

**MINUTES FROM A REGULAR MEETING OF THE  
COUNCIL OF MUSCLE SHOALS, ALABAMA, HELD  
August 2, 2021**

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The City Council of Muscle Shoals, Alabama met at the Muscle Shoals City Hall auditorium in said City at 6:25 p.m. on the 2<sup>nd</sup> day of August, 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 Ricky Williams. Mayor Mike Lockhart led in the pledge of allegiance.

Upon motion duly made by Council Member Moore and seconded by Council Member Clark and unanimously adopted, the Council waived the reading of the minutes of the previously held regular meeting and work session of July 19, 2021, and the work session of July 22, 2021 and approved the minutes as written.

Mayor Lockhart reminded everyone that the school year begins August 6<sup>th</sup> and to be aware of the increased traffic and pedestrians. He also mentioned the progress on several restaurants opening or returning to the city.

President Sockwell announced that the next item of business was a resolution to award the bid for street improvements on east Sixth Street near the Shoals Research Airpark entrance.

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

STATE OF ALABAMA  
COLBERT COUNTY

**RESOLUTION NUMBER 3158 - 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 road improvements on east 6<sup>th</sup> Street for Project IAR-0017-000-013, the bid opening being held June 17, 2021 at 10:00 a.m. in 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:

<b>Vendor</b>	<b>Total Bid Price</b>
Rogers Group	\$840,571.25
Eady Contracting	\$869,196.20
Cornerstone Civil Contractors, LLC	\$849,940.55
Carcel & G Construction	\$749,184.18

**WHEREAS**, that the lowest, responsive, responsible bidder after evaluation and verifying the bid with the specifications, has been determined as Carcel & G Construction with a total bid price of \$749,184.18.

**NOW, THEREFORE BE IT RESOLVED** that the apparent low and best bidder, Carcel & G Construction is now awarded the bid for the construction of roadway improvements on Sixth Street.

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 to award the bid for street improvements on Counts Drive in the Shoals Research Airpark.

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

STATE OF ALABAMA  
COLBERT COUNTY

**RESOLUTION NUMBER 3159 - 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 road improvements on Counts Drive in the Shoals Research Airpark, the bid opening being held June 17, 2021 at 10:00 a.m. in 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:

<b>Vendor</b>	<b>Total Bid Price</b>
Rogers Group	\$462,500.00
North Alabama Paving	\$386,933.50
Carcel & G Construction	\$438,320.32

**WHEREAS**, that the lowest, responsive, responsible bidder after evaluation and verifying the bid with the specifications, has been determined as North Alabama Paving with a total bid price of \$386,933.50.

**NOW, THEREFORE BE IT RESOLVED** that the apparent low and best bidder, North Alabama Paving is now awarded the bid for the construction of roadway improvements on Counts Drive in the Shoals Research Airpark.

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 set a public hearing to consider the adoption of an Ordinance to amend the Zoning Ordinance and Map of the City of Muscle Shoals, Alabama. President Sockwell announced that at a meeting to be held at the City Hall in said City at 6:00 p.m. on the 7<sup>th</sup> day of September, 2021, the Council will consider the adoption of an Ordinance to amend the Zoning Ordinance and Zoning Map of said City, the proposed Ordinance being as follows:

**ORDINANCE NO. \_\_\_\_\_**  
**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 unzoned and is hereby incorporated in and made a part of the B-2 District, to wit:

Tract A:

A tract of land lying in part of the West ½ of Section 18, Township 4 South, Range 10 West, Colbert County, Alabama, being more particularly described as follows: Commence at a 2" pipe found, locally accepted as the center of said Section 18; thence North 00° 44' 30" West, 1643.36 feet to an old fence corner; thence North 88° 19' 14" West, 1966.64 feet to the POINT OF BEGINNING of the tract of land hereby described; thence South 03° 37' 50" East, 995.20 feet to a point; thence North 88° 34' 12" West, 420.30 feet to an iron pin set (capped typical Jamey Alexander PLS# 24022) on a curve to the left, said curve having a radius of 135.68 feet and a chord bearing and distance of North 24° 09' 11" East, 82.17 feet; thence along the arc of said curve and along the Eastern most right of way line of Wilson Dam Highway (Alabama Highway #133, right of way varies) for an arc distance of 83.48 feet to a 6" x 6" concrete monument found; thence continue along said right of way line, North 06° 39' 51" East, 143.96 feet to a concrete monument found; thence continue, North 20° 39' 18" East, 140.70 feet to a concrete monument found; thence continue North 03° 48' 03" East, 558.78 feet to an iron pin set; thence East 90.67 feet to an iron pin set; thence North 00° 00' 35" West, 79.35 feet to an iron pin set; thence South 88° 19' 14" East, 129.55 feet to the POINT OF BEGINNING of the tract of land hereby described; said tract of land contains 6.50 acres ± and is subject to a power transmission line easement (100' right of way) off the East side thereof and is subject to any and all easements or restrictions of record or unrecorded affecting said property.

Tract B:

A tract of land lying in part of the West ½ of Section 18, Township 4 South, Range 10 West, Colbert County, Alabama, being more particularly described as follows: Commence at a 2" pipe found, locally accepted as the center of said Section 18; thence North 88° 38' 32" West, 1513.00 feet to the POINT OF BEGINNING of the tract of land hereby described; thence North 88° 38' 32" West, 667.67 feet to a PLS #24022 pin found; thence South 00° 39' 28" East, 100.11 feet to a 5/8" rebar pin found; thence North 88° 35' 36" West, 340.22 feet to a PLS #16691 pin found on the Eastern most right of way line of Wilson Dam Highway (Alabama Highway #133, right of way varies); thence along said right of way line, North 00° 59' 58" West, 99.93 feet to an iron pin set (capped typical Jamey Alexander PLS# 24022); thence North 00° 40' 32" West, 257.97 feet to a 6" x 6" concrete monument found; thence North 07° 01' 56" East, 196.39 feet to an iron pin set; thence leave said right of way line, South 89° 15' 53" East, 719.17 feet to an iron pin set; thence South 39° 54' 55" East, 82.26 feet to a point; thence South 50° 05' 05" West, 86.82 feet to a point; thence South 39° 54' 55" East, 105.07 feet to a point on a curve to the left, said curve having a radius of 200.00 feet and a chord bearing and distance of South 64° 16' 44" East, 165.01 feet; thence along the arc of said curve for a distance of 170.09 feet to a point; thence South 88° 38' 32" East, 69.08 feet to a point; thence South 00° 57' 01" West, 195.01 feet to the POINT OF BEGINNING of the tract of land hereby described; said tract of land contains 9.98 acres ± and is subject to a power transmission line easement (100' right of way) as it runs across said property and is subject to any and all easements or restrictions of record or unrecorded affecting said property.

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

Tract C:

A tract of land lying in part of the West ½ of Section 18, Township 4 South, Range 10 West, Colbert County, Alabama, being more particularly described as follows: BEGIN at a 2" pipe found, locally accepted as the center of said Section 18; thence North 88° 38' 32" West, 1513.00 feet to a point; thence North 00° 57' 01" East, 195.01 feet to a point; thence North 88° 38' 32" West, 69.08 feet to a point in a curve to the right, said curve having a radius of 200.00 feet and a chord bearing and distance of North 64° 16' 44" West, 165.01 feet; thence along the arc of said curve for a distance of 170.09 feet to a point; thence North 39° 54' 55" West, 105.07 feet to a point; thence North 50° 05' 05" East, 86.82 feet to a point; thence North 39° 54' 55" West, 82.26 feet to an iron pin set (capped typical Jamey Alexander PLS# 24022); thence North 01° 11' 08" East, 200.54 feet to a T-post; thence North 88° 34' 12" West, 147.57 feet to a point; thence North 03° 37' 50" West, 995.20 feet to a point; thence South 88° 19' 14" East, 1966.64 feet to an old fence corner; thence South 00° 44' 30" East, 1643.36 feet to the POINT OF BEGINNING of the tract of land hereby described; said tract of land contains 69.46 acres ± and is subject to a natural gas pipeline easement (55' right of way) off the Southeast corner thereof and is subject to any and all easements or restrictions of record or unrecord affecting said property.

At said time and place, all persons who desire to do so shall have an opportunity of being heard in opposition to or in favor of the adoption of such Ordinance.

President Sockwell announced that the next item of business was to set a public hearing to consider the issuance of a Restaurant Retail Liquor License to Seafood Muscle Shoals Inc. dba The Juicy Seafood at 1716 Woodward Avenue.

President Sockwell announced at a public hearing to be held on September 7, 2021 at 6:00 pm in the City Hall Auditorium, the City Council will consider the issuance of a Restaurant Retail Liquor License to Seafood Muscle Shoals Inc. dba The Juicy Seafood located at 1716 Woodward Avenue.

All interest parties are encouraged to attend and speak for or against the proposed license issuance.

President Sockwell announced that the next item of business was consideration of a resolution to approve a non-disturbance easement at 617 Pilgrim Avenue.

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

### PETITION

Comes now the undersigned, COURTNEY P. OWENS, and files this Petition with the City Council of the City of Muscle Shoals, Alabama, and represents as follows, to-wit:

1. The undersigned, Courtney P. Owens is the owner and is currently in possession of that certain parcel of real property located in Colbert County, Alabama, being adjacent to and abutting the west right of way of John R Street and the south right of way of Pilgrim Avenue, with an address of 617 Pilgrim Avenue, Muscle Shoals, Alabama, same being more particularly described as follows, to wit:

Lots Numbered 1377 and 1378, in HIGHLAND PARK SUBDIVISION PLAT NUMBER TWO, in the City of Muscle Shoals, Colbert County, Alabama, known and designated according to the plat prepared by P.S. Milner, C.E., and recorded in Map Book 2, Page 33, in the Office of the Judge of Probate of said County.

2. It has been brought to the attention of the undersigned and that a portion of the existing residence on the property is constructed so that a portion thereof extends onto the right of way of John R Street. Said encroachment is onto a portion of John R. Street that is currently on a portion that is unpaved and is unused by or for vehicular traffic. I recently purchased this property and was fully aware and provided knowledge of the encroachment of a portion of the residence onto John R Street.

3. Petitioner is desirous of obtaining a non-disturbance easement to allow the proposed structure, which has encroached on the unused portion of John R Street since 1951, to so remain as it is presently and does hereby petition the City Council to allow the encroachment, for so long as the residence and structure remains standing thereon and upon the express understanding and condition that the structure remain during its existence and same shall not be further extended upon said right of way of John R Street other than as is currently located.

4. Petitioner represents that said portion of said right of way of John R Street so occupied by the residence is not now used as a part of the paved or traveled portion of said street, being located West of the used portion of said street, and the location of said residence does not interfere with the use of said street by the public.

5. Petitioner represents that the portion of said right of way of John R Street upon which the residence extends and encroaches is not presently required for public use and will not be required within the near future and said right to for the residence to remain as it should be granted.

Respectfully submitted,

s/ Courtney P. Owens  
\_\_\_\_\_  
COURTNEY P. OWENS

STATE OF ALABAMA  
COLBERT COUNTY

I, the undersigned authority, a Notary Public in and for said County, in said State, hereby certify that Courtney P. Owens whose is signed to the foregoing Petition, and who being known to me, acknowledged before me on this day, that being informed of the contents of the instrument, she executed the same voluntarily on the day the same bears date.

Given under my hand and official seal this 30 day of July 2021.

s/ Belinda Brown  
\_\_\_\_\_  
NOTARY PUBLIC

My Commission expires: 3-14-24

STATE OF ALABAMA  
COLBERT COUNTY

**RESOLUTION NUMBER 3160 - 21**

WHEREAS, the City Council of the City of Muscle Shoals, Alabama has received a petition requesting the issuance and approval of a non-disturbance easement allowing an encroachment of a portion of residence located at 617 Pilgrim Avenue, Muscle Shoals, Alabama to remain in its present location as long as the structure remains thereon;

WHEREAS, the City Council has reviewed the contents of the petition and finds that said petition is in due form and proper order and upon consideration of same determines that the City should grant the relief requested therein;

WHEREAS, the City Council has determined that the said portion of said right of way of John R Street so occupied by said residence is not now used as a part of the paved or traveled portion of said street, being located West of the used portion of said, and the current location of the residence does not interfere with the use of paved and travelled portion said street by the public; and

WHEREAS, it appears to the City Council that the portion of said right of way of John R Street so occupied by said residence is not presently required for public use and will not be required within the near future and said right to occupy said portion of said right of way should be granted.

NOW, THEREFORE, BE IT RESOLVED by the City Council of Muscle Shoals, Alabama as follows: That Courtney P. Owens, the petitioner and current owner of the said residence, and her heirs successors and grantees, and hereby are hereby granted and allowed permission for the residence structure currently located at 617 Pilgrim Avenue, Muscle Shoals, Alabama and more particularly described as follows, to wit:

Lots Numbered 1377 and 1378, in HIGHLAND PARK SUBDIVISION PLAT NUMBER TWO, in the City of Muscle Shoals, Colbert County, Alabama, known and designated according to the plat prepared by P.S. Milner, C.E., and recorded in Map Book 2, Page 33, in the Office of the Judge of Probate of said County.

to remain and continue to occupy and encroach on to John R Street as currently exists for so long as the current structure shall remain thereon, it being understood, however, that this approval, grant and permission to so occupy said portion of the right of way of John R Street for the said period of time of its existence is granted upon the express understanding and condition that said structure shall-not be further extended upon or further encroach upon the right-of-way of John R Street and that in the event of destruction it cannot be replaced on or into said right of way of John R Street.

BE IT FURTHER RESOLVED, that the City Clerk shall certify and deliver to the said Courtney P. Owens, the owner, a copy of this resolution for her use and the use of her successors and assigns in title.

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.

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:

\_\_\_\_\_  
CITY CLERK