

**MINUTES OF THE REGULAR BI-MONTHLY MEETING OF DIRECTORS  
OF THE WATER WORKS BOARD OF THE CITY OF BIRMINGHAM  
April 30, 2015**

The regular bi-monthly meeting of the directors of The Water Works Board of the City of Birmingham was held on Thursday, April 30, 2015 at 11:00 a.m., in the principal office of the Board, 3600 First Avenue North, Birmingham, Alabama.

The following Directors were present: Sherry W. Lewis, George Munchus and Kevin B. McKie. Directors A. Jackie Robinson, III and Ann D. Florie were not present.

The meeting was also attended by: Mac Underwood, General Manager; Darryl Jones and Michael Johnson, Assistant General Managers; Grace Amison, Executive Assistant to the Board of Directors; Anitra Hendrix, Executive Assistant to the General Manager; Rick Jackson, Paul Lloyd, Ben Sorrell, Doug Stockham, Iris Fisher, Kendrick Evans, Derek Richards and Barry Williams, Board Employees; Mary Thompson, Kelvin Howard and K. Mark Parnell, Waldrep, Stewart & Kendrick; Jesse Lewis and Dorian Kendrick, The Lewis Group; Chandra Abesingha and Dennis Gray, C.E. Associates; Jerry Jones and Brian Ruggs, ARCADIS; Theo Johnson, Volkert, Inc.; Ann Smith, League of Women Voters; Matthew Arrington, Terminus Securities; Matt Adams and Larry Ward, Raymond James; Brian Hilson and Alan Reeves, Birmingham Business Alliance; William Muhammad; and Kamau Afrika.

Inasmuch as much three of the directors were present; First Vice Chairman Lewis declared a quorum in attendance.

First Vice Chairman Lewis called the meeting to order at 11:05 a.m. and General Manager Mac Underwood opened with prayer.

Following, the General Manager recognized the employees of the month for April 2015, as set forth in agenda item 1. Paul Lloyd, Human Resources Manager, stated Kendrick Evans and Derek Richards work at the Sipsey Intake. He indicated the area received several inches of snow and several trees fell on the road impacting travel to the intake. He stated Mr. Evans and Mr. Richards worked for 24 hours and proceeded to clear the trees from the road so the next shift could arrive on time and keep the plant operating properly. Following, First Vice Chairman Lewis expressed her gratitude to the employees for their hard work. On a motion duly made and seconded, the following resolution was adopted:

“BE IT RESOLVED BY The Water Works Board of the City of Birmingham (“the Board”), on a motion duly made by Mr. George Munchus and seconded by Mr. Kevin B. McKie, that the Board hereby recognizes and commends Kendrick Evans (Pump Operator – Sipsey Intake) and Derek Richards (Station Operator Trainee – Sipsey Intake), as the Operations and Technical Services Division’s Employees of the Month for April 2015, on having achieved outstanding job performance, attendance, and work above expected levels;

RESOLVED FURTHER, that the Board and the General Manager are hereby authorized to sign a formal resolution, the wording of which will carry out the intent herein, and an official resolution will be presented to the employees named above.

Resolution No. 6904 is hereby adopted by unanimous vote.”

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Following, the General Manager recognized Brian Hilson, Birmingham Business Alliance, to give an update regarding economic development, as set forth in agenda item 1.2. Director Munchus stated he has spoken with Mr. Hilson on several occasions regarding economic development. He stated he would like to have a conference involving all local utilities regarding economic development. Mr. Hilson stated economic development drives success in the community and then gave an overview of how the community is growing. He indicated various companies are selecting Birmingham to headquarter their businesses. He gave an overview of recent companies that have announced locating to Birmingham. He indicated 3,011 new jobs were created in 2014 in the seven county metro area. He stated over 13 percent of the jobs announced were in the Information Technology field. Mr. Hilson stated job announcements are trending in the right direction and he indicated there is over \$370 million in capital investment with the majority of the investment being located in Jefferson County. Mr. Hilson indicated the Birmingham Business Alliance’s goal is to recruit 120 companies to Birmingham annually. He stated there is a company that will be headquartering soon in Birmingham that will rely heavily on the Birmingham Water Works. Mr. Hilson stated the Birmingham Business Alliance is currently focused on recruiting in the healthcare and manufacturing sectors. He stated Birmingham has been ranked by Forbes’ as one of the most livable cities in the U.S. and this is due to the cost of living being low. He indicated this can be attributed to low utility rates for residents and businesses. Mr. Hilson indicated the Birmingham Business Alliance is open to conversation and working with the Birmingham Water Works to advance economic development. First Vice Chairman Lewis requested that the Birmingham Business Alliance considering adding a member of the board to be a part of its Executive Committee. Mr. Hilson responded he would share that request with the Birmingham Business Alliance’s board of directors.

Following, the General Manager asked the board to approve minutes of the Board of Directors’ meetings, as set forth in agenda item 3. Mr. Underwood stated staff had reviewed the minutes and recommended them for approval. On a motion duly made and seconded, the following resolution was adopted:

“BE IT RESOLVED By The Water Works Board of the City of Birmingham (“the Board”), on a motion duly made by Mr. Kevin B. McKie and seconded by Mr. George Munchus, that the Board hereby approves minutes of the Regular Board of Directors’ Meeting held March 16, 2015; Informational Board of Directors’ Meeting held March 20, 2015; and Regular Board of Directors’ Meeting held March 27, 2015. Resolution No. 6905 is hereby adopted by unanimous vote.”

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Following, the General Manager asked the board to adopt resolutions authorizing monthly retirement benefits for James Hollingsworth, Senior Operator – Carson Filter Plant, from the Board’s Retirement Trust Fund and commending Mr. Hollingsworth for his 35 years of service, as set forth in agenda item 4. On a motion duly made and seconded, the following resolutions were adopted:

“WHEREAS, James Hollingsworth, an employee of The Water Works Board of the City of Birmingham ("the Board"), is retiring, effective May 1, 2015, at an age of 58; and

WHEREAS, James Hollingsworth has 35 years of continuous service with the Board at his retirement date, and, in accordance with the terms of the Trusteed Pension Plan, Mr. Hollingsworth is entitled to receive a monthly Retirement payment from the Board’s Retirement Trust Fund in the amount of \$5,038.22; and

NOW, THEREFORE, BE IT RESOLVED By the Board of Directors of The Water Works Board of the City of Birmingham, on motion duly made by Mr. George Munchus and seconded by Mr. Kevin B. McKie, that the Trustee be, and is hereby instructed to pay monthly benefit payments of \$5,038.22 to Mr. Hollingsworth, beginning May 1, 2015, from the Board’s Retirement Trust Fund, in accordance with the terms of the Pension Plan.

Resolution No. 6906 is hereby adopted by unanimous vote.”

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“WHEREAS, James Hollingsworth, an employee of The Water Works Board of the City of Birmingham, is retiring, effective May 1, 2015, after 35 years of service with the Board; and

WHEREAS, management has informed the Board of James Hollingsworth’s efficiency, reliability, and loyal service which contributed to the effective operation and growth of The Water Works Board of the City of Birmingham; and

WHEREAS, James Hollingsworth, leaves behind a record which deserves a sincere word of gratitude for a job well done; and the Board does hereby express its best wishes for many happy years ahead.

NOW, THEREFORE, BE IT RESOLVED, By the Board of Directors of the Water Works Board of the City of Birmingham, James Hollingsworth, is hereby commended for his efficiency, reliability, and loyal service to the Board.

BE IT FURTHER RESOLVED, that in recognition of James Hollingsworth services to the Board, a copy of this resolution be spread upon the minutes of The Water Works Board of the City of Birmingham and an official resolution presented to James Hollingsworth.

Resolution No. 6907 is hereby adopted by unanimous vote.”

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Following, the General Manager asked the board to reimburse the Operating Account for capital expenditures for the period ended March 31, 2015, from Schedule No. IV (Cash Basis) in the amount of \$3,959,567,84, as set forth in agenda item 5. On a motion duly made and seconded, the following resolution was adopted:

“WHEREAS, ARCADIS US, Incorporated, in a Certificate dated April 20, 2015, certified that during the period ending March 31, 2015 that there were expenditures for the cost of system improvements, which were paid out of the Operating Account and reimbursement of that account is now due in the preliminary amount of \$3,959,567.84 and;

WHEREAS, transfers to the Operating Account can be made from any, or a combination, of the following: the 2002 Construction Fund, the Improvement Fund, and/or the Revenue Account.

NOW, THEREFORE, BE IT RESOLVED By The Water Works Board of the City of Birmingham, on a motion duly made by Mr. George Munchus and seconded by Mr. Kevin B. McKie, that the Trustee be, and is hereby instructed to immediately transfer \$3,959,567.84 to the Operating Account from any, or a combination, of the following: The 2002 Construction Fund, the Improvement Fund, and/or the Revenue Account.

Resolution No. 6908 is hereby adopted by unanimous vote.”

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Following, the General Manager asked the board to approve payments of invoices for professional services, as set forth in agenda items 6.1 through 6.4. The General Manager indicated staff had reviewed the invoices and recommended them for approval. On a motion duly made and seconded, the following resolution was adopted:

“BE IT RESOLVED By The Water Works Board of the City of Birmingham (“the Board”), on a motion duly made by Mr. George Munchus and seconded by Mr. Kevin B. McKie, that the Board hereby authorizes staff to execute payments to the following:

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|-----|---|---------------------|
| 6.1 | <u>Dominick Feld Hyde, P.C.</u><br>For professional services related to BWWB Cafeteria Plan for the period of March 2, 2015 through March 9, 2015 | <u>\$ 1,000.35</u>  |
| 6.2 | <u>The Jones Group, LLC</u><br>For professional services rendered for April 2015  | <u>\$ 5,000.00</u>  |
| 6.3 | <u>Waldrep Stewart &amp; Kendrick, LLC</u><br>For professional services rendered through March 2015   | <u>\$101,655.32</u> |
| 6.4 | <u>ARCADIS, U.S., Inc.</u><br>For professional services rendered through March 2015   | <u>\$688,295.30</u> |

Resolution No. 6909 is hereby adopted by unanimous vote.”

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Following, the General Manager asked the board to take bids regarding various projects located in the city of Birmingham, as set forth in agenda items 7.1 through 7.3. The General Manager stated the Killough Springs Road project is in conflict with a City of Birmingham

project; this project has to be relocated. He indicated this project will not be reimbursed by the City. He stated the Woodlawn Community project consists of replacing existing main. He stated the Dolomite Community project will be completed in three phases. He stated phase 1 will be bid first but staff is requesting that the board approve bidding of all three phases at one time. Director Munchus questioned whether the projects would run concurrent. The General Manager replied no and indicated each project will be bid separately; therefore, there could be different contractors for each project. First Vice Chairman Lewis questioned where is the work located (i.e. street or sidewalk). The General Manager stated most of the work is located in the street. Director Munchus questioned whether information regarding the project would be communicated to the residents that will be affected by the work. Doug Stockham, System Development Manager, stated information is being provided to Rick Jackson, Public Communications Specialist, to communicate to Birmingham City Council members regarding work being done in their district. Mr. Stockham then showed the directors a map of the work. Director Lewis requested an explanation of the work as indicated on the map. Mr. Stockham stated the work being done is from a project the City of Bessemer had. He indicated some meters are located behind or under houses and the work being done will have all water mains moved to public streets. First Vice Chairman Lewis questioned whether there are any safety concerns for employees. The General Manager responded no. Director Munchus questioned whether there will be minority participation on the projects. The General Manager stated he anticipates there will be minority participation. On a motion duly made and seconded, the following resolution was adopted:

“BE IT RESOLVED By The Water Works Board of the City of Birmingham (“the Board”), on a motion duly made by Mr. George Munchus and seconded by Mr. Kevin B. McKie, that the Board hereby take bids on the following:

- 7.1 For the relocation of Water Board facilities in conflict with the City of Birmingham (i. e. City) Drainage and Roadway Improvements Project along Killough Springs Road between Kay Drive and 6th Street NW located in the City of Birmingham, Alabama at an estimated out-of-pocket cost to the Board of \$265,700.00.
- 7.2 For the replacement of approximately 5,825’ of 2” unlined cast iron pipe; and 615’ of 6” unlined cast iron pipe with approximately 3,255’ of 6” DICL pipe; 2,495’ of 4” DICL pipe and related appurtenances; and 87 water services along 60th Street North; 61st Street North; 2nd Court North; 2nd Avenue North; 59th Street South; 59th Place South; 59th Way South; 60th Street South; 61st Street South; and 3rd Avenue South located in the Woodlawn Community of the City of Birmingham, Alabama at an estimated out-of-pocket cost to the Board of \$845,000.00.
- 7.3 For the replacement of approximately 615’ of 1” galvanized steel pipe, 1,106’ of 1-1/2” galvanized steel pipe, 11,320’ of 2” unlined cast iron pipe and 2” galvanized steel pipe; and 1,420’ of 6” unlined cast iron pipe with approximately 9,450’ of 6” DICL pipe; 5,770’ of 4” DICL pipe and related appurtenances; and 190 water services within Phase One, Phase Two and Phase Three along Morrow Street; Thomas Street; Circle Street; Circle Drive; Hudson Street; Railroad Street;

3rd Street; 2nd Street; 1st Street; 2nd Avenue; Hollywood Lane; North Street; Hill Street; Simmons Street; Charles Street; Washington Street; Carver Street; Short Street; and Mills Street located in the Dolomite Community of the City of Birmingham, Alabama at an estimated total out-of-pocket cost to the Board of \$2,866,000.00.

Resolution No. 6910 is hereby adopted by unanimous vote.”

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Following, the General Manager asked the board to award bids to Dunn Construction, Advanced Asphalt and Consolidated Pipe, as set forth in agenda items 8.1 and 8.2. On a motion duly made and seconded, the following resolution was adopted:

“BE IT RESOLVED By The Water Works Board of the City of Birmingham (“the Board”), on a motion duly made by Mr. George Munchus and seconded by Mr. Kevin B. McKie, that the Board hereby award bids on the following:

8.1 To two (2) contractors to provide Asphalt Cold Mix for temporary and permanent patching requirements within the Board’s distribution system, per bid specifications; and to authorize staff to enter into a one-year contractual agreement with the following contractors, effective April 30, 2015:

■ Dunn Construction, the lowest responsible and responsive bidder, for Asphalt Cold Mix (pick-up) at an estimated annual out-of-pocket cost to the Board of \$104,925.00.

■ Advanced Asphalt, the lowest responsible and responsive bidder, for Asphalt Cold Mix (Delivery) at an estimated annual out-of-pocket cost to the Board of \$115,500.00.

8.2 Consolidated Pipe, the lowest responsible and responsive bidder, for estimated quantities of Positive Displacement Meters to replenish stock in the Meter Shop, at an estimated out-of-pocket cost to the Board of \$514,750.00.

Resolution No. 6911 is hereby adopted by unanimous vote.”

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Next, the General Manager asked the board to approve an extension of a five-year Cooperative Service Agreement with the United States Department of Agriculture to provide services for the control of the feral hog population at Lake Purdy, as set forth in agenda item 9. Director Munchus questioned what happens to the meat from the hogs. Assistant General Manager Darryl Jones stated once the hogs are euthanized by the U.S.D.A., they dispose of them in a manner they determine. Director McKie questioned the possibility of leasing hunting tracks to the public at Lake Purdy. Mr. Jones stated the board has explored that option before and it was not successful; however, he said that option could be explored again. Director McKie stated he feels that option should be explored again and he feels BWWB customers will like that option.

He stated he feels that option should be considered in addition to working with the U.S.D.A. He indicated he feels the leasing would be beneficial to the land. The General Manager stated the issue the last time that option was explored was that the residents in that area did not want hunting near their homes. He indicated some residents did not want the leasing done because they may use the BWWB property themselves. Director McKie stated the funds generated from leasing the tracks could be used for additional security of the land. On a motion duly made and seconded, the following resolution was adopted:

“BE IT RESOLVED By The Water Works Board of the City of Birmingham (“the Board”), on a motion duly made by Mr. George Munchus and seconded by Mr. Kevin B. McKie, that the Board hereby approves an extension of a five-year Cooperative Service Agreement between the Water Works Board and the United States Department of Agriculture to provide services necessary for control of the feral hog population at Lake Purdy and authorizes the General Manager and/or the Assistant General Manager to execute said agreement, effective May 1, 2015 to May 1, 2020, at \$5,000.00 per year and a total cost to the Board not to exceed \$25,000.00. Resolution No. 6912 is hereby adopted by unanimous vote.”

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Next, the General Manager asked the board to adopt a resolution designating an Authorized Representative to execute and submit an application to the Alabama Department of Environmental Management for the purpose of obtaining a Drinking Water State Revolving Fund Loan to aid in financing the costs of the Homewood Community Phase Two Project, as set forth in agenda item 10. Director Munchus questioned who would be the authorized representative. Assistant General Manager Darryl Jones stated Assistant General Manager Sonny Jones has been the representative in the past; however, anyone from executive management can be the representative. First Vice Chairman Lewis questioned whether this project was included on the Capital Projects list. Assistant General Manager Darryl Jones responded it is included on that list. Director McKie questioned whether there will be a major disturbance to traffic in the area. Mr. Jones responded the traffic will be manageable in the area. On a motion duly made and seconded, the following resolution was adopted:

“WHEREAS, The Water Works Board of the City of Birmingham, herein called the "Applicant", after thorough consideration of the various aspects of the problem and study of available data, has hereby determined that the construction of certain works required for the treatment and distribution of drinking water is desirable and in the public interest, and to that end, it is necessary that action necessary for the construction of water treatment and/or distribution facilities be taken immediately; and

WHEREAS, under Alabama Department of Environment Management (ADEM) Administrative Code Chapter 335-7-13, the State of Alabama, has authorized the making of loans to aid in financing the cost of infrastructure needed to achieve/maintain compliance with the Safe Drinking Water Act and to protect/enhance public health objectives of the Act.

NOW, THEREFORE, BE IT RESOLVED BY, the Board of Directors of the Water Works Board of the City of Birmingham, the governing body of said Applicant, on a motion duly

made by Mr. George Munchus and seconded by Mr. Kevin B. McKie, hereby authorizes, as follows:

1. That the Assistant General Manager of Engineering and Maintenance is hereby authorized to file in behalf of the Applicant an application for a loan to be made by the Alabama Drinking Water Finance Authority;

2. That the Assistant General Manager of Engineering and Maintenance is hereby designated as the Authorized Representative of the Applicant for the purpose of furnishing to the Alabama Department of Environment Management (ADEM) such information, data and documents pertaining to the application for a Drinking Water State Revolving Fund (DWSRF) loan from the Authority as may be required; and otherwise to act as Authorized Representative of the Applicant in connection with this application; and

3. That certified copies of this resolution be included as part of the application be submitted to the Department for a loan.

Resolution No. 6913 is hereby adopted by unanimous vote.”

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Following, the General Manager asked the board to accept a thirty (30) year franchise agreement with the City of Homewood, as set forth in agenda item 10. On a motion duly made and seconded, the following resolution was adopted:

“BE IT RESOLVED By The Water Works Board of the City of Birmingham (“the Board”), on a motion duly made by Mr. George Munchus and seconded by Mr. Kevin B. McKie, that the Board hereby approves accept a thirty (30) year franchise agreement with the City of Homewood (franchise period February 9, 2015 through February 9, 2045), as approved by the City of Homewood on Monday, February 9, 2015. Resolution No. 6914 is hereby adopted by unanimous vote.”

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Following, the General Manager recognized Matthew Arrington, Terminus Municipal Advisors, to provide an update on the bond summary and the guaranteed investment contract. Mr. Arrington provided the directors with a complete report. A copy of the report is on file with said meeting book. He stated the board was able to refund \$100 million. He stated \$27 million of the Series 2009-A bonds was able to refund. Mr. Arrington stated all of the Series 2006 and 2008 bonds were able to be taken out. He indicated there was a savings of \$13 million or 6 percent. He stated at the time of the transaction the SLGS window was closed which is what the escrows are funded with. He stated because of that the board decided to do a portfolio of open market securities with mGic providing the bids. He stated that was a good decision because it resulted in more savings. He indicated by waiting to go to the bond market resulted in BWWB receiving more savings as oppose to going too soon to the market. Mr. Arrington stated the cost of the transaction was under 1 percent. He then recognized Matt Adams, Raymond James, to give a summary on the pricing spreads. Mr. Adams stated the board is compared spread wise versus other issuers and where the numbers have fallen historically. He stated the longest maturity with

the 5 percent coupon was at 0.68 over the market. He stated this represents lower interest payments. Mr. Arrington stated the transaction did very well. He then gave an overview of the performance of the transaction. He stated there was not a separate retail order period instead retail orders were given priority. Mr. Arrington stated the team's performance was very good. He indicated Raymond James filled the smaller firm's retail orders. He stated out of \$175 million offered there were orders of \$236 million. Larry Ward, Raymond James, stated the retail orders are high because of local support. Mr. Arrington then gave an overview of the GIC report. He stated two of the three GICs available the board was able to keep. He stated the 2006 GIC was amended at the same rate. He indicated the GIC only lost \$26,500 and was bid out on April 30, 2015. He stated the deal closed and monies will continue to be earned. First Vice Chairman Lewis commended the staff, Mr. Arrington and Raymond James for a job well done. Mr. Arrington stated mGic will present to the board soon regarding investment options to consider.

Following, First Vice Chairman Lewis recognized visitors in attendance. Mr. Kamau Afrika commended the management team of BWWB for their work. He stated he wanted to warn the board to be aware of those in the community who are trying to change the board.

Next, Board Attorney Mark Parnell asked the board to enter into Executive Session to discuss pending litigation. On a motion duly made and seconded, the following resolution was adopted:

“BE IT RESOLVED By The Water Works and Sewer Board of the City of Birmingham (“the Board”), on a motion duly made by Mr. George Munchus and seconded by Mr. Kevin B. McKie, that the Board hereby approves an Executive Session to discuss two pending lawsuits and one threatening lawsuit. Resolution No. 6915 is hereby adopted by unanimous vote.”

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Following, at 12:10 p.m. the Board, the General Manager, Board Attorneys Parnell, Thompson and Howard entered into an Executive Session. At 12:45 p.m. a motion was duly made and seconded to adjourn the Executive Session and the regular meeting reopened.

Next, Board Attorney requested the board to adopt a resolution authorizing staff to execute necessary documents to transfer certain property to Alex Jones in consideration for property he will swap to the board. On a motion duly made and seconded, the following resolution was adopted:

“WHEREAS, Charles Workman and Edna Workman (collectively “Workman”) currently have pending against The Water Board for the City of Birmingham (the Water Works Board) in the Circuit Court of Jefferson County, Alabama, a civil complaint bearing civil action number CV 2014-902104 (the “Lawsuit”); and

WHEREAS, the subject of the Lawsuit is certain property that Workman owns, said property more particularly described as follows:

A parcel of land located in the NW ¼ of the NE ¼ of Section 25, Township 18 South, Range 2 West, more particularly described as follows:

Begin at the NW corner of said ¼ ¼ section, thence in an easterly direction along the north line of said ¼ ¼ section a distance of 34.04 feet to the intersection with the southwesterly right of way of an existing County Road; thence 29° 01' 45" right, in a southeasterly direction along said right of way line, a distance of 45.05 feet, to the beginning of a curve to the right, having a radius of 630 feet, thence in a southeasterly direction along said right of way line, a distance of 230.73 feet, to end of said curve; thence in a southeasterly direction along a line tangent to the said curve and along said right of way line a distance of 293.78 feet, to the beginning of a curve to the right, having a radius of 967.76 feet; thence in a southeasterly direction along said curve and along said right of way, a distance of 194.31 feet to end of said curve; thence in a southeasterly direction along a line tangent to said curve and along said right of way line, a distance of 28.11 feet; thence 109° 26' 30" right, in a southwesterly direction, a distance of 545.72 feet to a point on the westerly line of said ¼ ¼ section; thence 97° 04' 10" right, in a northerly direction along the west line of said ¼ ¼ section, a distance of 664.13 feet, to the point of beginning; containing 4.9 acres, more or less. (the "Workman Property"); and

WHEREAS, Workman and the Water Works Board have reached an agreement in settlement of the Lawsuit; and,

WHEREAS, as part of the terms of such settlement, Alexander W. Jones, Jr. (Jones) has agreed to purchase the Workman Property from Workman upon the express condition and provided that, the Water Works Board will acquire the Workman Property from Jones and simultaneously deed to Jones a like amount of acreage owned by the Water Works Board; and,

WHEREAS, the Water Works Board's acreage to be transferred to Jones is more particularly described as follows:

Commence at the Northeast Corner of the Southwest ¼ of the Southeast ¼ of Section 24, Township 18 south, Range 2 West; thence run southerly along the east line of said ¼ ¼ section a distance of 220 13 feet to the point of beginning, a found iron pin with aluminum disc, also a point on the southwest edge of a 30 foot strip of land sold to Alex W Jones, Jr. and William C Wood and recorded in the Office of Judge of Probate, Jefferson County, Alabama in Deed Book 200804 Page 29907 and dated April 14, 2008; thence continue to run southerly along the east line of said ¼ ¼ section a distance of 518.50 feet; thence turn a deflection angle to the right of 90° 00' 00" and run westerly a distance of 422.00 feet to a set iron pin; thence turn a deflection angle to the right of 79° 31' 18" and run northwesterly a distance of 360.92 feet to a set iron pin; thence turn a deflection angle to the right of 76° 09' 15" and run northeasterly a distance of 500.00 feet to a found iron pin with aluminum disc, a point on the westerly side of the aforementioned 30 foot strip of land; thence turn a deflection angle to the right of 77° 13' 52" and run southeasterly along the southwesterly side of the aforementioned 30 foot strip of land a distance of 53.10 feet to the point of beginning, containing 4.9 acres, more or less. (the "BWVB Property"); and,

WHEREAS, an agreement between Jones and Workman has been reached for the sale of the Workman Property to Jones; and,

WHEREAS, in consideration of the release of all claims in the Lawsuit by Workman against the Water Works Board, the Water Works Board has agrees to swap with Jones the BWWB Property for the Workman Property once Jones has acquired the Workman Property; and,

WHEREAS, in order to preserve the Water Works Board's current ingress and egress to its other properties located contiguous to the BWWB Property, Jones has agreed to cause an easement to be granted in favor of the Water Works Board over the following described property:

Parcel 1

Commence at the Northeast Corner of the Southwest ¼ of the Southeast ¼ of Section 24, Township 18 South, Range 2 West and run westerly along the north line of said ¼ ¼ section a distance of 220.86 feet to the point of beginning of the centerline of a parcel of land 30 feet wide, lying 15 feet on each side of, parallel to, and abutting the following described line; thence deflect to the left 101° 33' 58" and run southeasterly for 23.70 feet; thence deflect to the right 28° 46' 57" and run southwesterly for 38.50 feet; thence deflect to the right 16° 01' 19" and run southwesterly for 49.42 feet; thence deflect to the right 18° 35' 09" and run southwesterly for 86.85 feet; thence deflect to the right 20° 23' 09" and run southwesterly for 64.08 feet; thence deflect to the right 12° 48' 15" and run southwesterly for 85.23 feet; thence deflect to the right 7° 26' 09" and run westerly for 123.08 feet; thence deflect to the left 18° 47' 00" and run southwesterly for 82.88 feet; thence deflect to the right 31° 20' 36" and run northwesterly for 86.76 feet; thence deflect to the left 16° 53' 33" and run southwesterly for 133.87 feet; thence deflect to the right 3° 34' 35" and run westerly for 48.73 feet; thence deflect to the right 18° 56' 39" and run northwesterly for 67.31 feet; thence deflect to the left 3° 48' 16" and run northwesterly for 85.53 feet; thence deflect to the right 7° 24' 45" and run northwesterly for 91.96 feet; thence deflect to the left 23° 10' 47" and run westerly for 23.07 feet; thence deflect to the left 21° 02' 17" and run southwesterly for 51.13 feet; thence deflect to the left 36° 10' 53" and run southwesterly for 44.07 feet; thence deflect to the left 29° 47' 29" and run southerly for 39.12 feet; thence deflect to the left 16° 35' 59" and run southeasterly for 55.26 feet; thence deflect to the right 10° 28' 56" and run southerly for 26.12 feet; thence deflect to the right 8° 21' 23" and run southwesterly for 42.93 feet; thence deflect to the right 26° 33' 09" and run southwesterly for 29.71 feet; thence deflect to the right 34° 37' 08" and run southwesterly for 31.09 feet; thence deflect to the right 33° 24' 57" and run northwesterly for 55.36 feet; thence deflect to the left 11° 08' 21" and run westerly for 69.94 feet; thence deflect to the left 16° 24' 41" and run southwesterly for 59.27 feet; thence deflect to the left 19° 53' 09" and run southwesterly for 52.07 feet; thence deflect to the left 37° 50' 32" and run southwesterly for 44.84 feet; thence deflect to the left 17° 32' 05" and run

southerly for 35.72 feet; thence deflect to the left 19° 00' 30" and run southeasterly for 53.04 feet; thence deflect to the left 7° 40' 07" and run southeasterly for 54.85 feet; thence deflect to the left 11° 57' 29" and run southeasterly 65.49 feet; thence deflect to the right 2° 48' 48" and run southeasterly for 50.02 feet; thence deflect to the right 7° 55' 57" and run southeasterly for 83.75 feet; thence deflect to the left 12° 13' 28" and run southeasterly for 16.29 feet; thence deflect to the left 17° 21' 08" and run southeasterly for 70.56 feet; thence deflect to the right 30° 23' 59" and run southeasterly for 56.76 feet; thence deflect to the left 17° 48' 56" and run southeasterly for 47.83 feet; thence deflect to the left 12° 38' 58" and run southeasterly for 94.39 feet; thence deflect to the right 15° 34' 49" and run southeasterly for 57.95 feet; thence deflect to the right 10° 39' 04" and run southeasterly for 27.83 feet; thence deflect to the right 18° 31' 53" and run southeasterly for 29.02 feet; thence deflect to the right 16° 50' 27" and run southerly for 25.87 feet; thence deflect to the right 12° 58' 39" and run southwesterly for 31.89 feet; thence deflect to the right 23° 29' 21" and run southwesterly for 45.71 feet; thence deflect to the right 31° 37' 37" and run southwesterly for 79.68 feet; thence deflect to the right 2° 07' 20" and run southwesterly for 92.63 feet; thence deflect to the left 11° 28' 04" and run southwesterly for 64.99 feet; thence deflect to the left 13° 25' 30" and run southwesterly for 33.84 feet; thence deflect to the left 11° 44' 28" and run southwesterly for 26.09 feet to the point of ending of said centerline of a 30 foot wide parcel of land, containing 1.95 acres, more or less.

#### Parcel 2

Commence at the Northeast Corner of the Southwest ¼ of the Southeast ¼ of Section 24, Township 18 South, Range 2 West and run west along the north line of said ¼ ¼ section a distance of 220.86 feet; thence deflect to the right 101° 33' 58" and run southeasterly for 23.70 feet to the point of beginning of the centerline of a parcel of land 30 feet wide, lying 15 feet on each side of, parallel to, and abutting the following described line; thence deflect to the left 45° 52' 47" and run southeasterly for 128.75 feet; thence deflect to the left 12° 09' 05" and run southeasterly for 27.27 feet; thence deflect to the right 24° 55' 58" and run southeasterly for 93.59 feet; thence deflect to the right 6° 06' 28" and run southeasterly for 34.06 feet to a point on the east line of said ¼ ¼ section, 196.26 feet south of said ¼ ¼ corner; thence continue along the same course a distance of 23.84 feet; thence deflect to the right 9° 24' 21" and run southeasterly for 55.10 feet; thence deflect to the left 12° 18' 39" and run southeasterly for 144.85 feet; thence deflect to the right 2° 51' 08" and run southeasterly for 184.32 feet; thence deflect to the right 70° 07' 56" and run southwesterly for 132.89 feet; thence deflect to the right 68° 42' 05" and run northwesterly for 86.39 feet; thence deflect to the right 19° 52' 53" and run northwesterly 102.62 feet; thence deflect to the left 77° 58' 08" and run southwesterly for 177.63 feet; thence deflect to the left 35° 20' 47" and run southwesterly 49.31 feet to a point on the boundary of Birmingham Water Works Board property, containing .85 acres, more or less. (the "BWVB Easement").

NOW, THEREFORE, BE IT RESOLVED on a motion made by Mr. George Munchus and seconded by Mr. Kevin B. McKie as follows:

1. Based upon the terms and conditions set forth above, the General Manager is hereby authorized to execute all documents needed to transfer the BWWB Property to Alex Jones and to accept the Workman Property and the BWWB Easement.
2. The Water Works Board's legal counsel, Waldrep Stewart & Kendrick, LLC, is authorized to execute all documents needed to cause the Lawsuit to be dismissed with prejudice.

Resolution No. 6916 is hereby adopted by unanimous vote.”

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As there was no further business before the Board, First Vice Chairman Lewis entertained a motion to adjourn the meeting and a motion was duly made and seconded, and the meeting adjourned at 12:47 p.m.

\_\_\_\_\_  
/s/  
A. Jackie Robinson, III  
Chairman/President

Attest:

\_\_\_\_\_  
/s/  
George Munchus  
Secretary-Treasurer