

**MINUTES FROM A REGULAR MEETING OF THE
COUNCIL OF MUSCLE SHOALS, ALABAMA, HELD
April 5, 2021**

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 5th day of April, 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, 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. Ricky Williams, City Clerk, was present and kept the minutes of the meeting.

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

Upon motion duly made by Council Member Clark 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 March 15th, 2021, and approved the minutes as written.

Mayor Lockhart read aloud a proclamation declaring April as “Child Abuse and Neglect Prevention Month” in the City. Gina Mashburn and Lee Foster were present to receive the proclamation. Mayor Lockhart also read aloud a proclamation declaring April 29, 2021 as “Paul Parker Day” in the city, recognizing Mr. Parker’s contributions to the education of our children for several decades. Muscle Shoals City School Superintendent Chad Holden was recognized and he read aloud a proclamation of the Alabama House of Representatives congratulating Mr. Parker for his service to the school system. Mr. Parker was present to receive the proclamations.

President Sockwell announced that the next item of business was a resolution awarding the bid for paving. Council Member Thompson introduced the following resolution and moved for its adoption:

STATE OF ALABAMA
COLBERT COUNTY

RESOLUTION NUMBER 3133 - 21

BE IT RESOLVED by the Council of the City of Muscle Shoals, Alabama that the City Engineer did send out advertisements for bids for the resurfacing of various city streets, the bid opening being set for the 2nd day of April, 2021, at the City Hall of the City of Muscle Shoals, Alabama; and

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

BIDDER	Total Bid Amount
Midsouth Paving, Inc	\$475,858.00
North Alabama Paving, Inc	\$427,050.00
Rogers Group, Inc	\$478,900.00

WHEREAS, that the lowest, responsible and responsive bidder, after verifying the bid with the specifications and unit prices submitted for estimated quantities of the specifications, and based upon the total bid amount, has been determined as North Alabama Paving, Inc. with a total bid price amount of \$427,050.00; and

THEREFORE BE IT RESOLVED, that the apparent lowest, responsive and responsible bidder, North Alabama Paving, Inc., is now awarded the bid based upon the total bid amount for the resurfacing of various city streets at the bid price of \$427,050.00.

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 a resolution awarding a bid for the purchase of a brush trailer for the public works department.

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

STATE OF ALABAMA
COLBERT COUNTY

RESOLUTION NUMBER 3134 - 21

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

WHEREAS, the Procurement Agent did send out advertisements for bids for the purchase of 1 (one), new and unused, brush trailer with an optional electric tarp system, the bid opening being held April 2, 2021 at the City Hall of the City of Muscle Shoals, Alabama.

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

	18' 21.33 Cubic Yard Trailer	20' 23.7 Cubic Yard Trailer	Electric Tarping System (optional)	Product Availability
Ingram Equipment Company, LLC	\$34,882.47	\$37,882.47	\$2,600.0	75-120 days
Sansom Equipment Company, Inc.	\$28,052.00	\$28,452.00	\$3,832.00	120-150 days
Valley Metal Fabricators	\$32,750.00	\$32,750.00	\$1,235.00	120 days

WHEREAS, that the lowest, responsive, responsible bidder after evaluation and verifying the bid with the specifications, has been determined as Sansom Equipment Co., Inc. with a total bid price of \$28,052.00 for the purchase of an 18' brush trailer and \$28,452.00 for the 20' brush trailer without the purchase of the optional electric tarp system.

NOW, THEREFORE BE IT RESOLVED that the apparent low and best bidder, Sansom Equipment Co., Inc. is now awarded the bid for the purchase of 1(one) brush trailers.

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 resolution had been approved.

President Sockwell announced that the next item of business was a resolution awarding a bid for the purchase of beverage concessions.

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

STATE OF ALABAMA

COLBERT COUNTY

RESOLUTION NUMBER 3135 - 21

BE IT RESOLVED by the Council of the City of Muscle Shoals, Alabama that;

WHEREAS, the Procurement Agent did send out advertisements for bids for the purpose of entering into an exclusive seller's right contract for the purchase of beverage concessions (carbonated beverages, water, sports drinks) and related products and services, the bid opening being held March 30, 2021 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

PRODUCT	BUFFALO ROCK	COCA-COLA BOTTLING
Bag in Box Syrup / Per Gallon	\$17.91	No Bid
CO2 CANISTERS / EA	\$25.00	No Bid
CO2 CANISTER DEPOSIT / EA	\$100.00 (Refundable deposit)	No Bid
12 OZ. CANNED DRINKS / 24 CT	\$8.00	No Bid
20 OZ. PLASTIC BOTTLED SOFT DRINK / 24 CT	\$15.00	No Bid
20 OZ. PLASTIC BOTTLED BRAND WATER / 24 CT	\$12.00	No Bid
20 OZ. PLASTIC BOTTLED SPORTS DRINK / 24 CT	\$16.00	No Bid
16 OZ. CUPS / 300 CT.	\$15.60	No Bid
16 OZ. LIDS / 1000 CT	\$28.40	No Bid

WHEREAS, that the lowest, responsive, responsible bidder after evaluation of the submitted bids, has been determined as Buffalo Rock for the purchase of carbonated beverages, water, sports drinks, and related products and services for a period of one year, with an option to renew at the same terms and conditions for an additional two, one year periods; and now

THEREFORE, BE IT RESOLVED that the apparent lowest, responsive and responsible bidder, Buffalo Rock, is now awarded the bid for the purchase of carbonated beverages, water, sports drinks and related products and services.

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 resolution had been approved.

President Sockwell announced that the next item of business was a resolution authorizing the purchase of a controlled release fertilizers through the Omnia Partners purchasing cooperative.

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

**STATE OF ALABAMA
COUNTY OF COLBERT**

RESOLUTION NUMBER 3136 - 21

WHEREAS, the City Council of the City of Muscle Shoals, Alabama is desirous of purchasing various chemicals and fertilizers for use at the Cypress Lakes Golf Course; 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 controlled release fertilizer to be purchased from Harrell's LLC and further that Harrell's LLC is the awarded contractual vendor for said item with Omnia Partners, Public Sector, a State of Alabama approved purchasing cooperative; now

THEREFORE BE IT RESOLVED, by the City Council of the City of Muscle Shoals that Harrell's LLC, the contractual vendor of Omnia Partners, Public Sector is now hereby awarded the purchase of 40-0-0 A Turf Polyon controlled release fertilizer for the total purchase price of \$18,859.00.

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 resolution had been approved.

President Sockwell announced that the next item of business was approval a revised job description for the Administrative Assistant (formerly Secretary/Office Manager) in the public works department. Assistant City Clerk Elaine Coan presented the revised job description. Council Member Clark moved that the job description be approved as presented. Council Member Moore 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 for Administrative Assistant had been approved.

President Sockwell announced that the next item of business was consideration of a resolution to vacate a portion of Geneva Avenue from Gusmus Avenue to Glendale retaining utility and drainage easements.

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

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 6946 through 6949 and Lot 6687, (collectively, the “Simpson Auto Property”); The Estate of A. Gary Simpson, deceased, is the owner of Lots 6944 and 6945, Lots 6722 and 6723, Lot 6950, and Lots 6953 through 6955, (collectively, the “Estate Property”); Simpson Brothers Properties, LLC is the owner of Lots 6951 and 6952 (the “Simpson Brothers Property”); and Danny Ray Hardeman is the owner of Lot 6686 (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 Simpson Auto Property, the Estate Property, the Simpson Brothers Property, and the Hardeman Property being the only property abutting the street hereinafter set out, do hereby declare the following street in said Highland Park Subdivision Plat Number Sixteen to be vacated, to wit:

All of Geneva Avenue lying East of a line extended from the Southwest corner of Lot 6687, Highland Park Subdivision Plat Number Sixteen to the Northwest corner of Lot 6686, Highland Park Subdivision Plat Number Sixteen; and lying West of a line extended from the Southeast corner of Lot 6722, Highland Park Subdivision Plat Number Sixteen to the Northeast corner of Lot 6723, Highland Park Subdivision Plat Number Sixteen.

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

The undersigned, Simpson Auto Properties, LLC the Estate of A. Gary Simpson, deceased, Simpson Brothers Property, LLC, 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 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 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
Its: Personal Representative

By: s/ John P. Simpson
Its: 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 the 2nd day of March, 2020.

s/ Alexandra T. 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
Its: Personal Representative

By: s/ John P. Simpson
Its: 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 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 5th day of November, 2020.

SIMPSON BROTHERS PROPERTIES, LLC

By: s/ Diane S. Alexander

Its: Authorized Representative

STATE OF ALABAMA)
COLBERT COUNTY)

I, the undersigned, a Notary Public in and for said County in said State, hereby certify that Mark Simpson, whose name is signed to the foregoing instrument as Authorized Representative of Simpson Brothers Properties, LLC, and who in such capacity is known to me, acknowledged before me on this day that, being informed of the contents of the instrument, he, in such capacity and with full authority, has executed the same voluntarily as of the day the same bears date.

Given under my hand and official seal this the 5th day of November, 2020.

s/ Diane S. Alexander

NOTARY PUBLIC

My Commission Expires: 9/6/2021

SEAL

IN WITNESS WHEREOF, the undersigned have caused this instrument to be duly executed on this 11th day of November, 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 11th day of November, 2020.

s/ Diane S. Alexander

NOTARY PUBLIC

My Commission Expires:9/6/2021

SEAL

RESOLUTION NUMBER 3137 - 21

WHEREAS, Simpson Auto Properties, LLC (“Simpson Auto”), the Estate of A. Gary Simpson, deceased (the “Estate”), Simpson Brothers Properties, LLC (“SBP”), and Danny Ray Hardeman (“Hardeman”) hereinafter collectively called Petitioners, Simpson Auto being the owner of Lots 6946 through 6949 and Lot 6687, the Estate being the owner of 6944 and 6945, Lots 6722 and 6723, Lot 6950, and Lots 6953 through 6955, SBP being the owner of Lots 6951 and 6952, and Hardeman being the owner of Lot 6686, 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 street, 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 street to be vacated is more particularly described as follows:

All of Geneva Avenue lying East of a line extended from the Southwest corner of Lot 6687, Highland Park Subdivision Plat Number Sixteen to the Northwest corner of Lot 6686, Highland Park Subdivision Plat Number Sixteen; and lying West of a line extended from the Southeast corner of Lot 6722, Highland Park Subdivision Plat Number Sixteen to the Northeast corner of Lot 6723, Highland Park Subdivision Plat Number Sixteen.

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 street 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 street 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 street 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, the Estate of A. Gary Simpson, deceased, Simpson Brothers Properties, LLC, and Danny Ray Hardeman whatever right, title and interest the City of Muscle Shoals may have acquired in and to the above described street 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 Clark 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 state the City's opposition to the raising of the minimum population threshold for metropolitan statistical area designation.

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

**STATE OF ALABAMA
COUNTY OF COLBERT**

RESOLUTION NUMBER 3138 - 21

**Resolution Opposing Changes to the 2010 Standards for Delineating
Metropolitan and Micropolitan Statistical Areas**

WHEREAS, on January 19, 2021, the White House Office of Management and Budget (OMB) issued a public notice stating that they are considering raising the minimum population threshold from 50,000 to 100,000 for metropolitan statistical area's (MSA) designation; and,

WHEREAS, raising the MSA minimum population would remove the MSA designation of the City of Muscle Shoals and for 144 cities across the United States; and,

WHEREAS, MSAs are used by federal agencies to analyze labor market conditions, spending patterns, and unemployment; and,

WHEREAS, the MSA designation is also used by many federal agencies to determine which areas of the country are eligible for federal funding for more than three dozen programs such as the Community Development Block Grant Program (CDBG) and infrastructure funding under transportation bills; and

WHEREAS, in addition to losing eligibility for federal funding, cities excluded from an MSA would lose local influence and control over regional project planning, now

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

SECTION 1. That the City of Muscle Shoals opposes the proposed changes to the 2010 Standards for Delineating Metropolitan and Micropolitan Statistical Areas.

SECTION 2. That Mike Lockhart, in his capacity as Mayor, is hereby authorized and directed to communicate this opposition to our U.S. Senate and House of Representatives delegation members and to the Office of Management and Budget on behalf of the City of Muscle Shoals.

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 resolution had been approved.

President Sockwell announced that the next item of business was to consider rescheduling the April 19, 2021 Regular meeting and work session of the City Council. Council Member Hall moved that the meeting be rescheduled to Monday, April 26, 2021, with the work session at 4:30 pm and the regular meeting upon the conclusion of the work session or 6:00 pm whichever is later. 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 motion had been approved.

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