

October 12, 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 October 12, 2020 at 5:30 p.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, Dana Henry and Chris Seibert. Mayor Marks led the Pledge of Allegiance. Kim Glaze, Executive Secretary, was present and recorded the minutes of the meeting. Dana Henry 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 28, 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 September 28, 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. The Chairperson stated that the Minutes of the October 5, 2020 Special Work Session 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 Councilwoman Henry and was unanimously carried.

Mayor Marks congratulated Council President Travis on being inducted into the NAACP Hall of Honor. He made note of several upcoming events in the City of Athens. Those events include the Drive-Thru Trunk or Treat on the Square on October 31, 2020, Relay for Life Cattleman's Lunch on October 30, 2020, Veteran's Parade on November 7, 2020, 14th Annual Athens Storytelling Festival on October 23-24, 2020, which will be virtual, and the Drive-Thru Flu Shot Clinic at the City of Athens Sportsplex on October 14, 2020. Mayor Marks also mentioned that a bicentennial book provided by the State of Alabama had been published and included pictures and information pertaining to the City of Athens.

Shane Black, City Attorney, expressed his congratulations to Council President Travis for being inducted into the NAACP Hall of Honor. All of the Council members extended their congratulations, as well. Councilman Seibert thanked Steve Carter for feeding the Athens High School Football Team.

A public hearing was held concerning the rezoning of property for Andrew and Taylor Uselton from an EST Estate Residential and Agricultural District to an R-1-1 Single Family Low Density Residential District. Property is +/-0.985 acres located at 14286 Cambridge Lane within the corporate limits of the City of Athens.

James Rich, Public Works Director, stated that this rezoning met all of the requirements by the Planning Commission.

The public hearing was closed.

Councilman Wales introduced the following ordinance:

AN ORDINANCE TO REZONE PROPERTY FOR ANDREW & TAYLOR USELTON FROM AN EST ESTATE RESIDENTIAL AND AGRICULTURAL DISTRICT TO AN R-1-1 SINGLE FAMILY LOW DENSITY RESIDENTIAL DISTRICT. PROPERTY IS +/- 0.985 ACRES LOCATED AT 14286 CAMBRIDGE LANE WITHIN THE CORPORATE LIMITS OF THE CITY OF ATHENS.

STATE OF ALABAMA
LIMESTONE COUNTY,
CITY OF ATHENS

ORDINANCE NUMBER 2020 - 2134

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 an R-1-1 Low Density Single Family Residential District.

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 “Low Density Single Family Residential District”.
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 R-1-1 Low 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:

Lot 6 of Athens-East Subdivision, a minor subdivision, part of Section 19 and 30 of Township 3 South, Range 3 West, Limestone County, Alabama, according to the map or plat of said subdivision on file in the Probate Office of Limestone County, Alabama, in Plat Book G, Page 74.

ADOPTED this the 12th day of October, 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 Harper 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, Henry 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 Harper and upon the said motion being put to vote the following vote was recorded: YEAS: Councilmembers Seibert, Wales, Travis, Henry 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 the rezoning of property for Coulter and Rachel Broadway from a B-2 General Business District to an R-1-1 Single Family Low Density Residential District. Property is +/-0.985 acres located at 14302 Cambridge Lane within the corporate limits of the City of Athens.

James Rich, Public Works Director, state that this rezoning met all of the requirements by the Planning Commission.

The public hearing was closed.

Councilwoman Henry introduced the following ordinance:

AN ORDINANCE TO REZONE PROPERTY FOR COULTER & RACHEL BROADWAY FROM A B-2 GENERAL BUSINESS DISTRICT TO AN R-1-1 SINGLE FAMILY LOW DENSITY RESIDENTIAL DISTRICT. PROPERTY IS +/- 0.985 ACRES LOCATED AT 14302 CAMBRIDGE LANE WITHIN THE CORPORATE LIMITS OF THE CITY OF ATHENS.

STATE OF ALABAMA
LIMESTONE COUNTY,
CITY OF ATHENS

ORDINANCE NUMBER 2020 - 2135

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 a B-2 General Business District to an R-1-1 Low Density Single Family Residential District.

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 “Low Density Single Family Residential District”.

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 R-1-1 Low 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:

Lot 5 of Athens-East Subdivision, a minor subdivision, part of Section 19 and 30 of Township 3 South, Range 3 West, Limestone County, Alabama, according to the map or plat of said subdivision on file in the Probate Office of Limestone County, Alabama, in Plat Book G, Page 74.

ADOPTED this the 12th day of October, 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 Harper 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, Henry 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 Henry 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, Henry 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 various proposed amendments to the City of Athens Zoning Ordinance, at which an opportunity was provided for members of the public to address the Council concerning the proposed amendments. No members of the public addressed the Council concerning the proposed amendments.

During the public hearing, James Rich, Public Works Director, stated that these amendments would address some concerns that had arose since the current zoning ordinance had been passed in 2017.

Councilman Wales had several concerns in regards to the new amendments of the City of Athens Zoning Ordinance and Council President Travis suggested that the Council have a work session concerning the matter, to discuss the proposed amendments in more detail.

The public hearing was closed. President Travis stated that the Council would schedule a work session to discuss the proposed amendments to the zoning ordinance, and so the ordinance concerning those proposed changes would not be acted upon at this meeting.

Scott Marshall, 410 East Washington Street, Athens, spoke in reference to the paving and striping of the streets around town. He stated that there are numerous areas that will not drain. He also made note that people speed down Washington Street and that it would be useful to install stop signs.

Councilman Seibert introduced the following resolution:

RESOLUTION

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ATHENS, AL to approve the purchase of three (3) replacement hosts for virtual servers and all related equipment, including installation, at a total cost NTE \$45,950. This purchase will be made from TSA through the City's Membership in the National Cooperative Purchasing Alliance (NCPA) and shall be funded from the existing IT 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 set a Public Hearing for the regular meeting of November 9, 2020 to review the request of Tanner Park LLC, Narender Reddy Edulakanti, and Suneetha Madisetty for recommendation to the City Council of the City of Athens to rezone +/-1.45 Acres of property located at 11915 US Highway 31, south of Huntsville Brownsferry Road, parcel nos. 44-16-02-04-0-001-003.000 and 44-16-02-04-0-001-008.004), from the R-1-1 Low Density Single Family Residential District and the B-2 General Business District to the B-2 General Business 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 approve the purchase from Altec Industries, Inc., Birmingham, Alabama, for one 2020 55' Articulating Telescopic Aerial Device with Service Body and Cab and Chassis for a price of \$194,038.00 and one 47' Digger Derrick for a price of \$191,909.00.

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

Councilman Seibert introduced the following resolution:

RESOLUTION NUMBER 2020 - 1713

A RESOLUTION AUTHORIZING CITY OF ATHENS ELECTRIC DEPARTMENT OF THE CITY OF ATHENS, ALABAMA TO BECOME A MEMBER OF SEVEN STATES POWER CORPORATION

WHEREAS, the City of Athens Electric Department (herein the "Electric System") is a member of the Tennessee Valley Public Power Association ("TVPPA"); and

WHEREAS, TVPPA has taken a leadership role in cooperative discussions with the Tennessee Valley Authority ("TVA") to facilitate the development of a form of joint equity cooperative ownership by the TVPPA members of various

power supply facilities and other means of energy efficiency and demand response options, some of which may be through amendments to the wholesale power contract with TVA; and

WHEREAS, TVPPA through its leadership has also been instrumental in creating and organizing Seven States Power Corporation (“Seven States”) in the form of a generation and transmission cooperative through which TVPPA members may become participating members so as to have the potential to participate in generation, transmission, energy efficiency, demand response services, and other services, and in the process create equity interests in the form of patronage member capital in Seven States; and

WHEREAS, the Electric System remitted an initial payment to TVPPA as a TVPPA assessment to be used for the expenses of creating and operating Seven States, with a portion of such assessment to be a membership fee paid by TVPPA to Seven States for the Electric System’s initial membership in Seven States; and

WHEREAS, to fully formalize its membership in Seven States, it is necessary that an application for membership be completed and submitted to Seven States as so authorized by the governing body with supervisory oversight of the Electric System; and

WHEREAS, it is understood that membership in Seven States does not obligate the Electric System to enter into any future wholesale power contract or other service contract with Seven States;

NOW, THEREFORE, BE IT RESOLVED that the Manager of the Electric System be, and hereby is, authorized to make an application in behalf of the Electric System for formal membership in Seven States so as to become a member thereof, and to comply with its bylaws.

ADOPTED this the 12th day of October, 2020.

/s/ Frank Travis
PRESIDENT, CITY COUNCIL,
CITY OF ATHENS, ALABAMA

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 and support the City of Athens Gas Department’s Public Awareness Program RP 1162 with a copy of this resolution to be attached to and made apart hereof of the Gas Department’s Public Awareness Program and spread the same on the minutes.

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

Councilman Harper introduced the following resolution:

RESOLUTION NUMBER 2020 - 1714

WHEREAS, the City of Athens solicited bids for the Paving and Striping Operations, with said bids being received and opened on Friday, September 25th, 2020 at 2:00 p.m. at Athens, Alabama City Hall, and

WHEREAS, the low bidder was Reed Contracting,

WHEREAS, the City of Athens Public Works Department recommends that the bid should be awarded to Reed Contracting as the lowest responsible bidder in the amount of \$1,845,291.29.

WHEREAS, the second lowest bidder was Joe Keenum Excavation and Construction and will be held as a retainer on the contract.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ATHENS, ALABAMA, that:

Section 1. The bid for Paving and Striping of the attached resolution voted on by the City of Athens City Council on October 12th, 2020 be awarded to Reed Contracting, in the amount of \$1,845,291.29 and funded from the City of Athens Capital Project and Gas Tax fund.

Section 2. William R. Marks, in his capacity as Mayor, is authorized to sign all bid award contracts and any pertinent documents pertaining to the award and execution of this bid project.

Section 3. This resolution shall become effective immediately upon its adoption.

Adopted and approved this 12th day of October, 2020

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

Councilman Seibert introduced the following resolution:

RESOLUTION NUMBER 2020 - 1715

WHEREAS, the City of Athens solicited bids for the Rehabilitation of Bituminous Paving with said bid being received and opened on Friday, September 25th, 2020 at 2:00 p.m. at Athens, Alabama City Hall, and

WHEREAS, the low bidder was Whitaker Contracting Corporation,

WHEREAS, the City of Athens Public Works Department recommends that the bid should be awarded to Whitaker Contracting Corporation as the lowest responsible bidder in the amount of \$384,070.95.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ATHENS, ALABAMA, that:

Section 1. The bid for Rehabilitation of Bituminous Paving of the attached resolution voted on by the City of Athens City Council on October 12th, 2020 be awarded to Whitaker Contracting Corporation, in the amount of \$384,070.95 and funded from the City of Athens Capital Project and Gas Tax fund.

Section 2. William R. Marks, in his capacity as Mayor, is authorized to sign all bid award contracts and any pertinent documents pertaining to the award and execution of this bid project.

Section 3. This resolution shall become effective immediately upon its adoption.

Adopted and approved this 12th day of October, 2020.

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

ATTEST:

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

Councilmember Harper 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, Henry 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 Henry and upon the said motion being put to vote the following vote was recorded: YEAS: Councilmembers Seibert, Wales, Travis, Henry 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 ATHENS, ALABAMA to add the following position back to the Public Works Department Organizational Chart:

- Technical Coordinator, Grade 8, Job description approved, 11/14/2011

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

Councilman Wales introduced the following ordinance:

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

ORDINANCE NUMBER 2020 - 2136

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ATHENS, ALABAMA, that Ordinance Number 888, establishing a classification list for classified and unclassified employees is hereby amended as follows, effective: 10/12/2020.

Add the following job title to the list of classified positions for the PW Department:

- (1) Technical Coordinator, Grade 8

ADOPTED and APPROVED this, the 12th day of October, 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 Harper 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, Henry 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 Harper and upon the said motion being put to vote the following vote was recorded: YEAS: Councilmembers Seibert, Wales, Travis, Henry and Harper; NAYS: None. The President thereupon announced that the motion for the adoption of the said ordinance had been unanimously carried.

Councilwoman Henry introduced the following resolution:

RESOLUTION NUMBER 2020 - 1716

This resolution made this 12 day of October 2020 (the Effective Date) by the City Council of Athens, AL (the Granting Authority), to grant a tax abatement to Indorama Ventures Sustainable Solutions, LLC (the Company).

WHEREAS, this Resolution does not relate to a new abatement of taxes with respect to the Company, as the Granting Authority previously, at its regular meeting on November 25, 2019, adopted Resolution No. 2019-1645, which authorized an abatement of state and local non-educational property taxes (if applicable); and

WHEREAS, this Resolution works an amendment and complete replacement of Resolution No. 2019-1645, as this Resolution is based on updated and new information concerning the Company's project; and

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

new project or major addition to their existing facility (the Project), located within the jurisdiction of the Granting Authority; and

WHEREAS, pursuant to the Tax Incentive Reform Act of 1992 (Section 40-9B-1 et seq., Code of Alabama 1975) (the Act), the Company has requested from the Granting Authority an Abatement of (check all that apply):

- all state and local non-educational property taxes,
- all construction related transaction taxes, except those local construction related transaction taxes levied for educational purposes or for capital improvements for education, and /or
- all mortgage and recording taxes; and

WHEREAS, the Company has requested that the abatement of state and local non-educational property taxes (if applicable) be extended for a period of 10 years, in accordance with the Act; and

WHEREAS, the Granting Authority has considered the request of the Company and the completed applications (copy attached) filed with the Granting Authority by the Company, in connection with its request; and

WHEREAS, the Granting Authority has found the information contained in the Company's application to be sufficient to permit the Granting Authority to make a reasonable cost/benefit analysis of

the proposed project and to determine the economic benefits to the community; and

WHEREAS, the construction of the project will involve a capital investment of \$51,540,235; and

WHEREAS, the Company is duly qualified to do business in the State of Alabama, and has powers to enter into, and to perform and observe the agreements and covenants on its part contained in the Tax Abatement Agreement; and

WHEREAS, the Granting Authority represents and warrants to the Company that it has power under that constitution and laws of the State of Alabama (including particularly the provisions of the Act) to carry out provisions of the Tax Abatement Agreement.

NOW THEREFORE, be it resolved by the Granting Authority as follows:

Section 1. Approval is hereby given to the application of the Company and abatement is hereby granted of (check all that apply):

- all state and local non-educational property taxes,
- all construction related transaction taxes, except those construction related transaction taxes levied for educational purposes or for capital improvements for education, and /or
- all mortgage and recording taxes

as the same may apply to the fullest extent permitted by the Act. The period of abatement for the non-educational property taxes (if applicable) shall extend for a period of 10 years measured as provided in Section 40-9B-3(a)(12) of the Act.

agreement with the Company to provide for the abatement granted in Section 1.

Section 3. A certified copy of this resolution, with the application and abatement agreement, shall be forwarded to the Company to deliver to the appropriate local taxing authorities (if applicable) and to the Alabama Department of Revenue in accordance with the Act.

Section 4. The governing body of the Granting Authority is authorized to take any and all actions necessary or desirable to accomplish the purpose of the foregoing of this resolution.

Section 5. This Resolution works a complete amendment and replacement of Resolution No. 2019-1645.

I hereby certify that the above and foregoing was duly adopted by the City Council of Athens, AL at a meeting held on the 12 day of October 2020.

/s/ Frank Travis
PRESIDENT, CITY COUNCIL,
CITY OF ATHENS, ALABAMA

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

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

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

Councilman Harper introduced the following resolution:

RESOLUTION

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ATHENS, ALABAMA, to accept the low bid of \$198,044.58 from Broadway Electric Services Corporation for the Highway 20 Overpass Utility Relocation.

Councilmember Henry moved that unanimous consent be given for immediate consideration of and action on said resolution, 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, Henry 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, Henry and Harper; NAYS: None. The President thereupon announced that the motion for the adoption of the said resolution had been unanimously carried.

Councilman Seibert introduced the following resolution:

RESOLUTION NUMBER 2020 - 1717

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 11-99B1, 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 commodity supply project under which it will finance the acquisition of gas and electricity supplies from Morgan Stanley Energy Structuring, L.L.C. 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 and a portion of the electricity requirements of the City of Troy, Alabama, one of SEA's members, which owns and operates a municipal electric system, (together, the "Project Participants") through a commodity 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 and electric 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 [Gas Board/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 1200 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 [City of Athens Gas Department Manager] 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.

Section 12: This Resolution shall take effect immediately upon its adoption.

Adopted and approved this 12th day of October, 2020.

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

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 October 12th, 2020.

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

The motion was seconded by Councilman Harper 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 appoint Dana Henry to serve as the Council representative on the City of Athens Planning Commission through October 30, 2024.

The motion was seconded by Councilman Seibert and was carried with four yeas. Councilwoman Henry abstained.

At approximately 6:30 p.m., Councilman Harper introduced a motion to enter into executive session. Councilman Harper's motion was then seconded by Councilman Seibert. Prior to the vote, City Attorney Shane Black provided an oral declaration that the business to be discussed in the executive session satisfied the following exceptions as prescribed in the Open Meetings Act: (1) to discuss the consideration the governmental body is willing to offer or accept when considering the purchase, sale, exchange, lease, or market value of real property; (2) to discuss the legal ramifications of and legal options for controversies imminently likely to be litigated if the governmental body pursues a proposed course of action. Councilman Harper's motion was unanimously approved. President Travis advised those in attendance that the Council would reconvene after the executive session, and that it might consider additional business at that time. He expected that the session would take less than an hour. The Council entered executive session.

The Council came out of executive session at approximately 7:20 p.m.

Councilman Seibert introduced the following resolution:

RESOLUTION NUMBER 2020 - _____

A RESOLUTION APPROVING A SANDERFER ROAD AGREEMENT

WHEREAS, certain residents along Sandefer Road (Gregory Coffey, Cathy Coffey, Jerry Gatlin, and Betty Gatlin) have a storm shelter located partially inside a utility easement alongside and near the Sanderfer Road public right of way;

WHEREAS, it appears that in the 1970's, city officials may have either approved or acquiesced to the placement of the storm shelter in that location;

WHEREAS, it is in the City's interest that the storm shelter be removed; and

WHEREAS, the City wishes to enter into an agreement with the residents so that the City can remove the storm shelter and compensate them for it.

THEREFORE BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ATHENS, ALABAMA on October 12, 2020 at 5:30 p.m., that James Rich, Director of Public Works, is authorized to enter into an agreement with the residents whereby the City removes the storm shelter and pays the residents for its removal, in the amount of Eighteen Thousand and 00/100 Dollars (\$18,000.00) (as well as such other terms that the Mayor deems reasonable that are not inconsistent with this Resolution). The Mayor and Public Works Director are 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 agreement referenced herein, including but not limited to authorizing the expenditure and use of municipal funds as set forth in the agreement; and approving and executing further documents that are consistent with and involved in carrying out the transactions contemplated by this Resolution.

ADOPTED this the ____ day of October, 2020.

FRANK B. TRAVIS, CITY COUNCIL PRESIDENT

CERTIFICATION OF CITY CLERK

STATE OF ALABAMA)
LIMESTONE COUNTY)

I, Annette Barnes-Threet, City Clerk of the City of Athens, Alabama, do hereby certify that the above and foregoing is a true and correct copy of a Resolution duly adopted by the City Council of the City of Athens, Alabama, on the ____ day of _____, 2020.

Witness my hand and seal of office this ____ day of _____, 2020.

City Clerk

Seeing no unanimous consent to consider the above resolution at this meeting, President Travis announced that the resolution would lay over until the next council meeting.

* * *

There being no further business to come before the meeting, the same was, upon motion by Councilman Harper and seconded by Councilman Seibert, duly and properly adjourned.

/s/Frank Travis
PRESIDENT, CITY COUNCIL

ATTEST:

/s/ Annette Barnes
CITY CLERK