

September 26, 2016

STATE OF ALABAMA,  
LIMESTONE COUNTY,  
CITY OF ATHENS.

The City Council of the City of Athens, Alabama met in regular session at the Athens Municipal Building, 200 Hobbs Street West in the said City on September 26, 2016, at 5:30 p.m. The meeting was called to order by Councilman Wayne Harper, President of the Council. Upon roll call the following were found to be present: Councilmember Chris Seibert, Harold Wales, Frank Travis, Joseph Cannon and Wayne Harper. Mayor Marks was present and led the Pledge of Allegiance. Annette Barnes, City Clerk, was present and recorded the minutes of the meeting. Wayne Harper 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 September 12, 2016 City Council Meeting had been submitted for approval. Councilman Seibert moved that the reading of the Minutes be suspended and that the Minutes be approved as recorded. The motion was seconded by Councilman Cannon and was unanimously carried. The Chairperson stated that the Minutes of the September 12, 2016 City Council Work Session Meeting had been submitted for approval. Councilman Seibert moved that the reading of the Minutes be suspended and that the Minutes be approved as recorded. The motion was seconded by Councilman Cannon and was unanimously carried.

A public hearing was held to hear comments on the sale of alcohol for Buffalo Wild Wings. No one spoke in favor of or against.

The public hearing was closed.

A public hearing was held to hear comments on an unsafe and public nuisance at 1416 North Houston Street. Bert Bradford, City Building Inspector, stated that no improvements have been made to the structure over a two year period and that it is now beyond repair.

The public hearing was closed.

**Councilman Wales introduced the following resolution:**

**RESOLUTION NUMBER 2016-1488**

**A RESOLUTION DETERMINING THAT A STRUCTURE AT 1416 NORTH HOUSTON STREET IS UNSAFE AND A PUBLIC NUISANCE, AND ORDERING ABATEMENT OF SAME**

**WHEREAS**, this Resolution is authorized by Ordinance No. 2012-1862 and/or § 11-40-30, *et seq.* of the *Code of Alabama*, in addition to other legal authority;

**WHEREAS**, the appropriate municipal official has presented information to the City Council about one wooden residential structure (herein referred to as the “Structure”) located at the real property described as follows:

Address: 1416 North Houston Street, Athens, Alabama

PARCEL # 10-03-05-1-004-017.000

Legal Description

The following land lying and being in Limestone County, Alabama, and more particularly described as follows:

**Tract 1: A tract or parcel of land lying and being in the North Half of Lot No. 32 of Block No. 1 in the survey of W. H. Roberts Seavey Place, according to the plat thereof in Plat Book A, Page 9, in the Probate Office of Limestone County, Alabama, said lot being a part of Section 5, Township 3 South, Range 4 West, and being more particularly described as beginning at the Northwest corner of said Lot No. 32; thence East along the North boundary of said lot a distance of 150 feet; thence South 50 feet; thence West parallel to the North boundary of said lot 150 feet to a point on the West boundary of said Lot No. 32; thence North along the West boundary line a distance of 50 feet to the point of beginning; and also,**

**Tract 2: A tract or parcel of land lying and being in the North Half of Lot No. 32 of Block No. 1 in the survey of W. H. Roberts Seavey Place, according to the map thereof on file in the Probate Office of Limestone County, Alabama, in Plat Book A, Page 9, said lot being in Section 5, Township 3 South, Range 4 West, and being particularly described as beginning at the Northeast corner of said Lot 32 a distance of 170 feet to a point located at the northeast corner of said Tract 1 above; thence South and along the East boundary of said Tract 1 herein a distance of 50 feet to the Southeast corner of said Tract 1; thence East and parallel with the North boundary of said Lot 32 a distance of 170 feet to a point on the East boundary of said Lot 32; thence North and along the East boundary a distance of 50 feet to the point of beginning.**

(herein referred to as the "Property);

**WHEREAS**, the appropriate municipal official has determined that the condition of the Structure is unsafe in that the Structure constitutes a public nuisance to the citizens of Athens;

**WHEREAS**, at this regular meeting, the City Council has conducted a public hearing concerning this matter, and has received information (including applicable photographs) from the appropriate municipal official concerning the Property and Structure;

**WHEREAS**, the Structure has been deemed unsafe to the extent that it is a public nuisance due to the following reasons:

(1) The interior walls or other vertical structure members list, lean, or buckle to such an extent that a plumb line passing through the center of gravity falls outside of the middle third of its base;

(2) Exclusive of the foundation, the building shows thirty-three (33) percent, or more, of damage or deterioration of one (1) or more supporting members, or fifty (50) percent of damage or deterioration of the non-supporting enclosing or outside walls or covering;

(3) The building has been damaged by fire, wind, earthquake, flood, sinkhole, deterioration, neglect, abandonment, vandalism, or any other cause so as to have become dangerous to life, health, property, morals, safety,

or general welfare of the public or the occupants;

(4) The building has become or is so damaged, dilapidated, decayed, unsafe, unsanitary, lacking in maintenance, vermin or rat infested, containing filth or contamination, lacking proper ventilation, lacking sufficient illumination, or so utterly fails to provide the amenities essential to decent living that it is unfit for human habitation, or is likely to cause sickness or disease, so as to work injury to the life, health, property, morals, safety, or general welfare of the public or the occupants;

(5) The building has light, air, heating, cooling, and sanitation facilities which are inadequate to protect the life, health, property, morals, safety, or general welfare of the public or the occupants;

(6) The building does not provide minimum safeguards to protect or warn occupants in the event of fire;

(7) The building is so damaged, decayed, dilapidated, structurally unsafe, or of such fault construction or unstable foundation that partial or complete collapse is possible;

(8) The building has parts thereof which are so attached that they may fall and damage property or injure the public or the occupants;

(9) The building, or any portion thereof, is clearly unsafe for its use or occupancy;

(10) The building is neglected, damaged, dilapidated, unsecured, or abandoned so as to become an attractive nuisance to children who might play in or on the building, structure, part of building or structure, party wall, or foundation to their danger, has become a harbor for vagrants, criminals, or immoral persons, or enables persons to resort to the building, structure, part of building or structure, party wall, or foundation for committing a nuisance or an unlawful act; and

(11) The building is, because of its condition, unsafe, unsanitary, or dangerous to the life, health, property, morals, safety, or general welfare of the public or the occupants.

**WHEREAS**, after the finding by the appropriate municipal official that the Structure was unsafe to the extent that it is a public nuisance, notice was issued pursuant to Ordinance No. 2012-1862 to persons who may have an interest in the Property, and such notice was issued more than fifty (50) days prior to the date of this Resolution;

**WHEREAS**, it appears that no person has remedied the conditions on the Property; and

**WHEREAS**, after due deliberation and an examination of the conditions on the Property, it appears to the City Council that the Structure is unsafe in that it presents a public nuisance to the citizens of Athens, and that the same is due to be demolished.

**THEREFORE BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ATHENS, ALABAMA** on September 26, 2016 at 5:30 p.m., as follows:

1. The Structure shall be demolished by the City of Athens.
2. The appropriate municipal official shall make a report to the City Council of the costs associated with the demolition of the Structure so that it may adopt a resolution fixing all costs reasonably incurred in the demolition and assessing such costs against the Property.
3. This work may be performed by City's own forces, or, if the appropriate municipal official investigates and determines it to be preferable that the work occur through the use of third parties, then the Athens Public Works Department may enter into such contract upon council approval. The City may sell or otherwise dispose of salvaged materials resulting from the work, at the election of the Mayor and/or his designee.
4. If any provision of this Resolution, or the application thereof to any person, thing or circumstances, is overruled, modified, or deemed invalid by a court of competent jurisdiction, such action shall not affect the provisions or application of this Resolution that can be given effect without the overruled, modified, or invalidated provisions or application, and to this end, the provisions of this Resolution are declared to be severable.

**ADOPTED** this the 26th day of September, 2016.

/s/ Wayne Harper  
PRESIDENT, CITY COUNCIL,  
CITY OF ATHENS, ALABAMA

/s/ William R. Marks  
MAYOR, CITY OF ATHENS, ALABAMA

ATTEST:

/s/ Annette Barnes  
CITY CLERK, CITY OF ATHENS, ALABAMA

**CERTIFICATION OF CITY CLERK**

STATE OF ALABAMA )  
LIMESTONE COUNTY )

I, Annette Barnes, 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 26th day of September, 2016.

Witness my hand and seal of office this \_\_\_\_ day of \_\_\_\_\_, 2016.

\_\_\_\_\_  
Annette Barnes, City Clerk

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

Kelly Range, 303 Brookwood Drive, Athens, addressed the Council regarding the need to legalize Sunday alcohol sales in the City of Athens. He cited the loss of these revenues to Madison and Huntsville and the right of the citizens to have a choice whether to purchase alcohol on Sundays and whether to support businesses who choose to offer Sunday sales. He further stated that the easiest and most economical way to accomplish Sunday alcohol sales is for the five council members to vote on the measure.

David Malone, 1300 Sommerest Drive, Athens, addressed the Council regarding the need for additional parking at Jimmy Gill Park and for more sidewalks providing access to the Park from surrounding neighborhoods.

**Councilman Seibert introduced the following resolution:**

**RESOLUTION**

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ATHENS, ALABAMA, to re-appoint Marvin Young to the Alcohol License Committee for a three year term expiring September 30, 2019.

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

**Councilman Seibert introduced the following resolution:**

**RESOLUTION**

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ATHENS, ALABAMA, to re-appoint Johnny Crutcher to the Alcohol License Committee for a three year term expiring September 30, 2019.

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

**Councilman Cannon introduced the following resolution:**

**RESOLUTION**

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ATHENS, ALABAMA, to re-appoint Eddi Smith to the Alcohol License Committee for a three year term expiring September 30, 2019.

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

**Councilman Cannon introduced the following resolution:**

**RESOLUTION**

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ATHENS, ALABAMA, to re-appoint James Rich to the Alcohol License Committee for a three year term expiring September 30, 2019.

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

**Councilman Travis introduced the following resolution:**

**RESOLUTION**

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ATHENS, ALABAMA, to re-appoint Chief Bryan Thornton to the Alcohol License Committee for a three year term expiring September 30, 2019.

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

**Councilman Travis introduced the following resolution:**

**RESOLUTION**

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ATHENS, ALABAMA, to re-appoint Chief Floyd Johnson to the Alcohol License Committee for a three year term expiring September 30, 2019.

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

**Councilman Travis introduced the following resolution:**

**RESOLUTION**

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ATHENS, ALABAMA, to appoint Lisa Thomas to the Alcohol License Committee for a three year term expiring September 30, 2019.

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

**Councilman Cannon introduced the following resolution:**

**RESOLUTION**

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ATHENS, ALABAMA, to approve he following applicant for a , "Restaurant Class I", alcohol license:

G & E Martinez, L.L.C.  
dba, Lucia's Cocina Mexicana  
208 West Market Street  
Athens, AL 35611

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

**Councilman Wales introduced the following ordinance:**

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

**ORDINANCE NUMBER 2016-1996**

**AN ORDINANCE AMENDING CHAPTER 22 OF THE CODE OF ORDINANCES  
CONCERNING IMPROVEMENTS AND PROPERTY  
AT THE CITY CEMETERIES**

**WHEREAS**, pursuant to § 11-47-40 of the *Code of Alabama*, the City has the power to own, regulate, and control municipal cemeteries;

**WHEREAS**, Chapter 22 of the Code of Ordinances of the City of Athens, Alabama sets forth the City's rules and procedures governing its municipal cemeteries;

**WHEREAS**, the city council wishes to amend the provisions of Chapter 22 to clarify procedures relating to improvements on cemetery lots and personal property left on cemetery lots; and

WHEREAS, the city council finds that these amendments are in the best interest of the general public.

THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ATHENS, ALABAMA, while in regular session on September 26, 2016, at 5:30 p.m., as follows:

**Section 1.** Section 22-2 of the *Code of Ordinances of the City of Athens, Alabama* is hereby amended so that it states as follows:

**Sec. 22-2. - Same—Care and supervision of cemeteries.**

The cemetery department shall take care of and preserve the city cemeteries, and shall protect all graves, tombs, tombstones, monuments, fixtures and ornaments that have been properly erected in the city cemeteries. The cemetery department shall see that the city cemetery grounds are kept in good order, and exercise general supervision and protection of city cemeteries.

**Section 2.** Section 22-12 of the *Code of Ordinances of the City of Athens, Alabama* is hereby amended so that it states as follows:

**Sec. 22-12. - Improvements—Permit requirement; removal.**

(a) *Permit required for improvements.* Before any improvement (including a monument, tombstone, barrier, fill, flagpole, fixture or any other item reasonably appearing to be intended as a permanent addition) shall be made in the city cemetery by any person, such person must obtain an improvement permit authorizing the location, kind and character of the improvement from the cemetery department, and there shall be paid by such person desiring the permit the sum of \$10.00. The cemetery department may determine whether or not to approve such permit, taking into account, among other things, whether the proposed improvement is detrimental or otherwise interferes with the adjacent lots or avenues, and whether it would interfere with the cemetery department's maintenance and control over the cemetery and its good order.

(b) *Removal of dangerous improvements.* If, in the judgment of the cemetery department, any improvement presents a significant risk of injury or other danger, then the cemetery department may immediately remove such improvement, with or without notice, whether or not the same has been authorized by a permit, and dispose of the improvement.

(c) *Removal of unauthorized improvements.* Any improvements made without a permit are subject to removal and disposal by the cemetery department, as follows.

- (1) Upon determination that an improvement has not been authorized, the cemetery department shall provide notice of such determination (i) to any living owner of the burial lot or grave that appears on the cemetery department's records, by regular United States mail, and (ii) by posting a sign or marker on the lot or grave containing the improvement.
- (2) A person responding to the notice shall have thirty (30) days to remove the improvement, or to obtain approval of the improvement from the cemetery department pursuant to (a), above.
- (3) If the improvement is not removed, or approval of the cemetery department obtained, within thirty (30) days of the notice, then the cemetery department may remove the improvement, and dispose of the same in any manner that it deems fit.

**Section 3.** Section 22-13 of the *Code of Ordinances of the City of Athens, Alabama* is hereby amended so that it states as follows:

**Sec. 22-13. - Same—Foundations; construction, material.**

(a) Every foundation of an improvement to be built in a city cemetery shall be under the supervision of the cemetery department. The person for whose benefit the same shall be constructed shall be charged only the cost thereof.

(b) All foundations for improvements shall be made of solid masonry.

**Section 4.** Section 22-14 of the *Code of Ordinances of the City of Athens, Alabama* is hereby amended so that it states as follows:

**Sec. 22-14. - Removal of earth and rubbish.**

All earth or rubbish, accumulated by the owners of burial rights, or their agents or workers, in connection with a burial or erection of an improvement, must be removed as soon as possible; otherwise it will be done by the cemetery department at the expense of the owner of burial rights with respect to such lot.

**Section 5.** Section 22-15 of the *Code of Ordinances of the City of Athens, Alabama* is hereby amended so that it states as follows:

**Sec. 22-15. - Removal of dangerous trees, shrubs, and decorative items or other items of personal property.**

(a) *Removal of trees and shrubs.* If any trees or shrubs situated in any lot shall by means of their roots, branches, or otherwise become detrimental to the adjacent lots or avenues, or dangerous or inconvenient to any person, in the cemetery, the cemetery department may remove such trees or shrubs, or such parts thereof, as may be necessary.

(b) *Prohibited items; removal.* No perishable food item, item subject to decay, or item that is dangerous to the public shall be placed on a lot or grave. If such item is placed on a lot or grave, the cemetery department may remove such item, or any part thereof as may be necessary, and dispose of said removed property.

(c) *Other items of personal property.* Other items of personal property, including but not limited to decorative items and artificial flowers, shall be permitted on a lot or grave only as allowed by rules and regulations issued by the cemetery department. The cemetery department may remove such items, or any parts as may be necessary, and dispose of said removed property, to the extent that the same violate such rules and regulations.

**Section 6.** No other parts of the Code of Ordinances are amended by this Ordinance. This Ordinance shall become effective immediately upon its lawful publication.

**Section 7.** The provisions of this Ordinance shall be included and incorporated in the Code of Ordinances as an addition or amendment thereto, and shall be appropriately renumbered as may be necessary to conform to the uniform numbering system of the Code.

**ADOPTED and APPROVED** this the 26th day of September, 2016.

/s/ Wayne Harper  
PRESIDENT, CITY COUNCIL,  
CITY OF ATHENS, ALABAMA

/s/ William R. Marks  
MAYOR, CITY OF ATHENS, ALABAMA

ATTEST:

/s/ Annette Barnes  
CITY CLERK, CITY OF ATHENS, ALABAMA

**CERTIFICATION OF CITY CLERK**

STATE OF ALABAMA )  
LIMESTONE COUNTY )

I, Annette Barnes, City Clerk of the City of Athens, Alabama, do hereby certify that the above and foregoing is a true and correct copy of the Ordinance duly adopted by the City Council of the City of Athens, on the 26th day of September, 2016.

Witness my hand and seal of office this the \_\_\_\_ day of \_\_\_\_\_, 2016.

\_\_\_\_\_  
Annette Barnes, City Clerk

Councilmember Cannon moved that unanimous consent be given for immediate consideration of and action on said ordinance, which motion was seconded by Councilmember Seibert, and upon the said motion being put to vote the following vote was recorded: YEAS: Councilmembers Seibert, Wales, Travis, Cannon and Harper; 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 Wales thereupon moved that the ordinance be finally adopted, which motion was seconded by Councilmember Travis and upon the said motion being put to vote the following vote was recorded: YEAS: Councilmembers Seibert, Wales, Travis, Cannon and Harper; NAYS: None. The President thereupon announced that the motion for the adoption of the said ordinance had been unanimously carried.

**Councilman Wales introduced the following resolution:**

**RESOLUTION**

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ATHENS, ALABAMA, to pass through the wholesale rate increase from TVA, and 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, 2016.

ATHENS ELECTRIC DEPARTMENT RETAIL ELECTRICITY RATES  
 Effective For Meters Read On or After October 1, 2016  
 Transition (April, May, October, November)

		<b>Retail Rate</b>
<b><u>Residential</u></b>	Customer	8.19
	All kWh	0.09176
<b><u>GSA1</u></b>	Customer	10.74
	All kWh	0.10285
	Kw, 0-50	0.00
	Additional Kw	12.86
<b><u>GSA2</u></b>	Customer	52.50
	1 <sup>st</sup> 15,000 kWh	0.09953
	Additional kWh	0.06158
	Kw, 0-50	0.00
	kW, 51-1,000	12.86
<b><u>GSA3</u></b>	Customer	300.00
	All kWh	0.06147
	kW, 0-1,000	11.81
	kW, 1,001-5,000	14.17
<b><u>TGSA1</u></b>	Customer	13.94
	Onpeak kWh	0.18909
	Offpeak kWh	0.07195
<b><u>TGAS2</u></b>	Customer	52.50
	Onpeak kWh	0.09133
	Offpeak kWh	0.06685
	Onpeak kW	13.43
	Offpeak kW Excess Over Onpeak	2.03
<b><u>TGSA3</u></b>	Customer	300.00
	Onpeak kWh	0.08421
	Offpeak kWh	0.05972
	Onpeak kW	12.39
	Offpeak kW Excess Over Onpeak	1.23

<b><u>GSA1 Seasonal</u></b>	Customer	10.74
	All kWh	0.11615
	Kw, 0-50	0.00
	Additional kW	16.86
<b><u>GSA2 Seasonal</u></b>	Customer	52.50
	1 <sup>st</sup> 15,000 kWh	0.11283
	Additional kWh	0.06158
	Kw, 0-50	0.00
	kW, 51-1,000	16.86
<b><u>GSA3 Seasonal</u></b>	Customer	300.00
	All kWh	0.06147
	kW, 0-1,000	15.81
	Kw, 1,001-5,000	18.17
<b><u>TGSA1 Seasonal</u></b>	Customer	13.94
	Onpeak kWh	0.20239
	Offpeak kWh	0.08525
<b><u>TGSA2 Seasonal</u></b>	Customer	52.50
	Onpeak kWh	0.09133
	Offpeak kWh	0.06685
	Onpeak kW	17.43
	Offpeak kW Excess over Onpeak	6.03
<b><u>TGSA3 Seasonal</u></b>	Customer	300.00
	Onpeak kWh	0.08421
	Offpeak kWh	0.05972
	Onpeak kW	16.39
	Offpeak kW Excess Over Onpeak	5.23
<b><u>MSB</u></b>	Customer Charge	1,500.00
	Admin. Charge	350.00
	Surcharge	0.00
	Onpeak kW	8.83
	Maximum kW	2.16
	Excess Over Contract	8.83
	Onpeak kWh	0.05495
	Offpeak First 200 hours	0.05495
	Offpeak Next 200 hours	0.02374
	Offpeak Additional kWh	0.02131

<b><u>MSD</u></b>	Customer Charge	
	Admin. Charge	
	Surcharge	0.00
	Onpeak kW	8.83
	Maximum kW	1.54
	Excess Over Charge	8.83
	Onpeak kWh	0.05170
	Offpeak First 200 hours	0.05170
	Offpeak Next 200 hours	0.02347
	Offpeak Additional kWh	0.02292
<b><u>Outdoor Lighting</u></b>	Customer Charge	0.00
	All kWh	0.06604

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

**Councilman Seibert introduced the following resolution:**

**RESOLUTION NUMBER 2016-1489**

**A RESOLUTION CONCERNING SIDETRACK AGREEMENTS INVOLVING CSX TRANSPORTATION, INC. AND ALABAMA-TENNESSEE PIPE LLC**

**WHEREAS**, the City of Athens is the owner of a certain railroad sidetrack that extends from the main CSX railroad line, across Elm Street, to property owned by Alabama-Tennessee Pipe LLC (“Alabama-Tennessee Pipe”), and formerly owned by QC Alabama, LLC (d/b/a Quality Culvert”);

**WHEREAS**, the City and CSX Transportation, Inc. (“CSX”) are parties to a Sidetrack Agreement, dated February 11, 2007, which relates to the operation and maintenance of the sidetrack;

**WHEREAS**, the City understands that Alabama-Tennessee Pipe wishes to utilize the sidetrack and that CSX is agreeable to permitting it to do so, upon, among other things, Alabama-Tennessee Pipe’s payment of certain sums to CSX, as set forth in the “Supplemental Sidetrack Agreement” dated July 31, 2015 (backdated by CSX, but not in any manner that disadvantages the City), and attached hereto as Exhibit A; and

**WHEREAS**, the City is agreeable to Alabama-Tennessee Pipe’s use of the sidetrack, upon Alabama-Tennessee Pipe’s reimbursement to the City of certain annual rental charges that the City otherwise pays to CSX, and upon Alabama-Tennessee Pipe’s assumption of the City’s costs to maintain the sidetrack, as further set forth in the “Addendum to Supplemental Sidetrack Agreement,” attached hereto as Exhibit B.

**THEREFORE BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ATHENS,**

**ALABAMA** at its regular meeting on September 26, 2016 at 5:30 PM, as follows:

1. The Mayor is authorized in the name of and for account of the City of Athens to enter into a contract between CSX, Alabama-Tennessee Pipe, and the City, in substantially the same form (and entitled the “Supplemental Sidetrack Agreement”) shown in Exhibit A.

2. The Mayor is authorized in the name of and for account of the City of Athens to enter into a contract between Alabama-Tennessee Pipe and the City, in substantially the same form (and entitled the “Addendum to Supplemental Sidetrack Agreement”) shown in **Exhibit B**.

3. The Mayor is authorized to take actions and execute such other and further documents as may be necessary to effect and carry out the transactions contemplated by this Resolution and/or the agreements referenced herein, including but not limited to authorizing the expenditure and use of municipal funds as set forth in those agreements; and approving and executing further agreement(s) that are consistent with and involved in carrying out the transactions contemplated by this Resolution.

**ADOPTED** this the 26th day of September, 2016.

/s/ Wayne Harper  
PRESIDENT, CITY COUNCIL,  
CITY OF ATHENS, ALABAMA

/s/ William R. Marks  
MAYOR, CITY OF ATHENS, ALABAMA

ATTEST:

/s/ Annette Barnes  
CITY CLERK, CITY OF ATHENS, ALABAMA

**CERTIFICATION OF CITY CLERK**

STATE OF ALABAMA )  
LIMESTONE COUNTY )

I, Annette Barnes, 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 26th day of September, 2016.

Witness my hand and seal of office this \_\_\_ day of \_\_\_\_\_, 2016.

\_\_\_\_\_  
City Clerk

**EXHIBIT A**

PS- Form 1550USR  
Agreement No. CSX057210003

**SUPPLEMENTAL SIDETRACK AGREEMENT**

*July 31, 2015* THIS SUPPLEMENTAL SIDETRACK AGREEMENT, Made and effective as of July 31, 2015, by and between CSX TRANSPORTATION, INC., a Virginia corporation, whose mailing address is 500 Water Street, Jacksonville, Florida 32202, hereinafter called "Railroad," CITY OF ATHENS, whose mailing address is 1806 Wilkinson St., Athens, Alabama, hereinafter called "Industry," and ALABAMA-TENNESSEE PIPE LLC, a limited liability company of the State of Georgia, whose mailing address is P.O. Box 2447, Columbus, Georgia, hereinafter called "Shipper," WITNESSETH:

WHEREAS, Railroad and Industry entered into a certain Sidetrack Agreement numbered CSX057210, dated February 11, 2007, hereinafter called the "Sidetrack Agreement", covering the construction, ownership, operation and maintenance of certain private sidetrack facilities, located at Milepost OBA-289.60 at or near Athens, Limestone County, Alabama, hereinafter called the "Sidetrack," as set forth in said Sidetrack Agreement, attached hereto;

WHEREAS, Industry has requested Railroad to consent to the use of said Sidetrack by Shipper, which Railroad has agreed to do upon the terms and conditions herein expressed;

**NOW, THEREFORE, IN CONSIDERATION OF THE MUTUAL COVENANTS HEREINAFTER SET FORTH, THE PARTIES HERETO COVENANT AND AGREE AS FOLLOWS:**

1. Shipper shall have the right to use said Sidetrack jointly with such other persons, firms and corporations as may now or hereafter be permitted by Industry or otherwise lawfully entitled to use the same, so long as this Supplemental Sidetrack Agreement remains in effect.
2. All of the provisions of said Sidetrack Agreement are incorporated herein, except Article 2 thereof, such that where the term "Industry" exists in said Sidetrack Agreement it shall - for purposes of this Supplemental Sidetrack Agreement - include Shipper as to tracks.
3. With respect to Shipper's use of and operations on and in the vicinity of said Sidetrack, Shipper shall observe, perform and assume all covenants, obligations and conditions imposed upon and assumed by Industry under and by virtue of said Sidetrack Agreement. However, nothing herein shall be construed to affect in any way any of the covenants, obligations or conditions undertaken by Industry under said Sidetrack Agreement or to release Industry therefrom.
4. Shipper understands that it must tender and/or receive a sufficient number of railcar shipments. CSXT cannot bear the sole expense and risk of keeping the track in service when track is not being utilized by shipper. Should Railroad determine that the number of railcar

shipments is insufficient, Shipper agrees it will pay an Annual Continuation Charge. Shipper shall have a period of thirty (30) days from the date of notice from Railroad within which to either accept or decline payment of the continuation charge. Should Shipper decline to pay the continuation charge or not respond during the thirty (30) day period, then Railroad and Industry shall have the right to suspend service over the Sidetrack or to terminate this Agreement upon notice to Shipper.

5. Shipper agrees it will pay the current Annual Continuation Charge of TEN THOUSAND AND 00/100 U.S. DOLLARS for the 2015 Calendar year.

6. (A) This Supplemental Sidetrack Agreement shall remain in effect until such time as any party hereto shall terminate the same by giving thirty (30) days written notice to the other parties hereto.

(B) However, the termination of the Sidetrack Agreement shall also effect a termination of this Supplemental Sidetrack Agreement automatically upon notice to Shipper from either Railroad or Industry.

(C) Upon termination of this Supplemental Sidetrack Agreement, all rights and obligations that were assigned to Shipper regarding the Sidetrack shall be automatically reassigned, transferred and assumed by Industry.

7. This Supplemental Sidetrack Agreement shall not be assigned by Shipper to any party, for any reason, without the prior written consent of both Industry and Railroad.

8. This Supplemental Sidetrack Agreement constitutes the entire understanding of the parties, is to be construed under the laws of the state in which the Sidetrack is located, may not be modified without the written consent of all parties, and has been executed by their duly authorized officials.

**(SIGNATURE PAGE IMMEDIATELY FOLLOWS)**

IN WITNESS WHEREOF, the parties hereto have executed this Supplemental Sidetrack Agreement in triplicate, each copy of which shall constitute an original, the effective date of this Supplemental Sidetrack Agreement.

**Witness for Railroad:**

**CSX TRANSPORTATION, INC.**

\_\_\_\_\_

By: \_\_\_\_\_

Print/Type Name: \_\_\_\_\_

Print/Type Title: \_\_\_\_\_

**Witness for Industry:**

**CITY OF ATHENS**

\_\_\_\_\_

By: \_\_\_\_\_

Print/Type Name: \_\_\_\_\_

Print/Type Title: \_\_\_\_\_

**Witness for Shipper:**

**ALABAMA- TENNESSEE PIPE LLC**

*Darlene Gladney*  
\_\_\_\_\_

By: *[Signature]* \_\_\_\_\_

Print/Type Name: *HUGH SPRELL* \_\_\_\_\_

Print/Type Title: *VICE PRESIDENT* \_\_\_\_\_

**EXHIBIT B**

**ADDENDUM TO SUPPLEMENTAL SIDETRACK AGREEMENT**

THIS ADDENDUM TO SUPPLEMENTAL SIDETRACK AGREEMENT (the "Addendum"), made and effective as of \_\_\_\_\_, 2016, by and between the CITY OF ATHENS, ALABAMA, whose mailing address is PO Box 1089, Athens, AL 35612, hereinafter called "Industry", and ALABAMA-TENNESSEE PIPE LLC, a limited liability company of the State of Georgia, whose mailing address is P.O. Box 2447, Columbus, Georgia, hereinafter called "Shipper," WITNESSETH:

WHEREAS, CSX Transportation, Inc. ("Railroad") and Industry have entered into a certain Sidetrack Agreement numbered CSX057210, dated February 11, 2007, hereinafter called the "Sidetrack Agreement", covering the construction, ownership, operation and maintenance of certain private sidetrack facilities, located at Milepost OBA-289.60 at or near Athens, Limestone County, Alabama hereinafter called the "Sidetrack", as set forth in said Sidetrack Agreement, attached hereto;

WHEREAS, Railroad, Industry, and Shipper have entered into a certain Supplemental Sidetrack Agreement numbered CSX057210003, dated July 31, 2015, hereinafter called the "Supplemental Sidetrack Agreement", relating to Industry and Railroad's consent for Shipper to use the Sidetrack, as set forth in said Supplemental Sidetrack Agreement, attached hereto; and

WHEREAS, as additional consideration for Industry's willingness to permit Shipper to use the Sidetrack as stated in the Supplemental Sidetrack Agreement, Shipper agrees to enter into this Addendum, providing additional terms relating to Shipper's use of the Sidetrack.

NOW, THEREFORE, IN CONSIDERATION OF THE MUTUAL COVENANTS HEREINAFTER SET FORTH, THE PARTIES HERETO COVENANT AND AGREE AS FOLLOWS:

1. Unless otherwise specified, all of the terms defined in the Sidetrack Agreement and the Supplemental Sidetrack Agreement have the same meanings in this Addendum as those terms have in the Sidetrack Agreement and the Supplemental Sidetrack Agreement.

2. Section 2 of the Sidetrack Agreement obligates the Industry to inspect, maintain and renew its Segment of the Sidetrack, and to keep the same free from debris, weeds, potholes, ice or snow, poles, temporary or permanent structures, other obstructions and/or excavations. Shipper shall pay any and all costs associated with Industry's performance of those obligations under Section 2 of the Sidetrack Agreement. Shipper shall pay the same to the Industry, in advance and in an amount as determined by the Industry in its reasonable discretion, within thirty (30) days of the written demand of the Industry.

3. Section 6 of the Sidetrack Agreement obligates the Industry to pay an annual Base Fee, plus any applicable taxes, to Railroad. Shipper agrees to pay Industry an amount equal to the annual Base Fee, plus any applicable taxes, to the Industry, in advance, within ten (10) days of the written demand of the Industry.

4. If Industry permits other persons, firms and/or corporations to use the Sidetrack (other than Railroad (including its agents, permittees, and contractors)), then the charges owed by Shipper to Industry under Sections 2 and 3 will be reduced pro rata based on the total number of such other permitted persons, firms, and/or corporations using the Sidetrack. (For example, if Industry permits one person, in addition to Shipper, to use the Sidetrack, then Shipper shall be responsible for 50% of the amounts it would otherwise owe to Industry under Sections 2 and 3.)

5. If Industry permits other persons, firms, and/or corporations to use the Sidetrack (other than Railroad (including its agents, permittees, and contractors)), then Industry must first cause such other persons, firms, and/or corporations to agree in writing not to interfere unreasonably with the business of Shipper. Upon such written agreement, Shipper agrees not to interfere unreasonably with the business of such other persons, firms,

and/or corporations. In the event that Industry permits other persons, firms, and/or corporations to use the Sidetrack, nothing herein shall prevent Industry, Shipper, and such other persons, firms, and/or corporations from entering into a separate written agreement containing further and more specific assurances as to their cooperation and joint use of the Sidetrack.

6. Shipper agrees to indemnify and hold harmless Industry from any and all damages, claims, demands, causes of action, suits, expenses, judgments and interest whatsoever (hereinafter collectively "Losses") in connection with injury to or death of any person or persons whomsoever (including employees, invitees and agents of the parties hereto) or loss of or damage to any property whatsoever arising out of or resulting directly or indirectly from the Shipper's use, maintenance, repair, alteration, or operation of the Sidetrack. This section shall survive the termination of this Addendum.

7. Shipper at its sole cost and expense, must procure and maintain in effect during the continuance of this Agreement, a policy of Commercial General Liability Insurance (CGL), naming Industry, and/or its designee, as additional insured and covering liability assumed by Shipper under this Agreement. A coverage limit of not less than THREE MILLION AND 00/100 U.S. DOLLARS (\$3,000,000.00) Combined Single Limit per occurrence for bodily injury liability and property damage liability is required to protect Shipper's assumed obligations. The evidence of insurance coverage shall be provided to Industry and endorsed to provide for thirty (30) days' notice to Industry prior to cancellation or modification of any policy. Shipper must provide Industry with a CGL certificate, demonstrating the required insurance, upon demand of Industry.

8. This Addendum shall not be assigned by Shipper to any party, for any reason, without the express and prior written consent of the Industry.

9. This Addendum constitutes the entire understanding of the parties as to its terms, is to be construed under the laws of the State of Alabama, may not be modified without the written consent of all parties, and has been executed by their duly authorized officials. This Agreement does not modify or supersede any provision in the Sidetrack Agreement or Supplemental Sidetrack Agreement, but is in addition to the terms contained therein.

10. This Addendum shall remain in effect until such time as any party hereto shall terminate the same by giving thirty (30) days written notice to the other party. Such termination shall not relieve any party hereto from any obligation that it has incurred hereunder as of or prior to the effective date of termination. The termination of the Sidetrack Agreement and/or the Supplemental Sidetrack Agreement shall also effect a termination of this Addendum. The termination of this Addendum shall not affect, alleviate or waive any monetary obligation of any party that was otherwise owed to the other party at the time of the termination.

IN WITNESS HEREOF, the parties hereto have executed this Addendum in duplicate, each copy of which shall constitute an original, on the effective date of this Addendum.

Witness for Industry:

\_\_\_\_\_

**CITY OF ATHENS, ALABAMA**

By: \_\_\_\_\_

William R. Marks

Mayor, City of Athens

Witness for Shipper:

\_\_\_\_\_

**ALABAMA-TENNESSEE PIPE LLC**

By: \_\_\_\_\_

Print Name: \_\_\_\_\_

Its: \_\_\_\_\_

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

**Councilman Travis introduced the following resolution:**

**RESOLUTION NUMBER 2016-1490**

WHEREAS, T-Mobile has requested to modify their equipment on an existing telecommunications facility located at 107 Stuart Drive, Athens, AL to provide wireless services essentially within the corporate limits of the City of Athens;

WHEREAS, T-Mobile has complied with the City's Ordinance No. 1999-1320 and has demonstrated the need for the modification of this wireless facility to deliver consistently reliable services in the identified area, and;

WHEREAS, both the City and T-Mobile 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 conditional Special Use Permit for the modification at this facility located at 107 Stuart Drive, Athens, AL, which consists of a 250' ft. self-support tower;

THEREFORE, BE IT RESOLVED by the City Council of the City of Athens, Alabama that Verizon Wireless is hereby granted a Special Use Permit to modify their equipment at 107 Stuart Drive, Athens, AL. T-Mobile is proposing to remove and replace three of their old antennas with three LTE L700 antennas at the 217.5' elevation to promote 4G service to the area. The height of the tower will remain the same as will the footprint of the tower also. There will be no addition electrical work done. 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. To prevent warehousing of permits or authorizations and to assure the best service to the City's residents as expeditiously as possible, the facility must be built, activated and be providing service *no later than one hundred eighty (180) days after the issuance of the Special Use Permit or other applicable authorization, subject to commonly accepted force majeure exceptions acceptable to the City.* T-Mobile 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.
2. T-Mobile must provide contractor information with a construction schedule to the City and to CMS prior to the issuance of the Building Permit. The contractor must notify the City's consultant for all inspections.
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. T-Mobile 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.
6. A Certificate of Occupancy for the work permitted under this permit shall be a prerequisite for any future work by T-Mobile at this facility.

ADOPTED this 26th day of September, 2016

/s/ Wayne Harper  
PRESIDENT, CITY COUNCIL,  
CITY OF ATHENS, ALABAMA

/s/ William R. Marks  
MAYOR, CITY OF ATHENS, ALABAMA

ATTEST:

/s/ Annette Barnes

CITY CLERK, CITY OF ATHENS, ALABAMA

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

**Councilman Travis introduced the following resolution:**

**RESOLUTION NUMBER 2016-1491**

WHEREAS, T-Mobile has requested to modify their equipment on an existing telecommunications facility located at 108 East Elm Street East, Athens, AL to provide wireless services essentially within the corporate limits of the City of Athens;

WHEREAS, T-Mobile has complied with the City's Ordinance No. 1999-1320 and has demonstrated the need for the modification of this wireless facility to deliver consistently reliable services in the identified area, and;

WHEREAS, both the City and T-Mobile 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 conditional Special Use Permit for the modification at this facility located at 108 East Elm Street, Athens, AL, which consists of a 200' ft. guyed tower;

THEREFORE, BE IT RESOLVED by the City Council of the City of Athens, Alabama that Verizon Wireless is hereby granted a Special Use Permit to modify their equipment at 108 East Elm Street, Athens, AL. T-Mobile is proposing to remove and replace three of their old antennas with three (3) LTE antennas at the 195' elevation to promote 4G service to the area. The height of the tower will remain the same as will the footprint of the tower also. There will be no addition electrical work done. 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. Prior to the issuance of the Certificate of Occupancy, Verizon Wireless is required to remediate the following issues: Remove the overgrown vegetation between the compound and the guy anchors.
2. To prevent warehousing of permits or authorizations and to assure the best service to the City's residents as expeditiously as possible, the facility must be built, activated and be providing service *no later than one hundred eighty (180) days after the issuance of the Special Use Permit or other applicable authorization, subject to commonly accepted force majeure exceptions acceptable to the City.* T-Mobile 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.
3. T-Mobile must provide contractor information with a construction schedule to the City and to CMS prior to the issuance of the Building Permit. The contractor must notify the City's consultant for all inspections.
4. 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.
5. T-Mobile 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.
6. The Certificate of Occupancy shall not be issued until all fees and costs associated with this Permit, including inspections, have been paid.
7. A Certificate of Occupancy for the work permitted under this permit shall be a prerequisite for any future work by T-Mobile at this facility.

ADOPTED this 26th day of September, 2016

/s/ Wayne Harper  
PRESIDENT, CITY COUNCIL,  
CITY OF ATHENS, ALABAMA

/s/ William R. Marks  
MAYOR, CITY OF ATHENS, ALABAMA

ATTEST:

/s/ Annette Barnes  
CITY CLERK, CITY OF ATHENS, ALABAMA

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

**Councilman Seibert introduced the following resolution:**

**RESOLUTION**

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ATHENS, ALABAMA, to approve the purchase of new Steelcase furnishings for the Municipal Courtroom and Court personnel offices from OSCO, at a total cost not to exceed \$14,000.00, to be funded from the Court System Special Revenue Fund.

Councilmember Cannon 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 Seibert, Wales, Travis, Cannon and Harper; 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 Seibert thereupon moved that the resolution be finally adopted, which motion was seconded by Councilmember Travis and upon the said motion being put to vote the following vote was recorded: YEAS: Councilmembers Seibert, Wales, Travis, Cannon and Harper; NAYS: None. The President thereupon announced that the motion for the adoption of the said resolution had been unanimously carried.

**Councilman Wales introduced the following resolution:**

**RESOLUTION**

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ATHENS, ALABAMA, that the low bid of \$616,884.00 be accepted from Virginia Transformer Corporation for one 45/60/75/84 MVA 161/46/12.47 kV power transformer and that the Utilities General Manager be authorized to issue a purchase order for this equipment.

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

**Councilman Travis introduced the following resolution:**

**RESOLUTION**

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ATHENS, ALABAMA, to accept the low bid of \$40,500.00 from Rohn Products, LLC for fabrication and delivery of a self-supporting steel pole for exit circuits from the Limestone Creek Substation.

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

**Councilman Cannon introduced the following resolution:**

**RESOLUTION**

**BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ATHENS, ALABAMA, to approve the**

FY 2017 General Fund Operating Budget as follows:

**Operating Expenditures**

General and Administrative	\$ 1,618,410
Municipal Court	346,515
Human Resources	338,845
Fire Department	3,603,850
Police Department	5,481,025
Parks/Recreation/Cemetery	2,313,480
Street Department	1,920,150
Sanitation Department	3,314,650
ES, CD & Building Inspection	616,450
Public Works	<u>350,855</u>
<b>Total Operating Expenditures</b>	<b>19,904,230</b>
Appropriations - Nondiscretionary	4,356,400
Transfers Out	<u>3,251,065</u>
<b>Total Expenditures</b>	<b>27,511,695</b>
<b>Total Expected Revenues</b>	<u>28,021,184</u>
<b>Operating Budget Surplus Before Appropriations</b>	<b>\$ <u>509,489</u></b>

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

**Councilman Seibert introduced the following resolution:**

**RESOLUTION**

**BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ATHENS, ALABAMA,** to approve the FY 2017

Special Revenue Operating Budgets as follows:

**ALCOHOL FUND**

**Revenues**

Taxes	\$ 650,000
Licenses and Permits	30,000
Interest Income	<u>1,500</u>
<b>Total Revenue</b>	<b>681,500</b>

**Expenditures**

City Board of Education	308,750
Administrative Expense	32,500
Debt Service-Killen Property	67,022

**GASOLINE TAXES .04/05/.07**

**Revenues**

State Appropriation	<u>\$ 240,000</u>
<b>Total Revenue</b>	<b>240,000</b>

**Expenditures**

Audit Fees	1,575
Bridge Inspection	-
Road Repair	230,925

Debt Service-GO Debt	350,000
<b>Total Operating Expenditures</b>	<u>758,272</u>
<b>Revenues Over (Under)</b>	<u>\$ (76,772)</u>

Road Signs	7,500
<b>Total Operating Expenditures</b>	<u>240,000</u>
<b>Revenues Over (Under)</b>	<u>\$ -</u>

**DRUG TASK FORCE**

Revenues	
Confiscations Revenue	\$ 2,000
Expenditures	
Supplies	<u>2,000</u>
<b>Revenues Over (Under)</b>	<u>\$ -</u>

**ANIMAL CONTROL**

Revenues	
Interest Income	\$ 50
Expenditures	
Supplies	<u>-</u>
<b>Revenues Over (Under)</b>	<u>\$ 50</u>

**OIL LEASE TRUST**

<b>Revenues</b>	
State Appropriation	\$ 190,000
Interest Income	<u>1,500</u>
<b>Total Revenue</b>	191,500
<b>Expenditures</b>	
Debt Service-GO Debt	<u>600,000</u>
<b>Revenues Over (Under)</b>	<u>\$ (408,500)</u>

**COURT SYSTEM**

<b>Revenues</b>	
Court Education	\$ 4,500
Solicitors Admin Fee	2,500
Court Operations	30,000
Interest Income	<u>100</u>
<b>Total Revenue</b>	37,100
<b>Expenditures</b>	
Supplies	<u>5,000</u>
<b>Revenues Over (Under)</b>	<u>\$ 32,100</u>

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

**Councilman Cannon introduced the following resolution:**

**RESOLUTION**

**BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ATHENS, ALABAMA,** to approve the FY 2017 Landfill Operating Budget as follows:

**LANDFILL**

<b>Revenues</b>	
Investment Income	\$ 100,000
<b>Expenditures</b>	

Closure Cost \_\_\_\_\_ 100,000

**Revenues Over (Under) Expenditures** **\$ \_\_\_\_\_ -**

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

**Councilman Travis introduced the following resolution:**

**RESOLUTION**

**BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ATHENS, ALABAMA,** to approve the FY 2017 Special Infrastructure Fund Operating Budget as follows:

**Revenues**

Sales Tax Revenue (30% of One Cent Sales Tax) \$ 1,270,000

**Expenditures**

Infrastructure Expenditures, Paving, Sidewalks, etc. \_\_\_\_\_ 1,270,000

**Revenues Over (Under) Expenditures** **\$ \_\_\_\_\_ -**

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

**Councilman Seibert introduced the following resolution:**

**RESOLUTION**

**BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ATHENS, ALABAMA,** to approve the FY 2017 Special School Fund Operating Budget as follows:

**Revenues**

Sales Tax Revenue (20% of One Cent Sales Tax) \$ 850,000

**Expenditures**

Appropriation to School Board for Debt Service \_\_\_\_\_ 850,000

**Revenues Over (Under) Expenditures** **\$ \_\_\_\_\_ -**

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

**Councilman Wales introduced the following resolution:**

**RESOLUTION**

**BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ATHENS, ALABAMA,** to approve the FY 2017 Contingency Fund Operating Budget as follows:

**Revenues**

Sales Tax Revenue (20% of One Cent Sales Tax) \$ 850,000

<b>Expenditures</b>	
Economic Development-Polaris Project (1st of 3 payments)	66,667
Debt Service-GO Debt	800,000
Appropriation to School Board for Debt Service	<u>300,000</u>
<b>Total Operating Expenditures</b>	1,166,667
<b>Revenues Over (Under) Expenditures</b>	<u>\$ (316,667)</u>

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

**Councilman Cannon introduced the following resolution:**

**RESOLUTION**

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ATHENS, ALABAMA, that the FY 2017 Water and wastewater budgets be adopted as submitted.

**WATER DEPT.  
PROPOSED FY 2017 BUDGET  
REVENUES:**

Metered Sales	\$ 6,000,000.00
Miscellaneous Revenue	\$ 169,500.00
Aid to Construction	\$ 50,000.00
Capital Reserve Funds	\$ 50,000.00
Tank Maintenance Fund	\$ 35,000.00
General Fund Appropriation	\$ 221,684.00
<b>Total Regular</b>	<b>\$ 6,526,184.00</b>
Capital Infrastructure Account	\$ 110,000.00
Grand Total Revenue	\$ 6,893,520.00
<b>EXPENSES:</b>	<b>\$ 6,636,184.00</b>

Transfer to Wastewater	\$ 1,100,000.00
Salaries and Fringes	\$ 1,617,277.00
Water Production Expenses	\$ 683,400.00
Annual Consumer Confidence Report (Fed Mandate)	\$ 1,850.00
Transmission and Distribution Expenses	\$ 382,250.00
Tank Maintenance Expenses	\$ 155,000.00
Administrative Expenses	\$ 294,886.00
LCEDA	\$ 28,430.00
Allocation to Finance Department	\$ 98,486.00
Allocation to Customer Services (New Line FY 2007)	\$ 310,294.00
Uncollectible Accounts	\$ 8,000.00
Vehicle and Equipment Operation & Maint	\$ 80,000.00
Appropriation to General Fund	\$ 300,000.00
Debt Service Expense	\$ 693,424.00

SRF Loan Debt Service	\$ 252,400.00
General Fund Salaried & Expenses	\$ 93,635.00
Capital Expenditures	\$ 394,178.00
Const Mtls, Dist Sys Imp Fund, & Capt EqpRep	\$ 377,178.00
Other Capital (Equipment, tools, etc)	\$ 17,000.00
Totals	\$ 6,493,509.00
Net Proposed Budget	\$ 32,675.00

**WASTEWATER DEPT.  
PROPOSED FY 2017 BUDGET**

**REVENUES: Regular**

Metered Sales	\$ 4,867,374.00
Miscellaneous Revenues	\$ 225,000.00
Sale of Surplus Equipment	\$ 25,000.00
Capital Reserve Funds	\$ 150,000.00
Transfer from Water	\$ 1,100,000.00
Aid to Construction	\$ 40,000.00
Total - Regular	\$ 6,407,374.00
Capital Infrastructure Account	\$ 220,000.00
Combined Totals	\$ 6,627,374.00

**EXPENSES:**

Salaries and Fringes *	\$ 1,888,060.00
Treatment Plant Operation & Maint	\$ 518,250.00
Collection System Operation & Maint	\$ 337,250.00
Administrative	\$ 273,721.00
Allocation to Finance Dept.	\$ 72,851.00
Allocation to Customer Services	\$ 203,955.00
Uncollectible Accounts	\$ 4,000.00
Vehicle and Equipment Operation & Maint	\$ 75,000.00
Appropriation to General Fund	\$ 121,684.00
Bond Debt Service	\$ 499,014.00
SRF Loan Debt Service	\$ 1,969,537.00
General Fund Salaries and Expenses (New Line-FY 1994)	\$ 93,534.00
Capital Expenditures	\$ 324,300.00
Construction Materials & Capitalized Equip Repair	\$ 100,000.00
Other Capital (Equipment, tools, etc.)	\$ 224,300.00
<b>Totals:</b>	\$ 6,381,156.00

**Net Budget:** \$ 26,218.00

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

**Councilman Cannon introduced the following resolution:**

**RESOLUTION**

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ATHENS, ALABAMA, to approve the FY 2017 Gas Department budget and spread the same on the minutes.

**GAS DEPARTMENT  
PROPOSED FY 2017 BUDGET**

**REVENUES:**

Metered Sales	\$ 13,950,150.00
Forfeited Discounts	\$ 50,000.00
Misc Revenue & Service Charges	\$ 6,000.00
Rents and Other	\$ 72,591.00
Funds Allocation Carry over FY 16 Budget	\$ 250,000.00
Interest	\$ 7,500.00
Training Facility	\$ 105,000.00
Aid to Construction	\$ 125,000.00
<b>TOTALS</b>	<b>\$ 14,566,241.00</b>

**EXPENSES:**

Salaries and Fringes	\$ 2,478,281.00
Purchased Gas	\$ 6,050,150.00
Distribution System Operation & Maintenance	\$ 997,750.00
Administrative	\$ 386,311.00
Customer Accounting and Billing	\$ 294,267.00
Vehicle and Equipment Operation & Maint	\$ 185,000.00
Appropriation to General Fund	\$ 925,000.00
Revenue Warrant Debt Service	\$ 350,000.00
General Fund Salaries and Expenses	\$ 129,442.00
Capital Expenditures	\$ 2,093,000.00
Construction Materials	\$ 950,000.00
Other Capital (Equip, tools, etc)	\$ 1,143,000.00
<b>Total Expenses</b>	<b>\$ 13,889,554.00</b>

**Net Proposed Budget** \$ 676,687.00

Debt Service Costs	\$ 350,353.00
Appropriation to General Fund	\$ 925,000.00
Expenditures less gas purchases	\$ 7,839,404.00
3% COLA if approved by Council	\$ 66,069.00

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

\* \* \*

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

/s/ Wayne Harper  
PRESIDENT, CITY COUNCIL

ATTEST:

/s/ Annette Barnes  
CITY CLERK

