

STATE OF ALABAMA
ST. CLAIR COUNTY

The City Council of the City of Pell City met in a work session at the City Hall at 5:30 p.m. on Monday, April 27, 2020. Present were Council President James McGowan, Councilmen Jay Jenkins, Jud Alverson, Jason Mitcham, and Blaine Henderson. Council President McGowan opened the meeting for discussion.

The invocation was led by City Attorney John Rea.

The pledge to the American flag was led by Assistant City Clerk Sheree Pruitt.

The City Clerk had roll call for attendance.

Councilman Jud Alverson advised the bills had been reviewed and were okay to be paid.

There were no comments on the minutes of the regular Council Meeting held on April 13, 2020.

City Manager Brian Muenger addressed the Council regarding an agreement with United Health Care and Viva Health for Senior Citizens' Wellness Programs. Mr. Muenger advised the programs were similar to the Silver Sneakers program and the City would be paid on a "per visit basis" for those that qualify for the programs.

City Manager Muenger addressed the Council regarding the vacations of a portion of Wilson Street, an Unnamed Street Right-of-Way and a portion of 15th Avenue North on the old hospital site. Mr. Muenger advised there were no changes and confirmed both petitions had been properly executed. He confirmed the items were ready for action by the Council due to the Public Hearing being held at the Council Meeting on April 13, 2020. City Attorney John Rea confirmed the vacation of 15th Avenue was also consented to by the Pell City Board of Education. He advised a portion of the property would go to the Board of Education and a portion to St. Clair County. Mr. Rea confirmed the portion of the road that was being vacated was not used by the Board of Education for access to their office.

City Manager Muenger addressed the Council regarding revised User Agreements for Lakefest and the 2020 Hometown Block Party. Mr. Muenger advised the revised agreements were necessary due to date changes for each event.

City Manager Muenger addressed the Council regarding surplus items. Mr. Muenger confirmed these items were no longer needed for municipal purposes and was part of a continued effort to clean up around the Street Department.

City Manager Muenger addressed the Council regarding the ratification of an agreement with the Coosa Valley Water Supply District, Inc. Mr. Muenger advised the ratification was necessary in order to facilitate refinancing the bonds, which would allow a savings for all parties. City Attorney John Rea confirmed there were no substantive changes but did confirm the same rate structure that had been in place. He advised the refinancing would allow an approximate savings of \$200,000.00 per year. Mr. Rea confirmed the District had been providing the rate information on a calendar year basis. However, the contract was also amended so that the District would provide rate information on a fiscal year basis. Mr. Rea confirmed with Councilman Jenkins there was language added regarding sales of water to non-members. He advised that in the event that sales were to happen, it allowed a rebate back to the members. Mr. Rea advised the monthly payment would decrease by approximately \$50,000.00 and confirmed there was not an extension of the debt. Councilman Alverson inquired if the payments were to be made at the same amount, could the debt be paid sooner. Mr. Rea advised he believed that could be discussed.

City Manager Muenger addressed the Council regarding the annexation of property located at 330 Sunset Strip and owned by Richard Evan Gordon, III. Mr. Muenger advised the lot was a single-family lot and confirmed there were plans to clear and construct on the lot. He stated that Mr. Gordon was unaware of the Ordinance not allowing water to be served to residents outside the City Limits. Mr. Muenger advised the petition had been approved by the Planning

Commission and recommended for annexation. He confirmed the property would be annexed with an R-A zoning but would up zone to R-2 which would be consistent with all the other lots around.

City Manager Muenger addressed the Council regarding an agreement with Goodgame Company and expending funds on renovations to 111 20th Street North. Mr. Muenger advised that Pardons and Paroles had chosen the city property to locate their offices after inspecting multiple different properties. Mr. Muenger confirmed there were some necessary improvements that had to be made to the building in order for the building to become ADA Compliant. Mr. Muenger confirmed Goodgame Company had the lowest quote and the total cost of the renovations would be less than fifty thousand dollars.

City Manager Brian Muenger addressed the Council regarding the acceptance of a \$25,000.00 grant from the Community Foundation of Greater Birmingham Grant and appropriating the funds to the St. Clair County Community Health Clinic. Mr. Muenger advised the grant had come through the Community Foundation to the City on behalf of the Health Clinic for the purpose of providing staffing costs and other needs for the clinic. Mr. Muenger confirmed there was not a matching requirement.

City Manager Comments: Mr. Muenger advised that due to Advanced Disposal temporarily suspending the brush pick up during the two highest volume months of the year, the Street Department had began running the brush pick up route with the City truck. Mr. Muenger confirmed he had been in contact with Advanced Disposal regarding penalties set forth regarding their lack of service.

Mayor Comments: Mayor Pruitt was not in attendance.

City Attorney John Rea advised there was an executive session on the Agenda. Mr. Rea advised the discussion was regarding a potential economic development project and potential litigation. Mr. Rea certified that both items qualified for an Executive Session. Mr. Rea stated he expected the City Council to be able to reconvene at 7 p.m. On motion of Councilman Jenkins, seconded by Councilman Henderson, the council unanimously approved to enter into Executive Session at 5:55 p.m. for approximately one hour and five minutes. On roll call, those voting aye being: Council President McGowan, Councilmen Jenkins, Henderson, Mitcham and Alverson. Nays: None. Council President McGowan declared the motion approved.

On motion of Councilman Alverson, seconded by Councilman Jenkins, the Council adjourned executive session at 7:00 p.m.

The City Council of the City of Pell City met in a regular council meeting at City Hall at 7:00 p.m. on Monday, April 27, 2020. Present were Council President James McGowan, Councilmen Jay Jenkins, Blaine Henderson, Jud Alverson and Jason Mitcham. Those present constituting the entirety of the Council, the following business was transacted:

The City Clerk had roll call for attendance.

On motion of Councilman Henderson, seconded by Councilman Jenkins, the council unanimously approved the agenda as presented.

On motion of Councilman Alverson, seconded by Councilman Mitcham, the council unanimously approved the payment of bills on file.

On motion of Councilman Mitcham, seconded by Councilman Henderson, the Council unanimously approved the minutes of the regularly scheduled council meeting held on April 13, 2020.

On motion of Councilman Jenkins, seconded by Councilman Henderson, the Council unanimously approved the agreements with Viva Health and United Health Care for Senior Citizens' Wellness Programs.

On motion of Councilman Alverson, seconded by Councilman Mitcham, the Council unanimously approved the following resolution vacating a portion of Wilson Street and an Unnamed Street Right-of-Way on the old hospital site. This resolution was introduced at the April 13th council meeting.

RESOLUTION NO. 2020 - 5289

A RESOLUTION AUTHORIZING THE VACATION OF A PORTION OF WILSON STREET AND AN UNNAMED STREET RIGHT-OF-WAY IN THE CITY OF PELL CITY, ALABAMA

WHEREAS, a petition signed by Paul Manning, Chairman of the St. Clair County Commission, the owner of all of the lands abutting the following described street and street right-of-way, situated in the City of Pell City, Alabama, requesting the vacation of said street and street right-of-way, has been duly presented to the City Council of the City of Pell City, Alabama, for the assent and approval of said governing body, said petition with map attached being hereto affixed, marked Exhibit A and made a part hereof; and,

WHEREAS, in accordance with applicable Alabama law, notice of said request for vacation was published and a hearing was held on the 13th day of April, 2020; and,

WHEREAS, the street and street right-of-way above referred to are more particularly described as follows:

A 40 wide unopened and unimproved road right-of-way (Wilson Street) in the Northeast Quarter of the Northeast Quarter of Section 36, Township 16 South, Range 3 East in St. Clair County, Alabama and being more particularly described as follows: Commence at an existing 2" angle iron at the Northeast corner of Section 36 and run South 03 degrees 23' 10" East along the East line of said Section for 51.08 feet to an existing 1" pipe on the South right-of-way of Interstate #20, thence South 87 degrees 09' 00" West along said South right-of-way of Interstate 20 for 29.94 feet to an existing 1/2" rebar, thence South 87 degrees 08' 40" West along the South right-of-way of Interstate 20 for 300.01 feet to an existing 5/8" rebar, thence continue South 87 degrees 08' 40" West along said South right-of-way of Interstate 20 for 47.11 feet to an existing concrete right-of-way monument P.T Station 185+00., thence South 76 degrees 45' 30" West along said South right-of-way of Interstate 20 for 307.03 feet to an existing 5/8" rebar at the Point of Beginning. Thence South 76 degrees 47' 55" West along said South right-of-way of interstate 20 for 40.54 feet to an existing 1" pipe, said point being on the West right-of-way of Wilson Street, thence South 03 degrees 15' 55" East along the West right-of-way of Wilson Street for 242.16 feet to an existing 5/8" rebar, thence continue South 03 degrees 15' 55" East along the West right-of-way of Wilson Street for 340.00 feet to an existing 1/2" rebar on the North right-of-way of Dr. John Haynes Drive, (80' right-of-way, Hospital Drive), thence North 86 degrees 40' 40" East along the North right-of-way of Dr. John Haynes Drive for 40.00 feet to an existing 5/8" rebar, said point being on the East right-of-way of Wilson Street, thence (leaving North right-of-way of Dr. John Haynes Drive) run North 03 degrees 16' 50" West along the East right-of-way of Wilson Street for 589.14 feet to the Point of Beginning. The above containing 0.54 acres, 23,393 square feet. (Identified as Parcel One on Plat of Derrol D. Luker, Al. Reg. No. 23006, dated July 7, 2010).

and

An unnamed, unopened, unimproved street right-of-way lying in the Northeast Quarter of the Northeast Quarter of Section 36, Township 16 South, Range 3 East in St. Clair County, Alabama and being more particularly described as follows: Commence at an existing 2" angle iron at the Northeast corner of Section 36 and run South 03 degrees 23' 10" East along the East line of Section 36 for 51.08 feet to an existing 1" pipe on the South right-of-way of Interstate 20, thence South 87 degrees 09' 00" West along said South right-of-way for 29.94 feet to an existing 1/2" rebar, said point being on the West right-of-way of Bunt Drive (30' right-of-way), thence South 03 degrees 16' 15" East along the West right-of-way of Bunt Drive for 659.14 feet to the Point of Beginning. Thence continue South 03 degrees 16' 15" East along the West right-of-way for 7.69 feet to a point on the North right-of-way of Dr. John Haynes Drive (80' right-of-way), said point being a P.O.C. on a right-of-way curve to the left (Radius = 1472.46', Delta = 01 degree 40' 56", Chord = North 83 degrees 02' 20" West, 43.23 feet), thence run in a Westerly direction along the arc of said curve for 43.23 feet to a point on intersection with the north right-of-way of a unnamed and unimproved street right-of-way, thence North 86 degrees 43' 45" East

along said North street right-of-way for 42.54 feet to the Point of Beginning. The above containing 156 square feet. (Identified as Parcel Five on Plat of Derrol D. Luker, Al. Reg. No. 23006, dated July 7, 2010).

WHEREAS, it appears to the City Council of the City of Pell City, Alabama, that the vacation of said street and street right-of-way is in order and that convenient and reasonable means of ingress and egress is afforded to all other non-abutting property owners owning properties in the vicinity of said street and street right-of-way.

NOW, THEREFORE, BE IT RESOLVED, by the City Council of the City of Pell City, Alabama, that the vacation of the hereinabove described street and street right-of-way is assented to and approved and same is hereby vacated pursuant to the applicable provisions of Alabama law.

BE IT FURTHER RESOLVED that the City of Pell City, Alabama, remise, release, and quitclaim to St. Clair County Commission whatever right, title and interest the said City of Pell City, Alabama, may have acquired in and to the hereinabove described part or portion of the hereinabove named street and street right-of-way by virtue of the dedication or other vacation of said part or portion of said street and street right-of-way, or otherwise, and that the Mayor of the City of Pell City, Alabama, is authorized to execute a Quitclaim Deed to the forenamed parties or persons carrying out the intention of this paragraph and that the City Clerk be and she is hereby authorized and directed on behalf of the City of Pell City, Alabama, to attest the same.

On motion of Councilman Jenkins, seconded by Councilman Henderson, the Council unanimously approved the following resolution vacating a portion of 15th Street North on the old hospital site. This resolution was introduced at the April 13th council meeting.

RESOLUTION NO. 2020-5290

A RESOLUTION AUTHORIZING THE VACATION OF A PORTION OF 15TH AVENUE NORTH IN THE CITY OF PELL CITY, ALABAMA

WHEREAS, a petition signed by Paul Manning, Chairman of the St. Clair County Commission, the owner of all of the lands abutting the following described street, situated in the City of Pell City, Alabama, requesting the vacation of said street, has been duly presented to the City Council of the City of Pell City, Alabama, for the assent and approval of said governing body, said petition with map attached being hereto affixed, marked Exhibit A and made a part hereof; and,

WHEREAS, in accordance with applicable Alabama law, notice of said request for vacation was published and a hearing was held on the 13th day of April, 2020; and,

WHEREAS, the street above referred to is more particularly described as follows:

PARCEL A: A 40 wide unopened and unimproved road right-of-way (15th Avenue North) in the Northeast Quarter of the Northeast Quarter of Section 36, Township 16 South, Range 3 East in St. Clair County, Alabama and being more particularly described as follows: Commence at an existing 2" angle iron at the Northeast corner of Section 36 and run South 03 degrees 23' 10" East along the East line of said Section for 51.08 feet to an existing 1" pipe on the South right-of-way of Interstate #20, thence South 87 degrees 09' 00" West along said South right-of-way of Interstate 20 for 29.94 feet to an existing 1/2" rebar, thence South 87 degrees 08' 40" West along the South right-of-way of Interstate 20 for 300.01 feet to an existing 5/8" rebar, thence continue South 87 degrees 08' 40" West along said South right-of-way of Interstate 20 for 47.11 feet to an existing concrete right-of-way monument P.T Station 185+00., thence South 76 degrees 45' 30" West along said South right-of-way of Interstate 20 for 307.03 feet to an existing 5/8" rebar on the East right-of-way of Wilson Street, thence South 03 degrees 16' 50" East along the East right-of-way of Wilson Street for 253.47 feet to a point on the North right-of-way of 15th Avenue North and the Point of Beginning. Thence North 86 degrees 43' 45" East along the North right-of-way of 15th Avenue North for 349.54 feet, thence South 03 degrees 16' 15" East for 40.00 feet to a point on the South right-of-way of 15th Avenue North, thence South 86 degrees 43' 45" West along the South right-of-way of 15th Avenue North for 349.54 feet to a point on the East right-of-way of Wilson Street, thence North 03 degrees 16' 50" West along the East right-of-way of Wilson Street for 40.00 feet to the Point of Beginning. The above containing 0.32 acres, 13,981 square feet. (Identified as Parcel Two on Plat of Derrol D. Luker, Al. Reg. No. 23006, dated July 7, 2010).

PARCEL B: A variable width unopened and unimproved road right-of-way (15th Avenue North) in the Northeast Quarter of the Northeast Quarter of Section 36, Township 16 South, Range 3

East in St. Clair County, Alabama and being more particularly described as follows: Commence at an existing 2" angle iron at the Northeast corner of Section 36 and run South 03 degrees 23' 10" East along the East line of said Section for 51.08 feet to an existing 1" pipe on the South right-of-way of Interstate #20, thence South 87 degrees 09' 00" West along said South right-of-way of Interstate 20 for 29.94 feet to an existing 1/2" rebar, thence South 87 degrees 08' 40" West along the South right-of-way of Interstate 20 for 300.01 feet to an existing 5/8" rebar, thence continue South 87 degrees 08' 40" West along said South right-of-way of Interstate 20 for 47.11 feet to an existing concrete right-of-way monument P.T Station 185+00., thence South 76 degrees 45' 30" West along said South right-of-way of Interstate 20 for 307.03 feet to an existing 5/8" rebar on the East right-of-way of Wilson Street, thence South 03 degrees 16' 50" East along the East right-of-way of Wilson Street for 253.47 feet to a point on the North right-of-way of 15th Avenue North, thence North 86 degrees 43' 45" East along the North right-of-way of 15th Avenue North for 349.54 feet, thence North 03 degrees 16' 15" West for 5.00 feet to the Point of Beginning. Thence North 86 degrees 43' 45" East for 94.78 feet, South 03' 16' 15" East for 22.50 feet to a point in the centerline of 15th Avenue North, thence South 86 degrees 43' 45" West along said centerline of 15th Avenue North for 94.78 feet, thence North 03 degrees 16' 15" West for 22.50 feet to the Point of Beginning. The above containing 0.05 acres, 2,133 square feet. (Identified as Parcel Three on Plat of Derrol D. Luker, Al. Reg. No. 23006, dated July 7, 2010).

PARCEL C: A variable width unopened and unimproved road right-of-way (15th Avenue North) in the Northeast Quarter of the Northeast Quarter of Section 36, Township 16 South, Range 3 East in St. Clair County, Alabama and being more particularly described as follows: Commence at an existing 2" angle iron at the Northeast corner of Section 36 and run South 03 degrees 23' 10" East along the East line of said Section for 51.08 feet to an existing 1" pipe on the South right-of-way of Interstate #20, thence South 87 degrees 09' 00" West along said South right-of-way of Interstate 20 for 29.94 feet to an existing 1/2" rebar, thence South 87 degrees 08' 40" West along the South right-of-way of Interstate 20 for 300.01 feet to an existing 5/8" rebar, thence continue South 87 degrees 08' 40" West along said South right-of-way of Interstate 20 for 47.11 feet to an existing concrete right-of-way monument P.T Station 185+00., thence South 76 degrees 45' 30" West along said South right-of-way of Interstate 20 for 307.03 feet to an existing 5/8" rebar on the East right-of-way of Wilson Street, thence South 03 degrees 16' 50" East along the East right-of-way of Wilson Street for 253.47 feet to a point on the North right-of-way of 15th Avenue North, thence North 86 degrees 43' 45" East along the North right-of-way of 15th Avenue North for 349.54 feet, thence North 03 degrees 16' 15" West for 5.00 feet, thence North 86 degrees 43' 45" East for 94.78 feet, South 03' 16' 15" East for 22.50 feet to the Point of Beginning. Thence continue South 03 degrees 16' 15" East for 22.50 feet to a point on the South right-of-way of 15th Avenue North, thence South 86 degrees 43' 45" West along the South right-of-way of 15th Avenue North for 94.78 feet, thence North 03 degrees 16' 15" West for 22.50 feet to a point in the centerline of 15th Avenue North, thence North 86 degrees 43' 45" East along said centerline for 74.78 feet to the Point of Beginning. The above containing 0.05 acres, 2,133 square feet. (Identified as Parcel Four on Plat of Derrol D. Luker, Al. Reg. No. 23006, dated July 7, 2010.)

WHEREAS, that in addition to the Petitioner, the Pell City Board of Education is the owner of property which abuts a portion the above described part or portion of 15th Avenue North, and the said Pell City Board of Education has consented to the vacation of said street; and

WHEREAS, it appears to the City Council of the City of Pell City, Alabama, that the vacation of said street or alleyway is in order and that convenient and reasonable means of ingress and egress is afforded to all other non-abutting property owners owning properties in the vicinity of said street or alleyway.

NOW, THEREFORE, BE IT RESOLVED, by the City Council of the City of Pell City, Alabama, that the vacation of the hereinabove described street or alleyway is assented to and approved and same is hereby vacated pursuant to the applicable provisions of Alabama law.

BE IT FURTHER RESOLVED that the City of Pell City, Alabama, remise, release, and quitclaim to St. Clair County Commission for Parcel A and Parcel C as hereinabove described whatever right, title and interest the said City of Pell City, Alabama, may have acquired in and to the hereinabove described part or portion of the hereinabove named street or alleyway by virtue of the dedication or other vacation of said part or portion of said street or alleyway, or otherwise, and that the Mayor of the City of Pell City, Alabama, is authorized to execute a Quitclaim Deed to the forenamed parties or persons carrying out the intention of this paragraph and that the City Clerk be and she is hereby authorized and directed on behalf of the City of Pell City, Alabama, to attest the same.

BE IT FURTHER RESOLVED that the City of Pell City, Alabama, remise, release, and quitclaim to the Pell City Board of Education System for Parcel B as hereinabove described whatever right, title and interest the said City of Pell City, Alabama, may have acquired in and to

the hereinabove described part or portion of the hereinabove named street or alleyway by virtue of the dedication or other vacation of said part or portion of said street or alleyway, or otherwise, and that the Mayor of the City of Pell City, Alabama, is authorized to execute a Quitclaim Deed to the forenamed parties or persons carrying out the intention of this paragraph and that the City Clerk be and she is hereby authorized and directed on behalf of the City of Pell City, Alabama, to attest the same.

On motion of Councilman Henderson, seconded by Councilman Mitcham, the Council unanimously approved **RESOLUTION NO. 2020-5294** regarding a revised User Agreement for the 2020 Logan Martin Lakefest and Boat Show.

On motion of Councilman Mitcham, seconded by Councilman Henderson, the Council unanimously approved **RESOLUTION NO. 2020-5295** regarding a revised User Agreement for the 2020 Annual Hometown Block Party.

On motion of Councilman Jenkins, seconded by Councilman Henderson, the Council unanimously approved **RESOLUTION NO. 2020-5296** regarding the surplus of certain items no longer needed for Municipal purposes.

Council President McGowan introduced the following resolution:

RESOLUTION NO. 2020 - 5297

**A RESOLUTION AUTHORIZING
AMENDED AND RESTATED CONTRACT
FOR PURCHASE AND SALE OF WATER
BY THE CITY OF PELL CITY, ALABAMA
AND
COOSA VALLEY WATER SUPPLY DISTRICT, INC.**

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF PELL CITY, ALABAMA (the "Council"), AS GOVERNING BODY OF THE CITY OF PELL CITY, ALABAMA (the "Municipality"), as follows:

Section 1. The Council, upon evidence duly presented to and considered by it, has found and determined, and does hereby find, determine and declare as follows:

(a) The Municipality, St. Clair County, the City of Springville, and The Utilities Board of the Town of Odenville (collectively, the "Members"), have joined together to form the Coosa Valley Water Supply District, Inc., an Alabama public corporation (the "District"), for the purpose of acquiring, constructing and operating a water treatment plant on the Coosa River, together with related storage tanks, water lines and pumping stations (the "System").

(b) Pursuant to that certain Trust Indenture dated October 1, 2009 (the "Indenture"), between the District and Regions Bank (the "Trustee"), the District has heretofore issued its Water Revenue Bonds, Series 2009, which are outstanding in the aggregate principal amount of \$26,645,000 (the "Series 2009 Bonds"), payable from and secured by a pledge of the net systems revenues of the System, including, without limitation, the proceeds derived from that certain Restated and Amended Contract for Purchase and Sale of Water dated as of July 20, 2009, between the District and the Municipality (the "Original Water Purchase Contract") and similar water purchase contracts between the District and the other Members.

(c) The Municipality's monetary obligation under the Original Water Purchase Contract is generally determined by reference to the Municipality's proportionate share (25%) of the principal of and interest on the Series 2009 Bonds and the Municipality's proportionate share (25%) of the expenses to operate the System.

(d) Pursuant to the Indenture, as supplemented by a First Supplemental Indenture between the District and the Trustee (the "First Supplemental Indenture"), which is attached hereto as *Exhibit A*, the District proposes to issue its Water Revenue Bonds, Series 2020 (the "Series

2020 Bonds”), for the purpose of refunding the Series 2009 Bonds to achieve interest rate savings, which will in turn reduce the Municipality’s monetary obligation under the Original Water Purchase Contract.

(e) It is in the best interest of the Municipality and in the public interest for the District to refund and retire the Series 2009 Bonds to achieve interest rate savings through the issuance of the Series 2020 Bonds. The Series 2020 Bonds shall become due and payable in such amounts and at such times as shall be determined by the District upon the sale thereof in accordance with the following parameters:

(A) The maximum aggregate principal amount of the Series 2020 Bonds shall not exceed \$32,000,000;

(B) The principal of the Series 2020 Bonds shall be due and payable on October 1 in each year, subject to:

(1) prior optional redemption and prior mandatory redemption as determined upon sale of the Series 2020 Bonds; and

(2) payment in full of the aggregate principal amount of the Series 2020 Bonds over the term thereof and not later than October 1, 2039.

(C) The Series 2020 Bonds shall bear interest at per annum rates to be established upon sale thereof and at rates which shall not exceed 5.50% per annum for any Series 2020 Bond.

(D) The refunding of the Series 2009 Bonds shall produce net present value savings of not less than 3% of the par amount of the Series 2009 Bonds being refunded.

(f) (i) In connection with the issuance of the Series 2020 Bonds, the Municipality and the District have agreed to make certain amendments to the Original Water Purchase Contract and for such purposes to enter into that certain Amended and Restated Contract for Purchase and Sale of Water (the “Amended Water Purchase Contract”), which is attached hereto as *Exhibit B*.

(ii) Simultaneously with the execution and delivery of the Amended Water Purchase Contract, the District will enter into similar water purchase agreements with each of the other Members.

(g) (i) The District desires, before the issuance of the Series 2020 Bonds, to validate, among other things, the validity of the Series 2020 Bonds and the validity of the means provided for the payment of the Series 2020 Bonds, including specifically the validity of the Amended Water Purchase Contract, by filing a petition against the taxpayers and citizens of the Municipality, St. Clair County, the City of Springville, and the Town of Odenville in the Circuit Court of St. Clair County, Alabama in accordance with the provisions of Article 7 of Chapter 81 of Title 11 of the CODE OF ALABAMA 1975 (the “Validation Act”).

(ii) A complaint to validate such Series 2020 Bonds, proceedings, and covenants shall be filed and validation proceedings shall be instituted in the name of the District and the members of the governing body of the District and shall name the Municipality, St. Clair County, the City of Springville and The Utilities Board of the Town of Odenville and the taxpayers and citizens of the Municipality, St. Clair County, the City of Springville, and the Town of Odenville among the defendants. Such proceedings are referred to herein as the “Validation Proceedings”.

Section 2. Subject to Section 4 hereof, the Council does hereby approve, adopt, authorize, direct, ratify and confirm:

(a) the issuance of the Series 2020 Bonds by the District pursuant to the First Supplemental Indenture, and

(b) the execution, delivery and performance of the Amended Water Purchase Contract by the Municipality and the consummation of all transactions contemplated by the Amended Water Purchase Contract and this resolution and order.

Section 3.

(a) Subject to Section 4 hereof, the Mayor is hereby authorized and directed to execute and deliver the Amended Water Purchase Contract for and on behalf of and in the name of the Municipality in substantially the form and of substantially the content as set forth in *Exhibit B*, with such changes thereto (by addition or deletion) as the Mayor shall approve, which approval shall not extend or increase the obligations of the Municipality thereunder and shall be conclusively evidenced by his execution and delivery of the Amended Water Purchase Contract. The City Clerk is hereby authorized and directed to affix the official seal of the Municipality to the Amended Water Purchase Contract and to attest the same.

(b) Subject to Section 4 hereof, the Mayor and the City Clerk and the officers of the Municipality are each hereby authorized and directed to take all such actions, and execute, deliver and perform all such agreements, documents, instruments, notices, and petitions and proceedings, with respect to the Amended Water Purchase Contract on the terms specified in the Amended Water Purchase Contract, as the Mayor, the City Clerk and such officers shall determine to be necessary or desirable to carry out the provisions of this resolution, or the Amended Water Purchase Contract, or duly and punctually observe and perform all agreements and obligations of the Municipality under the Amended Water Purchase Contract.

Section 4. The issuance of the Series 2020 Bonds by the District and the execution and delivery of the Amended Water Purchase Contract by the Municipality shall be subject to:

(a) the terms and conditions of the Series 2020 Bonds meeting the parameters established therefor in Section 1(e), and

(b) the entry of a final judgment in the Validation Proceedings by the Circuit Court of St. Clair County, Alabama, validating the Series 2020 Bonds and the Amended Water Purchase Contract, and the expiration of the applicable appeal period set forth in the Alabama Rules of Appellate Procedure.

Section 5. The preparation and delivery by the District and use and distribution by Raymond James & Associates, Inc., as underwriter for the District, of a preliminary official statement with respect to the Series 2020 Bonds insofar as it discloses information with respect to the Municipality is hereby authorized and directed.

Section 6.

(a) The Council does hereby approve, adopt, authorize, direct, ratify and confirm (i) the filing by the District of the Validation Proceedings in the Circuit Court of St. Clair County, Alabama, (ii) the appointment of Maynard, Cooper & Gale, P.C., Birmingham, Alabama, as the attorneys of the District to file such complaint, institute such proceedings, and to take all steps necessary to complete such validation proceedings in accordance with the provisions of Article 7 of Chapter 81 of Title 11 of the CODE OF ALABAMA 1975, and (iii) the engagement of Trussell, Funderburg, Rea & Bell, P.C., as counsel to the Municipality, in connection with the Validation Proceedings.

(b) Any actions heretofore taken by such attorneys in connection with the filing of such petition or such validation proceedings are hereby ratified and confirmed.

Section 7. All prior actions taken, and agreements, documents or notices executed and delivered, by the Mayor or any officer or member of the Council or other representative of the Municipality, in connection with the agreements, covenants, and undertakings of the Municipality hereby approved, or in connection with the preparation of the Amended Water Purchase Contract and the terms and provisions thereof, are hereby approved, ratified and confirmed.

Section 8. All ordinances, resolutions, orders, or parts of any thereof, of the Council in conflict, or inconsistent, with any provision of this resolution hereby are, to the extent of such conflict or inconsistency, repealed.

Section 9. This resolution shall take effect immediately.

Councilman Mitcham moved that all rules and regulations, which unless suspended would prevent the immediate consideration and adoption of said resolution, be suspended and that unanimous consent to the immediate consideration and adoption of said resolution be given. The motion was seconded by Councilman Henderson. On roll call vote, the motion was unanimously approved. Those voting aye being: Council President McGowan, Councilmen Jenkins, Henderson, Mitcham and Alverson. Nays: None. Council President McGowan declared the motion approved.

Councilman Mitcham then moved that said resolution be now placed upon its final passage and adopted. The motion was seconded by Councilman Henderson. The question being put as to the adoption of said motion and the passage of said resolution, on roll call vote, the motion was unanimously approved. Those voting aye being: Council President McGowan, Councilmen Jenkins, Henderson, Mitcham and Alverson. Nays: None. Council President McGowan declared the motion approved and the resolution adopted.

Council President McGowan introduce the following ordinance:

ORDINANCE NO. 2020 - 5298

AN ORDINANCE TO ALTER, EXTEND AND REARRANGE THE CORPORATE LIMITS OF THE CITY OF PELL CITY, ALABAMA, TO INCLUDE ADDITIONAL PARTS OF ST. CLAIR COUNTY, ALABAMA.

WHEREAS, all of the owners of the following described real estate situated in St. Clair County, Alabama, to-wit:

Lot 9 and the West Half of Lot 8 of Sunset Strip Subdivision as on record in the Office of the Judge of Probate of St. Clair County in Pell City on Slide A-16, Page 2.

Did file a written petition, duly signed by Richard Evan Gordon, III, requesting that said described territory in the petition be annexed to the City of Pell City and zoned R-A (Residential Agriculture District) under the provisions of § 11-42-21, *Code of Alabama*, 1975; and

WHEREAS, said petition did have attached thereto, marked "Exhibit A", an accurate description of said territory proposed to be annexed, together with a map of said territory showing its said relationship to the corporate limits of the City of Pell City, all as is required under the provisions of said § 11-42-21; and

WHEREAS, the City Council of the City of Pell City has heretofore examined the aforesaid petition and said exhibit attached thereto and finds that the said described lands are located and contained within an area contiguous to the corporate limits of the City of Pell City and that said described lands do not lie within the corporate limits or the police jurisdiction of any other municipality, and that all of the owners of said described lands joined in said petition by affixing their signatures thereto.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF PELL CITY, ALABAMA, AS FOLLOWS:

Section 1. That said petition of all of the owners of the following described lands situated in St. Clair County, Alabama, to-wit:

Lot 9 and the West Half of Lot 8 of Sunset Strip Subdivision as on record in the Office of the Judge of Probate of St. Clair County in Pell City on Slide A-16, Page 2.

Requesting that the same be annexed to the City of Pell City, Alabama, and zoned as R-A (Residential Agriculture District) be and the same is hereby approved.

Section 2. That the City Council of the City of Pell City does hereby assent to the annexation of the said described lands to the City of Pell City and the corporate limits of the City of Pell City be and the same are hereby extended and rearranged so as to embrace and include said described lands and that the same shall become a part of the corporate area of the City of Pell City, Alabama, and zoned as R-A (Residential Agriculture District) upon the date of the publication of this Ordinance.

Section 3. That this Ordinance shall become effective upon passage, approval and publication as required by law.

Councilman Alverson moved that all rules and regulations, which unless suspended would prevent the immediate consideration and adoption of said ordinance, be suspended and that unanimous consent to the immediate consideration and adoption of said ordinance be given. The motion was seconded by Councilman Henderson. On roll call vote, the motion was unanimously approved. Those voting aye being: Council President McGowan, Councilmen Jenkins, Henderson, Mitcham and Alverson. Nays: None. Council President McGowan declared the motion approved.

Councilman Alverson then moved that said ordinance be now placed upon its final passage and adopted. The motion was seconded by Councilman Mitcham. The question being put as to the adoption of said motion and the passage of said ordinance, on roll call vote, the motion was unanimously approved. Those voting aye being: Council President McGowan, Councilmen Jenkins, Henderson, Mitcham and Alverson. Nays: None. Council President McGowan declared the motion approved and the ordinance adopted.

On motion of Councilman Alverson, seconded by Councilman Henderson, the Council unanimously approved **RESOLUTION NO. 2020-5299** regarding an agreement with Goodgame Company and expending funds not to exceed \$49,999.00 for the renovations to 111 20th Street North.

Council President McGowan introduced the following ordinance:

ORDINANCE NO. 2020 - 5300

AN ORDINANCE DECLARING CERTAIN REAL PROPERTY NO LONGER NEEDED FOR PUBLIC OR MUNICIPAL PURPOSES AND AUTHORIZING THE LEASE OF SAID PROPERTY BY THE CITY OF PELL CITY, ALABAMA

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

1. It is hereby established and declared that the following described real property of the City of Pell City, Alabama, is no longer needed for public or municipal purposes, to-wit: Office space located at 111 20th Street North, Pell City, Alabama 35125, containing approximately 1800 square feet.

2. The City of Pell City, Alabama, having received an offer from the Alabama Bureau of Pardons and Paroles to lease that real property described in Section 1, above, it is hereby declared to be in the best interest of the public and the City of Pell City, Alabama, to lease said real property to the Alabama Bureau of Pardons and Paroles under the following terms and conditions, to-wit:

- Approximately 1800 square feet of office space located at 111 20th Street North together with the right to use in common with Lessor, its employees, invitees, and customers, and Lessor's other tenants and their employees, invitees, and customers, for a term of five (5) years at the annual rental rate of \$21,600.00 or \$1,800.00 per month, commencing on the 1st day of July, 2020

3. Pursuant to the authority granted by § 11-47-21, Ala. Code 1975, the Mayor of the City of Pell City, Alabama, is hereby directed to execute the lease agreements, in form and substance as attached hereto as Exhibit A, in the name of the City of Pell City, Alabama, by and between the City and the Alabama Bureau of Pardons and Paroles.

4. Severability. If any part, section, or provision of this Ordinance shall hereafter be declared unconstitutional or invalid for any reason, such declaration shall not affect the validity of any other section or provision of this Ordinance, which shall continue in full force and effect notwithstanding such holding.

5. Repeal of Conflicting Ordinances. Any Ordinance, Resolution, or previous Council authorization in conflict with this Ordinance shall be and is hereby repealed on the effective date of this Ordinance.

6. Effective Date. This Ordinance shall become effective immediately upon approval and publication as required by law.

Councilman Mitcham moved that all rules and regulations, which unless suspended would prevent the immediate consideration and adoption of said ordinance, be suspended and that unanimous consent to the immediate consideration and adoption of said ordinance be given. The motion was seconded by Councilman Alverson. On roll call vote, the motion was unanimously approved. Those voting aye being: Council President McGowan, Councilmen Jenkins, Henderson, Mitcham and Alverson. Nays: None. Council President McGowan declared the motion approved.

Councilman Jenkins then moved that said ordinance be now placed upon its final passage and adopted. The motion was seconded by Councilman Mitcham. The question being put as to the adoption of said motion and the passage of said ordinance, on roll call vote, the motion was unanimously approved. Those voting aye being: Council President McGowan, Councilmen Jenkins, Henderson, Mitcham and Alverson. Nays: None. Council President McGowan declared the motion approved and the ordinance adopted.

On motion of Councilman Jenkins, seconded by Councilman Alverson, the Council unanimously approved the acceptance of a \$25,000.00 Community Foundation of Greater Birmingham Grant and appropriating the funds to the St. Clair County Community Health Clinic.

On motion of Councilman Alverson, seconded by Councilman Henderson, the Council adjourned subject to the call of the Council President at 7:08 p.m.


James McGowan - Council President

ATTEST:


Penny Isbell - City Clerk