



Regular Council Meeting Agenda

281 James D. Nabors Drive
Council Chambers of Municipal Complex
Monday, September 11, 2023 --- Meeting at 5:30 p.m.

Call to Order: Council President Colvin

Opening Prayer: Councilor Bobby Tapley

Pledge of Allegiance: Councilor Eric Brown

Roll Call:

Approval of Minutes: August 21, 2023 Work Session
August 21, 2023 Regular Meeting

Approval of Agenda: September 11, 2023

Eric Hanners: Funding for Alexander City Celebrate Freedom

Beverly Price: To request support of an amendment to the BOE funding agreement (resolution #5)

Reports from Council on Standing Committees:

Finance Committee: Council President Colvin

Public Safety Committee: Councilor Eric Brown

Utilities Committee: Councilor Keel

Parks and Recreation: Councilor Chris Brown

Public Works Committee: Council President Pro Tempore Hardy

Buildings and Properties: Councilor Tapley

Reports from Special Committees:

Public Hearing: To Rezone Four (4) Parcels on Comer Street from R2 (Medium Density Residential District) to I1 (Light Industrial)

Report on Status of City Finances: None

Proclamation: None

Unfinished Business:

New Business:

1. ORDINANCE: To Rezone Four (4) Parcels on Comer Street from R2 (Medium Density Residential District) to I1 (Light Industrial). (Sponsored By: Mayor Baird)

2. RESOLUTION: To Authorize the Mayor to Enter into an Engineering Service Contract with Stewart Engineering for Consultation/Design Services for an Electric Substation. (Sponsored By: Councilor Keel)

3. RESOLUTION: To Authorize the Mayor to Enter into an Agreement with Stone's Throw Landfill for Disposal of Certain Items. (Sponsored By: Council President Pro Tempore Hardy)

4. RESOLUTION: To Authorize the Mayor to Enter into an Agreement with SealMaster for the one Month Rental of a Crack Pro Heated Hose at a Cost not to Exceed \$5,250.00. (Sponsored By: Council President Pro Tempore Hardy)

5. RESOLUTION: To Authorize the Mayor to Sign an Amendment to the Funding Agreement between the Alexander City Schools and the City of Alexander City. (Sponsored By: Mayor Baird)

6. RESOLUTION: To Award Bid No. 23-24 to Various Vendors for Chemicals at a Cost not to Exceed \$1,350,000.00. (Sponsored By: Council President Colvin)

EXECUTIVE SESSION: To discuss potential litigation.

ADJOURN:

**The next Work Session and City Council meetings are scheduled for
Monday, September 18, 2023 at 4:30 and 5:30 p.m.**

ORDINANCE

To Rezone Four (4) Parcels on Comer Street from R2 (Medium Density Residential District) to I1 (Light Industrial)

BE IT ORDAINED by the City Council of the City of Alexander City, Alabama, as follows:

THAT the zoning ordinance of the City of Alexander City and the zoning map are hereby amended to reclassify the four (4) parcels shown and described in Attachment “A” from R2 (Medium Density Residential District) to I1 (Light Industrial); and

THAT this proposed ordinance and a synopsis were advertised for two (2) weeks in the Outlook, a newspaper of general circulation within the City Limits of the City of Alexander City, and that the City Council at its Public Hearing at 5:30 p.m. on September 11, 2023, considered said proposed ordinance and that at such time and place all persons who desired had an opportunity to be heard in favor of or in opposition to such ordinance.

ALL other items and provisions of the zoning ordinance not herein specifically amended shall remain in full force and effect.

THE amendments herein contained were considered and recommended by the City of Alexander City Planning Commission on July 13, 2023.

THIS ordinance shall become effective upon its passage and execution as provided by law.

ADOPTED THIS 11TH DAY OF SEPTEMBER, 2023.

By: Audrey “Buffy” Colvin, President
Alexander City Council

AUTHENTICATED THIS 11TH DAY OF SEPTEMBER, 2023.

By: Stephanie J. Southerland,
City Clerk

APPROVED:

By: Curtis “Woody” Baird,
Mayor

Yeas: _____

Nays: _____

I, Stephanie J. Southerland, as City Clerk of the City of Alexander City, Alabama, hereby certify that the above and foregoing Ordinance is a true, correct and complete copy of the Ordinance duly adopted by the City Council of the City of Alexander City, Alabama on September 11, 2023, as same appears in the official records of said City.

Publication Date: _____, 2023

Stephanie J. Southerland
City Clerk

SEAL

ORDINANCE BOOK 23-

RESOLUTION

To Authorize the Mayor to Enter into an Engineering Service Contract with Stewart Engineering for Consultation/Design Services for an Electrical Substation in an Amount not to Exceed \$520,000.00

WHEREAS, the City of Alexander City (Owner) owns and operates an electric distribution system (“System”); and

WHEREAS, Stewart Engineering (Engineer) represents that they have sufficient experienced personnel and equipment to perform, and the Owner desires the Engineer to perform the engineering services herein described in respect of the System.

NOW, THEREFORE, BE IT RESOLVED that the City Council of Alexander City authorize the mayor to enter into an Engineering Service Contract, shown in Attachment “A”, with Stewart Engineering for consultation/design Services for an electrical substation in an amount not to exceed \$520,000.00

ADOPTED THIS 11TH DAY OF SEPTEMBER, 2023.

By: Audrey “Buffy” Colvin, President
Alexander City Council

AUTHENTICATED THIS 11TH DAY OF SEPTEMBER, 2023.

By: Stephanie J. Southerland,
City Clerk

APPROVED:

By: Curtis “Woody” Baird,
Mayor

Yeas: _____

Nays: _____

RESOLUTION

To Authorize the Mayor to Enter into an Agreement with Stone’s Throw Landfill for Disposal Services at a Cost of \$40.00 per Ton

WHEREAS, the City of Alexander City owns and operates a construction and demolition landfill; and

WHEREAS, the city has no place to dispose of certain items such as litter, storm debris and other items; and

WHEREAS, Stone’s Throw Landfill has agreed to accept these items at their location.

NOW, THEREFORE, BE IT RESOLVED that the City Council of Alexander City authorizes the mayor to enter into an agreement, as shown in Attachment “A”, with Stone’s Throw Landfill for disposal services in an amount not to exceed \$40.00 per ton.

ADOPTED THIS 11TH DAY OF SEPTEMBER, 2023.

By: Audrey “Buffy” Colvin, President
Alexander City Council

AUTHENTICATED THIS 11TH DAY OF SEPTEMBER, 2023.

By: Stephanie J. Southerland,
City Clerk

APPROVED:

By: Curtis “Woody” Baird,
Mayor

Yeas: _____

Nays: _____

RESOLUTION

To Authorize the Mayor to Enter into an Agreement with SealMaster for a One - Month Rental of a Crack Pro Heated Hose at a Cost not to Exceed \$5,250.00

WHEREAS, the City of Alexander City will be making repairs on city streets;

and

WHEREAS, the city is in need of a Crack Pro Heated Hose to enable these repairs; and

WHEREAS, SealMaster has the needed equipment for \$5,250.00 for one month’s rental.

NOW, THEREFORE, BE IT RESOLVED that the City Council of Alexander City authorizes the mayor to enter into a rental agreement, shown in Attachment “A”, with SealMaster for one month’s rental of a Crack Pro Heated Hose in an amount not to exceed \$5,250.00.

ADOPTED THIS 11TH DAY OF SEPTEMBER, 2023.

By: Audrey “Buffy” Colvin, President
Alexander City Council

AUTHENTICATED THIS 11TH DAY OF SEPTEMBER, 2023.

By: Stephanie J. Southerland,
City Clerk

APPROVED:

By: Curtis “Woody” Baird,
Mayor

Yeas: _____

Nays: _____

RESOLUTION

To Authorize the Mayor to Sign an Amendment to the Funding Agreement between the Alexander City Schools and the City of Alexander City

THIS SECOND AMENDMENT TO FUNDING AGREEMENT (this “Amendment”) dated effective as of September 1, 2023 (the “Effective Date”), is entered into by the **CITY OF ALEXANDER CITY**, a municipal corporation organized under the laws of the State of Alabama (the “City”), and the **CITY BOARD OF EDUCATION OF THE CITY OF ALEXANDER CITY**, an agency and instrumentality of the State of Alabama (the “Board”).

RECITALS:

WHEREAS, the Board has undertaken the responsibility to provide for the proper management of public schools within the City and to educate the City’s school children.

WHEREAS, pursuant to Article 14 of Chapter 13 of Title 16 of the Code of Alabama (1975), as amended (the “Enabling Law”), on June 24, 2020, the Board issued its School Tax Warrants (Special Local Taxes), Series 2020-A, outstanding in the aggregate principal amount of \$47,950,000, and Taxable School Tax Warrants (Special Local Taxes), Series 2020-B, outstanding in the aggregate principal amount of \$5,395,000 (collectively, the “2020 School Board Warrants”), for the purpose of (a) financing a portion of the costs of the construction and equipping of a new high school in the City and renovations of the existing middle school and high school in the City for consolidation of middle school and upper elementary school grades (collectively, the “School Construction Projects”), (b) redeeming and retiring certain indebtedness of the City incurred for school purposes, as more particularly described in the Funding Agreement referred to below (the “City School Warrants”), and (c) paying the costs of issuing the 2020 School Board Warrants.

WHEREAS, in order to facilitate the Board’s issuance of the 2020 School Board Warrants, the City and the Board entered into that certain Funding Agreement dated as

of March 1, 2020 (the “Base Funding Agreement”), as amended by an Amendment to Funding Agreement dated February 1, 2022 (the “First Amendment” and, together with the Base Funding Agreement, the “Funding Agreement”), pursuant to which (a) the Board agreed to refund and cause to be defeased and paid, contemporaneously with the issuance of the 2020 School Board Warrants, the outstanding City School Warrants, and (b) the City agreed to continue to levy, and to commit to pay to the Board, certain of the proceeds received by the City from the Special Ad Valorem Tax and the Applicable Portion of the City Sales Tax, all as defined and more particularly described in the Funding Agreement (any capitalized term used but not defined herein shall have the meaning specified in the Funding Agreement).

WHEREAS, in 2022, the Board determined that additional funds were necessary in order to finance additional costs of the School Construction Projects, and for such purpose, the Board issued, pursuant to the Enabling Law, its School Tax Warrants (Special Local Taxes), Series 2022, outstanding in the aggregate principal amount of \$23,950,000 (the “2022 School Board Warrants”).

WHEREAS, in connection with the issuance of the 2022 School Board Warrants, the City and the Board amended the Base Funding Agreement pursuant to the First Amendment.

WHEREAS, the Board has pledged for security and payment of the 2022 School Board Warrants and 2020 School Board Warrants various funds of the Board, including without limitation proceeds from certain taxes levied by Tallapoosa County pursuant to Section 40-12-4 of the Code of Alabama 1975, as amended, for the benefit of the Board (the “County Sales Taxes”), and proceeds from the Special Ad Valorem Tax and the Applicable Portion of the City Sales Tax.

WHEREAS, the Board has determined that additional funds are necessary in

order to finance the increased costs of completion of the School Construction Projects, and for such purpose, the Board has proposed to issue, pursuant to the Enabling Law, its School Tax Warrants (Special Local Taxes), Series 2023-A, in an aggregate principal amount not to exceed \$20,000,000 (the “2023 School Board Warrants”).

WHEREAS, the Board proposes to pledge for security and payment of the 2023 School Board Warrants proceeds from the County Sales Taxes and proceeds from the Special Ad Valorem Tax and the Applicable Portion of the City Sales Tax.

WHEREAS, the Board has requested that the City agree to further amend the Funding Agreement in order to facilitate the Board’s issuance of the 2023 School Board Warrants, and the City has agreed to such request provided that the Board and the City enter into this Amendment.

WHEREAS, pursuant to the Enabling Law, the Board has the power to enter into this Amendment with the City and to issue the 2023 School Board Warrants for the purposes stated herein, and the City has the power to enter into this Amendment with the Board.

AGREEMENT:

NOW, THEREFORE, in consideration of the premises and of the respective agreements and undertakings of the City and the Board contained in this Amendment, said parties agree as follows:

SECTION 1. Incorporation of Recitals; Definitions.

The Recitals to this Amendment are incorporated herein for all purposes and shall be considered a part of this Amendment. Unless otherwise defined herein, all capitalized terms used herein shall have the meaning given to such term in the Funding Amendment.

SECTION 2. Amendments to Funding Agreement.

Effective as of the Effective Date, the Funding Agreement is hereby amended as follows:

(a) Section 2(a)(7) of the Base Funding Agreement is hereby amended and restated as follows:

“(7) that, except as expressly permitted in this Agreement, it will not pledge, encumber, hypothecate or convey the Special Ad Valorem Tax or the Applicable Portion of the City Sales Tax, or any portion thereof, on any basis for so long as any 2023 School Board Warrants, 2022 School Board Warrants, any 2020 School Board Warrants, and any Refunding Warrants, are outstanding.”

(b) Section 2(d) of the Base Funding Agreement is hereby amended and restated as follows:

“(d) The Board hereby agrees that the Special Ad Valorem Tax and the Applicable Portion of the City Sales Tax shall be used to pay debt service on the 2023 School Board Warrants, 2022 School Board Warrants, 2020 School Board Warrants, and on any Refunding Warrants, with any remaining amounts to be used for general purposes of the Board at the Board's discretion. The Board further understands, acknowledges and agrees that any amounts collected during any fiscal year (during which the Applicable Portion Cap is in effect) from the Applicable Portion of the City Sales Tax over the Applicable Portion Cap shall not be subject to payment to the Board under this Agreement, and may be used by the City at its sole discretion and consistent with the terms of the ordinance of the City then in effect under which the City Sales Tax is levied.”

(c) Section 5 of the Base Funding Agreement is hereby amended and restated as follows:

“SECTION 5. Term. This Agreement shall have a term (the “Term”) commencing on the Effective Date and terminating on the first to occur of: (i) if the 2020 School Board Warrants have not been issued and delivered by the Issuance Deadline, the Issuance Deadline, (ii) such date as all of the 2023 School Board Warrants, all of the 2022 School Board Warrants, all of the 2020 School Board Warrants, and all of the Refunding Warrants (if any have been issued), have been paid in full, (iii) such date as all of the 2023 School Board Warrants, all of the 2022 School Board Warrants, all of the 2020 School Board Warrants, and all of the Refunding Warrants (if any have been issued), are deemed no longer outstanding under the instruments pursuant to which they were issued, or (iv) October 1, 2053. Notwithstanding anything in this Agreement to the contrary, neither the City nor the Board shall have the right to terminate this Agreement prior to the expiration of the Term.”

(d) Sections 6(a) and (b) of the Base Funding Agreement are hereby amended and restated as follows:

“SECTION 6. Refunding Warrants. (a) Prior to the issuance of any Refunding Warrants, the Board shall have first notified the City in writing and shall have provided to the City, upon the sale of such Refunding Warrants, such information as shall be reasonably requested by the City to demonstrate satisfaction of the following conditions (the “Refunding Warrants Conditions”): (i) that such obligations were issued solely for the purpose of refunding 2023 School Board Warrants, 2022 School Board Warrants and/or 2020 School Board Warrants, (ii) that such obligations have a term not longer than the final maturity of the 2023 School Board Warrants, 2022 School Board Warrants or 2020 School Board Warrants, as applicable, and (iii) that proceeds or other amounts resulting from the sale of such obligations are being used solely for the redemption and payment of 2023 School Board Warrants, 2022 School Board Warrants and/or 2020 School Board Warrants and payment of the costs of issuing such obligations.

(b) As used in this Agreement, “Refunding Warrants” means any obligations issued by the Board (i) solely for the purpose of refunding 2023 School Board Warrants, 2022 School Board Warrants and/or 2020 School Board Warrants, (ii) having a term not longer than the final maturity of the 2023 School Board Warrants, 2022 School Board Warrants or 2020 School Board Warrants, as applicable, and (iii) the proceeds of which, or other amounts resulting from the sale and issuance thereof, are solely for the purpose of redeeming and retiring 2023 School Board Warrants, 2022 School Board Warrants and/or 2020 School Board Warrants and to pay the costs of issuing such obligations. In no event shall “Refunding Warrants” include obligations the proceeds of which, or other amounts generated from, the issuance and sale thereof are used for payment of capital improvements, operating or other expenses of the Board.”

SECTION 3. Provisions of General Application.

(a) Amendment Scope of Amendment. The Funding Agreement is hereby amended in accordance with the terms and conditions of this Amendment. Except as expressly modified or amended herein, all terms and conditions of the Funding Agreement are hereby ratified and confirmed in all respects and shall remain in full force and effect.

(b) Governing Law. This Amendment shall be governed by and construed in accordance with the laws of the State of Alabama, without regard to principles governing conflicts of law, and all applicable laws of the United States of America.

(c) Counterparts. This Amendment may be executed in one or more counterparts each of which when executed and delivered shall constitute an original. All such counterparts together shall be deemed to be one and the same instrument.

RESOLUTION

To Award Bid No. 23-24 to Various Vendors for Treatment Plant Chemicals at a Cost not to Exceed \$1,350,000.00

WHEREAS, the City of Alexander City has let bids for annual chemicals for the Water and Waste Water Treatment Plants; and

WHEREAS, chemical descriptions were submitted and placed on file with the City Clerk; and

WHEREAS, funding for this project has been approved in the FY24 operational budget; and

WHEREAS, the invitation for bid was advertised on August 12, 2023; and

WHEREAS, seventeen (17) sealed bids were received, opened and read in public on August 28, 2023 at 2:00 p.m.; and

WHEREAS, the bids were submitted to the City Council of Alexander City at their September 11, 2023 meeting; and

WHEREAS, the bid tabulation sheet is shown as Attachment A.

NOW, THEREFORE, BE IT RESOLVED, that the City Council of the City of Alexander City hereby awards bid No. 23-24 to various chemical vendors.

BE IT FURTHER RESOLVED by the City Council of the City of Alexander City that the mayor is hereby authorized to sign any contract or agreements as part of this bid award.

ADOPTED THIS 11TH DAY OF SEPTEMBER, 2023.

By: Audrey “Buffy” Colvin, President
Alexander City Council

BARNES & RADNEY, P.C.
80 North Central Avenue
Post Office Drawer 877
Alexander City, Alabama 35011-0877
(256) 329-8438
Fax (256) 329-0809

SCEARS BARNES
scearsbarnes@barnesandradney.com

LARKIN RADNEY
lradney@barnesandradney.com

September 5, 2023

VIA E-MAIL ONLY – stephanie.southerland @alexandercityal.gov

Ms. Stephanie Southerland
City Clerk
City of Alexander City
Alexander City, Alabama

RE: Executive Session – Council Meeting – September 11, 2023

Dear Stephanie:

Pursuant to *Ala. Code* § 36-25A-7 (1975, as amended), I request that the City Council enter into an executive session during the City Council meeting scheduled for Monday, September 11, 2023. This request is made pursuant to the Executive Session Statute. The subject matter of the Executive Session is to discuss potential litigation.

Please place an executive session during the work session or City Council meeting on Monday, September 11, 2023. Thank you for your assistance in this matter.

Sincerely,

/s/ Larkin Radney

LARKIN RADNEY

LR/snb

cc: Mayor Curtis W. Baird via e-mail