

July 25, 2022

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 July 25, 2022 at 5:30 p.m. The meeting was called to order by Councilman Chris Seibert, President of the City Council. Upon roll call, the following were found to be present: Councilmembers Chris Seibert, Harold Wales, Wayne Harper and James E. Lucas. Councilmember Dana Henry was absent. Annette Barnes-Threat, City Clerk, was present and recorded the minutes of the meeting. Chris Seibert 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 July 18, 2022 City Council Meeting had been submitted for approval. Councilman Wales 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 July 18, 2022 City Council Work Session Meeting had been submitted for approval. Councilman Wales 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.

Mayor Marks announced that several events are taking place this week for Athens State's 200th anniversary. He noted that Jan Matthews will be hosting an event on Saturday, August 6th, at the City of Athens Sportsplex, called "Let's Move Athens." The Mayor mentioned that pickleball was on the cover of Parade magazine and that it's here to stay.

Councilman Lucas stated that he plans to hold a District 3 meeting with his constituents.

Councilman Lucas introduced the following resolution:

RESOLUTION

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

| | | |
|------------|---------|---------|
| Amy Golden | Mileage | \$36.33 |
|------------|---------|---------|

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

Councilman Lucas introduced the following resolution:

RESOLUTION

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ATHENS, ALABAMA, to approve the following travel/education expenses for the Public Works Department:

| | | |
|------------|--|----------|
| James Rich | Public Works /ASCE Conference Point Clear, AL July 12 – 15, 2022 | \$792.52 |
|------------|--|----------|

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

Councilman Lucas introduced the following resolution:

RESOLUTION

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ATHENS, ALABAMA, to purchase two (2) 2023 F-150 crew cab pick-up trucks for the City of Athens Fire Department. This purchase will be made from the State of Alabama Bid List from Stivers Ford Lincoln Montgomery, AL. These trucks will be outfitted with all necessary emergency equipment from Mobile Communications America in Huntsville, AL. The total cost for trucks and equipment is not exceed \$94,000. The Funding for this purchase will be from the existing City of Athens Fire Department Capital Account.

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

Councilman Lucas 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: Market Jiffy Mart Inc.
Dba: Jiffy Mart
Address: 1202 West Market Street
Athens, AL 35611

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, at its meeting on July 25, 2022, that the Council authorizes an unbudgeted capital amount of \$260,000.00 to be funded from the Water and Sewer 2022 Bond Series proceeds for Krebs Engineering, Inc. to perform consulting services including conceptual design, permitting, easement acquisition, final design and services during construction to execute the Canebrake Sewer Lift Station Upgrades project, and the Water Services Department Director for and on behalf of the City of Athens, is authorized to enter into this contract to complete this work.

Councilmember Harper moved that unanimous consent be given for immediate consideration of and action on said resolution, which motion was seconded by Councilmember Lucas, and upon the said motion being put to vote the following vote was recorded: YEAS: Councilmembers Seibert, Wales, Lucas, 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 Harper and upon the said motion being put to vote the following vote was recorded: YEAS: Councilmembers Seibert, Wales, Lucas, 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 2022 – 1830

A RESOLUTION COMPLYING WITH THE REQUIREMENTS OF SECTION 8.2(b) OF THE TRUST INDENTURE BETWEEN THE CITY OF ATHENS AND AMSOUTH BANK (THE CORPORATE TRUST SUCCESSOR TO WHICH IS THE BANK OF NEW YORK MELLON TRUST COMPANY, N. A.), DATED AS OF DECEMBER 1, 1997

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 8.2(b) of that certain Trust Indenture between the City and AmSouth Bank (the corporate trust successor to which is The Bank of New York Mellon Trust Company, N. A.) dated as of December 1, 1997 (herein called the "1997 Indenture"), so that \$10,270,000 principal amount of Gas Revenue Warrants, Series 2022, dated the date of issuance (herein called the "Series 2022 Warrants"), of the City may be issued as additional securities under the provisions of the 1997 Indenture, the Council does hereby adopt this resolution; request that the said bank, as trustee under the 1997 Indenture, authenticate and deliver the Series 2022 Warrants to the purchaser hereinafter named; and make the following recitals preliminary to the issuance of the Series 2022 Warrants:

the City is not at this time in default under the 1997 Indenture and no such default is imminent;

the person to whom the Series 2022 Warrants have been sold and shall be delivered is The Frazer Lanier Company, Incorporated, Montgomery, Alabama;

the Series 2022 Warrants are to be issued by sale and none thereof is to be issued by exchange;

the sale price of the Series 2022 Warrants is \$10,916,232.45 (which represents an underwriting discount of \$89,862.50, and net original issue premium of \$736,094.95 as reflected by the prices or yields shown on the inside cover page of the Official Statement hereinafter referred to);

no securities have previously been issued by the City under the 1997 Indenture or under any indenture supplemental thereto other than

(A) \$3,050,000 aggregate principal amount of the City's Gas Revenue Warrants, Series 1997, dated December 1, 1997, which were issued under the 1997 Indenture and which are no longer outstanding;

(B) \$4,980,000 aggregate principal amount of the City's Gas Revenue Warrants, Series 1999, dated March 1, 1999, which were issued under the 1997 Indenture and which are no longer outstanding;

(C) \$2,410,000 aggregate principal amount of the City's Gas Revenue Warrants, Series 2005, dated January 1, 2005, which were issued under the 1997 Indenture and which are no longer outstanding (herein called "the Series 2005 Warrants");

(D) \$4,985,000 aggregate principal amount of the City's Gas Revenue Warrants, Series 2007, dated May 1, 2007, which were issued under the 1997 Indenture and which are no longer outstanding (herein called "the Series 2007 Warrants");

(E) \$2,450,000 aggregate principal amount of the City's Gas Revenue Warrants, Series 2012, dated August 1, 2012, which were issued under the 1997 Indenture and are now outstanding in the aggregate principal amount of \$1,485,000;

(F) \$1,345,000 aggregate principal amount of the City's Gas Revenue Warrants, Series 2016, dated April 20, 2016, which were issued under the 1997 Indenture and are now outstanding in the aggregate principal amount of \$970,000; and

(G) \$3,590,000 aggregate principal amount of the City's Gas Revenue Warrants, Series 2016-B, dated September 21, 2016, which were issued under the 1997 Indenture and are now outstanding in the aggregate principal amount of \$1,050,000.

the Series 2022 Warrants are to be issued for the following purposes:

(A) providing funds to pay the costs of capital improvements to the natural gas transmission and distribution system of the City; and

(B) paying the expenses related to the issuance of the Series 2022 Warrants.

ADOPTED this 25th day of July, 2022.

/s/ Chris Seibert
PRESIDENT, CITY COUNCIL,
CITY OF ATHENS, ALABAMA

Authenticated:

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

APPROVED this 25th day of July, 2022.

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

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

Councilman Wales introduced the following ordinance:

ORDINANCE NUMBER 2022 - 2230

AN ORDINANCE AUTHORIZING THE ISSUANCE OF THE CITY'S \$10,270,000 PRINCIPAL AMOUNT OF GAS REVENUE WARRANTS, SERIES 2022

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

Section Findings. After investigation duly made by it and based upon the information obtained from such investigation, the Council hereby makes the following findings and declares the following statements to be true:

it is necessary and desirable to provide funds for the acquisition and construction of extensions and improvements to the City's natural gas distribution system (herein called "the System"); and

for the purpose of providing said funds, providing for a debt service reserve fund and paying the expenses related to the issuance of the Series 2022 Warrants hereinafter referred to, it will be

necessary that the Series 2022 Warrants be issued as authorized in this ordinance and pursuant to the applicable provisions contained in the Seventh Supplemental Indenture attached as Exhibit A to this ordinance.

Section Authorization of the Series 2022 Warrants. Pursuant to the applicable provisions of the constitution and laws of the State of Alabama, including particularly Section 11-47-2, as amended, and to provide funds for the purposes referred to in Section 1 of this ordinance, there are hereby authorized to be issued by the City \$10,270,000 aggregate principal amount of its Gas Revenue Warrants, Series 2022 (herein called the "Warrants"), under the terms, conditions and provisions set out in the Seventh Supplemental Indenture (herein called the "Seventh Supplemental Indenture") authorized in Section 6 of this ordinance. All of the provisions thereof respecting the Warrants are hereby adopted as a part of this ordinance.

Section Source of Payment of the Series 2022 Warrants and Pledge Therefor. The obligation evidenced and ordered paid by the Warrants shall be a limited obligation of the City payable solely out of the revenues from the operation of the System as specified in the Seventh Supplemental Indenture, and shall not constitute a general obligation of the City or be subject to any charge on or against its general funds, its taxing powers, or its constitutional debt limit.

Section Series 2022 Warrants to Constitute Additional Warrants Issued Under the 1997 Indenture Covering the System. The Warrants shall be issued as additional securities under the reserved power contained in Section 8.2 of that certain Trust Indenture between the City and AmSouth Bank (the corporate trust successor of which is The Bank of New York Mellon Trust Company, N. A.), dated as of December 1, 1997 (herein called the "1997 Indenture"), and shall be entitled to and shall have the pledges and other rights and privileges accorded to the securities issued under that document and each supplement thereto, including specifically (but without limiting the generality thereof) the pledge made in the 1997 Indenture for payment of the principal of and interest on all securities issued thereunder on a parity with all other securities that may at any time be issued pursuant to its provisions.

Section Resolution Complying With the Requirements of Section 8.2(b) of the 1997 Indenture. In order to comply with the requirements of Section 8.2(b) of the 1997 Indenture preliminary to the issuance of the Warrants as additional securities thereunder, the Council has adopted, at the same meeting at which this ordinance is adopted, a resolution containing the recitations required in Section 8.2(b) of the 1997 Indenture to be made by the City.

Section Authorization of Seventh Supplemental Indenture. The Mayor of the City is hereby authorized to execute and deliver, in the name and behalf of the City, the Seventh Supplemental Indenture in the form attached as Exhibit A to and constituting a part of this ordinance, and the City Clerk is hereby authorized and directed to affix thereto and attest thereon the corporate seal of the City. Upon full execution of the Seventh Supplemental Indenture, the Mayor is authorized and directed to deliver it to the trustee thereunder. All provisions of the Seventh Supplemental Indenture are hereby adopted as a part of this ordinance to the same extent as if they were set out in full herein.

Section Sale of the Series 2022 Warrants; Delivery Thereof and Use of Proceeds Therefrom. The Warrants are hereby sold to The Frazer Lanier Company, Incorporated (herein called the "Underwriter"), at a purchase price equal to \$10,916,232.45 (which represents an underwriting discount of \$89,862.50 and net original issue premium of \$736,094.95, allocated among the various maturities as reflected by the prices or yields shown on the cover page of the Official Statement hereinafter referred to). The actions of the Mayor heretofore taken in executing on behalf of the City a purchase contract dated July 14, 2022, between the Underwriter and the City, are hereby ratified, confirmed and approved in all respects. The Mayor and the City Clerk are hereby directed to consummate the execution, sealing and attestation of the Warrants and to deliver them to the said purchaser upon payment to the City of the purchase price therefor. Simultaneously with such delivery, the City Treasurer is authorized and directed to pay the proceeds from the said sale to the Trustee who shall apply them in the manner and for the purposes set out in Section 2.6 of the Seventh Supplemental Indenture.

Section Authorization of Official Statement. The Mayor is hereby authorized to execute for and in behalf of the Board an Official Statement with respect to the Warrants in substantially the form presented to the meeting at which this resolution is adopted, which form, marked Exhibit B, is to be attached to the minutes of the meeting at which this ordinance is adopted and which is hereby made a part of this ordinance as if set out in full herein. The actions of the City heretofore taken deeming the Preliminary Official Statement with respect to the Warrants to be final as of its date except for the omission of pricing information are hereby ratified, confirmed and approved in all respects.

Section Authorization of Continuing Disclosure Agreement. In order to assist the Underwriter in complying with Rule 15c2-12 of the Securities and Exchange Commission, the Council hereby authorizes and directs the Mayor to execute and deliver, for and in behalf of the City, a Continuing Disclosure Agreement in substantially the form presented to the meeting at which this ordinance is adopted (which form shall be attached as Exhibit C to the minutes of the meeting at which this ordinance is adopted and which is hereby made a part of this ordinance as if set out in full herein), and hereby authorizes and directs the City Clerk of the City to affix to the Continuing Disclosure Agreement the seal of the City and to attest the same.

Section Compliance with Certain Requirements of the Code. The City will comply with all conditions to and requirements for the exemption from gross income for federal income taxation of the interest income on the Warrants imposed by Section 103 of the Internal Revenue Code of 1986, as amended (herein called the "Code"). Without limiting the generality of the foregoing,

the City will not apply the proceeds from the Warrants in a manner that would cause any of the Warrants to be a "private activity bond" within the meaning of Section 141(a) of the Code, and

the City will comply with the requirements of Section 148 of the Code in order that the Warrants will not be "arbitrage bonds" within the meaning of Section 148 of the Code.

Section 11. Severability. The various provisions of this ordinance are hereby declared to be severable. In the event any provision hereof shall be held invalid by a court of competent jurisdiction, such invalidity shall not affect any other portion of this ordinance.

ADOPTED this 25th day of July, 2022.

/s/ Chris Seibert
PRESIDENT, CITY COUNCIL,
CITY OF ATHENS, ALABAMA

Authenticated:

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

APPROVED this 25th day of July, 2022.

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

Councilman Harper introduced the following resolution:

RESOLUTION NUMBER 2022 - 1831

A RESOLUTION AUTHORIZING THE CITY OF ATHENS TO JOIN THE STATE OF ALABAMA AND OTHER LOCAL GOVERNMENTS AS PARTICIPANTS IN CURRENT AND FUTURE OPIOID SETTLEMENTS

WHEREAS, the opioid epidemic continues to impact communities in the United States, the State of Alabama, and the City of Athens, Alabama (the “City”);

WHEREAS, the City has suffered harm and will continue to suffer harm as a result of the opioid epidemic;

WHEREAS, the State of Alabama and some Alabama local governments have filed lawsuits against opioid manufacturers, distributors, and retailers (“Opioid Litigation”);

WHEREAS, the State of Alabama has entered into various Settlement Agreements, and is likely to enter into additional agreements in the future which include the claims for the State of Alabama’s local governments;

WHEREAS, the City finds the terms of the current Settlement Agreements acceptable and in the best interest of the community and anticipates the terms of the future Settlement Agreements to be similarly acceptable;

WHEREAS, the State of Alabama has prepared and presented Settlement Sign-On Agreements to the local governments and the City finds the terms of the Sign-On Agreement acceptable and in the best interest of the community; and

WHEREAS, the current and future Settlement Agreements and Sign-On Agreements will detail the allocation of Settlement Funds, which the City finds acceptable and in the best interest of the community.

THEREFORE BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ATHENS, ALABAMA on July 25th, 2022 at 5:30 PM, as follows:

1. The City Council finds that participation in the various Opioid Settlements, Settlement Agreement and Sign-On Agreement is in the best interest of the City of Athens and its citizens because such a plan would ensure an effective structure for the commitment of Settlement Funds to abate and seek to resolve the opioid epidemic.
2. The City hereby expresses its support for the Settlement of various Opioid claims and allocation and use of Settlement Funds as generally described in the Settlement Agreement and Sign-On Agreement.
3. Mayor William R. Marks is expressly authorized to execute, for and on behalf of the City, the Settlement Sign-On Agreements, and the Mayor is further authorized to execute any formal agreements necessary to implement the Settlements and plan for the allocation and use of Settlement Funds.
4. The Mayor is hereby expressly authorized to execute any formal agreement and related documents evidencing the City’s agreement to the settlement of claims and litigation related to the Opioid Epidemic.
5. The Mayor is authorized to take such other action as necessary and appropriate to effectuate the City’s participation in any Settlement related to the Opioid Epidemic.

ADOPTED this the 25th day of July, 2022.

/s/ Chris Seibert
PRESIDENT, CITY COUNCIL,
CITY OF ATHENS, ALABAMA

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

George Lockett, 934 East Strain Road, Athens, addressed the City Council concerning a sewer line being installed on Strain Road.

Chris Burks, 2104 Luke Street, Athens, addressed the City Council concerning flooding in the community.

* * *

There being no further business to come before the meeting, Council President Seibert declared the meeting duly and properly adjourned.

/s/ Chris Seibert
PRESIDENT, CITY COUNCIL

ATTEST:

/s/ Annette Barnes
CITY CLERK