

**Minutes of the proceedings of the City Council of the City of Graysville,
Alabama of the regular meeting held on August 2, 2018.**

Mr. Roger Youngblood gave the invocation.

The regular meeting of the City Council of the City of Graysville was called to order at 6:00 p.m. in the Council Chambers of City Hall by Mayor Clark “Julio” Davis.

Upon roll call those present:

<i>Clark “Julio Davis</i>	<i>Mayor</i>
<i>James Armstrong</i>	<i>Councilmember</i>
<i>Dorothy Hawthorne</i>	<i>Councilmember</i>
<i>George Helms</i>	<i>Councilmember</i>
<i>Karen Lauderdale</i>	<i>Councilmember</i>
<i>Chris Shaw</i>	<i>Councilmember</i>
<i>Randy Teeter</i>	<i>Councilmember</i>

Also present was Leslie Klasing, City Attorney; Tommy Greene, Comptroller; a host of local citizens; several city employees and City Clerk, Kathy Dumas.

Councilmember Shaw moved to approve minutes of July 19, 2018 as presented. Motion seconded by Councilmember Lauderdale and carried.

Invoices were presented for payment as follows:

CITY:	BILLS	August 2, 2018
RETIREMENT SYSTEM	\$22,641.79	EMPLOYEE RETIREMENT FUND
LOWES BUS ACCT	\$215.24	STREET/LIBRARY MAINT
VERIZON WIRELESS	\$388.74	EMPLOYEE RADIO/TEL EXPENSE
VERIZON WIRELESS	\$583.00	DESK PHONE EXPENSE
REGIONS BANKCARD	\$3,628.60	BACKPACKS/OFF/TRAVEL EXP
UNIFIRST CORP	\$347.85	EMPLOYEE UNIFORM EXP
REGIONS CORPORATE	\$16,886.67	BOND PAYMENT
BEST INS COMPANY	\$11,116.20	LIABILITY INSURANCE
COLONIAL LIFE INS	\$311.85	EMPLOYEE DEDUCTION
LIBERTY NATIONAL	\$233.19	EMPLOYEE DEDUCTION
AMERICAN FAMILY LIFE	\$114.70	EMPLOYEE DEDUCTION
AT & T	\$348.91	FAX MACHINE EXP
AMERICAN UNITED LIFE	\$361.30	EMPLOYEE L & H INS
LOCAL GOV HEALTH INS	\$16,731.00	EMP HOSP/DENTAL INS
WALMART COMM	\$136.92	FIRE SUPPLIES/EVENT EXP
JAMES DAVIS	\$413.61	MILEAGE EXPENSE

RETIREMENT SYSTEM	\$525.22
AL ENVIRONMENTAL C	\$300.00
VIKING BUS SUPPLY	\$95.36
AL LEAGUE OF MUN	\$1,201.05
RONNIE SAINT	\$30.00
ALABAMA POWER	\$8,189.89
GRAYSVILLE MUN GAS	\$859.55
BENNIE MCKENZIE	\$30.00
ROGER YOUNGBLOOD	\$60.00
GRAYSVILLE LIBRARY	\$1,509.58
HENRY SCHEIN	\$485.55
ACTIVE911	\$211.50
BROOKWOOD BAP MED	\$165.81
STERICYCLE, INC.	\$207.83
CHARTER COMM	\$326.49
AL FIRE COLLEGE	\$385.00
EMER EQUIP PROF	\$150.00
AFC OCC MED PAY	\$60.00
DEERE CREDIT	\$1,481.57
ECONO SIGNS	\$81.26
M & M TIRE	\$733.39
PINEVIEW LANDFILL	\$986.35
JOHNSON POWER EQUIP	\$120.60
JEFFERSON COUNTY, AL	\$194.13
GRAYSVILLE FIRE DEPT	\$185.00
UNITED WAY	\$10.00
STATE OF AL REVENUE	<u>\$126.04</u>
	\$93,170.74

LIBRARY RETIREMENT
FEE ELECTRONIC TAKE BACK
OFFICE SUPPLIES
ANNUAL MEMBERSHIP
INSPECTION FEES
UTILITIES/ST LIGHTS/TRAFFIC
GAS/WATER UTILITIES
INSPECTION FEES
INSPECTION FEES
LIBRARY APPROPRIATIONS
FIRE EMS SUPPLIES
FIRE ANNUAL SUBSCRIPTION
FIRE EMS SUPPLIES
FIRE WASTE DISPOSAL
FIRE INTERNET/CABLE
FIRE EDUCATION EXPENSE
FIRE AIR ANALYSIS EXP
DRUG TESTING EXP
LEASE FLAIL MOWER
STREET SIGNS
ST-TRUCK MAINT S4
SAN LANDFILL FEES
MOWER MAINT EXP
SEWER CHARGES
FIRE SP CONTRIBUTION
EMPLOYEE DEDUCTION
EMPLOYEE DEDUCTION

GAS:

BROOKLERE PHARMACY	\$54.60
UNITED WAY	\$10.00
ANNE-MARIE ADAMS	\$56.00
US DEPT OF TREASURY	\$297.14
RETIREMENT SYSTEM	\$9,634.88
LOWES BUS ACCT	\$317.60
VERIZON WIRELESS	\$777.62
VERIZON WIRELESS	\$408.14
REGIONS BANKCARD	\$114.51
UNIFIRST CORP	\$310.80
REGIONS TRUST	\$57,991.15

COLLECTION FEE EXP
EMPLOYEE DEDUCTION
EMPLOYEE DEDUCTION
EMPLOYEE DEDUCTION
EMPLOYEE RETIREMENT
MAINT SUPPLIES
EMPLOYEE RADIO/PHONE EXP
OFFICE DESK PHONE EXP
MAINT SUPPLIES EXPENSE
EMPLOYEE UNIFORM EXP
BOND PAYMENT

BEST INS COMPANY	\$11,116.20	LIABILITY INS EXPENSE
COLONIAL LIFE INS	\$486.65	EMPLOYEE DEDUCTION
LIBERTY NATIONAL	\$160.99	EMPLOYEE DEDUCTION
AMERICAN FAMILY LIFE	\$43.42	EMPLOYEE DEDUCTION
AT & T	\$188.26	FAX MACHINE EXPENSE
AMERICAN UNITED LIFE	\$204.50	EMPLOYEE L & H INS
LOCAL GOV HEALTH INS	\$10,716.00	EMP HOSP/DENTAL INS
CONSOLIDATED PIPE	\$114.00	GAS MAINT SUPPLIES
NATIONAL LIAB INS	\$2,358.13	WORKERS COMP INS
SAM'S CLUB	\$116.43	MISC/EVENT EXP
AL NATURAL GAS ASSOC	\$2,273.00	ANNUAL MEMBERSHIP
BRUCE HORNE	\$33.01	REFUND OVERPAYMENT
RICOH USA, INC.	\$581.02	COPIER EXPENSE
MAILFINANCE	\$1,286.19	LEASE BILL MACHINE
EASTERN SALES	\$22.60	HYDRAULIC HOSE
M & M TIRE	\$343.32	TIRE REPAIRS G-9
LEGACY CONNECTION	\$320.00	AFTERHOURS SERVICE
BIRMINGHAM POWDER	\$402.31	MAINT JACK DRILL
ROBERT RAY	\$200.00	APPLIANCE REBATE
CONSOLIDATED PIPE	\$3,582.03	MAINT SUPPLIES EXPENSE
ADVANCED ASPHALT	\$676.36	COAL MIX
JEFFERSON CO SEWER	\$435.63	SEWER EXPENSE
ALABAMA POWER	\$2,746.70	UTILITY EXPENSE
GRAYSVILLE MUN GAS	\$399.77	GAS/WATER UTILITIES
FIELDS EXTERMINATING	<u>\$125.00</u>	PEST CONTROL EXPENSE
	\$108,903.96	
TOTAL: CITY/GAS	\$202,074.70	

Councilmember Shaw moved to approve payment of invoices as presented. Motion seconded by Councilmember Armstrong and carried unanimously.

Mayor Davis stated a public hearing is on the agenda pursuant to the following notice:

Notice is hereby given that a regular public meeting beginning at **6:00 p.m.** on **Thursday, August 2, 2018**, in the Council Chambers in City Hall of the City of Graysville located at 246 South Main Street, Graysville, Alabama, the City Council of the City of Graysville (the "City") will hear comments from interested citizens concerning the approval of the proposed terms and conditions of a Project Development, Funding and Cooperation Agreement by and between the City and **W. Bruce Baughman, William S. Rice and Bar-Bur Investments, L.L.C.** (collectively the "**Developer**") ("**Agreement**") granting to the Developer certain Economic Incentives (as defined in the Agreement) with respect to the future

development of a Project (as defined in the Agreement) by the Developer; the proposed issuance of limited obligation revenue warrants to the extent authorized by the laws and Constitution of the State of Alabama, in order to comply with the provisions of the constitution and laws of the State of Alabama, including particularly Amendment No. 772 to the *Constitution of Alabama of 1901*, for the purpose of a grant of the Economic Incentives (as defined in the Agreement) in an amount not to exceed \$45,000.00 from the City to Developer. The timing of the approval of the Agreement is to advance the economic base of the City, and promote the public health, safety, convenience, order, prosperity, quality of life and general welfare of the community resulting in significantly increased tax revenues to the City, an increase of property values in the vicinity of the Project and lead to additional economic activity in the area of the Project and in the City.

The public benefit sought to be achieved by the Grant and the review of the Agreement is to advance the economic base of the City, and promote the public health, safety, convenience, order, prosperity, quality of life and general welfare of the community resulting in significantly increased tax revenues to the City, an increase of property values in the vicinity of the Project and lead to additional jobs and economic activity in the area of the Project and in the City. For purposes of Amendment No. 772 to the *Constitution of Alabama of 1901*, **W. Bruce Baughman, William S. Rice** and **Bar-Burr Investments, L.L.C.** are the individuals and the business entity to whom and for whose benefit the City proposes to lend its credit or grant public funds or things of value.

To be published on July 25, 2018

Councilmember Lauderdale moved to go into public hearing as scheduled. Motion seconded by Councilmember Teeter and carried.

Following a brief discussion and there being no objections, Councilmember Teeter moved to close public hearing. Motion seconded by Councilmember Shaw and carried.

Mayor Davis stated there are two trucks in disrepair and need to be declared surplus.

Mayor announced the Back-To-School Bash will be this Saturday from 4:00 p.m. to 7:00 p.m. at the Community Center and ballpark behind Community Center.

Mr. Michael White was recognized from the Park Board and he reported the Park Board recommend removing Raleigh Fuller and Roderick Marbury from the board and re-establishing the Park Board to a five member board.

Councilmember Shaw moved to remove Raleigh Fuller and Roderick Marbury from the Park Board. Motion seconded by Councilmember Hawthorne and carried.

Mrs. Pinkie White announced there will be fall softball at the softball complex starting Saturday at 9:00 a.m.

Mr. Roger Youngblood, Building Inspector gave a brief update on the Warrior Tractor building.

Resolution Number 2018-9 was presented as follows:

Resolution No. 2018-9

Whereas, City of Graysville, Alabama desires to begin self-collection and administration of City Sales/Use Tax and Rental and any other additional taxes effective beginning the period of October 1, 2018 (with the first collection to be received on or before November 20, 2018); and

Whereas, City of Graysville, Alabama has been presented a proposal by AVENU INSIGHTS & ANALYTICS of Birmingham dated July 18, 2018, whereby AVENU INSIGHTS & ANALYTICS will perform the services necessary to administer and collect the taxes for the City and the City desires to accept such proposal.

NOW THEREFORE BE IT RESOLVED by the City of Graysville Council that the City agrees to begin collecting City sales/use and rental tax effective beginning with the period of October 1, 2018 and the Mayor is instructed to notify the State of Alabama Department of Revenue immediately of the decision of this Council; and

BE IT FURTHER RESOLVED that the proposal presented by AVENU INSIGHTS & ANALYTICS dated January 8, 2018, whereby AVENU INSIGHTS & ANALYTICS will perform the services necessary to administer and collect the taxes for the City, be accepted and the Mayor is hereby authorized and directed to enter a contract with AVENU INSIGHTS & ANALYTICS which conforms to such proposal.

THEREFORE, _____, a Council member, made the motion and _____, a Council member, seconded the motion that said resolution be approved, and said resolution passed by majority vote of the Council, and the Mayor declared the Resolution so passed.

ADOPTED this ____ day of _____, 2018.

Mayor James C. Davis

Council Member, James Armstrong

Council Member, Dorothy Hawthorne

Council Member, George Helms

Council Member, Karen Lauderdale

Council Member, Chris Shaw

Council Member, Randy Teeter

ATTEST:

City Clerk, Kathy Dumas

Councilmember Shaw moved to approve Resolution Number 2018-9 as presented. Motion seconded by Councilmember Teeter and carried.

Resolution Number 2018-10 was presented as follows:

**CITY OF GRAYSVILLE, ALABAMA
RESOLUTION NO. 2018-10**

BE IT RESOLVED, by the City Council of the City of Graysville, Alabama, as follows:

1. That the regularly scheduled meeting of the Graysville City Council set at 6:00 p.m. on September 6, 2018 be rescheduled for 6:00 p.m. on September 13, 2018.
2. That the regularly scheduled meeting of the Graysville City Council set at 6:00 p.m. on September 20, 2018 be rescheduled for 6:00 p.m. on September 27, 2018.
3. That the City Clerk shall provide notice to the public of this change in scheduling.

This Resolution shall become effective upon its due adoption by the City Council for the City of Graysville, Alabama..

Adopted this 2nd day of August, 2018.

Mayor

ATTEST:

City Clerk, Kathy Dumas

Councilmember Shaw moved to adopt Resolution Number 2018-10 as presented. Motion seconded by Councilmember Lauderdale and carried.

Resolution Number 2018-11 was presented as follows:

RESOLUTION NO. 2018-11

BE IT RESOLVED by the City Council of the City of Graysville, Alabama, as follows:

Section 1. Findings. The City Council (herein called the “Council”), which is the governing body of the City of Graysville, Alabama (herein called the “City”), has found and ascertained and does hereby declare as follows:

(a) that it does hereby approve the terms and conditions of that certain Project Development, Funding and Cooperation Agreement, dated August 2, 2018, by and between the City and W. Bruce Baughman (“Baughman”), William S. Rice (“Rice”) and Bar-Burr Investments, L.L.C. (“Bar-Burr”, and collectively with Baughman and Rice, the “Developer”) (the “Agreement”) which is attached hereto as Exhibit “A” and incorporated herein by reference as if copied herein in full with respect to the construction of a proposed facility in the City (“Project” as defined in the Agreement) on that certain real property more particularly described therein as the “Property”; that it will pursue the rendition of a final judgment in a validation proceeding; and, that it desires to issue a zero percent (0%) warrant to the extent authorized by the laws and Constitution of the State of Alabama and in order to comply with the provisions of the constitution and laws of the State of Alabama, including particularly Amendment No. 772 to the Constitution of Alabama of 1901 for the purpose of providing certain Incentives (as defined in the Agreement) to the Developer;

(b) that the City has determined that the Agreement will advance the economic development and base of the City, as well as the prosperity and welfare of its citizens and promote trade and commerce, the public health, safety, convenience, order, prosperity, quality of life and general welfare of the community resulting in significantly increased tax revenues to the City, an increase of property values in the vicinity of the Property and lead to additional economic activity in the area of the Property and in the City (collectively, the “Public Benefit”);

(c) that pursuant to the terms of that certain Agreement, the City is willing to provide Economic Incentives (as defined in the Agreement) in the form described in the Agreement and to take certain other actions to issue a zero percent (0%) warrant and to validate the Agreement (collectively, as further described herein, the “Economic Incentives Grant”);

(d) that it is in the best interest of the City and its inhabitants for the City to provide the Economic Incentives Grant to Developer;

(e) that it is therefore necessary and desirable, and in the best interest of the City and its inhabitants, for the City to issue its “Zero Percent (0%) Limited Obligation Warrant, Series 2018 (Baughman Project)” (the “Warrant”) so as to evidence the obligations of the City to Developer as set forth in this Resolution and to enter into the Agreement herein described in order to effectuate the purposes of this Resolution;

(f) that the Council heretofore, at a public meeting of the Council on August 2, 2018, satisfied the requirements of paragraph (c) of Section 94.01 (a/k/a Amendment No. 772) of the Constitution of Alabama of 1901 (“Amendment No. 772”) with respect to the Warrant and approved the proposed issuance of the Warrant by the City and the proposed Economic Incentives Grant to Developer, all in accordance with the applicable provisions of the Amendment No. 772, and the Council hereby determines that the expenditure of public funds, with respect to the Economic Incentives Grant, as described herein, will serve a valid and sufficient public purpose, notwithstanding any incidental benefit accruing to any private entity or entities;

(g) that as required under Amendment No. 772, at least seven (7) days prior to the public meeting of the Council at which this Resolution was adopted, the City published notice of such proposed action of the City Council of the City of Graysville in accordance with the requirements of Amendment No. 772; and,

(h) that for purposes of Amendment No. 772, the entity(ies) to whom or for whose benefit the City proposes to provide things of value is W. Bruce Baughman, William S. Rice and Bar-Burr Investments, L.L.C. and its affiliates, successors and/or assigns.

Section 2. Authorization of Agreement. In order to provide for the Economic Incentives Grant, the Council does hereby authorize and direct the Mayor of the City to execute and deliver, for and in the name and behalf of the City, the Agreement (herein, as previously indicated, called the "Agreement") between the City and Developer. The Council does also hereby authorize and direct the City Clerk to affix the corporate seal of the City to the Agreement and to attest the same. The Agreement shall be in substantially the form presented to the meeting of the Council at which this Resolution is adopted (which form shall be preserved in the permanent records of the City pertaining to the said meeting and which is hereby adopted in all respects as if the same were set out in full herein).

Section 3. Authorization for Economic Incentives Grant. In order to further provide for the Economic Incentives Grant, the Council does hereby authorize and direct the Mayor of the City to *inter alia*: (1) grant to the Developer an exemption of the Ad Valorem Tax Proceeds (as defined in the Agreement) in an aggregate principal amount not exceeding the lesser of (i) one hundred percent (100%) of the Ad Valorem Tax Proceeds (as defined in the Agreement) per the assessed value of the Property (as defined in the Agreement) as determined for municipal taxation for a period of fifteen (15) successive years; or, (ii) the Total Tax Commitment (as defined in the Agreement); and, (2) cooperate and assist Developer with site

development issues it may encounter in the construction of the Project (as defined in the Agreement) upon the terms and conditions as may be agreed to between the City and the Developer in the future. For the period of time following the passage of this Resolution, and until the date this Agreement is validated by a final, non-appealable judgment of a court of competent jurisdiction (“Validation Date”), Developer shall pay the full ad valorem taxes as defined in the Agreement applicable to the Project. After passage of the Authorizing Resolution and for the period of time commencing with the Validation Date and ending upon termination of the Agreement, the City shall grant to Developer the Economic Incentives Grant in the manner and in the amounts set forth in the Agreement (“New Tax Exemptions”). The total amount of ad valorem taxes exempted shall not exceed Forty-Five Thousand and No/100 (\$45,000.00) Dollars. The amounts due to Developer pursuant to this section will not bear any interest and shall be payable at the office of the Treasurer of the City, City Hall, Graysville, Alabama.

Section 4. Authorization of the Warrant. Pursuant to the provisions of the constitution and laws of the State of Alabama, including particularly Section 11-47-2 of the Code of Alabama (1975), as amended, and Amendment No. 772, the City is hereby authorized to issue its “Zero Percent (0%) Limited Obligation Warrant, Series 2018 (Baughman Project)” (herein, as previously indicated, called the “Warrant”) so as to evidence the obligations set forth in this Resolution and the aforementioned Agreement. The Warrant shall be dated the date of its issuance, shall be in the principal amount of up to \$45,000.00, and shall mature and be payable on the earlier to occur of: (a) fifteen (15) successive calendar years commencing from the Validation Date (as defined in the Agreement) of the New Tax Exemptions to Developer as stated in Subsection 2.4(i) of the Agreement; or, (b) the exemption of the Economic Incentive Grant to Developer in the amount of the Total Tax Commitment (as defined in the Agreement); or, (c) expiration of the Term (as defined in the Agreement); or, (d) mutual agreement and consent of the City and Developer (the “Maturity Date”). The Warrant shall not bear any interest *provided, however*, that payments more than thirty (30) days past due shall bear interest thereafter until paid at the rate of four percent (4.00%) per annum, compounded monthly and shall be subject to prepayment at any time without bonus or penalty. To the extent that any principal is unpaid on the Maturity Date, the same shall be cancelled and the City’s obligations under the Warrant deemed satisfied and of no further force and effect. Within fifteen (15) days after the Maturity Date, the Warrant shall be redelivered to the City by the current owner thereof marked “Cancelled” and “Void”.

Section 5. Limited Obligation and Source of Payment. The indebtedness evidenced and ordered paid by the Warrant is and shall be a limited obligation of the City payable solely from the New Tax Exemptions produced and received by the City from the Project (as defined in the Agreement).

Section 6. General Faith and Credit Not Pledged. The general faith and credit of the City are not pledged for payment of the Warrant. The Warrant shall not be a general obligation of the City but shall be payable solely from the New Tax Exemptions produced and received by the City from the Project (as defined in the Agreement). Neither this Resolution nor the Warrant issued hereunder shall be deemed to impose upon the City any obligation to pay the principal of the Warrant, or any other sum, except with the moneys herein directed to be paid from the New Tax Exemptions produced and received by the City from the Project (as defined in

the Agreement). The Warrant and any payments required by this Resolution shall never constitute an indebtedness of the City within the meaning of any constitutional provision or statutory limitation whatsoever, except as may be provided in Amendment No. 772. None of the agreements, representations or warranties made or implied in this Resolution, or in the issuance of the Warrant, shall ever impose any pecuniary liability upon the City, except with respect to the moneys herein directed to be paid from the New Tax Exemptions produced and received by the City from the Project (as defined in the Agreement). Nothing herein contained, however, shall be construed to relieve the City from the performance of any of its agreements herein contained or to relieve any of the officials of the City of any of their official duties.

Section 7. Mandatory Redemption and Prepayment. The Warrant will be subject to partial redemption and prepayment annually for no more than fifteen (15) successive years commencing on the Validation Date (as defined in the Agreement) per the terms of the Agreement (the “Mandatory Payment” and “Mandatory Payment Date”), but only to the extent of any moneys realized by the City from the New Tax Exemptions produced and received by the City from the Project (as defined in the Agreement), at a redemption price equal to the principal amount of the Warrant called for partial redemption and prepayment. The Treasurer of the City will determine the amount to be paid, and if such amount is sufficient to effect the redemption of at least \$1.00 in principal amount of the Warrant, the Treasurer of the City will take such action as may be necessary under the provisions hereof to exhaust, as nearly as may be practicable, the moneys realized and received by the City from such New Tax Exemptions to redeem principal amounts. The moneys realized and received by the City from the New Tax Exemptions produced and received by the City from the Property shall be used solely for payment of the principal of the Warrant. After such application of all funds realized and received by the City from the New Tax Exemptions from the Project (as defined in the Agreement) on the Maturity Date, the Warrant shall be deemed paid in full, and the City’s obligations to Developer (and to any assignee of Developer) evidenced by the Warrant will be released and extinguished.

Section 8. Prepayment Privilege. The City reserves and shall have the privilege of prepaying all or any part of the principal of the Warrant at any time and from time to time, without penalty or premium and without any prior notice.

Section 9. Payment of the Warrant. The principal of the Warrant shall be payable at the office of the Treasurer of the City, City Hall, Graysville, Alabama, upon presentation of the Warrant on each Mandatory Payment Date or the Maturity Date. All partial payments of principal on each Mandatory Payment Date shall be noted on a schedule attached to the Warrant and attested by the City Treasurer. In case the Warrant is called for partial redemption, the redemption price of the principal thereof so called for redemption shall be payable at the office of the Treasurer of the City upon presentation of the Warrant for an appropriate endorsement by the Treasurer of the City to a schedule attached to the Warrant constituting a part thereof indicating the amount and date of such partial redemption. The preceding two sentences of this paragraph notwithstanding, the redemption price of any partial redemption of the principal of the Warrant may also be paid to the person, corporation, limited liability company, partnership, trust or other legal entity in whose name the Warrant is registered on the registry books of the Treasurer of the City pertaining to the Warrant (the "Holder") pursuant to any applicable payment agreement. Any provision hereof to the contrary notwithstanding, the Treasurer of the

City will, at the request of the Holder of the Warrant, enter into a payment agreement with such Holder providing for the payment of any partial redemption of the principal of the Warrant at a place and in a manner other than as otherwise provided in this section or in the Warrant, but any such agreement shall be subject to the following conditions:

(a) The terms and conditions of such agreement shall be satisfactory to the Treasurer of the City and the Holder of the Warrant;

(b) The final payment of the principal of the Warrant shall be made only upon the surrender thereof to the Treasurer of the City;

(c) If such agreement provides for the partial redemption of the principal of the Warrant without the surrender thereof in exchange for a new Warrant in a principal amount equal to the unredeemed portion of the Warrant, then such agreement

(i) shall provide that the Holder of the Warrant will not sell, pledge, transfer or otherwise dispose of the same unless prior to the delivery thereof it shall surrender the same to the Treasurer of the City in exchange for a new Warrant in a principal amount equal to the unpaid principal of the Warrant, and,

(ii) shall provide (A) that, to the extent of the payment to the Holder of the Warrant of the redemption price of any portion thereof called for redemption, the City shall be released from liability with respect to the Warrant, and (B) that such Holder will indemnify and hold harmless the City against any liability arising from the failure of such Holder to surrender the Warrant to the Treasurer of the City as required by the preceding clause (i), and,

(d) the amounts payable to Developer pursuant to the Warrant shall be limited at the times and in the amounts stated and as described in the Agreement.

Section 10. Execution of the Warrant. The Warrant shall be executed on behalf of the City by its Mayor and shall be attested by the City Clerk who shall affix the official seal of the City to the Warrant, and the Warrant shall be attested by the City Clerk of the City. Said officers are hereby authorized and directed so to execute, seal and attest the Warrant.

Section 11. Form of the Warrant. The Warrant shall be in substantially the following form, with appropriate insertions, omissions and other changes to comply with the provisions hereof and to reflect the appropriate date and principal amount:

UP TO \$45,000.00

UNITED STATES OF AMERICA
STATE OF ALABAMA
CITY OF GRAYSVILLE, ALABAMA
LIMITED OBLIGATION WARRANT,

SERIES 2018 (BAUGHMAN PROJECT)

The **CITY OF GRAYSVILLE**, a municipal corporation in the State of Alabama (herein called the "City"), for value received, hereby acknowledges itself indebted to and orders and directs the City Treasurer of the City to pay to W. Bruce Baughman, William S. Rice and Bar-Burr Investment, L.L.C. (collectively, the "Developer"), or registered assigns, upon presentation and surrender hereof, the principal sum of

UP TO FORTY-FIVE THOUSAND U.S. DOLLARS

(or such lesser portion thereof then unpaid) on the last day of fifteen (15) successive calendar years commencing from the date that the first payment from the City is due as defined in the Agreement referenced and defined hereinbelow (unless the principal of this warrant shall have been duly called for previous redemption and payment duly provided for). The principal of this warrant shall be payable in lawful money of the United States of America. This warrant shall not bear any interest.

This warrant is authorized to be issued pursuant to the applicable provisions of the constitution and laws of the State of Alabama, including particularly Section 94.01 (a/k/a Amendment No. 772) to the Constitution of Alabama of 1901 and Section 11-47-2 of the Code of Alabama (1975), as amended, as well as Resolution No. 2018-11 duly adopted by the governing body of the City on August 2, 2018 (the "Authorizing Resolution"), for purposes for which the City is authorized by law to borrow money and to issue warrants. All capitalized terms not otherwise defined herein shall have the meaning assigned to such terms in the Resolution.

The indebtedness evidenced and ordered paid by this warrant is a limited obligation of the City payable solely from the New Tax Exemptions (as defined and described further in the Authorizing Resolution) produced and received by the City from the Project (as defined in the Agreement) all as more particularly described in the Authorizing Resolution and a Project Development, Funding and Cooperation Agreement (herein referred to as the "Agreement") with respect to that certain real property and the improvements thereon more particularly described therein.

The City reserves the privilege of prepaying all or any part of the principal of this warrant at any time and from time to time, without premium or penalty, and without notice.

This warrant is subject to mandatory partial redemption and prepayment on each annual Mandatory Payment Date thereafter, to the extent of any such New Tax Exemptions received and realized by the City from the Project (as defined in the Agreement) at a redemption price equal to the principal amount of the Warrant called for partial redemption and prepayment.

The principal of this warrant will be paid only to the named payee hereof or its registered assigns at the address of the said payee as shown on the books of the City maintained for that purpose by its undersigned registrar.

It is hereby certified that all conditions, actions and things required by the constitution and laws of Alabama to exist, be performed or happen precedent to or in the issuance of this

warrant do exist, have been performed and have happened in due and legal form.

IN WITNESS WHEREOF, the City has caused this warrant to be executed in its name and behalf by its Mayor, who has caused its official seal to be hereunto affixed, has caused this warrant to be attested by its City Clerk, both of said officers being hereunto duly authorized, and has caused this warrant to be dated _____, 2018.

CITY OF GRAYSVILLE, ALABAMA

By: _____
Julio Davis, Its Mayor

Attest:

Its City Clerk

Councilmember Shaw moved to approve Resolution Number 2018-11 as presented. Motion seconded by Councilmember Teeter. Roll call votes as follows:

<i>Councilmember Armstrong</i>	<i>Yes</i>
<i>Councilmember Lauderdale</i>	<i>Yes</i>
<i>Councilmember Teeter</i>	<i>Yes</i>
<i>Councilmember Hawthorne</i>	<i>Yes</i>
<i>Councilmember Helms</i>	<i>Yes</i>
<i>Councilmember Shaw</i>	<i>Yes</i>
<i>Mayor Davis</i>	<i>Yes</i>

Resolution Number 2018-12 was presented as follows:

RESOLUTION NO 2018-12

RESOLUTION DECLARING AND DEEMING CERTAIN MUNICIPAL PERSONAL PROPERTY SURPLUS AND NOT NEEDED FOR PUBLIC PURPOSES AND AUTHORIZING AND APPROVING THE DISPOSAL THEREOF

WHEREAS, the City of Graysville, Alabama has certain items of personal property which are no longer needed for public or municipal purposes;

WHEREAS, Section 11-43-56 of the Code of Alabama of 1975 authorizes the municipal governing body to dispose of unneeded personal property;

NOW THEREFORE, BE IT RESOLVED, by the City Council of the City of Graysville as follows:

SECTION 1. That the personal property owned by the City of Graysville, which property is as follows:

- 1. 2002 Dodge 2500 White V8 PU 3B7KF26Z52M309598**
- 2. 2003 Ford Ranger PU 1FTYR10U03PB23150**

SECTION 2. That the Mayor of the City of Graysville be hereby authorized and directed to dispose of the personal property of the City of Graysville, Alabama. The Mayor of the City of Graysville shall have the authority to reject all bids when, in their personal opinion, the bids are less than adequate consideration for the personal property.

SECTION 3. That the Mayor and City Clerk be authorized to execute any and all contracts and or title transfer related to the disposal of the declared Surplus Property, the referenced in this Resolution.

CITY OF GRAYSVILLE, ALABAMA

ADOPTED this ____ day of _____, 2018.

Mayor James C. Davis

Council Member, James Armstrong

Council Member, Dorothy Hawthorne

Council Member, George Helms

Council Member, Karen Lauderdale

Council Member, Chris Shaw

Council Member, Randy Teeter

ATTEST:

City Clerk, Kathy Dumas

Councilmember Shaw moved to approve Resolution Number 2018-12 as presented. Motion seconded by Councilmember Teeter and carried.

Resolution Number 2018-13 was presented as follows:

CITY COUNCIL OF GRAYSVILLE, ALABAMA

RESOLUTION NO. 2018-13

BE IT RESOLVED, by the City Council of the City of Graysville, Alabama, as follows:

1. That the Mayor be and is hereby authorized to negotiate and execute a satisfactory real estate purchase agreement for the properties located at 4795 Highway 78 West and 147 10th Avenue Southwest, at a total price not to exceed \$385,000.00, subject to approval of said purchase agreement by the City Attorney.
2. That the Mayor be and is hereby authorized to execute all documents necessary and take all actions necessary to effectuate such purchase.

This Resolution shall become effective upon its due adoption by the City Council for the City of Graysville, Alabama.

Adopted this 2nd day of August, 2018.

Mayor

Council Member

Council Member

Council Member

Council Member

Council Member

Council Member

ATTEST:

City Clerk, Kathy Dumas

Councilmember Lauderdale moved to approve Resolution Number 2018-13 as presented. Motion seconded by Councilmember Hawthorne and carried unanimously.

Mr. Larry Carroll was recognized and he reported he is having problems with the home next door to him that has an abundance of kudzu growing from the neighbor's property over to his property.

Mayor Davis stated letters two letters have already been sent to the property owners about the high grass but a certified letter will be sent.

Lieutenant McAnally from the Jefferson County Sheriff's Office thanked the Fire Department and Chief Booth for a great job they did when three people was rescued from Five Mile Creek.

Thereupon on motion of Councilmember Teeter, motion seconded by Councilmember Helms and being unanimously carried the meeting was duly adjourned.

Councilmember James Armstrong

Councilmember Dorothy Hawthorne

Councilmember George Helms

Councilmember Karen Lauderdale

Councilmember Chris Shaw

Councilmember Randy Teeter

Mayor Clark "Julio" Davis

City Clerk Kathy Dumas