City to the SNYP program have been expended.

f. Upon the termination or expiration of this Contract, The Contractor shall return any and all remaining funds allocated by the City to the SNYP program.

g. The Contractor shall maintain a list of veterinarians to use with respect to the requests discussed in Section 3(c). Any qualified and licensed veterinarian operating within the City of Athens and/or Limestone County shall be placed on or removed from the list upon the request of the veterinarian.

4. The Contractor is an independent contractor and not an employee of the City.

5. The Contractor agrees to indemnify the City against any losses by reason of any claim by any party for injuries or damages arising out of the performance by Contractor under the herein agreement including the cost of any attorney fees expended by the City in defense of any such claims.

6. All costs, fees, licenses, etc., that are required by law of the Contractor to carry out the provisions of the herein agreement shall be at the sole expense of Contractor.

7. This Contract may be terminated by the City or the Contractor upon two (2) weeks written notice to the other party.

8. This Contract cannot be assigned by Contractor.

IN WITNESS WHEREOF, we have hereunto set our hands and seals, this 1st day of October, 2007.

MAYOR, CITY OF ATHENS

NAME OF AGENCY AND MAILING ADDRESS

AUTHORIZED RECIPIENT

The motion was seconded by Councilman Wales with four yeas and one nay by Councilman Gill.

Councilman Wales moved the adoption of the following resolution:

RESOLUTION

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ATHENS, ALABAMA, that John D. Stockton, Manager, Water Services, City of Athens Utilities, is hereby authorized to execute and administer Alabama Department of Environmental Management pollution control grants.

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, that John D. Stockton, Manager, Water Services, City of Athens Utilities, is hereby authorized to execute and administer CSX Agreement No. CSX-058810.

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

Councilman Marks moved the adoption of the following resolution:

RESOLUTION

WHEREAS, the City Council of the City of Athens (hereinafter at times referred to as Governmental Body) is desirous of having certain improvements made on CR-24 at the Intersection of Interstate-65 in accordance with plans prepared by the Alabama Department of Transportation and

designated as Project NCPD-I065 (332) from Station 122 + 82.00 and described as I-65 Interchange at CR-24 East of Tanner to the point of ending at Station 189 + 13.00, for a total distance of 6631.00 feet or 1.254 miles.

WHEREAS, the Alabama Department of Transportation of Alabama is now or may later be desirous of receiving Federal Aid for improvement of said highway; and

WHEREAS, the Federal Highway Administration, an agency of the United States of America, will not participate in any funding for the construction of said project until and unless the Governmental Body will agree to certain requirements of the Federal Highway Administration. The Governmental Body for the purpose of complying with requirements of the Federal Highway Administration in regard to its funding of improvements of the type and kind in this agreement provided for, does hereby pass and adopt the following resolution:

BE IT RESOLVED by the City Council of the City of Athens, that the plans of said project including alignment, profile, grades, typical sections and paving layouts as submitted to this City Council and which are now on file in the office of the City Clerk are hereby approved and that the location of said project as staked out by the Alabama Department of Transportation and as shown by said plans referred to are hereby approved and the Alabama Department of Transportation, in cooperation with the Federal Highway Administration, is hereby authorized to proceed with the grading, draining, paving, and otherwise improving and construction of said project in accordance with said plans.

The City by and through its City Council hereby grants to the Alabama Department of Transportation the full use of and access to the dedicated widths of any existing streets for the construction of said project and hereby agrees to permit and allow the Alabama Department of Transportation to close and barricade the said project and intersecting streets for as long as necessary while the said project is being graded, drained, paved, and otherwise improved, and hereby agrees that the use of any street or highway for parking within an interchange area will not at any time be permitted.

The City hereby further agrees to adopt or pass such legally effective ordinances and/or laws as will permanently barricade and/or relocate certain intersecting streets as required by the State and to permanently deny or limit access at certain locations as required by the State along said improvements, all of which are more specifically stated as follows:

See Plans: NCPD-I065(332)

BE IT FURTHER RESOLVED by the City Council, that for and in consideration of the Alabama Department of Transportation in cooperation with the Federal Highway Administration, constructing said highway and routing traffic along the same through the City over said project, such City hereby agrees with the Alabama Department of Transportation and for the benefit of the Federal Highway Administration, that on the above mentioned project the City will not in the future permit encroachments upon the right of way; nor will it pass any ordinances or laws fixing a speed limit contrary to those limits provided for in Title 32, Chapter 5, Code of Alabama 1975, as amended, and other laws of Alabama; nor will it permit other than parallel parking in areas where parking is permitted; nor will it allow the placing of any informational, regulatory, or warning signs, signals, median crossover, curb and pavement or other markings, and traffic signals without written approval of the Alabama Department of Transportation and the Federal Highway Administration, of the location, form and character of such installations. The traffic control devices and signs installed during construction, and those installed after completion of this project, shall be in accordance with the latest edition of the Alabama Highway Administration Manual on Uniform Traffic Control Devices and accepted standards adopted by the Alabama Department of Transportation of the State of Alabama and by the Federal Highway Administration. The City further agrees that subsequent traffic control devices deemed necessary by it in keeping with applicable statutes, rules and regulations to promote the safe and efficient utilization of the highway under the authority of Title 32, Chapter 5, Code of Alabama 1975, and all other applicable laws of Alabama, shall be subject to and must have the approval of the Alabama Department of Transportation of the State of Alabama and the Federal Highway Administration, prior to installation and the City further agrees that it will enforce traffic and control the same under the provisions of Title 32, Chapter 5, Code of Alabama 1975, and other applicable laws of Alabama.

BE IT FURTHER RESOLVED by this City Council:

1. That the City agrees to perform all maintenance on crossroads, service drives, or relocated roads and that are not designated Federal or State highways that are in the jurisdiction of the City.
2. That the City agrees to perform all maintenance on any existing road which has been replaced by a new road; or, if the existing road is not used, the City has the option of vacating same.

3. That the City agrees to perform all maintenance on interchanges to the theoretical crossing of the denied access line where applicable.
4. That the City agrees to perform all maintenance on grade separations along the roadway to the end of the bridge, or the denied access fence, whichever the case.

It is understood and agreed that no changes in this Resolution of Agreement shall in the future be made without having obtained the prior approval of the Federal Highway Administration.

This Resolution passed and adopted this the _____ day of _____, 2007.

City Council President

ATTEST:

Clerk

Mayor

STATE OF ALABAMA

Limestone County

I, _____, City Clerk of the City of Athens, Alabama do certify 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 at its regular meeting held on the _____ day of _____, 2007, as the same appears in Minute Book _____, Page _____ of said City of Athens.

Given under my hand and the corporate seal of the City of Athens, Alabama this the _____ day of _____, 2007.

Clerk

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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

