

May 29, 2020

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 May 29, 2020 at 10:30 a.m. The meeting was called to order by Councilman Frank Travis, President of the Council. Upon roll call, the following were found to be present: Councilmembers Harold Wales, Wayne Harper, Frank Travis and Chris Seibert. Mayor Marks led the Pledge of Allegiance. Annette Barnes, City Clerk, was present and recorded the minutes of the meeting. Frank Travis 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 May 11, 2020 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 Harper and was unanimously carried. The Chairperson stated that the Minutes of the May 11, 2020 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 Harper and was unanimously carried.

Ralph Diggins, 100 Willow Street, Athens, addressed the Council concerning the need for the Mayor and Council to develop and implement a plan to provide for adequate funding for essential City services.

Mark Wilson, South Jefferson Street, Athens, addressed the Council regarding the lack of sidewalks on Highway 127. He stated that the Mayor had recently commented on a local radio program that he would not put sidewalks on Highway 127. Mayor Marks responded by clarifying his comments on the radio program and stated that what he had said was that the City's current list of prioritized sidewalk projects did not include Highway 127. Mr. Wilson stated that projects in his district are overlooked in favor of projects in other more affluent districts and claimed that there is corruption and racism in the City. Council President Travis encouraged Mr. Wilson to contact his Council representative, Councilman Harper, and offered to meet with them and discuss his concerns.

Councilman Seibert introduced the following resolution:

RESOLUTION

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ATHENS, ALABAMA, to accept the resignation of Sally Marks from the Athens Historic Preservation Commission, due to her moving out of the district.

The motion was seconded by Councilman Harper 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 appoint Jackie Warner to the City of Athens Alcohol Review Committee to fulfill the term of Johnny Crutcher, expiring September 30, 2022.

The motion was seconded by Councilman Harper 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 appoint William Flood to the Athens Housing Authority to fulfill the term of Forrest Carter, expiring February 26, 2023.

The motion was seconded by Councilman Harper 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 reappoint Cherry Ann Ward to the Athens Historic Preservation Commission for a three year term, expiring May 31, 2023.

The motion was seconded by Councilman Harper 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 reappoint Clare Middleton to the Industrial Development Board for a six year term, expiring May 29, 2026.

The motion was seconded by Councilman Harper 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 reappoint Ida Terry to the Athens Historic Preservation Commission for a three year term, expiring May 31, 2023.

The motion was seconded by Councilman Harper 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 appoint Jerome Malone to the Industrial Development Board for a six year term, expiring May 29, 2026.

The motion was seconded by Councilman Harper 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 reappoint Harold Johns to the Industrial Development Board for a six year term, expiring June 24, 2026.

The motion was seconded by Councilman Harper 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 reappoint Marselle Leopard to the Industrial Development Board for a six year term, expiring May 29, 2026.

The motion was seconded by Councilman Harper 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 reappoint Jerold Blaxton to the Planning Commission for a six year term, expiring June 12, 2026.

The motion was seconded by Councilman Harper 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 a Kubota RTV in the amount of \$14,376.24 from the existing Street Department Capital Account.

The motion was seconded by Councilman Harper 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 reappoint Tonya Alexander to the Houston Memorial Library Board for a four year term, expiring June 29, 2024.

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

Councilman Seibert introduced the following resolution:

RESOLUTION

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ATHENS, ALABAMA, that the Wastewater Department be authorized to purchase a new Dodge Ram 5500 Cab & Chassis and a truck mounted high pressure water jetting unit to replace the existing Unit 50 for use by the Wastewater Department.

The motion was seconded by Councilman Harper 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 set a Public Hearing for the regular meeting of June 22, 2020 to review the request of John D. Furline & Teresa Dawn Furline to rezone +/- 13.00 acres from the R-1-1 Single Family Residential District to a C-PUD, Conventional Planned Unit Development District located on the east side of Lindsay Lane South immediately north of Indian Trace Subdivision.

The motion was seconded by Councilman Harper 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 set a Public Hearing for the regular meeting of June 22, 2020 to review the request of Joe D. Brooks and Donna B. Brooks to rezone +/- 107.464 acres from an EST, Estate Residential and Agricultural District to an R-1-3 Single Family High Density Residential District located directly south of the intersection of Leatherwood Drive and Quinn Road and directly north of Sutton Drive.

The motion was seconded by Councilman Harper 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 set a Public Hearing for the regular meeting of June 22, 2020 to review the request of Lynn Persell Homebuilders, LLC. to rezone +/- 21.59 acres from an R-1-5 Single Family Attached Residential District and B-2 General Business District to an R-1-3 Single Family High Density Residential District located directly south of 110 Cloverleaf Drive, on the western side of Cloverleaf Drive.

The motion was seconded by Councilman Harper 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 set a Public Hearing for the regular meeting of June 22, 2020 to review the request of Pepper Road Estates, LLC. to rezone +/- 34 acres from an EST, Estate Residential and Agricultural District to an R-1-3 Single Family High Density Residential District located +/- 2,000 feet west of the intersection of Pepper Road and Oakdale Road.

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

Councilman Harper introduced the following resolution:

RESOLUTION

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ATHENS, AL to approve the purchase of a 2021 Kenworth T370 Knuckle Boom Loader Trash Truck from Truckworx Kenworth - Huntsville at a cost of \$156,900. This purchase is being made through the City's membership in the Sourcewell Contract# 081716-KTC. The cost of the truck will be funded as follows: (1) from insurance proceeds from the loss of an existing trash truck totaling \$76,469 and (2) through a general fund budget amendment for the balance of \$80,431. This budget amendment will be to line item 100.527.90112, Transfers Out, Capital Expenditure Fund.

Councilmember Seibert 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, 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 Harper thereupon moved that the resolution be finally adopted, 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, and Harper; NAYS: None. The President thereupon announced that the motion for the adoption of the said resolution had been unanimously carried.

Councilman Harper introduced the following resolution:

RESOLUTION NUMBER 2020 - 1683

A RESOLUTION COMPLYING WITH THE REQUIREMENTS OF SECTION 7.2(c) OF THE TRUST INDENTURE BETWEEN THE CITY OF ATHENS AND THE BANK OF NEW YORK MELLON TRUST COMPANY, N.A., DATED AS OF JULY 1, 2017

BE IT RESOLVED by the City Council (herein called the "Council") of the City of Athens (herein called the "City"), in the State of Alabama, as follows:

In order to comply with the requirements of Section 7.2(c) of that certain Trust Indenture between the City and The Bank of New York Mellon Trust Company, N.A., dated as of July 1, 2017 (herein called the "2017 Indenture"), so that \$18,540,000 aggregate principal amount of Water and Sewer Revenue Warrants, Series 2020, dated June 11, 2020 (herein called the "Series 2020 Warrants"), of the City may be issued as additional securities under the provisions of the 2017 Indenture, the Council does hereby adopt this resolution; request that the said bank, as trustee under the 2017 Indenture, authenticate and deliver the Series 2020 Warrants to the purchaser hereinafter named; and make the following recitals preliminary to the issuance of the Series 2020 Warrants:

the City is not at this time in default under the 2017 Indenture and no such default is imminent;

the Series 2020 Warrants are to be issued by sale and none thereof is to be issued by exchange;

the sale price of the Series 2020 Warrants is \$20,351,666.40 (which represents an underwriting discount of \$180,765 and net original issue premium of \$1,992,431.40 as reflected by the prices or yields shown on the cover page of the Official Statement hereinafter referred to);

(4) the person to whom the Series 2020 Warrants have been sold and shall be delivered is The Frazer Lanier Company Incorporated, Montgomery, Alabama;

(5) no securities have previously been issued by the City under the 2017 Indenture or under any indenture supplemental thereto other than \$18,355,000 aggregate principal amount of the City's Water and Sewer Revenue Warrants, Series 2017, dated July 27, 2017, which were issued under the 2017 Indenture and \$16,240,000 aggregate principal amount of which are now outstanding; and

(6) the Series 2020 Warrants are being issued for the purpose of refunding, on a current basis, the City's Water and Sewer Revenue Warrants, Series 2010, dated November 1, 2010, presently outstanding in the aggregate principal amount of \$11,255,000, providing approximately \$10,000,000 for various capital improvements to the City's water works plant and distribution system and sanitary sewer system, including improvements to the water treatment plant and related distribution system and extensions and improvements to various trunklines and branches for collection and conveyance for the sanitary sewer system and engineering assessment and conceptual design work for the master sewer treatment plant infrastructure needs, purchasing a municipal bond insurance policy for the reserve fund of the 2017 Indenture and paying the costs of issuing the Series 2020 Warrants.

ADOPTED this 29th day of May, 2020

/s/ Frank Travis
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 Seibert and was unanimously carried.

Councilman Seibert introduced the following ordinance:

RESOLUTION NUMBER 2020 - 1683

**A RESOLUTION COMPLYING WITH THE REQUIREMENTS OF SECTION 7.2(c) OF THE TRUST
INDENTURE BETWEEN THE CITY OF ATHENS AND THE BANK OF NEW YORK MELLON TRUST
COMPANY, N.A., DATED AS OF JULY 1, 2017**

BE IT RESOLVED by the City Council (herein called the "Council") of the City of Athens (herein called the "City"), in the State of Alabama, as follows:

In order to comply with the requirements of Section 7.2(c) of that certain Trust Indenture between the City and The Bank of New York Mellon Trust Company, N.A., dated as of July 1, 2017 (herein called the "2017 Indenture"), so that \$18,540,000 aggregate principal amount of Water and Sewer Revenue Warrants, Series 2020, dated June 11, 2020 (herein called the "Series 2020 Warrants"), of the City may be issued as additional securities under the provisions of the 2017 Indenture, the Council does hereby adopt this resolution; request that the said bank, as trustee under the 2017 Indenture, authenticate and deliver the Series 2020 Warrants to the purchaser hereinafter named; and make the following recitals preliminary to the issuance of the Series 2020 Warrants:

the City is not at this time in default under the 2017 Indenture and no such default is imminent;

the Series 2020 Warrants are to be issued by sale and none thereof is to be issued by exchange;

the sale price of the Series 2020 Warrants is \$20,351,666.40 (which represents an underwriting discount of \$180,765 and net original issue premium of \$1,992,431.40 as reflected by the prices or yields shown on the cover page of the Official Statement hereinafter referred to);

(4) the person to whom the Series 2020 Warrants have been sold and shall be delivered is The Frazer Lanier Company Incorporated, Montgomery, Alabama;

(5) no securities have previously been issued by the City under the 2017 Indenture or under any indenture supplemental thereto other than \$18,355,000 aggregate principal amount of the City's Water and Sewer Revenue Warrants, Series 2017, dated July 27, 2017, which were issued under the 2017 Indenture and \$16,240,000 aggregate principal amount of which are now outstanding; and

(6) the Series 2020 Warrants are being issued for the purpose of refunding, on a current basis, the City's Water and Sewer Revenue Warrants, Series 2010, dated November 1, 2010, presently outstanding in the aggregate principal amount of \$11,255,000, providing approximately \$10,000,000 for various capital improvements to the City's water works plant and distribution system and sanitary sewer system, including improvements to the water treatment plant and related distribution system and extensions and improvements to various trunklines and branches for collection and conveyance for the sanitary sewer system and engineering assessment and conceptual design work for the master sewer treatment plant infrastructure needs, purchasing a municipal bond insurance policy for the reserve fund of the 2017 Indenture and paying the costs of issuing the Series 2020 Warrants.

ADOPTED this 29th day of May, 2020.

/s/ Frank Travis
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 Harper, and upon the said motion being put to vote the following vote was recorded: YEAS: Councilmembers Seibert, 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 Seibert 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 Seibert, Wales, Travis, and Harper; NAYS: None. The President thereupon announced that the motion for the adoption of the said ordinance had been unanimously carried.

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

/s/ Frank Travis
PRESIDENT, CITY COUNCIL

ATTEST:

/s/ Annette Barnes
CITY CLERK