



Agenda
REGULAR MEETING OF THE CITY COUNCIL
OF THE CITY OF MADISON, ALABAMA
6:00 PM
Council Chambers
December 12, 2022

AGENDA NO. 2022-23-RG

To protect the public health during the COVID-19 pandemic, according to State and Federal guidelines, the City Council will observe social distancing procedures at the Council Meeting. Anyone who is sick or who is living with a quarantined family member should not attend the meeting. City Council meetings are broadcast live on local Wow! Channel 42 and online streaming (visit <https://www.madisonal.gov/709/view-city-council-meeting>) for access. Members of the public would like to weigh in on a Council matter but do not want to attend due to concerns about the pandemic may contact the City Clerk's Office or the Mayor's Office (contact information on City website www.madisonal.gov) or text the word "comment" to 938-200-8560

1. CALL TO ORDER

2. INVOCATION

A. Chaplain Robin Kramer, Madison Police Department

3. PLEDGE OF ALLEGIANCE

4. ROLL CALL OF ELECTED GOVERNING OFFICIALS

5. AMENDMENTS TO AGENDA

6. APPROVAL OF MINUTES

A. Minutes No. 2022-22-RG, dated November 28, 2022

B. Minutes No. 2022-06-WS, dated November 30, 2022

C. Minutes No. 2022-02-SP, dated November 30, 2022

D. Minutes No. 2022-03-SP, dated December 5, 2022

7. PRESENTATIONS AND AWARDS

A. Fire Department badge pinning ceremony for 2021/2022 promotions

B. 2022 Alabama Small Business of the Year Award winners: Virtuous Realty, Investor's Resource, and Signalink - Michelle Epling, Madison Chamber of Commerce

8. PUBLIC COMMENTS

Public comments are limited to 3 minutes per speaker. Anyone who would like to sign up prior to the Council meeting may contact the City Clerk at cityclerk@madisonal.gov. Anyone who would like to submit a presentation to the City Council must email it to the City Clerk by noon on the Friday prior to the meeting. Anyone who cannot attend the meeting in person and would like to email written comments must do so by noon of the Council meeting date, and address comments to citycouncil@madisonal.gov

9. CONSENT AGENDA AND FINANCE COMMITTEE REPORT

- A. Regular and periodic bills to be paid
- B. Authorization of final payment to Rogers Group, Inc. in the amount of \$22,265.30 for retainage on CIP Project No. 18-036, Short Street Widening (Invoice No. 46399, Bid No. 2019-018-ITB)(To be paid from 2015-A Bond)
- C. Authorization of payment to Barge Design Solutions, Inc. in the amount of \$6,832.50 for professional services completed from 10/29/22 to 11/25/22 on CIP Project No. 19-047, Wall Triana and I-565 Intersection Improvements, ATRP2-45-2020-327 (Invoice No. 206201, PO No. 2022-1151) (To be paid from 2015-A Bond Account)
- D. **Resolution No. 2022-337-R:** Authorizing even swap of BRINC Lemur (Serial# 0031/City of Madison Serial# 07458) for Autel Robotics EVO II Drone and accessories from Adorama, Inc., for the Madison Police Department at no balance due to be paid by the City of Madison.

10. PRESENTATIONS OF REPORTS

MAYOR PAUL FINLEY

COUNCIL DISTRICT NO. 1 MAURA WROBLEWSKI

- A. **Proposed Ordinance No. 2022-323:** Amendment to City Code Section 32-131 to prohibit parking on a median on the westside of Walden Glen Road near Browns Ferry Road (First Reading November 28, 2022)

COUNCIL DISTRICT NO. 2 CONNIE SPEARS

COUNCIL DISTRICT NO. 3 TEDDY POWELL

COUNCIL DISTRICT NO. 4 GREG SHAW

COUNCIL DISTRICT NO. 5 RANAE BARTLETT

COUNCIL DISTRICT NO. 6 KAREN DENZINE

COUNCIL DISTRICT NO. 7 JOHN SEIFERT

11. BOARD/COMMITTEE APPOINTMENTS

- A. Reappointment of Charles Nola to Place 4 of the Madison Station Historic Preservation Commission with a term expiration of October 27, 2025
- B. Reappointment of Gerald Clark to Place 7 of the Madison Station Historic Preservation Commission with a term expiration of October 27, 2025
- C. Reappointment of Brenda Buschmann to Place 4 of the Zoning Board of Adjustment and Appeals with a term expiration of December 31, 2025

12. PUBLIC HEARINGS

Public comments during public hearings are limited to 5 minutes per speaker. Anyone who would like to sign up prior to the Council meeting may contact the City Clerk at cityclerk@madisonal.gov. Anyone who would like to submit a presentation to the City Council must email it to the City Clerk no later than noon on the Friday prior to the meeting. Anyone would cannot attend the meeting in person and would like to email written comments must do so by noon of the Council meeting date and address comments to citycouncil@madisonal.gov.

13. DEPARTMENT REPORTS

LEGAL

- A. **Proposed Ordinance No. 2022-320:** Amendment to City Code increasing general penalties for misdemeanors in Municipal Court (First Reading December 12, 2022)
- B. **Proposed Ordinance No. 2022- 326:** Amendment of the City Code to allow virtual participation by City Council and Mayor (First Reading December 12, 2022)
- C. **Proposed Ordinance No. 2022-327:** Authorization for the operation of medical cannabis dispensaries within the corporate limits of the City of Madison, Alabama, pursuant to Alabama Code Section 20-2A-51(c) (First Reading December 12, 2022)
- D. **Resolution No. 2022-328-R:** Authorization for archiving and publishing of audio/visual from November 30, 2022 work session meeting
- E. **Resolution No. 2022-333-R:** Authorization of a Change Order from McInnis Construction LLC/Miller & Miller Inc. Joint Venture No. 2 for I-565 Phase Two construction of westbound ramps (\$260,000 to be paid from Bond proceeds)
- F. **Proposed Ordinance No. 2022-334:** Authorization to issue warrants/bonds for construction of I-565 westbound ramps and pay-off Town Madison bonds (First Reading December 12, 2022)

RECREATION

- A. **Resolution No. 2022-332-R:** authorizing purchase of shade structures for the Kids Kingdom playground renovation project in Dublin Park in the amount of \$70,901.51 (to be paid from Parks & Recreation Department Neighborhood Parks account)

14. MISCELLANEOUS BUSINESS AND ANNOUNCEMENTS

15. ADJOURNMENT

16. AGENDA ITEMS

Agenda Note: It should be noted that there are times when circumstances arise that require items be added to or deleted from the agenda at time of the Council meeting. Also all attached documents are to be considered a draft until approved by Council.

All attendees are advised that Council meetings are televised and that their statements and actions are therefore viewed by more than just those attending the meetings.



**MINUTES NO. 2022-22-RG
REGULAR CITY COUNCIL MEETING
OF MADISON, ALABAMA
November 28, 2022**

To protect the public health during the COVID-19 pandemic, and according to State and Federal Guidelines, the Madison City Council observed social distancing procedures at the Council meeting. Anyone who was sick or was living with a quarantined family member was recommended against attending the meeting. The meeting was broadcast live on Wow! Channel 42 and online streaming at www.madisonal.gov/viewmeetings. Anyone who did not want to attend the meeting in person due to the COVID pandemic, but wanted to participate in Public Comments or Hearings were encouraged to contact the City Clerk or Mayor's Office via telephone or email to submit comments or questions, or text the word "Comment" to 938-200-8560

The Madison City Council met in regular session on Monday, November 28, 2022, at 6:00 p.m. in the Council Chambers of the Madison Municipal Complex, Madison, Alabama. Noting that a quorum was present, the meeting was called to order at 6:00 p.m. by Council President Ranae Bartlett.

Pastor, Huey Hudson of Restoration Church provided the invocation followed by the Pledge of Allegiance led by Ranae Bartlett.

ELECTED GOVERNING OFFICIALS IN ATTENDANCE

Mayor Paul Finley	Present
Council District No. 1 Maura Wroblewski	Present
Council District No. 2 Connie Spears	Present
Council District No. 3 Teddy Powell	Present
Council District No. 4 Greg Shaw	Absent
Council District No. 5 Ranae Bartlett	Present
Council District No. 6 Karen Denzine	Present
Council District No. 7 John Seifert	Present

City Officials in attendance were: City Clerk-Treasurer Lisa D. Thomas, Deputy City Clerk-Treasurer Kerri Sulyma, City Clerk Administrative Assistant Mari Bretz, City Attorney Brian Kilgore, Information Technology Director Jason Colee, Information Technology Senior Systems Analyst Chris White, Information Technology Coordinator Toby Jenkins, Police Captain Mike Allen, Police Lieutenant Jonathan Stout, Fire Chief David Bailey, City Engineer Michael Johnson, Director of Development Services Mary Beth Broeren, Deputy City Engineer Michelle Dunson, Recreation Director Kory Alfred, Finance Director Roger Bellomy, Development Services Principal Planner Matt Davidson, City Administrator Steve Smith, Human Resources Director Terri Towry, Revenue Director Cameron Grounds, and Deputy Court Clerk Dorothy Bellomy

Public Attendance registered: Jennifer Coe, Margi Daly, Thomas Arnold, Charles Prochaska, Mary Georganes, John Georganes, Jean Ann Benefield, Tiffany Knox, Mike Bowie, Charity Stratton, and Rod Ashcraft.

AMENDMENTS TO AGENDA

Council Member Wroblewski requested to move Resolution No. 2022-322-R from Human Resources department reports to her line items.

City Attorney Brian Kilgore requested that Resolution No. 2022-325-R; authorizing payment of \$250 out of Council special project budget for a Santa for Christmas Capers be walked on. Council President Bartlett accepted it and placed it under her line items.

City Attorney Brian Kilgore requested to change Resolution No. 2022-316-R, under Engineering, stating that the amount on the published agenda has been revised from \$56,827.88 to \$66,772.60 (a difference of +\$9,944.72). The new amount reflects the current Sourcewell pricing of \$167.90 per curb mile, minus a 3% discount.

City Attorney Brian Kilgore requested to change Resolution No. 2022-322-R, the hourly rate on the published agenda for the professional services agreement changed from \$38 to \$40.

City Attorney Brian Kilgore requested to change Proposed Ordinance No. 2022-308, under Legal, to Resolution No. 2022-308-R as they received the final updates today. Council President Bartlett confirmed with City Attorney Brian Kilgore since it is a Resolution that it will not require suspension of the rules.

Council President Bartlett approved the agenda as amended.

APPROVAL OF MINUTES

MINUTES NO. 2022-21-RG DATED NOVEMBER 14, 2022

Council Member Spears moved to approve Minutes No. 2022-21-RG. Council Member Powell seconded. The roll call vote taken was recorded as follows:

Council Member Maura Wroblewski	Aye
Council Member Connie Spears	Aye
Council Member Teddy Powell	Aye
Council Member Greg Shaw	Absent
Council Member Ranae Bartlett	Aye
Council Member Karen Denzine	Abstain
Council Member John Seifert	Aye

Motion carried.

PRESENTATIONS AND AWARDS

None

PUBLIC COMMENTS

*Public Comments were limited to three minutes per speaker. Anyone who wanted to sign up prior to the Council meeting were able to contact the City Clerk at cityclerk@madisonal.gov or text the word "**Comment**" to 938-200-8560. Anyone who wanted to submit a presentation to the City Council were able to email it to the City Clerk by noon last Friday. Those who could not attend the meeting in person and wanted to email their written comments were advised to do so no later than noon this date via email to citycouncil@madisonal.gov.*

MR. THOMAS ARNOLD (DISTRICT 1-WALDEN NEIGHBORHOOD)

Mr. Arnold appeared before Council and Mayor Finley to express his appreciation for the prompt action and support regarding the safety issue and the Proposed Ordinance No. 2022-323 to prohibit parking on the median in the Walden Neighborhood.

CHARLES PROCHASKA (DISTRICT 4-HUNTINGTON CHASE SUBDIVISION)

Mr. Prochaska appeared before Council and Mayor Finley to voice his concern on the following items:

- Lack of sidewalks near Mill Road and County Line Road
- Road markings at the intersection of Balch Road and Huntsville-Browns Ferry Road

MS. MARGI DALY (DISTRICT 6-WALTON ACRES)

Ms. Daly appeared before Council and Mayor Finley to voice her concerns on the following items:

- Hexagon property purchase
- Duties of a City Manager
- Brightness of streetlighting in her neighborhood
- City spending

MS. JENNIFER COE (DISTRICT 5-ASHLEY ESTATES)

Ms. Coe appeared before Council and Mayor Finley to voice her concerns on the following items:

- Public comments during public hearings
- Funding agreement for Town Madison District
- Council-City Manager petition that sent mass text

Council President Bartlett closed public comments as there were no other comments. Council President Bartlett asked City Attorney Brian Kilgore to address what gets a public hearing with comments and what does not.

City Attorney Brian Kilgore addressed the concern about what gets a public hearing with and without comments. City Attorney Brian Kilgore stated that we have followed Alabama Statute when it comes to what we have to notice and what we do not have to and that there has been no change to the rules of order.

Council Member Connie Spears	Aye
Council Member Teddy Powell	Aye
Council Member Greg Shaw	Absent
Council Member Ranae Bartlett	Aye
Council Member Karen Denzine	Aye
Council Member John Seifert	Aye

Motion carried.

PRESENTATION OF REPORTS

MAYOR PAUL FINLEY:

Mayor Finley addressed the concern brought up in public comments regarding sidewalks. He advised that Engineering has looked into bringing a sidewalk on Mill Road from County Line Road to the Bradford Creek Greenway and that it is currently too expensive but that it could happen in the future. He did state there is a way to the greenway, but it is not the easiest.

Mayor Finley also address the intersection of Balch Road and Huntsville Browns Ferry Road and he agrees that there needs to be an adjustment. Engineering is looking into the current Balch Road bid to see about extending the bid which would widen the road and fix the ditches versus not doing that and putting in a roundabout at the intersection of Balch Road and Huntsville Browns Ferry Road.

Mayor Finley addressed the Hexagon property deal concerns.

Council President Bartlett also clarified that her husband does not work for Hexagon, nor does he sit on their board.

RESOLUTION NO. 2022-321-R: AWARD OF BID FOR RENOVATION AND CONSTRUCTION OF COMMUNITY CENTER TO LEEBUILDERS, INC. (\$11,205,460)

Council Member Wroblewski moved to approve Resolution No. 2022-321-R. Council Member Seifert seconded. Council President Bartlett asked for any discussion. Mayor Finley advised that City Administrator Steve Smith would like to show a presentation and answer any questions.

City Administrator Steve Smith advised that before he explained the numbers that he would like to have Ron Van Peurse, from the architect firm Nola Van Peurse Architects, PC to explain the design. Mr. Van Peurse went through a slideshow of the design for the proposed changes.

Recreation Director Kory Alfred explained that the new community center would allow for more participants in our art classes especially in ceramics where there is a waiting list to participate. It would allow for fitness equipment for the older seniors, expansion of activities for special needs such as caregivers' night out, and a courtyard where senior enjoy outside space more versus the small space that is available to them in the current senior center.

City Administrator Steve Smith passed out a packet to Council members to review the finances, a list of Capital Improvement Projects, and how the community center would be funded.

Council President Bartlett opened the floor for comments from the Council Members.

Council Member Wroblewski expressed her excitement for the project and how it will help the community and the senior center.

Council Member Seifert asked about the \$3.5 million for the signature hotel. Mayor Finley responded to Council Member Seifert that the \$3.5 million was earmarked when the Margaritaville deal was approved for the city to give more. Since that agreement is no longer in play that Finance Director Roger Bellomy has been putting the money back into the savings account. Mayor Finley believes it is not needed but wanted to point out that if needed we have those funds available.

Council Member Seifert asked about improvements to the road for accessing the community center and if it is factored into the numbers. City Administrator Steve Smith and Mayor Finley explained that they would work with Engineering on those issues in the future and that it was not included in the current numbers.

Council Member Seifert asked about the funding for the \$2 million needed in 2024 and 2025 included in the packet and if we are counting on funding sources to be Madison County and state budget. City Administrator Steve Smith responded that after listening to the Finance Committee regarding the budget it was chosen to spread out over several years if there was a need to use it, but he and Mayor Finley feel that it will not be needed.

Council Member Seifert asked about offsetting costs though naming rights.

City Administrator Steve Smith responded that he has met with Madison Visionary Partners (MVP) and they have plans for naming rights to the whole building, maybe the ceramic room, or the special needs room. He explained that they have lots of opportunities for people to donate whether it be \$5 or \$5 million.

Council Member Powell questioned the CIP list provided, the lack of time to review the information, the \$11 million needed for this project, and what other projects are being sacrificed for the senior center. Council Member Powell stated that while the senior center project is a great idea, he feels that Council should not vote on it yet and have it sent to the Finance Committee for review or have a work session regarding it.

Mayor Finley responded that the list they received back in 2016 was due to them going out to the market on a bond issuance. He explained that they do not have the type of list they received back then because they are using general fund money. Mayor Finley also advised that during the upcoming work session there is no request for an undated CIP.

Council Member Spears expressed that she has asked for a "one to N" CIP list more than twice and that the list provided is only for one year. She wants to see a list that includes all multi-year projects as the senior center is a multi-year project. Council Member Spears feels that if they vote tonight, they won't know what is being sacrificed for future projects. She is recommending they go through the Finance Committee, get the full CIP list, and then vote on it.

Council Member Denzine mentioned that she had asked City Administrator Steve Smith earlier why the cost is much higher than what was originally talked about. He had responded that after they went in, they realized that it would need to be gutted to make it a good-looking facility. City Administrator Steve Smith added that when they ran the numbers, if they had built it from the ground up it would be \$6 million more.

Council Member Denzine expressed that she understands there is a bid deadline coming up but wanted to know what it would do to the deadline if they went ahead and tabled it. City Administrator Steve Smith responded that it must be awarded by the deadline of Tuesday, December 6th.

Council Member Spears confirmed with City Administrator Steve Smith that they could table it while they discuss it on the following work session being held on Wednesday and then call a special meeting to vote on it before the bid deadline. City Administrator Steve Smith confirm they could if they meet the bid deadline.

Council Member Powell again expressed that the information packet provided needs to be reviewed and he has several questions that he would like answered before he votes.

Council Member Wroblewski asked if they would be spending \$11 million all at once, Council Member Seifert responded that it is a firm fixed-price contract which means that they would be writing the check today for that price.

Council President Bartlett asked City Administrator Steve Smith about the option of an extension on the bid deadline. City Administrator Steve Smith responded he can ask but does not know if they will be open to that.

Council President Bartlett expressed that based on what she was hearing regarding who was ready to vote that the best decision is to refer the motion and let Finance Committee look it over and then bring it to a work session.

Mayor Finley expressed his desire for the project to move forward and Council Member Powell expressed his desire to review before any vote goes through.

Council Member Denzine asked City Administrator Steve Smith if they wait to discuss it on Wednesday during a work session would it give him enough time to ask if the people are willing to extend the bid deadline. City Administrator Steve Smith said he would ask the following day and would get the information to Council.

Council President Bartlett asked City Attorney Brian Kilgore if there is going to be an issue of notice to do a vote.

City Attorney Brian Kilgore responded that they have 24 hours to notice and if needed there is time to due a notice for a special session.

Council Members and City Attorney Brian Kilgore discussed postponing the vote. Council Member Powell moved to postpone Resolution No. 2022-321-R. Council President Bartlett asked for a second. Council Member Spears seconded. Motion to postpone takes the majority vote and with no other discussion the vote was taken and recorded as follows:

Council Member Maura Wroblewski	Aye
Council Member Connie Spears	Aye
Council Member Teddy Powell	Aye
Council Member Greg Shaw	Absent
Council Member Ranae Bartlett	Aye
Council Member Karen Denzine	Aye
Council Member John Seifert	Aye

Motion to postpone Resolution No. 2022-321-R carried.

Mayor Finley asked City Council for approval to accept a check for \$15,000 from Madison County Commissioner Dale Strong for our Madison Chamber of Commerce. The check is payable to us and then to be appropriated as a one-time appropriation from the chairman's budget to provide funding to support the Madison Chamber of Commerce.

Council Member Spears moved to approve the \$15,000 check from Madison County Commissioner Dale Strong. Council Member Wroblewski seconded. The vote was taken and recorded as follows:

Council Member Maura Wroblewski	Aye
Council Member Connie Spears	Aye
Council Member Teddy Powell	Aye
Council Member Greg Shaw	Absent
Council Member Ranae Bartlett	Aye
Council Member Karen Denzine	Aye
Council Member John Seifert	Aye

Motion carried

COUNCIL DISTRICT NO. 1 MAURA WROBLEWSKI

PROPOSED ORDINANCE NO. 2022-311: AMENDMENT TO SECTION 12, "COMPENSATION AND BENEFITS" OF THE CITY OF MADISON PERSONNEL POLICIES AND PROCEDURES (REQUEST FOR SUSPENSION OF THE RULES FOR VOTE)

Council Member Wroblewski moved to suspend the rules for immediate consideration of Ordinance No. 2022-311. Council Member Spears seconded. The roll call vote was taken and recorded as follows:

Council Member Maura Wroblewski	Aye
Council Member Connie Spears	Aye
Council Member Teddy Powell	Aye
Council Member Greg Shaw	Absent
Council Member Ranae Bartlett	Aye
Council Member Karen Denzine	Aye
Council Member John Seifert	Aye

Motion carried

Upon suspension of the rules, Council Member Wroblewski moved to approve Ordinance No. 2022-311. Council Member Powell seconded. Council Member Wroblewski explained that this ordinance has to do with paramedic incentive differential which will increase from \$150 to \$200, and it will start next pay. It also covers additional areas for employees. Council Member Wroblewski and the Human Resources Committee met before tonight's meeting and unanimously approved it. The roll call vote was taken and recorded as follows:

Council Member Maura Wroblewski	Aye
Council Member Connie Spears	Aye
Council Member Teddy Powell	Aye
Council Member Greg Shaw	Absent
Council Member Ranae Bartlett	Aye
Council Member Karen Denzine	Aye
Council Member John Seifert	Aye

Motion carried

RESOLUTION NO. 2022-129-R: AMENDING THE JOB CLASSIFICATION PLANS

Council Member Wroblewski explained that this would add three new positions as well as change the title in current positions:

New Positions

Crime Analyst (Police Dept)
Construction Project Manager (Engineering Dept)
Facilities Director (Building Dept)

Title Only Changes

Communications Specialist to Communications and External Affairs Officer
Communications Manager (Police) to Public Safety Communications Manager

Council Member Wroblewski moved to approve Resolution No. 2022-129-R. Council Member Spears seconded. The vote was taken and recorded as follows:

Council Member Maura Wroblewski	Aye
Council Member Connie Spears	Aye
Council Member Teddy Powell	Aye
Council Member Greg Shaw	Absent
Council Member Ranae Bartlett	Aye
Council Member Karen Denzine	Aye
Council Member John Seifert	Aye

Motion carried

PROPOSED ORDINANCE NO. 2022-323: AMENDMENT TO CITY CODE SECTION 32-131 TO PROHIBIT PARKING ON A MEDIAN ON THE WESTSIDE OF WALDEN GLEN RD. NEAR BROWNSFERRY ROAD (FIRST READING)

This is a first reading only.

RESOLUTION NO. 2022-322-R: AUTHORIZE PROFESSIONAL SERVICES AGREEMENT WITH MARIELA RUIZ (\$40 AN HOUR TO BE PAID FROM THE HUMAN RESOURCES BUDGET)

Council Member Wroblewski moved to approve Resolution No. 2022-322-R. Council Member Powell seconded. The vote was taken and recorded as follows:

Council Member Maura Wroblewski	Aye
Council Member Connie Spears	Aye
Council Member Teddy Powell	Aye
Council Member Greg Shaw	Absent
Council Member Ranae Bartlett	Aye
Council Member Karen Denzine	Aye
Council Member John Seifert	Aye

Motion carried

Council Member Wroblewski reported on the following activities, events, and newsworthy items:

- Whataburger opened today

COUNCIL DISTRICT NO. 2 CONNIE SPEARS

Council Member Spears reported on the following activities, events, and newsworthy items:

- Addressed the sidewalk concern that Mr. Charles Prochaska brought up in public comments as this borders her district and Council Member Shaw. As they continue to work on the CIP, it will be on their list.

COUNCIL DISTRICT NO. 3 TEDDY POWELL

Council Member Powell reported on the following activities, events, and newsworthy items:

- Reminded the public of the Christmas parade on December 10th at 5:00pm.

COUNCIL DISTRICT NO. 4 GREG SHAW

Absent

COUNCIL DISTRICT NO. 5 RANAE BARTLETT

RESOLUTION NO. 2022-325-R: AUTHORIZING FUNDING FROM THE CITY COUNCIL SPECIAL PROJECTS BUDGET FOR A SANTA FOR CHRISTMAS CAPERS

Council Member Wroblewski moved to approve Resolution No. 2022-325-R. Council Member Spears seconded. The vote was taken and recorded as follows:

Council Member Maura Wroblewski	Aye
Council Member Connie Spears	Aye
Council Member Teddy Powell	Aye
Council Member Greg Shaw	Absent
Council Member Ranae Bartlett	Aye
Council Member Karen Denzine	Aye
Council Member John Seifert	Aye

Motion carried

Council Member Bartlett reported on the following activities, events, and newsworthy items:

- Addressed Ms. Margi Daly on the allegations made during public comments towards herself and Council Member Spears

COUNCIL DISTRICT NO. 6 KAREN DENZINE

Council Member Denzine reported on the following activities, events, and newsworthy items:

- Reminded the public of the Madison Police Citizens Advisory Committee meeting that is being held at the Madison Public library on Tuesday November 29th at 6:30pm. Topic will be on expectations during a traffic stop delivered by an officer.
- Two vacancies available on the Madison Police Citizens Advisory Committee for district 2 and 7. If interested please contact your Council Member in those districts.
- Polar Express Christmas tree lighting on December 2nd at 5:30pm will be held in downtown Madison.
- Christmas Capers is on December 17th at 4pm.
- Apologized for being absent to the Council meeting on November 14th.
- Raised concerns about the flyovers and the developer of Town Madison.
- Appreciates the patience of the community during her difficult time.
- Streetlighting concerns and advised the public to email their concerns to council, the mayor, or City Administrator Steve Smith.

COUNCIL DISTRICT NO. 7 JOHN SEIFERT

Council Member Seifert reported on the following activities, events, and newsworthy items:

- Commended the Parks and Recreation department for their partnership with Madison City schools for young men and women to compete in basketball
- Council meeting scheduled for December 26th

BOARD/COMMITTEE APPOINTMENTS

REAPPOINTMENT OF KENT BALLARD TO PLACE 4 ON THE INDUSTRIAL DEVELOPMENT BOARD FOR NOVEMBER 23, 2022-NOVEMBER 22, 2028

Council Member Spears nominated Kent Ballard for reappointment to Place 4. There being no further nominations, Mr. Ballard was appointed by acclamation.

APPOINTMENT OF MICHAEL "SCOTT" HARBOUR TO THE ZONING BOARD OF ADJUSTMENT & APPEALS TO FILL SUPERNUMERARY PLACE 1 FOR EXISTING TERM THAT ENDS DECEMBER 31, 2024

Council Member Wroblewski nominated Michael "Scott" Harbour for appointment to Supernumerary Place 1. There being no further nominations, Mr. Harbour was appointed by acclamation.

PUBLIC HEARINGS

Speakers and public hearing applicants who wanted to address agenda items listed under this section of the agenda were instructed to reserve their comments for the public hearing. Before or during the Council Meeting they were asked to sign up for the public hearing at which they wanted to address Council by texting the word "COMMENT" to the City's automated SMS system at 938-200-8560 or by filling out a card available in the vestibule or from the City Clerk. The project initiator, applicant, owner or agent of the business or property that is the subject of the hearing was allowed to speak for 15 minutes. Residents within the noticed area of the subject property, as well as all other members of the public, were allowed to speak for 5 minutes.

RESOLUTION NO. 2022-315-R: REQUEST FROM SUNSHINE FAMILY, LLC, DOING BUSINESS AS STONE AGE KOREAN BBQ II, FOR A RESTAURANT RETAIL LIQUOR LICENSE FOR THEIR LOCATION AT 7929 HIGHWAY 72 WEST.

Revenue Officer Cameron Grounds informed Council that everything is in order for Council to vote on this item tonight. Council President Bartlett opened the floor for public comments regarding this request. Council President Bartlett then closed the floor after no comments and entertained a motion from Council. Council Member Wroblewski moved to approve Resolution No. 2022-315-R. Council Member Seifert seconded. The vote was taken and recorded as follows:

Council Member Maura Wroblewski	Aye
Council Member Connie Spears	Aye
Council Member Teddy Powell	Aye
Council Member Greg Shaw	Absent
Council Member Ranae Bartlett	Aye
Council Member Karen Denzine	Aye
Council Member John Seifert	Aye

Motion carried

DEPARTMENTAL REPORTS

ENGINEERING DEPARTMENT

RESOLUTION NO. 2022-316-R: AUTHORIZATION OF RENEWAL WITH STREET SWEEP CORP FOR STREET SWEEPING SERVICES (\$ 66,772.60 TO BE PAID FROM

ENGINEERING BUDGET)

Council Member Spears moved to approve Resolution No. 2022-316-R. Council Member Powell seconded. The vote was taken and recorded as follows:

Council Member Maura Wroblewski	Aye
Council Member Connie Spears	Aye
Council Member Teddy Powell	Aye
Council Member Greg Shaw	Absent
Council Member Ranae Bartlett	Aye
Council Member Karen Denzine	Aye
Council Member John Seifert	Aye

Motion carried

RESOLUTION NO. 2022-317-R: AUTHORIZING ACCEPTANCE OF TEMPORARY EASEMENTS FOR MAINTENANCE OF A DRAINAGE DITCH ADJACENT TO HIGHLAND DRIVE

Council Member Powell moved to approve Resolution No. 2022-317-R. Council Member Spears seconded. The vote was taken and recorded as follows:

Council Member Maura Wroblewski	Aye
Council Member Connie Spears	Aye
Council Member Teddy Powell	Aye
Council Member Greg Shaw	Absent
Council Member Ranae Bartlett	Aye
Council Member Karen Denzine	Aye
Council Member John Seifert	Aye

Motion carried

RESOLUTION NO. 2022-318-R: ACCEPTING INTO PUBLIC USE AND MAINTENANCE THE SUBDIVISION IMPROVEMENTS FOR MOORE'S CREEK, PHASE V

Council Member Spears moved to approve Resolution No. 2022-318-R. Council Member Shaw seconded. Council Member Powell confirmed with Deputy City Engineer Michelle Dunson that everything has been signed off, Deputy City Engineer Michelle Dunson responded, yes. The vote was taken and recorded as follows:

Council Member Maura Wroblewski	Aye
Council Member Connie Spears	Aye
Council Member Teddy Powell	Aye
Council Member Greg Shaw	Absent
Council Member Ranae Bartlett	Aye
Council Member Karen Denzine	Aye
Council Member John Seifert	Aye

Motion carried

INFORMATION TECHNOLOGY

RESOLUTION NO. 2022-306-R: AUTHORIZING THE MAYOR TO ACCEPT A PRICING PROPOSAL FROM SHI INTERNATIONAL CORPORATION FOR SUBSCRIPTION LICENSES FOR CALENDAR YEAR 2023 IN THE AMOUNT OF \$67,559.80 (TO BE PAID FROM IT DEPARTMENT BUDGET)

Council Member Wroblewski moved to approve Resolution No. 2022-306-R. Council Member Spears seconded. The vote was taken and recorded as follows:

Council Member Maura Wroblewski	Aye
Council Member Connie Spears	Aye
Council Member Teddy Powell	Aye
Council Member Greg Shaw	Absent
Council Member Ranae Bartlett	Aye
Council Member Karen Denzine	Aye
Council Member John Seifert	Aye

Motion carried

Council Member Denzine thanked Information Technology Director Jason Colee for his service to the City of Madison as he will be retiring.

LEGAL

RESOLUTION NO. 2022-308-R: AUTHORIZING EXERCISE OF AN OPTION TO PREPAY AND REDEEM A BOND PURSUANT TO A FUNDING AGREEMENT BETWEEN THE CITY OF MADISON, AL AND TOWN MADISON COOPERATIVE DISTRICT

Council Member Powell moved to approve Resolution No. 2022-308-R. Council Member Spears seconded. Council Member Denzine addressed the public on the benefits of exercising of this option. City Attorney Brian Kilgore and Council Member Spears also address the public to clarify the benefits. The vote was taken and recorded as follows:

Council Member Maura Wroblewski	Aye
Council Member Connie Spears	Aye
Council Member Teddy Powell	Aye
Council Member Greg Shaw	Absent
Council Member Ranae Bartlett	Aye
Council Member Karen Denzine	Aye
Council Member John Seifert	Aye

Motion carried.

PROPOSED ORDINANCE NO. 2022-309: AUTHORIZATION FOR THE CITY OF MADISON MUNICIPAL COURT TO IMPLEMENT A DIVERSION PROGRAM FOR FIRST-TIME OFFENDERS (FIRST READING NOVEMBER 14, 2022)

Council Member Wroblewski moved to approve Ordinance No. 2022-309. Council Member Powell seconded. Council Member Denzine asked if it would be run in-house, City

Attorney Brian Kilgore explained that it would be handled through Huntsville and that the defendants would pay for it and no cost would be incurred by the city. Council Member Wroblewski shared that the program will be good for youthful offenders and is glad we are doing this for the community. The vote was taken and recorded as follows:

Council Member Maura Wroblewski	Aye
Council Member Connie Spears	Aye
Council Member Teddy Powell	Aye
Council Member Greg Shaw	Absent
Council Member Ranae Bartlett	Aye
Council Member Karen Denzine	Aye
Council Member John Seifert	Aye

Motion carried.

RESOLUTION NO. 2022-324-R: AUTHORIZATION TO EXECUTE A DRAINAGE EASEMENT IN THE EVERSTEAD AT MADISON DEVELOPMENT

Council Member Powell moved to approve Resolution No. 2022-324-R. Council Member Spears seconded. Council Member Seifert asked why the resolution was not under Planning Department. City Attorney Brian Kilgore explained it was something that he was working on it as well. Director of Development Services Mary Beth Broeren said she didn't think the agreement was necessary, but the investors and their attorneys suggested it so Engineering and Planning reviewed it and are fine with it. The vote was taken and recorded as follows:

Council Member Maura Wroblewski	Aye
Council Member Connie Spears	Aye
Council Member Teddy Powell	Aye
Council Member Greg Shaw	Absent
Council Member Ranae Bartlett	Aye
Council Member Karen Denzine	Aye
Council Member John Seifert	Aye

Motion carried.

PLANNING

RESOLUTION NO. 2022-313-R: AUTHORIZATION OF TOYOTA FIELD CHANGE ORDER FOR FIELD AND DRAINAGE REPAIR IN THE AMOUNT OF \$55,631 (TO BE PAID FROM VENUE MAINTENANCE FUND)

Director of Development Services Mary Beth Broeren explained that Major League Baseball has adopted new standards for minor league facilities and one of those standards is the grades within the field. While doing some drainage and field repairs, they are going to address the new standard at the same time.

Council Member Wroblewski moved to approve Resolution No. 2022-313-R. Council Member Powell seconded. Council Member Seifert commended Director of Development Services Mary Beth Broeren for her ability to have money in the budget to keep Toyota Field up to Major League Baseball standards. Director of Development Services Mary Beth Broeren addressed Council that there will be additional standards that Major League Baseball has put

forth that she will bring back to Council later. Council Member Denzine asked if the future standards would fall into the amount set aside, Director of Development Services Mary Beth Broeren advised that it will be more expensive but that she is working with Finance and the Mayors office and will present a plan to them in the future. The vote was taken and recorded as follows:

Council Member Maura Wroblewski	Aye
Council Member Connie Spears	Aye
Council Member Teddy Powell	Aye
Council Member Greg Shaw	Absent
Council Member Ranae Bartlett	Aye
Council Member Karen Denzine	Aye
Council Member John Seifert	Aye

Motion carried.

PROPOSED ORDINANCE NO. 2022-298; ESTABLISHING AN ARTS & ENTERTAINMENT DISTRICT IN TOWN MADISON (FIRST READING NOVEMBER 14, 2022)

Development Services Principal Planner Matt Davidson explained how patrons will be allowed to purchase alcoholic beverages from licensed sellers and take their beverages outside the sellers building through an approved container provided. Patrons will not be allowed to bring their own alcoholic beverages into the District. The businesses will be required to get an annual permit from the city at a permit fee of \$50. The anticipated opening of by late January after ABC approval.

Council Member Powell moved to approve Ordinance No. 2022-298. Council Member Wroblewski seconded. Council Member Denzine asked about the boundaries from the District. Development Services Principal Planner Matt Davidson responded that it is from Zierdt Road over to Toyota Field while displaying a picture that will be emailed to Council for the exact boundaries. Development Services Principal Planner Matt Davidson also advised Council that there will be flags and markers showing the Arts & Entertainment District boundaries within Town Madison. Council Member Denzine asked if they received any concerns from residents who live in the area. Director of Development Services Mary Beth Broeren responded that they sent out notices to residents and business and received no comments back. Council Member Wroblewski asked if the Police have any concerns about the open containers around the apartments. Director of Development Services Mary Beth Broeren responded that the Police Chief Gandy was involved when they drafted the ordinance. Council Member Denzine asked how the boundaries were decided. Development Services Principal Planner Matt Davidson responded that they put the boundaries based on the commercial areas. Director of Development Services Mary Beth Broeren stated that Revenue Director Cameron Grounds has already shown the map to the ABC Board, and they have conceptually given approval, but they have not reviewed our ordinance yet. The goal is to maximize the arts and entertainment in the streets and the revenue for all the businesses to be successful. Council Member Denzine expressed her concerns about all the residential area that is in the District. The vote was taken and recorded as follows:

Council Member Maura Wroblewski	Aye
Council Member Connie Spears	Aye
Council Member Teddy Powell	Aye

Council Member Greg Shaw	Absent
Council Member Ranae Bartlett	Aye
Council Member Karen Denzine	Nay
Council Member John Seifert	Aye

Motion carried.

MISCELLANEOUS BUSINESS AND ANNOUNCEMENTS

Council President Bartlett announced the date for the work session on Wednesday, November 30th at 5:30pm along with the addition of the special session to the notice.

ADJOURNMENT

Having no further business to discuss Council Member Wroblewski moved to adjourn.
The roll call vote was taken and recorded as follows:

Council Member Maura Wroblewski	Aye
Council Member Connie Spears	Aye
Council Member Teddy Powell	Aye
Council Member Greg Shaw	Absent
Council Member Ranae Bartlett	Aye
Council Member Karen Denzine	Aye
Council Member John Seifert	Aye

Motion carried.

The meeting was adjourned at 8:17 p.m.

Minutes No. 2022-22-RG, dated November 28th, 2022, read, approved and adopted this 12th day of December 2022.

Council Member Maura Wroblewski
District One

Council Member Connie Spears
District Two

Council Member Teddy Powell
District Three

Council Member Greg Shaw
District Four

Council Member Ranae Bartlett
District Five

Council Member Karen Denzine
District Six

Council Member John Seifert
District Seven

Concur:

Paul Finley, Mayor

Attest:

Lisa D. Thomas
City Clerk-Treasurer

Mari Bretz
Recording Secretary



**MINUTES NO. 2022-06-WS
PUBLIC WORK SESSION OF THE CITY COUNCIL
OF THE CITY OF MADISON, ALABAMA
November 30, 2022**

The Madison City Council met for a public work session on Wednesday, November 30, 2022, at 5:30 p.m. in the Council Chambers of the Madison Municipal Complex, Madison, Alabama. Noting that a quorum was present, the meeting was called to order at 5:31 p.m. by Council President Ranae Bartlett.

The following elected governing officials were in attendance

Mayor Paul Finley	Present
Council District No. 1 Maura Wroblewski	Present
Council District No. 2 Connie Spears	Present
Council District No. 3 Teddy Powell	Present
Council District No. 4 Greg Shaw	Absent
Council District No. 5 Ranae Bartlett	Present
Council District No. 6 Karen Denzine	Present
Council District No. 7 John Seifert	Late @ 6:04pm

City Officials in attendance were: City Clerk-Treasurer Lisa D. Thomas, Deputy City Clerk-Treasurer Kerri Sulyma, City Clerk Administrative Assistant Mari Bretz, City Attorney Brian Kilgore, Information Technology Coordinator Toby Jenkins, Information Technology Support Technician Garrett Gillott, Fire Chief David Bailey, Police Chief Johnny Gandy, Director of Development Services Mary Beth Broeren, Recreation Director Kory Alfred, Finance Director Roger Bellomy, and City Administrator Steve Smith

Mayor Finley updated Council on restoration of roads, projects that need to be looked at, and road traffic.

City Attorney Brian Kilgore, Director of Development Services Mary Beth Broeren, and City Administrator Steve Smith brought to Council and Mayor Finley the following items to be discussed during the Public Work Session:

- Medical Marijuana Dispensaries
- Residential Impact Fees Study with Tischler Bise through Zoom
- Council Meeting Scheduled for December 26th
- Virtual Participation of Council Members at Meetings
- Community Center Bid (Resolution No. 2022-321-R)

Council held a brief discussion on amending an ordinance to allow Council Members to attend meetings virtually.

Director of Development Services Mary Beth Broeren presented Council and Mayor Finley with information regarding limitations set forth by the state for the medical marijuana dispensaries.

City Attorney followed with what the statute for medical marijuana allows and does not allow.

Council Member Wroblewski asked City Attorney Brian Kilgore about how prescriptions would be given, and if they would be allowed to advertise. Mayor Finley provided information about folks who have come to him and have mentioned that you are not allowed into the store without a prescription.

Director of Development Services Mary Beth Broeren introduced Ben Griffin, an Analyst with Tischler Bise. Analyst Ben Griffin of Tischler Bise presented an update on the Impact Fee Study that was originally conducted in 2019-2020 to Council and Mayor Finley. Throughout the presentation Council and Mayor Finley asked questions regarding the impact fee study. Director of Development Services Mary Beth Broeren along with Mr. Griffin of Tischler Bise and City Attorney Brian Kilgore provided answers and clarification to their questions.

Council President Bartlett asked if Police Chief Johnny Gandy would provide his opinion on the topic of medical marijuana dispensaries. Police Chief Gandy addressed Council and Mayor Finley on his opinion of medical marijuana dispensaries within the City of Madison and the impact that it would have on the Police and the city.

Director of Development Services Mary Beth Broeren and City Attorney Brian Kilgore answered questions and concerns from Council and Mayor Finley regarding business license, location of dispensaries within Madison and safety concerns.

City Administrator Steve Smith, City Attorney Brian Kilgore, and Recreation Director Kory Alfred discussed with Council and Mayor Finley the community center bid. Council asked several questions, and, in the end requested additional information regarding the bid from City Administrator Steve Smith and the Mayor's office.

Council President Bartlett advised Council that they have Resolution No. 2022-321-R to approve which the Mayor suggested Council do it contingent. Council President Bartlett asked if anyone wanted to motion and a second to discuss it if they felt it was the right path as they were in a work session currently. Council Member Powell expressed that he was not comfortable voting. Council President Bartlett advised that they could postpone. Discussion was completed among Council Members and determined that a special session would be held on Monday, December 5th at 6:30pm.

ADJOURNMENT

Having no further business to discuss Council Member Wroblewski moved to adjourn.
The roll call vote was taken and recorded as follows:

Council Member Maura Wroblewski	Aye
Council Member Connie Spears	Aye
Council Member Teddy Powell	Aye

Council Member Greg Shaw	Absent
Council Member Ranae Bartlett	Aye
Council Member Karen Denzine	Aye
Council Member John Seifert	Aye

Motion carried.

The meeting was adjourned at 8:35 p.m.

Minutes No. 2022-06-WS, dated November 30th, 2022, read, approved and adopted this 12th day of December 2022.

Council Member Maura Wroblewski
District One

Council Member Connie Spears
District Two

Council Member Teddy Powell
District Three

Council Member Greg Shaw
District Four

Council Member Ranae Bartlett
District Five

Council Member Karen Denzine
District Six

Council Member John Seifert
District Seven

Concur:

Paul Finley, Mayor

Attest:

Lisa D. Thomas
City Clerk-Treasurer

Mari Bretz
Recording Secretary



**MINUTES NO. 2022-02-SP
SPECIAL CALLED MEETING OF THE CITY COUNCIL
OF THE CITY OF MADISON, ALABAMA
November 30, 2022**

The Madison City Council met for a special called meeting on Wednesday, November 30, 2022, at 8:35 p.m. in the Council Chambers of the Madison Municipal Complex, Madison, Alabama. Noting that a quorum was present, the meeting was called to order at 8:35 p.m. by Council President Ranae Bartlett.

The following elected governing officials were in attendance

Mayor Paul Finley	Present
Council District No. 1 Maura Wroblewski	Present
Council District No. 2 Connie Spears	Present
Council District No. 3 Teddy Powell	Present
Council District No. 4 Greg Shaw	Absent
Council District No. 5 Ranae Bartlett	Present
Council District No. 6 Karen Denzine	Present
Council District No. 7 John Seifert	Present

City Officials in attendance were: City Clerk-Treasurer Lisa D. Thomas, Deputy City Clerk-Treasurer Kerri Sulyma, City Clerk Administrative Assistant Mari Bretz, City Attorney Brian Kilgore, Information Technology Coordinator Toby Jenkins, Information Technology Support Technician Garrett Gillott, Fire Chief David Bailey, Police Chief Johnny Gandy, Director of Development Services Mary Beth Broeren, Recreation Director Kory Alfred, Finance Director Roger Bellomy, and City Administrator Steve Smith

RESOLUTION NO. 2022-321-R: AWARD OF BID FOR RENOVATION AND CONSTRUCTION OF COMMUNITY CENTER TO LEEBUILDERS, INC. (\$11,205,460)

Council Member Denzine moved to postpone Resolution No. 2022-286-R. Council Member Spears seconded. Council President Bartlett advised this would allow time to review bid documents and for a notice for special session to be completed. The vote was taken and recorded for the amendment as follows:

Council Member Maura Wroblewski	Aye
Council Member Connie Spears	Aye
Council Member Teddy Powell	Aye
Council Member Greg Shaw	Absent
Council Member Ranae Bartlett	Aye
Council Member Karen Denzine	Aye
Council Member John Seifert	Aye

Motion carried

Council President Bartlett thanked everyone who contributed to the work and special session.

City Administrator Steve Smith addressed Council and let them know if there is anything they need regarding the bid for Monday to let him know.

Council Member Denzine asked what the next steps on the Impact Fees Study are. Council President Bartlett responded she would like to give Council Member Shaw a chance to review the study and then ask Council Members if they would like to move forward and continue discussions at the next work session.

Council President Bartlett asked if January 4th 2023 would work for a work session. Council Member Seifert raised questions of the closeness to the holidays and other meetings. Council President Bartlett suggested Wednesday, January 11th, 2022 and after brief discussion it was decided on that date.

ADJOURNMENT

Having no further business to discuss Council Member Wroblewski moved to adjourn.
The roll call vote was taken and recorded as follows:

Council Member Maura Wroblewski	Aye
Council Member Connie Spears	Aye
Council Member Teddy Powell	Absent
Council Member Greg Shaw	Aye
Council Member Ranae Bartlett	Aye
Council Member Karen Denzine	Aye
Council Member John Seifert	Aye

Motion carried.

The meeting was adjourned at 8:45 p.m.

Minutes No. 2022-02-SP, dated November 30th, 2022, read, approved and adopted this 12th day of December 2022.

Council Member Maura Wroblewski
District One

Council Member Connie Spears
District Two

Council Member Teddy Powell
District Three

Council Member Greg Shaw
District Four

Council Member Ranae Bartlett
District Five

Council Member Karen Denzine
District Six

Council Member John Seifert
District Seven

Concur:

Paul Finley, Mayor

Attest:

Lisa D. Thomas
City Clerk-Treasurer

Mari Bretz
Recording Secretary



**MINUTES NO. 2022-03-SP
SPECIAL CALLED MEETING OF THE CITY COUNCIL
OF THE CITY OF MADISON, ALABAMA
December 5, 2022**

The Madison City Council met for a special called meeting on Wednesday, December 5, 2022, at 6:30 p.m. in the Council Chambers of the Madison Municipal Complex, Madison, Alabama. Noting that a quorum was present, the meeting was called to order at 6:30p.m. by Council President Ranae Bartlett.

The following elected governing officials were in attendance

Mayor Paul Finley	Present
Council District No. 1 Maura Wroblewski	Present
Council District No. 2 Connie Spears	Present
Council District No. 3 Teddy Powell	Present
Council District No. 4 Greg Shaw	Absent
Council District No. 5 Ranae Bartlett	Present
Council District No. 6 Karen Denzine	Present
Council District No. 7 John Seifert	Present

City Officials in attendance were: City Clerk-Treasurer Lisa D. Thomas, Deputy City Clerk-Treasurer Kerri Sulyma, City Attorney Brian Kilgore, Information Technology Coordinator Toby Jenkins, Information Technology Support Technician Garrett Gillott, Fire Chief David Bailey, Police Chief Johnny Gandy, Recreation Director Kory Alfred, and City Administrator Steve Smith

Council President Bartlett asked City Attorney Brian Kilgore to explain the Waiver of Notice. City Attorney Brian Kilgore explained the reason for the Waiver of Notice is to keep a record that everyone was notified of the special session and that they agree. All Council Members signed it including absent Council Member Shaw who had signed it earlier.

Council President Bartlett opened the discussion on Resolution 2022-321-R that was postponed and continued twice. Mayor Finley advised Council President Bartlett that the architect is onsite to answer questions, or they could begin with the legal part of the discussion. Council President Bartlett chose to start with the legal aspect to make sure that everything has been satisfied and that they have met the legal requirements.

City Attorney Brian Kilgore addressed Council and Mayor Finley that he has confirmed that it met all legal requirements.

Mayor Finley gave details of a survey conducted regarding what the public would like to see at the community center.

Ron Van Peurse, from the architect firm Nola Van Peurse Architects, PC went through the exterior and interior design plans showing the proposed changes.

Council Members asked Mr. Van Peurse several questions and concerns regarding pricing, HVAC system, storage capabilities, pickleball courts, and other items that the public had recommended requested. Mr. Van Peurse responded to Councils questions and concerns.

Council Member Denzine asked when they would have a completed Capital Improvement Plan (CIP) and then be able to bond it. Mayor Finley responded that it would be a couple of months, but that they would immediately start gathering a list from each department to bring it to Council as quickly as they can.

Council Member Spears address Council Member Denzine that if they pass this tonight, they won't have to worry about the other items on the CIP list because there is not going to be any money left for those.

Council Member Powell explained to Council the different ways the city can attain funding. He also addressed Council Member Denzine about how going forward Mayor Finley would have to answer how long it is going to take to get a CIP list and, they need to identify a source to fund the CIP list.

Mayor Finley address Council Member Denzine about funding and how they cannot go to the bond market until they have a different revenue source for the CIP list.

Council Member Spears expressed her concerns about this project not being positioned out to the public to make sure that the community center is what they want. She also expressed concerns if other projects might not get done. Mayor Finley responded that you might not get all of what is proposed and that there are certain things such as a fire station which would be a priority.

City Administrator Steve Smith addressed Council Member Denzine on projects that are headed in a good direction based on this year's budget. He also discussed other funds that are available.

Council Members and Mayor Finley continued their discussion on funding and budgeting followed by Council President Bartlett announcing their motion and second that was called on November 30th, 2022 prior to the postponement.

RESOLUTION NO. 2022-321-R: AWARD OF BID FOR RENOVATION AND CONSTRUCTION OF COMMUNITY CENTER TO LEEBUILDERS, INC. (\$11,205,460)

Council Member Wroblewski moved to approve Resolution No. 2022-321-R. Council Member Seifert seconded. The vote was taken and recorded for the amendment as follows:

Council Member Maura Wroblewski	Aye
Council Member Connie Spears	Aye
Council Member Teddy Powell	Nay
Council Member Greg Shaw	Absent

Council Member Ranae Bartlett	Aye
Council Member Karen Denzine	Aye
Council Member John Seifert	Aye

Motion carried

Council Member Powell explained his Nay vote by stating that there was not enough information provided and that there is not enough money for it. He is concerned with the economy and how it is going to affect this project.

Council President Bartlett thanked all Council Members for being at the long work sessions and advised all that they will be holding regular work sessions in the future and asked for the Council Members to send her topics.

Council Member Spears explained her decision to vote yes was because she feels that we will have a revenue increase with things that have happened lately with the agreement with Town Madison. While it was not ideal, there was input from the public through the survey.

ADJOURNMENT

Having no further business to discuss Council Member Wroblewski moved to adjourn.
The roll call vote was taken and recorded as follows:

Council Member Maura Wroblewski	Aye
Council Member Connie Spears	Aye
Council Member Teddy Powell	Absent
Council Member Greg Shaw	Aye
Council Member Ranae Bartlett	Aye
Council Member Karen Denzine	Aye
Council Member John Seifert	Aye

Motion carried.

The meeting was adjourned at 7:45 p.m.

Minutes No. 2022-03-SP, dated December 4th, 2022, read, approved and adopted this 12th day of December 2022.

Council Member Maura Wroblewski
District One

Council Member Connie Spears
District Two

Council Member Teddy Powell
District Three

Council Member Greg Shaw
District Four

Council Member Ranae Bartlett
District Five

Council Member Karen Denzine
District Six

Council Member John Seifert
District Seven

Concur:

Paul Finley, Mayor

Attest:

Lisa D. Thomas
City Clerk-Treasurer

Mari Bretz
Recording Secretary

To(OWNER): CITY OF MADISON
100 HUGHES ROAD
MADISON, AL 35758

Project: Short Street Widening
Madison, AL
Madison County

Application No: 13
Invoice No: 46399
Invoice Date: 11/22/2022
Terms: Net 30
Due Date: 12/22/2022
Period To: 11/22/2022
Project No: 348519
Contract Date: 1/9/2020

Page 1

From: ROGERS GROUP INC- BILLING ONLY
2512 Triana Blvd SW
HUNTSVILLE, AL 35805
(256) 533-0505

Via(Architect/
Engineer)

For:

Original Contract sum.....	794,497.31
Change Orders.....	96,114.62
Contract sum.....	890,611.93
Completed to date.....	823,757.88
Retainage.....	0.00
Total earned less retainage.....	823,757.88
Previous billings.....	801,492.58
Current payment due.....	22,265.30
Sales tax.....	0.00
Total due.....	22,265.30

RECEIVED

NOV 22 2022

CITY OF MADISON
ENGINEERING DEPARTMENT

E. Michelle Dunson
11/30/2022

Approved to Pay

Michael Johnson
Michael Johnson, City Engineer

City Council Agenda 12/12/22

To(OWNER): CITY OF MADISON
100 HUGHES ROAD
MADISON, AL 35758

Project: Short Street Widening
Madison, AL
Madison County

Application No: 13
Invoice No: 46399
Invoice Date: 11/22/2022
Terms: Net 30
Due Date: 12/22/2022
Period To: 11/22/2022
Project No: 348519
Contract Date: 1/9/2020

Page 2

From: ROGERS GROUP INC- BILLING ONLY
2512 Triana Blvd SW
HUNTSVILLE, AL 35805
(256) 533-0505

Via(Architect/
Engineer)

For:

<u>No.</u>	<u>Description</u>	<u>Total Quantity</u>	<u>Unit</u>	<u>Total Cost</u>	<u>Completed Units</u>	<u>Current Value</u>	<u>Prior Value</u>	<u>Due This Request</u>
01	REMOVE EXIST. ASPHALT PAVEMENT	1,615 SY	10.55	17,038.25	1,615	17,038.25	17,038.25	0.00
02	REMOVE EXIST. CURB AND GUTTER	306 LF	13.35	4,085.10	306	4,085.10	4,085.10	0.00
03	REMOVE EXIST. CONCRETE SIDEWAL	45 SY	34.56	1,555.20	45	1,555.20	1,555.20	0.00
04	REMOVE EXIST. CONCRETE PAVEMEN	96 SY	69.32	6,654.72	96	6,654.72	6,654.72	0.00
05	REMOVE EXIST. FENCE	145 LF	6.16	893.20	145	893.20	893.20	0.00
06	REMOVE EXIST. GAS LINE	814 LF	27.75	22,588.50	814	22,588.50	22,588.50	0.00
07	REMOVE EXIST. WATER LINE	812 LF	18.31	14,867.72	812	14,867.72	14,867.72	0.00
08	REMOVE EXIST. WATER VALVES	2 EA	322.81	645.62	2	645.62	645.62	0.00
09	REMOVE EXIST. GRAVEL DRIVES	132 SY	4.71	621.72	132	621.72	621.72	0.00
10	WEARING SURFACE LAYER 1.5" THI	185 TON	120.77	22,342.45	185	22,342.45	22,342.45	0.00
11	BINDER LAYER 2" THICKNESS	248 TON	97.13	24,088.24	248	24,088.24	24,088.24	0.00
12	CRUSHED AGGREGATE BASE COURSE	200 TN	54.41	10,882.00	200	10,882.00	10,882.00	0.00
13	CRUSHED AGGREGATE BASE COURSE	21 TN	65.07	1,366.47	21	1,366.47	1,366.47	0.00
14	CONCRETE SIDEWALK 4" THICKNESS	396 SY	39.92	15,808.32	396	15,808.32	15,808.32	0.00
15	CONCRETE DRIVEWAYS 6" THICKNES	55 SY	79.71	4,384.05	55	4,384.05	4,384.05	0.00
16	CURB AND GUTTER TYPE C	1,388 LF	21.55	29,911.40	1,388	29,911.40	29,911.40	0.00
17	3/4" CRUSHED STONE GRAVEL DRIV	98 SY	25.04	2,453.92	98	2,453.92	2,453.92	0.00
18	HANDICAP RAMP PAVERS	50 SF	140.16	7,008.00	50	7,008.00	7,008.00	0.00
19	STOP SIGN WITH STREET NAME	3 EA	1,886.65	5,659.95	2	3,773.30	3,773.30	0.00
20	4" WIDE SOLID YELLOW DOUBLE TR	0.3 MI	6,825.00	2,047.50	0	0.00	0.00	0.00
21	MOBILIZATION	1 LS	159,201.62	159,201.62	1	159,201.62	159,201.62	0.00
22	HAUL OFF	700 CY	29.23	20,461.00	700	20,461.00	20,461.00	0.00
23	STRAW WATTLE	180 LF	7.67	1,380.60	0	0.00	0.00	0.00
24	INLET PROTECTION	8 EA	217.90	1,743.20	0	0.00	0.00	0.00
25	TEMPORARY CONSTRUCTION ENTRANC	1 EA	1,491.13	1,491.13	1	1,491.13	1,491.13	0.00
26	RIP RAP	7 SY	128.05	896.35	0	0.00	0.00	0.00
27	SINGLE WING CURB INLET	6 EA	2,685.35	16,112.10	6	16,112.10	16,112.10	0.00

To(OWNER): CITY OF MADISON
100 HUGHES ROAD
MADISON, AL 35758

Project: Short Street Widening
Madison, AL
Madison County

Application No: 13
Invoice No: 46399
Invoice Date: 11/22/2022
Terms: Net 30
Due Date: 12/22/2022
Period To: 11/22/2022
Project No: 348519
Contract Date: 1/9/2020

Page 3

From: ROGERS GROUP INC- BILLING ONLY
2512 Triana Blvd SW
HUNTSVILLE, AL 35805
(256) 533-0505

Via(Architect/
Engineer)

For:

<u>No.</u>	<u>Description</u>	<u>Total Quantity</u>	<u>Unit</u>	<u>Total Cost</u>	<u>Total Cost</u>	<u>Completed Units</u>	<u>Current Value</u>	<u>Prior Value</u>	<u>Due This Request</u>
28	JUNCTION BOX/AREA INLET	4 EA		2,649.65	10,598.60	4	10,598.60	10,598.60	0.00
29	15" RCP	321 LF		77.81	24,977.01	321	24,977.01	24,977.01	0.00
30	18" RCP	642 LF		81.21	52,136.82	642	52,136.82	52,136.82	0.00
31	SLOPE PAVED ENDWALL	1 EA		703.86	703.86	1	703.86	703.86	0.00
32	2' VALLEY GUTTER	182 LF		19.62	3,570.84	182	3,570.84	3,570.84	0.00
33	ADJUST MANHOLE TOP TO FINISHED	0.5 VF		2,393.88	1,196.94	0.5	1,196.94	1,196.94	0.00
34	8" D.I. WATERLINE	492 LF		83.85	41,254.20	492	41,254.20	41,254.20	0.00
35	RELOCATE EXIST. FIRE HYDRANT	1 EA		836.98	836.98	1	836.98	836.98	0.00
36	RELOCATE EXIST. WATER METER	1 EA		836.98	836.98	1	836.98	836.98	0.00
37	5" ELECTRICAL CONDUIT	770 LF		31.50	24,255.00	600	18,900.00	18,900.00	0.00
38	3" ELECTRICAL CONDUIT	770 LF		21.00	16,170.00	600	12,600.00	12,600.00	0.00
39	4" ELECTRICAL CONDUIT	35 LF		26.25	918.75	0	0.00	0.00	0.00
40	2" STREET LIGHT CONDUIT	770 LF		18.90	14,553.00	730	13,797.00	13,797.00	0.00
41	POLES	10 EA		4,800.00	48,000.00	9	43,200.00	43,200.00	0.00
42	FIXTURE	10 EA		1,600.00	16,000.00	9	14,400.00	14,400.00	0.00
43	FOUNDATION	10 EA		2,500.00	25,000.00	9	22,500.00	22,500.00	0.00
44	CONDUIT - 2"	800 LF		18.00	14,400.00	0	0.00	0.00	0.00
45	WIRE - #8	2,000 LF		3.00	6,000.00	2,000	6,000.00	6,000.00	0.00
46	WIRE - #10	1,000 LF		1.50	1,500.00	1,000	1,500.00	1,500.00	0.00
47	FUSED DISCONNECT	1 EA		600.00	600.00	1	600.00	600.00	0.00
48	METER	1 EA		500.00	500.00	1	500.00	500.00	0.00
49	STANCHION	1 EA		2,500.00	2,500.00	1	2,500.00	2,500.00	0.00
50	4" SERVICE CONDUITS	20 LF		30.00	600.00	20	600.00	600.00	0.00
51	CONDUIT - 5"	1,000 LF		30.00	30,000.00	600	18,000.00	18,000.00	0.00
52	CONDUIT - 4"	360 LF		25.00	9,000.00	0	0.00	0.00	0.00
53	CONDUIT - 3"	800 LF		20.00	16,000.00	600	12,000.00	12,000.00	0.00
54	CONCRETE PADS	6 EA		5,000.00	30,000.00	6	30,000.00	30,000.00	0.00
55	FUSED DISCONNECT	1 EA		600.00	600.00	1	600.00	600.00	0.00
56	METER	1 EA		500.00	500.00	1	500.00	500.00	0.00
57	2" CONDUIT	60 LF		25.00	1,500.00	60	1,500.00	1,500.00	0.00
58	WIRE - 3/0 COPPER	180 LF		20.00	3,600.00	180	3,600.00	3,600.00	0.00
59	CO1-Concrete Block Retain Wall	70 LF		550.00	38,500.00	70	38,500.00	38,500.00	0.00
60	CO1-Bored Conduit in Retain Wa	1 LS		19,640.00	19,640.00	1	19,640.00	19,640.00	0.00
61	CO 2-24"RCP CL3	39 LF		83.70	3,264.30	39	3,264.30	3,264.30	0.00

To(OWNER): CITY OF MADISON
100 HUGHES ROAD
MADISON, AL 35758

Project: Short Street Widening
Madison, AL
Madison County

Application No: 13
Invoice No: 46399
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Page 4

From: ROGERS GROUP INC- BILLING ONLY
2512 Triana Blvd SW
HUNTSVILLE, AL 35805
(256) 533-0505

Via(Architect/
Engineer)

For:

<u>No.</u>	<u>Description</u>	<u>Total Quantity</u>	<u>Unit</u>	<u>Total Cost</u>	<u>Completed Units</u>	<u>Current Value</u>	<u>Prior Value</u>	<u>Due This Request</u>
62	CO 2-Yard Inlet	1 EA		3,144.16	1	3,144.16	3,144.16	0.00
63	CO 2-24"Slope Paved Headwall	1 EA		794.24	1	794.24	794.24	0.00
64	CO 2-15" F.E.S.	1 EA		1,888.66	1	1,888.66	1,888.66	0.00
65	CO 2-SLOPE PAVED HEADWALL DELETE	1 EA		-703.86	1	-703.86	-703.86	0.00
66	CO3 - 4" CONCRETE PAVEMENT	51 SY		92.68	51	4,726.68	4,726.68	0.00
67	CO3 - SOD	62 SY		12.09	62	749.58	749.58	0.00
68	CO3 - GRASSING	0.1 AC		15,961.30	0.1	1,596.13	1,596.13	0.00
69	CO3 - TOPSOIL	20 LD		570.90	20	11,418.00	11,418.00	0.00
70	CO3 - RESIDENTIAL DRIVEWAY APR	1 EA		3,569.73	1	3,569.73	3,569.73	0.00
71	CO3 - DENSE GRADED BASE	10 LD		752.70	10	7,527.00	7,527.00	0.00
				<u>890,611.93</u>		<u>823,757.88</u>	<u>823,757.88</u>	<u>0.00</u>



AL Legal Liner

The Huntsville Times

LEGAL AFFIDAVIT

AD#: 0010473672

Total

\$148.00

State of Alabama,) ss
 County of Madison)

Catherine Copas being duly sworn, deposes that he/she is principal clerk of Alabama Media Group; that The Huntsville Times is a public newspaper published in the city of Huntsville, with general circulation in Madison County, and this notice is an accurate and true copy of this notice as printed in said newspaper, was printed and published in the regular edition and issue of said newspaper on the following date(s):

The Huntsville Times 10/14, 10/21, 10/28, 11/04/2022

Principal Clerk of the Publisher

Sworn to and subscribed before me this 4th day of November 2022

Notary Public



Rogers Group, Inc. hereby gives notice of completion of contract with the City of Madison, Alabama for Short Street Widening, #2019-018-ITB, located in Madison, Alabama. This notice will appear for four consecutive weeks beginning on 10/14/22 and ending on 11/04/22. All claims should be filed at 2512 Triana Boulevard SW, Huntsville, AL 35805 during this period.
 H'ville Times: Oct. 14, 21, 28, Nov. 4, 2022

CITY OF MADISON, ALABAMA

**2015-A
BOND PAYMENT
REQUISITION FORM**

TO:
Pay to the order of (vendor): Rogers Group, Inc. (formerly Reed Contracting)

Vendor Number: 9540

A requisition and payment request is hereby requested for the payment of \$ 890,611.93
to the above listed vendor.

FOR: Requisition from Construction Fund for the Series 2015-A Improvements.

Explanation of what requisition is paying for:

Project Name: Short St. Widening (Kyser Blvd. Improvements)

Project Number: 18-036 (18-007)

Award of Bid #2019-018-ITB, Short St. Widening in the amount of \$794,497.31 was approved on 11/25/19 per Res. 2019-318-R.
Change Order #1, in the amount of \$58,140.00 was approved on 4/13/20 per Res. 2020-104-R, and includes 70 lf. of concrete block retaining wall and 1 bored conduit in retaining wall area.
Change Order #2, in the amount of \$8,387.50 was approved on 2/8/21 per Res. 2021-39-R, and includes add'l items per the revised storm drainage requirements.
Change Order #3, in the amount of \$29,587.12 was approved on 1/24/22 per Res. 2022-40-R, and includes add'l work deemed necessary once construction was underway.

This is a public City project and proceeds from the 2015-A Bond issue can be used to pay for these professional services.

By signing below, the undersigned representatives of the City of Madison (the "City") hereby certify as follows:

(1) The purpose for which such payment is to be made has been authorized in the ordinance authorizing the issuance of the Series 2015-A Warrants and complies in all respects with Section 6.01(c) and 6.01(f) of said ordinance and the Non-Arbitrage Certificate dated May 5, 2015.

(2) The City is not paying for an expense heretofore incurred with respect to the Series 2015-A Improvements prior to March 25, 2015, except as otherwise permitted in Treasury Reg. 1.150-2.

This 2nd day of February, 2022

CITY OF MADISON

By E. Michelle Duggan
For Department Head (signature of Department making request)

And

By Paul Finley
Its Mayor - Paul Finley (signature)

And

By Roger D. Bellomy
Its Finance Director - Roger D. Bellomy (signature)

Ship To
Engineering Department
City of Madison
100 Hughes Road
Madison, AL 35758

Bill To
Accounts Payable
City of Madison
100 Hughes Road
Madison, AL 35758

Purchase Order
No. 2022-00001151

DATE 08/04/2022

VENDOR 3646 - Barge Design Solutions, Inc.

This purchase is tax exempt for the City of Madison
under State of Alabama law no.40-23-4(11)

NON-NEGOTIABLE

Contact
Barge Design Solutions, Inc.
615 3rd Ave. S., Suite 700
NASHVILLE, TN 37210



DELIVER BY
SHIP VIA
FREIGHT TERMS
PAGE 1 of 1

REFERENCE # Res. 2022-93-R, Res.2020-279-R

QUANTITY	UNIT	DESCRIPTION	UNIT COST	TOTAL COST
1.0000	Each	*Item - 19-047, CN and CE&I for ATRP2-45-2020-327 39-150-000-2955-40 - Project - Wall-Triana & I-565 Intersection Improvements 185,584.96 19 047	185,584.9600	\$185,584.96
<div style="text-align: center;"> <i>Partial Payment</i> <i>Invoice No. 206201</i> <i>\$6,832.50</i> </div>				
<div style="display: flex; justify-content: space-between;"> <i>Roger Bellomy /wcc</i> 2022-08-04 T13:10:49-05:00 TOTAL DUE </div>				\$185,584.96

Purchasing Agent Signature

Special Instructions

1. Purchase order numbers must appear on invoices and shipping labels
2. No consolidated statements will be paid
3. No Invoices will be processed without a purchase order number
4. All bills must be sent to Accounts Payable
5. Notify immediately if unable to ship by date specified
6. Substitutes must be approved
7. This is your authority as supplier to deliver the items listed above

RECEIVED

DEC 6 2022

CITY OF MADISON
ENGINEERING DEPARTMENT**BARGE**

DESIGN SOLUTIONS.

200 Clinton Avenue, Suite 800, Huntsville, Alabama 35801

Sheet: 1 of 1

Project Number: 3604304

Invoice Date : 12/6/2022

Billing: 6

Invoice No.: 206201

Dates: 10/29-11/25/2022

PO No.: 2022-00001151

Project Name : Wall Triana ATRIP II CEI

DIRECT LABOR

EMPLOYEE	TITLE	RATE/ HOUR	TOTAL HOURS/QT	AMOUNT	Multiplier (OH/Profit/FCC	TOTAL AMOUNT
Atkerson, Julia	Administrator	28.10	0.00	0.00	3.41	0.00
Canady, Raymond	Proj. Mgr.	50.69	0.00	0.00	3.41	0.00
Elder, Davon	Engineer	38.47	0.00	0.00	3.41	0.00
Glass, Jeffrey	Proj. Mgr.	80.78	14.00	1,130.92	3.41	3,856.44
Hale, Lydia	Administrator	23.38	1.00	23.38	3.41	79.73
Kimbrel, Jessica	Administrator	29.11	1.50	43.67	3.41	148.91
Kimbrough, Jack	Engineer	67.31	0.00	0.00	3.41	0.00
Minor, Calvin	Const. Rep.	32.00	26.50	848.00	2.38	2,018.24
Minor, Calvin	Const. Rep.	48.00	0.00	0.00	2.38	0.00
Washing, Mark	Proj. Mgr.	71.35	2.00	142.70	3.41	486.61
Yates, Maleiha	Engineer	32.30	0.00	0.00	2.38	0.00
Subtotal			45.00	\$2,045.97		
TOTAL						<u>\$6,589.92</u>

DIRECT COSTS

<u>Transportation-Mileage</u>	388	0.625	\$242.58
TOTAL			<u>\$242.58</u>

OTHER COSTS

Consultants	ALDOT	X1.05	\$0.00
TOTAL			<u>0.00</u>

AMOUNT REQUESTED THIS STATEMENT

\$6,832.50

Ceiling Summary

Project Fee	\$185,584.96
Billed To Date	73,778.37
Balance	<u>\$111,806.59</u>
Percent Used	39.75%

E. Michelle Dunson
12/7/2022

Approved to Pay

Michael Johnson
Michael Johnson, City Engineer

City Council Agenda 12/12/22

CITY OF MADISON, ALABAMA

2015-A
BOND PAYMENT
REQUISITION FORM

TO:
Pay to the order of (vendor): Barge Design Solutions, Inc.

Vendor Number: 3646

A requisition and payment request is hereby requested for the payment of \$ 185,584.96
to the above listed vendor.

FOR: Requisition from Construction Fund for the Series 2015-A Improvements.

Explanation of what requisition is paying for:

Project Name: Wall Triana and I-565 Intersection Improvements

Project Number: 19-047

Professional construction, engineering and inspection services for the ATRP2-45-2020-327 project for Wall Triana and I-565 Intersection Improvements (City Project #19-047). Approved by Res. 2022-93-R on March 28, 2022.

This is a public City project and proceeds from the 2015-A Bond issue can be used to pay for these professional services.

By signing below, the undersigned representatives of the City of Madison (the "City") hereby certify as follows:

(1) The purpose for which such payment is to be made has been authorized in the ordinance authorizing the issuance of the Series 2015-A Warrants and complies in all respects with Section 6.01(c) and 6.01(f) of said ordinance and the Non-Arbitrage Certificate dated May 5, 2015.

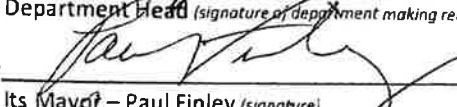
(2) The City is not paying for an expense heretofore incurred with respect to the Series 2015-A Improvements prior to March 25, 2015, except as otherwise permitted in Treasury Reg. 1.150-2.

This 23rd day of August, 2022.

CITY OF MADISON

By 
Department Head (signature of department making request)

And

By 
Its Mayor – Paul Finley (signature)

And

By 
Its Finance Director – Roger D. Bellomy (signature)

RESOLUTION NO. 2022-337-R

A RESOLUTION AUTHORIZING AN EVEN SWAP OF BRINC LEMUR (SERIAL# 0031/CITY OF MADISON SERIAL# 07458) FOR AUTEL ROBOTICS EVO II DRONE AND ACCESSORIES FROM ADORAMA, INC.

WHEREAS, the City of Madison have in their possession, among others, the remains of the following personal property which has been used or consumed in the normal course of the operation of the City:

<u>Quantity</u>	<u>Description</u>
(1)	BRINC Lemur Serial# is 0031 (City of Madison Serial# 07458)
(1)	BRINC Lemur Accessories

WHEREAS, the Police Department has no further use for said personal property and that said personal property be declared surplus as it has no useful life or fixed asset value to the City; and

WHEREAS, Article V, § 16-108, of the Madison City Code of Ordinances provides for disposition of personal property of negligible value pursuant to resolution of the City Council.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Madison, Alabama, that the Police Department is hereby authorized the exchange of the surplus personal property, as listed above for an Autel EVO II and Autel accessories at no cost.

READ, PASSED, AND ADOPTED this 12th day of December 2022.

Ranae Bartlett, City Council President
 City of Madison, Alabama

ATTEST:

Lisa D. Thomas, City Clerk-Treasurer
 City of Madison, Alabama

APPROVED this _____ day of December 2022.

Paul Finley, Mayor
 City of Madison, Alabama

Bretz, Mari

From: Monk, Sharon
Sent: Wednesday, December 7, 2022 4:45 PM
To: Bretz, Mari
Subject: FW: BRINC Info

FYI

From: McRae, Nick <Nick.McRae@madisonal.gov>
Sent: Monday, December 05, 2022 9:23 AM
To: Monk, Sharon <Sharon.Monk@madisonal.gov>
Subject: Fwd: BRINC Info

Hey Sharon,
 Can we try to get this on the next council agenda please

Sent from my iPhone

Begin forwarded message:

From: "Pettus, Danny" <Danny.Pettus@madisonal.gov>
Date: December 2, 2022 at 10:40:32 AM CST
To: "McRae, Nick" <Nick.McRae@madisonal.gov>
Subject: BRINC Info

Captain McRae,

Here is the information for the BRINC Lemur for the City Council Meeting Agenda.

BRINC Lemur Serial Number is 0031
 City of Madison Serial Number is 07458

The BRINC and all of it's proprietary accessories were traded for an Autel EVO II and Autel accessories.

The trade was an even swap and there was no balance due to be paid by the City of Madison for the Autel EVO II.

Let me know if you need anything else.

Respectfully,

Danny Pettus

Detective
256.772.6243
danny.pettus@madisonal.gov



**MADISON POLICE
DEPARTMENT**



ORDINANCE NO. 2022-323

**AN ORDINANCE AMENDING SECTION 32- 131 OF THE MADISON CITY CODE
ENTITLED
“PARKING IN CONFORMITY WITH ESTABLISHED REGULATIONS”**

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

Section 1. That Section 32-131 entitled “Parking in conformity with established regulations” of the *Code of Ordinance, City of Madison, Alabama* is hereby amended to insert an additional line item in alphabetical order within the table of subsection (b) to restrict parking on a median within Walden Glen Road.

Section 2. That Section 32-131 of the Madison City Code under the subsection entitled “Parking in Conformity with Established Regulations” is hereby amended to include:

Street Name	Where Parking Restricted	When Parking Restricted
Walden Glen Road	The west side of the median located along Walden Glen Road near the entrance of Brownsferry Road	anytime

Section 3. That each and every provision of this Ordinance is hereby declared to be an independent provision, and the holding of any provision hereof to be void or invalid for any reason shall not affect any other provision hereof.

Section 4. No other provisions of the City Code are amended this Ordinance, unless specifically stated and referenced herein.

Section 5. This ordinance shall become effective immediately upon its adoption and proper publication as required by law.

READ, PASSED AND ADOPTED this 12th day of December, 2022.

Ranae Bartlett, City Council President
City of Madison, Alabama

ATTEST:

Lisa D. Thomas, City Clerk-Treasurer
City of Madison, Alabama

APPROVED this ____ day of December, 2022.

Paul Finley, Mayor
City of Madison, Alabama

ORDINANCE NO. 2022-320

AN ORDINANCE REPEALING AND REPLACING SECTION 1, CHAPTER 9 OF THE MADISON CITY CODE ENTITLED “General Penalty”

WHEREAS, the City of Madison City Attorney has recommended that the City Council amend the general penalties for criminal offenses and violations in order to have the municipal penalties for said offenses and violations be consistent and include all maximum fines and penalties allowed under Section 11-45-9 of the Code of Alabama (1975); and

WHEREAS the proposed amendment will benefit the public health, safety, and welfare of the residents of the City of Madison by providing the Court with more adequate sentencing ranges for various crimes;

BE IT ORDAINED by the City Council of the City of Madison, Alabama, that the Madison City Code is hereby amended to replace the following provision of the Code:

Section 1. The language contained within Chapter 1, Section 9 entitled “General penalty” of the Madison City Code, is hereby repealed in its entirety by striking the language contained therein, and is replaced by the following language:

(b) Unless a higher penalty is otherwise specified, wherever in this Code, or in any ordinance or resolution of the city, or rule, regulation or order promulgated by any officer or agent of the city under authority duly vested in such officer or agent, any act is prohibited or is declared to be unlawful or a misdemeanor or the doing of any act is required or the failure to do any act is declared to be unlawful or a misdemeanor and no specific penalty is provided for the violation thereof, the violation of any such provision of this Code or any such ordinance, resolution, rule, regulation, or order shall be punished by a fine not less than \$1.00 and not exceeding \$500.00 or by imprisonment at hard labor not exceeding six months, or both; provided, however, that any person found to be in violation of Code of Ala. 1975, § 32-5A-191, shall, upon conviction, be punished in accordance with the provisions set out in such Code of Ala. 1975, § 32-5A-191. Each day any violation of this Code or any such ordinance, resolution, rule, regulation or order shall continue shall constitute a separate offense.

(c) Any person who is convicted under subsection (a) of this section shall be punished by fine, not to exceed \$500.00 or by imprisonment at hard labor upon the streets or public works or in the workhouse or house of correction in the city, not exceeding six months, one or both; and in the event any fine or cost is not presently paid, the municipal judge shall sentence the offender, or person, thus in default to work out the fine and costs at hard labor upon the streets or public works or in the workhouse or house of correction of the city, and persons so sentenced to hard labor shall be allowed not less than \$10.00 for each day's service so performed.

(d) Any person committing an offense within the corporate limits of the city which is declared by a law of the state, now existing or hereafter enacted, to be an offense as defined in Code of Ala. 1975, § 13A-1-2, which is not declared by a law of the state to be a felony, misdemeanor or violation, shall, upon conviction, be punished by a fine of not less than \$1.00 nor more than \$500.00, and/or may be imprisoned or sentenced to labor for the city for a period of not exceeding six months, at the discretion of the court trying the case.

(e) Any person committing an offense within the corporate limits of the city which is declared by a law of the state, now existing or hereafter enacted, to be a violation shall, upon conviction, be punished by a fine of not less than \$1.00 nor more than \$200.00, and/or may be imprisoned or sentenced to labor for the city for a period of not exceeding 30 days, or double the pecuniary gain to the defendant or loss to the victim as authorized in Code of Ala. 1975, § 13A-5-12, at the discretion of the court trying the case.

(f) Any corporation found to be in violation shall, upon conviction, be punished by a fine of not less than \$1.00, nor more than \$500.00, at the discretion of the court trying the case.

(g) In all cases where the same offense is made punishable or is created by different clauses or sections of this Code or of an ordinance, the prosecuting officer may elect under which to proceed; but not more than one recovery shall be had against the same person for the same offense, provided that the revocation of a license or permit, or the abatement of a nuisance and the assessment of the cost thereof shall not be considered a recovery or penalty so as to bar the enforcement of any other penalty.

(h) No penalty shall consist of a fine or sentence of imprisonment exceeding the maximum fine and sentence established under state law for the commission of a substantially similar offense.

(i) Whenever a minimum, but not a maximum, fine or penalty is imposed, the court may in its discretion fine the offender the minimum or any sum exceeding the minimum fine or penalty so imposed, but not exceeding the maximum provided in this section.

(j) No provision of this Code or any ordinance designating the duties of any officer or employee shall be so construed as to make such officer or employee liable for any fine or penalty for a failure to perform such duty, unless the intention of the council to impose such fine or penalty on such officer or employee is specifically and clearly expressed in the section creating the duty.

BE IT ORDAINED by the City Council of the City of Madison, Alabama, that the Madison City Code is hereby amended to replace the proceeding replaced provisions of the Code with the following substituted provisions:

(b) Unless a higher penalty is otherwise specified herein, wherever in this Code or in any ordinance or resolution of the city, or rule, regulation or order promulgated by any officer or agent of the city under authority duly vested in such officer or agent, any act is prohibited or is declared to be unlawful or a misdemeanor or the doing of any act is required or the failure to do any act is declared to be unlawful or a misdemeanor and no specific penalty is provided for the violation thereof, the violation of any such provision of this Code or any such ordinance, resolution, rule, regulation, or order shall be punished by a fine not less than one dollar (\$1.00) and not exceeding five hundred dollars (\$500.00) or by imprisonment at hard labor not exceeding twelve months, or both. Each day any violation of this Code or any such ordinance, resolution, rule, regulation or order shall continue shall constitute a separate offense.

(c) Any person found to be in violation of Code of Ala. 1975, § 32-5A-191, shall, upon conviction, be punished in accordance with the provisions set out in such Code of Ala. 1975, § 32-5A-191.

(d) Any person committing an offense within the corporate limits of the city which is declared by a law of the state, now existing or hereafter enacted, to be a Class A misdemeanor shall, upon conviction, be punished by a fine of not less than five hundred dollars (\$500) nor more than five thousand dollars (\$5,000.00), and/or may be imprisoned or sentenced to labor for the city for a period of not exceeding twelve (12) months,

(e) Notwithstanding any other provisions of law, the maximum fine for every person either convicted for violating any of the following misdemeanor offenses or adjudicated as a youthful offender for such shall be

punishable by a fine not exceeding one thousand dollars (\$1,000.00) or by imprisonment at hard labor not exceeding six (6) months, or both:

- (1): *Criminal mischief in the second degree;*
- (2): *Criminal mischief in the third degree;*
- (3): *Tampering with availability of gas, electricity, or water;*
- (4): *Possession of traffic sign, notification, destruction, defacement, etc. of traffic sign or traffic control device; defacement of public building or property;*
- (5): *Offenses against intellectual property;*
- (6): *Theft by fraudulent leasing or rental;*
- (7): *Charitable fraud in the third degree;*
- (8): *Illegal possession of food stamps in the third degree.*

(f) Any person committing an offense within the corporate limits of the city which is declared by a law of the state, now existing or hereafter enacted, to be a violation shall, upon conviction, be punished by a fine of not less than \$1.00 nor more than \$200.00, and/or may be imprisoned or sentenced to labor for the city for a period of not exceeding thirty (30) days, or double the pecuniary gain to the defendant or loss to the victim as authorized in Code of Ala. 1975, § 13A-5-12, at the discretion of the court trying the case.

(g) Any corporation found to be in violation shall, upon conviction, be punished by a fine of not less than one dollar (\$1.00), nor more than five hundred (\$500.00), at the discretion of the court trying the case.

(h) In all cases where the same offense is made punishable or is created by different clauses or sections of this Code or of an ordinance, the prosecuting officer may elect under which to proceed; but not more than one recovery shall be had against the same person for the same offense, provided that the revocation of a license or permit, or the abatement of a nuisance and the assessment of the cost thereof shall not be considered a recovery or penalty so as to bar the enforcement of any other penalty.

(i) No penalty shall consist of a fine or sentence of imprisonment exceeding the maximum fine and sentence established under state law for the commission of a substantially similar offense.

(j) Whenever a minimum, but not a maximum, fine or penalty is imposed, the court may in its discretion fine the offender the minimum or any sum exceeding the minimum fine or penalty so imposed, but not exceeding the maximum provided in this section.

(k) No provision of this Code or any ordinance designating the duties of any officer or employee shall be so construed as to make such officer or employee liable for any fine or penalty for a failure to perform such duty, unless the intention of the council to impose such fine or penalty on such officer or employee is specifically and clearly expressed in the section creating the duty.

Section 2. If any provision of this ordinance, or the application thereof to any person, thing or circumstances, is held invalid by a court of competent jurisdiction such invalidity shall not affect the provisions or application of this ordinance that can be given effect without the invalid provisions or application, and to this end, the provisions of this code and such amendments and statutes are declared to be severable.

Section 3. No other provisions of the City Code are amended by this Ordinance, unless specifically stated and referenced herein.

Section 4. This ordinance shall become effective immediately upon its adoption and proper publication as required by law.

READ, PASSED AND ADOPTED this 19th day of December 2022.

Ranae Bartlett, City Council President
City of Madison, Alabama

ATTEST:

Lisa D. Thomas, City Clerk-Treasurer
City of Madison, Alabama

APPROVED this ____ day of December, 2022.

Paul Finley, Mayor
City of Madison, Alabama

ORDINANCE NO. 2022-326**AN ORDINANCE AMENDING SECTION 2-42 OF
THE MADISON CITY CODE ENTITLED
“Rules governing city council procedures”**

WHEREAS, the City of Madison seeks to allow the Mayor and members of the City Council to attend City Council and Committee Meetings by telephone and/or video conferencing pursuant to Alabama Code Section 36-25A-5.2; and

Section 1 **BE IT ORDAINED** by the City Council of the City of Madison, Alabama, that the Madison City Code is hereby amended to insert the following subsection thirty-two (32) into Madison City Code Section 2-42:

(32) The city council shall allow participation in city council meetings and committee meetings by means of telephone conference, video conference, or other similar communications equipment that allows all participants to hear one another at the same time; provided, that both of the following conditions are fulfilled:

(a) No less than a quorum of the members of the governmental body are physically present at the physical location of said meeting; and

(b) The members of the council or committee participating by electronic means as provided in this section are unable to be physically present at the meeting due to illness.

Participation by electronic means as authorized in this section shall constitute presence in person at the meeting for all purposes, except for the establishment of a quorum. Each meeting in which members of the body are participating by electronic means as authorized in this section shall be held at a physical location available for persons wishing to be physically present, at which any interested member of the public shall be able to hear all persons who are participating remotely.

Section 2 If any provision of this ordinance, or the application thereof to any person, thing or circumstances, is held invalid by a court of competent jurisdiction, such invalidity shall not affect the provisions or application of this ordinance that can be given effect without the invalid provisions or application, and to this end, the provisions of this code and such amendments and statutes are declared to be severable; and

Section 3 No other provisions of the City Code are amended by this Ordinance, unless specifically stated and referenced herein.

Section 4 This ordinance shall become effective immediately upon its adoption and proper publication as required by law.

READ, PASSED AND ADOPTED this ____ day of December 2022.

Ranae Bartlett, City Council President
City of Madison, Alabama

ATTEST:

Lisa D. Thomas, City Clerk-Treasurer
City of Madison, Alabama

APPROVED this ____ day of December 2022.

Paul Finley, Mayor
City of Madison, Alabama

ORDINANCE NO. 2022-327**AN ORDINANCE TO AUTHORIZE THE OPERATION OF MEDICAL CANNABIS DISPENSARIES WITHIN THE CORPORATE LIMITS OF THE CITY OF MADISON, PURSUANT TO ALABAMA CODE SECTION 20-2A-51(c).**

WHEREAS, The State of Alabama has enacted Alabama Code Section 20-2A-1, *et seq.* (the Act), authorizing the cultivation, processing, and sales of cannabis products for medical use by patients with a qualifying medical condition and a valid medical cannabis card; and

WHEREAS, the Act requires the Alabama Medical Cannabis Commission to adopt rules that ensure safety, security, and integrity of the operation of medical cannabis facilities and protect the health, safety, and security of the public, thus heavily regulating all aspects of the medical cannabis industry, including dispensary operations, (See Alabama Code Section 20-2A-50 – 20-2A-68, Code of Alabama); and

WHEREAS, the Alabama Medical Cannabis Commission published its rules adopted pursuant to Alabama Code Section 20-2A-53 on August 31, 2022, and will accept applications from October 31 through December 30, 2022; and

WHEREAS, the Commission will deem applications complete and submitted on or about April, 13, 2023, and will open a public comment period on or about April 14, 2023 to accept comments from the public on all pending applications and may set a public hearing, at the Commission's discretion, before the issuance of licenses on or after July 10, 2023; and

WHEREAS, the number of licenses for dispensary facilities to be issued by the Commission for 2023 are limited to thirty-seven (37) statewide as further enumerated as follows:

Integrated Facilities – up to five (5) licenses; each licensee authorized up to five (5) dispensing sites located in separate counties

Dispensary – up to four (4) licenses; each licensee authorized up to three (3) dispensing sites located in separate counties

WHEREAS, a dispensary, including a dispensary under an Integrated Facility License may only operate in a municipality if the municipality has passed an ordinance authorizing the operation of dispensaries within the municipality's corporate limits; and

WHEREAS, the operation of a medical cannabis dispensary will provide new economic and employment opportunities and new revenue through business licensing and other taxes; and

WHEREAS, the operation of a medical cannabis dispensary will provide new options to care for person's with qualifying medical conditions; and

WHEREAS, the Council of the City of Madison finds that it is in the best interest of the public health, safety, and welfare to authorize the operation of medical cannabis dispensing facilities within the City of Madison, subject to the strict regulation and oversight of the Alabama Medical Cannabis Commission.

NOW THEREFORE, BE IT ORDAINED by the Council of the City of Birmingham as follows:

SECTION 1.

- (a) The operation of medical cannabis dispensaries within the corporate limits of the City of Madison is authorized, subject to any applicable zoning restrictions the City may adopt pursuant to Alabama Code Section 20-2A-51(c)(3).
- (b) The operation of any facility, regardless of type, licensed by the Alabama Medical Cannabis Commission within the City of Madison shall comply with the Commission's strict regulation and oversight and shall comply with all laws and ordinances for the operation of a business within the City, including, but not limited to business licensing and other required taxes, and with all applicable ordinances and codes for location, construction, and sanitation of business premises within the City of Madison.
- (c) This ordinance shall be interpreted with respect to Alabama Code Section 20-2A-1, *et seq.* and the rules of the Alabama Medical Cannabis Commission, as either is now or may hereafter be amended.

SECTION 2.

A certified copy of this ordinance shall be submitted within seven (7) days of its adoption to the Alabama Medical Cannabis Commission by the City Clerk, as provided in Alabama Code Section 20-2A-51(c)(2).

SECTION 3. SEVERABILITY. The provisions of this ordinance are severable. If any part of this ordinance is determined by a court of competent jurisdiction to be invalid, unenforceable or unconstitutional, such determination shall not affect any other part of this ordinance.

SECTION 4. EFFECTIVE DATE. This ordinance shall be effective when published as required by law.

READ, PASSED AND ADOPTED this _____ day of December 2022.

Ranae Bartlett, City Council President
City of Madison, Alabama

ATTEST:

Lisa D. Thomas, City Clerk-Treasurer
City of Madison, Alabama

APPROVED this ____ day of December 2022.

Paul Finley, Mayor
City of Madison, Alabama

RESOLUTION NO. 2022-328-R**A RESOLUTION AUTHORIZING VIDEO RECORDING AND
ARCHIVING OF THE NOVEMBER 30, 2022 CITY COUNCIL WORK AND
SPECIAL SESSION**

WHEREAS, the City Council adopted Resolution No. 2021-381-R to provide a policy for video streaming, recording and long-term archiving of City Council, Planning Commission and Zoning Board of Adjustment meetings; and

BE IT HEREBY RESOLVED by the City Council of the City of Madison, Alabama, that pursuant to Resolution No. 2022-184-R, the Council will require that the November 30, 2022 City Council Work and Special Session shall be archived and made available for subsequent viewing;

READ, PASSED, AND ADOPTED at a regularly scheduled meeting of the City Council of the City of Madison, Alabama, on this 12th day of December 2022.

Ranae Bartlett, City Council President
City of Madison, Alabama

ATTEST:

Lisa D. Thomas, City Clerk-Treasurer
City of Madison, Alabama

APPROVED this _____ day of December, 2022.

Paul Finley, Mayor
City of Madison, Alabama

RESOLUTION NO. 2022-333-R**A RESOLUTION AUTHORIZING CHANGE ORDER NO. 1
TO AGREEMENT WITH MCINNIS CONSTRUCTION, LLC AND MILLER & MILLER,
INC. JV #2**

WHEREAS, the City Council award a contract to **McInnis Construction, LLC, and Miller & Miller, Inc. JV #2** ("Contractor") on November 14, 2022, by Resolution 2022-304-R, for performing grade, drain, base, pave, construct bridges, lighting and construction on retaining walls associated with the Westbound Ramp C and D connecting the I-565 to the Town Madison Development (Project #2022-009-ITB); and

WHEREAS, the Legal Department has informed the City Council that due to a delay of over two months in awarding the Contract and volatile prices for those materials necessary to undertake construction, the Contractor is requesting two hundred sixty thousand dollars (\$260,000) by change order;

NOW BE IT HEREBY RESOLVED by the City Council of the City of Madison, Alabama, that the City Council finds that the justifications set forth establishes that the proposed Change Order is appropriate.

BE IT FURTHER RESOLVED that, except for the extension or cancellation of the relationship established by such acceptance and execution, the Mayor or his designee shall be hereby authorized to execute any and all documentation necessary to enforce and comply with the terms of the Change Order; and

BE IT FURTHER RESOLVED that the original contract between the City and Contractor is hereby amended to authorize the work described in the proposed Change Order, and that all other actions taken prior to the date of this resolution are ratified, and the provisions of the original contract remain unchanged.

READ, PASSED, AND ADOPTED this 12 day of December 2022.

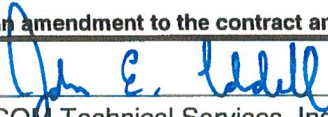
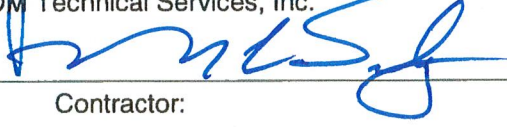
Ranae Bartlett, Council President
City of Madison, Alabama

ATTEST:

Lisa D. Thomas, City Clerk-Treasurer
City of Madison, Alabama

APPROVED this ____ day of December 2022.

Paul Finley, Mayor
City of Madison, Alabama

CONTRACT CHANGE ORDER		Date 12/5/2022	
		Project No. 2022-009-ITB	
		Project Name: City of Madison Interchange	
		Change Order No 1	
You are hereby requested to comply with the following changes from the contract plans and specifications:			
Item No.	Description of changes - quantities, units, unit prices, change in completion schedule, etc.	Decrease in Contract Price 3	Increase in Contract Price 4
1	2	3	4
1	Contract Time to be Extended by 120 Calendar Days. New contract time to be 670 calendar days	\$0	\$0
2	Mobilization Unit Price to be increased by \$260,000 New Mobilization Unit Price to be \$3,448,589.97		\$260,000
Note: these items are as proposed in the Contractor's letter dated October 5, 2022 and are in response to the City's request for a 45 Calendar Day Extension for Notice of Award			
Change in Contract price due to this Change Order:			
3	Total Decrease	\$0	
4	Total Increase		\$260,000
5	Difference between Columns (3) and (4)		\$260,000
6	Net increase in contract price		\$260,000
Original Contract Price = \$ 36,780,000.00			
The sum of \$ <u>260,000</u> is hereby added to the total contract price, and the adjusted contract price to date thereby is <u>\$37,040,000.</u>			
This document shall become an amendment to the contract and all provisions of the contract will apply hereto.			
Recommended by <u></u> AECOM Technical Services, Inc.		12/5/2022 Date	
Accepted by <u></u> Contractor:		12/5/22 Date	
Approved by _____ Owner:		Date	

00670- 1

ORDINANCE NO. 2022-334

**AN ORDINANCE AUTHORIZING THE ISSUANCE OF
\$[79,345,000] OF GENERAL OBLIGATION ECONOMIC DEVELOPMENT
WARRANTS, SERIES 2022**

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

ARTICLE I

**DEFINITIONS, USE OF WORDS AND
PHRASES, AND FINDINGS BY THE CITY**

Section 1.1 Definitions. The following words and phrases and others evidently intended as the equivalent thereof shall, in the absence of clear implication herein otherwise, be given the following respective interpretations:

“Bank” means The Bank of New York Mellon Trust Company, N.A., in its role as Warrant Registrar and Paying Agent.

“Beneficial Owner” means the owner of a Warrant or portion thereof for federal tax purposes.

“Business Day” means any day other than a Saturday, Sunday or day on which banking institutions are required or authorized to close in the city in which the designated corporate trust agency office of the Bank is located, or on which the Federal Reserve Bank is closed.

“Capital Improvement Account” means the account designated as such and created pursuant to Section 8.1 hereof.

“Capitalized Interest” shall mean the portion of the proceeds of the Warrants deposited in the Warrant Fund and applied as provided in Section 8.2.

“City” means the municipal corporation in the State of Alabama known as the City of Madison, Alabama, as it now exists, and any political subdivision resulting from any merger or consolidation thereof with any other political subdivision.

“City Clerk” means the city clerk of the City, or any person acting in such capacity for purposes of the issuance of the Warrants.

“Code” means the Internal Revenue Code of 1986 as amended.

“Cooperative District” means the Town Madison Cooperative District, a public corporation created and existing pursuant to Chapter 99B of Title 11 of the Code of Alabama 1975.

“Cooperative District Bond” means Revenue Bond (Town Madison Project), Series 2022A issued by the Cooperative District pursuant to the District Indenture.

“Council” means the governing body of the City as from time to time constituted.

“County Funding Agreement” means the Funding Agreement, dated November 14, 2022, between Madison County and the Cooperative District.

“Direct Participant” means securities brokers and dealers, banks, trust companies, clearing corporations and certain other organizations which participate in the Securities Depository with respect to the Warrants.

“District Indenture” means the Trust Indenture, dated December [12], 2022, between the Cooperative District and Regions Bank, as trustee.

“Economic Development Amendment” means Amendment 772 to the Constitution of Alabama of 1901 (codified as Section 94.01 of the Official Recompilation of the Constitution of Alabama of 1901), as amended by the amendment proposed by Act No. 2022-286 adopted at the 2022 Regular Session of the Legislature of Alabama and ratified on November 8, 2022.

“Economic Development Project” shall have the meaning given that term in Section 1.3(d) hereof, subject to being amended and supplemented as provided in Section 8.1 hereof.

“Government Obligations” means direct obligations of the United States of America and obligations unconditionally guaranteed by the United States of America.

“Interest Payment Date” means, with respect to the Warrants, any June 1 or December 1, prior to payment thereof.

“Overdue Interest” means interest due but not paid on the Interest Payment Date on which such interest is required to be paid.

“Record Date” means, as to any Interest Payment Date, the May 15 or November 15 immediately preceding such Interest Payment Date.

“Securities Depository” has the meaning given that term in Section 3.5 hereof.

“Treasurer” shall mean the treasurer or any assistant treasurer of the City.

“Warrant Authorizing Law” means Section 2, Chapter 47 of Title 11, Code of Alabama, 1975, as amended.

“Warrant Fund” means the special account created pursuant to Section 8.3 hereof.

“Warrant Holder” or **“Holder”** means the registered holder, from time to time, of any of the Warrants.

“Warrants,” unless otherwise indicated, means \$[79,345,000] in aggregate principal amount of the City's General Obligation Economic Development Warrants, Series 2022, as more particularly described in Article II hereof and issued hereunder.

Section 1.2 Use of Words and Phrases. The following provisions shall be applied wherever appropriate herein:

Whenever used herein, any pronoun or pronouns shall be deemed to include both singular and plural and to cover all genders.

"Hereby", "herein", "hereinafter", "hereof", "hereunder" and other equivalent words refer to this Ordinance as a whole and not solely to any particular portion thereof in which any such word is used.

The definitions set forth in Section 1.1 hereof shall be deemed applicable whether the words defined are herein used in the singular or plural.

Section 1.3 Findings of Council. Having made due and proper investigation of the matters hereinafter referred to, the Council hereby finds and determines:

- (a) The City of Madison, Alabama (the “City”) has the following outstanding long-term general obligation indebtedness (not including economic development related indebtedness) (i) General Obligation Warrants, Series 2013, dated May 1, 2013; (ii) General Obligation Warrants, Series 2015-A and General Obligation Warrants, Series 2015-B, dated May 1, 2015; (iii) General Obligation School Warrants, Series 2016-A, dated March 31, 2016; (iv) General Obligation School Warrants, Series 2016-B, dated June 23, 2016; (v) General Obligation Warrants, Series 2016-C, dated October 11, 2016; (vi) Funding Agreement to the Madison City School Board for James Clemens High School with respect to the construction of James Clemens High School by the Madison City School Board with the proceeds of the Board’s \$36,000,000 principal amount Capital Outlay Pool Warrant, Series 2010-QSCB, dated September 8, 2010, payable to the Alabama Public School and College Authority; (vii) General Obligation Taxable Warrants, Series 2018, dated May 1, 2018; (viii) General Obligation Warrants, Series 2018-C, dated August 2, 2018; (ix) General Obligation School Warrants, Series 2018-D, dated November 6, 2018 and (x) Taxable General Obligation Warrants, Series 2020-A and Taxable General Obligation Schools Warrants Series 2020-B, dated July 21, 2020 (collectively, the “Outstanding General Obligations”).

- (b) In order to finance various items of public infrastructure as part of the Town Madison development, the Cooperative District has heretofore issued the Cooperative District Bond, in the principal amount of \$39,300,403, in substitution for its Special Project Tax Revenue Bond (Town Madison Project), Series 2014-B. The principal of and interest on the Cooperative District Bond are payable solely from and secured by a pledge of payments by the City to the District of certain “Net Project Tax Revenues” payable in accordance with a Funding Agreement, dated November 14, 2022 (the “Funding Agreement”), and a corresponding funding agreement by Madison County. The Funding Agreement includes an option on the part of the City to prepay its obligations thereunder upon payment to the Cooperative District of sufficient funds to prepay and redeem the Cooperative District Bond, whereupon the payment obligations of the County under the County Funding Agreement will be assigned to the City.
- (c) It is necessary, advisable and in the interest of the public that the City exercise its option to prepay and redeem the Cooperative District Bond in order to obtain an overall lower borrowing cost to the City and improve the City’s cash flow from the taxes pledged to secure the Cooperative District Bond and such prepayment and redemption will thereby serve a valid and sufficient public purpose notwithstanding any benefit to any private business or person.
- (d) In order to complete the needed infrastructure improvements to support the Town Madison development, it is also necessary, advisable and in the interest of the public that the City construct, install and equip two (2) flyover ramps for access to and from Interstate 565 at the Town Madison exit, for the benefit of the citizens of the City (the “Economic Development Project”). The City has determined that the Economic Development Project is expected to cost at least \$40,000,000.
- (e) The City expects that tax revenues from the Town Madison project, which currently are pledged to the payment of the Cooperative District Bond, will be sufficient to pay the principal and interest on the Warrants authorized herein. In order to better provide for the payment of such debt service it is necessary and appropriate that proceeds of the Warrants be applied to the payment of interest coming due on the Warrants during approximately the first twelve months following their issuance.
- (f) Pursuant to the Economic Development Amendment the City is authorized to grant public funds and things of value in aid of or to any individual, firm, corporation or business entity, public or private, for the purpose of promoting the economic and industrial development of the City and to become indebted and issue bonds, warrants, notes or other obligations to a principal amount not exceeding 50% of the assessed value of taxable property in the City.
- (g) Pursuant to the Economic Development Amendment and the Warrant Authorizing Law the City is authorized to issue its warrants in order to finance the Economic Development Project and to refinance the Cooperative District Bond.

- (h) The Economic Development Project will promote the economic and industrial development of the City by expanding of the tax base of the City, increasing employment opportunities, increasing tax revenues, including from sales and use, ad valorem, lodging and other excise and license taxes imposed by the City, and improving public infrastructure, and will thereby serve a valid and sufficient public purpose notwithstanding any benefit to any private business or person.
- (i) The City is not in default in the payment of the principal of and the interest on the Outstanding General Obligations.
- (j) It is necessary, advisable and in the interest of the public that the City issue its General Obligation Economic Development Warrants, Series 2022 to finance the Economic Development Project, prepay and redeem the outstanding principal and interest of the Cooperative District Bond, capitalize interest on such Warrants through December 1, 2023, and pay costs of issuance and sale of such Warrants.
- (k) Immediately after the issuance of the Warrants, the total indebtedness of the City issued under authority of the Economic Development Amendment will not be more than 50% of the assessed valuation of taxable property within the boundaries of the City for the last fiscal year (ended September 30, 2022).

ARTICLE II

AUTHORIZATION, DESCRIPTION, EXECUTION, PAYMENT AND FORM OF THE WARRANTS

Section 2.1 Authorization of the Warrants. Pursuant to the applicable provisions of the constitution and laws of the State of Alabama, and for the purposes of financing the costs of the Economic Development Project, prepaying the outstanding principal of and interest on the Cooperative District Bond, paying interest to come due thereon through December 1, 2023 and paying the costs of issuance thereof, there is hereby authorized to be issued by the City \$[79,345,000] in aggregate principal amount of its General Obligation Economic Development Warrants, Series 2022.

Section 2.2 Description of the Warrants. The Warrants shall be issued only in fully registered form, without coupons, shall be dated the date of their initial issuance and delivery, shall be issued in principal amounts of \$5,000 or any integral multiple thereof, and shall be numbered from R-1 upwards in the order of their issuance and delivery. The Warrants shall bear interest from their date (or in the case of a Warrant registered in the name of a Holder on or after the first Interest Payment Date, from the Interest Payment Date next preceding the date of such registration or, if the date of such registration is an Interest Payment Date, from the date of registration) at the rates shown below (calculated on the basis of a 360-day year of twelve 30-day months), payable on each June 1 and December 1 until payment of the principal amount thereof, beginning June 1, 2023, and shall mature on December 1 in the years and amounts as follows:

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<u>Year of Maturity</u>	<u>Principal Amount</u>	<u>Interest Rate</u>	<u>Yield</u>
[2024]	\$ [1,690,000]	[4.00%]	[2.680%]
[2025]	\$ [1,760,000]	[4.00%]	[2.760%]
[2026]	\$ [1,830,000]	[4.00%]	[2.810%]
[2027]	\$ [1,915,000]	[5.00%]	[2.880%]
[2028]	\$ [2,015,000]	[5.00%]	[2.920%]
[2029]	\$ [2,115,000]	[5.00%]	[2.970%]
[2030]	\$ [2,225,000]	[5.00%]	[3.040%]
[2031]	\$ [2,340,000]	[5.00%]	[3.100%]
[2032]	\$ [2,460,000]	[5.00%]	[3.110%]
[2033]	\$ [2,585,000]	[5.00%]	[3.190%]
[2034]	\$ [2,815,000]	[5.00%]	[3.320%]
[2035]	\$ [2,855,000]	[5.00%]	[3.460%]
[2036]	\$ [3,005,000]	[5.00%]	[3.558%]
[2037]	\$ [3,115,000]	[5.00%]	[3.650%]
[2038]	\$ [3,320,000]	[5.00%]	[3.720%]
[2039]	\$ [3,490,000]	[5.00%]	[3.790%]
[2040]	\$ [3,670,000]	[5.00%]	[3.840%]
[2041]	\$ [3,855,000]	[5.00%]	[3.900%]
[2042]	\$ [4,055,000]	[5.00%]	[3.920%]
[2048]	\$[28,290,000]	[4.00%]	[4.290%]

Section 2.3 Execution of the Warrants. The Warrants shall be executed in the name of the City by the manual or facsimile signatures of the Mayor of the City and its City Clerk inscribed or printed or otherwise reproduced thereon (it being herein provided that a condition to the validity of each Warrant is the manual execution on behalf of the Bank of the Registration Certificate endorsed on each Warrant). The Warrants shall be registered by the Treasurer of the City, in the records maintained by the Treasurer, as a claim against the City and the Warrant Fund, which registration shall be made simultaneously as to all the Warrants. The certificate of registration on each of the Warrants shall be executed by the manual or facsimile signature of the Treasurer of the City. The official seal of the City shall be impressed or printed or otherwise reproduced thereon and shall be attested by the aforementioned signature of the City Clerk. The said officers are hereby directed to cause the Warrants to be executed, sealed and registered in the manner provided by this section. Anything herein to the contrary notwithstanding, any assistant city clerk shall be empowered to execute any Warrant in the absence or unavailability of the City Clerk and any assistant treasurer of the City shall be empowered to execute any Warrant in the absence or unavailability of the Treasurer.

Section 2.4 Places and Medium of Payment of the Warrants. Principal of and interest on the Warrants shall be payable in lawful money of the United States of America. The principal of the Warrants shall be payable at the designated corporate trust agency office of the Bank, upon

Ordinance No. 2022-334

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presentation and surrender of the Warrants as the same become due and payable. Interest on the Warrants shall be payable by check or draft mailed by the Bank to the lawful holders of the Warrants at the address shown on the registry books of the Bank pertaining to the Warrants as of the Record Date and shall be deemed timely made if so mailed on the Interest Payment Date (or if such Interest Payment Date is not a Business Day, on the Business Day next following such Interest Payment Date).

Section 2.5 Forms of the Warrants and Related Certificates. The Warrants, the certificate of registration thereof, the registration thereof as a claim against the Warrant Fund, and the form of assignment thereof shall be in substantially the following forms, with appropriate changes therein to conform to the applicable provisions hereof.

(Form of Warrant)

[FORM OF CAPTION FOR WARRANTS HELD IN BOOK ENTRY FORM]

Unless this certificate is presented by an authorized representative of The Depository Trust Company, a New York corporation ("DTC"), to the City or its agent for registration of transfer, exchange, or payment, and any certificate issued is registered in the name of Cede & Co. or in such other name as is requested by an authorized representative of DTC (and any payment is made to Cede & Co. or to such other entity as is requested by an authorized representative of DTC), ANY TRANSFER, PLEDGE, OR OTHER USE HEREOF FOR VALUE OR OTHERWISE BY OR TO ANY PERSON IS WRONGFUL inasmuch as the registered owner hereof, Cede & Co., has an interest herein.

No. R-_____ \$ _____

UNITED STATES OF AMERICA
STATE OF ALABAMA
CITY OF MADISON
GENERAL OBLIGATION ECONOMIC DEVELOPMENT WARRANT
SERIES 2022

MATURITY DATE CUSIP NUMBER INTEREST RATE

THE CITY OF MADISON, ALABAMA, a municipal corporation in the State of Alabama (the "City"), for value received, hereby acknowledges that it is indebted in the principal sum of

_____ DOLLARS

and hereby directs the Treasurer of the City to pay such principal sum to

or registered assigns, on the maturity date specified above or such earlier date as this Warrant may be called for redemption, and to pay (but solely out of the Warrant Fund) interest on such principal sum from the date hereof (or in the case of a Warrant registered in the name of the registered Holder hereof on or after June 1, 2023, as evidenced by the Certificate of Registration attached hereto, from the Interest Payment Date next preceding the date of such registration or, if the date of such registration is an Interest Payment Date, from the date of registration), until such principal sum shall become due and payable, at the per annum rate of interest specified above. Interest shall be payable on June 1 and December 1 in each year, beginning June 1, 2023 (each such date herein called an "Interest Payment Date"), and shall be computed on the basis of a 360-day year with 12

months of 30 days each. Interest shall be payable on overdue principal (and premium, if any) on this Warrant and (to the extent legally enforceable) on any overdue installment of interest on this Warrant at the rate borne hereby.

The interest so payable, and punctually paid or duly provided for, on any Interest Payment Date will, as provided in the Authorizing Ordinance hereinafter described, be paid to the person in whose name this Warrant is registered at the close of business on the 15th day of the month next preceding such Interest Payment Date.

The Warrants are being issued by means of a book-entry system with no physical distribution of warrant certificates to be made except as provided in the Authorizing Ordinance (as hereinafter defined). One warrant certificate, in the aggregate principal amount of each maturity of the Warrants, registered in the name of Cede & Co. as nominee of the DTC, is being issued and required to be deposited with DTC (or an authorized banking institution acceptable to DTC) and immobilized in its custody. The book-entry system will evidence ownership of the Warrants, with transfers of ownership effected on the records of DTC and its participants pursuant to rules and procedures established by DTC and its participants. Transfer of principal, interest and any redemption premium payments to beneficial owners of the Warrants by participants of DTC will be the responsibility of such participants and other nominees of such beneficial owners. The City will not be responsible or liable for such transfers of payments or for maintaining, supervising or reviewing the records maintained by DTC, and to participants or persons acting through such participants. While Cede & Co. is the registered owner of this Warrant, notwithstanding the provisions hereinabove contained, payments of principal, interest and any redemption premium on this Warrant will be made in accordance with the existing arrangements between the Paying Agent and DTC.

Subject to the foregoing paragraph, payment of interest on this Warrant due on each Interest Payment Date shall be made by check or draft mailed by the Paying Agent to the person entitled thereto at his address appearing in the Warrant Register maintained with respect to the Warrants. Such payments of interest shall be deemed timely made if so mailed on the Interest Payment Date (or, if such Interest Payment Date is not a business day, on the business day next following such Interest Payment Date). Payment of the principal of (and premium, if any, on) this Warrant and payment of accrued interest on this Warrant due upon redemption shall be made only upon surrender of this Warrant at the designated corporate trust agency office of the hereinafter described Bank. Upon the terms and conditions provided in the Authorizing Ordinance, the Holder of any Warrant or Warrants in an aggregate principal amount of not less than \$500,000 may request that payment of interest on such Warrant or Warrants be made by wire transfer to an account of such Holder maintained at a bank in the continental United States or by any other method providing for same-day funds that is acceptable to the Bank. All such payments shall be made in such coin or currency of the United States of America as at the time of payment is legal tender for the payment of public and private debts.

This Warrant is one of the duly authorized issue of warrants of the City, aggregating \$_____ in principal amount, entitled "General Obligation Economic Development Warrants, Series 2022" (the "Warrants") and issued under and pursuant to an ordinance duly

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adopted by the governing body of the City on December 19, 2022 (the "Authorizing Ordinance") and the constitution and laws of the State of Alabama, including particularly Section 2, Chapter 47, of Title 11 of the Code of Alabama, 1975, as amended, and the amendment to the Constitution of Alabama proposed by Act No. 2004-94, adopted at the 2004 Regular Session of the Legislature of Alabama and ratified on November 2, 2004, as amended by the amendment to the Constitution of Alabama proposed by Act No. 2022-286, adopted at the 2022 Regular Session of the Legislature of Alabama and ratified on November 8, 2022, codified as Section 94.01 of the Official Recompilation of the Constitution of Alabama of 1901. Capitalized terms not otherwise defined herein shall have the meanings assigned in the Authorizing Ordinance.

The Authorizing Ordinance provides that The Bank of New York Mellon Trust Company, N.A. (the "Bank"), will serve as Paying Agent and Registrar with respect to the Warrants unless and until a successor is appointed pursuant to the terms and conditions of the Authorizing Ordinance. For purposes of this Warrant and the Authorizing Ordinance, the principal office of the Bank shall mean the office where the Bank maintains its designated corporate trust agency office.

The indebtedness evidenced by the Warrants is a general obligation of the City for the payment of which the full faith and credit of the City have been irrevocably pledged, pro rata and without preference or priority of one Warrant over another.

Pursuant to the Authorizing Ordinance, the City has established a special fund for the payment of debt service on the Warrants (the "Warrant Fund") that will be held by the Bank. The City has obligated itself to pay or cause to be paid into the Warrant Fund from the taxes, revenues or other funds of the City sums sufficient to provide for the payment of debt service on the Warrants as the same becomes due and payable.

Optional Redemption. The Warrants will be subject to redemption prior to their maturity, at the option of the City, in whole or in part, on _____ and on any date thereafter (in principal amounts of \$5,000 and any integral multiple thereof and if less than all of the Warrants are to be redeemed, those maturities or portions thereof to be called for redemption shall be selected by the City in its discretion, and if less than all the Warrants of a single maturity are to be redeemed, those to be called for redemption shall be selected by lot), at and for a redemption price equal to 100% of the principal amount of each Warrant or portion thereof redeemed, plus accrued interest to the date fixed for redemption.

Scheduled Mandatory Redemption. The Warrants maturing on _____ (the "Term Warrants") will be subject to mandatory redemption prior to maturity on the dates and in the principal amounts shown below. Those of the Term Warrants (or portions thereof) to be so redeemed will be redeemed at and for a redemption price equal to the principal amount thereof plus accrued interest thereon to the redemption date, with those to be redeemed to be selected by lot.

December 1 of the Year

Principal Amount Required to be Redeemed

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In the absence of prior optional redemption, Term Warrants in the aggregate principal amount of \$_____ will remain to be paid at their stated maturity on _____.

Written notice of the call for redemption of this Warrant (or portion of the principal thereof) shall be forwarded by registered or certified mail to the registered owner hereof, not less than thirty (30) or more than sixty (60) days prior to the date fixed for redemption. In the event that less than all the outstanding principal of this Warrant is to be redeemed, the registered Holder hereof shall surrender this Warrant to the Bank in exchange for a new Warrant of like tenor herewith except in a principal amount equal to the unredeemed portion hereof. Upon the giving of notice of redemption in accordance with the provisions of the Authorizing Ordinance, the Warrants (or principal portions thereof) so called for redemption and prepayment shall become due and payable on the date specified in such notice, anything herein or in the Authorizing Ordinance to the contrary notwithstanding, and the Holders thereof shall then and there surrender them for payment, and all future interest on the Warrants (or principal portion thereof) so called for prepayment shall cease to accrue after the date specified in such notice, whether or not the Warrants are so presented.

This Warrant is transferable by the registered holder hereof, in person or by authorized attorney, only on the books of the Bank, as Registrar and Paying Agent of the City, and only upon surrender of this Warrant to such Registrar for cancellation, and upon any such transfer a new Warrant of like tenor herewith will be issued to the transferee in exchange therefor, all as more particularly described in the Authorizing Ordinance. Each Holder hereof, by receiving or accepting this Warrant, shall consent and agree and shall be estopped to deny that this Warrant may be transferred only in accordance with the provisions of the Authorizing Ordinance. Provision is also made in the Authorizing Ordinance for the exchange of Warrants for a like aggregate principal amount and in authorized denominations, all upon the terms and subject to the conditions set forth in the Authorizing Ordinance.

The Registrar shall not be required to transfer or exchange this Warrant during the period of fifteen (15) days next preceding any interest payment date; and, in the event that this Warrant (or any principal portion hereof) is duly called for redemption and prepayment, the Registrar shall not be required to register or transfer this Warrant during the period of forty-five (45) days next preceding the date fixed for such redemption and prepayment.

Registration, transfer and exchange of Warrants, other than to replace mutilated, lost, stolen or destroyed Warrants, shall be without expense to the Holder or transferee, but the Holder shall pay all taxes and other governmental charges, if any, required to be paid in connection with such transfer, registration or exchange.

It has been ascertained and found, and it is hereby certified and recited, 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 and the creation of the indebtedness evidenced and ordered paid hereby exist, have been performed and have happened, that such indebtedness has been registered as a claim against the Warrant Fund and is lawfully due without condition, and that the indebtedness evidenced and ordered paid by this Warrant, together with all

other indebtedness of the City, was when incurred and is now within every debt and other limit prescribed by the constitution and laws of Alabama.

Unless the Registration Certificate hereon has been executed by the Bank, as Registrar for the Warrants, by manual signature, this Warrant shall not be entitled to any benefit under the Authorizing Ordinance or be valid or obligatory for any purpose.

IN WITNESS WHEREOF, the City has caused this Warrant to be executed in its behalf by the Mayor and by the City Clerk of the City, each of whom have caused their signatures to be hereunto imprinted, has caused the official seal of the City to be imprinted hereon, and has caused this Warrant to be dated December ____, 2022.

CITY OF MADISON, ALABAMA

(SEAL)

By_____

Its Mayor

ATTEST:

By_____
City Clerk

* * * * *

[Form of Registration as Claim against Warrant Fund]

I hereby certify that this Warrant has been registered by me as a claim against the Warrant Fund referred to in this Warrant.

Treasurer of the City of Madison, Alabama

* * * * *

[Form of Registration Certificate]

This Warrant was registered in the name of the above-registered owner on the date hereinafter set forth.

THE BANK OF NEW YORK MELLON TRUST COMPANY, N.A.

By _____
Its Authorized Officer

DATE OF REGISTRATION: _____

The following abbreviations, when used in the inscription on this Warrant or in the assignment below, shall be construed as though they were written out in full according to applicable laws or regulations:

- | | | |
|--------------------|---|--|
| TEN COM | - | As tenants in common |
| TEN ENT | - | As tenants by the entireties |
| JT TEN | - | As joint tenants with right of survivorship |
| | | and not as tenants in common and not as community property |
| UNIF TRANS MIN ACT | - | |
- _____

(Custodian)

(Minor)

under Uniform Transfer to Minors Act

(State)

Additional abbreviations may be used although not in the above list.

(Form of Assignment)

For value received _____ hereby sell(s), assign(s) and transfer(s) unto _____ the within Warrant and hereby irrevocably constitute(s) and appoint(s), attorney, with full power of substitution in the premises, to transfer the Bond on the books of the within mentioned Bank.

Dated this the ____ day of _____, ____.

NOTE: The signature on this assignment must correspond with the name of the registered owner as it appears on the face of the within Warrant in every particular, without alteration, enlargement or change whatsoever.

Signature guaranteed:
(Bank, Trust company or Firm)

By: _____
(Authorized Officer)

Its Medallion Number _____

Signature(s) must be guaranteed by an eligible guarantor institution which is a member of a recognized signature guarantee program, i.e., Securities Transfer Agents Medallion Program (STAMP), Stock Exchanges Medallion Program (SEMP), or New York Stock Exchange Medallion Signature Program (MSP)

ARTICLE III

FURTHER PROVISIONS WITH RESPECT TO WARRANTS

Section 3.1 Home Office Payment Agreement. Upon the written request of the Holder of any Warrant or Warrants in an aggregate principal amount of not less than \$500,000, the Bank will make payment of interest due on such Warrant or Warrants upon any Interest Payment Date by wire transfer to an account of such Holder maintained at a bank in the continental United States or by any other method providing for payment in same-day funds that is acceptable to the Bank, provided that payment of the principal of and redemption premium (if any) on such Warrant or Warrants shall be made only upon surrender of such Warrant or Warrants to the Bank, as Paying Agent.

Section 3.2 Interest After Payment Due Date. The Warrants, any premiums thereon and, to the extent legally enforceable, overdue installments of interest thereon, shall bear interest after the maturity dates thereof or such earlier date as they may be called for redemption, until paid or until money sufficient for the payment thereof shall have been deposited for that purpose with the Bank, at the respective rates borne thereby.

Any provision hereof to the contrary notwithstanding, Overdue Interest shall not be payable to the Warrant Holder solely by reason of such Warrant Holder having been the Holder on the Record Date next preceding the Interest Payment Date on which such interest became due and payable, but shall be payable by the Bank as follows:

- (a) Not less than ten (10) days following receipt by the Bank of immediately available funds in an amount sufficient to enable the Bank to pay all Overdue Interest, the Bank shall fix an Overdue Interest Payment Date for payment of such Overdue Interest, which date shall be not more than twenty (20) days following the expiration of the ten-day period after receipt of funds by the Bank;
- (b) Overdue Interest shall be paid by check or draft mailed by the Bank to the persons in whose names the Warrants were registered in the registry books of the Bank pertaining to the Warrants on the Overdue Interest Payment Date.

Payment of Overdue Interest in the manner herein prescribed to the persons in whose names the Warrants were registered on the Overdue Interest Payment Date shall fully discharge and satisfy all liability for the same.

Section 3.3 Temporary Certificates. Pending the preparation of definitive Warrants the City may execute, and upon request of the City, the Bank shall register and deliver, temporary certificates which are printed, lithographed, typewritten, mimeographed or otherwise produced, in any authorized denomination, substantially of the tenor of the definitive Warrants in lieu of which they are issued, but numbered from R-1 upwards, without other identification numbers, and with

such other appropriate insertions, omissions, substitutions and other variations as the officers executing such temporary certificates may determine, as evidenced by their execution of such temporary certificates.

Any such temporary certificates shall be executed by the manual signatures of the appropriate officers of the City as required in Article II of this Ordinance and be executed and attested by the City Clerk. All such temporary certificates shall have impressed thereon the seal of the City.

If temporary Warrants are issued, the City will cause definitive Warrants to be prepared without unreasonable delay. After the preparation of definitive Warrants, the temporary Warrants shall be exchangeable for definitive Warrants upon surrender of the temporary Warrants at the principal office of the Bank, without charge to the Holder. Upon surrender for cancellation of any one or more temporary Warrants the City shall execute and the Bank shall authenticate and deliver in exchange therefor a like principal amount of definitive Warrants of like tenor, and in authorized denominations. Until so exchanged, temporary Warrants shall in all respects be entitled to the security and benefits of this Ordinance.

Section 3.4 Payments Due on a Day Other Than a Business Day. If any payment on the Warrants is due on a day which is not a Business Day, such payment shall be made on the first succeeding date which is a Business Day with the same effect as if made on the day such payment was due.

Section 3.5 Book Entry System. The City may from time to time enter into, and discontinue, an agreement with a “clearing agency” (securities depository) registered under Section 17A of the Securities Exchange Act of 1934, as amended (a “Securities Depository”), which is the owner of the Warrants, to establish procedures with respect to the Warrants, not inconsistent with the provisions of this Ordinance; provided, however, that any such agreement may provide:

- (a) that such Securities Depository is not required to present a Warrant to the Paying Agent in order to receive partial payment of principal;
- (b) that a legend shall appear on each Warrant so long as the Warrants are subject to such agreement; and
- (c) that different provisions for notice to such Securities Depository may be set forth therein.

So long as an agreement with a Securities Depository is in effect, the City, the Bank and any paying agent or bond registrar shall not have any responsibility or liability with respect to the payment of principal, purchase price, premium, if any, or interest on the Warrants to the Beneficial Owners or for maintaining, supervising or reviewing any records relating to such beneficial ownership interests or any payments made to such Beneficial Owners.

ARTICLE IV

GENERAL OBLIGATION; PROVISION FOR PAYMENT OF OBLIGATIONS

Section 4.1 General Obligation. The indebtedness evidenced by the Warrants is and shall be a general obligation of the City and the full faith and credit of the City are hereby irrevocably pledged to the payment of the principal thereof and interest thereon.

Section 4.2 Continued Levy of Taxes; Maintenance of Warrant Fund. The City agrees that, so long as the principal of or interest on any of the Warrants remains unpaid, the City will annually levy and collect taxes, insofar as such taxes may be permitted by the present or any future provisions of the Constitution of Alabama, in such amounts as may be necessary to provide for the payment of the principal of and interest on the Warrants. The City further agrees that so long as the principal of or interest on any of the Warrants remains unpaid it will deposit in the Warrant Fund with respect to such Warrants, not later than the 25th day of the month next preceding an Interest Payment Date, an amount which, when added to the amounts then on deposit in such Warrant Fund, will equal the principal, interest and redemption premium (if any) to come due with respect to the Warrants on such Interest Payment Date.

Section 4.3 Provision for Payment. (a) If the principal of and interest and redemption premium (if any) on the Warrants is paid in accordance with the terms thereof and this Ordinance, then all covenants, agreements and other obligations of the City to the Holders of such Warrants shall thereupon cease, terminate and become void and be discharged and satisfied. In the event the Warrants are so paid the Bank shall pay to the City any surplus remaining in the Warrant Fund.

(b) Warrants shall, prior to the maturity or redemption date thereof, be deemed to have been paid within the meaning and with the effect expressed in subsection (a) of this Section 4.3 if

- (1) the City and the Bank (or another bank acting as trustee) enter into an appropriate trust agreement under which there shall be deposited, for payment or redemption of such Warrants and for payment of the interest to accrue thereon until maturity or redemption, and any redemption premium thereon, Government Obligations and cash or any combination of cash and Government Obligations which, together with the income to be derived from such, will produce monies sufficient to provide for the payment, redemption and retirement of such Warrants as and when the same become due;
- (2) the City shall have adopted all necessary proceedings providing for the redemption of any such Warrants that are required to be redeemed prior to their respective maturities and shall have instructed the Bank or other trustee under the aforesaid trust

agreement to provide such notices of redemption as are required under this Ordinance;

- (3) the City and the Bank shall have been furnished with an opinion of nationally recognized bond counsel to the effect that the creation of any such trust will not result in subjecting to federal income taxation the interest on any of the Warrants that are to be paid in accordance with such trust; and
- (4) the City and the Bank shall have been furnished a certificate of a firm of certified public accountants satisfactory to the Bank stating that such trust will produce monies sufficient to provide for the full payment and retirement of such Warrants as and when the principal of and interest and redemption premium (if any) on such Warrants shall come due.

Section 4.4. Retention of Moneys for Payment of Warrants. The amounts held by the Bank for the payment of the principal of and interest on any Warrants due on any date shall, pending such payment, be held in trust by the Bank for the holders of the Warrants entitled thereto, and for the purposes of this Ordinance the principal of and interest on such Warrants shall no longer be considered to be unpaid. All liability of the City to the Holders of such Warrants and all rights of such Holders against the City under the Warrants or under this Ordinance shall thereupon cease and terminate, and the sole right of such Holders shall thereafter be against such funds. If any Warrant shall not be presented for payment within a period of five (5) years following the date when such Warrant becomes due, whether by maturity, redemption or otherwise, or if the check or draft providing for any payment of interest on any Warrant shall not have been negotiated within such period, the Bank shall return to the City any moneys theretofore held by it for payment of such Warrant or such interest, subject to applicable laws of escheat.

ARTICLE V

REDEMPTION PROVISIONS

Section 5.1 Mandatory and Optional Redemption.

- (a) [Scheduled Mandatory Redemption. The Warrants maturing on December 1, 2048 (the “*Term Warrants*”) will be subject to mandatory redemption prior to maturity on the dates and in the principal amounts shown below. Those of the Term Warrants (or portions thereof) to be so redeemed will be redeemed at and for a redemption price equal to the principal amount thereof plus accrued interest thereon to the redemption date, with those to be redeemed to be selected by lot.

<u>December 1 of the Year</u>	<u>Principal Amount Required to be Redeemed</u>
2043	\$4,215,000
2044	\$4,395,000
2045	\$4,580,000
2046	\$4,770,000
2047	\$4,975,000

In the absence of prior optional redemption, Term Warrants in the aggregate principal amount of \$5,215,000 will remain to be paid at their stated maturity on December 1, 2048.]

(b) **Optional Redemption.** The Warrants will be subject to redemption prior to their maturity, at the option of the City, in whole or in part, on December 1, [2032] and on any date thereafter (in principal amounts of \$5,000 and any integral multiple thereof and if less than all of the Warrants are to be redeemed, those maturities or portions thereof to be called for redemption shall be selected by the City in its discretion, and if less than all the Warrants of a single maturity are to be redeemed, those to be called for redemption shall be selected by lot), at and for a redemption price equal to 100% of the principal amount of each Series 2022 Warrant or portion thereof redeemed, plus accrued interest to the date fixed for redemption.

Section 5.2 Procedure for Redemption; Ordinance Authorizing Redemption. Not more than sixty (60) or less than thirty (30) days prior to the Redemption Date, the City (or the Bank on behalf of the City) shall give, or cause to be given, written notice of such redemption and prepayment by United States mail, registered or certified, to the Holders of each of the Warrants to be redeemed, in whole or in part, at the address of such registered Holder as such address appears on the registry books of the Registrar, stating that the Warrants (or principal portions thereof) have been called for redemption and will become due and payable at the Redemption Price, on a specified Redemption Date and that all interest thereon will cease to accrue after the Redemption Date. The holders of any of the Warrants to be redeemed may waive the requirements for notice with respect to the Warrants held by them without affecting the validity of the call for redemption of any other Warrants. The City shall cause to be paid and made available at the office of the Bank, on or prior to the Redemption Date, the total Redemption Price of the Warrants (or portions thereof) so called for redemption on such date. Out of the moneys so deposited with it, the Bank shall make provision for payment of the Warrants (or principal portions thereof) so called for redemption at the Redemption Price and on the Redemption Date.

In addition to the foregoing notice, further notice shall be given by the City to all registered securities depositories and to one or more national information services that disseminate notices of redemption of obligations such as the Warrants. No defect in the further notice required in this paragraph, and no failure to give all or any portion of such further notice shall in any manner defeat the effectiveness of a call for redemption if notice thereof is given as described in the first paragraph of this Section 5.2.

Any optional redemption or prepayment of the Warrants or any portion thereof shall be effected upon a call by the City, as evidenced by a resolution of the Council, for redemption and prepayment of the Warrants to be so redeemed. Any such resolution pertaining to the Warrants shall state (i) that the City is not in default in the payment of the principal of or interest on any of the Warrants to be redeemed or (ii) that all of the Warrants then outstanding are to be retired on the Redemption Date.

Section 5.3 Result of Redemption of Warrants. Upon compliance with the requirements set forth in this Article V, and if the City is not on the Redemption Date in default in the payment of the principal of or interest on the Warrants, the Warrants (or principal portions thereof) called for redemption shall become due and payable at the Redemption Price and on the Redemption Date specified in the notice provided for in Section 5.2, and the Holders thereof shall then and there surrender them for redemption; provided, however, that in the event that less than all of the outstanding principal of any Warrant is to be redeemed, the registered Holder thereof shall surrender the Warrant that is to be prepaid in part to the Bank in exchange, without expense to the Holder, for a new Warrant of like tenor except in a principal amount equal to the unredeemed portion thereof. All future interest on the Warrants (or principal portions thereof) so called for redemption shall cease to accrue after the Redemption Date.

ARTICLE VI

REGISTRATION AND TRANSFER OF THE WARRANTS

Section 6.1 Registration and Transfer of the Warrants. The Warrants shall be registered as to both principal and interest. Each Warrant shall have endorsed thereon a registration certificate substantially in the form provided in Section 2.5 hereof, and a condition to the validity of each Warrant shall be the manual execution of such certificate on behalf of the Bank. The Bank is hereby appointed as the Registrar and Transfer Agent for the Warrants and shall be authorized to keep at its designated corporate trust agency office, proper registry books in which it shall register the Warrants, as to both principal and interest, noting the registry on the Warrants so presented. Such registration shall conclusively designate the Warrant Holder as the sole person to whom or on whose order the payment of the principal of and interest on the Warrants so registered may be made. After such registration no transfer of a Warrant so registered shall be valid unless it is presented at the said office with written power to transfer, properly stamped if required, in form and with guaranty of signature satisfactory to the Registrar, and such new registration noted thereon by the Registrar. The Registrar shall not be required to transfer or exchange such Warrant during the period of fifteen (15) days next preceding any interest payment date. If any Warrant shall be duly called for redemption pursuant to the provisions hereof, the Registrar shall not be required to transfer such Warrant during the period of sixty (60) days next preceding the date fixed for its redemption.

Section 6.2 Exchange of Warrants. Upon request of the Holder of any Warrant, the City shall execute, and the Bank shall register and deliver, upon surrender to the Bank of the Warrant or Warrants, in exchange therefor, a Warrant or Warrants of the same tenor in different authorized

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principal amounts (of \$5,000 or integral multiples thereof), together aggregating the same principal amount as the then unpaid principal of the Warrant or Warrants so surrendered, all as may be requested by the persons surrendering such Warrant or Warrants.

Section 6.3 Costs of Registration, Transfer and Exchange. The registration, transfer and exchange of Warrants (other than pursuant to Section 6.5 hereof) shall be without expense to the Holder or transferee. In every case involving a transfer, registration or exchange, such Holder shall pay all taxes and other governmental charges, if any, required to be paid in connection with such transfer, registration or exchange.

Section 6.4 Effect of Registration. The City, the Registrar, and the Paying Agent may deem and treat the person in whose name a Warrant is registered on the books of the Registrar as the absolute owner thereof for all purposes; they shall not be affected by notice to the contrary; and all payments by any of them to the person in whose name a Warrant is registered shall, to the extent of such payment, fully discharge all liability thereof.

Section 6.5 Replacement of Mutilated, Lost, Stolen or Destroyed Warrants. In the event that any Warrant is mutilated, lost, stolen or destroyed, the City may execute and deliver a new Warrant of like tenor as that mutilated, lost, stolen or destroyed; provided, that (a) in the case of any such mutilated Warrant, such Warrant is first surrendered to the City and the Bank, and (b) in the case of any such lost, stolen or destroyed Warrant, there is first furnished to the City and the Bank evidence of such loss, theft or destruction satisfactory to each of them, together with indemnity satisfactory to each of them. The City may charge the Holder with the expense of issuing any such new Warrant.

Section 6.6 Provisions with Respect to Bank. (a) Appointment of Bank and Acceptance of Duties. The Bank is herein designated and appointed and shall act as registrar, transfer agent and payment agent with respect to the Warrants. By its acceptance of such duties hereunder, the Bank shall accept and agree to perform the duties required by this Ordinance, subject, however, to the following conditions:

- (i) The Bank shall undertake to perform such duties and only such duties as are specifically set forth in this Ordinance, and no implied covenants or obligations shall be read into this Ordinance against the Bank.
- (ii) In the absence of bad faith or negligence on its part, the Bank may conclusively rely, as to the truth of the statements and the correctness of the opinions expressed therein, upon certificates or opinions furnished to the Bank and conforming to the requirements of this Ordinance; provided, however, that in the case of any such certificates or opinions which by any provision hereof are specifically required to be furnished to the Bank, the Bank shall be under a duty to examine the same to determine whether or not they conform to the requirements of this Ordinance.
- (iii) The Bank shall not be answerable for other than its gross negligence or willful default and the Bank may act through its agents and attorneys with respect to any

of its duties hereunder.

- (iv) No provision of this Ordinance shall be construed to relieve the Bank from liability for its own gross negligence or willful misconduct, except that no provision of this Ordinance shall require the Bank to expend or risk its own funds or otherwise incur any financial liability in the performance of any of its duties hereunder, or in the exercise of any of its rights or powers, if it shall have reasonable grounds for believing that repayment of such funds or adequate indemnity against such risk or liability is not reasonably assured to it.
 - (v) The Bank may consult counsel on any matters connected herewith and shall not be answerable for any action taken or failure to take any action in good faith on the advice of counsel, provided that its action or inaction is not contrary to any express provision hereof.
 - (vi) The Bank need not recognize a Holder of a Warrant as such without the satisfactory establishment of his title to such Warrant.
 - (vii) Any action taken by the Bank at the request of and with the consent of the Holder of a Warrant will bind all subsequent Holders of the same Warrant and any Warrant issued hereunder in lieu thereof.
 - (viii) The Bank may be a Holder or a pledgee of any of the Warrants as if not Bank hereunder.
 - (ix) The Bank shall not be liable for the proper application of any moneys other than those that may be paid to or deposited with it.
 - (x) The Bank shall not be liable to pay or allow interest on any moneys to be held by it under this Ordinance or otherwise to invest any such moneys, except as specifically required by this Ordinance or as may be required by law or other written agreement between the City and the Bank.
 - (xi) The Bank may make any investments permitted or required hereby through its own investment department, and any Eligible Investments issued or held by it hereunder shall be deemed investments and not deposits.
 - (xii) The Bank shall, upon reasonable written request, inform the City of the amount at the time on deposit in any of the special funds or accounts created hereunder.
 - (xiii) The recitals of fact herein and in the Warrants are statements by the City and not by the Bank, and the Bank is in no way responsible for the validity or security of the Warrants or the validity of the security afforded hereby.
- (b) **Resignation by Bank.** The Bank and any successor Bank may resign and be discharged from the duties under this Ordinance by causing written notice specifying the effective

date, postage prepaid, to the City and to every Holder of a Warrant. Unless the effective date of the Bank's resignation shall coincide with the appointment of a successor Bank by the Holders of the Warrants as herein provided, such date shall be at least sixty (60) days after the date on which notice to the City and the Holders of the Warrants shall have been mailed.

(c) Removal of Bank. The Bank may be removed upon thirty (30) days written notice delivered to the Bank and to the City and signed by the Holders of a majority in aggregate principal amount of the Warrants then outstanding.

(d) Appointment of Successor Bank; Interim Bank. In case the Bank shall resign, be removed, be dissolved, be in course of dissolution or liquidation, or otherwise become incapable of acting hereunder, or in case it shall be taken under the control of any public officer or officers or of a receiver appointed by a court, a successor may be appointed by Holders of a majority in aggregate principal amount of Warrants then outstanding through an instrument or concurrent instruments in writing signed by such Holders. In case of any such resignation or event which causes the Bank to be incapable of acting, the City, by an instrument signed by the Mayor, shall appoint an interim Bank to serve until a successor Bank shall be appointed by the Holders of a majority in aggregate principal amount of the Warrants, as provided above. Whenever necessary to avoid or fill a vacancy in the office of Bank, the City will appoint an interim Bank in order that there shall at all times be a Bank hereunder. Any interim Bank so appointed by the City shall immediately and without further act be superseded by the Bank appointed by the holders of the Warrants.

The City shall cause notice of the appointment of an interim Bank, in the event that such an appointment is made, to be forwarded by United States registered or certified mail, postage prepaid, to every Holder of a Warrant. When the appointment of a successor Bank, as selected by the Holders of a majority in principal amount of the Warrants then outstanding, becomes effective, the City shall also cause notice of that fact to be given in the manner provided above for the notice required to be given upon the appointment of an interim Bank. Every interim or successor Bank appointed pursuant to this Section shall be a trust company or bank which is qualified to perform all duties of the Bank under this Ordinance and which has, at the time of its acceptance of such appointment, capital, surplus and undivided profits of not less than \$25,000,000, if there be such an institution willing, qualified and able to accept appointment as Bank upon reasonable or customary terms.

(e) Concerning any Successor Bank. Every successor Bank shall execute, acknowledge and deliver to its predecessor and also to the City an instrument in writing accepting its appointment as Bank hereunder, and thereupon such successor Bank, without any further act, deed or conveyance, shall become fully vested with all the rights, powers and duties of its predecessor. Such predecessor shall nevertheless, on the written request of the City or such successor Bank, execute and deliver an instrument transferring to such successor Bank all rights, powers and interests of such predecessor hereunder; and every predecessor Bank shall deliver all securities and moneys held by it as Bank hereunder to its successor.

(f) Merger or Consolidation of Bank. Any corporation into which the bank may be

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merged or with which it may be consolidated, or any corporation resulting from any merger or consolidation to which the Bank shall be a party, or any corporation succeeding to all or substantially all of the corporate trust business of the Bank, shall be the successor of the Bank hereunder, without the execution or filing of any paper or any further act on the part of any of the parties hereto. In case the registration certificates with respect to any Warrants shall have been executed by the Bank then in office, any successor by merger or consolidation to such Bank may adopt the registration of such Warrants and deliver such Warrants with the same effect as if such successor Bank had itself registered such Warrants.

(g) Compensation of Bank. Subject to the provisions of any separate agreement with the Bank, the City shall pay to the Bank from time to time reasonable compensation for all services rendered by it under this Ordinance, including its services as registrar and paying agent for the Warrants, and also all its reasonable expenses, charges, counsel fees, costs and expenses and other disbursements and those of its attorneys, agents and employees, incurred in and about the performance of its duties hereunder.

ARTICLE VII

EXECUTION AND DELIVERY OF THE WARRANTS; USE OF PROCEEDS THEREFROM

Section 7.1 Authority to Execute and Deliver the Warrants. The Mayor of the City, the City Clerk and Treasurer are hereby authorized and directed to cause the Warrants to be executed, sealed, attested and registered as a claim against the City and the Warrant Fund as provided herein and delivered to the purchaser thereof upon payment to the City of the sale price therefor.

Section 7.2 Application of Proceeds of Sale; Additional Sums. The gross proceeds derived from the sale of the Warrants shall be paid to the Bank and shall be used solely for the following purposes:

- (a) The amount of \$[40,000,000.00] shall be paid directly to Regions Bank, as Trustee to be applied to the payment of the principal of and interest on the Cooperative District Bond;
- (b) The amount of \$[3,391,894.06], constituting Capitalized Interest, shall be deposited with The Bank of New York Mellon Trust Company, N.A., as depository, in the Warrant Fund and shall be applied to the payment of interest coming due on the Warrants on or before December 1, 2023, as provided in Section 8.2.
- (c) The remainder of the proceeds of the sale of the Warrants shall be paid by the Bank to Synovus Bank, as depository,

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and deposited in the Capital Improvements Account and shall be applied for the purposes described in Section 8.1.

ARTICLE VIII

CREATION OF CAPITAL IMPROVEMENT ACCOUNT, CAPITALIZED INTEREST ACCOUNT, AND WARRANT FUND; COVENANTS WITH RESPECT TO WARRANT PROCEEDS

Section 8.1 Capital Improvements Account. There shall be created a special account the full name of which shall be the "City of Madison Improvements Account, 2022." The Capital Improvements Account shall be maintained as a separate account until the moneys in said account shall have been fully expended as hereinafter provided. Except as hereinafter provided, the City will apply the moneys in the Capital Improvements Account solely for payment of costs of issuance of the Warrants and costs of the construction and installation of the Economic Development Project described in Section 1.3(a) hereof. Synovus Bank, Birmingham, Alabama shall be the depository for the Capital Improvements Account.

The Mayor or any other person designated in writing by the Mayor are hereby authorized and directed to make withdrawals from the Capital Improvements Account for the purpose of paying the costs of the issuance of the Warrants and the costs of the Economic Development Project described in Section 1.3(d) hereof. The City shall have the right to supplement or revise the improvements comprising the Economic Development Project to be paid from proceeds of the Warrants by resolution or ordinance; provided, that no revisions or addition to the Economic Development Project as herein approved shall adversely affect either the status of the Economic Development Project as a permitted project under the Economic Development Amendment or the excludability of interest on the Warrant for federal income tax purposes.

Section 8.2 Capitalized Interest. There shall be deposited in the Warrant Fund the amount set forth in Section 7.2(b). The Bank shall apply the following amounts to the payment of interest on the Warrants coming due on the following Interest Payment Dates:

Interest Payment Date	Amount of Capitalized Interest
June 1, 2023	\$[1,558,437.81]
December 1, 2023	\$[1,833,456.25]

Section 8.3 Warrant Fund. There is hereby created a special account, the full name of which shall be the "City of Madison Warrant Fund, 2022." The Warrant Fund shall be maintained as a separate fund until payment in full of the principal of and interest on the Warrants. The Bank is hereby designated as the custodian of the Warrant Fund.

Not later than the 25th day of each May and November, commencing May, 2023, the City shall deposit into the Warrant Fund an amount equal to principal, if any, and interest that will come due with respect to the Warrants on the next succeeding Interest Payment Date; provided, that the amounts required to be deposited with respect to the payment of interest to come due on or prior to December 1, 2023 shall be adjusted to take into account the amounts of Capitalized Interest as provided in Section 8.2; and provided further, that any subsequent payments shall be adjusted to the extent appropriate to take into account any interest and investment earnings within the Warrant Fund, but the amount on deposit on the 25th day of the month preceding each Interest Payment Date shall in any event be equal to the amount of principal and interest to come due on such Interest Payment Date. Monies deposited in the Warrant Fund shall be used by the Bank for the payment of principal, interest and redemption premium (if any) on, the Warrants, and for no other purpose until the payment in full of the Warrants.

Section 8.4 Investment of Moneys in Accounts. Pending the expenditure of moneys in the Warrant Fund for any other purpose, the City shall have the privilege at any time and from time to time of investing and reinvesting, or causing to be invested and reinvested, all or part of the moneys at any time on deposit in such account, in Government Obligations or in money market funds consisting of Government Obligations. Pending the expenditure of moneys in the Capital Improvements Account (including the Capitalized Interest Account) for any other purpose, the City shall have the privilege at any time and from time to time of investing and reinvesting, or causing to be invested and reinvested, all or part of the moneys at any time on deposit in such account in Government Obligations, money market funds consisting of Government Obligations, or certificates of deposit issued by banks or trust companies having at the time of the deposit combined capital, surplus and undivided profits of not less than \$5,000,000.

The Bank is hereby directed to invest and reinvest such amounts promptly upon receipt of, and in accordance with, the written instructions of the City. The Bank may conclusively rely upon the City's written instructions as to both the suitability and legality of the directed investments. In the absence of written investment instructions from the City, the Bank shall not be responsible or liable for keeping the moneys held by it hereunder fully invested. The Bank shall not be liable for any losses from such directed investments.

Section 8.5 Security for Funds. Any money on deposit in any fund or account or held by the Bank pursuant to this Ordinance shall, unless invested as provided herein or secured by the Federal Deposit Insurance Corporation (or any successor agency of the United States of America) or under the State of Alabama Security for Alabama Funds Enhancement Program, be secured for the benefit of the City and the Holders by holding on deposit as collateral security direct obligations of the United States of America or securities designated by the Office of the Comptroller of the Currency in 12 CFR 9.10(b) as acceptable collateral for funds held by a national bank in a fiduciary account awaiting investment or distribution, having a market value (exclusive of accrued interest) not less than the amount of money being secured.

Section 8.6 Covenants with Respect to Exemption of Interest from Federal Income Taxation; Non-Arbitrage Covenant. The City acknowledges and agrees that the Warrants are to be issued in compliance with the conditions necessary for the interest income thereon to be

Ordinance No. 2022-334

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exempt from federal income taxation pursuant to the relevant provisions of the Code. The City hereby covenants and agrees as follows:

- (a) It will not use or apply the proceeds of the Warrants or direct the investment of moneys in any funds or accounts established or maintained with respect to the Warrants in such manner as to constitute any Warrant an "arbitrage bond" within the meaning of Section 148 of the Code;
- (b) It will make timely rebate payments to the United States of America with respect to any "excess" arbitrage profits as required by Section 148(f) of the Code;
- (c) It will maintain all records required by Section 148(f) of the Code and the applicable regulations thereunder and shall furnish such data or information regarding compliance with Section 148(f) of the Code as any Holder shall reasonably request in writing, which records shall be furnished to any Holder upon its request;
- (d) It will, within 60 days after a written request of the Bank therefor, furnish to the Bank and to any Holder a certificate by an independent certified public accountant or opinion of nationally recognized bond counsel stating that as of such date it had made all rebate payments to the United States of America necessary to prevent the Warrants from becoming "arbitrage bonds" under Section 148(f) of the Code;
- (e) It will comply with the terms of the City's Tax Certificate and Agreement with regard to use of proceeds of the Warrants in any private business use; payment of the Warrants shall not be secured by, or derived from, property used in a private business use; proceeds of the Warrants shall not be used to make or finance loans to persons other than governmental units; and proceeds of the Warrants shall not be used in any manner that would cause the Warrants to be or become private activity bonds, as defined in Section 141 of the Code;
- (f) It will not cause or permit the Warrants to be federally guaranteed, within the meaning of Section 149(b) of the Code; and
- (g) It will not in any other way cause or permit the proceeds of the Warrants to be used in a manner which would cause the interest on the Warrants to lose the exemption from federal income taxation as provided under the Code and the applicable regulations thereunder and will comply with all applicable provisions of the Code (including, without limitation, the provisions relating to

post-issuance actions affecting tax exemption) to the extent necessary for interest on the Warrants to be excludable from gross income of the holders thereof.

- (h) It has in place procedures providing for compliance with each of the matters described above and for keeping records with respect to such compliance.

ARTICLE IX

APPROVAL OF OFFICIAL STATEMENT; AUTHORIZATION OF CONTINUING DISCLOSURE AGREEMENT; APPROVAL OF SALE; MISCELLANEOUS PROVISIONS

Section 9.1 Approval of Official Statement. The Council hereby approves and ratifies the actions heretofore taken by the Underwriter in connection with the preparation and distribution of a Preliminary Official Statement respecting the Warrants, which form has heretofore been deemed final within the meaning of Securities and Exchange Commission Rule 15c2-12. The Council hereby approves and adopts the final Official Statement dated December ____, 2022 respecting the Warrants, the said final Official Statement to be in substantially the form presented to the meeting of the Council at which this Ordinance is adopted. The Council further authorizes the use and distribution of the said Official Statement by the Underwriter in connection with the reoffering of the Warrants. In evidence of the approval by the Council of the said Official Statement, the Mayor of the City is hereby authorized and directed to sign manually and deliver the said Official Statement, on behalf of the Council, with such changes and additions as the Mayor of the City shall deem necessary or desirable to consummate the sale and issuance of the Warrants, the determination of the definitive form of the said Official Statement by the Mayor of the City to be conclusively established by execution (which may be by facsimile signature) of such document.

Section 9.2 Authorization of Continuing Disclosure Agreement. Upon delivery of the Warrants to the purchaser thereof, the Mayor of the City is hereby authorized and directed to execute and deliver for and on behalf of the City the Continuing Disclosure Agreement in substantially the form presented at the meeting of the Council at which this Ordinance is adopted. The City hereby covenants and agrees that it will comply with and carry out all of the provisions of the Continuing Disclosure Agreement. Notwithstanding any other provision of this Ordinance, failure of the City to comply with the Continuing Disclosure Agreement shall not be considered a default hereunder or with respect to the Warrants; provided, however, any Holder or Beneficial Owner may take such actions as may be necessary and appropriate, including seeking mandate or specific performance by court order, to cause the City to comply with its obligations under this Section 9.2. For purposes of this Section, "Beneficial Owner" means any person which (a) has the power, directly or indirectly, to vote or consent with respect to, or to dispose of ownership of, any Warrants (including persons holding Warrants through nominees, depositories or other intermediaries), or (b) is treated as the owner of any Warrants for federal income tax purposes.

Section 9.3 Sale of Warrants; Approval of Warrant Purchase Agreement. The Council does hereby ratify and approve (i) the sale of the Warrants to The Frazer Lanier Company, Incorporated (the “Underwriter”) at the purchase price of \$[83,724,500.70] (which takes into account net original issue [premium] of \$[4,776,225.70] and an Underwriters’ discount of \$[396,725.00], and (ii) the execution by the Mayor of the City of the Warrant Purchase Agreement, dated December ___, 2022, between the City and the Underwriter in accordance with Resolution _____ previously adopted by the Council.

Section 9.4 County Funding Agreement. The Mayor and other officers of the City are hereby authorized to execute such documents and take such other actions as shall be necessary and appropriate to secure to the City the payments required to be made under the County Funding Agreement, including without limitation execution of assignment documents or execution of a substitute funding agreement between the City and Madison County.

Section 9.5 Further Acts. From and after the execution and delivery of the documents hereinabove authorized, the proper officers, directors, agents and employees of the City are hereby authorized, empowered and directed to do all such acts and things and to execute all such documents as may be necessary to carry out and comply with the provisions of said documents as executed and are further authorized to take any and all further actions and execute and deliver any and all other documents as may be necessary in the issuance of the Warrants and in the execution and delivery of the Official Statement or as contemplated by this Ordinance.

The Mayor of the City and City Clerk are authorized and directed to prepare and furnish to the purchasers of the Warrants, when the Warrants are issued, certified copies of all the proceedings and records of the Council relating to the Warrants, and such other affidavits and certificates as may be required to show the facts relating to the legality and marketability of the Warrants as such facts appear from the books and records in such officers' custody and control or as otherwise known to them.

Section 9.6 Contractual Provisions. The provisions of this Ordinance shall constitute a contract between the City and the Holders at any time of the Warrants. Upon payment in full of the principal of and interest on the Warrants the obligations of the City hereunder shall cease with respect thereto.

Section 9.7 Warrants Payable at Par. Each bank at which the Warrants may at any time be payable, by acceptance of its duties as Paying Agent therefor, shall be construed to have agreed thereby with the Holders of the Warrants that all remittances made by it on the Warrants shall be made in bankable funds at par and without deduction for exchange, fees or expenses.

Section 9.8 Severability. The various provisions of this Ordinance are hereby declared to be severable. In the event any provisions hereof shall be held invalid by a court of competent jurisdiction, such invalidity shall not affect any other portion of this Ordinance.

Section 9.9 Repeal of Conflicting Provisions. All resolutions, orders or parts thereof in conflict with this Ordinance are to the extent of such conflict are hereby repealed.

READ, PASSED AND ADOPTED this 19th day of December, 2022.

Ranae Bartlett, City Council President
City of Madison, Alabama

ATTEST:

Lisa D. Thomas, City Clerk-Treasurer
City of Madison, Alabama

APPROVED this ____ day of December, 2022.

Paul Finley, Mayor
City of Madison, Alabama

RESOLUTION NO. 2022-332-R**A RESOLUTION AUTHORIZING PURCHASE OF SHADE EQUIPMENT FOR KIDS KINGDOM AT DUBLIN PARK**

WHEREAS, the Alabama Department of Examiners of Public Accounts has authorized purchasing through OMNIA Partners, which is a national, intergovernmental purchasing cooperative; and

WHEREAS, the Recreation Department has requested the purchase of playground equipment, to wit: umbrellas to provide shade, to which OMNIA was awarded a competitively bid contract (Contract Number 2017001134);

BE IT HEREBY RESOLVED by the City Council of the City of Madison, Alabama, that the Mayor is authorized and directed to accept on behalf of the City pricing quotes for said shade umbrellas substantially similar in purpose, intent, and composition to that certain document attached (**Attachment A: Kids Kingdom – Additional Shade Op 2**), and that the City Clerk-Treasurer is hereby authorized to appropriately attest the same; and

BE IT FURTHER RESOLVED that, except for the extension or cancellation of the relationship established by such acceptance and execution, the Mayor or his designee shall be hereby authorized for the entire term of the agreement to execute any and all documentation necessary to enforce and comply with the terms thereof, subject to the budgetary restrictions set forth by the Council in its duly-adopted budget for the then-current fiscal year; and

BE IT FURTHER RESOLVED that, upon request and notification from the appropriate department that the services precedent to payment have been satisfied, the Finance Director is hereby authorized to forward payment in the amount(s) and manner authorized by the quotation accepted by passage of this resolution.

READ, PASSED, AND ADOPTED at a regularly scheduled meeting of the City Council of the City of Madison, Alabama, on this 12th day of December 2022.

Ranae Bartlett, Council President
City of Madison, Alabama

ATTEST:

Lisa D. Thomas, City Clerk-Treasurer
City of Madison, Alabama

APPROVED this ____ day of December 2022.

Paul Finley, Mayor
City of Madison, Alabama



c/o Struthers Recreation, LLC.
P.O. Box 1178
Pelham, AL 35124
Phone: 800-221-8869
Fax: 205-663-5012

11/16/2022
Quote #
103123-01-03

Kids Kingdom- Additional Shades Op 2

City of Madison Parks and Recreation in Alabama
Attn: Kory Alfred
8324 Madison Pike
Madison, AL 35758
Phone: 256-772-2553
Fax: 256-772-9377
kory.alfred@madisonal.gov

Ship to Zip 35758

Quantity	Part #	Description	Unit Price	Amount
3	QRM508	GT-Shade - HYU202010SG HYPERBOLIC UMB 20X20X10	\$8,261.00	\$24,783.00
3	QRM506	GT-Shade - HYU161610SG HYPERBOLIC UMB 16X16X10	\$6,540.00	\$19,620.00
1	INSTALL	Struthers Recreation - Installation of Shade	\$24,900.00	\$24,900.00
			Sub Total	\$69,303.00
			Freight	\$1,598.51
			Total	\$70,901.51

OMNIA Partners Contract #2017001134

Purchase Orders must be made out to GameTime when purchasing through the contract.

Pricing: Quotes are valid for 30 days from date of quotation. Pricing may change after 30 days. If ship to zip code changes, freight may change. **UNLESS SPECIFICALLY INCLUDED, THIS QUOTATION EXCLUDES ALL EQUIPMENT ASSEMBLY AND INSTALLATION; SAFETY SURFACING; BORDERS AND DRAINAGE PROVISIONS, ALL SITE WORK AND LANDSCAPING; REMOVAL OF EXISTING EQUIPMENT; ACCEPTANCE OF EQUIPMENT AND OFF-LOADING AND STORAGE OF GOODS PRIOR TO INSTALLATION. SIGNED ACCEPTANCE OF THIS QUOTE ASSUMES ACCEPTANCE OF TERMS AND CONDITIONS ON ATTACHED PAGE. TERMS: NET 30 DAYS**

Kids Kingdom- Additional Shades Op 2

11/16/2022
Quote #103123-01-03

Acceptance of quotation:

SIGNED ACCEPTANCE OF THIS QUOTE ASSUMES ACCEPTANCE OF ALL TERMS AND CONDITIONS IN THIS QUOTE.

Accepted By (printed): Paul Finley Signature: _____

P.O. No: _____ Purchase Amount: **\$70,901.51**

Date: _____ Title: Mayor

Phone: 256-772-5603 Facsimile: _____

Order Information:

Bill To: _____ Contact: _____

Address: _____ Tel: _____

City, State, Zip: _____

Email for Invoicing: _____

Ship To: _____ Contact: _____

Address: _____ Tel: _____

City, State, Zip: _____

FIN# (FEDERAL IDENTIFICATION NUMBER) 63-6005367

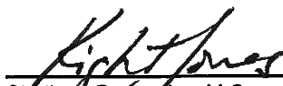
SALES TAX EXEMPTION CERTIFICATE #: _____

COPY OF TAX EXEMPTION CERTIFICATE MUST BE PROVIDED FOR ALL TAX EXEMPT ORDERS

Kids Kingdom- Additional Shades Op 2

11/16/2022
Quote #103123-01-03

TERMS AND CONDITIONS OF SALE Required for Complete Order: **Purchase Order or Signed quote**, 50% down and 50% net 30 after delivery or installation with credit approval or 100% payment with order, complete billing & shipping address w/ contact names and phone numbers, and color selections. Contractors provide fully executed bid/performance/payments bonds as applicable. Pricing: f.o.b. factory, firm for 30 days from date of quotation. Acceptance of this Transaction: constitutes entire agreement between buyer and seller. Failure to pay when agreed is basis for legal action to be taken. Buyer agrees to pay all legal costs for collection and reasonable attorney fees, and hereby waives rights of exemption as to personal property under the laws of the state of Alabama or any other state. In connection with this transaction, a finance charge will be imposed on the past due balance at an annual percentage rate of 18%, or 1-1/2% per month. Delivery Schedule: Upon written notification of order (with or without installation services) delivery will be made in appx. 45-60 days. Customer has 10 days after ordering to make request to delay ship date if site will not be ready. All efforts will be made to accommodate requests, but no change is guaranteed. Freight carrier is instructed to call 24 hours in advance to arrange delivery. Returned Goods: Returned goods are subject for a restocking fee of 30% in addition to both the outbound and inbound freight charges. Goods must be packaged to protect against damage in transit in accordance with best commercial practices. Labor and material costs to make returned goods merchantable will be deducted from any credit. Returned goods will not be accepted without an authorization number (RGA) assigned by Struthers Recreation, LLC. To be eligible for credit, returned good must be received at manufacturer within 45 days of issuance of a returned goods authorization number. Unloading: Unless unloading service is contracted, unloading of delivery truck is responsibility of customer. Forklift may be required. If unloading, customer is responsible for accepting and noting any damages or shortages on the freight bill and inspecting/inventorying equipment upon receipt. Customer must notify our office immediately of any discrepancies. Freight carrier is instructed to call your designated contact 24 hours in advance to arrange delivery. **If job site is not prepared and ready for installation when equipment delivers, any pre-existing unloading agreement is voided and customer is responsible for truck unloading and equipment storage.** Additionally Insured: Any entity or person named as additionally insured, add \$150.00 per each occurrence. **TERMS AND CONDITIONS IF CONTRACTING INSTALLATION SERVICES** Utilities: Customer is responsible for the location and marking of all underground utilities and sprinklers prior to installation. Struthers Recreation, LLC. is not responsible for damages or repairs to any form of underground utility or sprinklers. Equipment Layout: To be as illustrated & accepted on submitted drawings. Any requested changes may result in additional charges. **Site Conditions: Installation quotations are based on a prepared level surface (slope not to exceed 2%), and open truck access to the area. We require a 10' wide path into the site and unloaded equipment to be within 100'. Please notify estimator of site concerns to ensure proper quotation. If installation crew arrives and installation cannot be performed due to unprepared surface or inadequate access, an additional \$1,500.00 will be charged for return trip.** Pier spoils from installation shall be spread at site. Site will be left rough grade. Upcharge of \$65.00 per hour per man plus necessary equipment rental will be added for installation in rock, concrete or existing asphalt. Removal of existing equipment, trees, etc. is by others unless specifically contracted. Machinery Use: Installation requires the use of heavy machinery. All efforts are made to minimize damage to the site. It is recommended that all final landscaping, fencing, sidewalks, etc. be completed after installation of equipment and/or surfacing. Struthers Recreation, LLC. is not responsible for damage to grass or other site features due to normal, necessary equipment use. Please notify estimator to discuss concerns prior to accepting quotation in case revisions are needed. Waste Disposal: Dumpster or approved dumping area must be provided for packaging and other waste during installation. Struthers Recreation, LLC. is not responsible for removing waste from the property unless specifically contracted. Security: Struthers Recreation, LLC. is pleased to supply & install your equipment in a timely, professional manner. Upon completion, the equipment is secured with tape to discourage play and allow concrete to dry for 72 hours. Premature play will cause equipment to become loose in the concrete footings. Customer is responsible for prohibiting access to equipment during this critical drying time. Struthers Recreation, LLC. is not responsible for equipment that becomes loose in the concrete due to premature access or events beyond our control. If purchasing rubber safety surfacing, the 72 hour waiting period also applies. Premature access will leave imprints in rubber surfacing. Customer is responsible for security.


Struthers Recreation, LLC.

12/1/2022
DATE

CUSTOMER

DATE

Kids Kingdom- Additional Shades Op 2

11/16/2022
Quote #103123-01-03

COLOR SELECTIONS

To view the GameTime color chart, click here: <https://www.gametime.com/colors>

Plastic: _____ Uprights: _____

Accent Metal: _____ Decks: _____

Rock: _____ Shade Fabric: _____

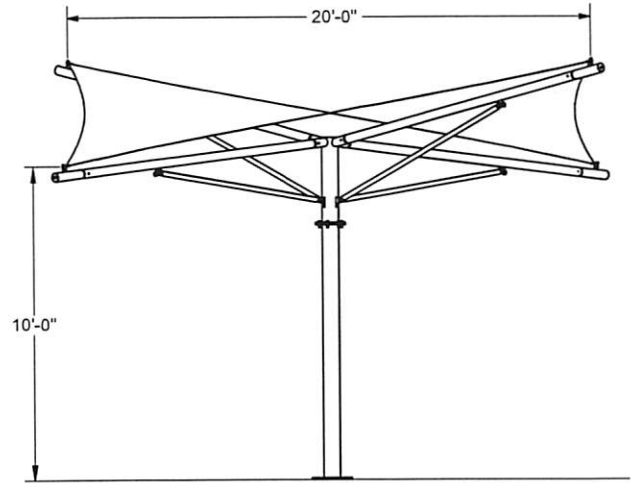
HDPE: _____ Surfacing: _____

HYPERBOLIC UMBRELLA SHADE

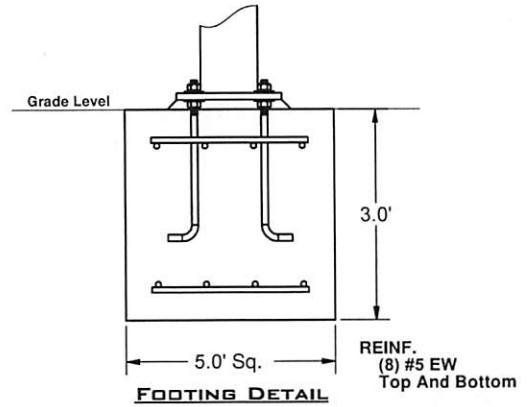
20' x 20' x 10'

MODEL #:
HYU202010SG (With Glide Elbows) ONLY

REF.#	PART DESCRIPTION	QTY.
1	Column - BP Ø6 5/8" With Swaged Top	1
2	Crown - Ø6 5/8" Four Socket Hyperbolic	1
3	Rafter - Ø3 1/2" Swaged	4
4	Strut - Upper Ø2 1/2" x 50.3" Rigid	2
5	Strut - Lower Ø2 1/2" x 46" Rigid	2
6	Glide - Ø3 1/2" Mechanized Insert	4
7	Fabric - 20' x 20' Hyperbolic w/ Cable	1
8	Frame Hardware Kit	1
9	Anchor Hardware	1



ELEVATION VIEW



FOOTING DETAIL

*Footing design based
on 1500 PSF soil
bearing pressure.

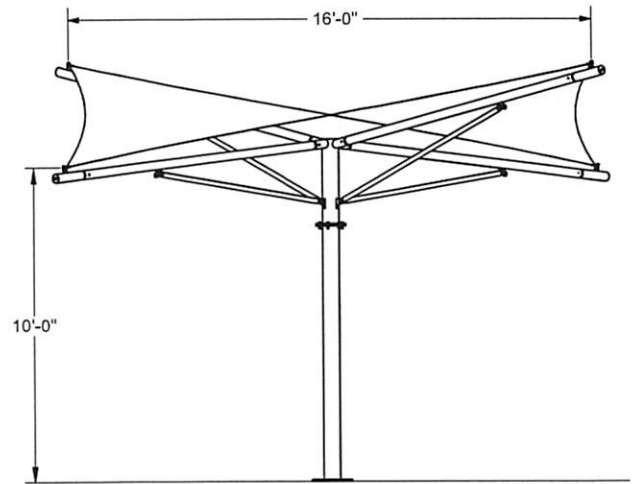
These drawings are for reference only and should not be used as construction details. Materials, fasteners, and foundations are subject to change if professionally sealed engineering drawings are required. Designed for 105 MPH Basic Wind Speed.

HYPERBOLIC UMBRELLA SHADE

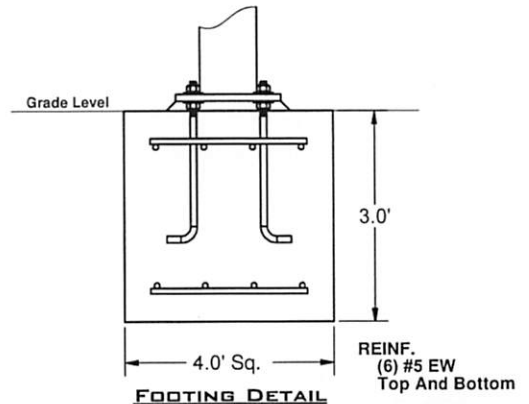
16' x 16' x 10'

MODEL #:
HYU161610SG (With Glide Elbows) ONLY

REF.#	PART DESCRIPTION	QTY.
1	Column - BP Ø5 9/16" With Swaged Top	1
2	Crown - Ø5 9/16" Four Socket Hyperbolic	1
3	Rafter - Ø3 1/2" Swaged	4
4	Strut - Upper Ø1 7/8" x 50.3" Rigid	2
5	Strut - Lower Ø1 7/8" x 46" Rigid	2
6	Glide - Ø3 1/2" Mechanized Insert	4
7	Fabric - 16' x 16' Hyperbolic w/ Cable	1
8	Frame Hardware Kit	1
9	Anchor Hardware	1



ELEVATION VIEW



FOOTING DETAIL

*Footing design based
on 1500 PSF soil
bearing pressure.

These drawings are for reference only and should not be used as construction details. Materials, fasteners, and foundations are subject to change if professionally sealed engineering drawings are required. Designed for 105 MPH Basic Wind Speed.

