

**MINUTES FROM A REGULAR MEETING OF THE
COUNCIL OF MUSCLE SHOALS, ALABAMA, HELD
October 18, 2021**

The City Council of Muscle Shoals, Alabama met at the Muscle Shoals City Hall auditorium in said City at 6:15 p.m. on the 18th day of October, 2021 being the scheduled time and place for said meeting. 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, WILLIS THOMPSON, KEN SOCKWELL, DAVID MOORE
ABSENT: GINA CLARK

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. Ricky Williams, City Clerk, was present and kept the minutes of the meeting.

The invocation was given by Ricky Williams. Mayor Mike Lockhart led in the pledge of allegiance.

Upon motion duly made by Council Member Hall 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 October 4, 2021 and approved the minutes as written.

Upon motion duly made by Council Member Hall and seconded by Council Member Moore and unanimously adopted, the Council waived the reading of the minutes of the previously held special meeting and work session of October 14, 2021 and approved the minutes as written.

Mayor Lockhart read aloud a proclamation declaring October 20, 2021 as “Shoals Chamber of Commerce Day” in the City. He also recognized Grace Havner who was present representing the University of North Alabama Student Government Association.

President Sockwell announced that the next item of business was consideration of a revised job description for the position of magistrate. Council Member Moore moved that the job description be approved as presented. Council Member Thompson seconded the motion and upon said motion being put to a vote, all voted "AYE" and "NAYS" were none.

President Sockwell announced that the job description had been approved.

President Sockwell announced that the next item of business was consideration of a job description and pay rate for the position of City Clerk. HR Director/Assistant City Clerk Elaine Coan noted that the proposed pay rate is \$67,059.20 annually. Council Member Thompson moved that the job description and pay rate be approved as presented. Council Member Hall seconded the motion and upon said motion being put to a vote, all voted "AYE" and "NAYS" were none.

President Sockwell announced that the job description and pay rate had been approved.

President Sockwell announced that the next item of business was consideration of a request for travel advances for police officers Timothy Reynolds and Kenneth Simpson to attend the police academy in Montgomery November 1, 2021 - February 15, 2022.

Council Member Moore moved that the request for \$1,500 each be approved. Council Member Thompson seconded the motion and upon said motion being put to a vote, all voted "AYE" and "NAYS" were none.

President Sockwell announced that the travel advances had been approved.

President Sockwell announced that the next item of business was consideration of a resolution to vacate a portion of a 20 ft. alleyway in Highland Park Subdivision #16 as further described below.

Council Member Moore introduced the following resolution and moved for its adoption:

STATE OF ALABAMA)
COLBERT COUNTY) **PETITION AND DECLARATION OF VACATION**
)

WHEREAS, the undersigned, The Estate of A. Gary Simpson, deceased, is the owner of Lot 6950, (collectively, the "Estate Property"); and Danny Ray Hardeman is the owner of Lots 6683 through 6686 and the North half of Lot 6682 (the "Hardeman Property"); all said lots being in HIGHLAND PARK SUBDIVISION PLAT NUMBER SIXTEEN, a subdivision in Colbert County, Alabama, known and designated according to the map of said subdivision recorded in the office of the Judge of Probate of Colbert County, Alabama, in Map Book 2, Page 225; the

Estate Property and the Hardeman Property being the only property abutting the portion of the alley hereinafter set out, do hereby declare the following alley in said Highland Park Subdivision Plat Number Sixteen to be vacated, to wit:

A portion of a 20' wide alley, lying within Highland Park Subdivision Plat Number Sixteen, as recorded in Map Book 2, Page 225, in the office of the Judge of Probate, Colbert County, Alabaip.a, being more particularly described as follows: Begin at the Northwest comer of Lot 6950 of said Highland Park Subdivision Plat Number Sixteen, said point also lying on the Southernmost right of way line of Geneva Avenue (66' right of way); thence Southerly 90.00 feet along the Easternmost right of way line of said 20' alley to a point; thence West 20.00 feet to a point on the Westernmost right of way line of said 20' alley; thence Northerly 90.00 feet to the Northeast comer of Lot 6686; thence Easterly 20.00 feet to the POINT OF BEGINNING of the tract of land hereby described; said tract of land contains 0.04 acres ± and is subject to any and all easements or restrictions of record or unrecorded affecting said property.

The above-described property is subject to a drainage and utility easement in favor of the City of Muscle Shoals, Alabama.

The undersigned, the Estate of A. Gary Simpson, deceased, and Danny Ray Hardeman hereby request that the City Council of Muscle Shoals consent to, approve, ratify and confirm the vacation of the above described alley as described herein and, further, to authorize conveyance by quit-claim deed, to the Petitioners of the right, title and interest of the City of Muscle Shoals, Alabama, in and to the portion of the hereinabove described alley.

IN WITNESS WHEREOF, the undersigned have caused this instrument to be duly executed on this 2nd day of March, 2020.

THE ESTATE OF A. GARY SIMPSON, DECEASED

By: s/ Misty Campbell
Personal Representative
By: s/ John P. Simpson
Personal Representative

STATE OF ALABAMA
COLBERT COUNTY

I, the undersigned, a Notary Public in and for said County in said State, hereby certify that John P. Simpson and Misty S. Campbell, whose names are signed to the foregoing instrument as Personal Representatives of the Estate of A. Gary Simpson, deceased, and who in such capacity are known to me, acknowledged before me on this day that, being informed of the contents of the instrument, they, in such capacity and with full authority, have executed the same voluntarily as of the day the same bears date.

Given under my hand and official seal this the 2nd day of March, 2020.

s/ Alexandra R. Alexander
NOTARY PUBLIC

My Commission Expires 1/15/2025

SEAL

IN WITNESS WHEREOF, the undersigned have caused this instrument to be duly executed on this 2nd day of March, 2020.

s/ Danny Ray Hardeman
DANNY RAY HARDEMAN

STATE OF ALABAMA
COLBERT COUNTY

I, the undersigned, a Notary Public in and for said County in said State, hereby certify that Danny Ray Hardeman, whose name 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 the instrument, he executed the same voluntarily as of the day the same bears date.

Given under my hand and official seal this the 2ND day of March, 2020.

s/ Alexandra R. Alexander
NOTARY PUBLIC

My Commission Expires 1/15/2025

SEAL

STATE OF ALABAMA
COUNTY OF COLBERT

RESOLUTION NUMBER 3173 - 21

WHEREAS, The Estate of A. Gary Simpson, deceased, (the “Estate”), and Danny Ray Hardeman (“Hardeman”), hereinafter collectively called Petitioners, the Estate being the owner Lots 6950, and Hardeman being the owner of Lots 6683 through 6686 and the North half of Lot 6682, all in HIGHLAND PARK SUBDIVISION PLAT NUMBER SIXTEEN, a subdivision according to a map or plat thereof which is on file of record in the office of the Judge of Probate of Colbert County, Alabama, in Map Book 2, Page 225; said Petitioners being desirous of vacating the hereinafter described portion of an alley, have presented their signed Petition and Declaration of Vacation of said alley to the City Council of the City of Muscle Shoals, Alabama, a municipal corporation, for its consideration, assent and approval; and

WHEREAS, the portion of the alley to be vacated is more particularly described as follows:

A portion of a 20’ wide alley, lying within Highland Park Subdivision Plat Number Sixteen, as recorded in Map Book 2, Page 225, in the office of the Judge of Probate, Colbert County, Alabama, being more particularly described as follows: Begin at the Northwest corner of Lot 6950 of said Highland Park Subdivision Plat Number Sixteen, said point also lying on the Southernmost right of way line of Geneva Avenue (66’ right of way); thence Southerly 90.00 feet along the Easternmost right of way line of said 20’ alley to a point; thence West 20.00 feet to a point on the Westernmost right of way line of said 20’ alley; thence Northerly 90.00 feet to the Northeast corner of Lot 6686; thence Easterly 20.00 feet to the POINT OF BEGINNING of the tract of land hereby described; said

tract of land contains 0.04 acres ± and is subject to any and all easements or restrictions of record or unrecorded affecting said property.

The above-described property is subject to a drainage and utility easement in favor of the City of Muscle Shoals, Alabama.

WHEREAS, the aforesaid Petitioners, are the owners of all property abutting the portion of the said alley to be vacated, having complied with all the requirements of Ordinances of the City of Muscle Shoals, Alabama, relating to the vacation of streets and alleyways within the City of Muscle Shoals, Alabama; and

WHEREAS, the City Council of the City of Muscle Shoals, Alabama, has determined that the convenient means of ingress and egress to and from their property is afforded to all other property owners owning property in the tract of land embraced in the map, plat or survey within which the above described portion of said alley is located, such means of ingress and egress being afforded by the remaining dedicated streets in the area.

NOW, THEREFORE, BE IT RESOLVED, by the City Council of the City of Muscle Shoals, Alabama, that the assent of the City Council of the City of Muscle Shoals, Alabama be and there same is hereby given and granted to the vacation of the portion of the alley herein above described.

BE IT FURTHER RESOLVED that the City of Muscle Shoals, Alabama, a municipal corporation, remise, release, and quit-claim to the Estate of A. Gary Simpson, deceased, and Danny Ray Hardeman whatever right, title and interest the City of Muscle Shoals may have acquired in and to the above described portion of said alley and that the Mayor, Michael Lockhart, is hereby authorized to execute and deliver said quit-claim deed to for and on behalf of the City of Muscle Shoals, Alabama.

Council Member Hall seconded the motion and upon said motion being put to a vote, all voted "AYE" and "NAYS" were none.

President Sockwell announced that the resolution had been approved.

President Sockwell announced that the next item of business was consideration of a resolution to vacate two portion of 20 ft. alleyways in Highland Park Subdivision #16 as further described below.

Council Member Moore introduced the following resolution and moved for its adoption:
STATE OF ALABAMA
COLBERT COUNTY

PETITION AND DECLARATION OF VACATION

WHEREAS, the undersigned, The Estate of A. Gary Simpson, deceased, is the owner of Lots 6718 through 6722, Lots 6723 through 6728, Lot 6944, and Lot 6955 (collectively, the

"Estate Property"); all said lots being in HIGHLAND PARK SUBDIVISION PLAT NUMBER SIXTEEN, a subdivision in Colbert County, Alabama, known and designated according to the map of said subdivision recorded in the office of the Judge of Probate of Colbert County, Alabama, in Map Book 2, Page 225; the Estate Property being the only property abutting the alleys hereinafter set out, do hereby declare the following alleys in said Highland Park Subdivision Plat Number Sixteen to be vacated, to wit:

Tract I:

That certain twenty foot alley lying South of a line extended from the Northeast comer of Lot 6944, Highland Park Subdivision Plat Number 16, to the Northwest comer of Lot 6718, Highland Park Subdivision Plat Number 16; and lying North of a line extended from the Southeast comer of Lot 6944, Highland Park Subdivision Plat Number 16, to the Southwest comer of Lot 6722, Highland Park Subdivision Plat Number 16.

Tract II:

A portion of a 20' wide alley, lying within Highland Park Subdivision Plat Number Sixteen, as recorded in Map Book 2, Page 225, in the office of the Judge of Probate, Colbert County, Alabama, being more particularly described as follows: Begin at the Northeast comer of Lot 6955 of said Highland Park Subdivision Plat Number Sixteen, said point also lying on the Southernmost right of way line of Geneva Avenue (66' right of way), said point also lying on the Westernmost right of way line of a 20' wide alley; thence along said Southernmost right of way line of Geneva Avenue, Easterly for 20.00 feet to the Northwest comer of Lot 6723, said point also lying on the Easternmost right of way line of a 20' wide alley; thence along said right of way line Southerly for 120.00 feet to the Southwest comer of Lot 6728; thence West 20.00 feet to the Southeast comer of Lot 6955; thence Northerly along the Westernmost right of way line of said 20' alley for a distance of 120.00 feet to the POiNT OF BEGINNING of the tract of land hereby described; said tract ofland contains 0.06 acres± and is subject to any and all easements or restrictions of record or unrecorded affecting said property.

The above-described Tracts I through II are subject to a drainage and utility easement in favor of the City of Muscle Shoals, Alabama.

The undersigned, the Estate of A. Gary Simpson, deceased, hereby request that the City Council of Muscle Shoals consent to, approve, ratify and confirm the vacation of the above described street as described herein and, further, to authorize conveyance by quit-claim deed, to the Petitioners of the right, title and interest of the City of Muscle Shoals, Alabama, in and to the portion of the hereinabove described alley.

IN WIINESS WHEREOF, the undersigned have caused this instrument to be duly executed on this 11TH DAY OF November, 2020.

THE ESTATE OF A.GARY SIMPSON, DECEASED

By: s/ Misty Campbell
Personal Representative

By: s/ John P. Simpson
Personal Representative

STATE OF ALABAMA
COLBERT COUNTY

I, the undersigned, a Notary Public in and for said County in said State, hereby certify that John P. Simpson and Misty S. Campbell, whose names are signed to the foregoing instrument as Personal Representatives of the Estate of A. Gary Simpson, deceased, and who in such capacity are known to me, acknowledged before me on this day that, being informed of the contents of the instrument, they, in such capacity and with full authority, have executed the same voluntarily as of the day the same bears date.

Given under my hand and official seal this the 11th day of November, 2020.

s/ Diane S. Alexander
NOTARY PUBLIC

My Commission Expires 9/6/2021

SEAL

STATE OF ALABAMA
COUNTY OF COLBERT

RESOLUTION NUMBER 3174 - 21

WHEREAS, The Estate of A. Gary Simpson, deceased, (the "Estate"), hereinafter collectively called Petitioners, the Estate being the owner of Lot 6718 through 6722, Lots 6723 through 6728, Lot 6944, and Lot 6955, all in HIGHLAND PARK SUBDIVISION PLAT NUMBER SIXTEEN, a subdivision according to a map or plat thereof which is on file of record in the office of the Judge of Probate of Colbert County, Alabama, in Map Book 2, Page 225; said Petitioners being desirous of vacating the hereinafter described portion of an alley, have presented their signed Petition and Declaration of Vacation of said alley to the City Council of the City of Muscle Shoals, Alabama, a municipal corporation, for its consideration, assent and approval; and

WHEREAS, the portion of the alley to be vacated is more particularly described as follows:

Tract I:

That certain twenty foot alley lying South of a line extended from the Northeast corner of Lot 6944, Highland Park Subdivision Plat Number Sixteen, to the Northwest corner of Lot 6718, Highland Park Subdivision Plat Number Sixteen; and lying North of a line extended from the Southeast corner of Lot 6944, Highland Park Subdivision Plat Number Sixteen, to the Southwest corner of Lot 6722, Highland Park Number Sixteen.

Tract II:

A portion of a 20' wide alley, lying within Highland Park Subdivision Plat Number Sixteen, as recorded in Map Book 2, Page 225, in the office of the Judge of Probate, Colbert County, Alabama, being more particularly described as follows: Begin at the Northeast corner of Lot 6955 of said Highland Park Subdivision Plat Number Sixteen, said point also lying on the Southernmost right of way line of Geneva Avenue (66' right of way), said point also lying on the Westernmost right of way line of a 20' wide alley; thence along said Southernmost right of way line of Geneva Avenue, Easterly for 20.00 feet to the Northwest corner of Lot 6723, said point also lying on the Easternmost right of way line of a 20' wide alley; thence along said right of way line Southerly for 120.00 feet to the Southwest corner of Lot 6728; thence West 20.00 feet to the Southeast corner of Lot 6955; thence Northerly along the Westernmost right of way line of said 20' alley for a distance of 120.00 feet to the POINT OF BEGINNING of the tract of land hereby described; said tract of land contains 0.06 acres ± and is subject to any and all easements or restrictions of record or unrecorded affecting said property.

WHEREAS, the aforesaid Petitioners, are the owners of all property abutting the portion of the said alley to be vacated, having complied with all the requirements of Ordinances of the City of Muscle Shoals, Alabama, relating to the vacation of streets and alleyways within the City of Muscle Shoals, Alabama; and

WHEREAS, the City Council of the City of Muscle Shoals, Alabama, has determined that the convenient means of ingress and egress to and from their property is afforded to all other property owners owning property in the tract of land embraced in the map, plat or survey within which the above described portion of said alley is located, such means of ingress and egress being afforded by the remaining dedicated streets in the area.

NOW, THEREFORE, BE IT RESOLVED, by the City Council of the City of Muscle Shoals, Alabama, that the assent of the City Council of the City of Muscle Shoals, Alabama be and there same is hereby given and granted to the vacation of the portion of the alley herein above described.

BE IT FURTHER RESOLVED that the City of Muscle Shoals, Alabama, a municipal corporation, remise, release, and quit-claim to the Estate of A. Gary Simpson, deceased, whatever right, title and interest the City of Muscle Shoals may have acquired in and to the above described portion of said alley and that the Mayor, Michael Lockhart, is hereby authorized to execute and deliver said quit-claim deed to for and on behalf of the City of Muscle Shoals, Alabama.

Council Member Hall seconded the motion and upon said motion being put to a vote, all voted "AYE" and "NAYS" were none.

President Sockwell announced that the resolution had been approved.

President Sockwell announced that the next item of business was consideration of a resolution to vacate a portion of a 16 ft. alleyway in Highland Park Subdivision #16 as further described below.

Council Member Moore introduced the following resolution and moved for its adoption:
STATE OF ALABAMA
COLBERT COUNTY

PETITION AND DECLARATION OF VACATION

WHEREAS, the undersigned, Simpson Auto Properties, LLC, an Alabama limited liability company, is the owner of Lots 6687 through 6702 and 6946 through 6949, all in HIGHLAND PARK SUBDIVISION PLAT NUMBER SIXTEEN, a subdivision according to a map or plat thereof which is on file of record in the office of the Judge of Probate of Colbert County, Alabama, in Map Book 2, Page 225 (collectively, the "Simpson Auto Property"); and the Estate of A. Gary Simpson, deceased is-the owner of Lots 6703 through 6705, in HIGHLAND PARK SUBDIVISION, PLAT NUMBER SIXTEEN, a subdivision in Colbert County, Alabama, known and designated according to the map of said subdivision recorded in the office of the Judge of Probate of Colbert County, Alabama, in Map Book 2, Page 225, (the "state Property"); the Simpson Auto Property and the Estate Property being the only property abutting the alley hereinafter set out, do hereby declare a portion of the following alley in said Highland Park Subdivision Plat Number Sixteen to be vacated, to wit:

A portion of a 16' wide alley, lying within Highland Park Subdivision Plat Number Sixteen, as recorded in Map Book 2, Page 225, in the Probate Office of Colbert County, Alabama, being more particularly described as follows: BEGIN at the Northwest corner of Lot 6691 of said Highland Park Subdivision Plat Number Sixteen, said point lying at the intersection of the East right of way margin of Gusmus Avenue (100' right of way) and the South right of way margin of an alley (16' right of way); thence in a Northerly direction, crossing said alley, for a distance of 16.00 feet to the Southwest corner of Lot 6692 of said Highland Park Subdivision Plat- Number Sixteen, said point lying at the intersection of the East right of way margin of said Gusmus Avenue and the North right of way margin of a 16' wide alley; thence in an Easterly direction along said North right of way margin of said alley for a distance of 280.00 feet to the Southeast corner of Lot 6705 of said Highland Park Subdivision Plat Number Sixteen; thence in a Southerly direction, crossing said alley, a distance of 16.00 feet to a point on the South right of way margin of said 16' alley, said point lying on the North line of Lot 6946 of said Highland Park Subdivision Plat Number Sixteen; thence in a Westerly direction along said South right of way margin of said alley for a distance of 280.00 feet to the POINT OF BEGINNING of the tract of land hereby described; said tract of land contains 0.10 acre, more or less, and is subject to any and all easements or restrictions of record or unrecorded affecting said property.

The undersigned, Simpson Auto Properties, LLC and the Estate of A. Gary Simpson, deceased, hereby request that the City Council of Muscle Shoals consent to, approve, ratify and confirm the vacation of the portion of the above described alley as described herein and, further, to authorize conveyance by quit-claim deed, to the Petitioners of the right, title and interest of the City of Muscle Shoals, Alabama, in and to the portion of the hereinabove described alley.

IN WITNESS WHEREOF, the undersigned have caused this instrument to be duly executed on this 2nd day of March, 2020.

SIMPSON AUTO PROPERTIES, LLC

By: Its Sole Member, Estate of A. Gary Simpson,
deceased

By: s/ Misty Campbell

Personal Representative

By: s/ John P. Simpson

Personal Representative

STATE OF ALABAMA

COLBERT COUNTY

I, the undersigned, a Notary Public in and for said County in said State, hereby certify that John P. Simpson and Misty S. Campbell, whose names are signed to the foregoing instrument as Personal Representatives of the Estate of A. Gary Simpson, deceased, which is the Sole Member of Simpson Auto Properties, LLC, and who in such capacity are known to me, acknowledged before me on this day that, being informed of the contents of the instrument, they, in such capacity and with full authority, have executed the same voluntarily as of the day the same bears date.

Given under my hand and official seal this 2nd day of March, 2020.

s/ Alexandra R. Alexander

NOTARY PUBLIC

My Commission Expires 1/15/2025

SEAL

IN WITNESS WHEREOF, the undersigned have caused this instrument to be duly executed on this 2nd day of March, 2020.

THE ESTATE OF A.GARY SIMPSON, DECEASED

By: s/ Misty Campbell

Personal Representative

By: s/ John P. Simpson

Personal Representative

STATE OF ALABAMA

COLBERT COUNTY

I, the undersigned, a Notary Public in and for said County in said State, hereby certify that John P. Simpson and Misty S. Campbell, whose names are signed to the foregoing instrument as Personal Representatives of the Estate of A. Gary Simpson, deceased, and who

in such capacity are known to me, acknowledged before me on this day that, being informed of the contents of the instrument, they, in such capacity and with full authority, have executed the same voluntarily as of the day the same bears date.

Given under my hand and official seal this the 2nd day of March, 2020.

s/ Alexandra R. Alexander

NOTARY PUBLIC

My Commission Expires 1/15/2025

SEAL

STATE OF ALABAMA
COUNTY OF COLBERT

RESOLUTION NUMBER 3175 - 21

WHEREAS, Simpson Auto Properties, LLC (“Simpson Auto”) and the Estate of A. Gary Simpson, deceased (the “Estate”), hereinafter collectively called Petitioners, Simpson Auto being the owner of Lots 6687 through 6702 and 6946 through 6949, and the Estate being the owner of Lots 6703 through 6705, all in HIGHLAND PARK SUBDIVISION PLAT NUMBER SIXTEEN, a subdivision according to a map or plat thereof which is on file of record in the office of the Judge of Probate of Colbert County, Alabama, in Map Book 2, Page 225; said Petitioners being desirous of vacating the hereinafter described portion of an alley, have presented their signed Petition and Declaration of Vacation of said alley to the City Council of the City of Muscle Shoals, Alabama, a municipal corporation, for its consideration, assent and approval; and

WHEREAS, the portion of the alley to be vacated is more particularly described as follows:

A portion of a 16’ wide alley, lying within Highland Park Subdivision Plat Number Sixteen, as recorded in Map Book 2, Page 225, in the Probate Office of Colbert County, Alabama, being more particularly described as follows: BEGIN at the Northwest corner of Lot 6691 of said Highland Park Subdivision Plat Number Sixteen, said point lying at the intersection of the East right of way margin of Gusmus Avenue (100’ right of way) and the South right of way margin of an alley (16’ right of way); thence in a Northerly direction, crossing said alley, for a distance of 16.00 feet to the Southwest corner of Lot 6692 of said Highland Park Subdivision Plat Number Sixteen, said point lying at the intersection of the East right of way margin of said Gusmus Avenue and the North right of way margin of a 16’ wide alley; thence in an Easterly direction along said North right of way margin of said alley for a distance of 280.00 feet to the Southeast corner of Lot 6705 of said Highland Park Subdivision Plat Number Sixteen; thence in a Southerly direction, crossing said alley, a distance of 16.00 feet to a point on the South right of way margin of said 16’ alley, said point lying on the North line of Lot 6946 of said Highland Park Subdivision Plat Number Sixteen; thence in a Westerly

direction along said South right of way margin of said alley for a distance of 280.00 feet to the POINT OF BEGINNING of the tract of land hereby described; said tract of land contains 0.10 acre, more or less, and is subject to any and all easements or restrictions of record or unrecorded affecting said property.

The above-described property is subject to a drainage and utility easement in favor of the City of Muscle Shoals, Alabama.

WHEREAS, the aforesaid Petitioners, are the owners of all property abutting the said alleys to be vacated, having complied with all the requirements of Ordinances of the City of Muscle Shoals, Alabama, relating to the vacation of streets and alleyways within the City of Muscle Shoals, Alabama; and

WHEREAS, the City Council of the City of Muscle Shoals, Alabama, has determined that the convenient means of ingress and egress to and from their property is afforded to all other property owners owning property in the tract of land embraced in the map, plat or survey within which the above described alley is located, such means of ingress and egress being afforded by the remaining dedicated streets in the area.

NOW, THEREFORE, BE IT RESOLVED, by the City Council of the City of Muscle Shoals, Alabama, that the assent of the City Council of the City of Muscle Shoals, Alabama be and there same is hereby given and granted to the vacation of the alleys herein above described.

BE IT FURTHER RESOLVED that the City of Muscle Shoals, Alabama, a municipal corporation, remise, release, and quit-claim to Simpson Auto Properties, LLC and the Estate of A. Gary Simpson, deceased, whatever right, title and interest the City of Muscle Shoals may have acquired in and to the above described portion of the said alley and that the Mayor, Mike Lockhart, is hereby authorized to execute and deliver said quit-claim deed to for and on behalf of the City of Muscle Shoals, Alabama.

Council Member Hall seconded the motion and upon said motion being put to a vote, all voted "AYE" and "NAYS" were none.

President Sockwell announced that the resolution had been approved.

President Sockwell announced that the next item of business was consideration of an ordinance to amend section 42-65 of the Muscle Shoals Code of Ordinances related to enforcement of fire code violations.

Council Member Thompson introduced the ordinance in writing and moved for its immediate consideration:

ORDINANCE NUMBER 1539 - 21

AN ORDINANCE TO PROVIDE FOR FURTHER NOTIFICATION AND ENFORCEMENT OF FIRE CODE VIOLATIONS WITHIN THE CITY OF MUSCLE SHOALS, ALABAMA

Whereas, the City Council of the City of Muscle Shoals, Alabama is desirous of providing and clarifying the authority of the Fire Chief and his designated authorized representative to provide notice of and enforce violations of the City's fire code; and

BE IT ORDAINED by the City Council of the City of Muscle Shoals, Alabama, that:

Section 1. Sec. 42-65 of the Code of Ordinances, City of Muscle Shoals, Alabama, is hereby amended to include the following provisions in addition to and as a part of the existing requirements and the added provisions shall read as follows:

a) In the process of and for the purpose of providing inspection of buildings and structures within the City and to address violations of the City's Fire Code, the Fire Chief or his designated authority to include the City's Fire Marshal, and any other designated authorized representative is authorized as follows:

1. To conduct initial inspections and re-inspection as required. Upon finding a violation or incompleteness of required material or equipment, a written statement of the violation and the manner and method of its correction shall be provided to the owner or operator of the business along with a notice that the structure shall be brought into compliance with the City's Fire Code within thirty (30) days and a reinspection of the building or structure will be conducted thereafter.

2. In the event that upon reinspection, the building or structure remains in non-compliance with the City's Fire Code the owner or operator shall be provide a notice that a final re-inspection that the structure shall be brought into compliance with the City's Fire Code within fifteen (15) days and a reinspection of the building or structure will be conducted thereafter.

3. Upon failure of the building or structure to be brought into compliance after expiration of the time periods hereinabove provided, the Fire Chief or his designated authorized representative shall cause a letter be sent by certified mail, return receipt requested, to the owner or operator of the building or structure notifying the owner or operator that they have ten (10) business days to correct the violations or the necessary actions will be undertaken to seek issuance of a summons to appear before the Municipal Court for such violations

4. Notwithstanding the foregoing, should the owner or operator of the building or

structure, in good faith, provide a valid approved contract and/or work order for the completion of the repairs necessary to bring the building or structure into compliance with the City's Fire Code, additional days shall be added from the date of the contract or work order to allow the owner or operator to complete the repairs. Allowance of the additional days shall be at the sole discretion of the Fire Chief or his designated authorized representative.

5. Any food trucks, concession trailers or tents for Special Events must be in full compliance of the City's Fire Code in order to operation and shall not be allowed to operate if any violation of the Fire Code exists.

Section 2. Any person found in violation of the foregoing shall be subject to punishment as set forth in Sec. 1-7 of the Code of Ordinances of the City of Muscle Shoals, Alabama.

Section 3. Severability.

If any part, section or subdivision of this ordinance shall be held unconstitutional or invalid for any reason, such holding shall not be construed to invalidate or impair the remainder of this ordinance, which shall continue in full force and effect notwithstanding such holding.

Section 4. Effective Date.

This Ordinance, and its provisions, shall become effective upon publication or posting pursuant to law or as otherwise provided for by law.

Council Member Moore seconded the motion and upon said being put to a vote a roll call was had and the vote recorded as follows:

AYES: Council Member Hall, Council Member Thompson,
Council Member Sockwell, Council Member Moore

NAYS: None

President Sockwell announced that the motion for immediate consideration of the ordinance had been approved unanimously.

Council Member Thompson moved for approval of the ordinance. Council Member Moore seconded the motion and upon said being put to a vote a roll call was had and the vote recorded as follows:

AYES: Council Member Hall, Council Member Thompson,
Council Member Sockwell, Council Member Moore

NAYS: None

President Sockwell announced that the motion for adoption of the ordinance had been approved.

President Sockwell announced that the next item of business was consideration of an ordinance to amend the authority to complain of violations of the animal control regulations.

Council Member Thompson introduced the ordinance in writing and moved for its immediate consideration:

ORDINANCE NO. 1540- 21

**AN ORDINANCE PROVIDING FOR THE MANNER OF ENFORCEMENT OF AND
AUTHORITY TO COMPLAIN OF VIOLATIONS OF ANY PROVISION OR
UNLAWFUL PRACTICES OR CONDUCT CONTAINED IN ARTICLE 14-ANIMALS
OF THE CODE OF ORDINANCES
OF THE CITY OF MUSCLE SHOALS, ALABAMA**

BE IT ORDAINED by the Council of the City of Muscle Shoals, Alabama that the following language as same pertains to the enforcement and authority to complain of violations of any provision or unlawful practices of conduct as set forth in the foregoing Article 14 is hereby added to and made a part thereof the Code of Ordinances of the City of Muscle Shoals, Alabama definition of animal control officer of the Code of Ordinances of the City of Muscle Shoals, Alabama, same being authorized by and contained in Ordinance 1418-09 and approved and adopted by the City Council of the City of Muscle Shoals, Alabama on October 5, 2009 is hereby amended to add the following, to wit:

Section 14-29

The animal control officer or official, any police or law enforcement officer or citizen may submit the required documentation to a magistrate so that probable cause can be determined in order to issue a summons to the owner or other person in control of the canine or animal requiring the owner or other person in control of the canine or animal to appear in municipal court to answer charges for the violation of this article. The animal control officer or official, any police or law enforcement officer or citizen shall forthwith appear and make oath as to the alleged offense before a magistrate of the municipal court. Such written deposition and incident report(s) filed with the police department shall name the party charged, the address or description of the property where the alleged violation occurred or is located, and the nature of the offense or violation. Such written deposition filed with the municipal court shall be reviewed for a probable cause determination by the magistrate and upon findings of probable cause, the magistrate may issue a summons to be served on the owner or person in control of the canine or animal and made into a case. This provision for the issuance of a summons to municipal court, shall not prevent any such animal control officer or official, any police or law enforcement officer or citizen from appearing before a municipal magistrate and making oath as to the facts and applying for a summons or with respect to any alleged offense. If probable cause is determined and a summons is issued, it

shall contain the date, time and place at which to appear for court. Upon a finding of guilty in the municipal court, the owner or other person in control of the canine or animal is subject to the penalty as provided for Section 14-118 of this article.

BE IT FURTHER ORDAINED that Sec. 14-28 Penalties for violation of chapter is hereby repealed.

BE IT FURTHER ORDAINED that all other provisions of the Ordinance 1418-09 approved and adopted by the City Council of the City of Muscle Shoals, Alabama on October 5, 2009 as amended shall remain in full force and effect.

BE IT FURTHER ORDAINED that this Ordinance, and its provisions, shall become effective upon publication or posting pursuant to law or as otherwise provided for by law.

Council Member Moore seconded the motion and upon said being put to a vote a roll call was had and the vote recorded as follows:

AYES: Council Member Hall, Council Member Thompson,
Council Member Sockwell, Council Member Moore

NAYS: None

President Sockwell announced that the motion for immediate consideration of the ordinance had been approved unanimously.

Council Member Thompson moved for approval of the ordinance. Council Member Moore seconded the motion and upon said being put to a vote a roll call was had and the vote recorded as follows:

AYES: Council Member Hall, Council Member Thompson,
Council Member Sockwell, Council Member Moore

NAYS: None

President Sockwell announced that the motion for adoption of the ordinance had been approved.

President Sockwell announced that the Mayor and City Council will conduct a work session on Thursday, November 4, 2021 at 4:00 pm in the City Hall conference room to review the proposed budget for the 2021-2022 fiscal year.

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:

CITY CLERK