

April 12, 2021

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, Athens, Alabama, on April 12, 2021 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: Councilmembers Wayne Harper, Harold Wales and Frank Travis. Councilmembers Chris Seibert and Dana Henry were absent. Annette Barnes, City Clerk, was present and recorded the minutes of the meeting. Harold Wales offered the invocation. Mayor Marks 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 March 22, 2021 City Council Meeting had been submitted for approval. Councilman Travis 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 March 22, 2021 City Council Work Session Meeting had been submitted for approval. Councilman Travis 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.

Mayor Marks announced that the Community Kickoff Meeting for the City's Comprehensive Master Plan Update will be held in the Council Chambers on Thursday, April 22nd, 2021, from 5:30 pm-7:00 pm. Mayor Marks read a proclamation designating April as Child Abuse Awareness Month and also read a proclamation designating the week of April 11-17, 2021 as National Public Safety Telecommunications Week.

Mayor Marks introduced the AHS Band Winter Guard Team and read a commendation recognizing the team's first place win on March 20th, 2021 in the Alabama/Mississippi State Championship. Present for the commendation were: Jessika Jones, Abigail Duncan, Anna Grace Hargrove, Emma Hammons, Braylie Fuller, Nevada Rynders, Ali Hart, Allie Williams, Jacoby Edmondson, Alondra Meza, Rebecca Mealer-Sponsor, and Rebecca McMurtrey.

Councilman Travis thanked everyone for their thoughts and prayers during his recent medical procedure and subsequent illness and recovery.

A public hearing was held concerning the rezoning of property for Pepper Road Estates, LLC, located north of Pepper Road and immediately east of Cantera Place Subdivision, from an EST, Estate Residential and Agricultural District, to R-1-3, High Density Single Family Residential.

James Rich, Public Works Director, reported that the Planning Commission has met and recommends this property for rezoning.

Councilman Travis introduced the following ordinance:

AN ORDINANCE TO REZONE PEPPER ROAD ESTATES, LLC, TO REZONE +/- 31 ACRES, LOCATED NORTH OF PEPPER ROAD AND IMMEDIATELY EAST OF CANTERA PLACE SUBDIVISION, PROPERTY IS A PORTION OF LOT 1 OF THE RE-PLAT OF MARBUT ESTATES FROM EST (ESTATE RESIDENTIAL AND AGRICULTURAL DISTRICT) TO R 1 3 (HIGH DENSITY SINGLE FAMILY RESIDENTIAL) (FOUNDERS POINTE PHASE 3), WITHIN THE CORPORATE LIMITS OF THE CITY OF ATHENS.

STATE OF ALABAMA
LIMESTONE COUNTY,

ORDINANCE NUMBER 2021 - 2163

WHEREAS, the Planning Commission of the City of Athens, Alabama, has made a recommendation to the City Council of the City of Athens, Alabama, that hereinafter described areas should be rezoned from an EST (Estate Residential and Agricultural District) to R 1 3 (High Density Single Family Residential).

The City Council of the City of Athens, Alabama, finds that "The Zoning Ordinance of the City of Athens, Alabama," should be amended so as to rezone the hereinafter described area as "High Density Single Family Residential".

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

That all of the hereinafter described area or real estate is hereby zoned High-Density Single-Family Residential District in accordance with and defined by "The Zoning Ordinance of the City of Athens, Alabama," and that the area which is zoned as aforesaid is situated in Athens, Limestone County, Alabama, and is more particularly described as follows:

A TRACT OF LAND BEING A PORTION OF LOT 1 OF THE RE-PLAT OF MARBUT ESTATES AS RECORDED IN PLAT BOOK "J" PAGE 299 IN THE OFFICE FOR THE JUDGE OF PROBATE FOR LIMESTONE COUNTY, ALABAMA, SAID TRACT MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AND THE NORTHWEST CORNER OF SAID RE-PLAT, SAID POINT ALSO BEING THE POINT OF BEGINNING.

THENCE FROM THE POINT OF BEGINNING RUN SOUTH 89°27'40" EAST AT A DISTANCE OF 1112.15 FEET TO A POINT; THENCE RUN NORTH 89°02'44" EAST AT A DISTANCE OF 200.43 FEET TO A POINT; THENCE RUN SOUTH 01°24'16" EAST AT A DISTANCE OF 1036.94 FEET TO A POINT; THENCE RUN NORTH 89°44'17" WEST AT A DISTANCE OF 434.00 FEET TO A POINT; THENCE RUN SOUTH 89°54'28" WEST AT A DISTANCE OF 902.24 FEET TO A POINT; THENCE RUN NORTH 00°05'32" WEST AT A DISTANCE OF 1043.22 FEET BACK TO THE POINT OF BEGINNING. SAID TRACT OF LAND CONTAINS 31 ACRES, MORE OR LESS.

ADOPTED and APPROVED this, the 12th day of April, 2021

/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

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

A public hearing was held concerning zoning approval for the sale of alcohol in the City of Athens by Circle K Stores, Inc., dba: Circle K Store 2704393. No one spoke in favor of or against.

A public hearing was held concerning zoning approval for the sale of alcohol in the City of Athens by Chipotle Mexican Grill of Colorado, LLC, dba: Chipotle Mexican Grill. No one spoke in favor of or against.

Laverne Gilbert, 609 Levert Avenue, Athens, addressed the Council concerning the condition of the Miller Public School. She stated that this building does not meet the code according to the City's ordinance. She then presented the Council members with photographs of the building to demonstrate its current condition. She stated that it is an eye sore in our community and that it either needs to be brought up to code or torn down.

David Malone, 1300 Somerest Drive, Athens, addressed the Council and expressed support of Mrs. Gilbert's comments regarding the condition of the Miller Public School. He stated that the building has been sitting idle since 1970, has fallen into disrepair and needs to come down. Mr. Malone further stated that the City has no problem getting rid of dilapidated homes and should treat this building no differently. Mr. Malone then stated that the potholes on Montreat and Hine Street need to be repaired and that they have been there for two years with nothing being done to address them.

Wilbert Woodruff, 200 Christine Street, Athens, also addressed the Council concerning the condition of the Miller School and urged the Mayor and Council to take action to address this issue.

Councilman Wales introduced the following resolution:

RESOLUTION

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ATHENS, ALABAMA, to approve travel/education expenses for the following personnel of the Mayor's Office:

Amy Golden
Birmingham, Alabama
March 26, 2021
\$110.32

The motion was seconded by Councilman Travis 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 following applicant for a "Restaurant Retail Liquor" alcohol license:

Business Name: Logan's Roadhouse II, LLC
Dbas: Logan's Roadhouse 477
Address: 16132 Athens Limestone Blvd
Athens, AL 35611

The motion was seconded by Councilman Travis 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 following applicant for a "Lounge Retail Liquor" alcohol license:

Business Name: Shubh Mangal Business, Inc.
Dbas: Athens Beverage
Address: 614 US Highway 31, Suite B
Athens, AL 35611

The motion was seconded by Councilman Travis 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 following applicant for a “Lounge Retail Liquor” alcohol license:

Business Name: Athens Express Liquor, LLC
Db: Athens Express Liquor
Address: 802 US Highway 72, West
Athens, AL 35611

The motion was seconded by Councilman Travis 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 following applicant for a “Retail Beer & Wine Off Premises” alcohol license:

Business Name: Victory Marketing, LLC
Db: Sprint Mart 2309
Address: 17933 US Highway 72, West
Athens, AL 35611

The motion was seconded by Councilman Travis 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 following applicant for a “Retail Beer & Wine Off Premises” alcohol license:

Business Name: Victory Marketing, LLC
Db: Sprint Mart 2310
Address: 1515 US Highway 72, West
Athens, AL 35611

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

Councilman Wales introduced the following resolution:

RESOLUTION

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ATHENS, AL to approve the purchase of twenty-five (25) sets of self-contained breathing apparatus (SCBA) equipment and related accessories at a cost not to exceed \$236,300. This purchase is being made through the City’s membership in the HGACBuy Purchasing Association and will be funded from the existing Fire Department capital account.

The motion was seconded by Councilman Travis 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 purchase of a 2021 CAT 306 CR Mini Excavator for the Gas Department.

The motion was seconded by Councilman Travis 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 purchase of 1 (one) Land Pride Heavy Duty Rotary Cutter Model (RC5710) from H&R Agri-Power. The purchase price shall not exceed \$15, 819.48. This unit will be purchased using the Sourcewell Purchasing Agreement and is to be funded from the existing Sanitation Department capital account.

The motion was seconded by Councilman Travis 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 a purchase from Thompson Caterpillar, for a Caterpillar 305E2 Mini Excavator for the Electric Department.

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

Councilman Travis introduced the following resolution:

RESOLUTION

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ATHENS, ALABAMA, at its meeting on April 12, 2021, that the Council authorizes up to the award of the construction for re-routing a portion of the Swan Creek Sewer Trunk Line, Phase 2 to Russo Construction for the price of \$1,364,640.67 and that the Mayor, for and on behalf of the City of Athens, is authorized to enter into a construction agreement with Russo Construction for this construction project. This project is to be funded with proceeds from the 2020 Bond Series for the Water and Sewer Department.

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

Councilman Travis introduced the following resolution:

RESOLUTION

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ATHENS, ALABAMA, at its meeting on April 12, 2021, that the Council authorizes \$70,000.00 for tasks associated with updating and documenting

processes for future updates to the Athens water distribution hydraulic model and that the Mayor, for and on behalf of the City of Athens, is authorized to enter into any and all agreements to facilitate this project without exceeding the total authorized amount of \$70,000.00.

Councilmember Wales moved that unanimous consent be given for immediate consideration of and action on said resolution, which motion was seconded by Councilmember Travis, and upon the said motion being put to vote the following vote was recorded: YEAS: Councilmembers Wales, Travis, 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 Travis thereupon moved that the resolution be finally adopted, which motion was seconded by Councilmember Wales and upon the said motion being put to vote the following vote was recorded: YEAS: Councilmembers Wales, Travis, 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 ordinance:

ORDINANCE NUMBER 2021 - 2164

ORDINANCE AUTHORIZING THE LEASE OF CERTAIN REAL PROPERTY ALONG DURHAM DRIVE FOR AGRICULTURAL USE

WHEREAS, the City Council desires to lease certain municipal property located on Durham Drive in Limestone County for agricultural use;

WHEREAS, such property contains approximately 12 acres of workable, non-irrigated cropland;

WHEREAS, it is expressly understood that such property is held subject to the City's need for the use of the property for some municipal or public purpose;

WHEREAS, the City Council finds that the proposed consideration for the lease of the property (\$107.00 per acre of cropland) is fair and adequate, especially considering that the lease will be subject to termination at any time at the discretion of the City;

WHEREAS, the real property is not presently needed for public or municipal purposes of the City; and

WHEREAS, the lease of said real estate for agricultural purposes, until the property is needed for public or municipal purposes, will serve the best interests the City.

THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ATHENS, ALABAMA, while in regular session on April 12, 2021, at 5:30 p.m., as follows:

1. The Mayor is authorized, on behalf of the City of Athens, to cause the lease of certain real property, described hereafter, to Binford Farms, L.L.C. via a written lease agreement, upon the following terms: (i) the property shall be used for agricultural purposes, (ii) a lease term for five annual growing seasons, commencing in April, 2021 and running through December 31, 2025, with an annual rent of \$1,284.00 per year (except as prorated in the first year); (iii) the City's right to immediately terminate the lease if the property is needed for municipal or public purposes, (iv) a restriction on the

tenant's alterations or improvements to the property without the City's consent, (v) the City's right to indemnification from claims arising from the tenant's use of the property, (vi) a requirement that the tenant maintain adequate insurance covering the property, and (vii) such other and additional terms as the Mayor deems necessary.

2. The real property to be leased pursuant to this Ordinance is located adjacent to Durham Drive and is further described as that certain portion of Lot 2 Breeding Industrial Park Subdivision – Phase II, as shown on the Final Plat of the Breeding Industrial Park Subdivision – Phase II, recorded at Play Book J, Page 214 in the Office of the Judge of Probate of Limestone County, Alabama, that consists of workable, non-irrigated cropland.

3. The Mayor may execute such other and further documents as may be necessary to carry out the intent and purpose of this Ordinance.

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

ADOPTED this the 12th day of April, 2021.

/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

Councilmember Travis 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 Wales, Travis, 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 Wales, Travis, and Harper; NAYS: None. The President thereupon announced that the motion for the adoption of the said ordinance had been unanimously carried.

Councilman Travis introduced the following ordinance:

ORDINANCE NUMBER 2021 – 2165

AN ORDINANCE OF THE CITY OF ATHENS, ALABAMA, TO EXEMPT CERTAIN “COVERED ITEMS” FROM THE MUNICIPAL SALES AND USE TAX DURING THE THIRD FULL WEEKEND OF JULY, 2021, AS AUTHORIZED BY ACT 2006-574 AND AMENDED BY ACT 2017-120, GENERALLY REFERRED TO AS THE STATE SALES TAX HOLIDAY LEGISLATION.

BE IT ORDAINED BY THE CITY COUNCIL OF ATHENS, ALABAMA, AS FOLLOWS:

Section 1. In conformity with the provisions Act 2006-574 enacted by the Alabama Legislature during the 2006 Regular Session, providing for a State Sales Tax Holiday, and amended during the 2017 Regular Session by Act 2017-

120, the City of Athens, Alabama, exempts “covered items” from municipal sales and use tax during the same period, beginning at 12:01 a.m. on the third Friday in July 2021 (July 16, 2021) and ending at twelve midnight the following Sunday (July 18, 2021).

Section 2. This ordinance shall be subject to all terms, conditions, definitions, time periods, and rules as provided by Act 2006-574 and amended by Act 2017-120, except that the time period shall only be as specified in Section 1 above and **not for all years thereafter**.

Section 3. The City Clerk is hereby authorized and directed to certify a copy of this ordinance under the seal of the City of Athens, Alabama, and to forward said certified copy to the Alabama Department of Revenue to be recorded and posted on the Department website.

Section 4. This ordinance shall become effective on April 16, 2021.

ADOPTED AND APPROVED THIS 12th DAY OF April 2021.

/s/ William R. Marks

MAYOR, CITY OF ATHENS, ALABAMA

/s/ Wayne Harper

PRESIDENT, CITY COUNCIL,
CITY OF ATHENS, ALABAMA

ATTEST:

/s/ Annette Barnes

CITY CLERK, CITY OF ATHENS, ALABAMA

Councilmember Wales moved that unanimous consent be given for immediate consideration of and action on said ordinance, which motion was seconded by Councilmember Travis, and upon the said motion being put to vote the following vote was recorded: YEAS: Councilmembers Wales, Travis, 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 Travis thereupon moved that the ordinance be finally adopted, which motion was seconded by Councilmember Wales and upon the said motion being put to vote the following vote was recorded: YEAS: Councilmembers Wales, Travis, 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 allocate \$600,000.00 to the Cemetery, Parks and Recreation Department for additional parking, shade structures, Master Plan for Pilgrim’s Pride, etc. This shall be funded from the 2018 Bond Funds.

Councilmember Travis 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 Wales, Travis, 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 Wales 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 Wales, Travis, and Harper; NAYS: None. The President thereupon announced that the motion for the adoption of the said resolution had been unanimously carried.

Councilman Travis introduced the following resolution:

RESOLUTION

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ATHENS, ALABAMA, to authorize the Mayor to enter into a contract with Alta Planning + Design, Inc. for consulting services regarding the Master Plan for Pilgrim's Park in an amount not to exceed \$95,000.00. This shall be funded from the \$600,000.00 appropriated to Cemetery, Parks and Recreation out of the 2018 Bond Funds.

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

Councilman Travis introduced the following proclamation:

PROCLAMATION

WHEREAS, April 11, 2021 marks the 53rd Anniversary of the passage of the United States Fair Housing Law, Title VIII of the Civil Rights Act of 1968, which enunciated a National Policy of fair housing without regard to race, color, religion, sex, and national origin; and

WHEREAS, the effective implementation of the National Policy depends on affirmative action at all levels of Government;

NOW, THEREFORE, the City of Athens, does hereby proclaim the month of April 2021, as Fair Housing Month in recognition of the importance of fair housing to our way of life, and I urge our citizens to obey the letter and the spirit of the Fair Housing Law as an expression of the individual rights guaranteed by the United States Constitution.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Seal of the City of Athens affixed this the 12th day of **April 2021**.

/s/William R. Marks
Mayor

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

Councilman Wales introduced the following resolution:

RESOLUTION NUMBER 2021 - 1738

A RESOLUTION OF THE CITY OF ATHENS, ALABAMA, AUTHORIZING THE PURCHASE OF NATURAL GAS FROM THE MUNICIPAL ENERGY ACQUISITION CORPORATION; APPROVING THE EXECUTION AND DELIVERY OF A GAS SALES CONTRACT RELATING TO SAID PURCHASE; AND CONSENTING TO THE ASSIGNMENT OF CERTAIN OBLIGATIONS UNDER THE GAS SALES CONTRACT IN CONNECTION WITH THE ISSUANCE OF BONDS BY THE SOUTHEAST ENERGY AUTHORITY.

WHEREAS, the Southeast Energy Authority ("SEA") is a Cooperative District and a public corporation organized under the laws of the State of Alabama pursuant to Section 11-99B-1, et seq., Alabama Code, as amended; and

WHEREAS, SEA was formed, among other reasons, to acquire secure, reliable and adequate long-term supplies of gas and electricity for resale to governmentally-owned wholesale customers for ultimate delivery to the residential, commercial, institutional and industrial consumers in their areas of service, both inside and outside the State of Alabama, and to achieve costs savings, economies of scale and reliability of supply; and

WHEREAS, SEA has planned and developed a gas supply project under which it will finance the acquisition of gas supplies from Morgan Stanley Energy Structuring, L.L.C., or a Delaware limited liability company organized by Morgan Stanley Capital Group, Inc., to meet a portion of the gas supply requirements of the Municipal Energy Acquisition

Corporation ("MEAC") and other public gas distribution systems and joint action agencies that elect to participate (together, the "Project Participants") through a gas prepayment project (the "Prepaid Project"); and

WHEREAS, MEAC is an energy acquisition corporation, a public corporation and an instrumentality of its Associated Municipalities and the State of Tennessee, and will be a Project Participant in the Prepaid Project; and

WHEREAS, the City of Athens, Alabama ("Purchaser") desires to enter into an agreement with MEAC for the purchase of a portion of the gas supplies that MEAC will purchase from SEA as a Project Participant in the Prepaid Project; and

WHEREAS, Purchaser has determined that it is in the best interest of its customers to purchase a portion of its natural gas requirements from MEAC pursuant to a contract to be entered into by MEAC and Purchaser (the "Sales Contract"); and

WHEREAS, for the purpose of providing funds to purchase long-term gas supplies for resale to the Project Participants, it will be necessary for SEA to issue and sell one or more series of bonds (the "Bonds") and pledge to the payment of principal and interest on the Bonds certain assets of SEA, including the payments to be made to MEAC under the Sales Contract; and

WHEREAS, Purchaser shall have no obligation or liability with respect to the Bonds, and Purchaser's only obligations relating to SEA's supply program described herein shall be as set forth in the Sales Contract; and

WHEREAS, in order to authorize the purchase of natural gas from MEAC and the execution of the Sales Contract, to consent to the assignment of the Sales Contract to secure the Bonds, and to authorize the taking of such other necessary and appropriate action in furtherance of the above-described program, the [City Council] of the City of Athens, Alabama (the "Governing Body") adopts this Resolution.

NOW, THEREFORE, BE IT HEREBY RESOLVED by the Governing Body as follows:

SECTION 1: Purchaser is authorized to enter into a Sales Contract with MEAC, pursuant to which Purchaser will purchase natural gas from MEAC as provided in the Sales Contract. The Sales Contract shall (a) have a delivery period of not greater than 366 months, (b) provide for the purchase by Purchaser of not more than an annual average over the term of the Sales Contract of 1000_ MMBtu per day, and (c) provide for a projected minimum savings (prior to payment of the MEAC Administrative Fee as set forth in the Sales Contract) through monthly and annual discounts of not less than \$0.30 per MMBtu to Purchaser for the Initial Discount Period, and not less than \$0.20 per MMBtu to Purchaser in each successive Reset Period, unless the Purchaser elects to purchase gas at a lesser discount during any Reset Period, as set forth in the Sales Contract.

SECTION 2: The Sales Contract shall be in substantially the form submitted and attached hereto as Exhibit A, which such form is hereby approved, to include such completions, deletions, insertions, revisions, and other changes as may be approved by the officers executing same with the advice of counsel, their execution to constitute conclusive evidence of their approval of any such changes.

SECTION 3: The gas purchased by Purchaser from MEAC shall be sold by Purchaser to retail customers of Purchaser pursuant to published tariffs or pursuant to qualified requirements contracts approved by tax counsel to SEA, under terms approved by tax counsel to SEA.

SECTION 4: The [Manager/of City of Athens Gas Department] of Purchaser (the "Authorized Officer") is hereby authorized to execute and deliver the Sales Contract and the [Secretary/Clerk/Other Officer] or any other officer of Purchaser (the "Attesting Officer") is hereby authorized to attest the Sales Contract.

SECTION 5: The officers, employees, and agents of Purchaser are hereby authorized and directed to take such actions and do all things necessary to cause the purchase of said gas to take place, including the payment of all amounts required to be paid in order to purchase the gas in accordance with the Sales Contract.

SECTION 6: The Governing Body consents to the assignment and pledge of all of MEAC's right, title and interest under the Sales Contract, including the right to receive performance by Purchaser of its obligations thereunder, to secure the payment of principal of and interest on the Bonds.

SECTION 7: The officers and employees of Purchaser, as well as any other agent or representative of Purchaser, are hereby

authorized and directed to cooperate with and provide SEA, the underwriters of the Bonds, and their agents and representatives with such information relating to Purchaser as may be necessary for use in the preparation and distribution of a preliminary official statement or other disclosure document used in connection with the sale of the Bonds. After the Bonds have been sold, any officer or employee of Purchaser, or any agent or representative designated by Purchaser, shall make such completions, deletions, insertions, revisions, and other changes in the preliminary official statement relating to Purchaser not inconsistent with this Resolution as are necessary or desirable to complete it as a final official statement for purposes of Rule 15c2-12 of the Securities and Exchange Commission (the "Rule"). The Governing Body hereby covenants and agrees that Purchaser will cooperate with SEA in the discharge of SEA's obligations to provide annual financial and operating information and notification as to material events with respect to Purchaser as may be required by the Rule. Any officer or employee of Purchaser, or such other agent or representative of Purchaser as shall be appropriate, is hereby authorized and directed to provide such information as shall be required for such compliance, and such officer or employee may execute a continuing disclosure agreement with respect to the provision of such information if requested to do so by the underwriters of the Bonds.

SECTION 8: The Bonds are not obligations of Purchaser but are limited obligations of SEA payable solely from the revenues and receipts pledged by SEA under the Indenture, including the revenues and receipts arising from the sale of gas to Project Participants. By consenting to the assignment of the Sales Contract and agreeing to provide information for inclusion in the official statement, Purchaser is not incurring any financial liability with respect to the Bonds.

SECTION 9: All acts and doings of the officers and employees of Purchaser or any other agent or representative of Purchaser which are in conformity with the purposes and intent of this Resolution and in furtherance of the execution and delivery of and performance under the Sales Contract, and in furtherance of the issuance and sale of the Bonds, shall be and the same hereby are in all respects approved and confirmed, including without limitation the execution and delivery by the officers of Purchaser of all certificates and documents as they shall deem necessary in connection with the Sales Contract and the Bonds.

SECTION 10: If any section, paragraph or provision of this Resolution shall be held to be invalid or unenforceable for any reason, the invalidity or unenforceability of such section, paragraph or provision shall not affect any of the remaining provisions of this Resolution.

SECTION 11: All other resolutions or orders, or parts thereof, in conflict with the provisions of this Resolution are, to the extent of such conflict, hereby repealed and this Resolution shall be in immediate effect from and after its adoption.

Adopted and approved this 12th day of April, 2021.

/s/Wayne Harper
City Council President

I, Annette Barnes, do hereby certify that I am the duly qualified and acting City Clerk of the City of Athens, Alabama, and as such official I further certify that the foregoing is a true and correct copy of a resolution adopted by the City of Athens, Alabama at a meeting, a quorum being present and acting throughout, held on April 12th, 2021.

/s/Annette Barnes
City Clerk

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

Councilman Wales introduced the following resolution:

RESOLUTION NUMBER 2021 - 1737

A RESOLUTION TO REQUEST AN ATTORNEY GENERAL OPINION CONCERNING THE ATHENS CITY BOARD OF EDUCATION

WHEREAS, although state law generally provides for five-member school boards, a local law provides that the Athens City Board of Education will be composed of seven members;

WHEREAS, the general state law concerning school boards has changed over the years, and the City of Athens wishes to know whether the local law remains in effect;

WHEREAS, the City of Athens wishes to request that the Alabama Attorney General provide an opinion as to this matter; and

WHEREAS, the City of Athens wishes to request an expedited opinion since two board positions are due for appointment.

THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ATHENS, ALABAMA while in regular session on April 12, 2021 at 5:30 PM, that the Mayor of the City of Athens and the City Attorney are hereby directed and authorized to request that the Alabama Attorney General answer the following question:

QUESTION

1. Does the local law, providing for seven members of the Athens City Board of Education, remain in effect?

ADOPTED this the 12th day of April, 2021.

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

Prior to roll call, Council President Harper asked the City Attorney, Shane Black, to review the need for the Attorney General’s opinion. Mr. Black explained that general state law provides for a five member board of education. He stated that due to a local law passed by the legislative delegation in the early 1970’s, for almost fifty years, the City of Athens has been operating under that local law (applicable only to the City of Athens), which provided for a seven member board of education. He stated that since the local law was adopted, there have been subsequent changes to the general law in the State of Alabama. Since general law normally prevails over local law, the question to be answered is “Does the local law, providing for seven board members, remain in effect or does the general law, which provides for five board members, prevail?”

* * *

There being no further business to come before the meeting, Council President Harper asked if there were any objections to adjourning the meeting. There being none, the meeting was duly and properly adjourned.

/s/Wayne Harper
PRESIDENT, CITY COUNCIL

ATTEST:

/s/ Annette Barnes
CITY CLERK