

**PRE-COUNCIL MEETING OF THE CITY OF TARRANT, ALABAMA**  
**HELD ON MONDAY, OCTOBER 17, 2016**

**The City Council of the City of Tarrant, Alabama** met in regular Pre-council Meeting on Monday, October 17, 2016 at 6 p.m. at City Hall.

The purpose of said meeting was to review the Monday, October 17, 2016 agenda of the 7 p.m. regularly scheduled City Council Meeting.

The following officials were present:

Catherine “Cathy” Anderson	Council Member
John T. “Tommy” Bryant	Council Member
Laura D. Horton	Mayor Pro Tem
Debra M. Matthews	Council Member
Betty S. Middlebrooks	Council Member
Loxcil B. Tuck	Mayor

The following department heads and/or representatives were present:

Danny Chaviers
Ken Jones
Lynn Juneau
Chris O’Rear
James Phillips
Dennis Reno
James Rickels
Dan Weinrib
City Attorney Benjamin S. Goldman

The following department heads and/or representatives were absent:

Patrick Coleman

Also in attendance were the following:

Tanyika Fields  
Joe A. Matthews  
Alvin Samples  
Beverly Richardson

Mayor Tuck called the meeting to order. General discussion followed.

There being no other business to discuss, the meeting was adjourned at 6:45 pm.

READ AND APPROVED THIS THE 7<sup>th</sup> DAY OF NOVEMBER, 2016

APPROVED: Loxeil B. Tuck

Loxeil B. Tuck, Mayor

ATTEST: Dan Weinrib

Dan Weinrib, City Clerk

MINUTES OF THE REGULAR MEETING  
OF THE CITY OF TARRANT, ALABAMA

HELD ON MONDAY, OCTOBER 17, 2008

The City Council of the City of Tarrant, Alabama met in regular session on Monday, October 17, 2016 at 7:05 p.m. at City Hall.

Mayor Loxcil B. Tuck called the meeting to order. Mayor Tuck requested that City Attorney Benjamin S. Goldman open the meeting with prayer. Mayor Tuck asked Fire Chief Jason Rickels lead the pledge of allegiance.

City Clerk Dan Weinrib called the roll. Upon roll call, the following officials answered present:

Catherine “Cathy” Anderson	Council Member
John T. “Tommy” Bryant	Council Member
Laura D. Horton	Mayor Pro Tem
Debra M. Matthews	Council Member
Betty S. Middlebrooks	Council Member
Loxcil B. Tuck	Mayor

Mayor Tuck asked if there were any additions or corrections. Bryant moved & Middlebrooks seconded the motion to add Resolutions No. 8278 & 8279 as well as Public Hearings for the aforementioned resolutions to the agenda. Mayor Pro Tem Horton moved & Bryant seconded a motion to approve the minutes from the Pre-Council & Council meetings on Monday, October 3<sup>rd</sup>, 2016. Upon roll call, the vote thereon was as follows:

AYES:	Council members Anderson, Bryant, Horton, Matthews, Middlebrooks and Mayor Tuck
NAYS:	None
ABSENT:	None

Mayor Tuck encourages city leaders and the public to support the Annual Fall Festival occurring on October 20<sup>th</sup>, Boot Drive (October 22<sup>nd</sup>), Trunk & Treat (October 30<sup>th</sup>), Franklin Park Dedication (November 18<sup>th</sup>) & the annual Thanksgiving interfaith service, toys & food drive (November 20<sup>th</sup>)

Upon getting recognized by Mayor Tuck, attorney William A. “Tony” Bell spoke for a few minutes. He is the Democratic nominee for District Judge Place 4. Later, Mayor Tuck suspended regular business to give Judge Shanta Owens a few minutes. She spoke on behalf of District Judge (Place 5) Shera Grant, who’s running to retain her job. She’s the Democratic nominee.

There were no reports from committees or boards, as well as no unfinished business.

Mayor Tuck stated that there was new business. Tuck opened up the public hearing for Resolution 8273. Since nobody from the public spoke up, Tuck formally closed the public hearing. Bryant introduced the following proposed resolution:

#### **RESOLUTION NO. 8273**

#### **A RESOLUTION OF THE CITY OF TARRANT PURSUANT TO ORDINANCE NO. 1017 OF THE CITY OF TARRANT DECLARING CERTAIN PROPERTIES A PUBLIC NUISANCE.**

**WHEREAS**, an abundance of weeds and overgrown vegetation provide favorable conditions for the harboring of mosquitoes and other insects of like kind, and do otherwise have a negative impact on the health and safety of the citizens of Tarrant;

**WHEREAS**, Ordinance No. 1017 of the City of Tarrant was designed to deter and provide for the abatement of weeds and overgrown vegetation;

**WHEREAS**, on October 17, 2016, a public hearing was held before the City Council of Tarrant, Alabama, to determine whether certain properties constituted a public nuisance by reason of overgrown grass, weeds, and/or other voluntary or spontaneous growth; and

**WHEREAS**, the appropriate notice called for in Ordinance No. 1017 was given to the person or persons in possession of, in ownership of, or in charge or control of said property, with respect to the public hearing.

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

1. The properties on the list attached hereto as Exhibit "A" are hereby determined to be a nuisance by reason that the abundance of overgrown grass and/or weeds within the City is injurious to the general public health, safety, and general welfare by providing breeding grounds and shelter for rats, mice, snakes, mosquitoes, and other vermin, insects, and pests; that the height and dryness of said overgrown grass and weeds constitutes a serious fire threat or hazard; that said overgrown grass and weeds produces allergens that cause irritation to the throat, lungs, and eyes of the public; that said overgrown grass and weeds hides debris that could inflict injury on persons going upon the property; and/or that said overgrown grass and weeds are unsightly and in excess of twelve (12) inches in height.

2. Said nuisance shall be abated as provided for in Ordinance No. 1017 of the City of Tarrant, Alabama.

3. Those individuals abating the nuisance described herein shall render an itemized report in writing to the City Council showing the cost of removing the nuisance. Before the report is submitted to the City Council, a copy of the report shall be posted for at least five days prior thereto on or near the chamber door of the City Council, together with a notice of the time when the report shall be submitted to the City Council for confirmation.

ADOPTED this the 17<sup>th</sup> of October, 2016

APPROVED:

LOXCIL B. TUCK, MAYOR

ATTEST:

Dan Weinrib, City Clerk

CERTIFICATION OF CITY CLERK

STATE OF ALABAMA)  
JEFFERSON COUNTY)

I, Dan Weinrib, Municipal Clerk of the City of Tarrant, Alabama, do hereby certify that the above and foregoing is a true and correct copy of a Resolution duly and legally adopted by the City Council of the City of Tarrant, Alabama, on the 17th day of October, 2016 while in regular session on Monday, October, 17, 2016, and the same appears of record in the minute book of said date of said City.

Witness my hand and seal of office this 18th day of October, 2016

Dan Weinrib, City Clerk

Street #	Street Name	City	State	Zip Code	Parcel ID #
1702	Burgin Avenue	Tarrant	Alabama	35217	23-00-08-1-025-008.000
1712	Burgin Avenue	Tarrant	Alabama	35217	23-00-08-1-025-011.000
Lot @ 1429	Elizabeth Avenue	Tarrant	Alabama	35217	23-00-05-4-012-005.000
1433	Elizabeth Avenue	Tarrant	Alabama	35217	23-00-05-4-012-004.000
1437	Elizabeth Avenue	Tarrant	Alabama	35217	23-00-05-4-009-014.000
1441	Elizabeth Avenue	Tarrant	Alabama	35217	23-00-05-4-012-002.000
1525	Elizabeth Avenue	Tarrant	Alabama	35217	23-00-05-4-010-001.000
Lot @ 1224	Ford Avenue	Tarrant	Alabama	35217	23-00-05-4-014-012.000
800	Fulton Avenue	Tarrant	Alabama	35217	23-00-07-1-014-009.000
1245	Fulton Avenue	Tarrant	Alabama	35217	23-00-08-2-017-002.000
1221	Geneva Street	Tarrant	Alabama	35217	23-00-08-2-008-004.000
1225	Geneva Street	Tarrant	Alabama	35217	23-00-08-2-008-004.001
1216	Hanover Street	Tarrant	Alabama	35217	23-00-08-2-008-022.000
1220	Hanover Street	Tarrant	Alabama	35217	23-00-08-2-008-023.000
Lot @ 1232	Hanover Street	Tarrant	Alabama	35217	23-00-08-2-008-026.000
Lot @ 1216	Jefferson Blvd.	Tarrant	Alabama	35217	23-00-08-2-006-015.000
Lot @ 129	Ketona Road	Tarrant	Alabama	35217	23-00-09-2-012-021.000
2070	Lane Avenue	Tarrant	Alabama	35217	13-00-33-4-011-027.000
1858	McDavid Street	Tarrant	Alabama	35217	23-00-04-3-008-006.000
Lot @ 1265	Portland Street	Tarrant	Alabama	35217	23-00-05-3-023-004.000
Lot @ 2290	Treadwell Road	Tarrant	Alabama	35217	23-00-04-1-003-002.000

Whereupon, Bryant moved & Middlebrooks seconded for the adoption of Resolution No. 8273. Upon roll call, the vote thereon was as follows:

A YES:	Council members Anderson, Bryant, Horton, Matthews, Middlebrooks and Mayor Tuck
N AYS:	None
A BSENT:	None

Resolution No. 8273 was adopted with a unanimous vote.

Whereupon, Anderson introduced the following proposed resolution.

**RESOLUTION NO. 8274**

**A RESOLUTION AUTHORIZING THE MAYOR TO DECLARE ONE 2001 FORD TAURUS VEHICLE, VIN NUMBER 1FAFP58U41A226344, TO BE SURPLUS AND AUTHORIZING THE MAYOR TO SELL, CONVEY OR OTHERWISE DISPOSE OF THIS VEHICLE AND REMOVE IT FROM THE CITY OF TARRANT ADMINISTRATIVE DEPARTMENT INVENTORY**

**WHEREAS**, the City of Tarrant Administrative Department has requested that one (1) 2001 Ford Taurus Vehicle VIN# 1FAFP58U41A226344 be declared surplus, and

**WHEREAS**, this vehicle is no longer of value to the City of Tarrant Administrative Department, and

**NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Tarrant, Alabama** while in regular session on Monday, October 17, 2016 at 7:00 p.m. as follows:

**Section 1.** That the Mayor is hereby authorized to declare one (1) 2001 Ford Taurus Vehicle VIN# 1FAFP58U41A226344 to be surplus,

**Section 2.** That the Mayor is hereby authorized to sell, convey, or otherwise dispose of this vehicle and remove it from the City of Tarrant Administrative Department inventory.

ADOPTED this the 17th of October, 2016

APPROVED: \_\_\_\_\_  
LOXCIL B. TUCK, MAYOR

ATTEST: \_\_\_\_\_  
Dan Weimrib, City Clerk

**CERTIFICATION OF CITY CLERK**

STATE OF ALABAMA )  
JEFFERSON COUNTY )

I, Dan Wennrib, City Clerk of the City of Tarrant, Alabama, do hereby certify that the above and foregoing is a true and correct copy of a Resolution duly and legally adopted by the City Council of the City of Tarrant, Alabama, on the 17th day of October, 2016 while in regular session on Monday, October 17, 2016, and the same appears of record in the minute book of said date of said City.

Witness my hand and seal of office this 18th day of October, 2016.

Dan Weinrib, City Clerk

Anderson moved & Bryant seconded for the adoption of Resolution No. 8274. Upon roll call, the vote thereon was as follows:

AYES: Council members Anderson, Bryant, Horton, Matthews, Middlebrooks and Mayor Tuck

NAYS:	None
ABSENT:	None

Resolution No. 8274 was adopted with a unanimous vote.

Whereupon, Bryant introduced the following proposed resolution:

## RESOLUTION NO. 8275

A RESOLUTION AUTHORIZING THE MAYOR TO ENTER INTO A CONTRACT FOR THE DEMOLITION OF 725 JACKSON BOULEVARD, TARRANT, AL 35217 AND 229 SPRINGDALE ROAD, TARRANT, AL 35217.

**WHEREAS**, the City Council of the City of Tarrant, Alabama, adopted Resolution No. 8251 ordering the demolition of a building or structure located at 725 Jackson Boulevard, Tarrant, Alabama 35217;

**WHEREAS**, the City Council of the City of Tarrant, Alabama, adopted Resolution No. 8252 ordering the demolition of a building or structure located at 229 Springdale Road, Tarrant, Alabama 35217;

**WHEREAS**, both Resolution Nos. 8251 and 8252 provided for the demolitions "to be performed by the City of Tarrant";

**WHEREAS**, the City does not presently have the equipment or personnel to complete the demolitions; and

**WHEREAS**, the City desires to enter into a contract with Bostic Trucking & Excavating, Inc. for the demolition of the buildings or structures located at 725 Jackson Boulevard, Tarrant, Alabama 35217, and at 229 Springdale Road, Tarrant, Alabama 35217;

**THEREFORE, BE IT RESOLVED** by the City Council of the City of Tarrant, Alabama, while in regular session on Monday, October 17, 2016, at 7:00 p.m. as follows:

**Section 1.** That the Mayor of the City of Tarrant, Alabama, on behalf of the City, is hereby authorized to enter into the Contract, a copy of which is attached hereto as **Exhibit 1** hereof. All payments to be made under the Contract shall be paid from the City's General Fund, and shall not exceed \$11,000.00.

ADOPTED this the \_\_\_\_\_ day of \_\_\_\_\_, 2016.

APPROVED: \_\_\_\_\_  
Loxcil Tuck, Mayor

ATTEST:  
\_\_\_\_\_  
Dan Weinrib, City Clerk

**CERTIFICATION OF CITY CLERK**

STATE OF ALABAMA       )  
JEFFERSON COUNTY       )

I, Dan Weinrib, City Clerk of the City of Tarrant, Alabama, do hereby certify that the above and foregoing is a true and correct copy of a Resolution duly and legally adopted by the City Council of the City of Tarrant, Alabama, while in regular session on the \_\_\_\_\_ day of \_\_\_\_\_, 2016, and the same appears of record in the minute book of said date of said City.

Witness my hand and seal of office this \_\_\_\_\_ day of \_\_\_\_\_, 2016.

\_\_\_\_\_  
Dan Weinrib, City Clerk

Whereupon, Bryant moved & Middlebrooks seconded for the adoption of Resolution No. 8275.

Upon roll call, the vote thereon was as follows:

AYES:           Council members Anderson, Bryant, Horton, Matthews,  
                    Middlebrooks and Mayor Tuck

NAYS:           None



ABSENT:       None

Resolution No. 8275 was adopted with a unanimous vote.

Whereupon, Bryant introduced the following proposed resolution:

### **RESOLUTION NO. 8276**

**A RESOLUTION AUTHORIZING THE MAYOR TO ENTER INTO AGREEMENTS  
WITH ALABAMA POWER COMPANY TO ALLOW FOR TRANSMISSION  
FACILITY MODIFICATIONS IN CONNECTION WITH THE CITY OF TARRANT,  
ALABAMA’S FLOOD MITIGATION PROJECT.**

WHEREAS, the City of Tarrant, Alabama (the “City”) has reached an agreement with the Freshwater Land Trust and others to locate, construct and maintain a stormwater, floodwater, and flood hazard prevention (mitigation) project that will also address water quality, sedimentation, erosion, stream and other aquatic resources restoration, as well as other water and sewerage issues experienced by the Jefferson County Commission and the Environmental Services Department, and relocate certain utility structures (collectively, the “Project”);

WHEREAS, FEMA, subject to the satisfaction of certain conditions, has awarded the Alabama Emergency Management Agency (“AEMA”) a grant pursuant to the Hazard Mitigation Grant Program (the “Grant”) to cover the costs of the Project as part of FEMA’s Hazard Mitigation Grant Program and designated the Project as Project #1605-0312;

WHEREAS, pursuant to the Grant, the State of Alabama and AEMA are the Grant recipients and administrators, and the City is the sub-grant recipient;

WHEREAS, in connection with its Flood Mitigation Project, the City has received a proposal from Alabama Power Company (“APC”), dated September 8, 2016, a copy of which is attached hereto as Exhibit 1 hereof (the “Relocation Proposal”);

WHEREAS, the purpose of the proposed transmission facility modifications set forth in the Relocation Proposal is to accommodate the Project;

WHEREAS, the Relocation Proposal requires that the City execute a letter of billing authorization, the sample form of which is attached hereto as Exhibit 2 hereof (the “Letter of Billing Authorization”);

WHEREAS, APC has offered for the City, in conjunction with FEMA and under the Grant, to elect to make progress payments in connection with the proposed relocation if the City executes a letter of credit, the sample form of which is attached hereto as Exhibit 3 hereof (the "Letter of Credit");

WHEREAS, the City desires that APC commence construction during the next available outage window, mid-March 2017, according to the calendar attached hereto as Exhibit 4 hereof;

WHEREAS, for the City to construct its flood mitigation structure, the City will have to enter the easements around APC's transmission and distribution facilities, and to secure the necessary permission to do so, APC requires that the City execute a Construction Tenant at Will agreement, the sample form of which is attached hereto as Exhibit 5 hereof;

THEREFORE, BE IT RESOLVED by the City Council of the City of Tarrant, Alabama, while in regular session on Monday, October 17, 2016, at 7:00 p.m. as follows:

Section 1. The City hereby accepts the Relocation Proposal.

Section 2. The Mayor is hereby authorized to execute and the City Clerk to attest the Letter of Billing Authorization, the Letter of Credit, and the Construction Tenant at Will agreement in such completed forms as are approved by the City Attorney.

Section 3. If required, the Mayor is hereby authorized to execute and the City Clerk to attest to any conveyances required to provide replacement right-of-way at no cost to APC for the modification of the transmission and distribution facilities. The rights, privileges and protections provided to APC on the replacement right-of-way will be equivalent or superior to those APC has on the existing right-of-way and shall not be subject to any rights of any third parties.

Section 4. All payments to be made pursuant to this Resolution shall be made according to the terms of the Grant.

ADOPTED this the \_\_\_\_\_ day of \_\_\_\_\_, 2016.

APPROVED: \_\_\_\_\_  
Loxcel Tuck, Mayor

ATTEST: \_\_\_\_\_  
Dan Weinrib, City Clerk

CERTIFICATION OF CITY CLERK

STATE OF ALABAMA       )  
JEFFERSON COUNTY       )

I, Dan Weinrib, City Clerk of the City of Tarrant, Alabama, do hereby certify that the above and foregoing is a true and correct copy of a Resolution duly and legally adopted by the City Council of the City of Tarrant, Alabama, while in regular session on the \_\_\_\_\_ day of \_\_\_\_\_, 2016, and the same appears of record in the minute book of said date of said City.

Witness my hand and seal of office this \_\_\_\_\_ day of \_\_\_\_\_, 2016.

\_\_\_\_\_  
Dan Weinrib, City Clerk

EXHIBIT 1

September 8, 2016

Goodwyn, Mills, and Cawood  
Mr. Keith Strickland, P.E.  
2701 1st Avenue South  
Suite 100  
Birmingham, AL 35233

Re: Request for Estimated Cost for Transmission Facility Modifications (Revised Sept. 2016).

Mr. Strickland,

As a follow-up to our phone discussions over the past couple of months, Alabama Power Company (APC) has updated the following relocation proposal. The purpose of the transmission facility modifications is to accommodate a flood mitigation project to be implemented in the near future by the City of Tarrant, AL. APC has reviewed and revised the information as provided below.

Based on the information that is available at this time, the 12KV distribution line is affected as well as two (2) transmission structures:

- Leeds – Boyles 230kV transmission line: Structure 72
- North Roebuck – Ketona 115kV transmission line: Structure 92

The structures will require relocation to accommodate the revised grading plan. APC estimates that the cost to modify these transmission facilities would be in the range of \$384,000 and \$481,000. The distribution relocation of facilities will be \$26,111. The total relocation costs have been itemized below:

Cost Description	Estimate Totals
Transmission Relocation Estimate Sub Total	\$384,000 - \$481,000
Distribution Relocation Estimate Sub Total	\$26,111
CIAC Tax**	\$46,136
Total Estimated Dollars (\$2017)	\$456,247 - \$553,247
Total Relocation Billing Estimate Dollars (\$2017)	\$410,111 - \$507,111

\*\*Due to the nature of the project benefiting the public, the Contribution in Aid of Construction adder will not be included in the billing estimate(s). The estimate reflects 2017\$. Please note that no survey or detailed design has been performed at this time.

If a more detailed estimate is desired, APC can perform a survey and preliminary design at the customer's cost.

In addition, changes and updates to the drawings received from Goodwyn, Mills, & Cawood should be communicated to APC in a timely manner to evaluate any scope changes required.

Typically, APC requires that letter of billing authorization be signed and a total payment for the estimated cost of \$410,111 be required in advance of APC beginning any work activities or procuring materials. For Transmission facilities, the customer will be responsible for the actual cost for the services provided. Upon completion of the work to be performed, APC would reconcile the charges of the job and bill or refund the difference, as applicable. For the Distribution line, the estimated cost provided by APC Distribution Representatives is billed prior to the commencement of the relocation and no reconciliation is required once the work is completed.

As discussed in our March 18th meeting, The City of Tarrant has requested APC permit reimbursement for the relocation via progress payments in lieu of the initial total pre-payment. APC has considered this request and due to the "reimbursement structuring" of the FEMA Grant Program, APC will permit the progress payment option if so desired. This option would require that a letter of credit be provided in addition to the letter of billing authorization. If The City of

Tarrant so desires to reimburse APC with progress payments, APC will work with the City to develop a progress payment schedule that considers the reimbursement structure of the FEM/A Grant Program, but have payments made in full in a timely fashion that would not delay APC from finalizing the project. The first installment must be received by APC before beginning any work activities. Reminder, APC will reconcile the charges of the job and bill or refund the difference, as applicable within 4 to 6 months upon completion of the job.

Furthermore, if required, replacement right-of-way must be provided at no cost to APC for the modification of the transmission and distribution facilities. The rights, privileges and protections provided to APC on the replacement right-of-way will be equivalent or superior to those APC has on the existing right-of-way and shall not be subject to any rights of any third parties. This replacement right-of-way shall be provided prior to the start of construction.

Goodwyn, Mills, & Cawood has communicated that the flood mitigation project encountered some challenges, delaying the project. These delays have moved APC out of the outage window that work could be done. A new construction timeline has been provided for the APC work scope based on receiving notice to proceed on a projected date of October 16th, 2016, as well as the other required documentation. This would allow APC to begin work at the next available outage window, mid-March 2017, provided that the site is accessible to perform work.

A Construction Tenant at Will (TAW) will be required for the work to be done around the APC transmission and distribution facilities. The TAW will need to be fully executed by the City's Contractor before construction work can begin.

This ballpark estimate is being provided to give you a general idea of the cost associated with performing the requested modification. This range should be re-evaluated if more than 120 days has passed since the date of this correspondence.

If you have any questions or need additional information, please do not hesitate to contact me at 205-257-4033.

Sincerely,

Brian H. Smith

Transmission Project Management & Customer Service

CC: Emily Boles

Gary Gorham

Nikki Van Pelt

Carl Bendolph

# EXHIBIT 2

SAMPLE LETTER OF  
BILLING AUTHORIZATION  
(CUSTOMER'S LETTERHEAD)

Alabama Power Company

Gentlemen:

You are hereby authorized to bill (Name of Company) the actual costs incurred by Alabama Power Company for the following described extraordinary work performed by Alabama Power Company in connection with the relocation of Transmission Line Facilities upon our request: Modify Leeds – Boyles 230kV transmission line: Structure 72 & North Roebuck – Ketona 115kV transmission line: Structure 92 \_\_\_\_\_.

You have advised us that the currently estimated amount of such costs is \$ 410,111.00. Please find enclosed the required pre-payment of the estimated costs.

We understand that all of the above described facilities will remain the property of Alabama Power Company and in no event shall become the property of this Company.

We understand the process of reconciling the actual costs for the work performed typically takes four (4) to six (6) months after construction is complete. We further understand the original estimate may be more or less than the actual costs and we will be refunded or billed the difference. We agree to make payment to you within thirty (30) days from the date of your final billing statement. Invoice should be sent in (number of copies) (#) copies to: (Name) (Address).

Yours truly,

(Name of Company)

By: \_\_\_\_\_

Its: \_\_\_\_\_

# EXHIBIT 3

IRREVOCABLE STANDBY LETTER OF CREDIT NUMBER \_\_\_\_\_

[DATE]

BENEFICIARY:

APPLICANT:

SOUTHERN COMPANY SERVICES, INC.,  
AS AGENT FOR \_\_\_\_\_ POWER COMPANY  
600 NORTH 18TH STREET  
P. O. BOX 2641  
BIRMINGHAM, ALABAMA 35291-8210  
ATTN: SCS TRANSMISSION SERVICES MANAGER

GENTLEMEN:

WE HEREBY ISSUE OUR IRREVOCABLE STANDBY LETTER OF CREDIT IN YOUR FAVOR IN THE AGGREGATE AMOUNT OF \_\_\_\_\_ US DOLLARS (\$ \_\_\_\_\_) AVAILABLE BY PAYMENT AT OUR COUNTERS UPON PRESENTATION OF THE FOLLOWING:

1. A DRAFT DRAWN ON US, SPECIFICALLY REFERENCING THIS LETTER OF CREDIT NUMBER.
2. THIS LETTER OF CREDIT PLUS ANY AND ALL AMENDMENTS ATTACHED THERETO.

WE HEREBY AGREE WITH YOU THAT DRAFT(S) DRAWN UNDER AND IN COMPLIANCE WITH THE TERMS AND CONDITIONS OF THIS LETTER OF CREDIT SHALL BE DULY HONORED IF PRESENTED ON OR BEFORE THE EXPIRY DATE (DEFINED BELOW). MULTIPLE AND PARTIAL DRAWINGS ARE PERMITTED.

PRESENTATION OF DRAFT(S) MAY BE MADE BY FAX TRANSMISSION ACCOMPANIED BY A COPY OF THIS LETTER OF CREDIT TO FAX NUMBER \_\_\_\_\_, FOLLOWED BY THE ORIGINAL DRAFT(S) SENT TO US BY

OVERNIGHT COURIER. IF PRESENTATION IS MADE BY FAX, PROMPT PHONE NOTIFICATION MUST BE GIVEN TO \_\_\_\_\_. IN THE EVENT OF A FULL OR FINAL DRAWING, THE ORIGINAL LETTER OF CREDIT MUST BE RETURNED TO US BY MAIL OR OVERNIGHT COURIER ADDRESSED TO \_\_\_\_\_ AFTER WE HONOR FAX PRESENTATION.

THIS LETTER OF CREDIT EXPIRES AT OUR COUNTERS AT THE CLOSE OF BUSINESS ON \_\_\_\_\_, \_\_\_\_\_ (WHICH DATE AS MAY BE EXTENDED IN THE MANNER PROVIDED HEREIN IS REFERRED TO AS THE "EXPIRY DATE"). THE EXPIRY DATE SHALL BE AUTOMATICALLY EXTENDED WITHOUT AMENDMENTS FOR ONE YEAR FROM THE INITIAL EXPIRY DATE AND THEREAFTER FOR ONE YEAR FROM EACH ANNIVERSARY OF THE INITIAL EXPIRY DATE UNLESS AT LEAST NINETY (90) DAYS PRIOR TO THE THEN APPLICABLE EXPIRY DATE WE NOTIFY YOU IN WRITING BY REGISTERED MAIL RETURN RECEIPT REQUESTED THAT WE ARE NOT GOING TO EXTEND THE EXPIRY DATE.

EXCEPT AS OTHERWISE EXPRESSLY STATED HEREIN, THIS LETTER OF CREDIT IS SUBJECT TO AND GOVERNED BY THE INTERNATIONAL STANDBY PRACTICES 1998, INTERNATIONAL CHAMBER OF COMMERCE PUBLICATION NO. 590 ("ISP98").

THIS LETTER OF CREDIT IS TRANSFERABLE BY BENEFICIARY IN WHOLE BUT NOT IN PART.

SINCERELY,

\_\_\_\_\_  
AUTHORIZED SIGNATURE

**EXHIBIT 4**



Five Mile Creek

October						
S	M	T	W	T	F	S
1	2	3	4	5	6	7
8	9	10	11	12	13	14
15	16	17	18	19	20	21
22	23	24	25	26	27	28
30	31	1	2	3	4	5

November						
S	M	T	W	T	F	S
30	31	1	2	3	4	5
6	7	8	9	10	11	12
13	14	15	16	17	18	19
20	21	22	23	24	25	26
27	28	29	30	1	2	3

December						
S	M	T	W	T	F	S
27	28	29	30	1	2	3
4	5	6	7	8	9	10
11	12	13	14	15	16	17
18	19	20	21	22	23	24
25	26	27	28	29	30	31

January						
S	M	T	W	T	F	S
1	2	3	4	5	6	7
8	9	10	11	12	13	14
15	16	17	18	19	20	21
22	23	24	25	26	27	28
29	30	31	1	2	3	4

February						
S	M	T	W	T	F	S
29	30	31	1	2	3	4
5	6	7	8	9	10	11
12	13	14	15	16	17	18
19	20	21	22	23	24	25
26	27	28	1	2	3	4

March						
S	M	T	W	T	F	S
26	27	28	1	2	3	4
5	6	7	8	9	10	11
12	13	14	15	16	17	18
19	20	21	22	23	24	25
26	27	28	29	30	31	1

April						
S	M	T	W	T	F	S
26	27	28	29	30	31	1
2	3	4	5	6	7	8
9	10	11	12	13	14	15
16	17	18	19	20	21	22
23	24	25	26	27	28	29

May						
S	M	T	W	T	F	S
30	1	2	3	4	5	6
7	8	9	10	11	12	13
14	15	16	17	18	19	20
21	22	23	24	25	26	27
28	29	30	31	1	2	3

- City of Tarrant approval to proceed (Letter of Billing Authorization Received)
- APC orders materials (6-8 weeks leadtime)
- Materials arrive
- APC Construction
- APC construction target completion date
- Flood Mitigation Project construction start (TAW[s] executed)

EXHIBIT 5

TAW - Construction

**SUBJECT:**

Leeds T.S. -Boyles T.S. 230kv TL  
Leess T.S. - Fulton Springs 115kv TL

This Instrument Prepared By:

Nickie VanPelt  
Alabama Power Company  
Post Office Box 2641  
Birmingham, AL 35291

STATE OF ALABAMA )  
 :  
COUNTY OF JEFFERSON )

THIS AGREEMENT, made and entered into on this the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, by and between ALABAMA POWER COMPANY, a corporation, (hereinafter referred to as "Licensor"), and \_\_\_\_\_ (hereinafter referred to as "Licensee").  
a \_\_\_\_\_

W I T N E S S E T H:

WHEREAS, the said Licensor is the owner of an electric transmission line easement upon, over, and under certain lands located in the South Half of the Southwest Quarter of Section 27, Township 16 South, Range 2 West in Jefferson, County, Alabama, such easement being more particularly described in that certain instrument executed by THE BIRMINGHAM WATER WORKS COMPANY, A CORPORATION dated February 21, 1928, recorded in ALABAMA POWER COMPANY documents under Parcel No. 3224 and in Deed Book 1884, Page 291, in the Office of the Judge of Probate, Jefferson County, Alabama. Reference is hereby expressly made to such records for a particular description of such easement or right-of-way; and

WHEREAS, the Licensee desires to use portions of said easement for the purpose hereinafter set out upon, under, through, along and across Licensor's easement and underneath the electric transmission line(s) located thereon; and

WHEREAS, Licensor is willing to grant, to the extent of its interest, such license of use for facilities of license upon, under, along, through and across such transmission line easement hereinabove described upon the terms and conditions hereinafter set out:

**NOW, THEREFORE:**

In consideration of the premises and the further consideration of the sum of One and No/100 Dollar (\$1.00), in hand paid to Licensor by the Licensee, receipt of which is hereby acknowledged, Licensor, to the extent of its interest, does hereby grant to the Licensee, its successors and assigns, subject to the terms and conditions hereinafter set forth, the right to construct, operate, maintain, and/or remove \_\_\_\_\_ upon, under, along, through and across its right of way and underneath the power transmission lines located thereon. The location of and specifications for the facilities of Licensee shall be as shown in red on Drawing, marked Exhibit "A", attached hereto and made a part hereof. The Licensee shall construct and maintain its facilities at the location hereinabove described in accordance with the following:

- a. The said facilities of the Licensee shall be constructed and maintained in accordance with the adopted procedures of well-regulated businesses and undertakings of same or similar kind, and in such manner as not to cause the facilities of the Licensor to be in conflict with the specifications of the National Electrical Safety Code, or any other specifications prescribed by laws of the United States or of the State of Alabama, or any regulatory body having jurisdiction with respect to such facilities. At any time such specifications are not being met because of the construction, maintenance and/or presence of said facilities then the Licensee shall within 30 days after notice that such specifications are not being met, revise or alter said facilities of the Licensee in accordance with such specifications.
- b. In the event said facilities of the Licensee interferes with the existing structures or facilities of Licensor which are located on or under such right of way including, but not limited to towers, poles, guy wires, conductors, crossarms, counterpoise, conductors or anchors, or in the event said facilities of the Licensee interferes with the construction, operation or maintenance of additional structures or facilities to be placed on or under such right of way, the Licensee shall revise or alter said facilities of the Licensee in such a manner so that it will not interfere with the construction, operation or maintenance of such existing or additional structures and facilities.
- c. Licensor specifically reserves unto itself the right of ingress and egress to and from its facilities at all times and should said facilities of the Licensee so constructed hinder or

interfere with Licensor's ingress and egress for the proper operation and maintenance of its facilities, then the Licensee shall make the necessary provisions to eliminate same.

d. The Licensee shall construct and maintain said facilities of the Licensee both now and in the future, in order to prevent any erosion or washing away of the lands of Licensor which its facilities cross. If at any time said facilities of the Licensee is the underlying cause of any erosion or washing, then the Licensee will immediately take necessary steps to prevent same.

e. The Licensee shall do no blasting within fifty (50) feet of any tower foundation and in the event it becomes necessary in the construction and installation of said facilities of the Licensee to use dynamite or do any blasting outside the said fifty (50) foot radius of tower foundations, the Licensee shall use blasting mats in order to protect the facilities of Licensor.

f. The Licensee, in the construction and maintenance of said facilities of the Licensee shall not deposit or place any spoil closer than 25 feet of any Licensor's poles, towers, structures and/or guy wires presently located on said lands and no spoil shall be placed at any location that will reduce the present conductor clearances underneath Licensor's facilities.

g. The Licensee shall mark and keep marked, with permanent monuments extending two feet (2') above the earth, the point of entry, intervals every two hundred (200) feet, and exit of the line on said right of way of Licensor; however, neither Licensor nor its agents, servants or employees shall be liable for any loss, damage or claim resulting from and/or caused by contact with and/or pressure on said facilities of the Licensee unless the Licensee shall have so marked the route of said facilities of the Licensee on the right of way so as to indicate its courses therefor. No sign or structures shall be erected and maintained on said right of way above ground level by the Licensee except as provided for herein.

h. Upon completion of the construction, the Licensee shall remove or cause to be removed all equipment used and all debris and refuse resulting from the construction of said facilities and shall leave the premises in a condition satisfactory to Licensor.

i. The Licensee agrees to reimburse Licensor for damage to any of Licensor's facilities resulting from the construction, operation, maintenance, and repair and/or removal of said facilities of the Licensee.

j. The Licensee will at all times hereafter indemnify, protect and save harmless the Licensor from any and all claims, loss, damage, expense and liability which Licensor may incur, suffer, sustain, or be subjected to resulting from or arising out of the negligent use by Licensee of the rights herein granted. "Negligent use" as the term is used herein shall include any violation of the foregoing or the following provisions:

- (1) The Licensee shall use extreme caution in operating machinery and equipment across said lands and shall at all times maintain at least a clearance between the machinery and the overhead conductors, as will meet the following standards:
  - (i) for lines rated 50 kV or below, minimum clearance between the lines and any part of the equipment or load shall be 10 feet.
  - (ii) for lines rated over 50 kV, minimum clearance between the lines and any part of the equipment or load shall be 10 feet plus 0.4 inch for each 1 kv over 50 kV, or twice the length of the line insulator, but never less than 10 feet.
- (2) The Licensee shall also maintain a horizontal clearance adequate in distance for all purposes to protect Licensor's facilities between the machinery and any of Licensor's poles, towers, structures, counterpoise facilities and/or guy wires placed on such lands in the future.
- (3) There shall be no physical contact with Licensor's support structures or the lessening of support therefor, or damage to any of Licensor's support structures, guys or counterpoise facilities therefor.
- (4) Any metal pipeline being installed on Licensor's right of way shall be installed with the pipe constantly grounded so as to prevent all injuries as could arise from induced electric charges or shock during construction, maintenance, use or removal of the pipeline.
- (5) Blasting on the right of way shall be conducted only in a completely safe manner so as to prevent all injury whatsoever to any person or property.

Any breach by the Licensee of said standards of care agreed to in writing and as set out above should be considered negligence per se on the part of the Licensee.

Licensee agrees to obtain all necessary rights from the owners of the lands crossed by Licensor's easement in the event Licensee does not own the lands and rights.

Provided further, for any construction, installation or other use of the rights herein granted to be performed for the Licensee by an individual or entity other than the Licensee (including the Licensee's contractors, agents or assigns), the Licensee shall obtain acceptable

liability insurance protection, for Licensor as a named insured on a policy conforming to Exhibit "B" attached hereto.

Herein the term "the Licensee" shall include the named Licensee in this document and its employees.

This agreement shall inure to and be binding upon the successors and assigns of the parties hereto.

IN WITNESS WHEREOF, the parties hereto have caused this instrument to be executed by their authorized officials on this the \_\_\_\_ day of \_\_\_\_\_, 20 \_\_\_\_.

ALABAMA POWER COMPANY

By: \_\_\_\_\_  
Name: \_\_\_\_\_  
Title: \_\_\_\_\_

\_\_\_\_\_  
Name of Corporation/Partnership/LLC

By: \_\_\_\_\_  
Name: \_\_\_\_\_  
Title: \_\_\_\_\_

\*\*\*\*\*

STATE OF ALABAMA )  
COUNTY OF \_\_\_\_\_ )

I, \_\_\_\_\_, a Notary Public, in and for said County in said State, hereby certify that \_\_\_\_\_, whose named as \_\_\_\_\_ of Alabama Power Company, a corporation, is signed to the foregoing instrument, and who is known to me, acknowledged before me on this day that, being informed of the contents of this instrument, he/she, as such representative and with full authority, executed the same voluntarily for and as the act of said corporation.

Given under my hand and official seal, this the \_\_\_\_ day of \_\_\_\_\_, 20 \_\_\_\_.

My Commission Expires: \_\_\_\_\_  
\_\_\_\_\_  
Notary Public - State at Large

STATE OF \_\_\_\_\_ )  
COUNTY OF \_\_\_\_\_ )

I, \_\_\_\_\_, a Notary Public, in and for said County in said State, hereby certify that \_\_\_\_\_, whose named as \_\_\_\_\_ of the \_\_\_\_\_ is signed to the foregoing instrument, and who is known to me, acknowledged before me on this day that, being informed of the contents of this instrument, he, as such officer and with full authority, executed the same voluntarily for and as the act of said \_\_\_\_\_.

Given under my hand and official seal, this the \_\_\_\_ day of \_\_\_\_\_, 20 \_\_\_\_.

My Commission Expires: \_\_\_\_\_  
\_\_\_\_\_  
Notary Public - State at Large

EXHIBIT "B"

\_\_\_\_\_ has entered into a contract with Alabama Power Company relating to this exhibit. Alabama Power Company requires the following certificates of insurance, in addition to the \_\_\_\_\_'s certificates.

If any work contemplated under this document is to be performed by outside contractors of \_\_\_\_\_, or subcontractors thereof, \_\_\_\_\_ shall present to Alabama Power Company, prior to any entry entering onto Alabama Power Company's property and right of way, acceptable policies or certificates of insurance which afford Alabama Power Company the following insurance protection:

(1) Workers' Compensation - The liability of the \_\_\_\_\_'s Contractor and their subcontractors of any tier for claims for injury to employees engaged in this work and for death resulting therefrom under any applicable State or Federal Workers' Compensation Act. In addition, such coverage shall include Employer's Liability with a limit of at least \$300,000 per person. Such insurance shall be endorsed to waive any right of subrogation for such claims against Alabama Power Company, the Southern Company and their subsidiaries.

(2) Comprehensive General Liability - The legal liability of \_\_\_\_\_, its Contractors and its/his subcontractors for claims or damages:

(a) For personal or bodily injuries, including death, arising out of work to be performed under this contract in an amount not less than:

\$2,000,000.00 for any one person per occurrence.

\$2,000,000.00 for any one occurrence.

(b) For damage to property belonging to other than such Contractor or his subcontractors in an amount of not less than:

\$500,000.00 for any one accident and subject to an aggregate amount not less than \$500,000.00.

The insurance policy providing the above coverage shall be endorsed substantially as follows:

During the effective period of the policy mentioned herein, it is agreed that this insurance specifically covers all liability assumed by the insured under the provisions of a contract entered into by \_\_\_\_\_, 20\_\_\_\_, and further, it is specifically agreed that Alabama Power Company is a named insured under the terms of this policy of insurance and covered by all of its terms and provisions.

(3) Automobile Liability - For personal or bodily injuries, including death, and/or for damages to property belonging to other than Contractor or his subcontractors caused by automotive equipment of or used by Contractor or his subcontractors in an amount not less than:

\$500,000.00 per personal injury or death of any one person per occurrence.

\$2,000,000.00 for personal injury or death of any one occurrence.

\$5,000,000.00 for property damage for any one accident.

Prior to beginning any work under the contract to which this is attached, Alabama Power Company shall be furnished by the Contractor with a certificate of the above insurance showing that the premium therefor has been paid. Alabama Power Company shall be furnished a ten (10) day cancellation notice of this insurance coverage.

Whereupon, Bryant moved & Middlebrooks seconded for the adoption of Resolution No. 8276.

Upon roll call, the vote thereon was as follows:

AYES: Council members Anderson, Bryant, Horton, Matthews,  
Middlebrooks and Mayor Tuck

NAYS: None

ABSENT: None

Resolution No. 8276 was adopted with a unanimous vote.

Whereupon, Middlebrooks introduced the following proposed resolution:

**RESOLUTION NO. 8277**  
**A RESOLUTION PROVIDING PRELIMINARY**  
**AUTHORIZATION WITH RESPECT TO CERTAIN**  
**REFUNDING WARRANTS**

BE IT RESOLVED by the City Council (the “Council”) of the City of Tarrant (the “City”), as follows:

Section 1. Findings of Fact. Having made due and proper investigation of the matters hereinafter referred to, the Council hereby finds and determines:

- (a) The City has heretofore issued its Electric Revenue Warrants, Series 2011 (the “Series 2011 Warrants”). The City is not in default on the payment of the principal of and the interest on the Series 2011 Warrants.
- (b) The City has determined that it is necessary, advisable and in the public interest that the City refund the Series 2011 Warrants in order to achieve interest rate savings, thereby improving the Tarrant Electric Department’s cash flow.
- (c) In order to refund the Series 2011 Warrants and pay the costs of issuance of the Refunding Warrants (hereinafter defined), it is necessary, desirable and in the public interest that the City issue its Electric Revenue Refunding Warrants, in the approximate amount of \$1,675,000 (the “Refunding Warrants”).

Section 2. Authorization with Respect to the Refunding Warrants. The Mayor of the City is hereby authorized to take all such actions as are necessary and appropriate to present the Refunding Warrants to the Council for its approval, including, without limitation, retaining Raymond James & Associates, Inc. as underwriter for the financing, and Hand Arendall LLC, as bond counsel, to prepare a preliminary official statement or other offering document and authorizing proceedings for presentation to and approval of the Council. The Mayor is hereby authorized to execute a Warrant Purchase Agreement with respect to the sale of the Refunding Warrants at such prices and rates of interest as will achieve the purposes set forth in Section 1 (b) hereof, subject, however, to final approval of the form of the Warrant Purchase Agreement by the Council.

ADOPTED AND APPROVED THIS THE \_\_\_\_ DAY OF \_\_\_\_\_, 2016.

LOXCIL B. TUCK, MAYOR

ATTEST:

Dan Weinrib, City Clerk

**CLERK'S CERTIFICATE**

I, Dan Weinrib, City Clerk of the City of Tarrant, Alabama, DO HEREBY CERTIFY that the foregoing Resolution from the minutes of a regular meeting of the City Council of Tarrant, Alabama, held on October 17, 2016, pertaining to the City’s Electric Revenue Warrants, Series 2011, which meeting was called and assembled and was open to the public and at which a quorum was present and acting throughout, and that the original of said minutes appears of record in the minute books of the City Council of Tarrant, Alabama, which are in my custody and control.

Given under my hand and the seal of the City of Tarrant, Alabama, this \_\_\_\_ day of \_\_\_\_\_, 2016.

[SEAL]

City Clerk of the  
City of Tarrant, Alabama

Whereupon, Middlebrooks moved & Matthews seconded for the adoption of Resolution No. 8277. Upon roll call, the vote thereon was as follows:

AYES: Council members Anderson, Bryant, Horton, Matthews,

Middlebrooks and Mayor Tuck

NAYS: None

ABSENT: None

Resolution No. 8277 was adopted with a unanimous vote.

Mayor Tuck opened up the public hearing for Resolution No. 8278 & 8279. Since nobody from the public spoke up, Tuck formally closed the public hearing. Bryant introduced the following proposed resolutions:

#### RESOLUTION NO. 8278

**A RESOLUTION ORDERING THE DEMOLITION OF A BUILDING OR STRUCTURE LOCATED AT 333 SPRINGDALE ROAD, TARRANT, ALABAMA, PARCEL ID# 13 00 32 4 003 024.000, IN COMPLIANCE WITH SECTIONS 11-40-30 THROUGH 11-40-36, SECTIONS 11-53B-1 THROUGH 11-53B-18, INCLUSIVE, OF THE CODE OF ALABAMA, AND IN COMPLIANCE WITH ORDINANCE NUMBER 1022 OF THE CITY OF TARRANT, ALABAMA; AND CALLING FOR SAID DEMOLITION TO BE PERFORMED BY THE CITY OF TARRANT AND DIRECTING THE CITY ATTORNEY AND THE CITY CLERK TO CAUSE THE COST OF SUCH DEMOLITION TO BE CHARGED AGAINST THE LAND ON WHICH THE BUILDING OR STRUCTURE EXISTS AS A MUNICIPAL LIEN OR CAUSE SUCH COST TO BE RECOVERED IN A SUIT AT LAW AGAINST THE OWNER OR OWNERS**

**WHEREAS**, the Appropriate Municipal Official determined that the condition of the building or structure located at 333 Springdale Road, Tarrant, Alabama, Parcel I.D. Number 13 00 32 4 003 024.000 is in such a condition as to make it dangerous to the life, health, property, morals, safety, or general welfare of the public or the occupants.

**WHEREAS**, contemporaneously with the filing of “Finding of Public Nuisance, Notice and Order to Remedy and Notice of Lis Pendens” on August 26, 2016, a copy of same was sent via certified mail, properly addressed and postage prepaid, to:

A. All person or persons, firm, association, or corporation last assessing the subject property for state taxes to the address on file in the Jefferson County Tax Collector’s Office,

B. The record property owner or owners (including any owner or owners of an interest in the subject property) as shown from a search of records of the office the judge of Probate of Jefferson County, Alabama, at the owner or owners’ last known address and at the address of the subject property,

C. All mortgagees of record as shown from a search of the records of the office of the Judge of Probate of Jefferson County, Alabama, to the address set forth in the mortgage or, if no address for the mortgagee is set forth in the mortgage, to the address determined to be the correct address by the Appropriate Municipal Official,

D. All lien holders of record as shown from a search of the records of the office of the Judge of Probate of Jefferson County, Alabama to the address set forth in the statement of lien or,

if no address for the lien holder is set forth in the statement of lien, to the address determined to be the correct address by the Appropriate Municipal Official,

E. Such other persons who are otherwise known to the City Clerk or to the Appropriate Municipal Official who could have an interest in the subject property.

**WHEREAS**, contemporaneously with the filing of the “Finding of Public Nuisance, Notice and Order to Remedy, and Notice of Lis Pendens”, a copy of the same was posted at or within three feet of an entrance to the building on the subject property and posted in four public places located within the City of Tarrant: 1) City Hall, 2) Tarrant Public Library, 3) Tarrant Parks and Recreation Building and 4) Tarrant Board of Education.

**WHEREAS**, notice that the Appropriate Municipal Official has made a finding that the subject property is a dangerous building because it is unsafe to the extent that it is a public nuisance and is subject to demolition and that a public hearing would be held on a certain date was also given to all interested parties and to the public at large by publication in the Alabama Messenger.

**BE IT RESOLVED by the City Council of the City of Tarrant, Alabama** while in regular session on Monday, October 17, 2016 at 7:00 p.m. as follows:

**Section 1.** A Public Hearing was held on October 17, 2016 at 7:00 p.m. and after due deliberation the City Council of the City of Tarrant, Alabama finds that the structure standing at 333 Springdale Road, Tarrant, Alabama, Parcel I.D. Number 13 00 32 4 003 024.000 is unsafe to the extent of becoming a public nuisance to the citizens of City of Tarrant, Alabama and is due to be condemned and demolished in compliance with Sections 11-40-30 through 11-40-36 and Sections 11-53B-1 through 11-53B-18, inclusive, of the Code of Alabama (1975), and Ordinance Number 1022 of the City of Tarrant, Alabama;

**Section 2.** That said demolition is to be performed by the City of Tarrant; and

**Section 3.** That the City Attorney and the City Clerk are hereby directed to cause the cost of such demolition to be charged against the land on which the building or structure is located and shall constitute a lien on the property for the amount of the assessment or cause such cost to be recovered in a suit at law against the owner or owners.

ADOPTED this the 17th day of October, 2016.

APPROVED: \_\_\_\_\_  
Loxcil B. Tuck, Mayor

ATTEST: \_\_\_\_\_  
Dan Weinrib, City Clerk

**CERTIFICATION OF CITY CLERK**

STATE OF ALABAMA       )  
JEFFERSON COUNTY       )

I, Dan Weinrib, City Clerk of the City of Tarrant, Alabama, do hereby certify that the above and foregoing is a true and correct copy of a Resolution duly and legally adopted by the City Council of the City of Tarrant, Alabama, on the 17th day of October 2016 while in regular session on Monday, October 17, 2016, and the same appears of record in the minute book of said date of said City.

Witness my hand and seal of office this 18th day of October 2016.



Dan Weinrib, City Clerk

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RESOLUTION NO. 8279

A RESOLUTION ORDERING THE DEMOLITION OF A BUILDING OR STRUCTURE LOCATED AT 1452 East Lake Boulevard, TARRANT, ALABAMA, PARCEL ID# 23 00 05 4 018 022.000, IN COMPLIANCE WITH SECTIONS 11-40-30 THROUGH 11-40-36, SECTIONS 11-53B-1 THROUGH 11-53B-18, INCLUSIVE, OF THE CODE OF ALABAMA, AND IN COMPLIANCE WITH ORDINANCE NUMBER 1022 OF THE CITY OF TARRANT, ALABAMA; AND CALLING FOR SAID DEMOLITION TO BE PERFORMED BY THE CITY OF TARRANT AND DIRECTING THE CITY ATTORNEY AND THE CITY CLERK TO CAUSE THE COST OF SUCH DEMOLITION TO BE CHARGED AGAINST THE LAND ON WHICH THE BUILDING OR STRUCTURE EXISTS AS A MUNICIPAL LIEN OR CAUSE SUCH COST TO BE RECOVERED IN A SUIT AT LAW AGAINST THE OWNER OR OWNERS

WHEREAS, the Appropriate Municipal Official determined that the condition of the building or structure located at 1452 East Lake Boulevard, Tarrant, Alabama, Parcel I.D. Number 23 00 05 4 018 022.000 is in such a condition as to make it dangerous to the life, health, property, morals, safety, or general welfare of the public or the occupants.

WHEREAS, contemporaneously with the filing of “Finding of Public Nuisance, Notice and Order to Remedy and Notice of Lis Pendens” on August 26, 2016, a copy of same was sent via certified mail, properly addressed and postage prepaid, to:

- A. All person or persons, firm, association, or corporation last assessing the subject property for state taxes to the address on file in the Jefferson County Tax Collector's Office,
- B. The record property owner or owners (including any owner or owners of an interest in the subject property) as shown from a search of records of the office the judge of Probate of Jefferson County, Alabama, at the owner or owners' last known address and at the address of the subject property,
- C. All mortgagees of record as shown from a search of the records of the office of the Judge of Probate of Jefferson County, Alabama, to the address set forth in the mortgage or, if no address for the mortgagee is set forth in the mortgage, to the address determined to be the correct address by the Appropriate Municipal Official,
- D. All lien holders of record as shown from a search of the records of the office of the Judge of Probate of Jefferson County, Alabama to the address set forth in the statement of lien or, if no address for the lien holder is set forth in the statement of lien, to the address determined to be the correct address by the Appropriate Municipal Official,
- E. Such other persons who are otherwise known to the City Clerk or to the Appropriate Municipal Official who could have an interest in the subject property.

WHEREAS, contemporaneously with the filing of the “Finding of Public Nuisance, Notice and Order to Remedy, and Notice of Lis Pendens”, a copy of the same was posted at or within three feet of an entrance to the building on the subject property and posted in four public places located within the City of Tarrant: 1) City Hall, 2) Tarrant Public Library, 3) Tarrant Parks and Recreation Building and 4) Tarrant Board of Education.

WHEREAS, notice that the Appropriate Municipal Official has made a finding that the subject property is a dangerous building because it is unsafe to the extent that it is a public nuisance

and is subject to demolition and that a public hearing would be held on a certain date was also given to all interested parties and to the public at large by publication in the Alabama Messenger.

**BE IT RESOLVED by the City Council of the City of Tarrant, Alabama** while in regular session on Monday, October 17, 2016 at 7:00 p.m. as follows:

**Section 1.** A Public Hearing was held on October 17, 2016 at 7:00 p.m. and after due deliberation the City Council of the City of Tarrant, Alabama finds that the structure standing at 1452 East Lake Boulevard, Tarrant, Alabama, Parcel I.D. Number 23 00 05 4 018 022.000 is unsafe to the extent of becoming a public nuisance to the citizens of City of Tarrant, Alabama and is due to be condemned and demolished in compliance with Sections 11-40-30 through 11-40-36 and Sections 11-53B-1 through 11-53B-18, inclusive, of the Code of Alabama (1975), and Ordinance Number 1022 of the City of Tarrant, Alabama;

**Section 2.** That said demolition is to be performed by the City of Tarrant; and

**Section 3.** That the City Attorney and the City Clerk are hereby directed to cause the cost of such demolition to be charged against the land on which the building or structure is located and shall constitute a lien on the property for the amount of the assessment or cause such cost to be recovered in a suit at law against the owner or owners.

ADOPTED this the 17th day of October, 2016.

APPROVED: \_\_\_\_\_  
Loxcil B. Tuck, Mayor

ATTEST: \_\_\_\_\_  
Dan Weinrib, City Clerk

**CERTIFICATION OF CITY CLERK**

STATE OF ALABAMA        )

JEFFERSON COUNTY        )

I, Dan Weinrib, City Clerk of the City of Tarrant, Alabama, do hereby certify that the above and foregoing is a true and correct copy of a Resolution duly and legally adopted by the City Council of the City of Tarrant, Alabama, on the 17th day of October 2016 while in regular session on Monday, October 17, 2016, and the same appears of record in the minute book of said date of said City.

Witness my hand and seal of office this 18th day of October 2016.

\_\_\_\_\_  
Dan Weinrib, City Clerk

Whereupon, Bryant moved & Horton seconded for the adoption of Resolution No. 8278 & 8279.

Upon roll call, the vote thereon was as follows:

AYES:	Council members Anderson, Bryant, Horton, Matthews, Middlebrooks and Mayor Tuck
NAYS:	None
ABSENT:	None

Resolutions No. 8278 & 8279 were adopted with a unanimous vote.

Mayor Tuck announced there was a citizen's petition included in each councilor's file.

Whereupon, Horton moved & Bryant seconded for the payment of the attached list of payroll & expense vouchers for the City of Tarrant and the City of Tarrant Electric Department. Upon roll call, the vote thereon was as follows:


AYES:	Council members Anderson, Bryant, Horton, Matthews, Middlebrooks and Mayor Tuck
NAYS:	None
ABSENT:	None

Payments were adopted with a unanimous vote.

Whereupon, Horton moved & Bryant seconded for motion to adjourn the meeting. The motion carried unanimously. The meeting adjourned at approximately 7:35 pm.

READ AND APPROVED THIS THE 21<sup>st</sup> DAY OF NOVEMBER, 2016

APPROVED:   
Loxcil B. Tuck, Mayor

ATTEST:   
Dan Weinrib, City Clerk

TARRANT ELECTRIC VOUCHER LIST 10/17/2016

9-3B-16	EMPLOYEES RETIREMENT SYSTEM	\$ 9,487.63
9-3B-16	HAND, ARRENDALL, LLC	\$ 75.00
9-3B-16	STATE EMPLOYEES INSURANCE BOARD	\$ 9,237.00
9-3B-16	BLUE CROSS DENTAL	\$ 456.75
9-3C-16	ALABAMA DEPT OF REVENUE - STATE WITHHOLDING	\$ 2,115.16
9-3E-16	DEFERRED COMP	\$14,930.00
10-3A-16	FEDERAL & FICA 10/3/2016 PAYROLL	\$12,547.87
10-3F-16	ASSURANT / UNION SECURITY	\$149.94
10-3J-16	LIBERTY NATIONAL	\$528.91
10-4-16	CITY OF TARRANT RENT	\$1,360.00
10-5-16	CITY OF TARRANT TAX EQUIVALENT	\$33,155.76
10-10-16	DEPOSIT REFUNDS 10/5/16 TO 10/14/16	\$1,591.06
10-22-16	COOPER SYSTEMS / CANNON TECHNOLOGIES	\$728.28
10-23-16	ANSWERTEL OF ATHENS	\$224.45
10-24-16	ARMOR SERVICES INC	\$240.00
10-25-16	CARR RIGGS & INGRAM	\$12,500.00
10-26-16	CITY OF TARRANT - PHONES	\$622.95
10-27-16	EXCELERON SOFTWARE LLC	\$2,361.50
10-28-16	G & K SERVICES	\$159.33
10-29-16	HAND, ARRENDALL, LLC	\$60.00
10-30-16	LASER ONE COMMUNICATIONS	\$1,300.00
10-31-16	OFFICE DEPOT	\$86.19
10-32-16	RICHARDSON HARDWARE	\$391.25
10-33-16	SUBSTATION SERVICE COMPANY	\$3,650.00
	NET PAYROLL 10/03/2016	\$20,450.80
	TOTAL	\$128,409.83
9-7-16	TVA POWER BILL SEPT, 2016 DUE 11/2/2016	\$ 495,764.29

CITY OF TARRANT  
VOUCHER LIST  
OCTOBER 17, 2016

GENERAL FUND

26676-26697	ACCOUNTS PAYABLE RUN	89,933.49
26698-26714	ACCOUNTS PAYABLE RUN	30,144.37
26715-26737	ACCOUNTS PAYABLE RUN	14,801.18
26738-26766	ACCOUNTS PAYABLE RUN	189,340.02
26767-26786	ACCOUNTS PAYABLE RUN	16,868.02
26787-26805	ACCOUNTS PAYABLE RUN	110,619.65

SALES & USE TAX

703	CITY OF TARRANT GENERAL FUND	200,000.00
704	CITY OF TARRANT GENERAL FUND	150,000.00