

**MINUTES FROM A WORK SESSION OF THE
COUNCIL OF MUSCLE SHOALS, ALABAMA, HELD
September 18, 2023**

The City Council of Muscle Shoals, Alabama met at the Muscle Shoals City Hall auditorium in said City at 5:00 p.m. on the 18th day of September 2023. The following members were found to be present or absent, as indicated:

PRESENT: CHRIS HALL, GINA CLARK, WILLIS THOMPSON, KEN
SOCKWELL, DAVID MOORE
ABSENT: NONE

Ken Sockwell, Council President, presided at the meeting. Mayor Mike Lockhart was also present. Brittney Walker, City Clerk/Treasurer, and Kate McCollister, Administrative Assistant/Marketing, were present and kept the minutes of the meeting.

The City Council interviewed the following applicants for the position on the Civil Service Board in the City Hall Conference Room before beginning the work session in the auditorium: Beth Pirtle, Edna Burgess, Paula Michael, Moshiu Knox, and Stephen Bradford.

Upon completion of the interviews, the City Council reconvened their work session in the auditorium at 6:00 p.m.

Lee Birchall discussed the landfill with the Mayor and Council. Authority has taken back the landfill and will have a soft opening as soon as next week.

Kathi Riley, Procurement Agent, discussed the purchase of two new John Deere mowers for storm drainage.

Todd Ouellette and Dee Murphy discussed a Retail Development Incentive Program for a new business development. They put an offer in on 52 acres south of Sixth Street.

Brian Stafford, Fire Marshal, discussed the private fire hydrant ordinance. The ordinance will distinguish privately owned vs. not by painting the hydrants yellow to signify which hydrants require servicing.


Ryan Kennedy, Public Works Assistant Director, discussed the purchase of a new garbage truck.

The council reviewed agenda items.

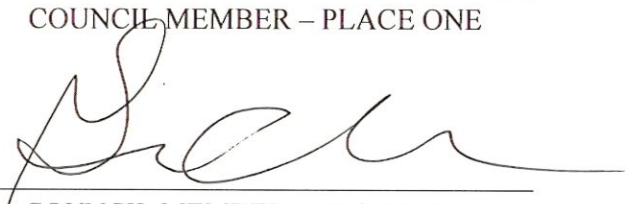
There being no further business the meeting was adjourned at 6:35 p.m.

CITY OF MUSCLE SHOALS, ALABAMA


A Municipal Corporation




COUNCIL MEMBER – PLACE ONE



COUNCIL MEMBER – PLACE TWO



COUNCIL MEMBER – PLACE THREE



COUNCIL MEMBER – PLACE FOUR



COUNCIL MEMBER – PLACE FIVE

ATTEST:



Brittney Walker, City Clerk/Treasurer



Kate McCollister, Administrative Assistant/Marketing

**MINUTES FROM A REGULAR MEETING
OF THE COUNCIL OF MUSCLE SHOALS, ALABAMA, HELD
September 18, 2023**

The City Council of Muscle Shoals, Alabama met at the Muscle Shoals City Hall auditorium in said City at 6:45 p.m. on the 18th day of September 2023 being the scheduled place for said meeting once the previously held work session ended. The meeting was called to order by Ken Sockwell, Council President. On roll call the following members were found to be present or absent, as indicated:

PRESENT: CHRIS HALL, GINA CLARK, WILLIS THOMPSON, KEN
 SOCKWELL, DAVID MOORE
ABSENT: NONE

Ken Sockwell, Council President, presided at the meeting and declared that a quorum was present and that the meeting was convened and opened for the purposes of transaction of business. Mayor Mike Lockhart was also present. Brittney Walker, City Clerk/Treasurer, and Kate McCollister, Administrative Assistant/Marketing, were present and kept the minutes of the meeting.

The invocation was given by Superintendent, Dr. Chad Holden. President Ken Sockwell led in the pledge of allegiance.

Upon motion duly made by Council Member Thompson and seconded by Council Member Moore and unanimously adopted, the Council waived the reading of the minutes of the previously held regular meeting and work session of September 5th, 2023, and approved the minutes as written.

Mayor Lockhart presented a proclamation for Constitution Week alongside the following members of the Daughters of the American Revolution: Scottie Floyd (Regent), Margaret Lovett (Immediate Past Regent), Nancy Gilliland (Past Regent), and Mary Riley Fowler (member). He also announced that the City received a sidewalk grant from the State. He informed the Council of a few meetings coming up regarding the comprehensive plan. He also informed them that in-house applications are being taken for the Parks & Recreation Director. And, he reminded the Council of the Meet The Future Trojans event this Friday night at the City Hall Amphitheater.

President Sockwell announced that the next item of business was to set a date for a public hearing to transfer retail beer (off premises only) licenses for AM PM Foodmart, SIYA 102 Corporation, 1300 Woodward Ave., Ste A. The public hearing will be held on October 16, 2023.

President Sockwell announced that the next item of business was to appoint a member to the Civil Service Board. Roll call was given to record a vote, and the vote of each Council Member recorded as follows:

Council Member Hall:	Beth Pirtle
Council Member Clark:	Abstain
Council Member Thompson:	Stephen Bradford
Council Member Sockwell:	Stephen Bradford
Council Member Moore:	Beth Pirtle

President Sockwell announced that the next item of business was to approve a resolution for surplus tow mowers from Parks & Recreation. Council Member Moore made a motion to approve the resolution; Council Member Thompson seconded that motion.

STATE OF ALABAMA

COLBERT COUNTY

RESOLUTION NUMBER 3280-23

WHEREAS, the City Council has been informed by the Parks and Recreation manager that a 2022 Kubota mower #KBGGDCAOPMGK 51211 and a 2022 Kubota mower #KBGGDCAOCMGK51216 herinafter as described and previously used in the performance of duties at the Muscle Shoals Parks and Recreation Department is no longer required for use by the City personnel: and

WHEREAS, the City Council has determined that the said items of property are surplus property and the City has no further use for said items of property due to needs of the parks and recreation department; now

THEREFORE, BE IT RESOLVED the City Council of the City of Muscle Shoals, Alabama does hereby determine that the following described Kubota mowers thereto be declared surplus property and disposed of by the Parks and Recreation manager of the city in a manner that will require no further expenditure by the City nor expose the City to any liability in the further use of or operation of said items of property; and the Council does hereby authorize the Parks and Recreation manager to dispose of said equipment as surplus property and the Council so finds the following equipment is surplus property:

2022 Kubota mower #KBGGDCAOPMGK51211
2022 Kubota mower #KBGGDCAOCMGK51216

BE IT FURTHER RESOLVED, that the Parks and Recreation manager is authorized to take steps necessary to convey the above described surplus property to TriGreen Equipment as a trade-in allowance of \$20,000.00 and in a manner consistent with the terms and conditions

and pursuant to this resolution; and

BE IT FURTHER RESOLVED, that in consideration of the conveyance to and acceptance of said surplus property TriGreen Equipment shall release the City of Muscle Shoals, Alabama from all liability, damage, claim, loss or expense, in the operation of said equipment herein described.

President Sockwell stated that approval of the motion and second was before the Council. Those in favor of the application would indicate so by voting aye and those opposed would indicate by voting nay. Upon said question being put to a vote, a roll call was had, and the vote recorded as follows:

AYES: All

NAYS: None

President Sockwell announced that the next item of business was to approve a resolution for purchase of John Deere Mower for Storm Drainage. Council Member Clark made a motion to approve the resolution; Council Member Hall seconded that motion.

STATE OF ALABAMA

COLBERT COUNTY

RESOLUTION NUMBER 3281-23

WHEREAS, the City Council of the City of Muscle Shoals, Alabama approved the purchase of one John Deere Terrain Cut commercial mower with Commercial rear discharge; and

WHEREAS, the Procurement Agent advised that the amount of said purchase must comply with the Alabama Competitive Bid Law and further that a purchasing cooperative contract eliminating the need for further formal, sealed bidding process has been approved by the State of Alabama and is valid for such purchase; and

WHEREAS, the Procurement Agent further advised that the purchase price for one John Deere Terrain Cut commercial mower with commercial rear discharge is \$38,457.63 to be purchased from TriGreen Equipment; and further that TriGreen Equipment is the awarded

contractual vendor for said item with Sourcewell, a State of Alabama approved purchasing cooperative; now

THEREFORE, BE IT RESOLVED by the City Council of the City of Muscle Shoals that TriGreen Equipment the contractual vendor of Sourcewell is now hereby awarded the purchase of one John Deere Terrain Cut commercial mower with commercial rear discharge for the total purchase price of \$38,457.63.

President Sockwell stated that approval of the motion and second was before the Council. Those in favor of the application would indicate so by voting aye and those opposed would indicate by voting nay. Upon said question being put to a vote, a roll call was had, and the vote recorded as follows:

AYES: All
NAYS: None

President Sockwell announced that the next item of business was to suspend the rules for immediate consideration of the ordinance for authorizing and approving assistance to the Solid Waste Disposal Authority. Council Member Moore made a motion to suspend the rules; Council Member Clark seconded that motion. Upon said question being put to a vote, a roll call was had, and the vote of each Council Member recorded as follows:

Council Member Hall:	YAY
Council Member Clark:	YAY
Council Member Thompson:	YAY
Council Member Sockwell:	YAY
Council Member Moore:	YAY

President Sockwell stated that the next item of business was a roll call vote for unanimous consent for the ordinance to be voted on. Those in favor of the application would indicate so by voting yay and those opposed would indicate by voting nay. Upon said question being put to a vote, a roll call was had, and the vote of each Council Member recorded as follows:

Council Member Hall:	YAY
Council Member Clark:	YAY
Council Member Thompson:	YAY
Council Member Sockwell:	YAY
Council Member Moore:	YAY

President Sockwell announced that the next item of business was to approve the ordinance for authorizing and approving assistance to the Solid Waste Disposal Authority. Council Member Moore made a motion to approve the ordinance; Council Member Clark seconded that motion.

ORDINANCE NO. 1556-23

AN ORDINANCE AUTHORIZING AND APPROVING ASSISTANCE TO the Solid Waste Disposal Authority of the Cities of Muscle Shoals, Sheffield, and Tuscumbia WITH RESPECT TO THE TAKE OVER OF THE CHEROKEE INDUSTRIAL LANDFILL AND SHOALS TRANSFER STATION by SUCH AUTHORITY

WHEREAS, on September 11, 2023, the Judge in *In re: CWI Cherokee LF LLC, Debtor* (Case No. 23-52262-SMS), issued an Order (I) APPROVING THE SALE FREE AND CLEAR OF LIENS, CLAIMS, ENCUMBRANCES, AND OTHER INTERESTS, (II) AUTHORIZING THE ASSUMPTION AND ASSIGNMENT OF CERTAIN EXECUTORY CONTRACTS AND UNEXPIRED LEASES, AND (III) GRANTING RELATED RELIEF, to which the Asset Purchase Agreement (the "Agreement") heretofore approved by the Authority was attached.

WHEREAS, among other things, the Agreement provided for the immediate take-over of the Cherokee Landfill and the Shoals Transfer Station by the Authority, and

WHEREAS, among other things, the Agreement further provided for the refunding of the Authority's outstanding Series 2020-A and 2020-B Bonds by the Authority through the issuance of its Taxable Revenue Bonds, Series 2023, to be dated the date of delivery (the "Series 2023 Bonds").

WHEREAS, immediately following the issuance of such Order, the Authority adopted a resolution confirming the Agreement and authorizing the issuance of the Series 2023 Bonds.

WHEREAS, the Authority has informed the City that the issuance of the Series 2023 Bonds solely on the Authority's credit will result in a higher cost of funds than if the three cities collectively assisted the Authority by issuing a Funding Agreement for the Series 2023 Bonds.

WHEREAS, the City and the other two cities have agreed to assist the Authority by collectively entering into the Funding Agreement described above.

WHEREAS, the City and the Authority have agreed that all revenues of the Authority available for debt service after the payment of operational and maintenance expenses will be applied to the payment of the Series 2023 Bonds prior to any payments of the City being requested.

WHEREAS, the Authority has proposed to borrow capitalized interest as part of the Series 2023 Bonds so that all payments in fiscal year 2024 will without doubt be made without the necessity of any City funds.

WHEREAS, the Authority proposes to continue pre-paying the debt service on the Series 2023 Bonds by allocating all revenues of the Authority available for debt service after the payment of operational and maintenance expenses from operations in Fiscal Year 2024 to the payments to be due on the Series 2023 Bonds in Fiscal Year 2025.

WHEREAS, the Authority has further proposed to allocate any additional funds remaining after the payment of all operational, maintenance, and debt service payments in any fiscal year to a bond redemption fund to be applied to the full payment and retirement of the Series 2023 Bonds on the first available date.

WHEREAS, pursuant to Amendment No. 772, as amended, to the Alabama Constitution of 1901, as amended, the City and the other two cities believe that the take-over of the Cherokee Landfill and the Shoals Transfer Station by the Authority will substantially benefit the public by (i) promoting economic and industrial development in each City, Colbert County and the surrounding area, (ii) supporting all existing businesses and citizens in Colbert County and the surrounding area which utilize the Cherokee Landfill, (iii) helping to attract new business to each City and Colbert County by virtue of having the aforementioned assets, and (iv) stimulating employment opportunities for local citizens at current and potential future employers who utilize said assets. The City believes that the extension of its credit will serve a valid sufficient purpose notwithstanding any incidental benefit to the public and private businesses utilizing the Cherokee Landfill and Shoals Transfer Station.

NOW THEREFORE BE IT ORDAINED by the City Council of the City of Muscle Shoals, Alabama (the "City"), as follows:

1. The foregoing WHEREAS clauses are incorporated herein by reference.
2. The Council has determined that it is in the best financial interest and in the best interest of public health, welfare, safety, and economic and industrial development in and of the City to partner with the other two cities to collectively assist the Authority with the takeover of the Cherokee Landfill and the Shoals Transfer Station by the Authority.
3. The Funding Agreement, in substantially the form presented to the City, with such changes as are approved by the Mayor, whose approval shall be evidenced by his execution of the same, is hereby approved, ordered, and confirmed. The Mayor and City Clerk are authorized to execute, attest, seal, and deliver such Funding Agreement as and when requested by the Authority.

4. In exchange for the full signed release of the City for any claims of the former operator, the City approves and directs the Mayor to sign a release similarly releasing the former operator from any claims of the City.

5. The Council recognizes that the take-over of the Landfill by the Authority is an urgent, priority matter and that time is of the essence and hereby authorizes and directs the Mayor to take such action as is necessary to assist the Authority with the takeover and transition process and to execute such documents, take such action, or provide such information, as is necessary on behalf of the City in connection therewith.

6. This ordinance shall become effective simultaneously with and upon the adoption of a substantially similar ordinance by the other two cities.

7. This ordinance shall be published and/or posted by the City Clerk in accordance with the City's customary publishing and/or posting procedures under ALA. CODE § 11-45-8 (1975). This ordinance shall become effective upon due publication and/or posting thereof.

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

Ayes: Councilmember Hall
Councilmember Clark
Councilmember Thompson
Councilmember Sockwell
Councilmember Moore

Nays: None

The President declared the motion unanimously carried.

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

Ayes: Councilmember Hall
Councilmember Clark
Councilmember Thompson
Councilmember Sockwell
Councilmember Moore

Nays: None

The President of the Council declared the motion unanimously carried and the said ordinance passed and adopted as introduced.

President Sockwell stated that approval of the motion and second was before the Council. Those in favor of the application would indicate so by voting aye and those opposed would indicate by voting nay. Upon said question being put to a vote, a roll call was had, and the vote recorded as follows:

AYES: All
NAYS: None

President Sockwell announced that the next item of business was to appoint a member to the Board of Equalization. Roll call was given to record a vote, and the vote of each Council Member recorded as follows:

Council Member Hall:	Larry D. Butch Whitehead
Council Member Clark:	Larry D. Butch Whitehead
Council Member Thompson:	Larry D. Butch Whitehead
Council Member Sockwell:	Larry D. Butch Whitehead
Council Member Moore:	Larry D. Butch Whitehead

There being no further business to come before the meeting, upon the motion duly made and seconded the meeting was adjourned.

CITY OF MUSCLE SHOALS, ALABAMA
A Municipal Corporation



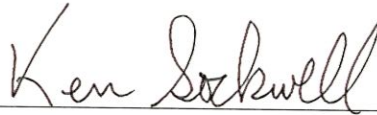
COUNCIL MEMBER – PLACE ONE




COUNCIL MEMBER – PLACE TWO



COUNCIL MEMBER – PLACE THREE

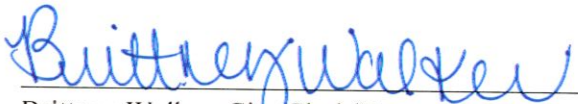


COUNCIL MEMBER – PLACE FOUR

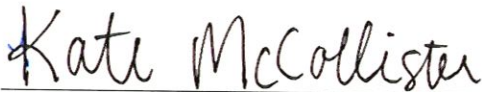


COUNCIL MEMBER – PLACE FIVE

ATTEST:



Brittney Walker, City Clerk/Treasurer



Kate McCollister, Administrative Assistant/Marketing