

TUSCALOOSA CITY COUNCIL MEETING AGENDA

Tuesday, December 13, 2022

1. CALL TO ORDER: 6:00 p.m.

Council Prayer: Dear God, bless our proceedings today. Give us wisdom to know what is just and the strength to do what is right. Amen.

Pledge of Allegiance: I pledge allegiance to the flag of the United States of America and to the republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

2. APPROVAL OF MINUTES

Council President Pro Tem: As the Council has received a synopsis of the previous meeting, I move that we dispense with the reading of the minutes of the same unless there are any deletions, additions, or corrections.

3. PROCLAMATIONS AND STATEMENTS BY MAYOR AND COUNCIL

Mayor Announcements

Department Announcements

4. AGENDA ITEM COMMENTS BY CITIZENS

Citizens are encouraged to sign in with the City Clerk in order to assure that their comments related to a specific agenda item are received prior to consideration by the City Council. Speakers are limited to five (5) minutes each.

5. UNFINISHED BUSINESS

Council Committee Reports

Clerk's Report of Mayor's Veto

6. CONSENT AGENDA: (items "a and b") All matters listed on the Consent Agenda are considered to be routine by the City Council and will be enacted by one motion and vote. There will be no separate debate, amendment, or substitution of these items. If the same is desired by the Mayor and/or any member of the Council, upon request made on the record, that item will be removed from the Consent Agenda and considered separately under the regular Order of Business.

a. Authorizing utility account credits; total: \$4,403.92. **PP 6-7**

b. Authorizing change order no. 3 for 2019 Sanitary Sewer Rehab and Repair (A19-1179/2019.030.001). **PP 8-9**

7. PUBLIC HEARINGS

Approving the ABC application of Good Dog Queen City, LLC for an alcohol license at Good Dog Tuscaloosa; 1706 16th Street, 35401:

- **22-126 (a)** Retail Beer (on or off premises) **P10**
- **22-126(b)** Retail Table Wine (on or off premises) **P11**

Approving the ABC application of Levy Premium FoodService, L.P. for an alcohol license at the Levy at University of Alabama Sewell Thomas Stadium in Tuscaloosa; 241 Paul W. Bryant Drive, 35401:

- **22-127** special retail alcohol license of more than 30 days. **P12**

Approving the ABC application of Levy Premium FoodService, L.P. for an alcohol license at the Levy at University of Alabama Joan and Rhodes Stadium in Tuscaloosa; 321 Peter Bryce Boulevard, 35401:

- **22-128** special retail alcohol license of more than 30 days. **P13**

Authorizing the Mayor to execute a development agreement with B & L Family Investments, LLC to provide economic development assistance for the construction of The Venue Tuscaloosa at 6052 Watermelon Road; total not to exceed \$56,250.00 (A22-1078). **PP 14-15**

Adopting Zoning Amendment No. 1490 rezoning approximately 16 acres located at 2352 Hargrove Road East –Tuscaloosa County from R-1 to I (A22-1294/Z-22-22) **(introduced 11-8-22). P16**

Adopting Zoning Amendment No. 1491 rezoning approximately 14.7 acres located east of 7150 and 7300 Commerce Drive –Tuscaloosa County Industrial Development Authority from R-1 to ML (A22-1295/Z-27-22) **(introduced 11-8-22). P17**

8. RESOLUTIONS AND ORDINANCES NOT OF A GENERAL NATURE OR PERMANENT OPERATION

Authorizing the Mayor to execute an agreement for professional consulting and related services as a lobbyist with Huntsville Direct Communications, Inc.; total not to exceed \$48,000.00 (A22-1384). **P18**

Authorizing a contract with CEIA-USA and declaring a bid law exemption pursuant to Alabama Code § 41-16-51(a)(15); total: \$36,616.00 (A22-1435). **P19**

Authorizing a contract with Clearview AI, Inc. and declaring a bid law exemption pursuant to Alabama Code § 41-16-51(a)(15); total: \$16,845.00 (A22-1427). **P20**

Tentatively awarding a public works contract to GFC Construction, Inc. / Dominion Construction Company, Inc., Joint Venture for extension of McWright’s Ferry Road over North River to Rice Mine Road Project; total: \$53,127,242.50 (A22-1072/2016.125.001). **PP 21-22**

Authorizing a contract with Atkins North America, Inc. (A22-0677). **P23**

Authorizing a contract with The Cassady Company, Inc. for study and consulting engineering services for evaluation of the City of Tuscaloosa interconnection with Citizens’ Water Service at Mercedes; total not to exceed \$8,500.00 (A22-1353). **P24**

Authorizing disbursement from District 1 Improvement Funds for the District 1 Christmas dinner at the Benjamin Barnes YMCA; total: \$1,575.78 (A22-1409). **P25**

Authorizing Addendum 1 to Work Authorization No. F-09-22 with Atkins North America, Inc. for design, geotechnical, and bid services regarding the FAA FY22 Terminal and ARFF Apron Reconstruction Project (A16-0413). **P26**

Authorizing the Mayor to execute Work Authorization No. G-01-22 with Atkins North America, Inc. for professional engineering services for the Terminal and ARFF Apron Reconstruction Project-Construction Phase Services; total not to exceed \$385,137.98 (A22-0677). **P27**

Authorizing the City of Tuscaloosa to submit a final grant application submission to the Federal Aviation Administration and Alabama Department of Transportation (A22-1440). **PP 28-29**

Authorizing a write off of Water and Sewer and Environmental Services overdue and delinquent accounts for Fiscal Year 2022 (A22-1385). **P30**

Authorizing the Mayor to execute an agreement with Riverwalk, LLC for the donation of 6.65 acres of land for recreational use and future construction of the North Bank River Walk (A22-1310). **PP 31-32**

Authorizing the Mayor to execute an ingress-egress, utility easement over the City of Tuscaloosa Lake Tuscaloosa acquisition line off Bull Slough Road to Gerald Wayne Turner and Sandra Jean Turner life estate and remainder to Melissa Darlene Hassell and Dana Carol Avery as co-trustees of the Turner family trust (A22-1437). **PP 33-35**

Authorizing the Mayor to negotiate an aviation hangar ground lease and improvements to aviation hangars with Twin Hangar, LLC at the Tuscaloosa National Airport (A22-1441). **P36**

Authorizing the Mayor to execute a right-of-way permit to K&A Builders Inc. (A22-1430). **P37**

Authorizing the Mayor to execute a right-of-way permit to Harrison Construction Co., Inc. (A22-1433). **P38**

Authorizing the Mayor to execute a letter in support of a rail-highway grade crossing hazard elimination grant to the Alabama Department of Transportation for warning devices at the Hackberry Lane Railroad Crossing DOT #726012c (A22-1428). **P39**

Approving job class specifications for Water and Sewer, Public Works, and Construction Facilities and Grounds (A22-1334). **P40**

Approving job class specifications for Information Technology (A22-1392). **P41**

Approving the downtown/riverfront overlay district permit for 1402 22nd Avenue (A22-1371/DROD-07-22). **PP 42-43**

If necessary, Council rules of procedure will be suspended at this time.

9. ORDINANCES AND RESOLUTIONS OF A GENERAL NATURE OR PERMANENT OPERATION

FOR INTRODUCTION

Introducing Zoning Amendment No. 1495 rezoning approximately 1.81 acres located 2820 and 2830 5th Avenue from R-2 to R-4; Longleaf Engineering (A22-1436/Z-24-22). **P44**

Amending various sections of Chapter 18 of the Code of Tuscaloosa pertaining to structures and permit fees (A22-0145) **(may be adopted by unanimous consent following introduction). PP 45-54**

Adopting a severe weather preparedness sales tax holiday for certain covered items for 2023 (A22-1387) **(may be adopted by unanimous consent following introduction). P55**

Appointing Judicial Appointment Committee 2023 (A22-1370) **(may be adopted by unanimous consent following introduction). P56**

Amending Section 19-235 of the Code of Tuscaloosa (A22-1389) **(may be adopted by unanimous consent following introduction). PP 57-61**

Amending Section 21-212 and adding Section 21-227 of the Code of Tuscaloosa (A22-0729) **(may be adopted by unanimous consent following introduction). PP 62-63**

Amending exhibits "A" and "B" of Section 19-42/19-60(a) of the Code of Tuscaloosa regarding Water & Sewer, Public Works and Construction, Facilities & Grounds job classifications (A22-1333) **(may be adopted by unanimous consent following introduction). PP 64-65**

Amending exhibits "A" and "B" of Section 19-42/19-60(a) of the Code of Tuscaloosa regarding Information and Technology job classifications (A22-1391) **(may be adopted by unanimous consent following introduction). PP 66-67**

Authorizing the issuance, and making provision for the payment, of \$62,885,000 General Obligation Warrant Series 2022C **(may be finally adopted following introduction and unanimous consent). PP 68-108**

FOR ADOPTION

Setting January 17, 2023, as the date for a public hearing to consider adoption of Zoning Amendment No. 1495 (A22-1436/Z-24-22). **PP 109-110**

10. AUDITING ACCOUNTS

Authorizing the payment of bills; total: \$68,198.05. **P111**

11. CITIZEN'S COMMENTS AND OTHER COMMUNICATIONS

12. EXECUTIVE SESSION

13. POLICY IMPLEMENTATION

Mayor: Subject to the exercise of mayoral veto on ordinances of a general nature or permanent operation, all applicable departments are hereby ordered to otherwise implement council policy this date enacted.

14. ADJOURN

12/9/2022

Brandy P. Johnson
City Clerk



Following each item of business is the page number of the item as it appears in the full agenda presented to council members. Should you have questions about a particular item, you may contact the Office of the City Clerk at (205) 248-5010 or by email to cityclerk@tuscaloosa.com. Please refer to the page number of the item in question so it can be more quickly accessed.

RESOLUTION

RESOLUTION AUTHORIZING UTILITY ACCOUNT CREDITS

WHEREAS, the individuals and/or businesses listed elsewhere in this resolution requested utility account credits; and,

WHEREAS, the amount of the credits has been determined pursuant to Section 16-123 of the *Code of Tuscaloosa, Alabama*; and,

WHEREAS, the Water and Sewer Superintendent has approved the requested credits.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF TUSCALOOSA, ALABAMA, as follows:

That the Water and Sewer Superintendent be, and he is hereby, authorized to make the maximum adjustment of 75% of the excess consumption to credit the following utility accounts in the amounts shown as defined and restricted in Ordinance 2754, and in Section 16-123 of the *Code of Tuscaloosa, Alabama*.

NAME	ADDRESS	CITY STATEZIP	ACCOUNT#	AMT
Terence Thomas	217 35th Ave NE	Tuscaloosa, AL 35404	056330- 176981	\$97.57
Keith Carpenter	2409 39th Ave NE	Tuscaloosa, AL 35404	013422- 305678	\$247.23
Felicia Dukes	3117 7th St E	Tuscaloosa, AL 35404	056462- 306840	\$399.33
Dorothy Stevenson	2115 3rd St E	Tuscaloosa, AL 35404	055121- 50956	\$431.45
Jeremy A Pinder	5100 Old Birmingham Hwy, Apt 2224	Tuscaloosa, AL 35404	010442- 285162	\$335.98
Barry Curtis	807 12th Ave, Apt B	Tuscaloosa, AL 35401	064635- 297529	\$496.35
Emma Thomas	1514 32nd Ct	Tuscaloosa, AL 35401	014761- 100189	\$557.90
Robert F Merritt	1702 Dauphine Dr	Tuscaloosa, AL 35406	017424- 170464	\$202.35
Angela Abrams	3208 22nd St	Tuscaloosa, AL 35401	018180- 259275	\$327.51
Tina Johnson	3220 3rd Ave	Tuscaloosa, AL 35405	026433- 22057	\$119.60
Margaret Wilson	824 11th Ave, Apt 1	Tuscaloosa, AL 35401	029282- 185152	\$309.86
Vivian Miller	2703 Harrison Taylor Cir,	Tuscaloosa, AL	065376-	\$213.73

TOTAL: **\$4,403.92**
Prepared: Assistant City Clerk
Requested: UD-Water Business Office
Agenda: 12-13-2022

	Apt C	35401	293145	
Matteo Monti	150 Rice Mine Rd N, Apt B201	Tuscaloosa, AL 35406	016218-261971	\$168.70
Aaron Bonner	500 Snows Mill Ave, Apt 1005	Tuscaloosa, AL 35406	016287-288138	\$110.37
Robert E Anderson	390 Revere Rd	Tuscaloosa, AL 35405	025711-21315	\$385.99

TOTAL: \$4,403.92
 Prepared: Assistant City Clerk
 Requested: UD-Water Business Office
 Agenda: 12-13-2022

APPROVED AS TO FORM

Office of the City Attorney

Prepared By: SEM/hh

Requested by: Projects Date: 12/06/22

Council Presentation: 12/13/22

Suspension of Rules: No

RESOLUTION

RESOLUTION AUTHORIZING CHANGE ORDER NO. 3 FOR
2019 SANITARY SEWER REHAB AND REPAIR
(A19-1179 / 2019.030.001)

WHEREAS, heretofore, as a result of competitive bidding or as otherwise authorized by the Alabama Competitive Bid Law, Ala. Code §41-16-50, et seq. (1975) and/or Ala. Code §39-2-1, et seq. (1975), the City of Tuscaloosa awarded a contract for the above-referenced project to Price Civil Services, Inc.

WHEREAS, it has been determined that a change order to the above-referenced contract is necessary for the following reasons:

- To extend the contract timeframe in order to cover a gap where we would otherwise be without a contract. This extension is needed should the City have any emergency repairs before the new contract is in place, which should begin mid-March 2023.

as set forth in the C.O. and accompanying documents); and,

WHEREAS, the Architect, the Engineer for the project, or the City's representative, as the case may be, have/has certified to the Council as per the attached change order request, that said change order is: (Mark applicable category)

- a. Minor change of a total monetary value less than required for competitive bidding.
- b. Changes for matters relatively minor and incidental to the original contract necessitated by unforeseeable circumstances arising during the course of work.
- c. Emergency arising during the course of work.
- d. Change or alternates provided for in the original bidding where there is no difference in price of the Change Order from the original best bid on the Alternate.
- e. Change of relatively minor terms not contemplated when the plans and specifications were prepared and the project was bid, and which are in the public interest and do not exceed ten (10) percent of the Contract Price.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF TUSCALOOSA as follows:

1. That the Mayor be, and he is hereby, authorized to execute that certain change order no. 3 before the Council for the above stated project adding an additional sixty (60) days (Calendar day extension of time), and for the reasons so stated, by and as an act for and on behalf of the City of

Tuscaloosa, and the City Clerk is authorized to attest the same.

2. That the Architect or Engineer or Owner's representative, as the case may be, shall implement this change order and properly document the same pursuant to all applicable contract documents.

FUNDING REQUIRED: Yes No

By: _____
Chief Financial Officer

COUNCIL ACTION

Resolution _____
Ordinance _____
Introduced _____
Passed _____
2nd Reading _____
Unanimous _____
Failed _____
Tabled _____
Amended _____
Comments: _____

RESOLUTION
RESOLUTION APPROVING APPLICATION OF
GOOD DOG QUEEN CITY LLC
DBA GOOD DOG TUSCALOOSA
FOR ABC LICENSE

Whereas, the Tuscaloosa City Council has approved the application Good Dog Queen City LLC dba Good Dog Tuscaloosa for a Retail Beer (On or Off Premises) to be granted from the Alcoholic Beverage Control Board at the following address, to-wit:

Good Dog Queen City LLC
dba Good Dog Tuscaloosa
1706 16th Street
Tuscaloosa, AL 35401

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF TUSCALOOSA, ALABAMA, as follows:

That the Mayor and the City Clerk be, and they are hereby, authorized to certify this action of approval by the City Council on the application for approval of said license to be submitted to the State of Alabama Alcoholic Beverage Control Board.

22-126 (a)

RESOLUTION
RESOLUTION APPROVING APPLICATION OF
GOOD DOG QUEEN CITY LLC
DBA GOOD DOG TUSCALOOSA
FOR ABC LICENSE

Whereas, the Tuscaloosa City Council has approved the application of Good Dog Queen City LLC dba Good Dog Tuscaloosa for a Retail Table Wine (On or Off Premises) to be granted from the Alcoholic Beverage Control Board at the following address, to-wit:

Good Dog Queen City LLC
dba Good Dog Tuscaloosa
1706 16th Street
Tuscaloosa, AL 35401

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF TUSCALOOSA, ALABAMA, as follows:

That the Mayor and the City Clerk be, and they are hereby, authorized to certify this action of approval by the City Council on the application for approval of said license to be submitted to the State of Alabama Alcoholic Beverage Control Board.

22-126 (b)

RESOLUTION

RESOLUTION APPROVING APPLICATION OF
LEVY PREMIUM FOODSERVICE LIMITED PARTNERSHIP
DBA LEVY AT UNIVERSITY OF ALABAMA SEWELL THOMAS STADIUM
FOR ABC LICENSE

Whereas, the Tuscaloosa City Council has approved the application of Levy Premium Foodservice Limited Partnership dba Levy at University of Alabama Sewell Thomas Stadium for a Special Retail- More than 30 Days to be granted from the Alcoholic Beverage Control Board at the following address, to-wit:

Levy Premium Foodservice Limited Partnership
dba Levy at University of Alabama Sewell Thomas Stadium
241 Paul W. Bryant Drive
Tuscaloosa, AL 35401

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF TUSCALOOSA, ALABAMA, as follows:

That the Mayor and the City Clerk be, and they are hereby, authorized to certify this action of approval by the City Council on the application for approval of said license to be submitted to the State of Alabama Alcoholic Beverage Control Board.

22-127

RESOLUTION

RESOLUTION APPROVING APPLICATION OF
LEVY PREMIUM FOODSERVICE LIMITED PARTNERSHIP
DBA LEVY AT UNIVERSITY OF ALABAMA JOAN AND RHODES STADIUM
FOR ABC LICENSE

Whereas, the Tuscaloosa City Council has approved the application of Levy Premium Foodservice Limited Partnership dba Levy at University of Alabama Joan and Rhodes Stadium for a Special Retail- More than 30 Days to be granted from the Alcoholic Beverage Control Board at the following address, to-wit:


Levy Premium Foodservice Limited Partnership
dba Levy at University of Alabama Joan and Rhodes Stadium
321 Peter Bryce Blvd
Tuscaloosa, AL 35401

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF TUSCALOOSA, ALABAMA, as follows:

That the Mayor and the City Clerk be, and they are hereby, authorized to certify this action of approval by the City Council on the application for approval of said license to be submitted to the State of Alabama Alcoholic Beverage Control Board.

22-128

APPROVED AS TO FORM


Office of the City Attorney

Prepared By: TDB
Requested: Legal
Presentation on: 12/13/22
Suspension of Rules: No

RESOLUTION

RESOLUTION AUTHORIZING THE MAYOR TO EXECUTE A DEVELOPMENT AGREEMENT WITH B & L FAMILY INVESTMENTS, LLC TO PROVIDE ECONOMIC DEVELOPMENT ASSISTANCE FOR THE CONSTRUCTION OF THE VENUE TUSCALOOSA AT 6052 WATERMELON ROAD (A22-1078)

WHEREAS, notice was hereby given under 94.01 of the Constitution of the State of Alabama of 1901(also known as the Amendment 772 to the Alabama Constitution of 1901), as amended, by publication in the Tuscaloosa News in its issue of December 4, 2022 that the City Council of Tuscaloosa would meet in the Council Chamber of City Hall, 2201 University Boulevard, Tuscaloosa, Alabama, at 6 o'clock, P.M., on Tuesday, December 13, 2022, to consider the adoption of a resolution to approve a development agreement between the City of Tuscaloosa, Alabama, and B & L Family Investments, LLC, for economic development incentive payments from the City of Tuscaloosa to B & L Family Investments, LLC;

NOW THEREFORE BE IT RESOLVED BY THE CITY COUNCIL OF TUSCALOOSA as follows:

That the Mayor is hereby authorized to execute on behalf of the City of Tuscaloosa the development agreement presently before the City Council with B & L Family Investments, LLC, containing the following general terms and conditions:

1. Developer agrees at its sole cost and expense to design, develop and complete construction of a new entertainment venue consisting of free live entertainment, five restaurant concepts, a full-service pub and a hand-dipped ice cream shoppe at 6052 Watermelon Road.
2. The Developer estimates a minimum of 45 new jobs (full and part time) to be generated by the Project.
3. Limit on City's Obligation:
 - a. The financial obligation of the City to Developer under this Agreement shall be capped not to exceed the sum of Fifty-Six Thousand Two Hundred Fifty Dollars and No/100 (\$56,250.00).

b. Under no circumstances shall the City's obligation under this Agreement exceed the capped amount of the Fifty-Six Thousand Two Hundred Fifty Dollars and No/100 (\$56,250.00), in payment.

c. The economic development assistance to be provided to the developer is to reimburse the Developer for the construction and installation of fire line suppression infrastructure costs.

d. The Project is anticipated to produce increased tax revenues to the City and will provide the opportunity for new, full and part time jobs and expand the City's corporate limits.

4. Annexation: Developer has received approval from the Planning Commission to annex the Subject Property into the City of Tuscaloosa. Developer likewise has the option to petition the City Council for a "Pre Zoning" of the Subject Property to expedite the annexation process. Until the Subject Property is properly annexed into the City of Tuscaloosa corporate limits, the City is under no obligation to make any payments as set forth herein to the Developer. The description of the Subject Property, as recorded in Deed Book 2021 at Page 21510, that is to be annexed into the City's corporate limits is described as follows:

Lot 2 of the Gardens on Watermelon, a map or plat of which is recorded in Plat Book 2008, Page 168 in the Probate Office of Tuscaloosa County, Alabama.

FUNDING REQUIRED: Yes No

10135010-3999

By: Carly Stauding
Chief Financial Officer

COUNCIL ACTION

Resolution _____
Ordinance _____
Introduced _____
Passed _____
2nd Reading _____
Unanimous _____
Failed _____
Tabled _____
Amended _____
Comments: _____

APPROVED AS TO FORM

Office of the City Attorney

Prepared By: JPW III/rd

Requested: Petitioner: Tusc. County Date: 10/17/2022

Council Presentation on: 11/08/2022

Suspension of Rules: No

ORDINANCE NO. _____

AN ORDINANCE AMENDING THE ZONING ORDINANCE OF TUSCALOOSA
AMENDMENT NO. 1490

(Approx. 16 acres located at 2352 Hargrove Road East—Tuscaloosa County)
(A22-1294/Z-22-22)
(R-1 to I)

BE IT ORDAINED BY THE CITY COUNCIL OF TUSCALOOSA, as follows:

That the Zoning Map of Tuscaloosa, adopted as a part of the Zoning Ordinance of Tuscaloosa be, and the same is hereby, amended and the following zoning classification is changed and established as follows:

Lot 1 of TCHD1 Subdivision, a map or plat of which is recorded in Plat Book 2007, at Page 175 in the Probate Office of Tuscaloosa County, Alabama.

The above referenced property is presently zoned Single-Family Residential District (R-1) to be zoned Institutional District (I).

DESCRIPTION APPROVED BY:

Zack Ponds

OFFICE OF URBAN DEVELOPMENT

FUNDING REQUIRED: Yes No

By: _____
Chief Financial Officer

COUNCIL ACTION

Resolution _____
Ordinance _____
Introduced introduced: 11/8/22
Passed (W/C-Y; H-absent)
2nd Reading _____
Unanimous _____
Failed _____
Tabled _____
Amended _____
Comments: [Signature]
City Clerk

APPROVED AS TO FORM

Office of the City Attorney

Prepared By: JPW III/rd

Requested: Planning Com/UD Date: 10/17/2022

Council Presentation on: 11/08/2022

Suspension of Rules: No

ORDINANCE NO. _____

AN ORDINANCE AMENDING THE ZONING ORDINANCE OF TUSCALOOSA
AMENDMENT NO. 1491

(Approx. 14.7 acres located east of 7150 and 7300 Commerce Drive—
Tuscaloosa County Industrial Development Authority)
(A22-1295/Z-27-22)
(R-1 to ML)

BE IT ORDAINED BY THE CITY COUNCIL OF TUSCALOOSA, as follows:

That the Zoning Map of Tuscaloosa, adopted as a part of the Zoning Ordinance of Tuscaloosa be, and the same is hereby, amended and the following zoning classification is changed and established as follows:

Lot 15R of the Resurvey of Lots 14R and 15 of Tuscaloosa County Industrial Park No. 1, Site A as recorded in the Probate Office of Tuscaloosa County, Alabama, in Plat Book 2006 at Page 25.

The above referenced property being annexed into the City under the original zoning of Single-Family Residential District (R-1) to be zoned Light Industrial District (ML).

DESCRIPTION APPROVED BY:

Zack Ponds

OFFICE OF URBAN DEVELOPMENT

FUNDING REQUIRED: Yes No

By: _____
Chief Financial Officer

COUNCIL ACTION

Resolution introduced: 11/8/22
Ordinance _____
Introduced _____
Passed (WIC-U; H-absent)
2nd Reading _____
Unanimous _____
Failed _____
Tabled _____
Amended _____
Comments: [Signature]

City Clerk

Adopted 11-8-22 17

APPROVED AS TO FORM

Office of the City Attorney

Prepared By: SBH/cr
Requested: Admin Date: 12/6/22
Council Presentation: 12/13/22
Suspension of Rules: NO

RESOLUTION

RESOLUTION AUTHORIZING THE MAYOR TO
EXECUTE AN AGREEMENT FOR PROFESSIONAL CONSULTING
AND RELATED SERVICES AS A LOBBYIST WITH
HUNTSVILLE DIRECT COMMUNICATIONS, INC.
(A22-1384)

BE IT RESOLVED BY THE CITY COUNCIL OF TUSCALOOSA as follow:

That the Mayor be, and he is, hereby authorized to execute by, and as an act for, and on behalf of, the City of Tuscaloosa that certain agreement now before the Council between the City of Tuscaloosa and Huntsville Direct Communications, Inc. to provide lobbying and related professional consulting services of the City of Tuscaloosa during the 2023 year in a total maximum contract amount not to exceed \$48,000.00; and the City Clerk is authorized to attest the same.

FUNDING REQUIRED: Yes No
10104080-3100

By: Carly Standing
Chief Financial Officer

COUNCIL ACTION

Resolution _____
Ordinance _____
Introduced _____
Passed _____
2nd Reading _____
Unanimous _____
Failed _____
Tabled _____
Amended _____
Comments: _____

APPROVED AS TO FORM


Office of the City Attorney

Prepared By: SEM
Requested: TPD Date: 12/13/2022
Council Presentation: 12/13/2022
Suspension of Rules: NO

RESOLUTION

RESOLUTION AUTHORIZING CONTRACT WITH
CEIA-USA
AND DECLARING A BID LAW EXEMPTION PURSUANT TO ALA. CODE § 41-16-51(a)(15)
(A22-1435)

WHEREAS, the City of Tuscaloosa desires to contract with CEIA-USA in the amount of \$36,616.00 for the purpose of purchasing metal detector systems and related equipment for Tuscaloosa City Hall and,

WHEREAS, the City Council finds and declares this contract is exempt from competitive bidding requirements pursuant to the following authority: ALA. CODE §41-16-51(a)(15).

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF TUSCALOOSA AS FOLLOWS:

1. That the Mayor is authorized to execute a contract with CEIA-USA in the amount of for \$36,616.00 the purpose of purchasing metal detector systems and related equipment for Tuscaloosa City Hall and the City Clerk is authorized the attest the same.
2. That the City Council finds and declares that the above contract is exempt from the competitive bidding requirements of the Alabama Bid Law pursuant to the following authority: ALA. CODE § 41-16-51(a)(15) Contractual services and purchases of products related to, or having an impact upon, security plans, procedures, assessments, measures, or systems, or the security or safety of persons, structures, facilities, or infrastructures.

FUNDING REQUIRED: Yes No
10709042-23603

By: 
Chief Financial Officer

COUNCIL ACTION

Resolution _____
Ordinance _____
Introduced _____
Passed _____
2nd Reading _____
Unanimous _____
Failed _____
Tabled _____
Amended _____
Comments: _____

APPROVED AS TO FORM

IR
Office of the City Attorney

Prepared By: SEM
Requested: TPD Date: 12/13/2022
Council Presentation: 12/13/2022
Suspension of Rules: NO

RESOLUTION

RESOLUTION AUTHORIZING CONTRACT WITH
CLEARVIEW AI, INC.
AND DECLARING A BID LAW EXEMPTION PURSUANT TO ALA. CODE § 41-16-51(a)(15)
(A22-1427)

WHEREAS, the City of Tuscaloosa desires to contract with Clearview AI, Inc. in the amount of \$16,845.00 for the purpose of purchasing software and related equipment for the Tuscaloosa Police Department and,

WHEREAS, the City Council finds and declares this contract is exempt from competitive bidding requirements pursuant to the following authority: ALA. CODE §41-16-51(a)(15).

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF TUSCALOOSA AS FOLLOWS:

1. That the Mayor is authorized to execute a contract with Clearview AI, Inc. in the amount of \$16,845.00 (to be paid at a rate of \$5,495.00 per year in years 2023, 2024, and 2025) for the purpose of purchasing software and related equipment for the Tuscaloosa Police Department and the City Clerk is authorized the attest the same.
2. That the City Council finds and declares that the above contract is exempt from the competitive bidding requirements of the Alabama Bid Law pursuant to the following authority: ALA. CODE § 41-16-51(a)(15) Contractual services and purchases of products related to, or having an impact upon, security plans, procedures, assessments, measures, or systems, or the security or safety of persons, structures, facilities, or infrastructures.

FUNDING REQUIRED: Yes No
10105010-3170

By: Carly Standing
Chief Financial Officer

COUNCIL ACTION

Resolution _____
Ordinance _____
Introduced _____
Passed _____
2nd Reading _____
Unanimous _____
Failed _____
Tabled _____
Amended _____
Comments: _____

APPROVED AS TO FORM



Office of the City Attorney

Prepared By: SEM
Requested: Projects Date: 11/22/2022
Council Presentation: 12/13/2022
Suspension of Rules: NO

RESOLUTION

RESOLUTION TENTATIVELY AWARDING PUBLIC WORKS CONTRACT TO
GFC CONSTRUCTION, INC. / DOMINION CONSTRUCTION COMPANY, INC., JOINT VENTURE
FOR EXTENSION OF MCWRIGHTS FERRY ROAD
OVER NORTH RIVER TO RICE MINE ROAD PROJECT
(A22-1072/2016.125.001)

WHEREAS, heretofore, bids were opened and read on or about the 16th day of November, 2022, in regard to the Extension of McWright's Ferry Road over North River to Rice Mine Road Project and,

WHEREAS, representatives of the City have notified the Projects Committee and City Council that the apparent lowest responsive, responsible bidder meeting the specifications for Extension of McWright's Ferry Road over North River to Rice Mine Road Project was that of GFC Construction, Inc. / Dominion Construction Company, Inc., Joint Venture in the amount of \$53,127,242.50.

WHEREAS, the representatives of the City have advised the City Council of that fact and recommended that they be authorized to issue notification of intention to award to the said bidder and upon all contractual matters being finalized including bonds and insurance, that the Mayor be authorized to execute all appropriate contracts and documents with said bidder.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF TUSCALOOSA as follows:

1. That in accordance with ALA. CODE §39-5-1(b) (1975), the City of Tuscaloosa, as the awarding authority, does hereby certify that to the best of its knowledge, information and belief, this contract was let in compliance with applicable provisions of this title and all other applicable provisions of law.

2. That the conditional award based upon competitive bid is hereby made to GFC Construction, Inc. / Dominion Construction Company, Inc., Joint Venture for their bid in the amount of \$53,127,242.50; for Extension of McWright's Ferry Road over North River to Rice Mine Road Project pursuant to the plans, specifications, drawings and related documents for the project, as the apparent lowest responsive, responsible bidder taking into consideration where appropriate, the qualities of the commodities, the labor, service, etc., conformity with specifications, the purpose for which required, the terms of delivery, transportation charges and dates of delivery where applicable.

3. That the representatives of the City, on behalf of the City of Tuscaloosa be, and they are hereby, authorized to issue notification of intention of award to the said bidder in said amount and proceed with completion of review and submittal for all contractual matters as required by the City's plans and specifications.

4. That this award is conditioned upon said bidder completing and submitting to the City through its representatives, all documents and other related matters required by the request for proposal of the bidder and upon notification from the City representatives that the bidder has complied with said requirements, the Mayor be, and he is hereby, authorized to execute a contract between the City of Tuscaloosa and said bidder for the project in the amount awarded above, by and as an act for and on behalf of the City of Tuscaloosa, and the City Clerk be, and she is hereby, authorized to attest the same, at which time the contract will be considered to have been awarded.

5. That upon notification from the City representatives that all preliminary matters have been complied with by the said low bidder and subsequent execution of said contract by the Mayor on behalf of the City, the City Representative be, and it is hereby, authorized to issue appropriate notices to proceed to the contractor.

FUNDING REQUIRED: Yes No
TCRIC _____

By: Carly Grandjean
Chief Financial Officer

COUNCIL ACTION

Resolution _____
Ordinance _____
Introduced _____
Passed _____
2nd Reading _____
Unanimous _____
Failed _____
Tabled _____
Amended _____
Comments: _____

APPROVED AS TO FORM


Office of the City Attorney

Prepared By: SEM/hh
Requested: Projects Date: 12/06/2022
Council Presentation: 12/13/2022
Suspension of Rules: No

RESOLUTION

RESOLUTION AUTHORIZING CONTRACT WITH
ATKINS NORTH AMERICA, INC.
(A22-0677)

BE IT RESOLVED BY THE CITY COUNCIL OF TUSCALOOSA AS FOLLOWS:

That the Mayor is authorized to execute a Professional Services Contract with Atkins North America, Inc. for professional engineering services related to future improvement projects at the Tuscaloosa National Airport, by, and as an act for, and on behalf of the City of Tuscaloosa, and the City Clerk is authorized to attest the same.

FUNDING REQUIRED: Yes No
Airport Improvement Fund

By: 
Chief Financial Officer

COUNCIL ACTION

Resolution _____
Ordinance _____
Introduced _____
Passed _____
2nd Reading _____
Unanimous _____
Failed _____
Tabled _____
Amended _____
Comments: _____

APPROVED AS TO FORM



Office of the City Attorney

Prepared By: SEM/hh
Requested: Projects Date: 12/06/2022
Council Presentation: 12/13/2022
Suspension of Rules: No

RESOLUTION

RESOLUTION AUTHORIZING A CONTRACT WITH THE CASSADY COMPANY, INC.
FOR STUDY AND CONSULTING ENGINEERING SERVICES FOR EVALUATION
OF CITY OF TUSCALOOSA INTERCONNECTION WITH
CITIZENS' WATER SERVICE AT MERCEDES
(A22-1353)

BE IT RESOLVED BY THE CITY COUNCIL OF TUSCALOOSA that the Mayor be and he is hereby, authorized to execute a contract with The Cassady Company, Inc. for study and consulting engineering services for evaluation of the City of Tuscaloosa Interconnection with Citizen's Water Service at Mercedes in an amount not to exceed \$8,500.00; and the City Clerk is authorized to attest the same.

FUNDING REQUIRED: Yes No
60109045-3100

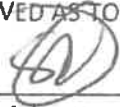
By: Carly Standiford
Chief Financial Officer

COUNCIL ACTION

Resolution _____
Ordinance _____
Introduced _____
Passed _____
2nd Reading _____
Unanimous _____
Failed _____
Tabled _____
Amended _____
Comments: _____

APPROVED AS TO FORM

Office of the City Attorney



Prepared By: SBH/cr
Requested: Finance Date: 12/13/22
Council Presentation: 12/13/22
Suspension of Rules: NO

RESOLUTION

RESOLUTION AUTHORIZING DISBURSEMENT FROM DISTRICT 1 IMPROVEMENT FUNDS FOR THE
DISTRICT 1 CHRISTMAS DINNER AT THE BENJAMIN BARNES YMCA
(A22-1409)

BE IT RESOLVED BY THE CITY COUNCIL OF TUSCALOOSA AS FOLLOWS:

That the Councilmember for Tuscaloosa City Council District 1 has requested that the amount of \$1,575.78 be designated for the District 1 Christmas Dinner at the Benjamin Barnes YMCA, from the District 1 Improvement Fund, by, and as an act for, and on behalf of the City of Tuscaloosa.

FUNDING REQUIRED: Yes No
10104050-99901

By: Carly Standridge
Chief Financial Officer

COUNCIL ACTION

Resolution _____
Ordinance _____
Introduced _____
Passed _____
2nd Reading _____
Unanimous _____
Failed _____
Tabled _____
Amended _____
Comments: _____

APPROVED AS TO FORM

Office of the City Attorney

Prepared By: SEM/hh

Requested: Projects Date: 12/06/2022

Council Presentation: 12/13/2022

Suspension of Rules: NO

RESOLUTION

RESOLUTION AUTHORIZING ADDENDUM 1 TO WORK AUTHORIZATION NO. F-09-22 WITH ATKINS NORTH AMERICA, INC. FOR DESIGN, GEOTECHNICAL, AND BID SERVICES REGARDING THE FAA FY22 TERMINAL AND ARFF APRON RECONSTRUCTION PROJECT (A16-0413)

WHEREAS, the City of Tuscaloosa entered into a Master Agreement with Atkins North America, Inc. (Atkins) for professional services related to the Tuscaloosa Regional Airport; and,

WHEREAS, this resolution is to authorize the Mayor to execute Addendum 1 to Work Authorization F-09-22 under the Master Agreement for Design, Geotechnical, and Bid Services regarding the FAA FY22 Terminal and ARFF Apron Reconstruction Project.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF TUSCALOOSA AS FOLLOWS:

1. The City shall compensate Consultant an amount not to exceed \$239,157.68 for Basic Services, to include design and bid phase services and as further outlined in Attachment A to the attached work authorization, which represents a reduction in compensation to the Consultant in the amount of (-\$19,324.36).
2. The City shall compensate Consultant an amount not to exceed \$44,908.50 for the scope of services.

FUNDING REQUIRED: Yes No
20416010-22603

By:
Chief Financial Officer

COUNCIL ACTION

Resolution _____
Ordinance _____
Introduced _____
Passed _____
2nd Reading _____
Unanimous _____
Failed _____
Tabled _____
Amended _____
Comments: _____

APPROVED AS TO FORM


Office of the City Attorney

Prepared By: SEM/hh
Requested: Projects Date: 12/06/2022
Council Presentation: 12/13/2022
Suspension of Rules: NO

RESOLUTION

RESOLUTION AUTHORIZING MAYOR TO EXECUTE WORK AUTHORIZATION NO. G-01-22 WITH ATKINS NORTH AMERICA, INC. FOR PROFESSIONAL ENGINEERING SERVICES FOR THE TERMINAL AND ARFF APRON RECONSTRUCTION PROJECT – CONSTRUCTION PHASE SERVICES (A22-0677)

WHEREAS, the City of Tuscaloosa entered into a Professional Services Contract with Atkins North America, Inc. (Atkins) for professional services related to the Tuscaloosa National Airport; and,

WHEREAS, this resolution is to authorize the Mayor to execute Work Authorization G-01-22 under the Professional Services Contract with Atkins for the construction phase of the Terminal and ARFF Apron Reconstruction at the Tuscaloosa National Airport.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF TUSCALOOSA AS FOLLOWS:

That the Mayor is authorized to execute Work Authorization No. G-01-22 with Atkins North America, Inc., by the terms of which the City shall compensate Atkins an amount not to exceed \$385,137.98 for professional engineering services for the construction phase of the Terminal and ARFF Apron Reconstruction Project, all as an act for and on behalf of the City of Tuscaloosa, and the City Clerk is authorized to attest the same.

FUNDING REQUIRED: Yes No
20416010-22603

By: 
Chief Financial Officer

COUNCIL ACTION

Resolution _____
Ordinance _____
Introduced _____
Passed _____
2nd Reading _____
Unanimous _____
Failed _____
Tabled _____
Amended _____
Comments: _____

APPROVED AS TO FORM:


Office of the City Attorney

Prepared By: TDB/cmh
Requested: Projects Date: 12/13/2022
Council Presentation: 12/13/2022
Suspension of Rules: No

RESOLUTION

RESOLUTION AUTHORIZING THE CITY OF TUSCALOOSA TO SUBMIT A FINAL GRANT APPLICATION SUBMISSION TO THE FEDERAL AVIATION ADMINISTRATION AND ALABAMA DEPARTMENT OF TRANSPORTATION (A22-1440)

WHEREAS, the City of Tuscaloosa has been selected to participant in a grant agreement with Federal Aviation Administration and Alabama Department of Transportation; and,

WHEREAS, the Grant will be used solely for Airport Improvement Projects; and,

WHEREAS, Federal funds in the amount of \$226,944.00 will be received for the purposes stated above requiring matching funds in the amount of \$12,608.00.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF TUSCALOOSA as follows:

1. That the City of Tuscaloosa (Sponsor) is authorized to participate in said Federal Aviation Administration and Alabama Department of Transportation grant program to receive \$226,944.00 in federal funds requiring matching funds in the amount of \$12,608.00 in regard to the AIG Design: Cargo and Operations Overflow Apron.
2. Jeff Powell, the Director of the Tuscaloosa National Airport is hereby designated as the official representative of the City in regard to said Grant and to act in connection with the application, the Grant and compliance with Grant conditions and assurances.
3. That the Mayor be, and he is hereby, authorized to execute the Offer and Grant Agreement now before the Council on behalf of the City of Tuscaloosa; and the City Clerk is authorized to attest the same.

FUNDING REQUIRED: Yes No

Airport Improvement Fund

By: Carly Standring
Chief Financial Officer

COUNCIL ACTION:

Resolution _____

Ordinance _____

Introduced _____

Passed _____

2nd Reading _____

Unanimous _____

Failed _____

Tabled _____

Amended _____

Comments: _____

APPROVED AS TO FORM


Office of the City Attorney

Prepared By: TAS
Requested: Finance 12/6/2022
Presentation on: 12/13/2022
Suspension of Rules: No

RESOLUTION

RESOLUTION AUTHORIZING "WRITE OFF" OF WATER AND SEWER AND ENVIRONMENTAL SERVICES OVERDUE AND DELINQUENT ACCOUNTS FOR FISCAL YEAR 2022 (A22-1385)

WHEREAS, each year there are certain accounts with the City of Tuscaloosa for utility services that have not been fully paid and payment has not been obtained through normal channels; and,

WHEREAS, although these accounts are still active with the City of Tuscaloosa and the customers are being pursued for payment to the City, it is a policy of the City not to carry such accounts on the current financial records of the City as accounts receivable for a period of time longer than a year in accordance with generally accepted accounting principles; and,

WHEREAS, there is a "write off adjustment" in the City's billing software to create and post a detailed journal to the financial records and continue to maintain individual customer account history that shows the total amount of write off subject to collection; and,

WHEREAS, it is therefore necessary for the City Council to authorize and declare these accounts be "written off" from the current customer billing records of the City, although the Water and Sewer Department will continue to actively pursue collection thereon.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF TUSCALOOSA as follows:

That the Chief Financial Officer be, and is hereby, authorized to direct the "write off" from the current accounts receivable customer billing records of the City the approximate sum of \$638,092.25 (Water and Sewer amount is \$611,277.60 and Environmental Services amount is \$26,814.65) of final billed accounts through September 30, 2022 as total "bad debt" resulting from unpaid accounts in the Water & Sewer Department's customer service operations (Water and Sewer and Environmental Services) in Fiscal Year 2022. Provided; however, that the Utility Billing Division of Water & Sewer is authorized and directed to continue to actively pursue collection on these accounts.

FUNDING REQUIRED: Yes No

60101010-3997 _____

10109075-3997 _____

By: 
Chief Financial Officer

COUNCIL ACTION

Resolution _____

Ordinance _____

Introduced _____

Passed _____

2nd Reading _____

Unanimous _____

Failed _____

Tabled _____

Amended _____

Comments: _____

APPROVED AS TO FORM


Office of the City Attorney

Prepared By: TDB
Requested: Properties: 12/6/22
Presentation on: 12/13/22
Suspension of Rules: No

RESOLUTION

RESOLUTION AUTHORIZING THE MAYOR TO EXECUTE AN AGREEMENT WITH RIVERWALK, LLC FOR THE DONATION OF 6.65 ACRES OF LAND FOR RECREATIONAL USE AND FUTURE CONSTRUCTION THE NORTH BANK RIVER WALK (A22-1310)

NOW THEREFORE BE IT RESOLVED BY THE CITY COUNCIL THAT THE Mayor be and he is hereby authorized to execute that certain agreement with Riverwalk, LLC for the donation of 6.65 acres of land for recreational use and future construction of the North Bank River Walk and that the City Clerk is to attest the same. Said property donation described as follows:

A parcel of land located in part of the SW 1/4 of Section 7, Township 21 South, Range 9 West & part of the NW 1/4 of Section 18, Township 21 South, Range 9 West, in Tuscaloosa County, Alabama; said parcel being more particularly described as follows: As a POINT of BEGINNING, start at a capped rebar found marking the Southwest corner of Lot 3 Northbank Phase V, as recorded in Plat Book 2022 at Page 117 in the Probate Records of Tuscaloosa County, Alabama; thence run in a Northeasterly direction and along the South boundary of said Lot 3 for a distance of 470.64' to a capped rebar found; thence with an interior angle of 270°00'00" to the left, run in a Northwesterly direction and along the South boundary of said Lot 3 for a distance of 20.00' to a capped rebar found; thence with an interior angle of 90°00'00" to the left, run in a Northeasterly direction and along the South boundary of Lots 3 and 4 of said Northbank Phase V for a distance of 582.00' to a capped rebar found marking the Southeast corner of Lot 4 Northbank Phase V, said point also lying in the center of a meandering creek; thence with an interior angle of 98°10'11" to the left, run in a Southeasterly direction for a distance of 1.21' to a capped rebar found; thence with an interior angle of 87°04'00" to the left, run in a Southwesterly direction and along the center of said meandering creek for a distance of 127.05' to a capped rebar found; thence with an interior angle of 295°10'00" to the left, run in a Southeasterly direction and along the center of said meandering creek for a distance of 113.81' to a capped rebar found; thence with an interior angle of 127°02'00" to the left, run in a Southerly direction and along the center of said meandering creek for a distance of 60.00' to a capped rebar found; thence with an interior angle of 205°44'00" to the left, run in a Southeasterly direction and along the center of said meandering creek for a distance of 30' more or less to the edge of the Black Warrior River; thence run in a Southwesterly direction and along the meandering edge of the Black Warrior River for a chord distance of 1,228' more or less to a point; thence departing from the edge of the Black Warrior River, run in a Northwesterly direction for a distance of 58' more or less to a capped rebar placed; thence with an interior angle of 180°00'00" to the left, run in a Northwesterly direction for a distance of 50.00' to a capped rebar placed; thence with an interior angle of 112°18'00" to the left, run in a Northeasterly direction for a distance of 67.00' to a

capped rebar placed; thence with an interior angle of 199°23'00" to the left, run in a Northeasterly direction for a distance of 70.00' to a capped rebar placed; thence with an interior angle of 174°34'00" to the left, run in a Northeasterly direction for a distance of 88.00' to a capped rebar placed; thence with an interior angle of 193°05'00" to the left, run in a Northeasterly direction for a distance of 99.65' to the POINT OF BEGINNING, at which point the angle of closure is 132°23'00"; said parcel containing 6.65 acres more or less.

FUNDING REQUIRED: Yes No

By: _____
Finance Director

COUNCIL ACTION

Resolution _____
Ordinance _____
Introduced _____
Passed _____
2nd Reading _____
Unanimous _____
Failed _____
Tabled _____
Amended _____
Comments: _____

APPROVED AS TO FORM


Office of the City Attorney

Prepared By: TDB
Requested: Properties Date: 12/6/22
Council Presentation: 12/13/22
Suspension of Rules: No

RESOLUTION

RESOLUTION AUTHORIZING THE MAYOR TO EXECUTE AN INGRESS-EGRESS, UTILITY EASEMENT OVER THE CITY OF TUSCALOOSA LAKE TUSCALOOSA ACQUISITION LINE OFF BULL SLOUGH ROAD TO GERALD WAYNE TURNER AND SANDRA JEAN TURNER LIFE ESTATE AND REMAINDER TO MELISSA DARLENE HASSELL AND DANA CAROL AVERY AS CO-TRUSTEES OF THE TURNER FAMILY TRUST (A22-1437)

NOW THEREFORE BE IT RESOLVED BY THE CITY COUNCIL OF TUSCALOOSA that the Mayor be and he is hereby authorized to execute an ingress-egress, utility easement over the City of Tuscaloosa Lake Tuscaloosa acquisition line off Bull Slough Road to Gerald Wayne Turner and Sandra Jean Turner Life Estate and Remainder to Melissa Darlene Hassell and Dana Carol Avery as co-trustees of the Turner Family described as follows:

Part of the Northeast Quarter of the Southeast Quarter Section 16, Township 19 South, Range 10 west, in Tuscaloosa County, Alabama, a 30 foot Ingress/Egress/Utility Easement lying 15 feet each side and parallel to a centerline being more particularly described as follows: Commence at ½ inch crimped iron pipe accepted to mark the northwest corner of the Northeast Quarter of the Southeast Quarter of said Section 16; thence run South 00 degrees, 11 minutes, 59 seconds, West and along the north boundary of the said Quarter, Quarter for a distance of 753.10 feet to a capped rebar (Herndon); thence run South 87, degrees, 07 minutes, 17 seconds, East for a distance of 730.31 feet to a ½ inch pipe, said pipe lying with the intersection of the meandering acquisition line of Lake Tuscaloosa, being at elevation 230.7 recorded as Tract 108 in Deed Book 548, Page 339 in the Probate Office of Tuscaloosa County, Alabama; thence run North 04 degrees, 56 minutes, 17 seconds, West and along the said acquisition line of Lake Tuscaloosa 75.80 feet to a calculated point on the centerline of an existing drive, said point being the POINT OF BEGINNING of the centerline herein described; thence run North 88 degrees, 38 minutes, 24 seconds, East 60.86 feet and along said centerline to the intersection of the west right-of-way margin of Bull Slough Road, a 60 foot right-of-way, also being the POINT OF ENDING.

A Depiction of said easement attached hereto as Exhibit "A"

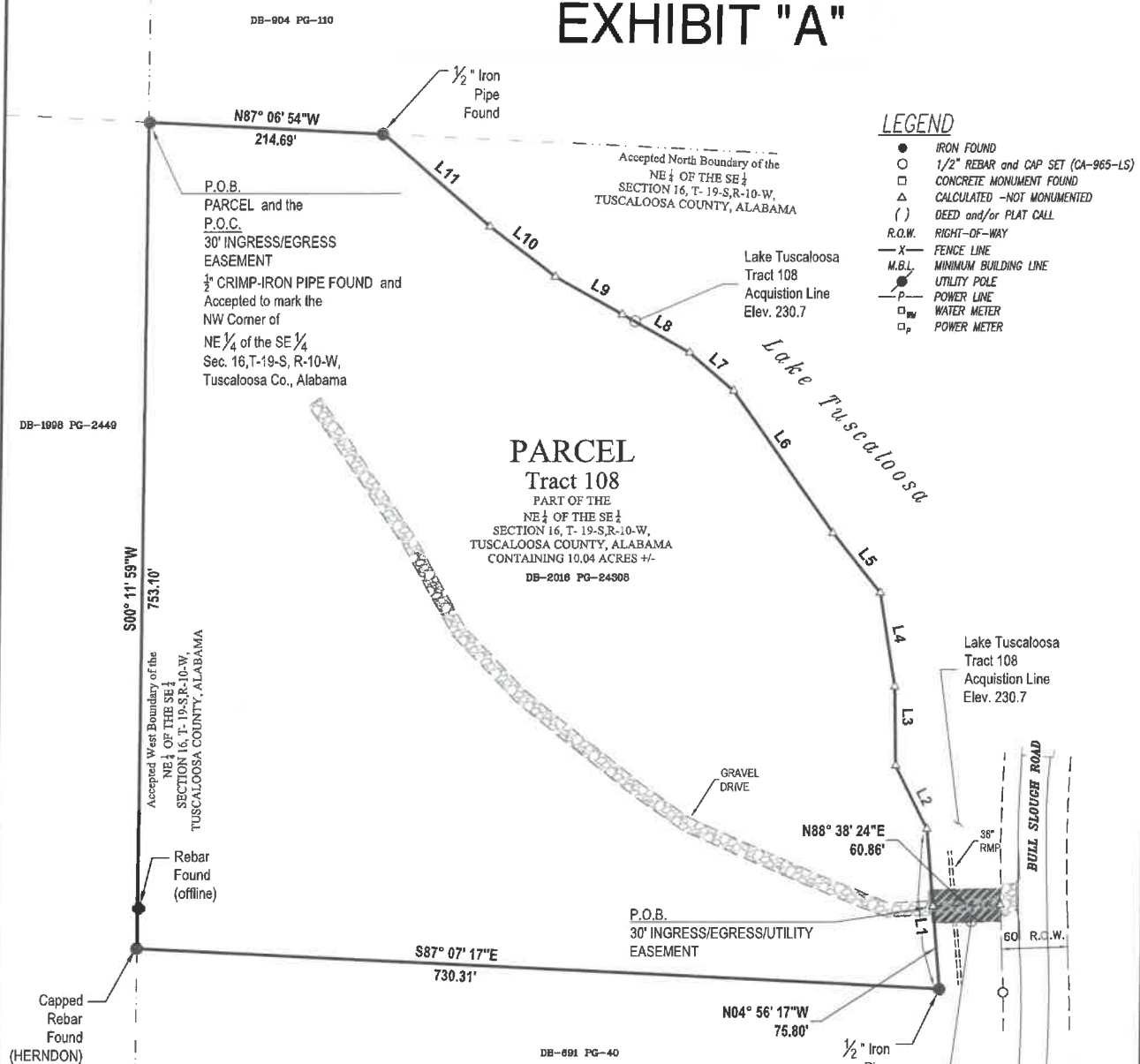
FUNDING REQUIRED: Yes No

By: _____
Finance Director

COUNCIL ACTION

Resolution _____
Ordinance _____
Introduced _____
Passed _____
2nd Reading _____
Unanimous _____
Failed _____
Tabled _____
Amended _____
Comments: _____

EXHIBIT "A"



LEGEND

- IRON FOUND
- 1/2" REBAR and CAP SET (CA-965-LS)
- CONCRETE MONUMENT FOUND
- △ CALCULATED - NOT MONUMENTED
- () DEED and/or PLAT CALL
- R.O.W. RIGHT-OF-WAY
- X- FENCE LINE
- M.B.L. MINIMUM BUILDING LINE
- UTILITY POLE
- P- POWER LINE
- WATER METER
- POWER METER

Line Table		
Line #	Bearing	Distance
L1	N04° 56' 17"W	146.56'
L2	N26° 56' 01"W	64.64'
L3	N01° 11' 06"W	72.05'
L4	N09° 17' 03"W	86.78'
L5	N38° 45' 55"W	69.60'
L6	N35° 23' 59"W	158.78'
L7	N49° 16' 15"W	53.46'
L8	N60° 34' 29"W	70.71'
L9	N60° 22' 07"W	70.06'
L10	N52° 48' 26"W	75.22'
L11	N48° 52' 58"W	128.08'

30' INGRESS/EGRESS/UTILITY EASEMENT
LAKE TUSCALOOSA TRACT 108
PART OF THE
NE 1/4 OF THE SE 1/4
SECTION 16, T-19-S, R-10-W,
TUSCALOOSA COUNTY, ALABAMA

State of Alabama
Tuscaloosa County

I hereby certify that all parts of this survey and drawing have been completed in accordance with the current requirements of the Standards of Practice of Land Surveying in the State of Alabama to the best of my knowledge, information and belief.

Witness my hand this the 19th day of September, 2022


Kevin Douglas Hinkle, P.L.S.
Alabama License No. 24024




SCALE: 1"=100 FEET



ALL IMPROVEMENTS NOT SHOWN

BASIS OF SURVEY - GRID NORTH - ALABAMA WEST ZONE.



	Drawn By F.L.M./D.S.M.	Appd. By K.D.H.	Surveyed By T.H.	Field Work 9/13/2022	Date 9/19/2022
	Scale 1"=100'	Source of Information DB-2016 PG-24308	Survey Type BOUNDARY	Drawing No. 2209-015.dwg	Job No. 2209-015
Montgomery and Hinkle, inc. Professional Land Surveyors Kevin@mhsurvey.com			203 Hargrove Road East Tuscaloosa, Alabama 35401 OFFICE: 205-248-7396 FAX: 205-248-7398		

APPROVED AS TO FORM

Office of the City Attorney

Prepared By: TDB

Requested: Properties: Date 12/6/22

Presentation on: 12/13/22

Suspension of Rules: No

RESOLUTION

RESOLUTION AUTHORIZING THE MAYOR TO NEGOTIATE AN AVIATION HANGAR GROUND LEASE AND IMPROVEMENTS TO AVIATION HANGARS WITH TWIN HANGAR, LLC AT THE TUSCALOOSA NATIONAL AIRPORT (A22-1441)

WHEREAS, Twin Hangar, LLC, an Alabama Limited Liability Company, (Twin) has purchased two hangars previously owned by Tuscaloosa County and occupied by the Tuscaloosa County Sheriffs Department and has expressed interest to the Airport Manager to enter into a ground lease and make improvements to both hangars; and,

WHEREAS, the Airport Manager believes that the acquisition of the hangars and improvements thereto as proposed by Twin will benefit the airport and likewise promote the growth of the Airport.

NOW THEREFORE BE IT RESOLVED BY THE TUSCALOOSA CITY COUNCIL that the Mayor be and is hereby authorized to enter into ground lease negotiations with Twin Hangar, LLC to at the Tuscaloosa National Airport.

BE IT FURTHER RESOLVED that the ground lease negotiations are subject to the approval by the Airport Manager, FAA design criteria, airport master plan compliance and compliance with the City Code pertaining to an LDP, plan submissions, permitting, building and approval processes of the City.

FUNDING REQUIRED: Yes No

By: _____
Chief Financial Officer

COUNCIL ACTION

Resolution _____
Ordinance _____
Introduced _____
Passed _____
2nd Reading _____
Unanimous _____
Failed _____
Tabled _____
Amended _____
Comments: _____

APPROVED AS TO FORM

Office of the City Attorney

Prepared By: CWE

Requested by: Projects Date: 12/6/22

Presentation on: 12/13/22

Suspension of Rules: No

RESOLUTION

RESOLUTION AUTHORIZING THE MAYOR TO EXECUTE A RIGHT-OF-WAY
PERMIT TO K&A BUILDERS INC.
(A22-1430)

WHEREAS, K&A Builders Inc. on behalf of The Houndstooth has requested a right-of-way use permit for construction of an ADA accessible ramp, landing and handrails at in the public right of way at 1300 University Boulevard.

WHEREAS, the City Council of Tuscaloosa is willing to grant permission to K&A Builders, Inc. for construction of an ADA accessible ramp, landing and handrails in the public right of way at 1300 University Boulevard, Tuscaloosa, Alabama upon the terms and conditions of a permit and the recommendation of the Office of the City Engineer.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF TUSCALOOSA that the Mayor be, and he is hereby, authorized to execute a permit to K&A Builders Inc for construction of an ADA accessible ramp, landing and handrails in the public right of way at 1300 University Boulevard, Tuscaloosa, Alabama as described in said permit; and the City Clerk is authorized to attest the same.

FUNDING REQUIRED: Yes No

By: _____

Chief Financial Officer

COUNCIL ACTION

Resolution _____

Ordinance _____

Introduced _____

Passed _____

2nd Reading _____

Unanimous _____

Failed _____

Tabled _____

Amended _____

Comments: _____

APPROVED AS TO FORM



Office of the City Attorney

Prepared By: CWE
Requested by: Projects Date: 12/6/22
Presentation on: 12/6/22
Suspension of Rules: No

RESOLUTION

RESOLUTION AUTHORIZING THE MAYOR TO EXECUTE A RIGHT-OF-WAY
PERMIT TO HARRISON CONSTRUCTION CO., INC..
(A22-1433)

WHEREAS, Harrison Construction Co. Inc. on behalf of Midstates Petroleum, has requested a right-of-way use permit for a handrail and sidewalk in the public right of way at 2319 University Boulevard East, Tuscaloosa, Alabama and,

WHEREAS, the City Council of Tuscaloosa is willing to grant permission to Harrison Construction Co. Inc. for a handrail and sidewalk located in the public right of way of 2319 University Boulevard East, Tuscaloosa, Alabama, upon the terms and conditions of a permit and the recommendation of the Office of the City Engineer.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF TUSCALOOSA that the Mayor be, and he is hereby, authorized to execute a permit to Harrison Construction Co. Inc. for a handrail and sidewalk located in the right-of-way at 2319 University Boulevard East, Tuscaloosa, Alabama as described in said permit; and the City Clerk is authorized to attest the same.

FUNDING REQUIRED: Yes No

By: _____
Chief Financial Officer

COUNCIL ACTION

Resolution _____
Ordinance _____
Introduced _____
Passed _____
2nd Reading _____
Unanimous _____
Failed _____
Tabled _____
Amended _____
Comments: _____

APPROVED AS TO FORM



Office of the City Attorney

Prepared By: TDB
Requested: Projects Date: 12/13/2022
Council Presentation: 12/13/2022
Suspension of Rules: No

RESOLUTION

RESOLUTION AUTHORIZING THE MAYOR TO EXECUTE A LETTER IN SUPPORT OF AN RAIL-HIGHWAY GRADE CROSSING HAZARD ELIMINATION GRANT TO THE ALABAMA DEPARTMENT OF TRANSPORTATION FOR WARNING DEVICES AT THE HACKBERRY LANE RAILROAD CROSSING DOT#726012C (A22-1428)

BE IT RESOLVED BY THE CITY COUNCIL OF TUSCALOOSA that the Mayor be, and he is hereby authorized to execute a execute a letter in support of an rail-highway grade crossing hazard elimination grant to the Alabama Department of Transportation for warning devices at the Hackberry Lane railroad crossing DOT#726012c.

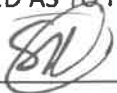
FUNDING REQUIRED: Yes No

By: _____
Chief Financial Officer

COUNCIL ACTION

Resolution _____
Ordinance _____
Introduced _____
Passed _____
2nd Reading _____
Unanimous _____
Failed _____
Tabled _____
Amended _____
Comments: _____

APPROVED AS TO FORM



Office of the City Attorney

Prepared By: JPW

Requested: Admin. Date: 12/06/2022

Presentation on: 12/13/2022

Suspension of Rules: No

RESOLUTION

**RESOLUTION APPROVING JOB CLASS SPECIFICATIONS
FOR WATER AND SEWER, PUBLIC WORKS AND CONSTRUCTION FACILITIES & GROUNDS
(A22-1334)**

WHEREAS, pursuant to Alabama Act 2006-233 the Human Resources Department shall develop and submit to the City Council for approval by resolution job class specifications for all jobs in the City to be a representative of the duties, activities, and qualifications.

WHEREAS, the Human Resources Department has submitted the job specifications for Director, Environmental Services, Director Transportation Services, Sludge Filtration Operator, Senior, Deputy Executive Director, Water & Sewer, Water & Sewer Director of Finance & Special Projects, Director, Facilities Maintenance and Water and Sewer Process Assets Director to the Administration Committee and the Administration Committee has recommended the Job Class Specifications be submitted to the Council for approval.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF TUSCALOOSA that the Job Classifications for Director Environmental Services (Job Code 9020 dated December 2022), Director Transportation services, (Job Code 7050 Dated December 2022), Deputy Executive Director, Water & Sewer (Job Code 2740 Dated December 2022, Water & Sewer Director of Finance & Special Projects (Job code 2741 Dated December 2022), Sludge filtration Operator, Senior (Job Code 3111 dated December 2022), Water and Sewer Process Assets Director (Job Code 2742 dated December 2022) and Director, Facilities Maintenance (Job code 4101 dated December 2022) are hereby approved.

FUNDING REQUIRED: Yes No

COUNCIL ACTION

Resolution _____
Ordinance _____
Introduced _____
Passed _____
2nd Reading _____
Unanimous _____
Failed _____
Tabled _____
Amended _____
Comments: _____

By: _____
Chief Financial Officer

APPROVED AS TO FORM

Office of the City Attorney

Prepared By: JPW

Requested: Admin. Date: 12/06/2022

Presentation on: 12/13/2022

Suspension of Rules: No

RESOLUTION

RESOLUTION APPROVING JOB CLASS SPECIFICATIONS
FOR INFORMATION TECHNOLOGY
(A22-1392)

WHEREAS, pursuant to Alabama Act 2006-233 the Human Resources Department shall develop and submit to the City Council for approval by resolution job class specifications for all jobs in the City to be a representative of the duties, activities, and qualifications.

WHEREAS, the Human Resources Department has submitted the following job specifications for Systems Administrator, Senior; Systems Analyst, Senior; Network Analyst, Senior; Security Analyst, Senior; Data Analyst, Senior; Geographic Information System (GIS) Administrator, Senior; Fiber Optic Technician, Senior; and Junior Technical Support Specialist to the Administration Committee and the Administration Committee has recommended the Job Class Specifications be submitted to the Council for approval.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF TUSCALOOSA that the job specifications for Systems Administrator, Senior (Job Code 7145 dated December 2022), Systems Analyst, Senior (Job Code 7146 dated December 2022), Network Analyst, Senior (Job Code 7147 dated December 2022), Security Analyst, Senior (Job Code 7148 dated December 2022) Data Analyst, Senior (Job Code 7149 dated December 2022), Geographic Information System (GIS) Administrator, Senior (Job code 7150 dated December 2022), Fiber Optic Technician, Senior (Job Code 7151 dated December 2022) and Junior Technical Support Specialist (Job Code 7152 dated December 2022) are hereby approved.

FUNDING REQUIRED: Yes No

COUNCIL ACTION

By: _____

Chief Financial Officer

Resolution _____
Ordinance _____
Introduced _____
Passed _____
2nd Reading _____
Unanimous _____
Failed _____
Tabled _____
Amended _____
Comments: _____

APPROVED AS TO FORM


Office of the City Attorney

Prepared By: JPW III
Requested: Planning Comm Date: 12-6-2022
Presentation on: 12-13-2022
Suspension of Rules: No

RESOLUTION

RESOLUTION APPROVING DOWNTOWN/RIVERFRONT
OVERLAY DISTRICT PERMIT FOR 1402 22nd AVENUE
(A22-1371/DR0D-07-22)

WHEREAS, the Council adopted by Ordinance the Downtown Riverfront Overlay District on January 25, 2007; and,

WHEREAS, major construction defined as any exterior construction activity within a twelve (12) month period which costs more than \$15,000.00 requires approval by the Planning Commission and City Council; and,

WHEREAS, the applicant, Crawford Nixon has made application pursuant to §24-232 of the Code of Tuscaloosa to the Planning Division of Urban Development for a Downtown/Riverfront Overlay District Permit for major construction; and,

WHEREAS, the application meets the requirements of §24-232(2), was reviewed and recommended on November 2, 2022 by the Administrative Review Committee, consisting of the Zoning Officer, the Fire Marshall, the Building Official and the City Engineer, and was considered and recommended by the Planning Commission on November 21, 2022 and is now due to be considered for approval by the City Council.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF TUSCALOOSA that the application submitted by, Crawford Nixon, Case # DROD-07-22, for a Downtown/Riverfront Overlay Permit for major construction for 1402 22nd Avenue substantially conforms to the Downtown/Riverfront Overlay standards and guidelines set out in §24-230.

BE IT FURTHER RESOLVED BY THE CITY COUNCIL OF TUSCALOOSA that this approval is subject to the following conditions with any variation requiring amendment to the application and approval of the Council: Substantial Compliance with all specifications and representations for the Development made in the application and development plan submitted to the City Council, building in compliance with renderings, elevations, site plan and design development plans submitted to the Council, compliance with any added conditions approved by the Council, and compliance with all applicable requirements, terms and conditions of Chapter 24, Article XVII of the Code of Tuscaloosa entitled "Downtown/Riverfront Development (D/R) Overlay District".

FUNDING REQUIRED: Yes No

By: _____
Chief Financial Officer

COUNCIL ACTION

Resolution _____
Ordinance _____
Introduced _____
Passed _____
2nd Reading _____
Unanimous _____
Failed _____
Tabled _____
Amended _____
Comments: _____

APPROVED AS TO FORM


Office of the City Attorney

Prepared By: JPW III/rd
Requested: Planning Com/UD Date: 11/21/2022
Council Presentation on: 12/13/2022
Suspension of Rules: No

ORDINANCE NO. _____

**AN ORDINANCE AMENDING THE ZONING ORDINANCE OF TUSCALOOSA
AMENDMENT NO. 1495**

(Approx. 1.81 acres located at 2820 & 2830 5th Avenue
—Petitioner: Longleaf Engineering)
(R-2 to R-4)
(A22-1436/Z-24-22)

BE IT ORDAINED BY THE CITY COUNCIL OF TUSCALOOSA, as follows:

That the Zoning Map of Tuscaloosa, adopted as a part of the Zoning Ordinance of Tuscaloosa be, and the same is hereby, amended and the following zoning classification is changed and established as follows:

Lots 1, 2, 3 and 4 according to the map of Newton Subdivision No. 3 as recorded in Plat Book 9, at Page 137 in Probate Office of Tuscaloosa County, Alabama.

The above referenced property is presently zoned Residential District (R-2) to be zoned Moderate Density Residential District (R-4.)

DESCRIPTION APPROVED BY:

Zach Ponds

OFFICE OF URBAN DEVELOPMENT

FUNDING REQUIRED: Yes No

By: _____
Chief Financial Officer

COUNCIL ACTION

Resolution _____
Ordinance _____
Introduced _____
Passed _____
2nd Reading _____
Unanimous _____
Failed _____
Tabled _____
Amended _____
Comments: _____

APPROVED AS TO FORM

Office of the City Attorney

Prepared By: JPW

Requested: Admin. Comm. Date: 12/6/2022

Council Presentation on: 12/13/2022

Suspension of Rules: No

ORDINANCE NO. _____

AN ORDINANCE AMENDING VARIOUS SECTIONS OF CHAPTER 18
OF THE CODE OF TUSCALOOSA PERTAINING TO
STRUCTURES AND PERMIT FEES
(A22-0145)

BE IT ORDAINED BY THE CITY COUNCIL OF TUSCALOOSA that various sections of Chapter 18 of the Code of Tuscaloosa be, and the same are, hereby amended as follows:

SECTION ONE. That Section 18-60(a) of the Code of Tuscaloosa be, and the same is hereby amended to read as follows:

“Sec. 18-60. - Lake declared public waters for certain purposes.

- (a) For the purpose of this division, the term “director” shall mean the director of the water and sewer department or his/her designee.

SECTION TWO. That Section 18-63(e) of the Code of Tuscaloosa be, and the same is hereby amended to read as follows:

“Sec. 18-63. Health and sanitation requirements.

- (e) *Construction of installations by private individuals; location in relation to normal pool elevation.* No part of any septic tank or conventional on site wastewater system as defined in Chapter 13 of this Code (including field lines) shall be constructed by private individuals on property which is owned by the city, and no part of any such installation shall be located closer than three hundred (300) feet horizontally from the normal pool elevation. The city council may grant a variance from this provision to the property owner after an investigation and recommendation by the director and the Tuscaloosa County Health Department. The property owner shall give to the city written assurances that the design and construction will prevent any public health danger by pollution of Lake Tuscaloosa from said sanitary facilities.

SECTION THREE. That Section 18-68(1) through 18-68(4) of the Code of Tuscaloosa be, and the same is hereby amended to read as follows with the remaining sections to remain the same:

“Sec. 18-68. -Engaging in commercial enterprise or constructing buildings or structures for commercial purposes.

- (1) The applicant shall first make application in writing to the office of the director. Such application shall set out the exact area to be occupied, the type and kind of commercial or business enterprise proposed to be engaged in, and a detailed drawing of the type and kind of structure proposed to be constructed.
- (2) The applicant shall also furnish to the director the name and address of all the persons owning property or lots adjoining the area of land on which the proposed structure is to be constructed or the proposed business is to be conducted.
- (3) On filing such application, the applicant shall pay to the director or his/her designated representative a filing fee of \$300.00 or if the commercial enterprise is a marina, boat dock or boathouse facility:
 - (a) Adjacent property within the corporate limits, \$60.00 per boat slip.
 - (b) Adjacent property within the police jurisdiction but outside of corporate limits, \$120.00 per boat slip.
- (4) The director shall review the application and cause an on-site inspection to be made of the proposed area and shall prepare recommendations to the governing body as to the feasibility of the proposed activity and the compatibility of the proposed activity with the use of the lake by the city and others. The director shall also to the extent applicable utilize the review standards as set forth in subsections 18-87(b) and (c).”

SECTION FOUR. That Section 18-86(a) of the Code of Tuscaloosa be, and the same is hereby amended to read as follows:

“Sec. 18-86. Structures or activity in and around Lake Tuscaloosa.

- (a) For the purposes of this division the term "director" shall mean the director of water and sewer or his or her designee.”

SECTION FIVE. That Section 18-86 of the Code of Tuscaloosa be, and the same is hereby amended to add items (d), (e) and (f) to read as follows:

“Sec. 18-86. Structures or activity in and around Lake Tuscaloosa.

- (d) All permit fees from this division shall be restricted for Lakes maintenance and improvement. The application fees and renewal fees shall be automatically adjusted in an amount equal to the annualized consumer price index (CPI) using the south urban CPI from the U.S. Department of Labor released in January of each year.”
- (e) For the purposes of this division, the term "residential" shall mean single family.
- (f) For the purpose of this division, the term “commercial” shall mean any use not defined as residential including but not limited to marinas, restaurants and multifamily.”

SECTION SIX. That Section 18-87(a) subsections (2) and(3) of the Code of Tuscaloosa be, and the same is hereby amended to read as follows:

“Sec. 18-87. Permit for structures or activity.

- (a) *Applications.*
 - (2) The application must be accompanied by the payment of a nonrefundable application fee to the city. The application fee shall be as follows for adjacent property within the corporate limits with an additional 50% charged for adjacent property outside of the corporate limits but within the police jurisdiction:

New Structure: \$0.50 per square foot of the permitted structure;
Repair of less than 25% of existing structure: \$100.00;
Dredging: \$150.00;
Seawall: \$75.00;
Clearing: \$75.00;
Lakes special Event . \$50.00;
Electrical : \$75.00;
 - (3) The fee shall be doubled should the applicant commence construction prior to applying for the permit. The fee for a re-inspection shall be \$50.00.”

SECTION SEVEN. That Section 18-87(c) subsections (1) and (2) of the Code of Tuscaloosa be, and the same is hereby amended to read as follows:

“Sec. 18-87. –Permit for structures or activity.

(c) *Technical criteria.* The technical criteria for private structures such as boathouses, piers, gazebos, etc., hereinafter referred to collectively as "structures," built on the lake or upon city property surrounding the lake shall be as follows:

(1) *Location.* All structures shall be located in front of and between the lot lines on that portion of the city's property on the lake shore adjacent to applicant's property. Provided however, that the director's determination as to the actual location of the structure in front of the applicant's property shall be governed by his/her discretion as to safety and proximity to other preexisting structures.

(2) *Length.* Subject to size limitations, the maximum allowable length for a structure shall be forty (40) feet or one-third ($\frac{1}{3}$) the distance to the opposite shoreline (as measured to the closest point on the opposite shoreline directly across from the proposed structure), whichever is less, extending perpendicular from a point on applicant's shoreline at normal pool elevation to the farthest point on the structure. Although the director may allow a structure of up to eighty five (85) feet in length extending perpendicular from a point on applicant's shoreline to the farthest point on the structure within the director's discretion based upon the demonstrated need of the applicant. Provided, however, that in no event shall the director allow any part of the structure to extend further than one-third ($\frac{1}{3}$) the distance to the opposite shoreline (as measured to the closest point on the opposite shoreline directly across from the proposed structure), extending perpendicular from a point on applicant's shoreline at normal pool elevation. In addition, the distance between two piers on opposite sides of the shoreline must be safe, in the opinion of the director, for navigation.”

SECTION EIGHT. That Section 18-87(c) subsection (10)(a)(1) of the Code of Tuscaloosa be, and the same is hereby amended to read as follows:

“Sec. 18-87. –Permit for structures or activity.

(c) *Technical criteria.* The technical criteria for private structures such as boathouses, piers, gazebos, etc., hereinafter referred to collectively as

"structures," built on the lake or upon city property surrounding the lake shall be as follows:

(10) *Electrical service.*

- a. Plans submitted with permit applications should be certified by a licensed electrical contractor or professional engineer as meeting the requirements of the National Electrical Code and this Code. All electrical service and devices, including pumps, on land and over water or on the structure shall comply with the National Electrical Code, current on the date of the permit is issued and as amended by the following requirements.
 1. A pier means to disconnect the flow of power to the pier shall be required on all piers. The pier disconnecting means for the pier shall be located on shore within ten (10) feet of landing and a minimum of 228' lockable and readily accessible and alternative placement may be approved by the director. The overcurrent protective device(s) that serve the pier shall have Class A ground fault protection."

SECTION NINE. That Section 18-87(c) subsection (10)(a)(9) of the Code of Tuscaloosa be, and the same is hereby added as follows:

"Sec. 18-87. –Permit for structures or activity.

- (c) *Technical criteria.* The technical criteria for private structures such as boathouses, piers, gazeboes, etc., hereinafter referred to collectively as "structures," built on the lake or upon city property surrounding the lake shall be as follows:

(10) *Electrical service.*

- a. Plans submitted with permit applications should be certified by a licensed electrical contractor or professional engineer as meeting the requirements of the National Electrical Code and this Code. All electrical service and devices, including pumps, on land and over water or on the structure shall comply with the National Electrical Code, current on the date of the permit is issued and as amended by the following requirements.

9. Location of Service Equipment, Panelboards, Switchboards, and Switchgear. The service equipment, panelboards, switchboards, and switchgears for residential floating docks shall be located adjacent to, but not on or in, the floating structure.”

SECTION TEN. That Section 18-87(e) of the Code of Tuscaloosa be, and the same is hereby amended to read as follows:

“Sec. 18-87. –Permit for structures or activity.

- (e) *Transfer.* No permit issued pursuant to the terms and conditions hereof is automatically transferrable. Upon the sale or other transfer of control of the property adjacent to the city's lakeshore property, in regard to which a permit exists pursuant to the provisions hereof, the new owner or person in control thereof shall immediately notify the director. The director shall conduct an inspection of the structure, and if upon inspection it is determined that the structure is in compliance with the "existing structure" provision of these regulations (subsection (g) below), then the director or his/her designated representative will authorize the transfer of the permit upon correction of required deficiencies and payment of a \$75.00 transfer fee for adjacent property within the corporate limits and a fee an additional 50% charged for adjacent property outside of the corporate limits but within the police jurisdiction

Provided, however, that if the structure does not comply with the "existing structure" provisions of these regulations, subsection (g) below, then the owner must obtain a new permit pursuant to the terms and conditions contained herein.

The new owner or person in control of any transferred property as provided for herein, adjacent to which is located a permitted structure, must apply for either a transferred permit or a new permit pursuant to the terms and conditions hereof within one year from the date of transfer of ownership or control, or remove the structure and restore the shoreline of the lake and city property. A failure to notify the director within the times specified herein shall require the payment of a \$50.00 delinquent fee.”

SECTION ELEVEN. That Section 18-88(a) of the Code of Tuscaloosa be, and the same is hereby amended to read as follows:

“Sec. 18-88. Annual structure user fee.

- (a) All persons, firms or corporations who own or control structures that are located in completely or in part upon city property surrounding or upon Lake Tuscaloosa shall pay an annual user permit fee to the city. All such annual user fees shall be due and payable according by May 31st of each year. It shall be delinquent thirty (30) days thereafter. Users fees shall be as follows:
1. Residential - adjoining property to structure within corporate limits. \$50.00
 2. Residential – adjoining property to structure outside of corporate limits but within the police jurisdiction shall increase from \$50.00 to \$75.00 if constructed or permitted for any construction after January 1, 2023 and following an ownership change.
 3. Commercial structure as defined by 18-68. \$60.00 per permitted boat slip for adjacent property within the corporate limits and \$120.00 per permitted boat slip for adjacent property outside of the corporates limits but within the police jurisdiction. Provided however, there shall be a minimum fee of \$60.00 for commercial structures adjacent to property within the corporate limits and \$120.00 for commercial structures adjacent to property outside of the corporate limits but within the police jurisdiction.

SECTION TWELVE. That Section 18-88(e) of the Code of Tuscaloosa be, and the same is hereby amended to read as follows

“Sec. 18-88. - Annual structure user fee.

- (e) **Effective January 1, 2023**, once every four (4) years every structure which has electrical service, permitted in this division, must be inspected for compliance with subsection 18-87(c)(10), and an inspection report completed on a form established by the director. Said inspection must be performed by a state licensed electrical contractor or professional electrical engineer licensed to do business in the city. The director shall stagger said inspections so that approximately one-quarter (¼) of the structures on Lake Tuscaloosa are inspected annually.”

SECTION THIRTEEN. That Section 18-91 of the Code of Tuscaloosa be, and the same is hereby amended to read as follows:

“Sec. 18-91. Permit revocation and removal of structures.

- (a) *Notice to owner of noncompliance.* Whenever the director shall find that any structure upon city property around Lake Tuscaloosa, or in or upon the lake, fails to comply with the provisions of this Code, the director representative shall give written notice to the person, firm or corporation listed on the records of the city for the structure as owner, or if there is not a permit, then to the person, firm or corporation last assessing the property for state taxes which is adjacent to the city property on the lake nearest to the location of the structure.
- (b) *Service of notice; contents and timeframe; extension.* Such notice shall be given by registered or certified mail to said address. The notice shall advise the owner of the violations or deficiencies found to exist in regard to the structure and that the same must be remedied either through repair or correction of the structure or removal of the structure, as the director may determine, within thirty (30) days. If, in the opinion of the director, the owner is making progress in good faith to correct the structure, the director may grant up to sixty (60) additional days.
- (c) *Posting.* Notice of such order or a copy thereof shall also be posted at or within three (3) feet of the structure.
- (d) *Appeal of director's decision.* Within thirty (30) days from the date of said notice, any person, firm or corporation having an interest in such structure may file a written appeal with the director for a hearing before the Council. The filing of such request shall hold in abeyance any action on the findings or orders of the director until a hearing and determination thereon is made. The director shall give the person, firm or corporation making such request written notice of the time, date and place of the hearing in regard to the appeal. At the hearing, the owner of the structure, the director and any other parties having interest therein shall have an opportunity to be heard and to present evidence to the city council in regard to the matter.
- (e) *Additional compliance time; failure to correct prohibited.* The city council may grant a person, firm or corporation a reasonable additional period of time to comply with the order of the director. It shall be unlawful for the owner or person in control of any structure to fail to correct any deviations or violations of law or ordinance by the structure and/or remove the structure as finally determined by the director or the city council, as the case may be.
- (f) *Demolition and removal.* In the event all notices required herein have been given and no appeal is taken from the determination of the director to

remove and demolish the structure or on appeal the determination has been made by the city council to remove and demolish said structure, such structure may be removed and demolished by the city through the use of its own forces or it may provide by contract for such removal and demolition. The city may sell or otherwise dispose of salvaged materials resulting from such removal and demolition as it sees fit. The infrastructure and public services department shall keep an accounting of all cost and expenses incurred for any such removal and demolition and demand payment thereof from said person, firm or corporation. No permit may be issued for a new structure in front of or adjacent to the lot where the previous structure was removed and/or demolished by the city, until all removal costs are paid.”

SECTION FOURTEEN. That Section 18-96 subsection (i)(6) of the Code of Tuscaloosa be, and the same is hereby amended to read as follows:

“Sec. 18-96. Miscellaneous structure regulations.

- (i) *Pumps.* Pumps for residential irrigation use shall be permitted to draw water from Lake Tuscaloosa under the following conditions:
 - (6) No pump shall be located below the electrical datum line, unless otherwise approved by the director.”

SECTION FIFTEEN. That Section 18-96 of the Code of Tuscaloosa be, and the same is hereby amended to add subsection (j) to read as follows:

“Sec. 18-96. –Miscellaneous structure regulations.

- (j) *Geothermal/water source heat pump systems.* No new geothermal water source heat pump systems will be permitted in or upon Lake Tuscaloosa, or the city property surrounding the lake. Existing permitted Geothermal/water source heat pump systems may remain provided that the system is in good working condition and the system shall be subject to inspection by the lakes/watershed inspector. Repairs of Geothermal/water source heat systems must be permitted. If the estimated cost of the repair exceeds \$5,000, then the system may not be repaired and must be removed.”

SECTION SIXTEEN. That Section 18-97, entitled “Installation and operation of geothermal/water source heat pump systems” be and the same is repealed in its entirety and shall be marked as “Reserved”.

SECTION SEVENTEEN. That Section 18-99 of the Code of Tuscaloosa be, and the same is hereby amended to add subsection (d) to read as follows:

“Sec. 18-99. Offenses.

- (d) It shall be unlawful to fail to obtain a timely inspection or reinspection as required by section 18-88(e).”

FUNDING REQUIRED: Yes No

By: _____
Chief Financial Officer

COUNCIL ACTION

Resolution _____
Ordinance _____
Introduced _____
Passed _____
2nd Reading _____
Unanimous _____
Failed _____
Tabled _____
Amended _____
Comments: _____

APPROVED AS TO FORM


Office of the City Attorney

Prepared By: SBH/cr
Requested: Finance Date: 12/6/22
Council Presentation: 12/13/22
Suspension of Rules: NO

ORDINANCE NO. _____

AN ORDINANCE ADOPTING A SEVERE WEATHER PREPAREDNESS SALES TAX HOLIDAY FOR
CERTAIN COVERED ITEMS FOR 2023
(A22-1387)

BE IT ORDAINED BY THE CITY COUNCIL OF TUSCALOOSA as follows:

1. The City of Tuscaloosa adopts the sales tax exemption from municipal sales taxes as enabled by Alabama Act No. 2012-256 for "covered items" as defined in said Act, under the same terms, conditions, and definitions as provided by Act No. 2012-256, Alabama Department of Revenue Rule 810-6-3-.66-.02ER, and/or any other applicable law or rule, for the period 12:01 AM Friday, February 24, 2023 until 12:00 midnight Sunday, February 26, 2023.
2. The City Clerk is authorized to certify a copy of this ordinance and convey it to the Alabama Department of Revenue as provided by law.
3. This ordinance shall become effective upon publication and expire Monday, February 27, 2023. The sales tax exemption provided herein shall apply only for February 24-26, 2023 and shall not apply to any other time period unless authorized by a separate, duly adopted ordinance.

FUNDING REQUIRED: Yes No

By: _____
Chief Financial Officer

COUNCIL ACTION

Resolution _____
Ordinance _____
Introduced _____
Passed _____
2nd Reading _____
Unanimous _____
Failed _____
Tabled _____
Amended _____
Comments: _____

APPROVED AS TO FORM


Office of the City Attorney

Prepared By: SBH
Requested: Admin Date: 12/06/22
Council Presentation: 12/13/22
Suspension of Rules: NO

ORDINANCE NO. _____

AN ORDINANCE APPOINTING JUDICIAL
APPOINTMENT COMMITTEE 2023
(A22-1370)

WHEREAS, current presiding Municipal Judge, Ricky McKinney's, four year term expires in January of 2023; and,

WHEREAS, Section 10-4 of the City Code requires a Judicial Appointment Committee to nominate to the City Council to appoint or reappoint the Municipal Judge.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF TUSCALOOSA as follows:

That the following persons be, and they are, hereby appointed as the City of Tuscaloosa Judicial Appointment Committee:

- a. Deputy Chief Severn Sanders, designee of Walt Maddox, Mayor
- b. Councilman Kip Tyner, City Council President
- c. Councilman John Faile, Chair of Administrative Committee
- d. Harrison Taylor, City resident appointed by the Mayor
- e. Scott Holmes, City Attorney
- f. Lashonda Herbert, Chief Human Resources Office
- g. Hon. John H. England, Jr., Former Circuit Judge
- h. Josh Hayes, Tuscaloosa County Bar Commission Place One
- i. Elizabeth Glasscox, designee of Scott Holmes Tuscaloosa County Bar Commission Place Two

FUNDING REQUIRED: Yes No

By: _____
Chief Financial Officer

COUNCIL ACTION

Resolution _____
Ordinance _____
Introduced _____
Passed _____
2nd Reading _____
Unanimous _____
Failed _____
Tabled _____
Amended _____
Comments: _____

APPROVED AS TO FORM


Office of the City Attorney

Prepared By: SBH
Requested: Admin Date: 12/06/22
Council Presentation: 12/13/22
Suspension of Rules: NO

ORDINANCE NO. _____

AN ORDINANCE AMENDING SECTION 19-235 OF THE CODE OF TUSCALOOSA
(A22-1389)

BE IT ORDAINED BY THE CITY COUNCIL OF TUSCALOOSA:

That Section 19-235 of the Code of Tuscaloosa be amended to read as follows:

“Sec. 19-235 – Municipal Vehicle Use.

- (a) *Policy statement.* Municipally owned vehicles are intended to promote the efficient and effective conduct of official municipal business, and therefore, are to be used exclusively to further this purpose.
- (b) *Use of municipal vehicles generally.* Municipally owned vehicles are to be operated only by city employees including part-time employees, and interns authorized to do so by their department head under the general supervision of the mayor as hereinafter provided.
 - (1) Utilization of municipal vehicles generally shall be by the authorization of the department head as hereinafter provided. Authorization is subject to review and may be revoked for violation or abuse of this policy.
 - (2) Municipally owned vehicles shall not be utilized to transport persons other than city employees except in the line and scope of duty and in connection with city business. Releases shall be obtained from persons who are not city employees to ride in municipal vehicles whenever possible, prior to allowing the same. Provided; however, a city employee that has been assigned a municipally owned vehicle may transport to school or daycare minor children that are immediate family members of the employee, incidental to traveling to and from work. Notwithstanding this section, vehicles assigned for twenty-four-hour call-out status shall be subject to the guidelines established in paragraph (d) of this section.
 - (3) All municipal vehicles shall be identified as official city vehicles by appropriate markings including a city or departmental seal and unit number with locations as determined appropriate by the fleet maintenance manager, with the exception of certain law enforcement vehicles or as directed by the mayor or at the request of the chief of police.
 - (4) There shall be no smoking, vaping, or other use of tobacco in municipal vehicles.

(c) *Assignment of municipal vehicles on a regular and continuous basis for non-twenty-four-hour call-out status.*

- (1) No specific municipal vehicle shall be assigned on a regular and continuous basis unless so authorized as herein provided. Municipal vehicles other than those on twenty-four-hour call may be assigned on a regular and continuing basis where such assignment is deemed to be in the best interest of the efficient and effective operation of municipal services as follows:
- (2) Written requests for such regular assignment of a municipally owned vehicles are to be made in advance of such assignment to the department head who, if he/she so approves the same, shall forward it to the chief operations office.

The department head shall prepare a written justification to accompany his or her request to the chief operations officer. The justification shall include all reasons and information relating to the need for such an assignment and must include a statement of the job duties and responsibilities, advantages to city business to be derived from the assignment and an estimate of the annual cost of such assignment. The chief operations officer shall act upon such request consistent with the policies of the city council. Department heads shall make requests for themselves directly to the chief operations officer. Approvals and denials made by the department head and the chief operations officer shall be in writing.

- (3) For the purposes of this policy, assignment of a vehicle on a regular and continuing basis is defined as follows:

"Assignment on a regular and continuous basis" shall mean that a specific municipal vehicle is to be utilized by a specific employee or group of employees on a regular and continuous basis for the performance of their official municipal duties to the limited exclusion of other employees as ordered by the department head or the chief operations officer. This does not include city employees of a certain job classification or duty that utilizes a nonspecific vehicle of a certain fleet or vehicles designed or utilized for a specific purpose, including but not limited to, garbage trucks, trash trucks, heavy duty trucks, fire trucks, etc. (However, note that the provisions of this policy pertaining to use of municipal vehicles generally, apply to all municipal vehicle usage.)

- (4) Municipal vehicles so assigned on a regular and continuing basis shall be used strictly and solely for the conduct of official municipal business and shall not be utilized for traveling to and from work. Municipal vehicles regularly assigned as herein provided shall not be driven to any residence or home of an employee unless a bona fide emergency exists relating to city business. Considerations for efficiency shall include the ability to perform a job or duty in the best possible manner without undue delay for the most effective operation of municipal services.
- (5) In the interest of effective law enforcement, the promotion of public safety and to increase law enforcement presence while in transit from residence to duty, police department vehicles are excluded from the provisions of subsection (c)(4). This

exclusion only applies to police department vehicles assigned on a regular and continuing basis as provided herein to a police officer of the city. In no event shall a police department vehicle be taken beyond the police jurisdiction of the city unless said vehicle is in the active discharge of official duties and not in transit to or from an officer's residence unless written approval of the chief operations officer is obtained and the distance traveled does not to exceed twenty-five (25) miles from the employee's primary assigned precinct.

- (d) *Assignment of vehicles due to twenty-four-hour call-out status.* Special assignment of a municipal vehicle may be granted when job duties and requirements necessitate twenty-four-hour responsibility. A municipal vehicle assigned for twenty-four-hour call-out status may be used for transportation to and from work so as to be available for call-out subject to the conditions set forth herein and may transport family members and guests as passengers. An employee may not qualify for twenty-four-hour call-out status if he/she resides beyond the police jurisdiction of the city unless written approval of the chief operations officer is obtained and the distance traveled does not to exceed twenty-five (25) miles from the employee's primary assigned office or work station.
- (1) In assessing the need for twenty-four-hour call-out status of a municipal vehicle, critical situations requiring a timely response and the frequency of actual call-out for maintaining municipal services shall be the governing criteria rather than the potential for call-out or the employee's rank.
 - (2) A department head anticipating the assignment of a municipal vehicle to themselves, an individual employee, or to a group of employees for twenty-four-hour call-out status shall prepare a written justification to accompany his or her written request to the chief operations officer. The justification shall include all pertinent information relating to the need for twenty-four-hour call-out status and must include the frequency of actual call-out, details of the duties and responsibilities performed by the employee (employees) and estimates of the cost (dollar and performance) the city may incur if the assignment is not made and a statement that the employee does not reside beyond the police jurisdiction of the city.
 - (3) Employees on twenty-four-hour call-out status remain subject to the provisions of Ordinance No. 2318 pertaining to establishing withholding election of the 1984 Tax Reform Act and the municipal vehicle policy.
 - (4) A municipal vehicle assigned for twenty-four-hour call-out status may be used for personal travel within Tuscaloosa County to improve response times when called out. A municipal vehicle assigned under this section may be used for out of county personal travel but said personal travel must be reimbursed to the City for any personal milage traveled outside of Tuscaloosa County at a rate established by the chief financial officer using IRS guidelines.
- (e) *Vehicle allowance.* The heads of departments, the municipal judge, and other employees of the city as designated by the mayor may elect, in lieu of utilizing a municipal vehicle, to

utilize their own private vehicle in the discharge of their duties as municipal employees, subject to the following terms and conditions:

- (1) This option is only available to heads of municipal departments, including the mayor, the municipal judge and other employees designated by the mayor. (Vehicle allowance employee.)
 - (2) An amount to be calculated by the city accounting and finance department will be paid to each vehicle allowance employee utilizing their private vehicle in the discharge of their public duties monthly.
 - (3) Vehicle allowance employees must have and maintain liability insurance in an amount of not less than is statutorily established for municipal corporations being: One hundred thousand dollars (\$100,000.00) bodily injury for each person; three hundred thousand dollars (\$300,000.00) bodily injury each occurrence; and property damage limits of one hundred thousand dollars (\$100,000.00) each occurrence and provide a certificate of insurance to the accounting and finance department to that effect. The vehicle allowance employee's vehicle must be acceptable to the city and in good and safe condition. It shall be the sole responsibility of the department head or municipal judge or approved employee to maintain said vehicle.
 - (4) Vehicle allowance employees shall be responsible for the cost of fuel for in-town travel for municipal business unless otherwise provided by the council in the annual department budget.
 - (5) Vehicle allowance employees may, therefore, receive payment from the city on a monthly basis in an amount ascertained by the accounting and finance department and approved by the council as reimbursement to said employee for utilizing his/her private vehicle in the line and scope of their duties with the city.
- (g) *Motorcycles, scooters, and mopeds.* Motorcycles, scooters, and mopeds shall not be authorized for official city business and shall not be driven in the line and scope of employment except when assigned to a city police officer or as required by a mechanic or other city employee whose job description includes maintaining/repairing a motorcycle, scooter or moped.
- (h) *Private vehicle usage.* All city employees, which shall for the purpose of this subsection include part-time employees, temporary employees and interns, may utilize their personal vehicles in the line and scope of employment for both in-town and out-of-town travel with approval of their department head or his/her designee and pursuant to this article; provided that, the employees personal vehicle is insured with the minimum liability insurance as required by Code of Ala. 1975, § 32-7-22 or comparable statute if the vehicle is properly registered in another state. The employee's vehicle to be eligible for use by the employee pursuant to this subsection must be maintained by the employee in a good and safe condition.

FUNDING REQUIRED: Yes No

By: _____
Chief Financial Officer

COUNCIL ACTION

Resolution _____
Ordinance _____
Introduced _____
Passed _____
2nd Reading _____
Unanimous _____
Failed _____
Tabled _____
Amended _____
Comments: _____

APPROVED AS TO FORM



Office of the City Attorney

Prepared By: JPW
Requested: Admin: 12/6/22
Presentation 12/13/22
Suspension of Rules: No

ORDINANCE NO. _____

AN ORDINANCE AMENDING SECTION 21-212 AND
ADDING SECTION 21-227 OF THE CODE OF TUSCALOOSA
(A22-0729)

BE IT ORDAINED BY THE CITY COUNCIL OF TUSCALOOSA as follows:

SECTION ONE. That Section 21-212 of the Code of Tuscaloosa entitled "Definitions" be, and the same is hereby, amended to replace the definition of "Area" to read as follows:

"Area. The provisions of this article shall have applicability to all site and land development projects and development activities within the corporate limits of the city and the city's police jurisdiction, including the development of subdivisions and planned unit developments (not individual lots within subdivisions), the development of single-family residential homes in flood hazard areas and all development within the drainage basin of Lake Tuscaloosa, Lake Nicol and Harris Lake

SECTION TWO. That Chapter 21, Article XII entitled "Regulation of Certain Land Development Activities" of the Code of Tuscaloosa be amended to add Section 21-227 to read as follows:

"Sec. 21-227. Lake Development.

a.) Siltation Bond and Storm Drainage Bond

A siltation and storm drainage bond in the amount of Ten Thousand (\$10,000) dollars or Two Dollars Fifty Cents (\$2.50) per square foot of disturbed area whichever greater, is required for a Lake Development LDP. The bond shall be on forms provided by the city. A lake development LDP is required for all development within the drainage basin of Lake Tuscaloosa, Harris Lake and Lake Nicol in the corporate limits of the city and its police jurisdiction. In the event the developer fails to perform as required by the bond, the City is authorized to enforce the bond. To enforce the bond, the city may remove the silt and correct storm drainage with the work performed by city crews or on behalf of the city with the cost of such work claimed against the bond and payable to the city. In addition, the city may file a lien equal to the amount of the bond against any lot or lots subject to the bond and owned by the developer executing the siltation bond. This lien

shall be a certified copy of a resolution passed by the city council and shall state the purpose and the amount of the lien and shall be recorded in the Office of Probate for Tuscaloosa County. The liens will not be satisfied until such time as the developer complies with the bond conditions or the surety pays the bond. If the lien remains unsatisfied for 90 days the City may collect on the lien as all debts are collected or liens enforced. The surety for the bond shall be in effect until such time that the development is permanently stabilized as defined by the 'Alabama Handbook for Erosion Control, Sediment Control and Stormwater Management on Construction Sites and Urban Areas' and shall be one of the following: an irrevocable letter of credit; a cash deposit or an insurance company doing business by an agent in the State of Alabama through an attorney-in-fact.

FUNDING REQUIRED: Yes No

By: _____
 Chief Financial Officer

COUNCIL ACTION

Resolution _____
Ordinance _____
Introduced _____
Passed _____
2nd Reading _____
Unanimous _____
Failed _____
Tabled _____
Amended _____
Comments: _____

APPROVED AS TO FORM



Office of the City Attorney

Prepared By: JPW

Requested: Admin Date: 12-6-22

Council Presentation: 12-13-22

Suspension of Rules: NO

ORDINANCE NO. _____

AN ORDINANCE AMENDING EXHIBITS "A" AND "B" OF SECTION 19-42/19-60(a) OF THE CODE OF TUSCALOOSA WATER & SEWER, PUBLIC WORKS AND CONSTRUCTION, FACILITIES & GROUNDS (A22-1333)

BE IT ORDAINED BY THE CITY COUNCIL OF TUSCALOOSA that Section 19-42 of the Code of Tuscaloosa be, and the same is hereby, amended as follows:

SECTION ONE. That Exhibit "A" Job Classification List–Pay Grade Order and Exhibit "B," Job Classification List–Alphabetical Order of Section 19-42 "Adoption of Exhibits," be, and the same are hereby, amended to **add** the following job classification pay grade and/or job classification titles as follows:

Job Code	Title	Pay Grade
9020	Director, Environmental Services	42
7050	Director, Transportation Services	44
3111	Sludge Filtration Operator, Senior	12
2740	Deputy Executive Director, Water & Sewer	46
2741	Water & Sewer Director of Finance & Special Projects	40
2742	Water & Sewer Process Assets Director	38
4101	Director, Facilities Maintenance	42

SECTION TWO. That Sec. 19-60(a) defining exempt employees pursuant to the Fair Labor Standard Act is hereby amended to **add** the following:

- Director, Environmental Services
- Director, Transportation Services
- Deputy Executive Director, Water & Sewer
- Water & Sewer Director of Finance & Special Projects
- Water & Sewer Process Assets Director
- Director, Facilities Maintenance

FUNDING REQUIRED: Yes No

By: _____
Chief Financial Officer

COUNCIL ACTION

Resolution _____
Ordinance _____
Introduced _____
Passed _____
2nd Reading _____
Unanimous _____
Failed _____
Tabled _____
Amended _____
Comments: _____

APPROVED AS TO FORM

Office of the City Attorney



Prepared By: JPW

Requested: Admin Date: 12-6-22

Council Presentation: 12-13-22

Suspension of Rules: NO

ORDINANCE NO. _____

AN ORDINANCE AMENDING EXHIBITS "A" AND "B" OF SECTION 19-42/19-60(a) OF THE CODE OF TUSCALOOSA INFORMATION AND TECHNOLOGY (A22-1391)

BE IT ORDAINED BY THE CITY COUNCIL OF TUSCALOOSA that Section 19-42 of the Code of Tuscaloosa be, and the same is hereby, amended as follows:

SECTION ONE. That Exhibit "A" Job Classification List–Pay Grade Order and Exhibit "B," Job Classification List–Alphabetical Order of Section 19-42 "Adoption of Exhibits," be, and the same are hereby, amended to **add** the following job classification pay grade and/or job classification titles as follows:

Job Code	Title	Pay Grade
7145	System Administrator, Senior	28
7146	System Analyst, Senior	32
7147	Network Analyst, Senior	32
7148	Security Analyst, Senior	32
7149	Data Analyst, Senior	32
7150	Geographic Information System (GIS) Administrator, Senior	32
7151	Fiber Optic Technician, Senior	22
7152	Junior Technical Support Specialist	16

SECTION TWO. That Exhibit "A" Job Classification List–Pay Grade Order and Exhibit "B," Job Classification List–Alphabetical Order of Section 19-42 "Adoption of Exhibits," be, and the same are hereby, amended to **upgrade** the following job classification pay grade and/or job classification titles as follows:

4028	Geographic Information System (GIS) Administrator	28
4032	System Administrator	26

SECTION THREE. That Sec. 19-60(a) defining exempt employees pursuant to the Fair Labor Standard Act is hereby amended to add the following:

System Administrator, Senior
System Analyst, Senior
Network Analyst, Senior
Security Analyst, Senior
Data Analyst, Senior
Geographic Information System (GIS) Administrator,
Senior

FUNDING REQUIRED: Yes No

By: _____
Chief Financial Officer

COUNCIL ACTION

Resolution _____
Ordinance _____
Introduced _____
Passed _____
2nd Reading _____
Unanimous _____
Failed _____
Tabled _____
Amended _____
Comments: _____

APPROVED AS TO FORM



Office of the City Attorney

Prepared By: SBH/BS

Requested: Finance Com. Date: 09/21/22

Council Presentation: 12/13/22

Suspension of Rules: No

ORDINANCE NO. _____

December 13, 2022

CITY OF TUSCALOOSA, ALABAMA

\$62,885,000

General Obligation Warrants

Series 2022-C

ORDINANCE NO. ____

**AN ORDINANCE AUTHORIZING THE ISSUANCE, AND MAKING PROVISION FOR
THE PAYMENT, OF \$62,885,000 GENERAL OBLIGATION WARRANTS, SERIES 2022-C**

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF TUSCALOOSA, ALABAMA, as follows:

ARTICLE I

Definition of Terms

Amendment 772 means Amendment Number 772 to the Constitution of Alabama of 1901, as amended.

Applicable Law means the applicable provisions of all constitutions, statutes, rules, regulations, orders, judgments, and decrees of any Governmental Authority.

Auditor means a Person (i) who is a certified public accountant regularly engaged in the auditing of financial records and who is not employed full time by the City or (ii) who is regularly employed by the Alabama Department of Examiners of Public Accounts.

Authorized City Representative means the Mayor, the Chief Financial Officer of the City, the Deputy Chief Financial Officer of the City, and any officer of the City authorized to act as "Authorized City Representative" for purposes of this Ordinance and so identified by the City to the Paying Agent in writing.

Authorized Denomination means the amount of \$5,000 and any integral multiple thereof.

Authorized Investments means any investment, obligation, or security at any time permitted by the laws of the State of Alabama for the investment or security of municipal funds or county funds, as such terms are defined in Section 11-81-21 of the Code of Alabama 1975 (or any successor provision of law), including without limitation (i) U.S Government Obligations or a trust or fund consisting of U.S. Government Obligations and (ii) U.S. dollar denominated deposit accounts and certificates of deposit with banks or savings associations which are qualified public depositories under Chapter 14A of Title 41 of the Code of Alabama 1975 (or any successor provision of law).

Authorized Purpose Costs means, collectively:

- (a) all issuance costs (as described in Treas. Reg. Section 1.150-1(b)) with respect to the Warrants;
and

(b) all costs of acquisition, construction and installation of the Series 2022-C Capital Improvements, including without limitation fees for architectural, engineering, environmental studies and surveys, geotechnical, surveying and title examination and correction services; labor materials, and transportation costs, expenses incurred in the enforcement of remedies against contractors, suppliers, sureties and vendors; payment to the City for any of such costs, expenses or fees paid by the City from the general revenues thereof (to the extent permitted by Treas. Reg. Section 1.150-2, if applicable); and payment of the principal of and interest on any indebtedness incurred by the City for payment of any of such costs, expenses or fees.

Beneficial Owner means the owner of a beneficial interest in a Warrant held pursuant to a Book-Entry System.

Bond Counsel means a Person (i) licensed to practice law in the State of Alabama and (ii) having experience with respect to obligations issued by the State of Alabama, and by or on behalf of political subdivisions of the State of Alabama, as "tax-exempt obligations" within the meaning of the Code.

Book-Entry System means a book-entry only system of evidence of purchase and transfer of beneficial ownership interests in the Warrants.

Business Day means a day, other than a Saturday or a Sunday, on which commercial banking institutions are open for business in the state where the Principal Office of the Paying Agent is located and a day on which the payment system of the Federal Reserve System is operational.

Chief Financial Officer means (i) the Chief Financial Officer of the City and (ii) any successor to the duties and functions thereof.

City means the City of Tuscaloosa, Alabama.

Code means the Internal Revenue Code of 1986, as amended.

Continuing Disclosure Agreement means the Continuing Disclosure Agreement dated the Date of Initial Delivery by the City in favor of the Owners.

Date of Initial Delivery means December 21, 2022.

Defeasance Fund means an independent and irrevocable account or fund established by the City pursuant to Section 9.04(b) for the benefit of any Warrant or Warrants.

Direct Participant or Direct Participants means securities brokers and dealers, banks, trust companies, clearing corporations and other financial institutions which have access to the Book-Entry System.

Disclosure Dissemination Agent means Digital Assurance Certification L.L.C.

Disclosure Dissemination Agent Agreement means that certain Disclosure Dissemination Agent Agreement dated the date of delivery between the County and Disclosure Dissemination Agent.

Electronic Means means the following communications methods: e-mail, facsimile transmission, secure electronic transmission containing applicable authorization codes, passwords and/or authentication keys, or another method or system specified by the Paying Agent as available for use in connection with its services hereunder.

Fiscal Year means the period beginning on October 1 of one calendar year and ending on September 30 of the next succeeding calendar year or such other Fiscal Year as may be adopted by the City.

Fully Discharged means, for any Warrant, that: (i) such Warrant has been cancelled by the Paying Agent (or delivered to the Paying Agent for cancellation) pursuant to Section 4.04; or (ii) such Warrant is alleged to have been destroyed, lost or stolen and shall have been replaced pursuant to Section 8.02; or (iii) the City shall have established a Defeasance Fund for such Warrant pursuant to Section 9.04; or (iv) the Paying Agent shall hold amounts sufficient for the payment in full of the principal of, premium (if any) and interest on such Warrant pursuant to Section 9.05.

Governing Law means, collectively:

- (a) Section 11-47-2 of the Code of Alabama 1975, with respect to the issuance of the Warrants; and
- (b) Article 1 of Chapter 81 of Title 11 of the Code of Alabama 1975, with respect to the accomplishment of the Governmental Purposes;
- (c) Amendment 772; and
- (c) The other applicable provisions of the Constitution of Alabama of 1901, as amended, and the laws of the State of Alabama.

Governmental Authority means any agency, authority, board, branch, bureau, commission, court, department, division, instrumentality, tribunal or other entity or organization of the State or the United States of America and of competent jurisdiction.

Governmental Purposes means the acquisition, construction and installation of the Series 2022-C Capital Improvements.

Indirect Participant or Indirect Participants means securities brokers and dealers, banks, trust companies, clearing corporations and other financial institutions for which the Securities Depository holds Warrants as securities depository through a Direct Participant.

Net Warrant Proceeds means the net proceeds received from the sale of the Warrants of \$65,673,703.75, being the principal amount thereof (\$62,885,000.00), plus net original issue premium of \$3,087,407.50 and less underwriting discount of \$298,703.75

Official Statement means the Official Statement dated the date of delivery with respect to the Warrants delivered by the City in compliance with 17 CFR Section 240.15c2-12.

Ordinance means this Ordinance as originally adopted and as it may from time to time be supplemented, modified or amended.

Outstanding means, with respect to any Warrant on any date of determination, that such Warrant shall have been authenticated and delivered under this Ordinance and shall not have been Fully Discharged.

Owner when used with respect to any Warrant means the Person in whose name such Warrant is registered in the Warrant Register, including without limitation the Securities Depository or Securities Depository Nominee with respect to any Warrant held under the Book-Entry System.

Paying Agent means (i) Regions Bank, and the successors and assigns thereof, and (ii) any successor designated as depository, paying agent and registrar pursuant to this Ordinance.

Person means and includes any individual, corporation, general or limited partnership, limited liability company or partnership, joint venture, association, trust, unincorporated organization and any Governmental Authority.

Preliminary Official Statement means the Preliminary Official Statement dated the date of delivery with respect to the Warrants delivered by the City in compliance with 17 CFR Section 240.15c2-12.

Principal Office of the Paying Agent means the designated office of the Paying Agent for purposes of this Ordinance, or such other office as shall be designated by the Paying Agent by written notice to the City and (i) the Securities Depository if the Book-Entry System is in effect, or (ii) to the Owners of the Warrants if the Book-Entry System is not in effect.

Proceeds Fund means the fund established pursuant to Section 3.05.

Record Date means the fifteenth day of a calendar month (whether or not a Business Day) next preceding any Stated Interest Payment Date.

Securities Depository means The Depository Trust Company, a limited purpose trust company organized under the laws of the State of New York, and the successors and assigns thereof, and any substitute securities depository therefor that maintains a Book-Entry System for the Warrants.

Securities Depository Nominee means the Securities Depository or the nominee of such Securities Depository in whose name there shall be registered on the Warrant Register the Warrants to be delivered to such Securities Depository during a period in which the Warrants are held pursuant to the Book-Entry System.

Series 2022-C Capital Improvements means the acquisition, construction and installation of certain roads, streets, public ways, sidewalks and related infrastructure in connection with the improvement and expansion of McWright's Ferry Road, subject to the reserved right of the City to apply some or all of the Net Warrant Proceeds to the acquisition of any additional or other property in compliance with Section 3.06 and the applicable provisions of the Code.

Stated Interest Payment Date means each April 1 and October 1.

Tax Certificate and Agreement means that certain Tax Certificate and Agreement delivered by the City with respect to the Warrants.

Taxable means, with respect to any Warrant, interest on such Warrant is includible in the gross income of the Owner thereof for purposes of federal income taxation; provided, however, interest on any Warrant shall not be deemed "Taxable" if interest on such Warrant is includible in any calculation of income for purposes of an alternative minimum tax or any other type of taxation other than the regular federal tax imposed on income.

Transaction Documents means, collectively, the following documents:

- (a) Continuing Disclosure Agreement;
- (b) Disclosure Dissemination Agent Agreement;
- (c) Tax Certificate and Agreement; and
- (d) Warrant Purchase Agreement.

Underwriter means The Frazer Lanier Company, Incorporated.

U.S. Government Obligations means direct general obligations of the United States of America or any obligations on which the payment of the principal thereof and interest thereon are unconditionally guaranteed by the United States of America.

Warrant means any warrant authenticated and delivered pursuant to this Ordinance.

Warrant Fund means the fund established pursuant to Section 9.03.

Warrant Purchase Agreement means Award Letter dated the date of delivery by the City to the Underwriter.

Warrant Register shall have the meaning assigned in Section 4.03(a).

Warrant Registrar means the Paying Agent appointed as Warrant Registrar pursuant to Section 12.01.

ARTICLE 2

Determinations and Representations

The City certifies, represents and warrants that:

- (a) the issuance of the Warrants for the Governmental Purposes at a price equal to the Net Warrant Proceeds is in the best interests of the taxpayers and citizens of the City;
- (b) the City has adopted this Ordinance and authorized the issuance of the Warrants by proceedings duly had and taken pursuant to the Governing Law in due time, form and manner as required thereby;
- (c) (1) the long-term indebtedness of the City is set forth in the Preliminary Official Statement and the Official Statement;
- (2) subsequent to the dates as of which the City provided information with respect to the indebtedness thereof for purposes of the Preliminary Official Statement and the Official Statement, the City has not incurred any direct, indirect or contingent indebtedness which is material in amount or duration except short-term or temporary indebtedness incurred in the ordinary course of business;
- (3) the City is not in default with respect to any indebtedness or obligation of the City;
- (d) no proceedings with respect to the City have ever been taken pursuant to Chapter 9 of Title 11 of the United States Code or Section 11-81-3 of the Code of Alabama 1975 or any similar federal or state law with respect to creditors' rights;
- (e) the Preliminary Official Statement and the Official Statement are correct and do not contain an untrue statement of a material fact or omit to state a material fact required to be stated therein or necessary to make the statements therein, in light of the circumstances under which they were made, not misleading;
- (f) the period of usefulness of the Series 2022-C Capital Improvements will extend beyond the final maturity date of the Warrants;
- (g) the expenditure of the Net Warrant Proceeds for the Governmental Purposes will serve a valid and sufficient public purpose notwithstanding any incidental benefit accruing to any private entity or entities;
- (h) (1) the City has heretofore duly adopted Ordinance No. 9279 on September 27, 2022, which authorized (i) the issuance of the Warrants pursuant to Amendment 772 and (ii) the validation of the Warrants pursuant to Article 17 of Chapter 6 of Title 6 of the Code of Alabama of 1975;
- (2) on September 19, 2022, the City published in *The Tuscaloosa News*, which newspaper has the largest circulation in the City, the notice required by Amendment No. 772(c)(2) for the consideration of Ordinance No. 9279. A copy of such notice is included in Ordinance No. 9279; and
- (3) on October 27, 2022, the Circuit Court of Tuscaloosa County, Alabama issued an order validating the Warrants, and the period for filing an appeal of such order has expired without any appeal being filed.

ARTICLE 3

Authorization of Warrants, Transaction Documents and Official Statement

Section 3.01 The Warrants

(a) General.

(1) The City authorizes the issuance of a series of warrants designated "General Obligation Warrants, Series 2022-C" in an aggregate principal amount of \$62,885,000 pursuant to the Governing Law and this Ordinance to provide for the Governmental Purposes.

(2) The Warrants shall be delivered and issued in certificated form as a single Warrant for each stated maturity thereof in integral multiples of an Authorized Denomination and numbered consecutively in order of such stated maturity.

(3) (i) The Warrants shall be initially held pursuant to a Book-Entry System administered by the Securities Depository.

(ii) On the date of delivery of the Warrants, the certificated Warrant for each stated maturity thereof shall be registered in the name of the Securities Depository Nominee and delivered to, and held in the custody of, the Securities Depository or the Paying Agent in accordance with the procedures and rules of the Securities Depository therefor.

(b) Form of Warrants.

The Warrants shall be issued to the Owners in the form set forth therefor on Exhibit A (with such changes thereto as shall be required by Applicable Law on the date of delivery thereof).

(c) Maturity of Principal; Interest Rates.

The principal of the Warrants (i) shall mature on October 1 in the years and principal amounts set forth below, and (ii) shall bear interest at the respective per annum rates of interest set forth below for the principal amount set opposite each such rate, payable in arrears on each Stated Interest Payment Date and on each date fixed pursuant to this Ordinance for the payment of principal of the Warrants upon redemption (in whole or in part) thereof:

<u>Year</u>	<u>Principal Amount</u>	<u>Interest Rate</u>
2023	\$945,000	5.000%
2024	995,000	5.000
2025	1,045,000	5.000
2026	1,100,000	5.000
2027	1,155,000	5.000
2028	1,215,000	5.000
2029	1,280,000	5.000
2030	1,345,000	5.000
2031	1,415,000	5.000
2032	1,485,000	5.000
2033 ^[1]	1,560,000	5.000
2034 ^[1]	1,640,000	5.000
2035 ^[1]	1,725,000	5.000
2036 ^[1]	1,815,000	5.000
2037 ^[1]	1,910,000	5.000
2038 ^[1]	2,005,000	5.000
2039 ^[1]	2,110,000	5.000
2040 ^[1]	2,215,000	5.000
2041 ^[1]	2,330,000	5.000
2042 ^[1]	2,450,000	5.000
2047 ^{[1][2]}	13,945,000	4.125
2052 ^{[1][2]}	17,200,000	4.250

[1] Warrants subject to optional redemption as provided therein.

[2] Warrants subject to mandatory redemption as provided therein.

Section 3.02 Accrual of Interest on Warrants

The principal amount of each Warrant shall accrue interest at the respective per annum rate of interest thereof determined on the basis of a 360-day year of 12 consecutive 30-day months for the period beginning on (and including) the date of delivery of and payment for such Warrant and continuing thereafter until (but not including) the date on which the principal of such Warrant is paid in full and retired; provided, however, that, anything in this Ordinance to the contrary notwithstanding, interest on the outstanding principal amount of any Warrant will cease to accrue from and after the stated maturity date of such Warrant, or the date specified for redemption (in whole or in part) in advance of maturity of such Warrant, if and to the extent that on any such date the Paying Agent holds in trust pursuant to Section 9.05 funds in an aggregate amount sufficient to pay in full the principal of and interest on such Warrant becoming due and payable on such date.

Section 3.03 Delivery of Warrants and Transaction Documents

The City authorizes and directs the Mayor, the Chief Financial Officer and the City Clerk to effect delivery on the Date of Initial Delivery:

- (1) to the Paying Agent, the Warrants, a certified copy of this Ordinance, and the Transaction Documents to which the Paying Agent is a party signatory thereto; and
- (2) to, or as directed by, the Underwriter, the Preliminary Official Statement, the Official Statement and the certificates, documents and proceedings required pursuant to the Warrant Purchase Agreement.

Section 3.04 Application of Net Warrant Proceeds

The Net Warrant Proceeds shall be deposited on the date of issuance of the Warrants in the Proceeds Fund and applied as provided therefor.

Section 3.05 Proceeds Fund

(a) For the payment of Authorized Purpose Costs the City hereby establishes a special fund to be held by the Paying Agent designated the "Proceeds Fund" (the "Proceeds Fund").

(b) The City shall deposit in the Proceeds Fund the amount of Net Warrant Proceeds specified therefor in Section 3.04 and invest the amounts on deposit in the Proceeds Fund in Authorized Investments pending application thereof for Authorized Purpose Costs.

(c) The City shall apply the amounts on deposit in the Proceeds Fund to the payment of the Authorized Purpose Costs in accordance with the provisions of the Tax Certificate and Agreement.

(d) (1) The Paying Agent shall disburse the amounts on deposit in the Proceeds Fund only upon receipt thereby of a Proceeds Fund Requisition in form set forth on Exhibit B appropriately completed and executed by an Authorized City Representative.

(2) The City agrees the Paying Agent shall have no liability for the application or use of any amounts in the Proceeds Fund if disbursed pursuant to the provisions of this Section and with actual knowledge that such disbursement constitutes an illegal or unauthorized use of public funds.

(e) All amounts on deposit in the Proceeds Fund after the City shall have determined that the Governmental Purposes for which the Proceeds Fund was created shall have been accomplished or completed shall be applied to the payment of the principal amount of the Warrants on the then next succeeding principal payment dates therefor.

Section 3.06 Amendment of Series 2022-C Capital Improvements

The City may apply any portion of the Net Warrant Proceeds for the acquisition, construction or installation of any property not included within, or described as part of, the Series 2022-C Capital Improvements, if prior thereto: (a) the governing body of the City adopts an ordinance in which the City describes the property to be so acquired, constructed or installed and authorizes the use of Net Warrant Proceeds for such purpose, and (b) the City delivers to the Chief Financial Officer an Opinion of Bond Counsel to the effect the use of Net Warrant Proceeds to acquire, construct, or install such property is authorized by the Governing Law and will not cause the interest on the Warrants to be Taxable.

Section 3.07 Approval and Authorization of Transaction Documents

(a) The City (i) approves and authorizes the Transaction Documents and (ii) authorizes and directs the Mayor, Chief Financial Officer and City Clerk of the City to execute and attest, in the name and under seal of the City, the Transaction Documents with such changes thereto as shall not increase or extend any pecuniary liability of the City thereunder and as such officers shall conclusively approve by execution thereof.

Section 3.08 Approval of Preliminary Official Statement and Official Statement

The City approves, authorizes and ratifies the content of the Preliminary Official Statement and the Official Statement, the execution thereof by the Mayor, and the distribution thereof by the Underwriter on behalf of the City.

Section 3.09 General Authorization and Ratification

(a) The City authorizes and directs the Mayor, the Chief Financial Officer and the City Clerk of the City to take all actions, and to execute, deliver, file and record all certificates, documents, instruments and notices as are required by Bond Counsel, Governing Law, or the Warrant Purchase Agreement to effect the issuance of the Warrants and the purposes of this Ordinance.

(b) The City ratifies and confirms:

(i) the execution, delivery and performance of the Warrant Purchase Agreement; and

(ii) all actions taken, and all certifications and representations made, by any officer of the City in connection with, or in furtherance of, the actions and transactions authorized and approved by this Ordinance.

ARTICLE 4

Execution, Authentication, Registration and Cancellation of Warrants

Section 4.01 Execution of Warrants

(a) The City authorizes and directs the Mayor and City Clerk of the City to execute, seal and attest, and the Chief Financial Officer to register as a claim against the City, the Warrants presented for issuance and delivery pursuant to this Ordinance on each of the following dates:

- (1) the date of initial issuance of a Warrant;
- (2) the date of partial redemption of a Warrant pursuant to Article 7;
- (3) the date of transfer, exchange or replacement of a Warrant pursuant to Article 8.

(b) The City will treat as valid for all purposes of this Ordinance each Warrant executed by the individual who on the date of such execution thereof validly holds and exercises the office of Mayor of the City without regard to whether at any time prior to, or after, the date of delivery of such Warrant such individual shall have ceased to hold and exercise such office.

Section 4.02 Authentication of Warrants

The Paying Agent will, by duly authorized officer thereof, authenticate, register and deliver all executed Warrants delivered to the Paying Agent by the City for such purpose under this Ordinance in accordance with (i) the written instructions of the City with respect thereto and (ii) the procedures and rules of the Securities Depository to the extent applicable thereto.

Section 4.03 Registration of Warrants

(a) The City shall cause to be kept at the Principal Office of the Paying Agent a register (the "Warrant Register") in which the City shall provide for the registration of Warrants.

(b) The City will register the ownership of each of the Warrants on the Warrant Register in the name of the Person who shall have acquired such Warrant.

Section 4.04 Cancellation of Surrendered Warrants

All Warrants surrendered for payment, redemption, transfer, exchange or replacement shall be promptly cancelled and destroyed by the Paying Agent.

ARTICLE 5

Determination of Ownership of Warrants

(a) The ownership of a Warrant shall be proven by the Warrant Register for all purposes of this Ordinance.

(b) The City and the Paying Agent shall treat the Person in whose name any Warrant is registered as the owner of such Warrant for the purpose of receiving payment of principal of and interest on such Warrant and for all other purposes of this Ordinance, and, to the extent permitted by Applicable Law, neither the City or the Paying Agent shall be affected by notice to the contrary.

(c) (1) During a period in which the Warrants are held pursuant to a Book-Entry System, the City and the Paying Agent shall treat the Securities Depository or the Securities Depository Nominee as the only Owner of the Warrants for all purposes of this Ordinance.

(2) In the event the Securities Depository or the Securities Depository Nominee assigns its rights to consent or vote under this Ordinance to any Direct Participant or Indirect Participant, the City, the Paying Agent and the Developer shall treat such assignee or assignees as the only Owner or Owners of the Warrants for the purpose of exercising such rights so assigned.

ARTICLE 6

Operation of Ordinance for Warrants Held in Book-Entry System

The City and the Paying Agent will administer and construe the provisions of this Ordinance to effect full compliance with the procedures and rules of the Securities Depository with respect to all Warrants held pursuant to a Book-Entry System, including without limitation:

- (a) payment and redemption (in whole or in part) of Warrants;
- (b) transfers of beneficial interests in Warrants;
- (c) delivery of notices pursuant to this Ordinance;
- (d) grant of consent or waiver with respect to any action or inaction.

ARTICLE 7

Redemption of Warrants

Section 7.01 Optional Redemption of Warrants; Conditional Redemption; Defeasance Fund

(a) (1) The City may redeem all, or less than all, of the Warrants upon written notice designating the order, aggregate principal amount (determined on the basis of the smallest Authorized Denominations so that the principal amount of any Warrant which remains Outstanding after such redemption shall be an integral multiple of an Authorized Denomination), and stated principal payment dates of the Warrants subject to redemption to the Paying Agent by such date in advance of the proposed date of redemption as shall enable the Paying Agent to comply with the provisions of this Ordinance with respect thereto. The Paying Agent, or the Securities Depository if applicable, shall determine by fair and appropriate method the principal amount of Warrants to be redeemed within a maturity.

(2) The Owner of any Warrant which shall have been called for partial redemption must, on the date of redemption, surrender such Warrant to the Paying Agent with endorsement for transfer thereon, or with a written instrument of transfer acceptable to the Paying Agent, executed by such Owner or the attorney thereof authorized in writing therefor, whereupon without service charge the City will execute, and the Paying Agent will authenticate, register and deliver to, or as directed in writing by, such Owner a new Warrant of like tenor and the same series, dated the date of redemption, and in a principal amount in Authorized Denominations equal to, and in exchange for, the unredeemed portion of the principal of the Warrant so surrendered.

(b) Anything in this Ordinance to the contrary notwithstanding, the City may provide for the optional redemption of any Warrant (or portion thereof) contingent upon specified conditions, such as deposit of funds necessary for such redemption or the occurrence of specified events. If the conditions for such redemption are not satisfied prior to the proposed date of redemption, such Warrant shall not be subject to redemption on such date and the City shall not be required to redeem such Warrant (or portion thereof) subject to such conditional redemption. The City shall return any Warrants surrendered on the specified date of redemption to the Owners of such Warrants. The failure of the City to redeem any Warrant called for conditional redemption as provided in this Section shall not constitute a default by the City in payment of the principal of or interest on such Warrant.

(c) The City shall establish a Defeasance Fund for all Warrants (or portions thereof) called for optional redemption.

Section 7.02 Notice of Redemption of Warrants

(a) The Paying Agent will give notice of redemption, in the name and at the expense of the City, to the Owner of each Warrant, all or a portion of the principal of which is to be redeemed, not less than 30 days prior to the proposed date of redemption by United States registered or certified mail (first class, postage prepaid) or, if the Securities Depository or Securities Depository Nominee is the Owner, at the times and in the manner as provided in the applicable rules and procedures of the Securities Depository, at the address of such Owner appearing in the Warrant Register; provided, however, any Owner may waive the requirement of notice as to the redemption of the Warrant or Warrants thereof. The Paying Agent and the City are not required to give notice of redemption to any Beneficial Owner.

(b) All notices of redemption shall state (i) the Warrants to be redeemed; (ii) the date of redemption; (iii) the redemption price; (iv) whether such redemption is mandatory or optional; (v) the principal amount of Warrants to be redeemed, and, if less than all Warrants then Outstanding are to be redeemed, the identification (and, in the case of partial redemption, the respective principal amounts) of the Warrants to be redeemed; (vi) that on the date of redemption the redemption price of each of the Warrants to be redeemed will become due and payable and that the interest thereon shall cease to accrue from and after said date; (vii) to the extent required for Warrants in certificated form, the place or places where the Warrants to be redeemed are to be presented and surrendered for payment of the redemption price; and (viii) if applicable, the terms upon which any optional redemption is contingent upon specified conditions.

(c) The City and the Paying Agent shall, to the extent practical under the circumstances, comply with the standards set forth in Securities and Exchange Commission's Exchange Act Release No. 23856 regarding redemption notices, provided that their failure to do so shall not in any manner defeat the effectiveness of a call for redemption if notice thereof is given as prescribed in this Section.

Section 7.03 Payment of Redemption Price of Warrants

In the manner and as provided in this Ordinance for the payment of the Warrants:

(1) the City shall pay the redemption price of all Warrants (or portions thereof) called for optional redemption solely from the Defeasance Fund established therefor on the date specified for redemption thereof; and

(2) the City shall pay the redemption price of all Warrants called for mandatory redemption solely from the Warrant Fund on the date specified for redemption thereof.

ARTICLE 8

Transfer, Exchange and Replacement of Warrants

Section 8.01 Transfer and Exchange of Warrants

(a) The Owner of any Warrant may transfer such Warrant by surrender of such Warrant to the Paying Agent with endorsement for transfer thereon, or with a written instrument of transfer acceptable to the Paying Agent, executed by such Owner or the attorney thereof authorized in writing therefor and by payment in advance in immediately available funds of all expenses and governmental charges of the City and the Paying Agent in connection with such transfer, whereupon the City will execute, and the Paying Agent will authenticate, register and deliver to such transferee as directed in writing by such Owner a new Warrant of like tenor and the same series, dated the date of transfer, and in a principal amount in Authorized Denominations equal to the outstanding principal amount of the Warrant so surrendered.

(b) The Owner of any Warrant in a principal amount in excess of the smallest Authorized Denomination may surrender the same in exchange for more than one Warrant, each in a principal amount which is an integral multiple of an Authorized Denomination, having the same year of maturity as the Warrant so surrendered and the same aggregate principal amount. The Owner of two or more Warrants having the same principal maturity may surrender the same in exchange for a single Warrant in the aggregate principal amount of the Warrants so surrendered.

(c) The Paying Agent is not required to transfer or exchange any Warrant during the period beginning on a Record Date and ending on the then next succeeding Stated Interest Payment Date, and in the event that any Warrant (or any part thereof) is duly called for optional redemption (in whole or in part), the Paying Agent is not required to register or transfer any such Warrant during the period of forty-five (45) days next preceding the date fixed for such redemption.

(d) All Warrants issued upon any transfer or exchange of Warrants are the valid obligations of the City and entitled to the same security and benefits under this Ordinance as the Warrants surrendered upon such transfer or exchange.

Section 8.02 Replacement of Warrants

(a) If (i) any mutilated Warrant is surrendered to the Paying Agent, or the City and the Paying Agent receive evidence to their satisfaction of the destruction, loss or theft of any Warrant so that the same is not held by an Person as his property, and (ii) there is delivered to the City and the Paying Agent such security or indemnity as may be required by them to save each of them harmless, and payment of any governmental charges and expenses of the City in connection therewith, then, in the absence of actual notice to the City and the Paying Agent that such Warrant has been acquired by a bona fide purchaser, the City shall execute, and the Paying Agent shall authenticate, register and deliver, in exchange for or in lieu of any such mutilated, destroyed, lost or stolen Warrant, a new Warrant of like tenor and the same series, dated the date of replacement, and in a principal amount in Authorized Denominations equal to the outstanding principal amount of the Warrant so replaced.

(b) Every Warrant issued in lieu of any destroyed, lost or stolen Warrant will constitute an original additional contractual obligation of the City.

ARTICLE 9

Source of, and Provisions for, Payment of Warrants

Section 9.01 General Obligation

(a) The City covenants and agrees the indebtedness evidenced and ordered paid by the Warrants is a general obligation of the City for the punctual payment of the principal of, premium (if any) and interest on which the full faith and credit of the City are hereby sacredly and irrevocably pledged.

(b) The Warrants are solely an obligation of the City and shall never constitute a direct, indirect, or contingent obligation, indebtedness, pecuniary liability, or charge against the general credit, revenues, or taxing power of the State of Alabama.

Section 9.02 Payment of Warrants

(a) (1) The City orders and directs the Chief Financial Officer and the Paying Agent to pay, solely from the Warrant Fund or a Defeasance Fund, as applicable, to the Owners, in lawful money of the United States of America immediately available and without deduction for exchange, fees or expenses, (i) interest on the Warrants due on any Stated Interest Payment Date to the Owners in whose names the Warrants are registered in the Warrant Register at the close of business on the Record Date for such Stated Interest Payment Date, and (ii) interest on the Warrants due upon redemption on any date other than an Stated Interest Payment Date, and (iii) principal of the Warrants due on any stated maturity date or redemption date therefor only upon surrender thereof at the Principal Office of the Paying Agent;

(2) Upon the written request of the Owner of any Warrant in a principal amount of not less than \$1,000,000, the Paying Agent will make payment of the principal of, premium (if any) and interest on such Warrant by wire transfer to an account of such Owner 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 Paying Agent, if such written request contains adequate instructions for the method of payment and final payment of principal is made upon such surrender of the Warrant or Warrants.

(b) If any payment is due pursuant to Section 9.02(a) on a day which is not a Business Day, such payment shall be made, in the same amount, on the first succeeding day which is a Business Day, with the same effect as if made on the date on which such payment was due.

(c) All payments to the Owners of principal of, premium (if any) and interest on the Warrants on behalf of the City or the Paying Agent shall be valid and effectual to discharge, satisfy and terminate the liability of the City and the Paying Agent to the extent of the amounts so paid.

Section 9.03 The Warrant Fund

(a) The City establishes a special fund designated the "Warrant Fund" to be held and applied by the Paying Agent under this Ordinance solely for the payment of the principal of, premium (if any), and interest on the Warrants.

(b) The Chief Financial Officer is authorized and directed to deposit into the Warrant Fund the following amounts on the following dates:

(1) on or before the fifteenth day of each March and September, an amount equal to the interest becoming due on the Warrants on the next succeeding Stated Interest Payment Date;

(2) on or before the fifteenth day of each September, an amount equal to the principal maturing or subject to mandatory redemption on the next succeeding principal payment date with respect to the Warrants;

(3) such amounts, if any, at such times as shall provide funds in the Warrant Fund sufficient for the payment of the principal of and interest on the Warrants in full when due.

(c) The City authorizes and directs the Paying Agent to deposit in the Warrant Fund any funds received by the Paying Agent with written directions from an Authorized City Representative to deposit such funds in the Warrant Fund.

(d) (1) The Paying Agent shall invest the amounts at any time on deposit in, or credited to, the Warrant Fund (the "Warrant Fund Amount") as directed in writing by the City and subject to the following provisions therefor:

(i) the Warrant Fund Amount shall be invested only in Authorized Investments which mature or are subject to redemption by the Paying Agent at times and in amounts sufficient for the purposes of the Warrant Fund;

(ii) the Warrant Fund Amount shall be increased by all income and profits, and decreased by all losses, resulting from the investment thereof;

(iii) all income and profits from investment of the Warrant Fund Amount shall remain in the Warrant Fund and be credited against the next succeeding deposits required therein;

(iv) the Paying Agent will not be liable for any loss resulting from investment of the Warrant Fund Amount except to the extent such loss resulted from the gross negligence or willful misconduct of the Paying Agent.

(2) The Paying Agent will cause the Warrant Fund Amount to be secured as provided by Applicable Law for public funds.

(e) The City and Paying Agent covenant and agree that (i) all money transferred to or deposited in the Warrant Fund shall be applied to the payment of principal of, premium (if any) and interest on the Warrants within 13 months from the date of such transfer or deposit and (ii) all income and profits received from investment of money in the Warrant Fund shall be applied to the payment of principal of, premium (if any) and interest on the Warrants within 12 months from the date of receipt of such income or profits.

(f) The Paying Agent shall transfer to the City all amounts in the Warrant Fund remaining after the Warrants shall have been Fully Discharged and after all fees and expenses of the Paying Agent shall have been paid.

Section 9.04 Discharge and Defeasance of Warrants

(a) From and after the date on which a Warrant shall be Fully Discharged, the obligations of the City for the payment of any amount of principal of, premium (if any) or interest on such Warrant from the general funds and revenues of the City lawfully available therefor are fully discharged, satisfied and terminated.

(b) The City may provide for the payment of any of the Warrants by establishing a Defeasance Fund for such purpose with the Paying Agent, for the exclusive and sole benefit of the Owners of the Warrants to be paid therefrom, and depositing therein cash or U.S. Government Obligations which (assuming the due and punctual payment of the principal of and interest on such U.S. Government Obligations) will provide funds sufficient to pay in full the principal of, premium (if any) and interest on such Warrants as the same becomes due and payable until the maturity or redemption of such Warrants; provided, however, that:

(1) such U.S. Government Obligations must not be subject to redemption prior to their respective maturities at the option of the issuer thereof;

(2) if any of such Warrants are to be redeemed in advance of stated maturity, either (i) the Paying Agent shall receive evidence that notice of such redemption has been given in accordance with the provisions of this Ordinance and such Warrants or (ii) the City will confer on the Paying Agent irrevocable authority for the giving of such notice on behalf of the City; and

(3) the Paying Agent shall have received (i) an Opinion of Bond Counsel to the effect that establishment of such Defeasance Fund will not cause interest on any of such Warrants to be or become Taxable, and (ii) in circumstances where funds are deposited into the defeasance trust fund more than 90 days in advance of the redemption of the Warrants, a certificate of an Auditor to the effect that the funds on deposit in such defeasance trust fund and the income therefrom without reinvestment will be sufficient to pay when due the principal of, premium if any and interest on such Warrants.

(c) The Paying Agent may invest any investment proceeds received by the Paying Agent in a Defeasance Fund in U.S. Government Obligations.

(d) The Paying Agent will apply all amounts in a Defeasance Fund solely for the payment of the principal of, premium (if any) and interest on the Warrants with respect to which such fund was established.

Section 9.05 Funds for Payment of Unsurrendered Warrants to be Held in Separate Trust; Repayment of Unclaimed Money

(a) If an Owner fails to present or surrender the Warrant or Warrants thereof on any date fixed or scheduled for payment of principal thereof, the Paying Agent shall transfer amounts held in the Warrant Fund, or in a Defeasance Fund, as applicable, sufficient for the payment of principal of, premium (if any) and interest on such Warrant or Warrants to a separate trust fund created by the Paying Agent for such purpose and hold such amounts in trust for the sole benefit of the Persons entitled thereto, which amounts shall not be invested.

(b) The City authorizes and directs the Paying Agent to pay such amounts to the Owner of such Warrants upon presentation thereof, subject to Section 9.05(c).

(c) Any amounts held in trust by the Paying Agent pursuant to this Section which are unclaimed for three (3) years after the date on which payment thereof was due to have been made shall, subject to Applicable Law, be paid to the City upon written request of an Authorized City Representative and the Owner of any such Warrant or Warrants to be paid from such amounts shall thereafter, as an unsecured general creditor, have recourse only to the City for payment thereof, and all liability of the Paying Agent with respect to such trust money shall cease; provided, however, the Paying Agent may, prior to payment of such amounts to the City and at the written direction and expense of the City, publish notice once, by newspaper of general circulation within the jurisdiction of the City or by such Electronic Means as the Paying Agent determines is appropriate, that such amounts remain unclaimed and that, after a date specified in such notice (which shall be not less than 30 days after publication of such notice), such amounts will be paid to the City.

ARTICLE 10

Covenants of City Regarding Federal Tax Matters

(a) The City covenants and agrees to duly and punctually observe and perform all agreements and covenants thereof under the Tax Certificate and Agreement.

(b) The City covenants and agrees that it will not take any action, or fail to take any action, if such action or failure to act would cause the interest on the Warrants to be Taxable.

ARTICLE 11

Special Agreements by Owners and Beneficial Owners of Warrants

As a condition of, and as a consideration for, the issuance of the Warrants, each Owner and Beneficial Owner agrees, by acquisition of a Warrant or a beneficial interest therein:

(a) Exempt Persons.

No covenant or agreement contained in the Warrants or in this Ordinance shall operate or be construed as a covenant or agreement of any officer, agent, employee, or member of the governing body, of the City or of the Paying Agent in its individual capacity, and none of such Persons nor any officer executing the Warrants shall be liable personally on the Warrants or be subject to any personal liability or accountability by reason of the issuance of the Warrants and any liability of every name and nature, either at common law or in equity or by constitution or statute, and all such rights and claims against every such officer, employee, or member of the governing body of the City are irrevocably waived and released.

(b) Operation of Book-Entry System.

The City and the Paying Agent have not undertaken, directly or indirectly, to provide, and therefore shall have no liability, obligation, or responsibility to any Person (including without limitation Beneficial Owners, Direct Participants, and Indirect Participants) for (i) the accuracy of any records maintained by the Securities Depository or any Direct Participant or Indirect Participant, or (ii) the payment by the Securities Depository or any Direct Participant or Indirect Participant of any amount due to any Beneficial Owner in respect of the principal of, interest on or premium (if any) on, any of the Warrants, or (iii) the delivery, or timeliness of delivery by the Securities Depository or any Direct Participant or Indirect Participant of any notice due to any Beneficial Owner which is required or permitted under this Ordinance to be given to such Beneficial Owner, or (iv) any act (including without limitation any consent to, or waiver of, any action or inaction) of whatever nature or type by the Securities Depository or Securities Depository Nominee, as Owner.

(c) Transfer, Exchange and Replacement of Warrants; Defenses of City.

(1) The Warrants will be transferred, exchanged and replaced only in accordance with the provisions of this Ordinance.

(2) Each Person who acquires a Warrant, or a beneficial interest therein, will be subject to all defenses and rights of the City at law or in equity and to all payments of principal thereof and interest thereon made by the City.

(3) The provisions of Article 8 are exclusive and shall preclude (to the extent lawful) all other rights and remedies with respect to the replacement or payment of mutilated, destroyed, lost or stolen Warrants.

(d) Ordinance is Contract.

The Owner or Beneficial Owner thereof is legally bound by the terms and provisions of this Ordinance as a contractual agreement under the laws of the State of Alabama by the City and each Owner and Beneficial Owner.

ARTICLE 12

The Paying Agent

Section 12.01 Designation of Paying Agent

The City designates and appoints Regions Bank as the depository for the Warrant Fund and as Paying Agent, Warrant Registrar and authenticating agent for and with respect to the Warrants.

Section 12.02 Payments at Par

(a) The Paying Agent agrees with the Owners of the Warrants that it will make all remittances of principal of, premium (if any), and interest on the Warrants from money supplied by the City for such purpose in bankable funds at par and without discount or deduction for exchange, fees or expenses.

(b) The City covenants and agrees with the Owners of the Warrants and with the Paying Agent that it will pay all charges for exchange, fees or expenses which may be incurred by the Paying Agent in the making of remittances in bankable funds at par.

Section 12.03 Rights of Paying Agent

(a) The Paying Agent shall not be liable except for its noncompliance with the provisions hereof, its willful misconduct or its gross negligence.

(b) The Paying Agent:

(1) may execute any of the powers conferred on it hereunder or perform any duty hereunder either directly or through agents and attorneys in fact who are not regularly in its employ and who are selected by it with reasonable care, but it shall be responsible for the observance by such agents and attorneys in fact of the terms and conditions hereof;

(2) may consult with 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 an express provision hereof;

(3) need not recognize a Owner of a Warrant as such without the satisfactory establishment of his title to such warrant;

(4) shall not be answerable for any action taken in good faith on any notice, request, consent, certificate or other paper or document which it believes to be genuine and signed or acknowledged by the proper party;

(5) shall be entitled to reasonable compensation for its services hereunder, including extra compensation for unusual or extraordinary services;

(6) may be the Owner of Warrants as if not Paying Agent hereunder;

(7) shall not be liable for proper application of any moneys other than those that may be paid to or deposited with it;

(8) shall not unreasonably withhold or delay any consent or approval required of it under the provisions of this Ordinance;

(9) may make any investments permitted hereby through its own investment department or affiliated entity, and any Authorized Investments issued or held by it hereunder shall be deemed investments and not deposits;

(10) shall, upon reasonable request, advise the City of the amount at the time on deposit in any of the special funds herein created;

(11) shall have no obligation to file financing statements or continuation statements.

(c) Any action taken by the Paying Agent at the request of and with the consent of the Owner of a Warrant will bind all subsequent Owners of the same Warrant and any warrants issued hereunder in lieu thereof.

(d) All moneys received by the Paying Agent to be held by it hereunder shall be held as trust funds until disbursed in the manner herein provided therefor. The Paying Agent shall not be liable to pay or allow interest thereon or otherwise to invest any such moneys except as specifically required herein.

(e) The recitals of fact herein and in the Warrants are statements by the City and not by the Paying Agent, and the Paying Agent is in no way responsible for the validity or security of the Warrants, or the validity or enforceability of the Ordinance. The Paying Agent does, however, assume responsibility for its eligibility to accept and administer the duties created hereby, and it agrees and represents that it is duly authorized to accept and administer such duties and that the acceptance and administration by it of such duties do not violate or contravene, and are not void or voidable under, any applicable state or federal law now existing.

(f) The Paying Agent's immunities and protections from liability and its right to indemnification in connection with the performance of its duties under this Ordinance shall extend to the Paying Agent's officers, directors, agents, attorneys and employees. Such immunities and protections and rights to indemnification, together with the Paying Agent's right to compensation, shall survive the Paying Agent's resignation or removal, the discharge of this Ordinance, and final payment of the Warrants.

(g) The Paying Agent shall have the right to accept and act upon directions or instructions given by an Authorized City Representative pursuant to this Ordinance or any other document reasonably relating to Warrants issued hereunder and delivered using Electronic Means. If the City elects to give the Paying Agent directions or instructions using Electronic Means and the Paying Agent in its discretion elects to act upon such directions or instructions, the Paying Agent's understanding of such directions or instructions shall be deemed controlling. The City understands and agrees that the Paying Agent cannot determine the identity of the actual sender of such directions or instructions and that the Paying Agent shall conclusively presume that directions or instructions that purport to have been sent by an Authorized City Representative listed on the incumbency certificate provided to the Paying Agent have been sent by such Authorized City Representative. The City shall be responsible for ensuring that only Authorized City Representatives transmit such directions or instructions to the Paying Agent and that all Authorized City Representatives treat applicable user and authorization codes, passwords and/or authentication keys as confidential and with extreme care. The Paying Agent shall not be liable for any losses, costs or expenses arising directly or indirectly from the Paying Agent's reliance upon and compliance with such directions or instructions notwithstanding such directions or instructions conflict or are inconsistent with a subsequent written direction or written instruction. The City agrees: (i) to assume all risks arising out of the use of Electronic Means to submit directions or instructions to the Paying Agent, including without limitation the risk of the Paying Agent acting on unauthorized directions or instructions, and the risk of interception and misuse by third parties; (ii) that it is fully informed of the protections and risks associated with the various methods of transmitting directions or instructions to the Paying Agent and that there may be more secure methods of transmitting directions or instructions; (iii) that the security procedures (if any) to be followed in connection with its transmission of directions or instructions provide to it a commercially reasonable degree of protection in light of its particular needs and circumstances and (iv) to notify the Paying Agent immediately upon learning of any compromise or unauthorized use of the security procedures.

Section 12.04 Resignation and Removal; Appointment of Successor

(a) The City may remove and discharge the Paying Agent from all duties imposed upon it as Paying Agent, Warrant Registrar and transfer agent by giving written notice of such removal and discharge by certified or registered mail to the Paying Agent not less than 30 days prior to the date when such removal shall take effect.

(b) The Paying Agent may resign and be discharged of all duties imposed upon it as Paying Agent, Warrant Registrar and transfer agent by giving written notice of such resignation by certified or registered mail to the City not less than 30 days prior to the date when such resignation shall take effect.

Section 12.05 Qualification of and Acceptance of Appointment by Successor

(a) If at any time the Paying Agent shall be removed, resign or be or become incapable of acting or shall be adjudged a bankrupt or insolvent or a receiver of the Paying Agent or of its property shall be appointed or any public officer shall take charge or control of the Paying Agent or of its property or affairs for the purpose of rehabilitation, conservation or liquidation, then the City shall promptly appoint a successor Paying Agent.

(b) Any successor Paying Agent shall be a bank or trust company authorized to act as Paying Agent and Warrant Registrar and having, at the time of its acceptance of such appointment, combined capital and surplus of at least \$100,000,000.

(c) Every successor Paying Agent appointed hereunder shall execute, acknowledge and deliver to the City and to the retiring Paying Agent an instrument accepting such appointment and thereupon the resignation or removal of the retiring Paying Agent shall become effective and such successor Paying Agent, without any further act, deed or conveyance, shall become vested with all the rights, powers, and duties of the retiring Paying Agent.

Section 12.06 Merger or Consolidation

Any corporation into which the Paying Agent may be merged or with which it may be consolidated, or any corporation resulting from any merger or consolidation to which the Paying Agent shall be a party, or any corporation succeeding to all or substantially all of the corporate trust business of the Paying Agent, shall be the successor of the Paying Agent hereunder, without the execution or filing of any paper or any further act on the part of any of the parties hereto. In case any Warrants shall have been authenticated, but not delivered, by the Paying Agent then in office, any successor by merger or consolidation to such authenticating Paying Agent may adopt such authentication and deliver the Warrants so authenticated with the same effect as if such successor Paying Agent had itself authenticated such Warrants.

ARTICLE 13

Operation of Ordinance as a Contract

Section 13.01 Provisions of Ordinance a Contract

The terms and provisions of this Ordinance constitute a contractual agreement under the laws of the State of Alabama by the City and the Owners.

Section 13.02 Construction

(a) The terms "herein", "hereof" and "hereunder" and other words of similar import refer to this Ordinance as a whole and not to any particular Article, Section or other subdivision.

(b) The Article and Section headings herein are for convenience only and shall not affect the construction hereof.

Section 13.03 Governing Law

This Ordinance is made pursuant to, and is construed in accordance with and governed by, the laws of the State of Alabama.

Section 13.04 Entitlement of Authenticated Warrants to Benefit of Ordinance

The executed Certificate of Authentication and Registration on a Warrant shall, without more, conclusively establish the authentication and delivery of such Warrant under this Ordinance and the entitlement of such Warrant to the equal and proportionate benefit of this Ordinance as provided herein.

Section 13.05 Enforceability and Severability

The provisions of this Ordinance are severable. In the event that any one or more of such provisions of this Ordinance or the provisions of the Warrants shall, for any reason, be held illegal or invalid, such illegality or invalidity shall not affect the other provisions of this Ordinance or of the Warrants, and this Ordinance and the Warrants will be construed and enforced as if such illegal or invalid provision had not been contained herein or therein.

Section 13.06 Expenses of Collection

The City hereby covenants and agrees that, if the principal of and interest on the Warrants are not paid promptly as such principal and interest matures and comes due, it will pay to the Owners of the Warrants all expenses incident to the collection of any unpaid portion thereof, including reasonable attorneys' fees.

Section 13.07 Remedies

The City covenants and agrees:

(a) the Owners shall have all rights and remedies for the enforcement of the Warrants and this Ordinance as may be provided by Applicable Law; and

(b) the Chief Financial Officer of the City is subject to mandamus in the event such officer has money available for payment of principal of, premium (if any) and interest on the Warrants and does not apply such money (and investment earnings thereon), when and as required by the Warrants and this Ordinance, to the payment of the principal of, premium (if any) and interest on the Warrants when due and payable in each Fiscal Year in amounts sufficient for such purposes.

ARTICLE 14

Validation

On October 27, 2022, the Circuit Court of Tuscaloosa County, Alabama issued an order validating the Warrants, and the period for filing an appeal of such order has expired without any appeal being filed.

The foregoing Ordinance is adopted on this 13th day of December, 2022.

Council President

SEAL

Attest: _____
City Clerk

* * * * *

Transmitted to and approved by the Mayor this _____ day of December, 2022.

Mayor of the City of Tuscaloosa, Alabama

It was moved by Councilmember _____ that all rules and regulations which, unless suspended, would prevent the immediate consideration and adoption of the Ordinance be suspended and that unanimous consent to the immediate consideration and adoption of the Ordinance be given. The motion was seconded by Councilmember _____ and on roll call was unanimously adopted, those answering aye being:

Ayes: **Kip Tyner, Council President, District Five**
 Matthew Wilson, District One
 Raevan Howard, District Two
 Norman Crow, District Three
 Lee Busby, District Four
 John Faile, District Six
 Cassius Lanier, District Seven

Nays: **None**

The Council President declared the motion unanimously carried.

After said Ordinance had been discussed and considered in full by the Council, it was moved by Councilmember _____ that the Ordinance be now placed upon its final passage and adopted. The motion was seconded by Councilmember _____. The question being put as to the adoption of said motion and the final passage and adoption of the Ordinance, the roll was called with the following results:

Ayes: **Kip Tyner, Council President, District Five**
 Matthew Wilson, District One
 Raevan Howard, District Two
 Norman Crow, District Three
 Lee Busby, District Four
 John Faile, District Six
 Cassius Lanier, District Seven

Nays: **None**

The Council President thereupon declared said motion carried and the Ordinance passed and adopted as introduced and read.

* * * *

There being no further business to come before the meeting, it was moved and seconded that the meeting be adjourned. Motion carried.

Approval of Minutes and Waiver of Notice

Each of the undersigned does hereby approve, and waive notice of, the date, time, place and purposes of the meeting of the City Council of the City of Tuscaloosa, Alabama recorded in, the above and foregoing minutes thereof and does hereby approve the form and content of the above and foregoing minutes and Ordinance therein.

Council President

Member of the City Council

Member of the City Council

Member of the City Council

Member of the City Council

Member of the City Council

Member of the City Council

SEAL

Attest: _____
City Clerk

EXHIBIT A
Form of Warrant

The Warrant has not been registered under the Securities Act of 1933, as amended, in reliance upon applicable exemptions. The City shall transfer this Warrant only upon presentation and surrender hereof by the registered owner of this Warrant (set forth in the Warrant Register of the City therefor) in compliance with the within-referenced Ordinance and applicable federal and state securities laws and subject to all rights and defenses of the City at law or in equity.

**UNITED STATES OF AMERICA
STATE OF ALABAMA
CITY OF TUSCALOOSA, ALABAMA
GENERAL OBLIGATION WARRANT
SERIES 2022-C**

Registered Owner:	Warrant No.
CEDE & CO.	R-__

Dated Date:	Principal Amount:	Interest Rate per annum:	Stated Interest Payment Dates:	Maturity Date:	CUSIP:
December 21, 2022	\$_____	_____%	April 1 and October 1	October 1, 20__	900577

Authorization of Indebtedness and Payment

The City of Tuscaloosa, a municipal corporation under the laws of the State of Alabama (the "City"), for value received, hereby acknowledges itself indebted to the Registered Owner, or registered assigns, in the Principal Amount of _____ Dollars and hereby orders and directs the Chief Financial Officer of the City to pay to the Registered Owner of this Warrant, through Regions Bank (and successors) as Paying Agent, as provided in the within Ordinance (i) the Principal Amount on the Maturity Date, subject to redemption (in whole or in part) in advance of maturity, and (ii) the interest accrued on the Principal Amount at the Interest Rate, computed from the Dated Date as provided in the Ordinance, on the Stated Interest Payment Dates and on each date fixed for redemption (in whole or in part) of this Warrant.

Ordinance

This Warrant is one of the General Obligation Warrants, Series 2022-C (the "Warrants") issued by the City pursuant to the Constitution and laws of the State of Alabama and an Ordinance and related proceedings of the City (the "Ordinance"). The Ordinance is held by the Paying Agent and constitutes a contractual agreement binding upon the City and the registered owners of the Warrants under the laws of the State of Alabama for the payment of, and security for, the Warrants; the registration, transfer, exchange and replacement of the Warrants; the redemption in advance of maturity of the Warrants; the defeasance of the Warrants; the rights and duties of the City and the Paying Agent; and the enforcement of the Ordinance.

Redemption

(a) The Warrants with stated maturities on October 1, 2033 and thereafter are subject to prior redemption, at the option of the City, in whole or in part in multiples of an Authorized Denomination, on October 1, 2032 or on any Business Day thereafter, in such principal amounts and in such order of maturities as the City shall specify and by lot within a maturity, at a redemption price for each Warrant (or principal portion thereof) redeemed equal to the principal amount thereof, plus accrued interest thereon to the date fixed for redemption, without premium or penalty.

(b) The Warrants having stated maturities on October 1, 2047 are subject to scheduled mandatory redemption, without consent of or direction from the City, by the Paying Agent, by lot, on October 1 in years and aggregate principal amounts as follows (subject to a credit thereon for the principal amount of all Warrants of such maturity then cancelled and not theretofore claimed as a credit) for a redemption price of the principal amount thereof plus interest accrued thereon to the redemption date, without premium or penalty:

<u>Year</u>	<u>Principal Amount Subject to Redemption</u>
2043	\$2,565,000
2044	\$2,670,000
2045	\$2,785,000
2046	\$2,900,000
2047	\$3,025,000

(c) The Warrants having stated maturities on October 1, 2052 are subject to scheduled mandatory redemption, without consent of or direction from the City, by the Paying Agent, by lot, on October 1 in years and aggregate principal amounts as follows (subject to a credit thereon for the principal amount of all Warrants of such maturity then cancelled and not theretofore claimed as a credit) for a redemption price of the principal amount thereof plus interest accrued thereon to the redemption date, without premium or penalty:

<u>Year</u>	<u>Principal Amount Subject to Redemption</u>
2048	\$3,155,000
2049	\$3,290,000
2050	\$3,435,000
2051	\$3,580,000
2052	\$3,740,000

Estoppel

The City recites, certifies and declares that the indebtedness evidenced and ordered paid by this Warrant is lawfully due without condition, abatement or offset of any description, that this Warrant has been registered in the manner provided by law, that all acts, conditions and things required by the Constitution and laws of the State of Alabama to happen, exist and be performed precedent to and in the authorization, execution, registration and issuance of this Warrant and the adoption of the Ordinance, have happened, do exist and have been performed in due time, form and manner as so required by law, and that the above Principal Amount of this Warrant, together with all other indebtedness of the City, are within every debt and other limit prescribed by the Constitution and laws of the State of Alabama.

Testimonium

IN WITNESS WHEREOF, the City has caused this Warrant to be executed in its name and on its behalf by the Mayor of the City, has caused its corporate seal to be affixed hereto and the same attested by the City Clerk of the City, and has caused this Warrant to be dated the Dated Date.

CITY OF TUSCALOOSA, ALABAMA

By: _____
Mayor

SEAL

Attest: _____
City Clerk

REGISTRATION CERTIFICATE

The undersigned certifies that this Warrant has been duly registered as a claim against the City of Tuscaloosa, in the State of Alabama, and the Warrant Fund established under the Ordinance referenced herein.

Chief Financial Officer of the City of Tuscaloosa, Alabama

AUTHENTICATION AND REGISTRATION DATE: DECEMBER 21, 2022

**CERTIFICATE OF AUTHENTICATION
AND REGISTRATION**

This Warrant is hereby authenticated and has been registered by the City of Tuscaloosa, Alabama on the Warrant Register thereof maintained with the Paying Agent in the name of the above Registered Owner on the Authentication and Registration Date noted above.

REGIONS BANK

By _____
Its Authorized Officer

VALIDATION CERTIFICATE

**Validated and confirmed by judgment of the Circuit Court of Tuscaloosa County, State of Alabama,
entered on the 27th day of October, 2022.**

lsj

**Clerk of the Circuit Court of Tuscaloosa County,
Alabama**

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 this Warrant on the books of the within mentioned Paying Agent.

Dated this _____ 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)

* Signature(s) must be guaranteed by an eligible guarantor institution which is a member of the 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).

Notice By Securities Depository

Unless the within Warrant is presented by an authorized representative of the Securities Depository (as defined in the Ordinance referenced in the within Warrant), to the City or its agent for registration of transfer, exchange, or payment, and any Warrant issued is registered in the name of the Securities Depository or the Securities Depository Nominee (as defined in the Ordinance referenced in the within Warrant), as the case may be, or in such other name as is requested by an authorized representative of the Securities Depository (and any payment is made to the Securities Depository or the Securities Depository Nominee or to such other entity as is requested by an authorized representative of the Securities Depository), **ANY TRANSFER, PLEDGE, OR OTHER USE HEREOF FOR VALUE OR OTHERWISE BY OR TO ANY PERSON IS WRONGFUL** inasmuch as the registered owner hereof, the Securities Depository or Securities Depository Nominee, as the case may be, has an interest herein.

EXHIBIT B

Proceeds Fund Requisition

Proceeds Fund Requisition

To: Regions Bank

Re: Proceeds Fund under Ordinance No. _____ of the City of Tuscaloosa, Alabama

Date: _____, 20__

Req. No. _____

1. Capitalized terms used herein without definition shall have the respective meanings assigned thereto in the above Ordinance.
2. This Requisition is delivered to you for the payment from the Proceeds Fund of the amount(s) to the Person(s) for the Authorized Purpose Costs set forth below or attached hereto:

(a) Amount: _____

(b) Payee: _____

(c) Authorized Purpose Costs:

3. The City represents that this Requisition is delivered pursuant to the above Ordinance by an Authorized City Representative for purposes for which the Net Warrant Proceeds are authorized to be expended under the Ordinance.

CITY OF TUSCALOOSA, ALABAMA

By _____

Its _____

FUNDING REQUIRED: Yes No
222 - Debt Trust Fund

Carly Standridge

COUNCIL ACTION

Resolution _____
Ordinance _____
Introduced _____
Passed _____
2nd Reading _____
Unanimous _____
Failed _____
Tabled _____

APPROVED AS TO FORM


Office of the City Attorney

Prepared By: JPW III/rd
Requested: Petitioner/UD Date: 11/21/2022
Council Presentation on: 12/13/2022
Suspension of Rules: No

RESOLUTION

RESOLUTION FIXING DAY FOR PUBLIC HEARING TO CONSIDER ADOPTION OF
AMENDMENT TO THE ZONING ORDINANCE OF TUSCALOOSA
AMENDMENT NO. 1495

(Approx. 1.81 acres located at 2820 & 2830 5th Avenue
—Petitioner: Longleaf Engineering)
(R-2 to R-4)
(A22-1436/Z-24-22)

WHEREAS, a certain amendment to the Zoning Ordinance of Tuscaloosa, being an amendment to the Zoning Map and a change in zoning classification, has been prepared in ordinance form, and this day introduced before the City Council; and,

WHEREAS, it is desired to hold a public hearing to consider the adoption of said amendment.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF TUSCALOOSA, as follows:

1. That a public hearing to consider the adoption of said proposed amendment to the Zoning Ordinance of the City of Tuscaloosa be held in the Council Chamber of the City Hall, at 6 o'clock, p.m., on Tuesday, January 17, 2023 and at such time and place all persons who desire shall have an opportunity of being heard in opposition to, or in favor of, the adoption of said amendment.

2. That prior to adoption, the City Clerk shall cause to be published the proposed ordinance, further amending the Zoning Ordinance of the City of Tuscaloosa, Alabama, which was this day introduced before the City Council of Tuscaloosa, being Zoning Amendment No.1495 in full for one insertion and an additional insertion of a synopsis of the proposed ordinance, one week after the first insertion, which synopsis shall refer to the date and name of the newspaper in which the proposed ordinance was first published together with a notice stating the time and place where the public hearing will be held. Both such insertions shall be at least 15 days in advance of its passage and in a newspaper of general circulation published within the municipality, or if no such newspaper then in four conspicuous places within the municipality, together with a notice stating the time and place that the ordinance is to be considered by the city council and stating further that at such time and place all persons who desire shall have an opportunity of being heard in opposition to or in favor of such ordinance.

FUNDING REQUIRED: Yes No

By: _____
Chief Financial Officer

COUNCIL ACTION

Resolution _____
Ordinance _____
Introduced _____
Passed _____
2nd Reading _____
Unanimous _____
Failed _____
Tabled _____
Amended _____
Comments: _____

RESOLUTION

RESOLUTION AUTHORIZING PAYMENT OF BILLS

BE IT RESOLVED BY THE CITY COUNCIL OF TUSCALOOSA, ALABAMA, as follows:

That the Chief Financial Officer be, and he is hereby, authorized to draw vouchers on municipal funds in the amounts shown, payable to the identified individuals/organizations for the purposes stated, and the Mayor and City Clerk are authorized to sign said vouchers:

Blue Cross Blue Shield of Alabama <i>Access2Day monthly account summary for December 2022.</i>	\$50,685.88
Tuscaloosa County Parking & Transit Authority <i>50% and 20% Operating Expenses for the Intermodal Facility: November 2022</i>	\$17,512.17

TOTAL: \$68,198.05
Prepared: Assistant City Clerk
Requested: Accounting & Finance
Agenda: 12/13/2022

Copies of bill documentation are on file in the Office of the
City Clerk and are available for review upon request.