

**MINUTES FROM A REGULAR MEETING OF THE  
COUNCIL OF MUSCLE SHOALS, ALABAMA, HELD  
October 5, 2020**

The City Council of Muscle Shoals, Alabama met at the Muscle Shoals City Hall auditorium in said City at 6:00 p.m. on the 5<sup>th</sup> day of October, 2020 being the scheduled time and place for said meeting. The meeting was called to order by Allen Noles, Council President. The invocation was given by Ricky Williams. On roll call the following members were found to be present or absent, as indicated:

PRESENT: CHRIS HALL, TERRY MCMINN, MIKE LOCKHART,  
KEN SOCKWELL, ALLEN NOLES  
ABSENT: NONE

Allen Noles, 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 David Bradford was also present. Ricky Williams, City Clerk, was present and kept the minutes of the meeting.

Upon motion duly made by Council Member Sockwell and seconded by Council Member Lockhart and unanimously adopted, the Council waived the reading of the minutes of the previously held regular meeting and work session of September 21, 2020 and approved the minutes as written.

Council President Noles announced that the next item of business was consideration of a resolution to award the bid for the purchase of coarse aggregates for the 2020-2021 fiscal year.

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

**STATE OF ALABAMA  
COLBERT COUNTY**

**RESOLUTION NO. 3099 - 20**

**WHEREAS**, advertisements for bids for the purchase of coarse aggregates for the 2020-2021 fiscal year were distributed, the bid opening set for the 1st day of October, 2020 at 10:30am at the City Hall of the City of Muscle Shoals, Alabama; and

**WHEREAS**, at the appointed time and place, as specified above, the following bids were opened and tabulated as follows; and

BIDDER	Unit	No. 57	No. 78	Crusher Run	Rip Rap	Dense Graded Base
Rogers Group, Inc.	Ton	\$14.00	\$16.00	\$10.50	\$18.00	\$10.50
Vulcan Materials Company	Ton	\$13.35	\$13.50	\$10.00	\$14.00	\$10.50

**WHEREAS**, the lowest, responsive, and responsible bidder has been determined as Vulcan Materials Company with a bid price of \$13.35 per ton for No. 57 coarse aggregate; \$13.50 per ton for No. 78 coarse aggregate; \$10.00 per ton for crusher run; \$14.0 per ton for rip rap; and \$10.50 per ton for dense graded base; now

**THEREFORE, BE IT RESOLVED** that the lowest, responsive and responsible bidder, Vulcan Materials Company, is now awarded the bid for the purchase of coarse aggregates for the fiscal year 2020-2021.

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

President Noles announced that the resolution had been approved.

Council President Noles announced that the next item of business was consideration of a resolution to award the bid for the purchase of asphalt for the 2020-2021 fiscal year.

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

**STATE OF ALABAMA  
COLBERT COUNTY**

**RESOLUTION NO. 3100 - 20**

**WHEREAS**, advertisements for bids for the purchase of asphalt and binder for the 2020-2021 fiscal year were distributed, the bid opening set for the 1st day of October, 2020 at 10:00am at the City Hall of the City of Muscle Shoals, Alabama; and

**WHEREAS**, at the appointed time and place, as specified above, the following bids were opened and tabulated as follows: and

NAME OF BIDDER	424A-336 3/8" Asphalt / ton	424A - 340 1/2" Asphalt / ton	424A-341 3/4" Asphalt / ton	424B-636 1" Binder / ton
Mid-South Paving, Inc.	\$73.00	\$62.00	\$55.00	\$54.00
Rogers Group, Inc.	\$67.00	\$62.00	\$55.00	\$55.00

**WHEREAS**, it has been determined that the lowest, responsive, responsible bidder submitting a bid is Rogers Group, Inc.; and

**WHEREAS**, due to the nature of the product, its use and pricing, it is in the best interest of the city to have a primary and secondary source for the purchase of the bid product(s); now

**THEREFORE, BE IT RESOLVED**, that the bid is hereby awarded to Rogers Group, Inc. as the first and primary provider, and to Mid-south Paving, Inc. as the secondary provider in the event the primary provider cannot provide products when needed and as proposed in the submitted bid.

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

President Noles announced that the resolution had been approved.

Council President Noles announced that the next item of business was consideration of a resolution to award the bid for the purchase of pipe products for the 2020-2021 fiscal year.

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

**STATE OF ALABAMA  
COLBERT COUNTY**

**RESOLUTION NO. 3101 - 20**

**BE IT RESOLVED** by the City Council of the City of Muscle Shoals, Alabama, as follows:

That advertisements for bids for the purchase of various types of construction pipes were distributed, the bid opening set for the 1<sup>st</sup> day of October, 2020, at 11:00 am at the City Hall of the City of Muscle Shoals, Alabama; and

**BE IT FURTHER RESOLVED**, that at the appointed time and place, as specified above, the submitted bids were opened and the tabulations follow on the attached pages; and

**BE IT FURTHER RESOLVED**, that no award was made for round concrete pipe, nor arched concrete pipe; and now

**THEREFORE, BE IT FURTHER RESOLVED**, that the apparent lowest, responsive and responsible bidder, ADCO Pipe and Supply is now awarded the bid for polyethylene pipe with a smooth interior and polypropylene pipe with a smooth interior, with said bid being awarded for a one-year period ending September 30, 2021 and with options to renew for an additional two contracts for one year each; and that the apparent lowest, responsive and responsible bidder, Harvey Culvert is now awarded the bid for aluminized corrugated metal pipe for a one-year period ending September 30, 2021 and with options to renew for an additional two contracts for one year each.

**RESOLUTION NO. 3101 - 20                      (Attachment)**  
**BID TABULATION**

<b>POLYETHYLENE PIPE with SMOOTH INTERIOR</b>		
<b>NAME OF BIDDERS</b>		
<b>PIPE SIZE</b>	<b>ADCO PIPE &amp; SUPPLY</b>	<b>HARVEY CULVERT</b>
<b>12"</b>	\$5.05	\$5.46
<b>12" Band</b>	\$11.02	\$8.00
<b>15"</b>	\$6.13	\$6.85
<b>15" Band</b>	\$18.36	\$21.43

<b>18"</b>	\$8.24	\$8.74
<b>18" Band</b>	\$31.27	\$28.50
<b>24"</b>	\$14.20	\$15.39
<b>24" Band</b>	\$44.11	\$50.00
<b>30"</b>	\$20.36	\$21.68
<b>30" Band</b>	\$102.54	\$71.43
<b>36"</b>	\$26.99	\$30.03
<b>36" Band</b>	\$142.67	\$130.31
<b>42"</b>	\$34.50	\$39.03
<b>42" Band</b>	\$208.82	\$145.00
<b>48"</b>	\$46.18	\$49.51
<b>48" Band</b>	\$245.15	\$168.91

<b>ALUMINIZED CORRUGATED METAL PIPE</b>		
<b>NAMES OF BIDDERS</b>		
<b>PIPE &amp; BAND SIZE</b>	<b>ADCO PIPE &amp; SUPPLY</b>	<b>HARVEY CULVERT</b>
12"	\$12.20	\$10.28
12" BAND	\$24.40	\$10.28
15"	\$15.25	\$12.69
15" BAND	\$30.58	\$12.69
18"	\$18.26	\$15.93
18" BAND	\$36.50	\$15.93
24"	\$24.33	\$20.90
24" BAND	\$48.66	\$20.90
30"	\$30.36	\$26.10
30" BAND	\$60.78	\$26.10
36"	\$36.46	\$31.53
36" BAND	\$72.93	\$31.53

<b>ALUMINIZED CORRUGATED METAL ARCH PIPE</b>				
<b>ADCO PIPE &amp; SUPPLY</b>			<b>FALLIN FARMS dba HARVEY CULVERT</b>	
28" x 20" Arch	14ga: \$31.68	16ga: None	14ga: \$24.01	16ga: \$22.00
28" x 20" Band	14ga: \$63.36	16ga: None	14ga: \$24.01	16ga: \$22.00

<b>POLYPROPYLENE PIPE with SMOOTH INTERIOR</b>		
<b>NAME OF BIDDER:</b>	<b>ADCO PIPE &amp; SUPPLY</b>	<b>HARVEY CULVERT</b>
<b>Pipe Size and Band</b>		<b>NO BID</b>
<b>12"</b>	<b>\$7.52</b>	
<b>12" Band</b>	<b>\$11.02</b>	
<b>15"</b>	<b>\$9.13</b>	
<b>15" Band</b>	<b>\$18.36</b>	
<b>18"</b>	<b>\$11.64</b>	
<b>18" Band</b>	<b>\$31.27</b>	
<b>24"</b>	<b>\$18.74</b>	
<b>24" Band</b>	<b>\$44.11</b>	
<b>30"</b>	<b>\$30.70</b>	
<b>30" Band</b>	<b>\$102.54</b>	
<b>36"</b>	<b>\$33.16</b>	
<b>36" Band</b>	<b>\$142.67</b>	
<b>42"</b>	<b>\$44.44</b>	
<b>42" Band</b>	<b>\$208.82</b>	
<b>48"</b>	<b>\$58.47</b>	
<b>48" Band</b>	<b>\$245.15</b>	
<b>60"</b>	<b>\$94.74</b>	
<b>60" Band</b>	<b>\$381.33</b>	

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

President Noles announced that the resolution had been approved.

President Noles announced that the next item of business was a public hearing to consider the adoption of an ordinance to amend the Zoning Ordinance and Zoning Map of the City of Muscle Shoals, Alabama, the proposed ordinance being as follows:

**ORDINANCE NO. 1526 - 20**  
**AN ORDINANCE TO AMEND THE ZONING ORDINANCE AND**  
**ZONING MAP OF THE CITY OF MUSCLE SHOALS, ALABAMA**

Be it ordained by the Council of the City of Muscle Shoals, Alabama, that the Zoning Ordinance and the Zoning Map of the City of Muscle Shoals, are hereby amended as follows:

That the following described area which are currently B-2 and is hereby incorporated in and made a part of the R-2 District, to wit:

Lots 3905 thru 3917 & East 120' of Blk A Tract 1, Lots 3928 thru 3930 & 305' x  
1335' in part of S ½ of NW 1/4 of NW 1/4 of Highland Park Subdivision #10

The Council finds that legal notice of the proposed amendment to the Zoning Ordinance of the City of Muscle Shoals, Alabama, was published by posting the same in four (4) conspicuous places in the City of Muscle Shoals, Alabama, 15 days prior to the date hereof, there being no newspaper published in the City of Muscle Shoals, and said notice set for public hearing on the 5<sup>th</sup> day of October, 2020 at 6:00 o'clock p.m., in the Chambers of the Council of the City of Muscle Shoals located in the City Hall, Muscle Shoals, Alabama, for all persons to appear to be heard either for or against the adoption of said amendment; and

WHEREAS, said public hearing was held and President Noles announced that now was the proper time for persons in favor and those in opposition to the ordinance to be recognized.

There being no one wishing to speak, President Noles stated that approval of the ordinance was before the Council. All 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: Council Member Hall, Council Member McMinn, Council Member Lockhart,  
Council Member Sockwell, Council Member Noles

NAYS: None

President Noles announced that the ordinance had been approved.

President Noles announced that the next item of business was a public hearing to consider the adoption of an ordinance to amend the Zoning Ordinance and Zoning Map of the City of Muscle Shoals, Alabama, the proposed ordinance being as follows:

**ORDINANCE NO. 1527 - 20**  
**AN ORDINANCE TO AMEND THE ZONING ORDINANCE AND**  
**ZONING MAP OF THE CITY OF MUSCLE SHOALS, ALABAMA**

Be it ordained by the Council of the City of Muscle Shoals, Alabama, that the Zoning Ordinance and the Zoning Map of the City of Muscle Shoals, are hereby amended as follows:

That the following described area which are currently R-3 and is hereby incorporated in and made a part of the M-1 District, to wit:

Lots 274 thru 281, Riverside Park Subdivision

The Council finds that legal notice of the proposed amendment to the Zoning Ordinance of the City of Muscle Shoals, Alabama, was published by posting the same in four (4) conspicuous places in the City of Muscle Shoals, Alabama, 15 days prior to the date hereof, there being no newspaper published in the City of Muscle Shoals, and said notice set for public hearing on the 5<sup>th</sup> day of October, 2020 at 6:00 o'clock p.m., in the Chambers of the Council of the City of Muscle Shoals located in the City Hall, Muscle Shoals, Alabama, for all persons to appear to be heard either for or against the adoption of said amendment; and

WHEREAS, said public hearing was held and President Noles announced that now was the proper time for persons in favor and those in opposition to the ordinance to be recognized.

There being no one wishing to speak, President Noles stated that approval of the ordinance was before the Council. All 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: Council Member Hall, Council Member McMinn, Council Member Lockhart,  
Council Member Sockwell, Council Member Noles

NAYS: None

President Noles announced that the ordinance had been approved.

Council President Noles announced that the next item of business was consideration of a resolution to appoint an additional poll worker for the municipal runoff election on October 6th.

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

**STATE OF ALABAMA**  
**COLBERT COUNTY**

**RESOLUTION NUMBER 3102 - 20**

WHEREAS, a runoff election will be held on the 6<sup>th</sup> day of October 2020 and

**WHEREAS**, certain poll workers selected to assist with the runoff election have advised the city of their unavailability on October 6, 2020. now

**THEREFORE BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF MUSCLE SHOALS, ALABAMA** that the following individuals are appointed and summoned to serve during the runoff election on October 6, 2020:

FIRST SOUTHERN BAPTIST CHURCH- BOX 1

Danny R. Ledbetter - Clerk

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

President Noles announced that the resolution had been approved.

Council President Noles announced that the next item of business was consideration of a resolution to declare a vehicle in the police department surplus and authorize its conveyance to the Northwest Alabama Regional Airport Authority.

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

**STATE OF ALABAMA  
COLBERT COUNTY**

**RESOLUTION NUMBER 3103 - 20**

**WHEREAS**, the City Council has been informed by the Police Chief that a certain vehicle hereinafter described previously used in the performance of duties at the Muscle Shoals Police Department is no longer required for use by City personnel; and

**WHEREAS**, the City Council has determined that the said vehicle is surplus property and the City has no further use for said vehicle due to its age and condition and it is not economical for the City to retool or refit the said vehicle in order that it be able to be placed in service in the police department;

**NOW, THEREFORE, BE IT RESOLVED** by the City Council of the City of Muscle Shoals, Alabama that the following described vehicle be declared surplus property and be disposed of by the Police Chief 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 vehicle and the Council does hereby authorize the Police Chief to dispose of said vehicle in such manner. The Council finds that the following vehicle is surplus property:

2006 Chevrolet Trailblazer VIN 1GNDDT13S962267945, Asset # 1202070001



**BE IT FURTHER RESOLVED** that the Police Chief is authorized to take the steps necessary to donate the above described vehicle to the Northwest Alabama Regional Airport Authority 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 the Northwest Alabama Regional Airport Authority, the authority shall execute and deliver a release to the City of Muscle Shoals, Alabama releasing the City of Muscle Shoals from all liability, claim, loss or expense, in the operation of said vehicle and equipment herein described.

**BE IT FURTHER RESOLVED** that the title to the vehicle shall be delivered, to the Northwest Alabama Regional Airport Authority, and that all expenses of the transfer shall be borne by the Northwest Alabama Regional Airport Authority .

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

President Noles announced that the resolution had been approved.

Council President Noles announced that the next item of business was to appoint the municipal judge to a two year term commencing November 1, 2020.

Council President Noles announced that nominations were open. Council Member Lockhart nominated Bill Marthalar. There being no further nominations, President Noles declared the nominations closed.

President Noles moved that Bill Marthalar be appointed as Municipal Judge. Council Member Lockhart seconded the motion and upon said motion being put to a vote a roll call was had and the vote recorded as follows:

AYES: Council Member Hall, Council Member McMinn, Council Member Lockhart,  
Council Member Sockwell, Council Member Noles

NAYS: None

President Noles announced that the motion for approval of the appointment was approved unanimously.

Council President Noles announced that the next item of business was consideration of an ordinance to amend Section 94-16 of the City Code to prohibit the placement of grass clippings and cuttings in public streets, gutters or over storm drains.

Council Member McMinn introduced the following ordinance and moved for its immediate consideration:

**ORDINANCE NO. 1528 - 20**

**AN ORDINANCE PERTAINING TO THE PROHIBITION OF PLACING OR CAUSING TO BE PLACED GRASS CLIPPINGS IN PUBLIC STREETS, GUTTERS OR STORM DRAINS WITHIN THE CITY LIMITS OF THE CITY OF MUSCLE SHOALS AND ITS POLICE JURISDICTION**

**BE IT ORDAINED** by the City Council of the City of Muscle Shoals, Alabama that Chapter 94 of the Code of Ordinances, City of Muscle Shoals, Alabama, as amended, is hereby amended to include the following as addition to Section 94-16 (a) and 94-16 (b) (1) (a) and 94-16 (b) (2) (a):

**Sec. 94-16. – Clearing of trash and debris and cutting of weeds; removal of junk and nonconforming vehicles.**

(a) Definitions

*Yard Trash:* Grass clippings and cuttings resulting from normal maintenance of grounds and lawns.

**BE IT FURTHER ORDAINED** by the City Council of the City of Muscle Shoals, Alabama that Chapter 94 of the Code of Ordinances, City of Muscle Shoals, Alabama, as amended, is hereby amended to include the following as addition to Section 94-16 (b) (1) (a) and 94-16 (b) (2) (a):

(b) (1) (a) The placing, or causing to be placed, of any yard trash as defined herein in public streets, gutters or over storm drains is prohibited.

**BE IT FURTHER ORDAINED** by the City Council of the City of Muscle Shoals, Alabama that Chapter 94 of the Code of Ordinances, City of Muscle Shoals, Alabama, as amended, is hereby amended to include the following as addition to Section 94-16 (b) (2) (a):

(b) (2) (a) The placing, or causing to be placed, of any yard trash as defined herein in public streets, gutters or over storm drains is prohibited

**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.

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

AYES: Council Member Hall, Council Member McMinn, Council Member Lockhart,  
Council Member Sockwell, Council Member Noles

NAYS: None

President Noles announced that the motion for immediate consideration had passed unanimously. Council Member McMinn moved that the Ordinance be approved. Council Member Hall seconded the motion and upon said motion being put to a vote a roll call was had and the vote recorded as follows:

AYES: Council Member Hall, Council Member McMinn, Council Member Lockhart,  
Council Member Sockwell, Council Member Noles

NAYS: None

President Noles announced that the motion for approval of the Ordinance was approved  
unanimously.

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

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COUNCIL MEMBER - PLACE ONE

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COUNCIL MEMBER - PLACE TWO

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COUNCIL MEMBER - PLACE THREE

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COUNCIL MEMBER - PLACE FOUR

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COUNCIL MEMBER - PLACE FIVE

ATTEST:

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CITY CLERK