

**MINUTES FROM A REGULAR MEETING OF THE  
COUNCIL OF MUSCLE SHOALS, ALABAMA, HELD  
July 1, 2019**

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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 1<sup>st</sup> day of July, 2019 being the scheduled time and place for said meeting. The meeting was called to order by Allen Noles, President of the Council. 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, NEAL WILLIS, MIKE LOCKHART,  
KEN SOCKWELL, ALLEN NOLES  
ABSENT: NONE

Allen Noles, President of the Council, 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 Hall and seconded by Council Member Sockwell and unanimously adopted, the Council waived the reading of the minutes of the previously held regular meeting and work session of June 17, 2019 and approved the minutes as written.

Mayor Bradford and Fire Chief Shawn Malone presented Certificates of Commendation to Captain Shane Puckett, Lieutenant Todd Bohannon and Firefighter Wes Gamble for their actions during a May 4<sup>th</sup> structure fire. Also receiving Medals of Valor were Driver Ryan Andrews, Firefighters Kyle Taylor, Wesley Sharpston and Adam Rainey.

Mayor Bradford also reported on several projects including the Webster Street improvements which are nearing completion. He also noted that the Adaptive Field construction should be completed after Labor Day. Mayor Bradford noted that the city is working on FEMA funding following the February floods and are reviewing options for a FEMA Hazard Mitigation project once funds are announced. A possible EDA project to fund drainage improvements in the Southgate Mall area is being developed.

President Noles announced that the next item of business was consideration of revisions to the City Clerk/Treasurer job description. City Clerk/Treasurer Ricky Williams presented the job description and discussed the revisions.

Council Member Sockwell moved to approve the job description as presented. 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 motion for approval of the job description was approved unanimously.

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. 1515 - 19**  
**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 is currently zoned B-2 and is hereby incorporated in and made a part of the R-2 District, to wit:

Lots 5426 - 5438, Highland Park Subdivision #13

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 1<sup>st</sup> day of July, 2019, 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 Willis, 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 consideration of a petition to vacate an alleyway in Lakeview Highlands Subdivision as further described following.

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

STATE OF ALABAMA  
COLBERT COUNTY

### PETITION FOR VACATION

The undersigned, Timothy A. Fulmer and Belynda Fulmer, being the owners of various lots located in Lakeview Highlands, as recorded in Map Book 2, Page 93, in the Office of the Judge of Probate of Colbert County, Alabama (hereafter referred to as "Lakeview Highlands"), including Lots 33-35, and Lot 36, in Block 3; and Lots 46-50, in Block 6, said Lots abutting the alley(s) and the street(s) hereinafter set out, do hereby declare the following alley(s) and street(s) in said Lakeview Highlands to be vacated, to wit:

That portion of a North-South Alley running between Lots 31-35 in Block 3, and Lots 46-50 in Block 6 on the West side of said alley, and Lot 36 in Block 3, and Lot 45 in Block 6, all in Lakeview Highlands, a subdivision in Muscle Shoals, Colbert County, Alabama, as same appears of record in the Office of the Judge of Probate of Colbert County, Alabama, in Map Book 2, Page 93.

The undersigned, Timothy A. Fulmer and Belynda Fulmer, hereby request that the City Council of Muscle Shoals consent to, approve, ratify, and confirm the vacation of the above described alleys and streets 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 hereinabove described alley and street.

IN WITNESS WHEREOF, the undersigned have hereunto set their hands and seals as of this the 20<sup>th</sup> day of May, 2019.

s/ Timothy A. Fulmer  
Timothy A. Fulmer  
s/ Belynda Fulmer  
Belynda Fulmer

STATE OF ALABAMA  
COLBERT COUNTY

I, the undersigned, a Notary Public in and for said county in said state, hereby certify that Timothy A. Fulmer, whose name is signed to the foregoing, and who is known to me, personally appeared before me and acknowledged that, being informed of the contents of the foregoing, he signed the same voluntarily on the day the same bears date.

Given under my hand and official seal this the 20<sup>th</sup> day of May, 2019.

s/ Tasha L. Bratton  
NOTARY PUBLIC

My Commission Expires: 6/29/19

SEAL

STATE OF ALABAMA  
COLBERT COUNTY

I, the undersigned, a Notary Public in and for said county in said state, hereby certify that Timothy A. Fulmer, whose name is signed to the foregoing, and who is known to me, personally appeared before me and acknowledged that, being informed of the contents of the foregoing, he signed the same voluntarily on the day the same bears date.

Given under my hand and official seal this the 20<sup>th</sup> day of May, 2019.

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s/ Tasha L. Bratton

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NOTARY PUBLIC

My Commission Expires: 6/29/19

SEAL

STATE OF ALABAMA  
COLBERT COUNTY

**RESOLUTION NUMBER 3018 - 19**

WHEREAS Timothy A. Fulmer and Belynda Fulmer, hereinafter referred to as Petitioners, are the owners of all of the lands and properties in a subdivision known as LAKEVIEW HIGHLANDS, and abutting the streets or alleys, or portions thereof, hereinafter described with particularity; said Petitioners being desirous of vacating said streets and alleys or portions thereof, have presented their signed Petition for Vacation of a part of said streets to the City Council of the City of Muscle Shoals, Alabama, a municipal corporation, for its consideration, assent, and approval, and

WHEREAS, the property above referred to is more particularly described as follows:  
That portion of a North-South Alley running between Lots 33-35 in Block 3, and Lots 46-50 in Block 6 on the West side of said alley, and Lot 36 in Block 3, and Lot 45 in Block 6 on the East side of said alley, all in Lakeview Highlands, a subdivision in Muscle Shoals, Colbert County, Alabama, as same appears of record in the Office of the Judge of Probate of Colbert County, Alabama, in Map Book 2, Page 93.

WHEREAS, the aforesaid Petitioners, as the owners of all property abutting the said portions of the streets to be vacated, having complied with all the requirements of Ordinances of the City of Muscle Shoals, Alabama, relating to the vacation of streets, public alleys, lots, and blocks 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 or alleyway is located, such means of ingress and egress being afforded by the remaining dedicated streets and public alleys 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 the same is hereby given and granted to the vacation of the portion of the streets and alleyways herein above described.

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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 motion for approval of the resolution was passed and adopted unanimously.

President Noles announced that the next item of business was consideration of a resolution to appoint a member to the Civil Service Board.

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

STATE OF ALABAMA  
COLBERT COUNTY

**RESOLUTION NUMBER 3019 - 19**

**WHEREAS**, the term of a member of the Civil Service Board of the City of Muscle Shoals has expired and the City Council being desirous of making the necessary appointment to said board within the City;

**WHEREAS**, notice was given to the public of said pending vacancy and applications solicited for a member to said board;

**WHEREAS**, the following individuals made proper application and met the requirements for appointment, are eligible for appointment to fill the pending vacancies:

Donnie Allen  
Carter Reed

Matthew Todd Burcham

Paula Michael

**WHEREAS**, Paula Michael was determined to have received the best overall ranking on the City Council evaluations, and

**WHEREAS**, a roll call vote was had by the City Council as follows:

Council Member Hall: Paula Michael  
Council Member Willis: Paula Michael  
Council Member Lockhart: Paula Michael  
Council Member Sockwell: Paula Michael  
Council Member Noles: Paula Michael

**WHEREAS**, Council President Noles announced that Paula Michael had received a majority of the votes cast, now

**NOW, THEREFORE, BE IT RESOLVED** by the City Council of the City of Muscle Shoals, Alabama does hereby appoint the following named person to serve a term effective until June 20, 2022.

<u>APPOINTEE</u>	<u>BOARD</u>	<u>EXPIRATION OF TERM</u>
Paula Michael	Civil Service Board	June 20, 2022

The Clerk is hereby directed to notify the above named person of their appointment and to further notify the respective board of said appointment.

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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 motion for approval of the resolution was passed and adopted unanimously.

President Noles announced that the next item of business was consideration of a resolution to declare certain vehicles in the police department surplus and authorize their disposal.

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

COLBERT COUNTY

**RESOLUTION NUMBER 3020 - 19**

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

**WHEREAS**, the City Council has determined that the said vehicles and related equipment are surplus property and the City has no further use for said vehicles and related equipment due to their age and condition and it is not economical for the City to retool or refit the said vehicles and related equipment 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 certain vehicles and related equipment 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 certain vehicles and related equipment and the Council does hereby authorize the Police Chief to dispose of said certain vehicles and related equipment in such manner. The Council finds that the following vehicles and related equipment are surplus property:

2008 Ford Crown Victoria VIN 2FAHP71V48X152755, Asset # 0804100003

Motorola mobile radio CM300, Serial #922THS9616, Asset #002611

Siren Code 3 Master, Model 3892L6, Asset #002606

Lightbar Tomar Blade #0804080002

MPH Video Camera, Serial #1CV784003055, Asset #002619

2009 Ford Crown Victoria VIN 2FAHP71V69X129544, Asset #0903230007  
Lightbar Tomar Scorpion - Asset #0903230004  
Video Camera MPH, Serial #1CV784003279, Asset #002704  
Siren Code 3 Master, Asset #0903210005  
Mobile Radio Motorola PM400, Serial #019TKC2868, Asset #002708

2009 Ford Crown Victoria VIN 2FAHP71VX9X129546, Asset #0903230009  
Lightbar Tomar Scorpion - Asset #0903230003  
Video Camera MPH, Serial #1CV784003278, Asset #002703  
Siren Code 3 Master, Asset #0903210002  
Mobile Radio Motorola PM400, Serial #019TKC5975, Asset #002707  
Radar Stalker II MDR, Serial # AS005753, Asset #002698

**BE IT FURTHER RESOLVED** that the Police Chief is authorized to take the steps necessary to convey the above described certain vehicle and related equipment to the Town of Cherokee for the sum of \$3,000.00 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 the Town of Cherokee, 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 and related equipment shall be delivered, to the Town of Cherokee, and that all expenses of the transfer shall be borne by the Town of Cherokee.

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

President Noles announced that the motion for approval of the resolution was passed and adopted unanimously.

President Noles announced that the next item of business was consideration of a resolution to declare certain rifles in the police department surplus and authorize their disposal.

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

STATE OF ALABAMA  
COLBERT COUNTY

**RESOLUTION NUMBER 3021 - 19**

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

**WHEREAS**, the City Council has determined that the said rifles are surplus property and the City has no further use for said rifles due to their age and condition and it is not economical for the City to retool or refit the said rifles 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 certain rifles 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 certain rifles and the Council does hereby authorize the Police Chief to dispose of said certain rifles in such manner. The Council finds that the following rifles are surplus property:

Remington 7615 Police 223 Rifle, Serial #B8531099, Asset #0702210001  
Remington 7615 Police 223 Rifle, Serial #B8531089, Asset #0702210003  
Remington 7615 Police 223 Rifle, Serial #B8531074, Asset #0702210002  
Remington 7615 Police 223 Rifle, Serial #B8535010, Asset #0606120001  
Remington 7615 Police 223 Rifle, Serial #B8534999, Asset #0606120002  
Remington 7615 Police 223 Rifle, Serial #B8535011, Asset #0606120003

**BE IT FURTHER RESOLVED** that the Police Chief is authorized to take the steps necessary to convey the above described certain vehicle and related equipment to the Cypress Creek Indoor Range for the sum of \$250.00 each and in a manner consistent with the terms and conditions and pursuant to this Resolution; and

**BE IT FURTHER RESOLVED** that the Police Chief is authorized to take the steps necessary to convey the above described rifles to the Cypress Creek Indoor Range for the sum of \$250.00 each 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 the Cypress Creek Indoor Range, 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 rifles herein described.

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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 motion for approval of the resolution was passed and adopted unanimously.

President Noles announced that the next item of business was consideration of a Notice of Claim filed by William R. And Sandra F. Aycock and Norma J. Elledge in the amount of \$1,408.50.

Council Member Hall moved that the claim be approved for payment as presented. Council Member Sockwell 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 Willis, Council Member Lockhart, Council Member Sockwell, Council Member Noles



NAYS: None

President Noles announced that the motion for approval of the Notice of Claim was passed and payment 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

ATTEST:

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COUNCIL MEMBER - PLACE FIVE

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CITY CLERK